

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
AT CAMP COURT ABBOTTABAD

SERVICE APPEAL NO. 1079/2016

Date of institution ... 21.10.2016

Date of judgment ... 20.03.2019

Akhtar Munir, PST Son of Muhammad Tayyab,
R/O Jalalabad Teshil Oghi, District Mansehra.

... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer, Elementary & Secondary Education (Male), District Mansehra. ... (Respondents)

M. Amin
20.3.2019

SERVICE APPEAL UNDER SECTION-4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, FOR DECLARATION TO THE EFFECT THAT THE APPELLANT AFTER EXPIRY OF EXTRA ORDINARY LEAVE (EOL) W.E.F 01.01.2013 TO 31.12.2014 REPORTED TO THE CIRCLE OFFICER OF GOVERNMENT PRIMARY SCHOOL DHARA BANDA FOR JOINING HIS DUTIES ON 01.01.2015. THE APPELLANT WAS TOLD BY THE HEAD TEACHER OF DHARA BANDA AS WELL AS ASDEO (M) Oghi. THAT NO POST OF PST AT GPS DHARHA BANDA WAS VACANT. THEREAFTER, THE APPELLANT STARTED SHUTTLING BETWEEN THE OFFICE OF RESPONDENT NO. 3 FOR HIS ADJUSTMENT IN GOVERNMENT PRIMARY SCHOOL. RESPONDENT NO. 3 INSTEAD OF ADJUSTING THE APPELLANT DISMISSED HIM FROM SERVICE WITHOUT ANY EXPLANATION, REASON, JUSTIFICATION, SHOW-CAUSE NOTICE AND PROVIDING OPPORTUNITY OF PERSONAL HEARING VIDE DISMISSAL ORDER ENDST NO. 6593-99 DATED 02.06.2016 WHICH IS LIABLE TO BE SET-ASIDE.

Mr. Muhammad Arshad Khan Tanoli, Advocate
Mr. Muhammad Bilal Khan, Deputy District Attorney

.. For appellant.
.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI
Mr. MUHAMMAD HAMID MUGHAL

.. MEMBER (JUDICIAL)
.. MEMBER (JUDICIAL)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Learned counsel
for the appellant present. Mr. Muhammad Bilal, Deputy District Attorney

alongwith Mr. Hamid Mansoor, Assistant for the respondents present. Arguments heard and record perused.

2. Brief facts of the case as per present service appeal are that the appellant was serving in Education Department as Primary School Teacher. He was imposed major penalty of dismissal from service vide order dated 02.06.2016 by the competent authority on the allegation of absence from lawful duty. The appellant filed departmental appeal on 01.07.2016 which was not responded hence, the present service appeal on 21.10.2016.

3. Respondents were summoned who contested the appeal by filing written reply/comments.

4. Learned counsel for the appellant contended that the appellant was serving in Education Department. It was further contended that the appellant was imposed major penalty of dismissal from service vide order dated 02.06.2016 on the allegation of absence from lawful duty. It was further contended that the appellant was not absent rather he was granted extra ordinary leave with effect from 01.01.2013 to 31.12.2014 by the competent authority. It was further contended that after expiry of the said sanctioned leave when the appellant submitted his arrival report on 01.01.2015 he was told by the Head Teacher that there is no vacant post of Primary School Teacher. That the appellant did his utmost struggle for adjustment as PST in any school on vacant post but instead of adjusting the appellant against the PST post in Primary School the respondent-department dismissed the appellant from service vide order dated 02.06.2016 without issuance of any show-cause notice, proper inquiry and affording opportunity of personal hearing therefore, the appellant was condemned unheard. It was further contended that the appellant has 22 years service in his credit but the same was not considered by the competent authority at the time of imposing of major penalty therefore, the impugned order is illegal and liable to be set-aside.

H. Mansoor
20.3.2019

5. On the other hand, learned Deputy District Attorney for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant was already granted leave with effect from 01.05.2011 to 28.08.2011 (120 days on full pay) 29.08.2011 to 04.05.2012 (250 days on full pay) and 05.05.2012 to 31.12.2012 (246 days without pay) but thereafter, the appellant did not submit arrival report and remained absent from duty. It was further contended that later on the appellant produced order of sanctioned extra ordinary leave with effect from 01.01.2013 to 31.12.2014 but the same was found fake and fact finding inquiry was also conducted by the inquiry committee and the inquiry committee also found the sanctioned order of extra ordinary leave with effect from 01.01.2013 to 31.12.2014 as fake and recommended that the said period be considered as absent from duty and taking action against the appellant and on the basis of inquiry report the competent authority has rightly dismissed the appellant from service. It was further contended that all the codal formalities were fulfilled before imposing the major penalty and prayed for dismissal of appeal.


6. Perusal of the record reveals that the appellant was serving in Education Department as Primary School Teacher. He was imposed major penalty of dismissal from service vide order dated 02.06.2016 on the allegation of absence from duty. The record further reveals that the competent authority has also mentioned in the impugned order dated 02.06.2016 that the appellant was issued show-cause notice vide letter No. 11099 dated 25.09.2014 on his posting address of the appellant but the same was returned with the remarks on envelope by the postman that the appellant is out of country. The record further reveals that the appellant has claimed that he was granted extra ordinary leave with effect from 01.01.2013 to 31.12.2014 and was not absent from duty but the inquiry committee has found the extra ordinary leave with effect from 01.01.2013 to 31.12.2014 as fake. The record further reveals that after

M. Anwar
20.3.2019

departmental appeal the District Education Officer Male Mansehra has also submitted comments dated 21.07.2016 to the departmental authority i.e Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar wherein it was mentioned that the appellant was reported as absent from duty. The record further reveals that the respondents No. 1 to 3 also stated in comments that the appellant was allowed extra ordinary leave with effect from 05.05.2012 to 31.12.2012 without pay and the appellant also received his service book for the same purpose from the department and did not return the same as per findings of the inquiry committee and the inquiry committee has concluded that the appellant did not apply for any extension of leave and added his name fakely vide letter No. 409 dated 07.02.2013. Meaning thereby, that the appellant was absent from duty without lawful authority. However, the record also reveals that the appellant was appointed as Primary School Teacher vide order dated 25.03.1990 therefore, he was having more than twenty years service at his credit therefore, major punishment of dismissal from service appear to be harsh. As such for the purpose of safe administration of justice, we partially accept the present service appeal, modify the original impugned order and convert the major penalty of dismissal from service into major penalty of compulsory retirement from the date of issuance of punishment order i.e with effect from 02.06.2016. Parties are left to bear their own costs. File be consigned to the record room.

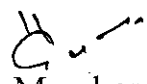
ANNOUNCED
20.03.2019


(MUHAMMAD HAMID MUGHAL)
MEMBER
CAMP COURT ABBOTTABAD



(MUHAMMAD AMIN KHAN KUNDI)
MEMBER
CAMP COURT ABBOTTABAD


17.01.2019 Clerk to counsel for the appellant and Mr. Muhammad Bilal learned Deputy District Attorney present. Clerk to counsel for the appellant seeks adjournment as learned counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 18.03.2019 before D.B at Camp Court Abbottabad.


Member


Member
Camp Court A/Abad

18.03.2019 Counsel for the appellant present. Mr. Muhammad Bilal Khan, Deputy District Attorney alongwith Mr. Hamid Mansoor, Assistant for the respondents present. Arguments heard. To come up for order on 20.03.2019 before D.B.

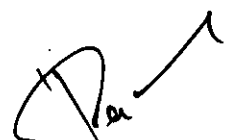

(M. Amin Khan Kundi)
Member
Camp Court Abbottabad



(M. Hamid Mughal)
Member
Camp Court Abbottabad

20.03.2019 Learned counsel for the appellant present. Mr. Muhammad Bilal, Deputy District Attorney alongwith Mr. Hamid Mansoor, Assistant for the respondents present. Arguments heard and record peruse.

Vide our detailed judgment of today consisting of four pages placed on file, we partially accept the present service appeal, modify the original impugned order and convert the major penalty of dismissal from service into major penalty of compulsory retirement from the date of issuance of punishment order i.e with effect from 02.06.2016. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
20.03.2019



(MUHAMMAD HAMID MUGHAL)
MEMBER
CAMP COURT ABBOTTABAD


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER
CAMP COURT ABBOTTABAD

28.06.2018

Mr. M. Daud, clerk of counsel for the appellant present. Mr. M. Touseef, ADEO alongwith Mr. Ziaullah, Deputy District Attorney for the respondents present. Clerk of counsel for the appellant requested for adjournment. Granted. Case to come up for arguments on 17.09.2018 before D.B at camp court, Abbottabad.


Member


Chairman
Camp court, A/Abad

17.09.2018


Clerk to counsel for the appellant present. Due to general strike of the bar, the case is adjourned. To come up for arguments on ~~14.11~~ 17.09.2018 before the D.B. at camp court, Abbottabad.


Member


Chairman
Camp Court, A/Abad

14.11.2018

None for the appellant present. Due to retirement of the Hon'ble Chairman the Service Tribunal is incomplete. Tour to Camp Court Abbottabad has been cancelled. To come up for the same on 17.01.2019 at camp court Abbottabad.


Reader
A/Abad

19.12.2017

Clerk of the counsel for appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Hamid Mansoor Junior Clerk for the respondents also present. Written reply on behalf of respondents not submitted despite last chance. Learned Additional AG requested for further adjournment. Another last chance is granted. Adjourned. To come up for written reply/comments on 18.01.2018 before S.B at Camp Court Abbottabad.



(Muhammad Amin Khan Kundi)
Member (Judicial)
Camp Court Abbottabad

18.01.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mr. Muhammad Tausif, ADO for respondents present. Written reply submitted. To come up for rejoinder and arguments on 19.04.2018 before D.B at camp court Abbottabad.




Member
Camp court, A/Abad.

19.04.2018

Appellant in person and and Mr. Usman Ghani, District Attorney alongwith Muhammad Tauseef, ADO for the respondents present. Appellant seeks adjournment. Granted. To come up for arguments on 28.6.2018 before the D.B at camp court, Abbottabad.



Member




Chairman
Camp court, A/Abad

1079/16

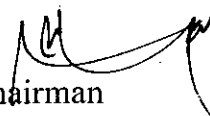
5. 22.06.2017

Counsel for the appellant and Mr. Muhammad Bilal, Deputy District Attorney alongwith Hammid, Assistant for the respondents present. Representative of the respondents requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 24.08.2017 before S.B at camp court, Abbottabad.


Chairman
Camp court, A/Abad


24.08.2017

Appellant in person present. Mr. Muhammad Bilal, Deputy District Attorney alongwith Hamid Mansoor, Assistant for the respondents present. Written reply not submitted despite last chance. Last chance is further extended subject to payment cost of Rs. 500/- To come up written reply/comments and costs on ~~16.10.~~ 2017 before the S.B. at camp court, Abbottabad.


Chairman
Camp court, A/Abad

16.10.2017

Appellant in person and Mr. Muhammad Bilal, Deputy District Attorney alongwith Hamid Manoor, Junior Clerk for the respondents present. Requested for further time to file written reply. Another last chance is given to the respondents. To come up for written reply on 19.12.2017 before S.B at camp court, Abbottabad.


Chairman
Camp court, Abbottabad.

22.12.2016

Learned counsel for the appellant argued that the appellant was serving as PST at GPS Dharha Banda when applied for extra-ordinary leave which was sanctioned in favour of the appellant w.e.f. 1.1.2013 upto 31.12.2014. That on completion of leave the appellant reported for duty to his school at GPS Dharha Banda but he was not allowed on the plea that no vacancy for his adjustment was available where-after appellant was compelled to shuffle between different orders for resuming his duty and finally the appellant was dismissed from service vide impugned order dated 02.06.2016 on the allegations of wilful absence where-against his departmental appeal dated 01.07.2016 was not responded and hence the instant service appeal on 21.10.2016.

That neither appellant was associated with any enquiry nor any such enquiry was conducted in the mode and manners prescribed by rules and that the sanctioned leave period of the appellant was also considered a ground for dismissal of the appellant as wilful absence.

Points raised need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents. To come up for written reply/comments on 17.03.2017 before S.B at camp court, Abbottabad.


Chairman

Camp court, A/Abad

17.03.2017

Counsel for the appellant and Mr. Hamid, Assistant alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Requested for adjournment. To come up for written reply/comments on 22.06.2017 at camp court. Abbottabad.


Chairman

Camp court, A/Abad

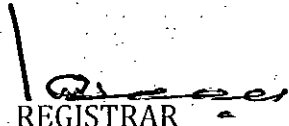

Appellant Deposited
Security & Process Fee

2706-10-16
28

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1079/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	21/10/2016	<p>The appeal of Mr. Akhtar Munir presented today by Mr. Muhammad Arshad Khan Tanoli Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	21-10-2016	<p>This case is entrusted to Touring S. Bench at A.Ababd for preliminary hearing to be put up there on <u>22-12-2016</u></p> <p> MEMBER</p>

**BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Service appeal no. 1079/2016

Akhtar Munir, PST, Son of Muhammad Tayyab, resident of Jalalabad,
Tehsil oghi, District Mansehra.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through secretary elementary & secondary
education, Khyber Pakhtunkhwa, Peshawar & others

SERVICE APPEAL

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2.	Copy of appointment order	11	"A"
3.	Copies of letter as well as page no 21 of service book showing the sanction of extra ordinary leave, leave without pay	12	"B"
4.	Copy of charge report having remarks of ASDEO	13	"C"
5.	Copy of impugned dismissal order dated 02/06/2016	14	"D"
6.	Copy of departmental appeal	15	"E"
7.	Copy of letter dated 21/07/2016	16-18	"F"
8.	WAKALATNAMA	19-20	

...APPELLANT

Dated: 20/10 /2016

Through

(MUHAMMAD ARSHAD KHAN TANOLI)
Advocate High Court, Abbottabad

**BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1109

Dated 21-10-2016

Service appeal no. 1079 /2016

Akhtar Munir, PST, Son of Muhammad Tayyab, resident of Jalalabad,
Tehsil oghi, District Mansehra.

...APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. Director, Elementary & Secondary education, Khyber Pakhtunkhw, Peshawar.
3. District Education officer, Elementary & Secondary Education (Male), District Mansehra.

...RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF
KPK SERVICE TRIBUNAL ACT, 1974, FOR
DECLARATION TO THE EFFECT THAT THE
APPELLANT AFTER EXPIRY OF EXTRA
ORDINARY LEAVE (EOL) W.E.F 01/01/2013
TO 31/12/2014 REPORTED TO THE CIRCLE
OFFICER OF GOVT. PRIMARY SCHOOL
DHARHA BANDA FOR JOINING HIS DUTIES
ON 01/01/2015. THE APPELLANT WAS TOLD

Filed to-day

Registrar

21/10/16

BY THE HEAD TEACHER OF DHARA BANDA AS WELL AS ASDEO (M) Oghi. THAT NO POSTS OF PST AT GPS DHARHA BANDA WAS VACANT. THEREAFTER, THE APPELLANT STARTED SHUTTLING BETWEEN THE OFFICES)RESPONDENT NO.3 FOR HIS ADJUSTMENT IN GOVT. PRIMARY SCHOOLS. RESPONDENT NO.3 INSTEAD OF ADJUSTING THE APPELLANT DISMISSED HIM FROM SERVICE WITHOUT ANY EXPLANATION, REASON, JUSTIFICATION, SHOW CAUSE NOTICE AND PROVIDING OPPORTUNITY OF PERSONAL HEARING VIDE DISMISSAL ORDER ENDST NO.6593-99 DATED 02/06/2016 WHICH IS LIABLE TO BE SET ASIDE.

=====

PRAYER: ON ACCEPTANCE OF THE INSTANT APPEAL, IMPUGNED DISMISSAL ORDER NO.6593-99 DATED 02/06/2016 MAY GRACIOUSLY BE SET ASIDE AND RESPONDENT NO.3 MAY BE DIRECTED TO REINSTATE THE APPELLANT IN SERVICE W.E.F 01/01/2015 WITH ALL SERVICE BACK

BENEFITS. ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL DEEMS APPROPRIATE IN THE CIRCUMSTANCES MAY ALSO BE GRANTED TO THE APPELLANT.

Respectfully Sheweth;-

1. That the appellant got appointment in respondents' department as PST teacher on 25/03/1990. Copy of appointment order is attached as annexure "A".
2. That the appellant served the department with complete devotion, dedication and to the entire satisfaction of his superiors.
3. That the appellant got extraordinary leave (leave without pay) on different dates as per law. Lastly the appellant got sanctioned extra ordinary leaves on 01/01/2013 to 31/12/2014. Copies of letter as well as page no:21 of service book showing the sanction

of extra ordinary leave, leave without pay are attached as annexure "B".

4. that the appellant, after expiry of his extra ordinary leave which was sanctioned by the competent authority reported Govt primary school Dharha Banda i.e. last attended, on 01/01/2015.

5. That the appellant tried to take over the charge of the post at GPS Dhara Banda but the head teacher wrote on the charge report of the appellant that there was no vacant post of PST in Bps-12. Therefore, the appellant submitted the charge report having remarks of head teacher to the ASDEO circle oghi for adjustment in any other school; The ASDEO further referred the case ^{to} SDEO (M) Mansehra for further adjustment against PST post in BPS-12 in his union council on 05/01/2016. Copy of charge report having remarks of ASDEO is attached as annexure "C".

6. That the appellant did his utmost struggle for adjustment as PST in any school on vacant post. The appellant started shuttling between the offices of respondents' department for doing the needful but of no avail.

7. That respondent no.3 instead of adjusting the appellant against vacant post of PST in primary school, dismissed the appellant from service vide impugned dismissal order Endst no.6593-99 dated 02/06/2016 without issuing show cause notice, proper inquiry and without affording opportunity of personal hearing which is not maintainable at law as well as against the service rules. Copy of impugned dismissal order dated 02/06/2016 is attached as Annexure "D".

8. That the appellant feeling aggrieved from the impugned dismissal order, Endst no. 6593-99 dated 2/06/2016 filed departmental appeal to respondent no.2 on 01/07/2016. Copy of departmental appeal is attached as Annexure "E".

9. That respondent no.3 also submitted comments on departmental appeal of the appellant vides letter 8198 dated 21/07/2016. Copy of letter dated 21/07/2016 is attached as annexure "F".

Hence the instant service appeal is filed, inter-alia, on the following grounds:-

GROUND:-

- a. That impugned dismissal order dated 02/06/2016 is perverse, discriminatory, Malafide, against the law and liable to be set aside.
- b. that the appellant after expiry of extraordinary leave, leave without pay reported in time to the school, as well as to ASDEO circle oghi for his adjustment as PST teacher against vacant post in any govt. primary school but the department did not adjust/ post the appellant against the

said post in any school. It is worth to mention here that respondent no.3 was duty bound to adjust the appellant against the vacant post of PST forthwith but he failed to discharge his legal obligation which is Malafide on his part.

- c. That the appellant has been dismissed from service on 02/06/2016 without reason, justification. The appellant remained in touch with the concerned authority for his adjustment in any school as PST teacher but respondent no.3 kept the appellant in dark and finally dismissed him from service on 02/06/2016. That as per law, respondent no.3 was to issue show cause notice and to provide opportunity of personal hearing prior to issuance of dismissal order. Respondent no.3 without following the mandatory legal formalities issued impugned dismissal order to the

appellant which is liable to be set aside. Hence appellant is entitled to be reinstated in service with all back benefits.

- d. That this fact may not be left to fade in oblivion that dismissal order is arbitrary, one sided and exparte. Therefore, dismissal order has no legal sanctity and is nullity in the eye of law. That the appellant reported for resumption of charge in time but the respondents' department did not issue posting/adjustment order to the appellant which is the fault of the respondents' department and not the appellant.

- e. That the respondents' department has led the appellant to the place which is utterly unknown to the principle of jurisprudence, natural justice and cannon of ethics, as per law, after expiry of extra ordinary leave, department was legally bound to issue

posting / adjustment order of the appellant as per prescribed procedure.

f. That there is no other efficacious and prompt remedy available to the appellant except the invocation of jurisdiction of this Honourable Tribunal.

g. That the appeal of the appellant is within time and honorable tribunal has jurisdiction to entertain the instant appeal.

h. That other point shall be urged at the time of arguments.

It is, therefore, humbly prayed that on acceptance of the instant appeal, impugned dismissal order no.6593-99 dated 02/06/2016 may graciously be set aside and respondent no.3 may be directed to reinstate the appellant in service w.e.f 01/01/2015 with all service back benefits. Any other relief which this Honourable tribunal deems


appropriate in the circumstances may also be granted to the appellant.



...APPELLANT

Through

Dated: 20/10 /2016



(MUHAMMAD ARSHAD KHAN TANOLI)
Advocate High Court, Abbottabad

VERIFICATION:-

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



...APPELLANT

**BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Service Appeal No. 1079 /2016

Akhtar Munir, PST, Son of Muhammad Tayyab, resident of Jalalabad, Tehsil.oghi, District Mansehra.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through secretary elementary & secondary education, Khyber Pakhtunkhwa, Peshawar & others


SERVICE APPEAL

AFFIDAVIT

I, Akhtar Munir, PSt, son of Muhammad Tayyab, Resident of jalalabad, Tehsil oghi, District Mansehra. Do hereby solemnly affirm and declare that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable court.


DEPONENT

Identified by:-


(~~MUHAMMAD ARSHAD KHAN TANOLI~~)
Advocate High Court, Abbottabad



11

Annex "A"

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA.

O.O.No. 30
Dated. 25/3 /1990.

APPOINTMENT.

On return from PTC training, the following PTC trainees are hereby appointed against the vacant/newly sanctioned PTC posts noted against each name in BPS-7 (Rs.750-31-) plus usual allowances as admissible to them under the rules in the interest of public service with effect from the date of their taking over charge with the following terms and conditions.

S.No.	Name, fathers name & address.	School where appointed.	Remarks.
1.	Mr. Munir Akhtar S/O Mphammad Remail R/O Kanogh (Jabbori).	GPS Kengal-Banda.	Agst: Newly sanction post.
2.	Babu Sultan S/O Arsala Khan R/O Shandara.	---do---	-do-
3.	Mr. Israr Mohammed S/O Taj Mohammed R/O Shandara.	GPS Bandar.	-do-
4.	Mr. Izhar Mohammed S/O Mohammad Anar R/O Malookra.	---do---	-do-
5.	Mr. Ihsanullah S/O Azizur Rehman R/O Malooge.	GPS Kot.	-do-
6.	Mr. Sartaj Khan S/O Zar Bakht R/O Belian.	---do---	-do-
7.	Mohammad Arshed S/O Mohammed Miskeen R/O Malookra.	GPS Mohri.	-do-
8.	Mr. Rasul Khan S/O Fazalur Rehman R/O Shandara.	---do---	-do-
9.	Mohammed Iqbal S/O Haji Noor Bakht R/O Belian.	GPS Nakke Sharh.	-do-
10.	Mohammed Iqbal S/O Mohammed Miskeen R/O Battal.	---do---	-do-
11.	Mr. Akhtar Munir S/O Mohammed Tayyab R/O Jalal Abed.	GPS Chan Gali.	-do-
12.	Mr. Mohammed Usman S/O Mohammed Tayyab R/O Jalal Abed.	---do---	-do-

Contd: Page No.2.....

Muhammad Asad Khan Tanoli
 Muhammad Asad Khan Tanoli
 Advocate High Court
 Office No 33 Adjacent to
 Dist. Jail Abbotabad

11A

TERMS AND CONDITIONS.

1. Charge report should be submitted to all concerned.
2. No. TA/DA/TC etc is allowed to any one.
3. They should produce their age and health certificates from Medical Supt:DHQ Hospital Mansehra.
4. Their original certificates may be checked before handing over charge.
5. They should not be handed over charge if their age is below 18 years and above 25 years.
6. Their appointment is purely temporary & liable to be termination at any time without any reasons.
7. All terms & conditions are laid down under the rules.

MIC

(KHURSHID AHMAD)
DISTRICT EDUCATION OFFICER
(MALT) MANSEHRA.

Undst: No. 3437-3463 / F-III Dated Mansehra the. 25/3/90.

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

1. Sub-Divisional Education Officer (Male) Mansehra.
2. Asstt: Sub-Divisional Education Officer (Male) Circle ~~Circle~~ Oghi, Battal & Jabbori.
- 3-15. All the Head-Teachers Govt. Primary School noted above.
- 16-28. All the above candidates concerned.
29. O.O. File.

MIC

DISTRICT EDUCATION OFFICER
(MALT) MANSEHRA.

Attested

Muhammad Ishaq Khan Janoh
Advocate High Court
Office No. 33 Adjacent to
Dist. Bar Abbottabad

9	10	11	12	13		14	15
				Leave	Allocation of period of leave on average pay upto four months for which leave salary is payable to another Government		
Signature and designation of the officer or other attesting officer in attestation (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	Notice and duration of leave taken	Period	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.
					Government to which debitible		
Dy: D.O (M) Pry: Manshra	30/11/2005	A/Inv	Dy: D.O (M) Pry: Manshra		PR-950		
Dy: D.O (M) Pry: Manshra	30/11/2006	A/Inv	Dy: D.O (M) Pry: Manshra		10-06		
Dy: D.O (M) Pry: Manshra	30/6/2007	S/Renou	Dy: D.O (M) Pry: Manshra				Pay Active Rs=10555/- from w.e.f 01-06-2010 and D.A. Diff. of pay MA/PA Rs=15177/- w.e.f 01-0-91 to 31-05-2010 through computer for 6-2010.
Dy: D.O (M) Pry: Manshra	20/11/2007	A/Inv	Dy: D.O (M) Pry: Manshra				Senior District Accounts Officer, Manshra
Dy: D.O (M) Pry: Manshra	1/12/2007	Post upgraded to RPS-12	Dy: D.O (M) Pry: Manshra				
Dy: D.O (M) Pry: Manshra	30/06/2008	S/Renou	Dy: D.O (M) Pry: Manshra				SANCTION OF LEAVE
Dy: D.O (M) Pry: Manshra	30/11/2008	A/Inv	Dy: D.O (M) Pry: Manshra				Leave sanctioned vide E.O.L (Case Manshra Enclt No-8174-TT) dated 31.5.2011 with following details:
Dy: D.O (M) Pry: Manshra	30/11/2009	A/Inv	Dy: D.O (M) Pry: Manshra				1. 1.5.2011 to 28.8.2011 (120 days on P)
Dy: D.O (M) Pry: Manshra			Dy: D.O (M) Pry: Manshra				2. 29.8.2011 to 4.5.2012 (250 days on P)
Dy: D.O (M) Pry: Manshra			Dy: D.O (M) Pry: Manshra				3. 05.5.2012 to 31.12.2012 (241 days on P)

Attested
 Muhammad Arshad Khan Tanoori
 Advocate High Court
 Office No. 33 Adjacent to
 Dist Bar Abbot

DEPUTY DIST. OFFICER (M)
 Elementary & Secondary Edu.
 Manshra

14/06/11
 Leave sanctioned vide E.O.L (Case Manshra No-2352-54 dated 5/3/13 w.e.f. 01-01-2013 to 31-12-2014 (730 days) E.O.L without pay

Sub-Divisional Education Officer
 Manshra

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&SE) MANSEHRA

EX-PAKISTAN LEAVE FOR HAJJ PURPOSE

Under the provision of revised leave rules 1981 sanction is hereby accorded to the grant of Ex-Pakistan leave for the purpose of hajj in R/O the following teachers as due and admissible to them under the rules and as per detail noted below.

S#	Name & Designation with School	Period of leave	Remarks
1	Naveed Alam PST	02/02/2013 to 16/02/2013	15 days Ex Pakistan to umrah
2	GPS Sham Rank		
3	Akhtar Muneer PST	01/01/2013 to 31/12/2014	
4	GPS Dhara Banda	(730 days) leave	Extension.
5	OGHI Manshera	Without pay	E.O.L
6			Without pay.

Note:

Necessary entries to this effect should be made in their service books and other relevant record.

SD/-
EXECUTIVE DISTRICT
OFFICER ELEM & SEC EDU
MANSEHRA

Ends:No.2352-54 /AE-II/LEAVE CASES (M)

Dated 05/03/2013

Copy to:

1. District Accounts Officer Mansehra.
2. Principal / Headmistress & ADO Circle Connected.
3. Dy: DO(M) E&SE Mansehra.
4. Official concerned.

Attested


SD/-
EXECUTIVE DISTRICT
OFFICER ELEM & SEC EDU
MANSEHRA

Annex "C"

13

No-223
01-01-2015

یہاں پر آئیے

مدرسہ اختر پست میں جو اس وقت رخصت ہے
اس کے لئے 01/01/2015 کو BPS کی طرف سے نوڈس میں نقل ہو گیا
Arrival کر رہا ہے
مزید کارروائی کے لئے اس وقت ارسال ہو رہا ہے

Dr. Ghulam Mustafa
G.P.S
Dhara Banda 01/01/2015

BPS=12 کی طرف سے نوڈس میں
اس وقت اس لئے

01/01/15
ASDEO (M)
Primary & Secondary Education
Dhara Banda

Sub: Report from long leave
The SDEO (M) ElSES
Manshehra.

Attested
Muhammad Arshad Khan Tanoli
Advocate High Court
Office No: 33 Adjacent to
Dist. Jir Ahottabad

It is to bring your kind notice that
Miv. Akhtar Monir Pst, Gps Dhara Banda
has submitted his arrival report at Gps
Dhara Banda, whereas said teacher absent
as well as an inquiry has also been conducted
in return, no result of inquiry committed
has not been received yet. ASDEO ElSES office
under signed office already mentioned that
the said teacher produced his leave application
and said teacher's undersigned file
has been sanctioned leave as well as
leave in stop for 12 months
BPS-12 vacant
file is 13
12 vacant

A

Annex D,,

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)
DISTRICT MANSEHRA

14

NOTIFICATION

MR. Akhtar Muneer PST GPS Dhara Banda CIRCLE Oghi. WHEREAS Mr. Akhtar Muncer PST GPS Dhara Banda Circle Oghi. Mansehra proceeded against under Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011 on account of his willful and unauthorized absence from duty.

AND WHEREAS the accused Teacher was issued show cause notice vide letter No.11099 dated 25/09/2014, on his posting address i.e. GPS Dhara banda on registered post, but returned with the remarks on the Envelops by the post man that he was out of country.

AND WHEREAS the competent authority (District Education Officer M) after having considered the charges and evidence on record, response to the show cause notice, is of the view that the charges against the accused teacher has been proved.

NOW, THEREFORE, in exercise of the powers conferred under the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011, the competent Authority (District Education Officer (M) is pleased to impose major penalty of "DISMISSED FROM GOVT: SERVICE" with immediate effect upon Mr. Akhtar Muneer PST GPS Dhara Banda Circle Oghi Mansehra.


Sd/-

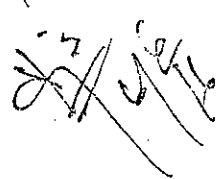
DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA


Endst: No. 659399 File No. 21 Vol II/A/dj./Retur/ leave/PST Dated Mansehra the 22/10/2016

Copy forwarded for information to:

8. The Secretary to Govt. of Khyber Pakhtunkhwa E&SE Department Peshawar.
9. The Director E&SE Khyber Pakhtunkhwa Peshawar.
10. The Deputy Commissioner Mansehra.
11. The District Monitoring Officer (IMU) Mansehra
12. The District Account Officer Mansehra.
13. The SDEO (M) Mansehra, with the direction to make necessary entries in the S/Book & other relevant record.
14. Mr. Akhtar Muneer PST GPS Dhara Banda Circle Oghi.


DY: DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

Copy to ASSED
Circle Oghi for N/A.


Attested

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Hall for Attorneys

REINSTATE بحالی ملازمت

عدوان:

15

جناب عالی!

گزارش ہے کہ سائل عہدہ تعلیم میں بحیثیت PST مورخہ 25-03-1990 سے کام کر رہا تھا۔ سائل کو ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) مانسہرہ نے Endstt No. 6593-9 مورخہ 02.06.2016 کے مطابق ملازمت سے برطرف کر دیا ہے۔ کاپی لفٹ

حقوق ذیل ہیں۔

- 1- سائل عہدہ تعلیم میں بحیثیت PST مورخہ 25.03.1990 سے خدمات سرانجام دے رہا تھا۔
 - 2- سائل نے مورخہ 01-05-2011 تا 28-08-2011 (120) دن Pay 29-08-2011
 - 04-05-2012 (250) دن ہاف Pay 05-05-2012 تا 31-12-2012 (244) دن without pay کل 614 دن ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) مانسہرہ سے Endstt No 8174-77 مورخہ 31-05-2011 کے مطابق چھٹی لیٹی (کاپی منسلک ہے)
 - 3- پھر مطابق 05.03.2013 Endstt No. 2352-54 آمد دفتر DEO مانسہرہ کے مطابق سائل کی دوبارہ چھٹی مورخہ 09.01.2013 تا 31.12.2014 (730) دن with out pay منظور ہوئی (کاپی منسلک ہے)
 - 4- چھٹی ختم ہونے پر سائل نے مورخہ 01.01.2015 کو اپنے سکول گورنمنٹ پرائمری سکول دہڑہ ہاٹھہ سرکل اوگی میں حاضری کر کے رپورٹ ASDEO (M) سرکل اوگی کو دی جس میں اول مدرس نے لکھا تھا کہ یہاں پوسٹ خالی نہیں ہے۔ منسلک ASDEO (M) نے SDEO (M) مانسہرہ کو ایڈجسٹ کیلئے لکھا جس کی کاپی منسلک ہے۔
- مورخہ 01-01-2015 کو حاضری کرنے کے بعد متعدد بار دفاتر کے پکرنے کے باوجود میری ایڈجسٹ نہیں کی گئی اور نہ ہی مجھے کوئی شکوکاوش جاری ہوا ہے میں اپنے گھر واقع اوگی میں موجود رہا ہوں مجھے کسی بھی ذرائع سے کوئی نوٹس نہیں ملا۔ اور نہ ہی کسی اخبار میں اشتہار دیا گیا ہے۔ اب ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) مانسہرہ نے Endstt No 6593-99 مورخہ 02.06.2016 کے مطابق مجھے ملازمت سے برطرف کر دیا ہے۔ جو کہ میرے ساتھ سراسر زیادتی اور نا انصافی ہے۔ سائل غریب آدمی ہے اور چھوٹے چھوٹے

آپ سے اتنا ہے کہ سائل کو ملازمت پر بحال کر کے دعائیں لیں۔

سائل دعا گو رہے گا۔

العارض

AKH

اختر منیر PST گورنمنٹ پرائمری سکول دہڑہ ہاٹھہ اوگی ضلع مانسہرہ

Attested
Munir Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Distt Bar Abbottabad

01/7/2016

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA.

Annex F

16

No. 8198 /F. No.21/Adj: on return from leave/PST

Dated Mansehra the 21/7 /2016

To:

The Director
Elementary & Secondary Education
Khyber Pakhtunkhwa.

Subject: - APPEAL FOR REINSTATEMENT IN SERVICE.

Memo:

Reference your Letter No.2589/F.No.162 (2)/Appeal of PST (M) from dated Peshawar the 30/06/2016 on the subject cited above. The following report/comments regarding the case are submitted for onward process please.

1. An inquiry was conducted against Mr. Akhtar Muneer Ex-PST GPS Dhara Banda Circle Oghi. In this regard the detailed report was submitted by inquiry committee. (Annexure-A)
2. In the light of Inquiry report and recommendations, the Competent authority issued show cause notice vide No. 11099 dated 25/09/2014, through registered post, but returned with the remarks that Mr. Akhtar Muneer is away from country, " Envelops of show cause is annexed as Annexure-B".
3. That the SDEO (M) Mansehra submitted an absent report of Mr. Akhtar Muneer through his letter No.972 dated 23/5/2016, as he was reported absent by the ASDEO(M) Circle Oghi. "Absent report is annexed as annexure-C".
4. In the light of all facts, the competent authority imposed major penalty Dismissed from Govt: Service with immediate effect vide this office Notification Endst: No. 6593-99 dated 2/06/2016 copy attached.

Attested

Muhammad Arshad Khan / Advocate
Advocate High Court
Office No1 33 Adjacent to
Distt Bar Abbottabad

DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

21/7

11.30-8

01

23/7

EX-PAKISTAN LEAVE HAJI PURPOSE

Under the provision of revised leave rules 1981 sanction is hereby accorded to the grant of Ex-Pakistan leave for the purpose of Hajj in respect of the following teachers as due and admissible to them under the rules and as per detail noted below:-

S#	Name & Designation with School	Period of Leave	Remarks
1	Navced Alam PST	2-2-2013 to 16-2-2013	15 days Ex
2	GPS Sharan P. S.		Passing for follow up
3	AKhter Muncer PST	01-01-2013 to 31-12-2014	
4	GPS Dhara Banda	(730 days) leave	Extenuate
5	Oghia	without pay	F.O.L. 2017
6	/	/	out Pa

Note:

Necessary entries to this effect should be made in their service books and other relevant record.

EXECUTIVE DISTRICT OFFICER
ELEM & SEC. EDU. MANSEHRA

Endst: No. 2352 / AL-II/Leave Cases (M)

Dated: 05/3/2013

Copy to the:-

1. District Accounts Officer Manshura.
2. Principal/Headmistress & ADO Circle Concerned.
3. Dy. DO(M) E&SE Manshura.
4. Official concerned.

DISTRICT OFFICER (MALE)
ELEM & SEC. EDU. MANSEHRA

Attested

[Signature]

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&SE) MANSEHRA

Sanction

Under the provision of revised leave Rules 1981, Sanction is hereby accorded to the grant E/L, EOL, Ex-Pakistan leave for the purpose of Hajj/Umrah/Tabligh in respect of following teachers as due and admissible them under the rules and as per detail mentioned against each.

S#	Name & Designation with School	Period of leave	Remarks
1	Mr. Akhtar Muneer PSR G.P.S Dhara banda (OGHI)	i. 4.5.2014 TO 28.8/.2014 ii. 29.5.2014 to 4.5.2002 iii. 09.5.2012 to 31.12.2012	(420 days on P/P) (250 days on N/P) (244 days W.O.P)

Note:

Necessary entries to this effect should be made in their service books and other relevant record.


SD/-
EXECUTIVE DISTRICT
OFFICER ELEM & SEC EDU
MANSEHRA

Ends:No.8174-77 /AE-II-I/LEAVE C-PST (F)

Dated 31/05/2011

Copy to:

1. District Accounts Officer Mansehra.
2. (M) Primary Local Office Circle OGHI.
3. Principal Headmsater GHSS, GHS, HMS,
Concerned school alongwith Seats & Books
4. Details concerned.

Attested


SD/-
EXECUTIVE DISTRICT
OFFICER ELEM & SEC EDU
MANSEHRA

Das Paten
D/No
18

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E & S) EDUCATION MAUSSEHRA

SANCTION.

Under the provision of revised leave rules, 1987 sanction is hereby accorded to the grant E/L, EOL, Ex-Pakistan leave for the purpose of Hajj/Umra/Tabligh in respect of following teachers as due and admissible to them under the rules and as per detail mentioned against e.no.

S.N	Name & Designation with School.	Period of leave.	Remarks.
01	Mr. Akhtar Muneer P&R	i.) 1.5.2011 to 28.8.2011 (120 days on P/P)	
	G.P.S. Dhara Banda (Oghi)	ii.) 29.8.2011 to 4.5.2012 (250 days on P/P)	
		iii.) 05.5.2012 to 31.12.2012 (244 days W.O.P)	
		/	
		/	
		/	
		/	

Note: Necessary entries to this effect should be made in their service books and other relevant record.

Sd/-
EXECUTIVE DISTRICT OFFICER
(E & S) EDUCATION MAUSSEHRA

Indst.No: 8174-77 (A-11-1/C-PSTF) 31/05/2011
Copy to the:-

1. District Accounts Officer Maussehra
 2. D.D.(M) Primary Local Office along with Service Book.
 3. Principal/Headmaster GHSE, GUS, BMS.
 4. Concerned Schools along with Service Books.
- Officials Concerned.

DISTRICT OFFICER
(E & S) EDUCATION MAUSSEHRA

Attested
Am

Verified
01/7/2011

Service Tribunal at Peshawar عدالت

Atkhar Mumir بنام Govt of India etc عنوان

Appellant منجانب

Service Appeal نوعیت مقدمہ

باعث تحریر آئندہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کارروائی متعلقہ آن مقام

Adv. Muhammad Arshad Khan Tanoli

Advocate High Court

کو وکیل مقرر کر کے اترار کرتا ہوں کہ صاحب کارروائی کا کامل اختیار ہوگا نیز وکیل صاحب

موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء

وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور

کی کل یا کسی جزوی کارروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار

بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پر داختم مجھ کو منظور و قبول

ہوگا۔ دوران مقدمہ جو خرچ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔

نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف

پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف

مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد استجارت ناش بصیغہ مفلسی کے دائرہ کرنے اور اس کی

پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المرقوم:

Abbotabad بمقام

Accepted

Muhammad Arshad Khan Tanoli
Advocate High Court
Office Apt 33 Adjacent to
Dist Bar Abbotabad

Mr. Arshad Khan Tanoli

Adv. Ac. Abbotabad

Service Tribunal KPK Peshawar بعدالت

Akhtar Munir نام Court of KPK عنوان

Appellant منجانب

Service Appeal نوعیت مقدمہ

باعث تحریر آئندہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کارروائی متعلقہ آن مقام
کلمہ آتشہ ایڈووکیٹ ڈسٹریکٹ اور سس ایڈووکیٹ آف

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا نیز وکیل صاحب
موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء
وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور
کی کل یا کسی جزوی کارروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار
بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پر داختم مجھ کو منظور و قبول
ہوگا۔ دوران مقدمہ جو خرچ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔
نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف
پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف
مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست براد استجارت ناش بصیغہ مفلسی کے دائر کرنے اور اس کی
پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المرقوم: 20/10/2016

بمقام ایڈووکیٹ آباد

Accepted

Handwritten signature

(10)

ARNTA WIRTA VIKING VATAKA
Dept of IPR, WVA
Appellant
"Appelant sive?"

پروٹیکشن آف انٹیلیجنٹ پراپرٹی ایکٹ ۱۹۸۴

پروٹیکشن آف انٹیلیجنٹ پراپرٹی ایکٹ ۱۹۸۴

۵/۱۰/۲۰۱۴

پروٹیکشن آف انٹیلیجنٹ پراپرٹی ایکٹ ۱۹۸۴

پروٹیکشن آف انٹیلیجنٹ پراپرٹی ایکٹ ۱۹۸۴

(original reply)

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR
CAMP COURT ABBOTTABAD.

Appeal No, 1079 /2016

Akhtar Munir APPELLANT.

VERSUS

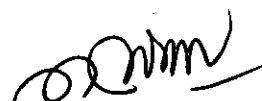
1. Government of Khyber Pakhtunkhwa through Secretary
Elementary & Secondary Education KPK Peshawar.
2. Director Elementary & Secondary Education KPK Peshawar.
3. District Education Officer (Male)
Mansehra.....RESPONDENTS.

Written reply on behalf of the Respondents No.1, 2 and 3.

INDEX

<i>S.No</i>	<i>Description of documents</i>	<i>Annexure</i>	<i>Pages</i>
1.	<i>Comments of Respondents</i>		1-4
2.	<i>Affidavit</i>		5
3	Copy of inquiry Report	<i>A</i>	6-7
4	Copy of leave sanction first time	<i>B</i>	8
5	Copy of original leave sanction letter Mr. Muhammad saeed ur rehman	<i>C</i>	9
6	Copy of Faked sanction leave	<i>D</i>	10

3


DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

①

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR
CAMP COURT ABBOTTABAD.

Appeal No, 1079 /2016

Akhtar MunirAPPELLANT.

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary
Elementary & Secondary Education KPK Peshawar.
2. Director Elementary & Secondary Education KPK Peshawar.
3. District Education Officer (Male)
Mansehra.....RESPONDENTS.

Written reply on behalf of the Respondents No.1, 2 and 3.

Respectfully Shewth:

PREIMINARY OBJECTIONS:

1. That the appellant has got no cause of action locus standi to file the present appeal.
2. That the appellant has concealed material facts from his Honorable Tribunal in the instant service appeal. Hence not entitled for any relief and appeal is liable to be dismissed without any further proceeding.
3. That the instant service appeal is based on malafide intentions.
4. That the appellant has not come to this Honorable Tribunal with clean hands.
5. That the appellant is not entitled for the relief he has sought from this Honorable Tribunal.
6. That the instant service appeal is against the prevailing law and rules.
7. That the instant service appeal is not maintainable in its present form.
8. That the instant service appeal is bad for mis-joinder and non-joinder of the necessary parties.
9. That the dismissal order dated 25/09/2014 of the Respondent No: 3 is legally competent & liable to be maintained in favour of the Respondents.
10. That the dismissal order is the discretionary powers of the competent authority, and Government Employee is bound to obey the order of the respondent Department, hence appeal is liable to be dismissed on this score alone.

(2)

11. That the authority has passed the order dated 25/09/2014 in accordance with Law, hence appeal is liable to be dismissed.

ON FACTS:

1. That Para No.01 need no comments, being pertains to the Service Record of the Appellant.
2. Para No.2 needs no comments because it relate to the service record of the Appellant.
3. That Para No.03 is incorrect, misleading and misconceived, As per inquiry conducted by Mr. Sher Muhammad Principal BPS-19 GHSS Gandhian and Mr. Qazi Ibad Ullah BPS-17 Head Master GHS Kolika Mansehra. The Appellant submitted for the first time leave application for the period w.e.f 01-05-2011 to 28-8-2011(120 days on full Pay),29-08-2011 to 4-5-2012 (250 days on full Pay) and 05-05-2012 to 31-12-2012(244 days without Pay) vide office No.8174-77 Dated 31-05-2011 DEO(M) Mansehra. The appellant also received his service book for the same purpose from the Department and did not return the same as per finding of the inquiry committee. The inquiry committee also concluded that the appellant did not apply for extension of leave and added his name fakely vide letter No.409 dated 7-02-2013.***(Copy of inquiry report, leave sanction first time vide letter No.8174-77 dated 31-05-2011, Original leave sanction letter of Mr. Saeed ur Rehman and faked sanction leave vide bearing no 409 are annexed as annexure A,B C and D)***
4. Para No.4 is incorrect, because the appellant is already absent from his duty and he provided fake sanction of Earned leave.
5. That the appellant is absent from his duty.
6. Para no.5 is incorrect because an absent teacher can't be adjusted under the rule .
7. Para no.5 is incorrect because appellant inquiry conducted properly and misuse & misreading with the department is being proved. Show cause notice is issued vide letter No.11100-5 dated 25/09/2014 on his posting address i.e GPS Dara Banda registered post, but return with remarks n the envelop by the postman that he was out of county. Due

to forgery & absentees he is dismissal from service and the charges against the accused teacher has been approved. In exercise of the powers conferred under the Khyber Pakhtunkhwa servant (Efficiency & Discipline) Rules,2011 .The competent authority (DEO) Mansehra is pleased to imposed major penalties "Dismissed from Government service " with immediate effect.

- 8. Need no comments.
- 9. Need no comments.

GROUND:-

- A. Incorrect and denied. Because inquiry has been conducted properly and misuse & misreading with the department is being proved. Show cause notice has been issued vide letter No.11100-5 dated 25/09/2014 on his posting address i.e GPS Dara Banda registered post, but return with remarks in the envelop by the postman that he was out of county. Due to forgery & absentees, he was dismissal from service and the charges against the accused teacher has been approved. In exercise of the powers conferred under the Khyber Pakhtunkhwa servant (Efficiency & Discipline) Rules,2011 .The competent authority (DEO) Mansehra is pleased to impose major penalties "Dismissed from Government service " with immediate effect.
- B. Incorrect and denied. Show cause notice has been issued vide letter No.11100-5 dated 25/09/2014 on his posting address i.e GPS Dara Banda registered post, but return with remarks n the envelop by the postman that he was out of county. As per inquiry conducted by Mr. Sher Muhammad Principal BPS-19 GHSS Gandhian and Mr. Qazi Ibad Ullah BPS-17 Head Master GHS Kolika Mansehra.
- C. Incorrect and denied. After observing all codal formalities and process he is dismissed from services.
- D. Incorrect and denied .Need no comments.
- E. Incorrect and denied, . . Because he was already absent from his duty.
- F. Incorrect and denied. That the appellant has concealed material facts from his Honorable Tribunal in the instant service appeal. Hence not

(4)


entitled for any relief and appeal is liable to be dismissed without any further proceeding


G. Need no comments.

PRAYERS.

In the view of above made submissions, it is requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant service appeal with cost in favor of the Respondent Department in the interest of justice.


The Secretary
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.


The Director,
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.


Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar


The District Education Officer,
(Male) Mansehra

AFFIDAVIT

I, Mr. Muhammad Touseef Assistant District Education officer on Behalf of District Education Officer (M) Mansehra do, hereby solemnly affirm and declare that the Para wise comments of the Service Appeal No.1079/2016 titled Akhtar Munir versus Govt, is true to the best of my conviction and belief and nothing has been concealed from this Honourable Court.

DEPONENT _____


DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA.

From:-

The Inquiry Committee.

To

The District Education Officer
(M) Mansehra.

Subject: Empire ABSENT REPORT IN R/O MR. AKHTAR MUNIR PST, GPS, DHARA BANDA (CIRCLE Oghi).

Memo:-

Reference your Letter No. 7316-17 dated 14.06.2014. on the subject noted above, we the undersigned visited GPS Dhara Banda and ASDEO (M) Office Oghi on 28.06.2014.

OBSERVATIONS:- Questionnaires were given to the Head teacher, teachers and ASDEO concerned.

1. **STATEMENT OF MUHAMMAD SABIR HEAD TEACHER:-** Statement of Muhammad Sabir H/teacher shows that Mr. Akhtar Munir PST of GPS, Dhara Banda went on leave on 01.05.2011 to 31.12.2012. His application moved through ASDEO Oghi circle and sanction was accorded by DEO (M) Mansehra On 31.05.2011. He further stated that On expiry of Earned leave, MR. Akhtar Munir did not submit his application for the extension of leave through proper channel. However, he informed him telephonically that his E.O. leave for two years has been extended and a letter of the same be got from an unknown person. I got the copy of the sanction letter from the person pointed out by him. A copy of the letter kept in Office file and the other handed over to ASDEO Oghi circle (Copy attached as Annexure A).

2. **STATEMENT OF MR. JEHANGIR BADAR, PST:-** According to the statement of the teacher, Mr. Akhtar Munir handed over the sanction letter of E/leave for the period of 01.05.2011 to 31.12.2012. He also stated that after the expiry of the leave period, Mr. Akhtar Munir told telephonically that a letter for extension in leave was kept with one of his relatives in Mansehra and requested that the letter be received from that person whose name he has been forgotten. We got the letter and a copy was sent to ASDEO Oghi circle. (Copy attached as Annexure B).

3. **MR. MUSHTIAQ AHMAD CENTRE INCHARGE CIRCLE Oghi** Stated with reference to his Office record that Mr. Akhtar Munir PST GPS Dhara Banda has been accorded E.O.L. w.e.f, 1.5.2011 to 31.12.2012 vide letter No 8174-77 dated 31.5.2011. The centre Incharge further added that the teacher concerned did not contact for the extension in leave period and resultantly the then ASDEO sent his absent report through letter No. 277 dated 13.5.2013. Later on, a letter No. 2352-54 dated 5.03.2013 regarding the extension in the E.O.L. w.e.f 1.1.2013 to 31.12.2014, received through H/Teacher GPS, Dhara Banda.

The DEO Office when contacted for the verification of extension in EOL for the period mentioned above, the Office response found in this respect unsatisfactory. The newly appointed ASDEO Oghi, Mr. Muhammad Nadeem submitted the absent report of the teacher in question vide his letter No 20 dated 27.5.2014 but no action has been taken. The centre in charge also stated that the service Book of the teacher was not returned to the circle office taken first time to apply for the leave adding that his Office had no record of the application for the extension of leave period and hence his pay was stopped w.e.f. 01.05.2011 (copy attached as Annexure C)

Sayid
for process

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No. 29
Date. 9/8/2014

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13/8/14

4. Record obtained from the DEO Office shows i.) The application for the extension of the leave was not submitted properly i.e. the application is without date and recommendations by the H/Teacher and ASDEO concerned.

ii). The teacher's name is absent in PUC record.

iii. The service Book, according to the dealing Assistant, was in the custody of the teacher.

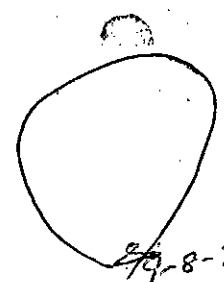
FINDINGS:- ~~On the basis of~~ the statements of the teachers/ ASDEO and the record provided by the DEO Office show that :-

- a) The application submitted for the first time for the period w.e.f. 01.05.2011 to 31.12.2012 fulfilled the proper procedure. However, the application for the extension of leave w.e.f. 01.01.2013 to 31.12.2014 has not been submitted by the teacher through proper channel.
- b) Sanction letter for the extension of EOL seems to be amended/ faked (Annexure D, E, F)
- c) Service Book of the teacher is missing
- d) The Teacher's name has not been found in the PUC provided by the DEO office. (Annexure G)

RECOMMENDATIONS:- On the basis of the statements of the Head teacher, Teachers & office record, it is recommended that the extension in leave period w.e.f. 01.01.2013 to 31.12.2014 be considered as absent from duty and necessary action in this direction may please be taken according to the rules.

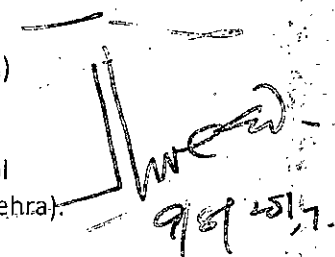
(INQUIRY COMMITTEE)

1. Qazi Ibad uillah,
 Headmaster
 Govt; High School
 Kolika(Mansehra),



8/8-2014

2. Sher Muhammad)
 Principal
 Govt; High School
 Gandhian.(Mansehra).



9/8/2014

B

Despatched
D/No

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OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E & S) EDUCATION, MANSEHRA

SANCTION.

Under the provision of revised leave rules, 1987 sanction is hereby accorded to the grant E/L, E/O, Ex-Pakistan leave for the purpose of Hajj/Umra/Tabligh in respect of following teachers as due and admissible to them under the rules and as per detail mentioned against each.

S.N	Name & Designation with School.	Period of leave.	Remarks.
01	Mr. Akhtar Muneer PER i)	4.5.2010 to 28.8.2010	(92 days on P/Pay
	P.S. Dhara Banda (Oghi)	29.8.2010 to 4.5.2012	(250 days on E/Pay
		05.5.2012 to 31.12.2012	(244 days W.O. Pay.

Note.

Necessary entries to this effect should be made in their service books and other relevant records.

Sd/-
EXECUTIVE DISTRICT OFFICER
(E & S) EDUCATION, MANSEHRA

Indst: No 8174-77
Copy to the:-
A-11-1/C-PST(F) 23/05/12

1. District Accounts Officer Manselara
2. D.O. (M) Primary Local Office along with Service Books.
3. Principal/Headmaster G.H.S.S. G.H.S. B.M.S.
4. Concerned Schools alongwith Service Books.
Officials Concerned.

DISTRICT OFFICER
(E & S) EDUCATION, MANSEHRA

1
120
250
241
730

1341

365
5

1825

241
730

971

Received

01/5/12

(9)

Annexure ² C 2013

OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER (MALE) MANSERHA

No 409
Dated 7/2 /2013

(2)

(9)

To,

The District Education Officer,
(Male) Mansehra.

Subject:

EARNED LEAVE/ EX-PAKISTAN LEAVE CASES.

Memo:

Enclosed please find herewith Earned Leave Cases in Respect of the Following PST detail given below along with service books and leave Accounts for favor of Further necessary Sanction please.

S.No	Name of Official with School	Period	Remarks
1	Saeed-ur-Rehman	PST 7/2/2013 To	16 days
	SPS Kanshian Balq	22/2/2013	with pay.
	/	/	/
	/	/	/
	/	/	/
	/	/	/
	/	/	/

SUB DIVISIONAL EDUCATION OFFICER
(MALE) MANSEHRA

(10)

(Annexure D)

203

OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER (MALE) MANSEHRA

EXECUTIVE DISTRICT No. 408
 S-Book No. 433 Dated 7/2 /2013
 No. 433
 Date 14-2-13
 (3)

(110)

Depart - L

The District Education Officer,
(Male) Mansehra.

Subject: EARNED LEAVE/ EX-PAKISTAN LEAVE CASES.

Memo: Enclosed please find herewith Earned Leave Cases in Respect of the following PST detail given below along with service books and leave Accounts for favor of further necessary Sanction please.

[Handwritten signature]

No	Name of Official with School	Period	Remarks
1	Saeed-ur-Rehman	PST 7/2/2013 to	16 days
	G/S Kamskian Sals	22/2/2013	with Pay
2	Hakim Muzammar Dhera	1-1-2013 to 31-12-2014	730 day with full pay

[Handwritten signature]

SUB DIVISIONAL EDUCATION OFFICER
(MALE) MANSEHRA

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 663 /ST

Dated 3 / 4 / 2019

To


The District Education Officer Male,
Government of Khyber Pakhtunkhwa,
Mansehra.

Subject: -

JUDGMENT IN APPEAL NO. 1079/2016, MR. AKHTAR MUNIR.

I am directed to forward herewith a certified copy of Judgement dated 20.03.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.