

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal # 923/2024

Mr. Imran UllahAppellant.

VERSUS

Govt: of Khyber Pakhtunkhwa & others.....Respondents.

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Deponent

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BEFORE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL, PESHAWAR

Service Tribunal Appeal No. 923 of 2024

Imran Ullah KhanAppellant

Versus

Govt of KPK through Secretary E&SE and others

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 14601

Dated 30/7/24

Respectfully Sheweth:

Preliminary Objections:

- A.** The Services of the appellant was suspended due to impersonation, fraud, cheating and misinformation by the Competent Authority vide Notification bearing No.SO(S/M)E&SED/5-18/2024/Suspension Order/Supdtt dated 03.06.2024 (**Annex-A**) and formal inquiry/disciplinary proceedings are under process against the appellant.
- B.** As per Section 10 of the NWFP Civil servants Act,1973 every civil servant shall be liable to serve anywhere within or outside the province. Therefore the instant appeal is wholly incompetent and untenable.
- C.** As per office record according to corrigendum order Dated 6th May 2024 substituted corrigendum dated 25-04-2024 which was a modification of the notification of dated 21-03-2024, the appellant took over the charge on 17th May 2024 in the office of DEO Male Lakki Marwat Respondent No. 06), so the appellant has got no cause of action. Moreover, the applicant has been suspended from Service Vide Notification dated 03.06.2024, therefore, the instant service appeal regarding the posting notifications is infructuous and liable to be dismissed summarily.
- D.** After assumption charge on 17-05-2024 in the office of DEO Male Lakki Marwat (Respondent No. 06) as a Superintendent he was absent from duty for four days without any prior permission of the high ups so the appellant has concealed the real facts. The appellant also concealed the facts that he impersonated himself as officer of Chief Minister Secretariat, Khyber Pakhtunkhwa for indulging pressure on the Competent Authority for the desired place of posting in sheer violation of Khyber Pakhtunkhwa, Conduct Rules, 1987, on this ground too the appeal in hand is liable to be dismissed.
- E.** The appellant has not come to the Hon'ble Tribunal with clean hand because after assumption of charge the appellant within a few days the appellant disturbed the peaceful and smooth working environment of the office of Respondent No. 06.
- F.** The non-professional attitude of the appellant compelled the Respondent No. 06 to surrender his services to the Directorate of E&SE as per law so; the appellant has no locus standi. Moreover, the appellant called the respondent No.2 and shown/impersonated himself as officer of the Chief Minister Secretariat for gaining illegal and lawful favors for the desired place of posting in violation of

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Authority suspended the services of the appellant vide Notification dated 03.06.2024, so the appellant is not entitled to any relief.

- G. The appeal is liable to be dismissed due to non-joinder and mis-joinder.
- H. That the appellant departmental Appeal dated 31-05-2024 is pending before Respondent No. 03(Directress E&SE), so the instant service appeal is pre-mature, not maintainable and liable to be dismissed.

REPLY ON FACTS:

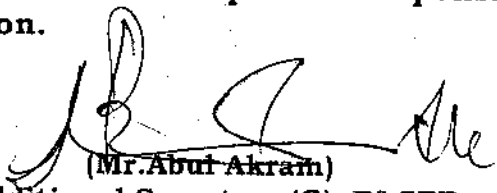
1. That Para No.1 pertains to record.
2. As per office record due to public complaints the services of appellant were placed on the disposal of Directorate in the best public interest.
3. That Para-3 is incorrect.
4. That Para No.4 pertains to record.
5. That Para-5 pertains to record.
6. That Para No.6 pertains to office record.
7. That Para No.7 pertains to record.
8. That Para No.8 is incorrect hence denied. As per Section 10 of the NWFP Civil servants Act 1973 every civil servant shall be liable to serve anywhere within or outside the province. The appellant has failed to annex/produce any material/record with the instant service appeal regarding the political pressure asserted by Private Respondent No.7, resulting the transfer of the appellant.
9. That Para No.9 is incorrect as departmental appeal dated 31-05-2024 of the appellant is under process and the instant service appeal is pre-mature and liable to be dismissed on this ground too .
10. That Para NO.10 is incorrect, baseless and misleading the honorable Court. According to respondent No. 06 (DEO Male Lakki Marwat) office record due to absentee, meddling in the official work of ADEOs and neglecting the directions of high ups as well as creating hurdles in official work, so the services of the appellant were placed at the disposal of directorate accordingly **(copies of charge report, DEO Letter Dated 30-05-2024 and absentee report are annexed as "B", "C" and "D")**.
11. That Para 11 pertains to appellant.
12. The Para 12 is incorrect and misleading the Honorable Court as per respondent No. 06 office record, after assumption of charge on 17-05-2024, the appellant was absent from his official duty and failed to submit valid reason to the high ups regarding his absentee as well as due to his non-professional attitude and unsatisfactory performance (of 14 days) his services were placed on the disposal of directorate on 30-05-2024.. Moreover, the services of the appellant has been suspended vide Notification dated 03.06.2024 and as a result he is entitled of subsistence grant instead of salary.

13. In correct as he has filed a departmental appeal on 31-05-2024 in the office of respondent No. 03 whose result is awaited. So he has to wait for 90 days (till 31-08-2024).

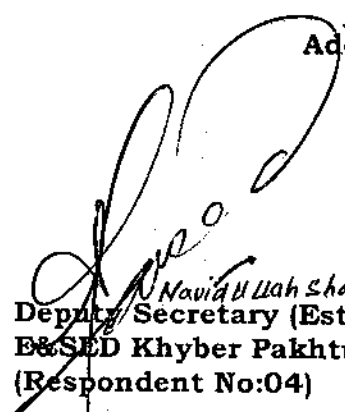
REPLY ON GROUNDS:

- a. That Para A is incorrect, hence denied. No violation has been made on the part of Provincial Govt under article 2-A , 4 and 25 of the constitution.
- b. That Para No. b is incorrect and base-less hence denied. Transfer posting is the part of service and being a provincial cadre post and his posting has been made by the Competent Authority empowered under Section-10 of Civil Servant Act, 1973 keeping the official exigencies/requirements and public interest.
- c. That Para No. c is incorrect hence denied. There is no malafide on the part of Respondents. Furthermore, the appellant has concealed the real facts from the honorable tribunal in the instant case.
- d. That Para No. d is incorrect hence denied. The appellant is trying to pressurize the respondents as he has failed to defend the allegations. Moreover, the appellant called the respondent No.2 and shown/impersonated himself as officer of the Chief Minister Secretariat for gaining illegal and lawful favors for the desired place of posting in violation of Khyber Pakhtunkhwa Conduct Rules, 1987 and as a result the Competent Authority suspended the services of the appellant vide Notification dated 03.06.2024.
- e. That Para No. e in correct hence denied, as explained in above paras

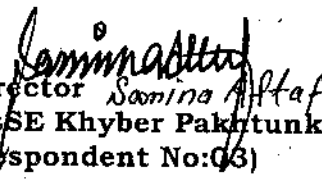
It is, therefore, most respectfully prayed that the appeal of the appellant may kindly be dismissed with special compensatory costs coupled with expenses of litigation.




(Mr. Abul Akram)
Additional Secretary (G), E&SED
On behalf of
Secretary
E&SED, Khyber Pakhtunkhwa
(Respondent No: 01&02)



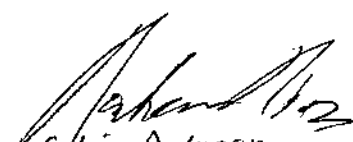
Navid Ullah Shah
Deputy Secretary (Estab)
E&SED Khyber Pakhtunkhwa
(Respondent No:04)



Director Samina Altaf
E&SE Khyber Pakhtunkhwa
(Respondent No:03)



Zahoor Khan
District Education Officer
(M) Lakki Marwat
(Respondent No:06)



Sabira Fatveeh
District Education Officer
(Female) Bannu
(Respondent No:05)

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BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

Service Appeal # 923/2024

Imran Ullah Khan..... Appellant

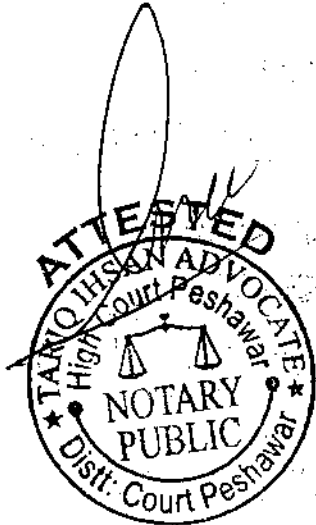
VERSUS


Secretary E&SE Govt. of Khyber Pakhtunkhwa & others..... Respondents

AFFIDAVIT

I, **Abdul Akram**, Additional Secretary (General), Elementary & Secondary Education, Department do hereby solemnly affirm and declare that the contents of the accompanying para-wise comments, submitted by the respondents, are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

It is further, stated on oath that in this appeal the answering Respondents have neither been placed ex-parte nor has their defense been struck off.




(Abdul Akram)
Additional Secretary (General)
E&SE Department
on behalf of
SECRETARY E&SED
(Respondent No. 01&02)

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**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**

Block "A" Civil Secretariat, Peshawar

Phone No. 091-9211128

AUTHORITY LETTER

It is certified that **Mr. Sajid Ullah, Section Officer (Litigation-II)** Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa, Peshawar is hereby authorized to submit parawise comments on behalf of Secretary Elementary & Secondary Education Department Peshawar in **Service Appeal # 923/2024 Case Titled Mr. Imran Ullah Begum vs Government of Khyber Pakhtunkhwa** through Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar.

(Abdul Akram)
Additional Secretary (General)
E&SE Department
on behalf of
SECRETARY E&SED
(Respondent No. 01&02)

(Annexure - A)

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**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT**

Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9223533 Email: sschoolmale@gmail.com

DATED: 03.06.2024

NOTIFICATION

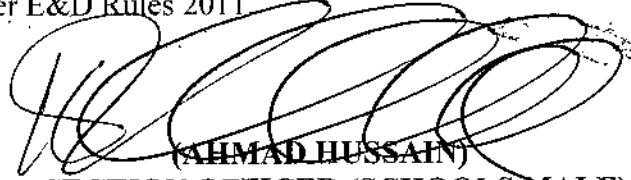
NO.SO(SM) E&SED/5-18/2024/Suspension Order/Supdtt: The Services of Mr. Imran Ullah Khan Superintendent (BS-17) O/O DEO (F) Lakki Marwat, is hereby placed under suspension for a period of (120) days, in the light of Rule-6 of the Khyber Pakhtunkhwa Government Servants, (Efficiency & Discipline) Rule 2011 due to impersonation, fraud, cheating & misinformation with immediate effect.

**SECRETARY TO GOVT OF KHYBER
PAKHTUNKHWA E&SE DEPARTMENT**

Endst: of even No. & Date

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Director, EMIS E&SE Department.
4. District Education Officer (F) concerned.
5. District Accounts Officer concerned.
6. Section Officer (Inquiry) E&SE with the request to initiate formal disciplinary proceedings against the accused under E&D Rules 2011
7. PS to Secretary E&SE Department.
8. Officer Concerned.
9. Office order file.


(AHMAD HUSSAIN)
SECTION OFFICER (SCHOOLS MALE)



(7) (Annexure - B)

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

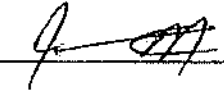
Ph: (0969)538291 email: emislakki@yahoo.com
www.facebook.com/deomaleLakki, www.twitter.com/deo_m_lakki

CHARGE REPORT

Certified that I Mr. Imran Ullah Khan Superintendent (BPS-17) have on the forenoon on dated 17-05-2024 respectively took over charge as Superintendent (BPS-17) at the office of the District Education Officer (Male) Lakki Marwat vide Secretary to Govt. of Khber Pakhtunkhwa Peshawar E&SE Notification Endstt: No. **CORRIGENDUM NO. SO (SM) E&SED/5-18/2024/PT/BS-17 Peshawar, Dated, 6th May, 2024.**

Station: **DISTRICT EDUCATION OFFICER (MALE) LAKKI MARWAT.**

Dated: **17/05/2024 (FN).**

Signature of Receiving 

Govt. Servant:

Name:

IMRAN ULLAH KHAN

Designation:

Superintendent (BPS-17)


**DISTRICT EDUCATION OFFICER
(MALE) LAKKI MARWAT**

No: **3318-23** Dated Lakki Marwat the; **17 / 05 / 2024**

Copy for information and necessary action to the:

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Lakki Marwat.
3. District Account Officer Lakki Marwat.
4. Deputy District Education Officer (Male) Lakki Marwat.
5. Officer/Official concerned of local office.
6. Master File.


**DISTRICT EDUCATION OFFICER
(MALE) LAKKI MARWAT**

*Attested
Over*



(Am. Copy - C)
23

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

Phone & Fax: (0969)538291, Email: emlakki@yahoo.com
www.facebook.com/deomalakki, www.twitter.com/deo_m_lakki

No. 3596 /Misc Dated: 30/05/2024

To

The Director
E&SE Khyber Pakhtunkhwa
Peshawar

Subject:

Placing Services of Mr Imran Ullah Khan Superintendent (BPS-17) on
Disposal of Directorate of E&SE Khyber Pakhtunkhwa

It refers to above quoted subject and to state that Mr Imran Ullah Khan Superintendent took over charge in this office on 17-05-2024 vide Secretary E&SE Khyber Pakhtunkhwa Notification No. 50(SM) E&SED/5-18/2024/PT/BS-17 dated 06-05-2024. After assumption of charge, he availed four day leave from the next day (18th May) without submitting any application. However, he re-joined office May 20 and started hindering smooth execution of official matters, thus badly impacting service delivery.

Firstly, he indulged into unfair meddling in official work of ADEOs, declaring them his subordinates and issuing instructions to them at his own. This improper move on his part disturbed the peaceful and smooth working environment and made a mockery of this office before general public especially teaching community. He made several attempts to influence Deputy DEO Male and other officers/officials of this office to get his power-craze designs accomplished.

Secondly, the above quoted Superintendent Mr Imran Ullah challenged work distributed plan issued by the undersigned and drafted some office orders/notifications to get those signed by the undersigned in a bid to accumulate all powers of Secondary and Primary sections in himself. He engaged in unnecessary arguments with the undersigned over the issue and opted for going on leave if his desire to have all powers in his hands was not fulfilled.

Thirdly, he approached legal representatives of this office without consultation of the undersigned at his own and told them that he would pursue court cases from now onward therefore they should hand over court cases record to him. During a short span of few days, the actions and behavior of the above quoted superintendent reflects his strong desire to keep things in his hands not for the purpose to serve general public but to subjugate officers/officials of this office, rule the teaching and non-teaching community and pave the way to fulfill his unlawful demands and longings.

In above light, the undersigned has no option other than to surrender the services of Mr Imran Ullah Khan Superintendent (BPS-17) to the Directorate of E&SE Khyber Pakhtunkhwa Peshawar for his further posting anywhere in the province as this office is not in need of him anymore.

District Education Officer
(Male) Lakki Marwat

Even No. & Date

Copy to the,

1. Deputy Commissioner Lakki Marwat
2. District Accounts Officer Lakki Marwat
3. Deputy DEO Male Local Office
4. ADEOs Establishment (Secondary/Primary/P&D)
5. AD-DEMS to remove Mr Imran Ullah Khan Superintendent from official WhatsApp groups.
6. DA concerned

Attested

dyt
Attested to be
True Copy

District Education Officer
.....