

Cost of Rs. 2000 received in Service Appeal No. 1460/23

Titled Bilal Masood VS. EDU

in the office of Superintendent Vide Order: 12/2/24

Dated: 4/3/2024.



SUPERINTENDENT
Khyber Pakhtunkhwa
Service Tribunal, Peshawar

(original)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service appeal No. 1460/2023

Mr Bilal Masood PST GPS 12, GPS Sokari Karim Khan District Bannu

..... Appellant

VERSUS


1. Govt of Khyber Pakhtunkhwa through Secretary (E&SE) Education Department
and others.

..... Respondents

INDEX

S.No.	Description of documents	Annexure	Pages
1.	Parawise Comments		01-2
2.	Authority Letter		03
3.	Affidavit		4
4.	Copy of Notification dated 07.08.2021	A	5
5.	Copy of Notification dated 14.09.2022	B	6
6.	Copy of Notification dated 27.12.2021	C	7

Dated _____


Sajif Ullah
DEO (Male)
Bannu

20-03-2024

Peshawar

S. B.

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

SERVICE APPEAL #1460/2023

Mr Bilal Masood PST BPS 12 GPS Sokari karim khan District BannuAppellant.

V/s

Government of Khyber Pakhtunkhwa through Secretary (E&SE) Education Department
and others..... Respondents.

JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

RESPECTFULLY SHEWETH:

PRELIMINARY OBJECTIONS:

1. That the present appellant has got no cause of action and locus standi.
2. That the present Appeal of the Appellant is not maintainable in its present form.
3. That the present case is bad for non-joinder and miss-joinder of necessary parties having vital role in the instant appeal.
4. That the Appellant has logged the instant Appeal to waste the precious time of this Honorable Services Tribunal.
5. That the case of the Appellant is devoid of merit and having no legal force hence liable to set-aside.

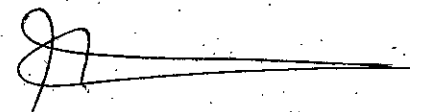
ON FACTS:

1. That Para No 1 is related to the official record and service history of the appellant.
2. That para No2 is related to the official record of the concerned office and rest of the para is related to the appellant personal opinion about his personal performance.
3. That pare No 3 is related to the official record about the service history of the appellant.
4. That para No 4 is incorrect and denied as the appellant remained willfully absent from his official duty and was reported severely by the Education Monitoring Authority and the District Education officer then provided an opportunity of personal hearing after show cause notice and after that such action was taken in the light of notification No 7970-8031 dated 08-07-2021. (Annexure A & B).

Khyber Pakhtunkhwa
Services Tribunal

11582

Date: 04-03-2024



officer then provided an opportunity of personal hearing after show cause notice and after that such action was taken in the light of notification No 7970-8031 dated 08-07-2021. (Annexure A & B).

5. That Para No 5 of the appeal is related to the official record of the concerned offices.
6. That Para No 6 is related to the appellant and his counsel.

GROUND:


- A. That Para A on grounds is incorrect and denied and rest of the Para is related to the appellant personal legal approach.
- B. That Para No B is incorrect and denied as stated in the preceding Paras a show cause notice was served on the appellant on the basis of EMA report which is annexed as (Annexure C).
- C. That Para No C is related to the official record.
- D. That Para No D is incorrect and denied as such penalty has been imposed on the basis of prevailing rules and policy. (Annexure D)
- E. That Para E is incorrect and denied as proper show cause notice was served and a chance of personal hearing was provided.
- F. That Para F is incorrect and denied, rest of the Para is legal.
- G. That Para G on ground is related to the appellant and his counsel.

PRAYER:

In view of the above made submissions it is requested that this Honorable Services Tribunal may very graciously be please to dismiss the instant appeal in favor of the respondents in the interest of equity and justice.

Joint Para wise comments submitted for vetting please.


SAMINA ALTAF
DIRECTOR E&SE KP PESHAWAR
Respondent No.1


SAIF ULLAH WAZIR
DISTRICT EDUCATION OFFICER
(MALE) BANNU
Respondent No.2


MASOOD AHMAD
SECRETARY E&SE KP PESHAWAR
Respondent No.3

officer then provided an opportunity of personal hearing after
show cause notice and after that such action was taken in the
light of notification No 7070-8031 dated 08-07-2021. (Annexure A

& B).

5. That Para No 2 of the appeal is related to the official record of the
concerned officers.

6. That Para No 6 is related to the appellant and his counsel.

Grounds:

A. That Para A on grounds is incorrect and denied and rest of the
Para is related to the appellant personal legal approach.

B. That Para No B is incorrect and denied as stated in the preceding
Para a show cause notice was served on the appellant on the
basis of BMA report which is annexed as (Annexure C).

C. That Para No C is related to the official record.

D. That Para No D is incorrect and denied as such penalty has been
imposed on the basis of prevailing rules and policy. (Annexure D)

E. That Para E is incorrect and denied as proper show cause notice
was served and a chance of personal hearing was provided.

F. That Para F is incorrect and denied, rest of the Para is legal.

G. That Para G on ground is related to the appellant and his counsel.

PRAYER:

In view of the above made submissions it is requested that
this Honorable Services Tribunal may very graciously be pleased to
dismiss the instant appeal in favor of the respondents in the interest of
equity and justice.

Joint Para wise comments submitted for vetting please.

SAIF ULLAH WAZIR
DISTRICT EDUCATION OFFICER
(MALE) BAHAMU
Respondent No.2

SAMINA ALTAH
DIRECTOR ESSE KP PESHAWAR
Respondent No.1

MASOOD AHMAD
SECRETARY ESSE KP PESHAWAR
Respondent No.3

3



OFFICE OF THE DISTRICT EDUCATION OFFICER MALE BANNU

AUTHORITY

Certified that Mr. Azmat Ullah Khan ADEO Litigation BPS 17 of this Office is hereby authorized to submit this Para wise reply on behalf of under signed in connection with the case titled as Mr. Bilal Masood vs Govt; in SERVICES APPEAL #1460/2023

**DISTRICT EDUCATION OFFICER
(MALE) BANNU**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

Service appeal No. 1460/2023

Mr Bilal Masood PST GPS 12, GPS Sokari Karim Khan District Bannu

..... Appellant

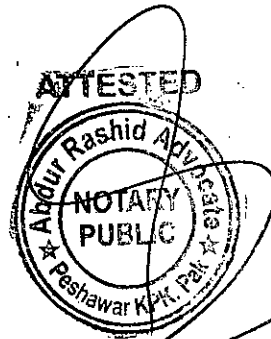
VERSUS

Govt of Khyber Pakhtunkhwa through Secretary (E&SE) Education Department and others.

..... Respondents

AFFIDAVIT

I, Saif Ullah Wazir DEO Male Bannu do hereby certify that all the contents of these para wise comments are true and correct to the best of my knowledge and nothing has been concealed from this Honorable Service Tribunal. It is further stated on oath that in this appeal, the answering respondents have neither been placed expert their defense has been struck off.



SAIF ULLAH WAZIR
DEO (MALE) BANNU
CNIC# 11101-1482418-5

4/3/2024



(5)

(A) (5)

B

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

NOTIFICATION

Consequent upon the approval of the Competent Authority (Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa), the new Online Action Management System (OAMS) has taken place w.e.f 01-04-2019 in Khyber Pakhtunkhwa. The following system/mechanism will be observed.

1. **On First Time Absentecism**
Show cause notice will be issued to the delinquent teacher/official and the competent authority will decide whether to exonerate or deduct one day salary on the basis of reply/explanation of the concerned alleged accused teacher duly supported by valid documentary proof in support with the explanation/reply.
2. **On Second Time Absentecism**
Show cause notice will be issued followed by imposition of minor penalty of "Censure" and deduction of one-day salary.
3. **On Third Time Absentecism**
Show cause notice for stoppage of one increment for one year.
4. **On Fourth Time Absentecism**
Show Cause Notice for stoppage of two increments for three years.
5. **On Fifth Time Absentecism**
Show Cause Notice for imposition of any of the major penalties specified under E&D Rules 2011, which includes Down-grading, Compulsory retirement, Removal from Service or Dismissal from service as the case may be.

NOTE:

- For each academic year, teacher absenteeism will start from the first occurrence.
- District Education Officer (M&F) will be responsible to take action against the teacher from BPS-01 to BPS-15 (Being Competent Authority)
- The District Education Officer (M&F) will forward cases of BPS-16 and above to the Director E&SE, Khyber Pakhtunkhwa. The Director E&SE, Khyber Pakhtunkhwa will take action against the staff in BPS-16 being Competent Authority.
- The Director E&SE, Khyber Pakhtunkhwa will forward the cases of BPS-17 and above to the Secretary E&SE Department Khyber Pakhtunkhwa for necessary action.

Director
E&SE Department
Khyber Pakhtunkhwa

Dated 28/07/2021

Endst: No. 7970-8031 /F.No.1/B&T/OAMS/2016-17

Copy forwarded for information to the:

1. Director EMIS E&SED Khyber Pakhtunkhwa, Peshawar.
2. Director General EMA, Khyber Pakhtunkhwa with the request to inform and direct all District Monitoring Officers to observe the above notification in true letter and spirit.
3. All the District Education Officers (M&F) in Khyber Pakhtunkhwa with the directions have a strict compliance with the above notification.
4. PS to Secretary E&SED Khyber Pakhtunkhwa, Peshawar.
5. PA to Director E&SE, Khyber Pakhtunkhwa, Peshawar.
6. Head of ASI, PC Hotel Peshawar.
7. Master File.

Approved
by

M/28/07/2021
Deputy Director (B/T)
Directorate of E&SE
Khyber Pakhtunkhwa Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE) BANNU

0928-660005 [Fax] emisbannu@yahoo.com [E-mail] District Education Office Bannu Male


NO. 11958 / Primary (Show Cause Notice) Date: 11/10/2022

BILAL MASOOD (PST)
GNS SOKARI KARIM KHAN (11708),

Show Cause Notice for Stoppage of two increments

I, the District Education Officer (BANNU, Male), as Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 do hereby serve upon you this show cause as follows:

1. That as per EMA monitoring report you were found absent from duty 4 times in academic year 2021-22 without prior permission of the competent authority.
2. And that as per the material and other connected papers on record under Rule-5 (1) (a) and to dispense with the inquiry in accordance with Rule-7 of the aforementioned rules, I, the competent authority, am satisfied that you have committed acts/omissions specified in Rule-3 (d) i.e., "guilty of absents himself from duty without prior approval of leave".
3. Now, therefore, I as the Competent Authority have tentatively decided to impose upon you the minor penalty of "stoppage of two increments for two years" in accordance with Rule-4 (a) (ii), Finance Department Notification No. So (FR) FD/5-14/2014 dated 16-12-2014 and Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa Notification No. 0070-8031, E.No.1 B&T/OAMS-2016-17 dated:08-07-2021.
4. You are, therefore, required to show cause as to why the aforementioned penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
5. If no reply to this show cause is received within 7 days of its delivery, it shall be presumed that you have no defense to put in and, in that case, an Ex-Parte decision shall be taken against you.

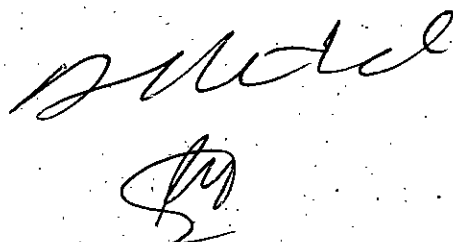

DISTRICT EDUCATION OFFICER
(MALE) BANNU

Endst: Even No. & Date:

Copy of above is forwarded to the:

1. Director, Elementary & Secondary Education Department, Peshawar.
2. SDIO/DDO concerned.
3. District Monitoring Officer (EMA) Bannu.
4. Master File.

DISTRICT EDUCATION OFFICER
(MALE) BANNU



7

ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE) BANNU

0928-660805 emisbannu@yahoo.com District Education Office Male Bannu

16705-101

Date: 27/12/2022

Notification for Stoppage of Two Increment for One Year

1. Whereas, Mr. BILAL MASOOD. (PST), (11708 - GPS SOKARI KARIM KHAN) was proceeded according to Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar Notification Endst.No. 9970-8031/E.No.1/B&T/OAMS/2016-17 Dated: 08-07-2021 for the charges of willful absence from government duty.
2. And whereas, a show cause notice was served upon him for guilty of habitually absenting himself from government duty without prior approval of leave from competent authority.
3. And whereas, deduction of pay for the absent period had already been made from his salaries, accordingly.
4. And whereas, the Competent Authority after having considered the charges, evidence on record, and the personal hearing granted to him dated: 06-12-2022 is of the view that the charges mentioned in the show cause notice have been proved against the above-named government servant/official concerned.
5. And whereas, meeting was held on 27-12-2022 under the chairmanship of Deputy Commissioner Bannu where DMO (EMA) Bannu was also present. In the light of which the undersigned, being competent authority is satisfied that the above-mentioned charges have been proved upon you.
6. Now, Therefore, the Competent Authority is pleased to impose minor penalty of stoppage of two annual increment for one year upon the above-named teacher with immediate effect

DISTRICT EDUCATION OFFICER
(MALE) BANNU

Endst: Even No. & Date:

Copy of above is forwarded to the:

1. Director, Elementary & Secondary Education Department, Peshawar.
2. Deputy Commissioner Bannu
3. SDEO/DDO concerned with the remarks to make necessary entry in his service book accordingly under intimation to this office.
4. District Monitoring Officer (EMA) Bannu
5. District Account Officer Bannu.
6. Master File

[Signature]
27/12/2022
DISTRICT EDUCATION OFFICER
(MALE) BANNU

[Handwritten signature]