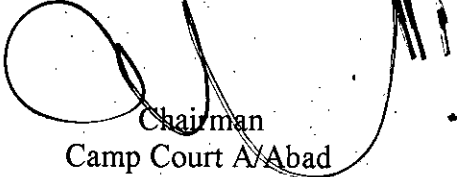



21.10.2014

Mr. Naveed Gul Awan, Advocate on behalf of counsel for the appellant present, and requested for adjournment on behalf of counsel for the appellant. Another chance is given for preliminary hearing, positively, at camp court A/Abad on 20.04.2015.


Chairman
Camp Court A/Abad

7 20.4.2015

Mr. Naveed Gul, Advocate on behalf of counsel for the appellant present. Counsel for the appellant is not in attendance. Requested for adjournment. Last opportunity granted for preliminary hearing for 19.5.2015 at camp court A/Abad.


Chairman
Camp Court A/Abad

8 19.5.2015

None present for appellant despite last chance. The court time is about to over. Dismissed for want of prosecution. File be consigned to the record.

ANNOUNCED

19.5.2015

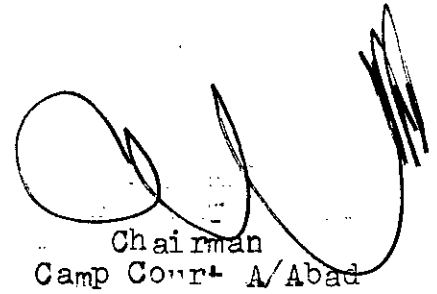

Chairman
Camp Court A/Abad

19.05.15

4-

17.3.2014

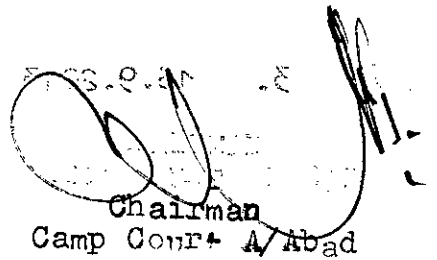
Clerk of counsel for the appellant present, but requested for adjournment due to pre-occupation of learned counsel for the appellant in the High Court Bench A/Abad to come up for preliminary hearing at camp court A/Abad on 18.8.2014.


Chairman
Camp Court A/Abad

5-

18.8.2014

Neither appellant nor counsel for the appellant present. Notices be issued to the appellant and counsel for the appellant for preliminary hearing, positively, at camp court A/Abad on 21.10.2014.


Chairman
Camp Court A/Abad


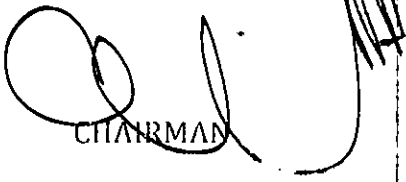

Chairman
Camp Court A/Abad

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 562 /2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	25/03/2013	<p>The appeal of Mr. Shaukat Zaman Khan presented today by Mr. Muhammad Zareed Qureshi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	10.9.13	<p>This case is entrusted to Touring Bench A.Abad for preliminary hearing to be put up there on <u>16.9.13</u></p> <p style="text-align: right;"> CHAIRMAN</p>
3.	16.9.2013	<p>No one is present on behalf of the appellant. To come up for preliminary hearing at camp court A/Abad on 17.3.2014.</p> <p style="text-align: right;"> Chairman Camp Court A/Abad</p>

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. 562 /2013

Shoukat Zaman Khan S/o Mohabat Khan Ex. C.T Teacher Government High School Kakotari Haripur, resident of Shangri Bagh Haripur.

.....APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa, through Secretary Education (Schools & Literacy) Khyber Pakhtunkhwa Peshawar & others.

...RESPONDENTS

WRIT PETITION

INDEX

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4.	Copy of sanction letter	15	"B"
5.	Copy of application	16	"C"
6.	Copy of application	17	"D"
7.	Copy of application dated 03/12/2012	18	"E"
8.	Copy of impugned order dated 05/08/2010	19	"F"
9.	Copy of departmental appeal	20 To 22	"G"
10.	Wakalatnama	23	


.....APPELLANT

Through

Dated: _____/2013

Muhammad Zareed Qureshi
Advocate
(Muhammad Zareed Qureshi)
Advocate High Court, Abbottabad

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. 362 - 1/2013

L.W.P. Peshawar
No. 582
25/3/13

Shoukat Zaman Khan S/o Mohabat Khan Ex. C.T Teacher Government High School Kakotari Haripur, resident of Shangri Bagh Haripur.

...APPELLANT

VERSUS

1. Government of Khyber Pakhtunkhwa, through Secretary Education (Schools & Literacy) Khyber Pakhtunkhwa Peshawar.
2. Director Education Schools & Literacy Khyber Pakhtunkhwa Peshawar.
3. Deputy Commissioner Haripur the than District Co-ordination Officer Haripur.
4. District Education Officer Schools & Literacy the than Executive District Officer Haripur.

...RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST OFFICE ORDER NO. 8549-54 DATED 05/08/2010 ISSUED BY RESPONDENT NO. 4, WHEREIN THE 12 (TWELVE) YEARS SERVICES OF THE APPELLANT WERE REMOVED AND THE IMPUGNED ORDER WAS COMMUNICATED TO THE APPELLANT ON 03/12/2012.

=====

25/3/13

PRAYER: ON ACCEPTANCE OF THIS APPEAL THE IMPUGNED ORDER NO. 8549-54 DATED 05/08/2010 ISSUED BY RESPONDENT NO. 4 MAY GRACIOUSLY BE DECLARED AS ILLEGAL, UNLAWFUL, AGAINST THE PRINCIPLE OF NATURAL JUSTICE, WHICH IS NOT SUSTAINABLE UNDER THE LAW AND LIABLE TO BE SET-ASIDE AND APPELLANT MAY BE RE-INSTATED IN SERVICE WITH ALL BACK BENEFITS.

=====

Respectfully Sheweth:-

1. That the appellant was appointed as P.T.C vide order Endst No. 5115-5240/A.E.I/PTC in education department and was promoted to C.T Post on 08/07/2002 vide Endst No. 8490-8555. In this respect copy of service book showing the same fact is annexed as Annexure "A".
2. That appellant after his appointment continuously performed the duty and at the time of removal of 12 years un-blemish service was at his credit.
3. That appellant availed opportunity of study abroad and applied for Ex. Pakistan study leave for higher education in UK, which was accepted by the

respondent. Copy of sanction letter is attached as Annexure "B".

4. That this period appellant could not completed his study due to some unavoidable circumstances. Therefore, in order to complete study appellant submitted an application to respondent for extension of leave. Copy of application is attached as Annexure "C".
5. That as the education of appellant was not completed that very time and appellate has to stay there more, so he send an application for extension of one year more leave. Copy of application is annexed as Annexure "D".
6. That appellant returned back and approached respondent No. 4 regarding cancellation of remaining leave and to join his duty on 03/12/2012, whereupon respondent No. 4 informed that his applications of leave were not accepted and his service was removed vide office order No. 8549-54 dated 05/08/2010.
7. That the appellant after knowledge of removal order submitted application before respondent No. 4 for the record if any regarding the proceedings against the

appellant about inquiry, absence or removal but the respondent No. 4 only provided the impugned order to the appellant. Copies of said application dated 03/12/2012 and impugned order dated 05/08/2010, which was communicated to appellant on 03/12/2012 is annexed as Annexure "E" & "F".

8. That after receipt of the impugned order dated 05/08/2010 appellant submitted departmental appeal before respondent No. 4 but the appeal of appellant was not decided yet and statutory period has been elapsed, hence the instant appeal. Copy of departmental appeal is annexed as Annexure "G".
9. That the removal from service order of appellant No. 8549-54 dated 05/08/2010 is against law, facts and the norms of natural justice, hence is not tenable in the eyes of law and is liable to be set-aside and appellant is entitled to be reinstated on the following amongst other grounds:-

GROUNDS:-

- a. That 12(twelve) years services of the appellant were removed without any inquiry, show cause notice, charge sheet and personal hearing nor

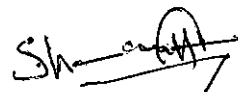
any proclamation was issued against the appellant. Therefore whole proceedings if any conducted by the respondents are illegal, unlawful, void ab-initio, against the natural justice, corum-non-judice and as such has no effect upon the rights of the appellant, hence are into sustainable under the law and are liable to be set-aside.

- b. That proceedings if any conducted against the appellant were ex-parte and having no legal effects upon the rights of appellant and having no value in the eyes of law.
- c. That as per law respondents were duty bound to intimate the appellants regarding non-acceptance of his leave application, but the respondents did not informed the appellant about the acceptance or rejection of leave application.
- d. That according to service and leave rules appellant was entitle for five (5) years leave without pay, and respondent wrongly and malafidely rejected the application for extension of leave of appellant.

- e. That respondents did not consider the fact that appellant is abroad for study in Higher Education of his own expenses in relevant field, which is more beneficial for the department and is in the interest of general public.
- f. That the respondents were duty bound to provide the record pertaining to the proceedings conducted against the appellant but they did not provide the same to the appellant on his written request dated 03/12/2012.
- g. That the vested and constitutional rights of the appellant have been violated through the impugned order of the respondents.
- h. That the impugned order is the result of malafide, and is illegal and without jurisdiction.
- i. That the great injustice has been done by the respondents, which is against the law and natural justice, and needs rectification.

- j. That the appellant seeks leave of this Honourable Tribunal to agitate additional grounds at the time of arguments.

It is, therefore humbly prayed that on acceptance of this appeal the impugned order no. 8549-54 dated 05/08/2010 issued by respondent no. 4 may graciously be declared as illegal, unlawful, against the principle of natural justice and appellant may be re-instated in service with all back benefits, any other relief which this Honourable Court may deem proper and fit in the circumstances of the case may graciously be granted.



...APPELLANT

Dated: _____/2013

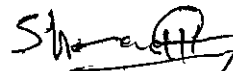
Through

Muhammad Zareed Qureshi
Advocate
Abbottabad

(Muhammad Zareed Qureshi)
Advocate High Court, Abbottabad

VERIFICATION: -

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



PETITIONER

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. _____-A/2013

Shoukat Zaman Khan S/o Mohabat Khan Ex. C.T Teacher Government High School Kakotari Haripur, resident of Shangri Bagh Haripur.

.....APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa, through Secretary Education (Schools & Literacy) Khyber Pakhtunkhwa Peshawar & others.

...RESPONDENTS

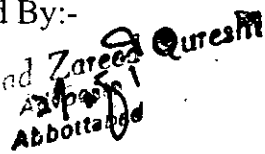
APPEAL

AFFIDAVIT

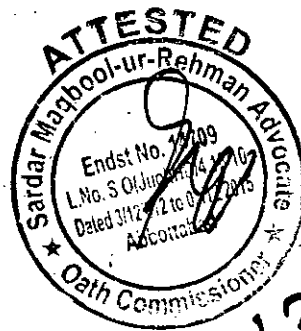
I, Shoukat Zaman Khan S/o Mohabat Khan Ex. C.T Teacher Government High School Kakotari Haripur, resident of Shangri Bagh Haripur, do hereby solemnly affirm and declare that the contents of forgoing writ petition are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.


DEPONENT

Identified By:-


Muhammad Zareed Qureshi
Advocate
Abbottabad

(Muhammad Zareed Qureshi)
Advocate High Court, Abbottabad



7/12
2012

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. _____-A/2013

Shoukat Zaman Khan S/o Mohabat Khan Ex. C.T Teacher Government High School Kakotari Haripur, resident of Shangri Bagh Haripur.

.....APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa, through Secretary Education (Schools & Literacy) Khyber Pakhtunkhwa Peshawar & others.

...RESPONDENTS

APPEAL

ADDRESSES OF THE PARTIES

Respectfully Sheweth:-

Addresses of the parties are as under:-

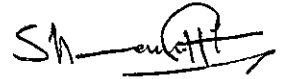
Shoukat Zaman Khan S/o Mohabat Khan Ex. C.T Teacher Government High School Kakotari Haripur, resident of Shangri Bagh Haripur.

...APPELLANT

VERSUS

1. Government of Khyber Pakhtunkhwa, through Secretary Education (Schools & Literacy) Khyber Pakhtunkhwa Peshawar.
2. Director Education Schools & Literacy Khyber Pakhtunkhwa Peshawar.
3. Deputy Commissioner Haripur the than District Co-ordination Officer Haripur.
4. District Education Officer Schools & Literacy the than Executive District Officer Haripur.

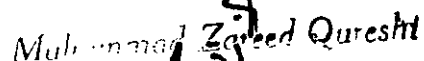
...RESPONDENTS



...APPELLANT

Dated: _____/2013

Through



(Muhammad Zareed Qureshi)
Advocate High Court, Abbottabad

(For use in Police Department only).

ANNEXURE

"A"

①

Heirs,

- 1.
- 2.
- 3.

Passed SSC (A) 1989 Under Roll No 37311
 BISE Peshawar
 of marks obtained 598/850
 result declared on 31-8-1989

Approved
 26/5/90

Verification Roll No. dated

SDSO (M) Abbottabad

received back

② - Passed FSC (A) Exam 1992 Under Roll No 12523
 BISE Abbottabad
 of marks obtained 509/1100 Grade "B" 2nd Division

Left thumb-impression. ✓

SDSO (M) Abbottabad

④ Passed BA, Exam Session Annual 1997 from University
 of Peshawar Under Roll No. 31638, Registration No. 93-11-3105
 and placed in 2nd Division
 Qualification on 22-12-1997, (Date of result declared)

English
 ⑤ Passed CT Exam from All India Islambad HR
 Roll No F-6298-189 obtained 57% marks placed in
 Grade "B" Result declared on 20/12/2000

First Arts DDO (M)
 Pleadershp examination
 By District Officer
 Primary (M) Haripur
 Training School Final examination

⑥ Passed Master of Arts (Education)
 under roll No. 98-738 in
 session 2000 obtaining 75%
 overall marks from IER the
 University of Punjab Lahore
 Result declared on 31-03-2001

Other qualifications -
 Headmaster 20/9/03
 Govt. High School
 Chaintai (Haripur)

Drill instructing

Court duties

Reserve duties

Passed PTC Exam from Elementary College
 Haripur. Session 92-93
 Under Roll No 1184 of marks obtained
 702/1200 2nd Division +
 result declared on 25-12-93.

SDSO (M) Abbottabad

N. B—Line to be drawn under the qualification possessed.

GPR Acc/No - 18153

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

1. Name *SHAUKAT ZAMAN KHAN*

2. Race *(TANOLI)*

3. Residence *VILLAGE SHANGRI PO S.N.KHAN
TEH + DISTI HARI PUR*

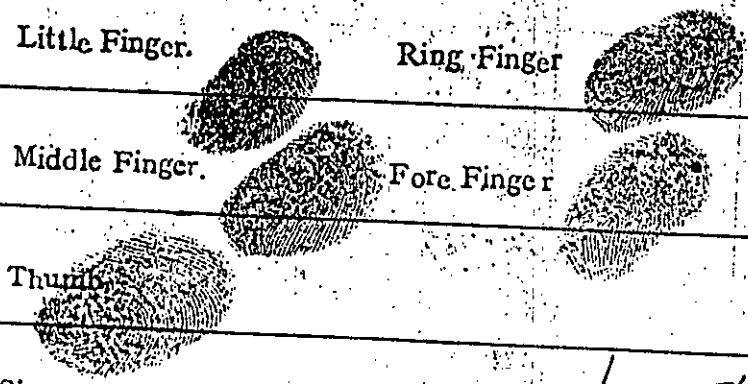
4. Father's name and residence *MOHABBAT KHAN*

5. Date of birth by Christian era as nearly as can be ascertained *(2-1-1974)
2nd Two January N.H + Seventy Four*

6. Exact height by measurement *5' - 10"*

7. Personal marks for identification *A mole right side on face.*

8. Left hand thumb and Finger impression of (non-gazetted) officer



9. Signature of Government servant. *[Signature]*

10. Signature and designation of the Head of the Office, or other Attesting Officer.

Prepared By: *[Signature]*
Muhammad
26/10/84

Muhammad Zareed Qureshi
Advocate
Abbottabad
2/10/84

SDHO (M)
Abbottabad

Muhammad Zareed Qureshi
Advocate
Abbottabad
Attested
2/12/09



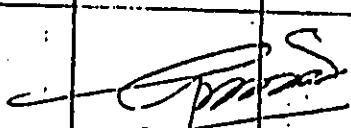
9	10	11	12	13		14	15
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Period	Government to which debitable	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
M. Qureshi Head Master Govt. High School Chaintri (Haripur)	30/11/2000	Incr.	M. Qureshi Head Master Govt. High School Chaintri (Haripur)				
M. Qureshi Head Master Govt. High School Chaintri (Haripur)	19/12/2000	Incr. & one mo	M. Qureshi Head Master Govt. High School Chaintri (Haripur)		Adjusted at GRS Haripur wef 24/4/2001 vide DEO (M) P-1		13/10/2001 Enst. No. 381-82 dated 25/4/2001
M. Qureshi Head Master Govt. High School Chaintri (Haripur)	30/11/2001	Incr.	M. Qureshi Head Master Govt. High School Chaintri (Haripur)				
M. Qureshi Head Master Govt. High School Chaintri (Haripur)	1/12/2001	Scale Revised	M. Qureshi Head Master Govt. High School Chaintri (Haripur)				Services verified w/f 1-10-1996 to 30-11-2000 (Except leave without pay from Accy Rolls and other office record)
M. Qureshi Head Master Govt. High School Chaintri (Haripur)	10/7/2002	Promotion selection on C.T. Post	M. Qureshi Head Master Govt. High School Chaintri (Haripur)				Active Pass B4
M. Qureshi Head Master Govt. High School Chaintri (Haripur)	11/7/2002	Promotion Incr	M. Qureshi Head Master Govt. High School Chaintri (Haripur)				wef 1-11-2001
M. Qureshi Head Master Govt. High School Chaintri (Haripur)	30/11/2002	Fixed	M. Qureshi Head Master Govt. High School Chaintri (Haripur)				Services verified w/f 1-12-2000 to 30-11-2001 (Except leave without pay prod) Accy Rolls & other office record
M. Qureshi Head Master Govt. High School Chaintri (Haripur)		Raised Enst. BRS No 14	M. Qureshi Head Master Govt. High School Chaintri (Haripur)				Allowe (one Adv. Post being CT, w/e 7/20/12/2000 vide EDO (M) Haripur Enst. No 12443 dt 8.8.02 at 8/No 2
<p>Services verified 1-12-01 to 11.7.02 for the Accy. dt 11.5.02 oth office record</p>				<p>1731 17/10/03</p>		<p>Appointed against ci post at Govt. High School Chaintri vide EDO Haripur 0.0. No. 8555 issued under Enst. No 8490-8555/11/2001 dt. 08.07.02</p>	

Deputy District Officer
(M) Schools and Literacy
Haripur

Muhammad Zareed Qureshi
Advocate
Abbottabad
Attested
2/2/09

9	10	11	12	13		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
				Leave			
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
Period		Government to which debitable					
						S-2	
						S-3	
						2007-12-13	
						2007-12-13	
						1501	
						1/4/03	
						Difference of 04	
						1006/1/4/03 to 2008	
						21587/-	
						1-12-2002	
						To 30/12/04	Acc. Rollo School
						Head Master Govt. High School CHAINTRI HARIPUR	
						Service verified on 1/12/04	Acc. Rollo School
						To 30/12/05 from the & other records of the School	
						Head Master Govt. High School CHAINTRI HARIPUR	
						E/leave 15.02.06 to 2006 to 2007 (15 days on full pay) Sanctioned vide B.D.O's 15/15/05 Haripur Under Encl. No 7657/58/05 (T.O.) Vol-1 Dated 13.3.2006	
						Head Master Govt. High School CHAINTRI HARIPUR	

14
 Muhammad Zahoor Qureshi
 Accepted
 2/1/09

9	10	11	12	13		14	15
				Leave			
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Period	Government to which debitable	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
						Services verified w.e.f 01.12-2005 To 30/1/07 from the Acc. Roll & other record of the School  Head Master Govt. High School CHAINTRI THARIPUR	
						Services verified on 31-8-2006 In 80-77-2005 from Account Rolls and other School	
						 Principal Govt. High School Saral Naimat Khan Tharipur	
						Ex-Pakistan leave sanctioned w.e.f 14.03.2007 to 13.03.09 with dep pay order no 1714 dated 14-03-07 O.L.O.H.R. (order no 5755-57-14-03-07 E.D.O (E/S) Khanpur	
						 PRINCIPAL Govt. High School, S.N. Khan (Haripur)	

ANNEXURE "B"

DISTRICT GOVERNMENT HARIPUR
DISTRICT COORDINATION OFFICE
PHONE # 0995 - 613391, 610455, FAX - 613392
NO. ESTB:7(7)/1714
DATED HARIPUR THE: 14-3-2007

Muhammad Zafar Qureshi
Advocate
Agnolabad
Attested
24/3

To,
The Executive District Officer,
Schools and Literacy Haripur

Subject: GRANT OF EX-PAKISTAN LEAVE FOR HIGHER EDUCATION IN UK.

Reference your letter bearing No. 5070 dated 12.03.2007 on the subject noted above.

The competent authority is pleased to accord sanction for grant of 02 (two) years Ex-Pakistan Leave without pay with effect from 14.03.2007 to 13.03.2009 in respect of Mr. Shaukat Zaman Khan CT, GHS, Sarai Nehmat Khan. His Service Book received vide your letter under is also enclosed (in original). ~~Formal order is issued~~ this office.

Enclosures: SERVICE BOOK
(In original)

ll

District Coordination Officer

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (SCHOOLS & LITERACY) HARIPUR.

No. 5155-57 Dated Haripur the 14-3-2007.

1. Copy of the above is forwarded to the Principal, Govt. High School Sarai Niamat Khan for information.

- 2. Concerned teacher.
- 3. Office order file.

Abdullah
DISTRICT OFFICER (MAIS)
(SCHOOLS & LITERACY) HARIPUR

ANNEXURE "C"

NO - 10823
27/06/2011

Muhammad Zameer Qureshi
Advocate
Abbottabad
Attested
27/6/11

To ~~DO~~
The EDO sb,
Elementary & Secondary Education,
Haripur

Subject:- Request for Extension of leave
without pay for three years w.e.f
14-3-2009 to 13-3-2012.

Sir
Respectfully it is submitted that I was
granted 02 years Ex-Pakistan leave, without pay
vide letter no. 1714 dated 14-3-2007 and order
no. 5155 dated 14-3-2007 which expired
on 13-03-2009. I was abroad and due to
some unavoidable circumstances beyond my
control, I could not resume my duty in
time. Though I have come to Pakistan
now-a-days, but no problems do exist
there which I have to solve.

According to "leave Rules" in vogue,
I am entitled for five (5) years leave
without pay having more than 12 years
qualifying service at my credit.

It is, therefore request that my leave
without pay already granted may kindly
be extended to further 03 years i.e
from 14-3-2009 to 13-3-2012 & oblige.
dated 27-6-2011

yours obediently
Shaukat Zaman Khan
C.T. GHS. Kakotri
Haripur

Home address:
village: Shingri, P. Sema-Nizam Khan
Haripur

ANNEXURE

To

The EDO sb,
Elementary & Secondary Education,
Haripur.

"D"
Muhammad Zameed Qureshi
Advocate
Abdottabad
Aizel
4/3/12

Subject :- Request for extension of leave
without pay for one year wef
13.3.12 to 13.3.2013

Sir, Respectfully it is submitted, I was
granted ex-Pakistan study leave
without pay which is expired on
13.3.2012. I am abroad, and due to
some unavoidable circumstances beyond
my control, I could not resume my
duty in time. My education has yet
not completed and if I came to
Pakistan with out completion of
education and getting certificat, it would
be futile exercise for my career.

It is, therefore, requested that my leave with
out pay already may kindly be extended
to further to one year i.e. from 13-3-2012 to
13-3-2013.

Your's obediently

sh-

Shaukat Zaman Khan
C.T. G.H.S Kakohri
Haripur.

1.03.12

Presently 30-A PARK
PARADE LONDON N4/0
UJI

ANNEXURE

"E"

حساب ای۔ ڈی۔ او صاحب ہری پور

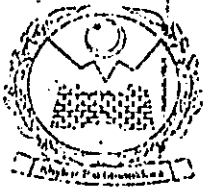
Muhammad Qureshi
Advocate
Additabad
Attested
2/5/11

حساب عالی :-

گزشتہ حیلہ آج حساب کے آفس آئے
پر بندہ چلا کر بھی سروس سے "Remove"
کر دیا گیا ہے۔ حساب سے اتنا میں حیلہ
مجھے میرے خلاف کی گئی انٹوائسنگ شوکاروٹس
استیوار برطرفی کا آرڈر اور محمد دیگر کا ذات
کی نتوالت فراہم کی جائیں تاکہ میں اپنے
حقوق کیلئے قانونی چارہ جوئی کر سکوں۔

العارضہ

شیرت خان



Office of the Executive District Officer Elementary & Secondary Education
Haripur
P.O. No. 0995-610178. No. 268
Attested
2/2/10

Order

Consequent upon the approval of the competent authority, Mr. Shoukat Zaman CT, GISS Kakotri Haripur, who failed to resume his duties after expiry of leave, and final show cause notice for resumption of duties published in daily Nadia-e-Khalq Haripur dated 15.07.2010, under Article A-8 E&D rules 1973, he is hereby removed from his service w.e.f 14-03-2010 in the interest of public service.

Note: He is not entitled for any benefit by the Department.

-----Sd-----
Executive District Officer
Elementary & Secondary Education
Haripur

Endst: No 8549-54

Dated: 25/08/2010

01. The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
02. The District Coordination Officer Haripur.
03. The Senior District Accounts Officer Haripur.
04. The Principal GISS Kakotri Haripur concerned.
05. Mr. Shoukat Zaman Ex-CT GISS Kakotri Village Shangri, post Office S.N.Khan
06. Office record file.

(Signature)
District Officer (Male)
Elementary & Secondary Education
Haripur

ANNEXURE

Muhammad Zareer
Advocate
Abdullah
Alkhatib
Shah

خدمت خبا - ڈی - سی - او صاحب ضلع ہری پور -

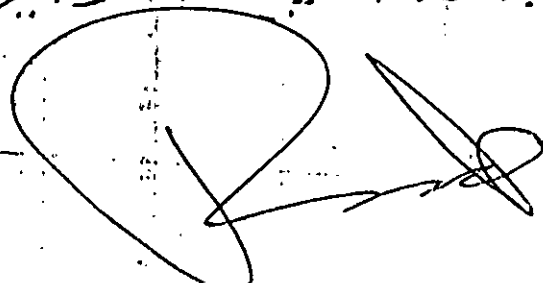
قلمنا اپیل -

قلمنا اپیل برضلع آردو 854954 مورخہ 8/2010 ایگزیکٹو دستخط
آفیسر ایجوکیشن ہری پور جس کے تحت اپیلنٹ کی 12 سالہ
سروس بغیر کسی انوائٹری کے، شوکارنوٹس اور اپیلنٹ
کی پرمینل "Hearing" کے قانون اور انصاف کے تمام تقاضوں کو
پامال کرتے ہوئے اپیلنٹ کی سروس "Terminate" کرتے
ہوئے اپیلنٹ کو سروس سے ایبت "Remove" کر دیا جیسے
"Deemed to have" پر کام کرنے والے مزدور کو نکال دیا جاتا ہے
مزید یہ کہ آردو مذکور بھی اپیلنٹ کو ارسال نہ کیا اور آردو
مذکور اپیلنٹ کو دفتر سے 3 دسمبر 2012 کو اس وقت طلبہ
اپیلنٹ اپنی بقایا چھٹی منویہ کروانے اور عاجزی رپورٹ
دینے کی غرض سے گیا تھا۔

خبا عالی :- قلمنا اپیل ذیل غرض ہے

1. :- میرا اپیلنٹ حکم تعلیم میں بطور آج ٹیچر اپنے غرض
سہ انجام دیتا رہا اور اپیلنٹ نے زریع آردو 854954-5115
20 اکتوبر سال 1994 کو حکم میں برقی ہوا اور اس دوران
نیابت فزیشن اسٹیٹ، ایمانداری سے اپنے اعتراف کے الطمینا
کے مطابق اپنا فرض نبھایا اور کبھی عوام یا کسی آفسر کو شکایت
کا موقع نہ دیا اس طرح اپیلنٹ کی 12 سالہ سروس
نیابت احسن طریقے سے مکمل کی۔

2. :- میرا اپیلنٹ کو بیرونی ملک تعلیم حاصل کرنے کا



محمد زریع

7/12/12

واقعہ ملے تو ایپلینٹ نے بغیر تنخواہ کے ایس پاکستان
سٹڈی "Leave" کے لئے درخواست دی جس پر قلم
نے ایپلینٹ کی درخواست منظور کرتے ہوئے "Leave granted"
کی اور ایپلینٹ تعلیم سٹیٹ K.A.U. چلے گیا۔

3. پیر ایپلینٹ کی تعلیم چھٹی کے دوران ہی مکمل ہو سکی جس
پر ایپلینٹ نے بذریعہ برادر خود ایک درخواست برائے تو میع
چھٹی تین سال دی اور اس کے بعد بھی ایک درخواست برائے
تو میع چھٹی دی۔

4. پیر ایپلینٹ کی تعلیم ابھی کبھی باقی اور بغیر ڈگری اسٹریٹجی
لئے آنا بھی محکمہ کی ویشن اور وقت ضائع کرنے کے مترادف
تھا جس سٹیٹ ایپلینٹ نے "Leave entention" کی درخواست
دی تھی۔ قلم نے ایپلینٹ کو کوئی اطلاع بابت نا منظور چھٹی
نہیں دی تھی جس کے دینے کے وہ پابند تھے اور قلم کے پاس
ایپلینٹ کا کنڈک کا پتہ بھی موجود تھا اور قلم نے علم میں تھا کہ
ایپلینٹ لندن میں برائے تعلیم گیا ہوا ہے۔

5. پیر ایپلینٹ اب جب لندن سے واپس پاکستان آیا تو قلم
کے دفتر کا چکر لگانے پر آج کل پیر مالتے رہے ایپلینٹ اپنی
ڈیوٹی شروع کرنا چاہتا تھا جس پر بالآخر قلم نے دفتر والوں
سے علم ہوا کہ ایپلینٹ کی چھٹی کی آخری درخواست منظور
نہیں کی گئی اور ایپلینٹ کو سروس سے "Remove"
کر دیا گیا ہے اور ایپلینٹ کے پتہ پیر لندن اور نہ ہی گھر
پر کوئی نوٹس ارسال نہیں کیا گیا حالانکہ قلم کے پاس ایپلینٹ
کا پتہ موجود تھا اور جملہ نوٹس بددیتی سے درست پتہ
پر نوٹس نہیں بھیجے تاکہ ایپلینٹ نہ اس کے اور اپنا

6۔ ناہ چھپانے کیلئے ایک مقامی ہیفت روزہ اخبار ندائے خلق میں نوٹس چھپواتے ہوئے formality پوزیٹیو اور اپیلرینٹ کی 12 سالہ سروس ختم کر دی حالانکہ مقامی اخبار لندن میں نہیں پڑھا جاتا اور نہ ہی وہاں سے نتائج ہوتے ہیں۔

6۔ یہ اپیلرینٹ تحت قانون کی سال تک Study Leave کا مفاد تھا اور اس طرح غیر حاضر کا مہرہ چھٹی میں تین سہ ماہیوں تک محدود ہے۔ جہاں بوجھ کر ایسا نہ کیا گیا ہو کہ انہوں نے جملہ کارروائیوں پر خلاف اپیلرینٹ بہ نسبت سے اور غیر قانونی طور پر کی ہوگی تھی جس سے وہ چھپانا چاہتے تھے۔ نیز اپیلرینٹ نے حکمرانوں کو درخواست دی کہ اگر اپیلرینٹ کی عدم موجودگی میں کوئی دستاویز لگا کی گئی اور سٹوکار نوٹس جاری کیا گیا تو اس کی نقولت دیا جائے لیکن اپیلرینٹ کو زودا

7۔ یہ حکمرانوں نے بغیر انکو اٹری کے شوکار نوٹس کے اپیلرینٹ کے خلاف ایک طرف کارروائی کر کے اپیلرینٹ کی 12 سالہ سروس ختم کرنے کا آرڈر ایک طرف کارروائی کی بنیاد پر کر دیا جو قطعی طور پر درست ہے۔ یہی نکتہ قانون، انصاف، تقاضا ہے کہ جیسے خلاف کوئی الزام ہو اسے منسوخ ہو اور آرڈر مایس نہیں کیا جاسکتا تو اس طرح آرڈر مذکور غلط، خلاف قانون، خلاف قدرتی انصاف، خلاف واقعات ہونے کی بنا پر ناقابل حالی، قابل منسوخ ہے۔

استعمال شدہ منٹو ریما اپیلرینٹ کے خلاف جاری ہونے والی سروس سے "Remove" کرنے کا آرڈر منسوخ فرمایا جائے اور اپیلرینٹ کی اس کی سروس پر عمل جمع فوائد ملزمت کے بحال کرنے کا آرڈر صادر فرمایا جوسا

المرقوم 6/12/2012
شہادت زمان خان ولد حضرت خان سالیفہ سہیلی بیچر اور غنٹ ہائی سٹیٹوٹریٹ
سائنہ شدہ شہادت زمان خان سالیفہ سہیلی بیچر اور غنٹ ہائی سٹیٹوٹریٹ

کورٹ فیمل

وکالت نامہ

بعدالت: سردار سربوٹل جی پرنسٹون خواہ لپٹا اور

عنوان: شوکت زمان بنام گورنمنٹ K.P.K وغیرہ

منجانب: اسپیلرنگ

نوعیت مقدمہ: سروس اپیل

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب وہی کل کاروائی متعلقہ آں مقام
 پشاور ایبٹ آباد سٹیٹ محمد زید قریسی ایڈووکیٹ ہائی کورٹ ایبٹ آباد
 کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب
 موصوف کو کرنے راضی نامہ و تقرر ثالث فیصلہ بر حلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء
 وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور
 کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار
 بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پرداخت مجھ کو منظور
 قبول ہوگا۔ دوران مقدمہ جو خرچہ ہر جانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔
 نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف
 پابند ہوں گے کہ پیروی مقدمہ مذکور کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف
 مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد استجارت مالش بصیغہ مفلسی کے دائرہ کرنے اور اس کی
 پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المرقوم: 7 دسمبر 2012

بمقام:

Accepted
2/12/12