

**BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR.**

**Appeal No. 289/2024**

**Abdul Jalil..... Appellant.**

**Versus**

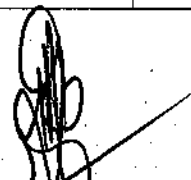
**District education officer (M) district Khyber & Others... Respondent.**

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Dated 30 / 05 / 2024

*12-06-24  
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Muhammad Uzair Ali  
District Education Officer  
Khyber.

**BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR.**

**Appeal No. 289/2024**

**Abdul Jalil..... Appellant.**

**Versus**

**District education officer (M) district Khyber & Others... Respondent.**

**Comments on behalf of Respondent**

**Khyber Pakhtunkhwa  
Service Tribunal**

**Diary No. 13233**

**Dated \_\_\_\_\_**

**Preliminary objections.**

- That the appellant has got no cause of action locus standi to file the instant appeal.
- That the appellant has not come to this honorable tribunal with clean hands.
- That appellant concealed material facts from this honorable tribunal.
- That the appellant is stopped by his own to bring the present appeal
- That the appellant is bad due to mis-joinder and non-joinder of necessary parties
- That the appeal is barred by law.

**Respectfully Sheweth,**

**ON FACTS.**

01. Pertains to record.

02. The appellant's application was approved for ex-Pakistan leave under the provision of revised leave rules 1981. This leave was permitted solely for visiting purposes in Qatar and was authorized for a maximum of fifteen days by a competent authority. However, the appellant mysteriously disappeared and willful absent after his granted fifteen days (12/07/2019 to 26/07/2019) annexed by appellant. The appellant failed to report his whereabouts to the district education officer, district Khyber, or the head of the school nor applied for leave.

03. Incorrect. Hence denied. The appellant was given notice by the principal of the concerned school, who also forwarded the memo letter to the district education office in Khyber. He provided information regarding the appellant's (Junior Clerk Mr. Abdul Jalil) absence. The pay of the appellant was stopped and he no longer received his pay as of August 1, 2019. The case was forwarded to the appropriate authority for

any further necessary action under the 2011 Khyber Pakhtunkhwa Government servant E & D Rules. **ANX-A&B**

04. The competent authority issued a notice to appellant Endst: No.9717-18 dated August 7, 2019, directing him to resume his duty within seven days of the notice's issuance and to present himself before him for a personal hearing failing which the major penalty of the removal from service was to be awarded. However, the appellant did not resume this duty and willfully remained absent at large from his duty. **ANX-C**
05. The appellant all of a sudden, appeared on scene within arrival on 25/02/2022 after remaining willfully absent since 27/12/2019. As per the report of Federal Investigation Agency the appellant departed abroad on 14 July 2019 and arrived back in Pakistan on 28 December 2022. After his arrival in Pakistan, he belatedly submitted his arrival report. **ANX-D**
06. Consequent upon his sudden arrival report after spend about 3 year at large without permission, the competent authority constituted inquiry committee Endst: No.2384-89 dated 01/03/2023. The appellant never replied of the notice of district education office Khyber till 27/12/2022 to dig out the actual position of the appellant and his long absentees. Annexure-D & E.
07. The Inquiry recommended proceeding against the appellant in accordance with E&D Rules. Resultantly, a showcause notice with an opportunity for personal hearing was served upon the appellant who received the show cause under his signature vide this office Endst: No.8189-94 dated: 11/9/2023. The appellant willfully chose not to reply the show cause despite the fact that he himself under his signature received the show cause on 12/9/2023. Ultimately, the appellant was awarded major penalty of removal from Government Service vide Notification No.9280-86 dated 18/10/2023. Annexure-F and G
08. The Appellant was duly provided with fair opportunity to defend himself but he willfully did not submit reply to the mentioned show cause which clearly tantamount to confession of his commission of willful absence from duty for the period mentioned above without permission from competent authority which rendered him to be treated as per E&D Rules, 2011 as specified in Rule-4(iii).
09. In exercise of power conferred under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, the District Education Officer (M) Khyber, Khyber Pakhtunkhwa as the Competent Authority is pleased to impose the major penalty of "Removal from Government Service" upon Mr. Abdul Jalil: Junior Clerk GHS Hashim Abad Jamrud as specified in Rule-4 (iii) of the Khyber

Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 from the date of his willful absence i.e. 27/7/2019 in the interest of public service. **ANX-G**

**Ground:**

- A-** Hence denied. Proper opportunity was given to the appellant, but he failed to fulfil his responsibilities to prove himself legally and rightly, So competent authority was imposed the major penalty of "Removal from Government Service" as specified in Rule-4 (iii) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 from the date of his willful absence
- B-** Every official is obligated by law to follow every provision of rules, regulations, and policies pertaining to their employment.
- C-** Incorrect. Hence denied. The respondent department has treated the appellant in accordance with laws and rule, elucidated in para 8 and 9.
- D-** Incorrect, hence denied. As mentioned in the inquiry report that the appellant was remained willfully absent from the duty during the foreign visit reported by FIA.
- E-** Incorrect hence denied. The respondent department has treated the appellant in accordance with laws and rule, as elucidated in para above facts.
- F-** Incorrect. Hence denied. The respondent department has treated the appellant in accordance with laws and rule, elucidated in para 8 and 9.
- G-** The appellant submitted his arrival on 25/02/2022 after remaining willfully absent since 27/12/2019 till to date as elucidated in above paras.
- H-** In correct, hence denied. As mentioned in the inquiry report that the appellant was remained willfully absent from the duty during the foreign visit reported by FIA.
- I-** Incorrect. Hence denied. Proper opportunity was given to the appellant, but he failed to fulfil his responsibilities to prove himself legally and rightly,
- J-** The respondent department also seeks permission of this Honorable Tribunal to advance other grounds at the time of hearing the instance case.

**Pray:**

In light of the above stated facts it is submitted, that the case of the appellant may be ordered as dismissed with cost.

**Respondent = (3)**



**(Muhammad Uzair Ali)**

**District Education Officer (M)**

**Khyber at Jamrud**



**DIRECTOR**

**E&SE Department Khyber  
Pakhtunkhwa, Peshawar.**

**(Respondent No: 2)**

**MASOOD AHMAD  
SECRETARY**



**AUTHORIZED OFFICER  
ABDUL AKRAM**

**ADDITIONAL SECRETARY (G)**

**E&SE Department Khyber  
Pakhtunkhwa, Peshawar.**

**(Respondent No: 1)**

**BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR.**

**Appeal No. 289/2024**

**Abdul Jalil..... Appellant.**

**Versus**

**District education officer (M) district Khyber & Others...  
Respondent Comments on behalf of Respondent.**

**Affidavit**

I, Muhammad Uzair Ali District Education Officer Khyber (M) do hereby solemnly affirm and declare that the contents of the accompanying para-wise comments submitted by the respondents is correct to the best of my knowledge and belief and nothing has been concealed from this honorable service tribunal. It is further stated under oath that respondent's defense was neither stuck off or nor exparte in the aforementioned instant case.



**(Muhammad Uzair Ali)**

**District Education Officer (M)**

**Khyber at Jamrud** ~



**BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR.**

**Appeal No. 289/2024**

**Abdul Jalil..... Appellant.**

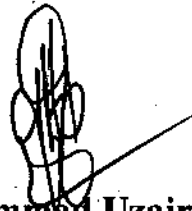
**Versus**

**District education officer (M) district Khyber & Others... Respondents.**

**Comments on behalf of Respondent.**

**Authority Letter**

Mr. Munawar Khan /focal Person of (Litigation) District education Officer  
Khyber is hereby authorized to submit para-wise comments in the court  
on the behalf of respondent.



**(Muhammad Uzair Ali)**

**District Education Officer (M)**

**Khyber at Jamrud**



Anx - A

P-8



OFFICE OF THE PRINCIPAL GHS HASHIM ABAD  
TRIBAL DISTRICT KHYBER AT JAMRUD

NO: 011-A DATED: 02/08/2019

74

To

The District Education Officer  
Tribal District Khyber at Jamrud

Subject: REPORT AGAINST MR. ABDUL JALIL JUNIOR CLERK OF THIS SCHOOL.

Memo:

Enclosed find herewith a report in the connection of the subject cited above with following detail please.

Your good self has granted Ex-Pakistan leave to Mr. Abdul Jalil Junior Clerk with effect from 12/07/2019 to 26/07/2019 (15 days). According to report Mr. Abdul Jalil Junior Clerk has been arrested along with some contraband in Qatar.

He is now in the custody of Qatar police. His salary has been stopped with effect from 01/08/2019

His case is hereby forwarded for further necessary action under Khyber Pakhtunkhwa Government Servants E&D Rules 2011 Please.

PRINCIPAL  
GHS HASHIM ABAD JAMRUD  
DISTRICT KHYBER

PRINCIPAL  
GHS Hashim Abad  
Jamrud Khyber Agency

*EC (M)*  
*Wm Khan*  
*Arrested Notice*  
*C12*  
*27 R*



P 9 Aux-B



OFFICE OF THE DISTRICT EDUCATION OFFICER (M)  
KHYBER A.T. JAMALU  
NO. 659-68  
V/P/EDU DATED 21/07/2023  
Email: DEOKHYBER7777@gmail.com

**REMINDER**


To

1. Razaqat Ali, Principal GHS Alam Gudar Bara
2. Muhammad Zahid, V/Principal GHS Kohi Sher Haider Bara.
3. Khan Karaz, ADEO (Secy.) local office.

Subject: OFFICE ORDER/INQUIRY.  
Memo:-

An inquiry committee was constituted in respect of MR. Abdul Jalil, J/C, vide this office Endst. No. 2384-89 dated 01/03/2023.

You are directed to submit your inquiry report within 04 days positively for further process.

  
District Education Officer  
(Male) Khyber

**TESTED**

U2

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Anx-C

DISTRICT EDUCATION OFFICE  
KHYBER TRIBAL DISTRICT KHYBER AT JAMRUD  
PHONE: 091-5820584 FAX: 091-5820584  
No: \_\_\_\_\_ DATED: \_\_\_\_\_ /2019

DISTRICT EDUCATION OFFICE KHYBER TRIBAL DISTRICT AT JAMRUD  
WELFARE ABSENCE NOTICE.

75

You,

Mr. Abdul Jalil Junior Clerk GHS Hashim Abad Jamrud Khyber Tribal District

Were absent from your duties w.e.f. 27/07/2019 till now as reported by the Principal GHS Hashim Abad Jamrud through letter No. 011-A dated, 01/08/2019.

I, Jadoon Khan District Education Officer Khyber Tribal District Jamrud in the capacity of the competent authority do hereby issue this notice and directing you to resume your duty within seven days of issuance of this notice and present you before undersigned for personal hearing. It must be noted that if this notice is no response is received from you, an ex-parte decision would be taken against you.

On the expiry of that stipulated period in the notice, major penalty of removal from service will be imposed upon you.

(MULLAH JADOON KHAN)  
DISTRICT EDUCATION OFFICER  
KHYBER TRIBAL DISTRICT AT JAMRUD

Encl: No. 9717-18

Dated 07/08/2019

A copy of the above is forwarded to the:  
Principal GHS Hashim Abad to deliver this notice to Mr. Abdul Jalil J.C to his home address and report to this should be reached to this office for record.

ATTESTED  
[Signature]

[Signature]  
DISTRICT EDUCATION OFFICER  
KHYBER TRIBAL DISTRICT AT JAMRUD  
27/08/2019

P-11  
ANX-D

FEDERAL INVESTIGATION AGENCY  
INTEGRATED BORDER MANAGEMENT SYSTEM  
FLHQ G-9/4 PESHAWAR MOR, ISLAMABAD  
Fax No: 051-9282378, Tel No: 051-9107219  
R-11 (TRAVEL HISTORY)



STORY FOUND ON: 2120238907465

Requested By: (SIRAJ MUHAMMAD) PSO TO  
Director/FIA KPK, Peshawar  
Letter Number: FIA/KPK/F-40/2023/37798-99

Department: FIA  
Request Date: 14-Sep-2023

Diary No: 4795 18-09-23  
Query Date: 28-Sep-2023

TRAVELER'S CNIC/NIC  
2120238907465

PERSONAL INFORMATION:

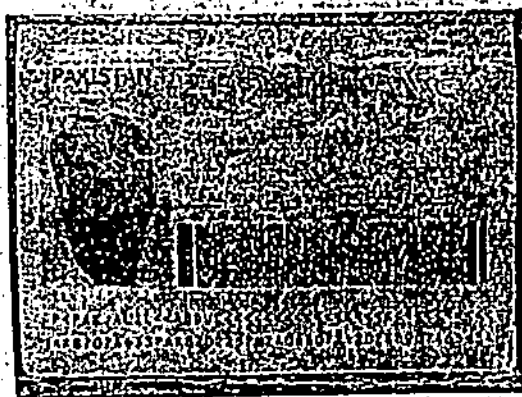
NAME: ABDUL JALIL  
FATHER/HUSBAND NAME: MUZAMIL SHAH

BIRTH DATE: 25-FEB-1982  
NATIONALITY: Pakistan



TRAVEL DETAILS:

NO	TRAVEL DATE	FLIGHT NO	TRAVEL STATUS	PASSPORT NO	SITENAME	DESTINATION
1	14-Jul-19 0:59:34	QR633	departing	AK8707463	BENAZIR BHUTTO INTERNATIONAL AIRPORT ISLAMABAD	QAT - QATAR
2	28-Dec-22 5:30:16	G9555	arriving	AK8707463	PESHAWAR INTERNATIONAL AIRPORT	



CHECKED BY:

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Anx-E

GOVERNMENT OF KHYBER PAKHTUNKHWA  
OFFICE OF THE PRINCIPAL GHS ALAM GUDAR BARA KHYBER  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT KHYBER PAKHTUNKHWA



No. 1061 /OFFICIAL LETTERS/GHSAG-BARA/

DATED: 08/07/2023

To

The District Education Officer,  
District Khyber.

Subject: Inquiry Report Regarding Mr. Abdul Jalil Junior Clerk

Memo,

Reference to the letter DEO Khyber Endst No 2384, Dated: 01/03/2023, the following members have been assigned the inquiry in respect of Mr. Abdul Jalil Junior Clerk.

- Mr. Syed Razaqat Ali Shah Principal GHS Alam Gudar Bara (Chairman)
- Mr. Muhammad Zahid V. Principal GHS Kohi Sher Haider Bara ( Member)
- Mr. Khan Faraz ADEO Secondary Local Office (Member) (Annex A)

The inquiry of the aforementioned official has been conducted as follows;

#### Background History

Mr. Abdul Jalil Junior Clerk had received No Objection Certificate (NOC) from DEO Khyber for visit (Qatar) with effect from 12/07/2019 to 26/07/2019 (15 days). (Annex B)

Moreover, as per letter of DEO Endst No, 01-A, dated 2/08/2019, Mr. Abdul Jalil had been arrested by the Qatar Police, hence, his salary had been stopped with effect from 01/08/2019. (Annex C)

Also, reference to the DEO Letter No, 9717-18, dated 07/08/2019, DEO Khyber had issued a notice to the concerned official to resume his duty and make sure his presence for personal hearing within 7 days. (Annex D)

Similarly, the concerned official had submitted an application to reinstate his services with the office of DEO Khyber in January, 2023. (Annex E)

#### Procedure Adopted

The concerned committee called on Mr. Abdul Jalil Junior Clerk for personal hearing and interviewed at GHS Alam Gudar Bara. He was served with a questionnaire relevant to the inquiry in hand but his response was not reasonable (Annex F)

ATTESTED

ADEO CMY  
8/08/23

ATTESTED

Ch

P-14  
ANX-F  
OFFICE OF THE DISTRICT EDUCATION OFFICER  
KHYBER AT JAMRUD

Email.DEOKHYBER7777@gmail.com

## Show Cause Notice

I, Muhammad Uzair Ali, the District Education Officer (M) Elementary & Secondary Education Khyber, Khyber Pakhtunkhwa as Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you Mr. Abdul Jalil appointed as Junior Clerk BPS 11 at GHS Hashim Abad Jamrud District Khyber as follows:

1. That you have availed 15 days' Ex- Pakistan Leave w.e.f. 12/7/2019 to 26/7/2019 sanctioned by this office vide Endst. No. 8965-69 dated, 08/07/2019.
2. That you failed to report to this office after expiry of sanctioned leave without further permission from the competent authority.
3. That upon failing to resume duty you were issued notice by then DEO vide No.9717-18 dated 07/8/2019 to resume your duty within 7 days to avoid major penalty but even then you did not resume your duty and remained at large as willfully absent from duty.
4. That, all of a sudden, you submitted your arrival on 25/02/2023.
5. That consequent upon your arrival report an inquiry committee comprising of Mr. Syed Razaqat Ali Shah Principal GHS Alam Gudar Bara, Mr. Muhammad Zahid V. Principal GHS Kohin Sher Haider Bara and Mr. Khan Fara ADEO Secondary Local Office was constituted vide this office Endst: No.2384-89 dated 01/03/2023 to dig out the factual position.
6. That the inquiry committee in its report vide No.1061 dated 08/07/2023 recommended you to be proceeded against in accordance with E&D Rules, 2011.
7. That after going through the inquiry report and material on record, I am satisfied that you have committed acts/omission in mentioned in Rule 3 (b) & (d) of the above mentioned Rules, i.e.
  - i. Guilty of misconduct.
  - ii. guilty of habitually absenting himself from duty without prior approval of leave.
8. That in exercise of powers conferred under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, I as the Competent Authority have tentatively decided to impose upon you any of the major penalties mentioned in Rule-4 (b) of the ibid rules.
9. You are, therefore, required to show cause with solid evidence/s as to why the aforementioned penalty should not be imposed upon you and also intimate in writing whether you desire to be heard in person.
10. If no reply to this show cause is received within 15 days of its receipt, it shall be presumed that you have no defense to put in and, in that case, an Ex-Parte decision shall be taken against you.

(Muhammad Uzair Ali)  
Competent Authority  
District Education Officer (M)  
E&SE Khyber, Khyber Pakhtunkhwa

8189-94  
Endst: Even No. \_\_\_\_\_

Date. 11/9/2023

Copy of the above is forwarded for information to the: -

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa.
2. Deputy Commissioner Khyber
3. Litigation Officer Local Office.
4. ADEO Secondary concerned.
5. Official concerned.
6. Master File.

ATTESTED  
C12

Received  
12/9/2023

P-13

GOVERNMENT OF KHYBER PAKHTUNKHWA  
OFFICE OF THE PRINCIPAL GHS ALAM GUDAR BARA KHYBER  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT KHYBER PAKHTUNKHWA



No. /OFFICIAL LETTERS/GHSAG-BARA/ DATED: / /2023

In addition, the concerned committee has requested Federal Investigation Agency (FIA) through proper channel for digging out the travelling and illicit history, if any, of the concerned official. (Annex G). Besides, the Inquiry Chairman visited the headquarter FIA Peshawar personally to get the desired results. For the same cause, the Inquiry Chairman nominated an official to visit the concerned headquarter. Moreover, the concerned committee made various calls on cell phone to FIA but it didn't meet the desired results.

Moreover, DEO Khyber has requested FIA again with a reminder to enquire the case in hand. Till date, FIA has not responded the officials concerned in this regard. (Annex H)

Due to delaying response from FIA, the Inquiry Chairman has sent a reminder letter again to the Headquarter FIA Peshawar to get the desired results regarding the subject matter. (Annex I)

In this regard, the undersigned has sent the letter to the Embassy of Qatar at Islamabad to enquire either the official concerned was engaged in any criminal activities or not at Qatar. (Annex J)

Moreover, the Inquiry chairman attempted to call the Embassy of Qatar at Islamabad on its various contact numbers frequently on 22<sup>nd</sup> of July and on 7<sup>th</sup> of August 2023 respectively but it didn't attend the call.

Finding

Till date, the concerned committee didn't receive any illicit record from the directorate of FIA, as FIA stated it verbally that it doesn't come in its jurisdiction. Hence, the concerned committee sent the letter to the Embassy of Qatar at Islamabad, mentioned in Annex J.

Recommendations

In the light of aforementioned findings, the committee came to the conclusion of the inquiry in hand as follows:

- The official concerned may be proceeded against E&D Rules:

Mr. Syed Razaqat Ali Shah (Chairman)  
Principal

GHS Alam Gudar Bara Khyber

Mr. Muhammad Zahid

Vice Princlapal GHS Kohi Sher Halder Bara

Mr. Khan Faraz (Member)  
DEO Local Office

ALLUJED

C12

Ann-G

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OFFICE OF THE DISTRICT EDUCATION OFFICER  
 KHYBER AT JAMRUD  
 NO. / EDU DATED 2023  
 Email: DEOKHYBER7777@gmail.com

**NOTIFICATION**

1. Whereas, Mr. Abdul Jalil, Junior Clerk GHS Hashim Abad Jamrud District Khyber was proceeded against in accordance with Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 for willful absence w.c.f. 12/07/2019 to 26/07/2019 without prior permission of the competent authority.
2. And whereas, he availed 15 days Ex-Pakistan Leave w.c.f. 12/7/2019 to 26/7/2019 duly sanctioned by this office vide Endst. No. 8965-69 dated, 08/07/2019.
3. And whereas, he failed to report to this office after expiry of the sanctioned leave and remained willful absent without further permission from the competent authority.
4. And whereas, upon failure to resume duty he was issued notice by then DEO vide No.9717-18 dated 07/8/2019 to resume his duty within 7 days to avoid major penalty but even then he did not resume his duty and remained at large as willfully absent from duty.
5. And whereas, all of a sudden, he submitted his arrival on 25/02/2023 after remaining willfully absent since 27/7/2019.
6. And whereas, on his submission of arrival report, an inquiry committee comprising of Mr. Syed Razaqat Ali Shah Principal GHS Alam Gudar Bara, Mr. Muhammad Zahid V. Principal GHS Kohin Sher Haider Bara and Mr. Khan Fara ADEO Secondary Local Office was constituted vide this office Endst. No.2384-89 dated 01/03/2023 to dig out the factual position.
7. And whereas, the inquiry committee in its report vide No.1061 dated 08/07/2023 recommended him to be proceeded against in accordance with E&D Rules, 2011.
8. And whereas, show cause notice with an opportunity for personal hearing on acknowledgement was served upon him vide this office Endst. No.8189-94 dated: 11/9/2023 to explain as to why the penalty mentioned therein the show cause notice should not be imposed upon him.
9. And whereas, he did not bother to reply the show cause notice within stipulated time to defend himself with request for personal hearing.
10. And whereas, his willful non-submission of reply to the mentioned show cause is tantamount to confession of his commission of willful absence from duty for the period mentioned above and which renders him to be treated as per Rule-3 (b) & (d).
11. And whereas, the competent authority, having considered the evidence on the record, the report of the inquiry committee and his willful non-submission of reply to the show cause, is of the view that the charges leveled against him in the show cause notice have been proved.
12. Now, therefore, in exercise of powers conferred under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, the District Education Officer (M) Khyber, Khyber Pakhtunkhwa as the Competent Authority is pleased to impose the major penalty of "Removal from Government Service" upon Mr. Abdul Jalil, Junior Clerk GHS Hashim Abad Jamrud as specified in Rule-4 (iii) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, from the date of his willful absence i.e. 27/7/2019 in the interest of public service.

(Muhammad Uzair Ali)  
 Competent Authority  
 District Education Officer (M)  
 E&SE Khyber, Khyber Pakhtunkhwa

Date: 12/10/2023

Endst: Even No. 9280-86

Copy of the above is forwarded for information to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa.
2. Deputy Commissioner District Khyber.
3. District Accounts Officer Khyber.
4. District Monitoring Officer Education Monitoring Authority Khyber.
5. Principal GHS Hashim Abad Jamrud District Khyber.
6. Ex-Official concerned.
7. Master File.

Competent Authority  
 District Education Officer (M)  
 E&SE Khyber, Khyber Pakhtunkhwa

**ATTESTED**

C12