

**BEFORE THE HONOURABLE SERVICE TRIBUNAL**  
**KHYBERPAKHTUNKHWA PESHAWAR**

**Service Appeal No. 2504/2023**

**Jehan Zeb, SDM (BPS-16), GHS Dewana Baba, District Buner .....Appellant**

**VERSUS**

**Govt; of Khyber Pakhtunkhwa & others.....Respondents.**

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*(Signature)*  
**(SAMINA ALTAE)**  
**DIRECTOR**

E&SE Department Khyber  
Pakhtunkhwa, Peshawar.

*07-02-24*  
*Swarat*

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**JOINT PARAWISE COMMENTS FOR & ON BEHALF OF RESPONDENTS No: 1-4.**

**Respectfully Sheweth :-**

**Khyber Pakhtunkhwa  
Service Tribunal**

The Respondents submit as under: -

Diary No. 11017

Dated 06-02-2024

**PRELIMINARY OBJECTIONS**

- 1 **That** the Appellant has got no cause of action/locus standi to file instant appeal.
- 2 **That** the appellant is not an aggrieved person within the meaning of Section-4 Khyber Pakhtunkhwa Service Tribunal Act 1974 read with Article-212 of the constitution of Islamic Republic of Pakistan 1973.
- 3 **That** the appeal in hand is barred by law and limitation.
- 4 **That** the appeal in hand is bad for mis-joinder and non-joinder of the necessary parties.
- 5 **That** the appeal is not maintainable and incompetent in the eyes of Law in the present form.
- 6 **That** the impugned order dated 07-08-2023 is the result of the process of Law, Rules & procedure in vogue.
- 7 **That** the act of the Respondent Department with regard to the order dated 02-12-2022 is also within legal sphere.
- 8 **That** the appellant has been treated as per Law & Rules vide orders dated 16-12-2023 & 01-02-2023 by the Respondent No. 2 in the titled appeal.
- 9 **That** formal inquiry has been conducted by the Department against the appellant.

**ON FACTS**

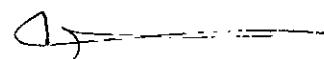
- 1) **That** Para-1 is relates to the service record regarding his induction against the DM post vide order dated 08-06-1998.
- 2) **That** Para-2 is correct as each & every civil servant is legally bound to do his duty honestly.

3) That Para-3 is incorrect on the grounds that the appellant was found willful absent from duty against the SDM in BPS-16 taken the plea of B.Ed examination on mala fide, therefore, a deduction of Rs. 18875/- for his willful absence was made by the Respondent No. 2 as evident from the absence from duty report dated 25-10-2022 by the Principal GHS Dewan Baba, District Buner **attached as Annex-A.**

4) That Para-4 is correct that in view of the afore mentioned report regarding willful absence from duty against the SDM post by the appellant, the Respondent No. 2 has issued an order dated 16-12-2022, whereby, the appellant was transferred from GHS Dewana Baba to GHSS Totali Buner on the grounds of: -

- i. Absence from duty.
- ii. Mis-behavior.
- iii. In efficiency.
- iv. Slackness & Shirknness .
- v. Day to day aggravating situation of the School Administration.

Which is **attached as Annex-B** & where against, the appellant has filed a Service Appeal No. 986/2022 under the above said titled appeal before this Honorable Tribunal where against, no stay order has been passed by this Honorable Tribunal against the Respondent Department, hence, the order dated 16-12-2022 is within legal sphere as well as subsequent order dated 07-08-2023 passed by the respondent No. 1, whereby, the appellant was removed from service against the SDM in BPS-16 post after the process of Law & Rules in vogue in the light of inquiry report dated 21-02-2023 which is **attached as Annex-C & D.**



5) That Para-5 is incorrect and & mis-leading to the extent of calling the appellant in person prior to the passing of the order dated 01-02-2023 regarding the stoppage of the monthly salary of the appellant on the grounds as mentioned by the Respondent No. 2. Further, a show cause Notice dated 02-11-2022 & suspension from service orders were passed by the Respondent No. 2 after observing all the codal formalities **which are attached as Annex E & F.**

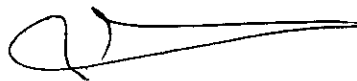
6) That Para-6 is incorrect as the act of the Department with regard to the order dated 02-11-2022 is legal, however, to meets the ends of natural justice, an another show cause Notice has also served upon the appellant on dated 05-11-2022 (**Annex-G**) by the Respondent No.1 containing the same allegation made by the Respondent No. 2.

7) That Para-7 is correct to the extent of the order dated 07-08-2023, whereby, the appellant was removed from service against the SDM in BPS-16 post after observing all codal formalities, therefore, the stand of the appellant is illegal & where against, the appellant has filed a Departmental appeal dated 22-08-2023 which is seen & filed under the Rules & Policy by the Department **attached as Annex-H.**

- (3)
- 8) That Para-8 is also incorrect, the appeal of the appellant has been seen & filed on merit of the case, therefore, the titled appeal is liable to be rejected on the following grounds inter alia: -

**ON GROUNDS**

- A. **Incorrect & not admitted.** the act of the Department with regard to the order dated 07-08-2023 is within legal parameter & liable to be mentioned in favor of the Department in the interest of justice.
- B. **Incorrect & not admitted.** the plea of the appellant is in violation of Section-4 of Khyber Pakhtunkhwa Service Tribunal Peshawar Act, 1974, hence, liable to be rejected in view of the above made facts of the case in hand.
- C. **Incorrect & not admitted.** the plea of the appellant is illegal as both the orders dated 07-08-2023 & 16-12-2022 are legal.
- D. **Incorrect & not admitted.** formal show cause notice has been served upon the appellant prior to the order dated 07-08-2023 by the Department.
- E. **Incorrect & not admitted.** The act of the Department with regard to the order dated 16-12-2022 is also within legal parameter & liable to be maintained.
- F. **Incorrect & not admitted** the cited appeal is not applicable upon the case of the appellant on the grounds of question of law & facts of the case, hence, the stance of the appellant is liable to be rejected.
- G. **Incorrect & not admitted** the appellant has been treated as per Law, Rules & procedure by the Department in the titled appeal as known facts are needed not to be inquired, furthermore, the appellant has not denied allegations of his willful absence from duty at any stage during the proceeding against them by Department.
- H. **Incorrect & not admitted** the appellant has got no cause of action to approach the Honorable Tribunal in the titled appeal, hence, liable to be rejected. However, the Department also seek leave of this Tribunal to submit additional grounds, record & case Law at the time of the arguments.



**PRAYER:**


(4)

In view of the above made submissions, it is requested that this Tribunal may very graciously be pleased to dismiss the instant service appeal with cost in favor of the Respondent Department.

Dated \_\_\_/ \_\_\_/2024.

  
(SAMINA ALTAF)  
DIRECTOR

E&SE Department Khyber  
Pakhtunkhwa, Peshawar.

 (Respondents No: 1 & 2).

  
(MASOOD AHMAD)

SECRETARY  
E&SE Department Khyber  
Pakhtunkhwa, Peshawar.  
(Respondents No: 3 & 4).

(5)

**BEFORE THE HONOURABLE SERVICE TRIBUNAL**  
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**Jehan Zeb, SDM (BPS-16), GHS Dewana Baba, District Buner .....Appellant**

**VERSUS**

**Govt. of Khyber Pakhtunkhwa & others.....Respondents**

**AFFIDAVIT**

**I, Samina Altaf Director E&SE Khyber Pakhtunkhwa,** do hereby solemnly affirm & declare on oath that the contents of the instant para wise Comments are true & correct to the best of my knowledge & belief. It is further stated on oath that in this appeal the answering Respondents have neither been placed Ex-Parte nor their defense has been struck off/cost.

  
**Samina Altaf**  
**DIRECTOR**

E&SE Department Khyber  
Pakhtunkhwa, Peshawar

**ATTESTED**



2023-06-06

(6)

"B" P-15

OFFICE OF THE PRINCIPAL GHS DEWANA BABA DISTT BUNER  
No: 37 Date: 25-10-22

To  
The District Education Officer (M)  
Distt Buner.

Subject: Application for Casual leaves.

Memo:

I have the honor to inform you that Mr. Jehan Zeb SDM GHS Dewana Baba availed 24 days C/L during the running calendar year. Now he wants to take B.Ed examination from the Lakkhi Marwat University at Centre Career Group of Colleges Jaurabad (SECOMS) Swat. It is not possible for me to allow him more Casual Leaves as per rule. So the application in r/o Mr Jehanzeb is hereby forwarded for further necessary action please.

*Agreed*  
*[Signature]*  
28/10/22  
District Education Officer (M)  
Buner.

*[Signature]*  
25/10/22  
The Principal  
GHS Dewana Baba  
District Buner

*[Handwritten notes]*  
etc  
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Annexure - (D)

(765)

(17)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALE) BUNER

Phone & Fax No.0939-555110 Email: edobuner@gmail.com

TRANSFER ORDER.

Consequent upon the report submitted by the principal GHS Dewana Baba against Mr. Jehan Zeb SDM of the concerned school, the Competent Authority has been pleased to order transfer of the mentioned official from GHS Dewana Baba to GHSS Totalai, Buner on disciplinary grounds due to his absence, misbehavior, inefficiency, slackness, shirkness and day to day aggravating situation of school in the best interest of public service with immediate effect.

Note:-


1. No TADA is allowed.
2. Charge report should be submitted to all concerned.

(IFTIKHAR UL GHANI)  
DISTRICT EDUCATION OFFICER  
MALE BUNER

Endst.No. 6359-64 /PersonalFile- Jehan ZebSDM Dated: 16/12 /2022

Copy is forwarded for information to the:-

- 1 Director Elementary and Secondary Education Kyber Pakhtunkhwa Peshawar.
- 2 District Monitoring Officer EMA at Buner.
- 3 District Accounts Officer Buner at Daggar.
- 4 Principal GHS Dewana Baba, Buner.
- 5 Official concerned.
- 6 Office Copy.

  
DISTRICT EDUCATION OFFICER  
MALE BUNER

16/12/22

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## Directorate of Elementary and Secondary Education

### Khyber Pakhtunkhwa Peshawar

#### NOTIFICATION

1. WHEREAS, Mr. Jehan Zeb SDM, BPS-16, Ex-GHS Dewana Baba, under transfer to GHSS Totalai was proceeded under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations.
2. AND WHEREAS, inquiry was ordered vide this office Notification No. 8260-62/F.No.07/Appeal/Complaints/Estab-1 dated 16/01/2023, nominating Muhammad Riaz BPS-19, District Education Officer (M) Swat to conduct formal inquiry against the accused teacher, for the charges levelled against him in accordance with the rules.
3. AND WHEREAS, the Inquiry Officer after having examined the charges, evidence on record, irresponsible behaviour of the accused teacher by playing taunts with the inquiry officer and hampering the proceeding, has submitted the report.
4. AND WHEREAS, a show cause notice was served upon Mr. Jehan Zeb SDM, Ex-GHS Dewana Baba, under-transfer to GHSS Totalai vide letter Endst; No. 3912-14 dated 24/02/2023 through registered cover No. 1465, tracking No.RGL94380173 Dated 25/2/2023 as well as through Pakistan Post Office UMS receipt No. 411, UMS No. 88563349 Dated 25/02/2023 and copies of the same were also endorsed to Principals GHS Dewan Baba and GHSS Totalai, wherein, the accused teacher was required to submit his written reply within seven (07) days.
5. AND WHEREAS, the delinquent teacher neither submitted any reply of the Show Cause Notice nor bothered to appear before the competent authority.
6. AND WHEREAS, the Competent Authority (Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar) after having considered the charges and evidence on record, inquiry report and no response to the Show Cause Notice, is of the view that the charges against the accused Teacher have been proved.

NOW THEREFORE, in exercise of the powers conferred upon the Director (Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar), being Competent Authority under Section 14 (5) of Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011 is pleased to impose major penalty of "Removal from Service" upon Mr. Jehan Zeb SDM, BPS-16, Ex-GHS Dewana Baba, under-transfer to GHSS Totalai under Rule-4, sub-rule (b) (iii) Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011, due to his absence, inefficiency and misconduct with immediate effect. The intervening period w.e.f 16/12/2022 till date is treated as unauthorized absence.

**DIRECTOR**

Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar

Endst:No: 1556-54 /F.No.07/Appeal/Complaint/Estab (M-1) Dated Pesh: the 07/08/2023.

Copy forwarded for information to the:-

1. Section Officer (Inquiries) E&SED w/r to his letters No. SO (Inq)E&SED/1-1/2023/Jehanzeb/SDM/Buner Dated: 15-03-2023 & No. SO(Inq)E&SED/1-1/Jehanzeb, SDM/Buner Dated: 14-06-2023.
2. District Education Officer (Male) Buner.
3. District Accounts Officer Buner.
4. Principals Concerned.
5. Teacher Concerned.
6. P.A to Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.

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Deputy Director (Estab-1)

Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar

b/c

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**INQUIRY REPORT**  
**AGAINST MR. JEHANZEB SDM, EX-GHS DEWANA BABA**  
**PRESENTLY GHSS TOTALAI**

**TERMS OF REFERENCE**

The Honorable Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar was pleased to nominate the undersigned as the Enquiry Officers vide Notification Endst: No. 8260-62 F.No.07/Appeals/Complaints/Estab-1 dated 16/01/2023 (**Notification is attached as annexure "A"**) to scrutinize & enquire the matter pertaining to the report submitted to Honourable Director by the District Education Officer (M) Buner, wherein, Mr. Jehanzeb SDM, GHS Dewana Baba under-transfer on disciplinary grounds to GHSS Totalai, was charged with the allegations of blatantly using social media, uploading defamatory and demoralizing posts against the DEO (M) Buner, misconduct, inefficiency, absence and black mailing the DEO concerned through various agencies and pressurizing the officer concerned not to take any action against him.

**BACKGROUND:**

A report was submitted to the Honorable Director E&SE Department Khyber Pakhtunkhwa Peshawar by District Education Officer (M) Buner along with enclosures and annexures for further necessary action against Mr. Jehanzeb SDM, GHS Dewana Baba, under-transfer to GHSS Totalai as per rules/policy. (**Report of the DEO is attached as annexure "B"**). The delinquent teacher was charged with the following allegations, breach of rules and code of conduct.

- 1. That he was earlier reported to the Director vide DEO (M) Buner office No.5520 dated 5/11/202, for his misconduct, absence and inefficiency. In the light of the above report, the Honourable Director issued him showcause notice, however, the same showcause notice was withdrawn without any proceedings against his guilts, which mustard up his courage and started blackmailing and defaming the principal, undersigned and the government on Facebook and social media.*
- 2. That he blatantly defames the Government as well as Officers in E&SED and disseminate demoralizing, defamatory and pervasive posts/information through social media on shaky*

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*and flimsy grounds, reprimanding, tongue-lashing and condemning official business of the principal and the undersigned, who issued his transfer order on administrative grounds.*

3. *The delinquent teacher openly abuses the DEO concerned on Facebook and uploads defamatory, unsocial, unethical posts and is involved in character assassination through baseless information.*
4. *That he is a blackmailer and exerts unfair pressure and threats to influence the actions and official business of this office and thereby attain his personal vested interests. He has become more of propagandist, censorious press reporter and broadcaster than a teacher.*
5. *That he is guilty of continuously creating embarrassing situation for the Govt. as well as Elementary and Secondary Education Department by propagating falsification and misrepresentation of facts and figures. He falls back on/recourses to trifling sophistry and blackmailing on social media by spreading false, fallacious and spurious information just to defame and tarnish the image of the Principal and the DEO concerned.*
6. *That he stigmatizes, maligns and slags off the character of certain officers of the principal and the DEO without any proof by posting unauthorized, baseless information through various posts on Facebook.*
7. *That he was transferred to GHSS Totalai on 16/12/2022, on administrative grounds in the light of the principal's report against him, however, he has been relinquished by the principal concerned, while he has not taken over charge at his new station yet and is absent as per report of the principal concerned. In the light of the principal's report regarding his absence from GHSS Totalai, absence notice was issued to him under Rule-9 of the E&D Rules 2011, reply of which is still awaited.*

The DEO (M) Buner requested the Competent Authority for appointing an Inquiry Committee and to take legal action against the delinquent teacher.

**PROCEDURE**

1. Visits were paid to the office the Principal GHS Dewana Baba.
2. Interviewed the principal GHS Dewan Baba and obtained information from Principal GHSS Totalai.

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3. Held discussion with and asked for statements of Principal concerned and the delinquent official as well as from DEO (M) Buner at Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
4. A meeting was arranged at the office of the Principal GHS Dewana Baba.
5. Perused and collected the official record relating to the instant case.
6. Analyzed the data and recorded the findings of the instant case accordingly.
7. And, finally reported the findings along with recommendations.

### PROCEEDINGS

Consequent upon the above mentioned inquiry notification, the inquiry officer informed Mr. Jehanzeb SDM, Pervez Khan, Principal GHS Dewana Baba vide letter dated 01/02/2023 (Letter is attached as annexure "C") as well as telephonically and through WhatsApp as well, to appear before the inquiry officer on the date, time and venue as fixed in the letter and directed to provide documentary proofs from both the parties i.e the delinquent teacher and the Principal concerned. It is apt to mention here that when Jehanzeb SDM, (The delinquent teacher) received the letter sent by the inquiry officer for appearance before the inquiry officer, he (Jehanzeb SDM) sent me a text messages not to come for inquiry and wrote "I am not appearing before you". However, being enshrined with the powers to conduct a free and impartial inquiry, the inquiry officer visited GHS Dewana Baba district Buner on 02-02-2023 and held detailed discussion with the principal and the delinquent official. In spite of his messages that he is not appearing before the inquiry officer, he came to school and started clumsy discussion and exhibited pressurizing behavior to abstain the undersigned from carrying out the instant inquiry. However, the undersigned through some counseling persuaded him and made him understand the purpose of inquiry and offered him questionnaire. The delinquent official was handed over the questionnaire, (Questionnaire is attached as annexure "D") which he took and read thoroughly. After reading the whole questionnaire, he returned the same without giving their replies or recording any statement and blatantly refused that he is not giving any reply to questionnaire. His this action is not only the worst example of misconduct, non-cooperation and pressurizing the inquiry officer but also hampered the inquiry proceedings which is illegal, unlawful and unethical and is against the E&D Rules 2011.



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The Principal concerned was also present in compliance with the intimation letter as referred above. He appeared before the inquiry officer, recorded his statements and wrote replies to the questionnaire served upon him, containing 19 questions regarding the instant issue. The principal was a very cooperative person and provided complete record, whichever was requisitioned from him. Discussion on his replies to questionnaire and his statements shall be made in the finding section, when analyzing the statements and other related record and evidences. (Questionnaire is attached as annexure "E").

The principal concerned also provided screen shot of Jehan Zeb's Facebook I.D and all the defamatory posts which he has uploaded and viralled through social media to defame and demoralize the principal and the DEO (M) Buner. Complete discussion and analysis of the defamatory posts shall be made in the finding section.

The inquiry officer also informed DEO (M) Buner to provide record of the instant case who brought the same to Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar and also recorded his statement. Besides, securing record from the DEO (M) Buner, he was also cross-questioned and his statement was also obtained which shall also be discussed and analyzed in the finding sections.

The data so collected was then thoroughly studied and analyzed in the light of the material on record, available information and written statements of all officers/official concerned leading the inquiry committee to the following findings.

### SUMMARY OF THE STATEMENTS

#### I. Statement of Principal GHS Dewana Baba Mr. Pervez Khan.

As, it has already been mentioned in the procedure section that the principal was served with a questionnaire containing 19 questions exclusively related to the performance of the delinquent official and the allegations as were reported against him. Main points as accumulated from the responses to the questionnaire are subsumed in a statement form and extracted as below:

*"Mr. Jehanzeb has been serving in GHS Dewana Baba since 22/2/2013 as SDM teacher. I am not satisfied with his duty, therefore, I sent a report against him to DEO (M) Buner to take strict action against him. The same report was about the absence, negligence in duty, misconduct and inefficiency of Mr. Jehanzeb. He had a very rude, insolent and defamatory*

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*(Signature)*

behavior with me. I have warned him through multitude of order books (Copies of order books are attached as annexure " F, F1, F2, F3....."), however, in utter violation of rules, he wrote me in the same register of order book that I am not obeying your orders. He does not act upon my legal orders. He has committed misconduct and threatened me and the DEO for dire consequences, if we took action against him. He is creating embarrassing situation. He does not take his classes regularly, that is why even at the end of this academic year, he has taught only two chapters to his 8<sup>th</sup> class. He is also defaming me and the DEO (M) on social media because, we ask him about his duty. (All his defamatory posts uploaded by him on Facebook are annexed as annexure " G, G1, G2, G3....."). He wants to hush us up through his demoralizing and defamatory posts. I have informed the DEO (M) about his all these black deeds. In the light of my report, the DEO (M) transferred him to GHSS Totalai on disciplinary grounds. I have relieved him on 22/12/2022 and sent his pay stoppage source to DAO office Buner. He has not taken over charge at his new station yet and is absent.

**II. Statement of the DEO (M) Buner.**

Similarly, statement of the DEO was also obtained regarding the subject issue, which is reproduced as below: (Statement of the DEO (M) is attached as annexure "H")

" Through several verbal information and finally through written report vide No. 39 dated 01/11/2022, (Report is attached as annexure "I") the principal GHS Dewana Baba complained against Jehanzeb SDM, regarding his absence, irregularity, problematic behavior, shirkness, tampering in the attendance register, disinterestedness in teaching the students and misconduct. On the very next day, Mr. Jehanzeb SDM entered the office and sought undue favour in absence and irregularities. The undersigned refused to favour him in wrong doings, the delinquent official started scuffling and fighting with me in my office. He started abusing me and tried to reach at me for assault. During this time all other employees of the office also approached and pushed him out of the office. He threatened me for dire consequences and told that no one in the department even Director or Secretary can take any action against him. I reported him to the Director E&SED for strict action against him. (Report is attached as annexure "J"). As a retaliation of taking action against him by the director on my report, the delinquent official started blackmailing me on social media by

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uploading defamatory posts against me (All the defamatory posts against me are annexed as annexure "K, K1, K2, K3, K4.....) and also submitted a baseless complaint to the Director Anti-corruption in order to pressurize me to abstain from taking any action against him. With the grace of Al-mighty Allah, I am clear, therefore, I wrote a letter No. 76-79 to the Director E&SED to conduct an inquiry into the allegations leveled against me by the delinquent official and copies of the same were endorsed to Director Anti-corruption, Secretary E&SED and Deputy Commissioner Buner in order to bring forth the truth and reality of the complaint. (Letter is attached as annexure "L").

### III. Verbal Statement of Jehan Zeb SDM (The delinquent Teacher)

As, it has already been mentioned that the delinquent official as well as the Principal were informed through official letter, to appear before the inquiry officer. The delinquent official was informed through official letter dated 01/02/2023 for appearance before the inquiry officer on the date, time and venue fixed therein. The delinquent official received the letter and sent me a text message through my personal WhatsApp number, insolently directing me not to come for inquiry. The same delinquent official also went on further, saying that he is not appearing for any personal hearing, however, if the inquiry officer wants to make his TA/DA, then he should come.

Since, the principal and DEO office were also informed, therefore, the inquiry officer approached district Buner on the date, time and venue. The undersigned first visited GHS Dewana Baba, where the principal was already present. The delinquent official, though refused to appear before the inquiry officer, however, still he entered the school just for aggravating the process. In spite of all this, the inquiry officer, by counseling and guiding tried to make him understand to give up his insolent, rude and stubborn behavior and motivated him towards reconciliation and behaving like a social human being, however, he turned a deaf ears and stood on his rogue behavior. For a while, he asked for the questionnaire, which was given to him. He thoroughly studied the questionnaire and returned it back with the remarks that he is not giving reply of the same questionnaire and behaved like a scoundrel and villain. (Questionnaire is attached at annexure "E"). It is also clear from his facebook posts that in one of his posts, he says that the inquiry officer writes in questionnaire that he (delinquent official) uses political pressure on DEO. He declares the

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same question of the questionnaire as an open fun. (His relevant post is attached as annexure "L1")

### FINDINGS

In order to establish the validity and genuineness of the charges leveled against the delinquent official, the inquiry officer made use of all the available information, record, screenshots of his facebook pages, both verbal and written statements of the principal GHS Dewana Baba and DEO (M), transfer order of the delinquent teacher and other related documents which were to be analyzed for final settlement of the case as in favour or against the delinquent official.

To avoid getting astray from the nub of the issue and its ultimate factual position, I deem it appropriate to investigate the issue from different angles, through questionnaire, cross-questioning, and applying techniques of bringing the inner motives behind the issue, the answers of which when deduced from the record, replies to questionnaire, statements, evidences and other related documents, shall in themselves unveil the authenticity and veracity of the charges being leveled and sustained on the record against the delinquent official. The record so obtained from all the quarters concerned shall be analyzed allegation wise for the reported allegations i.e use of social media for defamation, non-compliance of transfer order, misconduct, absence, inefficiency and baseless blackmailing through various other means:

#### **1) Defamation and demoralizing of the Principal and DEO on facebook:**

It is of pivotal importance to have a glimpse of his facebook I.D and visit his facebook pages in order to verify the allegation of defamatory posts. Visiting and checking his facebook I.D and various pages, it was found out that his facebook pages are replete with defamatory and demoralizing posts against the DEO (M) Buner Mr. Iftikhar Ul Ghani and Principal Mr. Pervez Khan. The posts are so nasty and stinging that even a sensible person cannot even think of them. His defamatory and demoralizing posts, which he uploaded and viralled on his facebook page were counted and recorded that from **January 24, 2023 to February 8, 2023**, the delinquent official has posted **55** defamatory, malicious and derogatory posts against DEO (M) Mr. Iftikhar Ul Ghani and Principal Pervez Khan. (Screenshots of all posts are annexed at annexure "K, K1, K2, K3....." )

As, it has already been mentioned that the delinquent official refused to give answers to questionnaire in writing, however, he confessed verbally that the same defamatory posts have

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Pervez Khan



been given by him as retaliation of his transfer order, as he had no other option or choice of revenge.

**Punishable act under Defamation ordinance 2002:**

Section 3 of the Defamation Ordinance 2002 defines defamation and its forms:

“Any wrongful act or publication or circulation of a false statement or representation made orally or in written or visual form which injures the reputation of a person, tends to lower him in the estimation of others or tends to reduce him to ridicule, unjust criticism, dislike, contempt or hatred shall be actionable as defamation”.

- Defamation is of two forms namely:
  - i. Slander
  - ii. Libel
- Any false oral statement or representation that amounts to defamation shall be actionable as slander.
- Any false written documentary or visual statement made either by ordinary form or expression or by electronic or other modern means or devices that amounts to defamation shall be actionable as libel.

Section 4 makes the defamation actionable.

The material shared by Mr. Jehan Zeb SDM as shown in the annexures containing screenshots of his facebook pages, clearly depicts that he has posted and shared defamatory posts and blatantly stigmatize the honor, position and status of the DEO (M) Buner, Mr. Ifikhar Ul Ghani and Pervez Khan Principal GHS Dewana Baba and disseminated widespread baseless and absurd information by posting unauthorized defaming and demoralizing material through his Facebook I.D on shaky and flimsy grounds just to slag off the character and injure the reputation of both the officers. The posts vividly show the malicious intents of the delinquent official. He has tried to lower both the officers in the estimation of others and spread hatred against them and thus he has rendered himself liable to be proceeded under the Defamation Law read with E&D Rules 2011 and Conduct Rules 1987 amended vide No. SO(Policy)E&A/2-16/2020 dated 13/11/2020. The latter amendments in Conduct Rules 1987 and the inclusion of new Rule (34-A) have been made in order to explicitly include new innovations in broadcasting i.e social media, Facebook, WhatsApp, Twitter etc in the main streamline of broad casting means. The relevant amendments in the Conduct Rules 1987 read as below:

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(17) 110

(1) 34-A: Standards for Use of Digital and Social Media:- (1) "No Government servant shall use social media to discuss or share information on issues relating to Government business. Provided that the social media may, if required be used with the prior approval of the Administrative Secretary, Head of Attached Department or Commissioner as the case may be, for disseminating information among the general public regarding Government initiative for better governance".

(2) Rules 7 (2) , 9, 21, 24, 25, 27, 28, 29, 30 and 33 of these rules shall mutatis mutandis be applicable to Government servants with respect to the use of social media".

Summing up, it has fully been proved that he is guilty of posting, publishing and disseminating defamatory and demoralizing posts on social media against his officers in order to slag off the character and injure the reputation of both the officers and to pressurize them to abstain from taking legal action against his wrong doing, absence and inefficiency. This action of his is punishable under various laws and rules.

## 2) Non-compliance of transfer order

Record reveals that the delinquent official was transferred from GHS Dewana Baba to GHSS Totalai vide transfer order No.6359-64 dated 16/12/2022 (Transfer order is attached as annexure "M") on disciplinary grounds in the light of Principal's report regarding his misbehavior, inefficiency, slackness, shirkness and aggravating the peaceful environment of the school. The Principal of GHS Dewana Baba relieved him on 22/12/2022 vide relieving certificate dated 22/12/2022 duly signed and sealed by the Principal concerned, (Relieving slip is attached as annexure "N") while on the other hand the Principal GHSS Totalai has also sent letter No.AFF/STF-51/02 dated 05/01/2023 (Letter is attached as annexure "O") to this office with the information that the delinquent official has neither reported to this school nor taken over charge of his post and is absent since his transfer. It was further confirmed that the delinquent official has not taken over charge till appearance before the inquiry officer and is absent from the school whereto he was transferred. This non-compliance of transfer order on the part of the delinquent official attracts disciplinary proceedings under the law and rules. Related to the same issue some rules, and judgments of the Higher Courts are referred below:



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Section 10 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 binds civil servants to serve where they are posted and transferred. It is reproduced here:

*Section 10: Posting and Transfers.----- Every civil servant shall be liable to serve anywhere within or outside the province, in any post under the Federal Government, or any Provincial Government or Local authority, or a corporation or body set up or established by any such Government.*

Similarly, he has a long tenure of about ten years at GHS Dewana Baba, therefore, the transfer order in respect of the delinquent official is legal and lawful on that facet as well. As per rule, the Competent Authority can transfer a civil servant, serving in E&SED, anywhere within his/her service, cadre and post. Civil Servant could not stay at a place of his choice. Such view of the issue, according to Service Tribunal if affirmed, would give license to every Civil Servant to file a representation against order of transfer and stay at place from which he did not want to move, as such the same would create administrative chaos. Same is reported in 2006 SCMR 443.

Likewise, Civil Servant could not disobey transfer order. Same is reported in 2003 PLC (CS)104. The delinquent officer has not only committed non-compliance of official order but also violated of the dictums laid down by the August Supreme Court of Pakistan. Employees are liable to be transferred anywhere in exigencies of service, having no vested right of his choice for a specific place. Reliance is placed on 1998 SCMR 293.

The transfer of the officers has been made under Section 10 of NWFP Civil Servants Act, 1973. The Supreme Court of Pakistan judgments are very much clear in this regard. Some reported judgments of Supreme of Pakistan are 1999 PLC 655, 1999 SCMR 755 etc. Similarly, transfer and posting could not be claimed as matter of right, only the Government could determine as to which officer was suitable for which place. Same is reported in 2013 PLC (C.S) 864.

His post is a district cadre post and he is required to serve anywhere in the district where the competent authority/authorized officer transfers him on any grounds in the public interest. As per rules, a civil servant is required to relinquish charge immediately after he/she is transferred to some other station and he/she is not allowed to use delaying tactics thereof. Similarly, Civil Servant could not disobey transfer order. Same is reported in 2003 PLC (CS)104.

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Keeping in view the above quoted rules and judgments; it is beyond question that the delinquent official has committed misconduct by not obeying the legitimate official orders of the Competent Authority, hence, liable to be proceeded under the rules for his inefficiency, absence and misconduct under E&D Rules 2011.


### 3) Baseless blackmailing of the DEO through various means:

During the course of inquiry, it was also unveiled that Mr. Jehanzeb is not only black mailing the DEO (M) Buner on social media and facebook but also lodged complaint in anti-corruption department against the DEO (M) Buner, wherein, allegations like drawl of TA/DA, POL for vehicle, use of DEO (F) vehicle, TA/DA from DEO (F) office and budget for repair of vehicles were pinpointed that the same were embezzled by the DEO (M) Buner. **(Complaint and anti-corruption notice is attached as annexure "P")**

Record of TA/DA, budget allocation for POL and its utilization, budget for repair of vehicles, furniture procurement, and record of under-use vehicle of DEO (M) was requisitioned from DEO (M) Buner. Likewise, it was also blamed that the DEO (M) Buner, while having additional charge of the post of DEO (F) Buner, has drawn TA/DA from DEO (F) Office budget and has also used DEO (F) vehicle. Similarly, it was also blamed that the DEO has drawn TA/DA in the name of other employees, while the same has not been paid to the concerned employees. The aforementioned complaint made by the delinquent official to the anti-corruption, was also viralled by him through whatsapp groups and sent it to some teachers both male and female as per DEO averment in order to defame the officer concerned as a revenge and retaliation, who had already taken strict action against him on the report of the Principal concerned.

Record of TA/DA was requisitioned from DEO and analyzed. Record reveals that DEO has drawn his legitimate TA/DA after fulfilling all codal formalities from DEO(M) Establishment only, got signed his bills and RTPs from the Honourable Director E&SED and processed through DAO Buner. He neither drawn any TA/DA from female office nor used DEO (F) office car. Thus there was no sign of embezzlement or corruption, hence the same allegation was proved to be baseless and a pack of false accusations.

Similarly, TA/DA obtained by other employees of his office was also checked and it was found out that budget allocated in TA/DA head was also drawn by other employees of the office. It was further checked and found that other employees also obtained their TA/DA after fulfilling codal formalities and due process, got signed all their bills and RTPs from the controlling officer.



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Thus no illegality or embezzlement was found in this issue as well. Not even a single employee confirmed that their TA/DA has been usurped.

In the next step budget for repair of Govt. vehicles and its utilization was checked. It was found out that a scanty amount was allocated and released in the repair head, which was utilized on the repair of Govt. vehicles. Bills related to repair were checked and the subsequent cheques passed by the DAO office were spent on the repair of vehicle.

Record of furniture procurement was also checked. It was made clear that all the bidding process was completed in Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar. A total number of 54352 chairs were purchased from the firm through a centralized bidding, carried out at Directorate. The DEO (M) Buner was chairman of inspection committee, wherein, representatives of forest department and industry department were member of the said committee. The representative of forest department was responsible for checking the wood as per approved specification while representative of the industry department had the duty to check quality and gauge of steel as per specification. The DEO was responsible for assuring provision of furniture in terms of quantity and signing of bills for the final payment to the supplier by the District Account Office through crossed cheque in the name of supplier. Record provided by the DEO reveals that proper inspections were made of all the furniture prior to its distribution. All the inspection reports were dully signed by all the committee members. **(Inspection reports are attached as annexure "Q, Q1, Q2, Q3, Q4....")**. Similarly, certificates were also obtained from the schools that they have been provided with students chairs in various number. It was verified that 54352 students' chairs were distributed to various schools and certificates were obtained from the principals, headmasters and head teachers of the schools concerned. It is safely said that no corruption or embezzlement was found in the procurement of furniture supplied during the tenure of DEO, Mr. Iftikhar Ul Ghaui, which is crystal clear from the well-maintained record in office as well as in schools, where furniture has been provided. Apart from the above checking of record, a thorough audit has also been carried out by the Accountant General Khyber Pakhtunkhwa, which is also clear and did not find out any corruption or embezzlement in procurement of furniture.

#### 4) **Absence, inefficiency and misconduct**

Apart from other grievous guilts, the delinquent official is has also committed an act of absenting himself willfully from duty by not assuming his charge at his new station even

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after issuing his transfer order on 16/12/2022, about two months before. This intervening time is considered as absence. The delinquent official has also been served with an absence notice vide No. 80-84 dated 5/1/203 on his home address, however, he has neither given any reply to the same nor taken over charge at GHSS Totalai and is absent since then. **(Absence notice is attached as annexure "R")**

Similarly, the Principal's reports and his verbal discussion at the school, it was disclosed that the delinquent teacher is inefficient. He neither takes his classes nor takes interest in teaching. He is always busy in satanic actions and deeds in order to create commotion and aggravate the peaceful environment of the school. He has adopted a rogue behavior with the principal and the DEO. According to the Principal, the delinquent official is reprobate, rascal and a villain. He neither obeys his orders nor stops his mischiefs. He was time and again warned through order books to mend his ways but he blatantly refused to obey Principal's order and continued to behave impudently and rudely.

The delinquent official has also adopted the same rude, presumptuous, offensive and audacious behavior with the DEO (M), which is evident from his statement annexed at annexure "H". He has crossed the limits of rudeness and ill-mannerism to the extent that he tried to assault the DEO in his office, which sets a bad example of being subordinate.

Last but not the least, his behavior with the inquiry officer was not less reckless, daredevil, derelict and contemptuous than the one adopted with the principal and the DEO.

### CONCLUSION

Conclusively, the above highlighted points and their final settlement as against or in favour of the delinquent official as analyzed in captioned wise discussion, which determined the authenticity and verisimilitude of the charges leveled against Mr. Jehan Zeb SDM. The whole record goes against him, being guilty of misconduct, black mailing on social media, non-compliant of the legal and legitimate transfer order, issued by the Authorized Officer. Thus, having gone through scrupulous observation and analysis of all the available record, statements, documentary proofs and evidences as gleaned out during the course of inquiry by tallying with the office and school record obtained from all the quarters concerned, **it has fully been proved that Mr. Jehan Zeb SDM, Ex-GHS Dewan Baba, presently GHSS Totalai is guilty of inefficiency, misconduct and absence under The Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, and under rules 22, 23, 24, 25, 30, 34 and**

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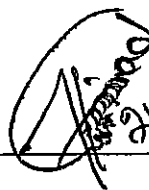
34-A of Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987, by not complying with the transfer order made in the public interest and in accordance with the Section-10 of Civil Servants Act, 1973 and baselessly defaming the officers on facebook and social media, in order to pressurize the DEO, to abstain him from taking disciplinary action against his wrongdoings as reported by the principal concerned, besides, being non-compliant, rude, blackmailer, he is guilty of continuously creating embarrassing situation for the department and wants to lead it by its nose as per his own whim and wish, which is neither commendable nor accommodative under the rules, in vogue, hence calls for nemesis.

**RECOMMENDATIONS:**

Keeping in view the above discussion, the following recommendation is suggested for further necessary action:

**Major Penalty of "Removal from Service" may be imposed upon Mr. Jehan Zeb SDM, Ex-GHS Dewana Baba, presently GHSS Totalai under Rule 4, sub-rule-(b) (iii) of the Khyber Pukhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011.**

Muhammad Riaz  
District Education Officer (Male)  
Swat  
(Inquiry Officer)

  
21/02/2023

Attested  






OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALE) DISTRICT BUNER  
PHONE & FAX NO. 0939-555110  
EMAIL: edobuner@gmail.com



24

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No. 490 Dated: 01/02/2023.

To


District Account Officer  
District Buner.

**SUBJECT: - STOPPAGE OF PAY AND ILLEGAL DRAWL OF SALARY BY  
JEHANZEB SDM, GHSS TOTALAI, EX-GHS DEWANA BABA.**

Memo,


Reference this office transfer order No.6359-64 dated 16/12/2022, (Transfer order is attached as annexure "A") Mr. Jehanzeb SDM was transferred from GHS Dewana Baba to GHSS Totalai on disciplinary grounds. The concerned principal relieved him on 22/12/2022 (Relieving slip is attached as annexure "B") and sent pay stoppage source along with all required documents on 2/1/2023, (Source is attached as annexure "C") however, his salary was not stopped by your office and he is still illegally taking his salary regularly, inspite of the fact that he is absent since 16/12/2022, wherewith an absence notice has already been issued to him under Rule-9 of the E&D Rules 2011. (Absence notice is attached as annexure "D")

It is, therefore, requested that his salary may be stopped and the overpayment w.e.f 16/12/2022 may please be recovered in order to fulfill the legal obligations and avoid undue loss to Govt. exchequer.

  
(JETHIKHAR UL GHANI)  
DISTRICT EDUCATION OFFICER  
(MALE) BUNER 1/2/23

Endst: No. 491-97 Dated: 1/2/2023  
Copy of the above is forwarded to:

1. Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Accountant General Khyber Pakhtunkhwa Peshawar.
4. Deputy Commissioner Buner.
5. DMO, (EMA) Buner.
6. Principal GHSS Dewana Baba/ GHSS Totalai.
7. Master File.

  
DISTRICT EDUCATION OFFICER  
(MALE) BUNER

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OFFICE OF THE DISTRICT EDUCATION OFFICER

(MALE) DISTRICT BUNER  
PHONE & FAX NO. 0939-555110  
EMAIL: edobuner@gmail.com



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**SUSPENSION ORDER.**

The Competent Authority is pleased to suspend the services of Mr. Jehan Zeb SDM, GHS Dewana Baba due to irregularity, misconduct and hard altercation with the Principal as well as with the undersigned, which is a tantamount to absenteeism inefficiency and misconduct under *Khyber Pakhtunkhwa Servants (Efficiency and Discipline) Rules 2011*, in the best interest of public service with immediate effect.

**Note: -** 1. Necessary entry to this effect should be made in his Service Book accordingly.

(IFTIKHAR UL GHANI)  
DISTRICT EDUCATION OFFICER (M)  
BUNER

Endst: No. 5487-92 Dated. 2/11/2022.

Copy forwarded for information to the;

1. Director Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar
2. Deputy Commissioner Buner
3. District Accounts Officer Buner.
4. DMO EMA Buner.
5. Principal GHS Dewana Baba Buner
6. Official Concerned.

  
DISTRICT EDUCATION OFFICER (M)  
BUNER

2/11/22

Attested  




**SHOW CAUSE NOTICE**

I, Mr. Dr. Hafiz Mohammad Ibrahim, Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar, as a Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, do hereby serve upon you, Mr. Jehan Zeb SDM, BS-16, Ex-GHS Dewana Baba, under-transfer to GHSS Totalai District Buner, this show cause notice as follow:-

1. That you blatantly defame the Principal GHS Dewana Baba as well as DEO (M) Buner and disseminate perverse, defamatory and demoralizing posts/information through your facebook page on shaky and flimsy grounds, reprimanding, tongue-lashing and condemning official business of the Government, which issued your transfer order on disciplinary grounds after due process. This action of yours is contrary to the rules (21), (24), (25) and (34-A sub-rules (1)(2) of the Conduct Rules 1987,
  2. That you are blackmailer and cunningly enumerate pseudo-faults (according to you) of the principal and DEO and put them on social media, in order to agitate and instigate teachers fraternity and general public against them as well as the High Ups, which is an utter violation of Conduct Rules 1987 and E&D Rules 2011.
  3. That you have been transferred from GHS Dewana Baba to GHSS Totalai on disciplinary grounds vide DEO (M) Office Order No.6359-64 dated 16/12/2022 and have been relieved by the principal GHS dewana Baba, however, you have not taken over charge and are absent since then.
  4. That you are guilty of continuously creating embarrassing situation for the Govt. as well as Elementary and Secondary Education Department by propagating falsification and misrepresentation of facts and figures. You fall back on/recourse to trifling sophistry and blackmailing on social media by spreading false, fallacious and spurious information just to defame and tarnish the image of certain officers. You, being Government servant, are neither allowed nor can you put such like information on social media under the rules, thenceforth, you have ceased to be efficient and are guilty of misconduct under Rule 3 (a) (b) defined in rules 2 (I) (i) (ii) (iii) (v) of the Khyber Pakhtunkhwa Servants (Efficiency and Discipline) Rules 2011, read with, Rules (21), (24), (25) and (34-A sub-rules (1)(2) of the Conduct Rules 1987.
  5. That you stigmatize, malign and slag off the character of certain officers of this Department including the undersigned without any proof by posting unauthorized, baseless information through various posts on facebook.
2. In terms of Rule-5(b) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, a formal inquiry was conducted against you vide this office Notification No.8260-62 dated 16/1/2023. The Inquiry Officer, after conducting a comprehensive inquiry, submitted report, wherein, you were found to be guilty of the above mentioned allegations and has recommended your removal from service under Rule-4 of the rules ibid.
3. By reasons of the above, you appear to be guilty of absence, inefficiency and misconduct under Rules 3 (a), (b) & (d) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, read with rules (21), (24), (25) and (34-A sub-rules (1)(2) of the Conduct Rules 1987 and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Rules ibid.
4. As a result thereof, I, as the Competent Authority, have tentatively decided to proceed against you under the above mentioned rules. You are, therefore, required to show cause as to why major penalty of "Removal from service" specified in Rule 4 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, should not be imposed upon you and also intimate whether you desire to be heard in person. If no reply to this office is received within 07 days of its delivery, it shall be presumed that you have no defense to put in and in that case ex-parte action will be taken against you under the above mentioned rules.

(DR. H. MOHAMMAD IBRAHIM)  
DIRECTOR

Directorate of Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar.

Mr. Jehan Zeb SDM (BPS-16)  
Ex-GHS Dewan Baba, under-transfer to GHSS Totalai  
District Buner.

Attested  
[Signature]

Annex "L" P-34

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To,

SECRETARY ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT, KHYBER PAKHTUNKHWA  
PESHAWAR

Subject: DEPARTMENTAL APPEAL/REPRESENTATION AGAINST THE  
IMPUGNED ORDER DATED 08.08.2023 VIDE WHICH THE  
APPELLANT WAS IMPOSED MAJOR PENALTY OF REMOVAL  
FROM SERVICE.

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30/08/23  
2/11/23  
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Respected Sir,

1. That the Appellant is a peaceful and law abiding citizen of Pakistan and is entitled for all the legal and fundamental rights constitution of Islamic Republic of Pakistan 1973.
2. That the Appellant was serving as SDM BPS-16 in GHS Dewana Baba District Buner since 08.06.1998.
3. That the appellant was performing his duties as SDM BPS-16 Dewana Baba District Buner, with full zeal and Zest and no complaint whatsoever has been made against the Appellant to his high ups.
4. That the District Education Officer (DEO) Male Buner issued NOC to the Appellant to appear in Examination of BED on 13.09.2021. (Copy of NOC is attached as annexure A)
5. That on 24.10.2022 the Appellant moves an Application for leave to his principal to attend the B.Ed Examination. (Copy of Application is attached as annexure B)
6. That the Principal of Appellant's School forward the said Application to DEO on 25.10.2022 and also draft an Application to DEO for granting leave to the Appellant. (Copy of Application of DEO is attached as annexure C)
7. That the DEO when received the said Application for leave for the Exam of the appellant, the DEO (Mr. Iftikhar ul Ghani) called the appellant to attend his office where the DEO (Mr. Iftikhar ul Ghani) told to the Appellant that he will stop salary of the Appellant, on which the Appellant stated that your good self could not stop salary of the Appellant because there are judgment of the Apex Court that the salary of a Government Servant could not be stopped without any reason, this reply made the DEO (Mr. Iftikhar ul Ghani) annoyed and as a result the DEO (Mr. Iftikhar ul Ghani) became angry and on the spot issued the Show Cause Notice as well as suspension order on 02.11.2022 to the Appellant. (Copy of Show

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Cause Notice and suspension order dated 02.11.2022 are attached as annexure D)

etc P. J. J. etc

- 8. That the Appellant give his reply of the Show Cause issued by the DEO on 02.11.2022 and the Appellant mentioned in his reply that your good self (DEO) cannot issue Show Cause because the Appellant is BPS-16 and your good self can issue Show Cause to BPS-14 and not above the EPS-14. **(Copy of Reply is attached as annexure E)**
- 9. That after the above mentioned discussion the DEO (Mr. Ifikhar ul Ghani) became very angry and reply to the Appellant that you teach me the law, now I will teach you a lesson, which result the Show Cause as well as suspension of the Appellant.
- 10. That after the receiving of the Appellant the respondent No 3 approached the Office of Director Elementary & Secondary Education with the malafide intention and the Director E&SE issued a Show Cause Notice against the Appellant on 05.11.2022 on the request of DEO (Mr. Ifikhar ul Ghani). **(Copy of Show Cause is attached as annexure F)**
- 11. That when the Director got the knowledge that the DEO is became personal with the Appellant, the Director E&SE withdraw his order / show cause on 14.12.2022. **(Copy of Withdraw Order is attached as annexure G)**
- 12. That after the withdrawal of the Show Cause by the Director E&SE, the DEO (Mr. Ifikhar ul Ghani) malafidely issued an order of Transfer of the appellant from GHS Dewana Baba to GHS Totali on 16.12.2022 and thereafter had also issued order dated 01.02.2023 of stoppage of salary of the Appellant, which is the result of malafide intention and personal grudges with the Appellant and was not made on the Public Interest. **(Copy of Transfer Order and stoppage of salary order are attached as annexure H)**
- 13. That the appellant aggrieved from the transfer order dated 16.12.2022 and stoppage of salary order dated 01.02.2023, which are illegal, unlawful, void-ab-initio and liable to be set aside, thereafter the Appellant filed a Departmental Appeal No. 573 dated 22.12.2022 before the Director E&SE, which has not yet been responded / decided after the completion of the statutory period. **(Copy of Departmental Appeal is attached as annexure I)**
- 14. That thereafter the appellant being aggrieved filed Service Appeal before the learned Service Tribunal Khyber Pakhtunkhwa, Peshawar against the impugned Transfer Order, which is still pending before the learned Service Tribunal and is fixed for 06.09.2023. **(Copy of Service Appeal is attached)**

Affected


Signature

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- 15. That thereafter the Director Elementary & Secondary Education Peshawar passed an Impugned Order while imposing major penalty of Removal from Service upon the Appellant vide Impugned Order dated 07.08.2023. **(Copy of the Impugned Order is attached)**
- 16. That the appellant has moved an application to Director Elementary & Secondary Education KP regarding the appointment of another inquiry officer except the officer who conduct the inquiry and made objection on the inquiry officer by appellant. **(Copy of application and TCS receipt is attached).**
- 17. That the inquiry was held or abance but then without informing the appellant conducted inquiry.
- 18. That neither the appellant given any oppourtunity nor the appellant was called for personal hearing before issuance of the impugned order, which is also ilegal, unlawful and without lawful authority and is against the legal and fundamental rights of the appellant.
- 19. That it is well established principal of the Apex Court that an employee should not be vexed twice for the same offence as already salary of the Appellant i.e Rs. 18876/- has been deducted from the appellant as per the initial order, similarly once the competent authority passed the transfer Order of the Appellant and thereafter the subsequent Removal order is against the law, rules, policy and constitution mandate.
- 20. That as per the policy guide lines it is obligatory upon the competent authority to issue the Removal order in such manners provided under the rules and policy according to which the Appellant has been dismissed, the same is illegal unlawful without lawful authority.
- 21. That the fundamental right of the Appellant has blatantly violated by the Department and the Appellant have been discriminated and has been denied his due rights under the Constitution of Islamic Republic of Pakistan, 1973.

It is, therefore, most humbly requested that,  
 on acceptance of this Appeal, the impugned order dated 07.08.2023 whereby the competent authority imposed major penalty of Removal from service may kindly be set aside and the Appellant may please be reinstated / restored into his service with all back benefits.

ETC  
 PA  
 [Handwritten signature]

  
**JEHANZEB**  
 S/O MIRDAD KHAN,  
 SDM BPS-16, GHS DEWANA BABA  
 DISTRICT BUNER  
 CELL # 0333-9696468

Attested  




**DIRECTORATE ELEMENTARY & SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA, PESHAWAR.**

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**AUTHORITY LETTER**

I, Samina Altaf, Director (E&SE) Khyber Pakhtunkhwa Peshawar do hereby authorized Mr. Muhammad Rizwan, Assistant Director Litigation-II of this Directorate for submission of Joint Parawise Comments in **Service Appeal No. 2504/2023 case titled Jehan Zeb, SDM (BPS-16) District Buner Vs Government of Khyber Pakhtunkhwa & others** fixed for hearing on 07-02-2024, hence, an authority letter is hereby issued in favor of the above-named officer.

  
(SAMINA ALTAF)  
DIRECTOR

E&SE Department Khyber  
Pakhtunkhwa, Peshawar.