

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

APPEAL No. 289 /2024

ABDUL JALIL

VS

EDU: DEPTT:

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**APPELLANT**

**THROUGH:**

**NOOR MUHAMMAD KHATTAK  
ADVOCATE SUPREME COURT**

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

APPEAL No. 289 /2024

Mr. Abdul Jalil, Junior Clerk (BPS-11)  
Government High School Hashim Abad Jamrud  
District Khyber.....**APPELLANT**

**VERSUS**

The District Education Officer (M), District Khyber..... **RESPONDENT**

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 10/10/2023 WHEREBY MAJOR PENALTY OF REMOVAL FROM SERVICE HAS BEEN IMPOSED UPON THE APPELLANT AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.**

**PRAYER:**

That on acceptance of this appeal the impugned order dated 10/10/2023 may very kindly be set aside and the respondent be directed to re-instate the appellant into his service with all back and consequential benefits. Any other remedy which this august Service 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 the appellant was/is appointed as a Junior Clerk (BPS-11) vide order dated 21/03/2007 and since then he performed his duties in the respondent department with honesty, full devotion, zeal and zest and with the entire satisfaction of his high ups. Copy of appointment order & service book are attached as annexure.....**A&B**
- 2- That during service, the appellant submitted an application for Ex-Pakistan Leave w.e.f 12/07/2019 to 26/07/2019 on 02/07/2019, which was forwarded to competent authority on 08/07/2019 and the competent authority vide order dated 08/07/2019 sanctioned Ex-Pakistan Leave w.e.f. 02/07/2019 to 26/07/2019. Copies of application and leave sanctioning order dated 08/07/2019 are attached as annexure.....**C&D**
- 3- That due to unavoidable circumstances, stay of the appellant was extended, for which the appellant submitted an application and he was verbally assured for its extension.
- 4- That when the appellant arrived at Pakistan on 27/12/2022, he approached on 29/12/2022 for submitting his arrival and taking charge of

his post, but the competent authority denied to accept the arrival report of the appellant. Copy of the arrival report is attached as annexure.....**E**

- 5- That there was no adverse order against the appellant and the competent authority even then was reluctant to accept the arrival report of the appellant and the same act of the competent authority become illegal and unlawful.
- 6- That the appellant feeling aggrieved from the inaction of the respondents, having no other remedy, preferred departmental appeal followed by Service Appeal No 1168/2023. Copies of departmental appeal and Service Appeal are attached as annexure.....**F&G**
- 7- That it is pertinent to mention here that during pendency of the Service Appeal, the respondent communicated another Notification dated 10/10/2023, wherein a major penalty of removal from Service upon the appellant on the ground of willful absent from duty was imposed. Copy of impugned notification dated 10/10/2023 is attached as annexure.....**H**
- 8- That the appellant feeling aggrieved form the ibid impugned Notification dated 10/10/2023 filed departmental appeal before the competent authority, which was not decided within the statutory period of 90 days. Copy of departmental appeal is attached as annexure.....**I**
- 9- That once again the appellant feeling aggrieved from the impugned notification dated 10/10/2023, and having no other remedy preferred the instant Service Appeal before this Honourable Tribunal inter alia on the following grounds:-

**GROUND:**


- A- That the impugned Notification dated 10/10/2023 of the respondent whereby the appellant has been removed from service is against the law, facts and principles of natural justice, therefore, the same is liable to be set aside.
- B- That the impugned order is illegal and void ab-initio, hence untenable in the eyes of law.
- C- That mandatory provisions of law and rules have badly been violated and the appellant has not been treated according to law and rules.
- D- That the appellant was discriminated too in violation of the Constitution of the land.
- E- That the impugned order is not a speaking order and thus not tenable in the eyes of law.

- F- That appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- G- That the codal formalities required for the departmental proceeding has not been fulfilled by the respondents while issuing the impugned Notification dated 10/10/2023
- H- That no proper inquiry was conducted to find out the true facts and circumstances, no one was examined in presence of the appellant and the appellant was not provided opportunity of cross examination.
- I- That the respondent acted in arbitrary and mala fide manner while issuing the impugned Notification dated 10/10/2023.
- J- 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 kindly be accepted as prayed for.

  
**APPELLANT**

**THROUGH:**

  
**NOOR MUHAMMAD KHATTAK  
ADVOCATE SUPREME COURT**

  
**UMAR FAROOQ MOHMAND**

  
**WALEED ADNAN**

  
**MAHMOOD JAN**

**&**  
  
**KHANZAD GUL**

  
**MUZZAMMIL KHAN MOHMAND  
ADVOCATES HIGH COURT**

**CERTIFICATE:**

No such like appeal against impugned Notification dated 10/10/2023 is pending or filed between the parties on the subject matter before this Honorable Tribunal.

  
**Advocate**

**AFFIDAVIT**

I, Mr. Abdul Jalil, Junior Clerk (BPS-11), do hereby solemnly affirm on oath that the contents of the above appeal are true and correct to the best of my knowledge and believe and nothing has been concealed from this Honorable Tribunal.

  
**DEPONENT**

**OFFICE OF THE AGENCY EDUCATION OFFICER KHYBER AGENCY AT JAMRUD**  
**APPOINTMENT ORDER**

Consequent upon the approval of the Departmental Selection Committee the following Mala Local Candidates of Khyber Agency are hereby appointed purely on temporary and Contract basis against Vacant J/Clerk Posts in BPS No. 05 Rs. 2415-115-5868 P/M plus usual allowances as admissible under the rules w.e.f the date of their taking over charge in the schools noted against their names in the interest of public service.

S.No	Name	Father's Name	Appointed At	Remarks
01	Ali Akber	Zabid Muhammad	GHS Main Murcha Jamrud	Against newly created J/C Post
02	Muhammed Tahir Khan	Khushal Khan	GGHS Hanif Jan Killi Bara	Against newly created J/C Post
03	Hazoor Jan	Sanab Gul	GHS Madghali Attari Bara	Against newly created J/C Post
04	Muhammed Iqbal	Amin Asghar	GHS Kamshalman	Against vacant J/C Post
05	Noor Habib Shah	Muhammad Din Shah	GHS Durma Kor Loishalman	Against newly created J/C Post
06	Abdul Jalil	Muzamil Shah	GHS Badshah Mir Killi Karamna BZK	Against newly created J/C Post
07	Jehangir Shah	Khial Bad Shah	GHS Loishalman	Against newly created J/C Post

**Note:-**

1. Charge report should be submitted to all concerned.
2. The appointment of the candidates are made purely on temporarily/ Contract basis & are liable to terminate at any time without any notice
3. If a candidate wishes to resign his post he will give one-month prior notice or his pay for one month will be forfeited in lieu there-of.
4. They should produce their original certificates/ Domicile before taking over charge and attested copies there-of be kept on record of the school/ Office after proper verification from the Board/University concerned.
5. They should produce their Health and Age certificate from the Agency surgeon concerned.
6. They may not be handed over charge if they are below 18 years or above 33 years.
7. If they fail to report their arrival within 15 days of the issue of this appointment order the appointment will be treated as cancelled.

(MR. MOHAMMAD YOUSAF)  
 AGENCY EDUCATION OFFICER  
 KHYBER AGENCY AT JAMRUD

Findst: No. 1754-22  
 Copy forwarded to the:-

Dated 21/3/2007

1. Director of Education FATA (NWFP) Peshawar
2. Agency Accounts Officer Khyber at Jamrud
3. Agency Surgeon Khyber Agency at Landi Kotal
- 4-10 Head Master/ Head Mistress/ GHS Main Murcha/GHS Badshah Mir/GHS Durma Kor Loishalman/GHS Loishalman/GHS Hanif Jan Bara/GHS Kamshalman/GHS Madghali Attari
11. AAOs Concerned Local Office
- 12-13 Officials concerned

AGENCY EDUCATION OFFICER  
 KHYBER AGENCY AT JAMRUD

21/3/2007

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: Abdul Jabil L-5- "B"

2. Race: Afridi

3. Residence: Farid Khel Tehsil Jamrud  
Khyber Agency

4. Father's name and residence:  
Murammeh Shah


5. Date of birth by Christian era as nearly as can be ascertained:  
25-2-1982

6. Exact height by measurement:  
5-5"


7. Personal marks for identification:  
Scar mark wound forehead

8. Left hand thumb and Finger impression of (Non-Gazetted) officer:

Little Finger: 

Ring Finger: 

Middle Finger: 

Fore Finger: 

Thumb: 

9. Signature of Government Servant:  


10. Signature and designation of the Head of the Office, or other Attesting Officer.  
IP Ahmad  
Head Master  
G.H.S. Farid Khel Teh. Khyber Agency

(For use in Police Department only)

Note: -

Heirs:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_

-6-

1. No

2. Re

3. Re

4. P

5. D

6. E

7. P

8. L

9.

10.

Verification Roll No. \_\_\_\_\_ dated \_\_\_\_\_ received back \_\_\_\_\_

Left Thumb Impression

Qualification	Date	Qualification	Date
① Passed S.C. Examination			
English	from P.B.P. Peshawar Under	First Arts	
	Roll No - 131470 marks		
	obtained 530/850 result Dec.	B.L. or B.A.	
Urdu		Pledership examination	
Plan-drawing		Training School Final examination	
② Passed Deom. Diploma of			
Commerce from T.B. Peshawar		Other qualifications—	
Finger Print	Under Roll No - 5555 marks		
	obtained 823/1450		
Drill Instructing	Result Dec.		
Court Duties			
③ Passed B.Com. from			
Reserve Duties			
	University of Peshawar Under		
	Roll No - 1871 marks obtained		
	656/700 result Dec.		

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

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Act, 1947 - C.S.R.	Pay in post	Additional Pay for officiating	Other emolument falling under the term	Date of appointment	Signature of Government servant.
S/C Clerk Post of GIS Badli, M.P.			Rs 2415/p.m.			22/2/2007	
do			Rs 2730/p.m.			1/2/2007	
do			Rs 2940/p.m.			1/2/2007	
do			Rs 3160/p.m.			12/2/2007	
do			Rs 3720/p.m.			1/7/2008	
do			3910/p.m.			12/2/08	

Revision of PPS-07 on 1/7/2008 (BS-01-190-9230)

PPS-07 (2940-160-7740)

Post on 1/2/2007 (2730-135-6330)

PPS-05 (2415-115-5868)

Signature in or of the name of the holder of the post.

1-7-



9	10	11	12	13	14	15
Signature and Designation of the head of the office or other assessing officer in column 1 to 8	Date of termination or appointment	Reason of termination such as promotion or transfer, dismissal, (etc.)	Signature of the head of the office or other assessing officer	Nature and duration of leave taken, leave on average pay upto four months for which leave salary is payable to another Government which defrable to Government	Signature of the head of the office or other assessing officer	Reference to any record of punishment or praise of the Government Servant.
<p>JP [Signature] Head Master Landi Kotal G.H.S. Badshah Mir Killi</p>	<p>30/6/07</p>	<p>Loop G.H.S. Badshah Mir Killi</p>	<p>JP [Signature] Head Master Landi Kotal G.H.S. Badshah Mir Killi</p>	<p>Appointed agent - voluntary JP [Signature] Head Master Landi Kotal G.H.S. Badshah Mir Killi Admissible with 1500 RS on contract basis vide BPS 15th BPS No. 1755-72</p>	<p>JP [Signature] Head Master Landi Kotal G.H.S. Badshah Mir Killi</p>	<p>8-</p>
<p>JP [Signature] Head Master Landi Kotal G.H.S. Badshah Mir Killi</p>	<p>30/11/07</p>	<p>JP [Signature] Head Master Landi Kotal G.H.S. Badshah Mir Killi</p>	<p>JP [Signature] Head Master Landi Kotal G.H.S. Badshah Mir Killi</p>	<p>JP [Signature] Head Master Landi Kotal G.H.S. Badshah Mir Killi</p>	<p>JP [Signature] Head Master Landi Kotal G.H.S. Badshah Mir Killi</p>	<p>JP [Signature] Head Master Landi Kotal G.H.S. Badshah Mir Killi</p>
<p>JP [Signature] Head Master Landi Kotal G.H.S. Badshah Mir Killi</p>	<p>30/11/08</p>	<p>JP [Signature] Head Master Landi Kotal G.H.S. Badshah Mir Killi</p>	<p>JP [Signature] Head Master Landi Kotal G.H.S. Badshah Mir Killi</p>	<p>JP [Signature] Head Master Landi Kotal G.H.S. Badshah Mir Killi</p>	<p>JP [Signature] Head Master Landi Kotal G.H.S. Badshah Mir Killi</p>	<p>JP [Signature] Head Master Landi Kotal G.H.S. Badshah Mir Killi</p>
<p>JP [Signature] Head Master Landi Kotal G.H.S. Badshah Mir Killi</p>	<p>30/11/08</p>	<p>JP [Signature] Head Master Landi Kotal G.H.S. Badshah Mir Killi</p>	<p>JP [Signature] Head Master Landi Kotal G.H.S. Badshah Mir Killi</p>	<p>JP [Signature] Head Master Landi Kotal G.H.S. Badshah Mir Killi</p>	<p>JP [Signature] Head Master Landi Kotal G.H.S. Badshah Mir Killi</p>	<p>JP [Signature] Head Master Landi Kotal G.H.S. Badshah Mir Killi</p>
<p>JP [Signature] Head Master Landi Kotal G.H.S. Badshah Mir Killi</p>	<p>30/11/08</p>	<p>JP [Signature] Head Master Landi Kotal G.H.S. Badshah Mir Killi</p>	<p>JP [Signature] Head Master Landi Kotal G.H.S. Badshah Mir Killi</p>	<p>JP [Signature] Head Master Landi Kotal G.H.S. Badshah Mir Killi</p>	<p>JP [Signature] Head Master Landi Kotal G.H.S. Badshah Mir Killi</p>	<p>JP [Signature] Head Master Landi Kotal G.H.S. Badshah Mir Killi</p>
<p>JP [Signature] Head Master Landi Kotal G.H.S. Badshah Mir Killi</p>	<p>30/11/08</p>	<p>JP [Signature] Head Master Landi Kotal G.H.S. Badshah Mir Killi</p>	<p>JP [Signature] Head Master Landi Kotal G.H.S. Badshah Mir Killi</p>	<p>JP [Signature] Head Master Landi Kotal G.H.S. Badshah Mir Killi</p>	<p>JP [Signature] Head Master Landi Kotal G.H.S. Badshah Mir Killi</p>	<p>JP [Signature] Head Master Landi Kotal G.H.S. Badshah Mir Killi</p>

1	2	3	4	5	6	7	8	9
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Other"	Date of appointment	Signature of Government Servant	Signature and name of the head of the office or other officer in charge of the column
			Rs. 2940/pm	Rs. 3100/pm		1/7		JP Head GHS, Bar
			Rs. 3260/pm			1/12		JP GHS, Bar
			Rs. 3910/pm	Rs. 4100/pm		01/12		JP GHS, H
			Rs. 4290/pm			01/2009		JP GHS, Lt
			Rs. 4480/pm			01/2010		JP GHS, Lt
		Revised Entry in BPS-07 (5800-320-15400)	Rs. 7400/pm			07/2011		JP GHS, Lt
			Rs. 7720/pm			12/01/2011		JP GHS, Lt
			Rs. 8040/pm			12/01/2012		JP GHS, Lt
			Rs. 8360/pm			01/12/2013		JP GHS, Lt
								JP Head GHS, Bar

Revised Entry in BPS-07 (3530-190-9230)

Revised Entry BPS-07 (2840-165-7740)

19-

9 Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination or appointment.	11 Reason of termination such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure or praise of the Government Servant.	
				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
Head Master G.H.S. Badshah Mir Killi Khyber Agency	30/9/07	Special increment	Head Master G.H.S. Badshah Mir Killi Khyber Agency	10	Government to which debitable	Allowed on Special increment vid. Govt. Finance Dept. Notification No. SOCA (Admin) FD/FS/4-4/2008 Govt NWFP, Finance Dept. Notification No. (Regulation) (Sng) FR/3R-) 2-4-2008 dated 4/10/2009 and NWFP finance notification No. FD/FR. 7/2/2007 dated 23/7/2007 in No. 1/2007		
Head Master G.H.S. Badshah Mir Killi Khyber Agency	30/11/07	A/m/c	Head Master G.H.S. Badshah Mir Killi Khyber Agency					
Head Master G.H.S. Badshah Mir Killi Khyber Agency	30/6/08	R/pay	Head Master G.H.S. Badshah Mir Killi Khyber Agency					
Head Master G.H.S. Badshah Mir Killi Khyber Agency	30/11/08	A/m/c	Head Master G.H.S. Badshah Mir Killi Khyber Agency					
Head Master G.H.S. Badshah Mir Killi Khyber Agency	30/11/2009	A/m/c	Head Master G.H.S. Badshah Mir Killi Khyber Agency					
Head Master G.H.S. Badshah Mir Killi Khyber Agency	30/11/2010	A/m/c	Head Master G.H.S. Badshah Mir Killi Khyber Agency					
Head Master G.H.S. Badshah Mir Killi Khyber Agency	30/6/2011	R/pay	Head Master G.H.S. Badshah Mir Killi Khyber Agency					
Head Master G.H.S. Badshah Mir Killi Khyber Agency	30/11/2011	A/m/c	Head Master G.H.S. Badshah Mir Killi Khyber Agency					
Head Master G.H.S. Badshah Mir Killi Khyber Agency	30/11/2012	A/m/c	Head Master G.H.S. Badshah Mir Killi Khyber Agency					
Head Master G.H.S. Badshah Mir Killi Khyber Agency	30/11/2013	A/m/c	Head Master G.H.S. Badshah Mir Killi Khyber Agency					
Head Master G.H.S. Badshah Mir Killi Landi Kotal			Head Master G.H.S. Badshah Mir Killi Landi Kotal					

TR No 377 dt 12/11/2014  
 Allowed BMS NWFP  
 20/5/2014 to 20/10/2014  
 As 99187 - BMS in  
 order of 2/11/2014

Signature  
 Agency

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	(i) substantive appointment, or officiating, state including, state (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other allowances falling under the term	Date of appointment	Signature of Government Servant
			4844/-	+ 460/-	4890/-	25/5	
			9360/-			12/14	
		885-11 (8540-595-26930)	12110/-	12705/-		15/7	
		885-11 (10510-740-32910)	15790/-			16/7	
			16430/-			16/12	
		885-12 (9855-650-2250)				25/2	
						85/16	
						1-7-16	
						1-12-16	

Computer Operator

General Entry on the rolls of the Government of India

Quoted

17540/-  
16740/-  
13605/-

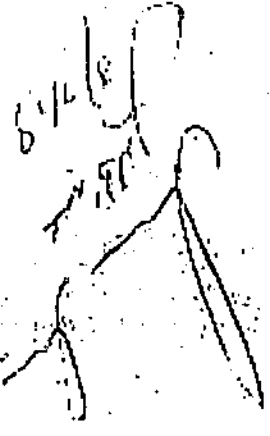
1-12-16  
1-7-16  
85/16

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 or 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 debtable	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure or praise of the Government Servant.
				Principal G.G.H.S Jamrud			
Principal G.G.H.S Jamrud		Pay fixed in BPS-11 due to up gradation W.E.F. 20-5-2014.				JKW 01197 dt 15/17 Pay + Allowance w.e.f. 11/2/17 Principal Govt. Girls High School Jamrud	
Principal G.G.H.S Jamrud		5000 + 60				Post replaced from J/O BPS-11 to Computer Operator BPS-12 vide Secretariat Islamabad Circular Coordination Dept. No. 103/2016 FS/EMCO-3 (Vol:16)/2016-46 Dated 25.02.2016 and A.E.O. Khyber Endst. No. 968 Dated 20.02.2016	
Principal G.G.H.S Jamrud		Rs 500000					
Principal G.G.H.S Jamrud		Tak. 20/5/14/17 W.P. CP I P.S. 33					
Principal G.G.H.S Jamrud		Agency Accounts Officer Khyber, Jamrud				Principal Govt. Girls High School Jamrud Khyber Agency	
Principal G.G.H.S Jamrud	30-6-2017	Pay/Reason				JKW 714 dt 3/9/2017 Post Replace Computer Operator BPS-12 w.e.f. 25/2/16 to 28/2/17 No. 2679	
Principal G.G.H.S Jamrud						Agency Accounts Officer Khyber, Jamrud	
Principal G.G.H.S Jamrud							
Principal G.G.H.S Jamrud							

1	2	3	4	5	6	7	8	9
Name of civil	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emoluments falling under the head "a"	Date of appointment	Signature of Government Servant	Signature and name of other attesting authority in attestation columns
				13				
				19610/PM		01/2017		-
				20490/PM		01/12/2017		-
				21370/PM		01/12/2018		-

Comp  
Op

No of Government employees in the office	Date of transfer or promotion (such as transfer, etc.)	Signature of the head of the office or other attesting officer.	Nature and duration of leave taken.	Allocation of period of leave on average pay upto four months for which leave salary is payable to Government to which debit is made.	Signature of the head of the office or other attesting officer.	Reference to any receipt or certificate of the Government.
1	2	3	4	5	6	7
	11/20/19 R/HC	11/20/18 R/HC		Service contract (U.C.) 22.3.18 to 30.11.18 Pay bill 50 km office Record		



6th Hudson St. N.Y.C.

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1/18

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بکھنور جناب پرنسپل صاحب گورنمنٹ ہائی سکول ہاشم آباد جمروڈ

درخواست برائے رخصت

جناب عالی!

مودبانہ گزارش ہے کہ سائل آپ کے سکول میں جوئیز کلرک کے پوسٹ پر کام کر رہا ہے فدوی کچھ ضروری کام سے باہر ملک جا رہا ہے۔

لہذا گزارش ہے کہ فدوی 26-7-2003ء تا، 12-7-2019ء، این اوسی اور 15 یوم برونی ملک استحقاق رخصت عنایت فرمائیں، عین نوازش ہوگی۔

عین نوازش ہوگی۔

دستخط انگریزی

عبدالجلیل جوئیز کلرک

Clark GHS Hashim Abad Jamrud, Dist. Khyber

(Note: Entry to this office should be made in the Service Book)

DISTRICT EDUCATION OFFICER  
KHYBER TRIBAL DISTRICT AT JAMRUD

EDCS No. 896 (S) Leave file, Dated 08/07/2019

Copy forwarded to the

1. Director Education (NMD) at Peshawar
2. District Administration District Khyber at Jamrud
3. Principal GHS Hashim Abad Jamrud with his letter No. NI dated 08/07/2019
4. ADEO (Male) Concerned Office
5. Official concerned

DISTRICT EDUCATION OFFICER  
KHYBER TRIBAL DISTRICT AT JAMRUD

KHAYBER TRIBAL DISTRICT AT TAMBUD  
 DISTRICT EDUCATION OFFICER  
 291-

- 2. OFFICER CONCERNED
  - 4. ADEO (M/16) CONCERNED LOCAL OFFICE  
 08/01/2018
  - 3. OFFICER CONCERNED LOCAL OFFICE  
 08/01/2018
  - 5. DISTRICT ACCOUNTS OFFICER DISTRICT HEADQUARTERS  
 08/01/2018
  - 1. DISTRICT EDUCATION OFFICER (M/16) AT TAMBUD
- COPIES (AS ABOVE) TO BE:

ENCL: NO. 8892-83 (291) 1/18

DATE: 08/01/2018

KHAYBER TRIBAL DISTRICT AT TAMBUD  
 DISTRICT EDUCATION OFFICER  
 291-

NOTE: ENTRIES TO THIS OFFICE SHOULD BE MADE IN THE SERVICE BOOK

THE HEADQUARTERS DISTRICT HEADQUARTERS  
 08/01/2018 TO 08/01/2018 (12 DAYS) ON THE DAY IN RESPECT OF MR. ARDUL RAHMAN CHIEF  
 OFFICER TO THE DISTRICT OF KHAYBER TRIBAL DISTRICT AT TAMBUD WITH EFFECT FROM  
 08/01/2018 TO 08/01/2018 (12 DAYS) ON THE DAY IN RESPECT OF MR. ARDUL RAHMAN CHIEF  
 OFFICER TO THE DISTRICT OF KHAYBER TRIBAL DISTRICT AT TAMBUD WITH EFFECT FROM

08/01/2018 TO 08/01/2018 (12 DAYS)  
 DISTRICT EDUCATION OFFICER KHAYBER TRIBAL DISTRICT AT TAMBUD

NO. 8892-83 (291) 1/18  
 ENCL: NO. 8892-83 (291) 1/18  
 KHAYBER TRIBAL DISTRICT AT TAMBUD  
 DISTRICT EDUCATION OFFICE

08/01/2018

1/18

~~DISTRICT EDUCATION OFFICE  
KHAYBER TRIBAL DISTRICT AT JAMROD~~

No finding whatsoever will be borne either by this office or by Education Department. REUSED

Working as Junior Clerk, Peshawar, GHS, Hasim, Abad, Jamrood, District, Khayber Tribal, (Case) will effect from 20/11/2019 to 25/11/2019 (5 days)

No objection certificate hereby issued in respect of - Mr. ARBUN, JAMROD

**DISTRICT EDUCATION OFFICE KHAYBER TRIBAL DISTRICT AT JAMROD**

PHONE: 091-3270564 FAX: 091-3270562  
NO. 270 DATED 20/11/2019

**REUSED**

District Education Office  
Khyber Pakhtunkhwa District at Jamrud

Phone No. 091-5820584 FAX 091-5820584  
No: \_\_\_\_\_ Dated \_\_\_/\_\_\_/2019

DISTRICT EDUCATION OFFICER KHYBER TRIBAL DISTRICT AT JAMRUD,  
NO OBJECTION CERTIFICATE

No objection certificate is hereby issued in respect of Mr. Abdul Jail working at Junior Clerk Post at GHS Hashim Abad Jamrud; for visit (Qatar) with effect from 12.07.2019 to 26.07.2019 (15 days)

No liability what so ever will be borne either by this office or by Education Department KPESED

Sd/-  
DISTRICT EDUCATION OFFICER  
KHYBER TRIBAL DISTRICT AT JAMRUD

ARRIVAL REPORT

"E" "B"

18-

Certified that Abdul Jalil S/O Muzamil Shah have this day on  
29/12/2021 F.N Submit my arrival report as Junior Clerk previously worked at GHS  
Hashim Abad Jamrud after expiry of Ex-Pakistan Leave on 26/07/2019 due to unavoidable  
reasons for further adjustment.

Signature of the [Signature]  
Designation /Clerk  
Dated: 25/12/2023

[Signature]  
25/12/23  
Mr. Sahib  
DI. Bawana  
[Signature]  
25/12

To

The Director,  
Elementary & Secondary Education Department,  
Khyber Pakhtunkhwa, Peshawar.

"F" "B"  
-19-

Through Proper Channel

Subject: DEPARTMENTAL APPEAL/REPRESENTATION AGAINST  
THE INACTION BY NOT ACCEPTING THE ARRIVAL  
REPORT OF THE APPELLANT.

Respected Sir,

With reference to the subject noted above it is stated with great respect that appellant was appointed as Junior Clerk BPS-11 vide order dated 21.03.2007 in your good-self department and started performing his duty efficiently and with zeal and zest.

That during service the appellant submitted an application for Ex-Pakistan leave w.e.f 12.07.2019 to 26.07.2019 on 02.07.2019 which was forwarded to competent authority on 08.07.2019 and the competent authority vide order dated 08.07.2019 sanctioned Ex-Pakistan leave w.e.f 12.07.2019 to 26.07.2019.

That due to some unavoidable circumstances stay of the appellant was extended for which the appellant submitted applications.

That the appellant arrived to Pakistan on 27.12.2022 and on 29.12.2022 approached his office for submitting his arrival to start his duty but the competent authority denied to accept the arrival report of the appellant.

That there is no adverse order against the appellant and the competent authority even then is reluctant to accept the arrival report of the appellant and the same act of the competent authority is illegal and unlawful.

It is, therefore, most humbly requested that on acceptance of this departmental appeal the arrival report of the appellant be accepted with all back benefit and the appellant be allowed to perform his duty.

Dated: 26.01.2023

Yours Obediently

  
Abdul Jalil

Junior Clerk

GHS Hashim Abad  
District Khyber.

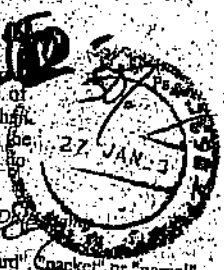
D

-20-

No. 689

RGL105848783

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uninsured letters of not more than  
the initial weight prescribed in the  
Post Office Guide or on which no  
acknowledgment is due.



Received a registered  
addressed to Mr. J. J. Jones

Initials of Recipient J. J. \*Write here "letter", "postcard", "package" or "parcel"  
Insured for Rs. 100/- with the word "insured" before or when necessary  
(in figures) (in words)

If insured

Insurance fee Rs. 1/- Weight 100 Kilo  
Name and address Mr. J. J. Jones  
of sender



5' - 1 - - 21 -

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

SERVICE APPEAL NO. 1168 /2023

Mr. Abdul Jalil, Junior Clerk, (BPS-11),  
GHS Hashimabad, District Khyber.

..... APPELLANT

**VERSUS**

- 1- The Secretary Elementary and Secondary Education Department,  
Khyber Pakhtunkhwa, Peshawar.
- 2- The Director Elementary and Secondary Education, Khyber  
Pakhtunkhwa, Peshawar.
- 3- The District Education Officer, District Khyber.

..... RESPONDENTS

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED  
INACTION OF THE RESPONDENTS BY NOT ACCEPTING THE  
ARRIVAL REPORT OF THE APPELLANT AND THE INACTION OF  
THE RESPONDENTS BY NOT DECIDING THE DEPARTMENTAL  
APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD  
OF NINETY DAYS.**

**PRAYER:**

That on acceptance of this appeal, the respondents may kindly be directed to accept the arrival of the appellant and to be adjusted/ posted on his post 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 the appellant was/ is appointed as Junior Clerk (BPS-11) vide order dated 21.03.2007 and since then was performing his duty in the respondent department with zeal and zest. Copies of the order dated 21.03.2007 and service book are attached as Annexure .....A.
- 2- That during service the appellant submitted an application for Ex-Pakistan leave w.e.f. 12.07.2019 to 26.07.2019 on 02.07.2019 which was forwarded to competent authority on 08.07.2019 and the competent authority vide order dated 08.07.2019 sanctioned Ex-

Pakistan leave w.e.f. 12.07.2019 to 26.07.2019. Copies of the application and leave sanctioning orders dated 08.07.2019 are attached as Annexure .....B&C.

- 3- That due to some unavoidable circumstances stay of the appellant was extended for which the appellant submitted applications and he was verbally assured of its extension.
- 4- That when the appellant arrived to Pakistan on 27.12.2022, he approached on 29.12.2022 for submitting his arrival and taking charge of his post but the competent authority denied to accept the arrival report of the appellant. Copy of the arrival report is attached as Annexure .....D.
- 5- That there is no adverse order against the appellant and the competent authority even then is reluctant to accept the arrival report of the appellant and the same act of the competent authority is illegal and unlawful.
- 6- That appellant feeling aggrieved from the inaction of the respondents and having no other remedy preferred departmental appeal before the respondent department which has not been decided by the respondent till date. Copy of the Departmental Appeal is attached as Annexure .....E.
- 7- That appellant having no other efficacious remedy but to file the instant appeal on the following grounds amongst the others.

**GROUND:**

- A- That the impugned inaction of the respondents by not adjusting the appellant on his post is against the law, facts, and norms of natural justice.
- B- That the appellant has not been treated in accordance with the laws and rules by the respondent department on the subject noted above and as such the respondent department violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the impugned inaction of the respondents by not accepting the arrival report and not adjusting him on his post is violation of the law and rules on the subject.
- D- That the respondents acted in arbitrary and mala fide manner by not accepting his arrival report.
- E- That the impugned inaction of the respondents by not accepting his arrival report and not adjusting him on his post is in violation of the fundamental rights of the appellant.

F- That appellat seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated:- 18.05.2023

**APPELLANT**

**ABDUL JALIL**

Through:

**NOOR MUHAMMAD KHATTAK  
ADVOCATE SUPREME COURT**

**KAMARN KHAN**

**UMAR FAROOQ**

**MUHAMMAD AIZAZ  
ADVOCATES**

**WALEED ADNAN**

**MUHAMMAD AYUB**

**MUJEEB UR RAHMAN**

**AFFIDAVIT**

I Mr. Abdul Jalil, Junior Clerk, (BPS-11), GHS Hashimabad, District Khyber, do hereby solemnly affirm that the contents of this **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

**DEPONENT**

-24-




Service Appeal No.1168/2023 titled "Abdul Jalil Vs. Education Department"


**ORDER**

14<sup>th</sup> Dec. 2023

1. Learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General alongwith Mr. Munawar Khan ADEO for the respondents for the respondents present.
2. The representative of respondents produced copy of order dated 19.10.2023, whereby, the appellant was removed from service, giving him a new cause of action by challenging the same, rendering this appeal fruitless. Disposed of accordingly. Consign.
3. *Pronounced in open Court at Peshawar and given under my hand and seal of the Tribunal on this 14<sup>th</sup> day of December, 2023.*

  
 (Kalim Arshad Khan)  
 Chairman .

\*Mutazem Shah\*

Certified to be true copy  
  
 Mutazem Shah  
 Khyber Pakhtunkhwa  
 Service Tribunal,  
 Peshawar

Date of Presentation of Application 09-2-24  
 Number of Words 1 P  
 Copying Fee 5/-  
 Urgent 5/-  
 Total 10/-  
 Name of Copyist -  
 Date of Completion of 09-2-24  
 Date of Delivery of Copy 09-2-24



*Handwritten signature and initials*

OFFICE OF THE DISTRICT EDUCATION OFFICER  
KHYBER AT JAMRUD  
NO. \_\_\_\_\_ / EDO DATED \_\_\_\_\_ 2023  
Email: DEOKHYBER7777@gmail.com

"H"  
-25-

## NOTIFICATION

1. Whereas, Mr. Abdul Jalil, Junior Clerk GHS Hashim Abad Jamrud District Khyber was proceeded against in accordance with Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 for willful absence w.e.f 12/07/2019 to 26/07/2019 without prior permission of the competent authority.
2. And whereas, he availed 15 days' Ex- Pakistan Leave w.e.f. 12/7/2019 to 26/7/2019 duly sanctioned by this office vide Jandst. No. 8965-69 dated, 08/07/2019.
3. And whereas, he failed to report to this office after expiry of the sanctioned leave and remained willful absent without further permission from the competent authority.
4. And whereas, upon failure to resume duty he was issued notice by then DEO vide No.9717-18 dated 07/8/2019 to resume his duty within 7 days to avoid major penalty but even then he did not resume his duty and remained at large as willfully absent from duty.
5. And whereas, all of a sudden, he submitted his arrival on 25/02/2023 after remaining willfully absent since 27/7/2019.
6. And whereas, on his submission of arrival report, an inquiry committee comprising of Mr. Syed Rafiqat Ali Shah Principal GHS Alam Gudar Bara, Mr. Muhammad Zahid V. Principal GHS Rohin Sher Thader Bara and Mr. Khan Para ADEO Secondary Local Office was constituted vide this office Jandst. No.2384-89 dated 01/03/2023 to dig out the factual position.
7. And whereas, the inquiry committee in its report vide No.1061 dated 08/07/2023 recommended him to be proceeded against in accordance with E&D Rules, 2011.
8. And whereas, show cause notice with an opportunity for personal hearing on acknowledgement was served upon him vide this office Jandst. No.8189-94 dated: 11/9/2023 to explain as to why the penalty mentioned therein the show cause notice should not be imposed upon him.
9. And whereas, he did not bother to reply the show cause notice within stipulated time to defend himself with request for personal hearing.
10. And whereas, his willful non-submission of reply to the mentioned show cause is tantamount to confession of his commission of willful absence from duty for the period mentioned above and which renders him to be treated as per Rule-3 (b) & (d).
11. And whereas, the competent authority, having considered the evidence on the record, the report of the inquiry committee and his willful non-submission of reply to the show cause, is of the view that the charges leveled against him in the show cause notice have been proved.
12. Now, therefore, in exercise of powers conferred under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, the District Education Officer (M) Khyber, Khyber Pakhtunkhwa as the Competent Authority is pleased to impose the major penalty of "Removal from Government Service" upon Mr. Abdul Jalil, Junior Clerk GHS Hashim Abad Jamrud as specified in Rule-4 (iii) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 from the date of his willful absence i.e. 27/7/2019 in the interest of public service.

(Muhammad Uzair Ali)  
Competent Authority  
District Education Officer (M)  
E&SE Khyber, Khyber Pakhtunkhwa

Endst: Even No. 9280-86

Date: 12/10 / 2023

Copy of the above is forwarded for information to the:

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa.
2. Deputy Commissioner District Khyber.
3. District Accounts Officer Khyber.
4. District Monitoring Officer Education Monitoring Authority Khyber.
5. Principal GHS Hashim Abad Jamrud District Khyber.
6. Ex-Official concerned.
7. Master File.

Competent Authority  
District Education Officer (M)  
E&SE Khyber, Khyber Pakhtunkhwa

"I"  
-26-

To

The Director,  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.

Subject:


DEPARTMENTAL APPEAL AGAINST THE IMPUGNED NOTIFICATION DATED 10-10-2023 WHEREBY THE APPELLANT WAS IMPOSED THE MAJOR PENALTY REMOVAL FROM GOVERNMENT SERVICE ON THE GROUND OF WILLFULL ABSENCE FROM DUTY.

Respected Sir,

It is most humbly stated that the appellant was appointed as Junior Clerk (BPS-11) in your good self-department Vide Order dated 21.03.2007 and since then, the undersign performed his duty with full zeal and zest. The appellant/undersign during his service submitted an application for Ex-Pakistan leave w.e.f. 12.07.2019 to 26.07.2019 on 02.07.2019 which was forwarded to the competent authority on 08-07-2019, and the competent authority vide order dated 08.07.2019 sanctioned Ex-Pakistan Leave W.e.f. 02.07.2019 to 26.07.2019. That due to some unavoidable circumstances stay of the appellant was extended for which the appellant/undersign submitted an applications and he was verbally assured for its extension. When the appellant arrived to Pakistan on 27-12-2019, he/undersign approached the competent authority for submitting arrival and taking charge of his post but the competent authority denied his arrival report. The appellant/undersign filed the departmental appeal before the competent authority and the same was not decided/responded within statutory period. The appellant feeling aggrieved from such-act of the competent authority filed service appeal No: 1168/2023 before the Hon'ble KP Service Tribunal, Peshawar for the "To accept the arrival report of the appellant and adjusted/posted on his post with all back benefits". That, it is pertinent to mention here that during the pendency of the service appeal mentioned above, the District Education Officer (M) District Khyber communicated another Notification dated 10-10-2023, wherein a major Penalty of Removal form Government Service was imposed upon the appellant/undersign on the ground of willful absent form Duty.

It is, therefore, most humbly prayed that on acceptance of this Departmental appeal, the impugned Notification dated 10-10-2023 may very kindly be set aside and the appellant may kindly be re-instated to his service with all back benefits and the appellant be allowed to perform his duty.

Dated: 23.10.2023

  
YOURS OBEDIENTLY  
ABDUL JALIL

Ex-Junior Clerk GHS Hashim Abad Jamrud  
District Khyber

For Insurance Notices see reverse

Stamps: RGL117081014

the initial weight prescribed in the Post Office Guide or any which the acknowledgment is due

Registered

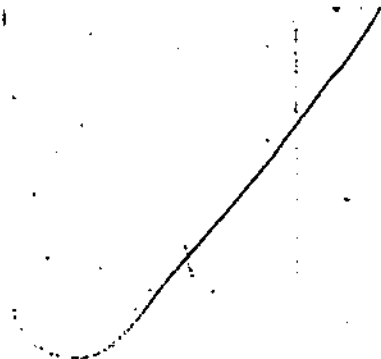
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Receiving Office will be where the parcel is to be sent (in words)

Insured for Rs. (in figures) (in words)

Insurance fee Rs. (in words) Kilos Grams

Name and address of sender



28-28-

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

Appeal \_\_\_\_\_ No \_\_\_\_\_ /2024

Abdul Jalil

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Edu; Deptt

(RESPONDENT)  
(DEFENDANT)

I/We Abdul Jalil

Do hereby appoint and constitute **Noor Mohammad Khattak Advocate Supreme Court** 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. \_\_\_\_\_ / \_\_\_\_\_ /202



**CLIENT**

**ACCEPTED**

  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE SUPREME COURT**

  
**WALEED ADNAN**

  
**UMAR FAROOQ MOHMAND**

&

  
**MAHMOOD JAN**  
**ADVOCATES**

**OFFICE:**  
Flat No. (TF) 291-292 3<sup>rd</sup> Floor,  
Deans Trade Centre, Peshawar Cantt.  
(0311-9314232)