

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No. 91/2023

Muntazir Mehdi S/o Imran Ali R/o Lodhi Khel Tehsil and District Hangu presently serving in GHS Azeeme Banda at (Arabic Teacher) District Hangu

(appellant)

Versus

Khyber Pakhtunkhwa
Service Tribunal

1. Govt of KPK through E&SE Peshawar
2. Director E&SE Peshawar.
3. District Education Officer (M) Hangu.

Diary No. 145-26

Dated 25-07-2024

(respondents)

**APPLICATION FOR SUBMISSION OF ADDITIONAL
DOCUMENTS (INQUIRY REPORT) ON BEHALF OF
RESPONDENTS.**

Respectfully Sheweth:

1. That the titled appeal is pending adjudication before this Worthy Authority in which no final order has been passed till date.
2. That detail Service appeal had already been submitted by the official respondent however till date the list has not been decided.

It is therefore, most humbly prayed that on acceptance of this application the mention documents may please be place on file and be considered for the just disposal of the instant appeal.

Dated 25/07/2024


Respondent

District Education Officer

(Male) Hangu

Respondent No-3

25-07-24

ENQUIRY REPORT:

TITLE OF THE ENQUIRY:

Enquiry against Mr. Muntazir Mehdi AT GHS Tari Banda District Hangu.

AUTHORITY:

Director E&SED Notification Endst No. 2862-65, dated 24-11-2021.

DATE OF ENQUIRY:

01-12-2021 to 03-12-2021

VENUE OF THE ENQUIRY:

Office of the DEO-Hangu & Orakzai.

NAME OF THE ENQUIRY OFFICER:

Farid Ullah Mehsud, District Education Officer (BPS: 19), District Orakzai.

PREAMBLE:

1-Apointed as AT BPS: 15 vide EDO-Hangu office Endst N. 48-64, dated 18/06/2007. (Annex-A)

2-Served at GHS Tari Banda since appointment until 18-09-2014. His service has further verified by the Head Master-GHS Tari Banda Hangu (Annex-B).

3-He was detailed to GHS Ibrahimzai Hangu and further detailed to GHS Lodhi Khel Hangu on 17-09-2014 vide Endst No. 3011-13 as stated vide Annex-B already attached.

4-He served at GHS Lodi Khel until 29-05-2015 & relieved by the Head Master on 01-09-2015 when his derailment/deployment was cancelled. His service and duty performance certificate from Head Master GHS Lodhi Khel is attached at Annex-C.

6-His detailment was cancelled by the learned DEO Hangu and directed him to report to his original school of duty i.e GHS Tari Banda Hangu.

7-He was found absent since 01-10-2015 & 1st show cause served upon him on 07-12-2015 vide No. 4184-1. (Annex-D).

8-2nd show cause served upon him on 31-12-2015 vide No. 4432-2 when he was found absent again.(Annex-E).

9-Absent notice was floated in the daily Mashriq, dated 07-10-2016 against Muntazir Mehdi along with two other absent teachers. (Annex-F).

10-Inquiry was conducted on 28-10-2016 under Rule (3)(d) of E&D Rules 2011, promulgated on 16-09-2011 vide E&A Deptt: Notification No. SO (Reg-VI) E&AD/2-6/2010 wherein the following decisions were taken: (Annex-G)

i-Charged under Rule (4)-A-iii with recovery of one year.

ii. Censure under Rule (4)-A-(i).

11-In compliance of the Inquiry report, the accused Muntazir Mehdi AT GHS Tar Banda Hangu deposited an amount of Rs. 50000/- to the Govt. exchequer on 24-03-2017 under head CO-2814 (Recovery of overpayment) in NBP Hangu. (Annex-H)

12-The accused AT submitted an affidavit on 5/1/2017, wherein he pledged for duty regularly in future. (Annex-I).

13-Whereas, an application for Inter District Transfer has been signed by the DEO-Hangu on 06-07-2017, however, it is not acted upon due to some deficiencies as identified by the Directorate vide DD (Estab), E&SED KP Peshawar letter No. 4797/F.No.72/Vol-III/IDT/AT/TT/Qari(M)General, dated 24-10-2017.(Annex-J).

14-On 15-02-2018, he was removed from service by the DEO-Hangu vide Endst. No. 7658-64 based on his submitted affidavit. (Annex-K).

15-Whereas, the accused submitted an application to the Director E&SED on 19-02-2018 by stated that the inquiry officer(s) may be changed from Hangu to some other district as DEO Office Hangu officers are biased as he complained in his application (Annex-L).

15-The accused AT appealed to the worthy Director for reinstatements. (Annex-M).

16-Apparently, service appeal bearing No. 807/2018 was lodged by the accused before the honorable KP Peshawar Service Tribunal on 01-06-2018 (Annex-N) wherein partial relief was granted by the honorable Service Tribunal subject to the outcome of the de-novo inquiry on 09-09-2021.

17-Immediately, in compliance of the honorable court decision, learned DEO-Hangu reinstated the aforesaid AT vide Endst No. 9098-99, dated 10-09-2021 for the purpose of de-novo inquiry along with Notification for fresh inquiry vide No. 9100, dated 10/09/2021, charge sheet and statement of allegations (Annex-O, P, Q, R).

19-On 4-10-2021, an ex-parte decision was taken vide Endst. No. 9573-78, dated 04-10-2021 by the inquiry officers without hearing the accused (Annex-S).

20-The accused again submitted an application to the Director by requesting to appoint unbiased inquiry officer for inquiry instead of the existing constituted committee. (Annex-T).

21-His appeal was accepted by the worthy Director E&SED and appointed the undersigned (Farid Ullah Mehsud DEO-Orakzai BPS: 19) as an inquiry officer vide his office Endst No. 2862-65/PF Muntazir Mehdi AT Hangu, dated 24-11-2021 to probe into the matter and submit recommendations therein as per rules & policy envogue. (Annex-U).

22-By executing the power conferred under Rule (12) 1(a)(b) & C, questionnaires were served upon the accused AT and report submitted by the learned DEO-Hangu to ascertain the obligatory evidence/record & proofs are attached at (Annex-V&W).

GROUND:

1-The accused was liable for granting of relief on humanitarian grounds as the accused was facing life threat & evidence therein is attached at Annex-X.

2-Received salaries until November-2017. Pay bills (Jul-17 to Nov-17) are attached at Annexure (Y).

3-As the accused AT was not satisfied from the de-novo inquiry conducted by the DEO-Hangu Officers vide Endst. No. 9573-78, dated 04-10-2021, against whom the accused complains repeatedly.

4-The learned DEO-Hangu has not issued any show cause notice after 4-11-2016 decision/enquiry to the accused as he was trying for his Inter District Transfer for which the learned DEO-Hangu has already granted an NOC/Application. It shows that his absence on 07-02-2017 was not willful but rather submitting his deficiencies to the Directorate for his inter district transfer.


5-The accused was removed from service on the basis of judicial stamp paper which was taken from the accused on 05-01-2017 wherein he states that he will perform his duty regularly/punctually but during personal hearing, the accused was in plea that stamp paper was signed forcefully with a condition to transfer

you to another school, he further stated that the same stamp paper was also discouraged by the honorable service tribunal during hearing & declared it illicit and illegitimate, however, still recovery was made & an amount of Rs. 50000/- has been deposited into the Govt. treasury under head CO2814 in lieu of the recovery on 24-03-2017 to comply with inquiry, hence the accused can't be charged twice for the same reason.

6-As the accused belongs from Ahle Tashi sect, hence under the prevailing law & order situation and deteriorated sectarian killings in that particular area wherein he survived too from the miscreants attack needs relief on humanitarian grounds.

RECOMMENDATIONS/CONCLUSIONS:

1. Orders of the learned DEO-Hangu bearing No. 7657, dated 15/02/2018 and office order bearing Endst. No. 9573-78, dated 04/10/2021 may be set aside as in light of the honorable Service Tribunal direction, charges under rule 3(d) have not been proved on the grounds as solicited above.
2. The appellant may graciously be reinstated in service w.e.f 01-12-2017.
3. His absence period may be converted into leave without pay; necessary entries in the service book may be made accordingly.
4. NOC/application for inter transfer districts of the appellant may be processed so as he may resume his service in a peaceful environment without any life threat or fear.

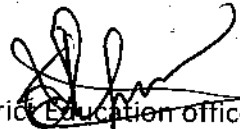

FARID ULLAH MEHSUD
ENQUIRY OFFICER/
DISTRICT EDUCATION OFFICER- BPS: 19
DISTRICT ORAKZAI

AUTHORITY

Mr. Muhammad Nawaz ADEO(Lit) of this office is hereby authorized to attend the court of Hon'able Service Tribunal, Peshawar in connection with

Murtaza Medhi s/A No 1608 vs Govt of KP
₀₂₄

on dated 26/07/2024 on behalf of undersigned.


District Education Officer
(Male) District Hangu
District Education Officer
Male Hangu