FORM OF ORDER SHEET

Court of	F	·		

	Appeal No.	1008/2024
S.No.	Date of order Order or other pro	condings with signature of indi-

**	Apr	peal No. 1008/2024
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/07/2024	The appeal of Mr. Muzammil Khan resubmitted
i		today by Mr. Khaled Rehman Advocate. It is fixed for
	· · · · · · · · · · · · · · · · · · ·	preliminary hearing before Single Bench at Peshawar on
		25.07.2024. Parcha Peshi given to counsel for the appellant.
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		By the order of Chairman
		REGISTRAR
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The appeal of Mr. Muzammil Khan received today i.e on 18.07.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent no. 1 is un-necessary/improper party, 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.
- 2- Check list is not attached with the appeal.
- 3- Appeal has not been flagged/marked with annexures marks.
- 4- Affidavit is not attested by the Oath Commissioner.
- 5- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 366 /Inst./2024/KPST,
Dt. 19/7 /2024.

OFFICE ASISTANT
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Khaled Rehman Adv.
Supreme Court at Peshawar.

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DEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.____/2024

	Versus
T	he Govt. of KPK and others
	lication on behalf of appellant for allowing the titled Appeal to be ested at the Principal Seat of the Service Tribunal. Khybe Serv
	Diary
Resp	bectfully Sheweth,
1.	That the titled Service Appeal is being filed before the Hon'ble Tribunal which is yet to be fixed for hearing.
2.	That the counsel of the appellant is based at Peshawar and appellant also feels it convenient that the appeal be fixed before Principal Seat of the Hon'ble Tribunal.
3.	That the Respondents No.1&2 in the titled appeal are also based at Peshawar, therefore, it would be convenient to them that the case is fixed before Principal Seat at Peshawar.
4.	That the hearing of the instant appeal at Camp Court Bannu will cause the applicant as well as other official Respondents hardship and also loss of time and expense, therefore, it would be in the interest of justice that the appeal in hand be heard at the Principal Seat.
	It is, therefore, humbly prayed that the titled Service Appeal may iously be allowed to be heard/contested at Principal Seat at Peshawar for osal in the interest of justice.
	Applicant Appellant Through

Verification

Verified that the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

C∕ounsel

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1008 /2024

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Through

Appellant

Khaled Rahman

Advocațe,

Supreme Court of Pakistan

&

Muhammad Ghazanfar Ali
Advocate, High Court

4-B, Haroon Mansion Khyber Bazar, Peshawar Off: Tel: 091-2592458 Cell # 0345-9337312

Dated: ____/07/2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. <u>1008</u> /2024

<u>Muzammil Khan</u>

Ex-PST, Govt. Primary School No.1, Serai Naurang, District Lakki Marwat......

<u>Appellant</u>

Versus

1. The Director,

Elementary & Secondary Education Khyber Pakthunkhwa, G.T. Road, Peshawar

2. The District Education Officer (Male)

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 30.11.2023 COMMUNICATED TO APPELLANT ON 04.03.2024 WHEREBY MAJOR PENALTY OF REMOVAL FROM SERVICE WAS IMPOSED UPON THE APPELLANT AGAINST WHICH HE PREFERRED DEPARTMENTAL APPEAL TO RESPONDENT NO.2 ON 11.03.2024 BUT THE SAME WAS NOT DECIDED WITHIN THE STATUTORY PERIOD OF 90 DAYS.

PRAYER:

On acceptance of the instant appeal, the impugned office order dated 30.11.2023 communicated on 04.03.2024, may graciously be set aside and appellant may be reinstated into service with all back benefits.

Respectfully Sheweth,

- 1. That the appellant has qualified BS Electrical Engineering from the Baluchistan University of Information Technology in the year 2017 and presently pursuing his Master Degree on fully funded scholarship by the Chinese Government in a Chinese University i.e. Chongqing University.
- 2. That the appellant was appointed as PST on 27.07.2020 and lastly was serving as such at Govt. Primary School No.1 Serai Naurang, District Lakki Marwat (Extracts from the Service Book *Annex:-A*).
- That the appellant is in the habit of improving his knowledge and therefore, was indulged in pursuing such opportunities and was fortunate enough to win scholarship in a Chinese University mentioned above in Master Degree Program of *Control Science and Engineering* for the session 2023-2026 vide Admission Notice dated 19.06.2023 (*Annex:-B*).
- 4. That before departure, appellant submitted application for study leave to the competent authority on 31.08.2023 alongwith all necessary documents which was processed and favourably recommended by the SDEO (Male) Serai Naurang for favourable action of the competent authority. (Leave Application Form with Favourable Recommendation of the SDEO (Male) Serai Naurang, Application to the SDEO (Male) and letter of ASDEO dated 31.08.2023 and Extracts from the Register of Letters are attached as *Annexs:-C*, D, E & E/1).
- 5. That after application appellant waited for the outcome of the application and visited his office numerous times but no positive result came out finally the departure period neared and appellant had to leave to join the classes within time otherwise as per the conditions of admission, the same could have been cancelled. Since the application for study leave was favourably processed and appellant

was dead sure of its approval as higher education was in the interest of both the appellant and the Department and is always encouraged especially in Education Department, therefore, the appellant left for joining the classes. It is pertinent to add that no rejection order on the application for study leave has been communicated to the appellant till date.

- 6. That while the appellant was busy in his studies under the hope that his leave application would have been approved when he was informed by one of his friends that the Department has started disciplinary action against him for the so called wilful absence from duty illegally. Accordingly, he through his father applied on 16.02.2024 (Annex:-F) for documents if any action had ever been taken against the appellant.
- 7. That on 04.03.2024 the appellant through his father obtained the impugned order dated 30.11.2023 (Annex:-G) whereby the appellant has illegally been removed from service on the ground of wilful absence from duty. (Extracts from the Registrar of Requests Annex:-H)
- 8. **That** the appellant on acquiring the impugned order, preferred a Departmental Appeal on 11.03.2024 (*Annex:-I*) to the appellate authority but the same was disposed of within the statutory period of 90 days.
- 9. That it is essential to add that the same Department has allowed stuy leave to one Nayab Ali Khan as is evident from the sanctioned order dated 17.11.2022 (Annex:-J).
- 10. **That** appellant being mortally aggrieved of the impugned order ibid, challenges the same inter-alia on the following grounds;-

Grounds:

That Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 & 10A of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully issued the impugned order, which is unjust, unfair and hence not sustainable in the eye of law.

- B. That appellant has never remained absent from duty rather he went for higher education on Chinese scholarship after properly applying for study leave which was duly recommended by the immediately officer of the appellant i.e. SDEO Serai Naurang to the competent authority and there was no justification to refuse the same.
- C. That in view of favourable recommendations for the grant of study leave and assurance that the application would be allowed as the Higher Education is encouraged in the Education Department being in the interest of both the appellant and the Department as well as the students, therefore, the appellant went abroad on scholarship for improving his education. In this view of the matter, the impugned order is not sustainable in the eye of law.
- D. That in similar cases, large number of similarly placed employees have been allowed study leave for the purpose of higher studies but for the appellant a different discriminatory yardstick was employed which has resulted in serious miscarriage of justice. Such action of the Respondents is against Article-4, 18, 25, 27 and 38 of the Constitution of Islamic Republic of Pakistan, 1973 and therefore, not tenable under the law of the land.
- E. That the leave application was properly filed, fully documented, favourably recommended to the competent authority but neither any order was passed upon it nor the same was communicated to the appellant which is against Section-24A of the General Clauses Act,

1897 mandating that the authority entrusted with power must exercise the same reasonably, fairly and with proper reasons to be communicated to the concerned employee.

- F. That the charge of absence from duty is misconceived inas much as the appellant had applied for higher studies with support of Department. There is no willful absence of the appellant which could have invoked the disciplinary action against the appellant. Thus the impugned order is unwarranted, unjustified and therefore is liable to be brushed aside.
- G. That the appellant has been subjected major penalty without following the legal course of action. Under Section-16 of the Civil Servants Act, 1973 a civil servant is liable to prescribed disciplinary action. The mechanism so prescribed is laid down in the Khyber Pakhtunkhwa Civil Servants (Efficiency and Discipline) Rules, 2011. The impugned order has been passed in utter derogation of the Rules ibid, and therefore is not competent and liable to be set aside.
- Notice was served upon the appellant nor was he provided with any opportunity of personal hearing nor any Show Cause Notice was served upon him, so much so that the publication was issued in a local newspaper inspite of the fact that the Respondents were in the know that the appellant was studying in China which required publication in international Dailies and at least two leading Newspapers and thus the appellant was deprived of proper defense, therefore, the impugned order is not legally correct and bound to be set aside.
- 1. That it is well settled maxim of law "Audi Alterem partum" no one can be condemned unheard and it is against the principle of natural justice. Appellant relies on the judgment of Supreme Court of Pakistan Reported in 2005 SCMR 678. Similarly, reliance is placed on 2003 SCMR 1126 which states that:-

"Where the civil servant was not afforded a chance of personal hearing before passing of termination order, such order would be void ab-initio."

Further reliance is placed on PLD 2008 SC 412 which states as under:-

"Natural Justice, principles of — Opportunity of hearing — Scope — order adverse to interest of a person cannot be passed without providing him an opportunity of hearing — Departure from such rule may render such order illegal."

Thus appellant was condemned unheard as the action has been taken at the back of the appellant which is against the principle of natural justice.

J. That appellant would like to offer some other grounds during the course of arguments.

It is, therefore, humbly prayed that the instant appeal may graciously be accepted as prayed for above.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to appellant.

Through

Appellant,

Khaled Rahman

Advocate, Supreme Court &

&

Muhammad Ghazanfar Ali

Advocate, High Court

Dated: /07/2024

Affidavit

As per the instructions of my client, I do hereby solemnly affirm and declare on oath that the contents of this Appeal are true and correct to the best of my knowledge, and nothing has been concealed from this Hon'ble Tribunal.

Counsel for the appellant

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appear No	·/2024
Muzammil Khan	Applicant/Appellant
Versu	s
The Govt. of KPK and others	Respondents
Application for condonation of dela Service Appeal.	ny (9 days) in filing the instant
<u>-</u> - · ·	

Respectfully Sheweth,

- 1. That the titled appeal is being filed in this Hon'ble Tribunal which is yet to be fixed for hearing.
- 2. That the applicant/appellant was abroad in connection with his higher education on foreign scholarship and in his absence the impugned action was finalized. The applicant/appellant was not available in the Country whereas the department unilaterally and summarily passed the impugned order removing him from service on the incorrect assumption of willful absence from duty.
- 3. That the father of the appellant is elderly person and remains always sick and could not make it to Peshawar, collected the documents and engaged the Counsel therefore, the appellant had to come back on a short interval on urgent basis and collected all the documents, engaged the Counsel at Peshawar, for the purpose of filing service appeal and thus some delay has occurred in filing the instant appeal which is condonable in the interest of justice.

- 4. That the delay in filing the appeal is neither deliberate nor intentional but due to the reason stated above and thus beyond the control of the appellant needing sympathetic consideration of the Hon'ble Tribunal.
 - That it has become a settled legal principle that technicalities including limitation are to be avoided for the safe administration of justice.
- 6. That valuable rights of the appellant are involved in the instant matter and in case the delay caused in filing the appeal is not condoned, the same would cause a huge loss to the appellant.

It is, therefore, humbly prayed that the delay (9 days) caused in filing the instant appeal may graciously be condoned.

Applicant/Appellant

Through

Khaled Rahman,

ASC

Dated: /07/2024

<u>Affidavit</u>

Verified, as per instructions, that the contents of this application are true and correct to the best of my knowledge and nothing has been concealed from this Hon'ble Tribunal.

6 Advocate

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1.	Name (3) Muzammil Khan
2.	Nationality and Religion Packistan / Aslam
3.	Residence Kotka Parad Slavurang
4.	(المتعارض) Father's Name and Residence Scalarh Led Din (المتعارض)
5.	Date of birth by Christian era as 31-3-1996 Nearly as can be ascertained (איל אַ אַנוּ שׁ בּעוּ שׁ בּער בּער שׁ בּער בּער שׁ בּער בּער בּער בּער בּער בּער בּער בּער
6.	Exact height by measurement
7.	Personal mark of identification

8. Left hand/right hand thumb and finger impressions of (Non-gazetted officer) (مرد کی صورت شمل با کی افظیوں کے نشاعت)

Little Finger (پُکار)

Ring Finger (چگایک ماتج کااٹگ)

Middle Finger

Fore Finger (انگشت شمانت)

Thumb (اگوفا)

Signature of Govt. Servant

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10. Signature and designation of the Head of the Officer or other Attesting Officer

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", University: CHONGQING UNIVERSITY OF POSTS AND TELECOMMUNICATIONS

Nationality: <u>PAKISTANI</u> CSC No. <u>2023/GSP008623</u> Annex B.

ADMISSION NOTICE

Dear Mr. KHAN MUZAMMIL,

We are pleased to Inform you that, having examined your application materials, we have decided to enroll , you to study as a <u>Master's Degree candidate</u> in the program of <u>Control Science and Engineering taught in English</u> from <u>09</u> /Mon. <u>2023</u> Yr. to <u>07</u> /Mon. <u>2026</u> Yr.

According to the notice of the China Scholarship Council, your fees for studying in China will be covered by:
Full scholarship (including tultion, twin-room dormitory, comprehensive medical insurance, living allowance)
Partial scholarship: tuition , todging, tiving allowance, comprehensive medical insurance
If you observe the laws and decrees of China as well as the rules and regulations of the institution you
attend, and also accept the Additional Conditions as follows, you can apply for the student visa (X1 visa) to the
Chinese embassy or consulate in your country with this Admission Notice, the original copies of your Visa
Application for Study in China (JW201), Foreigner Physical Examination Form and your blood test report.
Please note that you must register, with these materials, at the institution of Chongging University of Posts
and Telecommunications within the period between <u>09</u> /Mon. <u>01</u> Day and <u>09</u> /Mon./ <u>02</u> Day,
2023 Yr. If you fail to register within the time limit without the permission of the institution, you will be regarded
as giving up this admission.
Applicant's signature: Institution: CHONGOING UNIVERSITY OF POSTS AND
Date: 08 Mon. 05 Day/ 2027yr. Date: 05 Mars 19 Day/ 2027yr.
rate: U.S. /Mon. U.S. Day/ 2.0.2.1.Yr. Date: "OS /Mon. "An Day/ 2025

Marie Si

外国留学人员来华签证申请表 Visa Application for Study in China

† \$	" 人民共和国教育部印刷				tion(MOE) of PRC		N20 ·		
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茅一联:寄外国来华留学人员。

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中国教民市部が民間交換と引 No2 Chronyven Boart Nan' an District Chongging, China (4005) No. 271 (2017)(771) www.com/st.chi.ch/ mis@count.edu.cr

录取通知书

KHAN MUZAMMIL 先生。

我们高兴地通知您,经审查您的申请材料,我校决定录取您作为<u>硕士研究生</u>,自 2023年 09 月起至 2026年 07 月到我校学习 控制科学与工程专业,授课语言为英文。

根据国家留学生基金管理委员会的通知,您在中国学习期间的经货办法为; 全额奖学金(含学费、双人间住宿费、生活费、综合医疗保险) 🗹

部分奖学金: 学费口: 住宿费口: 生活费口; 综合医疗保险口

如果您自愿遵守中国的法律、法规和学校的校纪、校规,并接受下述录取附件条件,请您持本人《录取通知书》、《外国留学人员来华签证申请表》(JW201表)、《外国人体格检查记录》及血液化验报告(均须原件),前往中国大使馆(领事馆)申请来华学习(X1)签证,并于_2023年 09月 01日至 2023年 09月 02日期间,到重庆邮电大学报到。

如因故不能按期报到,必须事先征得我校同意,否则,将视为自动放弃入学资格,

学生本人签字__

88 年 05月 2023日

重庆邮电

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-16 Annex (")

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Office of the Assit Sub Divisional Education Officer Circle Serai Naurang

The SDEO (M)

Sub Division Serai Naurang

Annex E

STUDY LEAVE FOR MS ABROAD: Mr Muzammil Khan PST BPS-12 GPS Serai Naurang EMIS-11665

Enclosed here is a self-explanatory application of the above-named PST for cohancement of his educational caliber through study abroad on fully frieder! hetarship in CHONGOING University of Posts and Telecommunications in China Date of Appointment of the abovenamed PST, Mr Muzammil Khan Personal 00961324, is 28-Jul-2020 appointed vide DEO (M) Lakki Marwat Endst No: 2867-77 The PST is working on Regula basis and was regularized on 07-12-2022 vide Endst No. 7913-21/Regularization/PST/2022. As per his Service Book record he has Suchelor of Electronics Engineering from Balochistan University of Information Tachnoligy, Engineering & Management Sciences (Pakistan).

Current STR of the above-mentioned school is as under: -

Teachers

Students

11 (01 PSHT, 03 SPST, 07 PSTs)

412

412/11= 37

- Following necessary documents are also attached herewith: -
 - General Application from the PST a)
 - Service Book (in Orignal) b)
 - CNIC (Copy) c)

 - Study Visa Application (in Original)
 - Admission Notice from the CHONGQING University of Posts and Telecommunications in China

Submitted for your necessary action, please

(KALEM ULAH) / Kaleem Ullah ASDEO (M) ASDEO(M) Circle Seral Naurang
Distribution Market
CIRCLE SERAI NAURANG

No-ASDEO(M)/CSN/St-Leave-01

Dated:- 31 /08/2023

Copy to: -

Mr Muzammil Khan

for information of the applicant

ASDEO (M) CIRCLE SERAI NAURANG

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بخدمت جناب وسر كث ايجوكيش آفيسر مروانه ضلع كلي مروت

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مود باند گزارش ہے کہ میں حصول تعلیم کے لئے لیوپہ چائند گیاہوں۔ اور جھے معلوم ہواہے کہ میرے خلاف کاروائی ہوئی ہے۔ جناب عالی! میرے خلاف جو بھی کاروائی ہوئی ہے یا کوئی آرڈرز وغیرہ ہو گئے ہیں۔ تو مہر بانی کر کے جھے اُنکے نقولات فراہم کئے جائیں۔

مائل آ کچے اقبال کے لئے دعا گور ہیگا۔

عین نوازش ہوگ۔ مور ننہ: 2024-02-16



العادض سائل مز مل خان حال چونگ چنگ يونيور شي آف چائند چائند موبائل نمبر: 008615213248702 بذريند والدخو وصلاح الدين سرائے نورنگ ضلع کي مروت موبائل نمبر: 03139797441

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Annex G

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OFFICE OF THE

DISTRICT EDUCATION OFFICER MALE LAKKI MARWAT

Phone & Fax: (0969)538291, Email: emisiakki@yahoo.com.

Facebook:www.facebook.com/deomalelakki, Twitter:www.twitter.com/deo m lakki

OFFICE ORDER:

- WHEREAS, Mr. Muzamil Khan Ex-PST GPS No.1 Serai Naurang, as per report of Sub Divisional Education Officer (Male) Serai Naurang vide letter No. 879 dated: 27-09-2023, was proceeded under Govt; of Khyber Pakhtunkhwa (Efficiency & Discipline) Rules-2011 for the charges of his willful absence from official duty w.e.f 01-09-2023 till date.
- 2. WHEREAS, the District Education Officer (Male) Lakki Marwat served absence notice upon the cited official on his home address through registered covering letter vide No. 7831 dated: 06-10-2023, with the directions to resume official duty within fifteen (15) days, but he willfully failed to resume to his official duty or appeared before the competent forum.
- 3. WHEREAS, District Education Officer (Male) Lakki Marwat published a final absence Notice against him in daily newspaper "Mashriq" dated: 09-11-2023, with the directions to resume his official duty and explain the reasons of his willful absence before the competent authority but he willfully failed to follow the directions.
- 4. AND NOW THEREFORE, in light of the above record and in exercise of power conferred under Govt. Servants Efficiency & Discipline Rules-2011 amended vide dated: 31-12-2021, the competent authority (District Education Officer Male Lakki Marwat) under section 9 of the Khyber Pakhtunkhwa Govt. Servants Efficiency & Discipline Rules-2011 read with Rule-4 (1)(b)(iii), is satisfied and is pleased to impose Major Penalty of "Removal from Service" upon Muzamil Khan Ex-PST Govt. Primary School No.1 Serai Naurang Lakki Marwat from the date of absence.

District Education Officer
(Male) Lakki Marwat

Endst: No. 9844-52 /Complaint-F-Vol-II

Dated: <u>\ て</u>2_/11/2023

Copy forwarded to the:

- 1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 2. Deputy Commissioner Lakki Marwat.
- 3. Deputy District Education Officer (Male) Local Office.
- 4. District Monitoring Officer, Lakki Marwat.
- 5. District Accounts Officer, Lakki Marwat.
- Sub Divisional Education Officer (Male) Serai Naurang with the directions to make necessary entry to the above effect in his service book and ensure recovery of over payment, if any, during the intervening absence period under intimation to the undersigned
- 7. Mr. Muzamil Khan Ex-PST Kotka Pared P/O & Tehsil Serai Naurang District Lakki Marwat.
- 8. AP DEMIS.
- 9. Master File

District Education Officer
(Male) Lakki Marwat

Received to day on 4/3/2024 Fre

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Annex I

To

Director, Elementary & Secondary Education Department Khyber Pakhtunkhwa 2nd 3rd Floor, Block A, Civil Secretariate, Near MPA hostel Peshawar, directorese.kp@gmail.com

Subject: <u>Departmental appeal against the order dated 30.11.2023 communicated on 04.03.2024</u> whereby the appellant has been given major punishment of removal from service on the basis of willful absence from duty with effect from 01.09.2023.

Respected Authority,

- 1. The appellant was appointed as PST on 27.07.2020 and later on regularized vide Notification dated 07.12.2022.
- 2. Appellant was fortunate enough to win scholarship in a Chinese University namely Chongqing University of Posts and Telecommunication for his master studies in Control Science and Engineering for the session 2023-2026.
- 3. Before departure, appellant submitted application for study leave to SDEO Sub Division Serai Naurang District Lakki Marwat on 31.08.2023 along with all necessary documents which was recommended and forwarded by him to DEO (M) Lakki Marwat.
- 4. After application, appellant waited for the outcome of the application and visited his office numerous times but no positive result came out, finally his departure time came and appellant had to leave join the classes.
- 5. Meanwhile the appellant was busy in his studies when he was informed that department has been started action illegally against him for his absence from the duty. Accordingly, he applied through his father for documents if any action had ever been taken against him, on 16.02.2024.
- 6. On 04.03.2024 the appellant, through his father, obtained the impugned order dated 30.11.2023 whereby the appellant has illegally been removed from service on the bases of willful absence from duty.
- 7. Appellant challenges the impugned order ibid before your good self inter alia on the following bases:

GROUNDS

1. That appellant had never remained absent from duty rather he went for higher education on Chinese scholarship after properly applying for study leave which was duly recommended by the immediate officer of the appellant i.e. SDEO Serai Naurang.

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- 2. That appellant was allowed by the department for higher studies and after much assurance he went abroad. Therefore, the action on the basis of willful absence from duty is not according to law and rules.
- 3. In similar cases the DEO (M) Bannu had granted study leave to the employees for the purpose of higher studies and the proof of it was provided to the DEO (m) Lakki Marwat but all in vain.
- 4. No prior notice, opportunity of personal hearing and defense were provided to the appellant. Therefore, the impugned order is not legally correct.
- 5. It is well settled maxim of law "Audi Alteram partem" no one can be condemned, unheard and it is against the principle of natural justice. Appellant relies on the judgment of Supreme Court of Pakistan Reported in 2005 SCMR 678.

It is therefore, most humbly requested that on acceptance of instant Departmental Appeal the impugned order dated 30.11.2023 may kindly be set aside and the appellant may kindly be reinstated in service with all back benefits.

Dated 11/03/2024

(//uz// ammil Yours Since

Yours Sincerely
Muzammil Khan
Ex-PST Presently student of MS
Control Science and Engineering,
Chongqing University of Posts and Telecommunication, China.

OF THE DISTRICT EDUCATION OFFICER (MALE) BANNU

SANCTION

27

Under the provision of leave rules, 1981 Article, 12, Sanction is hereby accorded to the grant of Extra Ordinary Leave without pay of the following SPST.

Necessary entry should be made in his service book.

S.# 	Name of the Official	Period	Remarks
01	- NAYAB ALI KHAN S/O	w.e.f 20-11-2022	Extra Ordinary
•	SHABAB ALI KHAN SPST	i to 20-11-2024	Leave
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	LUMER KHAN BANNU	pay	•
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DISTRICT EDUCATION OFFICER (MALE) BANNE

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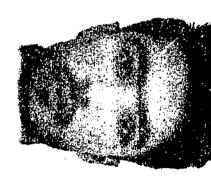
Copy to -

The District Account Office, But the

2. The Sub Divisional Februaria Chiles. Mine) Banka

The officials concerned

DEO Banny order As a Proff



Ministry of Interior, Government of Pakistan requires and requests in the name of

The President Islamic Republic of Pakistan

all those to whom it may concern to allow the bearer to pass freely without let or hindrance and to afford the bearer such assistance and protection as may be necessary

> Director General Immigration and Passports.

> > F1635458









ANNOTATIONS

Religion ISLAM

Previous Passport N/A

HOLDER'S SIGNATURE OR THUMB IMPRESSION حامل بذا كارستخط يانشان انكوشا

NOT VALID WITHOUT SIGNATURE OR THUMB IMPRESSION يه پاسپورث بغير دستخط يانشان انگوهما نا قابل استعال بـــــ





103059683 CHINA



姓 名 Full Name KHAN, MUZAMMIL

1996.03.31

10 M(1) 613 Pussport No. - HW4144311

[발합] [F]]] Purpose for Residence

学习

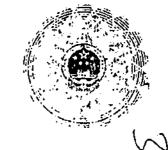
居留期至 2025.07.30

签发目期 Date of Issue

2024.06.11 ^{签发地点} 重庆

备 注 Observations

None



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F/I/SASIV

