

FORM OF ORDER SHEET

Court of _____

Appeal No. _____

354/2024

S.No.

Date of order
proceedings

Order or other proceedings with signature of judge

3

1

07/03/2024

The appeal of Mr. Inayat ur Rehman resubmitted today by Mr. Saadullah Khan Marwat Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 11.03.2024. Parcha Peshi is given to counsel for the appellant.

By the order of Chairman




REGISTRAR

The appeal of Mr. Inayat ur Rehman received today i.e on 05.03.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and

1. According to sub rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent no. 2 un-necessary/improper party, in light of the rules ibid and on the written direction of the Worthy Chairman the above mentioned respondent number be deleted/struck out from the list of respondents.

No. 506 /S.T.


CC. 6/3 /2024.


6/3/24
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Sadduloh Ahsan Marwat Adv.
High Court Peshawar.

Sir,

Re-Sub-itted after removing
the objection.



7/3/24.

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

C. M. No. _____ / 2024

IN

S.A. No. _____ /2024

Inayat Ur Rehman

versus

DEO & Others

**APPLICATION FOR HEARING OF THE SUBJECT
APPEAL AT THE PRINCIPAL SEAT AT PESHAWAR:**

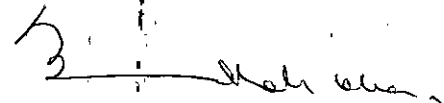
Respectfully Sheweth,

1. That applicant filed the subject appeal before this hon'ble Tribunal today
2. That applicant is the resident of Lakki Marwat, so it will be convenient for appellant to heard the subject case on the Principal seat at Peshawar.

It is, therefore, most humbly prayed that the application be accepted as prayed for.

Appellant

Through


Saadullah Khan Marwat

Advocate

Dated 04-03-2024

5

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 354 /2024

Inayat Ur Rehman

versus


DEO & Others

INDEX

S. No	Documents	Annex	P. No.
1.	Memo of Appeal		1-4
2.	FIR dated 12-12-2023 and order sheet dated 03-01-2024	"A"	5-7
3.	Applications dated 03-09-2019 etc.	"B"	8-10
4.	Publication dated 17-09-2023	"C"	11
5.	Reply dated 27-09-2023	"D"	12-13
6.	Removal order dated 17-10-2023	"E"	14
7.	Representation dated 08-11-2023	"F"	15-17

Appellant

Through



Saadullah Khan Marwat
Advocate.
21-A-Nasir Mansion,
Shoba Bazaar, Peshawar.
Ph: 0300-5872676

Dated: 04-03-2024

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A No. 354 /2023

Inayat Ur Rehmani
S/O Abdur Raheem Shah,
Mohallah Muslim Abad,
Lakki Marwat.
Ex-Behishti, Govt. High
School Ismail Khel Abba Khel,
Lakki Marwat Appellant

VERSUS

District Education Officer (M),
Lakki Marwat Respondent

APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT, 1974
AGAINST OFFICE ORDER NO. 8477-83 DATED 17-10-
2023 OF RESPONDENT WHEREBY APPELLANT WAS
REMOVED FROM SERVICE FROM THE DATE OF ABSENCE
AND THAT REPRESENTATION DATED 08-11-2023
BEFORE THE APPELLATE AUTHORITY WAS NOT
HONOURED TILL DATE:

Respectfully Sheweth:

1. That appellant was appointed as Behishti on 20-09-2006 and was posted at GHS Ismail Khel Abba Khel, Lakki Marwat and then assumed charge of the assignment on 21-09-2006. His service roll was also made.
2. That on 12-12-2013, appellant lodge FIR against the owner of the school, namely Gohar Ayub u/s 468, 419, 420, 471, 409 and 406 PPC for receiving his monthly salaries. On 03-01-2024, accused Gohar Ayub was absent and warrant of arrest was issued against him to appear before the court on 25-03-2024. Notice to his sureties is also issued by the Learned Trial Court for his appearance but is

still at large and was also not allowing him for performance of the official duties. (Copies as annex "A")

3. That on 03-09-2019, 07-07-2020 and 14-06-2022, appellant submitted applications before the authority to transfer him from the said school to any other school as the owner of the school is not permitting him to enter the school for duties. (Copy as annex "B")
4. That on 17-09-2023, in Daily Newspapers "Umat and Aaj" absence of appellant was published for resumption of duties and then on 27-09-2023, appellant submitted reply to the said notice reiterating the aforesaid stance. (Copies as annex "C" & "D")
5. That on 17-10-2023, appellant was removed from service from the date of absence i.e. 01-09-2012 retrospectively. (Copy as annex "E")
6. That on 08-11-2023, appellant submitted representation before the appellate authority for reinstatement in service with all back benefits which met dead response till date. (Copy as annex "F")

Hence this appeal, inter alia, on the following grounds:-

GROUND S:


- a. That appellant never refused to perform his official duties in the school but it was the owner of the school who never let him to do so.
- b. That appellant submitted numerous applications to the authority to transfer him from the said school to any other school for performance of duties but no heed was paid to the same as R. No. 01 was in line with the said Gohar Ayub owner of the school.
- c. That in the circumstances stated above no question of absence from duties arises at all rather it was necessary for the authority to make enquiry into the matter but he never performed his official obligation to make enquiry into the matter as he was in league with the said owner of the school for ulterior motive.


- d. That before removing him from service, legal formalities were never observed by the authorities, being mandatory as no statement of any concerned witness was recorded nor appellant was afforded opportunity of cross examination.
- e. That owner of the school was much influential to withdraw salaries of appellant from bank by affixing forge signature on his documents. That is why, he was not dealt with legally.
- f. That absence of appellant was not willful in the circumstances and it was the sacred duty of the authority to transfer him from the school to any other school regarding the subject matter which was requested by him but without any response.
- g. That till date trial is not concluded by the Learned Judge as Gohar Ayub is not attending the same and the learned judge has issued notices to the sureties for his production before the court.
- h. That when the absence was not willful, the authority was not empower to remove him from service. Such act of the authority is based on malafide.

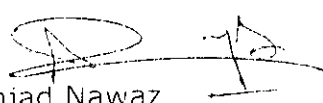
It is, therefore, most humbly prayed that on acceptance of the appeal, order dated 17-10-2023 of the authority be set-aside and appellant be reinstated in service with all consequential benefits with such other relief as may be deemed proper and just


Appellant

Through


Saadullah Khan Marwat


Arbab Saiful Kamal

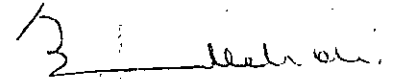

Amjad Nawaz

Advocates

Dated: 04-03-2024

CERTIFICATE:

As per instructions of my client, no such like Service Appeal has earlier been filed by the appellant before this Hon'ble Tribunal.

**Advocate****AFFIDAVIT**

I, Inayat Ur Rehman (appellant), do hereby solemnly affirm and declare that contents of Service Appeal are true and correct to the best of my knowledge and belief.

**DEPONENT**

استدلالی رپورٹ

تکبیرت

تکلی

تاریخ و وقت وقوعہ زبان درسی سال 2008ء سے تاحال

عدت نمبر 72

21-11-13 وقت دفعہ اولیٰ اوقات - جاگرتی پورہ 12-12-13 وقت 20:20 بجے

تاریخ وقت رپورٹ

حفظ کتابت الہدایہ و لکچر عبد الرحیم شاہ سکندر اباخیل محل مسلم ایجوکیشنل سوسائٹی

نام و کنوینٹ اطلاع دیندرہ

456 / 409 / 471 / 420 / 419 / 468 / PPC

مختصر کیفیت جرم

گورنمنٹ لائی سکول نمبر 2 اباخیل پورہ (اباخیل خانہ خوب لیاصل) تریب 9/9 کلونیٹر از تھانہ

نام و کنوینٹ ملزم

کانوینٹ محمد علی شاہ

نام و کنوینٹ ملزم

گورنمنٹ لائی سکول نمبر 2 اباخیل پورہ (اباخیل خانہ خوب لیاصل)

سمازیاتی تفتیش

درخواست زر رقم 22/A ضریف حسب اکٹوبر 2013ء تک تکبیرت رپورٹ لیا گیا

تھانہ سے رقم ملتی

برسبیل داک

مستغیث ضرورہ خانہ لکچر نے ایک تحریری درخواست 22-11-13ء میں تفتیش

کانوینٹ سمازیاتی لیدر ایس ایچ ڈی میں دائر کی تھی جس پر نوڈل آفیسر ایچ

تھانہ نمبر 2 تکلی کے برخلاف ملزم ضرورہ خانہ نمبر 5 تھانہ درجہ اولیٰ کلاس کا معلم صارف

نہیں آیا جو بموجب حکم فریضہ سرحد صرف ملزم ضرورہ خانہ نمبر 5 تھانہ درجہ اولیٰ کلاس کا معلم صارف

کے تحت 12/12/13 بمقام نوڈل آفیسر جوائنٹ لٹریچر ایس ایچ ڈی تھانہ نمبر 2 تھانہ

درخواست ذیل ہے۔ خانی لائی اچھ دیو جی ہے۔

1۔ یہ کہ سابق شریف تحسن اور عزیز مذہبی خاندان سے تعلق رکھتا ہے۔ حافظ قرآن اور سواد فہم

بزرگی اور پیش ہمام مسجد لیا ہے۔ اور اسلامی شعائر پر حساسی اور حرج پر سختی سے عمل کرتا ہے۔

2۔ کہ یہ مسی گورنمنٹ لائی سکول اباخیل پورہ (اباخیل خانہ خوب لیاصل) میں تفتیش کے تحت

معلم لکچر نے تفتیش لائی تھی کہ اس کے ارد گرد لکچر کے تھانہ اور تھانہ لائی سکول کے تھانہ میں جبری اور

تہ قومی سائیلی سائیلی جانے کیا۔ مزید اس کے تھانہ میں اس کے تھانہ میں اس کے تھانہ میں

اور غیر میں اس کے تھانہ میں اس کے تھانہ میں اس کے تھانہ میں اس کے تھانہ میں

تہ میں تھانہ میں اس کے تھانہ میں اس کے تھانہ میں اس کے تھانہ میں

تھانہ میں اس کے تھانہ میں اس کے تھانہ میں اس کے تھانہ میں اس کے تھانہ میں

3۔ یہ کہ شدت کرہ یا لا عدولہ - ظہور تاہوں کا رہائی کو میرا جواب کی جانب سے
 فرضی طور پر میرا نام استعمال کرتے کی گئی ہے۔ تنخواہ میں خود ہی
 وصول کرتا رہا ہے۔ نیک اکاؤنٹ میں میرے نام فرضی طور پر کھولی رکھا
 ہے۔ تنخواہ لینے کیلئے چیکس میرے نام پر تود کر چکے ہیں۔ اس طرح
 حکومت کے خزانے کو بھی وصول ہو گیا ہے۔ لیکن انہیں پتہ چلا کہ یہ
 شخص اور دھوکہ سالانہ ماہانہ دستاویزات میں میرا پتہ لکھا
 رہا ہے۔ میرا جعلی دستخط سے بینک سے رقم نکلو آتا رہا ہے۔

4۔ یہ کہ جسٹی گو میرا جواب کا یہ فعل بد زبانیت اور آزادی پولیس
 جرم کے زمرے میں آتا ہے۔ اور *Cognizable offence* ہونے کے
 باوجود پولیس تعاضد تصور کرانی کے خلاف رپورٹ FIR درج کروانے
 سے پس و پیش کر رہی ہے۔ اور میرا جرم مسلسل *continuously*
 کرتا رہا ہے۔ اس لئے *specified* قسم میں نہیں ہے۔

5۔ یہ کہ میں سائیل *Defaulters* کے خلاف FIR درج کرنے کا حق نہیں رکھتا
 تھا تو تمہارے میں FIR درج کرنے کی بجائے کی گئی۔ اس لئے درخواست
 بنا کر گزری گئی۔ ایذا مسترد ہے کہ دستور وار / صورت داران *Defaulters*
 کے خلاف مقدمات *Section 474* کے تحت جرحی ہوں۔
 کے خلاف ثابت ہوں FIR درج کروانے کا حکم *Section 474* کے تحت ہے۔

السبب درخواست مسترد ہو رہی ہے بالکل
 جواب سائی۔ فیصلہ بجلائو اعلیٰ ہے۔
 12-12-13

بکھنور جناب والا شان ڈسٹرکٹ ایجوکیشن آفسر (مردانہ) لکی مروت۔

درخواست دربارہ تبدیلی

عنوان

جناب عالی

سائل ذیل عرض گزار ہوں

۱۔ یہ سائل گورنمنٹ ہائی سکول مردانہ محلہ اسماعیل خیل آبائیل میں بطور Bahishti/Water bearer بھرتی ہوا تھا اور اپنی ڈیوٹی خوش اسلوبی سے

سرا انجام دیتا رہا

۲۔ یہ کہ مالک مکان کے ساتھ کچھ عرصہ بعد تازہ شروع ہو گیا اسے نوکری کی بابت مالک مکان سینہ زور اور سرکش آدمی ہے۔ جس سے سکول کا تمام سٹاف ڈرتا ہے۔ اور میرے لئے اسکول میں ڈیوٹی سرا انجام دینا ناممکن ہو گیا۔ کیونکہ افسران بالا مالک مکان سے ساتھ مل گئے اور مجھے تنگ کرنے پر آمرا آئے کبھی مجھ سے سکول کا گیٹ بند کر کے اندر جانے نہیں دیتے اور نہ میرے حاضری لگاتا ہے۔

لہذا آپ صاحبان سے مؤدبانہ گزارش کی جاتی ہے کہ مجھے گورنمنٹ ہائی سکول محلہ اسماعیل خیل آبائیل سے اوجوہات بالا دفتر یا کسی سکول کو تبدیل کرنے کے احکامات صادر فرمائیں تاکہ میں اپنی ڈیوٹی با آسانی سرا انجام کر سکوں

مورخہ 3-9-2019

غریب آدمی ہوں دعا گو رہوں گا۔

الغایض
عنا عبدالرحمن

سائل عنایت الرحمن ولد عبدالرحیم بہشتی گورنمنٹ ہائی سکول محلہ اسماعیل خیل (لکی مروت)

بکھنور جناب والا شان ڈسٹرکٹ ایجوکیشن آفسر (مردانہ) لکی مروت۔

عنوان درخواست دربارہ تبدیلی گورنمنٹ ہائی سکول محلہ اسماعیل خیل آیا خیل (لکی مروت)

جناب عالی

گزارش ہے کہ سائل نے پہلے بھی آپ صاحبان کو ایک درخواست گزار دی تھی جس کو آپ صاحبان نے بغیر کروائی اور میری فریاد سے رد کر دیا۔
نوٹو کا پی لف ہے۔

اب سائل دوبارہ جناب D.E.O صاحب کی خدمت میں عرض گزار ہوں کہ مالک مکان اور سکول کی سٹاف میرے ساتھ بہت زیادتی اور
سکول میں ڈیوٹی کرنے سے منع کرتے ہیں جو کہ غیر قانونی ہے۔

لہذا آپ صاحبان سے التماس کی جاتی ہے کہ سائل کو گورنمنٹ ہائی سکول محلہ اسماعیل خیل آیا خیل سے کلی غلطی میں کسی دوسرے سکول
کو تبدیل کرنے کے آرڈر جاری کرنے کے احکامات صادر فرما کر میری پریشانی کو ختم کرنے میں مدد فرمائیں۔ تاکہ اپنی ڈیوٹی احسن
طریقے سے سرانجام دے سکے۔

سائل دعا گو رہیگا

مورنہ 2020-7-7

سائل

سائل عنایت الرحمن ولد عبدالرحیم بہشتی گورنمنٹ ہائی سکول محلہ اسماعیل خیل (لکی مروت)

بکھنور جناب والا شان ڈسٹرکٹ ایجوکیشن آفسر (مردانہ) لکی مروت۔

عنوان درخواست دربارہ ٹرانسفر کرنے گورنمنٹ ہائی سکول محلہ اسماعیل خیل آبا خیل سے ہائی سکول لکی مروت

جناب عالی

سائل ذیل عرض کرتا ہوں۔

۱۔ یہ کہ سائل نے اس درخواست سے پہلے بھی کئی درخواست ہائے آپ صاحبان کی خدمت میں گزارے جس پر آپ صاحبان نے میری کوئی شنوائی نہیں کی۔

۲۔ یہ کہ سائل کو گورنمنٹ ہائی سکول محلہ اسماعیل خیل آبا خیل میں بڑی مشکلات پیش آتے ہیں مالک مکان سکول مجھے بہت تنگ کرتا ہے۔ مالک مکان پر میں نے ایف۔ آئی۔ آر بھی درج کی ہے لیکن وہ سرکش اور سینہ زور ہے پھر بھی تنگ کرنے سے باز نہیں آتا۔ جب کہ سکول سٹاف بھی مالک مکان کی طرف ہی کرتے ہیں اور میرے خلاف آفسران بالا کو غلط رپورٹ بھی مالک مکان کے کہنے پر کرتے ہیں۔ اس درخواست سے پہلے دئے گئے درخواست ہائے کی فوٹو کا پیاں لف ہیں

لہذا آپ صاحبان سے عاجزانہ درخواست کی جاتی ہے کہ میرا تبادلہ گورنمنٹ ہائی سکول محلہ اسماعیل خیل آبا خیل سے گورنمنٹ ہائی سکول لکی مروت یا لکی ضلع کے کسی دوسرے سکول میں کرنے کے احکامات صادر فرمائیں۔ تاکہ میں اپنی ڈیوٹی بغیر کسی خوف و خطر احسن طریقے سے سرانجام دے سکوں۔

تازہ دست دعا گور ہونگا۔

مورخہ 14/10/2022

Handwritten signature

سائل عنایت الرحمن ولد عبدالرحیم بہشتی گورنمنٹ ہائی سکول محلہ اسماعیل خیل (لکی مروت)

1

12

27-9-23

To:- The District Education Officer,
(Male) Lakki Marwat.

Subject: REPLY TO ABSENTEE NOTICE PUBLISHED IN NEWSPAPER THE
DAILY AAJ DATED 17.09.2023

Respected Sir,

Reference absentee notice published in the newspaper "The Daily Aaj" dated 17.09.2023. (Photostat copy enclosed).

In response to the absentee notice published in the newspaper, the requisite reply is as under:-

1. That the applicant official is the bonafide resident of Village & Post Abba Khel but since last settled in Mohallah Muslimabad Lakki City as evident from my CNIC No. 11201-814024-3 (Photostat copy enclosed).
2. That the applicant official was appointed as a Sweeper in GHS Ismail Ehel Abba Khel Lakki Marwat in 2006.
3. That there is some family dispute with land donors who are man of means. I regularly attended my duty but were not allowed in the school nor mark my attendance.
4. This situation is well aware to the staff concerned due to which we have affected FIR vide which I alongwith my family has migrated from my native village Abba Khel from to Lakki City.
5. That due to FIR and criminal cases to each other, they are not allowed me to enter in the school (Photostat copy of FIR enclosed).
6. Now I again request your kind honour that your excellence assure security of my life I will also regularly attend the school but I being poor and helpless official could not confront them and is seeking your sympathetic consideration.
7. I have time and again attended your good offices to dis-close the situation but your honour to committed in other duties and was told to have been on tour to schools.

P/2

2794

27-9-23

13

-2-

8. Sir, to avoid any further incidence between the two family tribes, I very humbly pray that I may very kindly be transferred from GHS Ismail Abba Khel to some other school so that I could be able to perform my duties.
9. Sir, I am poor man having large family members and to pass these hard days, it is also prayed that my case may kindly be considered on humanitarian grounds.

Sir, I assure your excellence that I will regularly performed my duties and will never given any chance of absentee, negligence, mis-conduct and will strictly followed the directions of my superiors and will honestly remained faithful and dutiful in future.

Keeping in view the situation explain above, I very humbly prayed that my case may kindly be filled without any further proceedings ! may very kindly be transferred from GHS Ismail Khel Abba Khel to some other school closed to my locality and oblige.

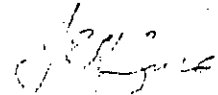
I will pray for your long life and prosperity.

Thanking You Sir,

Yours Most Obedient Servant

Dated: 27.10.2023

Haliz Inayat Ur Rehman
Sweeper, GHS Ismail Khel
Abba Khel District Lakki Marwat.





E 13
17-10-23

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

Ph: (0969)538291 email: emislakki@yahoo.com
www.facebook.com/deomale Lakki, www.twitter.com/deo m lakki

OFFICE ORDER:-

1. **WHEREAS**, Mr. Inayat Ur Rehman Water Carrier/Beheshti Govt. High School Ismail Khel Abba Khel Lakki Marwat was proceeded under the Khyber Pakhtunkhwa Govt. Servants Efficiency & Discipline (E&D) Rules-2011 amended on 31-12-2021 for the charges of his willful absence from official duty w.e.f. 01-09-2012 till date as per attendance register and report of the Head Master GHS Ismail Khel Abba Khel vide letter No. 303 dated. 10-04-2023.
2. **AND WHEREAS**, the District Education Officer (Male) Lakki Marwat served an absence notice upon the cited official on his home address through registered covering letter vide No. 3924 dated 15-05-2023, with the directions to resume official duty within fifteen (15) days, but the same was returned as un-delivered.
3. **AND WHEREAS**, District Education Officer (Male) Lakki Marwat published a final absence notice against him in daily newspapers "Aaj & Ummat" dated 13-09-2023, with the directions to resume his official duty and explain the reasons of willful absence before the competent authority but he willfully failed to follow the directions.
4. **AND NOW THEREFORE**, in the light of above record and in exercise of powers conferred under Govt. Servants Efficiency & Discipline Rules-2011 amended vide dated 31-12-2021, the competent authority (District Education Officer Male Lakki Marwat) under section 9 of Khyber Pakhtunkhwa Govt. Servants read with Rule-4 (1)(b)(iii), is satisfied and is pleased to impose Major Penalty of "**Removal from Service**" upon **Mr. Inayat Ur Rehman Water Carrier/Beheshti GHS Ismail Khel Abba Khel Lakki Marwat** from the date of absence.

void /
District Education Officer
(Male) Lakki Marwat.

Endst No. 8477-83 Dated. 17 /10/2023.

Copy to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner, Lakki Marwat.
3. District Monitoring Officer (EMA), Lakki Marwat.
4. District Accounts Officer, Lakki Marwat.
5. Deputy District Education Officer (Male) Local Office.
6. Head Master GHS Ismail Khel Abba Khel with the directions to:-
(a) Provide detail of illegally paid salary during the above cited period, if any, to this office within two (2) days (b) Record necessary entry in his service book.
7. Mr. Inayat Ur Rehman S/O Abdur Rehman (Ex-Water Carrier/Beheshti GHS Ismail Khel Abba Khel) Resident of village Ismail Khel Abba Khel District Lakki Marwat.

District Education Officer
(Male) Lakki Marwat

To:- The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.

Subject: DEPARTMENTAL APPEAL UNDER RULE 4 OF THE SERVICE
TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER NO.
8477-83 DATED 17.10.2023 PASSED BY DISTRICT EDUCATION
OFFICER (MALE) LAKKI MARWAT VIDE WHICH THE APPELLANT
HAS BEEN REMOVED FROM SERVICE UNLAWFULLY AND ON
MALAFIDE INTENTION.

Respected Sir,

It is submitted that the appellant is aggrieved from the impugned order No. 8477-83 dated 17.10.2023 passed by the respondent department in violation of rules and natural as well as human rights on which the appellant hereby submitted departmental appeal under Rule 4 of the Service Tribunal Act, 1974 on the following facts and grounds:-

FACTS

1. That the applicant official is the bonafide resident of Village & Post Abba Khel but since last settled in Mohallah Muslimabad Lakki City as evident from my CNIC No. 11201-814024-3 (Photostat copy enclosed).
2. That the applicant official was appointed as a Water Carrier/Behishti in GHS Ismail Khel Abba Khel Lakki Marwat in 2006.
3. That the pay and allowances has regularly drawn by land donors upto 01.09.2012 and disbursed to the land donor/owner.
4. That there is some family dispute created between the appellant and the land donors wherein the appellant was directed not to enter in the school and later clashes increased on which the appellant entered FIR No. 724 dated 21.11.2013 and properly chalked out on 12.12.2013 (Photostat copies enclosed).
5. That this situation is well aware to the staff concerned due to which we have affected FIR cited above vide which I alongwith my family had been migrated from my native village Abba Khel to Lakki City.
6. That due to FIR and criminal cases to each other, they are not allowed me to enter in the school as stated above.
7. Sir, keeping in view drawl of pay and allowances on my name by land donor, the appellant approached and submitted an application on 03.09.2019 (Photostat copy enclosed). to the District Education Officer (Male) Lakki Marwat for transfer from the said school to any school in Lakki City but in vain.
8. Similarly another application dated 07.07.2020 for my transfer from the said school but no action taken and last application dated 14.06.2022 moved but no action there on known to me nor any reply received and the applications of the appellant were linger on in the office of DEO (Male) Lakki Marwat.
9. Regular visits paid to the offices requested to all concerned for my transfer so

10. However, no other letter or show cause notice served upon me nor could prove over me but I learnt the absentee notice from the newspaper "The Daily Aaj" dated 17.09.2023 (Photostat copy enclosed), a detailed reply to this effect was furnished on dated 27.09.2023 (Photostat copy enclosed) but the authority concerned decided the case un-heard and passed Removal from service Order No. 8477-83 dated 17.10.2023 (Photostat copy enclosed) which is against the rules, policy and human rights.

11. The office order cited above is also not a speaking order having following short falls :-

a. Letter No. 303 dated 10.04.2023 mentioned in the Removal from Service order not served nor received.

b. Absentee Notice was published in newspaper the Daily Aaj dated 17.09.2023 whereas in the order shown dated 13.09.2023.

As per Removal order mentioned notice published in Ummat Newspaper whereas in Lakki City no one is aware regarding this newspaper nor read in our area.

c. However Rule 9 of Government Servant (Efficiency & Discipline) Rules 2011 provides that absentee notice shall be published at least in two leading newspapers whereas Ummat newspaper is not a leading newspapers and the contention of the authority concerned is wrong and malafide in the eye of justice, hence the instant appeal on the following grounds:-

GROUNDS.

A. That the appellant is innocent, always kept in dark by both the land Donor and authority concerned.

B. That duty performed by the appellant since appointment upto 01.09.2013 but due to serious family disputes between the parties, not allowed to school and this situation is well aware to the authority concerned.

C. That the appellant has already informed the authority concerned for Transfer from the school keeping in view FIR and criminal cases between the parties but neither action taken in the matter nor grievances of the appellant redressed.

Handwritten signature/initials

D. That as per Supreme Court of Pakistan already passed judgments in relation to the issues of land donors etc that no land donor will exercise his ownership over the education institutions in the country but in this particular case, land donor still holds over the school and the appellant has already shunt out from the school for which time and again requested the authority concerned for transfer from the said disputes school but no action taken beside all concerned and notable of the area including school managements and authority concerned is well aware regarding the facts and grounds.

