

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 760/2024

Raj Wali

Vs

Govt of Khyber Pakhtunkhwa & others

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DISTRICT EDUCATION OFFICER  
(MALE) CHARSADDA

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 760/2024

Raj Wali

Vs

Govt of Khyber Pakhtunkhwa & others

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 15798

Dated 18-09-24

Written comments on behalf of Respondents

Preliminary Objections:

Respectfully Sheweth:

- A. That the Appellant has no locus standi and cause of action.
- B. That the present Appeal is wrong, baseless and not maintainable, it shows no cause to be taken for adjudication, therefore, the Appeal is liable to be dismissed.
- C. That the Appeal is unjustifiable, baseless, false, frivolous and vexatious. Hence the same is liable to be dismissed with the order of special compensatory costs in favour of Respondents.
- D. That no legal right of the appellant has been violated, therefore, the appellant has no right to file the instant appeal.
- E. That the Appellant is completely estopped/precluded by his own conduct to file this Appeal.
- G. That the Appellant has not come to this Hon' able Tribunal with clean hands. The Appeal also suffers from misstatements and concealment of facts and as such the Appellant is not entitled to equitable relief.
- H. That the Appellant has no right to file the instant Appeal and the Hon' able Service Tribunal has got no jurisdiction to adjudicate upon and the Appeal is liable to be dismissed.
- I. That the instant appeal is barred by law and limitation.

PARA WISE REPLY ON FACTS:

1. That the Para needs no comments.
2. That the appellant has been reported twice by the Head Master G.H.S Wardaga for keeping the services of the appellant at the disposal of District Education Office.
3. That the Head Master GHS Wardaga reported that the appellant is a habitual late comer, further reported that the appellant is irresponsible official and takes his duty of sweeper from the school students. *(Copy of report is attached as annexure A)*
4. Incorrect, the copy of rejection of departmental appeal has been sent to the appellant through post.
5. Denied, the appellant has been treated in accordance with law, rules and policy.

GROUNDS

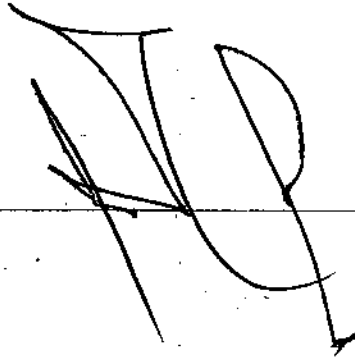
- A. Incorrect, the answering respondents are law obeying officials and always obeyed the laws of the land.
- B. Incorrect, the appellant is not a punctual official and never performed his duties with devotion and to the satisfaction of his superiors.
- C. That because of the irresponsible, in-efficient and un-professional attitude of the appellant, has been transferred to GHS Shakar Dhand after approximately (5) five months on dated 28/3/2024.
- D. The appellant is un-professional and his behavior with the Head Master exposes him to be proceeded under E&AD rules.
- E. Incorrect, the appellant is not a dutiful official, therefore, has been transferred on the report of the Head Master.
- F. The para is replied in the above paras elaborately.
- G. That for the smooth functioning of the school the Head Master concern proposed the transfer of the appellant because of his un-professional attitude with school staff and Head Master.
- H. That as the appellant attitude with Head Master and with the other staff and his non-professionalism towards performance of his duties, it was decided to transfer/adjust the appellant and for the purpose of continuation of his salary to another nearby school.
- I. That Class IV post is a district cadre post and can be adjusted/transfer anywhere in the district.
- J. Incorrect, the appellant is a habitual shirker, hence, the Head Master reported him of his un-professional behavior and therefore, it was decided by the

respondent that for the smooth running of the school the appellant may be transferred to some other school. It is worth mentioning that earlier an appeal was logged by the appellant before Khyber Pakhtunkhwa ombudsman, which was decided in favour of respondents.

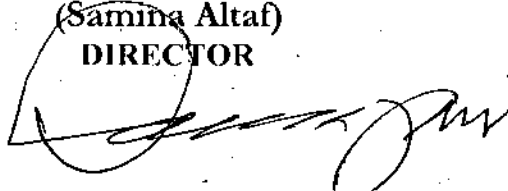
K. That respondent seeks the permission of this honorable Tribunal for further/additional grounds at the time of arguments.

### RESPONDENTS

(Dr. Abdul Malik)  
1. THE DEO (MALE) Charsadda



2. (Samina Altaf)  
DIRECTOR



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

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

Service Appeal No. 760/2024

**Raj Wali**

**Vs**

**Govt of Khyber Pakhtunkhwa & others**

**AFFIDAVIT**

I, Dr. Abdul Malik (M) Charsadda do hereby solemnly affirms that the information provided by the DEO (M) and the contents of the Para-wise comments submitted by respondents are true and correct and nothing has been concealed intentionally from this Hon' able tribunal. It is further stated on oath that in the appeal the answering respondents neither has been placed ex-parte nor has been struck off/cost.

Deponent

(Dr. Abdul Malik)  
DISTRICT EDUCATION OFFICER  
(MALE) CHARSADDA



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OFFICE OF THE HEADMASTER GOVERNMENT HIGH SCHOOL, WARDAGA CHARSDAAD



No. 821

Dated: 21/ 3 /2024

To,  
The District Education Officer,  
(Male) E&SE, Charsadda.

Subject: UNDER REPORT TRANSFER.

Memo:

It is stated for your kind information that Mr. Raj Wali (Sweeper BPS-03) of this school is continuously ignoring his duties since long. He takes the help of students in cleaning the rooms. The said person is irresponsible and UN co-operative. His behavior is Rude and he is not punctual. He remains busy in maligning about the head master teacher's and other staff. He has been advised to abstain from such immoral and cheap activities but he was obdurate. He has been directed for several times but in vain and our efforts ended in smoke. A number of times he promised that he will perform his duties regularly but failed to do so. I informed him that the school is unclean and there is dust and dirt everywhere but he ignored my order. I need a docile employee but the said employee is recalcitrant.

He promised when he was under reported for the first time that he will follow and obey the orders of the head and officials but failed. He pressurizes the concerned officers through illegal sources

It is requested that the said Sweeper may be transfer as under report as soon as possible in the interest to the school.

D-No  
706  
21-3-2024

*Attested*

Head Master

GIS Wardaga Charsadda  
Head Master  
Govt. High School  
Wardaga Charsadda

Head Master  
 GHS Wardaga  
 29/10/2024  
 CHD

Head Master  
 Govt. High School  
 Wardaga Charsadda

11-10-2023 36  
 29/10/24  
 61/124

Sweepers 21

(34)

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OFFICE OF THE HEAD MASTER GOVT HIGH SCHOOL, WARDAGA



No. 823

Dated: 19/4/2024

To

The DEO (Male) Charsadda

**Subject: Explanation regarding service history of Mr. Raj Wali during session 2023-24**

Memo:

I am directed to refer to the subject noted above and to state few points to clear the matter regarding Mr. Ra Wali ex-sweeper of GHS Wardaga Charsadda.

1. Previously transferred on administrative ground, I on the behalf of worthy DEO (Male) pardoned him. He promised not to create any problem and will perform his duty (cleanliness) with honesty. However, he did not change himself and remained oblivious. Now the respected DEO has transferred him to the nearest school but he is adamant that he will not take charge in any other school. Previous order is attached with the letter.
2. He remained habitual latecomer, I wrote the order book to the concerned sweeper to be punctual and do the cleanliness himself before the commencing of the classes. He signed the order book but after few days, he abolished and overlooked my orders. Copy of the order book is attached.
3. During the classes he would asked the teachers to attend the class in the ground and leave two three students to help me in cleaning the classrooms. I warned him not to engage students in the cleanliness but he paid no heed to my orders.
4. I have handed over a separate register to a gatekeeper to note the arrival of each employee. The arrival of Mr. Raj Wali was also noted. Copy of the register is attached. I relieved him and his salary has been stopped. His name has been rusticated from the non-teaching attending register. Necessary documents are attached with the letter for further action.

*Wali Wali*

Head Master

Govt. High School Wardaga Charsadda  
Head Master  
Govt. High School  
Wardaga Charsadd





OFFICE OF THE Head Master  
GHS WARDAGA CHARSAJDA

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E-mail: m.ismail.muhd4536@gmail.com Ph:03025733452

No: 826

Date: 14/05/2023

To

District Education Officer (M)

Charsajda

Subject:


REPLY IN RESPONSE TO THE LETTER FROM PROVINCIAL  
OMBUDSMAN KHYBER PAKHTUNKHWAPESHAWAR

Memo,

It is stated that;

- The undersigned has received a letter from provincial ombudsman government of Khyber Pakhtunkhwa Peshawar.
- The provincial ombudsman has asked the undersigned for the submission of reply in response to the complaint of Raj Wali who was a sweeper in GHS Wardaga. Raj Wali has been transferred recently from GHS Wardaga Charsajda.
- The undersigned has already shared all record with regard to the services of Raj Wali Ex-sweeper of GHS Wardaga with your good office.

Therefore, this intimation letter is forwarded with the plea that the undersigned has done what he deemed fit in this case and ready to provide any information if needed.

  
HEAD MASTER  
GHS WARDAGA CHARSAJDA  
Head Master  
GHS Wardaga  
Chd

Copies for intimation to;

- Assistant Director (media and research) Ombudsman government of Khyber Pakhtunkhwa Peshawar.

*20/05/23*

*sd*

HEAD MASTER  
GHS WARDAGA CHARSAJDA

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OFFICE OF THE HEAD MASTER GOVT HIGH SCHOOL  
WARDAGA



No. 829

Dated: 30 / 05 / 2024

To

Assistant Director and (Media and Research)  
Ombudsman, Khyber Pakhtunkhwa Peshawar.

Subject: REPLY THROUGH DISTRICT EDUCATION OFFICER (MALE) CHARSADEA.

Memo;

It is stated that;

1. The Undersigned has received a letter from provisional ombudsman government of Khyber Pakhtunkhwa Peshawar.
2. The provisional ombudsman has asked the undersigned for the submission of reply in response to the complaint of Raj Wali who was a sweeper in GHS Wardaga. Raj Wali has been transferred recently from this school.
3. The Undersigned has already shared all record with regard to the services of Raj Wali Ex-Sweeper of GHS Wardaga with your good office.
4. Previously the competent authority Mr. Mesri Khan DDEO Male Charsadda has deducted four days' salary from Raj Wali sweeper due to incompetent services. The record is attached with the letter.
5. Mr. Raj wali was not grateful with his sweeper cader and feel embarrassed while sweeping so the competent authority adjusted him to the nearest Chowkidar post even now he is complaining about the recent adjustment
6. He is cunning fellow and has several lingering dispute with several other people. He has several cases in the court and it gives him immense pleasure to register a case on any matter against anyone because after registering a case he enjoys leave for attending court cases and to salary in home.

*[Handwritten Signature]*

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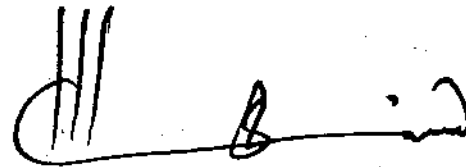
Therefore, this intimation letter is forwarded with the plea that the undersigned has done what he deemed fit in this case and ready to provide any information if needed.

—sd—

HEAD MASTER  
GHS WARDAGA CHARSAJDA

Copies forwarded.

1. District Education Officer (Male) Charsajda.
2. Assistant Director (media & research) Ombudsman government KPK Peshawar.



HEAD MASTER  
GHS WARDAGA CHARSAJDA

Head Master  
GHS Wardaga  
Chd



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



091-9220481



deom.ca@kpese.gov.pk



facebook.com/Deomcharsadda



**AUTHORITY LETTER**

I. Dr. Abdul Malik District Education Officer (Male) Charsadda do hereby authorized Mr. Wisal Muhammad Khan Legal Representative on behalf of District Education Officer (Male) Charsadda, to deal with the issues regarding litigation, represent, submit Comments/Reply of the Service Appeals and attend the KPK Honorable Service Tribunal Peshawar

(Dr. Abdul Malik)  
DISTRICT EDUCATION OFFICER  
MALE CHARSADDA



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

**NOTIFICATION**

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

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

Endsl. No. 2633-413 /F.No. AD(Lit-II)/E&SED/Office Correspondence/Vol-II/2024  
Dated Peshawar the 26/07/2024.

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

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

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