

INDEX

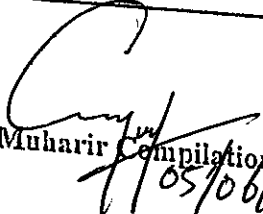
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

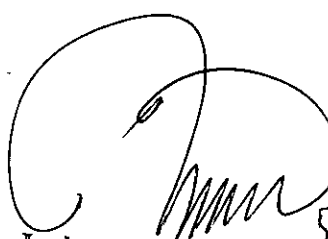
EXECUTION NO _____

APPEAL NO	INSTITUTION	ORIGINAL INSTITUTION	DECISION	PAGES
8892/20		28-07-2020	06-06-24	74

Dr. Hamid ullah vs Govt of K.P

Sr.No.	No of Pages	Documents	Page No
Part-A			
1	01-05	Judgment	05
2	06-27	Order Sheets	15
3	28-61	Memo & Appeal	34
4	62-62	Wakalatnama	01
5	63-66	Notices	04
6	67-77	Reply	14
7	78-78	Wakalatnama	01
8	79-82		04
9	-		
10	-		
11	-		
12	-		
Part-B			
1	-		
2	-		
3	-		
Total Pages in Part-A			074
Total Pages in Part-B			0

Muharir Compilation

 05/06/24


 Incharge Judicial Branch
 5/7/24



GOVERNMENT OF KHYBER PAKHTUNKHWA
CLIMATE CHANGE, FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT
(LITIGATION SECTION)

Phone No 091-9212103

NO. SO(Lit:)/CCFE&WD/3-381/Kifayat Ullah /2022

Dated Peshawar: 13th March, 2023

To,


The Conservator of Forests,
Central Forest Circle, Peshawar.

Subject : **SUBMISSION OF WRITTEN REPLY IN APPEAL NO. 1254/2022 TITLED "KIFAYAT ULLAH S/O ABDUL HALEEM VS GOVT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY & OTHERS"**

I am directed to refer to your letter No. 4105/E-Kifayat Ullah/Bajour dated 24th February, 2023 on the subject noted and to return parawise comments in the subject case (**in original**) duly signed by Secretary to Govt. of Khyber Pakhtunkhwa, Climate Change, Forestry, Environment & Wildlife Department for onward submission to the Hon'ble Court concerned **within stipulated time period**. A copy of "**receipt**" may be furnished to this Department for record and perusal of high ups.

2. Moreover, an officer posted in Peshawar not below the rank of BPS-17 may please be deputed / authorized to attend hearing of the subject case on each date of hearing with complete record / documents on behalf of the Secretary Climate Change, Forestry, Environment & Wildlife Department under intimation to this department.

Being **High Court** matter may please be treated as **Most Urgent**.


(Hafiz Abdul Jalil)
Section Officer (Litigation)

Encls. As above. (in original)

Endst: of even No & dated:

Copy of the above is forwarded to the:

1. Chief Conservator of Forests, Central Southern Forest Region-I, Peshawar w/r to his letter No. 9014/E dated 27th February, 2023.
2. Divisional Forest Officer Bajour for information.
3. Budget & Accounts Officer, Forestry, Environment & Wildlife Department.
4. PS to Secretary Climate Change, Forestry, Environment & Wildlife Department.
5. Master File.

Section Officer (Litigation)

Est

Chak

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR
AT CAMP COURT SWAT

BEFORE: RASHIDA BANO ... MEMBER (J)
MUHAMMAD AKBAR KHAN ... MEMBER (E)

Service Appeal No. 8892/2020

Date of presentation of Appeal.....28.07.2020
Date of Hearing.....06.06.2024
Date of Decision.....06.06.2024

Dr. Hamid Ullah S/o Ayoub Khan Resident of Mohallah Peer Khail P.O Rahim
Abad The Babuzai District Swat.....(Appellant)

VERSUS

1. Director of Education Khyber Pakhtunkhwa Peshawar.
2. District Education Officer (M) Swat.....(Respondents)

HAMZA ABBAS,
Advocate

For appellant.

UMAIR AZAM,
Additional Advocate General

For respondents

JUDGMENT

MUHAMMAD AKBAR KHAN, MEMBER (E):-The instant service appeal has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal, Act 1974 with the prayer copied as under;

"That on acceptance of this appeal the impugned order dated 16.01.2016, an any order if passed by the respondent No. 1 after laps of time of statutory period (90 days) may kindly be directed respondents to set aside the impugned order and the appellant may kindly reinstate with all back/ancillary benefits. Any other relief not specifically prayed for, but this August Court deems proper may also be granted."

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8

02. Brief facts of the case are that the appellant was initially appointed as PST Teacher vide order dated 8.05.2011 in GMPS Kuladeer; that without permission/leave from the competent authority the appellant remained absent from duty; that departmental proceedings were initiated against the appellant on the allegations of absence from duty and he was awarded major penalty of dismissal from service vide impugned Notification dated 16.01.2016. Feeling aggrieved from the impugned Notification dated 16.01.2016 the appellant filed departmental appeal on 15.04.2020 which was not decided within the statutory period of 90 days, hence preferred the instant service appeal on 28.07.2020.

03. Notices were issued to the respondents, who submitted their comments, wherein they refuted the assertions raised by the appellant in his appeal. We have heard arguments of learned counsel for the appellant, learned Additional Advocate General and have gone through the record with their valuable assistance.

04. Learned counsel for the appellant contended that the appellant served the department for considerable period of 04 years and 04 months and without any cogent reason the respondent department issued the impugned Notification of dismissal from service; that the appellant applied for leave which was not granted to the appellant and he was directed to continue his service at circle Education Office Mingora vide order dated 01.06.2015; that the appellant was issued show cause notices which were replied by the appellant but his reply was not considered; that no proper/regular inquiry has been conducted in the matter which is mandatory obligation on the part of

competent authority and no chance of personal hearing was provided to the appellant.

05. On the other hand, learned Additional Advocate General contended that the appellant went abroad for higher studies without proper kind of leave/NOC from the competent authority; that the appellant remained willfully absent for a long time and after observing all the codal formalities, the competent authority imposed the major penalty of "Dismissal from Service" upon the appellant under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 vide impugned Notification dated 16.01.2016.

06. It transpires from scrutiny of record available in the case file that the appellant after serving the respondents department for four years proceeded abroad for pursuing his Ph.d studies. He applied for two years leave (without pay) w.e.f. 10.03.2015 to 10.03.2017 vide his application received in the office of District Education Officer (Male) Swat on 23.02.2015. He proceeded on leave without sanction of the leave for which he had applied for. It is worth mentioning here that the appellant had submitted application for leave for the purpose of construction of his house. The respondent department upon willful absence of the appellant initiated disciplinary proceedings against him on account of willful absence under Rule-9 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. Several Show Cause Notices were served upon the appellant and through publication in the two daily newspapers he was asked to resume duty and explain the reasons of his absence by appearing in person before the competent authority. Although reply to the show cause notices by the appellant dated 01.07.2015 &

14.10.2015 are available on record but it transpires that he was abroad and was replying to the show cause notices through proxy. After publication in the newspapers the competent authority imposed a major penalty of dismissal from service upon the appellant vide order dated 16.01.2016. A copy of transcript of University of Ulsan, Republic of Korea submitted by the appellant with his memo of appeal shows that he remained out of country for more than five years to pursue his Ph.d study. We observe that willful absence of the appellant stands proved and proceedings against him have rightly been undertaken under Rule-9 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. However, the major penalty of dismissal from service imposed upon the appellant is not a lawful penalty as imposition of major penalty is not the discretion of the competent authority rather Rule-9 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 provides the penalty of removal from service in such case. We therefore, dismiss the appeal in hand and modify the impugned order dated 16.01.2016 to the extent of conversion of major penalty of dismissal from service into the major penalty of removal from service. Costs shall follow the event. Consign.

07. *Pronounced in open court at camp court Swat and given under our hands and seal of the Tribunal on this 06th day of June, 2024.*



(RASHIDA BANO)
Member (E)
Camp Court Swat



(MUHAMMAD AKBAR KHAN)
Member (E)
Camp Court Swat

5

06.06.2024 1. Learned counsel for the appellant present. Mr. Umair Azam, Additional Advocate General for the respondents present. Arguments heard and record perused.

2. We therefore, dismiss the appeal in hand and modify the impugned order dated 16.01.2016 to the extent of conversion of major penalty of dismissal from service into the major penalty of removal from service. Costs shall follow the event. Consign.

3. *Pronounced in open court at camp court Swat and given under our hands and seal of the Tribunal on this 06th day of June, 2024.*



(RASHIDA BANO)
Member (E)
Camp Court Swat



(MUHAMMAD AKBAR KHAN)
Member (E)
Camp Court Swat

07.03.2024

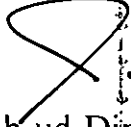
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Learned counsel for the appellant present.

Mr. Muhammad Jan, District Attorney for the respondents present.

Worthy Chairman has proceeded to Peshawar for attending meeting of Provincial Justice Committee scheduled in Peshawar High Court, Peshawar today, therefore, D.B is incomplete. Adjourned. To come up for arguments on 09.05.2024 before the D.B at Camp Court Swat. Parcha Peshi given to the parties.

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


Naeem Amin


09.05.2024

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

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Former stated that learned counsel for the appellant is not in attendance due to general strike of the lawyers. Adjourned. To come up for arguments on 06.06.2024 before D.B at camp court Swat. Parcha Peshi given to the parties.


(Fareeha Paul)
Member (E)
Camp Court, Swat


(Rashida Bano)
Member (J)
Camp Court, Swat

Kaleemullah

06.12.2023 1. Learned counsel for the appellant present. Mr. Muhammad Jan, learned District Attorney for the respondents present.

2. Learned counsel for the appellant requested that time may be granted to him to proper document the appeal. Granted. To come up for arguments on 04.01.2024 before D.B at camp court Swat. P.P given to the parties.

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kamranullah

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

(Rashida Bano)
Member (J)
Camp Court Swat

04.01.2024 1. Appellant in person present. Mr. Muhammad Jan learned District Attorney alongwith Hussain Ali, ADEO for the respondents present.

2. Appellant requested for adjournment on the ground that his counsel is not available today. To come up for arguments on

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Peshawar

Kaleemullah

07.03.2024 before D.B at camp court, Swat. P.P given to the parties.

(Salah-ud-Din)
Member (J)

(Kalim Arshad Khan)
Chairman
Camp Court, Swat


03.07.2023

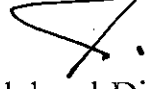
KS

Clerk of learned counsel for the appellant present.
Mr. Fazal Shah Mohmand, Additional Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the Hon'ble Peshawar High Court, Mingora Bench (Dar-ul-Qaza), Swat. Adjourned. To come up for arguments on 02.10.2023 before the D.B at Camp Court Swat. Parcha Peshi given to the parties.

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Peshawar
Naem Amin


(Fareeha Paul)
Member (E)
Camp Court Swat



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


02.10.2023

Learned counsel for the appellant present. Mr. Inayatullah Khan, Assistant Advocate General for the respondents present.

Learned counsel for the appellant seeks some time for preparation of arguments. Adjourned. To come up for arguments on 06.12.2023 before the D.B at Camp Court Swat. Parcha Peshi is given to the parties.

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Peshawar


(Rashida Bano)
Member (J)
Camp Court Swat


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

16

05th June, 2023

1. Learned counsel for the appellant present. Mr. Fazal Shah Mohmand, Additional Advocate General alongwith Mr. Hussain Ali, ADEO for respondents present.

2. The matter was earlier heard by a bench comprising of Mr. Salah Ud Din, learned Member (Judicial) and one of us (Mr. Muhammad Akbar Khan, Member Executive) and was also fixed for order but that could not be announced and it was fixed for re-hearing. Learned counsel for the appellant seeks some time for re-arguments. He also requested that the case may be fixed before any other bench, so that it could be decided. To come up for arguments on 03.07.2023 before D.B at Camp Court, Swat. P.P given to the parties.

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Peshawar**

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

(Kalim Arshad Khan)
Chairman
Camp Court, Swat

**Mutazem Shah **

6th April, 2023

None for the appellant present. Mr. Fazal Shah, Mohmand,
Addl: AG for the respondents present.

Notice issued by General Secretary District bar Association Swat received, wherein it is mentioned that as general body meeting of Peshawar High Court, Mingora bench Bar Association has been called for today at 10:00 AM, therefore, lawyers will not appear before any court after 10:00AM. Adjourned. To come up for arguments on 02.05.2023 before the D.B at camp court Swat. P.P given to the parties.

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Peshawar



(Salah Ud Din)
Member(J)



(Kalim Arshad Khan)
Chairman
Camp Court Swat

02.05.2023

Appellant present through counsel.

Muhammad Jan, learned District Attorney for respondents present.

Former made a request for adjournment. Even otherwise, partial arguments have been heard by the Bench comprising of Mr. Salah Ud Din, learned Member (Judicial) and Mr. Muhammad Akbar Khan, learned Member (Executive), therefore, case is adjourned to 05.06.2023 for re-arguments before D.B at Camp Court, Swat. Parcha Peshi given to the parties.

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(Fareeha Paul)
Member (E)
Camp Court, Swat



(Rozina Rehman)
Memsber (J)
Camp Court, Swat

18

15th March, 2023

Nemo for the appellant. Mr. Asif Masood Ali Shah,
Deputy District Attorney for the respondents present.

The appeal in hand was heard by one of (Salah-ud-Din)
Member (Judicial) and Mr. Muhammad Akbar Khan Member
(Executive), therefore, to come up for order on 24.03.2023
before the concerned D.B. Notice also be issued to appellant as
well as his counsel for the date fixed.

(Salah-ud-Din)
Member (J)

(Kalim Arshad Khan)
Chairman

24.03.2023

Nemo for the appellant. Mr. Asif Masood Ali Shah, Deputy
District Attorney for the respondents present.

Further legal assistance on certain points is needed, therefore,
to come up for re-arguments on 06.04.2023 before the D.B at Camp
Court Swat.


(Muhammad Akbar Khan)
Member (E)


(Salah-ud-Din)
Member (J)

07.02.2023

Learned counsel for the appellant present. Mr. Hussain Ali, ADEO alongwith Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Arguments heard. To come up for order on 09.02.2023 before the D.B at Camp Court Swat.


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


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


09.2.23

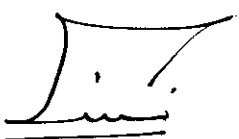
Proper DB is not available,
Therefore case is adjourned to
3.3.2023 for order at Principal
Seat Peshawar.
Rader

03.03.2023

Nemo for the appellant. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

The appeal in hand was heard by one of us (Salah-ud-Din) Member (Judicial) and Mr. Muhammad Akbar Khan Member (Executive), therefore, to come up for order on 15.03.2023 before the concerned D.B. P.P given to learned Deputy District Attorney. Notice also be issued to appellant as well as his counsel for the date fixed.


(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)

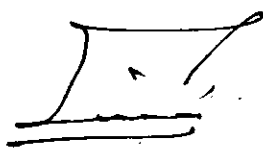
SCANNED
KPST
Peshawar

08th Nov, 2022

Learned counsel for the appellant present. Mr. Riaz Ahmad Paindakhel, Assistant Advocate General alongwith Mr. Hussain Ali, ADEO for the respondents present.

Learned counsel for the appellant seeks adjournment in order to properly assist the court on the next date. Adjourned. To come up for arguments on 06.12.2022 before the D.B at Camp Court Swat.

**SCANNED
KPST
Peshawar**



(Salah Ud Din)
Member (Judicial)
Camp Court Swat



(Kalim Arshad Khan)
Chairman
Camp Court Swat

06.12.2022

Tour is hereby cancelled, therefore, the case is adjourned to 03.01.2023 for the same as before.


Reader

03.01.2023

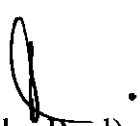
Nemo for appellant.

*Counsel was informed
Tellephonically on
20-1-23*

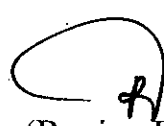
Muhammad Jan learned District Attorney alongwith Bakhti Rehman Litigation Officer for respondents present.

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KPST
Peshawar**

Preceding date was adjourned on Reader's note, therefore, notices be issued to appellant and his counsel for the next date. To come up arguments on 07.02.2023 before D.B at camp court Swat.



(Fareeha Paul)
Member (E)
(Camp Court Swat)



(Rozina Rehman)
Member (J)
(Camp Court Swat)

U. 8. 717

21
Due to summer vacation the case
adjourned to 3.10.22 for the same




03.10.2022

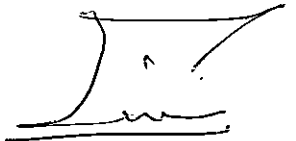
Mr. Shahid Imran, Advocate on behalf of the appellant present and submitted fresh Wakalatnama, which is placed on file. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Learned counsel for the appellant stated at the bar that he has been newly engaged in the instant appeal and has not gone through the record, therefore, an adjournment may be granted. Adjourned. To come up for arguments on 08.11.2022 before the D.B at Camp Court Swat.

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Peshawar**



(Rozina Rehman)
Member (Judicial)
Camp Court Swat



(Salah-Ud-Din)
Member (Judicial)
Camp Court Swat

09.03.2022

Due to retirement of the Hon'ble Chairman, the case is adjourned to 11.05.2022 for the same as before.


Reader

11.05.2022

Nemo for the appellant. Mr. Noor Zaman Khattak, District Attorney alongwith Mr. Fazal Ur Rehman, Principal for respondents present.

Previous date was changed on Reader note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel through registered post and to come up for arguments on 09.06.2022 before D.B at camp court Swat.



(Mian Muhammad)
Member(E)

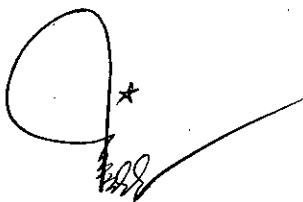


(Salah Ud Din)
Member(J)
Camp Court Swat

9th June, 2022

None for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

Counsel are on strike. To come up for arguments on 08.07.2022 before the D.B at camp court Swat.



(Mian Muhammad)
Member(E)



(Kalim Arshad Khan)
Chairman
Camp Court Swat

08.07.2022

Since 8th July 2022 is declared as holiday. Therefore, case is adjourned to 04/ 08 /2022 for the same as before.

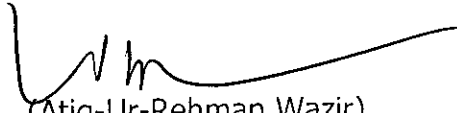

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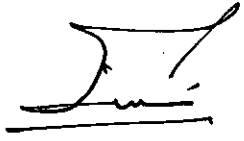
23

S.A No.8892/2020

03.11.2021

Appellant in person present. Mr. Aziz Ahmad, PST alongwith Mr. Riaz Khan Paindakhel, Assistant Advocate General for respondents present and sought time for submission of reply/comments. Adjourned. To come up for submission of reply/comments as well as arguments before the D.B on 05.01.2022 at Camp Court Swat.


(Atiq-Ur-Rehman Wazir)
Member (Executive)
Camp Court, Swat


(Salah-Ud-Din)
Member (Judicial)
Camp Court, Swat

05.01.2022

Learned counsel for the appellant present. Mr. Hussain Ali, Litigation Officer alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Written reply on behalf of respondents submitted, which is placed on file and copy of the same is handed over to the learned counsel for the appellant. Adjourned. To come up for rejoinder, if any, as well as arguments before the D.B on 09.03.2022 at Camp Court Swat.


(Salah-Ud-Din)
Member (J)
Camp Court Swat

24


25.08.2021

Counsel for the appellant present. Preliminary arguments heard.

The impugned order as annexed with memorandum of appeal reveals that the penalty of dismissal from service was imposed upon the appellant within the meaning of Rule 4(b)(iii) of the Khyber Pakhtunkhwa Government servants (E&D) Rules, 2011. The said provisions as referred in the impugned order are meant for removal from service but in the operative part, major penalty of dismissal from service has been imposed upon the appellant on account of his wilful absence. The question of voidness of the impugned order is likely to arise. Therefore, it would be in the fitness of things to admit this appeal for hearing on merits obviously subject to all just and legal objections including that of limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office at Peshawar within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 03.11.2021 before the D.B at camp court, Swat.

Appellant Deposited
Security & Process Fee

7/9/21


Chairman
Camp court, Swat.

25

05/04/2021

Due to COVID-19, the case is adjourned to
07/06/2021 for the same.


READER

26.07.2021

To come up for preliminary hearing on 25.08.2021
before S.B at Camp Court, Swat. Notices be issued to
appellant/counsel for the date fixed.


Chairman

26

01.02.2021

Appellant in person present.

He made a request for adjournment as his counsel is not available. Adjourned. To come up for preliminary hearing on 05.04.2021 before S.B at Camp Court Swat.



(Rozina Rehman)
Member(J)
Camp Court Swat

1/2/21

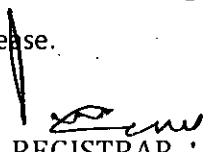


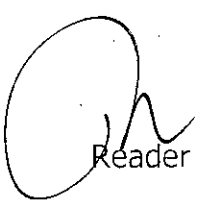
27

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 8892/2020 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/08/2020	<p>The appeal of Mr. Hamidullah resubmitted today by Mr. Hamza Abbas Mohmand 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> <p>2-</p> <p>This case is entrusted to touring S. Bench at Swat for preliminary hearing to be put up there on <u>02.11.2020</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>02.11.2020</p> <p>Appellant in person present.</p> <p>Lawyers are on general strike, therefore, case is adjourned to 07.12.2020 for preliminary hearing, before S.B at Camp Court, Swat.</p> <p style="text-align: right;"> (Rozina Rehman) Member (J) Camp Court, Swat</p> <p>07.12.2020</p> <p>Due to COVID-19, case is adjourned to 01.02.2021 for the same as before.</p> <p style="text-align: right;"> Reader</p>


(28)

The appeal of Mr. Hamidullah son of Ayub Khn resident of Mohallah Peer Khail Rahim Abad received today i.e. on 28.07.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the Counsel.
- 2- Index of the appeal may be prepared according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 3- Addresses of respondents as well as appellant are incomplete which may be completed according to Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 4- Annexures of the appeal may be attested.
- 5- Annexures of the appeal may be flagged.
- 6- Annexure-A of the appeal is incomplete which may be completed.
- 7- Departmental appeal having no date be dated.
- 8- Page no.9 and 21 of the appeal are illegible which may be replaced by legible/better one.
- 9- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- 10- Four more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1941 /S.T,

Dt. 28-07/20


REGISTRAR,
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Hamza Abbas Adv. Swat.

Sir,

Resubmitted after doing the
needful.



29

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

Appeal no. 8892/2020

SCANNED
KPST
Peshawar

Dr Hamid ullah S/o Ayoub Khan Resident of Mohallah Peer
Khail P.O Rahim Abad Teh Babuzai District Swat

... Appellant

- VERSUS -

5. Director of Education Khyber Pakhtunkhwa Peshawar.

6. ~~DISTRICT Education Officer (M) Swat~~

... Respondents

INDEX

S.#	Description of Documents	Annex:	Pages
1.	Service Appeal	
2.	Certificate	
3.	Attested Copy of open order	A	1 - 3
4.	Copy of Order & Corrigendum	B	4
5.	Copy of PhD Degree / Scholarship / Admission Notice / invitation letter	C	5 - 9
6.	Copy of Applications for leave and Replies	D	10 - 15
7.	Copy of Notification of Taking charge of his duty	E	16
8.	Copy of Show Cause Notices & Replies	F	17 - 20
9.	Copy of Call Notices & Replies	G	21 - 24
10.	Copy of Dismissal Notification	H	25
11.	Copy of Departmental Appeal For Reinstatement	I	26
12.	Copy of identity card	J	
13.	Wakalat Nama	K	

Accused /Petitioner
Through

Hamza Abbas
ADVOCATE
District Bar Association
Swat.

Hamza Abbas

Advocate High Court

Cell No. 0333-9484482

Off: Azem Khan Plaza Makanbagh, Mingora, Swat

(30)

SCANNED
KPST
Peshawar

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. 8892 / 2020

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 8131

Dated 28/7/2020

Dr Hamid ullah S/o Ayoub Khan Resident of Mohallah Peer
Khail P.O Rahim Abad Teh Babuzai District Swat

... Appellant

- VERSUS -

1. Director of Education Khyber Pakhtunkhwa Peshawar.

2. District Education Officer (M) Swat

... Respondents

Appeal Under Section 4 of the Service Tribunal Act, 1974,
against impugned order Endorsement No 861219 Dated
16/1/2016, whereby department Appeal was preferred to the
respondent No # 1 (Director of Education) But was not decided
within Statutory Period (90 Days)

Filed to-day
Registrar
28/7/2020

Prayer:

On acceptance of this appeal the impugned order
dated 16/1/2016, an any order if passed by the respondent No
1 after laps of time of statutory Period (90 Days) may kindly be
directed respondents to set aside the impugned order and the
appellant may kindly reinstate with all back / ancillary benefits.

Any other relief not specifically prayed for, but this
August Court deems proper may also be granted.

Re-submitted to -day
and filed.

Registrar
6/8/2020

Respectfully Sheweth;

1. That appellant was initially appointed as (PST) Teacher vide order dated 28/5/2011 in GMPS Kuladeer. (Attested Copy of open order & Copy of Order & Corrigendum annexure A , B (Annexure B Consisted of 2 pages))
2. That the appellant performed his duties to the best of ability and to the entire satisfaction of his superiors.
3. That the appellant applied for PhD course in physics abroad and admission was allowed to the appellant.(Copies of PhD Degree , admission , Scholarship and letter of invitation are Annexure C (Consisted on 4 Pages))
4. That the appellant applied for 2 years leave on feb 2015 till may 2015, the application of appellant for leave was not decided , therefore the appellant met with respondent No 1 and was decided to perform his duties at the office ADEO education therefore from 1st June to 18 August 2015 the appellant perform his duties in the office of the Assistant district education office and again applied for the leave. (copies of applications & Replies & Notification of Rejoining of the office, Annexure D , E (Annexure D Consisted on 5 pages))
5. That meanwhile the month of August salary of the appellant was stopped and the appellant presumed that the leave has been sanctioned.
6. That later on the appellant received show causes notices which were properly replied. (Copies of Show

cause Notices and replies are Annexure – F (consisted on 4 pages))

7. That the appellant received Call notice which was properly replied. (Copies of Call notices and Replies are Annexure – G (consisted on 4 pages))
8. That the Respondent No 1 without considering the reply of the appellant, without going in to the facts and circumstances of the case illegally issued impugned order dated 16-01-2016 and imposed major penalty of dismissal from service (Copy of the order is Annexure - H)
9. That the appellant preferred departmental appeal before respondent No 2, But despite the passage of statutory period of 90 Days, the said departmental appeal was not decided, Hence the appellant filing the instant appeal on the following ground inter alia amongst others. (Copy of Departmental appeal is Annexure - I)

GROUNDS:

- i. That the appellant served the department for considerable periods Approximately 4 years and 4 months, the Respondents without with cogent reason issued the impugned order and imposed major penalty disposal from service.
- ii. That the appellant applied for leave which was not granted to the appellant and therefore the appellant was directed to continue the service vide order 1139 dated 1/6/2015 at circle education office Mingora from 1/6/2015 his duties at the said place of duty/ circle office Mingora.

- iii. That the appellant was issued show cause notices which were properly replied by the appellant.
- iv. That No proper inquiry was conducted but the impugned order was passed in hasty manner.
- v. That no opportunity of being heard was provided to the appellant.
- vi. That the impugned order is against the law, rules.
- vii. That the impugned order based on malafide, arbitrary and discrimination.
- viii. That the appellant service for considerable periods was not considered and impugned order was passed.
- ix. That the appellant applied to the respondent No 2 and filed departmental appeal against the impugned order dated 16-01-2016 but that was neither decided nor appellant was called for any hearing, moreover if the respondent No 2 decides any such appeal in the absentia of appellant which was never communicated to the appellant would also be nullity in the eyes of law.
- x. That the appellant applied for leave and got higher studies and got PhD degree in Physics and this sole ground as the appellant is highly qualified person and deserved to be reinstated on the service.
- xi. The appellant may be provided an opportunity to teach the students and share has experience with them.
- xii. That the appellant is still jobless and needs consideration on this ground also, as therefore very

humbly prayed that on acceptance of this appeal the impugned order dated 16/1/2016 may kindly set aside in the appellant may kindly reinstate in the service with all back benefits.

- xiii. Any other grounds not specifically raised will be argued with prior permission of this august court.

It is therefore very humbly prayed that, on acceptance of this appeal respondents may please be directed to reinstated in the service with all back / ancillary benefits

Any other relief which is otherwise deemed proper, lawful, efficacious may also be granted in favour of appellant.

Handwritten signature of Dr Hamid Ullah

Dr Hamid Ullah
(Appellant)

Verification

It is verified that the contents of the above titled appeal are true & correct to the best of my knowledge & belief.

Handwritten signature of Dr Hamid Ullah

Dr Hamid Ullah
(Appellant)

Identification

Hamza Abbas Advocate

Cell# 03339484482

Off Address: Azeem Khan
Plaza Makan Bagh Mingora
Swat

Signature

Handwritten signature of Hamza Abbas
HAMZA
ADVOCATE
District Bar Association
Swat.

35

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. _____ / 2020

Dr Hamid ullah S/o Ayoub Khan Resident of Mohallah Peer
Khail P.O Rahim Abad Teh Babuzai District Swat

... Appellant

- VERSUS -

3. Director of Education Khyber Pakhtunkhwa Peshawar.
4. Office of the Education Department, District Swat Gul Kada
Saidu Sharif.

... Respondents

AFFIDAVIT

It is solemnly affirm and declare on oath that no such like appeal or
revision against the impugned judgment & decree has been filed prior to
the instant appeal, in any competent court of law nor is pending and in this
respect nothing has been kept concealed from this Hon'ble Court.

Deponent



Dr Hamid Ullah
(Appellant)

Note: Correct addresses of the parties are mentioned in the heading
of the above titled appeal. In case of any change, the
appellants will submit the correct new memo of addresses.

36

OFFICE OF THE EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDARY
EDUCATION SWAT
Phone No. 0946-9240228-209

ORDER

In pursuance of the meeting of the District Selection Committee held on 28.05.2011, the Executive District Officer Elementary & Secondary Education Swat being competent authority is pleased to order the appointment of the following candidates against PST vacant posts at the School noted against their names in BPS:09 Rs. 3020-230-10/30/09 at the usual allowances as admissible under the rules except section 19 of Khyber Pukhtun Khwa Rule 1973 with effect from the date of their taking over charge subject to the following terms and conditions given below:

PST MALE UNION COUNCIL WISE

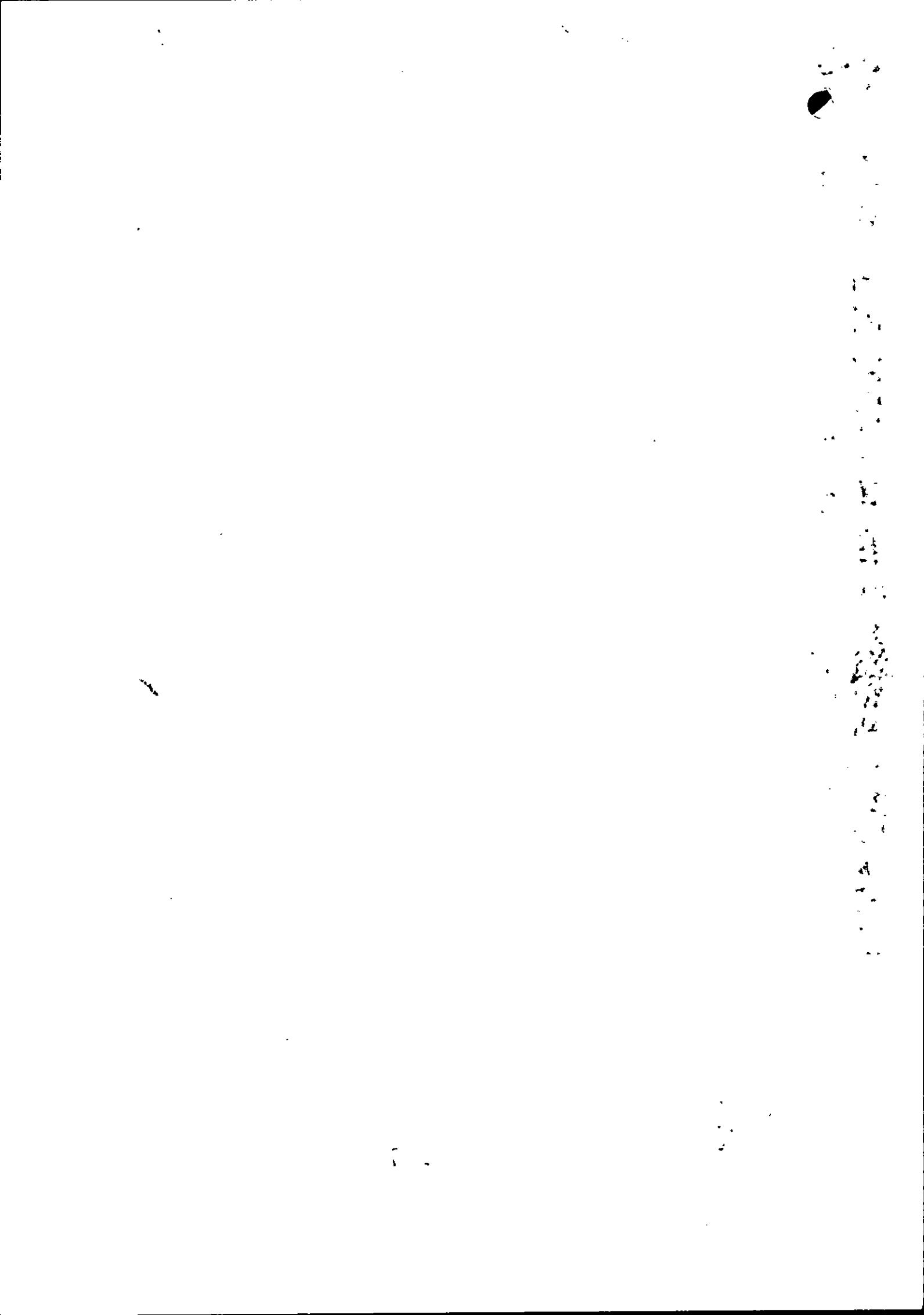
Sl. No.	Name of Candidate	Union Council	Date of Birth	Age	U/C	GPS No.
1	Syed Bahar Alam Shah S/o Syed Fazal Karim	Banjot	17.04.1988	63.21	U/C A.M.Bekhel	GPS Achar No.1
2	Muhammad Farooq S/o Said Muhammad	Sar Sindhway	01.03.1984	61.81	U/C A.M.Bekhel	GPS Uzbaka
3	Nasar Hussain S/o Fazal Rahim	Binakand	01.03.1989	62.73	U/C Arkot	GPS Shpilai
4	Hazrat Ali S/o Mamber	Sharo	25.03.1986	62.27	U/C Arkot	GPS Ochrai
5	Murad Ali S/o Moamber Khan	Kahn Kot	10.04.1985	62.25	U/C Asharay	GPS Pinnodni
6	Naved Ahmad S/o Nisar Ahmad	Bahrain	12.04.1989	56.84	U/C Bahrain	GPS Kulhanr
7	Mujeebur Rahman S/o Mirajud Din	Bahrain	12.08.1986	56.59	U/C Bahrain	GPS Kaz Abu
8	Muhammad Ismail S/o Shah Masin Khan	Baidara	06.01.1987	60.52	U/C Baidara	GPS Gharib Abad
9	Imran Khan S/o Bakht Baidar Khan	Baidara	10.11.1981	59.18	U/C Baidara	GPS Bqawra
10	Akhtar Hameed S/o Akhtar Mumir	Kidam	01.09.1988	61.47	U/C Balakot	GPS Katil Ramait
11	Imtiaz Ahmad S/o Fazal Wadood	Shara Bandai	18.05.1988	60.29	U/C Bara Bandai	GPS Malooka
12	Fazal Hayat S/o Bacha Zada Khan	Fangar	02.03.1987	61.17	U/C Barthana	GPS Gamsir No.1
13	Taj Muhammad Khan S/o Fahim Gul	Bashigram	01.03.1990	63.20	U/C Bashigram	GPS Shinkoo
14	Umar Farooq S/o Nawsherawan	Beshigram	14.01.1989	62.80	U/C Bashigram	GPS Shalkyar
15	Muhammad Sadiq S/o Wahid Zaman	Biba	03.01.1989	62.60	U/C Biba	GPS Qila Fazil Banda
16	Muhammad Anjum S/o Muhammad Zahid	Labat	20.12.1988	61.83	U/C Biba	GPS Barabro
17	Samiullah S/o Tajim Khan	Chuprial	01.12.1989	61.93	U/C Chuprial	GPS Gujabanr
18	Noor Ali S/o Hadi Khan	Kamalay	20.01.1986	60.48	U/C Chuprial	GPS Kamalay

Attested by

Shamza Abbas
ADVOCATE
District Bar Association
Swat

Attested

[Signature]



51	Anwarul Haq S/o Shah Kamin	Sakhra	28.12.1969	62.62	U/C Sakhra	GPS Shakhai
	Sikandar Hayat S/o Muhammad Amin Khan	Sakhra	03.02.1983	61.98	U/C Sakhra	GPS Gurai Lalkoo
52	Muhammad Zuhir S/o Gul Zaman	Shah Dherai	02.12.1983	60.81	U/C Shah Dherai	GPS Serai Shahderai
53	Jamalud Din S/o Muhammad Ali Khan	Shahdherai	06.05.1986	60.59	U/C Shah Dherai	GPS Sekai Shahderai
54	Ali Akbar S/o Shamshi Bahadar	Zara Khela	20.04.1981	60.07	U/C Shamsozi	GPS Jabugai
55	Muhammad Zakarya s/o tota Khan	Bar Shawar	10.02.1985	61.86	U/C Shawar	GPS Reema
56	Muhamamd Khaliq S/o Sher Zada	Kuz Shawar	20.04.1981	61.78	U/C Shawar	GPS Kandhwai
57	Jainshid S/o Talizar	Nawnkaly Shin	15.04.1978	57.39	U/C Shin	GPS Bargui
58	Niamatullah S/o Ihsanullah	Deolai	02.08.1989	62.49	U/C Deolai	GPS Shage Hawan
59	Anwar Ali S/o Shah Wazir Khan	Manni	03.05.1990	61.75	U/C Tall	GPS Manzkhpa
60	Bacha Nawab S/o Muhammad Qayum	Manni	26.06.1991	61.60	U/C Tall	GPS Dehokhwar
61	Israr Ahmad S/o Nisar Ahmad	Totano Bandai	01.03.1989	56.72	U/C Totano Bandai	GPS Shagan Sabala

PST MALE OPEN MERIT

S.No.	Name with parentage	Address	D/O birth	Marks	Place of posting
1/917	Iqbal Hussain S/o Abdur Rauf	Kota	07.03.1985	71.78	GPS Talang
2/363	Rafiullah s/o Rehanullah	Barana Mingora	04.03.1985	70.05	GMPS Sherabad
3/645	Barkat Ali Khan S/o Bakht Amin Khan	Hazara	01.01.1984	69.92	GPS Tootbanai
4/29	Muhammad Saleem Khan S/o Qayl Khan	Kandari	10.01.1991	69.52	GPS Langur
5/244	Muhammad Raziq S/o Mian Sular	Kuz Shawar	10.09.1984	69.45	GPS Doughtal
6/132	Yousaf Ali Shah S/o Muhammad Rahim Sahib	B.D.khela	15.06.1981	69.25	GPS Spinakhpa
7/55	Shawkat Ali S/o Taj Muhammad Khan	Nawnkalay (M)	10.03.1985	68.52	GPS Rahimabad-2
8/430	Muhammad Ahad S/o Muhammad Ambali Khan	Dakorak	12.03.1985	68.31	GMPS Egulbanr
9/193	Nisar Ali S/o Sardar Ali	Khawaz Khela	04.07.1986	68.24	GPS Fikhrat
10/332	Farmanullah S/o Samiul Haq	Janoo	18.03.1986	68.16	GPS Babomaira
11/121	Hamidullah S/o Ayub Khan	Qambar	03.05.1983	68.11	GMPS Kulakarai
12/802	Attaullah S/o Habibun Nabi	Udigram	01.06.1978	67.95	GMPS Nimogram
13/889	Rahmat Ali S/o Tasir Jan	Ningolai	01.01.1987	67.86	GPS Narapur
14/145	Anjad Ali S/o Akbar Shah	Qambar	18.04.1982	67.67	GPS Sabomay
15/1398	Sunat Ram Chawla S/o Hans Raj Chavla	Shah Dara	30.04.1985	67.43	GMPS Manganoo Chum
16/421	Shafiq Ahmad S/o Shakeel Ahmad	Udigram	17.04.1983	67.42	GPS Faizabad No.2
17/16	Muhammad Tariq S/o fazal Wadood	B.D. Khela	10.04.1977	67.34	GPS Bara Duraskhela Chum

Attested by

Shah Abbas
District Bar Association,
Swat

(Signature)

Attested by

(Signature)

10. will be proceeded under special power ordinance 2000
11. They should join the post within one month of the issuance of this order otherwise their appointment will be cancelled automatically.
12. In case of resignation they will have to give one month prior notice to the Department or forfeit one month salary in lieu thereof to the government.
13. The new appointees will not apply for transfer at least for two years.
14. The senior employees can appeal for transfer against the place of new appointees within a month time positively, later on any appeal will not be considered.
15. No EA/DA is allowed.

سید عابد علی
 سید عابد علی
 سید عابد علی
 سید عابد علی
 سید عابد علی

Encl: No. 10046-S3 /Appointment/2011

dated 30-6-2011

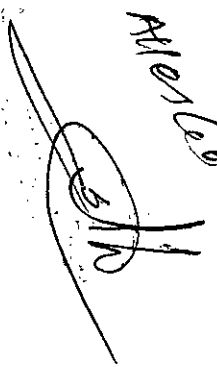
Copy for -

1. The Director Elementary and Secondary Education Khyber Pakhtun Khwa Peshawar
2. The District Coordination Officer Swat.
3. The District Accounts Officer Swat.
4. The DDC (Male) Primary Swat.
5. The ADO Male concerned.
6. The Superintendent Primary local office.
7. The candidate concerned.
8. PA to EDO local Office.

سید عابد علی
 سید عابد علی
 سید عابد علی
 سید عابد علی
 سید عابد علی

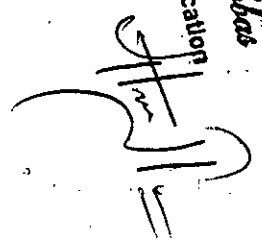


سید عابد علی



سید عابد علی

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 سید عابد علی



OFFICE OF THE
EXECUTIVE DISTRICT OFFICER
ELEMENTARY AND SECONDARY
EDUCATION SWAT.

CORRIGENDUM.

Please read the following schools against each in office order issued vide this office Endst: No: 10046-53/Apptt: /2011 dated 30/6/2011.

S.No in Apptt: Order	Name	Please read	Instead of
15 (O/M)	Mr: Sant Ram Chawla PST	GPS: Ashobarai	GMPS: Miangano Cham Saidu sharidf
36 (O/M)	Mr: Arshad Iqbal PST	GMPS: Miangano Cham Saidu Sharif	GPS: Kadona
39 (O/M)	Mr: Noorul Ahad Mian PST	GMPS: Kulakarin	GPS: Barjabar.
22 (O/M)	Mr: Farid Ahamad PST	GPS: Cham satal	GPS: Lalshish Bala Kot
51 (O/M)	Mr: Muhammad Arif PST	GPS: Lalshish Bala Kot	GPS: Paklai
11 (O/M)	Mr: Hamidullah PST	GMPS: Kuladeer	GMPS: Kulakarin

(SULTAN MUHMOOD MIAN)
EXECUTIVE DISTRICT OFFICER
ELEMENTARY AND SECENDARY
EDUCATION SWAT

Endst: No. 10103-10 /Tran: V:V () Dated: 7/7/ /2011

Copy of the above is forwarded for information and further necessary action to:-

- The District Comptroller of accounts Swat at Saidu Sharif.
- The Deputy District officer (M) Primary Elementary and Secondary Education Swat
w/r to his No 1589 & 1590 dated 6/7/2011.
- The teacher Concerned

EXECUTIVE DISTRICT OFFICER
ELEMENTARY AND SECENDARY
EDUCATION SWAT.

Attested

[Signature]
Principal, Swat

Attested by

[Signature]
ADVOCATE
District Bar Association
Swat.

[Signature]

40

Annexure - C

(5)



THE UNIVERSITY OF ULSAN

Upon the recommendation of the Faculty and under the authority of the laws of the Republic of Korea hereby confers the Degree of

Doctor of Philosophy
in Physics

upon
ULLAH HAMID

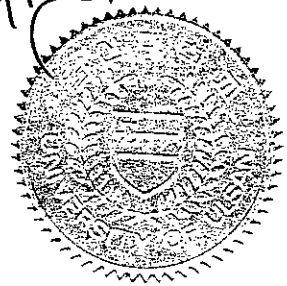
born on May 03, 1983

with all the rights,
privileges and honors pertaining thereto.

Jahid Ullah
Director, Physical Education
Govt P.G. Jahanzeb College
Saidu Sharif Swat.

Attested by
Hamza Abbas
ADVOCATE
District Bar Association
Swat

Hamza Abbas



Dated at Ulsan, Republic of Korea,
February 14, 2020

Young-Shick Ro

Young-Shick Ro, Ph.D.
Dean of the Graduate School

Yeon Cheon Oh

YEON-CHEON OH, Ph.D.
President of the University

(41)

(6)

The Graduate School
UNIVERSITY OF ULSAN

93 Dachak-ro, Nam-gu, Ulsan (44610), Republic of Korea
Tel : 82-52-259-1111. Fax : 82-52-277-1532

NO : G2020-000491

ACADEMIC TRANSCRIPT

Date : February 14, 2020

Student No : 20155849
Name in Full: ULLAH HAMID
Sex : Male
Date of Birth : May 3, 1983
Date of Admission: September 1, 2015
Major: Physics
Course : Doctor's Degree
Date of Completion : August 18, 2017
Date of Degree Received: February 14, 2020
Degree Received : Doctor of Philosophy

Supervisor(s): Young-Han Shin
Thesis Title : A theoretical study on the influences of vacancies and impurity on the electronic and magnetic properties of 2D materials.

Subject	Credit	Grade	Subject	Credit	Grade
((2015 2nd semester))					
Advanced Crystallography	3	A0			
Advanced Physics Seminar III	1	A0			
Dielectric Physics	3	A0			
Solid State Physics I	3	B+			
PSD : 10	GPA : 3.85				
((2016 1st semester))					
Advanced Physics Seminar II	1	A+			
Electromagnetics	3	B+			
Magnetism	3	B0			
Quantum Mechanics I	3	A+			
PSD : 10	GPA : 3.75				
((2016 2nd semester))					
Classical Mechanics	3	B+			
Doctoral Thesis Research II	3	S			
Electromagnetism II	3	B0			
Quantum Mechanics II	3	A0			
PSD : 12	GPA : 3.50				
((2017 1st semester))					
Advanced Physics Seminar IV	1	A+			
Doctoral Thesis Research I	3	S			
PSD : 4	GPA : 4.50				
< The End >					
Total Passed : 36					
Cumulative GPA : 3.73					
Percentage : 91.20					

Jahid Ullah
Director Physical Education
Govt: P.G. Jahanzeb College
Saidu Sharif Swat.

[REMARKS]
* Grade Points
A+ 4.5 B+ 3.5 C+ 2.5 S: Satisfactory F: Failure
A0 4.0 B0 3.0 C0 2.0 U: Unsatisfactory
The lowest Passing Grade Point average for graduation is 2.00

Jahid Ullah
ADVOCATE
District Bar Association
Swat.

Yeon Cheon
OH, YEON-CHEON
PRESIDENT
UNIVERSITY OF ULSAN

(42)

Annexure - C

(7)

GRADUATE SCHOOL UNIVERSITY OF ULSAN

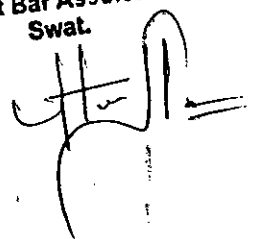
Date : 09 July 2015

CERTIFICATE OF SCHOLARSHIP

Name in Full : Ullah Hamid
Date of Birth : 03 May 1983
Date of Admission : 01 September 2015
Programme : Ph.D. Programme
Major : Physics

This is to certify that the above mentioned person is supposed to be awarded a scholarship including 100% tuition fees during the Period of attendance at graduate programme from September 2015 to August 2017 in case his/her each semester's GPA is over 3.00

Attested
 by
Hamza Abbas
 ADVOCATE
 District Bar Association
 Swat.




Yeon Cheon OH, Ph. D.
 PRESIDENT, UNIVERSITY OF ULSAN

43

Annexure - C

(8)

UNIVERSITY OF ULSAN

93 Dachakro, Namgu, Ulsan 680-749, Republic of Korea

Tel: +82-52-220-5950~5959

Fax: +82-52-224-2061

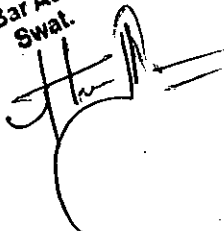
Date : 09 July 2015

NOTICE OF ADMISSION

Name in Full : Ullah Hamid
Date of Birth : 03 May 1983
Date of Admission : 01 September 2015
Programme : Ph.D. Programme
Major : Physics
Gender : Male
Nationality : Pakistan

This is to announce that the above mentioned person has been admitted to the Graduate School, University of Ulsan.

Attested by
Hamza Abbas
ADVOCATE
District Bar Association
Swat.



Yeon Cheon OH, Ph. D.

PRESIDENT, UNIVERSITY OF ULSAN

초청장

(Letter of Invitation)

09 July 2015

피초청자(Invitee)

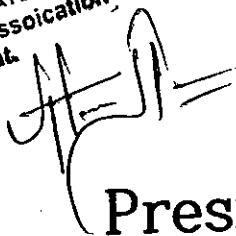
성명(Name) : Ullah Hamid
생년월일(Date of Birth) : 03 May 1983
국적(Nationality) : Pakistan
과정(Programme) : Ph.D. Programme
전공(Major) : Physics

본 대학은 위 학생을 2015년 09월 01일부터 2018년 08월 31일까지 본 대학에서 박사과정을 수학할 대학원생으로 초청합니다. 위 학생이 본 대학에서 수학하는 동안의 수업료와 생활에 필요한 경비는 장학금과 연구비로 충당될 것입니다. 상기 학생이 수학기간 동안 학업에 충실을 기할 수 있도록 배려할 것입니다.

University of Ulsan (UOU) invites the above mentioned student as a graduate school student from 01 September 2015 to 31 August 2018. During the student's stay in Ulsan, tuition, room & board related expenses will be financed by the scholarship and research fellowship. We promise every

support for the student's study at our university.

Attested by
Hamza Abbas
ADVOCATE
District Bar Association,
Swat.



울산대학교 총장

President of University of Ulsan



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(45) Annexure - D

(10)

To,

District Education Officer (M),
Swat.

Subject: TWO YEARS LONG LEAVE WITHOUT PAY w.e.f 10-03-2015 to 10-03-2017

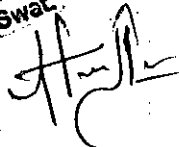
Sir,

It is stated in your kind honor that I have to build my house. But the problem is that there is no other person in my home to supervise this construction. So, it is requested that I may please be granted two years long leave without pay w.e.f 10-03-2015 to 10-03-2017.

I shall be very thankful to you for this act of kindness.

Attested by

Hamza Abbas
ADVOCATE
District Bar Association
Swat.



Obediently Yours

Hamid Ullah PST,
GPS Fazal Abad
Barikot Swat.

Forwarded to SDO (M) Swat

N. 0522 dt. 23/2/15

Forwarded to SDO (M) Swat

for n/c. please ✓

Forwarded to SDO (M) Swat

Signature
S. M. P. Teacher
Swat.

416

Annexure - D

(11)

OFFICE OF THE DISTT. EDUCATION OFFICER (M) SWAT.

No. 12315

Dated 10/3/ 2015

To

SUB; DIVL; EDUCATION OFFICER (M)
SWAT

Subject; GRANT OF LEAVE.

Memo;

Reference your memo No 522 dated 23/02/2015 on the subject cited

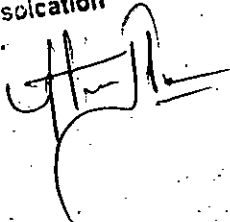
Above.

What is the staff and student position of the GMPS Kulader ,detail report
/information may be produced to this office for further n/action.

17/3/15
DISTT. EDUCATION OFFICER (M)
SWAT AT GULKADA.

Attested by

Hamza Abbas
ADVOCATE
District Bar Association
Swat.



47

Annexure - D

(12)

Mr. Rahman

Mr. Nadeem

OFFICE OF THE ASSTT, SUB DIVISIONAL OFFICER(E/S) EDU; CIRCLE MINGORA SWAT.

No. 240

Dated 24-3-2015

24/03/15

To,

SDE Officer(M, (Pry) Edu; Swat.

Subject: Remarks Regarding the transfer/ long leave of Mr Hamidullah GPS Kolader

Memo,

As per application of Mr Hamidullah GPS/GMPS Kolader the detail of concerned School is given below.

S.No	School	Working Teacher	Enrolement of Student	Required Teacher @1:40	Deficit	Surplus
1	GMPS Kolader	01	17	01	-	-
		-	-	-	-	-

Therefore the proposal of the said Teacher is submitted for further necessary action please.

Attested by
Hamza Abbas
ADVOCATE
District Bar Association
Swat.

24/3/2015
ASSTT SUB DIVISIONAL (Edu) OFFICER
CIRCLE MINGORA SWAT.

48

Annexure - D

(13)

OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER MALE SWAT
IN SIDE GPS NO.4.MINGORA DISTRICT SWAT

No 825 / Earned Leave.

Dated: 25/03/2015.

To,

✓ The District Education office:
Male District Swat.

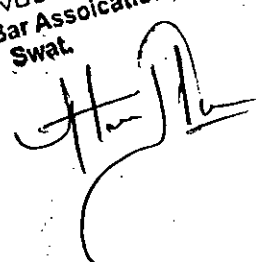
Subject: - GRANT OF LEAVE

Memo:-

Reference your office memo No.12315 dated 18/03/2015 on the subject cited above. ASDEO Circel Mingora report is hereby submitted that the leave without may be sanction please.


SUB DIVISIONAL EDUCATION OFFICER
SWAT AT GUL KADAW

Attested
by


Shamza Abbas
ADVOCATE
District Bar Association
Swat.

49

Annexure - D

(14)



OFFICE OF THE
ASSTT: SUB-DIVISIONAL EDU: OFFICER (M)
CIRCLE MINGORA SWAT

NO. 1139

DATED. 01/06/ 2015

TO

The Head Master,
GPS Balogram Swat.

Subject:

PLACE OF DUTY.

Memo:

As approval by Deputy District Education Officer (M) Swat, Mr. Hamid Ullah PST of your school is hereby directed to perform his duties at circle office Mingora swat with the undersigned w.e.l. 01/06/2015 till further order in the best interest of the public services.

MUHAMMAD GUL
ASSTT: SUB-DIVNL EDU: OFFICER (M)
CIRCLE MINGORA DISTRICT SWAT

NO. 1139

Dated. 01/06/2015

Copy for information to the:

- 1). District Education Officer (M) Swat.
- 2). Sub-Divisional District Education Officer (M) Swat.
- 3). Official Concern

Attested by
Shamza Abbas
ADVOCATE
District Bar Association
Swat.

Sd.

ASSTT: SUB-DIVNL EDU: OFFICER (M)
CIRCLE MINGORA DISTRICT SWAT

(50)

Anneasure - D

(15)

To,

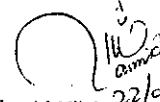
District Education Officer (M),
Swat.

Subject: TWO YEARS LONG LEAVE WITHOUT PAY w.e.f 10.08.2015 to 10.08.2017.

Sir,

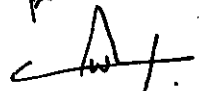
It is stated in your kind honor that I have to build my house. But the problem is that there is no other person in my home to supervise this construction. So, it is requested that I may please be granted two years long leave without pay w.e.f 10.08.2015 to 10.08.2017.

I shall be very thankful to you for this act of kindness.


22/07/15

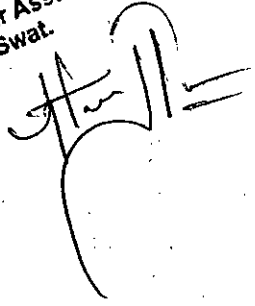
Hamid Ullah
PST,
GPS Fazal Abad
Barikot Swat.

Forwarded for m/a please.


Head Master,
Govt. Primary School
Fazal Abad Barikot Swat.


27-2015

Attested by
Shamza Abbas
ADVOCATE
District Bar Association
Swat.



No 1283 Dated 25/7/15

*Forwarded in original to
the SDEO M, Swat for
further m/a please.*



Asst. Sub Divnl. Edu. Officer
Primary, Swat.

(SI) Annexure - E

(16)

OFFICE OF THE ASSISTANT SUB-DIVISIONAL EDUCATION OFFICER (M)
CIRCLE MINGORA DISTRICT SWAT

NO
TO

1155
~~1155~~

DATED 13/6 /2015

The District Education Officer (M),
District Swat.

Subject:

REPORT IN R/O MR. HAMID ULLAH PST

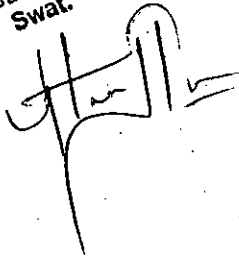
Memo:

As the official took charge for his duty on 01/06/2015.
Hence the report is hereby forwarded in original for further
necessary action please.



MUHAMMAD GUL
ASSTT: SUB-DIVNL EDU: OFFICER (M)
CIRCLE MINGORA DISTRICT SWAT

Attested
by
Shamxa Abbas
ADVOCATE
District Bar Association,
Swat.





Annexure - F

52

(17)

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.Hameedullah PST GPS Fazal Abad Barikot District Swat, this show cause notice as follows:-

1. That as per report of the District Monitoring officer IMU E&SE Department Swat forwarded by Khalid Jan DMO Swat that you are absent from your duty since long.
2. That your this behavior is tantamount to the acts /omissions specified in rule 3(a) and (d) of the said rules.
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 (b) (iv),.
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.
6. The enquiry to be conducted against you is dispensed with.

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

Endst: No. 5047-56 /P.F/Hameedullah/PST
Copy forwarded to:-

Dated 18/11/2015.

- 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.
- 6- The Head Teacher Concerned.
- 7- P.A to District Education Officer (M) Swat local Office.
- 8- IMU Branch local office
- 9- The Official Concerned.

Attested by
Shamza Abbas
ADVOCATE
District Bar Association
Swat.

Hafiz Muhammad Ibrahim
DISTRICT EDUCATION OFFICER (M)
SWAT

Mr.Hameedullah PST GPS Fazal Abad Barikot District Swat,

No. 10920
dt. 19/11/15

ASDO

Attested
[Signature]
Primary School

(53) Annexure - F

(18)

To

The District Education Officer
District Swat

Subject: **REPLY OF THE SHOW CAUSE NOTICE**

Respected sir,

As per your show cause notice **Endst No. 5847-56** dated 18/11/2015,

- I applied for two years leave in February, 2015, but no process took place till May, 2015 on my application. When I met the honorable DEO, he said verbally that should come back to school and resume your duty.
- From 1st June, 2015 till 18th August, 2015 I was ADO office performing my duties assigned by the ADO. During this period I again applied for leave in the month of July. Also on 1st of August, 2015 my salary was stopped and I presumed that my leave has been sanctioned.
- Till date I haven't received any information regarding the sanction of my leave and now in December, 2015 I received the show cause notice from your office regarding my absence from duty.
- Dear Sir, if you kindly reconsider my application for leave and sanction my leave, I shall be much thankful to you.

Best Regards

Hameedullah
GPS Fazal Abad, Barikot
Muhallah Pir Khel, Village Qambar
District Swat

Attested
by
Hameed Abbas
ADVOCATE
District Bar Association
Swat.

Hameed

54

Annexure - F

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) SWAT

(19)

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 report 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.

(PROF; MUHAMMAD UZAIR ALI)
DISTT; EDU; OFFICER (MALE)
SWAT AT GULKADA.

Dated 30/6/2015

Endost ; 5583-26
Copy of the above is forwarded to;

1. Director E&S Edu; KPK Peshwar .
2. DDEO(Male) Local office.
3. SDEO(Male) swat .
4. Teacher Concerned,.

30/6/15
DISTT EDUCATION OFFICER (M)
SWAT AT GULKADA.

Handwritten: Mr. Subhan Ali PST GPS Khawarai, Swat.

Attested by
Haniza Abbas
District Bar Association
Swat.

Handwritten signature

TO

(55)

Annexure - F

(90)

The District Education Officer (M),
District Swat.

Subject:

SHOWCAUSE REPLY IN R/O MR. HAMID ULLAH PST

Memo:

- 1). Reference your letter no: 25555 Dated 06/05/2015.
In which mention that I was absent from 10/03/2015.

Respected Sir,

In the light of the above letter, I have already submitted my reply in your office on dated 13/06/2015, in which I have already stated that this observation is wrong I have attended my duty at my school GMPS Kula Dher upto 15/04/2015. The photocopy of attendance register was attached and also attached with this letter.

- 2). Now reference your letter No: 5593-96 Dated 30/06/2015.

Respected Sir,

In the light of the above letter, with due respect it is stated,
My reply for:

para-1:

I have submitted application for leave from 10/03/2015 to 10/03/2017 in your office but due to some unexpected circumstances my program was cancelled so I took over charge on 01/06/2015 at GPS Balogram.

Para-2:

I received call letter No: 2555, Dated 06/05/2015 by hand from respected office on 05/06/2015.
It is further stated that I did not receive any call letter from post office or from other sources.

Para-3:

I have already submitted my reply in your office on dated 13/06/2015, in which I have already stated that this observation is wrong I have attended my duty at my school GMPS Kula Dher upto 15/04/2015. The photocopy of attendance register was attached and also attached with this letter.

Attested by
Hamid Ullah
District Education Officer
Swat

Your's Sincerely

21/07/15
Hamid Ullah

Hamid Ullah, PST
GMPS Kuladher
Date: 01.07.2015

(SC)

Annexure - G

~~Regd~~

(21)

(2)

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

No: 2555

Dated ~~23/5/15~~ 6/5/15

To

Mr Hamidullah PST
GMPS Kuladar
R/O Mohallaha Peer Khail
Village & PO. Qamber swat

Subject; CALL NOTICE
Memo

You are absent from your duty w.e.f. 10/03/2015 upto date without sanction of leave /permission of competent authority, you are hereby directed to resume duty within 15 days, otherwise disciplinary action would be taken against you under Govt; servants efficiency and disciplinary rules 2011 which may lead major penalty of removal from service.

5/5/15
DISTT EDUCATION OFFICER (M)
SWAT AT GULKADA.

Enclost; No _____

Copy forwarded to the;

- 1/ SDEIO(M) Swat with the remarks that his pay be stoped under intimation to this office.
- 2. District Monitoring officer.
- 3. SDE(M) Circle Mangora w/ to his No 465 dated 15/04/2015.

Sd
DISTT EDUCATION OFFICER (M)
SWAT AT GULKADA.

Attested by

Shamza Abbas
ADVOCATE
District Bar Association
Swat.

[Signature]

Attested

[Signature]
Asstt. Secy. Distt. Ed. Officer
Primary, Swat.

(S7)

Annexure - G

(22)

To,

The DEO (M)
Swat.

Subject: Explanation of Call Notice

Memo:

Reference to your good self office order No. 2555 dated 06.05.2015.

It is submitted that I had applied for leave w.e.f.10.03.2015, but due to unavoidable circumstances my programme was cancelled. I continued performing my duties up till 15.04.2015, which is on record.

Hence report submitted.

Yours obediently,

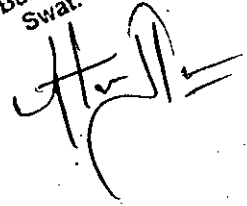


Hamid Ullah
PST, GMPS Kuladher
Swat.

DA.

1. A Copy of attendance register attached.
2. Charge Report.

Attested by
Shamza Abbas
ADVOCATE
District Bar Association
Swat.



(58) Annexure - G

(23)

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

To
✓ Mr. Hamidullah S/O Ayioub Khan
Mohallaha Peer Kheail P.O .Rahim Abad.
GPS Fazal Abad Barikot swat

No 2254
Date 19/9/15

Subject: CALL NOTICE

Memo: THE DISTT. EDUCATION OFFICER (MALE) SWAT AT GULKADA

You are absent from duty w.e.f. 01/08/2014 upto date without sanction of leave/permission of competent authority, you are hereby directed to resume duty within 15 days, otherwise disciplinary action would be taken against you under Govt; ; servants efficiency and disciplinary rules 2011, which may lead major penalty of removed from service.

[Signature]
19/9/15
DISTT EDUCATION OFFICER (MALE)
SWAT AT GUL;KADA.

Endost No: 2254

Copy of the above is forwarded to the

- 01. SDEO(M) Swat with the remarks that the pay stopped of the above PST ..
- 02. ASDEO(M) Circle Mingora 1408 dated 1/9/2015.

Alteet by
Shamza Abbasi
ADVOCATE
District Bar Association
Swat

[Signature]
DISTT EDUCATION OFFICER (MALE)
SWAT AT GULKADA

[Signature]

Alteet
[Signature]
Asstt. Secy
Princ. & Insp.

جناب ڈی ای او صوبہ فکیم تعلیم ضلع سوات

عنوان: "وضاحت جواب طلبی"

جناب عالی!

میں نے کہ بندہ نے فروری 2015ء میں

ایک درخواست برائے ^{Long Leave without pay} دفتر محترمہ میں جمع کیا تھا لیکن آپ صاحبان نے زبانی طور پر حکم دیا کہ duty پر صافری فروری ہے۔

بندہ 18 اگست 2015ء تک ڈیوٹی پر صافری رہا ADO آفس شیڈولہ کارڈیکارڈ مہری ڈیوٹی کا گواہ ہے۔

جناب والا بندہ نے ڈیوٹی کے دوران ایک بار ^{Long Leave} درخواست کی ہے۔

آپ صاحبان کی طرف سے مجھے ^{call notice} موصول ہوئی ہے اس کا جواب ہے

مزید استدعا کرتا ہوں کہ اگر آپ صاحبان مہری

جمعہ کی درخواست پر ہمدردانہ غور فرمائیں تو دعاؤں سے مستغنی رہوں گا۔

محمد

العارض

Asted by

Shamza Abbas
ADVOCATE
District Bar Association
Swat

حمید اللہ ولد ایوب خان

جی ایس ٹی جی پی ایس فضل آباد

سرگودھا سوات

14/10/2015

Handwritten signature



OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) SWAT

NOTIFICATION.

Whereas Hamidullah PST GPS: Fazal Abad Barikot Swat willfully remained absent from duty, is proceeded against the Khyber Pakhtunkhwa Government servant (Efficiency & Discipline) Rules 2011 for the charges mentioned in the show cause notice.

1. And where as reported by the IMU Swat vide his Email dated 10.11.2015.
2. Whereas a show cause notice was issued at his home address vide No 5847-56 dated 18.11.2015.
3. And whereas the accused sent his reply to the show cause dated 04.12.2015.
4. And whereas the accused teacher was directed vide this office letter vide No. 7135 dated 14.12.2015 to the office of the undersigned for personal hearing.
5. And whereas the absence of the accused teacher has been published in the daily Newspapers "AAJ" and "Chand" dated 30.12.2015 but he failed to resume his duty within the stipulated period.
6. And Whereas the District Education Officer being competent authority after having considered the charges and evidences on record, against the accused official has been proved.
10. And Now Therefore, in exercise of power conferred under section 04 (b) (iii) of Khyber Pakhtunkhwa , Government servant (Efficiency & Discipline) Rules 2011, the competent authority is please to impose, a major penalty of "Dismissal from service" upon Mr. Hamid Ullah PST GPS Fazal Abad Barikot Swat on account of his will full absence with effect from the date of his absence.

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

861219
Endst:NO _____/P.F/Hamid Ullah/PST
Copy to:-

Dated 16/12/2015
Hamza Abbas
ADVOCATE
District Bar Association
Swat.

1. The Director Elementary & Secondary Education KPK Peshawar.
2. The District Nazim Swat.
3. The District Comptroller of Accounts Swat.
4. The Deputy District Education Officer (M) Swat.
5. The DMO Swat.
6. The Sub Divisional Education Officer Swat.
7. Mr. Hamid Ullah PST GPS Fazal Abad Barikot Swat.(Registered)
8. PA to DEO local Office.

Attested
Assl

DISTRICT EDUCATION OFFICER
(MALE) SWAT

Handwritten signature

61

Anneure - I

(26)

To,

The Director
Elementary and Secondary Education,
KPK, Peshawar, Pakistan

Subject: Appeal for reinstatement in service

Sir,

With great veneration it is stated that I got appointed against the PST post vide No. 10046-53/apptt/2011 dated June 30, 2011 and performing my duty at GPS Fazal abad, Barikot district Swat. I had performed my duty for about four years (June 30, 2011 to August 18, 2015). During that time I got admission in Ph.D (Physics) and applied for leave on so many occasions, but my leave was not approved.

Unfortunately my services were terminated. Now I have completed my Ph.D and I am desirous to join my post of PST at the elementary and secondary education Swat again.

Therefore, it is humbly requested to consider my application for reappointment on sympathetic grounds.

I shall be pray for your long life and prosperity.

Sincerely,

Dr. Hamid Ullah, PST

Cell No. 0333-5516682

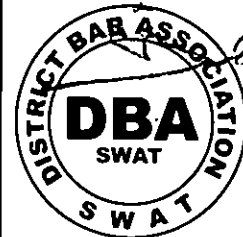
Date : 15-4-2020

*Forwarded to Director Education
Necessary action*

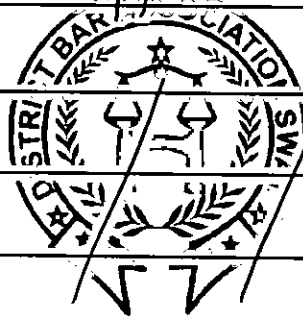
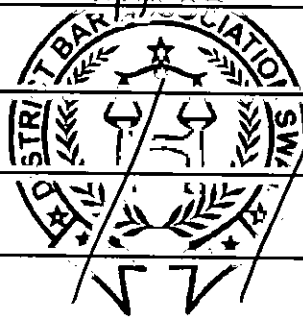
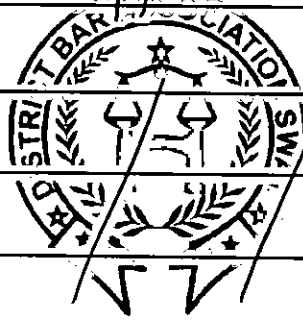
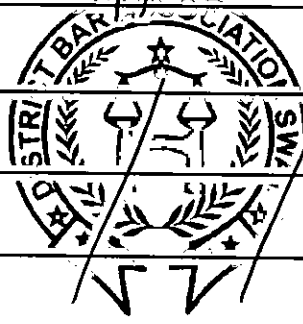


*Attested by
Ms. Gulshan Khan
ADVOCATE
District Bar Association,
Swat.*

(65)

 <p>بار کونسل نمبر: B.C. 16-6525 بار ایسوسی ایشن نمبر: 358 رابطہ نمبر: 03339484482</p>	  <p>66126 ریٹل نمبر:</p>
<h2>ڈسٹرکٹ بار ایسوسی ایشن سوات</h2>	

بعدالت جناب: Service Tribunal KPK Peshawar

<p>Appellant: منجانب:</p> <p>Dr. Hamid Ullah Director of Education etc..</p>	<p>Appeal: دعویٰ اور خواست:</p> <p>علت نمبر: </p> <p>مورخہ: </p> <p>جرم: </p> <p>تھانہ: </p>
<h3>بابت تحریر آئیکہ</h3>	

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے برائے پیروی مقدمہ

آن مقام پشاور کیلئے گلزار عباس اور گلگت، کو مقرر کر کے اقرار کیا جاتا ہے، کہ صاحب موصوف کو مقدمہ کی کل کارروائی کو کمال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقریر ثالث کرنے، دعویٰ، جواب دعویٰ، اقبال دعویٰ، اور درخواست برائے سرسبزی مقدمہ، منسوخی ڈگری یکطرفہ، اجراء و پیروی کرنے کا مختار ہوگا۔ نیز دائر کرنے اپیل نگرانی، نظر ثانی و پیروی کرنے کا مختار ہوگا۔ اور مقدمہ مذکورہ کیلئے کل وقتی یا جزوی کارروائی کیلئے کسی دیگر وکیل یا مختار قانون کو اپنے ہتھارہ یا اپنے بجائے تقریر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی جملہ مذکورہ اختیارات حاصل ہوں گے، اور اس کا ساختہ و پرداختہ منظور قبول ہوگا، بدوران مقدمہ جو خرچہ دہر جائے کسی بھی سبب سے حاصل ہوگا، وہ وکیل موصوف وصول کرنے کا حقدار ہوگا، کوئی تاریخ پیشی مقام مذکورہ بالا سے باہر ہو، تو وکیل صاحب پیروی مقدمہ کرنے کے پابند نہ ہوں گے، مقدمہ کسی عدالت میں بعدم پیروی خارج ہونے یا ڈگری یکطرفہ ہونے کے صورت میں وکیل صاحب ذمہ دار نہیں ہوں گے، لہذا وکالت نامہ لکھ دیا کہ سند ہے

مقام کے لئے منظور ہے۔

Hamza Abbas
ADVOCATE
District Bar Association
Swat.

ایڈووکیٹ ادخط:

المقوم:

Hamid Ullah S/o Ayoub Khan

(67)

BEFORE THE KHYBER PAKTUNKHWA SERVICE TRIBUNAL CAMP COURT
SWAT

Service Appeal No. 8892/2020

Dr Hamidullah S/O Ayoub Khan Resident of Mohallah Peer Khail P.O Rahim Abad Teh Babuzai, District Swat.

.....Appellant

Versus

1. Director Elementary and Secondary Education Khyber Pakhtun Khwa Peshawar.
2. District Education officer (Male) Swat.

.....Respondents.

INDEX

S.No	Description of Documents	Annexures	Pages
1	Para-wise-comments	-	1-3
2	Affidavit	-	4
3	Authority Letter	-	5
4	IMU Report	"A"	6
5	Head Teacher Report	"B"	7
6	Daily Mashriq	"C"	8
7	Daily Chand	"D"	9
8	Personal Hearing Letter	"E"	10


DISTRICT EDUCATION OFFICER (M)
SWAT AT GULKADA

**BEFORE THE KHYBER PAKTUNKHWA SERVICE TRIBUNAL CAMP COURT
SWAT**

Service Appeal No. 8892/2020

Dr Hamidullah S/O Ayoub Khan Resident of Mohallah Peer Khail P.O Rahim Abad Teh Babuzai, District Swat.

.....Appellant

Versus

1. Director Elementary and Secondary Education Khyber Pakhtun Khwa Peshawar.
2. District Education officer (Male) Swat.

.....Respondents.

Parawise Joint Comments on Behalf of the Respondents:

Respectfully Shewith

Preliminary Objections

1. That the appellant is not an aggrieved person within the meaning of section 4 of the service tribunal Act, 1974.
2. That the appellant has no cause of action / locus standi.
3. That the appellant has not come to this Honorable Tribunal with clean hands.
4. That the appellant has filed this instant service appeal just to pressurize the respondents.
5. The present service appeal is liable to be dismissed for non-joinder/miss joinder of necessary parties.
6. That the instant service appeal is against the prevailing law and rules.
7. That the appellant has filled this instant Service Appeal on malafide motives.
8. That the instant Appeal of the Appellant is **badly time barred**.
9. That the instant service appeal is not maintainable in the present form, and above in the present circumstances of the issue.
10. That the appellant has estopped by his own conduct.
11. That the appellant has concealed the material facts from this honorable tribunal.

FACTS

1. That the Para No.1.pertains to record, hence, no comments.
2. That the Para No.2 is irrelevant, hence, no comments.
3. That the Para No.3 pertains to the admission of the Appellant in Ph.D. course abroad, hence, no comments. However, being a civil servant, the Appellant should have applied for NOC/Departmental permission as well as study leave/ leave ex-Pakistan before the admission in such courses.
4. That the Para No.4 is correct to the extent of application, however, as clear from his annexed application, that he applied for two years long leave without pay w.e.f 10-03-2015 to 10-03-2017 for construction of his house and

69

2

concealed his actual position. He went abroad for higher studied without taking permission and leave according to the rules.

5. That the Para No.5 is incorrect and denied. The Appellant tries to mislead this Honorable Tribunal in this para. Being a civil servant, the Appellant should not concealed his actual position. He remained absent willfully and reported by IMU as well as Head Teacher of the School.(**IMU Report & Head Teacher report annexed as annexure A & B**)
6. That the Para No.6 is correct to the extent of show cause notices and their replies. However, according to the Appellant, he was abroad than how he replied to the show cause notices himself. This Honorable Tribunal is requested to direct the Appellant to submit his Travel History obtained from IBMS, Islamabad.
7. That the Para No. 7 is correct to the extent of call notices, however, the Appellant could not satisfy the competent authority and could not resume his duty, therefore, final notice was published in daily Mashriq and daily Chand dated 30-12-2015 but still the Appellant could not resume his duties. Moreover, the Appellant was called for personal hearing vide letter dated 14-12-2015 but he failed to attend the office of the competent authority.(**Daily Mashriq, Daily Chand & Personal Hearing Letter annexed as annexure C, D & E**)
8. That the Para No. 8 is incorrect and denied. The Appellant remained willful absent for a long time and after observing all codal formalities, the competent authority imposed major penalty of "Dismissal from service" upon the Appellant under E&D rules 2011 vide notification dated 16-01-2016.
9. That the Para No. 9 is incorrect and denied. No departmental appeal found in office record. Moreover, the Appellant annexed a copy of departmental appeal with this Service Appeal which is badly time bared.

GROUNDS

- i. That the Para No. i is incorrect and not admitted. Detail reply has already been given in the above paras.
- ii. That the Para No. ii is incorrect and denied. The Appellant has not applied for proper kind of leave and concealed his actual position and material facts from the department.
- iii. That the Para No. iii is the repetition of above paras, hence, no comments.
- iv. That the para No. iv is incorrect and denied. The available evidences were sufficient before the competent authority for imposing major penalty. And the competent authority was satisfied that there was no need of an enquiry.
- v. That the para No. v is incorrect and denied. The Appellant was directed to attend the office for personal hearing.
- vi. That the para No. vi is incorrect and denied. The order is not against the law and rules.
- vii. That the para No. vii is incorrect and denied. No discrimination whatsoever has been made with the Appellant.
- viii. That the para No. viii is the repetition of above paras, hence, no comments.
- ix. That the para No. ix is irrelevant, hence, no comments.

70

3

- x. That the para No. x is incorrect and denied. The Appellant has not applied for leave of higher studies.
- xi. That the para No. xi is irrelevant, hence, no comments.
- xii. That the para No. xii is incorrect and denied. The Appellant is not entitled for reinstatement after the imposition of major penalty of dismissal from service.
- xiii. That the para No. xiii is legal, however, the respondents also seek permission of this honorable Tribunal to advance further grounds at the time of arguments.

It is therefore very humbly prayed that the instant Service Appeal of the Appellant may be dismissed with cost in favor of the respondents.


DISTRICT EDUCATION OFFICER (M)
SWAT AT GULKADA


DIRECTOR,
ELEMENTARY AND SECONDARY
EDUCATION KHYBER PAKHTUNKHWA

71

3

BEFORE THE KHYBER PAKTUNKHWA SERVICE TRIBUNAL CAMP COURT
SWAT

Service Appeal No. 8892/2020

Dr Hamidullah S/O Ayoub Khan Resident of Mohallah Peer Khail P.O Rahim. Abad Teh Babuzai, District Swat.

.....Appellant

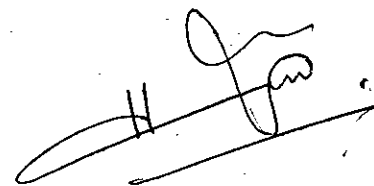
Versus

Provincial Govt. of Khyber Pakhtunkhwa & others

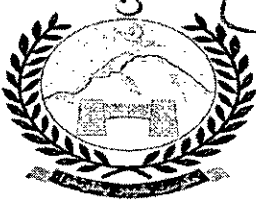
..... Respondents

AFFIDAVIT

I, Hussain Ali Litigation Officer, do hereby solemnly affirm and declare on oath on the directions and on the behalf of the Respondents that the contents of the comments are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honorable Court.



HUSSAIN ALI
O/O DEO (M) SWAT



72

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)
DISTRICT SWAT

4

Email: emisswat@gmail.com

Phone No. 09469240228

AUTHORITY LETTER

Mr. Hussain Ali Litigation Officer, office of the undersigned is hereby authorized to submit comments in *Service Appeal No. 8892/2020* case titled *Dr. Hamid Ullah Vs Govt of KPK and others* and attend Khyber Pakhtunkhwa Service Tribunal Camp Court Swat on behalf of respondents.


DISTRICT EDUCATION OFFICER (M)
SWAT AT GULKADA

73

سرکار سوات ADO جناب سرکار سوات پست کاٹرائسز

Fajal Ahmad G.P.S. Sheerata

G.P.S. - Barikot Circle

6

جناب عالی!

Annexure 'A'

تذراش تھی جانی ہے۔ کہ میرا حمید اللہ پست کاٹرائسز
 بورڈ نے ستمبر 2015 کو دس دن قبل آباد پربت پست میں
 مذکورہ بالا ٹیچر سکول میں ایک دن حاضری کرنے کے لیے حکم
 ADO جناب محمد علی سرکار آفس میں ڈیوٹی کیلئے بلا یا تھا۔
 اب چونکہ مذکورہ بالا ٹیچر نے سرکار آفس میں بی اور نہ دس
 دن قبل آباد پربت میں حاضری دینا ہے۔ لہذا اب صاحبان
 مناسب کارروائی کریں۔ - شکر

Absentee Report

of Mr Hamidullah Pst
 Ex ASDE.O.C.M) Mohd Gul
 deputed Mr Hamidullah Pst
 from G.P.S Fajal Ahmad Barikot
 to Circle office.

But now the said teacher is not
 present in Circle office nor in
 any other school of Circle Mingara
 Absentee Report is Submitted
 to S.O.E.O.C.M) Swat and also
 to the office of D.E.O.C.M) Swat

العارض

پہلے اس دس
میں آباد پربت

31/7/2015

Handwritten signature
 Head Master,
 Govt. P.S. Fajal Ahmad
 Barikot

09/09/2015
 Handwritten signature
 Asst. Sub-Div. Edu Officer (M)
 Primary, Swat.

11/12/2015

74

DMO Swat Visit To GPS Fazal Abad Brikot (29932) - emisswat@gmail.com - Gmail

Annexure "B"

7

DMO Swat Visit To GPS Fazal Abad Brikot (29932)

Inbox x



dmo swat <dmoswat@gmail.com>
to Zulfiqar, me, edo.swat

12:06 PM (29 minutes ago)

On November 10, 2015 DMO Swat visited GPS Fazal Abad Brikot (29932). Mr.Hameedullah (PST) was found absent . He is absent since his joining . Reportedly he is in foreign. The same case has already been reported by IMU Swat several times.

Submitted for information and necessary action.

Best Regards

Khalid Zaman
District Monitoring Officer,
Independent Monitoring Unit,
E&SE Department,
Swat.

Tel: (0946) 881705

Liaqat

Show cause notice may be
served upon him immediately.

[Signature]

12/11/15

مذکورہ ذیل

آپ مندرجہ ذیل ملازمین محکمہ ایجوکیشن (مردانہ) ضلع سوات نیچے دیئے گئے تواریخ سے مسلسل سرکاری ڈیوٹی سے بغیر کسی اطلاع کے غیر حاضر ہیں۔ آپ کو گھر کے پتے پر وقتاً فوقتاً انفرادی نوٹس غیر حاضری بھیجے گئے ہیں۔ جس میں آپ کو جلد از جلد ڈیوٹی کیلئے حاضر ہونے اور غیر حاضری کی وجہ بیان کرنے کا کہا گیا ہے لیکن تا حال آپ اپنے متعلقہ سکول کو ڈیوٹی پر حاضر نہیں ہوئے اور نہ آپ کی طرف سے کوئی جواب موصول ہوا۔ لہذا اب بذریعہ اخبار آپ کو آخری بار مطلع کیا جاتا ہے کہ اس نوٹس کی اشاعت کے پندرہ دن کے اندر اندر اپنی ڈیوٹی پر حاضر ہو جائیں اور زیر دستخطی کے روبرو پیش ہو کر اپنی غیر حاضری کی وجوہات بیان کریں۔ بصورت دیگر آپ کے خلاف E&D روڈز 2011ء کے تحت قانونی اور تادیبی کارروائی کی جاسکتی ہے جس میں ملازمت سے برخاستگی بھی شامل ہے اور بعد میں کوئی عذر قبول نہیں کیا جائیگا۔

نمبر شمار	نام پوسٹ اور سکول	تاریخ ڈیوٹی سے غیر حاضر
1	حمید اللہ بی ایس ٹی گورنمنٹ پرائمری سکول فضل آباد بریکوٹ ضلع سوات	یکم اگست 2015ء
2	فضل سردار بی ایس ٹی گورنمنٹ پرائمری سکول چنگلی سرکوزہ بانڈی ضلع سوات	اگست 2014ء
3	احیاز احمد بی ایس ٹی گورنمنٹ پرائمری سکول علیگرامہ ضلع سوات	23 جولائی 2015ء
4	میاں سید محمد بی ایس ٹی گورنمنٹ پرائمری سکول سید آباد ضلع سوات	8 اگست 2014ء
5	عبدالوکیل چوکیدار گورنمنٹ پرائمری سکول نادونہ (مٹہ) ضلع سوات	25 اکتوبر 2015ء

INF(SW) 128

Daily Mashriq

ضلع سوات

آپ مندرجہ ذیل ملازمین محکمہ ایجوکیشن (مردانہ) ضلع سوات نیچے دیے گئے تواریخ سے مسلسل سرکاری ڈیوٹی سے بغیر کسی اطلاع کے غیر حاضر ہیں آپ کو گھر کے پتے پر وقتاً فوقتاً انفرادی نوٹس غیر حاضری بھیجے گئے ہیں۔ جس میں آپ کو جلد از جلد ڈیوٹی کیلئے حاضر ہونے اور غیر حاضری کی وجہ بیان کرنے کا کہا گیا ہے۔ لیکن تا حال آپ اپنے متعلقہ سکول کو ڈیوٹی پر حاضر نہ ہوئے اور نہ آپ کی طرف سے کوئی جواب موصول ہوا۔ لہذا بذریعہ اخبار آپ کو آخری بار مطلع کیا جاتا ہے۔ کہ اس نوٹس کے اشاعت کے پندرہ دن کے اندر اندر اپنے ڈیوٹی پر حاضر ہو جائیں اور زبردستی کے رد پر واپس ہو کر اپنے غیر حاضری کے وجوہات بیان کریں بصورت دیگر آپ کے خلاف E&D رولز ۲۰۱۱ کے تحت قانونی اور تادیبی کارروائی کی جاسکتی ہے جس میں ملازمت سے برخاستگی بھی شامل ہے۔ اور بعد میں کوئی عذر قبول نہیں کیا جائیگا۔

نمبر شمار	نام، پوسٹ اور سکول	تاریخ ڈیوٹی سے غیر حاضر
۱	تمید اللہ پی ایس ٹی گورنمنٹ پرائمری سکول فضل آباد بریکوٹ ضلع سوات	یکم اگست 2015
۲	فضل سردار پی ایس ٹی گورنمنٹ پرائمری سکول چٹائی سرکوزہ بانڈی ضلع سوات	اگست 2014
۳	انتیاز احمد پی ایس ٹی گورنمنٹ پرائمری سکول علیگرا ضلع سوات	23 جولائی 2015
۴	میاں سید محمد پی ایس ٹی گورنمنٹ پرائمری سکول سید آباد ضلع سوات	8 اگست 2014
۵	عبدالوکیل چوکیدار گورنمنٹ پرائمری سکول نادوئہ (مٹہ) ضلع سوات	25 اکتوبر 2015

"SAY NO TO
CORRUPTION"

Annexure

E

77

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) SWAT AT GULKADA SAIDU SHARIF.

/P F/S/Hameedullah/PST/M.

Dated 14/12/2015.

To

Mr. Hameedullah s/o Ayub Khan, PST GPS
Fazal Abad Barikot Mohalla Firkhel Village
Qambar P.O Rahim Abad Swat.

Subject: REPLY OF THE SHOW CAUSE NOTICE.

Attn:

Reference your reply to the show cause notice received in this office on 4.12.2015 and you are directed to attend this office personally within 03 days of the receipt of this letter for personal hearing, failing which you will be consider still absent from your duty.

DISTRICT EDUCATION OFFICER
(MALE) SWAT.

Encl: NO 7136-38

Copy of the above is forwarded to:-






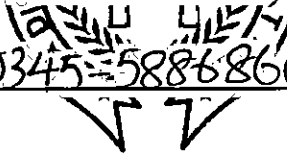
1. The SDEO (M) Swat.
2. The ASDEO (M) concerned with the direction to inform the teacher concerned and also attend this office on the same date.
3. PA to DEO local Office.

DISTRICT EDUCATION OFFICER
(MALE) SWAT


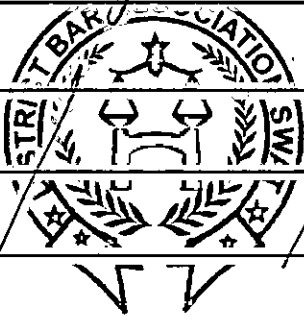
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14/12/15

Received on
16/12/2015

 بار کونسل نمبر: 19-1369	 	بریل نمبر: 106959 
 بار ایسوسی ایشن نمبر: 19-1369	ڈسٹرکٹ بار ایسوسی ایشن سوات	
رابطہ نمبر: 0345-5886860 	ای میل ایڈریس:	

بعدالت جناب: Service Tribunal / Court camp Swat

Petitioner: منجانب:	Appeal against Dismissal: دعویٰ اور خواست:
Dr. Hamidullah  Education Deptt	
	علت نمبر: / مورخہ: / جرم: / تھانہ: /

بابت تحریر آگے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے برائے پیروی مقدمہ

آن مقام کل کورہ کیلئے شہد عمران ایڈووکیٹ کو مقرر کر کے اقرار کیا جاتا ہے، کہ صاحب موصوف کو مقدمہ کی کل کارروائی کو کالاً اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث کرنے، دعویٰ، جواب دعویٰ، اقبال دعویٰ اور درخواست برائے سرسبزگی مقدمہ، منسوخی ڈگری یکطرفہ، اجراء و پیروی کرنے کا مختار ہوگا نیز دائر کرنے اپیل نگرانی، نظر ثانی و پیروی کرنے کا مختار ہوگا۔ اور مقدمہ مذکورہ کیلئے کل وقتی یا جزوی کارروائی کیلئے کسی دیگر وکیل یا مختار قانون کو اپنے ہتھارہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی جملہ مذکورہ اختیارات حاصل ہوں گے، اور اس کا ساختہ و پرداختہ منظور قبول ہوگا، بدوران مقدمہ جو خرچہ و ہرجانہ کسی بھی سبب سے حاصل ہوگا، وہ وکیل موصوف وصول کرنے کا جہدار ہوگا، کوئی تاریخ پیشی مقام مذکورہ بالا سے باہر ہو، تو وکیل صاحب پیروی مقدمہ کرنے کے پابند نہ ہوں گے، مقدمہ کسی عدالت میں بعدم پیروی خارج ہونے یا ڈگری یکطرفہ ہونے کے صورت میں وکیل صاحب ذمہ دار نہیں ہوں گے، لہذا وکالت نامہ لکھ دیا کہ سندر ہے

مقام Service Tribunal Camp Court Swat کے لئے منظور ہے۔

Accepted by
 Shehri Imran
 Advocate
 ایڈووکیٹ دستخط:

Hamidullah
 Dr. - Hamidullah
 (Petitioner)