

**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA  
SERVICE TRIBUNAL PESHAWAR.**

**Service Appeal No: 1074/2024**

**Abdur Rehman, Junior Clerk, SDEO (F) District Charsadda..... Appellant**

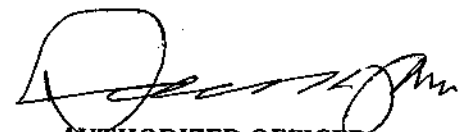
**VERSUS**

**Director E&SE KP Peshawar & others.....Respondents**

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**SAMINA ALTAF  
DIRECTOR**



**AUTHORIZED OFFICER  
ABDUS SAMAD  
DEPUTY DIRECTOR**

**E&SE Department Khyber  
Pakhtunkhwa, Peshawar.**

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**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA**  
**SERVICE TRIBUNAL PESHAWAR.**

Khyber Pakhtunkhwa  
Service Tribunal

Service Appeal No: 1074/2024

Diary No. 15777

Dated 26/8/24

Abdur Rehman, Junior Clerk, SDEO (F) District Charsadda..... Appellant

**VERSUS**

Director E&SE KP Peshawar & others..... Respondents

**JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS No: 1 to 2.**

Respectfully Sheweth,

The Respondents submit as under.

**PRELIMINARY OBJECTIONS.**

- 1 That the Appellant has got no cause of action and locus standi to file instant appeal before this Honorable Tribunal against the Respondents.
- 2 That the appellant is not an aggrieved person within the meaning of Section-4 Khyber Pakhtunkhwa Service Tribunal Act 1974 read with Article-212 of the constitution of Islamic Republic of Pakistan 1973.
- 3 That the appeal is not maintainable and even incompetent under the relevant provision of law & rules in vogue.
- 4 That the appellant is estopped by his own conduct to file the instant appeal against the Respondent Department.
- 5 That the appellant has not come to this Learned Tribunal with clean hands and has also concealed material facts from the ambit of this Learned Tribunal in the titled appeal.
- 6 That the appeal is bad for mis-joinder and non-joinder of necessary parties to the titled appeal under Section-79 CPC, 1908.
- 7 That the impugned orders dated 08-04-2024, 24-04-2024 & 30-04-2024 are the result of due process of law & are legally competent, hence, liable to be maintained in favor of the Respondents in terms of Section-10 of Civil Servants Act, 1973.
- 8 That the appellant has been found guilty of processing the retirement on medical grounds cases of 02 PSHTs on fake & bogus letters attributed to have been signed by the Assistant Director (Estab/M-I) on mala fide.
- 9 That the act of the appellant is itself is violation of the letter No. SO (Policy) E&AD / 1-3 /2012/APT Rules dated 07-06-2023.

- 10 That the appellant has correctly been transferred on the grounds of submission of fake & bogus retirement on medical grounds documents of the PSHTs by the competent authority.
- 11 That the appeal has been mis-oriented, mis-constructed and mistakenly drawn and is incompetent in its present frame and context.
- 12 That the appellant has been found guilty by the inquiry officer in his report dated 15-07-2003 for proceeding him under the E&D Rules, 2011, that the appellant is the main actor in the alleged submission of fake & bogus case of PSHTs for retirement of medical grounds.
- 13 That the act of the Department with regard to the Notification dated 08-11-2023 is legally competent & even is the result of due process of law & rules in vogue.
- 14 That the Departmental appeal against the Notification/order dated 08-04-2024 has been seen & filed under the Rules by the Department.

**ON FACTS.**

- 1 That Para-1 pertains to the service record of the appellant against the junior clerk post in BPS-11 in District Charsadda.
- 2 That Para-2 is correct that vide order dated 08-11-2023, the appellant was removed from service against the junior clerk post on the grounds of the inquiry report submitted by the District Education Officer (M) Mohmand on dated 15-07-2023 with the contention/observation that:
  - a. That the appellant has directly been involved in submission of fake & bogus case of Mr. Noor Ullah & Mian Sahib Gul PSHTs District Charsadda through a fake & bogus fabricated, scanned under the signature of Assistant Director (Estab/M-I) vide letters No. 1278 & 1271 dated 05-05-2023 by the appellant.
  - b. That the service record of the appellant is also a tainted as he was also transferred on administrative grounds from SDEO (M) to GHS Shabqadar on dated 24-09-2021 on the recommendation of the inquiry report.
  - c. That the appellant has also confessed before the inquiry officer regarding his guilt of processing fake & bogus retirement on medical grounds cases of afore-said PSHTs under the fake & bogus signature of the then Assistant Director (Estab/M-I) Local Directorate. *(Copy of the inquiry report dated 15-07-2023 is Annex-A).*
- 3 That Para-3 is correct that the appellant has filed an appeal dated 20-11-2023 *(Annex-B)* against the order dated 08-11-2023 regarding his removal from service on the grounds as mentioned in Para-2 by the Respondent No. 1 to the appellate authority which was allowed on 28-03-2024 by the Secretary E&SED whom the appellant not made is a Respondent in the titled case only to the extent of reinstatement in service of the appellant under Sub Rule-2 of Rule-17 KP E&D Rules,

2011 by setting aside the original order dated 08-11-2023 (*attached as Annex-C*).

- 4 That para-4 is correct that in compliance of the notification dated 28-03-2024, the appellant was adjusted against the said post on dated 08-04-2024 in the office of the SDEO (F) Charsadda in place of Respondent No. 3.
- 5 That Para-5 is correct that vide order dated 08-04-2024, the Respondent No.2 has re-called her own order dated 08-04-2024 under the provision of Section-21 of General Clauses Act, 1897 read with Section-10 of the Act ibid by placing the services of the appellant at the disposal of DEO (F) Charsadda for his further posting against the said post on the grounds that there were so many complaints against the appellant & most of the offices & School Heads were reluctant to retain the appellant under their administration in terms of the passed track service record as mentioned above (*Copy of the order dated 08-04-2024 is Annex-D*).
- 6 That Para-6 is incorrect, the act of the Department with regard to the order dated 24-04-2024, whereby, the services of the appellant was placed at the disposal of District Education Officer (M) for his further posting against the junior clerk post in District Charsadda which was materialized vide order dated 30-04-2024 by the District Education Officer (M) Charsadda by placing the services of the appellant at the disposal of Principal GHS No. 3 Tangi Charsadda who has also refused to accept the arrival report of the appellant on the grounds as referred above, hence, the appellant is currently serving in the office of DEO (M) Charsadda. (*Copies of the orders dated 24-04-2024 & 30-04-2024 are Annex-E & F*).
- 7 That Para-7 is incorrect as the appellant is not an aggrieved person within the meaning of Section 4 of KP Service Tribunal Act 1974 read with Article, 212 of the constitutional of 1973, therefore, the appeal in hand is liable to be dismissed on the following ground inter alia: -

**ON GROUNDS.**

- A. **Incorrect & not admitted**, the appellant has been treated as per law vide order/Notification dated 08-04-2024, hence, not entitled for the relief he is seeking from this learned Tribunal in the tiled appeal.
- B. **Incorrect & not admitted**. The plea of the appellant is illegal & liable to be rejected as the order/Notification dated 08-04-2024 is the result of due process of law & Rules & even under the provision of Articles-4 & 25 of the constitution of 1973.
- C. **Incorrect & not admitted**. The act of the Department with regard to the orders dated 08-04-2024, 24-04-2024 & 30-04-2024 are legal & even in the interest of public service, hence, liable to be maintained.
- D. **Incorrect & not admitted**. The plea of the appellant is illegal & liable to be rejected as he has been treated vide the above said order dated 08-04-2024 under the Rules & Policy by the Department.

(4)

E. Incorrect & not admitted, the stand of the appellant is illegal & liable to be rejected on the grounds that he has been treated in terms of Clause-I & IV of the transfer & posting policy of the Govt: of KP.

F. Legal. However, the Respondent also seek leave of this Honorable bench to submit additional grounds record & case law at the time of arguments on the date fixed in the titled case.

**PRAYER**

In view of the above made submission it is requested that this Tribunal may very graciously be pleased to dismiss the instant service appeal with cost in favor of the Respondent Department by maintaining the orders dated 08-04-2024, 24-04-2024 & 30-04-2024 in favor of the Respondent Department in the interest of justice please.

Dated \_\_\_/\_\_\_/2024.

SAMINA ALTAF  
DIRECTOR



AUTHORIZED OFFICER  
ABDUS SAMAD  
DEPUTY DIRECTOR

E&SE Department Khyber  
Pakhtunkhwa, Peshawar.

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

**Service Appeal No: 1074/2024**

**Abdur Rehman, Junior Clerk, SDEO (F) District Charsadda..... Appellant**

**VERSUS**

**Director E&SE KP Peshawar & others..... Respondents**

**AFFIDAVIT**

**I, Samina Altaf Director E&SE Khyber Pakhtunkhwa, do hereby solemnly affirm & declare on oath that the contents of the instant para wise Comments are true & correct to the best of my knowledge & belief. It is further stated on oath that in this appeal the answering Respondents have neither been placed Ex-Parte nor their defense has been struck off/cost.**



**SAMINA ALTAF  
DIRECTOR**

**AUTHORIZED OFFICER  
ABDUS SAMAD  
DEPUTY DIRECTOR  
E&SE Department Khyber  
Pakhtunkhwa, Peshawar.**

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INQUIRY REPORT

INTRODUCTION:

The Director Elementary & Secondary Education Khyber Pakhtunkhwa was pleased to nominate the w/signed as inquiry officer to conduct inquiry against the following teachers being involved in provision of fake letter of the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar for retirement on Standing Medical Board vide his office Notification No 5579-82 dated 6/7/2023.

S.No	Name of Teacher & Designation	School	Fake letter No & date
1	Noor Ullah Jan PSHT	GPS Mian Sahib Gul Qilla Tangi	No. 1278 dated 5/5/2023
2	Muhammad Tayyeb PSHT	GPS Gul Khilab Korona Charsadda	No. 1271 dated 5/5/2023

(Annexure-1 & 2 & 3)

PROCEEDINGS:

1. Soon after the receipt of notification regarding inquiry, the w/signed adopted his own modus operandi i.e. a letter was written to District Education Officer (Male) Charsadda vide DEO (M) Mohmand No 8544 dated 8/7/2023 which was shared on the personal WhatsApp No of the DEO (M) Charsadda No.0331-9512981 with the request to direct all the concerned stake holders through a proper letter to appear for the instant inquiry at his office on 11/7/2023 before the inquiry officer and make ready all the relevant record in proper order. (Annexure-4) The DEO (M) Charsadda shared a letter in response to the said letter addressed to the SDEOs (M) Tangi & Charsadda vide his office No 6732 dated 8/7/2023 in which he directed them to attend the instant inquiry on 11/7/2023 at 10 am. (Annexure-5) The w/signed visited the said office on the scheduled date and time in order to follow the principle of Audi alteram partem and also to observe the soul of Article 10A of the Constitution of Pakistan which related to the right of a person of fair trial & gathered the following statements and record.
2. Mr Noor ullah Jan PSBT GPS Mian Gul Sahib Gul Qilla Tangi stated that he has been working as PST since 1987 and promoted to PSHT. He stated that he is suffering from different diseases and he applied for pension on Medical Board. He said that he handed over this task to his nephew, Mr. Muhammad Ibrar s/clerk at SDEO (M) Charsadda who has assigned this task to his friend Abdul Rehman J/C at SDEO (F) Charsadda in his presence. He further stated that Muhammad Ibrar shared the letter in question (Fake letter as mentioned above against his name as Annexure-2) & the same letter was handed over to SDEO (M) Tangi. The statement was recorded in presence of the SDEO (M) Tangi & he attested. (Annexure-6)
3. Mr. Muhammad Tayyeb PSHT GPS Gul Khilab Korona Charsadda recorded his statement and he said that he is working as PST since 28/9/1987 and promoted to PSHT and he also said that he has been suffering from various diseases. He also wanted to take pension on Medical Board and he assigned this task to his relative Mr. Abdul Lateef who was a clerk in DEO (F) Charsadda now retired and he further assigned this task to Abdul Rehman J/C SDEO (F) Charsadda. He said that he did not have any knowledge about the fake letter as mentioned above against his name as annexure 3 and information may be taken about this fake letter from Abdul Lateef and Abdul Rehman. The statement was recorded in presence of the SDEO (M) Charsadda & he attested. (Annexure-7)

Attested  
P

*[Handwritten signature]*

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4. Mr Muhammad Ibrar S/Clerk SDEO (M) Charsadda recorded his statement in the presence of the SDEO (M) Charsadda. He said that he received letter No. 1278 dated 5/5/2023 (fake letter of the Directorate) from Abdur Rehman J/C SDEO (F) Charsadda and shared with Mr Noorullah Jan PSHT at his whatsapp No on 5/6/2023 at 6:13 pm. (Annexure-8) He attached the screen shot of the whatsapp with his statement. (Annexure-9)
  5. Mr, Abdur Rehman J/Clerk SDEO (F) Charsadda recorded his statement in which he said that he has not shared the fake letter in question with any one. He said that it is a scanned copy and anyone can scanned easily in order to malign his name. He blamed Mr. Fakhre Alam s/clerk DEO (M) Charsadda who is working at ADEO (Pry) Charsadda had a money deal with him that he would do the retirement cases in hand. He said that he gave him the money for the said task. He further stated that Fakhre Alam shared the fake letter with Mr. Anwer Ali Shah AD-Establishment in the Directorate through his Class IV to malign his name through these fake letters. He said that he can present a witness regarding the said deal/bribe. (Annexure-10).
  6. Mr. Sheraz ADEO. (Pry) Establishment and Fakhre Alam dealing clerk jointly recorded their statement. The gist of their statement is that the o/o the DEO (M) Charsadda received the fake letters in question from the concerned SDEOs i.e. SDEO (M) Tangi letter No 2570 dated 12/6/2023 & SDEO (M) Charsadda No 1678 dated 20/6/2023. (Annexure-11 & 12 & 13)
  7. Mr. Shams ul Islam SDEO (M) Charsadda & Mr. Muhammad Ibrar s/clerk jointly stated that the photo copies fake letter No 1271 dated 5/5/2023 & other relevant documents were received from Muhammad Tayyeb PSHT and sent to DEO (M), Charsadda vide his office No. 1678 dated 20/6/2023. (Annexure-14)
  8. In order to verify the Standing Medical Board letters, the w/signed visited the Medical Superintendent Services Hospital Peshawar on 13/7/2023 and met with the concerned Medical Superintendent Mr. Dr. Niaz Muhammad (MS & Chairman SMB) and wrote a letter with the request for verification of SMB in r/o Mr. Noor Ullah Jan PSHT vide his office No 6645-46 dated 3/4/2023 and SMB in r/o Mr Muhammad Tayyeb PSHT vide his office No 8750-51 dated 14/4/2023 and the same were verified vide his office No. 2614 dated 13/7/2023. (Annexure-15 & 16). The Medical Superintendent narrated the story of fake & fabricated SMBs retirement in the DEO (F) Charsadda & also handed over copies of two letters i.e. one letter the MS wrote to the Secretary Govt of Khyber Pakhtunkhwa Health Department vide his office No 564-69 dated 18/8/2022 in which he stated that most of the SMBs cases of DEO (F) Charsadda were fabricated and bogus. (Annexure-17) while another letter enclosing the said letter of the MS & Chairman of SMB Services hospital Peshawar addressed to the Secretary to Govt of Khyber Pakhtunkhwa E&SED, Peshawar vide Govt of Khyber Pakhtunkhwa Health Department No SOG/HD/1-49/M.A.R/2022 dated 29/9/2022 with the request for inquiry. (Annexure-18)
  9. In order to verify the Directorate letters No 1278 dated 5/5/2023 & 1271 dated 5/5/2023, the w/signed visited the Establishment Section of the Directorate of G&SE KP Peshawar on 13/7/2023 and obtained the statement of concerned Assistant Directors. They jointly stated that the letters in question are fake & fabricated and the Despatched Nos recorded on the letters are also fake. In fact as per Directorate of E&SE KP Peshawar Despatched Register No 1278 dated 5/5/2023 was addressed to the Section Officer for retirement Grant & No 1271 dated 5/5/2023 is not existed but No 1270-76 dated 28/4/2023 existed which was issued in r/o Rizwah ullah J/C (Annexure-19 & 20 & 21)

Arrested

15/7/2023



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to

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0. RECORD/DOCUMENTS RECEIVED FROM THE O/O THE DEO (M) CHARSADDA

- SMB letters of Chairman SMB MS Police Service Hospital Peshawar to the Assistant Director Directorate of E&SE KP Peshawar vide his office No 6645-46 dated 3/4/2023 in r/o Mr Noor Ullah Jan PSHT & SMB No 8750-51 dated 14/4/2023 in r/o Mr. Muhammad Tayyeb PSHT (Annexure-22 & 23)
- A letter of DEO (M) Charsadda to the Directorate for verification of SMB & fake letter in question in r/o Muhammad Tayyeb PSHT GPS Gul Khitab Korona Charsadda vide his office No 6515 dated 27/6/2023. (Annexure-24)
- Note sheet copy regarding retirement case of Mr. Muhammad Tayyeb PSHT is attached as Annexure-25.

11. FINDINGS: The prima facie evidences & statements prout patet per recordum unveil the following facts and findings.

- i. That the Directorate of E&SE KP Peshawar letters No 1278 dated 5/5/2023 & 1271 dated 5/5/2023 were fabricated, scanned & bogus and the two clerks i.e. Mr. Muhammad Ibrar S/clerk/SDEO (M) Charsadda and Abdur Rehman J/Clerk SDEO (F) Charsadda were involved in this bargain and scanned letters as both of them deal with the concerned teachers for money especially Mr. Abdur Rehman is the main character of this whole drama and the hub of these fake & fabricated letters. The past track record of Abdur Rehman J/clerk is also tainted as he was transferred on administrative ground from SDEO (M) Charsadda to GHS Shabqadar by the then DEO (M) Charsadda vide DEO (M) Charsadda No 13232-37 dated 24/9/2021 upon the recommendation of the inquiry report. (Annexure-16)
- ii. That there was contradiction in the verbal statement and written statement of Mr. Abdur Rehman J/C as verbally he admitted that he handed over the fake and scanned fabricated letter to Mr. Muhammad Ibrar but subsequently he denied the same in his written statement which indicates his dual nature and deceitful personality. He tried to hide facts from the inquiry officer.
- iii. That Mr. Abdul Malik (DEO (M) Charsadda) issued the Retirement Notification in respect of Mr. Noor Ullah Jan PSHT GPS Mian Sabib Gul Qila Tangi in haste astonishingly in spite of the fact that ADEO (Establishment) clearly wrote in the note sheet that the letter needs to be verified from the Directorate. However, there is also doubt about one line of the note sheet & it may be written afterwards by the concerned ADEO as the font size is slightly smaller than the whole Para and also two ideas were put up to the DEO concerned in the same Para i.e. the other is retirement notification. However, it is also worth mentioning that dealing Assistant put up the case on 14/6/2023 and ADEO Establishment also wrote his Para on 14/6/2023 and DEO (M) Charsadda approved the Para of the ADEO concerned on 14/6/2023 while DDEO concerned was bypassed in the said case. The DEO (M) Charsadda signed and issued the Retirement Sanction on medical ground on 15/6/2023 in r/o Mr. Noor Ullah Jan PSHT vide his office No 6155-59 dated 15/6/2023 without bothering to verify the scanned copy received from the SDEO (M) Tangi. (Retirement Notification on SMB in r/o Mr. Noor Ullah Jan PSHT is attached as Annexure-27 & Note sheet copy is attached as Annexure-23)

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- iv. That the DEO (M) Charsadda withdrew the retirement order issued vide his office No 6155-59 dated 15/6/2023 in r/o Mr. Noor ullah Jan PSHT vide his office No 6191-95 dated 15/6/2023 (Annexure-29) but astonishingly no action was initiated against wrong doers. However, at last the fake & fabricated scanned letter No 1278 dated 5/5/2023 was sent to the Directorate for verification vide his office No 6305 dated 21/6/2023. (Annexure-30)
- v. Both Mr. Shams ul Islam (SDEO (M) Charsadda) & Mr. Wisal (SDEO (M) Tangi) committed blunders for forwarding the cases for retirement on medical ground on the basis of a fake scanned copy of the Directorate letter and not verifying the letter from the DEO (M) Charsadda as the letters were addressed to DEO (M) Charsadda.

RECOMMENDATIONS: In view of the above, it is recommended:

- 1) That both the clerks i.e. Mr. Muhammad Ibrar S/clerk SDEO (M) Charsadda & Mr. Abdur Rehman J/clerk SDEO (F) Charsadda may be proceeded under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 & stringent action may be taken against Mr. Abdur Rehman because he is the main actor in this play and all the characters are revolved around him in this fraudulent drama.
- 2) That Mr. Abdur Rehman J/clerk may also be transferred immediately from the SDEO (F) Charsadda and may be posted in a male school and his transfer to offices may be banned forever.
- 3) The reports of Standing Medical Board in r/o of both the teachers may be sent to the SMB for review as both the teachers look healthy and also they used money for the said purpose.
- 4) That both the teachers may also be proceeded under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the said action in the play.
- 5) The Mr. Abdul Malik DEO (M) Charsadda, Mr. Wisal SDEO (M) Tangi & Mr. Sham ul Islam SDEO (M) Charsadda may be warned not to repeat such mistake in future.
- 6) A full-fledged inquiry may be conducted to probe all the cases of SMB in the DEO (F) Charsadda or a soft request may be sent to the Secretariat of E&SED KP Peshawar by enclosing the said letters of the Medical Superintendent Services Hospital Peshawar as annexed 17 & 18 above.

The report is submitted for further necessary action please.

Attested  
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(LIQATALI)  
District Education Officer  
(Male) Mollund  
15/7/2023

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To

The Honourable Secretary Elementary & Secondary Education,  
Khyber Pakhtunkhwa Peshawar.

**SUBJECT:** Departmental appeal before The Honourable Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar, in Reference to the Notification Endst No.-333/Estab(M-1) Dated Pesh: the 08/11/2023 whereby the undersigned was awarded major penalty of removal from service.

Honourable Sir

With utmost esteem and reverence I have the honour to submit that vide the Notification Endst No.-333/Estab(M-1) Dated Pesh: the 08/11/2023 whereby the undersigned / I was awarded major penalty of removed from service. Sir, I avail this opportunity to submit the following submissions:  
Sir, the impugned Notification was issued by the orders / approval of Director Elementary & Secondary Education Khyber Pakhtunkhwa in response of inquiry / investigation conducted by the Inquiry officer, with great respect who are not legally empowered to conduct the inquiry / investigation. The situation was vigorously replied and all the allegations were rebutted with reasonable justification.

Attested  
R

Respected Sir!

- (i) The undersigned has been serving this esteem constitutional institution from the date of appointment till the impugned removal order dated:08.11.2023 and since his appointment the appellant was working with great devotion and honesty, whatsoever, assigned to him.
- (ii) That the appellant while serving as Service as Junior Clerk in SDEO (Female) Charsadda and the false allegations were leveled against the Appellant regarding involvement in processing of Medical Board cases and fabrication of sings etc.
- (iii) On Keeping up the expectations of the high ups, the undersigned was posted in the Office of SDEO (female). and the different tasks were given during

SO (Dmgy)

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ATTESTED  
M. J. J.

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the targeted period and as per direction of high ups which was achieved timely and as per expectations.

- (iv) That the I was removed from service on the basis of so called allegations and inquiry on the ground of processing the retirement cases of the employees on medical grounds on fake signatures and mis-conduct which is totally incorrect and against the real facts and evidence available on record. Since my appointment, I have been performing my duties efficiently and honestly and this fact can be gathered from the service record of the appellant. The history / service record of the appellant negates the stance of inquiry officer and the impugned order is also in contradictory to recommendations of the inquiry officer.
- (v) That there are some reservation / allegations of those un-succeeded candidates of medical board and made so many attempts and filed complaints before the high ups which were filed / stopped after scrutinizing as per law the matter of their eligibility but those failed peoples did not left any stone unturned to harass and humiliates the innocent peoples like undersigned and others and on the other hand the department without applying the judicial mind passed the impugned Order dated: 08.11.2023 which needs a second look for granting relief to undersigned.
- (vi) That there is nothing on record which could prove the question of involvement in illegal activities or mis-conduct on part of undersigned.
- (vii) That the aforementioned orders of removal from service of the undersigned is illegal unlawful without authority / jurisdiction and being based on the malafide intention is liable to be set-aside.
- (viii) That no inquiry proceedings as prescribed under the prevailing laws were ever conducted, still in the findings of the inquiry officer only the transfer of the appellant has been recommended but surprisingly awarding the major penalty of removal from service without mentioning any reasons, hence, the impugned Order of removal is in contradiction to inquiry report / findings.
- (ix) That no process/procedure as prescribed in the service laws were ever adopted by the respondent department, nor he was ever served with statement of allegation and a final show cause notice nor the appellant has been provided any opportunity to cross examine the complainant / witnesses who deposed against the appellant because this is the basic requirement under the prevailing service laws/rules.

Attested  
R

Dr. Arvi



- (x) That in the inquiry report it has been come to surface that the fake letter / documents has been recovered from one Mr. Muhammad Tayyab which speak a volume of innocence of the appellant.
- (xi) That it is also against the law and natural justice that on the same inquiry report some of the employees has been exonerated and some has been awarded minor punishment but it is strange to enough that after recommendation for transfer from the existence post to any other post and office but the Impugned Order has been issued with mala fide and ulterior motive, which needs to be set at naught.
- (xii) That no legal requirement has ever been fulfilled in the undersigned case and this factum is clear from the Impugned orders, hence, the orders were passed in haphazard manner and liable to be set aside.

Sir, The impugned notification / order is contrary to the facts and my responses.

Sir,

I duly disclosed all real facts through this elaborative representation and nothing / never concealed anything from the Department.

Attested  
R

**PRAYERS;**

Honourable Sir, with these humble submissions I leave myself at the mercy of your good self with prayer that on acceptance of my representation the Notification Endst No.-333/Estab(M-1) Dated Pesh: the 08/11/2023 whereby the appellant was awarded major penalty of removal from service may kindly be set aside and the appellant may kindly be restored to earlier position and rank with all back benefit.

Any other relief which your honor deems fit and necessary may also be awarded for the safe administration of justice.

Thank you

Yours Obediently,

Abdul Rehman

Ex-Junior Clerk SDEO (Female)  
Charsadda

Dated: 20/11/23

20/11/23

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-S-



**Directorate of Elementary and Secondary Education  
Khyber Pakhtunkhwa Peshawar**

**NOTIFICATION**

1. WHEREAS, this office received a letter bearing No. 6515 dated 27-06-2023 from DEO(M) Charsadda regarding verification of proceedings of Standing Medical Board in respect of Muhammad Tayyub PSHT (BPS-15) GPS Gul Khitab Koroona District Charsadda, alluding to this office letter No.1271 dated 05-05-2023, enclosing copy of the same letter.
2. AND WHEREAS, upon examining and observing the letter No.1271 dated 05-05-2023, was found fake with scanned signature of Assistant Director(Estab:M-1) Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar.
3. AND WHEREAS, in the meanwhile another fake letter bearing No.1278 dated 05-05-2023 addressed from this office to DEO(M) Charsadda in connection with the proceedings of Standing Medical Board in respect of Mr. Noor Ullah Jan PSHT(BPS-15) GPS Mian Sahib Gul Qilla Tangi District Charsadda was also received by this office under the scanned signature of the same officer.
4. AND WHEREAS, this office ordered inquiry into the case to determine the factual position by nominating Mr.Usqat Ali the then DEO(M) Mohmand as Inquiry Officer vide notification bearing No.5579-82 dated 6-07-2023.
5. AND WHEREAS, the inquiry officer submitted its report to this office vide letter No.8624 dated 15-07-2023. as per findings of the inquiry report both the teachers were involved in money deal with Mr. Abdur Rehman J/Clerk (BPS-11) at office of the DEO(F) Charsadda being the bigwig and Muhammad Ibrar S/Clerk(BPS-14) being an accomplice for handing over the case of the Mr. Noor Ullah Jan PSHT(BPS-15) GPS Mian Sahib Gul Qilla Tangi District Charsadda to Mr.Abdur Rehman J/C(BPS-11) SDEO(F) Charsadda.
6. AND WHEREAS, this office issued Showcause notices to all involved vide letter No.5028 dated 13-09-2023. It was followed by a reminder bearing No.668 dated 18-10-2023.
7. AND WHEREAS, DEO (Male) Charsadda forwarded their replies vide letter No.11828 dated 17-10-2023. As per replies of the accused teachers, they admitted submission of their cases to Mr. Abdur Rehman J/C(BPS-11) at office of the DEO(F) Charsadda. Muhammad Ibrar S/C(BPS-14) at office of the SDEO(M) Charsadda also admitted that he received the impugned letter from Mr. Abdur Rehman J/C(BPS-11) and forwarded it to Mr. Noor Ullah Jan PSHT(BPS-15) GPS Mian Sahib Gul Qilla Tangi District Charsadda via whatsapp.
8. AND WHEREAS, this office called them for personal hearing scheduled at this

Attested  
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05/11/2023  
[Signature]

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AND WHEREAS, they attended this office accordingly and appeared before the Committee. Questionnaire were served to them individually. They were also interrogated.

NOW, THEREFORE, in exercise of the powers conferred under Section 14 of Khyber Pakhtunkhwa Govt Servants (Efficiency & Discipline) Rules 2011, I, Dr. Iqbal Khan Director Elementary & Secondary Education Khyber Pakhtunkhwa, as the Competent Authority, after examining the inquiry recommendations, their written replies to the showcause notices and personal hearing is pleased to impose major penalties as mentioned against each under Rule-4, of Khyber Pakhtunkhwa Govt Servants (Efficiency & Discipline) Rules 2011, reproduced below in the larger interest of public service.

S.No.	Name & Designation	School/Office	Penalty Awarded
1.	Muhammad Ibrar S/Clerk (BPS-14)	SDRO (M) Charsadda	Demotion to Junior Clerk (BPS-11) for the period of Three Years under Rule 4(b)(i) of Rules Ibid
2.	Mr. Abdur Rehman J/Clerk (BPS-11)	SDRO (F) Charsadda	Removal from Service under Rule 4(b)(iii) of Rules Ibid

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Note:-

1. Necessary entry to this effect should be made in his service Book accordingly.

(Dr. Iqbal Khan)

DIRECTOR

Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar

Inst. No. SB11-15 / F.No./C-333/Estab (M-1)

Dated Pesh: the 08/11 2023.

Copy forwarded for information to the:-

1. District Education Officer (Male) Charsadda.
2. District Accounts Officer Charsadda.
3. Muhammad Ibrar Junior Clerk (BPS-11) SDRO (M) Charsadda.
4. Mr. Abdur Rehman Ex-Junior Clerk (BPS-11) SDRO (F) Charsadda.
5. P.A. to Director Elementary & Secondary Education, Local Directorate, Peshawar.

~~ATTESTED~~  
8/11/2023  
Assistant Director (Admin)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar

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9. AND WHEREAS, they attended this office accordingly and approved before the committee. Questionnaire were served to them individually. They were also interrogated.

NOW THEREFORE, in exercise of the powers conferred under Rule-14 of Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules 2011, I, Dr. Iqbal Khan Director, Elementary & Secondary Education Khyber Pakhtunkhwa as the Competent Authority after examining the inquiry recommendations, their written replies to the show cause notices and personal hearing is pleased to impose major penalties as mentioned against each under Rule-4, of Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules 2011, reproduced below in the larger interest of public service.

S.No.	NAME & Designation	School/Office	Penalty Awarded
1.	Muhammad Ibrar S/Clerk (UPS-11)	SDEO (M) Charsadda	Darnation to Junior Clerk (BPS-11) for the period of Three Years under Rule 4(b) (i) of Rules Ibid
2.	Mr. Abdur Rehman I/Clerk (BPS-11)	SDEO (F) Charsadda	Removal from Service under Rule 4(b) (iii) of Rules Ibid

Note:-

1. Necessary entry to this effect should be made in his service Book accordingly.

Attested  
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(Dr. Iqbal Khan)

**DIRECTOR**

Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar

Endst: No. 5611-15/F.No./C-333/ Etab (M-1)

Dated Pesh: the 08/11/2023

ATTN: [Signature]



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OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) CHARSADDA.  
OFFICE ORDER.

Consequent upon the recommendation vide notification No.SO(Inq)ESSED/1-1/2023/Mr.Abdur Rehman/Junior Clerk/SDEO Female Chasrada Dated Peshawar the 28/03/2024 and set aside the notification Endstt No. 5611-15/F.No.C-333/Esttb:(M-1) dated 08/11/2023, the following Junior Clerks are hereby posted / Adjusted on their own pay scale & grade in the intreset of Public service with immediate effect.

S.No	Name of teacher	Designation	From	To	Remarks
1	Mr Abdur Rahman	Junior Clerk BPS-11	Re-instated on his original post i-e SDEO (F) Charsadda	SDEO (Female) Charsadda	V.S.No. 02
2	Mr. Faiz Ur Rahman	Junior Clerk BPS-11	SDEO (Female) Chasradda	On the Disposal of DEO (Female) office Charsadda	V.S.No.01

- Note:-
1. Charge report should be submitted to all concerned.
  2. No. TA/DA is allowed.

(MST: SURRAYA KHATTAK)  
DISTRICT EDUCATION OFFICER  
(FEMALE) CHARSADDA.

Endstt: No. 4128-16 /Dated/ 08/04/2024.

Copy to the:

1. PA to Director E&SE Khyber Pakhtunkhwa Peshawar.
2. District Account Officer Charsadda.
3. SDEO (Female) Charsadda.
4. Supdtt Local Office.
5. Official Concerned.
6. Office Copy.

Attested @

Surraya Khattak 8/04/24  
DISTRICT EDUCATION OFFICER  
(FEMALE) CHARSADDA

ATTESTED

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AF # 10



**DIRECTORATE OF ELEMENTARY & SECONDARY  
EDUCATION**

**KHYBER PAKHTUNKHWA PESHAWAR.**

Phone: 091-9225344

Email: ddadm.n.ese@gmail.com

**OFFICE ORDER.**

Services of Mr. Abdur Rahman Ex-Junior Clerk BPS-11 O/O SDEO (F) Charsadda are hereby placed at the disposal of District Education Officer (Male) Charsadda for further adjustment on his own pay and BPS in the interest of public service.

Note:

1. Compliance report should be submitted to all concerned.
2. No TA/DA is allowed.

**DIRECTOR**  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar

Endst. No. 1181-82 F.No. 121/A-23/MS/Complaint/Charsadda  
Dated Peshawar the 24/4/2024

Copy forwarded to the: -

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Section Officer (Inquiry) Govt. Of Khyber Pakhtunkhwa E&SE KP Peshawar w/r to his letter No. SO(Inq)E&SED/1-1/2023/Mr. Abdur Rahman Ex-Junior Clerk O/O SDEO (F) Charsadda dated 28/03/2024.
3. District Education Officer (Male/Female) Charsadda.
4. District Accounts Officer Charsadda.
5. Official Concerned.
6. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
7. Master File.

Attested  
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*[Handwritten Signature]*  
24/4/2024  
Deputy Director (F&A)  
Directorate of Elementary & Secy. Education  
Khyber Pakhtunkhwa, Peshawar

"S" (17)



OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALE) E&SE CHARSAKDA



091-9220481-82



emischarsadda@yahoo.com



facebook.com/Deomcharsadda



OFFICE ORDER:

Consequent upon, the office order issued by Director (E&SE) Khyber Pakhtunkhwa Peshawar vide Endst: No. 1186-82/F.No.121/A-23/ MS/ Complaint /Charsadda dated 24.04.2024, the service placed on the disposal of this office Mr. Abdur Rahman Ex-Junior Clerk SDEO (Female) Charsadda is hereby adjusted at GHS No.03 Tangi Charsadda against the vacant post of Junior Clerk on his own pay and scale in the interest of public service with immediate effect.

Note: - No TA, DA is allowed.

Charge report should be submitted to all concerned.

(Dr. ABDUL MALIK)  
DISTRICT EDUCATION OFFICER  
(MALE) CHARSAKDA

Endst: No 4298-4305 / Dated Charsadda the 30 / 4 / 2024

- Copy for information to the: -
1. Director (E&SE) Khyber Pakhtunkhwa
  2. District Accounts Officer Charsadda
  3. DEO (Female) Charsadda.
  4. SDEO (Female) Charsadda.
  5. Head Master GHS No.03 Tangi Charsadda
  6. Official concerned.
  7. Office file

DISTRICT EDUCATION OFFICER  
(MALE) CHARSAKDA

*Attested*  
*(M)*



(18)

**DIRECTORATE ELEMENTARY & SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA, PESHAWAR.**

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**AUTHORITY LETTER**

I, Samina Altaf, Director (E&SE) Khyber Pakhtunkhwa Peshawar do hereby authorized Mr. Muhammad Rizwan, Assistant Director (Litigation-II) of this Directorate for submission of Joint Parawise Comments in Service Appeal No. 1074/2024 case titled **Abdur Rehman, JC Vs Government of Khyber Pakhtunkhwa & others**, hence, an authority letter is hereby issued in favor of the above-named officer.

**(SAMINA ALTAF)  
DIRECTOR**

**AUTHORIZED OFFICER  
(ABDUS SAMAD)  
DEPUTY DIRECTOR  
E&SE Department Khyber  
Pakhtunkhwa, Peshawar.**



**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT KHYBER PAKHTUNKHWA PESHAWAR**

**NOTIFICATION**

I, Samina Altaf, Director Elementary & Secondary Education Department Khyber Peshawar do hereby authorize, Mr. Abdus Sammad, Deputy Director (Legal) Directorate of Elementary & Secondary Education to sign parawise comments, replies, implementation report, objection petitions, civil miscellaneous application etc on my behalf for onward submission before the courts of law/tribunals as the case may be, with immediate effect in the interest of public service.

**DIRECTOR**  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

Endst. No. 2633-L13 /F.No. AD(Lit-II)/E&SED/Office Correspondence/Vol-II/2024  
Dated Peshawar the 26/07/2024.

Copy of the above is forwarded for information & w/action to the:

1. Chief Secretary Khyber Pakhtunkhwa.
2. Advocate General Khyber Pakhtunkhwa.
3. Secretary Law Department Khyber Pakhtunkhwa.
4. Learned Registrar High Court Peshawar (with one each spare copy for the Honorable Judges).
5. Learned Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar (with one each spare copy for the Honorable Chairman/Members).
6. All Section Officers E&SE Department Khyber Pakhtunkhwa, Peshawar.
7. All District Education Officer (Male/Female) Khyber Pakhtunkhwa.
8. PS to Secretary E&SE Department Khyber Pakhtunkhwa, Peshawar.
9. PA to Additional Secretary (General) E&SE Khyber Pakhtunkhwa, Peshawar.
10. PA to Director E&SE Department Khyber Pakhtunkhwa, Peshawar.
11. Master File.

*Attested*  
*P*

*Samina Altaf*  
**(SAMINA ALTAF)**  
**DIRECTOR**  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar