

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

AMENDED APPEAL NO: \_\_\_\_\_/2024

IN

SERVICE APPEAL NO.1602/2022

Dilawar Hussain

V/S

Education Deptt

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*Dilawar Hussain*  
APPELLANT  
Dilawar Hussain -

THROUGH:

*Syed Noman Ali Bukhari*  
SYED NOMAN ALI BUKHARI  
ADVOCATE, HIGH COURT

*Uzma Syed*  
&  
UZMA SYED  
ADVOCATE, HIGH COURT

**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.**

AMENDED APPEAL NO: \_\_\_\_\_/2024

IN

**SERVICE APPEAL NO.1602/2022**

Dilawar Hussain (PET-15) S/O Sattar Ali R/o P/o Para Chinar, Luqman  
Khel, Tehsil Upper Kurram, District Kurram.

**(APPELLANT)**

**VERSUS**

1. The Director Elementary and Secondary Education, KP, Peshawar.
2. The District Education Officer, District Kurram.

**(RESPONDENTS)**

**AMENDED APPEAL UNDER SECTION 4 OF THE KP  
SERVICE TRIBUNALS ACT, 1974, AS PER  
PERMISSION GRANTED VIDE HON'ABLE SERVICE  
TRIBUNAL ORDER DATED 09/09/2024, AGAINST THE  
APPELLATE ORDER DATED 15/08/2023, WHEREBY  
THE APPELLANT WAS REINSTATED INTO SERVICE  
WHILE INTERVENING PERIOD WAS TREATED AS  
EXTRA ORDINARY LEAVE WITHOUT PAY .**

**PRAYER:**

**THAT ON THE ACCEPTANCE OF THIS APPEAL,  
IMPUGNED ORDER DATED 09/09/2024 MAY KINDLY  
BE MODIFIED TO THE EXTENT THAT  
INTERVENING PERIOD W.E.FROM 02/11/2021 TO  
15/08/2023 MAY KINDLY BE TREATED ON FULL PAY  
WITH ALL BACK AND CONSEQUENTIAL BENEFIT.  
ANY OTHER REMEDY WHICH THIS AUGUST**

TRIBUNAL DEEMS FIT AND APPROPRIATE THAT,  
MAY ALSO, IS AWARDED IN FAVOR OF APPELLANT.

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**RESPECTFULLY SHEWETH:**

**FACTS:**

1. That the appellant is the natural born citizen of Pakistan and is entitled for all the rights guaranteed by the Law of the land.
2. That the appellant belongs to respectable family and performed his duty as PET in Government High School Baza Central Kurram w.e.f 12.10.2009 with full zeal and zest. **(Copy of the Appointment Order with CNIC are annex as Annexure "A")**.
3. That vide show cause No. 7048/Edu dated: 21.06.2021 issued by the Deputy DEO Kurram to the appellant wherein he stated that on 24.04.2021, the appellant was remained absent since long on the eve of visits without any permission. It is pertinent to show that except the one show cause there is no other show cause notice has been received to the appellant, wherein no proper time limitation for submission of reply was mentioned in the said show cause notice above but the appellant submitted the detailed reply to the respondents on the next couple of days. **(Copy of the Show cause dated: 21.06.2021 and reply are Annex as "B")**.
4. That vide Notification No. 8203-11 dated: 02.11.2021 the respondent No. 02 (DEO) has imposed the major penalty upon the appellant and the services of the appellant has directly removed without giving the proper hearing/opportunity on account of unauthorized absence, without prior permission of the competent authority. **(Copy of removal order dated: 02.11.2021 as Annexure "C")**.
5. That on 22.11.2021 the appellant filed departmental appeal for his reinstatement to the respondent No. 1 and requested that the appellant is performing his duty with good zeal and zest, the School organization is far away of about 80 KM from the house of the appellant and on those days the appellant was only remained absence for one day which will be the evident from the School attendance register record further stated that all the coddle formalities were not adopted for the removal of service of the appellant by the respondents. In this regard the departmental appeal of the appellant was forwarded to the respondent No2 (DEO) by the (Dy.Dir Estab) vide letter No. 16549, dated: 15.12.2021 by asking through direction that proper comments/report may submitted within a period of 15 days. **(Copies of the departmental appeal and letter dated: 15.12.2021 are annex as Annexure "D")**.

6. That a detailed report regarding the appellant's removal from service was submitted vide letter No. 41/Edu, dated: 28.04.2022 by the respondent and forwarded/addressed to the responden no.2. wherein the para I of the letter ibid as reproduced, A show cause notice has been served against the applicant and the reply of which has been received to this Office as per copy attached. it seems that required codal formalities ie absence notices, explanation and show cause notices/personal hearing have not been fulfilled before his removal from service. That in response to which the DEO Kurram requested to allow the re-instatement of the appellant in to service (**Copy of detail report dated: 28.04.2022 and letters are attached as Annexure "E"**).
7. That thereafter, the respondents issued the order dated: 22.09.2022, whereby the departmental appeal of the appellant has regret for re-instatement on the Post of PET GHS Baza Central Kurram issued by the incompetent authority communicated to the appellant on 14/10/2022, which is illegal, unjust, unfair, against the natural justice and illegal encroachment upon the legal and valid rights of the appellant, hence laible to be set aside. (**Copy of order dated: 22.09.2022 is attached as Annexure "F"**).
8. That the appellant approached to KP Service Tribunal Peshawar through appeal no:1602/2022 for re-instatement into service with all back and consequential benefits but during the pendency of service appeal the appellant was called for personal hearing by the appellate authority and the departmental appeal of the appellant was accepted vide order dated 15/08/2023 whereby the appellant was reinstated into service and intervening period treated as leave without pay. **Copy of the impugned appellate order is attached as annexure-G.**
9. That the appellant feeling aggrieved from the order dated 15/08/2023 to the extent of intervening period treated as leave without pay. The appellant got permission for filling application for amended appeal on 14/11/2023 and thereafter on time file application for amended appeal which was allowed vide order dated 09/09/2024, and the appellant was directed to file amended appeal on or before the date fixed as 30/09/204. **Copy of order is attached as annexure-H.**
10. That hence the instant amended service appeal on the following grounds amongst others:

**GROUND:**

- A) That the impugned order dated 15/08/2023 is against the law, rules and material on record, therefore liable to be modified to the extent of back benifits.

- A. That the appellant has not been treated by the concerned authority in accordance with law and rules and as such the authority violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- B. That the provision of the reasonable opportunity for submission of reply of the above mentioned show cause, the appellant was submitted through within the stipulated time period and mentioned the basic reason that the appellant belongs to village luqman khel which is a shia religion (Masliq) and there is an old dispute over the property/mountain of the area between Suni and Shia, during those days it was running war between the parties and due to law and order situation by the Pak Army, there was no access to villages and the area was prohibited so the people of that area were ordered to be confined in their houses, same is the position was the appellant and the department was informed through telephonically and was already aware about all the situation but despite the appellant was illegally removed from the service.
- C. That according superior court judgment when the appellant was re-instated in to service, the Grant of back benefits is right and refusal is exception in appellant remained Gain fully during that period. So the appellant is entitled to all back benefits according to superior court judgment and latest judgment of this Hon'able Tribunal titled as "Muhammad Noman Vs Police Deptt:".
- D. That the appellant is not deprived from the back benefits for the period which they remained out of service without any fault from their side, that According to judgment of Supreme Court reported as 2007 PLC Supreme Court-184 as mentioned below:

"the salaried of civil servant would not be withheld for the intervening period when they remained pout of service due to whimsical and arbitrary actions of the functionaries. Civil servant had every right to recover their arrears"

So, in the light of Supreme Court Judgment the appellant is also legally entitled for their salaries.

- E. That if the grievance of the appellant is not resolved then the appellant will face huge financial loss even it will affect the pension of the appellant.
- F. That as per judgment of Supreme Court of Pakistan when the appellant is re-instated into service by the authority then the appellant is entitled to all back benefits and the same principal was held by the

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Service Tribunal In service appeal NO: 1604/2022 tiled as " Shazia Naz vs Education Department and service appeal no:1299/2018 tiled Muhammad Arshad vs education Deptt:. So, the appellant is also entitled for all back benefits.

- G. That the appellant cannot be held responsible for the lapse/irregularities committed by the department and in such case the Hon'able Supreme Court of Pakistan has held the department responsible not the appellants.
- H. That has the appellant was not applied not gainfully intervening period therefore keeping in view the judgment reported of Honorable Supreme Court reported as 2007 PLC (C.S) Page#346 the appellant is entitled to all salaries and emoluments removed in the intervening period.
- I. That the relevant authorities restrain the appellant from performance of duty due there improper exercise of official power, therefore, the appellant cannot be deprived from his legal right of salary.
- J. That another case reported as 2007 SCMR Page # 855 the Honorable Supreme Court of Pakistan his held that the grant of service back benefits to an employed who has been illegally kept away from employment is the rule and the denial of such benefits to such a reinstated employee is an exception on the proof of such a person having remained gainfully employed during such period. As the appellant has already furnished affidavit to the competent authority regarding not remained gainfully employed therefore the appellant is also entitle to back benefits.
- K. That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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

*Dilwar Hussain*  
APPELLANT  
Dilwar Hussain

THROUGH:  
*Noman Ali Bukhari*  
SYED NOMAN ALI BUKHARI  
ADVOCATE, HIGH COURT  
&  
*Uzma Syed*  
UZMA SYED  
ADVOCATE, HIGH COURT

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**BEFORE THE KP SERVICE TRIBUNAL PESHAWAR**

**AMENDED APPEAL NO: \_\_\_\_\_/2024**

**IN**

**SERVICE APPEAL NO.1602/2022**

**Dilawar Hussain**

**V/S**

**Education Deptt**

**CERTIFICATE:**

It is certified that no other service appeal earlier has been filed between the present parties in this Tribunal, except the present one.

*th*  
**DEPONENT**

**LIT OF BOOKS:**

1. Constitution of the Islamic Republic of Pakistan, 1973.
2. The ESTA CODE.
3. Any other case law as per need.

*Dilawar Hussain*  
**APPELLANT**  
Dilawar Hussain

**THROUGH:**

*Noman Ali Bukhari*  
**SYED NOMAN ALI BUKHARI**  
ADVOCATE, HIGH COURT

*Uzma Syed*  
**UZMA SYED**  
ADVOCATE, HIGH COURT

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BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

AMENDED APPEAL NO: \_\_\_\_\_/2024

IN

SERVICE APPEAL NO.1602/2022

Dilawar Hussain

V/S

Education Deptt

AFFIDAVIT

I, Dilawar Hussain s, (Appellant) do hereby affirm that the contents of this service appeal are true and correct, and nothing has been concealed from this honorable Tribunal.

*Dilawar Hussain*  
DEPONENT

Dilawar Hussain



A

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**PAKISTAN** National Identity Card



Name  
**Dilawar Hussain**



Father Name  
**Sattar Ali**

دلوار حسین



سٹار علی

Gender | Country of Stay  
**M | Pakistan**

Identity Number | Date of Birth  
**21303-6715036-5 | 15.01.1987**

Date of Issue | Date of Expiry  
**11.01.2022 | 11.01.2032**

Holder's Signature

21303-6715036-5  
 جناب ذیل کے نام پر پاکستان کی شناختی کارڈ جاری کیا گیا ہے۔  
 جناب ذیل کے نام پر پاکستان کی شناختی کارڈ جاری کیا گیا ہے۔  
 جناب ذیل کے نام پر پاکستان کی شناختی کارڈ جاری کیا گیا ہے۔  
 جناب ذیل کے نام پر پاکستان کی شناختی کارڈ جاری کیا گیا ہے۔

گمشدہ کارڈ ملنے پر قریبی ایئر کس میں ڈال دیں

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**LET OF THE POLITICAL AGENT KURRAM AGENCY PARACHINAR**

**TERMS**

Consequent upon the approval by the Selection Committee, the appointment of the following PET Male & Female is hereby ordered in the schools noted against their names against post P. T. posts purely on contract basis in DPS No. 14 plus usual allowances as admissible under the rules with effect from the date of their taking over charge.

Name of Candidate & Fathers Name	School Where Appointed	Remarks
M Amir Khan S/O Raza Khan	GHS Maunton CK	Against vacant post
Mohammad Khalid Khan S/O Jarral Khan	GMS Sandaghat CK	Against vacant post
A H Badshah S/O Zarnad Shah	GMS Tunka Oba CK	Against vacant post
A Asghar S/O Zamin Hussain	GMS Tarran CK	Against vacant post
S. Sahib Hussain S/O S. Inayat Ali Shah	GHS Angari CK	Against vacant post
Dawar Hussain S/O S. Mir Ali	GMS Dara CK	Against vacant post
Rahie Bahoul D/O Muhammad Hussain	GGMS Shakarhara LK	Against vacant post
Abul Fatah D/O Ali Muhammad Khan	GGMS Magduri LK	Against vacant post
Amita Jan D/O Jan Ali	GGMS Gulzara Surghal	Against vacant post

**TERMS & CONDITIONS**

- They are directed to produce their medical certificates from the Medical Supdt AHQ Hospital Parachinar.
- Their age should be between 18-33 years for male and 18-10 years for female candidates.
- Their appointment is purely made on temporary and contract basis and liable to termination at any time without assigning any notice, in case they want to resign their posts, they will have to give one month prior notice or forfeit one month pay in lieu thereof.
- Their appointment will be considered as regular but without pension/gratuity on the terms of section 15 of the NWFP Civil servants Act 1973, as amended with Civil servants amendment Act 2003 but will be entitled to contribution provident fund at such rate as may be prescribed by the Govt.
- No payment will be made to the appointees until and unless their academic and professional certificates are got verified from the Issuing Authorities concerned.
- Charge reports should be submitted to this office.
- If they failed to take over charge within 15 days, their appointment will automatically be considered as cancelled.

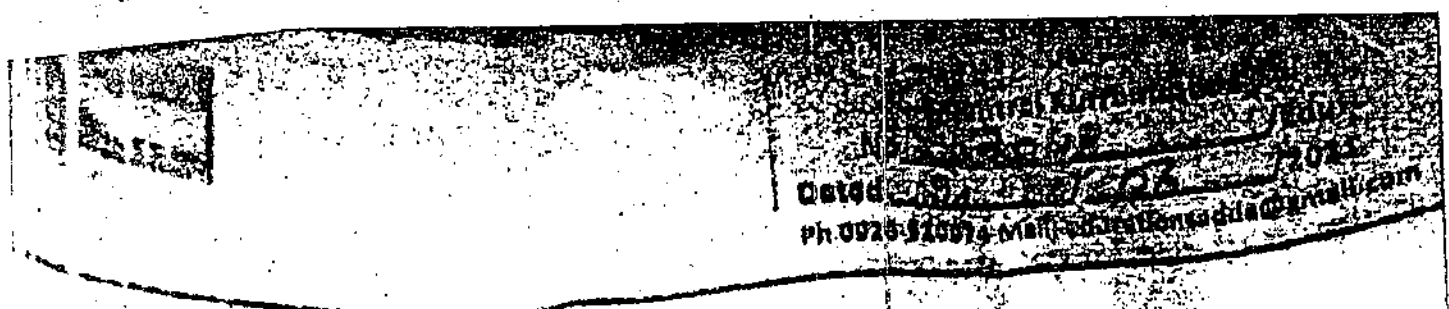
14/6/20 Dated 12/6/20  
 Dy. Secy. of Education (ATA) NWFP Peshawar  
 Dy. Secy. Education Officer Kurram Agency  
 Dy. Political Agent Upper Kurram  
 Dy. Accounts Officer Kurram  
 Dy. Chief He. Masters/Teachers concerned  
 Dy. File

*[Signature]*  
 POLITICAL AGENT  
 KURRAM AGENCY

*[Signature]*  
 POLITICAL AGENT

B (10)

B (10)



Mr. Diawar Hussain PEI  
GIS Unit Central Kurram

Subject: Show Cause/Absence Notice

Reference to the visit of A.I.F.O Central Kurram on 24.04.2021, you were found absent since long on the eve of visits without any permission. So you are directed to explain your position of your willful absence.

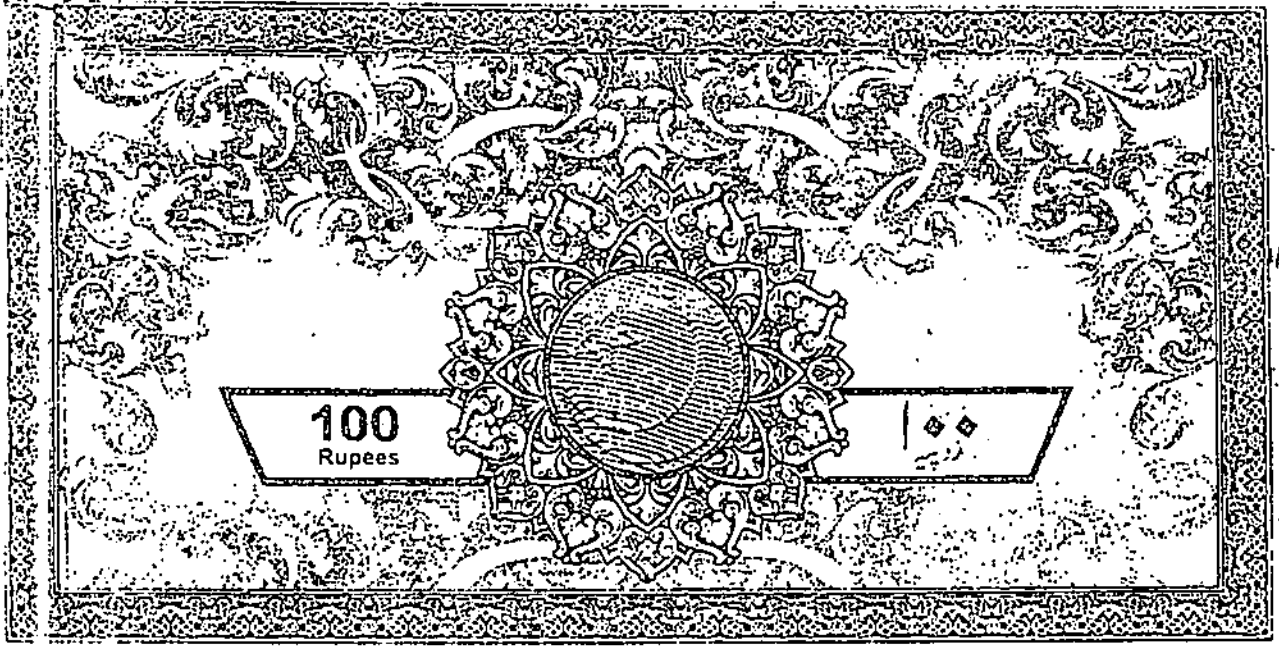
In this regard you are issued this show cause/Absence notice to explain your position facing which strict disciplinary action will be taken against you under the rules of Govt. Khyber Pakhtunkhwa.

Written reply should reach to this office within three days of the issuance of this notice.

*[Signature]*  
Deputy Director, Education Officer  
Lower & Central Kurram

The Director, Education Officer, Lower & Central Kurram  
has been informed of the above and he has been directed to  
take necessary action in this regard.  
The Director, Education Officer, Lower & Central Kurram  
has been informed of the above and he has been directed to  
take necessary action in this regard.

*[Signature]*  
Deputy Director, Education Officer  
Lower & Central Kurram



## بھخور جناب ڈپٹی ایجوکیشن آفیسر صاحب لوئر کرم ضلع کرم و ام اقبال

وضاحت نامہ در سلسلہ مراسلہ نمبر 7048 تاریخ 21.06.2021  
 جبکہ بندہ سے غیر ماٹرنی کے سلسلہ میں اپنا سوقف ظاہر کرنے کا حکم ہوا تھا۔

جناب عالی:-

- 1 بعد ادب التماس ہے۔ کہ بندہ گورنمنٹ ہائی سکول بازہ سنٹرل کرم میں بحیثیت PET عرصہ بارہ سال سے سرورس کر رہا تھا۔ اتنی طویل سرورس میں بندہ نے سربراہ ادارہ اور نہ آفیسر اعلیٰ کو شکایت کا موقع نہیں دیا ہے۔ کیونکہ غربت اور مجبوری کے مد نظر سرورس کر رہا ہوں۔ مائیننگ ٹیم سرورس 24.14.2021 کو برائے معافیہ آیا تھا۔ اور بندہ سکول میں موجود نہیں تھا۔ لہذا وضاحت نامہ بھیج کر جناب پیش بھخور انور سے۔ جبکہ بندہ گاؤں اتھان ٹیل کار بنے والا ہے۔ اور شیوہ مسلک سے تعلق رکھتا ہے۔
  - 2 حکومت کو اچھی طرح معلوم ہے۔ کہ المیابان پیراز اور المیابان گیدو کے درمیان پہاڑی ملکیت پر جنگ ہوئی تھی۔ اور تقریباً بارہ بندے مارے گئے۔
  - 3 جنگ کے بعد فوج نے ناکہ بندی کر کے صرف پارا چٹار کے علاوہ دیگر گاؤں تک آنے جانے پر پابندی لگا دی تھی۔ اور ہم گھروں میں محصور ہو کر رہ گئے تھے۔
  - 4 اپر کرم میں پیش ہونے والے حالات کی بنا پر صدمہ میں دھرا رہا تھا۔ اور آمد و رفت کا راستہ سنہ روزہ چکا تھا۔
  - 5 بندہ کے علاوہ لوئر کرم کے سرکاری ملازمین کو اپر کرم میں اور اپر کرم کے ملازمین کالوئر کرم جانا بہت مشکل ہو گیا تھا۔ بلکہ جانی خطرہ لاحق تھا۔
  - 6 فوجی اور نیم فوجی افراد بھی جنگی رخصت ہوئی تھی یا رخصت ختم ہوئی تھی بر وقت نوکری کرنے کیلئے مختلف مقامات پر نہیں پہنچ گئے تھے۔ اور فوجی آفیسران نے فوجی پر بھی نہ آنے کی اطلاع دی تھی۔
  - 7 سب سے بڑا مسئلہ آمد و رفت کا تھا۔ پارا چٹار سے صدمہ اور پھر صدمہ سے بازہ تک آمد و رفت بالکل بند تھی۔
- ان وجوہ کی بنا پر بندہ نے جان بوجھ کر نٹلٹی نہیں کی تھی۔ لیکن بیحد مجبوری یہ نٹلٹی سرزد ہوئی۔ جبکہ حکومت کیلئے بھی مشکل تھا۔ کہ ایسے حالات میں سرکاری ملازمین کو مکتبیت سے رو جا کر کریں۔ اسی سلسلہ میں گزارش ہے۔ کہ بندہ کی نٹلٹی کو معاف کر دیا جائے۔ جو بندہ کیساتھ زیادتی ہوئی ہے۔ التماس کرتا ہوں۔ کہ بندہ کی نٹلٹی معاف کرنے کے حکامات صادر فرماویں۔

میں نوازش ہوگی

ارضی

لاہور 21/06/2021

دلدار حسین PET گورنمنٹ ہائی سکول بازہ سنٹرل کرم

C 12

District Education Officer  
No. 8203-11 / Edu;  
Dated 22 / 11 / 2021  
Ph 0926-520674 Mail: educationsadda@gmail.com

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**NOTIFICATION/WILLFUL ABSENCE/REMOVAL FROM SERVICE**

1. WHEREAS Mr. Dilawar Hussain PET GHS Baza Central Kurram was reported as absent from his duty since long.
2. And whereas the EMA team visited his school on the following dates and found his absence. The date are 25.09.2019, 12.12.2020, 16.03.2021, 03.03.2021, 26.05.2021.
3. And Whereas Mr Dilawar Hussain PET GHS Baza has served the show cause notice vide No 7048 Edu Dated 21.06 2021. But this office received no written reply.
4. And whereas another show cause notice issued vide No 7433-40 dated 04.09.2021 but no written reply received.
5. And Whereas the District Education Officer in this capacity, as the competent authority after having examined the record and detail scrutiny of papers from all the relevant aspects of the view that the charges of willful and unauthorized absence of Mr. Dilawar Hussain PET has been proved and as accused of misconduct under the rules for his willful absence.
6. Now therefore in exercise of the powers conferred under Rules 6 and 4 (b) (iii) of Khyber Pakhtunkhwa Govt. Servant (Employment and Discipline) Rules 2011, the competent authority, the District Education Officer, Kurram, has imposed major penalty of removal from service on Mr. Dilawar Hussain PET with immediate effect on a report of the authority.

*[Signature]*  
District Education Officer  
District Kurram

No. 8203-11

Copy for information to the

1. Director of Education, Peshawar
2. District Commissioner, Kurram
3. District Monitoring Officer, Kurram
4. District Education Officer, Kurram
5. Teacher concerned
6. Headmaster, GHS Baza Central Kurram
7. ASDs Kurram

*[Signature]*  
District Education Officer  
District Kurram





DIRECTORATE OF ELEMENTARY &  
SECONDARY EDUCATION KHYBER  
PAKHTUNKHWA

16549

15/12/2011

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E

To

The District Education Officer,  
Kurram

Subject: APPEAL FOR RE-INSTANTMENT IN SERVICE AS PET.

I am directed to refer to the subject cited above and to enclose here with a copy of application in respect of Mr. Dilawar Hussain, Ex PET, GHS Baza Central Kurram for your perusal and further necessary action.

In this regard, I am further directed to ask you to submit your comments/report to this office within 15 days positively for further necessary action, please.

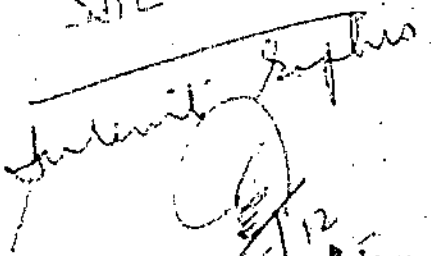
  
Deputy Director (Estab)  
Merged Areas

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

Copy of the above is forwarded to the:-

1. Mr. Dilawar Hussain Ex PET GHS Baza Central Kurram.
2. PA to Additional Director (Merged Districts) Khyber Pakhtunkhwa Peshawar.

Deputy Director (Estab)  
Merged Areas

DAEO (M)  
  
15/12/11  
DAEO



DEPARTMENT OF ELEMENTARY &  
SECONDARY EDUCATION KHYBER  
PAKHTUNKHWA

1247 28/01/2022

To

The District Education Officer,  
Kurram

Subject - APPEAL FOR RE-INSTANTMENT IN SERVICE AS PET.

I am directed to refer to your letter No 13034 Dated 29-12-2021 on the subject cited above and to ask you to appraise this Office as to whether proper procedure was followed in the Removal case in respect of Mr. Dilawar Hussain Ex PET or otherwise? A detailed report along with documentary proofs of the proper procedure adopted in the instant case may be furnished to this office immediately for further necessary action please.

~~11/01/2022~~  
Assistant Director (Educ  
Merged Areas

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

Copy of the above is forwarded to the:-

1. PA to Additional Director (Merged Districts) Khyber Pakhtunk  
Peshawar.

Assistant Director  
Merged Areas





**Deputy District Education Officer**

Lower & Central Kurram Sadda

PHONE: 0926-570674 FAX: 0926-570674

no. 41

Date

Lower Sadda the 24/1/2017



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To

District Education Officer,  
Kurram Parachinar

Subject:-

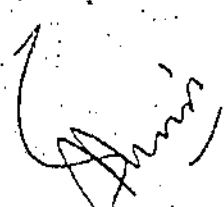
**APPEAL FOR RE-INSTATMENT IN SERVICE AS PET**

As per direction on the letter received from Directorate E&SE

KP Peshawar in favour of Mr. Dilawar Hussain Ex-PET, the comments is submitted herewith as under please:-

1. A show cause notice has been served against the applicant and the reply of which has been received to this Office as per copy attached, it seems that required codal formalities i.e. absence notices, explanation and show cause notices/personnel hearing have not been fulfilled before his removal from service.
2. The applicant has already offered under taking to perform his duty regularly in future, in case of failure, his services will be dismissed as per his statement.

Therefore it is suggested that the Authority concerned i.e. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar may kindly be advised to allow the applicant for re-instatement into service please.

  
Deputy District Education Officer  
Lower & Central Kurram Sadda

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OFFICE OF THE DISTRICT EDUCATION OFFICER  
KURRAM TRIBAL DISTRICT  
No 2619 Edu Dated 10/5/2022  
Email: deokurram110@gmail.com

18

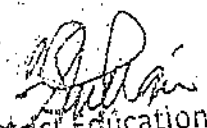
To: The Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

Subject: APPEAL FOR RE-INSTALEMENT IN SERVICE AS PET

Memo: Please refer to your letter No.1247 dated 23-1-2022.

In this connection, the self explanatory statement of Deputy District Education Officer Lower/Central Kurram is annexed for ready reference. Moreover, undertaking has also been taken from the appellant.

Therefore it is suggested that this office may kindly be allowed to re-instate Mr. Dilawar Hussain Ex-PET please.

  
District Education Officer  
District Kurram



PAKHTUNKHWA PESHAWAR  
F.NO.03/SST (M) LEAVE CASES  
NO. 8717 DATED 22/09/2022

(B)

(283)

To: The District Education Officer (Male),  
Kurram at Parachinar.

ADEN (Estab)  
D. No. 879  
22/9/2022

Subject: - APPEAL FOR RE-INSTATEMENT

I am directed to refer to your letter No.2629 Dated 10-05-2022 on the subject cited above and to state that the request of Mr. Dilawar Hussain, EX-PET GHS Baza Central Kurram for re-instatement has been regretted by the Competent Authority.

In this regard, I am further directed to ask to inform the teacher concerned accordingly, please.

Assistant Director (Estab)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

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

Copy of the above is forwarded to the:-

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

Assistant Director (Estab)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

Received the copy  
by hand.



OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALE) DISTRICT KURRAM



Ph No-0926-310093

Email : deokurram110@gmail.com

No 10289-294/Idu

Dated, 14/10/2022.

To

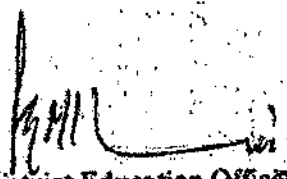
Mr. Dilawar Hussain Ex-PET  
GHS Baza Central Kurram.

Subject: APPEAL FOR RE-INSTATEMENT.

Memo:

I am directed to refer to the subject cited above, the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar is pleased to regret the request for re-instatement in respect of Mr. Dilawar Hussain Ex-PET GHS Baza Central Kurram Vide No.8717 dated 22/09/2022 (Copy enclosed).


Submitted for information please.

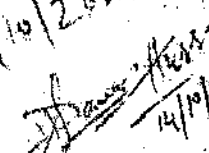
  
Dy: District Education Officer  
(Male) Kurram

No & dated even above:-

Copy to the:

- 1 Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 2 Deputy District Education Officer Lower/Central Kurram.
- 3 Head Master GHS Baza Central Kurram.
- 4 DMO Kurram
- 5 Teacher concerned.
- 6 Office Copy.

  
Dy: District Education Officer  
(Male) Kurram

Received by hand  
on 14/10/2022  
  
14/10/22



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### **NOTIFICATION:**

1. Whereas Mr. Dilawar Hussain, S/O Satar Ali, was appointed as PET by DEO (Male) Kurram vide No. 8466-80 dated 12/10/2009, and he made his entry into the Government Service on 12.10.2009.
2. Whereas Mr. Dilawar Hussain, Ex-PET was reported as absent on 25.9.2019, 12.12.2020, 16.3.2021, 3.3.2021, and 26.5.2021 from duty at GHIS Baza Central Kurram by EMA.
3. Whereas DEO (Male) Kurram served upon him the "Show Cause Notices" bearing No.7638 dated 21.6.2021 and No.7433-40 dated 4.9.2021, but no replies were received.
4. Whereas, DEO (Male) Kurram removed him from the Government Service vide Notification bearing No.8203-11 dated 2.11.2021.
5. Whereas, Mr. Dilawar Hussain, Ex-PET, submitted his appeal to this Directorate bearing Endst No.3512 dated 22.11.2021, which was sent to DEO (Male) Kurram for comments, bearing Endst No.16549 dated 15.12.2021.
6. Whereas, the DEO (Male) Kurram submitted his comments requesting for his Re-Instatement into the Service on the plea that the Ex-PET had submitted his declaration on Stamp Paper that he would not remain absent in future and if found may be dismissed from service forever vide DEO (Male) Kurram's letter No.13034 dated 29.12.2021.
7. Whereas, this Directorate asked DEO (Male) Kurram for report upon as whether all the codal formalities had been observed before Mr. Dilawar Hussain, Ex-PET's removal from service or otherwise, vide this Directorate letter No.1247 dated 28.1.2022.
8. Whereupon, DEO (Male) Kurram submitted his reply, basing DDEO's statement with the remarks that the then DEO Male Kurram had not followed all the codal formalities before the removal from service of Mr. Dilawar Hussain, Ex-PET, bearing letter No.41 dated 28.4.2022.
9. Whereas, this office after going through the entire record / evidences / Show Cause Notices / EMA Reports, rejected the appeal of Mr. Dilawar Hussain, Ex-PET, for re-instatement into service vide under Endst No. 8717 dated 22/09/2022.
10. Whereas, Mr. Dilawar Hussain, Ex-PET, was called for personal hearing on 18/05/2023, vide No. SO(Primary-M)/E&SED/5-19/Reinstatement/Dilawar Hussain/Ex-PET/2023 Dated Peshawar the May 12<sup>th</sup>, 2023, under the Chairmanship of Additional Secretary Establishment, Additional Director Establishment NMD, Deputy DEO Male Kurram and Section Officer (Primary), E&SED KP.
11. Whereas, the above Committee for the personal hearing of Mr. Dilawar Hussain, Ex-PET intimated the Director E&SE Khyber Pakhtunkhwa Peshawar, that, "it was recommended that the appeal of the appellant is accepted", vide No. SO(Primary-M)/E&SED/5-19/Reinstatement/Dilawar Hussain/Ex-PET/2023 Dated Peshawar the July 24<sup>th</sup>, 2023.

Now Therefore, the Competent Authority, in exercise of the power conferred upon by the Director E&SE Khyber Pakhtunkhwa, Peshawar, being Appellate Authority, after having examined the recommendations/meeting-minutes of the Committee under the Chairmanship of Additional Secretary Establishment, Additional Director Establishment NMD, Deputy DEO Male Kurram and Section Officer (Primary), dated 18/05/2023, E&SED, is pleased to accept the appeal of Mr. Dilawar Hussain, Ex-PET, District Kurram, for reinstatement into service, under Rules (17)(2)(b) of E&D 2011, and set aside the DEO (Male) Kurram's order issued vide No. 8203-11 dated 2.11.2021, and the intervening period is treated as Extra Ordinary Leave (Leave Without Pay) under the revised Leave Rules, 1981 to fill the gap towards his previous service.

**DIRECTOR**

Elementary and Secondary Education  
Khyber Pakhtunkhwa Peshawar

Endst. No. 23091-95 / Dated 15/08/2023

Copy forwarded for information to the:

1. District Education Officer (Male) Kurram
2. Deputy Commissioner Kurram.
3. District Accounts Officer Kurram.
4. Teacher concerned.
5. PA to Director E&SE KP Peshawar

*Pat i*

**ASSISTANT DIRECTOR (ESTAB)**

Elementary and Secondary Education  
Khyber Pakhtunkhwa Peshawar


H (21) 1

BEFORE THE CHAIRMAN KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR

S.A No. \_\_\_\_\_/2022

Dilawar Hussain (PET-15) S/O Saftar Ali R/o P/o Para Chinar, Luqman  
Khel, Tehsil Upper Kurram, District Kurram.

VERSUS

- 1) The  Director Elementary and Secondary Education, KP  
Peshawar.
- 2) The Deputy Director, Elementary and Secondary Education, KP  
Peshawar.
- 3) The Deputy Director, (Estab) Merged Areas, Directorate of  
Elementary and Secondary Education, KP, Peshawar.
- 4) The Deputy District Education Officer (Male), Lower & Central  
Kurram Sadda, District Kurram.
- 5) The District Education Officer, District Kurram.
- 6) The District Monitoring Officer (DMO), Kurram (EMA).
- 7) Assistant Director Education (Estab), Directorate of Elementary and  
Secondary Education, KP, Peshawar.

APPEAL U/S 4 OF SERVICE TRIBUNAL ACT,  
1974 AGAINST THE IMPUGNED OFFICE  
ORDERS No.8203-11/Edu, Dated: 02.11.2021 &  
IMPUGNED ORDER No. 10289-294/Edu, DATED:  
14.10.2022 ISSUED BY THE RESPONDENT No. 5  
& 4 WHEREBY THE SERVICE OF THE  
APPELLANT HAS REMOVED AND THE  
DEPARTMENTAL APPEAL OF THE APPELLANT  
HAS BEEN REGRET FOR RE-INSTANTMENT ON  
ACCOUNT OF "ABSENCE". FOR NO LEGAL  
REASON TO BE DECLARED AS ILLEGAL,  
UNJUST, WITHOUT THE NATURAL JUSTICE  
AND ILLEGAL ENCHROACHMENT UPON THE  
LEGAL AND VALID RIGHTS OF THE  
APPELLANT.

Respectfully Sheweth,

وکالت نامہ

KP Service Tribunal, Peshawar بعدالت جناب

Amal Appeal No. ————— Date: —————

Dilawar Hussain بنام

Education Dept.

مقدمہ بعنوان

منجانب

علت

دعویٰ

مورثہ

جرم

تھانہ

باعث تحریر آنکہ

مقدمہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ / جملہ

آن مقام منیادہ کیلئے سید عثمان علی پوری کے حکم و عدلیہ ایڈوکیٹیشن

کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جو اب دعویٰ اقبال و دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختیار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جواب دہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پرداخت منظور و قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر خانہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سندر ہے

مقام \_\_\_\_\_ کے لئے منظور ہے

*(Signature)*

*(Signature)*

دستخط ایڈوکیٹیشن

Amal Appeal No. —————  
Date: —————

*(Signature)*