


FORM OF ORDER SHEET

Court of _____

Appeal No. 1619/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	26/09/2024	<p>The appeal of Mr. Muhammad Jawad resubmitted today by Mr. Muhammad Ismail Halimzai Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 01.10.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Muhammad Jawad received today i.e on 26.08.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Appeal has not been flagged/marked with annexures marks.
- 2- Annexures are unattested.
- ③ Address of appellant and respondent no. 2 are incomplete be completed according to rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 4- Copy of departmental appeal is undated.
- ⑤ Page nos. 9, 10, 11, 12, 20 & 21 of the appeal are illegible.

No. 768 /Inst./2024/KPST,

Dt. 12/9 /2024.



OFFICE ASSISTANT
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Muhammad ismail Halimzai Adv.
High Court at Peshawar.

Respected Sir,

The file returned on dated 12/9/24 & received by counsel of appellant on dated 16/9/24 and the objection removed & cleared and some of documents which is not readable as the documents of respondents/education department originally when the case is admitted & the Honble court issue notice for comments & record then it will be cleared, hence the case is resubmitted for placing before the bench/court.

Counsel


25/9/24

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Service Appeal No. 1619 / 2024

Muhammad Jawad S/O Muhammad Rokhan R/O Tehsil Prang Ghar Speen Khawra
District Mohmand.

.....Appellant

VERSUS

The District Education Officer (Female) District Mohmand at Ghallani and others

.....Respondents

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APPELLANT

Jawad

Muhammad Jawad

Through Counsel

Muhammad Ismail Halimzai

Muhammad Ismail Halimzai

Amin Ullah Jan

Amin Ullah Jan
Advocate High Court

Muhammad Ismail Khattak

Muhammad Ismail Khattak
Advocate High Court

(1)

BEFORE THE KHYBER PAKHTUN KHWA SERVICES TRIBUNAL PESHAWAR.

Service Appeal No 1619 2024

Muhammad Jawad S/O Muhammad Rokhan R/O Tehsil Prang Ghar Speen Khawra
District Mohmand.

..... Appellant

Versus

1. The District Education Officer Female Mohmand.
2. The Directorate Education Elementary and Secondary Education Peshawar.

..... Respondents

APPEAL UNDER SECTION 4 OF THE KP SERVICE TRIBUNAL ACT 1974 READ WITH RELEVANT SECTION OF LAWS, AGAINST THE INACTION OF THE RESPONDENTS, TO NOT DECIDE THE DEPARTMENTAL APPEAL WITHIN STIPULATED PERIOD OF TIME, WHERE AS THE DEO FEMALE MOHMAND THROUGH RECOMMENDATION OF THE INQUIRY OFFICER/ASSISTANT COMMISSIONER REMOVED THE APPELLANT FROM HIS SERVICE AND ILLEGALLY IMPOSED THE MAJOR PENALTY VIDE IMPUGNED OFFICE ORDER DATED 17-04-2024, WHICH IS LIABLE TO BE SET ASIDE BEING ILLEGAL, UNLAWFUL WITHOUT JURISDICTION, WHICH IS ALSO NULL AND VOID AND CORAM NON JUDICE UPON THE RIGHT OF THE APPELLANT.

PRAYER.

On acceptance of the instant service Appeal, the Impugned office End No 5687-92 dated 17-04-2024, of DEO Female District Mohmand, whereby the DEO Female has illegally imposed Major Penalty and passed impugned order of Removal from Service of the Appellant, may kindly and liable to be set aside being illegal unlawful without Jurisdiction, which is null and void and coram non Judice upon the right of the Appellant, and the Appellant may kindly be Re-instated with all back benefits for the interest of justice.

Respectfully shewth.

The appellant humbly submits as under:

1. That the Appellant is Law abiding and Respectable citizen of Pakistan, belonging to a well reputed family of Mohmand.

(Copy of CNIC is attached annexed as A)

Mohmand has issued impugned office order of Removal of the Appellant vide Ends No-5687-92 removal dated 17-04-2024 of the DEO Female District Mohmand where by the DEO Female Mohmand has imposed the Major Penalty and passed the impuned order of removal from service with immediate effect upon Mr Jawad Khan Naib Qasid GGMS Speena Khawra District Mohmand.

(Copy of Impugned order annexed and attached as)

10. That feeling aggrieved from the impugned office order Endst No-5687-92 Removal dated 17-04-2024,of DEO Female District Mohmand, the Appellant approached to the Directorate Education/competetnt authrORITY for filing Departmental appeal on dated 25-04-2024 vide D.NO 2084.

(Copy of Departmental Appeal is attached and annexed as)

11. That when the departmental appeal submitted by the Appellant on dated 25-04-2024, the department made correspondence with the Respondents and not heard the Appellant properly.

12. That the appellant feeling aggrieved from the in-action of the Ressonvents despite repeatidly contacts and no such response of the departmental appeal by the competent authority vide D.NO 3046 from dated 06-04-2022 the appellant approach this Hon'ble Tribunal on the following grounds: -

GROUND:

- A. That the impugned office order of DEO Female Education and in action of the Respondent is against law, rules, principles of Natural justice,hence void ab-initio and not sustainable in the eye of law.
- B. That the decision and impugned office order of DEO Female Education and in action of the Respondent is based on malafide intention having no solid footing.
- C. That no law or rule, opportunity, hearing has been followed while issuing the impugned order by DEO Female Education and in action of the Respondent.

2. That the Respondent no. 1 (DEO) Female Mohmand has appointed the Appellant vide order Endrst No- 3882-89 App file/DSC dated 18-07-2020 dated 26-08-2020 being eligible.

(Copy of Appointment Order is attached as Annexure B).

3. That the Appellant after appointment joined his service on the same date in 2020, as Class-IV , and always worked with honesty and dedication.
4. That the appellant performing his duty as per order and instructions of his authority, which also endorsed by the school officials during the inquiry proceedings.
5. That on dated 19-09-2022, the private person filed complaint against the Appellant, in the office of Deputy Commissioner, whereas the complaint was registered and marked to the Assistant Commissioners lower Mohamand, who was appointed as inquiry officer, the AC lower Mohmand without proper hearing and scrutiny submitted the Impugned recommendation to DC Mohmand for further order, and the DC Mohmand also send the same to DEO Female Mohmand and thereafter the DEO Female District Mohmand Issued the impugned Show Cause Notice No-4936-39, dated 23-11-2023 to appellant, when the Appellant performing his duty at the office of education department at the office of SDEO Ekka Ghund Lower Mohmand.

(Copy of Show Cause Notice and Record annexed as)

6. That thereafter the Appellant within time given reply of the said notice, and denied the allegations of the complainant, and request to file the said illegal inquiry.
7. That during the inquiry proceedings, the records were also called and requisitioned by the inquiry officer, the Headmistress of the said School also stated that , the Appellant attendance is available and he is not absent from his legal duty as like other staff members, thus the stance of the appellant also admitted by the school authority.
8. That the said inquiry also submitted by the A.C Inquiry officer to Deputy Commissioner Mohmand vide impugned letter N0- 107-11-12/AG dated Ghallani 13-11-2023.
9. That in the meantime despite of the statement of the school staff, reply of show cause notice, repeated request of appellant and during the pendency of inquiry proceedings, the inquiry officer recommendations as well as DEO Female

- D. That the inquiry officer and Directorate has ignored the actual facts that Respondents/Directorate did not consider the stance and plea of the appellant, and passed impugned office order by the DEO Female and the in action of the Respondent and the same is liable to be set aside being illegal, null and void.
- E. That feeling aggrieved and no response of the Respondents and despite filing the departmental appeal, these acts of the department is also void and illegal, because the department is legally bound to follow the laws rules and need to provide opportunity for personal hearing. But they are badly failed to do so, which required by law.
- E. That the appellant has been condemned unheard as no opportunity of personal hearing or defense has been provided to the appellant by the inquiry Officer and the competent authority which is fundamental right of the appellant.
- F. That the act of the respondent by not given any attention which is liable to be set aside.
- G. That impugned office order of the respondent is without any justification and due course of law has been adopted.
- H. That facts and circumstances of the case, the respondent has not given any attention to the appellant despite repeated application and request.
- I. That the act of the respondent for not Re-instated the appellant without assigning any proper and valid reason which is highly unjust and prejudicial to the right of the appellant.
- L. That the appellant has been totally condemned unheard and the appellant case very much fit for Re-instatment as per the available record, but they illegallys and without any process of law and

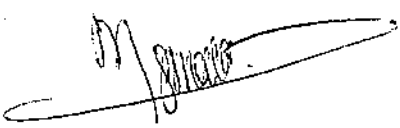
procedure followed by the respondent which is illegal, void ab-initio and could not be allowed to remain in field.

- M. That since the illegal impugned order, and inaction of the appellant, the fundamental rights of the appellant as enshrined in the constitution of Pakistan 1973 have been put at stake, hence the instant appeal.
- N. That other grounds will be discussed at the time of arguments with prior permission of this Hon'ble Court.

PRAYER.

On acceptance of the instant service Appeal , the Impugned office End No 5687-92 dated 17-04-2024, of DEO Female District Mohmand , whereby the DEO Female has illegally imposed Major Penalty and passed impugned order of Removal from Service of the Appellant, may kindly and liable to be set aside being illegal un lawful without Jurisdiction, which is null and void and coram non Judice upon the right of the Appellant, and the Appellant may kindly be Re-instated with all back benefits for the interest of justice.


APPELLANT
Muhammad Jawad


Through Counsel

Muhammad Ismail Khan
Advocate High Court Peshawar

(6) (B)

**BEFORE THE KHYBER PAKHTUNKHWAK SERVICES TRIBUNAL
PESHAWAR**

Service Appeal No. _____ / 2024

Muhammad Jawad . **VERSUS** the District Education officer Female Mohmand &
Others

AFFIDAVIT

I, **Muhammad Jawad S/o muhammad Rokhan** (Naib Qasid), R/O Tehsil Prang Ghar Speen Khawra District Mohmand, do hereby solemnly affirm and states on oath that the contents of accompanying appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Deponent Jawad

IDENTIFIED BY M. Ismail Halim

Muhammad Ismail Halim
Advocate High Court



Through counsel

Muhammad Ismail Khattak
Amjid Khan Mohmand
Advocates High court Peshawar



OFFICE OF THE DISTRICT EDUCATION OFFICER
MOHMAND TRIBAL DISTRICT

Phone No ☎ : 0924-290180
Fax No ☎ : 0924-290180
Email ✉ : deomohmand@gmail.com



ANX (B)
B

APPOINTMENT ORDER

Consequent upon the approval of the District Selection Committee in its meeting held on 18-07-2020, the competent authority has been pleased to appoint the following candidates as Class IVs against newly created posts on regular basis in BPS-03 of the basic pay scale @ Rs. (9610-390-21310) plus usual allowances as admissible under the rules in the school mentioned against each their names on the terms and conditions given below with effect from their date of taking over charge.

S.#	Name	Father's/Husband Name	Appointed as	Place of posting	Remarks
1.	Noor Zia	Muhammad Zahoor	Sweeper	GGMS Speena Khawra	AVP
2.	Muhammad Jawad	Muhammad Rokhan	N/Qasid	GGMS Speena Khawra	AVP

TERMS & CONDITIONS:

1. No TA/DA etc. is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. They will be governed by such rules and regulations as prescribed by the Govt. from time to time for the category of government servants to which they belong.
4. In case of resignation, one month prior notice should be given by the official concerned otherwise one month pay will be forfeited in lieu thereof.
5. Appointment is subject to the condition that certificates/degrees/ Domicile etc. must be verified from the concerned authorities by Principals/Head Masters Concerned. If any documents found bogus/fake/forged, the concerned person will be terminated and his case will be reported to the law enforcing Department/agencies for further action.
6. They should take charge of their post within 15 days after the issuance of this order.
7. They will produce health fitness and age certificate from the concerned civil surgeon.
8. Their pay shall be released after proper verification of documents & testimonials from the concerned agencies by Principals / Head Masters Concerned.

Note:

Appointment order shall be verified by the concerned Drawing and Disbursing officer personally from the office of the undersigned before handing over charge to the official.

(JADDI KHAN KHALIL)
District Education Officer
Mohmand Tribal District

2020-87
Appointments File/DSC-18-07-2020 / Dated: 26/08/2020

Director of Education Elementary & Secondary Khyber Pakhtunkhwa Peshawar.

Secretary of Education NTD Secretariat Peshawar.

Deputy Commissioner Mohmand Tribal District.

Deputy District Officer Mohmand Tribal District.

Deputy District Officer

Deputy District Officer

Deputy District Officer

District Education Officer
Mohmand Tribal District

ATTESTED

(9) ANA (C)

**OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) MOHMAND TRIBAL DISTRICT**

Email: mohmandfemale@gmail.com
Phone No: 0924290302



Mr. Jawad Khan N/Qasid GGMS Speer Khawra

CAUSE

Reference Deputy Commissioner District Mohmand Letter No. 10711-12 Dated 2023 an inquiry has been conducted against you for willful absence from duty. The recommendation of the inquiry committee is as under.

According to the CDR that you was in the Different Cities of Punjab i.e Rawalpindi Gujranwala etc as evident from CDR. The CDR of the official accused shows that on 11-08-2021 he was present in Kana Saldana, District Rawalpindi while he was marked present in school attendance provided by the Head Mistress and Head Mistress also admitted you present during her tenure. The above mentioned recommendations proves that you are not interesting in your duty which is a matter of great concern and anxiety.

However, you are strictly warned to be careful in future to show cause of your negligence and irresponsibility with justifiable arguments within three days through personal appearance positively. In case of failure strict action under E&D rules will be taken against you.

(Zubaida Khattak)
District Education Officer (F)
Mohmand Tribal District

Sl. No. 4936-39 / Dated: 23/11/2023

Copy of the:-

- Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
- Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
- Deputy Commissioner District Mohmand
- DMO EMA District Mohmand

RECEIVED

District Education Officer (F)
Mohmand Tribal District

16
ANNEX D

To
The worthy
District Education Officer (Female)
Tribal District Mohmand.

Subject: REPLY OF SHOW CAUSE NOTICE

Respected Madam,

With due respect the undersigned have received a "show cause notice" No. 4936/39 dated 23.11.2023 from your honor office and response of undersigned is as under:-

1. That in response of para 1 it is submitted that the undersigned has performed his duty in the school however the undersigned consider that the location of the undersigned shown is not correct. My explanation in this regard is that, that I have given my two SIMs to my brother as he was daily wage labour in Punjab in 2021. The undersigned submitted that the allegations are baseless and has no roots.

2. That in response to para 2. It is submitted that as mentioned in above para that the undersigned was present in his school and has performed his duty as the school attendance register also substantiate the stance of the undersigned in this regard. It is further added that the Head Mistress of the school has also certified the undersigned presence and performing duty in the school too as this fact also establish that the school Incharge also remained satisfied from the undersigned.

3. That in reply to para 3 it is submitted that the undersigned has no any other earning resource rather whole family members are dependent upon the undersigned and the undersigned endeavors to perform his duty diligently as well as the undersigned has been interest in his service.

It is therefore humbly requested that the reply of the undersigned may kindly be considered in the best interest of justice, however the undersigned has posted to SDEO (F) Ekka Ghund and performing his duty with full zeal and passion. The said SDEO is completely satisfied from my duty. Therefore the undersigned is further requested for disposing the case file accordingly.

You're sincerely

ATTACHED

Mohammad Jawad
SDEO Office Ekka Ghund



(11) ASST
E

**OFFICE OF THE ASSISTANT COMMISSIONER
LOWER MOHMAND SUB-DIVISION**

Phone: 0724-225109/ Fax 0724-225109
Email: plovermohmand@pns.net

No. 283/ 1AC-UM
Dated: 17/10/2022

To
**Deputy Commissioner
Mohmand Tribal District**

**Subject: Inquiry against Mr. Muhammad Jawad-Naib Qasid GGMS, Spaza Khawra
Tehsil Parang Ghar Mohmand Tribal District.**

It is submitted that vide PUC 13/05/2022 of the worthy DC Mohmand an inquiry was initiated against Mr. Muhammad Jawad-Naib Qasid GGMS and the undersigned was appointed as inquiry officer by worthy ACLM MID.

The undersigned summoned the official accused and send notices to DEO (F) and Headmistress GGMS of the said School. The Headmistress was called along with the school record to the office of the undersigned along with the attendance register of the school. Statements from all above officials were recorded and are attached with the file.

Background:

The official accused Mr. Muhammad Jawad was appointed as Naib Qasid in GGMS Spaza Khawra Parang Ghar vide DEO MTD ENDST NO: 3862-88 (appointment file/DSC - 18/07/2020 Dated: 26/08/2020).

A complaint was registered against the official accused that he was absent from duty from the date of appointment.

Statement of Allegation:

1. The accused official was absent his duties and was receiving salary from exchequer.
2. The accused official resigned from his post vide Endst No 914-19-Dated: 26/01/2022 office of DEO (F) MID.
3. The above resignation was canceled vide Endst No 1234-50 Dated 07/03/2022 from the SA officer.

ATTACHED

(12)

The official accused gave his written reply on 30/06/2022 which is attached annexure (A).
Statement of the representative of DEO (F) and Headmistress GHS Spena Khawra Parang Ghar
Annexure (B)

The Headmistress personally appeared before the court of the undersigned and recorded her
statement that she assumed the charge of Headmistress GGMS on 07/12/2020 and the accused
official was appointed before her arrival. The Headmistress stated that the accused official was
performing his duties as other staff members and he was marked present during my tenure.
Copies of the above attendance register attached Annexure C.

The representative of the DEO (F) produced order No. ENDST No 914-14/ Dated: 26/01/2022
and Endst No 1274-80 Dated 07/03/2022 but didn't produced any rules/regulations regarding
Resignation and Cancellation of Resignation.

The Undersigned also acquired CDR of the official accused.

Findings and Recommendations:

From Perusal of the above statements/record the undersigned come to the conclusion that:

1. That undersigned after review and examination of all the record including CDR that official
accused was in different cities of Punjab i.e. Rawalpindi Gujranwala etc. as evident from CDR.
2. The CDR of the official accused shows that on 11 August, 2021 he was present in Kalar
Saldana, District Rawalpindi while he was marked P (Present) in school attendance provided by
the Headmistress which shows that he was marked present unlawfully by the Headmistress and
Headmistress also admitted Mr. Jawad present during her tenure.

It is therefore requested to take disciplinary action against the Headmistress Mst. Fouzia.

3. In addition, the Cancellation of Resignation Order no 1274-80 Dated 07/03/2022 of the official
accused is against the rules and regulations and no legal stand point was provided for the said
action by the DEO (F). Hence, the DEO (F) transgressed in his position. Disciplinary action must
also be initiated against the above officer Mst. Riz Begum Ex DEO.

4. The official accused was receiving salary without performing his duties and was also received
salary after the resignation Endst No 914-19/ Dated: 26/01/2022. So the salary must also be
recovered from him as per law and legal action against the official accused Mr. Muhammad
Jawad must be initiated.

APPROVED



OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) MOHMAND TRIBAL DISTRICT

Phone# 0924290302

Email: deomohmandfemale@gmail.com



NOTIFICATION

1. As per the report Assistant Commissioner Lower Mohmand Endstt No.2831/AC-LM Dated 19-09-2022 that a complaint was registered against you **Mr. Muhammad Jawad Naib Qasid GGMS Speena Khawra District Mohmand** that you were found absent from duty from the date of your appointment.
2. **WHEREAS:-** The accused official was absent from his duty and receiving salary from the Govt. exchequer which is illegal and against the rules.
3. **AND WHEREAS:-** As per CDR report submitted by DC Mohmand, you were found during duty hours at Different cities of Punjab i.e Rawalpindi, Gujranwala etc it proves that you have not performed your duty regularly which is matter of great concerned and anxiety.
4. **AND WHEREAS:-** A Show cause notice No.4936-39 Dated 23-11-2023 served upon you through registered post at your home/School addresses therein the accused was directed to submit reply in your defense through personal contact with this office you but your reply was not satisfactory.
5. **AND WHEREAS:-** The Competent Authority, the District Education Officer (Female) District Mohmand after having considered the charges, evidence on record and facts of the case, the charge of willful and unauthorized absence against the accused official has been proved.
6. **NOW THEREFORE:-** In exercise of the power conferred under Rules-4 (b) II of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, the competent authority is agree to impose Major penalty of "REMOVAL FROM SERVICE" with immediate effect upon **Mr. Jawad Khan N/Qasid GGMS Speena Khawra District Mohmand** for absent since long as mentioned in the inquiry report of AC Lower Mohmand Endstt No. 2831/AC-LM Dated 19-09-2022, submitted by DC Mohmand Vide Order No. 10711-12/AG Dated Ghallanai 13-11-2023.

(Zubaida Khattak)
District Education Officer (F)
Mohmand Tribal District.

Endstt No. 5687-92 /Removal Dated 17/04/2024

Copy to:-

1. Director Elementary & Secondary Education KPK Peshawar
2. District Account Officer District Mohmand
3. Deputy Commissioner District Mohmand
4. DMO EMA District Mohmand
5. Pay clerk Local Office.
6. Teacher concerned.


District Education Officer (F)
Mohmand Tribal District.



7/04/2024

To:

The worthy Director Kp
Elementary and Secondary Education,
Mian GT Road Peshawar

14
ANNA (5)

Departmental Appeal against the impugned Office Order Endst No- 5687-92 Removal dated 17-04-2024 of DEO (Female) District Mohmand, whereby the DEO Female District Mohmand has imposed Major Penalty and passed impugned order of "REMOVAL FROM SERVICE" with immediate effect upon Mr Jawad Khan N/Qasid GGMS Speena Khawra District Mohmand.

Infact the appellant performing his duty with full zeal in the school as well in education office, which also endorsed by the school official during inquiry proceedings, and the false allegation which levelled by the private complainant against the appellant is also baseless concocted mere on malafide intention, just to harm the reputation of the appellant.

The impugned Office Order (Endst No- 5687-92 Removal dated 17-04-2024) of DEO (Female) District Mohmand, whereby the DEO Female District Mohmand has imposed Major Penalty and passed impugned order of "REMOVAL FROM SERVICE of the appellant" is liable to be set aside being illegal, un lawful without jurisdiction, which is null and void and coram non judice upon the right of the appellant.

PRAYER

On acceptance of the instant Departmental appeal, The impugned Office Order(Endst No- 5687-92 Removal dated 17-04-2024) of DEO (Female) District Mohmand, whereby the DEO Female District Mohmand has imposed Major Penalty and passed impugned order of "REMOVAL FROM SERVICE of the appellant" may kindly and liable to be set aside being illegal, un lawful without jurisdiction, which is null and void and coram non judice upon the right of the appellant.

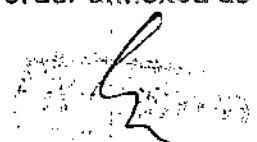
And any other relief and remedy deems justified by your honor may also be passed in favour of the appellant for the interest of justice and fair play.

Respectfully Sheweth: -

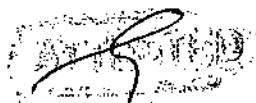
The appellant humbly submits as under: -

1. That the appellant is law abiding and respected citizen of Pakistan, and belonging to a well reputed family of Mohmand of the locality.
(copy of CNIC attached as A)
2. That the DEO (Female) District Mohmand appointed the appellant vide order Endrst No- 3882-89 App file/DSC dated 18-07-2020 dated 26-08-2020 as Class-IV, after through proper channel and law.
(Copy of appointment order annexed as B)

2684
25/4/24



3. That the appellant after appointment joined his service on the same date in 2020, as Class-IV, And always worked hard with honesty and dedication.
4. That the appellant performing his duty as per the order and instruction of his authority, which also endorsed by the school official during the inquiry proceedings.
5. That on dated 19-09-2022 the private person filed complaint against the appellant in the office of Deputy Commissioner Mohmand, , where as the complaint was registered and marked to the Assistant Commissioner Lower Mohmand, who was appointed as inquiry officer, the AC Lower Mohmand submitted the impugned recommendation to DC Mohmand for further order, and the DC Mohmand also send the same to DEO Female Mohmand, and thereafter the DEO issued impugned show cause notice No- 4936-39 dated 23-11-2023 to appellant, when he performing his duty at the office of Education department SDEO Office Ekka Ghund Lower Mohmand..
(Copy of show cause notice and record attached)
6. That thereafter the appellant within time given reply of the said notice, and denied the allegations of the complainant, and request to file the said inquiry.
(Copy of Show Cause Reply attached)
7. That during the inquiry proceedings, the records were also called and requisitioned by the inquiry officer, the Headmistress of the said school also stated that, the appellant attendance is available and he is not absent from his legal duty as like other staff members, thus the stance of the appellant also admitted by the school authority.
8. That the inquiry also submitted to DC Mohmand vide letter No 107-11-12/AG dated Ghallani 13-11-2023.
9. That in the meantime despite of the statement of school staff, reply of show cause notice, repeated request of appellant and during the pendency of inquiry proceedings, the inquiry officer recommendation as well as DEO (Female) Mohmand has issued impugned Office Order Endst No- 5687-92 Removal dated 17-04-2024 of DEO (Female) District Mohmand, whereby the DEO Female District Mohmand has imposed Major Penalty and passed impugned order of "REMOVAL FROM SERVICE" with immediate effect upon Mr Jawad Khan N/Qasid GGMS Speena Khawra District Mohmand.
(Copy impugned order is attached as Annexure)
10. That feeling aggrieved from the impugned Office Order Endst No- 5687-92 Removal dated 17-04-2024 of DEO (Female) District Mohmand, the appellant approach your honor on the following grounds: -



(17)

PRAYER

On acceptance of the instant Departmental appeal, The impugned Office Order (Endst No- 5687-92 Removal dated 17-04-2024) of DEO (Female) District Mohmand, whereby the DEO Female District Mohmand has imposed Major Penalty and passed impugned order of "REMOVAL FROM SERVICE of the appellant" may kindly and liable to be set aside being illegal, un lawful without jurisdiction, which is null and void and coram non judice upon the right of the appellant, as well as the impugned acts and recommendation of the DC Mohmand as well as the Inquiry officer be set aside,

And any other relief and remedy deems justified by your honor may also be passed in favour of the appellant for the interest of justice and fair play.

Jawad APPELLANT

Muhammad Jawad S/O Muhammad Rokhan
Tehsil Prang Ghar Speena Khawra ,
District Mohmand
Cell No. 0344-5974170

[Signature]



19
OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) MOHMAND TRIBAL DISTRICT



RESIGNATION.

The resignation of Mr. Muhammad Jawad S/O Muhammad Rokhan N/Qasid GGMS Speena Khawra Tehsil Prang Ghar Mohmand Tribal District tendered on 20-01-2022, is accepted with effect from 26-01-2022. (AN)

He has not given any prior notice to the undersigned about his resignation therefore, one month pay is forfeited therein.

The amount recovered will be deposited in to Government treasury accordingly.


Note:- Necessary entry should be made in his service book.

(RIAZ BEGUM)
District Education Officer,
(Female) Mohmand Tribal

District.

Order No 9114-19 Dated: 26/01 /2022
Copy to the:-

- 1 Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
- 2 Additional Director Education Newly Merged Districts KPK Peshawar
- 3 District Account's Officer Mohmand Tribal District
- 4 SDEO (F) (Lower) concerned
- 5 E MIS Cell Local Office
- 6 Official concerned


District Education Officer,
(Female) Mohmand Tribal District





MOHMAND TRIBAL DISTRICT

Email: deemohmand@tribal.gov.pk



No

Dated

03/2022

CANCELLATION OF RESIGNATION

The competent authority is pleased to cancel the resignation of Mr. Muhammad Jawad S/O Muhammad Rokhan Naib Qasid GGMS Speena khawra Tehsil Prang Ghar Mohmand Tribal District issued vide this office Endstt No. 914-19 Dated 26-01-2022 with immediate effect

The concerned Naib Qasid is directed to perform his duty at Sub-Divisional Education Office (F) Lower Mohmand instead of GGMS Speena khawra Tehsil Prang District Mohmand.

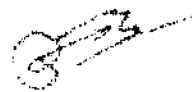
Riaz Begum

District Education Officer (F)
Mohmand Tribal District

Endstt No. 1274-80 Dated 03/2022

Copy to the

1. Director Elementary and Secondary Education Khuzdar District
2. Additional Director Education NADs Khuzdar District
3. Deputy Commissioner Mohmand Tribal District
4. District Accounts Officer Mohmand Tribal District
5. SDEO (F) Lower Mohmand
6. DMO Education Monitoring Authority District Mohmand
7. Official Concerned


District Education Officer (F)
Mohmand Tribal District

Waheed/---

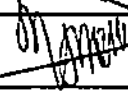

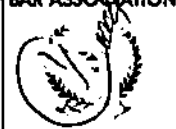

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[Handwritten signature or name in a South Asian script, possibly Urdu or Persian.]

[Faint printed text, possibly a title or address, located below the signature.]

[Handwritten signature or initials in a South Asian script.]

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50	52847	پشاور بار ایسوسی ایشن، خیبر پختونخواہ
ایڈویکٹ: 	PESHAWAR BAR ASSOCIATION	
بار کونسل ایسوسی ایشن نمبر: 151-15-151		
رابطہ نمبر: 0346-9192020		

بعدالت جناب: حیدر صہیل سید

مخاطب: محصور	دعویٰ:
محمد جواد	علت نمبر:
بنام	مورخہ:
DEO Peshawar	جرم:
نمبرہ	تھانہ:

بابت تحریر آتہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ آن مقام حیدر صہیل سید کے لیے محمد اسماعیل کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقریرات و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یا کس طرف یا اپیل کی برائگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساتھ پر داخست منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا قانونی تاریخ پیش مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند سے المرقوم: 23/08/2024

المقام حیدر صہیل سید محمد اسماعیل