

22.11.2019

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant has filed the present service appeal against the order dated 02.11.2011 whereby the appellate authority converted the major penalty of removal from service into penalty of stoppage of four increments. The appellant has also assailed the order dated 29.08.2019 through which case/appeal of the appellant was rejected.

Initially, the appellant was removed from service vide order dated 08.04.2011. Upon acceptance of departmental appeal of the appellant vide order dated 28.07.2011, major penalty of removal from service was converted into major penalty of reduction to lower post of Theology Teacher. However office letter dated 22.09.2011 from the Khyber Pakhtunkhwa Elementary & Secondary Education Department was issued to the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar wherein it was mentioned that the appellant does not fulfill the prescribed qualification for the post of Theology Teacher to which he has been reverted and the appellate authority vide order dated 02.11.2011, reviewed its earlier order and converted the penalty of removal from service into minor penalty of stoppage of four increments.

The impugned order of appellate authority was issued on 02.11.2011, however, the appellant has approached there against before this Tribunal, by filing service appeal, on 26.09.2019 i.e. after a period of more than seven years. Consequently the present service appeal is found hopelessly time barred and as such is hereby dismissed in limine. Needless to mention that subsequent order dated 29.08.2019 mentioned above, from the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar, cannot extend the period of limitation. No order as to costs. File be consigned to the record room.



(Muhammad Hamid Mughal)

Member

Camp Court, Abbottabad

ANNOUNCED.



22.11.2019

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1197/2019 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	26/09/2019	<p>The appeal of Mr. Naveed Iqbal received today by post may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p> <p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>22-11-2019</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE KHYBER PAKHTUNHWA SERVICE
TRIBUNAL, CAMP COURT ABBOTTABAD

Service Appeal No: 1197 of 2019

Naveed Iqbal S/O Ghulam Rabbani, AT Teacher, Government High School No.3 (English Medium), Abbottabad, Resident of Village Banda Khair Ali Khan Post office Dobather, Tehsil and District Abbottabad.

...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.

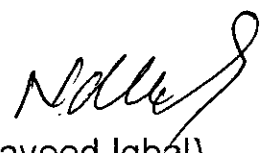
...RESPONDENTS

SERVICE APPEAL

INDEX

S.No	DESCREPTION OF DOCUMENTS	ANNEXURE	PAGE NO
1	Memo of Service Appeal alongwith Affidavit		1 to 6
2	Copies of three transfer orders by respondent No.3	"A"	7-9
3	Copy of Departmental appeal and order dated 16.06.2010 by Deputy Commissioner	"B"	10-12
4	Copy of application and order dated 29.06.2010	"C"	13-14
5	Copies of departmental appeal and order No. 6624 dated 15.07.2010 by respondent No.2	"D"	15-16
6	Copy of written reply by respondents No 1, 2 & 3	"E"	17-18
7	Copies of letter No. 10547 dated 05.08.2010 and letter dated 07.09.2010 by respondent No. 3 and 2	"F"	19-20
8	Copy of questionnaire by inquiry officer and written reply of questionnaire by appellant.	"G"	21-22
9	Copy of show case notice and reply of show cause notice by appellant	"H"	23-24
10	Copy of order dated 08.04.2011 by respondent-3	"I"	25
11	Copy of the order dated 28.07.2011 and Appeal and Letter dated 22.09.2011 & Order dated 02.11.2011	"J"	26-29
12	Copy of Departmental Appeal and order dated 29.08.2019	"K"	30-31
13	Copy of Review Petition	"L"	32-35
14.	Copy of judgment by Service Tribunal	"M"	36-38
15.	Copies of order No.6625 and order dated 28/07/2010	"N"	39-40

Dated 25/09/2019


(Naveed Iqbal)
(appellant in person)

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

Service Appeal No: 1197 of 2019

Naveed Iqbal S/O Ghulam Rabbani, AT Teacher, Government High School No.3 (English Medium), Abbottabad, Resident of Village Banda Khair Ali Khan Post office Dobather, Tehsil and District Abbottabad.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1313....APPELLANT

Dated 26/9/2019

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.

....RESPONDENTS

Filed to Registrar

26/9/19

SERVICE APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST IMPUGNED ORDER DATED 02/11/2011 ISSUED UNDER ENDORSEMENT NO 221-26 WHEREBY RESPONDENT NO 2 IMPOSED MINOR PENALTY OF "STOPPAGE OF FOUR(4) INCREMENTS" WITH CUMULATIVE EFFECT UPON APPELLANT, AND DEPARTMENTAL APPEL OF APPELLANT DATED 16/11/2011 WAS ALSO REJECTED ON 29/08/2019, THE SAID ORDER IS TOTALLY AGAINST LAW, WITHOUT JURISDICTION MALAFIDY AND ISSUED ON BASELESS FACTS.

PRAYER:

ON ACCEPTANCE OF INSTANT APPEAL, THE IMPUGNED ORDER NO 221-26 DATED 02/11/2011 BE MODIFIED. TO THE EXTENT OF RESTORATION OF ENTIRE FOUR (4) INCREMENTS OF THE APPELLANT.

Respectfully Sheweth,

FACTS

- 1) That, the appellant was appointed as Arabic Teacher (A.T) BPS-09 in the Elementary & Secondary Education Department District Abbottabad, on 05.04.1999 and has been serving the Department since then.
- 2) That, appellant was serving at GHS No.3 Abbottabad where on 15.08.2009, another teacher namely Mr. Abdur Rasheed Ex-A.T at GHS Jhangi in order to break his long tenure, did a mutual transfer with appellant and on 12.09.2009, after a month to the above said order, appellant was transferred from GHS Jhangi to GHS Jabrian and Mr. Amanullah A.T previously at GHS Jabrian was transferred to GHS Jhangi. After approximately 8 months to the above said transfer, on 20.05.2010 vide order No. 5778-82 by respondent No.3, three teachers returned on their previous posted schools. **(Copies of above said all three transfer orders are attached as annexure "A")**.
- 3) That, on 31.05.2010 Mr. Abdur Rasheed Ex-A.T filed a departmental appeal against the order dated 20.05.2010 before DCO Abbottabad and on 16.06.2010 the aforesaid appeal was dismissed. **(Copy of Departmental appeal and order dated 16.06.2010 are annexed as Annexure "B")**.
- 4) That, after dismissal of above said departmental appeal, Mr. Abdur Rasheed used political influence by approaching Mr. Inayat Ullah Khan Ex-MPA PK-44, who recommended the application of Mr. Abdur Rasheed and cancelled the order of respondent No.3 dated 20.05.2010 on 29.06.2010. **(Copy of application and order dated 29.06.2010 are annexed as annexure "C")**.
- 5) That, the appellant filed a departmental appeal on 03.07.2010 before District Coordination Officer, Abbottabad against the cancellation order dated 29.06.2010 which is pending since long time. The appellant moved an application before respondent No.2 requesting him for disposal of the appellant's departmental appeal. In reply respondent No. 2 issued order to respondent No.3 on 15.07.2010 vide Endst No:6624 for cancellation of said

order dated 29.06.2010 but Respondent No.3 did not comply with the order of respondent No.2 and mentioned that the letter No. 6627 is bogus and forged. **(Copies of departmental appeal and order No. 6624 dated 15.07.2010 are annexed as annexure "D").**

- 6) That, on 17.07.2010, Mr. Abdur Rasheed Ex-A.T challenged the earlier cancelled order i.e. 20.05.2010 before the Hon'ble Service Tribunal, Peshawar vide infructuous appeal No. 1199/2010. The respondents /Department took the stance in their reply to the above said appeal, that the above said order dated 20.05.2010 was on merit and as per the posting / transfer policy. **(Copy of written reply is annexed as annexure "E").**
- 7) That, respondent No.3, vide letter No. 10547 dated 05.08.2010 wrote to the respondent No.2 regarding the verification of letter No. 6624 dated 15.07.2010, upon which the respondent No.2 replied in positive vide letter No. 3962 dated 07.09.2010 and directed respondent No.3 to take action upon the said letter. **(Copies of letter No. 10547 dated 05.08.2010 and letter dated 07.09.2010 are annexed as annexure "F").**
- 8) That, the respondents conducted inquiry for the genuineness of letter No. 6624 dated 15.10.2010 issued by respondent No.2, without issuing any charge sheet / statement of allegation to the appellant and inquiry officer handed over to the appellant (by hand) questionnaire for reply. During the inquiry no charge has been proved against the appellant. **(Copy of questionnaire and written reply of questionnaire are annexed as annexure "G").**
- 9) That, on 24.08.2010, Mr. Abdur Rasheed (Ex-A.T), presented a so-called letter before the Hon'ble Service Tribunal in absence of appellant, on behalf of appellant, and the Hon'ble Service Tribunal fixed date for the verification of the same on 04.10.2010, and at the same date, Mr. Abdur Rasheed submitted application for withdrawal of his said appeal which was accepted.

- 10) That, on 15.01.2011, respondent No.3 issued a Show Cause Notice to appellant and the reply was submitted properly on 08.02.2011 by the appellant. **(Copy of show cause notice, reply of show cause notice is annexed as annexure "H")**.
- 11) That, on 08.04.2011, respondent No.3, issued order for removal from service of the appellant w.e.f 23.11.2010 under Repeal Act, Special Power Ordinance 2000. **(Copy of order dated 08.04.2011 is annexed as annexure "I")**.
- 12) That, the appellant has filed Departmental Appeal before the respondent No.2 against the Removal from Service and the same was decided by the respondent No.2 on 28.07.11 whereby the major penalty of the appellant was converted into another major penalty "Reduction to Lower Post". The appellant feeling aggrieved by the decision of respondent No.2, filed an appeal before respondent No.1 where upon respondent No.1 sought comments from respondent No.2 vide letter dated 22.09.2011 and finally respondent No.2 issued order No.221-26 dated 02.11.2011 vide which the previous order dated 28.07.2011 held cancelled and the Minor Penalty of stoppage of four (4) increments for cumulative effects was imposed. **(Copy of the order dated 28.07.2011 and Appeal and Letter dated 22.09.2011 & Order dated 02.11.2011 are attached as annexure "J")**.
- 13) That, still feeling aggrieved, appellant filed a Departmental Appeal on 16.11.2011 against the said order dated 02.11.2011 before the respondent No.1 but unfortunately the appeal was rejected on 29/08/2019. **(Copy of Appeal dated 16.11.2019 and order dated 29.08.2019 is annexed as annexure "K")**.
- 14) That, feeling aggrieved the appellant left no other option for his redressal except to knock the door of this honourable tribunal, against the impugned order dated 02.11.2011 on the following amongst other grounds:-

GROUND:

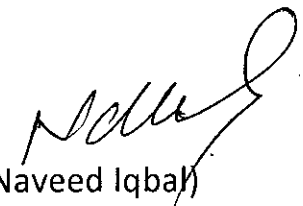
- a) That order dated 02.11.2011 to the extent of stoppage of four (4) increments of appellant is void, ab-initio, illegal, erroneous, unlawful.
- b) That, during the whole inquiry process, the appellant has not been provided any opportunity of cross examination. Hence, the said order is liable to be modified.

- c) That, the appellant has also not been given any opportunity of personal hearing which is the basic right of appellant hence, the said inquiry is totally based on malafide.
- d) That, whole inquiry process was conducted only at the questionnaire basis and no charge sheet / statement of allegation was served upon the appellant, which is not warranted in law.
- e) That, the directions dated 04.10.2010 by the Hon'ble Tribunal against the appellant were totally against the law because:
- a) Service Appeal No. 1199/2010 has already been infractious on 29.06.2010.
 - b) The said Service Appeal has also been withdrawn by the then appellant (Mr. Abdur Rasheed).
 - c) The directions, against the appellant by the Hon'ble Service Tribunal was issued in the absence of appellant.
- f) That, the order of stoppage of four (4) increments was totally against the E&D Rule 2011.
- g) That, order No. 6624 was earlier proved genuine and true after the conclusion of verification. But this fact was ignored by the respondents.
- h) That, appellant filed a review petition against the order dated 04 10.2010 before the Hon'ble Tribunal but the same was not entertained and was returned with the remarks that the Hon'ble Service Tribunal has no jurisdiction to adjudicate the said matter. **(Copy of Review Petition is annexed as annexure "L")**
- i) That, after the reinstatement, the appellant filed Service Appeal before this Hon'ble Tribunal against the transfer order dated 29.06.2010 and placed all the real fact and grounds before the Hon'ble Tribunal and, the Hon'ble Tribunal accepted the Service Appeal No. 304/2012 of appellant on 02.05.2013. **(Copy of judgment is annexed as annexure "M")**.

- j) That, the four (4) increments of appellant was stopped with cumulative effect by the respondent No. 2 everlastingly while, under the E&D Rules 2011, Increment of any employee can only be stopped maximum for three years.
- k) That, respondent No.3 Zafar Arbab Abbasi (Ex-DDO), was very much biased with the appellant and the local MPA (PK-44, Abbottabad) was also against the appellant which is crystal clear from this point that respondent No.2 issued two letter No. 6624 and 6625 dated 15/07/2010 to the respondent No.3 for compliance regarding the transfer but the respondent No.3 compliance the order No.6625 on 28/07/2010 but did not compliance the second letter No.6624 which was related to the appellant. (Copies of order No.6625 by respondent No.2 and order dated 28/07/2010 are annexed as annexure "N")
- l) That, the instant Appeal is well within time. The other points shall be argued at the time of arguments with the prior permission of this Hon'ble Tribunal.

It is therefore, respectfully prayed that the instant appeal may graciously be accepted, and impugned Order No. 221-26 dated 02.11.2011 be modified to the extent of restoration of entire four (4) increments of appellant. 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 25/09/2019


(Naveed Iqbal)
(Appellant Inperson)

AFFIDAVIT:

I, Naveed Iqbal S/O Ghulam Rabbani, AT Teacher, Government High School No.3 (English Medium), Tehsil & District Abbottabad, Resident of Banda Khair Ali Khan Post office Dobather, Tehsil and District Abbottabad, Appellant, do hereby affirm on oath that contents of instant appeal are correct and true 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.

Dated 25/09/2019


DEPONENT

7

MUTUAL TRANSFER.

Consequent upon the approval of competent authority, the following AT teachers are hereby ordered in the school noted against each on their own pay and EPS in the interest of public service with immediate effect.

S No.	Name of Teacher	From	To	Remarks.
01.	Naveed Iqbal, AT,	GHS No, 03 ATD	GHS Jhangi	Vice S.No. 02
02.	Abdur Rashid, AT	GHS Jhangi	GHS No, 03	Vice S.No. 01

CX.X.X.X.XX.X

No TA/DA is allowed. Charge report should be submitted to all concerned.

(SYED BASHIR HUSSAIN SHAH)
EXECUTIVE DISTRICT OFFICER (E)
SECY: EDUCATION ABBOTTABAD.



16/27/29

Endst; No. 11/AT/(M) Dated A/Abad the 5/8 / 2009.

Copy to the:-

01. Principal GHS No, 03 Abbottabad.
02. Principal GHS Jhangi Abbottabad.
03. District Account Officer Abbottabad.


DISTRICT OFFICER ELE:
SECY: EDU, ABBOTTABAD.

[Handwritten signature]

INVESTIGATIVE DIVISION
ELM: & SECT: EDU: A. ABAD.

- 1. Principal GMS change.
- 2. Headmaster GMS change.
- 3. District Accounts Officer A. Abad.

Copy to the :-

Date: No. 17470-22/EB-II/AM(M)

Dated A. Abad the 12/9/09.

INVESTIGATIVE DIVISION
ELM: & SECT: EDU: A. ABAD.

- Note :
- 1. NO PA/DA is allowed.
 - 2. Charge report should be sent to all concerned.

Consequent upon the approval of competent authority the Mutual Transfer between M/S Amanullah Khan AT GMS Jafarian and Naweed Iqbal AT GMS Jhang is hereby ordered on their own pay and grade in the interest of public service w.e.f the date of their taking over charge.

MUTUAL TRANSFER.

OFFICE OF THE INVESTIGATIVE DIVISION OFFICER IN CHARGE
ELM: & SECT: EDU: A. ABAD.

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEM: & SECY: EDUCATION ABBOTTABAD.

9

MUTUAL POSTING/TRANSFER.

Consequent upon the approval of the competent authority the Mutual posting/transfer of the following AT teachers are hereby ordered on their own pay and grade in the interest of public service with immediate effect from the date of taking over charge.

<u>S.No:</u>	<u>Name of teacher</u>	<u>From</u>	<u>To</u>	<u>Remarks.</u>
1.	Naveed Iqbal AT	GMS Jabrian	GHS No: 3- Atd	Vice S.No:2
2.	Abdur Rashid AT	GHS No:3 Atd	GHS Jhangi	Vice S.No:3
3.	Amanullah AT	GHS Jhangi	GMS Jabrian	Vice S.No:1

Note:- No TA/TC is allowed to any one.
Charge report should be submitted to all concerned.

ed
EXECUTIVE DISTRICT OFFICER
ELEM: & SECY: EDU: A'ABAD.

Undet: No: 5778-87/EB-II/AT (M) Trans: Dated A'Abad the 20/5/2010.

Copy to:-

1. P/S to Honourable Chief Minister KP Peshawar with reference to his No: SO-1/CMS/KPK/3-15/2010/9122 dated 13-05-2010.
2. The Principal GHS No: 3 Abbottabad & Jhangi.
3. The Headmaster GMS Jabrian Abbottabad.
3. The District Account Officer Abbottabad.
4. The B& AO Local Office.

Rm
DISTRICT OFFICER
ELEM: & SECY: EDU: ABBOTTABAD.

Recd
RECEIVED

مخدالت جناب ڈسٹرکٹ کوآپریٹو ڈیپارٹمنٹ آفیسر ایبٹ آباد



ارشید ولد عبدالغفور ساکہ منڈیاں حال عربی ٹیچر گورنمنٹ ہائی سکول نمبر 13 ایبٹ آباد۔

بیت

- (1) ڈسٹرکٹ ایجوکیشن آفیسر ایبٹ آباد۔
- (2) نوید اقبال عربی ٹیچر گورنمنٹ ہائی سکول چٹیاں، ایبٹ آباد۔
- (3) ایمان اللہ عربی ٹیچر گورنمنٹ ہائی سکول جھنگ ایبٹ آباد۔

ایپیل اناراضی حکم نمبر EDO صاحب ایڈوکیٹری اینڈ سیکنڈری ایجوکیشن ایبٹ آباد بذریعہ چھٹی نمبر
5778-82/RB11/AT(M) نمبر 20/05/2010 جو کہ خلاف قانون، خلاف واقعات، پرہی
بدینی و سیاسی اثر رسوخ کا شاخسانہ ہے۔ جو کہ قابل بحال و قابل مسدود ہے۔

موجبات اپیل ذیل فرض ہیں۔

جناب عالی

- 1- یہ کہ ایپلنٹ بطور اسلامیات معلم 01/10/1983 تک ہذا میں تعینات ہوا اور ای طرح
22/10/1986 کو بطور معلم عربی تعیناتی ہوئی (ماخذ میں نقولات تلف ہیں)۔
- 2- یہ کہ ایپلنٹ بطور عربی معلم اپنی ذمہ داری با حسن طریقہ سے گورنمنٹ ہائی سکول جھنگی میں سرانجام دے رہے
تھے جو کہ بذریعہ چھٹی نمبر 16127-29-AT(M) نمبر 20/08/2009 بتاوا کہ گورنمنٹ ہائی سکول نمبر
13 ایبٹ آباد میں لایا گیا جس بنا پر ایپلنٹ نے اپنا چارج گورنمنٹ ہائی سکول نمبر 13 ایبٹ آباد سے بحال
کرائے فراغت مسمی ادا کرنے لگا۔
- 3- یہ کہ ایپلنٹ کی تعیناتی / بتاوا کو ایسی اور مینے نہ گرنے سے متھے خلاف قانون، خلاف واقعات اور سیاسی اثر رسوخ

کے نتیجے میں چھٹی متحدہ گویہ جاری کی گئی جو کہ قابل منسوق ہے۔

4- یہ کہ بمطابق قانون کم از کم عرصہ تعیناتی تین سال ہے جس کی مدعا علیہم نے دھکیاں بھکرے جو کہ قابل گرفت
اعمال ہے۔

5- یہ کہ ریسپانڈنٹ نمبر 2 اپنے سیاسی رزولوشن کو استعمال کرتے ہوئے کسی بھی ایسے تعیناتی پر تین سال کا عرصہ
تکڑا کرنے شددیتا ہے اور اپنی من پسندی بنا / سکول میں تعیناتی کروا لیتا ہے۔

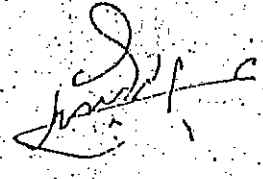
6- یہ کہ چھٹی متحدہ گویہ پر باقاعدہ طور پر تبادلہ کا ذکر باہمی رضامندی / Mutual ظاہر کر کے جاری کی گئی جبکہ
ایپلانٹ نے کسی طور پر بھی اپنی رضامندی ظاہر نہ کی ہے اور نہ ہی غیر قانونی طور پر دے سکتا ہے۔

7- یہ کہ ایبل ہذا انڈر میعاد ہے۔

لہذا استدعا ہے کہ بانٹھووری ایپل ہذا چھٹی نمبر (M) AT/11/RB-82/5778-82/20/05/2010 کو منسوخ
فرماتے ہوئے ریسپانڈنٹ کو منع فرمایا جاوے کہ کسی طور پر بھی خلاف قانون، خلاف واقعات چھٹی مابت خادکہ برخلاف
ایپلانٹ جاری کرنے سے باز رہیں۔

الرقوم:- 31 مئی 2010ء

عبدالرشید ولد عبدالغفور سناکنہ منڈیاں
حال عربی ٹیچر گورنمنٹ ہائی سکول نمبر 13 ایبٹ آباد





DISTRICT COORDINATION OFFICE ABBOTTABAD

No. 14-EB/Edu 2187-88
Dated 14/6/2010

12

To

✓ Mr. Abdur Rashid
A.T GHS No.3 Abbottabad.

Subject: APPEAL

Memo:

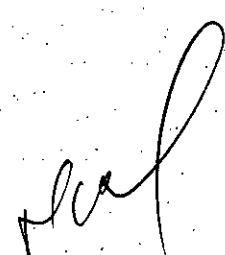
Your application dated 31.05.2010 regarding cancellation of transfer order to GHS Jhangi was examined. As per report of EDO (E&SE) Abbottabad you were transferred and posted in the said school on the Chief Minister's directive contained in letter no. SO 1/CMS/KPK/3-15/2010/9122 dated 13.05.2010.

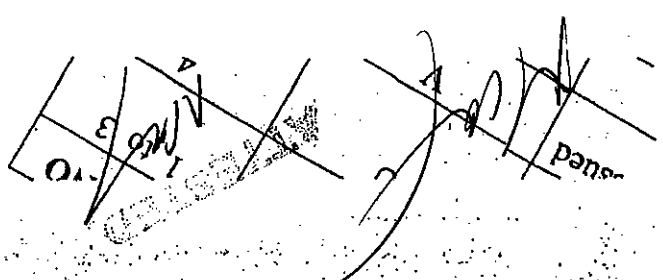

District Coordination Officer
Abbottabad

Endst No & Date Even.

Copy to EDO (E&SE) Abbottabad


District Coordination Officer
Abbottabad




 signed
 MS 10
 3

۱- در مورد ...
 ۲- ...
 ۳- ...

۴- ...

۵- ...

۶- ...

۷- ...

۸- ...

۹- ...

۱۰- ...

۱۱- ...

۱۲- ...

۱۳- ...

۱۴- ...

۱۵- ...

۱۶- ...

۱۷- ...

۱۳

Handwritten mark at the top left corner.

RECEIVED
25/5/10
MAY 25 2010

Mr. Khadim
23/6/10

Humble CMKPK
May be considered
regarding above

Political Secretary to
Chief Minister
Khyber Pakhtunkhwa

economic development
with the
above story

B. D. D. 2003
May be considered
in Bar
for
general
admission
of
students
of
KPK
in
the
subject
of
economics

3
1
25/5/10
2010

Handwritten Urdu text in the middle section.

Handwritten Urdu text at the bottom of the page.

14

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY AND SECONDARY
EDUCATION ABBOTTABAD.

CANCELLATION

As approved by the competent authority, this office order issued under Endstt No. 5778-82/EB-II/AT (M) dated 20.5.2010 is hereby cancelled with immediate effect.

Note:- No TA/DA is allowed.
Charge reports should be sent to all concerned.

sdl
EXECUTIVE DISTRICT OFFICER
ELEMENTARY AND SECONDARY EDUCATION
ABBOTTABAD.

Endstt: No. 8870-76 /EB-II/AT(M) Trans: Dated 29-6/2010.

Copy of the above is forwarded for information to:-

1. The P/S to Chief Minister Khyber Pakhtunkhwa Peshawar.
2. The District Accounts officer Abbottabad.
3. The Budget and Accounts officer local office A/Abad.
- 4-6. The Principals GHS No-3, Jhangi and Headmaster GMS Jabrian Atd.
- 7-9. Teachers concerned.

TH
EXECUTIVE DISTRICT OFFICER
ELEMENTARY AND SECONDARY EDU;
ABBOTTABAD.

Handwritten signature

بخدمت جناب DCO صاحب ضلع ایبٹ آباد



اپیل برخلاف آرڈر نمبر 76-8870 مورخہ 29/06/2010 جاری کردہ EDO تعلیم ضلع ایبٹ آباد۔

عنوان:

جناب عالی! موجبات اپیل ذیل ہیں۔

- ۱۔ یہ کہ سائل کا تبادلہ مورخہ 20/05/2010 کو آرڈر نمبر 82-5778 کے تحت GMS جڑیاں سے GHS نمبر 3 ایبٹ آباد میں ہوا۔
- ۲۔ یہ کہ امان اللہ AT نے سائل کو GMS جڑیاں سے تبدیل کرنے کے لئے سیاسی دباؤ کا سہارا لیا۔
- ۳۔ یہ کہ عبدالرشید AT نے اپنا طویل Tenure بریک کرنے کے لئے GHS جھنگی سے GHS نمبر 3 کے لئے عرصہ تین ماہ کے لئے باہمی تبادلہ کیا مگر بعد ازاں وہ اپنے معاہدہ سے منحرف ہو گیا۔
- ۴۔ یہ کہ GHS جھنگی اور GHS نمبر 3 کے درمیان 6 کلومیٹر کی مسافت ہے اور قانوناً 16 کلومیٹر کی حدود میں Tenure بریک نہیں ہوتا۔
- ۵۔ یہ کہ 20/05/2010 کا تبادلہ مورخہ 29/06/2010 کو آرڈر نمبر 76-8870 کے تحت سیاسی بنیادوں پر منسوخ ہو گیا۔
- ۶۔ یہ کہ 20/05/2010 کے تبادلہ کو محکمہ تعلیم نے عدالت کے سامنے ایک تحریر میں میرٹ پر قرار دیا۔
- ۷۔ یہ کہ عبدالرشید AT نے اپنی ملازمت کا 28 سالہ عرصہ صرف سات کلومیٹر کے اندر گزارا۔
- ۸۔ یہ کہ کسی بھی ٹیشن پر ملازمت کا مقررہ وقت 16 کلومیٹر کے اندر تین سال ہیں۔
- ۹۔ یہ کہ GHS جھنگی عبدالرشید کا مقامی سکول ہے اس کے گھر سے سکول تک دس منٹ کا پیدل راستہ ہے۔
- ۱۰۔ یہ کہ 20/05/2010 کا تبادلہ اس وقت منسوخ ہوا جب یہ معاملہ عدالت میں زیر سماعت تھا۔

لہذا استدعا ہے:-

- i۔ کہ مورخہ 29/06/2010 کا آرڈر نمبر 76-8870 کو منسوخ فرما کر مورخہ 20/05/2010 کا آرڈر نمبر 82-5778 کو بحال فرمایا جائے۔
- ii۔ جس وقت تک اپیل ہذا کا فیصلہ نہیں ہو جاتا اس وقت تک 29/06/2010 کے تبادلہ پر حکم اقتضائی جاری کیا جائے۔ (فقولات ریکارڈ لفٹ ہیں)۔

الرقوم: 103/07/2010 ایبٹ آباد

2010

نوید اقبال AT گورنمنٹ ہڈل سکول جڑیاں ضلع ایبٹ آباد۔۔۔۔۔ (سائل)

تاریخ: 16

محل: ایبٹ آباد

(Handwritten signature)

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

File.No.502/A-15/CT/DM/AT/TT/Posting
Abbottabad.

No. 6624
Dated Peshawar the 15/7/2010


To:

The Executive District Officer,
(E&SE) Abbottabad.

Subject: Cancellation of Posting/Transfer.

I am directed to enclose herewith a copy of self-explanatory letter No. SO-1/
CMS/KPK/3-15/2010, dated 2.7.2010 received from Section Officer Chief Minister's Secretariat
Khyber Pakhtunkhwa on the subject noted above and to ask you to cancel the order mentioned in the
said letter as desired by the Honourable Chief Minister Khyber Pakhtunkhwa please in the light of
the rules.

Encl; As above.


Deputy Director (Estt)
(E&SE) Khyber Pakhtunkhwa,
Peshawar.

15/7/2010
15/7/10



17
ANNEXURE
E

BEFORE SERVICE TRIBUNAL KHYBER PAKHTOONKHAWA PESHAWAR
Appeal No.1199/2010

Abdul Rasheed A.T.
VERSUS
Govt: of KPK, Peshawar and others

Respectfully Shewith:-

Comments on behalf of respondents
Comments on behalf of respondent are submitted as under:-

Preliminary objections:-

1. That the appellatant has no cause of action / locus standi to file the present appeal.
2. That the appellatant is estopped to sue through his own conduct.
3. That the appellatant did not come to this Hon: court with clean hands.
4. That the appellatant has concealed distorted facts from this Hon: Tribunal, hence his appeal is liable to be dismissed on score alone.
5. That the instant appeal has been filed to pressurize the respondent department.
6. That the instant appeal is not maintainable in its present form.
7. That every civil servant is bound to serve anywhere in the District / Province in the interest of public service.

FACTUAL OBJECTIONS:-

1. In reply to Para No.1, it is submitted that it pertains to the records.
2. In reply to Para No.2, it is submitted that it relates to the records, moreover appellatant is bound to serve anywhere in the best interest of public service, however presently appellatant has been transferred to his local station.
3. In reply to Para No.3, it is stated that it also pertains to the record and comprehensive reply has been given in above Para No.2.
4. In reply to Para No.4, it is stated that the appellatant including the respondent No.3 & 4 were transferred to their home stations and no punishment was given to them.
5. In reply to Para No.5, it is stated that the said departmental appeal was rightly dismissed by the respondent No.2 purely on merit as appellatant was transferred to his home station and the said appeal was baseless, similarly now the appellatant is going to waste the precious time of this Hon: Tribunal.

M.A.

S.O.
20/1

6. Moreover respondents seek leave of this Hon: Court to agitate additional grounds at the time arguments.

18

rounds:-

- a. Incorrect. In reply to Para No." a" it is stated that the said order is lawful and has been passed in accordance with the transfer policy of the Govt: K.P.K and no violation has been made.
- b. Incorrect. The said order is lawful as per policy of the Govt: of K.P.K and has been passed in the best interest of public service.
- c. Incorrect. Comprehensive reply has been given in the above preliminary and factual objections.
- d. Incorrect. As comments above in preliminary and factual objection.
- e. Incorrect. The said order has been passed as per transfer policy of the Govt: of K.P.K in the best interest of public service.
- f. Incorrect. Comprehensive reply has been given in preliminary and factual objections.
- g. That respondents seek leave of this Hon: Tribunal to agitate additional grounds at the time of arguments.

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

Executive District Officer
(E&SE) Abbottabad.

District Coordination Officer
Abbottabad

AFFIDAVIT

I, Mr. Shamas Khan Shamas Executive District Officer (E&SE), do hereby affirm and declare 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 Court.

DEPONENT

Keget

19

No. 10597 / 13-III

Dated Abbottabad the 5/8/2010

(17)

To:- The Director,
Elementary and Secondary Education,
P.T.O., Peshawar.

Sub:- VERIFICATION OF LETTERS/GUIDANCE.

Memo:-

I am directed to write with reference to your Office No. 490-567/General Branch Dated 2.1.2010 and to state that this office received two letters from your good office vide No. 6624 Dated 15.7.2010 (Copy attached) regarding cancellation order bearing No. 8670-76 Dated 29.6.2010 issued by this office and subsequent letter of even No. and date (Copy attached) i.e. 6624 dated 15.7.2010 (Copy attached) and again issued by your office received through the Teacher concerned Mr. Navsed Iqbal, AT GMS Jabrian (Abbottabad) wherein the transfer order issued by this office has been cancelled.

It is submitted to please guide this office as to which of the two letters with same No. & date but different content may be considered valid. *plz advise.*

DISTRICT OFFICER
ELEMENTARY AND SECONDARY EDU:
ABBOTTABAD.

Handwritten signature

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

File.No.502/A-15/CT/DM/AT/TT/
Posting/trf/A.Abad

No. 3962 /

Dated Peshawar the 7/9 /2010

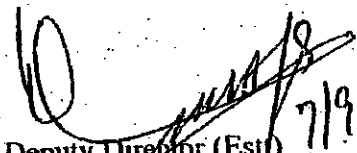
To

The Executive District Officer,
(E&SE) Abbottabad.

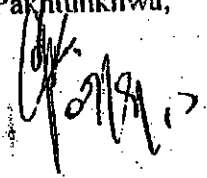
Subject: **Verification of letters/Guidance.**

I am directed to refer to your letter No. 10547, dated 5.8.2010 on the subject noted above and to enclose herewith a copy of this office letter No. 6624, dated 15.7.2010 & letter No. 6625, dated 15.7.2010 for further necessary action, please.

Moreover I am further directed to ask you provide copies of this office letter No. 6624, dated 15.7.2010, as the same has not been found attached with your letter under reference.
Encl; As above.


Deputy Director (Est)
(E&SE) Khyber Pakhtunkhwa,
Peshawar.

7/9/2010





سوالنامہ بر خلاف انکوائری نوید اقبال (A.T) گورنمنٹ ہائی اسکول جیڑیاں، تحصیل و ضلع ایبٹ آباد

- 1 سوال نمبر: کیا آپ کو معلوم ہے کہ ڈائریکٹریس ایجوکیشن نے آپ کے خلاف انکوائری مقرر کی ہے؟
- 2 سوال نمبر: آپ کی تقرری محکمہ تعلیم میں کب اور کس اسکول میں ہوئی؟
- 3 سوال نمبر: آپ نے کن کن اسکولوں میں فرائض سرانجام دیے ہیں؟
- 4 سوال نمبر: آپ کا تبادلہ گورنمنٹ ہائی اسکول نمبر 3 میں کب اور کس آرڈر نمبر کے تحت ہوا؟
- 5 سوال نمبر: آپ کس اسکول میں فرائض سرانجام دینے کے خواہشمند ہیں؟
- 6 سوال نمبر: کیا آپ کا تبادلہ گورنمنٹ ہائی اسکول نمبر 3 ایبٹ آباد سے منسوخ ہوا؟ کب اور کس آرڈر نمبر کے تحت؟
- 7 سوال نمبر: کیا آپ نے گورنمنٹ ہائی اسکول نمبر 3 ایبٹ آباد سے تبادلے کی منسوخی کیلئے ڈائریکٹریس ایجوکیشن کو کوئی تحریری درخواست دی ہے؟
- 8 سوال نمبر: ڈائریکٹریس ایجوکیشن کو دی جانے والی درخواست پر کیا کارروائی ہوئی؟
- 9 سوال نمبر: ڈائریکٹریس ایجوکیشن کے دفتر سے جاری ہونے والا ایڈرس نمبر 6624 مورخہ 15/07/2010 آپ نے کہاں سے وصول کیا؟
- 10 سوال نمبر: آپ گورنمنٹ ہائی اسکول نمبر 3 ایبٹ آباد میں کس آرڈر کے تحت ڈیوٹی کرتے رہے؟
- 11 سوال نمبر: سروس ٹریبونل کی طلبی پر کیا آپ عدالت میں حاضر ہوئے؟
- 12 سوال نمبر: آپ کے نام پر جو سروس ٹریبونل سے ایڈز جاری ہوا آپ نے اس بابت کسی کو درخواست دی ہے؟
- 13 سوال نمبر: وہ کون سے عوامل ہیں جن کے تحت آپ گورنمنٹ ہائی اسکول نمبر 3 ایبٹ آباد میں ڈیوٹی کرنے پر رضد ہیں؟
- 14 سوال نمبر: کیا گورنمنٹ ہائی اسکول نمبر 3 ایبٹ آباد سے آپ کا تبادلہ منسوخ ہونے پر آپ نے سابقہ اسکول میں حاضری کر دی ہے؟
- 15 سوال نمبر: وزیر اعلیٰ سیکرٹریٹ سے حکم نامہ کس MPA یا تعلق کی بنیاد پر آپ نے جاری کروایا؟

شیر احمد انکوائری آفیسر
ہیڈ ماسٹر گورنمنٹ ہائی اسکول اخون آباد پشاور

تاریخ: 27/09/2010

(Handwritten signature)

To

**The Inquiry officer
Head Master
GHS Akhuanabad
Peshawar.**

Subject :

**SUBMISSION OF PARAWISE REPLY TO THE QUESTIONNAIRE
DATED 27-09-2010 ISSUED BY INQUIRY OFFICER**

Sir,

Parawise reply to the questionnaire cited above is a under please.

1. Yes.
2. On 05-04-1999 at GMS Noormang as Arabic teacher.
3. i. GMS Noormang ii. GMS Ghumawan. iii GHS No.1 Abbottabad
4. Vide endst No. 5778-82 dated 20-05-2010
5. At any school nearest to my residence.
6. Vide endst No. 8870-76 dated 29-06-2010
7. Yes.
8. It is submitted that Directress Education Peshawar issued order under endst No.6624 dated 15-07-2010 to EDO Abbottabad to cancel the order dated 29-06-2010
9. By post .
10. Vide endst No. 5778-82 dated 20-05-2010
11. No
12. I have not received any notice from KPK Service Tribunal Peshawar.
13. Because it lies near to my residence .
14. Yes.
15. Through proper channel.

Regards.

Naveed Iqbal
**Naveed Iqbal AT
Dated 28-09-2010**

Handwritten signature

37

for 23
ANNEXURE
AH

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (ELEM & SECY: EDU) A. ABBOTABAD

FINAL SHOW CAUSE NOTICE


Mr. Naveed Iqbal AT Govt. Middle School Jabrian Abbottabad, you are hereby served with this show cause notice on the charges noted below:-

The enquiry was conducted against you for submitting forged/fake letters/verification relating to your transfer/cancellation.
The enquiry officer further recommended grave punishment being responsible for production of so many fake and bogus letters from higher authority and Service Tribunal relating to your transfer from GHS No.3 Abbottabad to GMS Jabrian etc.

The competent authority has come to the conclusion that the above noted charges are of such nature which demand major penalty under special powers. Removal from Service since 2000.

You are therefore directed to show cause as to why the major penalty under section-3 of the noted Ordinance should not be imposed upon you. You are directed to submit your reply within seven (07 days) of the receipt of this letter.

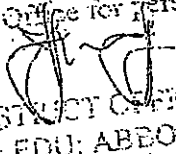
Whether you desired to be heard in person, if so you are directed to attend office of the undersigned within above noted 15 days along with written proof/defense, failing which it shall be presumed that you have nothing to offer in your defense.

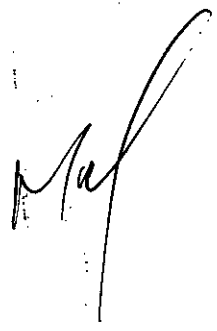

EXECUTIVE DISTRICT OFFICER
ELEM & SECY: EDU: ABBOTABAD

Dated A. Abad the 15-01-2011

558-65/1

- Copy of the above is submitted to:-
- The Directress Elem: and Secy: Edu: KPK Peshawar for information with reference to her Memo: No. file No. 102/A-15/CT/DM/AT/Posting transfer/AT/404 dated 11-11-2010 and Memo: No. 5223 dated 14-12-2010
- The District Coordinator Officer Abbottabad.
- PCS to Chief Secretary Govt: of KPK Peshawar.
- The Principal GHS No. 3 Abbottabad.
- The Section Officer Litigation Govt: of E&SE KPK Peshawar.
- The Headmaster GMS Jabrian Abbottabad for information with the remarks to hand over the copy of show cause notice to Mr. Naveed Iqbal AT of your school by obtaining proper acknowledgement from the teacher concerned and the same to be submitted to this office through special messenger.
- Mr. Naveed Iqbal AT GMS Jabrian Abbottabad with the remarks to submit written reply/defense within specific time limit and also attend this Office for personnel hearing as mentioned above.


EXECUTIVE DISTRICT OFFICER
ELEM & SECY: EDU: ABBOTABAD



بخدمت جناب ایگزیکٹو ڈسٹرکٹ آفیسر E&S ایجوکیشن ضلع ایبٹ آباد

عنوان: تحریری جواب شوکاز نوٹس نمبر 65-559 مورخہ 15/01/2011 جاری کردہ

(شمس خان شمس ایگزیکٹو ڈسٹرکٹ آفیسر E&S ایجوکیشن ضلع ایبٹ آباد)

جناب عالی! سائل کو آپ کی طرف سے جو شوکاز نوٹس وصول ہوا ہے اس کا تحریری جواب ذیل ہے۔

1- سائل پر بہ الزام عائد کیا گیا کہ ڈائریکٹریس ایجوکیشن کے دفتر سے آرڈر نمبر 6624 مورخہ 15/07/2010 جعلی اور ہو گس ہے۔ یہ بات حقائق کے خلاف ہے۔ آپ کے دفتر سے مورخہ 05/08/2010 کو لیٹر نمبر 10547 کے تحت مذکورہ لیٹر کی تصدیق کروائی گئی اور جواب میں ڈپٹی ڈائریکٹر نے مورخہ 07/09/2010 کو لیٹر نمبر 3962 کے تحت اس بات کی باقاعدہ تصدیق کر دی ہے کہ لیٹر نمبر 6624 اور لیٹر نمبر 6625 ہمارے ریکارڈ کے مطابق درست اور صحیح ہیں لہذا اس میں دی گئی ہدایات پر ایکشن لیا جائے۔ ظفر ادیب عباسی نے لیٹر نمبر 6625 پر مورخہ 28/07/2010 کو عمل درآمد بھی کر دیا ہے اور سیاسی مداخلت کی بنیاد پر دفتر ہذا کو مستلر لیگ (ن) کا سیکرٹریٹ بنا رکھا ہے اور ذاتی عناد اور رنجش کی بنیاد پر لیٹر نمبر 6624 کو ہو گس اور بے بنیاد قرار دے رہے ہیں اور سیاسی مداخلت کے زیر اثر سائل کو GHS No.3 ایبٹ آباد میں تعینات نہیں کر دیے۔

2- یہ کہ سروس ٹریبونل سے جو لیٹر جاری ہوا ہے سائل کا اس لیٹر کے ساتھ کوئی تعلق نہیں کیونکہ سائل سروس ٹریبونل میں مورخہ 24/08/2010 اور پھر مورخہ 04/10/2010 کو بھی حاضر نہیں ہوا۔ عبدالرشید A.T نے لیٹر بذات خود مورخہ 24/08/2010 کو سروس ٹریبونل میں پیش کیا لہذا یہ اسی کی ذمہ داری بنتی ہے کہ اس معاملے کو واضح کرے کہ اس نے یہ لیٹر کس سے وصول کیا اور سائل نے اس لیٹر سے کیا فائدہ اٹھایا۔

لہذا استدعا ہے کہ شوکاز میں ذکر کردہ الزامات حقائق کے صریحاً خلاف ہیں۔ لہذا شو

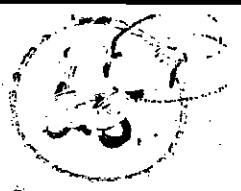
کاز نوٹس کو واپس لیا جائے۔

Nadeem
العادری

نوید اقبال A.T گورنمنٹ مڈل سکول جیٹیاں ضلع ایبٹ آباد

مورخہ 08-02-2011

Nadeem



Whereas, Mr. Naveed Iqbal, AT Govt. Middle School Jabbarian (Abbottabad) submitted the following gross irregularities:-

Whereas, the above named teacher submitted forged/fake letters on behalf of Directress E&SE as well as Service Tribunal Peshawar relating to his transfer/cancellation.

Whereas, enquiry was conducted against him by the orders of Directress E&SE Peshawar vide letter No. 4041 dated 11/11/2011 wherein the above noted charges have been proved.

The Enquiry Officer recommended grave punishment against said teacher being responsible for production of fake/bogus letters including No.6624 dated 15/7/2010 from Director E&SE Khyber Pakhtunkhwa Peshawar and No.1962/ST dated 05/07/2010 from Registrar Service Tribunal Khyber Pakhtunkhwa Peshawar relating to his transfer from GHS No.3 to GMS Jabbarian.

1. Whereas, Final Show Cause Notice was served upon the above named teacher vide this office Endst: No 559-65 dated 15/01/2011 directing him to intimate the cause of above noted irregularities/unlawful acts.

whereas the reply given by the teacher is neither convincing nor satisfactory, and is not acceptable.

6. And whereas, the competent authority has come to the conclusion that the above noted charges have been proved and are of serious nature which demand Major penalty under Special Power Ordinance 2000.

7. Whereas, the accused teacher was also provided opportunity of Personal Hearing on 05/04/2011 before District Coordination Officer/Executive District Officer E&SE Abbottabad. Now, therefore, the competent authority after complete satisfaction under NWFP Removal from Service (Special Power) Ordinance 2000 has been pleased to order the Removal from Service in w/o Mr. Naveed Iqbal, AT GMS Jabbarian Abbottabad w.e.f. 23.11.2010.

Jd
DISTRICT COORDINATION OFFICER
ABBOTTABAD

Endst: No. EB-II/P.F/Naveed Iqbal, AT/ 4607-46 /Dated 8-4 /2011

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

1. The Directress (E&SE) Khyber Pakhtunkhwa Peshawar for information with reference to letter File No 502/A -15/CM/CT/AT/ A.Abad/ Posting & Transfer No.1258 dated:11-02-2011.
2. District Comptroller of Accounts Abbottabad.
3. Principal GHS No.3 Abbottabad.
4. P/S to Secretary (E&SE) Govt. of Khyber Pakhtunkhwa Peshawar.
5. Budget and Account officer local office.
6. Headmaster GMS Jabbarian Abbottabad with the remarks to deliver the above letter to the teacher concerned and compliance report submitted to this office
7. Naveed Iqbal, AT GMS Jabbarian Abbottabad.
8. Naveed Iqbal S/O Ohulam Rabbani Village Banda Khair- Ali Khan P/O Dohather Tehsil & District Abbottabad (through Regd./AD)

Naveed Iqbal

Naveed Iqbal
EXECUTIVE DISTRICT OFFICER
ELEM. & SECY; EDU: A.ABAD.

DIRECTORATE OF ELEMENTARY &
SECONDARY EDUCATION, KHYBER
PAKHTUNKHWA, PESHAWAR

ORDER

1. WHEREAS, Mr. Naveed Iqbal A.T Govt: Middle School Jabrian A/Abad was proceeded against under the NWFP, Removal from service (Special Powers) Ordinance, 2000 for the charges mentioned in the Show cause notice issued by the Executive Distt: Officer (E&SE) vide Endst: No 559-65 dated 15-1-2011 which are reproduced below:-
 - i. As per enquiry report conducted by the Headmaster GHS Akhoun abad Peshawar received with letter No. 21 dated 12-10-2010, the teacher concerned produced forged/fake letters on behalf of the Directress E&SE Khyber Pakhtunkhwa Peshawar as well as Khyber Pakhtunkhwa Service Tribunal Peshawar relating to his transfer/cancellation.
2. AND WHEREAS the Competent Authority (Distt: Coordination Officer A/Abad), after having considered the charges, evidence on the record, explanation of the accused teacher, was of the view that the charges leveled against him in the Show cause notice were proved and the teacher concerned was removed from service with effect from 23-11-2010 vide order Endst: No. EB-II/P.F/Naveed Iqbal AT/4607-14 dated 8-4-2011
3. AND WHEREAS he submitted an appeal for review of the order dated 8-4-2011.
4. NOW, THEREFORE, on acceptance of the appeal of Mr. Naveed Iqbal A.T Govt: Middle School Jabrian A/Abad, the Appellate Authority is pleased to convert the major penalty of Removal from service into major penalty of reduction to lower post of Theology teacher with effect from 23-11-2010.

DIRECTOR
ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA, PESHAWAR

3229-33

Endst:No. _____ /F.No.502/A-15/DM/AT(M)/ Dated Peshawar the 28-07 /2011.

Copy forwarded to the:-

- 1- Distt: Coordination Officer A/Abad
- 2- Executive Distt: Officer E&SE A/Abad
- 3- Distt: Accounts Officer A/Abad
- 4- Teacher concerned
- 5- PA to the Directress E&SB Khyber Pakhtunkhwa Peshawar


Deputy Director (Establishment)
E&SE Khyber Pakhtunkhwa Peshawar

28/7/2011




موجبات اپیل ذیل ہیں۔

- 1- یہ کہ سائل کی تقرری مورخہ 05/04/1999 کو براہ راست فاضل عربی کی بنیاد پر AT پوسٹ پر گریڈ نمبر 9 میں ہوئی (آرڈر کا پی لف ہے)
- 2- یہ کہ سائل کی ترقی 2006 میں MA عربی فرسٹ ڈویژن کی بنیاد پر گریڈ نمبر 15 میں ہوئی۔ (ٹوئفیکیشن کی کا پی لف ہے)
- 3- یہ کہ سائل کو 8 اپریل 2011 کو ملازمت سے برخاست کر دیا (آرڈر کا پی لف ہے)
- 4- یہ کہ سائل نے ملازمت سے برخاستگی آرڈر کے خلاف 12/04/2011 کو ڈائریکٹریس E&SE صوبہ خیبر پختون خواہ پشاور کے پاس اپیل دائر کر دی۔ (اپیل کی کا پی لف ہے)
- 5- یہ کہ سائل کی اپیل کو ڈائریکٹریس E&SE صوبہ خیبر پختون خواہ پشاور نے منظور کرتے ہوئے ملازمت پر بحال کر دیا۔ مگر سائل کی پوسٹ (کیڈر) کو AT سے TT میں تبدیل کر دیا گیا۔ (آرڈر کی کا پی لف ہے)
- 6- یہ کہ سائل TT پوسٹ کی مطلوبہ تعلیمی قابلیت کے معیار کو پورا نہیں کر رہا۔
 ا: TT پوسٹ کیلئے شہادت العالیہ مع میٹرک کے ہونا ضروری ہے جبکہ سائل کے پاس ایم اے عربی کی ڈگری ہے شہادت العالیہ کی نہیں
 ب: TT پوسٹ کیلئے شہادت العالیہ مع B.A میں عربی اور اسلامیات اختیاری مضامین پاس ہونا لازمی ہیں۔ مگر سائل کے پاس صرف شہادت العالیہ ہی نہیں بلکہ B.A میں تاریخ اور اردو کے اختیاری مضامین پاس کئے ہیں۔
- 7- یہ کہ اسٹریکٹ اکاؤنٹ آفیسر نے سائل کی نگراہ بھی مورخہ 28/07/2011 کے آرڈر کے مطابق جاری نہیں کی کیونکہ۔
 ا: وہ مجھے سے TT پوسٹ کی معیارہ قابلیت کی اسناد طلب کر رہے ہیں۔ جو کہ سائل کے پاس نہیں ہیں۔
 ب: انہوں نے AT سے TT میں کیڈر کے تبدیل ہونے کو غیر قانونی قرار دیا ان کا موقف کے کیڈر کی حدود میں کوئی سزا تو بڑی کی جا سکتی ہے۔ یا پھر ملازمت سے برخاستگی کی سزا دہنی ہے۔
- 8- یہ کہ سائل نے ایم ایل عربی کی ڈگری حاصل کر رکھی ہے اور عربی پوسٹ کی معیاری کارکردگی اور تدریس کی بنا پر پوسٹ کی طرف سے Commerdation Certificate بھی لف ہے۔

آپ سے استدعا ہے کہ آرڈر نمبر 33-3229 مورخہ 28-07-2011 (جاری کردہ ڈائریکٹریس E&SE صوبہ خیبر پختون خواہ پشاور) میں ترمیم کرتے ہوئے سائل کے AT سے TT میں کیڈر تبدیل ہونے کو منسوخ فرمائیں اور سائل کو AT پوسٹ پر فرائض سرانجام دینے کے احکامات صادر فرما کر مشکور فرمائیں۔

سائل کی تنخواہ عرصہ نو ماہ سے بند ہونے کی وجہ سے سائل کا پورا گھرانہ فاقہ کشی پر مجبور ہو چکا ہے اور گھر میں ماتم کا سماں ہے سائل گھر کا واحد کفیل ہے اس کے علاوہ کوئی ذریعہ آمدن نہیں ہے۔ اللہ تعالیٰ نے جس مسد پر آپ کو بھیجا ہے آپ مجھ ناچیز پر احسان عظیم کر سکتے ہیں۔

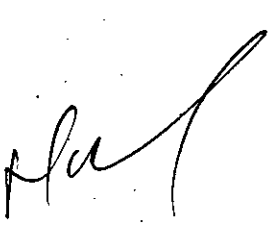
میری درخواست پر ہمدردانہ غور فرما کر مشکور فرمائیں


الہ عارضی

نوید اقبال گورنمنٹ مڈل سکول جزیباں ضلع ایبٹ آباد

رابطہ نمبر: 0312-6995949/0322-5283542

تاریخ: 1-8-2011





22

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
No. SO(PE)5-19/Abbottabad/2011
Dated Peshawar the 22-09-2011.

To,

The Directress
Elementary and Secondary Education
Khyber Pakhtunkhwa, Peshawar.

Subject:- APPEAL AGAINST IMPUNGED ORDER 3229-33/F.No. 502/
A-15/DM/AT(M) DATED 28-7-2011

I am directed to refer to your above quoted order and to forward herewith an appeal in respect of Mr. Naveed Iqbal GMS Jabrian district Abbottabad which is self explanatory. The DCO Abbottabad imposed major penalty on the teacher which has been converted by the appellate authority into another major penalty of reversion to lower post of theology.

2, According to the appellant, he does not fulfill the prescribed qualification for the post of theology to which he has been reverted. Since such erroneous decision is likely to lead to litigation, your comments / views are therefore solicited.

(MOHAMMAD AYUB KHAN)
SECTION OFFICER (PRIMARY)

Encl. as above.

S. A. Khan
22/9/11

M. A.

DIRECTORATE OF ELEMENTARY &
SECONDARY EDUCATION, KHYBER
PAKHTUNKHWA, PESHAWAR

29

ORDER

1. WHEREAS, Mr. Naveed Iqbal A.T. Govt. Middle School Jabrian A/Abad was proceeded against under the NWFP, Removal from service (Special Powers) Ordinance, 2009 for the charges mentioned in the Show cause notice issued by the Executive Distt. Officer (E&SE) vide Endst: No 559-65 dated 15-4-2011 which are reproduced below:-
2. As per enquiry report conducted by the Headmaster GHS Akhooon abad Peshawar received with letter No. 21 dated 12-10-2010, the teacher concerned produced forged/fake letters on behalf of the Directress E&SE Khyber Pakhtunkhwa Peshawar as well as Khyber Pakhtunkhwa Service Tribunal Peshawar relating to his transfer/cancellation.
3. AND WHEREAS the Competent Authority (Distt. Coordination Officer A/Abad), after having considered the charges, evidence on the record, explanation of the accused teacher, was of the view that the charges leveled against him in the Show cause notice were proved and the teacher concerned was removed from service with effect from 23-11-2010 vide order Endst: No. EB-II/P.F/Naveed Iqbal AT/4607-14 dated 8-4-2011
4. AND WHEREAS he submitted an appeal for review of the order dated 8-4-2011.
5. NOW, THEREFORE, on acceptance of the appeal of Mr. Naveed Iqbal A.T Govt. Middle School Jabrian A/Abad, the Appellate Authority is pleased to convert the major penalty of Removal from service into minor penalty of stoppage of 4 (four) increments for accumulative effect.

The orders issued vide this office Endst: No. 3229-33 dated 28-7-2011 is hereby cancelled:

DIRECTOR
ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA, PESHAWAR

281-26
Endst: No. 502/A-15/DM/AT(M) Dated Peshawar the 28/11/2011.

Copy forwarded to the:-

1. Distt. Coordination Officer A/Abad
2. Executive Distt. Officer E&SE A/Abad
3. Distt. Accounts Officer A/Abad
4. H.M GMS Jabrian A/Abad
5. Teacher concerned
6. PA to the Directress E&SE Khyber Pakhtunkhwa Peshawar

Deputy Director (Establishment)
E&SE, Khyber Pakhtunkhwa, Peshawar

30

ANNEXURE
K

To

Secretary Elementary & Secondary Education Department,
Khyber Pakhtunkhwa, Peshawar.

SUBJECT: DEPARTMENTAL APPEAL

Respected Sir,

1. That, appellant is here by submitting instant Departmental Appeal to your good self against the order No. 221-26, dated 02/11/2011, issued by Director E&S Education, KPK, Peshawar.
2. That, the said order dated 02/11/2011 is totally illegal and liable to be modified.
3. That, appellant performed his duty at "GMS Jabrian" District, Abbottabad and E.D.O Elementary & Secondary Education, Abbottabad, issued order of removal of service of appellant on 08/04/2011 w.e.f. 23/11/2010.
4. That, the above said order dated 08/04/2011, was issued without conducting proper inquiry and the appellant was also not provided the opportunity of self defense.
5. That, the said order for removal from service, of the appellant, was issued upon the personal grudges and, in the said order, political influence was involved.
6. That, on 12/04/2011, appellant filed a departmental appeal before the Director E&S Education, KPK, Peshawar against the above said order dated 08/04/2011 and the same was decided on 28/07/2011 whereby the Major penalty of the appellant was converted into another Major penalty i.e. "Reduction to lower post" and the appellant filed an appeal before your good office whereupon, your good office sought comments from Director E&S Education vide order dated 22/09/2011 and finally Director E&SE, issued order No. 221-26 dated 02/11/2011 vide which the previous order dated 28/07/2001 had cancelled and the major penalty of "Stoppage of four increments with accumulative effect was imposed upon the appellant.

In view of the above, it is therefore, very humbly prayed that on acceptance of instant Departmental Appeal, the said order dated 02/11/2011, being illegal, may kindly be modified and the four increments of the appellant, may ordered to be release.

(Signature)
NAVEED IQBAL(A.T)
GMS, Jabrian, Abbottabad

Dated:16-11-2011

2457

19/11/2011

A/S

P/S

19/11/2011

A

7028

64

(Signature)



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

31

No. WSS6 /F.No. 01/Appeals Increments.
Dated: 20/8 /2019.

To

The District Education Officer
(Male) Abbottabad.

Subject: - **DEPARTMENTAL APPEAL**

I am directed to refer to your letter No. 8915 on dated 03.08.2019, on the subject cited above and to ask you that the case/appeal in respect of Mr. Naveed Iqbal AT GHS No. 03 District Abbottabad has been examined/analyzed by this office. Hence inform the appellant concerned that his appeal has been rejected by the Appellate Authority.

Endst No. _____

Copy of the above is forwarded to:-

1. Mr. Naveed Iqbal AT GHS No. 03 District Abbottabad.
2. PA to Director E&SE local Office.
3. Master File.

705/
5-9-19
Assistant Director Estab (Male)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar
29/08/2019
29/8/2019

Assistant Director Estab (Male)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

Endst: No. 9439-40/EB/AT

Dated A.Abad the 7/9 /2019

Copy of the above is forwarded for information to the:-

1. Director Elementary & Secy: Education Deptt: Khyber Pakhtunkhwa Peshawar with reference to his letter No. cited above.
2. Mr. Naveed Iqbal AT GHS NO. 3 Abbottabad for information.

Dy: [Signature] DISTRICT EDUCATION OFFICER

خدمت جناب چیئر مین صاحب سروس ٹریبونل خیبر پختونخواہ پشاور

Review Petition 61/2011

درخواست برائے نظر ثانی / منسوخی حکم مورخہ 04/10/2010ء

اپیل نمبر 1199 سال 2010ء بوجہات ذیل

عبدالرشید
A. W. B. Durrani
Service Tribunal
Story No 308
Total 1514/11
جناب عالی!

- 1- سائل کا تبادلہ عبدالرشید AT کے ساتھ مورخہ 20-05-2010 کو ہوا اور سائل نے GHS نمبر 3 ایبٹ آباد میں AT پوسٹ پر چارج لے لیا اور ڈیوٹی سرانجام دینا شروع کر دی۔
- 2- یہ کہ عبدالرشید AT نے 20-05-2010 کے تبادلے کے خلاف سول جج 1 ایبٹ آباد کی عدالت میں مقدمہ دائر کر دیا جس میں عدالت نے 20-05-2010 کے تبادلے کے خلاف کوئی حکم اتنا ہی جاری نہ کیا لیکن عبدالرشید AT نے GHS نمبر 3 ایبٹ آباد کے پرنسپل صاحب کو درخواست دی کہ عدالت نے حکم اتنا ہی جاری کیا ہوا ہے۔ پرنسپل صاحب نے تحقیق کرنے کے بعد کہ کوئی حکم اتنا ہی عدالت کی طرف سے جاری نہیں ہوا اور سائل کو GHS نمبر 3 ایبٹ آباد میں ہی ڈیوٹی سرانجام دینے کی اجازت دی۔
- 3- یہ کہ عبدالرشید AT نے سول کورٹ کے مقدمے کے التواء کے باوجود سروس ٹریبونل KPK میں اپیل نمبر 1199 سال 2010ء مورخہ 17-06-2010 کو دائر کر دی جو کہ سائل کے تبادلے مورخہ 20-05-2010 خلاف تھی جس میں سروس ٹریبونل نے بھی عبدالرشید کو حکم اتنا ہی جاری نہ کیا۔
- 4- یہ کہ سول کورٹ میں اور سروس ٹریبونل میں ایک ہی ٹرانسفر آرڈر کے خلاف مقدمات زیر التواء سماعت تھے کہ عبدالرشید AT نے مورخہ 20-05-2010 کا تبادلہ مورخہ 29-06-2010 کو منسوخ کروا دیا۔

AT-11
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Handwritten signature

5- یہ کہ سائل نے 29-06-2010 کے تبادلہ کے تحت GHS نمبر سے چارج چھوڑ دیا لیکن 29-06-2010 کا تبادلہ مورخہ 15-07-2010 کو منسوخ ہو گیا اور سائل واپس GHS نمبر 3 میں ڈیوٹی پر حاضر ہو گیا۔

6- یہ کہ سائل 15-07-2010 کے بعد حسب معمول اپنی ڈیوٹی GHS نمبر 3 میں اپنی ڈیوٹی سرانجام دے رہا تھا اسے کسی بھی قسم کا کوئی مسئلہ نہ تھا اور عبدالرشید AT کے دو مقدمات سول کورٹ اور سروس ٹریبونل میں بیک وقت چل رہے تھے لیکن دونوں 20-05-2010 کے ٹرانسفر آرڈر کے خلاف تھے نہ کہ 15-07-2010 کے تبادلہ کے خلاف تھے اور دونوں اس طرح Infectures ہو چکے تھے بلکہ 20-05-2010 کے بعد کے بعد عبدالرشید AT نے اپنا تبادلہ مورخہ 29-06-2010 کو منسوخ کروا کر پہلے ہی مقدمات کو غیر منوثر اور غیر ضروری کر دیا تھا اور اس نے سول جج 1 ایبٹ آباد کی عدالت میں اپنا مقدمہ 3-07-2010 کو واپس لے لیا۔

7- یہ کہ عبدالرشید AT نے سروس ٹریبونل میں مورخہ 24-08-2010 کو سروس ٹریبونل کے رجسٹرار کی جانب سے جاری کردہ (جعلی) لیٹر جس میں 15-07-2010 کے تبادلہ کے حق میں حکم امتناعی جاری ہونا دکھایا گیا تھا پیش کیا اور عدالت نے اس کی تحقیق کے لئے تاریخ 04-10-2010 مقرر کی۔

8- یہ کہ ساتھ ہی یہ لیٹر عبدالرشید AT نے IEDO کیجکشن کو بھی دیا جس پر سائل کی انکوائری ہوئی اور یہ قرار دیا گیا کہ سائل کا اس لیٹر کے ساتھ کوئی تعلق نہیں ہے۔

9- یہ کہ سائل کی بد قسمتی کہ سائل سروس ٹریبونل کے سامنے مورخہ 24-08-2010 کو پیش نہ ہو سکا کہ سائل کا پرچہ تھا اور بعد میں 04-10-2010 کو بھی پیش نہ ہو سکا اور سائل کو سروس ٹریبونل کے آرڈر مورخہ 24-08-2010 کا علم نہ تھا اور نہ وہ اس لیٹر کے حوالے سے اپنا دفاع سروس ٹریبونل پشاور میں مورخہ 04-10-2010 کو کرتا اور عدالت کو اصل حقائق تک پہنچنے میں آسانی ہوتی۔

10- یہ کہ سائل کو کسی بھی حکم امتناعی کی ضرورت نہ تھی کیونکہ عبدالرشید کا مقدمہ سروس ٹریبونل

KIN...
Sec. Postmaster

مورخہ 20-05-2010 کے تبادلے کے خلاف تھی اور یہ اپیل تو جب اس نے اپنا تبادلہ
29-06-2010 کو منسوخ کروایا تو اپیل نمبر 1199/2010 غیر موثر ہوگئی اس طرح قانوناً مسائل
اس سروس اپیل میں مفاد نہ ہو سکی بناء پر توجہ دینے سے قاصر رہا اور یہ کہ مسائل کا آرڈر
مورخہ 15-07-2010 کو ہو چکا تھا اور مسائل اسی آرڈر کے تحت GHS نمبر 3 ایسٹ آباد میں ڈیوٹی
سرا انجام دے رہا تھا۔

11۔ یہ کہ سروس ٹریبونل کا آرڈر مورخہ 4/10/2010 مسائل کی عدم موجودگی میں کیا گیا ہے اور مسائل
کو اپنی صفائی کا موقع بھی نہیں دیا گیا اور 29-06-2010 کے آرڈر کو Valid قرار دینا بھی قرین
انصاف نہ ہے کہ اپیل ہی 20/05/2010 کے خلاف تھی نہ
کہ 29/06/2010 کے Valid ہونے کے

12۔ یہ کہ مسائل کے خلاف سروس ٹریبونل کے حکم مذکورہ مورخہ 4/10/2010 کی وجہ سے
Department نے سروس برخواستگی آرڈر نمبر 2000 کے تحت Show Cause
Notice بھی دیا ہے حالانکہ تمام حالات و واقعات کے پیش نظر وہ لیٹر جو کہ عبدالرشید نے خود سروس
ٹریبونل میں مورخہ 24/8/2010 کو دیا اس کی بابت عدالت نے مسائل کو صفائی کا موقع نہ دیکر
انصاف کے تقاضے پورے نہیں کئے حالانکہ عبدالرشید A.T سے اس بابت تفصیل پوچھی جانی چاہئے تھی
کہ یہ اس نے کہاں سے لایا اور یہ کس جگہ Department میں استعمال ہوا اور مسائل نے اس سے
کون سا فائدہ اٹھایا جبکہ حالات مسائل کے فائدہ میں تھے اور مسائل کو کوئی پریشانی لاحق نہ تھی

13۔ مسائل کو کسی بھی حکم امتناعی کی ضرورت نہ تھی کیونکہ مسائل کو GHS نمبر 3 ایسٹ آباد سے ڈسٹرب نہ
کرنے کا نوٹیفیکیشن حکومت باقاعدہ جاری کر چکی تھی (کاپی لف ہے)

14۔ یہ کہ اب اس آرڈر مورخہ 4/10/2010 کی وجہ سے تمام حقائق کے باوجود مسائل کو
Department میں اپنی صفائی پیش کرنے اور اس برخواستگی آرڈر نمبر 2000 کے تحت چلنے والی
انکوائری میں حکم عدالت کی وجہ سے شدید رکاوٹ کا سامنا ہے حالانکہ یہ کام عبدالرشید A.T نے کیا ہے

AT
Khyber Pakhtunkhwa
Service Resistant

AT
Khyber Pakhtunkhwa
Service Resistant

Handwritten signature



اس نے خود سے عدالت میں پیش کیا ہے اور ایسا ہی کام وہ پرنسپل صاحب GHS نمبر 3 کو درخواست مورخہ 22/06/2010 دیکر کر چکا ہے۔

15۔ سائل نے DCO ضلع ایبٹ آباد، سیکرٹری ایجوکیشن کو بھی درخواستیں دی ہیں معاملے کی تفصیل انکو آڑی کر دئی جائے لیکن وہ تمام اس لحاظ سے بے بس ہیں کہ عدالت کے حکم 4/10/2010 کے اوپر احادی انکو آڑی نہیں کر سکتے اور صرف عدالت سروس ٹریبونل ہی اپنے آرڈر کو Revise کر سکتی ہے۔

استدعا ہے کہ انصاف کے تقاضوں کو پورا کرتے ہوئے حکم عدالت مورخہ 4/10/2010 کو نظر ثانی / منسوخ کرتے ہوئے سائل کو اپنی صفائی کا موقع دیا جائے اور اس بابت سائل کو تفصیل سے سنا جائے۔

العارض

نوید اقبال A.T. کوبرا احمد

Respondant No 4

گورنمنٹ مڈل سکول جڑیاں

ڈاکخانہ سلہڈ، تحصیل و ضلع ایبٹ آباد

ڈاک پتہ: پوسٹ بکس نمبر 146 GPO

ایبٹ آباد

رابطہ نمبر 0312-6995949/0347-9475874

مورخہ 07/04/2011

SEARCHED
SERIALIZED
INDEXED
FILED
07/04/2011
146 GPO

[Handwritten signature]

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 304/2012

Date of institution. ... 6.3.2012
Date of Decision. ... 2.5.2013



36

Naveed Iqbal AT, Government Middle School, Todo Maira,
Tehsil and District, Abbottabad. ...

(Appellant)

VERSUS

1. Executive District Officer (E&SE) Abbottabad.
2. District Coordination Officer, Abbottabad.
3. Amanullah AT Teacher, GMS Jabrrian, Abbottabad.
4. Abdur Rashid AT, GHS No. 3 Abbottabad. ...

(Respondents)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE OFFICE ORDER NO. 12311-16/AE-AT(M) DATED 30.11.2011 ISSUED BY RESPONDENT NO. 1 VIDE WHICH THE APPELLANT WAS TRANSFERRED AS A.T TEACHER IN GOVT. MIDDLE SCHOOL TODO MAIRA ABBOTTABAD.

Appellant in person.

MR. MUHAMMAD JAN,
Government Pleader

For official respondents.

MR. MUHAMMAD ARIF JAN,
Advocate

For private respondents
No. 3 and 4.

SYED MANZOOR ALI SHAH,
MR. NOOR ALI KHAN,

MEMBER
MEMBER

JUDGMENT

SYED MANZOOR ALI SHAH, MEMBER.- This appeal has been filed by Naveed Iqbal, the appellant under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, against the order dated 30.11.2011, whereby he was transferred to GMS Todo Maira, Abbottabad. It has been prayed that on acceptance of the appeal, the impugned order may be set aside and the order dated 20.5.2010 may be restored.

2. Brief facts of the case are that the appellant while serving as Arabic Teacher in GHS No. 3 Abbottabad, respondent No. 4 offered the appellant for mutual transfer only for three months. In this respect an agreement was written

ATTESTED
BY AMINER
Khyber Pakhtunkhwa
Service Tribunal

and the appellant was transferred to GHS Jhangi Abbottabad and respondent No. 4 to GHS No. 3 Abbottabad. After expiry of three months period, respondent No. 4 turned from his version and refused to join his previous station i.e. GHS Jhangi Abbottabad. After few days the appellant was further transferred from GHS Jhangi to GMS Jabrrian, Abbottabad and respondent No. 3 was transferred to GHS Jhangi vide order dated 12.9.2009. Appellant was again transferred from GMS Jabrrian to GHS No. 3 Abbottabad vide order dated 20.5.2010, but due to political influence of respondent No. 4 the said order was cancelled through the order dated 29.6.2010 and appellant was directed to perform his duties at GMS Jabrrian. On 30.11.2011, again due to political pressure exercised by respondent No. 4 appellant was transferred from Jabrrian to GMS Todo Maira. Feeling aggrieved, the appellant filed departmental appeal to respondent No. 2, which has not been decided within the statutory period, hence the present appeal.

3. The appeal was admitted to regular hearing on 27.3.2012 and notices were issued to the respondents. The respondents have filed their written replies and contested the appeal. The appellant also filed rejoinder in rebuttal.

4. Arguments heard and record perused.

5. Appellant argued that he while serving at GMS Jabrrian was transferred to GHS No. 3 Abbottabad in public interest on 20.5.2010. He served there for only 40 days that all of a sudden vide order dated 29.6.2010, he was again transferred to GMS Jabrrian and private respondent No. 4 was transferred in his place through political interference and private respondent No. 3 transferred from GMS Jabrrian to GHS Jhangi, Abbottabad. Vide order dated 30.11.2011, the appellant was further transferred to GMS Todo Maira and private respondent No. 3 transferred to GMS Jabrrian through political interference. Appellant further argued that he has been victimized through political pressure as is evident from application dated 25.5.2010 of private respondent No.4, which has been recommended by Mr. Inayatullah Khan Jadoon, MPA PK-44, and copy of order dated 29.6.2010 has also been endorsed to P.S to the Chief Minister Khyber Pakhtunkhwa. He further argued that he has not completed his normal tenure at GHS No. 3 Abbottabad, hence the impugned order is premature and against the policy of the provincial government. He stated that private respondent No. 4 served in GHS No. 3 for more than 3 years and no one can ask for his choice posting for ever. On the point of learned counsel for the private respondents that the appellant was removed from service on production of forged stay order, the appellant stated that he has been reinstated into service vide order dated 2.11.2011. In case anyone is aggrieved from his reinstatement order, he could

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal

ATTESTED

[Handwritten signature]

[Handwritten mark]

approach to the proper forum. He requested that the appeal may be accepted as prayed for.

6. The learned counsel for private respondent No. 4 stated that the appellant has been removed from service on production of bogus stay order. He further argued that it is correct that the appellant has been transferred repeatedly but on his own request. So far as the mutual transfer is concerned, it was made with the consent of the appellant without any external pressure. He stated that under Section 10 of the Khyber Pakhtunkhwa Civil Servants Act 1973, every civil servant is bound to serve anywhere in public interest and no one can ask for his choice posting. He further stated that the appellant through bogus signature of private respondent No. 3, succeeded to transfer himself to GHS No. 3 Abbottabad, vide order dated 20.5.2010. The learned Government Pleader also relied on the arguments advanced by the learned counsel for private respondents No. 3 and 4. They both requested that the appeal may be dismissed.

7. Counsel for the private respondents mainly argued on the point that the appellant was removed from service on production of bogus stay order. But since the appellant has been reinstated into service by the departmental appellate authority, the matter has been settled. In case there was any allegations against the appellant, he could be dealt with in accordance with the law but he could not be transferred as a punishment. In a short span of time, the appellant has been repeated transferred through political pressure as is evident from application dated 25.5.2010 which has been recommended by the Mr. Inayatullah Khan, Local MPA PK- 44. All these show that the impugned order as well as subsequent order dated 29.6.2011 issued on malafide intentions, through political pressure and premature. Such practice has been deprecated by the august Supreme Court of Pakistan in a judgment as reported in 2007-SCMR-599.

8. In view of the above, the appeal is accepted the impugned orders dated 29.6.2010 and 30.11.2011 are set aside and order dated 20.5.2010 is restored. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED
2.5.2013.

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

sd/- Syed Manzoor Ali Shah
sd/- Noor Ali Khan

[Handwritten signature]

39

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

File.No.502/A-15/CT/DM/AT/TT/Posting
Abbottabad.

No. 6625 /
Dated Peshawar the 15/7 /2010

To

The Executive District Officer,
(E&SE) Abbottabad.

Subject: Mutual Posting/Transfer.

I am directed to enclose herewith a copy of self explanatory letter No. SO-1/
CMS/KPK/3-15/2010; dated 2.7.2010 received from Section Officer Chief Minister's Secretariat
Khyber Pakhtunkhwa on the subject noted above and to ask you to issue mutual transfer mentioned
in the said letter as desired by the Honourable Chief Minister Khyber Pakhtunkhwa ~~please~~ in the
light of the rules.

Encl; As above.

15/7/10

Deputy Director (Estt).
(E&SE) Khyber Pakhtunkhwa,
Peshawar.

2
15/7/10

[Handwritten mark]

78.19

OFFICE OF THE EXECUTIVE DISTRICT OFFICER, ELER: & SECY: FDU: ABBOTTABAD.

MUTUAL EXCHANGE OF POST.

As approved by the competent authority the mutual exchange of posts between M/S. Sahid Ur Rahman, OT GDS Multanabad and Muhammad Saleem, GDS No.3 Abbottabad is hereby ordered on their own pay and grade in the interest of public service w.e.f. the date of their taking over charge.

NOTE:-

1. No TA/DA is allowed.
2. Change reports should be submitted to all concerned.

Soll

EXECUTIVE DISTRICT OFFICER,
ELER: & SECY: FDU: A. ABBAD.

Indct: No. III/W/S 10044-47 /Dated Abb the 28-7 /2010.

Copy to the:-

- 1-2. Principal GDS Multanabad and GDS No.3 Abbottabad.
3. District Accounts Officer Abbottabad.
4. PS to Chief Minister K.P.A. w/r to his No. 6625 Dated 15.7.2010.

Im
EXECUTIVE DISTRICT OFFICER,
ELER: & SECY: FDU: A. ABBAD.

MS

وکالت نامہ

کورٹ فیس

بعدالت سرویس ٹرانسپورٹ کمپنی کورٹ ایسٹ آباد

عنوان: نوید اقبال بنام گورنمنٹ کورٹ ایسٹ آباد

منجانب: Petitioner

نوعیت مقدمہ: Appeal

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسے پیروی و جواب دہی کل کاروائی متعلقہ آں مقام
دعویٰ خیار صفا دھوکہ کن آرڈر وکسٹ معاف کورٹ ایسٹ آباد

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب
موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء
وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور
کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار
بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پرداختہ مجھ کو منظور و
قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔
نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف
پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف
مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراء استجارت نالش بصیغہ مفلسی کے دائرہ کرنے اور اس کے
پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سندر ہے۔

Accepted

المرقوم: 22/11/2019

بمقام: امیر وکیل
Ch: Abdur Rauf Chohan
Advocate High Court
Office 29 Lawyer's Plaza I
0347-3146975