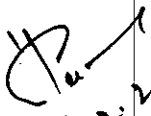


Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	18.02.2020	<p align="center">BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL Service Appeal No. 803/2018</p> <p align="center">Date of Institution 07.06.2018 Date of Decision 18.02.2020</p> <p>Israr Ahmad Qari, Government High School No.2, Saleem Khan Tehsil & District Swabi.</p> <p align="right">Appellant</p> <p align="center">Versus</p> <ol style="list-style-type: none"> 1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar. 2. Deputy Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar. 3. District Education Officer (Male) Swabi. 4. Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar. <p align="right">Respondents</p> <p>Mr. Muhammad Hamid Mughal-----Member(J) Mr. Mian Muhammad -----Member(E)</p> <p align="center"><u>JUDGMENT</u> <u>MUHAMMAD HAMID MUGHAL, MEMBER:</u></p> <p>Appellant with counsel and Mr. Muhammad Jan learned Deputy District Attorney alongwith Fazal Khaliq ADO present.</p> <p>2. The appellant (Qari), has filed the present service appeal against the order dated 10.05.2018 of the appellate authority (Director E&SE Khyber Pakhtunkhwa Peshawar) and the order dated 17.05.2018 of DEO (Male) Swabi on the ground that</p>

18.2.2020

though the appellant has been reinstated but without all back benefits.

3. Learned counsel for the appellant argued that the appellant was taken into custody by the police authorities and other agencies on the pretext of having links with banned outfits; that father of the appellant informed the Education Department regarding illegal confinement of the appellant; that the appellant was roped in false, concocted and factitious criminal cases by CTD; that vide order dated 25.03.2017, the appellant was removed from service while treating the absence period as unauthorized absence from duty without pay; that the departmental appeal filed by the appellant was accepted and vide order dated 10.05.2018 he was reinstated in service while treating the absence period w.e.f 05.08.2015 to 21.11.2017 as leave without pay; that consequently the DEO (Male) Swabi vide order dated 17.05.2018 reinstated the appellant in service while converting the period w.e.f 05.08.2015 to 09.05.2018 as extraordinary leave without pay. Learned counsel for the appellant argued that the appellate authority treated the absence period w.e.f 05.08.2015 to 21.11.2017 as leave without pay but on the other hand, DEO (Male) Swabi treated the absence period w.e.f 05.08.2015 to 09.05.2018 as extraordinary leave without pay; that the appellant did not remain willfully absent from duty rather he was in custody of agencies, hence he is entitled to all the back benefits upon his reinstatement.


18.2.2020

4. On the other hand learned DDA argued that the appellant has not come to this Tribunal with clean hands; that father of the appellant in his application dated 07.05.2015 addressed to the Headmaster admitted that his son had links with the local Taliban; that due to absence of the appellant, he was removed from service however the appellate authority took the lenient view and reinstated the appellant with immediate effect while treating the absence period as leave without pay; that the appellant did not perform any duty w.e.f 05.08.2015 to 09.05.2018, hence he is not entitled to the salary/monitory benefits of the absence and out of service period.

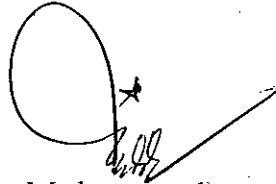
5. Arguments heard. File perused.

6. Vide order dated 25.02.2017 the appellant was awarded major punishment of removal from service on the ground of absence from duty. Departmental appeal filed by the appellant was accepted and in compliance with the order of the appellate authority, DEO (Male) Swabi reinstated the appellant in service. DEO (Male) Swabi while reinstating the appellant converted the period w.e.f 05.08.2015 to 09.05.2018 as extraordinary leave without pay. Admittedly the appellant did not perform duties w.e.f 05.08.2015 to 09.05.2018. It is not the case of the appellant that due to his involvement in criminal cases, he remained in the judicial lockup during his entire absence period. No documentary evidence is available on file in support of the plea that the appellant was in custody of

18.2.2020

agencies during the period he remained absent from duty.

7. In nutshell the appellant has not been able to make out his case for the grant of back benefits of the absence period/out of service period. Consequently the present service appeal is dismissed. No order as to costs. File be consigned to the record room.



(Mian Muhammad)
Member

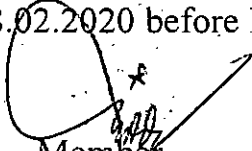


(Muhammad Hamid Mughal)
Member

ANNOUNCED

18.02.2020

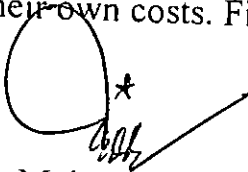
11.02.2020 Appellant with counsel present. Mr. Muhammad Jan learned Deputy District Attorney alongwith Fazal Khaliq ADO present. Arguments heard. To come up for order on 18.02.2020 before D.B.



Member


Member

18.02.2019 Appellant with counsel present. Mr. Muhammad Jan learned Deputy District Attorney alongwith Fazal Khaliq ADO present.

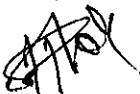
Vide separate judgment of today of this Tribunal placed on file, the present service appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.



(Mian Muhammad)
Member


(Muhammad Hamid Mughal)
Member

ANNOUNCED.
18.02.2020


16.07.2019 Appellant in person present. Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Appellant requested for adjournment as his counsel is not in attendance. Adjourned. To come up for arguments on 28.08.2019 before D.B.


(Hussain Shah)
Member

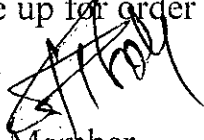

(M. Amin Khan Kundi)
Member


28.08.2019 Counsel for the appellant present. Mr. Ziaullah, DDA for respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. Case to come up for arguments on 12.11.2019 before D.B.


Member


Member

12.11.2019 Learned counsel for the appellant and Mr. ~~Kabir~~ Ullah Khattak, learned Addl. A.G. present. Arguments heard. To come up for order on 06.12.2019 before D.B.


Member


Member

6-12-19

The Bench is incomplete, therefore case is adjourned to 11-2-2020


Razvi

29.1.2019

Appellant in person and Mr. Muhammad Jan Deputy District Attorney alongwith Fazle Khaliq, ADO for the respondents present.

Appellant request for adjournment due to engagement of his learned counsel before the Hon'ble High Court today.

Adjourned to 09.04.2019 before the D.B.



Member




Chairman

09.04.2019

Appellant in person present. Mr. Riaz Paindakhel learned Assistant Advocate General for the respondents present. Appellant seeks Adjournment as his counsel is not in attendance. Adjourn. To come up for arguments on 25.06.2019 before D.B



Member



Member

25.06.2019

Counsel for the appellant and Mr. Muhammad Jan, DDA. Learned counsel for the appellant is directed to submit member copy of the instant appeal. Adjourned. Case to come up for arguments on 16.07.2019 before D.B.


Member

Member

05.09.2018

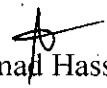
Appellant alongwith his counsel and Mr. Kabirullah Khattak, Additional Advocate General for the respondents present. Security and process fee not deposited. Appellant is directed to deposit security and process fee within Seven (07) days, thereafter notices be issued to the respondents for written reply/comments on 17.10.2018 before S.B.

Appellant Deposited
Security & Process Fee


(Muhammad Amin Kundi)
Member

17.10.2018

Counsel for the appellant present. Mr. Fazli Khaliq; ADEO alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present. Written reply submitted which is placed on file. A copy of the same was also handed over the appellant. Case to come up for rejoinder and arguments on 29.11.2018 before D.B.


(Ahmad Hassan)
Member

29.11.2018

Junior to counsel for appellant and Mr. Muhammad Riaz Pinda Khel, Asstt. AG for the respondents present.

The former requests for adjournment as learned senior counsel is busy before the Hon'ble High Court. Adjourned to 29.01.2019 before the D.B.


Member


Chairman

27.07.2018

Appellant Mr. Israr Ahmad in person alongwith his counsel Mr. Mukhtar Ahmad, Advocate present and heard in limine.

Main Contention is that the appellant was picked up by the Agency and this fact was brought in to the notice of the authority. However, after his release viz acquittal in cases registered against him, he was reinstated in service but without back benefits. Further contends that his absence from duty was beyond his control for which he cannot be blamed un-condemned.

Points raised need consideration. The appeal is admitted to full hearing, subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 05.09.2018 before S.B.


Chairman

63.00.2018

~~Appellant Mr. Israr Ahmad and Mr. Kabirullah
K. Malik, Advocate present and heard in limine.
present. Security and process fee within seven (07) days,
the respondents to be called to the respondents for written
reply/comments on 05.09.2018 before S.B.~~

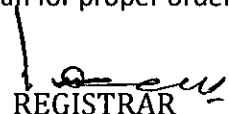

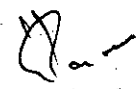

~~(S) Israr Ahmad~~

~~Advocate~~

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 803/2018

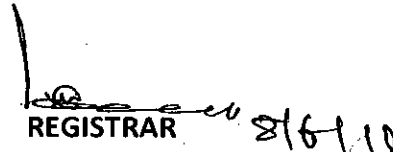
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/06/2018	<p>The appeal of Mr. Israr Ahmad resubmitted today by Mr. Mukhtar Ahmad Maneri Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	25.06.2018	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>25/6/18</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	16.07.2018	<p>Appellant absent. Learned counsel for appellant also absent. Adjourned. To come up for preliminary hearing on 16.07.2018 before S.B.</p> <p style="text-align: right;"> Member</p>
		<p>Clerk to counsel for the appellant present and seeks adjournment due to general strike of the Bar. Adjourned. To come up for preliminary hearing on 27.07.2018 before S.B.</p> <p style="text-align: right;"> (Ahmad Hassan) Member</p>

The appeal of Mr. Israr Ahmad Qari Govt. High School No.2 Saleem Khan Swabi received today i.e. on 07.06.2018 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellatant.
- 2- Annexures of the appeal may be attested.
- 3- Annexures of the appeal may be flagged.
- 4- In the memo of appeal many places have been left blank which may be filled up.
- 5- Annexures D & H of the appeal are illegible which may be replaced by legible/better one.
- 6- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal
- 7- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1182 /S.T,

Dt. 8/6 /2018.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Mukhtar Ahmad Maneri Adv. Pesh.

Re-submission note

Re-submitted after removal of office objection.
The appeal may be fixed before the 1st
District Bench

Nir
14-06-2018

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Appeal No. 803 /2018

Israr Ahmad,
Qari, Government High School No. 2, Saleem Khan
Tehsil & District Swabi. Petitioner

V E R S U S

Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar &
others Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Memo of Appeal		1-7
2.	Copies of appointment order and service Book	A & B	8-15
3.	Copies of application in respect of appellants absence from duties	C	16
4.	Copies of correspondence in respect of appellant absence	D	17-39
5.	Copies of FIRs and bail orders	E, F, G, & H	40-47
6.	Copies of writ petition and some order sheet	I & J	48-68
7.	Copy of order dated 24.03.2017 communicated to the appellant on 22.11.2017 and pay slip as K/1	K & K/1	69-70
8.	Copies of ATC Mardan Order dated 31.03.2016 and impugned order dated 10.05.2018	L & L/1	71-72
9.	Copy of appellants application and order of DEO, Swabi dated 17.05.2015	M & N	73-74
10.	Copy of Departmental Appeal	O	75-78
11.	Copy of Arrival Report	P	79
12.	Copies of some notices or anti terrorism court No III Peshawar	Q	80-88
13.	Wakalat Nama		89

Through

Appellant

Date: 11-June-2018

Mukhtar Ahmad Maneri
Advocate, High court
Office # 24-A, Nasir Mansion, 2-
Railway road, Shoba Bazar, Peshawar
Ph No. 091-2214385
Mob: 0333-215-6006
Email: Mukhtaadvocate@gmail.com

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.

APPEAL NO. 803 /2018

Khyber Pakhtunkhwa
Service Tribunal

Israr Ahmad,
Qari, Government High School No.2, Saleem Khan,
Tehsil & District Swabi.

Diary No. 1036

Dated 7-6-2018

Appellant

Versus.

1. Director, Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.
2. Deputy Director Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer, Swabi.
4. Sectary, Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.

Respondents

=====

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA,
SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER
BEARING ENDST; NO.1578-80 / F NO. 162 / KC / APPEAL OF PST (M)
GENERAL, DATED PESHAWAR THE 10/05/2018 WHEREBY THE
DEPARTMENTAL APPEAL OF THE APPELLANT WAS ACCEPTED AND
THE APPELLANT WAS REINSTATED IN SERVICE WITH IMMEDIATE
EFFECT AND ABSENT PERIOD W.E.F 05-08-2015 TO 21-11-2017
SHALL BE TREATED AS LEAVE WITHOUT PAY AND SUBSEQUENT
AMENDMENT BY THE DEO, SWABI WHEREBY THE LAST DATE WAS
CHANGED FROM 21-~~11~~-2017 TO 09-05-2018.

PRAYER IN APPEAL;

ON ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED
10-05-2018 PASSED BY THE DIRECTOR EDUCATION, KPK,
PESHAWAR AND SUBSEQUENT AMENDMENT BY THE DEO, SWABI
DATED 17/5/2018 MAY PLEASE BE MODIFIED TO THE EXTENT OF
LEAVE WITHOUT PAY AND THE APPELLANT'S APPEAL BE
ACCEPTED WITH AS PRAYED FOR I.E. WITH ALL BACK BENEFITS.

RESPECTFULLY SHEWETH;

1. That the appellant is law abiding citizen of Pakistan and was
performing his duties as Qari (BPS-09) at Government High School

Filed to-day

Registrar

2/6/18

Re-submitted to
and filed.

Registrar

14/4/18

No.2, Saleem Khan, District Swabi vide his appointment order and service book.

Copies of appointment order and service book are attached herewith and marked as Annexure A & B.

2. That appellant was performing his duties to the entire satisfaction of high ups and there was no complaint from any quarters of whatsoever nature as such enjoying an unblemished service and track record.
3. That appellant along with his father Professor (Rtd.) Hafiz Siyah Hosh, were going to Swabi on 5th August, 2015 at 1100 Hours when intercepted by the local police of Police Station, Swabi on Main Saleem Khan Swabi Road and started interrogation and later on told appellant's old aged father to hand over appellant and as per their contention he has allegedly some links with banned outfits and after completion of interrogation process, they (police) will release him accordingly.
4. Since appellant's arrest he was kept in illegal confinement of the police while his parents were running from pillar to post in order to inquire his whereabouts and in the same manner he too was not allowed to contact his parents hence suffered physical torture and mental agonies at the hands of local police as well as Counter Terrorism Department (CTD) of Police at Mardan and Peshawar.
5. That in the meantime appellant's old age father informed Headmaster/Principal of his School after termination of summer vacations regarding his illegal confinement vide application dated 07/09/2017 addressed to the Headmaster Govt: High School, No.2, Saleem Khan, Swabi in reply whereof, the Headmaster of GHS No.2, Saleem Khan vide his letter bearing Endst: No. 364-G, dated 08/09/2015 on the subject of **Absence from duties** addressed to the appellant regarding his absence and all these facts were in the knowledge of DEO, Education, Swabi (Respondent No.3) that since he was languishing behind the bar as per correspondence.

Copies of applications in respect of appellant's absence from duties are attached as Annexure C.

6. That appellant's father remained stuck in his search and also in correspondence with the School and District Education Officer, Swabi while the concerned officials were insisting for his attendance but due to the facts and circumstances of appellant's case he could not be able to report his school as such suspended from service and the suspension orders were extended time to time vide letters etc. of his father on his behalf and reply of the department thereof.

Copies of correspondence are attached herewith and marked as Annexure D

7. That it is pertinent to note here that since appellant's arrest by the local police his father was continuously remained in contact with his school and EDO but it is astonishing to mention here that none of the correspondences or letter was addressed at appellant's home address and all the correspondences have been made by the School with its own School and EDO concerned which speaks volumes about the efficiency of school as well as the office of the EDO.
8. That it is evident from the record that when the appellant applied for post arrest bail at Anti-Terrorism Court at Mardan, the learned Court of ATC, Mardan enlarged him on bail. Similarly the appellant was roped in another false, concocted and fictitious case by the Counter Terrorism Department (CTD) Peshawar and when applied for post arrest bail, the learned ATC, Peshawar also admitted him on bail vide FIRs and Bail Orders of the courts.

Copies of FIRs and Bail orders are attached herewith and marked as annexure E, F, G & H

9. That when appellant's father took both orders of the ATC, Peshawar and Mardan to the Central Prison Peshawar where he was confined, the same orders were flouted by the Officials of Central Prison Peshawar and he was handed over to another agency, and all this has been done off the record, hence he could not be able to give his arrival report at his school.
10. That the moment appellant was handed over to another agency, his father was again remained stuck in his search who was running from pillar to post but all his efforts gone in vain, hence his father filed a Habeas Corpus / Writ Petition before the Honorable Peshawar High Court at Peshawar vide **WP.No.315-P/2016, Titled Israr Ahmad**

(Detenue) Through His Father Siyah Hosh Vs. Superintendent Jail, Peshawar & Others. The facts and circumstances narrated / mentioned therein are self-explanatory and the same may be treated as integral part of this appeal as the same could not be reproduced here for the sake of brevity in order to avoid repetition.

Copies of writ petition and some order sheets are attached herewith and marked as Annexure I & J respectively.

11. That as and when the appellant got released by the police, he then and there approached his school i.e. GHS, No.2 Saleem Khan, District Swabi and filed an application ~~_____~~ regarding his Arrival Report whereby vide **Notification bearing Endst: No.2280-84/File/Removal from Service, Dated Swabi, the 24/03/2017, communicated me on 22-11-2017** and the appellant was removed from service as such.

Copy of order dated 24-03-2017 communicated to the appellant on 22-11-2017 is attached herewith and marked as Annexure K. and Payslip as K/1

12. The appellant impugned the above mentioned order in a departmental appeal before the Respondent No.1 & 2 whereby his appeal was partially allowed and he was reinstated in service but without back benefits vide ENDST; NO.1578-80 / F NO. 162 / KC / APPEAL OF PST (M) GENERAL, DATED PESHAWAR THE 10/05/2018 impugned herein. The operative part of the order is reproduced here for ready reference;

5. NOW THEREFORE, in exercise of power conferred under Khyber Pakhtunkhwa Servants (Efficiency & Discipline) Rules-2011 the appellate authority has decided to Accept the Appeal of Mr. Israr Ahmad Qari GHS No.2 Saleem Khan District Swabi and he is hereby Re-instated in Service with immediate effect and absent period w.e.f.05-08-2015 to 21-11-2017 shall be treated as leave without pay.

Copy of ATC-Mardan order dtd 31-3-16 and Copy of impugned order is attached herewith and marked as Annexure L \$ L/1

13. That the appellant submitted an application along with the impugned order to the Respondent No.3 (DEO, Swabi) vide his application dated

5

19-05-2018 whereby the Respondent No.3 issued his Re-instatement Order vide Endst: No.5616-20, dated 17-5-2018. The DEO, Swabi went one step ahead and sated in its order that;

The absence period w.e.f. 05/08/2015to 09/05/2018 is hereby converted into Extra Ordinary leave without pay under Rule 12 (3) of Revised Leave Rules 1981.

It is very astonishing to note that the appellate authority order has been modified and period of absence was changed from 21-11-2017 in to 09-05-2018 which was beyond the powers of the DEO, Swabi which order is also liable to be set at naught.

Copy of appellant's application and order of DEO, Swabi are attached herewith and marked as annexure M & N

14. That having no other remedy the present appellant knock the door of this honorable court in the instant Service Appeal on the following amongst other grounds;

GROUND S :-

- a. That the impugned Order / Notification bearing ENDST; NO.1578-80 / F NO. 162 / KC / APPEAL OF PST (M) GENERAL, DATED PESHAWAR THE 10/05/2018, communicated the appellant on 19-05-2018 is against law and facts, hence liable to be set aside.
- b. That subsequent order when the appellant moved an application along with the re-instatement order issued by the Director Education, KPK to the DEO, Swabi, he at his own amended and changed the last date and as such committed illegality which is also liable to amended and the appellant be allowed re-instatement with all back benefits.
- c. That since appellant's arrest till his release by the police the entire episode was brought in the knowledge of respondents, hence the notification in respect of removal from service was set aside and the appellant's departmental appeal was allowed as leave without pay which has further been amended by the DEO, Swabi beyond their power as such the orders are liable to be amended and appellant's appeal be allowed with all back benefits.

- d. That it is matter of record that appellants old age father was continuously pursuing his cases at different forums i.e. Anti Terrorism courts at Mardan and Peshawar, Peshawar High court, GHS No. 2 Saleem Khan and District Education Office (Male) Swabi and the department was kind enough to extend suspension from tie to time but even then the impugned order of has been passed which is liable to be amended.
- e. That even the entire correspondences or letters has been communicated to appellants school i.e. GHS No. 2 Saleem Khan and none of the letter or correspondences has ever been made or addressed on his home address, hence the back benefits in the shape of pay has wrongly been denied by the respondents for which they may be directed to pay has wrongly been denied by the respondents for which they may be directed to pay in view of peculiar facts and circumstances of the case.
- f. That even the writ petition i.e. Habeas Corpus petition was filed by the appellant's father in the Hon'ble Peshawar High court at Peshawar which was disposed of after the appellant safe recovery which fact has also been denied by the respondents as such committed gross illegality and irregularity.
- g. That appellants absence from service was neither intentional nor in his control and the same was beyond his control, hence the thing which was beyond appellants control was very much brought in the kind notice of respondents but even then the extreme step of removal from service was passed which order cancelled by the departmental authority but the reinstatement order was passed without pay i.e. Back Benefits.
- h. That the appellant when preferred departmental appeal, his appeal was partially allowed and he even explained the entire service vide his departmental appeal arrival report and same notices of ATC courts at Mardan and Peshawar but even then the impugned order was passed. **(Copies of departmental appeal, arrival report and some notices of ATC, Peshawar are annexed as Q, P & O respectively)**
- i. That the appellant be allowed raise further grounds at the time of hearing of this appeal, hence this appeal with the following prayer:

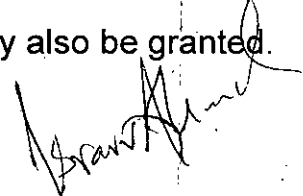
Prayer:

It is, therefore, respectfully prayed that on acceptance of this appeal, the impugned **Notification bearing Endst: No.1578-80/F No.162/KC/Appeal of PST (M)General Dated Peshawar the 10/05/2018,** and subsequent Order of Re-instatement Order bearing **Endst: No.5616-20, dated 17-5-2018** may kindly be modified and the appellant's appeal be allowed with all back benefits.

Any other relief deems fit and proper may also be granted.

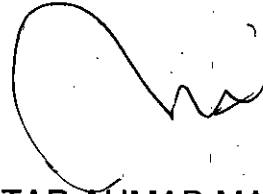
Peshawar.

Dated: 08 /06/2018



Appellant
Israr Ahmad

Through



MUKHTAR AHMAD MANERI
Advocate High Court
Office # 24-A, Nasir Mansion,
2-Railway Road, Shoba Bazaar,
Peshawar. Ph: Off: 091-2214385
Mob: 0333-215-6006
Email: mukhtaradvocate@yahoo.com

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&SE) SWABI.
APPOINTMENT AGAINST QARI (MALE) POSTS.

A

Consequent upon the recommendation of the Departmental Selection Committee as contained in the minutes of the meeting held on 18.11.2011 in the office of the EDO (E&SE), Swabi.

In compliance with Government of the Khyber Pakhtunkhwa Elementary & Secondary Education Department notification having No. SO (PE)4-5/SSRC/Vol-III dated 18.01.2011, Endorsed to all concerned (including all the EDOs "E&SE" in KPK at S.No.12) by the Section Officer Primary on even No. & date, the EDO (E&SE) Swabi is pleased to order the appointments of the following ETEA test qualified Candidates having at least SSC with Hafiz-e-Quran and Qirat Sanad qualification (out of 100% quota) against Qari (Male) posts in BPS-09 of (Rs.6200-380-17600) plus usual allowances as admissible under the rules mentioned there-in the appendix at S.No.05 of the notification referred to above in the interest of public service from the date of their taking over charge on the terms and conditions given below:-

S#	Name	Father's Name	Address	Name of school where posted	Remarks
1	Israr Ahmad	Hafiz Siyah Hosh	VPO, Salim Khan	GHS Qadra (G)	AVP
2	Sajjad Ali	Abdul Muntasir	VPO, Babu Dheri Dobian	GHS Lahor (E)	AVP
3	Abid Ali	Sher Afsar Khan	VPO Yaqoobi	GHS Gar Munara	AVP
4	Tauheed Jang	Bahader Jan	VPO, Naranjee	GHS Zaida	AVP
5	Hussain Ahmad	Raham Akbar	VPO, Sudher	GHS Pak Kaya	AVP
6	Tariq Ullah	Abdullah	VPO, Sadray Qadim	GHS Boqa	AVP
7	Zubair Ali	Muhammad Umer	VPO, Manki	GHS Jalbai	AVP
8	Muhammad Tariq Jang	Hamayun Khan	VPO, Naranjee	GHS Sher Darra	AVP
9	Muhammad Zubair	Fazli Wahab	VPO, Adina	GHS Haryan	AVP
10	Ziaullah	Muhammad Asim Saleh	VPO, Adina	GHS Kaddi	AVP
11	Hafiz Tauqeer Khan	Nowsher Khan	VPO, Tarakai	GHS Shewa	AVP
12	Muhammad Adil	Wali Akbar	VPO, Tarakai	GHS Sikandari	AVP
13	Ishfaq Ali	Luqman Zaib	VPO, Manki	GHS Jalsai	AVP
14	Faizur Rahman	Abdur Rahman	VPO, Tordher	GHS Kalabat	AVP

Terms & Conditions:-

- These appointments are purely temporary and liable to termination without assigning any reason and without any prior notice.
- They will have to produce Health & Age certificate from the Medical Superintendent DHQ Hospital Swabi before taking over charge.
- In case of fresh candidates they should not be handed over charge if their age is below 18 or above 35 years.
- They must take over charge of the post within 14 days of the issue of this order failing which the appointment will stand automatically cancelled.
- All the original academic/professional certificates/degrees should be verified from the concerned Board/University. If any discrepancy was found at any stage the case will be started under the Rules and legal action will be initiated.
- Verification of documents should be made departmentally before drawl of their pay and the concerned DDO's of the schools should send a certificate on the following pattern to this office. "Certified that I have personally verified the original certificates/Degrees from the concerned Board/Universities in respect of Mr. _____ S/O _____ and found correct who has been appointed against Qari post at _____ (School Name).
- DDO's of the concerned schools should check all the documents including domicile certificates of the candidates concerned.
- After completion of verification process and subject to the provision of O.K certificate required in para-6 above, a proper order will be issued by this office for release of their pay against the post occupied by them.

ATTACHED

(For use in Police Department only)

1. ^{1st} Passed S.S.C (Annual) Examination - 2000 from B.I.S.E Peshawar under R.No: 19187 and Secured 684 Marks out of 850 and placed in A1 Grade.

HEAD MASTER

G.H.S. Qadra Gadoon

SWABI

2. ^{2nd} Passed Intermediate (F.Sc - Pre-Medical)

Verification Roll No. Annual Examination - 2002 ^{dated} from B.I.S.E

Peshawar under R.No: 52095. Marks obtained 791 out of 1150 and placed in Grade - A.

HEAD MASTER

G.H.S. Qadra Gadoon

SWABI

Left Thumb Impression

3. ^{3rd} Passed Bachelor of Science (Annual) Examination - 2005 from University of Peshawar (Pakistan) under R.No: 6690 and Secured 330 Marks out of 550 and is

placed in 1st Division.

Qualification Result Declared Date: 03-10-05

Qualification

Date

HEAD MASTER

G.H.S. Qadra Gadoon

SWABI

English ^{4th} Passed Master of Science (Physics) Annual Examination - 2008 from University of Peshawar Pakistan under R.No: 7894 and Secured 724 Marks out of 1000 and placed in 1st Division.

First Arts

B.Sc Or B.A. 1200

Urdu Result Declared on: 18-02-2009

Pleadership examination

HEAD MASTER

G.H.S. Qadra Gadoon

SWABI

Plan-drawing ^{5th} Passed Shahadatul Hifzul Quran, Kareem from Darul-ulomiyat

Finger Print Akhya-ul-Quran Wassuma under R.No. 341 and Secured

Maneri Pagan District Swabi Other qualification: 95 Marks out of 100

Drill Instructing

HEAD MASTER

G.H.S. Qadra Gadoon

SWABI

Court Duties

^{6th} Passed Shahadatul Qisa wal Tajweed Lilfurganil Hameed

Reserve Duties from Darul uloom Sydnia Abu Bakar (R.A) Badrasli Nowshelra under R.No. 116 and Secured 550 Marks out of 600.

HEAD MASTER

G.H.S. Qadra Gadoon

SWABI

N.B. Line to be drawn under the qualification possessed

Note: The entries in this page should be renewed or re-attested at least every five years and the signature to lines 9 and 10 should be dated.

1. Name: ISRAR AHMAD

2. Race: AFGHAN.

3. Residence: Village and P/O Salim Khan (Swabi).

4. Father's name and residence: Hafiz Syah Hosh. (Residence Same).

5. Date of birth by Christian era as nearly as can be ascertained: 29-03-1984 (29th March N/H 84 Eighty Four).

6. Exact height by measurement: 05'-02"

7. Personal marks for identification: NIL

8. Left hand thumb and finger impression of (Non-Gazetted officer):

Little Finger



Ring Finger



Middle Finger



Fore Finger



Thumb



9. Signature of Government Servant:

ISRAR AHMAD (Signature)
29/3/84

ATTEST

10. Signature and designation of the Head of the Office, or other Attesting Officer.



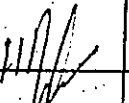



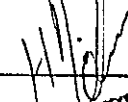
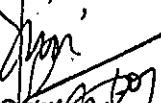
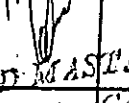
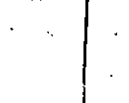
G.H.S. QADRA GADOON (Signature)

HEAD MASTER
G.H.S. Qadra Gadoon
SWABI

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in Substantive post	Additional Pay for officiating	Other emolument falling under the term "gr"	Date of appointment	Signature of Government Servant
Qari GHS Badra (G) Swabi.			BPS-9 (Rs= 6200 - 380 - 17600)				
do			Rs= 6200/=			17-12-2011 (F.N)	<i>[Signature]</i>
			BPS-12 (Rs= 7000 - 500 - 22000)				
do			Rs= 7000/=	P.M.		01-07-2012	<i>[Signature]</i>
			⊕ Premature Increment + 500/=				
			Rs= 7500/= P.M.				
do			Rs= 7500/=	P.M.		01-12-2012	
do			Rs= 8000/=	P.M.		01-12-2013	

ATTACHED

Signature of the
HEAD
H.S. Qa
SW
HEAD
H.S. Qaa
SWA
HEAD
G.H.S. Q
G.H.S.

9	10	11	12	13		14	15
Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure or praise of the Government Servant.
				Nature and duration of leave taken.	Allocation of period of leave on average pay upto four months for which leave salary is debit to another Government		
				Period	Government to which debit		
 HEAD MASTER G.H.S. Qadra Gadoon SWABI	up to Bps-12	30-6 2012	 HEAD MASTER G.H.S. Qadra Gadoon SWABI	Appointment Appointed against vacant Qari (Male) Post in Bps-9 (Rs= 6200-380-17600) plus usual allowances as admissible under the rules of G.H.S Qadra (Gadoon) Swabi vide Executive District Officer (E & S Education) Swabi Endst No:- 7360-G/Qari (M) Apptt: File/dated Swabi-12: 16-12-2011.			
 HEAD MASTER G.H.S. Qadra Gadoon SWABI	30-11 2012	No A/Inc	 HEAD MASTER G.H.S. Qadra Gadoon SWABI			 HEAD MASTER G.H.S. Qadra Gadoon SWABI	
 HEAD MASTER G.H.S. Qadra Gadoon SWABI	30-11 2013	A/increment	 HEAD MASTER G.H.S. Qadra Gadoon SWABI	T/23 25/3/12 Same I verified for 4/10/12 8483/2 UAA from 17-12-11 to 31-12-11.		D.A.O 7/4	
 HEAD MASTER G.H.S. Qadra Gadoon SWABI				B-12 cc 11/12 P 7100/2 P 5780/2 diff Net Rs: 35226/-		7/10/12 7/10/12	3 2012
 HEAD MASTER G.H.S. Qadra Gadoon SWABI				11/12 10/12 18/11/12		18/7 18/7	

9	10	11	12	13		14	15								
Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8.			Date of termination or appointment			Reason of termination such as promotion, transfer, dismissal, etc.)		Signature of the head of the office or other attesting officer.		Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure or praise of the Government Servant.		
										Nature and duration of leave taken.	Allocation of period of leave on average pay upto four months for which leave salary is debitab to another Government				
											Period			Government to which debitab	
								<p>UP-Graduation to BPS-12</p> <p>All the existing posts of Qari are Up-Graded to BPS-12 vide Finance Department No. SO (FR) / FD / 10-22 (E) / 2010 dated Peshawar the 26-06-2012)</p> <p>Elementary & Secondary Education Department Notification No. SO (BRA) / 1-18 / E / SE / 2012 dated Peshawar the 11-07-2012.</p> <p style="text-align: center;"><i>[Signature]</i></p> <p style="text-align: center;">HEAD MASTER G.H.S. Qadra Gadoon SWABI</p>							
								<p><u>UNDERTAKING</u></p> <p>I Mr. ISRAR AHMAD, Qari do hereby give an undertaking to the effect that if any over-payment is made to me in connection with the In-curred award/upgradation to BPS-12 and detected later on the same will be recovered from my pay/pension and C-P fund whatever the Govt deem necessary.</p> <p style="text-align: center;"><i>[Signature]</i> ISRAR AHMAD Qari</p>							
								<p style="text-align: right;">ATTESTED</p> <p style="text-align: center;"><i>[Signature]</i> HEAD MASTER G.H.S. Qadra Gadoon SWABI</p>							

9	10	11	12	13		14	15
				Leave			
				Nature and duration of leave taken.	Allocation of period of leave on average pay upto four months for which leave salary is debitabale to another Government		
	Period	Government to which debitabale					

Row 1672 S-II Salary
 15/10/14
 Frn Rs. 2850/- on or
 ok of formation
 in amount wet 30.5
 14

[Signature]

ATTESTED

The Headmaster,
S.H.S No 2
Tullahoma, Tenn

Sir

Ref. to your Memo: 535 of 16/7/77
I have no doubt that my son
Hajir bin Ahmad is in the custody of
any Govt. Agency since long
we have filed a petition in Residuary Judge
Court to get him back. As soon as my son
Hajir bin Ahmad is released he will report in
your office. Hence it is brought in your
kind notice

Thank

Sincerely yours

Prof. R. U. Hajir Syahid

17/7/77 Hajir bin Ahmad

ATTESTED

16

c

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) SWABI.

SUSPENSION ORDER.

Due to registration of FIR No 65 dated 18-7-2015 registered at S.P office Mardan region the services of Mr Israr Ahmad Qari GHS No 2 Salim Khan is hereby suspended wef: 18-7-2015 .

Note:-1.Necessary entry to this effect should be made in his Service book.

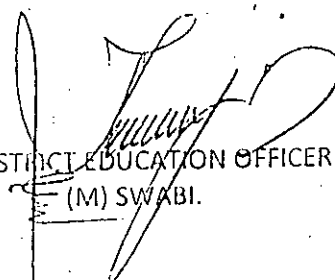
2. Suspension allowance will not be admissible to the accused if he is absconder.

(JEHAN MUHAMMAD)
DISTRICT EDUCATION OFFICER
(M) SWABI

Endst No 15119-22 /Dated 17/10 /2015

Copy of the above is forwarded to the:-

1. Superintendent of Police CTD Mardan Region w/r to his memo No 870/CTD Mardan dated 1-10-2015
2. Deputy Commissioner Swabi.
3. District Accounts Officer Swabi
4. Head Master GHS No 2 Salim Khan.


DISTRICT EDUCATION OFFICER
(M) SWABI.


ATTESTED

17

~D~

OFFICE OF THE HEAD MASTER GHIS NO.2 SALEEM KHAN (SWABI)

NO. _____ DATED. _____ /2017

To,

The District Education Officer
(Male) Swabi

SUBJECT: ABSENCE FROM DUTIES IN R/O ISRAR AHMAD (Qari)

Memo,

It is to inform you that Mr. Israr ahmad (Qari) GHIS No.2 Saleem khan (Swabi) absent from duty w.e.f 18-07-2015 till date. The absent notice issued to the teacher concerned vide no. 535 dated 16-01-2017 but failed to resume his duty. (copy attached)

Therefore the case is hereby submitted for further necessary action please.

HEAD MASTER
GHIS NO.2 SALEEM KHAN (SWABI)

HEAD M
Said R

8
ATTACHED

OFFICE OF THE HEAD MASTER GIS NO.2 SALEEM KHAN (SWABI)

NO. 537 DATED. 29/01/2017


To,

The District Education Officer
(Male) SwabiSUBJECT: ABSENCE FROM DUTIES IN R/O ISRAR AHMAD (Qari)

Memo,

Reference your office telephonic instructions for sending notice to the abovementioned Qari to report for duties within 15 days of the issuance of the notice, the needful was done vide this office Endst No.535 dt.16-01-2017 in response to the notice, a letter which is self explanatory was sent to this office by father of the said Qari.

Photo copy of his reply is sent herewith for your kind information and for your further departmental action please.


 HEAD MASTER
 GIS NO.2 SALEEM KHAN (SWABI)
 HEAD MA
 C.H.
 Saleem Khan


 ATTACHED

19

OFFICE OF THE HEAD MASTER GHS NO.2 SALEEM KHAN (SWABI)

TO.

NO. _____ DATED. _____ 2017


ISRAR AHMAD (QARI)
GHS NO.2 SALEEM KHAN

SUBJECT: ABSENCE FROM DUTIES

It is hereby that you are absent from your school duties w.e.f 1-9-2015 without any sending application, are informing the undersigned.

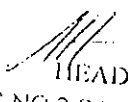
You are directed to report your duties within fifteen (15) days after issue in this letter.

(Otherwise disciplinary action will be initiated you which me lead to Termination of services.


HEAD MASTER
GHS NO.2 SALEEM KHAN (SWABI)

Endst No. S.S.C dated. 16/01/2017

Copy Forwarded to the D.E.O (male) swabi for further necessary action please.


HEAD MASTER
GHS NO.2 SALEEM KHAN (SWABI)
HEAD MA
G.H.S
Saleem Khan


ATTESTED

Registered
responsible

20

OFFICE OF THE HEAD MASTER GHS NO.2 SALEEM KHAN (SWABI)

NO. 535 DATED 11/01/2017

TO,

ISRAR AHMAD (QARI)
GHS NO.2 SALEEM KHAN

SUBJECT: ABSENCE FROM DUTIES

It is hereby that you are absent from your school duties w.e.f 1-9-2015 without any sending application, are informing the undersigned.

You are directed to report your duties within fifteen (15) days after issue in this letter.

Otherwise disciplinary action will be initiated you which me lead to Termination of services.

M
HEAD MASTER
GHS NO.2 SALEEM KHAN (SWABI)
q/c
HEAD M.
GHS
Saleem Khan

S
ATTESTED

21

OFFICE OF THE HEAD MASTER GHS No.2 SALEEM KHAN (SWABI)

No. 534 Dated 11/01/2017

To,

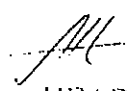
The District Education Officer
(Male) Swabi

Subject: Extension In Suspension In R/O Mr: Israr Ahmad (Qari)

Memo:

Extension in suspension period is came to an end on 10-01-2017
in r/o Mr. Israr Ahmad Qari of this school vide your office Endst No. 10162-63
dated 17-10-2016

Hence further extension in his suspension is requested for the period
of next three months w.e.f 11-01-2017 to 10-04-2017 (90 days)


HEAD MASTER
GHS No.2 SALEEM KHAN (SWABI)

HEAD
Satim


ATTACHED

22



DISTRICT EDUCATION OFFICE (MALE) SWABI
(Office phone & Fax No 0938280239, emis_swabi@yahoo.com)

To: No: 11825-32 Dated 9-12- 2016

The Principals/Head Masters
GHS No 2 Salim Khan/GHS Sard China/GHS No 2 Zaida/GHSS
Kalu Khan/GMS khursheed Banda/GHS Beka/GHS Karnal Sheri Killi
GMS Seen Khel.

Subject:-
Memo,

INFORMATION REGARDING SUSPENDED TEACHERS:

You are requested to clear the position of the following suspended teachers that they are in the lock up/absconder or on duty. The information may be sent to this office within a week time to proceed further in to the matter.

S/No	Name & Deisgnation	Name of School	Suspended from
1	Jamshaid Khan SST	GHS Sard China	6-10-2016
2	Muhammad Farooq CT	GHS No 2 Zaida	14-4-2016
3	Zakir Hussain CT	GHSS Kalu Khan	4-9-2014
4	Salih Muhammad/PET	GMS Khursheed Banda	9-10-2015
5	Fazli Amin CT	GHS Beka	26-8-2015
6	Israr Ahmad Qari	GHS No 2 Salim Khan	18-7-2015
7	Muhammad Ibrahim CT	GHS K.S.Killi	7-12-2014
8	Khursheed Ali TT	GMS Seen Khel	22-2-2014

8/12/16
DISTRICT EDUCATION OFFICER
(M) SWABI

ATTACHED

District Education Officer (Male) Swabi



EXTENSION IN SUSPENSION

Sanction is hereby accorded to the extension in-suspension period in respect of Mr Israr Ahmad (Jari) (HS No 2 Saleem Khan (Swabi) already accorded vide this office order No 3589-90 dated 19-4-2016, for the period w/e 12-10-2016 to 10-01-2017 (90 days).

Note:- Necessary entry to this effect should be made in his service book.

(JEHAN MUHAMMAD)
DISTRICT EDUCATION OFFICER
(M) SWABI

Encl No: 2167/17 Dated 17/10/2016

Copy of the above is forwarded to the:-
1. District Accounts Officer Swabi.
2. Head Master (HS No 2 Saleem Khan w/r to his letter No 506 dated 13-10-16)

DISTRICT EDUCATION OFFICER
(M) SWABI

ATTACHED

23

OFFICE OF THE HEAD MASTER GHS No.2 SALEEM KHAN (SWABI)

No. 306 Dated 13/10/2016

To,

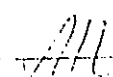
The District Education Officer
(Male) Swabi

Subject: Extension In Suspension In R/O Mr: Israr Ahmad (Qari)

Memo:

Extension in suspension period is came to an end on 11-10-2016
in r/o Mr. Israr Ahmad Qari of this school vide your office Endst No. 8045-46
dated 11-08-2016

Hence further extension in his suspension is requested for the period
of next three months w.e.f 12-10-2016 to 10-01-2017 (90 days)


HEAD MASTER
GHS No.2 SALEEM KHAN (SWABI)
HEAD MASTER
Satim


ATTESTED



District Education Officer (Male) Swabi

EXTENSION IN SUSPENSION

Sanction is hereby accorded to the extension in suspension period in respect of Mr. Israr Ahmad Qari GHS No 2 Saleem-Khan (Swabi) already accorded vide this office Endst No 3589-90 dated 19-4-2016 for the period wef: 14-07-2016 to 11-10-2016 (90 days).

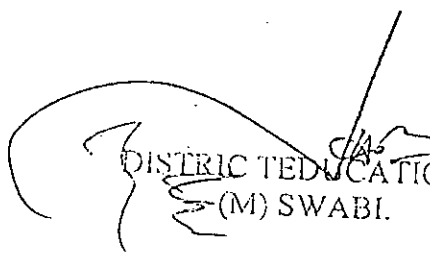
Note:- Necessary entry to this effect should be made in his service book.

(JEHAN MUHAMMAD)
DISTRICT EDUCATION OFFICER
(M) SWABI

Endst No 2045-16 dated 11/8 /2016.

Copy of the above is forwarded to the :-

1. District Accounts Officer Swabi.
2. Head Master GHS No 2 Saleem Khan w/r to his letter No 484 dated 29-7-16


DISTRICT EDUCATION OFFICER
(M) SWABI

RECEIVED

25

No. 484 Dated 27/07/2016

TO,

The District Education Officer
(Male) Swabi

Subject: Extension In Suspension In R/O Mr: Israr Ahmad (Qari)

Memo:

Extension in suspension period is came to an end on 13-07-2016
in r/o Mr. Israr Ahmad Qari of this school vide your office Endst No. 3589-90
dated 19-04-2016

Hence further extension in his suspension is requested for the period
of next three months w.e.f 14-07-2016 to 11-10-2016 (90 days)

HEAD MASTER

GHS NO.2 SALEEM KHAN (SWABI)

HEAD MASTER

GHS No. 2

ATTESTED

District Education Officer (Male) Swabi



EXTENSION IN SUSPENSION

In continuation to this office Endst No 2491-92 dated 19-3-2016 for the period w/e 16-1-2016 to 14-4-2016 in respect of Mr Israr Ahmad (Gari GHS Salm Khan No 2 is hereby extended for the period w/e 15-04-2016 to 13-07-2016 (90 days).

Note:- Necessary entry to this effect should be made in his service book.

(JEHAN MUHAMMAD)
DISTRICT EDUCATION OFFICER
(M) SWABI

Endst No 5589-90 dated 19/4/2016

Copy of the above is forwarded to the :-
1. District Accounts Officer Swabi.
2. Head Master GHS No 2 Saleem Khan w/r to his letter No 444 dated 16-04-16

DISTRICT EDUCATION OFFICER

M. SWABI

ATTA
8

OFFICE OF THE HEAD MASTER GHS NO.2 SALEEM KHAN (SWABI)No. 1144 Dated 16/04/2016

TO,

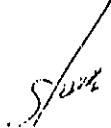
The District Education Officer
(Male) Swabi

Subject: Extension In Suspension In R/O Mr: Israr Ahmad (Qari)

Memo:

Extension in suspension period is came to an end on 14-04-2016
in r/o Mr .Israr Ahmad.Qari of this school vide your office Endst No. 2491-92
dated 19-03-2016

Hence further extension in his suspension is requested for the period
of next three months w.e.f 15-04-2016 to 13-07-2016 (90 days)



HEAD MASTER
GHS NO.2 SALEEM KHAN (SWABI)

Date: 16/04/2016


ATTESTED

28

District Education Officer (Male) Swabi

EXTENSION IN SUSPENSION:

Sanction is hereby accorded to the extension in suspension period in respect of Mr Israr Ahmad Qari GHS No 2 Saleem Khan (Swabi) already accorded vide this office Endst No 1334-35 dated 25-2-2016 for the period wef: 16-01-2016 to 14-04-2016 (90 days)

Note:- Necessary entry to this effect should be made in his service book.

(JEHAN MUHAMMAD)
DISTRICT EDUCATION OFFICER
(M) SWABI

Endst No 2491-47 dated 14-3 /2016.

Copy of the above is forwarded to the :-

1. District Accounts Officer Swabi.
2. Head Master GHS No 2 Saleem Khan w/r to his letter No 124 dated 14-3-16


DISTRICT EDUCATION OFFICER
(M) SWABI.


ATTESTED

29

OFFICE OF THE HEAD MASTER GHS NO.2 SALEEM KHAN (SWABI)

No. 424 Dated 11/03 /2016

TO,

The District Education Officer
(Male) Swabi

Subject: Extension In Suspension In R/O Mr: Israr Ahmad Qari

Memo:

Extension in suspension period is came to an end on 15-01-2016
in r/o Mr .Israr Ahmad Qari of this school vide your office Endst No.1834-35
dated 25-02-2016

Hence further extension in his suspension is requested for the period
of next three months w.e.f 16-01-2016 to 15-04-2016 (3months)

HEAD MASTER
GHS NO.2 SALEEM KHAN (SWABI)

HEAD MASTER
G.H.S No. 2
Saleem Khan (Swabi)

ATTACHED

OFFICE OF THE HEAD MASTER GHS NO.2 SALEEM KHAN (SWABI)No. 4110 Dated 20/02/2016

C

SI

TO,

The District Education Officer

(Male) Swabi

the

Not

Subject: Extension In Suspension In R/O Mr: Israr Ahmad Qari

Memo:

It is hereby intimated that Mr: Israr ahmad Qari of this school was suspended w.e.f. 18-07-2015 vide your office Endst No. 15119-22 dated 17-10-2015

Hence extension in his suspension is hereby requested.

The same may please be done at your earliest.

Endst No

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 HEAD MASTER

GHS NO.2 SALEEM KHAN(SWABI)

HEAD MASTER

G.H.S No.2
Saleem Khan (Swabi)

 ATTACHED



District Education Officer (Male) Swabi

EXTENSION IN SUSPENSION.

Sanction is hereby accorded to the extension in suspension period in respect of Mr Israr Ahmad Qari GHS No 2 Salim Khan (Swabi) already accorded vide this office Endst No 15119 dated 17-10-2015 for the period wef: 18-10-2015 to 15-01-2016 (3 Months).

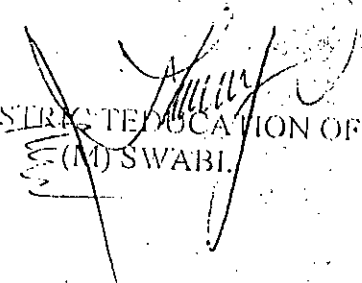
Note: Necessary entry to this effect should be made in his service book.

(JEHAN MUHAMMAD)
DISTRICT EDUCATION OFFICER
(M) SWABI

Endst No 1834/35 dated 25/2 /2016.

Copy of the above is forwarded to the :-

1. District Accounts Officer Swabi.
2. Head Master GHS No 2 Salim Khan w/r to his No 410 dated 20-2-2016.


DISTRICT EDUCATION OFFICER
(M) SWABI


ATTESTED

Endst

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OFFICE OF THE HEAD MASTER
GHS NO.2 SALEEM KHAN (SWABI)

NO: 385 DATED 19/11 /2015

To,

Israr Amad (Qari)
Vill & P O Saleem Khan (Swabi)

Subject: SUSPENSION ORDER

Memo:

It is hereby intimated that you have been suspended w.e.f 18-07-2015 Vide DEO (M) Swabi Endst No. 15119-22 dated 17-10-2015.

Hence you are hereby informed regarding the same.

No. 1440

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Rs 40
23/11/15

Received a registered letter addressed to

[Handwritten signature]

Date-Stamp

Initials of Receiver Officer *[Handwritten initials]* Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary. Insured for Rs. *[Handwritten]* (in words)

If insured.

Insurance fee Rs. *[Handwritten]* Ps. *[Handwritten]* (in words) Weight *[Handwritten]* Kilo Grams

Name and address of sender *[Handwritten: GHS Ma 2 CBE]*

HEAD MASTER
GHS No.2 SALEEM KHAN (SWABI)

HEAD MASTER
G.H.S No.2
Salim Khan (Swabi)

[Handwritten mark]
ATTACHED

OFFICE OF THE HEAD MASTER GHS NO.2 SALEEM KHAN (SWABI)NO. 376 HAFIZ 18/09/2015

TO,

District Education Officer
(M) swabiSubject: Absence from duty Israr Ahmad (Qari)

Memo,

Reference your office Endst No. 14187 dated 29-09-2015, it is hereby informed that Israr Ahmad (Qari) of this school is absent from school duties since 01-09-2015 up till now.

Hafiz Siyah Hosh father of Israr Ahmad (Qari) forwarded C/Leaves application on 01-09-2015 for four days and again he forwarded another application for C/Leave of four days stating that his son Israr Ahmad (Qari) is in police custody due to his links with local Taliban and is expected to be released soon.

Israr Ahmad (Qari) was asked to explain his position for not joining duties after expiry of summer vacations vide this office Endst No. 364-G dated 08-09-2015 and copy of the same was submitted to your office vide your office diary No. 3177 dated 12-09-2015.

Again absence report of the incumbent was sent to your office vide this office Endst No. 368 dated 05-10-2015.

Hence detail report of the absence in r/o Mr. Israr Ahmad (Qari) of this school is hereby forwarded again in the abovementioned lines to deal him with the prevalent rules and regulation.

With thanks

HEAD MASTER
GHS NO. 2 SALEEM KHAN (SWABI)
G.H.S No. 2
Salim Khan (Swabi)


 ATTESTED

34

FICI

Mr
GHS

ct: A



District Education Officer (male) Swabi

PH No. 0038-280239

No. 11187 P. File Israr Ahmad Qari
dated 27/5 /2015

To

The Head Master,
GHS No 2 Salim Khan

Subject: - ABSENCE FROM DUTY.
Memo.

You are directed to submit detail report regarding absentees of Israr Ahmad Qari of our School for further proceed in to the matter.

[Signature]
27/5/15
DISTRICT EDUCATION OFFICER
(M) SWABI

[Signature]
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OFFICE OF THE HEAD MASTER GHS NO.2 SALEEM KHAN (SWABI)

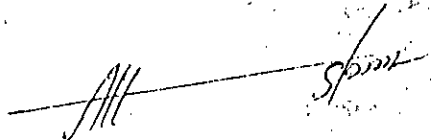
NO. 368 dated. 05/10/2015

TO,

District Education Officer
(M) swabi

Subject: Absence report in r/o Israr Ahmad (Qari)

It is hereby intimated that Mr. Israr Ahmad Qari of this school is absent from school since 01/09/2015 with out any intimation to the undersigned. Absence report has already been sent to the teacher conerned and your office vide this office endst No. 364-C dated. 09/09/2015 Hence his absence is hereby reported again.


HEAD MASTER
GHS NO.2 SALEEM KHAN (SWABI)
HEAD MASTER
G.H.S No.2
Salim Khan (Swabi)


ATTACHED

36

OFFICE OF THE HEAD MASTER GHS NO.2 SALEEM KHAN (SWABI)

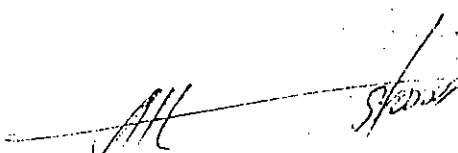
TO,

Mr. Israr Ahmad (Qari)
GHS NO.2 SALEEM KHAN (SWABI)

Subject: Absence from duties

It is hereby informed that all Govt Schools in KPK have been opened on 01-09-2015 after termination of summer vacations, but you have not joined your duties at school after summer vacations.

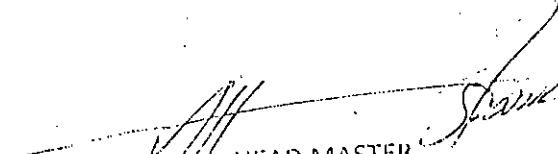
You are hereby directed to explain your position for not joining your duties and also directed to resume your duties at your earliest to save precious time of students, other wise necessary disciplinary action will be taken against you under prevalent services rules.


HEAD MASTER
GHS NO.2 SALEEM KHAN (SWABI)
GHS No.2
Saleem Khan (Swabi)

Endst No. 3611-6 dated 01/09/2015

Copy forwarded to the:

1. District Education Officer (M) swabi
2. Deputy Commissioner, swabi
3. Zilla Nazim swabi
4. Tehsil Nazim swabi


HEAD MASTER
GHS NO.2 SALEEM KHAN (SWABI)


ATTACHED

OFFICE OF THE HEAD MASTER GHS NO.2 SALEEM KHAN (SWABI)

Mr. Israr Ahmad (Qari)
GHS NO.2 SALEEM KHAN (SWABI)

Subject: Absence from duties

It is hereby informed that all Govt Schools in KPK have been opened on 11-09-2015 after termination of summer vacations, but you have not joined your duties at school after summer vacations.

You are hereby directed to explain your position for not joining your duties and also directed to resume your duties at your earliest to save precious time of students; other wise necessary disciplinary action will be taken against you under prevalent services rules.

[Signature]
HEAD MASTER
GHS NO.2 SALEEM KHAN (SWABI)

Endst No. 364-C dated 8/9/2015

Copy forwarded to the:

- 1. District Education Officer (M) swabi
- 2. Deputy Commissioner swabi
- 3. Zila Nazim swabi
- 4. Tehsil Nazim swabi

Dec-1500
3197 dt 12/9/15

DC
[Signature]
19/9/15

[Signature]
HEAD MASTER
GHS NO.2 SALEEM KHAN (SWABI)
GHS No.2
Salim Khan (Swabi)

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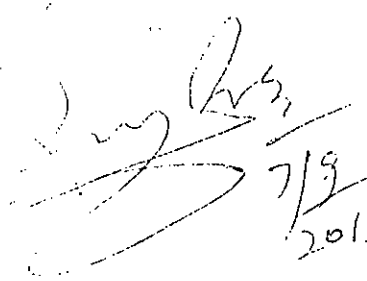


The Headmaster,
Madrassa High School,
Saloom Khan II

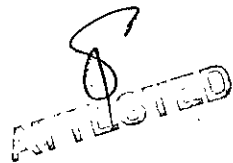
My dear Sir,

I am writing to state that my son
Engr. Iqbal Ahmad is a case of your school
for 2 weeks on his custody due to his link
with the local Taliban. According to Police authority
going to be released in a few days. Thus your
kindself is requested for few days please.

Thank


Iqbal Ahmad
7/9
2015

Sincerely yours
Iqbal Ahmad
F/O
Iqbal Ahmad


APPROVED

The Hon. Mr. Justice
Gibson at the Court

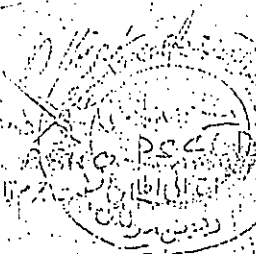
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ابتدائی اطلاع کی روایت ...
مدرسہ اسلامیہ ...
تعلق ...

20 ... 65 ...

تاریخ روایت پرورش	18-7-15
نام روایت گزار	طیور حبیب و ولد حسرت حسین قمر
تعلق	17/18 اسیال مدرسہ اسلامیہ
نام روایت گزار	طیور حبیب و ولد حسرت حسین قمر
تعلق	17/18 اسیال مدرسہ اسلامیہ
تعلق	طیور حبیب و ولد حسرت حسین قمر

ابتدائی اطلاع سے درج کردہ وقت پر ایک شخص ...
 طلبہ حبیب و ولد حسرت حسین قمر ...
 عدالت میں ...
 جو کہ خود آیا تھا ...
 جس میں سائل نے ...
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true copy

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جنرل پولیس سوپر مارٹن پولیس ایجنسی
 ابتدائی اطلاع نمبر ۲۲-۱۵۲۶
 ۲۰۰۶/۱۳-۲۲۰۸۱۳ نمبر قذافی کے خلاف (۲۰۰۶) (۲۰۰۶) (۲۰۰۶) (۲۰۰۶) (۲۰۰۶) (۲۰۰۶) (۲۰۰۶) (۲۰۰۶) (۲۰۰۶) (۲۰۰۶)
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ابتدائی اطلاع نمبر ۲۲-۱۵۲۶
 ۲۰۰۶/۱۳-۲۲۰۸۱۳ نمبر قذافی کے خلاف (۲۰۰۶) (۲۰۰۶) (۲۰۰۶) (۲۰۰۶) (۲۰۰۶) (۲۰۰۶) (۲۰۰۶) (۲۰۰۶) (۲۰۰۶) (۲۰۰۶)
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تاریخ وقت رپورٹ	۱۶:۴۵	تاریخ وقت	۱۶:۵۵
نام و سکونت اطلاع دہندہ مستثنیٰ	افسر ایئر لائنز	نام و سکونت	افسر ایئر لائنز
تفصیلات جرم (مدرودہ) حال اگر ہو گیا کیا اور	TATA-ISAAT	تفصیلات جرم (مدرودہ) حال اگر ہو گیا کیا اور	TATA-ISAAT
جائے وقوعہ فاصلہ تقاضا سے اور سمت	حالیہ کیمپ	جائے وقوعہ فاصلہ تقاضا سے اور سمت	حالیہ کیمپ
نام و سکونت جرم	اسٹریٹ ایئر لائنز	نام و سکونت جرم	اسٹریٹ ایئر لائنز
کارروائی جو تفتیش کے محتاج کی تھی اگر اطلاع درج کرنے میں توقف ہوا تو وجہ بیان کر دے	اسٹریٹ ایئر لائنز	کارروائی جو تفتیش کے محتاج کی تھی اگر اطلاع درج کرنے میں توقف ہوا تو وجہ بیان کر دے	اسٹریٹ ایئر لائنز
تقاضا سے روائی کی تاریخ وقت	اسٹریٹ ایئر لائنز	تقاضا سے روائی کی تاریخ وقت	اسٹریٹ ایئر لائنز

ابتدائی اطلاع نمبر ۲۲-۱۵۲۶
 ۲۰۰۶/۱۳-۲۲۰۸۱۳ نمبر قذافی کے خلاف (۲۰۰۶) (۲۰۰۶) (۲۰۰۶) (۲۰۰۶) (۲۰۰۶) (۲۰۰۶) (۲۰۰۶) (۲۰۰۶) (۲۰۰۶) (۲۰۰۶)
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 ۲۰/۱۱/۰۱۵

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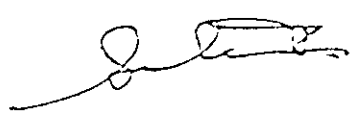
IN THE COURT OF MR SALEEM JAN
JUDGE, ANTI TERRORISM COURT-I, PESHAWAR

State Versus Jasrar Ahmad :-

Case FIR No. 96; Dated 20-11-2015; U/Ss SESA 115 AA; Read with
Section 7 of the Anti Terrorism Act, 1997 of P.S. C.T.D. Peshawar;

Date of Order or Proceedings. 2 Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary 3

Ord: No. 01
CA-02-2016 Case file received from prosecution branch through PP.
Entrusted to learned Judge ATC-III, Peshawar for disposal under the law.


Judge, ATC-I, Peshawar.

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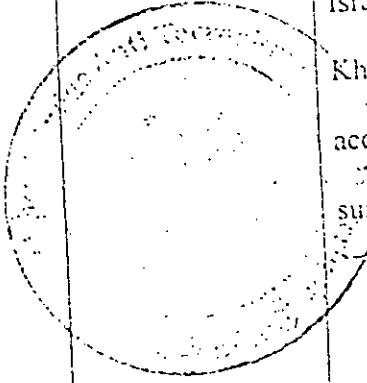


9



Order No.01
22.02.2016

Case file received from the learned administrative Judge for ATCs Peshawar. Be entered in the relevant register. As per record, there is only one accused namely Israr Ahmed s/o Siyah Hoosh R/O Mohallah Mir Ahmed Khel, Slacem Khan district Swabi. The above named accused is on bail. therefore he along with his sureties be summoned for 23 /02/2016.



(Muhammad Zafar Khan)
Judge, ATC-III, Peshawar

Order No.02
29.02.2016

PP for the state present. Accused is not in attendance. Summon issued against the accused received reflects that the same has not been executed due to the non-availability of the accused, therefore NBWA be issued against the accused and his sureties for the next date fixed. File to come up for further proceedings on 24 /03/2016.

(Muhammad Zafar Khan)
Judge, ATC-III, Peshawar

Order No.03
04.03.2016

PP for the state present. The record suggests that on the previous date NBWA was issued against the accused and his sureties. The report of the DFC along with the warrant not received, the concerned DFC is directed to appear before the court on next date fixed to explain that why the report on the warrant has not been furnished by him and in the meanwhile fresh NBWA be issued against the accused and his sureties for the next date fixed. File to come up for further proceedings on 11/03/2016.

(Muhammad Zafar Khan)
Judge, ATC-III, Peshawar

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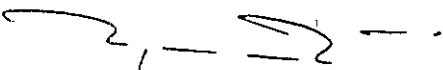
Handwritten signature or mark at the bottom right.

44

Order No.04
11.03.2016

PP Mr. Ata-ur-Rehman for the state present. Accused namely Israr Ahmed not present. Sureties namely Altaf Hussain, Mukhtiar Khan and Zulfiqar Khan identifier present, they have been directed strictly to procure the attendance of accused Israr Ahmed on the next date fixed. In the meanwhile they also furnished an attested copy of the writ petition filed in the Honorable Peshawar High Court Peshawar in which according to them the writ is habeas corpus and is related to the tracing out the accused named above as according to the sureties he went missing from the jail. The copy of the writ petition is placed on file. In the meanwhile NBWA be issued against the accused Israr Ahmed for the next date fixed.

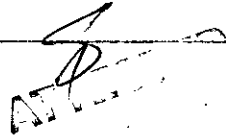
On the previous date the NBWA issued against the accused has been received which is placed on file also, and the report of DFC mentioned therein reflects that the accused was bailed out in case FIR No. 96 dated 20/11/2015 by the court and from that day he has not returned to his house. File to come up for further proceedings on 21 /03/2016.


(Muhammad Zafar Khan)
Judge, ATC-III, Peshawar

Order No.05
21.03.2016

PP for the state present. Today the case is fixed for the attendance of accused Israr Ahmed. The warrant issued against the accused on previous date reflects that the accused for so many days have not come to his house, therefore confronting with the situation NBWA be issued once again against accused Israr Ahmed and his sureties for the next date fixed. The identifier Zulfiqar Ahmed procured his attendance before the court and he assured the court that on

APPROVED TO BE TERN COPY
Court Terrorism



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302/34/1109/1108
FORM "A" 1091/31/AT
ATA
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18-7-015

FORM OF ORDER SHEET

In the court of Judge, Anti-Terrorism Mardan

Case No. _____ ATC (M) of 2016

1 No. of Order or Proceedings	2 Date of Order or Proceedings	3 Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary.
1	18.01.2016	<p>Release order in respect of accused Israr Ahmed involved in case FIR No. 65 dated 18.07.2015 u/s 302/34 PPC/S.7 ATA/PS CTD Mardan Region Mardan received back from Superintendent Central Prison Peshawar with the report that Ss. 109/148/149 PPC/21-I/J ATA are also added with the main charge in the judicial warrant of the said accused. Hence notice be issued to the petitioner's counsel and record be also requisitioned from the PS concerned for 20.01.2016.</p> <p style="text-align: right;">Judge Anti-Terrorism Court Mardan</p>
2	20.01.2016	<p>Learned PP for the state and learned counsel for the accused/petitioner present. Record received and perused wherein it was found that Ss. 109/148/149 PPC/21-I/J ATA are also added in the FIR. Learned counsel for the accused/petitioner also submitted an application for addition of the said sections of law. The application is accepted. Addition of the required sections be made in the release warrant and file be consigned to record room after completion/compilation as per rules.</p> <p style="text-align: right;">Announced. Dated: 20.01.2016. (SYED MUAMBER JAN) Judge Anti-Terrorism Court Mardan</p>

Admitted
18-01-2016
Reader to Special Judge
A.T.C. Mardan.

[Signature]

IN THE COURT OF SYED MUAMMER JAN, JUDGE,
ANTI-TERRORISM COURT MARDAN

46

B.A No. 234/1 of 2015

Israr Ahmed son of Siyah Hosh resident of Mohallah Mir Ahmed Khel village Saleem Khan,
Tehsil & District Swabi. (Accused/Petitioner)

H

VESRUS

1. The STATE.
2. Talha Haseeb son of Kherul Haseeb resident of village Saleem Khan, District Swabi.
..... (Complt/Respdt)

Subject: Post-arrest bail petition in case FIR No. 65 dated 18.07.2015 U/Ss 302/34
PPCS, 7 ATA of PS CTD Mardan Region Mardan.

Order _____
Dated: 09.01.2016

Learned PP for the state and learned counsel for the accused/petitioner present.
Accused/petitioner Israr Ahmed seeks post-arrest bail in the subject case.

Brief facts of the case as per contents of the FIR are that on 18.07.2015 Talha Habib brought the dead body of his father Khairul Haseeb with the help of his relatives and co-villagers to the casualty of Swabi hospital where in the presence of CMO, he reported the matter to police to the effect that his father was serving as SP in R.R.F police and was posted at Bannu. That on the day of occurrence he along with his father and uncle after offering Ishaq prayer were proceeding to their house from mosque. That his father was ahead of them and when reached near the venue of occurrence, in the meantime two persons came on motorcycle and started firing at his father with intent to kill him as a result of which he got hit and died on the spot. That the occurrence besides him was also witnessed by his uncles namely Muhammad Raghieb, Muhammad Tariq and Sher Aslam. Thus he charged unknown accused for the commission of offence. On the basis of his report murasila was drafted which was later on culminated into the subject FIR against the accused.

Learned counsel for the accused/petitioner contended during the course of arguments that accused/petitioner is not charged in the FIR rather two unknown accused are charged for the commission of the alleged offence. That no source of information regarding the involvement of accused/petitioner is mentioned rather it is blind murder case. Accused/petitioner has been assigned no point of his presence in the site plan. The statement recorded u/s 161 Cr.PC also does not support the prosecution version against the accused/petitioner. The umar media internet record does not show the name of accused/petitioner. The copies of FIR's available on record are silent about the involvement of the accused/petitioner. The elders of the locality have sworn in affidavits in favor of accused/petitioner. The local police have indicted the accused/petitioner in an untraced case to show their efficiency for the purpose of filling the blank gaps. He further contended that no incriminating article has been recovered from the possession of accused/petitioner nor he has confessed the alleged guilt despite remaining in police custody. That the accused/petitioner is highly qualified and no more required to the police for further

26-01-2016
Special Judge
A.T.C. Mardan

9.1.2016
SPECIAL JUDGE
ANTI-TERRORISM COURT



47 83

In support of his contention, counsel for the accused/petitioner placed reliance upon 2010 YLR 1112 Peshawar, 2002 PCr.LJ 726 Peshawar, 2011 MLD 110 Peshawar, 2014 YLR 1122 Peshawar, 2006 PCr.LJ 252 Peshawar, 2004 YLR 2230 Peshawar and 2004 PCr.LJ 1111 Peshawar. He further submitted that accused/petitioner is entitled to be released on bail.

While opposing the arguments addressed by counsel for accused/petitioner, learned PP for the state contended that accused/petitioner has been charged through reliable source information. That the CDR data collected during the course of investigation by the local police, whereby accused/petitioner has made calls through his mobile cell regarding the alleged offence. He further contended that the authorities relied upon by the counsel for accused/petitioner are not related to Anti-Terrorism cases, whereas the Anti-Terrorism cases are not bailable. He further contended that high educational qualification of accused/petitioner is not a valid ground for the concession of granting bail to the accused/petitioner. He requested that the accused/petitioner is involved in a heinous offence, whereby a responsible innocent police officer has been murdered and as such not entitled to be released on bail.

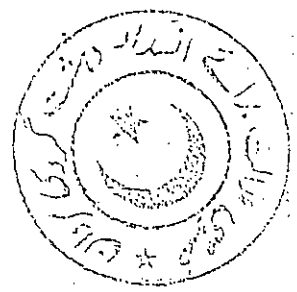
Arguments have been heard and case file perused.

It is no denial the fact that accused/petitioner has not been charged specifically by name in FIR. The accused/petitioner has also not been charged by the eye witnesses and the legal heirs of the deceased in their statements recorded u/s 161 Cr.PC. He has been so charged by spy information but with no specification of such source of information. So far as the CDR data collected in respect of accused/petitioner is concerned, it is pertinent to mention that despite remaining in police custody, no incriminating article including a mobile phone has been recovered from his possession. The accused/petitioner despite remaining in police custody for two days has not confessed the alleged guilt before any competent court of law. So far as the copy of application moved by the father of accused/petitioner, namely Syah Hosh Retai Professor, before the headmaster Government High School Saleem Khan is concerned, it is pertinent to mention that the name of the father of accused/petitioner has not been mentioned in the column of witnesses of the challan form u/s 512 Cr.PC as well as in the supplementary challan submitted after the arrest of accused/petitioner. The accused/petitioner is behind the bars and no more require to the local police for further investigation.

For the reasons recorded above the case against accused/petitioner is opened to further inquiry. Hence the instant bail application of the accused/petitioner is accepted subject to his furnishing bail bonds in the sum of Rs. 4,00,000/- (Four Lac) with two sureties each in the like amount to the satisfaction of Illaqa Judicial Magistrate. The sureties must be local, reliable and men of means.

File be consigned to record room after completion/compilation as per rules.

Announced,
Dated: 09.01.2016



(SYED MUAMMER JAN)
Judge, Anti-Terrorism Court Mardan

9.1.2016
JUDICIAL MAGISTRATE
ANTI-TERRORISM COURT
MARDAN

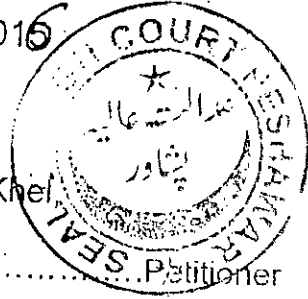
Handwritten signature and a rectangular stamp with illegible text.

Handwritten notes in the left margin: "M", "20-01-2016", and "A.T.C. Mardan".

IN THE PESHAWAR HIGH COURT, PESHAWAR

Writ Petition (H.C.P) No. 315-P /2016

Israr Ahmad (Detenu),

Through;His Father Siyah Hosh, R/o Mohallah Mir Ahmad Kher
Village Saleem Khan, Tehsil & District Swabi**Versus.**

1. Superintendent Jail, Peshawar, Jail Road Peshawar.
2. Station House Officer, CTD (Counter Terrorism Department), Sharki, Khyber Road, Peshawar.
3. Deputy Inspector General of Police, Peshawar; Civil Lines Peshawar.
4. Station House Officer, CTD (Counter Terrorism Department) Mardan,
5. Deputy Inspector General of Police, Mardan Division, Mardan.
6. Station House Officer, PS; Swabi.
7. Inspector General, Khyber Pakhtunkhwa Police, Civil Lines, Peshawar.
8. Government of Khyber Pakhtunkhwa, Through Secretary Home & Tribal Affairs, Civil Secretariat, Peshawar.
9. Ministry of Defence through its Secretary, Govt. of Pakistan
10. Ministry of Interior through its Secretary, Govt. of Pakistan

WRIT PETITION (HABEAUS CORPUS PETITION) UNDER ARTICLE 199 OF THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN, 1973, READ WITH ALL OTHER ENABLING PROVISIONS OF LAWS FOR PRODUCTION OF DETENUE NAMELY ISRAR AHMAD, REAL SON OF SIYAH HOSH BEFORE THIS HONORABLE COURT WHO IS IN ILLEGAL CUSTODY / CONFINEMENT OF THE RESPONDENTS.

RESPECTFULLY SHEWETH:-

Having no alternate and efficacious remedy, the petitioner knock the door of this honorable court on inter alia the following facts and grounds;

ATTESTED
Peshawar High Court

10 MAR 2016

CN 0.1151/2016

the order
dated 11/1/2016

LED TODAY

Deputy Registrar

28 JAN 2016

FACTS LEADING TO WRIT / H.C.P PETITION:

1. That the petitioner is law abiding citizen of the Islamic Republic of Pakistan, and have all fundamental rights guaranteed under the Constitution of the Islamic Republic of Pakistan, 1973.
2. That the detenue is the real son of the petitioner who along with his entire family members residing / living at Village Saleem Khan of District Swabi being the poor citizens of the land.
Copies of CNICs of petitioner and the Detenue are attached herewith and marked as Annexure A & B respectively.
3. That the detenue was traveling along with his father in his car and was going to Swabi on 5 August 2015 who was picked by local police of PS Swabi and the petitioner (father of detenue) was running from pillar to post as such could not find his son.
4. That the family of the petitioner came to know through news clippings that the detenue has been handed over by local police of PS Swabi as such a concocted story was maneuvered by the Respondent No.2 vide FIR No. 96, dated 20-11-2015, U/ss: 15AA, 7ATA, 5 Exp.S.A. of PS:CTD, Peshawar.
Copy of FIR No.96 is attached and marked as Annexure C
5. That the petitioner hardly procured the copy of FIR from PS, CTD Peshawar and as such the detenue applied for his post arrest bail before the Anti-Terrorism Court at Peshawar who vide his order dated 15-12-2015 enlarged the detenue on bail.
Copy of Bail order dated 15-12-2015 is attached herewith and marked as Annexure D
6. That when the release order was issued by the learned ATC, Peshawar, the Respondent No.1 declined to release the detenue on bail as he was allegedly incriminated in another case FIR No.65, dated 18-07-2015 registered U/ss: 302/34/148/149 PPC, 7ATA and 21-I/J of PS: CTD Mardan.
Copy of FIR No.65 is attached herewith and marked as Annexure E

FILED TODAY

Deputy Registrar

28 JAN 2016

ATTESTEDEXAMINER
Peshawar High Court

10 MAR 2016

ATTESTED

7. That the detinue applied for his post arrest bail before the concerned court which petition was allowed vide order dated 09-01-2016 of learned Anti Terrorism Court Mardan.

Copy of bail order of learned ATC Mardan dated 09-01-2016 is attached herewith and marked as Annexure F

8. That when the learned court of ATC Mardan issued release order of the detinue vide order dated 20-01-2016 which was sent through ordinary dock and reached the office of Respondent No.1 on 21-01-2016 and the father of the petitioner was waiting along with his son and brother and another relative outside the Jail but he could not be released as such the father of the detinue left for his home and the following day i.e. 22-01-2016 again the petitioner along with the above mentioned persons reached the Central Jail at Peshawar and was waiting for the release of his son i.e. the detinue but even then he could not be released as such prompted the petitioner to contact the respondent No.1 who straightaway declined to do the needful, hence this writ/Habeas Corpus petition.

Copy of affidavit of the witnesses is attached herewith and marked as Annexure G

9. That the detinue has neither committed any offence nor has any kind of criminal history and the cases in which the detinue was shown to be involved by the respondents, although the competent courts of law have released him on bail, hence the respondents have illegally confined him when the petitioner being seriously ill and aged about 80 years was running and still running from pillar to post but all his efforts gone in vain.
10. That the respondents are bent upon putting the name of the petitioner (detinue) in untraced cases which act of the respondents are based on mala fide and ulterior motives, having no alternate and efficacious remedy, hence this writ petition on inter alia the following grounds;

GROUNDS:-

- a. That the detinue is law abiding citizen of the Islamic Republic of Pakistan and has every right guaranteed under the law and constitution as such liable to be dealt in accordance with law.
- b. That the detinue has committed no offence as such the respondents without any lawful justification have kept him behind the bar as such

ED TODAY
by Registrar
8 JAN 2016

RECEIVED
10 MAR 2016

10 MAR 2016

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committed gross illegalities and irregularities and the detinue has been illegally confined him in their custody.

- c. That the right from the detention till procuring bail orders in his favour and filing of this writ petition the poor and helpless parents of the detinue have requested the respondents to release the detinue but all their efforts gone in vain, hence this writ petition.
- d. That even if the detinue has committed any alleged offence which is not known to him he may be dealt in accordance with law but the respondents have taken law in their hands and as such violated the fundamental rights of the detinue as guaranteed under the constitution of the Islamic Republic of Pakistan, 1973 particularly right of fair trial.
- e. That the petitioner urges other grounds at the time of hearing of this writ petition with the kind permission of this Honorable Court, , hence this writ petition with the following prayers;

RPAYER;

It is, therefore, respectfully prayed that this honorable court may be pleased and direct the respondents to produce the detinue Israr Ahmad who is in illegal confinement of the respondents before this honorable court and obliged.

Any other relief/s which this honorable court may deem fit and proper in the circumstances of the case may also be granted.

ATTESTED

ATTESTED
EXAMINER
Peshawar High Court

10 MAR 2016

FILED TODAY

Deputy Registrar

28 JAN 2016

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INTERIM RELIEF:

That in the meanwhile, the respondents may kindly be restrained not to register any other case or put the name of the detenu in untraced cases.

Peshawar.

Dated: 27-01-2016

Through

Petitioner

MUKHTAR AHMAD MANERI
Advocate High Court
Office # 24-A, Nasir Mansion,
Shoba Bazaar, Peshawar.
Ph: Off: 091-2214385
Mob: 0333-215-6006

CERTIFICATE

Certified that no such like writ petition/HCP has earlier been filed by the petitioner against the respondents in this Honorable Court in respect of subject matter.

Siyah Hosh (father of detenu)

BOOKS

1. Constitution of the Islamic Republic of Pakistan 1973.
2. Any other case law if any at the time of hearing with kind permission of this honorable court.

MUKHTAR AHMAD MANERI
Advocate High Court

FILED TODAY
Deputy Registrar
28 JAN 2016

TESTED
EXAMINED
Peshawar High Court
10 MAR 2016

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M

IN THE PESHAWAR HIGH COURT, PESHAWAR

W.P(H.C.P) No 315-P /2016

Israr Ahmad (Detenue)
Through His Father Siyah Hosh.....Petitioner.

Versus

Superintendent Jail & Others.....Respondents

AFFIDAVIT

I, Siyah Hosh son of Azeem Khan, R/o Mohallah Mir Ahmad Khel, Village Saleem Khan, Tehsil & District Swabi do hereby solemnly affirm and declare on oath that the contents of the accompanying Writ Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this August Court.

[Signature]

Deponent
Siyah Hosh, father of
Israr Ahmad (Detenue)
CNIC # 16202-17448857

Identified by me

[Signature]

Mukhtar Ahmad Maneri
Advocate High Court,
Peshawar.

[Signature]

To:.....11567.....

Certified that the above was verified on solemnly affirmation before me in office, this 27th day of JUN 2016 by Siyah Hosh son of Azeem Khan residing at Peshawar Swabi who was identified by Mukhtar Ahmad Maneri Advocate who is personally known to me:

[Signature]
Oath Commissioner
Peshawar High Court, Peshawar.

FILED TODAY
Deputy Registrar
28 JAN 2016

ATTESTED
EXAMINER
Peshawar High Court
[Signature]
10 MAR 2016

54

IN THE PESHAWAR HIGH COURT, PESHAWAR

W.P(H.C.P) No 315-P /2016

Israr Ahmad (Detenu)
Through His Father Siyah Hosh.....Petitioner

Versus

Superintendent Jail & Others.....Respondents

ADDRESSEES OF THE PARTIES

ADDRESS OF THE PETITIONER

Israr Ahmad (Detenu),
Through;
His Father Siyah Hosh, R/o Mohallah Mir Ahmad Khel,
Village Saleem Khan, Tehsil & District Swabi

ADDRESS OF THE RESPONDENTS

1. Superintendent Jail, Peshawar, Jail Road Peshawar.
2. Station House Officer, CTD (Counter Terrorism Department), Sharki, Khyber Road, Peshawar.
3. Deputy Inspector General of Police, Peshawar; Civil Lines Peshawar.
4. Station House Officer, CTD (Counter Terrorism Department) Mardan,
5. Deputy Inspector General of Police, Mardan Division, Mardan.
6. Station House Officer, Swabi.
7. Inspector General, Khyber Pakhtunkhwa Police, Civil Lines, Peshawar.
8. Government of Khyber Pakhtunkhwa, Through Secretary Home & Tribal Affairs, Civil Secretariat, Peshawar.

Peshawar.

Dated 27-01-2016

Petitioner

Through:

MUKHTAR AHMAD MANERI
Advocate High Court
Office # 24-A, Nasir Mansion,
2-Railway Road, Shoba Bazaar,
Peshawar.Ph:Off: 091-2214385
Mob: 0333-215-6006

FILED TODAY
Deputy Registrar
28 JAN 2016

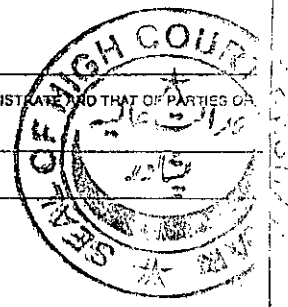
TESTED
10 MAR 2016

ATTORNEY

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J

PESHAWAR HIGH COURT, PESHAWAR		
FROM 'A'		
FORM OF ORDER SHEET		
COURT OF		
CASE NO.		
SERIAL NO OF ORDER OR PROCEEDINGS	DATE OF ORDER OR PROCEEDINGS	ORDER OR OTHER PROCEEDINGS WITH SIGNATURE OF JUDGE OR MAGISTRATE AND THAT OF PARTIES OR COUNSEL WHERE NECESSARY.
1	2	3
07.03.2018	HCP/W.P. No. 315-P/2016.	<p>Present: -</p> <p>Mr. Mukhtiar Ahmad Maneri, advocate for the petitioner.</p> <p>Mr. Kifayatullah Khan, DAG for Federation alongwith Co-Focal Person Mr. Junaid Alam, Research Officer-II, Home & Tribal Affairs Department.</p> <p>Mr. Waqar Ahmad Khan, AAG for the official respondents.</p> <p style="text-align: center;">*****</p> <p>WAQAR AHMAD SETH J;- When the case was taken up for hearing, learned counsel for the petitioner at the very out set stated at the bar that detenu Israr Ahmad has reached home safe and sound; therefore, the petition in hand has become infructuous. Hence dismissed as such.</p>
<p>CERTIFIED TO BE TRUE COPY</p> <p>Examiner, Peshawar High Court, Peshawar Authorized under the provisions of The Courts (Salaries) Order 1984</p> <p>10 MAR 2018</p>		<p style="text-align: right;">JUDGE</p> <p style="text-align: right;">JUDGE</p> <p style="text-align: right;"><i>Waqar Ahmad Seth</i></p> <p style="text-align: right;"><i>Attest</i></p>
		<p style="text-align: center;">ANNOUNCED</p> <p style="text-align: center;">07.03.2018.</p>



Aamir Bashir Awan, Court Secretary.

(DB) Hon'ble Mr. Justice Waqar Ahmad Seth, Senior Puisne Judge & Mr. Justice Muhammad Younis Thabceem, JJ.

Attest

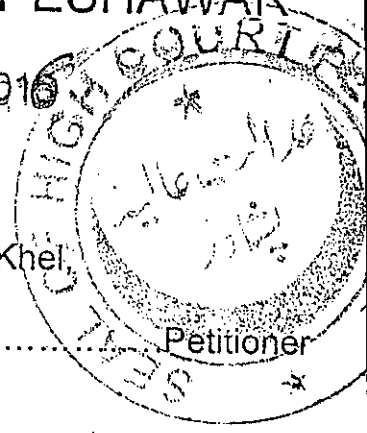
ATTESTED

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IN THE PESHAWAR HIGH COURT, PESHAWAR

Writ Petition (H.C.P) No. 315-P /2016



Israr Ahmad (Detenu),
Through;
His Father Siyah Hosh, R/o Mohallah Mir Ahmad Khel,
Village Saleem Khan, Tehsil & District Swabi

Versus.

1. Superintendent Jail, Peshawar, Jail Road Peshawar.
2. Station House Officer, CTD (Counter Terrorism Department), Sharki, Khyber Road, Peshawar.
3. Deputy Inspector General of Police, Peshawar; Civil Lines Peshawar.
4. Station House Officer, CTD (Counter Terrorism Department) Mardan,
5. Deputy Inspector General of Police, Mardan Division, Mardan.
6. Station House Officer, PS; Swabi.
7. Inspector General, Khyber Pakhtunkhwa Police, Civil Lines, Peshawar.
8. Government of Khyber Pakhtunkhwa, Through Secretary Home & Tribal Affairs, Civil Secretariat, Peshawar.

[Handwritten signature]

..... Respondents

WRIT PETITION (HABEAUS CORPUS PETITION) UNDER
ARTICLE 199 OF THE CONSTITUTION OF THE ISLAMIC
REPUBLIC OF PAKISTAN, 1973, READ WITH ALL OTHER
ENABLING PROVISIONS OF LAWS FOR PRODUCTION OF
DETENUE NAMELY ISRAR AHMAD, REAL SON OF SIYAH
HOSH BEFORE THIS HONORABLE COURT WHO IS IN
ILLEGAL CUSTODY / CONFINEMENT OF THE RESPONDENTS.

ATTESTED
 EXAMINER
 Peshawar High Court
 07 APR 2016

RESPECTFULLY SHEWETH:-

Having no alternate and efficacious remedy, the petitioner knock the door of this honorable court on inter alia the following facts and grounds;

PESHAWAR HIGH COURT, PESHAWAR

ORDER SHEET

57

Date of Order or Proceedings	Order or others Proceedings with Signature of Judge
1	2
<p>17.03.2016</p>	<p><u>W.P No.315-P/2016.</u></p> <p>Present: Mr. Mukhtar Ahmad Maneri, Advocate, for the petitioner.</p> <p>Mr. Muhammad Sohail, Assistant A.G alongwith Kashif Rasheed Khan, Assistant Suptd Jail and Muhammad Siraj, HC.</p> <p>*****</p> <p>Latter produced copy of Exact Release Register which shows that the petitioner/detenuue has been released from jail on 21.06.2016. Adjournd to 06.04.2016.</p> <p><i>at Muzaffar Ali</i></p> <p><i>M. Yousaf Thakur</i></p> <p style="text-align: right;">JUDGE</p> <p style="text-align: center;">CERTIFIED TO BE TRUE COPY</p> <p style="text-align: center;">Examiner Peshawar High Court, Peshawar Authorised Under Article 87 of The Qanun-e-Shahadaat Order 1984</p> <p style="text-align: right;">JUDGE</p> <p>20575</p> <p>21-03-16</p> <p>2P</p> <p>4:00</p> <p>07-04-16</p> <p>07-04-16</p> <p>14-04-16</p> <p><i>Amir Ali</i></p>

Amir Ali
57

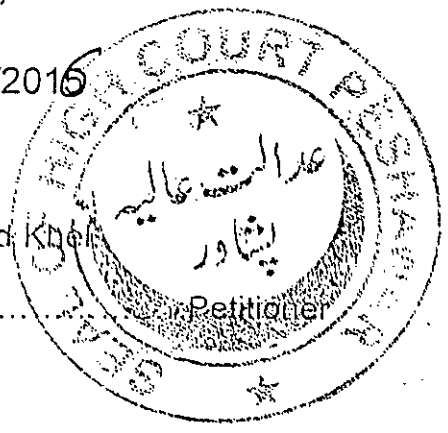
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JA

IN THE PESHAWAR HIGH COURT, PESHAWAR

Writ Petition (H.C.P) No. 315-P /2016



Israr Ahmad (Detenu),
Through;
His Father Siyah Hosh, R/o Mohallah Mir Ahmad Khan,
Village Saleem Khan, Tehsil & District Swabi

Versus.

1. Superintendent Jail, Peshawar, Jail Road Peshawar.
2. Station House Officer, CTD (Counter Terrorism Department), Sharki, Khyber Road, Peshawar.
3. Deputy Inspector General of Police, Peshawar; Civil Lines Peshawar.
4. Station House Officer, CTD (Counter Terrorism Department) Mardan,
5. Deputy Inspector General of Police, Mardan Division, Mardan.
6. Station House Officer, PS; Swabi.
7. Inspector General, Khyber Pakhtunkhwa Police, Civil Lines, Peshawar.

8. Government of Khyber Pakhtunkhwa, Through Secretary Home & Tribal Affairs, Civil Secretariat, Peshawar.
9. Ministry of Defence through its Secretary, Govt. of Pakistan Islamabad
10. Ministry of Interior through its Secretary, Govt. of Pakistan Islamabad

WRIT PETITION (HABEAS CORPUS PETITION) UNDER ARTICLE 199 OF THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN, 1973, READ WITH ALL OTHER ENABLING PROVISIONS OF LAWS FOR PRODUCTION OF DETENUE NAMELY ISRAR AHMAD, REAL SON OF SIYAH HOSH BEFORE THIS HONORABLE COURT WHO IS IN ILLEGAL CUSTODY / CONFINEMENT OF THE RESPONDENTS.

RESPECTFULLY SHEWETH:-

Having no alternate and efficacious remedy, the petitioner knock the door of this honorable court on inter alia the following facts and grounds;

ATTESTED

EXAMINER
Peshawar High Court

06 SEP 2016

Comment of M.A. Khan Division

KN 0.1151/2016

Note on detenu Israr Ahmad 9/15/2016

FILED TODAY

Deputy Registrar
28 JAN 2016

57

59



PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET

Court of.....

Case No.....of.....

Serial No. of Order of Proceedings	Date of Order of Proceedings	Order or other Proceedings with Signature of Judge.
1	2	3
	19.05.2016	<p><u>C.M.No.699-P/2016 in W.P.No.315-P/2016</u></p> <p>Present: Mr. Mukhtar Ahmad Maneri, Advocate, for the petitioner.</p> <p>*****</p> <p>Though the main writ petition should have been fixed for hearing today but instant C.M, which has already been disposed of vide order dated 06.04.2016, has been fixed. This mistake appears to be clerical in nature and owes its origin to inadvertence. Since the C.M has already been disposed of, there is no need of fresh order thereon.</p> <p>2. The learned counsel for the petitioner requests for impleadment of Ministries of Defence and Interior in the main writ petition being necessary party. The request seems to be genuine, hence, accepted. The office is directed to implead the aforesaid Ministries through their respective Secretaries in the array of</p>

M-7^u.

ATTESTED

ATTESTED

EXAMINER
Peshawar High Court

06 SEP 2016



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Or
Proc

respondents with red-ink. Mr. Musarrat Ullah Khan,
the learned Deputy Attorney General, present in Court
in connection with some other matters, accepts notice
of this case, who is directed to submit the replies on
behalf of the aforesaid added respondents so as to
reach this Court within twenty days. The main writ
petition to come up for further proceedings before the
Additional Registrar (Judicial) on 23.06.2016.

CHIEF JUSTICE

sd/- Maghez Ahsan Khan
sd/- M - Daud Khan

JUDGE

CERTIFIED TO BE TRUE COPY

[Signature]
Peshawar Court, Peshawar
Authorized Under Article 97 of
The Constitution of Pakistan Order 1984

[Signature]
ATTESTED

(Fayaz)



PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET

Court of.....

Case No.....of.....

Serial No. of Order of Proceedings	Date of Order of Proceedings	Order or other Proceedings with Signature of Judge.
1	2	3
	23.06.2016	<p><u>Writ Petition (HCP) No.315-P/2016</u></p> <p>Present: Mr. Mukhtar Ahmad Maneri, Advocate, alongwith father of the petitioner-detenu.</p> <p>Mian Arshad Jan, Addl. AG, for the officials of Provincial Govt:</p> <p>Mr. Musarratullah Khan, DAG, for the Federation.</p> <p>*****</p> <p>The father of the petitioner, present in Court, submitted at the bar that on 14th instant, he was informed by a person that his son, the petitioner-detenu, is presently confined in C.T.D, D.I.Khan, as he also remained there alongwith him, who has sent message to him not to pay any amount to anyone and this gentleman also told him that he should not disclose about this meeting to anyone as his life would be at high risk. In this view of the matter, both the Law Officers, present in Court, are directed to submit their respective written replies alongwith relevant</p>

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CERTIFIED TO BE TRUE COPY.

Examiner
Peshawar High Court, Peshawar
Authorised Under Article 97 of
The Constitution of Pakistan Order 1984

06 SEP 2016

record so as to reach this Court within a fortnight positively. Adjourn to 19.07.2016.

CHIEF JUSTICE

[Signature]
JUDGE

sd/ Maghez Ailan Khan CJ

sd/ Roshul Amin Khan

CERTIFIED TO BE TRUE COPY

[Signature]
Deputy Registrar
Peshawar High Court, Peshawar
Authorized Under Article 87 of
The Constitution of Pakistan 1973

08 SEP 2016

[Signature]
ATTESTED

(Fayaz)

PESHAWAR HIGH COURT, PESHAWAR.

FORM 'A'
FORM OF ORDER SHEET

S.No.	Date of order	Order or other proceedings with signature of the Judge
1	2	3
	19.7.2016.	<p><u>W.P.(HCP) No.315-P/2016.</u></p> <p>Present: Mr.Mukhtar Ahmad Maneri, Advocate for the petitioner.</p> <p>Mian Arshad Jan, AAG for the official respondents.</p> <p>Mr.Kifayatullah, DAG for the Federation.</p> <p>—</p> <p>The worthy DAG Mr.Musarratullah is not before us. He is stated to be indisposed. Mr.Kifayatullah, the worthy DAG present in Court states that he will be available after 24th instant. Adjourned to 26.7.2016.</p> <p><i>sd/ Yahya Aizidi - J</i> <u>JUDGE</u></p> <p><i>sd/ Waseer Ahmadullah - J</i> <u>JUDGE</u></p> <p><i>[Signature]</i> CERTIFIED TO BE TRUE [Stamp] 26.7.2016</p> <p><u>*M.Gul*</u></p>

(64)

PESHAWAR HIGH COURT PESHAWAR

ORDER SHEET

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
1	2	3

26.7.2016

WP (HCP) No. 315-P/2016.

Present:

Mr. Mukhtar Ahmad Maneri,
Advocate for the petitioner.

Mr. Waqar Ahmad Khan, AAG for
official respondents.

Mr. Musarrat Ullah, DAG for the
Federation.

Latter seeks time to submit the
requisite reply. May, do so within a week time
positively.

sd/ Roshid Aminullah

JUDGE

sd/ M- Daud Ullah

JUDGE

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06-09-16

7P

CERTIFIED TO BE TRUE COPY

Examiner
Peshawar High Court Peshawar
Authorised Under Article 97 of
The Qanun-e-Shahadat Order 1984

14.00

06 SEP 2016

Tasheed

06-09-16

06-09-16

06-09-16

sd/ Pa

The Distt Educ Officer,
Swarat 40511.

Subject: ^{Swarat} Annual report.

Swat police took me in their custody on 3-8-20
(Wednesday) 11 AM. As I was unavailible to resume
duty at my respective place of duty as GHS Saleem
as the result I was suspended. I remained in the
custody of various agencies of the Govt. from time to
time. Now after a period of two years & four
months I am released. Hence I reported my
arrival at your office to do the needful as
admissible under the rules.

Thanks
Ismail
21/11/2017

Obediently yours
Atif Israr Afshar
Qam GHS Saleem
Tehs & Distt Swat

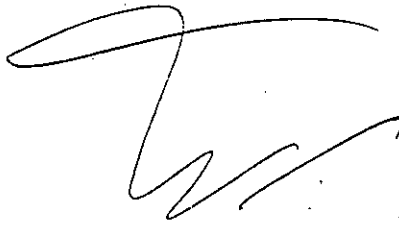

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.....ED

PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET

Court of.....

Case No.....of.....

Serial No. of Order of Proceedings	Date of Order of Proceedings	Order or other Proceedings with Signature of Judge.
1	2	3
	02.02.2016	<p><u>Writ Petition No.315-P/2016</u></p> <p>Present: Mr. Mukhtar Ahmad Maneri, Advocate, for the petitioner.</p> <p>*****</p> <p>Call for the comments of respondent No.1 so as to reach this Court within a fortnight positively.</p> <p>Adjourn to 17th instant.</p> <p><i>Sh. Mazhar Alam</i> cc CHIEF JUSTICE</p> <p><i>Sh. Wajid Ahmad Sethi</i> JUDGE</p> <p></p> <p>CERTIFIED TO BE TRUE COPY</p> <p> Examiner Peshawar High Court, Peshawar Authorized Under Article 87 of The Qanun-e-Shahadat Order 1988</p> <p>11 MAR 2016</p>

(Fayaz)

Fayaz
3/2/16

67

67

PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET

Court of.....

Case No.....of.....

Serial No. of Order of Proceedings	Date of Order of Proceedings	Order or other Proceedings with Signature of Judge.
1	2	3
	17.02.2016	<p><u>Writ Petition (HCP) No.315-P/2016</u></p> <p>Present: Mr. Mukhtar Ahmad Maneri, Advocate, for the petitioner.</p> <p>Mr. Omar Farooq Adam, Addl. AG, for the respondents.</p> <p>*****</p> <p>Let respondent No.1 be put on notice to appear in person alongwith the relevant record for 03.03.2016. In the meantime, written replies be asked from respondents No.7 & 8 so as to reach this Court within ten days. Adjourn.</p> <p><i>M. A. Zahid Khan</i> CHIEF JUSTICE</p> <p><i>Ed. J. Shahid Qureshi</i></p> <p><i>G</i></p> <p>CERTIFIED TO BE TRUE COPY</p> <p>Examiner Peshawar High Court, Peshawar Authorized Under Article 67 of The Qanun-e-Shahadat Order 1984</p>

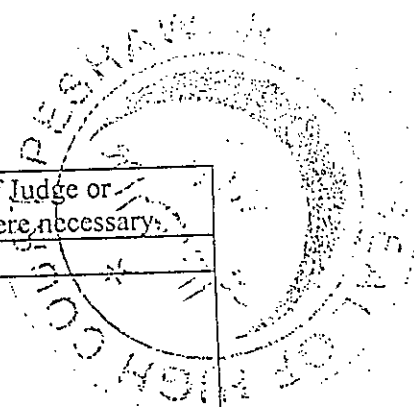
office
19/2/16

(Fayaz)

11 MAR 2016

68

FORM "A"
FORM OF ORDER SHEET



Date of order or proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties or counsel where necessary.
2.	3.
03.03.2016	<p><u>WP No.315-P/2016.</u></p> <p><u>Present:</u> Mr. Mukhtar Ahmad Maneri, Advocate, Advocate for petitioner.</p> <p>Mr. Rab Nawaz Khan, AAG alongwith Masud-ur-Rehman, Superintendent Jail, Peshawar for respondents.</p> <p>*****</p> <p>As per report of the Superintendent Central Jail, Peshawar, the detenu was lodged in Jail, in case FIR No.96 dated 20.11.2015, registered under Sections 5-Exp/15-AA/7-ATA, PS, CTD, Peshawar. He was released from jail on bail on 21.1.2016 and is no more confined. Whereas, counsel for petitioner very earnestly submitted that neither petitioner has been released nor has been sent outside the premises of jail. In the circumstances, let respondents No.4, 7 & 8 be put on notice to explain their position and submit their report within ten days regarding his whereabouts.</p> <p>Adjourned to 17.3.2016.</p> <p><i>Handwritten signatures and names:</i> Mr. H. H. Hussain Mr. Abdul Amir JUDGE</p> <p><i>Stamp:</i> JUDGE</p> <p><i>Handwritten:</i> attested 04/03/16</p> <p>ATTESTED EXAMINER Peshawar High Court.</p> <p>11 MAR 2016</p>

CERTIFIED TO BE TRUE COPY
 Peshawar High Court, Peshawar
 Authorized Under Articles 87 & 81
 The Constitution Order 1984

11 MAR 2016



69

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DISTRICT EDUCATION OFFICE (MALE) SWABI
(Office phone & Fax No 0938280239, emis_swabi@yahoo.com)

"Daily Express and "Daily Aaj Peshawar" dated 25.02.2017

NOTIFICATION.

WHEREAS Mr. Israr Ahmad, Qari Govt: High School No.2 Saleem Khan (Swabi) VPO Saleem Khan Tehsil & District Swabi was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 on account of his willful and un-authorized absence from duty w.e.f. 18.07.2015 and was directed to resume duty by the Headmaster concerned vide his No.535 dated 16.01.2017, but he failed to resume his duty.

AND WHEREAS absence notice was served upon the accused official Mr. Israr Ahmad, Qari Govt: High School No.2 Saleem Khan (Swabi) VPO Saleem Khan Tehsil & District Swabi through News Papers "Daily Express and "Daily Aaj Peshawar" dated 25.02.2017 to resume duty with in 15 days but he remained absent and did not report for duty in response to the above absence notice.

AND WHEREAS the competent authority i.e the DEO (Male) Swabi after having considered the charges and evidence on record is of the view that the charges of willful and un-authorized absence from duty against the accused have been proved.

NOW, THEREFORE, in exercise of the powers conferred under Section 3 b (iii) of the Khyber Pakhtunkhwa Removal from service under (Efficiency & Disciplinary) Rules 2011, the competent authority is pleased to impose the major penalty of removal from service upon Mr. Israr Ahmad, Qari Govt: High School No.2 Saleem Khan (Swabi) VPO Saleem Khan Tehsil & District Swabi with immediate effect. The period of his absence from duty w e.f. 18.07.2015 till the issuance of this order be treated as un-authorized absence from duty with out pay.

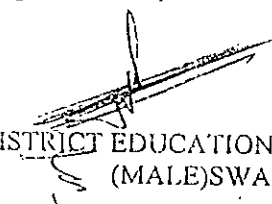
(JEHAN MUHAMMAD)
DISTRICT EDUCATION OFFICER
(MALE)SWABI

Endst: No. 27180/2017 /File/ Removal from service dated Swabi the:- 26/3 /2017. ✓

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

1. Director Elementary and Secondary Education Khyber Pukhtunkhwa , Peshawar.
2. District Accounts Officer, Swabi.
3. District Monitoring Officer, Swabi.
4. Headmaster Govt: High School No.2 ^{Saleem Khan} ~~Katu Khan~~ (Swabi).
5. Mr. Israr Ahmad, Qari Govt: High School No.2 Saleem Khan (Swabi) VPO. Saleem Khan Tehsil & District Swabi (Under Registered cover).


RECEIVED


DISTRICT EDUCATION OFFICER
(MALE)SWABI

71 2 3

JUDGE ANTI-TERRORISM COURT MATTI (SWAT) AT CENTRAL
PRISON MARDAN.

Case No. 24 of 2016 PS CTD Mardan

Order—6

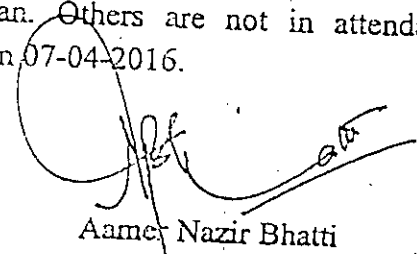
31-03-2016

PP for the state present.

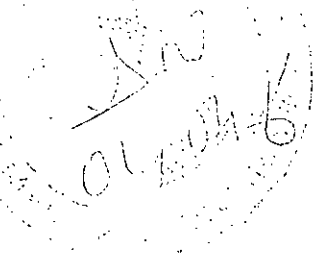
Record of the case perused. The case in hand pertaining to FIR No. 65 dated: 18-07-2015 of PS CTD Mardan Region has been submitted by the prosecution for proceedings u/s 512 Cr.PC against accused Javeed alias Zaarar s/o Noor Zada and nine other accused named in column No. 02 of complete Challan including accused Israr Ahmad s/o Siyah Hosh. Later on supplementary Challan against accused Israr Ahmad was forwarded with the recommendation to discharge him. Perusal of entire record of the case shows that there is absolutely no evidence with the prosecution in support of charge against this accused. As such, this court agrees with the opinion of learned PP for the state that it is not a fit case for prosecution of accused Israr Ahmad named in supplementary Challan and trial of accused would be just a wastage of the time of the court. Accordingly, accused named above is discharged in the case. As the accused is on bail, his bail bonds are cancelled and his sureties are discharged. However, if at any stage some evidence is found against him, the case may be restored for trial of accused upon the request of prosecution.

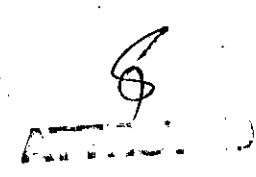
PW Sher Nazir Khan s/o Sher Afzal Khan present and examined as PW_r01 against absconding accused. Learned PP for the State abandoned PW Misbahullah being repetition of PW-1 Sher Nazir Khan. Others are not in attendance. Remaining PWs be summoned for evidence on 07-04-2016.

Dated: 31-03-2016


Aamer Nazir Bhatti
Judge Anti-Terrorism Court Matti (Swat)
at Central Prison Mardan

All set





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4/1

DIRECTORATE OF ELEMENTARY AND SECONDARY
EDUCATION KHYBER PAKHTUNKHWA

NOTIFICATION.

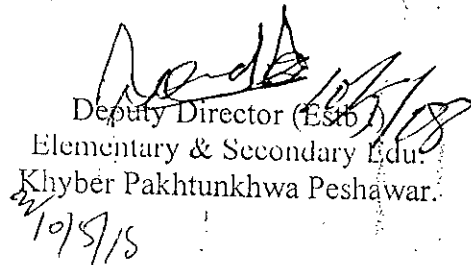
1. WHEREAS, Mr. Israr Ahmad Qari GHS No.2 Saleem Khan District Swabi proceeded under the Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules, 2011 for charges of willful absence from official duty wef 01.09.2015
2. AND WHEREAS, the teacher concerned lodged an appeal to the appellate authority against his removal from service on 04.12.2017, the same appeal was sent to DEO (M) Swabi for comments on 08.12.2018, the DEO(M)Swabi submitted his comments to this office on 30.12.2018 with the remarks that his son is in police custody and has links with local Taliban.
3. AND WHERE AS still, on the direction of the worth Director (E&SE) enquire the case through Assistant Director (House hold survey). The enquiry officer enquire the matter and recommended the following:-
 - a. Under the rules he is entitled to perform the duty therefore he may be re-instated.
 - b. The police custody period which is one year five months and Eight days (05.08.2015 to 21.11.2017) will be considered as leave without pay.
4. AND WHEREAS, the competent authority Director Elementary and Secondary Education Khyber Pakhtunkhwa) after, being competent authority, having considered the charges and evidence on record, is of the view that charges of wilful absence against accused teacher have not been proved true.
5. NOW THEREFORE, in exercise of powers conferred under Khyber Pakhtunkhwa Servants (Efficiency & Discipline) Rules-2011 the appellate authority has decided to **Accept the Appeal** of Mr. Israr Ahmad Qari GHS No.2 Saleem Khan District Swabi and he is hereby Re-instated into Service with immediate effect and absent period w.e.f 05.08.2015 to 21.11.2017 shall be treated as leave without pay.

DIRECTOR.

Endst: No. 1578-80 /F No. 162/KC/Appeal of PST(M)General Dated Peshawar the 10/5 /2018.

Copy forwarded for information and necessary action to the:-

- 1 District Education Officer (M) Swabi w/r to his No.14361 dated 30.12.2018.
- 2 Teacher concerned.
- 3 P/A to Director E&SE, Khyber Pakhtunkhwa, Peshawar.
- 4 Master File.


Deputy Director (Estb)
Elementary & Secondary Edu.
Khyber Pakhtunkhwa Peshawar.
10/5/18

To The District
Elementary & Secondary Edn,
Chyber Pukhtun Edn,
Peshawar

Subject: Appeal

With reference to your office notification of
Order No 1578-80 I was re-notified with
conceded ^{effect} 10-5-2018 and absent period
wef 5-8-2015 to 21-11-2017 was treated as leave
without pay.

DEO, Swabi with Ref to his office
Order No 5616-20 D 17-5-2018 (Copy attached
with ^{for} ready reference) considered my absence
according to him wef 5-8-2015 to 9-5-2018.

I humbly request & appeal your kindness
that contrast my case kindly be re-evaluated

Amir
19/5/2018
Obediently yours
Haji Qanbar Ahmad
Ex Dori GHS NO II

Saleem Khan
Teh: Y KST
Swabi



74

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OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) SWABI

Email address: emis_swabi@yahoo.com Ph. & Fax No. 0938-280239

RE-INSTATEMENT.

Consequent upon acceptance of the appeal by the competent authority i.e Director E&S Education Khyber Pakhtunkhwa Peshawar vide Notification No. 1578-80/ Dated Peshawar the: 10/05/2018, Mr. Israr Ahmad Qari of GHS No.2 Saleem Khan Swabi is hereby re-instated into service with immediate effect i.e 10/05/2018 against the vacant Qari (BPS-12) post at Govt. High School Swabi in the best interest of public service.

The absence period w.e.f 05/08/2015 to 09/05/2018 is hereby converted into Extra Ordinary Leave without pay under rule 12 (3) of revised leave rules 1981.

Note:

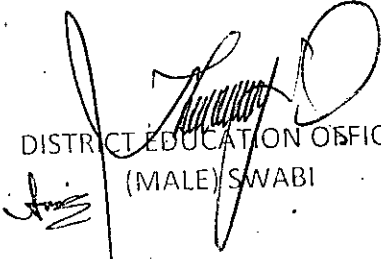
1. Charge reports should be submitted to all concerned.
2. Entry to this effect should be made in his S/Book & Leave account.
3. No T.A/D.A is allowed.

JEHANGIR KHAN
DISTRICT EDUCATION OFFICER
(MALE) SWABI

Endst: No. 5616-20 Dated 17/07 /2018

Copy forwarded to the:

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. District Accounts Officer Swabi.
3. District Monitoring Officer Swabi.
4. Principal/Head Master Concerned.
5. Teacher concerned.


DISTRICT EDUCATION OFFICER
(MALE) SWABI

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To
The Director Education,
Government of Khyber Pakhtunkhwa,
Peshawar.

Dated: 04-12-2017

Dear Sir;

SUB: Departmental Appeal against Notification bearing Endst: No.2280-84/File/Removal from Service, Dated Swabi, the 24/03/2017, communicated on 22-11-2017.

Respected Sir;

1. I am law abiding citizen of Pakistan and was performing my duties as Qari (BPS-) at Government High School No.2, Saleem Khan, District Swabi vide my appointment order dated 16.12.2011 and service book. (Copies attached for ready reference)
2. That I was performing my duties to the entire satisfaction of high ups and there was no complaint from any quarters of whatsoever nature as such enjoying an unblemished service and track record.
3. That I along with my father Professor (Rtd.) Hafiz Siyah Hosh, were going to Swabi on 5th August, 2015 at 1100 Hours when intercepted by the local police of Police Station, Swabi on main Saleem Khan Swabi Road and started interrogation and later on told my old aged father to hand over myself and as per their contention I have allegedly some links with banned outfits and after completion of interrogation process, they (police) will release me.
4. Since my arrest I was in illegal confinement of the police while my parents were running from pillar to post in order to inquire my whereabouts and in the same manner I too was not allowed to contact my parents hence suffered lots of agonies at the hands of local police as well as Counter Terrorism Department of Police at Mardan and Peshawar.
5. That in the meantime my old aged father informed Headmaster/Principal of my School after termination of summer vacations regarding my illegal custody vide application dated 07/09/2017 addressed to the Headmaster Govt: High School, No.2, Saleem Khan, Swabi in reply whereof, the Headmaster of GHS No.2, Saleem Khan vide his letter bearing Endst: No. 364-G, dated 08/09/2015 on the subject of **Absence from duties** was addressed to me for my absence and all these facts were in the knowledge of DEO, Education, Swabi that since I was languishing behind the bar as per correspondence. (Copies of applications are attached for ready reference.)

6. That my father remained stuck in my search and also in correspondence with the School and District Education Officer, Swabi while the concerned officials were insisting for my attendance but due to the facts and circumstances of my case I could not be able to report my school as such I was suspended from service and the suspension orders were extended time to time vide letters etc of my father on my behalf and reply of the department thereof. (Copies are attached for ready reference).
7. That it is pertinent to note here that since my arrest by the local police my father is continuously remained in contact with my school and EDO but it is astonishing to mention here that none of the correspondence or letter is addressed at my home address and all the correspondences have been made by the School with its own School and EDO concerned which speaks volumes about the efficiency of my school as well as the office of the EDO.
8. That it is also evident from the record that when applied for post arrest bail at Anti-Terrorism Court at Mardan, the learned Court of ATC, Mardan enlarged me on bail and in the same manner I was roped in another false, concocted and fictitious case by the Counter Terrorism Department of Police at Peshawar and when I applied for post arrest bail, the learned ATC, Peshawar also enlarged me on bail vide FIRs and Bail Orders of the courts. (Copies of FIRs and Bail orders are attached for ready reference)
9. That when my late father took both orders of the ATC, Peshawar and Mardan to the Central Prison Peshawar where I was confined, the same orders were flouted by the Officials of Central Prison Peshawar and I was handed over to another agency, and all this has been done off the record, hence I could not be able to give my arrival report in my school.
10. That the moment I was handed over to another agency, my father was again remained stuck in my search and was again running from pillar to post but all his efforts gone in vain, hence filed a Habeas Corpus / Writ Petition before the Honorable Peshawar High Court at Peshawar vide **WP.No.315-P/2016, Titled Israr Ahmad (Detenue) Through His Father Siyah Hosh Vs. Superintendent Jail, Peshawar & Others**. The facts and circumstances narrated / mentioned therein are self-explanatory and the same may be treated as integral part of my this appeal as the same could not be reproduced here for the sake of brevity in order to avoid repetition. (Copies of writ petition and some order sheets are attached for ready reference).
11. That as and when I got released by the police, I then and there approached my school i.e. GHS, No.2 Saleem Khan, District Swabi and filed an application dated 21/11/2017 regarding my Arrival Report whereby vide

Notification bearing Endst: No.2280-84/File/Removal from Service, Dated Swabi, the 24/03/2017, communicated me on 22-11-2017, hence this appeal on inter alia the following grounds;

GROUND S :-

- a. That the impugned notification Notification bearing Endst: No.2280-84/File/Removal from Service, Dated Swabi, the 24/03/2017, communicated me on 22-11-2017 is against law and facts, hence liable to be set aside.
- b. That since my arrest till release by the police the entire episode is in the knowledge of GHS No.2, Saleem Khan and District Education Officer (Male), Swabi, hence the impugned notification in respect of removal from service is against the law and liable to be cancelled.
- c. That it is sorry state of affairs that my old aged father has continuously been pursuing my cases at different forums i.e. Anti-Terrorism Courts at Mardan and Peshawar, Peshawar High Court, GHS No.2 Saleem Khan and District Education Office (Male), Swabi and the department was kind enough to extend my suspension from time to time but even then the impugned order of removal has been passed which has never been communicated on my home address.
- d. That even the entire correspondences or letters has been communicated to my School i.e. GHS No.2, Saleem Khan and none of the letter or correspondences has ever been made or addressed on my home address, hence the removal from my service order is passed on my back without intimation to my home.
- e. That even the writ petition i.e. Habeas Corpus Petition was filed by my old aged father in the Honorable Peshawar High Court at Peshawar which is still pending adjudication as no date has yet been fixed while the relevant record in respect of further proceedings or disposal will be produced before your good-self.
- f. That my absence from service was neither intentional nor in my control and the same was beyond my control, hence the thing which was beyond my control was very much brought in the kind notice of School and EDO but even then the extreme step of removal from service was passed which order is liable to be cancelled and I may be reinstated in service with all back benefits.
- g. That my appeal is very much in time as the removal order has been communicated me on 22/11/2017.
- h. That the appellant be allowed raise further grounds at the time of hearing of this appeal, hence this appeal with the following prayer;



It is, therefore, respectfully prayed that on acceptance of my this department appeal, the impugned **Notification bearing Endst: No.2280-84/File/Removal from Service, Dated Swabi, the 24/03/2017, communicated me on 22-11-2017** may kindly be cancelled and set aside and I may please be reinstated in service with all back benefits.

Any other relief deems fit and proper may also be granted.

With kind regards;

Israr Ahmad, S/o Prof: (Ret) Hafiz Siyah Hosh,
Qari (BPS-)GHS No.2, Saleem Khan, District Swabi
R/o Mohallah Mir Ahmad Khel, VPO, Saleem Khan,
District Swabi.



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DISTRICT EDUCATION OFFICE (MALE) SWABI
(Office phone & Fax No 0938280239, *gpo, swabi, punjab, pd*)

No. Dated Swabi the 28 / 11 / 2017

To,

The Headmaster,
GHS No.2 Saleem Khan (Swabi)

Subject: Arrival Report.
Memo:

Reference your letter No.673 dated 22.11.2017 on the subject noted above.

It is to inform you that the concerned teacher Mr. Israr Ahmad Qari of your school has been removed from service after the fulfillment of all codal formalities and now he is not employee of Education Department. So he may be informed accordingly.

Encls: Service Book

-Sch
DISTRICT EDUCATION OFFICER
(MALE) SWABI

Endst:No. 12258 /

Copy of the above is forwarded to Mr. Israr Ahmad Ex-Qari, GHS No.2 Saleem Khan (VPO Saleem Khan Tehsil & District Swabi).

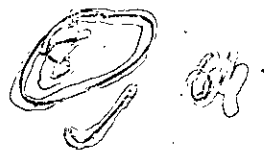
[Signature]
DISTRICT EDUCATION OFFICER
(MALE) SWABI

[Signature]
[RECEIVED]

آپ = Dec. ۱۹۷۰ء میں انگریز مخالف واپس ہٹانے سے متعلق
تھوڑے اور انکشاف صدر صاحب سے ہم اور گلزم اسرار
کے والد اور کئی ضرورہ واقعہ پر سہرا سب سے حاضر
ہوئے ہیں

الو ۸۹
ذوالشہار علی ولد فیروز علی ولد شیخ گلزاد علی بیگ
Mob No - 0300 5947899
NIC No 17301-5121060-7

4
ATTACHED



وارنٹ گرفتاری بلا ضمانت

بتدرالت جناب محمد ظفر خان

بیج انڈیا اوڈہشت گردی، پشاور ڈویژن پشاور

علت نمبر 96 مورخہ 20-11-2015 جرم SESA-ISA قحانہ CTD
TATA

ضلع پشاور

سرکار بنام سر راج احمد

SHO قحانہ CTD

مقدمہ عنوان بالا میں مدعی و گواہان کو گرفتار کر کے بتاریخ 04/03/2016 کو عدالت ہذا میں پیش کریں۔

سر راج احمد ولد سیاح ہوش سنگھ محلہ میر احمد ضلع سیلم خان صوابی۔
۱) ارطمان حسین دلہا بیوی خان سنگھ۔ گلی نمبر 3 افغان کالونی پشاور۔
۲) احتیاء خان اللہ غلام صیدر سنگھ۔ اسٹریٹ اوڈہشت گردی پشاور۔

مہنڈان

ذولفقار علی ولد مجاہد علی سنگھ۔ بیج انڈیا
سنگھ پشاور



بیج انڈیا اوڈہشت گردی
پشاور ڈویژن پشاور
29/02/2016

ATTESTED

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بیت

صدا عالی

لباسیہ ہو طرز اسے ارشد
جوئے مہواری مہلح میں رقصا ہے میں وہاں ۱۵۰
صلوفا تیا تو ان آے رشتہ داروں نے آنا
کہ ندر و حوں اگھو سنہ آباد ہوا ہے رپورٹ

عمر ہے
۱۲۷۷
۲۶-۲-۵۵

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وارنٹ گرفتاری بلا ضمانت

گٹھ

محمد ظفر خان

بتدرالت جناب

جج انسداد دہشت گردی، پشاور ڈویژن پشاور

علت نمبر 96 مورخہ 20-11-2015 جرم SES-ISA TATA ٹھانہ CTD

ضلع پشاور

سرکار بنام: امیر احمد

SHO ٹھانہ CTD

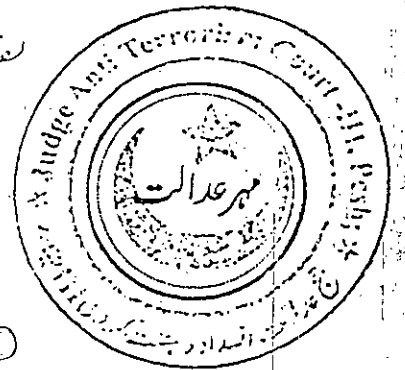
مقدمہ عنوان بالا میں مدعی و گواہان کو گرفتار کر کے بتاریخ 04/03/2016 کو عدالت ہذا میں پیش کریں۔

امیر احمد ولد سیاح ہوش سگہ محلہ امیر احمد تحصیل سلیم خان مہراں۔

1) ارطاف حسین دلہا رب خان سگہ۔ گلہ نزر 3 افغان کالونی پشاور۔
2) حسنینا رخاں الد غلام صیدر سگہ۔ اشرف روڈ اشرف بلازڈ پشاور۔

ذوالنظار علی ولد محبوب علی سگہ۔ شیخ محلہ۔

سگہ پشاور۔

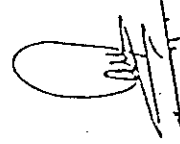


جج انسداد دہشت گردی

پشاور ڈویژن پشاور

29/02/2016

آپ سے ۵۴۵ روپے پر خریدنے والے اسٹاکس اور اسٹاکس
کا نتیجہ صلام آگے کیلئے اپنا پسینا اسٹاکس اور اسٹاکس
سیٹا بننے جو کہ یہ اسٹاکس خریدنے سے پہلے ۶۹ روپے پر
میں ان کے ساتھ کسی بھی طرح سے اسٹاکس اور اسٹاکس
دیسیٹین اسٹاکس اور اسٹاکس سے ہماری سیٹا اسٹاکس اور اسٹاکس
بھی جمع کرنے کا ارادہ رکھتے ہیں کیا جو اسٹاکس



سلج ہوسٹس ولڈ سٹاکس اور اسٹاکس

۱۷۷۱۴ ۸۸۵۵-۱۶۲۰۲

Mobno. 0374. 9892076

Mobno. 16202-1744885

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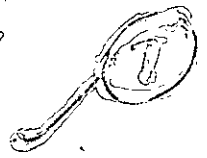
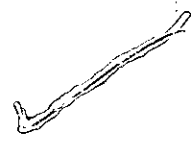
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وارنٹ گرفتاری پلا ضمانت



محمد طغر خان

بدرالمت چناب

بیج انسداد دہشت گردی، پشاور ڈویژن پشاور

CTD

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نسلت نمبر

پشاور

ضلع

سرکار ہنام :- امر احمد

CTD

SHO تھانہ

مقدمہ عنوان بالا میں مدعی و گواہان کو گرفتار کر کے بتاریخ 21/03/2016 کو عدالت ہذا میں پیش کریں۔

ملزم

امرار احمد ولد سیاح ہرش سنگھ 12 بیرجمن ضلع سلیم خان صوابی۔

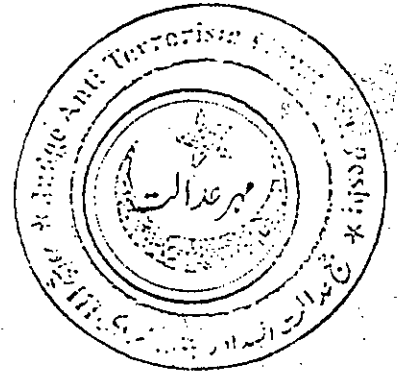
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بیج انسداد دہشت گردی

پشاور ڈویژن پشاور

11/03/2016

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ATTN

صبا عالی

کلزم اسٹراٹجی کے گاڈن جانے

ان کے والد سیاح بوش سے ملاقاتوں
نے کیا وہ بعد میں گھر نہیں آیا ہے

گھر میں ان کے گاڈن میں بھی حلومات کیا

تو ان کے خلی کے شران خرید کر دیا ہے

نے بھی نہیں کیا کہ وہ گھر نہیں آیا ہے

رپورٹ کے لئے
18-3-16

VAKALATNAMA

IN THE Khyber Pakhtunkhwa Service Tribunal
Peshawar

Suit
Application
Appeal
Case
Execution
Writ Petition

No. _____ of 2018

Israr Ahmad

Plaintiffs
Applicants
Appellants
Decree
Holders

VERSUS

Director EPSE S O/S

Defendants
Opponents
Respondents
Judgment
Debtors

I/We Israr Ahmad, the Appellant in the above Service Appeal do hereby appoint **MR. MUKHTAR AHMAD MANERI, ADVOCATE HIGH COURT**, to appear and act for me/us in the above mentioned proceedings and to conduct, prosecute and/or defend and/or compromise the same and any other proceedings that may arise out of or be connected with the same, with full power and authority to sign all necessary pleadings, petitions, applications papers and documents, to pay all proper fees and costs, to file and withdraw all documents and to apply for and receive payment of all moneys that may be or become due and payable to me/us during the course or after the completion or conclusion of the said proceedings, and to settle, compromise or to withdraw the said proceedings.

Israr Ahmad

Received on 06/06/18 from Appellant Signature

Accepted

Mukhtar Ahmad Maneri

MUKHTAR AHMAD MANERI.

ADVOCATE HIGH COURT

Office # 24-A, Nasir Mansion,

2-Railway Road, Shoba Bazaar,

Peshawar Cantt: Reg. # bc-11-1744

Off: 091-2214385, Mob: 0333-215-6006

Email: mukhtaradvocate@yahoo.com

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No.803/ 2018

Mr.Israr Ahmad, Qari, GHS No.2 Salim Khan Tehsil & District Swabi ..Appellant

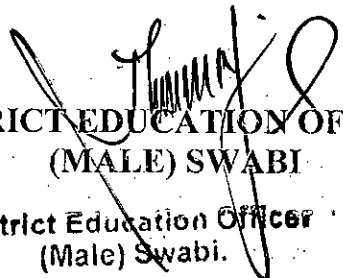
VERSUS

1. Director E&SEd Khyber Pakhtunkhwa, Peshawar
2. Dy Director E&SEd Khyber Pakhtunkhwa, Peshawar
3. District Education Officer(Male) Swabi
4. Secretary E&SEd Khyber Pakhtunkhwa, Peshawar

.....Respondents

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1	Para wise comments along-with affidavit	-	01 to 04


DISTRICT EDUCATION OFFICER
(MALE) SWABI

District Education Officer
(Male) Swabi.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No.803/ 2018

Mr.Israr Ahmad, Qari, GHS No.2 Salim Khan Tehsil & District Swabi ..Appellant

VERSUS

1. Director E&SEd Khyber Pakhtunkhwa, Peshawar
2. Dy Director E&SEd Khyber Pakhtunkhwa, Peshawar
3. District Education Officer(Male) Swabi
4. Secretary E&SEd Khyber Pakhtunkhwa, Peshawar

.....Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS 01 TO 04

Respectfully Sheweth,

PRELIMINARY OBJECTIONS.

1. That there is no departmental appeal filed against the impugned order, hence not maintainable
2. That departmental, appeal is not availed , so the appeal in the tribunal is not maintainable.
3. That the departmental appeal and Service appeal are badly time barred, hence the instant appeal is not maintainable.
4. That the Appellant has no locus standi or cause of action to file the instant Appeal
5. That the Appellant has not come to the Tribunal with clean hands.
6. That the Appellant concealed the material facts from the Honourable Tribunal.
7. That the Appellant has filed the instant Appeal just to pressurize the respondents.
8. That the Appellant is estopped by his own conduct to file the instant appeal.
9. That, the Appeal is not maintainable in the present form and also in the present circumstances of the issue.

Facts.

1. That the para relates to the appointment of the appellant.
2. Incorrect, hence denied. His Father Mr.Siya Hosh in his written statement dated 07.09.2015 bluntly confessed that Mr.Hafiz Israr Ahmad was in Police custody due to his links with local Taliban. This shows his service was blemished, spotted & off tracked, because he violated Government servants conduct rules, 1987, which amounts misconduct.
3. That the para relates to his arrest/custody. He did not inform the department well in time which was mandatory for the appellant being a Government servant.
As per Govt:of Khyber Pakhtunkhwa conduct rules, 1987 rule, 20 " Report by Govt: servant in case of his involvement in a criminal case , if a govt: servants is involved as an accused in a criminal case, he shall bring the facts of such involvement or convection as the case may be to the notice of the head of the office or department immediately or if he is arrested and released on bail, soon after such release"
Failure of the Civil Servant to do the same would divest him of a right.
4. That the department was kept un-aware of this episode of the story and no role to play.

5. That this para shows and strengthens the version that the appellant committed violation of the rule 20 of Government servants conduct rules, 1987. The appellant showed no cogent reason why he was behind the bar?
6. That in absence of a cogent reason and violation of concerned rules the DEO (Male) Swabi rightly initiated disciplinary action and removed him from service under existing E & D rules. All the codal formalities had been observed in the removal from service of the appellant.
7. That the Father of the applicant admits frequently that he was in contact with the school after his son's arrest and his absence from school. How can he refuse the receipt of absence notice issued to his absent son, by the school.

When the father was in frequent contacts with the school, why could not he inform the school in time through a written request.

Furthermore, the appellant did not avail the remedy of departmental appeal against the impugned order. So the appeal in the tribunal is not maintainable. Same is reported in PLJ 1991 Trc (Service)153,1992 PLC (CS)666 1994 PLC (CS) 1262,606.

8. This para relates to his conduct and the accusation detail in the court of law where the department was kept ignorant of every thing happening there with the appellant. It was the fault of the appellant. Violating concerned rule of Government Servant conduct rule 1987, divest him from any leniency in his case.
9. That the para does not relate to the department.
10. That this para also does not relate to the department.
11. Incorrect, hence denied. The removal order issued dated 24.03.2017 was sent to him on the same day at home address under register cover. It is quite ludicrous that the removal order issued dated 24.03.2017 communicated to him dated 22.11.2017. The distance between his residence and the main office is about 06 kilometers and according to the appellant's father he was in a continuous contact with all concerned in his son's case under consideration. The statement of the appellant that the removal from service was so late communicated to him clearly negates his previous statements as per para 5,6,7 of the facts.
12. Incorrect, hence denied. He did not file any departmental appeal against the impugned order dated 10.05.2018. The departmental appeal he claims having date 04.12.2017. On the basis of that departmental appeal the impugned order of reinstatement was issued, the appellant accepted the said order with out any agitation and took over charge. If he would have not took over charge and filed the service appeal, then the appeal dated 04.12.2017 would be considered departmental appeal. There is nothing on record, that a departmental appeal against the impugned order exists any where.
" When departmental appeal was not availed, so the appeal in the tribunal is not maintainable". Same is reported in PLJ 1991 Tr,c(Service) 153;1992 PLC(CS) 666 1994 PLC (CS) 1262,606.
13. Incorrect, hence denied, The reinstatement order has already been issued dated 17.05.2018. The respondent No.3 issued order in the light of settled law, that there is no work, there is no pay. DEO(M) Swabi in the present case was a competent authority and it was his discretionary powers to convert the absence period into E.O.L without pay. The violation of the concerned rules of the Government servants of Khyber Pakhtunkhwa conduct rules 1987 by the appellant divest him from such right.

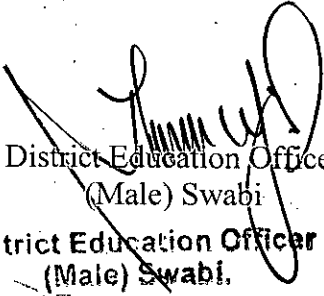
It is settled law that delegated litigation can not be given retrospective effect.


14. Incorrect, hence denied. The appellant had the remedy to file a departmental appeal against the impugned order to the appellate authority which he did not avail. Hence the appellant has no cause of action to file the instant belated service appeal. The appellant has no cause of action to file the instant appeal and the appeal in hand is liable to be dismissed on the following grounds.

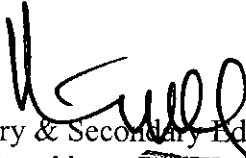
Grounds:-

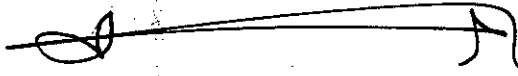
- a. Incorrect, hence denied. The impugned order dated 10.05.2018 is in accordance with law, rules, policy and facts.
No departmental appeal against the impugned order was filed to the appellate authority. Hence the service appeal in the service tribunal is not maintainable.
- b. Incorrect, hence denied. No illegality has been committed by the DEO(M) Swabi. Taking a lenient view, he was re-instated. He is not entitled for any back benefits.
- c. Incorrect, hence denied. No departmental appeal has been filed against the impugned order dated 10.05.2018. Furthermore, the entire episode was not brought in the knowledge of respondents before this service appeal. His claim of departmental appeal seems ludicrous and baseless. He is playing hide & seek with the respondents and trying to lead the department by its nose. Fact of the matter is, he is not entitled of back benefits at any rate.
- d. Incorrect, hence denied. According to his father, he was in close contact with the department, but did not bother to inform the department about such like situation prior to this.
Fluctuation in his statement as per para 11 of the facts that his removal order dated 24.03.2017 was communicated to him on 22.11.2017 clearly shows firmness and truth fullness of his statement.
He did not file a departmental appeal against the impugned order, hence service appeal is not maintainable.
- e. Incorrect, hence denied. As his father admits that he was in continuous contact with the school and others shows that he has received all the information well in time and could not submit any plausible reply for not having any substance fact about the case of his son.
- f. Incorrect, hence denied. No departmental appeal filed against the impugned order and the department was kept ignorant of facts about the case.
- g. Incorrect, hence denied. The appellant violated the mandatory rule 20 of Government of Khyber Pakhtunkhwa conduct rule 1987 and thus, rightly removed him from service.
Despite of his restoration to his case still deprives him from getting back benefits due to violation of Government servants conduct rules, 1987.
- h. Incorrect, hence denied. No departmental appeal against the impugned order dated 10.05.2018 has been filed. That is why, the instant service appeal is not maintainable.
- i. That the respondents be allowed to raise further points/grounds at the time of hearing of this appeal.

In view of the above submissions it is earnestly requested that the instant appeal may very graciously be dismissed with cost.


District Education Officer
(Male) Swabi
District Education Officer
(Male) Swabi.

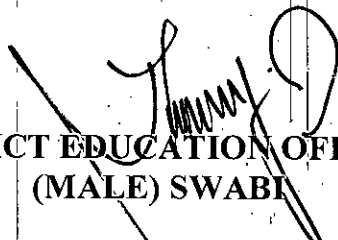

Dy: Director Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar
Deputy Director (Esit):
Elementary & Sec. Education
Khyber Pakhtunkhwa Peshawar.


Director Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar


Secretary Elementary & Secondary Education
Department Govt. of KPK

AFFIDAVIT

We do hereby solemnly affirm and declare on oath that the contents of the para wise comments are true and correct to the best of our knowledge and belief, nothing has been concealed from this Honourable Tribunal.


DISTRICT EDUCATION OFFICER
(MALE) SWABI
District Education Officer
(Male) Swabi.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. 803/2018

Israr Ahmad.....Appellant

Versus

Director E&SE& Others.....Respondents

REJOINDER TO THE COMMENTS OF RESPONDENTS:

Respectfully Sheweth;

Rejoinder to Preliminary Legal Objections:

1. That the contents of Paras Nos. 1 & 2 are wrong, hence denied. The appellant has properly and validly preferred departmental appeal which has partially been allowed by the departmental authority against which the appellant has knocked the door of this honorable court.
2. That the contents of Para No. 3 are incorrect. There is no explanation as to how the respective appeals of the appellant are time barred.
3. That the contents of Para No. 4 & 5 are wrong and based on no reasons. The appellant has got locus standi and cause of action. The contents are such which makes no sense because the learned appellate authority has partially allowed his departmental appeal.
4. That the contents of Paras Nos. 6 to 9 are absolutely incorrect having no sense as such denied. It is submitted that what facts are concealed by the answering appellant and what type of pressure the appellant has ever tried to apply on the respondents and that what has estopped the appellant and that why the appeal is not maintainable?

REJOINDER TO REPLY ON FACTS;

1. That para 1 needs no rejoinder.
2. That the contents of para 2 of comments are absolutely wrong, hence denied. It is submitted that since the father of the appellant has written an application in light of the allegations leveled against the appellant and these were not the reality which could be substantiated from the judgment of the learned Anti-Terrorism Court Peshawar which has acquitted the appellant from all charges while ATC Mardan has also discharged the appellant as no evidence of whatsoever has been brought on record which could connect him with the alleged offence.

3. That the contents of Paras 3 to 7 of comments are based on disinformation, hence incorrect. It is submitted that the father of the appellant has timely informed the education department at Swabi regarding his arrest by the local police and number of applications are available on record as a result whereof the department has extended his suspension from time to time. Secondly there were summer vacations by the time the appellant was arrested in which there was no need of informing the department but even then he has duly reported the matter as stated above as such the law quoted is not applicable on the appellant. The father of the appellant has quoted what the police department alleged and he being an honest and law abiding citizen, did not conceal anything from the police and education department. The appellant has properly availed the departmental remedy against which he came before this honorable tribunal. Furthermore the record speaks for itself.
4. That the contents of Para 8 to 11 are nothing but a concocted story, hence denied. It is submitted that the respondent's department wants to pass the buck just to deny the rights of the appellants in a stereotyped manner. The ATC Courts at Mardan and Peshawar has properly and validly dilated upon all the allegations against the appellant and resultantly he was acquitted from all charges. In such a situation what wrong has done by the appellant that on the one hand he was behind the bars and facing trials while on the other hands just for the sake of leveling allegations denying the rights of the appellant. Detailed reply is given above as well.
5. That the contents of Paras Nos. 12 to 14 are again the repetition and quoting of wrong case laws, hence vehemently denied. It is submitted that the appellant preferred departmental appeal which was partially accepted by reinstating him in service while back benefits were denied against which the titled appeal was preferred which is self-explanatory. It is submitted that he himself has never ever been absented himself from performing his duties and in the prevailing circumstances, he was picked by the local police and was kept behind the bar for quite long time and suffered physical agonies and mental torture besides his removal from service. Such being the position, the circumstances were beyond his control. The department is very much empowered to grant

departmental which was partially allowed against which the instant appeal is preferred, hence the comments filed by the department are liable to be rejected.

REJOINDER TO REPLY ON GROUNDS;

- a. That contents of para "a" of comments is incorrect. It does not make a sense that when any order is passed by the departmental authority, the same cannot be appealed before the same authority as no one could be a judge in his own case as the same forum becomes *functus officio*, hence the appeal in hand has properly been preferred which is maintainable.
- b. The contents of Para "b" are incorrect. It is submitted that the departmental authority has committed illegality by denying the back benefits.
- c. That the contents of Para "c" are repetition, hence denied. departmental appeal is self-explanatory and the entire record is available with the department but the department in order to save their skin, denying every fact which is not warranted under the law for which the concerned officials of the department are liable to be proceeded under the rules by playing delaying tactics.
- d. That the contents Para "d", "e" & "f" are repetition and denied. Detailed reply is given above.
- e. The contents of Para "g" to "l" are wrong and based on maneuvering the real facts and ground. Detailed reply is given in the preceding paras. In addition it is submitted that wrong provision of law is quoted as no violation has ever been committed by the appellant, hence the comments of the department are liable to be strike down by allowing the appeal of the appellant.


It is, therefore, prayed that on acceptance of this rejoinder, the comments of the respondent depart may be rejected and appeal of the appellant may be allowed as prayed for.

Peshawar.

Dated: 29-01-2019


Israr Ahmad
(Appellant)

Through


Mukhtar Ahmad Maneri
Advocate Supreme Court of Pakistan
Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. 803/2018

Israr Ahmad.....Appellant

Versus

Director E&SE & Others..... Respondents

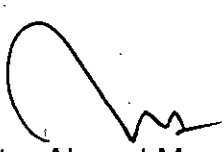
REJOINDER TO THE COMMENTS OF RESPONDENS:

AFFIDAVIT

I Israr Ahmad, S/o SiyaHosh R/o Village Saleem Khan, District Swabi, do hereby state on solemn affirmation that the contents of Rejoinder are true and correct to the best of my knowledge and belief.


Deponent

Identified by me


Mukhtar Ahmad Maneri
Advocate Supreme Court
Peshawar

