

FORM OF ORDER SHEET

Court of _____

Appeal No. 1828 /2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/10/2024	<p>The appeal of Mr. Dilawar Zaman presented today by him. It is fixed for preliminary hearing before touring Single Bench at A.Abad on 29.10.2024. Parcha Peshi given to the appellant.</p> <p style="text-align: right;">By order of the Chairman</p> <p style="text-align: center;">REGISTRAR</p>

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

Service Appeal No. 1828 of 2024.

Dilawar Zaman S/O Sabir Zaman R/O P.O Makol Payeen, Tehsil and District Abbottabad, presently working as Lab Attendant GHS No. I Havelian Abbottabad. 13101-9749087-3 (Mob: 0348-9257217)

.....APPELLANT

VERSUS

1. Director, Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Education Officer (M) Abbottabad.

.....RESPONDENTS

SERVICE APPEAL

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Dated: 05-10-2024


...APPELLANT
(IN PERSON)

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

Service Appeal No. 1828 of 2024

Dilawar Zaman S/O Sabir Zaman R/O P.O Makol Payeen, Tehsil and District Abbottabad, presently working as Lab Attendant GHS No. 1 Havelian Abbottabad. 13101-9749087-3 (Mob: 0348-9257217)

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1. Director, Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
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.....RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF NWFP (NOW KPK) SERVICE TRIBUNAL, ACT, 1974 AGAINST THE IMPUGNED ORDER ISSUED UNDER ENDST: NO. 4827-32 DATED 04-07-2024 WHEREBY RESPONDENT NO. 02 DID NOT GRANT BACK BENEFITS AND INTERVENING PERIOD W.E.F 21-05-2022 TO 26-06-2024 WAS CONVERTED /TREATED AS EXTRA ORDINARY LEAVE WITHOUT PAY AND APPELLANT FILED DEPARTMENTAL APPEAL BEFORE RESPONDENT NO. 01 WHICH WAS REJECTED VIDE ENDST: NO. 1580 DATED 11-09-2024, WHICH IS TOTALLY AGAINST THE LAW, POLICY, WITHOUT JURISDICTION, ARBITRARILY, VOID ABINITIO, AND HAVING NO LEGAL EFFECT UPON THE VESTED RIGHTS OF THE APPELLANT.

P. RAYER:- ON ACCEPTANCE OF INSTANT SERVICE APPEAL, IT IS RESPECTFULLY PRAYED THAT THE IMPUGNED ORDER ISSUED UNDER ENDST: NO. 4827-32 DATED 04-07-2024 ISSUED BY RESPONDENT NO. 02 MAY GRACIOUSLY BE SET-ASIDE TO THE EXTENT OF TREATMENT OF INTERVENING PERIOD AS EXTRA ORDINARY LEAVE WITHOUT PAY & REJECTION ORDER ISSUED BY RESPONDENT NO. 01 MAY ALSO BE SET-ASIDE AND RESPONDENTS MAY BE FURTHER DIRECTED TO GRANT ALL BACK BENEFITS, AND ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL DEEMS PROPER IN THE CIRCUMSTANCES OF THE CASE BE GRANTED.

Respectfully Sheweth:-

1. That the appellant was appointed as Lab Attendant under deceased son quota vide appointment order Endstt No. 6689-94 dated 14-06-2019 and posted at Government Higher Secondary School Ziarat Masoom. (Copy of Appointment order dated 14-06-2019 is annexed herewith as Annexure "A")
2. That appellant has been falsely involved in the case FIR No. 624/22 dated 25-05-2022 offence under section 496-A PPC Police Station Tarnol Islamabad. Appellant filed pre-arrest bail before the court of Session Judge Islamabad and same was confirmed on 21-12-2022 as complainant recorded his statement in the court to the fact that due to the compromise no dispute is left between the parties and complainant don't want to further persue the case and have no objection if the bail of the appellant is

allowed. (Copy of FIR No. 624/22 dated 25-05-2022, Certified Copy of Statement of Complainant dated 12-01-2023 and Certified Copy of Order of ADJ dated 12-01-2023 are annexed herewith as Annexure "B", "C" & "D")

3. That appellant submitted an application dated 22-05-2022 to Principal GHSS Ziarat Masoom for grant of leave due to the apprehension of life threat but the concerned Principal did not forward the application to DEO Office. (Copy of application dated 22-05-2022 is annexed herewith as Annexure "E")
4. That respondent imposed the major penalty of Dismissal from Service upon appellant vide Endstt No. 7213-15 dated 30-09-2022 and being feeling aggrieved from the act of the respondent appellant filed departmental appeal before the appellate authority on 25-10-2022 but same was rejected vide Endstt No. 6293-94 dated 10-01-2023 which was received on 06-02-2023 from the office of Respondent. (Copy of Dismissal order dated 30-09-2022 & departmental appeal dated 25-10-2022 and rejection order Endstt No. 6293-94 dated 10-01-2023 is annexed herewith as Annexure "F", "G" & "H" respectively).
5. That appellant challenged the impugned Notifications before this Honorable Tribunal vide Service Appeal No. 316/2023 and the operative part of the judgment dated 29-02-2024 is reproduced as under for ready reference:
"We are unison to remit the matter back to the department for departmental proceedings/inquiry strictly in accordance law, by issuing charge sheet, statement of allegations and then proper inquiry to be held within 60 days of receipt of this judgment, duly associating the appellant and the departmental representative, and

bringing all the facts on the record. The appellant is reinstated for the purpose of inquiry. The issue of back benefits shall be subject to the outcome of the inquiry."

(Attested copy of the judgment dated 29-02-2024 is annexed as Annexure "I")

6. That the appellant was reinstated into service with immediate effect vide Endst No. 4827-32 dated 04-07-2024 and intervening period from 21-05-2022 to 26-06-2024 was treated as Extra Ordinary Leave without pay. Appellant was adjusted at GHS No. 1 Havelian instead of Ziarat Masoom vide Corrigendum Endst: No. 5126-30 dated 23-07-2024. (Copy of impugned order dated 04-07-2024 and corrigendum dated 23-07-2024 is annexed as Annexure "J" & "K" respectively)
7. That being feeling aggrieved from the impugned order dated 04-07-2024 appellant preferred departmental appeal before the appellate authority but same was rejected vide Endst: No. 1580 dated 11-09-2024. (Copy of Departmental Appeal alongwith Affidavit & Rejection order dated 11-09-2024 is annexed as Annexure "L" & "M" respectively)
8. That appellant seeks indulgence of this Honourable Tribunal for setting-aside the impugned order dated 04-07-2024 and 11-09-2024, of the appellant inter-alia on the following grounds:-

GROUND:-

- a) That the impugned orders dated 04-07-2024 and 11-09-2024 against the law, facts and circumstances hence liable to be set-aside as prayed for.
- b) That respondents violated the basic Principle of Law; that when an act is to be done in particular manner that act

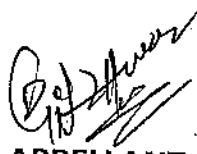
must be done in that manner if otherwise that is nullity in the eye of Law hence, impugned orders are liable to be set-aside.

- c) That the impugned orders dated 04-07-2024 & 11-09-2024 to the extent of non granting/awarding of back benefits is against the Law, justice, equity, facts and circumstances of the case, illegal and not maintainable in the eye of law hence, liable to be set-aside.
- d) That, principle of no work no gain applies only where the fault lies with the civil servant not to work against any post but when the department had wrongly issued any order preventing a civil servant for performing his duties then civil servant cannot be dealt with under principle of no work no pay.
- e) That as per judgment of August Supreme Court of Pakistan 2005 SCMR 1032 the period of the civil servant during which he remained out of service could not be treated as leave of the kind due to him.
- f) That under section 24-A of the General Classes act 1897, where authority is vested with the power to make any order, such shall be exercised reasonably, fairly, justly and the advertisement of the purpose of the enactment under which the power is conferred but in instant case the power was not exercised as such rather the same was misused, arbitrarily to the detriment of appellant without any rhyme or reason hence, the impugned orders are liable to be set-aside.
- g) That the valuable rights of the appellant are involved.
- h) That the instant service appeal is well within time.
- i) That the appellant seeks leave of this Honourable Tribunal to raise additional grounds during the course of

arguments with the permission of this Honourable Tribunal.

It is, therefore, very humbly prayed that on acceptance of instant service appeal, it is respectfully prayed that the impugned order issued under Endst: No. 4827-32 dated 04-07-2024 issued by Respondent No. 02 may graciously be set-aside to the extent of treatment of intervening period as extra ordinary leave without pay & rejection order issued by Respondent No. 01 may also be set-aside and respondents may be further directed to grant all back benefits, and any other relief which this Honourable Tribunal deems proper in the circumstances of the case be granted.

Dated: 05-10-2024


....APPELLANT
(IN PERSON)

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

Service Appeal No. ____ of 2024

Dilawar Zaman S/O Sabir Zaman R/O P.O Makol Payeen, Tehsil and District Abbottabad, presently working as Lab Attendant GHS No. 1 Havelian Abbottabad. 13101-9749087-3 (Mob: 0348-9257217)

.....APPELLANT

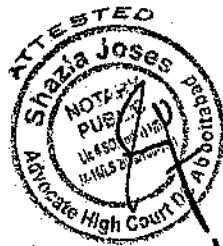
VERSUS

1. Director, Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Education Officer (M) Abbottabad.

.....RESPONDENTS

AFFIDAVIT

I, Dilawar Zaman S/O Sabir Zaman R/O P.O Makol Payeen, Tehsil and District Abbottabad, presently working as Lab Attendant GHS No. 1 Havelian Abbottabad. 13101-9749087-3 (Mob: 0348-9257217), do hereby solemnly affirm and declare on oath that the contents of foregoing service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.



7/10/2024

(Signature)
DEPONENT

ANNEXURE "A"

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) ABBOTTABAD

8

APPOINTMENT OF CLASS-IV AGAINST DECEASED EMPLOYEES QUOTA

Under the provision contained in sub Rules-(4) of Rule-10 of the Khyber Pakhtunkhwa Civil Service (Appointment, Promotion and Transfer) Rule-1989, Establishment Department (Regulation Wing) Notification issued No.SO(R-VI)E&AD/1-3/2015 dated 19-04-2016 and as per recommendations of Departmental Selection Committee, the following candidate is hereby appointed as Class-IV against Deceased Employees Quota in BPS-3 (Rs.9610-390-21310) PM plus usual allowances as due & admissible under the rules in the school noted against his name in the interest of public service with effect from the date of his taking over charge on the terms and conditions mentioned:

S.#	Name of Candidate	Father Name	Date of Birth	CNIC	Post	Place of Posting	Remarks
1	Dilawar Zaman	Sabir Zaman	28-11-1996	13101-9749087-3	Lab Attendant	GHSS Ziarat Masoom	Against vacant post

TERMS & CONDITIONS

1. In the light of Govt:of Khyber Pakhtunkhwa Peshawar, Finance Department (Regulation Wing) letter No.SO(S-II)FD/12-1/2005 dated 27/2/2013, all Civil Servants appointed to a service or post on or after 1st July 2001 shall be deemed to have been appointed on regular basis & will be eligible for Pension/deduction of G.P. Fund as such prescribed by the Govt;
2. He will get salary in BPS- 03 plus usual allowances as due and admissible under the rules.
3. His services can be terminated at any time in case his performance is found un-satisfactory. In case of misconduct he will be proceeded under the rules framed by Govt: of Khyber Pakhtunkhwa from time to time & E&D Rules 2011.
4. If he want to resign from service he will have to serve one month's prior notice failing which the appointee will have to deposit one month's pay in lieu of such notice in the Govt: treasury.
5. Only one member of the family have right to get appointment against the deceased employees son's quota. Therefore if detected at any stage that appointment against deceased quota has been availed earlier, the proceedings will be initiated for termination of service of the appointee over and above the quota with recovery of payment received through irregular appointment on the charges of concealing facts.
6. The appointee availing the Deceased Employees Quota in this order are required to submit an affidavit that he or any member of his family have not availed the said quota prior to this order.
7. He should join the post within 15 days of issuance of this order. The DDO concerned should furnish a certificate to the effect that the candidate appointed has join the post or otherwise after 15 days of the issuance of this order.
8. He should produce Health and Age Certificate from the Medical Superintendent DHQ Hospital Abbottabad within seven days of taking over charge.
9. He should not be handed over charge if his age exceeds 40 years or below 18 years.
10. He will be initially on probation for a period of one year.

QAZI TAJAMMAL HUSSAIN
District Education Officer (M)
Abbottabad.

Endst No. 6689-94 EBIII/Dec Appt/2019

Dated 14-06-2019

Attest
[Signature]

Muhammad Liaqat
Advocate

Copy forwarded for information and necessary action to the:

- 01 Director E&SE Khyber Pakhtunkhwa, Peshawar.
- 02 District Comptroller of Accounts, Abbottabad.
- 03 PS to Secretary to Govt. of Khyber Pakhtunkhwa E&SED Peshawar.
- 04 Principal/ Headmaster of concerned Schools.
- 05 Budget & Accounts Officer Local Office.
- 06 Assistant Programmer, EMIS Cell Local Office.
- 07 Candidates concerned.
- 08 Master File.

District Education Officer (M)

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26.05.2022

0300-9466023

ASIA

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ابتدائی اطلاعی رپورٹ

9

ابتدائی اطلاعی نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 154: مجموعہ ضابطہ فوجداری

علت نمبر 624/22 تھانہ ترنول ضلع اسلام آباد تاریخ وقت وقوعہ 22/05/2022 بوقت: نامعلوم

1-	تاریخ وقت رپورٹ	موردہ 25.05.2022 بوقت 6:15 بجے رات محلہ رپٹ نمبر 26	6	تھانہ سے روانگی کی تاریخ و وقت
2-	نام و سکونت اطلاع دہندہ مستغیث	نعمان احمد ولد عنایت الرحمن سکندر رتی کسی ترنول اسلام آباد		
		شناختی کارڈ نمبر 03172674227 فون نمبر 13101180666405		
3-	مختصر کیفیت جرم منع دفعہ و مال اگر کچھ کھویا ہے۔	جرم A 496 تپ		
4-	جائے وقوعہ فاصلہ تھانہ سے اور سمت	بدر قبر رتی کسی ترنول بفصلہ قریب جنوب مغرب از تھانہ		
5-	کارروائی متعلقہ تفتیش اگر اطلاع درج کرنے میں کچھ توقف ہو ہو تو اس کی وجہ بیان کی جائے	حسب آمد تحریری درخواست مقدمہ درج رجسٹر ہوا۔		

ابتدائی اطلاع نیچے (درج کرو۔)

عہدہ ASI

دستخط ثاقب محمود

نوٹ: اطلاع کے نیچے اطلاع دہندہ کا دستخط یا مہر یا نشان انگوٹھا ہونا چاہیے اور افسر تحریر کنندہ (ابتدائی اطلاع) کے دستخط بطور تصدیق ہونے چاہیے صاحب تھانہ ترنول اسلام آباد جناب عالی گزارش یکہ میں کسی نعمان احمد ولد عنایت الرحمن سکندر رتی کسی ترنول اسلام آباد کارہائشی SHO بخدمت ہوں موردہ 22.05.2022 گاؤں اپنے کزن کی شادی پر گیا ہوا تھا میری بیوی مسماہ ارم بی بی گھر پر موجود تھی مجھے میرے بھائی نے اطلاع دی کہ بھائی گھر سے باہر نکلی ہے واپس نہیں آئی جب میں گھر پر آیا تو میری بیوی گھر پر موجود نہ تھی میں نے اپنے رشتہ داروں سے پتہ کیا لیکن کسی کو اس بابت معلوم نہ ہے مزید جب گھر میں دیکھا تو دو تولہ سونہ اور ساٹھ ہزار بھی موجود نہیں ارم بی بی لے گئی ہے مجھے قوی یقین ہے کہ میری بیوی کو دلاور ولد صابر جو کہ ہمارا ہمساہیہ ہے نے اغوا کر کے لے کر لیا ہے بڑے رشتہ داروں سے درخواست استدعا ہے کہ ان دلاور اور اس کے نام معلوم سہیوں کے خلاف قانونی کارروائی کر کے میری بیوی کو بازیاب کروایا جائے اور اس کو سخت سے سخت سزا دلانی جائے دستخط بحروف انگریزی نعمان احمد ولد عنایت الرحمن سکندر رتی کسی ترنول اسلام آباد شناختی کارڈ نمبر 03172674227 فون نمبر 13101180666405 کا پولیس سائل بالا پائی جانے تحریری درخواست بجا ضروری تھانہ مضمون ذیل پیش کی جو حرف بہ حرف درج بالا ہوئی مضمون تحریر درخواست حالات واقعات سے صورت جرم 496 کر رپورٹ ابتدائی اطلاعی بجرم مرقور مرتب ہوئی جناب صاحب علاقہ تھانہ میں ہیں جن کو اطلاع بابت اندراج مقدمہ بذمہ جاری ہے محرر بعد تکمیل ریکارڈ جا بجا افسران مجاز ارسال کرنے میں مصروف تفتیش ہوں۔

ASI ثاقب محمود

تھانہ ترنول اسلام آباد

فون نمبر: 03009466023

موردہ: 2022/05/25

13 JAN 2023
Supintendent
(Ward) Islamabad

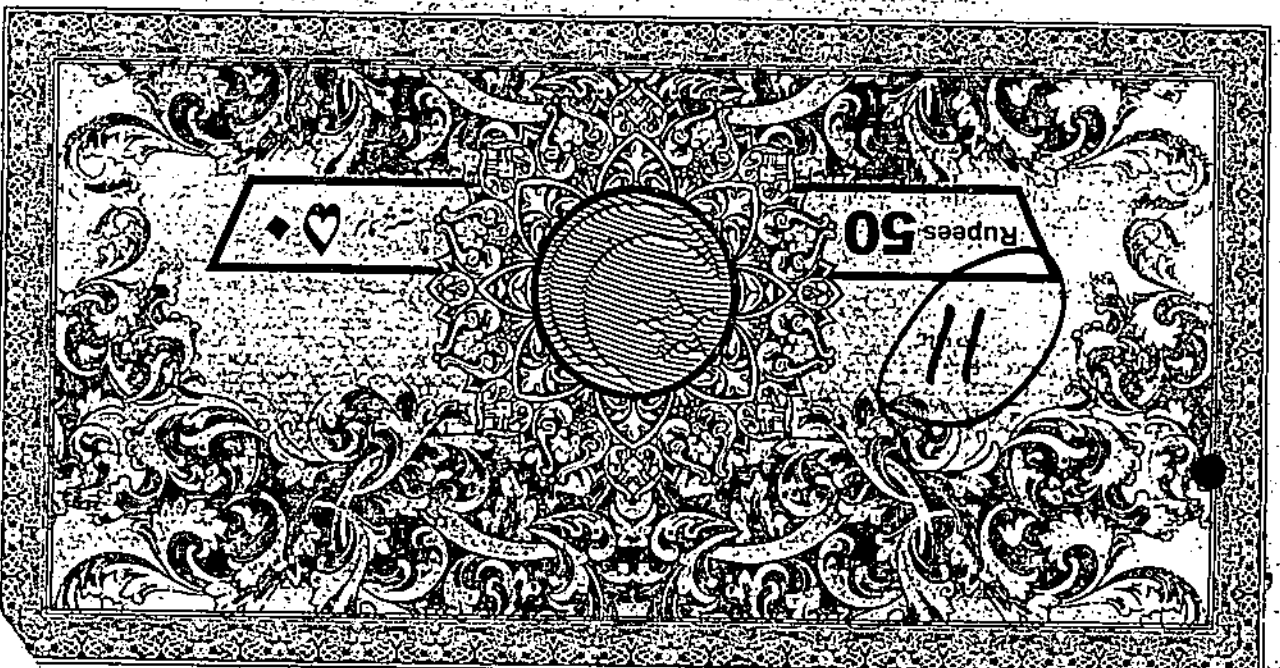
18068405
13 JAN 2023



ATTESTED

Handwritten Urdu text, likely a witness statement or affidavit, detailing an incident. The text is written in a cursive style and includes several lines of narrative. At the bottom of this section, there is a signature and the name 'ساجد علی' (Sajid Ali).

Handwritten Urdu text at the bottom of the page, including a date '25/5/22' and a time '6:24/02'. It appears to be a continuation of the statement or a separate note.



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9A

ANNX

10

13101-1806840-5

نور احمد راتی کاسی تارنول

دیلوار زمان

04 JAN 2023

Stamp Vendor
Lic No. DRA/287/2016
District Courts, Islamabad.

04 JAN 2023



Handwritten signature of Dilawar Zaman.

یادداشت: یہ کیس کی سرکاری ریکارڈنگ ہے اور اس کی کاپی تیار کی گئی ہے۔

DILAWAR ZAMAN VS. THE STATE

12.01.2023



STATEMENT OF COMPLAINANT NOMAN AHMED S/O ANAYAT UR REHMAN R/O RATTI KASSI TARNOL, ISLAMABAD. CNIC NO. 13101-1806840-5. ON OATH:-

Stated that I am complainant of instant case. I nominated the accused Dilawar Zaman in case FIR No. 624/22, dated 25.05.2022, offence U/S 496-A PPC, P.S. Tarnol, Islamabad. I have entered into compromise with the accused Dilawar Zaman and no dispute is left between us. I do not want to further pursue the instant case and I have no objection if the bail of the petitioner is allowed or he is ultimately acquitted in the instant case.

RO & AC:
12.01.2023.

(Humayun Dilawar)
Addl. Sessions Judge,
GBV Court East/West-Islamabad.

ATTESTED

Superintendent
District Court Islamabad



Attested
9/1/23

Annex "D"
12

IN THE COURT OF MR. HUMAYUN DILAWAR
ADDITIONAL SESSIONS JUDGE/GBV COURT EAST/WEST-
ISLAMABAD

Bail Petition No. 18/2023
Date of institution: 04.01.2023
Date of decision: 12.01.2023

Dilawar Zaman.....versus.....The State

Present:
12.01.2023

Present: Petitioner is on ad-interim pre-arrest bail.
Muhammad Arif Khan Advocate, learned counsel representing the petitioner/accused.
Complainant Noman Ahmed in person.
I.O alongwith record.
Learned ADDP for State.

ORDER:

The petitioner/accused seek confirmation of pre-arrest bail in case FIR No. 624/22 dated 25.05.2022, under Section 496-A PPC registered at Police Station Tarnol, Islamabad.

2. Allegation against the petitioner is that he enticed and abducted the wife of complainant namely Irum Bibi, for the purpose of illicit intercourse hence, booked in the FIR.

3. At the very outset, the complainant appeared before the court, furnished affidavit and recorded his statement that he has entered into compromise with the accused Dilawar Zaman and no dispute is left between them. He does not want to further pursue the instant case and have no objection if the bail of the petitioner is allowed or he is ultimately acquitted in the instant case.

4. Even though the offence U/S 496-A PPC is not compoundable nevertheless the complainant has recorded his no objection on acceptance of instant bail petition and that complainant is no more interested to further pursue the instant case.

5. Keeping in view the above, the instant pre-arrest bail petition is allowed and ad-interim bail granted to the accused on 04.01.2023 is confirmed on existing bail bonds. The above observations are tentative in nature and will not effect the nature of case. returned whereas, this file be consigned to record room after its completion and compilation.

Announced.
12.01.2023.

Attested to be true copy
SUPERINTENDENT
District & Sessions Courts
West, Islamabad
Authorised
Under 87 of Criminal Procedure Code, 1973

(Humayun Dilawar)
Addl. Sessions Judge,
GBV Court East/West-Islamabad.

13 JAN 2023

1376
Date of Application: 13/01/2023
Police file be
Name of Copyist: Sub
Date of Presentation of Copy: 13/01/2023
No. of Pages: 06
Date of Copy: 13/01/2023
Urgent Fee: 13
Branch for VFP or Compensation fees
Date of Copy to be sent to Applicant
Date and Cover Signature: 13/1

Attested
13/1

Multimedia Layer

[Signature]

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Perak 22/05/2022

Perak 22/05/2022
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- 2021

22/05/2022
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Perak 22/05/2022

(13)

ANNEX E

Perak 22/05/2022
Perak 22/05/2022

Annex "F" 3879
14

WHEREAS, you Mr. Dilawar Ramzan, Lab Attendant, GHSS Ziarat Masoom Abbottabad was reprimanded for having committed the following gross irregularities which constitute inefficiency/misconduct, absent from duty without approval of Competent Authority under Rule-3 of the Khyber Pakhtunkhwa Government Servant Efficiency & Disciplinary rules 2011.

AND WHEREAS, you were absent from duty w.e. from 21-05-2022 to till date as per report of Principal GHSS Ziarat Masoom Abbottabad received vide Endst No. 157 dated 06-06-2022.

AND WHEREAS, Show Cause notice was served upon you vide this office Memo No. 3979 dated 02-07-2022 through Principal GHSS Ziarat Masoom Abbottabad regarding your willful absence from duty w.e. from 21-05-2022 to till date without any application/information, wherein you were directed to submit your reply within (10) Ten Days of the issuance of said notice and further to appear in person for personal hearing.

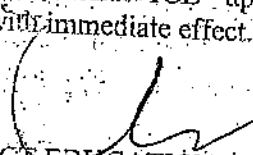
AND WHEREAS, you were failed to submit reply of show cause notice within stipulated time period and also failed to appear for personal hearing.

AND WHEREAS, an Absence Notice through daily "Mashriq Peshawar" regarding your willful absence from duty was published on 05-09-2022, wherein you were directed to attend the office of the undersigned within 15 Fifteen days of publication of the said notice to explain the cause of your absence, otherwise disciplinary action and ex-parte decision will be taken against you under the E&D.Rules, 2011.

AND WHEREAS, the stipulated period has been expired on 20-09-2022 and you have failed to appear in person and also failed to reply the reasons of your absence from duty.

And by reason of above charges leveled against you have been proved and you are found guilty of misconduct and willful absence from duty without prior approval of leave under Rule-3 of the Khyber Pakhtunkhwa Government Servant Efficiency & Disciplinary rules 2011.

NOW THEREFORE, I Mr. Muhammad Tanveer, District Education Officer Male Abbottabad as competent authority in exercise of the power conferred upon me under Sub Rule 4 (1)(b) (IV) of Khyber Pakhtunkhwa Government Servant Efficiency & Disciplinary rules 2011, is pleased to impose the major penalty of "DISMISSAL FROM SERVICE" upon Mr. Dilawar Ramzan Lab Attendant GHSS Ziarat Masoom Abbottabad with immediate effect.

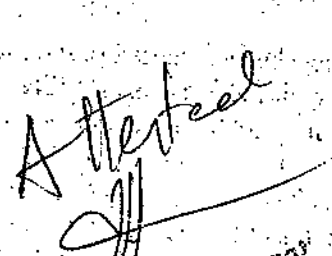

DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

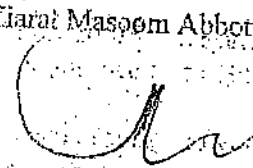
Endst: No. 743-15/C-IV/Complaint

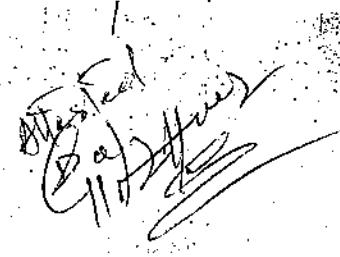
Dated 30/9/2022

Copy for information & necessary action to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
2. District Controller of Accounts Abbottabad
3. Principal GHSS Ziarat Masoom Abbottabad.
4. Mr. Dilawar Ramzan, Lab Attendant, GHSS Ziarat Masoom Abbottabad.


Muhammad Dilawar
Attendant


DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD



عنوان: درخواست اہیل برائے بحالی ملازمت Re-Instatement

15

خدا تعالیٰ
 مودبانہ گزارش ہے کہ سائل کی تقرری 25-05-2019 کو Deceased ملازمین کے تحت گورنمنٹ ہائر سیکنڈری سکول زیارت معلوم میں بطور لیپ اسٹنٹ BPS-03 ہوئی تھی۔ دوران سروس سائل کی کوئی غیر حاضری نہیں ہوئی اور نہ ہی سائل کے خلاف کوئی شکایت اعلیٰ حاکم کو حوصلوں ہوئی۔ خاندانی دشمنی کی بناء پر سائل پر چھوٹی FIR درج کرائی گئی اور سائل کو FIR میں ملوث کیا گیا۔ سائل کو ایسے حربوں سے جان مٹا بھی چکے ہیں لہذا سائل نے ضمانت قبل از گرفتاری بھی نہیں کرائی لہذا جبراً سائل ریورس ہو گیا۔ سائل نے چھٹی کی درخواست اپنے سکول میں بھی ارسال کی تھی کہ سائل حاضر نہیں ہو سکتا۔ حکم نے بغیر کوئی حکمانہ انٹوائزی سے سائل کو چھٹی جب 7213-15 بتاریخ 30-9-2022 کو جاری کردہ بحالی ضلعی تعیناتی آفیسر (مردانہ) ایسٹ آباد کے تحت Dismiss from service کر دیا۔

اس آرڈر کی کاپی سائل کو 20-10-2022 کو حوصلوں ہوئی۔ حضور والا! گزارش ہے کہ سائل ایک غریب گوانے سے تعلق رکھتے ہیں اور سائل کے خاندان کے گزر بسر کا انحصار صرف حکم کی توسط سے ہی چلتا ہے لہذا آپ سے استدعا کی جاتی ہے کہ سائل کو نوکری پر بحال فرمایا جائے۔ سائل اپنے فرائض نہ کھانے پر صدمت خواہ ہے اور آئندہ افسران بالا کو کبھی شکایت کا موقع نہیں دے گا۔ لہذا سائل کو Humanitarian Grounds پر بحال کیا جائے۔

العارض
 آجیٹا نامہ بعد از ملازم
 دلاور زحان ولد ہمایر زحان
 HASS 4411 زیارت معلوم
 ایسٹ آباد
 گاؤں چیک اجروہ ڈاکخانہ سکول پائین
 تحصیل و ضلع ایسٹ آباد

ایہل عرضیہ دست ہے
 1885
 4-11-2022
 Amn

الموافق 25-10-2022

Attested
 Muhammad Liaqat
 Advocate

Attested
 [Signature]



ANNEX "H"
DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.

No. _____ /F.No.71/A-20/C-IV/Abbottabad

Phone: 091-9225344

Dated Peshawar the 10-1- /2022
Email: ddadmn.es@gmail.com

To

Mr. Dilawar Zaman Lab: Attendant
GHSS Ziarat Masoom District Abbottabad.

Subject: **APPEAL FOR RE-INSTATEMENT.**

Memo:

I am directed to refer to the subject cited above and to state that your appeal for Re-instatement received in this Directorate on 04/11/2022 which was submitted to DEO (M) Abbottabad and reply from DEO (M) Abbottabad vide letter No. 8861 dated 25/11/2022 has been received and examined/analysed by this Directorate and the competent authority has **rejected** your appeal.

16

Assistant Director (Admn)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst; No. 6293-94

Copy forwarded to the: -

1. District Education officer (M) Abbottabad w/r to his letter No and Date cited above.
2. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Master File.

Received on
06/12/23
Dilawar

Assistant Director (Admn)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar
9/1/23

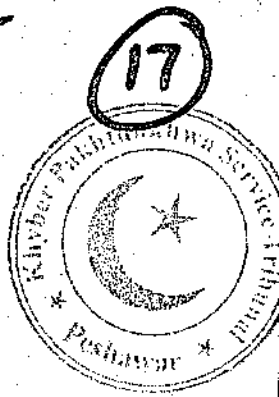
D:\Admn\Irshad Ali\Class IV\Appeal Rejected\Dilawar Nawaz LA Abbottabad.doc

Attest
Muhammad Ijaz
Advocate

Attest
Dilawar

Annex I

Service Appeal No.316/2023 titled "Dilawar Zaman -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar and others", decided on 29.02.2024 by Division Bench comprising Kalim Arshad Khan, Chairman, and Mr. Salah Ud Din, Member, Judicial, Khyber Pakhtunkhwa Service Tribunal Peshawar at Camp Court, Abbottabad



**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR**

**BEFORE: KALIM ARSHAD KHAN ...CHAIRMAN
SALAH UD DIN ...MEMBER (Judicial)**

Service Appeal No.316/2022

Date of presentation of appeal.....13.02.2023
Dates of Hearing.....29.02.2024
Date of Decision.....29.02.2024

Dilawar Zaman, Son of Sabir Zaman resident of Village Akhrota P.O Makol Payeen, Tehsil and District Abbottabad, Ex Lab Attendant GHSS Ziarat Masoom Abbottabad(Appellant)

Versus

1. **Government of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.**
2. **Director Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.**
3. **District Education Officer (M) Abbottabad.....(Respondents)**

Present:

Mr. Muhammad Liaqat, Advocate.....For appellant
Mr. Asad Ali Khan, Assistant Advocate General.....For respondents

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER ISSUED UNDER ENDST: NO.7213 DATED 30.09.2022 WHEREBY RESPONDENT NO.3 IMPOSED MAJOR PENALTY OF DISMISSAL FROM SERVICE AND APPELLANT FILED DEPARTMENTAL APPEAL BEFORE RESPONDENT NO.2 WHICH WAS REJECTED VIDE ENDST NO.6293-94 DATED 10.01.2023 RECEIVED ON 06.02.2023 WHICH IS TOTALLY AGAINST THE LAW, POLICY WITHOUT JURISDICTION, ARBITRARILY, VOID ABINITIO, AND HAVING NO LEGAL EFFECT UPON THE VESTED RIGHTS OF THE APPELLANT.

ATTESTED
[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

02-10-2024

JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: According to the memorandum and grounds of appeal, the appellant was serving as Lab Attendant in the Education Department. That an FIR No.624/22 dated 14.06.2019 was lodged

[Handwritten signature]

against him, in which, his pre-arrest bail was confirmed. That later on, through compromise between the appellant and the complainant, he was acquitted. That on 22.05.2022 he filed application for grant of leave but the same was not forwarded by the Principal concerned. That vide order dated 30.09.2022, he was dismissed from service. Feeling aggrieved, he filed departmental appeal which was rejected, hence, the instant service appeal.

2. On receipt of the appeal and its admission to full hearing, the respondents were issued notices. They put appearance and submitted reply.

3. We have heard learned counsel for the appellant and learned Assistant Advocate General for the respondents.

4. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned Assistant Advocate General controverted the same by supporting the impugned order.

5. From the record, it is evident that the appellant was serving as Lab Attendant in the Government Higher Secondary School Ziarat Masoom when the impugned order dated 30.09.2022 was passed and the appellant was dismissed from service. Admittedly, before passing of impugned order, show cause notice was issued to the appellant on 02.07.2022, however, the same was not served upon the appellant. Besides, we could not find any charge sheet, statement of allegations and even formal inquiry was not conducted in accordance with the provisions of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, compelling the Tribunal to remit the matter back to the department for departmental

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

19

proceedings/enquiry strictly in accordance law, by issuing charge sheet, statement of allegations and then proper inquiry to be held within 60 days of receipt of this judgment, duly associating the appellant and the departmental representative, and bringing all the facts on the record. The appellant is reinstated for the purpose of enquiry. The issue of back benefits shall be subject to the outcome of the inquiry.

6. The appeal in hand is decided in the above terms. Costs shall follow the even. Consign.

7. Pronounced in open Court at Abbottabad and given under our hands and the seal of the Tribunal on this 29th day of February, 2024.

KALIM ARSHAD KHAN
Chairman
Camp Court, Abbottabad

SALAH UD DIN
Member (Judicial)
Camp Court, Abbottabad

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

02-10-2024

Mutazem Shah

Date of Presentation of Application	02-10-2024
Number of Words	3-P
Copying Fee	15/-
Urgent	5/-
Total	20/-
Name of Copyist	
Date of Completion	02-10-2024
Date of Delivery of Copy	02-10-2024

S.A #.316/2023

ORDER

29th Feb. 2024


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

2. Vide our detailed judgment of today placed on file, we are in unison to remit the matter back to the department for departmental proceedings/enquiry strictly in accordance law, by issuing charge sheet, statement of allegations and then proper inquiry to be held within 60 days of receipt of this judgment, duly associating the appellant and the departmental representative, and bringing all the facts on the record. The appellant is reinstated for the purpose of enquiry. The issue of back benefits shall be subject to the outcome of the inquiry. Costs shall follow the events. Consign.

3. *Pronounced in open Court at Abbottabad and given under our hands and the seal of the Tribunal on this 29th day of February, 2024.*



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



(Kalim Arshad Khan)
Chairman
Camp Court, Abbottabad

Mutazem Shuh

Annex "J"

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

21

RE-INSTATEMENT

WHEREAS, you Mr. Dilawar Zaman, Lab attendant GHSS Ziarat Masoom ATD proceeded under Rule-3 of Khyber Pakhtunkhwa Government Servant Efficiency & Disciplinary rules 2011 and imposed major penalty of "Dismissal from service" vide this office order issued under Endst: No.7213-15 dated 30-09-2022.

AND WHEREAS, in the light of Honourable Khyber Pakhtunkhwa Service Tribunal Peshawar Camp Court Abbottabad Judgment dated 29-02-2024 in Service Appeal No.316/23, inquiry officer was nominated vide Notification No.1828-32 dated 26-03-2024.

AND WHEREAS, Inquiry Officer conducted inquiry and submitted report vide diary No.2804 dated 13-06-2024 wherein he recommended that Mr. Dilawar Zaman, Lab attendant GHSS Ziarat Masoom ATD may be re-instated in service and intervening period treated as Extra ordinary leave as he did not perform any duties during this period.

NOW THEREFORE, in the light of recommendations of Inquiry Officer Mr. Dilawar Zaman, Lab Attendant GHSS Ziarat Masoom ATD is hereby reinstated into service with immediate effect and intervening period w.e.from 21-03-2022 to 26-06-2024 (768 days) treated as Extra Ordinary Leave without pay as he did not perform his duties and further adjusted at Govt Higher Secy: School Ziarat Masoom ATD.

DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Endst No. 4827-32 EB!!!/Comp/Inq/C-IV

Dated 04/07/2024

Copy forwarded to the:

1. Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar in connection with Service Appeal No.316/23 dated 29-02-2024.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
3. District Comptroller of Accounts Abbottabad.
4. Principal GHS Ziarat Masoom Abbottabad.
5. AD EMIS-branch local Office.
6. Official Concerned

[Signature]
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Attested
[Signature]

ANNEX 'K'

OFFICE OF THE DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD:

22

CORRIGENDUM:

The following amendment in this office reinstatement order issued under Endst.No.4827-32/EB-III/Comp/Inq/C-iv dated 04-07-2024 is hereby order on humanitarian ground due to life threat to the official concerned in the best interest of public service from the date of its issuance.

S #	NAME/DESIGNATION	ADJUSTED AT	REMARKS
1	Mr. Dilawar Zaman Lab Attendant	GHSS Ziarat Masoom, Abbottabad	Please read GHS No.07 Havelian instead of GHSS Ziarat Masoom Abbottabad in the above mentioned order.

Note: Other terms and condition will remain same.

Sol
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD.

5126-30

Endst.No. _____ /EB-III/Comp/Inq/C-iv

Dated /A bad the ²³/7/2024.

Copy for information to the:-

1. District Account Officer Abbottabad.
2. District Monitoring Officer (EMA) Abhottabad.
3. AD EMIS branch local office.
4. Principal's concerned.
5. Official concerned.

Umm
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD.

*Attested
B. J. Khan*

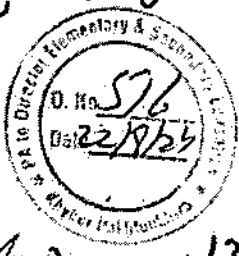
انجمن خیرہ ڈاکٹر صاحبہ ایجنسی کے ایجنڈہ سلیڈ پر اور انجمن خیرہ ڈاکٹر صاحبہ

عنوان: اپیل بقایا جات عرصہ 2 سال 2024ء

x _____ x

خیرہ جانی!

یہ کہ میں سائل کا نام دلا اور زمان ولد ہار زمان ہے۔ اور سائل
 ڈاکٹر خانہ عدول پانچ، سکول تری، تحصیل قوٹیاں ایچ ایچ آباد مار پانچ
 ہے۔ یہ سائل محکمہ ایجوکیشن کھلاڑی ہے۔ اور دوران عدالت سائل
 یہ عرصہ 22/05/2024ء کو زمانہ نزول میں مقدمہ نمبر 496A ت پ درج ہوا۔
 جس کی ابتدا کر کے میں سائل کو گناہ ثابت ہوا۔ اور کوئی بھی جرم میں سائل
 پر ثابت نہ ہو سکا اور نہ ہی میں سائل کی غلطی یا کبھی جس پر بغیر سند
 2 سال 2024ء کی دہائی بغیر میں سائل کو دوبارہ عرصہ 22/07/2024ء کو نوٹری کیس
 کر دیا گیا۔ سائل کو تکرار نہیں ہو سکتا۔ اور دوران Dismiss سائل کی درخواست گزار
 کیا۔ اور لوگوں میں کافی فرقہ حاصل کیا کہ کمال پونے بعد علیہ ولاء بقایا جات
 سے قبول کی رقم واپس کر دیں گا۔ لیکن 2 سال سائل کو سائل بقایا جات رہے۔
 اور جس پر سائل اپنے حقوق کی غرض سے اپیل کا خواہاں ہے تاکہ سائل کو حق
 سے آسائش بطور ریپ اسٹنڈ گورنمنٹ یا سکول علیہ انہیں اپنے فریضہ منصبی ادا کر سکتے
 ہیں اور بعد از اس اپیل بقایا جات عرصہ 2 سال 2024ء کی جانی ہے۔ تاکہ درخواست
 میں منظور فرما کر سائل کو بقایا جات رقم عرصہ 2 سال 2 ماہ دینے جانے کے حسب ہذا بل
 اشاعت صادر فرما کر وصول فرمائیں۔



22/08/2024

Handwritten signature

13101-9749087-3

دلاور زمان ولد ہار زمان کسٹنڈ ایچ

576 ADI (Admin) 22/8/24

Handwritten signature and initials

0348-9257217
0318-9666456

Attested by [Signature]



Handwritten signature and initials at the top left.

دو روپيا و چاليس پيسو

1310-9719087-3

92 24 24 24

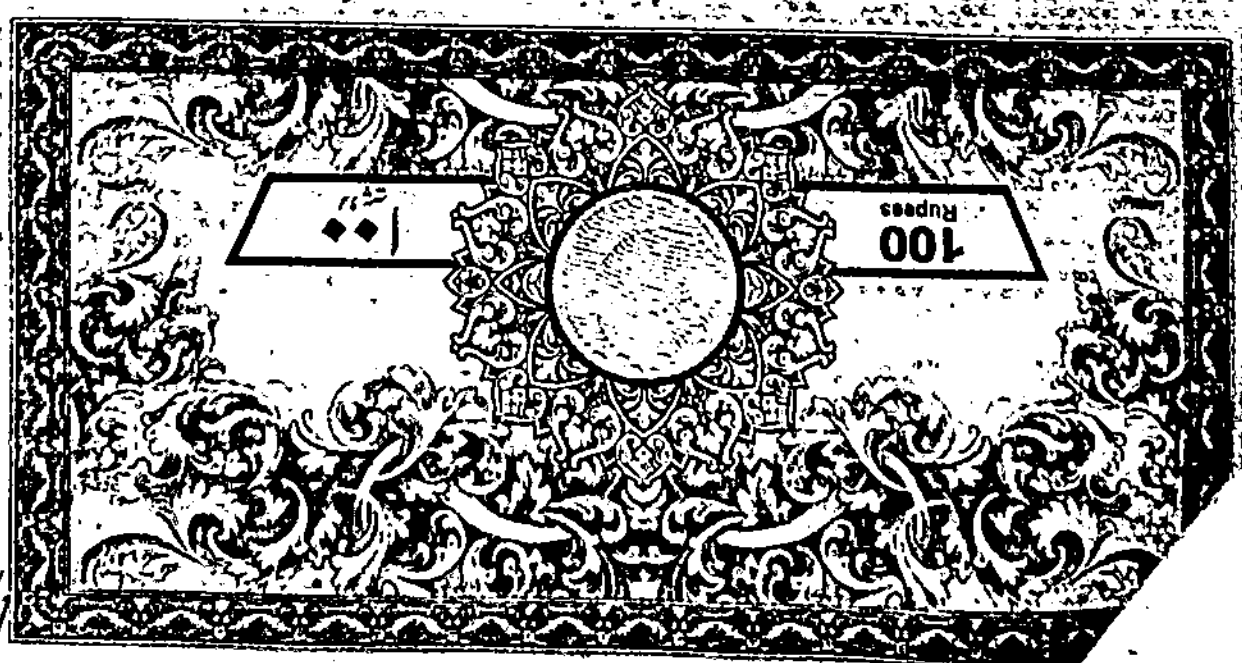
Handwritten signature and initials in the middle section.

دو روپيا و چاليس پيسو (Two Rupees and Forty Paise)

دو روپيا و چاليس پيسو (Two Rupees and Forty Paise)

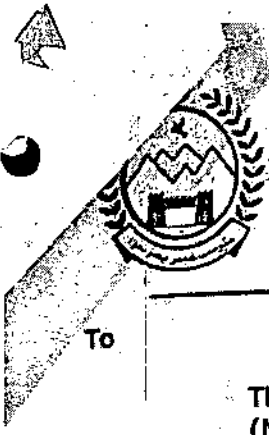
Main body of handwritten text in Urdu, containing a list of items and their prices.

پانچ روپيا



24 (circled)

ANNX M
25
19



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.

No. 1579 /F.No. 71/A-20/Class-IV/Abbottabad/Vol-4

Dated Peshawar the 11-9-2024

Phone: 091-9225344

Email: ddadmn.esc@gmail.com

To

The District Education Officer,
(Male), Abbottabad.

Subject: **APPEAL FOR PROVISION OF BACK BENEFITS**
Memo:

I am directed to refer to the subject cited above and to enclose herewith a copy of an appeal alongwith its enclosures submitted by Mr. Dilawar Zaman, s/o Sabir Zaman Lab Attendant GHS No. 1 Havellan, Abbottabad regarding his appeal for provision of back benefits.

You are therefore directed to inform the appellant that his appeal has been examined/analyzed by this Office and rejected by the appellate authority.

o/c
Assistant Director (Admn)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst; No. 1580

Copy forwarded to the: -

1. Mr. Dilawar Zaman, s/o Sabir Zaman Lab Attendant GHS No. 1 Havellan, Abbottabad
2. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Master File

o/c
Assistant Director (Admn)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar

Attested
Dilawar Zaman