

The appeal of Mr. Kamran Khan Ex-Chowkidar GPS Aqrab Dag No.2 Ekka Ghund Mohmand received today i.e. on 14/04/2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Annexures of the appeal may be attested.
- 3- Departmental appeal having no date be dated.

No. 724 /S.T,

Dt. 15/04 /2021


  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Yousaf Ali Adv. Pesh.

SN

21 April 2021

Resubmitted after removal of above  
deficiencies.

  
21/04/2021

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

Service Appeal No. 4947/2021

Kamran Khan..... Appellant

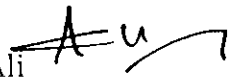
Versus

DEO District Mohmand and others..... Respondents

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S.No.	Description of documents.	Annexure	Pages.
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8	Copy of Slip	E	10
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Through Appellant

Yousaf Ali   
Advocate Supreme Court  
of Pakistan

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

Service Appeal No. \_\_\_\_\_/2021

**Kamran Khan son of Mukaram Khan**  
**R/o Aqrab Dag Islam Gul Tehsil Ekka Ghund District Mohmand.**  
**Ex-Chowkidar GPS Aqrab Dag No.2 Ekka Ghund**  
**Mohmand..... Appellant**

Versus

- 1) District Education Officer District Mohmand.
- 2) Director Education (E&SE Department G.T Road KPK, Peshawar).
- 3) District Account Officer at District Mohmand at Ghallanai  
..... Respondents

APPEAL U/S 4 OF KHYBER  
PAKHTUNKWAH SERVICE TRIBUNAL  
ACT 1973, AGAINST THE ORDER DATED  
27.04.2020 RECEIVED ON 10.12.2020  
WHEREBY THE MAJOR PENALTY OF  
REMOVAL FROM SERVICE HAS BEEN  
IMPOSED UPON THE APPELLANT AND  
THE DEPARTMENTAL APPEAL HAS NOT  
BEEN DECIDED WITH IN STATUTORY  
PERIOD.

PRAYER

On acceptance of this service appeal the impugned order of removed from service may

kindly be set aside and the appellant be reinstated into service with all back benefits.

Any other remedy to which the appellant is found fit in law, justice and equity.

Respectfully Sheweth;

- 1) That after fulfilling all the codal formalities and gone through the selection process the appellant has been appointed vide order dated 03.12.2002. (Copy of appointment order is annexure A).
- 2) That the appellant perform his duties with full zeal & devotion and upto the entire satisfaction of his superior for all most two decades.
- 3) That for the reason best known to the respondent No.1, the respondent No.1 initiated so called proceeding against the appellant Under (E&D) Rule 2011 and that to at the back of appellant.
- 4) That the services of the appellant has been fired vide impugned order dated 27.04.2020. (Copy of Order is B). The same has been received by appellants on 10.12.2020.
- 5) That the appellant filed departmental appeal on 18.12.2020. (Copy Annexure C) which has not been decided with in statutory period, hence, the instant appeal inter alia, on the following grounds:-

GROUNDS:-

- A. That to say at the very outset, the appellant has been performing the duty as evident from the attendance register, wherein, the concerned authority has marked him as present, which negates the allegation of absentia in the impugned order. Attendance register is Annexure D.
- B. That the appellant has been receiving his monthly salary as evident from his pay slip from the month of October 2020 (Copy of slip E) Which also support the stance of the appellant.
- C. That no show cause notice has been served upon appellant; no regular inquiry has been conducted by the competent authority before passing the impugned order.
- D. That the appellant has not been treated with accordance to law, rules & policy on the subject rather has been discriminated which goes contrary to the provisions contained in article 4, 25 & 27 of the Constitution of 1973 and is liable to be struck down on this score alone.
- E. That the E & D rules has been disregarded and disrespected by the respondent No.1 in the matter in hand, thus grave action by this hon'ble Tribunal.
- F. That the respondent No.2 was under legal obligation to decide the departmental appeal within stipulated time but he has not performed his duty and the same has not been decided yet.
- G. That the appellant seeks leave of the court to urge the additional grounds at the time of arguments.

It is therefore, prayed that on acceptance of this service appeal the impugned order of removed from service may kindly be set aside and the appellant be reinstated into service with all back benefits.


Any other remedy to which the appellant is found fit in law, justice and equity.

Dated: \_\_\_\_\_

کامران خان

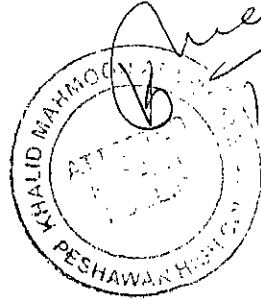
Appellant

Through

Yousaf Ali   
Advocate Supreme Court  
of Pakistan

**AFFIDAVIT**

I, **Kamran Khan**, do hereby affirm and declare on oath that the contents of the application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



کامران خان  
Deponent

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

Service Appeal No. \_\_\_\_\_/2021

Kamran Khan..... Appellant  
Versus

DEO District Mohmand and others..... Respondents

ADDRESSES OF THE PARTIESAPPELLANT:

Kamran Khan son of Mukaram Khan

R/o Aqrab Dag Islam Gul Tehsil Ekka Ghund District Mohmand.

Ex-Chowkidar GPS Aqrab Dag No.2 Ekka Ghund Mohmand.


RESPONDENTS:

- 1) District Education Officer District Mohmand.
- 2) Director Education (E&SE Department G.T Road KPK, Peshawar).
- 3) District Account Officer at District Mohmand at Ghallanai



Appellant

Through

  
 Yousaf Ali  
 Advocate Supreme Court  
 of Pakistan

6 Annex 'A'

OFFICE OF THE AGENCY EDUCATION OFFICER MOHMAND AT GHALLANAI.

APPOINTMENT ORDER.

Consequent upon the recommendation by the worthy Political Agent Mohmands as well as approved by the D/E (FATA) NWFP, Peshawar vide his letter No.7096/A-1/Class-IV Dated Pesh: the 28/11/2002, Mr. Kamran Khan S/O Mukaram Khan is hereby appointed against the vacant post of Chowkidar at GPS, Islam Gul Killi Mohmand Agency in BPS No.1 on contract basis according to the Govt: policy of NWFP SO(FATA) Educ: 6-1/2001 dated.9/02/2002 w.e.f the date of his taking over charge in the interest of public service.

TERMS AND CONDITIONS:-

1. The appointment of the candidate is made purely on temporary basis and is liable to termination at any time without assigning any reason, in case of his wish to resign the post he shall have to give one month prior notice or forfeit one month pay in lieu of.
2. Health and age certificate should be produced from the Agency Surgeon Mohmand at Ghallanai.
3. He will not be handed over charge of the post if he is below 18 years and above 33 years.
4. He will not be paid his salary untill his N.I.C & Domicile Certificate are verified from the concerned quarter.
5. If he failed to report his arrival within 15 days, his appointment will be deemed as cancelled.
6. Charge report should be submitted (in duplicate) to all concerned.

(Said Mohammad)  
Agency Education Officer,  
Mohmand Agency at Ghallanai.

Endost: No. 3217-23 /Dated Ghallanai the: 03/12 /2002.

Copy of the above is forwarded to the:-

1. Director of Education FATA, Peshawar w/r to his letter No. and dated quoted above.
2. Political Agent Mohmands at Ghallanai with reference to his letter No.9349/M dated Ghallanai the 19/11/2002.
3. Agency Surgeon Mohmands at Ghallanai.
4. Agency Accounts Officer Mohmands at Ghallanai.
5. AAEO (Male) concerned.
6. Pay clerk concerned.
7. Official concerned.

*mk*  
Agency Education Officer,  
Mohmand Agency at Ghallanai.

HAMADARD MOHMAND.

ATTESTED  
TO BE TRUE COPY



MEDICAL CERTIFICATE

Name of Official..... Kamran Khan.....  
 Caste or race..... Afghan.....  
 Father's name..... Muhammad Khan.....  
 Residence..... village Agrab Dag Buvan  
Khel Muhammad Agency.....  
 Date of birth..... 15-04-1982.....  
 Exact height by measurement.....  
 Personal mark of identification..... None on the.....  
 Signature of the Official..... [Signature].....  
 Signature of head of office.....

Seal of Office.....

I do hereby certify that I have examined Mr. Kamran Khan a candidate for  
 employment in the Office of the Education department  
 and can not discover that he had any disease communicable or other constitutional  
 affection or bodily infirmity except None

I do not consider this as disqualification for employment in the office of the Education department  
 His age according to his own statement 29 year and by  
 appearance about 28 years

LEFT HAND THUMB AND FINGER IMPRESSIONS.....

Medical Superintendent Civil Hospital.....

[Signature]  
03/12/2000





**NOTIFICATION**

1. **WHEREAS** Mr. Kamran Khan Chowkidar GPS Aqrab Dag Islam Gul Tehsil Ekka Ghund Mohmand Tribal District was found wilfully absent from duty during monitoring visit of the Assistant District Education Officer.
2. **AND WHEREAS** it has also been reported that Mr. Kamran Khan Chowkidar GPS Aqrab Dag Islam Gul has been abroad since 21.02.2015.
3. **AND WHEREAS** show cause notice was served upon the accused under Khyber Pakhtunkhwa Government servants (Efficiency and Disciplinary) Rules 2011, for the charge of "wilful absence from duty" as mentioned in the show cause notice at his home/school address vide No. 1343-47 dated 13.03.2020 wherein he was directed to resume his duty but he failed.
4. **AND WHEREAS** Mr. Kamran Khan Chowkidar GPS Aqrab Dag Islam Gul Tehsil Ekka Ghund Mohmand Tribal District did not report to his duty within stipulated period of time and turned his ears deaf.
5. **AND WHEREAS** Charge sheet was served upon Mr. Kamran Khan Chowkidar GPS Aqrab Dag Islam Gul Tehsil Ekka Ghund Mohmand Tribal District vide Endst; No: 1645 dated 21.03.2020 through registered post at his home/school address therein the accused was directed to submit reply in his defense through personal contact to this office.
6. **AND WHEREAS** the accused failed to put any defense in written and did not appear to be heard in person within stipulated time.
7. **AND WHEREAS** absence notice was published in Daily Mashriq Peshawar dated 10.04.2020 and Daily Aaj Peshawar dated 10.04.2020 therein Mr. Kamran Khan Chowkidar GPS Aqrab Dag Islam Gul Mohmand Tribal District was again directed to appear before the competent authority and show reason of his absence but once again he failed to do so.
8. **AND NOW THEREFORE**, in exercise of the Powers conferred under Rules 4.1.(b) (iii) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, the competent authority, District Education Officer Mohmand Tribal District is pleased to impose major penalty of "Removal from Service" upon Mr. Kamran Khan Chowkidar GPS Aqrab Dag Islam Gul Tehsil Ekka Ghund Mohmand Tribal District with immediate effect on account of his wilful absence from duty.

(Mr. Jaddi Khan Khalil)  
District Education Officer  
Mohmand Tribal District

Endst; No. 2600-05 Dated 27/04/2020

Copy forwarded to the:

1. Director of Education E&SE Department KPK Peshawar.
2. DC Mohmand Tribal District Mohmand.
3. District Accounts Officer Mohmand Tribal District at Ghallanai
4. ADEO Concerned.
5. Fry Clerk Local Office.
6. Official concerned.

ATTESTED  
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OK

District Education Officer  
Mohmand Tribal District

ذیابہ محترم D E O لاہور ضلعی ضلع چیمبر

درخواست اہل برائے بجالی پوسٹ ملازمین فور

ذیابہ بجالی امور باہر گزارا گیا کہ سائل آج سے 18 سال قبل معنی

عورث 2002/12/3 گورنمنٹ اسکول سب ڈویژن ضلع لاہور

لاہور ملازمین فور گھرنی سڑا تھا اور آج تک اپنے فریڈل

فونش اسکول سے انجام دے رہا ہوں

کئی سال پہلے 20/12/27 کو بلاؤم ٹرینمنٹ کر دیا ہے باوجود اس کے

کہ اس وقت کرونا کے باعث سٹارٹ سکول سب ڈویژن لاہور سے

18 سال سے اس سکول میں فریڈل انجام دے رہا ہے

کیونکہ اب صاحبان سے التماس ہے کہ سب ڈویژن ڈپٹی

بجالی کے لئے اطلاعات صادر فرمادے

الحاج

گفران ولد مسلم 4.P.S (سکول) سب ڈویژن لاہور

برصغیر ضلع لاہور سب ڈویژن لاہور

939247-0336-0336 mob

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Sl. No.	Day	Time	Subject	Teacher	Remarks
31					
30					
29					
28					
27					
26					
25					
24					
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21					
20					
19					
18					
17					
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15					
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ATTENDED  
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 Mrs. K. S. ...  
 ...  
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Annex 1  
 9  
 ...

2022  
 ...

Amex E

Amex E

(10)




00104140 KAMRAN KHAN CNIC: 0013982291343 Desig: CHOWKIDAR (80948644) Grade: 02 NTN: Buckle No.: Gazetted/Non-Gazetted: N  
 PAYMENTS AMOUNT DEDUCTIONS AMOUNT LOAN/FUND PRINCIPAL REPAID BALANCE

Code	Description	Amount	Code	Description	Amount	Loan/Fund	Principal	Repaid	Balance
0001	Basic Pay	14,260.00	3004	GPF Subscription	830.00-				44,536.00
1000	House Rent Allowance	1,367.00	3501	Benevolent Fund	300.00-				
1210	Convey Allowance 20	1,785.00	3990	Emp. Edu. Fund KPK	60.00-				
1300	Medical Allowance	1,500.00	4004	R. Benefits & Death C	300.00-				
1528	Unattractive Area A	1,000.00							
2148	15% Adhoc Relief All	330.00							
2199	Adhoc Relief Allow @	219.00							
2211	Adhoc Relief All 201	1,109.00							

Accounts Office GHALANAI  
 PAYROLL REGISTER  
 For the month of October, 2020  
 Page : 525  
 Date : 27.10.2020

DDO : MG6013 DEO Primary Education Mohmand Payroll Section : 001 Payroll 1  
 2224 Adhoc Relief All 201 1,426.00  
 2247 Adhoc Relief All 201 1,426.00  
 2264 Adhoc Relief All 201 1,426.00

PAYMENTS	25,848.00	DEDUCTIONS	1,490.00-	NET PAY	24,358.00	01.10.2020	31.10.2020
Branch Code: 211013	YAKAGHUND	UNITED BANK LIMITED	YAKAGHUND			Accnt.No: 227542903	

50 روپے	82515			
ایڈوکیٹ:		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل/ایسوسی ایشن نمبر: BC-10-5567				
رابطہ نمبر: 03339052089				

بعدالت جناب:

منجانب:	دعوی:
کا حیران خان	علت نمبر:
بنام	مورخہ:
محکمہ درآمد و برآمدات	جرم:
	تھانہ:

**باعث تحریر آنگہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ طرفہ محال سندھ ٹورسٹس آن مقام لیسٹاڈر کیلئے لیسٹو عملی ایڈووکیٹ سرگرم کر رہے۔ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث 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 یکطرفہ یا اپیل کی برآمدگی 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 کاروائی 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 باختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی 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 رہے

المرقوم: 13.4.21  
 Advocate  
 13/4/2021

الع بد گواہ شد الع بد  
 مقام کے لیے منظور ہے۔

Accepted

نوٹ: اس وکالت نامہ کی فونو کاپی ناقابل قبول ہوگی۔

کا حیران خان

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**BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR**

**SERVICE APPEAL NO. 4947/2021**

Kamran Khan R/O Distt: MOHMAND

..... **APPELLANT**

**VERSUS**

1. District Education Officer Mohmand and Others

..... **RESPONDENTS**

**INDEX**

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3	Copy of show cause notice, charge sheet and Newspaper Cutting	<b>B, C, D</b>	7-9
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5	Copy of Notification Endst: No. 2025-28 dated 5-8-2020	<b>F</b>	11
5	Copy of inquiry report	<b>G</b>	12-18

**BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL,**

**PESHAWAR**

**SERVICE APPEAL NO. 4947/2021**

Kamran Khan R/O Distt: MOHMAND

..... **APPELLANT**

**VERSUS**

1. District Education Officer Mohmand and Others

.....**RESPONDENTS**

**Para-wise comments on behalf of respondent No: 1 & 2**

**Respectively Sheweth:**

**Preliminary Objection**

1. That the appellant has got no cause of action to file the instant appeal.
2. That the appellant has not come to this Honourable Tribunal with clean hands
3. That the appellant has concealed material facts from this Honourable Tribunal.
4. That the appellant is estopped by his own conduct to bring the instant appeal

**On Facts:**

1. Pertains to record.
2. Incorrect hence denied. The appellant was absent from his duty since 21-2-2015 and was abroad without intimation/informing the answering respondents. **(Copy of the travel history report is attached as annexure A)**
3. Incorrect, hence denied. That during the monitoring visit of the Assistant District Education Officer the appellant was found absent since long from his duty without any intimation/proper authorization from the respondent department and was found



that the appellant went abroad. On this the respondent initiated a departmental proceeding in accordance with law and issued a show cause notice on dated 13-3-2020 which was not responded by the appellant. Later on, the respondent vides official letter No.1645 dated 21-3-2020 issued a charge sheet to the appellant through which the appellant was directed to submit reply in his defense through personal contact to the respondent office but the appellant failed to do so. Then the absence notice was published in daily Mashriq and daily Ajj Peshawar on Dated 10-4-2020 where the appellant was again directed to appear before the competent authority to show the reason of his willful absence but once again, he failed to do so. lastly, being competent authority the respondent after following all the codal formalities issued vide endst: No. 2000-05 dated 27-4-2020 the order of removal from service against the appellant. **(Copy of show cause notice, charge sheet, newspaper cutting and removal order are attached as annexure B,C,D & E)**

4. The first part of the para is correct to the extent that the appellant was removed from service while the second part is incorrect, hence denied. The appellant filed an appeal before the respondent No.2 which was duly regretted and to this effect notification dated vide endst: No. 2025-28 dated 5-8-2020 was issued. **(See annexure F)**
5. Incorrect, hence denied. The respondent No.2 constituted an inquiry committee with the object to conduct an inquiry in connection with the appeals of the removed employees of district Mohmand. The committee after following the required proceedings submitted its findings and recommendation to the

respondent No. 2. According to the recommendation of the inquiry committee, the appellant appeal has already been rejected. It is pertinent to mention over here that even the appellant did not bother to submit a reply to the show cause notice, the charge sheet as well as any reply on publishing about his absence in the daily newspapers addressed to the appellant. Hence, the appellant fails to comply with required proceedings which ultimately resulted in removal from his service under the law. **(Copy of inquiry report is attached as annexure G)**

3

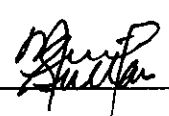

### **Grounds**

- A.** Incorrect. Hence denied. As evident from the record, the appellant remained abroad from date 21-2-2015.
- B.** Incorrect hence denied. As stated in the above para, the appellant didn't perform his duty as evident from her absentia record. The respondent removed the appellant from service vide official order dated 27-4-2020 and a copy of the letter was also sent to the concerned district account officer.
- C.** Incorrect. Hence denied. As elucidated in above para on facts.
- D.** Incorrect, hence denied. The appellant was treated in accordance with law and while doing so no provision of the constitution has been violated.
- E.** Incorrect, hence denied.
- F.** Incorrect, hence denied.
- G.** The respondents seek permission to present some other grounds at the time of arguments of the appeal.

**Pray:**

In light of the above factual and legal position, it is humbly prayed that the instant appeal may kindly be dismissed with cost.

Respondent NO. 1.

  
\_\_\_\_\_  
**District Education Officer  
Mohmand**  




~~Respondent NO. 2~~

~~\_\_\_\_\_  
**District Education Officer  
Mohmand**~~

**AFFIDAVIT**

The respondents do hereby declare and affirm on oath that the above comments are true and correct to the best of their Knowledge and belief and nothing has been concealed from this Honorable Tribunal.

Respondent NO. 1.

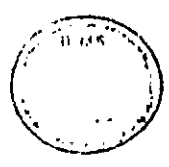
  
\_\_\_\_\_  
**District Education Officer  
Mohmand**  


~~Respondent NO. 2~~

~~\_\_\_\_\_  
**District Education Officer  
Mohmand**~~

Armen - "A"

(5)



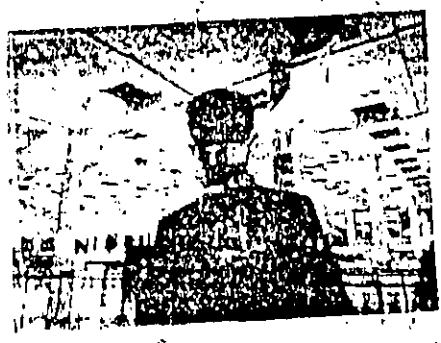
FEDERAL INVESTIGATION AGENCY  
INTEGRATED BORDER MANAGEMENT SYSTEM  
R-13 (TRAVEL HISTORY)



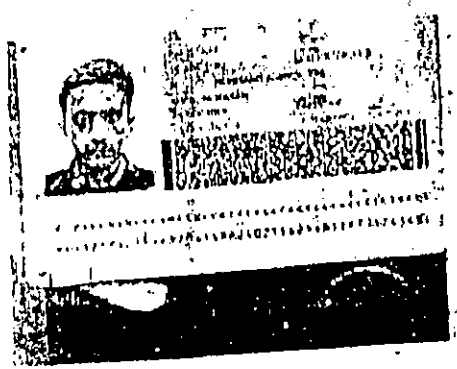
214056789743  
Director of Education  
3570  
MUSKARAH KHAN  
MUSKARAH KHAN

EDUCATION  
Request Date: 16-Mar-2021  
Query For: 1513 17 03 2021  
Query Limit: 17-Apr-2021

ORIGIN DATE: 15-APR-1982  
NATIONALITY: PAKISTANI



TRAVEL DATE	FLIGHT NO.	TRAVEL STATUS	PASSPORT NO.	ORIGIN	DESTINATION
16 JUN 20 2115:08	ED732	Departing	XN4125741	BEHAZIR BHUTTO INTERNATIONAL AIRPORT ISLAMABAD	SAU - SAUDI ARABIA
10 JUN 21 06:43	ED744	Departing	XN4125742	BEHAZIR BHUTTO INTERNATIONAL AIRPORT ISLAMABAD	SAU - SAUDI ARABIA



CHECKED BY:

11:07 pm

Page 1 of 1  
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NOT FOR COURT USE

6

# Travel History of Kamran Khan

S.No.	NAME	FATHER NAME	PASSPORT NO.	CHIC	TRAVEL DATE	DOB	NATIONALITY	FLIGHT NO.	STATUS	LOCATION
			218034798742		21/04/20					

Sahib Shah PST

→ Nisar PST → call him for personal hearing on Monday 16/4/20

Spl. Islam Gul

Azraab Daag

16/4/20

2



OFFICE OF THE DISTRICT EDUCATION OFFICER  
MOHMAND TRIBAL DISTRICT

Ph. No.: 0924-290180

FAX : 0924290180

Email: - deomohmand@gmail.com

NO. \_\_\_\_\_ / DATED, \_\_\_\_/\_\_\_\_/2020



KPESD  
Khyber Pakhtunkhwa Elementary &  
Secondary Education Department

### SHOW CAUSE NOTICE

I, Jaddi Khan Khalil District Education Officer Mohmand as competent authority Under Khyber Pakhtunkhwa Govt: Servants Efficiency and Discipline, Rules 2011 do hereby serve you

1. Zain Ul Haq N/ Qasid GMS Zarif Kore
2. Naseer s/o Amir Ali C/IV GGMS Halim Sher
3. Aliman Shah N/Qasid GGMS Kuta Trap
4. Azmat Khan Chow GPS Tora Gharai No.2
5. Hiader Ali Chow GPS Zafar Killi
6. Fazli Rabi Chow GPS Kalim Kore
7. Hakim Said GPS Wali Kore
8. Sadiq Ullah Chow GPS Irfan Kore
9. Abid Ullah s/o Noor Azam Chowkidar GPS Shahbaz Kore 1035500
10. Kamran Khan s/o Mukaram Khan GPS Aqrag Dag Islam Gul
11. Ajam Khan Chowkidar GGPS Gulab Jan

### MIS CONDUCT

Specified in rule 3 of the said rules:

- 1- As a result therefore I as competent authority hereby decided to impose upon you the major penalty of Removal from Govt: service under the said rules.
- 2- You are therefore directed to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
- 3- If no reply to this notice is received within seven days or not more than 15-days of it delivered it shall be presumed that you have no defense to front in the case an ex-parte action shall be taken against you.

Jaddi Khan Khalil  
District Education Officer  
Mohmand Tribal District

Endst No. 1344-47 dated 3/03 /2020

Copy to the

1. Director of Education E&SE Department KPK Peshawar.
2. DC Mohmand Tribal District Mohmand.
3. ADEO Concerned.
4. Pay Clerk Local Office.

District Education Officer  
Mohmand Tribal District



Office of the District Education Officer  
Mohmand Tribal District

Ph. No.: 0924-290180

FAX : 0924290180

Email: - deomohmand@gmail.com

NO. 1645/ DATED 21/3/2020



### CHARGE SHEET/PERSONAL HEARING

1. I, Jaddi Khan Khalil District Education Officer Mohmand as competent authority Under Khyber Pakhtunkhwa Government Servants Efficiency and Disciplinary Rules 2011, do hereby you, Mr. Kamran Khan s/o Mukarram Khan Chowkidar GPS Agrab Dag Islam Gul as follow:
  - a) That you had been reported by the concerned ADEO (F) that you have been absent since long and drawing full fledge salaries here.
  - b) Show cause notice was served upon you vide this office No. 1344-47 on dated 13.03.2020 through registered post at your home/school address therein you were directed to report to your duty but instead of resuming your duty, you turned yours ears deaf which is a matter of great concern and anxiety.
2. By the reason given above, you are guilty acts of misconduct/incapability/irregularity under section (b) of rule 4 of the said rules and have rendered yourself liable of the penalties specified in rule 4 (b) of the rules.
3. You are therefore required to submit your written defense within seven days after the receipt of this charge sheet to the undersigned.
4. Your written defense, if any, should reach the undersigned within seven days, failing which it shall be presumed that you have no defense to put in and in that case ex-part action shall be taken against you.
5. You are hereby strictly directed to appear before the undersigned on dated 06.04.2020 for personal hearing with tenable and justifiable proofs on the mentioned date positively.
6. Statement of allegation described in Para 1 (serial No. a and b) above.

*(Signature)*

Jaddi Khan Khalil  
District Education Officer  
Mohmand Tribal District

Endst No. 1646-49 dated 21/3/2020

Copy to the

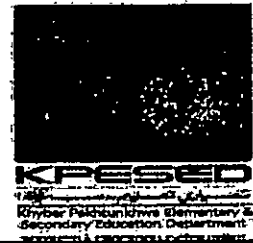
1. Director of Education E&SE Department KPK Peshawar.
2. DC Mohmand Tribal District Mohmand.
3. ADEO Concerned.
4. Pay Clerk Local Office.

*(Signature)*

District Education Officer  
Mohmand Tribal District







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Annex -

**NOTIFICATION**

1. **WHEREAS** Mr. Kamran Khan Chowkidar GPS Aqrab Dag Islam Gul Tehsil Ekka Ghund Mohmand Tribal District was found wilfully absent from duty during monitoring visit of the Assistant District Education Officer.
2. **AND WHEREAS** it has also been reported that Mr. Kamran Khan Chowkidar GPS Aqrab Dag Islam Gul has been abroad since 21.02.2015.
3. **AND WHEREAS** show cause notice was served upon the accused under Khyber Pakhtunkhwa Government servants (Efficiency and Disciplinary) Rules 2011, for the charge of "wilful absence from duty" as mentioned in the show cause notice at his home/school address vide No. 1343-47 dated 13.03.2020 wherein he was directed to resume his duty but he failed.
4. **AND WHEREAS** Mr. Kamran Khan Chowkidar GPS Aqrab Dag Islam Gul Tehsil Ekka Ghund Mohmand Tribal District did not report to his duty within stipulated period of time and turned his ears deaf.
5. **AND WHEREAS** Charge sheet was served upon Mr. Kamran Khan Chowkidar GPS Aqrab Dag Islam Gul Tehsil Ekka Ghund Mohmand Tribal District vide Endst; No: 1645 dated 21.03.2020 through registered post at his home/school address therein the accused was directed to submit reply in his defense through personal contact to this office.
6. **AND WHEREAS** the accused failed to put any defense in written and did not appear to be heard in person within stipulated time.
7. **AND WHEREAS** absence notice was published in Daily Mashriq Peshawar dated 10.04.2020 and Daily Aaj Peshawar dated 10.04.2020 therein Mr. Kamran Khan Chowkidar GPS Aqrab Dag Islam Gul Mohmand Tribal District was again directed to appear before the competent authority and show reason of his absence but once again he failed to do so.
8. **AND NOW THEREFORE**, in exercise of the Powers conferred under Rules 4.1.(b) (iii) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, the competent authority, District Education Officer Mohmand Tribal District is pleased to impose major penalty of "Removal from Service" upon Mr. Kamran Khan Chowkidar GPS Aqrab Dag Islam Gul Tehsil Ekka Ghund Mohmand Tribal District with immediate effect on account of his wilful absence from duty.

(Mr. Jaddi Khan Khalil)  
District Education Officer  
Mohmand Tribal District

Endst; No. 2020-05 Dated 27/04/2020.

Copy forwarded to the:

1. Director of Education E&SE Department KPK Peshawar.
2. DC Mohmand Tribal District Mohmand.
3. District Accounts Officer Mohmand Tribal District at Ghallanai
4. ADEO Concerned.
5. Pay Clerk Local Office.
6. Official concerned.

District Education Officer  
Mohmand Tribal District

Directorate of Elementary & Secondary Education DepartmentKhyber PakhtunkhwaDM 4315  
10/9/20  
10/8Notification

1. WHEREAS, Mr. Kamran Khan, was serving as Chowkidar at GPS Agrab Dag Islam Gul Tehsil Ekka Ghund, District Mohmand and was willfully found absent from duty during monitoring visit of the Assistant District Education Officer, he was reported abroad since 21-02-2015
2. AND WHEREAS, the District Education Officer, District Mohmand served show cause notice upon him on his home/School address vide No.1343 -47 dated 13-03-2020 under the Khyber Pakhtunkhwa E & D Rules 2011.
3. AND WHEREAS, he did not report to duty within stipulated time and he was charge sheeted vide Endst: No.1645 dated 21.03.2020 through registered courier at his home/ school address, wherein he was directed to submit reply in his defense through personal contact to the office of the District Education Officer Mohmand.
4. AND WHEREAS, he failed to put any defense in written and did not appear within stipulated time.
5. AND WHEREAS, fulfilling all the codal formalities, the District Education Officer being Competent Authority under Rules 4.1. (b) (iii) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, imposed him major penalty "Removal from Service".
6. AND WHEREAS, he lodged an Appeal to the Appellate Authority (Director Elementary & Secondary Education, Khyber Pakhtunkhwa) against the order of removal from service by the District Education Officer Mohmand.
7. NOW THEREFORE, in exercise of power conferred under Section -17(2) (a) of E & D Rules-2011, the Appellate Authority (Director Elementary & Secondary Education, Khyber Pakhtunkhwa) please to upheld the order of penalty and reject the appeal of the accused.

DIRECTOR  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

Endst: 202528 dated: 5/08/2020

Copy to:

1. Additional Director (Estab), Local Directorate.
2. District Education Officer Mohmand.
3. PA to Director Elementary & Secondary Education Department, Khyber Pakhtunkhwa.
4. Mr. Kamran Khan, Ex-Chowkidar at GPS Agrab Dag Islam Gul Tehsil Ekka Ghund, District Mohmand.

Deputy Director (E/A)

Annexure - "G"

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Directorate of Elementary and Secondary Education  
Khyber Pakhtunkhwa Peshawar  
PH No. 091-9210389, 9210938,  
091-9210437, 9210957, 9210468  
Fax 091-9210936

No. 3819 / Inquiry report of Removed teacher Mohmand. Dated 19/03/2021.

To

The District Education Officer,  
Mohmand.

Subject: - INQUIRY REPORT.

Memo:-

I am directed to refer to the subject noted above and to enclose herewith a copy of Inquiry conducted by Mr. Syed Hussain Afridi, Principal/Chairman BPS-19 GHS Jalaka Mela Orakzai District, Sardar Hussain Principal/Member, GHS Ekka Ghund District Mohmand and Mr. Karmul Wahab Assistant/Member Local Office (inquiry committee), with the remarks to implement the recommendations of the inquiry committee in letter & spirit under intimation to this office.

Encl: As Above.

Deputy Director (Estt.)  
Merged Areas

Endst: No. \_\_\_\_\_

Copy forwarded to the:-

1. P.A to Director Elementary and Secondary Education local office.

Deputy Director (Estt.)  
Merged Areas

## INQUIRY REPORT- REVOMAL OF EMPLOYEES IN DISTRICT MOHMAND

Subject: -

The Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar constituted a committee consisting of the following officers vide Notification 6694-99 dated 08-12-2020 to conduct an inquiry in connection with appeals against the removal from services of removed employees: (Annexure-A).

1	Mr. Syed Hussain Afridi (Principal)	GHS Jalaka Mela Orakzai	Chairman
2	Mr. Sardar Hussain, (Principal)	GHS Ekka Ghund Mohmand	Member
3	Mr. Karm Ul Wahab (S/Clerk)	Directorate of Education, Merged Districts, Khyber Pakhtunkhwa.	Member

### 1. PROCEEDINGS.

In response of the Notification cited above the committee visited the office of the District Education Officer Mohmand on 23-12-2020 to examine/scrutinize the record pertaining to the removed employees.

The committee accordingly served a questionnaire upon the following removed employees (Annexure-B) and they submitted the replies of their questionnaires except Mr. Murad Ali PST (Annexure-C):-

S#	Name & Designation of removed employee	Last place of posting	Date of removal
1	Mr. Murad Ali PST	GPS Bahadar Killi	01-12-2019
2	Mr. Noor Ul Amin PST	GPS Bahadar Killi	26-02-2020
3	Mr. Behr-e-Karam DM	GMS Bahadar Killi	01-12-2019
4	Mr. Najeeb Ullah PST	GPS Wochko Suran Dara	01-12-2019
5	Mr. Jahangir Shah PST	GPS Malkana	01-01-2020
6	Mr. Kamran Khan Chowkidar	GPS Islam Gul	27-04-2020
7	Mr. Imran Khan PST	GPS No.6 Kuz Kadi	14-09-2020
8	Mr. Bashir Khan PSHT	GPS Falosai	14-09-2020

A questioner was also served upon the Ex District Education Officer Mohmand (Annexure-D) and he submitted the reply of questioner (Annexure-E).

### 2. FACTS & FINDINGS.

Murad Ali PST GPS Bahadar Killi.

Due to non attendance the inquiry proceedings by Mr. Murad Ali PST, a letter was sent to Muhammad Ali ADEO Mohmand for

serving upon Mr. Murad Ali PSTGPS Bahadar Killi, but the ADEO concerned informed the committee that despite of repeated calls through Mobile, Mr. Murad Ali neither submitted reply of the questionnaire appeared before the committee (Annexure-F).

ii. Noor Ul Amin PST GPS Bahadar Killi

In accordance with the service book (Annexure-G), Mr. Noor Ul Amin had been appointed as PST on 21-08-2004. The then DEO has served show cause notice upon the said PST for willful absence vide dated 28-11-2019, but the copy of show cause notice neither available in his personal file nor the DEO office provided the same to the committee. The accused teacher submitted the reply of his show cause notice to the DEO on 12-12-2019 (Annexure-H). However, the DEO charge sheeted him on 30-12-2019 without mentioning of his absence period and also published an absence notice in daily newspaper Mashriq dated 28-01-2020, in spite of the fact that the teacher available as he given the reply of show cause notice at (Annexure-J). He draws his salaries up to October, 2019. The DEO removed the said teacher from service w.e.f. 01-12-2019 vide notification No. 1056-63 dated 26-02-2020 (Annexure-K). As per attendance register, he attended the School till March, 2020 (Annexure-L) dully attested by Head of Institution as well ADEO concerned.

iii. Bahr-e-Karam DM GMS Bahadar Killi

In accordance with the service book (Annexure-M), Mr. Bahr-e-Karam had been appointed as DM on 21-11-2005. The then DEO has served show cause notice upon the said DM for willful absence vide dated 28-11-2019, but the copy of show cause notice neither available in his personal file nor the DEO office provided the same to the committee. The accused teacher submitted the reply of his show cause notice to the DEO on 08-12-2019 (Annexure-N). However, the DEO charge sheeted him on 30-12-2019 with the charges of hiring a substitute and also published an absence notice in daily newspaper Mashriq dated 28-01-2020, in spite of the fact that the teacher available as he given the reply of show cause notice at (Annexure-P). He draws his salaries up to October, 2019. After the publication of absence notice in the newspaper the DEO removed the said teacher from service w.e.f. 01-12-2019 vide notification No. 1048-55 dated 27-02-2020 (Annexure-Q). As per attendance register, he attended the School till January, 2020, (Annexure-R) dully attested by Head of Institution as well ADEO concerned.

vi. Najeeb Ullah PST GPS Wochko.

In accordance with the service book (Annexure-S), Mr. Najeeb Ullah had been appointed as PST on 21-08-2004. The then DEO has served show cause notice upon the said PST for hiring a substitute vide dated 28-11-2019, but the copy of show cause notice was neither available in his personal file nor the DEO office provided to the committee. The accused teacher submitted the reply of his show cause notice to the DEO on 06-12-2019 (Annexure-T). However the DEO charge sheeted him on 30-12-2019 with the charges of hiring a substitute and also published an absence notice in daily newspaper Mashriq dated 28-01-2020, in spite of the fact that the teacher available as he given the reply of show cause notice at (Annexure-U). He draws his salaries up to October, 2019. After the publication of absence notice in the newspaper the DEO removed the said teacher from service w.e.f 01-12-2019 vide notification No. 1077-79 dated 26-02-2020 (Annexure-V). As per attendance register, he attended the School till March, 2020 (Annexure-W) dully attested by Head of Institution as well ADEO concerned.

v. Mr. Jahangir Shah PST GPS Malkana.

In accordance with the service book (Annexure-X), Mr. Jahangir Shah had been appointed as PST on 05-05-2010 at District North Waziristan. Then transferred from District North Waziristan to District Mohmand on 01-10-2013. The then DEO has charge sheeted him for hiring a substitute. The accused teacher submitted the reply of his charge sheet to the DEO on 08-12-2019 (Annexure-Y). However the DEO also published an absent notice in daily newspaper Mashriq dated 28-01-2020, in spite of the fact that the teacher available as he given the reply of charge sheet. He draws his salaries up to January, 2020. After the publication of absence notice in the newspaper the DEO removed the said teacher from service w.e.f. 01-01-2020 vide notification No. 1064-71 dated 26-02-2020 (Annexure-Z). As per attendance register, he attended the school till March, 2020 (Annexure-AA) dully attested by Head of Institution as well ADEO concerned. As per report of DEO that there is no record regarding hiring the substitute for his duty (Annexure-F).

vi. Mr. Kamran Khan Chow GPS Islam Gul.

In accordance with the service book (Annexure-AB), Mr. Kamran Khan had been appointed as Chowkidar on 03-12-2002. As per travel history (Annexure-AC), he was found abroad since 2015 due to which The

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then DEO has served show cause notice upon the said Chowkidar for willful absence vide dated 30-03-2020. The accused chow has submitted no reply to the DEO. After fulfillment of codal formalities the DEO removed him from service w.e.f. date of his absent from duty vide Notification No. 2000-05 dated 27-04-2020 (Annexure-AD). Later on the removed Chowkidar filed an appeal before the Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar being appellat authority. Whereas his appeal has been rejected through a speaking order vide Notification No. 2025-28 dated 05-08-2020 (Annexure-AE).

vii. Mr. Imran Khan PST GPS No.6 Kuz Kadi.

In accordance with the service book (Annexure-AF), Mr. Imran Khan had been appointed as PST on 11-11-2004. The then DEO has served show cause notice upon the said PST for misconduct (Involved in Journalism activities) vide dated 11-06-2020. The accused teacher submitted the reply of his show cause notice to the DEO (Annexure-AG). The DEO call him for personal hearing on 18-06-2020. However he removed him from service on 14-09-2020 (Annexure-AH), while he has drawn his salaries till December, 2020. He attended his school up to December, 2020 as per attendance register (Annexure-AJ) dully attested by Head of Institution as well DEO/ADEO concerned. The president Mohmand Press Club certified that he has not involved in Journalism activities at (Annexure-AK).

viii. Mr. Bashir Khan PSHT GPS Palosai.

Mr. Bashir Khan PSHT GPS Palosai has been removed from service on 14-09-2020 (Annexure-AL) due his involvement in journalism activities, but as per report of DEO Mohmand, he is still working at his Office as focal person for polfo activities (Annexure-AM) and drawing his salaries regularly. According to his verbal statement he has not received the removal notification so far.

OBSERVATIONS AND RECOMMENDATIONS.


Name of official	Observations	Recommendations
Murad Ali PST	As he has not submitted the reply of show cause notice.	The DEO concerned may be directed to intact his removal notification.
Muhammad Amin PST	DEO has not made entry of removal in his service book and he attended the School up to March, 2020 while removed from service	Keeping in view his 15 years service, the DEO may be directed to re-instate him and his absent / intervening period be treated as

in in in

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		w.e.f. 01-12-2019	leave without pay and a minor penalty of forfeiting an annual increment for a period of three years be imposed upon him. Furthermore the DEO may also be directed to obtain an under taking on judicial stamp paper regarding his punctuality.
3	Bahr-e-Karam DM	DEO has not made entry of removal in his service book and he attended the School up to March, 2020, while removed from service w.e.f. 01-12-2019.	Keeping in view his 14 years service, the DEO may be directed to re-instate him and his absent / intervening period be treated as leave without pay and a minor penalty of forfeiting an annual increment for a period of three years be imposed upon him. Furthermore the DEO may also be directed to obtain an under taking on judicial stamp paper regarding his punctuality.
4	Najeeb Ullah PST	DEO has not made entry of removal in his service book and he attended the School up to March, 2020, while removed from service w.e.f. 01-12-2019.	Keeping in view his 15 years service, the DEO may be directed to re-instate him and his absent / intervening period be treated as leave without pay and a minor penalty of forfeiting an annual increment for a period of three years be imposed upon him. Furthermore the DEO may also be directed to obtain an under taking on judicial stamp paper regarding his punctuality.
5	Jahangir Shah PST	DEO has not made entry of removal in his service book and he attended the School up to March, 2020, while removed from service w.e.f. 01-12-2019.	The DEO may be directed to re-instate him and his absent / intervening period be treated as leave without pay and a minor penalty of forfeiting an annual increment for a period of three years be imposed upon him. Furthermore the DEO



<p>Kamran Khan Chow</p> 	<p>He is willful absent from duty and found abroad since 2015</p>	<p>may also be directed to obtain an under taking on judicial stamp paper regarding his punctuality. As the appellant authority has already been rejected his appeal, hence his appeal for re-instatement may be filed.</p>
<p>Inran Khan PST</p>	<p>DEO has not made entry of removal in his service book and he attended the School up to March, 2020, while removed from service w.e.f. 01-12-2019</p>	<p>The DEO may be directed to re-instate him and a minor penalty of censure be imposed upon him and his absent / intervening period be treated as leave without pay. Furthermore an under taking on judicial stamp paper be obtained regarding involvement in Journalism activities in future.</p>
<p>8 Bashir Khan PSHT</p>	<p>Neither the removal notification delivered to Mr. Bashir Khan nor his salary has been stopped so far and as per DEO report he is working as focal person for Polio activities at the DEO office Mohmand regularly.</p>	<p>The DEO may be directed to withdraw his removal notification date 14-09-2020. Furthermore an under taking on judicial stamp paper be obtained regarding involvement in Journalism activities in future.</p>

Sardar Hussain  
Principal/Member  
GHS Ekka Ghund Mohmand.

Karm Ul-Wahab  
Senior Clerk  
Directorate of Merged Districts Peshawar



Syed Hussain Afridi  
Principal/Chairman  
Govt. High School Jelaka Mela  
District Orakzai.

Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_


Case No.- 4947 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/04/2021	<p>The appeal of Kamran Khan resubmitted today by Mr. Yousaf Ali Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	27/05/21	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>14/06/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>

14.06.2021

Counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 25.10.2021 before the D.B.

  
APPLY 6/8/21  
Security and process Fee

  
Chairman

Stipulated period passed reply not submitted.

29.07.2021

Learned Addl, A.G be reminded about the omission and for submission of reply/comments within extended time of 10 days.

Chairman

25.10.2021

Appellant in person present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

Arguments could not be heard due to learned judicial member (Salah-ud-Din) is on leave. Adjourned. To come up for arguments before the D.B on 24.02.2022.

(MIAN MUHAMMAD)  
MEMBER (E)

24.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 13.05.2022 for the same as before.

13.05.2022

Due to misplacement of the appeal file, case to come up for the same on 18.07.2022 before S.B.

Reader

Reader