

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
CAMP COURT ABBOTTABAD

Service Appeal No. 375/2016

Date of Institution... 07.04.2016

Date of decision... 19.03.2018

Syed Akmal Shah son of Syed Israr-ul-Haq, resident of New Muradpur, Tehsil and District Mansehra, Ex-PST, Government Primary School Shani Tarli, Circle Baffa. ... (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through the Secretary, E&SE, Peshawar and 3 others. ... (Respondents)

MR. AFSAR SHAH,  
Advocate

... For appellant.

MR. USMAN GHANI,  
District Attorney

... For respondents.

MR. NIAZ MUHAMMAD KHAN,  
MR. AHMAD HASSAN,

... CHAIRMAN  
... MEMBER

JUDGMENT

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

FACTS

2. The appellant was removed from service on 04.11.2015, against which he filed departmental appeal on 24.11.2015 which was not responded to and thereafter he filed the present service appeal on 07.04.2016.

ARGUMENTS

3. The learned counsel for the appellant argued that defence of the respondents was struck off and it would be presumed that the department had accepted the factual allegations

contained in the memorandum of appeal. He further argued that the appellant was issued only the final order of dismissal and nothing preceded the said order in the shape of show cause notice, charge sheet/statement of allegations, personal hearing, enquiry report etc. On merits he argued that the appellant applied for 10 days medical leave which was not accepted nor any rejection order was communicated to the appellant.

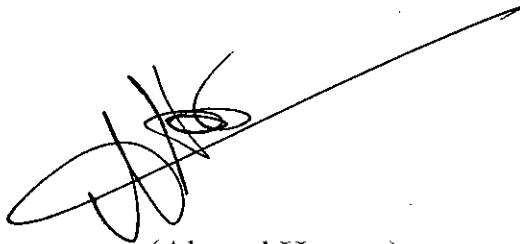
4. Since the defence of the respondents was struck off, the learned District Attorney submitted that he was not in a position to argue the appeal.

### CONCLUSION.

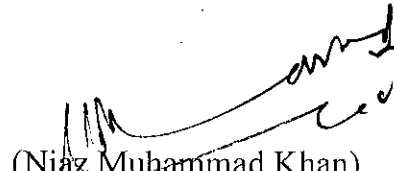
5. This Tribunal noticed that an application for condonation of delay was submitted by the appellant alongwith the memo of appeal. The departmental appeal was filed by the appellant on 21.11.2015 and the present service appeal was filed on 07.4.2016 after 137 days. As per Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, the maximum period for filing of such appeal is 120 days from the date of filing of departmental appeal but in view of Rule 19 of the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011 as amended on 18.7.2012 such period in cases of disciplinary action has been extended to 150 days. This Tribunal is of the view that the learned counsel for the appellant was not aware about this amendment, therefore, he filed the present application for condonation of delay. The service appeal of the appellant is well within time and there was no need of filing of application for condonation of delay. This appeal is therefore, within time.

6. From record and final order of removal it is crystal clear that the procedural due processes as pointed out by the learned counsel for the appellant, were not complied with by the department. In view of such grave procedural lapses, the impugned order cannot be sustained in the eyes of law.

7. Consequently, the present appeal is accepted and the appellant is reinstated in service. The department is however, at liberty to hold denovo proceedings within a period of ninety days from the date of receipt of this judgment. The issue of back benefits shall be subject to the final outcome of denovo proceedings, if any, and rules on the subject. Parties are left to bear their own costs. File be consigned to the record room.



(Ahmad Hassan)  
Member



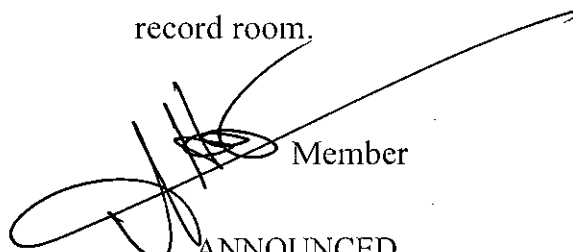
(Niaz Muhammad Khan)  
Chairman  
Camp Court, A/Abad

ANNOUNCED

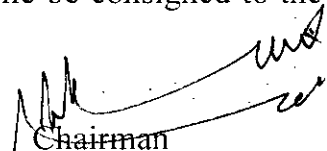
19.03.2018

19.03.2018 Counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present. Arguments heard and record perused.

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



Member



Chairman

Camp Court, Abbottabad.

ANNOUNCED

19.03.2018

16.03.2017

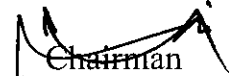
Counsel for the appellant and Mr. Muhamimad Siddique Sr.GP present. None of the representatives of the respondents is present. Numerous opportunities including last opportunity were granted to the respondents which was further extended subject to payment of cost of Rs. 2000/- but the respondents failed to submit written statement. As such no further opportunities are extended. The appeal is assigned to D.B for final hearing on 19.09.2017 at camp court, Abbottabad.

  
Chairman  
Camp Court, A/Abad

19.09.2017


Counsel for the appellant and Mr. Muhammad Bilal, Deputy District Attorney for the respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 21.12.2017 before D.B at camp court, Abbottabad.

  
Member

  
Chairman  
Camp court, A/Abad.

21.12.2017

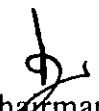
Clerk of the counsel for appellant present. Mr. Muhammad Bilal, Deputy District Attorney for the respondents present. Arguments could not be heard due to incomplete bench. To come up for ~~reconsideration~~ arguments on 19.03.2018 before D.B at Camp Court, Abbottabad.

  
(Gul Zeb Khan)  
Member (Executive)  
Camp Court, Abbottabad.

375/16


22.09.2016

Appellant in person and Mr. Muhammad Usman, Senior Clerk alongwith Mr. Muhammad Siddique Sr.GP for respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 22.12.2016 before S.B at camp court Abbottabad.

  
Chairman  
Camp court, A/Abad

22.12.2017

Counsel for the appellant and Mr. Muhammad Siddique, Sr.GP for the respondents present. Learned Sr.GP informed the Tribunal that neither the respondents are interested in pursuing the cases nor regular in attending the court. He therefore requested for adjournment. Since last opportunity was granted to the respondents and since morning none of the representative of the respondents appeared before the court however keeping in view the request of the learned Sr.GP one more opportunity is granted to the respondents subject to cost of Rs. 2000/- which shall borne by the respondents from their own pockets on the next date. To come up for written reply/comments and cost on 16.03.2017 before S.B at camp court, Abbottabad.

  
Chairman  
Camp court, A/Abad

20.04.2015

Appellant with counsel present. Learned counsel for the appellant argued that the appellant was serving as PST when removed from service vide impugned order dated 04.11.2015 on the allegations of wilful absence where-against he preferred departmental appeal on 21.11.2015 which was not responded and hence the instant service appeal on 07.04.2016.

That the prescribed codal formalities for enquiry were not followed and that the medical leave applied for by the appellant was not processed in the prescribed manner and as such the impugned order warrants reversal.

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 21.07.2016 before S.B at camp court, Abbottabad.

Appellant Deposited  
Security & Process Fee



Chairman  
Camp court, A/Abad.

21.7.2016

Counsel for the appellant and Mr. Muhammad Usman, Senior Clerk alongwith Mr. Muhammad Usman, Senior Clerk for respondents present. Seeks adjournment. To come up for written reply/comments on 22.09.2016 before S.B at camp court, Abbottabad.

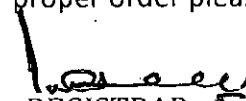



Chairman  
Camp Court, A/Abad

Form- A  
FORM OF ORDER SHEET

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

Case No. 375/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	07.04.2016	<p>The appeal of Syed Akmal Shah presented today by Mr. Afsar Shah Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2	11-4-16	<p>This case is entrusted to Touring S. Bench at A.Abad for preliminary hearing to be put up thereon <u>20-4-2016</u></p> <p> CHAIRMAN</p>



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

Service Appeal No. 375 /2016

Syed Akmal Shah son of Syed Işrar ul Haq, resident of New Muradpur,  
Tehsil & District, Mansehra, Ex-PST, Govt. Primary School Shani Tarli,  
Circle Baffa.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa through the Secretary E&SE Department,  
Peshawar & others.

...RESPONDENTS

**SERVICE APPEAL**

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4.	Copy of the arrival report	12	"B"
5.	Copies of the application and medical certificate	13 to 15	"C"
6.	Copy of the impugned order	16	"D"
7.	Copy of the departmental appeal	17	"E"
8.	Wakalatnama		



...APPELLANT

Dated: 05/04/2016

Through:

  
(AFSAR SHAH)

Advocate High Court, Abbottabad

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

K.W.F. Province  
Service Tribunal  
Diary No. 346  
Dated 07-4-2016

Service Appeal No. 375 /2016

Syed Akmal Shah son of Syed Israr ul Haq, resident of New Muradpur, Tehsil & District, Mansehra, Ex-PST, Govt. Primary School Shani Tarli, Circle Baffa.

...APPELLANT

**VERSUS**

1. Govt. of Khyber Pakhtunkhwa through the Secretary E&SE Department, Peshawar.
2. The Director E&SE, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male), Mansehra.
4. ASDO<sup>E</sup> Circle Baffa, Tehsil & District, Mansehra.

...RESPONDENTS

~~Filed to...~~  
D. S. U.  
7/4/2016 -

**SERVICE APPEAL UNDER SECTION 41 OF  
THE KPK SERVICE TRIBUNAL ACT, 1974,  
AGAINST THE IMPUGNED ORDER/  
NOTIFICATION OF RESPONDENT NO. 3  
ENDST. VIDE NO. 16831-37 DATED**

04/11/2015 WHEREBY THE APPELLANT WAS REMOVED FROM SERVICE WHICH IS ILLEGAL AND UNLAWFUL AND BASED ON MALAFIDE INTENT AND PERSONAL VENGEANCE. THE SAME IS NOT TENABLE IN THE EYES OF LAW AND IS LIABLE TO BE SET ASIDE.

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**PRAYER:-** ON ACCEPTANCE OF INSTANT APPEAL, THE IMPUGNED ORDER OF THE RESPONDENT NO. 3 MAY KINDLY BE SET ASIDE AND THE APPELLANT BE RESTORED ON HIS SERVICE WITH ALL PREVIOUS BENEFITS.

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Respectfully Sheweth:-

The facts giving rise to the instant appeal are arrayed as under:-

1. That the appellant was appointed as PST in BPS-09 in the KPK Education Department and posted at GPS Shani Tarli, Tehsil & District, Mansehra vide

order of then Executive District Officer E&SE Education Mansehra bearing Endorsement No. 5699-5710/Estt:(M) apptt:PST(M)/2011-12 dated 18/05/2012. Copy of appointment order is annexed as Annexure "A".

2. That the appellant assumed his duty on 19/05/2012 accordingly. Copy of the arrival report is annexed as Annexure "B".

3. That the appellant developed severe pain in his left foot/ leg and reported in Ayub Medical Complex, Abbottabad on 14/10/2015 for medical checkup. After details examination the concerned Doctor advised the appellant complete bed rest. The medical certificate alongwith medical examination report and application for leave sent to ASDO Mansehra for grant of leave on medical ground. Copies of the application and medical certificate are annexed as Annexure "C".

4. That instead of sanctioning the leave of the appellant on medical ground, applied for, respondent No. 3 has taken laws into his hands, misused his authority and removed the appellant

from his service without observing laid down procedure in the ESTA CODE "Khyber Pakhtunkhwa & Govt. Servants (E&D) Rules, 2011 given therein vide his office order endorsed No. 16831-37 dated 04/11/2015. Copy of the impugned order is annexed as Annexure "D".

5. That appellant lodged a Departmental Appeal on 21/11/2015 addressed to respondent No. 2. The outcome of which is still awaited. On this front, respondents No. 2, 3 & 4 kept on dodging the appellant and with false commitment to restore the appellant but in vain. Copy of the departmental appeal is annexed as Annexure "E".
6. That the impugned order dated 04/11/2015 is being assailed, inter-alia, on the following grounds:-

**GROUNDS:-**

- a) That the impugned order dated 04/11/2015 is without force of law and the respondent No. 2 has travelled beyond his authority

- b) That the laws on the subject totally ignored. The procedure given regarding such like cases in Khyber Pakhtunkhwa Govt. Servants (E&D) Rules, 2011 has not been followed.
- c) That the leave on the medical grounds cannot be refused as a matter of routine. Maximum, the patient can be referred to the Medical Superintendent for second opinion whereas the respondent No. 2 has violated this procedure.
- d) That no inquiry has been held upon in the case of appellant. The appellant has also not been heard in person and removed from service without any fault of him and hence the impugned order is not maintainable and warrant to be set aside.
- e) That no charge sheet has been drawn up against the appellant and he did not know the memo of allegations. Therefore, the impugned order is the result of malafide and

ignorance of law and hence not tenable under the law.

- f) That the other points/ grounds will be taken up at the time of arguments with the permission of the Honourable Court.

It is, therefore, humbly prayed that on acceptance of the instant appeal, the order of respondent No. 2 may kindly be set aside and the appellant be restored on his service with all previous benefits.



**Syed Akmal Shah**  
...APPELLANT

Dated: 05/04/2016

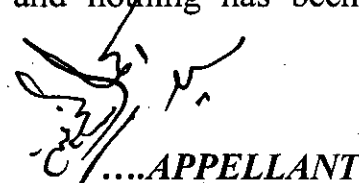
Through;



**(AFSAR SHAH)**  
Advocate High Court, Abbottabad

**VERIFICATION: -**

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



.....APPELLANT

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

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

Syed Akmal Shah son of Syed Israr ul Haq, resident of New Muradpur, Tehsil & District, Mansehra, Ex-PST, Govt. Primary School Shani Tarli, Circle Baffa.

...APPELLANT

**VERSUS**

Govt. of Khyber Pakhtunkhwa through the Secretary E&SE Department, Peshawar & others.

...RESPONDENTS

**SERVICE APPEAL**

**AFFIDAVIT**

I, Syed Akmal Shah son of Syed Israr ul Haq, resident of New Muradpur, Tehsil & District, Mansehra, Ex-PST, Govt. Primary School Shani Tarli, Circle Baffa, do hereby solemnly affirm and declare that the contents of foregoing service 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:-



**(AFSAR SHAH)**

Advocate High Court, Abbottabad



04/04/2016



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

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

Syed Akmal Shah son of Syed Israr ul Haq, resident of New Muradpur, Tehsil & District, Mansehra, Ex-PST, Govt. Primary School Shani Tarli, Circle Baffa.

...APPELLANT

**VERSUS**

Govt. of Khyber Pakhtunkhwa through the Secretary E&SE Department, Peshawar & others.

...RESPONDENTS

**SERVICE APPEAL**

APPLICATION UNDER SECTION 5 OF THE  
LIMITATION ACT, 1908 FOR CONDONATION OF 4  
MONTHS AND 15 DAYS DELAY.

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Respectfully Sheweth;-

The appellant/ applicant submits as under;-

1. That the appellant/ applicant has lodged his departmental appeal well in time on 21/11/2015 and no response has so far been received by the applicant from respondents. Instead, they kept the applicant in dark just to lapse the service appeal time.
2. That the delay in submitting the service appeal is not intentionally. Rather this was the result of good

faith, which the applicant hath in his remote and immediate superiors.

3. That the valuable interest/ career of the applicant is at stake.

It is, therefore, requested that if any period beyond 90 days found as delay the same may very kindly be condoned for natural justice.



...APPELLANT

Through;

Dated: 05/04/2016



(AFSAR SHAH)

Advocate High Court, Abbottabad

**AFFIDAVIT:-**

I, Syed Akmal Shah son of Syed Israr ul Haq, resident of New Muradpur, Tehsil & District, Mansehra, Ex-PST, Govt. Primary School Shani Tarli, Circle Baffa, do hereby solemnly affirm and declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.



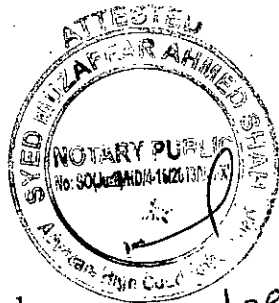
DEPONENT

Identified By:-



(AFSAR SHAH)

Advocate High Court, Abbottabad



04/04/2016

## OFFICE OF THE EXECUTIVE DISTRICT OFFICER E&amp;S EDUCATION MANSEHRA

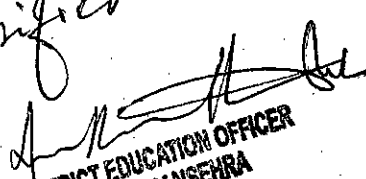
ORDER

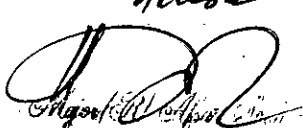
As approved by the Departmental Selection Committee, the Competent Authority has been pleased to appoint the following **PST** against vacant posts mentioned against each in **BPS-9** @ Rs.5800-320-15400 pm plus usual allowances as admissible under the rules in the interest of Public Service with effect from the date of their taking over charge subject to the following terms & conditions:-

S.#	S#in U/C	Name	Father Name	Address	Union Council	Place of Posting
1	1	Khaista Zar Khan.	Muqader	Jalal abad	Malik Pur	GPS Rash Sikandra
2	2	Akmal Shah	Israr Ul Haq Shah	Murad Pur	Malik Pur	GPS Shan Terli
3	3	Muhammad Usman	Mushtaq Khan	Sherpur	Malik Pur	GPS Landai
4	4	Bahadar Khan	Abdul Wali	Sherpur	Malik Pur	GMPS Sher Abad

TERMS & CONDITIONS:

1. Their appointments are purely on temporary basis and liable to termination at any stage without assigning any reason/notice.
2. They will be governed by such rules and regulations enforce and as may be prescribed by the Government from time to time for the category of the Government servants to which they belong.
3. In case they failed to assume the charge of their posts within 15 days of their appointment, candidature-ship will be stand automatically cancelled.
4. Their services are regular but will not be entitled for pension/gratuity & they will not contribute any amount towards GP Fund however they will contribute CP fund on the prescribed rate & half contribution will be made by the Government.
5. They will submit to this office, their all testimonial and along-with bank drafts in the name of controller / treasurer of the concerned BISE / University within 7 days after the taking over charge for verification.
6. The release of the pay by the concerned DDOs will be subject to the receipt of verified documents by the appointing authority / (EDO E&SE Mansehra)
7. In case a document or documents is / are found fake or forged or Bogus on such scrutiny or all the verification, the service of the teachers concerned shall be terminated. The whole amount paid to him/her as salary will be recovered and a case against him/her shall be registered under relevant section of Law.

Verified  
  
 DISTRICT EDUCATION OFFICER  
 (E&S) MANSEHRA

Attested  
  
 MA(Pol.Sc) MA(Ed) LL.B  
 ADVOCATE  
 Dist. Bar Abbottabad.

- 8. Their services are liable to termination on one month prior notice from either side in case of resignation without prior notice. Their one month pay/allowances if any shall be forfeited to Government Treasury.
- 9. Their services can be terminated at any time in case their performance is found un-satisfactory; they will be proceeded against under the removal from service under E&D Rules 2011.
- 10. They should produce Age & Health Certificate from the MS DHQ Hospital Mansehra.
- 11. They may not be handed over the charge if their age is above 35 years and below 18 years.
- 12. The Candidates who are working as regular before 1<sup>st</sup> July 2001 in pervious post, their entitled for pension / gratuity etc.
- 13. No. TA/DA etc is allowed.
- 14. Charge report should be submitted to all concerned in duplicate.

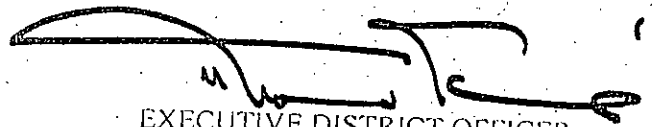
(Umar Khan Kundi)  
 EXECUTIVE DISTRICT OFFICER  
 E&S EDU: MANSEHRA

5699-5710

Endst: No: \_\_\_\_\_ /Estt: (M)Apptt:PST (M)/2011-12 Dated Mansehra the 18/5/2012

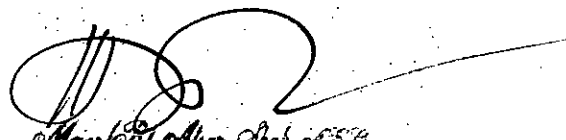
Copy to the:-

- 1. Secretary to Govt: of KPK E&SE Department Peshawar.
- 2. Director E&SE Department KPK Peshawar.
- 3. District Accounts Officer, Mansehra.
- 4-5. District Officer (M&F) Local Office.
- 6. Deputy District Officer (M)-E&SE Mansehra
- 7. PA to District Coordination Officer, Mansehra.
- 8. Budget & Accounts Officer, local office, Mansehra.
- 9-12. Candidates concerned.



EXECUTIVE DISTRICT OFFICER  
 E&S EDU: MANSEHRA

*Attested*



*Muhammad Afzal Chah*  
 MA(Pol. Sc) MA(Edu) LL.B  
**ADVOCATE**  
 Dist. Bar Abbottabad

ARRIVAL REPORT

Certified that Mr. Akmal Shah 90  
Israr-ul-Haq Shah who has been appointed  
against vacant PST Post at this school  
vide EDO (E/S) Edu: Mansehra Endst  
No. 5699-57/est(m) appd Dated 18-5-12 has  
<sup>PST(m)</sup>  
reported for his duty on 19.5.2012  
(F/N).

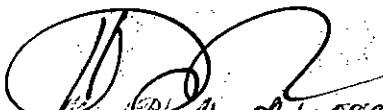
Head Teacher  
GPS, Shanai Tarli  
Mansehra.

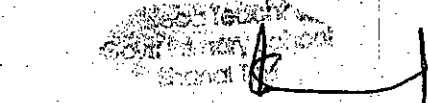
No. 300 Dated 19.5.12

Copy to:-

1. D.D.O (m) E/S. Mansehra.
2. D.A.O Mansehra.
3. A.D.O Circle Batta.
4. Office record file

Attested

  
Akmal Shah 90  
MA (Pol. Sc) MA (Edu) LL.B  
ADVOCATE  
Dist. Bar Abbottabad

  
Head Teacher,  
GPS, Shanai Tarli  
Mansehra.

سوال = درخواست برائے اخفت بیماری

جناب عالی!

موجودہ گزارش ہے کہ فدوی دروش ٹیکا، گلے اور سانس کی

تکلیف کے ساتھ ساتھ ہلیریا کے بخار میں مبتلا ہے۔

جس کا وجہ سے ڈاکٹروں نے مکمل ہیڈریسٹ کی پدائیت  
کی ہے۔

آج جناب سے گزارش ہے کہ فدوی کو 15 اکتوبر 2015 تا

20 دسمبر 2015ء تک اخفت عنایت فرما کر ضمنی فرمائش

عین لوازش ہو گی

نوٹ = ہیڈریسٹ کے ساتھ ساتھ ہلیریا ہے

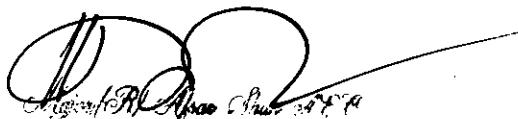
الحاضر

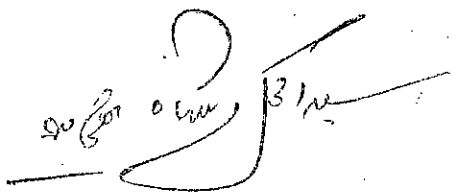
سید اکمل شاہ

پی ایس ڈی شہنشاہ تہری

Attested

سرکل کفہ

  
Advocate  
MA (Pol. Sc) MA (Edu) LL. B  
ADVOCATE  
Distt. Bar Abbottabad

  
سید سہیل  
13/10/2015



**AYUB TEACHING HOSPITAL**  
**ABBOTTABAD**  
Filter Out Patient Department



Book No.

S. No. 055

4501

Patient Name: Syed Akmal Shah

Patient ID:

Patient Sex: Male

Patient Yearly No: 11510135/23

Patient Age: 35 Years

Patient Date & Time: 14-Oct-2015 08:30 AM

Address: Manshra

OPD: Routine

Amount: Rs:-10

Computer Operator: Rameez Hamceer

It is stated that patient Name Syed Akmal Shah was presented on 19<sup>th</sup> September 2015 in our

ward with complaints of

- Lt. sided (lateral) <sup>foot/leg</sup> intense pain
- Difficulty in walking / standing.

He was diagnosed with

A Sciatic Nerve pain.

He was advised "10" ten days bed rest along with medications.

Attested

*[Signature]*  
MA (Pol. Sc) MA (Edu) LL.B

Distt. Bar Abbottabad

*[Signature]*  
M.D. Dr. Amir Givran  
Surgical "C" Unit  
Ayub Teaching Hospital  
Abbottabad  
14/10/15

In case of any complaint register on: [www.cm.ath.gov.pk](http://www.cm.ath.gov.pk)

Official website: [www.ath.gov.pk](http://www.ath.gov.pk)

E-mail: [info@ath.gov.pk](mailto:info@ath.gov.pk) PABX: 0992-381907-14

Face book: [www.facebook.com/athabbottabad](http://www.facebook.com/athabbottabad)

15

# ULTRASOUND DOP

Dr. Col (R)  
**Dr. Syed Shahid Hussain**  
MBBS, Dip Radio (AFPGMI)  
MCPS, Radiodiagnosis (Pak)  
Ex-Radiologist CMH, Abbottabad

Patient's Name: Syed Akmal Shah Age: 45

## Ultrasound Abdomen

→ Liver is normal size and echotexture. Margins are smooth. <sup>14.2 cm Fatty</sup> No mass or cyst. Portal vein and Hepatic veins are within normal limits.

✓ Spleen is normal in size and appearance. Margins are smooth. <sup>8 cm</sup>

✓ Gall Bladder is normal appearance. There is no wall thickening. No pericholecystic fluid collection. <sup>normal size</sup>

✓ C.B.D is normal appearance.

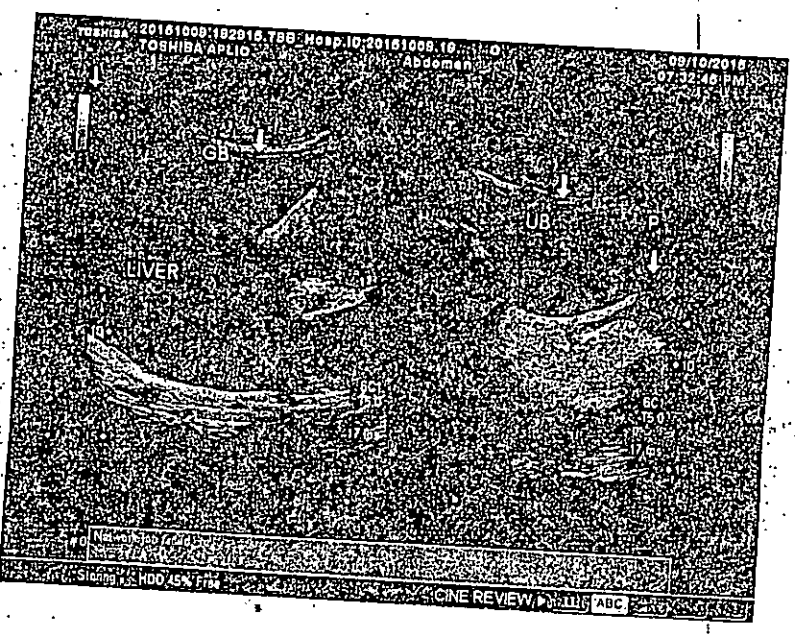
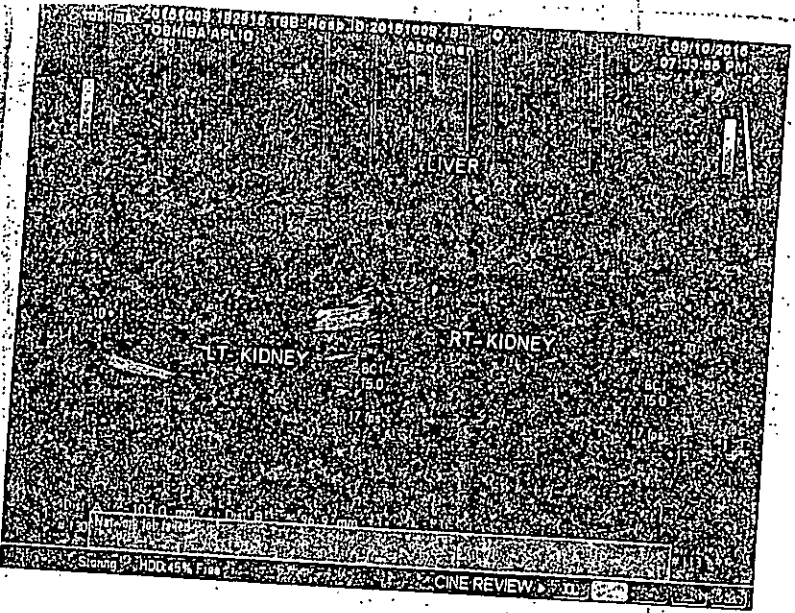
✓ Pancreas is normal appearance. No focal lesion noted.

Right Kidney is normal in size. <sup>10.3 cm</sup> no calculus

Left Kidney is normal in size. <sup>9.6 cm</sup> no calculus, cyst or hydronephrosis.

Urinary Bladder shows normal wall thickness. No focal lesion, calculus or mass noted.

✓ Grossly normal abdomen  
✓ Small intestine peristalsis normal  
✓ NO free fluid seen  
Fatty Liver



Opp. Ayub Medical Complex, Gate No. 1, Near Tariq Stationery & Doctor Hospital  
Phul Gujrab Road, Mardan, Abbottabad. Tel. #: 0992-384322. Mob. #: 0331-5386272  
MA (P), Sc (M), MLLB  
ASSOCIATE  
Distt. Bar Abbottabad

**SHAHID HUSSAIN**  
RADIOLOGIST  
ABBOTTABAD



REGISTERED

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)  
DISTRICT MANSEHRA

NOTIFICATION

ADO (S/E) MR. SYED AKMAL SHAH PST GPS SHANI TARLI CIRCLE BAFFA: WHEREAS Mr. Syed Akmal Shah PST GPS Shani Tarli Circle Baffa proceeded against under Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011 on account of his willful and unauthorized absence from duty.

- 2. AND WHEREAS the accused Teacher was issued Explanation vide letter No. 15725-93 dated 14/10/2015, he submitted his reply to the Explanation along with other relevant papers.
- 3. AND WHEREAS the competent authority (District Education Officer M) after having considered the charges and evidence on record, response to the Explanation and personal hearing, is of the view that the charges against the accused official have been proved.
- 4. 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 "REMOVAL FROM SERVICE" with immediate effect upon Mr. Syed Akmal Shah PST GPS Shani Tarli Circle Baffa.

Sd/=-

DISTRICT EDUCATION OFFICER  
(MALE) MANSEHRA

Endst. No. 16831-37 Dated Mansehra the 04/11 /2015

Copy forwarded for information to:

- 1. The Minister of Elementary & Secondary Education Peshawar.
- 2. The Secretary to Govt. of Khyber Pakhtunkhwa E&SE Department Peshawar.
- 3. The Director E&SE Khyber Pakhtunkhwa Peshawar.
- 4. The Deputy Commissioner Mansehra.
- 5. The District Account Officer Mansehra.
- 6. SDEO (M) Mansehra, with the direction to make necessary entries in the S/Book.
- 7. Mr Syed Akmal Shah PST GPS Shani Tarli Circle Baffa.

*Altered*

*M*

MA(Pol. Sc) MA(Edu) LL.B  
ADVOCATE  
Distt. Bar Abbottabad

*[Signature]*

DY. DISTRICT EDUCATION OFFICER  
(MALE) MANSEHRA

بخدمت جناب ڈائریکٹر صاحب ایلیمنٹری اینڈ سیکنڈری ایجوکیشن  
خیبر پختونخواہ پشاور

محکمہ اپیل بناراضی حکم ڈسٹرکٹ ایجوکیشن آفیسر صاحب (مردانہ) مانسہرہ  
نمبر 37-16831 مورخہ 04.11.2015 جس کے مطابق سائل کو Major  
Penaty لگا کر PST سروس سے Remove کیا گیا۔

جناب عالی! اپیل ذیل عرض ہے۔

- (۱)۔ یہ کہ حکم معزز DEO صاحب غلط، خلاف قانون، خلاف انصاف اور خلاف ضابطہ ہے۔ (نقل لف ہے)۔
- (۲)۔ یہ کہ کوئی Show Cause نوٹس یا چارج شیٹ سائل کو نہیں دی گئی اور نہ ہی کسی قسم کی انکوائری کے بارے میں کوئی اطلاع دی اور نہ ہی Personal hearing کا موقع دیا گیا۔
- (۳)۔ یہ کہ من اپیل کنندہ کے خلاف الزامات من گھڑت ہیں اور دفتر کے بعض اہلکاروں کے ذاتی عناد کا نتیجہ ہیں۔
- (۴)۔ یہ کہ چارج شیٹ اور انکوائری رپورٹ کی نقول کیلئے دفتر سے رابطہ کیا گیا مگر نقولات فراہم نہیں کی گئی اور نہ ہی آرڈر میں کسی قسم کے Charges کا ذکر کیا گیا ہے۔
- (۵)۔ یہ کہ بوجوہات بالا آرڈر زیر اپیل قابل منسوخی ہے۔

استدعا ہے کہ بمظور ری اپیل آرڈر مذکورہ بالا منسوخ فرمایا جا کر اپیل کنندہ کو سروس پر بحال فرمایا جائے۔

المرقوم:- 21 نومبر 2015ء

Attested  
MA(Pol. Sc) MA(Edu) LL.B  
ADVOCATE  
Distt. Bar Abbottabad

سید اکمل شاہ ولد سید اسرار الحق، سکنہ نیومراد پور تحصیل و ضلع مانسہرہ  
PST گورنمنٹ پرائمری سکول شنئی تری سرکل بفقہ مانسہرہ

DBA No. 305  
 BC No. 10-1294  
 Name of Advocate سید فریاد

S.No. 26888



Head Clerk  
 District Bar Association  
 Abbottabad

وکالت نامہ

بعدالت Service Tribunal KPK Peshawar  
 عنوان: سید اظہار شاہ - ایسڈ منسٹر بنام صوبائی حکومت KPK وٹیرہ  
 منجانب: ایسڈ منسٹر نوعیت مقدمہ سروس ایبل

باعث تحریر آنکے  
 مقدمہ مندرجہ بالا بمقام میں اپنی طرف سے واسطے پیروی اور جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام ایسڈ منسٹر کے لیے  
ایسڈ منسٹر درج ذیل شرائط پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا ہوں گا اور بروقت پکارے

جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ پکھری کے علاوہ کسی اور جگہ سماعت ہونے پر یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پرداختہ صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر حاشی و راضی نامہ و فیصلہ برحلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے پیر و نجات از پکھری صدر اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم اتقائی یا ترقی یا گرفتاری قبل از گرفتاری و اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا ایگی علیحدہ معائنہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور یا اس کے کسی جزو کی کارروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے کہ سند ہے۔  
 مورخہ: 2014/4/5  
 دن 5 ماہ 4 سال

Accepted  
 MA (Pol. Sc) MA (Edu) LL. B  
 Advocate  
 Dist. Bar Abbottabad

Handwritten signature and notes on the right margin.

10-1-22

Handwritten notes in Urdu script, including the word 'تعمیر' (Construction) and 'میں' (in).

Small handwritten notes in the top left corner.

Handwritten notes on the left side of the page, including the word 'تعمیر' (Construction).

24 158

Handwritten signature and stamp at the bottom of the page.