25.11.2016

Counsel for the appellant and Mr. Haq Nawaz, ADEO alongwith Mst. Bushra Bibi, Government Pleader for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 17.04.2017 at camp court, Abbottabad.

Chairman
Camp Court, A/Abad

17.04.2017

Counsel for the appellant and Mr. Haq Nawaz. ADO alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Rejoinder not submitted. Requested for adjournment. D.B is also incomplete. To come up for rejoinder and final hearing before the D.B on 16.10.2017 at camp court, Abbottabad.

Charman Camp court, A/Abad

16.10.2017

Appellant in person and Mr. Muhammad Bilal, Deputy District Attorney alongwith Haq Nawaz, ADO for the respondents present. Counsel for the appellant states that the appellant has been reinstated and his grievance has been redressed. The learned counsel for the appellant wants to withdraw the present service appeal.

In view of the above, the appeal is dismissed as withdrawn. File be consigned to the record room.

MuhammadAmus Member

Camp court, Abbottabad.

<u>ANNOUNCED</u> 16.10.2017

22.06.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Chowkidar and was assigned duty in office of District Education Officer (Male) Batagram when removed from service vide impugned order dated 10.02.2015 communicated to the appellant on 05.7.2015 whereagainst appellant preferred departmental appeal on 10.07.2016 which was not responded and hence the instant service appeal on 23.05.2015.

That the appellant was removed from service on the allegations of irregularities, professional mis-conduct and absence from duty but neither any enquiry was conducted nor any opportunity of hearing afforded to the appellant nor appellant associated with any such proceedings and as such the impugned order is a void order and therefore not sustainable in the eyes of law.

Points urged need consideration. <u>Admit subject to limitation</u>. Subject to deposit of security and process fee notices be issued to the respondents. To come up for written reply/comments on 22.09.2016 before S.B at camp court, Abbottabad.

Charman Camp court, A/Abad,

22.09.2016

Appellant in person and Mr. Haq Nawaz, ADO alongwith Mr. Muhammad Siddique Sr.GP for the respondents present. Requested for adjournment. To come up for written reply/comments on 25.11.2016 before S.B at camp court, Abbottabad.

Camp court, A/Abad

Form- A FORM OF ORDER SHEET

	Court of				
•	Case No	611/2016			
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate			
1	2	3			
1.	08/06/2016	The appeal of Mr. Muhammad Ismail resubmitted today by Mr. Hamayun Khan Advocate, may be entered in the			
		Institution register and put up to the Worthy Chairman for proper order please. REGISTRAR AJAL and			
2	10-6-16	This case is entrusted to Touring S. Bench/for			
	•	preliminary hearing to be put up there on $22 - 6 - 2016$			
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BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. 6/1 /2016

Muhammad Ismail S/o Khista Khan R/o Sakar Gah Tehsil Alai District Battagram. Ex Chowkidar Govt. Primary School Dheri Mamdo Alai Battagram.

....APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary Education (E&SE), Khyber Pakhtunkhwa, Peshawar & others.

....RESPONDENTS

SERVICE APPEAL

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3.	Copy of transfer order	10	"B"
4.	Copy of order	/1	"C"
5.	Copy of order	1)-	"D"
6.	Copy of order dated 09/09/2014	13-14	"E"
7.	Copy of application	15	"F"
8	Copy of application	16-19	"G"
9.	Copy of order dated 10/02/2015	20	"H"
10.	Copy of appeal	2-1	""
11.	Wakalatnama		

...APPELLANT

Through

Dated: _//- 05 /2016

(HAMAYUN KHAN)

Advocate High Court, Abbottabad

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. 6/1 /2016

Service Tribunal
Diary No 226

Muhammad Ismail S/o Khista Khan R/o Sakar Gah Tehsil Alai District Battagram. Ex Chowkidar Govt. Primary School Dheri Mamdo Alai Battagram.

....APPELLANT

VERSUS

- 1. Govt. of Khyber Pakhtunkhwa, through Secretary Education (E&SE), Khyber Pakhtunkhwa, Peshawar.
- 2. Director (E&SE), Khyber Pakhtunkhwa, Peshawar.
- 3. District Education Officer (Male), Battaram.

....RESPONDENTS

SERVICE APPEAL

2-3/5/16

Re-submitted to -day and filed.

SERVICE APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT 1974. ACT 1974, AGAINST IMPUGNED ORDER NO. 462-65 DATED 10/02/2015 PASSED BY

Registrar ee. 8/6/16-

RESPONDENT NO.3 WHERE BY APPELLANT REMOVED FROM SERVICE, WHICH IS ILLEGAL, UNLAWFUL AGAINST THE LAW, FACTS, NATURAL JUSTICE AND LIABLE TO BE SET-ASIDE.

PRAYER:- ON ACCEPTANCE OF THIS APPEAL ORDER NO.462-65 DATED 10-02-2015 MAY KINDLY BE DECLARED NULL AND VOID AGAINST THE LAW AND APPELLANT MAY KINDLY BE RE-INSTANT ALONG WITH ALL BACK BENEFITS.

Respectfully Sheweth: -

This appeal mainly proceeds on bellow stated factual and legal grounds.

1. That appellant was appointed as Chowkidar in BPS-1 at Govt. Primary School Tashkal Nehr against Vacant Post on 04-07-2008. Copy of appointment order annexed as Annexure "A".

- 2. That, there after appellant took charge as Chowkidar in GPS Tashkal Nehr and performed his duty till 22-12-2011.
- 3. That on 23/12/2011 appellant was transferred from GPS Tashkal Nehr to GHS Sakar Gah Alai. Copy of transfer order annexed as Annexure "B".
- 4. That, Chowkidar of GGPS Danda Batlay was terminated by E.D.O Through Order bearing NO.6562-64 Dated 06-04-2011 and Chowkidar namely Abdul Wahab performed duty in that School. Copy of order annexed as Annexure "Page 12"
- 5. That, Thereafter respondent NO.3 through order NO. 8903-5/EB/AE-11 dated 20-04-2013 issued another transferred order of appellant from Govt. High School Sakargah Alai to Govt. Girls Primary School Danda Battlay Battagram. Copy of order annexed as Annexure "Copy"
- 6. That, on 09/19/2014 respondent NO.3 issued new adjustment order and through that order appellant was adjusted in Govt. Primary School Kalota Alai

against Vacant Post. Copy of order dated 09/09/2014 Annexed as Annexure "E".

- 7. That, on 11/11/2014 respondent No.3 again issued new adjustment/ transfer order of the appellant through that order appellant was transferred from G.P.S Kalota to G.P.S Mamdo Dheri Alai.
- 8. That in pursuance of order dated 11/11/2014 appellant went to GPS Dheri Mamdo for arrival / taking charge. When he submitted his transfer order, Head Teacher name Shams ud Din did not give him charge and similarly restrained him from duty and stated in the presence of two witness namely Afarin watch man GPS Domray and Jhanzaib R/o Chohan Battagram. That he could not give him charge for duty in this School.
- 9. That, thereafter appellant moved application to SDEO Alai for LEGAL action as well as for issuance of direction of head teacher for not restraining appellant from duty. But SDEO Alai stated that he could not do any thing about this

- 10. That, thereafter appellant filed another application before the respondent No. 3 and appeared and verbally informed him about all situation.
- 11. That Thereafter appellant started duty in office of respondent No.3 on the direction of respondent No. 3.
- 12. That during that period respondent No.3 stopped salary of the appellant without any reason.

 Although appellant regularly performed / attend office of the respondent No.3.
- 13. That for proper adjustment and for release of salaries appellant filed application / appeal beforethe provincial ombudsmen and respondent No.1.Copy of application annexed as Annexure "G".
- 14. That on 05/07/2015 respondent No.3 handed over impugned order 10/02/2015 to appellant and which was issued in back date, without knowledge of the appellant. Copy of order dated 10/02/2015 annexed as Annexure "H".

- appeal before the respondent No.2 against impugned order dated 10/02/2015 issued by the respondent No.3. But till date respondent No.2 not given any response and similarly not passed any order on the said appeal. Copy of appeal annexed as Annexure "I".
- 16. That, feeling aggrieved from the order passed by respondent No.3 appellant assails the same to the instant appeal, inter-alia on the following grounds among many others.

GROUNDS;-

- a. That, the termination order dated 10/02/2015 is illegal, unlawful, without lawful authority, perverse, and against the constitutional guaranteed rights of the appellant hence, untenable in the eye of law and his liable to be set-aside.
- b. That, neither any charge sheet was served upon the appellant nor he was associated with any enquiry hence, the termination

order is based on political influence, exparty inquiry therefore liable to be set-aside.

- and he did not given opportunity for personal hearing to bring the real and true facts on the screen.
- d. That even otherwise the impugned order dated 10/02/2015 is liable to be set-aside on the grounds that no rights of defence or personal right of hearing which was mandatory provision of law was given to the appellant before being proceeded against him.
- e. That, impugned order was passed against the appellant with malafide, against law as void and without jurisdiction.
- f. That the whole disciplinary proceedings initiated against the present appellant have been done in contravention to the rules, regulation and law and therefore the whole

appellant be reinstated to his original post.

g. That the addresses of the parties have been correctly given in the heading of the appeal.

h. That other points would be argue at the time of argument with the kind permission this Honourable Court.

It is, therefore, prayed that on acceptance of this appeal order No.462-65 dated 10-02-2015 may kindly be declared null and void against the law and appellant may kindly be re-instant along with all back benefits.

Through

Dated: 11-05 /2016

(HAMAYUN KHAN) Advocate High Court, Abbottabad

VERIFICATION: -

Verified on oath that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

...APPELLANT

ACCUROUS (Text no unit)

CONTRACTOR

Annequire

PANGROS.

Concoquent upon the approval by the District Selection Board, Batgran the fel aming candidates are hereby appointed as Class-IV in the schools detail Elvon 3. lon 3 Rs. 4000%- por month fixed in the interest of public corvice with offoct from the date of their takingover charge: -

Hong Rome/Pathor's Name/Addrous Heme of School there Remember. postod/ post. 7.Gul Har S/O Hahmood(L) R/O GPS, Bilyani(Chowkidar) Against Vacant Pos

Vill: Billyan1(Batgram). 2. Hebanand Sharif S/O Rafiul Hag

" I. Althunzadgan (Chouk;) ---60----(L)R/O Vill: B. Alhum sadgen.

3. Muhammad Shoolb S/O Muhammad " Tamai (Chowkider). ---do---do---Moderack R/O Vill: Tempi.

Contine s/o about Cryrun Khan GGPS, Gul samabad (Choak:) Accinct H.C. Poct. N/O Vill: Oul corebad (Batgues).

. Actour Robman S/O Amonulloh Khan GPS, Ajmora. (Chowkidor) Against Vacant Pos R/O VILL: Aj more.

William eminical email = 0/01 halfata whan (CPS, Tachkal Mehr (Chonka) (Frederic February) TR/OIVIII:Salargeh(Mar).

7. Thadur Rahman S/O Yar Huhammad GPS, Bandi Yaru (Chowk:) ---do----do----(L) 10/0 Vill: Bendi Yeru(Alci)

3. Mulhalise Ali S/O Tabon Ahmad(L) GGPS, Trand. (Chowkidnr). ---do---do---R/O Vinl: Toward.

9. Misan Ahmed S/O Faroch When " Baj maire (Chombider). ---do---do---R/O Mill: Dejmoire.

40.Rej Huhammad 8/0 Ruetam Khen " Barpon Batgram(Chowk;) --- do---do---%/0 V#Wa:Beigman,

Man, Chiller Shah S/O High Gel Chah GPS, Enidra(Chombider), R/O 75 2: Scienc(Bengmen) .

12. Codum Thurs C/O Ichell (Numéi). " Names (Cherokiden). a a marifi Carana (17) yaz a

3.Zmirol of S.D Hattim Khom R/O Choham GRS, Tilori Bandigo(22:1) ساناسا وكسست وكاست CHOTTOWN CHA ZYRET (SWP)

Chargo reports should be submitted to all concerned. 2.

The candidate should join their posts within three days of the issue of this order ethermion the appointment order will be cancelled automaticall 3.

The candidate is required Age & Health Cortificate from the Madical Supdit D.M. Q Hospital, Batgran.

They will be encialed to get all the banifice swarded by the Gowt: Inter-c *-*,---

> (MANNAD SAMED) EMECUTIVE DISCRICE OPPICES ELEMBENDARY & SECONDARY EDUCASTON DATORAL

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2. District Goordination Ordinor, Estagram.
2.44. Depost Setties Ordinor (ShF) Florentary & Secondary Education, Davignam.
5. Minimised Accounts Ordinor, Batgram.

10.17/A to Diveotor Plemontery & Considery Remeation, H. W. P. P. Peshawar. 7818. Condidates concerned.

DISTRICT OFFICER (TALE) ELEHENTARY & SECONDARY EDUCAT DATED AND AND

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OFFICE OF THE EXPONEIAN DIPARTOR OF BEAN TARRESTANT

TRANSFER ORDER.

The following class IV servants (Chowkider)and hereby transferred, to the place of each other with immediate effect in the best interest of public pervice.

Salto	Name of C.IV/SDbbual	Hame of school where	Romrks.
1.	MrX Mr.Aferin, Chow: GHS, Sakermah.	GPS. Taskkal	me care an
2.	Muhammed Ismail, Chow: GPD, Pashkal Hebar.	GES, Sakarsak,	v.No.1.

Charge report chould be submitted to all concerned.

BING TIVE BILTHIOS CREIC A BING B USC: ROU: BATT GOLM

Dndst: No 1916-18

Daned 1-3 /12/2011.

Copy to the:-

- 1. Dy: Distroit Officer (h) Ele; Edu: Bottruom.
- 2. District Accounts@Officer Bataron.
- 3. 0/0 File.

DIUT IOT COVIDER (MAL) GEN: 8 OCT: 188: BUTGAM

OFFICE OF THE EXECUTIVE DISTRICT EDUCATION OFFICER **ELE: & SEC: EDU: BATTAGRAM**

TRANSFER ORDER

The following class IV servants (Chowkidar) are hereby transferred to the place of each other with immediate effect in the best interest of public service.

S.No. Name of C.IV/School

Name of School where Remarks. posted.

1. Mr. Afarin, Chow: GPS. Tashkal

against vacant post

GHS, Sakargah.

Muhammad Ismail, Chow. GHS Sakargah GPS, Peshkal Nehar.

V.No. 1.

Charge report should be submitted to all concerned.

EXECUTIVE DISTRICT OFFICER ELE: & SEC: EDU: BATTAGRAM

Endst: No. 1916-18

Dated:23/12/2011

Copy to the;-

2.

- Dy: District Officer (M) Ele: Edu: Battagram. 1.
- District accounts Officer Battagram.
- O/O File. 3.

DISTRICT OFFICER (MALE) ELE: & SEC: EDU: BATTAGRAM



OFFICE OF THE DISTRICT EDUCATION OFFICER (F) NEAR SKY HAWK PUBLIC HIGH SCHOOL AND COLLEGE BATTAGRAM PH#. 0997-310461

NOTIFICATION:-

On acceptance of appeal by the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar and subsequent recommendation of the committee constituted vide this office Endstt: No. Dated 1369-70 Dated 03.04.2014; the services of Mr. Ihsan-Ullah S/O Salar EX-Chowkidar Government Girls Primary School Danda Batlay terminated by the EX_EDO (EXSE) Battagram on account of his visit (and stay abroad vide his office order bearing No.6562-64 Dated C6:04:2011 are hereby reinstated from the date of termination as he has refunded Rs, 282158/- vide challan No. 18 Dated 26.02.2013 drawn irregularly in terms of salary.

His intervening period w.e.f 27.10.2010 to 30.04.2014 is converted in to Extra Ordinary Leave without pay and adjusted against the vacant post at GGPS Danda Batlay.

Note:- Necessary entry to this effect must be made in his service book.

District Education Officer (F, Battagram.

Dated Baitagram the 10

Endstt: No. 1848-5 Copy forwarded to the:-

- 1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- District Accounts Officer Battagram.
- SDEO (F) Local Office.
- Head Teacher GGPS Danda Batlay.

Chowkidar Concerned.

Báttagrám.

Anneure D

TOP THE DISTRICT ROUGHINGS OFFICER (MALES) ENTRACERAM.

TRANSFER:-

As appreved by the compotent butwority the rollowing Gless-IV servants one hereby outual transferred to the pehoel against theirs have in the interest of public service with immediate effect.

S.No Name of Official/Schael

Nazw of School whome tronsferred

GGFS Danda Batly Batgress

CHS Sakargan

V,8.80-.2

Muhammad Ismail Chawkidar GHS Sakarsch(Lllai)

GGRS Danda Batty V. B. Mosses 1

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N C T N:- Necessary estry may be bade in theirs Symosts

DISTRUCT EDUTATION OFFICER CMALSO BUTTLERAM

Indst:No 8903-5 /EB/AE-II

Dated 20 / 04

Capy for information to the:-

District Accounts Officer Battegram.

2. Sub Divisional E ucation Officer(F) Battagram

1/0 H admester GAS Sakargah(Allei)

Official concerned.

STRICT IDUCATION

GATICE OF THE DISTRICT EDUCATION OFFICER (MALE) BATTAGRAM.

CADJUSTMENT:-

Mr:Mohemmad-Ismail Ex-Ohowkidar GGES Danda-Batly is hereby=provisionaly=adjusted=against-vacant-post-of-Chowkidar_at Govt:=Primary-School=Kalota-Allai with-effect-from-01.03.2014:

He is directed to make his arrival accordingly at the station of his posting.

Charge report should be submitted to all concerned period prior to 11.3.2014 will be decided in the light of NOTE:inquiry report whenever submitted by the inquiry officer.

> (MOHAMMAD SHOUKAT)
> DISTRICT EDUCATION OFFICER (MALE) BATTAGRAM

Endst: No 1677 75 /EB/AE-ID

dated

Copy for information to the:-

- District Accounts Officer Battagram. 1.
- S.D.E O (Male) Battagram. 2.
- Head Teacher GPS Kalota Allai. 3.
- Official concerned. 4.

Κ.

Office copy.

OFFICER VIOTE ADI DY: DISTRICT (MALE)

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) BATTAGRAM

MUTUAL TRANSFER

As approved by the competent authority the following class-IV servants are hereby mutual transferred to the school against theirs news in the interest of public service with immediate effect.

S.No.	Name of Official/School	Name of School where transferred.	Remarks.
1.	Abdul wahab Chowkidar GGPS Danda Batly Batagram	GHS Sakargah	V.S.No2
2.	Muhammad Ismail Chowkidar GHS Sakargah (Allai)	GGPS Donda Batly	V.S.No1

Necessary entry may be made in theirs S/Books

DISTRICT EDUCATION OFFICER (MALE) BATTAGRAM

Endst: No. 8903-5/EB/AE-II Dated: 20/04/2013

Copy for information to the;-

NCTE:-

- 1. District Accounts Officer Battagram.
- 2. Sub Divisional Education Officer (F) Battagram.
- 3. I/C Headmaster GHS Sakargah(Allai)
- 4. Official concerned.

DEPUTY DISTRICT EDUCATION OFFICER(MALE) BATTAGRAM

OFFICE OF THE DISTRICT SOUGHTION OFFICER (TREE) BATCHAN

TRANSTIR/AUJUSTNENT.

Mrysulammed Ismail Chowsider Govt: Frimary School Kolota Allai is hereby adjusted ogainst vacant post of GFS, Dhori mocndo Allai ou his own pay and BFS in the interest of public aprvice with immediate effect:

Charge report should be submitted to all concerned. Mo TA/DA allowed.

DISTRICT TOPOSTICA OFFICER (MALE) BATCRAN

30.395:00 5594-46

_ BM/AB-II/F.Trans.C, DV) Dated // /11/2014.

Jopy to the:-

q. 5,0,500 (M151).

2. District Accounts Officer Estgram.

5. O/C Tells.

(E.L.)

Waley Allai Battagra

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) BATTGRAM

TRANSFER/ADJUSTMENT

Mr. Muhammad Ismail Chowkidar Govt. Primary School Kolota Allai is hereby adjusted against vacant post at GPS, Dheri Mocndo Allai on his own pay and BPS in the interest of public service with immediate affect:-

Charge report should be submitted to all concerned.

No TA/DA allowed.

DISTRICT EDUCATION OFFICER (MALE) BATTAGRAM

Endst: No. 5594-46 EB/AE-II/F.Trans.C, IV Dated: 11/11/2014

Copy to the;-

- 1. SDEO Allai.
- 2. District Accounts Officer Battagram.
- 3. O/C File.

DEPUTY DISTRICT EDUCATION OFFICER (MALE) BATTAGRAM

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fulle = loo , police / 1007/2 11. 40 in 16 3/3 = 1/5 lie / Los عب سام با در ای می ما ما میا به میان دروی رو آب و ماهنگید به ا a v fimmole, in was appropriat to in the 0-/ de le Je 51 S vamper plus oco si de proper 3 20/20 12/ Valores

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FFICE OF THE DISTRICT EDUCATION OFFICER (MALE

Dated:-10-2

Το,

Subject:

Mr:Mohammad Ismail

Chowkidar

REMOVAL FROM GOVT; SERVICE:-

You Mr. Mohammad Ismail Chowkidar Govt: Primary School Dehri Mando Sub:Division Allai are hereby removed from Govt: service under E & D rules 2011 on the grounds and findings, the inquiry conducted, in the letter No,722 dated 26-09-2014 by the

Headmaster Govt: High School Tailoos Allai (Inquiry Officer)

1:-You were mutually transferred by the then EDO from GHS Sakargah to GGPS Danda Batlay, vide Endst: No 8903-5 dated 20-04-2013, but reportedly you did not taken over there nor inform the office.

- 2:-The SDEO concerned stopped your salary on 01-2012 and then on 03/2014 you drawn illegally pay from the office of SDEO(M) w.e.f 01-05-2013 to 28-02-2014(Ten months) vide SDEO(M) No,1398 dated 15-09-2014(reply to inquiry officer) then you received Rs:151747/--(Rupees One Lac Fifty One Thousand Seven Hundred & forty seven)
- 3:-Then you were transferred to GPS Kaloota and GPS Dehri Mando(Allai) but reportedly there you also exercised the same practice, and not taken over or report your arrival.
- 4:-You were served by Two show cause notices vide SDEOP(M) Battagram No,899 dated 16-10-2014 and No 1001 dated 26-12-2014 respectively but you did not bother to reply.

In the light of above mentioned facts you not only disobeyed, the official orders but drawn a huge amount in terms of salary which is a loss to Govt: Exchequer, this you made a fraud-, further more you did not report for duty at above mentioned stations. Thus become guilty of misconduct

5:-On the basis of misconduct, fraud, and incompetency, under E & D rules, 2011 major penalty is imposed on you and you are hereby removed from Govt: service forthwith. SDEO(M) Batagram is directed to lodge an F.I.R for the recovery of illegal drawn of Rs: 151747/-

> (Mohammad shaukat) DISRICT EDUCATION OFFICER (MALE) Bttagram

Endst:No 462-65

dated 10/02/2015 ·

Copy for information to:

1. Director Elementary & Secy: Education Khyber Pakhtunkhwa Peshawar.

2. Dy:District Education Officer (M) Battagram

3-4 S.D.E.O (M) Allai and Battagram.

5. D.M.O Battagram

6. PA to DEO(M) Local office.

7. Office file.

محذف بها ب فوائر مكيم منا المنظري الله منظري الأوكيتن ها في الم مع المارن و نا طائز د نیز از زن برخا منگی از ملازت / آیل ترک کالی: منا مای! جوزیا دیما ک ملوی بلن آئی کی گلس نے کرو در قوانسوں س ماہ کر ورخ ١٥٥/١٤ أور ورج ١٥٥/١/ ١٦ كي خرت اؤر بناب ري المندين فلح بثلام كاندمة بن جيري بال عن آب دُّيُ كُنْ مِنْ لَا مِا سِمَا لَهُ مَا الْهُ اللَّهِ اللَّهُ اللَّ ك والرورك كي برا سركا أور أسلون ك مرعد سيرر رياكا می بر سول افائک متم حلائم محصے قرطی اثور حملی کارورای کے تحت سرفارنی Uli un elitario en injuir Back date / 198 men as w one intuiting of is intuiting かりらしてこDEO - そがにはとせどというの人人 نبري لاعدا 1976 كعا م ارجن ك دور من سفر سازية 16 EDE O PUNTONELLE WALLE سره مات سرائے مندا اور دیاتی سب علقیں۔ سرہ منسرو س جريكما عي احان الشريك المري ميكول وُندُه على الإرث عالى ال ار میں اور اس کا بٹوت کا تو منسک سروس باکے فعنی بت ہے۔ میں تو دن فیلم و اِس کا بٹوت کا تو منسک سروس باکے فعنی بت ہے۔ عدی از مان کرده در در در این می ای در دانش كو برخا متلاك الاور بدى لكل الله - ون سالا - س فرز كول در فراستول اوراً بسیر ل س دار کیا چه کری شرا فری کرل بشره میل میں the cost of PS civil Election with we arrival سرل س - ہے دریا دھا ہاکا ہیں سے فورا جنا کو درن ہے کہ تھ كركة بن را من الما كروه و مرا كراه و مرا كراه و مرا كراه و الربية ما من بولان شمار اور آفری و ترید از گر اور ایل دو من الدی شن را را ای بیش کا دو من کا کاری شن را در ای بیش کا م مجے دھمکیاں رہ گئیں کم تم ڈھیری منڈو کول کر مت آ ڈنہ ماری سكين إلى قوم ع وي الرافعة الله بير تنكي لك ع و الم ما المعالم المراس المراس المراق المرا

はいりじこりというしにからしているからからなる。 ما من و محمد المراب من فيوري كا مناد بر آب كالمرف الدر وما يا المرابية الله المعالم ا July 10 min 1 Station - Win to fort with it ت المع من سعائد و دناول برناج اس ازال زمارس ما که i bill by pully on

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA CAMP COURT ABBOTTABAD

Service Appeal No. <u>611/2016</u>

Muhammad IsmailAppellant

VERSUS

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PAKHTUNKHWA CAMP COURT ABBOTTABAD

Service Appeal No. 611/2016

Muhammad IsmailAppellant

VERSUS

Joint Para-wise comments /Reply on behalf of Respondents No: 1. 2&3.

Respectfully Sheweth:

Preliminary Objections

- 1. The appellant has got no cause of action / locus standi to file the instant appeal.
- 2. The appellant has not come to this Honorable Service Tribunal with clean hands.
- 3. The appellant has concealed the material facts from this Honorable Service Tribunal. Hence not entitled for any relief and the appeal is liable to be dismissed.
- 4. The appellant has filed the instant appeal on Malafide ground.
- 5. The appeal of the appellant is against the prevailing law and rules.
- 6. The appellant is stopped by his own conduct to file instant appeal
- 7. The instant appeal is not maintainable in its present form and also in the present Circumstances of the issue.
- 8. That the appeal is time barred by law, hence liable to be dismissed on this score alone.
- 9. That the appellant has remained wilful absent from his duty and was removed after completion of all codal formalities hence the appeal is liable to be dismissed without any further proceeding with cost.

 (γ)

10. That the demand/claim of the appellant is against the law, rules and respondents are not bound to obey the illegal demand of the appellant, hence the appeal is liable to be dismissed.

Facts:

- 1. Para No. 1 of the service appeal is correct.
- 2. Para No. 2 of the service appeal is subjected to proof.
- 3. Para No. 3 of the service appeal is correct.
- 4. Para No. 4 is subjected to proof.
- 5. Para No. 5 is correct to the extent that the appellant was transferred from GHS Sakargah to GGPS Danda Batley. But the appellant neither resumed the charge of his post nor performed duty there and was remained wilful absent from his duty as per report of the enquiry officer Head Master GHS Tailoos and written statement of the head teacher GGPS Danda Batley.

(Copy of enquiry report,/attendance register GGPS Danda Batley and written statement are annexed as annexure A B&C)

6. Para No. 6 is correct to the extent that the appellant was adjusted at GPS Kalota Allai but there he also exercised the same practice and had not taken over the charge nor reported his arrival and was remained wilful absent.

(copy of attendance register is annexed as annexure D)

7. Para No. 7 is also correct to the extent that the appellant was transferred from GPS Kalota to GPS Dheri Mando Allai but the appellant had not taken over the charge of his post at the said school and was remained wilful absent

3

as reported by the head teacher and also reflected from the attendance register. That is duly visited by the cluster head Mr: Amir Azam Head Master GHS Bana and also confirmed by the ASDEO circle Concerned.

(copy of the report of head teacher GPS Dheri Mando/attendance register/report of SDEO are annexed as annexure E.F&G)

8. Para No. 8 is incorrect: the appellant was remained wilful absent from his duty. Therefore Ist show cause notice was served upon him vide No 899- Dated 16/10/2014 and the 2nd show cause notice was also served upon him vide No 100\$.-6 Dated 26/12/2014 but the appellant neither replied nor appeared for personal hearing as per report of the SDEO (M) Allai. Hence in the light of the above mentioned facts with cogent proofs the appellant was removed from services on 10/02/2015 under E&D rules 2011

(copies of show cause notices/ removal order are annexed as annexure H&I)

- 9. **Para No. 9** of the instant appeal is totally baseless hence denied.
- 10. **Para No. 10** is incorrect: the appellant did not submit application regarding the matter.
- 11. Para No. 11 is incorrect: as per reply given in preceding paras.
- 12. **Para No. 12 is incorrect**: the salary of the appellant was stopped due to his long and wilful absence from duty as 'No work No Pay'.



- 13. In reply to para No 13. it is submitted that detail reply has been submitted to respondent No 1&2 through letter.

 No 1976 Dated 25-04-2015 by respondent No 3.

 (letter/reply is annexed as annexure J).
- 14. **Para No. 14 is incorrect**: the removal order of the appellant No. 462-65 Dated 10-02-2015 was issued according to rule/law and after the completion of all codal formalities.
- 15. In reply to para No. 15 it is submitted that respondent No. 3 had enquired the matter through letter No 3480-81 Dated 09/01/2016 and detail reply was submitted by respondent No. 3 through letter No. 3778 Dated 29/03/2016.

(letter/reply are annexed as annexure K&L).

16. Para No. 16 is incorrect: the appellant is not an aggrieved person hence all the grounds are baseless.

GROUNDS:

- a. In reply to ground a it is submitted that the removal order of the appellant is legal, lawful and was issued according to rule and policy.
- b. Incorrect: The appellant was remained wilful absent from his duty at GGPS Danda Batley, GPS kalota and GPS Dheri Mando. The enquiry was initiated against him. Two consecutive show cause notices were served upon him but he failed to reply or appear for personal hearing, hence he was removed from services.

- **Incorrect.** As per reply given above in ground b. c.
- Incorrect: the appellant was given full d. opportunity but he failed to submit reply in this regard.
- Incorrect: the removal order of the appellant was passed after the completion of all codal formalities.
- **Incorrect:** the whole disciplinary proceeding against the appellant has been done according to rules, regulation and law. The appellant is not entitled to be reinstated.
- No Comments. g.
- No Comments

of Fidour

Therefore it is humbly prayed that appeal of the sappellant may graciously be dismissed with cost.

RESPONDENTS

- District Education Officer (Male) 3. Battagram
- Director (E&SE) KPK Peshawer
- Secretary E & SE Department KPK Peshawar

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA CAMP COURT ABBOTTABAD

Service Appeal No. 611/2016

Muhammad IsmailAppellant

VERSUS

AFFIDAVIT

I Haq Nawaz Assistant District Education officer Battagram do hereby affirm and declare on oath that content of Para-wise comments are true and correct to the best of my knowledge and belief that nothing has been concealed from this Honorable Court.

ADEO(Lit)
O/O DEO (M)Battagram



ازدفتر هیڈ ماسٹر گورنمنٹ هائی سکول تیلوس آلائی بٹگرام

122 حواله نمير----

بخدمت جناب دُسٹر کے ایجو کیشن آفیسر (میل) ضلع بٹگرام

عاديخ 14/9/2019 تاريخ

9.28-

جناب عالى

عنوان: انکوائری محمد اسماعیل چوکیدار

گزارش ميكه بحواله انكوائرى ليثر نمبر 4534 مورخه 28 اگست 2014 بابت محمد اسماعيل چوكيدار، مكمل انكوائرى رپورٹ زیل عرض ہے۔

(1) محمد اسماعیل چوکیدار کی تعیناتی GPSپشکال نهر آلائی میں بحواله آرڈر نمبر 2509-2491مورخه 4 جولائی 2008 كو ہوئى معمد اسماعيل چارج ليكرمورخه 22.12.2011 تك فرائض سرانجام ديتے رہے مورخه 23.12.2011 كو بحواله ٹرانسفر آرڈر نمبر 18-1916محمد اسماعیل کا تبادله GHS سکرگاه کو ہوا۔ مزکورہ چوکیدار نے GHSسکر گاه میں 23.12.2011 تا 21.4.2013تك ديوڻي سرانجام دي اور باقاعده GHSسكر گاه كر پر رول سر تنخواه وصول كرتا رما مورخه20.4.2013 کو میچول ٹرانسفر ارڈر نمبر 5-8903 کے تحت مز کورہ چوکیدار کا تبادله GGP ڈنڈا بٹلے اور عبدالوما ب نامی چوکیدار کا آرڈر GHS سکر گاه کیا گیا۔ (اپوائنمنٹ ارڈر ، چارج رپورٹ ، حاضری رجسٹر، ٹرانسفر ارڈر اور میوچل ٹرانسفر کی کاپیاں لف ہیں۔

GGPS(2)) فندا بٹلے میں نه تو عبدالوہاب نامی چو کیدار تھا۔ اور نه ہی محمد اسماعیل نے بعیثیت چو کیدار GGPSذلاا ر بٹلے میں چارج لیا۔GGPSذلدا بٹلے میں مورخه 1.5.2011تا حال احسان الله نامی چو کیدار تعینات سے -(حاضری رجسٹر کی کاپیاں اور سید ٹیچر GGPSڈنڈا بٹلے کی بیان حلفی کی اصلی کابی بھی لف سے)

(3) بحواله جوابی مراسله نمبر 1398مورخه 15.9.2014سب ڈویژنل ایجو کیشن آفیسر (میل) بٹگرام کے مطابق (SDEO(M)دفتر 1.5.2013تا 28.2.2014تك تنخواه ديتا رها جبكه (SDEO(M)دپورك كے مطابق (SDEO(M)دفتر اس 2013-05-61 28-02-204 بارے میں لاعلم تھا کہ کس نے تنخواہ Active کی ہے۔ -0+-05-293

HEAD MASTER Govi High School Tailoos Allai



مکمل انکوائری کے بعدیہ بات سامنے آئی کہ مزکورہ محمد اسماعیل چوکیدار نے GGPSڈنڈا بٹلے میں چارج نہیں لیا۔ اور نہ ہی ڈیوٹی کی کیونکہ GGPSڈنڈا بٹلے میں پہلے ہی سے احسان اللہ نامی چو کیدار فرائض سرانجام دیتا رہا۔

چونکه GGPSدندا بٹلے (SDEO(F کے زیر نگرانی ہے۔ جبکہ تنخواہ (SDEO(M کی اور باقاعدہ یکم مئی 2013تا28فروری 2014تك (M)SDEO كر بح رول سر تنخواه محمد اسماعيل چوكيدار كر اكاونث ميں جاتى رہى۔جو كه سلغ -/151747روپیے بنتی ہے۔

محمد اسماعیل چوکیدار کا سروس بك SDEO(M)دفتر میں موجود ہے۔ اور سالانه انكريمنٹ 01.12.2013كو SDEO(M)نے الگائی اور سروس ویریفائیڈبھی کیا۔

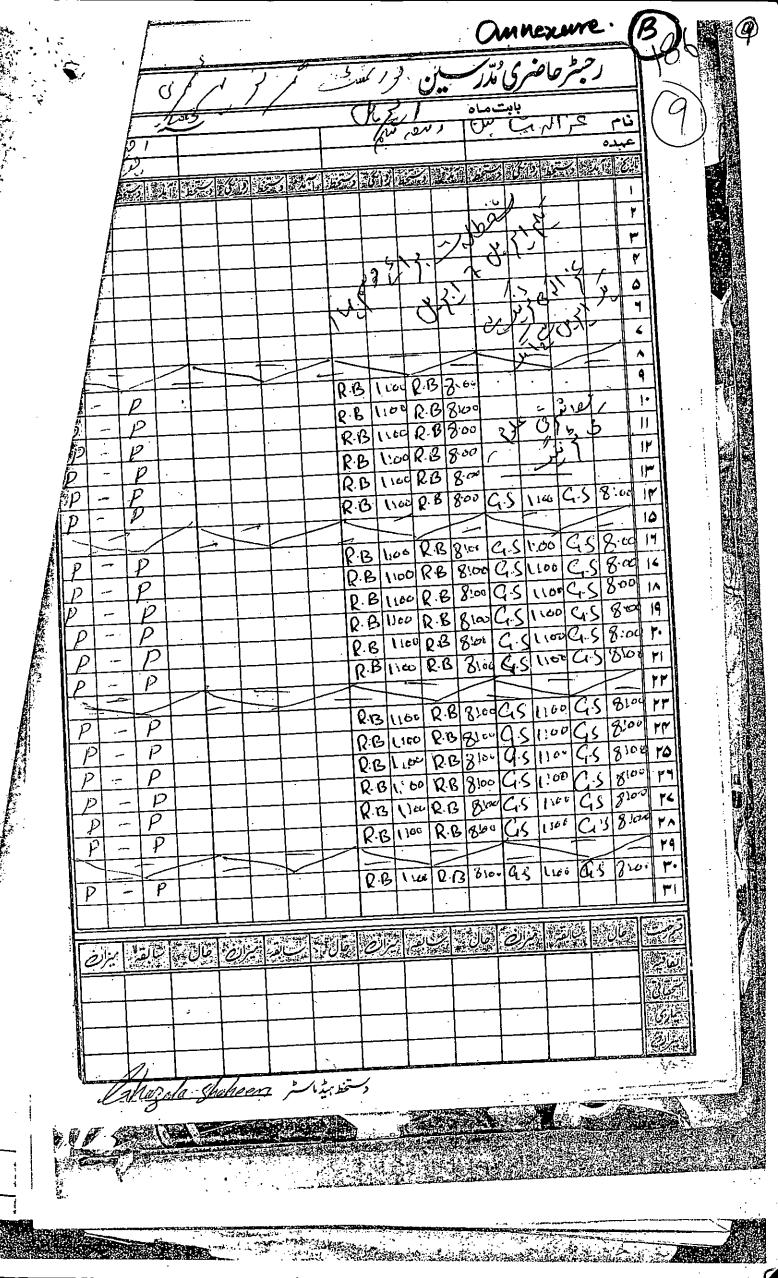
میرے علم کے مطابق ایك زمه دار SDEO(M)پغیر كسى چارج رپورٹ كے اوربغير لايوٹل دس (10) كيا تنخواه ديتارها۔ جو کہ دانستہ غلطی میں شمار کی جاتی ہے ۔ دفتر نے غیر زمہ داری کا ثبوت دیا۔جبکہ (15)ماہ بعد ریکوری کا ارڈر جاری کر کے دفتر کو اپنی غُلطی کا احساس ہوا۔دفتر نے اس دوران نه تو محمد اسماعیل چو کیدار کے خلاف شو کاز نوٹس جاری کیااورنه سی انکواثری کی که محمد اسماعیل چوکیدار کا ڈیوٹی سٹیشن کونسا ہے۔ اور کس بنیاد پر انہوں نے 1.12.2013 کو سروس بك ميں أن كريمنٹ أور سروس ويريفائيڈ كيا ہے۔

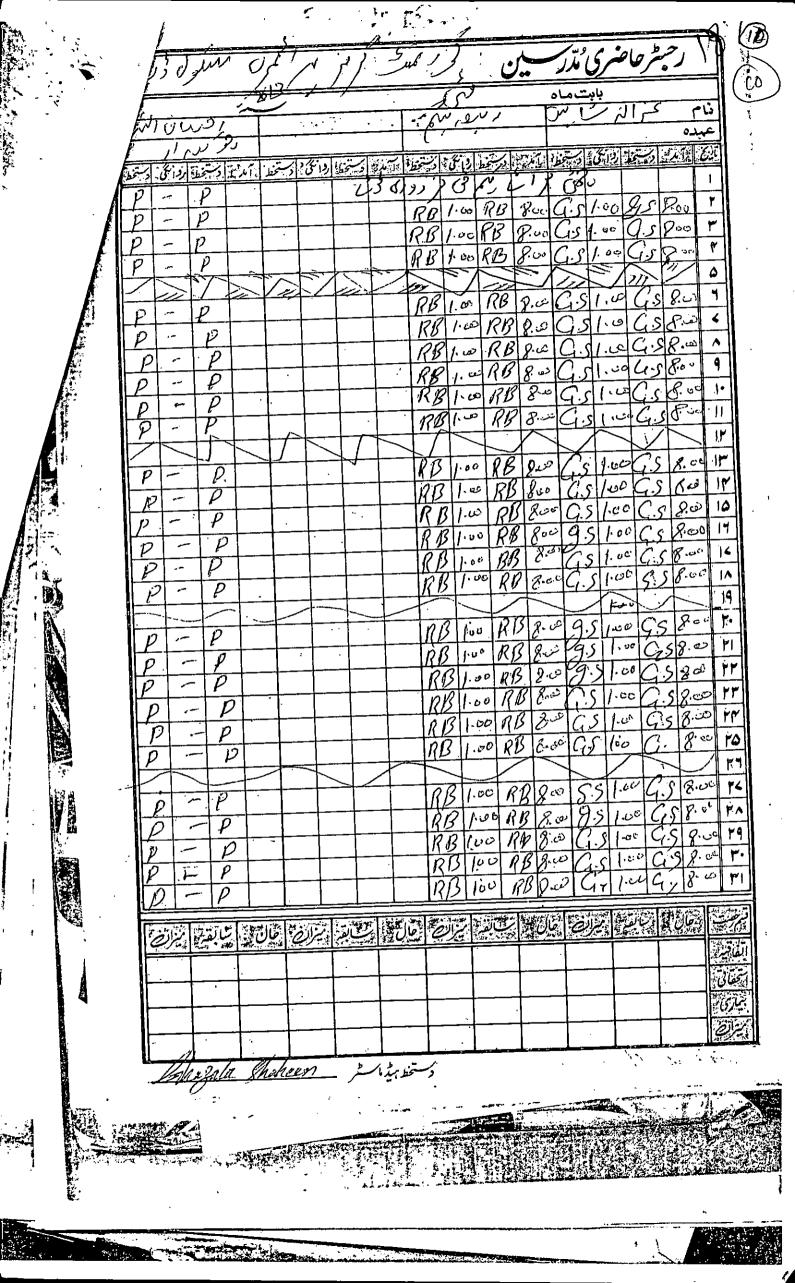
محمد اسماعیل چوکیدارنے اس دوران (SDEO(M)سے بغیر ڈیوٹی کے باقاعدگی سے تنخواہ وصول کیا۔میں اس نتیجے پر پہنچا ہوں کہ تمام غلطی (SDEO(M) کی ہے۔اور (SDEO(M)ابریکوری رقم مبلغ-/151747روپے قومی خزانے میں جمع کروانے کا حقدار سے۔ m Annie

> محمد جاويد انكوائري آفيه هیدماسٹر GHSتیلوس بٹگرام

HEAD MASTER Govt High School Tailoos Aliai

> HEAD MAD Govi High School Tailoos Allai

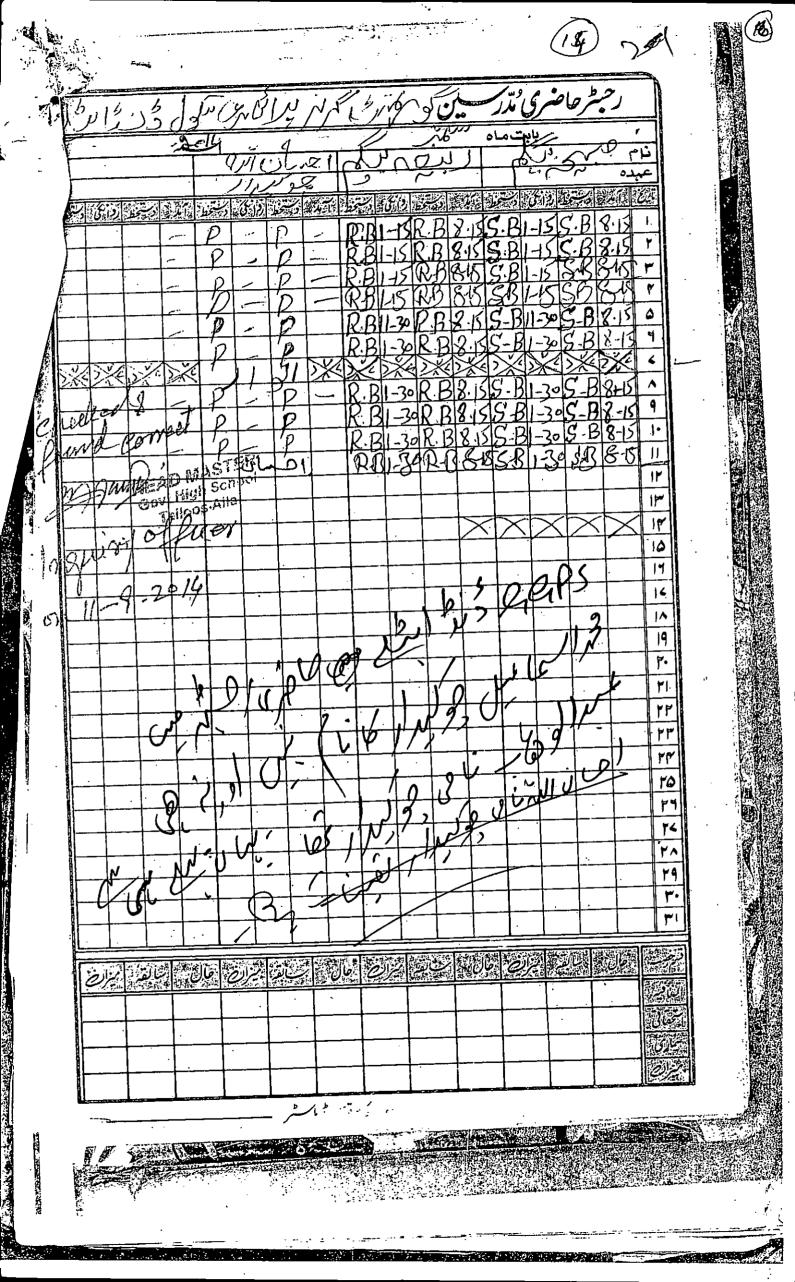




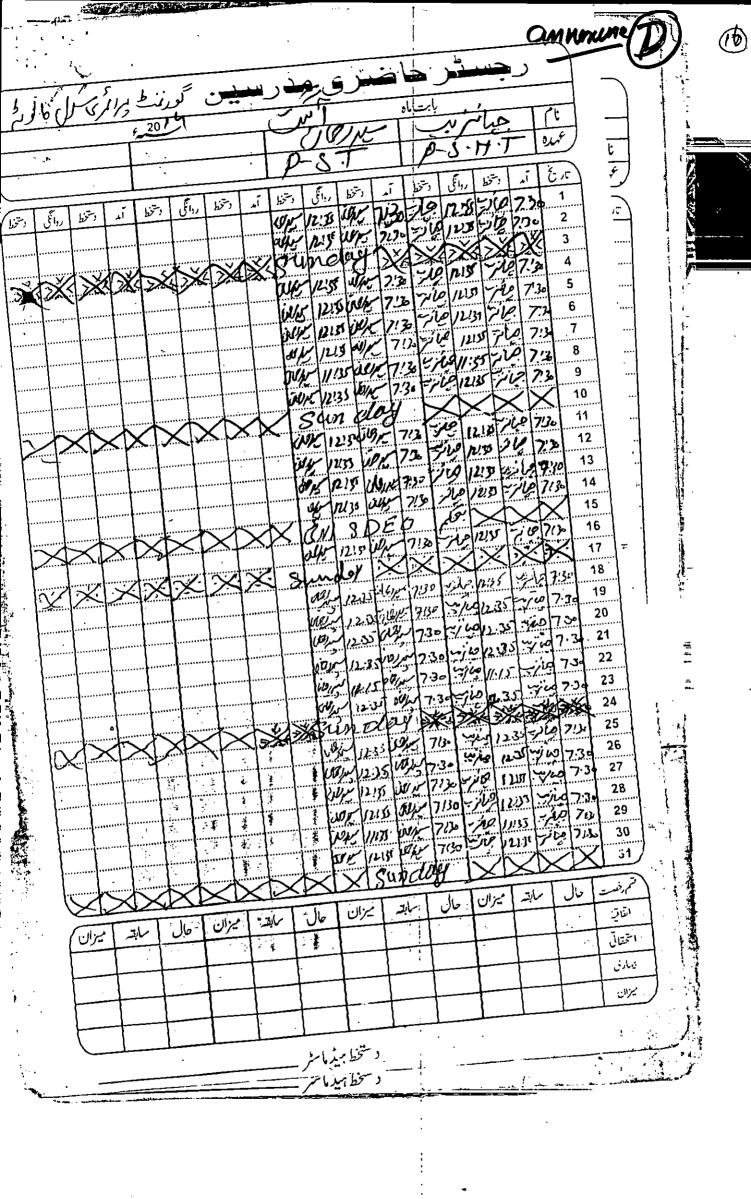
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Annexure: (E) مر مراق گورندی برازی سرور دی ماندو و ماندو در م Chow: <u>"</u> يراونكي 1.10 آلد وستخط Ļ, , Š. 1.35 51 23, 51. 2 3 4 135 8,6 836 5 1.25 51- 85 6 7 В 9 8.3 10 11 12 13 14 1.355/1 15 16 17 18 5,2 13-30 19 تنقرا يح 3 ساند 20 330 21 81. 31 22 23 2.3 24 ٠35 1135 25 <u>\$!3</u> /·3s 26 Farme All stopp 27 28 29 1.35 5,2 6.3. 1:35 0-30 William India 31 ميزان ساول حال ميزان سابت حال ميزان سابت مرند ته ا حال د ستحط سیر ماسٹر GPSDÉLI M U/c Banna

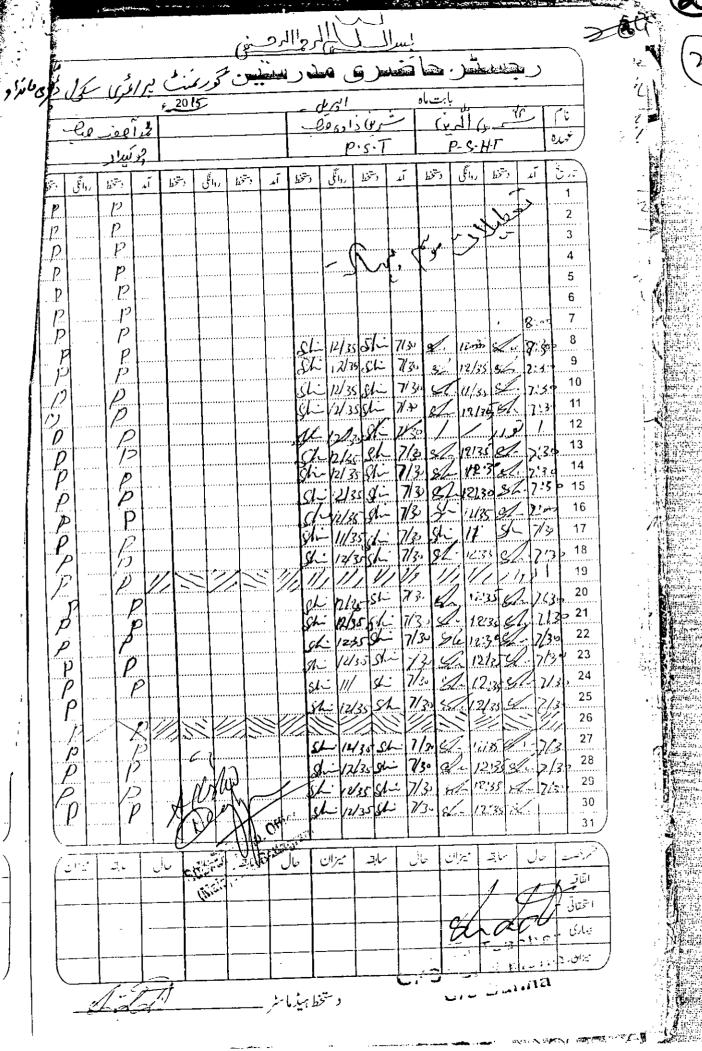
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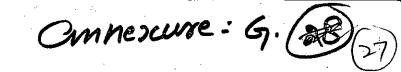


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OFFICE OF THE SUB-DIVISIONAL EDUCATION OFFICER MALE ALLAI

No: 1/83 Dated: 1/1/4/2015

Τo

The District Education Officer (M)
Battagram

Subject; Memo, **ACTION AGAINST MUHAMMAD ISMAIL CHOWKIDAR**

Reference to the permanent absent of Muhammad Ismail Chowkidar GPS Dheri Mando, the final show cause has been served vide this office No.1001 Dated: 26-12-2014 for the reason that the said chowkidar has not furnished written reply to the under signed and neither he has performed his duty up to date.

The school teacher has also provided his statement and the ASDEO circle has confirmed; now the case is being forwarded to your honour for further necessary action under the E&D rules 2011.

Sub-Divisional Education Officer
(Male) Allai

Endst: No: 1/83-84 Dated: 1/1/4/2015.

1. ASDEO concerned.

2. Office file.

Supal sough

Sub-Divisional Education Officer (Male) Allai

Dit Putul John

OFFICE OF THE SUB-DIVISION EDUCATION OFFICER (MALE) ALLAI DISTRIC **BATTAGRAM**



No. 899

16-102014

1. To,

Muhammad Ismail Chowkidar GPS Kalota .

Subject:

SHOW CAUSE

I am directed to serve this show cause notice on you for the charges that you had been posted at GPS Kalota vide the DEO (male) Battagram No..4675-77 dated..09-09-2014 but you did not resume your duties at the station, afore said.

You are required to submit your reply in written with in seven days, you are further directed to appear before the undersigned if you want to be heard in person, failing which an ex-part decision will be taken against you, under the E&D rules 2011.

SUB-DIVISIONAL EDUCATION

OFFICER (M) ALLAI BATTAGRAM

Endstt. No__890-92/ Chow. Dated Allai 16-10-2014

Copy to;

- 1) The Deputy Commissioner Battagram
- 2) The DEO (MALE) Battagra
- 3) Office file

SUB-DIVISIONAL ED

(MALE) BATTAGRAM

OFFICE OF THE SUB-DIVISION EDUCATION OFFICER (MALE) ALLAI DISTRICT

No.1001 Dated 26-12-2014

(29)

1. To,

Muhammad Ismail Chowkidar GPS Kalota .

Subject:

SECOND SHOW CAUSE

I am directed to serve this show cause notice on you for the charges that you had been posted at GPS Kalota vide the DEO (male) Battagram No..4675-77 dated.09-09-2014. but you did not resume your duties at the station, afore said later on your services were transferred to GPS Deri Mando vide the DEO (M) Battagram No 5594-96 dated 11/11/2014 but you did not take over the charge of your duties till date.

A show cause vide this office No 899 dated 16-10-14 was served on you but you the said neither reply nor appared personally.

You are required to submit your reply in written with in seven days, you are further directed to appear before the undersigned if you want to be heard in person, failing which an ex-part decision will be taken against you, under the E&D rules 2011.

SUB-DIVISIONAL EDUCATION

OFFICER (M) ALLAI BATTAGRAM

Endstt. No__1002-6/ Chow. Dated Allai 26-12-2014

Copy to;

- 1) The Deputy Commissioner Battagram
- 2) The DEO (MALE) Battagram
- 3) The DMO (IMU) Battagram

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- 4) SDEO Battagram
- 5) DAO Battagram
- 6) Office file

SUB-DIVISIONAL EDUCATION OFFICER

(MALE) BATTAGRAM

Govi High School Tailoos Allai

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OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE

Dated:-10-2

#

Τo,

Mr:Mohammad Ismail Chowkidar REMOVAL FROM GOVT;SERVICE

Subject:

You Mr. Mohammad Ismail Chowkidar Govt: Primary School Dehri Mando Sub:Division Allai are hereby removed from Govt: service under E & D rules 2011 on the grounds and findings the inquiry conducted in the letter No,722 dated 26-09-2014 by the Headmaster Govt: High School Tailoos Allai (Inquiry Officer)

- 1:- You were mutually transferred by the then EDO from GHS Sakargah to GGPS Danda Batlay, vide Endst: No 8903-5 dated 20-04-2013, but reportedly you did not taken over there nor inform the
- 2:- The SDEO concerned stopped your salary on 01-2012 and then on 03/2014 you drawn illegally pay from the office of SDEO(M) w.e.f 01-05-2013 to 28-02-2014(Ten months) vide SDEO(M) No,1398 dated 15-09-2014(reply to inquiry officer) then you received Rs:151747/--(Rupees One Lac Fifty One Thousand Seven Hundred & forty seven)
- Then you were transferred to GPS Kaloota and GPS Dehri Mando(Allai) but reportedly there you also exercised the same practice and not taken over or report your arrival.
- 4:- You were served by Two show cause notices—vide_SDEOP(M) Battagram No,899 dated 16-10-2014 and No 1001 dated 26-12-2014 respectively but you did not bother to reply.

In the light of above mentioned facts you not only disobeyed, the official orders but drawn a huge amount in terms of salary which is a loss to Govt: Exchequer, this you made a fraud further more you did not report for duty at above mentioned stations. Thus become guilty of misconduct

On the basis of misconduct, fraud and incompetency under E & D rules 2011 major penalty is imposed on you and you are hereby removed from Govt. service forthwith. SDEO(M) Batagram is directed to lodge an F.I.R for the recovery of illegal drawn of Rs: 151747/-

`(Mohammad shaukat) DISRICT EDUCATION OFFICER (MALE) Bttagram

Endst:No 462-65 /

dated 10/02/2015

Copy for information to:

- 1. Director Elementary & Secy: Education Khyber Pakhtunkhwa Peshawar.
- 2. Dy:District Education Officer (M) Battagram
- 3-4 S.D.E.O (M) Allai and Battagram.
- 5. D.M.O Battagram
- 6. PA to DEO(M) Local office.
- 7. Office file.

DISTRICT EDUCATION OFFICER

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FFICE OF THE DISTRICT EDUCATION OFFICER (MALE) BATTAGRAM.



No. <u>1876</u>/Dated, <u>%</u> / <u>4</u>/2014.

(31)

The Director
Elementary & Secondary Education
Khyber Pukhtunkhwa Peshawar.

Subject:-Memo;

COMPLAINT AGAINST APPOINTMENTC-IV

Reference to your office letter No,1116/F.No111/A-70/C-IV/Battagram dated 07-04-2015 on the subject cited above. The detail reply is as under.

- 1:- The complainant Mr: Mohammad Ismail was appointed as chowkidar by the then EDO Mr: Mohammad Saeed Khan(Copy attached as Annexure-A)vide appointment order No,2491-2509 dated 04-07-2008 at GPS Pashkal Neher and performed duty,
- 2: He was then transferred to GHS Sakargah vide order No,1916-18 dated 23-12-2011 and performed duty upto 21-04-2013 as reflected by record(Copy attached as Annexure –B)
- 3:- He was mutually transferred with Mr: Abdul Wahab to GGPS Danda Batly vide office order No,8903-05 dated 20-04-2013 and was relieved w.e.f. 20-04-2013 as evident from record. The Head teacher of GGPS Danda Batlay stated in her written statement, that there is no such name, while Mr: Ihsanullah is working as chowkidar as usual .w.e.f 2-5-2011 to date .(Copy attached as Annexure)
- 4:- The DEO(F) Battagram vide office letter No, 1739 dated 29-05-2014 reported that said official as well as with who he mutually transferred is not on the strength of the SDEO and the pay drawn as will entry of Annual Increment is allowed by SDEO(M)(Annexure:-F)
- 5. He was repeatedly found drawing salary from SDEO(M) Battagram unauthorized and directed the SDEO(M) Battagram report the matter forwith.
- 6. The SDEO(M) Battagram directed the concerned chowkidar vide letter No,890 dated 24-05-2014 declaring the period w.e.f 01-05-2013 to 28-02-2014 as illegal and irregular and directed to him to refund the salary amounting to Rs;151747/-(Annexur:D)
- 7. On the reply of said chowkidar the SDEO has again confirmed the above quoted drawal as irregular and reported that official is related to DEO(F) office vide his letter No,1169 dated 09-07-2014 and the pay was stopped w.e.f.01-04-2011(Annexure:-E)
- 8:- He was then adjusted provisionally at GPS Kalota Alli and the period in question was left to the report of inquiry officer.

Hert lage Lorolden





is office appointed Mr: Mohammad Javed HM GHS Taloos Allai vide letter No,4534 dated 28-08nexure:-G)

The inquiry officer conducted a detail inquiry and submitted a comprehensive report with documentary of. Endorsing the above quoted facts vide No,722 dated 24-09-2014(Annexure:-H)

- 11:- Mean while he was adjusted /transferred to GPS Dehri Mando Allai vide this office order No,5594-96 dated 10-11-2014 (Annexure: I)
- 12:- As reported by the H/Teacher GPS Dehri Mando Allai he not taken over charge at the said School as reflected from attendance register and duly visited by cluster Incharge Mr:Amir Azam H/M GHS Banna Allai.The same is duly confirmed by ASDEO circle concerned(Annexure:-J)
- 13:- Two Showcause vide No,889 dated 16-10-2014 and No, 1001 dated 26-12-2014 respectively clearly showed that he has neither took over charge at GPS Kaloota and nor at GPS Dehri Mandoo by SDEO(M) Allai on the direction of undersigned (Annexure:K)
- 14:- Finely the SDEO(M) Aliai reported that the chowkidar has not replied to any of the show cause and forwarded for further action under E & D rules 2011(Annexure:-L)
- 15:- The vacancy at the school GPS Dehri Mandoo was informed by SDEO(M) Allai vide No: Nill dated:11-12-2014.
- 16:- In the light of above mentioned facts and detail report with cogent proofs, The evident are sufficient to take ex-party decision against the complainant . So he/Mr:Mohammad Ismail Chowkidar is hereby removed from service w.e.f. 10-02-2015.

District Education Officer
(Male) Battagram

Endst:No 1977 Dated: 25, 4/2015.
Copy for information to the,

- 1. SDEO Male Battagram & Allai Sub-Division.
- 2. PA to DEO(Male) Local office.

pistrict Education Officer

(Male) Battagram

annexure:



Directorate of Elementary & Secondary .Education Khyber Pakhtunkhwa, Peshawar.

Notification.

Mr. Muhammad Riaz Swati DEO (Male) Battagram is hereby appointed as Enquiry Officer to conduct enquiry in the appeal lodged by Mr. Muhammad Ismail Chowkidar against his removal from service.

Note: The Enquiry Officer is directed to submit his recommendation/findings within a fortnight.

DIRECTOR

Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar

Endst: No.

34,00,81 /A-23/MS/Mardan-III. Dated Peshawar the 19/0/_/2016.

Copy forwarded to the: -

Mr. Muhammad Riaz Swati DEO (Male) Battagram along with copy of complaint.

PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa

Peshawar.

sistant Director (Admn) Directorate of Elementary & Secy Edu:

Khyber Pakhtunkhwa Peshawar.

Finquiry Officer Riaz Swati deo m battagram.dec







DETHEDISTRICT EDUCATION OFFICER (MAILE)

N3778 /EB/AE-II Dtaed

The Director, Elementary & Secy: Education Khyber Pakhtunkhwa Peshawar.

Subject:-Memo

CONDUCT OF INUIRY IN R/O MOHAMMO ISMAIL CHOWKIDAR

In pursuance of your letter No 3480-81 dated 09-1-2016 It is stated in your honour that the appellant made departmental appeal for his reinstatement in service against removal order passed by the then DEO in office. All the relevant record from initiating of disciplinary action upto the final removal order passed by the competent authority has been communicated to your kind office through this office letters No,1976 dated 25/4/2015 & No,6668 dated 17-12-2015.

Now your gracious honour being appellant authority conform, satisfied, very or modify the final order (removal from service) passed by the predecessor of undersigned

Initiating fresh inquiry in such a satiation without set a siding the impugned final removal from service order could not be justified and having no legal sanctity and force of law behind it, hence your honour is requested to decide the case in the light of previous proceeding on the basis of which the final order was passed by the competent authority.