

Service Appeal No.2035/2023 titled "Muhammad Idrees Vs. Education Department"  
and Service Appeal No. 2036/2023 titled "Affan Ullah Vs.  
Education Department"

ORDER

24<sup>th</sup> July. 2024

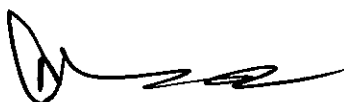
**Kalim Arshad Khan, Chairman:** Through this single order, the above two appeals, are jointly taken up, as both are similar in nature and almost with the same contentions, therefore, can be conveniently decided together

2. Learned counsel for the appellants and Mr. Muhammad Jan, District Attorney for the respondents present.

3. Appellants' case in brief is that they were appointed as Drivers vide appointment order dated 15.03.2022; that after assuming the charge of the post they started performing their duties; that all of a sudden, they were restrained from attendance and their salaries were stopped; that for the release of their salaries, they made applications but no response was made by the respondents; that vide order dated 18.10.2022, their appointment orders were withdrawn; that the appellants after receiving the impugned orders, filed departmental appeals on 01.06.2023 but the same were not responded, hence, the instant service appeal.

4. Arguments heard. Record perused.

5. Perusal of record reveals that appellants were appointed on the same date i.e. 15.03.2022 and after assumption of charge, they started performing their duties without any issues. However, without any show cause notice or other codal formalities, their pay was stopped and



resultantly, their appointment orders were withdrawn vide impugned orders dated 18.10.2022.

6. The District Education Officer (Female) Peshawar has given reasons for withdrawal of their appointment orders.

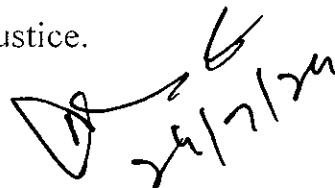
*"The Dealing Assistant D.E.O (Female) Peshawar has reported that during re-scrutinizing the appointment file of the Drivers. the date of birth of Mr. Muhammad Idrees appointed vide order No.4020-26 dated Peshawar the 15.03.2022 is incorporated mistakenly in the meeting minutes."*

7. While in the case of Affan Ullah, the DEO has rendered the following remarks:

*"The Dealing Assistant D.E.O (Female) Peshawar has reported that during re-scrutinizing the appointment file of Drivers, the date of birth of Mr. Affan Ullah mistakenly in the meeting minutes & there is ambiguity in his experience certificate/Driving License is also after due date."*


8. The reasons provided by the District Education Officer (Female) Peshawar for withdrawing the appointment orders are ambiguous and lack substance as the grounds on which the appellants' appointment orders have been withdrawn, carry no weight.

9. The withdrawal of their appointment orders without show cause notice or other codal formalities is unjustified and violates the principles of natural justice.

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10. In view of the above situation, instant service appeals are accepted, impugned orders are set aside and the matters remitted back to the respondents for proper inquiry, which to be conducted by the respondents within 60 days of receipt of this order. Appellants are reinstated for the purpose of inquiry. Costs shall follow the event. Copy of this order be placed on file of connected case. Consign.

11. *Pronounced in open Court at Peshawar given under our hands and seal of the Tribunal on this 24<sup>th</sup> day of July, 2024.*

  
(Aurangzeb Khattak)  
Member (J)

  
(Kalim Arshad Khan)  
Chairman

*\*Mutazem Shah\**