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### BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR

### Appeal NO. 2611/2023

Muhammad Asad Khan Computer Operator.....Appellant

Versus

Government of Khyber Pakhtunkhwa through Secretary

(E&SED) Peshawar and others \_\_\_\_\_\_ Respondents.

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REHANA YASMEEN
District Education Officer (F)
Battagram
Respondent No. 93.

2-2-24

## BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 2611/2023

Mr. Asad Khan Computer Operator ..... Appellant

Versus

Government of Khyber Pakhtunkhwa through Secretary (E&SED) Peshawar and others ...... Respondents

### **AFFIDAVIT**

I Rehana Yasmin District Education Officer Female Battagram do hereby solemnly affirm and declare on the oath that the contents of the instant para wise comments are true and correct to the best of my knowledge and belief. It is further stated on the oath that in this appeal the answering Respondent neither been placed Ex-parte nor their defense has been struck off/cost.

01 FEB 2024

ATTESTED

PUBLIC A Poshawa

Rehana Yasmin Abbasi

**District Education Officer (F)** 

**Battagram** 



### BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR

### Appeal NO. 2611/2023

Mr. Asad Khan Computer Operator.....Appellant

### .....Appenan

Diary No. 10938

Dated 1-2-24

#### Versus

Government of Khyber Pakhtunkhwa through Secretary (E&SED) Peshawar and others \_\_\_\_\_\_ Respondents.

Para-wise comments /reply on behalf of Respondent No. 3

### **Respectfully Sheweth:**

### **Preliminary Objections:**

- 1. That the appellant has no cause of action/ locus standi to file the present appeal.
- 2. That the appellant has concealed the material facts from the honorable court.
- 3. That the appellant has not come to this honorable Service Tribunal with clean hands.
- 4. That the appellant has filed the instant appeal on malafide grounds.
- 5. That the appeal is against the prevailing law /rules!
- 6. That the appellant is estopped by his own conduct to file the instant appeal.
- 7. That the instant appeal is not maintainable in its present circumstances of the issue.
- 8. That the instant appeal bearing no cause of action may be dismissed without any further proceedings.

### **ON FACTS**

Correct to the extent that the appellant has been serving in the respondents department as computer operator but he has never performed his duties with devotion, commitment and dedication rather he has always been found non-serious, non-professional, non-committed and involved in anti-institutional activities and not fit for female offices. He has never performed even touched his official responsibilities and has come to the office just for marking his attendance in the daily attendance register and then disappeared.

3

He being too much problematic in nature is also involved in fraudulent activities as he has produced fake and bogus copy of departmental appeal in another appeal bearing No. 1860/2023 which is pending adjudication before this honorable court which was got verified from Directorate of Elementary & Secondary Education vide this office letter No. 3369 Dated 19.10.2023 and the Director has declared it fake and bogus vide his office letter No. 889 Dated 30.11.2023. Copies attached as annexure "AB&C" respectively.

This is also on record that the appellant and his other colleagues have been in severe tussle with the Ex- DEO (F) Battagram and as a result she also relieved him from office and consequently FIRs was lodged in the local police station Battagram against them and later on some of them entered in to a written agreement with express provision of the term "shameful" and commitment that in future we will not repeat such act with female officers with the exception of appellant who is still same and want to satisfy his willful and problematic nature. Copy attached as annexure "D,E & F".

He has been transferred from DEO (F) office to DEO (M) office Battagram due to his willful and problematic nature which is his home district, same department and same designation and situated at 5 to 10 minutes walking distance from his home but he is reluctant to join DEO (M) office and interested in female offices.

- 2. Correct.
- 3. Incorrect as this was not versus transfer but merely adjustment due to non-availability of vacant post of computer operator in the office of the DEO (F) Battagram and also due to his problematic and wilful nature.
- 4. Incorrect as the appellant has neither been regular and punctual nor performed his duties and in-spite of all these the undersigned adjusted him against the post of Assistant Programmer BPS-17 in own pay scale as there was/is no vacant post of computer operator (BPS-16) in the office of the DEO (F) Battagram and source II in this regard duly signed by the District Education Officer (F) Battagram was handed over to him for getting his

salary released by the District Accounts Officer Battagram but he was reluctant to get his salary activated against the post of AP and filed an appeal to the provincial Ombudsman who has also very kindly ordered him to join DEO (Male) office Battagram which is his parents department, home district and original post situated at a 10 minutes walking distance from his residence but he is still reluctant to join male office and interested in female offices due to his ulterior motives being not fit for female offices and filed the instant appeal before this honourable service tribunal. Copy of adjustment order and source II are attached herewith as annexure "G&H"

5. Incorrect as there was no vacant post of computer Operator in the office of the DEO (F) Battagram and he was got adjusted at DEO (M) office Battagram vide DEO (F) Battagram letter No. 2616 Dated 29.08.2023. Copy attached as annexure "I"

respectively.

6. The appellant was adjusted at DEO (M) office Battagram due to non-availability of vacant post in DEO F) office Battagram and consequently relieved from this office on 13.09.2023 but he did not join DEO (M) office till date and has neither been at the strength of DEO (F) nor DEO (M) Battagram. He is wasting the precious time of this honourable court as well as all concerned offices and this is an evident proof of his non-obedience and willfulness that being transferred from DEO (F) office to DEO (M) Office Battagram and consequently relieved from DEO (F) office Battagram has reportedly not yet assumed his duties at DEO (M) office Battagram without any legal justification.

### **GROUNDS.**

a. That this was not a versus transfer but merely adjustment due to non-availability of vacant post of computer operator in the office of the DEO Battagram and his problematic and willful nature.

- b. That the order has been made in the larger interest of the office as stated vide para "a" above.
- c. That no extraneous consideration is involved and the appellant has badly failed to provide documentary proof in support of his contention.
- d. That the appellant is wasting precious time of this honourable court as well as all concerned offices and this is an evident proof of his non-obedience and willfulness that being transferred from DEO (F) office to DEO (M)

  Office Battagram and consequently relieved from DEO (F) office

  Battagram he has not yet assumed his duties at DEO (M) office Battagram without any legal justification and comes to DEO (F) office Battagram for drawing pictures in or outside the office building with one officer/official or the other.
- e. No comments.

It is therefore humbly prayed that on acceptance of above para wise comments, the appeal of the appellant may graciously be dismissed as he is neither entitled for the grant of salary on the basis of "No work no Pay" nor fit for female offices with direction to join DEO (M) office Battagram situated at a 10 minutes walking distance from his residence against his original vacant post as there is no vacant post of computer operator in the office of the DEO (F) Battagram.

Rehana Yasmin.

District Education Officer (F)

Battagram

Respondent No. 03

Annex A

The Hoporable Director Elementary and secondary Education KP PASKAWA

subject: - Releve of Pay / with drest office order

is stated with great venocation that I was R/six.

tronsformed by vide letter No 6352-56 deted: 10-01-2023. which was with shown your good office order NO 1332-34. deted: 20-01-2023. However the concerned DEOCF) Battagram has not been released my Salary Since

62-01-2023 (6 mm/h) with out any reason. I have submitted application to all availed concerned time

and to release my salary but all in varn. Forthum despite to release my salary the concerned DEO

(F) Battagiam locally transferred / ed Just me against

the wrong Post of Assistant Programmer (BPS-17) which is beyond has capacity in order to passue

900 d'office order No. 2706-10 datadre 5-5-2013

Therefore you are revuested to write draw the

office order NO 2706-10 dated - 5-5-2023 and also direct the concerned DEG(F) Battalism for release my salary

on the Post of computer operator BPS-16 SING

01-01-2023 Please 1820/1 Money

Tranking you mul

muhammed Ased Ichem computer operator BPS-16

DEOCF) Bettagram

Dated: - 61-66-2023

Attested

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OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) BATTAGRAM (Phone # 0997-310460) E-mail: <a href="mailto:demisfbattagram@yahoo.com">demisfbattagram@yahoo.com</a>

NO. 3369

Dated Battagram the 19/10/2023

The Director

Directorate of Elementary & Secondary Education

Peshawar.

Subject:-

PRE-ADMISSION NOTICE ISSUED BY THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR WHILE FIXING THE APPEAL OF MR. ASAD

COMPUTOR OPERATOR FOR HEARING ON 26.10.2023 BEARING NO. 1860

Memo:-

Kindly refer to the above cited subject and to state that the honourable service tribunal Khyber Pakhtunkhwa Peshawar has issued a preadmission notice to the undersigned while fixing the appeal of Mr. Asad Ex-Computer Operator of this office for hearing on 26.10.2023 on the basis of departmental appeal addressed to your office with the contention that the same has not been decided within the stipulated period of 90 days which is enclosed herewith with the request to please confirm its authenticity or otherwise from the record of your office as there seems no dairy/despatch No or any other authentic marks of your office on its body and return to this office at the earliest convenience being court matter please.

Enstt: No. 3370-71,

District Education Officer (Female) Battagram.

Battagram the \_\_/\_\_\_\_/10.2023

Copy forwarded for information and n/a to the:-

1. Registrar Khyber Pakhtunkhwa Service Tribunal at Peshawat.

2. PS to Secretary to Govtt: of Khyber Pakhtunkhwa (E&SED) Peshawar.

District Education Officer (Female) Battagram,

attacked of



## FMN EXUTE OF FLET BY & SEC





DIRECTORATE OF ELEI A. ARY & SECONDARY EDUCATION (1) O.C. KHYBER PAKHTUNKHWA PESHAWAR.

No 884 /F.No. A-23/MS/Battagram

Dated Peshawar the 30 | 19 Email: ddadmn.ese@gmail.com

/2023

Phone: 091-9225344

Τo

District Education officer (Female)

Battagram.

Subject:

PRE-ADMISSION NOTICE ISSUED BY THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHA PESHAWAR WHILE FIXING THE APPEAL OF MR. ASADD COMPUTER OPERATOR FOR THE HEARING

ON 26/10/2023 BEARING NO. 1860.

Memo:

I am directed to refer to your letter No.3369 dated 19-10-2023 on the subject cited above and to inform you that no appeal received on file to this office, as claimed by the concerned computer operator.

Assistant Director (Admn)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst; No. \_\_\_\_\_/

Copy forwarded to the: -

- 1. Registrar Khyber Pakhtunkhwa Service Tribunal at Peshawar.
- 2. P.S to Secretary, Govt; of KP (E&SE) Peshawar.
- 3. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 4. Master File.

Assistant Director (Admn)

Directorate E& Secondary Education Khyber Pakhtunkhwa, Peshawar

D:\Admn\Irshad Ali\MS\Appeal Rejected\PRE-ADMISSION NOTICE 2023.doc

Attisted 10



### OFFICE OF THE

Annexure

## DISTRICT EDUCATION OFFICER (FEMALE)

(Phone # 0997-310460)

E-mail: demisfbattagram@yahoo.com

NO. 1786/ DATED: 31/07/2021

#### RELIEVING ORDER.

Whereas Mr. Asad Khan working as kPO BS-16 in DEO Female Office Batagram

Whereas he often involved in different protests, using pressurized tactics and creating anarchy.

Whereas he used his influence to motivated the officials of DEO female Battagram for protest and pin down strike without any genuine reason.

Whereas on dated 30/07/2021 while the undersigned was proceeded for an official meeting in Peshawar he participated actively in a meeting conducted with the male staff of DEO Female Office and clerk of the different schools.

Whereas in the meeting he singed harassed/threatened resolution against the female ASDEO circle Battagram Mst. Shabnam and ASDEO Circle Bataamohri Tahira Bibi

Whereas due to his this act ASDEOs circled concerned submitted application under Harassment Act Whereas the female officers of DEO F Battagram such as DEO Female, ASDEO Battamohri and ASDEO Battagram lives are at risk due to his this act.

Whereas he has also actively participating in in whatsapp group "Malgari DEO Fernale" created for communication to motivate the mob/officials for protest and other unofficial activities.

Now therefore I DEO Female Battagram in view of the above situation Mr. Asad Khan KPO BS-16 DEO Female Batagram is hereby relieved from his duty and directed to report to Directorate of ESE with immediate effect and further directed to hand over all the official record to the undersigned on Monday August 2, 2021

District Education Officer (F)

#### Endstt No. as above

Copy for information to the:-

- 1- PS to Secretary to Govt of Khyber Pakhutnkhwa for Elementary and Secondary Education KP Peshawar.
- 2- PA to Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar with the request that may be proceeded under the relevant rules and also it is requested that he may not be adjusted at female side anymore.
- 3- Deputy Commissioner Battagram
- 4- District Police officer Battagram with the request to collect all the official record which is in his custody and handover to the undersigned.
- 5- District Accounts officer Battlagram with the request to stop his salary with immediate effect.
- 6- Officer/official concerned with the directions to hand over all the official record to the undersigned on Monday 02/August/2021 at 10:00am.
- 7- Office file

District Education Officer (F)

Attested

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ruccessary Security may also be Provided after female Half of this office. List of Employees against when fix may be Logica be rishid Man (compular operator). 101 Assad. who. operated. Il. Soiring Wan (Sc) 121. Sahriyar Klac-20 10 As: An Land Chair Co). 14. Kaja Ichan Cassistin 151 Shah Frage (Elfary) 16 . Achorsed. King Hussoin Shake 16: Mour Lehman (Je)-19 Sid District En Abdie Asis (16) zon Arramullal (16) ucation offices (F) Batacham 3

Attrosted

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### ابتدائیاطلاعی ریورٹ

بلكرام	ضلع	بغكرام
3/4 يوم قبل از مورخه 2021-07-31	تاريخ	علت 299

جائيد گارچ <sub>ي</sub> 2021-8-5 وقت 11:15 <u>ب</u> ج	تاريخ،وقت رپورك -2021-7-3
بغگرام	سكونت اطلاع د هنده مستغيث مساة ظهره بيكم DEO فيميل
506/509/147/149	کیفیت جرم (مع د فعه )حال اگریچه کرلیا گیاموزیر د فعه
حانب شال بفاصله اكلوميشراز تفانه	جائے و قوعہ فاصلہ تھانے سے اور سمت دفتر DEO فی میل بلگرام
	نام وسکونت ملزم
ليز نمبري 1772 مور خه 2021-7-3 في ميل پر مقدمه قائم ہوا	کاروائی جو تفتیش کے متعلق کی گئیا گراطلاع درج کرنے میں توقف ہو وجہ بیان کردہ
ر و ٹمیشن ڈاک	تھانہ ہے روائگی کی وقت اور تاریخ

ابتدائی اطلاع نیچے درج کرو۔ مورند 2022-8-31 کومنجانب ستغیثہ مقدمہ تھانہ نمبر 2

لیز نمبری1772 مور خد 2021-7-31 بوساطت افسران بالابر خلاف 20 نفر ملازمان حراسال کرنے اور ضرر شدید پنچانے کی دھمکیاں دینے برائے اندراج مقدمہ موصول ہوا جس پر محمد فرید ASI نے بروقت جرم کے SHO ہونا تحریر کیا OSH نے مقدمہ درج رجسٹر کرکے نقل پر چہ برائے تفصیل INV سٹاف کرنے کا تحریر کیا۔ مقدمہ قائم کرکے نقل پر چہ مع متعلقہ کاغذات برائے تفیش حوالہ INV سٹاف کی جاتے ہیں۔ لیٹر نمبری 1772 ذیل ہے۔ پر چپہ گزارش ہے۔

Office of the District Education Officer (Female)
Battagram. Endstt No. 1772 Dated 31/07/2022 District Police
Officer (DPO) Battagram. Subject: Harassment of female staff
by male staff of DEO Female Battagram R/S Reference to
the subject cited above it is stated that male staff (List attached)
of this office have threatened the female officer such as
ASDEO Battamori and Harass them to the Serious Extend.
(their application and threatening letter are attached for
Ready Reference). Hence your good Self is requested
that FIR may be logged against all of them and

Attested

Necessary security may also be provided to all female staff of this office. List of employees against whom FIR may be logged DEO

female office. 1: Mr. Zubair (Budget and Account

Officer. 2: Mr. Saifullah (ADEO P&D). 3: Mr. Sabaoon

Khan (ADEO). 4: Mr. Munirullah (SC). 5: Mr. Bakhtiar Khan

(JC). 6: Mr. Wahab shah (Assistant). 7 Amir Rurehman Assistant. 8. Shar Muhammad

(JC). 9. Murshid Khan (Computer operator). 10: Asad Khan

(Computer Operator). 11: Sadiaq Khan (SC). 12: Sahriyar Khan.

(SC). 13: Asghar Hayat khan (JC). 14: Raja Khan (Assistant)

15: Shah Ferooz (Daftari). 16: Khursid Ahmad (JC)

17: Riaz Hussain Shah. 18: Attaur-Rehman (JC). 19

Abdul Aziz (JC) 20: Akramullah (JC) S.d District Education

جناب عالى: نقل بمطابق اصل ہے۔. 31.7.2021 Add Battagram. 31.7.2021

5-8-2021

سن برعدالت سے لیکن فتح کرے اور فراست تریب En the office the sin - in all as (iv) اس ليس م معلق اور ميم زيره ادران م مالي اور مدرمرا سيد الله ، ما عنه السين شاه ، هيا بأن المع مہمنمیں سے مسال کس عی تورم مر دات مر کرے ادر مركر مدرسان اع فررفه والم عبر مدون كرده ا خیل شرائد بر گران می میر ملے با (١) ميك وتحريه الله في المريث من كسيس ري اون كري وكان را) أبريده كما ما أنير عسائد اس عرد كاردايد الركف Dispose of the same of the sam مَدِ با بند مِن اور الم أسرور أن كا المشين مَا الله المان عرف 12 سيم زيوجيم (i) ميم اس مات كا عميد را من اليو الي ( الليلم ) . ق. ميرم سنسيني مين ايم كرف اذال او آس كا عرت داهرام او التين (ii) ميم بده طرز عنل يرمزون بي اور ميام زمرد ادران و المعرعياس التالي كه باله المنبور مع دولاس رع بين الم فيدوه

پیشی پر عدالت سے کیس ختم کرنے کی درخواست کریں گی۔

4. اس کیس سے متعلق اور میڈم زہرہ اور ان کی ساتھی آفیسر زکے متعلق کسی بھی فورم پر بات نہ کرنے کے پابند ہیں۔

5. میڈم زہر ہوعدہ خلافی کی صورت میں کیس ری اوپن کرنے کاحق محفوظ رکھتی ہیں۔

فرين اول: 1... ميذم زهره فرين دوم: 4... محد زبير

2...ميدم طاهره 5...سيف الله

3...ميدُم شبنم 6.رياض حسين شاه

7...صياؤن

8...اصغر

گواہان:

1... جعفر عماسي 2... عطاء الله خان

3...عطاءالله خان 4...منيرخان

# راضي نامه

یه راضی نامه مسات زہرہ بیگم، میڈم طاہرہ، میڈم شہنم (فریق اول)
اور محمد زبیر، سیف اللہ، ریاض حسین شاہ، صباؤن، المغر (فریق دوم)
اور دیگر کے در میان آج مور خہ 13 ستمبر 2022 کو درج ذیل
شرائط پر گواہان کے روبروطے پایا۔

1. آئندہ کسی بھی آفیسر کے ساتھ اس طرب کارویہ ندر کھنے کے پابند ہیں اور آفیسر زکو ان کی حیثات کے مطابق عزت دینے کاعہد کرتے ہیں۔

2. ہم اس بات کاعبد کرتے ہیں کہ اپنے مظمد (تعلیم) میں کام کرنے والی خواتین کی عزت واحترام کو یقینی بنائیں گے۔
گے۔

3. ہم این طرز عمل پر شر مندہ ہیں اور میڈم زہرہ اور ان کی ساتھی آفیسر زسے درخواست کرتے ہیں کہ آئندہ

Attested



## OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE BATTAGRAM

(Phone # 0997-310460)

E-mail: demisfbattagram@yahoo.com

### ADJUSTMENT ORDER

In compliance with the Director E&SE Khyber Pakhtunkhwa vide No. 2706 /F.No. / A-23/MS/Murshid Alam P.F dated Peshawar the 05.05.2023, Mr. Murshid Alam CO B-16 is hereby adjusted in the office of the undersigned against the post of Computer Operator w-efrom 05.05.2023 and Mr. Asad Khan CO is hereby adjusted against the Post of AP (Assistant Programmer) on his own pay and grade in office of the undersigned in the best interest of public with immediate effect.

Note: 1. Charge report should be submitted to all concerned

2. No TA/D is allowed.

District Education Officer (F)

Battagram

Endst No 1379-84 EB/Sec/Transfer/: Dated: 17 /

Copy for information to the:-

1. Director E&SE Khyber Pakhtunkhwa Peshawar

2. District Account Officer Battagram

3. District Monitoring Officer Battagram

4. Official concerned

5. EMIS Local Office

6. Office file

District Education Officer (F)

Battagram

Annexuse "H"

(A)		DOO Code (Cost Center) B M 6 0 9 7  Personnel Number , 0 0 38 16  Grade (Pay	Nan		ATT		AM_			EMA HAI		Salar	<b>y</b> ,		National ID, Card Numbe	Page No. 1
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	- {														4	





### DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA PESHAWAR.

Phone: 091-9225344

Email: ddadmn.esc@gmail.com

### OFFICE ORDER.

Consequent upon approval of the competent authority, the services of Mr. Asad Computer Operator office of DEO (F) Battagram is hereby placed at the disposal of DEO (M) Battagram for further adjustment in his own pay and BPS in the interest of public service with effect from the date of his taking over charge.

Note:

Charge report should be submitted to all concerned,

2. NO TA/DA etc is allowed.

p

DIRECTOR

Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. \_\_\_\_\_/F.No.101/A-23/MS/Battagram/Vol-V

Dated Peshawar the

//2023

Copy forwarded to the: -

District Education Officer (female) Battagram w/r to her letter no. 2616 dated 29-08-2023

2. District Education Officer (M) Battagram.

3. District Accounts Officer Concerned

4. Official concerned.

5. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar,

6. Master File.

Assistant Director (Admn)

Directorate of Elementary & Secy: Education Khyber Pakhtunkhwa, Peshav

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# OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) BATTAGRAM

(Phone # 0997-310460)

E-mail: demisfbattagram@yahoo.com

Dated: 31 /0/ /20214

### **AUTHORITY LETTER:**

The competent authority is hereby pleased to authorize Mr. IHSAN ULLAH ADEO at the office of the undersigned to attend the Honorable KP SERVICE TRIBUNAL PECHAWAR.

on 01-02-2024 in r/o M. ASAD KHAN

Vs Apolt. & Others Case/Appeal

No. 2611/2023.

DISTRICT EDUCATION OFFICER (F)
BATTAGRAM