

# INDEX

## KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR


APPEAL NO	INSTITUTION	ORIGINAL INSTITUTION	DECISION	PAGES.
22/2/23	-	25.10.2023	19.04.2024	43

VS

Sr.No.	Page No.	No. of Pages	Documents
Part-A			
1	01 - 01	01	Letter
2	02 - 05	04	Judgment
3	06 - 07	02	Order Sheets
4	08 - 28	21	Appeal
5	29 - 38	10	Reply
6	39 - 39	01	Wakalatnama
7	40 - 42	03	NOTICES
8	43 - 43	01	Chellan
9	-		
10	-		
11	-		
12	-		
Part-B			
1	-		
2	-		
3	-		

Total Pages in Part-A	0 43
Total Pages in Part-B	0

  
30/5/24  
Muharir/Compilation

  
4/6/24  
Incharge Judicial Branch

5. That the appellant filed departmental appeal on 04.09.2020 against the order dated 28.08.2020 on which denovo inquiry was directed by the competent authority and for the purpose of denovo inquiry the appellant was reinstated into service on 04.11.2020. The denovo inquiry was conducted by the inquiry committee against the appellant in which the inquiry committee gave its recommendation that *management or any kind of consultation in issuance of fake order has not been proved on the part of the appellant and recommended the appellant for minor punishment of "censure" and may also be given stern warning to be careful in future. His intervening period may be treated as leave of kind due.* **(Copies of departmental appeal and denovo inquiry report are attached as Annexure-G&H)**
6. That on the basis of denovo inquiry report, respondent No.1 passed an order dated 17.12.2020, whereby the major punishment of discharge from service was converted into minor punishment of withholding of increments for two years with cumulative effect and period during which the appellant remained out of service was treated as leave without pay without observing the recommendation of inquiry committee. **(Copy of order dated 17.12.2020 is attached as Annexure-I)**
7. That now the appellant comes to this Honourable Tribunal for redressal of his grievances on the following grounds.

**GROUND:**

- A) That the impugned order dated 17.12.2020 is against the law, facts, norms of justice and material on record. Therefore, not tenable and liable to be set aside.
- B) That the allegation were not proved leveled against the appellant during denovo inquiry proceeding and the inquiry committee also gave recommended for censure, but despite that the appellant has awarded the punishment of withholding of increments for two years with cumulative effect, which is against the norms of justice and fair play, therefore, the impugned order is liable to be set aside.
- C) That the inquiry committee recommended for punishment of censure, but without giving reason by the competent authority for not agreeing with the recommendation of inquiry committee passed the impugned



①  
**KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL, PESHAWAR**

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

No. 1130 /ST Dated 8 / 5 /2024

Ph:- 091-9212281  
Fax:- 091-9213262

To

The District Education Officer (Male),  
District Bannu.

Subject

**JUDGMENT IN SERVICE APPEAL NO. 2212/2023**  
**TITLED SYED ADIL SHAH -VERSUS- THE SECRETARY**  
**ELEMENTARY AND SECONDARY EDUCATION, CIVIL**  
**SECRETARIAT KHYBER PAKHTUNKHWA, PESHAWAR AND**  
**OTHERS**

Dear Sir,

I am directed to forward herewith a certified copy of judgment dated 19.04.2024, passed by this Tribunal in the above mentioned service appeals for compliance.

*Encl. As above.*

(PIR MUHAMMAD KHAN AFRIDI)  
ACTING REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL,  
PESHAWAR.

Service Appeal No.2212/2023 titled "Syed Adil Shah-vs-The Secretary Elementary & Secondary Education, Civil Secretariat, Khyber Pakhtunkhwa, Peshawar and others", decided on 19.04.2024 by Division Bench comprising Mr. Kalim Arshad Khan, Chairman, and Mr. Muhammad Akbar Khan, Member, Executive, Khyber Pakhtunkhwa Service Tribunal Peshawar.

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR**

BEFORE: **KALIM ARSHAD KHAN** ...CHAIRMAN  
**MUHAMMAD AKBAR KHAN** ...MEMBER (Executive)

*Service Appeal No.2212/2023*

Date of presentation of appeal.....25.10.2023

Date of Hearing.....19.04.2024

Date of Decision.....19.04.2024

**Syed Adil Shah**, PST (BPS-12) GPS Muhammad Khan Gamber,  
Bannu.....(*Appellant*)

Versus

1. **The Secretary** Elementary & Secondary Education, Civil Secretariat Khyber Pakhtunkhwa, Peshawar.
2. **The Director** Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. **The District Education Officer, (Male) Bannu**.....(*Respondents*)

Present:

Mr. Muhammad Waleed Adnan, Advocate.....For appellant

Mr. Muhammad Jan, District Attorney .....For respondents

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**SERVICE APPEAL UNDER SECTION 4 OF THE  
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT,  
1974 AGAINST THE Impugned Order Dated 27.12.2022  
WHEREBY THE APPELLANT HAS BEEN REMOVED  
FROM SERVICE AND AGAINST THE APPELLATE  
ORDER DATED 08.09.2023 WHEREBY THE  
DEPARTMENTAL APPEAL OF THE APPELLANT HAS  
BEEN REJECTED ON NO GOOD GROUNDS.**

**JUDGMENT**

**KALIM ARSHAD KHAN CHAIRMAN:** Brief facts of the case are that appellant appointed as Primary School Teacher (BPS-12) vide order dated 17.05.2019; that while performing his duties, the impugned order dated 27.12.2022 was passed, whereby, the appellant was removed from service; that feeling aggrieved, he filed departmental appeal, but the same was rejected on 08.09.2023, hence, the instant service appeal.

**[SCANNED]  
KPST  
Peshawar**

3

*Service Appeal No.2212/2023 titled "Syed Adil Shah-vs-The Secretary Elementary & Secondary Education, Civil Secretariat, Khyber Pakhtunkhwa, Peshawar and others", decided on 19.04.2024 by Division Bench comprising Mr. Kalim Arshad Khan, Chairman, and Mr. Muhammad Akbar Khan, Member, Executive, Khyber Pakhtunkhwa Service Tribunal Peshawar.*

02. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.

03. We have heard learned counsel for the appellant and learned District Attorney for the respondents.

04. After hearing the learned counsel for the parties and going through the record of the case with their assistance and perusing the precedent cases cited before us, we are of the opinion that the appellant was removed from service on the ground of his alleged absence reported by Education Monitoring Authority, Bannu. Perusal of impugned order dated 27.12.2022 shows that the same has been passed on the basis of a report of EMA, whereas, requirements of law in the shape of issuance of show cause notice, conducting of proper inquiry and providing of fair opportunity of defense and cross examination have not been fulfilled. The proceedings appear to be for absence of the appellant but relevant rules have not been followed and the appellant has been removed from service in a hasty manner. It is otherwise a well settled legal proposition that regular inquiry is must before imposition of major penalty, which includes provision of fair opportunity of defense etc. to be provided to the civil servant alongwith opportunity of cross examination etc. which, however, was not done in the case of appellant. Reliance is placed on 2009 PLC (CS) 650.

05. Therefore, instant service appeal is accepted. The impugned order dated 23.12.2022 is set aside. The matter is remitted to the Department for conduct of proper inquiry, which is to be completed within 60 days of the receipt of this judgment. Needless to mention that the appellant shall be provided proper opportunity of defense during the inquiry proceedings. Appellant is reinstated in service for the purpose of proper inquiry. The issue of back benefits shall be subject to the outcome of inquiry. Consign.

06. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 19<sup>th</sup> day of April, 2024.*



**KALIM ARSHAD KHAN**

Chairman



**MUHAMMAD AKBAR KHAN**

Member (Executive)

\*Mutazem Shah\*

**SCANNED  
KPST  
Peshawar**

S.A #.2212/2023

ORDER

19<sup>th</sup> Apr. 2024

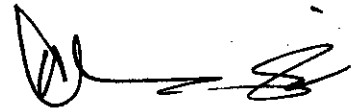
1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

2. Vide our detailed judgment of today placed on file, instant service appeal is accepted. The impugned order dated 23.12.2022 is set aside. The matter is remitted to the Department for conduct of proper inquiry, which is to be completed within 60 days of the receipt of this judgment. Needless to mention that the appellant shall be provided proper opportunity of defense during the inquiry proceedings. Appellant is reinstated in service for the purpose of proper inquiry. The issue of back benefits shall be subject to the outcome of inquiry. Consign.

3. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 19<sup>th</sup> day of April, 2024.*



(Muhammad Akbar Khan)  
Member (E)



(Kalim Arshad Khan)  
Chairman

\*Mutazem Shah\*

SCANNED  
KPST  
Peshawar

(6)

26-12-23


Due to Winter Vacation therefore  
case is adjourned to 6-2-24.  
Reader

06<sup>th</sup> Feb. 2024

01. Clerk of learned counsel for the appellant present.  
Mr. Habib Anwar, Addl. A.G alongwith Bakhmal Jan, ADEO  
for the respondents present.

SCANNED  
KPST  
Peshawar

02. Reply/comments on behalf of the respondents not  
submitted. Representative of the respondents sought further  
time. Granted. To come up for written reply/comments on  
18.03.2024 before the S.B. PP given to the parties.

  
(Fareeha Paul)  
Member(E)

\*Fazle subhan P.S\*

18<sup>th</sup> Mar. 2024

1. Learned counsel for the appellant and Mr. Umair Azam,  
Additional Advocate General alongwith Mr. Bakhmal Jan,  
ADEO for the respondents present.

SCANNED  
KPST  
Peshawar

2. Reply on behalf of the respondents submitted. Copy of the  
same was handed over to the learned counsel for appellant. To  
come up for arguments on 19.04.2024 before D.B. P.P given to  
the parties.

  
(Kalim Arshad Khan)  
Chairman



\*Mutazem Shah\*



(7)  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

**Appeal No. 2212/2023**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/10/2023	<p>The appeal of Syed Adil Shah presented today by Mr. Walced Adnan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <b>21-11-23</b> Parcha Peshai is given to the counsel for the appellant.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>
21.11.2023	<p>Learned counsel for the appellant present and argued that the appellant was removed from service vide impugned order dated 27.12.2022, without conducting regular inquiry, no opportunity of personal hearing and self defence was provided to the appellant. Feeling aggrieved, he filed departmental appeal which was regretted on no good grounds, hence the instant service appeal was instituted under section 4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974. Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security fee within 10 days. Thereafter, notices be issued to respondents for submission of written reply/comments. Respondents be summoned through TCS the expenses of which be deposited by the appellant within 3 days. Adjourned. To come up for written reply/comments on 26.12.2023 before S.B. P.P given to learned counsel for the appellant.</p>	<p style="text-align: right;"> (Rashida Bano) Member (J)</p>

**SCANNED  
M/S  
Peshawar**

**SCANNED  
M/S  
Peshawar**

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: Syed Adil Shah vs Education Dep<sup>n</sup>

S#	CONTENTS	YES	NO
1	This Appeal has been presented by _____	✓	
2	Whether counsel / appellant/ respondent/ deponent have signed the requisite document?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent oath commissioner?	✓	
8	Whether Appeal / Annexures are properly paged?	✓	
9	Whether Certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/ clear?	✓	
13	Whether copy of appeal is delivered to AG/ DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by Petitioner/ Appellant / Respondents?	✓	
15	Whether number of referred cases given are correct?	✓	
16	Whether appeal contains cutting / overwriting?	✓	
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this Court?	✓	
19	Whether requisite number of spare copies are attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether security and process fee deposited? On _____		✓
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, Notice along with copy of Appeal and annexures has been sent to Respondents? On _____		✓
26	Whether copies of comments / reply / rejoinder submitted? On _____		✓
27	Whether copies of comments/ reply/ rejoinder provided to opposite party? On _____		✓

It is certified that formalities /documentations as required in the above table, have been fulfilled.

Name:- Syed Adil Shah

Signature:- [Signature]

Dated:- \_\_\_\_\_

9

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

**APPEAL No. 22/2 /2023**

SCANNED  
KPST  
Peshawar

**SYED ADIL SHAH VS EDUCATION DEPTT:**

**INDEX**

S. NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Appeal with Affidavit	.....	1-3
2.	Application for Condonation	.....	4
3.	Appointment Order	"A"	5-6
4.	Service Book & Salary Slip	"B"	7-9
5.	Impugned order dated 27.12.2022	"C"	10
6.	Departmental Appeal	"D"	11-12
7.	Appellate order dated 08.09.2023	"E & F"	13-14
8.	Vakalatnama		15

**Date:** 23-10-23

**PETITIONER**

**THROUGH:**

*Waleed Adnan*

**WALEED ADNAN  
ADVOCATE HIGH COURT**

BC-14-4772

CELL: 03339741001

CNIC: 11101-4813922-1

EMAIL: advwaleed91@gmail.com

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

**APPEAL NO.** 2212 /2023

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 8606

Dated 25-10-2023

Mr. Syed Adil Shah, PST (BPS-12), GPS Muhammad Khan Gambar, Bannu.

.....**APPELLANT**

**VERSUS**

- 1- The Secretary Elementary & Secondary Education, Civil Secretariat Khyber Pakhtunkhwa, Peshawar.
- 2- The Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (Male) Bannu.

.....**RESPONDENTS**

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUNGED ORDER DATED 27.12.2022 WHEREBY THE APPELLANT HAS BEEN REMOVED FROM SERVICE AND AGAINST THE APPELLATE ORDER DATED 08.09.2023 WHEREBY THE DEPARMETNAL APPEAL OF THE APPELLANT HAS BEEN REJECTED ON NO GOOD GROUNDS.**

**PRAYER:**

That on acceptance of this appeal the impugned orders dated 27.12.2022 and 08.09.2023 may very kindly be set aside and the appellant may please be reinstated in to service with all back benefits. Any other remedy which this august Service Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

**Brief facts giving rise to the present appeal are as under:**

- 1- That the appellant was appointed as PST (BPS-12) at GPS Muhammad Khan Gambar, Bannu against the Deceased Son/Medical Board quota vide order dated 17.05.2019. Copy of the notification dated 17.05.2019 is attached as annexure.....**A.**

2- That after assuming charge, the petitioner started performing his duties whole heartedly, regularly, punctually and to the entire satisfaction of high ups. Thereafter the service book of the appellant was accordingly prepared by the concerned authorities.

Copies of the Service Book and salary slip are attached as Annexure .....**B.**

3- That astonishingly during service, major penalty of removal from service was imposed upon the appellant vide impugned order dated 27.12.2022. Copy of impugned order dated 27.12.2022 is attached as Annexure .....**C.**

4- That the appellant filed departmental appeal/representation against the impugned order before the competent authority. Copy of the Departmental Appeal is attached as Annexure.....**D.**

5- That the departmental appeal of the appellant was regretted on no good grounds vide impugned appellant order dated 08.09.2023. Copy of appellate order dated 08.09.2023 is attached as Annexure .....**E.**

6- That the appellant feeling aggrieved and having no other efficacious remedy, preferred the instant appeal on the following grounds amongst the others.

**GROUND:**

A- That the actions of the respondents by issuing the impugned order dated 27.12.2022 and rejecting the departmental appeal of the appellant on no good grounds are against the law, facts, norms of natural justice and materials on the record, hence not tenable in the eye of law therefore are liable to be set aside.

B- That appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.

C- That the appellant was never served with any charge sheet/statement of allegations or any show cause notice before imposing major penalty of removal from service.

D- That no regular enquiry was conducted before issuance of the impugned order dated 27.12.2022 which is against the law and also violative of the judgment of Superior Courts.

E- That no right of personal hearing and personal defense was granted to the appellant.

- F- That the respondents acted in arbitrary and mala fide manner while issuing the impugned orders dated 27.12.2022 and 08.09.2023.
- G- That it is pertinent to mention here that most of the appellant's colleagues who were removed from service along with appellant, were re-instated into service by the competent authority however the appellant was ignored. Copies of the re-instatement orders are attached as Annexure.....F.
- H- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may kindly be accepted as prayed for.

Dated: 23-10-23

**APPELLANT**  
*Syed Adil Shah*  
**SYED ADIL SHAH**

**THOROUGH**

*Waleed Adnan*  
**WALEED ADNAN**

*Umar Farooq Momand*  
**UMAR FAROOQ MOMAND**

*Muhammad Ayub*  
**& MUHAMMAD AYUB  
 ADVOCATES HIGH COURT**

**AFFIDAVIT**

I, Syed Adil Shah, PST (BPS-12), GPS Muhammad Khan Gambar, Bannu, do hereby solemnly affirm that the contents of this Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



*Syed Adil Shah*  
**DEPONENT**

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

**APPEAL NO. \_\_\_\_\_/2023**

**Syed Adil Shah VS Education Department**

**APPLICATION FOR CONDONATION OF**  
**DELAY IN FILING THE ABOVE NOTED**  
**APPEAL**

**R.SHEWETH:**

- 1- That the appellant has filed an appeal along with this application in which no date has been fixed so for.
- 2- That the appellant prays for the condonation of delay in filing the above noted appeal inter alia on the following grounds:

**GROUND OF APPLICATION:**

- A- That the appellant was unable to file the service appeal in time due to non-communication of the impugned appellate order dated 08.09.2023 as well as his ill-health.
- B- That valuable rights of the appellant are involved in the case hence the appeal deserve to decide on merit.
- C- That it has been the consistent view of the Superior Courts that cases should be decided on merit rather on technicalities including the limitation. The same is reported in 2004 PLC (CS) 1014 and 2003 PLC (CS) 76.

It is therefore prayed that on acceptance of this application the delay in filing the above noted appeal may please be condoned.

**APPELLANT**  
**Syed Adil Shah**

**THROUGH:**

  
**WALEED ADNAN**  
**ADVOCATE**



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) BANNU

Outside Miryan Gate Bannu, Khyber Pakhtunkhwa, Pakistan

Email: bannuedu@yahoo.com

Phone: & Fax: 0928-660005

**APPOINTMENT ORDER Deceased Son/Medical Board (MALE) PST**

In light of minutes of the meeting held on 02/05/2019 and consequent upon the recommendation of the Departmental Selection Committee, appointment of the following candidates is hereby ordered against the Posts of PST (BPS-12), plus usual allowances as admissible under the rules & existing policy of the Provincial Government (Diseased Son/Medical Board quota), in teaching cadre on the terms and conditions given below with effect from the date of their taking over charge.

S.NO	Name	Father's Name	DOB	Date of Retirement /M.B	School of Posting	Remarks
1.	Imran Gul	Isam Gul	05-04-1986	02-08-2003	GPS GHANI BAISAT, KHEL	A.V Post.
2.	Muhammad Tufail Khan	Muhammad Zar Ali Khan	16-08-1998	16-08-2017	GPS HAYAT KAKKI	A.V Post.
3.	Muhammad Imran Khan	Saif Ur Rehman	1/1/1984	13/12/2017	GPS KOT QALANDER	A.V Post.
4.	Sayed Adil Shah	Akhtar Zaman Shah	12-04-1988	11-04-2018	GPS MUHAMMAD KHAN GAMBER	A.V Post.
5.	Qismatullah	Nimatullah	03-03-1995	21-04-2018	GPS KHAIRULLAH KAKKI	A.V Post.
6.	Mehtabullah Khan	Rahmatullah Khan	15-09-1991	06-12-2018	GPS KINGER JAN BAHADER	A.V Post.
7.	Muheb Rehman Shah	Zabib Rahman Shah	02-09-1996	06-02-2019	GPS SHADEW KHAAS	A.V Post.

**Terms & Conditions:**

1. Their services will be liable to termination on one month's notice from either side, in case of resignation without notice their two month's pay & Allowances shall be forfeited to Govt.
2. (i) The Candidate at S.NO.1 named Imran Gul S/O Isam Gul going to be appointed as PST in MB quota in place of her mother Ex-PST Zarkhana. (ii) candidate at S.NO.2 Mr Tufail S/O M.Zar Ali preferred post of PST B-12 therefore the post of chowkidar at GPS Hayat Kakki is reserved for appointment against 100% deceased, 25% son/daughter on 60 year retiring pension & 2% disable on district level. (iii) Candidate at S.NO. 5 Mr. Qismatullah S/O Nimatullah preferred post of PST B-12 therefore the post of chowkidar at GPS Khairullah Kakki is reserved for appointment against 100% deceased, 25% son/daughter on 60 year retiring pension & 2% disable on district level. (iv) Candidate at S.NO.6 Mr. Mehtabullah S/O Rahmatullah preferred post of PST B-12 therefore the post of chowkidar at GPS Kinger Jan Bahader is kept reserve for appointment against 100% deceased, 25% son/daughter on 60 year retiring pension & 2% disable on district level.
3. Their services can be terminated at any time; in case their performance is found unsatisfactory during probationary period. In case of misconduct they will be proceeded under E&D Rules 2017 & the rules framed from time to time.
4. Charge should not be handed over if age of the candidate is below 18 years or above 35 years as per new Govt Policy.
5. In case of any fake document certificates, Domicile, NIC or any other mistake in the said appointment order detected later on, the undersigned reserves the right of amendment in the appointment order accordingly and necessary action will be initiated against the defaulter as per rules.
6. In case any candidate has provided fake/fabricated documents information then his order will be withdrawn from the date of issue, he will have to deposit all the salaries in favor of Govt and FIR will be lodged and under section 419, 420 of PPC.
7. In case if any candidate is found who has availed the said opportunity then disciplinary action shall be initiated against the defaulter in the light of affidavits he has submitted before the undersigned.
8. Their degrees/certificates and testimonials will be verified "by this office", however if verification charges are involved then the appointee concerned will bear himself.
9. They will produce Health & Fitness certificates from Medical Superintendent DHQ Hospital Bannu before taking over charge.
10. If the above terms and conditions are accepted to them they should join the post and submit their charge report within 15 days positively.

ADVOCATE



15

**BETTER COPY OF THE PAGE NO. 05**  
**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) BANNU**

Outside Miryan Gate Bannu, Khyber Pakhtunkhwa, Pakistan  
Email: bannuedu@yahoo.com  
Phone: & Fax: 0928-660005

**APPOINTMENT ORDER Deceased Son/Medical Board (MALE) PST**

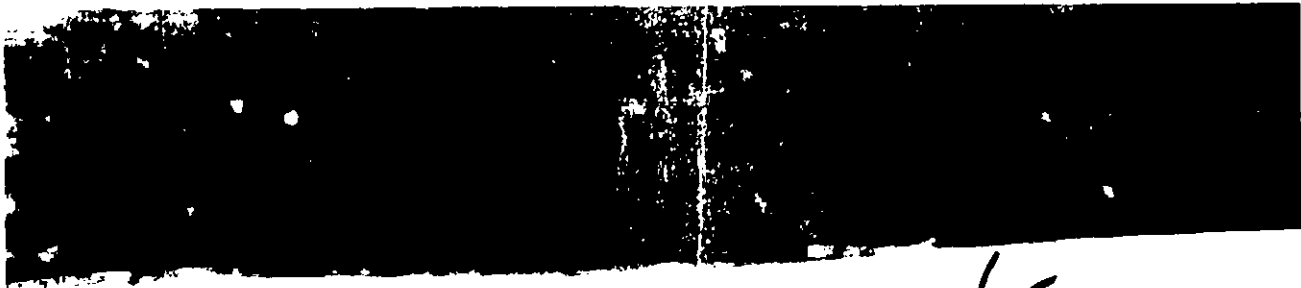
In light of minutes of the meeting held on 02/05/2019 and consequent our recommendation of the Departmental Selection Committee, appointment of the following candidates is hereby ordered against the Posts of PST (BPS-12), plus usual allowances as admissible under the rules & existing policy of the Provincial Government (Diseased Son/Medical Board quota), in teaching cadre on the terms and conditions given below with effect from the date of their taking over charge:

S.No.	Name	Father's Name	DOB	Date of Retirement JM.B	School of Posting	Remarks
1	Imran Gul	Isam Gul	05/04/1986	02/08/2003	GPS GHANI BAISAT KHEL	A.V.Post
2	Muhammad Tufail Khan	Muhammad Zar Ali Khan	16/08/1998	16/08/2017	CPS HAYAT KAKKI	A.V.Post
3	Muhammad Imran Khan	Saif ur Rehman	1/1/1984	13/12/2017	GPS KOT QALANDER	A.V.Post
4	Syed Adil Shah	Akhtar Zaman Shah	12/04/1988	11/04/2018	GPS MUHAMMAD KHAN GAMBER	A.V.Post
5	Qismatullah	Naimatullah	03/03/1995	21/04/2018	GPS KHAIRULLAR KAKKI	A.V.Post
6	Mehtabullah Khan	Rhamatullah Khan	15/09/1991	06/12/2018	GPS KINGER JAN BAHADER	A.V.Post
7	Muheb Rehman Shah	Zabib Rahman Shah	02/09/1996	06/02/2016	GPS SHADEW KHASS	A.V.Post

**Terms & Conditions:**

1. Their services will be liable to termination on one month's notice from either side, in case of resignation without notice their two month's pay & Allowances shall be forfeited to Govt.
2. (The Candidate at S.NO.1 named Imran Gul S/O Isam Gul going to be appointed as PST in NB qoca la place of her mother Ex-PST Zarkhana. (u)candidate at S.NO.2 MrTufail S/O M.Zar Ali preferred post of PST 8-12 therefore the post of chowkidar at GPS Hayat Kako is reserved for appointment against 100 deceased.25% son/daughter on 60 year retiring pension & 2% disable en district level (l) Candidate at SNO. 5 Mr. Qismatullah S/O Nimatullah preferred post of PST B-12 therefore the post of chowkidar at GPS Sairullab Kakki is reserved for appointment against 100% deceased 25% son/daughter on 60 year redring pension & 2% disable on district level. (iv). Candidate at S.NO.6 Mr.Mehtabullah S/O Rahmatullah preferred post of PST B-12 therefore the post of chowkidar at GPS Kinger Jan Bahader is kept reserve for appolatront at 100% deceased,25% son/daughter on 60 year retiring pension & 2% disable do district level
3. Their services can be terminated at any time; in case their performance is found unsatisfactory dining probationary period. In case of misconduct they will be preceded under E&D Rules 2011 & the ruled from time to time.
4. Charge should not be handed over if age of the candidate is below 18 years or above years as per on Govt Policy.
5. In case of any fake document certificates, Domicile, NIC or any other mistake in the said appointment order detected later on, the undersigned reserves the right of amendment in the appointment order accordingly and necessary action will be initiated against the defaulter as per rules.
6. In case any candidate has provided fake/fabricated documents information then his order a wave from the date of issue, he will have do deposit all the salaries in favor of Govt and FIK will be loud and under section 419,420 of PPC.
7. In case if any candidate is found who has availed the said opportunity then disciplinary action shall be a against the defaulter in the light of affidavits he has submitted before the undersigned.
8. Their degrees/certificates and testimonials will be verified "by this office", however if verification charge are Involved then the appointee concerned will bear himself
9. They will produce Health & Fitness certificates from Medical Superintendent DHQ Hospital Bannu before taking over charge.
10. If the above terms and conditions are accepted to them they should join the post and submit the chart report within 15 days positively.

**APPROVED**  
*[Signature]*  
District Education Officer  
Bannu



-6-

Faint, mostly illegible text, possibly a header or subject line.

District Education Officer  
(Male) Bannu

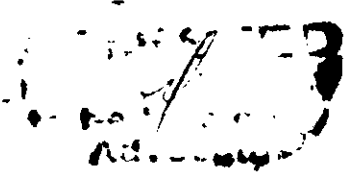
5082/89

Date: Bannu the 17. 05. 2019

- 1. For information to the District Elementary & Secondary Education Officer, Peshawar
- 2. For information to the District Education Officer, Bannu
- 3. For information to the District Education Officer, Bannu
- 4. For information to the District Education Officer, Bannu
- 5. For information to the District Education Officer, Bannu
- 6. For information to the District Education Officer, Bannu
- 7. Appointee concerned
- 8. Official Correspondence

17.5.19  
 DY District Education Officer  
 (Male) Bannu

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7

**BETTER COPY OF THE PAGE NO. 06**

11. The Drawing & Destructing Officer concerned should check his/their original documents before taking over charge and also pay the monthly salary to original person/concerned Govt. servant at the school of each month other wise he will be responsible for any wrong drawl.
12. The Candidates should join their posts within 15 days of the issuance of this appointment order. The Head of Institution concerned should furnish a certificate to the effect that the appointee has joined the post otherwise after lapse of 15 days of the issuance of their order failing which his appointment will be treated as cancelled.

----sd/----  
(Muhammad Shaukat)  
District Education Officer  
(Male) Bannu

Endst No. 6082-89,

Dated Bannue the 12/05/2019

Copy for information to the:

1. Director Elementary & Secondary Education KPK Peshawar.
2. Deputy Commissioner, Bannu.
3. District Monitoring Officer, Bannu.
4. District Accounts Officer, Bannu.
5. DEQ(F) Bannu with respect to issuance of NOC of the above fresh incumbents.
6. SDEO Male Primary Bannu/Domel/Baka Khel.
7. Appointee concerned.
8. Official concerned.

District Education Officer  
(Male) Bannu

**ATTESTED**  
to be the copy  
Advocate

Note: The entries on this page should be reviewed and if stated as correct every two years in the subsequent 11 and 12 months be dated

"B" 7-

1. Name Sayed Adil Shah

2. NIC No. 11101-3553050-3

3. Race Banochi 4. District of Domicile Bannu

5. Residence Haji Khel Anwar Shah Tehsil & distt Bannu.

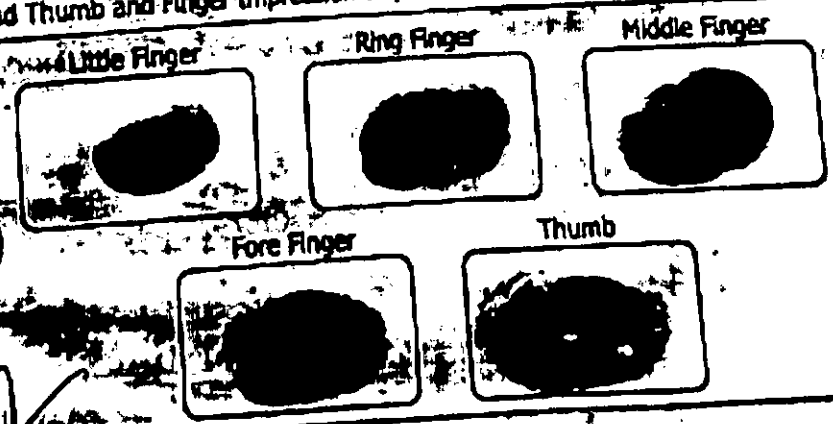
6. Father name and residence AKhtar Zaman Shah as above

7. Date of Birth by Christian era as nearly as can be ascertained: 12/04/1988

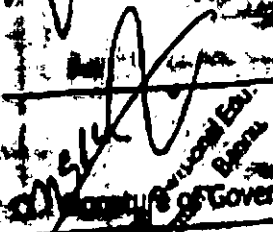
8. Exact height by measurement: 5 feet 6 inch

9. Personal Marks for Identification: N/A

10. Left Hand Thumb and Finger Impression of (Non Gazetted Officer)

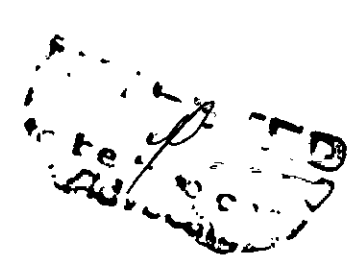


verified

Signature of Government Servant: 

Signature & Designation of the Head of the Office, or other standing officer: 

Sub Divisional Education Officer  
Bannu



"B" - 8

DEC 10 1989  
OFFICE (Male) Bannu

Appointed as a PST  
Teacher BPS plus  
usual allowances as  
under the rules vide  
DEC memo order NO-  
6082-89 Dated: 17/5/89

27648  
18 10 30 219  
Sub Director Education  
Officer (Male) Bannu  
DAD  
Sub Director Education  
Officer (Male) Bannu

in Deceased Son in  
Serial NO # 4

Officer (Male) Bannu

TESTED  
to be true copy  
Ad. Advocate

Bannu

S# 17114

P Sec:001 Month:December 2022  
BU6073 -Government Primary Schools  
GOVERNMENT PRIMARY SCHOOL

Pers #: 00924088 Buckle:  
Name: SYED ADIL SHAH  
PRIMARY SCHOOL TEACHER  
CNIC No. 1110135538503  
GPF Interest Applied

NTN:  
GPF #: VOL24P150  
Old #:

12. Vocational Temporary

BU6073

PAYS AND ALLOWANCES:

0001-Basic Pay	25,490.00
1001-House Rent Allowance 45%	2,940.00
1210-Convey Allowance 2005	2,856.00
1300-Medical Allowance	1,500.00
2316-Teaching Allowance 2021	2,664.00
2341-Dispr. Red All 15% 2022KP	2,430.00
2347-Adhoc Rel Al 15% 22 (PS17)	2,430.00

Gross Pay and Allowances 40,310.00

DEDUCTIONS:

GPF Balance 68,210.00	Subro:	2,220.00
6505-GPF Loan Principal Instal Bal: 25,560.00		1,120.00
3501-Benevolent Fund		1,200.00
3990-Emp.Edu. Fund KPK		125.00
4004-R. Benefits & Death Comp:		600.00

Total Deductions 5,265.00

35,045.00

D.O.B

12.04.1988

LFP Quota:

HABIB BANK LIMITED INSIDE FREEDY GATE,  
02167900313803

03 Years 07 Months 016 Days

ATTESTED

209

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT  
OFFICE OF THE  
DISTRICT EDUCATION OFFICER (MALE) BANNU



"C"

0928-660005

bannuado@yahoo.com

District Education Office Male Bannu

Date: 27/12/2022

10-1628-85

-10-

**NOTIFICATION REGARDING MAJOR PENALTY**

1. Whereas: Mr. Syed Adil Shah, PST, GPS Muhammad Khan Gamber Bannu was proceeded according to Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar Notification Encl.No.99/0-2031/E.No.1/B&T/OAMS/2016-17 Dated: 08-07-2021 for the charges of wilful absence from government duty.
2. And whereas: a show cause notice was served upon him vide No.11799 Dated 14-09-2022 for guilty of habitually absents himself from government duty without prior approval of leave from competent authority.
3. And whereas, the Competent Authority after having considered the charges, evidence on record, and the personal hearing granted to him dated: 29-11-2022 is of the view that the charges mentioned in the show cause notice have been proved against the above-named government servant/official concerned.
4. And whereas; meeting was held on 27-12-2022 under the chairmanship of Deputy Commissioner Bannu where DMO (EMA) Bannu was also present. In the light of which the undersigned, being competent authority is satisfied that the above-mentioned charges have been proved upon you.
5. Now, therefore, the Competent Authority is pleased to impose Major penalty of **REMOVAL FROM SERVICE** upon the above-named teacher with immediate effect.

DISTRICT EDUCATION OFFICER  
(MALE) BANNU

Encl: Even No. & Date:

Copy of above is forwarded to the:

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

ATTACHED

*[Handwritten signature]*

DISTRICT EDUCATION OFFICER  
(MALE) BANNU

22

**BETTER COPY OF THE PAGE NO. 10**  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT  
OFFICE OF THE  
DISTRICT EDUCATION OFFICER (MALE) BANNU

No. 1628-85/

Date: 27/12/2022

**NOTIFICATION REGARDING MAJOR PENALTY**

1. Whereas: Mr. Syed Adil Shah, PST, GPS Muhammad Khan Cumber Basau was proceeded according to Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar Notification Endst No. 5970-8031/E.No.1/B&T/OAMS/2016-17 Date: 08-07-2021 for the charges of willful absence from government day.
2. And whereas, a show cause notice was served upon him vide No.11799 Dated 14-09-2022 for guilty habitually absenting himself from government duty without prior approval of leave from competent authority.
3. And whereas, the Competent Authority after having considered the charges, evidence on record, and the personal hearing granted to him dated: 29-11-2022 is of the view that the charges mentioned in the show cause notice have been proved against the above-named government servant/official concerned.
4. And whereas; meeting was held on 27-12-2022 under the chairmanship of Deputy Commissioner Bannu where DMO (EMA) Bannu was also present. In the light of which the undersigned, being competent authority is satisfied that the above-mentioned charges have been proved upon you.
5. Now, therefore, the Competent Authority is pleased to impose Major penalty of REMOVAL FROM SERVICE upon the above-named teacher with immediate effect.

DISTRICT EDUCATION OFFICER  
(MALE) BANNU

Endst: Even No. & Date:

Copy of above is forwarded to the:

1. Director, Elementary & secondary Education Department, Peshawar.
2. Deputy Commissioner, Bannu.
3. District Monitoring Officer Bannu.
4. District Account Officer Bannu
5. Principal/Headmaster/DOO concerned for necessary action and with the remarks to make necessary entry in his service book accordingly under intimation to this office.
6. Master File

DISTRICT EDUCATION OFFICER  
(MALE) BANNU

**ATTESTED**



(23)

"D" -11-

The Honorable Director,  
Elementary & Secondary Education Department, Peshawar

Subject: APPEAL FOR REINSTATEMENT FROM THE IMPUGNED ORDER DATED 27.12.2022 BY DEO (M) BANNU WHEREBY MAJOR PENALTY OF REMOVAL FROM SERVICE HAS BEEN INFLICTED UPON THE APPELLANT

Respected Sir

The brief outline of facts out of which the present appeal arises is as under

FACTS:

- 1 That the appellant belongs to District Bannu and was initially appointed as a PSF on regular basis on dated since 17/05/2019, has performed his duties punctually and regular for a period of 4 years without any break and no adverse remarks. (Appointment Order ANNEX A).
- 2 That the Competent Authority imposed Major penalty of Removal from service upon appellant. Vide Notification No. 1678-85 dated 27/12/2022 without issuing show cause notice and adopting the mandatory provisions of Law and rules.
- 3 That the appellant removal from service order notification was circulated on social media and thus the appellant informed through social media which is against the principles and officials business.
- 4 That the Appellant Accordingly performed his duties with full devotion since date of his appointment till date of Removal from service and his pay regularly released (Pay slip and attendance Register ANNEX-D).
- 5 That the Impugned Notification No.1678-85 dated 27/12/22 is against Law, facts, rules and Natural Justice on the grounds inter-alia as fallow:

GROUNDS:

- a) That orders of the worthy DEO (M) dated 27.12.2022 whereby appellant has been removed from service is illegal without lawful authority without jurisdiction mala fide, void ab-initio of no legal effect and ineffective upon the rights of the Appellant, therefore, liable to be set aside.
- b) That not only E&D rules have been completely disregarded while passing the impugned notification but also the basic requirements i.e. show cause, nonces, charge sheet, regular inquiry final show cause and personal hearing have been blatantly ignored while awarded major penalty of removal from service to the appellant

ATTACHED

24

**BETTER COPY OF THE PAGE NO. 11**

To,

The Honorable Director,  
Elementary & Secondary Education Department, Peshawar

Subject: **APPEAL FOR REINSTATEMENT FROM THE IMPUGNED ORDER DATED 27-12-2022 BY DEO (M) BANNU WHEREBY MAJOR PENALTY OF REMOVAL PROSE SERVICE HAS BEEN INFLICTED UPON THE APPELLANT**

Respected Sir

Compendium of facts out of which the present appeal arises as under:

**FACTS:**

1. That the appellant belongs to District Bannu and was initially appointed as a P5.1 onseguir as Jared since 17:05 2019, has performed his duties punctually and regular for a period of 4 years without any break and no adverse remarks (Appointment Order ANNX-A)
2. That the Competent Authority imposed Major penalty of Removal from service upon appellant Vide Notification No 1678-85 dated 27/12/2022 without issuing show cause notice and adopting the main provisions of Law and rules.
3. That the appellant removal from service order notification was circulated on social media and thus the appellant informed through social media which is against the principles and officials business.
4. That the Appellant Accordingly performed his duties with full devotion since date of his appointment till date of Removal from service and his pay regularly released (Pay slip and attendance Register ANNX-D.
5. That the Impugned Notification No 1678-85 dated 27/12/22 is against Laws, facts rules and Natural justice on the grounds inter-alia as fallow,

**GROUND:**

- a) That orders of the worthy DEO (M) dated 27.12.2022 whereby appellant has been removed from service is illegal without lawful authority without jurisdiction mala fide, void-ab-initio of no legal effect and ineffective upon the rights of the Appellant, therefore, liable to be set aside.
- b) That not only E&D rules have been completely disregarded while passing the impugned notification but also the basic requirements i.e show cause, notices, charge sheet, regular inquiry find show cause and personal hearing have been blatantly ignored while awarded major penalty of removal from service to the appellant.

**ATTESTED**

25  
c) That the Appellant has always performed his duty with due diligence and never acted prejudicial to good order there is nothing adverse against him, hence the impugned orders are not sustainable in the eye of law. -12-

d) That the worthy DEO (M) has committed a legal error by removing the Appellant from Service; therefore, warrants interference.

e) That the worthy DEO(M) while removing from service the Appellant through impugned order has acted in violation of law and rules applicable to the case, therefore he has not been treated in accordance with law, which offends article 4 and 8 of the constitution:

f) That under similar circumstances many employees have been awarded minor penalties, but the Appellant has been treated differently which is violation of article 25 of the constitution therefore, warrants interference.

g) That order of the removal from service of the Appellant does suffer from legal infirmity therefore the impugned order are liable to be laid to rest.

**Prayer:**

It is, therefore prayed that on acceptance of this appeal the impugned order dated 27.12.2022 may be declared as illegal, without lawful authority without jurisdiction, void ab-initio and of no legal effect and the same may be laid to rest and the appellant may very kindly be reinstated with all the back benefits.

Appellant

  
Mr. Syed Adil Shah PST.  
GPS Muhammad Khan Gambar BANNU.

ATTESTED

**BETTER COPY OF THE PAGE NO. 12**

- c) That the Appellant has always performed his duty with due diligence and never acted prejudicial to good order there is nothing adverse against him, hence the impugned orders are not sustainable in the eye of law
- d) That the worthy DEO (M) has committed a legal error by removing the Appellant from Service, therefore, warrants interference.
- e) That the worthy DEO(M) while removing from service the Appellant through impugned order has acted in violation of law and rules applicable to the case, therefore he has not been treated in accordance with law, which offends article 4 and 8 of the constitution.
- f) That under similar circumstances many employees have been awarded minor penalties, but the Appellant has been treated differently which is violation of article 25 of the constitution therefore, warrants interference.
- g) That order of the removal from service of the Appellant does suffer from legal infirmity therefore the impugned order are liable to be laid to rest.

Prayer:

It is, therefore prayed that on acceptance of this appeal the impugned order dated 27.12.2022 may be declared as illegal, without lawful authority without jurisdiction, void abi-initio and of no legal effect and the same may be laid to rest and the appellant may very kindly be reinstated with all the back benefits.

Appellant

Mr. Syed Adil Shah PST  
GPS Muhamad Khan Gambar BANNU

**ATTESTED**

(27)

-13-

"E"

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

No. 1177 P.No./42/Vol-11/Appeals/Estab-1  
Dated Peshawar the 08/09/2023.

To

The District Education Officer  
(Male) Bannu.

Subject: - **DEPARTMENTAL APPEALS**

Memo:

I am directed to refer to your good office letter No. 7576 & 7577 Dated: 12-06-2023 on the subject cited above and to ask you that appeals in respect of following appellants have been rejected.

S.No.	Name	Designation/BPS With School Name
1.	Muhammad Yasir Ali Khan	SPST (BPS-14) GPS Jhalander Shah Bannu
2.	Muhammad Kamran	PST (BPS-12) GPS Shah Hameed Ullah Shah Shadew Bannu
3.	Mr. Ahmad Ullah	PST (BPS-12) GPS Kotka Abdullah Khan Ghoriwala Bannu
4.	Mr. Sajjad Ahmad Khan	CT (BPS-15) GHS Mir Ghaffar Ghora Baka Khel Bannu
5.	Mr. Syed Adil Shah	PST (BPS-12) GPS Muhammad Khan Gamber Bannu

I am further directed to ask you to inform the appellants concerned accordingly, please.

Endst; No. 1177

Copy forwarded to the: -

1. Appellants Concerned.
2. P.A to Director Elementary and Secondary Education local office.

(Signature)  
08/09/2023  
Assistant Director (Estab-1)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar

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

ATTACHED



28  
"F"  
-14-

# DISTRICT EDUCATION OFFICER (MALE) DISTRICT BANNU

Phone No 923-66665 Fax No 923-66664 Email Id bannu@deobannu.com



## NOTIFICATION

In response of Worthy Director Notification Endstt: No.8119-22 F.No./42/Vol-11/approvals/ Etab-I, Dated Peshawar the 30/05/2023.

The below mentioned teachers are hereby Reinstated at their original place of posting in the best public interest w.e.f the date of issuance as mentioned below against each teacher name..

S.No	Name & Design with GPS	Job & Date of Penalty	Date
1	Mr.Zahid Ullah Shah PST,B-12 GPS Landdak Bannu	16811-15	27-12-2022
2	Mr.Sifat Ullah (PST,B-12) GPS Zalm Mandan	16776-89	27-12-2022
3	Mr.Hafiz Abid Ullah PST,B-12 GPS Mawaz Umerzai	16836-40	27-12-2022
4	Mr.Atif Zaman PST,B-12 GPS Kotka Juma Khan	16751-55	27-12-2022
5	Mr.Mehran Ali Khan PST,B-12 GPS Shukurullah Bari Khel	16827-39	27-12-2022
6	Mr.Imran Ullah Khan SPST,B-14 GPS Gul Sawab Jani Khel	16791-95	27-12-2022
7	Mr.Muhammad Mubashir DM,B-15 GMS Gulap Khel Murghali	16736-40	27-12-2022

Note:- 1. Deduction of absent period from the salaries of the above mentioned reinstated teachers have already been made and mentioned in the letter vide DEO (M) Bannu Office Endstt:No.5874/DEO (M)/show cause notices/appeals Dated.15/05/2023.

2. Entries to this effect should be made in their service books accordingly.

SD  
DISTRICT EDUCATION OFFICER  
(MALE) BANNU

Dated: 05/06/2023.

Endst: No. 7211-17 /ADEO Etab: Prr:

Copy for Information and N/A to the:

- 1- Director (E&SED) Khyber Pakhtunkhwa Peshawar.
- 2- Deputy District Education Officer (M) Bannu.
- 3- DAO Bannu.
- 4- SDEO's (M) Bannu/concerned.
- 5- ASDEO's (M) concerned.
- 6- Teachers concerned.
- 7- M.Fil.

DISTRICT EDUCATION OFFICER  
(MALE) BANNU

ATTESTED

(29)

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

**SERVICES APPEAL NO 2212/2023**

**SCANNED  
KPST  
Peshawar**

Syed Adil Shah PST (BPS-12) GPS Muhammad Khan Gambraj  
Bannu .....Appellant

VS

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

**INDEX**

S. No	Description of documents	Annexure	Page No.
1.	Para wise Comments		01-03
2.	Authority Letter		04
3.	Affidavit		05
4.	<sup>27-12-22</sup> order copy of notification	A	6
5.	List of Removed Teacher.	B.	7
6.	"		8
7.	"		9
8.			

**SAIF ULLAH WAZIR  
DEO (MALE) BANNU**

18-03-2024  
order sheet not uploaded  
Peshawar  
S.B

(30)  
1

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

Khyber Pakhtunkhwa  
Service Tribunal

**SERVICES APPEAL NO 2212/2023**

Diary No. 11569

Syed Adil Shah PST (BPS-12) GPS Muhammad Khan Gambar  
Bannu .....Appellant

Dated 04-03-2024

VS

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

.....Respondents

**PARA WISE COMMENTS ON BEHALF OF RESPONDENTS**

**RESPECTFULLY SHEWETH:**

That the respondents from 1 to 3 submit as under:

**PRELIMINARY OBJECTIONS:**

1. That the present appellant was appointed as PST and then he remained absent from his duties for more than seven times and hence major penalty was imposed against the appellant as per law, rules and policy and hence the instant appeal is liable to be dismissed.
2. That the present Appeal of the Appellant is not maintainable in its present form.
3. That the Appellant has filed the instant Appeal to waste the precious time of this Honorable Services Tribunal.
4. That the case of the Appellant is devoid of merit and having no legal force hence liable to set-aside.
5. That the appeal of the appellant is bad for non-joinder and miss-joinder.
6. That the instant appeal is barred by limitation and hence liable to set aside.

**ON FACTS:**

1. That the Para 1 on facts is related to the official record of this office.



31

2

2. That Para 2 is related to the appellant personal assertion about his performance of duty and his service history.
3. That Para 3 is incorrect and denied as the appellant was not removed from his service all of sudden but after the fulfillment of all the codal formalities of serving show cause notice and granting an opportunity of personal hearing and after that a major penalty was imposed accordingly as per law, rules and policy. (Annex A, B and C)
4. That Para 4 is related to the official record of the concerned offices.
5. That Para 5 is related to the official record anyhow the appeal of the appellant was rejected along with others as per prevailing law, rules and policy of the government where the appellant miserably failed to provide cogent reason and plausible explanation pertaining to his illegal and unauthorized absenteeism which falls in the ambit of disobedient and willful absenteeism from his duties.
6. That Para No 6 is related to the appellant and his counsel.

**GROUNDS**

- A. That Para A on ground is incorrect and denied and Para 3 and 5 on facts is referred as ready reference.
- B. That Para B is incorrect and denied as this department has never violated any constitution of Islamic Republic of Pakistan.
- C. That Para C is incorrect and denied as the show cause notice was properly served upon the appellant and proper procedure was adopted which is on the record (see Para 3 on facts).
- D. That Para D is incorrect and denied (see Para 3 and 5 on facts).
- E. That Para E is incorrect and denied proper opportunity was provided to the appellant for personal hearing but he failed to satisfy the committee members and to provide any reason

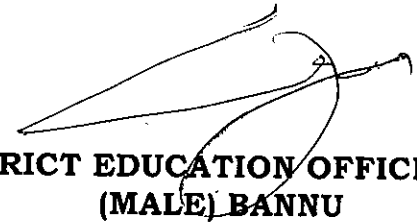


32 4

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

**AUTHORITY**

Certified that Mr. Bakhmal Jan ADEO Litigation of this Office is hereby authorized to submit this Para wise comments on behalf of under signed in connection with the Case titled as Mr.Syed Adil Shah Vs Govt; in services appeal No 2212/2023.



**DISTRICT EDUCATION OFFICER  
(MALE) BANNU**

33  
5

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

**SERVICES APPEAL NO 2212/2023**

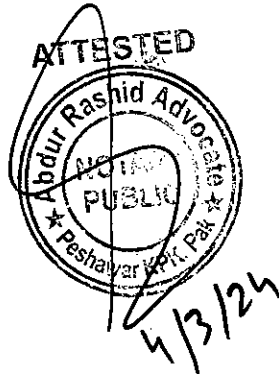
Syed Adil Shah PST (BPS-12) GPS Muhammad Khan Gambar  
Bannu .....Appellant

VS

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

**AFFIDAVIT**

I Mr. Saif ullah khan Wazir do here by Certify that all the contents of these Para wise comments are true & correct to the best of my knowledge and nothing has been concealed from this Honorable Services Tribunal. It is further stated on oath that in this appeal, the answering respondents have neither been placed expertee nor their defense has been struck off/*cost.*



*[Signature]*  
**SAIF ULLAH WAZIR**  
**DEO (MALE) BANNU**  
CNIC: 11101-1482418-5



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT  
OFFICE OF THE  
DISTRICT EDUCATION OFFICER (MALE) BANNU



0928-660005



bannuedo@yahoo.com



District Education Office Male Bannu

NO. 1678-851

Date: 27/12/2022

**NOTIFICATION REGARDING MAJOR PENALTY**

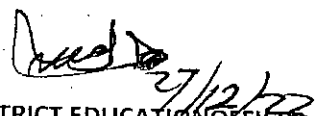
1. Whereas: Mr. Syed Adil Shah , PST, GPS Muhammad Khan Gumber Bannu was proceeded according to Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa. Peshawar Notification Endst.No.9970-8031/E.No.I/B&T/OAMS/2016-17 Dated: 08-07-2021 for the charges of willful absence from government duty.
2. And whereas, a show cause notice was served upon him vide No.11799 Dated 14-09-2022 for guilty of habitually absenting himself from government duty without prior approval of leave from competent authority.
3. And whereas, the Competent Authority after having considered the charges, evidence on record, and the personal hearing granted to him dated: 29-11-2022 is of the view that the charges mentioned in the show cause notice have been proved against the above-named government servant/official concerned.
4. And whereas; meeting was held on 27-12-2022 under the chairmanship of Deputy Commissioner Bannu where DMO (EMA) Bannu was also present. In the light of which the undersigned, being competent authority is satisfied that the above-mentioned charges have been proved upon you.
5. Now, therefore, the Competent Authority is pleased to impose **Major penalty of REMOVAL FROM SERVICE** upon the above-named teacher with immediate effect.

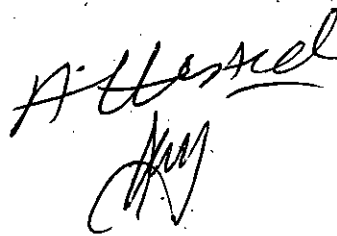
DISTRICT EDUCATION OFFICER  
(MALE)BANNU

Endst: Even No. & Date:

Copy of above is forwarded to the:

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

  
DISTRICT EDUCATION OFFICER  
(MALE)BANNU



in his defense which may convince the committee members and hence major penalty was imposed along with others as per law rules and policy.

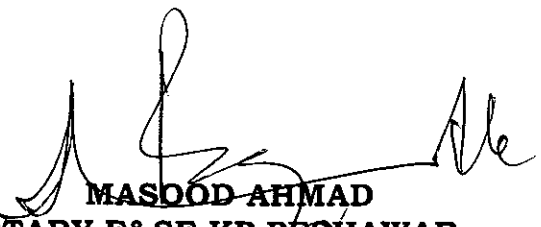
F. That Para F is incorrect and denied as this department always follow the law, rules and policy and has never acted against the policy of the government.

G. That Para G is incorrect and denied see Para 3 and 5 on facts.

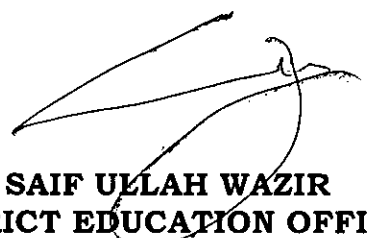
H. That Para H is related to the appellant and his counsel however the respondents may be allowed for advancement of additional arguments of the time of hearing.

**PRAYER:**

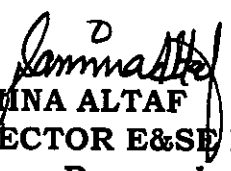
In view of the above made submissions it is requested that this Honorable Services Tribunal may very graciously be please to dismiss the instant appeal with heavy cost.



**MASOOD AHMAD**  
**SECTARY E&SE KP PESHAWAR**  
**Respondent No.1**



**SAIF ULLAH WAZIR**  
**DISTRICT EDUCATION OFFICER**  
**(MALE) BANNU**  
**Respondent No.3**



**SAMINA ALTAF**  
**DIRECTOR E&SE KP PESHAWAR**  
**Respondent No.2**

20-✓	Sajjad Zaman	PST	GPS Boza Khel	More then 05 time.	-do-	Made reply but found unsatisfactory.	No.	declared absent at GPS Ihsanullah Baik Khel although he made attendance at GPS painda Khel. His unauthorized transfer may be cancelled with censure.
21-✓	Mehran Ali Khan	PST	GPS Shukurullah Beri Khel	More then 05 time.	-do-	Made reply but found unsatisfactory.	Yes	The competent authority may take action as per show cause notice under the rules.
22-✓	Muhammad Yasir Ali Khan	PST	GPS Widan Kila	More then 05 time.	-do-	Made reply and found as per remarks.	No.	The SDEO(M) Domel transferred the teacher from GPS Wedan Kila to GPS Jhalander Shah vide 391-93 dated; 8-01-2022 and made duty at new station but the EMA declared the transfer order as unauthorized therefore he was declared absent at GPS Wedan Kila although he made attendance at GPS Jhalander Shah. His unauthorized transfer may be cancelled with censure.
23-✓	Hafiz Abidullah Khan	PST	GPS Mawaz Umerzai Bannu.	More then 05 time.	-do-	Made reply but found unsatisfactory.	No.	The competent authority may take action as per show cause notice under the rules.

At the end, the committee members unanimously recommended, that the competent authority may take action as per remarks given above under the rules please.

*The meeting ended with the vote of thanks.*

DEO (M)  
Bannu

AC SDW  
Bannu

DMO  
Bannu

ADDO Estab: Secy:  
DEO(M) Bannu

ADDO Estab: Pry:  
DEO(M) Bannu

Mehmood Khan Assistant  
DEO(M) Bannu

Ihsanullah Assistant  
DEO(M) Bannu

Asfandyar S/Clerk  
SDW Bannu

Zarif Khan S/C  
SDEO(M) Bannu

Copy of above is forwarded to the:

1. Director, Elementary & Secondary Education Department, Peshawar.
2. Deputy Commissioner Bannu.



**OFFICE OF DISTRICT EDUCATION OFFICER (ELEMENTARY & SECONDARY) EDU: BANNU**  
**MINUTES OF THE personal hearing meeting HELD ON 29-11-2022 UNDER THE CHAIRMAN SHIP OF DDEO(M)Bannu**

A Meeting of Departmental Committee constituted for personal hearing was held on 29-11-2022 under the chairmanship of DDEO E & S Education Bannu at GCMS for boys Bannu from 9.00 am to 4.00 pm. The worthy AC SDW and DMO Bannu being nominee of the committee was also attended the meeting. The Committee members attended the meeting as per attendance sheet. (Copy attached.)

The meeting commenced with recitation from the Holy Quran. The DDEO E&S Education Bannu well-come the participants of the meeting and invited formal discussion on the agenda items. The ADEO Estab. Secy: (M) Bannu informed the committee that Show Cause notices have been issued to 20 PST as well as one DM, one CT and one PET for imposing of major penalty due to absence from duty more then, 05 times in the academic year 2022 as reported by EMA Bannu. After thoroughly discussion and scrutiny of record the below mentioned remarks were passed jointly.

*Handwritten signature and initials*

37

S.N o.	Name of accused Govt. Servant	Design	Place of posting	Period of absence reported by EMA	Penalty as proposed in Show Cause notice	Defance if any	Whether appear before the committee for personal hearing.	Remarks of the Committee
1-	Muhammad Mubasher	DM	GMS Gulab Khel Merghali	07 time	Major penalty	Made reply but found unsatisfactory.	yes	The competent authority may take action as per show cause notice under the rules.
2-	Hamid Nawaz	CT	GMS Majeed Serdi Khel Bannu.	More then 05 time.	-do-	Made reply but found unsatisfactory by the committee.	yes	The competent authority may take action as per show cause notice under the rules.
3-	Muhammad Nauman	PET	GHS Al-Momin Bachekei Jani Khel Bannu.	More then 06 time.	-do-	Reply was found satisfactory and proved only one time absence declared.	yes	The competent authority may issue censure notice under the rules. <i>Appointed as PET wof 9/11/2021</i>
4-	Atif Zaman	PST	GPS Kotka Juma Khan Bannu	More then 15 time.	-do-	Reply not submitted.	No.	The competent authority may take action as per show cause notice under the rules.
5-	Sajid Raza	PST	GPS Almerk-e-Islami Bannu	More then 14 time.	-do-	Reply not submitted	No.	The competent authority may take action as per show cause notice under the rules.
6-	Abdullah Khan	PST	GPS Kuram Ghari Bannu.	More then 12 time.	-do-	Made reply and found satisfactory by the committee.	Yes	The competent authority may issue censure only under the rules.
7-	Naeemullah	SPST	GPS Noor Zaman Didi Khel Bannu	More then 11 time.	-do-	Not submitted reply.	No.	The competent authority may take action as per show cause notice under the rules.

*Removed*

- Copy of above is forwarded to the:
1. Director, Elementary & Secondary Education Department, Peshawar.
  2. Deputy Commissioner Bannu.

OFFICER (EMA) Bannu.



9-	Wali Shah Sifatullah	PST	GPS Multani Landidak Bannu.	More then 10 time.	-do-	Reply not submitted	No.	The competent authority may take action as per show cause notice under the rules.
10-	Sifatullah	PST	GPS Zalim Mandan Bannu.	More then 09 time.	-do-	Made reply but found unsatisfactory by the committee.	Yes	The competent authority may take action as per show cause notice under the rules.
11-	Kifayatullah Shah	PSHT	GPS Mawaz Umerzai Bannu.	More then 8 time.	-do-	Gone on SMB vide DEO(M) Bannu No.13152-54 dated: 10-10-2021	No.	The competent authority may exonerate from the charges as he had already retired on SMB.
11-	Noor Bakht Ali Shah	PST	GPS Lada Khel Daud Shah Bannu.	More then 8 time.	-do-	Gone on SMB vide DEO(M) Bannu No.14403-07 dated:7-11-2022.	No.	The competent authority may take action as per show cause notice under the rules as he had already retired on SMB.
12-	Syed Adil Shah	PST	GPS Muhammad Khan Ghamber.	More then 07 time.	-do-	Made reply but found unsatisfactory by the committee.	No.	The competent authority may take action as per show cause notice under the rules.
13-	Sifatullah Khan	PSHT	GPS Shah Baz Azmat Khel No.4 Bannu.	More then 07 time.	-do-	Made reply but found unsatisfactory by the committee.	No.	The competent authority may take action as per show cause notice under the rules.
14-	Imranullah Khan	PST	GPS Gul Sawab Wali Noor Jani Khel.	More then 07 time.	-do-	Made reply but found unsatisfactory by the committee.	Yes	The competent authority may take action as per show cause notice under the rules.
15-	Wasim Sajjad	SPST	GPS Azad Nurar	More then 06 time.	-do-	Made reply but found unsatisfactory by the committee.	No.	The competent authority may take action as per show cause notice under the rules.
16-	Farhadullah	PSHT	GPS Sher Ghulam Sheri Khel	More then 06 time.	-do-	Reply not submitted	No.	The competent authority may take action as per show cause notice under the rules.
17-	Fidaullah	PST	GPS Khoidal Bharat	More then 06 time.	-do-	Reply not submitted	No.	The competent authority may take action as per show cause notice under the rules.
18-	Zahidullah	PST	GPS Landidak Mandew	More then 05 time.	-do-	Reply not submitted	Yes	The competent authority may take action as per show cause notice under the rules.
19-	Sakhi Rehman	PST	GPS Ihsanullah Baik Khel	More then 05 time.	-do-	Made reply and found as per remarks.	No.	The SDEO(M) Domel transferred the teacher from GPS Ihsanullah Baik Khel to GPS Painsa Khel and made duty at new station but the EMA declared the transfer order as unauthorized therefore he was.

Copy of above is forwarded to the:

1. Director, Elementary & Secondary Education Department, Peshawar.
2. Deputy Commissioner Bannu.



# بجالت کیوں کر سنبھالنے اور

سید عادل شاہ

صفحہ 205 منجانبہ سے  
سید عادل شاہ بنام ایجوکیشن وٹریڈ

---	موزخہ
---	مقدمہ
---	دعویٰ
---	پیغام

## باعث تحریر آنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
آج کے مقام پر کیاے ولید عدنان عمر فاروق اور محمد الوب الکرسی

مقررہ 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 ثالثیت و فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور  
 باج و رت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
 ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی  
 نیز دائر کرنے اپیل گمرانی 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 اپنے بجائے تقرر کا اختیار  
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور اس کا سہائت  
 پر اخذ متظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانبہ 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 اذکالت نامہ لکھ دیا کہ سند ہے۔

Accepted  
W.P.

المرتوم \_\_\_\_\_ ماہ \_\_\_\_\_ 2023  
واہ العبد

\_\_\_\_\_ کے لئے منظور ہے۔  
 \_\_\_\_\_  
 \_\_\_\_\_

40  
"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

No. *TS*

Appeal No. *2212* of 20 *23*  
*Syed Adil Shah* Appellant/Petitioner

*Secy ESSE Peshawar* Respondent  
Respondent No. *(3)*

Notice to: —

*District Education Officer (Male) Bannu*

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on *26/12/2023* at **8.00 A.M.** If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing **4 copies** of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition, will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No.....dated.....~~

Given under my hand and the seal of this Court, at Peshawar this *7th* Day of *Dec* 20 *23*

*Por Reply*

*[Signature]*

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
  2. Always quote Case No. While making any correspondence.



41

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

No.

Appeal No. 2212 of 2023

Syed Adil Shah Appellant/Petitioner  
Versus

Secy: ERSE Peshawar Respondent

Respondent No. 1

Notice to: - The Secy ERSE Education Civil  
Secretariat UPK Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 26-12-23 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Given under my hand and the seal of this Court, at Peshawar this 30

Day of Nov 2023

For Reply

Section Officer (Litigation-II)  
Elementary & Secondary Edu. Deptt:  
Govt. of K.P. Pakhtunkhwa  
8/12/23

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

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42

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

No.

Appeal No. 2212 of 2023

Syed Adil Shah Appellant/Petitioner

Versus

Secy: EBSE Pesh Respondent

Respondent No. 2

Notice to: The Director (EBSE) Education  
UPK Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 26-12-23 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

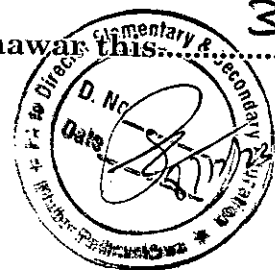
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Day of Nov 20 23

For Reply



Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

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