

BEFORE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No.1679/2024

Hazrat Usman

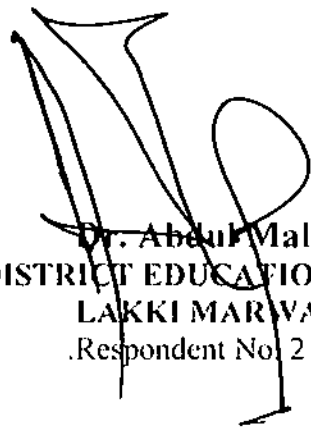
Versus

Director, E&S Education, KP and others

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Dated: ____ -11-2024


Dr. Abdul Malik
DISTRICT EDUCATION OFFICER (M)
LAKKI MARWAT.
Respondent No. 2

1

**BEFORE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL,
PESHAWAR**

Service Appeal No.1679/2024

Hazrat Usman

Versus

Director, E&S Education, KP and others

Khyber Pakhtunkhwa
Service Tribunal

No. 18168

Date 21-11-24

Written Reply on behalf of Respondent No1&2

Respectfully Sheweth:

Preliminary Objections:

- A. The appeal is wholly incompetent and untenable.
- B. The appellant has not come to the Hon'ble tribunal with clean hands.
- C. The appeal is filed by the appellant with mala-fide intent.
- D. The appeal is suffer from exaggeration and miss-statement.
- E. The appellant has no locus standi and cause of action.
- F. That the respondents / department has acted in accordance with law and the appellant is correctly compulsory retired from service being involved in criminal case. The appellant could not claim re-instatement when involved in criminal case and before disposal of such case.
- G. The appeal is barred by law and limitations.

REPLY ON FACTS:

1. That Para No. 1 pertains to record.
2. That Para No. 2 also pertains to record. The appellant was appointed on DM post as per available record.



3. That Para No.3. It is submitted that the appellant is charged in the FIR. The authenticity and veracity of charge could only be determined by the criminal trial court. *(Copy of FIR Annexed as A).*
4. That Para No.4 is correct to the extent of suspension of appellant from service as under the service law the civil servant charged in criminal case must be suspended from service. The competent authority acted in accordance with law.
5. That Para No. 5 pertains to record. As per provided record the appellant is on bail.
6. That Para No.6. It is submitted that prior to the application for provision of record, the order of compulsory retirement of appellant was already issued as on 06-05-2024 the competent authority constitute inquiry committee to probe in the matter, which after conducting inquiry, submit its report on 09-05-2024 and recommended the compulsory retirement of the appellant. **(Copies of order in respect of constitution of inquiry committee, report of inquiry committee alongwith relevant documents are Annexure-B&C).**
7. That Para NO.7. It is submitted that the competent authority issued the compulsory retirement order in light of recommendation of enquiry committee.
8. That Para NO.8 pertains to record.
9. That the instant appeal is illegal and filed to pressurize department, therefore is liable to be dismissed.

REPLY ON GROUNDS:

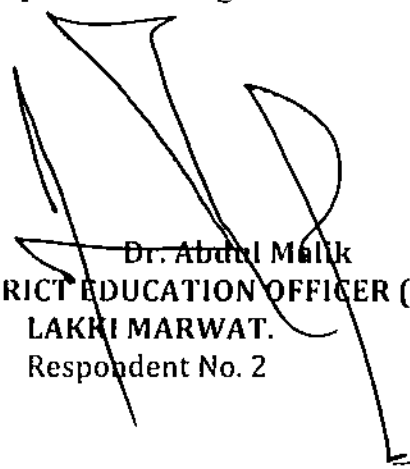
- a) That Para A is incorrect. The order issued by competent authority is in accordance with law. It is pertinent to mention that the appellant was involved in criminal case and as per civil service law, the department was competent to penalized the civil service if found involved in criminal case.
- b) That Para No. B is incorrect. The appellant has been treated in accordance with law.



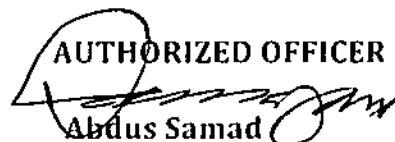
- c) That Para No.C is incorrect. No malafide could be attributed to the respondents as the appellant himself admitted registration of criminal case against him.
- d) That Para No.D. It is submitted that proper enquiry was conducted and on recommendation of said committee the appellant's case was decided.
- e) That Para No.E is incorrect. Proper enquiry was conducted in respect of appellant's case.
- f) That Para No. F is incorrect. All codal formalities were fulfilled.
- g) That Para No.G is incorrect. Proper enquiry was conducted and the enquiry committee submitted its report, which is already submitted.
- h) That Para No. M The counsel of the respondents may please be allowed to raise further points at the time of arguments.

It is, therefore, most respectfully prayed that the appeal of the appellant may kindly be dismissed with special compensatory costs coupled with expenses of litigation.

Dated: ____ -08-2024


Dr. Abdul Malik
DISTRICT EDUCATION OFFICER (M)
LAKHI MARWAT.
Respondent No. 2

**Samina Altaf
Director E&SE**


AUTHORIZED OFFICER
Abdus Samad
Deputy Director
E&SE Department
Respondent No.1



**OFFICE OF THE
DISTRICT EDUCATION OFFICER (M) LAKKI MARWAT**

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AFFIDAVIT

I, Dr. Abdul Malik, District Education Officer Male Lakki Marwat, do hereby solemnly affirm and declare upon oath that the contents of the accompanied written reply are true and correct to the best of my knowledge and belief and nothing has been intentionally concealed from this Hon'ble Tribunal. It is further added on oath that in this appeal the answering respondent have neither been placed ex-parte nor their defense have been struck off/*cost*



Deponent

11-24

Dr. Abdul Malik
District Education Officer (M)
Lakki Marwat
 (R.No.2)

Handwritten signature or name, possibly 'M. P. ...'.

Main body of handwritten text, appearing to be a letter or a set of notes, written in an Urdu or Persian script.



"B" (6) (4)

**Office of The District Education Officer
Male Lakki Marwat**

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OFFICER ORDER:

The competent authority (District Education Officer Male Lakki Marwat) is pleased to constitute the following inquiry committee to probe allegations contained in a report submitted by Principal Government Higher Secondary School No. 3, Michen Khel District Lakki Marwat vide No. 75 dated 02-05-2024 in the light of an FIR No. 297 under Section 377/511 of Pakistan Penal Code (PPC) and Section 53 Child Protection Act (CPA) dated 01-05-2024 in respect of Mr Hazrat Usman, DM BPS-15 (under suspension) Government Higher Secondary School No. 3, Michen Khel District Lakki Marwat and submit a fact finding report with clear recommendations within 02 (two) days positively.

- | | |
|---|----------|
| 1. Mr Shaukat Ali Khan, Deputy DEO Male Local Office | Chairman |
| 2. Dr Ihsanullah, ADEO Establishment (Secondary) Local Office | Member |
| 3. Mr Hashim Khan, ADEO (P&D) Local Office | Member |

District Education Officer
(Male) Lakki Marwat

Endst: No. 2877-84 Dated. 06-05-2024

Copy to the:-

1. Director-E&SE Khyber Pakhtunkhwa Lakki Marwat
2. Deputy Commissioner Lakki Marwat
3. District Monitoring Officer EMA Lakki Marwat
4. Deputy District Education Officer (Male) Lakki Marwat
5. ADEO Establishment (Secondary) Local Office
6. ADEO (P&D) Local Office
7. Principal GHSS No. 3, Michen Khel Lakki Marwat to assist Inquiry Committee
8. Dealing Assistant Local Office to assist Inquiry Committee and provide the with relevant record
9. Hazrat Usman DM, (Under Suspension) GHSS No. 3, Michen Khel Lakki Marwat

Ju

o/c

[Signature]
District Education Officer
(Male) Lakki Marwat





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(14)

**Office of The District Education Officer
Male Lakki Marwat**

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OFFICE ORDER:-

1. **WHEREAS**, Mr. Hazrat Usman, Drawing Master (DM) BPS-15, Government Higher Secondary School No. 3, Michen Khel District Lakki Marwat was proceeded under the Khyber Pakhtunkhwa Government Servants Efficiency & Discipline (E&D) Rules-2011 amended on 31-12-2021 for his involvement in a buggery case as per Police Station Lakki Marwat City FIR No. 297 Under Sections 377/511 of Pakistan Penal Code (PPC) and Section 53 of Child Protection Act (CPA) dated 01-05-2024 and in the light of report received from Principal of the concerned school vide No. 75 dated 02-05-2024.
 2. **AND WHEREAS**, the contents of FIR clearly states that the above quoted official sexually assaulted a seventh grader (Complainant in FIR) of the school he is posted in and also threatened him of awarding corporal punishment if he narrated the ordeal before his parents.
 3. **AND WHEREAS**, the undersigned, being competent authority, placed the services of above quoted official under suspension with immediate effect vide No. 2813-19 dated 03-05-2024 as and when this office received the FIR copy along with a report of Principal concerned regarding the involvement of the cited official in a sodomy case.
 4. **AND WHEREAS**, the undersigned, being competent authority, constituted an Inquiry Committee, vide Endst: No. 2877-84 dated 06-05-2024, to probe allegations against Mr Hazrat Usman, DM contained in a report submitted by Principal concerned in the light of above-mentioned First Information Report (FIR). 
 5. **AND WHEREAS**, the Inquiry Committee headed by Mr Shaukat Ali Khan Deputy DEO Local Office as its Chairman and comprising Dr Ihsanullah ADEO Establishment Secondary Local Office and Mr Hashim Khan ADEO (P&D) Local Office as its members probed the complaint and found that the evidence gathered during the inquiry conclusively established that the accused teacher committed the heinous crime of sexual abuse against his student.
 6. **AND WHEREAS**, the incident constituted misconduct on part of above quoted accused teacher and that there was no expression of remorse by him that he would do anything differently in future. It is also beyond any doubt that the accused teacher caused severe emotional and psychological harm to the victim (student) and also tarnished the noble profession of teaching.
 7. **AND WHEREAS**, the involvement of Mr Hazrat Usman, DM, in a buggery case also raises a serious concern about his behaviour and his fitness to be a teacher. The assault that is perpetrated by him can cause a lifelong trauma to developing the victim
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student, besides badly impacting the physical and emotional wellbeing of other students.

8. **AND WHEREAS**, the competent authority (District Education Officer Male Lakki Marwat) after having considered the charges and evidence on record, findings of the Inquiry Committee is of the view that the accused teacher has tarnished the reputation of entire education department and noble teaching profession and the charges against him contained in the FIR provide sufficient grounds to proceed him under E&D Rules 2011.

9. **AND NOW THEREFORE**, in exercise of the powers conferred under Government Servants Efficiency & Discipline Rules-2011 amended vide dated 31-12-2021, the competent authority (District Education Officer Male Lakki Marwat) under Section 5 (b) of Khyber Pakhtunkhwa Govt. Servants read with Rule-4 (b)(ii), is satisfied and is pleased to impose Major Penalty of **"Compulsory Retirement from Service"** upon Mr Hazrat Usman Ex-Drawing Master Government Higher Secondary School No. 3, Michen Khel District Lakki Marwat with immediate effect.

District Education Officer
(Male) Lakki Marwat

Endst No. 3059-65 Dated. 10 / 05 / 2024.

Copy to the:-

- 1) Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 2) Deputy Commissioner Lakki Marwat
- 3) District Monitoring Officer (EMA), Lakki Marwat.
- 4) District Accounts Officer, Lakki Marwat.
- 5) Deputy District Education Officer (Male) Local Office.
- 6) Principal GHSS No. 3, Michen Khel Lakki Marwat with the directions to Record necessary entry in his service book.
- 7) Mr Hazrat Usman S/O Feroz Khan, (Ex-Drawing Master) Government Higher Secondary School No. 3, Michen Khel Lakki Marwat) Resident of Village Isak Khel District Lakki Marwat, presently Mohallah Michen Khel Lakki Marwat City.

District Education Officer
(Male) Lakki Marwat

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 Lakki Marwat



(9)

**Office of The District Education Officer
Male Lakki Marwat**

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AUTHORITY

Mr. Kashif Munir Snr. Librarian/

Litigation Officer of DEO (M) Lakki Marwat is hereby
authorized to attend the Honourable Khyber Pakhtunkhwa Service Tribunal
Peshawar in Service Appeal No. 1679/24 on 21-11-2024
titled case Hazrat Usman (for submission of reply) vs
Govt. of Khyber Pakhtunkhwa on behalf of the undersigned.


District Education Office,
(Male) Lakki Marwat.