

10/11/18

No. Date of order/proceedings

Order or other proceedings with signature of Judge or Magistrate

1

2

3

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

Appeal No. 463/2016

Date of Institution ... 02.05.2016

Date of Decision ... 09.02.2018

Shams Ud Din, Junior Clerk (BPS-11), Government High School Rech, Tehsil Mastuj, District Chitral.

(Appellant)

**VERSUS**

1. The Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa Peshawar.
2. The Director, Elementary & Secondary Education Department,
3. The District Education Officer (Male), District Chitral.
4. The District Account Officer, District Chitral.

(Respondents)

09.02.2018

**JUDGMENT**

**MUHAMMAD HAMID MUGHAL, MEMBER.-**

Learned counsel for the appellant Mr. Riaz Pinda Kheil, learned Assistant Advocate General for the respondents present.

2. The appellant has filed the present service appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974

against the respondents and made impugned the order dated 26.03.2015 whereby he was removed from service. The appellant has also challenged the order dated 21.04.2016 whereby departmental appeal of the appellant was regretted.

3. Learned counsel for the appellant argued that the appellant was removed from service without adhering to the legal requirements. Further argued that the appellant was removed on the ground of corruption, misconduct and absence from duty under E&D rules without issuance of any charge sheet, statement of allegation and show cause notice.

5. As against that learned Assistant Advocate General while opposing the present appeal, controverted the arguments of the learned counsel for the appellant and stated that the impugned orders were validly issued.

6. Arguments heard. File perused.

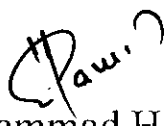
7. The appellant "Ex-Junior Clerk" was removed from service on the ground of corruption, misconduct and absence from duty. Learned AAG remained unable to rebut the argument of Learned counsel for the appellant that the appellant was removed from service without issuance of any charge sheet, statement of allegations and show cause

Dr  
P  
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notice. In the given circumstances when the impugned order of removal from service has been issued without adhering to the legal requirements/codal formalities, both the impugned orders are not tenable in the eyes of law.

8. In the light of above, the impugned orders are set aside and the respondent department is directed to conduct denovo proceedings against the appellant. The appellant is reinstated into service without back benefits as the issue of back benefits shall be subject to the outcome of denovo proceedings. The present appeal is disposed of in the above terms. Parties are left to bear their own costs. File be consigned to the record room.

  
(Gul Zeb Khan)  
Member

  
(Muhammad Hamid Mughal)  
Member

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

APPEAL NO. 463 /2016

K.W.S. PROVINCE  
Service Tribunal  
Diary No. 440  
Dated 02/5/2016

Mr. Shams-Ud-Din, Junior Clerk (BPS-11),  
Govt: High School Rech, Tehsil Mastuj, District Chitral

..... APPELLANT

**VERSUS**

- 1- The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (M), District Chitral.
- 4- The District Account Officer, District Chitral.

..... RESPONDENTS

**APPEAL UNDER SECTION 4 OF THE KHYBER**  
**PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974**  
**AGAINST THE IMPUGNED ORDER DATED 26-03-2015**  
**WHEREBY THE APPELLANT WAS REMOVED FROM**  
**SERVICE WITH IMMEDIATE EFFECT AND AGAINST THE**  
**IMPUGNED APPELLATE ORDER DATED 21-04-2016**  
**WHEREBY THE APPEAL OF THE APPELLANT HAS BEEN**  
**REJECTED ON NO GOOD GROUNDS**

**PRAYER:**

That on acceptance of this appeal the impugned orders dated 26-03-2015 and 21-04-2016 may be set aside and the respondents may be directed to re-instate the appellant with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**  
**ON FACTS:**

Brief facts giving rise to the present appeal are as under:

- 1- That on proper recommendation/approval of Departmental Selection Committee of Elementary and Secondary Education Department Chitral, the appellant was appointed as Junior Clerk in the year 1991. That in response the appellant submitted his charge report and Medical Certificate and started performing his duty at the concern station quite efficiently and up to the entire satisfaction of his superiors.

*[Handwritten signature and date]*  
2/5/16

No. of  
Order/  
proceeding

2

Order or other proceedings with signature of Judge or Magistrate

3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Appeal No. 463/2016

Date of Institution ... 02.05.2016

Date of Decision ... 09.02.2018

Shams Ud Din, Junior Clerk (BPS-11), Government High School Rech, Tehsil Mastuj, District Chitral.

(Appellant)

VERSUS

1. The Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa Peshawar.
  2. The Director, Elementary & Secondary Education Department,
  3. The District Education Officer (Male), District Chitral.
  4. The District Account Officer, District Chitral.
- (Respondents)

09.02.2018

JUDGMENT

MUHAMMAD HAMID MUGHAL, MEMBER.

Learned counsel for the appellant Mr. Riaz Painsa Kheil,  
learned Assistant Advocate General for the respondents  
present.

2. The appellant has filed the present service appeal u/s  
4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974

against the respondents and made impugned the order dated 26.03.2015 whereby he was removed from service. The appellant has also challenged the order dated 21.04.2016 whereby departmental appeal of the appellant was regretted.

3. Learned counsel for the appellant argued that the appellant was removed from service without adhering to the legal requirements. Further argued that the appellant was removed on the ground of corruption, misconduct and absence from duty under E&D rules without issuance of any charge sheet, statement of allegation and show cause notice.

5. As against that learned Assistant Advocate General while opposing the present appeal, controverted the arguments of the learned counsel for the appellant and stated that the impugned orders were validly issued.

6. Arguments heard. File perused.

7. The appellant "Ex-Junior Clerk" was removed from service on the ground of corruption, misconduct and absence from duty. Learned AAG remained unable to rebut the argument of Learned counsel for the appellant that the appellant was removed from service without issuance of any charge sheet, statement of allegations and show cause

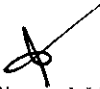
Dawin


notice. In the given circumstances when the impugned order of removal from service has been issued without adhering to the legal requirements/codal formalities, both the impugned orders are not tenable in the eyes of law.

8. In the light of above, the impugned orders are set aside and the respondent department is directed to conduct denovo proceedings against the appellant. The appellant is reinstated into service without back benefits as the issue of back benefits shall be subject to the outcome of denovo proceedings. The present appeal is disposed of in the above terms. Parties are left to bear their own costs. File be consigned to the record room.

16.10.2017

Appellant present. Mr. Usman Ghani, District Attorney for the respondents present. Appellant seeks adjournment. Adjourn. To come up for arguments on 21.12.2017 before D.B.

  
(Ahmad Hassan)  
Member (E)

  
(Muhammad Hamid Mughal)  
Member (J)


21.12.2017


Due to Judicial Officer's Conference today, case is adjourned to 09.02.2018 for the same before the D.B.

  
Reader

09.02.2018

Learned counsel for the appellant present. Mr. Riaz Painsa Kheil, learned Assistant Advocate General for the respondents present. Vide our separate judgment of today of this Tribunal placed on file the impugned orders are set aside and the respondent department is directed to conduct denovo proceedings against the appellant. The appellant is reinstated into service without back benefits as the issue of back benefits shall be subject to the outcome of denovo proceedings. The present appeal is disposed of in the above terms. Parties are left to bear their own costs. File be consigned to the record room.

  
(Gul Zeb Khan)  
Member

  
(Muhammad Hamid Mughal)  
Member



463/2016

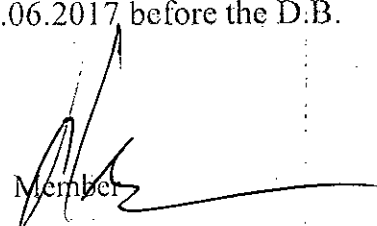
19.10.2016

Appellant in person, M/S Khurshid Khan, SO and Hameed-ur-Rehman, AD (lit.) alongwith Additional AG for respondents present. Written reply on behalf of respondents No. 2 & 3 submitted. The learned Additional AG relies on the written reply submitted by respondents No. 2 & 3 on behalf of respondents No. 1 & 4. To come up for rejoinder and arguments on 23.01.2017 before D.B.

  
(PIR BAKHSH SHAH)  
MEMBER

23.01.2017


Counsel for the appellant and Mr. Jehangir Khan, DEO alongwith Asstt. AG for the respondents present. Rejoinder submitted. Learned counsel for the appellant requested for adjournment. To come up for final hearing on 14.06.2017 before the D.B.

  
Member

  
Chairman

14.06.2017

Agent to counsel for the appellant and Mr. Jehangir Khan, DEO alongwith Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Agent to counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 16.10.2017 before D.B.

  
(Muhammad Amin Khan Kundi)  
Member

  
(Gul Zeb Khan)  
Member

10.05.2016

Counsel for the appellant present. The learned counsel for the appellant argued that appellant while serving as Junior Clerk in Government High School Rech was removed from service vide impugned order dated 26.03.2015 on the allegations of corruption, misconduct and absentia. The appellant preferred departmental appeal on 08.04.2015 which was rejected vide order dated 21.04.2016 where-after the instant appeal was filed on 02.05.2016. Learned counsel for the appellant further argued that no charge-sheet or show-cause notice was served on the appellant nor any regular inquiry was conducted on the allegations before passing of the impugned order by competent authority. He requested that the case may be admitted for regular hearing. Request is accepted.

The appeal is admitted for regular hearing. Security and process fee be deposited within 10 where-after notices be issued to the respondents for written reply/comments for 22.7.2016 before S.B.

  
Member

22.07.2016

Appellant in person, M/S Khurshid Khan, SO and Hameed-ur-Rehman, AD (lit.) alongwith Additional AG for the respondents present. Written reply on behalf of respondent No. 4 submitted. Learned Additional AG requested for further time to file written reply. To come up for written reply/comments on behalf of respondent No. 1 to 3 on 17.08.2016 before S.B.

  
MEMBER

17.08.2016

Appellant in person and Mr. Hameed ur Rehman, AD (Litigation) alongwith Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 19.10.2016 before S.B.

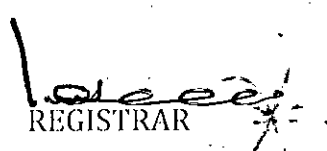

  
Member

Appellant Deposited  
Security & Process Fee

Form- A  
FORM OF ORDER SHEET

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

Case No. 463/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	28.5.2016	<p>The appeal of Mr. Shams-ud-Din presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	9-5-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>10-5-16</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

APPEAL NO. 463 /2016

**SHAMS-UD-DIN**

**VS**

**EDUCATION DEPTT:**

**INDEX**

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<b>2.</b>	Impugned order	<b>A</b>	4.
<b>3.</b>	Departmental appeal	<b>B</b>	5- 6.
<b>4.</b>	Other documents	<b>C</b>	7- 13.
<b>5.</b>	Appellate order	<b>D</b>	14.
<b>6.</b>	Vakalat nama	.....	15.

**APPELLANT**

**THROUGH:**

  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCTE**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

APPEAL NO. 463 /2016

K.W.P. Province  
Service Tribunal  
Diary No. 440  
Dated 02/5/2016

Mr. Shams-Ud-Din, Junior Clerk (BPS-11),  
Govt: High School Rech, Tehsil Mastuj, District Chitral

..... APPELLANT

**VERSUS**

- 1- The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (M), District Chitral.
- 4- The District Account Officer, District Chitral.

..... RESPONDENTS

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 26-03-2015 WHEREBY THE APPELLANT WAS REMOVED FROM SERVICE WITH IMMEDIATE EFFECT AND AGAINST THE IMPUGNED APPELLATE ORDER DATED 21-04-2016 WHEREBY THE APPEAL OF THE APPELLANT HAS BEEN REJECTED ON NO GOOD GROUNDS**

**PRAYER:**

That on acceptance of this appeal the impugned orders dated 26-03-2015 and 21-04-2016 may be set aside and the respondents may be directed to re-instate the appellant with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

Brief facts giving rise to the present appeal are as under:

- 1- That on proper recommendation/approval of Departmental Selection Committee of Elementary and Secondary Education Department Chitral, the appellant was appointed as Junior Clerk in the year 1991. That in response the appellant submitted his charge report and Medical Certificate and started performing his duty at the concern station quite efficiently and up to the entire satisfaction of his superiors.

Filed to the  
Registrar  
2/5/16

- 2- That during service the respondent No.3 issued an impugned order dated 26-03-2015 against the appellant whereby major penalty of removal from service was imposed on the appellant on account of baseless allegations of corruption, misconduct and absentia. Copy of the impugned order dated 26-03-2015 is attached as annexure..... **A.**
- 3- That appellant feeling aggrieved from the impugned order dated 26-03-2015 filed Departmental appeal to the appellate authority on 08-04-2015 with documentary proofs but the same was rejected by the appellate authority i.e. respondent No.2 on no good grounds vide impugned order dated 21-04-2016. Copies of the Departmental appeal, supported documents and appellate order are attached as annexure ..... **B, C and D.**
- 4- That appellant having no other remedy filed the instant appeal on the following grounds amongst the others.

**GROUND:**

- A- That the impugned orders dated 26-03-2015 and 21-04-2016 issued by the respondents is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That the appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That no charge sheet and statement of allegation has been served on the appellant before issuing the impugned order dated 26.3.2015.
- D- That no show cause notice has been served on the appellant by the respondent Department before issuing the impugned order dated 26-03-2015 against the appellant.
- E- That no regular inquiry has been conducted before issuing the impugned order dated 26-03-2015 which is as per Supreme Court judgments is necessary before imposition of major punishments on the civil servant.
- F- That no chance of personnel hearing/personnel defense has been given to the appellant before issuing the impugned order dated 26-03-2015.

- G- That the respondent Department acted in arbitrary and malafide manner while issuing the impugned order dated 26-03-2015 against the appellant.
- H- That the respondent No.3 committed gross illegality by not following the prescribed rules while issuing the impugned order dated 26-03-2015.
- I- That appellant seeks permission to advance other 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.

Dated: 29.4.2016

**APPELLANT**



**SHAMS UD DIN**

**THROUGH:**



**NOOR MOHAMMAD KHATTAK**

**ADVOCATE**

**(0345-9383141)**

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) CHITRAL.

A-4

OFFICE ORDER.

As reported by the Enquiry Committee dated 19-02-015, Mr. Shamsud Din S/O Ghulam Sakhi Junior Clerk Govt: High School Rech Tehsil Mastuj District Chitral is involved in corruption, misconducts and absent from duty since long period.

Therefore under the conduct and disciplinary rules No. 4(6) Major Penalty section iii removal from service page No.1320 Esta Code volume No.2 E&D rules 2011, being a competent authority .Shamsud Din S/O Ghulam Sakhi resident of Jughoor District Chitral is hereby removed from service with immediate effect.

(Moin-ud-Din Khattak)  
District Education Officer,  
(Male) Chitral.

Endst: No. 5062-68 /EB/(M) D-3, Dated Chitral the 26/03 /2015.

Copy of the above is forwarded for information to the:-

1. Director of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Accounts Officer, Chitral.
3. The Manager National Bank Chitral.
4. Incharge Headmaster Govt: High School Rech.
5. Mr. Iftikhar Ahmad DDO GHS Rech/Headmaster, GHS Hone.
6. Accounts Officer (Local Office).
- ✓ 7. Mr. Shamsud Din Junior Clerk GHS Rech, Village Jughoor Tehsil: & District Chitral.

*Moin-ud-Din Khattak*  
District Education Officer,  
(Male) Chitral.

ATTESTED  
*[Signature]*



TO.

Dated.08/04/2015

THE DIRECTOR OF ELEMENTARY & SECONDARY  
EDUCATION, KHYBER PATHTUNKHWA, PESHAWAR.

B - (5)

SUB: DEPARTMENTAL APPEAL AGAINST ILLEGAL, UNLAWFULL, BIASED AND UNJUST  
REMOVAL FROM SERVICE ORDER DATED. 26.3.2015, OF THE DISTRICT EDUCATION  
OFFICER (MALE) CHITRAL.

Respected Sir,

Being aggrieved and dis-satisfied with the order dated 26-03-2015, passed by the District Education Officer (Male) Chitral, whereby, the Applicant had been removed from his service, with immediate effect, hence the instant departmental appeal is preferred with the following facts and grounds, amongst others enumerated below:-

Copy of impugned order is appended herewith and marked as "A".

1. That I was appointed as junior clerk in the year of 1991 and since then I am doing my job with the education department Chitral. That from the month of December 2012, I am doing my duties at Govt. High School, Rech, Chitral.
2. That, the district education Officer (Male) issued to me a notice/explanation bearing dated 18/2/2014, alleging therein, that I have not prepared the pension case of one late teacher namely Faizullah and absence from duty, and called me to attend his good office for explaining the position, however I appeared before the District Education Officer in compliance of his notice, and informed him that, the pension case of the late Teacher Faizullah, have already completed and amounts have been deposited in his account prior to issuance of the notice.

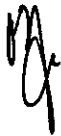
Copy of notice/explanation is attached herewith and marked as annexure B.

3. That where after, I have not been intimated about any steps or proceeding against me by the Department, but suddenly I received my termination order dated 26/3/2015 from the District education office Chitral, hence this appeal with the following grounds.

GROUND OF REPRESENTATION/APPEAL

1. That the impugned order of removing from service dated 26-3-2015, is ab-initio void and is liable to be set aside.
2. That, the District Education Officer (Male) Chitral, committed gross illegality, while keeping me in darkness about any proceeding against me, as such not followed the prescribed rules and passed an illegal order without providing an opportunity to me of personal hearing, or constituting any inquiry committee or any other proceeding and condemned me unheard which is against the prescribed norms of justice and equity.
3. That through notice/explanation dated 18/2/2014, I have been blamed to delay in preparing the pension case of late Faizullah, however, from the perusal of office order dated 26/3/2015, I

ATTESTED



6

have been removed from service on the basis of corruption, misconduct and absent from duty, in the light of inquiry committee.

4. I have not been intimated about constitution of an inquiry committee, no notice about constitution of inquiry committee been given to me, no charge sheet or statement of allegation has been given to me, neither the inquiry committee ever intimated or bother to hear me while proceeding against me. Neither have I been directed to submit my written reply to the inquiry committee.

5. That I have never involved in such type of allegation as foisted against me in the office order dated 26/03/2015, and I have been removed from service in an expatee proceeding, which without adopting the proper procedure, making my representation necessary following the prescribe rule, as such the order dated 26/3/2015 is liable to be set aside being unheard and being against the principal norms of justice and equity.

6. That no period of my absentia are specifically been mentioned, moreover no notice or publication as per rule has ever been given to me, but in slip sharp manner, the impugned order has been passed.

5. That no show cause notice has been given to me before passing the impugned order dated 26/3/2015, which is against the norms of justice.


6. That I have not been given any notice regarding of my absentia to resume my duties rather I have directly removed from my service.

Other relevant documents are attached herewith and marked as annexure C to H.

PRAYER

it is therefore most humbly prayed that in view of the facts and grounds my instant departmental appeal/representation may kindly be considered sympathically by canceling/setting aside the impugned removing from service order dated 26/3/2015, passed by District Education Officer (Male) Chitral, and reinstate me in my service.

Yours sincerely,

  
(Shamsuddin)

Son of Ghulam Sakhi

Junior Clerk, Govt. High School Rech, Chitral.

ATTESTED



C-7

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) CHITRAL.

OFFICE ORDER.

Mr. Shamsud Din Junior Clerk GHS: Rech is hereby directed to perform his additional duties with Shahzad Nadim ADO, Muhammad Zaman ADO and Ziaur Rahman representative in addition to his own school duties till further order. Previous order vide this office NO. 20688-90/EB (M) dated 17/10/2011 is hereby restored.

**(NISAR MUHAMMAD)**

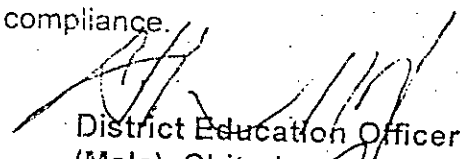
District Education Officer  
(Male) Chitral.

Endst: No. 5521-23 /EB (M)T-10/Prov/Arrang: Dated Chitral, the 5/6/13 2013.

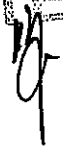
Copy to:-

- 1
- 2
- 3

Concerned ADOs (Litigation) .  
Headmaster GHS: Rech.  
Official concerned for strict compliance.

  
District Education Officer  
(Male) Chitral. 5/6/13

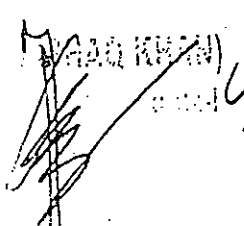
**ATTESTED**



بعدالت جناب سول جج - ۱ / علاقہ قاضی صاحب، چترال

(8)

Case No. \_\_\_\_\_ Title \_\_\_\_\_ Vs \_\_\_\_\_

Serial No Date of Order	Order or other Proceedings with signature of Judge or Magistrate and that of parties or counsel where necessary.	حکم نمبر تاریخ
	<p>بنیاد میں اس کی بنیاد نہ دی گئی ہے اور اس کی بنیاد نہ دی گئی ہے</p> <p>مقررہ کو پیش لگوانا</p> 	<p>28 - 0 6/11/15</p>
	<p>مدعیہ بذریعہ مختار فاضل میراہ و بیٹیل حاضر مدعیہ عالیہ میرا تا نامہ بذریعہ مختار فاضل شمس الدین حاضر۔ مدعیہ عالیہ میرا تا نامہ بذریعہ اپنے مختار فاضل مختار فاضل مدعیہ عالیہ میرا تا نامہ بیانی ہے کہ م. پ. کا تبادلہ ہوا ہے کیونکہ سینیئر م. پ. بنوں سے تعلق رکھتا ہے لہذا حاضر نہ ہے بدین وجہ شہادت تعلقہ صلیت طلب کرتا ہے عدالت نذا کے نوٹس میں کہ تقریباً 2- ڈھائی مہینے سے سینیئر م. پ. مقدمات خود میں پیش نہیں ہو رہا ہے اور نہ ہی اس نسبت کوئی Section 147 Intimation عدالت نذا کو دی گئی ہے۔ یہ بیان ہے کہ سینیئر م. پ. تقریباً دو مہینے سے مقدمات میں خلاف حکومت کے احوال میں اندر میں حالات ہوں غیر حاضر سینیئر م. پ. و عدم موجودگی متبذرت مدعیہ عالیہ میرا تا نامہ، مدعیہ عالیہ مذکورہ یہ</p>	<p>29 - 0</p> <p>ST Issued from Reg. Record Original Copy 05/10/15</p> <p>ATTESTED</p>

Serial No Date of Order	Order or other Proceedings with signature of Judge or Magistrate and that of parties or counsel where necessary.	تعمیرات تاریخ
	<p>1000/- روپیہ برائے عائد کیا جاتا ہے جو کہ مختار خاص                      حد علیہ بہ افذد سب سے اخلاقیہ آرڈر میں بطور                      ثبوت ثابت و سولی رقم مذکورہ کیا گیا۔ مدعا علیہ                      مزارات سے نمائندے کو سختی سے ہدایت کی جاتی                      ہے کہ آئندہ کسی بھی پر ایسی شہادت ہمراہ                      سنٹر م. پ. لہذا ہر ذریعہ پیش کرنے سے متعلق                      شہادت مدعا علیہ مزارات سے مورخہ 15/13                      کو پیش ہو۔</p> <p>محمد اعجاز علی خان                      سول جج</p> <p>سول جج کے سامنے                      مورخہ 12/13                      مورخہ 10/13                      مورخہ 15/13</p> <p>مذکورہ آئندہ                      مورخہ 12/13                      مورخہ 10/13                      مورخہ 15/13</p> <p>فداعتیہ کاغذ - حیات مدعا علیہ میرا                      نمبر 30 فوڈ پ. کی تمام سب سے                      کہ بنا ہے حیات قلم بند نہ نہ - سب                      بڑھ دہانت طلب نہ - سب سے                      مدعا علیہ مذکورہ مورخہ                      17/12/13</p>	<p>15/11/13</p> <p>Issued from Reg. Record                      Original Copy                      3/10/15</p> <p>ATTESTED</p>

1000/- روپیہ  
 برائے عائد کیا  
 گیا

U.H.  
 vil Ju

0-30  
 10-12-12

(MUHAMMAD IQBAL KHAN)  
 Civil Judge

ANX: (A)

10

(A)

F-36 (Revised) National Bank of Pakistan CASH  
 (Current/PLS Finance Account Payable Slip)  
 Paid for CREDIT Date: 24-02-2015  
 of Account No. 9211014111  
 In the name (s) of: NOOR AZEEMAH  
 Reported by: FAIZULLAH

**PARTICULARS**

Denomination	No. of notes	Amount
Rs. 1000	34	34000
Rs. 500	1	500
Rs. 100	1	100
<b>Total</b>		<b>Rs. 34600</b>

Received: \_\_\_\_\_  
 Cashier: \_\_\_\_\_  
 Head Cashier: \_\_\_\_\_  
 Scroll Cash No. \_\_\_\_\_

Officer's Signature: \_\_\_\_\_

F-36 (Revised) National Bank of Pakistan CASH  
 (Current/PLS Finance Account Payable Slip)  
 Paid for CREDIT Date: 24-02-2015  
 of Account No. 9211014111  
 In the name (s) of: NOOR AZEEMAH  
 Reported by: FAIZULLAH

**PARTICULARS**

Denomination	No. of Notes	Amount
Rs. 1000	28	28000
Rs. 500	1	500
Rs. 100	1	100
<b>Total</b>		<b>Rs. 28600</b>

Received: \_\_\_\_\_  
 Cashier: \_\_\_\_\_  
 Head Cashier: \_\_\_\_\_  
 Scroll Cash No. \_\_\_\_\_


Officer's Signature: \_\_\_\_\_

ATTESTED

Handwritten signature/initials

(11)

certified that all the liabilities  
of widow of Late Fazullah AT of  
GHS Reeh have been paid to her.  
Nothing is outstanding in the part of  
JIC Shamsud Din concerning to the  
case of pension of Late Fazullah.

  
HEAD MASTER  
Govt High School Reeh - 2015  
Dist. Chitral  
JIC HAN

ATTESTED



OFFICE OF THE  
DISTRICT ACCOUNTS OFFICER  
CHITRAL

12

NO.DAO-CHITRAL/Commutation Authority/

Dated 02.12.2013

The Drawing & Disbursing Officer,  
HEAD MASTER GHS RECH

2/3803, C

Sub:- COMMUTATION AUTHORITY IN RESPECT OF  
NOORAZIMA W/O LATE FAIZULLAH EX: AT

Please refer to your letter No. 9294  
dated 24.09.2013 forwarding there in pension case in respect  
of above named officer / official.

2. You are hereby authorized to submit a bill for Rs.750725.00  
(Rupees: SEVEN HUNDRED FIFTY THOUSAND SEVEN HUNDRED TWENTY-FIVE)  
at the counter of this office for issuance of cross cheque in favour  
of Mr. Mrs. Miss. Mst. NOORAZIMA W/O LATE FAIZULLAH (Per.No :  
00314647 )  
NIC.NO on account of Commutation of pension.

Bank Name : NBP Chitral.  
A/c No : 3210-4

3. The amount involved in charged / other than charged  
and debitible to the Federal Govt. under the following head  
of accounts:-

01 - General Administration.	A01 - Transfer payment.
017 - Financial Administration.	A041 - Pensionary benefits.
011315 - Pension.	A04102 - Commuted value of pension.
	A04103 - Gratuity value of pension.

Withheld amount

Amount Payable:	750,725.00
Amount With Held:	0.00
Amount Paid:	750,725.00

Recoveries

Note:- This authority letter may please be attached with the bill in original  
along with the Office order/notification of retirement. Vendor No, Name of Bank  
and A/c No of payee may also be recorded on the bill

Remarks:-

Copy for information to :-  
Mr. Mrs. Miss. Mst. NOORAZIMA W/O LATE FAIZULLAH

ACCOUNTS OFFICER (PENSION)

ATTESTED

ACCOUNTS OFFICER (PENSION)



# National Bank of Pakistan

## Account Statement

Account Title(s) NOOR AZIMA W/O FAIZ ULLAH

Address: VILL;SIVIRIJ SHAGRAM

Town:

District:

City: CHITRAL

Province/State: KH.PAKHTOON

Country: PAKISTAN

13

Postal Code:

Branch Code/Name: 321 Main Branch Chitral

Region Name: Peshawar

Statement of Account

Product Name: PLS Savings Account

CIF No: 3807355

Account No: 3051573008

IBAN: PK31NBPA0321003051573008

Statement Printing Date: 04-Apr-2015

B/F Balance: 0.00

From: 01-Dec-2013

To: 03-Apr-2015

S. No.	Date	Particulars	Instno	Memo	Debit	Credit	Balance
1	09-Jan-2014	CASH	8447426				
2	09-Jan-2014	DR VOUCHER	12060002		150,000.00	0.00	600,725.00
3	15-Jan-2014	PROFIT/LOSS	22913		125.00	0.00	600,600.00
4	03-Jun-2014	TRANSFER	6000052		0.00	4,463.00	605,063.00
5	09-Jun-2014	CASH	8447427		0.00	238,193.00	843,256.00
6	30-Jun-2014	TRANSFER	6000116		150,000.00	0.00	693,256.00
7	16-Jul-2014	PROFIT/LOSS	22919		0.00	25,462.00	718,718.00
8	22-Jul-2014	TRANSFER	6000057		0.00	21,885.00	740,603.00
9	12-Aug-2014	CASH	8447429		0.00	25,462.00	766,065.00
10	03-Sep-2014	SALARY	6000053		50,000.00	0.00	716,065.00
11	30-Sep-2014	CASH	8447430		0.00	27,724.00	743,789.00
12	02-Oct-2014	SALARY	6000060		50,000.00	0.00	693,789.00
13	20-Oct-2014	CASH	8447431		0.00	29,985.00	723,774.00
14	31-Oct-2014	TRANSFER	6000072		50,000.00	0.00	673,774.00
15	01-Dec-2014	SALARY	6000109		0.00	27,724.00	701,498.00
16	31-Dec-2014	TRANSFER	6000085		0.00	27,724.00	729,222.00
17	09-Jan-2015	PROFIT/LOSS	22921		0.00	27,724.00	756,946.00
18	02-Feb-2015	SALARY	6000096		0.00	25,328.00	782,274.00
19	24-Feb-2015	CASH	6		0.00	27,724.00	809,998.00
20	24-Feb-2015	CASH	7		0.00	428,500.00	1,238,498.00
21	02-Mar-2015	SALARY	4000088		0.00	134,350.00	1,372,848.00
22	26-Mar-2015	CASH WITHDRAWAL	8447433		0.00	27,724.00	1,400,572.00
23	03-Apr-2015	DEPOSIT			75,000.00	0.00	1,325,572.00
					0.00	27,724.00	1,353,296.00

Total 16 Credit transactions of amount: 1,127,696.00

Total 7 Debit transactions of amount: 525,125.00

**ATTESTED**



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

D - 14

Directorate of Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.

No. 3729 /A-23/MS/Chitral-III  
Dated Peshawar the 21/4 /2016.

To

Mr. Shamsud Din, Ex-J/Clerk  
GHS Rech, District  
Chitral

Subject: - APPEAL FOR RE-INSTATEMENT

I am directed to refer to your appeal dated nil, on the subject cited above and to inform you that your appeal has no weightage. Hence your appeal is regretted under Section 17 read with rule (2), (a) of the E&D Rules 2011.

*Sd/-*

Assistant Director (Admn)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

Endst No. \_\_\_\_\_ /

Copy forwarded to the: -

1. District Education Officer (M) Chitral.
2. PA to Director E&SE local Directorate.
3. Master File.

*Sdc*

Assistant Director (Admn)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

**ATTESTED**

*[Signature]*

**VAKALATNAMA**

IN THE COURT OF KPK Service Tribunal Peshawar

OF 2016

Shams-ud-Din

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Education Deptt:

(RESPONDENT)  
(DEFENDANT)

I/We Shams-ud-Din

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_\_/\_\_\_\_/2016

Shams-ud-Din  
CLIENT

Noor Mohammad Khattak  
ACCEPTED

**NOOR MOHAMMAD KHATTAK  
(ADVOCATE)**

OFFICE:

Room No.1, Upper Floor,  
Islamia Club Building, Khyber Bazar,  
Peshawar City.

Phone: 091-2211391

Mobile No.0345-9383141

**BEFOR THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**APPEAL No. 463/2016**

Mr. Shams-Ud-Din, Junior Clerk (BPS-11),  
Government High School Rech, Tehsil Mastuj, District Chitral.

.....  
**APPELLANT**

**VERSUS**

- 1- The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (M), District Chitral.
- 4- The District Accounts Officer, District Chitral.

.....  
**RESPONDENTS**

Respectfully Sheweth

Para wise Comments of the Respondent No.4 are as under.

**ONE FACTS:**

Para 1-3                      No comments being not relevant and rely on the reply of other Parties.

**GROUND:**

Paras A-I                      No comments being not relevant and rely on the reply of other Parties.

It is, therefore prayed that the comments may be accepted exempting the Respondent No.4 from the instant case, being not concerned.

22/7/1

  
(DISTRICT ACCOUNTS OFFICER)  
CHITRAL  
(Respondent No.4)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO 463/2016

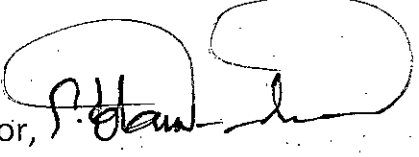
Shamsud Din junior Clerk GHS Rech Chitral..... petitioner


Versus

Secretary Education (E&SE) Department KPK and others... Respondents

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S. No	Description of Documents	Annexure	Page
1	Para wise Comments	.....	1-3
2	Affidavit	.....	4
3	Application of Abdul latif cousin of late Faizullah A.T	A	5
4	Departmental enquiry report	B	6-7
5	Removal order	C	8
6	Final Notices	D	9-10
7	Receipts	E	11-12

  
Director,  
Elementary & Secondary Education  
Peshawar

  
District Education Officer  
(Male) Chitral  
District Education Officer (Male) Chitral

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

APPEAL NO... 463/2016

Shamsud Din Junior Clerk G.H.S Rech Chitral.....petitioner

Versus

Sectary Education (E&SE) Department KPK and others.....Respondents

**Para wise comments.**

**Preliminary objections;**

- 1- That the appellant has got no cause of action/ locus standi to file the instant appeal.
- 2- That the instant appeal is not maintainable in the Eye of law, hence liable to be dismissed.
- 3- That the appeal is bad in its present form, hence incompetent and liable to be dismissed.
- 4- That the appellant concealed the material facts and kept this honorable Tribunal in dark.
- 5- That the appellant has not come to this Honorable Tribunal with clean hands.
- 6- That the appellant has been estopped by his own conduct to file the instant appeal.
- 7- That the instant appeal is based on mala fide intentions, hence liable to be dismissed.

**Facts;**

- 1- Correct up to the extent that the appellant was appointed against the junior Clerk post but the rest of the statement is denied. The fact is that, the appellant was removed from Service on 26-03-2015 after proper process, initiated against him on 10-02-2015 based on a written complaint made against him by the Syed Abdul Latif cousin of the late teacher Faizullah A.T.

Copy of the application is attached as Annexure, A. Departmental enquiry report is Annexure, B, and order of removal from service is Annexure, C.

- 2- Denied, that the applicant has been removed from service after proper enquiry. No any illegal act has been done by the respondents.
- 3- Incorrect, the appellant is not an aggrieved person and his conduct has always been against the discipline of the department and has caused bad impression against the department, hence his application was rejected by respondent NO.2.
- 4- Incorrect, subject to prove on the part of the appellant, hence denied.

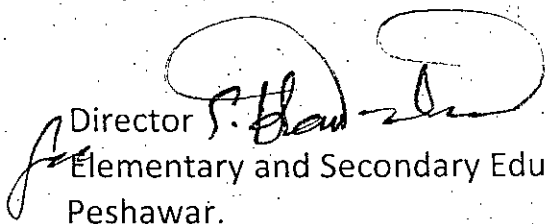
**ON GROUNDS:**

- A. The contents of Para ,A, is incorrect, as no wrong and illegal act was done against the appellant. The applicant has been involved in financial corruption of pension case.
- B. Incorrect and denied, that no fundamental right of the applicant has been violated, neither any violation of law and constitution of the Islamic Republic of Pakistan 1973 occurred.
- C. Para No. C is incorrect. Final notice to appear before the enquiry Committee has been submitted to the appellant on dated 12-02-2015 before issuance the removal order dated 26-03-2015.  
(Copy of final notice is attached as annexure, D,)
- D- Incorrect. Answer has already been given on Para No .C.
- E. Para, E, is incorrect. Final notice has been issued to the appellant by the Department and inquiry committee through TCS vides receipts NO.58329390 and 5832920 dated 12-02-2015.  
(Copy of receipt is attached as annexure, E,)
- F. Incorrect, chance of personal hearing has been given to the appellant as already mention above.
- G. Incorrect, That the fact finding inquiry about the allegations were Carried out in order to probe the matter of corruption and absenteeism while observing the rule of law and accordingly he was removed from service on 26-03-2015 after fulfilling all codal formalities.
- H. Denied, No any illegal act has occurred.

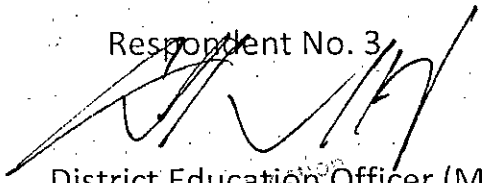
I. That the appeal is not maintainable in the eyes of law, hence no comments.

In the light of the above facts it is prayed that the instant service appeal may kindly be dismissed with cost.

Respondent No. 2

  
Director  
Elementary and Secondary Education  
Peshawar.

Respondent No. 3

  
District Education Officer (M)  
Officer (Male) Chitral  
Chitral



BEFORE THE KHYBER PUKHTUN KHAWA SERVICE TRIBUNAL PESHAWAR.

W.P NO 463/2016

Shamsud Din ..... petitioner

Versus

Govt.of Khyber Pakhtunkhwa and others.....Respondents

AFFIDAVIT

I Zia-ur-Rahman Assistant District Education Officer (M) Chitral do hereby solemnly affirm and declare that the contents of Para wise comments are true and correct to the best of my knowledge and belief and nothing has been kept secret from this August court.

  
(Zia-ur-Rahman)

Assistant District Education Officer  
(Male) Chitral.

Verified by

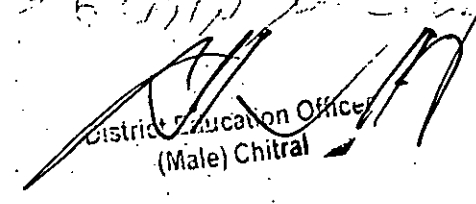
Additional Advocate General  
KPK Service Tribunal Peshawar.

حکومت اترس  
D.O

Annexure A

مہتمم اوقات گورنمنٹ ہائی اسکول کراچی کے لئے  
 2014ء کے ایل ڈی ڈی اسکیم میں اس کی قیمت  
 اس کے لئے ڈی ڈی اسکیم میں اس کی قیمت  
 اس کے لئے ڈی ڈی اسکیم میں اس کی قیمت  
 اس کے لئے ڈی ڈی اسکیم میں اس کی قیمت  
 اس کے لئے ڈی ڈی اسکیم میں اس کی قیمت  
 اس کے لئے ڈی ڈی اسکیم میں اس کی قیمت  
 اس کے لئے ڈی ڈی اسکیم میں اس کی قیمت  
 اس کے لئے ڈی ڈی اسکیم میں اس کی قیمت  
 اس کے لئے ڈی ڈی اسکیم میں اس کی قیمت  
 اس کے لئے ڈی ڈی اسکیم میں اس کی قیمت

الپنڈی

  
 District Education Officer  
 (Male) Chitral

سربراہان

A. S. S. S.

2. 1. 1.

خدمت اقدس صاحب ڈی. ای. او صاحب صلح خیر ال  
صاحب والا۔

لصد آداب گزارش ہے کہ سدرہ کا حجاج داد بھائی  
مولانا عیض اللہ مرحوم محکمہ تعلیم میں 26 سال سے عہدہ پختہ  
کی حیثیت سے ملازمت سرانجام دیکر گذشتہ سال آگست  
2014 کو ایک روز اسٹریٹک میں اس کی ڈیٹ ہوئی  
مرحوم اپنے بوڑھے والدین اور 9 بھائیوں کا واحد کفیل تھا اور بھائیوں  
کے علاوہ کوئی اور ذریعہ آمدنی نہیں تھا،

مرحوم کی وفات سے پندرہ اب تک بھی گذشتہ 16 مہینوں میں انکی  
بیوہ کو 10 مہینہ ریح سے خیر ال ان کے حقوق بعد از مرگ کے تسلیم  
میں خیر ال لائی گئی اور ان کا متعلقہ فلکس ان کو تسلی دیکر واپس  
کرتا رہا۔ ایس اچھی تک اس کا G.P قندھی ڈیمانڈ نہیں کیا ہے  
اس لیے اب تک مرحوم کے متعلقین کو کچھ بھی نہیں ملا ہے۔ مرحوم کے 6  
بچے زر تعلیم میں لگے ہیں ان کی فیس گذشتہ 6 مہینے سے واجب الادا ہیں  
ان کے والدین کے پاس دعائی تک کچھ بھی نہیں ہے۔  
نبیہ میں اکتساب سے گزارش ہے کہ صاحب والا مرحوم کے متعلقین  
کی داد رسی فرما کر تاہات شکر گزار رہی کا موقع بخش دے۔

العاہد

سید عبداللطیف حجاج داد بھائی

مرحوم عیض اللہ A.T

Annexure B,  
2 Pages

(90)

Name of Enquiry Officers:-

1. Mr. Sahibur Rahman,  
Principal GHSB Booni.

2. Mr. Sadiqullah,  
(B&AO) local Office.

Authorized Officer:-

District Education Officer (Male) Chitral.

TITLE OF ENQUIRY:-

Absenteeism/Corruption

Date & Place:-

2-7/02/2015 GHS Rech

Subject:-

ENQUIRY REPORT AGAINST MR. SHAMSUD DIN JUNIOR  
CLERK GHS RECH

Memo:-

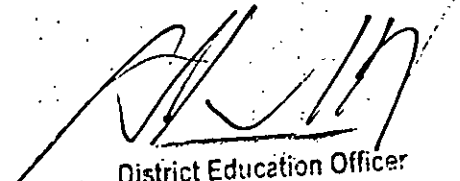
With reference to your Office order No, 16433-35/EB (M) dated 18/12/2014 on the subject cited above. The following comprehensive report is submitted for your perusal and onward necessary action.

**A. Procedure taken:-**

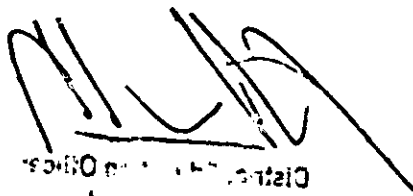
1. Meeting with Incharge Headmaster.
2. Distribution of questionnaires to Incharge Headmaster, other staff and widow of late Faizullah AT of the School.
3. Taking of the written consents.
4. Checking of attendance register and other relevant register i.e TA/DA AND Fire wood charges register maintained in the Office of DEO for said School.
5. Letter sent to concerned clerk to attend before the enquiry committee vide No, 2252 dated 9/2/2015 through TSC vide No, 2311 dated 12/2/2015 through TSC, but he has not appear before the enquiry committed and nor submitted any written statement in his defense.

**B. Findings:-**

1. During scrutiny of the various records, various relevant documents, and written statement of the Incharge Headmaster, Widow of Late Faizullah AT, Teaching Staff and Class-IV Servants the following pin points are drawn. (Annexed(A) vide page No, 4, 6, 8, & 9):
  - a. The above mentioned clerk Mr. Shamsud Din has remained absent from his duty with effect from August 2013, but he has signed in some months in attendance register, October, 2013 May 2014, Nov, 2014. The Incharge Headmaster of the School and other staff is of opinion, that the clerk concerned has signed in attendance register as bogus according to their statements (Annexed B) page No, 4 to 30.

  
District Education Officer  
(Male) Chitral

Amos, E.

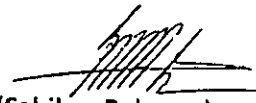
  
District Office


- b. The Incharge Headmaster of the School is also of opinion that the clerk concerned has drawn huge amount against the head of fire wood charge, TA/DA and has not paid to the concerned Official so far, which proved during the checking of relevant records. The clerk concerned has drawn 155750/- against the fire place of Headmaster and Class-IV servants and paid only 65000/- to them. The rest amount Rs. 90750/- are outstanding against the clerk. The clerk concerned is regularly absent but he has drawn 131000/- TA/DA and fire wood Rs, 62550/- for himself. The clerk concerned has also drawn GP Fund in respect of Late Faizullah AT Rs, 428955/- vide cheque No, 0568116, but not paid to the Widow of Late Faizullah AT so far. (Annexure(c) at page No, 76-108).

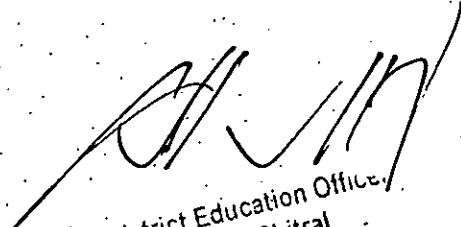
**RECOMMENDATION:-**

It is recommended under the Govt; Servants (Enquiry/disciplinary rules, 1973 P-II S.L.No, 85 Section 4.B page No, Iii) the sum of Rs. 713255/- may be refunded from the accused clerk and he may be removed from service after charge sheet and completion all codal formalities. It is further recommended that before his removal from service, the outstanding amount and Official records must be recovered from the accused clerk please.

Dated 19/2/2015

  
(Sahibur Rahman) 19.2.2015  
Principal GHSB Booni.

  
(Sadruqullah)  
(B&AO) local Office  
19/2/2015

  
District Education Officer  
(Male) Chitral

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) CHITRAL

Annexure C,  
101

OFFICE ORDER.

As reported by the Enquiry Committee dated 19-02-015, Mr. Shamsud Din S/O Ghulam Sakhi Junior Clerk Govt: High School Rech Tehsil Mastuj District Chitral is involved in corruption, misconducts and absent from duty since long period.

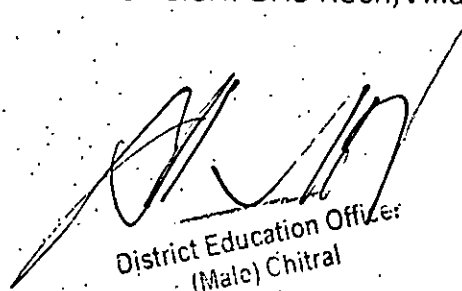
Therefore under the conduct and disciplinary rules No. 4(6) Major Penalty section iii removal from service page No:1320 Esta Code volume No.2 E&D rules 2011, being a competent authority .Shamsud Din S/O Ghulam Sakhi resident of Jughoor District Chitral is hereby removed from service with immediate effect.

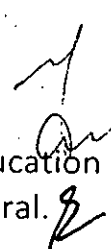
(Moin-ud-Din Khattak)  
District Education Officer,  
(Male) Chitral

Endst: No. 5062-68 /EB/(M) D-3, Dated Chitral the 26/03 /2015.

Copy of the above is forwarded for information to the:-

1. Director of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Accounts Officer, Chitral.
3. The Manager National Bank Chitral.
4. Incharge Headmaster Govt: High School Rech.
5. Mr. Iftikhar Ahmad DDO GHS Rech/Headmaster, GHS Hone.
6. Accounts Officer (Local Office).
7. Mr. Shamsud Din Junior Clerk GHS Rech, Village Jughoor Tehsil: & District Chitral.

  
District Education Officer,  
(Male) Chitral

  
District Education Officer,  
(Male) Chitral.

07/03



Page 93

Annexure D

90

NO 234/AB

Dated Chitral the 12/02/2015

From: The Enquiry Committee  
1-Sahibur Rehman Principal GHS Booni  
2-Saddiquillah B&AO DEO(M) Office Chitral

To: Mr. Shamsuddin Junior Clerk  
GHS Reach R/O Dawashish Jughoor Chitral

Subject: FINAL NOTICE APPEARANCE B BEFORE THE ENQUIRY COMMITTEE

Memo:

Reference letter No. 2252 dated 9.2.2015 through TCS receipt No. 5832973 dated 9.2.2015, you have been conformed to submit the response of the questionnaire and also attend the meeting scheduled to be held on 11.2.2015.

You remained absent today and also failed to submit the reply of the questionnaire. You are given one more and final chance to face the complaints already available with the enquiry committee. You are finally directed to appear personally before the enquiry committee/along with the reply of questionnaire and documentary proofs in case of non appearance the committee will furnish its final report and you will be held responsible of the consequences.

2  
02/15/2015

1-Sahibur Rehman Principal GHS Booni

  
2- Saddiquillah B&AO DEO(M) Chitral

District Education Office.  
(Male) Chitral

Amstrong

13 1/2

dated Chitral the 12/2/2015

No. 2315

From:-

1. Mr. Sahibur Rahman, Principal.  
GHS Booni.
2. Mr. Sadiqullah (B&AO)  
Local Office.

To,

Mr. Shamsud Din Junior Clerk,  
GHS Rech S/O Ghulam Sakhi R/O Domel  
C/O Akram Shah Batta Shoes House opposite  
National Bank Chitral.

Subject:-

2<sup>ND</sup> FINAL NOTICE/APPEARANCE BEFORE THE ENQUIRY COMMITTEE

Memo:-

Reference this Office No, 2252 dated 09/02/2015 through TCS vide receipt No, 5832973 dated 9/2/2015 and No, 2311 dated 12/2/2015 through TCS vide receipt No, 5832590 dated 12/2/2015 on from home address at Jughoor, but envelop returned without delivery. You are finally directed appear personally before the enquiry committee on 18/2/2015 along with the reply of questionnaire and documentary proof. In case of non appearance the Committed with furnish its final report and you will be held responsible.


Sahibur Rahman, Principal.  
GHS Booni.

Sadiqullah (B&AO)  
Local Office.

District Education Office:  
(Male) Chitral

Handwritten text, possibly a signature or initials, located in the top left corner.


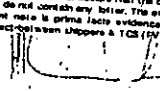
Handwritten signature or initials, possibly "M. B.", located in the lower middle section of the page.

		Acct / Coupon 470			Consignment Note No. 203270			Sales Tax Invoice Org. <i>CH</i> Dest. <i>CH</i>	
Call: 111-123-456 GST NO. 12-00-9808-002-73		Mode of Payment <input type="checkbox"/> Coupon <input type="checkbox"/> FCC <input type="checkbox"/> CCo <input type="checkbox"/> Account <input type="checkbox"/> Cash		Insured <input type="checkbox"/> Yes <input type="checkbox"/> No		Dimension L(cm) W(cm) H(cm)		Wt. (kgs) Pcs. <i>45</i>	
(Shipper) <i>Education Office</i>		To (Consignee) <i>Shri N S D</i>		Value		Service Type <input type="checkbox"/> Overnight <input type="checkbox"/> Holiday <input type="checkbox"/> Extra Sp. <input type="checkbox"/> Same Day <input type="checkbox"/> Second Day		Service Charges	
Phone		Phone <i>DM</i>		E-mail <i>CH</i>		Weight <i>40</i>		Handling <i>40</i>	
Description		PICKUP INFORMATION Courier Code Date <i>12/02/15</i> Time		Other		GST <i>90</i>		Int'l. Air Premium	
Shipper's Signature <i>[Signature]</i>		Description		TOTAL <i>90</i>		Int'l. Air Premium		TOTAL <i>90</i>	

*Signature*  
*E.*  
*02/02/15*

*[Signature]*  
 District Education Officer  
 (Male) Chitral

Any suggestion/complaint about service may be made to PO Box # 2042, Karachi 74420.

		Acct / Coupon 476		Consignment Note No. 00000000		Sales Tax Invoice Org. / Dest.	
Call: 111-123-456 GST NO. 12-00-9808-002-73		Mode of Payment <input type="checkbox"/> Coupon <input type="checkbox"/> FOC <input type="checkbox"/> CCOO <input type="checkbox"/> Account <input type="checkbox"/> Cash		Insured // <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Dimension L(cm)   W(cm)   H(cm)	
From (Shipper) Schibur Rahman		To (Consignee) Shasud DINA		Value 175		Wt. (kgs)   Pcs 5   196	
Phone 111-123-456		Phone 111-123-456		E-mail CR		Service Type <input type="checkbox"/> Overnight <input type="checkbox"/> Holiday <input type="checkbox"/> Extra Sp. <input type="checkbox"/> Same Day <input type="checkbox"/> Second Day	
Shipper's Signature 		Description PICKUP INFORMATION Courier Code - 100 Date - 1/1 Time		Service Charges Weight 170 Handling 170 Other 1 GS? 196 In trans Premium 196 <b>TOTAL 362</b>		45 PER P.O. ACT 1996. TCS WILL NOT CARRY LET IN POSTOFFICE.	

**Annexure (B)**

*[Signature]*  
 District Education Officer,  
 (Maip) Chitral

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

**APPEAL NO. 463/2016**

**SHAMS UD DIN V/S EDUCATION DEPTT:**

**REJOINDER ON BEHALF OF APPELLANT IN**  
**RESPONSE TO THE REPLY SUBMITTED BY**  
**THE RESPONDENTS**

**R/SHEWETH:**

**PRELIMINARY OBJECTIONS:**

**(1 TO 7)**

All the preliminary objections raised by the respondents are incorrect, baseless and not in accordance with law and rules rather the respondents are estopped due to their own conduct to raise any objection at this stage of the appeal.

**ON FACTS:**

- 1- Admitted correct to the extent of appointment, but rest of the para is denied as all the process has been conducted as one sided and the process is not conducted in the true manner of rules & Law and ordered passed in an Ex-parte manner.
- 2- Incorrect, and not replied accordingly. Hence need no comments. As brief explanation is available in para-1 above.
- 3- Incorrect, and not replied accordingly. Hence need no comments.
- 4- Incorrect, and not replied accordingly. Hence, needs no comments.

**GROUND:**

**(A TO H):**

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondent are incorrect and baseless hence denied. That the impugned order dated 26-03-2015 & order dated 21-04-2016 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside. That the respondent Department acted in arbitrary and malafide

manner by wrongly removing the appellant from the post of Junior Clerk (BPS-11) being the senior most employee. That the respondents violated the Civil Servant Act 1973 as well as E&ED Rules 2011 while issuing the impugned Notification dated 26-03-2015 & 21-04-2016.

It is therefore most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may be accepted as prayed for.

23-01-2017



**APPELLANT**

**THROUGH:**



**NOOR MOHAMMAD KHATTAK  
ADVOCATE**



**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

No 402 /ST

Dated 26 /02/2018

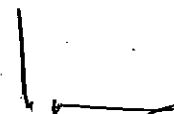
To

The District Education Officer (M),  
Government of Khyber Pakhtunkhwa,  
Chitral.

Subject: **ORDER/JUDGEMENT IN APPEAL NO. 463/2016, MR. SHAMS-UD-DIN.**

I am directed to forward herewith a certified copy of Judgment/Order dated 09/02/2018 passed by this Tribunal on the above subject for strict compliance.

**Encl: As above**

  
**REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.**