

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
CAMP COURT, SWAT

Service Appeal No. 567/2016

Date of Institution... 27.05.2016

Date of decision ... 04.07.2017

Subhan Ali, PST Government Primary School, Fatehpur,  
District, Swat.

... (Appellant)

VERSUS

1. The Government of Khyber Pakhtunkhwa through Secretary, E&SE,  
Peshawar and others. ... (Respondents).

MR. IMDADULLAH,  
Advocate

... For appellant.

MR. MUHAMMAD ZUBAIR,  
District Attorney

... For respondents.

MR. NIAZ MUHAMMAD KHAN,

... CHAIRMAN

MR. MUHAMMAD AMIN KHAN KUNDI,

... MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN:- Arguments heard and  
record perused.

FACTS

The appellant was proceeded against under the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011 for his wilful absence from duty and he was served with a show cause notice on 30.06.2015. Then he was issued charge sheet and statement of allegations on 18.08.2015 and an enquiry committee was also constituted in the charge sheet on the same date. The enquiry committee then

submitted its report on 17.12.2015 and then another show cause notice was issued to the appellant on 21.12.2015. After this the impugned order was issued by the authority on 14/01/2016 whereby minor penalty of recovery of salary for 2 years was ordered by the competent authority. The appellant then filed a departmental appeal against the said order on 15.01.2016 which was rejected on 18.05.2016 and then the present appeal on 27.5.2016.

### ARGUMENTS

2. The learned counsel for the appellant argued that the appellant was served with two show cause notices containing different versions qua period of absence. Secondly that he was not associated in the enquiry and thirdly that appellant was not allowed chance to cross-examine the witnesses or to peruse the record used against him. That he was never communicated any show cause notice and that the department has violated the right of fair trial as guaranteed in the Constitution.

3. On the other hand learned District Attorney argued that 2 show cause notices pertains to different period of absence and also were served prior to enquiry and after the enquiry. That the appellant was duly associated in the enquiry and that his statement was also recorded by the enquiry committee.

### CONCLUSION.

4. Regarding the limitation of departmental appeal, learned counsel for the appellant has been able to convince the Tribunal that the impugned order was communicated to him on 24.01.2016 as specifically mentioned in para-vii of the memorandum of appeal, hence the departmental appeal is within time. So far as the 2 show cause notices are concerned one was issued prior to the enquiry and another was issued after the enquiry. Notice after the enquiry cannot be the same


because the show cause notice issued after the enquiry contains the facts proved in the enquiry. As far as the association of the appellant in the enquiry is concerned it is on record that his statement was recorded by the enquiry committee on 27.11.2015. The objection of the learned counsel for the appellant regarding giving no chance of cross examination to the appellant is not well founded because Rule-11 of the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011 say that the enquiry officer or the enquiry committee, as the case may be shall enquire into charges and may examine such oral or documentary evidence in support of the charges or in defence of the accused as may be considered necessary and where any witness is produced by one party, the other party shall be entitled to cross examine such witness. This power of the committee never makes it mandatory to afford chance of cross examination to the accused. It is only when any witness is produced by any party then the other party shall be entitled to cross-examine such witness. In the present case the enquiry committee has by itself visited the spot and found the appellant absent from duty and has then examined the record and examined the witnesses on the spot. The witnesses or the record has not been produced by any party, therefore, the other party is not entitled to cross-examine such witnesses. The relevant sub-rule (1) of Rule 11 of the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011 is reproduced below:-

*"On receipt of reply of the accused or on expiry of the stipulated period, if no reply is received from the accused, the enquiry officer or the enquiry committee, as the case may be, shall enquire into the charges and may examine such oral or documentary evidence in support of the charges or in defence of the accused as may be considered necessary and where any*

*witness is produced by one party, the other party shall be entitled to cross-examine such witness."*

5. The show cause notice and the constitution of the enquiry committee and then proceedings of the enquiry committee were not made in dark rather it was known to everybody including the appellant that the enquiry had been conducted. We cannot, therefore, accept this stance of the appellant that he was not served with any show cause notice. The authority has already taken a lenient view by only ordering of recovery of 2 years salary and imposing minor penalty which cannot be said to be not commensurate with the charges. Had there been any malafide of the authority towards the appellant then the authority could have imposed major penalty on the appellant. The lenient view of the authority towards the appellant is itself proof of the fact that there was no reason for the authority to have stated lie regarding service of notices and association of appellant in the proceedings.

6. Consequently, the appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record.

  
(Muhammad Amin Khan Kundi)  
Member

  
(Niaz Muhammad Khan)  
Chairman  
Camp Court, Swat

ANNOUNCED

04/07.2017

04-07-2017

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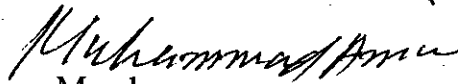
Service Appeal No: 567/2016

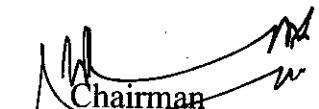
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04.07.2017

Counsel for the appellant and Mr. Muhammad Zubair, District Attorney alongwith Mr. Muhammad Saeed, Subject Specialist for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today this appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.

  
Member


  
Chairman  
Camp Court, Swat

ANNOUNCED  
04.07.2017

06.03.2017


Appellant in person and Mr. Muhammad Saeed, SS alongwith Mr. Muhammad Zubair, Senior Government Pleader for the respondents present. Rejoinder submitted. Due to strike of the bar counsel for the appellant is not in attendance. To come up for rejoinder and final hearing on 03.05.2017 before the D.B at camp court, Swat. The restraint order shall continue.

  
Member

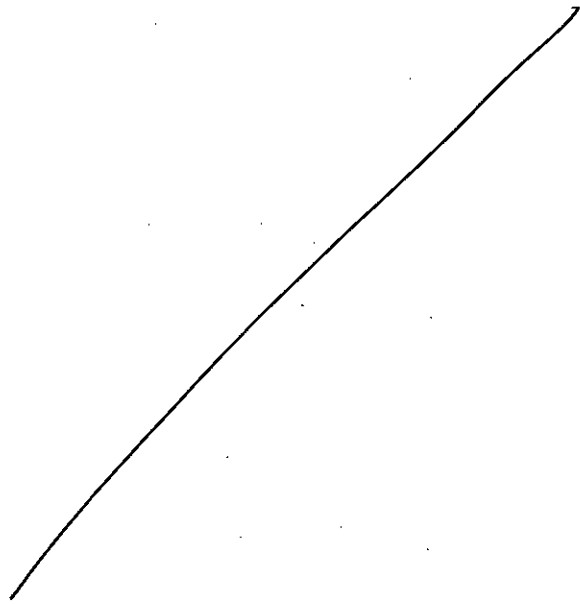
  
Chairman  
Camp court, Swat

03.05.2017

Counsel for the appellant present. Mr. Muhammad Saeed, Subject Specialist alongwith Mian Amir Qadar, Deputy Attorney for the respondents also present. Due to incomplete bench arguments could not be heard. To come up for rejoinder and arguments on 04.07.2017 before D.B at Camp Court Swat. The restraint order shall continue.


  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER  
Camp Court Swat






07.10.2016

Counsel for the appellant, and Mr. Shafiqur Rahman, ADEO alongwith Mian Amir Qadar, GP for respondents present. Requested for adjournment. To come up for written reply/comments on before S.B. on 08.12.2016 at camp court, Swat. The restraint order shall continue.

  
Chairman  
Camp Court, Swat


08.12.2016

Counsel for the appellant and Mr. Shafiqur Rahman, ADO alongwith Mr. Muhammad Zubair, Sr.GP for the respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 05.01.2017 at camp court, Swat. The restraint order shall continue.

  
Chairman  
Camp court, Swat

05.01.2017

Counsel for the appellant and Mr. Muhammad Saeed Subject Specialist alongwith Mr. Muhammad Zubair, Sr.GP for the respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 06.03.2017 before D.B. The restraint order shall continue.

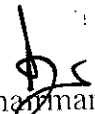
  
Chairman  
Camp court, Swat

07.06.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as PST when vide impugned order dated 14.01.2016 penalty in the shape of recovery of salary for two years was imposed against him on the allegations of absence where-against he preferred departmental appeal on 18.05.2016 which was not responded and hence the instant service appeal on 27.05.2016.

That the appellant has neither remained absent nor any enquiry conducted in the prescribed manners nor the appellant associated with the same and therefore condemned unheard. That the salary of the appellant has been with-held without any lawful justification and despite performing duty he is not being paid the same and that recovery is being made against him illegally.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 04.08.2016 before S.B at camp court, Swat. Appellant has also submitted an application for interim relief. Notice of application shall also be issued to the respondents for the date fixed. The impugned order to the extent of recovery from appellant is suspended.

  
Chairman  
Camp Court, Swat.

Appellant Deposited  
Security & Process Fee

04.08.2016

Clerk of counsel for the appellant and Mr. Muhammad Saeed, SS alongwith Mr. Muhammad Zubair, Sr.GP for the respondents present. Seeks adjournment. To come up for written reply/comments on 07.10.2016 before S.B at camp court, Swat. The restraint order shall continue.



  
Chairman  
Camp court, Swat,



Form- A  
FORM OF ORDER SHEET

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

Case No. 567/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	26/05/2016	<p>The appeal of Mr. Subjan Ali presented today by Mr. Aziz-Ur-Rehman Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	27-5-2016	<p>This case is entrusted to Touring S. Bench at Swat for preliminary hearing to be put up there on <u>8-06-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p>

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

Service Appeal No. 567 of 2016

*Subhan Ali PST Government Primary School Fatehpur, District Swat.*

*...Appellant*

**VERSUS**

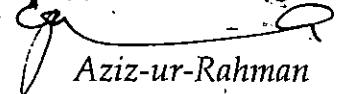
*The Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education, Peshawar and Others.*

*...Respondents*

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Appellant Through



Aziz-ur-Rahman  
Advocate Swat

Office: Khan Plaza, Gulshone Chowk,  
Mingora Swat, Cell 0300 907 0671

1

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

Service Appeal No. 567 of 2016

Subhan Ali PST Government Primary School Fatehpur,  
District Swat.

...Appellant

**S.W.F. Province**  
**Service Tribunal**  
Diary No. 538  
Dated 27-5-2016

**VERSUS**

1. The Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education, Peshawar.
2. The Director Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (Male) District Swat at Gulkada.

...Respondents

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER OF THE RESPONDENT NO. 3 WHEREBY THE PENALTY OF RECOVERY OF TWO YEARS SALARY HAS BEEN IMPOSED UPON THE APPELLANT VIDE NOTIFICATION ENDST: NO. 8422-25/PF/SUBHAN ALI PST DATED 14-01-2016, WHICH WAS NEVER COMMUNICATED TO THE APPELLANT BUT THE APPELLANT ON THE GETTING THE INFORMATION RECEIVED THE COPY OF THE SAME BY HIS OWN EFFORTS ON 24-01-2016, IS AGAINST THE LAW, RULES AND FACTS AND IS LIABLE TO BE SET SIDE. FEELING AGGRIEVED OF THE SAME

filed today  
27/5/16

THE APPELLANT PREFERRED A DEPARTMENTAL APPEAL TO THE RESPONDENT NO. 2 WHO ALSO REJECTED THE SAME WITHOUT APPLYING HIS INDEPENDENT MIND OR ADOPTING THE DUE COURSE AND REJECTED THE APPEAL OF THE APPELLANT VIDE ORDER ENDST: NO. 4206-8/F.NO. 162 / APPEAL / PST/ TT/ AT/QARI (M) DATED PESH: THE 18-05-2016, RECEIVED BY THE APPELLANT ON 24-05-2016, IN A SUMMARY MANNER AGAINST THE LAW, RULES AND FACTS AND IS LIABLE TO BE SET ASIDE.

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Prayer:

*That on acceptance of the instant service appeal the both the orders impugned may very kindly be set aside as the same are against the law, rules and facts and no recovery be made against the appellant.*

*It is further prayed that the salaries of the appellant may also very kindly be ordered to be released forthwith from the date it is stopped illegally.*

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Respectfully Sheweth:

- i. That the appellant joined the education department as PST on 30-06-2011 and since then is regularly performing his duties to the satisfaction of both the authorities as well as the general public.

- ii. That the appellant performed his duties to the best of his abilities at various schools with great zeal and punctuality.
- iii. That the appellant was shocked and surprised when he was informed by the bank that his salary has been stopped, as to that effect the appellant never received any order till date.
- iv. That the appellant feeling aggrieved started vigorous efforts to know the reason for the stoppage of his salary so he was provided the Show Cause Notice bearing No. 5593-96 dated 30-06-2015, which was never communicated before to the appellant and the copy was provided on the personal efforts of the appellant. Copy of the Show Cause Notice is enclosed as Annexure "A".
- v. That the appellant submitted as detailed reply to the same, but neither he was intimated the fate of the Show Cause nor was his salary released.
- vi. That again the appellant received continued his efforts to know that why his salary has been stopped.
- vii. That through his personal efforts the appellant got the copy of the Notification Endst: No. 8422-25/PF/Subhan Ali PST dated 14-01-2016 on 24-01-2016, whereby the penalty of recovery of two years of salary was imposed on the appellant against the law, rules and facts. Copy of the Notification is enclosed as Annexure "B".

- viii. That feeling aggrieved the appellant filed a departmental appeal, but the same was also rejected summarily and without applying his independent mind rejected the same against the law, rules and facts vide order Endst: No. 4206-8 / F. No.162 /Appeal / PST/ TT/AT/Qari (M) dated Pesh: the 18-05-2016, received by the appellant on 24-05-2016. Copy of the appeal is enclosed as Annexure "C" and that of the order as Annexure "D".
- ix. That feeling aggrieved and having no other alternative this appeal is filed on the following grounds.

Grounds:

- a. That appellant has never been associated with the inquiry in accordance with the law and rules on the subject and hence the appellant has not been treated in accordance with the law.
- b. That no action taken against the appellant has ever been communicated to him rather he has collected all the orders through his personal efforts, thus all the actions has been taken at the back of the appellant and without giving him any opportunity of defence or personal hearing.
- c. That the respondents have misused their official authority in a very colourful and arbitrary manner against the law and rules.

- d. That the arbitrary and Parochial attitude of the respondents can best be judged from the fact that the salary of the appellant has been stopped and that also without any reasons at all, and much astonishingly much earlier to the adverse actions and orders against the appellant.
- e. That the appellant has not committed any act of commission or omission which may constitute any offence under any law.
- f. That vested right of the appellant have been denied to the appellant for no reasons at all.

It is, therefore, very respectfully prayed that on acceptance of this appeal both the impugned order may very kindly be set aside and no recovery be made against the appellant.

It is further prayed that the respondents may also very kindly be directed to release the salaries of the appellant from the date the same were stopped.

Any other relief deemed appropriate in the circumstances may also very kindly be granted.

Appellant  
*S. Ali*  
 Subhan ali  
 Through Counsels,  
*Aziz-ur-Rahman*  
 Aziz-ur-Rahman  
*Imdad Ullah*  
 Imdad Ullah  
 Advocates Swat

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

Service Appeal No. \_\_\_\_\_ of 2016

Subhan Ali PST Government Primary School Fatehpur,  
District Swat.

...Appellant

**VERSUS**

The Government of Khyber Pakhtunkhwa through  
Secretary Elementary and Secondary Education,  
Peshawar and Others.

...Respondents

**AFFIDAVIT**

It is solemnly stated on Oath that all the contents of  
this appeal are true and correct to the best of my knowledge  
and belief and nothing has either been misstated or  
concealed before this Honourable Tribunal.

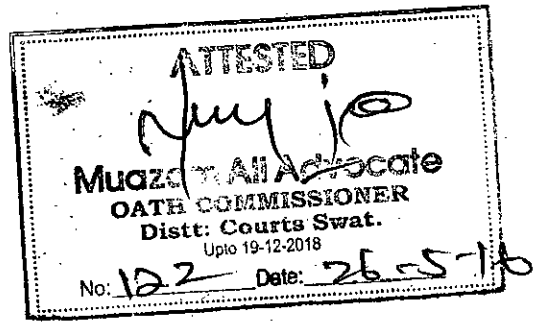
Deponent

S.A.

Subhan Ali

Identified By:

*Imdad*  
Imdad Ullah  
Advocate Swat





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

Service Appeal No. \_\_\_\_\_ of 2016

Subhan Ali PST Government Primary School Fatehpur,  
District Swat.

...Appellant

**VERSUS**

The Government of Khyber Pakhtunkhwa through  
Secretary Elementary and Secondary Education,  
Peshawar and Others.

...Respondents

**ADDRESSES OF THE PARTIES**

Appellant:

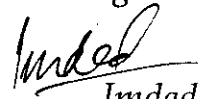
Subhan Ali PST Government Primary School Fatehpur,  
District Swat.

Respondents:

1. The Government of Khyber Pakhtunkhwa through  
Secretary Elementary and Secondary Education,  
Peshawar.
2. The Director Elementary and Secondary Education  
Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (Male) District  
Swat at Gulkada.

Appellant

Through Counsel,

  
Imdad Ullah

Advocate Swat

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

Service Appeal No. \_\_\_\_\_ of 2016

Subhan Ali PST Government Primary School Fatehpur,  
District Swat.

...Appellant

**VERSUS**

The Government of Khyber Pakhtunkhwa through  
Secretary Elementary and Secondary Education,  
Peshawar and Others.

...Respondents

**APPLICATION FOR GRANT OF INTERIM RELIEF.**

Respectfully Sheweth:

- i. That the above titled case is pending before this Honourable Tribunal in which no date of hearing is fixed is as yet.
- ii. That the appellant has got a prima facie case in his favour.
- iii. That the respondents have stopped the salaries of the appellant and order of recovery has also been made.
- iv. That the appellant will suffer irreparably if the recovery order is not suspended and the salaries not released.

It is, therefore, very respectfully prayed  
that on acceptance of this application the salaries  
may very kindly be ordered to be released.

9

*It is further prayed that order of recovery  
may also very kindly be suspended.*

*Applicant/Appellant*

*Through Counsels,*

*Aziz-ur-Rahman*

*Imdad Ullah  
Advocates Swat*

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

Service Appeal No. \_\_\_\_\_ of 2016

Subhan Ali PST Government Primary School Fatehpur,  
District Swat.

...Appellant

**VERSUS**

The Government of Khyber Pakhtunkhwa through  
Secretary Elementary and Secondary Education,  
Peshawar and Others.

...Respondents

**AFFIDAVIT**

It is solemnly stated on Oath that all the contents of  
this application are true and correct to the best of my  
knowledge and belief and nothing has either been  
misstated or concealed before this Honourable Tribunal.

Deponent

*S. Ali*  
Subhan Ali

Identified By:

*Imdad*  
Imdad Ullah  
Advocate Swat

**ATTESTED**  
*Muazzam Ali*  
**Muazzam Ali Advocate**  
**OATH COMMISSIONER**  
Dist: Courts Swat.  
Upto 19-12-2018  
No: *123* Date: *26-5-16*

Ali PST  
Khawarai  
Shin

**OFFICE OF THE DISTRICT EDUCATION OFFICER (M) SWAT**

**SHOW CAUSE NOTICE**

I Muhammad Uzair Ali Distt; Education Officer (Male) swat as a competent authority under the Khyber pakhtunkhawa Govt servant efficiency and disciplinary Rules, 2011 do hereby serve you Mr Subhan Ali PSTGPS Khawarai Shin as follows;

1. That you were absent from duty 10/3/2015 To 31/5/2015 (83 days) without sanctioned/permission from the competent authority..
2. That you were issued call notice vide this office No 2555 dated 6/5/2015 but did not reported for duty on time.
3. That it is therefore proved now that you remained absent without permission for the period mentioned above and hence you have committed acts / omissions specified in rules 3(a) E&D of the said rules.
4. As a result thereof I as competent authority have tentatively decided to proceed against you under the above mentioned rules.
5. You are therefore required to show cause as to why one or more of the major or minor penalties provided in the aforesaid rules should not be imposed upon you and also intimate whether you desire to be heard in person.
6. If no reply to this effect is received within 15 days of its delivery . it shall be presumed that you have no defense to put in and in that case Ex-parte action shall be taken against you.

5593-FL

(PROF; MUHAMMAD UZAIR ALI)  
DISTT; EDU; OFFICER (MALE)  
SWAT AT GULKADA.  
Dated 30/6/2015

- Endost ; \_\_\_\_\_ /
- Copy of the above is forwarded to;
1. Director I&S Edu; KPK Peshwar .
  2. DDEO(Male) Local office.
  3. SDEO(Male) swat .
  4. Teacher Concerned,.

*[Signature]*  
30/6/15  
DISTT EDUCATION OFFICER (M)  
SWAT AT GULKADA.

No 10381  
dt 30/6/15

**ATTESTED**  
*[Signature]*  
**ADVOCATE**

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

**NOTIFICATION:-**

Whereas Mr. Subhan Ali PST, GMPS Awarai willful absent from duty was proceeded against under the Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules 2011 for the charges mentioned in the show cause notice.

1. And whereas an enquiry was conducted against the accused teacher through the Dy. District Education Officer local office and Mr. Riaz Ahmad Headmaster GHS. Asala Swat.
2. And Whereas the enquiry officer other having examined the charges evidence on the record against the accused teacher and submitted report.
3. And whereas the enquiry committee recommended the accused teacher for transfer and recovery of salaries of TWO Years.
4. And whereas the District Education Officer being competent authority after having considered the charges and evidence on record, against the accused teacher has been proved.
5. Now therefore, in exercise of power conferred under section 04 (a) (iii) of Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules 2011 the competent authority is pleased to impose a Minor Penalty of "TWO YEARS" recovery of salaries upon Mr. Subhan Ali PST GMPS Awarai Swat on account of his willful absence.

(Hafiz Muhammad Ibrahim)  
District Education Officer  
MALE Swat.

Endst No. 8422-25/P.F/Subhan Ali PST

Copy to

1. The Director Elementary And Secondary Education KPK Peshawar.
2. The District Comptroller of Accounts Swat.
3. The Dy. District Education Officer (M) Swat
4. The Sub Divisional Education Officer Swat with the terms of ensure the recovery from the accused teacher under intimation to this office.
5. Mr. Subhan Ali PST GMPS Awarai Swat
6. PA to DEO Local Office.

District Education Officer  
MALE Swat.

Annexure B

12



OFFICE OF THE  
DISTRICT EDUCATION OFFICER  
(MALE) SWAT

NOTIFICATION

Whereas Mr. Subhan Ali PST, GMPS Awara willful absent from duty, was proceeded against under the Khyber Pakhtunkhwa Government servant (Efficiency & Discipline) Rules 2011 for the charges mentioned in the show cause notice.

- 1 And whereas an enquiry was conducted against the accused teacher through the Dy. District Education Officer local office and Mr. Riaz Ahmad Headmaster GHS, ASala Swat
- 2 And whereas the enquiry officer after having examined the charges, evidence on the record against the accused teacher and submitted report.
- 3 And whereas the enquiry committee recommended the accused teacher for transfer and recovery of salaries of TWO Years
- 4 And Whereas the District Education Officer being competent authority after having considered the charges and evidence on record, against the accused teacher has been proved.
- 5 Now therefore in exercise of power conferred under section 04 (a) (ii) of Khyber Pakhtunkhwa Government servant (Efficiency & Discipline) Rules 2011, the competent authority is pleased to impose a MINOR penalty of "TWO YEARS recovery of salaries" upon Mr. Subhan Ali PST GMPS Awara Swat in account of his willful absence.

(Hafiz Mohammad Ibrahim)  
DISTRICT EDUCATION OFFICER  
(MALE) SWAT

Encl. NO 8422-25-P.F-Subhan Ali PST  
Copy to:-

Dated 14/1/2016

1. The Director Elementary & Secondary Education KPK Peshawar.
2. The District Comptroller of Accounts Swat.
3. The Dy District Education Officer (M) Swat.
4. The Sub Divisional Education Officer Swat with the remarks to ensure the recovery from the accused teacher under intimation to this office.
5. Mr. Subhan Ali PST GMPS Awara Swat
6. PA to DEO local Office

DISTRICT EDUCATION OFFICER  
(MALE) SWAT

**ATTESTED**

**ADVOCATE**

عنوان :- درخواست برائے رقم اپیل

جناب عالی! موربانہ گزارش ہے کہ میں بحیثیت Pst Pps قلمبر  
میں اپنی فراغت انجام دے رہا ہوں۔ تاہم تقریباً 2011-2013 کو ہونے  
تین مختلف سکولوں میں کام کرتا تھا۔

2 Pps آوازی کوہستان سوات  
01-03-2013

کو میں خارج کیا۔

یہ حذرف انکوٹری دیوبند اور انکوٹری رورٹ کے موصوب  
برائے Pps قلمبر اور ایک مارج سے سکول مزدوں  
میں اپنی منہی فراغت انجام دے رہا ہوں۔ یا خارج کیا گیا۔  
انکوٹری قلمبر نے تیار کیے کے علاوہ مجھے 4,80,000/-  
روپے بھی داخل کرنے کا حکم صادر کیا ہے۔

جناب مسد سکول میں جب کوئی دینی پروگرام منعقد  
ہوتا ہے۔ تو سکول چلانا مشکل ہو جاتا ہے  
اگر ایسی کوئی بھی سہولت ہے۔ تو یہ منظور ہوتی ہے  
لیکن سکول مسد میں چل رہا ہے  
اس کے علاوہ میں بنیاد زخم کاری سے کام لیتا ہے۔  
جو کام ایک بڑے گھرانے کی کفالت کرتی ہے۔ اپنی رقم میں  
کسے داخل کر سکتا ہوں۔ لہذا استدعا ہے  
کہ اس رقم کی مدد کے احکامات صادر فرمائیں۔  
مبالغہ سکولوں میں کی گئی کی انجام آمد آمد منہر کے معائنے  
کے وقت حذرف کے فوٹو سلیٹ لفتا رہا ہوں  
بغیر قوی (منہر) کے غیر خاندان پر رقم کر کے اس رقم کو منہر میں  
تو شکر گزار ہوں۔ فقط آپ کا نام دعا ہے

بلال



# 03449630072

جان علی Pst Pps فتح پور سوات

ATTESTED

*(Signature)*

ADVOCATE



**DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION**  
**KHYBER PAKHTUNKHWA**

**ORDER.**

1. WHEREAS, Mr. Subhan Ali PST GPS Fatehpur Swat proceeded against under the Khyber Pakhtunkhwa Government Servant (Efficiency & Disciplinary) Rules, 2011.
2. AND WHEREAS the above named teacher was absent from duty w.e.f 2011 to May 2015 from his school & marked his bogus attendance in record of GMPS Awarai.
3. AND WHEREAS, the DEO (M) Swat conducted an enquiry against the teacher concerned through Deputy District Education Officer and Mr. Riaz Ahmad Headmaster GHS Asala Swat.
4. AND WHEREAS, the enquiry committee recommended the accused teacher for transfer and recovery of salaries of two years.
5. AND WHEREAS, the DEO (M) Swat being appointing /competent authority as per the recommendation of the enquiry committee imposed major penalty of recovery of two years due to wilful absence from duty.
6. AND WHEREAS, Mr. Subhan Ali PST lodged an appeal to the appellant authority. The same appeal was sent to DEO (M) Swat for comments vide this office letter No.2583 dated 15.04.2016. The DEO (M) Swat submitted his report /enquiry vide his letter No.3156 dated 28.04.2016.
7. AND WHEREAS, the competent authority Director Elementary and Secondary Education Khyber Pakhtunkhwa) after having considered the charges and evidence on record, is of the view that charges against the accused teacher have been proved.
8. NOW THEREFORE, in exercise of powers conferred under Khyber Pakhtunkhwa Servants (Efficiency & Discipline) Rules-2011 the appellate authority has decided to reject the appeal of Mr. Mr. Subhan Ali PST GPS Fatehpur Swat on the above mentioned ground.

DIRECTOR  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar

Endst: No. 4256-8 /F No. 162/Appeal /PST/TT/AT/Qari (M) Dated Pesh: the 18/5/2016.

Copy forwarded for information and necessary action to the:-

1. District Education Officer (M) Swat w/r his No.3156 dated 28.04.2016.
2. Mr. Subhan Ali PST GPS Fatehpur Swat.
3. P/A to Director E&SE, Khyber Pakhtunkhwa, Peshawar.
4. Master File.

**ATTESTED**

*[Signature]*

**ADVOCATE**

*[Signature]* 17/5/16  
Deputy Director (Estb.)  
Elementary & Secondary Edu:  
Khyber Pakhtunkhwa Peshawar.

16/5/16

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

15

In the matter of:-

Subhan Ali

Appellant

VERSUS

The Govt. K.P. Through Secretary  
ERSE and Others.

Respondent

KNOWN ALL to whom these present shall come that I/we, the undersigned appoint

**AZIZ-UR-RAHMAN and IMDAD ULLAH**

Advocates High Court

To be the advocate for the Appellant in the above mentioned case to do all the following acts, deeds and things or any one of them, that is to say:-

- ❖ To acts, appear and plead in the above mentioned case in this court or any other Court in which the same may be tried or heard in the first instance or in appeal or review or revision or execution or at any other stage of its progress until its final decision.
- ❖ To present pleadings, appeals, cross objections or petitions for execution review, revision, withdrawal, compromise or other petition or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the said case in all its stages.
- ❖ To withdraw or compromise the said or submit to arbitration any difference or dispute that shall arise touching or in any manner relating to the said case.
- ❖ To receive money and grant receipts therefore, and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.
- ❖ To employ any other Legal Practitioner authorizing him to exercise the power and authorities hereby conferred on the Advocate wherever he may think fit to do so.
- ❖ I understand that the services of aforesaid lawyer are hired irrespective of the outcome of the case.

And I/We hereby agreed to ratify whatever the advocate or his substitute shall to do in the said premises.

And I/We hereby agree not to hold the Advocate or his substitute responsible for the result of the said case in consequences of his absence from the Court when the said case is called up for hearing.

And I/We hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the Advocate remaining unpaid, the Advocate shall be entitled to withdraw from the prosecution of the case until the same is paid.

IN THE WITNESS WHEREOF I/WE hereunto set my/our hand(s) to these present the contents of which have been explained to and understood by me/us, this 25<sup>th</sup> day of May 2016

\_\_\_\_\_  
(Signature or thumb impression)

SAL  
\_\_\_\_\_  
(Signature or thumb impression)

\_\_\_\_\_  
(Signature or thumb impression)

Accepted subject to terms regarding fees

AZIZ-UR-RAHMAN  
(AZIZ-UR-RAHMAN)  
Advocate High Court

Office: Khan Plaza, Gulshone Chowk  
G.T. Road Mingora, District Swat.  
Cell No. 0300 907 0671

Subhan Ali

IMDAD ULLAH  
(IMDAD ULLAH)

Advocate High Court  
Office: Khan Plaza, Gulshone Chowk,  
G.T. Road, Mingora, District Swat  
Cell No. 0333 929 7746

91  
①

BEFORE THE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO 567/2016

SUBHAN ALI PST GPS FATHPUR, DISTRICT SWAT.

..... APPELLANT

VERSUS

THE SECRETARY ELEMENTARY AND SECONDARY EDUCATION PESHAWAR &  
OTHERS. .... RESPONDENTS

JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS NO 1 & 3

**RESPECT FULLY SHEWETH:**


**PRELIMINARY OBJECTIONS:**

- 1- The appellant has no locus standi /no cause of actions to file the instant appeal against the respondents.
- 2- The appellant has not come to this Honorable Tribunal with clean hands.
- 3- The appellant has concealed the material facts from this Honorable Tribunal hence liable to be dismissed.
- 4- The appellant has filed the instant appeal on mala fide motives.
- 5- The instant appeal is against the prevailing law, rules, and policies.
- 6- The appellant is estopped by his own conduct to file the instant appeal.
- 7- The instant appeal is time-barred.

**FACTUAL OBJECTIONS:**

1. That the Para No 1 is correct to the extent of the appointment of the appellant as PST. The appellant remained absent from duty since June 2011 to May 2014 without any proper permission of the competent Authority. During his absence, the appellant was working /teaching in a private school i-e pak children academy. The community as well as the circle ASDEO khwaza khela submitted complaints against the appellant copies annex as A&B.
2. Incorrect and not admitted. The appellant remained absent from duty since June 2011 to may 2014 without any proper permission of the competent authority. During his absence, the appellant was working /teaching in a private school i-e Pak children academy.
3. Incorrect and not admitted. Show cause notice, statement of allegations & charge sheet were issued to the appellant according to the law. Proper inquiry was conducted and the charges of absence were proved against the appellant. All codal formalities were observed during the process. Copies annex as C,D,E&F.
4. That the salary of the appellant was stopped due to his willful absence from duty.
5. That the salary of appellant was not released due to his absence period.



- 
6. The salary of the appellant was stopped after proper inquiry due to his willful absence from duty
  7. Incorrect and not admitted. That the notifications and show cause notices were properly communicated well in time to the appellant.
  8. That departmental appeal of the appellant was rejected by the appellate authority. Copies annex as G.
  9. That the notification of recovery as legal and based on facts.

**GROUNDS:**

- A- That the appellant was associated with the process of inquiry and he was treated in accordance with the law .
- B- Incorrect & not admitted that the notifications and show cause notices were properly communicated well in time to the appellant.
- C- That all the actions of the respondents are legal and justified.
- D- That the appellant has been treated according to the law. The appellant remained absent from duty since June 2011 to may 2014 without any proper permission of the competent Authority. During his absence, the appellant was working /teaching in a private school i-e pak children academy.
- E- The appellant remained absent from duty since June 2011 to may 2014 without any proper permission of the competent authority. During his absence, the appellant was working /teaching in a private school i-e pak children academy.
- F- That the recovery has been started from the appellant after proper inquiry and due process.

It is, therefore, very respectfully prayed that the instant appeal may kindly be dismissed with cost in favor of respondents.

  
DISTRICT EDUCATION OFFICER (M)

(E&SE) SWAT

  
DIRECTOR

ELEMENTARY AND SECONDARY  
EDUCATION

PESHAWAR.

  
SECRETARY

ELEMENRATY AND SECONDRY EDUCATION

PESHWAR

یہ جملہ افراد ساکنان حوالہ و مصنفات یہ افراد گریڈ تکہ دیتے ہیں کہ

صوبائی سبجان عدل P.S.I ایم پی ایس حوالہ مکتبہ گنڈا میں اپنے فرائض منصب مناسب طریقے سے سر انجام نہیں دے رہا۔ جس کی رپورٹ ہم

حکیم تعلیم کے ذمہ دار افسران کو پاس جمع کرا

چکے جس جس پر علاقے کے تمام افراد کے نام، شناختی کارڈ

نمبر اور درخواست نمبر ہے۔ متعلقہ استاد یعنی سبجان عدل

P.S.I کی ڈیوٹی نہ کرنے کے بڑی وجہ یہ ہے کہ اسی علاقے میں

P.C.A کے نام سے ایک پبلک سکول قائم ہے جس میں سبجان عدل

P.S.I مشیر سرگڑھی اور سکول کے اوقات کار کے دوران

اس پبلک سکول میں Teaching کرتا ہے۔

لینا ہم سب ایسٹیاں علاقہ حکیم تعلیم کے حکام بالا کو یہ درخواست

میں کہ ہمارے بچے جوں کے بہتر مستقبل بنیاد پر G.P.S حوالہ

کے سبجان عدل P.S.I کے علاوہ کسی دوسرے ذمہ دار استاد کو

G.P.S کے سبجان عدل کے نام ہمارے بچے تعلیم حاصل کرنے سے محروم نہ ہو سکے

اور بچے ہمارے اس درخواست پر سمجھو دانہ غور کیا جائے گا

نمبر	نام	پتہ	تعلقہ
1	شیرزادہ	شیرزادہ	شیرزادہ
2	منہو وردہ	منہو وردہ	منہو وردہ


عیال شہزادہ  
 میان گلزار  
 یاسرہ گل  
 سید ارمان  
 بیباک  
 فضل الرحمن  
 نظام الدین

شناخت کارڈ نمبر  
 15602-5212053-1  
 15602-1713100-3  
 15602-2455871-5  
 15602-4256964-3  
 15602-423219661-9  
 15602-6387019-3  
 15602-9680651-7  
 15602-5221008-9  
 15602-0486587-7  
 15602-0843576-7  
 15602-0996290-9  
 15602-0515129-1  
 15602-5870649-9  
 15602-4688957-9

ولدین  
 مختیار  
 خاتونہ میان  
 طلوع (مردم)  
 محمد حسین  
 کسمن  
 جوہر میان  
 سیلا  
 باز  
 یمن  
 منظر  
 خان زادہ  
 صالح  
 اصغر خان  
 محمد ابراہیم

نام  
 عیال شہزادہ  
 عیال گلزارہ  
 محمد حسین  
 پائندہ گل  
 حسین  
 محمد روان  
 لعلون  
 سیفورا الرحمان  
 باچاروال  
 زرشور  
 فضل نسیم  
 خان زادہ  
 نظام الدین  
 وردان خان

میں مہنگی عیال شہزادہ ولد مختیار حسین میں PTC کمپنی  
 ضلع سوات میں اقرار کرتا ہوں کہ درج بالا بیان اور تمام  
 کارروائی میری موجودگی میں ہوئی ہے جو حقیقت پر عیناً  
 عیال شہزادہ

Attested  


عیال شہزادہ  
 مختیار حسین  
 PTC  
 سوات  
 15602-5212053-1

(3) (7)

1

(23)

15602-6307019-3	جوهر مياں	شماره 1
15602-6027071-5	فتا مياں	شماره 2
15602-7513494-9	مختار مياں	شماره 3
15602-0515129-1	مياں	شماره 4
15602-5962562-3	مختار مياں	شماره 5
15602-0403637-3	مختار مياں	شماره 6
15602-0279009-3	مختار مياں	شماره 7
15602-0289099-5	مختار مياں	شماره 8
15602-7774083-1	مختار مياں	شماره 9
15602-0455428-5	مختار مياں	شماره 10
15602-0486587-7	مختار مياں	شماره 11
15602-0263677-9	مختار مياں	شماره 12
15602-0455671-5	مختار مياں	شماره 13
15602-5212052-1	مختار مياں	شماره 14
15602-5511006-5	مختار مياں	شماره 15
15602-5054155-3	مختار مياں	شماره 16
15602-0507857-7	مختار مياں	شماره 17
15602-0349675-5	مختار مياں	شماره 18
15602-0735306-7	مختار مياں	شماره 19
15602-0502377-9	مختار مياں	شماره 20
15602-4688691-1	مختار مياں	شماره 21
15602-5721028-9	مختار مياں	شماره 22
15602-04886587-1	مختار مياں	شماره 23
15602-13219651-9	مختار مياں	شماره 24
15602-3864272-3	مختار مياں	شماره 25
15602-2008547-1	مختار مياں	شماره 26
15602-0423662-9	مختار مياں	شماره 27
15602-1713100-3	مختار مياں	شماره 28
15602-0455444-5	مختار مياں	شماره 29
15602-0423662-9	مختار مياں	شماره 30



گہرے حجاب اٹائی اور سرکل حوازہ جسٹس

خدا سے ملی

گزارش ہے کہ ہم اعلیٰ حواری عرض کرتے ہیں  
کہ ہمارے گاؤں میں گورنمنٹ ملکیت پرائمری سکول ہے

جس میں صرف ایک استاد ہے لیکن بنائے کہ اس کے

یاں چیلڈرن اکیڈمی کے نام سے بیلک سکول بنایا ہے

اسیے سوجھو اس سکول میں ڈپٹی سربراہی م دیا ہے

حکومت کے گاؤں کا سکول ہے جس سے مراد ہے۔ ارباب و اہل حقاروں

میں سہولت کی ہے لیکن اس کے لئے سرکار نے حوصلہ

دیا ہے اس کے بارے میں دستاویز گانگ نام ہے P.T.O

الغرض

اعلیٰ

حوالہ ہے

P.T.O

دوسرے حوالے سے دستاویز گانگ نام ہے P.T.O

گہرے حیات اے ڈی او سیکرل خوارہ حیدر

جناب عالی

گزارش پر ہے کہ ہم اعلیٰ خوارہ عرض کرتے ہیں  
کہ ہمارے گاؤں میں گورنمنٹ ملکت پرائمری سکول ہے

جس میں صرف ایک استاد ہے لیکن بتا ہے کہ اس کے  
یاں چیلڈرن اکیڈمی کے نام سے پبلک سکول بنایا ہے

اس لیے جو عہدہ اس سکول میں ڈیپوٹ سرائی م دیا ہے  
صرف گاؤں کے سکول ختم ہو رہا ہے۔ ارباب و اہل حقاروں

سے مطلع کیا ہے لیکن اس کی کوئی سہولت نہ ہو سکی۔

درخواست کے ساتھ دستخط و آواز گانچ نمبر CNIC اور شناخت

الغرض

اعلیٰ

خوارہ حیدر

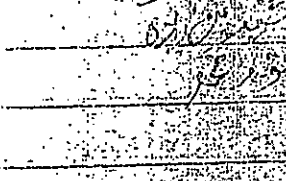
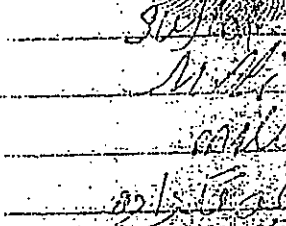
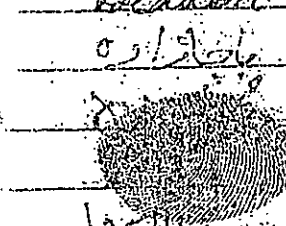
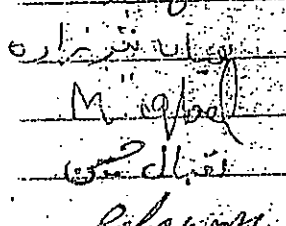
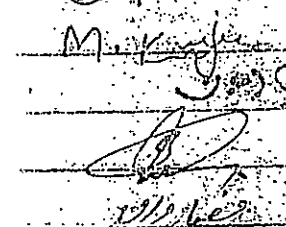
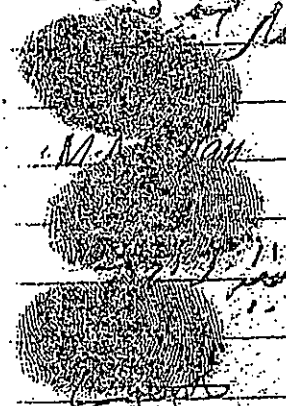
P.T.O

دوسرے درخواست کنندگان کے نام پر CNIC اور

مستحقان (مستحقان) وراثت

مستحقان	15602-6387019-3	جوهر میان	مستحقان
مستحقان	15602-6217278-5	فتنا میان	مستحقان
مستحقان	15602-9513494-9	خاتونزاده	مستحقان
مستحقان	15602-0515129-1	میرزا	مستحقان
مستحقان	15602-5962562-3	میرزا	مستحقان
مستحقان	15602-0403637-3	مستحقان	مستحقان
مستحقان	15602-0272004-3	نواب	مستحقان
مستحقان	15602-0289099-5	امیرخان	مستحقان
مستحقان	15602-7774083-1	میرزا	مستحقان
مستحقان	15602-0455428-5	مستحقان	مستحقان
مستحقان	15602-0486587-7	مستحقان	مستحقان
مستحقان	15602-1192867-9	مستحقان	مستحقان
مستحقان	15602-0455611-5	مستحقان	مستحقان
مستحقان	15602-5512053-1	مستحقان	مستحقان
مستحقان	15602-5511006-5	مستحقان	مستحقان
مستحقان	15602-5054155-3	امیرخان	مستحقان
مستحقان	15602-0507851-7	مستحقان	مستحقان
مستحقان	15602-42344875-5	مستحقان	مستحقان
مستحقان	15602-0133306-7	مستحقان	مستحقان
مستحقان	15602-0502327-9	مستحقان	مستحقان
مستحقان	15602-4688491-1	مستحقان	مستحقان
مستحقان	15602-5221008-9	مستحقان	مستحقان
مستحقان	15602-04886587-1	مستحقان	مستحقان
مستحقان	15602-3219861-9	مستحقان	مستحقان
مستحقان	15602-3854272-3	مستحقان	مستحقان
مستحقان	15602-2008547-1	مستحقان	مستحقان
مستحقان	15602-0480062-9	مستحقان	مستحقان
مستحقان	15602-1719200-3	مستحقان	مستحقان
مستحقان	15602-0195449-3	مستحقان	مستحقان
مستحقان	15602-0195449-3	مستحقان	مستحقان
مستحقان	15602-0195449-3	مستحقان	مستحقان

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Complaint by Circle ASDEO

Annex-B (26)

5

MIR: HPA  
4/11/15

4

محکمہ صحت و صحت کی تعلیم (وزارت صحت و صحت کی تعلیم)

حصہ عالی

گزارش ہے کہ سیکشن عالی صحت و صحت کی تعلیم سے ڈیوٹی میں رہیں لیکن  
 اور ایک ریفرنس منسلک ہے جس میں جی ایم ایف کے بارے میں شکایت کی  
 ہے کہ وہ ریفرنس کے لوگوں سے بھی شکایت کرتے ہیں جو ریفرنس  
 کے خلاف کام کر رہے ہیں لیکن ان میں سے کچھ لوگ تو وہ کہتے ہیں کہ  
 ان کے خلاف کوئی کارروائی نہیں کی گئی ہے۔ وہ ڈیپارٹمنٹ کے کسی بھی  
 کی شکایت کا موقع نہیں دیتے ہیں صرف ایک ہفتے کے بعد جب میں نے  
 محکمہ صحت و صحت کی تعلیم 15/3/05 Gmpc جواری کا اجلاس منعقد کیا تو اس میں  
 اور دیگر کے لوگوں نے تاہم سیکشن عالی PST جس میں جی ایم ایف کے  
 کے بارے میں ڈیوٹی کا اہتمام کرنا ہے اسی وقت میں نے NCHD کے  
 نمائندے کو مدعو کیا تو ان سے راجے کا ذکر کیا تو وہ بھی شکایت  
 درست ثابت ہوئی کہ اس کے بعد میں نے صرف کے دستخط  
 ہو کر دیکھے۔ حصہ عالی افرماتے ہیں کہ لائونگ کی کھوت بالوں  
 سے نہیں ماریتے، اس لئے سیکشن عالی PST میں جواری کی

Suppression کی سہولت کی گئی ہے

12/6/05  
 2/4/05  
 1/8/05

Asper (M) علی  
 جواری صحت و صحت کی تعلیم  
 IMTIAZ Ali, MSc Med  
 Assistant District Officer  
 (E.S.E) Education

NO 1376

Baraka  
 For immediate  
 enquiry through  
 Mr. Piaz Ahmad HM  
 S.H.S. Azolla  
 Suburban  
 2/4/15



Annex - C (6) (15)  
DFA 21/12/15

OFFICE OF THE  
DISTRICT EDUCATION OFFICER  
(MALE) SWAT

**SHOW CAUSE NOTICE**

I the Competent Authority, Hafiz Muhammad Ibrahim, District Education officer (M) Swat under the Khyberpukhtun Khawa Government Servant (Efficiency & Disciplinary) , Rules 2011, do hereby serve upon you, Mr:Subhan Ali PST GMPS Awarai District Swat, this show cause notice as follows:-

1. That as per enquiry report, you have remain willful absent from your duty and have marked your self as present in attendance register of GMPS Awarai.
2. That you have performed your duty illegally at Pak Children Academy Nawa Kali Shin and regularly paid there till May 2014 and also receiving your monthly salary from Government Treasury as PST teacher.
3. As a result thereof, I as the Competent Authority, have tentatively decided to proceed against you under the above mentioned rule 2011 under Rule 4 (a) (b).
4. You are, therefore, required to show cause as to why major or minor penalty provided in the aforesaid Rules should not be imposed upon you and also intimate whether you desire to be heard in person.
5. If no reply to this office is received within 15 days of delivery of this show cause, it shall be presumed that you have no defense to put in and in that case Ex-parte action will be taken against you.

7418-21

(Hafiz Mohammad Ibrahim)  
DISTRICT EDUCATION OFFICER (M)  
SWAT

Endst: No. \_\_\_\_\_/P.F/Subhan Ali/PST  
Copy forwarded to:-

Dated 21/12/2015.

- 1- The Director of Elementary and Secondary Education Khyber PukhtunKhwa, Peshawar.
- 2- The Deputy Commissioner Swat .
- 3- The Deputy District Education Officer (M) Swat.
- 4- The Sub Divisional Education Officer (M) District Swat.
- 5- The Assistant Sub Divisional Education Officer (M) circle Concerned with the direction to hand over the show cause notice to the teacher concerned.
- 6- The Head Teacher Concerned.
- 7- P.A to District Education Officer (M) Swat local Office.
- 8- The Official Concerned.

  
DISTRICT EDUCATION OFFICER (M)  
SWAT

Mr:Subhan Ali GMPS Awarai District Swat,

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) SWAT

Dated: 17/12/2015

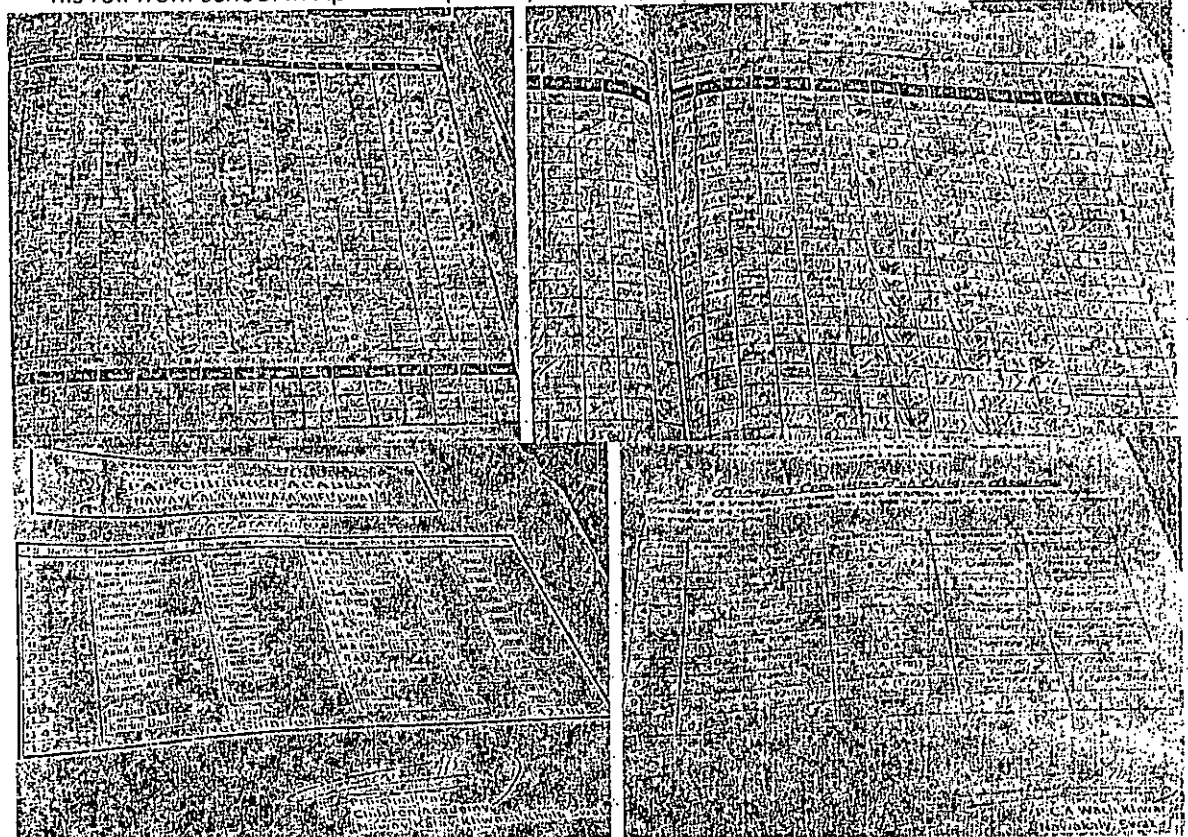
To: The District Education Officer, Swat

Inquiry  
17/12/2015

Subject: INQUIRY AGAINST Mr.SUBHAN ALI PST GMPS AWARAI, SHIN SWAT.

Background & Findings:

- A complaint was submitted by local inhabitants along with another complaint by Mr. Imtiaz Ali circle ASDEO Khwaza khela stating the alleged teacher as not performing his duty in the school rather performing his duty as teacher in nearby private school named Pak Children Academy and even then receiving salary from government.
- To inquire the matter a two member inquiry committee was constituted by the honorable DEO (M) Swat comprising the undersigned as chairman & Mr. Riaz Ahmad Principal GHS Asala (as member)
- To probe into the matter & to dig out the actual essence of the case the GMPS AwaraI thrice visited by the inquiry team.
- At one occasion the teacher was found absent, second time (when intimated) called in school on November 18, 2015 & in the very presence of local complainants the accused teacher was once again charged for not performing his duty & at the same time performing his duty illegally at Pak Children Academy private school.
- When visited third time on November 27, 2015 the teacher found standing at road side near his home station at around 9:00 AM & after seeing the inquiry officials went to school late.
- The inquiry committee visited Pak Children Academy and found that the accused is on regular payroll of the school having complete attendance record in the school till April 2014 and has disconnected his roll from school in April 2015 (share yet to be decided & paid).



- After visiting the school it was found that only ten children are enrolled in the school & on spot only six are present & they too are not regularly attending the school.

- (8)
- The teacher himself confessed that he has been performing his duty in 2<sup>nd</sup> time at Pak children academy till May 2014 but the school has no authorization of running the in 2<sup>nd</sup> time, hence the statement seems false.
  - The teacher has not obtained any NOC of teaching in a private school.
  - The accused Mr. Subhan Ali has joined his government job in June 2011 and has been transferred to GMPS Awarai in March 2013, whereas he is also serving regularly in Pak Children Academy since the start of his service.
  - The community members also endorse their allegations and demanded the transfer of the teacher from the school on administrative grounds.
  - Mr. Imtiaz Ali circle ASDEO Khwaza Khela also requested in writing to transfer him out of his circle vicinity.
  - Government Primary School Shin is very near (at around five minutes' walk on foot) to the GMPS Awarai

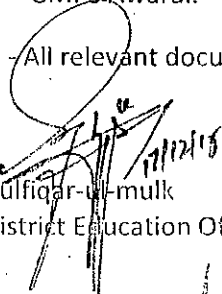
#### Conclusion

1. The accused Mr. Subhan Ali PST has been remain willful absent from his school & has marked his bogus attendance in record of GMPS Awarai.
2. The accused Mr. Subhan Ali PST has illegally performed his duties as teacher at Pak Children Academy Nawi killi and has regularly been paid there till May 2014.
3. Circle ASDEO & local community wants his transfer on administrative grounds outside the circle vicinity.

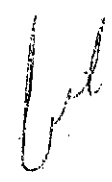
#### Recommendations

1. It is recommended that the accused Mr. Subhan Ali PST GMPS Awarai may transferred to GPS Fatahpur for the reason that the school is outside the vicinity of circle Khwaza khela and also direly in need of some additional teachers for they have only six teachers against 556 students. The school administrative control is also very good
2. The GMPS Awarai is recommended to be merged in to nearby (at around five minutes' walk on-foot) GPS Shin in the best public interest.
3. For performing illegal dual job in Pak Children Academy private school from June 2011 to May 2014 it is recommended that salaries of at least two years (24 months) may refund from Mr. Subhan Ali PST GMPS Awarai.

Note: -All relevant documents are annexed herewith.

  
Mr. Zulfikar-ul-mulk  
Dy. District Education Officer (M) Swat

Mr. Riaz Ahmad  
Principal GHS Asala



مطلع ہوا ہے فیصلہ اگواڑی عنوان بار مذکورہ ذیل تمام سوالات کے جوابات اللہ تعالیٰ کے ماظروناظر جانے اور ماننے سے یہ اپنی تمام تر معلومات کے مطابق صحیح و درست کرنا ہے۔

سوال ۱/ مذکورہ معلم کو آج کس صیبت سے جانے میں اور کب سے جانے میں؟

سوال ۲/ مذکورہ معلم کو آج کے سکول سے کب کا نکلی ہے؟

سوال ۳/ آج کے سکول میں مذکورہ معلم کیا کیا خدمات انجام دیا ہے؟

سوال ۴/ مذکورہ معلم آج کے سکول میں کب سے کب تک زوالیہ انجام دیا ہے؟

سوال ۵/ کیا آج کے معلم میں کما کہ مذکورہ معلم سرکاری مدرسہ ہے؟

سوال ۶/ اگر سرکاری اوقات میں وہ آج کے ادارہ میں واقع کس انجام دیا ہے؟

نوٹ: مذکورہ تمام سوالات کے جوابات میں ہر کسی صبر و کراہ  
اپنی مرضی سے کر رہ کر رہا ہوں اور اپنے تحریری بیان لکھنے پر طبع  
سے ذمہ دار ہوں گا

PRINCIPAL  
Pak Children Academy  
Nazim Kalay Khel  
۱۲/۱۲/۲۰۲۱

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Handwritten notes



03449630072 - 15/09/2015

15602-7097043-3 - 15/09/2015

27/11/2015  
Road Master  
G.M.P.S. Awaraj Distt. Swat  
Contd No: 22258

Handwritten notes in Urdu script, appearing to be a list or report of some kind, possibly related to road works or administrative matters. The text is dense and covers most of the page.

Handwritten notes at the bottom of the page, including the word "PST" and some illegible Urdu text.

INFORMATION	
Details	
Establish date	15-09-2008
Election date	15-09-2008
Chairman PTC	15-09-2008
Contact No.	15-09-2008

10

1. پید میں ایک پیرائٹوٹ سکول میں ملازمت کرتا تھا اور 30 جون 2011 کو میں GPS سیرہ میں PST بھرتی ہوا اور پھر یکم مارچ 2013 کو GMP5 آواری کو میرا تبادلہ ہوا

جواب (2) پاک چیلڈرن اکیڈمی میں 2008 سے بطور پارٹنر بچہ تھا اور پھر 4 اپریل 2015 کو میں نے یہ پارٹنر شپ ختم کر دی ہے۔

جواب (3) پاک چیلڈرن اکیڈمی میں صرف فنر کس کا ایک کلاس لیا تھا۔ سکینڈ ٹائم میں اور داخل خارج کا کام کرتا تھا۔  
جواب (4)

میا براچ PCA سے میرا اب کوئی تعلق نہیں ہے۔ کیونکہ میں نے اپریل 2015 کو پارٹنر شپ ختم کیا ہے۔

جواب (5) پاک چیلڈرن اکیڈمی سے اب میرا کوئی تعلق نہیں ہے۔ کیونکہ بطور سرکاری ملازم میرے پید اس کو وقت نہیں دے سکتا۔

جواب 6۔ مہرے خلاف صرف گاؤں والوں نے  
شکایت کی ہے۔ جو ایک فرد کی ذاتی  
دشمنی کی بنا پر تھی اور وہ مہرے خلاف  
ایک سازش تھی۔

جواب 7۔ مہرے سکول میں 2018 میں بچوں کے تعداد  
14 تھا اور اب یہ تعداد 10 ہے اور اسکی  
وجہ GMPDS کا GPS سٹیشن کو منتقل ہونا تھا۔

جواب 8۔ مہرے سکول کی سرکاری وقت 8:30 ہے  
اور صبح کا وقت 1:00 بجے ہے۔  
آئی کی نامیہ ماہر اور ریٹائرڈ ڈوئزنگروں میں جو یہ ہے اسکا سے ممکن ہے؟  
ڈیپارٹمنٹ آئی کی ادارت سے ایک ریسپونڈنگ کال میں تحریر سے فرمائے  
الٹی مڈی ہیں۔

جواب 9۔ جناب 2008 سے چونکہ PCA کا آغاز  
ہو چکا ہے اور میں دوسرے ٹائم میں  
صرف فینر کس کی پیریڈ کے ہیے جاتا تھا۔ اور  
وہاں سکول کی صبحی کالہد جاتا تھا۔ جو  
جو تک سکینڈ ٹائم تھا اسلئے میں نے NOC نہیں  
\* لی تھی۔ اور وہ مجھے چونکہ پتہ نہیں تھا  
کہ NOC کی ضرورت ہوتی ہے کیونکہ میں

fresh ہوں اور اتنا تجربہ نہیں ہے

Head Master,  
G.M.P.S Awarai Distt: Swat.  
Code No: 22256

27/11/2015

جواب 1

ہم مذکورہ معلم کو 2008 سے جانتے ہیں۔ جو بھارت سے بطور پرائیمری تیار تھا۔

جواب 2) مذکورہ معلم بھارت سے آئے اور پرائیمری تیار تھے اس کے مطابق پھر اس نے اپنا عملہ اپریل 2015 سے ختم کیا ہے۔ لیکن ابھی تک ہم نے اس کو ادا نہیں کیا۔

جواب 3) سرکاری نوکری سے پہلے معلم بھارت سے سکول میں بطور خدمات سرانجام دیتا تھا۔ لیکن تقرری کے بعد وہ جمعہ کے بعد سکول میں وہ داخل خارج کا اخراج تھا۔

جواب 4) معلم 2008 سے اپریل 2014 تک فرائض انجام دیتا اور سرکاری نوکری کے دوران جمعہ کے بعد سکول میں آتا تھا۔ سپرنٹنڈنٹ کے آتا تھا۔

جواب 5) ن

جواب 6) چونکہ وہ سکول پرائیمری تھا اس کے سرکاری سکول کے لئے کے بعد وہ بیان صرف اس سپرنٹنڈنٹ کے آتا اور انہی خدمات سرانجام دیتا۔

PRINCIPAL  
Pak Children Academy  
Naway Kalay K. Khela  
Ph: 0946 746123

03469611961

03469414865

15602-16051402-9

03469693893

0346-6734287

15602-3458700-5

Annex - E

12  
7  
8

OFFICE OF THE DISTT. EDUCATION OFFICER (MALE) SWAT

No. \_\_\_\_\_ / Dated \_\_\_\_\_ /2015

STATEMENT OF ALLEGATION AGAINST  
MR SUBHAN ALI PST GMPS KHAWARARI.

That accordingly to the ASDEO(M) Circle Khawaza report and Complaint of the inhabitant of the area that you are absent from duty and Busy in private school against the Government service rules.  
Mr. Suibhan Ali PST GMPS Khawarai Shin did not bother about his duty.

  
DISTT. EDUCATION OFFICER (Male)  
Swat at Gulkada.

Mr Subhan Ali PST GMPS Khawarai Shin.

13

OFFICE OF THE DISTRICT EDU; OFFICER MALE SWAT.

CHARGE SHEET

01. whereas, Mr Subhan Ali PST GMPS Khawarari Shin Swat ,charged with the following charges ;

According to the report of ASDEO (M) Khawaza Circle report and complaint of area that you are always remained absent from t duty and busy in private School against the Government service rules

AND WHEREAS, it has been decided to hold inquiry against you under the Khyber Pakhtun khwa Govt:servants)Efficiency and disciplinary Rules,2011 and the following inquiry committee has been constituted conduct into the aforesaid charges:

Mr Zulfiqar Mulk DDEO (M) Swat -----chairman  
Mr RIAZ Ahmad Principal GHS Asla . -----Member.

3

Now, therefore, you Mr Subhan Ali PST GMPS Kawarai Shin Swat Are hereby required under sub rules (d) rule 10 of the said rules to put in your written defense to the enquiry committee within 7 (days) of the receipt of this charge sheet and also state whether you desire to be heard in person

4

statement of allegation explaining the case is also enclosed as Annex" A".

District Education officer male  
Swat at Gulkada.

Endst:NoSS. \_\_\_\_\_/dated the \_\_\_\_\_/2015.

Copy forwarded for information to:

- 1. The Director E&SE K.P.K Peshawar.
  - 3- The chairman inquiry committee for necessary action.
  - 3- Member inquiry committee
  - 4-The DDEO (M) local office
  - 5- The Teeacher concerned. .
- P.A to the DEO (M) local office.

District Education officer male  
Swat at Gulkada.

14

OFFICE OF THE DISTT; EDUCATION OFFICER (M) SWAT AT GULKADA.

NOTIFICATION

The competent Authority is pleased to appoint the following inquiry committee under the Khyber Pakhtunkhwa Government servants (efficiency and Disciplinary) Rules 2011 to investigate and look into the charge thoroughly against

Mr Subhan Ali PST GMPS Khawarai Shin Swat .

(u) Mr Subhan Ali PST GPS Khawarai Shin Swat remaind absent from school duty and busy in private school against the Govt; service rules.

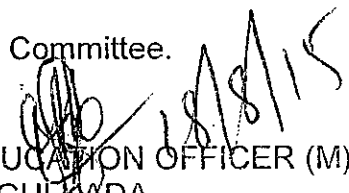
S.No	Name & station of officer	Designation
01.	Mr Zulfiqarull Mulk DDEO (M) Local Office	Chairman.
.02/	Me Riaz Ahmad Principal GHS Asla	Member.

(PROF MUHAMMAD UZAR ALI )  
DISTT; EDUCATION OFFICER (M)  
DISTT; SWAT AT GULKADA.

Endost; No 784-86 Dated 19/01 /2015

Copy of the above is forwarded to the;

1. Director E&S Edu; KPK Peshwar .
2. Chairman inquiry Committee & members Committee.
3. SDEO(M) Swat
4. Head Teacher Concerned.

  
DISTT; EDUCATION OFFICER (M)  
SWATAGULKADA.





OFFICE OF THE  
DISTRICT EDUCATION OFFICER  
(MALE) SWAT

Annex-F

15

14/1/2016

NOTIFICATION.

Whereas Mr. Subhan Ali PST, GMPS Awarai willful absent from duty was <sup>proceeded</sup> preceded against <sup>under</sup> the Khyber Pakhtunkhwa Government servant (Efficiency & Discipline) Rules 2011 for the charges mentioned in the show cause notice.

1. And whereas an enquiry was conducted against the accused teacher through the Dy: District Education Officer local office and Mr. Riaz Ahmad Headmaster GHS: ASala Swat.
2. And whereas the enquiry officer after having examined the charges, evidence on the record against the accused teacher and submitted report.
3. And whereas the enquiry committee recommended the accused teacher for transfer and recovery of salaries of TWO Years.
4. And Whereas the District Education Officer being competent authority after having considered the charges and evidence on record, against the accused teacher has been proved.
5. Now therefore, in exercise of power conferred under section 04 (a). (iii) of Khyber Pakhtunkhwa, Government servant (Efficiency & Discipline) Rules 2011, the competent authority is pleased to impose, a MINOR penalty of "TWO YEARS recovery of salaries" upon Mr. Subhan Ali PST GMPS: Awarai Swat on account of his willful absence.

(Hafiz Mohammad Ibrahim)  
DISTRICT EDUCATION OFFICER  
(MALE) SWAT

8477-25  
Endst: NO \_\_\_\_\_ /P.F/Subhan Ali PST

Copy to:-

Dated 14/1/2016

1. The Director Elementary & Secondary Education KPK Peshawar.
2. The District Comptroller of Accounts Swat.
3. The Sub Divisional Education Officer Swat with the remarks to ensure the recovery from the accused teacher under intimation to this office.
4. Mr. Subhan Ali PST GMPS: Awarai Swat
5. PA to DEO local Office.

Recovery order

DISTRICT EDUCATION OFFICER  
(MALE) SWAT



OFFICE OF THE  
DISTRICT EDUCATION OFFICER  
(MALE) SWAT

16  
14/1/2016  
218

NOTIFICATION.

Whereas Mr. Subhan Ali PST, GMPS Awarai willful absent from duty was proceeded against under the Khyber Pakhtunkhwa Government servant (Efficiency & Discipline) Rules 2011 for the charges mentioned in the show cause notice.

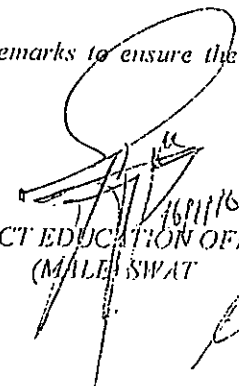
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2. And whereas the enquiry officer after having examined the charges, evidence on the record against the accused teacher and submitted report.
3. And whereas the enquiry committee recommended the accused teacher for transfer and recovery of salaries of TWO Years.
4. And Whereas the District Education Officer being competent authority after having considered the charges and evidence on record, against the accused teacher has been proved.
5. Now therefore, in exercise of power conferred under section: 04 (a) (iii) of Khyber Pakhtunkhwa, Government servant (Efficiency & Discipline) Rules 2011, the competent authority is pleased to impose, a MINOR penalty of "TWO YEARS recovery of salaries" upon Mr. Subhan Ali PST GMPS: Awarai Swat on account of his willful absence.

(Hafiz Mohammad Ibrahim)  
DISTRICT EDUCATION OFFICER  
(MALE) SWAT

Endst: NO.8422-25/P.F/Subhan Ali PST  
Copy to:-

Dated 14/1/2016

1. The Director Elementary & Secondary Education KPK Peshawar.
2. The District Comptroller of Accounts Swat.
3. The Dy District Education Officer (M) Swat.
4. The Sub Divisional Education Officer Swat with the remarks to ensure the recovery from the accused teacher under intimation to this office.
5. Mr. Subhan Ali PST GMPS: Awarai Swat
6. PA to DEO local Office.

  
DISTRICT EDUCATION OFFICER  
(MALE) SWAT

Recovery order.

Annex-6

(17)

DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA

ORDER.

1. WHEREAS, Mr. Subhan Ali PST GPS Fatehpur Swat proceeded against under the Khyber Pakhtunkhwa Government Servant (Efficiency & Disciplinary) Rules, 2011.
2. AND WHEREAS the above-named teacher was absent from duty w.e.f 2011 to May 2015 from his school & marked his bogus attendance in record of GMPS Awarai.
3. AND WHEREAS, the DEO (M) Swat conducted an enquiry against the teacher concerned through Deputy District Education Officer and Mr. Riaz Ahmad Headmaster GHS Asala Swat.
4. AND WHEREAS, the enquiry committee recommended the accused teacher for transfer and recovery of salaries of two years.
5. AND WHEREAS, the DEO (M) Swat being appointing /competent authority as per the recommendation of the enquiry committee imposed major penalty of recovery of two years due to wilful absence from duty.
6. AND WHEREAS, Mr. Subhan Ali PST lodged an appeal to the appellant authority. The same appeal was sent to DEO (M) Swat for comments vide this office letter No.2583 dated 15.04.2016. The DEO (M) Swat submitted his report /enquiry vide his letter No.3156 dated 28.04.2016.
7. AND WHEREAS, the competent authority Director Elementary and Secondary Education Khyber Pakhtunkhwa) after having considered the charges and evidence on record, is of the view that charges against the accused teacher have been proved.
8. NOW THEREFORE, in exercise of powers conferred under Khyber Pakhtunkhwa Servants (Efficiency & Discipline) Rules-2011 the appellate authority has decided to reject the appeal of Mr. Mr. Subhan Ali PST GPS Fatehpur Swat on the above mentioned ground.

DIRECTOR  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar

Endst: No. 4206-8 /F No. 162/Appeal /PST/TT/AT/Qari (M) Dated Pesh: the 18/5/16 2016.

Copy forwarded for information and necessary action to the:-

1. District Education Officer (M) Swat w/r his No.3156 dated 28.04.2016.
2. Mr. Subhan Ali PST GPS Fatehpur Swat.
3. P/A to Director E&SE, Khyber Pakhtunkhwa, Peshawar.
4. Master File.

18/5/16  
Deputy Director (Estb.)  
Elementary & Secondary Edu:  
Khyber Pakhtunkhwa Peshawar.

18

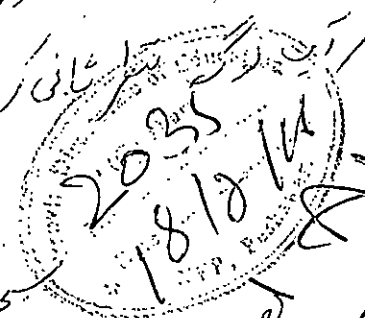
D/Appeal  
15/2/16

بخدمت جناب ڈائریکٹر محکمہ تعلیم حیدرآباد  
عنوان: درخواست برائے رسم اپیل

گزارش کی جاتی ہے کہ میرے خلاف انکوائری دفتر ہونے پر  
انکوائری کمیشن نے مجھ سے دو سالہ تصدیق نامہ کی کٹوتی کا فیصلہ کیا ہے۔  
سابقہ میرا تبادلہ بھی کیا ہے۔ تبادلہ کا فیصلہ میں نے قبول کر کے  
جنوری 2016ء کو GPS فتح پور میں چارج لیا ہے۔ لیکن  
دو سال کی کٹوتی میرے سابقہ نا اہل خانی اور ظلم ہے۔ چونکہ میں ایک  
شریب خاندان سے تعلق رکھتا ہوں اور اپنی رقم جمع کرنا میرے  
مشکل ہے۔ میں نے باقاعدہ اپنی ڈیوٹی اہل خانی سے سر اٹھایا ہے۔

اور جتنی بھی ASDO اور IMU کے مسائنے میں آ رہا ہے  
خلاف کٹوتی غیر حاضری موجود نہیں

صبا والا جس جگہ پر مجھ سے غلطیاں ہونے پر  
تسلیم کرنا ہوں اور حلیفہ بیان دیتا ہوں کہ آئندہ ایسی غلطیاں  
میں دہراؤں گا۔ اور آپ صاحبان سے امید رکھتا ہوں کہ اس پر  
پیر آپ کو پورا ثانی کروں گے اور میرے سابقہ رسم کا فیصلہ  
العارضہ



Handwritten signature

مکان علی GPS PST فتح پور  
موبائل 0344 9630072

NIC 15602-7097043-3

Date 15/02/2016

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

Service Appeal No. 567 of 2016

Subhan Ali.

...Appellant

VERSUS

The Government of Khyber Pakhtunkhwa through Secretary Elementary and  
Secondary Education, Peshawar and Others.

...Respondents

INDEX

S. No.	Description of documents	Annexure	Pages
1.	Memo of Rejoinder	....	1-4
2.	Affidavit	....	5
3.	Copy of the Attendance Register	c A	6-11

Appellant Through

  
Aziz-ur-Rahman

Advocate Swat

Office: Khan Plaza, Gulshone Chowk,  
Mingora Swat, Cell 0300 907 0671

①

BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 567 of 2016

Subhan Ali.

...Appellant

VERSUS

The Government of Khyber Pakhtunkhwa through  
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...Respondents

REJOINDER BY THE APPELLANT

Respectfully Sheweth:

Preliminary Objections:

That all the preliminary objections are incorrect, baseless, against the law, rules and facts, hence the same are denied specifically. Moreover the appellant has got a prima facie case in his favour and has approached this Honourable Tribunal well within time with clean hands and this Honourable Tribunal has got the jurisdiction to adjudicate upon the same.

On Facts:

1. Para 1 of the comments as drafted is incorrect and based on misstatements and concealment of material facts, hence the same is denied. I have regularly been performing my duties with punctuality and zeal. Copy of the attendance register for the relevant period are annexed.

②

2. Para 2 of the comments as drafted is incorrect and baseless and in need of solid evidence, moreover in the presence of the Monitoring team such long absence is not possible, which report is kept concealed, hence the para is denied.

3. Para 3 of the comments as drafted is incorrect, based on misstatements and concealment of material facts. The charge sheet and statement of allegation were never communicated to the appellant and those annexed are maneuvered ones and never communicated to the appellant neither is mode of communication being shown, needless to mention that the show cause given to the appellant is different from the one annexed by the respondents, which shows the mala fide on the part of the respondents. The codal formalities have never been adopted and the appellant has not been properly associated with the inquiry neither has the appellant been afforded any opportunity of cross examination nor his defence version has ever been considered, therefore the para is denied specifically.

4. Para 4 of the comments as drafted is vague and evasive and without any merit, the proper order is yet to see the light of the day, hence the para is denied.

5. Para 5 of the comments also being vague, evasive and without any merits, the order for stoppage of the salary is yet to see the light of the day, hence the para is denied.

6. *Para 6 of the comments is also incorrect as the salary is stopped much prior to the alleged inquiry, hence the same is denied.*
7. *Para 7 of the comments as drafted is based on misstatements as the mode of communication is never shown as to how the delivery is made certain, hence the para is denied.*
8. *Para 8 of the comments as drafted is rejected for the reason that the departmental appeal of the appellant annexed is not the one the appellant actually preferred and is maneuvered one, hence the same is denied.*
9. *Para 9 of the comments as drafted is against the law and rules as no proper inquiry has ever been made to prove the alleged charges against the appellant in due course of law, hence the para is specifically denied.*

On Grounds:

- A. *Ground A of the comments as drafted is volt face as the appellant was not properly associated with the so called inquiry and has been condemned as unheard, hence the para is denied.*
- B. *Ground B of the comments as drafted is incorrect and without any merits, hence denied.*
- C. *Ground C of the comments as drafted is vague and evasive in without any merits, hence denied.*



(4)

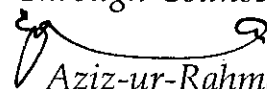
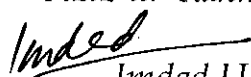
D. Ground D of the comments as drafted is incorrect and in need of solid evidence and proof, moreover the proof relied upon by the respondents furthers the version of the appellant, hence the para is denied.

E. Ground E of the comments as drafted is incorrect and never been intimated in the whole of the process, hence the para is denied.

F. Ground F of the comments as drafted is also vague and whimsical as no inquiry in accordance with the law and rules has ever been made, hence the same denied.

It is, therefore, very respectfully prayed that on acceptance of this rejoinder the appeal of the appellant may very kindly be accepted as prayed for originally.

  
Appellant

Subhan Ali  
Through Counsels,  
  
Aziz-ur-Rahman  
  
Imdad Ullah  
Advocates Swat

5

BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 567 of 2016

Subhan Ali.

...Appellant

**VERSUS**

The Government of Khyber Pakhtunkhwa through  
Secretary Elementary and Secondary Education,  
Peshawar and Others.

...Respondents


AFFIDAVIT


It is solemnly stated on Oath that all the contents of  
this rejoinder are true and correct to the best of my  
knowledge and belief and nothing has either been  
misstated or kept concealed before this Honourable  
Tribunal.

Deponent

  
Subhan Ali

Identified By:

  
Imdad Ullah  
Advocate Swat

  
**ATTESTED**  
Muazam Ali Advocate  
District Courts Swat.  
\* No. 12 Date 6-3 \*  
Upto 19-12-2018  
OATH COMMISSIONER



G.M.P.S Awarai

April

اپریل

روزنامہ پندرہ روزہ

7

10

SUBHAN ALI

Teacher

15602-7097043-3

03449630072

رواگی	دستخط	آمد	دستخط	رواگی	دستخط	آمد	دستخط	رواگی	دستخط	آمد	دستخط	رواگی	دستخط	آمد	دستخط	تاریخ
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																استحقاق

SUNDAY

C-leave

C-a leave

C-leave

C-e. leave

C-e. leave

C-leave

SUNDAY

ATTESTED

*[Signature]*

ADVOCATE

Head Master  
G.M.P.S Awarai Distt: Swat.  
Cuth No. 2025

SUNDAY

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GMPs  
2015

Awaraz  
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بابت

رجسٹرڈ ٹیچر کی فہرست

SUBHAN ALI Teacher 15602-7097043-3 03449630072												نمبر			
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ATTESTED

*Indel*  
ADVOCATE

8

SUNDAY

SUNDAY

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6



ALLEGED

ADVOCATE





جسٹر حاضری مدرسین متعلقہ پرائمری سکول سسٹن تحصیل فوزیہ ضلع سوات

بابت ماہ ستمبر ۲۰۱۵ء

س.ن	نمبر ۵ مظہور اللہ PST				نمبر ۶ رفعت بابا PST				نمبر ۷ سبوان علی PST				نمبر ۸ مخت نثار جوگندار			
	آمد	دستخط	رواگی	دستخط	آمد	دستخط	رواگی	دستخط	آمد	دستخط	رواگی	دستخط	آمد	دستخط	رواگی	دستخط
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	Gullah	7/30	Gullah	12/35	7/30	7:30	Subhan	12:30	Subhan	7:30	Subhan	12:30	P	P		
													P	P		
	Gullah	7/30	Gullah	11-00	7/30	7:30	Subhan	11:00	Subhan	7:30	Subhan	11:00	P	P		
	Gullah	7/30	Gullah	12:30	7/30	7:30	Subhan	12:30	Subhan	7:30	Subhan	12:30	P	P		

ATTESTED

*[Signature]*

ADVOCATE

تفصیل رخصت

حال	سابقہ	میزان	حال	سابقہ	میزان	حال	سابقہ	میزان	حال	سابقہ	میزان
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
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Service Appeal No. 567 of 2016

Subhan Ali.

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VERSUS

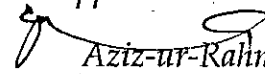
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Aziz-ur-Rahman

Advocate Swat

Office: Khan Plaza, Gulshone Chowk,  
Mingora Swat, Cell 0300 907 0671

①

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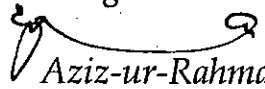

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Appellant

Subhan Ali  
Through Counsels,  
  
Aziz-ur-Rahman  
  
Imdad Ullah  
Advocates Swat

5

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

Service Appeal No. 567 of 2016

Subhan Ali.

...Appellant

**VERSUS**

The Government of Khyber Pakhtunkhwa through  
Secretary Elementary and Secondary Education,  
Peshawar and Others.

...Respondents

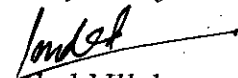
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knowledge and belief and nothing has either been  
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Tribunal.

Deponent

  
Subhan Ali

Identified By:

  
Imdad Ullah  
Advocate Swat

  
**ATTESTED**  
Muazam Ali Advocate  
District Courts Swat.  
\* No. 12 Date: 6/3/18 \*  
Upto 19-12-2018  
OATH COMMISSIONER

G.M.P.S. Annual Report

رہنمائی اور سرپرستی

2015

اپنی کتابوں کا راج

SUBBANY TALLY										رقم	
PST										رقم	
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03449630077										رقم	
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ATTESTED

*[Signature]*

ADVOCATE

SUNDAY

23 March Rab. Requisition

Head Master  
G.M.P.S. Annual Dis. Swat  
Code No. 2258

SUNDAY





SUBHAN ALI  
Teacher  
15602-7097063-3  
03449630072

تاریخ	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی	تاریخ
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ATTESTED

*Indal*  
ADVOCATE

8

SUNDAY

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2015

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June

پاپیٹا

رجسٹرڈ اسٹریٹس

9

SUBHAN ALI Teacher 15602-7097043-3 03449630072											
تاریخ	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط
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9	7:30	بھان علی	12:35	بھان علی							
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12	7:30	بھان علی	11:35	بھان علی							
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استحقاقہ											

ATTESTED

*Handwritten Signature*

ADVOCATE

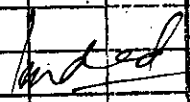
*Handwritten Signature*  
District Dst. Swat  
22256



جسٹر حاضری مدرسین متعلقہ پرائمری سکول سیشن تفصیل فونڈ ضلع سوات

بابت ماہ ستمبر ۲۰۱۵ء

نمبر 8 نہجت زفار نام پوسٹل عہدہ				نمبر 7 سبوان علی نام PST عہدہ				نمبر 6 رفعت بابا نام PST عہدہ				نمبر 5 ملغور اللہ نام PST عہدہ			
آد	دستخط	رواگی	دستخط	آد	دستخط	رواگی	دستخط	آد	دستخط	رواگی	دستخط	آد	دستخط	رواگی	دستخط
	P		P	Subhan	12:30	Subhan	7:30	P	1:35	P	7:30	Gullah	12/35	Gullah	7:30
	P		P	Subhan	12:30	Subhan	7:30	P	1:35	P	7:30	Gullah	12/35	Gullah	7:30
	P		P	Subhan	12:30	Subhan	7:30	P	1:35	P	7:30	C. Leave			
	P		P	Subhan	11:00	Subhan	7:30	P	1:35	P	7:30	Gullah	11-00	Gullah	7:30
	P		P	Subhan	12:30	Subhan	7:30	P	1:35	P	7:30	Gullah	2:30	Gullah	7:30

ATTESTED  
  
 ADVOCATE

تفصیل رخصت

حال	سابقہ	میزان	حال	سابقہ	میزان	حال	سابقہ	میزان	حال	سابقہ	میزان
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KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1684 /ST

Dated 11 / 7 / 2017

To


The D.E.O. Male,  
Government of Khyber Pakhtunkhwa,  
Swat at Gulkada.

Subject: -

JUDGMENT IN APPEAL NO. 567/2016, SUBHAN ALI.

I am directed to forward herewith a certified copy of Judgement dated 04.07.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR,  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.