

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

SERVICES APPEAL NO 2033/2023

Abid Ullah Chowkidar GGHS Amandi Gul Hassan Tehsil And
District Bannu.....Appellant.

V/s

Government of Khyber Pakhtunkhwa through Secretary (E&SE)
Education Department and
others.....Respondents

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Dated: ____/____/2023.


**SABIRA PARVEEN
DEO (FEMALE) BANNU**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.

Khyber Pakhtunkhwa
Service Tribunal

SERVICES APPEAL NO 2033/2023

Diary No. 10760

Date 24/11/24

Abid Ullah Chowkidar GGHS Amandi Gul Hassan Tehsil & District
 BannuAppellant.

V/s

Government of Khyber Pakhtunkhwa through Secretary (E&SE)
 Education Department and
 others Respondents

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

RESPECTFULLY SHEWETH:-

That the respondents from 1 to 3 submit as under:-

PRELIMINARY OBJECTIONS:-

1. That the present appellant was working as Chowkidar in GGHS Amandi Gul Hassan Bannu and then he remained absent from his duties for more than 3 months unauthorized and then after in a departmental appeal the competent authority has imposed a penalty of forfeited of his back service under E & D rules 2011 hence the present appeal is liable to be dismissed.
2. That the present Appeal of the Appellant is not maintainable in its present form.
3. That the Appellant has lodged the instant Appeal to waste the precious time of this Honorable Services Tribunal.
4. That the case of the Appellant is devoid of merit and having no legal force hence liable to set-aside.
5. That the appeal of the appellant is bad for non-joinder and miss-joinder of necessary parties.
6. That the instant appeal is barred by limitation and hence liable to set aside.

ON FACTS:

1. Para 1 of the appeal is related to the personal addresses and personal assertion of the appellant about his service history
2. Para 2 is incorrect and denied as the DEO (F) Bannu has conducted a proper inquiry and after that a letter was issued to FIA to know where about of the appellant where the said agency forwarded information to this department and it was revealed that the appellant was abroad without any prior permission of the competent authority. (Annex A and B)
3. Para 3 pertains to record.
4. Para 4 is incorrect.

GROUND

- A. Para A on ground of incorrect and denied as stated in the preceding Paras, the appellant has travelled abroad and remained absent unauthorizedly for more than 3 months for rest of the Para see Para 2 on facts.
- B. Para B is related to the personal whim and wishes of the appellant and such penalty was imposed by the competent authority.
- C. Para C is incorrect.
- D. Para D is incorrect and denied as this department has never violated any fundamental rights under provisions of the Constitution of Islamic Republic of Pakistan.

PRAYER:

In view of the above made submissions it is requested that this Honorable Services Tribunal may very graciously be please to dismiss the instant Service Appeal with heavy cost.



MASOOD AHMAD
SECTARY E&SE KP PESHAWAR
Respondent No.1



SABIRA PARVEEN
DISTRICT EDUCATION OFFICER
(FEMALE) BANNU
Respondent No.2



SAMINA ALTAF
DIRECTOR E&SE KP PESHAWAR
Respondent No.3




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**OFFICE OF THE DISTRICT EDUCATION OFFICER
MALE BANNU**

AUTHORITY

Certified that Mr. Baseer Ullah Khan Litigation of this Office is hereby authorized to submit this Para wise comments on behalf of under signed in connection with the Case titled as Mr. Abid Ullah Khan Vs Govt; in services appeal No 2033/2023.


**DISTRICT EDUCATION OFFICER
(FEMALE) BANNU**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.

SERVICES APPEAL NO 2033/2023

Abid Ullah Chowkidar GGHS Amandi Gul Hassan Tehsil And
District Bannu.....Appellant.

V/s

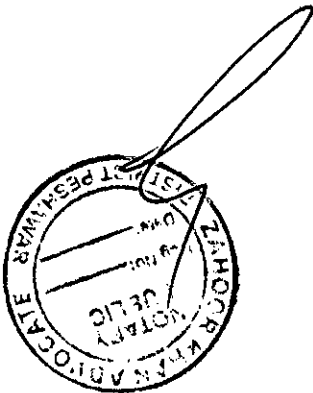
Government of Khyber Pakhtunkhwa through Secretary (E&SE)
Education Department and
others.....Respondents

AFFIDAVIT

I Mst Sabira Parveen do here by Certify that all the contents of these Para wise comments are true & correct to the best of my knowledge and nothing has been concealed from this Honorable Services Tribunal. It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-party nor their defense has been struck off.



SABIRA PARVEEN
DEO (FEMALE) BANNU
12101-0920467-0



Date: 06/07/23

Day: M T W T F S

Questionnaire for Noor Zeb J/K

GHS Amanda Gul Hassan

(i) آپ کا پورا نام اور Designation:

نور زب جوینیئر کلرک

(ii) آپ اس سکول میں کب سے تعینات ہیں؟

میں سب سے پہلے 7/3/2023 کو سکول آندا میں ٹرائی ٹیچر ہوا تھا

(iii) جوینیئر کلرک کے ساتھ ساتھ ایچ ای کی روزانہ حاضری ہوتی ہے

کیا ساتھ ساتھ ایچ ای کی حاضری ہوتی ہے۔

میں نے صرف عبدالرشید کے ساتھ ساتھ ایچ ای کی حاضری لیا ہے باقی کسی اور سکول میں

(iv) عبدالرشید جو کبھی آپ کے ساتھ کب نہ کرے تاکہ (ٹائم) ڈیوٹی

کرتا ہے اوقات درج کر دیں؟

عبدالرشید جو کبھی نہ میرے ساتھ ڈیوٹی نہیں کی تھی نہ وہ نائٹ ڈیوٹی کرتا تھا

(v) بارہ جون سے سکول حذا کی تعطیلات ہو گئی ہیں آپ اپنے حاضری

اور ایچ ای کی حاضری رجسٹر میں Entry کیا کرتی

ہوتی ہے۔

میں نے اپنے رجسٹر میں تو اس دن کو بھی لکھا ہے تاکہ جانے کہ آئیے اس کے بارے میں

(vi) باختر ذرا اب کے حوالے سے بتا ہے کہ جو کبھی عبدالرشید بیرون ملک

میں نے اس کے بارے میں آپ کو کیا نہیں ہے؟

میں نے اس بارے میں کوئی معلومات نہیں اور میرے شیڈول کے تحت دیکھ

(vii) جو کبھی عبدالرشید بیرون ملک 26/03 سے ہے۔ اگر یہ ایسا ہے تو

اس کی جگہ پر اجازت حاضری میں کون حاضری لگا رہا تھا؟

میں نے اس بارے میں کوئی information نہیں

Sabrina Parveen

DEO (F)

Barrani

06/07/23

Amanda

[Signature]

[Signature]

F S

(M)

P = 7

(M)

Date: 6/7/2023

Amadama

i. my full name is Noor Zeb and performing my duties as Junior clerk since April 2020.

ii. I have taken over charge in this school on 7/3/2023

iii. I perform my duties regularly and come to school around about 8:00 or some time late. I have seen every class in every day instead of Abid Ullah because he performs his duties at night

iv. Abid Ullah Chawkidar performs his duties at night.

v. I have made each entry regarding my presence in attendance register.

vi. I don't know that Mr. Abid Ullah Chawkidar has gone abroad and in this connection I can give you any surety if you wants.

vii. In this regard I have no information that who is record his attendance in our school attendance register.

Abid Ullah Chawkidar

6/7/23

Best Regards
Noor Zeb
Jr Clerk
Amadama
ul-Haq

(9)

(10)

Date: 06/07/23

Day: M T W T F S

Questionnaire For SST G.G.H.S Amandi
Incharge Mst. Rumana Khan.

(i) آپ اس سکول میں آج کی صبح کی (پنجراج کب سے ہیں؟

میں اس روزمانہ فان 01.06.2022 سے اس سکول کی پنجراج ہوں۔

(ii) آپ کو اس سکول کی DDO اٹھارہ کب دی گئی۔
01.06.2022 سے DDO بنی ہوں۔

(iii) چونکہ اللہ عبداللہ نے کوئی Ex-Pakistan یا Earned leave کے لیے
آپ سے کوئی درخواست دفتر کے Forward کرنا ہے؟ اگر
موتے ہاں میں ہے تو آفس گا کی فوٹو گا لیا گیا ہے؟
نہیں اس لئے مجھے کوئی درخواست نہیں دی ہے۔

(iv) باغیہ ذرائع سے معلوم ہوا ہے کہ یہ شخص بیرون ملک جا چکا ہے
کیا آپ کو اس کے بارے میں علم ہے؟
نہیں مجھے اس بارے میں کوئی علم نہیں ہے۔

(v) یہ چونکہ 26/03 سے بیرون ملک ہے یہ کیا اس کی تنخواہ
باقاعدہ طور پر نکل رہی ہے؟ Pay slip لیا گیا ہے؟
جی ہاں تنخواہ جاری ہے۔ Payroll سکول میں آگایا ہے۔

(vi) تعلیمات محکمہ کے بارے میں جان سے ہوئی ہے کیا آپ نے 17-18 کے لیے کوئی
تعمیرات کیے جا رہے ہیں۔ اگر ہیں تو فوٹو گا لیا گیا ہے؟

جی ہاں میں نے آرٹیکل میں
ان کے لیے ڈیوٹی ٹائمنگ لگائی
Sabira Parveen
DEO(F) Bannu
06/07/23

9c
06/07/2023

Attended
[Signature]

Date: 06/07/23

Day: M T W T F S

Questionnaire for Other teaching staff

G.G.H.S. Amandi Gul Hassan.

یہ کیا آپ سب شیجز یا فائدہ دہا پر یہ سکل آکر سکل حاصل کرچکے ہیں؟

ہاں

(ii) کیا ایچ-ایچ میں کسی خاصہ کی بھی آپ کے ساتھ حاصل کرچکے ہیں؟

ہاں

(iii) کیا ایچ-ایچ خود اپنی خاصہ لگاتے ہیں؟

ہاں

(iv) کیا ایچ-ایچ خود اپنی ڈیوٹی کرتے ہیں یا انہوں نے اپنے 'substitute' دیکھے ہیں؟

substitute (دیکھے ہیں)

(v) کیا جو کچھ عبادت سیکول خاصہ میں ریگولر رہتا ہے؟

ہاں

Sabira Parveen

DEO (F)

Bannu
06/07/23

Noor Shad
G.S.T. Jhelum

Noor
06-07-23

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S-D-M

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AHEAD

~~Handwritten signature~~



(E) Annex-B P-10

OFFICE OF THE DISTRICT EDUCATION OFFICER FEMALE BANNU
ELEMANTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA
Address: out side mirvan gate Banu city.
PH. 0928-66009



To

The Director FIA

Subject: **Request for Information on Abidullah Khan Chowkidar - Employee**

Verification

Honorable Director FIA,


It is stated that verification of Mr. Abidullah Khan Chowkidar at GGHS AMANDI GUL HASAN bearing CNIC No.1110141472725 .DEO requires information regarding Mr. ABIDULLAH KHAN current residency status and whether he is present in the country or has traveled abroad.

I kindly request the Federal Investigation Agency to provide any available records or details pertaining to Mr. Abidullah Khan Chowkidar's current location and residency status. If he is currently in the country, it is essential for the DEO to obtain information regarding his activities, employment status, or any other relevant details related to his position within the education department.

Please find below the details for your reference:

S No.	Name	Designation	CNIC No.	DOB	Address
1	ABID ULLAH KHAN	Chowkidar	1110141472725	28/02/1989	P/O AMANDI GUL HASAN , SHEKH AMIR DIST BANNU


DISTRICT EDUCATION OFFICER (F)
BANNU

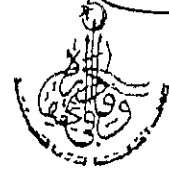
Attended


502

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SAY NO TO CORRUPTION

OFFICE OF THE DIRECTOR
FEDERAL INVESTIGATION AGENCY
KHYBER PAKHTUNKHWA
PHASE-V, HAYATABAD PESHAWAR
PH: 091-9217801, FAX: 091-9217813



No. FIA/KPK/Travel History/2023/33871-72

Dated: 18-07-2023

To
The District Education Officer (F),
Bannu.

1752
21/7/23

Subject: REQUEST FOR INFORMATION ON ABID ULLAH KHAN CHOWKIDAR EMPLOYEE VERIFICATION.

Reference to your office letter No. 7069 DATED 06.07.2023 on the subject noted above.

2. Enclosed find herewith the requisite travelling history provided by the office of Addl. Director FIA AHTC, Peshawar vide diary No. 1655 dated 10.07.2023 in respect of Abid Ullah Khan bearing CNIC No. 11101-4147272-5 is forwarded for your perusal and further necessary action.

3. *This issues with the approval of Director FIA KP, Peshawar.*

(Encl: As above)

(Signature)
(QAMAR ZAMAN)

Deputy Director / Admn
FIA Khyber Pakhtunkhwa Peshawar

CC to:-

The Addl. Director FIA AHTC, Peshawar.


*D.A. Pbi
check out the
record of the
appointment
official and
report and
DSTs with
DPO (F) submit
for further process.
21/7/2023*

(Signature)

M.A

FEDERAL INVESTIGATION AGENCY
 INTEGRATED BORDER MANAGEMENT SYSTEM
 HADIG-04 PESHAWAR MCH, ISLAMABAD
 Fax No: 051-9262176, Tel No: 051-9107219
R-11 (TRAVEL HISTORY (IBMS))

P-12



TRAVEL HISTORY FOUND ON: 1110141472775
 Remarks Nil
 Copy Number Nil

Department: NIL
 Request Date: 10-Jul-2023

Query No: NIL
 Query Date: 10-Jul-2023

2

TRAVELLER'S CNIC/IC
 1110141472775

PERSONAL INFORMATION:

NAME: AHMADULLAH KHAN
 HUSBAND NAME: KHAN HAMID ULLAH

BIRTH DATE: 28-FEB-1983
 NATIONALITY: Pakistan

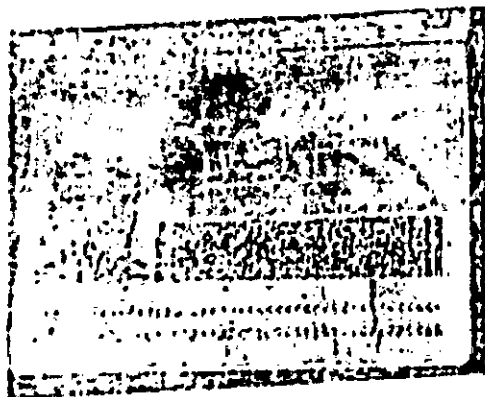


TRAVEL DETAILS:

SERIAL	TRAVEL DATE	FLIGHT NO	STATUS
1	10-Jul-23	71414	departing

PASSPORT NO: RM11277
 SITE: JINNAH INTERNATIONAL AIRPORT KARACHI

USER	DESTINATION	REMARKS
ALI MATULLA HIMALK	MYS - MALAYSIA	NM



Handwritten signature
Handwritten initials

CHECKED BY: _____

NOT FOR COURT USE

P-13

5



OFFICE OF THE DISTRICT EDUCATION OFFICER FEMALEBANNU

Phone: 0928-660019

Email=deo.femalebannu@gmail.com

NOTIFICATION:

1. WHEREAS you, **Mr. Abid Ullah Khan (Chowkidar) GGHS Amandi Gul Hassan Bannu** was proceeded for having committed the following grass irregularities which constituted inefficiency and misconduct under rule-3 sub rule (a), (b) of the Khyber Pakhtunkhwa Efficiency and Discipline Rule 2011.
2. AND WHEREAS you were reported absent and proxy by Education Monitoring Authority Bannu.
3. AND WHEREAS as per FIA statement currently you are residing in abroad (Malaysia).

Now therefore, the competent authority in exercise of the power conferred upon me under sub rule 4-b sub-section (III) and 9 of the Khyber Pakhtunkhwa Efficiency and Discipline rules 2011 is pleased to impose the Major Penalty of "Removal from Service" upon **Mr. Abid Ullah Khan (Chowkidar) GGHS Amandi Gul Hassan Bannu**.

District Education Officer (F)
District Bannu #

No:

7173-77

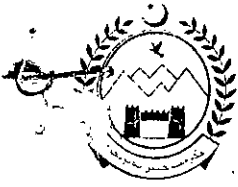
Copy to the:

Dated Bannu the

10/07/2023

1. Director E&SE Khyber Pakhtunkhwa, Peshawar
2. DMO EMA Bannu.
3. District Account Officer, Bannu
4. Headmistress **GGHS Amandi Gul Hassan Bannu**.
5. **Mr. Abid Ullah Khan (Chowkidar) GGHS Amandi Gul Hassan Bannu**.

District Education Officer (F)
District Bannu #



P-14

**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.**
Phone: 091-9225344 Email: ddadmn.es@gmail.com

NOTIFICATION.

1. **WHEREAS**, Mr. Abid Ullah Ex-Chowkidar GGHS Amandi Gul Hassan Bannu was removed from service by the competent authority (DEO) Female Bannu vide office order No. 7173-77 dated 10-07-2023 under E&D Rules-2011 due to charge of absenteeism from school duty 26-03-2023 without prior permission.
2. **AND WHEREAS**, Mr. Abid Ullah Ex-Chowkidar GGHS Amandi Gul Hassan Bannu was abroad during his absence period 26-03-2023 to 10-07-2023 (travel history attached).
3. **AND WHEREAS**, Mr. Abid Ullah Ex-Chowkidar GGHS Amandi Gul Hassan Bannu logged a departmental appeal to the worthy Director E&SE against the DEO (F) Bannu office Notification No. 7173-77 dated 10-07-2023 vide this office dairy No. 378 dated 08-08-2023.
4. **AND WHEREAS**, the DEO (F) Bannu submitted detail report/comments in the case of Mr. Abid Ullah Ex-Chowkidar GGHS Amandi Gul Hassan Bannu vide this office diary No. 1296 dated 29-08-2023.
5. **AND WHEREAS**, an inquiry committee was constituted under the chairmanship of Deputy Director (F&A) and the appellatant was called upon for personal hearing on 29-08-2023 vide this office letter No. 2971-79 dated 25-08-2023.
6. **AND WHEREAS**, the inquiry committee submitted their recommendations to this office.
7. **Now therefore**, the Director E&SE Khyber Pakhtunkhwa Peshawar, the Appellate Authority, under rules 17 (1) (2) (C) of E&D Rules-2011 decides to **re-instate Mr. Abid Ullah Ex-Chowkidar GGHS Amandi Gul Hassan Bannu into service with immediate effect, and all the service rendered before absence from duty is hereby forfeited**, under Part-1 (14) (C) of Government of Khyber Pakhtunkhwa pension Rules and orders 2006.

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 4954-59 /F.No./A-20/C-IV/Abid Ali/Chowkidar/Bannu

Dated Peshawar the 12/09/2023

Copy of the above is forwarded for information and n/action to the:-

- 1- District Education Officer (Female) Bannu.
- 2- District Accounts Officer concerned.
- 3- Principal/Headmistress. GGHS Amandi Gul Hassan Bannu
- 4- Appellant concerned.
- 5- PA to the Director E&SE Khyber Pakhtunkhwa Peshawar.

ANSND

[Signature]

Assistant Director (ADMN)

Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar

[Signature]
12/9/23

12/9/23

16/12/2023
2047
16/09/2023