Form-A FORMOF ORDERSHEET

Court of		
Case No.	823/2024	

	Case No.	823/2024
S.No.	Date of order	Order or other proceedings with signature of judge
	proceedings	
1	2	3
1	11.06.2024	As per direction of the Hon'ble Member
	٠.	Judicial the present appeal is fixed for preliminary
		hearing before Single Bench at Peshawar on
		13.06.2024. Parcha Peshi given to counsel for the
-	vis of	appellant.
		REGISTRAR
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		1

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

CM No. <u>823</u> /2024 In	
Appeal No/2024	
Muhammad Ishaq	APPLICANT/APPELLANT
VERSUS	S -
Govt. of KPK & others	RESPONDENTS

APPLICATION FOR FIXATION OF THE ABOVE AT PESHAWAR

Respectfully Sheweth:

- 1. That the above titled case is instituted in this Hon'ble Court in which no date of hearing is fixed yet.
- That some of the respondents are stationed in Peshawar so the case if fixed in Peshawar would be beneficial for respondents.
- 3. That appellant since four/Five months is residing in Peshawar as well.

It is, therefore, most humbly prayed that the instant case may kindly be fixed at Peshawar.

Through

Applicant/Appellant

Sajip Mansud Advocate High Court

Respected Madam,

It is submitted that the present appeal was returned to counsel for the appellant for removing the deficiencies (Flag-A). Today i.e. 11.06.2024 the learned counsel re-filed the appeal without removing the objection no. 7 with detail reply (Flag-B).

The appeal is now submitted to your honor under rules 7 (c) of the Khyber-Pakhtunkhwa Service Tribunal rules 1974 for appropriate order please.

Hon'ble Member (J).

fly before The court.

11/6/24.

The appeal of Mr. Muhammad Ishaq received today i.e on 29.05.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent no.1, 2 & 3 are un-necessary/improper parties, in light of the rules ibid and on the written direction of the Worthy Chairman the above mentioned respondent number be deleted/struck out from the list of respondent.

Address of the appellant is incomplete be completed according to rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974.

Check list is not attached with the appeal.

Appeal has not been flagged/marked with annexures marks.

X- Affidavit is not attested by the Oath Commissioner...

6- Annexures/documents attached with the appeal are unattested.

Copy of departmental appeal against the dismissal order is not attached with the appeal be placed on it.

Annexure-F of the appeal is illegible.

Wakalat nama attached with the appeal is blank.

10- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal be placed on it.

11- Three copies/sets of the appeal along with annexures i.e. complete in all respect for Tribunal and one for each respondent may also be

submitted with the appeal.

No. <u>94</u>/Inst;/2024/KPST,

Dt. 30 05 /2024.

SERVICE TRIBUNAL

CHYBER PAKHTUNKHWA

Sajid Mehsud Adv. High Court Peshawar.

Dear Sir,

All the above objections have been sectified.

except objection of Serial No. 7. please note that the
said appeal copy is with Respondents and they are not
giving it to the Appelant. The Appellant will submit
the copy of appeal in near future please put this appeal
into the court.

Sayid Mahsud

Advocale

IN THE KHBER PAKHTUNKHAWA SERVICE TRIBUNAL,

Appeal No._823 of 2024

Muhammad Ishaq

.....Appellant

Versus

Govt of Khyber Pakhtunkhawa& Others

.....Respondents

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Through:

Appellant

SajidMahsud
Advocate High Court
Office No -1st, 2th Floor,
Zaib Plaza, TehkalPayan University Road, Peshawar 0331-5273224

IN THE KHBER PAKHTUNKHAWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 823_ of 2024

 Muhammad IshaqS/O Masta Khan, Ex-PST (BPS-12) Government Primary School Nazar Khan, sub divisionBhittani, R/O Nara Azad khel, P.O box Tajori, pangakaly, District, LakkiMarwat.

.....Appellant

Versus

1. Secretary,

Elementary and Secondary Education, Government of Khyber Pakhtunkhawa, Peshawa

2. Director

Elementary and Secondary Education, Civil Secretariat, Peshawar.

3. District Education Officer (Male), LakkiMarwat.

.....Respondents

APPEAL UNDER SECTION 4 OF SERVICE TRIBUNALS ACT, 1974, AGAINST OFFICE ORDER DATED 26.12.2023 WHEREBY PENALTY OF DISMISAL FROM SERVICE WITH RECOVERY Rs. 176,077/- HAVE BEEN IMPOSED AND IMPUGNED APPELLATE ORDER NO.5499-501/EM/AC2024 SD BETTANI DATED 29.04.2024 WHEREBY DEPARTMENTAL APPEAL HAS BEEN REJECTED.

Humbly Sheweath:

FACTS:

Facts leading to the institution of the instant Appeal are as under:

- 1. Thaton 09-07-2018, the Appellant was appointed as Primary School Teacher (PST) BPS-12 in the light of the Policy of the Government of Khyber Pakhtunkhwa regarding recruitment of children of Deceased/Retired Govt: Servants on Medical Board, by the erstwhile Agency Education Officer, FR Lakki. (True copy of the Appointment letter is annexed herewith as mark "A")
- 2. Thatit would not be out place to mention that Father of the Appellant Mr. Masta Khan Ex- Chowkidar was retired on medical grounds in the light of conclusion

and declaration of Medical Board, constituted to examine the fitness of the Father of the Appellant.

(True copy of the Medical Board report is annexed herewith as mark "B"&"B1")

3. Thatpursuant to the appointment letter, the Appellant formallyjoined his duty on 16-07-2018.

. (True copy of joining report is annexed herewith marked as "C")

- 4. That the appellant at the time of joining submitted all his documents including his educational credentials. The respondents have duly verified all the credentials of the Appellant and all the record of the appellant has been present with the Respondents.
- 5. Thatever since joining his duties the Appellant has performed his duty with utmost sincerity and devotion. The appellant enjoys impeccable reputation among his students and peers as well.
- 6. That the Appellant was surprised when hewas directed through a letter No. 6603 dated: 29-08-2023 issued by the Respondent No.2 to attend the office of Respondent No. 2 i.e. District Education Officer Male LakkiMarwat, for personal hearing along with complete service, academic and professional documents on 01-09-2023. Complying with the afore-mentioned letter, the Appellant appeared before the Respondent No. 2 and submitted the available record and answered all the queries of Respondents in a very convincing manner.

(True copy of letter dated: 29-08-2023 is annexed herewith marked as "D")

- 7. That astoundingly, despite satisfying the Respondent No.2 in the above discussed personal hearing, byanswering each and every query posed by the Respondents and upon informing the Respondents by the Appellant that all his record related to his service is already available with the respondents and each and every document has been verified by the respondent himself, the Appellant was proceeded under the Khyber Pakhtunkhwa Government Servants Efficiency & Discipline (E&D) Rules-2011.
- 8. That subsequently, the Respondents in a very slip shod manner decided and concluded that inquiry in the Appellant's case is not necessary in terms of Rule-7

of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 and served a show cause notice upon the Appellant dated: 04-09-2023 and directed him to submit his reply within 15 days. The language of the Show-cause reeks of mala fide, vengeance and high handedness.

(True copy of Show cause dated: 04-09-2023 is annexed herewith marked as "E")

9. Thatthe Appellant duly responded to the above mentioned showcause notice and once again reiterated the stance that any discrepancies in service record of the Appellant is due to clerical error of the Department and it was Appellant who brought this into the Knowledge of the High ups.

(True copy of reply is annexed herewith marked as "F")

- 10. That the Appellant once again appeared before the DEO(M) for personal hearing and the appellant was very confident that DEO(M) understood the clerical error on part of clerical staff and it was accepted by DEO in the said meeting.
- 11. Thaton 26-12-2023, the Appellant through office order No:10575-81, was awarded major penalty of "Dismissal from service" by the Competent authority i.e. District Education Officer Male LakkiMarwat ,under rule-4 (1)(b)(iv) of Khyber Pakhtunkhwa Govt. Servants efficiency and Discipline Rules 2011 with recovery of Rs. 176,077/-.

(True Copy of dismissal order is annexed herewith marked as "G")

12. That the Appellant duly filed departmental appeal against the Dimissal order. However, the same was rejected on 29-04-2024.

(True Copy of order dated: 29-04-2024 is annexed herewith marked as "H")

13. Thatfeeling hapless and helpless due to the misfeasance, malfeasance and nonfeasance, the appellant put his grievances in front of head of the Department i.e. Secretary Elementary and Secondary Education Khyber Pakhtunkhwa through letter/application dated: 02-05-2024.

(True copy of Letter dated: 02-05-2024 is annexed, marked as "I")

14. That on dismissal of his departmental appeal dated 29.04.2024, the Appellant being dissatisfied by the action and inaction of the Respondents, approaches this Hon'ble Tribunal and challenges and seeks the setting aside of the Impugned orders dated: 26-12-2023& appellate order dated: 29-04-2024inter alia on the following grounds:

GROUNDS:

- A. Because the actions of the Respondents whereby the Appellant has been Dismissed from service coupled with recovery of Rs. 176,077/- and most importantly the manner in which the appellant has been dismissed from service, violated the rights guaranteed and secured to him under the law.
- B. Because it offends the provision of Art. 4& 10A of the Constitution to enjoy the protection of the law and to be treated in accordance with law which is the inalienable right of every citizen, wherever he may be, and of every other person for the time being within Pakistan.
- C. Because the action of the Respondents, to dispensed with inquiry reeks of mala fide, vendetta and high handedness by the Respondents. There are plethora of judgments of the August Supreme Court of Pakistan wherein it has been clearly said and reiterated that when penalty of Dismissal from service is to be awarded inquiry must be conducted.
- D. Because the action of the Respondents is bad in law.
- E. Because, the manner in which Respondents have behaved starting from show-cause notice till the Dismissal order, shows that Respondents did decide the Dismissal order prior to the whole process and subsequently tailored the fancy process just to give it a legal cover. Nevertheless, the Respondents not only exposed their ill intentions but also failed miserably to deal the appellant according to law. To bring out the high handedness of the Respondents, it is suffice to state that in show Cause notice dated: 04-09-2024 was issued because according to the Respondents, the appellant did not attend the personal hearing on 01-09-2023. On this only charge, the Respondents not only base their show cause notice but also decided not to conduct any inquiry.
- F. Because the charges leveled against the Appellant- if considered true-are of such nature that it warranted a regular thorough inquiry. However, the Appellant was condemned/penalized severely without taking his stance into account and without a sincere effort by the Respondents to actually bring facts on the surface after inquiry. The Respondents failed miserably to point out in writing that what actually made them decide that there is no need for inquiry.

- G. Becausethe number and the nature of charges leveled against the Appellant makes it crystal clear that Respondents were bent upon to illegally penalize the Appellant. Moreover, almost all the charges mentioned and discussed in E&D Rules have been leveled against the Appellant which means that the whole procedure have been carried out with the set aim to Dismiss the Appellant from service without any inquiry whatsoever.
- H. Becauseit is hard to fathom that how a civil servant can promote himself and the department does not know. One charge (not mentioned in any official communication i.e. show cause etc) on the Appellant is that he promoted himself from BPS-12 to BPS-14. It is pertinent to mention that every civil servants' record is maintained by his relevant department right from the first day of joining till his retirement. The same rule is applied in Appellant's case. His entire service record is being and should have been maintained by the Respondents and it is not possible for the Appellant to promote himself from BPS-12 to BPS-14. True fact of the matter is that Prior 2022; District Account Office Bannu would release/maintain salaries of employees of Education Department of FR Bannu and FR LakiMarwat. However, in the year 2022 for the first time a bifurcation process was initiated to bring the FR Lakki Employees Data to District Account Office LakiMarwat. It was this process during which the Account Office erroneously mentioned BPS-14 in salary slip of Appellant instead of BPS-12. This error had been reported to the concerned quarters by the Appellant himself.
- I. Because another allegation on the Appellant was that he did not provide his father's retirement sanction on invalidation grounds. It is very unfortunate to state that the Appellant has been victimized by the Respondents unlawfully. The very first communication between the Appellant and the Respondent Department is Appointment Letter/order dated:09-07-2018. The same order issued by the Department clearly mentions that the Appellant has been appointed as per Government Policy regarding recruitment of Children of Deceased/Retired Govt: Servants on Medical Ground. Moreover, all the relevant service record of the Appellant's Father was present with the department. The same department constituted medical board for the Father of the Appellant and upon the Recommendation and Conclusion of the Medical Board the Father of the Appellant was retired.
- J. Because the Appellant duly replied to the Show cause Notice. However, the Respondents have mentioned that the Appellant did not tender his reply which

means that for reasons best known to them, the Respondents had actually decide to tarnish the image of the Appellant and snatch his job at every cost.

- K. Because the service book of any employee is being maintained by the Department and it has been declared so many times by the superior judiciary that the Service book of an employee has sanctity over any other document. The Respondents being a huge, old and extremely important department, must have maintained the service book of the appellant. Again it is hard to believe that how an employee could create, maintain and eventually use a bogus (Second) service book. If at all it has happened, it warranted a very high level inquiry but unfortunately in the case of Appellant he was charged with this absurd allegation and awarded a major penalty of Dismissal from service without conducting any inquiry. The action of Respondents speaks volume of their mala fide intentions.
- L. BecauseAppellant crave for leave to add further grounds at the time of his oral arguments before this Hon'ble Court highlighting further contraventions of the provisions of the law which adversely affectedthePetitioner.

PRAYER:

In view of the foregoing submissions, the Appellant humbly prays that this appeal may kindly be allowed and the impugned original order dated: 26-12-2023 and Appellate Order date: 29.04.2024 be declared null and void and be set aside. Furthermore, The Appellant may kindly be reinstated into service with all back benefits.

Any further better relief may also kindly be granted in the circumstances of the Appellant's case.

Appellant

Through:

Sajidiyahsud Advocate High Court(s)

(7)

IN THE KHBER PAKHTUNKHAWA SERVICE TRIBUNAL, PESHAWAR

Appeal	No.	of	2024

Muhammad Ishaq

.....Appellant

Versus

Govt of Khyber Pakhtunkhawa& Others

....Respondents

AFFIDAVIT

I,Muhammad Ishaq, Ex-PST, GovernmentPrimary School, Nazar Khan bettani, Sub Division bettani, District LakiMarwat, do hereby solemnly declare and affirm that the contents of the accompanying service appeal are true and correct to the best of my knowledge and information and nothing material has been kept concealed from this Hon'ble Tribunal.

DEPONENT

Identified by:

SajidMansud Advocate High Court





IN THE KHBER PAKHTUNKHAWA SERVICE TRIBUNAL, PESHAWAR

	Appeal No	_ of 2024
Muhammad Ishaq		
		Appell
	Versus	

ADDRESSES OF PARTIES.

APPELLANT:

Muhammad IshaqS/O Masta Khan, Ex-PST (BPS-12) Government Primary School Nazar Khan, sub division Bhittani, R/O Nara Azad khel, P.O box Tajori, pangakaly, District, LakkiMarwat.

RESPONDENTS:

2. Secretary,

Elementary and Secondary Education, Government of Khyber Pakhtunkhawa, Peshawar

3. Director

Elementary and Secondary Education,, Civil Secretariat, Peshawar.

4. District Education Officer (Male), LakkiMarwat.

App@llant

Through,

Sajid Mahsud Advocate High Court



AGENCY EDUCATION OFFICER, FR LAKKI

at Tajori Tehsil building Lakki

APPOINTMENT ORDER:

As per the Government policy regarding recruitment of Children of <u>Deceased/Retired Govt: Servants on Medical Board</u>, the following male candidate of FR Lakki as per recruitment of Departmental Selection Committee, is hereby appointed as PST, against vacant PST Post in the school noted against his name in BPS-12, @ Rs. 13320-960-42120 PM plus usual allowances on present Govt: appointment policy basis with effect from the date of taking over charge after opening of summer vacations, in the interest of public service.

Note: If the said person or his/her brother or sister have availed any kind of benefits on the said Deceased/Retired Govt: Servants on Medical Board, then this appointment order will remain ineffective and cancelled.

S#	Name of candidate with father's name	BPS	Qualif:	Quota basis	Place of posting.	Remarks
1	Muhammad Ishaq S/O Masta Khan, Ex- Chowkidar	B- 12	MA/PST	Medical board Quota	GPS Nazar Khan Wargara	Against Vacant PST post as verified by AAEO

TERMS AND CONDITIONS:

- This appointment have been made purely on temporary basis and is subject to the terms and conditions framed by the
 Government time to time. Moreover this appointment can be with drawn and is liable to termination with out any notice,
 if any legal, clerical or other kind of mistake arise their in. If he wishes to resign from service, he will give one month's
 prior notice OR one month's full pay will be forfeited in lieu thereof.
- He will produce his Health and Age certificate from Medical Superintendent concerned.
- He will not be handed over charge if he is below OR above within the age limits by the Government. If he fails to resume
 the charge within 15 (fifteen) days after issuing date of this order, his appointment order will be considered as cancelled.
- His testimontals will also be verified from the Quarter's concerned and if found bogus his appointments order will stand as cancelled.
- 5. The candidate will submit an affidavit to the effect that he does not posses any kind of service in any Govt:/Semi Govt: OR any other Department OR does not work as Nazim, Naib Nazim and Counceller in Town, Tehsil OR Union Council.
- 6. Any persons who conceals or submit wrong informations disciplinary action will be taken against them as per rules.
- 7. His pays will not be drawn till the verification of his document from the concerned University/ Board/Institutions.
- 8. If the appointments does not fulfill the recruitment policy on Deceased/Medical board Quota any time, the candidate will deposit all benefits which gained them by this appointment and an affidavit will submit to the undersigned in this effect.
- Charge reports should be submitted in duplicate to all concerned.

(BAKHTIAR KHAN) Agency Education Officer FR Lakki

Endst: No. <u>5226-30</u> / Dated: 09/07/2018.

Copies for information to the:

- 1. Director Education (FATA) KPK, Peshawar.
- 2. Deputy Commissioner Lakki.
- 3. District Account Officer Bannu at Bannu.
- 4. Agency Education Officer FR Bannu.
- 5. AAEOs (M) FR Lakki.
- 6. Head of Institution concerned.
- 7. Accountant local office.
- 8. Candidate concerned.

Agency Education Officer

ATTSTED

and the few

B

No. 358 / S. B. gated Bannu the 04/7/2018.

The Hospital Director Distt:Headquarter Teaching Hospital(GTI)Bannu.

To,

Agency Education officer FR Lakki marwat.

Subject Lemo :-

STANDING MENICAL BOARD.

With reference to the pirector General Health Services Khyper Pakhtunkhwa Peshawa Ro. 1201/medical dated 26-3-2018.

hr. Mesta Khan 3/0 mr. Gul Muhammad N.T.C. No. 22101-6425460-5 resident of Har Azad Khan 1/0 Tajori Tehsil & Distt: Lakki Marwat appeared before the Standing Medical Board at the office of the undersigned on 13-6-The report of the Standing Medical Board duly completed/recorded on proper forms are enclosed here-with for your further necessary action.

Encl:Original copies of the S. i. doard.

Hospital Director
Distt:Headquerter Teaching
Hospital(MTI)Bannu.

мо._____/Б. М. М.

Copy is forwarded to :-

The Director General Hearth Services Khybe Pakhtunkhwa Peshawar for information with reference to his letter No.cited above.

Hospital Director
Distt: Headquarter Teaching
Hospital(....TI)Bannu.

ATTISTED

CFFICE OF THE HOSPITAL DIRECTOR DISTRIBADQUARTER PEACHING HOSPITAL (ETI) BANNU.

Certified that archasta khan son of Mr. Gul Luhammad NIC No. 22101-6426460-5 resident of Nar-Azad Khan P/O Tajori Tehsil & District Lakki Harwat Tappeare before the Standing Medical Board at the office of the unde

signed on 13-6-2018. The Standing medical Board examined an found him "Unfit" for further service of any kind in the Department to which he belongs in-consequences of

Rt. Scietica

Hospital Wirestor
Disttodd dynarter Teaching
Hospital (sel sannu. ·· liospital. Jhairman :-.. member (1)..... · Medical Spec Midty Actalist Dist: Headquarker Midenting Hospital (MTI) Headfill Bannur Surgical derection of the District Hospital Heart Hearth H Lemper(2)... Orthopaedic Surame Onicalist Distt: Head Manage Etamphanaching Huspital (1919) Rentill. Hember(3)..... member (4) Eye Specialist Eye Specialian Teaching Elassing Hospits Hospital(MTI)Bannu. Hoab Trall Dayle cor Hoab Trall Dayle cor member (5) Deputy Distt: neady painter Teaching Hospital find Hand Bank Bank Bank Banku.

ATUSTED

12

جارج ربورث

میراسحاق ولدمسة خان PST نے آج مورند 2018-07-16 دوپیر بھکم ایجنس ایجوکیش آفیسر کی میراسحات ولدمسة خان PST نے آج مورند 2018-07-16 دوپیر بھکم ایجنس ایجاد کے ایک ایک ایک ایک ایک ایک ایک ایک ایک میں ایک عبد سے کا جارج سنجال لیا۔

عارج: _ 16-07-2018

و خطار عده - الله الم

Hear Tas her GPS to the Green Warns د سخط چارج د بنده: _____

Agency Equal (

AWSTED





Office of The District Education Officer Male Lakki Marwat

Ph & Fax: (0969)538291, Email: emisiakki@uahoo.com www.facebook.com/deomale Lakki, www.twitter.com/deo_m_lakki

> Misc Date 29 / 08 / 2023 No.

To

Mr Muhammad Ishaq-SPST GPS Nazar Khan, SD Bitanni District Lakki Marwat

Subject:

Personal Hearing

As per complaint received in this office, you are directed to attend the office of the undersigned located at District Headquarters Complex Tajazal for personal hearing on 01-09-2023 (Friday), at 10:00 AM. You are also directed to bring the following documents/record with you.

- First Appointment Order
- Charge Report
- 3. Medical Fitness Certificate
- 4. Original and attested copies of Academic/Professional Certificates
- 5. Service Book
- 6. Pay Release Order
- 7. Documents verified for Pay Release
- 8. Pay Slip of First Salary received
- Attested copy of Promotion Order to BPS-14
- 10. Current Pay Slip
- 11. Duty Certificate w.e.f first appointment till date
- 12. Any other documents

non-appearance on your part along with documents/record will be tantamount to misconduct, inefficiency and disobedience, leaving the undersigned with no option but to initiate disciplinary proceeding against you under E&D Rules 2011.

> District Education Officer (Male) Lakki Marwát

Even No. & Date Copy to the,

> 1. Sub Divisional Educational Officer Male Sub Division Bitanni with directions to serve this notice for personal hearing on Mr Muhammad Ishaq SPST and also attend the personal hearing proceeding on scheduled date, time and venue.

(Male) Lakki Marwat

Male Lakki Marwat

Phone & Fax: (0969)538291, Email: emislakki@uahoo.com www.facebook.com/deomale Lakki, www.twitter.com/deo_m_lakki

SHOW CAUSE NOTICE

WHEREAS, you, Mr Muhammad Ishaq SPST, Government Primary School Nazar Khan Sub Division Bitanni District Lakki Marwat, are charged of having committed the following omission and commission which constitute inefficiency, insubordination and misconduct under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

1. That you were directed through Sub Divisional Education Officer SD Bitanni, vide this office letter No. 6603 dated 29-08-2023, to attend the office of the undersigned along with complete service record for personal hearing but you failed.

2. That the non-appearance on your part strengthened the notion that you have no defence to offer about suspicious appointment, academic and professional qualification and service record during personal hearing.

3. That by deliberately violating instructions of competent authority, you indulged into misconduct, insubordination and inefficiency.

WHEREAS, I, Muhammad Ilyas Khan, being the Competent Authority, after examining your case file reached the proportional conclusion that you are prima-facie guilty of the charge of misconduct and decide that conducting an inquiry into your case is not necessary in terms of Rule-5 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

AND NOW THEREFORE, you Mr Muhammad Ishaq SPST, Government Primary School Nazar Khan Sub Division Bitanni District Lakki Marwat, are hereby called upon to Show Cause under Rule-7 of ibid Rules in writing within seven (7) days or not more than fourteen (14) days of the receipt of this notice as to why one or more penalties including major penalty of "Dismissai from Service" as prescribed under Rule 4 (1) (b) (iv) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 may not be imposed upon you.

Your written reply to the Show Cause Notice should reach the office of the undersigned within seven (7) days or not more than fourteen (14) days of the receipt of this Notice, failing which ex-parte decision shall be taken against you.

You are also called upon to convey in writing if you would like to be heard in person.

Muhammad Ilyas Khan District Education Officer (Male) Lakki Marwat (Competent Authority)

Dated 64-09-2023

Mr Muhammad Ishaq SPST Government Primary School Nazar Khan Sub Division Bitanni District Lakki Marwat

6822-2 Endst: No. _ Copy to the,

1. Director E&SE Khyber Pakhtunkhwa Peshawar

2. Deputy Commissioner Lakki Marwat 3. District Monitoring Officer EMA Lakki Marwat

Sub Divisional Education Officer Male SD Bitanni with the directions that one copy of the same signed by the accused official, as token of receipt, shall be returned to this office for record within two (2) days.

ATHED

4. Master File

District Education Officer (Male) Lakki Marwat

The DEO MALE, Lakki Marwat

Subject; R/SIR.

REPLY OF SHOW CASUE NOTICE

Reference your kind letter no 6822-25 dated 04-09-2023 on the subject

cited above.

With due respect it is stated the undersigned humbly submits as

under:

1. That the applicant was appointed as PST teacher out of Medical Board son quote by the then Agency Education Officer vide Endst: NO 5226-30 dated 09-07-2018 and assumed charge on dated 16-07-2018. (Copy of appointment order and charge report annexed as annexure "A&B)

2. That in light of above order the applicant was also submitted Medical fitness Certificate by Medical Superintendent Lakki Marwat. (Medical Fitness certificate annexed as annexure

3. That after above process the applicant was submitted all the documents to Agency Education Officer for verification and for

onward process.

In this regard, after completion of verification process and signing of Service Book the salary was active by Education Office being regular performance of duty. (Service Book along with verified DMC's annexed as annexure "D &E"

4. That all the aforementioned documents is also available at Pry: Establishment Branch of your kind office and as well as at

SDEO OFFICE.

5. That the applicant performed his duty with great zest & zeal and subject to the entire satisfaction of high-up's for ready duty certificate along with pay slip annexed as annexure

6. That due to clerical mistake the DAO Office wrongly entered my pay scale as BPS-14 instead of BPS-12 during bifurcation process and for correction of above mistake I was submitted source proferma to DAO Office. The copy is attached as

7. That expect this show cause notice no other notice sorrowed to annexure "H". me and when as received this notice I am submitting this reply being law abiding official and never disobeyed the

directions of high-up's

So, the detail reply along with clear cut justification is forwarded for further process please.

> Muhammad Ishaq PST GPS NAZAR KHAN

COPY FOR INFORMATION TO THE,

- 1. P.A TO DIRECTOR E&SED, KP, PESHAWAR.
- 2. DEPUTY COMMISSIONER LAKKI MARWAT
- 3. DMO LAKKI MARWAT
- 4. DDEO LARKI MARWAT
- 5. SDEO MALE LAKKI MARWAT



Office of The District Education Officer Male Lakki Marwat

Ph: (0959)538291 email: emislakh@vahoo.com www.facebook.com/deomale Lakki, www.twhter.com/deo_mylakki

OFFICE ORDER:-

WHEREAS, Mr Muhammad Ishaq Bx-SPST, was directed through Sub Divisional Education Officer Male Sub Division Bitanni, vide this office letter No. 6603 dated 29-08-2023, to attend the office of the undersigned for personal hearing along with complete service, academic and professional documents on

AND WHEREAS, the above cited Ex-official appeared and submitted record which shows that the cited Ex-official has maintained two service books and has fraudulently promoted himself from BPS-12 to BPS-14 (bogus in service book) and has made initials entry into Government service W.e.f 09-02-2012

AND WHEREAS, Mr. Muhammad Ishaq Ex-SPST, Government Primary School Nazar Khan Bitanni Sub Division Bitanni District Laid Marwat was proceeded under the Knyther Pakhtunkhwa Government Servants Efficiency & Discipline (E&D) Rules-2011 amended on 31-12-2021 for the charges of having fraudulent/Megal promotion to the post of SPST (BPS-14), unauthorized drawl, bogus service book, submission of fake source-II, non provision of father's retirement sanction on invalidation grounds, concealment of facts, disobedience, misconduct and inefficiency.

AND WHEREAS, in the light of available record and evidence, the undersigned, being competent authority, reached the conclusion that conducting an inquiry into the case is not necessary in terms of Rule-7 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 and served a show cause notice upon Mr Muhammad Ishaq Ex-SPST, vide this office Endst: No. 6822-25 dated 04-09-2023 and directed him to submit his reply within fifteen (15) days and also convey in writing that if

he would like to be heard in person.

5. AND WHEREAS, the above Ex-ortical neither submitted his reply to the show cause notice along with necessary documents within stipulated time nor did he express the desire to be heard in person.

6. AND WHEREAS, the above cited Ex-ortical was called for personal hearing through SDEO (M) Sub Division Bittain vide No. 18457, dated: 17-10-2023 and he falled to satisfied the competent authority for the charges leveled against him.

the charges leveled against him.

7. AND WHEREAS, the competent authority (District Education Officer Male Lakid Marwat) after having considered the charges and evidence on record, failure to submit reply to the show cause notice served and complete service record including father's retirement sanction on invalidation grounds and pension roll (in original and attested photocopies), is of the view that the charges of having dublous service books suspicious and doubtful service record and concealment of facts from competent forum have been proved true against the accused official,

8. AND NOW THEREFORE, in exercise of the powers conferred under Government Servants Efficiency & Discipline Rules-2011 amended vide dated 31-12-2021, the competent authority (District Education Officer Male Lakid Marwat) under Khyber Pakhtunkhwa Govt, Servants read with Rule 4 (1)(b)(iv), is satisfied and is pleased to Impose Major Penalty of Dismissal from Service Upon Mr. Muhammad Ishaq Ex-SPST, Government Primary School Nazar than Bitanni Sub Division Bitanni District Lakki Manuat from the date. Marwat from the date of appointment/lilegal promotion with recovery of Rs.176,077/- (One Lac Seventy Six Thousand & Seventy Seven Only).

> District Education Officer (Male) Läkki Märwat

Endst No. 10575-81 Dated. 2.4./12/2023. Copy to the:-

1) Director Elementary & Secondary Education Knyber Pakhbunkhwa Peshawar.

2) Deputy Commissioner Laidd Marwat.

District Monitoring Officer (EMA), Lakki Marvat.

1 4) District Accounts Officer, Laidd Marwat.

5) Deputy District Education Officer (Male) Local Office.

6) Sub Divisional Education Officer Male Sub Division Bitanni Laidd Marwat with the directions to record necessary entry in his service book and initiate process for recovery of the above mentioned outstanding amount through competent forum.

Mr. Muhammad Ishaq Ex-SPST, Village Azad Khel Sub Division Bettagi P/O Tajori

District Lakki Marwat

ATUSTED

District Education Officer (Male) Lakki Marwat



Directorate of Elementary and Secondary Education

Khyber Pakhtunkhwa Peshawar PH No. 091-9330242 Fax 091-9210936

/EM/AC 2024 SD Bettani Vol.I Dated 1/2/202

To

The District Education Officer (Male)

Subject: Memo:

APPEAL FOR RESTORATION OF SERVICE.

I am directed to refer to the subject cited above and to state that after perusal of the case in the light of your letter No.2208/ dated 27/03/2024, the Appellate Authority is pleased to reject the appeal of Muhammad Ishaq Ex-PST GPS Nazar Khel Sub Division Bettani District Lakki

am further directed to ask you to inform the concerned accordingly, please.

Assistant Director (Estab.) Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar

Endst. of even No & Date: Copy forwarded for information to the:

Muhammad Ishaq Ex-PST GPS Nazar Khel Sub Division Bettani District Lakki.

PA to Additional Director (Estab :) E&SE (NMDs) Khyber Pakhtunkhwa Reshawar.

26/4/20

Zia Ullah)

Assistant Director (Estab.) Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar

Τo

Secretary,

Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar

Subject:

APPEAL FOR RESTORATION IN SERVICE AS PRIMARY SCHOOL TEACHER (BPS-12)

Respected Sir,

Reference DEO (Male) District Lakki Marwat Office Order No.10575-81 dated: 26.02.2023 regarding dismissal from service (Dismissal order annexed s annexure A)

Now the applicant humbly submits as under;

- That my appointed was issued by the Agency Education Officer vide Endstt: No.5226-30 dated: 09.07.2018 as PST Teacher out of Medical Board son quota and Lassumed charge on dated: 16.07.2018 on the said post. (Copy of father medical board document appointment order and charge report annexed as annexure "B, C & D")
- That in the light of above order the applicant was also submitted Medical Fitness Certificate by Medical Superintendent Lakki Marwat. (Medical Fitness Certificate annexed as annexure "E")
- 3. That after above process the applicant was submitted all the documents to Agency Education Officer for verification and for onward process in this regard, after completion of all codal formalities and verification process, the then DDO released monthly salary in a shape of wages, (Service Book along with verified DMC's annexed as annexure "F & G")
- 4. That due to clerical mistake the DAO Office wrongly mentioned may pay scale as BPS-14 instead of BPS-12 during bifurcation process and for correction of above mistake I was submitted source proferma to DAD office. (The Copy is attached as annexure "H")
- 5. That being low abiding official, the applicant submitted all the documents to DEO (Male) and appear before officer concerned Lakki but the DEO (Male) issued office order in a shape of declared doubtful process which is against rule and policy. (Dismissal latter attached as "I")
- 6. That in Para-8 the DEO (Male) Lakki mentioned as "on suspicious and doubtful service record the dismissal order made". It is astonishing to say that without any prove and contra evidence on suspicious condition dismissal order issued which is contrary to logic.

It is therefore, humbly requested to restore the services of applicant from the date of dismissal order along with back benefit, please.

Muhammad Ishaq

PST (BPS-12), GPS Nazar Khan SDB Lakki CNIC No.21101-2089950-3 Personal No.50414708 Contact No.0347-9698092

Copy for the information to the,

1. PS to Secretary, E&SED, KP, Peshawar.

2. S.O Complaint Cell, E&SED, KP, Civil Secretariat, Peshawar.

3. DEO District Lakki Marwat.

ATTSTED

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رجسٹر حاضری برائے سٹاف/مدرسین

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رجستر حاضری برائے سِناف/مدرسین بابت ماه <u>جون جولائی ای</u>ت <u>2023</u> میراسی کق رجي بي اين تعرفان) 21 12/01-074)618-9. 15 | Sh. | PST عام: - ولى الحال عاقى كارانر. 3 - 12 8 2 7 8 - 10/22 22101-2079980-3 روائلي 2 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 جهٹیوں کی تفصیل ميزال التحقاتيه التختاتيه فارى انفاتيه اتفاتيه ميزان بياري ميزان عاري انتحقاتيه الفاتيه حاليداه

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# ه دی پی ایس نظرهان SDB مکی وه د جستر حاضری برائی ستاف مدرسین

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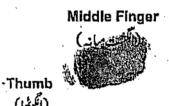
ر عرفین ترفین) رجستر حاضری برانے ستاف/مدرسیر زاير الد وراسحاق 22/01-7524303-3 عافي كارا نبر: 302.101.2089 عافي كارا نبر: 302.101. رواكل آلد وستخط رواكل آند 11/ 17 Č,t 1130 3:30 95/2 **214**5 1:30 1:00 Sunday 3 1:30 1:00 75% 4 8:45 1:35 JeL 1:00 1:30 2:00 9-8/2 1.00 740 1:30 2:00 JEL 250 98h 1:34 زاير 2:00 98L Int 2:40 J81-8 00 HR 2.40 Sunday 10 981-1:20 454 2:00 2:40 1130 1100 John 2:00 92 130 2:40 160 gg_ đ:00 13 954 1130 7.40 252 موري 14 1130 2:40 4× 1100 981 15 8100 1:30 2:40 1.40 gg/ 1:30 16 2/31 Sunday 17 زابع 1300 88L 1:00 18 1:00 270 gol 1:00 200 19 1100 2.70 2100 Jet-1:00 20 2:30 1:00 1.00 275 ga H2 L'01. 7:40 22 1:00 2.46 John J8/L 1.0a 23 Sunc 24 ay 25 26 27 28 29 30 31 جھٹیوں کی تفصیل التحقاتيه ميزان التحقاقير الغاتيه ميزان بياري الفاتيه فاري ميزان التحقاتيه اتناته باري حاليداه MIED مكذشتهاه ميزان

1-	Name (pt) Muhammed Ishag
2-	Nationality and Religion Paleis Tennif Islam
3-	Residence Willege NAY A3Rd Wiel PR
4	(متفلرائن) Lakter (متفلرائن) Lakter Father's name and residence Masta Ithan
5-	(والدكاع) (والدكاع) Date of birth by christian era as
J-	nearly as can be ascertained
	(نارن پيال مطابق ن عيدول)
6-	Exact height by measurement (נֿגנוֹעבי)
7-	Personal mark of identification (שׁלוֹט בُלוּני בּלוּני בּלוּניים בּלויניים בּלוּניים בּלוּניים בּלוּניים בּלויניים בּלוּניים בּלוּניים בּלוּניים בּלוּניים בּלוּניים בּלוּניים בּלוּניים בּלויניים בּלויים בּלוּניים בּלוּניים בּלוּניים בּלויניים בּיבוּנים בּלוּניים בּיבוּניים בּיים בּיבוּים ביוּניים בּיבוּים בּיים בּיבוּים בּיבוּ

8. Left hand/right hand thumb and finger-impressions of (Non-gazetted officer) (مردکی صورت میں با کمیں اور تورت کی صورت میں دا کمیں با کمیں اور تورت کی صورت میں دا کمیں باتھ کی انگلیوں کے نشانات





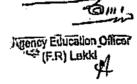


9. Signature of Govt. Servent (سرکاری ادار کے دیجندا

at my

10. Signature and designation of the Head of the Office or other Attesting officer (تقديق كننده السركي د شخط اورم م





Note: The enteries in this page should be renewed or re-attested at least every five years and the signatures in lines 9 and 10 should be dated. Finger prints need no be taken after every 5 years under this rule.

ال شخص مندرج كم از كم پانچ سال بعد تقديق مونا ضرورى بين اور نبر 9 اور 10 بين و شخطوں كے ينچ تاریخ لکھنى چاہتے۔ الكيوں كے نشانات كے لئے بر پانچ سال كے بعد تقديق كي ضرورت نبيں :

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