

BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR

Appeal NO. 328/2024

MUHAMMAD AYUB..... Appellant.

Versus

District Education officer (M) District Khyber & Others... Respondents.

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(Muhammad Uzair Ali)

District Education Officer (M)

Khyber at Jamrud

Dated *24* 05/2024

M 1
inter date
11-6-24

THE HONORABLE SERVICE TRIBUNAL PESHAWAR.

Appeal No. 328/2024

Muhammad Ayub..... Appellant.

Versus

District Education officer (M) District Khyber & Others... Respondents.

Comments on behalf of Respondents No. 1 & 2.

Preliminary objections.

**Khyber Pakhtunkhwa
Service Tribunal.**

Diary No. 13139

Dated 04-06-2024

- That the appellant has got no cause of action/locus standi to file the instant appeal.
- That the appellant has been reported by DEO (Female) District Khyber vide letter No.4302 dated 19/05/2023 for harassment/misconduct with Miss Noorina Syed, Headmistress GGHS Abdullah Jan Bara, on her complaint dated 02.05.2023, which is a misconduct as well as a criminal act against a serving government official. **Annexure-A**
- That an inquiry committee was constituted against the appellant vide No. 4845-52 dated 23.05.2024 to probe into this harassment/misconduct case and to submit comprehensive report. **Annexure-B**
- That the inquiry committee submitted its report vide No. 1053 dated 05.07.2023 proving the charges level against the appellant. **Annexure-C**
- That the appellant concealed material facts from this honorable tribunal.
- That the appellant is estopped by his own to bring the present appeal.

- That the appeal is bad due to miss-joinder and non-joinder of necessary parties
- That the appeal is barred by law.

Respectfully Sheweth;

ON FACTS.

1. Pertains to record.
2. Pertains to record.
3. Pertains to record.
4. Pertains to record.
5. Incorrect. Hence denied. In the inquiry report it has been mentioned that the complainant Miss Nooreena, Headmistress GGHS Abdullah Jan Bara Khyber, has registered various complaints of harassment/misconduct against the(appellant) defendant Mr. Muhammad Ayub SPST Noor Haider Bara Khyber. The inquiry committee investigated the issue, established the case against the accused and submitted its report accordingly for further necessary action. **Annexure-C**
6. That a show-cause notice was served upon him vide this office No. 6708-15 dated 26/07/2023 to which his reply dated 07/8/2023 was found unsatisfactory being contrary to the evidence on file. Annexure- D, F,G,H and I
7. As elucidated in para 6.

8. The appellant was twice called for personal hearing vide No.7310 dated 22/8/2023 and vide No 9039 dated 03/10/2023 to allow him ample opportunity to clear himself of the accusation/charges mention in the complaint as well as in show cause.
9. That the appellant availed personal hearing but could not defend himself. The Competent Authority (DEO Male and DEO Female Khyber), after having considered the charges, evidence on record, reply to the show cause and his defense in personal hearing (minutes recorded formally) (**copy attached as annexed-J**) came to the conclusion that the charges contained in the show cause against Muhammad Ayub PSHT GPS Sur Kas No.1 Noor Haider Bara had been proved to the extent of penalization under Rule- 4 (b) (i) of the Khyber Pakhtunkhwa government servants (efficiency and disciplinary) Rules, 2011 along with posting out the appellant from subdivision Bara Khyber to subdivision Landi Kotal in the interest of public service.
10. That 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 was pleased to impose the major penalty of "reduction to a lower post or pay scale. i.e. from PSHT BPS-15 to SPST BPS-14 as specified in Rule-4 (b) (i) of the aforementioned Rules with immediate effect along with his transfer on administrative ground from

GPS Sur Kas No.1 Noor Haider Bara to GPS No.1 Landi Kotal in the interest of public service. **Annexure-K**

11. The respondent department has treated the appellant in accordance with laws and rules as elucidated in para 9 and 10.


Ground;

- a. As replied in above paras.
- b. Incorrect. Hence denied. As elucidated in para 6.
- c. Incorrect. Hence denied. The respondent department treated the appellant strictly in accordance with laws and rules.
- d. Incorrect. Hence denied. The respondents/appellant is proven guilty of misconduct and, therefore accordingly treated as per Rule-4 (b) (i) of the Khyber Pakhtunkhwa government servants (efficiency and disciplinary) Rules, 2011 in the public interest.
- e. Incorrect. Hence denied. As elucidated para 9 and 10.
- f. Incorrect. Hence denied. The respondent department has treated the appellant in accordance with laws and rules.
- g. The respondents also seeks of this Hon'ble Tribunal to advance other grounds at the time of hearing the case.

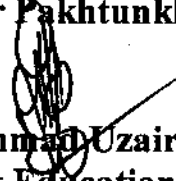
Pray:

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

Respondent No. 01


(SAMINA ILTAF)
Director of E&SE
Khyber Pakhtunkhwa

Respondent No. 02


Muhammad Uzair Ali
District Education Officer (m)
District Khyber



THE HONORABLE SERVICE TRIBUNAL PESHAWAR.

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Appeal No. 328/2024

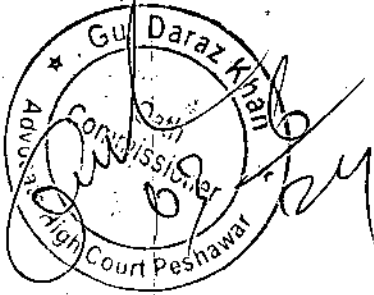
Muhammad Ayub..... Appellant.

Versus

District Education officer (M) District Khyber & Others... Respondents.

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.



A handwritten signature in black ink, appearing to be "Muhammad Uzair Ali".

(Muhammad Uzair Ali)
District Education Officer (M)
Khyber at Jamrud

THE HONORABLE SERVICE TRIBUNAL PESHAWAR.

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Appeal No. 328/2024

Muhammad Ayub..... Appellant.

Versus

District Education officer (M) District Khyber & Others... Respondents.

Comments on behalf of Respondents No. 1& 2.

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

To: The District Education Officer
Male Khyber.

SUBJECT: COMPLAINT ABOUT CONTINUOUS STALKING & HARASSMENT BY
MUHAMMAD AYUB PST GPS NOOR HAIDER BARA KHYBER.

Memo:

Reference to the subject cited above, enclosed please find herewith a self-explanatory complaints against in respect of Miss Noorina Syed Headmistress GGHS Abdullah Jan Bara against Mr. Muhammad Ayub Khan PST GPS Noor Haider Bara who is constantly trying to harass her which is causing humiliatiogn, or mentally distressed and significant enxiety & making an obstacle in performance of her duty.

Submitted for favourable proceeding please.

Mani 20/05/2023

DISTRICT EDUCATION OFFICER
FEMALE KHYBER AT JAMRUD

Endst: No. _____

Dated _____/05/2023.

Copy forwarded to the:-

1. Mst: Noorina Syed Headmistress GGHS Abdullah Jan Bara.
2. Mr. Muhammad Ayub PST GPS Noor Haider Bara.
3. Master File.

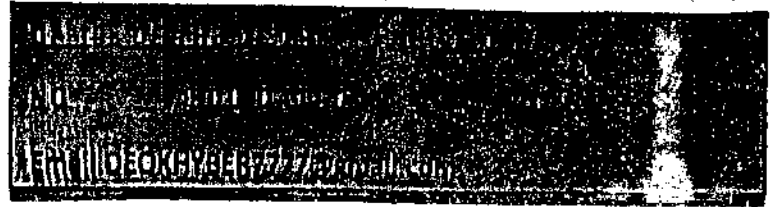
DISTRICT EDUCATION OFFICER
FEMALE KHYBER AT JAMRUD

*ADEO PMY
Put up for
inquiry along with
memorations
to 23/5*

*D No 537
Refer to Abdul DA (est)
Nawab
Put up
23/5*

*Attested
CR*

Anx-B



Anx-B

OFFICE ORDER

Following committee is hereby constituted in respect of Mr. Muhammad Ayub PSHT GPS Noor Haider Bara, regarding complaint received from DEO Khyber (Female) No.4302 dated, 19/05/2023 regarding harassment issue of Head Mistress GGHS Abdullah Jan Killi Bara District Khyber for inquiry and comprehensive report within 07 days positively please.

1. Mr. Rifaqat Ali Shah Principal GHS Alam Gudar Jamrud (Chairman)
2. Mr. Abdul Nawaz SDEO Jamrud (Member)

Endst.No.

4845-52

DISTRICT EDUCATION OFFICER
DISTRICT KHYBER AT JAMRUD

Dated 23/05/2023

Copy for information and necessary action is forwarded to the

- 1 Director Education Khyber Pakhtunkhwa at Peshawar.
- 2 Deputy Commissioner District Khyber at Peshawar.
- 3 Principal GHS Alam Gudar Bara
- 4 Head Master GHS Hissara Bara.
- 5 DEO Female w/r to his letter quoted above.
- 6 Head Mistress GGHS Abdullah Jan Killi Bara.
- 7 ADEO(M) Concerned local office
- 8 Superintendent local office.

DISTRICT EDUCATION OFFICER
DISTRICT KHYBER AT JAMRUD

Attested

CR



Ann - C

P-10

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



No. 1053 /OFFICIAL LETTERS/GHSAG-BARA/

DATED: 05/07/2023

ADDED BY
Put up
19/7/2023

To

The District Education Officer,
District Khyber.

Subject: Inquiry Report in Respect of Mr. Muhammad Ayub PSHT GPS Noor Haider

Memo,

Reference to the letter DEO Khyber Endst No: 4845-52 dated: 23/05/2023, the inquiry in respect of Mr. Muhammad Ayub PSHT GPS Noor Haider Bara, has been assigned to the committee members given below;

- Mr. Rifaqat Ali Shah Principal GHS Alam Gudar Bara (Chairman)
- Mr. Abdul Nawaz SDEO Jamrud (Member) (Annex A)

D A (EST)
Put on file
22/07/2023

Background History

The complainant, Miss Noreena Headmistress GGHS Abdullah Jan Bara Khyber, has registered various complaints of harassment against the defendant Mr. Muhammad Ayub PSHT GPS Noor Haider Bara, District Khyber. The list of complaints registered by the complainant against the defendant is given below;

1. The complainant lodged the complaint against the defendant at Hayatabad Police Station on 7th October 2020. (Annex B)
2. The complainant also registered a complaint against the same defendant at the office of District Education Officer Khyber on 9th October 2020. (Annex C)
3. Again, she approached and registered a complaint at the office of District Police Officer on 13th October 2021 (Annex D)
4. During the ongoing series of complaints, she also registered an FIR against the defendant at Bara Police Station on 4th October 2021. (Annex E)
5. The complainant has registered two complaints against the defendant. The first one has been dispatched to DEO Male Khyber through DEO Female Khyber (Annex F) whereas she dispatched the second complaint directly to the office of DEO Female (Annex G).

Procedure Adopted

The concerned committee visited GGHS Abdullah Jan Bara Khyber and GPS Noor Haider Bara on 3rd June 2023. During the visit, both the officials (complainant and defendant) were served with the respective questionnaires in their concerned institutions. Meanwhile, the complainant responded the questionnaire accordingly on the spot, while the defendant is reluctant to respond the official questionnaire till date. (Annex H)

Atesial
02





~~SECRET~~

P-11

~~SECRET~~



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

LB

Finding

The concerned inquiry committee has extracted some findings regarding the defendant which is given below;

- 1. The defendant has inked an affidavit at the office of SDPO Headquarter Khyber that he will restrict himself from wandering in the premises of the complainant's house. (Annex D)
- 2. Also, the defendant was released from jail on bail bond in the sum up Rs: 80000/- with the two sureties to abide by the law. (Annex J)

Recommendations

In the light of aforementioned findings and personal hearing of both the contesting officials, the thoroughly investigation of various complaints by the complainant indicate that, Mr. Muhammad Ayub (the defendant) is involved in the harassment, hence, the inquiry committee came to the conclusion of the inquiry in hand as follows;

- Mr. Muhammad Ayub (the defendant) maybe proceeded under E&D Rules of Khyber Pakhtunkhwa.

Syed Rafiqat Ali Shah

Mr. Syed Rafiqat Ali Shah (Chairman)

Abdul Nawaz

Mr. Abdul Nawaz (Member)

Principal
GHS Alam Gudar Bara Khyber

SDEO Jamrud
Sub Divisional Education Officer
Tehsil Jamrud District Khyber

Attest
Ch



P-12
Amx-D



(19)

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. Muhammad Ayub PSHT GPS Noor Haider Bara District Khyber as follows:

1. That you have been reported by DEO (Female) District Khyber vide letter No.4302 dated 19/05/2023 for harassment of Miss Noorina Syed, Headmistress GGHS Abdullah Jan Bara, on her complaint dated 02.05.2023, which is a gross misconduct as well as a criminal act against a serving government official.
2. That accordingly an inquiry committee, comprising of Mr. Rifaqat Ali Shah Principal GHS Alam Gudar Bara and Mr. Abdul Nawaz SDEO Jamrud, was constituted vide No.4845-52 dated 23/05/2023 to probe into this harassment case and submit comprehensive report.
3. That the inquiry committee submitted its report vide No.1053 dated 05/07/2023 which proved the case against you.
4. That you were previously also proceeded for the similar harassment of the similar official but you still did not mend your conduct and continued harassing the mentioned Headmistress after you somehow got away with the proceedings.
5. That after going through the inquiry report and other material on record, I am satisfied that you have committed acts/omission mentioned in Rule 3 (b) of the aforementioned Rules.
6. 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.
7. You are, therefore, required to show cause as to why the aforementioned penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
8. If no written 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.
Date: 26/6/2023

Endst: No. 6708-15
Copy of the above is forwarded for information to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa.
2. Deputy Commissioner Khyber.
3. DEO (F) District Khyber.
4. SDEO Bara District Khyber.
5. Litigation Officer Local Office.
6. ADEO Primary Local Office.
7. Official concerned.
8. Master File.

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

P-13
P-14
ANX-F

13
13

GIS Abdullah Jan
Bara District Khyber
Date: 09/10/2020

To:
The District Education Office,
Khyber at Jamrud.

Subject: COMPLAINT AGAINST MUHAMMAD AYUB PSHT GPS SOORKAS NO.1

Please refer to the subject cited above

It is submitted that Muhammad Ayub PSHT GPS SOORKAS No.1 menacing (threatening) and chasing school van and harassing. This person has created lots of problems for the undersigned to go to school and perform duty because he follows me almost every day which is beyond my tolerance level.

Therefore, your good support is requested to take calculative actions against the employee mentioned above to mend his ways otherwise the undersigned will take action by herself because it is a serious matter of honor and dignity.

Noorina Syed
Noorina Syed
Head Mistress
GGHS Abdullah Jan Bara
District Khyber

Enclst No 2

Copy of the above is forwarded to

1. Director Elementary and secondary education KP at Peshawar.
2. Deputy commissioner Khyber at Peshawar.
3. District Police Officer Khyber with request to please file a FIR against the above mention person as soon as possible.

HEADMISTRESS
GGHS Abdullah Jan
Bara District Khyber

Attested
CH

~~PJS~~ P-14
ANX-9

Ahmad
Zinait
Cream

SI
Please facilitate
this FIR registration

To
The District Police Officer
District Khyber

Title: Detailed Complaint Application

Lamm
13/X

Respected Sir,

I am Ms. Noorina Syed, CNIC: 21302-1012110-4 currently posted as Head Mistress, at Government Girls High School (GGHS) Abdullah Jan, District Khyber. From the last three years, Muhammad Ayub, posted as Primary Secondary Teacher, at Government Primary School (GPS), Soorkas No. 1 has been continuously stalking, harassing, and threatening me. Not only, he is deterring me from discharging my official duty properly- as he has many times followed my vehicle on route to my school- but has also been criminally inducing me for marriage and has been reaching my siblings through his acquaintances for the same. In this process, he has been defaming me in front of his friends, and colleagues.

I had hired his services as a driver on the recommendation of my niece's husband when I was posted as Assistant Education Office (Female), Bara, Khyber Agency and then as Headmistress, Government Girls High School, Pirwelkhel, Dara Adam Khel- at that time he was suspended from service of which I did not the reason of. After I changed my driver, he started contacting me on my number, started threatening me, started stalking me and followed me on my route to school many times for which I blocked his number, but he continued harassing me from other numbers and due to this reason, I changed my number. During this time, I was transferred to Government Girls High School (GGHS), Abdullah Jan, District Khyber, which is my current posting. Since then, he has been continuously stalking me, following me on my route to school, and has been found near my residence at Hayatabad multiple times.

Initially his elders were informed about his advancements, and in response they assured us that he will not create any disturbance and will not show up near my residence. However, after some time he continued following me and once followed me to my home and give a verbal threat. I then launched a complaint with Tatara Police Station, dated October 8, 2020 on which the police responded that it was not their jurisdiction but that of Khyber police. After that my nephew launched a complain on Pakistan Citizen Portal, Complaint Number KP141020-87460478 on which the police responded that he was not found at his Hayatabad residence, and his neighbors said that his family had shifted to District Khyber. The case was forwarded to DPO Khyber, where he was summoned under the supervision of DSP Nawaz. He affirmed that neither he will stalk me, nor harass me in future, but despite that he continued with his actions. Thereafter, I filed a complaint dated September 20, 2021, at Tatara Police Station, Phase 4, and at Police Station Bara, Khyber dated October 4, 2021, who forwarded us to Takya Police Chowk, where SI Sher Haider was given the report, however, he was completely biased in his conduct, and was not cooperative at all. After three days, he was found once again at street end and his vehicle, numbered: M9343,

Attested
[Signature]

P-15 P-16

upon seeing my nephews he ran away, showing them inappropriate gestures, immediately police were informed, he was chased and his vehicle was found at front of his relatives' house, but his cousins told the police that he wasn't in the premises of the house. Thereafter, the police confiscated his vehicle, which is parked at Tatara Police Station Phase 7.

Because of his actions, he has made it very difficult for me to carry official duties - I have applied for two-months leave for the same reason- and lead a normal life, and has given me severe mental torture, defamed me in front of my colleagues, and harmed my professional dignity. I urge you to file an FIR against Muhammad Ayub under sections of stalking, harassment, defamation, criminally inducing for marriage, creating hindrance in the discharge of my official duty, and giving life threats because.

I have attached all the related documents.

Date: 13-10-2021

Handwritten signature

Miss Noorina Syed

Headmistress

0332-9436186

Syed Ubaid Shah

Handwritten signature

Handwritten initials

Muster

12-10-2021

SI-P5Bmm

SI/01/2021

13

Endi Copy

استدلالی اطلاع بخیر کجاست...
 در حقیقت، سبب اصلی این امر...
 چنانچه این امر...
 در صورتی که...
 این امر...
 چنانچه...
 در صورتی که...
 این امر...
 چنانچه...
 در صورتی که...

1	مبلغی که... 10/10	مبلغی که...
2	مبلغی که...	مبلغی که...
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استدلالی اطلاع بخیر کجاست...
 این امر...

(E) (E)

10/10/2021

Copy

P-12
 ANX-H
 10/10/2021

P-17

P-17
ANX-I

(F) The self explanation
complaint along with
supported documents
are to be forwarded
to the DEO (M), for
E&D Rules
06/05/2023

To
District Education Officer
Khyber Jamrud

Through
DEO Female
District Khyber Jamrud

Subject: Complaint about Continuous Stalking and Harassment by Muhammad Ayub

Dear Sir,

I am writing to bring a serious and ongoing issue to your attention. As the Headmistress of GGHS Abdullah Jan school, I have been experiencing harassment and threats from Muhammad Ayub, a primary school teacher at GPS Noor Haider, tehsil Bara in District Khyber. I fear for my safety and wellbeing due to his continuous stalking, harassment, and false rumors he is spreading about me. I am submitting this complaint in hopes that appropriate action can be taken to protect me from further harm.

I have previously filed complaints against him in the education office as well as in the police station. In October 2020, I filed a complaint on Pakistan Citizen Portal, on which office of the District Police Officer Khyber summoned him. He affirmed that neither he will stalk nor harass the undersigned in the future, but after a year, he resumed his behavior, leading me to file another complaint in September 2021 at Bara Police station and Tatara Police Station in Hayatabad.

Despite my best efforts to avoid him and his actions, his behavior has caused me significant stress and anxiety, making it challenging for me to perform my job effectively.

I request that you take appropriate action to ensure my safety and prevent any further incidents from occurring. I have attached all previous records with this application. In addition, I have attached pictures of him, chasing my school vehicle while coming from the school.

Encl no. 36

Date: 02.05.2023

Sincerely;

Miss Noorina Syed
Headmistress

Noorina Syed
HEADMISTRESS
GGHS ABULLAH JAN
MILLI BARA DISTRICT KHYBER

*Needed
CR*

از طرف لڈرڈ سیم جو لیڈر گورنمنٹ گریڈ مانی سکول عبداللہ
(358)

میں ہوش و حواس بغیر کسی دباؤ کے یہ بیان دیتا ہوں
میں نے کو اسکول کے سامنے سے آئے جانے دیکھا ہے، لڈر

سکول کے بچوں کے توسط سے بھی پوچھ گچھ ہسٹریس

لڈر ٹیڈ کے بارے میں کرتا رہا ہے، میں نے از خود اسکو

تبصرع کہ آپ بچوں سے مت پوچھیے، کیونکہ بچوں

کے والدین نے اعتراض کیا ہے کہ کیا یہ سرکاری بڈرہ

ہے، کہ ہماری بچوں سے پوچھ گچھ کرتا ہے، لڈر س اس سے خود

بات کرتے ہیں، پھر میں بحیثیت ڈیوٹیڈ عبداللہ جان ہائی

کھلا انہ کو اس عمل سے منع بھی کیا یہ سب میں خدا کو

حاضر نا پیر جان رگوانی دیتا ہوں اس وجہ سے میڈم

نے تین گاڑیاں بھی تبدیل کر دی، ڈرائیور کو بھی

ستائھا کہ آ. میڈم انی سے کہ میں، نور قدیم

enric = 21201-7871276-

5.10.2023

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Altogether
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Handwritten signature or name.

Handwritten text, possibly a date or reference number.

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Handwritten number 36 inside a circle.

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Handwritten number 19.



OFFICE OF THE DISTRICT EDUCATION OFFICER
KHYBER AT JAMRUD

NO. /EDU DATED: 28-09-2023

Email: DEOKHYBER7777@gmail.com

**MINUTES OF THE PERSONAL HEARING OF MR. MUHAMMAD AYUB PSHT GPS SUR KAS NOOR
HAIDER KILLIBARA DISTRICT KHYBER DATED 05/10/2023**

Personal hearing of Muhammad Ayub PSHT GPS Sur Kas Noor Haider Killi District Khyber was held in the office of the District Education Officer (M) Khyber at 11:00 Am on 05/10/2023 in connection with the complaint lodged by Miss Noorina Syed Headmistress GGHS Abdullah Jan Bara District Jamrud against the above mentioned PSHT accusing him with harassment charges. The following officers as jury heard the case in the light of the complaint, inquiry report and the reply to show cause by Muhammad Ayub who duly availed the hearing opportunity to defend himself against the charges/accusations:

- | | |
|-----------------------|-----------------------------------|
| 1. Muhammad Uzair Ali | DEO (M) Khyber |
| 2. Mst. Samina Ghani | DEO (F) Khyber |
| 3. Mr. Musharaf Khan | ADEO (M) Primary Local Office |
| 4. Mst. Navida | ADEO (F) Secondary DEO (F) Office |

The hearing formally started with the recitation of few Verses from the Holly Qura'an. Thereafter, the hearing proceeding was kick-started with opening remarks from the chair who lay-bared all the angles and aspects of the case. The accused Muhammad Ayub PSHT GPS Sur Kas No.1 Noor Haider Bara duly attended the proceedings and presented his case without producing telling proofs for his defense.

Brief of the Case

One Miss. Noorina Syed Headmistress GGHS Abdullah Jan Bara District Khyber lodged harassment complaint against Muhammad Ayub PSHT of GPS Sur Kas No.1 Noor Haider Bara wherein she alleged she had been chased by Muhammad Ayub since long and that she also had previously complained whereof he had been sternly warned but the same official was not ready to mend his conduct and that she had been continuously harassed and threatened. Accordingly, an inquiry was ordered to probe into the complaint. The inquiry, ultimately, proved the case against the accused and recommended proceedings under EPD Rules, 2011. Hence, the accused was issued a show cause with an opportunity for personal hearing as well. His reply was ultimately found unsatisfactory, however, the decision was left pending till the holding of Personal Hearing to afford him full opportunity of defence.

Salient Points of the Hearing Proceeding.

1. The Proceeding was duly joined by DEO (F) along with ADEO Secondary of her office as a stakeholder party.
2. Muhammad Ayub PSHT GPS Sur Kas No.1 Noor Haider Bara duly attended the proceeding. Signed Attendance sheet is attached herewith.
3. The complainant Madam Noorina Syed Headmistress GGHS Abdullah Jan Bara also attended in separate session along with two witnesses to prove her complaint. Statements of both the witnesses are attached herewith.
4. Miss Noorina Syed categorically denied any lapse as Muhammad Ayub alleged in his reply to show cause. Instead, she firmly stood by her complaint and exhibited papers already on record with the inquiry report. She reported she was being incessantly harassed and threatened.
5. The accused PSHT Muhammad Ayub presented his case without telling evidences in his support. He could not show any convincing argument or a document either in support of his defense or his allegation and dispute with the family of the complainant. Perceiving his defense as a flimsy attempt to clear his name of the accusations he, out of sheer frustration, resorted to using threatening language against the complainant.

Attested
Mh

complainant were based on true rendering Muhammad Ayub PSHT GPS Sur Kas Noor Haider Bara as proven guilty of misconduct.

Decision

The jury unanimously agreed and decided that Muhammad Ayub PSHT GPS Sur Kas No.1 Noor Haider Bara District Khyber is proven guilty of misconduct and, therefore, he may be treated as per Rule-4 (b) (i) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 along with posting him out of the subdivision Bara District Khyber in the interest of public service.

The jury also advised that the official may be kept on watch for due monitoring of his conduct as expected of a government official.

Name of Jury Member	Designation	Signature
1. Muhammad Uzair Ali	DEO (M) Khyber	
2. Samina Ghani	DEO (F) Khyber	
3. Musharraf Khan	ADEO Primary Local office	
4. Navida	ADEO Secondary Female DEO Office	

Attested

Anx-L

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NO _____/EDU DATED _____ 2023

Email.DEOKHYBER7777@gmail.com

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Notification

1. Whereas, Muhammad Ayub PSHT GPS Sur Kas No.1 Noor Haider Bara District Khyber was proceeded against in accordance with Efficiency & Discipline Rules, 2011 for harassing Miss. Noorina Syed Headmistress GGHS Abdullah Jan Bara District Khyber and hence misconduct.
2. And whereas, he had been reported by DIO (Female) District Khyber vide letter No.4302 dated 19/05/2023 for harassment of Miss Noorina Syed, Headmistress GGHS Abdullah Jan Bara on her complaint dated 02.05.2023.
3. And whereas, the inquiry committee, comprising of Mr. Rifaqat Ali Shah Principal GGHS Abdullah Jan Bara and Mr. Abdul Nawaz SDEO Jamrud, constituted vide No.4845-52 dated 23/05/2023 proved the harassment/misconduct case against Muhammad Ayub PSHT GPS Sur Kas No.1 Noor Haider Bara.
4. And whereas, he was also previously proceeded for the similar harassment of the similar official but he did not mend his conduct and continued harassing the mentioned Headmistress.
5. And whereas, a show-cause notice was served upon him vide this office No.6708-15 dated 26/07/2023 to which his reply dated 07/8/2023 was found unsatisfactory.
6. And whereas, he was twice called for personal hearing vide No.7310 dated 22/8/2023 and vide No.9039 dated 03/10/2023 to allow him ample opportunity for clear himself of the accusation/charges mentioned in the complaint as well as in show cause.
7. And whereas, he availed personal hearing but could not defend himself and instead used threatening language against the complainant during the course of personal hearing.
8. And whereas, the Competent Authority, after having considered the charges, evidence on record, reply to the show cause and his defense in personal hearing (minutes recorded formally) has come to the conclusion that the charges contained in the show cause against Muhammad Ayub PSHT GPS Sur Kas No.1 Noor Haider Bara have been proved to the extent of penalization under Rule-4 (b) of the above mentioned Rules.
9. 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 "reduction to a lower post or pay grade" i.e. from PSHT BPS-15 to SPT BPS-14 as specified in Rule-4 (b) (i) of the above-mentioned Rules with immediate effect along with his transfer on administrative ground from GPS Sur Kas No.1 Noor Haider Bara to GGHS Landi Kotal in the interest of public service.

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

Endst: Even No.9214 - 23 Date: 06/10/2023

Copy of the above is forwarded for information to the:

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa.
2. Deputy Commissioner District Khyber.
3. District Account Officer Khyber.
4. District Monitoring Officer Education Monitoring Authority Khyber.
5. SDE Bara, District Khyber with directions to immediately release the Ex-PSHT from GPS Sur Kas No.1 Noor Haider Bara.
6. SDE Landi Kot.
7. ADEO Litigation Legal Office.
8. AP EMIS Cell, Local Office.
9. Official/Teacher concerned.
10. Master File.

Attested

CR

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