

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

SERVICES APPEAL NO 2212/2023

Syed Adil Shah PST (BPS-12) GPS Muhammad Khan Gambar
BannuAppellant

VS

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

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**SAIF ULLAH WAZIR
DEO (MALE) BANNU**

18-03-2024
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Peshawar.
S.B

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.

Khyber Pakhtunkhwa
Service Tribunal.

SERVICES APPEAL NO 2212/2023

Diary No. 11569

Syed Adil Shah PST (BPS-12) GPS Muhammad Khan Gambar
BannuAppellant

Dated 04-03-2024

VS

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

.....Respondents

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

RESPECTFULLY SHEWETH:

That the respondents from 1 to 3 submit as under:

PRELIMINARY OBJECTIONS:

1. That the present appellant was appointed as PST and then he remained absent from his duties for more than seven times and hence major penalty was imposed against the appellant as per law, rules and policy and hence the instant appeal is liable to be dismissed.
2. That the present Appeal of the Appellant is not maintainable in its present form.
3. That the Appellant has filed the instant Appeal to waste the precious time of this Honorable Services Tribunal.
4. That the case of the Appellant is devoid of merit and having no legal force hence liable to set-aside.
5. That the appeal of the appellant is bad for non-joinder and miss-joinder.
6. That the instant appeal is barred by limitation and hence liable to set aside.

ON FACTS:

1. That the Para 1 on facts is related to the official record of this office.

(2)

2. That Para 2 is related to the appellant personal assertion about his performance of duty and his service history.
3. That Para 3 is incorrect and denied as the appellant was not removed from his service all of sudden but after the fulfillment of all the codal formalities of serving show cause notice and granting an opportunity of personal hearing and after that a major penalty was imposed accordingly as per law, rules and policy. (Annex A, B and C)
4. That Para 4 is related to the official record of the concerned offices.
5. That Para 5 is related to the official record anyhow the appeal of the appellant was rejected along with others as per prevailing law, rules and policy of the government where the appellant miserably failed to provide cogent reason and plausible explanation pertaining to his illegal and unauthorized absenteeism which falls in the ambit of disobedient and willful absenteeism from his duties.
6. That Para No 6 is related to the appellant and his counsel.

GROUND

- A. That Para A on ground is incorrect and denied and Para 3 and 5 on facts is referred as ready reference.
- B. That Para B is incorrect and denied as this department has never violated any constitution of Islamic Republic of Pakistan.
- C. That Para C is incorrect and denied as the show cause notice was properly served upon the appellant and proper procedure was adopted which is on the record (see Para 3 on facts).
- D. That Para D is incorrect and denied (see Para 3 and 5 on facts).
- E. That Para E is incorrect and denied proper opportunity was provided to the appellant for personal hearing but he failed to satisfy the committee members and to provide any reason

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in his defense which may convince the committee members and hence major penalty was imposed along with others as per law rules and policy.


F. That Para F is incorrect and denied as this department always follow the law, rules and policy and has never acted against the policy of the government.


G. That Para G is incorrect and denied see Para 3 and 5 on facts.


H. That Para H is related to the appellant and his counsel however the respondents may be allowed for advancement of additional arguments of the time of hearing.

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 with heavy cost.


MASOOD AHMAD
SECTARY E&SE KP PESHAWAR
Respondent No.1


SAIF ULLAH WAZIR
DISTRICT EDUCATION OFFICER
(MALE) BANNU
Respondent No.3


SAMINA ALTAF
DIRECTOR E&SE KP PESHAWAR
Respondent No.2



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**OFFICE OF THE DISTRICT EDUCATION OFFICER
MALE BANNU**

AUTHORITY

Certified that Mr. Bakhmal Jan ADEO Litigation of this Office is hereby authorized to submit this Para wise comments on behalf of under signed in connection with the Case titled as Mr.Syed Adil Shah Vs Govt; in services appeal No 2212/2023.

**DISTRICT EDUCATION OFFICER
(MALE) BANNU**

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

SERVICES APPEAL NO 2212/2023

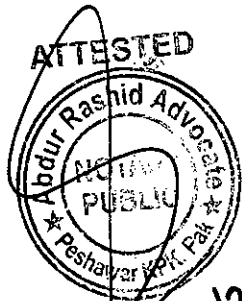
Syed Adil Shah PST (BPS-12) GPS Muhammad Khan Gambar
BannuAppellant

VS

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

AFFIDAVIT

I Mr. Saif ullah khan Wazir do here by Certify that all the contents of these Para wise comments are true & correct to the best of my knowledge and nothing has been concealed from this Honorable Services Tribunal. It is further stated on oath that in this appeal, the answering respondents have neither been placed expertee nor their defense has been struck off/*cost.*



4/3/24

(Handwritten Signature)
SAIF ULLAH WAZIR
DEO (MALE) BANNU
CNIC: 11101-1482418-5



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE) BANNU



0928-660005



bannuedo@yahoo.com



District Education Office Male Bannu

NO. 1678-851

Date: 27/12/2022

NOTIFICATION REGARDING MAJOR PENALTY

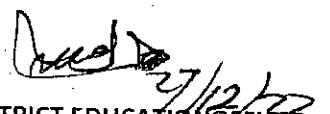
1. Whereas: Mr. Syed Adil Shah , PST, GPS Muhammad Khan Gumber Bannu was proceeded according to Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa. Peshawar Notification Endst.No.9970-8031/E.No.I/B&T.OAMS/2016-17 Dated: 08-07-2021 for the charges of willful absence from government duty.
2. And whereas, a show cause notice was served upon him vide No.11799 Dated 14-09-2022 for guilty of habitually absenting himself from government duty without prior approval of leave from competent authority.
3. And whereas, the Competent Authority after having considered the charges, evidence on record, and the personal hearing granted to him dated: 29-11-2022 is of the view that the charges mentioned in the show cause notice have been proved against the above-named government servant/official concerned.
4. 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.
5. Now, therefore, the Competent Authority is pleased to impose **Major penalty of REMOVAL FROM SERVICE** upon the above-named teacher with immediate effect.

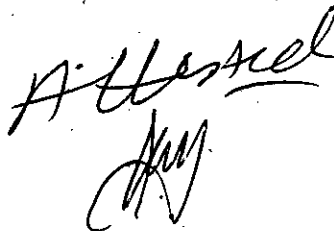
DISTRICT EDUCATION OFFICER
(MALE)BANNU

Endst: Even No. & Date:

Copy of above is forwarded to the:

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


DISTRICT EDUCATION OFFICER
(MALE)BANNU



OFFICE OF DISTRICT EDUCATION OFFICER (ELEMENTARY & SECONDARY) EDU: BANNU
MINUTES OF THE personal hearing meeting HELD ON 29-11-2022 UNDER THE CHAIRMAN SHIP OF DDEO(M)Bannu

A Meeting of Departmental Committee constituted for personal hearing was held on 29-11-2022 under the chairmanship of DDEO E & S Education Bannu at GCMS for boys Bannu from 9.00 am to 4.00 pm. The worthy AC SDW and DMO Bannu being nominee of the committee was also attended the meeting. The Committee members attended the meeting as per attendance sheet. (Copy attached.)

The meeting commenced with recitation from the Holy Quran. The DDEO E&S Education Bannu well-come the participants of the meeting and invited formal discussion on the agenda items. The ADEO Estab: Secy: (M) Bannu informed the committee that Show Cause notices have been issued to 20 PST as well as one DM, one CT and one PET for imposing of major penalty due to absence from duty more then, 05 times in the academic year 2022 as reported by EMA Bannu. After thoroughly discussion and scrutiny of record the below mentioned remarks were passed jointly:

S.No.	Name of accused, Govt: Servant	Design	Place of posting	Period of absence reported by EMA	Penalty as proposed in Show Cause notice	Defence if any	Whether appear before the committee for personal hearing.	Remarks of the Committee
1-	Muhammad Mubasher	DM	GMS Gulab Khel Merghali	07 time	Major penalty	Made reply but found unsatisfactory.	yes	The competent authority may take action as per show cause notice under the rules.
2-	Hamid Nawaz	CT	GMS Majeed Serdi Khel Bannu.	More then 05 time.	-do-	Made reply but found unsatisfactory by the committee.	yes	The competent authority may take action as per show cause notice under the rules.
3-	Muhammad Nauman	PET	GHS Al-Momin Bachekei Jani Khel Bannu.	More then 06 time.	-do-	Reply was found satisfactory and proved only one time absence declared.	yes	The competent authority may issue censure notice under the rules. <i>Appointed as PET wof 9/8/21</i>
4-	Atif Zaman	PST	GPS Kotka Juma Khan Bannu	More then 15 time.	-do-	Reply not submitted.	No.	<i>Removed</i> The competent authority may take action as per show cause notice under the rules.
5-	Sajid Raza	PST	GPS Almerk-e-Islami Bannu	More then 14 time!	-do-	Reply not submitted	No.	The competent authority may take action as per show cause notice under the rules.
6-	Abdullah Khan	PST	GPS Kuram Ghari Bannu.	More then 12 time.	-do-	Made reply and found satisfactory by the committee.	Yes	The competent authority may issue censure only under the rules.
7-	Naemullah	SPST	GPS Noor Zaman Didi Khel Bannu	More then 11 time.	-do-	Not submitted reply.	No.	The competent authority may take action as per show cause notice under the rules.

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1. Director, Elementary & Secondary Education-Department, Peshawar.
2. Deputy Commissioner Bannu.

OFFICE (EMA) Bannu.

9-	Wali Sah Sifatullah	PST	GPS Multani Landidak Bannu.	More then 10 time.	-do-	Reply not submitted	No.	The competent authority may take action as per show cause notice under the rules.
	Sifatullah	PST	GPS Zalim Mandan Bannu.	More then 09 time.	-do-	Made reply but found unsatisfactory by the committee.	Yes.	The competent authority may take action as per show cause notice under the rules.
10-	Kifayatullah Shah	PSHT	GPS Mawaz Umerzai Bannu.	More then 8 time.	-do-	Gone on SMB vide DEO(M) Bannu No.13152-54 dated: 10-10-2021	No.	The competent authority may exonerate from the charges as he had already retired on SMB.
11-	Noor Bakht Ali Shah	PST	GPS Lada Khel Daud Shah Bannu.	More then 8 time.	-do-	Gone on SMB vide DEO(M) Bannu No.14403-07 dated: 7-11-2022.	No.	The competent authority may take action as per show cause notice under the rules as he had already retired on SMB.
12-✓	Syed Adil Shah	PST	GPS Muhammad Khan Ghamber.	More then 07 time.	-do-	Made reply but found unsatisfactory by the committee.	No.	The competent authority may take action as per show cause notice under the rules.
13-✓	Sifatullah Khan	PSHT	GPS Shah Baz Azmat Khel No.4 Bannu.	More then 07 time.	-do-	Made reply but found unsatisfactory by the committee.	No.	The competent authority may take action as per show cause notice under the rules.
14-✓	Imranullah Khan	PST	GPS Gul Sawab Wali Noor Jani Khel.	More then 07 time.	-do-	Made reply but found unsatisfactory by the committee.	Yes	The competent authority may take action as per show cause notice under the rules.
15-✓	Wasim Sajjad	SPST	GPS Azad Nurar	More then 06 time.	-do-	Made reply but found unsatisfactory by the committee.	No.	The competent authority may take action as per show cause notice under the rules.
16-✓	Farhadullah	PSHT	GPS Sher Ghulam Sheri Khel	More then 06 time.	-do-	Reply not submitted	No.	The competent authority may take action as per show cause notice under the rules.
17-✓	Fidaullah	PST	GPS Khoidal Bharat	More then 06 time.	-do-	Reply not submitted	No.	The competent authority may take action as per show cause notice under the rules.
18-✓	Zahidullah	PST	GPS Landidak Mandew	More then 05 time.	-do-	Reply not submitted	Yes	The competent authority may take action as per show cause notice under the rules.
19-✓	Sakhi Rehman	PST	GPS Ihsanullah Baik Khel	More then 05 time.	-do-	Made reply and found as per remarks.	No.	The SDEO(M) Domel transferred the teacher from GPS Ihsanullah Baik Khel to GPS Painda Khel and made duty at new station but the EMA declared the transfer order as unauthorized therefore he was

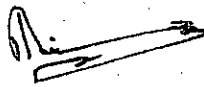
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2. Deputy Commissioner Bannu.

20-✓	Sajjad Zaman	PST	GPS Boza Khel	More then 05 time.	-do-	Made reply but found unsatisfactory.	No.	declared absent at GPS Ihsanullah Baik Khel although he made attendance at GPS painda Khel. His unauthorized transfer may be cancelled with censure.
21-✓	Mehran Ali Khan	PST	GPS Shukurullah Beri Khel.	More then 05 time.	-do-	Made reply but found unsatisfactory.	Yes	The competent authority may take action as per show cause notice under the rules.
22-✓	Muhammad Yasir Ali Khan	PST	GPS Widan Kila	More then 05 time.	-do-	Made reply and found as per remarks.	No.	The SDEO(M) Domel transferred the teacher from GPS Wedan Kila to GPS Jhalander Shah vide 391-93 dated; 8-01-2022 and made duty at new station but the EMA declared the transfer order as unauthorized therefore he was declared absent at GPS Wedan Kila although he made attendance at GPS Jhalander Shah. His unauthorized transfer may be cancelled with censure.
23-✓	Hafiz Abidullah Khan	PST	GPS Mawaz Umerzai Bannu.	More then 05 time.	-do-	Made reply but found unsatisfactory.	No.	The competent authority may take action as per show cause notice under the rules.

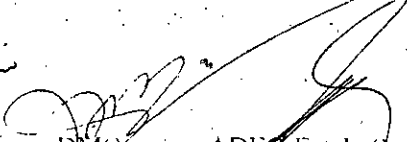
At the end, the committee members unanimously recommended, that the competent authority may take action as per remarks given above under the rules please.

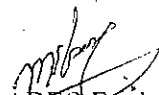
The meeting ended with the vote of thanks.

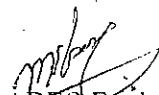

DEO (M)
Bannu

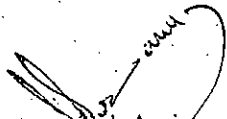

AC SDW
Bannu

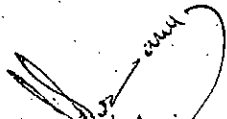

DMO
Bannu

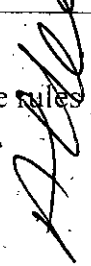

AD EO Estab: Secy:
DEO(M) Bannu


AD EO Estab: Pry:
DEO(M) Bannu


Mehmood Khan Assistant
DEO(M) Bannu


Ihsanullah Assistant
DEO(M) Bannu


Asfandyar S/Clerk
SDW Bannu


Zarif Khan S/C
SDEO(M) Bannu

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1. Director, Elementary & Secondary Education Department, Peshawar.
2. Deputy Commissioner Bannu.

