

(original)

**THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

SERVICES APPEAL NO 278/2024

Tariq Mehmood Khan Ex-(PSHT) at GPS Karim Khan Baiest Khel
(11461) Bannu R/O Shahbaz Azmat Khel, Tehsil & District Bannu

..... Appellant

VS

Government of Khyber Pakhtunkhwa through Secretary (E&SE),
Education Department and others

..... Respondents

INDEX

S. No	Description of documents	Annexure	Page No.
1.	Para wise Comments		01-3
2.	Authority Letter		04
3.	Affidavit		05
4.	Show cause Notice	A	06
5.	Notification of Removal from Service	B	07
6.	Reply of the appellant and Minutes of the Meeting	C	08-11
7.	Regretted Letter of the appeal by the competent authority.	D	12
8.	Notification Dated: 08-07-2021	E	13

Dated: 11/7/2024

Through

Deponent


DEO (M) BANNU

22-07-24



01

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

SERVICES APPEAL NO 278/2024

Tariq Mehmood Khan Ex-(PSHT) at GPS Karim Khan Baiest Khel
(11461) Bannu R/O Shahbaz Azmat Khel, Tehsil & District Bannu
..... Appellant

VS

Government of Khyber Pakhtunkhwa through Secretary (E&SE)
Education Department and others
..... Respondents

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

**Khyber Pakhtunkhwa
Service Tribunal**

RESPECTFULLY SHEWETH:

Diary No. 14165

That the respondents from 1 to 2 submit as under:

Dated 11-07-2024

PRELIMINARY OBJECTIONS:

1. That the present appellant has got no cause of action and locus standi.
2. That the present Appeal of the Appellant is not maintainable in its present form.
3. That the present case is bad for non-joinder and miss-joinder of necessary parties having vital role in the instant appeal.
4. That the Appellant has filed the instant Appeal to waste the precious time of this Honorable Services Tribunal.
5. That the case of the Appellant is devoid of merit and having no legal force hence liable to set-aside.

ON FACTS:

1. That the Para 1 on facts is related to the service history of the appellant.
2. That Para 2 on facts is related to the appellant personal assertion about his performance of duty.
3. That Para 3 facts pertains to official record of this office. Moreover, the appellant failed to convince the competent authority about his unauthorized absenteeism from his duty by providing cogent reason and solid proof. His case was discussed in the committee which was chaired by the Deputy DEO (Male) Bannu and it was decided that a major penalty of the removal from services may be imposed upon all those teachers who are willfully an authorized absent from duty (Annexure A).

4. That Para No 4 on facts is incorrect and denied, as proper procedure was adopted and all codal formalities has been observed and after that a major penalty of removal from services was rightly imposed upon the appellant as per existing law, rules and policy. (Annexure B)
5. That Para No 5 on facts is incorrect and denied, as the competent authority has properly adopted the procedure and the appellant was in habit of habitual absenteeism and the competent authorities was not satisfied with the reason provided by the appellant and hence a penalty of removal from service was imposed accordingly and the appeal of the appellant was also regretted by the appellate authority (Annexure C & D)
6. That Para 6 on facts is related to the official record, as the appellant remained willfully absent from his official duty and was reported severely by the Education Monitoring Authority and the District Education Officer then provided an opportunity of personal hearing after show cause notice and after that such action was taken in light of notification No.7970-8031 dated 08-07-2021. (Annexure E)


GROUND


- A. That Para A on ground is incorrect and denied, this office has followed the law, rules and policy where the case of the appellant was a case of habitual absenteeism which was clear from the record and then in the personal hearing he failed to convince the committee and to put forward any cogent, convincing and logical plea/reason for his absenteeism and hence penalty was imposed after a proper procedure for rest of the reply see para 5 on facts.
- B. That Para B on ground is incorrect and denied, the appellant remained absent unauthorized from his duty and this matter was properly investigated, enquired and after that proper show cause notice was served and the appellant miserably failed to provide any solid proof for his absenteeism from the duty and hence he was treated as per law, rules and policy as stated in the preceding paras.
- C. That Para C on ground is incorrect and denied, see Para B on grounds.
- D. That Para D on ground is incorrect and denied to the extent of violation of any article of the Constitution of Islamic Republic of Pakistan 1973, as the appellant himself accepted that not only he but other male and female teachers who have ever violated the law, rules and policy and were in habit of habitual absenteeism were also penalized according to the nature of their cases while the case nature of the appellant is different from others.

E. That Para E on ground is related to the appellant and his counsel, but in facts the respondents may kindly be allowed for additional arguments at the time of hearing.

PRAYER:

In view of the above made submissions it is requested that this Honorable Services Tribunal may very graciously be please to dismiss the instant appeal with heavy cost.


~~Samina~~ Samina Altaf
SECTARY E&SE KP PESHAWAR
Respondent No.1


Muhammad Tariq
DISTRICT EDUCATION OFFICER
(MALE) BANNU
Respondent No.2



**OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) BANNU**

(Address: Outside Miryan Gate Near GHS No 4 Bannu)



AUTHORITY

Certified that Mr. Bakhmal Jan ADEO Litigation of this Office is hereby authorized to submit this Para wise comments on behalf of under signed in connection with the Case titled as Mr. Tariq Mehmood Khan Vs Govt; in services appeal No 278/2024.

**Muhammad Tariq
DISTRICT EDUCATION OFFICER
(MALE) BANNU**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

SERVICES APPEAL NO 278/2024

Tariq Mehmood Khan Ex-(PSHT) at GPS Karim Khan Baiest Khel
(11461) Bannu R/O Shahbaz Azmat Khel, Tehsil & District Bannu
..... Appellant

VS

Government of Khyber Pakhtunkhwa through Secretary (E&SE)
Education Department and others
..... Respondents

AFFIDAVIT

I Mr. Muhammad Tariq DEO (M) Bannu do here by Certify that all
the contents of these Para wise comments are true & correct to the
best of my knowledge and nothing has been concealed from this
Honorable Services Tribunal.

*The answering department have neither been
Placed ex-parte nor their depositions have been struck off.*

M. Tariq
DISTRICT EDUCATION OFFICER
(MALE) BANNU





GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE) BANNU



0928-660005



emisbannu@yahoo.com



District Education Office Bannu Male

NO. 9544 /GPS(ShowCauseNotice)

Date: 04/08/2023

TARIQ MEHMOOD KHAN (PSHT)
GPS KARIM KHAN BAIST KHEL (11461),

Show Cause Notice for Major Penalty

I, the District Education Officer (BANNU, Male), as Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 do hereby serve upon you this show cause as follows.

1. That as per EMA monitoring report you were found absent from duty 8 times in academic year 2022-23 without prior permission of the competent authority.
2. Now, therefore, I as the Competent Authority have tentatively decided to impose upon you the major penalty in accordance with Rule-4 (b) (iii), Finance Department Notification No. So (FR)/FD/5-14/2014 dated 16-12-2014 and Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa Notification No. 9970-8031/F.No.1/B&T/OAMS/2016-17 dated:08-07-2021.
3. 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.
4. If no reply to this show cause is received within 7 days of its delivery, 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.

DISTRICT EDUCATION OFFICER
(MALE) BANNU

Endst: Even No. & Date:

Copy of above is forwarded to the:

1. Director, Elementary & Secondary Education Department, Peshawar.
2. SDEO/DDO concerned.
3. ASDEO concerned.
4. District Monitoring Officer (EMA) Bannu
5. Master File

DISTRICT EDUCATION OFFICER
(MALE) BANNU



NO. 11154-591

Date: 08/09/2023

Notification for Major Penalty

1. Whereas: Mr. TARIQ MEHMOOD KHAN, (PSHT), (11461 - GPS KARIM KHAN BAIST KHEL BANNU) was proceeded according to Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar Notification Endst.No. 9970-S031/E.No.I/B&T/OAMS/2016-17 Dated: 08-07-2021 for the charges of willful absence from government duty.
2. And whereas, a show cause notice was served upon him for guilty of habitually absenting himself from government duty without prior approval of leave from competent authority.
3. And whereas, the Competent Authority after having considered the charges, evidence on record, and the personal hearing granted to him dated: 21-08-2023 is of the view that the charges mentioned in the show cause notice have been proved against the above-named government servant/official concerned.
4. In the light of which the undersigned, being competent authority is satisfied that the above-mentioned charges have been proved upon you.
5. Now, Therefore, the Competent Authority is pleased to impose major penalty of compulsory retirement upon the above-named teacher with immediate effect.

DISTRICT EDUCATION OFFICER
(MALE) BANNU

Endst: Even No. & Date:

Copy of above is forwarded to the:

1. Director, Elementary & Secondary Education Department, Peshawar.
2. Deputy Commissioner Bannu.
3. SDEO/DDO concerned with the remarks to make necessary entry in his service book accordingly under intimation to this office.
4. District Monitoring Officer (EMA) Bannu.
5. District Account Officer Bannu.
6. Master File

ADT as Secy
[Signature]

[Signature]
DISTRICT EDUCATION OFFICER
(MALE) BANNU

حضرت جناب ڈی ای او صاحب میں صلح ہوئی

9188

23.08.08 اور 08.08.23 کو شوکارا میں

گزارش صلح و ترمیم

نمبر 9544 ملا ہے جس میں فدوی سے جواب طلبی کی گئی ہے کہ اس

بے گنہ سال 2022 میں 8 مرتبہ غیر حاضر رہے ہیں

حقیقتاً ایسا نہیں ہے جسے تمام ترمیموں پر آئینہ ان بالا کو

سینس کر سکتا ہے اور فدوی ہم خود ہم جواب دینے کو تیار ہے

1۔ فدوی سے جن تواریخ کی غیر حاضری کے بارے میں جواب طلبی کی گئی ہے

تقریباً 8/10 صفحے پر بھی میں آئینہ ان بالا کے سامنے سینس ہوا ہے

اور اس موقف پر آئینہ ان بالا کو وطنی رکھا ہے اس پر اس

سینس ہم دوبارہ جواب طلبی اور شوکارا میں سے بلا کر ہے جسے

ان تواریخ کے بارے میں میں صراحتاً ہی لکھ کر پیش کیا ہے

اور میں جواب بھی دے چکا ہوں

2۔ اب دوبارہ جواب اور غیر حاضریوں کی تفصیل کیوں ہے لیا درہم اس پر

لکھنا الفاضل

طارق محمود S.P.H.T - بی. بی. ایس. رفیق خان سہیل صلح ہوئی

ATTESTED

Handwritten signature



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) BANNU

Phone No: 0928-660005 Fax No: 0928-660346

Email Id: bannuedo@yahoo.com



Minutes of the meeting regarding personal hearing of the absent teaching staff held on 21-08-2023 under the chairman ship of DDEO (M) Bannu.

A Meeting of the Departmental committee constituted for personal hearing by the competent authority was held on 21-08-2023 under the chairman ship of DDEO, E&SED Bannu at his personal office at 10.30 AM. The Nominee of the DMO Bannu as well as others members of the committee was also attended the meeting as per attendance sheet. (Copy attached)

The meeting commenced with the recitation from the Holy Quran. The DDEO (M) Bannu E&SED Bannu well-come the participants of the meeting and invited formal discussion on the agenda items. The PA to DEO(M) Bannu informed the committee that Show cause notices have been issued to 20 PSTs one DM, 02 CT and one AT of this Department for one day salary deduction/ stoppage of one/two annual increment/removal from service, due to absence from duty as reported by EMA, DMO Office Bannu in the academic year 2022-23. After thoroughly discussion and scrutiny of record as well as personal hearing of the accused teachers, the below mentioned remarks/recommendations were passed by the committee unanimously.


S.No.	Name of accused Govt: teacher	Desig:	Place of posting	Period of absence as reported by EMA	Penalty as proposed in show cause notice.	Defense if any/reply submitted.	Whether appear before the committee	Remarks/Recommendation of the committee:-
1-	Tariq Mehmood Kh	PSHT	GPS Karim Khan Baist Khel Bannu	08 time	Major Penalty	Yes	yes	1- He was also charged on the same ground in the year 2021-22. 2- Compulsory retirement if length service & age of the accused teacher is completed or Removal from service.
2-	Sifatullah Kh	PSHT	GPS Shahbaz Azmat Khel No.4 Bannu	05 time	-do-	Yes	Yes	1- He was also charged on the same ground in the year 2021-22. 2- Compulsory retirement if length service & age of the accused teacher is completed or Removal from service.
3	Shah Khalid	PST	GPS Muhd Azam Sokari Bannu	05 time	-do-	yes	Yes	1- He was also reported 2 times absent by EMA in the year 2021-22. 2- Stoppage of two annual increments with strict warning.
4-	Waqas Jan	PST	GPS No.9 Bannu city. Bannu,	05 time	-do-	No	No	1- He was also reported 2 times absent by EMA in the year 2021-22. 2- Stoppage of one annual increment.
5-	Kamran Ali Khan	PST	GPS Mira Khel Kalan Bannu	05 time	-do-	No	No	Disciplinary proceeding is under process against him and final show cause notice has been issued by the Department. Compulsory retirement be made if length of service & age of the accused teacher is completed or Removed from service.
6-	Sakhi Rehman	PST	GPS Inshanullah Baik	05 time	Major	Yes	Yes	He was transferred by the SDEO (M) Domel on need basis. Two

[Handwritten Signature]

21-08-23

			Khel Banu.		penalty			
								increments deduction was made on the same charge previously. Later on the order was countersigned by DDEO on the direction of DEO, therefore may be exonerated from the same charges. His place of posting may be read as GPS Pinda Khel instead of Ihsan Baik Khel Bannu.
7-	Atif Zaman	PST	GPS Kotka Juma Khan Bannu.	03 time	Minor Penalty	yes	No	1- He was removed from service in the year 2021-22 and was reinstated by the Director E&SE KPK. 2- Stoppage of one annual increment with-strict warning.
8-	Bashirullah	PST	GPS Dabak Syed Khel Bannu.	04 time	Minor Penalty	Yes	No	1- He was also reported 2 times absent by EMA in the year 2021-22. 2- Stoppage of one annual increment with strict warning.
9-	Haroon Rashid	PST	GPS Haibak Serza Kh Bannu	04 time	-do-	Yes	No	1-He got leave for Phd but the case delayed due to Corona. His leave case may be sanctioned by the competent authority. 2- Stoppage of two annual increments.
10-	M.Yasir Khan	PST	GPS No.7 Bannu.	04 time	-do-	yes	yes	1- He was also reported 2 times absent by EMA in the year 2021-22. 2- Exonerated this time, but warned to take care in future. It is also suggested that his cadre may be changed into Lab: Assistant/Junior Clerk as he is not fit for teaching profession.
11-	Nek Nawaz Khan	PST	GPS Kot Zafar Ghoriwala Bannu	03 time	-do-	yes	No	The teacher has got long leave without pay for 03 years up to 31-12-2023; the committee has decided that his service reputation is not ok, therefore stop his one annual increment for one year, however his leave will be considered up to 31-12-2023, if he not attended his service after expiry of leave, necessary disciplinary proceeding may be initiated under the rules.
12-	Irfanullah Khan	PST	GPS No.2 Bannu.	03 time	-do-	yes	yes	Regular and dutiful teacher Exonerated.
13-	Nadeem	PST	GPS Sadat Hasani Bannu	03 time	-do-	yes	yes	Regular and dutiful teacher Exonerated.
14-	Hikmat Yar Khan	PST	GPS Shabaraz Mandew Banu	03 time	-do-	No	No	1- He was also reported 2 times absent by EMA in the year 2021-22. 2- His service record is not clear therefore recommended for Stoppage of one annual increment.
15-	Shahidullah Khan	PST	GPS Amir Dad Khojamad	03 time	-do-	No	No	Stoppage of one annual increment.
16-	Amjadullah Kh	PST	GPS Badshah Khan Bharat.	03 time	-do-	No	No	Compulsory retirement form service.
17-	M. Yasir Ali Kh	SPST	GPS Wedan Kila Bannu	03 time	-do-	No	No	1- He was also reported 2 times absent by EMA in the year 2021-22. 2- Stoppage of one annual increment
18-	Hamayun Ali Shah	SPST	GPS Karim Khan Baist Khel Bannu	03 time	-do-	yes	yes	1- He was also reported 2 times absent by EMA in the year 2021-22. 2- Stoppage of one annual increment

4
2023-08-23

Atif Zaman


	Abdul Razzaq Khan	PSHT	GPS Toru Balu Machan Khel No,1	03 time	-do-	Yes	No	The teacher was transferred to GMPS Matla ol olum and performing duty at new school, therefore Exonerated.
20-	Sakhi Rehman	PST	GPS Ihsanullah Baik Khel Banu.	05 time	Major penalty	Yes	Yes	He was transferred by the SDEO (M) Domel on need basis. Two increments deduction was made on the same charge previously. Later on the order was countersigned by DDEO on the direction of DEO, therefore may be exonerated from the same charges. His place of posting may be read as GPS Painsa Khel instead of Ihsan Baik Khel Bannu.
21-	Irfanullah	AT	GMS Malik Shahi Jani Khel	03 time	Minor penalty	Yes	Yes	Exonerated
22-	Ferdos Khan	DM	Ali Mat Khatakan Bannu	04 time	-do-	yes	yes	Wrongly shown absent on previous dates therefore Exonerated, however he may be transferred to nearest GHS.
23-	Rahman Ali	CT	GHS Wali Noor Jani Khel	03 time	-do-	yes	yes	His termination case is under process and also his absence is advertised in newspaper, hence the same may be expedited.
24-	Sajjad Ahmad	CT	GHS Mir Ghafar Ghora Baka Khel	03 time	-do-	yes	No.	His leave case has been verified and found genuine hence Exonerated.

At the end the committee unanimously decided, that the competent authority may take action as per above remarks / recommendations within seven days accordingly under the rules. The meeting ended with the vote of thanks.

Chairman
Deputy Distt: Education Officer
Bannu

Member
Nominee of DMO
Bannu

Member
ADEO E/Secy:
Local Office

Approved
04/9/2023

**DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.**

No. 4971 / E.No./1-22/Vol-II/Appeals General/Estab:M-1
Dated Peshawar the 15 / 11 / 2024.

To

The District Education Officer
(Male) Bannu.

Subject: - APPEAL FOR RE-INSTATEMENT IN SERVICE

127
23-11-24

Memo:

I am directed to refer to your good office letter No. 14955 Dated: 17-11-2023 on the subject cited above and to state that the appeal in respect of Mr. Tariq Mehmood PSHT GPS Karim Khan Baist Khel Bannu has been rejected by the competent authority.

I am further directed to ask your good-self to inform the appellant concerned accordingly please.

ADDED
23/11/24

15/11/2024
Assistant Director (Estab-1)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar.

Encl; No.

Copy forwarded to the: -

- 1. Mr. Tariq Mehmood PSHT GPS Karim Khan Baist Khel Bannu.
- 2. P.A to Director Elementary and Secondary Education local office.

Missed
[Signature]

Assistant Director (Estab-1)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar.

DIRECTORATE OF ELEMENTARY & SECONDARY
EDUCATION, KHYBER PAKHTUNKHWA, PESHAWAR

NOTIFICATION

Consequent upon the approval of the Competent Authority (Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa), the new Online Action Management System (OAMS) has taken place w.e.f 01-04-2019 in Khyber Pakhtunkhwa. The following system/mechanism will be observed.

1. On First Time Absenteeism
Show cause notice will be issued to the delinquent teacher/official and the competent authority will decide whether to exonerate or deduct one day salary on the basis of reply/explanation of the concerned alleged accused teacher duly supported by valid documentary proof in support with the explanation/reply.
2. On Second Time Absenteeism
Show cause notice will be issued followed by imposition of minor penalty of "Censure" and deduction of one-day salary.
3. On Third Time Absenteeism
Show cause notice for stoppage of one increment for one year.
4. On Fourth Time Absenteeism
Show Cause Notice for stoppage of two increments for three years.
5. On Fifth Time Absenteeism
Show Cause Notice for imposition of any of the major penalties specified under E&D Rules 2011, which includes Down-grading, Compulsory retirement, Removal from Service or Dismissal from service as the case may be.

NOTE:

- For each academic year, teacher absenteeism will start from the first occurrence.
- District Education Officer (M&F) will be responsible to take action against the teacher from BPS-01 to BPS-15 (Being Competent Authority)
- The District Education Officer (M&F) will forward cases of BPS-16 and above to the Director E&SE, Khyber Pakhtunkhwa. The Director E&SE, Khyber Pakhtunkhwa will take action against the staff in BPS-16 being Competent Authority.
- The Director E&SE, Khyber Pakhtunkhwa will forward the cases of BPS-17 and above to the Secretary E&SE Department Khyber Pakhtunkhwa for necessary action.

Director
E&SE Department
Khyber Pakhtunkhwa

Dated 28/07/2021

Index No. 7970-8031 /F.No.1111/T/OAMS/2016-17

Copy forwarded for information to the:

1. Director E&SE D/O Khyber Pakhtunkhwa, Peshawar.
2. District General BMA, Khyber Pakhtunkhwa with the request to inform and direct all District Monitoring Officers to observe the above notification in true letter and spirit.
3. All the District Education Officers (M&F) in Khyber Pakhtunkhwa with the directions have a strict compliance with the above notification.
4. PA to Secretary E&SE D/O Khyber Pakhtunkhwa, Peshawar.
5. PA to Director E&SE, Khyber Pakhtunkhwa, Peshawar.
6. Head of ASE, PE' Head Peshawar.
7. Master File

Deputy Director (D/T)
Directorate of E&SE
Khyber Pakhtunkhwa Peshawar