

BEFORE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL,  
PESHAWAR

Service Tribunal Appeal No. 125 of 2024

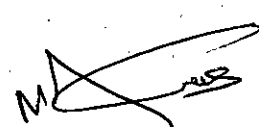
Muhammad Anwar

Versus

Director Elementary & Secondary Education, KP and others

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Muhammad Ilyas  
District Education Officer (M)  
Lakki Marwat

27-02-2024  
Peshawar

**BEFORE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL,  
PESHAWAR**

Service Tribunal Appeal No. 125 of 2024

Muhammad Anwar

Versus

Director Elementary & Secondary Education, KP and others

Written Reply on behalf of Respondents No.1, 2 & 3

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 11384

Dated 27-02-2024

Respectfully Sheweth:

**Preliminary Objections:**

- A.** The appeal is wholly incompetent and untenable.
- B.** The appeal is filed by the appeal with malafide intent.
- C.** The appeal is suffer from exaggeration and mis-statement.
- D.** The appellant has no locus standi and cause of action.
- E.** The appellant has not come to the Hon'ble Tribunal with clean hands. The appeal also suffers from mis-statement and concealment of facts and as such the appellant is not entitled to any relief.
- F.** The appeal is liable to be dismissed due to non-joinder and mis-joinder.
- G.** That no departmental appeal was preferred within specified period nor has this appeal been filed within the prescribed period, hence instant appeal being time barred is liable to be dismissed.
- H.** That the appeal is barred by law and limitation.

**REPLY ON FACTS:**

1. That Para No.1. The appellant was posted as SPET on GHS Zafar Mama Khel, District Lakki Marwat.

2. That Para No. 2 is incorrect. The appellant concealed actual facts from the Honorable Court. The respondent No.2 i.e D.E.O(M) Lakki Marwat is under duty to take care the performance and duty of teachers for the betterment of students and for the said purpose the respondent No.2 paid surprise visit on 30-09-2023 to GHS Zafar Mama Khel but when the respondent No.2 entered the school the appellant was leaving the school. When the appellant was asked for reasons of leaving school, he used inappropriate language and attitude. Moreover, the appellant said that the respondent No.2 is not authorized to question appellant's duty or inquire about appellant's leaving school before closing time. Therefore, the respondent No.2 after consideration of attitude of appellant being abusive and his non-seriousness in performance of his duties, placed his service at directorate (E&S) Education K.P and relieved him from service vide order date: 30-09-2023. It is worth mentioning here that Headmaster GHS Zafar Mama Khel also placed his report before respondent No.2. Furthermore, there was no need of any show cause or notice when the respondent No.2 being himself faced the disrespectful attitude of appellant. **(Report of head Master and letter bearing No. 7606 dated 30-9-2023 are annexed as A & B).**
3. That Para NO.3. It is submitted that the appellant was relived from said school as his service was placed at Directorate (E&S) Education KP.
4. That Para No.4 pertains to record but the appellant received his salary till month of November 2023. Moreover R.No 2 requested Deputy Commissioner Lakki Marwat to Direct R.No. 3 i.e District Account Office for the stoppage of salary of Appellant. **(Source II form and salary slip for the month of**

**November 2023, letter to Deputy Commissioner are annexed as C, D & E).**

5. That Para No.5. The appellant was already relieved from GHS Zafar Mamma Khel when he allegedly got roadside accident. **(office letter bearing No. 89 dated. 04-1-2024 annexed as F)**
6. That Para No.6 pertains to record.
7. Para No.7 pertains to record.
8. That the instant appeal is illegal and filed to pressurize department, therefore is liable to be dismissed.

**REPLY ON GROUNDS:**

- a) That Para-A is incorrect. The reliving order explain the reasons. The disrespectful attitude and denying the authority of respondent NO.2 for asking about his duty or asking about reasons for leaving school justifies the said order. It is pertinent to mention that there was no need for any show-casue or notice when civil servant disrespects the high authority and disinterest in his duty. The appellant himself said that the respondent No.2 has no authority over him, hence he was relieved and his service was placed at Directorate (E&S) Education KP for further disposal and transfer him to other district. Moreover, as the appellant is relieved from district Lakki Marwat therefore, his salary was stopped from District Lakki Marwat but after November 2023.
- b) That Para-B is incorrect. The appellant was treated as per law, rules and policy. The appellant used inappropriate attitude and denied the authority of his supervisor's


authority, therefore his service was placed at the disposal of Directorate (E&S) Education Department KP.

- c) That Para-C is incorrect. No malafide is involved on the part of respondents. The relieving of appellant's duties from Education Department District Lakki Marwat to Directorate is correct after consideration of the attitude of the appellant towards his high-ups and also towards his duty.
- d) That Para-D is incorrect. No malafide was involved on the part of respondent No.2. Moreover, the appellant received his salary till November 2023.
- e) That Para-E is incorrect. The salary of appellant from Education Department District Lakki Marwat was stopped because he was relieved from district Lakki Marwat and his service was placed at the Directorate (E&S) Education Department KP, Peshawar,
- f) That Para-F. It is submitted that no prior notice was required by law, as the competent authority himself faced the inappropriate attitude of the appellant.
- g) That the counsel of the respondents may please be allowed to raise further points at the time of the arguments.

It is, therefore, most respectfully prayed that the appeal of the appellant may kindly be dismissed with special compensatory costs coupled with expenses of litigation.

  
Samina Altaf  
Director

Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar.  
(R.No.2)

  
Muhammad Ilyas  
District Education Officer  
(M) Lakki Marwat  
(R.No.1)

BEFORE THE COURT OF SERVICE TRIBUNAL, KHYBER  
PAKHTUNKHWA, PESHAWAR

Service Tribunal Appeal No. 125 of 2024

MUHAMMAD ANWAR

\*\*\*\*\*VERSUS\*\*\*\*\*

DIRECTOR ELEMENTARY & SECONDARY EDUCATION, KP AND  
OTHERS

AFFIDAVIT

I, *Muhammad Ilyas District Education Officer Male Lakki Marwat*, do hereby solemnly affirm and declare upon oath that the contents of the accompanied written reply are true and correct to the best of my knowledge and belief and nothing has been intentionally concealed from this Hon'ble Tribunal. It is further added on oath that in this **APPEAL** the answering respondent have neither been placed ex-parte nor their defense have been struck off.



*MI*  
**DEPONENT**

**MUHAMMAD ILYAS**

**District Education Officer (M)**

**Lakki Marwat**

گر عند باغی سکول طفرہ میں نلی اور

Director  
TAS District  
30-9-23

صاحب تصدیق لیا جی ہے کہ جناب DEO میں نلی

نے 27-9-30 بروز ہفتہ سکول خدایا احسان دورہ

کو آتے SPEET جناب محمد الیاس صاحب کو ٹیکٹ پر باہر سے آئے

ہو یا یعنی گھر سے مہمان کے صلوات کے لئے گھر لے گیا تھا

اور غفور الرحمن صاحب (Math + Physics) SST جو کہ

فالج بیمار ہے۔ اپنی قلم پر کسی شخص (استاد)

ذبح اللہ ~~میں~~ math msc کو باہر لے گیا ہے

اس کے علاوہ جہانگیر خاں چولیدار سکول سے موجود ہیں

تھا۔ گھر سے کہیں باہر تھا اور رٹو، اس دن 27/9/23

نہیں لے گئے تھے۔ جسے رات کے چولیدار ایب بند کو باہر

17/9/23

30-09-23

30-09-23

Attested

[Signature]

7

Annex - B

~~CH~~

**Office of The District Education Officer  
Male Lakki Marwat**

Phone & Fax: (0969)538291, Email: [emislakki@yahoo.com](mailto:emislakki@yahoo.com)  
[www.facebook.com/deomaleLakki](http://www.facebook.com/deomaleLakki), [www.twitter.com/deo\\_m\\_lakki](http://www.twitter.com/deo_m_lakki)

No. 7606 / Misc Date: 30/09/2023

To

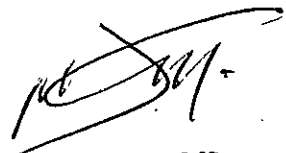
The Director  
E&SE Khyber Pakhtunkhwa  
Peshawar

Subject:

Services of Muhammad Anwar SPET GHS Zaffar Mama Khel  
District Lakki Marwat placed at Directorate of E&SE Khyber  
Pakhtunkhwa

On 30<sup>th</sup> September 2023, the undersigned paid a surprise inspection visit to Government High School Zaffar Mama Khel District Lakki Marwat to check implementation of performance indicators. When the undersigned entered the school premises, Mr Muhammad Anwar SPET was leaving the school to attend his guests at home. The above quoted teacher used inappropriate attitude when he was asked for reasons of leaving the school before closing time. The teacher also said, the undersigned is not authorized to question him for his duty or leaving the school before closing time.

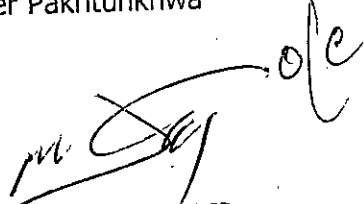
In above light, this office is not in need of the services of Mr Muhammad Anwar SPET GHS Zaffar Mama Khel and he is hereby relieved of duty with the request to transfer him out of district.

  
District Education Officer  
(Male) Lakki Marwat

Even No. &amp; Date

Copy to the;

1. Deputy Commissioner Lakki Marwat
2. District Monitoring Officer EMA Lakki Marwat
3. Headmaster GHS Zafar Mama Khel to stop salary of Mr Muhammad Anwar SPET and relieve him immediately to report to Directorate of E&SE Khyber Pakhtunkhwa Peshawar for further posting.

  
District Education Officer  
(Male) Lakki Marwat

Attested





8

Annex - C

DATE  
COPY TO THIS

OFFICER  
(Male) Lakki M...

E.

Sl. No.	Particulars	Amount
1	...	...
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NO. 1062/2013  
 K.K. 6030  
 312391  
 51-9

1-127  
 01/09/10/23

Part II  
 05/10/23

Attested  
 [Signature]

Better copy of



**PAYROLL SYSTEM  
AMENDMENT FORM  
SINGLE EMPLOYEE ENTRY**

Form: Pay02 Date: \_\_\_\_\_ Page No: \_\_\_\_\_

No-1062 Dated 5/10/23

OFFICE OF THE Head Master GHS Zafar Mama khel.  
For the Month of \_\_\_\_\_

DDO Code 146030 Description \_\_\_\_\_  
Personal No 312391 Employee Name Muhammad Anwar Khan  
CNIC No 11201-9101451-9 Grade (Pay Scale Group) 116 SPET  
Arrear to M D Salary Status: Start: Stop:

T-127  
9/10/23

REGULAR CODE	NEW CONTENTS	AMOUNTS	ARREAR CODE	CONTENTS	AMOUNTS	REMARKS
0001	Basic Pay		5801	Basic Pay		<p>3 سی اے اے (مربطہ) پر 7600</p> <p>30-9-23</p> <p>اصطلاحی طور پر فیصلہ کر</p> <p>ڈاکٹر علیہ الرحمہ کی ایف اے کی سہولت</p> <p>انجوائمنٹ لیسٹ پر حسب ضابطہ</p> <p>کی سہولت دی نہیں</p> <p>پہلے سے 2023 ایپریل سے</p> <p>مقررہ 146030 کی تہہ</p>
0046	Personal Pay		5808	Personal Pay		
1000	House Rent All:		5002	House Rent All:		
1210	Conveyance All:		5011	Conveyance All:		
1300	Medical All:		5012	Medical All:		
1567	Washing All:		5070	Washing All:		
1516	Dress All:		5026	Dress All:		
1833	Integrated All:			Integrated All:		
1560	Science Teaching All:		5063	Science Teaching All:		
1505	Charge All:			Charge All:		
2148	ARA-2013 15%		5309	ARA-2013 15%		
2199	ARA-2015 10%		5964	ARA-2015 10%		
2211	ARA-2016 10%		5975	ARA-2016 10%		
2224	ARA-2017 10%		5990	ARA-2017 10%		
2247	ARA-2018 10%		5322	ARA-2018 10%		
2264	ARA-2019 %		5336	ARA-2019 %		
2309	ARA-2021 10%			ARA-2021 10%		
2315	Special All:		5149	Special All:		
2316	Teaching All:		5150	Teaching All:		
GROSS PAY			GROSS PAY			
DEDUCTION			DEDUCTION			
30	GP Fund		6146	GP Fund		
3501	B/Fund		6001	B/Fund		
4004	R.B.D.C		6006	R.B.D.C		
3990	E.E.F		6060	E.E.F		
3609	Income Tax			Income Tax		
NET PAY			NET PAY			

Attest

Prepared by: \_\_\_\_\_ Audit/Checked by: \_\_\_\_\_ Entered/Verified by: \_\_\_\_\_

0001 Basic Pay	58,750.00	3017 GPF Subscription	1
1001 House Rent Allowance	6,650.00	3501 Benevolent Fund	
1210 Convey Allowance 20	5,000.00	3990 Emp. Edu. Fund KPK	
1947 Medical Allow 15% (1	1,847.00	4004 R. Benefits & Death C	1
2148 15% Adhoc Relief All	620.00	3609 Income Tax	
2199 Adhoc Relief Allow @	426.00		
2316 Teaching Allowance 2	6,074.00		
2341 Dispr. Red All 15% 2	5,117.00		
2347 Adhoc Rel Al 15% 22(	5,117.00		
2379 Adhoc Relief All 202	17,625.00		
<b>PAYMENTS</b>	<b>107,226.00</b>	<b>DEDUCTIONS</b>	<b>10</b>
Branch Code:231391	SARA-I-GAMBEELA	NATIONAL BANK OF PAKISTA	

00312391 MUHAMMAD ANWAR KHAN CNIC: 1120191014519 Desig: PHYSICAL EDUCATION T(80147919  
 PAYMENTS AMOUNT DEDUCTIONS AMOUNT LOAN/FUND PRINCIPAL R

0001 Basic Pay	84,570.00	3016 GPF Subscription	4,960.00-
1001 House Rent Allowance	4,091.00	3501 Benevolent Fund	1,500.00-
1210 Convey Allowance 20	5,000.00	3990 Emp. Edu. Fund KPK	170.00-
1947 Medical Allow 15% (2,160.00		4004 R. Benefits & Death C	650.00-
2148 15% Adhoc Relief Al,090.00		3609 Income Tax	43,256.00-
2199 Adhoc Relief Allow @	763.00		
Accounts Office Lakki			

PAYR

For the month of November ,2023

DDO : LK6030 HM GHS ZAFAR MAMA KHEL Payroll Section : 001 Payroll  
 2316 Teaching Allowance 2 3,782.00  
 2341 Dispr. Red All 15% 2 8,309.00  
 2347 Adhoc Rel Al 15% 22( 8,309.00  
 2378 Adhoc Relief All 202 29,599.00

PAYMENTS 147,673.00 DEDUCTIONS 50,536.00- NET PAY 97,137.00 01.11.2023 30.11.2  
 Branch Code:230426 LAKKI MARWAT NATIONAL BANK OF PAKISTAN LAKKI MARWAT LAKKI MARW

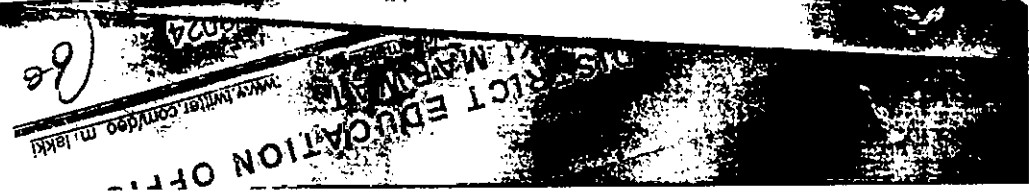
00330832 GHAFOR R REHMAN CNIC: 1120193269455 Desig: SECONDARY SCHOO  
 PAYMENTS AMOUNT DEDUCTIONS AM

0001 Basic Pay	57,450.00	3016 GPF Subscription	4
1001 House Rent Allowance	4,091.00	6505 GPF Loan Principal In	13
1210 Convey Allowance 20	5,000.00	3501 Benevolent Fund	
1560 Science Teaching All	200.00	3534 R. Ben & Death Comp F	
1644 Ph.d / M.Phil Allow	2,500.00	3990 Emp. Edu. Fund KPK	
1947 Medical Allow 15% (1	1,500.00	3609 Income Tax	
2148 15% Adhoc Relief All	620.00		
2199 Adhoc Relief Allow @	426.00		
2316 Teaching Allowance 2	3,782.00		
2341 Dispr. Red All 15% 2	5,573.00		
2347 Adhoc Rel Al 15% 22(	5,573.00		
2378 Adhoc Relief All 202	20,107.00		

**PAYMENTS** 106,822.00 **DEDUCTIONS**  
 Branch Code:230964 NBP SERAI NAURANG NATIONAL BANK OF PAK

54

Attested





10. 10. 2023 Annex - E

**Office of The District Education Officer  
Male Lakki Marwat**

Phone & Fax: (0969)538291, Email: [emislakki@yahoo.com](mailto:emislakki@yahoo.com)  
[www.facebook.com/deomalelakki](http://www.facebook.com/deomalelakki), [www.twitter.com/deo\\_m\\_lakki](http://www.twitter.com/deo_m_lakki)

No. 10339 /Complaint File/SPET/PET Date: 15 /12/2023

To

The Deputy Commissioner  
Lakki Marwat

Subject:

**Services of Mr Muhammad Anwar SPET GHS Zafar Mama Khel  
District Lakki Marwat placed on Directorate of E&SE Khyber  
Pakhtunkhwa**

It refers to the subject cited above and to state that on 30<sup>th</sup> September 2023, the undersigned had paid a surprise inspection visit to GHS Zafar Mama Khel District Lakki Marwat to check implementation of performance indicators. When the undersigned entered the campus, the subject quoted official Mr Muhammad Anwar SPET was leaving the school to attend his guests at home. He used inappropriate language when asked to cite reason for leaving the school before closing time. **(Copy Annexed A)**

Subsequently, Mr Muhammad Anwar SPET was relieved of duties and Director E&SE Khyber Pakhtunkhwa was requested to transfer him out of district vide letter No. 7606/Misc dated 30-09-2023. In compliance of directives issued by this office, the school's headmaster relieved the teacher on 04-10-2023 with directions to report to Directorate of E&SE Khyber Pakhtunkhwa and also sent a Source-II Form to District Accounts Officer Lakki Marwat to stop his salary. **(Copy Annexed B)**

Now the headmaster of GHS Zafar Mama Khel District Lakki Marwat has submitted a report dated 05-12-2023, stating therein that the District Accounts Office Lakki Marwat has not stopped salary of the above quoted teacher so far citing a technical fault in punching system. **(Copy Annexed C)** The undersigned deputed an official of this office to take up the matter with relevant authorities in DAO office Lakki Marwat to sort out the issue but to no avail. It has been learnt reliably that the relieved teacher Mr Muhammad Anwar SPET has managed to receive his salary regularly for the reasons best known to the officers in DAO Office Lakki Marwat.

In above view, it is requested that District Accounts Officer Lakki Marwat may be directed to stop salary of Mr Muhammad Anwar SPET with immediate effect as he has been relieved of his duties and his services placed on the disposal of Directorate of E&SE Khyber Pakhtunkhwa.

*[Signature]*  
District Education Officer  
(Male) Lakki Marwat

Serial No. & Date  
Copy to the;

1. Director E&SE Khyber Pakhtunkhwa Peshawar  
District Monitoring Officer EMA Lakki Marwat  
Headmaster GHS Zafar Mama Khel District Lakki Marwat with reference to his report cited above.

*[Signature]*  
District Education Officer  
(Male) Lakki Marwat

*Attested*  
*[Signature]*

*o/c*

11 Annex - F  
**OFFICE OF THE DISTRICT EDUCATION OFFICER  
 MALE LAKKI MARWAT**

☎ 39)538291, ✉ islakki@yahoo.com, 🌐 www.facebook.com/deomalakki, 🐦 www.twitter.com/deo\_m\_lakki

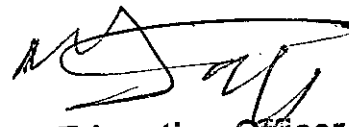
No. 89

Dated. 07/10/2024 (86)

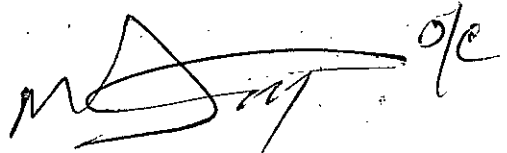
To,  
 Mr. Muhammad Anwar Khan SPET  
 At Disposal of Directorate E&SE  
 Khyber Pakhtunkhwa Peshawar.

Subject:- **APPLICATION OF MEDICAL LEAVE W.E.F 09-10-2023  
 TO 26-12-2023**

Memo,  
 It refers to your application on the subject quoted above received in this office vide Diary No. 13 dated 02-01-2024 and to ask you that at present you are not at the strength of District Education officer Male Lakki Marwat. Hence, this office cannot entertain your above subject mentioned application.

  
**District Education Officer  
 (Male) Lakki Marwat**

**Even No. & Date.**  
 Copy to the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar for information, please.

  
**District Education Officer  
 (Male) Lakki Marwat**

**No. 769**

For Insurance Notices see reverse. Stamps affixed except in case of airmail. RGL117399065

Received a registered\* addressed to SPET Rs. Ps. 8/6-0

Initials of Receiving Office SPET \* Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures) 53 Kilo Grams

Insurance fee Rs. Ps. 53 Name and address of sender

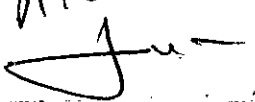
**No. 768**

For Insurance Notices see reverse. Stamps affixed except in case of airmail. RGL117399064 Rs. 9/6-0

Received a registered\* addressed to SPET \* Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Initials of Receiving Office SPET Insured for Rs. (in figures) 53

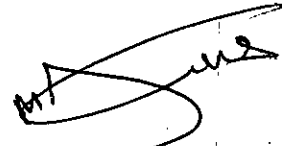
Insurance fee Rs. Ps. 53 Name and address of sender

Attested  


6/12

## AUTHORITY

Mr. Kashif Munir Litigation Officer O/O the District Education Officer (Male) Lakki Marwat is hereby authorized to Submit Reply in Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar in S.A 125/2024 Titled Muhammad Anwar Versus Government of Khyber Pakhtunkhwa on behalf of the undersigned.



District Education Officer (M)  
Lakki Marwat