17.03.2017

1031/2016

None present for the appellant. Security and process fee has not been deposited. The court time is about to over.

In view of the above, the appeal is dismissed for want of prosecution. File be consigned to the record room,

hairman Camp court, A/Abad

ANNOUNCED 17.03.2017

24,11,2016

Learned counsel for the argued that the appellant was serving as Chowkidar when removed from service vide impugned order dated 25.02.2016 on the allegations of willful absence where-against he preferred departmental appeal on 02.3.2016. That the appellant was verbally asked to perform duty and that his services would be restored in due course but instead of restoration of services of the appellant one Naqash Ahmad was appointed constraining the appellant to prefer the instant service appeal on 06.10,2016.

That the appellant was condemned unheard. That the enquiry was not conducted in the mode and manners prescribed by rules and as such the impugned order is liable to be set aside.

Points urged need consideration. <u>Admit subject</u> to limitation. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 16.2.2017 before S.B at camp court, Abbottabad. Notice of application for condonation delay shall also be issued to the respondents.

Chairman Camp Court, A/Abad

16.02.2017

None present for appellant. Security and process fee have not been deposited. To come up for further proceedings on 17.03.2017 before S.B. at camp court, ATAbad

Camp Court, A/Abad

Form- A

FORM OF ORDER SHEET

 	Case No <u>.</u>	1031/2016			
S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate			
1	2	3			
	06/10/2016	The appeal of Mr. Imran Sabir presented today by			
·1		Mr. Muhammad Awais Ajiz Advocate may be entered in the Institution Register and put up to the Learned Member for			
-					
-		proper order please.			
		Quoel			
		REGISTRAR 6/10			
2-	6-10-16	This case is entrusted to Touring S. Bench A.Abad for			
	0-10-16	preliminary hearing to be put up there on $24 - 11 - 201$			
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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR Appeal No 1031/20/6

Imran SabirAppellant

VERSUS

SERVICE APPEAL

INDEX						
S#	Particulars of documents	Annexure	Pages			
1	Memo of Service appeal alongwith affidavit.	••••	1-to-10			
2	Application for condonation of delay.		11-12			
3	Correct addresses of the parties.	••••	-13-			
4	Copy of the appointment order.	"A"	-14-			
5	Copy of the application, and recipt.	"B"	15-16			
6	Copy of the Explanation letter.	"C"	- 1.7 -			
7	Copy of the reply of explanation letter, and recipt.	"D"	18-19			
8	Copy of the attendance report.	"E"	- 20 -			
9	Copy of the show cause notice.	"F"	-21.			
10	Copy of the reply.	"G"	- 22-			
11	Copy of the impugned order.	"H"	-23-			
12	Copy of the departmental representation.	"I"	24-25			
13	Copy of the subsequent appointment order.	"J"	26-27			
14	Copy of the application.	"K"	- 28-			
15	Wakalat Nama.		- 29.			

Dated 06.10.2016

النهاير Imran-Sabir ...Appellant

Through AMAIS AJIZ, **MUHAN** YASIR KHATTAK, Advocates High Court,

Mansehra.

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Appeal No. 1031/2016

VERSUS

Diary No 06-10-20/6

1. Government of Khyber Pakhtunkhwa Peshawar through Secretary Education, Peshawar.

2. Director Education Khyber Pakhtunkhwa Peshawar.

3 District Education Officer (Female) MansehraRespondents.

> APPEAL SERVICE AGAINST THE **NOTIFICATION/ORDER** IMPUGNED ENDST. NO.2790-96 DATED BEARING BY 25.02.2016 ISSUED RESPONDENT NO.3, VIDE WHICH THE APPELLANT HAS BEEN REMOVED FROM SERVICE BY IMPOSING MAJOR PENALTY UPON HIM.

Filedto-day Registrar 6/10/2016.

PRAYER: -

On acceptance of the instant appeal, the impugned notification/order Endst. No.2790-96 dated 25.02.2016 may kindly be cancelled/set aside and the appellant may please be reinstated on his post. Respectfully Sheweth!

بر العمر المراجع . معند بالمراجع المراجع مراجع

-2-

<u>FACTS.</u>

1. That, the appellant was appointed against the vacant post of Chowidar in Govt. Girls Primary School Datta, Tehsil and District Mansehra vide office order No.15632-39 dated 07.07.2008 on the basis of employee's son quota, and during service the appellant served his duty with great zeal and zest.

(Copy of the appointment order is annexed as annexure "A").

- 2. That, during service in the year 2014, unfortunately some disputes had been created by few members of the family of appellant and started life threat to appellant and the life of appellant was actually in danger.
- That, in result of above mentioned 3. reason, it was not possible for the continue his service appellant to regularly in those days. Resultantly, the appellant was constrained to obtain leave for some period from his service. appellant Consequently, the duly applied for leave through an application which was sent to respondent No.3 giving reasons through registered post.

(Copy of the application is annexed as annexure "B").

That, the respondent No.3 being a 4. human was supposed to grant leave to the appellant and the appellant was fully hopeful that his application for leave would be accepted, but the respondent No.3 instead of granting leave to the appellant made explanation against him on the basis of so-called baseless and hearsay report of ASDEO circle under letter No.683 dated 16.06.2014.

(Copy of the Explanation letter is annexed as annexure "C").

5. That, in response of said explanation letter, the appellant submitted sufficient and well reasoned reply to respondent No.3 for his satisfaction.

(Copy of the reply of explanation letter is annexed as annexure "D").

6. That, after completion of leave period, the appellant rejoined his duty in school vide attendance report dated on 16.12.2014.

(Copy of the attendance report is annexed as annexure "E").

7. That, without considering the genuine request of appellant, the respondent No.3 with malafide intention and having a revengeful mind against appellant, issued against him a show cause notice under Endst. No.3630-32 dated 18.04.2015.

(Copy of the show cause notice is annexed as annexure "F").

8. That, the appellant submitted the well reasoned and fully justifiable reply of said show cause notice to respondent No.3 on 23.04.2015.

(Copy of the reply is annexed as annexure "G").

9. That, the respondent No.3 under the political influence and having personal revenge without hearing the appellant with malafidely issued the impugned notification/order dated 25.02.2016, vide which the appellant has been removed from service by imposing major penalty upon him due to the reason of willful absence.

(Copy of the impugned order is annexed as annexure "H").

10. That, the appellant being aggrieved from the impugned notification/order

preferred a departmental representation before the respondent No.2 on 02.03.2016, which has not been decided so far and the statutory period has been elapsed.

فحديان الأعدرين

(Copy of the departmental representation is annexed as annexure "I").

- That, as the respondent No.3 came to 11. know about the department of representation appellant, the respondent No.3 gave assurance to the appellant for his reinstatement as soon as possible therefore the appellant while serving his duty had been fully satisfied.
- 12. That, the appellant was serving his duty regularly upon said satisfaction, but in the meanwhile the respondent No.3 issued an appointment order No.11631-47 dated 08.09.2016 and another person namely Naqash Ahmed son of Syed Maqbool Shah is appointed on the place of appellant.

(Copy of the appointment order is annexed as annexure "J").

13. That, in result of said satisfaction of respondent No.3, the appellant did not file the service appeal before this august court, but after issuing of abovementioned appointment order of said Naqash Ahmed, the appellant came to know the malafide and fraud of respondent No.3, therefore, being aggrieved from the impugned notification/order No.2790-96 dated 25.02.2016 appellant seeks the gracious indulgence of this Honourable Tribunal, inter alia, on the following grounds: -

GROUNDS

- a. That, the impugned notification/order is against the law, facts and norms of equity and justice hence not maintainable in the eyes of law.
- b. That, no proper procedure has been adopted by respondent No.3 and no any opportunity was given to the appellant to defend himself properly, which is against the well celebrated principle of natural justice that no one should be condemned unheard, therefore, the impugned notification/order is liable to be set aside.
- c. That, the appellant was facing life threat and he was in unavoidable

circumstances and when these facts came in to the knowledge of local sitting MPA, he influenced the respondent No.3 for removal of appellant from his service just to create a vacant post for the appointment of some other closed persons of MPA and unfortunately the respondent No.3 has easily been influenced by the MPA.

- d. That, before issuing impugned notification/order no opportunity of personal hearing of appellant was given and without following the procedure of law, the appellant has been deprived from his legitimate, fundamental and legal rights hence the impugned order is not maintainable at all.
- e. That, all genuine reasons and factual explanation given by the appellant have been discarded by the respondent No.3 and a harsh order has been issued which is liable to be set aside.
- f. That, the respondent No.3 did not consider this fact that the appellant was facing serious repercussions towards his life because infact the respondent No.3 was influenced by sitting MPA.

That, no any notice has been given to the appellant on his home address and no publication was made prior to the issuance of impugned notification/ order, therefore, the procedure in case of willful absence has not been properly followed by respondent No.3, hence the impugned notification/order is liable to be cancelled.

g.

- That, the respondent No.3 was legally h. and morally bound to consider the application of appellant and reasons which were beyond the control of appellant but the respondent No.3 without following the proper procedure of law initiated the proceedings against the appellant which were not sustainable in the eyes of law and the impugned order has its no force at all.
- i. That, as per impugned notification, the appellant was declared absent in School from 01.03.2014 to uptil now but infact the appellant was serving his duty after spending of leave period and it is also worth mention here that during leave period of appellant, his father was doing work in school and in this respect, the respondent No.3 was duly informed by P.T.A members through an application.

(Copy of the said application is annexed as annexure "**K**").

- j. That, the appellant belongs to poor family and his father was also retired from same post, but the appellant is being pushed out by respondent No.3 having a revengeful mind and on the basis of political influence.
- k. That, the appellant remained on duty on the satisfaction of respondent No.3 and in result of said satisfaction. The appellant could not filed the instant service appeal before this Honourable Court within time, therefore, an application for condonation of delay is also submitted with the instant appeal.
- 1. That, the subsequent appointment order bearing Endst. No.11631-47 dated 08.09.2016 is ineffective upon the rights of appellant as the appellant was not willful absent from school, hence the impugned order is liable to be set aside and subsequent above-mentioned order has also no force at all.

It is, therefore, most humbly prayed that the appellant may please be reinstated on his post with all back benefits or any other order or relief which this Honourable tribunal may deems fit and appropriate, may also be passed/issued.

Dated 06.10.2016

Imran Sabir

...Appellant

Through

Was

MUHAMMAD AWAIS AJIZ, YASIR KHATTAK, Advocates High Court, Mansehra.

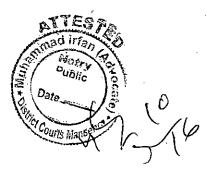
AFFIDAVIT.

I, Imran Sabir son of Sabir Sultan resident of Village Datta, Tehsil and District Mansehra (Chowkidar, Government Girls Primary School Datta No.2 Mansehra), Appellant, do hereby solemnly affirm and declare on oath that the contents of the foregoing service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Dated 06.10.2016

*کران ص*اببر

Imran Sabir (DEPONENT)



BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Imran SabirAppellant

VERSUS

SERVICE APPEAL

APPLICATION FOR CONDONATION OF DELAY

Respectfully Sheweth!

- 1. That, this application may please be considered as part and parcel of abovetitled appeal.
- 2. That, after filing of departmental representation, the respondent No.3 gave assurance to the appellant for his reinstatement, therefore, the appellant has regularly been performing his duty in said school.
- 3. That, upon the satisfaction of respondent No.3 about his reinstatement, the appellant could not file the instant appeal within time.
- 4. That, the valuable and fundamental rights of appellant are involved with the instant appeal.

5. That if the delay has not been condoned then the appellant would suffer an irreparable loss.

6. That, on issuing of appointment order of Mr. Naqash Ahmed on the place of appellant, after that, the appellant came to know about the fraud and malafide of respondent No.3 and then appellant filed the instant appeal.

> For the foregoing reasons, the delay in filing the above-titled appeal, may please be condoned and the appeal may please be decided on merits.

Dated 06.10.2016

Imran Sabir ...Appellant

Through

MUHANDAD AWAIS AJIZ, YASIR KHATTAK, Advocates High Court, Mansehra.

AFFIDAVIT.

I, Imran Sabir son of Sabir Sultan resident of Village Datta, Tehsil and District Mansehra (Chowkidar, Government Girls Primary School Datta No.2 Mansehra), Appellant, do hereby solemnly affirm and declare on oath that the contents of the foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Dated 06.10.2016

فرا الث صابير

Imran Sabir (DEPONENT)



BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

-13-

Imran SabirAppellant

VERSUS

SERVICE APPEAL

CORRECT ADDRESSES OF THE PARTIES

APPELLANT

Imran Sabir son of Sabir Sultan resident of Village Datta, Tehsil and District Mansehra (Chowkidar, Government Girls Primary School Datta No.2 Mansehra).

RESPONDENTS

- 1. Government of Khyber Pakhtunkhwa Peshawar through Secretary Education, Peshawar.
- 2. Director Education Khyber Pakhtunkhwa Peshawar.
- 3 District Education Officer (Female) Mansehra.

Dated 06.10.2016

عران صابہ Imran Sabir

...Appellant

Through

MUHAMMAAD AWAIS AJIZ, YASIR KHATTAK, Advocates High Court, Mansehra. OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY & SECY:EDU: MANSLIRA.

<u>ORDER</u>

As approved by the Departmental Selection Committee, the Executive District Officer Schools & Literacy Mansehra has been pleased to appoint Mr.Imran Sabar s/o Sabar Sultan (Employee's Son) no Datta Tehsil & District Mansehra against the vacant post of Chowkidar@ Rs.4000-P.M fixed at GGPS. Data District Manschra in the interest of Public Service with effect from the date of his taking over charge subject to the following terms & conditions:-

TERMS & CONDITIONS: when ted to

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6.

- His appointment is purely on temporary basis and liable to termination at any stage without assigning any reason/notice.
- He 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.

In case he failed to assume the charge of his posts within 15 days of his appointment. candidature-ship will be stand automatically cancelled.

The candidate will enter into an agreement with the Government and will be governed by the terms and conditions hereinafter mentioned in such agreement. He will sign the agreement on prescribed form on stamp papers before joining service.

Flis salary is subject to execution of agreement deed based on the terms and conditions of s the contract through DDO concerned.

His services are liable to termination on one month prior notice from either side in case of resignation without prior notice. His one month pay/allowances if any shall be forfeited to Government Treasury.

He will not contribute any amount towards G.P Fund.

His services can be arminated at any time in case his performance is found un-8. satisfactory and he will be proceeded against under the removal from service (Special Power) Ordinance, 2000 and E&D Rules 1973. 9.

- He should produce Age & Health Certificate from the MS DHQ Hospital Manschra. 10.
 - He may not be handed over the charge if his age is above 45 years and below 18 years. No. TA/DA etc is allowed.
- Charge report should be submitted to all concerned in duplicate. 12.

(SYED SHAH JEE) EXECUTIVE DISTRICT OFFICER ELEMENTARY & SECY:EDU:MANSELIRA

Annex

Endst: No_15632-39/C.IV-Apptt: 2007-6 Dated Manschra the +- + 2018 Copy to the:-Secretary to Govi: of NWL2 (S&L) Department Peshawar. 1. Director (S&L) Department NW+P Peshawar. 2 3

- District Accounts Officer, Manschra,
- Dy:District Officer (Fem. L) Mansehra.
- PA to District Nažim, Mar schra,
- PA to District Coordination Officer, Manschra,

7. Budget & Accounts Officer, local office, Mansehra,

8-Candidate concerned.

> DISTINE TOFFICER (MAK

ELEMENTARY & SECY:EDU:MANSELIRA



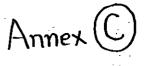
بخدمت جنابه دُسٹر کٹ ایجو کیش آ فیسر ضلع مانسہ م ۱

15-

جنابیعالید! تر ارش ہے کہ سائل گور تمنٹ گراز پر انمری سکول داند نمبر 2 مانسمرہ میں چو کیدار کی پوسٹ پر ریگولر کل ڈیوٹی سرانجام دے رہا ہوں ۔ سائل کے بڑے بھائی کی شادی ڈھوڈیال مانسمرہ ہے ہوئی تھی لیکن اب گھریلو مسائل کی وجہ سے دونوں خاندانوں میں لڑائی جھگڑے ہور ہے ہیں ۔ جس میں سائل کو بھی جان ہے مارنے ک دھمکی ملتی رہتی ہے۔ جس کی وجہ سے سائل کے لئے ڈیوٹی سرانجام دینا انتہائی مشکل ہوگیا ہے۔ تر میکی ملتی رہتی ہے۔ جس کی وجہ سے سائل کے لئے ڈیوٹی سرانجام دینا انتہائی مشکل ہوگیا ہے۔ تر میں تر میں ان کی مطابق اپ سے گز ارش ہے کہ سائل کو از 2014۔ 2013 سے لئے ڈیوٹی سرانجا میں مشکل ہوگیا ہے۔ تر ہوا کہ ان کی مطابق دھمکی ملتی رہتی ہے۔ سائل کی جان کو جو خطرات ہیں نیچ سے ۔ سائل خریب آ دمی ہے۔ اور سائل کا والد بھی چو کیدار کی پوسٹ پر اس سکول سے دینا کرڈ ہو ہے تھے۔ امید ہے کہ سائل کے ساتھ اس مشکل وفت تعادن کیا جائے گا۔ سائل آپ کی اس مشکل گھڑی میں تعادن پر تا دھی دینا گور ہے گا۔

س نیسوازش ہمسے گے

سائل **عمران صابر** چوكىدارGGPS دانة نمبر 2 بخصيل وضلع مانسېره



OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

No. 683 / Explanation 2014 Dated Manschra the 16-16/ / 2014 10 WC e duri

To,

The Mst:Imran Chowkidar GGPS GGPS Datta No.2 .

Subject:-

EXPLANATION

Memo:

As reported by ASDEO circle during her visit to your school you have found willful absent from your school duty w.e.f 18.03.2014to to up till now.

You are therefore, called upon to explain your position within three days of the issue of this letter, otherwise it will be presumed that you have nothing to say in your favor and strict disciplinary action would be initiated against you under the E&D rules 2011.

Sub-Divin District Education Officer Female Mariothra Officer (Female) Mansehra

-18-Annex (D) بخدمت جناب سب ڈویژنل ایجوکیشن آفیسر صاحبہ (زنانہ) مانسہرہ جواب طلى جناب عاليه! the the بحواليه ليٹرنمبر 683 مورخه 16/06/2014 جوابات ذيل ہيں۔ یہ کہ سائل سال 2008 میں بطور چوکیدار GBPS دانتہ نبر 2 میں اپنے والد کی ریٹائر منہ کے بعد سیر کہ سائل سال بقرتي ہوا تھا۔ بیر که اُس دفت سے لے کر سائل نے اپنی ریگولرڈیوٹی سکول ہٰذامیں شروع کر دی تا کرتار ہا ہوں اور سالل _٢ Jo var کے ناتج بہ کار ہونے کی وجہ سے سائل کے والد صاحب بھی ساتھ بغیر شخواہ کے ڈیوٹی سرانجام دیتے رہے یہ کہ سائل کے بڑے بھائی کی شادی ڈھوڈیال سے ہوئی تھی لیکن پچھ گھریلومسائل کی دجہ ہے دونوں خاندانوں میں لڑائی جھگڑا ہو گیا تھا جس میں سائل کوبھی جان سے ماردینے کی دھمکی ملتی رہی ہےاوراب بھی دے رہے ہیں جس کی وجہ سے سائل کا یہاں رہنا خطرنا ک ثابت ہو سکتا تھا سائل کے بھائی کا مقدمہ بھی فیملی کورٹ میں ابھی بھی زیر ساعت ہے۔ ان حالات کے پیش نظر سائل نے مور خدہ 20/03/2014 کوچھٹی کے لئے درخواست بنام ڈسٹر کٹ ایجو کیشن آفیسر مانسہرہ کے نام بذریعہ ڈاک بھیجی ہےاور جس کی رسید درخواست کے ساتھ لف ہے جس میں از 20/03/2014 تاك چھٹى كىلئے درخواست دى تھى۔سائل ابھى تك گھر داپس جناب عالیہ! آپ سے برز دراپیل کرتا ہوں کہ میری چھٹی از نہیں آ سکا۔ 20/03/2014 تا 15/12/2014 تک منظور کی جائے سائل چھٹی کے دوران سکول ہٰذا کو چلانے کے لئے اپنے والدصاحب کوسابق چوکیدار بتھےصابر سُلطان سے ڈیوٹی بھی بغیر خواہ اور دیگر معاملات سے بھی کرواسکتے ہیں اگر محکمہ ہذا کوکوئی اعتراض نہ ہوآ خرمیں سائل آپ سے دوبارہ اپیل کرتا ہے کہ اس مہنگائی کے دور میں اپنی سروں کو جاری دساری رکھنا جا ہتا ہے اور چھٹیوں کے ختم ہونے پراپنی ڈیوٹی دوبارہ ریگولرسرانجام دے گا ۔سائل کومعاف کیا جائے اور مزید کوئی کاروائی عمل میں نہ لائی جائے سائل پہلے ہی کئی مسائل سے دوجار ہے لہذا اُسے مزید پریشان نہ کیا جائے۔اُمید ہے کہ سائل کی پریشانی کو مدنظرر کھتے ہوئے بھر پور تعاون کیا جائے گا۔ سائل اور اُس کا پورا خاندان آپ کے لئے دُعا گور ہےگا، آپ کی عین نوازش ہوگی عمران صابر چوکیدارگور نمنت گرلزیرائمری سکول نمبر 2 داننه مانسهره

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20 Annex - E حاضري ريوري میں نے آج مور خد 2014-12-16 کواپنی چھٹی ختم ہونے پر گور نمنٹ گرلز پر ائمری سکول دان**ۃ نمبر 2 میں حاضری کر** دی۔۔ ر بورٹ ارسال خدمت ہے عمران صابر چوکیدار محرا (ز. ۵. از ملی معلم مطلل GGPS دانته نبر 2 مزید کاروائی عمل میں لائی جائے کایی برائے انفار میشن د سر کث ایجو کیشن آفیسر (زنانه) مانسهره سب دويژن ايجوكيش آفيسر (زنانه) مانسهره _T, ا__ ڈی ای اوسرکل مانسہرہ آفسكايي حنات لي 1 تورین از مراری مول دانم عظم س می ان مام نے حوزین عرف و جآم کی ی وجودی من این محمی ترارم و لعد ما منالط طور مر مامری ردی و و زام رفان ولوت مرمان سنه والم سالم وسلم دام ع) مالي محيدالدين دلرماحى حرمد الدين من درد در درمد البرين (3) مداختر حسن ت و لرسید دار من م م منه دار. ب) بشری می بی 6) رومین بی بی تمبر _ = = E ج

OFFICE OF THE DISTRICT EDUCAT ION OFFICER (FEMALE) MANSERHA

- 21.

SHOW CAUSE NOTICE

(Female)Manserha in the capacity of competent authority is hereby served you show Cause Notice as reported by Sub-Divisional Education Officer (F) Manserha. Mr.Imran Sabir Chowkidar GGPS Datta No 2 absent from duty during the visit of ASDEO Manserha Dated 18.03.2014 to upo tell now.

You are hereby directed to submit the reply with cogent reason within 7 days after receipt of this letter positively otherwise action of removal from Govt:Services will be taken against you under the revised E&D rules 2011 without further notice/

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Annex=(F

DISTRICT EDUCATION OFFICER (FEMALE) MANSERHA

Endst: No 3620-30

Vo

Dated 18/4 2015

Copy of the above is forwarded for information to the .

1.Deputy commissioner Manserha.

2. District Monitoring officer Manserha.

DISTRICT EDUCATION OFFICER

بخدمت جناب دُسٹر کٹ ایجو کیشن آفیسر صاحبہ (زنانہ)، مانسہرہ۔ Annex=(G) جناب عاليه! اليہ! بحوالہ آپ کاتح ریشوکا زنوٹس نمبر 3630-36، مورنہ 2015-04-18 جوابات ذیل ہیں۔ مرکمہ م س سائل سال 2008 سے بطور چوکیدار GGPS دانہ نمبر 2 میں ڈیوٹی سرانجام دیتار ہا ہے۔ سکم ک ر ہوجہ مجبوری سائل نے از 2014-03-2013 تا 2014-12-15 تک چھٹی کے لیے درخواست بذریعہ ڈاک سیجی تکل جو کہ ابھی تک منظور یا نہ منظور ہونے کی سائل کولم ہیں ہے۔ چھٹی گزارنے کے بعد سائل نے مورخہ 2014-12-16 کو سائل نے اپنے سکول میں دوبارہ حاضری کی تھی جس <u>م</u>ساتھ فوٹو کا یی لف ہے۔ اس کے بعد سردی کی چھٹیاں ہوگئ تھیں اور بعد از چھٹیاں سائل نے دوبارہ 2015-03-21 کوسکول ہٰذامیں حاضری کی توہیڈ ٹیچر نے انکار کیا کہ ASDEO سرکل مانسہرہ سے رابطہ کر کے حاضری کریں سائل نے اس وقت جناب عالى!

اس کے بعد سائل کا ابھی تک کوئی فیصلہ کسی اتھارٹی نے نہیں کیا ہوا جس کی وجہ سے سائل کافی پریشان ہے۔ سائل ایک غریب آ دمی ہے اور گھریلو، معاشی حالات کی وجہ سے پریشان بھی ہے۔ سائل نے پہلے بھی ڈیوٹی سرانجام دی ہے اور آئندہ بھی سرانجام دیتار ہے گا۔امیر ہے کہ سائل کو معاف کیا جائے گا۔عین نواش ہوگی۔

تاريخ: 23-04-2015

بياكل. JW W JA

عمران صابر چوکیدارGGPS، No. 02،دانه،مانسهره

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

NOTIFICATION

Mr: Imran Sabir Chowkidar GGPS Datta No 2 was proceeded against under the Khyber Pakhtunkhawa Govt. Servant (Efficiency & Disciplinary Rules 2011 for the charge of having been willfully absent from his duty w.e.f.01.03.2014 to up till now (1 years 11 months 03 days)

AND .WHEREAS inquiry committee was constituted to conduct formal inquiry against the accused official for the charges leveled against.

AND WHEREAS Inquiry committee after having examined the charges/evidence on record and explanation of the accused official has submitted the report.

AND WHEREAS Mr: Imran Sabir Chowkidar GGPS Datta No 2 has been served with final show cause notice published in the daily Akhbar Abbottabad dated 05.02.2016 he was not present in school and he failed to appear before the competent authority for personal hearing within 15 days.

AND, WHEREAS the Competent authority (District Education Officer Female) Mansehra after having considered the charges and evidence on record, enquiry report, he failed to submit his reply in response to the show cause notice is of the view that the charges against the accused official have been proved.

NOW THEREFORE, in exercise of the power conferred under section 14 Khyber Pakhtunkhawa Govt. Servant (Efficiencies and discipline) rule 2011 the District Education Officer (Female) Mansehra being the competent authority is pleased to impose major penalty of (REMOVAL FROM SERVICE) upon Mr; Imran Sabir Chowkidar GGPS Datta No 2 with immediate effect)

Endst: No. 2790-96 /AE-III (F)/PST

Copy to:-

- 1. The Director (E&SE) Khyber Pakhtunkhawa Peshawar.
- 2. The Deputy Commissioner Mansehra.
- 3. The District Monitoring officer Mansehra.
- 4. The District Account office Mansehra.
- 5. The SDEO (F) Mansehra.
- 6. The Teacher concerned.
- 7. Office file.

DISTRICT EDUCACIÓN OFFICER F(FEMALE) MANSEHRA Dated Mansehra the 25/2 /2016

nnex -

OFFICER MALE) MANSEHRA

Annex= (I)

بخدمت جناب ڈائر یکٹرصاحب ایلمنٹر ی اینڈ سیکنڈری ایجو کیشن خیبر پختونخواہ پشاور جناب عالی!

مود بانہ گذارش ہے کہ سائل کی تقرری بطور چو کیدار GGPS دانتہ میں مورخہ 2008-07-07 کو ہوئی تھی اور سائل نے وہاں سے لے کر 2014-03-19 میک ریگولر ڈیوٹی سرانجام دی کچھ گھر ملومسائل کی وجہ ے سائل نے از 20-03-2014 تا 12-2014 تک E/leave کیلئے درخواست دفتر طدا میں بذرىيەرجىئرى جمع كىتى جس كى فولوكانى ساتھالف ہے بذرىيە لىترنبىر 683 مورخە 2014-06-16 ساكل کی جواب طلی کی گئی، تو سائل نے تحریری جوابات بھی دفتر ہٰذا کو جمع کروائے جس کی فوٹو کا پی ساتھ لف ہے۔ چھٹی ختم ہونے پر سائل نے 2014-12-16 کو سکول ہٰذا میں ڈیوٹی کیلیے گیا تو متعلقہ ہیڈ سیچر نے حاضری اور ڈیوٹی دینے سے روک دیا اور ساتھ کہا کہ متعلقہ اے ڈی اونے مجھے کہاہے کہ عمران صابر کو حاضری نہیں کرنے دینا ۔ آپ ADO سرکل سے رابطہ کریں ۔ سائل نے تحریری طور پر متعلقہ ADO سرکل کو درخواست دی کہ ہیڈ ٹیچر کو ہدایت کریں کہ وہ ڈیوٹی کی اجازت دے ۔ جس کی فوٹو کابی لف ہے ۔ کیکن انہوں نے کہا کہ میں نے SDEO سے بات کر کے آپ کوکہوں گی پھر حاضری کرنا مور ندہ 2014-22-24 کو سکول بند امیں سردی کی چھٹیاں ہوگئی تھیں پھر جب حاضری ہوئی تو سائل نے دوبارہ 2015-03-2 کوسکول ہٰذامیں حاضری کیلئے گیا تو ہیڑ ٹیچیر کا پھر وہی جواب تھامیں نے رپورٹ لکھ کر ADO کو پھر دی فوٹو کا پی ساتھ لف ہے۔اور ساتھ زبانی طور یر بھی پورے گھریلومسائل کا بھی ذکر کیا۔ساتھ PTA کی کمیٹی کی بھی تحریری رپورٹ بھی دی جس کی فوٹو کاپی ساتھ لف ہے۔ کیکن اس کا پھر دہی جواب تھا۔ سائل پھر دوسرے دن دفتر کا چکر لگا تار ہا۔ کیکن سائل کوکوئی جواب نہیں دیا گیا۔مورخہ 2015-04-18 کو سائل کو شوکاز نوٹس جاری کیا گیا جس کا سائل نے مورخہ 23-04-2015 كوتر يرجواب بھى ارسال كيافونوكا يى ساتھ لف ہے۔

جناب عالی! پھر سائل کواچا تک مورخہ 2016-02-25 کو Remove from Service کر دیا گیا جو کہ غیر قانونی عمل ہے۔

چونک سائل نے تحریری چھٹی کہلیج بھی درخواست دی تھی جس کی منظوری یا نامنظوری کا سائل کو کوئی تحریری یا (\mathbf{i}) ز مانی نہیں کہا گیا تھا۔ چھٹی گزارنے کے بعد سائل نے فوراً دوسرے دن ہی سکول ہٰذامیں حاضری کی تھی تا کہ کوئی غیر حاضری (٢) نه، دجائے. (۳) اس کے بعد بھی متعلقہ حکام ہے سائل سلسل رابطہ بی رہا ہے۔

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مورخه:2016-03-20

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	عمران صابر ولدصابر سلطان	
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FICE OF THEDISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

Annex=(

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APPOINTMENT ORDER: -

As approved by the **Departmental** Selection Committee, the competent Authority has been pleased to appoint the following candidates on regular Basis under **Deceased**. son/Daughter/Wives' quota & Open Merit against vacant posts mentioned against each in BPS-3 (a) Rs. (8040-325-17790) 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.

3 No	NAME WITH	RESIDANCE	APPOINTED	NAME OF	REMARKS
-	FATHER'S NAME	· ·	AS	SCHOCL WHERE	
1	Jawaria Rouf D/o Abder Rouf	Balakor	Lab Attendant	GGPS Cuppy Gali	Deceasea Daughter A/Vácant post
2	Muniba Bibi W/o Muhammad Irshad	Dhangri	Cook.	GGCMS No 1 Mansehra	Deceased Wives A/Vacant post
3	Chohdri Junaid S/o M. Jhanzeb	Kalas Jamal Maei	Naib Qasid	GGMS Agia Gran	Deceased Son A/Vacant post
4	Anwar Jan W/o Muhammad Banaris	Chak Pansial	Naib Qasid	GGMS Seki Bala	Deceased Wives A/Vacant post
5	Nazia Shaneen Wio Muhammad Haroon	Murad Pur	Naib Qasid	GGHSS Murad Pur	Deceased Wives A/Vacant post
6	Munammad Waseem S/oMunammad Faria	Major Ayoub Road Mansehra	Naib Qasid	DEO (Female) Mansehra	Open Merit A/Vacant_post
7	Nagash Ahmad Shah S/o Syed Maqbool Shah	Datta *	Chowkidar	GGPS Datte: No 2	Open Merit A/Vacant post

TERMS & CONDITIONS.

1. Their appointment is purely on regular basis and liable to termination at any stage without assigning any reason/notice.

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- 2. They will be governed by such rules & regulations as may be prescribed by the Govt: from time to time for the category of the Govt: servants to which they belong.
- 3. Their services are liable to termination on one month prior notice from either side. In case of resignation without prior notice, one month pay & allowances if any shall be forfeited to Government Treasury.

Their services can be terminated at any time in case of their performance found unsatisfactory and they will be proceeded against under the rules (Removal from services • (Special Power) Ordinance 2001 & E&D Rules 2011.

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- 5. In case they failed to assume the charge of their posts within 15 days of appointment, candidature-ship will stand automatically cancelled.
- 6., They should produce age & health certificate from the Medical Superintendent DHQ Hospital Mansehra.
- 7. They may not be handed over the charge if their age is more than 40 years and below 18 years.
- 8. Charge reports should be submitted to all concerned in duplicate
- 9. No TA/**B**A etc is allowed
- 10. The competent authority reserves the right to rectify with draw/cancel/amend the order of the appointee if fund any mistake/ illegality/concealment by the candidate at any stage.

DISTRICT EFUGATION OFFICER (FEMALE) MANSEHRA

Endst: No 11631-47 /Estt: (F)/D/Son /2016. Dated Manselra the 8/9/ /2016

Copy of above is forwarded to the:-

- 1. Director Elementary & Secondary Education Khyber PakhtunKhwa Peshawar.
- 2. District Nazim Mansehra.
- 3. Deputy Commissioner Mansehra.
- 4. District Monitoring Officer Mansehra.
- 5. District Account Officer Mansenra.
- 6. Head Mistress GGHSS/ GGHS & GGMS
- 7. S D E O (F) Local Office.
- 8. A S D E O (F) Circle Concerned.
- 9. Candidates concerned.
 6. Office Record File.

DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

Annex=(K) Hasta do mande For conso a war Le de Maint fini a chiere Edind- a politida e la la da a la Same in the go when in full and inder a ball a para a 406 Costo il cranto i sugario مر الما العمر المحالية المحر المح المح المحالي المحل المحل المحالي ويلى المحالية المح المحل المحل المحل المحل الم - UT UT 3 ONE John P.I. P.T. F. D. d.d. C.1, Hardy Gulf Mar Ris P-T-B - Cylor Part or or or

29 9530 436 DBM No. S.No BC No. 4 P 6 2 Name of Advocate. 2016-17 min

Sheikh Noor-ul-Amin Nool Advocate High Court General Secretary

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District Bar Ass: Mansehra بعدالت عنوان منحانر لوعت مقده باعث تحريراً نكه دریں مقدمہ عنوان بالا میں این طرف سے برائے پیردی وجواب دہی بہقام کیم کو بدیں شرائط دکیل مقرر کیا ہے کہ میں ہر پیٹی پرخود یا بذر لید مخارجات رو برد عدالت حاضر ہوتا رہوں گا ادر بوقت ایکارے حانے وکیل موصوف کواطلاع دیکر حاضر کروں گا۔اگر کسی پیشی پر مظہر حاضر نہ ہوا اور غیر حاضری کی دجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو وکیل موجوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل موجوف صدر مقام کچر ی کے علادہ کسی ادر جگہ کچہری کے مقمررہ ادقات سے پہلے یا بردز تعطیل پیردی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ کچہری کے علاوہ 🔹 ۔ 🚽 کسی اور جگہ ساعت ہوایا کچہری کے اوقات کے آگے پیچھے ساعت ہونے پر مظہر کو کوئی نقصان پہنچے تو دکیل موصوف ومددار نه ہوں گے اور دکیل موصوف کو عرضی دعویٰ اور درخواست اجراء ڈگری دنظر ثانی اپیل نگرانی دائر کرنے نیز ہرقتم کی درخواست بیان حلق وتصدیق کرنے اور اسپر دستخط کرنے کا بھی اختیار ہوگا۔ اور کسی تھم یا ڈگری کے اجراء کرانے اور قتم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپر د ثالثی وراضی نامہ و دستبر داری دا قبال دعویٰ کا اختیار بھی ہوگا بصورت اپیل و برآمدگی مقدمہ یامنسوخی ڈگری بکطر فہ درخواست تکم امتناعی یا فیصل قبل از ڈگری اجرائے ڈگری بھی دکیل موصوف کر بشرط ادائیگی ملیحد دمخنتانه ادا کرنے کامجاز ہونگا ادربصورت ضرورت بد دراں مقدمہ یا اپیل دنگرانی کسی دوسرے دکیل یا بیرسٹر کو م بجائح خودیا این ہمراہ مقرر کریں ادر مثیر قانونی کو بھی اس امر میں دہی اختیارات حاصل ہوں گے جیسے دکیل موصوف کو ادراگر بوری فیس تاریخ پیش سے پہلےادانہ کروں گا تو وکیل موصوف کو پورااختیار ہوگا کہ مقدمہ کی پیروی نہ کریں ادرالی حالت میں میرا مطالبہ دکیل موصوف کے برخلاف نہیں ہوگا مجھے کل ساختہ پرداختہ دکیل موصوف مثل ذات خود منظور وقبول ہوگا۔ لہذاو کالت تامدلکھ دیا ہے اور دینخط/انگو شاشبت پہ دیا ہے تا یسندر ہے۔مضمون د کالت نامہ تن لیا ہے اور اچھی طرح کیسیولیا ہے۔ ,20)6 rt مورخه کے 0

ACCEPTEL

