

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
CAMP COURT SWAT

Service Appeal No. 165/2016

Date of Institution... 25.02.2016

Date of decision... 07.12.2017

Rashid Ahmad (Ex-CT) GHS Dehairai, Swat R/O Village Kuz Bandy, District Swat. ... (Appellant)

Versus

1. District Education Officer (Male) Swat and another. ... (Respondents)

MR. SHAMSUL HADI,  
Advocate

... For appellant.

MR. KABIRULLAH KHATTAK,  
Addl Advocate General

... For respondents.

MR. NIAZ MUHAMMAD KHAN,  
MR. MUHAMMAD HAMID MUGHAL,

... CHAIRMAN  
... MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned counsel for the parties heard and record perused.

FACTS

2. The appellant was removed from service on 18.05.2011 against which he filed departmental appeal on 14.12.2015 which was rejected on 02.02.2016 and thereafter the present service appeal on 25.2.2016.

ARGUMENTS

3. The learned counsel for the appellant argued that the impugned order has been made effective from a back date which is a void order. He further argued that no limitation shall run against void order. He relied upon a judgment reported in

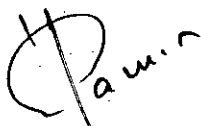
1985-SCMR-1178 and argued that void order cannot be sustained in the eyes of law.

4. On the other hand the learned Addl. Advocate General argued that the present appeal is hopelessly time barred as the departmental appeal was filed after almost 5 years of the original order. That the department has fulfilled all the codal formalities.

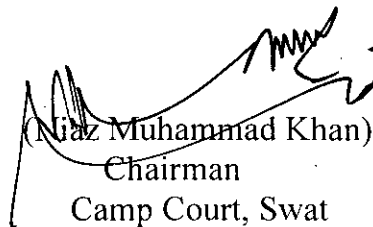
### CONCLUSION

5. Admittedly the removal order has been given retrospective effect and in view of so many judgments delivered by this Tribunal on the basis of judgment reported in 1985-SCMR-1178, the retrospective order is a void order and no limitation shall run against void order. Presuming that all other elements of due process have been complied with, the void order cannot be sustained on this score alone.

6. As a sequel to the above discussion, the present appeal is accepted and the appellant is reinstated in service. The department is however, at liberty to hold denovo proceedings in accordance with law within a period of ninety days. The intervening period shall be subject to the final outcome of the denovo proceedings within a period of ninety days. Parties are left to bear their own costs. File be consigned to the record room.



(Muhammad Hamid Mughal)  
Member



(Niaz Muhammad Khan)  
Chairman  
Camp Court, Swat

ANNOUNCED


07.12.2017

07.12.2017

Counsel for the appellant and Mr. Kabeerullah Khattak, Addl. AG alongwith Muhammad Saeed, SS for the respondents present. Arguments heard and record perused.

This appeal is accepted as per our detailed judgment. Parties are left to bear their own costs. File be consigned to the record room.

  
Member

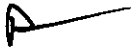
  
Chairman  
Camp Court, Swat.


ANNOUNCED

07.12.2017

03.10.2016

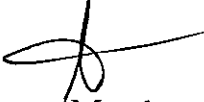
None present for the parties due to notification of public holiday on the eve of first Moharram. The appeal is therefore, adjourned for final hearing before the D.B to 03.01.2017 at camp court, Swat.


  
Member

  
Chairman  
Camp court, Swat

03.1.2017


Agent of counsel for the appellant and Mr. Muhammad Saeed, SS alongwith Mr. Muhammad Zubair, Sr.GP for the respondents present. Requested for adjournment. To come up for rejoinder and final hearing on 02.5.2017 before D.B at camp court, Swat.

  
Member

  
Chairman  
Camp court, Swat

02.05.2017


Appellant in person present. Mr. Muhammad Saeed, Subject Specialist alongwith Mr. Muhammad Zubair, District Attorney for the respondents also present. Rejoinder submitted. Due to non-availability of learned counsel for the appellant as well as incomplete bench arguments could not be heard. To come for arguments on 06.09.2017 before D.B at Camp Court Swat.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER  
Camp Court Swat.

06.09.2017

Counsel for the appellant and Mr. Muhammad Zubair, District Attorney alongwith Muhammad Saeed, SS for the respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 07.12.2017 before the D.B at camp court, Swat.

  
Member

  
Chairman  
Camp court, Swat.

22.03.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as CT when removed from service on the allegations of wilful absence vide impugned order dated 18.5.2011 where-against he preferred departmental appeal on 14.12.2015 which was rejected on 2.2.2016 and hence the instant service appeal on 25.2.2016.

That the appellant had secured sanctioned leave and was away due to wave of militancy in the area. That no opportunity of hearing was afforded nor inquiry conducted in the prescribed manners.

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 4.5.2016 before S.B at Camp Court Swat as the appeal pertains to the territorial limits of Malakand Division.

Appellant Deposited  
Security & Process Fee

Chairman

04.05.2016

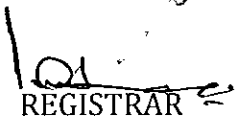


Agent of counsel for the appellant and Mr. Shafiq Ahmad, ADO alongwith Mr. Amir Qadir, GP for the respondents present. Written reply by the respondents submitted. The appeal is assigned to D.B for rejoinder and final hearing for 03.10.2016 at camp court, Swat.

Chairman  
Camp Court, Swat

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 165 /2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	25.02.2016	<p>The appeal of Mr. Rashid Ahmad presented today by Mr. Shamsul Hadi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	29-02-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>02-03-2016</u></p> <p style="text-align: right;"> CHARMAN</p>
	02.03.2016	<p>None present for appellant. The appeal be relisted for preliminary hearing for 22.3.2016 before S.B.</p> <p style="text-align: right;"> Chairman</p>

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE**  
**TRIBUNAL, PESHAWAR**

Service Appeal No. 165 /2016.

Rashid Ahmad.....Appellant

**V E R S U S**

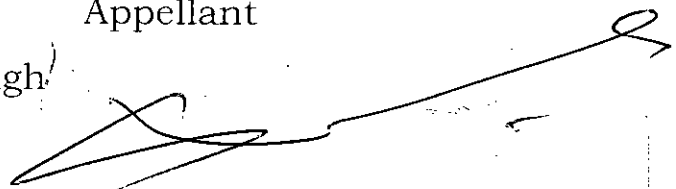
District Education Officer and others.....Respondents

**INDEX**

S.N	Description of Documents	Annex	Pages
1.	Memo of Appeal.		1--3
2.	Affidavit.		4
3.	Addresses of the Parties.		5
4.	Copies of office order dated:13.10.2004 and service book.	A	6--13
5.	Copy of Termination order dated:18.05.2011.	B	14
6.	Copies of Departmental appeal and order dated:02.02.2016.	C	15-17
	Wakalat Nama		18

Appellant

Through



**Shams ul Hadi**

Advocate, Peshawar.

Office: St/3 Abshar Colony

Warsak Road Peshawar.

Cell No. 0313-9772262

Dated: 15/02/2016.

**BEFORE THE KHYBER PAKHTOON KHWA SERVICES**  
**TRIBUNAL, PESHAWAR**

Service Appeal No. 165 /2016.

**S.W.F. Province**  
**Service Tribunal**  
**Diary No. 138**  
**Case 25/2/2016**

Rashid Ahmad (Ex-CT)GHS Dehairai, Swat  
R/O Village Kuz Bandy District Swat.....Appellant

**V E R S U S**

1. District Education Officer(Male) Swat.
2. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.....Respondents

**APPEAL UNDER SECTION 4 OF KHYBER**  
**PUKHTUNKHWA SERVICES TRIBUNAL ACT**  
**1974 AGAINST THE IMPUGNED OFFICE**  
**ORDERS DATED:18.05.2011 & 02.02.2016.**

**PRAYER IN APPEAL:**

*On acceptance of this appeal the impugned Orders dated: 18.05.2011 and 02.02.2016 regarding major penalty i-e removal of service of appellant may kindly be set aside and the appellant may kindly be re-instated to his service with all back benefits of service.*

**Respectfully Sheweth:**

1. That initially the appellant joined the respondent/department on 11.03.1993 as C.T and as such performed his duties with zeal and zest .
2. That during his service the appellant requested for long leave and as such the same was granted for 1090 days(without pay) from 06.10.2004 to 30.09.2007 vide office order dated:13.10.2004.(Copies of office order dated:13.10.2004 and service book are annexure-A)

**Filed to-day**

**25/2/16**



3. That during leave period of the appellant, the local militants emerged in Swat and as such due to some local issues, the militants threatens the appellant's family so the appellant and his family migrated from Swat and the appellant being sole bread earner for his family went abroad.
4. That after military operation against the anti-state activists in Swat some of the effectees of talibinization came back but they were targeted one by one by the local militants and the said series of target killing is still going on in Swat district.
5. That when in December 2015 the appellant came back to his home from abroad where the appellant got knowledge about order dated:18.05.2011 i-e his termination from service that too without giving any notice or adopting any legal process.(Copy of Termination order dated:18.05.2011 is annexure-B)
6. That against his illegal removal from service, the appellant filed departmental appeal before the competent authority but the same was regretted vide order dated:02.02.2016.(Copies of departmental appeal and order dated:02.02.2016 is annexure-C)

That being aggrieved from the impugned orders, the appellant approached this Hon'ble Tribunal on the following grounds amongst other inter alia:

**GROUND:**

- A. That the impugned office orders are against the facts, law and procedure, hence, untenable being unjust and unfair.


- B. That the appellant was not treated in accordance with law and rules, thus acted in violation of the relevant laws laid down for the purpose.
- C. That the whole departmental proceedings against the appellant was based on personal ill will and with ill intention a harsh and illegal penalty was imposed on the appellant.
- D. That no opportunity in shape of personal hearing was afforded to the appellant and as such no legal procedure was adopted while removing the appellant from service.
- E. That any other ground may be adduced during the course of argument, with the kind permission of this Hon'ble Court.

It is, therefore, most humbly prayed that On acceptance of this appeal, impugned Orders dated: 18.05.2011 and 02.02.2016 regarding major penalty i-e removal of service of appellant may kindly be set aside and the appellant may kindly be re-instated to his service with all back benefits of service.

Or

Any other relief which this Hon'ble Tribunal deems appropriate in circumstances of the case may kindly be awarded to the appellant.

Appellant

  
Rashid Ahmad (Ex-CT)GHS Dehairai, Swat

Through

  
**Shams ul Hadi**

Dated: 15/02/2016

Advocate, Peshawar.



**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE**  
**TRIBUNAL, PESHAWAR**

Service Appeal No. \_\_\_\_\_/2016.

Rashid Ahmad.....Appellant

**V E R S U S**

District Education Officer and others.....Respondents

**AFFIDAVIT**

I, **Shams ul Hadi**, Advocate, Peshawar do hereby as per information conveyed to me by my client solemnly affirm and declare that the contents of the **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



**A D V O C A T E**



**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE**  
**TRIBUNAL, PESHAWAR**

Service Appeal No. \_\_\_\_\_/2016.

Rashid Ahmad.....Appellant

**V E R S U S**

District Education Officer and others.....Respondents

**ADDRESSES OF THE PARTIES**

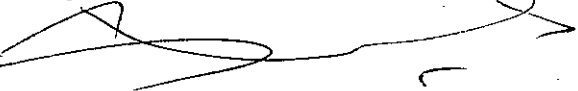
**APPELLANT:**

Rashid Ahmad (Ex-CT)GHS Dehairai, Swat  
R/O Village Kuz Bandy District Swat  
Cell No.0345-8481148.

**RESPONDENTS:**

1. District Education Officer(Male) Swat.
2. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.

Appellant

Through 

**Shams ul Hadi**

Advocate, Peshawar.

Dated: 15/02/2016

6

OFFICE OF THE DISTRICT COORDINATION OFFICER SWAT AT GULKADA.

No. \_\_\_\_\_/63/DCO/Estt:

Dated the 13/10/2004.

*Annexure - A<sup>2</sup>*

ORDER.

Sanction is hereby accorded to the grant of 1090 days leave (without pay) from 06/10/2004 to 30/9/2007, subject to title in favour of Mr. Rashid - Ahmad, CT Teacher Government High School Dherai, District.

*Sd/-*  
DISTRICT COORDINATION OFFICER SWAT..

No. 13253-55/63/DCO/Estt:

Copy forwarded to:-

- 1- The EDO Schools and Lit :Swat for information w/r to his Memo:NO.6680/ Rashid Ahmad-CT., dated 5/10/2004.
- 2- The District Accounts Officer, Swat.
- 3- Official concerned C/o EDO Schools and Lit: Swat.

*Sd/-*  
HUMAN RESOURCE DEV:OFFICER SWAT.

OFFICE OF THE DISTRICT COORDINATION OFFICER SWAT AT GULKADA.  
Estt:No. 7234-37 A-12/R: Ahmad, CT dated the 13/10/2004.

Copy of the above is forwarded for information and necessary action to:-

- 1. The District Coordination Officer, Swat w/r to his No. above.
- 2. The District Account officer, Swat at Saidu Sharif.
- 3. The Principal, GHS: Dherai, Swat.
- 4. The Official concerned.

*Allegri*  
*[Signature]*

*[Signature]*  
HUMAN RESOURCE OFFICER,  
SCHOOLS & LIBRARY, SWAT.

(For use in Police Department only)

7

Hours:—

- 1.
- 2.
- 3.

Verification Roll No.                      dated                      received back.

Left Thumb-Impression

Qualifications	Date	Div	Qualifications	Date	Div.
English passed C.T Exam in 1992 under Roll No 316 4			First Arts Passed SSC Exam in 1986 under Roll No 7621 obtaining 444 marks		II
Pushto obtained Marks 797 1200		I	B.L or B.A.		
Urdu Date of Declaration of Result (22-11-1992)			Pledership Examination Passed FSe Exam in 1988		
Plan-Drawing			Under Roll No 3589 obtained 629 marks Training School Final Examination		II
Finger Print passed BEd Exam in 1997			Other Qualifications:—		
Drill Instructing under Roll No 1823 obtained Marks 541/1000			passed BSc Exam in 1990 Under Roll No 9293 & obtained 296 marks		II
Court Duties Date of Result Declaration 30-04-1997					
Reserve Duties passed MEd Exam in 2003 under R No K-6560539 28 obtained marks 688/1200			passed Misc (Maths) Exam in 1995		
Result Declared on			under Roll no 1682 and obtained 646 marks		II

N.B.— Line to be drawn under the qualification possessed.  
20-03-2003  
Olished

Govt: High School  
Sherepoun, Distt Swat.

Alleges

(8)

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

1. Name: Mr. Rasheed Ahmad

2. Race Afghan (Yousafzai)

3. Residence Village and p/o Kuzza Bandai  
Teh- Kabal Distt- Swat

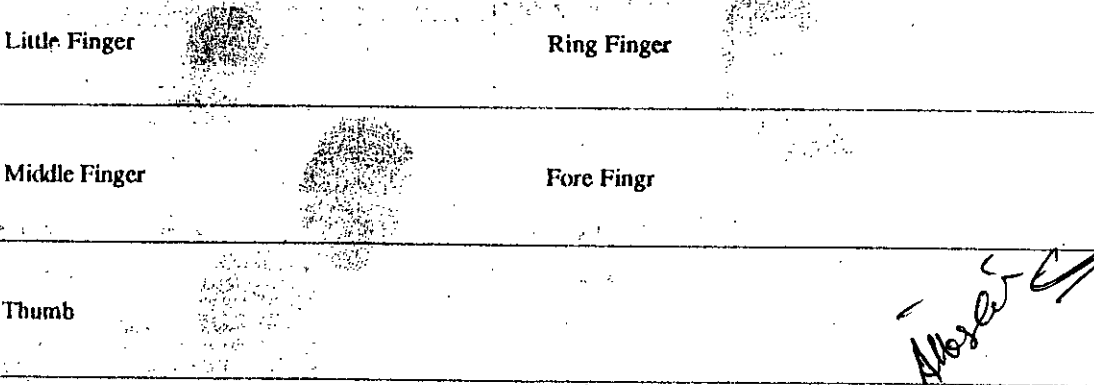
4. Father's name and residence Mr. Khurshid Anwar

5. Date of birth by Christian era as nearly as can be ascertained (13-4-1970) (13th April. N.H Seventy)

6. Exact height by measurement. 5'-7"

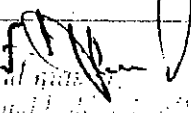
7. Personal marks for Identification A hole in The right Ear.

8. Left hand thumb and Finger Impression of (Non-Gazetted) Officer.



*Mohd*

9. Signature of Government Servant Ahmad

10. Signature and Designation of the Head of the Office, or other Attesting Officer.   
Head of Office  
Government of Swat  
Mandora





(9)

1	2	3	4	5	6	7	8
Name of Post	Whether substantive or officiating and whether permanent or temporary	If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
C.T G.H.S. Miana Darg	Sub/par	Scale B.P.S No: 9 (185-72-2265)	Rs. 1185/-	/		11 <sup>4</sup> / <sub>93</sub>	Ahmad
Do	do-	Scale B.P.S No 14 (1530-119-3315)	Rs. 1530/-	/		11 <sup>4</sup> / <sub>93</sub>	Ahmad
Do	do-	Scale B.P.S No 14 (2065-161-4480)	Rs. 1530/-	/		1 <sup>6</sup> / <sub>95</sub>	Ahmad
C.T G.H.S. Najarabad	do-		Rs. 2065/-	/		1 <sup>6</sup> / <sub>95</sub>	Ahmad
Do	do-		Rs. 2226/-	/		1 <sup>6</sup> / <sub>95</sub>	Ahmad
C.T G.H.S. Shirsalam	do-		Rs. 2226/-	/		6 <sup>8</sup> / <sub>95</sub>	Ahmad
Do	do-		Rs. 2387/-	/		1 <sup>12</sup> / <sub>95</sub>	Ahmad
Do	do-		Rs. 2548/-	/		1 <sup>12</sup> / <sub>96</sub>	Ahmad
Do	do-		Rs. 2709/-	/		1 <sup>12</sup> / <sub>97</sub>	Ahmad
<p>BOL dt 1/12/95 to 31/5/95  Office of The Accountant General  N.W.F.P. Peshawar.  Pay scales 1995  Pay fixed in the scale of Rs. 2065-161-4480 B. (14) 1-6-95  A. Rs. 2226/- 2-1-88 1-6-95  with next Inc. 2-1-88 1-6-95  Account Officer  Pay Fixation Party N.W.F.P. Peshawar.</p>							

Ahmad

OR

10

9 Signature and position of the head of the office or other attesting officer in columns 1 to 8	10 Date of termination of appoint- ment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting Officer	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant
				Nature and dura- tion of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debtible to another Government		
				Period	Government to which debtible		
<i>[Signature]</i>	11-11-93	Allowed graded pay scale No 14	<i>[Signature]</i>			Appointed as C.T vide DE(S) MKD No 3309-3376/W/ AE/ADEO Dated 31/3/93	
<i>[Signature]</i>	30-11-93	Leave without pay for msc w.e.f 1-12-93 To 31-5-95	<i>[Signature]</i>	Allowed short fall of one increment due on 1-12-93 w.e.f 1-6-95 and pay fixed as under 2085+161=2226/P.M.A.		Awarded B.P.S No 14 vide End No F/D (PRC) 1-1/89 Dated 7-8-92	
<i>[Signature]</i>	6-1-95	Transferred Adjusted P.H.S Nazimabad	<i>[Signature]</i>			Finance Dept.	
<i>[Signature]</i> Head master, Govt High School, Muzarabad Swat	6-1-95	Allowed An/Incr due of 12/93	<i>[Signature]</i> Head master, Govt High School, Muzarabad Swat				
<i>[Signature]</i> Head master, Govt High School, Muzarabad Swat	5-8-95	Transferred 29-11-95 SHERPALAM	<i>[Signature]</i> Head master, Govt High School, Muzarabad Swat	Leave without pay is sanctioned vide DE(S) MKD; Division Swat at Gul Kada Endost. No- 6934-37/A-12/R. Ahmad C.T. Dir. Dated 21/11/93			
<i>[Signature]</i> Head master, Govt High School, Muzarabad Swat	30-11-95	Annual increment	<i>[Signature]</i> Head master, Govt High School, Muzarabad Swat	w.e.f 1-12-93 to 31-5-95			
<i>[Signature]</i> Head master, Govt High School, Muzarabad Swat	30-11-96	Annual increment	<i>[Signature]</i> Head master, Govt High School, Muzarabad Swat				
<i>[Signature]</i> Head master, Govt High School, Muzarabad Swat	30-11-97	Annual increment	<i>[Signature]</i> Head master, Govt High School, Muzarabad Swat	Adjusted w.e.f 1-6-95 against C.T post DE(S) MKD division Swat at Gul Kada Saidu Shafiq Endost. No 14544-47/A-12 R. Ahmad C.T Dated 18-6-95			
<i>[Signature]</i> Head master, Govt High School, Muzarabad Swat	30-11-98	Annual increment	<i>[Signature]</i> Head master, Govt High School, Muzarabad Swat				
<i>[Signature]</i> Head master, Govt High School, Muzarabad Swat	1-12-95		<i>[Signature]</i> Head master, Govt High School, Muzarabad Swat	6-8-95			
<i>[Signature]</i> Head master, Govt High School, Muzarabad Swat	20-12-97		<i>[Signature]</i> Head master, Govt High School, Muzarabad Swat	30-11-95			
<i>[Signature]</i> HEAD MASTER, GOVT. HIGH SCHOOL, SHERPALAM, DISTT: SWAT.			<i>[Signature]</i> PRINCIPAL, Govt. High School, SHERPALAM, DISTT: SWAT.				

*[Signature]*

1	2	3	4	5	6	7	8
Name of Post	Whether substantive or officiating and whether permanent or temporary	If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
C.T G.H.S. Sherpalam Swat	Sub/Per		Rs. 2870/-			1/12/98	Ahmad
CT G.H.S. Dherai Swat	"		Rs. 2870/-			23/12/99	Ahmad
do	do		Rs. 3031/-			1/12/99	Ahmad
do	do		Rs. 3192/-			1/12/2000	Ahmad
do	do		Rs. 3353/-			1/12/2001	Ahmad
do	do	(P/S-14-2180-240-10300)	Rs. 5020/-			1/12/2001	Ahmad
do	do		Rs. 5260			1/12/2002	Ahmad
do	do		Rs. 5500/-			1/12/2003	Ahmad

Departmental Pay Fixation in Revised Pay Scale No. 14 @ Rs. 3192/- vide FD (PRC) 1-1/2001 dated 27-10-2001. Pay In Existing Scale No. 14 on 30-11-2001 Rs. 3192/- Annual Increment in existing Pay Scale Rs. 161/- Equal/Next Stage In Revised P. Scale No. 14 Rs. 5020/- Pay Fixed on 1-12-2001, With effect from Annual Increment on 1-12-2002.

**UNDERTAKING-**  
 I Mr. Ahmad working against C.T. Post at G.H.S. Dherai Swat do hereby give an undertaking to the effect that if any over Payment is made to me as a result of in correct Fixation of my Pay w.o.f. it will be made good by recovery from my Pay/Pension/Gratuity.  
 Attested Sign: of Govt. Servant: Ahmad

Principal  
 Govt. High School,  
 Dherai Swat

Govt. High School,  
 Dherai (Distt-Swat)

Ahmad

12

9	10	11	12	13		14	15
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitabale to another Government		
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting Officer	Period	Government to which debitabale	Signature of the head of the office or other attesting officer	Reference to a recorded punishment or censure, or rev or praise of the Government Ser
<i>P. Singh</i>	22/7/99	Transfer to GHS Dherai Swat	<i>Agarwal</i> Principal, Govt High School, Dherai Swat			<i>P. Singh</i> Principal, Govt High School, Dherai Swat	21-12-97
<i>P. Singh</i>	30/11/99	Ann: Incr view	<i>P. Singh</i> Principal, Govt High School, Dherai Swat			<i>P. Singh</i> Principal, Govt High School, Dherai Swat	
<i>P. Singh</i>	30/11/2000	Ann: Increment	<i>P. Singh</i> Principal, Govt High School, Dherai Swat			<i>P. Singh</i> Principal, Govt High School, Dherai Swat	Service Verified w.o.f.d. 12/1/98 to 22/7/1992 from acq; Roll & other Record of this office.
<i>P. Singh</i>	30/11/2001	Ann: Incr	<i>P. Singh</i> Principal, Govt High School, Dherai Swat			<i>Agarwal</i> Principal, Govt High School, Dherai Swat	
<i>P. Singh</i>	30/11/2001	Scale Revised	<i>P. Singh</i> Principal, Govt High School, Dherai Swat			<i>P. Singh</i> Principal, Govt High School, Dherai Swat	Transferred to GHS: Dherai Swat vide the DEP(M) Secy's Swat Exdt: No. 5972-75/A-12 Transfer/1000: C-7 dated 31-7-1999.
<i>P. Singh</i>	30/11/2002	Annual Increment	<i>P. Singh</i> Principal, Govt High School, Dherai Swat			<i>P. Singh</i> Principal, Govt High School, Dherai Swat	
<i>P. Singh</i>	30/11/2003	Annual Increment	<i>P. Singh</i> Principal, Govt High School, Dherai Swat			<i>P. Singh</i> Principal, Govt High School, Dherai Swat	Service Verified w.o.f.d. 23-7-99 to 30/11/99 from acq; Roll & other Record of this office.
<i>P. Singh</i>	30/11/2004	Annual Increment	<i>P. Singh</i> Principal, Govt High School, Dherai Swat			<i>P. Singh</i> Principal, Govt High School, Dherai Swat	
<p>Office of the Accountant General                  P. Singh Swat,                  Pay Fixed in the revised basic pay scales 2001                  of R 3100-2400-10300 B-14                  at R. 5020/- from 1-12-2001                  with next increment on 1-12-2008</p> <p><i>P. Singh</i>                  Accounts Officer                  Ctg Vindolun Pany MWPB, Peshawar.</p>						<i>P. Singh</i> Principal, Govt High School, Dherai Swat	
						<i>P. Singh</i> Principal, Govt High School, Dherai Swat	Service Verified w.o.f.d. 1-12-2000 to 28/2/02 from acq; Roll & other Record of this office.
						<i>P. Singh</i> Principal, Govt High School, Dherai Swat	

*Page 3*

9	10	11	12	13		14	15
				Nature and duration of leave taken	Leave		
					Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
Signature and attestation of the head of the office or other attesting officer in columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting Officer	Period	Government to which debitable	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
				<p>Service Verified with records of this office &amp; other Record of this office.</p> <p>Principal, Govt. High School, Bherai Swat.</p> <p>Leave with out pay is sanctioned vide DCO Swat at Gul Kade No: 13253-55/63/DCO/ESTC Dated 13-10-2004 We.f 06-10-2004 to 30/09/2007</p> <p>And</p> <p>EDC (S.SL) Swat at Gul Kade EdsSL No: 7234-39/A-12 R. Ahmad Dated 13/10/2004</p> <p>Principal, Govt. High School, Bherai Swat.</p> <p>ACEP</p>			

(14)

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY &  
SECONDARY EDUCATION SWAT

ORDER

Answer  
& B<sup>2</sup>

1. Where as you Mr. Rashid Ahmad CT GHS: Dherai Swat remained absent from your duty since 01.10.2007.
2. Whereas you was directed through the Principal GHS: Dherai to join your duty vide this office No. 1151 dated 18.01.2010, No.2953 dated 09.02.2010 & No. 5284 dated 30.03.2010, but you failed to resume duty.
3. Whereas you have been charge sheeted and inquiry against you was conducted by Mr. Dilawar Khan Principal GHSS: Mingora.
4. Whereas you was absent on the day of inquiry and you did not contact the school management about your absence vide inquiry report dated 13.10.2010.
5. Whereas a final show cause notice was issued to you at your home address under registered cover vide No. 729 dated 15.12.2010, in which you was directed to resume your duty within 07 days but no response from your end is received so far.
6. Whereas you was called through press, The Daily Newspapers "AAJ" Peshawar, Chand and Shamal Swat dated 03.04.2011 to resume your duty within FIFTEEN DAYS of the publication of the said notice and explain your absence but you failed to join duty in the stipulated period.
7. By reason of the above charges, based on sufficient documentary evidence, facts and material I am satisfied that you appear to be guilty of misconduct service in discipline and negligence of duty for which you are liable to disciplinary action as enunciated under Rules-3 (1) [d] read with rules-3 [b] [1] of Khyber Pukhtunkhwa civil servants efficiency and discipline ordinance 2000.
8. And now therefore, the undersigned being competent authority in exercise of the power conferred upon me under section-3 of the Government Khyber Pukhtunkhwa Removal from service (Special Power) Ordinance 2000 hereby impose as Major penalty of "Removal From Service" on you Mr. **Rashid Ahmad** CT GHS: Dherai Swat with effect from the date of your absence 01.10.2007.

EXECUTIVE DISTRICT OFFICER  
ELEMENTARY AND SECONDARY  
EDUCATION SWAT.

6361-69

Endst No. .... / F. No. 126/Rashid Ahmad/CT dated 10/5/2011

Copt forwarded to: -

1. The District Coordination Officer Swat.
2. The District Accounts officer Swat.
3. The Principal GHS: ~~Banda~~ Swat. *Dherai*
4. Mr. Rashid Ahmad S/O Khurshaid Anwar village & PO Kuzza Bandai Swat/ CT GHS: ~~Banda~~ *Dherai*

EXECUTIVE DISTRICT OFFICER  
ELEMENTARY AND SECONDARY  
EDUCATION SWAT.

To

The Director,  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.

(15)  
Annexure  
C  
ADDE  
17/12  
18/12  
2015

Subject: - APPEAL FOR RE-INSTATEMENT IN SERVICE AS CT.  
R/Sir,

It is submitted that I was serving in Education Department Swat as a CT. I took leave with effect from 06-10-2006 to 30-09-2007.

Then due to talibanization in the area of Swat, it was difficult for me to join my duty. As threats were delivered to me and my soul was in danger.

My family was out of Swat and I was supporting my family as I was in abroad. During this period if any notices have been issued to me by the concerned office, I have not received the same.

Then I reached to swat and attended the office of the District Education Officer (M) Swat for the purpose of duty/adjustment, but I was informed that my service has already been terminated on 18-05-2011. But my G.P.Fund and service contribution still lying and I have not claimed the same G.P. Fund etc so far, in spite of the facts that I have served in the Department more than 10 years.

Keeping in views the above mentioned facts, your honour is requested to have pity on me and re-instate me in service for which I and my poor family shall pray for your long life and prosperity.

Yours Obediently,

*Rashid Ahmad*

RASHID AHMAD (EX CT)  
GHS, Dheriai District Swat  
Resident of Village Kuza Banda (Swat)

Dated 14-12-2015

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846  
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13574  
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17/12  
ANES



(16)

OFFICE OF THE DIRECTOR ELEMENTARY &  
SECONDARY EDUCATION KHYBER  
PAKHTUNKHWA PESHAWAR  
NO. 2901 / F.No.281/A-15/KC(E)  
Dated Peshawar the 22/12/2015

To

The District Education Officer  
(Male) Swat

**SUBJECT:- APPEAL FOR REINSTATEMENT IN SERVICE AS CT**

Memorandum:-

I am directed to enclose herewith a photo copy of appeal in respect of Rashid Ahmed Ex-CT GMS, Dherai District Swat on the subject cited above and to ask you submit views/ comments to this office at an early date please.

Encls: As Above

*[Signature]*  
Deputy Director Establishment  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

\*/Noor/15\*

*[Handwritten signature]*

شہداء اور شہداء

Ahmad

Accepted and Accepted Book of Shares of  
عقلمند

14/1/1916  
البرقہ

صاحب یا بندہ ہوئے کی تروی مقدمہ مذکورہ ذرا کمال نام لکھ کر یا کہ سند کے  
 وقت بھی اختیار ہوگا اگر کوئی تاریخ تھی مقام دوم سے باہر ہو تو وہاں  
 سے باہر سے اسے کسی صاحب کو بھیجنا ہوتا ہے۔ نیز یہاں ترقی کی وصولی کر کے  
 برادری منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ ہو جائے تو اسے مقدمہ کے  
 اور صاحب پر شہدہ کو بھی حملہ مذکورہ بالا اختیارات حاصل ہوئے اور اسے اپنے  
 کاروائی کے واسطے اور وہاں یا جہاں ترقی کو اپنی اپنی ترقی اختیار ہوگا۔  
 نظر ثانی و تروی کرنے کا اختیار ہوگا۔ بصورت ضرورت مذکور کے سبب یا تروی  
 عدم تروی یا دیگر طرف اقل یا ایشیا کی برآمدگی اور منہج ذرا کر کے اپنی ترقی  
 دی اور اقل یا دیگر طرف اقل یا ایشیا کی برآمدگی اور منہج ذرا کر کے اپنی ترقی  
 اختیار ہوگا۔ نیز وہاں صاحب کو بھی نامہ و ترقی کا نامہ و ترقی کا نامہ و ترقی کا نامہ  
 میر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی حاصل  
 مقدمہ سند نامہ میں اپنی طرف سے واسطے تروی و جواب دہی ہوگی اور وہاں  
 مقدمہ سند نامہ میں اپنی طرف سے واسطے تروی و جواب دہی ہوگی اور وہاں

### باعتبار ترقی

FCO Swat نام  
16/1/1916

مقدمہ  
تروی  
دہی  
مقدمہ

تشریح ترقی

کرواں

18

SERVICE APPEAL NO 165/2016

Rashid Ahmad (Ex-CT) GHS Dherai District Swat.

Appellant

VERSUS

Director Elementary & Secondary Education KP & others

Respondents

JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS NO 1 & 2

RESPECT FULLY SHEWETH

**Preliminary Objections**

1. The appellant has no locus standi /no cause of actions to file the instant appeal against the respondents.
2. The appellant has not come to this Honorable Tribunal with clean hands.
3. The appellant has concealed the material facts from this Honorable Tribunal hence liable to be dismissed.
4. The instant appeal is against the prevailing law, rules, and policies.
5. The appellant is estopped by his own conduct to file the instant appeal.
6. The instant appeal is not maintainable in the present form.
7. That the instant appeal is time-barred, hence liable to be dismissed.

## FACTUAL OBJECTIONS

2

1. That Para No 1 is related to the service record of the appellant hence needs no comments.

2. That Para No 2 is correct to the extent of leave for 1090 days (without pay) from 6.10.2004 to 30.9.2007, but the appellant remained absent from duty since 1.10.2007 till his removal from service without any proper permission from the competent authority after the completion of sanctioned leave. Copy of leave sanction is attached as Annexure A1 & A2.

3. Incorrect and not admitted. The appellant remained absent from duty since 1.10.2007 till his removal from service without any proper permission from the competent authority after the completion of sanctioned leave. There was no Militancy in Swat during 2007, and no threats by the militants during the period. The appellant plea for absence from duty due to militancy and threats are not justified during the period because all the government schools were fully functional. The School of the appellant i.e. GHS Dherai was also functional during 2007 and onwards. The teaching learning process continued in normal way in Distt Swat during the period.

4. The Military operation started in the month of May, 2009 and continued till July, 2009. The Pak army restored peace in the area after a Successful military operation and the people of the area returned to their homes while the appellant remained absent from duty since 1.10.2007 till his removal from service without any proper permission from the competent authority after the completion of sanctioned leave the appellant remained absent from duty since 1.10.2007 till his removal from service without any proper permission from the competent authority after the completion of sanctioned leave.

5. That the appellant himself admitted in his service appeal Para NO, 5 that he remained abroad during 1.10.2007 till December, 2015 therefore, the appellant plea for absence from duty due to militancy and threats are not justified during the period as already clarified in Para NO 3 & 4. The respondents issued Notices to the appellant for resumption of his duty dated 18.01.2010, 09.02.2010 & 30.03.2010 respectively on his home address through registered posts. The appellant was charge-sheeted by the respondents. Proper inquiry was conducted on 13.10.2010 by the Department. The respondents issued a final show cause Notice on 15.12.2010 through press publication in dailies AAJ, SHAMAL, CHAND, but the appellant did not resume his duty in the stipulated period. All the codal formalities were observed during the process of removal. Copies of removal order, inquiry, charge sheet, absence notices, final show cause notice and press cutting are annex as B1 to B16.
6. That the Departmental appeal dated 14.12.2015, was rejected by the competent authority on 02.02.2016. The departmental and service appeals of the appellant are time-barred hence are to be dismissed. Copies annex C & D.

Grounds

4

- A. That the orders of the respondents are legal and according to the law and rules as already clarified in Para NO 3&5 .
- B. Incorrect and not admitted. That the appellant was treated in accordance with law and rules as already clarified in Para NO 3 & 5.
- C. That all the departmental proceedings are legal and justified all the codal formalities have been observed during the removal of the appellant, as already clarified in para NO 3&5
- D. That all the departmental proceedings are legal and justified all the codal formalities have been observed during the removal of the appellant, as already clarified in para NO 3&5 .

The departmental and service appeals of the appellant are time-barred hence are to be dismissed.

E. That the respondents also seek permission to raise additional grounds and proofs at the time of arguments before the honorable service tribunal.

In view of the above facts and circumstances, this Honorable Tribunal may very graciously be pleased to dismiss the instant appeal with cost in favor of Respondents..

  
DISTRICT EDUCATION OFFICER

(MALE) DISTRICT SWAT

  
DIRECTOR (E&SED)

KHYBER PAKHTUNKHWA

AT PESHAWAR

Annex - A<sub>1</sub>

5

LEAVE APPLICATION FORM.

(NON GAZETTED)

Name: K. Asim Ahmad

Designation: C-1

Institution: U.P.S. Dhansi Street

Previous Leave availed from 01-12-1993 to 31-05-95 w/o pay

Leave applied for 3 years (1090 days) (597 days)

ENTITLEMENTS

Date of joining Services: 11-04-1993 (Total Service 11-05-22)

Total Leave since date of entry: 5 years days.

E/ Leave already availed: 188 days.

Balance: 188 days days.

Applied for: 06/10/04 to 30/09/07 (1090 days) days. w/o pay

Balance if approved from 188 days to \_\_\_\_\_ days.

Certificate.

Certified that proper scrutiny of Service Book/Leave Accounts the applicant is entitled for E/Leave/Extra Ordinary Leave with full pay/Leave with half pay/Leave without pay for 1090 days, Substitute will not be required and substitute arrangements will be made if the leave applied for its sanctioned.

HEAD OF OFFICE

*Alshed*

Annex-A2

6

OFFICE OF THE DISTRICT COORDINATION OFFICER SWAT AT GULKADA.

No. \_\_\_\_\_/63/DCO/Estt:

Dated the 13/ /10/2004.

MUSKILLAR

ORDER.

Sanction is hereby accorded to the grant of 1090 days leave (without pay) from 06/10/2004 to 30/9/2007, subject to title in favour of Mr. Rashid - Ahmad. CT Teacher Government High School Dherai, District.

*sd/-*  
DISTRICT COORDINATION OFFICER SWAT..

No. 13253-55 /63/DCO/Estt:

Copy forwarded to:-

- 1- The EDO Schools and Lit :Swat for information w/r to his Memo:NO.6680/Rashid Ahmad-CT., dated 5/10/2004.
- 2- The District Accounts Officer, Swat.
- 3- Official concerned C/o EDO Schools and Lit: Swat.

*[Signature]*  
HUMAN RESOURCE DEV:OFFICER SWAT.

OFFICE OF THE EXECUTIVE DISTRICT OFFICER, SCHOOLS AND LIBRARY, SWAT.  
Endors: No. 7234-37 / A-12/R: Ahmad, CT dated the 13/10 /2004.

Copy of the above is forwarded for information and necessary action to:-

- 1. The District Coordination Officer, Swat w/r to his No. above.
- 2. The District Account officer, Swat at Saibu Sharif.
- 3. The Principal, HSB: Dherai, Swat.
- 4. The Official concerned.

*[Signature]*  
EXECUTIVE DISTRICT OFFICER,  
SCHOOLS & LIBRARY, SWAT.

Leave Sanction  
13/10/2004



Annex-B1

(7)

OFFICE OF THE EXECUTIVE DISTRICT OFFICER  
ELEMENTARY AND SECONDARY EDUCATION SWAT  
Phone No. 0946 9240209/ 9240228

NOTIFICATION

The Executive District Officer Elementary and Secondary Education Swat, is pleased to appoint Mr. Dilawar Khan Principal GHSS: Mingora as enquiry officer in case against Mr. Rashid Ahmad CT GHS: Dherai Swat.

The enquiry officer is directed to serve the attached charge sheet and statement of allegation on the accused on his Home address under registered cover with acknowledgement due card and submit his detail report to this office within three days to proceed further into the matter.

*d*  
EXECUTIVE DISTRICT OFFICER  
ELEMENTARY AND SECONDARY  
EDUCATION SWAT

Endst No. 19901-02 /F. No. 126 /CT dated 20/9/ /2010

Copy to:

1. The District Coordination Officer Swat at Gulkada
2. Mr. Dilawar Khan Principal GHSS: Mingora Swat.

*Rashid*  
EXECUTIVE DISTRICT OFFICER  
ELEMENTARY AND SECONDARY  
EDUCATION SWAT

*Received  
Mr. Dilawar Khan  
20/9/2010*

Annex-B

B<sub>2</sub>

(8)

OFFICE OF THE PRINCIPAL GOVT. HIGHER SECONDARY SCHOOL, MINGORA, SWAT.

No: 1280

Dated: 13/10/2010

To,

The Executive District Officer ( E & SE )  
Gulkada, Swat.

13/10/2010

Subject:

ENQUIRY AGAINST Mr. RASHID AHMAD, C.T., GOVT. HIGH SCHOOL, DHERAL, SWAT.

Memo:

With reference to your office No. 19901/-02/F-No,126/C.T dated: 21/09/2010. The undersigned conducted an enquiry against Mr. RASHID AHMAD, C.T., GOVT. HIGH SCHOOL, DHERAL, SWAT, in the light of Charge Sheet and statement of allegation already provided by your office on 29/09/2010. The undersigned properly checked the school record that is the Correspondence letters with the official concerned and Dispatch Register etc. The In-charge Principal, Muhammad Badshah was also asked about the absence of Mr. RASHID AHMAD, C.T. from duty and due to the written statement of the In-charge Principal, Mr. RASHID AHMAD, C.T., GOVT. HIGH SCHOOL, DHERAL, SWAT, is still absent from duty till the enquiry date, that is upto 29/09/2010. I myself also observe that Mr. RASHID AHMAD, C.T. is still absent from duty on 29/09/2010. School record shows that Mr. RASHID AHMAD, C.T. not contacted the school management by any means about his absence from duty after expiring his long leave on 30/09/2007. Therefore, the enquiry report is submitted to your office for further necessary action, please.

Note:

Photocopies of the related documents, that is In-charge Principal's Statement, correspondence letters, dispatch register etc. are attached with the enquiry report.

ENQUIRY OFFICER,

Dilawar Khan  
Principal, BPS 19 (Reg)  
Govt. Higher Secondary School  
Mingora, Swat

04/10/2010

Enquiry  
13/10/2010

Annex - B3

(9)

OFFICE OF THE PRINCIPAL GOVT. HIGHER SECONDARY SCHOOL, MINGORA, SWAT.

No: 1290

Dated: 13/10/2010

To:

The Executive District Officer ( E & SE )  
Gulkada, Swat.

Subject:

ENQUIRY AGAINST Mr. RASHID AHMAD, C.T., GOVT. HIGH SCHOOL, DHERAI, SWAT.

Memo:

With reference to your office No: 19901/-02/F-No,126/C.T dated: 21/09/2010. The undersigned conducted an enquiry against Mr. RASHID AHMAD; C.T., GOVT. HIGH SCHOOL, DHERAI, SWAT, in the light of Charge Sheet and statement of allegation already provided by your office on 29/09/2010. The undersigned properly checked the school record that is the Correspondence letters with the official concerned and Dispatch Register etc. The In-charge Principal, Muhammad Badshah was also asked about the absence of Mr. RASHID AHMAD, C.T. from duty and due to the written statement of the In-charge Principal, Mr. RASHID AHMAD, C.T., GOVT. HIGH SCHOOL, DHERAI, SWAT, is still absent from duty till the enquiry date, that is upto 29/09/2010. I myself also observe that Mr. RASHID AHMAD, C.T. is still absent from duty on 29/09/2010. School record shows that Mr. RASHID AHMAD, C.T. not-contacted the school management by any means about his absence from duty after expiring his long leave on 30/09/2007. Therefore, the enquiry report is submitted to your office for further necessary action, please.

Note:

Photocopies of the related documents, that is In-charge Principal's Statement, correspondence letters, dispatch register etc. are attached with the enquiry report.

O/C

ENQUIRY OFFICER

Dilawar Khan  
Principal, BPS 19 (Reg)  
Govt. Higher Secondary School  
Mingora, Swat

04/10/2010

Annex - B4

10

OFFICE OF THE EXECUTIVE DISTRICT OFFICER  
ELEMENTARY AND SECONDARY EDUCATION SWAT  
Phone No. 0946 9240209/9240228

No. 709 /F.No.126 dated 15/12/2010

FINAL SHOW CAUSE NOTICE

Whereas you Mr. Rashid Ahmad CT GHS: Dherai Swat remained absent from your duty since 01.10.2007.

Whereas you have been directed through the Principal GHS: Dherai to join your duty vide this office No. 18.01.2010, No. 09.02.2010, No. 5284 dated 30.03.2010 and No. 7975 dated 06.05.2010 but you have failed to resume your duty.

Whereas you have been charge sheeted and enquiry was conducted against you through Mr. Dilawar Khan Principal GHSS: Mingora Swat vide his inemo No. 1290 dated 13.10.2010.

Whereas you have been found absent from duty on the day of enquiry. The enquiry officer reported that you have not contacted the school management by any means about your absence.

This action on your part tantamount to misconduct service in discipline and negligence of duty for which you are liable to disciplinary action as enunciated under Rules-3[1] [d] read with rules -3[b] [1] of NWFP civil servant efficiency and discipline ordinance 2000, which may entail to a major penalty [dismissal from service].

You are therefore directed to show cause of your absence in writing within **seven days** of the receipt of this show cause notice; as to why disciplinary action as stated above may not be taken against you.

If your explanation/ reply to the show cause notice is not received within the stipulated period it will be presumed that the charges stands valid and that you have no defiance to offer and the Elementary and Secondary Education Department will be justified to carry appropriate action against you under efficiency and discipline ordinance 2000.

EXECUTIVE DISTRICT OFFICER  
ELEMENTARY AND SECONDARY  
EDUCATION SWAT.

URGENT MESSAGE SERVICE/ REGISTERED.

To

Mr. Rashid Ahmad CT GHS: Dherai Swat,  
Village and PO Kaza Bandai Swat.

15/12/2010

Handwritten notes in Odia script, including a signature and some illegible text.

୩	SET ୧୨୯୮ ୧୨୯୮୫୫				୦୧.୫.୨୦୦୭
୨	C.T ୧୨୯୮ ୧୨୯୮୫୫	No. 1151 dt. 18.1.2010	No. 2953 9.2.2010	No. 5284 dt. 30.3.2010	1.9.2007
୧	୧୨୯୮ ୧୨୯୮୫୫	୧୨୯୮ dt. 3.1.11	୧୨୯୮ dt. 15.1.11	୧୨୯୮ dt. 30.1.11	୨୦.୭.୨୦୦୭
୧୨୯୮	୧୨୯୮୫୫	୧୨୯୮	୧୨୯୮	୧୨୯୮	୧୨୯୮

Handwritten text in Odia script, likely a list or report, containing various numbers and descriptions.

18

Annex-B5

Annex - B6

12

OFFICE OF THE EXECUTIVE DISTRICT OFFICER  
ELEMENTARY AND SECONDARY  
EDUCATION SWAT

No. \_\_\_\_\_ / F. No. R. Ahmad/CT

Dated: \_\_\_\_\_ /2010

To

The Principal,  
GHS: Dherai Swat

Subject: ARRIVAL REPORT IN R/O RASHID AHMAD CT

Memo:

Reference this office Memo No.1151 dated 18.01.2010 and No. 2953 dated 09.02.2010 and subsequent reminder No. 7975 dated 06.05.2010, on the subject cited above.

You are once again directed to direct the teacher concerned on his home address to report for duty within Seven days otherwise stern action will be taken against him.

*[Signature]*  
EXECUTIVE DISTRICT OFFICER  
ELEMENTARY AND SECONDARY  
EDUCATION SWAT

Endst No. 15707

dated 26/1 /2010

Copy is forwarded to: -

1. PA to the EDO local office..

*[Signature]*  
EXECUTIVE DISTRICT OFFICER  
ELEMENTARY AND SECONDARY  
EDUCATION SWAT

Annex-B7

13

OFFICE OF THE PRINCIPAL GOVT HIGH SCHOOL DHERAI DISTT:SWAT  
No. /Leave File Dated 31/3/2010

To,

The Mr, Rashid Ahmad C,T  
GHS:Dherai Distt:Swat.  
V/P/O Koza Bandai Swat.

Subject:-

ARRIVAL REPORT IN R/O RASHID AHMAD CT

Memo:-

With reference to E.D.O E & S Education swat at Gul kada  
No5284/F.No.R.Ahmad/CT dated 30.3.2010 on the subject  
Cited above.

Your leave was expired on 30.9.2007 and you are still absent  
From duty.

Therefore you are directed to resume your duty with in  
7(Seven) days in your own interest, other wise stern action  
will be taken against you under E/D rules for removal from  
Service.

Sd/-  
Principal  
Govt:High School  
Dherai Distt:Swat.

Endst:No 123-241

Copy to :-

1 The E.D.O.E & S Education Swat at gulkada w/r to his office No,  
cited above.

M B  
Principal  
Govt:High School  
Dherai Distt:Swat

128  
1353  
13/4/10

Annex-B8

OFFICE OF THE EXECUTIVE DISTRICT OFFICER  
ELEMENTARY AND SECONDARY  
EDUCATION SWAT

14

No. 5204 / F. No. R.Ahmad/CT

Dated: 30/3/2010

To

The Principal,  
GHS: Dherai Swat

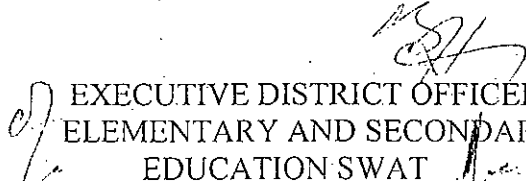
30/3/2010

Subject: ARRIVAL REPORT IN R/O RASHID AHMAD CT

Memo:

Reference this office Memo No.1151 dated 18.01.2010 and No. 2953 dated 09.02.2010, on the subject cited above.

You are once again directed to direct the teacher concerned on his home address to report for duty within Seven days otherwise stern action will be taken against him.

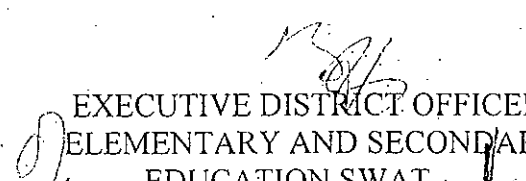
  
EXECUTIVE DISTRICT OFFICER  
ELEMENTARY AND SECONDARY  
EDUCATION SWAT

Endst No. 5285 /

dated 30/3/2009

Copy is forwarded to: -

1. PA to the EDO local office..

  
EXECUTIVE DISTRICT OFFICER  
ELEMENTARY AND SECONDARY  
EDUCATION SWAT



*Annex-Bg*

OFFICE OF THE EXECUTIVE DISTRICT OFFICER  
ELEMENTARY AND SECONDARY  
EDUCATION SWAT

15

No. 2953 /F. No. Rashid Ahmad/CT

Dated 9/9/10 /2010

*9/2/2010*

To

The Principal,  
GHS: Dherai Swat

Subject: ARRIVAL REPORT IN R/O RASHID AHMAD CT

Memo:

Reference your memo No. 120/F. Leave/ Rashid Ahmad dated 19.01.2010, on the subject cited above.

You are directed to direct the teacher concerned on his home address to resume duty forthwith failing which action under efficiency and disciplinary Rules 1973 will be initiated against him.

*2953*  
EXECUTIVE DISTRICT OFFICER  
ELEMENTARY AND SECONDARY  
EDUCATION SWAT

Endst NO. 2954

Copy of the above is forwarded to PA to the EDO local office.

*2953*  
EXECUTIVE DISTRICT OFFICER  
ELEMENTARY AND SECONDARY  
EDUCATION SWAT

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Annex-  
B10

OFFICE OF THE EXECUTIVE DISTRICT OFFICER  
ELEMENTARY AND SECONDARY EDUCATION SWAT

16

No. 1151

Dated 18/11/2010

18/11/2010

To

The Principal,  
GHS: Dherai Swat.

Subject: ARRIVAL REPORT IN R/O RASHID AHMAD-CT

Memo:

It is obvious from the record of this office that Mr. Rashid Ahmad CT of your proceeded on long leave for the period from 06.10.2004 to 30.09.2007 [1090 days] without pay. But on the expiry of leave his arrival report was not found nor is any information about his where about from your end so far received.

You are therefore directed to let this office know the factual position whether the teacher concerned is still absent? Your report in this regard should reach this within three days positively.

EXECUTIVE DISTRICT OFFICER  
ELEMENTARY AND SECONDARY  
EDUCATION SWAT

Endst No 1152

Copy to: -

1. PA to the EDO local office.

EXECUTIVE DISTRICT OFFICER  
ELEMENTARY AND SECONDARY  
EDUCATION SWAT





اس کے جانوروں  
 دیا ڈاکٹر کٹر بزل  
 کیلپل پروگرام کے  
 نسل کی پر جانے  
 مہیا کرنے کیلئے کرڈا  
 ہیں اور اس نرس سے ملائے ڈوین  
 جنرول میں 9 کروڑ روپے کی لا  
 ایک منصوبہ پایہ تکمیل تک پہنچا ہے جس  
 یہاں کے عوام کو بہت فائدے پہنچیں  
 جس کیلئے عوام کی تعاون انتہائی ضروری ہے  
 انہوں نے اپنی نسل کے گائے کے دوڑ کو  
 صحت کیلئے بھی انتہائی مفید قرار دیا اس موقع

سراں اور کھانوں کے خدمات کیلئے صرف  
 کرنے کا اعادہ کیا ہے ایک مختلف قسم کی  
 سربراہی آئیں سونے کی حالت میں  
 ہمارے لیے اس کی اور دیگر  
 ساتھ سے ملنے کوئی کی رہ جائے تو اس  
 وہ ہم سارا کے اور  
 خان پرش کو صوبائی  
 کیا ڈی نے انہیں سرکار کا پیشگی

21

کے طرف سے انچارج کریں سب ڈویژن  
 شیرین زادہ نوان اور اس کے سکالر اور ایف ڈی  
 کی طرف سے ڈی ایف ایم سے  
 کی مشورین کے فارسی اور ایف ڈی کے  
 تیس پالیسی کوئی اور مطالبہ کیا کہ  
 شراکتی نظام میں JFMC کے اعتبارات کو  
 یعنی بنا کر صند یونین کو جنگلات کے پالیسی  
 سر شریک بنائے تاکہ ہر وقت کوئی خدمات  
 کا ازالہ کیا جائے اور ایک ایسا نظام لایا جائے  
 کہ جس میں عوام کے حقوق کے تحفظ ہو سکے  
 اس موقع پر سرحد کوئی فارسی ملائے ڈوین  
 کے صدر فوشیر چوٹ نے تمام آئندے  
 سہانوں کا تہنوں سے شکر ادا کیا

22

کرتا پڑا پنجاب حکومت نے ہسپتالوں کی  
 شہداء کیلئے کو چلانے کیلئے جدول انتظامات  
 کرنے بلکہ فیڈرل مراکت اور تحصیل ہیڈ  
 کوارٹر ہسپتالوں سے ڈاکٹروں کو شہروں کے  
 بڑے ہسپتالوں میں بھیجا کر ڈیوٹیوں کی جاری  
 ہیں تمام ہسپتالوں میں ڈیوٹی سرانجام دینے  
 والے ڈاکٹروں کیلئے ایف ڈی ایف اور نرسز  
 کی حفاظت کے لئے پولیس اہلکاروں کی  
 ہماری فزٹی تعینات کر دی گئی پولیس نے پی  
 آئی سی ڈاکٹر ایسوی اینٹن کے صدر عامر  
 لائٹ اور ڈاکٹر فواد کو گرفتار کرلی

**SWAT  
 ANT  
 RES APPLICATIONS  
 CANCIES**

Experience	Age Limit
Preference will be accorded to the experienced instructors	45 years
" "	" "
" "	" "
" "	" "
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" "	" "
" "	" "
" "	" "
Minimum 2 years experience of serving in a well reputed library.	30 years
Registered with Pak Medical Dental Council. 2 years experience	30 years

End.

nic degrees/certificates, domicile,  
 th an email by April 2011.  
 ate from Classified Doctor may be  
 few.  
 Ot College Swat  
 bagh, Swat  
 college.swat@gmail.com  
 946-633542

**پولیس اہلیان کی**

ہر گاہ آپ مندرجہ ذیل ملازمین ایس ایچ ڈی ایچ کیلئے سوات پولیس میں شمولیت سے سلسل  
 سرکاری ڈیوٹی دینے سے پیشگی اطلاع کے بغیر حاضر ہیں۔ آپ کو کر کے پھر وفاقاً انفرادی نوٹس  
 غیر ماٹری حسب ذیل تفصیل کے پیچھے گئے ہیں۔ جس میں آپ کو چلہ از چلہ ڈیوٹی کیلئے حاضر ہونے اور  
 غیر ماٹری کی وجہ بیان کرنے کا کہا گیا تھا۔ لیکن تا حال آپ اپنے معائنہ سکول ڈیوٹی کیلئے حاضر نہیں  
 ہوئے اور نہ ہی آپ کی طرف سے کوئی جواب منسلک ہوا۔ لہذا اب بڑی ناخوشی اور افسوس کے ساتھ آپ کو آخری بار  
 مطلع کیا جاتا ہے کہ اس نوٹس کی اشاعت کے چھ روزوں کے اندر اپنی ڈیوٹی پر حاضر ہو کر اور پوری  
 کے روز درج ہو کر اپنی غیر ماٹری کے وجوہات بیان کریں۔ وگرنہ آپ کے خلاف ملازمت  
 سے برخواستگی غیر بحثوخوا (خصوصی اختیارات) آرڈیننس 2000 سیکشن 2(2) (b) کے تحت  
 یکطرفہ کارروائی عمل میں لائی جائے گی۔ جس کے نتیجے میں آپ کو سرکاری ملازمت سے برخواستگی کی جا  
 سکے گی اور بعد میں کوئی ترمیم نہیں کیا جائے گا۔

نمبر	نام پست سکول	پیدائش	دوران	تعمیرات	اہلی سے نمبر
1	ارتھان سکول NO1 Qambar	9191	Dt.15-1-11	9230	20-7-2009
2	غلام علی GHSS.C.T	No.1151	Dt.18.1.2010	No.2953	1-9-2007
3	شیخ GHSS	#	#	#	01-8-2009

ہر گاہ آپ مندرجہ ذیل ملازمین ایس ایچ ڈی ایچ کیلئے سوات پولیس میں شمولیت سے سلسل  
 سرکاری ڈیوٹی دینے سے پیشگی اطلاع کے بغیر حاضر ہیں۔ آپ کو کر کے پھر وفاقاً انفرادی نوٹس  
 غیر ماٹری حسب ذیل تفصیل کے پیچھے گئے ہیں۔ جس میں آپ کو چلہ از چلہ ڈیوٹی کیلئے حاضر ہونے اور  
 غیر ماٹری کی وجہ بیان کرنے کا کہا گیا تھا۔ لیکن تا حال آپ اپنے معائنہ سکول ڈیوٹی کیلئے حاضر نہیں  
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 سے برخواستگی غیر بحثوخوا (خصوصی اختیارات) آرڈیننس 2000 سیکشن 2(2) (b) کے تحت  
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 سکے گی اور بعد میں کوئی ترمیم نہیں کیا جائے گا۔

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تعمیرات کیلئے پیک آری نے  
 شراکتہ  
 نیشنل کارم کا سال ترمیم کیا ہے پاک  
 نیشنل آف سوات کا پروگرام  
 کیا جائے گا  
 (3) نیشنل پر ترمیمی کام کا آغاز  
 کی طرف سے سوات کے سکولوں  
 سوات  
 ہائی ٹیکنالوجی اہلکار کو تعلیمی معیار کے  
 انہوں نے کہا کہ سیاحت  
 کیلئے سوات کے گیت  
 کی کر کے لڑائے چیک  
 ستر قائم کروا جس سے  
 تانہ اپنی سے حاصل کریں کے  
 عمومی نوعیت میں شامل  
 ہیں

Repair/Rehabilit  
 during the recent  
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 ڈوین دیو بالا  
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شمال سوات 3/4/2011

Annex-B<sub>13</sub>

*Annex-B14*

20

~~11~~

**STATEMENT OF ALLEGATION.**

It has been observed from the record that you were granted leave without pay for the period from 06.10.2004 to 30.09.2007 vide DCO Swat order No. 13253-55 dated 13.10.2004. But you have failed to join duty after the expiry of your long leave.

You were directed through your Principal to resume duty vide this office 1151 dated 18.01.2010, No. 2953 dated 09.02.2010, No. 7975 dated 06.05.2010 and No 15704 dated 26.07.2010 but no response was received from your end.

Authorized officer.

*[Signature]*  
EXECUTIVE DISTRICT OFFICER  
ELEMENTARY AND SECONDARY  
EDUCATION SWAT.

Annex - B15

21

CHARGE SHEET

You Mr. **Rashid Ahmad CT GHS: Dherai Swat** is hereby charge sheeted as under: -

That you have been granted leave without pay for the period from 06.10.2004 to 30.09.2007 vide DCO Swat order No. 13253-55 dated 13.10.2004: -

That you have failed to report for duty after expiry of your long leave i.e. on 01.10.2007.

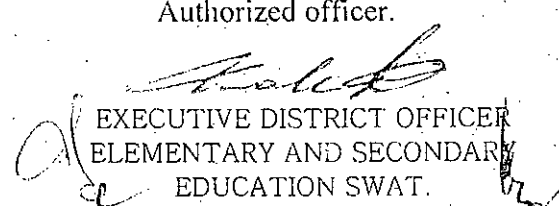
That you were directed through the Principal GHS: Dherai to join your duty vide this office No. 18.01.2010, No. 09.02.2010, No. 5284 dated 30.03.2010 and No. 7975 dated 06.05.2010 but you have failed to resume your duty.

This action on your part tantamount to misconduct service in discipline and negligence of duty for which you are liable to disciplinary action as enunciated under Rules-3[1] [d] read with rules -3[b] [1] of NWFP civil servant efficiency and discipline ordinance 2000, which may entail to a major penalty [dismissal from service].

You are therefore directed to show cause in writing within **seven days** of the receipt of this charge sheet and statement of allegation, as to why disciplinary action as stated above may not be taken against you.

If your explanation/ reply to the charge sheet is not received within the stipulated period it will be presumed that the charges stands valid and that you have no defiance to offer and the Elementary and Secondary Education Department will be justified to carry appropriate action against you under efficiency and discipline ordinance 2000.

Authorized officer.

  
EXECUTIVE DISTRICT OFFICER  
ELEMENTARY AND SECONDARY  
EDUCATION SWAT.

URGENT MESSAGE SERVICE/ REGISTERED.

To

Mr. **Rashid Ahmad CT GHS: Dherai Swat**,  
Village and PO Kuza Bandai Swat.

Annex-B'16

ORDER

1. Where as you Mr. Rashid Ahmad CT GHS: Dherai Swat remained absent from your duty since 01.10.2007.
2. Whereas you was directed through the Principal GHS: Dherai to join your duty vide this office No. 1151 dated 18.01.2010, No.2953 dated 09.02.2010 & No. 5284 dated 30.03.2010, but you failed to resume duty.
3. Whereas you have been charge sheeted and inquiry against you was conducted by Mr Dilawar Khan Principal GHSS: Mingora.
4. Whereas you was absent on the day of inquiry and you did not contact the school management about your absence vide inquiry report dated 13.10.2010.
5. Whereas a final show cause notice was issued to you at your home address under registered cover vide No. 729 dated 15.12.2010, in which you was directed to resume your duty within 07 days but no response from your end is received so far.
6. Whereas you was called through press, The Daily Newspapers "AAJ" Peshawar, Chand and Shamal Swat dated 03.04.2011 to resume your duty within FIFTEEN DAYS of the publication of the said notice and explain your absence but you failed to join duty in the stipulated period.
7. By reason of the above charges, based on sufficient documentary evidence, facts and material, I am satisfied that you appear to be guilty of misconduct service in discipline and negligence of duty for which you are liable to disciplinary action as enunciated under Rules-3 (1) [d] read with rules-3 [b] [1] of Khyber Pukhtunkhwa civil servants efficiency and discipline ordinance 2000.
8. And now therefore, the undersigned being "competent authority in exercise of the power conferred upon me under section-3 of the Government Khyber Pukhtunkhwa Removal from service (Special Power) Ordinance 2000 hereby impose as Major penalty of "Removal From Service" on you Mr. Rashid Ahmad CT GHS: Dherai Swat with effect from the date of your absence 01.10.2007.

Removal order  
18/5/2011

EXECUTIVE DISTRICT OFFICER  
ELEMENTARY AND SECONDARY  
EDUCATION SWAT.

6861-69

18/5/11

Endst No. .... / F. No. 126/Rashid Ahmad/CT dated 18/5/2011  
Copt forwarded to: -

1. The District Coordination Officer Swat.
2. The District Accounts officer Swat.
3. The Principal GHS: ~~Bandai~~ Swat. *Dherai*
4. Mr. Rashid Ahmad S/O Khurshaid Anwar village & PO. Kuza Bandai Swat/ CT GHS: ~~Bandai~~ *Dherai*

EXECUTIVE DISTRICT OFFICER  
ELEMENTARY AND SECONDARY  
EDUCATION SWAT.



D/Appeal  
14/12/2015

Annex-C

23

The Director,  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.

Subject: - APPEAL FOR RE-INSTATEMENT IN SERVICE AS CT.

R/Sir,

It is submitted that I was serving in Education Department Swat as a CT. I took leave with effect from 06-10-2007 to 30-09-2007.

Then due to talibanization in the area of Swat, it was difficult for me to join my duty. As threats were delivered to me and my soul was in danger.

My family was out of Swat and I was supporting my family as I was in abroad. During this period if any notices have been issued to me by the concerned office, I have not received the same.

Then I reached to swat and attended the office of the District Education Officer (M) Swat for the purpose of duty/adjustment, but I was informed that my service has already been terminated on 18-05-2011. But my G.P.Fund and service contribution still lying and I have not claimed the same G.P. Fund etc so far, in spite of the facts that I have served in the Department more than 10 years.

Keeping in views the above mentioned facts, your honour is requested to have pity on me and re-instate me in service for which I and my poor family shall pray for your long life and health.

Yours Obediently,

*Rashid Ahmad*

RASHID AHMAD (EX CT)  
GHS, Dherial District Swat  
Resident of Village Kuza Banda (Swat)

Dated 14-12-2015

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17/12

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17/12

*Mrs. Sid*

DD (M)

846  
17/12

1171

OFFICE OF THE DIRECTOR ELEMENTARY &  
SECONDARY EDUCATION KHYBER  
PAKHTUNKHWA PESHAWAR

NO. 2001 / F.No.281/A-15/KC(E)  
Dated Peshawar the 22/12 /2015

To

The District Education Officer  
(Male) Swat

SUBJECT:- APPEAL FOR REINSTATEMENT IN SERVICE AS CT

Memd:-

I am directed to enclose herewith a photo copy of appeal in respect of Rashid Ahmed Ex-CT GIS, Dheriai District Swat on the subject cited above and to ask you submit views/ comments to this office at an early date please.

Encls: As Above

*[Signature]*  
Deputy Director Establishment  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

\*Noor/15\*

24

Annex-D.

25

**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER  
PAKHTUNKHWA PESHAWAR**

**OFFICE ORDER**

- 1- WHEREAS, The DEO(M) Swat imposed major penalty of removal from service on Rashid Ahmad EX-CT GHS Dherai Swat vide Notification issued on 18-05-2011 (charges absent from duty).
- 2- AND WHEREAS, Rashid Ahmad EX-CT GHS Dherai Swat lodged an appeal before the Director Elementary & Secondary Education Khyber Pakhtunkhwa, being appellent authority.
- 3- AND WHEREAS, the Director Elementary & Secondary Education Khyber Pakhtunkhwa, to ask the DEO(M) Swat for complete report in light of appeal of Rashid Ahmad EX-CT GHS Dherai Swat.
- 4- AND WHEREAS, The DEO(M) Swat to submit complete report against Rashid Ahmad EX-CT GHS Dherai Swat vide No.8013 dated 06-01-2016.
- 5- AND WHEREAS, on perusal of record/report of DEO(M) Swat the Director of Elementary & Secondary Education Khyber Pakhtunkhwa ( competent authority ) is of the view that the action of DEO(M) Swat is according to relevant law.
- 6- NOW THEREFORE, the appeal of Rashid Ahmad EX-CT GHS Dherai Swat is hereby rejected.

**Director**  
**Elementary & Secondary Education**  
**Khyber Pakhtunkhwa Peshawar**  
Dated Peshawar the 02/02/2016

Endst.No. 324-26/F.No.281/A-15/KC

Copy of the above is forwarded to the:-

- 1- District Education Officer(Male) Swat
- 2- District Account Officer Swat
- 3- Rashid Ahmad EX-CT GHS Dherai Swat
- 4- PA to Director (E&SE) Local Office.

\*/Noor/16\*

*[Signature]*  
**Deputy Director Establishment**  
**(E&SE) Khyber Pakhtunkhwa,**

*D/Appeal*  
*Rejected on*  
*2/2/2016*

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE  
TRIBUNAL, PESHAWAR**

Service Appeal No. 165/2016

Rashid Ahmad.....Appellant

**V E R S U S**

DEO Swat and others.....Respondents.

**REJOINDER ON BEHALF OF APPELLANT.**

**Respectfully Sheweth:**

**On Preliminary Objections:**

**Para 1 to 7 are incorrect.**

**FACTS:**

**Para No. 1.** Admitted hence needs no reply.

**Para No.2** of the comments is incorrect as the same has already been explained by the appellant in para No.2 of his memo of appeal

**Para No.3** of reply is incorrect. Because the appellant and his family received personal threats from local militants and it was quite difficult for him to join his duty after expiry of leave period.

**Para No. 4** is also incorrect as because time and again the appellant telephonically informed the concerned authorities for extension of leave period as he was unable to enter in to district swat due to threats from militants and his family also migrated to Karachi.

**Para No.5** is incorrect because no such like notices were served on appellant or on his family member rather the appellant was assured by the concerned authority that his leave period will extended and then the said period be consider as leave without pay.

**Para No.6** needs no comments.

GROUNDS:

Para-A of Grounds is incorrect .

Para -B is also incorrect.

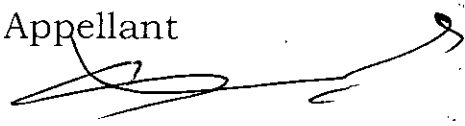
Para-C because no proper inquiry was conducted nor any codal formilities were observed.

Para-D of grounds is incorrect because no opportunity of proper hearing was provided to the appellant.

It is, therefore prayed that on acceptance of this rejoinder this Hon'ble Tribunal may be pleased to accept the appeal of the appellant as prayed for.

Appellant

Through

  
**Shams-ul-Hadi**  
Advocate High Court,

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE  
TRIBUNAL, PESHAWAR**

Service Appeal No. 165/2016

Rashid Ahmad.....Appellant

**V E R S U S**

DEO Swat and others.....Respondents.

**AFFIDAVIT**

I, Shams ul Hadi Advocate, as per information conveyed to me by my client that the contents of the **Rejoinder** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



**DEPONENT**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

No 2676 /ST

Dated 14/12/2017

To

The District Education Officer (Male),  
Government of Khyber Pakhtunkhwa,  
Swat.

Subject: **JUDGEMENT/ ORDER IN APPEAL NO. 165/16, MR. RASHID AHMAD.**

I am directed to forward herewith a certified copy of Judgment/order dated 07/12/2017 passed by this Tribunal on the above subject for strict compliance.

**Encl: As above**

*du*

REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.