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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR


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Muharrir Compilation


29/5/24
Incharge Judicial Branch

Application under Section 12(2) of Civil Procedure Code 1908, for setting aside judgment/ order dated: 14-01-2022 obtained by respondent No. 1 on the basis of fraud and mis-representation from the Hon'ble Service Tribunal Peshawar in service appeal No: 1227/2020.

Respectfully Sheweth:

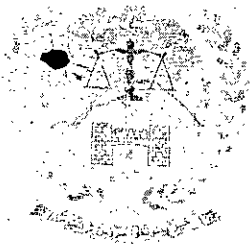
The petitioners present their grievance as under:

1. That respondent No: 1 filed service appeal under section 4 of Khyber Pakhtunkhwa Service Tribunal Act 1974 on 21.09.2020 against respondents No 2-3 before Khyber Pakhtunkhwa Service Tribunal Peshawar. (Copy of service appeal is attached as annexure A)
2. That respondent No: 1 deliberately did not make party the respondent No: 4 and the petitioners in the instant appeal and obtained the judgment dated 14.01.2022 in his favour. (Copy of judgment is attached as annexure B)
3. That few days back before the institution of instant application the petitioners came to know about the judgment of the Hon'ble Court and soon thereafter the petitioners moved the instant application against the judgment dated: 14.01.2022 on the following grounds inter-alia:

GROUNDS:-

- A. That respondent No: 1 fraudulently obtained, the order from the Hon'ble Court and deliberately did not make party, the petitioners and the respondent No: 4. The impugned order adversely affect the petitioners being regular employees of the department and if the judgment of the Hon'ble Court is satisfied/complied in favour of respondent No: 1 and others, it will affect the seniority of petitioners who were neither party to the Service Tribunal nor they were heard before passing the judgment dated: 14.01.2022. (Copy of the seniority list of petitioners is attached as annexure C)
- B. That respondent no: 1 challenged the notification dated: 25.06.2019 according to which the competent Authority was pleased to declare the 117 employees appointed by FATA Secretariat as "Surplus" and placed them Surplus pool of Establishment and Administration Department for their further adjustment/placement w.e.f. 01/07.2019, respondent No: 1 challenged the notification of respondent no: 4, but fraudulently he did not make party the Respondent no 4 in an Service Appeal and in this garb he obtained the impugned judgment in his favour. (Copy of notification is attached as annexure D)
- C. That the Service Appeal of respondents was not maintainable for want of mis-joinder and non-joinder of necessary parties but respondent No: 1 deliberately and fraudulently did the same just to obtain judgment in his favour.
- D. That petitioners and other thousands of regular employees of Establishment department were condemned unheard as the issue in service appeal was directly involved with the petitioners and other employees of the department and the impugned judgment dated: 14.01.2022 will certainly affect the seniority of all cadres in civil secretariat and will also disturb promotion of all cadres in civil secretariat but respondent No: 1 deliberately and fraudulently misrepresented, the said service appeal.
- E. That due to the 25th Constitutional Amendment Act 2018 the FATA was merged in to Khyber Pakhtunkhwa and due to that reason respondent no: 1 and other employees of FATA were placed in Surplus pool, Surplus was rightly created in accordance with section 11A of Civil Servant Act 1973, so as per Surplus pool

Section Officer (Litigation)
Government of KP
Establishment Department



①
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

No. 1165 /ST Dated 8 / 5 /2024

Ph:- 091-9212281
Fax:- 091-9213262

To

The District Education Officer (Male),
District Batagram.

Subject

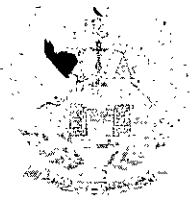
ORDER/JUDGMENT IN SERVICE APPEAL NO. 1071/2019
TITLED SHAHID -VERSUS- GOVERNMENT OF KHYBER
PAKHTUNKHWA THROUGH SECRETARY ELEMENTARY
AND SECONDARY EDUCATION DEPARTMENT, PESHAWAR
AND OTHERS

Dear Sir,

I am directed to forward herewith a certified copy of judgment dated 23.04.2024, passed by this Tribunal in the above mentioned service appeal for information.

Encl. As above.

(PIR MUHAMMAD KHAN AFRIDI)
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
PESHAWAR.



②
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

No. 764-65 /ST Dated 04/04/2024

To

1. The District Education Officer,
District Khyber.
2. The District Education Officer, (Male)
District Battagram.

Subject

ORDER REGARDING PERSONAL APPEARANCE OF RESPONDENT NO. 03 AND THE DISTRICT EDUCATION OFFICER DISTRICT KHYBER IN SERVICE APPEAL NO. 1071/2019 TITLED SHAHID -VERSUS- THE GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY ELEMENTARY AND SECONDARY EDUCATION & OTHERS

Dear Sir,

I am directed to forward herewith a certified copy of order dated 28.02.2024, passed by this Tribunal in the above mentioned service appeal for strict compliance.


Encl. As above.

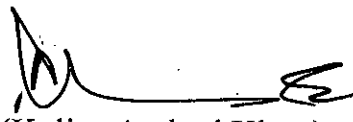
(AAMIR FAROOQ KHATTAK)
ASSISTANT REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
PESHAWAR.

(3)

3. We thus deem it appropriate that let the factum of the authenticity of the very appointment order of the appellant dated 20.07.2007 be determined first by the DEO Khyber from whose office, it was shown to have been issued as the authenticity or otherwise of the very appointment order might set the controversy at rest once for all. After such enquiry, appropriate report should be submitted to the concerned Director Education for passage of appropriate with respect to the service of the appellant. In case the appointment order is found fake, the department will be at liberty to proceed in accordance with law and rules to pass order regarding the service allegedly rendered by the appellant since such appointment at two districts i.e. Khyber and Battagram. The said exercise should be completed within 60 days of the receipt of this order. Disposed of accordingly. Consign.

4. *Pronounced in open Court at Abbottabad under our hands and seal of the Tribunal on this 23rd day of April, 2024.*


(Muhammad Akbar Khan)
Member (E)
Camp Court, Abbottabad


(Kalim Arshad Khan)
Chairman,
Camp Court, Abbottabad

Mutazem Shah

BC
Review

Service Appeal No.1071/2019 titled "Shahid Vs. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Peshawar and others"

ORDER

23rd Apr. 2024 Kalim Arshad Khan, Chairman. Learned counsel for the appellant present. Mr. Shoaib Ali, Assistant Advocate General alongwith Mr. Muhammad Uzair Ali, DEO (Male) Khyber and Mr. Muhammad Nawaz, DEO (Male) Battagram present.

2. In compliance with the directions issued on the previous date, the DEOs Khyber and Battagram are present in person. Learned counsel for the appellant was asked to open the matter in the light of two points formulated by the Tribunal on the previous date, to which, he submitted that he was not in possession of any of the documents, which could assist the Tribunal, regarding its queries, made on the previous date. He, however, submitted that it would be the official respondents, who could properly assist the Tribunal on the points. The DEO Khyber has at the very outset denied/disowned the very appointment order of the appellant, shown to have been issued on 20.07.2007. When this statement came from the DEO Khyber, the learned counsel for appellant submitted that mere denial or disowning the appointment order would not be sufficient for resolution of the controversy, rather an appropriate inquiry would be a better step to know about the veracity of the order dated 20.07.2007 and that too, after due association of the appellant with the inquiry proceedings and providing him fair opportunity of production of all documents in his possession in support of the appointment order.




SCANNED
KPST
Peshawar

28th Feb, 2024 1. Learned counsel for the appellant and Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.


2. There were a number of anomalies pointed out when the case was opened, to which, learned counsel for the appellant sought time to assist the Tribunal, especially on the following points:

- i. Whether the then Director Education NWFP was competent to transfer the employees from FATA to the Province or what was the procedure of transferring the employees from FATA to Settled district, especially those, holding district cadre posts?
- ii. In case the Director Education could transfer employees from FATA to settled areas, in that eventuality, whether the District Education Officer would be competent to declare the orders shown to have been issued by the Agency Education Officer Khyber to be fake and bogus or who would order for conducting inquiry and procedure and by whom inquiry should be conducted?

The learned Deputy District Attorney shall also assist the Tribunal on these points as well as on others raised in the appeal or in their reply. We direct that the District Education Officers Khyber and Battagram shall personally appear and assist the Tribunal. The DEO Khyber, with whom the DEO Battagram shall coordinate in the meantime, shall produce all the relevant record, if any, in his possession. The terms of order sheet are made to understand by the representative of DEO Battagram namely Lutfullah who would convey the same to the concerned DEOs. The DEO Khyber be issued notice to appear in person alongwith record. To come up for arguments on 23.04.2024 before D.B at Camp Court, Abbottabad. P.P given to the parties.


(Salah Ud Din)
Member (J)

Camp Court, A/Abad


(Kalim Arshad Khan)
Chairman
Camp Court, A/Abad

(6)

29.11.2023

Appellant alongwith his counsel present. sad Ali Khan, Assistant Advocate General for the respondents present.

Learned counsel for the appellant again requested for further time for preparation of arguments. Adjourned. To come up for arguments on 28.02.2024 before the D.B at Camp Court Abbottabad. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar



(Salah-ud-Din)
Member (J)
Camp Court Abbottabad



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

Naeem Amin


4. 11. 2023
3. 11. 2023
3. 11. 2023


23.05.2023

Learned counsel for the appellant present. Mr. Lutf Ullah, ADEO alongwith Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

Learned counsel for the appellant seeks adjournment for preparation. Adjourned. To come up for arguments on 24.07.2023 before the D.B at Camp Court Abbottabad. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar


(Muhammad Akbar Khan)
Member (E)
Camp Court Abbottabad


(Salah-ud-Din)
Member (J)
Camp Court Abbottabad


Naeem Amin

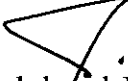
24.07.2023

Learned counsel for the appellant present. Mr. Lutf Ullah, ADEO alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Learned counsel for the appellant seeks time for preparation of arguments. Adjourned. To come up for arguments on 29.11.2023 before the D.B at Camp Court Abbottabad. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar


(Rashida Bano)
Member (J)
Camp Court Abbottabad


(Salah-ud-Din)
Member (J)
Camp Court Abbottabad

Naeem Amin

18.10.2022

Junior of learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today. Adjourned. To come up for arguments before the D.B. on 26.12.2022.

(Mian Muhammad)
Member (E)

(Salah-ud-Din)
Member (J)

26.12.2022 Due to winter vacation the adjourned to 27.03.2023 before the same.

27th Mar, 2023

Nobody is present on behalf of the appellant. Mr. Muhammad Jan, District Attorney for respondents present.

This case pertains to camp court Abbottabad, therefore, let it be fixed at camp court Abbottabad for arguments on 23/4 /2023 before D.B. Notices be issued to the appellant and his counsel for the date fixed. P.P given to the parties.

(Salah Ud Din)
Member (Judicial)

(Kalim Arshad Khan)
Chairman

25-4-23

Due to public holiday to come up for the same as before on 23-5-23

18.05.2022 Appellant in person present. Mr. Muhammad Riaz Khan, Assistant Advocate General for respondents present.

Appellant seeks adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments before D.B on 15.06.2022 at camp court Abbottabad.



(Fareeha Paul)
Member(E)



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

15.06.2022

Appellant in person present.

Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

Former made a request for adjournment as his counsel is not available today. Adjourned. To come up for arguments on 16.08.2022 before D.B at Camp Court, Abbottabad.



(Fareeha Paul)
Member (E)
Camp Court, A/Abad



(Rozina Rehman)
Member (J)
Camp Court, A/Abad

16-8-22

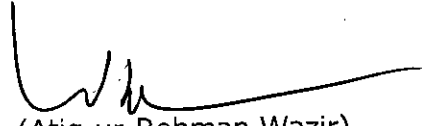
Due to summer vacation the case is adjourned to 18.10.22 for the hearing.



11.01.2022

Appellant in person and Mr. Javaidullah, Assistant AG alongwith Suleman, Senior Instructor for the respondents present.

Former requested for adjournment as his learned counsel is not available today. Request accorded. To come up for arguments on 27.04.2022 before the D.B.



(Atiq-ur-Rehman Wazir)
Member(E)


Chairman

27th April, 2022

None present on behalf of the appellant. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Nasir Ayub, ADO (Litigation) for the respondents present.

The matter pertains to the District Mansehra, therefore, it be fixed before the D.B at Camp Court, Abbottabad on 17.05.2022. Notice be also issued to the appellant and his counsel for the date fixed.


(Fareeha Paul)
Member (E)


Chairman

31-12-2020

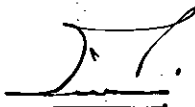
Due to summer vacation, case is adjourned to 18-3-2021 for the same as before.


Reader

18.03.2021

Mr. Muhammad Iqbal, Advocate on behalf of learned counsel for the appellant and Addl. AG for the respondents present.

Former requests for adjournment due to non-availability of learned counsel for the appellant. Adjourned to 19.05.2021 before the D.B.


(Salah-ud-Din)
Member (J)


Chairman

19.5.2021

Due to Covid 19, the case is adjourned to 10.9.21 for the same.


Reader

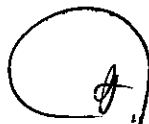
D

10.09.2021

Clerk to Muhammad Imran Advocate present and submitted Wakalat Nama in favor of appellant.

Asif Masood Ali Shah learned D.D.A alongwith Suleman Instructor for respondents present.


Lawyers are on general strike, therefore, case is adjourned. To come up for arguments on 11.01.2022 before D.B.


(Rozina Rehman)
Member (J)


Chairman

10.09.2020 Junior to counsel for the appellant present. Nemo for the respondents.

Fresh notices be issued to the respondents for submission of written reply/comments on 27.10.2020 as a last chance.


Chairman

27.10.2020 Nemo for appellant.

Kabir Ullah Khattak learned Additional Advocate General alongwith Iftikhar ul Ghani DEO for respondents present.

Representative of respondents submitted written reply which is placed on file. To come up for rejoinder, if any, and arguments on 31.12.2020 before D.B.

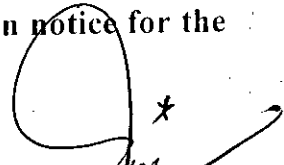

(Rozina Rehman)
Member (J)

~~10.09.2020 Junior to counsel for the appellant present. Nemo for the respondents.~~
~~Fresh notices be issued to the respondents for submission of written reply/comments on 27.10.2020 as a last chance.~~

05.03.2020

Nemo for the parties present.

Fresh notices be issued to the respondents for submission of written reply/comments on 14.04.2020 before S.B. Appellant/counsel be also put on notice for the date fixed.


Member

14.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 09.07.2020 for the same. To come up for the same as before S.B.


Reader


09.07.2020

Nemo for the appellant.

Mr. Kabir Ullah Khattak learned Additional Advocate General for the respondents present.



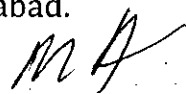
Written reply on behalf of respondents was not submitted. Learned AAG seeks time for submission of written reply/comments. Opportunity is granted. To come up for written reply/comments on 10.09.2020 before S.B.


Member (J)

20.12.2019

Counsel for the appellant Shahid present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was transferred from Landi Kotal to District Battagram. It was further contended that later on the said order was turned as fake and bogus by the respondent-department and on the basis of which the appellant was removed from service vide order dated 12.05.2017. It was further contended that the said order dated 12.05.2017 was challenged by the appellant in service appeal; the service appeal of the appellant was partially accepted and the respondent-department was directed to decide the departmental appeal within 90 days from the receipt of copy of the judgment vide detailed judgment dated 18.12.2018. It was further contended that the departmental authority i.e Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar has not decided the departmental appeal of the appellant so far rather the competent authority i.e District Education Officer has again passed the impugned order of removal from service of the appellant vide order dated 17.04.2019. It was further contended that the appellant filed departmental appeal within time but the same has also not been decided. It was further contended that the respondent-department was bound to decide the departmental appeal in the light of judgment of this Tribunal but the respondent-department has by passed the judgment of this Tribunal and again the competent authority without affording opportunity of hearing and any regular inquiry has imposed major penalty of removal from service to the appellant, therefore, the impugned order is illegal and liable to be set-aside.

The contention raised by learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 17.02.2020 before S.B at Camp Court Abbottabad.




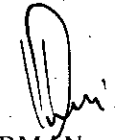

(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

17/12/20
Amount Deposited
Security & Process Fee

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- 1071/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/08/2019	<p>The appeal of Mr. Shahid resubmitted today by Mr. Ahmad Farooq Khan 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 20/8/19</p>
2-	30-8-19	<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>25-10-19</u></p> <p style="text-align: right;"> CHAIRMAN</p>
25.10.2019		<p>Appellant absent. Counsel for the appellant absent. Notice be issued to appellant for the date fixed. To come up for preliminary hearing on 20.12.2019 before S.B at camp court, Abbottabad.</p> <p style="text-align: right;"> Member Camp court, A/Abad</p>

This is an appeal filed by Mr. Shahid today on 13/05/2019 against the order dated 17.04.2019 against which he preferred/made departmental appeal/ representation on 09.05.2019 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority reported as 2005-SCMR-890.


As such the instant appeal is returned in original to the appellant/Counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action and also removing the following deficiency.

- 1- Annexures of the appeal may be flagged.
- 2- Annexures of the appeal may be attested.
- 3- Affidavit may be got attested by the Oath Commissioner.
- 4- The law under which appeal is filed is not mentioned.
- 5- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 937 /ST,

Dt. 13-5- /2019

Mr. Ahmad Farooq Khan Adv.
High Court Mansehra.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR. 13/5/19

Sir,

All the objections have been removed case file
is complete in all respect and is re-submitted.

~~u~~ 24-7-2019

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

Appeal No. 1076/2019

ShahidAppellant

VERSUS

Government of Khyber Pakhtunkhwa through
Secretary Elementary and Secondary
Education, Peshawar etc.....Respondents

SERVICE APPEAL


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Dated 10.05.2019

Shahid 
...Petitioner

Through


AHMED FAROOQ KHAN,
Advocate High Court,
Mansehra.

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Appeal no. 1071/2019

Diary No. 747

Shahid son of Gujjar caste Swati resident of 13-5-2019
Baffa, Tehsil and District Mansehra
.....Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education, Peshawar.
2. Director, Elementary and Secondary Education, Peshawar.
3. District Education Officer (Male), Battagram
4. Deputy District Education Officer (Male); Battagram Respondents.

*under section 4 of the K. PK
Service Tribunal Act 1974*

SERVICE APPEAL AGAINST THE
OFFICE ORDER ENDST. NO.3903/EB-II
DATED 17.04.2019 DUE TO WHICH
APPELLANT'S SERVICES WERE
TERMINATED.

Filed to-day
Registrar
13/5/19

PRAYER: -

On acceptance of instant appeal, the impugned office order ~~Endst.~~ No: 3903/EB-II dated 17.04.2019 and subsequent order, if any, be cancelled and appellant be re-instated with all service back benefits.

Re-submitted to-day
and filed.
Registrar
20/7/19

Respectfully Sheweth!

1. That, appellant was appointed as C.T, Government Middle School Landi Kotel against vacant post on 20.07.2007.

(Copy of appointment order is annexed as annexure "A").

2. That, the appellant was transferred to Government High School Pashto Allai District Battagram on 02.05.2010.

(Copy of the transfer order is annexed as annexure "B").

3. That, appellant took over charge on 02.06.2011.

(Copy of the charge report is annexed as annexure "C").

4. That, appellant was again transferred to Government Middle School Der Kadh against vacant post on 21.10.2010 and then transferred to Government High School Sakar Garh and subsequently appellant was transferred to Government Middle School Kund. Appellant took over the charge.

(Copies of transfer order alongwith relevant record are annexed as annexure "D" to "G").

5. That, without any reason, respondent No.4 stopped the monthly salary of appellant from 1st July, 2016 inspite of that, appellant, attended the school regularly till 28.02.2017.
6. That, respondents No.3 and 4 raised objection on the transfer orders of appellant, when NAB authorities started inquiries against the irregular appointments in Education Department, to save their skin respondents No.3 and 4 illegally, without lawful authority, without any reason terminated the services of appellant on 12.05.2017.

(Copy of the termination order is annexed as annexure "H").

7. That, respondent No.2 verified the transfer order.

(Copy of the verification order is annexed as annexure "I").

8. That, appellant filed a departmental appeal to respondent No.2. The same is still undecided.

(Copy of the departmental appeal is annexed as annexure "J").

9. That, appellant challenged the earlier impugned order Endst. No.6866-72 dated 12.05.2017 in service appeal No.1055/2017 before the Honourable Service Tribunal, ~~and~~ the Service Tribunal allowed the appeal on 18.12.2018 and respondents were directed to decide the departmental appeal dated 05.06.2017 *within 90 days*.

(Attested copy of the judgment dated 18.12.2018 is annexed as annexure "K").

10. That, respondent No.3 vide office order No.3903/EB-II dated 17.04.2019 again retained the office Endst. No.6866-72 dated 12.05.2017.

(Copy of the order dated 17.04.2019 is annexed as annexure "L").

11. That, the appellant filed the departmental appeal on 10.05.2019.

(Copy of the departmental appeal is annexed as annexure "M").

12. That, appellant challenges the propriety, validity and legality of the

impugned order, inter alia, on the following amongst the other grounds:

GROUNDS

- a. That, the impugned order is against the law, facts and rules, regulations hence not maintainable in the eyes of law.
- b. That, the impugned order is perverse, illegal, arbitrary and based on malafide.
- c. That, no show cause notice was issued to the appellant prior to the impugned order, similarly no proper inquiry was held or conducted.
- d. That, in order to save their skin from NAB authorities, respondents malafidely issued the impugned order.
- e. That, respondents No.2 to 4 did not comply the directions contained in judgment service appeal No. 1055/2017 dated 18.12.2018.
- f. That, respondents were bound to decide the departmental appeal dated

05.06.2017 but unfortunately respondents No.2 to 4 failed to do so.

- g. That, a fake inquiry/^{Committee} was constituted and fake report was prepared in the office, whereas, appellant was not associated in the inquiry.
- h. That, no show cause notice was issued to the appellant.
- i. That, other grounds will be agitated at the time of hearing of the instant appeal.

It is, therefore, most humbly prayed that on acceptance of instant appeal, the impugned office order ~~and~~ No.3903/EB-II dated 17.04.2019 and subsequent order, if any, be cancelled and appellant be re-instated with all service back benefits.

Dated 09.05.2019

Shahid
...Petitioner

Through

AHMED FAROOQ KHAN,
Advocate High Court,
Mansehra.

AFFIDAVIT.

I, Shahid son of Gujjar caste Swati resident of Baffa, Tehsil and District Mansehra, Appellant, do hereby solemnly affirm and declare on oath that the contents of the foregoing service appeal are true and correct and nothing has been concealed from this Honourable Court.

Dated 10.05.2019



Shahid
(DEPONENT)



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

ShahidAppellant

VERSUS

Government of Khyber Pakhtunkhwa through
Secretary Elementary and Secondary
Education, Peshawar etc.....Respondents

SERVICE APPEAL

CORRECT ADDRESSES OF THE PARTIES

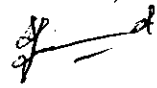
APPELLANT

Shahid son of Gujjar caste Swati resident of
Baffa, Tehsil and District Mansehra.

RESPONDENTS

1. Government of Khyber Pakhtunkhwa through
Secretary Elementary and Secondary
Education, Peshawar.
2. Director, Elementary and Secondary
Education, Peshawar.
3. District Education Officer (Male), Battagram
4. Deputy District Education Officer (Male),
Battagram.

Dated 10.05.2019



Shahid
...Petitioner

Through



AHMED FAROOQ KHAN,
Advocate High Court,
Mansehra.

26

7

0 To 12

OFFICE OF THE AGENCY EDUCATION OFFICER KHYBER AGENCY "A"

APPOINTMENT ORDER

Consequent upon the recommendation of department Recruitment Committee, the undersigned is pleased to appoint the following (Male) candidate out of Merit list for the year 2007, as CT in BPS-09 noted against each as per CT recruitment policy plus usual allowance as admissible under the rules, in the school noted against each candidates from the date of their taking over charge in the interest of public service subject to the terms and condition given below:-

S.No	Name of Candidate	Father's Name	Address	U/Council/Q uota	BP S	Place of posting	Remarks
1	Shah Ahmad	Shad Muhammad	Mansehra	Earth Quick Quota	09	GMS Haji Dhand Bara	v/post
2	Shahid	Gujar Khan	Mansehra	Earth Quick Quota	09	GMS Landi Kotal	V/post
3	Muhammad Azam	Muhammad Sultan	Aibottabad	Earth Quick Quota	09	GMS Shinky	V/post

TERMS & CONDITIONS:

- 1- Their service will be considered regular but without pension and gratuity in term of Section-19 of Govt Civil Servant Act,1973 as amended vide Civil servant (Amendment) Act,2005. Their will however be entitled to contributory Provident Fund in such a manner and at such rates as may be prescribed by the Government.
- 2- Their service will be liable to termination on one month notice from either side. in case of resignation without notice their two months' pay and allowances will be forfeited to Govt.
- 3- Charge report should be submitted to all concerned.
- 4- Their service can be terminated at any time in case of their performance in found unsatisfactory during probationary period, in case of misconduct they will be proceeded against under the Govt removal from service special Power Ordinance 2000 and the rules framed from time to time.
- 5- The candidate should join their within 15 days of issuance of this order. The Head of institution concerned should furnished a certificate to the effect that the appointee have joined the post or otherwise after 15 days of the issuance of this order, their order will be treated as cancelled.
- 6- The appointees are directed to perform their duties in their respective schools noted against their name for a minimum period of three years and they will not apply for transfer from school where appointed.
- 7- Each appointee will produce undertaking on stamp to the effect that the district domicile already produced on or before 10/8/2007 if found that their FR Domicile is not cancelled, then he will be removed from service without any notice.
- 8- In case of Fake Certificate and Degree detected later on the undersigned reserve the right of termination from service and disciplinary action will instantiate against the teacher concerned.
- 9- The original Certificate/Degree should be verified from concerned Board/University on their own expensive before the release of their pay.
- 10- NO TA/DA etc is allowed.

AGENCY EDUCATION OFFICER
KHYBER AGENCY AT JAMRUD

Endst No 490-95 /EB/AEO(M)/PTC/CT Appt: Dated 20-7-2007

Copy forwarded for information and necessary action to the

1. Director of Education (FATA) NWFP, Peshawar
2. Agency Account Officer Khyber Agency
3. Agency Surgeon Khyber Agency
4. AAEO (Male) Concerned
5. Candidate Concerned
6. P/File

[Handwritten signature]

[Handwritten signature] 20/7/07
AGENCY EDUCATION OFFICER
KHYBER AGENCY AT JAMRUD

(27)

8 (4)

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
N.W.F.P PESHAWAR

B

OFFICE ORDER

Mr. Shahid CTB-09 Govt: Middle School, Landi Kotal Khyber Agency is hereby transferred / adjusted against vacant post of CT B-09 at Govt: High School Pashto Allai District Battagram on his own pay and BPS in the interest of public service with effect from the his date of taking over charge.

- NOTE:-
1. Charge report should be submitted to all concerned
 2. NO TA/DA etc is allowed.
 3. Necessary to this effect should be made in his service book accordingly.

DIRECTOR
Elementary & Secondary Education
N.W.F.P Peshawar.

Endst. No 3533-38 F, No. Other District Transfer. Dated Peshawar The 22/5 /2010

- Copy of the above is forwarded to the
1. P/A to Director (E&SE) N.W.F.P Peshawar.
 2. District Education Officer (Male) Battagram
 3. Agency Education Officer Khyber Agency AT Jamrud.
 4. District Accounts Officer concerned.
 5. Headmaster concerned schools.
 6. Official concerned.
 7. Master file.

Attended
[Signature]

[Signature]
Deputy Director (Extra)
Elementary & Secondary Education
N.W.F.P Peshawar.


CHARGE REPORT

C

In Compliance with Director E & SE
KPK Peshawar. Srd. No. 5711-16 Dated 29-5-2010
I took over charge of GHS Pashto Alai
against the vacant post of CT.

Today on. 2-6-2010. (FK).

Signed
2/6/2010

AKRAM


C/Signed



Head Master
GHS Pashto (ALLAI)
Dist. Battagram

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELE: & SEC: EDU: BATTAGRAM.

O R D E R.

D

Mr. Shahid O.T Govt: High School Pashto is hereby transferred to Govt: Middle School Derkadh against vacant of O.T post on his own pay and BFS in the interest of public service with immediate effect:-

- Note:-
1. Charge reports should be submitted to all Concerned.
 2. Necessary entry may be made in his service book.

EXECUTIVE DISTRICT OFFICER
ELE: & SEC: EDU: BATTAGRAM

Endst: No 4535-38 EE/AR-II/T-129(OT) Dated 21/10/2010.

Copy to the:-

1. I/O Head Master Govt: High School Pashto.
2. I/O Head Master Govt: ~~HIGH SCHOOL~~ Middle School Derkadh.
3. District Accounts Officer Batgram.
4. Teacher Concerned.

DISTRICT OFFICER (MALE)
ELE: & SEC: EDU: BATTAGRAM

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (ELE & SEC: EDU:) BATAGRAM.

ORDER.

The following O.T teachers are hereby transferred in the school noted against each on their own pay and BPS in the interest of public service with immediate effect:-

S.No	Name of Teachers & School	Name of School where Transferred	Remarks
1.	Fazal-ur-Rahim, OT, GHS, Sakargah.	GHS, Birkadh	Vice S.No.2
2.	Shahid Khan, OT, GMS, Birkadh.	GHS, Sakargah	Vice S.No.1

Note:- Change report should be submitted to all concerned.

EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SEC: EDUCATION
BATAGRAM.

Endst: No. 3249-S1 / EB/AB-II/P-129/Vol:II dated 09/04/2012.

Copy for information and necessary action to the:-

1. I/C Headmaster GHS Sakargah.
2. District Accounts Officer Batgram.
3. Teacher concerned.

Atk
mg

[Signature]

DISTRICT OFFICER (MALE)
ELEMENTARY & SEC: EDUCATION
BATAGRAM.

[Signature]

CORRIGENDUM

Adjustment order of SCT Male issued vide this office Endstt: No.8113-18 Dated 05.03.2013 may be read as fallow.

F

S.No	Name of teacher/School	Name of school where adjusted
1	Jumraiz Khan.GHS Jembera	GHS Sakargah
2	Shahid Khan GHS Sakargah	GMS Kund
3	Gul Zar GMS Kund	GHS Jamber

The rest of the order will remain intact and unchanged.

Deputy District Education Officer Male
Battagram.
Dated Battagram the 4 /03.2013.

Endst: No. 8188-91

Copy forwarded for information and n/a to the:-

1. Director Elementary & Secondary Education Deptt: KP Peshawar.
2. District Accounts Officer Battagram.
3. Head Masters of concerned schools.
4. Teachers concerned.

Deputy District Education Officer Male
Battagram.

Chargereport

Certified that Mr. Shalid CT
GHS Sakargach who has been
transferred to Gm's Kund Alla

Ballaganan vide office order No. 182318

/8188-91 dated 5.3.2013 Ballaganan

D.D. Education. He took his change

as a CT post to day on 12.3.2013

A/N

Chargereport

Signature of H.M.

HEAD MASTER
Govt. Middle School
Kund Alla Ballaganan

12/3/2013

1) Copy for warden to

2) D. E. O (M) (S) Ballaganan

3) DISTRICT ACCOUNT OFFICE BALLAGANAN

4) Office copy

ALLMS



DISTRICT EDUCATION OFFICER (MALE)
BATTAGRAM

H

OFFICE ORDER

WHEREAS You Mr. Shahid S/O Gujar Khan R/O District Mansehra have been transferred against the post of CT from Khyber Agency to District Battagram vide Director (E&SE) Khyber Pakhtunkhwa Peshawar transfer order No. 3533-38/ F.No. Other District Transfer Dated 22.05.2010.

AND WHEREAS as a result of NAB enquiry initiated against you and others this office requested the Director (E&SE) Khyber Pakhtunkhwa at Peshawar for the verification of your transfer order vide this office letter No. 11010 Dated 07/10/2016.

AND WHEREAS in response to the above quoted letter you have provided a bogus/fake verification letter from Deputy Director Establishment Directorate of E&SE Khyber Pakhtunkhwa Peshawar bearing No.116/A-23/CT/I-District Transfer/verification Dated 03/01/2017.

AND WHEREAS this office addressed another letter to Director (E&SE) Khyber Pakhtunkhwa Peshawar requesting therein for verification of your fake transfer and subsequently verification quoted in Para 3 above vide this office dispatch No.2003 Dated 03/03/2017.

AND WHEREAS the Director (E&SE) in response to the above quoted letters has categorically declared your transfer as well as verification orders fake and bogus vide his office letter No.565/F.No304/A-15 (B) Inter District Transfers Dated 03/03/2017 and directed the undersigned to ask the Principal GHS Pashto to lodge FIR against you so as to discourage such like practices in future. The same wordings are reproduced below.

"That neither the transfer order in respect of Mr. Shahid CT from GMS Landi Kotal Khyber Agency (FATA) to GHS Pashto (Allai) Battagram vide No. 7533-38 Dated 22.052016 issued by this office nor the transfer verification made by this office vide No. 116 Dated 03.01.2017 and thus the transfer order and verification is fake and bogus"

AND WHEREAS this office served a show cause notice upon you vide this office Endstt.No.2943-46 dated 21/03/2017 regarding your misconduct, concealment of facts and fraudulently entering in to District Battagram with the direction to submit your written defence if any within 7 days and also given the option of personal hearing.

AND WHEREAS you submitted the reply of aforesaid show cause notice stating therein only the detail of your fake and bogus practices which is not satisfactory.

AND WHEREAS you have been called vide this office letter No.5076 Dated 15/04/2017 to appear before the undersigned for personal hearing on 20/04/2017.

Attest

[Handwritten scribbles and marks]

(U)

AND WHEREAS you along with I/C Head Master GHS Kund have appeared before the undersigned on the schedule date and presented nothing in your support/defence simply saying that the reply of show cause notice already submitted in this office may be considered for this purpose.

NOW THEREFORE in the light of the above mentioned proceedings and documentary evidences I the undersigned being competent authority am of the opinion that your transfer order from Khyber Agency to District Battagram is fake and bogus and not issued by the lawful authority.

HENCE DECLARED "FAKE, NULL AND VOID" HAVING NO LEGAL SANCTITY AND MR. SHADHID ENTERED IN THIS DISTRICT FADULANTLY IS NO LONGER AS CT AT THE STRENGTH OF THIS OFFICE.

DISTRICT EDUCATION OFFICER (M)

BATTAGRAM

DATED BATTAGRAM THE: 12/5 2017

ENDSTT: NO. 6866-2/EB-II

Copy Forwarded to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar with the request to initiate departmental proceedings against the official concerned involved in such like male practices.
2. District Accounts Officer Battagram.
3. District Monitoring Officer Battagram.
4. DDO concerned with the direction to calculate the total amount unlawfully released to the concerned teacher on account of salaries and approach to the anti corruption department to lodge FIR under relevant section of law.
5. Naeem Ullah Khan Mehsood Investigation Officer NAB Block -III PDA Complex Phase IV Hayatabad Peshawar.
6. Head Master GHS Kund.
7. Teacher concerned.

DISTRICT EDUCATION OFFICER (M)
BATTAGRAM

A. U. S.

(35)

16

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.

No. 116 /A-23/CT/I.Distt Transfr/Verification.

Dated Peshawar the 3/1 /2017.

To

The District Education Officer
(Male) Battagram.

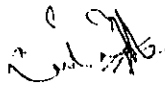
SUBJECT:-VERIFICATION.

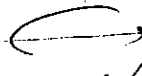

Memo:-

Reference your letter No.11010/EB-II/Verification

Dated.7/10/2016 on the subject cited above.

The transfer order in respect of Mr. Shahid Khan CT GHS
Pashto Allai Battagram checked with office record verified and found
correct.


2/1/17
Deputy Director Establishment
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.


ALOK


بخدمت جناب ڈائریکٹر صاحب محکمہ ایلیمینٹری اینڈ سیکنڈری ایجوکیشن پشاور

د

عنوان: حکمانہ اپیل برخلاف آفس Endst. No.6866-72 مورخہ
-12.05.2017

استدعا ہے کہ بمنظوری اپیل بمنسوخ آفس آرڈر نمبر Endst. No.6866-72 مورخہ 12.05.2017 کو منسوخ فرماتے ہوئے سائل / اپیلانٹ کو ملازمت پر بحال فرمایا جائے۔

جناب عالی! موجبات اپیل ذیل پیش ہیں۔

(۱) یہ کہ آفس آرڈر نمبر Endst No.6866-72 مورخہ 12.05.2017 خلاف

قانون اور خلاف واقع ہے لہذا قابل بحالی ہے۔

(۲) یہ کہ آفس آرڈر جاری کرتے وقت محترم E.D.O (میل) بنگرام نے اپنے اختیارات کا ناجائز استعمال کیا۔

(۳) یہ کہ سائل کی تعیناتی / Appointment آرڈر مورخہ 20.07.2007 کو تعیناتی بطور C.T ٹیچر ہوئی اور بعد ازاں سائل کی تبدیلی قانون کے مروجہ اصولوں کے مطابق مورخہ 22.05.2010 کو بحوالہ آفس آرڈر نمبر 38-3533 گورنمنٹ ہائی سکول پاشنڈ آلائی ہوئی۔

(۴) یہ کہ سائل نے اس وقت سے لے کر مورخہ 28.02.2017 تک بطریق احسن ڈیوٹی سرانجام دی۔

(۵) یہ کہ سائل کے ٹرانسفر آرڈر پر اس وقت اعتراضات شروع ہوئے جب محکمہ نیب نے محکمہ تعلیم کی بدعنوانی کی انکوائری شروع کی۔

(۶) یہ کہ نیب اتھارٹی پشاور نے سائل کو بطور گواہ انکوائری کے لئے طلب کیا جو اپنی جان بچانے کے لئے محکمہ تعلیم کے ذمہ داران اہلکاران نے خوف کی وجہ سے سائل کی تبدیلی کے حکم نمبر

A. U. S.

38-7538 مورخہ 22.05.2016 کو تصدیق نہیں کیا حالانکہ قبل ازیں ہیچو قسم کا ایئر ڈائریکٹر آفس سے باقاعدہ تصدیق کیا گیا ہے۔

- (۷) یہ کہ سائل کو ملازمت سے برخاست کرنا صریحاً قانون کی خلاف ورزی ہے۔
- (۸) یہ کہ سائل کے خلاف کہیں بھی نااہلی، کام چوری، ڈیوٹی سے غیر حاضر رہنے اور اس عرصہ دس سال میں کہیں الزام تک نہ ہے۔
- (۹) یہ کہ سائل کی نہ کوئی انکوائری ہوئی اور نہ ہی سائل کو کوئی شوکانہ نوٹس جاری کیا گیا جو کہ حکم زیر اپیل صریحاً E&D رولز کے خلاف ہے۔
- (۱۰) یہ کہ دیگر امور بوقت بحث عرض کئے جائیں گے۔

استدعا ہے کہ بمظوری اپیل بمسوخ آفس آرڈر نمبر Endst. No.6866-72 مورخہ 12.05.2017 کو منسوخ فرماتے ہوئے سائل / اپیلانٹ کو ملازمت پر بحال فرمایا جائے۔

المرقوم 05.06.2017

اطلاع

شاہد ولد بگجر خان ساکن بفقہ تحصیل و ضلع مانسہرہ سابقہ C.T ٹیچر گورنمنٹ ہائی سکول کنڈ آلائی ضلع بگرام

رابطہ نمبر 0310-5173977

کاپی برائے اطلاع و ضروری کارروائی۔

- (۱) جناب سیکرٹری ایجوکیشن خیبر پختونخواہ پشاور۔
- (۲) جناب D.E.O صاحب (مردانہ) ضلع بگرام۔

ATK

بخدمت جناب سیکرٹری صاحب محکمہ تعلیم خیبر پختونخواہ پشاور

عنوان: بحکمانہ اپیل برخلاف آفس Endst. No.6866-72 مورخہ
-12.05.2017

استدعا ہے کہ بمنظوری اپیل بمسوخ آفس آرڈر نمبر Endst. No.6866-72 مورخہ 12.05.2017 کو مسوخ فرماتے ہوئے سائل / اپیلانٹ کو ملازمت پر بحال فرمایا جائے۔

جناب عالی! موجبات اپیل ذیل پیش ہیں۔

(۱) یہ کہ آفس آرڈر نمبر Endst No.6866-72 مورخہ 12.05.2017 خلاف

قانون اور خلاف واقع ہے لہذا ناقابل بحالی ہے۔

(۲) یہ کہ آفس آرڈر جاری کرتے وقت محترم E.D.O (میل) بگرام نے اپنے اختیارات کا ناجائز استعمال کیا۔

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(۴) یہ کہ سائل نے اس وقت سے لے کر مورخہ 28.02.2017 تک بطریق احسن ڈیوٹی سرانجام دی۔

(۵) یہ کہ سائل کے ٹرانسفر آرڈر پر اس وقت اعتراضات شروع ہوئے جب محکمہ نیب نے محکمہ تعلیم کی بدعنوانی کی انکوائری شروع کی۔

(۶) یہ کہ نیب انٹھارٹی پشاور نے سائل کو بطور گواہ انکوائری کے لئے طلب کیا جو اپنی جان بچانے کے لئے محکمہ تعلیم کے ذمہ داران اہلکاران نے خوف کی وجہ سے سائل کی تبدیلی کے حکم نمبر

Allen
P

38-7538 مورخہ 22.05.2016 کو تصدیق نہیں کیا حالانکہ قبل ازیں ہیچو قسم کا لیٹر ڈائریکٹر آفس سے باقاعدہ تصدیق کیا گیا ہے۔

- (۷) یہ کہ سائل کو ملازمت سے برخاست کرنا صریحاً قانون کی خلاف ورزی ہے۔
- (۸) یہ کہ سائل کے خلاف کہیں بھی نااہلی، کام چوری، ڈیوٹی سے غیر حاضر رہنے اور اس عرصہ دس سال میں کہیں الزام تک نہ ہے۔
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- (۱۰) یہ کہ دیگر امور بوقت بحث عرض کئے جائیں گے۔

استدعا ہے کہ بمظوری اپیل بمسوخ آفس آرڈر نمبر 72-6866-Endst. مورخہ 12.05.2017 کو منسوخ فرماتے ہوئے سائل / اپیلانٹ کو ملازمت پر بحال فرمایا جائے۔

المرقوم 05.06.2017

الحسن علی

شاہد ولد گجر خان ساکن بفقہ تحصیل ضلع مانسہرہ سابقہ C.T ٹیچر گورنمنٹ ہائی سکول کنڈ آلائی ضلع بنگرام سائل

رابطہ نمبر 0310-5173977

کاپی برائے اطلاع و ضروری کارروائی۔

- (۱) جناب سیکرٹری ایجوکیشن خیبر پختونخواہ پشاور۔
- (۲) جناب D.E.O صاحب (مردانہ) ضلع بنگرام۔

الحسن علی

بخدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر صاحب (مردانہ) ضلع مانسہرہ

عنوان: محکمانہ اپیل بر خلاف آفس Endst. No.6866-72 مورخہ

-12.05.2017

استدعا ہے کہ بمظوری اپیل بمنسوخی آفس آرڈر نمبر Endst. No.6866-72 مورخہ 12.05.2017 کو منسوخ فرماتے ہوئے سائل / اپیلانٹ کو ملازمت پر بحال فرمایا جائے۔

جناب عالی! موجبات اپیل ذیل پیش ہیں۔

- (۱) یہ کہ آفس آرڈر نمبر Endst No.6866-72 مورخہ 12.05.2017 خلاف قانون اور خلاف واقع ہے لہذا ناقابل بحالی ہے۔
- (۲) یہ کہ آفس آرڈر جاری کرتے وقت محترم E.D.O (میل) بگرام نے اپنے اختیارات کا ناجائز استعمال کیا۔
- (۳) یہ کہ سائل کی تعیناتی / Appointment آرڈر مورخہ 20.07.2007 کو تعیناتی بطور C.T ٹیچر ہوئی اور بعد ازاں سائل کی تبدیلی قانون کے مروجہ اصولوں کے مطابق مورخہ 22.05.2010 کو بحوالہ آفس آرڈر نمبر 3533-38 گورنمنٹ ہائی سکول پاشتو آلائی ہوئی۔
- (۴) یہ کہ سائل نے اس وقت سے لے کر مورخہ 28.02.2017 تک بطریق احسن ڈیوٹی سرانجام دی۔
- (۵) یہ کہ سائل کے ٹرانسفر آرڈر پر اس وقت اعتراضات شروع ہوئے جب محکمہ نیب نے محکمہ تعلیم کی بدعنوانی کی انکوائری شروع کی۔
- (۶) یہ کہ نیب اتھارٹی پشاور نے سائل کو بطور گواہ انکوائری کے لئے طلب کیا جو اپنی جان بچانے کے لئے محکمہ تعلیم کے ذمہ داران اہلکاران نے خوف کی وجہ سے سائل کی تبدیلی کے حکم نمبر

گواہ

ATU

7538-38 مورخہ 22.05.2016 کو تصدیق نہیں کیا حالانکہ قبل ازیں ہیچو قسم کا لیٹر ڈائریکٹر آفس سے باقاعدہ تصدیق کیا گیا ہے۔

- (۷) یہ کہ سائل کو ملازمت سے برخاست کرنا صریحاً قانون کی خلاف ورزی ہے۔
- (۸) یہ کہ سائل کے خلاف کہیں بھی نااہلی، کام چوری، ڈیوٹی سے غیر حاضر رہنے اور اس عرصہ دس سال میں کہیں الزام تک نہ ہے۔
- (۹) یہ کہ سائل کی نہ کوئی انکوائری ہوئی اور نہ ہی سائل کو کوئی شوکانہ نوٹس جاری کیا گیا جو کہ حکم زیر اپیل صریحاً E&D رولز کے خلاف ہے۔
- (۱۰) یہ کہ دیگر امور بوقت بحث عرض کئے جائیں گے۔

استدعا ہے کہ بمظوری اپیل بمسنوخی آفس آرڈر نمبر Endst. No.6866-72 مورخہ 12.05.2017 کو منسوخ فرماتے ہوئے سائل / اپیلانٹ کو ملازمت پر بحال فرمایا جائے۔

المرقوم 05.06.2017

شاہد ولد گجر خان ساکن ایفہ تحصیل و ضلع مانسہرہ سابقہ C.T ٹیچر گورنمنٹ ہائی سکول کنڈ آلائی ضلع بنگرام سائل

رابطہ نمبر 0310-5173977

کاپی برائے اطلاع و ضروری کارروائی۔

- (۱) جناب سیکرٹری ایجوکیشن خیبر پختونخواہ پشاور۔
- (۲) جناب D.E.O صاحب (مردانہ) ضلع بنگرام۔

کاملاً

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BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA PESHAWAR



Appeal no. 1055/2017

Shahid son of Gujjar caste Swati resident of
Baffa, Tehsil and District Mansehra
.....Appellant

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1084

Dated 19-9-2017

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education, Peshawar.
2. Director, Elementary and Secondary Education, Peshawar.
3. District Education Officer (Male), Battagram
4. Deputy District Education Officer (Male), Battagram Respondents.

SERVICE APPEAL AGAINST THE
OFFICE ORDER ENDST. NO.6866-72
DATED 12.05.2017 DUE TO WHICH
APPELLANTS SERVICES WERE
TERMINATED.

Signature
19/9/17

PRAYER: -

On acceptance of instant appeal, the impugned office order Endst. No.6866-72 dated 12.05.2017 and subsequent order, if any, be cancelled and appellant be re-instated with all service back benefits.

Signature

ATTESTED

Signature
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CAMP COURT ABBOTTABAD.

Service Appeal No. 1055/2017

Date of Institution ... 07.09.2016

Date of Decision ... 18.12.2018



Shahid S/o Gujjar Caste Swati R/O Baffa, Tehsil and District Mansehra.
... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education, Peshawar and three others. ... (Respondents)

- | | | |
|-----------------------------------------------|-----|--------------------------------|
| MR. AHMAD FAROOQ KHAN,
Advocate | --- | For appellant. |
| MR. USMAN GHANI,
District Attorney | --- | For respondents |
| MR. AHMAD HASSAN,
MR. HAMID FAROOQ DURRANI | --- | MEMBER (Executive)
CHAIRMAN |

JUDGMENT

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the

parties heard and record perused.

ATTESTED FACTS

2. The appellant is aggrieved of impugned order dated 12.05.2017 through which his transfer to District Battagram through forgery/fraud was declared illegal. Feeling aggrieved he filed departmental appeal on 05.06.2017 which remained unanswered, hence, the instant service appeal.

ARGUMENTS

3. Learned counsel for the appellant argued that initially he was appointed as C.T in GMS Landi Kotal on 20.07.2007. He was transferred to GHS Pashto Alai, District Battagram on 02.05.2010 and after taking over charge started performing duty.

Attested
[Signature]

SEAL
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Subsequently, he was also transferred from time to time other schools in District Battagram. Though he was regularly attending the school but his salary was stopped on 01.07.2016. Respondents no. 3 and 4 raised objections on his transfer orders, when NAB took cognizance of illegal appointments in the Education Department. In order to save their skin services of the appellant were terminated vide order dated 12.05.2017. He further argued that formalities contained in the rules were not observed by the respondents before passing the impugned order so the appellant was condemned unheard.

4. Learned District Attorney argued that the appellant was neither transferred by respondent no.2 nor any order was issued by that office, hence, the appellant was not bound to obey any illegal order. Moreover, DEO, Khyber Agency did not confirm his transfer order from Khyber Agency to Battagram. Entire case appeared to be fake and fabricated. Action taken by the respondents was in accordance with laid down procedure.

CONCLUSION.

5. In the present case factual controversy with regard to the authenticity of transfer order dated 22.05.2010 transferring the appellant from GMS Landi Kotal to GHS Pashto Alai is involved. Stance of the appellant is that the transfer order was issued by respondent no.2, whereas the same was denied by the official respondents. It was termed as fake and bogus. It could not be termed as termination order. We were unable to comprehend how his services were terminated on the basis of same order. Vide impugned order dated 12.05.2017 following order was passed by respondent no. 3 (DEO Battagram):-

"Hence declared "Fake, Null and Void" having no legal sanctity and Mr. Shahid entered in this district fraudulently is no longer as CT at the strength of this office."

ATTESTED

SEANWAR
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

ATTESTED
w 9

His departmental appeal dated 05.06.2017 remain^{ed} unanswered. Respondents under the rules were required to decide his departmental appeal according to ^{the} laid down procedure.

6. As a sequel to above, the appeal is remitted to the respondents to decide his departmental appeal through a speaking order within a period of 90 days from the date of receipt of this judgment. The appeal is disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.

(AHMAD HASSAN)
Member
Camp Court Abbottabad.

(HAMID FAROQQ DURRANI)
Chairman

ANNOUNCED
18.12.2018

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application	27-12-18
Number of Words	1600
Copying Fee	10/-
Urgent	2/-
Total	12/-
Name of Copyist	
Date of Completion of Copy	27-12-18
Date of Delivery of Copy	27-12-18

Attest



No. 3903 /EB-II Dated: 17 /04/2019

OFFICE ORDER:

WHEREAS You Mr. Shahid S/O Gujar Khan R/O District Mansehra have been transferred against the post of CT from Khyber Agency to District Battagram vide Director (E&SE Khyber Pakhtunkhwa, Peshawar) transfer order No.3533-38/F.NO.other District Transfer dated:22/05/2010.

AND WHEREAS as a result NAB inquiry initiated against you and others this office requested the Director E&SE Khyber Pakhtunkhwa at Peshawar for the verification of your transfer order vide this office letter No.11010 dated 07/10/2016.

AND WHEREAS in response to the above quoted letter you have provided a bogus/fake verification letter from Deputy Director Establishment Directorate of E&SE Khyber Pakhtunkhwa Peshawar bearing No.116/A-23/CT/1-District transfer/verification dated:03/01/2017.

AND WHEREAS this office addressed another letter to Director(E&SE Khyber Pakhtunkhwa Peshawar) requesting therein for verification of your fake transfer and subsequently verification quoted in para 3 above vide this office dispatch No.2003 dated:03/03/2017.

AND WHEREAS the Director (E&SE) in response to the above quoted letters has categorically declared your transfer as well as verification orders fake and bogus vide his office letter No.565/F.NO.304/A-15(B) enter District Transfers dated:03/03/2017 and directed the DEO(M) Battagram to ask the Principal GHS Pashto to lodge FIR against you so as to discourage such like practices in future. The same wording are reproduce below.

"That neither the transfer order in R/O Mr. Shahid CT from GMS Landikotal Khyber Agency (FATA) to GHS Pashto (Allai Battagram) vide No.7533-38 dated:22/05/2016 issued by this office nor the transfer verification made by this office vide No.116 dated:03/01/2017 and thus the transfer order and verification is fake and bogus".

AND WHEREAS this office served a show cause notice upon you vide this office endst: No.2943-46 dated:21/03/2017 regarding your misconduct, concealment of facts and fraudulently entering in to District Battagram with direction to submit your written defense if any within seven days and also given the option of personal hearing.

AND WHEREAS you submitted the reply of aforesaid show cause notice stating therein the detail of your fake and bogus practices which is not satisfactory.

AND WHEREAS you have been called vide this office letter No.5076 dated:15/04/2017 to appear before the DEO (M) Battagram for personal hearing on 20/04/2017.

AND WHEREAS you along with I/C Headmaster GHS Kund have appeared before the DEO(M) Battagram on scheduled date and presented nothing in your support/defense simply saying that the reply of show cause notice already submitted in this office may be considered for this purpose.

AND WHEREAS in the light of the above mentioned proceeding and documentary evidences the DEO(M) Battagram being competent authority has given his opinion that your transfer order from Khyber Agency to District Battagram is fake and bogus and is not issued by the lawful authority.

AND WHEREAS the then DEO(M) Battagram has declared your appointment and transfer order fake, null and void having no legal sanctity and you entered in District Battagram fraudulently and you are no longer as CT at the strength of this office by an official order having endst: No.6866-72/EB-II dated:12/05/2017.

A. Hussain
[Signature]

AND WHEREAS you aggrieved by official order having endst: No.6866-72 dated:12/05/2017 you filed an appeal in the honorable Khyber Pakhtunkhwa service tribunal having No.1055/2017 titled Shahid CT VS Govt.

AND WHEREAS the honorable service tribunal gave judgment dated:18/12/2018 with the direction, *the appeal is remitted to the respondent to decide your departmental appeal through a speaking order within a period of 90 days from the date of receiving of this judgment.* (Receiving date of judgment is 21/01/2019).

AND WHEREAS as per direction of the tribunal, a committee was formed for De-novo inquiry under the chairmanship of Mr. Shamsul Hadi Principal GHS Peshora along with two members No. 1) Mr. Najab Khan Head Master GHS Batamori, 2) Mr. Ghufran Shah Head Master GHS Tikri Bandigo by a notification having endst. No.2509-12/EB-ADEO enquiries dated:18/03/2019.

AND WHEREAS the inquiry committee completed their inquiry and submitted their inquiry report with concrete and cogent evidences having No.1063-64 dated:16/04/2019 with the following recommendations.

1. Action taken against Mr. Shahid fake ex-CT by DEO(M) Battagram is lawful and correct.
2. Implementation of major penalties that recovery of salaries released to the concerned bogus teacher and the approach to the anti corruption department to lodge FIR under relevant section of law suggested by the DEO(M) Battagram in his office order No.6866-72/EB-II dated:12/05/2017 may please be implemented.

AND WHEREAS in the light of the above mentioned proceedings and documentary evidences I the undersigned being competent authority am of the opinion that your appointment order and your transfer order from Khyber Agency to District Battagram is fake and bogus and is not issued by the lawful authority. Hence declared fake, null and void having no legal sanctity and the official order having endst: No.6866-72/EB-II dated:12/05/2017 is retained and you Mr. Shahid is no longer as CT at the strength of this office.

District Education Officer (M)
Battagram

Endst. No. and Date are Even:

Copy forwarded to the:

1. Registrar Khyber Pakhtunkhwa Service Tribunal Judicial Complex (Old) Peshawar.
2. Director E&SE Khyber Pakhtunkhwa, Peshawar with the request to initiate departmental proceedings against the official concerned involved in such like male practices.
3. District Accounts Officer Battagram.
4. District Monitoring Officer Battagram.
5. DDO concerned with the direction to calculate the total amount unlawfully released to the concerned teacher on account of salaries and approach to the anti corruption department to lodge FIR under relevant section of law.
6. Naeemullah Khan Mehsood investigation officer NAB, Block-3 PDA complex Phase-IV Hayatabad Peshawar.
7. Head Master GHS Kund.
8. Teacher concerned.

District Education Officer (M)
Battagram

بخدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر (D.E.O) صاحب بنگرام

عنوان: محکمانہ اپیل برخلاف فیصلہ و حکم آفس آرڈر نمبر II-EB-3903 تاریخ
-17.04.2019

جناب عالی! موجبات اپیل ذیل عرض ہیں۔

- (۱) یہ کہ سائل محکمہ تعلیم میں بطور C.T مورخہ 20.07.2007 سے ملازم ہے۔
- (۲) یہ کہ سائل کا تبادلہ GMS لنڈی کوتل سے GHS پاشتو آلائی ضلع بگرام میں 22.05.2010 کو ہوا اور اس کے بعد سائل ضلع بگرام کے مختلف سکولوں میں باقاعدگی سے حاضری کرتا رہا ہے۔
- (۳) یہ کہ آفس آرڈر Endst. No.6866-72 مورخہ 12.05.2017 کو سائل کو ملازمت سے برخاست کیا گیا ہے۔ (نقل لف ہے)۔
- (۴) یہ کہ سائل نے مورخہ 05.06.2017 کو محکمانہ اپیل جناب کے دفتر دائر کی جس پر کوئی فیصلہ نہ ہوا۔
- (۵) یہ کہ بعد ازاں حکم DEO مورخہ 12.05.2017 کو سائل نے اپیل نمبر 1055/2017 کے ذریعے سروس ٹریبونل میں چیلنج کیا۔
- (۶) یہ کہ سروس ٹریبونل نے مورخہ 18.12.2018 کو سائل کی اپیل منظور فرماتے ہوئے آفس آرڈر مورخہ 12.05.2017 کو کالعدم قرار دیا اور محکمہ کو ہدایت کی کہ 90 دن کے اندر سائل کی محکمانہ اپیل کا فیصلہ صادر فرمایا جاوے۔ (نقل لف ہے)۔

Alam

(۷) یہ کہ جناب D.E.O صاحب، ٹگرام نے فیصلہ سروس ٹریبونل مورخہ 18.12.2018 کے برعکس ایک نیا آرڈر بحوالہ آفس آرڈر نمبر II-EB-3903/3 مورخہ 17.04.2019 سائل کو ملازمت سے غیر قانونی طور پر برخاست کیا۔ (نقل لف ہے)۔

(۸) یہ کہ محکمانہ اپیل مورخہ 05.06.2017 پر 90 دن کے اندر فیصلہ کرنا تھا مگر اس پر آج تک کوئی فیصلہ نہ ہو سکا اور جو فیصلہ D.E.O صاحب، ٹگرام نے مورخہ 17.04.2019 کو کیا ہے وہ غلط، خلاف قانون اور خلاف فیصلہ اپیل نمبر 1055/2017 سروس ٹریبونل ہے۔

(۹) یہ کہ D.E.O صاحب نے جناب کے دفتر کے فیصلہ ٹریبونل کی رو سے رابطہ کر کے درخواست پر فیصلہ جناب عالی کے حکم سے کرنا تھا ایسا نہ کر کے فاضل D.E.O صاحب نے ایک سنگین قانونی غلطی کا ارتکاب کیا ہے جو بدیں وجہ حکم D.E.O صاحب مورخہ 17.04.2019 قابل منسوخی ہے۔

(۱۰) یہ کہ فاضل عدالت D.E.O صاحب نے خلاف فیصلہ اپیل نمبر 1055/2017 ایک نام نہاد انکوائری کمیٹی تشکیل دی جو نام نہاد انکوائری کمیٹی نے دفتر میں بیٹھ کر فرضی انکوائری مکمل کی اور سائل کو نام نہاد انکوائری کے کسی مرحلہ پر بھی شامل نہیں کیا گیا جو بدیں وجہ بھی انکوائری حکم غیر قانونی ہے۔

(۱۱) یہ کہ سائل نے مورخہ 20.07.2007 سے لے کر مورخہ 28.02.2017 تک بطور احسن ڈیوٹی سرانجام دی۔

(۱۲) یہ کہ سائل کے ٹرانسفر آرڈر پر اس وقت اعتراضات شروع ہوئے جب محکمہ نیب نے محکمہ تعلیم کی بدعنوانی کی انکوائری شروع کی یہ کہ نیب اتھارٹی پشاور نے سائل کو بطور گواہ انکوائری کے لئے طلب کیا جو اپنی جان بچانے کے لئے محکمہ تعلیم کے ذمہ داران اہلکاروں نے خوف کی وجہ سے سائل کی تبدیلی کے حکم نمبری 38-7538 مورخہ 22.05.2016

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کو تصدیق نہیں کیا حالانکہ قبل ازیں ہیچو قسم کا لیٹر دائر کیٹرنے تصدیق کیا جو نقل لف ہے۔

(۱۳) یہ کہ سائل کے خلاف کہیں بھی نااہلی، کام چوری اور ڈیوٹی سے غیر حاضر رہنے کا الزام نہ ہے۔

(۱۴) یہ کہ سائل کو کوئی شوکا ز نوٹس جاری نہیں کیا ہے جو کہ حکم زیر اپیل صریحاً E&D رولز کے خلاف ہیں۔

استدعا ہے کہ بمنظوری اپیل و بمنسوخی آفس آرڈر نمبر II-EB-3903 مورخہ 17.04.2019 منسوخ فرماتے ہوئے سائل/اپیلانٹ کو تمام فوائد کے ساتھ ملازمت پر بحال فرمایا جائے۔

المرقوم 09.05.2019

شاہد ولد گجر خان ساکن بفقہ تحصیل و ضلع مانسہرہ سابقہ CT ٹیچر گورنمنٹ ہائی سکول کنڈ
ضلع بگلرام

کاپی برائے اطلاع و ضروری کارروائی:

- (۱) جناب ڈائریکٹر صاحب ایلیمینٹری اینڈ سیکنڈری ایجوکیشن پشاور۔
- (۲) جناب سیکرٹری صاحب ایلیمینٹری اینڈ سیکنڈری ایجوکیشن پشاور۔

A/11/11

BEFORE THE HONORABLE

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KHYBER PAKHTUNKHWA SERVICE

PESHAWAR

No. 1071 of 2019

Shahid S/O Gujjar.....Appellant

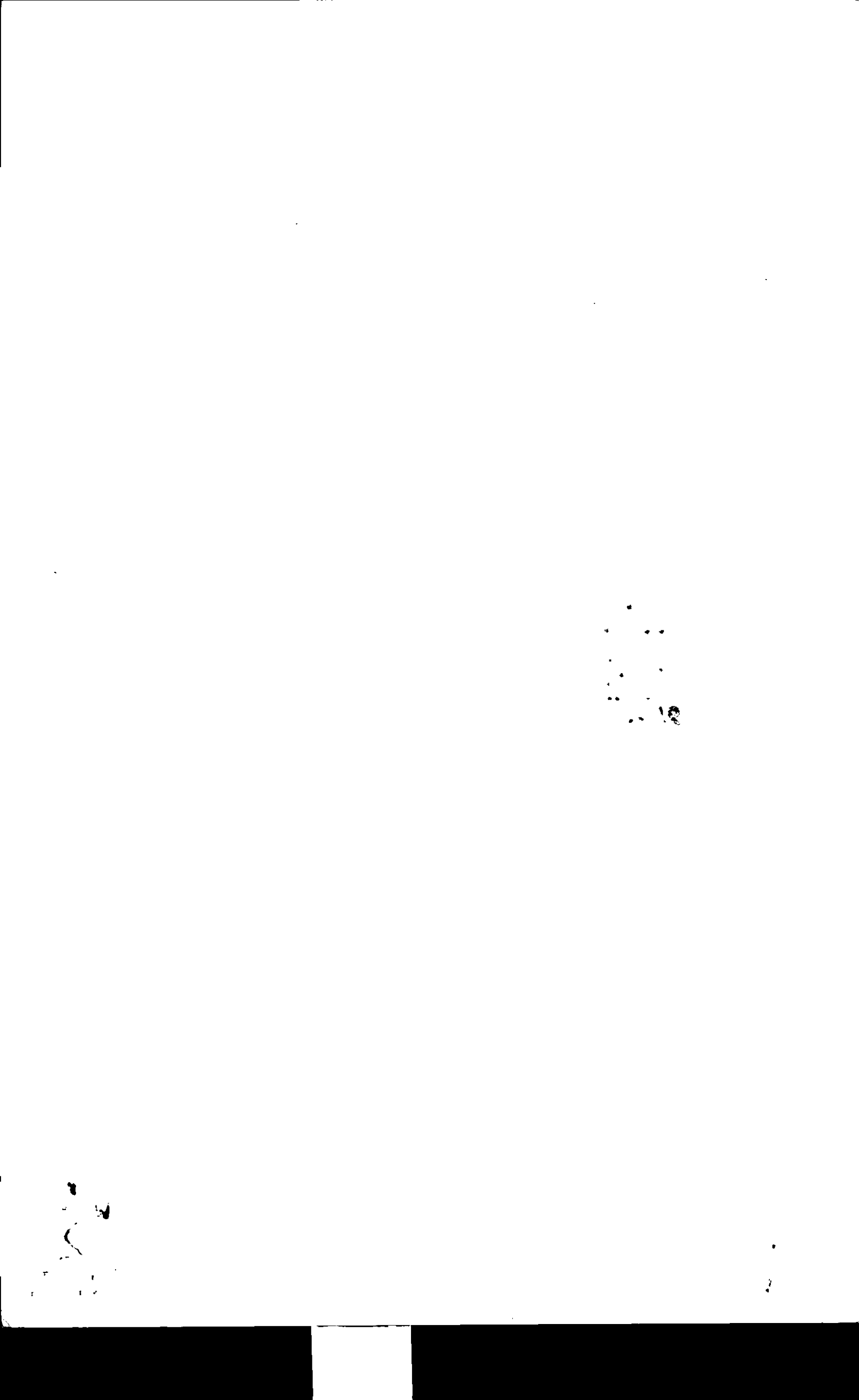
VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary E&SE and
others.....Respondents

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5	Verification of Appointment order (fake)	C	9
6	Verification of Transfer order (fake)	D	10
7	Letter of DEO(M) Battagram addressed to Director E&SE KP	E	11
8	Letter of DEO(M) Battagram addressed to Agency Education Officer	F	12
9	Letter of Director E&SE KP	G	13, 14
10	Copy of written statement of the AEO	H	15, 16
11	copy of the de-Novo inquiry	I	17 & 18
12	Copies of show cause notice and personal hearing	J1 & J2	19 & 20
13	Copy of Final order	K	21 & 22
14	Copy of notification dated: 18-03-2019	L	23

Respondent



BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICETRIBUNAL PESHAWARService Appeal No. 1071 of 2019

Shahid S/O Gujjar.....Appellant

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary E&SE and
others.....Respondents

<p align="center">Joint Para-wise Comments /Reply on behalf of Respondents NO. 1 to 4</p>

Respectfully Sheweth:Preliminary Objections

1. That the appellant has no cause of action/locus standi to file the instant appeal.
2. That the appellant has concealed the material facts from this Hon'ble Tribunal.
3. That the appellant has not come to this Hon'ble Tribunal with clean hands.
4. That the appellant has filed the instant appeal on malafide grounds.
5. That the appellant's appeal is against the prevailing law and rules.
6. That the appellant is estopped by his own conduct to file instant appeal.
7. That the claim of the appellant is unlawful; hence the instant appeal is liable to be dismissed.
8. That the appeal is misleading and misjoinder *and non joinder of necessary parties.*
9. **That the appellant was not appointed and transferred by lawful/competent authority nor the appointment/transfer orders verified by Agency Education officer and Director E&SE KP Peshawar. The appointment and transfer orders and verifications annexed by him are fake/bogus and fabricated having no legal sanctity; hence the instant appeal is liable to be dismissed without any further proceeding.**
10. The appellant has neither appointed and transferred to GHS Pashto (Allai) nor has it been verified by the competent authority. His demand is illegal and respondent are not bound to obey illegal demand of the

appellant, hence the instant appeal is liable to be dismissed without any further proceeding.

ON FACTS

1. In reply of Para No. 1 of the appeal it is stated that on providing verification of appointment order and inter district transfer order by the appellant, these were sent by the DEO (M) Battagram to the Director E&SE KP Peshawar and Agency Education Officer at Jamrud for confirmation/authentication vide letters dated 03-03-2017, in response to which office of the Director E&SE KP Peshawar explicitly declared fake and bogus transfer order of the appellant and subsequent its verification. While the then Agency Education officer Mr. Asmat Khan Ex. AEO has disowned the signature on the Appointment order of the appellant bearing No. 4190/EB/AEO(M)PTC/CT Apptt: Dated 20-07-2007. In response to Letter No. 3536/EB-II dated 08-04-2019 while proceeding of the De Novo inquiry in the light of Hon'able Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad directions in SA No.1055/2017. (Appointment order, inter district transfer, verification (fake/bogus), letters of DEO(M) Battagram, letter of Directorate of E&SE KP and written statement of the AEO are attached as *Annex; A, B, C, D, E, F, G & H*).
2. Para No. 2 of the appeal is incorrect. The appellant was neither transferred by the lawful/competent authority nor his transfer order to GHS Pashto Allai had ever been verified by the Directorate of E&SE KP Peshawar. The transfer order annexed by the appellant is fake/bogus and fabricated having no legal sanctity. The DEO(M) Battagram addressed a letter dated 03/03/2017 to The Director E&SE KP Peshawar, who in response to the quoted letter categorically declared the transfer order and subsequently its verification as fake and bogus vide his office letter No.565/F.No304/A-15(B) Inter District Transfer Dated 03/03/2017 and directed the DEO(M) Battagram to ask the Principal GHS Pashto to lodge FIR against the appellant to discourage such like practices in future. The same wordings are reproduced as; *" That neither the transfer order in respect of Mr. Shadid CT from GMS Landi Kotal Khyber Agency (FATA) to GHS Pashto (Alai) Battagram vide No.7533-38 Dated 22.05.2016 issued by this office nor the transfer verification made by this office vide No.116 Dated 03.01.2017 and thus the transfer order and verification is fake and bogus".* (Annexure E & G).

3. Para No. 3 of the appeal is incorrect. As the base depends upon fraud how the rest can be correct and justified.
4. Para No. 4 of the appeal is incorrect, hence denied.
5. Para No. 5 of the appeal is incorrect. Act of the respondent is well within the four corners of law/rules.
6. Para No. 6 of the appeal is incorrect, hence denied. Detailed reply has been given in the preceding Paras.
7. Para No. 7 of the appeal is incorrect, respondent No. 2 has never verified the transfer order of the appellant as replied in preceding paras.
8. Para No. 8 of the appeal is incorrect, hence denied. Detailed reply has been given in the preceding Paras.
9. Para No. 9 of the appeal is correct to the extent that appellant has filed an appeal in KP Service Tribunal Camp Court Abbottabad which was disposed of on 18-12-2018 with the direction to the respondents to decide his department appeal through a speaking order within 90 days. The compliance was done within the stipulated time of 90 days. (Copy of the de-novo inquiry is Attached as "Annex: I".
10. Para No. 10 of the appeal is correct. Respondent No 3 has retained the order dated 12-05-2017 in the light of de-novo inquiry report/recommendations. The inquiry report is attached as annex: I.
11. Para No. 11 of the appeal is incorrect respondents are bound to obey/follow the rules and procedure of the department.
12. The appellant has no cause of action.


ON GROUNDS:

- a. Ground "a" of the appeal is incorrect. The order of the respondents is well in accordance with law, facts, rules and regulations and well maintainable in the eyes of law and procedure.

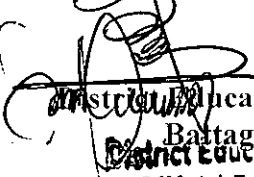
- b. Ground "b" of the appeal is incorrect. Detail reply has been given in above Paras.
- c. Ground "c" of the appeal is incorrect. Show cause notice was properly served upon the appellant and he was provided the opportunity of personal hearing but the appellant failed to satisfy the competent authority; hence his transfer and subsequently his appointment orders were declared fake, null and void after fulfilling all codal formalities. (Copies of show cause notice, personal hearing and final order are attached as "*Annexure J1, J2 & K*").
- d. Ground "d" of the appeal is incorrect. Act of the respondents is within four corner of law.
- e. Ground "e" of the appeal is incorrect. Respondents have comply with the directions of the Hon'able court judgment dated 18-12-2018 in SA No. 1055/2017. Detail reply has been given in preceding Paras.
- f. Ground "f" of the appeal is incorrect. That an inquiry committee was constituted to decide the matter of the appellant in accordance with law and procedure of the department. The committee submitted its report/recommendation and retained the order dated 12-05-2017 and declared the appointment, transfer orders of the appellant as fake, null and void.
- g. Ground "g" of the appeal is incorrect. A proper committee has been constituted by the DEO(M) Battagram to decide the case of the appellant. (Copy of notification Endstt: No. 2509-12/EB-ADEO ENQUIRES Dated: 18-03-2019 is attached as: *Annex "L"*).
- h. Ground "h" of the appeal is incorrect. Detailed reply has been given in preceding paras.
- i. The appellant has no cause of action.

It is therefore, humbly prayed that on acceptance of above Para-wise comments, the appeal of the appellant may graciously be dismissed with cost and direction to the appellant to deposit the received salary amount in to Govt; treasury taken as unlawful employee.

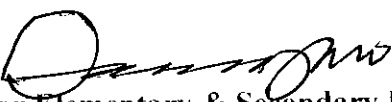
RESPONDENT NO. 4


Deputy Education Officer (Male)
Battagram District Education Officer
(Male) Battagram


RESPONDENT NO. 3


District Education Officer (Male)
Battagram
District Education Officer
(Male) Battagram

RESPONDENT NO. 2


Director Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar
Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

RESPONDENT NO. 1


Secretary Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar
SECRETARY
Elementary and Secondary Education
Govt. of Khyber Pakhtunkhwa

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

Service Appeal No. 1071 of 2019

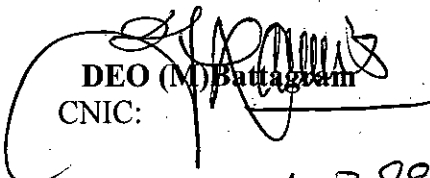
Shahid Ali S/o Gujjar.....Appellant

VERSUS

**Govt. of Khyber Pakhtunkhwa through Secretary E&SE and
others.....Respondents**

AFFIDAVIT

I Iftikharul Ghani District Education Officer Battagram do hereby affirm
and declare on oath that content of the accompanying Joint Para-wise comments
are true and correct to the best of my knowledge and belief that nothing has been
concealed from this Honorable Tribunal.


DEO (M) Battagram
CNIC:
16202-1039885-1

59

7

OFFICE OF THE AGENCY EDUCATION OFFICER KHYBER AGENCY

APPOINTMENT ORDER

Consequent upon the recommendation of department Recruitment Committee, the undersigned is pleased to appoint the following (Male) candidate out of Merit list for the year 2007, as CT in BPS-09 noted against each as per CT recruitment policy plus usual allowance as admissible under the rules, in the school noted against each candidates from the date of their taking over charge in the interest of public service subject to the terms and condition given below:-

S.No	Name of Candidate	Father 's Name	Address	U/Council/Q uota	BP S	Place of posting	Remarks
1	Shah Ahmad	Shad Muhammad	Mansehra	Earth Quick Quota	09	GMS Haji Dhand Bara	v/post
2	Shahid	Gujar khan	Mansehra	Earth Quick Quota	09	GMS Landi Kotal	V/post
3	Muhammad Azam	Muhammad Sultan	Abbottabad	Earth Quick Quota	09	GMS Shinky	V/post

TERMS & CONDITIONS:


- 1- Their service will be considered regular but without pension and gratuity in term of Section-19 of Govt Civil Servant Act,1973 as amended vide Civil servant (Amendment) Act,2005. Their will however be entitled to contributory Provident Fund in such a manner and at such rules as may be prescribed by the Government.
- 2- Their service will be liable to termination on one month notice from either side, in case of resignation without notice their two months' pay and allowances will be forfeited to Govt.
- 3- Charge report should be submitted to all concerned.
- 4- Their service can be terminated at any time ,in case of their performance in found unsatisfactory during probationary period ,in case of misconduct they will be proceeded against under the Govt removal from service special Power Ordinance 2000 and the rules framed from time to time.
- 5- The candidate should join their within 15 days of issuance of this order. The Head of institution concerned should furnished a certificate to the effect that the appointee have joined the post or otherwise after 15 days of the issuance of this order, their order will be treated as cancelled.
- 6- The appointees are directed to perform their duties in their respective schools noted against their name for a minimum period of three years and they will not apply for transfer from school where appointed.
- 7- Each appointee will produce undertaking on stamp to the effect that the district domicile already produced on or before 10/8/2007 if found that their FR Domicile is not cancelled, then he will be removed from service without any notice.
- 8- In case of Fake Certificate and Degree detected later on the undersigned reserve the right of termination from service and disciplinary action will instantiatie against the teacher concerned.
- 9- The original Certificate/Degree should be verified from concerned Board/University on their own expensive before the release of their pay.
- 10- NO TA/DA etc is allowed.

AGENCY EDUCATION OFFICER
KHYBER AGENCY AT JAMRUD

Endst No 490-95 /EB/AEO(M)/PTC/CT Apptt: Dated 20-7-2007

Copy forwarded for information and necessary action to the

1. Director of Education (FATA) NWFP, Peshawar
2. Agency Account Officer Khyber Agency
3. Agency Surgeon Khyber Agency
4. AAEO (Male) Concerned
5. Candidate Concerned
6. P/File

 20/7/07
AGENCY EDUCATION OFFICER
KHYBER AGENCY AT JAMRUD.



(60)

(8)

Annex. B

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION

N.W.F.P PESHAWAR.

OFFICE ORDER

Mr. Shahid CTB-09 Govt: Middle School, Landi Kotal Khyber Agency is hereby transferred / adjusted against vacant post of CT B-09 at Govt: High School Pashto Allai District Battagram on his own pay and BPS in the interest of public service with effect from the his date of taking over charge.

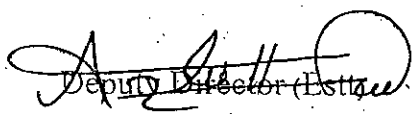
- NOTE: -
1. Charge report should be submitted to all concerned
 2. NO TA/DA etc is allowed.
 3. Necessary to this effect should be made in his service book accordingly.

DIRECTOR
Elementary & Secondary Education
N.W.F.P Peshawar.

Endst. No 3533-38 F.No. Other District Transfer. Dated Peshawar The 22/5 /2010

Copy of the above is forwarded to the

1. P/A to Director (E&SE) N.W.F.P Peshawar.
2. District Education Officer (Male) Battagram.
3. Agency Education Officer Khyber Agency AT Jamrud.
4. District Accounts Officer concerned.
5. Headmaster concerned schools.
6. Official concerned..
7. Master file.


Deputy Director (Estt)
Elementary & Secondary Education
N.W.F.P Peshawar.

61

22
9

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

No. 4661 / Appointment verification

Dated 02/11 2016

Ammer
C

To

The District Education Officer
(Male) Battagram

Subject:- **VERIFICATION**

Memo,

With reference to your letter No. 11011/EB-11 dated 07/10/2014 on the above cited subject.

The Appointment order in respect of Mr Shahid CT GMS Landi Kotal Khyber Agency checked with office record and found correct,

[Signature]
2/11/16
AGENCY EDUCATION OFFICER
KHYBER AGENCY AT JAMRUD

MW
2/11/16

AD Eo (M)
AD Eo (S)
[Signature]
23/11/17



P#15
C-130



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.

Annex
'D'

No. 116 /A-23/CT/I.Distt Transfr/Verification.

Dated Peshawar the 3/1 /2017.

To
The District Education Officer
(Male) Battagram.

SUBJECT: -VERIFI CATION.

Memo:-
Reference your letter No. 11010/EB-II/Verification
Dated. 7/10/2016 on the subject cited above.

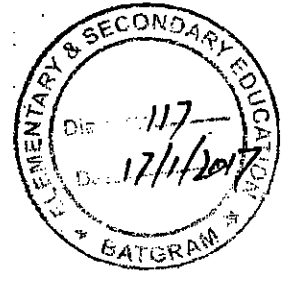
The transfer order in respect of Mr. Shāhid Khan CT GHS
Pashto Allai Battagram checked with office record verified and found
correct.

[Handwritten signature] 2/1/17

Deputy Director Establishment
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.

DA. Mir Afzal
Amirulik relevant
file & kin put up
in guma process.
[Handwritten signature] 17/1/17

[Handwritten initials]



PA 19
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63



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)

BATTAGRAM Phone # 0997311439 & 0997310670

17

Amir
E,

NO 11010 /EB-II Verif:
Dated 07 / 10 /2016.

To,

The Director,
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.

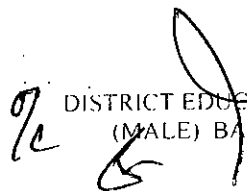
SUBJECT

VERIFICATION OF INTER DISTRICT TRANSFER FROM GMS
LANDI KOTAL TO GHS PASHTO ALLAI

Memo:-

In the result of National Accountability Bureau(NAB) inquiry the District Accounts Officer Battagram vide his letter No-DAO.BM/TRY 624 dated 18.08.2016(copy enclosed as Anx:A), asking for verified Inter District transfer order in respect of Mr, Shahid CT transfer from Khyber Agency to District Battagram vide Directorate transfer order No-3533-38/F.No other District transfer dated 22.05.2010(copy enclosed as Anx:B).

It is requested that the order may be kindly verified and return at the earliest for further process.


DISTRICT EDUCATION OFFICER
(MALE) BATTAGRAM

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Annex: "F"

12

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)

BATTAGRAM Phone: 077311433 & 077310673

No. 11011
Dated Battagram the 7/10

The Agency Education Officer,
Khyber Agency at Jamrud

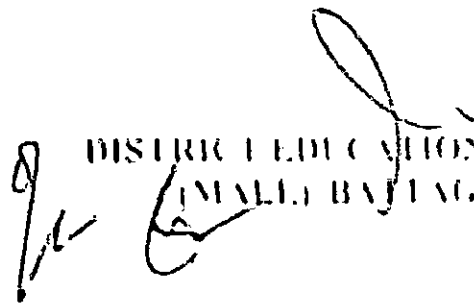
Subject: VERIFICATION OF SERVICE DOCUMENTS.

Memo

In result of National Accountability Bureau (NAB) inquiry the District Accounts Officer Battagram vide his letter No. DAO/BM-624 Dated 18/08/2010 enclosed annex-A) asking for verified appointment order in respect of Mr Shahid CI appointed GIS Landi Kotal against vacant CI post in earthquake quota vide Fndst No. 4300/054/BAL/O/MJ/CI Appn. Dated 20/07/2007 (enclosed annex-B).

The teacher concerned was transferred vide Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar order Fndst No. 3533-38 date 22/05/2010 to District Battagram (enclosed as annex-C)

It is requested that the above quoted appointment Order issued by your office may kindly be verified and return at the earliest to this office for further process.


DISTRICT EDUCATION OFFICER
(MALE) BATTAGRAM

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1-16 (30)
01/01-102
etc.

13

Annex
G

Registered

Directorate of Elementary & Secy: Education
Khyber Pakhtunkhwa, Peshawar
No. 565 /F.No.304/A-15 (B) Inter Distt:
Transfers.

Dated Peshawar the 3/3 / 2017

To

The District-Education Officer,
(Male) Battagram.

Subject: - OFFICE ORDER/VERIFICATION.
Memo:

I am directed to refer to your letter No. 4661 dated 02-01-2016 on the subject cited above and to state that neither the transfer order in respect of Mr. Shahid CT from GMS, Landi Kotal Khyber Agency (FATA) to GHS, Pashto (Allai) Battagram vide No. 7533-38 dated 22-05-2016 issued by this office nor the transfer verification made by this office vide No. 116 dated 03-01-2017 and thus the transfer order and verification is fake and bogus.

In this regard, I am further directed to ask you to direct the Principal GHS, Pashto to lodge FIR against the above named so called CT so as to avoid/discourage such like practice in future.

Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa.

Endst: No. _____

Copy of the above is to:-

- 1. PA to Director (E&SE) Local Directorate.

Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa

Urgent
Mingzal
Pul-ys
8/3/17

942
8/3/2017

Directorate of Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar
No. 2883 /F.No.12/Vol-V/PSHT/CT Transfers.
Dated Peshawar the 11/4/2019

To

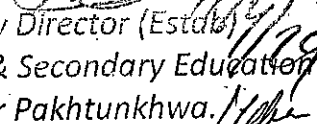
The District Education Officer
(Male) Battagram.

Subject: - VERIFICATION OF INTER DISTRICT TRANSFER ORDER BEARING
NO. 3533-38/F.NO. OTHER DISTRICT TRANSFER DATED 22/05/2010.

Memo:

I am directed to refer to your letter No. 3535 dated 08-04-2019 on the subject cited above and to state that the transfer order in respect of Mr. Shahid so called CT from Govt. Middle School Landi Kotal Khyber Agency (New merged Districts) to Govt. High School Pashto (Allai) District Battagram vide Office order endorsement No. 3533-38 dated 22-05-2010, has not been issued by this office, which is disowned resultantly.


In this regard, I am further directed to ask to consider the subject transfer as **Fake and Bogus** and send the report to Law Enforcement Agency against the above cited so called CT under intiamtion to all concerned.


Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa.

Endst: No. _____

Copy of the above is to:-

1. PA to Director (E&SE) Khyber Pakhtunkhwa.


Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa

67

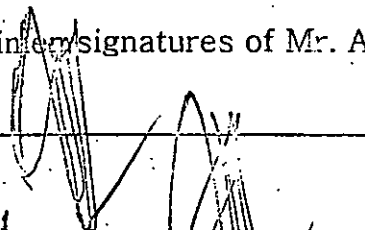
15

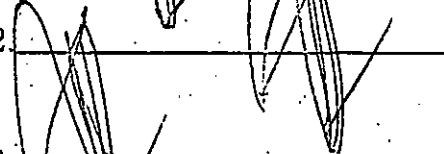
Annex. "H"

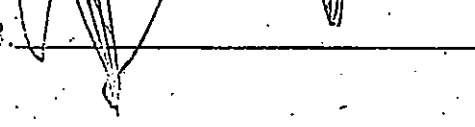
WRITTEN STATEMENT OF MR. ASMAT KHAN EX-AEO KHYBER.

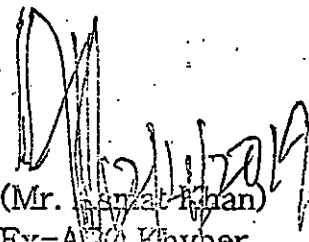
I Mr. Asmat Khan Ex-AEO Khyber solemnly declare that the appointment order of Mr. Shahid S/O Gujar Khan and two others issued under endst: No. 4190-95/EB/AEO(M)/PTC/CT apptt: dated 20/7/2007 is not signed by me and totally fake/bogus.

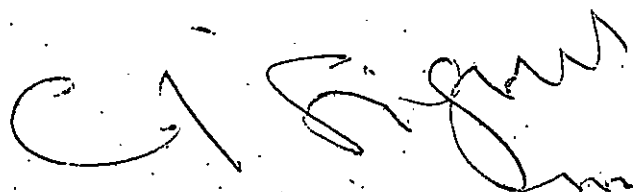
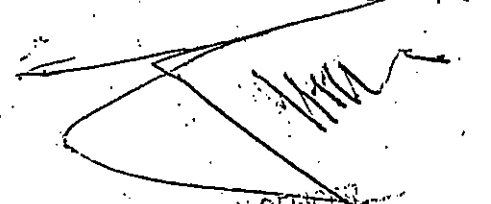
Specimen signatures of Mr. Asmat Khan Ex-AEO Khyber are as under: -

1. 

2. 

3. 

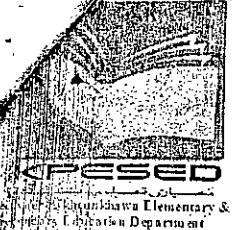

 (Mr. Asmat Khan)
 Ex-AEO Khyber.

DISTRICT EDUCATION OFFICER
KHYBER TRIBAL DISTRICT AT JAMRUD

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DISTRICT EDUCATION OFFICE
 KHYBER TRIBAL DISTRICT KHYBER AT JAMRUD
 PHONE. 091-5820584 FAX 091-5820584
 NO: 4861 DATED: 12 / 07 / 2019

The District Education Officer(M)
 Battagram.

Subject: VERIFICATION OF APPOINTMENT ORDER BEARING NO. 4190-95/EB/AE(M) PTC/CT APPTT: DATED 20/07/2007

Memo:

Reference your letter No. 3536/EB-II Dated,08/04/2019 on the subject cited above.

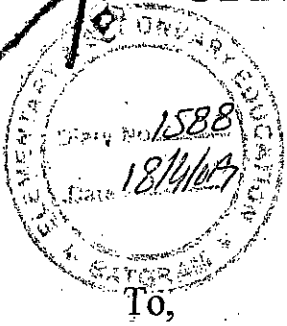
It is stated that on the basis of written statement of the then AEO Mr. Asmat Khan the appointment order issued in respect Mr. Shahid S/O Gujar-Khan in this department bearing No. 4190-95 /EB/AEO(M)PTC/CT Apptt: Dated,20/07/2007 is not the signature of the Ex- AEO and his statement/specimen signatures is Endorsed for ready reference.

It is further clarify that the appointment order record is not available in this office record and the order is fake and bogus.

Report is submitted for further necessary actions please.

[Handwritten Signature]
 DISTRICT EDUCATION OFFICER
 KHYBER TRIBAL DISTRICT AT JAMRUD
 12 / 07 / 19

**OFFICE OF THE PRINCIPAL GHS PESHORA
BATTAGRAM**



No: 1063-64

Dated: 16/04/2019

To,

The District Education Officer Male Battagram

Subject: DETAIL OF DENOVO INQUIRY REPORT IN R/O MR. SHAHID
S/O GUJJAR FAKE EX. CT GHS PASHTO ALLAI BATTAGRAM.

Memo:

Reference your office Endst No: 2509-12/EB-ADEO inquiries dated 18-03-2019, inquiry report is submitted for further n/a please.

Facts findings

In the light of your instruction letter No: 3535 dated 08-04-2019 to Director E&SE Khyber Pakhtunkhwa and letter No: 3536 dated 08-04-2019 to DEO (M) tribal district Khyber at Jamrud respectively. The undersigned visited both the offices mentioned above for verification of inter district transfer order bearing No: 3533-38/F-No other district transfer dated 22-05-2010 and appointment order No: 4190-95/EB/AE(M)PTC/CT apptt dated 20-07-2007 in r/o Mr. Shahid S/O Gujjar Khan.

The Director E&SE Khyber Pakhtunkhwa declared in his office letter No: 2883/F.No.12/Vol/V/PSHT/CT transfers dated: 11-04-2019 that the inter District transfer order in r/o Shahid so called CT from GMS Landi Kotal (Khyber agency) to GHS Pashto Battagram No: 3533-38/F.No other district dated 22-05-2010 is fake and bogus. (Copy Annexed A)

The District Education Officer Tribal District Khyber at Jamrud has declared through his office order No: 4861 dated 12-04-2019 that appointment order issued in r/o Mr. Shahid S/O Gujjar khan in this Department bearing No: 4190-95/EB/AEO(M)PTC/CT APPTT dated 20-07-2007 has not signed by the EX-AEO Mr. Asmat Khan and the record of

Head Master
Govt High School
Battagram

Principal
Govt High School
Peshora Battagram

Asmat Khan
Principal
DEO CM

This order has not found in this office. So the appointment order of Shahid S/o Gujjar Khan is fake/bogus (Copy annexed B).

Written statement of the then Ex-AEO Khyber agency namely Mr. Asmat Khan also (Copy Annexed C).

Conclusions:

In the light of the above letters of the worthy Director (E&SE) Khyber Pakhtunkhwa and DEO (M) Khyber Tribal District at Jamrud the inquiry committee has found out that,

1. Both the appointment order and the transfer order of Mr. Shahid S/O Gujjar Khan is fake and bogus.
2. Action taken by the DEO (M) District Battagram against Mr. Shahid fake CT teacher with penalties through his office order.
Endst No: 6866-72/EB-II dated 12-05-2017 is lawful and correct.

Recommendations:

1. Action taken against Mr. Shahid fake Ex-CT by DEO (M) District Battagram is lawful and correct.
2. Implementation of major penalties (i.e. recovery of salaries released to the concerned bogus teacher and the approach to the Anticorruption Department to lodge FIR under relevant section of law) suggested by the DEO (M) District Battagram in his office order No: 6866-72 EB-II dated 12-05-2017 may please be implemented.

Inquiry committee

1. Shams Ul Hadi Principal
GHS/Peshora. (Chairman): _____

Shams Ul Hadi
Principal
Govt. High School
Peshora Battagram

2. Mr. Najab Khan Head Master
GHS Battamori. (Member): _____

Najab Khan
Head Master
Govt High School
Battamori

3. Mr. Ghufran Shah Head Master
GHS Tikri Bandigo (Member): _____

72



**OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) BATTAGRAM**

33
19
Amir
MJI

SHOW CAUSE NOTICE

I Muhammad Riaz Swati, District Education Officer (Male) Battagram as competent authority under the Khyber Pakhtunkhwa Government servants (Efficiency & Discipline) rules, 2011, do hereby serve show cause upon you, Mr. Shahid CT GHS Pashto presently working at GHS Kund Tehsil Allai District Battagram as follows:

- a) i. Consequent upon District Account Officer Battagram letter NO. DAO.BM/TRY624 dated 18-08-2016 regarding verification of your appointment order, letters were addressed to Agency Education Officer Khyber Agency at Jamrud and Director E&SE KPK Peshawar vide NOs. 11011/EB/-III F/CT Apptt:verf: and 11010/EB-II verf: dated 07-10-2016 respectively in order to verify your appointment order and Inter District transfer order.
- ii. This office received verification regarding your appointment order and Inter District transfer vide Agency Education Officer Khyber Agency at Jamrud vide NO. 4661 /Appointmt verification dated 02-11-2016 and Director E&SE KPK Peshawar office NO. 116/A-23/CT/I. Distt Transfer/verification dated Peshawar the, 03-01-2017 through registered post.
- ii. In order to confirm/authenticate your appointment order and Inter District transfer order and subsequent its verification, this office addressed letters to Director E&SE KPK Peshawar and Agency Education Officer Khyber Agency at Jamrud vide NO. 2003/EB-II verf: dated 03-03-2017 and NO. 2004/EB/-III F/CT Apptt:verf: dated 03-03-2017.
- iii. In response to this office letter, Director E&SE office KPK Peshawar explicitly declared fake and bogus your Inter District transfer order and subsequent its verification vide letter NO. 85/F.NO.304/A-15(B) Inter Distt: Transfer dated Peshawar the 03-03-2017.
- b) In exercise of the power conferred by the Khyber Pakhtunkhwa, Govt: servant (Efficiency & Discipline) rules, 2011, the Competent Authority is hereby pleased to dispense with the conduct of a formal enquiry and serve you with the instant show cause notice regarding your misconduct, concealment of facts and fraudulently entering in this district with the direction to submit your defence in writing within Seven (07) days of the issuance of this notice as to why the major penalty of rule 4 (b) of the said rules should not be imposed upon you and also intimate whether you desire to be heard in person.
- c) In case you failed to submit your reply within the stipulated period, it will be presumed that you have no defence to offer and ex-parte decision will be taken against you.

-Sd-
COMPETENT AUTHORITY

Mr. Shahid CT GHS Pashto
presently working at GHS Kund
Tehsile Allai District Battagram
Endst: No. 2963-461
Copy of the above is forwarded to:

Dated Battagram, the 21/13/2017

- 1. Director E&SE KPK Peshawar.
- 2. Head Master GHS Pashto with the direction to approach anticorruption department to lodge FIR against the accused official under relevant section of law.
- 3. Head Master GHS Kund with direction to serve Show Cause Notice upon the official concerned.
- 4. Mr. Shahid CT GHS Pashto presently working at GHS Kund Tehsile Allai District Battagram

District Education Officer (M)
Battagram

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Amex
J.P.



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)

BATTAGRAM

Phone # 0997311439 & 0997310670

No 5076 /EB-II/P.H

Dated 15/4 /2017

To,

Shahid
CT GHS Kund.

Subject:- Personal Hearing

Memo:-

Reference to your reply to the Show Cause Notice issued vide this office Endst: No.2943-46 Dated 21/03/2017, you are directed to appear before the competent authority on 20/04/2017 positively.

DISTRICT EDUCATION OFFICER
(MALE)BATTAGRAM

Endst N o. 8077-78/EB-II P.Hear:file dated 15-4 /2017

Copy to:-

1. Head Master GHS Kund with the direction to inform the teacher concerned accordingly.
2. Office file.

DISTRICT EDUCATION OFFICER
(MALE) BATTAGRAM



No. 3903 /EB-II Dated: 17 /04/2019

OFFICE ORDER:

WHEREAS You Mr. Shahid S/O Gujar Khan R/O District Mansehra have been transferred against the post of CT from Khyber Agency to District Battagram vide Director (E&SE Khyber Pakhtunkhwa, Peshawar) transfer order No.3533-38/F.NO.other District Transfer dated:22/05/2010.

AND WHEREAS as a result NAB inquiry initiated against you and others this office requested the Director E&SE Khyber Pakhtunkhwa at Peshawar for the verification of your transfer order vide this office letter No.11010 dated 07/10/2016.

AND WHEREAS in response to the above quoted letter you have provided a bogus/fake verification letter from Deputy Director Establishment Directorate of E&SE Khyber Pakhtunkhwa Peshawar bearing No.116/A-23/CT/1-District transfer/verification dated:03/01/2017.

AND WHEREAS this office addressed another letter to Director(E&SE Khyber Pakhtunkhwa Peshawar) requesting therein for verification of your fake transfer and subsequently verification quoted in para 3 above vide this office dispatch No.2003 dated:03/03/2017.

AND WHEREAS the Director (E&SE) in response to the above quoted letters has categorically declared your transfer as well as verification orders fake and bogus vide his office letter No.565/F.NO.304/A-15(B) enter District Transfers dated:03/03/2017 and directed the DEO(M) Battagram to ask the Principal GHS Pashto to lodge FIR against you so as to discourage such like practices in future. The same wording are reproduce below.

"That neither the transfer order in R/O Mr. Shahid CT from GMS Landikotal Khyber Agency (FATA) to GHS Pashto (Allai Battagram) vide No.7533-38 dated:22/05/2016 issued by this office nor the transfer verification made by this office vide No.116 dated:03/01/2017 and thus the transfer order and verification is fake and bogus".

AND WHEREAS this office served a show cause notice upon you vide this office endst: No.2943-46 dated:21/03/2017 regarding your misconduct, concealment of facts and fraudulently entering in to District Battagram with direction to submit your written defense if any within seven days and also given the option of personal hearing.

AND WHEREAS you submitted the reply of aforesaid show cause notice stating therein the detail of your fake and bogus practices which is not satisfactory.

AND WHEREAS you have been called vide this office letter No.5076 dated:15/04/2017 to appear before the DEO (M) Battagram for personal hearing on 20/04/2017.

AND WHEREAS you along with I/C Headmaster GHS Kund have appeared before the DEO(M) Battagram on scheduled date and presented nothing in your support/defense simply saying that the reply of show cause notice already submitted in this office may be considered for this purpose.

AND WHEREAS in the light of the above mentioned proceeding and documentary evidences the DEO(M) Battagram being competent authority has given his opinion that your transfer order from Khyber Agency to District Battagram is fake and bogus and is not issued by the lawful authority.

AND WHEREAS the then DEO(M) Battagram has declared your appointment and transfer order fake, null and void having no legal sanctity and you entered in District Battagram fraudulently and you are no longer as CT at the strength of this office by an official order having endst: No.6866-72/EB-II dated:12/05/2017.

AND WHEREAS you aggrieved by official order having endst: No.6866-72 dated:12/05/2017 you filed an appeal in the honorable Khyber Pakhtunkhwa service tribunal having No.1055/2017 titled Shahid CT VS Govt.

AND WHEREAS the honorable service tribunal gave judgment dated:18/12/2018 with the direction, *the appeal is remitted to the respondent to decide your departmental appeal through a speaking order within a period of 90 days from the date of receiving of this judgment.*(Receiving date of judgment is 21/01/2019).

AND WHEREAS as per direction of the tribunal, a committee was formed for De-novo inquiry under the chairmanship of Mr. Shamsul Hadi Principal GHS Peshora along with two members No. 1) Mr. Najab Khan Head Master GHS Batamori, 2) Mr. Ghufran Shah Head Master GHS Tikri Bandigo by a notification having endst. No.2509-12/EB-ADEO enquiries dated:18/03/2019.

AND WHEREAS the inquiry committee completed their inquiry and submitted their inquiry report with concrete and cogent evidences having No.1063-64 dated:16/04/2019 with the following recommendations.

1. Action taken against Mr. Shahid fake ex-CT by DEO(M) Battagram is lawful and correct.
2. Implementation of major penalties that recovery of salaries released to the concerned bogus teacher and the approach to the anti corruption department to lodge FIR under relevant section of law suggested by the DEO(M) Battagram in his office order No.6866-72/EB-II dated:12/05/2017 may please be implemented.

AND WHEREAS in the light of the above mentioned proceedings and documentary evidences I the undersigned being competent authority am of the opinion that your appointment order and your transfer order from Khyber Agency to District Battagram is fake and bogus and is not issued by the lawful authority.

Hence declared fake, null and void having no legal sanctity and the official order having endst: No.6866-72/EB-II dated:12/05/2017 is retained and you Mr. Shahid is no longer as CT at the strength of this office.


District Education Officer (M)
Battagram

Endst. No. and Date are Even:

Copy forwarded to the:

1. Registrar Khyber Pakhtunkhwa Service Tribunal Judicial Complex (Old) Peshawar.
2. Director E&SE Khyber Pakhtunkhwa, Peshawar with the request to initiate departmental proceedings against the official concerned involved in such like male practices.
3. District Accounts Officer Battagram.
4. District Monitoring Officer Battagram.
5. DDO concerned with the direction to calculate the total amount unlawfully released to the concerned teacher on account of salaries and approach to the anti corruption department to lodge FIR under relevant section of law.
6. Naeemullah Khan Mehsood investigation officer NAB, Block-3 PDA complex Phase-IV Hayatabad Peshawar.
7. Head Master GHS Kund.
8. Teacher concerned.


District Education Officer (M)
Battagram

75

2/17

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)
BATTAGRAM



EMAIL: emisbattagram@gmail.com PHONE NO: 0997543540 & 539
adeomsecmbattagram@gmail.com

NOTIFICATION.

The following officers are hereby appointed as Enquiry Officers for denovo to probe in to the matter regarding termination of Mr: Shahid S/O Gujjar Ex-CT Pashto Allai with the direction to submit its report within 10 Days positively after receipt of this letter along with clear cut recommendation and record.

- | | | |
|-------------------|-------------------------------|------------|
| Mr: Shamsul Hadi | Principal GHS Peshora | (Chairman) |
| Mr: Najab Khan | Head Master GHS Battamori | (Member) |
| Mr: Ghufraan Shah | Head Master GHS Tikri Bandigo | (Member) |

[Handwritten Signature]
DISTRICT EDUCATION OFFICER (M)
BATTAGRAM

Dated: 18/3 /2019

Ref: No. 2509-12 /EB-ADEO ENQUIRES
Copy for information to the:-

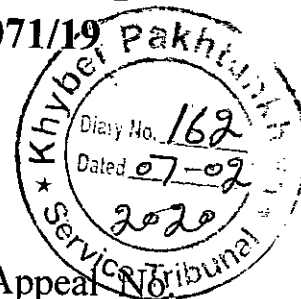
- | | | |
|-----------------------|-------------------------------|------------|
| 1. Mr: Shamsul Hadi | Principal GHS Peshora | (Chairman) |
| 2. Mr: Najab Khan | Head Master GHS Battamori | (Member) |
| 3. Mr: Ghufraan Shah | Head Master GHS Tikri Bandigo | (Member) |
| 4. Mr: Wali Ur Rehman | ADEO Local Office. | |

[Handwritten Signature]
DISTRICT EDUCATION OFFICER (M)
BATTAGRAM

76

**BEFORE THE WORTHY KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL SERVICE APPEAL # 1071/19**

Shahid VS Govt. of KP etc.



*Put up to the court
with relevant appals*

7/2/20

Deodub

Application in respect of Transferring the service Appeal No. 1071/19 pending adjudication at the worthy KP Service Tribunal Abbottabad Camp office keeping in view the fact that the service appeals of other colleagues of the applicant / appellant are also pending before the principal Tribunal at Peshawar.

1. That the Service Appeal no 1071/19 is pending adjudication before the K.P Service Tribunal Abbottabad camp office in which the next date of hearing is 17/02/2020.
2. That it is submitted that the service appeal of the other colleagues of the applicant / appellant are pending adjudication here at principal seat which are fixed for 05/03/2020 Title Khyal Mohammad VS Govt. of KP etc.
3. That as the issue pertains to the reinstatement of the applicant and at the principal seat it is assumed that the appeal will be decided expeditiously.

It is, therefore, most humbly prayed that on acceptance of this applicant the service appeal No. 1071/19 may kindly be transfer to the principal seat i.e. Peshawar.

*Needful be done as
prayed for.*

[Signature]
26/2

APPLICANT

In Person

[Signature]

**Shahid S/o Gujjar Khan
Ex-CT GHS Kund Battagram**

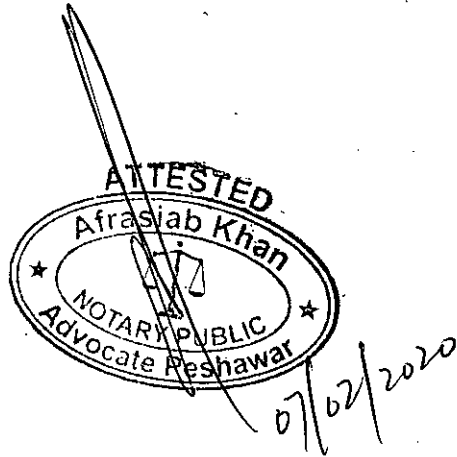
77

**BEFORE THE WORTHY KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL SERVICE APPEAL # 1071/19**

Shahid VS Govt. of KP etc.

AFFIDAVIT

I, Shahid S/o Gujjar Khan R/o Baffa District Mansehra do hereby solemnly affirm and declare on oath the contents of the instant transfer application are true and correct and nothing has been concealed from this Hon'ble Tribunal.



DEPONENT

CNIC No: 13503-0800981-9

Mobile No.: 0300-5694360

**BEFORE THE WORTHY KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL SERVICE APPEAL # 1071/19**

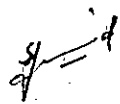
Shahid VS Govt. of KP etc.

Application in respect of Transferring the service Appeal No. 1071/19 pending adjudication at the worthy KP Service Tribunal Abbottabad Camp office keeping in view the fact that the service appeals of other colleagues of the applicant / appellant are also pending before the principal Tribunal at Peshawar.

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3. That as the issue pertains to the reinstatement of the applicant and at the principal seat it is assumed that the appeal will be decided expeditiously.

It is, therefore, most humbly prayed that on acceptance of this applicant the service appeal No. 1071/19 may kindly be transfer to the principal seat i.e. Peshawar.

APPLICANT

In Person 

**Shahid S/o Gujjar Khan
Ex-CT GHS Kund Battagram**

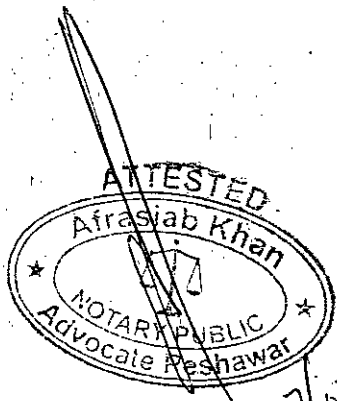
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**BEFORE THE WORTHY KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL SERVICE APPEAL # 1071/19**

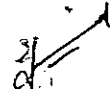
Shahid VS Govt. of KP etc.

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I, Shahid S/o Gujjar Khan R/o Baffa District Mansehra do hereby solemnly affirm and declare on oath the contents of the instant transfer application are true and correct and nothing has been concealed from this Hon'ble Tribunal.


07/02/2020

DEPONENT



CNIC No: 13503-0800981-9

Mobile No.: 0300-5694360

80

قیمت 50 روپے	55868			
ایڈوکیٹ: 		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل / ایسوسی ایشن نمبر: BC-18-1799 BC-13-4213				
رابطہ نمبر: 0344-9233762				

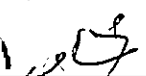
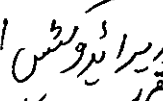
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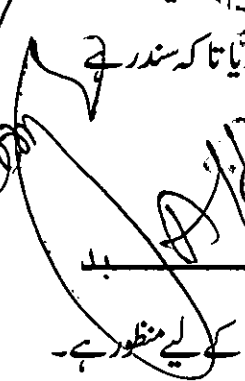
متجانب: Appellant شاہد	دعویٰ: Service Appeal
 حکومت خیبر پختونخواہ بنام شاہد	علت نمبر:
	مورثہ:
	جرم:
	تھانہ:

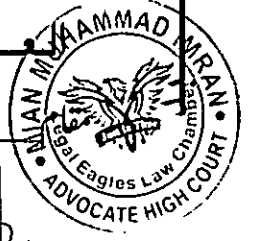
باعت تحریر آگے

شاہد ولد نصیر خان سنہ 1975

محکمہ اعلیٰ عدالت

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
 آن مقام  نے  وزیر اعلیٰ
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
 مقرر شدہ کو وہی جملہ مذکورہ بااختیارات حاصل ہوں گے اور ان کا ساختہ پر داخلہ منظور و قبول ہوگا
 دوران مقدمہ میں جو چیز چاہے ہر جانب اتوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سندرچے

المقوم: 
 PESHAWAR BAR ASSOCIATION
 خیبر پختونخواہ



Adv. Z. Akbar Shah
 Adv. M. Miran
 Adv. A. T. Shah
 M. M. Miran AHC