

KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

CHECK LIST

M. Yaqub

Versus

Secretary Education

..... Appellant

..... Respondents

S NO.	CONTENTS	YES	NO
1.	This petition has been presented by: <u>Saifullah ^{Mahmond} Advocate High Court</u>	√	
2.	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	√	
3.	Whether appeal is within time?	√	
4.	Whether the enactment under which the appeal is filed mentioned?	√	
5.	Whether the enactment under which the appeal is filed is correct?	√	
6.	Whether affidavit is appended?	√	
7.	Whether affidavit is duly attested by competent Oath Commissioner?	√	
8.	Whether appeal/annexures are properly paged?	√	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	√	
10.	Whether annexures are legible?	√	
11.	Whether annexures are attested?		
12.	Whether copies of annexures are readable/clear?	√	
13.	Whether copy of appeal is delivered to AG/DAG?	√	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	√	
15.	Whether numbers of referred cases given are correct?	√	
16.	Whether appeal contains cutting/overwriting?	x	
17.	Whether list of books has been provided at the end of the appeal?	√	
18.	Whether case relate to this court?	√	
19.	Whether requisite number of spare copies attached?	√	
20.	Whether complete spare copy is filed in separate file cover?	√	
21.	Whether addresses of parties given are complete?	√	
22.	Whether index filed?	√	
23.	Whether index is correct?	√	
24.	Whether Security and Process Fee deposited? On _____		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____	√	
26.	Whether copies of comments/reply/rejoinder submitted? On _____		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? On _____		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:- Saifullah Mahmond

Signature:- 

Dated:- 15/11/23

07-04-24

BEFORE THE HON'BLE SERVICE TRIBUNAL,
PESHAWAR

Amended Service Appeal No. 1358 /2023

Muhammad YasirAppellant

VERSUS

Secretary Education and others.Respondents

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Dated; 09.06.2023

Through

سید
Appellant

Saif Ullah Mohmand
Advocate, Peshawar.

Office:- 1st floor, Al-Mumtaz Hotel, near
Mualvi Jee Hospital, Hashtnagri,
G.T, Road, Peshawar.

Cell No. 0321-9117280

02-04-2024
DOS

C/S

①

BEFORE THE HON'BLE SERVICE TRIBUNAL,
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Amended Service Appeal No. 1358 /2023

Diary No. 12073

Dated 02-04-2024

Muhammad Yasir S/O Lal Badshah ex Behshti (Sweeper)

Government Middle School (GMS) Soganday (Kotha, District Swabi.

.....Appellant

VERSUS

1. Secretary Elementary and Secondary Education, Govt. of Khyber Pakhtunkhwa, Peshawar.
2. Director Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male) Swabi.
4. Headmaster, Government Middle School Soganday (Kotha) District Swabi.
5. Assistant Director (Admn) Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar.RESPONDENTS

=====

(Amended Appeal)

AMENDED APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUNGED ORDER DATED 01.06.2018 OF THE RESPONDENT DEPARTMENT, WHEREBY THE APPELLANT HAS BEEN AWARDED MAJOR PENALTY OF REMOVAL FROM SERVICES AS WELL AS ORDER DATED 31-05-2-23, WHEREBY THE DEPARTMENTAL APPEAL FILED BY THE APPELLANT WAS REJECTED BY THE RESPONDENT DEPARTMENT, WITH NO GOOD REASONS.

=====

Prayer in Appeal

ON ACCEPTANCE OF INSTANT APPEAL, THIS HON'BLE TRIBUNAL MAY VERY GRACIOUSLY BE PLEASED TO DECLARE THE IMPUGNED ORDER DATED 01.06.2018 AS WELL AS ORDER DATED 31.05.2023, WHEREBY THE DEPARTMENTAL APPEAL FILED BY APPELLANT WAS REJECTED, AS UNLAWFUL, VOID AB-INITIO AND ULTRA VIRES AND THE APPELLANT MAY BE RE-INSTATED INTO SERVICE WITH ALL BACK BENEFITS.

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Respectfully Sheweth:-

1. That the appellant is a natural born and law-abiding citizen of Islamic Republic of Pakistan and is entitled to enjoy all the legal and fundamental rights as enshrined and guaranteed under the Constitution of Islamic Republic of Pakistan, 1973.
2. That the appellant was appointed in education department as Sweeper BPS-03 vide office order No. 3520-G/C-IV/F-No.96 dated 04-05-2017 under the employee's sons' quota.

(Copy of appointment order is attached as Annexure-A).

3. That the impugned final show cause notice was issued to the appellant, and in response to which the appellant appeared and explained his position, however, the respondent No. 3 did not bother to record explanation of the appellant.

(Copy of show cause is annexed as Annexure-"B".)

4. That prior to it, upon an alleged written complaint of respondent No. 4, a so-called departmental enquiry was initiated against the appellant on the basis of false, frivolous and fake allegations of

sexually abusing a student of 8th class, which the appellant strongly denies, and the enquiry officer without associating the appellant with enquiry proceedings and observing legal formalities and without conducting proper inquiry and issuing any preliminary show cause notice or charge sheet to the appellant, conducted the alleged enquiry at his back,

5. That on the alleged recommendations of the so-called enquiry officer, the respondent No. 3 issued the impugned order No. 5918-24/ General File No. 25/C-IV dated 01-06-2018 whereby major penalty of removal from service was imposed upon the appellant.

(Copy of impugned order dated 01-06-2018 is annexed as Annexure-C).

6. That feeling aggrieved from the above referred order, the appellant preferred a departmental appeal requesting therein to graciously set aside the harsh and most severe punishment of removal from service, however the same was rejected by the respondent No. 2 vide his impugned order No. 8593 dated 31-05-2023 which was communicated through Assistant Director Elementary and Secondary Education, KP Peshawar.

(Copy of the departmental appeal and order dated 31-05-2023 are annexed as annexure-"D" and "E" respectively.).

7. That the appellant feeling himself aggrieved of the impugned orders dated 01-06-2018 and order dated 31-05-2023, being illegal, hence the appellant filed appeal before this Hon'ble Court.
8. That on the previous date of hearing, this Hon'ble Tribunal directed the appellant to annex the appointment Notification with

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his appeal and for this purpose the appellant was allowed to amend his appeal to this effect vide order dated 20.10.2023.

(Copy order sheet dated 20.10.2023 is Annexed-"F")

9. That after compliance of the order dated 20.10.2023, the appellant files instant amended memo and grounds of appeal, on the following grounds inter-alia.

GROUND OF APPEAL

- A. **Because** the impugned orders dated 01-06-2018 and 31-05-2023 of removal from service of the respondent department are against the fundamental rights guaranteed under the Constitution of the Islamic Republic of Pakistan, 1973, hence liable to be struck down.
- B. **Because** the impugned orders dated 01-06-2018 and 31-05-2023 of removal from service of the respondent department are in violation of and against the very spirit of Articles 4, 10-A, & 25 and other relevant Articles of the Constitution of Islamic Republic of Pakistan.
- C. **Because** the impugned orders dated 01-06-2018 and 31-05-2023 of removal from service of the respondent department are against the spirits of natural justice, norms of justice and law of the land, hence liable to be set aside.
- D. **Because** the impugned orders are violative of the fundamental rules and against rules governing the subject.
- E. **Because** the impugned orders dated 01-06-2018 and 31-05-2023 of removal from service of the respondent department are

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against the dicta laid down by the superior courts of the land, hence untenable in the eyes of law.

- F. **Because** impugned orders dated 01-06-2018 and 31-05-2023 of removal from service of the respondent department are violative of the very spirits of service laws, hence unlawful and could be subjected to judicial review of this Hon'ble court.
- G. **Because** impugned orders dated 01-06-2018 and 31-05-2023 of removal from service of the respondent department are cursory, non-speaking, issued in a haste and without any lawful authority, hence liable to be struck down by this Hon'ble tribunal.
- H. **Because** the contents of the impugned show cause notice and order of removal from service are self contradictory having no nexus with the appellant.
- I. **Because** no proper enquiry letter has been issued and communicated to the appellant for the purpose of constitution enquiry officer or conducting any enquiry, which acts and omissions of the respondent department are arbitrary, fanciful and based on malafide.
- J. **Because** no proper inquiry has been conducted into the matter to ascertain the real facts and instead a major and harsh penalty of removal from service has been imposed upon the appellant which acts and omissions of the respondents are a nullity in the eyes of law which needs interference of this Hon'ble tribunal.
- K. **Because** the respondent department badly failed to bring on record any incriminating material on file or ever bothered to record

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any statement of the alleged victim or his father or any other independent witness or they could be able to place any incriminating material like FIR or daily diary or any kind of evidence or anything in black and white which could connect the appellant with the alleged incident, hence in the absence of all these, whole proceedings and orders are nullity in the eyes of law.

L. **Because** the respondent department cannot snatch butter and bread from the mouth of children and family of the appellant by removing him from service, for the sins never committed by the appellant or his family and that too without any fault at their end.

M. **Because** the basic and fundamental principles of service laws have been ignored rather violated blatantly by the respondent department by not conducting a regular inquiry while awarding the capital punishment of removal from service, hence on this score alone the impugned orders dated 01-06-2018 and 31-05-2023 of removal from service of the respondent department along with all other penal actions initiated, finalized etc against the appellant are illegal, unlawful, hence liable to be set aside by this Hon'ble tribunal.

N. That the grounds raised in the departmental appeal may also be considered as part and parcel of this appeal.

O. That appellant also craves for permission to raise any additional ground during the course of arguments with the permission of this Hon'ble tribunal, which has not specifically been mentioned, in this appeal.

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Prayer in appeal

It is, therefore, humbly prayed that on acceptance of this appeal, this Hon'ble tribunal may very graciously be pleased to hold and declare that:-

- 1. The impugned orders dated 01-06-2018 and 31-05-2023 of removal from service of the respondent department are unlawful, void ab initio, ineffective upon the rights of the appellant, and may very graciously be set aside and annulled.**
- 2. That the appellant may very graciously be reinstated into service with all back benefits.**
- 3. Any other relief, this Hon'ble tribunal deem appropriate, in the interest of justice, may be granted to the appellant, to meet the ends of justice.**

Dated:-09.06.2023

Through

ياسر
Appellant

**Saif Ullah Mohmand
Advocate, Peshawar.**

CERTIFICATE

It is certified, as per instructions of my client that the appellant has not earlier filed any appeal in this Hon'ble Tribunal.

**Saif Ullah Mohmand
Advocate**

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BEFORE THE HON'BLE SERVICE TRIBUNAL,
PESHAWAR

Amended Service Appeal. No. _____ /2023

Muhammad YasirAppellant


VERSUS

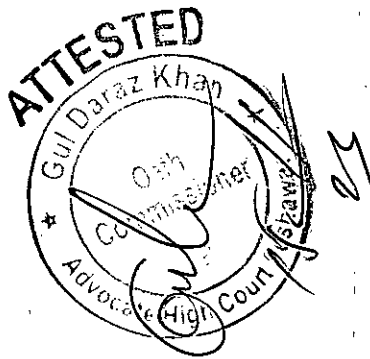
Secretary Education and others.Respondents

Affidavit

I, Muhammad Yasir S/O Lal Badshah ex-Behshti (Sweeper) Government Middle School (GMS) Soanday (Kotha, District Swabi do hereby solemnly affirm and declared on oath that the contents of this amended appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal,

ياسر
Deponent

Identified by 
Saif Ullah Mohmand
Advocate, Peshawar.



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BEFORE THE HON'BLE SERVICE TRIBUNAL,
PESHAWAR

Amended Service Appeal No. _____ /2023

Muhammad YasirAppellant

VERSUS

Secretary Education and others.Respondents

Addresses of parties

Address of the Appellant

Muhammad Yasir ex-Behshti (Sweeper) Government Middle School (GMS) Soanday (Kotha, District Swabi.


Addresses of the Respondents

1. Secretary Elementary and Secondary Education, Govt. of Khyber Pakhtunkhwa, Peshawar.
2. Director Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male) Swabi.
4. Headmaster, Government Middle School Soganday (Kotha) District Swabi.
5. Assistant Director (Admn) Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar.

Appellant

Dated: 09.06.2023

Through


Saif Ullah Mohmand
Advocate, Peshawar.



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Annex A

DISTRICT EDUCATION OFFICE (MALE) SWABI

(Office phone & Fax No 0938280239, emis_swabi@yaho.com)

APPOINTMENT OF CLASS-IV SERVANTS.

Consequent upon the recommendations of the Departmental Selection Committee as contained in its minutes of the meeting held on 03.05.2017, the competent authority is pleased to order the appointment of the following candidates in BPS-03 @ (Rs.8040-325-17790/-) plus usual allowances as admissible under the rules and posted against the posts of Class IV mentioned against their names. They will be governed under the Civil Servant act, 1973 amended Khyber Pakhtunkhwa ACT 2005, further amended vide Govt of Khyber Pakhtunkhwa act, 2013 with pension and gratuity in the best interest of public service on the terms and conditions given below.

25% Retired Sons Quota

S#	Name/Father's Name	D/O Father's Retirement	D/O Birth of Candidate	Home Address	Name of post	Name of station/School where appointed
1	Saifullah S/O Mohmondzai	30.09.2004	02.05.1994	VPO Ismaila (Swabi)	Chowkidar	GPS Adina Khurd
2	Said Nabi Shah S/O Ihsanul Haq	01.01.2010	03.02.1983	VPO Dobian (Swabi)	Chowkidar	GPS Gidar
3	Sohail ur Ristan S/O Shamsur Ristan	20.01.2010	11.01.1988	VPO Topi (Swabi)	Mali	GSBASHIS Shewa
4	Hassan Qamar S/O Taj Qamar	20.01.2010	03.01.1981	VPO Naranji (Swabi)	Chowkidar	GISS Adina
5	Muhammad Yasir S/O Tal Badig	01.03.2010	01.01.1997	VPO Topi (Swabi)	Sweeper	GMS Khusha
6	Tahir Ali Khan S/O Shamas Khan	06.03.2010	10.04.1990	VPO Sheikh Jana (Swabi)	Chowkidar	GISS Sheikh Jana

General

S#	Name/Father's Name	D/O Birth	Home Address	Name of post	Name of station/School where appointed
1	Akhtar Ayub S/O Sabir Ayub	03.04.1997	VPO KSK (Swabi)	Chowkidar	GPS Jamal Abad KSK
2	Muhammad Mustafa Kamal S/O Hayat Khan	01.03.1995	VPO Tarakai (Swabi)	Chowkidar	GISS Tarakai
3	Aqil Shah S/O Dilbar Shah	02.04.1983	VPO Charbagh (Swabi)	Sweeper	GMS Mian Killi
4	Gohar Taj S/O Muhammad	22.03.1983	VPO Spin Kanf (Swabi)	Chowkidar	GPS Anwar Abad Asota
5	Hassan Ali S/O Amir Muhammad	16.02.1996	VPO Yar Hussain (Swabi)	Chowkidar	GPS Karim Pura Y/H
6	Saidam S/O Ihsan Ullah	01.03.1991	VPO Kalu (Swabi)	Chowkidar	GPS Para Kalu Khan
7	Dilshan Zeb S/O Jehan Zeb	02.12.1984	VPO Shera Ghund (Swabi)	N/Qasid	GHS Shera Ghund
8	Syed Jalal Shah S/O Syed Dilbar Shah	01.04.1983	VPO Ismaila (Swabi)	Chowkidar	GHSS Ismaila
9	Arif Zeb S/O Aurang Zeb	07.06.1996	VPO Adina (Swabi)	N/Qasid	GMS Adina Khurd
10	Muhammad Ali S/O Said Marood	03.04.1978	VPO Adina (Swabi)	Sweeper	GMS Adina Khurd
11	Faid Ali S/O Faham Raiz Khan	12.08.1991	VPO Adina (Swabi)	N/Qasid	GHSS Adina
12	Muhammad Luqman S/O Abdul Mahood	19.04.1993	VPO Adina (Swabi)	Lab Attendent	GHSS Adina
13	Iqbal Hussain S/O Ali Bahader	02.04.1978	VPO Sheikh Jana (Swabi)	Lab Attendent	GHS Sheikh Jana
14	Zafar Ali S/O Sher Afzal Khan	05.01.1992	VPO Sheikh Jana (Swabi)	N/Qasid	GHSS Sheikh Jana
15	Adil Zaman S/O Badruz Zaman	15.03.1986	VPO Turlandi (Swabi)	Chowkidar	GHS Turlandi
16	Samar Khan S/O Ghulam Khan	15.04.1992	VPO Harif Khan Killi Y/H Hussain (Swabi)	Lab Attendent	GHS Shahdad Killi



17	Anwar Ali S/O Fazal Rabbi	02.05.1976	VPO Khisha (Swabi)	N/Qasid	GMS Khisha
18	Muhammad Ibrahim S/O Noor ul Basar	04.12.1983	VPO Shahdad Killi (Swabi)	Chowkidar	GHS Shahdad Killi
19	Saqi Muhammad S/O Aseem Khan	01.01.1984	VPO Sard China	Chowkidar	GPS Ouch Khawar

Terms and Conditions.

1. These appointments are purely temporary and liable to termination without assigning any reason and without any prior notice.
2. They will have to produce "Fresh" Health and Age Certificate from the Medical Superintendent DHQ Hospital Swabi before taking over charge.
3. They should not be handed over charge if their age is below 18 or above 40 years. ✓
4. They should take over charge within 15 days of the issuance of this order, in case of failure within specific period their appointment will be expired automatically and no subsequent appeal etc. shall be entertained.
5. In case of resignation they will have to submit one month's prior notice otherwise their one month pay will be forfeited to the Government. After tendering resignation they will not leave their job until the acceptance of their resignation by the competent authority nor shall they be granted any leave.
6. They will be governed by the service rules framed by the Government from time to time.
7. They must be permanent domiciled of District Swabi.
8. TA/DA etc; is not allowed to any one.
9. Charge reports should be submitted to all concerned.
10. The upper age limit of S.No. 17 has been relaxed by the competent authority.

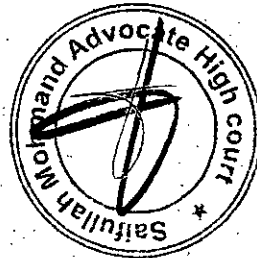
(JEHAN MUHAMMAD)
DISTRICT EDUCATION OFFICER
(MALE) SWABI

Endst.No. 3520-67 IC-IV Appointment/F.No.96/Dated Swabi the 4-5 /2017.

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

1. PS to Honourable Minister for E&SE Govt:of Khyber Pakhtunkhwa.
2. Secretary to Govt:of Khyber Pakhtunkhwa E&SE Department, Peshawar.
3. Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
4. District Accounts Officer, Swabi.
5. Principals/ Headmasters concerned schools.
6. ADEO (B&A) Local office.
7. ADEO(Estasb:) Local Office
8. Superintendents (Secondary/Pry) Local Office.
9. SDEOs (M) Concerned.
10. District Monitoring Officer, Swabi.
11. Candidates concerned.

DISTRICT EDUCATION OFFICER
(MALE) SWABI





Annex B

DISTRICT EDUCATION OFFICER (MALE) SWABI

Office phone: 0345-993230/31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

STUDY CASE NOTICE

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Reference is made to the complaint filed by the complainant against the respondent on 03/05/2018 regarding the sexual abuse of a minor girl by the respondent.

Whereas you and the respondent have confessed before the enquiry officer who found the fact that you sexually abused an eighth class student of the mentioned school on 03/05/2018 at the school.

In response to the above allegation, which has been proved to the satisfaction of the enquiry officer, you are advised that you should not be employed in any capacity of general nature under P.S. Dule, 2011 should not be imposed upon you, which has also been recommended by the Enquiry Officer. If you have anything in your support submit it in written form to this office within 07 days of the date you are to be heard in person, thereafter the office will proceed with the case up to 07/05/2018.

(JEWANGH ULLAH)
DISTRICT EDUCATION OFFICER
(MALE) SWABI

Handwritten notes and signatures in the left margin, including a signature that appears to be 'Jewangh Ullah'.

DISTRICT EDUCATION OFFICER
(MALE) SWABI

SANF ULLAH
Advocate
Court Peshawar

Handwritten notes at the bottom of the page, possibly a signature or additional remarks.





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BETTER COPY PAGE#
DISTRICT EDUCATION OFFICER (MALE) SWABI
Office Ph & Fax No. 0938280239

SHOW CAUSE NOTICE:

I, Mr. Jehanzeb Khan DEO (M) Swabi being a competent authority to serve upon you that instant show cause notice in response to the Headmaster, GST, Soganday (swabi) written complaint dated 08-05-2018.

Whereas you Yasir Muhammad Sweeper have confessed before the enquiry officer who found the fact that you sexually abused an eighth Class student. The incident took place on 03-05-2018 at 02:00 PM.

In response to the above allegation which has been proved and why the major penalty of removal from service under E & D rules, 2011 should not be imposed upon you, which has also been recommended by the Enquiry Officer. If you have something in your support submit it in written form to this office within 07 days or would you opt to be heard in person, then attend this office on any working days *within the office hours upto 24/5/2018*

(JEHANGIR KHAN)
DISTRICT EDUCATION OFFICER
(MALE) SWABI

Endst No.

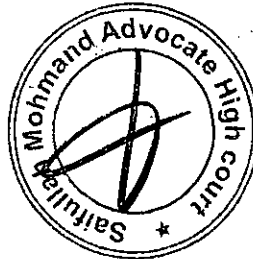
Copy of the above is forwarded for information and necessary action to the:

1. Headmaster GMS Soganday with reference to his complaint.
2. Yasir Muhammad Sweeper, GMS Soganday (Swabi).

-sd-

DISTRICT EDUCATION OFFICER
(MALE) SWABI

SAIF ULLAH
Advocate
High Court Peshawar





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DISTRICT EDUCATION OFFICE (MALE) SWABI

(Office phone & Fax No 0933250239, deoswabi@peshawar.gov.pk)

REMOVAL FROM SERVICE:

Amnes C

WHEREAS, Mr. Muhammad Yasir Sweeper, Govt. Middle School Soganday (Kotha) Swabi was proceeded against under the Khyber Pakhtunkhwa Government Services (Efficiency & Discipline) Rules 2011 on account of alleged Immoral act.

AND WHEREAS, Enquiry was conducted against the accused official Mr. Muhammad Yasir Sweeper, Govt. Middle School Soganday (Kotha) Swabi on the written complaint of Headmaster concerned about his involvement in immoral activity.

AND WHEREAS, the accused official Mr. Muhammad Yasir Sweeper confessed openly/clear cut before the enquiry officer which is available on record and failed to defend himself in the response of show cause notice.

NOW, THEREFORE, in exercise of the powers conferred under Section 4(b)(iii) of the Khyber Pakhtunkhwa Removal from service under (Efficiency & Discipline) Rules 2011, the competent authority is pleased to remove the accused official from service under the Government of Khyber Pakhtunkhwa Middle School Soganday (Swabi) with immediate effect.

(JILANGIR KHAN)
DISTRICT EDUCATION OFFICER
(MALE) SWABI

Order No. 5918-23 General File No. 2704V dated Swabi the- 01/05/2018

Copy of the above is forwarded for information and n/action to the

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar
2. District Accounts Officer, Swabi
3. Headmaster, GMS Soganday (Kotha) Swabi.
4. District Monitoring Officer, Swabi.
5. ADEO (B&A/Estab) Local Office.
6. Superintendent (Secondary) Local Office.
7. Mr. Muhammad Yasir Sweeper, Govt. Middle School Soganday (Kotha) Swabi (Under Registered cover)

SATULIAH
Advocate
High Court Peshawar

DISTRICT EDUCATION OFFICER
(MALE) SWABI





BETTER COPY PAGE# 3

DISTRICT EDUCATION OFFICER (MALE) SWABI
(Office Ph & Fax No. 0938280239. emis_swabi@yahoo.com)

REMOVAL FROM SERVICE:

WHEREAS, Mr. Muhammad Yasir Sweeper, Govt: Middle Government School Soganday (Kotha) was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 on account of Moral Turpitude.

AND WHEREAS Enquiry was conducted against the accused official Mr. Muhammad Yasir Sweeper Govt: Middle School Soganday (Kotha) Swabi on the written complaint of Headmaster concerned about his involvement in immoral activity.

AND WHEREAS, the accused official Mr. Muhammad Yasir Sweeper confessed openly/clear cut before the enquiry officer which is available on record and failed to defend himself in the response of show cause notice.

NOW THEREFORE, in exercise of the powers conferred under Section4(b)(iii) of the Khyber Pakhtunkhwa Removal from service under (Efficiency & Discipline) Rules 2011, the competent authority is pleased to impose the major penalty Removal from service upon Mr. Muhammad Yasir Sweeper, Govt: Middle School Soganday (Swabi) with immediate effect.

(JEHANGIR KHAN)
DISTRICT EDUCATION OFFICER
(MALE) SWABI

Endst No. 5918-24/General File No. 25/C-IV dated Swabi the: 01/05/2018

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

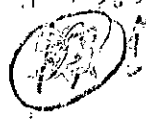
1. Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
2. District Accounts Officer, Swabi.
3. Headmaster GMS Soganday (Kotha) Swabi.
4. District Monitoring Officer, Swabi.
5. ADEO (B&A/Estab) Local Office.
6. Superintendent (Secondary) Local Office.
7. Yasir Muhammad Sweeper, GMS Soganday (Kotha) Swabi.
(Under Registered cover)

-sd-

DISTRICT EDUCATION OFFICER
(MALE) SWABI

S. J. ULLAH
Advocate
High Court Peshawar





Annex D

ولڈانہ اپیل برضلاف منجملہ قہرہ 06-01-2018

صفحات 1

سائیل حسب ذیل عمرین رسالہ ہے۔

1۔ یہ کہ سائیل گورنمنٹ مڈل سکول سوگندڑے (کوٹھا)، صوابی میں ریلوے خانہ پر ملازم تھا۔

2۔ یہ کہ سائیل کو مورخہ 06-01-2018 کو کبھی از یک نظر نہ کامدانی سروس سے ہٹایا گیا تھا۔ اور ایک من گھڑت اور فوجد سافٹ مسم کا استعمال سائیل پر لگایا گیا تھا جسکی بابت ناکون پولیس رپورٹ موجود ہے اور ناکون عینی شواہد موجود ہے۔

3۔ یہ کہ سائیل ایک فریب اور نادار گندرنے سے تعلق رکھتا ہے اور اپنے گھرانہ اور کفیل ہے۔ اور سروس سے ہر خواست دہنے کی وجہ سے سائیل اور اس کے خاندان والوں کو اس ہنگامی کے دور میں سخت تکالیف اور مصیبتوں کا سامنا کرنا پڑ رہا ہے۔

4۔ یہ کہ انوائٹری اور منجملہ ہر فاسٹنگ سروس سائیل پر زبردستی کٹو بیس دیا گیا ہے جس سے سائیل نے سراسر سے انکار کیا ہے۔

لہذا استدعا لگائی ہے کہ منجملہ اپیل نیز منجملہ قہرہ 06-01-2018 کو مالدور گزار سے کٹر سائیل کو اپنے سروس پر بحالہ سابقہ مراعات دربارہ بحال کرنے کے احکامات صادر فرمایا جائے۔

موضوع 3-03-03

SAIFULLAH
Advocate
Mardan

محمد یاسر

اپیلانٹ
محمد یاسر ولد لعل بادشاہ





DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.

No. _____ /F.No.-432 /A/20/C-IV/Swabi

Dated Peshawar the 31/5/2023

Phone: 091-9225344

Email: ddadmn.esec@gmail.com

To

The District Education Officer
(Male) Swabi.

(18)

Amr E

(17)

Subject: **DEPARTMENTAL APPEAL**

Memo:

I am directed to refer to your letter No 4437 dated 17/04/2023 on the subject cited above and to ask you that the appeal in r/o Mr. Muhammad Yasir Ex-Behshti GMS Sogandey, District Swabi has been examined/analyzed by this office. Hence inform the appellant concerned that his appeal has been **rejected** by the appellate authority.

cut

Assistant Director (Admn)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar

2593

Endst; No. _____

Copy forwarded to the :-

1. Mr. Muhammad Yasir Ex-Behshti GMS Sogandey, District Swabi.
2. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Master File.

Assistant Director (Admn)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar

31/5/23

SAIF ULLAH
Advocate
High Court Peshawar



Appeal No. 1358/2023
M. Yasir vs Govt

Annex E

27th Sept. 2023



18

Junior to learned counsel for the appellant present and requested for adjournment on the ground to place on file some documents, necessary for just disposal of the case. Granted. To come up for preliminary hearing on 20.10.2023 before S.B. P.P given to the counsel.

SCANNED
KF ST
Peshawar

(FAREEHA PAUL)
Member (E)

Ziaulhaq

20th Oct. 2023

Learned counsel for the appellant present and wants to submit amended appeal. He may do so within a week. To come up for amended appeal as well as preliminary hearing on 29.11.2023 before S.B. P.P given to learned counsel for the appellant.

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(Muhammad Akbar Khan)
Member (E)

Date of Presentation of Application 08/11/23
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