

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Case Title: مہاجر الہدین نیام کوئٹہ **CHECK LIST** سیکرٹری نراہدین کا مافیل انڈیکس اور کیسوں کی فہرست

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: <u>سیکرٹری نراہدین کا مافیل انڈیکس اور کیسوں کی فہرست</u>		
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?		
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?	✓	
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On _____		
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____		
26	Whether copies of comments/reply/rejoinder submitted? On _____		
27	Whether copies of comments/reply/rejoinder provided to opposite party? On _____		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: سیکرٹری نراہدین کا مافیل انڈیکس اور کیسوں کی فہرست

Signature: _____

Dated: 13/10/2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. _____ /2021

Misbah Ud Din appellant

Versus

Govt. of KPK & others Respondent

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DATED: 13-10-2021

**Appellant
Through**

SAYED AZIZ UD DIN KAKAKHEL (NOWSHERA)

Advocate High Court

Mobile# 0314-9664440

BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

S.A No. _____/2021

Mr. Misbah Ud Din (Naib Qasid) S/o Farid Ud Din R/o Moh: Kaji Khel, Village
P/o Ziarat kaka Sahib Tehsil & District Nowshera.....Appellant

VERSUS

1. Govt. of KPK through Sectary (E&S) Education Civil Secretariat Peshawar
2. Director (E&S) Education KPK, Elementary & Secondary School Directorate G.T Road Peshawar
3. District Education Officer (Male), G.T Road Nowshera Saddar, District Nowshera.....Respondents

APPEAL U/S -4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT 1974 AGAISNT THE ORDER DATED 20-01-2021 WHEREBY THE APPELLANT HAS BEEN AWARDED MAJOR PUNISHMENT OF COMPULSORY RETIREMENT AND THEREAFTER THE APPELLANT PREFERRED DEPARTMENTAL APPEAL NO. 1626 DATED 19-02-2021 AGAINST THE ORDER DATED 20-01-2021WHICH HAS ALSO BEEN REJECTED ON 07-10-2021 WITHOUT ANY COGENT REASON.

PRAYED:

ON ACCEPTANCE OF THIS APPEAL BOTH THE IMPUGNED ORDERS DATED 20-01-2021 & 07-10-2021 MAY PLEASE BE SET ASIDE AND THE APPELLANT MAY PLEASE BE REINSTATED IN SERVICE ALONG WITH ALL BACK BENEFITS. ANY OTHER RELIEF WHICH THIS AUGUST TRIBUNAL DEEMS FIT THAT MAY ALSO BE AWARDED TRIBUNAL IN FAVOUR APPELLANT.

RESPECTFULLY SHEWETH:

1. That on 21-09-2006 Appellant has been appointed as Naib Qasid at Govt. Middle School Bahadar Khel, Nowshera.
2. That the Appellant performed his duty regularly and with full devotion and no complaint whatsoever has been made against the appellant.
3. That while posted at GMS Bahadar Khel, Nowshera the Appellant was verbally ordered to perform his duty at the office of respondent No.3 Department w.c.f Jan 2020 without assigning any reason.

4. That on 20-11-2020 the Respondent No. 3 issued Show Cause Notice against Appellant which has been served upon him on 01-12-2020 and then he respectfully submitted his reply on 04-12-2020.

(Copy of Show Cause Notice Dated 20-11-2020 and reply Dated 04-12-2020 are attached as Annexure A&B Respectively alongwith better copies)

5. That on 14-01-2021 the Appellant fell ill and three days "Bcd Rest" were advised by Medical Officer, thus, the Appellant submitted his application to Respondent No.3 for grant of Medical Leave which was accepted accordingly.

(Copy of Application dated 14-01-2021 & Medical Prescription are attached as Annexure C&D Respectively along with Better Copy)

6. That on 20-01-2021 the Respondent No.3 issued a Notification of Compulsory Retirement of Appellant without any legal justification and opportunity of being heard.

(Copy of Compulsory Retirement Order Dated 20-01-2021 is attached as Annexure E)

7. That thereafter on 19-02-2021 the Appellant being feel aggrieved preferred Departmental Appeal to Respondent No.2.

(Copy of Appeal Dated 19-02-2021 as attached as Annexure F)

8. That during Departmental Appeal the Respondent No.2 ordered for inquiry and appointed an Inquiry Officer, thus, the Inquiry Officer during Inquiry recorded the statement of Appellant and conducted thoroughly Inquiry and then submitted his report with the recommendation of "Re-instate" of Appellant.

(Copy of Statement of Appellant & Report of Inquiry Officer are attached as Annexure G&H)

9. That thereafter on 07-10-2021 the Respondent No.2 without has gone through the record of the Appeal of the Appellant and issued non-speaking Order and rejected the Appeal of Appellant without any solid finding and substance, hence feeling aggrieved, the Appellant prefer the instant Service Appeal against the orders dated 20-01-2021 and 07-10-2021 before this Honorable Service Tribunal on the following grounds inter alia: *(copy attached as*

Annex I)

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GROUND:

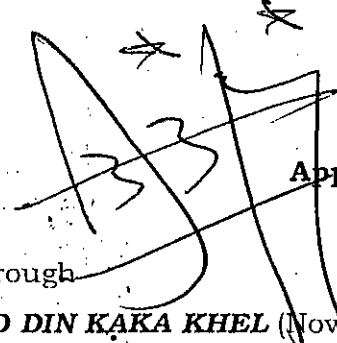
- A. That the impugned orders dated 20-01-2021 and 07-10-2021 are null and void abinitio because they have been passed without fulfilling codal formalities.
- B. That no charge sheet has been served or communicated to the Appellant in this respect the Appellant relied upon a judgment reported on 2009 SCMR Page: 615.
- C. That no regular inquiry has been conducted by the Respondent Department and no chance of personal hearing has been provided to the Appellant in this respect the Appellant relied upon the judgment dated 2008 SCMR Page: 1369.
- D. That no final show cause notice has been issued and communicated to the Appellant by Respondent Department before imposing the major penalty in this respect the Appellant relied upon a judgment reported on 2009 PLC (CS) 176 and no notice of absence has been issued by the Respondent Department.
- E. It is a well settled maxim no one can be condemned unheard because it is against the natural justice of law in this respect the Appellant relied upon a judgment reported on 2008 SCMR Page: 678.
- F. That neither the reply of Appellant on Show Cause Notice has been considered nor any opportunity of cross examination has been provided to the Appellant.
- G. That the punishment has been given by the Respondent Department is harsh one.
- H. That the Appellant performed his duties regularly and with full devotion and even in the Pandemic of first phase i.e covid-19 initial days in Pakistan, when specifically when all type of activities were restricted in the Country by the Govt but even then the Appellant regularly attended and performed his duty in the office of Respondent No.3 on time while daily traveling from his far away village and covered almost more than 14 Km through "walk", but the Respondents ignored all these facts and circumstance of the duty of the Appellant and award illegally harsh punishment.

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- I. That any other ground not raised here may graciously be allowed to be raised at the time of arguments on the instant service appeal.

It is therefore, most humbly prayed that on acceptance of this Appeal both the impugned orders dated 20-01-2021 & 07-10-2021 may please be set aside and the appellant may please be re-instated in service with all back benefits.

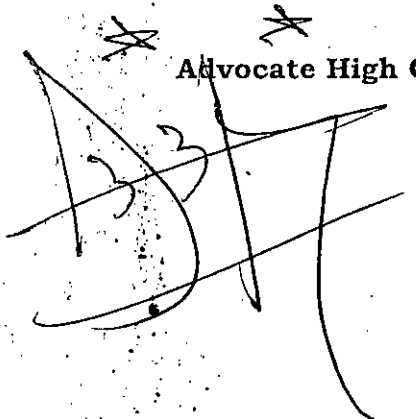
Any other relief not specifically asked for may also graciously be extended in favour of the Appellant in the circumstances of the case.


Appellant
Through
SYED AZIZ UD DIN KAKA KHEL (Nowshera)
Advocate High Court

Dated: 13-10-2021

CERTIFICATE:

As per information furnish by my client , no such like appeal for the same subject matter has earlier been filed before this hon'ble Tribunal or any form.


Advocate High Court

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BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

S.A No. _____/2021

Misbah Ud DinAppellant

VERSUS

Govt. of KPK & OthersRespondents

AFFIDAVIT

I, Mr. Misbah Ud Din (Naib Qasid) S/o Farid Ud Din R/o Moh: Kaji Khel, Village P/o Ziarat kaka Sahib Tehsil & District Nowshera, do hereby solemnly affirm and declare that all the contents of the Instant Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

DEPONENT

Misbah
Qasid

Identify by:



SYED AZIZ UD DIN KAKA KHEL
Advocate High Court.

13-10-21
ATTESTED
IRFAN ULLAH
Oath Commissioner
Advocate High Court

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BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

S.A No. _____/2021

Misbah Ud DinAppellant

VERSUS

Govt. of KPK & OthersRespondents

ADDRESSES OF PARTIES

PETITIONER

Misbah Ud Din (Naib Qasid) S/o Farid Ud Din R/o Moh: Kaji Khel, Village P/o Ziarat kaka Sahib Tehsil & District Nowshera

RESPONDENTS

1. Govt. of KPK through Sectary (E&S) Education Civil Secretariat Peshawar
2. Director (E&S) Education KPK, Elementary & Secondary School Directorate G.T Road Peshawar
3. District Education Officer (Male), G.T Road Nowshera Saddar, District Nowshera

Through

SYED AZIZ UD DIN KAKA KHEL (Nowshera)

Advocate High Court

Dated: 13-10-2021

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BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

S.A No. _____/2021

Misbah Ud DinAppellant

VERSUS

Govt. of KPK & OthersRespondents

APPLICATION FOR CONDONATION OF DELAY (IF ANY)

RESPECTFULLY SHEWETH:

Petitioner Submits as under:

1. That the above mentioned Appeal has been filed before this Hon'ble Tribunal where in no date of hearing has been fixed yet.
2. That the Department Appeal of the Appellant has been rejected on 07-10-2021 which has been communicated to the Appellant later on, hence filed the instant Service Appeal.
3. That the impugned orders are void orders and no limitation run against the void orders.
4. That the final order was communicated to the Appellant after rejection of Department Appeal by the Respondent No.2.
5. That the impugned orders, dated 20-01-2021 and 07-10-2021 are void orders because they have been passed without fulfilling the codal formalities.
6. That there are number of precedents of the Supreme Court of Pakistan which provides that the cases shall be decided on merits rather than technicalities.

It is, therefore, requested that the limitation period (if any) may please be condone in the best interest of justice.

Through


SYED AZIZ UD DIN KAKA KHEL (Nowshera)
Advocate High Court

Dated: 13-10-2021

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BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

S.A No. _____/2021

Misbah Ud DinAppellant

VERSUS

Govt. of KPK & OthersRespondents

AFFIDAVIT

I, Mr. Misbah Ud Din (Naib Qasid) S/o Farid Ud Din R/o Moh: Kaji Khel, Village P/o Ziarat kaka Sahib Tehsil & District Nowshera, do hereby solemnly affirm and declare that all the contents of the Instant Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

DEPONENT

Misbah
02/10/21

Identify by:

[Handwritten signature]

SYED AZIZ UD DIN KAKA KHEL
Advocate High Court.



13-10-21

(9)

OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
NOWSHERA

Office Phone: 0921-9220228 Fax: 0921-9220228

SHOW CAUSE NOTICE

Mr. Sajjad Akhtar Iqbal, District Education Officer (Male) Nowshera, under the Khyber Pakhtunkhwa Government Servants' Temporary & Disciplinary Rules 2011, do hereby serve you, Mr. Misbah Ud Din Class-IV, GMS Bahadar Khel, Nowshera.

Consequent upon the report submitted by the inquiry officer conducted against you regarding your Absenteeism by (Mr. Ghal Nawab Shah Principal, GHS Dag Behsud)

and other connected papers including your defense before the inquiry officer, I am satisfied that you have committed the following acts/omissions specified in rule 3 of the said rules:

A. That you are absent from duty w.e.f 14-03-2020 till date

B. That a notice was served upon you vide this office Endst. No. 5511-14 dated: 07-10-2020 but despite the notice you failed to report for your duty

3. As a result therefore, I, as competent authority, have tentatively decided to impose upon you the major penalty of **Removal from service** under rule 4(d) (b) (iii) of the said rules.

4. It is also recommended by the enquiry officer/Enquiry committee payment made to you in this regard from the date of absenteeism (14-03-2020) till date will be recovered through District Revenue Officer and will be deposited into Govt treasury

5. You are, therefore, required 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.

6. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-par tee action shall be taken against you.

(Sajjad Akhtar Iqbal)
Competent Authority / District Education Officer
(Male) Nowshera

Endst: No. 7712-15 /DEO (M) NSR/EA-S/File. Show Case/Misbah Ud Din Class-IV/ Dated Nowshera the 20 /11/2020

Copy of the above is forwarded for information to the:-

1. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. Senior District Accounts Officer Nowshera
3. Deputy DEO (M) Nowshera with the remarks to stop the pay of the official immediately
4. Mr. Misbah Ud Din GMS Bahadar Khel NSR.

Noted
[Signature]

[Signature] 19-11-2020
District Education Officer
(Male) Nowshera

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BETTER COPY
OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
NOWSHERA.
(Office Phone#0923-9220228, Fax#0923-9220228)
SHOW CAUSE NOTICE.

I, Mr. Sajjad Akhtar Iqbal District Education Officer (MALE), Nowshera, under the Khyber Pakhtunkhwa Government Servants Efficiently & Disciplinary Rules 2011, do hereby serve you, Mr. Misbah-Ud-Din Class-IV GMS Bahadar Khel Nowshera.

1. The Consequent upon the report submitted by the inquiry officer conducted against you regarding your Absenteeism by (Mr. Gul Nawab Shah Principal GHS DAG Behsud).
2. Ongoing through the findings of the inquiry officer/inquiry committee, the material on record and other connected papers including your defense before the inquiry officer.

I am satisfied that you have committed the following acts/omissions specified in rule 3 of the said rules:

- A. That you are absent from duty w.e.f 14-03-2020 till date.
- B. That a notice was served upon you Vide: this office Endstt No: 5511-14 date: 07-10-2020

But despite the notice you failed to report for your duty.

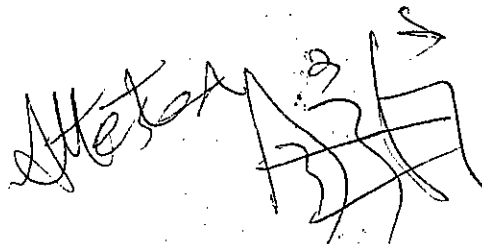
3. As a Result Therefore, I, as competent authority, have tentatively decided to impose upon you the major Penalty of **Removal from Service** under rule-4(I) (b) of the said rules.
4. It is also recommended by the enquiry officer/Enquiry committee payment made to you in this regard from the date of Absenteeism (14-03-2020) till date will be recovered through District Revenue Officer and will be deposited into Govt treasury.
5. You are, therefore, required 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.
6. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in and in that case an Ex-Partee action shall be taken against you.

(Sajjad Akhtar Iqbal)

Competent Authority/District Education Officer
(Male) Nowshera

Endstt: No.7712-15 /DEO (MALE) NSR/EA-S/File. Show Case/Misbah Ud Din Class-IV/Dated Nowshera the 20/11/2020 Copy of the above is forwarded for information to the:-

1. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. Senior District Accounts Officer Nowshera
3. Deputy DEO (M) Nowshera with the remarks to stop the pay of the Official Immediately
4. Mr. Misbah Ud Din GMS Bahadar Khel NSR.



District Education Officer
(MALE) Nowshera

بخدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر صاحب (مراد آباد نوشہرا)

جناب

جناب عالی!

گزارش کی جاتی ہے کہ مجھے مورخہ یکم دسمبر 2020 کو شوکا زونل میں جاری کیا گیا۔ میں عرضہ 14 سال سے محکمہ تعلیم میں بطور کلاس فور خدمات سرانجام دے رہا ہوں۔ میرا والد اسی محکمہ میں 22 سال بطور سکول ٹیچر خدمات سرانجام دینے کے بعد بوجہ مہلک بیماری وفات پائے۔ حالانکہ قانون کے مطابق مجھے Deceased Sons کوٹہ کے تحت کسی اچھے پوسٹ پر بھرتی کرنا چاہئے تھا مگر مجھے کلاس فور بھرتی کیا گیا۔ اور اس وقت سے لیکر آج تک باقاعدہ اپنی ڈیوٹی سرانجام دے رہا ہوں۔ مجھے انٹرویو کا کوئی علم نہ ہے اور آگاہ کیا گیا ہے۔ میں جب گورنمنٹ ڈل سکول بہادر خیل میں ڈیوٹی سرانجام دے رہا تھا تو جنوری 2020 میں مجھے ذہنی طور پر ہدایت کی گئی کہ آپ کے دفتر میں باقاعدہ خدمات سرانجام دوں۔ تو میں اس وقت سے لیکر آج تک باقاعدہ طور پر آپ کے دفتر میں خدمات سرانجام دے رہا ہوں۔ یہاں تک کہ کرونا وائرس کے پھیلاؤ میں جب ٹرانسپورٹ مکمل طور پر بند تھا تو میں اپنے گاؤں زیارت کا صاحب سے 10 کھومیٹر پیدل سفر کر کے دفتر میں اپنی حاضری یقینی بناتا رہا ہوں۔ عرضہ 104 ہے۔ یہی عنوانہ محکمہ نے بے جا طور پر بند کر رکھی ہے۔ اور میں اس کے باوجود 701 ہزار روپے سے ڈاکٹر خد لیکر اپنی زندگی گزارنے کے ساتھ ساتھ اپنی ڈیوٹی سرانجام دے رہا ہوں۔ جناب عالی! مجھے کسی انٹرویو آفیسر نے خدمات اور آگاہ کیا ہے۔ میرے خلاف بے جا طور پر الزامات کے تحت کارروائی ہو رہی ہے۔

لہذا مہربانی فرما کر شوکا زونل خارج فرمایا جاوے۔ التوا: 04-12-2020

مصباح الدین

Naib Qasid GMS Bahadar Khel Nowshera

مصباح الدین

Attested
[Signature]

Received

[Signature]
04/12/20
PROFESSOR DEO (M)
Nowshera

BETTER COPY

بخدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر صاحب (مردانہ) نوشہرہ

جواب

جناب عالی!

گزارش کی جاتی ہے کہ مجھے مورخہ یکم دسمبر 2020 کو شوکاز نوٹس جاری کیا گیا۔ میں عرصہ 14 سال سے محکمہ تعلیم میں بطور کلاس فور خدمات سرانجام دے رہا ہوں۔ میرا والد اسی محکمہ میں 22 سال بطور سکول ٹیچر خدمات سرانجام دینے کے بعد بوجہ مہلک بیماری وفات پائے۔ حالانکہ قانون کے مطابق مجھے Deceased Sons کوٹہ کے تحت کسی اچھے پوسٹ پر بھرتی کرنا چاہئے تھا مگر مجھے کلاس فور بھرتی کیا گیا۔ اور اس وقت سے لیکر آج تک باقاعدہ اپنی ڈیوٹی سرانجام دے رہا ہوں۔ مجھے انکوائری کا کوئی علم نہ ہے اور آگاہ کیا گیا ہے۔ میں جب گورنمنٹ مڈل سکول بہادر خیل میں ڈیوٹی سرانجام دے رہا تھا تو جنوری 2020 میں مجھے زبانی طور پر ہدایت کی گئی کہ آپ کے دفتر میں باقاعدہ خدمات سرانجام دوں۔ تو میں اس وقت سے لیکر آج تک باقاعدہ طور پر آپ کے دفتر میں خدمات سرانجام دے رہا ہوں۔ یہاں تک کہ کرونا وائرس کے پیریڈ میں جب ٹرانسپورٹ مکمل طور پر بند تھا تو میں اپنے گاؤں زیارت کا صاحب سے 10 کلو میٹر پیدل سفر کر کے دفتر میں اپنی حاضری یقینی بناتا رہا ہوں۔ عرصہ 04 ماہ سے میری تنخواہ محکمہ نے بے جا طور پر بند کر رکھی ہے۔ اور میں اس کے باوجود -/70 ہزار روپے سے زائد قرضہ لیکر اپنی زندگی گزارنے کے ساتھ ساتھ اپنی ڈیوٹی سرانجام دے رہا ہوں۔

جناب عالی! مجھے کسی انکوائری آفیسر نے نہ سنا ہے اور نہ آگاہ کیا ہے۔ میرے خلاف بے جا طور پر الزامات کے تحت کارروائی ہو رہی ہے۔

المرقوم: 04-12-2020

لہذا مہربانی فرما کر شوکاز نوٹس خارج فرمایا جائے۔

عرض

Attestd
2/12/20

مصباح الدین

نائب قاصد GMS بہادر خیل نوشہرہ

Medical leave

مذکورہ بالا درخواست گزار صاحب ذیل عرض کرتا ہے۔

- 1۔ میں درخواست گزار اپنے قلم سے پہلے 14 اپریل کو بیمار ہوا اور (کتاب نمائند) ملازم سے اجازت لے کر اپنے گھر پر رہنے لگا۔
 - 2۔ یہاں درخواست گزار سخت بیمار ہو گیا اور زیادہ تر ملازمین کی شکر ڈالنے کے لیے ہسپتال کے قریب ڈاکٹر کے پاس گئے۔
- میں نے اپنے طبی ٹیک آؤٹ کے دوران ملازمین کو سہارا دیا ہے۔
- میں نے اپنے تمام اخراجات (نقل و حرکت) درخواست گزار کے لئے ادا کیے ہیں۔

لہذا میرا نام فرما کر درخواست گزار کو عین دین تک سے اجازت (leave) عطا کرنا چاہتا ہوں۔

الکرم: 22/1/14

صباح الدین ولد میرزا عبدالرحمن (فرصت)

Attested

Handwritten signature/initials

(۱۶)

بخدمت جناب ڈسٹرک ایجوکیشن آفیسر (میل) ضلع نوشہرہ

درخواست برائے Medical Leave

جناب عالی! درخواست گزار حسب ذیل عرض کرتا ہے

- 1- یہ کہ درخواست گزار اس محکمہ میں عرصہ 14 سال سے بطور کلاس فور (نائب قاصد) ملازم ہے اور باقاعدہ طور پر اپنے فرائض سرانجام دے رہا ہے
- 2- یہ کہ درخواست گزار سخت بیمار ہو چکا ہے۔ اور زیارت کا صاحب کینگری ڈی ہسپتال کے مجاز ڈاکٹر صاحب نے تین دن تک آرام صادر فرمائے ہوئے ہے جسکی وجہ سے آنے سے قاصر ہے (نقل اصل درخواست ہذا کے ساتھ لف ہے)

لہذا مہربانی فرما کر درخواست گزار کو تین دن تک Medical Leave صادر فرمائی جائے

المرقوم: 14/01/2021

العرض

مصباح الدین ولد فرید الدین (مرحوم) کلاس فور

سکنہ کا صاحب ضلع نوشہرہ

6161

14/01/2020

Attested
3/3/20
[Signature]

15

Amir N D

No. 76

Rs. 10/-

OUT-PATIENTS DEPARTMENT

NAME Misbahuddin

YEARLY NO. _____

DATE 14 JAN 2021

DISEASE _____

FACE VALUE RUPEES 10/-

HO
Depression

Age 42y

Rest for 3
days

Imam

Incharge
Category D Hospital
Zafar Naka Sahib

Attested





(16) Amal E

OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
NOWSHERA
(Office Phone#0923-9220228, Fax#0923-9220228)

NOTIFICATION.

- 1 Whereas, Mr Misbah ud din Naib Qasid GMS Bahadar Khel Nowshera was proceeded under the Khyber Pakhtun Khwa (Efficiency & Disciplinary) rules, 2011 on the charges of willful absenteeism from his duty.
- 2 And whereas, Mr. Gul Nawab Shah Principal GHS Dag Behsud is appointed as enquiry officer Vide this office Notification No. 4428-34 dated: 18-11-2019.
- 3 And whereas, the enquiry officer having examine the charges evidence on record submitted report to the undersigned.
- 4 And whereas, a show cause notice served upon Mr Misbahud Din Naib Qasid GMS Bahadar Khel Nowshera Vide this office, Endstt: No: 7712-15 dated: 20-11-2020.
- 5 And whereas, the authority having considered the charges, evidence on the record as per report of enquiry Officer and giving the opportunity to perform duty in the main office of DEO(M), but failed, as of the opinion that the charges leveled against him have been proved.
- 6 Now, therefore, in exercise of the powers conferred by the Khyber Pakhtunkhwa Govt Servants (Efficiency & Disciplinary) rules 2011, Section 4 (B) (iii), the competent authority is pleased to impose the major penalty of Compulsory Retirement upon Mr Misbah ud Din Naib Qasid office of the DEO (M) Nowshera.

(Sajjad Akhtar Iqbal)
District Education Officer (M)
Nowshera

Endstt: No. 10202-208 /DEO (M)/Estab: Branch/ Removal from Service Dated: 20 /01/2021

Copy of the above is forwarded for information to the:-

1. Deputy District Education Officer Local Office
2. Principal /Head Master concerned School Nowshera.
3. Official concerned
4. Office file

District Education Officer
(Male) Nowshera

[Signature]
20/01/2021

(17)

Annex F

بخدمت جناب ڈائریکٹر ایجوکیشن KPK پشاور

1626
19-2-21

اپیل بر خلاف آرڈر ڈسٹرکٹ ایجوکیشن

آفیسر مردانہ نو شمیرہ زیر نمبر:

19-2-21

10202-205/DEO(M)/ESTAB: BRANCH/REMOVAL FROM

SERVICE: Dated 20-01-2021,

جناب عالی!

گزارش کی جاتی ہے کہ میں FA تک کو ایفائنڈ ہوں اور گورنمنٹ مڈل سکول بہادر خیل نوشہرہ میں بطور نائب قاصد اپنے خدمات سرانجام دے رہا تھا۔ مورخہ یکم دسمبر 2020 کو شوکاژ نوٹس جاری کیا گیا۔ میں عرصہ 14 سال سے محکمہ تعلیم میں بطور کلاس فور خدمات سرانجام دے رہا تھا۔ میرا والد اسی محکمہ میں 22 سال بطور سکول ٹیچر خدمات سرانجام دینے کے بعد بوجہ مہلک بیماری وفات پائے۔ حالانکہ قانون کے مطابق مجھے Deceased Sons کوٹہ کے تحت کسی اچھے پوسٹ پر بھرتی کرنا چاہئے تھا مگر مجھے کلاس فور بھرتی کیا گیا۔ اور اس وقت سے لیکر مورخہ 20-01-2021 تک باقاعدہ اپنی ڈیوٹی سرانجام دے رہا تھا۔ مجھے انکوآری کا کوئی علم نہ ہے اور آگاہ کیا گیا۔ میں جب گورنمنٹ مڈل سکول بہادر خیل میں ڈیوٹی سرانجام دے رہا تھا تو جنوری 2020 میں مجھے ذہانی طور پر ہدایت کی گئی کہ آپ کے دفتر میں باقاعدہ خدمات سرانجام دوں۔ تو میں اس وقت سے لیکر مورخہ 20-01-2021 تک باقاعدہ طور پر EDO (Male) نوشہرہ کے دفتر خدمات سرانجام دے رہا تھا۔ یہاں تک کہ کرونا وائرس کے پیریڈ میں جب ٹرانسپورٹ مکمل طور پر بند تھا تو میں اپنے گاؤں زیارت کا صاحب سے 10 کلومیٹر پیدل سفر کر کے دفتر میں اپنی حاضری یقینی بناتا رہا۔ عرصہ 04 ماہ سے میری تنخواہ EDO (Male) نوشہرہ نے بے جا طور پر بند کر رکھی۔ اور میں اس کے باوجود 701 ہزار روپے سے زائد قرضہ لیکر اپنی زندگی گزارنے کے ساتھ ساتھ اپنی ڈیوٹی سرانجام دے رہا تھا۔

اسی طرح جب مورخہ 01-12-2020 کو مجھے غیر قانونی طور پر شوکاژ نوٹس جاری کیا گیا تو میں مندرجہ بالا وجوہات کے ساتھ جواب دیا۔ جسکو EDO (Male) نوشہرہ نے نظر انداز کر دیا۔ اور بعد میں میری تنخواہ کھول دی جبکہ حیرانگی طور پر مجھے مورخہ 20-01-2021 کو بلا جواز EDO (Male) صاحب نے میری Compulsory ریٹائرمنٹ کے آرڈرز جاری کیے۔ حالانکہ اسی دوران میری میڈیکل Leave بھی EDO صاحب نے منظور فرمائی تھی جبکہ اپنے آرڈر میں میری غیر حاضری کا بہانہ بنایا حالانکہ اپنے آرڈر میں کسی بھی تاریخ کا ذکر نہیں کیا کہ کس تاریخ سے کس تاریخ تک میں عہدہ قاصداً غیر حاضر رہا۔ میری شوکاژ نوٹس سے پہلے غیر قانونی انکوآری کا جواز پیش کیا گیا جس سے مجھے مکمل طور پر لاعلم رکھا گیا۔ مجھے کسی انکوآری آفیسر نے نہ سنا ہے اور نہ آگاہ کیا اور نہ کوئی موقع دیا کہ میں اپنا دفاع کر سکوں بلکہ ہر لحاظ سے لاعلم رکھا جو کہ مکمل طور پر غیر قانونی، غیر اخلاقی اور غیر آئینی اقدام ہے۔ یہاں تک میں دفتر میں اپنی ڈیوٹی سرانجام

Attest
21/2

دے رہا تھا جس کو مکمل طور پر نظر انداز کر رہے تھے۔ میں ایک غریب بندہ ہوں۔ میرے ساتھ زیادتی ہو رہی ہے۔

(نقولاً لفظ ہے)

لہذا آپ صاحبان کی خدمت میں عاجزانہ گزارش کی جاتی ہے آرڈرڈ سٹرکٹ ایجوکیشن آفیسر مردانہ نوشہرہ زیر نمبر:

10202-205/DEO(M)/ESTAB: BRANCH/REMOVAL FROM SERVICE:

Dated 20-01-2021, کو خارج فرما کر مجھے اپنے سکول گورنمنٹ مل سکول بہادر خیل نوشہرہ میں اپنی ڈیوٹی پر

تعمیلی کے احکامات صادر فرمائے جائے۔

Dated: 08-02-2021

مصباح الدین ولد فرید الدین (مرحوم)

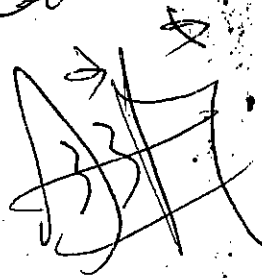
Naib Qasid GMS Bahadar Khel Nowshera

ساکن محلہ کاجی خیل، زیارت کا صاحب، تحصیل ضلع نوشہرہ۔

رابطہ نمبر: 0301-5577550

مصباح الدین

Attested



گورنمنٹ جنرل ایڈمنسٹریشن آفیسر

جناب عالی! میں فیکہ تعلیم میں بحیثیت نائٹ قائمہ طور پر 21.09.2021 میں اسکول
 آزاد میں گجراتی اور مرد خواتین 2010-11 میں اپنے عہدے کا حارج لیا اور باقاعدہ سے اپنی
 بہادر خیل گجراتی اور مرد خواتین 2007-08 کو میرا تبادلہ بہادر خیل
 ڈیپوٹنگ کا حارج کر دیا گیا اور مرد خواتین کا حارج لیا گیا۔ جس میں میں اپنے عہدے کا حارج
 شدہ اسکول سے گورنمنٹ ہائی اسکول زبیر آباد میں لایا گیا اور اسکول زبیر آباد کا صاحب
 اپنے کمرے گورنمنٹ ہائی اسکول زبیر آباد کا صاحب لیا گیا۔ اس کے بعد میں اپنی E.D. کے پاس
 روانہ کیا گیا تاکہ ساتھ آپ کے ساتھ میں بحالی میں ہے۔ اس کے بعد میں اپنی E.D. کے پاس
 واپس آ کر اس کو آگاہ کیا۔ اس کے بعد E.D. نے جب زبیر آباد میں حکم دیا کہ آپ اپنے متعلقہ
 اسکول بہادر خیل میں اپنا ڈیپوٹنگ حارج کر لیں۔ اس کے بعد ستمبر 2019 کو حکم E.D. کے زبیر
 آباد میں E.D. آفس میں آسنا کیا۔ اور گورنمنٹ ہائی اسکول E.D. آفس نو شہرہ میں
 باقاعدہ اپنی ڈیپوٹنگ سے انجام دیا گیا تاکہ کرونا میں جب کا حارج بند ہو تو میں
 اپنے گجراتی زبیر آباد کا صاحب سے پہلے دیپوٹنگ E.D. آفس میں اپنے ڈیپوٹنگ کے باقاعدہ آگاہ
 دینی وجہ سے گورنمنٹ ہائی اسکول زبیر آباد E.D. آفس نو شہرہ میں لایا گیا۔ اور اپنی ڈیپوٹنگ باقاعدہ
 جنوری 2021 میں E.D. آفس میں کرنا۔ مکمل تفصیل آڈیل میں بھی درج کی ہے۔ لیکن
 کسی وجہ سے جنوری 2021 میں بھی چھری دیا گیا۔ میں سر رہا بندہ ہوں اور اپنی ڈیپوٹنگ سے انجام
 دیا گیا ہوں اور ایماندار سے ڈیپوٹنگ لیا ہوں۔ آپ سے گزارش اور اٹھاسا ہے کہ جی
 نوڈرہ میں بحالی کیا جائے۔

محمد امجد / صاحب الہدی

13/8/2021

گورنمنٹ ہائی اسکول بہادر خیل نو شہرہ
 17201-5339543-1

Attested
 [Signature]

(20)

BETTER COPY

بخدمت جناب اینکوآری آفیسر

جناب عالی!

گزارش کی جاتی ہے کہ میں محکمہ تعلیم میں بحیثیت نائب قاصد بمورخہ 21-09-2006
مڈل سکول بہادر خیل بھرتی ہوا اور مورخہ 03-10-2006 اپنے عہدے کا چارج لیا اور باقاعدگی سے
اپنی ڈیوٹی کا آغاز کر کے اپنی ڈیوٹی کرتا رہا۔ اور مورخہ 08-05-2009 کو میرا تبادلہ بہادر خیل مڈل
سکول سے گورنمنٹ ہائی سکول زیارت کا صاحب ہوا۔ جب میں یہاں پر ہائی سکول زیارت کا صاحب
والوں نے کہا کہ ہمارے ساتھ آپ کیلئے سیٹ خالی نہیں ہے۔ اس کے بعد میں اپنی EDO کے پاس واپس
آکر اس کو آگاہ کیا۔ اس کے بعد EDO صاحب نے زبانی طور پر حکم دیا کہ آپ اپنے متعلقہ سکول بہادر
خیل میں اپنی ڈیوٹی جاری رکھے۔ اس کے بعد سال دسمبر 2019 کو بحکم EDO کے زبانی آرڈر پر مجھے
EDO آفس میں تعینات کیا۔ اور پھر وہاں EDO آفس نو شہرہ میں باقاعدہ اپنی ڈیوٹی سرانجام دیتا رہا
یہاں تک کہ کرونا میں جب گاڑیاں بند تھی تو میں اپنے گاؤں زیارت کا صاحب سے پیدل EDO آفس
میں اپنی ڈیوٹی کیلئے باقاعدہ آتا تھا۔ یعنی چودہ کلومیٹر پیدل سفر گزار کر EDO آفس نو شہرہ پہنچتا تھا۔ اور
اپنی ڈیوٹی باقاعدہ جنوری 2021 تک EDO آفس میں کرتا رہا۔ مکمل تفصیل آپیل میں بھی درج کی ہے۔
بغیر کسی وجہ کے جنوری 2021 میں مجھے جبری ریٹائر کیا۔ میں غریب بندہ ہوں اور اپنی ڈیوٹی سرانجام دیتا
رہا ہوں اور ایمانداری سے ڈیوٹی کرتا ہوں۔ آپ سے گزارش اور التماس ہے کہ مجھے نوکری پر بحال کیا
جائے۔

آپکا تعبدار

مصباح الدین نائب قاصد

گورنمنٹ مڈل سکول بہادر خیل نو شہرہ

17201-5339543-1

13-08-2021

(21)

Annex H

Inquiry report in r/o Mr.Misbah Ud Din Ex-Naib Qasid GMS Bahadur Khel

Nowshetra.

AUTHORITY.

The Director Elementary & Secondary Education has been pleased to nominate the U/Signed as enquiry officer regarding the Re-Instatement appeal of Mr.Misbah ud Din Ex-Naib Qasid GMS Bahadur Khel Nowshetra Vide Notification NO.9335-38 dated 19-5-2021 & 564-67/A.20/C-IV/appeal/Nowshetra/Misbah ud Din dated 17-08-2021

Subject: Appeal for Re-instatement by Mr.Misbah ud Din Ex- Naib Qasid GMS Bahadur Khel Nowshetra

Proceedings:

In the light of above mentioned Notification, the U/S visited office Of DEO (M) Nowshetra on 29-7-2021 and 13-08-2021 ,checked the available record thoroughly.

Brief History of the Case:

1. The accused Mr.Misbah ud Din was appointed on 21-09-2006 as Naib Qasid at GMS Bahadur khel Manki Sharif Nowshetra Vide Endstt NO. 1838-43 dated 21-09-2006
2. He performed his duty in GMS Bahadar Khel till 10-04-2009.,
3. He was transferred to GHSS Ziarat Kaka Sahib as Chowkidar by EDO vide Endstt No, 2163-64 dated 11-04-2009 (Annex-A).
4. He was relieved by the Head Master GMS Bahadur Khel on 11-04-2009. (Annex-B)
5. He was refused by the Principal GHSS Ziarat Kaka Sahib Nowshetra as there was no vacant post of Class-IV (Annex-C)
6. As per statement of the accused that he was directed by the then DEO at that time for forming his duty at his own station GMS Bhadar Khel. (Annex-C 1)
7. His duty place was un known and was regularly drawing pay .
8. An absence notice was issued to the accused by the DEO vide letter No:5514 dated 09-10-2020. (Annex-D)
9. A show cause notice was issued to the accused by the DEO NSR vide Endst:No.9912-15 dated 20-11-2020 . (Annex-E).
10. Due to noncompliance of the show cause notice a major penalty of COMPULSORY RETIREMENT was imposed upon the accused vide:10202-05 dated 20-1-2021. (Annex-F)
11. An appeal was submitted by the accused to the Director E& SE for Re-instatement. (Annex-G)

Attested
[Signature]

22

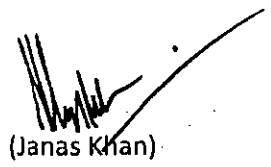
Findings:

1. The appellant was appointed as Naib Qasid against the newly created post at GMS Bahadur Khel Vide EDO Nowshehra endstt: NO. 1838-43 dated 21-09-2006.
- 3- He was transferred to GHSS Ziarat Kaka Sahib Nowshehra vide endstt: No. 1503-06 dated 23-02-2009 but there was no vacant post at GHSS Ziarat Kaka Sahib.
4. He was neither adjusted in any school nor his order was cancelled.
5. As per verbal statement he was performing duty at GMS Bahadur Khel and then he was directed by the DEO for duty at DEO office.
6. In this connection Mr. Majid Ex-accountant of DEO office provided his attendance in the DEO office for two months (March & June 2020) while from 20th August, 2020 he remained absent.
(Annex-H)
7. Absent report and show cause were also issued, but due to non complains a Major penalty Compulsory Retirement was imposed upon him dated 20-1-2021.
- 8- The appellant being aggrieved with the said penalty, submitted Departmental appeal to the Director E&SE Khyber Pakhtunkhwa for Re-instatement dated 08-02-2021

RECOMMENDATIONS:

He may be re-instated and the major penalty may be set aside with the following conditions:

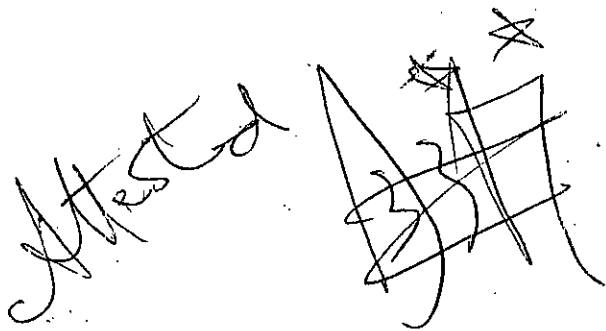
- (I). The pay drawn during the absent period may be recovered from the appellant and be deposited in the Govt: treasury.
- (II). His absent period may be treated as leave with out pay.
- (III). He will submit an affidavit on stamp paper to the effect that he will not repeat the same practice in future and will follow the rules regulations framed by the Govt: from time to time.
- (IV). The competent authority may affix the said affidavit in his service book.
- (V). His services may be placed at the disposal of any efficient Principal at District Nowshehra.



(Janas Khan)

(Enquiry Officer)

Principal, GHS Deh Bahadur Peshawar.

Attested 



Annex I

23

NOTIFICATION

1. WHEREAS, Mr. Misbah Ud Din Naib Qasid GMS Bahdar Khel Nowshera was removed from service by DEO (Male) Nowshera vide his Endst No.10202-205 dated 20/01/2021 on charge of willful absence from duty.
 2. AND WHEREAS, the said aggrieved Ex Naib Qasid GMS Bahdar Khel Nowshera filed a departmental appeal dated 08/022021 to the Director E&SE Khyber Pakhtunkhwa Peshawar (appellate Authority) for redressal of his grievances/reinstatement in service.
 3. AND WHEREAS, the appellate authority in pursuance of Section 17 read with sub rule (1) &(2) of the E&D Rules 2011 called for the record of the case and comments from the DEO (Male) Nowshera vide this office letter No 4646 dated 04/03/2021 for consideration of the appeal.
 4. AND WHEREAS, the DEO Concerned provided the requisite record/comments, accordingly vide his letter No 13953 dated 22/04/2021 merely describing the reason/circumstances under which the appellant had removed from service.
 5. AND WHEREAS, to know the factual position the Director E&SE (Appellate Authority) ordered an inquiry in the matter by appointing Mr. Janas Khan Principal BS-19 GHS Deh Bahadur Peshawar as Inquiry Officer vide Notification No. 9235-38 dated 19/05/2021.
 6. AND WHEREAS, the concerned enquiry officer accordingly submitted enquiry report vide this office Dairy No. 50/Misbah/NSR dated 14/09/2021 wherein the inquiry officer pointed out/suggest that he may be re-instated and the major penalty may be set a side with the following condition.
 - a. The pay drawn during the absent period may be recovered from the appellant and be deposited in the Govt Treasury.
 - b. His absent period may be treated as leave without pay.
 - c. His service may be placed at the disposal of any efficient Principal at District Nowshera.
- NOW, THEREFORE, the Director E&SE Khyber Pakhtunkhwa Peshawar, the Appellate Authority, under section-17(i) read with rules 2(a) of E&D Rules-2011 has decided to reject the appeal lodged by Mr. Misbah Ud Din Naib Qasid GMS Bahdar Khel Nowshera.

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

7012-16
Endst: No. _____ /F.No. /A-20/C-IV/Appeal/NSR/Misbah

Dated Peshawar the 7th / 10 / 2021.

Copy of the above is forwarded for information and n/action to the:-

- 1- District Education Officer (Male) Nowshera w/r to his letter No. cited above.
- 2- District Account Officer Kohistan Upper.
- 3- Principal/HM Concerned.
- 4- Appellant concerned.
- 5- PA to the Director E&SE Khyber Pakhtunkhwa Peshawar.

[Signature]
Deputy Director (F&A)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar

6/10/2021

(24)

WAKALAT NAMA

IN THE COURT OF Hon'ble Service Tribunal, Peshawar

Civil / Criminal / Constitutional Case _____ date _____
Appeal / Revision / Trial / Petition

Musbah Ud Din s/o Farid Petitioner / Plaintiff / Appellant ✓
Uddin R/o Kaka Sahib Complainant / Decree holder / Objector
Nowshera

VERSUS

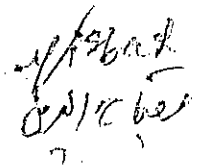
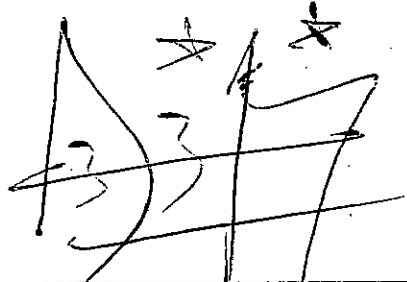
Govt of KPK through Secretary Respondent / Accused / Defender ✓
Education and others / Judgment Debtor

Case: Service Appeal 934 of Service Tribunal Act 1974

I/We Appellant Mr Musbah Ud Din

The above noted Service Appeal do, hereby appoint and constitute Mr. **SYED AZIZ UD DIN KAKA KHEL** Advocate High Court, District Courts Nowshera, as counsel in subject proceedings and authorized him to appear, plead, act Compromise, withdraw or refer to arbitration for me/us as my/ our Advocate in the above-mentioned matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel at my/our behalf to receive all sums and accounts payable or deposited on my/our account in the above noted matter.

Accepted & Attested



Client

MR. SYED AZIZ UD DIN KAKA KHEL

Advocate High Court

Dated: 9/10/2021

OFFICE: Apex Law Chamber
District Courts Nowshera, KPK, Pakistan
Contact: 0092-314-9664440
Whatsapp: 0092-3219744881
Email: apex_law_chamber@yahoo.com

Clerk: Asif Khan (Cell: 0346-5100672)

cnr = 17201-8273468-3

“A”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

APPEAL No.....7585..... of 20 ⁵⁸/₂₁

Misbah - ud - Din

Appellant/Petitioner

Versus

Through Secy ESSE Peshawar

RESPONDENT(S)

Notice to ^{Respondent (S)} ~~Appellant/Petitioner~~

Govt of KPK through Secy
ESSE Civil Secretariat Peshawar

[Signature]
9/7/16

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal

on 19/07/2022 at 9:00 am

(Copy of appeal is attached)

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

(For Reply)

[Signature]
Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

788

SB

APPEAL No..... of 20

22

Misbah - ud - Din

Appellant/Petitioner

Versus

Through Secy ESSE Peshawar

RESPONDENT(S)

Respondent (2)

Director ESSE KPK G.T Road

Notice to Appellant/Petitioner
Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 19/07/2022 at 10:00 AM

(Copy of appeal is attached)

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

(For Reply)

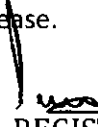

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7586 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	13/10/2021	<p>The appeal of Mr. Misbah ud Din presented today by Mr. Sayed Aziz Ud Din Kakakhel 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 W</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>16/12/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

16.12.2021

Counsel for the appellant present. Preliminary arguments heard.

The appellant has approached the Service Tribunal through the service appeal submitted on 13.10.2021 under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974. Learned counsel for the appellant started his arguments stating that the appellant is aggrieved of the impugned order dated 20.01.2021 whereby he was awarded the major penalty of "compulsory retirement from service". He submitted departmental appeal on 08.02.2021 upon which appellate order was passed vide notification dated 07.10.2021 and departmental appeal was rejected. It was further contended that the order passed by the competent authority as well as appellate authority are void ab-initio and null and void because no enquiry in the prescribed manner has ever been conducted and the appellant was not provided with the opportunity of personal hearing. Hence, the proceedings were not conducted as per law and ends of justice have not been met before major penalty was imposed.

The appeal is admitted to regular hearing subject to all just legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for submission of reply/comments. To come up for reply/comments on 24.02.2022 before S.B.


(Mian Muhammad)
Member(E)

24.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 12.05.2022 for the same as before.



Reader

12.05.2022

Counsel for appellant present.

Security and process fee has not been deposited by the appellant. Learned counsel for appellant is directed to deposit the same by today, where-after, notices be issued to respondents for reply/comments. To come up for written reply/comments on 19.07.2022 before S.B.

Rs-500/-
Appellant Deposited
Security & Process Fee

A. J. Hash
12/5/22



(Rozina Rehman)
Member (J)