FORM OF ORDER SHEET

Court of		
Appeal No.	645	/2024

S.No.	Date of order	Order or other proceedings with signature of judge
_	proceedings	
1	2 .	3
-		
1-	10/05/2024	The appeal of Mr. Hamid Ullah resubmitted toda
	,	by Mr. Muhammad Saeed khattak Advocate. It is fixed for
		preliminary hearing before Single Bench at Peshawar o
	·	14.05.2024 Parcha Peshi given to the counsel for th
		appellant.
•		By the order of Chairman
•		Township .
		REGISTRAR
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	• .	

The appeal of Mr. Hamid Ullah received today i.e on 02.05.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1- According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent no. 3 & 5 are un-necessary/improper parties, in light of the rules ibid and on the written direction of the Worthy Chairman the above mentioned respondent number be deleted/struck out from the list of respondent.

No. 1052 /s.T,
Dt. 23/5 /2024.

REGISTRAR

SERVICE TRIBUNAL M KHYBER PAKHTUNKHWA

PESHAWAR.

Muhammad Saeed Khattak Adv. High Court Peshawar.

Ry Sir

Regiondents no 3 and 5 from memo es Appeal L. New Fresh memo es Appeal has been alloched

> avy monero 7/072022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

Service Appeal No. <u>642</u> /2	2024	
Hamid Ullah		· · · · · · · · · · · · · · · · · · ·
	 RSŲS	(Appellant)
Secretary Education to Gov	rernment of K	hyber Pakhtunkhwa
at Peshawar and others		(Respondents)

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Through

Dated: 29/04/2024

(Hamid Ullah)

Muhammad Saeed Khattak Advocate High Court

Peshawar.

Appellant

Cell No. 0333-6272753

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. <u>645</u>/2024

Hamid Ullah, SS (History/ Civics) GGSS Bahadar Khel,
District Karak.....(Appellant)

VERSUS

- 1. Secretary Education to Government of Khyber Pakhtunkhwa at Peshawar.
- 2. Director Elementary and Secondary Education, Khyber Pkahtukhw, Peshawar.
- 3. Principal, GHSS Bahadar Khel, Karak.....(Respondents)

APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL
ACT 1974, AGAINST THE IMPUGNED
ORDER NO. 169 DATED 11/01/2024
PASSED BY RESPONDENT NO. 3
WHEREBY THE APPELLANT WAS
RELIEVED FROM HIS DUTIES W.E.F
11/01/2024 AGAINST WHICH THE
DEPARTMENTAL APPEAL DATED
17/01/2024 HAS NOT YET BEEN
DECIDED WITHIN THE STATUTORY
PERIOD.

Prayer in appeal:

On acceptance of the instant Service Appeal, the impugned order may very graciously be set aside, the appellant may kindly be allowed to continue his duties on the post under the kind command of respondent No. 3, and furthermore directions may kindly be issued for release of his salaries.

Respectfully Sheweth:

- 1. That the appellant was serving as Subject Specialist (History/ Civics) in GGSS, Bahadar Khel (Karak) when the respondent No. 3 relieved him from his duties vide order No. 169 dated 11/01/2024 and directed him to report to the DEO (Male) Karak. (Copy of the impugned order is attached as annexure "A").
- 2. That the appellant submitted an application on the same date in office of DEO (Male), who was pleased to forward the same to respondent No. 2 for further

necessary action vide office order No. 181 dated 12/01/2024. (Copies of the application and office order are attached as annexure "B").

- 3. That respondent No. 1 being competent authority so the departmental appeal was sent to him through postal service on 17/01/2024 which has not yet been decided within the statutory period. (Copy of the departmental appeal is attached as annexure "C").
- 4. That being aggrieved of the same the appellant prefers the instant Service Appeal, inter-alia on the following amongst others:

GROUNDS:

- A. That the appellant has not been treated in accordance with law, nor equal protection of law has been extended to him.
- B. That the impugned order has been passed by an incompetent authority, so it's a void order, therefore is liable to be set aside. Furthermore, the allegations

4

leveled against him are baseless, false, based on malafide for the reason as already stated by the appellant in his departmental appeal that he has given statement in an inquiry against the principal concerned (respondent No. 3).

- the appellant was either present in the school or was having a leave application so far the allegation of remaining absent from the duty since 26th of Oct till 14th of November, 2023 is concerned, the appellant was deployed as superintendent by BISE, Kohat at GHSS Nandraka (Shakar Dara) Kohat permission in this regard was granted by the Incharge namely Yousaf Zaman. (Copy of duty letter is attached as annexure "D").
- D. That on 20th of November 2023, one day salary was deducted of the appellant on that day too the appellant has already sent an application for casual leave through one Zafar Iqbal a Class-IV employee against that deduction of salary the appellant has already filed a departmental appeal on 22/11/2023 to the DEO (Male) Karak. (Copy of departmental

(5)

appeal dated 22/12/2023 is attached as annexure "E").

- E. That no inquiry whatsoever was conducted before passing the impugned order, the appellant's attendance, performance and ACR's are satisfactory.

 All the allegations leveled against him are balsas.

 Not even a single witness/ material is available to prove those.
- F. That there is no concept of In/Out register in school only an attendance register is kept for the attendance of teachers, that can be checked.
- G. That it is quite interesting that why an action against remaining absent on 8th May 2023 is taken on 11/01/2024 similarly is the position of other allegations.
- H. That any other ground can also, be taken with permission of this Hon'ble Tribunal during the arguments.

It is, therefore, humbly prayed that on acceptance of the instant Service Appeal, the impugned order may very graciously be set aside, the appellant may kindly be allowed to continue his duties on the post under the kind command of respondent No. 3, and furthermore directions may kindly be issued for release of his salaries.

Any other relief as deemed appropriate in circumstances of the case, not specifically asked for, may also be granted to the appellant.

Appellant (Hamid Ullah)

Through

Dated: 29/04/2024

Muhammad Saeed Khattak

Advocate High Court,

Peshawar.

4

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

C.M. No/2024
In
Service Appeal No/2024
Hamid Ullah(Appellant)
VERSUS
Secretary Education to Government of Khyber Pakhtunkhwa
at Peshawar and others(Respondents)

APPLICATION FOR RELEASE OF SALARIES.

Respectfully Sheweth:

- 1. That the Service Appeal has been filed today wherein no date has yet been fixed for hearing.
- 2. That the applicant's salaries have been stopped since passing of the impugned order without any direction in that regard.

It is, therefore, most humbly prayed that direction may kindly be issued for release of the salaries of the applicant.

Applicant/ Appellant (Hamid Ullah)

Through

Dated: 29/04/2024

Muhammad Saeed Khattak Advocate High Court

Peshawar.

(8)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

C.M. No/2024	
In	
Service Appeal No/2024	!
Hamid Ullah	(Appellant)
VERSU	s
Secretary Education to Govern	ment of Khyber Pakhtunkhwa
at Peshawar and others	(Respondents)
•	

APPLICATION FOR SUSPENSION OF

IMPUGNED ORDER DATED

11/01/2024, TILL THE FINAL

DISPOSAL OF THE MAIN SERVICE

APPEAL.

Respectfully Sheweth:

- 1. That the Service Appeal has been filed today wherein no date has yet been fixed for hearing.
- 2. That all the three ingredients like strong prima facie case, balance of convenience and irreparable loss are best inclined in favour of the appellant.

- 3. That the impugned order is passed by incompetent authority, hence void one.
- 4. That the grounds of taken in main appeal may also kindly be taken as part and parcel of the instant application.
- 5. That any other ground can also, be taken with permission of this Hon'ble Tribunal during the arguments.

It is, therefore, most humbly prayed that on acceptance of the instant application, the impugned order may kindly be suspended till the final disposal of the main appeal.

(Hamid Ullah)

Through

Dated: 29/04/2024

Muhammad Saeed Khattak Advocate High Court

Peshawar.

Appellant

(10) Amer (2

OFFICE OF THE PRINCIPAL GOVT: HIGHER SECONDARY SCHOOL BAHADUR KHEL (KARAK)
No
Mr.Hamid Ullah SS (History/Civics):-
Whereas you had been absent since 8 th May till 23 rd of May 2023.
Whereas you had been absent since 26 th of Oct till 14 th of Nov ,2023.
Whereas you had been absent on 14 th August 2023 on special directives of Secretary Education which you bluntly violated.
Whereas you good self was absent on 20 th of Nov: and one day salary had been deducted by this office from your salary.
Whereas you were found absent/came late at 10:50 AM dated 8 th of Jan: 2024 by the IMU Monitor, even after enjoy 17 days of winter vacation.
Whereas you are addicted to came late and leave early, record saved in IN/OUT register
Whereas you threatened the Principal that I will kill you with Russian Gun.
Whereas you are involved with the miscreants of the community to pressurized the chair.
Whereas you have established grouping against the undersigned in the school which have effectively disturbed the conducive educational environment.
Hence, I, the chair, is pleased to relieve you from your charge, please report to the DEO (Male) Karak, using the power conferred upon me as Principal of GHSS Bahadur Khel (Karak) and to translate the Efficiency and disciplinary rules, 2011 via letter 110. SOG/E&SED/2-8/2016 dated 01/12/2016 in to practice
Therefore, you are hereby relieved from your duties w.e.f. 11/01/2024 immediately and
PRINCIPAL GOVT: HIGHER SECONDARY SCHOOL BAHADUR KHEL (KARAK)
No. & dated even
PRINCIPAL GOVT: HIGHER SECONDARY SCHOOL BAHADUR KHEL (KARAK)

المعتران و و و المعالم المعران المعرا ا بر المسائل بطور 23 سكل هذا سب عرف ودان سه لفنیات به الدانس المسال مناس مورد منوان م ورانس المسال مورد منواند مورد منواند مورد ما مناس مورد ما من ما ما مناس مورد منواند -2 il us -2 il us les in Reporting offices 1: 1.2 - 2 00 piet wise & No wing و عظ بر برا استارات سے تجاور ہے۔ ع ECP Juscul N. 2, WW 6,6 3/1/2024 Per 169 : 4 15 - 4 - 2 d'élévire m is d منرفات بالله نعرة و على بع من سے ورسی تک سی اور فی منرفامنی 2 in bis (Avendonce Régister for ss), 26 Cin نقره درا عاد الحرام المورس 4/ و فيرس مين المتان دوق برتما. مجع مسرا مند فافرسي سي . أدف اس سلس سي درواست برست

671 1 6 2023 / Departmetal (John Cost one - 2 مرافع الماري (12) Mendance Register). Un if de ciencu - 2- bie 10:100 نترويوري عورسافنته به رسمون را ادارول س عافنها يا لور البيط ه مافنها . Lisé Biometrie 6-2 is bill cu in and is well as To-out Register موه عرائع علط به مو و در الله علط له بالله بالل low box Result NACR, Nem & L Vm - 2 ble VIII is oris edis du lo- + il BPS17 10 N.2 cin , mel 65 m/ 6 h d jin vil 0 she ا . المذا المنعاب - كد و لا روا و سنوح كرا و من و الما المنعاب - كد و لا روا و سنوح كرا و الم عدد المرا المرا المران الرابات مين وي مرات المرون وروي المرا المران الرابات مين وي ما مال المران الرابات مين وي ما مال المران الرابات مين وي مالي المران المران الرابات مين وي مالي المران الرابات مين وي مالي المران الرابات المران الرابات مين وي مالي المران الرابات مين وي مالي المران الرابات المران الرابات المران الرابات المران المران المران المران الرابات المران SS in History Cam Civics
These Bahador Khel 11-2024 F k arah.



OFFICE OF THE DISTRICT EDUCATION OFFICER MALE KARAK ADDRESS: KDA KARAK

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No.	ı	D I	

Dated /2 Jan 2024

The Director

Elementary & Secondary Education

Department KPK, Peshawar

Subject:

RELIEVING OF MR HAMID ULLAH, SUBJECT SPECIALIST (HISTORY/ CIVICS)

GHSS BAHADAR KHEL KARAK

Enclosed find herewith Principal GHSS Bahadar Khel Karak tetter bearing Endst No. 169 Dated 11-01-2024 regarding relieving of Mr Hamid Ullah, Subject Specialist (History/Civics) GHSS Bahadar Khel Karak for your further necessary action at your end, please.

DISTRICT EDUCATION OFFICER MALE KARAK

Endst No. 193 Copy to the:

Dated _____Jan 2024

Principal GHSS Bahadar Khel Karak w.r.to his letter No. 169 Dated 11-01-2024 1.

Office copy 2.

> DISTRIC **EDUCATION OFFICER** MALE KARAK

Departmental Representation is in Commercial Representation of the م بیستر مفرست کا ایا . ا il Relieve 3 ist mols, soloje, s' "2024 ils.! الله و الحولسين السائل و الرف كذا كالله . الدامات ما والمرابع المرابع والمربع الدامات ما والمربع الدامات ما والمربع المربع المرب البر فارم کی ۔ لسطام دانشگیر الحدث کا فوالد کی۔ ا. فتر مزار مذاط عن در الواست الد/ إليار كنده ما تايده حاليري كان ع (Allendance Register). is w On duty soin ful i ss (Bio)

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الله المعان على الموادي كروس و در الماست كريم إسى أوادي معلى ميان - 2 Gjul y Toomstrer/Possing vist - & & Giss Reporting officer 65 risd-2 will a millimed in it in -3 ماد. سير البر المنده و دا ذهب لا سين بر اهشات ماره الرسي بنام. 4 أنوادن سى بىمان سەن مائ Relieb ١- ان مروره الرابة كى انبراس كرياء 2. ابير كننده ك ساكه لد منهوت كليسان ما ازما وي ٥- /بو كسنه و دسى كست بسبالي لي ع 0 w/s. 20666 - il soint 1.4 ssin History THES Bahadow belief h mah.



BOARD OF INTERMEDIATE & SECONDARY EDUCATION KOHA

Controllar of Extras -0-36 7070440 (1922-9260792, ACE (Conduct) 0336-0620254 PA to Controller: 0333-8608737, Fax: 0922-9260778

Website: www.bisekt.edu.pk, Email: bisekohat@hotmail.com

No. 2232 /CE/EXAM/BISEK

Dated: 18-10-2023

HAMEED ULLAR

GHSS BAHADUR KHEL KARAK

Subject: -

SECONDARY SCHOOL CERTIFICATE (ANNUAL-II) EXAMINATION 2023 - SUPERVISORY STAFF DUTY

iviemo:

I am directed to inform that you have been appointed as SUPERINTENDENT in the SSC (Annual-II) Examination, 2023 which is going to commence on 25" October 2023 at GOVT JUGHER SECONDARY SCHOOL NANDRAKA (SHAKAR DARA) KGRAY C/No. 39

You are requested to reach the Examination Centre one day before the commencement of the Examination i.e 24-10, 26/3 for making necessary arrangements.

Please note that a WORKSHOP for instructions has been arranged which will be hald in the Board Office in 23-10-2023 at 10:00 AM attendance of which is a naist. In case of obserce, dury will be considered as refusal, (TA/EA) will be

Please also note that:-

- The performance of the supervisory duty in board examinations has been made compulsory in the 18% KPOPP. meeting held at BISE Kohar on 03-03 2018. In case of refusal from duty, E&SE Department will be asked to income disciplinary action against you under E&D rules.
- No refusal shall be accepted under any circumstances.
- Regrets/refusal shall, however, he entertained only if your near relative is appearing at any examination cauter a rec above mentioned Examination provided that your rotation with the candidate is supported by documentary $\mu a > 1$
- "Mear alatica" includes Mita. Hechanicado I, Daughrans Brawk. Ila Sinter as juntines or il e board
- 5. The candidates should not be allowed to bring Mobile Phone into the Examination Hall
- During the exam paper time, the Mobile Phone should be kept off in the Examination Hair.
- The attendance of supervisory staff must be initialed by the relevant superintendent in 4 Herdence Shert (supervisor staff bill), putting P shell not be acceptable.
- In case of any regrets (Refusal) this duty letter must be brought to BISE Kohal in person
- Duty must be performed honestly and sincerely.
- Nobody is allowed to carry mobile phone into the examination half except the Superinomiant of the examination center as per decision taken in the KPBEC Meeting otherwise the same will be confiscated.
- The Board has the mandate to assign duty/cancel duty at any stage.
- NECESSARY INSTRUCTIONS WHILE SUBMITTING TAIDA BILL

TA/DA bill should be submitted along with the following pre-requisites without which, no bill will be entertain

- Computerized Pay Slip
- (2) Duty Offer
- (3) CNIC & Account Net with Bank Branch detail.
- Uniform Name, Designation and institution in all documents
- Relieving Chit.

In case of any discrepancy in Question Papers, please contact Ashraf Khan ACE (Secredy) # 03339624246 and Gul Muhammad Supdtt SSC (Secrecy) # 03339642703.

ann n Controller 24 Examination.

B.f.S.E. KOHAT.

NOTE:

ACCEPTANCE OR REFUSAL MUST BE INTIMATED BEFORE 22-10-2023 ON MOBILE NO: <u>03338608737</u> THROUGH TEXT MESSAGE.

Mobile Text Message Format

- Name.
- 2. Center No
- 3. Accepted OR Refused

Departmental Representation in 010 My Hameed week k ham 53 GHSS Bahardur khel karak (proper channel) منداره والمراسات فی او تنی سر علیانه کی رای کی ایدا کری و المريد مول الله عن البيل المنه عن المي وال ي و فعدت الناسم سين ورقو العدت كرس فو ملزم فواتمال كالحاتوروا . 17 1 bis of Sol of init of IMU 1560 NN-2 د. مي مه بر نوماه ، مرنس سه وه ورحواست جعباني ليرابير كنيره و ننبر حافد Istorbind and a so with the all the sound of أما . الا متعلمة كله ما فرن مطر شوت الماري مين ركوبي . مع مارس كورت فريت ومن المومول الموروراس ومواست دينا ما واين مروك لراحة كاريع - كلين الر النه فاز لين العتبارات كا فلط المتمال در الواس سے كا الل مسائر فين مسكة بين كني جائد . ما كه من كني عوقف كى وفعالات درستاونيوى نبوت كسيا تق ترسليس . 55 Chilly Saha dus Well Date: 21.11.2023 Karak. 050

المراك ا

ماعث تحريريا نكه

مقدم مندرج عنوان بالا میں اپی طرف سے واسطے پیروی وجواب دہی وکل کاروائی متعلقہ میں رہے۔

آن سقام سیسے ور سیس ور سیسے کیا جھی سیس میں کا کامل اختیارہ وگا۔ نیز دکیل ساحب کوراضی ناسر کرنے وقتر رہالت ہ فیصلہ برحلف دیے جواب دہی اورا قبال وحو گا اور میں سامت کوراضی ناسر کرنے وقتر رہالت ہ فیصلہ برحلف دیے جواب دہی اورا قبال وحو گا اور نیز اس میں کری کرنے اجراء اورصولی چیک ورو پیادع منی وحوی اور درخواست ہرتم کی تقد این ورمنسونی نیز دائر کرنے اجراء اورصولی چیک ورو پیادع منی وکی یا ڈیل کی برا مدگی اور منسونی نیز دائر کرنے این گرائی ونظر خانی و پیروی کرنے کا اختیارہ وگا۔ اوبصورت ضرورت مقدمہ ندکور کرنے کا اختیارہ وگا۔ اوبصورت ضرورت مقدمہ ندکور کرنے این بیا تر وی کا روائی کے واسطے اوروکی لی اختیار اس کا ساخت ہوگا۔ اورصا حب مقررشدہ کو بھی وہی جملے نہ کورہ با اختیارات حاصل ہوں کے اوراس کا ساخت برواخت سنظور قبول ہوگا۔ دوران مقدمہ میں جوئر چدد ہرجا خدالتو اے مقدمہ کے سب سے دہوگا۔

کوئی تاریخ بینی مقام دورہ پر ہو یا حدیے باہر ہوتو و کیل صاحب پا بند ہوں گے اوراس کا ساخت کہ کوئی تاریخ بینی مقام دورہ پر ہو یا حدیے باہر ہوتو و کیل صاحب پا بند ہوں گے۔ کہ بیروی

(sar me

CNIC 14203-2050442-1

Mas 03336272753.