

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.1619/2022

BEFORE: MR. KALIM ARSHAD KHAN ... CHAIRMAN
MRS. RASHIDA BANO ... MEMBER (J)

Rehmat Ullah S/O Watan Khan R/O Khan Suleman Khel presently working
as SPST BPS-14 GPS Payow Zar Bhattani District Lakki Marwat.

... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Civil Secretariat, Peshawar.
2. Director Elementary & Secondary Education, Civil Secretariat, Peshawar.
3. Assistant Director-III (Estab-I) Directorate of Elementary & Secondary Education Department, Peshawar.
4. District Education Officer (Male), Lakki Marwat.

... (Respondents)

Mr. Taimur Ali Khan
Advocate

... For appellant

Mr. Muhammad Jan
District Attorney

... For respondents

Date of Institution.....14.11.2022

Date of Hearing.....04.04.2024

Date of Decision.....04.04.2024

JUDGMENT

RASHIDA BANO, MEMBER (J):The instant service appeal has been
instituted under section 4 of the Khyber Pakhtunkhwa Service Tribunal, Act
1974 with the prayer copied as below:




SCANNED
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PESHAWAR

“On acceptance of this appeal, the impugned notification dated 29.06.2022 and impugned appellate order 26.10.2022 wherein the appellant has been awarded major penalty of reduction to three lower stages, being void, illegal may please be set aside and the appellant may kindly be restored to actual position as PSHT BPS-15 alongwith all back benefits.”

2. The appellant's case in brief is that he was serving as Primary School H. Teacher (BPS-15) in the Government Primary School, Abu Khan Suleman Khel, Lakki Marwat; that while performing the duties in the said capacity, an inquiry was conducted the appellant was allegedly unaware of the said proceedings; that vide order dated 29.06.2022, he was awarded major penalty of reduction to lower post from PSHT (BPS-15) to SPST (BPS-14) for period of five years; that feeling aggrieved, he filed departmental appeal to the appellate authority who (appellate authority) converted the penalty of reduction to lower post for five years, into reduction to three lower stages. Therefore, he filed the instant service appeal.

3. Respondents were put on notice, who submitted written replies/comments on the appeal. We have heard the learned counsel for the appellant as well as the learned District Attorney and perused the case file with connected documents in detail.

4. Learned counsel for the appellant submitted that the impugned orders were against law, service rules, void and are in violation of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011; that the impugned orders were illegal, unwarranted and legally not sustainable; that the appellant had not been served with any show cause notice/charge sheet; that the allegations leveled against the appellant were ambiguous and were not specified; that before awarding major punishment, no final show cause notice had been issued. Lastly, he submitted that the appellant was innocent and the instant service appeal may kindly be accepted



as prayed for.

5. As against that, District Attorney argued that the impugned orders were in accordance with rules and policy; that the orders were legal and made in the light of evidence and record, wherein, there was enough proof of appellant's misconduct; that proper notices were served and opportunity of personal hearing had been given to the appellant; that the appellate authority had issued the order of reduction to lower post in the light of fresh inquiry. Lastly, he submitted that the competent authority had adopted proper and mandatory procedure, and thereafter, passed the impugned order. Therefore, he requested for dismissal of the instant service appeal.

6. Perusal of record reveals that ADEO Circle, Tajori, Lakki Marwat, on 09.06.2021 visited GPS Kotka, Abu Khan, Suleman Khel, the school where appellant posted as PSHT, and reported about appellant's misconduct, illegal occupation of government property by land owner poor administration and management as a result which Mr. Wajeeh Ullah, Principal, GHSS Wanda Amir, Lakki Marwat was appointed as inquiry officer who after fact finding inquiry submitted report on 21.10.2021, with the following findings;

- i. *Strength of students of the school has decreased as compared to last year, but it is not 45, as physically 58 students were present and 89 as per student attendance register.*
- ii. *No pet birds are kept permanently at school.*
- iii. *Teaching learning condition/situation of the school was not too worse to bring about demotion of PSHT.*
- iv. *Though PSHT uses simple or common mobile phone, but he does not use smart phone. As PST of the school uses smart phone regularly, which is linked with DEO (M) office, hence, no information gap exists.*
- v. *The registers or record of the school has not been maintained properly or systematically.*



- vi. *PSHT of the school is simple and straight forward man rather stranger type. But these are individual differences either based on locality or natural division, hence cannot be termed as standard for such like posts.*
- vii. *The chowkidar of the school has not taken over charge at the school.*

Enquiry Officer recommended that;

- i. *Most of the points of the report of ASDEO (C) are not based upon fact; hence his recommendation for demotion of PSHT to SPST is encroachment of his authority or misuse of his official capacity.*
- ii. *PSHT may be directed strictly to update his school record accordingly.*
- iii. *PSHT and PST may be directed to motivate the local community for enhancement of enrollment, as the strength of the students is not satisfactory.*
- iv. *The competent authority may make surprise visits to the said school and all schools of far flung areas.*

7. Authority vide letter bearing No.7214/Misc dated 01.02.2021, addressed to appellant agreed with the recommendation of the inquiry officer and directed SDEO to increase surprise inspection visits to the school of appellant, but just after 27 days of the show cause notice was issued to the appellant by the DEO bearing No.7778 dated 29.12.2021, for not complying with the recommendation of inquiry officer communicated to the appellant on 01.12.2021, and received to him on 02.12.2021, without providing sufficient time for acting upon the recommendation. Appellant was also transferred from the said school to GPS Payao Zar Betanni, and after personal hearing appellant was awarded with penalty of reduction to lower post from PSHT to SPST for a period of five years vide order dated 29.06.2022. Appellant filed departmental

appeal wherein appellate authority vide order dated 26.10.2022 modify penalty awarded to the appellant from reduction to lower post to reduction to three stages.

8. Respondents in para No.8 of reply grounds mentioned about awarding punishment on the basis of fresh inquiry. They were directed to provide the fresh inquiry but they could not produce the fresh formal inquiry rather departmental representative produced an order dated 29.06.2022, according to which DEO was pleased to withdraw the notification bearing No.1051-53 dated 22.02.2022 regarding constitution of fresh formal inquiry against appellant i.e. Rehmat Ullah, PSHT, in the best public interest. So, no regular inquiry was conducted by respondents and appellant was condemned unheard.

9. Appellant awarded penalty on the basis of fact finding inquiry, wherein appellant was not found guilty of misconduct and without providing sufficient time for improving attendance of the school that too in situation of Covid-19 pandemic, which is not in accordance with law and rules.

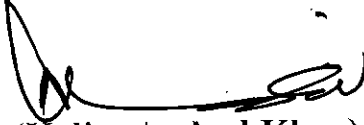
10. It is a well settled legal proposition, that regular inquiry is must before imposition of major penalty, whereas in case of the appellant, no such inquiry was conducted. The Supreme Court of Pakistan in its judgment reported as 2008 SCMR 1369 has held that in case of imposing major penalty, the principles of natural justice required that a regular inquiry was to be conducted in the matter and opportunity of defense and personal hearing was to be provided to the civil servant proceeded against, otherwise civil servant would be condemned unheard and major penalty of dismissal from service would be imposed upon him without adopting the required mandatory procedure, resulting in manifest injustice. In absence of proper disciplinary proceedings,



the appellant was condemned unheard, whereas the principle of audi alteram partem was always deemed to be embedded in the statute and even if there was no such express provision, it would be deemed to be one of the parts of the statute, as no adverse action can be taken against a person without providing right of hearing to him. Reliance is placed on 2010 PLD SC 483.

11. For what has been discussed above, the appeal in hand is allowed as prayed for. Costs shall follow the event. Consign.

12. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 4th day of April, 2024.*


(Kalim Arshad Khan)
Chariman


(Rashida Bano)
Member (J)

ORDER

04.04.2024

1. Learned counsel for the appellant present. Mr. Muhammad Jan, learned District Attorney alongwith Hamdullah Jan, A.D for the respondents present.

2. Vide our detailed judgment of today placed on file, the appeal in hand is allowed as prayed for. Costs shall follow the event. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 4th day of April 2024.*



(Kalim Arshad Khan)
Chariman




(Rashida Bano)
Member (J)


*M.Khan

15.01.2024

Clerk of learned counsel for the appellant present.
Mr. Asif Masood Ali Shah, Deputy District Attorney for the
respondents present.

Clerk of learned counsel for the appellant requested for
adjournment on the ground that learned counsel for the
appellant is unable to attend the Tribunal due to strike of
lawyers. Adjourned. To come up for arguments on
04.04.2024 before the D.B. Parcha Peshi given to the parties.


(Muhammad Akbar Khan)
Member (E)


(Salah-ud-Din)
Member (J)

Naeem Amin

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.1619/2022

BEFORE: MR. KALIM ARSHAD KHAN ... CHAIRMAN
MRS. RASHIDA BANO ... MEMBER (J)

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VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Civil Secretariat, Peshawar.
2. Director Elementary & Secondary Education, Civil Secretariat, Peshawar.
3. Assistant Director-III (Estab-I) Directorate of Elementary & Secondary Education Department, Peshawar.
4. District Education Officer (Male), Lakki Marwat.

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Date of Institution.....14.11.2022

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JUDGMENT

RASHIDA BANO, MEMBER (J):The instant service appeal has been
instituted under section 4 of the Khyber Pakhtunkhwa Service Tribunal, Act
1974 with the prayer copied as below:

| | | |
|--|--|---|
| | <p>2. Mr. Muhammad Ikramullah MA</p> | <p>The Board recommended to defer his promotion.</p> <p>His date of birth is 9.3.1965. He joined government service on 1.7.1995. He was promoted as Tehsildar BS-16 on 6.9.2008. The Board in its meeting held on 29.10.2009 recommended his supersession for promotion to PMS BS-17 and directed the Establishment Department/BOR to refer his case to the Review Committee. The Board in its meeting held on 23.11.2011 did not consider his promotion due to not having passed the prescribed departmental examination and non-availability of PERs for the year 2008 to 2010. According to Establishment Department he has declined in writing to avail promotion to the post of PMS BS-17. Under provision of Rule 7(5) of APT Rules, 1989, he will not be considered for promotion for the next four years. His PER for the year 2008 to 2011 were not available. Therefore the Board in its meeting held on 5.9.2012 and 04.10.2012 recommended to defer his promotion and the Board in its meeting held on 28.02.2013 recommended him for supersession and in its meeting held on 15.05.2013 did not recommend him for promotion. The Board in its meeting held on 07.01.2014 did not accede to his request for promotion to PMS BS-17. The Board in its meeting held on 10.05.2016, 30.01.2017, 19.05.2017 recommended to defer his promotion as the Board was informed that he is involved in anti corruption case and his PER for the year 2013 & 2014 are also not available. Now his PER for the year 2015 & 2016 are also not available.</p> <p>The Board recommended to defer his promotion.</p> |
| | <p>3. Mr. Kiramatullah MA</p> <p><i>Attested</i> <i>Hand.</i> Section Officer (PSB) Govt. of Khyber Pakhtunkhwa Establishment Department</p> | <p>His date of birth is 20.1.1961. He joined government service on 8.1.1981. He was promoted as Tehsildar BS-16 on 6.9.2008. The Board in its meeting held on 29.12.2009 recommended him for appointment to PMS BS-17 on acting charge basis subject to earning satisfactory PER for the year 2008. It has been intimated that he did not produce PER for the year 2008. He was therefore not appointed to PMS BS-17 on acting charge basis. He has passed the prescribed departmental examination. His PER for the year 2008, 2009 and 2010 were not available. The Board in its meeting held on 23.11.2011 recommended to defer his promotion. Moreover, Establishment Department/BOR was asked to direct him to complete his PERs immediately, otherwise his case will be referred to the Review Committee for disciplinary action/compulsory retirement. According to Establishment Department, he declined in writing to avail promotion to the post of PMS BS-17. Under provision of Rule 7(5) of APT</p> |

“On acceptance of this appeal, the impugned notification dated 29.06.2022 and impugned appellate order 26.10.2022, wherein the appellant has been awarded major penalty of reduction to three lower stages, being void, illegal may please be set aside and the appellant may kindly be restored to actual position as PSHT BPS-15 alongwith all back benefits.”

2. The appellant's case in brief is that he was serving as Primary School Head Teacher (BPS-15) in the Government Primary School, Abu Khan Suleman Khel, Lakki Marwat; that while performing the duties in the said capacity, an inquiry was conducted the appellant was allegedly unaware of the said proceedings; that vide order dated 29.06.2022, he was awarded major penalty of reduction to lower post from PSHT (BPS-15) to SPST (BPS-14) for period of five years; that feeling aggrieved, he filed departmental appeal to the appellate authority who (appellate authority) converted the penalty of reduction to lower post for five years, into reduction to three lower stages. Therefore, he filed the instant service appeal.

3. Respondents were put on notice, who submitted written replies/comments on the appeal. We have heard the learned counsel for the appellant as well as the learned District Attorney and perused the case file with connected documents in detail.

4. Learned counsel for the appellant submitted that the impugned orders were against law, service rules, void and are in violation of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011; that the impugned orders ^{are} were illegal, unwarranted and legally not sustainable; that the appellant had not been served with any show cause notice/charge sheet; that the allegations leveled against the appellant were ambiguous and were not specified; that before awarding major punishment, no final show cause notice had been issued. Lastly, he submitted that the appellant was innocent and the instant service appeal may kindly be accepted

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| | | <p>was noticed that he had not undergone training mandatory for promotion. The working paper for placement before PSB was submitted by the BOR and he was shown as he had undergone training mandatory for promotion. Now his case for reversion is under process. He has not yet completed prescribed length of service for promotion.</p> <p>The Board did not consider him for acting charge appointment.</p> |
|--|--|--|

Note: - The Board directed that show cause notice for removal from service be issued to those Officers whose PERs are still pending.

Ali Raza
Section Officer (PSB)
Govt of Khyber Pakhtunkhwa
Establishment Department

CONFIDENTIAL

as prayed for.

5. As against that, District Attorney argued that the impugned orders were in accordance with rules and policy; that the orders were legal and made in the light of evidence and record, wherein, there was enough proof of appellant's misconduct; that proper notices were served and opportunity of personal hearing had been given to the appellant; that the appellate authority had issued the order of reduction to lower post in the light of fresh inquiry. Lastly, he submitted that the competent authority had adopted proper and mandatory procedure, and thereafter, passed the impugned order. Therefore, he requested for dismissal of the instant service appeal.

6. Perusal of record reveals that ADEO Circle, Tajori, Lakki Marwat, on 09.06.2021 visited GPS Kotka, Abu Khan, Suleman Khel, the school where appellant posted as PSHT, and reported about appellant's misconduct, illegal occupation of government property by land owner poor administration and management as a result which Mr. Wajeeh Ullah, Principal, GHSS Wanda Amir, Lakki Marwat was appointed as inquiry officer who after fact finding inquiry submitted report on 21.10.2021, with the following findings;

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- vii. *The chowkidar of the school has not taken over charge at the school.*

Enquiry Officer recommended that;

- i. *Most of the points of the report of ASDEO (C) are not based upon fact; hence his recommendation for demotion of PSHT to SPST is encroachment of his authority or misuse of his official capacity.*
- ii. *PSHT may be directed strictly to update his school record accordingly.*
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- iv. *The competent authority may make surprise visits to the said school and all schools of far flung areas.*

7. Authority vide letter bearing No.7214/Misc dated 01.02.2021, addressed to appellant agreed with the recommendation of the inquiry officer and directed SDEO to increase surprise inspection visits to the school of appellant, but just after 27 days of the show cause notice was issued to the appellant by the DEO bearing No.7778 dated 29.12.2021, for not complying with the recommendation of inquiry officer communicated to the appellant on 01.12.2021, and received to him on 02.12.2021, without providing sufficient time for acting upon the recommendation. Appellant was also transferred from the said school to GPS Payao Zar Betanni, and after personal hearing appellant was awarded with penalty of reduction to lower post from PSHT to SPST for a period of five years vide order dated 29.06.2022. Appellant filed departmental

only by the department but also by the hon'ble Tribunal / courts which judgments were upheld by the apex court.

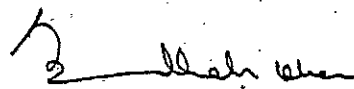
5. That the impugned order passed with retrospective effect and no limitation runs against such like order
6. That codal formalities enumerated in the Rules were never observed, being mandatory.

It is, therefore, most humbly prayed that on acceptance of appeal, orders dated 17-10-2017 and 25-05-2022 of the respondents be set aside and appellant be reinstated in service with all back benefits, with such other relief as may be deemed proper and just in circumstances of the case.



Appellant

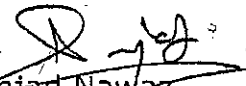
Through



Saadullah Khan Marwat



Arbab Saiful Kamal



Anjad Nawaz
Advocates.

Dated 08-03-2023

AFFIDAVIT


I, Maaz Khan S/O Wali Bahadar Khan, R/O Islampur Sadiu Sharif, Swat. Ex-Constable No. 264, Police Station Kanju Swat (Appellant), do hereby solemnly affirm and declare that contents of **Service Appeal** are true and correct to the best of my knowledge and belief.



DEPONENT

CERTIFICATE:

As per instructions of my client, no such like Service Appeal has earlier been filed by the appellant before this Hon'ble Tribunal.



ADVOCATE

appeal wherein appellate authority vide order dated 26.10.2022 modify penalty awarded to the appellant from reduction to lower post to reduction to three stages.

8. Respondents in para No.8 of reply grounds mentioned about awarding punishment on the basis of fresh inquiry. They were directed to provide the fresh inquiry but they could not produce the fresh formal inquiry rather departmental representative produced an order dated 29.06.2022, according to which DEO was pleased to withdraw the notification bearing No.1051-53 dated 22.02.2022 regarding constitution of fresh formal inquiry against appellant i.e. Rehmat Ullah, PSHT, in the best public interest. So, no regular inquiry was conducted by respondents and appellant was condemned unheard.

9. Appellant awarded penalty on the basis of fact finding inquiry, wherein appellant was not found guilty of misconduct and without providing sufficient time for improving attendance of the school that too in situation of Covid-19 pandemic, which is not in accordance with law and rules.

10. It is a well settled legal proposition, that regular inquiry is must before imposition of major penalty, whereas in case of the appellant, no such inquiry was conducted. The Supreme Court of Pakistan in its judgment reported as 2008 SCMR 1369 has held that in case of imposing major penalty, the principles of natural justice required that a regular inquiry was to be conducted in the matter and opportunity of defense and personal hearing was to be provided to the civil servant proceeded against, otherwise civil servant would be condemned unheard and major penalty of dismissal from service would be imposed upon him without adopting the required mandatory procedure, resulting in manifest injustice. In absence of proper disciplinary proceedings,

Notice was never served upon him, so no reply was submitted to the same. (Copy as annex "A")

4. That on 17-10-2017, R. No. 01 issued the impugned order wherein ex-party action was taken, yet major punishment of dismissal from service from the date of absence i.e. 21-04-2017 was imposed upon him retrospectively. (Copy as annex "B")
5. That thereafter appellant submitted representation for reinstatement in service before R. No. 02 which was rejected on 25-05-2022 by R. No. 02. (Copy as annex "C")
6. That the said order was never served upon appellant yet the same was received from the officer of R. No. 01 on 24-01-2023.
7. That in similar circumstances and by keeping in view the aforesaid situation, orders were passed on 30.11.2010 wherein 253 constables were reinstated in services, 20 constables on 18.02.2011 and 12 on 07.02.2012 by the authorities. (Copies as annex "D")
8. That the same subject matter came up for hearing before this hon'ble Tribunal in numerous cases and after through probe, their appeals were accepted on different dates. (Copies as annex "E")

Hence this appeal, inter alia, on the following grounds:-

GROUND S:

1. That appellant was enlisted in service as Constable and served the department till the date of removal from service.
2. That absence was due to serious domestic problems, so he was unable to perform his duty in such like situation.
3. That appellant was dismissed from service on the score of absence but such absence was not willful but was due to the compelling circumstance of domestic problem.
4. That absence does not constitute any misconduct when the same is not willful and as stated earlier, hundreds and thousands similarly and equally placed employees have been reinstated into their services not

the appellant was condemned unheard, whereas the principle of audi alteram partem was always deemed to be embedded in the statute and even if there was no such express provision, it would be deemed to be one of the parts of the statute, as no adverse action can be taken against a person without providing right of hearing to him. Reliance is placed on 2010 PLD SC 483.

11. For what has been discussed above, the appeal in hand is allowed as prayed for. Costs shall follow the event. Consign.

12. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 4th day of April, 2024.*

(Kalim Arshad Khan)
Chariman

(RashidaBano)
Member (J)

12

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Service Appeal No.1085/2020

Mr. Naik Muhammad (PMS BPS-17)

Assistant Commissioner, Bara, District Khyber.....(Appellant)

Versus

1. The Provincial Government through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. The Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
3. The Secretary Establishment Department, Civil Secretariat, Peshawar.....(Respondents)

JOINT PARAWISE COMMENTS ON BEHALF OF ALL RESPONDENTS.

Respectfully Sheweth,

PRELIMINARY OBJECTIONS:

1. That the appellant has got no cause of action/locus standi to file the instant appeal against the respondents.
2. That the appeal is not maintainable.
3. That the appellant has presented the facts in manipulated form which disentitles him for any relief whatsoever.
4. That the appeal is barred by law/time.
5. That this Honourable Tribunal lacks jurisdiction in the matter under Section 4(b)(i) of the Service Tribunal Act, 1974.
6. That the appellant has suppressed material facts from the Tribunal.
7. That the appellant has not come to the Tribunal with clean hands.
8. That the appellant is estopped to file the instant appeal due to his own conduct.
9. That the appeal is bad for mis /non-joinder of necessary parties.
10. That the appeal is hit by laches.

ON FACTS:


1. Pertains to record.
2. Pertains to the record of Board of Revenue.
3. **Incorrect.** PSB meetings convened dated 30.01.2017, 19.05.2017, 28.12.2017, 03.05.2018 and 26.12.2018, appellant was not considered for promotion to the post of PMS BS-17 on following grounds:-

| S.No. | PSB meetings | Recommendations of Board |
|-------|-------------------------|--|
| 1. | 30.01.2017 (Annex-A) | Was deferred on grounds; i. Not completed probation period. ii. Disciplinary proceeding pending against him. |
| 2. | 19.05.2017 (Annex-B) | Was not considered on grounds; i. Not completed probation period. ii. Disciplinary proceeding pending against him. |
| 3. | 28.12.2017 (Annex-C) | Was not considered on grounds; i. Not completed probation period. ii. Disciplinary proceeding pending against him. |
| 4. | 03.05.2018 (Annex-D) | Was <u>deferred</u> on grounds that the inquiry is still pending against him. |
| 5. | 26.12.2018 (Annex-E) | Was <u>deferred</u> on grounds that he was involved in a VR case. |

4. Pertains to the record of Board of Revenue.
5. Pertains to record.
6. **Incorrect.** The act of the respondents is in consonance with the rules / laws / polices. The incumbents are considered for promotion to the post of PMS BS-17 by the Board in the light of service record as well as seniority-cum-fitness basis in line with

19-06-2023

Proper DB is not available, therefore
case is adjourned to 18-09-2023.



Reader Note


18.09.2023

1. Learned counsel for the appellant present. Mr. Asad Ali Khan learned Assistant Advocate General for the respondents present.
2. Learned counsel for the appellant referred to ground-8 of reply of the respondents wherein there is mentioned of fresh inquiry which is not found in the file. Respondents are directed through learned Law Officer to produce the same before the next date. To come up for arguments on 15.01.2024 before D.B at principal seat Peshawar. P.P given to parties.

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Peshawar

KaleemUllah


(Rashida Bano)
Member (J)
Camp Court D.I Khan


(Kalim Arshad Khan)
Chairman
Camp Court D.I Khan


2023/09/18
18/09/2023

21.03.2023

Appellant alongwith his counsel present

Mr. Kashif Munir, ADEO alongwith Mr. Muhammad Jan, District Attorney for the appellant present and seeks time for submission of reply/comments. Adjourned. To come up for submission of reply/comments on 19.04.2023 before the S.B at Camp Court D.I.Khan. Parcha Peshi given to the parties.

**SCANNED
KPST
Peshawar**


(Salah-Ud-Din)
Member (J)
Camp Court D.I.Khan

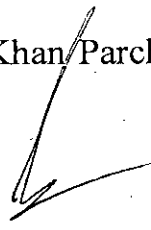
19.04.2023

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

**SCANNED
KPST
Peshawar**

**SCANNED
KPST
Peshawar**


Reply/comments on behalf of respondents submitted which are placed on file. Copy of the same handed over to learned counsel for the appellant. To come up for rejoinder, if any, and arguments on 19.06.2023 before D.B at camp court D.I.Khan/Parcha Peshi given to the parties.


(Muhammad Akbar Khan)
Member (E)
Camp Court D.I.Khan

23rd Jan, 2023

Learned counsel for the appellant present and requested for adjournment to further prepare the brief. Adjourned. To come up for preliminary hearing on 14.02.2023 before S.B at camp court D.I Khan.


**SCANNED
KPST
Peshawar**

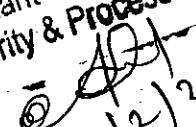

(Kalim Arshad Khan)
Chairman
Camp Court D.I Khan

14th Feb, 2023

Learned counsel for the appellant present and heard.

Points raised need consideration. The appeal is admitted to full hearing subject to all just and legal objections by the other side. The appellant is directed to deposit security fee within ten days. The respondents be summoned through TCS, the expenses of which be deposited by the appellant within three days. To come up for written reply/comments on 21.03.2023 before S.B at camp court D.I Khan.

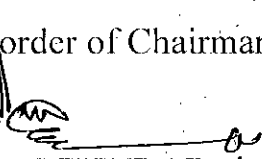
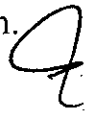

(Muhammad Akbar Khan)
Member (E)
Camp Court, D.I Khan

RS-100
Appellant Deposited
Security & Process Fee

22/2/23

FORM OF ORDER SHEET

Court of _____

Case No.- 1619/2022

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|----------------------------|--|
| 1 | 2 | 3 |
| 1- | 14/11/2022 | <p>The appeal of Mr. Rahmatullah received today by registered post through Mr. Muhammad Abdullah Baloch Advocate. It is fixed for preliminary hearing before touring Single Bench at D.I.Khan on <u>16-1-23</u> Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p> |
| | 16 th Jan, 2023 | <p>Learned counsel for the appellant present and requested for adjournment on the ground that he has not made prepare the brief. Adjourned. To come up for preliminary hearing on 23.01.2023 before S.B at camp court D.I Khan.</p> <p></p> <p>(Kalim Arshad Khan) Chairman Camp Court D.I Khan</p> |

SCANNED
KPST
Peshawar



Office of The District Education Officer
Male Lakki Marwat

Ph: (0969)538291, (0969)709234, Fax: (0969)538292, email: emislakki@yahoo.com
www.facebook.com/deomaleLakki, www.twitter.com/deo_m_lakki

NOTIFICATION

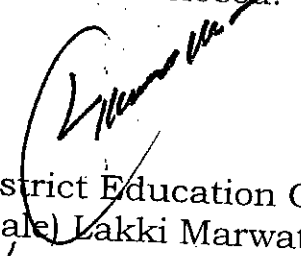
The competent authority is pleased to constitute formal inquiry against Mr. Rahmat Ullah PSHT GPS Abu Khan Suleman Khel now working in GPS Payao Zar Bhattani.

Mr. Sher Nawaz Principal BPS-20 GSGKCMHS No.1 Lakki Marwat is hereby nominated as inquiry officer in pursuance of this office order No.183-86 dated. 12-01-2022 for further proceeding, inquire into the matter and submit detail report along with recommendation within seven (07) days.

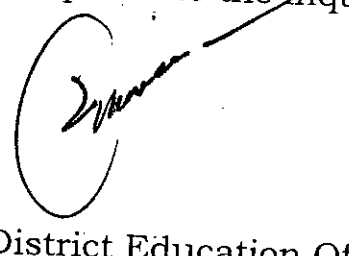
Note: Statement of allegation and charge sheet are enclosed.

Endst:No. 105153
Copy to the:-

1. Principal GSGKCMHS No.1 Lakki Marwat.
2. SDEO (Male) Lakki Marwat & Dealing Assistant (PST) DEO (Male) Local Office, with the direction to facilitate the inquiry officer as when your co-operation will required to the inquiry officer.
3. Master File.


District Education Officer
(Male) Lakki Marwat

Dated. 22/05/2022


District Education Officer
(Male) Lakki Marwat

EDUCATION OFFICER
(MALE) LAKKI MARWAT

G.P.S.

(P.S.H.T) ابو خان

**Office of The District Education Officer
Male Lakki Marwat**

Phone & Fax: (0969)538291, Email: emislakki@yahoo.com
www.facebook.com/deomaleLakki, www.twitter.com/deo_m_lakki

No. 3104

Dated: 29/06/2022

OFFICE ORDER:

On the recommendations of Personal Hearing Committee constituted vide DEO Male Lakki Marwat Office bearing No. 99 dated 26-05-2022, the competent authority (Mr. Zahoor Khan, District Education Officer Male Lakki Marwat) is pleased to withdraw the Notification bearing No. 1051-53 dated 22-02-2022 regarding constitution of formal inquiry against Mr. Rahmat Ullah PSHT GPS Abu Khan Suleman Khel now working in GPS Payao Zar Bhattani District Lakki Marwat in the best interest of public service. The Inquiry officer Mr. Sher Nawaz Khan Principal Government Shaheed Muhammad Ghassan Khan Centennial Model High School No. 1, Lakki Marwat is directed to return all the relevant to the Dealing Assistant O/O DEO Male Lakki Marwat.

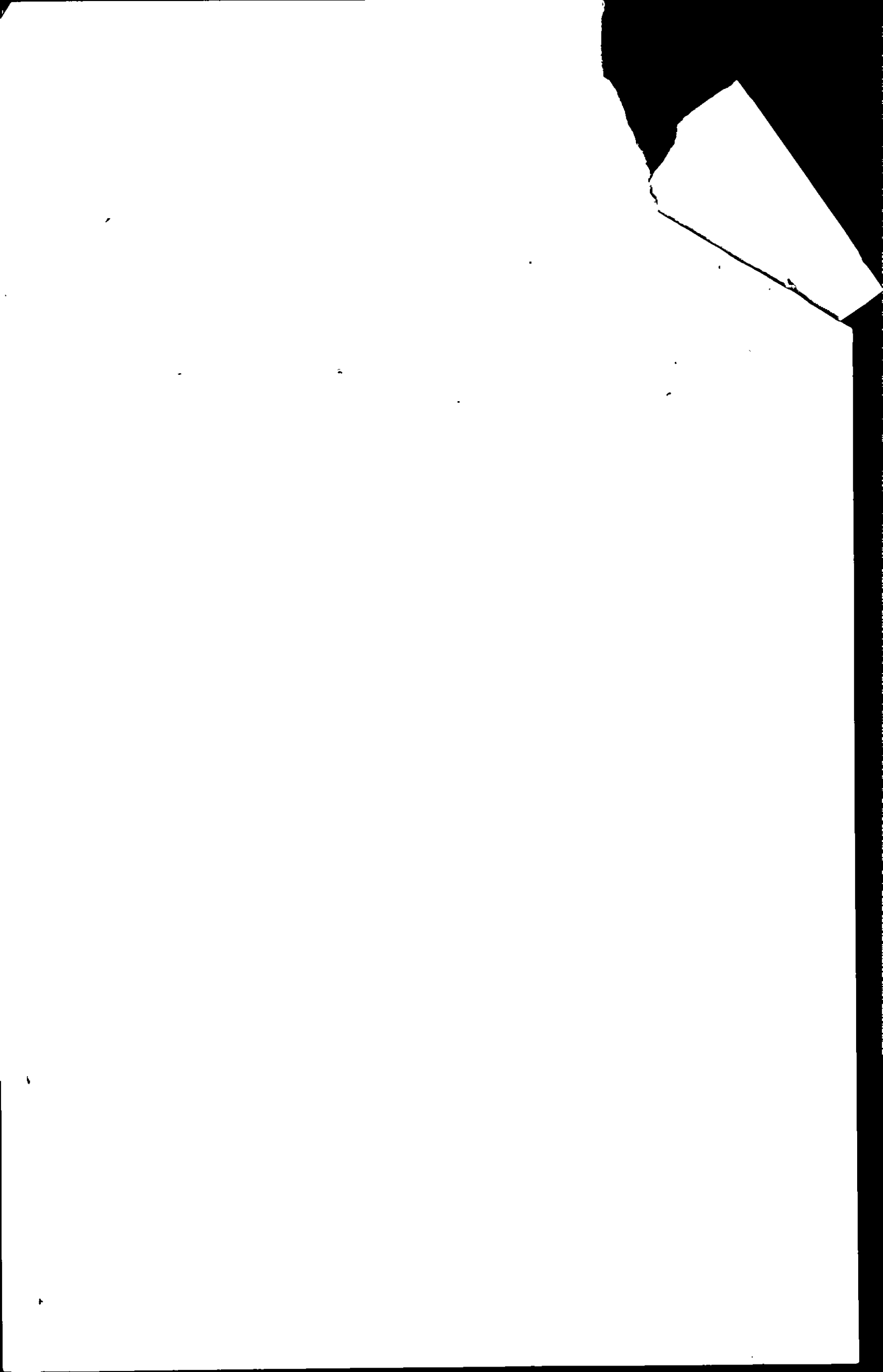
SV
District Education Officer
(Male) Lakki Marwat

Even No. & Date

Copy to the;

1. Deputy DEO Male Local Office
2. Principal GSMGKCMHS No. 1, Lakki Marwat
3. SDEO Male Ghazni Khel

Zahoor Khan
29/06/22
District Education Officer
(Male) Lakki Marwat



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR:

SCANNED
KPST
Peshawar

Appeal no...1619... of 2022.

Rahmat Ullah

VERSUS

Govt; of KPK and others

SERVICE APPEAL

INDEX

| S.No. | Description of documents | Annexure | Pages |
|-------|--|--------------------|-------|
| 1. | Memorandum of Appeal along with Affidavit | | 1-6 |
| 2. | Copy of Inquiry report and order dt- 01-12-2021 | A & A ₁ | 7-11 |
| 3. | Copy of Impugned Notification | B | 12 |
| 4. | Copy of Departmental Appeal | C | 13-14 |
| 5. | Copy of impugned Notification of appellate authority | D | 15 |
| 6. | Miscellaneous | -- | — |
| 7. | Vakalatnama | -- | 16 |

11 /11/2022

Your humble appellant


Rahmat Ullah

Through counsel


MUHAMMAD ABDULLAH BALOCH
Advocate High Court

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

Appeal no. 1619... of 2022.

Rahmat Ullah S/O Watan Khan R/O Khan Suleman Khel
presently working as SPST (BPS-14) GPS Payow Zar Bhattani
District Lakky Marwat.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1937

Dated 14-11-2022

VERSUS

1. Government of KPK through Secretary Elementary and Secondary Education Deptt: Peshawar.
2. Director Elementary and Secondary Education Deptt: Peshawar.
3. Assistant Director-III (Estab-I) Directorate of Elementary and Secondary Education Deptt: Peshawar.
4. District Education officer (Male) Lakki Marwat .

APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT AGAINST THE IMPUGNED NOTIFICATION NO. 3105 DATED; 29/06/2022 AND APPEAL AGAINST THE IMPUGNED ORDER OF APPELLATE AUTHORITY ENDST; NO. 3228-31 DATED 26/10/2022, WHEREIN THE APPELLANT HAS BEEN AWARDED MAJOR PENALTY OF REDUCTION TO 3 LOWER STAGES.

Chamte
Filed to-day
(M)
Registrar
Note:
 14/11/22

Addresses given above are sufficient for the object of service.

That the brief facts of the case are as under:

1. The Appellant had been serving the Education department Lakki Marwat since 24/07/2004 and before the inflection of punishment was serving as PSHT (BPS-15) at Government Primary School, Abu Khan Suleman Khel, Lakki Marwat.



2. That appellant has been performing his duties by heart and being PSHT environment of the school has always been a priority. The appellant has a trust of the parents and performance of children was also satisfactory. That ASDEO (Circle) Tajori Lakki Marwat sent a report to SDEO (M) Lakki Marwat. However the present appellant is still not aware about the contents of that report. After that SDEO (M) also sent a report to DEO (M) Lakki Marwat which was also not in the knowledge of appellant.

3. That without serving any show cause upon the appellant, Mr. Wajeeh Ullah Principal GHSS Wanda Amir Lakki Marwat was appointed as inquiry Officer. Who submitted his inquiry report dated 20/10/2021. The Competent Authority being satisfied with inquiry report, issued Order No.7214 dated 01/12/2021. The appellant and his PST did their best to do more and excellent results were shown to the SDEO. Copies of Inquiry report and Order are annexed as **Annexure "A" & "A/1"**.

4. That, surprisingly, the competent authority, without giving any notice and without giving an opportunity of personal hearing, issued impugned Notification No.3105 dated 29/06/2022 wherein the appellant was awarded major penalty of reduction to lower post from PSHT (BPS-15) to SPST (BPS-14) for period of five(5) years falling. Copy of impugned Notification is annexed as **Annexure "B"**.

5. That the appellant being aggrieved of the impugned Notification, preferred a Departmental Appeal/ Representation to appellate

Abul

7

Annexure "A"

45

To

The District Education Officer (M),
District Lakki Marwat.

Subject: Submission of Inquiry Report Against the PSHT of GPS Kotka Abu Khan Sulaiman Khel Lakki Marwat:

Sir,

With reference to your office order No. 4939-42 dated 10.09.2021 on the subject cited above, I. Wajech Ullah Principal GHSS Wanda Amir Lakki Marwat, was nominated as enquiry officer to probe into the matter concerned.

Hence the detailed and unbiased enquiry report is hereby submitted for further necessary action please.

Date: 20.10.2021.

DA/PSHT
22/10/21

655
21/10/21

Wajech Ullah,
Pr GHSS Wanda Amir,
Lakki Marwat.

Attested to be true
copy.
[Signature]

Inquiry Report Against the PSHT of GPS Kotka Abu Khan Sulaiman Khel Lakkki Marwat

Authority:

District Education Officer (M) Lakki Marwat

Ground for the Inquiry:

ASDEO Circle Tajori Lakki Marwat paid a visit to GPS Kotka Abu Khan Sulaiman Khel on 09.06.2021, and submitted a detailed report to SDEO (M) Lakki Marwat on 15.06.2021. (Attached as Annex "A") SDEO (M) Lakki Marwat submitted a report to DEO (M) Lakki Marwat on 28.07.2021 with the subject, "DOWNGRADING/DEMOTION OF PSHT REHMAT ULLAH GPS ABU KHAN SULAIMAN KHEL FROM PSHT TO SPST ON THE REPORT OF ASDFO (C)". (Attaches as Annex "B") In pursuance, DEO (M) Lakki Marwat, as competent authority approved an Enquiry to be launched to find the facts regarding the matter.

Proceedings of the Inquiry:

The following procedure was adopted to find facts regarding the matter:

I visited GPS Kotka Aabu Khan Sulaiman Khel on 18.09.2021 and reached the school on 09:20 am, The PSHT and PST Siraj Uddin were present and the school was running smoothly. Students of different classes were seated separately.

Two or three birds (Peacocks) were present in the school, I looked for their shelters (Cages) in the school, but could not. Hence seemed that the birds do not reside permanently in school.

I also checked class wise attendance of the students physically, which was as under:

| | |
|-----------------------|-------|
| 5 th class | 01/01 |
| 4 th class | 05/13 |
| 3 rd class | 10/14 |
| 2 nd class | 06/09 |
| 1 st class | 06/16 |
| Prep | 07/13 |
| Play Group | 23/23 |

Total 58/89

*After talk to be true
copy. checked 10/4*

It was found that strength has decreased when compared with the strength of last year, which was as under as per attendance register:

| | |
|-----------------------|-----|
| 5 th class | 08 |
| 4 th class | Nil |
| 3 rd class | 17 |
| 2 nd class | 17 |
| 1 st class | 16 |
| Prep | 25 |
| Play Group | 28 |
| ----- | |
| Total | 111 |

I also checked other registers of school record, which were not maintained properly and systematically.

I interrogated PSHT verbally and through questionnaire (Attached as Annex "C") containing questions regarding the issues and situation of the school stated by ASDEO (C) in his report. He submitted his written response on 26.09.2021. (Attached as Annex "D") He was of the opinion that the allegations charged by ASDEO (C) were not based upon fact. He said that the school was his own and his near relatives such as sons, nephews etc. study here, then how it is possible that he will not pay attention to the school. He also argued verbally that like other schools, the students of his school have also migrated to private schools and none of the students of my school has migrated to other Gov. School. (But that was to be confirmed) He confessed that he did not use smart phone, instead use simple or common phone, but PST of his school Siraj Uddin regularly uses smart phone, which is linked with office of the DEO (M) and all the required information are provided well in time, hence no information gap exists,

PST of the school Siraj Uddin was also interrogated verbally and a questionnaire was also handed over to him. (Annex "E") He admitted that PSHT did not use mobile phone earlier, but now he is using. He also urged the students' strength has been affected by Covid-19 pandemic and vacations due to it. He was found to be satisfied with the performance of the PSHT as his subordinate.

*Admitted to be true
com.
[Signature]*

[Signature]

Findings of the Enquiry:

Following are the findings of the enquiry:

1. Strength of students of the school has decreased as compared to last year, but it is not 45, as physically 58 students were present and 89 as per student attendance register.
2. No pet birds are kept permanently at school.
3. Teaching learning condition/situation of the school was not too worse to bring about demotion of PSHT.
4. Though PSHT uses simple or common mobile phone, but he does not use smart phone. As PST of the school uses smart phone regularly, which is linked with DEO (M) office, hence no information gap exists.
5. The registers or record of the school has not been maintained properly or systematically.
6. PSHT of the school is simple and straight forward man rather stranger type. But these are individual differences either based on locality or natural division hence cannot be termed as standard for such like posts.
7. The chowkidar of the school has not taken over charge at the school.

Recommendations of the Enquiry:

Following are the recommendations of the enquiry:

1. Most of the points of the report of ASDEO (C) are not based upon fact; hence his recommendation for demotion of PSHT to SPST is encroachment of his authority or misuse of his official capacity.
2. PSHT may be directed strictly to update his school record accordingly.
3. PSHT and PST may be directed to motivate the local community for enhancement of enrollment, as the strength of the students is not satisfactory.
4. The competent authority may make surprise visits to the said school and all schools of far flung areas.

*PSHT to be true
copy - [Signature]*

[Signature]
Wajeed Ullah
Principal GHS Wanda Amir
Lakki Marwat

Annexure "A" 1

**Office of The District Education Officer
Male Lakki Marwat**

Phone & Fax: (0969)338291. Email: +92300414944 + .in
www.facebook.com/deo.male.lakki, www.twitter.com/deo_m_lakki

No. 7214 /Misc Dated: 01/12/2021

To

Mr Rehmat Ullah, PSHT
GPS Kotka Abu Khan Sulaiman Khel
Lakki Marwat

Subject:


Submission of Inquiry Report against PSHT GPS Kotka Abu Khan
Sulaiman Khel Lakki Marwat

Memo,

It refers to an Inquiry Report ordered on written report of ASDEO Circle Tajori and received in this office vide SDEO Male Lakki Marwat covering memo No. 982 dated 28-07-2021 and to narrate the recommendations of Inquiry Officer pertains to you as under.

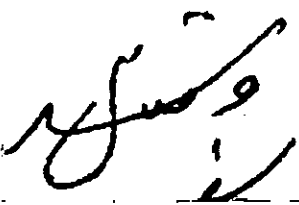
1. The PSHT may be directed strictly to update his school record accordingly.
2. The PSHT and PST may be directed to motivate the local community for enhancement of enrolment as the strength of students is not satisfactory.

The undersigned fully agrees with the above cited recommendations and ask you to implement the same in letter and spirit and submit compliance report to the undersigned through SDEO Male Lakki Marwat. Moreover, the SDEO Male Lakki Marwat is directed to increase surprise inspection visits to the above cited school and those located in remote rural areas of his tehsil.


District Education Officer
(Male) Lakki Marwat

Even No. & Date

3. Sub Divisional Education Officer Male Lakki Marwat


Attended to by
true copy
10/11


District Education Officer

Office of The District Education Officer
Male Lakki Marwat

Annexure "B"

Ph: (0960)338291, email: _____

www.dicpba.gov.pk, www.dicpba.gov.pk/Lakki, www.twitter.com/deo_m_lakki

No. 3105 Dated 29/10/2022

NOTIFICATION:-

1. WHEREAS, Mr. Rahmat Ullah PSHT BPS-15 GPS Abu Khan Suleman Khel Now working in GPS Payao Zar Bhattani Lakki Marwat was proceeded against under KPK E&D Rules 2011 for the charges of Misconduct, Inefficiency, Illegal Occupation, poor administration and management as reported by the SDEO (Male) Lakki Marwat letter bearing No.982 dated. 28-07-2021.
2. WHEREAS, inquiry conducted vide DEO (M) letter bearing No.4939-42 dated. 10-09-2021 and submit inquiry report dated 20-10-2021.
3. WHEREAS, show cause notice was served upon the cited PSHT vide DEO (Male) Lakki Marwat letter bearing No.7778 dated. 29-12-2021 through SDEO (Male) Lakki Marwat and unsatisfactory reply was submitted on his part to this effect was received to the office of the undersigned.
4. WHEREAS, an opportunity of personal hearing was granted to him vide DEO (M) office letter bearing No.2273-77 dated. 13-05-2022, for the above cited PSHT to appear in person to defend the charges leveled against him.
5. AND NOW THEREFORE, keeping in view the above facts and documents available in office record the competent authority (Mr. Zahoor Khan District Education Officer Male Lakki Marwat) in exercise of power conferred upon him under section 9 of Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules-2011 amended in December 2021 read with rule-4 (1) (b) (i), is satisfied and pleased to impose the major penalty of **Reduction to Lower Post From PSHT (BPS-15) to SPST (BPS-14) for period of Five (05) years falling**, upon Mr. Rahmat Ullah PSHT GPS Abu Khan Suleman Khel now working in GPS Payao Zar Bhattani Lakki Marwat with immediate effect.

SD

District Education Officer
(Male) Lakki Marwat.

Even No. & Date.

Copy to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Poshawar.
2. Deputy District Education Officer (Male) Local Office.
3. District Monitoring Officer, Lakki Marwat.
4. District Accounts Officer, Lakki Marwat.
5. SDEO (Male) Ghazni Khel.
6. Official concerned.

[Signature]
29/10/22

District Education Officer
(Male) Lakki Marwat

*AKS to be true
copy
10/11*

To The Director
Elementary & Secondary Education
Department Khyber Pakhtunkhwa
Peshawar

Subject: DEPARTMENTAL APPEAL AGAINST THE ORDER OF DISTRICT
EDUCATION OFFICER, MALE LAKKI MARWAT BEARING NO.3105
DATED 29-06-2022.

PRAYER IN DEPARTMENTAL APPEAL:

By accepting this departmental appeal, regarding officer order bearing No.3105 dated 29-06-2022 issued by District Education Officer, Male Lakki Marwat in respect of Rahmat Ullah PSHT BPS-15 Government Primary School Abu Khan Suleman Khel may be set aside and directed to restore the reduction from lower post i.e. SPST (BPS-14) to PSHT (BPS-15).

Respected Sir,

That the appellant files the department appeal before Appellant Authority/Director E&SE Khyber Pakhtunkhwa Peshawar inter alia on the following grounds:

FACTS:

1. That the appellant was serving as PST Teacher in the Education Department Lakki Marwat since 24-07-2004.
2. That the appellant served the duties till his posting as PSHT with zeal and zest in the Government Primary Schools.
3. That on 09-06-2021, ASDEO circle Tajori Lakki paid a visit to GPS Kotka Abu Khan Suleman Khel enabling submitted a detail report through proper channel to District Education Officer, Male Lakki Marwat for further action at his end.
4. That being competent authority, the District Education Officer, Male Lakki Marwat appointed Mr. Wajeeh Ullah Principal GHSS Wanda Amir Lakki Marwat as Inquiry Officer bearing order No.4939-42 dated 10-09-2022 to probe into the matter.
5. That on 20-10-2021, the inquiry officer submitted his inquiry report to the District Education Officer, Male Lakki Marwat as [F/A].

*Returned to be true
copy. 10/11*

GROUNDS:

Respected Sir,

- a) Now the Appointment Authority/District Education Officer, Male Lakki Marwat issued Notification vide No.3105 dated 29-06-2022 regarding **MAJOR PENALTY OF REDUCTION TO LOWER POST FROM PSHT (BPS-15) TO SPST (BPS-14) FOR PERIOD OF FIVE (05) YEARS FALLING**, with the reason/based on inquiry report.
- b) It is pertinent to mention here and admitted facts that the recommendations of Inquiry Officer are based as following:
 - i. Most of the points of the report of ASDEO (C) are not based upon facts; hence his recommendation for demotion of PSHT to SPST is encroachment of his authority or misuse of his official capacity.
 - ii. PSHT may be directed strictly to update his school record accordingly.
 - iii. PSHT and PST may be directed to motivate the local community for enhancement of enrollment, as the strength of the students is not satisfactory.
 - iv. The competent authority may make surprise visits to the said school and all schools of far flung areas.
- c) In the aforementioned recommendations of the Inquiry Officer, nothing was proposed i.e. major penalty **OF REDUCTION TO LOWER POST FROM PSHT (BPS-15) TO SPST (BPS-14) FOR PERIOD OF FIVE (05) YEARS FALLING.**
- d) Sir, I am a poor man enabled residing my old mother/father, 4 kids and there is no source of income other than PST teacher.

In view of the above narrated facts, it is humbly prayed that Notification bearing No.3105 dated 29-06-2022 issued by the District Education Officer, Male Lakki Marwat may kindly be set aside and directed to restore the reduction from lower post i.e. SPST (BPS-14) to PSHT (BPS-15) along with all consequential back benefits. I shall be very thankful to you for your this act of kindness.

Rahmat Ullah
 Rahmat Ullah
 PSHT GPS Abu Khan
 Lakki Mawat
 20-7-22

*Attended to by Amir
 10/11*

Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

Annexure "D"

NOTIFICATION

1. WHEREAS, Mr. Rahmat Ullah SPST (BPS 14) GPS Payao Zar Bhattani District Lakki Marwat was proceeded under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.
2. AND WHEREAS, The District Education Officer (Male) Lakki Marwat, imposed major penalty of "Reduction from PSHT (BPS-15) to Lower Post SPST (BPS-14) for the period of Five Years" upon Mr. Rahmat Ullah SPST (BPS-14) GPS Payao Zar Bhattani District Lakki Marwat under 4 (1)(b)(i) of the ibid Rules Vide Order No. 3105 Dated: 29-06-2022.
3. AND WHEREAS, Mr. Rahmat Ullah SPST (BPS-14) GPS Payao Zar Bhattani District Lakki Marwat, lodged an appeal before the Worthy Director E&SE Khyber Pakhtunkhwa, Peshawar.
4. NOW THEREFORE, in exercise of power conferred upon by the Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar, being appellate authority after having examined the evidences on record and report of the DEO concerned is pleased to accept the appeal and to modify the order and convert major penalty of Reduction to Lower Post into Reduction to Three Lower Stages upon Mr. Rahmat Ullah SPST (BPS-14) GPS Payao Zar Bhattani District Lakki Marwat under Rules (17)(2)(C) of (Efficiency & Discipline) Rules-2011, in the best interest of public.

(Dr. Hafiz Muhammad Ibrahim)

DIRECTOR

Directorate of Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No: _____ / F.No./Vol-I/Departmental Appeal/Estab-1

Dated Pesh: the 26/10/2022.

Copy forwarded for information to the: -

1. District Education Officer (Male) Lakki Marwat.
2. District Accounts Officer Lakki Marwat.
3. Mr. Rahmat Ullah SPST (BPS-14) GPS Payao Zar Bhattani District Lakki Marwat.
4. P.A. to Director Elementary & Secondary Education, Local Directorate, Peshawar.

Approved to be
by the
10/11

Accepted
25/10/22
Assistant Director-III (Estab-1)
Directorate of Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar



KHYBER PAKHTUNKHWA
BAR COUNCIL

ADVOCATE HIGH COURT

(16)

MUHAMMAD ABDULLAH

Advocate
bc-09-0944
Date of issue: June 2021
Valid upto: June 2024



Secretary
KP Bar Council

وکالت نامہ

SC 20
KPK
Peshawar

کورٹ
فیس

Before the KPK Service Tribunal Peshawar

Appellant

Govt. of KPK and others vs Rahmat Ullah

Service Appeal

باعث تحریر آنکے

D.I. Khan
Muhammad Abdullah Baloch (AHC)

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا اپنا بلیزیر رو برو عدالت حاضر ہونا رکھوں گا اور ہر وقت پارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر بظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام بکھری کے علاوہ یا بکھری کے اوقات سے پہلے یا بیچے یا بروز تعطیل بروزی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر بکھری کے علاوہ اور جگہ ساعت ہونے یا بروز تعطیل یا بکھری کے اوقات کے آگے یا بیچے پیش ہونے پر مظہر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا سخت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو تکل ساختہ پر وادخت صاحب موصوف مثل کردہ ذات خود بنالوز و تکل ہو گا اور صاحب موصوف کو عرض دعوی یا جواب دعوی یا درخواست اجراء اسمائے ذگری نظر ثانی اپیل ترمیمی و ہر قسم درخواست ہر قسم کے زینت دینے اور پر غائی یا دہشی نامہ و فیصلہ برطرف کرنے اقبال دعوی کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مرکز بیرون الا بکھری صدر بیرونی مقدمہ مرکز نظر ثانی اپیل و ترمیمی و ہر قسم درخواست یا مستوفی ذگری یک طرفہ یا درخواست ہم آنتائی یا ترقی یا گردازی تکل از فیصلہ اجراء ذگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ مختصمیری کا اختیار ہو گا اور تمام ساختہ پر وادخت صاحب موصوف مثل کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو گا کہ مقدمہ مذکورہ یا اس کے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی اپیل ترمیمی یا دیگر معاملہ و مقدمہ مذکورہ کسی دوسرے وکیل یا ہر منتر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور اپنے مشیر قانون کو بھی ہر امر میں دی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جائز التواء پرے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی بروزی نہ کریں اور ایسی صورت میں ایسا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے

2022 NOV 11

مضمون وکالت نامہ من لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Accepted
11/11/22

Rahmat Ullah - Appellant

Signature

112015550680-1
Mob: 0348-9825484

حسن کا پیر سٹرائٹرز سکین زر مارکیٹ بالقابل خانہ ہوں ذریعہ اسماعیل خان اونی

**BEFORE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL,
PESHAWAR**

Service Appeal No.1619 of 2022

Rehmat Ullah

Versus

Govt of KPK and others

INDEX

| S/NO | SUBJECT | ANNEXURE | PAGE NO |
|------|--|----------|---------|
| 1 | Comments / Reply from respondents No. 1 to 4 | | 1-5 |
| 2 | Affidavit | | 6 |
| 3 | Reports of ASDEO & SDEO | A & B | 7-8 |
| 4 | Inquiry Report & Office Order | C & D | 9-13 |
| 5 | Show Cause, Letter and Transfer Order | E,F & G | 14-16 |
| 6 | Letter Dated 15-9-2022 | H | 17 |
| 7 | Authority Letter | | 18 |


**DISTRICT EDUCATION OFFICER
(Male) LAKKI MARWAT.**

1

**BEFORE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL,
PESHAWAR**

Service Appeal No.1619 of 2022

**Rehmat Ullah
Versus
Govt of KPK and others**

Para wise comments on behalf of Respondent No. 1 to 4.

Respectfully Sheweth: That the respondents submit as under,

Preliminary Objections:

- A.** The appeal is wholly incompetent and untenable.
- B.** The appellant has not come to the Hon'ble tribunal with clean hands.
- C.** The appeal is filed by the petitioner with malafide intent.
- D.** The appeal suffers from exaggeration and mis-statement.
- E.** The appellant has no locus standi and cause of action.
- F.** That the replying respondents had acted in accordance with law and procedure.
- G.** The appeal also suffers from mis-statement and concealment of facts and as such the appellant is not entitled to any relief. The appellant intentionally and deliberately concealed the fact about his misconduct.
- H.** That the appeal is barred by law and limitation.

REPLY ON FACTS:

- 1.** Para No.1 is replied as that the appellant was working against the post of PSHT. But the appellant's lack of interest

1

**BEFORE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL,
PESHAWAR**

Service Appeal No.1619 of 2022

**Réhmat Ullah
Versus
Govt of KPK and others**

Para wise comments on behalf of Respondent No. 1 to 4.

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- F. That the replying respondents had acted in accordance with law and procedure.
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- H. That the appeal is barred by law and limitation.

REPLY ON FACTS:

1. Para No.1 is replied as that the appellant was working against the post of PSHT. But the appellant's lack of interest

in his duty was reported to the concerned SDEO by the ASDEO circle and the concerned SDEO, forwarded the detail report to the D.E.O / respondent No.4 and appellant was well aware of the reports as well as of his conduct towards his duty. **(Report of ASDEO & SDEO are annexed as A & B).**

2. Para No.2 That the competent authority on the report, an inquiry was conducted as per rules and policy and the inquiry officer submitted his findings. Furthermore, the competent authority agreed with the findings of inquiry and issued orders wherein the SDEO concerned was directed to increase surprise inspections. **(Inquiry report & Office order dated. 01-12-2021 are annexed as C & D).**
3. Para No.3 is incorrect. The SDEO concern submitted detail report in respect of appellant's misconduct, illegal occupation, inefficiency, poor administration and management, thereafter, the competent authority had appointed inquiry officer who after completion of inquiry submitted his report dated: 20-10-2021. After the submission of inquiry, the competent authority issued show cause to the appellant but the appellant failed to submit satisfactory reply. Moreover, opportunity of personal hearing was also given to the appellant but the appellant was found guilty of misconduct and punishment was imposed upon appellant. **(Show cause, letter for personal hearing and transfer order are annexed as E, F & G).**
4. Para No.4 is incorrect. The appellant was given proper opportunity and notices were served to the appellant, thereafter the order of reduction to the lower post was issued as a penalty.

5. Para No.5. It is submitted that the appellant filed departmental appeal and the same was replied vide office No. 4901 dated. 15-09-2022 (**Copy of letter dated. 15-09-2022 annexed as H**).
6. Para No.6. It is submitted that the competent authority has issued the order as per rules and policy after considering the available facts and record.
7. Para No.7. it is submitted that the appellant didn't took any plea or submit any reason in his appeal which would entitle him for any relief.

Hence this appeal of the appellant is liable to dismissed.

REPLY ON GROUNDS:

- i. That Para-i is incorrect. The orders issued and punishment are in accordance with rules and policy. All the relevant procedure has been followed by the competent authority.
- ii. That Para-ii is incorrect. Both the orders were legal and mad in light of evidence and record, wherein there is enough proof of appellant's misconduct, hence the appellant is not entitled to any relief.
- iii. That Para-iii is incorrect. Proper notices were served and opportunity of personal hearing was given to the appellant. The competent authority after adopting proper procedure issued the orders.
- iv. That Para-iv is incorrect. As per record the appellant's misconduct and illegal occupation in school is proved therefore he is not entitled to any relief.

- v. That Para-v is incorrect. The appellant is misleading this Hon'ble Tribunal by mixing up two different inquiries. The order of reduction to lower post was issued in light of personal hearing and the appellant is well aware from said inquiry but he is misstating in the appeal just to gain sympathy of this Hon'ble Tribunal.
- vi. That Para-vi is incorrect. Notice was properly served on appellant and opportunity of personal hearing was given to the appellant.
- vii. That Para-vii is incorrect. The appellant is misstating in respect of previous inquiry.
- viii. That Para-viii incorrect. As already explained that the appellant is misleading this Hon'ble court and mentioning the previous inquiry but the appellant was punished in light of fresh inquiry.
- ix. That Para-ix is incorrect. The competent authority has issued the orders of reduction to lower post in light of fresh report and inquiry.
- x. That Para-x is incorrect. The competent authority after adopting proper procedure issued the orders.
- xi. That Para-xi is incorrect. As already explained, proper procedure was adopted by the competent authority.
- xii. That Para-xii is incorrect. The competent adopted proper and mandatory procedure, while notices were served, even opportunity of personal hearing was given to the appellant. Thereafter the competent authority found the appellant guilty of misconduct and imposed penalty upon him issued the orders.

xiii. That the council of the respondents may please be allowed to raise further points.

It is, therefore, most respectfully prayed that the appeal of the appellant may kindly be dismissed with special compensatory costs coupled with expenses of litigation.




SECRETARY

E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondent No: 1)



DIRECTOR

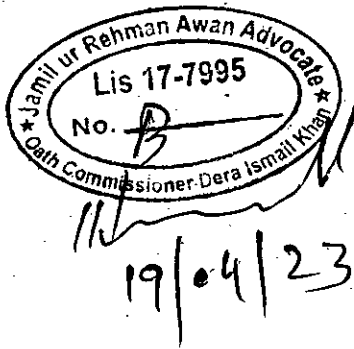
E&SE Khyber Pakhtunkhwa, Peshawar.
(Respondents No: 2 & 3)

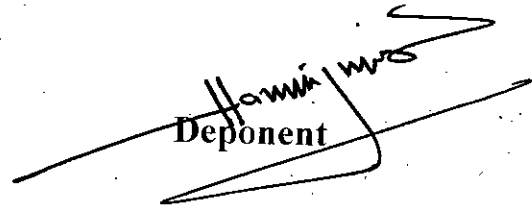


District Education Officer
(Male) Lakki Marwat
(Respondent No: 4)

AFFIDAVIT

I, Kashif Munir Litigation Officer O/O DEO Male Lakki Marwat, do hereby solemnly affirm and declare upon oath that the contents of the accompanied written reply are true and correct to the best of my knowledge and belief and nothing has been intentionally concealed from this Hon'ble Tribunal.




Deponent

7

A

15



OFFICE OF THE ASSISTANT SUB-DIVISIONAL EDUCATIONAL OFFICER

LAKKI MARWAT

Contact No. 03121915004 Gmail.karimabakhel@gmail.com



To

Head Teacher
GPS Rehman Abad Tajzai

Subject: **EXPLANATION**
Memo:

As per report of IMU, Government property such as solar and water etc are in the use of land donor. In addition to above, school construction work such boundary wall and others are still incomplete. PSHT is unauthorized absent without any order book or Application. Barkat Ullah is working as substitute which is a great proxy in connection of duty.

Its great concern for the undersigned that you have not informed this office as well as highup.

You are therefore directed to explain your position within two days positively, otherwise strict action will be taken against you and highups will be intimated for further necessary action at your end under rules and policy.

ASDEO (M)
Circle Taja Zai Lakki Marwat

Copy forwarded to Sub-Divisional Education Officer (M) Lakki Marwat for information please.

ASDEO (M)
Circle Taja Zai Lakki Marwat

8

(B)

17

OFFICE OF THE
ASSISTANT SUB-DIVISIONAL EDUCATION OFFICER
(MALE) Lakki Marwat

No: 972 dt: 27/07/2021

To

The District Education Officer
(Male) Lakki Marwat

Be
for the
teacher
Show Cause.

Subject: - PROXY TEACHER BARKAT ULLAH REPORTED BY DCMA (EMA) ON 10-06-2021 IN GPS REHMAN ABAD TAJAZAI

Memo:

Reference the subject report, the ASDEO (Circle) visited twice the subject school on 26-06-2021 and 19-07-2021. In his 1st visit both PSHT Rehmat Ullah and SPST Hashim Khan found absent. In his 2nd visit only SPST Hashim Khan found absent. (No proxy teacher observed).

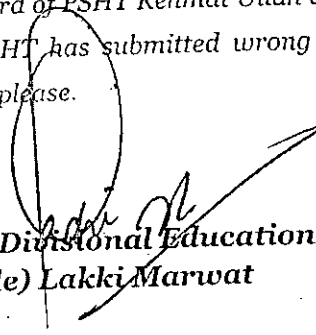
However he has verified from his sources that a person named Barkat Ullah has been teaching in place of Hashim Khan SPST.

He has served explanation to PSHT in this regard and the PSHT has flatly refused the presence of any proxy person in the school. (ASDEO report and PSHT reply attached)

The undersigned personally visited the said school on 07:45 on 27-07-2021 (today) PST Tariq Anwar and proxy Barkat Ullah were found in the school and both PSHT Rehmat Ullah and SPST Hashim Khan were absent and all the registers were locked. The undersigned could not sign in the school. Barkat Ullah picture was captured. (Copy attached).

Barkat Ullah was threatened to never visit the school again.

Your honor is requested that the track record of PSHT Rehmat Ullah and SPST Hashim Khan is very bad. Proxy teacher is verified. PSHT has submitted wrong statement. Strict possible action be taken against both the teachers please.


Sub-Divisional Education Officer
(Male) Lakki Marwat

5262
27/07/2021

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©

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To

The District Education Officer (M),
District Lakki Marwat.

Subject: Submission of Inquiry Report Against the PSHT of GPS Kotka Abu Khan

Sulaiman Khel Lakki Marwat:

Sir,

With reference to your office order No. 4939-42 dated 10.09.2021 on the subject cited above,
i. Wajeeh Ullah Principal GHSS Wanda Amir Lakki Marwat, was nominated as enquiry officer
to probe into the matter concerned.

Hence the detailed and unbiased enquiry report is hereby submitted for further necessary
action please.

Date: 20.10.2021.

DM/PSI
20/10/21
655
21/10/21

Wajeeh Ullah
PRINCIPAL
Pr-GHSS Wanda Amir
G. Kotka Lakki Marwat
Distt: Lakki Marwat,
Lakki Marwat.

Inquiry Report Against the PSHT of GPS Kotka Abu Khan Sulaiman Khel Lakkki Marwat

Authority:

District Education Officer (M) Lakkki Marwat

Ground for the Inquiry:

ASDEO Circle Tajori Lakkki Marwat paid a visit to GPS Kotka Abu Khan Sulaiman Khel on 09.06.2021, and submitted a detailed report to SDEO (M) Lakkki Marwat on 15.06.2021. (Attached as Annex "A") SDEO (M) Lakkki Marwat submitted a report to DEO (M) Lakkki Marwat on 28.07.2021 with the subject, "DOWNGRADING/DEMOTION OF PSHT REHMAT ULLAH GPS ABU KHAN SULAIMAN KHEL FROM PSHT TO SPST ON THE REPORT OF ASDIO (C)". (Attaches as Annex "B") In pursuance, DEO (M) Lakkki Marwat, as competent authority approved an Enquiry to be launched to find the facts regarding the matter.

Proceedings of the Inquiry:

The following procedure was adopted to find facts regarding the matter:

I visited GPS Kotka Aabu Khan Sulaiman Khel on 18.09.2021 and reached the school on 09:20 am, The PSHT and PST Siraj Uddin were present and the school was running smoothly. Students of different classes were seated separately.

Two or three birds (Peacocks) were present in the school, I looked for their shelters (Cages) in the school, but could not. Hence seemed that the birds do not reside permanently in school.

I also checked class wise attendance of the students physically, which was as under:

| | |
|-----------------------|-------|
| 5 th class | 01/01 |
| 4 th class | 05/13 |
| 3 rd class | 10/14 |
| 2 nd class | 06/09 |
| 1 st class | 06/16 |
| Prep | 07/13 |
| Play Group | 23/23 |

Total 58/89

(Handwritten signature)

11
43
It was found that strength has decreased when compared with the strength of last year, which was as under as per attendance register:

| | |
|-----------------------|-----|
| 5 th class | 08 |
| 4 th class | Nil |
| 3 rd class | 17 |
| 2 nd class | 17 |
| 1 st class | 16 |
| Prep | 25 |
| Play Group | 28 |

Total 111

I also checked other registers of school record, which were not maintained properly and systematically.

I interrogated PSHT verbally and through questionnaire (Attached as Annex "C") containing questions regarding the issues and situation of the school stated by ASDEO (C) in his report. He submitted his written response on 26.09.2021. (Attached as Annex "D") He was of the opinion that the allegations charged by ASDEO (C) were not based upon fact. He said that the school was his own and his near relatives such as sons, nephews etc. study here, then how it is possible that he will not pay attention to the school. He also argued verbally that like other schools, the students of his school have also migrated to private schools and none of the students of my school has migrated to other Gov. School. (But that was to be confirmed) He confessed that he did not use smart phone, instead use simple or common phone, but PST of his school Siraj Uddin regularly uses smart phone, which is linked with office of the DEO (M) and all the required information are provided well in time, hence no information gap exists,

PST of the school Siraj Uddin was also interrogated verbally and a questionnaire was also handed over to him. (Annex "E") He admitted that PSHT did not use mobile phone earlier, but now he is using. He also urged the students' strength has been affected by Covid-19 pandemic and vacations due to it. He was found to be satisfied with the performance of the PSHT as his subordinate.

(Handwritten signature)

Findings of the Enquiry:

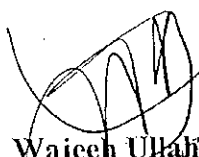
Following are the findings of the enquiry:

1. Strength of students of the school has decreased as compared to last year, but it is not 45, as physically 58 students were present and 89 as per student attendance register.
2. No pet birds are kept permanently at school.
3. Teaching learning condition/situation of the school was not too worse to bring about demotion of PSHT.
4. Though PSHT uses simple or common mobile phone, but he does not use smart phone. As PST of the school uses smart phone regularly, which is linked with DEO (M) office, hence no information gap exists.
5. The registers or record of the school has not been maintained properly or systematically.
6. PSHT of the school is simple and straight forward man rather stranger type. But these are individual differences either based on locality or natural division hence cannot be termed as standard for such like posts.
7. The chowkidar of the school has not taken over charge at the school.

Recommendations of the Enquiry:

Following are the recommendations of the enquiry:

1. Most of the points of the report of ASDEO (C) are not based upon fact; hence his recommendation for demotion of PSHT to SPST is encroachment of his authority or misuse of his official capacity.
2. PSHT may be directed strictly to update his school record accordingly.
3. PSHT and PST may be directed to motivate the local community for enhancement of enrollment, as the strength of the students is not satisfactory.
4. The competent authority may make surprise visits to the said school and all schools of far flung areas.


 Wajeeh Ullah
 Principal GHS Wanda Amir
 Dist. Lakki Marwat

13

D

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**Office of The District Education Officer
Male Lakki Marwat**

Phone & Fax: (0969)538291, Email: disted@yahoob.com
www.facebook.com/deomalelakki, www.twitter.com/deo_m_lakki

No. 7214

/Misc

Dated: 01/12/2021

To

Mr Rehmat Ullah, PSHT
GPS Kotka Abu Khan Sulaiman Khel
Lakki Marwat

Subject:

Submission of Inquiry Report against PSHT GPS Kotka Abu Khan
Sulaiman Khel Lakki Marwat

Memo,


It refers to an Inquiry Report ordered on written report of ASDEO Circle Tajori and received in this office vide SDEO Male Lakki Marwat covering memo No. 982 dated 28-07-2021 and to narrate the recommendations of Inquiry Officer pertains to you as under.


1. The PSHT may be directed strictly to update his school record accordingly.
2. The PSHT and PST may be directed to motivate the local community for enhancement of enrolment as the strength of students is not satisfactory.

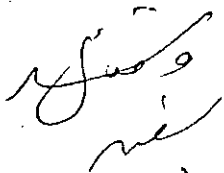
The undersigned fully agrees with the above cited recommendations and ask you to implement the same in letter and spirit and submit compliance report to the undersigned through SDEO Male Lakki Marwat. Moreover, the SDEO Male Lakki Marwat is directed to increase surprise inspection visits to the above cited school and those located in remote rural areas of his tehsil.

Even No. & Date

3. Sub Divisional Education Officer Male Lakki Marwat


District Education Officer
(Male) Lakki Marwat


District Education Officer
(Male) Lakki Marwat



2-12-21

محکمہ ابتدائی و ثانوی تعلیم لکی مروت

برجانب: رحمت اللہ، PSHT گورنمنٹ پرائمری سکول کوئٹہ ابو خان سلیمان خیل لکی مروت
عنوان: اظہار وجوہ نوٹس

ذریعہ تختی ظہور خان ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) لکی مروت بحیثیت مجاز آفسر آپ، رحمت اللہ، PSHT گورنمنٹ پرائمری سکول کوئٹہ ابو خان سلیمان خیل لکی مروت، کو حکومت خیبر پختونخوا کے سرکاری ملازمین کے لئے ای ایئرڈ ڈی روز 2011 کے تحت اظہار وجوہ نوٹس جاری کرتا ہوں کہ آپ درج ذیل غلطی/غفلت کے مرتکب ہوئے۔

- (1) بروئے چھٹی نمبر 982 بتاریخ 28-07-2021 موصولہ از ایس ڈی ای او مردانہ لکی مروت بمعہ رپورٹ اے ایس ڈی ای سرکل متعلقہ، آپ پر لگائے الزامات کی حقیقت جاننے کے لئے بحوالہ چھٹی نمبر 42-4939 بتاریخ 10-09-2021 پرنسپل گورنمنٹ ہائیر سیکنڈری سکول وانڈہ امیر لکی مروت کو انکوائری آفیسر مقرر کیا گیا جن کی طرف سے انکوائری رپورٹ جمع کرائی گئی۔
 - (2) انکوائری رپورٹ کی روشنی میں آپ کو بحوالہ چھٹی نمبر 7214 بتاریخ 01-12-2021 تا کیڈ کی گئی کہ انکوائری رپورٹ میں دی گئی سفارشات پر من و عن عمل کریں۔
 - (3) آپ نے مذکورہ بالا سفارشات کو درخور اعتناء نہیں سمجھا اور ان پر ان کی اصل روح کے مطابق عملدرآمد سے قاصر رہے۔
 - (4) آپ کے اس رویے کی وجہ سے سکول میں طلبہ کی تعداد میں اضافہ نہیں ہوا جو ظاہر کرتا ہے کہ آپ کو اہل علاقہ خاص کروالدین کا اعتماد حاصل نہیں ہے۔
 - (5) آپ سکول میں کوئی کلاس نہیں لیتے اور اکثر و بیشتر سرکاری ڈیوٹی سے غائب رہتے ہیں۔
 - (6) آپ کی وجہ سے سکول میں تعلیم و تعلم کا ماحول متاثر ہے، اور طلبہ کی تعلیم متاثر ہو رہی ہے۔
 - (3) سکول میں نظم و نسق کا فقدان اور ادارے کا وقار مجروح ہو رہا ہے۔
 - (4) آپ پیشہ ورانہ بے ضابطگی (Misconduct) اور ناقص کارکردگی (Inefficiency) کے مرتکب ہیں۔
- لہذا ذریعہ تختی نے مجاز آفیسر کی حیثیت سے حکومت خیبر پختونخوا کے ای ایئرڈ روز 2011 کے تحت اظہار وجوہ کے اس نوٹس کے ذریعے فیصلہ کیا ہے کہ مذکورہ بالا غفلت کے ارتکاب پر آپ پر بڑی سزا یعنی ملازمت سے برخاستگی لاگو کی جائے۔ نیز آپ یہ وضاحت کریں کہ آپ ذاتی شنوائی کے خواہاں ہیں یا نہیں۔
- اگر مذکورہ اظہار وجوہ نوٹس کا جواب پندرہ (15) یوم کے اندر موصول نہ ہو تو سمجھ جائے گا کہ آپ کے پاس اپنے دفاع میں کہنے کے لئے کچھ نہیں اور آپ کے خلاف یکطرفہ کارروائی عمل میں لائی جائے گی۔

ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) لکی مروت



15

(F) 03

OFFICE OF THE DISTRICT EDUCATION OFFICER
MALE LAKKI MARWAT

No. 177-82

Dated 12/01/2022

To.

1. Ibrahim Khalil PSHT GPS Ajah Khan Shamoni Khauak.
2. Ruhmat Ullah PSHT GPS Abu Khan Suleman Khel.
3. Sarwar Jan PSHT GPS Warghar Pezu.
4. Abdul Qayum Khan PSHT GPS Wanda Banochi.
5. Munawar Khan PST GPS Tor Lawang Khel.
6. Ghulam Qadir PSHT GPS No.3 Langer Khel Pacca.

Subject:- PERSONAL HEARING UNDER KHYBER PAKHTUNKHWA
GOVT. SERVANTS (EFFICIENCY & DISCIPLINE) E&D
RULES-2011.

Memo:-

You are hereby directed to attend the office of the undersigned along with relevant documents on 18-01-2022 at 10:00 AM for personal hearing before a committee headed by the undersigned and comprised of Deputy DEO (M) Lakki Marwat, SDEO (M) Lakki Marwat and SDEO (S) Sarai Naurang.

District Education Officer
(Male) Lakki Marwat

Even No. & Date:-

Copy to the:-

1. Deputy District Education Officer (M) Lakki Marwat with direction to ensure their attendance to DEO (M) office on 18-01-2022 for personal hearing of the above cited employees.
2. All committee members.
3. Master File.

District Education Officer
(Male) Lakki Marwat



16
Office of The District Education Officer
Male Lakki Marwat

Phone & Fax: (0969)538291, Email: emislakki@yahoo.com
www.facebook.com/deomaleLakki, www.twitter.com/deo_m_lakki

No. 7779 /Misc Dated: 23/12/2021

OFFICE ORDER:

The following teachers are hereby adjusted in the schools mentioned against their names on administrative grounds in the interest of public service with immediate effect.

| S# | Name with Designation | From | To | Remarks |
|----|--------------------------|---------------------------------|---------------------------------|--|
| 1 | Mr Rehmat Ullah PSHT | GPS Kotka Abu Khan Suleman Khel | GPS Payao Zar Betanni | On administrative grounds. The teacher failed to implement recommendations of Inquiry Office. He does not take any class rather often remains away from school. Disciplinary proceeding will be initiated against him under E&D Rules 2011. |
| 2 | Muhammad Adnan Khan PSHT | GPS Landi Mir Salam | GPS Kotka Abu Khan Suleman Khel | Versus S. No. 1 being single teacher school |
| 3 | Muhammad Younas PST | GPS No. 6 Tajori | GPS No. 8 Tajori | On administrative grounds. The teacher is indulged in the practice of availing unnecessary leaves. He marks himself on duty in Attendance Register. The school he is posted in has thin enrolment (26 students) and no class is assigned to him. The GPS No. 8, Tajori has enrolment of more than 300 students. Moreover, an explanation notice is also served upon him. |

Note:

1. Charge reports should be submitted to all concerned.
2. No TA/DA is allowed.

 District Education Officer
(Male) Lakki Marwat

Even No. & Date

1. Director E&SE Khyber Pakhtunkhwa Peshawar for approval please from relevant committee vide Section Officer (S/F) E&SE Khyber Pakhtunkhwa letter No. SO (S/F) E&SE 4-18/2021 Rationalization Policy dated 09-11-2021
2. District Monitoring Officer EMA Lakki Marwat
3. Sub Divisional Education Officer Male Lakki Marwat
4. Sub Divisional Education Officer Ghazni Khel
5. Teachers concerned

 District Education Officer
(Male) Lakki Marwat

47/03
2021

(7) (H)

18
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OFFICE OF THE DISTRICT EDUCATION OFFICER
MALE LAKKI MARWAT

No.
To

4901

Dated. 15/09/2022

The Director
Elementary & Secondary Education
Peshawar.

Subject: APPEAL FOR RESTORATION OF 03 ANNUAL INCREMENTS

Memo

With reference to your office letter bearing No.4137 /F.NO/Vol-1/Departmental Appeal./Estab-1 dated 04-08-2022, on the subject cited above.

It is submitted that:-

1. Mr. Rehmat Ullah PSHT GPS Abu Khan Suleman Khel as reported by Sub Divisional Education Officer (Male) Lakki Marwat vide his letter bearing No. 982 dated 28-07-2021(Copy of ASDEO report along with covering memo of SDEO annexed as "A&B").
 2. In pursuance to the above, this office was constituted vide this office No.4939-42 dated. 10-09-2021, the inquiry officer/ Principal GHSS Wanda Amir Lakki Marwat submit inquiry report. (Copy attached annexed as "C&D").
 3. In pursuance to the above, this office served a show cause notice to the appellatant through SDEO (Male) Lakki Marwat letter No.7778 dated. 29/09/2021, (Copy annexed as "E"), under the Khyber Pakhtunkhwa Efficiency & Discipline Rules -2011 with the allegation 1. Miss conduct, inefficiency 2. Disobedient.
 4. Furthermore the competent authority provided an opportunity of personal hearing to the appellatant but he failed to justify the above cited allegation.
 5. In view of the above and as per Rule-9 of KP Govt. servants(Efficiency & Discipline) Rule-2011, the competent authority(District Education Officer Male Lakki Marwat)in exercise of power conferred under section 9 of Khyber Pakhtunkhwa Govt. servants (Efficiency & Discipline) Rules -2011 imposed major penalty of Reduction to Lower Post From PSHT (BPS-15) to SPST (BPS-14) for period of Five (05) Years falling, upon Mr. Rahmat Ullah PSHT GPS Abu Khan Suleman Khel now working in GPS Payao Zar Bhattani Lakki Marwat with immediate effect.(Copy attached as Annexure "F")
 6. It is added that all codal formalities / procedure as prescribed in KP Govt. Servants.(Efficiency & Discipline) Rules -2011 were fulfilled prior to issuance of the notification of appellatant.
- Keeping in view the above facts, it is requested that the departmental appeal in respect of the above cited appellatant may please be rejected being devoid of facts/merit and time barred.


District Education Officer
(Male) Lakki Marwat

18
AUTHORITY

Mr. Kashif Munir Litigation Officer O/O the District Education Officer (Male) Lakki Marwat is hereby authorized to Submit Reply in Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar in S.A 1619/2022 Titled Rahmat Ullah Versus Government of Khyber Pakhtunkhwa on behalf of the undersigned.



District Education Officer (M)
Lakki Marwat