


Cost of Rs. 200/- received in Service Appeal No. 349/2024

Titled Habib Ullah VS. Education Department

in the office of Registrar Vide Order 18-09-2024

Dated: 07/11/2024.


REGISTRAR
Khyber Pakhtunkhwa
Service Tribunal, Peshawar
Peshawar
7/11/24.

BEFORE THE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.349/2024

Mr. Habib ullah District Mohmnad

.....Appellant.

VERSUS

Govt, Khyber Pakhtunkhwa & others.

.....Respondents.

INDEX

S.NO	Description of Documents	Annexure	Page
1	Comments	----	1
2	Affidavit	----	2
3	Authority letter	----	3
4	Head Master report	--A--	4
5	Show cause notice	--B--	5
6	Personal hearing	--C--	6
7	Removal order	--D--	7

Next Date
15.11.2024

Attested
[Signature]
8.10.2024

①

SERVICE TRIBUNAL PESHAWAR BEFORE KHYBER PAKHTUNKHAWA.

Service Appeal .349/2024

Mr. Habib Ullah Ex. sweeper GMS sultan Khel District Mohmand .

.....Appellant

VERSUS

District Education officer District Mohmand .

.....Respondent.

Khyber Pakhtunkhwa
Service Tribunal

Case No. 17763

Date: 07-11-24

Para-wise comments on behalf of respondents No.1

Respectfully Sheweth.

Preliminary objections.

- I. That the Appellant has no cause of action, locus standi to file the instant Appeal.
- II. That the Appellant has not come to this court with clean hands.
- III. That the Appellant has concealed material facts from the Honorable Tribunal.
- IV. That the Appeal is barred by law and limitation
- V. That the Honorable Tribunal is no jurisdiction.

ON FACT

- 1. Pertain to record.
- 2. Incorrect. Hence denied. As per report submitted by the concerned Head Master GMS Sultan Khel on vide his office No.15 dated 1.09.2023. As per letter Head Master GMS sultan khel, appellant has been absent from his duty since 23.08.2023 till dated 1.09.2023 and gone abroad to Saudi Arabia without prior permission of leave. District education officer Mohmand as competent authority Dispensed the inquiry under the rule (5) 1 (a) of Khyber Pakhtunkhwa civil servant E&D rule 2011 and served the show case notice under rule 7 of the rule abide. Moreover opportunity was provided and he was called for personal hearing vide order -9269 dated 22.9.2023 but the appellant failed to appear before the competent authority in person.(Copy of the letter, show cause notice and personal hearing are attached annexure -A-B &C)
- 3. Incorrect. Hence denied. the appellant was not charged in any offence in the said F.I.R.
- 4. As elaborated in Para 2 of the Fact
- 5. No record available regarding departmental appeal.
- 6. The Removal of service of the appellant is after the fulfilling of the legal formalities.

GROUND.

- A. That the order dated 5.10.2023 passed by the respondent as per law and rule.
- B. That the appellant has been treated according to the law and Article 4 &25 of the constitution of Islamic Republic of Pakistan 1973.
- C. As elaborated in Para 2 of the Fact.
- D. As elaborated in Para 2 of the fact.
- E. As elaborated in Para 2 of the fact.
- F. Incorrect and denied.
- G. The penalty imposed upon the appellant as per law and rules.
- H. As elaborated in above Para's in details.
- I. That the Respondent seeks permission to advance other ground and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may kindly be dismissed with cost.



(Mr.Sheraz Ahmad)
District Education officer (M)
District Mohmand

Respondent.1

BEFORE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal .349/2024

Mr. Habib Ullah Ex. sweeper GMS sultan Khel District Mohmand .

.....Appellant

VERSUS

District Education officer District Mohmand .

.....Respondent.

AFFIDAVIT

I Mr. Sheraz Ahmad District Education officer Mohmand do hereby declare and affirm on oath that above comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon, rabble Tribunal.

It is further stated on oath that in this appeal, the answering respondents have been placed ex-parte defense is struck off and restored by Honorable Tribunal.



(Mr.Sheraz Ahmad)
District Education officer (M)
District Mohmand

R



DISTRICT EDUCATION OFFICE DISTRICT MOHMAND

AUTHORITY LETTER

I District Education officer (Male) District Mohmand do hereby authorize Mr. Noor Bad shah Assistant (litigation) of this District Education office Mohmand to attend the Khyber Pakhtunkhwa Service Tribunal in connection with filing of Para wise comments in service Appeal No 349/2024 Titled Habib Ullah VS Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department.

Dated.



(Mr. Sheraz Ahmad)
District Education officer (Male)
District Mohmand
District Education Officer (M)
District Mohmand

Head Master
DMS Suman Khat
DMS Mohamad

01/09/2023

n/a Please

Forwarded to

DFO (M) for

Dated 01/09/2023

Endsi No: 15

8-10-2024
M. Ahmad

بابت سٹی ایف ایف
بابت سٹی ایف ایف

01/09/2023

بابت سٹی ایف ایف

بابت سٹی ایف ایف

بابت سٹی ایف ایف

بابت سٹی ایف ایف

بابت سٹی ایف ایف

بابت سٹی ایف ایف

بابت سٹی ایف ایف

بابت سٹی ایف ایف

بابت سٹی ایف ایف

4

5



OFFICE OF THE DISTRICT EDUCATION OFFICER
DISTRICT MOHMAND

Phone: 0924-290180 email: DEOMOHMAND@GAMR.COM



5

SHOW CAUSE NOTICE

8

I, LIAQAT ALI, the District Education Officer (Male) District Mohmand as Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 do hereby serve upon you, Mr. Habib Ullah Sweeper GMS Sultan Khel District Mohmand this Show Cause Notice as follow:

1. Whereas as per report submitted by the concerned Head Master GMS Sultan Khel on 01/09/2023 vide his office No. 15 dated 1/09/2023, you have been absent from your duty since 23/08/2023 till date & gone abroad to Saudi Arabia without prior permission of leave.
2. And whereas you are guilty of professional dishonesty, inefficiency and absenteeism under the Rule-3 (a) & 3 (d) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.
3. That in terms of rule 5(1) (a) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, I as Competent Authority dispense with the inquiry and serve you with a Show Cause Notice under Rule 7 of the rule ibid.

As a result, thereof, I, as the Competent Authority, have tentatively decided to proceed against you under the mentioned rules. You are, therefore, required to show cause as to why penalty under Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 should not be imposed upon you and also intimate whether you desire to be heard in person.

If no reply to this office is received within 07 days of its delivery, it shall be presumed that you have no defense to put in and, in that case, ex-parte action shall be taken against you under the rules ibid.

(LIAQAT ALI)
District Education Officer
(Male) Mohmand

Mr. Habib Ullah Sweeper GMS Sultan Khel District Mohmand.

Endst No. 9108-13 / Estab(Sec)

Dated 09 /09/2023

Copy forwarded to the:

1. Director of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
2. DMO Education Monitoring Authority Mohmand.
3. DDÉO, being DDO with the direction to deliver the Show Cause notice to the concerned official and also do the needful so to save the Govt; Exchequer from undue loss.
4. Official concerned.
5. Office Copy.

9/9/2023
District Education Officer
(Male) Mohmand

DL

*At least
all B
8.10.2024*



OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) DISTRICT MOHMAND



Ph. No: 0924-290180

Email : deomohmand@gmail.com

Date: 22/09/2023

No. 9269/Estab./Sec

To

Mr. HABIB ULLAH SWEEPER
GMS Sultan Khel District Mohmand

Subject: PERSONAL HEARING

Reference to Show Cause Notice served upon you vide this office No. 9108-13 dated 09/09/2023 and your reply not received to this office within the stipulated period. you are therefore, directed to appear for "Personal Hearing" under rule 15 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 amended in 31/12/2021 before the Competent Authority on 02/10/2023 at 11:00 am at the office of the District Education Officer (Male) Mohmand for final defense on your part if any.

In case of failure, ex-party action shall be taken against you under the rule 4 of the rules ibid.

(LIAQAT ALI)
District Education Officer
(Male) Mohmand

Endst No. and Date Even

Copy to the:

- 1) PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 2) Deputy Commissioner Mohmand.
- 3) District Monitoring Officer EMA, Mohmand
- 4) In charge/HM of GMS Sultan Khel..
- 5) Official concerned.
- 6) Office record.

Received
ISRAE HAST

Recd
on 22/9/23

BSL
23/9/2023
U. G. C. S.

22/9/2023
District Education Officer
(Male) Mohmand

Attended
cell B
8-10-2024



OFFICE OF THE DISTRICT EDUCATION OFFICER
DISTRICT MOHMAND
Email: deo@kpk.gov.pk



7

OFFICE ORDER

1. Whereas Mr. Habib Ullah sweeper GMS Sultan Khel District Mohmand was proceeded for having committed the following gross irregularities which constitute inefficiency under Rule 3 (a) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.
2. And whereas report submitted by the concerned Head Master GMS Sultan Khel vide his office No 15 dated 01/09/2023 stated that he has been absent since 23/08/2023 till date and gone abroad to Saudi Arabia without prior permission of leave.
3. In terms of rule 5(1) (a) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, I, as Competent Authority dispensed with the conduct of the inquiry and served him with a show cause notice under rule 7 of the rules ibid vide this office No 9108-13 dated 09/09/2023.
4. And whereas another opportunity was provided to him and he was called for a "Personal Hearing" at the office of the DEO (M) Mohmand vide No. 9269 dated 22/09/2023 at 11 am but he failed to appear before the competent authority in person.

By reasons of the above, he appeared to be guilty of inefficiency and absenteeism under rule-3(a)& 3(d) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011.

Now therefore, I, LIAQAT ALI as Competent Authority DEO(Male) Mohmand is pleased to impose upon Mr. Habib Ullah sweeper GMS Sultan Khel District Mohmand major penalty of "Removal from Service" under rule 4(1)(b)(ii) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 with effect from his date of absence i.e.23/08/2023.

(LIAQAT ALI)
District Education Officer
(Male) Mohmand

Endst No 9605-09/ Etab (Sec)

Dated 05/10/2023

Copy forwarded to the:

- 1) Director of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
- 2) DMO Education Monitoring Authority Mohmand.
- 3) Head master concerned with the direction to deliver this office order to the said official with acknowledgment on the office copy under intimation to this office and do the needful as per rules.
- 4) Official concerned
- 5) Office Copy.

5/10/2023
District Education Officer
(Male) Mohmand

R

6/10/23

M HANU SLOH CT
GMS SULTAN KHEL
Retired on
09/10/2023

2M
7/10/2023

Released
8.10.2024