

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Appeal No. 387/2016

Date of Institution ... 25.03.2016

Date of Decision ... 11.01.2019

Muhammad Naeem son of Muhammad Yaseen Awan Teacher G.P.S Dheri Baghbanan, Peshawar R/O House No. 7, Jehangir Gulber No. 2, Peshawar.
... (Appellant)

VERSUS

Secretary Elementary & Secondary Education, Peshawar and 3 others.
... (Respondents)

MR. AAMIR SHAHZAD MALIK,
Advocate. ... For appellant

MR. HAMID FAROOQ DURRANI, ... CHAIRMAN

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-

The appellant is essentially aggrieved of the order dated 19.06.2015, passed by District Education Officer (Male) Peshawar, whereby, he was removed from service on account of absence.

It is the case of appellant that he was appointed on 12.09.1989 as PST in the respondent department and during the course of his service he applied for leave available to his credit. He was, therefore, allowed the requisite leave for two years (540 days on half pay) and (190 days without pay). At the relevant time he was serving as PST at Government Primary School No. 1, Dheri Baghbanan Peshawar. Upon expiry of leave period, the appellant once again applied for its extension for one year which was accorded till 01.09.2014 as Ex-Pakistan leave. Yet again, extension in leave was sought by the appellant which was declined. He was served

with a show cause notice by the competent authority in reply whereof it was contended that immediate resumption of duty was beyond the control of appellant as he was abroad. On 28.03.2017, another notice was sent to the appellant requiring his resumption of duty as he was absent since 01.09.2014. Subsequently, notice of absence was published in Daily Mashriq on 15.5.2015, wherein, the appellant was required to attend to his duty within 15 days. Proceedings thereafter were taken against the appellant who was removed from service vide order dated 19.06.2015.

2. I have heard learned counsel for the appellant whose main emphasis was on the count that the appellant was not allowed leave as per his entitlement; therefore, the proceedings taken against him in absentia were not legally warranted. In the said regard he referred to a departmental representation submitted by the appellant which remained un-responded.

3. It is evident from the record that a departmental representation against the impugned order of 19.06.2015 was submitted by the appellant on 26.11.2015 which was much delayed and was brought beyond four months. On the other hand, the purported departmental representation against non-extension of his leave was submitted by the appellant which bore the date as 01.12.2015. This representation appears to be an afterthought as it was purportedly submitted about six months after the appellant was removed from service. The submission of departmental appeal against order dated 19.06.2015 also seems to be fabricated one in view of the contents of memorandum of appeal wherein it was clearly admitted that the appellant was away from the country at the relevant time.

4. For what has been stated above, it can be safely held that the departmental appeal of the appellant was hopelessly barred by time, therefore, the Service Appeal in hand is without any merit warranting its admission for regular hearing. The same is hereby dismissed in limine. It is also pertinent to note that the proceedings of

preliminary hearing in the instant matter were being deferred/adjourned upon the requests of appellant/counsel since 24.10.2017.

File be consigned to the record room.



(HAMID FAROOQ DURRANI)
CHAIRMAN

ANNOUNCED
11.01.2019

08.10.2018

Neither appellant nor his counsel present, however, Mr. Irfan Hussain, Advocate is claiming himself as relative of appellant and made a request for adjournment.

Since the case is pending since 24.1.2017 for preliminary hearing as such very last chance is given to appellant and his counsel. Case to come up for preliminary hearing on 26.11.2018 before S.B.


Chairman

26.11.2018

Counsel for the appellant present. States that learned senior counsel for the appellant is busy before the Hon'ble High Court, therefore, requests for adjournment. The instant appeal pertains to the year, 2015 and on more than 10 occasions the matter was adjourned upon the request of the appellant/learned counsel at the stage of preliminary hearing. Adjourned to 27.11.2018 for preliminary hearing before S.B.


Chairman

27.11.2018

Appellant absent. Learned counsel for the appellant present. Relative of the appellant present and stated that the appellant is abroad in Canada. The appellant has filed the present service appeal being aggrieved against the order dated 19.06.2015 whereby he was removed from service on the ground of absence from duty. One of the prayer of the appellant in the present service appeal is his reinstatement in service but he himself is abroad in Canada. Relative of the appellant seeks time. Adjourn. To come up for preliminary hearing on 11.01.2019 before S.B.


Member

20.04.2018

Counsel for the appellant present and seeks adjournment.
Adjourned. To come up for preliminary hearing on 08.05.2018
before S.B.


(Ahmad Hassan)
Member

08.05.2018

The Tribunal is non-functional due to retirement of our
Hon'ble Chairman. Therefore, the case is adjourned. To
come up for same on 04.07.2018.


Reader

04.07.2018

Counsel for the petitioner present and seeks
adjournment. Adjourned. To come up for preliminary
hearing on 29.08.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member


29.08.2018

None present on behalf of the appellant. Adjourned.
To come up for preliminary hearing on 08.10.2018 before
S.B.


(Muhammad Amin Khan Kundi)
Member


19.01.2018

Counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 16.02.2018 before S.B.


(Gul Zeb Khan)
Member (E)


16.02.2018

Counsel for the appellant present and requested for adjournment. Adjourned. To come up for preliminary hearing on 02.03.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member (J)

02.03.2018

Counsel for the appellant present and requested for adjournment. Adjourned. To come up for preliminary hearing on 29.03.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member


29.03.2018

Counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 20.04.2018 before S.B.


(Ahmad Hassan)
Member


13.11.2017

Appellant in person present and requested for adjournment due to non-availability of learned counsel. Adjourned. To come up for preliminary hearing on 04.12.2017 before S.B.


(Gul Zeb Khan)
Member


04.12.2017

Junior counsel for the appellant present and seeks adjournment due to non-availability of his senior counsel. Adjourned. To come up for preliminary hearing on 29.12.2017 before S.B.


(Gul Zeb Khan)
Member (E)

29.12.2017

Counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 19.01.2018 before S.B.


(Gul Zeb Khan)
Member (E)

23.05.2017

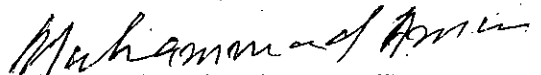
None present for the appellant. Addl. AG for the respondents present. Notice be issued to the appellant and his counsel. To come up for reply and arguments on restoration application on 11.07.2017 before S.B.


(Ahmad Hassan)
Member

11.07.2017

Counsel for the appellant present. Mr. Kabirullah Khattak, Assistant AG for the respondents also present. Arguments on application for restoration of appeal heard. Record reveals that the service appeal was dismissed in default on 29.12.2016 whereas the appellant has submitted application for restoration of appeal on 09.01.2016 meaning thereby that the restoration application is well within time.

Keeping in view the arguments advance on both sides I accept the application for restoration of appeal and restore the appeal. To come up for preliminary hearing on ~~24.10~~ 24.10.2017 before S.B.


(Muhammad Amin Khan Kundi)
Member

24.10.2017

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for preliminary hearing on 13.11.2017 before S.B.


(Muhammad Amin Khan Kundi)
Member

27.02.2017

Counsel for appellant present and seeks adjournment. Adjourned for preliminary hearing to 28.03.2017 before S.B.


(ASHFAQUE TAJ)
MEMBER


28.03.2017

Counsel for the appellant and Mr. Raham Taj, ADO alongwith Addl. AG for respondents present. Representative of the respondent-department submitted reply on restoration application, which is placed on file. To come up for preliminary hearing on 20.04.2017 before S.B.


(AHMAD HASSAN)
MEMBER

20.04.2017




Clerk to counsel for the petitioner and Addl. AG for the respondents present. Clerk to counsel for the appellant requested for adjournment. To come up for reply and arguments on restoration application on 23.05.2017 before S.B.


(Muhammad Amin Khan Kundi)
Member

Form- A
FORM OF ORDER SHEET

Court of _____

Appeal's Restoration Application No. 5/2017

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	09.01.2017	<p>The application for restoration of appeal No. 387/2016 submitted by Mr. Muhammad Naeem through Aamir Shehzad Malik Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	10-1-2017	<p>This restoration application is entrusted to S. Bench to be put up there on <u>24-01-2017</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	24.01.2017	<p>Counsel for the appellant present. Notices be issued to the respondents. Record of original appeal be also requisitioned. To come up for reply and arguments on 27.02.2017 before S.B.</p> <p style="text-align: right;"> Chairman</p>

Respectfully Sheweth:-

Petitioner very humbly submit as under:-

1. *That the above titled Service Appeal has been pending adjudication before this Honourable Tribunal, which was dismissed in default for non prosecution on 29/12/2016. (Copy of appeal alongwith dismissal order are attached).*
2. *That the order of dismissal in default dated 29/12/2016 is liable to be set aside on the following grounds, which is as under:-*

Grounds:-

- A. *That the clerk of the counsel had noted wrong date of hearing due to which appellant as well as counsel could not appeared before the Honourable Tribunal on fixed date of hearing, which resulted into dismissal of appeal in default for non prosecution.*
- B. *That the absence of the appellant as well as counsel is not intentional or willful, but due to the reasons mentioned above.*
- C. *That appellant when attended this Honourable Tribunal on the wrong noted date at that time*

appellant astonished to know that the appeal of the appellant is dismissed in default for non prosecution. Hence appellant filed the application immediately, which is well within time.

- D. *That it is cardinal principal of justice that "law leaver in favour adjudication an merit and technicalities of law should be avoided when it maker a stumbling block in the way of substantial justice.*
- E. *That this Honourable Tribunal got complete and effective jurisdiction upon the instant matter.*

It is, therefore, prayed that on acceptance of this application, the Honourable Tribunal may kindly be set aside the order of dismissal in default dated 29/12/2016 and to re-admit/restore the above titled appeal and decide it on its own merit.

Dated:- 09 /01/2017

Through:-

Applicant/Appellant

Aamir Shanzad Malik
Advocate High Court,
Peshawar.

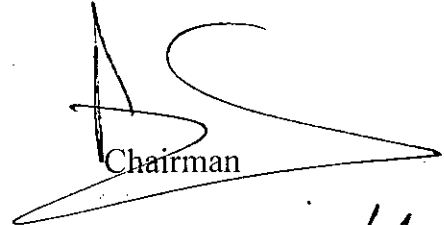
387/16

29.12.2016

None is present for the appellant. Called time and again but none appeared on behalf of the appellant. The court time is about to over.

In view of the above the appeal is dismissed for want of prosecution. File be consigned to the record room.

ANNOUNCED
29.12.2016


Chairman

29.12.16.

06.10.2016

Mr. Irfan Hussain, Junior to counsel for the appellant present and stated that learned senior counsel for the appellant being ill is not available today before the court and requested for adjournment. Request accepted. To come up for preliminary hearing on 20.10.2016 before S.B.


(PIR BAKHSH SHAH)
MEMBER

20.10.2016

Appellant in person present and requested for adjournment as his counsel is not in attendance today. Request accepted. To come up for preliminary hearing on 14.11.2016 before S.B.


(ABDUL LATIF)
MEMBER

14.11.2016

Counsel for the appellant has sent request for adjournment. To come up for preliminary hearing on 01.12.2016 before S.B.


Chairman

01.12.2016

Agent of counsel for the appellant present. Seeks adjournment as counsel for the appellant is not in attendance. Adjourned for preliminary hearing to 29.12.2016 before S.B.


Chairman

09.08.2016

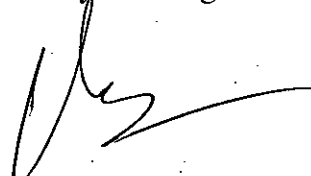
None for the appellant present. The appeal be relisted for

01.09.2016.


Member

01.09.2016

Clerk to counsel for the appellant present. Requested for adjournment. To come up for preliminary hearing on 20.9.2016 before S.B.



Member

20.09.2016

Counsel for the appellant present and requested for adjournment. Adjournment granted. To come up for preliminary hearing on 06.10.2016.

the restraint order shall continue


Member

19.05.2016

None present for appellant. Notice be issued to appellant/counsel for the appellant for preliminary hearing for 29.06.2016 before S.B.



Member

29.6.2016

Agent of counsel for the appellant present. Counsel for the appellant is stated busy before the august Peshawar High Court. Seeks adjournment. Adjourned for preliminary hearing to 19.07.2016 before S.B.


Chairman

19.07.2016

Junior to counsel for the appellant present and requested for adjournment. To come up for preliminary hearing on 27.07.2016.


Member

27.07.2016



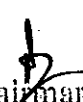
Counsel for the appellant present. Seeks adjournment. Adjourned for preliminary hearing to 09.08.2016 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 387/2016

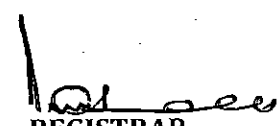
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	11.04.2016	<p>The appeal of Mr. Muhammad Naeem resubmitted today by Mr. Aamir Shahzad Malik Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	14.4.16	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>26.4.16</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	26.4.2016	<p>Junior to counsel for the appellant present. Counsel for the appellant was stated to have gone to perform Umra. Seeks adjournment. Adjourned for preliminary hearing to 19.05.2016 before S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mr. Muhammad Naeem son of Muhammad Yaseen Awan Teacher GPS Dehri Baghban received to-day i.e. on 25.03.2016 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Index of the appeal is unsigned which may be got signed by the appellatant. ✓
- 2- In the memo of appeal places have been left blank which may be filled up. ✓
- 3- Annexures of the appeal may be attested. ✓
- 4- Annexures of the appeal may be flagged. ✓
- 5- Copy of appointment order mentioned in para-1 of the memo of appeal (Annexure-A) is not attached with the appeal which may be placed on it. ✓
- 6- Copies of leave sanctioned orders and show cause notices mentioned in the memo of appeal are not attached with the appeal which may be placed on it. ✓
- 7- Copy of letter dated 28.3.2015 mentioned in para-8 of the memo of appeal is not attached with the appeal which may be placed on it.
- 8- Copy of cutting of news paper mentioned in para-para-9 of the memo of appeal is not attached with the appeal which may be placed on it.

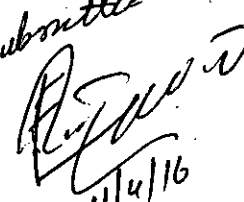
No. 299 /S.T,

Dt. 25/3 /2016


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Aamr Shehzad Malik Adv. Pesh.

28³/₁₅ objections 1-6 کو درست کر کے اپنی طرف سے دستخط کر کے 28/3/15 سے پہلے
درج ذیل اعتراضات کی تصحیح کے لیے اپنی طرف سے دستخط کر کے 28/3/15 سے پہلے
درج ذیل اعتراضات کی تصحیح کے لیے اپنی طرف سے دستخط کر کے 28/3/15 سے پہلے

Resubmitted

11/4/16

BEFORE THE SERVICE TRIBUNAL, KHYBER

PAKHTUNKHWA, PESHAWAR

Appeal No. 387/2016

Mohammad Naeem

VERSUS

Secretary Elementary Education and others

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Dated: 25/03/2016

Appellant

Through

AAMIR SHEHZAD MALIK

Advocate, High Court, Peshawar

Cell No. 0315-9959548

Aamir
Aamir Shahzad Malik
Advocate
High Court Peshawar

①

BEFORE THE SERVICE TRIBUNAL, KHYBER

PAKHTUNKHWA, PESHAWAR

Appeal No. 387/2016

P.W.P. Province
Service Tribunal
Diary No. 2164
Dated 25-03-2016

Mohammad Naeem Son of Muhammad Yaseen Awan
Teacher Government Primary School Dehri Baghbanan
Peshawar, R/o House No. 7, Jehangir Gulberg No. 2,
Peshawar.

.....Appellant

VERSUS

1. Secretary Elementary Education and Secondary Education
Peshawar.
2. Director Elementary Education and Secondary Education
Peshawar.
3. District Education Officer (MALE) Peshawar
4. Deputy Education Officer (MALE) Peshawar GT Road,
Peshawar

.....Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE
KPK SERVICE TRIBUNAL ACT, 1974, AGAINST THE
IMPUGNED ORDER NO. 2225 -31 DATED
19/06/2015 OF DISTRICT EDUCATION OFFICER
(MALE) PESHAWAR, WHEREBY APPELLANT
WAS REMOVED FROM SERVICE ON THE
GROUND OF UN AUTHORIZED ABSENCE AND
INACTION ON HIS DEPARTMENTAL APPEAL
TILL DATE.

Filed to-
25/3/16

re-submitted to-
and filed;

11/4/16

PRAYER IN APPEAL:-

IT IS HUMBL Y PRAYED THAT ON ACCEPTANCE OF THIS SERVICE APPEAL, THE IMPUGNED ORDER NO. 2225-31 DATED 19/06/2015 MAY KINDLY BE SET ASIDE AND THE APPELLANT MAY KINDLY BE REINSTATED INTO SERVICE OR THE IMPUGNED ORDER DATED 19/06/2015 MAY KINDLY BE MODIFIED / CONVERTED AND THE APPELLANT MAY KINDLY BE COMPULSORY RETIRED FROM SERVICE.

Respectfully Submitted,

Facts leading to the filling of present representation are as following:-

1. That the appellant was appointed on 12/09/1989 as PST in education Department of Province of Khyber Pakhtunkhwa and served the department almost for 26 years. (Copy of the Appointment order is attached herewith as Annexure "A").
2. That the appellant being entitled for leave, applied to the competent authority for grant of leave, which was duly sanctioned on 06/03/2012 for period two years:-
 From 16/02/2012 to 26/09/2013 (540 days on half pay)
 From 27/09/2012 to 05/04/2014 (190 days without pay)
 It would be important to mention here that at the time of sanction of leave, the appellant was discharging his duties as PST, Government Primary School No. 1, Dehri Baghbanan Peshawar. (Copy of leave order is attached herewith as Annexure "B").

3. That on expiry of the aforesaid leave period i.e. 05/04/2014, the appellant once again applied to the competent authority for extension of leave period for one year without pay under the Beneficial Provision of KPK (NWFP) Civil Servant Revised leave Rules, 1981.
4. That the competent authority under the KPK (NWFP) Civil Servant Revised Leave Rules, 1981 initially allowed the application of the appellant, however, later on leave period was extended only till 1st September, 2014 as ex-Pakistan Leave.
5. That after the expiry of ex-Pakistan Leave period, the appellant once again applied to the competent authority and reiterated his request put forth through his application for further extension in leave without pay. It would be worth mentioning that appellant has served the department for more than twenty years and under the KPK (NWFP) Civil Servant Revised Leave Rules, 1981 he is fully entitled for extension of leave period without pay.

Extraordinary Leave (Leave Without Pay)---(1)
Extraordinary Leave may be granted on any ground up to maximum period of five year at a time, provided that the Civil Servant to whom such leave has been granted in continuous service for a period of not less than ten years. In case a civil servant has not completed then ten year of continuous service, Extraordinary Leave without pay for a maximum period of two year may be

granted at the discretion of the leave sanctioning authority.

(2) The maximum period of Extraordinary Leave without pay combined with leave on full pay and leave on half pay shall be subject to the limit of 5 years prescribed in FR-18 i.e. the maximum period of Extraordinary Leave without pay that would be admissible to a civil servant who has tendered continuous service for a period of not less than 10 years shall be 5 years less the period of leave on full pay and half pay so combined.

(3) Extraordinary Leave may be granted retrospectively in lieu of absence without leave. (Emphasis provided).

6. That the appellant was again served with show cause notice by the competent authority and he duly filed his reply on 14/12/2014, vide diary No. 2735 and communicated to the department for extension in leave to which he was legally entitled, and showed his resolve that he will resume duties immediately after his return, as at that time resuming duty was beyond his control.

7. That again the department kept num over the issue, and did not bother to either intimate the appellant regarding allowing or rejection of his request. However, the department on 28/03/2015 once again served one other notice of absence from duty since 01/09/2014 on the appellant.

8. That the appellant duly responded to the said notice and requested for extension in leave by giving specific date i.e. 25/06/2015 as his ticket was due on that date and reiterated his commitment of resuming his duty from the very next date of his arrival in Pakistan. (Copy of letter dated 28/03/2015 and reply is annexed).
9. That to utter shock and dismay of the appellant, inspite of all this correspondence / diligence; District Education Officer (MALE) Peshawar, published absence from duty notice in Daily Mashriq on 15/05/2015, and conveyed to the appellant to appear before him within 15 days of publication of absence from duty notice and in case of failure, the appellant will be dismissed from service. (Copy of newspaper dated 15/05/2015 is annexed).
10. That this action of District Education Officer (MALE) Peshawar, is in utter violation of KPK Civil Servant Act, 1973, KPK (NWFP) Civil Servant Revised Leave Rule, 1981 and Khyber Pakhtunkhwa E&D Rules 2011.
11. That the appellant has intimated the education department that he has more than 20 years of service and under the law as mentioned in the preceding paragraphs, he is legally entitled to avail leave without pay upto 5 years, and from the last one year, he is continuously informing the department that he shall be treated in accordance with law, which is his inalienable

right and appearing on such a short notice is beyond his control as the appellant has confirmed ticked on 25/06/2015.

12. That despite of the above atrocities, appellant filed the departmental appeal / representation in respect of refusal of leave to your kind self, which is still pending before your good self, in which parawise comments was asked from District Education Officer (MALE) Peshawar. *(Department Representation is attached as Annexure "e")*.
13. That before waiting for decision on the aforesaid departmental appeal, District Education Officer (MALE) Peshawar, removed the appellant from service through the impugned order No. 2225-31 dated 19/06/2015. *(copy of the impugned order No 2225-31 Dated 19/6/2015 is attached as Annexure "D")*.
14. That the appellant not duly informed in this respect and the appellant was came into knowledge of the impugned order few days ago from office inquired upon decision over his first departmental appeal and it was verbally told that the District Education Officer (MALE) Peshawar, mentioned the factum of impugned order of removal from service of the appellant in his comments.
15. That the impugned order is totally illegal and negating the valuable rights of the appellant, as the appellant had served the department for almost 26 years and is entitled for some leniency and the first

representation of the appellant was still pending adjudication but the impugned order was passed in haste and arbitrary manner and liable to be set aside.

16. That without prejudice to the above, but in addition thereto, the appellant has statutory protection under the law, and his absence should not be construed as willful as he was duly granted leave without pay time to time and is entitled for the same.
17. That the appellant was condemned unheard and no chance of personal hearing was given to the appellant before passing the impugned order and similarly no inquiry was conducted in respect of allegations leveled against him, hence the impugned order is liable to be set aside.
18. That propriety, fair play and justice demands that appellant should be reinstated on the service or otherwise give the benefits of compulsory retirement.
19. That against the impugned order of removal appeal has also filed a departmental appeal dated 1/12/2015 upon which no decision whatsoever was given / communicated to the appellant till date, hence this service appeal has been filed. (Copy of departmental appeal is attached herewith) as 'E'.

8

It is humbly prayed that on acceptance of this service appeal, the impugned order No. 2225-31 dated 19/06/2015 may kindly be set aside and the appellant may kindly be reinstated into service or the impugned order dated 19/06/2015 may kindly be modified / converted and the appellant may kindly be compulsory retired from service.


Appellant

Through



AAMIR SHEHZAD MALIK
Advocate, High Court,
Peshawar.

9

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Mohammad Naeem

VERSUS

Secretary Elementary Education and others

AFFIDAVIT

I, Masood Ahmad S/o Furqan Ahmad R/o Akhtar Lodge
Banker Street, Gulberg No. 2, Peshawar, (Attorney), do
hereby solemnly affirm and declare on oath that all the
contents of instant **SERVICE APPEAL** are true and correct
to the best of my knowledge and belief and nothing has been
concealed or misstated from this Honourable Court.

M. Masood Ahmad

DEPONENT

CNIC No: 17301-1584554-5



BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Mohammad Naeem

VERSUS

Secretary Elementary Education and others

ADDRESSES OF PARTIES

APPELLANT:-

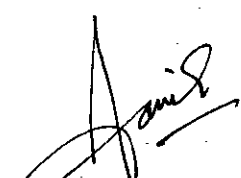
Mohammad Naeem Son of Muhammad Yaseen Awan
Teacher Government Primary School Dehri Baghbanan
Peshawar, R/o House No. 7, Jehangir Gulberg No. 2,
Peshawar.

RESPONDENTS:-

1. Secretary Elementary Education and Secondary Education
Peshawar.
2. Director Elementary Education and Secondary Education
Peshawar.
3. District Education Officer (MALE) Peshawar
4. Deputy Education Officer (MALE) Peshawar GT Road,
Peshawar

Appellant

Through


AAMIR SHEHZAD MALIK
Advocate, High Court,
Peshawar.

Aamir Shahzad Malik
Advocate
High Court Peshawar

(11)

Annexure "A"

OFFICE OF THE DISTRICT EDUCATION OFFICER(M) PRIMARY PESHAWAR

GRADED PAY

Mr Mohammad Naeem PTC GPS Dheri Baghbanan, Peshawar is hereby allowed graded pay in BPS-7 (Rs. 1095-60-1995) w.e from 7.9.1993, which is the date of declaration of his PTC result as due and admissible under the rules.

N/entry to this effect should be made in his service book

Khurshid Ahmad
District Education Officer
(M) Peshawar

Endst. No. 464-65 / Graded Pay dated Pesh the 30/11/1993

Copy forwarded for information and n/action to the

1. Sub. Divisional Education Officer (M) Peshawar alongwith the service books of the following PTCs with the remarks that the entry regarding passing PTC examination made in the s/bk of Mr Faridullah PTC GPS Bashir Abad may be signed and resubmit his case for further n/action.
2. Teachers concerned.

Encls. Service book of Mohammad Naeem PTC GPS D/Baghbanan.
Service book of Mr Faridullah PTC GPS Bashir Abad,

30/11/93
By: District Education Officer (M)
Peshawar.

Attested
Amir Shahzad Malik
Advocate
High Court Peshawar

PAY FIXATION PROFORMA UNDER REVISED
PAY SCALES RULES 1991.

- 1. Name and Designation Mohand Naeem P.T.
- 2. Existing Pay Scale 750-31-1370
- 3. Modified Pay Scale 750-41-1370
- 4. Revised Pay Scale 1095-60-1935
- 5. Pay on 31.5.1991 Rs. 750/-
- 6. Pay fixation made under Formula "A" _____
- 7. Pay fixed in the Modified pay Scale Rs. 755/-
- 8. No. of stages arrived at in the N.P.S _____
- 9. Pay fixed in R.P.S as on 1.6.1991 on basis on corresponding stages in that Scale. Rs. 1095/- fixed

FORMULA "B"

Basic Pay on 3.5.91

750/- fixed

Index Pay

5% Adhoc increase

10% adhoc increase=200

Dearness increase=200

Total:

Increase of Rs. 100

Total

Pay fixed in B.P.S on 1.6.91

1095/- fixed

Pay admissible as on 1.6.91

Advance increments allowed on higher qualification (if any)

Date of next increment

[Handwritten Signature]

Officer of the Accountant General
A.W.P.P. Peshawar.

Pay fixed in the Revised Pay Scales 1991

of Rs. 1095/- (A.B.D.)

Rs. 1095/- W.E.P. 1-6-1991

With Next Increment on 1-12-1991

Sub Divisional Education Officer,
(Male) Peshawar.

[Handwritten Signature]

Accountant Officer

Accountant General

A.W.P.P. Peshawar

[Handwritten Note: 1095/- fixed]

Note:—The entries in this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

1. Name *Mohammad Naeem*

2. Race *Awar*

3. Residence *H. No. 1100 Noor Manzil Pk ar cig*

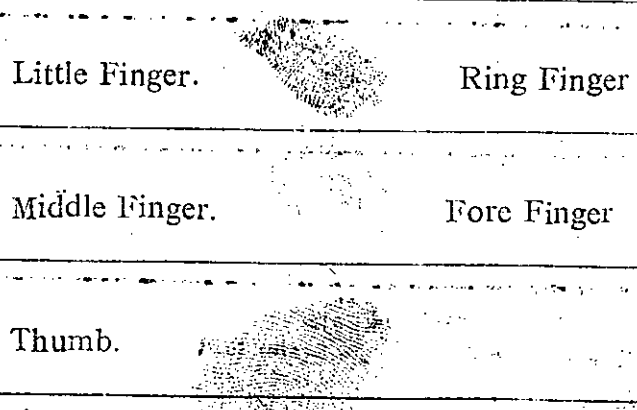
4. Father's name and residence *Mohamed Yasin*

5. Date of birth by Christian era as nearly as can be ascertained *(12-8-1966)*
(Twelfth August six six)

6. Exact height by measurement *5-6*

7. Personal marks for identification *A mole on tip nose.*

8. Left hand thumb and Finger impression of (non-gazetted) officer



9. Signature of Government servant

[Handwritten signature]

10. Signature and designation of the Head of the Office, or other Attesting Officer.

[Handwritten signature]
Sub Divisional Edu: Officer,
(Male) Peshawar.

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term 'Pay'	Date of appointment	Signature of Government servant
PTCCOT) SMPS, Chamba Pte			Rs. 750/- PM			12/89	
do			Rs 250/-			1/12/89	
do			250/-			1/12/90	
			1095-60-1985				
do			Rs. 1095/- PM	Per	Jan	1/91	
G.P.S. Balu Gashi			Rs 1095/-		Feb	1/91	
do			Rs 1095/-			28/12/92	

Order of the Accountant General
 N.W.F.P. Peshawar
 Pay fixed in the Revised Pay Scales 1991
 of Rs. 1095/- **FIXED**
 with effect from 1-6-1991
 With Next Increment on 1-1-1992

Accountant Officer
 Deputy Accountant General
 N.W.F.P. Peshawar

31/1

G.P.S. Patwar Pagan

Rs 1095/-

27/6/92

9	10	11	12	13		14	15	
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Nature and duration of leave taken	Leave Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
					Period	Government to which debitable		
Sub Divisional Edu: Officer, (Male) Peshawar	30/11/89	30/11/89	S.D.E.O. (M) Peshawar			Appointed as PTC (OT) at S.M.P.S, Chamba Dist Peshawar		
S.D.E.O. (M) Peshawar	30/11/90	30/11/90	S.D.E.O. (M) Peshawar			S.D.E.O. (M) Peshawar		S.D.E.O. (M) Peshawar
S.D.E.O. (M) Peshawar						S.D.E.O. (M) Peshawar	S.D.E.O. (M) Peshawar	
S.D.E.O. (M) Peshawar						S.S.C Peshawar	S.S.C Peshawar	S.S.C Peshawar
S.D.E.O. (M) Peshawar	28/9/92	28/9/92	S.D.E.O. (M) Peshawar			R No 8058 with the Govt. 1982 (CA) Secy 365/850	S.D.E.O. (M) Peshawar	S.D.E.O. (M) Peshawar
S.D.E.O. (M) Peshawar	30/11/92	30/11/92	S.D.E.O. (M) Peshawar			The result was dated on 11/11/82	S.D.E.O. (M) Peshawar	S.D.E.O. (M) Peshawar
S.D.E.O. (M) Peshawar	27/6/92	27/6/92	S.D.E.O. (M) Peshawar			Services verified w.e.f. 12/9/89 to 30/4/90 according to the Acquittance Roll and other Record of this office.	S.D.E.O. (M) Peshawar	S.D.E.O. (M) Peshawar
S.D.E.O. (M) Peshawar	30/11/92	30/11/92	S.D.E.O. (M) Peshawar			Service verified w.e.f. 1/5/90 to 31/12/90 according to the Acquittance Roll and other Records of this office.	S.D.E.O. (M) Peshawar	S.D.E.O. (M) Peshawar

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of appointment	8 Signature of Government servant
SPS. Dheri Bagh Bana			Rs 1095/- fixed			1/9/92	<i>[Signature]</i>
do			Rs 1095/- fixed			1/12/92	<i>[Signature]</i>
do		(B.P.S. 7 (1095-60-1995))	Rs 1095/- PM			7/9/93	<i>[Signature]</i>
do			Rs 1155/- PM			1/12/93	<i>[Signature]</i>
<u>Revised pay scale & B.P.S. 10-17, 1480-81-2695</u>							
do			Rs 1561/- PM			1/6/94	<i>[Signature]</i>
do			Rs 1642/- PM			1/12/94	<i>[Signature]</i>
		Revised Emden 2ADU in CA 1095+120/-	1215/-			7/9/93	<i>[Signature]</i>
			1275/-			1/12/93	<i>[Signature]</i>
			1723/-			1/6/94	<i>[Signature]</i>
			1800/-			1/12/94	<i>[Signature]</i>

9	10	11	12	13		14	15
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
				Nature and duration of leave taken	Allocation of period of leave on average, pay upto four months for which leave salary is debit to another Government		
				Per-iod	Government to which debit to		
SD ED (M) Pesh-30 Sub Divisional Education Officer Peshawar	30/12/92	Inc 92 Grades pay all over	SD ED (M) Pesh Sub Divisional Education Officer Peshawar			Services V... to 31/12/92 W.E.F... The 91 & Other Record Maintained In This Office	
SD ED (M) Peshawar	30/11/93	Almer	SD ED (M) Peshawar			Passed the Intermediate Examination of the B.I.S.E. Peshawar Roll NO 9596 held in December 1992 obtaining 462 Marks out of 1100 and has been placed in the Grade 3	
S.D.E.O. (M) Peshawar	31/5/94	Revised	S.D.E.O. (M) Peshawar				
S.D.E.O. (M) Peshawar	11/9/94	Almer	S.D.E.O. (M) Peshawar				
S.D.E.O. (M) Peshawar	6/9/93	Almer	S.D.E.O. (M) Peshawar				
S.D.E.O. (M) Peshawar	39/11/95	Inc	S.D.E.O. (M) Peshawar			Passed P.T.L Exam from Allama Iqbal Open University Islamabad Under R.No. 6076386. obtaining marks. 409 out of 900. placed in Grade 'C' in Session 1992. The result declared on 7/9/93.	
S.D.E.O. (M) Peshawar	31/5/94	Teacher	S.D.E.O. (M) Peshawar				
S.D.E.O. (M) Peshawar	30/11/94	Inc	S.D.E.O. (M) Peshawar				
S.D.E.O. (M) Peshawar	TR 3 5/9	marks 3486/10000	S.D.E.O. (M) Peshawar				
S.D.E.O. (M) Peshawar	12/5/94	Almer	S.D.E.O. (M) Peshawar				

12/19/95

9	10	11	12	13		14	15
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debit,able to another Government		
				Period	Government to which debit,able		
P. De. ali S.D.E.O. (M) Peshawar	30/11/95 A/P	A/P	P. De. ali S.D.E.O. (M) Peshawar			Allowed graded pay Section in B.P.S No. 17 Rs-1095-60-1995-We f 7-9-93. vide D.O. on, Proj. Pesh. Endst: No. 464-85. dated-30-11-93.	for name 30.11.93 Sub Divisional Education, Officer (Male) Peshawar
P. De. ali S.D.E.O. (M) Peshawar	30/11/96 A/P	A/P	P. De. ali S.D.E.O. (M) Peshawar			Services Verified W.E.F. 1-1-93 to 30-11-93. From The Acquittance Roll & Other Record Maintained In This Office	Sub Divisional Education, Officer (Male) Peshawar
P. De. ali S.D.E.O. (M) Peshawar	30/11/97 A/P	A/P	Amom SDEO (M) Peshawar.			Services Verified W.E.F. 1-12-93 to 30-11-94. From The Acquittance Roll & Other Record Maintained In This Office	Sub Divisional Edu. Officer (Male) Peshawar
Amom SDEO (M) Peshawar.	30-11-98 A/P	A/P	Amom SDEO (M) Peshawar.			Services Verified W.E.F. 1-12-93 to 30-11-94. From The Acquittance Roll & Other Record Maintained In This Office	Sub Divisional Edu. Officer (Male) Peshawar
Amom SDEO (M) Peshawar.	30-11-99 A/P	A/P	Amom SDEO (M) Peshawar.			Services Verified W.E.F. 1-12-95 to 30-11-96. From The Acquittance Roll & Other Record Maintained In This Office	Sub Divisional Edu. Officer (Male) Peshawar
Amom SDEO (M) Peshawar.	30-11-2000 A/P	A/P	Amom SDEO (M) Peshawar.			Services Verified W.E.F. 1-12-95 to 30-11-96. From The Acquittance Roll & Other Record Maintained In This Office	Sub Divisional Edu. Officer (Male) Peshawar
Amom SDEO (M) Peshawar.	30-11-2001 A/P	A/P	Amom SDEO (M) Peshawar.			Sub Divisional Edu. Officer (Male) Peshawar	Sub Divisional Edu. Officer (Male) Peshawar

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
Revised Pay Scale No 7 (2220-120-5820)			Rs 2370/pm			12/201	<i>[Signature]</i>
Revised Payscale No 7 (2555-140-6755)			Rs 3540/	✓		12/201	<i>[Signature]</i>
			Rs 3660/	✓		12/201	<i>[Signature]</i>
			Rs 3780/	PM		12/203	<i>[Signature]</i>
			Rs 3900/	PM		12/04	<i>[Signature]</i>
G.P.S No 1 Dabhi Baghbanan		B.P.S 07				12/05	<i>[Signature]</i>
						12/205	<i>[Signature]</i>
						12/06	<i>[Signature]</i>

Office of the Accountant General
 Pay Band is 2220-120-5820
 at Rs 3540/ with next appointment on
 1-12-2021
 1-12-2023
 Accounts Officer
 Junction Park Street, Panchajanya

21

9	10	11	12	13 Leave		14	15
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
					Period	Government to which debitable	
<p>Deputy Distt Officer (M) Primary Peshawar.</p> <p><i>[Signature]</i></p>	<p>12/11/96</p>	<p>Resigned</p>	<p>Deputy Distt Officer (M) Primary Peshawar.</p> <p><i>[Signature]</i></p>				<p>Service Verified W.B.F. 12-96 To 30-11-98 From Aeq. Roll & Other Office Record of This Office</p>
<p>Deputy Distt Officer (M) Primary Peshawar.</p> <p><i>[Signature]</i></p>	<p>30/11/98</p>	<p><i>[Signature]</i></p>	<p>Deputy Distt Officer (M) Primary Peshawar.</p> <p><i>[Signature]</i></p>				<p>SDEO (M) Peshawar.</p>
<p>Deputy Distt Officer (M) Primary Peshawar.</p> <p><i>[Signature]</i></p>	<p>30/11/2003</p>	<p>Alma Mater</p>	<p>Deputy Distt Officer (M) Primary Peshawar.</p> <p><i>[Signature]</i></p>				<p>Service Verified W.B.F. 12-98 To 30-11-2003 From Aeq. Roll & Other Office Record of This Office</p>
<p>Deputy Distt Officer (M) Primary Peshawar.</p> <p><i>[Signature]</i></p>	<p>30/11/04</p>	<p><i>[Signature]</i></p>	<p>Deputy Distt Officer (M) Primary Peshawar.</p> <p><i>[Signature]</i></p>				<p>SDEO (M) Peshawar.</p>
<p>Deputy Distt Officer (M) Primary Peshawar.</p> <p><i>[Signature]</i></p>	<p>30/11/05</p>	<p><i>[Signature]</i></p>	<p>Deputy Distt Officer (M) Primary Peshawar.</p> <p><i>[Signature]</i></p>				<p>SDEO (M) Peshawar.</p>
<p>(2003) Office of the Accountant General N.W.F.P Peshawar Pay Fixed by the revised pay scale 2005 of Rs. 4557/- up to 01-07-2005 at Rs. 4557/- P.M on 01-07-2005 with next increment from 01-12-2005</p> <p>Accountant Officer Pay Fixation Office N.W.F.P Peshawar</p>							<p>Service Verified W.B.F. 12/2003 To 30-11-2007 From Aeq. Roll & other Record of this office</p> <p>Dy. Distt Officer Peshawar</p>
<p>Deputy Distt Officer (M) Primary Peshawar.</p> <p><i>[Signature]</i></p>	<p>30/11/08</p>	<p><i>[Signature]</i></p>	<p>Deputy Distt Officer (M) Primary Peshawar.</p> <p><i>[Signature]</i></p>				<p>Service Verified W.B.F. 12 To 30-11-06 From Aeq. Roll & other Record of this office</p>
<p>D.O.O (M) Peshawar</p> <p><i>[Signature]</i></p>	<p>30/11/2006</p>	<p><i>[Signature]</i></p>	<p>D.O.O (M) Peshawar</p> <p><i>[Signature]</i></p>				<p>Dy. Distt Officer (M) Peshawar</p>
<p>D.O.O (M) Peshawar</p> <p><i>[Signature]</i></p>	<p>30/11/07</p>	<p><i>[Signature]</i></p>	<p>D.O.O (M) Peshawar</p> <p><i>[Signature]</i></p>				<p>1/06 30/11/07</p>

Dy. Distt Officer (M) Peshawar

Dy. Distt Officer (M) Peshawar

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 if officiating. state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term "pay"	7 Date of appointment	8 Signature of Government servant
Revised Pay Scale No. ⑦ dt 1 ² / ₀₇ Rs. 2940-160-7740							
CPS NO 1 Dehri C. Bughlaman Per			Rs 5500 ² / _{PM}			1 ² / ₀₇	
- do -			Rs 5660 ¹ / _{PM}			1 ² / ₀₇	
up loaded BPS 12 dt 1 ¹⁰ / ₀₇ Rs. 3880-260-11430							
do			Rs 5710 ⁵ / _{PM}			2 ¹⁹ / ₀₇	
do			Rs (5970 ¹ / _{PM})			7 ¹² / ₀₇	
<p>OFFICE OF THE ACCOUNTANT GENERAL PESHAWAR. PAY FIXATION PARTY N.W.F.F. BASIC PAY SCALES I</p> <p>OF RS 2940-160-7740²/₇</p> <p>AT RS 5500²/_{PM} WITH NEXT INCREMENT ON 11-07-2007</p> <p>12-2007</p> <p>Accounts Officer Pay Fixation Party N.W.F.F. Peshawar</p>							
<p>Rs 6835¹/_{PM}</p> <p>7145</p>							
<p>pay of 5500²/_{PM} verified on 1¹²/₀₈</p>							
						7 1- 2008	
						1 ¹² / ₀₀₈	

9	10	11	12	13		14	15	
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Nature and duration of leave taken	Leave Allocation of period of leave on average pay upto four months for which leave salary is debit.ble to another Government		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
					Period	Government to which debit.ble		
<i>[Signature]</i>		Pay Revision	<i>[Signature]</i>				7-12	Allowed BPS 12, w.e.f 1-10-07 vide notification of Govt; of NWFP Finance Dept NO ED/50 (CPR) 2270-207 dt 26-1-2008, ED No 8186-91 dt 07-07-08 S.No
<i>[Signature]</i> Deputy Distt; Officer (M) Primary Peshawar.			<i>[Signature]</i> Deputy Distt; Officer (M) Primary Peshawar.				<i>[Signature]</i> Deputy Distt; Officer (M) Primary Peshawar.	
<i>[Signature]</i> Deputy Distt; Officer (M) Primary Peshawar.			<i>[Signature]</i> Deputy Distt; Officer (M) Primary Peshawar.				<i>[Signature]</i> Deputy Distt; Officer (M) Primary Peshawar.	
			<i>[Signature]</i> Deputy Distt; Officer (M) Primary Peshawar.				<i>[Signature]</i> Deputy Distt; Officer (M) Primary Peshawar.	
			<i>[Signature]</i> Deputy Distt; Officer (M) Primary Peshawar.				<i>[Signature]</i> Deputy Distt; Officer (M) Primary Peshawar.	
<i>[Signature]</i> DEPUTY DISTRICT OFFICER Male PRIMARY Peshawar Dast Muhammad	30/08/11	Annual	<i>[Signature]</i> Deputy Distt; Officer (M) Primary Peshawar.				<i>[Signature]</i> Deputy Distt; Officer (M) Primary Peshawar.	ADAO
			<i>[Signature]</i> Deputy Distt; Officer (M) Primary Peshawar.				<i>[Signature]</i> Deputy Distt; Officer (M) Primary Peshawar.	ADAO

Allowed BPS 12, w.e.f 1-10-07
vide notification of Govt; of
NWFP Finance Dept NO ED/50
(CPR) 2270-207 dt 26-1-2008,
ED No 8186-91 dt 07-07-08 S.No

[Signature]
Deputy Distt; Officer (M)
Primary Peshawar.

[Signature]
Deputy Distt; Officer (M)
Primary Peshawar.

[Signature]
Deputy Distt; Officer (M)
Primary Peshawar.

w.e.f 1/10/07 to 6/08

ADAO
2

TR-36 Drawn No. 3840 =
5/11/08

arrange upgradation
w.e.f 12/07 to 6/08

ADAO
2

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant.
Revised entries on a/c of annul increment / running pay allowed to Untrained Teachers by Finance Dept							
		BDS-7-Rs 750-21-1370					
		12-9-89		750			
		1-12-89		750			
		1-12-90		781			
		BAS-7-Rs 1095-60-1895					
		1-6-91		1275			
		1-12-91		1375			
		1-12-92		1395			
		7-9-93		1395+120		FA Two Adv. Inc	
		1-12-93		1575			
				1575			
		BAS-7-Rs 1480-81-2695					
		1-6-94		2128			
		1-12-94		2209			
		1-12-95		2290			
		1-12-96		2371			
		1-12-97		2452			
		1-12-98		2533			
		1-12-99		2614			
		1-12-99		2695			
		MO BAS 8-Rs 1540-88-2860					MO to B-8
		1-12-2001		2772			
		BPS 7-Rs 2220-120-5820					
		1-12-01		4140			
		1-12-02		4260			
		1-12-03		4380			
		1-12-04		4500			
		BPS 7-Rs 2555-140-6755					
		1-7-05		5215			
		1-12-05		5355			
		1-12-06		5495			
		BPS 7-Rs 2940-160-7740					
		1-7-07		6300			
		1-12-07		6460			
		BAS 12-Rs 2630-260-11430					
		1-12-07		6490			
		1-12-07		6490			
		BPS 12-Rs 4355-310-13655					
		1-7-08		7765			
		1-12-08		8075			

ADDT: 12/89
 F.A 1992
 P.S. 9/93

(3)

OFFICE OF THE ACCOUNTANT GENERAL
 N.W.F.P. PESHAWAR
 Pay Verified in the Light of the Adjustment B.P.S. 2008
 Finance Department Notification
 No. F.D. (PRC) 5-27002, Dated 20-3-2009
 with No. Arrears upto 20-3-2009
 Pay Scale of Rs. 4355-310-13655
 Pay Verified Rs. 8075
 with Next Increment on 1-12-2008

Account Officer
 Pay Fixation Party
 Peshawar

DDO (M) Peshawar

Deputy DDO; Officer (M)
 Primary Peshawar

Leave Account of Mr./Miss/Ms. Muhammad Nizam

Date of commencement of service 12-9-1989

Date of attaining the age of superannuation 12-8-2026

(N.B.—Instruction for filling in the form are printed on reverse)

Government/Department served under					LEAVE TAKEN (FROM COLUMN 8 TO 20)													REMARKS	ATTENTION			
From	To	Y.M.D.	Full Calendar month	Days	Days	From	To	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days			Days	Days	
					Leave earned on full pay 4 days for each calendar month.	Leave at credit (column 21 + 6)			Leave on full pay without medical certificate subject to maximum of 120 days & 365 days in case of L.P.R.	Leave on full pay on medical certificate subject to maximum of 180 days.	Leave on full pay on medical certificate subject to maximum of 365 days in entire service	In terms of half pay.	In terms of full pay.	Recreation leave of 15 days in a year but 10 days to be debited.	In terms of half pay.	In terms of full pay.	Actual No. of days.	No. of days debitabe (double the actual number).	Total leave (Columns 10+11+12+14+15+17+19).	Balance on 1-7-1978/return from leave (Column 7-20).		
12-9-89	12-31-90	30-6-89	20	230		270	12-3-91	3-6-91														
												540	270	- days								
<p>Leave by continuation of 270 days</p> <p>Leave on full pay</p> <p>Leave on extra ordinary leave</p> <p>Form 27-09-2013</p> <p>To 05-04-2014 - (190-days)</p> <p>Leave without pay</p>																						

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Regional Office, U.P. State
 (B) Primary School
 [Signature]

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEM: & SEC: EDU: PESH:GRANT OF LEAVE.

Under the Khyber Pakhtunkhwa Government servants revised leave rules 1981, Sanction is hereby accorded for the grant of Earned leave in r/o Mr. Muhammad Naeem, PST CPS No.1 Dehri Baghbanan Peshawar as under:

I. EARNED LEAVE.

From 16/03/2012 to 26/09/2013 (540) days on half Pay.
From 27/09/2012 to 05/04/2014 (190) days without Pay.

Note:-

1. Necessary entry to this effect should made in his Service Book.
2. On the expiry of leave he is likely to resume his duty on the same Station and post from where he proceeds on leave.

EXECUTIVE DISTRICT OFFICER,
ELEM: & SEC: EDU: PESHAWAR.

Endst: No. 5636-38 F.No.38 /Dated Peshawar 6/3 /2012.

Copy of the above is forwarded to the:-

1. District Accounts Officer Peshawar.
2. Deputy District Officer (Male) Primary Peshawar alongwith Service Book w/r his letter No.409 dated 20-02-2012
3. Teacher concerned.

[Signature]
District Officer (Male)
(E&S) Education Peshawar.

Attested

[Signature]
Amir Shahzad Malik
Advocate
High Court Peshawar

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Amu-e

Assistant Sub Divisional Education Officer
(E & S Education) circle Cantt: Peshawar
No. 2123 Dated: 07/03/2014

To

The Sub Divisional Education Officer
(Male) primary Peshawar

Subject: APPLICATION FOR EXTENSION IN LONG LEAVE

Enclosed find herewith an application in respect of Mr. Muhammad Naeem SPST of GPS Dheri Baghbanan No. 1 which is self explanatory. Forwarded to you along with service book in original for necessary action please.



Fahim Jan

Assistant Sub Divisional Education Officer
(E & S Education) circle Cantt: Peshawar

Attestation



Amir Shahzad Malik
Advocate
High Court, Peshawar

(29)

Ammeure "D"

To,

Director
Elementary and Secondary
Education/Appellate Authority
Province of Khyber Pakhtunkhwa
Peshawar

Attested in
[Signature]
Amir Shahzad Malik
Advocate
High Court Peshawar

Subject: - DEPARTMENTAL REPRESENTATION UNDER THE ENABLING PROVISIONS OF THE KHYBER PAKHTUNKHWA CIVIL SERVANT ACT, 1973 AGAINST THE IMPUGNED ORDER NO 2225-31 DATED 19-6-2015 OF DISTRICT EDUCATION OFFICER (MALE) PESHAWAR, WHEREBY APPELLANT WAS REMOVED FROM SERVICE ON THE GROUND OF UN-AUTHORIZED ABSENCE

PRAYER:-

It is humbly prayed that on acceptance of this department appeal/representation, the impugned order No 2225-31 dated 19-06-2015 may kindly be set aside and the Appellant may kindly be reinstated into service or the impugned order dated 19-06-2016 may kindly be modified/converted and the Appellant may kindly be compulsory retired from service.

Respectfully submitted:-

Facts leading to the filing of present representation are as following:-

- 1) That the Appellant was appointed on 12-09-1989 as PST in Education Department of Province of Khyber Pakhtunkhwa and served the department almost for 26 years.

- 2) That the Appellant being entitled for leave, applied to the competent authority for grant of leave, which was duly sanctioned on 06-03-2012 for period two years:-

From 16-02-2012 to 26-09-2013 (540 days on half pay)

From 27-09-2012 to 05-04-2014 (190 days without pay)

It would be important to mention here that at the time of sanction of leave, the Appellant was discharging his duties as PST, Government Primary School No 1, Dehri Baghbanan Peshawar

- 3) That on expiry of the afore said leave period i.e. 05-04-2014, the Appellant once again applied to the competent authority for extension of leave period for one year without pay under the beneficial provisions of KPK (NWFP) Civil Servant Revised Leave Rules, 1981.
- 4) That the competent authority under the KPK (NWFP) Civil Servant Revised Leave Rules, 1981 initially allowed the application of the Appellant, however, later on leave period was extended only till 1st September, 2014 as ex-Pakistan leave.
- 5) That after the expiry of ex-Pakistan leave period, the Appellant once again applied to the competent authority and reiterated his request put forth through his application for further extension in leave without pay. It would be worth mentioning that Appellant has served the department for more than twenty years and under the KPK (NWFP) Civil Servant Revised Leave Rules, 1981 he is fully entitled for extension of leave period without pay.

Extraordinary Leave (Leave without pay)---(1) Extraordinary leave may be granted on any ground up to maximum period of five years at a time; provided that the civil servant to whom

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removed the Appellant from service through the impugned order No 2225-31 dated 19-06-2012.

That the Appellant not duly informed in this respect and the Appellant was came into knowledge of the impugned order few days ago from office inquired upon decision over his first departmental appeal and it was verbally told that the District Education Officer (Male), Peshwar mentioned the factum of impugned order of removal from service of the Appellant in his comments.

That the impugned order is totally illegal and negating the valuable rights of the Appellant, as the Appellant had served the department for almost 26 years and is entitled for some leniency and the first representation of the Appellant was still pending adjudication but the impugned order was passed in haste and arbitrary manners and liable to be set aside.

That without prejudice to the above, but in addition thereto, the Appellant has statutory protection under the law and his absence should not be construed as willful as he was duly granted leave without pay time to time and is entitled for the same.

That the Appellant was condemned unheard and no chance of personal hearing was given to the Appellant before passing the impugned order and similarly no inquiry was conducted in respect of allegations levelled against him, hence the impugned order is liable to be set aside.

That propriety, fair play and justice demands that Appellant should be reinstated on the service or otherwise give the benefits of compulsory retirement.

14)

15)

16)

17)

18)

such leave has been granted in continuous service for a period of not less than ten years. In case a civil servant has not completed ten years of continuous service, extraordinary leave without pay for a maximum period of two years may be granted at the discretion of the leave sanctioning authority.

(2) The maximum period of extraordinary leave without pay combined with leave on full pay and leave on half pay shall be subject to the limit of 5 years prescribed in FR-18, i.e. the maximum period of extraordinary leave without pay that would be admissible to a civil servant who has rendered continuous service for a period of not less than 10 years shall be 5 years less the period of leave on full pay and leave on half pay so combined.

(3) Extraordinary leave may be granted retrospectively in lieu of absence without leave. (Emphasis Provided).

- 6) That the Appellant was again served with Show Cause Notice by the competent authority and he duly filed his reply on 19th December, 2014 vide diary No 2735 and communicated to the department for extension in leave to which he was legally entitled, and showed his resolve that he will resume duties immediately after his return, as at that time resuming duty was beyond his control.
- 7) That again the department kept mum over the issue, and did not bother to either intimate the appellant regarding allowing or rejection of his request. However, the department on 28th March, 2015 once again served one other notice of absence from duty since 1st September, 2014 on the Appellant.
- 8) That the Appellant duly responded to the said notice and requested for extension in leave by giving specific date i.e. 25th June, 2015 as his ticket was due on that date and reiterated his commitment of resuming his duty from the very

next day of his arrival in Pakistan. (Copy of letter dated dated 28th March, 2015 and reply is annexed).

- 9) That to utter shock and dismay of the Appellant, inspite of all this correspondence/diligence, District Education Officer (Male) Peshawar, published absence from duty notice in Daily Mashriq on 15-05-2015 and conveyed to the Appellant to appeared before him within 15 days of publication of absence from duty notice and in case of failure, the Appellant will be dismissed from service. (Copy of newspaper dated 15-5-2015 is annexed).
- 10) That this action of District Education Officer (Male), Peshawar is in utter violation of KPK Civil Servant Act 1973, KPK (NWFP) Civil Servant Revised Leave Rule, 1981 and Khyber Pakhtunkhwa E&D Rules, 2011.
- 11) That the Appellant has intimated the education department that he has more than 20 years of service and under the law as mentioned in the preceding paragraphs, he is legally entitled to avail leave without pay up-to 5 years. And from the last one year, he is continuously informing the department that he shall treated in accordance with law, which is his inalienable right and appearing on such a short notice is beyond his control as the Appellant has confirmed ticked on 25-06-2015.
- 12) That despite of the above atrocities, Appellant filed the departmental appeal/representation in respect of refusal of leave to your kind self, which is still pending before your good self, in which para-wise comments was asked from District Education Officer (Male), Peshawar.
- 13) That before waiting for decision on the aforesaid departmental appeal, the District Education Officer (Male) Peshawar

removed the Appellant from service through the impugned order No 2225-31 dated 19-06-2015.

- 14) That the Appellant not duly informed in this respect and the Appellant was came into knowledge of the impugned order few days ago from office inquired upon decision over his first departmental appeal and it was verbally told that the District Education Officer (Male), Peshawar mentioned the factum of impugned order of removal from service of the Appellant in his comments.
- 15) That the impugned order is totally illegal and negating the valuable rights of the Appellant, as the Appellant had served the department for almost 26 years and is entitled for some leniency and the first representation of the Appellant was still pending adjudication but the impugned order was passed in haste and arbitrary manners and liable to be set aside.
- 16) That without prejudice to the above, but in addition thereto, the Appellant has statutory protection under the law and his absence should not be construed as willful as he was duly granted leave without pay time to time and is entitled for the same.
- 17) That the Appellant was condemned unheard and no chance of personal hearing was given to the Appellant before passing the impugned order and similarly no inquiry was conducted in respect of allegations levelled against him, hence the impugned order is liable to be set aside.
- 18) That propriety, fair play and justice demands that Appellant should be reinstated on the service or otherwise give the benefits of compulsory retirement.

(6) (39)

It is humbly prayed that on acceptance of this department appeal/representation, the impugned order No 2225-31 dated 19-06-2015 may kindly be set aside and the Appellant may kindly be reinstated into service or the impugned order dated 19-06-2016 may kindly be modified/converted and the Appellant may kindly be compulsory retired from service.

Yours Truly,



(MUHAMMAD NAEEM)
Primary School Teacher
Government Primary School
Dehry Baghbanan Peshawar
R/O House No 7, Jehangir,
Gulberg No 2, Peshawar
CNIC # 17301-1600595-6

Dated:-26-11-2015

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PESHAWAR.NOTIFICATION:-

1. **WHEREAS:** Mr. Muhammad Naeem PST GPS Dheri Baghbanan Peshawar was proceeded against under Khyber Pkhtunkhwa Govt:Servant (Efficiency & Disciplinary) Rules 2011 for the charge of Absence from duty from 01/09/2014 .
2. **AND WHEREAS:-** Show Cause Notice was served upon the accused Mr.Muhammad Naeem PST ,GPS Dheri Baghbanan Peshawar through SDEO(M) Peshawar Vide No.5104 dated:05/11/2014.
3. **AND WHEREAS:-** In his reply received on 16/04/2015 he admitted the charge and requested that he may be garnted leave with efiect from 01/09/2014 to 28/02/2015 which was regrated vide this office No.5105 dated 05/11/2014.
4. **AND WHEARAS** the said Mr.Muhammad Naeem, PST Government Primary School Dheri Baghbanan Peshawar was called for personal hearing on 21/02/2015 through SDEO(Male) Peshawar vide No.4705 dated 19/02/2015, but he not appeared for personal hearing on the said date.
5. **AND WHEREAS** absence notice was served upon Mr. Muhammad Naeem PST, under register Post at his home address date:28/03/2015 but he did not report for duty.
6. **AND WHEREAS:-** Absent Notice was served upon the accused Mr.Muhammad Naeem PST,GPS Dheri Baghbanan through Daily Mashriq dated:15/05/2015.to attend the office and explain his absence period but he has not attented the duty.
7. **AND WHEREAS:-** The competent Authority ,District Education Officer (Male) Peshawar after having considered the charges ,avidence on record and facts of the case of the view that the charges of willfull absence from duty against the official concerned have been proved.
8. **NOW THEREFORE,** In exercise of the Powers conferred under Rules-4 (b) iii of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, I the competent Authority District Education Officer (Male) Peshawar is pleased to impose major penalty of " **Removal from Service** " upon Mr. Muhammad Naeem ,PST GPS Dheri Baghbanan Peshawar with immediate effect. The period of his absence with effect from 01/09/2014 till date is hereby treated as unauthorized absence from duty without pay .

Endst No. 2225-31 / Date: 19/6 /2015.

Copy forwarded to the :-

1. Accountant Genral Khyber Pakhtunkhwa Peshawar.
2. PS to Secretary E& SED Khyber Pkhtunkhwa Peshawar.
3. PA to Director E&SE Khyber Pakhtunkhwa Peshawar.
4. Sub Divisoonal Eductaion Officer (Male) Peshawar with the remarks that necessary entry to this effect should be made in his service book. The pay and allowances for the period as mentioned above may be recoverd from the official concerned and déposit into government treasury under intimation to this office.
5. ASDEO(Male) Circel concerned.
6. PA to District Education Officer (male) Peshawar.
7. Officeial Concerned.

Attested
 Amir Siranizad Malik
 Advocate
 High Court Peshawar

(Sharif Gul)
 District Education Officer
 (Male)Peshawar.

19/6/15
 Dy:District Education Officer
 (Male) Peshawar.

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Annex F
Aamir Shahzad Malik
Advocate
High Court Peshawar

Director Elementary & Secondary Education/Appellate Authority,
Province of Khyber Pakhtunkhawa,
Peshawar.

DEPARTMENTAL REPRESENTATION UNDER THE ENABLING PROVISIONS OF THE KHYBER PAKHTUNKHWA CIVIL SERVANT ACT, 1973 AGAINST AN ORDER WHEREBY THE APPELLANT LEAVE WITHOUT PAY HAS NOT BEEN EXTENDED AND HE HAS SERVED WITH NOTICE OF ABSENCE FROM DUTY WITH DIRECTION TO APPEAR BEFORE DISTRICT EDUCATION OFFICER (MALE), PESHAWAR AND IN CASE OF HIS FAILURE TO APPEAR, THE APPELLANT WILL BE DISMISSED FROM SERVICE.

PRAYER:

On acceptance of the present Representation, the order regarding absence from duty be withdrawn and the Appellant leave should be extended till 25th June, 2015.

Respectfully Submitted,

Facts leading to the filing of present Representation are as following:-

1. That the Appellant is an employee of Education Department of province of Khyber Pakhtunkhawa and serving in the department for the last more than two decades.

Attended
Aamir Shahzad Malik
Advocate
High Court Peshawar

2. **That** the Appellant being entitled for leave, applied to the competent authority for grant of leave which was duly sanctioned on 06.03.2012 for period of two years:-

From 16.03.2012 to 26.09.2013 (540 days on half pay)

From 27.09.2012 to 05.04.2014 (190 days without pay)

It would be important to mention that at the time of sanction of leave, the Appellant was discharging his duties as PST, Government Primary School No.1, Dehri Baghbanan, Peshawar.

3. **That** on expiry of the afore-said leave period i.e. 05.04.2014 , the Appellant once again applied to the competent authority for extension of leave period for one year without pay under the beneficial provisions of **K.P.K (N.W.F.P) Civil Servant Revised Leave Rules, 1981.**
4. **That** the Competent Authority under the **K.P.K (N.W.F.P) Civil Servant Revised Leave Rules, 1981** initially allowed the application of the Appellant, however, later on, leave period was extended only till 1st September, 2014 as ex-Pakistan Leave.
5. **That** after the expiry of ex-Pakistan leave period, the Appellant once again applied to the Competent Authority and reiterated his request put forth through his application for further extension in leave without pay. It would be worth mentioning that Appellant has served the department for more than twenty years and under the **K.P.K (N.W.F.P) Civil Servant Revised Leave Rules, 1981** he is fully entitled for extension of leave period without pay.

Extraordinary Leave (Leave without pay) .---(1)Extraordinary leave may be granted on any ground upto maximum period of five years at a time; provided that the civil servant to whom such leave has been granted has been in continuous service for a period of not less than ten years. In case a civil servant has not completed ten years of continuous service, extraordinary leave without pay for a maximum period of two years may be granted at the discretion of the leave sanctioning authority.

(2) The maximum period of extraordinary leave without pay combined with leave on full pay and leave on half pay shall be subject to the limit of 5 years prescribed in FR-18, i.e. the maximum period of extraordinary leave without pay that would be admissible to a civil servant who has rendered continuous service for a period of not less than 10 years shall be 5 years less the period of leave on full pay and leave on half pay so combined.

(3) Extraordinary leave may be granted retrospectively in lieu of absence without leave. (Emphasis Provided).

6. That the Appellant was again served with Show Cause notice by the competent authority and he duly filed his reply on 19th December, 2014 vide Dairy No 2735 and communicated to the department for extension in leave to which he was legally entitled, and showed his resolve that he will resume duties immediately after his return, as at that time resuming duty was beyond his control.

7. **That** again the department kept mum over the issue, and did not bother to either intimate the appellant regarding allowing or rejection of his request. However, the Department on 28.03.2015 once again served one other notice of absence from duty since 1st, September, 2014 on the Appellant.
8. **That** the Appellant duly responded to the said notice and requested for extension in leave by giving specific date i.e. 25th June, 2015 as his ticket was due on that date and reiterated his commitment of resuming his duty from the very next day of his arrival in Pakistan.

Copy of letter dated 28th March, 2015 and reply are annexed

9. **That** to utter shock and dismay of the Appellant, inspite of all this correspondence/diligence, District Education Officer (MALE) Peshawar, published absence from duty notice in daily Mashriq on 15th May, 2015 and conveyed to the Appellant to appear before him within 15 days of publication of absence from duty notice and in case of failure, the Appellant will be dismissed from service.

Copy of newspaper dated 15th May, 2015 is annexed

10. **That** this action of District Education Officer (MALE) Peshawar is in utter violation of K.P.K Civil Servant Acts, 1973, K.P.K (N.W.F.P) Civil Servant Revised Leave Rules, 1981 and Khyber Pakhtunkhawa E& D Rules, 2011.
11. **That** the Appellant has intimated the education department that he has more than 20 years of service and under the law as mentioned in the preceding paragraphs, he is legally entitled to avail leave without pay upto 5 years. And from the last one year, he is continuously informing the department that

he shall be treated in accordance with law which is his inalienable right and appearing on such a short notice is beyond his control as the Appellant has confirmed ticked on 25th June, 2015.

12. That without prejudice to the above but in addition thereto, the Appellant has statutory protection under the law and his absence should not be construed as wilful as he was duly granted leave without pay and he is fully entitled for extension of the same till 25th June, 2015.

13. That propriety, fair play and justice demands that Appellant should be extended leave as stated above.

In wake of the above submissions, it is very humbly prayed that the Appellant request be accepted and his leave should be extended till 25th June, 2015.

Dated: 1/12/2015

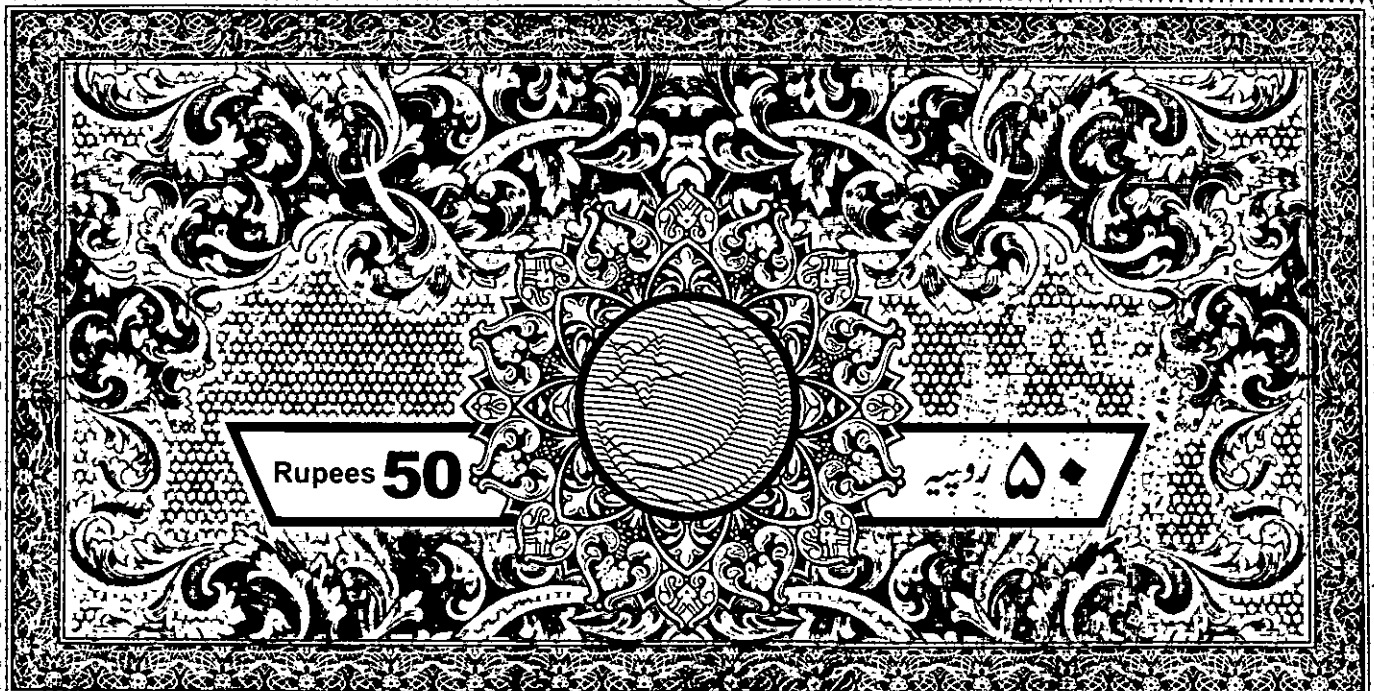
YOURS HUMBLY,

**Muhammad Naeem
Primary School Teacher,
Government Primary School,
Dhery Baghbanan, Peshawar**

Through

Authorised Representative,

**Masood Ahmad,
CNIC No:1730115845545**



3. To appear on each and every date before the Tribunal and to represent me before the said Tribunal.
4. To settle up the matter in hand on my behalf.


And to do each and every acts and deeds, which are essential for the proceedings of the above noted appeal on my behalf.

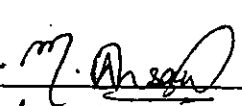
Whatever, acts and deeds done by the Special Attorney would be deemed as my acts and deeds and I would be responsible for the same. Hence, set my hands and signed on the Special Power of Attorney in presence of marginal witnesses.

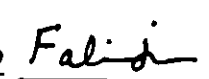
EXECUTANT

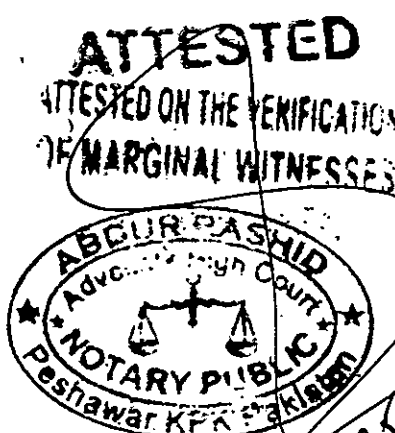
Muhammad Naeem 
CNIC # 17301-1600595-5

SPECIAL ATTORNEY

Masood Ahmad 
CNIC # 17301-1584554-5

WITNESS NO 1 
Muhammad Ahsain
CNIC # 17301-6288464-7

WITNESS NO 2 
Fahim Jan
CNIC # 17301-5959699-5



25/11/2015