

15th May, 2023

1. Learned counsel for the appellant present. Mr. Fazal Shah Mohmand, Additional Advocate General for the respondents alongwith Mr. Noor Muhammad, SHO Police Station Saddar D.I.Khan present.

2. As per previous order sheet report regarding all legal heirs of the deceased appellant namely Muhammad Ismail has not been submitted. Mr. Noor Muhammad, SHO Police Station Saddar D.I.Khan present in the court seeks some time for submission of report. To come up for report as well as preliminary hearing on 19.06.2023 before S.B at camp court D.I.Khan. P.P given to the parties.

[Faint, illegible text]



(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan


Adnan Shah, P.A

22.03.2023

Learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

Vide order dated 15.02.2023, SHO Police Station Saddar, Dera Ismail Khan was directed to submit report regarding all legal heirs of the deceased appellant namely Muhammad Ismail but today neither report has been submitted nor anyone on his behalf is present. Learned Assistant Advocate General present in the court is directed to intimate SHO Police Station Saddar, Dera Ismail Khan regarding compliance of order dated 15.02.2023 passed by this Tribunal in the instant appeal. To come up for above mentioned report on 15.05.2023 before the S.B at Camp Court D.I.Khan. Parcha Peshi given to the parties.

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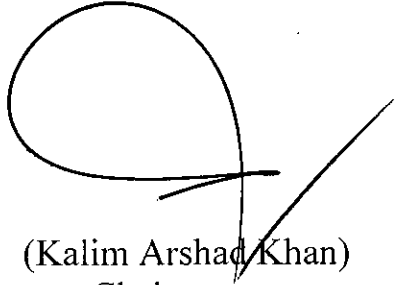

(Salah-Ud-Din)
Member (J)
Camp Court D.I.Khan

15th Feb, 2023

Learned counsel for the appellant present.

According to the learned counsel the appellant (Muhammad Ismail) whose appeal was decided by the Tribunal with the direction to the authorities to probe into the matter regarding his absence from 18.03.2013 to 11.03.2014 through an inquiry with further direction to associate him and thereafter decision on the departmental appeal of the appellant be made through speaking order within a period of ninety days from the date of receipt of this judgment. It was further directed that the decision so made on the departmental appeal be also communicated to the appellant, who was let at liberty to file service appeal, if he found himself aggrieved of the decision of the departmental appeal. This appeal has been filed against the order dated 30.07.2020 by one Mst. Asmat Bibi showing herself as sister and the only legal heir of the deceased Muhammad Ismail. The learned counsel was asked about other legal heirs of the deceased to which he replied that Mst. Asmat Bibi was the only legal heir of the deceased Muhammad Ismail. Let this fact be verified by the SHO, Police Station Saddar, who shall submit his report on 22.03.2023 before S.B at camp court D.I.Khan.

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(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan

19th Jan, 2023

Nemo for the appellant. Notice be issued to the appellant and as well as his counsel to attend the court on the next date. Adjourned. To come up for preliminary hearing on 26.01.2023 before S.B at camp court D.I. Khan.



(Kalim Arshad Khan)
Chairman
Camp Court D.I Khan

26th Jan, 2023

Learned counsel for the appellant present and requested for adjournment to further prepare the brief. Adjourned. To come up for preliminary hearing on 15.02.2023 before S.B at camp court, D.I.Khan.



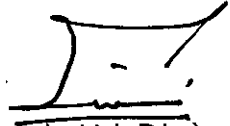
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(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan

28.09.2022

Learned counsel for the appellant present. Mr. Muhammad Kamran, ADEO alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.


Comments on behalf of respondents No. 1 to 3 submitted, copy of which handed over to learned counsel for the appellant, who sought adjournment on the ground that he has not gone through the comments submitted by respondents No. 1 to 3 today. Adjourned. To come up for preliminary hearing on 26.10.2022 before the S.B at Camp Court D.I.Khan.


(Saif-Ud-Din)
Member (J)
Camp Court D.I.Khan

26th Oct 2022

None for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

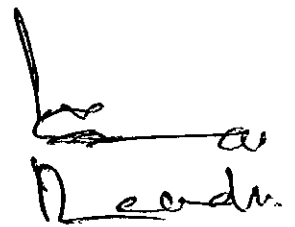
Lawyers are on strike today. To come up for ~~Preliminary~~ hearing on 24.11.2022 before S.B at camp court D.I.Khan. P.P given to the parties.


(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan

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24-11-22:-

Time to D.I.Khan has been cancelled therefore, as to come up for the same on 19-1-23


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24.01.2022

Tour is cancelled, therefore, case is adjourned to 24.05.2022 for the same as before.



Reader.

24.05.2022

Learned counsel for the appellant present.

Farhaj Sikandar, learned Deputy District Attorney alongwith Muhammad Kamran ADEO (Litigation) for respondents present.

Reply of respondents was not submitted. Representative of respondents requested for time to submit reply/comments. Last opportunity is granted subject to payment of cost of Rs.1000/- to be paid on behalf of respondents. To come up for reply/preliminary hearing on 27.07.2022 before S.B at Camp Court, D.I.Khan.


(Rozina Rehman)
Member (J)
Camp Court, D.I.Khan

S.A No. 12776/2020

22.11.2021

Nemo for the appellant. Mr. Muhammad Kamran, ADO (Litigation) alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present and sought time for submission of reply/comments. Adjourned. To come up for submission of reply/comments as well as preliminary hearing before the S.B on 24.01.2022 at Camp Court D.I.Khan. Notice for prosecution of the appeal be issued to the appellant as well as her counsel for the date fixed.




(Salah-Ud-Din)
Member (J)
Camp Court D.I.Khan

Due to COVID-19 therefore to
come up for the same on 29/9/21


Usman Ghani

29.09.2021 Nemo for the appellant. Mr. Usman Ghani, District Attorney for the respondents present and sought time for submission of reply/comments.

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel and to come up for reply/comments as well as preliminary arguments before the S.B on 22.11.2021 at Camp Court D.I.Khan.



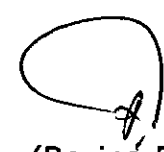

(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT D.I.KHAN

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 12776 /2020


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/10/2020	The appeal of Mst. Asmat Bibi legal heir of Muhammad Ismail resubmitted today by Mr. Gul Tiaz Khan Marwat Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.  REGISTRAR
2-	10.2.21	This case is entrusted to touring S. Bench at D.I.Khan for preliminary hearing to be put up there on <u>25.2.2021</u>  CHAIRMAN
3-	24.02.2021	On request of learned counsel, case file is requisitioned for today as lawyers will be on strike on 25.02.2021. Counsel for appellant present. Let pre-admission notice be issued to respondents for reply/comments. To come up for reply and preliminary arguments on 27.05.2021 before S.B at Camp Court D.I.Khan.  (Rozina Rehman) Member (J) Camp Court, D.I.Khan

The appeal of Mst. Asmat Bibi legal heir of Mr. Muhammad Ismail Ex-PST GPS Kifayat Abad D.I.Khan received today i.e. on 20.10.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexure-A of the appeal is missing.
- 2- Page no. 43 of the appeal is illegible which may be replaced by legible/better one.

No. 3004 /S.T,

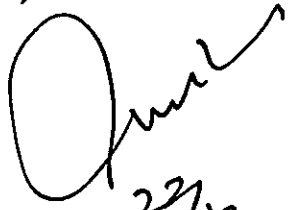
Dt. 20/10 /2020.


REGISTRAR 20/10/2020
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Gul Tiaz Khan Marwat Adv.
High Court D.I.Khan

22/10/2020

Sir, Re-submitted after completion.


22/10
Adv

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. 2776/2020

Muhammad Ismail

.....

Appellant

VERSUS

Govt: of KPK through Secretary Elementary & Secondary Education Civil Secretariat Peshawar and others.

.....Respondents

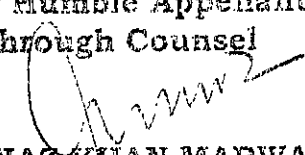
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Peshawar**

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Dated: 19/10/2020

Your Humble Appellant
Through Counsel


GUL TIAZ KHAN MARWAT
Advocate High Court Dikhan

I

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. _____/2020

Muhammad Ismail Ex-PST Govt. Primary School Kifayat
Abad Korai Circle D.I.Khan (deceased through his legal
hair and sister Mst. Asmat Bibi D/O Saad Ullah Khan
R/O Lakhra P/O Ratta Kulachi Tehsil & Distt: D.I.Khan .

..... **Appellant**

VERSUS

1. Govt: of KPK through Secretary Elementary &
Secondary Education Civil Secretariat Peshawar.
2. The Director Elementary & Secondary Education
Govt. of KPK Peshawar.
3. The District Education Officer (M) D.I.Khan.
4. The Sub Divisional Education Officer (M) D.I.Khan.
5. The Assistant Sub Divisional Education Officer (M)
Korai Circle, D.I.Khan. **Respondents**

**APPEAL U/S 4 OF KPK SERVICE TRIBUNAL ACT 1974
AGAINST THE ORDER ENDST: NO. 29287 DATED
30.07.2020 PASSED BY RESPONDENT NO. 2, VIDE WHICH
DEPARTMENTAL APPEAL DATED 01.06.2014 OF
APPELLANT AGAINST THE ORDER OF RECOVERY OF PAY/
SALARY WITH EFFECT FROM 18.03.2013 TO 11.03.2014
PASSED BY RESPONDENT NO. 3, BEARING NO. 5652-
54/AE-B/PST (M) DATED 12.05.2014 HAS BEEN
DISMISSED.**

Respected Sir,

1. That the Appellant now dead was serving as PST (PTC) in
the Education Department D.I.Khan.

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2. That after completion of 29/30 years of qualifying service, the Appellant desirous of getting his ailing mother, besides, himself medically treated, applied for retirement vide application dated 12.03.2014 through proper channel. Copy of the application is enclosed as **Annexure - A.**
3. That the said application was processed by Respondent No. ~~4~~ & ~~5~~ and was forwarded to Respondent No. ~~3~~ but no action was taken upon the application of Appellant by the Respondents No. ~~3~~ and was kept pending without any reasons recorded upon the application.
4. That being aggrieved of the same, the Appellant submitted an application before the District Chairman Human Rights/Honourable District & Sessions Judge, D.I.Khan for seeking direction to Respondents No. 4 to process the case of retirement of Appellant. Copy of application is enclosed as **Annexure - B.**
5. That the application of Appellant was accepted on 28.04.2014 by the District & Sessions Judge, D.I.Khan where in Respondents No. ~~3~~ was directed to redress the grievance of the Appellant in accordance with rules within 15 days and that the Appellant should not be discriminated in any way. Copy of the order is enclosed as **Annexure - C.**

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6. That the order dated 28.04.2014 passed by District & Sessions Judge, D.I.Khan was not obeyed and complied with by the Respondent No. 3 within the stipulated period rather he took it as his disgrace and consequently on 21.05.2014 issued an office order vide endst: No. 5655-58/A-V PST(M) dated 12.05.2014 (shown to have been signed on 10.05.2014) allowing the Appellant to proceed on retirement subject to recovery of payment of salaries for the period w.e.f 18.03.2013 to 11.03.2014 (alleged absence period) on the basis of another office order bearing Endst: No. 5652-54 dated 12.05.2014 (also shown signed on 10.05.2014). The Respondents No. 3 was made to produce the documents after filing contempt petition against him on 21.05.2014 in the Court of the Learned District & Sessions Judge, D.I.Khan. Copies of both the orders are enclosed as **Annexure - D&E** respectively.
7. That the Appellant filed writ petition No. 340/2014 in Peshawar High Court D.I.Khan Bench which came up for hearing before the honourable High Court on 27.01.2015 and the same was dismissed however, it was observed by the Honourable High Court that the Appellant was at liberty to agitate his grievances before the KPK Service Tribunal. Copy of Judgment is enclosed as **Annexure-F**.

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8. That the Appellant preferred service Appeal No. 217/15 before this learned Tribunal which came up for hearing before this Learned Tribunal on 26.12.2018 and the case was remitted to the departmental Authority with the direction to decide departmental appeal of the Appellant/ Appellant through speaking order within a period of 90 days from the receipt of the judgment and thereafter the appellant be also communicated the order regarding the decision of departmental appeal so as to enable the appellant to file service appeal if he is aggrieved from the order so passed by the departmental Appellate Authority. Copy of order dated 26.12.2018 is enclosed as **Annexure G.**

9. That the appellant communicated the order of this learned Tribunal to respondent No. 3 through a written application. Copy of application is enclosed as **Annexure H.**

10. That after decision of this Honourable Tribunal referred to above, the Appellant anxiously waited for the decision of the departmental Appeal by Respondent No. 2 but inspite of lapse of sufficient long period, no action has so far been taken by the Appellate authority.

11. That meanwhile the Appellant namely Muhammad Ismail died on 07.03.2019 and having no other legal heir, his family pension has been transferred in the name of his

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sister namely Mst. Asmat Bibi. Copies of death certificate and payment slip are enclosed as **Annexure J&K** respectively.

12. That facing with these circumstances and having no other remedies, sister of deceased Appellant sought the indulgence of this learned tribunal for implementation of its judgment / order under its inherent jurisdiction and filed a Petition on 09.08.2019 which was registered as CMA/EP No. 306/2019 and notice was directed to be issued to Respondent No. 2 for 21.10.2019 and thereafter but even then no reply was given by the office of Respondent No. 2 upto 27.01.2020 and then the case was adjourned to 24.02.2020. Copies of EP alongwith order sheets are enclosed as **Annexure - L&M** respectively.

13. That similarly neither the order of this learned Tribunal was implemented, nor any reply was given by Respondent No. 2, therefore, this learned Tribunal has passed an order dated 24.02.2020 vide which salary of Respondent No. 2 was ordered to be attached and the case was adjourned to 25.03.2020 for implementation report.

14. That the order dated 24.02.2020 was communicated to the Accountant General KPK Peshawar by the Registrar of this Learned Tribunal vide letter No. 510/ST dated

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03.03.2020. Copies of letter alongwith order are enclosed as **Annexure - N&O** respectively.

15. That in spite of the order of stoppage of pay / salary of Respondent No. 2, the order of this learned Tribunal was not implemented upto 17.08.2020, therefore, the Registrar of this learned Tribunal issued another letter No. 2525/ST dated 18.08.2020 to Accountant General KPK Peshawar for stoppage of pay/ salary of Respondent No. 2. Copy of letter enclosed as **Annexure - P**.
16. That due to Covid-19, this learned Tribunal was not functioning at Camp Court D.I.Khan and the case was adjourned to 21.09.2020 and on 21.09.2020, Counsel for the Appellant surprisingly came to know about the impugned order of dismissal of departmental appeal of Appellant vide order Endst: No. 29287/DD(Lit) dated 30.07.2020 passed by Respondent No. 2.
17. That on gaining the knowledge of factum of dismissal of appeal by Respondent No. 2 on 30.07.2020, Counsel for Appellant there and then recorded his statement to this effect. Copies of statement of Counsel for Appellant, order of Service Tribunal dated 21.09.2020 and impugned order are enclosed as **Annexure - Q,R&S** respectively.
18. That the Appellant feeling aggrieved from all the impugned orders/actions and inactions of respondents 2 to 5 individually and collectively, the appellant seeks the

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indulgence of this learned tribunal under its appellate jurisdiction inter alia on the following grounds.

GROUND:-

- A. That all the actions/inactions of Respondents No. 2 to 5 individually and collectively to declare the Appellant absent from duty for one year without conducting regular inquiry and thereafter passing impugned orders of recovery of payment of salaries for the period from 18.03.2013 to 11.03.2014 are to be illegal, unconstitutional, based on malafide, arbitrary, void ab-inatio, without lawful authority and without jurisdiction and in operative upon the rights of Appellant.
- B. That the actions/ in-actions of recovery of monthly pay/salaries from the pension gratuity of Appellant is against the provisions of fundamental rights guaranteed, under the Constitution as neither any regular inquiry has been conducted nor any show cause notice, charge sheet or statement of allegation has been served upon the Appellant nor Appellant has been provided an opportunity of hearing but all the impugned actions of so-called inquiry and order by issuance of impugned order of ~~the~~ so-called over

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payment mentioned in the retirement order of Appellant.

C. That it is evident from the record that when the Appellant applied for retirement vide application dated 12.03.2014 which was duly entertained and processed by the Respondent No. 4 to 5 clearly shows that there was no report/complaint of absence from duty against the Appellant but when the Appellant approached the Court of learned District and Sessions Judge/District Chairman Human Rights, DIKhan on 23.04.2014, then a baseless inquiry was manipulated against the Appellant, unilaterally deciding by the Respondent No. 4 to 5 and as a consequence thereof office order bearing Endst: No. 5652-54 dated 12-05.2014 (signed on. 10.05.2014) was issued by Respondent No. 3 whereby a recovery of pay for the so-called absence from duty was directed.

D. That the impugned actions/orders of the Respondents are not sustainable under the law as the Appellant has met out discriminatory treatment. He has not been treated under the law as required under the provisions of fundamental rights guaranteed in the Constitution of Islamic Republic of Pakistan, 1973. The Appellant has also been deprived of his vested right/property in

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the shape of monthly pay/salary which has since been received by the Appellant in lieu of performance of his duty.

E. That the Appellant became victim of use of colourable powers and has been condemned unheard as notwithstanding regular inquiry in respect of alleged absence from duty on the part of the Appellant, he was to be associated in the proceeding of the enquiry rather an explanation has not been called from the Appellant in respect of the alleged absence from duty. Prior to issuance of the impugned order of recovery of salaries from the pensionary benefits of the Appellant, no report whatsoever was made by any of superior/high-up's of the Appellant.

F. That all the impugned actions/inactions and orders have been prepared and processed within a time frame of 15 days given to respondent No. 3 by the Court of District & Sessions Judge/DIKhan for finalizing case of the Appellant in accordance with law. After submission of application by the Appellant in the court of learned District & Sessions Judge, D.I.Khan as is evident from the impugned orders signed on 10.05.2014 issued on 12.05.2014. Even the report/application in respect so-called absence from duty of the Appellant are undated.

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- G. That Respondent No. 4 to 5 have also procured an application dated 03.05.2013 allegedly to have been filed by one Kifayatullah Baloch and others, residence of Kifayat Abaci in respect of absence of the Appellant but on the other hand the afore said. Kifayatullah Baloch sworn an affidavit to the effect that he has neither submitted any complaint/ application against the Appellant nor he has appeared before any officer of the education Department for making complaint against the Appellant.
- H. That the impugned order of recovery from the pension gratuity of the Appellant is an output of some personal grudge and annoyance on the part of Respondent No. 3 attributable to the Appellant's apprehension of recovering injustice at his hands knocked the door of Court of law and filed application initially and thereafter contempt petition in the Court of learned District & Sessions Judge, D.I.Khan.
- I. That before knocking at the door of the Court of law, the Appellant influenced from the Govt. of Khyber Pakhtunkhwa Right to Information Act, 2013 on 23.04.2013 applied for procurement of copies of certain documents intended to be used against him but the Respondent No. 3 flatly denied delivery of the documents to him which shows lukewarm of

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respondent No. 3 towards law of the land on the subject and procedure laid down therefor, thereafter a complaint was addressed to the Commissioner (Info:) Khyber Pakhtunkhwa, Peshawar. Copies of the application and complaint are annexed as **Annexure T&U** respectively.

J. That when the Appellant opted for retirement from service with effect from 12-3-2014 whereas the so called inquiry has been conducted and finalized against him in the month of May, 2014 whereafter the impugned order of recovery of salaries from his pensionary emoluments has been ordered vide bearing Endst: No. 5655-58/A-V PST(M) dated 12/5/2014 which order action of Respondent No. 3 is against the law as the august Supreme Court of Pakistan in ^{many} cases firmly held that no departmental inquiry/action can be initiated against an incumbent Govt. servant after his retirement from service.

K. That the impugned order of dismissal of departmental appeal by respondent No. 2 is outcome of personal grudges and revenge as due to filing of implementation petition, the pay/ salary of the Respondent No. 2 was attached due to non-disposal of appeal of Appellant which prime facie suggests that the respondent No. 2

Q. No. 2

have no regards and respect towards the Courts of Law.

- L. That this Honourable Tribunal has vast Constitutional Powers and jurisdiction to correct the failure, faults, dereliction of duty, laches, defects in jurisdiction, denial of justice, biasness or disability and to set aside/struck down illegal orders without lawful authority of the Departmental Authorities of Government Offices/ Departments including the Respondents.
- M. That Counsel for the Appellant may please be allowed to raise additional during arguments.

In view of the above submission, it is therefore, humbly prayed that on acceptance of this Appeal, this Hon'ble Tribunal may kindly be pleased to declare the impugned orders bearing Endst: No. 5652-54 dated 12.05.2014 and 6555-58 dated 12.05.2014, respectively issued by Respondent No. 4 regarding recovery of salaries for the period of one year w.e.f 18.03.2013 to 11.03.2014 to be illegal, void, ab-initio, coram non judice and of no legal effect upon the rights of Appellant and as a consequence thereof to direct the Respondent No.4 to pay the salaries withheld/ recovered illegally from the Appellant.

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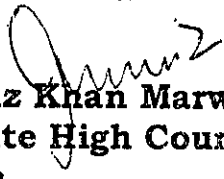
Any other relief deemed appropriate in the prevailing circumstances may also be granted.

Your humble Appellant,

Muhammad Ismail
(deceased)
Through

Mst. Asmat Bibi
(Sister / LR of)
Through Counsel

Dated: 19/10/2020


Gul Tiaz Khan Marwat
Advocate High Court
DIKhan

CERTIFICATE

Certified that it is a first appeal by the appellant before this learned tribunal against the impugned orders of respondents.

APPELLANT

AFFIDAVIT

I, Mst. Asmat Bibi D/O Saad Ullah Khan R/O Lakhra P/O Ratta Kulachi Tehsil & Distt: D.I.Khan, the Petitioner do hereby solemnly affirm and declare on Oath that the contents of appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.


DEPONENT


BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Civil Misc. Application No. _____/2020

In

Service Appeal No _____/2020

Muhammad Ismail **Petitioner/Appellant**

VERSUS

Govt: of KPK through Secretary Elementary & Secondary Education Civil Secretariat Peshawar and others.

.....**Respondents**

PETITION U/S 5 OF LIMITATION ACT CONTAINING THE REQUEST FOR CONDONATION OF DELAY IN FILING OF APPEAL.

Respected Sir,

1. That the accompanied Appeal is being filed before this learned Tribunal against the order of dismissal of departmental appeal of appellant passed by respondent No. 2 vide order dated 30.07.2020.
3. That the impugned order dated 30.07.2020 came into knowledge of Counsel for the petitioner on 21.09.2020 during hearing of implementation/ execution petition No. 306/2019 and to this effect Counsel for Appellant then recorded his statement which is already annexed with the appeal as Annexure Q.
4. That prior to date of hearing of EP No. 306/2019 on 21.09.2020, the impugned order dated 30.07.2020 was neither served upon the legal heirs of deceased Appellant nor it was brought into the knowledge of deceased Appellant family members thorough any means and source and it was only came into knowledge of Counsel for the Appellant on 21.09.2020 during course of hearing of E.P No. 306/2019.

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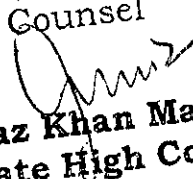
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5. That the date of knowledge of order dated 30.07.2020 of dismissal of departmental appeal of deceased Appellant is admittedly 21.09.2020, therefore the limitation for filing of appeal is to be run from date of knowledge i.e. 21.09.2020.
6. That keeping in view the circumstances explained above there is no delay in filing of Appeal on the part of appellant/petitioner and if there is any delay in filing of appeal.

It is, therefore, humbly prayed on acceptance this Petition, this Honorable Tribunal may very graciously be pleased to condon the delay if any in filing of appeal in the interest of justice.

Your humble Petitioner,

Mst. Asmat Bibi
(Sister / LR of)
Muhammad Ismail
(deceased)
Through Counsel

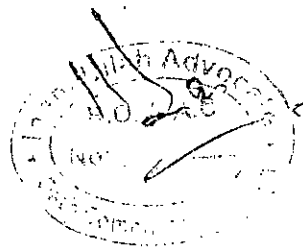
Dated: 19 / 10 / 2020


Gul Tiaz Khan Marwat
Advocate High Court
DIKhan

AFFIDAVIT

I, Mst. Asmat Bibi D/O Saad Ullah Khan R/O Lakhira P/O Ratta Kulachi Tehsil & Distt: D.I.Khan, the Petitioner do hereby solemnly affirm and declare on Oath that the contents of appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

DEPONENT



Bellu copy 16

خدمت جناب DEO صاحب ڈیرہ اسماعیل خان
بوساطت جناب SDEO صاحب تحصیل ڈیرہ اسماعیل خان

A

جناب عالی :-

نوڈ بانہ گزارش ہے کہ من مائل 41985 سے بطور پبٹ پیئر
09.09.85
مکتب میں ڈیوٹی سرانجام دیتا رہا ہے اور اب بطور پیئر مکتب گورنمنٹ
پرائمری سکول کفایت آباد نزد گمل خورد ڈیرہ اسماعیل خان میں
تفینات ہے۔ من مائل کی والدہ کو منیت تکلیف ہے جس کی
کفالت میں خود کرتا ہوگی۔ مزید ڈیوٹی سرانجام نہیں دے سکتا۔
اور میں خود بھی ضعیف العمر ہوں۔
بندہ کو مورخہ 12/3/2014 سے ریٹائر کرنے کا حکم صادر فرمایا جائے۔
اور پنشن عنایت کی جائے۔

بندہ مشکور و ممنون رہے گا۔

تینر 365 دن کی لیوا انگیمنٹ بھی عنایت کی جائے۔

فقط مورخہ : 12/3/2014

محمد اسماعیل خان کنڈی ولد عبداللہ خان کنڈی پیئر مکتب گورنمنٹ
پرائمری سکول کفایت آباد نزد گمل خورد ڈیرہ اسماعیل خان
مستقل عظیم رتہ کلاہی نئی آبادی ڈیرہ اسماعیل خان

Attest

Quniz
2014

Ismaail

114/

15

حکومت پاکستان، وزارت تعلیم و ترقی اعلیٰ تعلیم
پنجاب، لاہور۔

تاریخ: 25-3-2016
1983 سال کے بغور 4/7/87

مکتبہ سیرٹیفائیڈ سرانجام دیتا رہے اور اس کے بارے میں مکتبہ کو مطلع کیا جائے۔

یہ امری منسلک کتابت آباد سیرٹیفائیڈ کورس ڈیپارٹمنٹ، ایف ڈی ڈی، لاہور میں ہے۔

جو کہ اس کے بارے میں والدہ کو مطلع کیا جائے اور اس کے حالات میں ترقی دیا جائے۔

مذکورہ ڈیپارٹمنٹ سرانجام دیتا رہے اور اس کے بارے میں مکتبہ کو مطلع کیا جائے اور اس کے حالات میں ترقی دیا جائے۔

اس کے بارے میں والدہ کو مطلع کیا جائے اور اس کے حالات میں ترقی دیا جائے۔

ES affected

3/3/16

Syalt (P)
S.B.A

27/3/16

No 373 dt. 25-3-2016
Forwarded original to the
DEO (M) District along with 5/Book and leave account
for further necessary action please.

Attested
Gunn
Down

Office of the Distt. Educ. Officer
(M) District
Distt. No. 7
Date: 27/3/16

Signature
27/3/16

لعدالت جناب ڈسٹرکٹ اینڈ سیشن جج / جسٹس فیاض حسین بیرون رائے

17

درخواست متفرق فی 2014

محمد اسماعیل خان شیخ پٹی

گورنمنٹ مکتب پرائمری سکول کفایت آباد ڈیرہ اسماعیل خان

(03459828778)

پتہ

بنام

ضیاء الدین ڈسٹرکٹ ایجوکیشن آفیسر ڈیرہ اسماعیل خان

(رہائش گاہ)

درخواست برائے صادر کرنے حکم بر خلاف رہائش گاہ

کہ وہ مسائل کے پیشینہ درخواست پر کارروائی

کرنے مسائل کا ریٹائرمنٹ آرڈر جاری کرے

RECEIVED BY THE CHIEF EXECUTIVE OFFICER

23/4/14

جناب عالی! مسائل حسب ذیل عرض کرتا ہے

یہ کہ مسائل محکمہ تعلیم کا ملازم ہے اور مکتب پرائمری سکول

کفایت آباد ڈیرہ میں تعینات ہے

یہ کہ مسائل نے 25 سال ملازمت پوری کر کے بوجہ

گھریلو مجبوری مورخ 12⁰³/₂₀₁₄ کو ریٹائرمنٹ / پنشن

کی درخواست دی لیکن رہائش گاہ کے تحت کوئی

کارروائی نہیں کی اور مختلف حیلے اور بہانے کر کے تاخیر

حربے استعمال کرتا ہے بدین وجہ مسائل کو آجنا

سے فریاد کرنا پڑا

لہذا استدعا ہے کہ مسائل کی بنیادی حقوق کا تحفظ کیا

جائے اور رہائش گاہ کو حکم دیا جائے کہ وہ مسائل

کی پنشن کی درخواست پر کارروائی کر کے مسائل کا

ریٹائرمنٹ کا حکم جاری کرے

04 مورخ 23/4/2014

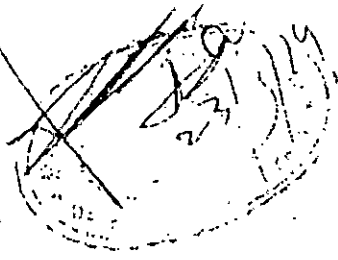
ATTACHED

Qam-ac-9

Handwritten notes and signatures on the right margin, including dates like 23/4/14 and 03/04/14.

سید...
درست سے کوئی امر پوشیدہ نہیں ہے۔

محمد اسماعیل خان



28/4/17

C 18
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Amir

ORDER
28.04.2014

Petitioner present in person. Mr. Zia ud Din
District Education Officer (M), D.I.Khan present.

At the very outset of the hearing of the case, the D.E.O
promised that the case of petitioner will be dealt with in
accordance with rules and he will not be discriminated in
any way. He is directed to do so within a period of fifteen
days positively and report thereof be intimated to this Court.
The petition is disposed of accordingly. File be consigned to
the Record Room.

(23)

Announced
Dt. 28.04.2014

Muhammad Rauf Khan 28/4/14
District Judge, D.I.Khan

TO BE TRUE COPY

District and Sessions Judge

28/4/14

28/4/14
23/08/14
20/11/14

cc

19 Q D (192)

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) DERA ISMAIL KHAN

SANCTION.

In the light of enquiry report received from the Sub Divl: Education Officer (M) DIKhan vide his No. 466 dated 22-4-2013 sanction is hereby accorded to the grant of leave without pay with effect from 18-03-2013 to 11-03-2014 (absent period) in respect of Mr. Muhammad Ismail PST B-12 GMPS: Kifayat Abad (DIKhan) as admissible under the rules.

Note: Necessary entry to this effect should be made in his service book.

2- Recovery of pay for the absent period may be made accordingly.

Sd/-
District Education Officer
(Male) D.I. Khan

Order No. 5652-54 /AE-V PST (M) Dated DIK 12/05/2014.

Copy to the:-

- 1- The Sub Divl: Education Officer (M) DIKhan w/r to his No. 466 dated 22-04-2014.
- 2- The District Accounts Officer D.I. Khan.
- 3- The Official concerned.

Ma
10/5/14
District Education Officer
(Male) D.I. Khan

Rec:

AF
13/5/14

20 20 E

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) DERA ISMAIL KHAN.

SANCTION.

Sanction is hereby accorded for pre-mature retirement with effect from 12-03-2014 AN. in respect of Mr. Muhammad Ismail PST B-12 GMFS:Kifayat Abad DIKhan as admissible to him under the rules.

Note: 1- Necessary entry to this effect should be made in his service book.

2- Recovery of over payment decided in the light of enquiry No. 5652-54/dated 12/05 /2014 may be recovered from the pension guaranty.

Sd/-
District Education Officer
(Male) DIKhan.

Endst No. 5655-58 /A-V PST (M) Dated DIKhan the 12/05 2014.

Copy to the:-

- 1- The Sub Divl: Education Officer (M) DIKhan w/r to his No. 373 dated 25-03-2014 alongwith original service book.
- 2- The District Accounts Officer D.I.Khan.
- 3- The Official concerned.
- 4- The Incharge EMIS Local Office.

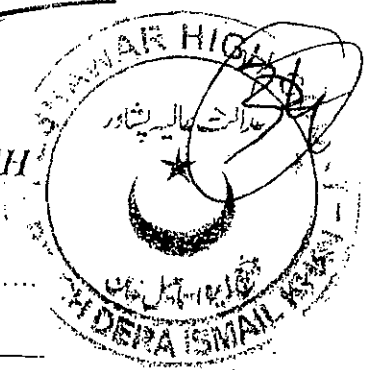
Ma
10/5/14
District Education Officer
(Male) DIKhan

Rec:

13/5
14

F 21

JUDGMENT SHEET
PESHAWAR HIGH COURT D.I.KHAN BENCH
JUDICIAL DEPARTMENT



WP No. 340-D of 2014

Date of hearing 27-1-2015

Appellant / petitioner (Muhammad Ismail Khan) by
Mr. Gul Tiar Khan Marwat Advocate

Respondent (Govt. of K.P.K.) by Mr. Saadullah Khan Shamim
Addl: AS

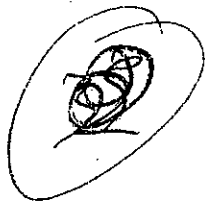
MUHAMMAD GHAZANFER KHAN J.- The petitioner, Muhammad Ismail Khan, through the instant writ petition has prayed for declaring the order of respondent No.4 regarding recovery of emoluments for the period with effect from 8-3-2013 to 11-3-2014 as illegal, void ab initio, coram-non-judice and ineffective upon the rights of the petitioner.

2. Facts of the petition are that the petitioner was serving as PST in Maktab Government Primary School Kifayat Abad, near Gomal Khurd D.I.Khan since 9-9-1985 when on 12/3/2014 he applied for retirement to District Education Officer D.I.Khan through SDEO D.I.Khan which was kept pending and not processed. He then applied to the Chairman, Human Rights/Sessions Judge D.I.Khan who vide order dated 28-4-2014 directed respondent No.4 to redress the grievance of the petitioner within fifteen days, whereafter the petitioner was retired through order dated 12/5/2014 but subject to recovery

TESTER

EXAMINER

22



of salaries for the period with effect from 18-3-2013 to 11-3-2014 (the alleged absence period) of which the petitioner is aggrieved, hence has filed the present writ petition.

3. We have heard learned counsel for the petitioner in the light of available record of the case.


4. Since the matter in issue pertains to the terms and conditions of service which squarely falls within the domain of KPK Services Tribunal and this court in view of the bar contained under Article 212 of Constitution of Islamic Republic of Pakistan 1973 lacks jurisdiction in the matter in issue, therefore, this petition is dismissed. The petitioner is, however, at liberty to agitate his grievances before the KPK Service Tribunal, if so advised.

ANNOUNCED
27/1/2012.


JUDGE


JUDGE

offin
11/2

TESTED

EXAMINOR
Peshawar High Court
Jal Khan Bench 28/2/15

23

9

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT D.I.KHAN

SERVICE APPEAL NO. 217/2015

Date of institution ... 12.03.2015
Date of judgment ... 26.12.2018



Muhammad Ismail S/o Saadullah Khan
R/o Nai Abadi Ratta Kulachi, PO Agriculture Research Institute D.I.Khan
(Ex-PST Government Primary School K. Sayat Abad, Korai Circle D.I.Khan.

... (Appellant)

VERSUS

1. The Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar.
2. The Director Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer Elementary & Secondary Education (M) D.I.Khan.
4. The Sub-Divisional Education Officer (M) D.I.Khan.
5. The Assistant Sub-Divisional Education Officer (M), Korai Circle Tehsil D.I.Khan.

... (Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER BEARING NO. 5556-58/AE-V/PST (M) DATED 12.05.2014 VIDE WHICH VOLUNTARY RETIREMENT CASE THE RESPONDENT NO. 3 HAD HELD ABSENT THE APPELLANT W.E.F 18.03.2013 TO 11.03.2014 VIDE PROPER NO. 5552-5554/AE-V/PST (M) DATED 12.05.2014 WHICH HAS MERGED IN TO ORDER NO. 5556-58/AE-V/PST (M) DATED 12.05.2014 HAVING A COMPOSITE EFFECT SINCE 12.05.2014 AND AGAINST THE ACT OF OMISSION OF THE RESPONDENT NO. 2 WHO HAD WILLFULLY DECLINED TO PASSED ORDER ON DEPARTMENTAL APPEAL DATED 01.06.2014 SENT THROUGH OCS VIDE ITS RECEIPT NO. 11225 DATED 01.06.2014.

Mr. Gul Tiaz Khan Marwat, Advocate.
Mr. Farhaj Sikandar, District Attorney.

.. For appellant.
.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI
MR. HUSSAIN SHAH

.. MEMBER (JUDICIAL)
.. MEMBER (EXECUTIVE)

ATTESTED JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER:-

Counsel for the

appellant present. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Muhammad Kainran, ADO for the respondents present. Arguments heard and record perused.

2. Brief facts of the case as per present service appeal are that the appellant was serving as Primary School Teacher in Education Department. He was shown granted leave without pay with effect from 18.03.2013 to 11.03.2014 (absent period) and recovery of pay for the aforesaid absence period was also ordered from the appellant vide letter No. 5652-54/AE-V PST (M) vide order dated 12.05.2014 and premature retirement order was also passed with effect from 12.03.2014 and recovery of over payment decided in the light of inquiry No. 5652-54 dated 12.05.2014 was also order to be recovered from the pension and gratuity of the appellant vide letter No. 5655-58/AE-V/PST (M) dated 12.05.2014. The appellant feeling aggrieved from the order of recovery of pay for the absence period with effect from 18.03.2013 to 11.03.2014, filed departmental appeal on 01.06.2014 to the Director Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar but the same was not responded hence, the present service appeal.

*M. Khan
12.05.2014*

3. Respondents were summoned who contested the appeal by filing written reply/comments.

4. Learned counsel for the appellant contended that the appellant was performing his duty regularly but the respondent department has personal grudges with the appellant therefore, respondent-department passed an order of recovery of pay/salary received by the appellant with effect from 18.03.2013 to 11.03.2014. It was further contended that the appellant was performing duty regularly during the aforesaid period and copy of attendance register in this respect is also available on record. It was further contended that if the appellant was absent from duty the respondent-department was bound to issue absence notice at the home address of the appellant or order for regular inquiry but the respondent-department has neither issued any absence notice to the appellant at his home address nor has conducted any regular inquiry for departmental proceeding nor the appellant was associated with any inquiry. It was further contended that if the appellant was absent from duty for the aforesaid period the respondent-department would have stop his salary but the appellant has received the salary of the aforesaid period i.e with effect from 18.03.2013 to 11.03.2014 therefore, the impugned

ATTENDED

[Signature]
Director
Elementary and Secondary
Education
Peshawar

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order of recovery of pay/salary with effect from 18.03.2013 to 11.03.2014 from the pension, gratuity of the appellant through impugned order is illegal and liable to set-aside.

5. On the other hand, learned District Attorney for the respondents opposed the contention of learned counsel for the appellant and contended that the impugned order of recovery of pay with effect from 18.03.2013 to 11.03.2014 from the pension, gratuity of the appellant has been passed on 12.05.2014 and the appellant has filed departmental appeal on 01.06.2014 which was not responded and then he filed present service appeal on 12.03.2015 after 9/10 months which is badly time barred. It was further contended that since the appellant has been prematurely retired vide order dated 12.05.2014 therefore, he is not entitled to file service appeal for setting-aside the impugned order regarding recovery of pay of the absence period with effect from 18.03.2013 to 11.03.2014. It was further contended that proper inquiry has also been conducted against the appellant and the appellant has been reported absence with effect from 18.03.2013 to 11.03.2014 through inquiry No. 5652-54 dated 12.05.2014 therefore, it was contended that the competent authority has rightly passed the impugned order regarding recovery of pay/salary of absence period with effect from 18.03.2013 to 11.03.2014 from his pension, gratuity and prayed for dismissal of appeal.

*M. Anwar
26.12.2018*

6. Perusal of the record reveals that the appellant has impugned order dated 12.05.2014 through which respondent-department has passed an order of recovery of pay/salary for the absence period with effect from 18.03.2013 to 11.03.2014 from the pension, gratuity of the appellant meaning thereby that the service appeal is pertain to financial matter, there is plethora of judgments of superior court as well as this Tribunal that limitation does not run in the financial matter therefore, we are of the considered view that the service appeal is not time barred. Furthermore, it is also proved from the record that the respondent-department had not issued any absence notice to the appellant regarding his alleged absence with effect from 18.03.2013 to 11.03.2014 nor the respondent-department has conducted any proper inquiry regarding the absence of the appellant with effect from 18.03.2013 to 11.03.2014 through which

ATTENDED

[Signature]
[Illegible text]

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the appellant was associated or provided any opportunity of personal hearing. The record further reveals that the appellant has also received salaries for the said period but later on the respondent-department has passed order of recovery of pay of the aforesaid period from his pension gratuity. The record also reveals that the appellant has also filed departmental appeal dated 01.06.2014 to Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar but the same was not decided therefore, we deem it appropriate to direct the departmental authority to probe into the matter regarding the absence of the appellant with effect from 18.03.2013 to 11.03.2014 through inquiry with further direction to associate the appellant and thereafter the departmental appeal of the appellant be decided through speaking order within a period of 90 days from the date of receipt of this judgment and thereafter the appellant be also communicated the order regarding the decision of departmental appeal positively, if appellant was aggrieved from the departmental appeal decision then he is at liberty to file service appeal with all legal objections. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
26.12.2018

Muhammad Amin

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER
AMP COURT D.I.KHAN

Hussain Shah

(HUSSAIN SHAH)
MEMBER
CAMP COURT D.I.KHAN

Certified to be true copy
[Signature]
1

Number of copies 11-01-19
Number of files 1600
Copying fee 10
Urgent
Total 22
Name of Clerk
Date of Completion of copy 11-1-19
Date of Delivery of copy 11-1-19

To,

The District Education Officer (M)
D.I.Khan.

H

27

Subject:

IMPLEMENTATION OF JUDGMENT/
ORDER DATED 26.12.2018 OF
HONOURABLE K.P.K SERVICE
TRIBUNAL CAMP COURT D.I.KHAN
PASSED IN SERVICE APPEAL NO.
217/2015.

Sir,

The Applicant submits the following few lines for your sympathetic consideration please:-

- (1) That the Applicant filed the above noted Service Appeal in the KPK Service Tribunal Peshawar.
- (2) That the Service Appeal came up for hearing before the Honourable Service Tribunal Camp Court D.I.Khan on 26.12.2018 and the same was accepted and remanded to the department to be decided within a period of 90 days from the date of judgment. Copy of order/judgment is enclosed for kind perusal.
- (3) That the order of the Honourable Tribunal will also be sent by the Registrar Service Tribunal.

In view of the above submission, it is therefore, humbly prayed that the subject cited judgment/ order of the Honourable Service Tribunal Peshawar may please be implemented in letter and spirit and the case of Applicant may please be decided within the stipulated period of 90 days.

Dated: 24/01/2019

Your Humble Applicant

Ismail

Muhammad Ismail
S/O Saadullah Khan Ex-PST
Govt. Primary School Kifayat
Abad Korai Circle D.I.Khan.



حکومت خیبر پختونخوا

J

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28

Government of Khyber Pakhtunkhawa

اندراج وفات سرٹیفکیٹ

Tracking Id: S0008910004033

Form No: W10165076

CRMS No: D500089-19-10048

Death Registration Certificate

دفتر اندراج : یونین کونسل رتکاجی

OLYM REG #

Deceased Person's Details

متوفی کے بارے میں

Name	MUHAMMAD ISMAH KHAN	محمد اسماعیل خان
Nationality	Pakistani	پاکستانی
CRMS No	12101-4811353-9	12101-4617363-9
Date of Birth	01-January-1965	01-January-1965
Gender	Male	مرد
Religion	ISLAM	اسلام
Business Period	2 Month	دو ماہ
Date of Death	07-March-2019	07-March-2019
Date of Burial/Last rite	07-March-2019	07-March-2019
Place of Death	Ratta Kulachi	رتکاجی
Reason of Death	Natural	طبعی
Place of Burial	Ratta Kulachi	رتکاجی

Parental Information

والدین کی معلومات

Father's Name	SAAD ULLAH KHAN	سعد اللہ خان
Father's No	12101-7367320-1	12101-7367320-1
Mother's Name	H. SHAMINA BIBI	شیمینا بی بی
Mother's No		

Address

House No	New Abadi	نئی آبادی
Village	RATTA KULACHI	رتکاجی
Town	D. KHAN	ڈیوہا اٹل خان
District	L. KHAN	ڈیوہا اٹل خان

Applicant's Details

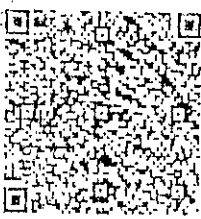
درخواست دہندہ کی معلومات

Name	MUHAMMAD ISRAIL KHAN	محمد اسرایل خان
CRMS No	12101-2335983-7	12101-2335983-7
Relationship of Deceased	BROTHER	بھائی

Information of Burial/Last rite by

دفن یا آخری رسومات کنندہ کی معلومات

Name	WASIM ULLAH	واسیم اللہ
CRMS No	12101-0717895-5	12101-0717895-5
Relationship of Deceased	UNCLE	چچا
Date of Burial	18-March-2019	18-March-2019
Date of Last Rite	18-March-2019	18-March-2019
Place of Burial	late	لاٹ



Secretary
 VC Ratta Kulachi-1
 Dist: D.I. Khan

W10165076

PENSION ROLL SLIP FOR THE MONTH OF June 2019

D.I.Khan

Pensioner 00194756 MOHAMMAD ISMAIL (Asmat Bibi)
1210146173639

Bank Branch: 263019

Bank Transfer: 16,584.00

Account No: 301900280610001

29

K

Pension Payment / Recoveries Details

0110 - Monthly Pension - Family	5,028.00
0111 - Pension Increases Family	9,750.00
1599 - Medical Allow - Pensioner	1,445.00
1600 - Med. All 2015 Pensioner	361.00

Total Pension Payments : 16,584.00
Total Deductions / Recoveries : 0.00

PENSION AMOUNT PAYABLE 16,584.00

PENSION ROLL SLIP PRINTED ON 18.06.2019

AT 13:55:09



30




AA76593851

FAMILY REGISTRATION CERTIFICATE

Applicant Name: -Asmat Bibi
Citizen Number: 1210183734144
Document Number: AA76593851


Family Members: 5

It is to certify that the family comprising of the following members is registered in NADRA with the particulars mentioned below as per the information provided.




Name: Saad Ullah Khan
Identity No: 12101-7367320-1
Date of Birth: 01/10/1929
Father Name: Musa Khan
Mother Name: Ayesha Bibi
Relation With Applicant: Father

پورا نام: سعد اللہ خان
والد کا نام: موسیٰ خان
والدہ کا نام: عائشہ بی بی




Name: Pashmina Bibi
Identity No: 12101-7888160-6
Date of Birth: 01/01/1931
Father Name: Said Azam
Mother Name: Gul Andama
Relation With Applicant: Mother

پورا نام: پشیمین بی بی
والد کا نام: سید اعظم
والدہ کا نام: گل اندام




Name: Muhammad Ismail Khan
Identity No: 12101-4617363-9
Date of Birth: 1965
Father Name: Saad Ullah Khan
Mother Name: Pashmina Bibi
Relation With Applicant: Brother

پورا نام: محمد اسماعیل خان
والد کا نام: سعد اللہ
والدہ کا نام: پشیمین بی بی



Name: Asmat Bibi
Identity No: 12101-8373414-4
Date of Birth: 01/01/1967
Father Name: Saad Ullah Khan
Mother Name: Pashmina Bibi
Relation With Applicant: Self

پورا نام: عسمت بی بی
والد کا نام: سعد اللہ خان
والدہ کا نام: پشیمین بی بی



Name: Muhammad Israail Khan
Identity No: 12101-2335983-7
Date of Birth: 01/04/1972
Father Name: Saad Ullah Khan
Mother Name: Pashmina Bibi
Relation With Applicant: Brother

پورا نام: محمد اسرائیل خان
والد کا نام: سعد اللہ خان
والدہ کا نام: پشیمین بی بی

Note:

1. The above mentioned family members are linked in NADRA database
2. There could be other family members that may be registered but not linked to this family in NADRA database
3. This certificate is not valid in any court of law for inheritance/property issues



This certificate can be verified at <https://id.nadra.gov.pk/e-Id/>

Usman G. Nadeem

REGISTRAR GENERAL OF PAKISTAN

Date of Issue: 03/04/2019



1210183734144

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BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Execution Petition No. 306/2019

CMA No. _____/2019

Hyber Pakhtunkhwa
Service Tribunal

Diary No. 842

Dated 9-8-19

Muhammad Ismail Ex-PST Govt. Primary School Kifayat
Abad Korai Circle D.I.Khan (deceased through his legal
hair and sister Mst. Asmat Bibi D/O Saad Ullah Khan
R/O Lakhra P/O Ratta Kulachi Tehsil & Distt: D.I.Khan .

..... **Petitioner**

VERSUS


1. Govt: of KPK through Secretary Elementary &
Secondary Education Civil Secretariat Peshawar.
2. The Director Elementary & Secondary Education
Govt. of KPK Peshawar.
3. The District Education Officer (M) D.I.Khan.
4. The Sub Divisional Education Officer (M) D.I.Khan.
5. The Assistant Sub Divisional Education Officer (M)
Korai Circle, D.I.Khan. **Respondents**

**PETITION CONTAINING THE REQUEST FOR
IMPLEMENTATION OF JUDGMENT / ORDER OF THIS
LEARNED TRIBUNAL CAMP COURT D.I.KHAN DATED
26.12.2018 PASSED IN SERVICE APPEAL NO. 217/2015
TITLED AS "MUHAMMAD ISMAIL V/S GOVT. OF KPK
THROUGH SECRETARY EDUCATION AND OTHERS".**

Respected Sir,

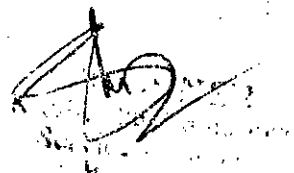
1. That the Petitioner now dead was serving as PST (PTC) in
the Education Department D.I.Khan.

ATTESTED


.....
Hyber Pakhtunkhwa
Service Tribunal

- 2 32
2. That the petitioner was declared as absent from duty on the basis of ex-parte inquiry and was thus shown granted leave without pay w.e.f 18.03.2013 to 11.03.2014 (the alleged absent period) and order of recovery of pay for the aforesaid period was passed by respondent No. 3 vide order / letter No. 5652-54/AE-V/PST(M) dated 12.05.2014 and on the same day, an order of premature retirement was also issued. Similarly vide order No. 5655-58/AE-V/PST(M) dated 12.05.2014, recovery of the aforesaid amount from the pension and gratuity of petitioner was also issued.
 3. That the Petitioner preferred service Appeal No. 217/15 before this learned Tribunal which came up for hearing before this Learned Tribunal on 26.12.2018 and the case was remitted to the departmental Authority with the direction to decide departmental appeal of the Petitioner/ Appellant through speaking order within a period of 90 days from the receipt of the judgment and thereafter the petitioner be also communicated the order regarding the decision of departmental appeal so as to enable the petitioner to file service appeal if he is aggrieved from the order so passed by the departmental Appellate Authority. Copy of order dated 26.12.2018 is enclosed as **Annexure "A"**.
 4. That the petitioner communicated the order of this learned Tribunal to respondent No. 3 through a written application. Copy of application is enclosed as **Annexure "B"**.
 5. That after decision of this Honourable Tribunal referred to above, the Petitioner anxiously waited for the decision of the departmental Appeal by Respondent No. 2 but in spite of lapse of sufficient long period, no action has so far been taken by the Appellate authority.

ATTESTED

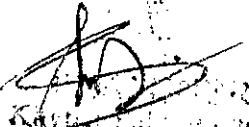


- 6. That meanwhile the Petitioner namely Muhammad Ismail died on 07.03.2019 and having no other legal heir, his family pension has been transferred in the name of his sister namely Mst. Asmat Bibi. Copies of death certificate and payment slip are enclosed as Annexure "C&D" respectively.
- 7. That the Petitioner having no other remedy seeks the indulgence of this learned tribunal for implementation of its judgment / order under its inherent jurisdiction inter alia on the following grounds.

GROUND:-

- A. That it is / was the legal, statutory and moral obligations of departmental Authority to implement the judgment / order of this learned Tribunal but they have failed to do so which is shocking for the petitioner and also amounts contempt of Court.
- B. That the actions/in actions, conduct and modus operandi of Respondents to disobey and violate the judgment/ order is tantamount to abuse and obstruct the process of Court to disobey the order of Court of law/tribunal which is a visible contempt of Court for which he is liable to be proceeded under the law.
- C. That the Petitioner has no other remedy for implementation of judgment of the Honourable Tribunal except to knock the door of this Honourable Tribunal for implementation of judgment.
- D. That the Honourable Tribunal got powers and jurisdiction to take cognizance in the matter and to implement the judgment and order so passed by this Honourable Tribunal.
- E. That counsel for the Petitioner may please be allowed to raise additional ground during the course of arguments.

REGISTERED



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It is, therefore, humbly prayed on acceptance this Petition, this Honorable Tribunal may very graciously be pleased to issue direction to respondents to implement the judgment/ order of this Honourable Tribunal in letter and sprit so as to meet the ends of justice.

Your humble Petitioner,



Mst. Asmat Bibi

Through Counsel

**Gul Tiaz Khan Marwat
Advocate High Court
DIKhan**

Dated: 05/08/2019

AFFIDAVIT

I, Mst. Asmat Bibi D/O Saad Ullah Khan R/O Lakhra P/O Ratta Kulachi Tehsil & Distt: D.I.Khan do hereby solemnly affirm and declare on Oath that the contents of Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.



DEPONENT

S. No. 7/8/19
Dated 05/08/19
DIKhan

Certified to be true copy

Khan
S. No. 1/10/20
Residing

Date of Present. 14/10/20
Number of Words 1600
Copying Fee 4/8/-
Charges 22/-
Name of Copyist _____
Date of Completion of Copy 14/10/20
Date of Delivery of Copy 14/10/20

Form-A

FORM OF ORDER SHEET

M

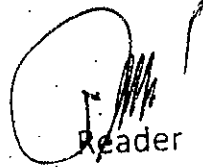
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Court of _____

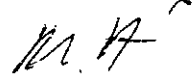
Execution Petition No. 306/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	09.08.2019	<p>The execution petition of Mr. Muhammad Ismail submitted by his legal heir Mst Asmat Bibi through Mr. Gul Tiaz Khan Marwat Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 9/8/19</p>
2	17-9-2019	<p>This execution petition be put up for touring S. Bench at D.I.Khan on 25-9-2019.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
25.09.2019		<p>Learned counsel for the petitioner present. Notice of the present execution petition be issued to the respondents for reply/comments for 21.10.2019. Adjourn. To come up for reply/comments on the date fixed before S.B at Camp Court, D.I.Khan.</p> <p style="text-align: right;"><i>[Signature]</i> Member Camp Court, D.I.Khan.</p> <p style="text-align: center;">ATTESTED</p> <p style="text-align: center;"><i>[Signature]</i> Service Tribunal, Peshawar</p>


21/10/2019 Since tour to D.I.Khan has been cancelled .To come for the same on 25/11/2019.


Reader


25.11.2019 Petitioner in person and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Muhammad Kamran, ADO for the respondents present. Implementation report not submitted. Representative of the department present in the court seeks adjournment. Case to come up for implementation report on 27.01.2020 before S.B at Camp Court D.I.Khan


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

27.01.2020 Clerk to counsel for the petitioner and Mr. Usman Ghani, District Attorney alongwith Mr. Muhammad Kamran, ADO (Litigation) for the respondents present. Implementation report not submitted. Representative of the department present in the court seeks adjournment. Adjourned to 24.02.2020 for implementation report before S.B at Camp Court D.I.Khan.


(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan

ATTESTED


Khalid Raza
Service Tribunal,
Peshawar

37

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

N

No. 510 /ST

Dated 03-03 2020

To


The Accountant General,
Government of Khyber Pakhtunkhwa,
Peshawar.

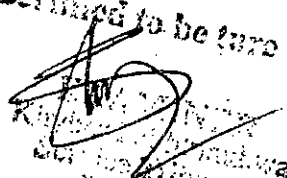
Subject: -

ORDER IN EXECUTION PETITION NO. 306/2019, MR. MUHAMMAD ISMAIL.

I am directed to forward herewith a certified copy of order dated 24.02.2020
passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

24.02.2020

Counsel for the petitioner and Mr. Muhammad Kamran,
ADO for the respondents present.

The respondent-department passed the impugned order of recovery of pay for the alleged absence period of 18.03.2013 to 11.03.2014 against the petitioner. After availing the departmental remedy, the petitioner filed the service appeal which was disposed of and the departmental authority i.e Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar was directed to probe into the matter regarding the absence of the petitioner with effect from 18.03.2013 to 11.03.2014 through inquiry with further direction to associate the petitioner and thereafter the departmental appeal of the petitioner be decided through speaking order within a period of 90 days from the date of receipt of this judgment and the same be also communicated to the petitioner vide judgment dated 26.12.2018 but the departmental authority has not decided the departmental appeal of the petitioner so far, therefore, salary of respondent No. 2 i.e Director Elementary & Secondary Education Govt. of Khyber Pakhtunkhwa Peshawar is attached till further orders. To come up for implementation report on 25.03.2020 before S.B at Camp Court D.I.Khan.

MA
(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan

ATTESTED

[Signature]
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 2525 /ST

Dated 18/08/2020

To

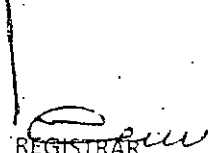
The Accountant General,
Government of Khyber Pakhtunkhwa,
Peshawar.

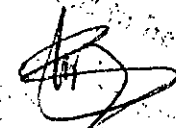
SUBJECT: -

ORDER IN E.P NO. 306/2019 MR. MUHAMMAD ISMAIL.

I am directed to forward herewith a certified copy of order dated 13.08.2020 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

Certified copy

REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

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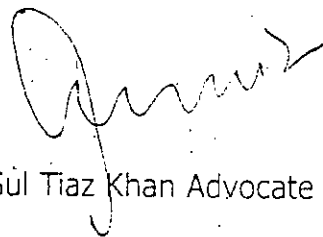
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Statement of Mr. Gul Tiaz Khan Advocate, learned counsel for petitioner on oath:

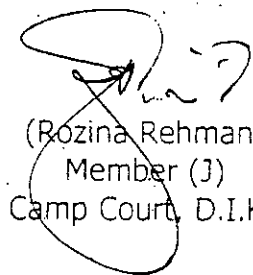
Stated that the order dated 30.07.2020 vide which departmental appeal of the deceased petitioner has been rejected came into my knowledge today in this Hon'ble Tribunal. The order dated 30.07.2020 has not been received by the legal heirs of the deceased petitioner till today. The order dated 30.07.2020 will be challenged by filing appeal before this Tribunal, if the legal heirs of deceased petitioner so desire. Therefore, I have no objection if the instant petition is consigned to the record room having been become infructuous.

R.O & A.C

Dated: 21.09.2020

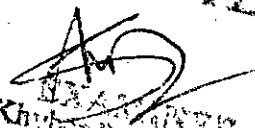


Gul Tiaz Khan Advocate



(Rozina Rehman)
Member (J)
Camp Court, D.I.Khan

ATTESTED


Khair Pakhtunkhwa
Service Trib.

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BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Execution Petition No. 306/2019

CMA No. _____/2019

Kyber Pakhtunkhwa
Service Tribunal

Diary No. 842

Dated 9-8-19

Muhammad Ismail Ex-PST Govt. Primary School Kifayat
Abad Korai Circle D.I.Khan (deceased through his legal
hair and sister Mst. Asmat Bibi D/O Saad Ullah Khan
R/O Lakhra P/O Ratta Kulachi Tehsil & Distt: D.I.Khan .

..... **Petitioner**

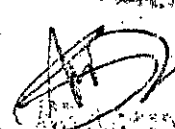
VERSUS

1. Govt: of KPK through Secretary Elementary &
Secondary Education Civil Secretariat Peshawar.
2. The Director Elementary & Secondary Education
Govt. of KPK Peshawar.
3. The District Education Officer (M) D.I.Khan.
4. The Sub Divisional Education Officer (M) D.I.Khan.
5. The Assistant Sub Divisional Education Officer (M)
Korai Circle, D.I.Khan. **Respondents**

**PETITION CONTAINING THE REQUEST FOR
IMPLEMENTATION OF JUDGMENT / ORDER OF THIS
LEARNED TRIBUNAL CAMP COURT D.I.KHAN DATED
26.12.2018 PASSED IN SERVICE APPEAL NO. 217/2015
TITLED AS "MUHAMMAD ISMAIL V/S GOVT. OF KPK
THROUGH SECRETARY EDUCATION AND OTHERS".**

Respected Sir,

1. That the Petitioner now dead was serving as PST (PTC) in
the Education Department D.I.Khan.

ATTESTED

OFFICER
Kyber Pakhtunkhwa
Service Tribunal
Peshawar

42

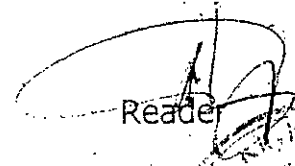
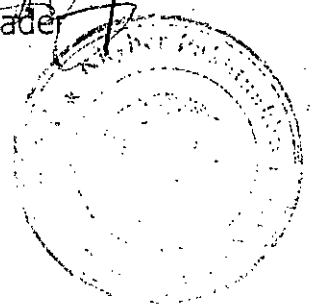
25/3/2020

Due to COVID-19 the case is adjourned. To come up for the same 20/4/2020 at Camp Court, D.I Khan

Reader 

20/4/2020

Due to COVID-19 the case is adjourned. To come up for the same 21/4/2020 at Camp Court, D.I Khan

Reader 


21.09.2020


Mr. Gul Tiaz Khan Advocate learned counsel for petitioner present.

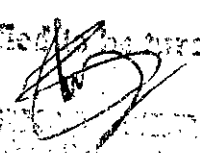
Mr. Muhammad Jan learned Deputy District Attorney for respondents present.

At the very outset a request was made by the learned counsel for petitioner to the effect that the rejection of departmental appeal came to his knowledge today and that after the death of the petitioner, rejection of his departmental appeal has not been brought into the knowledge of his legal heirs, to this effect his statement was recorded and his signature was obtained thereon.

In view of the statement of learned counsel for petitioner, the instant execution proceedings stand filed being infructuous. File be consigned to the record room.

Announced.
21.09.2020


(Rozina Rehman)
Member (J)
Camp Court, D.I. Khan

Certified true copy


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DIRECTORATE OF E&SE DEPARTMENT KHYBER PAKHTUNKHWA, PESHAWAR.

NOTIFICATION

- 1 Whereas, the appellant namely Muhammad Ismail GPS Kifayat Abad D I Khan was serving in the 1 & SE Department against the PST post in BPS 12 under the administrative authority of the District Education Officer (M) D I Khan/Respondent No-3 and was transferred on dated 18/3/2013 but remained absent from official duty w e f. 18/3/2013/ to 11/3/2014 without any formal leave sanction approval of the competent authority resulted in the issuance of an absence from duty notice under the signatures of the then SDEO (M) concerned with the directions for the resumption of duty by the appellant which he did not resume.
- 2 And whereas, in the meantime, the appellant has filed an application for his pre-mature retirement from service against the PST post which was sanctioned vide order No 5655-58/AE-V/PST (M) Dated 12/5/2014 accordingly along with the recovery of salaries of the absence from duty period w e f. 18/3/2013 to 11/03/2014
- 3 And whereas, aggrieved from the impugned order dated 12/5/2014, the appellant has filed a Departmental Appeal dated 01/06/2014 which was not decided within the prescribed period, hence, a Service Appeal No: 217/2015, on dated 26/12/2018 under case titled Muhammad Ismail Ex-PST GPS Kifayat Abad Korai D I Khan Vs Secretary E & SED & others before the Honorable Khyber Pakhtunkhwa, Service Tribunal, Peshawar for the grant of salaries and other allied service benefits from the Respondent Department against the said post which was decided vide judgement dated 26/12/2018 with the directions to the Respondent No.2 for the disposal of pending Departmental Appeal under reference being an appellate authority
- 4 And whereas, an execution petition No 306/2019 is also pending adjudication before the learned bench of the Honorable Service Tribunal for the implementation of the judgement dated 26/12/2018 under reference
- 5 And whereas, the Respondent No.2 has constituted an inquiry committee vide Notification dated 24/07/2020 who submitted Inquiry Report with the Recommendations that Departmental Appeal dated 01/06/2014 of the appellant be dismissed along with the recovery of salaries of the absence from duty period w e f. 18/3/2013 to 11/03/2014 from the appellant.


Now therefore, in compliance of the Judgment dated 26/12/2018 of the Khyber Pakhtunkhwa Service Tribunal Peshawar in the titled appeal & in Exercise of the Powers conferred upon the undersigned under U/S-21 of General Clauses Act 1897 as amended in 1956 & in a capacity of an Appellate Authority in the instant case, the Departmental Appeal dated 01/06/2014 of the appellant is hereby stand rejected by maintaining the impugned order dated 05/12/2014 of District Education Officer (M) D I Khan with immediate effect and in the interest of public service.

Director,
(E&SE) Department
Khyber Pakhtunkhwa, Peshawar.

29287
Endst No _____/DD(Lit) Muhammad Ismail D I Khan Dated Peshawar the 31. 7. 2020

Copy forwarded for information & n/action to the:-

- 1 Registrar Khyber Pakhtunkhwa, Service Tribunal, Peshawar
- 2 Addl. Advocate General Khyber Pakhtunkhwa, Service Tribunal, Peshawar
- 3 Dy: Director (Legal) local Directorate.
- 4 District Education Officer (M) D I Khan
- 5 Official concerned.
- 7 PA to Director local office


Deputy Director (E&SE)
(E&SE) Department, Khyber
Pakhtunkhwa, Peshawar

DIRECTORATE OF E&SE DEPARTMENT KHYBER PAKHTUNKHWA, PESHAWAR.**NOTIFICATION.**

1. **Whereas**, the appellant namely Muhammad Ismail GPS Kifayat Abad D.I.Khan was serving in the E & SE Department against the PST post in BPS-12 under the administrative authority of the District Education Officer (M) D.I.Khan/Respondent No.3 and was transferred on dated 18/3/2013 but remained absent from official duty w.e.f. 18/3/2013 to 11/3/2014 without any formal leave sanction approval of the competent authority resulted in the issuance of an absence from duty notice under the signatures of the then SDEO (M) concerned with the directions for the resumption of duty by the appellant which he did not resume.
2. **And whereas**, in the meantime, the appellant has filed an application for his pre-mature retirement from service against the PST post which was sanctioned vide order No.5655-58/AE-V/PST (M) Dated 12/5/2014 accordingly along with the recovery of salaries of the absence from duty period w.e.f. 18/3/2013 to 11/03/2014.
3. **And whereas**, aggrieved from the impugned order dated 12/5/2014, the appellant has filed a Departmental Appeal dated 01/06/2014 which was not decided within the prescribed period, hence, a Service Appeal No.217/2015, on dated 26/12/2018 under case titled Muhammad Ismail Ex-PSt GPS Kifayat Abad Korai D.I.Khan Vs Secretary E & SED & others before the Honorable Khyber Pakhtunkhwa, Service Tribunal, Peshawar for the grant of salaries and other allied service benefits from the Respondent Department against the said post which was decided vide judgment dated 26/12/2018 with the directions to the Respondent No.2 for the disposal of pending Departmental appeal under reference being an appellate authority.
4. **And whereas**, an execution petition No.306/2019 is also pending adjudication before the learned bench-I of the Honorable Service Tribunal for the implementation of the judgment dated 26/12/2018 under reference.
5. **And whereas**, the Respondent No.2 has constituted an inquiry committee vide Notification dated 24/07/2020 who submitted inquiry Report with the Recommendations that Departmental Appeal dated 01/06/2014 of the appellant be dismissed along with the recovery of salaries of the absence from duty period w.e.f. 18/3/2013 to 11/03/2014 from the appellant.

Now, therefore, in compliance of the judgment dated 26/12/2018 of the Khyber Pakhtunkhwa Service Tribunal Peshawar in the titled appeal & in Exercise of the Powers conferred upon the undersigned under U/S-21 of General Clauses Act, 1897 as amended in 1956 & in a capacity of an Appellate Authority in the instant case, the Departmental Appeal dated 01/06/2014 of the appellant is hereby stand rejected by maintaining the impugned order dated 05/12/2014 of District Education Officer (M) D.I.Khan with immediate effect and in the interest of public service.

Director
(E&SE) Department
Khyber Pakhtunkhwa, Peshawar.

Endst: No.29287DD(Lit:) Muhammad Ismail D.I.Khan

Dated Peshawar 30/7/2020

Copy forwarded for information & n/action to the:-

1. Registrar Khyber Pakhtunkhwa, Service Tribunal, Peshawar.
2. Addl: Advocate General Khyber Pakhtunkhwa, Service Tribunal, Peshawar.
3. Dy. Director (Legal) local Directorate.
4. District Education Officer (M) D.I.Khan
5. Official concerned.
6. PA to Director local office.


ATTESTED

Sd/-
Deputy Director (Estab:)
(E&SE) Department, Khyber
Pakhtunkhwa, Peshawar.

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خدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر صاحب (مردانہ) ڈیرہ اسماعیل خان

عنوان :- درخواست بمراد فراہمی دستاویزات نقول جناب عالی

خود باہم گزارش ہے کہ سائل کو برائے قانونی چارہ جوئی حسب ذیل دستاویزات کی حسب ضابطہ نقول درکار ہیں۔ دیتے جانے کے احکامات عنایت فرمائے جائیں۔

دریں بارہ حکومت خیبر پختونخواہ معلومات تک رسائی ایکٹ 2013ء کے تحت سائل کو حق حصول و انجناب کو ترمیم کے وسیع اختیارات حاصل ہیں۔

① درخواست فورم 12 خارج 2014ء برائے ریٹائرمنٹ ازاں من سائل۔

② رپورٹ غیر حاضری بہ سلسلہ من سائل ازاں منیر احمد ABDEO۔

③ نوٹ شیٹ ہائے فائل بہ سلسلہ پمشن من سائل۔

مورخ :- 23 اپریل 2014ء

Revised

العارض

سائل

23/4/14

mail

محمد اسماعیل خان سابق بی۔ این۔ بی ڈی
گورنمنٹ مکتب پرائمری سکول کفایت آباد
تعمیل و صلح ڈیرہ اسماعیل خان

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Handwritten scribbles at the bottom right.

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To

The Information Commissioner
Khyber Pakhtunkhwa, Peshawar

Subject:

**COMPLAINT UNDER KHYBER PAKHTUNKHWA
RIGHT TO INFORMATION ACT 2013 AGAINST DEO
EDUCATION DEPARTMENT D.I.KHAN FOR HIS
REFUSAL TO GIVE INFORMATION/DOCUMENTS**

Respected Sir,

With due respects, I submit that I served the Education Department, D.I.Khan as Primary School Teacher for about 28/29 years, posted at Govt Maktab Primary School, Kifayat Abad, D.I.Khan.

That owing my kidneys problem I applied for retirement w.e.f 12.03.2014 which application remained pending till date for the reason that in view of alleged absence report of one Mr. Zamir Ahmed, ASDEO, the learned Mr. Ziauddin, DEO was inclined to make deductions of salaries for a whole year.

I wished to agitate this unjust act before proper forum and thus on 23.04.2014 applied for copies of the documents adversely affecting my career, as admissible under the Khyber Pakhtunkhwa Right to Information Act 2013 which request of mine was turned down by the officer by saying " اس کی کاپی نہیں " Copy of the application is annexed herewith for ready reference please.

Complaint is thus submitted for appropriate action against the Schaunist Officer of the Education Department, D.I.Khan please.

Obediently yours

As mail 13/5/14
(Muhammad Ismail)
PST Nai Abadi
Ratta Kulachi, D.I.Khan
Cell No.0315-5639441

YUVU
30/5/14

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DB

46



Khyber Pakhtunkhwa Grievance Redressal System

Code : ED00182
Date : 28-04-2014
Priority: Normal

Education Department

To,
Secretary of Education

Complainant Information

Complainant Name: Ismail
Father Name:
NIC: 12101-4617363-9
Email: 03155639441
Email:
Gender: Male
Address: D I khan

Complaint Information

Department: Education
Directorate: Elementary and Secondary Education
District: D.I.Khan
Tehsil: DIKHAN
Union-council: Ratta Kulachi
Facility: Name:
Type:
Level:
Others: Government Primary School Kifayat Abad D I khan

Subject: Sanction Letter for Retirement

Against: EDI

Detail According to the complainant, he is a PST teacher and has submitted application for retirement on 12th March 2014 due to kidney disease. The approval was not sanctioned yet that the EDI complained to DEO that Muhammad Ismail has been absent for complete one year. However, he been regular to the duties and has been getting his salaries. His attendance is complete in register which has been checked and signed by the inspection officer. The EDI is asking for 50,000 as bribe from the complainant for issuing him green signal. The complainant is a poor man and has small ki in the house. He requested to provide him sanction letter so he can solve his problems.

Dated: 02 May, 2014

AD-II
Please send it to the DEO (M) & Dir Exes for report/return
[Signature]
5/5/14

✓ ✓ ✓ ✓ ✓

47

(Handwritten mark)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

Phone #: 091-9214062

No. EMIS/E&SE/1-18/GRS/182

Dated: 5/5/2014

To

The District Education Officer (Male), Dera Ismail Khan

Subject: Complaint no: ED00182, "Sanction Letter for Retirement"

I am directed to enclose herewith a subject complaint received vide the online Khyber Pakhtunkhwa Grievance Redressal System regarding your respective office/area for further necessary action at your end.

You are therefore requested to look into the matter on priority basis and submit compliance report within a week time positive for onward submission to the high-ups.

Spld

*Amir
DRO*

Yours Truly
(Signature)
(SANDAZIZ)

Assistant Director-EMIS

Enclosed: As Above

OFFICE OF THE DISTRICT EDUCATION OFFICER
Dera Ismail Khan
Date: 30 96
14-5

Copy forwarded to:-

Director, Elementary & Secondary Education Department

(Handwritten signature)
13/5/14

Assistant Director-EMIS

(Handwritten marks)



48

GOVERNMENT OF KHYBER PAKHTUNKHWA
RIGHT TO INFORMATION COMMISSION
7th Floor, Tasneem Plaza (Near Benevolent Fund
Building) 6th Saddar Road, Peshawar
Email: rticommission@gmail.com
Ph: 92-91-5277150

Dated: 16 May 2014

To

District Education Officer (male)

Dera Ismail Khan.

Supt (P)
ADDO (P)

[Handwritten signature]

[Handwritten initials]

SUBJECT: PROVISION OF INFORMATION UNDER RTI ACT 2013.

MEMO:

Enclosed please find a copy of complaint addressed to this commission by Muhammad Ismail PST on the subject noted above.

He had filed an application for information in respect of his pension as back as 23/4/2014 but the same has not been provided to him within the spirit of Section 7 of the RTI Act 2013. He has now filed a complaint under Section 23 of the said Act.

You are therefore directed to provide the said information to the requester within seven days of the receipt of this letter under intimation to this commission, failing which action under the said Law shall be initiated against you.

If you are of the opinion that the information requested is exempted under the Act, then forward your reasons to this commission before that date.

[Handwritten signature]

4275
29/5/2014

30/5/14

[Handwritten signature]

Abdul Matin
Information Commissioner

Copy to:

Muhammad Ismail Khan (Ex-PST Teacher)

Nai Abadi Ratta Kulachi D.I.Khan with reference to his complaint.

Dated: 13/5/2014



49

(Signature)

**OFFICE OF THE
SUB DIVISIONAL EDUCATION OFFICER (M)
DERA ISMAIL KHAN.**

No. 613

Dated 26/5 /2014

To

The District Education Officer
(Male) D.I.Khan

Subject: COMPLAINT No. ED 00182 "SANCTION LETTER FOR RETIREMENT"
Memo:

In response of complaint No. ED 00182, letter No. 2026 dated 24-05-2014.

The allegation imposed upon ASDEO concerned is baseless and based on sheer lie. Muhammad Ismail PST is an irresponsible and willful absentee. He has been found absent since 18/03/13 till date. He has applied for pension as the officer is an honest and dutiful person and can't allow playing with the future of our next generation. Muhammad Ismail has made his own teacher's attendance register and produced the same register on the day of inspection. The Inspection officer had been nominated by the DEO just for Annual Inspection and he had no clue about his absence. So he signed in that register which Muhammad Ismail has made in his own home. That register was not attested by the concerned SDEO/ASDEO and hence fake and fabricated one

So from the above, it is crystal clear that his allegations are baseless and based on lie as a reaction against ASDEO. The ASDEO is an honest and dutiful person.

He also compiled a case against the DEO in the Session court of D I Khan. Moreover, he had also threatened the concerned ASDEO several times. He is a vagabond and knave person.

NOTE: All the relevant proofs are attached with


*Relevant
to Howl
documents
proofs*


Syalt (D)
Chal 26/5/14
30/5/14

(Signature)
26/5/2014
SUBDIVISIONAL EDUCATION OFFICER
(MALE) DERA ISMAIL KHAN

4293
30-5

(Signature)

 **GUL TIAZ KHAN MARWAT**
 Advocate High Court
 N.I.C. 12-01-5311190-1
 No bc-11-2762



Muhammad Iqbal Khan
 27 Commission's Road, Govt Medical
 College, D.I. Khan, Faisalabad
 (0302) 22411
 (0302) 22412
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VAKALATNAMA

IN THE COURT OF Sarvice Tribunal KPK Peshawar
Muhammad Iqbal Khan
 VERSUS Govt of KPK BZ

Title Sarvice Appeal

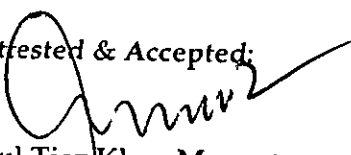
I/we MST: Asmat Bichi ER of Muhammad Iqbal Khan

The above named Appellant hereby appoint
 Gul Tiaz Khan Marwat Advocate High Court D.I.Khan, in the above mentioned case to all or
 any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this court/tribunal in which the same may be tried or heard or any other proceedings out of our connected therewith.
2. To sign and verify and file or withdraw all proceedings, petitions, appeals, affidavits, and applications for compromise or withdrawal, or for the submission to arbitration of the said case or any other documents, may be deemed necessary or advisable by them by the conduct, prosecution or defense of the said case at all its stages.
3. To receive payments of and issue receipts for all moneys that may be or become due and payable to us during the course on conclusion of the proceeding.
 To do all other acts and things, which may deemed necessary or advisable during the course of proceedings.
 AND hereby agree:
 - a. To ratify whatever advocates may do the proceedings.
 - b. Not to hold the advocates responsible if the said case be proceed ex-parte or dismissed in default in consequence of their absence from the court when it is called for hearing.
 - c. That the advocates shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains un-paid.
 - d. That advocates may be permitted to argue any other point at the time of arguments.

In witness whereof I/we have signed this vakalatnama here under the contents of which have been read/explained to me/us which is fully understood by me/us.

Date: 19/12/2020

Attested & Accepted:

 Gul Tiaz Khan Marwat
 Advocate High Court D.I.Khan (KPK)
 Cell No. 0300-9092488 / 0345-9853488

Signature of Executants (s)
 (MST: Asmat Bichi)