

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 1160/2016

Date of Institution ... 18.11.2016

Date of Decision ... 10.05.2019

Noorul Amin, Ex-Junior Clerk, GHS Thall, (Dir Upper).

... (Appellant)

VERSUS

The Secretary (E&SE) Khyber Pakhtunkhwa, Peshawar and two others.

... (Respondents)

Present.Mr. Muhammad Asif Yousafzai,
Advocate.

... For appellant.

Mr. Muhammad Riaz Paindakhel,
Asstt. Advocate General

... For respondents.

MR. HAMID FAROOQ DURRANI,
MR. AHMAD HASSAN,... CHAIRMAN
... MEMBERJUDGMENTHAMID FAROOQ DURRANI, CHAIRMAN:-

1. The appellant is aggrieved of order dated 21.03.2015, whereby, he was dismissed from service with immediate effect. He is also displeased with the order dated 28.09.2016, through which his departmental appeal was rejected.

2. The appellant joined the Education Department as Behshti and was later on promoted as Junior Clerk vide order dated 09.10.2007. He was posted in Government High School, Thall Dir Upper. A charge sheet alongwith statement of allegations dated 01.09.2014 was served upon the appellant, wherein, it was alleged that he remained absent from duty without prior permission of the competent authority w.e.f. 21.04.2014, as noted by the DDEO(M) and ADEO(S), during their visit on 21.08.2014. The other part of allegations are in terms that



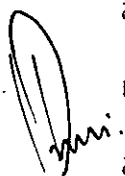
the appellant had transferred/deposited PTC funds of the school for last three years in his personal account, as stated by the school staff during the said visit of DDEO(M) and ADEO(S) Estt. An enquiry committee comprising Saeedullah, Headmaster GHS Kattan Bala and Ghulam Wahid, SST GMS Unkar was constituted to probe into the matter. The enquiry report was submitted, wherein, the committee was of the opinion that the embezzled amount may be recovered from the official under inquiry and be handed over to the incharge of the school. It was also opined that a detailed enquiry/audit may be conducted regarding the accounts of the school for financial years 2010-11, 2011-12, 2012-13 and 2013-14 through an honest and experienced officer of the Department. The absence period of appellant may be converted into leave without pay/earned leave whichever was admissible to him under the rules. In case of failure of official under enquiry, in deposit of Rs. 94000/- of PTC funds and other amount drawn from the contingencies etc. he may be dealt with under the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011.

The impugned order dated 21.03.2015 was subsequently passed, wherein, besides the enquiry report the making of bogus signature of DDO by the appellant on requisition slip for obtaining new cheque book was also made a ground for impugned penalty. In addition, the written statement of Incharge of GHS Thall, to the effect that a sum of Rs. 380000/- belonging to the school was due against the appellant, was also one of the reasons in the impugned order.

3. We have heard learned counsel for the appellant and learned Assistant Advocate General on behalf of the respondents. We have also gone through the available record.

4. The enquiry report suggested that the date of enquiry was 10th and 11th September, 2014. Although it spoke of some statements by Mr. Muhibul Haq and the appellant but the same were not made available to this Tribunal. It is also a fact that prior to the dates of enquiry a show cause notice was issued to the appellant on 04.07.2014. In the show cause notice the period of absence attributable to the appellant was from 18.03.2014 till date (04.07.2014) from duty without prior permission of competent authority. On the other hand, the enquiry report suggested that the appellant remained absent for the period from 21.04.2014 to 21.08.2014, a period stretching beyond the date of issuance of show cause notice. It is also note-worthy that the other allegations contained in the show cause notice were to the effect that the appellant had misplaced cheque book of the pupils funds of the school and as such an amount of Rs. 12077/- was also lost. That, an amount of PTC for the year 2012-13 of the school was not handed over to the school committee for further utilization. That, an amount allotted for Class-IV for the year 2013 was still pending on the part of the appellant while the same was being stressed for payment. That, most of service books of staff of the school in possession of the appellant, were lying incomplete which showed slackness on the part of the appellant.

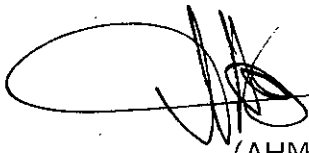
Seeing the contents of the show cause notice in juxtaposition to the enquiry report, statement of allegations and the impugned order one can easily draw the conclusion that there was little harmony between the allegations levelled against the appellant in the stated documents. It is also a fact that the enquiry report did not disclose the recording of statements of all the necessary witnesses and the opportunity of cross-examination by the appellant. In the said manner, it



shall not be unsafe to hold that the departmental proceedings taken against the appellant were not in accordance with the requirements of relevant rules.

5. As a result of the above noted contents, we allow the appeal in hand and set aside impugned order dated 21.03.2015. The respondents are required to conduct a proper/regular enquiry in accordance with law and the rules which shall be concluded within ninety days from the receipt of copy of instant judgment. The appellant shall be provided fair and ample opportunity of participation and putting forth his defence in the proceedings. The resolution of issue pertaining to back benefits in favour of the appellant shall follow the outcome of enquiry proceedings.

Parties are left to bear their respective costs. File be consigned to the record room.

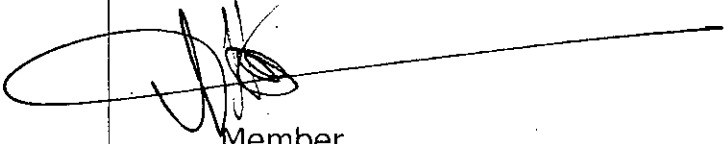



(AHMAD HASSAN)
MEMBER




(HAMID FAROOQ DURRANI)
CHAIRMAN


ANNOUNCED
10.05.2019

S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	10.05.2019	<p><u>Present.</u></p> <p>Mr. M. Asif Yousafzai, .. For appellant Advocate</p> <p>Mr. M. Riaz Paindakhel, ... For respondents Asstt. Advocate General</p> <p>Vide our detailed judgment, we allow the appeal in hand and set aside impugned order dated 21.03.2015. The respondents are required to conduct a proper/regular enquiry in accordance with law and the rules which shall be concluded within ninety days from the receipt of copy of instant judgment. The appellant shall be provided fair and ample opportunity of participation and putting forth his defence in the proceedings. The resolution of issue pertaining to back benefits in favour of the appellant shall follow the outcome of enquiry proceedings.</p> <p>Parties are left to bear their respective costs. File be consigned to the record room.</p> <p> Member</p> <p> Chairman</p> <p><u>ANNOUNCED</u> 10.05.2019</p>

09.01.2019

Appellant in person present. Mr. Mian Amir Qadir, District Attorney for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 07.02.2019 before D.B at Camp Court Swat.



(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member
Camp Court Swat

07.02.2019

Appellant in person and Mian Amir Qadar learned District Attorney present. Appellant seeks adjournment as his counsel is not in attendance. Adjourn. To come up for arguments on 07.03.2019 before D.B at Camp Court Swat.



Member


Member
Camp Court Swat.

13.03.2019

Appellant in person and Mr. M. Riaz Khan Paindakhel, Asst: AG for respondents present.


Once again adjournment is sought due to non-availability of learned counsel for the appellant. Adjourned to 10.05.2019 for arguments before D.B.


Member


Chairman

04.06.2018

Appellant Noorul Amin in person present. Mr. Usman Ghani, District Attorney for respondents present. Appellant requested for adjournment. Granted. To come up for arguments on 06.08.2018 before the D.B at camp court, Swat.


Member


Chairman
Camp Court, Swat


06.08.2018

None for the appellant present. Mr. Usman Ghani, District Attorney for respondents present. Due to summer vacation the case is adjourned to 01.10.2018 for the same at camp court Swat.


Reader

01.10.2018

Appellant Noor ul Amin in person present. Mr. Usman Ghani, District Attorney for respondents present. Appellant made a request for adjournment. Granted. Case to come up for arguments on 08.11.2018 before D.B at camp court Swat.


Member


Chairman
Camp Court Swat

08.11.2018

Due to retirement of the Hon'ble Chairman Service Tribunal is incomplete. Tour to Camp Court Swat has been cancelled. To come up for the same on 09.01.2019 at camp court Swat.



A. No. 1160/16
Noor ul Amin

02.04.2018

Appellant in person and Mr. Usman Ghani,
District Attorney for the respondents present. Due to strike
of bar, counsel for the appellant is not in attendance.
Adjourned. To come up for arguments on as per previous
order sheet, on 04.06.2018 before D.B at camp court,
Swat.

MA
Member

Chairman
Camp court, Swat

~~_____~~
~~_____~~
~~_____~~
~~_____~~
~~_____~~
~~_____~~

Mem.

02

01.02.2018

Clerk of the counsel for appellant and Addl: AG alongwith Khawas Khan, S.I (Legal) for the respondents present. Counsel for the appellant is not in attendance due to general strike of the bar. To come up for arguments on 07.03.2018 before D.B at Camp Court, Swat.



Member


Chairman
Camp Court, Swat

07.03.2018

Counsel for the appellant and Addl: AG for respondents present. Part arguments heard. The learned AAG objected to the maintainability of this appeal being time barred. He referred to a judgment of this Tribunal in appeal entitled "Abid Kamal -vs- Government of Khyber Pakhtunkhwa" bearing service appeal no 1715/2011. The learned counsel for the appellant relied upon a judgment reported as 2007 SCMR 73 this Tribunal informed the counsel for the appellant that the judgment of Abid Kamal was based on a judgment of 2007 SCMR 513 delivered by four Hon'able Judges whereas the judgment relied upon by him is delivered by two Hon'able Judges. Secondly in the judgment relied upon by the counsel for the appellant the circumstances are distinguishable from the present appeal as discussed by their lordships in the judgment relied upon by the counsel for the appellant, hence, it appears that the judgment relied upon by the counsel for the appellant is not relevant to the present appeal. However, the learned counsel for the appellant sought adjournment to assist this Tribunal on the point. To come up for further arguments on 02.04.2018 before D.B at camp court Swat.


Member


Chairman
Camp court, Swat

08.06.2017

Since the tour programme for the month of June, 2017 to camp court Swat has been cancelled by the Worthy Chairman, therefore, to come up for the same on 11.08.2017 at camp court, Swat. Notices be issued to the parties for the date fixed accordingly.


Registrar

11.08.2017


Appellant in person and Mr. Muhammad Zubair, D.A alongwith Muhammad Zada, ADO for the respondents. Written reply of the respondents received. The appeal is assigned to D.B for rejoinder, if any, and arguments for 05.12.2017 at camp court, Swat.



Chairman

Camp court, Swat.

05.12.2017

None present for the appellant. Addl. AG alongwith Khawas Khan, S.I (Legal) for the respondents present. To come up for arguments on 01.02.2018 before the D.B at camp court, Swat.


Member


Chairman
Camp court, Swat

1160/2016

27.02.2017

Counsel for appellant and Mr. Muhammad Zada, ADO alongwith Mr. Muhammad Adeel Butt, Additional AG for respondents present. Written reply by respondents not submitted. Learned Additional AG requested for adjournment. Request accepted. To come up for written reply/comments on 07.04.2017 before S.B. Record further transpired that the appeal pertains to the territorial jurisdiction of Camp Court Swat as such the same be placed before the Hon'ble Chairman for further orders.


(ASHFAQUE TAJI)
MEMBER


29.03.2017

Since the case pertains to territorial limits of Malakand Division therefore assigned to S.B for written reply/comments for 07.04.2017 at camp court, Swat.


Chairman

07.04.2017

Appellant in person present. Mr. Muhammad Saeed, Subject Specialist alongwith Mr. Muhammad Zubair, Senior Government Pleader for respondents also present. Written reply by respondents not submitted. Learned Senior Government Pleader requested for further time for submission of written reply. To come up for written reply/comments on 09.06.2017 before S.B at Camp Court Swat.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER
Camp Court Swat

04.01.2017

Counsel for the appellant present. Preliminary arguments heard and case file perused. Through the instant appeal, the appellant has impugned order dated 21.03.2015 vide which the appellant was dismissed from service. Against the impugned order, appellant filed departmental appeal on 10.12.2015 which was rejected by the appellate authority vide order dated 28.09.2016 which was received by the appellant on 31.10.2016, hence the instant service appeal 18.11.2016. Learned counsel for the appellant placed reliance on 2007 SCMR 73 wherein it was held by the apex court that the departmental appeal of the civil servants having not been dismissed on the ground of limitation, service appeal filed within time could not be dismissed by Service Tribunal as in incompetent appeal.

Appellant Deposited
Security & Process Fee

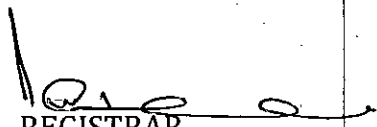
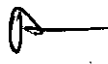
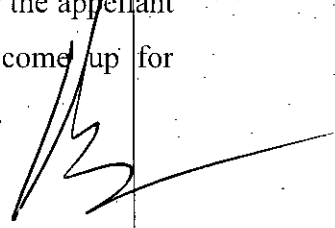
Since the appeal is required further consideration of this Tribunal and the issue of limitation is also arguable, hence, the appeal in hand is admitted for regular hearing, subject to deposit of security and process fee within 10 days. Notices be issued to the respondents for written reply/comments for 27.02.2017 before S.B.

(MUHAMMAD AMIR NAZIR)
MEMBER

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1160 /2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	18/11/2016	<p style="text-align: center;">The appeal of Mr. Noor-ul-Amin presented today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p style="text-align: center;">This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>6-12-16</u></p> <p style="text-align: right;"> MEMBER</p>
	06.12.2016	<p style="text-align: center;">Counsel for the appellant present. Counsel for the appellant requested for adjournment. Request accepted. To come up for preliminary hearing on <u>4-1-17</u> before S.B.</p> <p style="text-align: right;"> Member</p>

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1160 /2016

Noorul Amin

V/S

Education Deptt:

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.	Copy of attendance register	H	13-18
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APPELLANT

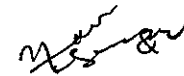
THROUGH:



(M.ASIF YOUSAFZAI)

ADVOCATE SUPREME COURT,

(TAIMUR ALI KHAN)



S. NOMAN ALI BUKHRI

ADVOCATES,

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1160 /2016

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1200

Dated 18/11/2016

Noorul Amin, Ex-Junior Clerk,

GHS, Thall, (Dir Upper).

(Appellant)

VERSUS

1. The Secretary (E&SE) KPK, Peshawar.
2. The Director (E&SE) KPK, Peshawar.
3. The DEO (M)(E&SE) Dir Upper.

(Respondents)

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNALS ACT, 1974
AGAINST THE ORDER DATED 28.09.2016 RECEIVED ON 31.10.2016
WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT
AGAINST THE ORDER DATED 21.03.2015 HAS BEEN REJECTED
WHEREIN THE APPELLANT WAS DISMISSED FROM SERVICE FOR NO
GOOD GROUNDS.

PRAYER:

THAT THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER
DATED 28.09.2106 AND 21.03.2015 MAY BE SET ASIDE AND THE
APPELLANT MAY BE REINSTATED WITH ALL BACK AND
CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS
AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO
BE AWARDED IN FAVOUR OF APPELLANT.

Filed to-day

Registrar

18/11/16

- 2
1
1. That the appellant joined the Education Department as Behshti who was later promoted to Junior Clerk vide order dated 9.10.2007 under 33% quota and posted in GHS Thall. The appellant performed his duty up to the entire satisfaction of his superiors and no complaint has been filed against him except the present impugned incident. (Copy of promotion order of the appellant is attached as Annexure-A)
 2. That charge sheet along with statement of allegation was served to the appellant in which the following charges were leveled against the appellant.
 01. That he remained absent from duty without prior permission of the competent authority w.e.f 21.04.2014 as noted during the visit of DDEO(M) and ADEO(S) Estt: on 21.08.2014.
 02. That he transferred/ deposited the PTC funds of school for last three years in his personal account as stated by the school staff during the visit of DDEO(M) and ADEO (S) Estt: on 21.08.2014.The appellant submitted detail reply to the charge sheet and denied all allegations therein, however the appellant did not keep the copy of reply to charge sheet with himself which can be requisitioned from the respondents. (Copy of charge sheet is attached as annexure-B)
 3. That the inquiry was conducted against the appellant in which no proper chance of defence and cross examination of the witness was provided to the appellant, but despite that the inquiry committee held appellant responsible, however the inquiry committee recommended that a detail inquiry/ audit may be conducted of the accounts of the school and his absence period may be converted into leave without pay. (Copy of the inquiry report is attached as Annexure-C)
 4. That final show cause notice was issued to the appellant which was properly replied by the appellant and once again denied all the allegations ,however the appellant did not keep of reply with himself which can be requisitioned from the respondents.(Copy of show cause notice is attached as Annexure- D)
 5. That on 21.03.2015, the penalty of dismissal from service was imposed on the appellant without considering the recommendation of inquiry committee. Then the appellant filed departmental appeal against the order of dismissal from service on dated 10.12.2015,

which was also rejected on dated 28.9.2016 for no good ground which was received by the appellant on 31.10.2016. (Copies of dismissal order, departmental appeal and rejection order are attached as Annexure-E,F&G)

6. That now the appellant come to this august Tribunal on the following grounds amongst others.

GROUND:

- A) That the impugned order dated 28.9.2016 and 21.3.2015 are against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.
- B) That the appellant has been condemned unheard and has not been treated according to law and rules.
- C) That no proper chance of defence was provided to the appellant as statement of witnesses have not been recorded in the presences of the appellant. Even a chance of cross examination also not provided to the appellant which is violation of norms of justice.
- D) That in charge sheet, the 1st charge was that, that the appellant remained absent from his duty w.e.f. 21.4.2014 to 21.08.2014, but actually the appellant did not remain absent from his duty which is evident from the attendance register of the school. (Copy of attendance register is attached as Annexure-H)
- E) That in charge sheet, the 2nd charge is that, that the appellant transferred/ deposited the PTC funds of school for last three years in his personal account as stated by the school staff during the visit of DDEO(M) and ADEO (S) Estt: on 21.08.2014, but the appellant did not deposit the PTC funds of school in his personal account which is evident from the bank statement of the account of the appellant. (Copy of bank statement is attached as Annexure-I)
- F) That without considering the recommendation of the inquiry committee, the competent authority dismissed the appellant from service without giving any reason for not agreeing with the recommendation of inquiry committee, which is the violation of law and rules.

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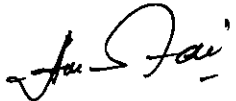
G) That the penalty of dismissal from service is very harsh which is passed in violation of law and, therefore, the same is not sustainable in the eyes of law.

H) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.


APPELLANT
Noorul Amin

THROUGH:


(M.ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT,

(TAIMUR ALI KHAN)
ADVOCATE, HIGH COURT


S. NOMAN ALI BUKHRI
ADVOCATES,

OFFICE OF THE EXECUTIVE DISTRICT OFFICER SCHOOLS/LITERACY UPPER DIR.

A

5

OFFICE ORDER.

Consequent upon the appeal of Mr, Noorul Amin S/O Abdul Motalib Behshti GHS Beyar for the inquiry against non promotion/ appointment of Junior Clerk in-service 33% quota.

In this regard this office records reveals that the person has requisite qualification for promotion/recruitment of J/C. The appellant was on merit and hence his promotion/appointment as it was incumbent on Department.

In the above circumstances the appeal of the applicant is genuine and is entitled for promotion/appointment as Junior Clerk.

So the appellant Mr Noorul Amin S/O Abdul Motalib is hereby appointed/promoted from the post of Behishti to Junior Clerk post in BPS:07(Rs:-2940-160-7740) plus usual allowances at GHS Thall (Kohistan) against vacant J/C post in the interest of public service.

TERMS & CONDITIONS

- 1- The appointee will be on probation for a period of one years in terms of Rule-15 (1) of NWFP Civil Servants (Appointment, Promotion and Transfer rules 1989.
- 2 Certificates/degrees of the appointee will be verified from the concerned institution. No pay etc is allowed before the verification.
- 3- Age limit is 18 to 33 years.
- 4- The appointee will governed by such rules & regulation & poljcies which may prescribed by the Govt: from time to time.
- 5- The appointee shall take over charge of his duty w.e.f, 1/11/2007.
- 6- He will be considered as regular Govt servant.
- 7- Charge reports should be submitted to all concerned.

EXECUTIVE DISTRICT OFFICER
SCHOOLS/LITERACY UPPER DIR.

Endst No: 2251-55/F/EDO/S&L/DO(M)/ Dated Upper Dir the: 9/10/2007.

Copy forwarded to the:-

- 1- Director Schools/Literacy NWFP, Peshawar.
- 2- District Coordination Officer Upper Dir.
- 3- District Officer(Male) Dir Upper.
- 4- District Accounts Officer Upper Dir.
- 5- Head Master GHS Thall.
- 6- Official concerned.

ATTACHED

AB
6

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) DIR UPPER.

DISCIPLINARY ACTION.

I, Jehan Mohammad, District Education Officer Male Dir Upper as competent authority, am of the opinion that Mr. Noorul Amin, Junior Clerk GHS Thall has rendered himself to be proceeded against, as he committed the following acts /omissions, with the meaning of rules 3 of the Khyber Pakhtunkhwa Government servants (Efficiency and Discipline) Rules 2011:

STATEMENT OF ALLEGATION.

- 01- That he remained absent from duty with out prior permission of the competent authority w.e.f 21.04.2014 as noted during the visit of DDEO(M) and ADEO (S) Estt on 21.08.2014.
- 02- That he transferred /deposited the PTC funds of school for last three years in his personal account as stated by the school staff during the visit of DDEO(M) and ADEO (S) Estt on 21.08.2014.

2-For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer/inquiry committee consisting of the following officers is constituted under rules 10(1)(a) of the ibid rules.

01- Saeed Ullah, Head Master GHS Katan Bala.

02- Ghulam Wahid, SST GMS Unkar.

3-The inquiry officer /committee shall, in accordance with the provision of the ibid rules, provide reasonable opportunity of the hearing to the accused, record its findings and make, within thirty days of the receipt of this order, recommendations as to punishment of other appropriate action against the accused.

4-The accused and a well conversant representative of the department shall join the proceeding on the date, time and place fixed by the inquiry committee.

District Education Officer
(Male) Dir Upper.

No. 503-01 /FP/Noorul Amin /DEO/ADO(S) Dated 01/09 /2014.

01. The Inquiry committee ..
02. Noorul Amin, Junior Clerk GHS Thall.


District Education Officer
(Male) Dir Upper

ATTESTED

Enquiry Report:

INQUIRY REPORT

e
7

- AUTHORITY District Education Officer Male Upper Dir.
- OFFICIAL UNDER INQUIRY:- Noorul Amin junior clerk GHS Thall Upper Dir.
- INQUIRY COMMITTEE:-
1. Saeed Ullah Headmaster GHS Kattan Bala Upper Dir.
2. Ghulam Wahid SST GMS Unkar Upper Dir.
- NATURE OF INQUIRY:-
1. Willful absence from duty for a period of 6 months.
2. Embazzalment of PTC funds for 2001, 2012 and 2013.
- PLACE OF INQUIRY:- GHS Thall Upper Dir.
- DATE OF INQUIRY:- 10th & 11th September 2014.
- PROCEDURE OF INQUIRY:-
* Visited GHS Thall on 10/9/2014 and 11/9/2014. Choked the PTC and other record of the School. Oral and written statement of the in charge of the School and the official under inquiry was obtained.

• FINDINGS:- It was pointed out from the record of the School and the written and oral statement of the in charge of the School (Mr. Mohibul Haq) at (Annexure -A) that after 2011 neither PTC funds have been handed over to him nor spent/utilized by Mr. Noorul Amin J/C or by any other person in the School.

As per written statement of the Junior Clerk (Annexure-B) he has deposited the amount in the DDO Account but no documentary proofs were provided.

From checking of the attendance Register it was pointed out that the official under inquiry indeed remain absent from the duty for the period mentioned in the statement of allegation. (Annexure-C).

1- The official under inquiry made drawl of the foilowing amount of PTC funds during 2001, 2012 and 2013.

S.No	Year	SRC	PR	Total
1	2011 +	10000/-	33000/-	43000/-
2	2012	10000/-	33000/-	43000/-
3	2013	10000/-	33000/-	43000/-
Total		30000/-	99000/-	129000/-

~~1009 2014~~

ATTESTED

From the above mentioned amount only Rs=35000/- has been given to the School in charge in 2011 which has been properly utilized and the record is available in the School.

2- Apart from this no record of other financial matters is available in the School, while a huge amount has been drawn during the period (2011 to 2013).

3- The official under inquiry remained absent for the period with effect from 21/4/2014 to 21/8/2014. The official did not justify his absence neither in his oral statement nor in his written statement.

CONCLUSION:- From the above facts it is clear that the official under inquiry embezzled an amount of Rs=94000/- out of PTC Funds as well as a large amount from contingencies allocated to the School time by time. It is also proved that he remained absent willfully from duty with effect from 21/4/2014 to 21/8/2014(123 days).

OPINION:- Committee is of the opinion that the following action may be taken against the official under inquiry.

- 1- The embezzled amount may be recovered from the official under inquiry and be handed over to the in charge of the School for utilization through PTC on need basis maintaining record in the School.
- 2- A detail inquiry/audit may be conducted of the accounts of the School for financial years 2010-11, 2011-12, 2012-13 and 2013-14 through an honest and experienced officer of the Department.
- 3- His absence period may be converted in to leave with out pay /earned leave which ever is admissible to him under the rules if the competent authority agreed with the recommendation.
- 4- If the official under inquiry fails to deposit the amount of Rs=94000/- of PTC funds and other amount drawn from the contingencies etc then he may be dealt with E & D rules 2011.

Report is submitted accordingly.

1- Saeed Ullah Headmaster GHS Kattan Bala

2- Ghulam Wahid SST GMS Unkar.

ATTESTED

~~1009/2014~~

Show Cause Notice

OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) DISTRICT DIR UPPER.

No 10 Dated: 14-7- /2014

D
9

To

Mr, Noorul Amin, Junior Clerk
Govt: High School Thall Dir Upper.

Subject: SHOW CAUSE NOTICE.

Memo:- It has been reported by the In charge Head Master Govt: High School Thall Dir Upper vide No: 775-76 Dated: 26/06/2014 on the subject cited above.

- 1- That you have been remained absent w. e. f, 18/03/2014 to date from duties without prior permission of the competent authority.
- 2- That you have misplaced cheque book of pupils fund of the school and which amounting Rs:- 12077/- have also been misplaced.
- 3- That an amount of PTC for the year 2012-13 of school has not been handed over to the school committee for further utilization.
- 4- That an amount for year 2013 of charcoal is still pending on your part and the school class IV are stressing for payment.
- 5- Most of service books of staff of the school having in your possession lying incomplete which seems slackness on your part.

You are hereby directed to explain your position for such authorized and unlawful actions and that why disciplinary action may not be taken against you under Khyber Pakhtukhwa Efficiency & Discipline Rules 2011.

Your written reply to the above should reach to the undersigned within a week time positively.

If you failed to do so it will be presumed that you have nothing in your defense and then stern action will be taken against you.


DISTRICT EDUCATION OFFICER
(MALE) DISTRICT DIR UPPER.

Endst No 10

Copy forwarded to:

- 01- District Accounts Officer Dir Upper with the request to stop the pay of the above named Junior Clerk till further orders.
- 02- DDO of the school for information & implementation.
- ✓ 03- Incharge GHS Thall Dir for information & necessary action.

DISTRICT EDUCATION OFFICER
(MALE) DISTRICT DIR UPPER.

ATTESTED



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) DIR UPPER.

E
10

NOTIFICATION.

WHEREAS, Noorul Amin, Junior Clerk Government High School Thall (Dir Upper) proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 for the charges mentioned in the charge sheet and statement of allegations.

2. AND WHEREAS, the competent authority has constituted an enquiry committee to conduct enquiry against the accused Junior Clerk for the charges leveled against him.

3. AND WHEREAS, the Enquiry Committee after having examined the charges evidence on the record and submitted the report recommended.

4. AND WHEREAS, besides the charges mentioned in the charge sheet and statement of allegations, he made bogus signatures of the Drawing and Disbursing Officer of his School Mr.Khan Bahadar, SST (G) GHS, Barikot on requisition slip for obtaining new cheque book as intimated in written by the Manager, National Bank of Pakistan Dir Upper on 12/02/2015. It is pertinent to mention here that he given a written statement to the Manager of the Bank concerned that he made bogus signature of the DDO of the school.

5. AND WHEREAS, the competent authority to gave him the opportunity of personal hearing vide No.678-79 / F.No.36 dated 21/02/201, but he failed.

6. AND WHEREAS, Mr.Khan Bahadar, SST (G) GHS, Barikot and the DDO of GHS, Thall has given a written statement that the accused Junior Clerk has made his bogus signatures on the requisition slip for obtaining new cheque book.

7. AND WHEREAS, the Incharge of GHS, Thall has given a written statement that a sum of Rs.380000/- of the school is due against the defaulter clerk.

8. AND WHEREAS, the competent authority have considered the charges, evidence on the record as per report of the enquiry Officer, written letter of the Manager of the concerned Bank, giving the opportunity of personal hearing to the accused Junior Clerk, written statement of Mr.Khan Bahadar, SST (G), GHS Barikot and DDO of GHS, Thall as well as the written statement of Mr.Muhibul Haq. Incharge of GHS, Thall, is of the view that the charges leveled against him in the show cause notice as well as in other written statement have proved.

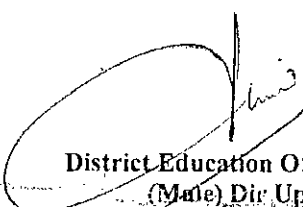
9. NOW THEREFORE, in exercise of powers conferred by the Khyber Psakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2013, the major penalty of Dismissal from service is hereby imposed upon Mr.Noorul Amin, Junior Clerk, GHS, Thall District Dir Upper with immediate effect.

(Jehan Muhammad),
District-Education Officer,
(Male) Dir Upper.

Endst:No. 1177-83/F.No.36/DEO (M) Dir (U)/SEB Dated Dir (U) the 21/3 /2015.

Copy to:-

1. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. The District Accounts Officer, Dir Upper.
3. The Deputy District Education (Male) local office.
4. The Incharge Headmaster, GHS, Thall.
5. Mr.Khan Bahadar, SST (G) GHS, Barikot/DDO GHS, Thall.
6. The Manager, National Bank of Pakistan, Dir Upper Branch.
7. Mr.Noorul Amin, Ex-Junior Clerk GHS, Thall.


District Education Officer,
(Male) Dir Upper.

21/3/2015

ATTESTED

محفوظہ - ڈائریکٹر صاحب تعلیم اور کھیل کھتوٹو

F

معاون در درخواست برار حجابی ملازمت جیت جو نیر ملکز بنام دیر بالا
ضابطہ عالی! گزارش ہے۔

11

1- سائیل جیت لٹری ٹیم جون 1999 سے گورنمنٹ ٹی سول بار میں تعینات تھا۔

2- سائیل کو 9 اکتوبر 2007 میں درجہ بنام ملازمین کے گورنمنٹ کے بنیاد پر

جیت جو نیر ملکز ترقی دیکر 115 کھل کوہستان دیر بالا تعینات کیا گیا (نقل نوے)

3- سائیل کو بنیاد الزام کی روشنی میں 21 مارچ 2015 کو ملازمت سے

برطرف کیا گیا ہے۔ (نقل نوے)

لہذا استدعا ہے۔ کہ سائیل کو انسانی پھردی کی بنیاد پر اپنی ملازمت

پر بحال کر کے تاحیہ دعا کر رہے کا موقع دیے جائے۔

10/12/2015

علی احمد

تعداد نور الامین سابق جو نیر ملکز 115 کھل کوہستان دیر بالا

DEO M
Dir Upper

For detail comments

11/12/2015

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

ATTESTED

Dy. Secy
17/11/16

To Supdt Secem

67
12

Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar

NOTIFICATION.

WHEREAS, disciplinary proceedings under the Khyber Pakhtunkhwa Government Servants (E&D) Rules-2011 were initiated against Mr. Noor Ul Amin Ex-Junior Clerk GHS Thall, District Dir Upper by the DEO (M) Dir Upper on charge of misconduct (misappropriation of school funds as well as PTC funds)

AND WHEREAS, charge sheet/statement of allegation were served upon the above mentioned accused official by the DEO concerned vide NO. 502 dated 1.9.2014 and No 503-4 dated 1.9.2014 respectively followed by an opportunity of personal hearing was also granted to him by the competent authority.

AND WHEREAS, on finality of disciplinary proceedings, major penalty of **"REMOVAL FROM SERVICE"** was imposed upon Mr. Noor Ul Amin Ex-Junior Clerk GHS Thall, District Dir Upper by the DEO (M) Dir Upper /competent authority vide Notification No. 1177.83 dated 21.3.2015.

AND WHEREAS, the aggrieved Ex-Junior Clerk submitted an appeal dated 10.12.2015 to the Director E&SE Khyber Pakhtunkhwa Peshawar (appellate authority) for redressal of his grievances.

AND WHEREAS, the appellate authority, in pursuance of Section 17 read with rule (1) & (2) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules-2011, called for the record of the case and comments from the concerned DEO vide letter No. 5544 dated 23.4.2015 for consideration of the appeal.

AND WHEREAS, the DEO concerned provided the requisite record/comments accordingly vide his letter No. 2146 dated 8.5.2015.

AND WHEREAS, consequent upon perusal of relevant record, reason and circumstances by the appellate authority under which Mr. Noor Ul Amin Ex-Junior Clerk GHS Thall, District Dir Upper (appellant) was removed from service, the appeal submitted by the aforesaid Ex-Junior Clerk for reinstatement was not found tenable.

NOW, THEREFORE, in exercise of the powers conferred under Section-17 rule (2) (a) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules-2011, the Director E&SE/appellate authority **"uphold the order of Major penalty and reject appeal"** lodged by Mr. Noor Ul Amin Ex-Junior Clerk GHS Thall, District Dir Upper (appellant)

Office of the EC
1794
21/11/16

5326-30

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. _____ /F.No. A-23/MS/Dir Upper/Noorul Amin appeal Dated Peshawar the 28/9/2016

Copy of the above is forwarded for information and n/action to the

- 1- District Education Officer (Male) Dir Upper w/r to his letter No. 2324 dated 14.6.2016
- 2- District Accounts Officer Dir Upper.
- 3- SDEO (Male) Dir Upper.
- 4- Appellant concerned.
- 5- PA to the Director E&SE Khyber Pakhtunkhwa Peshawar.

P. S. S.

DESPATCHER
Director (E&SE)
KPK Peshawar.

Assistant Director (Admn)
E&SE, Khyber Pakhtunkhwa, Peshawar

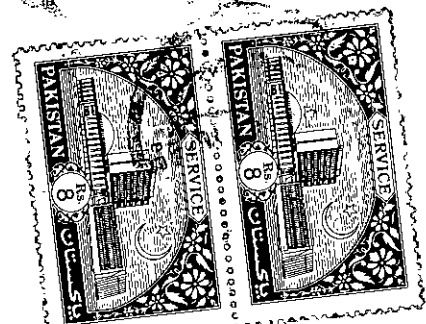
28/9/16

C:\Users\Tahir\Desktop\Minawa\Re-instatement\Re-instatement Noor ul Amin rejected.doc

Recived on

31/10/2016

31/11/16



2014
اپریل

سر قاضی مدرسین گورنمنٹ پبلیک سکول محل دیر بالا

بابت ماہ اپریل

13

دفعہ		نمبر		تاریخ		وقت		محل		ملاحظات	
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13/4/14

Attested
Head Master
Govt High School
Thal Pir Wana

روز	سابقہ	میزان	حال	سابقہ	میزان	حال	سابقہ	میزان	حال
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ATTESTED

سٹریٹری مدر سین گورنمنٹ ہائی اسکول تحصیل نوشہرہ

15 99

مئی
 2014

بابت ماہ مئی

19 2014

وزیر تعلیم صاحب خان بادشاہ صاحب ج. س. ا. ت.

روز	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی
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Casual Leave											
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14

Attested

(Signature)

S. A. T.

روز	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی

AFFECTED

ڈپٹی کمشنر اور اساتذہ کے لئے تعلیمی امدادیں فراہم کرنے کی غرض سے **جون 2014** سہ ماہی

2014 جون

J/C			PET			C.T			S.A.T		
روزنامہ	روزنامہ	آمد	روزنامہ	روزنامہ	آمد	روزنامہ	روزنامہ	آمد	روزنامہ	روزنامہ	آمد
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روزنامہ	روزنامہ	A	1-35	A	7-30	ASIL	1-35	ASIL	7-30	ASIL	1-35
روزنامہ	روزنامہ	A	1-35	A	7-30	ASIL	1-35	ASIL	7-30	ASIL	1-35
روزنامہ	روزنامہ	A	1-35	A	7-30	ASIL	1-35	ASIL	7-30	ASIL	1-35
روزنامہ	روزنامہ	A	12-00	A	7-30	ASIL	12-00	ASIL	7-30	ASIL	12-00
روزنامہ	روزنامہ	A	12-35	A	7-30	ASIL	1-35	ASIL	7-30	ASIL	1-35
روزنامہ	روزنامہ	A	1-35	A	7-30	ASIL	1-35	ASIL	7-30	ASIL	1-35
روزنامہ	روزنامہ	A	1-35	A	7-30	ASIL	1-35	ASIL	7-30	ASIL	1-35
روزنامہ	روزنامہ	A	1-35	A	7-30	ASIL	1-35	ASIL	7-30	ASIL	1-35
روزنامہ	روزنامہ	A	1-35	A	7-30	ASIL	1-35	ASIL	7-30	ASIL	1-35
روزنامہ	روزنامہ	A	1-35	A	7-30	ASIL	1-35	ASIL	7-30	ASIL	1-35
روزنامہ	روزنامہ	A	12-00	A	7-30	ASIL	12-00	ASIL	7-30	ASIL	12-00
روزنامہ	روزنامہ	A	1-35	A	7-30	ASIL	1-35	ASIL	7-30	ASIL	1-35
روزنامہ	روزنامہ	A	1-35	A	7-30	ASIL	1-35	ASIL	7-30	ASIL	1-35

Attested
[Signature]
[Signature]

میزان	حالت	میزان	حالت	میزان	حالت	میزان	حالت
+	-	+	-	+	-	+	-
-	-	-	-	-	-	-	-

بٹر حاضری ادر سین 18

بابت ماہ ستمبر

ورڈنگ فائن کول کمپنی

No.	Name	P.E.T		C.T		S.A.T	
		آمد	دستخط	آمد	دستخط	آمد	دستخط
1	...	ASK 1/35	ASK 7/30	ASIL 1-35	ASIL 7-30	...	...
2	...	ASK 1/35	ASK 7/30	ASIL 1-35	ASIL 7-30	...	...
3	...	ASK 1/35	ASK 7/30	ASIL 1-35	ASIL 7-30	...	...
4	...	ASK 1/35	ASK 7/30	ASIL 1-35	ASIL 7-30	...	...
5	...	ASK 1/35	ASK 7/30	ASIL 1-35	ASIL 7-30	...	...
6	...	ASK 1/35	ASK 7/30	ASIL 1-35	ASIL 7-30	...	...
7	...	ASK 1/35	ASK 7/30	ASIL 1-35	ASIL 7-30	...	...
8	...	ASK 1/35	ASK 7/30	ASIL 1-35	ASIL 7-30	...	...
9	...	ASK 1/35	ASK 7/30	ASIL 1-35	ASIL 7-30	...	...
10	...	ASK 1/35	ASK 7/30	ASIL 1-35	ASIL 7-30	...	...
11	...	ASK 1/35	ASK 7/30	ASIL 1-35	ASIL 7-30	...	...
12	...	ASK 1/35	ASK 7/30	ASIL 1-35	ASIL 7-30	...	...
13	...	ASK 1/35	ASK 7/30	ASIL 1-35	ASIL 7-30	...	...
14	...	ASK 1/35	ASK 7/30	ASIL 1-35	ASIL 7-30	...	...
15	...	ASK 1/35	ASK 7/30	ASIL 1-35	ASIL 7-30	...	...
16	...	ASK 1/35	ASK 7/30	ASIL 1-35	ASIL 7-30	...	...
17	...	ASK 1/35	ASK 7/30	ASIL 1-35	ASIL 7-30	...	...
18	...	ASK 1/35	ASK 7/30	ASIL 1-35	ASIL 7-30	...	...
19	...	ASK 1/35	ASK 7/30	ASIL 1-35	ASIL 7-30	...	...
20	...	ASK 1/35	ASK 7/30	ASIL 1-35	ASIL 7-30	...	...
21	...	ASK 1/35	ASK 7/30	ASIL 1-35	ASIL 7-30	...	...
22	...	ASK 1/35	ASK 7/30	ASIL 1-35	ASIL 7-30	...	...
23	...	ASK 1/35	ASK 7/30	ASIL 1-35	ASIL 7-30	...	...
24	...	ASK 1/35	ASK 7/30	ASIL 1-35	ASIL 7-30	...	...
25	...	ASK 1/35	ASK 7/30	ASIL 1-35	ASIL 7-30	...	...
26	...	ASK 1/35	ASK 7/30	ASIL 1-35	ASIL 7-30	...	...
27	...	ASK 1/35	ASK 7/30	ASIL 1-35	ASIL 7-30	...	...
28	...	ASK 1/35	ASK 7/30	ASIL 1-35	ASIL 7-30	...	...
29	...	ASK 1/35	ASK 7/30	ASIL 1-35	ASIL 7-30	...	...
30	...	ASK 1/35	ASK 7/30	ASIL 1-35	ASIL 7-30	...	...

Check the record of roll registered grounds present all the staff this attendance is appreciated. The vacant sanctioned posts are required to be filled.

A/C 8/9
 6/9/14

Head Master
 Govt High School
 7 Hall Dir Upper

27/09/14

میزان	حال	سابقہ	میزان	حال	سابقہ	میزان	حال	سابقہ	میزان	حال	سابقہ
2	1	1	1	1	1	3	2	1	-	-	-

BANK Statement

National Bank of Pakistan

Account Statement

Account Title(s) NOORUL AMIN S/O ABDUL MATALIB

Address: VILLAGE BIYAR TEHSIL KALKOT
DISTRICT DIR UPPER.

Postal Code:

Branch Code/Name: 328 Dir Branch

Region Name: Mardan

Statement of Account

Statement Printing Date: 07-Nov-2016

Town:

District:

City: DIR

Province/State: KH.PAKHTOON

Country: PAKISTAN

Product Name: PKR Current Account

Currency: PKR

CIF No: 767831

Account No: 4009644206

IBAN: PK08NBPA0328004009644206

2013
~~2013~~

19

B/F Balance: 0.00

From: 01-Jan-2013

To: 21-Mar-2015

S. No.	Date	Particulars	Instno	Memo	Debit	Credit	Balance
						0.00	5,518.00
1	07-Jan-2013	CASH	204443	07	17,000.00		
2	30-Jan-2013	SALARY	1	30	0.00	19,482.00	25,000.00
3	13-Feb-2013	CASH	204444	13	17,000.00	0.00	8,000.00
4	28-Feb-2013	SALARY	1	28	0.00	18,122.00	26,122.00
5	04-Mar-2013	CASH	204445	04	17,000.00	0.00	9,122.00
6	29-Mar-2013	SALARY	1	29	0.00	18,122.00	27,244.00
7	03-Apr-2013	CASH	204446	03	18,000.00	0.00	9,244.00
8	30-Apr-2013	SALARY	1	30	0.00	18,122.00	27,366.00
9	06-May-2013	CASH	204447	06	17,000.00	0.00	10,366.00
10	17-May-2013	CASH	204448	17	9,500.00	0.00	866.00
11	30-May-2013	SALARY	1	30	0.00	18,122.00	18,988.00
12	10-Jun-2013	CASH	204449	10	5,000.00	0.00	13,988.00
13	13-Jun-2013	CASH	204450	13	13,000.00	0.00	988.00
14	20-Jun-2013	DR VOUCHER	30005	20	125.00	0.00	863.00
15	28-Jun-2013	TRANSFER	4000064	28	0.00	45,000.00	45,863.00
16	28-Jun-2013	SALARY	1	28	0.00	18,122.00	63,985.00
17	03-Jul-2013	CASH	689826	03	45,000.00	0.00	18,985.00
18	03-Jul-2013	CASH	689828	03	9,000.00	0.00	9,985.00
19	15-Jul-2013	CASH	689829	15	9,000.00	0.00	985.00
20	30-Jul-2013	SALARY	1	30	0.00	19,472.00	20,457.00
21	01-Aug-2013	CASH	689830	01	18,000.00	0.00	2,457.00
22	30-Aug-2013	SALARY	1	30	0.00	19,472.00	21,929.00
23	03-Sep-2013	CASH	689831	03	19,000.00	0.00	2,929.00
24	30-Sep-2013	SALARY	1	30	0.00	19,472.00	22,401.00

This is a computer generated statement and does not require any signature

Page 1 of 3

ATTESTED

0333-9103240
0302-5548451
محمد رفیق

National Bank of Pakistan

Account Statement

2014

20

Account Title(s) NOORUL AMIN S/O ABDUL MATALIB

Address: VILLAGE BIYAR TEHSIL KALKOT
DISTRICT DIR UPPER.

Town:
District:
City:
Province/State:
Country:
Product Name: PKR Current Account
Currency:
CIF No: 767831
Account No: 4009644206
IBAN:

Postal Code:

Branch Code/Name: 328 Dir Branch

Region Name: Mardan

Statement of Account

Statement Printing Date: 07-Nov-2016

B/F Balance: 0.00

From: 01-Jan-2013

To: 21-Mar-2015

S. No.	Date	Particulars	Instno	Memo	Debit	Credit	Balance
			689832	11	21,500.00	0.00	901.00
25	11-Oct-2013	CASH					
26	31-Oct-2013	SALARY	1	31	0.00	19,472.00	20,373.00
27	05-Nov-2013	CASH	689833	05	19,900.00	0.00	473.00
28	29-Nov-2013	SALARY	1	29	0.00	19,472.00	19,945.00
29	05-Dec-2013	CASH	689834	05	19,500.00	0.00	445.00
30	31-Dec-2013	SALARY	1	31	0.00	19,904.00	20,349.00
31	02-Jan-2014	CASH	689835	02	20,000.00	0.00	349.00
32	16-Jan-2014	CASH	5	16	0.00	100.00	449.00
33	31-Jan-2014	SALARY	1	31	0.00	19,904.00	20,353.00
34	11-Feb-2014	CASH	689836	11	19,500.00	0.00	853.00
35	27-Feb-2014	SALARY	1	27	0.00	19,904.00	20,757.00
36	25-Mar-2014	CASH	689839	25	19,500.00	0.00	1,257.00
37	01-Apr-2014	SALARY	1	01	0.00	19,904.00	21,161.00
38	04-Apr-2014	CASH	689840	04	20,000.00	0.00	1,161.00
39	18-Apr-2014	SERVICES CHARGES	100018	18	50.00	0.00	1,111.00
40	02-May-2014	SALARY	1	02	0.00	19,904.00	21,015.00
41	05-May-2014	CASH	689841	05	20,000.00	0.00	1,015.00
42	30-May-2014	SALARY	1	30	0.00	19,904.00	20,919.00
43	02-Jun-2014	CASH	689843	02	20,000.00	0.00	919.00
44	30-Jun-2014	SALARY	1	30	0.00	19,904.00	20,823.00
45	02-Jul-2014	CASH	689845	02	19,500.00	0.00	1,323.00
46	24-Jul-2014	SALARY	1	24	0.00	20,827.00	22,150.00
47	25-Jul-2014	CASH	689846	25	20,500.00	0.00	1,650.00
48	29-Aug-2014	SALARY	1	29	0.00	27,377.00	29,027.00

This is a computer generated statement and does not require any signature

Page 2 of 3

ATTESTED

National Bank of Pakistan

Account Statement

2015

Account Title(s) NOORUL AMIN S/O ABDUL MATALIB

Address: VILLAGE BIYAR TEHSIL KALKOT
DISTRICT DIR UPPER.

Town:

District:

City:

Province/State:

Country:

Product Name: PKR Current Account

Currency:

CIF No: 767831

Account No: 4009644206

IBAN:

21

Postal Code:

Branch Code/Name: 328 Dir Branch

Region Name: Mardan

Statement of Account

Statement Printing Date: 07-Nov-2016

B/F Balance: 0.00

From: 01-Jan-2013

To: 21-Mar-2015

S. No.	Date	Particulars	Instno	Memo	Debit	Credit	Balance
					27,000.00	0.00	2,027.00
49	03-Sep-2014	CASH	689847	03			
50	25-Sep-2014	TRANSFER	4000023	25	0.00	48,000.00	50,027.00
51	25-Sep-2014	SERVICES CHARGES	400012	25	50.00	0.00	49,977.00
52	30-Sep-2014	SALARY	1	30	0.00	20,328.00	70,305.00
53	02-Oct-2014	CASH	689848	02	68,000.00	0.00	2,305.00
54	15-Oct-2014	SERVICES CHARGES	500007	15	50.00	0.00	2,255.00
55	30-Oct-2014	SALARY		30	0.00	20,328.00	22,583.00
56	07-Nov-2014	CASH WITHDRAWAL	689850		20,000.00	0.00	2,583.00
57	13-Nov-2014	WITHDRL		13	1.00	0.00	2,582.00
58	28-Nov-2014	SALARY		28	0.00	20,328.00	22,910.00
59	03-Dec-2014	FEE		03	175.00	0.00	22,735.00
60	03-Dec-2014	CASH WITHDRAWAL	316701		20,000.00	0.00	2,735.00
61	30-Dec-2014	SALARY		30	0.00	20,995.00	23,730.00
62	03-Jan-2015	CASH WITHDRAWAL	316702		20,000.00	0.00	3,730.00
63	29-Jan-2015	SALARY		29	0.00	20,995.00	24,725.00
64	04-Feb-2015	CASH WITHDRAWAL	316703		20,000.00	0.00	4,725.00
65	28-Feb-2015	SALARY		28	0.00	20,995.00	25,720.00
66	09-Mar-2015	CASH WITHDRAWAL	316705		21,500.00	0.00	4,220.00

Total 29 Credit transactions of amount: 612,053.00

Total 37 Debit transactions of amount: 630,351.00

630,351.00

612,053.00

This is a computer generated statement and does not require any signature

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

S.A.# 1160/2016.

Mr. Noor ul Amin, Ex-Junior Clerk, GHS, Thall Distt: Upper Dir.....**Appellant.**

VERSUS

1. Secretary E&SE, Govt: of Khyber Pakhtunkhwa.
2. Director E&SE, Peshawar.
3. District Education Officer (Male) Dir Upper.....**Respondents.**

Written Reply on Behalf of Respondent No. 1 to 3.

Respectfully Sheweth,

Preliminary Objections

1. The Appellant has no cause of action.
2. The Appellant has not come to the service tribunal with clean hands.
3. That the appellant has been estopped by his own conduct to file the instant appeal.
4. That the appeal is not maintainable in its present form.
5. That the appeal is time barred.

OBJECTION ON FACTS.

1. Correct to the extent that appellant joined the education department as behishti and later on promoted to the post of J/C.
2. Correct to the extent that two charges were leveled against the appellant.
That.
 - a. He remained absent from duty w.e.f 21-04-2014 to 21-08-2014 without prior permission from the competent authority.
 - b. He has drawn PTC fund of school for three years and not utilized in school.
3. Incorrect, proper inquiry was conducted and proper chance of defense was given to the appellant.
4. Incorrect, show cause notice issued but not responded by the appellant.
5. Correct and admitted.

OBJECTION ON GROUNDS.

- a. Incorrect, that the order dated 21-03-2015 and 28-09-2016 are according to law, facts, norms of justice and materials on record.
- b. Incorrect, the appellant has been given proper chance of hearing.
- c. Incorrect, the appellant has been given proper chance of defense.
- d. Incorrect, the signatures in attendance register are fake.
- e. Incorrect, the appellant has drawn Rs.129,000/- from PTC fund and neither deposited in DDO A/C nor utilized in school.
- f. Incorrect, as per the recommendation of the inquiry committee the appellant has to deposit the embezzled amount and if he fails, he may be dealt with E&D rules 2011.

Therefore it is humbly requested that the appeal may kindly be dismissed with cost please.

Respondents 1 to 3

Through.

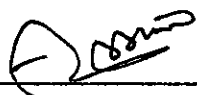
District Attorney

Swat;

Verification.

It is verified that the contents of the written reply/statement are correct to the best of my knowledge.

DEO (M) Dir Upper.  Director E&SE KPK. 

Secretary E&SE KPK. 

A

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 1160/2016

Diary No. 162

Dated 1-2-2019

Noor-ul-Amin

V/S

Education Deptt:

put up to the court with
relevant appeal.

.....

APPLICATION FOR TRANSFERRING THE APPEAL TITLED
ABOVE FROM CAMP COURT SWAT TO PESHAWAR.

11/2/19.

.....

Neerdu

RESPECTFULLY SHEWETH:

1. That the above titled appeal is pending before this august Tribunal and fixed for arguments at Camp Court Swat for 07.03.2019.
2. That in the instant appeal pertains to the year 2016 and was shifted to Camp Court Swat on 07.04.2017 from Principal Seat Peshawar.
3. That as the counsels for the appellant are Peshawar based practicing line and being weak financially, the appellant cannot afford TA/DA expenses of the counsels nor the appellant is in position to engage another counsel. Thus due to this reason the appeal is lingering on and has not been decided so far.
4. That it would be in the interest of justice if the instant appeal is transfer back to the Principal Seat Peshawar.

It is, therefore, most humbly prayed that the appeal and may be back transfer to Peshawar from Camp Court Swat and may also fixed for any date in Peshawar that appeal could be decided expeditiously and to save the appellant from unnecessary financial losses being a poor citizen of Pakistan. Any other remedy which this august Tribunal deems fit and appropriate that may also be awarded in favour of the appellant.

Allowed. Be fixed
accordingly at
Principal Seat Peshawar.
11/2/19

Appellant

Amin
Noor Ul Amin

THROUGH:

M. Asif Yousafzai
(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT
OF PAKISTAN

Taimur Ali Khan
(TAIMUR ALI KHAN)
ADVOCATES HIGH COURT
PESHAWAR.

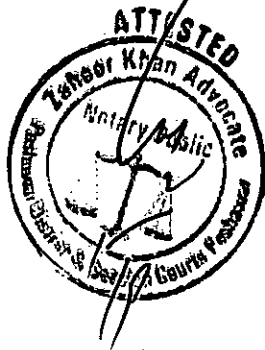
S. Noman Ali Bukhari
(S. NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT
PESHAWAR.

AFFIDAVIT:

It is affirmed and declared that the contents of the above Application are true and correct to the best of my knowledge and belief.

Amin
Deponent

Noor-Ul-Amin



KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 995 /ST

Dated 22 / 5 / 2019

To

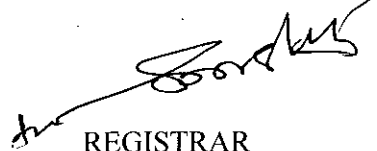
The District Education Officer Male,
Government of Khyber Pakhtunkhwa,
Dir Upper.

Subject: -

JUDGMENT IN APPEAL NO. 1160/2016, MR.NOOR UL AMIN.

I am directed to forward herewith a certified copy of Judgement dated 10.05.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.