

ORDER

26<sup>th</sup> Feb, 2024

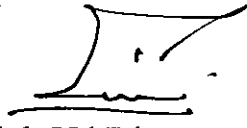
1. Learned counsel for the appellant and Mr. Asad Ali Khan, Assistant Advocate General for respondents present.

2. Vide our consolidated judgment of today placed on file of connected service appeal No. 7601/2021 titled "Haroon Vs. Government of Khyber Pakhtunkhwa", instant service appeal is also accepted. Copy of the judgment be placed on file of this appeal". Costs shall follow the event. Consign.

3. *Pronounced in open Court at Abbottabad and given under our hands and the seal of the Tribunal on this 26<sup>th</sup> day of February, 2024.*

SCANNED  
KPST  
Peshawar

\*Mutazem Shah\*



(Salah Ud Din)  
Member (J)  
Camp Court Abbottabad




(Kalim Arshad Khan)  
Chairman  
Camp Court Abbottabad


24.07.2023

Learned counsel for the appellant present.  
Mr. Muhammad Ashraf, DEO (M) Kohistan Upper alongwith  
Mr. Asad Ali Khan, Assistant Advocate General for the  
respondents present.

Learned counsel for the appellant requested for  
adjournment on the ground that he has not made preparation  
for arguments. Adjourned. To come up for arguments on  
30.11.2023 before the D.B at Camp Court Abbottabad.  
Parcha Peshi given to the parties.

**SCANNED  
KPST  
Peshawar**

  
(Rashida Bano)  
Member (J)  
Camp Court Abbottabad

  
(Salah-ud-Din)  
Member (J)  
Camp Court Abbottabad


\*Naeem Amin\*


30<sup>th</sup> Nov. 2023

1. Appellant in person present. Mr. Asad Ali Khan, Assistant  
Advocate General alongwith Mr. Muhammad Ashraf DEO for the  
respondents present.

2. One of us (Chairman) is not feeling well, therefore, case is  
adjourned. To come up for arguments on 26.02.2024 before D.B at  
Camp Court, Abbottabad. P.P given to the parties.

**SCANNED  
KPST  
Peshawar**

  
(Salah-Ud-Din)  
Member (J)

  
(Kalim Arshad Khan)  
Chairman  
Camp Court, Abbottabad

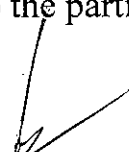
\*Mutazem Shah\*


23.05.2023

Learned counsel for the appellant present. Mr. Muhammad Saddique, Litigation Officer alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Representative of the respondents produced copy of order of the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar bearing Endorsement No. 5387-90 dated 05.01.2022 as well as copy of office order dated 22.03.2023 issued by District Education Officer (M) Kohistan Upper and stated at the bar that the penalty of the appellant has been converted into minor penalty. He also produced copy of letter dated 09.02.2023 regarding verification of Notification No. 5387-90 dated 05.01.2023, which is placed on file. Learned counsel for the appellant requested that he wants to consult the appellant, therefore, an adjournment may be granted. Adjourned. To come up on 24.07.2023 before the D.B at Camp Court Abbottabad. Parcha Peshi given to the parties.

**SCANNED  
KPST  
Peshawar**

  
(Muhammad Akbar Khan)  
Member (E)  
Camp Court Abbottabad

  
(Salah-ud-Din)  
Member (J)  
Camp Court Abbottabad

\*Naeem Amin\*

27.12.2022

Due to winter vacation, case is adjourned to 23.01.2023 for the same as before.



Reader


23.01.2023

Clerk to counsel for appellant present.

Muhammad Jan, learned District Attorney for respondents present.

Lawyers are on strike today. To come up for arguments on 27.03.2023 before D.B at Camp Court, Abbottabad.

(Fareeha Paul)  
Member (E)  
Camp Court, A/Abad



(Rozina Rehman)  
Member (J)  
Camp Court, A/Abad


27.03.2023

Junior to counsel for appellant present.


Asif Masood Ali Shah learned Deputy District Attorney for respondents present.

Former made a request for adjournment as senior counsel for appellant is not available today being busy before the Hon'ble Peshawar High Court, Abbottabad Bench. Adjourned. To come up for arguments on 23.05.2023 before D.B. Parcha Peshi given to the parties.

SCANNED  
KUST  
PESHAWAR



(Muhammad Akbar Khan)  
Member (E)  
Camp Court, A/Abad



(Rozina Rehman)  
Member (J)  
Camp Court, A/Abad

20.01.2022

Junior to counsel for appellant present.

Lawyers are on general strike, therefore, case is adjourned. To come up for preliminary hearing on 19.04.2022 before S.B at Camp Court, Abbottabad.



(Rozina Rehman)  
Member (J)  
Camp Court, A/Abad

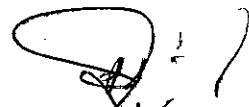
19.04.2022

Appellant present through counsel. Preliminary arguments heard. Record perused.

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of reply/comments. To come up for reply/comments on 14.06.2022 before S.B at Camp Court, Abbottabad.

Rs. 500/-  
Appellant Deposited  
Security & Process Fee

A. M. Butt  
26/4/22



(Rozina Rehman)  
Member (J)  
Camp Court, A/Abad

14.06.2022

Appellant alongwith counsel present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Muhammad Sadique, ADEO Litigation for the respondents present.

Reply on behalf of respondent department submitted which is placed on file. A copy of the same is handed over to the learned counsel of the appellant. To come up for rejoinder if any and arguments on 18.08.2022 before D.B at Camp Court Abbottabad.

SCANNED  
KPST  
Peshawar






(Fareeha Paul)  
Member (E)  
Camp Court A/Abad

Form- A

FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 7637/2021 \_\_\_\_\_

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/10/2021	<p>The appeal of Mr. Noor Azam presented today by Mr. Muhammad Tasleem Khan Kaloch Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to touring S. Bench at A.Abad Notices be issued to appellant/counsel for preliminary hearing to be put there on <u>02/12/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Nemo for the appellant.</p> <p>Notice for prosecution of the appeal be issued to the appellant as well as his counsel and to come up for preliminary hearing before the S.B on 20.01.2022 at Camp Court Abbottabad.</p> <p style="text-align: right;"> (Salah-Ud-Din) Member (J) Camp Court Abbottabad</p>
2-	02.12.2021	

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR  
CHECK LIST**

Case Title: Nord Azam vs Govt of KPK through Education secretary

S.#	Contents	Yes	No
1.	This appeal has been presented by: <u>M-Tasleem Khan Advocate</u>		
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
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 pagged?	✓	
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 A.G/D.A.G?	✓	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?		✓
16.	Whether appeal contains cuttings/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 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/documentation as required in the above table have been fulfilled.

Name:

M-Tasleem Khan Adv

Signature:



Dated:

21-10-2021

**BEFORE THE SERVICE TRIBUNAL**  
**K.P.K PESHAWAR**

Service appeal No 7637 of 2021

**SCANNED**  
**KPST**  
**Peshawar**

Mr. Noor Azam.....Appellant

**VERSUS**

The Govt of KPK through Secretary E&S  
Peshawar etc.....Respondents

**APPEAL**  
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**Dated 20.10.2021**

*Noor Azam*

**NOOR AZAM**  
(Appellant)

Through:-

**MUHAMMAD TASLEEM KHAN KALOCH**  
**ADVOCATE HIGH COURT**  
**At Mansehra**



1

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

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 7775

Dated 29/10/2021

Service appeal No 7637 of 2021

Mr. Noor Azam S/o Sudoor, Ex PST, GPS  
Uchar Nala, Tehsil Dassu, District Kohistan  
upper. .... **Appellant**

**VERSUS**

- 1) Government of Khyber Pakhtunkhwa through Secretary Elementary and secondary Education Peshawar.
- 2) Director Elementary and secondary Education Peshawar.
- 3) Muhammad Amin, District Education officer (Male) Kohistan upper at Dassu.  
..... **Respondents**

**APPEAL UNDER SECTION 4 OF KPK**  
**SERVICE TRIBUNAL, ACT, 1974 AGAINST**  
**THE IMPUGNED ORDER NO 2899-3006**  
**DATED 10.06.2021, PASSED BY**  
**RESPONDENT No. 03 WHEREBY MAJOR**  
**PENALTY OF REMOVAL FROM SERVICE**  
**OF APPELLANT ON THE GROUND OF**  
**ALLEGED UNSPECIFIED ABSENCE FROM**  
**DUTY WAS IMPOSED WITHOUT ANY**  
**INQUIRY AND INTENDING OPPORTUNITY**  
**BEING HEARD WITHOUT AND BEYOND TO**

Filed to-day

↓  
Registrar

21/10/2021

**THE LAW, SUCH CONDUCT OF THE  
RESPONDENTS IS ILLEGAL AND VOID-AB-  
INITIO.**

**PRAYER:-**

On acceptance of the instant service appeal, the impugned order bearing No **2899-3006** dated **10.06.2021**, passed by respondent No. 03 may kindly be set-aside declaring them illegal, void and against the law on the subject and appellant be re-instated into service with all back benefits.

**Respectfully Sheweth:-**

1. That, appellant is a civil servant and initially appointed as a PST on 27.09.2016 in GPS Uchar Nala District Kohistan on deceased son quota.

**(Copy of appointment order dated 27.09.2016, is annexed as Annexure "A").**

2. That, appellant was performing his duty with great zeal and devotion, sincerely for long time since 27.09.2016 in District Education Department in Kohistan.

3. That, the appellant received showcase notice on 07.04.2021 vide order No. 1287-93 which was duly replied by the appellant on 12.04.2021.

**(copy of show cause notice and reply are annexed as annexure "B&C").**

4. That, respondent **No 03** without citing any reason and intimation straightaway, with a single stroke of pen imposed Major penalty of removal from service upon appellant w.e.f. **10.06.2021** on the ground of alleged unspecified absence from a different date from duty, vide impugned order No. **2899-3006** dated **10.06.2021**.

**(copy of impugned removal order dated 10.06.2021 is annexed as Annexure "D").**

5. That, appellant feeling aggrieved from the above removal order filed a Departmental appeal No 1411 on dated 28.06.2021.

**(Copy of Departmental appeal dated 28.06.2021 annexed as Annexure "E").**

6. That, upon the departmental appeal of the appellant respondent No. 02 issued letter to respondent No. 03 to submit comments, report on dated **13.07.2021**, however the same is attending and not communication to the appellant till today i.e 20.10.2021.

**(copy of the letter is annexed as annexure "F").**

7. That, on 20.08.2021 the respondent No. 02 issued notification to conduct inquiry which is still pending yet.

**(copy of inquiry notification is annexed as annexure "G").**

8. That, on alleged absenteeism of the appellant in impugned removal order on dated 06.02.2021 appellant was serious ill and admitted in DHQ Hospital Dassu Kohistan which was allowed for three days bed rest and on dated 14.05.2019 the appellant submitted the application to ASDEO Circle Dassu for one day leave which was allowed, and on dated 12.04.2019 the appellant was again ill and submitted application to ASDEO Circle Dassu, for one day leave which was dully allowed.

**(copies of the DHQ receipt and applications are annexed as annexure "H").**

9. That, the respondent No. 01 and 02 issued a notification on 08.07.2021 w.e.f 01.04.2019 for the absenteeism the mechanism to be observed for penalty of civil servant.

**(copy of the notification is annexed as annexure "I").**

10. That, felling aggrieved from the impugned order **2899-3006** dated **10.06.2021** and not communication of departmental appeal with a period of 90 days collapsed the appellant filed this service Tribunal appeal before this Honourable Tribunal for interference inter alia, on the following amongst other grounds.

**GROUND:-**

- A) That, appellant never remained absent as alleged and the entire illegal proceedings were carried out fictitiously, while sitting in office by respondent **No 03** out of mala-fide.
- B) That, before imposing the impugned penalty, no publication as required under **rule 9 of E&D, Rules, 2011**, was ever made in the leading newspapers, commonly available in the District of the appellant. The reference of news papers publication in the impugned order are not commonly available in the area of the appellant, hence, the impugned order is wholly illegal, unlawful, without lawful authority and of having no legal effect.
- C) That, appellant in alleged absenteeism on dated 12.04.2019, 15.05.2019, on

08.02.2021 was on leave with the permission of the ASEO.

- D) That, no inquiry into the alleged allegations was ever conducted and the impugned penalty was imposed without having the allegations proved.
- E) That, appellant was never confronted with the alleged allegations at any point of time, condemning his unheard.
- F) That, before passing the impugned order, appellant was not put on notice to present his view point/explanation under the Doctrine of **AULI AULTERM PARTEM**, hence, the impugned order is not sustainable and maintainable under the law on this very sole ground.
- G) That, no evidence worth name was attempted to collect by respondent No 03 against the appellant for alleged absence from duty and he has been condemned on flimsy and perverse grounds with mala-fide intention.
- H) That, appellant had a long unblemished service record at his credit and he has been removed from service with a single stroke of pen without observing due process of law and having the allegations proved.

- I) That, no complaint was ever filed by any one against the appellant for his being absent from duty as alleged on any working day with any authority.
- J) That, the impugned order on its very face value, is illegal, unlawful, without lawful authority, without jurisdiction and of having no legal effect.

**PRAYER**

On acceptance of the instant service appeal, the impugned order bearing No **2899-3006** dated **10.06.2021**, passed by respondent No. 03 may kindly be set-aside declaring them illegal, void and against the law on the subject and appellant be re-instated into service with all back benefits.

**Dated 20.10.2021**

*Noor Azam*

**Noor Azam**  
(Appellant)

Through:-

*Muhammad Tasleem Khan Kaloch*

**MUHAMMAD TASLEEM KHAN KALOCH**  
**ADVOCATE HIGH COURT**  
**At Mansehra**

**CERTIFICATE:**

I, Mr. Noor Azam S/o Sudoor, Ex PST, GPS Uchar Nala, Tehsil Dassu, District Kohistan upper, do hereby solemnly affirm and declare that the contents of fore-going Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed form this Honorable Tribunal.

*Noor Azam*

**Noor Azam**  
(DEPONENT)

**BEFORE THE SERVICE TRIBUNAL**  
**K.P.K PESHAWAR**

Service appeal No \_\_\_\_\_ of 2021

Noor Azam.....**Appellant**

**VERSUS**

The Govt of KPK through Secretary E&S  
Peshawar etc.....**Respondents**

**APPEAL**

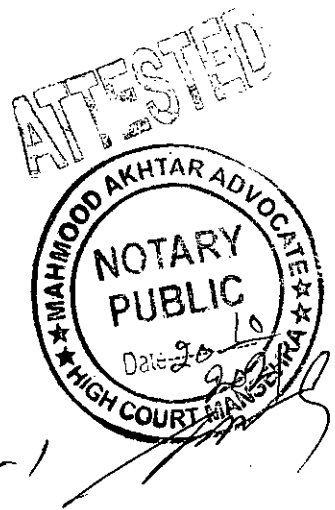
**AFFIDAVIT**

I, Mr. Noor Azam S/o Sudoor, Ex PST, GPS Uchar Nala, Tehsil Dassu, District Kohistan upper, do hereby solemnly affirm and declare on oath that the no such subject matter appeal has ever been filed before this honorable court nor pending nor decided. That the contents of foregoing affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed from this Honourable tribunal.

**Dated 20.10.2021**

*Noor Azam*  
**Noor Azam**  
**(DEPONENT)**

13401-2241616-1





**BEFORE THE SERVICE TRIBUNAL**  
**K.P.K PESHAWAR**

Service appeal No \_\_\_\_\_ of 2021

Noor Azam.....Appellant

**VERSUS**

The Govt of KPK through Secretary E&S  
Peshawar etc.....Respondents

**APPEAL**

**APPLICATION FOR CONDONATION OF  
DELAY IN PRESENTING THE INSTANT  
SERVICE APPEAL.**

**Respectfully shewith!**

- 1). That, this application may kindly be treated as part and parcel of the main appeal.
- 2). That, appellant filed Departmental appeal within time i.e 28.06.2021, against the impugned order dated 10.06.2021 which has not been communicated so far.
- 3). That, appellant kept on visiting the office of respondent No. 02 time and again but he was being told and assured that he was going to be reinstated, due to which 112 days collapse,, petitioner could not file the instant service appeal within time.

- 4). That, the impugned order on its very face value is a void order and under the law, no limitation runs against a void order.

**It is therefore very humbly prayed** that delay 02 and 03 days in filing the instant service appeal may kindly be condoned and the case of the appellant be decided on merits.

**Dated 20.10.2021**

*Noor Azam*

**Noor Azam  
(Appellant)**

Through:-

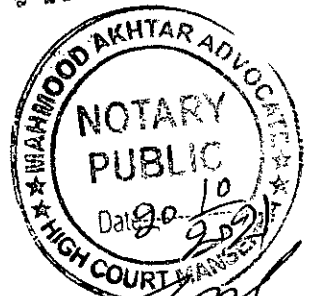
*[Handwritten Signature]*

**MUHAMMAD TASLEEM KHAN KALOCH  
ADVOCATE HIGH COURT  
At Manshra**

**AFFIDAVIT!**

I, Mr. Noor Azam S/o Sudoor, Ex PST, GPS Uchar Nala, Tehsil Dassu, District Kohistan upper, do hereby solemnly affirm and declare that the contents of fore-going application are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed form this Honorable Tribunal.

**ATTESTED**



*Noor Azam*  
**Noor Azam  
(DEONENT)**

**BEFORE THE SERVICE TRIBUNAL**  
**K.P.K PESHAWAR**

Service appeal No \_\_\_\_\_ of 2021

Mr Noor Azam.....**Appellant**

**VERSUS**

The Govt of KPK through Secretary E&S  
Peshawar etc.....**Respondents**

**APPEAL**

**CORRECT ADDRESSES OF THE PARTIES**

**APPELLANT:**

Mr. Noor Azam S/o Sudoor, Ex PST, GPS  
Uchar Nala, Tehsil Dassu, District Kohistan  
upper.

**RESPONDENTS:**

- 1) Government of Khyber Pakhtunkhwa  
through Secretary Elementary and  
secondary Education, Civil Secretariat  
Peshawar.
- 2) Director Elementary and secondary  
Education, GT Road Hasht Nagri,  
Peshawar.
- 3) Muhammad Amin, District Education  
officer (Male) Kohistan upper at Dassu.

**Dated 20.10.2021**

*Noor Azam*

**Noor Azam**  
(Appellant)

Through:-

*Muhammad Tasleem Khan Kaloch*

**MUHAMMAD TASLEEM KHAN KALOCH**  
**ADVOCATE HIGH COURT**  
**At Mansehra**



12 ANNEXURE (A)

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)  
KOHISTAN.

APPOINTMENT.

Consequent upon on the approval of Departmental selection committee, and in pursuance of Govt of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) Peshawar Notification NO.SO(R-VI)E&AD/1-3/2015 dated Peshawar the 19/04/2016, Mr. Ncor Azam S/O Sudoor Late Ex-Chowkidar being BA<sup>1st</sup> Division PTC is hereby appointed as PST in BPS No. 12 (111-10-300-35140) plus usual allowances as admissible under the rules, at GPS Uchar Nala against vacant post on deceased son quota, with the terms and conditions given below with effect from date of taking over charge.

Condition.

1. No TA/DA is allowed.
2. Charge report should be submitted to all concerned.
3. His Appointment is purely on temporary basis and liable to be terminated at any time without assigning any notice/reason.
4. He will be governed by such rules and regulations enforced by the Govt from time to time.
5. In case the above candidates failed to assume the charge within 15-days, their appointments will automatically stands canceled.
6. He should produce health & age certificate from the DHO Health Kohistan.
7. He should not allow taking over charge if his age is less than 18-years and above then 30-years.
8. His documents will be verified by DEO (M) Office prior to drawl of pay.

*[Signature]*  
District Education Officer  
(Male) Kohistan

Endst: No. *565* / Dated Kohistan the *27/09/2016*

Copy of the above is forwarded to the:-

1. Director Elementary and Secondary Education KPK Peshawar.
2. District Account Officer Kohistan.
3. SDEO (M) Dassu Kohistan
4. Candidates Concerned.
5. Master file.

*Attested*  
*[Signature]*

*21-10-2021*

*[Signature]*  
District Education Officer  
(Male) Kohistan



(13) *ATTACHURE (B)*  
OFFICE OF THE DISTRICT EDUCATION OFFICER (M) KOHISTAN (UPPER)

Email: emiskohistan@yahoo.com Phone Number: 0998407128

Statement of Allegations/ Show Cause Notice:

I, Muhammad Amin District Education officer (M) Kohistan Upper, the Competent Authority under the Khyber Pakhtunkhwa Government Servant Efficiency & Disciplinary, Rules 2011, do hereby serve upon you, Mr. Noor Azam PST GPS Uchar Nala, this show cause notice as follows:-

1. As per EMA Report you remained habitually and willfully absent from your duty on 12-04-2019, 15-05-2019, 02-10-2020, 08-02-2021, during the visits of the concerned DCMA, without proper permission/intimation or leave.
2. You were directed time and again to perform your duty properly and do not waste the precious time of the students, but you badly failed to comply.
3. You have drawn your salary illegally during the absent period from your duty.

Thus you proved a non-punctual, inefficient, dishonest, negligent and subvert government servant and you have committed the gross act/omissions of misconduct, inefficiency, subversion and corruption, specified in Rule 3 of the mentioned rules.

While going through the material on record and in reference to the meeting held on 31/03/2021 of all concerned, the allegations, mentioned above, have been proved and you proved guilty of the charges under the provisions of E&D Rules 2011. Thus need of inquiry is hereby dispensed with under Rule 7 of the aforesaid rules.

As a result, thereof I as the Competent Authority, have tentatively decided to impose upon you the major penalty of removal from service and recovery of illegal drawn pay of your absent period mentioned in Rule 4(1), (a) and (b), of the ibid Rules.

You are, therefore, required to show cause as to why major penalty of removal from service and recovery of illegal drawn pay of your absent period, provided in the aforesaid rule should not be imposed upon you and also intimate whether you desire to be heard in person.

If no reply on your behalf to this effect is received, to this office, within 07 days of issue of this show cause, it shall be presumed that you have no defense to put in and, in that case, Ex-parte action will be taken against you.


(Muhammad Amin)  
District Education Officer (M)  
Kohistan Upper.

Endorsement No. 1287-93

Dated: 07/10/2021

Copies for information and necessary action forwarded to the:

1. Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Commissioner Kohistan Upper.
3. The PA to District Education Officer (M) Kohistan Upper.
4. The Deputy District Education Officer (M) Dussu, Kohistan Upper.
5. The SOCO/ ASDCOs concerned with the direction to cross verify the charges and submit comments in this regard.
6. Mr. Noor Azam PST GPS Uchar Nala.
7. Copy to Master File for record.

  
District Education Officer (M)  
Kohistan Upper

Acknowledgment: I Mr. Noor Azam PST GPS Uchar Nala received my copy.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Attested



21-10-2021

2011 30000000 (100)

جواب شوکار لوکس

عطا لکھنؤ 93-1287 تاریخ 7<sup>04</sup>/<sub>2021</sub> شوکار لوکس

جسٹس غیر قانونی بالترتیب 12<sup>04</sup>/<sub>019</sub> 15<sup>05</sup>/<sub>019</sub> 2<sup>01</sup>/<sub>2020</sub>

انہ 8<sup>02</sup>/<sub>021</sub> شوکار لوکس ذیل عرض ہے۔

1 عطا لکھنؤ درخواست کے لیے بھیجی گئی کوئی شہرہ پھاری سرکل ASDEO سرکل داسو پورن سے خارجہ آمد کی بھیجی گئی ہے (درخواست کے ساتھ منسلک ہے)

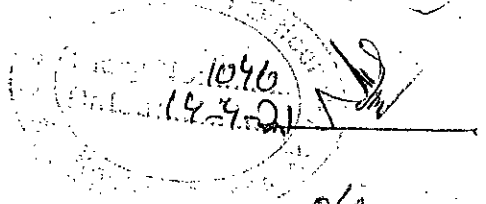
2 عطا لکھنؤ درخواست کے لیے بھیجی گئی ہے قانونی شہرہ پھاری سرکل کے پاس قانونی شہرہ پھاری سرکل کے پاس 15<sup>05</sup>/<sub>019</sub> کو راضی ہو کر

Attested  
[Signature]

3 عطا لکھنؤ 2<sup>01</sup>/<sub>2020</sub> غیر قانونی سرکل ASDEO سے باقاعدہ 21-10-2019 درخواست کے مطابق بھیجی گئی ہے۔ آمدی سرکل کے پاس منسلک ہے

4 عطا لکھنؤ OPD-NO-75 مورخہ 6<sup>02</sup>/<sub>021</sub> تا 8<sup>02</sup>/<sub>021</sub> RHC Dausu

انہ میں کوئی شہرہ پھاری سرکل کو جو وہ آئیں انہ میں 3 دن کے اندر تمام کارڈز جمع کروائے گئے ہیں۔ انہ میں سے ان تمام شہرہ پھاری سرکل کے پاس سے گزرا ہے۔ انہ میں سے ان تمام شہرہ پھاری سرکل کے پاس سے گزرا ہے۔



[Signature]  
PST

ADBE (P4)

12<sup>04</sup>/<sub>021</sub>

eps

out up on file



15

Ammerwaz (D)

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) KOHISTAN (UPPER)

Email: emiskohistan@yahoo.com

Phone Number: 0998407128

OFFICE ORDER/REMOVAL FROM SERVICE

1. Whereas Mr. Noor Azam, PST GPS Uchar Nala Kohistan Upper remained willfully absent from his duty without proper permission, intimation or leave.
2. Whereas he has been reported absent by EMA on 12.04.2019, 15.05.2019, 02.10.2020 and 08.02.2021.
3. Whereas he was called several times to resume his official duty properly, but he badly failed to comply the Departmental Orders.
4. Whereas he has drawn his salary illegally during his absent period without performing his duty.
5. Whereas a show cause notice was served upon him vide this office order No. 1278-93 Dated: 07-04-2021, which was delivered to him vide his proper acknowledgement and dated signature.
6. Whereas he replied to the show cause which was termed as unsatisfactory and non-convincible.
7. He badly failed to avail the chance of personal hearing.
8. Whereas while going through the material on record and verified the absenteeism of the said teacher by SDEO & ASDEO concerned in the meeting, held on 31.03.2021 and personal observations of the undersigned, all the charges/allegations leveled against him have been proved to the full satisfaction of the undersigned.

Therefore the undersigned being the competent authority do hereby impose Major Penalty of Removal from Service, upon Mr. Noor Azam, PST GPS Uchar Nala Kohistan Upper under Rule 4(b) of E&D Rules 2011, with immediate effect, in the interest of public service.

(MUHAMMAD AMIN)

District Education Officer (M)

District Kohistan Upper.

End No. 2249-3006

Dated: 10/06/2021

Copy for information and necessary action forwarded to:

1. The PA to Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Commissioner Kohistan Upper.
3. The District Accounts Officer Kohistan Upper.
4. The PA to District Education Officer (M) Kohistan Upper.
5. The Sub Divisional Education Officer (M) Dassu Kohistan Upper.
6. The B&AO local office to stop the pay of the concerned teacher immediately.
7. The Ex. PST Noor Azam, GPS Uchar Nala
8. Copy to Master File for record.

District Education Officer (M)  
District Kohistan Upper.

Attested  
21-10-2021





Handwritten text, possibly a signature or name, located at the top center of the page.



# (16) ANNEXURE (E)

بخدمت جناب ڈائریکٹر صاحب ایلمنٹری اینڈ سیکنڈری ایجوکیشن خیبر

پختونخواہ پشاور

۱۶۱۱/۲۸/۱۶/۰۲

اپیل برخلاف آفس ریمول آرڈر نمبر 3006-2899 مورخہ 10.06.2021

ڈسٹرکٹ ایجوکیشن آفیسر (میل) کوہستان اچ

جناب عالی! سائل حسب ذیل عرض رساں ہیں۔

- 21-10-2021
- 1- یہ کہ سائل ایک معزز شہری ہے اور ضلع کوہستان اچ کا مقامی رہائشی ہے اور اعلیٰ تعلیم یافتہ ہونے کے ساتھ ریٹارمنٹ کی عمر تک پہنچ چکا ہے اور محکمہ تعلیم ضلع کوہستان میں بطور (PSMT) ایمانداری اور ذیانتداری کے ساتھ خدمات سرانجام دے رہا ہے۔
  - 2- یہ کہ سائل گورنمنٹ پرائمری سکول اچھارنالہ میں اپنی ڈیوٹی سرانجام دے رہا ہے۔ اور کبھی بھی اپنی ڈیوٹی سے غفلت لا پرواہی نہیں برتی گئی۔
  - 3- یہ کہ سائل کے خلاف ڈسٹرکٹ ایجوکیشن آفیسر کوہستان نے بغیر کسی شوکار نوٹس اور پرسنل ہیرنگ انکوآری کے مورخہ 10.06.2021 کو نوکری سے برخاست کیا ہے۔
  - 4- یہ کہ مورخہ 10.06.2021 کو بغیر کسی انکوآری اور الزام تحت ڈسٹرکٹ ایجوکیشن آفیسر (میل) کوہستان نے سائل کو ملازمت سے نکال دیا۔ (Removal آرڈر لف ہے)۔
  - 5- یہ کہ ڈسٹرکٹ ایجوکیشن آفیسر نے 2019ء اور 2020ء کے مہینے کے دنوں میں ڈیوٹی سے غیر حاضر ہونے کے الزامات لگا کر سائل کو ملازمت سے برخاست کر دیا گیا جو کہ غیر قانونی اور غیر آئینی ہے۔ جبکہ ڈسٹرکٹ ایجوکیشن آفیسر کوہستان اچ سال 2021ء میں پوسٹنگ ہوئی ہے۔

10

10

6- یہ کہ سائل کو مختلف تاریخوں کا حوالہ دے کر نوکری سے نکالا گیا ہے جو کہ من گھڑت، جھوٹا اور بے بنیاد ہے۔ سائل کبھی بھی اپنے ڈیوٹی سے غفلت کا مرتکب نہیں ٹھہرا ہے اور ایمانداری کے ساتھ اپنے سکول میں ڈیوٹی سرانجام دے رہا ہے جس کی گواہی علاقہ سکول کے اہلیان بھی دے رہے ہیں۔

7- یہ کہ ڈسٹرکٹ ایجوکیشن آفس کوہستان پر کے DEO کے سٹاف کو اندھیرے میں رکھ کر بے بنیاد الزامات کے تحت بے قصور لوگوں کو نوکریوں سے نکال رہے ہیں۔ اور DEO بحیثیت ذمہ دار آفیسر کے اندھیرے میں رکھا جاتا ہے۔

8- یہ کہ سائل کبھی بھی اپنی ڈیوٹی سے لاعلم و لاپرواہ نہ رہا ہے اور نہ آئندہ اپنی ڈیوٹی فرائض منصبی میں کوئی غفلت کا مرتکب ہو سکتا ہے سائل ٹوٹل خاندان 18 افراد کے کنبے کا واحد کفیل ہے۔

10- یہ کہ غیر حاضری کے الزام پر سائل کے خلاف کوئی اشتہار اخبار میں اور نہ ہی Personal hearing ہوئی ہے اور نہ کوئی باقاعدہ انکوائری عمل میں لائی گئی ہے۔

لہذا استدعا ہے کہ سائل کے ڈیپارٹمنٹل ایپل کو منظور فرمایا جاوے۔ سائل تاحیات دعا گور ہے گا۔

العبد

نورا عظم (GPS (PSNT) اچھارنالہ ضلع کوہستان پر

شناختی کارڈ: 1-241616-13401

رابطہ نمبر: 0344-4415944

Attested  
21-10-2021

(18) AMMEZURE (F)



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

No. 8593 /F. No.100/Vol-39/Appeals for Re-  
instatement

Dated Peshawar the 13/07 /2021.

To.

*Attached  
E.S.W.*

21-10-2021 The District Education Officer (M)  
Kohistan Upper.

Subject: - APPEAL AGAISNT THE REMOVAL ORDER NO.2899-3006 DATED  
10.06.2021.

Memo:-

I am directed to refer to the subject cited above and to enclose herewith a copy of an appeal in r/o Mr. Noor Azam PSMT GPS Achar Nala District Kohistan Upper and to ask you to submit your comment in the light of appeal to proceed further in to the matter please.

*Nal*  
Assistant Director (Estab :)  
Elementary & Secondary Edu:  
Khyber Pakhtunkhwa Peshawar

Endst: No. \_\_\_\_\_ /

Copy forwarded to the:-

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

Assistant Director (Estab :)  
Elementary & Secondary Edu:  
Khyber Pakhtunkhwa Peshawar.



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

No. 5067 **KOHISTAN** Dated 03/08 /2021

To,

The Director, **(19)**  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.

*Attested*  
*[Signature]*  
*24-10-2021*

**Subject: COMMENTS IN DEPARTMENTAL APPEAL OF MR. NOOR AZAM**

Respected Sir,

Please refer to your letter No. 8593/F.No.100/Vol:23 -PST (M) Appeal dated Peshawar the 13/07/2021 on the subject.cited above. In this regard the following detailed comments are hereby submitted before your kind honour for further necessary action, please.

1. Mr. Noor Azam PST GPS Uchar Nala District Kohistan remained willfully absent from his duty for the last several years without proper permission, intimation or leave.
2. He has been reported absent by EMA on 12/04/2019, 15/05/2019, 02/10/2020 and 08/02/2021.
3. He was called several times to resume his official duty properly, but he badly failed to comply the Departmental Orders.
4. A show cause notice was served upon him vide this office order No. 1278-93 Dated: 07-04-2021, which was delivered to him vide his proper acknowledgement and dated signature.
5. He replied to the show cause which was termed as unsatisfactory and non-convincible.
6. He was removed from service vide this office order No. 2899-3006 dated 10/06/2021.

As per report of IMU the concerned teacher found absent from his duties and in the light of the report, Mr. Noor Azam was removed from service, hence comments are submitted for further necessary action please.

*[Signature]*  
**District Education Officer (M)**  
**District Kohistan Upper**

End No. 5067 Dated: 03/ /08/2021

Copy for information and necessary action forwarded to:

1. The PA to District Education Officer (M) Kohistan Upper.
2. Copy to Master File for record.

*[Signature]*  
**District Education Officer (M)**  
**District Kohistan Upper**

Ammezwar (G)

114

DIRECTORATE OF ELEMENTARY AND SECONDARY  
EDUCATION KHYBER PAKHTUNKHWA.

NOTIFICATION.

20

Consequent upon the approval of the Competent Authority, Mr. Ashfaq Jadoon District Education Officer (Male) Battagram, is hereby nominated as Inquiry Officer to conduct enquiry on account removal from service due to willful absent from duty for duty in respect of the following appellants:

1. Mr. Abdul Baq, PSHT GPS Sikandar Dadeer upper Kohistan ✓
2. Mr. Noor Azam PST GPS Uchar Nala District Kohistan upper. ✓
3. Mr. Haroon Khan, PSHT GPS Chuchang Kohistan upper. ✓

The Inquiry Officer shall submit his report, possessing facts/findings with recommendations, within a week to this Directorate for further necessary action.

DIRECTOR

Indst. No. 806-23 F No 100/Vol.23/Appeal PST Dated Peshawar 20 08 2021

Copy forwarded for information and necessary action to the:-

1. Mr. Ashfaq Jadoon DEO (Male) Battagram The reports/Comments on the departmental appeals, in respect of the above mentioned appellants/employee received from DEO (M) Kohistan upper alongwith its enclosures are attached herewith for further necessary action please.
2. District Education Officer (Male) Kohistan upper
3. P.A to Director Elementary & Secondary Education local office.

o/c  
Assistant Director (Estab)  
Elementary & Secondary Edu: Khyber  
Pakhtunkhwa Peshawar.

Affected  
21-10-2021

(21) ANNEXURE (H)

DHIS - (02) (F)

Sent To: \_\_\_\_\_

OUT DOOR PATIENT TICKET

District \_\_\_\_\_ CRP No: \_\_\_\_\_  
 Facility Name \_\_\_\_\_  
 Name \_\_\_\_\_ Age: \_\_\_\_\_ Sex: \_\_\_\_\_  
 Father's/Husband's Name \_\_\_\_\_  
 Monthly OPD Serial No. \_\_\_\_\_  
 Provisional Diagnosis: \_\_\_\_\_

Date	Clinical Findings / Investigations / Treatment / Followed / Test Findings
6 <sup>2</sup> / <sub>021</sub>	<p>Lab. ... (12)</p> <p>Lab. ... (11)</p> <p>Lab. ... (10)</p> <p>Bed Rest 03 days.</p>

Attested  
21-10-2021


DHISA  
DISTRICT HEALTH

(Signature)



(22)

خدمت خیاب ASDEO لہہ د م ا لہہ کوہستان

Attested  خیاب عالی!  
21-10-2021

مؤدبانہ عرض گزارش ہے مکمل سال کے کل  $\frac{15}{19}$  کو

سینئر سول جج میں تاریخ سے جس کی وجہ سے

میں سکول سے حاضر رہنے سے قاصر ہوں

لہذا

میرا یہ سپر بلا کر کے سالوں کو صرف ایسا رہا ہے

صحیح عطا فرمایا جائے تو عین نواز سہو

Allowed for  
only one day only.


الغرض

Assistant Sub Divisional  
Education Officer (M)  
Circle Dargah

14/05/2019

نور علی PST

گرس (جھارنامہ)



14<sup>05</sup>/<sub>2019</sub> مورخ

کتاب حساب ASDEC 2010 کو پیمانہ

Attested  
CAW

21-10-2021

میں نے اس کتاب کو پیمانہ 2010 کے تحت پڑھا ہے

وہ اس کے لئے کافی ہے

میں نے اس کتاب کو پیمانہ 2010 کے تحت پڑھا ہے

Attested  
CAW

12/4/2019

PSD

12-94

2019

(24)

Annexure (i)

Attended 21-10-2021  
EASM



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

**NOTIFICATION**

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

**1. On First Time Absenteeism**

Show cause notice will be issued to the delinquent teacher/official and the competent authority will decide whether to exonerate or deduct one day salary on the basis of reply/explanation of the concerned alleged accused teacher duly supported by valid documentary proof in support with the explanation/reply.

**2. On Second Time Absenteeism**

Show cause notice will be issued followed by imposition of minor penalty of "Censure" and deduction of one-day salary.

**3. On Third Time Absenteeism**

Show cause notice for stoppage of one increment for one year.

**4. On Fourth Time Absenteeism**

Show Cause Notice for stoppage of two increments for three years.

**5. On Fifth Time Absenteeism**

Show Cause Notice for imposition of any of the major penalties specified under E&D Rules 2011, which includes Down-grading, Compulsory retirement, Removal from Service or Dismissal from service as the case may be.

**NOTE:**

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

Director  
E&SE Department  
Khyber Pakhtunkhwa

Endst: No. 9970-8031 /F.No.1/B&T/OAMS/2016-17

Dated 28/10/2021

**Copy forwarded for information to the:**

1. Director EMIS E&SED Khyber Pakhtunkhwa, Peshawar.
2. Director General EMA, Khyber Pakhtunkhwa with the request to inform and direct all District Monitoring Officers to observe the above notification in true letter and spirit.
3. All the District Education Officers (M&F) in Khyber Pakhtunkhwa with the directions have a strict compliance with the above notification.
4. PS to Secretary E&SED Khyber Pakhtunkhwa, Peshawar.
5. PA to Director E&SE, Khyber Pakhtunkhwa, Peshawar.
6. Head of ASI, PC Hotel Peshawar.
7. Master File.

Deputy Director (B/T)  
Directorate of E&SE



DBAM No. 649  
 SC No. 15 = 5711  
 Name of Advocate محمد تسلم خان

S.No 3166  
 Fee Rs. 100/-

2020-21  
 Gen. Secy  
 District Bar Association  
 Manshera

# وکالت نامہ

بعدالت: جناب فیروز مختونخواہ سروس ٹریبیونل کیس کورٹ ایسٹ آرمان  
 عنوان: نور اعظم بنام: حکومت فیروز مختونخواہ بذریعہ سیکرٹری تعلیم وغیرہ  
 منجاب: سائیل، رسالہ نوعیت مقدمہ: سروس ٹریبیونل رول

باعث تحریر آنکہ

دریں مقدمہ عنوان بالا میں اپنی طرف سے برائے پیروی و جواب دہی بمقام ایسٹ آرمان کے لئے  
محمد تسلم خان کلونج ریٹروسیڈ عالی کورٹ  
 کو بدیں شرائط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بوقت پکارے  
 جانے وکیل موصوف کو اطلاع دیکر حاضر کروں گا۔ اگر کسی پیشی پر منظر حاضر نہ ہوا اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ  
 میرے خلاف ہو گیا تو وکیل موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل موصوف صدر مقام پکھری کے علاوہ  
 کسی اور جگہ پکھری کے مقررہ اوقات سے پہلے یا بروز تعطیل پیروی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ پکھری کے علاوہ  
 کسی اور جگہ سماعت ہوا یا پکھری کے اوقات کے آگے پیچھے سماعت ہونے پر منظر کو کوئی نقصان پہنچے تو وکیل موصوف ذمہ دار  
 نہ ہوں گے اور وکیل موصوف کو عرضی دعویٰ اور درخواست اجراء ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست  
 بیان حلفی و تصدیق کرنے اور اسپر دستخط کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرانے اور قسم کا روپیہ وصول  
 کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپر دہاشی و راضی نامہ و دستبرداری و اقبال دعویٰ کا اختیار بھی ہوگا  
 بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا فیصلہ قبل از ڈگری اجراء ڈگری بھی وکیل موصوف  
 کر بشرط ادائیگی علیحدہ محتاتانہ ادا کرنے کا مجاز ہوگا اور بصورت ضرورت بدوراں مقدمہ یا اپیل و نگرانی کسی دوسرے وکیل یا ایئر مشر کو  
 بجائے خود یا اپنے ہمراہ مقرر کریں اور مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے وکیل موصوف کو  
 اور اگر پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو وکیل موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی حالت  
 میں میرا مطالبہ وکیل موصوف کے برخلاف نہیں ہوگا مجھے کل ساختہ پرداختہ وکیل موصوف مثل ذات خود منظور و قبول ہوگا۔  
 لہذا وکالت نامہ لکھ دیا ہے اور دستخط / انگوٹھا ثبت کر دیا ہے تاکہ سند ہے۔ مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے۔

نور اعظم ولد محمود آدم کو وکیل ہر قسم کی سکول اسکول  
 سکول واسو ضلع کوہستان

مورخہ 20 اکتوبر 2021ء

*(Signature)*

0318-9008348. ACCEPTED

Allowed

**BEFORE THE HONRABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,**  
**PESHAWAR CAMP COURT ABBOTTABD.**

APPEAL NO.7603/2021

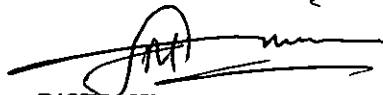
NOOR AZAM..... APPELLANT

VS

**GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH  
SECRETARY EDUCATION DEPARTMENT PESHAWAR &  
OTHERS.....RESPONDENTS**

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DISTRICT EDUCATION OFFICER  
(MALE) KOHISTAN UPPER

**BEFORE THE HONRABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,**  
**PESHAWAR CAMP COURT ABBOTTABD.**

APPEAL NO. 7637/2021

NOOR AZAM..... APPELLANT

VS

1. Govt: of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar.
2. Director Elementary & Secondary Education Peshawar.
3. Muhammad Amin District Education Officer (Male) Kohistan at Dassu.

.....RESPONDENTS

**Para wise comments on behalf of the respondents No 1, 2 & 3**

Respectfully Sheweth:

Para wise comments on behalf of the respondents No 1 to 3 are as under.

**PRELIMINARY OBJECTION**

1. That the appellant has no locus standi/cause of action to file instant appeal.
2. That the appellant is estopped to agitate the instant matter before this Honorable Tribunal.
3. That the appellant has not approached this Honorable Tribunal with clean hands.
4. That the appellant has filed instant appeal with malafide intention for wrongful gain and suppressing the original facts, from this Honorable Tribunal, hence the appeal is liable to be dismissed.
5. That the appeal is hopelessly time barred.
6. That the appellant is treated as per rules and law and policy. Therefore, appellant is not entitled for any relief and hence appeal is liable to be dismissed without further proceeding.
7. That the instant appeal is not maintainable in its present form.
8. That appellant was found irregular in her respective duties.
9. That the instant appeal is against the law/service rules hence not maintainable in the eye of law and liable to be dismissed.
10. That the appellant has filed the present appeal just to pressurize the respondents.

11. That the act of the respondent is within law and rules the order dated 10-06-2019 issued after fulfillment of the codal formalities hence appeal is liable to be dismissed.

**FACTUAL OBJECTION:**

1. That the Para No 1 is appeal relates to appellant's service record.
2. That the Para No 2 of the appeal relates to record.
3. Reply of Para No.3 of the appeal pertains to record.
4. That the Para No 4 of the appeal is incorrect hence, denied. Further stated that the appellant was removed from service on the charge of willful absent from duty after observing all the pre requisite codal formalities and with the satisfaction that the appellant was found negligent and habitual in non-performing of school duties. The DCMA of Education Monitoring Authority (EMA) visited the school and reported from time to time that the appellant was absent from his school duties. The District Education Officer (M) Kohistan Upper confirmed the absenteeism of the appellant through SDEO & ASDEO concerned in the meeting held on 31-03-2021. The respondent No.3 served upon a show cause notice to the appellant vide Endstt: No.1287-93 dated 07-04-2021, the appellant submitted reply to show cause notice 14-04-2021. The reply to Show Cause Notice was declared unsatisfactory and the appellant could not defend himself from willful absence. The Appellant services were not satisfactory according to rules, after having considered charges and evidence on record, reply of show cause notice the charges against the appellant have been proved and the Respondent No.3 being competent authority imposed the major penalty of removal from service vide Endstt: No.2899-3006 dated. 10-06-2021. Appellant was treated in accordance with law and rules. **Photocopy of EMA report, Show Cause Notice and removal from Service order are annexed as annexure "A", "B" & "C".**
5. Reply of Para No.5 of appeal is that the appellant has not been aggrieved by the respondents and the appellant was willfully absent from his school duty. The act of the respondent was in accordance with law and rules.
6. Reply of the Para No.6 of the ground is that the appellant submitted a departmental appeal before the respondent No.2 (Director Elementary and Secondary Education KPK Peshawar) and the respondent No.2 in the response of appeal asked to respondent No.3 Vide letter No 8675/F.No.100/Vol23PST(M)Appeal dated 13.7.2021 to submit detailed report/comments on the appeal of appellant at the earliest and in response of director's letter, the respondent No.3 submitted detail report/comments Vide letter No.5070 dated.03/8/2021. **Photocopy of reply is annexed as Annexure "D"**

7. Reply of Para No.7 of the appeal is that in the light of departmental appeal the respondent No.2 initiated inquiry, in which respondent No. 3 sent detail of the case to the appellate authority but the inquiry still not decided by the inquiry officer.
8. Reply of Para No.8 of the appeal is that, this Para is only write to save his skin to discharges all the allegations against him. The act of the respondents is in accordance with law and rules.
9. That the Para No.9 of the appeal pertains to record hence.
10. That the Para No 10 of the appeal is incorrect. Appellant is not aggrieved his removal from service order is in accordance with law and issued after observing all codal formalities. Hence appellant is not entitled for any relief.

**GROUND:**


- A. That Para "A" of the ground as composed is incorrect, hence denied. The appellant leveling baseless allegation to save her skin. The appellant has been treated as per rules. The impugned order dated 10-06-2021, is according to facts, law and procedure and the appellant was removed from service after fulfillment of all codal formalities.
- B. That Para "B" of the ground as composed is incorrect, hence denied. Detail replay has already been given above paras.
- C. Para of the ground "c" is incorrect. Reply has already been given in above factual objection in detail.
- D. That the Para of the ground "d" as composed is incorrect, hence denied. The appellant was remained willfully absent several times from his duties and found negligent by EMA and the respondent No.3 verified the absenteeism of the appellant through SDEO and ASDEO concerned. The appellant was treated as per rules and law.
- E. That the Para "E" of the ground as composed is incorrect, hence denied. Detail reply has already been given in above paras.
- F. That the Para "F" of the ground is incorrect hence, denied. All the proceeding has been done by the authority as per rules and law. The appellant remained absent each and every time during the visit of DCMA of education Monitoring Authority (EMA).
- G. That the Para of the ground "G" as composed is incorrect, hence denied. Appellant was treated in accordance with rules and law. The Case of the appellant was properly preceded and gives opportunity of hearing and appellant was removed from his service after fulfillment of all the codal formalities.

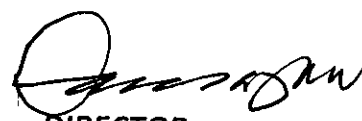


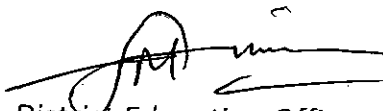
properly preceded and gives opportunity of hearing and appellant was removed from his service after fulfillment of all the codal formalities.

- H. That the Para "H" of the ground as composed is incorrect, hence denied. Reply has already been given in above Paras.
- I. That the Para "I" of the ground as composed is incorrect, hence denied. The Appellant was treated in accordance with rules and law. Detail reply has already been given in above Paras.
- J. That the Para "J" of the ground as composed is incorrect hence, denied. Appellant was treated in accordance with rules and law

*It is therefore humbly prayed that in the light of foregoing comments the appeal may graciously be dismissed with cost throughout.*

  
SECRETARY  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar.  
(Respondent No.1)

  
DIRECTOR  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar.  
(Respondent No. 2)

  
District Education Officer  
(Male) Kohistan.  
(Respondent No 3)

**BEFORE THE HONRABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,**  
**PESHAWAR CAMP COURT ABBOTTABD.**

Service Appeal No. 7637/2021

NOOR AZAM..... APPELLANT

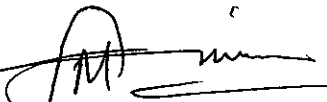
Vs

Govt: of Khyber Pakhtunkhwa ..... RESPONDENTS.

**AFFIDAVIT**

*I, Mr. Muhammad Amin, District Education (Male) Kohistan Upper, do hereby solemnly affirm and declare that the para wise comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.*



  
 DISTRICT EDUCATION OFFICER,  
 (MALE) KOHISTAN

**Identified by:**

(6)

Annexure "A"

EMIS Code	Name of School	Monitor name	Level	UC Name	Circle Name	Monitoring Date	CNIC	PersonalNo	Full Name	Designation	Presence Status	Status Details
31166	GPS UCHAR NALA	azhar jamil Up	Primary	DASSU	DASSU HARBAN	2019-04-12 09:09:09	1340122416161	816401	Noor Azam	PST	Absent	Un-Authorized
31166	GPS UCHAR NALA	m nadeem uprko	Primary	DASSU	DASSU HARBAN	2019-05-15 11:08:58	1340122416161	816401	Noor Azam	PST	Absent	Un-Authorized
31166	GPS UCHAR NALA	m nadeem uprko	Primary	DASSU	DASSU HARBAN	2020-10-02 11:04:26	1340122416161	00816401	Noor Azam	PST	Absent	Un-Authorized
31166	GPS UCHAR NALA	m iftikhar upr	Primary	DASSU	DASSU HARBAN	2021-02-08 11:56:35	1340122416161	00816401	Noor Azam	PST	Absent	Un-Authorized



(7) Annexure 'B'

**OFFICE OF THE DISTRICT EDUCATION OFFICER (M) KOHISTAN (UPPER)**

Email: [emiiskohistan@yahoo.com](mailto:emiiskohistan@yahoo.com) Phone Number: 0998407128

**Statement of Allegations/ Show Cause Notice:**

I, Muhammad Amin District Education officer (M) Kohistan Upper, the Competent Authority under the Khyber-Pakhtunkhwa Government Servant Efficiency & Disciplinary, Rules 2011, do hereby serve upon you, Mr. Noor Azam PST GPS Uchar Nala, this show cause notice as follows:-

1. As per EMA Report you remained habitually and wilfully absent from your duty on 12-04-2019, 15-05-2019, 02-10-2020, 08-02-2021, during the visits of the concerned DCMA, without proper permission/intimation or leave.
2. You were directed time and again to perform your duty properly and do not waste the precious time of the students, but you badly failed to comply.
3. You have drawn your salary illegally during the absent period from your duty.

Thus you proved a non-punctual, inefficient, dishonest, negligent and subvert government servant and you have committed the gross act/omissions of misconduct, inefficiency, subversion and corruption, specified in Rule 3 of the mentioned rules.

While going through the material on record and in reference to the meeting held on 31/03/2021 of all concerned, the allegations, mentioned above, have been proved and you proved guilty of the charges under the provisions of E&D Rules 2011. Thus need of inquiry is hereby dispensed with under Rule 7 of the aforesaid rules.

As a result, thereof, I as the Competent Authority, have tentatively decided to impose upon you, the major penalty of removal from service and recovery of illegal drawn pay of your absent period, mentioned in Rule 4(1), (a) and (b), of the ibid Rules.

You are, therefore, required to show cause as to why **major penalty of removal from service and recovery of illegal drawn pay of your absent period**, provided in the aforesaid Rules should not be imposed upon you and also intimate whether you desire to be heard in person.

If no reply on your behalf to this effect is received, to this office, within 07 days of issue of this show cause, it shall be presumed that you have no defense to put in and, in that case, Ex-parte action will be taken against you.

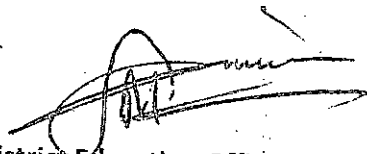
(Muhammad Amin)  
District Education Officer (M)  
Kohistan Upper.

Endorsement No. 1287-93

Dated: 07 / 04/2021.

Copies for information and necessary action forwarded to the:

1. Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Commissioner Kohistan Upper.
3. The PA to District Education Officer (M) Kohistan Upper.
4. The Deputy District Education Officer (M) Dassu, Kohistan Upper.
5. The SDEO/ ASDEOs concerned with the direction to cross verify the charges and submit comments in this regard.
6. Mr. Noor Azam PST GPS Uchar Nala.
7. Copy to Master File for record.

  
District Education Officer (M)  
Kohistan Upper.

**Acknowledgment:** I Mr. Noor Azam PST GPS Uchar Nala received my copy.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



Annexure C (8)

**OFFICE OF THE DISTRICT EDUCATION OFFICER (M) KOHISTAN (UPPER)**

Email: [emiskohistan@yahoo.com](mailto:emiskohistan@yahoo.com) Phone Number: 0998407128

**OFFICE ORDER/REMOVAL FROM SERVICE**

1. Whereas Mr. Noor Azam, PST GPS Uchar Nala Kohistan Upper remained willfully absent from his duty without proper permission, intimation or leave.
2. Whereas he has been reported absent by EMA on 12.04.2019, 15.05.2019, 02.10.2020 and 08.02.2021.
3. Whereas he was called several times to resume his official duty properly, but he badly failed to comply the Departmental Orders.
4. Whereas he has drawn his salary illegally during his absent period without performing his duty.
5. Whereas a show cause notice was served upon him vide this office order No. 1278-93 Dated: 07-04-2021, which was delivered to him vide his proper acknowledgement and dated signature.
6. Whereas he replied to the show cause which was termed as unsatisfactory and non-convincible.
7. He badly failed to avail the chance of personal hearing.
8. Whereas while going through the material on record and verified the absenteeism of the said teacher by SDEO & ASDEO concerned in the meeting, held on 31.03.2021 and personal observations of the undersigned, all the charges/allegations leveled against him have been proved to the full satisfaction of the undersigned.

Therefore the undersigned being the competent authority do hereby impose Major Penalty of Removal from Service, upon Mr. Noor Azam, PST GPS Uchar Nala Kohistan Upper under Rule 4(b) of E&D Rules 2011, with immediate effect, in the interest of public service.


(MUHAMMAD AMIN)  
District Education Officer (M)  
District Kohistan Upper.

End No. 2899-3006

Dated: 10 /06/2021

Copy for information and necessary action forwarded to:

1. The PA to Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Commissioner Kohistan Upper.
3. The District Accounts Officer Kohistan Upper.
4. The PA to District Education Officer (M) Kohistan Upper.
5. The Sub Divisional Education Officer (M) Dasso Kohistan Upper.
6. The B&AO local office to stop the pay of the concerned teacher immediately.
7. The Ex. PST Noor Azam, GPS Uchar Nala
8. Copy to Master File for record.

  
District Education Officer (M)  
c/c Secy District Kohistan Upper.



(9) Annexure "D"

**OFFICE OF DISTRICT EDUCATION OFFICER (MALE)**  
**KOHISTAN**

No. \_\_\_\_\_ Dated \_\_\_\_\_ / \_\_\_\_\_ /2021

To,

The Director,  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.

**Subject: COMMENTS IN DEPARTMENTAL APPEAL OF MR. NOOR AZAM**

Respected Sir,

Please refer to your letter No. 8593/F.No.100/Vol:23 PST (M) Appeal dated Peshawar the 13/07/2021 on the subject cited above. In this regard the following detailed comments are hereby submitted before your kind honour for further necessary action, please.

1. Mr. Noor Azam PST GPS Uchar Nala District Kohistan remained willfully absent from his duty for the last several years without proper permission, intimation or leave.
2. He has been reported absent by EMA on 12/04/2019, 15/05/2019, 02/10/2020 and 08/02/2021.
3. He was called several times to resume his official duty properly, but he badly failed to comply the Departmental Orders.
4. A show cause notice was served upon him vide this office order No. 1278-93 Dated: 07-04-2021, which was delivered to him vide his proper acknowledgement and dated signature.
5. He replied to the show cause which was termed as unsatisfactory and non-convincible.
6. He was removed from service vide this office order No. 2899-3006 dated 10/06/2021.


As per report of IMU the concerned teacher found absent from his duties and in the light of the report, Mr. Noor Azam was removed from service, hence comments are submitted for further necessary action please.

**District Education Officer (M)**  
**District Kohistan Upper**

End No. 5068-69 Dated: 03/ /08/2021

Copy for information and necessary action forwarded to:

1. The PA to District Education Officer (M) Kohistan Upper.
2. Copy to Master File for record.

  
**District Education Officer (M)**  
**District Kohistan Upper**



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

**KOHISTAN UPPER**

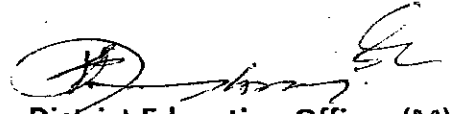
Email: emiskohistan@yahoo.com Phone No: 0998-407128

**OFFICE ORDER:**

In compliance with the order of appellant authority i.e. Director Elementary & Secondary Education Khyber Pakhtunkhwa vide letter No. 5387-90/F.No.100/Vol-23 Appeal/PST/Estab (M-1) dated Pesh: the 05/01/2023 regarding reinstatement in service of Mr. Noor Azam, PST GPS Uchar Nala Kohistan Upper.

Mr. Noor Azam PST is hereby re-instated in service with immediate effect and adjusted at GPS Chuchang. The major penalty of removal from service converted into minor penalty of withholding of one increment for Three years with commulative effect and the intervening period w.e.f 10/06/2021 to 05/01/2023 (570 days) is converted into extra ordinary leave without pay.

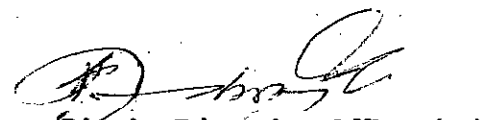
**Note:** Charge report should be submitted to all concerned.

  
**District Education Officer (M)**  
**Kohistan Upper**

Endstt: No. 1585-90 / Estt: Pny/DEO/ (M) KH Dated 22 /03/2023.

**Copy forwarded of the above is forwarded to the:-**

1. PA to Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
2. The Sub Divisional Education Officer (M) Dasso Kohistan Upper.+
3. The District Accounts Officer Kohistan Upper for stoppage of one increment for three years
4. The District Monitoring Officer (EMA) Kohistan Upper.
5. Incharge DEMIS Branch Local Office.
6. Official concerned.

  
**District Education Officer (M)**  
**Kohistan Upper**



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

7709 No. \_\_\_\_\_ /F.No.100/Vol-23/Appeals/PST/Estab-1  
Dated Peshawar the 09/09 /2023.

To

The District Education Officer  
(Male) Kohistan Upper.

Subject: **VERIFICATION OF NOTIFICATION NO. 5387-90 DATED: 05-01-2023**

Memo:

I am directed to refer to your letter No. 214 Dated: 14-01-2023 on the subject cited above and to state that Re-instatement order issued by this office vide order No. 5387-90 Dated: 05-01-2023 in respect of Mr. Noor Azam PST GPS Uchar Nala District Kohistan Upper is verified and found correct.

*8/2/2023*  
**Assistant Director (Estab-1)**  
Directorate of E& Secondary Education  
Khyber Pakhtunkhwa, Peshawar

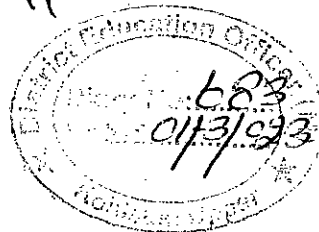
Endst; No. \_\_\_\_\_

Copy forwarded to the:

1. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

**Assistant Director (Estab-1)**  
Directorate of E& Secondary Education  
Khyber Pakhtunkhwa, Peshawar

*ADEO PM*  
*For receipt PP.*  
*Ch.*  
*1/3/23*







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

**NOTIFICATION**

1. **WHEREAS**, Mr. Noor Azam PST GPS Uchar Nala District District Kohistan Upper was proceeded under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, on account of willful absence from official duty.
2. **AND WHEREAS**, The District Education Officer (Male) Kohistan Upper imposed major penalty of "Removal from Service" under Rule-4 (b) (iii) upon Mr. Noor Azam PST GPS Uchar Nala District District Kohistan Upper vide No. 2899-3006 Dated: 10-06-2021.
3. **AND WHEREAS**, Mr. Noor Azam PST GPS Uchar Nala District District Kohistan Upper submitted an appeal before Worthy Director E&SE Khyber Pakhtunkhwa.
4. **AND WHEREAS**, the Director Elementary and Secondary Education being Appellate Authority under the Rules (17) of (Efficiency & Discipline) Rules, 2011, examined the whole record including the DEO's report.
5. **NOW THEREFORE**, in exercise of power conferred upon by the Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar, being appellate authority after having examined the evidences on record, is pleased to accept the appeal of Mr. Noor Azam PST GPS Uchar Nala District District Kohistan Upper under Rules (17)(2)(C) of E&D 2011, and converted the major penalty of "Removal from Service" into minor penalty of "withholding of one increment for Three Years with commulative effect" under Rules (4)(1)(a)(ii) of the Rules ibid, and converted the absence/intervening period into leave without pay (EOL) with immediate effect in the best interest of public.

(Dr. Hafiz Muhammad Ibrahim)

**DIRECTOR**

Directorate of Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar

Endst.No: 5387-90 /F.No.100/Vol-23Appeal/PST /Estab (M-1)

Dated Pesh: the 05/01/2022.

Copy forwarded for information to the: -

1. District Education Officer (Male) Kohistan Upper.
2. District Accounts Officer Kohistan Upper.
3. Mr. Noor Azam PST GPS Uchar Nala District District Kohistan Upper.
4. P.A, to Director Elementary & Secondary Education, Local Directorate, Peshawar.
5. Master File.

Assistant Director (Estab-1)

Directorate of Elementary & Secondary Education

Do the needful  
09/11/22



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

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

No. 797/ST Dated 17/4/2024

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

To

The District Education Officer, (Male)  
Upper Kohistan.

Subject

**JUDGMENT IN SERVICE APPEAL NO. 7601 AND 7637/2021 TITLED HAROON AND (1) OTHER – VERSUS- THE GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT AND OTHERS**

Dear Sir,

I am directed to forward herewith a certified copy of judgment dated. 26.02.2024, passed by this Tribunal in the above mentioned service appeal for compliance.

*Encl. As above.*

(AAMIR FAROOQ KHATTAK)  
ASSISTANT REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL,  
PESHAWAR.