

642/2016

17.10.2018

Appellant Sardar Umar Hayat in person alongwith his counsel Sardar Jangir Khan, Advocate present. Syed Hujjaj Shah, ADO (Litigation) alongwith Mr. Usman Ghani, District Attorney for the respondents present.

At the very outset of the hearing, learned counsel for the appellant brought into the notice of this Tribunal that the appellant has been retired and he is not interested to pursue his appeal any more. In this regard, he requested for withdrawal of the appeal.

Request is allowed and the appeal is dismissed as withdrawn. Parties are left to bear their own costs. File be consigned to the record room.

Muhammad Amin
Member


ANNOUNCED
17.10.2018

[Signature]
Chairman 17.10.2018
Camp Court, A/Abad

16.04.2018

Appellant in person and Mr. Usman Ghani District Attorney alongwith Sohail Ahmad Zaib, Assistant for the respondents present. Appellant seeks adjournment. To come up for arguments on 16.07.2018 before the D.B at camp court, Abbottabad.



Member


Chairman
Camp court, A/Abad

16.07.2018

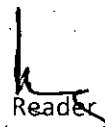
Appellant Sardar Muhammad Hayat in person alongwith counsel Sardar Jehangir Khan, Advocate present. Mr. Sohail Ahmad Zaib, Assistant on behalf of the respondents alongwith Mr. Usman Ghani, District Attorney present. Due to general strike of the K.P Bar Council, arguments could not be heard. To come up for arguments on 28.08.2018 before the D.B at camp court, Abbottabad.


Member.


Chairman
Camp Court, A/Abad

28.08.2018


Counsel for the appellant and Sohail Ahmed Zeb assistant for the respondents present. Due to summer vacations, the case is adjourned. To come up for the same on 17.10.2018 at camp court Abbottabad.


Reader

642/2016

17.04.2017


Appellant in person and Mr. Muhammad Siddique. Sr.GP for the respondents present. Rejoinder not submitted. Requested for adjournment. To come up for rejoinder and final hearing before the D.B on 20.09.2017 at camp court, Abbottabad.


Chairman
Camp court, A/Abad

20.09.2017

Appellant in person and Mr. Muhammad Bilal, Deputy District Attorney for the respondents present. Appellant seeks adjournment. Adjourned. To come up for rejoinder and arguments on 15.01.2018 before D.B at camp court, Abbottabad.



Member


Chairman
Camp court, A/Abad.

15.1.2018

Appellant in person present and wakalatnama in respect of Sardar Jehangir Khan submitted. Mr. Muhammad Bilal, Deputy District Attorney alongwith Sohail Ahmad Zaib, Assistant for the respondents present. Due to general strike of the bar, counsel for the appellant is not in attendance. To come up for arguments on 16.04.2018 before the D.B at camp court, Abbottabad.


Member


Chairman
Camp court, A/Abad.

20.07.2016

Appellant present in person. States that he was serving as PST when subjected to enquiry on the allegations of willful absence and vide impugned order dated 19.01.2016 minor penalty in the shape of withholding of annual increment for 2 years and recovery of pay drawn during the period of absence w.e.f. 3.09.2015 to 21.09.2015 (19 days) was imposed and that the period of absence was also treated as leave without pay where-against appellant preferred departmental appeal on 17.02.2016 which was not responded and hence the instant service appeal on 14.06.2016.

That the absence period of the appellant was not willful. That more than one punishment in the shape of withholding annual increments for 2 years, recovery of pay for the alleged period of absence and treating the said period as leave without pay were imposed and as such the impugned order is not sustainable in the eyes of law.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 20.10.2016 before S.B at camp court, Abbottabad.

Appellant Deposited
Security & Process Fee


Chairman

Camp court, A/Abad,

20.10.2016

None present for the appellant. Mr. Sohail Ahmad Zeb, Assistant alongwith Mr. Muhammad Siddique, Sr.GP for the 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.

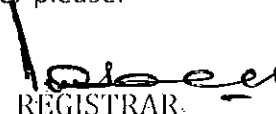



Chairman

Camp Court, A/Abad

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 642/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	14/06/2016	<p>The appeal of Mr. Sardar Umar Hayat received today by post, 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> <p>This case is entrusted to Touring S. Bench at A.Abad for preliminary hearing to be put up there on. <u>22.06.16.</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>22.06.2016</p> <p>None present for the appellant. Appeal be relisted for preliminary hearing for 20.07.2016 before S.B at camp court, Abbottabad.</p> <p style="text-align: right;"> Chairman Camp court, A/Abad,</p>

**BEFORE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

Service Appeal No: 642 of 2016

Sardar Umer Hayat S/O Sardar Muhammad Yousaf Hayat, Primary School teacher, Government Primary School Keri Raiki District Abbottabad, R/O Village Nagri Bala, Post Office Kala Bagh, Tehsil & District Abbottabad.

Appellant

Versus

Director (Elementary & Secondary Education), Department Peshawar and 03 Other.


Respondents

SERVICE APPEAL

INDEX

S.No	DESC: OF DOCUMENTS	ANNEXURES	PAGE No
1	Memo; of Service Appeal	----	1 to 6
2	Copy of Duty letter issued by controller BISE Abbottabad	A	7
3	Copy of relieving chit	B	8
4	Copy of duty certificate	C	9
5	Copy of page of attendance register for the month of March 2015	D	10
6	Copy of Car show cause notices	E	11
7	Copy of replies of show cause notices	F	12-13
8	Copy of cancellation of transfer, application	G	14
9	Copy of present show cause notices	H	15-18
10	Copy of present replies of show cause notices	I	19-20
11	Copy application dated 26/11/2015	J	21-22
12	Copy of Impugned Notification/order	K	23
13	Copy of departmental appeal	L	24-25
14	Copy of receipt of registered post	M	26

Dated 13/06/2016


(Sardar Umer Hayat)
Appellant in person

1

**BEFORE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

**Khyber Pakhtunkhwa
Service Tribunal**

Service Appeal No: 642 of 2016

Diary No. 632

Dated 14-6-2016

Umer Hayat S/O Sardar Muhammad Yousaf Hayat, Primary School teacher, Government Primary School Keri Raiki District Abbottabad, R/O Village Nagri Bala, Post Office Kala Bagh, Tehsil & District Abbottabad.

Appellant

Versus

- 1 Director (Elementary & Secondary Education), Department Peshawar.
- 2 District Education Officer (Male) (Elementary & Secondary Education), Department Abbottabad.
- 3 Sub Divisional Education Officer (Male) (Elementary & Secondary Education), Department Abbottabad.
- 4 Government of Khyber Pakhtunkhwa through Secretary (Elementary & Secondary Education), Department Peshawar.

Respondents

**APPEAL UNDER SECTION 4 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974,**

AGAINST

THE IMPUGNED NOTIFICATION ISSUED BY
RESPONDENT NO 2 UNDER ENDST NO 491-
92/EB/F.NO.11/VOL-III DATED 19/01/2016.

WHEREBY MINOR PENALTY OF WITHHOLDING OF
ANNUAL INCREMENT FOR TWO YEARS AND
RECOVERY OF PAY DRAWN DURING THE ABSENT
PERIOD I.E. SHOWN AS 03/09/2015 TO 21/09/2015(19
DAYS) WAS IMPOSED UPON APPELLANT AND ABSENT
PERIOD IS TREATED AS LEAVE WITHOUT PAY.

THE IMPUGNED NOTIFICATION/ORDER IS PASSED
WITHOUT PROPER INQUIRY UNDER THE LAW,

Filed to-day

Registrar

14/6/16.

WITHOUT LAWFUL AUTHORITY, ARBITRARY, PERVERSE, AGAINST THE PRINCIPAL OF NATURAL JUSTICE AND INEFFECTIVE UPON THE APPELLANT'S RIGHTS GRANTED BY LAW.

AND FOR ACCEPTANCE OF DEPARTMENTAL APPEAL WHICH IS STILL PENDING WITH OUT RESPONSE.

PRAER:-

ON ACCEPTANCE OF INSTANT SERVICE APPEAL, IMPUGNED NOTIFICATION/ORDER ISSUED BY RESPONDENT NO 2 ISSUED UNDER ENDST NO 491-92/EB/F.NO.11/VOL-III DATED 19/01/2016 MAY PLEASE BE SET-ASIDE AND AMOUNT REFUNDED/DEDUCTED FROM THE SALARY OF APPELLANT, MAY BE ORDERED THE REFUND OF SAME.

Respectfully Sheweth,

FACTS

- 1) That appellant is a Primary school teacher, In the year 2015 he was appointed as Invigilator in SSC Annual examination 2015 by controller of Examination BISE Abbottabad. He relieved from his school and relieving certificate was duly countersigned by SDEO (Male) Abbottabad (respondent no3) and he performed his duty from 18/03/2015 to 07/04/2015. Copies of letter issued by controller BISE Abbottabad, relieving chit and duty certificate are annexed as Annexure "A" "B" & "C".
- 2) That during the SSC exam: duty period of appellant, Assistant District Education Officer visited the school and marked him as " I have no information this teacher" while on the same page of attendance register it was also entered as "SSC Exam duty" against 18/03/2015 and this was the

sole reason, where personal grudges of ADEO are started against appellant. Copy of page of attendance register for the month of March 2015 is annexed as Annexure "D".

- 3) That after the SSC exam: under the influence of said ADEO, the series of show cause notices were started against Appellant and appellant replied the same through proper channel and mentioned all the reasons and personal grudges of ADEO, but these replies were never presented before the competent authority and disappeared from the office of respondent no 02 (the competent authority). Copy of ~~copy~~ show cause notices and replies are annexed as Annexure "E", & "F".
- 4) That factually there is no slight irregularity in the SSC Exam: duty and relieving chit was duly countersigned by respondent No 03 which is higher authority than ADEO therefore in the meanwhile proceedings of SSC Exam: duty was stopped/left & filed with out any findings.
- 5) That under the influence & pre-determined mind and also personal grudges of ADEO, he made another issue against appellant & he was pre-mature transferred from GPS Nathia Gali to GPS Keri Raiki (present station) by the respondent no 2, wherupon appellant filed application for cancellation of transfer order and also requested for Earned leave for ten days which was not properly examined and the matter of leave was converted in to absent. Copy of cancellation of transfer application is annexed as Annexure "G".
- 6) That another series of show cause notices were started, and false medical certificate was attached with the leave case of appellant and the said Medical certificate was attributed with appellant to damage his service rights, appellant was being

submitted his replies but here too these replies were also not presented before competent authority. Copies of show cause notices & replies are annexed as Annexure "H" & "I".

- 7) That appellants on 26/11/2015 submitted detailed application relating to whole case created by ADEO and requested for natural justice, but in vain and without holding any regular inquiry and adopting prescribed procedure law, respondent No 2 issued impugned Notification/order dated 19/01/2016. Copies of application dated 26/11/2015 & Impugned Notification/order are annexed as Annexure "J" & "K".
- 8) That appellant under the law, submitted his departmental appeal dated 17/02/2016 through registered post to respondent no 1 which is still pending without any response after passing the statutory period of 90 days, Copy of departmental appeal and receipt of registered post is annexed as Annexure "L" & "M". Hence this appeal inters - alia on the following ground; and appellants appeal is within 120 days from the submission of his departmental appeal.

Grounds

- a) That no formal inquiry was conducted in the case which was much necessary to reach the conclusion of the case, there were no such special circumstances available in the case which was referred in the KPK Govt: Servants (E & D) Rules, 2011.
- b) That application of rule 07 of the KPK Govt: Servants (E & D) Rules, 2011 is against the facts and circumstances of the case as well as without holding of formal inquiry it is not clear just surmises that what

were the material/grounds, under which the whole process was initiated and the very illegal and unlawful notification was issued.

- c) That during the formal inquiry proceedings, accused uses/exercises his full opportunity to cross the witnesses of the case as well as documents, for the purpose of placing on record and for focus the very real and factual position.
- d) That there is adopted no prescribed procedure in the case and all is done with the wishes and pleasure of ADEO which is proved from the available record and the impugned action is pre-plan and under personal grudges of ADEO, which is against law.
- e) That the action of respondents is admittedly arbitrary capricious unjust and against all norms of justice and against the law.
- f) That it is an admitted fact that under question illegal Action fell in the matter of great public importance, and tried to engage the appellant in to litigation.
- g) That the issuing authority did not consider that what was the requirements of initiating show cause notice against appellant ? and under the law complaint of ADEO was not legal and genuine, because there was much unfavourable & opponent actions of ADEO were available against appellant.
- h) That the contents of impugned Notification is totally against with each other, in one para it is mentioned that appellant was absent with out any information and in

6


the next para it was admitted that application for ten days was submitted.

- i) That in the impugned notification is proved the plea of appellant that all is done by the ADEO, because in the Notification it is admitted all proceedings were initiated on the reports & informations of said ADEO, no independent means of information was never mentioned in all proceedings.

It is, therefore, respectfully prayed that on acceptance of instant service appeal, impugned Notification/order issued by respondent no 2 issued under Endst No 491-92/EB/F.NO.11/VOL-III dated 19/01/2016 may please be set-aside and amount refunded/deducted from the salary of appellant, may be ordered the refund of same.

Any other relief for which the appellant is entitled, and the same is not asked/prayed specifically, may very kindly be granted in favour of the appellant.


Dated 13/06/2016

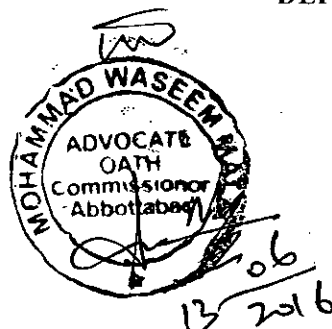

(Sardar Umer Hayat)
Appellant in person

Affidavit

I, Sardar Umer Hayat S/O Sardar Muhammad Yousaf Hayat, Primary School teacher, Government Primary School Keri Raiki District Abbottabad, R/O Village Nagri Bala, Post Office Kala Bagh, Tehsil & District Abbottabad, do here by affirm on oath that contents of instant appeal is correct and true according to my best knowledge and belief and nothing has been suppressed from this Honourable Tribunal and this instant appeal is first appeal & same nature of any other appeal is not pending before Honourable Tribunal

Dated 13/06/2016


(Sardar Umer Hayat)
Appellant in person
DEPONENT



Annexure (A)

7

IMMEDIATE & SECONDARY EDUCATION ABBOTTABAD

To :

R-1338

STAFF NO
556

No:652/SSCA15/ACR(CY)/BISE/ATD
Dated: 03. March 2015

Mr/Ms UMER HAYAT PST (03469574090)
Address GPS NATHIA GALI
District ABBOTTABAD

Subject: - Secondary School Certificate (ANNUAL) Examination 2015.

I am directed to inform that you have been appointed as CENTRE INVIGILATOR in the subject examination commencing from 19 March 2015, at GOVT HIGH SCHOOL SEHAKI BALA MANSEHRA Centre No.354. You are required to reach the Examination Centre on 18 March 2015 at 10:00 AM for necessary arrangements.

It is important to note that the duty is mandatory, non transferable/ unchangeable and leaves no choice for non-acceptance, or refusal, except if your near relatives (including Wife, Husband, Father, Mother, Son, Daughter, Nephew, Niece, Brother and Sister) are appearing in the subject examination. In case of willful non-compliance, a disciplinary action will be initiated under Khyber Pakhtunkhwa Govt. Servants (E&D) Rules, 2011.

Please confirm your acceptance/availability to Syed Atif Shah Assistant Controller of Examinations (Conduct) through SMS e.g (Duty No. Accepted or Not Accepted) 0331-5616700, 0314-5581072, 0344-4022710 Telephone (0992-392799) by 10 March 2015.

Note:

1. No TA/DA claim will be entertained without Original Pay slip and duty performed within radius of 16 km from the posting place. (Female are Exempted)
2. It is important on your behalf to possess CNIC throughout the Examination.
3. If you have performed exam duty in the same centre in year 2014 (SSC/HSSC) you must get your duty station changed from this office.
4. Please remember your Staff Number for future exam duties.

S. Ahmad

Assistant Controller of Examinations (Conduct)

Phone No- 0992-392799, 392015 (392014, Ext:-210 & 223)

Jehanzeb Khan

Controller of Examinations

M. J. Khan

Annexure B₁

8

Releasing certificate for SSC Exam, 2015

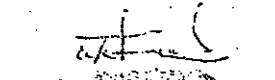
Certified that Mr. Ummer Hayat PSI GPS Nathiagali
circle Nathiagali is hereby released from his duty
for SSC (A) Exam: 2015 at center No 354. vide orders

NO 652/SSCA-15/ABC (BUSA) AFD - dated on 18-03-2015

He is directed to report at GHS
SBHAKI BALA Manshera C. No # 354.



Sub Divisional Edu: Officer
(Male) Abbottabad


GPS Nathiagali
Abbottabad




Annexure I,

(9)

Duty Certificate.

Certified That Mr. Umer Hajeed BPS(12) PST
G.S. Nathia Gali Abbottabad has performed
his duties as Invigilator w.e.f 18-3-2015
to 7-04-2015 at GHS Sehali bala Mansehra
C. No 354 in connection with S.S.C Exam 2015.

He performed his duties of
Exam to my entire satisfaction.


Superintendent Umer Hajeed
GHS Sehali bala
Mansehra
C. No 354

Umer Hajeed
Umer Hajeed

رجسٹر حاضری مدرسین ۲۰۱۵ء

بارتہ													تاریخ
محمد طفیل			محمد لوئس			عمر حیات			حسین محبوب			نمبر	
PSHT			SPST			PST			PST				
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Handwritten notes and signatures in the center of the table, including 'Leave' and 'on duty'.

Handwritten signature 'Ali' on the right side of the page.

میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال
02	NIL	02	01	-	01	01	-	01	NIL	NIL	NIL

Annexure E

(11)

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

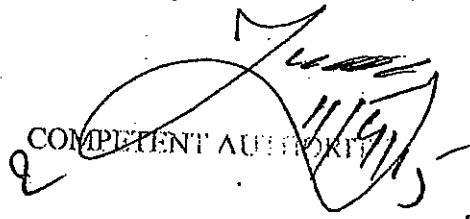
No. 2679 /F.No.21/Vol-IV

Dated 13-4 /2015

SHOW CAUSE NOTICE

I, Zia-ud-Din, District Education Officer (Male) Abbottabad as competent authority under the Khyber Pakhtoonkhawa Government servants (Efficiency & discipline) rules, 2011, do hereby serve you Mr. Umer Hayat, PST Govt. Primary School Nathia Gali follows:

- a) You have performed duty of SSC (A) Exam 2015 without approval/permission of the Competent Authority as per report of ASDEO Circle Nathia gali dated 31.3.2015.
- b) There is no need of holding a formal enquiry in this case.
- c) In exercise of the power conferred by the Khyber Pakhtoonkhawa Government servant (Efficiency & Discipline) rules, 2011, the Competent Authority is hereby pleased to dispense with the conduct of a formal enquiry and serve you with the instant show cause notice regarding your "MISCONDUCT" with the direction to submit your defence in writing within 15 (fifteen) days of the issuance of this notice as to why the major penalty of rule 4 (b) of the said rules should not be imposed upon you and also intimate whether you desire to be heard in person.
- d) In case you failed to submit your reply within the stipulated period, it will be presumed that you have no defense to offer and ex-parte decision will be taken against you.


COMPETENT AUTHORITY

Handwritten notes:
11/4/15
Blers

Mr. Umer Hayat, PST
Govt. Primary School Nathia Gali

Reply

It is stated that I Mr Umer Hayat P.S.T G.P.S Nathigali is hereby released from my duty for S.S.CI exam with permission of S.D.E.O (M) Abbottabad. Before releasing me, S.D.E.O Saib confirmed my duty by contacting A.D.E.O Circle Nathigali.

All my particulars including relieving certificate and duty letter of board were attached with attendere register G.P.S Nathigali.

Beside having particulars in completed form, A.D.E.O Circle considered me absent because of not paying hush money to the Javid (P.H.S.T) Makool Bala who is P.A of A.D.E.O Circle Nathigali.

I recieved show cause note by dint of not paying hush money.

Kindly favor me in this regard and bless me with justice.

Sincerely Yours

Umer Hayat

P.S.T.
Nathigali

AK
6/2

copy to A.D.E.O

copy to S.D.E.O

copy to D.D.O

Date 18/04/15

خدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر (M) ایس ڈی ایاد

عنوان: جواب شیوازی 2928
29/6/2015

صبا عالی،

گزشتہ سیمینار کے سلسلے میں 2015ء کی ڈیڑھی کی تقریبی رسی دوران
 ADEO سیکرٹری تعیناتی کے سلسلے میں غیر صاف لگان اور لگدازوں 13⁰⁴/₂₀₁₅
 کو شیوازی 2829 جاری کیا گیا۔ سلسلے میں 18⁰⁴/₂₀₁₅ کو تفصیلی جواب 18⁰⁴/₂₀₁₅
 کو تحریر کیا گیا۔ صبا، ADEO کے لگدازوں کی ڈیڑھی میں جمع کروا دیا
 سلسلے میں جو جواب جمع کروایا گیا اسے جاننے کے لیے طور پر غائب کروا کر سلسلے
 کو دوبارہ نوٹس 2928 جاری کروایا گیا۔

سلسلے میں ڈیڑھی کی تقریبی رسی دوران شیوازی 13⁰⁴/₂₀₁₅
 رسید کیا گیا۔ حقائق کو مدنظر رکھ کر شیوازی 18⁰⁴/₂₀₁₅ کے لگدازوں کو
 طرز

عرف
 PS-1 عمر صبا
 30/7/2015
 Ali

Annexure

14

خدمت جناب ڈسٹرکٹ ایجوکیشن افسر جناب (M) ایس ڈی آباد

عنوان :- ایپل مینٹریٹو سنیوخی تیارلم PST

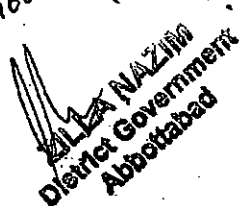
جناب عالی،

گزارش ہے کہ سائل عمر ۴۲ دو سال سے PS کے تھما علی میں آئیو پیوٹ پر تعینات ہے۔ اس سے قبل سائل دور افتادہ علاقوں دگن باگن اور ڈنہ باگن میں ۱۱ سال تک فرائض سہرا انجام دیے۔ اس سے قبل ۱۱ سال گور سے ۶۵ کوئٹہ دور PS کے میان سیکل سیر میں تعینات رہا۔ سائل کو حالیہ آئسن آرڈر ۱۱۴۷/۴۸۰۴-۶۸۹۹-۶۸۹۹ سے ۶۸ کے تحت دیو پیوٹ پیری ریشلی تبدیل کر دیا گیا۔ جبکہ سائل کو حالیہ سکول میں ایسی دو سال سے پوٹ میں اس تیارے میں ASD.EO اشتیاق خان صاحب کی ذاتی کوششی اور اختلاف متعلق ہے۔ جن کے ساتھ S.E کے سالانہ امتحانات سے سائل کا ترازہ جاری ہے۔ سائل کو دو دفعہ دوران ڈیوٹی غیر حاضر رکھا۔ بیکہ دو دفعہ شوکار بھی جاری کیا جبکہ جواب اعلیٰ افسران تک پہنچنے سے قبل غائب کر دیا گیا۔ شوکار کوششی بعد جوابات کی نقل لف ہوا ہے۔

سائل کو ASD.EO سیکل ذاتی اشتیاق کا کسٹمانہ بنایا ہے۔ جبکہ تیارے میں شامل ہم دونوں اساتذہ کرامہ ملازمت حالیہ سکولز ۲ سال کے قریب ہے سائل کا دوران ملازمت غیر حاضری یا غفلت کی رپورٹ موجود نہیں، استدعا ہے کہ درج بالا حقائق کی روشنی میں سائل کا تیارہ وینج کر کے احکامات صادر فرمائیں۔

DEO
As a policy all employees to be posted or retained in their native areas to minimize their hardship so this should be considered seriously

فوارش پورٹی
محمد حیات PST
All
Blair



Annexure 1H

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

15

No. 7812

F.No. 17/2015

Dated 19-9-

2015

The Sub Divisional Education Officer
(Male) Abbottabad

Subject: SHOW CAUSE NOTICE
Memo:

Show cause notice in respect of Mr. Umer Hayat, PST Govt. Primary School Nathia Gali under transferred to GPS Keri Raki is attached herewith. You are directed to serve the same to the concerned teacher and return one copy to this office as a token of receipt.

DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

ASD's Circle
DL: Serve the show
above mentioned teacher of
in respect of Nathia Gali
GPS Keri Raki
21/09/2015

Received
Mrs N
23/9/15

No. 7812 /F.No.11/Vol-III

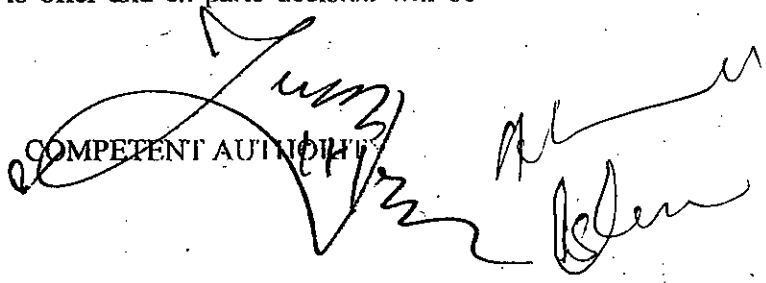
Dated 19-9-2015

SHOW CAUSE NOTICE

I Zia-ud-Din, District Education Officer (Male) Abbottabad as competent authority under the Khyber Pakhtoonkhawa Government servants (Efficiency & discipline) rules, 2011, do hereby serve you Mr. Umer Hayat, PST Govt: Primary School Nathia Gali under transferred to GPS Keri Raki Abbottabad follows:

- a) You have submitted an application without recommendation of ASDEO Circle alongwith medical certificate /advice of Medical Officer Ayub Medical Complex Abbottabad for complete bed rest w.e.from 09.9.2015 to 18.9.2015 (10 days) without countersigned by the Medical Superintendent.
- b) You are found in the office of the undersigned on 16.9.2015 during office/school hours. It presumed that you are physically fit and produced bogus medical certificate.
- c) You were transferred from GPS Nathia Gali to GPS Keri Raki vide this office Endst: No. 7199 dated 02.9.2015 whereas you have failed to take over charge to GPS Keri Raki.
- d) There is no need of holding a formal enquiry in this case.
- e) In exercise of the power conferred by the Khyber Pakhtoonkhawa, Govt: servant (Efficiency & Discipline) rules, 2011, the Competent Authority is hereby pleased to dispense with the conduct of a formal enquiry and serve you with the instant show cause notice regarding your "MISCONDUCT" with the direction to submit your defence in writing within 10 (ten) days of the issuance of this notice as to why the major penalty of rule 4 (b) of the said rules should not be imposed upon you and also intimate whether you desire to be heard in person.
- f) In case you failed to submit your reply within the stipulated period, it will be presumed that you have no defense to offer and ex-parte decision will be taken against you.

COMPETENT AUTHORITY



Mr. Umer Hayat, PST
Govt: Primary School Nathia Gali
under transferred to GPS Keri Raki

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABOTTABAD

No. 8042 /F.No.11/Vol-111

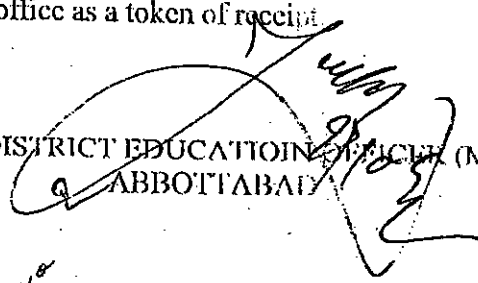
Dated 2-10 /2015

The Sub Divisional Education Officer
(Male) Abbottabad

Subject: SHOW CAUSE NOTICE
Memo:

Show cause notice in respect of Mr. Umer Hayat, PST Govt. Primary School Keri Raki is attached herewith. You are directed to serve the same to the concerned teacher and return one copy to this office as a token of receipt.

DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD



AS DRO Circle
Nathigali

Pl. Serve the same to above
mentioned teacher & your respective
circle for joint m/p

37/9/15

Received
ms/16/15

362
5/11/15
Ali
Ban

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

No. 8042 /F.No.11/Vol-III

Dated 9-10 /2015

SHOW CAUSE NOTICE

I Zia-ud-Din, District Education Officer (Male) Abbottabad as competent authority under the Khyber Pakhtunkhwa Government servants (Efficiency & Discipline) Rules, 2011, do hereby serve you Mr. Umer Hayat, PST Govt: Primary School Keri Raki follows:

- a) You have been absent from duty w.e.from 03.9.2015 to 21.9.2015 (19 days) without any application/information as per report of the ASDEO Circle Natta Gali dated 21.9.2015.
- b) There is no need of holding a formal enquiry in this case.
- c) In exercise of the power conferred by the Khyber Pakhtoonkhawa Govt: servant (Efficiency & Discipline) Rules, 2011, the Competent Authority is hereby pleased to dispense with the conduct of a formal enquiry and serve you with the instant show cause notice regarding your wilful absence from duty with the direction to submit your defense in writing within 15 (fifteen) days of the issuance of this notice as to why the major penalty of Rule 4 (b) of the said Rules should not be imposed upon you and also intimate whether you desire to be heard in person.
- d) In case you failed to submit your reply within the stipulated period, it will be presumed that you have no defense to offer and ex-parte decision will be taken against you.

COMPETENT AUTHORITY

[Handwritten Signature]

Mr. Umer Hayat, PST
Govt: Primary School Keri Raki

[Handwritten Signature]

Received
[Handwritten Signature]
6/10/15

خدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر صاحب (M) اسٹیٹ آباد

عنوان - جواب شوکار

جناب عالی،

نوڈیانہ کنزرویٹو سائٹ نمبر 02-9-2015 کے تیارے کے آرڈر کے بعد سے
شدید ذہنی دباؤ کا شکار ہے۔ جناب SDEO صاحب سہیل نقویا صاحب نے
محض ذاتی اندازے قسطنین کی خاطر سائٹ کو شدید طور پر نہ صرف ہر اسٹا
کر رکھا ہے بلکہ سائٹ کو نوکری چھوڑنے پر ایک طرح سے مجبور کر دیا ہے
ہجے کے سالانہ امتحانات کی ڈیوٹی سے لیکر آج تک۔ سائٹ کو بلاوجہ شوکار
جاری کیے گئے ہیں جن کے پر جواب کو دفتر سے دانستہ عائب کیا گیا ہے
سائٹ کو سہیل نقویا صاحب میں عافری لگانے سے ذہن دہمتی روکا گیا ہے۔ تیارے کے
حکم کے بعد سائٹ واپس شوکار جاری کیا گیا جسکی کاپی سائٹ کو وصول نہیں
ہوئی۔ جسکی باقاعدہ ایک اور شوکار سے سائٹ کی جواب طلبی ہوئی۔ سائٹ
نے جواب داخل دفتر کیا۔

جناب عالی :- ان سارے معاملات میں سائٹ سے نہ کوئی غلطی ہوئی نہ سائٹ نے
کوئی غیر ذمہ دارانہ حرکت کی۔ سائٹ نے پندرہ دنوں کی چھٹی کی
درخواست دی جسے بعد سائٹ کو SDEO صاحب کے حکم پر عافری نہیں کرنے دی
گئی۔ سائٹ اپیل مسترد ہونے پر عدالت گیا۔ جملہ معاملات جناب SDEO صاحب
کے نوٹس میں وقتاً فوقتاً لاتا رہا۔ جناب کی خدمت میں حاضر ہو کر
صورت حال کی وضاحت بھی کی۔

مذہب بالا خالق کی روشنی میں سائٹ استدعا کرتا ہے کہ سائٹ
کو مزید ذہنی کمزور کا نشانہ نہ بنایا جائے۔ سائٹ شدید
ذہنی دباؤ اور بلڈ پریشر کا شکار ہے۔ سائٹ مزید کچھ
کینسی لوزیشن میں نہیں ہے۔

عمر حیات PSI-PSO نقویا صاحبی - تاریخ 02-11-2015

Signature

13-10-2015

Post Office

13/10

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خدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر، (M) ایف او ایف

جناب عالی،

1. خود بنا کر تراسرے کے مسائل دیے نتیجاً ملی میں آئی ایس ایف کے پورے 11 درجوں کے طلبہ نے امتحان دیا۔
 مارچ 2015 میں سائل کی SSc کے امتحان میں ڈیوٹی تھی جس کے لیے سائل نے پید پید
 سے releasing chart کی جس پر ASD&O کے دستخط کے عوض فہرہ جاوید آئی ایس ایف نے
 2015 کے لیے طلبہ کے سائل نے اسے R/chart پر جناب SDO سے
 اجازت لی اور ڈیوٹی پر چلا گیا۔ اس دوران مارچ 2015 میں ASD&O نے
 آئی ایس ایف کے نتیجے میں حاضر ظاہر کیا۔ نقل دستخط جاری لیا گیا ہے۔
2. 13/2/2015 کو سائل کو پبلک سٹریٹس جاری ہوا جس میں بی بی ڈی ڈیوٹی پر جانے اور نکلنے پر ان
 سے اجازت لینے کی وجہ سے جواب طلب کیا گیا تھا۔ سائل نے اس شوکار نوٹس کے جواب
 میں جملہ ایکٹس سمیت مفصل جواب دیا جس میں فہرہ جاوید آئی ایس ایف کے کردار کو بھی واضح کیا
 گیا۔ سائل کا یہ جواب۔ جناب SDO سے لیا گیا۔ اس کے بعد سائل نے اپنے سے قبل غائب
 کر دیا گیا۔ نقل جواب شوکار لیا گیا ہے۔
3. ASD&O سائل نے ذاتی اناء کی خاطر سائل کو 29/2/2015 کو دوبارہ SDO سے اس
 سے شوکار جاری کروایا۔ جس میں 27 اس نذرہ سائل کے۔ جبکہ سائل کے شوکار کا
 جواب صحیح کروا چکا تھا۔ جبکہ شوکار میں No Reply درج تھا۔ سائل نے دوبارے
 شوکار کا جواب بھی دیا۔ اس دوران سائل مقامی اسکول میں درخواست گزار رہا تھا۔
 سائل نے اس جواب کو بھی دفتر سے ٹاپ کر کے۔ حوالے کر دیا گیا۔
4. سائل کو اس آڈر کے تحت 14/2/2015-7199 حوالے سے 2015/02 کو سائل کا تیار شدہ آئی ایس ایف کے
 کر دیا گیا۔ جبکہ سائل کی موجودہ اسکول میں مدت ملازمت ابھی 2 سال ڈیوٹی نہیں تھی۔
 سائل نے تیار شدہ کی مکتوبی کی اپیل جناب کے خدمت میں پیش کی۔ سائل نے اپنی صورت
 حال اٹال مارچ 2015 اپیل میں درج کی۔ سائل کی اپیل مسترد کر دی گئی
 اس دوران سائل کو ٹیلی فون پر ASD&O سائل کے شتیان خان نے خارج چھوڑنے
 کا حکم دیا اور نتیجائی نازیبہ الفاظ استعمال کیے۔ سائل نے اس دوران 2015/07 کو
 اس روز کے لیے چھٹی درخواست بھی جمع کروادی۔
 سائل نے تیار شدہ حکم کے خلاف اپیل مسترد کرنے کے بعد عدالت سے رجوع بھی کیا

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سائل کو تیار کیا گیا بعد ذیل میں شہکار نوٹس جاری کیے گئے جن کا جواب
سائل نے بروقت جمع کر دیا حالانکہ ایک شہکار سائل کو علاحدگی نہیں تھی۔

سائل حلقاً کہتا ہے کہ اس پورے عمل میں سائل نے نہ کسی سرکاری ہسپتال سے چیک آپ
کر دیا اور نہ ہی کوئی میڈیکل سرٹیفکیٹ بنوایا۔ محض سائل کو مصدقہ کے لیے کراچی
سے کوئی سرٹیفکیٹ لگائے گا تو اس سے جعل بنایا گیا حالانکہ سائل نے 2 بار پرائیویٹ
میڈیکل چیک آپ کر دیا ہے۔ سائل 18⁰⁹/₂₀₁₅ سے مسلسل سکول میں حاضر ہے۔ ضابطہ ASD 20
سکول کے حکم پر سائل کو نہ ہی تیار کیا گیا کہ وہ Releaving علی اور نہ ہی سائل کو وہ کھانسی
پر کھانسی لگانے دی گئی۔ اس دوران سائل اسٹریس پر کھانسی لگانا دیا۔ سائل کی کھانسی
کو گواہی ٹرس میں جوہر 115-1 سے لیا گیا تھا۔ اور دیگر سٹاف بھی وہیں تھے
جنا بجا۔

سائل کو جس سے SSD ڈیوٹی پر لیا گیا اور کھانسی کے لیے طلب کرنے والی بات
کہ وہ ASD سکول ذاتی انتظام کارخانہ بنا رہے ہیں۔

سائل کو اس پورے عمل کے دوران کسی بھی فورم پر اپنی جگہ لکھی گئی کہ وہ اصل صورت حال
بیان کرنے کا حق نہیں دیا گیا۔ محض ایک دفعہ ASD نے ڈان کو اس
حاضر کرنے کا حکم دیا۔ سائل کھانسی پر کھانسی لگائے گا تو اس سے ASD کو
سائل اوقات دفتر ختم کرنے تک انتظار کرنا دیا۔

اس کے بعد کہ از سر زحائق نوید نظر رکھ کر سائل کو
المنہ فریام کیا جائے۔

26/11/2015
26/11/2015
PSI
PSI

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

NOTIFICATION

WHEREAS you Mr. Umer Hayat while serving as PST at GPS Nathia Gali (under transfer to GPS Keri Raiki) Abbottabad were proceeded for having committed the following acts which constitute inefficiency and misconduct under Rule-3, Sub Rules(a),(b)&(d) of the Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011.

1. AND WHEREAS you were transferred to GPS Keri Raiki vide this office Endst: No.7199 dated 02.9.2015 but you failed to take over charge at GPS Keri Raiki and found absent from duty w.e.from 03.9.2015 to 21.9.2015 without any information/application as per report of ASDEO Circle Nathia Gali dated 21.9.2015.
2. AND WHEREAS you submitted an application without recommendation of ASDEO (Circle) Nathia Gali alongwith medical certificate/advice of Medical Officer, Ayub Teaching Hospital, Abbottabad for complete bed rest w.e.from. 09.9.2015 to 18.9.2015 (10 days) without countersignature of Medical Superintendent.
3. AND WHEREAS Show Cause Notices regarding your misconduct and absence from duty were served upon you through Sub Divisional Education Officer (Male) Abbottabad vide this office Memo: Nos.7812 dated 19.9.2015 and 8042 dated 02.10.2015.
4. AND WHEREAS, your medical certificate was forwarded to Medical Superintendent Ayub Teaching Hospital Abbottabad for clarification/verification vide this office Memo: No.7858 dated 23.9.2015.
5. AND WHEREAS the said medical certificate was found not genuine & not verified as per Hospital Director Ayub Teaching Hospital letter No.4258 dated 05.10.2015
6. AND WHEREASE on receipt of reply of show cause notice dated 13.10.2015, you were summoned for personal hearing on 2.11.2015 through SDEO (M) Abbottabad vide this office Memo: No.8691 dated 27.10.2015 but due to engagement of the undersigned you were re-called for personal hearing on 20.11.2015 through SDEO (M) Abbottabad vide this office Memo: No.9005 dated 16.11.2015. You appeared for personal hearing on 20.11.2015 and failed to defence the charges levelled against you and left the office without any information/intimation. You were recalled for personal hearing on 07.12.2015 vide this office Memo: No.9376 dated 30.11.2015
8. AND By reason of the above, charges leveled against you have been proved and you are found guilty of misconduct, wilful absenting yourself from duty, inefficiency, and professional dishonesty under Rule-3 of the Khyber Pakhtunkhwa Govt: Servants (E&D) Rules-2011.

NOW THEREFORE, the Competent Authority, in exercise of the power conferred upon him under Rule-4(1)(a) Sub Rule(ii)&(iii) of Khyber Pakhtunkhwa, Government Servant (Efficiency & Discipline) Rules, 2011 is pleased to impose minor Penalty of "withholding of annual increment for two years and recovery of pay drawn during the absent period i.e., 03.9.2015 to 21.9.2015 (19 days) upon Mr. Umer Hayat PST GPS Nathia Gali (under transfer to GPS Keri Raiki) and the absent period is treated as leave without pay.

Sd/

DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Endst: No. 491-98 /EB/F.No.11/Vol-III

Dated 19-1 /2016

Copy for information & necessary action to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Accounts Officer Abbottabad.
3. Sub Divisional Education Officer (Male) Abbottabad with the remarks that recovery be made from the pay of the teacher concerned through source and entry also be recorded in his service book.
4. Teacher concerned.

ASDEO (N/G)
plz provide the
1/2 book for
further info.

A/branch
for further info
for info

DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD
for records plz
19/1/2016

730
19/1/16

Ad
Bl

اس کی ایک کاپی اس کے ساتھ ہے۔ اس کے ساتھ اس کے پاس ایک کاپی ہے۔

اس کے ساتھ اس کے پاس ایک کاپی ہے۔ اس کے ساتھ اس کے پاس ایک کاپی ہے۔

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اس کے ساتھ اس کے پاس ایک کاپی ہے۔ اس کے ساتھ اس کے پاس ایک کاپی ہے۔

اس کے ساتھ اس کے پاس ایک کاپی ہے۔ اس کے ساتھ اس کے پاس ایک کاپی ہے۔

اس کے ساتھ اس کے پاس ایک کاپی ہے۔ اس کے ساتھ اس کے پاس ایک کاپی ہے۔

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اس کے ساتھ اس کے پاس ایک کاپی ہے۔ اس کے ساتھ اس کے پاس ایک کاپی ہے۔

اس کے ساتھ اس کے پاس ایک کاپی ہے۔ اس کے ساتھ اس کے پاس ایک کاپی ہے۔

اس کے ساتھ اس کے پاس ایک کاپی ہے۔ اس کے ساتھ اس کے پاس ایک کاپی ہے۔

اس کے ساتھ اس کے پاس ایک کاپی ہے۔ اس کے ساتھ اس کے پاس ایک کاپی ہے۔

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Annexure 9

صافی اقدام سے جو کہ سائل کے حقوق پر مالمدم اور بے اثر ہے۔

لہذا استدعا ہے کہ حکم تعلیم ایب آر با کی جانب سے جاری کردہ لٹیر مستوخ کرتے ہوئے سائل کی سالانہ ترقیاں بحال کرنے کے احکام صادر فرمائے جاویں اور سائل کی سروس جو کہ تحت قواعد و ضوابط جاری و ساری ہے کے عین مطابق جاری رکھی جاوے۔

17.02.2016

مہر حیات PST پیپر معینہ GPS کیری رائٹنگ ایب آر با

All
Blaw

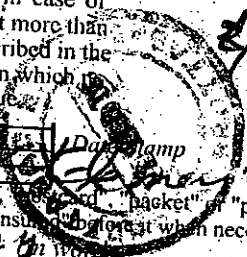
Annexure M,

No.968

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which an acknowledgement is due.

Received a registered* addressed to

Director of Secondary Education



Initials of Receiving Office

Secondary Education

Insured for Rs. (in figures)

Insurance fee Rs.

Ps. (in words)

Weight Kilo Grams

Name and address of sender

Reshwar

If insured.

Handwritten signature/initials.

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR AT CAMP COURT ABBOTTABAD.

APPEAL No.642/2016

UMMER HAYYAT.....Appellant

VERSUS

DIRECTOR ELEMENTARY & SECONDARY EDUCATION, KHYBER
PAKHTUNKHWA PESHWAR & OTHERS.....Respondents.

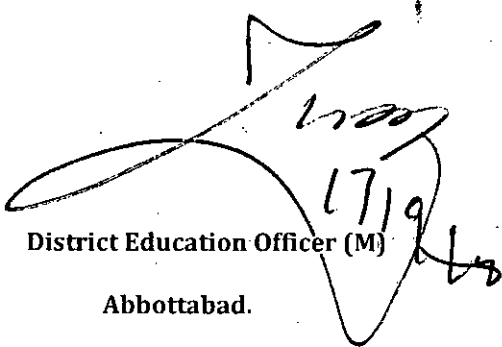
Joint Comments on behalf of Respondents.

SERVICE APPEAL

INDEX

Sr.No	Description	Page Nos	Annexures
1	Comments alongwith affidavit	1 to 4	
2	Copy of the absent report dated 21-09-2015	5	"A"
3	Copy of application	6	"B"
4	medical certificate	7	"C"
5	clarification letter No. 7858 dated 23-09-2015	8	"D"
6	Copy of letter No. 4258 dated 05-10-2015	9	"E"
7	Copy of letter No. 8691 dated 27-10-2015	10	"F"
8	Copy of letter No. 9005 dated 16-11-2015	11	"G"
9	Copy of letter No. 9376 dated 30-11-2015	12	"H"
10	Affidavit	13	"I"

Dated 17/09/2016


District Education Officer (M)

Abbottabad.

(Respondent No. 3)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR AT CAMP COURT ABBOTTABAD..

APPEAL NO.642/2016

UMMER HAYYAT.....Appellant

VERSUS

DIRECTOR ELEMENTARY & SECONDARY EDUCATION, KHYBER
PAKHTUNKHWA PESHWAR & OTHERS.....Respondents.

Joint Comments on behalf of Respondents.

Respectfully Sheweth:-

Comments on behalf of respondents are submitted as under:-

PRELIMINARY OBJECTIONS:-

1. That the appellant has no cause of action to file the instant service appeal.
2. That the appellant has no locus standi.
3. That the appellant did not come to this Honorable Tribunal with clean hands.
4. That the appellant concealed and distorted the material facts from this Honorable Tribunal.
5. That the present appeal has been filed just to pressurize and blackmail the respondents.
6. That the instant service appeal is not maintainable in its present form.
7. That the instant appeal is hopelessly time barred.
8. That the appellant has suppressed the original facts from this Honorable Tribunal hence, not entitled for any relief & appeal is liable to dismissed without any further proceeding.

Factual objections:-

1. That Para No. 1, relates to the service record of appellant hence, no comments.
2. That Para No. 2, is incorrect to the extent of personal grudge, remaining para pertains to record hence, no comments.
3. That Para No. 3, is incorrect as stated. Record speaks itself which self explanatory.
4. That Para No. 4, of the instant appeal relates to record.
5. That Para No.5, of the instant appeal is incorrect hence, denied as per report of ASDEO Circle Nathia Gali dated 21-09-2015, appellant was transferred to GPS Keri Raiki vide letter No. 7199 dated 02-09-2015 but he failed to take over charge at GPS Keri Raiki & found absent from duty

w.e.f 03-09-2015 to 21-09-2015. (Copy of the absent report dated 21-09-2015 is annexed as annexure "A").

6. That Para No. 6, of the instant appeal as composed is incorrect hence, denied. Appellant submitted an application without recommendation of ASDEO Circle Nathia Gali along with medical certificate/advise of Medical Officer, Ayub Teaching Hospital, Abbottabad for complete bed rest w.e.f 09-09-2015 to 18-09-2015 (10 days) without countersignature of Medical Superintendent. Furthermore, medical certificate provided by appellant was forwarded to Medical Superintendent Ayub Teaching Hospital Abbottabad for clarification/verification vide letter No. 7858 dated 23-09-2015. (Copy of application, medical certificate & clarification letter No. 7858 dated 23-09-2015 are annexed "B", "C" & "D").
7. That Para No. 7 of the instant appeal as composed is incorrect hence, denied. As per hospital Director Ayub Teaching Hospital letter No. 4258 dated 05-10-2015, medical certificate provided by appellant was found not genuine & not verified. Furthermore, on receipt of reply of show cause notice appellant was summoned for personal hearing on 02-11-2015 through SDEO (Male) Abbottabad vide letter No. 8691 dated 27-10-2015 but due to the engagement of the respondent No. 2 appellant was recalled for personal hearing on 20-11-2015 through SDEO (Male) Abbottabad vide letter No. 9005 dated 16-11-2015 & appellant availed the opportunity of personal hearing on 20-11-2015 & failed to defence the charges leveled against him & left the office without any intimation. Appellant was once again recalled for personal hearing 07-12-2015 vide letter No. 9376 dated 30-11-2015 & same opportunity has availed by the appellant on 07-12-2015 & he also produced an affidavit to the effect that he may please be forgiven which he has committed. (Copies of letter No. 4258 dated 05-10-2015, letter No. 8691 dated 27-10-2015, letter No. 8691 dated 27-10-2015, letter No. 9005 dated 16-11-2015, letter No. 9376 dated 30-11-2015 & affidavit are annexed as annexure "E", "F", "G", "H" & "I" respectively).
8. That Para No. 8, of the instant appeal is subject to cogent proof,

GROUND:-

- a. That ground a, as composed is incorrect hence, denied as there was no need to hold a formal inquiry in the case of appellant. As per report of ASDEO Circle Nathia Gali dated 21-09-2015, appellant remained absent from duty w.e.f 03-09-2015 to 21-09-2015 without any information/application.
- b. That ground b, as composed is incorrect hence, denied. Detailed reply has been given in ground a.
- c. In reply to ground c, it is submitted that there was no need to holding a formal inquiry as appellant himself remained willful absent w.e.f 03-09-2015 to 21-09-2015 & he badly failed to defend the charges leveled against him. Furthermore, the opportunity of personal hearing/defence was provided to appellant & he availed the same.
- d. The ground d, as composed is incorrect hence, denied.

- e. The ground e, as composed is incorrect hence, denied. As the act of the respondents is purely in accordance with law, rules & policy.
- f. That ground f, as composed is incorrect hence, denied.
- g. That ground g, as composed is incorrect hence, denied.
- h. The ground h, as composed is incorrect hence, denied. Furthermore, appellants submitted an application alongwith medical certificate which found not genuine & not verified by the Hospital Director of ATH Abbottabad.
- i. That ground i, as composed is incorrect hence, denied. As impugned notification was issued after adopting the due course of law.
- j. That the respondents seek permission of this Honorable Tribunal to advance further grounds during the arguments.

It is, therefore, very humbly prayed that in the light of forgoing comments the appeal in hand may graciously be dismissed with cost throughout.

Sub Divisional Education Officer (Male)

Abbottabad.

(Respondent No. 3)

District Education Officer (Male)

Abbottabad.

(Respondent No. 2)

Director (E&SE) Khyber Pakhtunkhwa
Peshawar.

(Respondent No. 2)

Secretary (E&SED) Khyber Pakhtunkhwa
Peshawar.

(Respondent No. 1)

Before the Honorable Khyber Pakhtunkhwa Service Tribunal
Peshawar AT CAMP COURT ABBOTTABAD.

APPEAL No.642/2016

UMMER HAYYAT.....Appellant

VERSUS

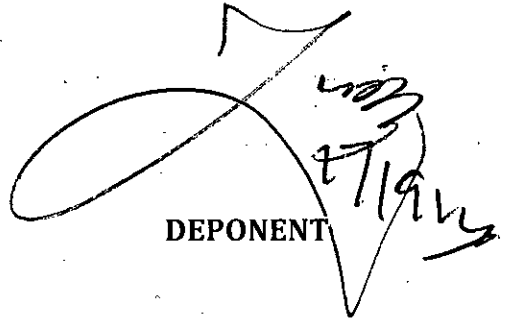
DIRECTOR ELEMENTARY & SECONDARY EDUCATION, KHYBER
PAKHTUNKHWA PESHWAR & OTHERS.....Respondents.

Joint Comments on behalf of Respondents.

1

AFFIDAVIT

I, Mr. Zia ud Din, District Education Officer (M) Abbottabad,
declare on oath that the contents of forgoing Comments are correct and
true according to the best of my knowledge and belief and nothing has
been suppressed from this Honorable Tribunal.


DEPONENT

ANXA

5



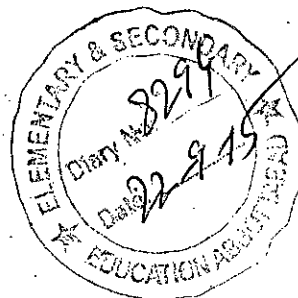
OFFICE OF THE ADO (MALE) CIRCLE NATHIAGALI (ABBOTTABAD)

To,

The DEO (M)

ABBOTTABAD:

Subject: Absent Report



R/ Sir

It is submitted that Umar Hayyat GPS kari Riki
Was found absent Dated 3/9/2015 to 21/9/2015 without any application, and permission.

So report is submitted for further action please.

[Handwritten signature]
21/9/2015

ADO CIRCLE (M) NATHIAGALI
ABBOTTABAD

ACCEPTED

RE: issue show cause
against him as reported
ADO concerned:

933
~~AEI~~
[Handwritten signature]
22/9

[Handwritten signature]
21/9/2015

گورنمنٹ جنرل ڈیپارٹمنٹ (M) ایئر لائنز

ضابطہ عالی۔

گورنمنٹ جنرل ڈیپارٹمنٹ کی طرف سے

تعمیراتی 08/08/2015 سے 18/08/2015 تک طبی معائنے اور حیدرآباد

سٹیشن کوڈ ناظمیہ ہے۔ جس میں شامل ہونے والے افسران

اس وقت کے لئے - سندھ کے لئے وضع کردہ

رہنما - انتظامیہ کے لئے وضع کردہ

گورنمنٹ جنرل

عزیز

PSI

PSI - انتظامیہ



AYUB TEACHING HOSPITAL

ABBOTTABAD

Filter Out Patient Department



Book No. 3997

S. No. 007

Patient Name: Umer Hayat

Patient ID:

Patient Sex: Male

Patient Yearly No: 1150994298

Patient Age: 45 Years

Patient Date & Time: 09-Sep-2015 05:30:42 PM

Address: abbattabad

OPD: Routine

Amount: Rs:-10

Computer Operator: Sohail Mughal

Leup-101 po
Carey-pan
Dil-af
Pulv-ant

- 1) Tab Ciproxin 500mg
1-1 10 days
- 2) Tab. Re33 20mg
1-05. 15 days.
- 3) Tab Febrol
2+2
- 4) syp Lederplex
2+1+2

Advise
T. dot
X chest
C/Ri
Pulv
- Exp

دو روز 10
- 10

Advise complete bed rest
for 10 days w.e.f 09-sep-15

[Signature]
Medical Officer
Ayub Medical Complex
Abbottabad
40 Ave

Ann D
8

(Circular Stamp)

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

No. 7858 /E.No.11/Vol-III

Dated 23-9-2015

The Medical Superintendent
Ayub Teaching Hospital
Abbottabad

Subject: CLARIFICATION/VERIFICATION OF MEDICAL LEAVE
Memo:

Enclosed please find herewith copy of OPD chit bearing book No.3997 patient yearly No.1150994298 dated 09.9.2015 in respect of Umer Hayat PST GPS Kori Raki regarding advice of complete bed rest for ten days w.e. from 09.9.2015.

However, the above named teacher visited this office on 16.9.2015 for his official work. When asked why he left his station of duty, he replied that Doctor advised him bed rest and he has applied for medical leave. He was too good to wander here & there without any effect of ailment.

It is therefore, requested to deal the medical cases of teachers with extra care as it affects our young students directly and also verify the above OPD chit with clarification that whether bed rest on medical grounds can be advised for more than three days by a Medical Officer.

Your cooperation in this regard will be highly appreciated.

DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

(Handwritten Signature)

(Handwritten Mark)

Annex 9

**MEDICAL TEACHING INSTITUTION,
AYUB TEACHING HOSPITAL
ABBOTTABAD**

Phone: 0992-380871 Fax 0992-380328

No. 4258 /PS.HD/ATH.

Dated. 05-10-2015

To

The Dy. District Education Officer (M)
Abbottabad.

Subject:- CLARIFICATION/VERIFICATION OF MEDICAL LEAVE IN R/O
MR. UMAR HAYAT PST GPS KERI RAKI.

With reference to your letter No. 7858/F.No.11/Vol-III dated 23-09-2015 on the subject cited above, Medical Officer has got no privilege of advising Bed rest more than 03 days. Hence, not verified and seems not genuine.

3
22

HOSPITAL DIRECTOR,
MEDICAL TEACHING INSTITUTION
AYUB TEACHING HOSPITAL
ABBOTTABAD



ADO (E/A)

Pls take up
against him being
produced false statement/report.

1158
AE II
13/10

10/10/15

Ann E (10)

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD


No. 8691 /E.No. 11/Vol-III
Dated 27-10-2015

The Sub Divisional Education Officer
(Male) Abbottabad

Subject: PERSONAL HEARING

Memo:

I am directed to refer to the subject cited above and ask you to intimate Mr. Umer Hayat, PST GPS Nathia Gali under transferred to GPS Ken Raki to attend office of the District Education Officer (Male) Abbottabad on 02.11.2015 at 10.00 AM for personal hearing.


BY: DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD
9/12

Annex 11

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

No. 9005 / F.No.11/Vol-III

Dated 16-11 / 2015

The Sub Divisional Education Officer
(Male) Abbottabad

Subject: PERSONAL HEARING

Memo:

With reference to this office Memo: No.8691/F.No.11/Vol-III dated 27.10.2015 on the subject noted above. Personal hearing in respect of Mr. Umer Hayat GPS Nathia Gali under transfer GPS Keri Raki is rescheduled on 20.11.2015 at 10.00 AM in office of the under signed. You are directed to inform the teacher concerned accordingly

[Signature]
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

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س

جی ایم ایس

ABSENT

ADDOCE/PJ

PC = put up
on file with

02-11

[Handwritten mark]

Anx H

12

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

No. 9376 /F.No.11/Vol:III

Dated 30-11 /2015

To

The Sub Divisional Education Officer (M)
Abbottabad.

Subject: PERSONAL HEARING

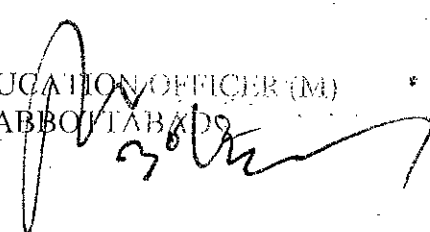
Memo:-

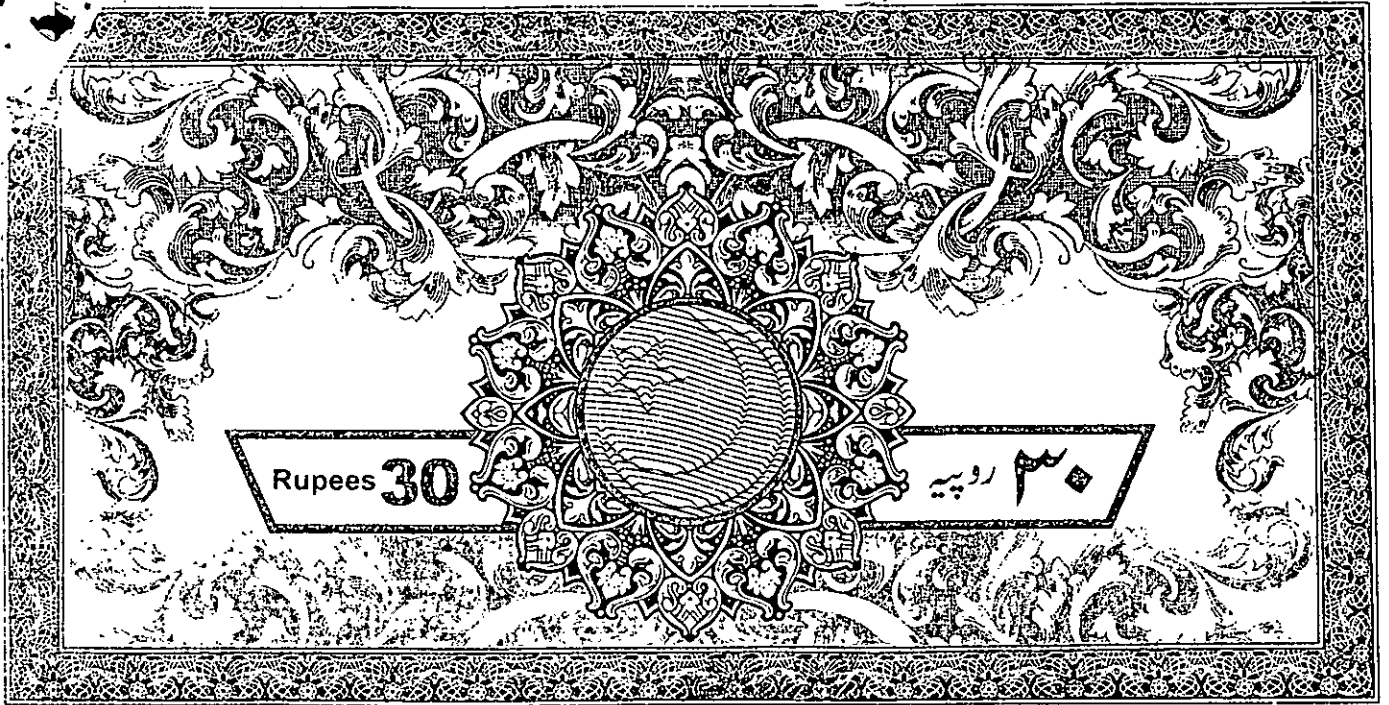
This is to inform you that personal hearing of Mr. Umer Wajai PST GPS Nathia Gali (under transfer GPS Keri Raki) was held on 20.11.2015. he attended office of the undersigned and left the office without any information/intimation.

His personal hearing is rescheduled on 07.12.2015 at 10.00 AM in office of the undersigned. You are hereby directed to inform the teacher concerned accordingly.

DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

92





فدا مہی عمر حیات آ پی حلقہ بیانی یوں کے
 سال ۲۰۱۵ء کے ادا میں سے کسی کوئی کی ادائیگی سے بعد
 سے لیکر اب تک دوران تبادلہ بعد تبادلہ کے احکامات کے بعد
 ساتھ سے جو بھی غلطی کو مہی ہوئی ہو۔ اور یہ ہے اپنے افسران بالہ
 کے ساتھ روپے میں جو بھی غلطی سرزد ہوئی ہے۔ میں اپنے
 دورے پیش ہو جو اس میں جناب ڈسٹرکٹ ایجوکیشن افسر
 جناب سید ذوالکریم آفریدی اور جناب سید ذوالکریم آفریدی
 آفریدی سے تہمید کے معافی کا خواستگار ہوں۔ اور یہ ہے
 اپنے افسران ملازمت میں وعدہ کرنا یوں کے مہی ماکردن کے ملازمت
 بعد روپے افران بالہ کے لیے کسی صورت بھی تہمید کے معافی ہو گا۔
 اللہ

عمر حیات آ پی
 حوالہ ۰۷/۱۲/۲۰۱۵
 اللہ