


18.01.2024

Appellant in person present. Mr. Muhammad Jan,
District Attorney for the respondents present.

Appellant requested for adjournment on the ground that
his counsel is unable to attend the Tribunal due to strike of
lawyers. Adjourned. To come up for arguments on
18.03.2024 before the D.B. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar



(Muhammad Akbar Khan)
Member (E)



(Salah-ud-Din)
Member (J)

Naeem Amin

18.03.2024 1. Appellant alongwith junior counsel present. Mr. Asif
Masood Ali Shah learned Deputy District Attorney for the
respondents present.

2. Junior to counsel for the appellant requested for adjournment
on the ground that senior counsel for the appellant is busy before
Worthy Peshawar High Court, Peshawar. Adjourned. To come up
for arguments on ~~25.04~~ 2024 before the D.B. P.P given to the
parties.


(Fareeha Paul)
Member (E)


(Rashida Bano)
Member (J)

Kaleemallah

05.04.2024 1. Appellant alongwith junior to counsel present. Mr. Muhammad Jan, District Attorney Beenish Ashraf, Litigation Officer for the respondents present.

2. Former requested for adjournment on the ground that learned counsel for the appellant in disposed today. Adjourned. To come up for arguments on 23.05.2024 before D.B. P.P given to parties.


(Fareeha Paul)
Member (E)


(Rashida Bano)
Member (J)

Kaleemullah


S.A No.631/2022

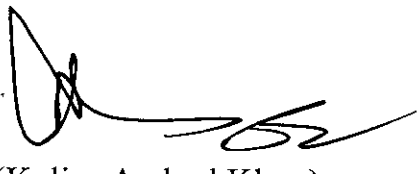
ORDER

23rd May. 2024 1. Learned counsel for the appellant and Mr. Muhammad Jan, District Attorney for the respondents present.

2. Vide our consolidated judgment of today placed on file, instant service appeal is accepted. Impugned orders are set aside and the appellant is reinstated into service with all back benefits. Costs shall follow the event. Copy of the judgment be placed in file of the connected service appeal. Consign.

3. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 23rd day of May, 2024.*


(Muhammad Akbar Khan)
Member (E)

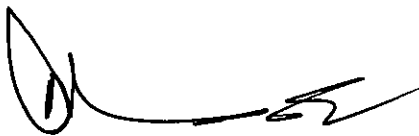

(Kalim Arshad Khan)
Chairman

Mutazem Shah

7. We have gone through the inquiry report on the basis of which the appellants were penalized. In the entire inquiry proceedings and in all the statements of the persons produced before and examined by the inquiry committee, none of the person has leveled any allegation against these two appellants. So much so, nobody has even named either of the two, rather the entire allegations appear to be against one Arshad Mama, Naib Qasid who had been penalized and also convicted, as told by the parties. In the absence of any material against the appellants, imposition of major penalty upon them is not justified.

8. Keeping in view the above situation, instant service appeals are accepted. Impugned orders are set aside and the appellants are reinstated into service with all back benefits. Costs shall follow the event. Copy of this judgment be placed in the file of the connected service appeal. Consign.

9. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 23rd day of May, 2024.*



KALIM ARSHAD KHAN
Chairman



MUHAMMAD AKBAR KHAN
Member (Executive)

CONSOLIDATED JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: Through this single judgment, both the above appeals, are jointly taken up as both are similar in nature and almost with the same contentions, therefore, can be conveniently decided together.

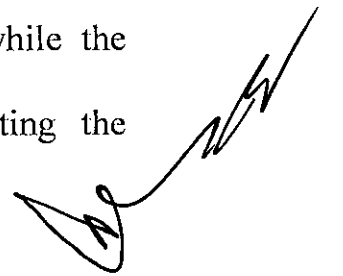
2. The appellants' cases in brief are that they were serving in the Education Department (Nasir Iqbal as Junior Clerk and Nasir Khan as Sweeper) in Government Girls High School Qasab Khana, Peshawar; that appellants were charge sheeted on the allegations of involvement of immoral activities, complained by the students; that inquiry was conducted and resultantly, vide impugned orders dated 24.03.2022 they were removed from service.

3. They filed departmental appeals, but the same were regretted. Therefore, they filed the instant service appeals.

4. On receipt of the appeals and their admission to full hearing, the respondents were summoned, who put appearance and contested the appeals by filing written replies raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellants.

5. We have heard learned counsel for the appellants and learned Deputy District Attorney for the respondents.

6. The learned counsel for the appellants reiterated the facts and grounds detailed in the memo and grounds of the appeals while the learned District Attorney controverted the same by supporting the impugned order(s).



KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,PESHAWAR

BEFORE: **KALIM ARSHAD KHAN** ... **CHAIRMAN**
MUHAMMAD AKBAR KHAN ... **MEMBER(Executive)**

Service Appeal No.631/2022

Date of presentation of Appeal.....27.04.2022
Date of Hearing.....23.05.2024
Date of Decision.....23.05.2024

**Nasir Khan (Sweeper) S/O Raza Khan R/O Wazir Bagh Road,
Mohallah Rasheedabad, Toheed Garghi, Peshawar(Appellant)**

Versus

1. **Director** Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. **District Education Officer (Female) Peshawar.....(Respondents)**

Service Appeal No.871/2022

Date of presentation of Appeal.....01.06.2022
Date of Hearing.....23.05.2024
Date of Decision.....23.05.2024

**Mr. Nasir Iqbal, Ex-Junior Clerk (BPS-11), GGHS Qasab Khana,
Peshawar(Appellant)**

Versus

1. **Director** Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. **District Education Officer (Female) Peshawar.....(Respondents)**

Present:

Mr. Umar Farooq Mohmand, Advocate.....For the appellants
Mr. Muhammad Jan, District AttorneyFor respondents

**APPEALS UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974
AGAINST THE IMPUGNED NOTIFICATION DATED
24.03.2022 ISSUED BY THE RESPONDENT NO.2
WHEREBY MAJOR PENALTY OF REMOVAL FROM
SERVICE WAS IMPOSED ON THE APPELLANTS AND
AGAINST THE APPELLATE ORDERS DATED 17.05.2022
WHEREBY DEPARTMENTAL APPEALS OF THE
APPELLANTS HAVE BEEN REGRETTEED ON NO GOOD
GROUNDS.**

