

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

Appeal No.250 of 2016

Date of Institution ... 17/03/2016

Date of Decision ... 25/11/2021

Muhammad Sohail Mushtaq S/o Muhammad Mushtaq R/O D.I.Khan  
 GPS Minafarm, D.I.Khan ... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary School and Literacy  
 Deptt and others ... (Respondents)

Present.

Mr. Abdur Rashid Khan,  
 Advocate ... For appellant.

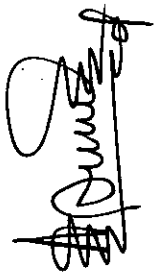
Mr. Noor Zaman Khattak,  
 District Attorney, ... For respondents.

MR AHMAD SULTAN TAREEN ... CHAIRMAN  
 MR. SALAH-UD-DIN, ... MEMBER(J)

JUDGMENT

AHMAD SULTAN TAREEN, CHAIRMAN:-The appellant named  
 above invoked the jurisdiction of this Tribunal through service appeal  
 described above in the heading with the prayer as follows:-

“On acceptance of instant appeal, the impugned orders  
 may kindly be set aside and the appellant may kindly be  
 restored and allowed to continue at his service with all  
 back benefits in the interest of justice and equity.  
 Moreover, the Honourable Tribunal may kindly grant any  
 other relief if deem fit.”



2. Briefly, facts of the appeal are that appellant was appointed as Chowkidar in GPS Mina Form vide order NO. 41123-26 dated 11/08/2006, that after arrival at the school; that he performed his duties as per satisfaction of his superiors and thereafter the respondent No. 10 vide adjustment/transfer order No. 3619-22 dated 28/04/2009 ordered him to serve at Education Office D.I Khan till further orders; that the show cause notice was issued by respondent No. 11 to which the appellant submitted reply and thereafter respondent No. 11 vide order No. 24548-54 dated 12/08/2015 issued the order of appellant's dismissal from service without hearing the appellant; that the appellant being aggrieved from the impugned order filed departmental appeal which was dismissed without hearing the appellant vide order No. 460 dated 22/02/2016. Hence, present appeal.

3. After admission of appeal for regular hearing, notices were given to the respondents who turned up and filed written reply with several legal and factual objections and requested for dismissal of appeal with costs.

4. We have heard the arguments and perused the record

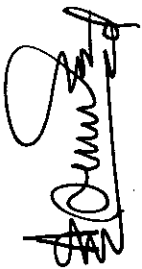
5. Learned counsel for the appellant argued that appellant was duly appointed as Chowkidar in GPS Mina Form; that after arrival at the school, the appellant performed his duties as per satisfaction of his superiors and thereafter the respondent No. 10 vide adjustment/transfer order No. 3619-22 dated 28/04/2009 ordered him



to serve at Education Office D.I Khan till further orders; that the show cause notice was wrongly issued by respondent reply whereof was submitted with reasonable grounds but the respondent No. 11 dismissed the appellant from service without affording him opportunity; that departmental appeal was filed which too was dismissed without hearing the appellant; that the impugned show cause notice was issued without any legal footing and without observing due process. While concluding his arguments, learned counsel submitted that impugned dismissal order and order of the appellate authority are wrong, perverse, arbitrary and against the facts and law, which are liable to be set aside and appeal is worth acceptance as prayed for.

6. Learned District Attorney while rebutting the arguments of learned counsel for the appellant stated that the appellant was dismissed on the ground of his absence from duty for more than 08 years being ghost employee, that the appellant was dismissed from service after conducting proper departmental inquiry and fulfilling all the codal formalities, that the appellant was dismissed from service on the solid ground of his absence from his official duty, that the appellant has illegally drawn a huge amount from the government. While concluding his arguments, he submitted that appeal liable to dismissed with costs.

7. It is an undisputed fact that the appellant was appointed as Chowkidar and was dismissed from service on the ground of willful



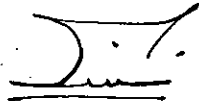
absence from duty. The case of the respondents against the appellant about his willful absence was reflected in the show cause notice dated 24.06.2015. Accordingly, the appellant was treated as willful absentee/absconder with effect from 11.08.2006 to 31.08.2014 (8 years, 11 months, 20 days) and having regularly received salary up to July 2014 and thus inflicted huge loss to the government exchequer. The reply of the show cause notice as per its copy annexed with appeal was given on 06.07.2015 within 15 days as required in the show cause notice. According to reply of the appellant to show cause notice, he stated that after his appointment as Chowkidar at Government Primary School Mina Form D.I.Khan, he was directed to perform duty in Office of the District Education Officer where he performed duty for many years. In the meantime, he was directed by order to go back for duty to school but immediately later on he was retained for duty in Education Directorate till further orders by former Executive District Education Officer Syed Feroz Shah and he performed his duty without any complaint and never remained absent from his duty. He submitted that he kept performing his duty as Chowkidar/Naib Qasid regularly under order of higher officers and requested for cancellation of the show cause notice. However, he was dismissed from service vide impugned order dated 12.08.2015 and he in his departmental appeal to higher authority i.e. respondent No. 2 reiterated similar stance as taken by him in the reply of show cause notice. He further stated that he had given reply of the show cause



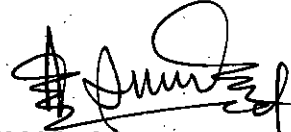
notice within stipulated time but he was victimized by the respondents. The respondents in their reply of the appeal advanced their defense version that the appellant remained absent and not performed his duty. Therefore, he committed misconduct, inefficiency, willful absence and was a ghost employee w.e.f 11.08.2008 to 31.08.2014 (8 years, 11 months and 20 days). Status of the appellant as ghost employee as mentioned in the written reply is beyond the scope of show cause notice. Respondents, even otherwise, in their reply to Para-1 of the appeal have not denied the appointment of the appellant and admitted the dismissal on the ground of willful absence from duty. The allegation of willful absence of the appellant from duty is still disputed as the appellant claims that he performed the duty throughout the period in the office of the District Education Officer vide order of high-ups. Unless this dispute is settled by fact finding enquiry, the stance of the respondents about willful absence of the appellant is not made out. The respondent No. 13 in his reply also added a new fact that the department has taken proper course of action against the accused (appellant) as he was not supposed to serve at residence of MPA or any other Civil Servant/EDO etc. whereas he was drawing his salary against the post of Chowkidar at GPS Mina Form D.I.Khan. With the given observations, the case is fit for denovo inquiry having regard to the disputed question mentioned before. Therefore this appeal is accepted and the appellant is reinstated for the purpose of denovo inquiry. Respondent No.2 i.e.

*Handwritten signature*

appellate authority is directed to conduct the denovo inquiry through proper inquiry officer/committee in light of the observations hereinabove. Parties are left to their own cost. File be consigned to record room.

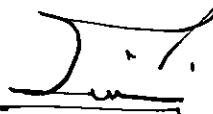



(SALAH-UD-DIN)  
Member(J)  
Camp Court D.I.Khan



(AHMAD SULTAN TAREEN)  
Chairman  
Camp court D.I.Khan

ANNOUNCED  
25.11.2021

S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	25.11.2021	<p><u>Present.</u></p> <p>Mr. Abdur Rashid Khan, ... For appellant Advocate</p> <p>Mr. Noor Zaman Khattak, ... For respondents. District Attorney</p> <p>Vide our detailed judgment, the appeal is accepted and the appellant is reinstated for the purpose of denovo inquiry. Respondent No. 2 i.e. appellate authority is directed to conduct the denovo inquiry through proper inquiry officer/committee in the light of observations given in para-7 of the judgment. Parties are left to bear their own costs. File be consigned to the record room.</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">             (SALAH-UD-DIN)            Member(J)            Camp Court D.I.Khan         </div> <div style="text-align: center;">             (AHMAD SULTAN TAREEN)            CHAIRMAN            Camp Court, D.I.Khan         </div> </div> <p><u>ANNOUNCED</u> 25.11.2021</p>

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

Om  
Read

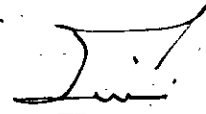
29.09.2021

Appellant in person present. Mr. Usman Ghani, District Attorney for the respondents present.

Appellant requested for adjournment on the ground that his counsel is busy in the august Peshawar High Court, D.I.Khan Bench. Adjourned. To come up for arguments before the D.B on 25.11.2021 at Camp Court D.I.Khan.



(ATIQ-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)  
CAMP COURT D.I.KHAN



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



23.02.2021

Petitioner present through counsel.

Muhammad Riaz Khan Paindakheil learned A.A.G for respondents present.

Arguments on application seeking restoration of appeal heard. Record perused.

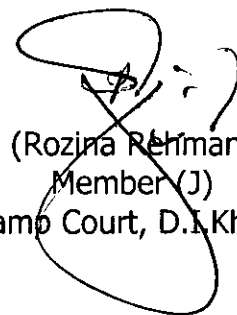
Application in hand was submitted seeking restoration of appeal which was dismissed in default vide order dated 27.11.2018. It was submitted on behalf of petitioner that before the date of dismissal in default of his appeal, two tours were canceled and then no notice was served upon the petitioner and his counsel therefore, petitioner was not in the knowledge of next date of hearing and that the absence of petitioner or his counsel was neither intentional nor deliberate.

Conversely, A.A.G submitted that the application seeking restoration of appeal being barred by time, may kindly be dismissed.

As per record, appeal was dismissed in default on 27.11.2018 while the instant application seeking restoration was filed on 31.01.2019. No doubt, application is time barred, however, record shows that tours were canceled on account of Covid-19 but record is silent in respect of issuance of any notice to the appellant and the petitioner submitted application the moment he came to know about the dismissal of his appeal in default. Even otherwise, law favors adjudication on merits and procedural technicalities should not be allowed to stand in the way of administration of justice. As such, by acceptance of instant application, appeal stands restored. It be properly registered and this application stands consigned to the record room, copy whereof be placed on original file. To come up for arguments in the main appeal on 25.05.2021 before D.B at Camp Court, D.I.Khan.



(Atiq ur Rehman Wazir)  
Member (E)  
Camp Court, D.I.Khan



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

22-10-18

Trial is hereby cancelled, therefore the case is adjourned for the same on 27-11-2018 at camp court D.I. Khan

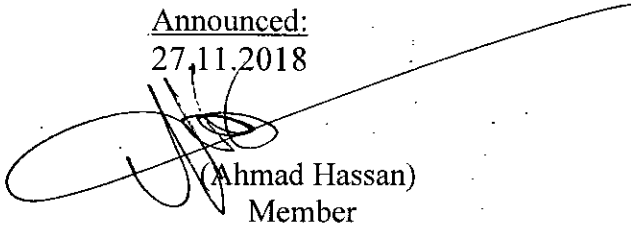


27.11.2018

Neither appellant nor his counsel present. Mr. Muhammad Kamran, ADO alongwith Usman Ghani, District Attorney for respondent present.

Case was called for several time but none appeared on behalf of the appellant nor the appellant was present in person, therefore, the present service appeal is dismissed in default for want of prosecution. File be consigned to the record room.

Announced:  
27.11.2018




(Ahmad Hassan)  
Member

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

13.03.2018

Appellant in person and Mr. Ziaullah, DDA. for the respondents present. Rejoinder submitted. To come up for arguments on 24.04.2018 before D.B. at camp court, D.I.Khan.

  
Member

  
Chairman  
Camp court, D.I.Khan

25.05.2018

Due to retirement of the worthy Chairman, the Tribunal is non-functional. To come up for the same on 21-6-18. Notices be issued to the parties accordingly.

  
Member

21.06.2018

Neither appellant nor his counsel present. Mr. Muhammad Kamran, ADO (Litigation) alongwith Mr. Usman Ghani District Attorney on behalf of the respondents present. Case to come up for further proceedings/arguments on 29.08.2018 before the D.B. at camp court, D.I.Khan.

  
Member

  
Chairman  
Camp Court, D.I.Khan

29.08.2018

Appellant in person Present. Mr. Kamran ADO for the respondents Present. Court is hereby cancelled, therefore the case is adjourned for the same on 22.10.18 at Camp Court D.I.Khan.



Service Appeal No. 250/2016

30.11.2017

Appellant in person present. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Muhammad Kamran, ADO (litigation) and Mr. Naveed Zafar, Assistant Account Officer for respondents No. 1, 2, 11 & 13 present. Written reply on behalf of respondents No. 1, 2 and 11 submitted. Representative of respondent No. 13 requested for adjournment for filing of written reply. Correct address of private respondent No. 14 also not submitted by learned counsel for the appellant despite direction. Last chance is given to learned counsel for the appellant for submission of correct address of private respondent No. 14. Adjourned. To come up for written reply/comments on behalf of respondents No. 3 to 10, 12 and 14 on 25.01.2018 before S.B at Camp Court D.I.Khan.

*MA*

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

25.01.2018

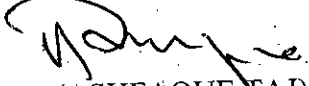
Appellant in person present. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Muhammad Kamran, ADO (litigation) and Mr. Naveed Zafar for respondents No. 1, 2, 11 & 13 present. Written reply on behalf of respondent No. 13 submitted. Written reply on behalf of respondents No. 1, 2 and 11 already submitted. None present on behalf of respondents No. 3 to 10, 12 & 14 nor written reply submitted therefore, respondents No. 3 to 10, 12 & 14 are proceeded ex-parte Adjourned. To come up for rejoinder and arguments on 13.03.2018 before D.B at Camp Court D.I.Khan.

*MA*

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


22.02.2017

Appellant in person and Mr. Muhammad Kamran, ADO alongwith Mr. Farhaj Sikandar, Government Pleader for respondents present. Representative of respondent No. 13 is not in attendance therefore, fresh notice be issued to respondent No. 13 for submission of written reply. Address of private respondent No. 14 is not correct. Appellant is directed to submit correct address of private respondent No. 14 on or before next date. To come up for further proceedings on 26.07.2017 before S.B at Camp Court D.I.Khan.

  
(ASHFAQUE TAJ)  
MEMBER  
Camp Court D.I.Khan

26.07.2017

Counsel for the appellant present. Mr. Naveed Zafar, Assistant Accounts Officer for respondent No. 13 alongwith Mr. Farhaj Sikandar, District Attorney for official respondents also present. Representatives of respondents No. 1 to 12 are not in attendance therefore, notice be issued to respondents No. 1 to 12 with the direction to direct the representative to attend the court on the next date positively. On previous date learned counsel for the appellant was also directed to submit correct address of private respondent No. 14 but the same was not submitted. Learned counsel for the appellant is once again directed to submit the correct address of private respondent No. 14 on the next date. Adjourned. To come up for written reply/comments on 29.11.2017 before S.B at Camp Court D.I.Khan.

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

24.05.2016

Counsel for the appellant present. Preliminary arguments heard and case file perused. Through the impugned order dated 12.08.2015 vide which the appellant was dismissed from service. Against the impugned order, appellant preferred departmental appeal which was also filed by the competent authority on 22.02.2016. Against the orders referred above, appellant filed the instant service appeal.

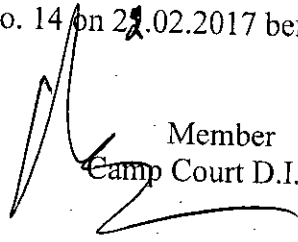
Since the matter in issue required further consideration of this Tribunal and the appeal of the appellant is within time, therefore, admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply. To come up for written reply/comments on 25.10.2016 before S.B at camp court D.I Khan.

Amount Deposited  
Security & Process Fee

  
Member  
Camp court D.I Khan

25.10.2016




Appellant with counsel and Mr. Muhammad Kamran, ADO alongwith Mr. Farhaj Sikandar, Government Pleader for official respondents No. 1 to 12 present. Written reply on behalf of official respondents No. 1 to 12 submitted. None present for official respondent No. 13 and private respondent No. 14. Fresh notice be issued to the said respondents. To come up for written reply/comments on behalf of official respondent No. 13 and private respondent No. 14 on 21.02.2017 before S.B at Camp Court D.I.Khan.

  
Member  
Camp Court D.I.Khan

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 250/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	17.03.2016	<p>The appeal of Mr. Muhammad Sohail Mushtaq presented today by Mr. Abdur Rashid Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2		<p>This case is entrusted to Touring S. Bench at D.I.Khan for preliminary hearing to be put up thereon <u>29-3-2016</u></p> <p> CHAIRMAN</p>
	28.3.2016	<p>None for the appellant present. Notices be issued to appellant and his counsel. To come up for preliminary hearing at camp court, D.I.Khan on <u>24.5.16</u>.</p> <p> MEMBER Camp court, D.I.Khan.</p>

BEFORE HON'BLE PROVINCIAL SERVICE TRIBUNEL PESHAWAR

Appeal no: 2450/2016

Muhammad Sohail Mushtaq Versus

Govt of KPK

I N D E X

S.No.	Particulars	Annexure	Page No.
1.	Grounds of Appeal & Affidavit	-	1-4
2.	Copy of appointment order & Service book	A, A/1	5, 6-10
3.	Copy of adjustment /transfer order No. 3619-22 dated. 28.4.2009	B	11
4.	Copy of show cause notice, its reply and impugned dismissal from service order	C/1 to C/3	12, 13 14, 15
5.	Copy of departmental appeal and impugned order order No. 460 dated: 22.2.2016	D, D/1	16, 17
6.	Copies of salary slips <del>of appointment order</del>	E to E/	18-26 <del>27</del>
7.	Vakalatnama	-	27

Appellant,

  
Muhammad Sohail Mushtaq  
Through Counsel

Dated: 07.3.2016

  
Abdur Rashid Khan  
Advocate Supreme Court of Pakistan



BEFORE HON'BLE PROVINCIAL SERVICE TRIBUNEL PESHAWAR

Appeal no. 250/2016

Muhammad Sohail Mushtaq  
S/O Muhammad Mushtaq  
R/O D.I.Khan Chowkidar, GPS Minafarm D.I.Khan.

Appellant  
A.W.F. Provincial  
Service Tribunal  
Diary No. 230  
17-3-2016

V E R S U S

- ✓ 1. Government of K.P.K through Secretary School & Literacy Dept:  
KPK Peshawar.
- ✓ 2. Director Elementary & Secondary Education, KPK Peshawar.
3. Additional Secretary School & Literacy Dept: KPK Peshawar..
4. Deputy Secretary School & Literacy Dept: KPK Peshawar.
5. Section Officer (SR-II) Finance Dept: KPK Peshawar.
6. Section Officer (Regulation-I) Establishment Dept: KPK Peshawar..
7. Deputy Director, (Estab) Elementary & Secondary Education .  
Khyber Pakhtun Khwa Peshawar.
8. Assistant Director, (Admn) Directorate of Elementary &  
Secondary Education Khyber Pakhtun Khwa Peshawar.
9. Section Officer (Primary) Khyber Pakhtun Khwa Peshawar.
- ✓ 10. Executive District Officer School & Literacy D.I.Khan.
- ✓ 11. District Education Officer Male D.I.Khan.-
- Ex-Parte 25/1/18 ← 12. SDEO District D.I.Khan.
- ✓ 13. District Account Officer D.I.Khan..
- Ex-Parte 25/1/18 ← 14. Gulshan Bibi PST GGPS No. D.I.Khan.

Respondents

~~SECRET~~  
~~CONFIDENTIAL~~  
APPEAL AGAINST THE IMPUGNED ORDER NO. 460/DD  
(ESTABLISHMENT)/MALE DATED: 22.02.2016 ISSUED BY  
RESPONDENT NO. 07 VIDE WHICH THE REPRESENTATION OF

17/3/2016

✓

THE APPELLANT REGARDING CANCELLATION OF  
IMPUGNED DISMISSAL FROM SERVICE HAS BEEN FILED.

Respectfully Sheweth: -

1. That the Appellant was appointed as Chowkidar in GPS Mina Farm vide order No. 41123-26 dated: 11.08.2006. Copy of order and service book are enclosed herewith as **Annexure "A", "A/1"**.
2. That after arrival at the school, the Appellant performed his duties as per satisfaction of his superiors and thereafter the Respondent No. 10 vide his adjustment /transfer order No. 3619-22 dated: 28.4.2009 ordered to serve at Education Office D.I.Khan till further order. Copy enclosed as **Annexure "B"**.
3. That the impugned show cause notice like a bullet from the blue sky issued by the Respondent No. 11 to the Appellant, for which the appellant submitted its reply and thereafter, the Respondent No. 11 vide his impugned order No. 24548-54 dated: 12.08.2015 order for dismissal from service, without hearing the Appellant in person or through any legal representative and further he has wrongly held that no reply of show cause notice has been received by him. In this respect it is submitted that the said show cause notice has properly been replied through its replication dated: 06.07.2015 addressed to the Respondent No. 11. Copy of show cause notice, its reply and impugned dismissal from service order are enclosed as **Annexure "C/1" to "C/3"**.
4. That feeling aggrieved from the impugned dismissal order, the Appellant submitted his departmental appeal/representation through proper channel, which was also dismissed without hearing the appellant vide impugned order No. 460 dated: 22.2.2016. Copy of departmental appeal and impugned order No. 460 dated: 22.2.2016 are enclosed as **Annexure "D", "D/1"**.
5. That feeling aggrieved from the impugned orders of Respondents, Appellant respectfully approaches this Hon'ble Tribunal for his redressal through instant petition.
6. That there was no willful absence of the appellant from service rather vide order of Respondent No. 10 for adjustment /transfer order No. 3619-22 dated: 28.4.2009 ordered the Appellant to serve at Education Office D.I.Khan till further order. Hence the Appellant has not served at GPS Meena Farm D.I.Khan but at Education Office D.I.Khan. Therefore the

impugned show cause notice was issued without any legal footing and hence liable to be cancelled. Moreover the Respondent No. 11 has also wrongly held in his impugned dismissal order of appellant that no reply was submitted by the Appellant regarding show cause notice. In this respect it is humbly submitted that a proper reply has been submitted by the Appellant to the Respondent No. 11 and hence without calling the record and hearing the appellant, the Respondent No. 11 has wrongly passed the impugned dismissal order liable to be set aside and the services of the Appellant are liable to be restored in the interest of justice and equity.

7. That as the Appellant has duly rendered his services hence he has been released his salary without any complaint in the entire service career. Copies of salary slips are enclosed as Annexure "E" to "E/ ".
8. That the Appellant has been treated in discriminatory manner and the Respondents have malafidly dismissed the Appellant without affording him an opportunity.
9. That the Counsel for the Appellant may kindly be allowed to take any other plea at the time of arguments.

**In wake of submissions made above it is respectfully prayed that by accepting this Appeal, the impugned orders may kindly be set aside and the Appellant may kindly be restored and allowed to continue at his service will all back benefits in the interest of justice and equity. Moreover the Hon'ble Tribunal may kindly grant any other relief if deem fit.**

Appellant,



**Muhammad Sohail Mushtaq**  
Through Counsel



**Abdur Rashid Khan**  
Advocate Supreme Court of Pakistan

Dated: 07.3.2016

4 ✓

**BEFORE HON'BLE PROVINCIAL SERVICE TRIBUNEL PESHAWAR**

**Muhammad Sohail Mushtaq** Versus

**Govt of KPK**

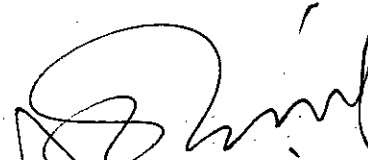
**AFFIDAVIT**

I, **Abdur Rashid Khan**, Advocate Supreme Court of Pakistan, Counsel for the Appellant, do hereby solemnly affirm and declare on oath that the contents of this Appeal, as disclosed by the Appellant to me, are true and correct to my best knowledge and belief and nothing has been concealed from this Hon'ble Court.



**Deponent**

Dated: 07.3.2016



**Abdur Rashid Khan**  
Advocate Supreme Court of Pakistan

**OFFICE OF THE EXECUTIVE DISTRICT OFFICER, (SCHOOLS & LIT.)**

**D.I.KHAN**

**APPOINTMENT ORDER:**

*Annexure 'A'  
Page 5*

As approved by the District Co-ordination Officer, D.I.Khan. Under the provision of Govt: of NWFP finance Deptt: No.B-1-22/94-99/FD Vol :II Dated 24/07/1999 read with Director Secondary Education NWFP Peshawar No.2644-2710/B-6/II-AB/Fixed dated 11/09/1999 and Govt: of NWFP Finance Deptt: No.SOV/FD/1-/2000-2001 (Admn:) Sap) dated 14/09/2000 with the Endst: of Director Secondary Education NWFP No.4692-4712/B&AO/ Fixed salary, dated 20/09/2000.

The following candidate are hereby appointed as Chowkidar on Contract basis in the School noted against their name on monthly wages @ Rs.3500/- PM. The following terms and conditions laid down by the Govt:of NWFP from time to time for the period of one year with effect from the date of taking over charge.

<u>S.No.</u>	<u>Name of Candidate</u>	<u>Name of School</u>	<u>Remarks</u>
1)	Muhammad Sohail Mushtaq S/O Muhammad Mushtaq Resident of D.I.Khan	GPS Mina Form	Vacant Post

**TERMS AND CONDITIONS**

1. The appointment of the above named Class-IV servant is made purely on temporary basis for the above proscribed period and without assurance of the further continuation.
2. No. pensioner benefits should be available and services will be terminated at any time without any notice/ reason.
3. The candidate should be produce Medical health & age certificate from the Medical Superintendent concerned.

Sd/-

EXECUTIVE DISTRICT OFFICER,  
(SCHOOLS & LITERACY) D.I.KHAN

Endst: No. 41123-26

Dated D.I.Khan the 11-08 /2006

Copy to the:-

1. Dy: District Officer (M/F) Primary D.I.Khan /Kulachi.
2. District Accounts Officer, Concerned.
3. Headmaster/Headmistress concerned.
4. Official concerned.

*Vda*  
EXECUTIVE DISTRICT OFFICER,  
(SCHOOLS & LITERACY) D.I.KHAN

Note:- The entries in this page should be renewed or re-attested at least every five years, and the Signature in lines 9 and 10 should be dated.

✓ ✓  
Annexure (A/1)  
Page 6

Name Muhammad Suhail Mushtaq

Race Rajpoot

Residence Moh. Mujahid Nagar Dera Ismail Khan


Father's name and residence Muhammad Mushtaq


Date of birth by Christian era or as nearly as can be ascertained 19-5-1983 (12101-0514928-1)


Exact height by measurement 5-5


Personal marks for identification A word mark on a head


Left hand thumb and finger impression of (non-gazetted Officer)

Little Finger 

Ring Finger 

Middle Finger 

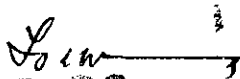
Fore Finger 

Thumb 

9. Signature of Government Servant 

Attested

10. Signature and Designation of the Head of the Office, or other Attesting Officer.

  
By: D.O  
(M) Pyl: D.J.M  
12

IMMOBILIZATION











✓ ✓

Annexum (B)  
Page (11)

**OFFICE OF THE EXACTIVE DISTRICT EDUCATION OFFICER**  
**SCHOOL & LITERACY D.I.KHAN**

**ORDER**

Mr. Muhammad Sohail Mushtaq Chowkidar Govt: Primary School Meena Farm Dera Ismail Khan is temporary ordered/Adjusted at Education Office D.I.Khan till further order in the interest of Public Service with imidiata effect.

**Note:** Charge report should be submitted to all concerned.

*sd -*  
**EXACTIVE DISTRICT OFFICER**  
**SCHOOL & LITERACY D.I.KHAN**

No. 3619-22 Dated: 28/4/2009

Copy to the:

1. Deputy District Edication Officer (~~Female~~) D.I.Khan.
2. District Account Officer Dera Ismail Khan.
3. Superident Local Office.
4. Chowkidar Concerned.

*Miss [Signature]*  
**EXACTIVE DISTRICT OFFICER**  
**SCHOOL & LITERACY D.I.KHAN**



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

✓  
Annexure 2  
Page 12

No. 22010 /DEO (Estab: ) Primary.

Dated 24/6 /2015

**SHOW CAUSE NOTICE**

I Muhammad Riaz Swati, District Education Officer (Male) Dera Ismail Khan as competent authority under the Khyber Pakhtunkhwa Government servants (Efficiency & discipline) rules, 2011, do hereby serve you Mr. Muhammad Sohail Mushtaq (Chowkidar) Govt: Primary School Tehsil & District DIKhan follows:

- You had remained wilful absent/absconder w.e.f **11.08.2006 to 31.08.2014** (08 year, 11 month, 20 days) and regularly received salary up to July 2014 and inflicting huge loss to the government exchequer as per findings/ report of inquiry Committee in pursuance to this office Endst No. 8327-30 dated 13/02/2015.
- There is no need of holding a formal enquiry in this case.
- In exercise of the power conferred by the Khyber Pakhtunkhwa, Govt: servant (Efficiency & Discipline) rules, 2011, the Competent Authority is hereby pleased to dispense with the conduct of a formal enquiry and serve you with the instant show cause notice regarding your misconduct and guilty of corruption with the direction to submit your defense in writing within 15 (Fifteen) days of the issuance of this notice as to why the major penalty of rule 4 (b) of the said rules should not be imposed upon you and also intimate whether you desire to be heard in person.
- In case you failed to submit your reply within the stipulated period, it will be presumed that you have no defense to offer and ex-parte decision will be taken against you.

  
COMPETENT AUTHORITY

Mr. Muhammad Sohail Mushtaq (Chowkidar)  
Govt: Primary School DIKhan

Endst: No. \_\_\_\_\_ /DEO(M)/Estb.(P)

**Copy of the above is forwarded to:**

- The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- The SDEO (M) DIKhan with the direction to serve the show cause to the concerned official and submit report regarding the amount received the accused as salary during the absent period.
- Official Concerned.

**District Education Officer (M)**  
**Dera Ismail Khan**

بخدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) ایلیمینٹری اینڈ  
سیکینڈری ایجوکیشن ڈیرہ اسماعیل خان

Page 13

عنوان: شوکاز نوٹس

جناب والا!

مؤدبانہ گزارش ہے کہ فدوی کے آرڈر نمبر 26-41123 مورخہ 11-08-2006 کو گورنمنٹ پرائمری سکول مینا فارم ڈیرہ اسماعیل خان میں چوکیدار کی پوسٹ پر آرڈر ہوئے تھے اور آرڈر ہونے کے بعد فدوی کو دفتر ایجوکیشن ڈیوٹی کرنے کو کہا گیا اور فدوی کئی سالوں سے دفتر ایجوکیشن میں اپنی ڈیوٹی ریگولر سرانجام دیتا رہا ہے۔ درمیان میں فدوی کو اپنے سکول میں واپس ڈیوٹی کرنے کا آرڈر ملا لیکن بعد میں فوراً ہی سابقہ ایگزیکٹو ڈسٹرکٹ ایجوکیشن آفیسر سید فروز شاہ کا تحریری آرڈر ملا کہ آپ ایجوکیشن ڈائریکٹریٹ میں تا حکم ثانی کام کرتے رہیں اور فدوی آج تک باقاعدگی سے اپنی ڈیوٹی سرانجام دے رہا ہے اور فدوی کی ڈیوٹی کے متعلق ابھی تک کسی کو گلہ یا شکوہ نہیں ہوا ہے اور فدوی کی اس دوران پیروی میں اپنی سرکاری ڈیوٹی سے کبھی بھی غیر حاضری نہیں ہوئی ہے اور چند دن پہلے فدوی کو ایجوکیشن دفتر کینٹ سے شوکاز نوٹس ملا جس میں 15 دن کے اندر اندر فدوی سے حاضری کے متعلق جواب طلبی کی گئی ہے۔ چونکہ فدوی ایجوکیشن دفتر میں افسران بالا کے حکم کے مطابق اپنی ڈیوٹی بطور چوکیدار / چپڑاسی دفتر ٹائم کے مطابق ریگولر اور بخوبی سرانجام دیتا رہا ہے۔

لہذا مہربانی فرما کر اور فدوی کے حال پر رحم کھا کر فدوی کی ڈیوٹی کے متعلق شوکاز نوٹس کینسل کیا جائے اور فدوی کو ایجوکیشن آفس میں ہی ریگولر ڈیوٹی کرنے کا آرڈر دیا جائے تاکہ فدوی اپنے فرائض بطور چوکیدار بخوبی سرانجام دے سکے۔

فدوی آپکا تا حیات مشکور و ممنون رہے گا۔

مورخہ: 06-07-2015

ارض

محمد سہیل مشتاق ولد محمد مشتاق

چوکیدار گورنمنٹ پرائمری سکول مینا فارم ڈیرہ اسماعیل خان



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

No. 934 /Show Cause

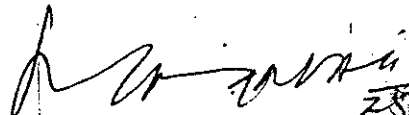
Dated D.I.Khan the 25 /06/2015

To

Mr. Muhammad Sohail Mushtaq (Chowkidar)  
GPS Dera Ismail Khan

Subject: SHOW CAUSE NOTICE  
R/Sir,

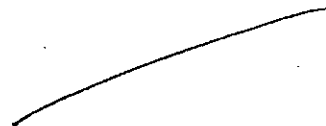
Enclosed please find herewith Show Cause Notice in original served to you  
by DEO (Male) D I Khan for urgent reply within stipulated period.

  
Sub Divisional Education Officer  
(Male) Dera Ismail Khan  
25/6/15

Endst: No. and date Even

Copy to the

1. District Education Officer (Male) Dera Ismail Khan w/r to his office  
No. 22010 dated 24/06/2015.

  
Sub Divisional Education Officer  
(Male) Dera Ismail Khan

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

Signature E/3,  
Page 15

ORDER

WHEREAS you Mr. Muhammad Sohail Mushtaq, (Chowkidar) Government Primary School of Tehsil & District DIKhan were proceeded for having committed the following gross irregularities which constitute inefficiency, misconduct and remained ghost employee / absconder from duty/wilful absent under rule 3 sub rules (a), (b) & (d) of the Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) rules, 2011.

AND WHEREAS you remained absent from duty w.e.f 11.08.2006 to 31.08.2014 (08 year 11 Month, 20 days) without any application/prior permission of the Competent Authority as per report of Sub Divisional Education Officer (Male) Dera Ismail Khan Vide his Letter No.598 dated 22.05 2014 and findings of inquiry committee in pursuance of this office Endstt: No. 8327-30 dated 13.02.2015.

AND WHEREAS you being ghost employee without any posting station illegally drawn nearly Rs.773920/- in connection with salary without performing any type of duties for the period of (11.08.2006 to 31.07.2014) as per report of Sub Divisional Education Officer (M) Dera Ismail Khan Vide his letter No.989 dated 09/07/2015.

AND WHEREAS a show cause notice was served upon you vide District Education officer (M) No. 22010 dated 24.06.2015 through Sub Divisional Education Officer (M) Dera Ismail Khan.

AND WHEREAS no reply received to this office within stipulated period and time.

AND WHEREAS an absence notice through daily "Express Peshawar" regarding your absence from duty was published on 26.07.2015, directing you to resume your duty within 15 (fifteen) days of publication of the said notice and intimate the cause of your absence failing which ex-parte decision would be taken against you under the E&D rules, 2011.

AND WHEREAS, the stipulated period of published notice has expired on 09.08.2015 and you have failed to resume your duties/appear in person before the competent authority within stipulated period/time.

NOW THEREFORE, the Competent Authority in exercise of the Power conferred upon him under Sub Rules-4-b (iv) of Khyber Pakhtunkhwa, Government Servant (Efficiency & Discipline) Rules-2011 is pleased to impose Major Penalty of "DISMISSAL FROM SERVICE" upon Mr. Muhammad Sohail Mushtaq, Chowkidar of Tehsil & District DIKhan being Ghost employee of E & SE Department with immediate effect.

*Sd*  
DISTRICT EDUCATION OFFICER  
(M) DERA ISMAIL KHAN

Endst: No. 24548-54 / DEO.Estab (P) Dated DIKhan the 12/8 /2015

Copy forwarded to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar with the request to initiate inquiry against those DDOs who unlawfully released salaries to a ghost official and inflicted huge loss to the government Exchequer.
2. Director Anticorruption Khyber Pakhtunkhwa Peshawar with the request to initiate proceeding to lodge FIR against Mr. Muhammad Sohail Mushtaq /DDOs who released salaries to the ghost employees without performing of any type of duties.
3. District Comptroller of Accounts Dera Ismail Khan
4. Sub Divisional Educational Officer (M) DIKhan with the remarks that entry regarding Dismissal from Service should be recorded in his service book.
5. All Sub Divisional Education Officers of District DIKhan
6. District Monitoring Officer DIKhan
7. Mr. Muhammad Sohail Mushtaq Chowkidar

*Sd*  
DISTRICT EDUCATION OFFICER  
(M) DERA ISMAIL KHAN



بخدمت جناب ڈائریکٹر صاحب ایلیمنٹری اینڈ سیکنڈری ایجوکیشن پشاور خیبر پختونخوا

عنوان: اپیل برخلاف شوکا ز نوٹس اڈس مس آرڈر

جناب والا! 16  
Annexure Page

مودبانہ گزارش ہے کہ فدوی کے آرڈر نمبر 26-41123 مورخہ 11-08-2006 کو گورنمنٹ پرائمری سکول مینا فارم ڈیرہ اسماعیل خان میں چوکیدار کی پوسٹ پر آرڈر ہوئے تھے اور آرڈر ہونے کے بعد فدوی کو دفتر ایجوکیشن ڈیوٹی کرنے کو کہا گیا اور فدوی کئی سالوں سے دفتر ایجوکیشن میں اپنی ڈیوٹی ریگولر سرانجام دیتا رہا ہے۔ درمیان میں فدوی کو اپنے سکول میں واپس ڈیوٹی کرنے کا آرڈر ملا لیکن بعد میں فوراً ہی سابقہ ایگزیکٹو ڈسٹرکٹ ایجوکیشن آفیسر سید فروز شاہ کا تحریری آرڈر ملا کہ آپ ایجوکیشن ڈائریکٹریٹ میں تاحکم ثانی کام کرتے رہیں اور فدوی آج تک باقاعدگی سے اپنی ڈیوٹی سرانجام دے رہا ہے اور فدوی کی ڈیوٹی کے متعلق ابھی تک کسی کو گلہ یا شکوہ نہیں ہوا ہے اور فدوی کی اس دوران پیریڈ میں اپنی سرکاری ڈیوٹی سے کبھی بھی غیر حاضری نہیں ہوئی ہے اور چند دن پہلے فدوی کو ایجوکیشن دفتر کینٹ سے شوکا ز نوٹس ملا جس میں 15 دن کے اندر اندر فدوی سے حاضری کے متعلق جواب طلبی کی گئی ہے۔ چونکہ فدوی ایجوکیشن دفتر میں افسران بالا کے حکم کے مطابق اپنی ڈیوٹی بطور چوکیدار اچڑ اسی دفتر ٹائم کے مطابق ریگولر اور بخوبی سرانجام دیتا رہا ہے۔ اور اب فدوی کو ایجوکیشن دفتر ڈیرہ اسماعیل خان سے چند دن پہلے نوکری سے ڈس مس آرڈر وصول ہوا ہے حالانکہ فدوی نے شوکا ز نوٹس کا جواب ایجوکیشن دفتر ڈیرہ میں مقررہ تاریخ کے اندر ہی جمع کرایا تھا۔ اس کے باوجود فدوی کو ذاتیات کی بنیاد پر انتقام کا نشانہ بنایا گیا ہے۔

لہذا مہربانی فرما کر اور فدوی کے حال پر رحم کھا کر فدوی کی ڈیوٹی کے متعلق شوکا ز نوٹس کینسل کیا جائے اور فدوی کو جو دفتر سے جو ڈس مس آرڈر ملے ہیں ان کو فوری طور پر کینسل کیا جائے اور فدوی کو ایجوکیشن آفس ڈیرہ میں ہی ریگولر ڈیوٹی کرنے کا آرڈر دیا جائے تاکہ فدوی اپنے فرائض بطور چوکیدار بخوبی سرانجام دے سکے۔  
فدوی آپ کا تاحیات مشکور و ممنون رہے گا۔

مورخہ: 22-08-2015

ارض

محمد سہیل مشتاق ولد محمد مشتاق

چوکیدار گورنمنٹ پرائمری سکول مینا فارم ڈیرہ اسماعیل خان

ADD (E)

24/8/15

DD (F/A)

24/8/15

✓  
Annexure 'e/i'  
Page (17)

Directorate of Elementary & Secondary  
Education Khyber Pakhtunkhwa, Peshawar  
No. 460 /DD(Establishment)/Male  
Dated Peshawar the 22/02/2016

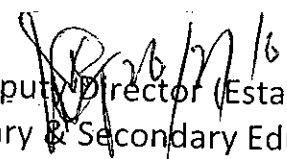
To

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

Subject APPEAL

I am directed to refer to your appeal No.Nil dated Nil on the subject cited above.

The appeal in respect of Muhammad Sohail Mushtaq Chowkidar Govt. Primary School, Meena Faram District D.I.Khan is hereby seen and file by the competent authority.

  
Deputy Director (Estab) <sup>nt</sup>  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

  
22/02/16

# وکالت نامہ

<p>کورت فیس</p>	<p>قیمت ایک روپیہ</p>
-----------------	---------------------------

بعدالت جناب سید سید محمد علی شاہ  
 منجانب سے  
سید سید محمد علی شاہ  
 دعویٰ یا جرم  
 تفصیل دعویٰ یا جرم

## باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے پیروی و جہاد ہی برائے پیشی یا تصفیہ مقدمہ بمقام محکمہ منور کیلئے

عمل کر رہا ہوں۔  
 کوسب ذیل شرائط پر وکیل مقرر کیا ہے، کہ میں ہر پیشی پر خود بذریعہ اختیار خاص رو برو عدالت حاضر ہوتا ہوں گا۔ اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر پیشی پر منتظر حاضر نہ ہوں۔ اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا۔ تو صاحب موصوف اسکے کسی طرح ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیروی کرنے کے ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیروی کرنے کے ذمہ دار نہ ہوں گے۔ اور مقدمہ صدر پکھری کے علاوہ اور جگہ ساعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر منتظر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا بخاند واپس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داخل صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ، یا جواب دعویٰ یا درخواست اجرائے ڈگری و نظر ثانی اپیل و ہجرت درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کرانے اور ہرجم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہرجم کے بیان دینے اور اس پر عاشر یا راضی نامہ فیصلہ بر حلف کرنے، اقبال دعویٰ کا بھی اختیار ہوگا۔ اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ بیرون از پکھری صدر بیروی مقدمہ مذکورہ نظر ثانی و اپیل و ہجرتی و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ یا درخواست حکم امتناعی یا قرق یا اگر قرقی قبل از فیصلہ اجرائے ڈگری بھی صاحب موصوف کو بشرط ادا جنگی علیحدہ بخاند بیروی کا اختیار ہوگا اور تمام ساختہ پر داخل صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزو کی کاروائی یا بصورت درخواست نظر ثانی اپیل یا ہجرتی یا دیگر معاملہ مقدمہ مذکورہ کسی دوسرے وکیل یا ہجرت کو اپنے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ ہر جائزہ التواء پڑیگا، وہ صاحب موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا کر دیں گے۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے۔ تاکہ سند ہے

مورخہ 12 مارچ 2016ء

مضمون وکالت نامہ سن لیا ہے۔ اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

العبد العبد العبد

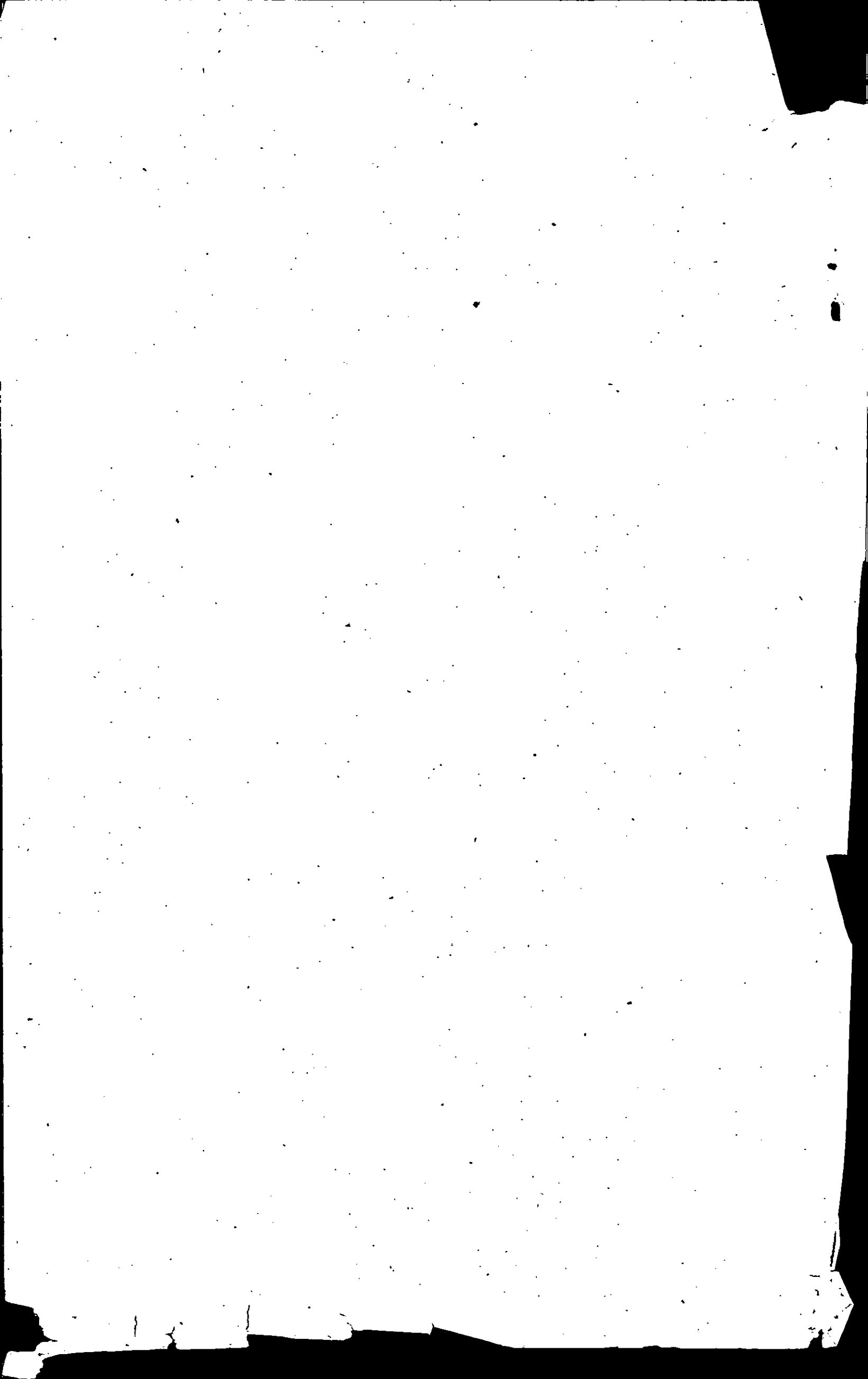
سید سید محمد علی شاہ

محمد بیل مشاف

Accepted

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BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

S. A. No. 250-16

Muhammad Sohail Mushtaq

VS

Government of KPK

JOINT COMMENTS ON BEHALF OF RESPONDENTS 1-12 

Preliminary Objections

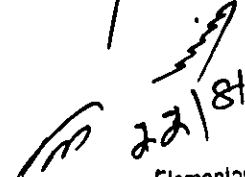
1. That the appellant has got no cause of action / locus standi to file the instant appeal.
2. That the appellant is estopped by his own conduct to file this appeal.
3. That the appellant has not come to the Honourable Tribunal with clean hands and has suppressed all relevant facts.
4. That the appeal is bad on account of mis-joinder / non-joinder of necessary parties.
5. That the appellant has concealed material facts from the Honourable Tribunal.
6. That the instant Service Appeal is badly time barred.
7. That the appeal is not maintainable and incompetent in the eyes of law in its present form.
8. That this Honourable Tribunal has got no jurisdiction to adjudicate upon the present service appeal.
9. That the instant Service Appeal is against the prevailing law and rules.
10. That the Appellant is not entitled for the relief he has sought form this Honourable Tribunal.
11. That the appellant was remained **absent** from his duty for period of **08Yr-11M-20Days**.
12. That the appellant has **illegally drawn salary Rs. 773920/-** without performing any duty.
13. That the instant Appeal is based on malafide intentions just to put extra pressure on the respondents for the gaining illegal service benefits.
14. That the Honourable Service Tribunal has no jurisdiction to entertain the instant appeal in present form.

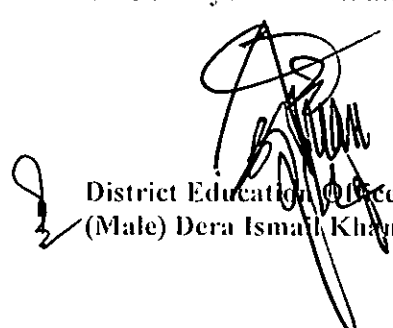
Objection on Facts

1. This para is pertains to the record and appointment of the appellant hence no comments and was dismissed on the ground of willful absent from duty.
2. This para is incorrect hence strongly denied. The appellant was remained absent and not performed his duties therefore he committed **misconduct, inefficiency, willful absence and ghost employce w.e.f 11-08-2006 to 31-08-2014 (8Yr-11M-20days)**.
3. Strongly denied. The appellant was absent from his duties. So the **proper Departmental Inquiry** was initiated against the appellant. A **Show Cause Notice No. 22010 dated 24-06-2015** was issued by the respondent No 11 to prove the allegations leveled against him but the appellant was badly failed to provide any reply of Show Cause notice within stipulated period. Whereas an absent notice through **News Paper Daily Express Peshawar** was published on **26-07-2015** directing appellant to reply the show cause notice. So the respondent No 11 has issued the order of the **Dismissal from Service** on sound and solid grounds. ( letter from the office of the SDEO and News paper cutting is annexed as annexure A1,A2)

4. Incorrect / not admitted. As the departmental appeal of the appellant was rejected by the competent authority due to unlawfully absent from the duty place. The appellant has also illegally drawn Rs. 773920/- in connection with salary without of performing any type of duties for the period of 8Yr-11M-20Days.
5. Incorrect, vehemently denied. The appellant is neither an aggrieved person nor entitled for any relief, mercy and supplication.
6. Refuted. The petitioner was willful absent from his duty place. The appellant was badly failed to prove his attendance at any school of district DIKhan as well as the office of the DEO(M) DIKhan. A proper departmental action / inquiry were initiated against the appellant by the competent authority. (Findings of the enquiry report are attached as annexure B).
7. Incorrect / not admitted. As discussed in para 4 of facts.
8. Strongly denied. The appellant was treated according to law, rules/policies and principles of natural justice and equity.
9. The Learned Counsel for the respondents may kindly be allowed to raise additional grounds at the time of arguments.

  
Secretary  
E&SE Khyber Pakhtunkhwa Peshawar

  
Director  
Elementary & Secondary Education  
E&SE Khyber Pakhtunkhwa Peshawar

  
District Education Officer  
(Male) Dera Ismail Khan

Vetted  
  
Govt. Pleader  
KPK Services Tribunal  
Camp Court D.I.Khan

No-528/QP

Dated:-19/08/2016

BEFORE THE HONOURABLE SERVICE TRIBUNAL DIKHAN BENCH

S. A. No. 250-16

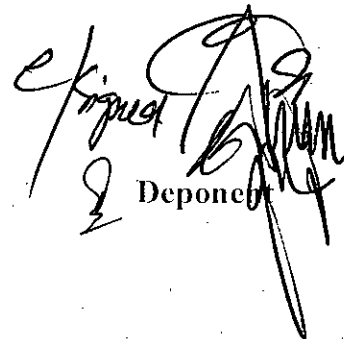
Muhammad Sohail Mushtaq

VS

Government of KPK

Affidavit

I Mr Muhammad Kamran Khan Legal Representative of District Education Officer (M) Dera Ismail Khan do hereby solemnly affirm and declared on oath that content and written reply of the of the above mentioned service appeal are correct to the best of my knowledge and nothing has been concealed from this Honourable Court.

  
Deponent

**BEFORE THE HONOURABLE SERVICE TRIBUNAL DIKHAN BENCH**

S. A. No. 250-16


Muhammad Sohail Mushtaq

VS

Government of KPK

**Authority**

I District Education Officer (M) do hereby authorized Mr Muhammad Kamran Khan Legal representative of District Education Office (Male) Dera Ismail Khan to attend the Honourable Service Tribunal Dera Ismail Khan Bench on our behalf in connection with submission of para wise comments till the decision of the service appeal.

  
District Education Officer  
(Male) Dera Ismail Khan





OFFICE OF THE  
SUB DIVISIONAL EDUCATION OFFICER (MALE)  
DERA ISMAIL KHAN

No. 934 /Show Cause

Dated D.I.Khan the 25 /06/2015

To

Mr. Muhammad Sohail Mushtaq (Chowkidar)  
GPS Dera Ismail Khan

Subject: SHOW CAUSE NOTICE  
R/Sir,

Enclosed please find herewith Show Cause Notice in original served to you  
by DEO (Male) D I Khan for urgent reply within stipulated period.

*Amir Khan (E/S)*  
*Page (14)*  
*[Signature]*  
28/6/15  
Sub Divisional Education Officer  
(Male) Dera Ismail Khan

Encls: No. and date Even

Copy to the

1. District Education Officer (Male) Dera Ismail Khan w/r to his office  
No. 22010 dated 24/06/2015.

*[Signature]*  
Sub Divisional Education Officer  
(Male) Dera Ismail Khan

### گرد و نواح

**عزیزانہ کے گھر میں گھبراہٹ**  
عزیزانہ کے گھر میں گھبراہٹ کی خبر پائی۔ عورتوں کی ایک گروپ نے گھر میں داخل ہو کر عورتوں کو ہراساں کیا۔ عورتوں نے پولیس کو اطلاع دیا۔ پولیس نے موقع پر پہنچ کر عورتوں کو بچا دیا۔

**پولیس کی پیش قدمی سے تین کابول بائیں اور ایشیا الملک**  
پولیس کی پیش قدمی سے تین کابول بائیں اور ایشیا الملک کو گرفتار کیا گیا۔ ان کے پاس دھماکہ خیز مواد پایا گیا۔

**تھریس فیروز حسرتی**  
تھریس فیروز حسرتی کی گرفتاری کی خبر پائی۔ ان کے پاس دھماکہ خیز مواد پایا گیا۔

**سعودی عربیہ**  
سعودی عربیہ کی خدمات فراہم کرنے والی کمپنی۔

**DAHLAWI RECRUITING**  
DAHLAWI RECRUITING کی خدمات فراہم کرنے والی کمپنی۔

**فوری ضرورت برائے قطر**  
فوری ضرورت برائے قطر کی خدمات فراہم کرنے والی کمپنی۔

**فوری ضرورت برائے سعودی عرب**  
فوری ضرورت برائے سعودی عرب کی خدمات فراہم کرنے والی کمپنی۔

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**Notice**  
A large handwritten notice with a signature and some text.

ڈیرہ سے شائع ہونے والا پہلا معلوماتی، تحقیقاتی اور معیاری صحافت کا علمبردار اخبار

Daily Dera News

روزنامہ  
ڈیرہ نیوز

چیف ایگزیکٹو: مصطفیٰ کمال  
ڈیرہ اسماعیل خان

جلد 1 جمعہ المبارک 3 شعبان 1436ھ 22 مئی 2015ء صفحہ 4 قیمت 6 روپے شمارہ 182  
Ph #: 0966-711155 E-Mail: deranews1@gmail.com

Amnuzer BD  
2/2

Annexure BD  
Two Leaves  $\frac{1}{2}$

☆ ذریعہ اسما عیسیٰ خان سے شائع ہونے والا پہلا گزٹ کیئر ایسٹات ٹوی راولپنڈی اخباری ☆

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روزانہ اخبار  
خبر - جدت کے ساتھ

میزان عیسیٰ خان

چیف ایڈیٹر  
محمد عیسیٰ خان

meezaneade12012@gmail.com  
http://www.meezaneadel.com

Registration No: 2523

جلد 4 | شمارہ 162 | 11 اپریل 2015ء | جاری 1436ھ | 26 جیت صفحات | 8 قیمت 10 روپے

## نوٹس غیر حاضری

محکمہ ایلمینٹری اینڈ سیکنڈری ایجوکیشن ڈیرہ اسماعیل خان کے مندرجہ ذیل ملازمین بغیر کسی اطلاع کے اپنی ڈیوٹی سے مسلسل غیر حاضر ہیں۔ جس کی بابت انہیں دیئے گئے شیڈول کے مطابق شو کا نوٹس جاری کئے گئے لیکن اس کے باوجود وہ اپنی ڈیوٹی پر حاضر ہونے میں ناکام رہے ہیں جن کی تفصیل بمعہ دورانیہ غیر حاضری حسب ذیل ہے۔

نمبر شمار	نام اہلہ	سکول کا نام	تاریخ غیر حاضری	تاریخ شو کا نوٹس بمعہ نمبر
1	صلاح الدین (PST)	گورنمنٹ پرائمری سکول ڈیرہ اسماعیل خان	01/09/1990 تاحال	ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) جنسی نمبر 77-21176 تاریخ 16/06/2015
2.	محمد عمران (PST)	گورنمنٹ پرائمری سکول ڈیرہ اسماعیل خان	12/06/2006 تاحال	ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) جنسی نمبر 83-21182 تاریخ 16/06/2015
3.	سکھتاق (chowkldar)	گورنمنٹ پرائمری سکول ڈیرہ اسماعیل خان	11/08/2006 تاحال	ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) جنسی نمبر 13-22011 تاریخ 24/06/2015
4.	بیگم (PST)	گورنمنٹ پرائمری سکول ہوک موہانہ کلاہی	01/05/2004 تاحال	ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) جنسی نمبر 1378 تاریخ 19/06/2015

مندرجہ بالا ملازمین کو بذریعہ ہذا اشتہار آگاہ کیا جاتا ہے۔ کہ آپ 15 دن کے اندر زبردستی کے دفتر پیش ہو کر اپنی غیر حاضری کی وجہ بیان کریں۔ بصورت دیگر کیوں نہ آپ کے خلاف خیبر پختونخوا گورنمنٹ سروسز (ایلیمنٹری اینڈ ڈیپن) آرڈر 2011 کے تحت ایک طرفہ کارروائی کرتے ہوئے آپ کو نوکری سے برخاست کر دیا جائے۔

محمد ریاض سواتی

ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ)، ڈیرہ اسماعیل خان

INF(P)3643

"SAY NO TO  
CORRUPTION"



AD E.O.

Handwritten signature/initials

From  
The Chairman,  
Inquiry Committee.

The District Educ. Officer (M),  
Dera Ismael Khan.

Subject: Inquiry Report against  
- Muhammed Sohail Mushtaq, Chowkidar

Reference Notification No. 8327-30 dt. 13/2/15  
issued from the office of the DEOCM D.Khan. An inquiry  
has been assigned to the undersigned. A detailed  
inquiry was held and findings of the inquiry are  
submitted in your worthy respect.

1. Muhammed Sohail Mushtaq was appointed  
as Chowkidar at G.P.S. Mina Farm by E.D.O.  
(School & Literacy) D.I. Khan vide No. 41123-26  
dt. 11/08/2006. (photo copy is attached).

The Service Book of the official had not  
been provided by the concerned office to the  
inquiry Committee.

2. The official appeared before the inquiry  
committee for personal hearing and he  
admitted that he did not perform his  
duties vis G.P.S. Mina Farm but got his monthly  
salary regularly from the Govt. Edu. Deptt.

معاونان اور جوڈیسیل افسر کی اطلاع  
- سید حسین

Contd.

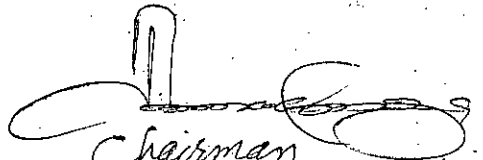
In personal hearing he revealed that he had rendered his services, as desired by Ex EDO (S/L) Syyed Feroz Hussain Shah, at the bungalow of Ex-Minister, Syyed Makhdoom Mureed Kazim and later on worked at the Bungalow of Syyed Feroz Hussain Shah Ex EDO (S/L) D.I. Khan. The official could not provide documentary proof in the support of his statement.

The official also deals in property but he does not perform his duties in any school. He gets published advertisement regarding his property dealing in Daily News papers (original cuttings) See Annexure B.D. Two Leaves

Findings i) C.P.S. Mina Farm does not exist in District D.I. Khan

ii) The official remained absent from the official duties and got his monthly salary regularly from the Govt. / Edu. Deptt;

His period of absence is Eight years, Eleven months and Twenty Days. ( Years Months Days  
08 11 20

  
Chairman  
Inquiry Committee

سرکار عالی (پاکستان) - محمد رسول خدا (ص) - 3 مارچ 2015

28/04/2015

8327-20 DEO (M) DEO

di-13-02-2015

نوٹ - درج ذیل سرکار (پاکستان) کے لیے درخواستیں -

1) ایسٹ - ڈائریکٹوریٹ کے لیے درخواستیں -

2) محمد علی خان کے لیے درخواستیں -

3) ایسٹ ڈائریکٹوریٹ کے لیے درخواستیں -

4) ڈیپوٹیشن کے لیے درخواستیں -

5) ایسٹ ڈائریکٹوریٹ کے لیے درخواستیں -

6) محمد علی خان کے لیے درخواستیں -

7) ڈیپوٹیشن کے لیے درخواستیں -

محمد علی خان

محمد علی خان

محمد علی خان

محمد علی خان

محمد علی خان

28/04/15



جواب نمبر 3

جواب نمبر 1: میرا نام محمد سید عتیق میرا والد کا نام محمد مشتاق احمد ہے

میرا قلمی کارڈ نمبر 1-4928-051-12101 ہے

2) میرے آرڈر قلمی قلم عتیق جو لیدر ہے (26-8-2006) کو بھجوا دیا گیا

3) جس میں سید صاحبی آرڈر ہے لیدر جو بھجوا دیا گیا ہے

4) آج کل اپنی ڈبوتی کھنی میں بھی میرا کارڈ ہے

5) میں نے ساری ملازمت رضی ہوئی ہے

6) میں قلمی قلم سے لے کر سبھی چیزیں جو لائی گئی ہیں 2014 میں لائی گئی ہیں۔ ان کے لیے سبھی چیزیں

7) میں نے سبھی چیزیں سناہ ماہ سے لے کر لے لی ہیں۔ ان کے لیے

محمد سید عتیق

28-4-2015

**BEFORE THE HONORABLE SERVICE TRIBUNAL(Camp) At DERA ISMAIL KHAN.**

**Appeal No. 250/2016.**

Muhammad Sohail Mushtaq S/O Muhammad Mushtaq Chowkidar, GPS Minafarm, D.I.Khan.

**(Appellant)**

**Versus**

1. Government of KPK through Secretary, School & Literacy Department, Peshawar.
2. Director, Elementary and Secondary Education Department, Peshawar.
3. Additional Secretary, School & Literacy Department, KPK, Peshawar.
4. Deputy Secretary, School & Literacy Department, KPK, Peshawar.
5. Section Officer (SR-II), Finance Department, KPK, Peshawar.
6. Section Officer (Regulation-1), Establishment Department, KPK, Peshawar.
7. Deputy Director, (EStab), Elementary & Secondary Education, KPK, Peshawar.
8. Assistant Director, (Admn), Directorate of E&SE, KPK, Peshawar.
9. Section Officer (Primary), KPK, Peshawar.
10. Executive District Officer (Elementary and Secondary Education), D.I.Khan.
11. District Education Officer, Male, D.I.Khan.
12. Sub Divisional Education Officer, District D.I.Khan.
13. District Account Officer, Dera Ismail Khan.
14. Gulshan Bibi PST, GGPS No. D.I.Khan.

**(Respondents)**

**Para wise Comments on behalf of Respondent No.13.**

**RESPECTFULL SHEWETH:-**

**Preliminary Objections.**

1. That the Appellant has got no cause of action against Respondent No.13.
2. That the Appellant has got no Locus Standi.

**Objection on Facts/Grounds.**

1. Needs no Comments by Respondent No. 13.
2. Does not relates to Respondent No.13.
3. Does not relates to Respondent No.13.
4. Does not relates to Respondent No.13.
5. Needs no Comments by Respondent No. 13.
6. Does not pertains to Respondent No.13.
7. Needs no Comments by Respondent No. 13.
8. Incorrect and not admitted as Department has taken proper course of action against accused as he was not supposed to serve at the Residence of "MPA" or any Other Civil Servant/EDO etc, whereas he was drawing his Salaries against the Post of "Chowkidar" at GPS Mina Farm, D.I.Khan.
9. Needs no Comments by Respondent No. 13.

In view of foregoing Comments/Replies, it is clearly evident that the bone of contention of Appellant is amongst Respondent No. 10, 11,12, and 2 and not with Respondent No. 13. It is, therefore, humbly prayed that the name of this Office may kindly be struck out from the panel of Respondents upon an enclosed Application under Order-1 of Rule-10 (2) of CPC-1908.

District Accounts Officer  
Dera Ismail Khan  
(Respondent No.13)

**BEFORE THE HONORABLE SERVICE TRIBUNAL(Camp) At DERA ISMAIL KHAN.**

**Appeal No. 250/2016.**

Muhammad Sohail Mushtaq S/O Muhammad Mushtaq Chowkidar, GPS Minafarm, D.I.Khan.  
**(Appellant)**

**Versus**

1. Government of KPK through Secretary, School & Literacy Department, Peshawar.
2. Director, Elementary and Secondary Education Department, Peshawar.
3. Additional Secretary, School & Literacy Department, KPK, Peshawar.
4. Deputy Secretary, School & Literacy Department, KPK, Peshawar.
5. Section Officer (SR-II), Finance Department, KPK, Peshawar.
6. Section Officer (Regulation-1), Establishment Department, KPK, Peshawar.
7. Deputy Director, (EStab), Elementary & Secondary Education, KPK, Peshawar.
8. Assistant Director, (Admn), Directorate of E&SE, KPK, Peshawar.
9. Section Officer (Primary), KPK, Peshawar.
10. Executive District Officer (Elementary and Secondary Education), D.I.Khan.
11. District Education Officer, Male, D.I.Khan.
12. Sub Divisional Education Officer, District D.I.Khan.
13. District Account Officer, Dera Ismail Khan.
14. Gulshan Bibi PST, GGPS No. D.I.Khan.

**(Respondents)**

**AFFIDAVIT**

I Mr. Naveed Zaffar Assistant Accounts Officer (B-17) of the Office of District Accounts Officer, Dera Ismail Khan do here by solemnly affirm and declare on Oath the content of the accompanying Para Wise Comments are true and correct to the best of my knowledge and belief that nothing has been concealed from this Honorable Court.

**IDENTIFIED BY**

**Additional Advocate General  
Peshawar High Court Bench  
Dera Ismail Khan**

**DEPONENT**



**(Naveed Zafar)  
Assistant Accounts Officer,  
On behalf of  
District Accounts Officer,  
Dera Ismail Khan  
Respondent No. (13)**

**BEFORE THE HONORABLE SERVICE TRIBUNAL(Camp) At DERA ISMAIL KHAN.**

**Appeal No. 250/2016.**

Muhammad Sohail Mushtaq S/O Muhammad Mushtaq Chowkidar, GPS Minafarm, D.I.Khan.  
**(Appellant)**

**Versus**

1. Government of KPK through Secretary, School & Literacy Department, Peshawar.
2. Director, Elementary and Secondary Education Department, Peshawar.
3. Additional Secretary, School & Literacy Department, KPK, Peshawar.
4. Deputy Secretary, School & Literacy Department, KPK, Peshawar.
5. Section Officer (SR-II), Finance Department, KPK, Peshawar.
6. Section Officer (Regulation-1), Establishment Department, KPK, Peshawar.
7. Deputy Director, (EStab), Elementary & Secondary Education, KPK, Peshawar.
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9. Section Officer (Primary), KPK, Peshawar.
10. Executive District Officer (Elementary and Secondary Education), D.I.Khan.
11. District Education Officer, Male, D.I.Khan.
12. Sub Divisional Education Officer, District D.I.Khan.
13. District Account Officer, Dera Ismail Khan.
14. Gulshan Bibi PST, GGPS No. D.I.Khan.

**(Respondents)**

**APPLICATION UNDER ORDER 1 RULE 10 (2) CPC, 1908 ON BEHALF OF RESPONDENT No. 13.**

**Respected Sir,**

The Applicant/Respondent No. 13, submits as under:-

1. That the instant Case is a Appeal in this learned Court and is fixed for, today.
2. That the bone of contention is amongst the Appellant and Respondents No.1to12 and the Applicant/Respondent No. 13 has no concern whatsoever with the instant list.
3. That the Appellant have wrongly arrayed the Applicant/Respondent No. 13 as party in the instant Service Appeal.
4. That the Applicant/Respondent No. 13 is Public functionary and have no concern with the private disputes of the parties to the Appeal. Therefore, it is quite legal to strike out their name from the panel of Respondents.
5. That this learned Court has got enough powers to strike out the names of the Applicant/Respondent No. 13 from the panel of Respondents.

Therefore, in the light of above mentioned facts, it is prayed that on acceptance of the instant Application the name of Applicant/Respondent No. 13 may graciously be struck out from the panel of Respondents.

Dated:     / 11 / 2017.

  
Applicant/Respondent No. 13.  
Through Representative.

**VERIFICATION**

It is verified this day, dated:     /     /    .

at D.I.Khan that all the contents of the instant application are correct to the best of my knowledge and belief nothing has been concealed from the this Honorable Court.

  
Applicant/Respondent No. 13.  
Through Representative.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR CAMPT COURT DERA ISMAIL KHAN**

In S.A No.250/2016

Muhammad Sohail Mushtaq, Versus Govt. Of KPK

**REJOINDER ON BEHALF OF APPELLANT**

Respectfully Sheweth;

Appellant humbly submits as under,

**REPLY TO PRELIMINARY OBJECTIONS;**

1. That appellant has got cause of action and locus standi to file the instant appeal.
2. That appellant is not stopped by his own conduct to file this appeal as the appellant was dismissed from service without giving the opportunity of hearing.
3. That the appellant has come to this honourable tribunal with clean hands.
4. The rule of misjoinder/nonjoinder is not applicable against the appellant.
5. The appellant has not concealed material facts from this learned tribunal.
6. The instant appeal is within time.
7. The appeal is maintainable in its present form.
8. The honourble service tribunal is proper forum to decide this appeal.
9. No limitation runs against the illegal orders.
10. The appellant is entitled for relief.
11. The appellant was performing his duties in DEO office and other places rather his school of posting.
12. The appellant has legally grant salaries in lieu of his duty.

13. The instant appeal is based on bona fide intension just to gain his original post and legal service benefits.

14. This learned tribunal has jurisdiction to entertain the present appeal.

**OBJECTION ON FACTS;**

- i. The appellant was illegally dismissed from duty.
- ii. As the appellant was Class-IV employee and was performing his duties in EDO Office upon the instructions of his high ups.
- iii. As the appellant was absent from his duty place and was working under the subordination of his high ups in main EDO Office, whereas the dismissal from service is only a cook and bull story. The appellant was dismissed from service due to mala fide intension of EDO (M) Dera Ismail Khan.
- iv. The departmental appeal was rejected without plausible justification.
- v. The appellant is entitled for mercy and supplication as he was only a class-IV and low paid employee.
- vi. There is no need of rejoinder as discussed above.
- vii. No limitation runs against the illegal orders.
- viii. The appellant was not treated according to law, E&D Rules 2011.
- ix. The learned counsel for the appellant may kindly be allowed to raise additional grounds at the time of arguments.

**It is therefore, humbly prayed that on acceptance of the appeal the appellant may kindly be reinstated with all back benefits.**

Dated 13/03/2018

  
Humble Appellant

**Sohail Mushtaq**

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

S. A. No. 250-16

Muhammad Sohail Mushtaq

VS

Government of KPK

JOINT COMMENTS ON BEHALF OF RESPONDENTS


Preliminary Objections


1. That the appellant has got no cause of action / locus standi to file the instant appeal.
2. That the appellant is estopped by his own conduct to file this appeal.
3. That the appellant has not come to the Honourable Tribunal with clean hands and has suppressed all relevant facts.
4. That the appeal is bad on account of mis-joinder / non-joinder of necessary parties.
5. That the appellant has concealed material facts from the Honourable Tribunal.
6. That the instant Service Appeal is badly time barred.
7. That the appeal is not maintainable and incompetent in the eyes of law in its present form.
8. That this Honourable Tribunal has got no jurisdiction to adjudicate upon the present service appeal.
9. That the instant Service Appeal is against the prevailing law and rules.
10. That the Appellant is not entitled for the relief he has sought from this Honourable Tribunal.
11. That the appellant was remained absent from his duty for period of 08Yr-11M-20Days.
12. That the appellant has illegally drawn salary Rs. 773920/- without performing any duty.
13. That the instant Appeal is based on malafide intentions just to put extra pressure on the respondents for the gaining illegal service benefits.
14. That the Honourable Service Tribunal has no jurisdiction to entertain the instant appeal in present form.

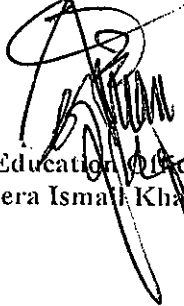
Objection on Facts

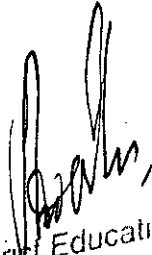
1. This para is pertains to the record and appointment of the appellant hence no comments and was dismissed on the ground of willful absent from duty.
2. This para is incorrect hence strongly denied. The appellant was remained absent and not performed his duties therefore he committed misconduct, inefficiency, willful absence and ghost employee w.e.f 11-08-2006 to 31-08-2014 (8Yr-11M-20days).
3. Strongly denied. The appellant was absent from his duties. So the proper Departmental Inquiry was initiated against the appellant. A Show Cause Notice No. 22010 dated 24-06-2015 was issued by the respondent No 11 to prove the allegations leveled against him but the appellant was badly failed to provide any reply of Show Cause notice within stipulated period. Whereas an absent notice through News Paper Daily Express Peshawar was published on 26-07-2015 directing appellant to reply the show cause notice. So the respondent No 11 has issued the order of the Dismissal from Service on sound and solid grounds. ( letter from the office of the SDEO and News paper cutting is annexed as annexure A1,A2)


4. Incorrect / not admitted. As the departmental appeal of the appellant was rejected by the competent authority due to unlawfully absent from the duty place. The appellant has also illegally drawn Rs. 773920/- in connection with salary without of performing any type of duties for the period of 8Yr-11M-20Days.
5. Incorrect, vehemently denied. The appellant is neither an aggrieved person nor entitled for any relief, mercy and supplication.
6. Refuted. The petitioner was willful absent from his duty place. The appellant was badly failed to prove his attendance at any school of district DIKhan as well as the office of the DEO(M) DIKhan. A proper departmental action / inquiry were initiated against the appellant by the competent authority. (Findings of the enquiry report are attached as annexure B).
7. Incorrect / not admitted. As discussed in para 4 of facts.
8. Strongly denied. The appellant was treated according to law, rules/policies and principles of natural justice and equity.
9. The Learned Counsel for the respondents may kindly be allowed to raise additional grounds at the time of arguments.

  
 Secretary  
 E&SE Khyber Pakhtunkhwa Peshawar  
 24/8/16

  
 Director  
 E&SE Khyber Pakhtunkhwa Peshawar  
 22/8/2016  
 Director  
 Elementary & Secondary Education  
 Khyber Pakhtunkhwa Peshawar

  
 District Education Officer  
 (Male) Dera Ismail Khan

  
 District Education Officer  
 (Male) Dera Ismail Khan  
 23/8/16

Vetted  
  
 Govt. Pleader  
 KPK Services Tribunal  
 Camp Court D.I.Khan

No-528/QP

Dated:-19/08/2016



BEFORE THE HONOURABLE SERVICE TRIBUNAL DIKHAN BENCH

S. A. No. 250-16

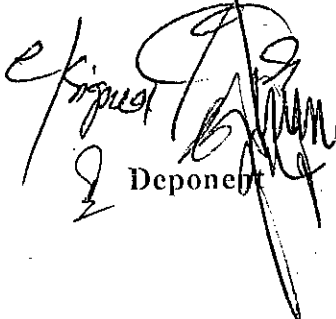
Muhammad Sohail Mushtaq

VS

Government of KPK

Affidavit

I Mr Muhammad Kamran Khan Legal Representative of District Education Officer (M) Dera Ismail Khan do hereby solemnly affirm and declared on oath that content and written reply of the of the above mentioned service appeal are correct to the best of my knowledge and nothing has been concealed from this Honourable Court.

  
Deponent

BEFORE THE HONOURABLE SERVICE TRIBUNAL DIKHAN BENCH

S. A. No. 250-16

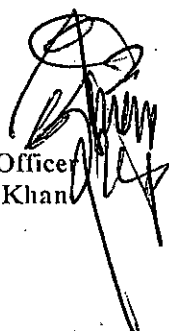
Muhammad Sohail Mushtaq .

VS

Government of KPK

Authority

I District Education Officer (M) do hereby authorized Mr Muhammad Kamran Khan Legal representative of District Education Office (Male) Dera Ismail Khan to attend the Honourable Service Tribunal Dera Ismail Khan Bench on our behalf in connection with submission of para wise comments till the decision of the service appeal.

  
District Education Officer  
(Male) Dera Ismail Khan

## نوٹس غیر حاضری

محکمہ ایلیمنٹری اینڈ سیکنڈری ایجوکیشن ڈیرہ اسماعیل خان کے مندرجہ ذیل ملازمین بغیر کسی اطلاع کے اپنی ڈیوٹی سے مسلسل غیر حاضر ہیں۔ جس کی بابت انہیں دیئے گئے شیڈول کے مطابق شوکاژ نوٹس جاری کئے گئے لیکن اس کے باوجود وہ اپنی ڈیوٹی پر حاضر ہونے میں ناکام رہے ہیں جن کی تفصیل بعد درانہ غیر حاضری حسب ذیل ہے۔

نمبر شمار	نام اہلہ	سکول کا نام	تاریخ غیر حاضری	تاریخ شوکاژ نوٹس بعد نمبر
1	صلاح الدین (PST)	گورنمنٹ پرائمری سکول ڈیرہ اسماعیل خان	01/09/1990 تاحال	ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) جنسی نمبر 77-21176 تاریخ 16/06/2015
2.	مورمان (PST)	گورنمنٹ پرائمری سکول ڈیرہ اسماعیل خان	12/06/2006 تاحال	ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) جنسی نمبر 83-21182 تاریخ 16/06/2015
3.	سکیل مہان (chowkidar)	گورنمنٹ پرائمری سکول ڈیرہ اسماعیل خان	11/08/2006 تاحال	ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) جنسی نمبر 13-22011 تاریخ 24/06/2015
4.	جی ٹی (PST)	گورنمنٹ پرائمری سکول ہموک مواندہ کلاچی	01/05/2004 تاحال	ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) جنسی نمبر 1378-21 تاریخ 19/06/2015

مندرجہ بالا ملازمین کو بذریعہ ہذا اشتہار آگاہ کیا جاتا ہے۔ کہ آپ 15 دن کے اندر زیر دستخطی کے دفتر پیش ہو کر اپنی غیر حاضری کی وجہ بیان کریں۔ بصورت دیگر کیوں نہ آپ کے خلاف خیبر پختونخواہ گورنمنٹ سروسز (ایلیمنٹری اینڈ سیکنڈری) رولز 2011 کے تحت ایک طرفہ کارروائی کرتے ہوئے آپ کو نوکری سے برخاست کر دیا جائے۔

محمد ریاض سواتی

ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ)، ڈیرہ اسماعیل خان

INF(P)3643

"SAY NO TO  
CORRUPTION"









(01)

(7)

From  
The Chairman,  
Inquiry Committee.

AD E.O. P

21/11/15

The District Educ. Officer (M),  
Dera Ismael Khan.

Subject: Inquiry Report against  
Muhammed Sohail Mushtaq, Chowkidar

Reference Notification No. 8327-30 dt. 13/2/15  
issued from the office of the DEOCM, Sukhan. An inquiry  
has been assigned to the undersigned. A detailed  
inquiry was held and findings of the inquiry are  
submitted in your worthy respect.

1. Muhammed Sohail Mushtaq was appointed  
as Chowkidar at G.P.S. Mina Farm by E.D.O.  
(School & Literacy) D.I. Khan vide No. 41123-26  
dt. 11/08/2006. (photo copy is attached).

The Service Book of the official had not  
been provided by the concerned office to the  
inquiry Committee.

2. The official appeared before the inquiry  
committee for personal hearing and he  
admitted that he did not perform his  
duties in G.P.S. Mina Farm but got his monthly  
salary regularly from the Govt. / Edu. Dept.

مستوفیٰ اور جوابی 18/11/15  
- سید حسین

Contd.

In personal hearing he revealed that he had rendered his services, as desired by Ex EDO (S/L) Syyed Feroz Hussain Shah, at the bungalow of Ex-Minister, Syyed Makhdoom Mureed Kazim and later on worked at the Bungalow of Syyed Feroz Hussain Shah Ex EDO (S/L) D Khan. The official could not provide documentary proof in the support of his statement.


The official also deals in property but he does not perform his duties in any school.

He gets published advertisement regarding his property dealing in daily Newspapers (Original cuttings) See Annexure B D Two Leaves

Findings i) C.P.S. Mina Farm does not exist in District D.I. Khan.

ii) The official remained absent from the official duties and got his monthly salary regularly from the Govt. / Edu. Deptt;

His period of absence is Eight years, Eleven months and Twenty Days. ( 08    11    20

  
Chairman  
Inquiry Committee





جواب نامہ بہادر ایجوکیشن (3)

جواب نامہ: میرا نام محمد سید عثمان میرے والد کا نام محمد مشتاق احمد ہے

میرا تینا ختی کارڈ نمبر 1-0514928-05101 ہے

(2) میرے آرڈر حکم نامہ تعلیم عینیت جو لیدار نے (2016-8-26) کو دی ہے

(3) جس نے سید صاحبزادی آرڈر کے لیے دستخط کیے ہیں وہ ہیں

(4) آج کل اپنی ڈیوٹی کسی میں بھی نہیں سر رہا ہے

(5) میں نے ساری عرصت رخصت ہیں

(6) میں حکم نامہ تعلیم سے باہر عدہ تنخواہ جولائی تک 2016 میں رہا ہے۔ اس کے لیے تنخواہ نہ وصول کی ہے

(7) میں نے خیر خواہ بنانے سے پہلے سے۔ ان کے گھر کو دی ہے

محمد سید عثمان

28-4-2015



**KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR**

No. 942 /ST

Dated: 15/4 /2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281  
Fax:- 091-9213262


To

The Director E&SE,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: JUDGMENT IN APPEAL NO. 250/2016 MUHAMMAD SOHAIL MUSHTAQ.

I am directed to forward herewith a certified copy of Judgement dated 25.01.2022 passed by this Tribunal on the above subject for compliance please.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR