

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT, ABBOTTABAD

Service Appeal No.828/2019

Date of Institution ... 24.06.2019
Date of Decision ... 16.11.2021

Naveed Hussain Ex-P.E.T, G.M.S Gulband, District
Abbottabad, presently Barkaly Real Estate, Maqadis Tower,
Mandian, Abbottabad.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary
Elementary & Secondary Education Department, Khyber
Pakhtunkhwa, Peshawar and two others.

... (Respondents)

Abdul Rauf Chohan,
Advocate

... For appellant.

Muhammad Riaz Khan Paindakhel,
Assistant Advocate General

... For respondents.

Ahmad Sultan Tareen
Rozina Rehman

... Chairman
... Member (J)

JUDGMENT

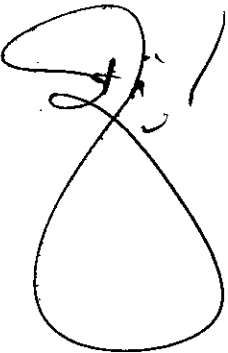
Rozina Rehman, Member(J): Brief facts of the case are that
appellant was appointed as P.E.T on 17.01.2005. He went abroad
after getting study leave on 13.02.2008. He applied for further
extension of study leave which was also sanctioned. He came back
after expiry of study leave and applied for proper adjustment. He was
issued charge sheet and statement of allegations, inquiry was
conducted and he was dismissed from service. Feeling aggrieved, he



filed departmental appeal which was not responded to, hence, the present service appeal.

2. We have heard Abdul Rauf Chohan Advocate learned counsel for appellant and Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General for the respondents and have gone through the record and the proceedings of the case in minute particulars.

3. Abdul Rauf Chohan Advocate, learned counsel for appellant submitted that impugned order is wrong, illegal and without jurisdiction. Learned counsel submitted that the appellant was not provided with the proper opportunity of cross examining the witnesses and record as well which is against the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. He contended that no proper inquiry was conducted and despite repeated request by the appellant he was not adjusted properly. Lastly, he submitted that the entire documents produced by the appellant before the inquiry committee were not taken into consideration and those document were not made part of the inquiry, therefore, the major penalty cannot be imposed without conducting proper regular inquiry, he therefore prayed for acceptance of instant service appeal.



4. Conversely, learned A.A.G submitted that appellant remained willful absent from duty without prior approval of the competent authority. He contended that all the allegations leveled against the appellant were proved and the inquiry was conducted in accordance with Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. He submitted that proper charge sheet and statement of allegations were served upon the appellant and proper

inquiry committee was constituted which recorded the statement of witnesses and proper opportunity was provided to the appellant for defense. He contended that the appellant remained absent w.e.f 05.11.2007 to 17.03.2018 which absence was never justified, therefore, major penalty was imposed after compliance of all legal formalities.

5. From the record it is evident that appellant Naveed Hussain was appointed as P.E.T in BPS-09 vide order dated 17.01.2005. Admittedly, he left for abroad on 13.02.2008 but neither any application seeking ex-Pakistan leave nor any N.O.C was placed on file which could show that he properly applied for study leave or ex-Pakistan leave showing proper prior approval of the competent authority. He has placed on file an application seeking extension in his ex-Pakistan leave w.e.f 15.01.2010 to 31.01.2012. Again, there is no justification in respect of this application seeking extension as the same was never approved by the competent authority. He filed an application for adjustment in the year 2012 which however, was not admitted by the respondent Department. Proper charge sheet and statement of allegations were issued on 20.04.2018. Inquiry Officer was appointed to probe into the matter. The Inquiry Officer did not recommend anything against or in favor of the teacher i.e. appellant till provision of record from the concerned office. As per his report, the appellant remained on ex-Pakistan leave w.e.f 2008 to 2012 (Five years without record) and he remained absent without any information/approval of the competent authority. Despite repeated directions record was not produced, therefore, in supersession of Notification dated 20.04.2018, another Inquiry Committee was constituted and Muhammad Arif Principal GHS Sherwan and Dr.




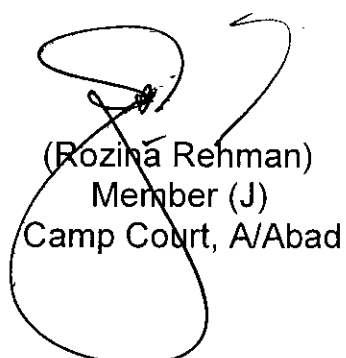
Muhammad Javid GHS Kakul, Abbottabad were appointed Inquiry Officers. Charge sheet and statement of allegations were properly served. Inquiry Committee submitted proper inquiry report. As per inquiry report, appellant willfully remained absent w.e.f 05.11.2007 to 17.03.2018. As per F.R-18, if a Government servant remains willful absent from his duty for more than five years, his service will automatically be ceased. The appellant failed to produce proper documents in respect of his study leave properly sanctioned by the competent authority. He was having service of only two years, eight months and four days in his credit and was not entitled for study leave or any kind of leave for a long period. No N.O.C was ever brought on record by the appellant in order to justify his alleged leave for study abroad. He was given proper opportunity to defend his case. He properly submitted reply which is available on file. He remained absent from duty for a long period without any justification, therefore, was rightly proceeded against departmentally and was dismissed from service.

6 Having considered the matter from all angles in the light of material available on file, we do not find any merit in the instant service appeal which is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.

16.11.2021.


(Ahmad Sultan Tareen)
Chairman
Camp Court, A/Abad


(Rozina Rehman)
Member (J)
Camp Court, A/Abad

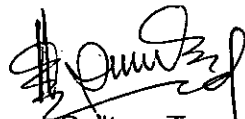
Order
16.11.2021

Appellant present through counsel.

Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General alongwith Sohail Ahmad Zeb Litigation Assistant for respondents present.

Vide our judgment of today of this Tribunal placed on file, we do not find any merit in the instant service appeal which is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

Announced.
16.11.2021



(Ahmad Sultan Tareen)
Chairman
Camp Court, A/Abad



(Rozina Rehman)
Member (J)
Camp Court, A/Abad

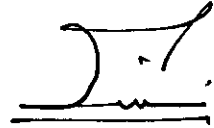
21.09.2021

Nemo for the appellant... Mr. Sohail Ahmed Zeb, Litigation Officer alongwith Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for the respondents present.

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel and to come up for arguments before the D.B on 16.11.2021 at Camp Court Abbottabad.



(ATIQU-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)
CAMP COURT ABBOTTABAD



(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT ABBOTTABAD

19.01.2021

Due to COVID-19, the case is adjourned for the same on 17.02.2021 before D.B.



READER


17.02.2021

Learned counsel for the appellant present.

Noor Zaman Khattak, learned District Attorney for respondents present.


Learned counsel for the appellant submitted rejoinder which is placed on file. Copy of the same is handed over to the learned District Attorney. Adjournment requested. Adjourned. To come up for arguments on 20.04.2021 before D.B at Camp Court, Abbottabad.


(Atiq ur Rehman Wazir)
Member (E)
Camp Court, Abbottabad


(Rozina Rehman)
Member (J)
Camp Court, Abbottabad

20-4-21

Due to covid-19, case is adjourned to 21-9-2021 for the same.

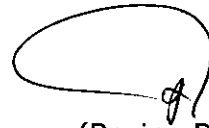

Reader

21.10.2020

Appellant present in person.

Usman Ghani learned District Attorney alongwith Sohail Ahmad Zeb Litigation Assistant for respondents present.

Written reply on behalf of respondents submitted. To come up for rejoinder, if any and arguments on 19.01.2021 before D.B at Camp Court, Abbottabad.



(Rozina Rehman)
Member (J)
Camp Court, A/Abad

from service after fulfilling all the codal formalities, therefore, the respondent-department has rightly passed the impugned order.

M
On ~~the~~ one hand, learned counsel for the appellant claimed that the appellant was imposed major penalty of dismissal from service without fulfilling all the codal formalities by the respondent-department while on the other hand representative of the department *and* learned Deputy District Attorney has contended that the appellant was imposed major penalty of dismissal from service after fulfilling all the codal formalities therefore, it would be decided after submitting the para-wise comments and brining on record relevant record, therefore, the appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 17.02.2020 before S.B at Camp Court Abbottabad.

Appellant Deposited
Security & Process Fee
17/2

MA
(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

Due to covid ,19 case to come up for the same on / /
at camp court abbottabad.

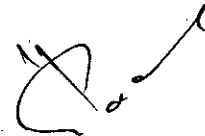
Reader

Due to summer vacation case to come up for the same on 2/
10/2020 at camp court abbottabad.

AM
Reader

20.11.2019

Learned counsel for the appellant present. Written reply not submitted. Sohail Ahmad Zeb Litigation Officer representative of the respondent department present and seeks time to furnish reply. Granted. To come up for reply/preliminary arguments on 17.12.2019 before S.B at Camp Court, Abbottabad.



Member
Camp Court, A/Abad

17.12.2019

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Muhammad Tufail, Assistant Litigation Officer for the respondents present. Preliminary argument heard.

Learned counsel for the appellant contended that the appellant was serving in Education Department as PET. It was further contended that the appellant was granted ex-Pakistan leave and with the permission of the competent authority, he went abroad. It was further contended that when the appellant came back to Pakistan, he applied for adjustment but the respondent-department did not allow him to join duty rather issued a charge sheet, statement of allegation and after departmental proceeding he was imposed major penalty of dismissal from service vide order dated 11.02.2019. The appellant filed departmental appeal on 25.02.2019 but the same was not responded hence, the present service appeal. It was further contended that neither the appellant was associated in the regular inquiry nor any show-cause notice was issued to the appellant nor any absence notice was issued to the appellant at his home address nor any advertisement regarding his absence was published in the newspaper therefore, all the proceeding are illegal and liable to be set-aside.

On the other hand, representative of the department as well as learned Deputy District Attorney contended that the appellant remained absent from duty for a long period without the permission of the competent authority and sanctioned of leave. It was further contended that the appellant was imposed major penalty of dismissal

23.08.2019

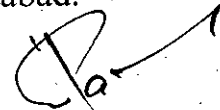
Appellant present. Heard.

The appellant has filed the present service appeal being aggrieved against the order dated 11.02.2019 whereby he was awarded major penalty of dismissal from service mainly on account of absence from duty i.e. w.e.f 05.01.2007 to 17.03.2018 (more than 10 years).

Appellant pleaded that on 13.02.2018 he went abroad on study leave by the sanction approved by the competent authority which leave was expired on 15.01.2010 and then he was sanctioned extension of ex-Pakistan leave w.e.f. 15.01.2010 to 31.01.2012; that when the appellant came back after expiry of study leave he applied for proper adjustment on 02.02.2012; that on 20.04.2018 the respondent department issued charge sheet/statement of allegations against the appellant.

No orders regarding sanctioning of ex-Pakistan leave w.e.f 2008 to 2012 found available on file.

Let preadmission notice be issued to the respondents for reply. Adjourn. To come up for reply/preliminary hearing on 21.10.2019 before S.B at Camp Court, Abbottabad.



Member
Camp Court, A/Abad

21.10.2019

Appellant present in person. Mr. Usman Ghani District Attorney present. Mr. Sohail Ahmad Zaib, Assistant for the respondents present and seeks further time. Adjourn. To come up for written reply/comments on 20.11.2019 before S.B at Camp Court, Abbottabad.





Member
Camp court, A/Abad

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- 828/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/06/2019	<p>The appeal of Mr. Naveed Hussain received today by post may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR 24/6/19</p>
2-	27-06-2019	<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>23-08-2019</u></p> <p> CHAIRMAN</p>

BEFORE KHYBER PAKHTUNHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No: 828 of 2019

Naveed Hussain.....**APPELLANT**


Versus

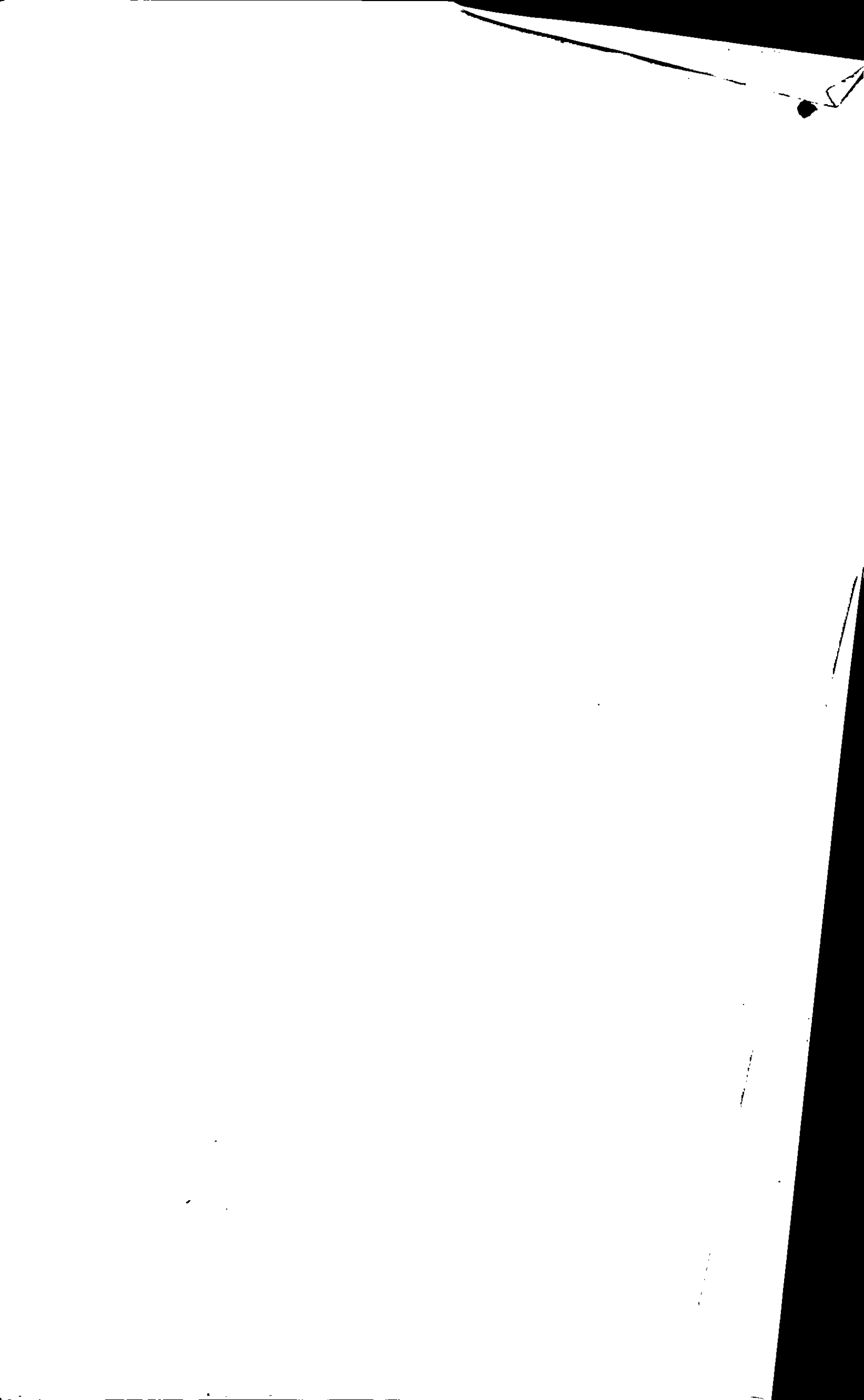
Government of Khyber Pakhtunkhwa through Secretary
Elementary & Secondary Education Department Peshawar & 02
Others.....**RESPONDENTS**

SERVICE APPEAL
INDEX

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3	Copy of both the applications submitted by the appellant	B	12-13
4	Copies of notification dated 20/04/2018 and charge sheet	C	14-16
5	Copies of questionnaire and that of reply of appellant	D	17-26
6	Copy of reply of the charge sheet	E	27
7	Copy of inquiry report dated 26/07/2018, submitted by first inquiry officer	F	28
8	Copies of charge sheet and notification dated 08/09/2018	G	29-32
9	Copy of written reply of the charge sheet	H	33-35
10	Copies of the questionnaire and reply of the questionnaire	I	36-45
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Dated 22/06/2019


(Naveed Hussain)
(appellant In Person)



**BEFORE THE KHYBER PAKHTUNHWA SERVICE
TRIBUNAL CAMP COURT, ABBOTTABAD**

Service Appeal No: 828 of 2019

Naveed Hussain Ex-PET, GMS Gulbandi, District Abbottabad,
presently Barkaly Real Estate, Maqadis Tower, Mandian,
Abbottabad, Mob# 0316-5287963.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 890

Dated 24/6/2019 APPELLANT

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department Peshawar.
2. Director of Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Elementary & Secondary Education) (Male), Abbottabad.

Filed to-day

Registrar

24/6/19

....RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF NWFP (NOW KHYBER PAKHTUNKHWA) SERVICE TRIBUNAL ACT 1974 AGAINST IMPUGNED ORDER DATED 11/02/2019, ISSUED UNDER ENDORSEMENT NO 1608-14 WHEREBY RESPONDENT NO 3 IMPOSED MAJOR PENALTY OF "DISMISSAL FROM SERVICE" AND APPELLANT FILED A DEPARTMENTAL APPEAL BEFORE RESPONDENT NO.2 ON 25/02/2019 WHICH WAS NOT HONOURED. THE SAID ORDER IS TOTALLY AGAINST THE LAW, WITHOUT JURISDICTION, MALAFIDY AND ISSUED AGAINST THE NATURAL JUSTICE.

PRAYER:

IT IS RESPECTFULLY PRAYED BEFORE THIS HONOURABLE TRIBUNAL THAT THE INSTANT APPEAL MAY GRACIOUSLY, BE ACCEPTED AND IMPUGNED ORDER DATED 11/02/2019, BE SET ASIDE. THE APPELLANT MAY PLEASE BE RE-INSTATED IN SERVICE WITH ALL BACK BENEFITS.

=====

Respectfully Sheweth,

FACTS

- 1) That, appellant was appointed as a "PET" on 17/01/2005 at GHS Lakhala, District Abbottabad and adjusted through amendment order dated 04/02/2005 at GMS Gulbandi, Abbottabad. **(Copy of appointment order is attached as Annexure "A")**

- 2) That, on 13/02/2008, appellant went abroad on study leave by the proper approval of the competent authority and when the appellant came back, applied for further extension of study leave on 24/12/2009 which was sanctioned. When the appellant came back after expiry of study leave, applied for proper adjustment on 02/02/2012. **(Copy of both the applications are attached as Annexure "B")**

- 3) That, on 20/04/2018, respondent No.3, issued charge sheet/ statement of allegation against the appellant and also issued notification for the appointment of inquiry officer. **(Copies of notification dated 20/04/2018 and charge sheet are annexed as Annexure "C")**
- 4) That, on 07/05/2018, inquiry officer served questionnaire to appellant and appellant submitted his reply on 14/05/2018. **(Copies of questionnaire and that of reply of appellant, are annexed as Annexure "D")**
- 5) That, on 16/05/2018, appellant submitted reply of the charge sheet / statement of allegation to inquiry officer. **(Copy of reply of the charge sheet is annexed as Annexure "E")**
- 6) That, on 26/07/2018, inquiry officer (Khurshid Ahmed) submitted the inquiry report of the appellant to respondent No.3. **(Copy of inquiry report dated 26/07/2018. is annexed as Annexure "F")**
- 7) That, on 08/09/2018, respondent No.3 once again served a charge sheet and issued notification constitution of inquiry committee. **(Copies of charge sheet and notification dated 08/09/2018 are annexed as Annexure "G")**

- 8) That, on 19/09/2018, appellant submitted written reply to charge sheet before inquiry committee. **(Copy of written reply of the charge sheet is annexed as Annexure "H")**
- 9) That, inquiry committee served a questionnaire upon the appellant and appellant submitted his reply to inquiry committee. **(Copies of the questionnaire and reply of the questionnaire are annexed as Annexure "I")**
- 10) That, on 10/10/2018, inquiry committee submitted inquiry report against the appellant to respondent No.3. **(Copy of inquiry report is annexed as Annexure "J")**
- 11) That, on 06/11/2018, respondent No.3, issued a show cause notice against the appellant and appellant submitted his reply on 09/12/2019 through registered post. **(Copies of show cause notice and written reply alongwith postal receipt are annexed as Annexure "K")**
- 12) That, on 18/01/2019, incompetent authority (Deputy District Education Officer) issued a letter for personal hearing of the appellant to be held on 26/01/2019 and appellant appeared for personal hearing at the time and dated fixed. The personal hearing of the appellant was not conducted under section-15 of E&D Rules 2011. **(Copy of letter dated 18/01/2019 for personal hearing is annexed as Annexure "L")**

- 13) That, on 11/02/2019 vide Endst: No. 1608-14 respondent No.3, issued the impugned order for dismissal from service of appellant. **(Copy of the impugned order dated 11/02/2019 is annexed as Annexure "M")**
- 14) That, on 25/02/2019, appellant submitted a departmental appeal against the impugned order before the respondent No.2 which is still pending. **(Copy of departmental appeal is annexed as Annexure "N")**
- 15) That, feeling aggrieved by the said order and after passing the statutory period of 90 days and within 120 days of specific period from the submission of departmental remedy / presentation. *Hence this appeal inter-alia on the following grounds:-*

GROUND:

- a) That, the impugned order is totally illegal and void order due to which same has no space in the eyes of law.
- b) That, the impugned order is baseless, without jurisdiction and issued against the Rule-9 of E&D Rule-2011.
- c) That, the reasoning and narrated story of impugned order dated 11/02/2019 was wrong and not in accordance with record and against the law and liable to be set-aside.


- d) That, the personal hearing of the appellant was conducted by the incompetent authority which is totally against the Rule-15 of E&D Rules 2011.
- e) That, the inquiry committee conducted the inquiry in the form of question and answer which is not permissible in the eyes of law.
- f) That, in the inquiry proceeding appellant proved successfully that all allegations are incorrect and without legal & factual footing similarly he also proved that respondents willfully did not want to clear the real position and protected the responsible officer and make appellant as scapegoat thus this impugned action is beyond their jurisdiction.
- g) That, during the whole inquiry process, appellant was not provided the opportunity of cross examination upon the witnesses and record which is against the E&D Rules 2011.
- h) That, if the appellant remained absent from duty than why not the departmental authority has taken any action against the appellant and why not published any add in the any newspaper under the rules.
- i) That, the appellant submitted an application for adjustment on 02/02/2012 but the department has taken no action upon the said application of appellant and uses delaying tactics.

- j) That, the allegations leveled against the appellant in charge sheet and show cause notice are totally different from each other due to which the impugned order issued by the respondent No.3 is totally null and void and have not space in the eyes law, hence, liable to be set aside.
- k) That, the inquiry committee did not consider at all the documents submitted by the appellant and also not made the part of inquiry thus, the whole inquiry process is illegal ineffective upon the right of appellant.
- l) That, the competent authority accepted in the statement allegations that the appellant was on Ex-Pakistan leave w.e.f. 2008 to 2012 hence, there is no reason to impose the major penalty upon the appellant thus, the impugned order is liable to be set-aside.
- m) That, the first inquiry officer requested the department to provide the record of appellant but department did not provided any relative record to the said inquiry officer but constituted another inquiry committee of their own choice for the purpose of getting favourable finding. **(Copy of letter dated 18/05/2018 is annexed as Annexure "O")**
- n) That, major penalty cannot be imposed without conducting regular inquiry and regular inquiry was not conducted against the appellant.

- o) That, the major penalty of dismissal from service, imposed upon the appellant is against the law.
- p) That, the instant Appeal is well within time and other points shall be raised during the course of arguments with the prior permission of this Hon'ble Tribunal.

It is therefore, humbly prayed that the instant appeal may graciously be accepted, and impugned order Ends: No.1608-14 dated 11/02/2019, be set aside and the appellant may please be reinstated in service with all back benefits. Any other relief for which the appellant is entitled and same is not asked/prayed specifically, may kindly be granted in the favour of the Appellant too.

Dated 22/06/2019



(Naveed Hussain)
(Appellant Inperson)

AFFIDAVIT:

I, Naveed Hussain Ex-PET, GMS Gulbandi, District Abbottabad, presently Barkaly Real Estate, Maqadis Tower, Mandian, Abbottabad, **Appellant**, do hereby affirm on oath that contents of instant appeal are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honourable Tribunal and instant appeal is first appeal and same nature of any other appeal is not pending before this Honourable Tribunal.

DEPONENT

Dated 22/06/2019


(Naveed Hussain)
(Appellant In person)

OFFICE OF THE DISTRICT COORDINATION OFFICER ABBOTTABAD.

ORDER

کریال چوک ایکسپریس روڈ آفیس آف ڈسٹرکٹ کوریڈینیشن آفیسر آف اے ڈی او

The District Government Abbottabad is please to appoint the following PET (Male) in BPS-09 on Contract Basis, (Rs.2410-145-6760) in case of BA 2nd Division BPS-14 (RS.3100-240-10300) plus usual allowances as admissible under the rules for a period of Two years and posted in the schools as noted against their names with effect from the date of taking over charge subject to the terms and conditions mentioned below:-

PET (MALE) OPEN ON CONTRACT BASIS.

کریال چوک ایکسپریس روڈ آفیس آف ڈسٹرکٹ کوریڈینیشن آفیسر آف اے ڈی او

SNO	RNO	NAME OF CANDIDATES	FATHER'S NAME	ADDRESS	SESSION	TOTAL MERIT POSITION	PLACE OF POSTING	REMARKS
1	2	3	4	5	7	6	8	9
1	824	NAVEED HUISSAIN	M.SA DIQ	MIR PUR	2004	43.45	GHS LAKHALA	AV POST
2	631	AMJED ALI	GUL ZAMAN KHAN	B.PAHAR	2004	41.41	GHS TRUNDA	AV POST
3	705	IMRAN KHAN	GUL ZAMAN KHAN	JHANGRA	2004	36.95	GHS CHAMMAD	AV POST
4	807	ABID SARFRAZ	M.SARFRAZ	MOOLIA	2004	36.04	GHS MOOLIA	AV POST
5	2042	MUSHTAQ AHMED	FAKIR MOJID	MOOLIA	2004	35.22	GHS BELROTE	AV POST

TERMS AND CONDITIONS OF THEIR APPOINTMENTS.

1. They will be sign the agreement form before joining service.
2. The candidates will ente into an agreement with the Govt. and will be governed by the terms and conditions hereinafter mentioned in such agreement.
3. Their salary is subject to execution of agreement deed based on the terms and conditions of the contract through EDO (Sch: & Lit) And as per Govt. rules and regulation.
4. They will get initial of the scale including usual allowances as admissible under the rule. They are entitled to annual increment after completion of one year of service.
5. The DO (Sch: & Lit) should obtain security bond as well as agreement bond executed by each candidate to obey contract policy and will have no right to challenge the policy in any Court of Law.
6. The services will be considered as per rules and regulation Govt. of NWFP.
7. Their services are liable to termination on one month's prior notice from either side. In case of resignation without prior notice their one month's pay/allowances, if any shall be forfeited to Govt.
8. Contribution of G.P.F and as per rules and regulation Govt. of NWFP.
9. The appointees should join their post by 01.01.2005 positive, other wise the appointment shall stand cancel and the individual next on merit will be appointed in his/her place.
10. Their services can be terminated at any time if their performance is found unsatisfactory and they will be proceeded against under the removal from service (Special Power Ordinance 2000 and F&D Rules 173).

کریال چوک ایکسپریس روڈ آفیس آف ڈسٹرکٹ کوریڈینیشن آفیسر آف اے ڈی او

Alam

- 11. They shall be required to furnish copies of all their certificates / Degrees along with original receipts and photo copy thereof pertaining to the verification fee of concerned examining body (Board/University) to the DO(S & L)Attd. The latter shall arrange verification of all the certificates / degrees of the appointee and will issue a clearance certificate to each appointee for the release of his / her pay. His / her pay bill should not be submitted to the DAO Abbottabad before verification of all certificates / degrees from the concerned institutions of each candidate, herein all relevant documents must be submitted to the EDO(S&L)Attd upto 01/02/2005 positively.
- 12. The school concerned should seek their original certificates / degrees and Domicile.
- 13. The average candidates should not be handed over charge, the age limit in 176 CT/DM/PET is 18 to 33 (Male) and 18 to 40 years for (Female), and age limit in 170 AT/TT/Qari is 18 to 33 (Male) and 18 to 35 years for (Female) appointees.
- 14. No TA/DA etc will be allowed to the candidates.
- 15. Charge reports should be submitted to all concerned.
- 16. Any aggrieved candidate has the right of appeal within 10 days of the issue of this notification and in case of acceptance junior most appointee / appointees will be replaced / removed from service.
- 17. Appointment against disable / deceased quota subject to the provision of the concerned certificate by the competent authority / standard medical board.

D. J. Khan
DISTRICT COORDINATION OFFICER
ABBOTTABAD.

Endst: No. 1461-78 / (M&E) APPTT: 2005 EDO(S&L) ATD. Dated. 17/01/2005

Copy forwarded for information and n/act on to the

- 1. Director Schools and Literacy NWFP, Peshawar.
- 2. District Nazim Abbottabad.
- 3. District Co-Ordination Officer Abbottabad.
- 4. District Accounts Officer Abbottabad.
- 5. DY: DO (Male & Female) Abbottabad.
- 6. Principal / H/M Concerned Schools.
- 7. Budget and Accounts Officer Local Office.
- 8. Candidates Concerned
- 9. Officer-Order file.

D. J. Khan
کریل پوسٹ آفس روڈ ایبٹ آباد

EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY ABBOTABAD.

D. J. Khan
کریل پوسٹ آفس روڈ ایبٹ آباد

کریل پوسٹ آفس روڈ ایبٹ آباد

11

OFFICE OF THE EXECUTIVE DISTRICT OFFICER SCHOOLS & LITE: A'ABAD.

AMMENDMENT.

Reference this office appointment letter No.1428-60/ Apptt:/PET(M) dated 17.01.2005 & No.1461-78/Apptt:/PET(M) of even date the following ammendment is hereby made in the interest of public service.

<u>S.No.</u>	<u>Name and Designation</u>	<u>Remarks.</u>
1.	Fakhr-e-Alam, PET	GHS Lakhala instead of GMS Gul Bandi vice S.No.2
2.	Naveed Hussain, PET	GMS Gul Bandi instead of GHS Lakhala, vice S.No.1

Charge report should be submitted to all concerned.

(SARDAR KHAN AFSAR)
EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY ABBOTTABAD

Endst:No. 3824-27 /EB-II/Apptt:/PET(M)dated Atd:the 4/02 2005

Copy to the :-

1. Headmaster Government High School Lakhala-Abbottabad.
2. Headmaster Government Middle School Gul Bandi-Abbottabad.
3. District Accounts Officer Abbottabad.
4. Budget & Accounts Officer local office.


~~EXECUTIVE~~ DISTRICT OFFICER
SCHOOLS & LITERACY ABBOTTABAD.

ATTESTED



To

The District Education Office (S&L)
Male Abbottabad.

Subj: -

Application for Extension in
EX-Pakistan Leave.

Dear Sir,

With veneration it is stated that - due to the college holiday days I, m in Pakistan. Actually for the last two years I have been staying in London for Educational purposes, during my stay I, m on Ex Pakistan leave that - is going expired on 15/1/10. My studies programme is not completed yet, which is expected to be completed in 24/1/12.

It is therefore, Your kind honour is requested to extend my EX-Pakistan Leave w.e.f 15/1/2010 to 31/1/2012.

Thanking you very much in anticipation.

Sincerely,

Allan
Naveed Hussain
P.E.T

G.M.S GulBandi Atd

Allan Naveed Hussain
P.E.T Science
M.Ed
H. 1001

Forwarded to
ED.O (S&L)
Further intiation

24/2/09

خدمتے ختہہ E.D.O ایلنٹری اینڈ سیکنڈری ایجوکیشن ڈیپارٹمنٹ ایسے ایگہ

عنوان :- درخواستے برائے ایڈجسٹمنٹ

ختہہ عالی

یہ کہ سائل P.E.T پوسٹے پر C.M.S گل باندی ڈیپارٹمنٹ ایسے ایگہ
اپنے فرائض سرانجام دے رہا تھا کہ سائل 'Ex. Pakistan leave' نے تحت برطانیہ چلا گیا
سائل نے Ex. Pakistan Leave سے منظوری ہو چکی تھی اور سائل نے اس طرف سے تنخواہ
وصول نہیں پائی ہے۔

یہ کہ ابے سائل نے تھی کا عمر ختم ہو چکا ہے
لہذا سائل نے ایڈجسٹمنٹ کرنے ہوئے سائل نے مایانہ تنخواہ جاری کرنے کے احکامات
مادہ مراٹے جانیے۔

حاضری رپورٹے مزید کا روانی کیلئے حاضر خدمتے ہے۔

الحداد فی بنیام

کوئٹہ سیکرٹری P.E.T

الموافق 02.02.2012

C.M.S Gul Bandi
District Abbottabad.

RECEIVED
Man

14
OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

NOTIFICATION

Mr. Khursheed Ahmed, Principal, GHS Pind Kargu Khan Abbottabad is hereby appointed as inquiry officer to conduct inquiry in respect of Mr. Naveed Hussain, PET, GMS Gulbandi Abbottabad on account of charges/allegations leveled against them with immediate effect.

ANNEXURE C

TERMS OF REFERENCES:

To probe the following issues:-

"The accused was on Ex-Pakistan leave w.e.from 2008 to 2012. After expiry of leave he failed to resume his duty and remained willful absent uptill now without any information/ approval of the competent authority".

The inquiry officer shall submit recommendations/report to the undersigned within fifteen (15) days with solid recommendation as laid down in Rule 11 to 14 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011. Opportunity of self defence and cross examination be provided to the accused.

Encls: 1. Charge Sheets 2. Statement of allegations


DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Endst: W625-28 EB-PET

Dated 20/4 2018

Copy forwarded to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Mr. Khursheed Ahmed, Principal, GHS Pind Kargu Khan Abbottabad along with copy of , charge sheet & statement of allegations.
3. Headmaster GMS Gulbandi Abbottabad with the direction to cooperate with the inquiry Officer.
4. Mr. Naveed Hussain, PET, GMS Gulbandi Abbottabad a/w copy of charge sheet & statement of allegations with the remarks to submit reply of the same to inquiry officer.


DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

ATTESTED


No. 4625-28 PET

Dated 20/4/ 2018

DISCIPLINARY ACTION

I Qazi Tajammal Hussain , District Education Officer (Male) Abbottabad as competent authority, am of the opinion that Mr. Naveed Hussain, PET, GMS Gulbandi Abbottabad has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

1. That you, while posted as PET at GMS Gulbandi Abbottabad committed the following acts/irregularities :-

"You were on Ex-Pakistan leave w.e.from 2008 to 2012. After expiry of leave you failed to resume your duty and remained willful absent uptill now without any information/approval of the competent authority".
2. For the purpose of inquiry of the said accused with reference to the above allegations, Mr. Ikram Ul Haq, Principal, GHS Takia Sheikhan Abbottabad is hereby appointed as Inquiry Officer under rule 10 (1) (a) of the ibid rules:
3. The inquiry officer shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record it findings and make, within fifteen days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
4. The accused and a well conversant representative of the Department shall join the proceedings on the date, time and place fixed by the inquiry officer.


COMPETENT AUTHORITY

✓
Mr. Naveed Hussain, PET, GMS Gulbandi Abbottabad.

ATTESTED


No. 4625-28 /PET

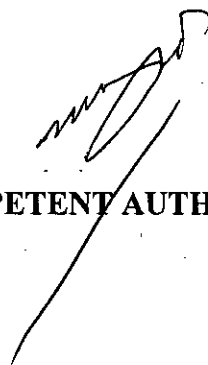
Dated 20/4/2018

CHARGE SHEET


I Qazi Tajammal Hussain, District Education Officer (Male) Abbottabad as Competent Authority, hereby charge you, Mr. Naveed Hussain, PET, GMS Gulbandi Abbottabad, as follows:

1. That you, while posted as PET at GMS Gulbandi Abbottabad committed the following acts/irregularities:-

"You were on Ex-Pakistan leave w.e.from 2008 to 2012. After expiry of leave you failed to resume your duty and remained willful absent uptill now without any information/approval of the competent authority"
2. By reason of the above, you appear to be guilty of willful absence from duty under Rule-3 of the Khyber Pakhtunkhwa Govt: Servants (E&D) Rules 2011 and have rendered yourself liable to all or any of the penalties specified Rules-of the rules ibid.
3. You are, therefore, required to submit your written defence within ten days of the issuance of this Charge Sheet to the Enquiry Committee as the case may be.
4. Your written defence, if any, should reach the Inquiry Committee within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.
5. Intimate whether you desire to be heard in person.
6. A statement of allegations is enclosed.


COMPETENT AUTHORITY

✓
Mr. Naveed Hussain, PET, GMS Gulbandi

ATTESTED


29-11-11 — 6973

23
140

سوالنامہ، براءٹ نوید صیغہ (17) PEI گورنمنٹ ڈیل سٹول، بانڈیا ایب آباد

SIGNATURE
D

حوالہ: ڈی/ای او (مردانہ) ضلع ایب آباد فر 28-2625 دفعہ 20 اپریل 2018

المترقبہ: 07/05/2018

سوال نمبر 1: آب انعام، ولایت، سکونت اور محنت PEI تحسینی کی تاریخ (سرورینک کے ساتھ) کا پتہ (مردانہ)۔
سوال نمبر 2: آب شروع میں 12 ستمبر 2007ء تا 12 اکتوبر 2007ء غیر طہریت۔ اگر آب نہ پہنچا تو کالکولیشن کے لیے غیر طہریت کا پتہ تحریر کریں۔

سوال نمبر 3: آب ٹارگٹڈ (سولہ ایم ایم رپورٹ) بتا رہے ہیں کہ آب 05 نومبر 2007ء کے سول سے غیر طہریت میں دم تحریر کریں۔

سوال نمبر 4: ڈی/ای او (مردانہ) کے نوٹیفیکیشن نمبر 28-4625 دفعہ 20 اپریل 2018ء کے مطابق آب 2008ء تا 2012ء Ex-Pakistan نہیں رہے۔ کیا درست ہے؟ کبھی سنووی مالکس نے زائد کیا؟

سوال نمبر 5: جب آبی کبھی فیم ہو چکی تو 2012ء کے لیے تا حال آب غیر طہریت میں جسے فیم کو ٹوٹی اطلاع نہ دی اور آ 2007ء 06 سال ٹوٹا گزرنے کو، کہ آپ مسلسل غیر طہریت میں - جو اسے تو سب سے زیادہ

سوال نمبر 6: جب آبی کبھی فیم ہوئی تو کیا اسے کبھی لکھنے دوبارہ درخواست دی؟ اگر ہاں تو شہرت زائد کریں۔

سوال نمبر 7: آپ جان لو تو رڈ ٹوٹی سے غیر طہریت میں - آپ کے خلاف کیوں ایک ایسا ڈی/ای او 2011ء کے مطابق کارروائی کی جائے۔ اسے دفاع میں جو بھی لکھنا چاہیں تحریر کریں۔

سوال نمبر 8: آپ نے آب سے کب تک اپنی تنخواہ و مہر لگی۔ Payroll / Pay slip کی نمبرہ کاپی فراہم کریں۔

سوال نمبر 9: آب اپنے بینک اکاؤنٹ اور Bank statement براءٹ نوید صیغہ 2007ء تا 30 جون 2008ء کے مطابق ساتھ لکھ کر لیں۔

07/05/2018

ATTESTED
Allan

Naveed Hussain
 Mobile :03165287963
 Email: na33511@yahoo.com

REPLY TO THE QUESTIONNAIRE (DATED: 07/05/18, WITH REFERENCE TO DEO (MALE) ABBOTTABAD NOTIFICATION NO. 4625-28 DATED 20TH APRIL, 2018.) GIVEN BY NAVEED HUSSAIN PHYSICAL EDUCATION TEACHER G.M.S GUL BANDI ABBOTTABAD,

Naveed Hussain Son of Muhammad Sadiq, Resident of Mirpur Khurd Abbottabad, and Physical Education Teacher G.M.S GULBANDI ABBOTTABAD do solemnly declare that:

- I. First of all, I would like to deny any allegation and charge against me.
- II. I would like to clarify; I was on ex-Pakistan leave w.e.f 2008 to 2012. This is not the truth that after expiry of leave I failed to resume my duty and remained willful absent uptill now without any information/approval of the competent authority. This is absolutely wrong and against the fact. Actually the reality is that I reported to authority about my availability and presence in PAKISTAN.
- III. From the outset, after completion of course of study programme.(M.A in Health and Social Care Management. PGD in Business) I returned to Pakistan. I had applied to DEO for reinstatement/rejoining of my service many times in 31-01-2012, 15-05-2012 after that I had been visiting to DEO continuously, but unfortunately I got no response from the other side and they evaded, practiced delay, no action was taken/initiated in this regard and begun an endless process of visits of DEO.
- IV. Moreover, my appeal/application has been pending for almost six years. In this span of time I had been kept myself busy in requesting to different DEOs but nothing is/was changed. Now it is May, 2018 six years had been passed in kept submitting applications constantly for

BERKLEY REAL ESTATE MUQADDAS TOWER MANDIAN ABBOTTABAD

ATTESTED
[Signature]

dated

14/05/18

Naveed Hussain
Mobile :03165287963
Email: na33511@yahoo.com

restoring/rejoining/reinstating my job to DEO, no dairy number or any other information about my appeal was given to me.

- V. Let's suppose I am wrong, I didn't applied for rejoining to education department, then why not any disciplinary action was taken against me six years ago, why not show cause notification was issued to me more over any notification/advertisement was not published in any newspaper in 2012. This long delay in taking disciplinary action is the official recognition of my stance is enormously true.
- VI. In a nutshell, the Notification No.4625-28, dated: April, 20 2018 of Office of District Education Officer (M) Abbottabad is a/an authentic, unquestionable, undeniable and indubitable proof, verification and certification of my standpoint and position.
- VII. Having clarified as above I hope that you would be convinced and covey the actual situation and portrait right/clear face of the picture to the competent authority. I would like to request you please to put my appeal forward to the competent authority they must give attention and consider my application/appeal and situation and reinstate/restore me.

Thank you in advance for your cooperation and prompt attention to this matter.

Sincerely,

Appellant:

NAVEED HUSSAIN

PET Gulbandi ATD

Naveed Hussain
14/05/18

BERKLEY REAL ESTATE MUQADDAS TOWER MANDIAN ABBOTTABAD

ATTACHED
Naveed Hussain

①

نام :- لوزیہ حسین

ولدیت :- محمد صادق

سکونت :- میرپورخورد ایسٹ آباد

تعییناتی کمیٹی تاریخ بحیثیت پی ایس ٹی

(17-01-2005)

سروس بک کمیٹی کوئی مالی میسرے پاس موجود نہیں ہے۔

ATTESTED



(2)

میں نوید حسین حلفاً اقرار کرتا ہوں کہ میں

مورفہ، 12-09-2007 تا 12-10-2007 میں بیمار

ہونے کی وجہ سے اپنے فرائض منصبی ادا نہیں کر سکا تھا۔

لینڈ ایٹھٹیفکیٹ Medical Certificate جس سے سہولت میں جمع کروایا تھا۔

جسکی رپورٹ BDO آفیس میں کردی گئی تھی جسکا

ڈائری نمبر 4358 ہے 16 اکتوبر 2007 کا ہے۔

(12-09-2007 سے 12-10-2007 تک Medical Leave پر تھا)

ATTESTED

Handwritten signature

(3)

Typhoid کی وجہ سے میں 05-11-07 کے بعد سکول حاضر ہونے سے تاہم رپا میں نے EDO آفس میں اطلاع کر دی تھی کے مجھے میڈیکل لیو عطا کی جائے جسکا میڈیکل سرٹیفکیٹ جمع کروایا تھا۔ اور سکول کو لیزر سے فون مطلع کیا تھا۔

(4)

یہ درست ہے کہ ڈی ای او (سرورانہ) کے نوٹیفکیشن نمبر 4625-28 مورخہ 20 لبریل کے مطابق میں 2008 تا 2012ء Ex Pakistan چھٹی بار تھا لیکن آفس کی طرف سے مجھے کوئی چھٹی منظوری کی نقل فراہم نہیں کی گئی میں مسلسل دفتر کے چکر لگاتا رہا تھا لیکن یہ بار مثال دیا جاتا۔

ATTESTED


(5)

میں نوید حسین ولد محمد صادق (PEI) گورنمنٹ مڈل سکول
 گل بانڈی ایسٹ آباد 2008ء سے 2012ء تک
 Ex Pakistan Leaver پیر فقا جسٹس عتیق یونس کے بعد میں دوبارہ
 taking over charge کی درخواست حکم کروائی جسکا مجھے کوئی
 مثبت جواب نہ دیا گیا۔

2012ء سے اب تک کوئی مرتبہ درخواستیں جمع کروائیں
 بار بار حکمہ کے حکم لٹا کر دیا گیا ہر دفعہ ٹال دیا جاتا تھا۔
 کبھی کیا جاتا تھا، کبھی صاحب میں صاحب مصروف ہے
 کہہ کر واپس کر دیا جاتا۔ اس طرح چھ سال کا طویل سفر طرز
 گیا۔

تین ڈی ای او صاحبان (ڈی ای او ریاض سوالات صاحب،
 ضیاء الدین صاحب (موجود) اور فانی تجمل حسین صاحب سے ایک بار
 نہیں بار بار مرتبہ استجاء کرتا رہا لیکن کسی کی طرف سے کوئی خاطر خواہ
 جواب وصول نہیں ہوا۔ ہمیشہ کی طرح کیا گیا، آنا کھڑے ہیں

لیکن نہ گل آیا اور نہ ہی ان چھ سالوں میں کچھ کیا گیا
 اس گل آنا ہی گردان نے میری زندگی کے چھ سال برباد کیے اور میں
 مسلسل دفتر کے حکم لٹا کر کے خود چکر ا گیا۔ تین تین گھنٹے مسلسل
 ڈی ای او صاحب کا انتظار کرتا رہا مگر بے سود۔

ATTACHED

Alam

(6)

جناب عالی!

میں حلفاً اقرار کرتا ہوں کہ میں Ex Pakistan

Leave ختم ہونے پر Ex Pakistan Leave Extension میں درخواستیں

دی ہیں اور (مردانہ) آفیس میں نمونہ کروائی تھی

میں نے Ex Pakistan Leave کو کہ 15-01-2010 کو ختم ہونی تھی

اس سے پہلے ہی 24-12-2009 کو دوبارہ جمع کئے درخواست نمونہ کروائی

جسکی تصدیق شدہ کاپی آپ کو فراہم کر چکا ہوں۔

اور جو ثبوت مانگے جا رہے ہیں تو سب سے بڑا ثبوت محکمہ کی فائونڈیشن

ہے۔ اگر میں نے درخواستیں یا اطلاع دینے کی تو محکمہ میرے خلاف

اتنے عرصہ سے کارروائی کیوں نہیں کی گئی۔

میری سچائی اور ثبوت تو یہ نوٹیفکیشن ہے جو مورخہ 20 اپریل

2018ء کو جاری ہوا جس کا نمبر 28-4625 ہے۔

ATTESTED

Alam

(7)

سوال نمبر 7 میں کیا گیا کہ میں ڈیوٹی سے جان بوجھ کر غیر حاضر رہا
یہ سراسر غلط ہے کہ یہ کیا جائے جس جان بوجھ کر غیر حاضر رہا ہوں
بلکہ میں تو مسلسل ایجوکیشن آفیس کے چکر لگاتا رہا ہوں
(اگر ایجوکیشن آفیس میں Visitation کے لیے حاضر رہتا رہتا
تو میری حاضرہ 91% ہوتی)

میں نے 2012ء کے شروع سے درخواستیں دینی شروع کیں
دہلی درخواست 12/01/13 کو دفتر میں نمونہ کروائی اور ڈی ای او صاحب
سے استیفاء بھی کی۔ اس کے بعد ناہنہ میونہ والا درخواستوں
کا سلسلہ جاری رہا۔ مگر کسی قسم کی پیش رفت نہ ہوئی۔
ڈی ای او آفیس ہی بے حس و حرکت ہیں کہ میں مسلسل چھ سالوں
سے باقاعدگی دفتر کے چکر لگاتا رہا اور کیا جاتا ہے کہ میں نے رپورٹ نہیں کی۔
آج بھی میں 2012ء کے شروع میں خالی ہاتھ گھسٹا ہوں
میں انصاف کس سے طلب کروں۔ مسلسل دفتروں کے چکر لگاتا رہا
میں تھک چکا ہوں۔

جناب عالی! میری ایک بیٹی ہے جسکی عمر تقریباً چھ سال ہے
دماغی اور Spinal Bifida کا اسپریشن ہو ایسے اور گھر سے بھی
نہیں ہو جکتے ہیں دل میں 25% کام کرتا ہے۔ اسکا علاج مشفا سنٹر
سے ہو رہا ہے۔
میرے چھوٹے چھوٹے بچے ہیں اور بیٹ سے مسائل ہیں
لہذا اسٹامپ ہے کہ میرے معایہ کا فلک جائزہ لیا جائے۔
اور مجھے انصاف دلا جائے۔

ATTESTED



(7)

میرے خلاف ای اینڈ ڈی رولز 2011 ایلائی نہیں ہوتا
 اس لیے میں نے بار بار آفس میں رپورٹ کی اور Rejoining Application
 آفس میں نمونہ کروائی۔ کہ مجھے بحال کر دیا جائے، کیا سہا ہوا کریں۔
 مگر کسی ڈی ای او صاحبان اور نہ کچھ کے دوسرے آفسران
 نے کسی قسم کی توجہ نہ دی۔
 پھر اسٹریٹ کے 100 جھ سال سے لگ رہا ہے۔
 اور کچھ کے واسے مسلسل مجھے مال دے رہے ہیں۔

موڈ بائیڈ گزارش ہے کہ مجھے نوکری پر بحال کیا جائے
 تاکہ میں اپنے بچوں کو علم دے سکاں اور کفالت اور علاج و معالجہ
 کروا سکوں۔

لؤید حسین
 (PET)
 14/05/18
 گورنمنٹ میڈل سکول گل بائیڈ
 ایسٹ آباد

ATTESTED
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Duplicate

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Naveed Hussain
S/o M. Sadiq
Mobile : 03165287963
Email: na33511@yahoo.com

ANNEXURE
E

Declaration:

Naveed Hussain
P.E.T G. Middle School
Gul Bandi Abbottabad
Dated: 08/05/2018

It is declared that:

- I. I am a regular /permanent government employee of education department. I was appointed as PET with the Letter No 1428-60/Apptt: /PET (M), Dated 17/01/2005 & 1461-78/Apptt:/PET(M) Endst: No: 3824-27/EB II/Apptt:/PET(M) Dated 04/02/2005. I took over charge on the Date 01/03/2005 at the Station G.M.S Gul Bnadi Atd.
- II. I had applied for ex-Pakistan leave on the date 10/01/2008 because the commencement date of my course was 22/01/2008; departure was 18/01/2008, but there were some domestic problems, which made me a month delay.
- III. I went to UK for study purposes in 13-02-2008, I HAD APPLIED for Ex- Pakistan properly (w.e.f 15-01-2008 to 15-01- 2010). In college holidays I came back Pakistan w.e.f 30-11-2009 to 30-12-2010. I had applied (in 24-12-2009) for ex-Pakistan leave extension to DEO. I was not given any sort copy/copies of ex-Pakistan leave.
- IV. After completion of course of study programme I returned to Pakistan. I had applied to DEO for reinstatement of my service in year 2012 (31-01-2012, 15-05-2012) after that I had been visiting to DEO continuously.
- V. My appeal/ application for reinstatement have been pending for almost six years. In this long span of time I have been kept requesting to different EDOs in their tenor regularly. Now it is 2018-05-08, and precious six years have been passed/gone in kept submitting applications constantly for restoring/rejoining/reinstating my job, nothing is changed in this regard, no dairy numbers of submitted applications or any other information about my appeal is/was given to me, unfortunately I got no response from the other side, no action was taken in this regard.
- VI. This span of time is/was very painful for me. I have been long enough waiting for the decision in one way or other.

I declared that, to the best of knowledge and belief, the above given information is true, correct and nothing has been concealed.

Sincerely,

Naveed Hussain

NAVEED HUSSAIN

PET GULBANDI ATD

ATTESTED

Ad:

BERKLEY REAL ESTATE
MOQUDDAS TOWER
MANDIAN ABBOTTABAD

28

No. 5814 Dated: 26 July, 2018

From: KHURSHID AHMED, DEO(M) KOHISTAN,
Ex. Principal, GHS PK Khan, Atd (Inquiry Officer)

TO: The DEO (M)- Abbottabad

Subject: INQUIRY REPORT IRO MR. NAVEED HUSSAIN, PET GMS GUL BANDI ABBOTTABAD

136 ANNEXURE

Memo,
Reference: DEO (M) Abbottabad No 4625-28 PET Dated 20/04/2018

Detail report is submitted as under:-


1. No record was provided by your office till date as demanded vide GHS Pind Kargu Khan letter No. 210 Dated 18/05/2018.
2. As per statements of allegations and TORs, the said PET remained on Ex-Pakistan leave w.e from 2008 to 2012 (05 years-without record) and he remained absent till now without any information/ approval of the competent authority. (Copy attached)
3. As per record provided by Head Master GHS Gul Bandi- Atd, vide No. 363-2 dated 05/05/2018, amendment order no. 3824-27 dated 04/05/2018 received but original order No 1428-60 does not reflect the name of above teacher.
4. Attested charge report dated 01/03/2005 in R/O above teacher, at GMS Gul Bandi is attached.
5. Attested page of attendance registered of November, 2007 reflects that the Teacher remained absent w.e. from 05/11/2007 onward.
6. Medical certificate (for 01 month) was sent to your office by concerned Head Master as stated in his No. 149 dated 06/12/2007.

FINDINGS

1. The accused teacher remained on ex Pakistan Leave but Leave record could not be traced from either side (DEO office and the teacher).
2. The teacher was not entitled to avail 04 year^s EOL as per Leave rule 1981 because he had less than 05 years' service at his credit.
3. The teacher as well as the department has no record of termination from service of the teacher.

RECOMMENDATIONS

The undersigned is unable to recommend anything against or in favor of the teacher till provision of record from the concerned office. The case may be referred to any other officer to probe into the matter. It is a great mistake and lapses at the part of the department because the teacher could not be terminated/ removed so far from service in spite his absence proved.


(KHURSHID AHMED, DEO (M) KOHISTAN)
(INQUIRY OFFICER)

Dated: 26 July, 2018



ADOP(B)

Pl. put up on file

g 31/7/18

ATTESTED


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OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

ANNEXURE
9

No. 9943 /ADO(S)

Dated 08/9 /2018

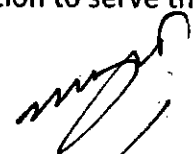
To

The Headmaster,
GMS Gul Bandi Abbottabad.

SUBJECT: CHARGE SHEET & STATEMENT OF ALLEGATIONS

Memo:

Enclose please find herewith charge sheet & statement of allegations in respect of Mr. Naveed Hussain, PET of your school with the direction to serve the same to him and return one copy to this office as a token of receipt.


DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD.

ATTESTED



No. 9943 /ADO(S)Dated 08/09 /2018**DISCIPLINARY ACTION**

1. I Qazi Tajammal Hussain, District Education Officer (Male) Abbottabad as competent authority, am of the opinion that Mr. Hussain, PET GMS Gul Bandi Abbottabad has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

- (a) You were appointed as PET at GMS Gul Bandi vide EDO (E&SE) Abbottabad Endst:No.3824-27 dated 04.2.2005. You took over charge on 01.3.2005.
- (b) You remained willful absent from duty w.e.from 05.11.2007 to 06.12.2007 as per Headmaster GMS Gul Bandi letter No.149 dated 6.12.2007 and further upto now without any information/prior approval of the Competent Authority
2. For the purpose of inquiry of the said accused with reference to the above allegations, Inquiry Committee comprising the following officers is hereby constituted under Rule-10 (1) (a) of the ibid Rules:
1. Mr. Muhammad Arif, Principal, GHS Sherwan Abbottabad
 2. Dr. Muhammad Javed, Principal, GHS Kakul, Abbottabad.
3. The Inquiry Officer shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within fifteen days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer.



COMPETENT AUTHORITY

Mr. Naveed Hussain, PET GMS Gul Bandi Abbottabad

ATTESTED

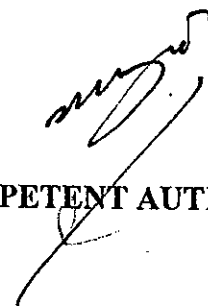


CHARGE SHEET

1. I Qazi Tajammal Hussain, District Education Officer (Male) Abbottabad as Competent Authority, hereby charge you, Mr. Naveed Hussain as follows:

That you, while posted as Physical Education Teacher at GMS Gul Bandi Abbottabad committed the following irregularities:

- (a) You were appointed as PET at GMS Gul Bandi vide EDO (E&SE) Abbottabad Endst:No.3824-27 dated 04.2.2005. You took over charge on 01.3.2005.
- (b) You remained willful absent from duty w.e.from 05.11.2007 to 06.12.2007 as per Headmaster GMS Gul Bandi letter No.149 dated 6.12.2007 and further uptil now without any information/prior approval of the Competent Authority
2. By reason of the above, you appear to be guilty of habitually/willful absence from duty without any information/approval of the Competent Authority under Rule-3 of the Khyber Pakhtunkhwa Govt: Servants (Efficiency And Discipline) Rules 2011 and have rendered yourself liable to all or any of the penalties specified rules 4 of the rules ibid.
3. You are, therefore, required to submit your written defence within ten days of the issuance of this Charge Sheet to the Inquiry Officer, as the case may be.
4. Your written defence, if any, should reach the Inquiry Officer within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.
5. Intimate whether you desire to be head in person.
6. A statement of allegations is enclosed.


COMPETENT AUTHORITY

Mr. Naveed Hussain PET, GMS Gujl Bandi, Abbottabad.

ATTESTED



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OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

NOTIFICATION

In supersession of this Office Notification issued vide Endst:No.4625-28 dated 20.4.2018, Inquiry Committee comprising the following Officers is hereby constituted to conduct inquiry against Mr. Naveed Hussain, PET GMS Gul Bandi Abbottabad on account of charges/allegations leveled against him with immediate effect.

1. Mr. Muhammad Arif, Principal, GHS Sherwan Abbottabad
2. Dr. Muhammad Javed, Principal, GHS Kakul, Abbottabad.

TERMS OF REFERENCES:

To probe into the issues as noted below:-

- (a) The accused was appointed as PET at GMS Gul Bandi vide EDO (E&SE) Abbottabad Endst:No.3824-27 dated 04.2.2005. He took over charge on 01.3.2005.
- (b) The accused remained willful absent from duty w.e.from 05.11.2007 to 06.12.2007 as per Headmaster GMS Gul Bandi letter No.149 dated 6.12.2007 and further upto now without any information/prior approval of the Competent Authority

The above charges proved gross misconduct and habitual/willful absence from duty on the part of accused. Opportunity of self defence and cross examination be provided to the accused under the rule.

The Inquiry Committee shall submit recommendations/report to the undersigned within ten (10) days.

Encls: 1. Charge Sheet 2. Statement of allegations

**DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD**

Endst: No. 9937-42 /EB-I

Dated 08/9 /2018

Copy forwarded to the:-

1. Mr. Muhammad Arif Principal, GHS Sherwan Abbottabad alongwith the relevant documents.
2. Dr. Muhammad Javed, Principal, GHS Kakul, Abbottabad.
3. PS to Secretary to Govt: of Khyber Pakhtunkhwa E&SED Peshawar.
4. PA to Director Elementary & Secy: Education Khyber Pakhtunkhwa Peshawar.
5. Headmaster GMS Gul Bandi Abbottabad with the remarks to cooperate with the Inquiry Officer.
6. Mr. Naveed Hussain PET GMS Gul Bandi Abbottabad alongwith Charge Sheet & Statement of Allegations.

ATTESTED

**DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD**

DISCIPLINARY ACTION
VIDES DEO OFFICE (MALE) ATD
Endst: No. 9943, Dated 08 Sep, 2018

ANNEXURE
H

STATEMENT ALLEGATIONS

- a) You were appointed as PET at Gulbandi vide EDO(E&SE) Abbottabad endst: **No. 3824-27** dated: **17/01/2005**. You took over charge **01.03.2005**.
- b) You remained willful absent from duty w.e.f **05.11.2007** to **06.12.2007** as per Headmaster GMS GULBANDI letter **No. 149** dated **06.012.2007** and further uptill now without any information/prior approval of the Competent Authority.

Declaration

Naveed Hussain S/o Muhammad Sadiq, R/o Mirpur Khurd Abbottabad, PET G.M.S GULBANDI ABBOTTABAD do solemnly declare that:

First of all, I would like to deny ^{any} ~~an~~ allegation and charge against me.

- a) I was appointed as PET on contract basis at GHS LAKHALA ATD, vide EDO (E&SE) ABBOTTABAD Endst: No. 1461-78, dated: 17/01/2005 **Amendment**, Endst: 3824-27 dated 04/02/2005. I took over charge on the date 01.03.2005. I was regularized on date 13/01/2006, Endst: No. 545-811EBII.

Copies of letter are attached with.

- b) This is fact that I was absent from my duties w.e.f **05.11.2007** to **06.12.2007**. In actual fact I was unable to perform my duties due to illness (Malaria). According to the Doctor advice I was needed complete bed rest and medical certificate was provided to the school. The medical certificate was submitted to DEO OFFICE (MALE) ATD by the Headmaster GMS dated **06.12.2007** with letter **No. 149**.

Copy of letter is attached with.

I would like to clarify; that I was on ex-Pakistan leave w.e.f **2008 to 2012**. This is not the truth that after expiry of leave I was failed to resume my duty and remained willful absent uptill now without any information/approval of the competent authority. This is absolutely wrong and against the fact. Actually the reality is that I reported to authority about my availability and presence in PAKISTAN.

ATTACHED

19/09/2018

From the outset, after completion of course of study program (M.A in Health and Social Care Management on **05.10.2011**, from Coventry university (course completion letter have been provided). I returned to Pakistan (**19.10.2011**). I had applied to DEO for reinstatement/rejoining of my service ^{Nov.} many times (**31-01-2012, 15-05-2012**) after that I had been visiting to DEO continuously, but unfortunately I got no response from the other side and they evaded, practiced delay, no action was taken in this regard and begun an endless process of visits of DEO (copies of application have been provided).

Moreover, my appeal/application has been pending for almost six years. In this span of time I had been kept myself busy in visiting/requesting to different DEOs but nothing is/was changed. Now it is Sep, 2018, I have been passed golden/worthless six years of life pass in submitting applications constantly for restoring/rejoining/reinstating my job to DEO , no dairy number or any other information about my appeal was given to me.

Let's suppose I am wrong, I didn't applied for rejoining to education department, then why not any disciplinary action was taken against me six years ago , why not show cause notification/s was/were issued to me, more over any notification/advertisement was not published in any newspaper in 2012 till now. This long delay in taking disciplinary action is the official recognition of my stance is enormously true.

In a nutshell, the Notification No. 9943, dated: 08.09.2018 & notification No. 4625-28 dated: 20.04.2018 of Office of District Education Officer (M) Abbottabad, I have been served after long period of almost 6 six years two inquiry notices, these both notifications are authentic, unquestionable, undeniable and indubitable proof, verification and certification of my standpoint and position.

M. Khan
ATTESTED

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19/09/2018

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By the reason above explanation, I am confident and consider that I m not guilty of habitually/willful absence from my duties without informing Competent Authority. That is why, Rule 3 of Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) | Rules 2011 cannot render me liable to all or any the penalties specified rules 4 of the rules ibid.

Having clarified as above I hope that you would be convinced and convey the actual situation and portrait right/clear face of the picture to the competent authority. I would like to request you please to put my appeal forward to the competent authority they must give attention and consider my application/appeal and situation and reinstate/restore me.

Sincerely,

Naveed Hussain PET,

GMS GUL ANDI, ABBOTT ABAD

Naveed Hussain
19/09/2018

DATED: 19.09.2018

ATTESTED
Naveed Hussain

سم اللہ درین ارسیم ہمایون خلفی

نوڈرمن ولڈ مرد صادق Ex-PET گورنمنٹ ہڈل سکول گل بانڈی ویسٹ آباد سے منجھ
سیم ویسٹ آباد کے خلفی دفتر میں اپنی سروں کر مجال کے سے در فوہٹ دی ہے اس سخن میں آہیہ
ذیل سوالات کے جواباب مطلوب ہیں۔

Attested
9/9/2018

۱۔ آپ کی سروں Permanent / Regular / Contract based کس نوعیت کر فنی؟
جواب:

۲۔ آپ کی سروں Contract based کی لبہ میں Permanent / Regular ہوگا؟ سبوت
جواب:

۳۔ آپ نے Ex-Pakistan Leave کے سے در فوہٹ دی ہے اسے Study Leave ہی مگر دیے میں کی
Sanction آپ کو ملے اگر نال تو سبوت / Letter

جواب:

۴۔ آپ کی سروں حال ہی سکول میں 01-03-2005 تا 03-11-2007 تک ہی چار سال 3068
ری؟
جواب:

۵۔ آپ کی سروں کر بنیاد پر Study Leave استحقاق رکھتے منے؟

۶۔ آپ نے کو Coventry University میں داخل کے سے دیلا کیا تھا۔ کوئی / دیگر نام؟
جواب:

۷۔ آپ نے مولد نام یونیورسٹی سے DBA, PGDBA, MBA, EdD یا

آپ کی طلبت سے تعلق Relevancy certificate

جواب:

یونیورسٹی کر داخلہ فیسوں کر سید میں، پاسپورٹ، ٹکٹوں وغیرہ سبوت۔ اگر ہوا
جواب:

ATTESTED
Allah

9/9/11
 09/11/2011
 Attest (Signature)
 2008 سے 2012 تک Ex-pat Leave پر فتنے آگیا کوئی
 Sanction Letter وغیرہ

جواب:-
 ۱۲۔ آ نے چھٹی سے دسویں تک اپنی رولز کی بحالی کے لیے درخواست کی ہے اور نتیجہ؟

۱۱۔ آ نے درخواست دے کر 06 سال تک یعنی 31-01-2012 تا حال انتظار کیا۔ ضلعی دفتر سے شہزادہ
 نے ہونے کے بعد آ نے Higher ups، DCO، کورٹ وغیرہ کسی فورم سے رابطہ کیا؟
 اگر یا تو نہیں

۱۳۔ آ نے اگر کسی بھی فورم پر اپنے حق کے حصول کے لیے ضلعی دفتر کے رویے کے خلاف درخواست
 مہدی نو آں کو وجوہ؟

۱۱۔ آ نے دفتر میں کس ملاک / آفسر سے ملنے کے لیے اپنی درخواستیں کس کے پاس جمع کرتے رہے ہیں اور کس
 اور درخواستوں کو اس کے پاس سے پاس کیا گیا؟

۱۵۔ جس سکول میں ملازم رہے ہیں اس نام، متعلقہ پرنسپل / ایجنٹ کے نام اور دیگر تازہ یا ملازمین
 و بڑے نام یا کونسل کو منسلک ہے

ATTESTED
 (Signature)

10. آج کے قلم سے کب سے لے کر کب تک تعلیم حاصل کی؟ تنخواہ و معمول کراچی کے سٹیٹ یا بینک سسٹم سے کیا گیا؟

جواب:

11. آج کے قلم سے کب سے لے کر کب تک کس کس ادارے میں ملازمت کی؟ نام میری

جواب:

12. سرکاری پیکٹ کیا ہے؟ کس کے قبضے میں ہے؟ اس کے بارے میں کیا جاننا چاہئے؟

جواب:

13. تنخواہ و معمول کا طریقہ کیا رہا؟ By hand لے لو گے لے لے؟ بینک سے لے لو بینک اور

دستاویز نام - تفصیل:

جواب:

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فصل اول در بیان احوال

در بیان احوال و حال

در بیان احوال و حال

در بیان احوال و حال

در بیان احوال و حال

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EXHIBIT
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ANNEXURE
J

OFFICE OF THE PRINCIPAL GOVERNMENT HIGH SCHOOL KAKUL ABBOTTABAD

NO:

Dated: 10-10-2018

To

The District Education Officer (M)
Abbottabad.

Sub: ENQUIRY REPORT I/R MR NAVEED HUSSAIN EX-PET, GMS GULBANDI ABBOTTABAD.

Memo:

Reference your Endst: No.9937-42/EB-I, dated 08-09-2018 regarding the Subject cited above we the members of enquiry committee conducted enquiry on 09-09-2018 & 04-10-2018 at GHS No. 04 Abbottabad & Office of the DEO (M) Abbottabad respectively. Mr Naveed Hussain Ex-PET GMS Gul Bandi , present & Ex Head masters & I/Cs of the said School were intimated well in time vide letter No.... dated 08-09-2018& No. 1460 dated 02-10-2018 respectively. Mr Sajjad Ahmed diary clerk was probed to find the facts of the matter. DEO Office was also requested to provide the service book , pay stoppage form & other relevant record regarding the accused which can help in the proceeding of enquiry.

ALLEGATIONS & CHARGE SHEET

1. As per statement of Allegations & TORs said Ex-PET was appointed against the post of PET at GMS Gul Bandi Abbottabad vide EDO (E&SE)Abbottabad Endst: No. 3824-27dated 04-02-2005 & he took over charge on 01-03-2005.
2. The accused remained willful absent from duty w.e,f 05-11-2007 to 06-12-2007 as per Head Master GMS Gul Bandi letter No. 149 dated 06-12-2007 and further up till now without any information to the competent authority.

PROCEEDINGS:

1. Mr Naveed Hussain was provided a questionnaire annex A and his reply was taken as annex B.
2. A copy of statement of Allegation & Charge sheet was also served to him as annex C.
3. Reply of accused regarding the statement of Allegations & Charge Sheet was taken as annex D
4. The statements of Mr. Muhammad Nazir Head Master GMS Gul Bandi, Mr. Mehboob Hussain CT, Ex I/C , Mr. Shafiq Ur Rehman Ex Head Master , Mr. Malik Muhammad Ansar Ex- Head Master GMS Gul Bndi and Mr. Sajjad Ahmed diary clerk DEO office (M) Abbottabad about the case history were also taken as annex E,F,G, H & I. Copies of relevant record / documents are also attached as annex J.
5. Facility of Cross Examination was also provided to the accused to make the case full transparent & beyond the doubts & ambiguity (Annex K).

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29/10/18

ADD (E)

Pr 29/10/18

DEO
29/10/18

ATTESTED

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6. During Cross examination accused could not provide relevant reply/ record to the enquiry team with full justification.

Facts:

1. Absence report of Head Master reveals that said teacher remained absent from his duty w-e-f 12-09-2007 to 12-10-2007 and he produced medical certificate for said period which was submitted in the office of EDO (M) E&SE vide diary No. 4358 dated 06-07-10-2007.
2. Attested page of attendance register for the month of November reflects that the teacher remained absent w.e.f 05-11-2007 & onward & absence report was submitted to the DEO (M) Abbottabad.
3. Accused claims that he was on Ex-Pakistan Leave (he also states it EOL & Study leave) but he admitted during the answer of questionnaire that he left the country before/ without sanction of his leave, therefore how can he apply for extension in the said leave?
4. Enquiry Committee searched the diary registers to support the accused & found that there is no record except only one application Diary No. 2617 dated 17-03-2018 which was properly treated by the department & enquiries have been initiated on its basis Vide DEO (M) Abbottabad Endst; No. 4625-28, dated 20-04-2018 & this enquiry vide Endst: No. 9937-42, dated 08-09-2018.
5. All other applications for Leave & rejoining the duty seem fake as there is no record about these in the office of Head Master GMS Gul Bandi or in the Office of the DEO (M) Abbottabad.
6. Accused enjoyed willful absence of more than 11 years.
7. Mr. Muhammad Ansar Head Master of that time stated in the presence of accused that he has not ever seen this person before this time & recommendation on the application dated 31-01-2012 is absolute fake.
8. If DEO (M) Abbottabad did not pay any attention towards his case for six years, why did not he approached higher ups or any other relevant forum.
9. Accused could not produce any authentic support which can favour his innocence about the guilt.
10. Accused was willful absent from duty since November 05,2007, but salary was drawn up to February 2008.

FINDINGS:

It was summed up after proceeding the case that:

1. Mr. Nveed Hussain Ex- PET, GMS Gul Bndi Abbottabad did not get any prior sanction for Ex-Pakistan Leave.
2. Accused has service of only 02 years, 08 months & 04 days on his credit, therefore he was not entitled for Study Leave or any kind of leave for so long period.

ATTESTED

[Handwritten Signature]

3. He remained absent w-e-f 05-11-2007 to 17-03-20018(date of his first application for rejoining to the DEO (M) Abbottabad.
4. His documents regarding his claimed leave are fake except his application Diary No.2617, dated: 17-03-2018
5. The post is already filled w.e.f. 27-04-2012
6. During cross examination his reasoning was merely a story not more than that.

RECOMMENDATION:

Keeping in mind all the findings it has been proved that accused Mr. Nveed Hussain Ex-PET , GMS Gul Bandi is willfully absent from duty w-e-f 05-11-2007 which is nearly more than 10 years. As per FR 18 if a Govt: Servant remains willful absent from his duty more than 05 years his/her service will automatically ceased. Therefore in the case in hand accused Mr. Naveed Hussain is no more in service after 05-11-2012. He is wasting the time of department. There is no need to circulate any termination order at this stage and case may please be filed.

ENCLS:

1. Annex A, Questionare , 03 pages.
2. Annex B, Reply of the accused , 03 pages.
3. Annex C, Statement of Allegations & Charge Sheet, 03 pages.
4. Annex D, Reply of the accused regarding Statement of Allegations & Charge Sheet, 06 pages.
5. Annex E, statement of Mr. Muhammad Nazir Head Master , GMS Gul Bandi Atd, 01 page.
6. Annex F, statement of Mr. Mehboob Hussain Ex I/C Head Master GMS Gul Bandi Atd, 01 page.
7. Annex G, statement of Mr. Shafiq Ur Rehman Ex Head Master GMS Gul Bandi Atd, 01 page.
8. Annex H, statement of Mr. Malik Muhammad Ansar Ex Head Master GMS Gul Bandi Atd, 01 page.
9. Annex I , statement of Mr. Sajjad Ahmed Diary Clerk DEO (M) office Atd, 01 page.
10. Annex J, Cross Examination, 05 pages.
11. Annex K, Copies of other relevant record/ documents i,e copy of attendance register, absence report from Head Master GMS Gul Bandi, declaration from accused, applications from the accused.

1. Muhammad Arif Principal GHS Sherwan Abbottabad

2. Dr. Muhammad Javed Principal GHS Kakul Abbottabad

ATTESTED

[Handwritten signature]

OFFICE OF THE DISTT: EDUCATION OFFICER (MALE) ABBOTTABAD.

No 13487 EB/PF/Inq/PET/

Dated 6/11/2018

49

To,

The Headmaster,
GMS Gulbandi
Abbottabad.

6/11/2018
ANNEXURE
K

Subject: - **SHOW CAUSE NOTICE.**

Memo:

Show Cause Notice in respect of Mr. Naveed Hussain, PET, of your school is attached herewith. You are hereby directed to serve the same to him and return one copy to this office as a token of receipt.

[Handwritten Signature]
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD.

[Handwritten Signature]
ATTACHED

SHOW CAUSE NOTICE

I Qazi Tajammal Hussain, District Education Officer (Male) Abbottabad as Competent Authority under the Khyber Pakhtunkhwa Government Services (Efficiency & Discipline) Rules, 2011, do hereby serve you Mr. Naveed Hussain, PET, GMS Gulbandi Abbottabad, as follows:

1. (i) That consequent upon the completion of inquiry conducted against you by Inquiry Committee dated 10-10-2018, wherein you were given opportunity of self-defense and cross examination.

(ii) on going through the findings and recommendations of the inquiry committee, the material on record and other connected papers including your defense before the inquiry committee: -

I am satisfied that you have committed the following gross misconduct, inefficiency and will absence from duty under Rule-3 of the rules ibid.
 - a. You were appointed as PET at GMS Gulbandi vide EDO, E&SE Abbottabad Endst No. 3824-27 dated 04-02-2005. You took over charge on 01-03-2005.
 - b. You remained willful absent from duty without any application/approval of the Competent Authority for more than ten years, w.e. from 05-11-2007 to 06-12-2007 as per report of MM GMS Gulbandi vide No. 149 dated 06-12-2007 and further uptill 17-03-2018 the date of your application for rejoining.
2. As a result thereof, I, as Competent Authority, have tentatively decided to impose upon you the major penalty of "Dismissal from Service" and recovery of illegally, unlawfully drawn pay upto February, 2008 during the absent period under Rule 4 (1) of the rules ibid.
3. You are therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
4. If no reply to this notice is received within seven days or not more than fifteen days of its issuance, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.
5. A copy of the finding of the inquiry committee is enclosed.

COMPETENT AUTHORITY

Mr. Naveed Hussain, PET, GMS Gulbandi Abbottabad.

ATTENDED
[Handwritten Signature]

D.No. 51
362
14-01-19

To

The District Education Officer (Male)
Abbottabad

Subject: Written Reply to the Show Cause Notice Dated 06.11.2018 with
Endst: No.13487/EB/II/PF/Inq/PET Issued by District Education
Officer (M) E&SE Abbottabad.

Dear Sir,

PARA WISE REPLY OF THE SHOW CAUSE NOTICE IS AS UNDER:-

1. (i) That, the inquiry conducted against me, was not a regular inquiry and did not conducted under the E&D Rules 2011 because:-

- a. The inquiry committee did not considered the record provided by me.
- b. No representative was appointed during the inquiry process who have to provide the necessary record related to my case.
- c. Inquiry committee did not provide me the opportunity of personal hearing for self defense.
- d. No opportunity of cross-examination was also given to me.

1. (ii) This Para of show cause notice is incorrect. Recommendations of Inquiry committee are illegal and inquiry committee exceeded its powers and conducted the so-called inquiry upon the surmises.

- a. Para "a" of the show cause notice is correct.
- b. Para "b" of show cause notice is incorrect. I was on Medical leave since 05/11/2007

in this regard Medical certificate has already been submitted in your good office

ATTESTED

[Signature]
09-01-19


vide Endst: No. 4358 and I was on Ex-Pakistan Leave up to 2012 which is admitted by your good office in the Statement of Allegation dated 20/04/2018. Moreover, when my Ex-Pakistan Leave came to an end, I properly informed your good office and submitted an application for adjustment which is still pending.

2. Penalty imposed in the instant Para is totally illegal because, if I was willful absent from duty and did not informed the department, then why not the department has taken any disciplinary action against me within time according to the existing rules. Neither any notice, was received by me from the department nor any advertisement was given in the local newspapers.
3. Yes, I wish to be given opportunity of personal hearing according to rule.
4. Reply of show cause notice is well within time because I received the copy of instant show cause notice on 01/01/2019.
5. Incorrect.

It is therefore requested, that the Instant Show cause notice against me, may kindly be withdrawn and in the light of abovementioned facts, ground realities and evidences, the inquiry may please be consigned to record room.

D. No: 352/14-01-19

~~XXXXXXXXXX~~

ATTE 

Sincerely Yours:



(NAVEED HUSSAIN)

PET. GMS

Gul Bandi Abbottabad.

Dated: 09-01-2019

54

ANNEXURE
M

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

ORDER

53

ANNEXURE
L
S2

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) ABBOTTABAD.

No. 740 /ADO Estab;

Dated A/Abad the 18 /19

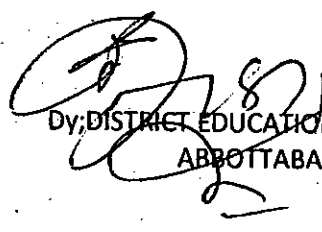
To,

Mr; Muhammad Naveed, Ex PET @ Gul Bandi
C/O Real Barkaly Estate Migadus Tower
Manidian Abbottabad.

Subject;- **PERSONAL HEARING.**

Memo;-

I am directed to refer to the Cause Notice issued vide Memo;No.13887 dated 06-11-2018 subsequent your reply dated 09-01-19 and ask you to appear for personal hearing on 26/01/2019 at 10.00 AM and avail the opportunity of self defense


DY;DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD.

*Received
- Alami
19-01-19*

ATTACHED
Alami

بخدمت جناب ڈائریکٹر صاحب E&S ایجوکیشن خیبر پختونخوا، پشاور

عنوان: اپیل برخلاف آرڈر (ملازمت سے برطرفی) نمبر 4-1608 مورخہ 11-02-2019 جاری کردہ DEO (مردانہ) ایبٹ آباد

جناب عالی! موزجات اپیل ذیل ہیں:-

- 1- Impugned آرڈر خلاف قانون ہے اور قابل منسوخی ہے۔
- 2- انکوائری کمیٹی نے سائل کے متعلق ریکارڈ کو انکوائری کا حصہ نہیں بنایا اور نہ ہی سائل کو دفاع کا موقع فراہم کیا۔
- 3- یہ کہ Ex-Pakistan Leave ختم ہونے کے بعد سائل نے باقاعدہ ایڈجسٹمنٹ کیلئے درخواست دی مگر محکمہ نے سائل کی درخواست پر کوئی کارروائی نہیں کی۔
- 4- یہ کہ غیر حاضری کے متعلق محکمہ نے سائل کے گھریا سکول کے پتہ پر کوئی نوٹس ارسال نہیں کیا اگر ایسا کوئی نوٹس موجود ہوتا تو انکوائری کمیٹی دوران انکوائری انہیں انکوائری کا حصہ بناتی۔
- 5- E&D رولز 2011ء رول نمبر 13 کی روشنی میں انکوائری کمیٹی نے سائل کو جرح کا موقع فراہم نہیں کیا اور بغیر جرح کے کوئی بھی شہادت قابل قبول نہیں ہوتی اور نہ قانون میں اس کی قبولیت کی کوئی گنجائش ہے
- 6- یہ کہ E&D رولز 2011ء کے رول نمبر 145 کی روشنی میں پرسل ہیرنگ کا اختیار مجاز اتھارٹی کے پاس ہے مگر سائل کو پرسل ہیرنگ کیلئے ایک کلرک کے سامنے پیش کر دیا گیا اور مجاز اتھارٹی نے سائل کی ذاتی شنوائی نہیں کی جو کہ خلاف قانون ہے۔
- 7- یہ کہ E&D رولز 2011ء کے رول نمبر 9 کی روشنی میں سائل کی اراضی کی بابت کسی بھی مقامی یا صوبائی سطح کی اخبار میں کوئی اشتہار جاری نہیں کیا گیا۔
- 8- یہ کہ سائل پر ملازمت سے غیر حاضری کا الزام ہے اور ملازمت سے غیر حاضری کی سزا ملازمت سے برطرفی نہیں ہوا کرتی۔
- 9- یہ کہ DEO ایبٹ آباد نے سائل کو Major Penalty دے کر اپنی ناکامی پر پردہ ڈالنے کی ناکام کوشش کی ہے سائل ایڈجسٹمنٹ کے انتظار میں تھا مگر سائل کو ملازمت سے برطرفی کا پروانہ ارسال کر دیا گیا۔
- 10- یہ کہ سائل نے انکوائری سے متعلق ضروری کاغذات اور ریکارڈ کے حصول کیلئے رائٹ ٹو انفارمیشن ایکٹ 2013ء کے تحت درخواست جمع کرائی مگر محکمہ نے سائل کو کوئی بھی ریکارڈ فراہم نہیں کیا اور انکوائری یکطرفہ طور پر کروائی گئی۔

لہذا استدعا ہے کہ سائل کی اپیل کو منظور کرتے ہوئے آرڈر نمبر 14-1608 مورخہ 11-02-2019 کو منسوخ

فرماتے ہوئے سائل کو جملہ بقایا جات سمیت ملازمت پر بحال فرمایا جائے۔

المرقوم: 25-02-2019

العاضد علی

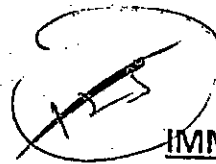
نوید حسین سابقہ PET گورنمنٹ مڈل سکول گل بانڈی تحصیل شیروان ضلع ایبٹ آباد

پتہ خط و کتابت: برکے ریل اسٹیٹ مقدس ٹاور منڈیاں ایبٹ آباد

موبائل نمبر: 0316-5287963

ATTESTED

56



IMMEDIATE

ANNEXURE

OFFICE OF THE PRINCIPAL GOVT HIGH SCHOOL PIND KARGU KHAN ABBOTTABAD

No. 210

Dated: 18/05/2018

To

The District Education Officer (M),
Abbottabad.

Subject: INQUIRY- MR. NAVEED HUSSAIN, PET GMS GULBANDI- ABBOTTABAD

Memo,

Reference: Notification under endst no. 4625-28/EB-PET dated 20-04-2018

It is stated that the undersigned is conducting an inquiry regarding willful and long absence of the subject teacher who remained on Ex Pakistan Leave w.e.f. 2008 to 2012 (as per a/m notification) and remained absent after expiry of the leave. You are, therefore requested to please provide attested copies of the following record:-

- a. Service Book.
- b. Notification in which his Ex. Pakistan Leave was sanctioned.
- c. Names of honorable DEOs, DDEOs, ADO (Estab) and dealing clerks for the years 2008 to 2013 OR A certificate may be provided stating the reason, "why disciplinary action(s) was/were not initiated before against the accused teacher, in time".
- d. Pay roll of the teacher for the months of March-2005, Feb & March-2008, Nov & December-2009 and January to May-2012
Appointment order.
Diary number or application (if any) in which he applied for re-adjustment after expiry of the Leave.
- g. Absentee report (if any) by the Headmaster GMS Gul Bandi.
Forwarded for an early action, please.

3357
19/5/18

Enclosed:- Reply/ Declaration of the teacher dated 08-05-2018

ADVICE
Pl put up
on file

PRINCIPAL
GOVT HIGH SCHOOL
PIND KARGU KHAN- ABBOTTABAD
Principal
GMS Pind Kargu
Abbottabad

19/5/18

ATTESTED
[Signature]

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR CAMP COURT ABBOTTABAD.

Appeal No. 828/2019

Naveed HussainAppellant

VERSUS

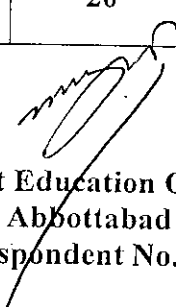
Govt: of Khyber Pakhtunkhwa & Others.....Respondents

Joint Parawise Comments on behalf of Respondents

INDEX

Sr.#	Description	Page No's	Annexure
1	Comments alongwith Affidavit	01 to 05	
2	Copy of Absent Report dated 06-12-2007	06	"A"
3	Copy of Notification dated 08-09-2018	07	"B"
4	Copy of Charge Sheet dated 08-09-2018	08	"C"
5	Statement of Allegation dated 08-09-2018	09	"D"
6	Copy of the statements of the witnesses	10 to 13	"E"
7	Copy of letter dated 02-10-2018	14	"F"
8	Copy of record of Cross Examination	15 to 18	"G"
9	Copy of letter dated 18-01-2019	19	"H"
10	Copy of proceedings of personal hearing	20	"I"

Dated: 10/12/2019.


District Education Officer (M)
Abbottabad
(Respondent No. 3)

①

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR CAMP COURT ABBOTTABAD.

Appeal No. 828/2019

Naveed HussainAppellant

VERSUS

Govt: of Khyber Pakhtunkhwa & Others.....Respondents

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

RESPECTFULLY SHEWETH:-

Comments on behalf of respondents are submitted as under:-

Preliminary Objections:-

1. That the appellant has no cause of action to file the instant service appeal.
2. That the instant appeal is time barred. Hence liable to be dismissed.
3. That the order dated 11-02-2019 was issued after observing all the due process of law.
4. That the instant appeal is not maintainable in its present form.
5. That the appellant has no locus standi to file instant appeal.
6. That the appellant has filed the present appeal just to pressurize the respondents.
7. That the appellant has not come to this Honorable Tribunal with clean hands.
8. That the appellant is estopped to sue due to his own conduct.
9. That the instant appeal is not maintainable due to non-joinder and mis-joinder of necessary parties.
10. That the instant appeal is against the rules and policy of the Provincial Government.
11. That the appellant has suppressed the material facts from this Honorable Tribunal, hence, not entitled for any relief and appeal is liable to be dismissed without any further proceeding.

Factual Objections:-

1. That the Para No. 1, of the instant service appeal relates to record.
2. That the Para No. 2 of the service appeal as composed is incorrect hence, denied as per report of Headmaster vide No. 149 dated 06-12-2007 appellant remained willful absent from duty without any prior approval of the competent authority. Furthermore, all the allegations levelled against appellant have been

proved and inquiry was conducted in accordance with the E&D Rules 2011. (Copy of Absent Report dated 06-12-2007 is annexed herewith as Annexure "A").

3. That the Para No. 3 of the instant service appeal relates to record.
4. That the Para No. 4 of the instant service appeal relates to record.
5. That the Para No. 5 of the instant service appeal relates to record.
6. That the Para No. 6 of the instant service appeal relates to record.
7. In reply to Para No. 7, of the instant service appeal it is submitted that in supersession of the Notification Endst: No. 4625-28 dated 20-04-2018 inquiry committee was constituted to conduct inquiry against appellant vide Notification Endst: No. 9937-42/EB-I dated 08-09-2018 and charge sheet and statement of allegation were served vide letter No. 9943 dated 08-09-2018. (Copy of Notification dated 08-09-2018, charge sheet and statement of allegation dated 08-09-2018 are annexed herewith as Annexure "B", "C" & "D").
8. That the Para No. 8, of the instant service appeal relates to record.
9. In reply to Para No. 9, of the instant service appeal it is submitted that inquiry committee recorded the statements of witnesses and provide an opportunity to appellant for the purpose of cross examination vide letter No. 1460 dated 02-10-2018 and appellant availed the opportunity of cross examination. (Copy of the statements of the witnesses, letter dated 02-10-2018 and record of cross examination are annexed herewith as annexure "E", "F" & "G").
10. That the Para No. 10, of the instant service appeal is correct as per inquiry report appellant remained absent w.e.f. 05-11-2007 to 17-03-2018. (Date of his application for rejoining to the DEO (M) Abbottabad. (Copy of inquiry report dated 10-10-2018 has already been annexed as Annexure "J" of the Service Appeal of the appellant).
11. That the Para No. 11, of the instant service appeal relates to record.
12. That the Para No. 12, of the instant service appeal as composed is incorrect hence, denied as letter dated 18-01-2019 regarding personal hearing was issued with the approval of the competent authority and appellant availed the opportunity of personal hearing on 26-01-2019. (Copy of letter dated 18-01-2019 and proceedings of personal hearing are annexed herewith as Annexure "H" & "I").
13. In reply to Para No. 13, of the instant service appeal it is submitted that after observing all the due process of law impugned order vide Endst: No. 1608-14 dated 11-02-2019 was issued wherein, major penalty of Dismissal From Service was imposed on the appellant with immediate effect.
14. That Para No. 14, of the instant service appeal as composed is incorrect hence, denied as appellant did not annex the postal receipt alongwith his service appeal.

3

15. That Para No. 15, of the instant appeal relates to record.

Grounds:-

- a. That the ground a, as composed is incorrect hence, denied.
- b. That the ground b, as composed is incorrect hence, denied.
- c. That the ground c, as composed is incorrect hence, denied.
- d. That the ground d, as composed is incorrect hence, denied all the proceedings have been conducted in accordance with the E&D Rules 2011.
- e. That the grounds e, of the service appeal as composed is incorrect hence, denied as the inquiry committee recorded the statements of the witnesses and provided an opportunity to appellant for the purpose of cross examination as contended in Para No. 9 of the Factual Objections.
- f. That the ground f, of the service appeal as composed is incorrect hence, denied as all the allegations levelled against the appellant have been approved through the inquiry.
- g. That the ground g, of the service appeal as composed is incorrect hence, denied appellant has concealed the material facts from this Honourable Tribunal as he availed the opportunity of cross examination.
- h. In reply to ground h, of the service appeal it is submitted that appellant did not come to this Honourable Tribunal with clean hands as he suppressed the material facts from this Honourable Tribunal.
- i. That the ground i, of the service appeal as composed is incorrect hence, denied.
- j. That the ground j, of the service appeal as composed is incorrect hence, denied.
- k. That the ground k, of the service appeal as composed is incorrect hence, denied.
- l. That the ground l, of the service appeal as composed is incorrect hence, denied.
- m. In reply to ground m, of the service appeal it is submitted that in supersession of the Notification Endst: No. 4625-28 dated 20-04-2018 inquiry committee was constituted to conduct inquiry against appellant vide Notification Endst: No. 9937-42/EB-I dated 08-09-2018 and charge sheet and statement of allegation were served vide letter No. 9943 dated 08-09-2018.
- n. In reply to ground n, it is submitted that regular inquiry was conducted in accordance to E&D Rules 2011, and impugned order was issued after observing all the codal formalities.
- o. That the ground o, of the service appeal as composed is incorrect hence, denied.
- p. That the ground p, of the service appeal as composed is incorrect hence, denied.
- q. That the respondents seek leave of this Honourable Tribunal to raise additional points/grounds during the course of arguments.

It is, therefore, very humbly prayed that in the light of forgoing comments the service appeal in hand may graciously be dismissed with cost throughout.

Secretary E&SED Khyber Pakhtunkhwa
Peshawar
(Respondent No. 1)

Director E&SE Khyber Pakhtunkhwa
Peshawar
(Respondent No. 2)

District Education Officer (M)
Abbottabad
(Respondent No. 3)

(5)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR CAMP COURT ABBOTTABAD.

Appeal No. 828/2019

Naveed HussainAppellant

VERSUS

Govt: of Khyber Pakhtunkhwa & Others.....Respondents

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

AFFIDAVIT

I, Mr. Qazi Tajjamal Hussain, District Education Officer (M) Abbottabad, do hereby affirm and declare on oath that contents of forgoing comments are correct and true according to the best of my knowledge and belief and nothing has been suppressed from this Honorable Tribunal.


DEPONENT

محفوظ ہے۔ (سرکاری دستاویز) (سرکاری دستاویز) (سرکاری دستاویز)

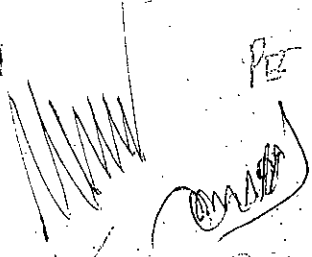
عنوان: شیخ حافی ریلوے ٹوڈیجس پی

11x "A"

127

(06)

حاجی علی



مدرسہ اسلامیہ ہے کہ سر ٹوڈیجس پی PET نومبر 12

12 اکتوبر 2017ء سکول سے شیخ حافی ریلوے ٹوڈیجس پی

کلیا۔ جو آئی کے آفس میں 4358 نمبر 6 اکتوبر 2017ء جمع کرانہ ہے اس سے قبل شیخ حافی ریلوے ٹوڈیجس پی بھی کر دی تھی۔

اب نومبر 2017ء سے تاحال سکول سے شیخ حافی ریلوے ٹوڈیجس پی

شیخ حافی ریلوے ٹوڈیجس پی جس کی وجہ سے محصوم بچوں کی وقت ضائع ہو رہی ہے اور ریلوے ادارے کے نظام میں خلل پڑ رہا ہے۔

بچوں کی والدین بھی پریشان ہیں آئے دن مسائل کو منٹا سنا سنبھال رہے ہیں اس لیے

میں آج سے شیخ حافی ریلوے ٹوڈیجس پی کو ختم کر دینے کے

حکام لکھ رہی ہوں تاکہ بچوں کی قیمتی وقت ضائع نہ ہو۔

نوٹس

Handwritten signature of the Head Master.

Head Master
Govt Middle School
Gulband, Abbottabad

الحاجی

By hand

Mohammad Ishaq S/o

Attested

HEAD MASTER
Govt Middle School
Gulband, Abbottabad

Handwritten signature of the Head Master.

11/12/17 dated 11/12/17

Amir B
⑨

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

NOTIFICATION

In supersession of this Office Notification issued vide Endst:No.4625-28 dated 20.4.2018, Inquiry Committee comprising the following Officers is hereby constituted to conduct inquiry against Mr. Naveed Hussain, PET GMS Gul Bandi Abbottabad on account of charges/allegations leveled against him with immediate effect.

1. Mr. Muhammad Arif, Principal, GHS Sherwan Abbottabad
2. Dr. Muhammad Javed, Principal, GHS Kakul, Abbottabad.

TERMS OF REFERENCES:

To probe into the issues as noted below:-

- (a) The accused was appointed as PET at GMS Gul Bandi vide EDO (E&SE) Abbottabad Endst:No.3824-27 dated 04.2.2005. He took over charge on 01.3.2005.
- (b) The accused remained willful absent from duty w.e.from 05.11.2007 to 06.12.2007 as per Headmaster GMS Gul Bandi letter No.149 dated 6.12.2007 and further upto now without any information/prior approval of the Competent Authority

The above charges proved gross misconduct and habitually/willful absence from duty on the part of accused. Opportunity of self defence and cross examination be provided to the accused under the rule.

The Inquiry Committee shall submit recommendations/report to the undersigned within ten (10) days.

Encls: 1. Charge Sheet 2. Statement of allegations

5/11/18
**DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD**

Endst: No. _____ / EB-I

Dated _____ /2018

Copy forwarded to the:-

1. Mr. Muhammad Arif Principal, GHS Sherwan Abbottabad alongwith the relevant documents.
2. Dr. Muhammad Javed, Principal, GHS Kakul, Abbottabad.
3. PS to Secretary to Govt: of Khyber Pakhtunkhwa E&SED Peshawar.
4. PA to Director Elementary & Secy: Education Khyber Pakhtunkhwa Peshawar.
5. Headmaster GMS Gul Bandi Abbottabad with the remarks to cooperate with the Inquiry Officer.
6. Mr. Naveed Hussain PET GMS Gul Bandi Abbottabad alongwith Charge Sheet & Statement of Allegations.


**DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD**

CHARGE SHEET

1. I Qazi Tajammal Hussain, District Education Officer (Male) Abbottabad as Competent Authority, hereby charge you, Mr. Naveed Hussain as follows:

That you, while posted as Physical Education Teacher at GMS Gul Bandi Abbottabad committed the following irregularities:

- (a) You were appointed as PET at GMS Gul Bandi vide EDO (E&SE) Abbottabad Endst.No.3824-27 dated 04.2.2005. You took over charge on 01.3.2005.
- (b) You remained willful absent from duty w.e.from 05.11.2007 to 06.12.2007 as per Headmaster GMS Gul Bandi letter No.149 dated 6.12.2007 and further upto now without any information/prior approval of the Competent Authority

2. By reason of the above, you appear to be guilty of habitually/willful absence from duty without any information/approval of the Competent Authority under Rule-3 of the Khyber Pakhtunkhwa Govt: Servants (Efficiency And Discipline) Rules 2011 and have rendered yourself liable to all or any of the penalties specified rules 4 of the rules ibid.
3. You are, therefore, required to submit your written defence within ten days of the issuance of this Charge Sheet to the Inquiry Officer, as the case may be.
4. Your written defence, if any, should reach the Inquiry Officer within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.
5. Intimate whether you desire to be heard in person.
6. A statement of allegations is enclosed.


COMPETENT AUTHORITY

Mr. Naveed Hussain PET, GMS Gujl Bandi, Abbottabad

No. /ADO(S)

Dated 08.11/2018

DISCIPLINARY ACTION

1. I Qazi Tajammal Hussain, District Education Officer (Male) Abbottabad as competent authority, am of the opinion that Mr. Hussain, PET GMS Gul Bandi Abbottabad has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

- (a) You were appointed as PET at GMS Gul Bandi vide EDO (E&SE) Abbottabad Endst:No.3824-27 dated 04.2.2005. You took over charge on 01.3.2005.
 - (b) You remained willful absent from duty w.e.from 05.11.2007 to 06.12.2007 as per Headmaster GMS Gul Bandi letter No.149 dated 6.12.2007 and further uptil now without any information/prior approval of the Competent Authority
2. For the purpose of inquiry of the said accused with reference to the above allegations, Inquiry Committee comprising the following officers is hereby constituted under Rule-10 (1) (a) of the ibid Rules:
1. Mr. Muhammad Arif, Principal, GHS Sherwan Abbottabad
 2. Dr. Muhammad Javed, Principal, GHS Kakul, Abbottabad.
3. The Inquiry Officer shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record it findings and make, within fifteen days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer.

COMPETENT AUTHORITY

Mr. Naveed Hussain, PET GMS Gul Bandi Abbottabad

Received copy of Charge sheet / Statement of Allegations from
enquiry officer.

[Signature]

Naveed Hussain

9/9/18

حصہ الگواتری آفیسر سلسلہ نوید حسین P.E.T

"E"
10

۱۔ پرنسپل ایس ڈی اے سکول ۲۔ پرنسپل ایس ڈی اے سکول

سرسا کی میٹریک سینٹر سے ۱۹۸۵ میں پانڈی پور میں ۲۰۰۶
سے تاحال سکول پرائمری فرائض سرکاری اسکول انجام دے رہا ہے

نوید حسین P.E.T سے سٹاف نمبر ۵۱۱۱/۲۰۰۶

سے سکول پرائمری فرائض سرکاری اسکول انجام دے رہا ہے

پورٹ بکٹ سکول انجام دے رہا ہے P.D.E.O کو کر کے

۲۰۱۲ تک پوسٹ خالی رہی ۲۷/۴/۱۲ کو پوسٹ P.E.T

کو تعینات کر دیا۔ نوید ایس ڈی اے کی قسم کی تقریر پابند ہے

المدعہ موصول نہیں ہوئی اور نہ ہی دستخطی اطلاع

سکول کو گائیڈ - ۲۷/۴/۱۲ سے P.E.T پوسٹ خالی نہیں

نوید حسین ایس ڈی اے

۵/۱۱/۱۸

03318133440

صاحب انوار عربی آفیسر صاحبان



1- پرنسپل GMS شہرہ سون 2- پرنسپل GMS کاترک ایڈمیشن

3- سٹیٹمنٹ الرمان SST GMS اسلام آباد

ماہانہ رپورٹ کے بارے میں سٹیٹمنٹ الرمان سالانہ رپورٹ کے بارے میں

GMS شہرہ سون کی طرف سے 11/9/2004 تا 26/4/2006 کے لیے رپورٹ کے بارے میں

ایسے ڈائریکٹرز جنہی انجام دینا چاہیں - سٹیٹمنٹ کے بارے میں

2- سٹیٹمنٹ کے بارے میں Issue نہیں لکھنا - رپورٹ کے بارے میں

6-10-2018

S شہرہ سون SST GMS

Ex Headmaster GMS

Gul Bandi Abbombad

03459553481

(12)

ہا۔ انٹرنیٹ امران جے انٹرنیٹ سیکرٹری سیکرٹری سیکرٹری

حاجی عالی

7.5.11

گزارش کے لئے سیکرٹری سیکرٹری سیکرٹری

2013-4-14 تک ہیڈ ماسٹر رہا ہوں اس دوران ٹویڈ حسین Ex-PEP

سے صدر کوئی رالہ نہیں رہا اور نہ ہی میں ان کو جانتا ہوں۔

2012-01-31 کو دفتر کو ارسال کی درخواست نہ تو میں نے

کو اور نہ میں ہی یہاں دستخط ہیں اور نہ ہی میں جانتا ہوں کہ اس

پر اس کے دستخط ہیں اور اگر کسی کے ہیں جی تو وہ اس کا حجاز

نہیں (2)

6/10/2018

مہر محمد الہی

Ex Headmaster

GMS Gul Bandi

Abbottabad

Cell # 0311-1984910

انڈونیشیائی افسر عارف جہا / سنا کا ڈیپارٹمنٹ (Ex: 247)

13

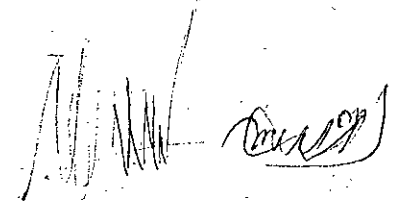
انڈونیشیائی سلسلے میں موجود جو ڈائری ممبری

تاریخیں جدید اس سلسلے دی گئی ہیں۔ ان میں ممبر ایک بر ڈائری

دستور میں درج ہے۔ صدر ڈائری ممبر 247 نمبر 17⁰³/₁₈

بانی ڈی ریڈو ڈائری رجسٹر میں موجود ہیں

بھارتی ڈائری ممبرت ڈی-ایم ایس ایچ
ایس آر اے



OFFICE OF THE PRINCIPAL GOVERNMENT HIGH SCHOOL KAKUL ABBOTTABAD

No 1460 Dated 06-10-18

AMX "F"

(13)

To

Head Master GMS Gul Bandi Abbottabad

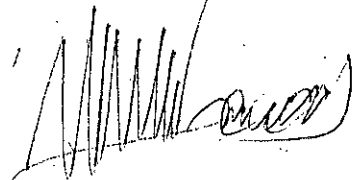
Subject!

Cross Examination i/w Enquiry of Mr. Naveed Hussain Ex PET GMS Gulbandi Abbottabad.

Memo!

I have the honor to inform you that you have to attend the DEO (M) office on 06/10/2018 at 10:00am i/w enquiry of Mr. Naveed Hussain Ex PET of your School for cross Examination along with following record.

1. Attendance Register 2007_2008
2. Register Correspondence.
3. Personal file of the Teacher.
4. Any other relevant Paper.



Following Ex i/Cs, Head Masters, GMS Gulbandi are also directed to attend the District education Office (M) Abbottabad for said purpose.

1. Mehmoob Hussain C.T GHS Gulbandi.
2. Shafiq ur Rehman SST, GHSS MuslimAbad (Ex Head Master GMS G.B)
3. Malik Anser Ex Head Master GMS GulBandi.

Signature of Malik Anser Ex Head Master GMS GulBandi

Copy to!

1. DEO (M) Abbottabad.
2. Naveed Hussain EX PET. (You will also Bring all relevant documents which can support you in your case)
3. Mehboob Hussain C.T GHS Gulbandi.
4. Shafiq ur Rehman SST, GHSS MuslimAbad (Ex Head Master GMS G.B)
5. Malik Anser Ex Head Master GMS GulBandi.

Signature of Malik Anser Ex Head Master GMS GulBandi



Principal
GHS Kakul
Abbottabad

شرح لبر محبوب میں اظہار حجتی اہم الہی علی صلی اللہ علیہ وسلم
118

تورم 06/7/18



سوال: میں نے ۲۰۰۰ کو اپنی بیٹی کو ECL کے ساتھ لیا تھا۔

میں نے اسے اپنے فون پر لیا اور اسے اپنے فون پر لیا۔

I have no question to Mehboub

Hussain

مرحومہ لڑکے اور شفیع الرحمن سابقہ مدیر فاسٹر جی ایم ایئر
گجمل ماڈرن ایڈیٹنگ ہاؤس

(16)

تاریخ 06/11/8

~~XXXXXXXXXX~~

No need to discuss on his
statement M. Amin

(17)

مرح بر گواه ملک القرمہ — سابقہ سند فارسی

علی خان ندوی

تاریخ 06 / 11 / 80



I do not want to comment on the statement of Ansar sab because his statement is irrelevant. Allahu

131x "H"
(19)

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) ABBOTTABAD.

No. 740 /ADO Estab;
Dated A/Abad the 31 /19

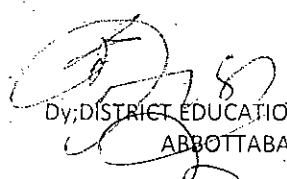
To,

Mr; Muhammad Naveed; 100 Gul Bandi
C/O Real Barkaly Estate 40000 Lower
Manidian Abbottabad.

Subject:- **PERSONAL HEARING**

Memo;-

I am directed to refer this Cause Notice issued vide Memo;No.13887 dated 06-11-2018 subsequent your reply dated 26/01/2019 and ask you to appear for personal hearing on 26/01/2019 at 10.00 AM and avail the opportunity of self defense


Dy;DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD.

*Received
Allam
19-01-19*

پرسنل سٹریٹنگ / ٹوٹل سٹریٹنگ
P.T Gms Gul Bandi

Ann

(20)

26-1-2019

آپ سٹوڈنٹ ٹوٹل کے جواب کے علاوہ اپنے دفاع میں مزید کچھ
کہنا چاہتے ہیں تو لفیڈ تحریر کرویں۔

I (Naveed Hussain s/o M. Sadiq)
appeared for personal hearing
before M. Ayaz (Supretendant)
who is conducting personal hearing
on the behalf of the D.E.O Atd.

I am asked to give the arguments/
to ~~sp~~ give support ^{self} my defense which
are not given in the show cause notice
in details details.

My statement is attached with
questionnaire in details.

Naveed Hussain Alm

13101-0839089-1

P.T Gms Gul Bandi

Dhokhatta road.

26-1-2019

ADD: E/S

Put up in
file

BEFORE THE KHYBER PAKHTUNHWA SERVICE TRIBUNAL
CAMP COURT, ABBOTTABAD

Service Appeal No:828 of 2019

Naveed Hussain Ex-PET, GMS Gulbandi, District Abbottabad, presently
Barkaly Real Estate, Maqadis Tower, Mandian, Abbottabad.

....APPELLANT

Versus

Government of Khyber Pakhtunkhwa through Secretary Elementary &
Secondary Education Department Peshawar & 02 Others.

....RESPONDENTS

=====

**PARA WISE REJOINDER ON BEHALF OF APPELLANT AGAINST
THE COMMENTS/REPLY OF THE RESPONDENTS.**

=====

Respectfully Sheweth:

ON PRELIMINARY OBJECTIONS:

1 to 11. All objections from Sr. No-1 to 11, are incorrect and wrong and have no space in law. Respondents had totally failed to produce any legal objection against the appellant. The Service Tribunal is the proper forum for appellant to file the appeal against the impugned order of respondents because the appellant is a Civil Servant. The appellant badly suffered due to the order dated 11.02.2019 and filing of appeal against the said order is basic and fundamental right of the appellant. Appellant came to this Hon'ble Tribunal through proper channel with clean hands but respondents concealed and distorted the material facts from this Honourable Tribunal. The appeal of the Appellant was filed well within time, hence maintainable because appellant challenged the impugned order No.1608-14 dated 11.02.2019 which is pending before this honourable tribunal for further proceeding.

Respectfully Sheweth:

ON FACTS:

1. That, the Para No.1 of the appeal is correct while the reply of Para No.1 is incorrect because the department, due to its malafide practice, totally failed to defend the instant Para.
2. That, the Para No. 2 of the appeal is correct while the reply of Para No.2 is incorrect. Respondents are denying the facts without any cogent proof thus, again failed to defend the instant Para. Appellant moved an application properly before respondent No.3 and no regular inquiry was conducted against the appellant, therefore, no allegation has been proved against the appellant.
3. That, the Para No. 3 of the appeal is correct while the reply of Para No.3 is incorrect. Respondents failed to give the proper reply of the instant Para.
4. That, the Para No. 4 of the appeal is correct while the reply of Para No.4 is incorrect. A so-called inquiry was conducted in the questionnaire form which is totally illegal and against the law. The questionnaire is already attached with the man service appeal.
5. That, the Para No. 5 of the appeal is correct while the reply of Para No.5 is incorrect. The inquiry officer did not provided the opportunity of selef-defence and the relevant record, provided by the appellant was also not considered by the inquiry officer.
6. That, the Para No. 6 of the appeal is correct while the reply of Para No.6 is incorrect. in the said inquiry, department totally failed to provide the relevant record and also no allegation was proved against the appellant.
7. That, the Para No. 7 of the appeal is correct while the reply of Para No.7 is incorrect. the action / step of the respondents is totally illegal and against the E&D rules 2011 Sec (14) because in a same matter, repeated inquiry could not be conducted.

8. That, the Para No. 8 of the appeal is correct while the reply of Para No.8 is incorrect. Respondents failed to provide the complete record of the inquiry to the appellant due to which fare trial was not completed.
9. That, the Para No. 9 of the appeal is correct while the reply of Para No.9 is incorrect because inquiry committee once again served the questionnaire to appellant which is illegal and have no space in the law.
10. That, the Para No. 10 of the appeal is correct while the reply of Para No.10 is incorrect. The inquiry committee submitted the incomplete inquiry report before respondent No.3, which is the blunder on the part of inquiry committee.
11. That, the Para No. 11 of the appeal is correct while the reply of Para No.11 is incorrect. In the light of incomplete inquiry report, no show cause notice could be issued to any accused.
12. That, the Para No. 12 of the appeal is correct while the reply of Para No.12 is incorrect. The personal hearing of the appellant was conducted by the incompetent authority which is totally against the section-15 of the E&D Rules 2011 and the incompetent authority also signed the documents by the appellant forcibly.
13. That, the Para No. 13 of the appeal is correct while the reply of Para No.13 is incorrect. The impugned order was issued without conducting regular inquiry and providing the full-fledged opportunity of cross examination, self defence and personal hearing and without proving the allegations against the appellant.
14. That, the Para No. 14 of the appeal is correct while the reply of Para No.14 is incorrect. The appellant shall produce the postal receipt of the departmental appeal at the time of arguments if needed by the tribunal.
15. That, the Para No. 15 of the appeal is correct while the reply of Para No.15 is incorrect.

ON GROUNDS:

- a) That, the Para "a" of the grounds of appeal is correct while the Para "a" of reply of the grounds is incorrect. Impugned order was issued without jurisdiction which is illegal and void hence, liable to be set-aside.
- b) The Para "b" of the grounds of appeal is correct while the Para "b" of reply of the grounds is incorrect. No show cause notice was issued against the appellant in the any Newspaper under Rule-9 of the E&D rules 2011.
- c) That, the Para "c" of the grounds of appeal is correct while the Para "c" of reply of the grounds is incorrect. Respondents failed to submit the proper reply of the instant Para.
- d) That, the Para "d" of the grounds of appeal is correct while the Para "d" of reply of the grounds is incorrect. If the instant Para of the reply of the respondents is based on reality then respondents should prove the instant Para before this honourable Tribunal.
- e) That, the Para "e" of the grounds of appeal is correct while the Para "e" of reply of the grounds is incorrect. No statement of witness was provided to the appellant and, the cross examination is right of appellant but the inquiry cross examined the appellant and questionnaire is already annexed with the main appeal.
- f) That, the Para "f" of the grounds of appeal is correct while the Para "f" of reply of the grounds is incorrect. The incomplete inquiry report was submitted by the respondents.
- g) That, the Para "g" of the grounds of appeal is correct while the Para "g" of reply of the grounds is incorrect. The detailed answer has already been given in the above Para "e".

- h) That, the Para "h" of the grounds of appeal is correct while the Para "h" of reply of the grounds is incorrect. No proper reply of the instant Para is given by the respondents which shows the clear malafide on the part of respondents.
- i) That, the Para "i" of the grounds of appeal is correct while the Para "i" of reply of the grounds is incorrect. The application dated 02/12/12, submitted by the appellant has not been made the part of inquiry report.
- j) That, the Para "j" of the grounds of appeal is correct while the Para "j" of reply of the grounds is incorrect because there is a big contradiction between the allegations imposed upon the appellant.
- k) That, the Para "k" of the grounds of appeal is correct while the Para "k" of reply of the grounds is incorrect because the so-called inquiry was conducted just according to the choice of respondents.
- l) That, the Para "l" of the grounds of appeal is correct while the Para "l" of reply of the grounds is incorrect. The competent authority already accepted in the statement of allegation that the appellant was on ex-Pakistan leave w.e.f. 2008 to 2012.
- m) That, the Para "m" of the grounds of appeal is correct while the Para "m" of reply of the grounds is incorrect. Department was not cooperating with the inquiry officer.
- n) That, the Para "n" of the grounds of appeal is correct while the Para "n" of reply of the grounds is incorrect. Major penalty was wrongl imposed upon the appellant.
- o) That, the Para "o" of the grounds of appeal is correct while the Para "o" of reply of the grounds is incorrect.


- p) That, the Para "P" of the grounds of appeal is correct while the Para "P" of reply of the grounds is incorrect.
- q) That, the Para "q" of the grounds of appeal is correct while the Para "q" of reply of the grounds is incorrect.

It is therefore very humbly prayed that, the comments of the respondents be rejected /dismissed with cost and the appeal of appellant may graciously be accepted.

Dated: 19/01/2021


(NAVEED HUSSAIN)
(APPELLANT)

Through Counsel:


(Abdur-Rauf Chohan)
Advocate High Court, Abbottabad

AFFIDAVIT:

I, Naveed Hussain Ex-PET, GMS Gulbandi, District Abbottabad, presently Barkaly Real Estate, Maqadis Tower, Mandian, Abbottabad, do here by solemnly affirm and declare on oath that the contents of foregoing Rejoinder are true and correct to the best of my knowledge and belief and that nothing has been concealed therein from this Hon'ble Tribunal.

Dated: 19/01/2021

.....DEPONENT

