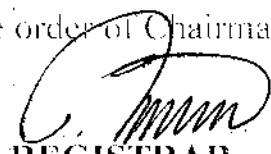


FORM OF ORDER SHEET

Court of _____

Appeal No. 1131/2024


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/08/2024	<p>The appeal of Mr. Anwar Shah resubmitted today by Mr. Fazal Shah Mohmand Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 13.08.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Anwar Shah received today i.e on 05.08.2024 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Annexures-A and F of the appeal are illegible be replaced by legible/better one.
- 2- Copy of appeal for second member is not attached with the appeal.

No. 510 /Inst./2024/KPST,

Dt. 6/8 /2024.

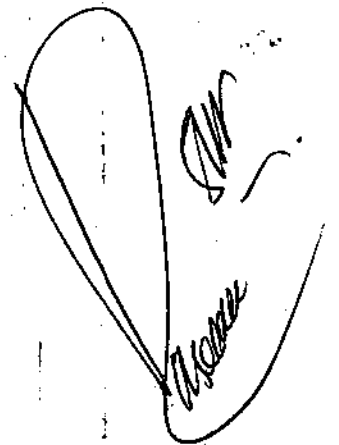

OFFICE ASSISTANT
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Fazal Shah Mohmand Adv.
High Court at Peshawar.

Respected Sir,

All the objections
were removed accordingly.
Kindly re submit the
Instan Service Appeals.

Dated- 9-8-2024



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

Service Appeal No. 431 /2024

Anwar Shah, Ex Secondary School Teacher (IT), (BPS-16);
Govt. High School, Pabbi, District Nowshera.

. . . .APPELLANT

V E R S U S

1. Govt. of Khyber Pakhtunkhwa through, Secretary Elementary & Secondary Education, Peshawar.
2. Director, Elementary & Secondary Education, Govt. of Khyber Pakhtunkhwa through Secretary, Peshawar.

. . . .Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Service appeal with Affidavit <i>with application for condonance 1-6</i>		2
2.	Copy of Certificate dated 23-01-2018 & Notification dated 15-10-2018	A, B	7-13
3.	Copy of Show Cause Notice & Reply	C, D	14-15
4.	Copies of documents	E	16-20
5.	Copy of Departmental Appeal	F	21-
6.	Copy of Application	G	22
7.	Vakalat Nama		23

Through

(Signature)
Appellant

FAZAL SHAH MOHMAND
Advocate,
Supreme Court of Pakistan

BASEER SHAH

&

(Signature)
IBAD UR REHMAN KHALIL
Advocates, Peshawar.

OFFICE:- Cantonment Plaza Flat 3/B Khyber
Bazar Peshawar Cell# 0301 8804841

Email:- fazalshahmohmand@gmail.com

Dated: 05.08.2024

-1-

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

Service Appeal No. 1131 /2024

Anwar Shah, Ex Secondary School Teacher (IT), (BPS-16);
Govt. High School, Pabbi, District Nowshera.

. . . . APPELLANT

V E R S U S

1. Govt. of Khyber Pakhtunkhwa through, Secretary Elementary & Secondary Education, Peshawar.
2. Director, Elementary & Secondary Education, Govt. of Khyber Pakhtunkhwa through Secretary, Peshawar.

. . . . Respondents

**APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL
ACT 1974 AGAINST THE NOTIFICATION DATED 21-
09-2023 WHEREBY THE APPELLANT HAS BEEN
REMOVED FROM SERVICE AND AGAINST WHICH
DEPARTMENTAL APPEAL OF THE APPELLANT
HAS NOT BEEN RESPONDED DESPITE THE LAPSE
OF THE STATUTORY PERIOD OF NINETY DAYS.**

PRAYER:-

On acceptance of this appeal the impugned Notification dated 21-09-2023 of respondent No 2 may kindly be set aside and the appellant may kindly be ordered to be reinstated in service with all back benefits.

Respectfully Submitted:-

1. That the appellant along with others was appointed as Secondary School Teacher (IT), (BPS-16), on fixed pay basis vide Order dated 24-08-2017 and was posted to Govt. High School Pabbi District Nowshera and since appointment the appellant performed his duties with

honesty and full devotion and to the entire satisfaction of his high ups. The services of the appellant along with others were regularized from the date of appointment after the enactment of Khyber Pakhtunkhwa, Employees of Elementary and Secondary Education Department, (Appointment and Regularization of Services) Act, 2017, vide Notification dated 15-10-2018. **(Copy of Certificate dated 23-01-2018 & Notification dated 15-10-2018 is enclosed as Annexure A & B)**

2. That in February 2022, due to illness the appellant was allowed with leave, the appellant joined his duties on 12-05-2022 and since then the appellant regularly performed his duties but his salary was stopped since April 2022, for the release of which the appellant requested time and again and finally his salary was released on 22-07-2022 and the appellant was paid salaries of July and August 2022.
3. That the appellant requested the Principal of the School for the grant of two days leave on 16-08-2022 which was denied to him where after the appellant was not allowed joining by the Principal, the appellant also approached the District Education Officer, but he was made rolling stone, by the DEO and the Principal and finally Show Cause Notice was issued to the appellant by respondent No 2 on the allegations of absence from duty w.e.f 15-08-2022, which the appellant replied refuting the allegations. **(Copy of Show Cause Notice & reply is enclosed as Annexure C & D)**
4. That the salary of the appellant was again stopped on 07-09-2022, the Principal forced the appellant to sign

blank paper. The appellant regularly approached respondents for joining his duties but his request was never entertained and even the appellant was mentally tortured with the threat of dismissal from service. The appellant was also assigned duty as Assistant Presiding Officer for the General Elections held on 8th of February 2024. **(Copies of documents are enclosed as Annexure E)**

5. That on 26-03-2024, the appellant was told by the Principal of the School that his removal Notification dated 21-09-2023 has been received to the School, copy of which was provided to the appellant the same, day, where after the appellant filed departmental appeal before respondent No 1 on 24-04-2024 which has not been responded so far despite the lapse of more than the statutory period of ninety days. **(Copy of Departmental Appeal is enclosed as Annexure F)**

6. That the impugned Notification dated 21-09-2023 is against the law, facts and principles of justice on grounds inter-alia as follows:-

GROUND S:-

A. That the impugned Notification dated 21-09-2023 is illegal, unlawful and void ab-initio.

B. That mandatory provisions of law and rules have been badly violated by the respondents and the appellant has not been treated according to law and rules in violation of Article 4 and 25 of the Constitution and law of the land.

- C. That the appellant never absented from duty and he only requested for leave of couple of days due to illness of his aged mother as well as due to illness of wife, where after the Principal of the School was reluctant to allow him joining his duties. The appellant time and again approached the Principal of the School as well as the District Education Officer for allowing him to join his duties but he was not allowed to join his duties.

- D. That no Charge Sheet with Statement of Allegations was communicated to the appellant.

- E. That an illegal inquiry was conducted wherein the inquiry Officer even refused to record the statement of the appellant.

- F. That being from the nearby area, the Principal of the School had personal grudges with the appellant, who never allowed joining to the appellant so the appellant even requested in his reply to Show Cause Notice for his posting in some other School but even then with no response.



- G. That the salary of the appellant was also stopped since for the release of which the appellant also approached respondents but with no fruits. **(Copy of Application is enclosed as Annexure G)**

- H. That even otherwise the allegations were never substantiated, as no evidence was collected.

- I. That the appellant was not afforded opportunity of personal hearing.
- J. That the appellant has more than 6 years of service with unblemished service record.
- K. That the appellant seeks the permission of this honorable tribunal for further/additional grounds at the time of arguments.

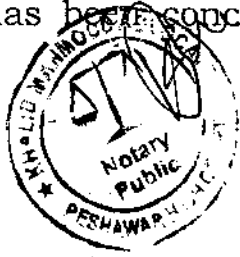
It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for in the heading of the appeal.

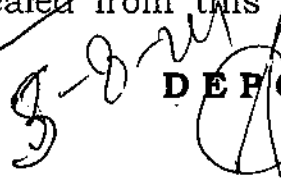
Any other relief deemed appropriate and not specifically asked for, may also be granted in favor of the appellant.

Through  Appellant

FAZAL SHAH MOHMAND
 Advocate,
 Supreme Court of Pakistan

AFFIDAVIT

I, Anwar Shah, Ex Secondary School Teacher (IT), (BPS-16), Govt. High School, Pabbi, District Nowshera, 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 belief and nothing has been concealed from this honorable Tribunal.



 **DEPONENT**

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

Service Appeal No _____/2024

Anwar Shah.....Appellant

V E R S U S

Govt. & othersRespondents

Application for the condonation of delay if any

Respectfully Submitted:-

1. That the accompanying appeal is being filed today in which no date of hearing has been fixed so far.
2. That the grounds of appeal may be considered as integral Part of this application.
3. That the appellant was informed about his removal from service on 26-03-2024, and thereafter he filed departmental appeal well within statutory period, hence instant application within time.
3. That even otherwise law as well as the superior Courts dictas favors decision of cases on merit instead of technicalities.

It is therefore prayed, that on acceptance of this application, the delay if any in filing of instant appeal may kindly be condoned.

Dated: 05-08-2024

[Signature]
Appellant

Through

[Signature]
Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan

AFFIDAVIT

I, Anwar Shah ex Secondary School Teacher (IT) (BPS-16) Govt. High School, Pabbi, District Nowshera, do hereby solemnly affirm and declare on oath 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 honorable Tribunal.



[Signature]
DEPONENT

A-7-



OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
NOWSHERA
(Office Phone#0923-9220228, Fax#0923-9220228).

CLEARANCE CERTIFICATE.

The following officials have been appointed as IT Teacher/Lab Incharge vide Project Manager (E&SE) KPK Endst No: the detail is given against their Name.

Their academics/professionals Certificates/degrees, have been verified from the concerned Boards / Universities and found correct.

Therefore, Their Pay may be released.

S #	Name of Official with Designation	Name of School	Vide:Order No/Dated	Remarks/Verified Documents
1	Mr. Anwar Shah S/o Muhammad Shah IT Teacher BPS-16	GHIS Pabbi NSR	PM.IT/E&SE/1-3/500.IT-LARS/PI/ASE-III/Recu/IT-MALE/2017 Dated 24/08/2017	SSc, FSc and BSc, MSc

(Fayaz Hussain)
District Education Officer (Male)
Nowshera

Ends to: No. 2262-65 /DEO (M) NSR/ Clearance/ IT Teacher, Computer Incharge IT Lab /2017 Dated 23/01/2018
Copy of the above is forwarded for information and necessary action to the:-

1. Senior District Accounts Officer, Nowshera.
2. Deputy District Education officer Male Nowshera
3. Principal/ headmaster Concerned.
4. Official Concerned.

District Education Officer (Male)
of Nowshera
23/01/2018

ATTESTED

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

CLEARANCE CERTIFICATE.

The following officials have appointed as IT Teacher/Lab Incharge vide project Manager (E & SE) KPK Endst No: the detail is given against their Name.

Their academics/professionals certificates/degrees have been verified from the concerned Boards/ universities and found correct.

Therefore Their pay may be released

S#	Name of Official with Designation	Name of school	Vide: order No/dated	Remarks/Verified documents
1	Mr. Anwar. shah S/O Muhammad shah IT Teacher BPS-16	GHs Pabbi NSR	PM.IT/E&SE/1-3/500.It-LaBs/PHaSE-III/Rectt/IT-MaLe/2017 Dated 24/08/2017	SSc,Fsc and Bsc, Msc

(Fayaz Hussain)

District Education Officer (Male)

Nowshehra

Endstt no 2262-65/DEO (M)NSR/clearance/IT Teacher, Computer Incharge IT Lab /2017 Dated 23/01/2018

BS-16 (IT) Male SST Regularization order 2018

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

Notification.

Under the provision of The Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education Department (Appointment and Regularization of Services) Act, 2017 (Khyber Pakhtunkhwa Act No.1 of 2018), Services of the following Information Technology Teachers redesignated as Secondary School Teacher (IT) BS-16 appointed on adhoc/ Contract basis are hereby regularized in BPS-16, on the same posts in Teaching Cadre on the terms and condition given below with effect from the date of their appointment on the same post :-

Abbottabad

Sr#	Name	Father Name	Address with CNIC#	School Name	Appointment order No. with date	Extension No. and date
1	Nasir Ali Jadoon	Ali Asghar Khan	Asghar Street Mari Road Mandian Abbottabad CNIC# 13101-5648942-3	GHS Sherwan	PM-IT/E&SE/1-3/500-IT-Labs/Rectt/IT-Male/2016 dated 16-12-2016	PM-IT/E&SE/1-3/500-IT-Labs/Rectt/IT-Male/2016 dated 16-10-2017
2	Amman Waheed	Abudul Waheed Nughal	GT Road Mohallah Madni Village Abbottabad CNIC# 13101-745445-1	GHS Muslim Abad	-do-	-do-
3	Shams-Ur Rehman	Abdul Shakoore	Nisar Ahmad LDC Station Headquarters Abbottabad CNIC# 130101-8573715-3	GHS Malsa	-do-	-do-
4	Adeel Anjum	Muhammad Zarif	Abbottabad CNIC # 13101-6140658-1	GHS Namli Maira	PM-IT/E&SE/1-3/500-IT-Labs/Phase-III/Rectt/IT-Male/2017 dated 24-08-2017	NA
5	Affan	Abdul	Abbotabad CNIC# 13101	GHS No.2 Havelain	-do-	NA

ATTESTED

SST (IT) Male SST Regularization order 2018

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6	Sikandar Zaman Abbasi	Mughal Anayat Ur Rehman	9716344-9 Abbottabad CNIC# 13101-6497884-5	GHS Hari Khater	-do-	NA
7	Muhammad Faisal Suleman	Muhammad Suleman Tenoli	Abbottabad CNIC# 13503-867200 i-5	GHS Bagh	-do-	NA
8	Muhammad Atif	Muhammad Shafi	Abbottabad CNIC# 13101-0753860-5	GHS Khaira Gall	PM-IT/E&SE/1-3/500-IT-Labs/Rectt/IT-Male/2016 dated 27-01-2017	NA
9	Anees Ur Rehman	Taj Muhammad	Abbottabad CNIC# 13101-0352159-3	GHS Kakol Barseen	PM-IT/E&SE/1-3/500-IT-Labs/Phase-III/Rectt/IT-Male/2017 dated 24-08-2017	NA
10	Omer Iqbal	Muhammad Iqbal	Abbottabad CNIC# 42201-7671007-7	GHS Tauheed Abad	-do-	NA
11	Sohail Anjum	Abdul Razzaq	Abbottabad CNIC# 13101-2263459-5	GSUSHS No.4 Abbottabad	-do-	NA
12	Naveed Anjum	Khurshid Ahmad	Abbottabad CNIC# 13101-6004404-5	GHS Maira Mandroch	-do-	NA
13	Ahsan Nazir	Muhammad Nazir	Abbottabad CNIC# 13101-9635706-3	GHS Majuhian	PM-IT/E&SE/1-3/500-IT-Labs/Phase-III/Rectt/IT-Male/2017 dated 23-10-2017	NA
14	Noman Muawiyah Khan	Karam Dad Khan	Abbottabad CNIC# 13101-9566364-5	GHS Moollan	-do-	NA
15	Asif Khurshid	Khurshid Ahmad	Abbottabad CNIC# 13101-7764115-3	GHS Jhangra	-do-	NA
Bannu						
1	Saadullah Khan	Shah Jehan	C/O Mahlullah Khan Postman Bannu GPO CNIC# 11101-9390493-1	GHS Sikandar Khel Bala	PM-IT/E&SE/1-3/500-IT-Labs/Rectt/IT-Male/2016 dated 16-12-2016	PM-IT/E&SE/1-3/500-IT-Labs/Rectt/IT-Male/2016 dated 16-10-2017

ATTACHED

SST (IT) Male SST Regularization order 2018

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11	Jafiq Khan	Mushraf Gul	Mardan CNICH# 16102-2204562-7	GCMHS Lund Khwar	-do-	NA
12	Askar Khan	Akbar Shah	Mardan CNICH# 16102-9178347-3	GHS Bakhshali	-do-	NA
13	Tahir Ahmad	Shahjeed Ullah	Mardan CNICH# 42000-1004556-9	GHS Sikandari	-do-	NA
14	Muhammad Sohail Nisar	Nisar Ahmad	Mardan CNICH# 16101-4158954-9	GHS Labour Colony	-do-	NA
15	Gul Sayyar Ali	Fateh Gul	Mardan CNICH# 16101-7301475-7	GHS Hoti Landaki	PM-IT/E&SE/1-3/500-IT-Labs/Phase-III/Rect/IT-Male/2017 dated 23-10-2017	NA
16	Abdul Nasir	Ghulam Haidar	Mardan CNICH# 1610-2-5240870-1	GHS Jehangir Abad	-do-	NA
17	Sajid Ali	Inayat Ullah Khan	Mardan CNICH# 16102-2011582-5	GHS Baringan	-do-	NA
18	Mudassir	Hadim Muhammad	Mardan CNICH# 16101-7593206-5	GHS Tamboolak	-do-	NA

Nowshera

1	Mian Khuram shehzad	Mian Muhammad Hussain	Street Main Khale City Tehsil Pabbi Nowshera CNICH# 17201-6325734-9	GHS Ali Balg	PM-IT/E&SE/1-3/500-IT-Labs/Rect/IT-Male/2016 dated 16-12-2016	PM-IT/E&SE/1-3/500-IT-Labs/Rect/IT-Male/2016 dated 16-10-2017
2	Muhammad Amjad	Aziz Khan	Virtula University Campus PO Tehkal Bala Peshawar CNICH# 17201-3113350-1	GHS Khashgi Bala	-do-	-do-
3	Yasir Hamid	Khial Zadin	PO Nizampur Vill; Shams Abad Nowshera CNICH# 17201-7191561-7	GHS Khaisari	-do-	-do-
4	Amir Sheh	Muhammad Shah	Nowshera CNICH# 17201	GHS Pabbi	PM-IT/E&SE/1-3/	NA

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SST (IT) Male SST Regularization order 2018

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					Rect/IT- Male/2017 dated 24-08- 2017	
5	Kashif Saleem	Saleem Akbar	Nowshera CNICH 17201- 5083117-1	GHS Jehangira Road	-do-	NA
6	Irfan Ullah	Rizwan Ullah	Nowshera CNICH 17201- 7625158-5	GHS Aman Garh	-do-	NA
7	Faizan Ahmad Khan Durrani	Anwar Gul Durrani	Nowshera CNICH 17201- 9539571-9	GHS No.2 Shaidu	-do-	NA
8	Shahzad Sarwar	Ghulam Sarwar	Nowshera CNICH 17201- 3390240-7	GHS Zakhi Qabristan	-do-	NA
9	Muhammad Umair Khan Afridi	Nusher Muhammad	Nowshera CNICH 17201- 5022323-3	GHS No.1 Nowshera Cantt	-do-	NA
10	Murad Ali	Fareed Khan	Nowshera CNICH 17201- 6346155-9	GHS Aza Khel Bala	-do-	NA
11	Sheraz Ahmad	Haji Jehan Zeb Khan	Nowshera CNICH 17201- 0965880-3	GHS Dagi Banda	-do-	NA
12	Muhammad Waqas	Muhammad Farooq	Nowshera CNICH 17201- 1806488-7	GHS Kurvi	-do-	NA
13	Azeem Shah	Tazeem Shah	Nowshera CNICH 17201- 6991876-7	GSHSHS Taru Jabba	-do-	NA
14	Muhammad Yaqoob Khan	Nowsher Muhammad	Nowshera CNICH 17201- 4056701-5	GHS Kahi	PM-IT/E&SE/1- 3/500-IT- Labs/Phase-III /Rect/IT- Male/2017 dated 23-10- 2017	NA
15	Suleman Khan	Atto Ullah	Nowshera CNICH 17201- 7462544-5	GHS Badraishi	-do-	NA
Peshawar						
1	Mehmood Irshad Khan Afridi	Yar Muhammad Khan Afridi	Mera Kachori PO Garhi Numbat Khan Takopull Garhi Noor Muhammad Khan Peshawar CNICH 17301- 2890496-1	GHS Gulozai	PM-IT/E&SE/1- 3/500-IT- Labs/Rect/IT- Male/2016 dated 16-12- 2016	PM- IT/E&SE/1- 3/500-IT- Labs/Rect/IT- Male/2016 dated 16-10- 2017

ATTACHED

SST (IT) Male SST Regularization order 2018

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			University DIKhan CNICH 12201- 1457503-1		Male/2016 dated 16-12- 2016	Male/2016 dated 16-10- 2017
2	Muhammad Israr	Bakhtiar Khan	Tank CNICH 11201- 2900311-1	GHS Akbari	-do-	NA
3	Abdul Ghafar Khan	Muhammad Rafiq Khan	Tank CNICH 12201- 9491640-7	GHS Ranwal	-do-	NA
4	Dilawar Khan	Mirwah Afghan	Tank CNICH 12201- 3874777-7	GHS Kot Khadak	-do-	NA
5	Ashraf ullah	Essp Khan	Tank CNICH 12201- 5206622-9	GHS Pai	PM-IT/E&SE/1- 3/500-IT- Labs/Phase-III /Rect/IT- Male/2017 dated 23-10- 2017	NA
Tor Ghar						
2	Gul Sabit Shah	Sikandar Shah	Tor Ghar CNICH 13504- 2222110-3	GHS Blmbal	PM-IT/E&SE/1- 3/500-IT- Labs/Phase-III /Rect/IT- Male/2017 dated 23-10- 2017	NA

TERMS & CONDITIONS.

1. The regularization will not be in favour of those, who have not taken over charge or has remained absent from duty or resign from service and also not for those who are under disciplinary proceedings.
2. They shall possess the same qualification and experience as required for a regular post. Their pay shall be released subject to the verification of academic/professional documents for the concerned boards/university by the DEO concerned.
3. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
4. The employees whose services are regularized under The Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education (Appointment and Regularization of Services) Act, 2017 (Khyber Pakhtunkhwa Act No.1 of 2018) or in the process of attaining service at the commencement of The Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education (Appointment and Regularization of Services) Act, 2017 (Khyber Pakhtunkhwa Act No.1 of 2018) shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of The Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education (Appointment and Regularization of Services) Act, 2017 (Khyber Pakhtunkhwa Act No.1 of 2018), and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission

ATTACHED

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SST (IT) Male SST Regularization order 2018

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made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.

The seniority inter-se of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre:

5. Their regularization shall not affect the promotion quota of the existing holders of posts in respective service cadres.

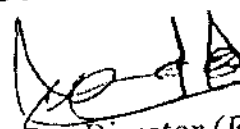
(Farid Ahmad Khattak)
Director
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar


Endst: No. 5264-71 / File No.IT (M) Regularization/2018


Dated Peshawar the 15/10/18 2018

Copy forwarded for information and necessary action to the: -

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Secretary Khyber Pakhtunkhwa Public Service Commission Peshawar.
3. District Education Officers (Male) Concerned
4. District Accounts Officer Concerned
5. Official Concerned.
6. PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department.
7. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.
8. M/File


Dy: Director (Estab)
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar


15/10/2018

ATTACHED


-14-
C



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.

Phone: 091-9225344

Email: astablisthmentmale1@gmail.com

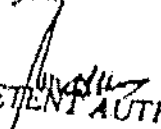
SHOW CAUSE NOTICE

I, Hafiz Dr. Muhammad Ibrahim Director Elementary & Secondary Education Khyber Pakhtunkhwa, as Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve a Show Cause Notice upon Mr. Anwar Ali Shah SST (IT) GHS Pabbi District Nowshera as follows:-

- i. That you have been absent willfully from duty w.e.f 15-08-2022 as reported by DEO(M) Nowshera vide letter No. 1602-06 dated 23-11-2022.
- ii. I am satisfied that you are "guilty of misconduct and habitually absenting yourself without prior approval" as specified in rules 3(b) and 3(d) of the ibid rules. Thus you have rendered yourself liable to be proceeded against under the said rules.

1. In exercise of the powers conferred by the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, the Competent Authority, is pleased to serve you with the instant "Show Cause Notice" with the direction to submit your defence in writing within 15 (Fifteen) days of the issuance of this notice as to why one of the major or minor penalty under rule-4 of the said rules should not be imposed upon you and also intimate to this Office as whether you desire to be heard in person or not.

2. In case you fail to submit your reply within the stipulated period of fifteen days, it will be presumed that you, have nothing in defense to offer and, resultantly, an ex-parte decision will be taken against you.


COMPETENT AUTHORITY

Mr. Anwar Ali Shah SST (IT) GHS Pabbi
District Nowshera

ATTESTED


3

-15- D

To
The Director of Education,
Elementary and Secondary Education,
Khyber Pakhtunkhwa.

Subject: My defence statement against the Show Cause Notice issued by Education Directorate
KPK.

Respected Sir,

I received a show cause notice from KESE Directorate Peshawar, KPK, stating the following:

1. Guilty of misconduct and habitual absentees without prior notice.

I appreciate the professionalism in giving me a chance to hear my statement. I joined KPESE as SST -IT on August 26, 2017. Since then, I have never been absent without notice and do not prefer to be absent. I am punctual, dutiful and devoted to my job at GHS Pabbi.


I have never been involved in any sort of misconduct and am confident that no such evidence is there to prove me guilty with a reason. I am confident because of my clean and devoted service record.

Secondly, the incident took place whenever I had an emergency as my mother is an old lady with asthmatic issues since 1977 and she was in bad situation of her health. Moreover, my family was expecting a baby after six years. I requested to be given a couple of leaves, but the principal did not consider my position and strictly took action against me for not obeying his orders while my application was on his table.

Later, an enquiry was conducted. I called the members of that enquiry committee to take my statement, but they refused to record it and submit their report to the DEO office. I am not aware of why this is all happening from management. We belong to the same nearby areas. There may be some personal reason, which I am unaware of until now.

They stopped my salary and GP Fund, which put me in a worse position. I am now doing home tuition and helping university students with their projects or research-related activities for my family's survival. I requested not to conduct further enquiries and give me joining with the release of my salaries. Moreover, I requested to be appointed somewhere in another school, not GHS Pabbi.

Thank You,



Anwar Shah
SST IT
Dated:

(Documents Attached)

ATTACHED

E-16-

ELECTION COMMISSION OF PAKISTAN

FORM-25

[see rule 48(5)]

LIST OF POLLING STAFF

Election to the National Assembly

No. and name of constituency :PK-89-NOWSHERA-V

S No.	No. and name of Polling Station	No. of booths		Name, Designation & Office Address of Presiding Officer	Name, Designation & Office Address of Assistant Presiding Officer	Name, Designation & Office Address of Polling Officer	Name And Designation of Senior Assistant Presiding Officer
		Mal	Femal				
1	2	3	4	5	6	7	8

ATTACHED

①

17

S No.	No. and name of Polling Station	No. of booths		Name, Designation & Office Address of Presiding Officer	Name, Designation & Office Address of Assistant Presiding Officer	Name, Designation & Office Address of Polling Officer	Name And Designation of Senior Assistant Presiding Officer
		Mal.	Femal				
97	96-Government Primary School No 2 Pabbi (Male)-II	4	0	<p>1) Wahab Ali Subject Specialist (History/Civics) GHSS ZIARAT KAKA SAHIB 0313-9659259</p>	<p>1) Muhammad Waseem SST (General) 0342-9559089 2) Anwer Shah SST (IT) GHS PABBI 0331-2589763 3) Barakat Zada Teacher Dak Ismail Khel Tehsil and Disteict Pabbi 0300-5599359 4) Maaz ahmad CT GMS AZA KHEL BALA 0345-9303747 5) Sheheryar Ahmad epi tech uc pabbi 0314-4514949 6) Sifat ullah Lab Assistant gc pabbi 0333-9147150 7) Taskeen Shah DM GMS AZA KHEL BALA 0311-9709171</p>	<p>1) Mahrif shah Junior Clerk gdc pabbi 0304-9050816 2) Muhammad Shoab FWA(M) FW Center Pabbi 0333-9128944 3) Tajamul Senior Clerk gdc pabbi 0300-9339506 4) umar daraz khan Assistant gdc pabbi 0333-9118758</p>	<p>1) Muhammad waseem SST (General) 0342-9559089</p>

Handwritten signature or initials.

-18-

ACQUAINTANCE ROLL/RECEIPT OF DISBURSEMENT TO THE POLLING STAFF OF POLLING STATION

S. No.	Name	Designation in PS	CNIC No	Cell No	Amount Rs.	Signature	Thumb
1	2	3	4	5	6	7	8
1	Wahab Ali	SS (BPS-17)	17201-4324543-3	03139659259	8000		
2	Muhammad Waseem Khan	SST (BPS 16)	17202-0369207-1	03424559084	4500/-		
3	Anwar Shah	SST-IT (BPS-16)	17201-2132380-3	03312-589763	4500/-		
4	Basakat Zada	SDM (BPS-16)	17201-5540395-3	0330-5590311	4500/-		
5	Maaz Ahmad	CT (BPS-15)	17201-5582663-9	0345-9303747 0346-9159930	4500/-		
6	Shehryar Ahmad	EPI Technician	17201-1030897-9	0314-8514969	4500/-		
7	Sifat ullah	Lab Assis tent	17201-7715261-9	03339147150	4500/-		

PO 8/2/24

ATTACHED

	Name 2	Designation in PS 3	CNIC No 4	Cell No 5	Amount Rs. 6	Signature 7	Thumb 8
8	Taskeen shah	DM (BPS-15)	17201-4628157-1	03119408171	4500/-	<i>Taskeen</i>	
9	Nasir Sybal	PET (BPS-15)	17201-2084856-1	0333-3885599	4500/-	<i>Nasir</i>	
10	Mahsif shah	Junior Clerk	17301-7469206-7	0304-9050216	4500/-	<i>Mahsif</i>	
11	Muhammad Shoaib	FWA	17201-0665190-9	0304-1128111	4500/-	<i>M. Shoaib</i>	
12	Tojamul	Senior Clerk	17201-0403065-1	0304-238506	4500/-	<i>Tojamul</i>	
13	Omar claoz Ichan	Assistant	17201-2285723-7	0304-9118758	4500/-	<i>Omar</i>	
14	FaiZah	M/Asst		03131911024	2000/-	<i>FaiZah</i>	

ATTESTED

 Acquaintance Roll Polling Station

20

Election Commission Of Pakistan
Form 26

[see rule 48(6)]

Appointment Orders of Polling Staff For Election
Election to the National Assembly of the Khyber Pakhtunkhwa

No. and name of constituency: NA-34 NOWSHERA-II
No. and name of polling station: No-166 Government Primary School No 2 Pabbi (Male)-II

No. of booths at the polling station: Male 4

Female 0

Total 4

Name, Designation & Office Address of Presiding Officer	Name, Designation & Office Address of Assistant Presiding Officer	Name, Designation & Office Address of Polling Officer	Name and Designation of Senior Assistant Presiding Officer
1	2	3	4
Wahab Aif Subject Specialist (History/Civics) GHSS ZIARAT KAKA SAHIB 0313-9659259	Anwer Shua SST (IT) GHS PABBI 0331-2589763	Mahrif shah Junior Clerk gdc pabbi 0304-9050816	Muhammad waseem SST (General) GHS PABBI 0342-9559089
	Barakat Zada Teacher Dak Ismail Khel Tehsil and District Pabbi 0300-5599359	Muhammad Shoaib FWA(M) FW Center Pabbi 0333-9128944	
	Maaz ahmad CT GMS AZA KHEL BALA 0345-9303747	Tajamul Senior Clerk gdc pabbi 0300-9339506	
	Sheheryar Ahmad spi tech uc pabbi 0314-4514949	umar daraz khan Assistant gdc pabbi 0333-9118758	
	Sifat ullah Lab Assistant gc pabbi 0333-9147150		
	Taskeen Shah DM GMS AZA KHEL BALA 0311-9408171		
	Nasir Iqbal PET GMS AZA KHEL BALA PET 0311-9408216		

IMPORTANT NOTES:
In case of any query, Contact 0334-9181242

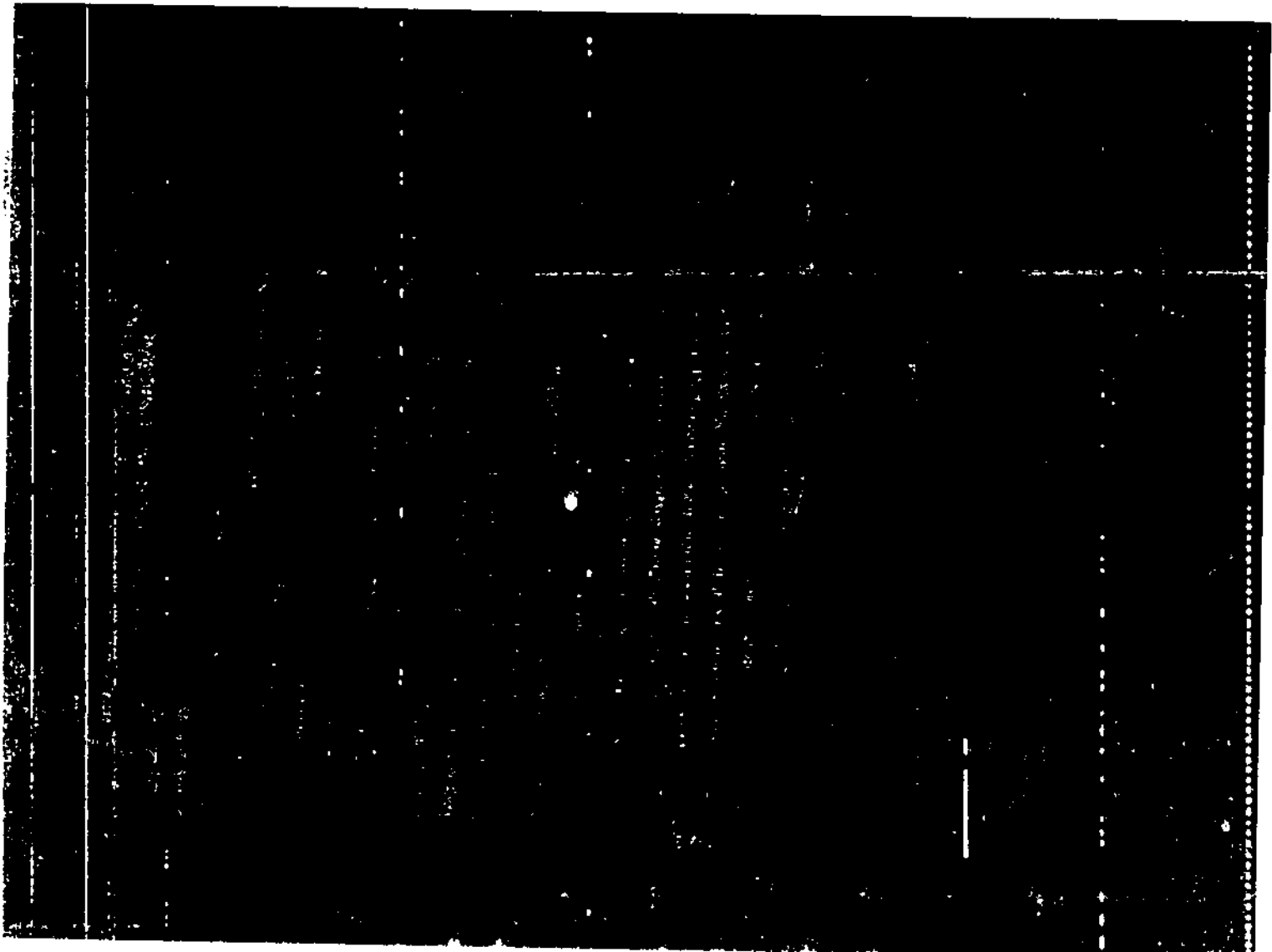
Dated: 7 Feb 2024

(Umar Bin Riaz)
Signature and Seal of the Returning Officer

ATTEST

-18-3

18-3



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

1. Whereas the District Education officer (Male) Nowshehra forwarded an inquiry report regarding willful absence of Mr. Anwar Shah SST (IT) GHS Pabbi Nowshehra w.e.f 15-08-2023 vide letter No 1602-6 dated 23-11-2022.
2. Whereas this office issued show cause notice to Mr. Anwar shah SSt IT GHS pabbi Nowshehra vide letter No 8769 dated 14-02-2023.
3. Whereas the show cause notice was dispatched at his home address by registry No 4157 dated 04-03-2023 however no response was received as per DEO (M) letter No 4157-59 dated 30-03-2023.
4. Whereas this office asked DEO (M) Nowshehra to publish his absence notice in two leading Newspapers directing him to resume his duty within 14 days, otherwise ex parte decision will be taken against him under the relevant rules.
5. Whereas DEO (M) Nowshehra published his absence notice in daily Newspaper Express dated 04-06-2023 but he failed to resume his duty.

Now therefore in exercise of powers conferred upon the director Elementary and secondary Education Khyber Pakhtunkhwa, Peshawar being the competent authority after having examining the evidence on available record is pleased to impose major penalty of removal from service upon Mr Anwar shah SST (IT) GHS pabbi Nowshehra under Rule 4 (b) (III) govt of Khyber pakhtunkhwa (Efficiency 7 discipline) Rules 2011 in the best interest of public service.

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Endst No 8123-26/F.no N-1 Disciplinary Action Nowshehra Dated
21/09/2023

(Legible copy)

-22-

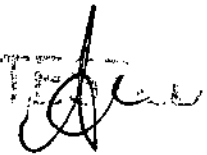
**BEFORE THE SECRETARY ELEMENTARY & SECONDARY
EDUCATION KHYBER PAKHTUNKHWA PESHAWAR**

Subject: - Appeal against the Notification dated 21-09-2023, whereby the appellant has been removed from service

Respectfully Submitted: -

1. That the appellant along with others was appointed as Secondary School Teacher (BPS-16) on fixed pay basis vide Order dated 24-08-2017 and was posted to Govt. High School Pabbi District Nowshera and after the enactment of Khyber Pakhtunkhwa Employees of Elementary & Secondary Education Department (Appointment & Regularization of Services), Act 2017, the services of the appellant along with others were regularized from the date of appointment vide Notification dated 15-10-2018. In February 2022, appellant has been allowed with leave concerning his health issues. The appellant joined his duties on 12-05-2022 and since then the appellant regularly performed his duties but salary of the appellant was stopped since April 2022, for the release of which the appellant requested many times, and finally, the salary had been opened on 22-07-2022 and the appellant received salaries of July and August 2022.

The appellant requested the Principal of the School for grant of two days leave on 16-08-2022, which was refused, where after the appellant was not allowed joining by the Principal, he was made rolling stone in this respect by the DEO and Principal and finally got a Show Cause Notice from Directorate office on the allegations of absence from duty w.e.f. 15-08-2022 which was replied by the appellant refuting the allegations. During this, the salary had been stopped again on 07-09-2022. The Principal even forced the appellant to sign blank paper. The appellant has regularly pinged the department for joining his duties and has never become entertained and even mentally tortured with the threat of dismissal. The appellant was ready to serve and even assigned and performed duty as Assistant Presiding

ATTESTED


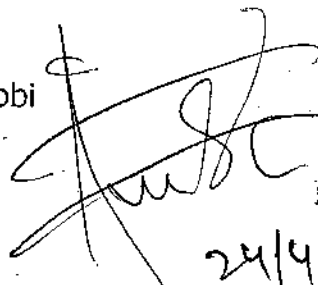
Officer for the 8th February, General Elections 2024, however on 26-03-2024 the appellant was told by the Principal of the School that his removal order dated 21-09-2023 has been received to the School, copy of which was provided to the appellant on the same day, hence this appeal.

The appellant was in continuous communication with the department for resolution of the matter and visited different offices during all this time while deprived of his salaries since September 2022 till date. Ex-parte action has been taken against the appellant and he has been condemned unheard. No charge sheet was issued to him nor any regular inquiry has been conducted nor was the appellant afforded the opportunity of personal hearing.

It is therefore prayed that on acceptance of this appeal, the impugned Notification dated 21-09-2023 may kindly be set aside and the appellant may kindly be ordered to be reinstated in service with all back benefits.

Dated: -24-04-2024

Anwar Shah Ex Secondary School
Teacher (BPS-16),
Son of Muhammad Shah
R/O Dag Behsud Tehsil Pabbi
District Nowshera.
Cell # 0331 2589763


24/4/24

ATTEST


بعد الت

حیدر گٹو کو اسروس ٹرانسویل

انور شاہ بنام حکومت و سروس

Service Appeal

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آئنگہ

حاصل ہو کر

آن مقام نساور کیلئے فضل شاہ فہنہ، عباد الرحمن

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی، جواب دہی وکل کاروائی متعلقہ مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثانیہ فیصلہ بر حلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور صولی چیک روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق و راس پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا جائے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو کسی وہی جملہ مذکورہ یا اختیارات حاصل ہوں گے اور اس کا ساختہ پرواخصہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا ادا کالت نامہ لکھدیا کہ سند ہے۔

الرقوم ۵۵

الست ۲۰۲۶

واہ العی

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بمقام