



DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR

Substituted with Even No. & Date

NOTIFICATION

1. **WHEREAS**, Mr. Sar Zamin Khan was appointed as Senior Vernacular vide No. 2147-54, dated 13-11-1994 and promoted to SST (M/P) vide order No. 13917-21 dated 01-11-2014.
2. **AND WHEREAS**, District Education Officer (M) Dir Lower Submitted absence report in respect of Mr. Sar Zamin Khan Ex-SST (M/P) GHS Siawarghar Dir Lower vide No. 11384 dated 10-10-2018. Consequently, this office asked DEO (M) Dir Lower to probe into the matter with further direction to submit detail report vide No. 67 dated 01-11-2018.
3. **AND WHEREAS**, DEO (M) Dir Lower submitted detail report to this office vide No. 15531 dated 27-12-2018 along-with Inquiry Report received vide No. 987 dated 17-12-2018. The perusal of inquiry report conducted by Mr. Aftab Alam Principal GHS Shamshi Khan on behalf of DEO (M) Dir Lower revealed that the teacher concerned is unfit for the teaching job because of his physical, psychological and domestic issues. Further inquiry officer recommended that major penalty of Compulsory Retirement may be imposed upon Mr. Sar Zamin Khan SST(M/P) GHS Siawargharor he may be retire on the basis of Medical Ground.
4. **AND WHEREAS**, after thoroughly examining the DEO (M) Dir Lower detail report, the inquiry report and assessing the instant case in detail, in exercise of the Powers conferred under the Government of Khyber Pakhtunkhwa, Government Servant (Efficiency & Discipline) Rules, 2011, the Director, Elementary and Secondary Education Khyber Pakhtunkhwa being Competent Authority was imposed a major penalty of "**Compulsory Retirement**" upon Mr. Sar Zamin Khan Ex-SST (M/P) GHS Siawargh under Rule 4(b)(ii) of Rules ibid from the date of his absence issued vide Notification No. 3570-72 Dated 29-07-2020.
5. **AND WHEREAS**, the case of Mr. Sar Zamin Khan Ex-SST (Maths/Phys) GHS Siawargh was sent to D.G Health in the light of Admin Department Letter No. SO(PE)/E&SED/5-1/Gen/Misc/Sar Zamin/2020 dated 21-04-2021 vide this office letter No. 9036 dated 18-05-2021.
6. **AND WHEREAS**, this office submitted his case to DEO (M) Dir Lower to approach Appellate Authority for conversion of his Compulsory Retirement into Retirement on Medical Grounds basis vide No. 3235 dated 06-12-2021 in the light of Unfit Certificate Dated 14-09-2021 issued by Chairman Standing Medical Board Medical Superintendent Police/Service Hospital Peshawar received vide No. 461-52 dated 22-09-2021.
7. **AND WHEREAS**, feeling aggrieved the appellant approached Khyber Pakhtunkhwa Service Tribunal at Camp Court Swat under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 rendered in Service Appeal No. 1293/2022 under case Titled Sar Zamin Khan S/O Muhammad Zamin (Late) R/O Dir Lower Vs Government of Khyber Pakhtunkhwa Through its Chief Secretary & Others vide judgment dated 05-09-2023 and **allow his appeal, set-aside the Appellate Order and direct the Appellate Authority to decide the matter of the Appellant in the light of the decision of the Medical Board in accordance with law.**
8. **AND WHEREAS**, Section Officer (Accounts)E&SE Department Khyber Pakhtunkhwa has forwarded a letter vide No. SO(Accounts)/E&SED/Medical Retirement/Sar Zamin/SST/Dir Lower dated 20-12-2023 in respect of Mr. Sar Zamin Khan Ex-SST (M/P) GHS Siawarghar that stated that Service Tribunal's judgment dated 05-09-2023 in Service Appeal No. 1293/2022 has attained finality after unfitness of the case for CPLA by the Law Department with further approval.
9. **AND WHEREAS**, Section Officer (Accounts)E&SE Department Khyber Pakhtunkhwa has forwarded revised substituted letter with Even No. & Dated 20-12-2023 vide No. SO(Accounts)/E&SED/Medical Retirement/Sar Zamin/SST/Dir Lower dated 26-01-2024 in respect of Mr. Sar Zamin Khan Ex-SST (M/P) GHS Siawarghar that

stated that Service Tribunal's Judgment dated 05-09-2023 in Service Appeal No. 1293/2022 has attained finality after unfitness of the case for CPLA by the Law Department with further approval which is reproduced below:

- i. "The employee may be re-instated into the service from the date of his compulsory retirement;
- ii. The period w.e.f date of his compulsory retirement to date of medical retirement may be treated as EOL leave without pay (subject to approval of Finance Department in case the leave span over a period of more than 5 Years); and
- iii. He may be retrospectively retired from service on medical grounds from any date falling within 30-days period after receipt of his report of Medical Board (i.e from 22-09-2021 to 22-10-2021) as stipulated in Rule-6(4) of the Khyber Pakhtunkhwa Civil Servants Pension Rules, 2021. The employee was examined by Medical Board on 14-09-2021 report whereof was received to Directorate E&SE on 22-09-2021."

NOW THEREFORE, in compliance of the Judgment dated 05-09-2023 of the Honorable Khyber Pakhtunkhwa Service Tribunal at Camp Court Swat, revised approval letter of Section Officer (Accounts) E&SE Department & having gone through the whole case record, discussed here in above, I, Samina Altaf, the Director (Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar), is pleased to recall this office Notification No. 3570-72 Dated 29-07-2020 under the mandatory provision of Rule-17(2)(c) of the Rules ibid read with Section-21 of General Clauses Act-1897, re-instate him into service from the date of his Compulsory Retirement and treated his intervening period (i.e from the date of compulsory retirement to date of medical retirement) as leave without pay(EOL) under Rule-12(2) of Khyber Pakhtunkhwa Revised Leave Rules, 1981 with further condition that if the EOL is more than five (05) Years, DEO (M) Dir Lower is hereby directed to process his case for the approval/sanction of Finance Department Khyber Pakhtunkhwa as per Rule-12(4) of Khyber Pakhtunkhwa Revised Leave Rules, 1981 in the best interest of Public.

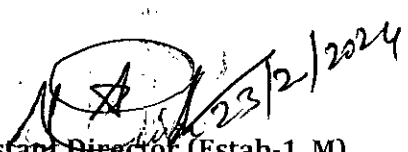
(Samina Altaf)
DIRECTOR

Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No:7556-59/F.No./34/Medical Board/Estab-1
Copy forwarded for information to the:-

Dated Peshawar the: 24/01/2024.

1. Registrar Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. Section Officer (Accounts) E&SE Department w/r to his letters No. & Date as cited above.
3. District Education Officer (Male) Dir Lower.
4. District Accounts Officer Dir Lower.
5. Mr. Sar Zamin Khan SST(Maths/Phys) GHS Siawarghar Dir Lower.
6. P.A to Director Elementary & Secondary Education, Local Directorate, Peshawar.


Assistant Director (Estab-1, M)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar