

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**  
**AT CAMP COURT D.I KHAN**

Service Appeal No. 824/2018

Date of Institution ... 26.06.2018

Date of Decision ... 27.09.2021

Naik Ali Shah S/O Najam Shah SPST GPS Wanda Balochan (CRBC) Dera Ismail Khan. ... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary, Education Civil Secretariat Peshawar and three others. ... (Respondents)

SHEIKH IFTIKHAR UL HAQ

Advocate

... For Appellants

ASIF MASOOD ALI SHAH,

Deputy District Attorney

... For Respondents

SALAH-UD-DIN

ATIQU-UR-REHMAN WAZIR

...

...

MEMBER (JUDICIAL)

MEMBER (EXECUTIVE)

**JUDGMENT**

**ATIQU-UR-REHMAN WAZIR MEMBER (E):-**

This single judgment shall

dispose of the instant service appeal as well as the connected service appeal bearing No.173/2019 "titled Naik Ali Shah Vs. Government of Khyber Pakhtunkhwa, Through Secretary Elementary & Secondary Education Peshawar and two others", as common question of law and facts are involved therein.

02. Brief facts of the case are that the appellant while serving as Primary School Teacher, was found involved in a criminal case FIR No. 587 dated 08-11-2012 U/S 302-404/34 PPC, hence he was suspended from service with effect from 10-11-2012 vide order dated 29-03-2013. The appellant was kept under suspension and no

further action was initiated against the appellant. In the meanwhile, ad-interim bail was granted to the appellant by the court of Additional Session Judge on 18-07-2014 and later on bail before arrest was confirmed on 21-10-2014. After bail confirmation, the appellant requested for joining his duty, which was accepted and the appellant was adjusted against a vacant post of PST vide order dated 22-01-2015 but his suspension period with effect from 09-11-2012 to 21-01-2015 was treated as extraordinary leave without pay. The appellant was acquitted of the charges vide judgment dated 21-02-2018, thereafter he filed departmental appeal dated 13-03-2018, which was not responded, hence the instant service appeal with prayers that salary of the suspended period i.e. from 09-11-2012 to 21-01-2015 may be released, his GP Fund account may be re-opened, his annual increments may be released annually on due date, he may be placed in due place in the seniority list and he may be promoted to the next grade as juniors of the appellant has been promoted, as well as the order dated 22-01-2015 may be modified and the adjustment order may be converted into re-instatement with all back benefits.

03. Learned counsel for the appellant has contended that the appellant was falsely implicated in an FIR, who was later on honorably acquitted of the charges vide judgment dated 21-02-2018; that the appellant was suspended from service w.e.f 09-11-2012 to 21-01-2015, but the respondents illegally and unlawfully converted the suspension period into leave without pay in violation of CSR-194-A; that suspension is not a punishment and a temporary measure, wherein the employee is entitled to his full emoluments. Reliance was placed on 2014 PLC (C.S) 558, 2016 PLC (C.S) 424, 2016 PLC (C.S) 952 and PLD 1994 Supreme Court 72; that suspension of the appellant was due to registration of a criminal case against the appellant and that ground had subsequently vanished through his acquittal, making him re-emerge as a fit and proper person entitled to continue with his service. Reliance was placed on PLD 2010 Supreme Court 695; that as per FR-54, when a civil servant is honorably

acquitted of the charges, he is entitled to full pay, if he had not been dismissed or removed from service; that due to an anomalous adjustment order, the appellant caused irreparable loss in shape of non-opening of old salary account, non-opening of old GP Fund account, non-counting of seniority and non-issuance of annual increments on due date; that the adjustment order is illegal and is liable to be modified; that the appellant was suspended and suspension period is considered as on duty with pay; that the adjustment order needs to be modified, which ultimately would resolve all the allied issues. On the question of limitation the learned counsel added that it has been held in various judgments of the apex court that it would be futile to file departmental appeal before earning acquittal from the charges, upon which the appellant was suspended from service; that the appellant filed departmental appeal just after his acquittal, hence the departmental appeal is well within time.

04. Learned Deputy District Attorney for respondents has contended that the appellant was involved in a criminal case and an FIR to this effect was lodged against him U/S 302, 404/34 PPC; that the appellant went in hiding with effect from 08-11-2021, hence he was suspended from service with effect from 10-11-2012 vide order dated 29-03-2013; that during the period, the appellant did not perform any duty, hence such period was treated as extra-ordinary leave without pay; that status of the appellant in education department was his willful absence from duty; that the impugned order was issued on 22-01-2015, whereas the appellant filed departmental appeal on 13-03-2018, which is badly time barred; that when the departmental appeal is barred by time, the service appeal before this tribunal is incompetent. Reliance was placed on 2011 SCMR 676; that civil servant could not be allowed to put a premium on his abscondence and to use the same as a ground for absence from his official duty. Reliance was placed on 2003 SCMR 338 and CP No. 935/2015; that acquittal of civil servant from criminal charges would have absolutely no bearing

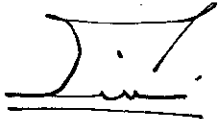
on merits of case as disciplinary proceedings were to be initiated according to service rules independently. Reliance was placed on 2007 SCMR 562. The learned Deputy District Attorney further added that this Tribunal in Service Appeal No. 138/2013 and Service Appeal No. 23/2013 in similar case has dismissed such cases on the ground of absconson.

05. We have heard learned counsel for the parties and have perused the record. Record reveals that the appellant after his involvement in criminal case was rightly suspended from service as per provisions in CSR-194-A. The respondents did not take any further action against the appellant, until his BBA was confirmed by the trial court on 21-10-2014, thereafter the appellant was adjusted against a vacant post of PST, but his suspension period was treated as extra-ordinary leave without pay, which was not correct, as nothing is available in rules to justify the adjustment order of a civil servant and to convert the suspension period into leave without pay, as a civil servant is entitled to full emoluments during suspension period as suspension is not a punishment, rather a temporary measure. We have observed that the appellant rightly waited until his acquittal from the criminal charges and after acquittal, filed departmental appeal, as the adjustment order created so many issues for him to the effect that he was considered as newly appointed from the impugned order dated 22-01-2015. The appellant lost his Salary account, GP Fund account; his annual increments even his seniority as well as promotion. The departmental appeal preferred by the appellant after his acquittal from criminal case was required to be examined by the respondents, which however was not done. After acquittal from the criminal charges, upon which he had been placed under suspension, there was no reason whatsoever to deprive him of his rights accrued to him and to this effect FR-54 is very clear that if a civil servant is honorably acquitted of the charges, he is entitled to full pay, if he had not been dismissed or removed from service. Since the appellant was only suspended from service and was adjusted against a vacant post

after obtaining BBA, now he earned acquittal from the very charges, upon which he was suspended, hence he is entitled to be re-instated in service with all back benefits.

06. In view of the foregoing discussions, the instant appeals are accepted and the appellant stands re-instated in service with effect from the date of his suspension i.e. 10-11-2012 with all back benefits, including restoration of his previous salary, GP Funds, annual increments as well as seniority. The appellant is also held entitled to promotion from the date, when his juniors were promoted. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED  
27.09.2021



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)  
CAMP COURT D.I KHAN



(ATIQ-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)  
CAMP COURT D.I KHAN

ORDER

27.09.2021

Mr. Sheikh Iftikhar Ul Haq, Advocate, for the appellant present. Mr. Kamran Khan ADO (Litigation) alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the instant appeal as well as connected appeal bearing No. 173/2019 "titled Naik Ali Shah Versus Government of Khyber Pakhtunkhwa, Through Secretary Elementary & Secondary Education Peshawar and two others", the instant appeals are accepted and the appellant stands re-instated in service with effect from the date of his suspension i.e. 10-11-2012 with all back benefits, including restoration of his previous salary, GP Funds, annual increments as well as seniority. The appellant is also held entitled to promotion from the date, when his juniors were promoted. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

27.09.2021



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)  
CAMP COURT D.I KHAN



(ATIQ-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)  
CAMP COURT D.I KHAN

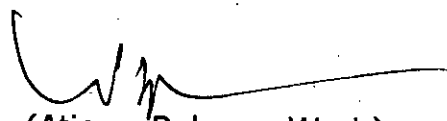
24.02.2021

Appellant present through counsel.


Riaz Khan Paindakheil learned A.A.G alongwith Muhammad Kamran Khan ADO (Litigation) for respondents present.

Connected case No.173/2019 is fixed for 24.05.2021 for arguments, therefore, a request was made for adjournment in order to argue both the case at one and the same time; allowed. To come up for arguments on 24.05.2021 before D.B at Camp Court D.I Khan.

In view of order sheet dated 24.09.2020, representative of the Department is strictly directed to make sure the production of seniority list from the year 2016 to 2020 without fail, otherwise, strict action would be taken against all concerned.

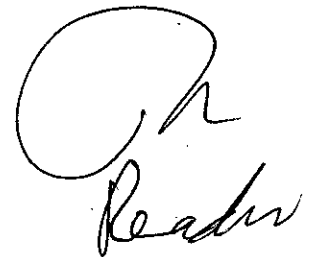


(Atiq ur Rehman Wazir)  
Member (E)  
Camp Court, D.I.Khan



(Rozina Rehman)  
Member (J)  
Camp Court, D.I.Khan

*Due to COVID-19 therefore  
to come up for the same on 27/9/21*



Reader

24.09.2020

Counsel for appellant present.

Mr. Muhammad Jan learned Deputy District Attorney alongwith Muhammad Kamran ADEO for respondents present.

In the instant case, arguments were heard on 23.09.2020. Another connected appeal of the present appellant bearing No.173/2019 was also fixed for today wherein the seniority of the present appellant has been made impugned. Arguments were advanced but seniority list of the appellant from the year 2016 to 2020 are not available on file.

In view of above, request was made for adjournment in order to produce all the relevant documents before D.B. So file to come up for remaining arguments and documents on 23.11.2020 before this D.B at Camp Court, D.I.Khan.



(Atiq-ur-Rehman Wazir)  
Member (E)  
Camp Court, D.I.Khan.



(Rozina Rehman)  
Member (J)  
Camp Court, D.I.Khan.

23.11.2020

Appellant present through counsel.

Muhammad Jan learned Deputy District Attorney present.

Adjournment requested. Adjourned. To come alongwith connected appeal No.173/2019 on 26.01.2021 before D.B at Camp Court, DI.Khan.



(Atiq-ur-Rehman Wazir)  
Member (E)  
Camp Court, D.I Khan.



(Rozina Rehman)  
Member (J)  
Camp Court, D.I Khan

*Due to Covid-19 case is  
adjourned to 24-02-2021*  
*Rehman*




25/9/2020

Due to COVID-19 the case is adjourned. To come up for the same 21/10/2020 at Camp Court, D.I Khan

  
Reader

21/10/2020

Due to COVID-19 the case is adjourned. To come up for the same 23/9/2020 at Camp Court, D.I Khan

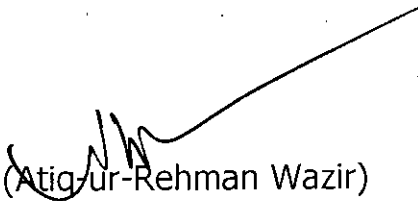
  
Reader


23.09.2020

Counsel for appellant present.

Mr. Usman Ghani, learned District District Attorney present.

Arguments heard. To come up for order on 24.09.2020 before D.B at Camp Court D.I Khan.

  
(Atiq-ur-Rehman Wazir)  
Member (E)  
Camp Court, D.I Khan

  
(Rozina Rehman)  
Member (J)  
Camp Court, D.I Khan

Service Appeal No. 824/2018

27.01.2020

Appellant in person and Mr. Usman Ghani, District Attorney for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today due to strike of Khyber Pakhtunkhwa Bar Council. Adjourned to 24.02.2020 for arguments before D.B at Camp Court D.I.Khan.



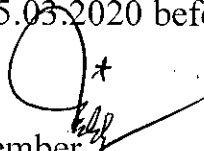
(Hussain Shah)  
Member  
Camp Court D.I.Khan



(M. Amin Khan Kundi)  
Member  
Camp Court D.I.Khan

24.02.2020

Appellant in person present. Mr. Ziaullah, Deputy District Attorney alongwith Mr. Muhammad Amir, Agriculture Officer for respondents present. Appellant seeks adjournment as his counsel is not available today. Adjourned. To come up for arguments on 25.03.2020 before D.B at camp court D.I.Khan.

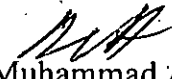


Member

Member  
Camp Court D.I.Khan

26.06.2019

Counsel for the appellant and Mr. Farhaj Sikandar, District Attorney alongwith Mr. Muhammad Karman, ADO for respondents No. 1 to 3 present. Representative of respondents No. 1 to 3 submitted written reply. Written reply on behalf of respondent No. 4 has already been submitted. Adjourned to 24.09.2019 for rejoinder and arguments before D.B at Camp Court D.I.Khan.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court D.I.Khan

24.09.2019

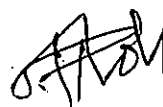
Counsel for the appellant present. Mr. Farhaj Sikandar, learned Deputy District Attorney alongwith Mr. Kamran, ADEO for respondents present. Learned counsel for the appellant submitted rejoinder which is placed on file. Adjourn. To come up arguments on 25.11.2019 before D.B at Camp Court, D.I.Khan.


  
Member

  
Member  
Camp Court, D.I.Khan

25.11.2019


Due to general strike of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Ziaullah, Deputy District Attorney for the respondents present. Case to come up for arguments on 27.01.2020 before D.B at Camp Court D.I.Khan.

  
(Hussain Shah)  
Member  
Camp Court D.I.Khan

  
(M. Amin Khan Kundi)  
Member  
Camp Court D.I.Khan


25.03.2019

Counsel for the appellant present. Mr. Farhaj Sikandar, District Attorney alongwith Mr. M. Kamran, ADO and Mr. Muhammad Rashid, Assistant for respondents present. Written reply on behalf of respondent no.4 submitted which is placed on file. Case to come up for written reply/comments of the remaining respondents on 24.04.2019 before S.B at camp court D.I.Khan.

  
Member  
Camp Court, D.I.Khan

24.04.2019

Learned counsel for the appellant present. Mr. Farhaj Sikandar learned District Attorney along with Kamran ADEO (for respondents No.1 to 3) present. Written reply still awaited on behalf of respondents No.1 to 3. Representative of the respondents No.1 to 3 seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 26.06.2019 before S.B at Camp Court, D.I.Khan.

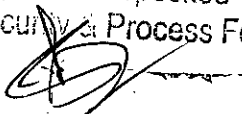
  
Member  
Camp Court, D.I.Khan.


28.12.2018

Appellant Naik Ali Shah alongwith his counsel present. Preliminary arguments heard. It was contended by the learned counsel for the appellant that the appellant was appointed as Primary School Teacher vide order dated 11.02.2006. It was further contended that the appellant was involved case FIR No. 587 dated 08.11.2012 under sections 302-404/34 PPC Police Station Sadar D.I.Khan. It was further contended that the appellant applied for bail before arrest which was confirmed on 21.10.2014 on merit. It was further contended that after conclusion of trial the appellant was also hon'ble acquitted by the competent court vide detailed judgment dated 21.02.2018. It was further contended that the appellant was already suspended by the competent authority however, vide order dated 22.01.2015 he was posted at Government Primary School Haji Abad D.I.Khan against the vacant post of PST. It was further contended that the competent authority was required to mention the reinstatement of the appellant instead of adjustment. It was further contended that the appellant filed departmental appeal on 13.03.2018 just after his acquittal but the same was not responded hence, the present service appeal. It was further contended that due to mention of adjustment the previous service of the appellant is not countable and the appellant was also deprived from the seniority due to mention of adjustment instead of reinstatement therefore, the impugned order is illegal and liable to be set-aside.

The contention raised by the learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days thereafter, notice be issued to the respondents for written reply/comments for 25.03.2019 before S.B at Camp Court D.I.Khan.

Appellant Deposited  
Security & Process Fee

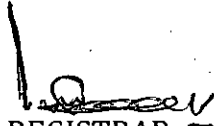




  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court D.I. Khan

**Form- A**  
**FORM OF ORDER SHEET**

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

Case No. 824/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	26/06/2018	<p>The appeal of Mr. Naik Ali Shah received today by post through Sheikh Iftikhar-ul-Haq 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 - 26/6/18</p>
2-	20.11-18	<p>This case is entrusted to Touring S. Bench at D.I.Khan for preliminary hearing to be put up there on <u>29-11-18</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	29.11.2018	<p>Neither appellant nor his counsel present therefore, notice be issued to appellant and his counsel for attendance and preliminary hearing for 19.12.2018 before S.B at Camp Court D.I.Khan.</p> <p style="text-align: right;"> (Muhammad Amin Khan Kundi) Member Camp Court D.I.Khan</p>
	19.12.2018	<p>As per direction of the worthy Chairman Khyber Pakhtunkhwa Service Tribunal, D.I.Khan tour dated 19.12.2018 has been rescheduled and the case is re-fixed for 28.12.2018.</p> <p style="text-align: right;">Reader</p>

BEFORE HONORABLE SERVICE TRIBUNAL PESHAWAR

Service appeal No 824 2018

Naik Ali Shah S/O Najam Shah  
SPST GPS Wanda Balochan (CRBC) Dera Ismail Khan

VS

Govt of KPK Through Secretary Education civil secretariat  
Peshawar. etc


INDEX

S.No	Particular No	Annexure	Pages
1.	Memo & Ground of Appeal along with affidavit	-	1-5
2.	Copy of appointment order and Service Book	A&B	6-24
3.	Copy of FIR and Complete Chalan	C & D	25-26
4.	Copy of Bail granted orders	E & E1	27-32
5.	Copy of impugned order No 6368-71 dated 22.01.2015	F	-33-
6.	Copy of acquittal Order	G	34-40
7.	Copy of Suspension Order Dated 04.04.2013	H	-41-
8.	Copy of departmental Appeal along with postal Receipt	I	42-45
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Appellant

  
Naik Ali Shah

Through Counsel

  
Sheikh Iftakhar Ul Haq  
Advocate High Court

Dated: 25.06.2018

①

**BEFORE HONORABLE SERVICE TRIBUNAL PESHAWAR**

Service appeal No 824 2018

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1082

Dated 21/6/2018

Naik Ali Shah S/O Najam Shah  
SPST GPS Wanda Balochan (CRBC) Dera Ismail Khan

**(Appellant)**

VS

1. Govt of Khyber Pakhtunkhwa Through Secretary Education civil secretariat Peshawar.
2. The Director Elementary & secondary education KPK Peshawar.
3. District Education Officer (M) Dera Ismail Khan.
4. District Account Officer Dera Ismail Khan.

**(Respondents)**

**SERVICE APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE ACT 1974 FOR:-**

- I. RELEASING SALARIES OF SUSPENSION PERIOD FROM 9.11.2012 TO 21.01.2015.
- II. OPENING OF PERVIOUS GP FUND ACCOUNT
- III. RELEASING OF ANNUAL INCREMENT ON DUE DATE.
- IV. PREPARING SENIORITY LIST AND PLACING APPELLANT ON CORRECT NUMBER.
- V. SENIORITY/PROMOTION TO NEXT GRADE/ CADRE AS JUNIOR TO APPELLANT HAS BEEN PROMOTED BY MODIFYING THE ORDER NO 6368-71 DATED 22.01.2015 PASSED BY DEO (M) D.I.KHAN AND THE ADJUSTMENT ORDER MAY KINDLY CONVERTED INTO RE-INSTATEMENT WITH ALL BACK BENEFITS AS MENTIONED ABOVE.

Filed to-day

Registrar

26/6/18

Respected Sir,

1. That the appellant was appointed as PST in the education Department with effect from 11.02.2006 and the appellant is performing the duty with full satisfaction of his superior.



2

Copies of appointment order & of service book are enclosed as Annexure "A & B".

2. That during course of duty the appellant was malafidly and falsely implicated in the case FIR No 587 dated 08.11.2012 under section 302-404/34 PPC in Police Station Sadar D.I.Khan Copy of FIR & Complete Chalan are enclosed as Annexure "C & D".
3. That after falsely implication in the case appellant submitted Bail Before Arrest application in the court of session judge D.I.Khan On 18.07.2014, which was entrusted to additional session judge V. D.I.Khan and ad- interim Bail was granted on 18.07.2014 and letter on Bail before arrest was confirmed on 21.10.2014 by the learned Additional session judge V D.I.Khan. Copies of Bail granting order are enclosed as a Annexure "E & F1".
4. That on 19.07.2017 the appellant surrender / contacted district account officer mail D.I.Khan, as the School was closed due to summer vacation and he was told that he will be re-instated in his service.
5. That after summer vacation the appellant was allowed to continue his service vide order No 6368-71 dated 22.01.2015 adjusting appellant and suspension period from 09.11.2012 to 21.01.2015 declared leave without pay. Copy of order is enclosed as Annexure "F".
6. That after trial the learned additional session judge II D.I.Khan honorably acquitted the appellant on 21.02.2018. Copy of judgment/order is enclosed as Annexure "G".
7. That appellant came to know that he has been suspended from his duties vide office No 813-15 dated 04.04.2015. Copy of suspension order is enclosed as Annexure "H".

*ju*  
*Asw:*

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8. The appellant feeling aggrieved from the above Acts and omissions of respondents authority, he submitted departmental appeal for redresal of his grievances on 13.03.2018 after honorable acquittal by learned additional session judge II D.I.Khan on 21.02.2018 being well within time in attendant circumstances after honorable acquittal, but was not accepted redresal of his grievances, and no response of which has not yet been receive within stipulated period. Copy of departmental appeal is enclosed as Annexure "1".

9. The appellant feelings aggrieved now humbly approach this Honorable tribunal through instant service appeal interaila on the following ground.

**GROUND:**

1. That the appellant was innocent and was falsely implicated in the case who was letter on honorably acquitted from the charges leveled against him on 21.02.2018 by learned additional session judge II D.I.Khan.
2. That the appellant was suspended from 09.11.2012 to 21.01.2015 but the respondent authority illegally and unlawfully converted the suspension order into leave without pay violating the principal of Laws and Gross illegality and irregularity have been done by the respondents authority. Suspension period is always treated as duty with pay.
3. That due to anomalous, flaws, incorrect order the appellant caused irreparable loss in shape of Non- opening of old salary, account, non- opening old G.P Fund Account, Non- Counting Seniority, Non- Issuing of annual increment on due date. Adjustment order is totally illegal hence your honour can check pay roll register.

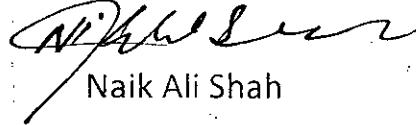
*Handwritten signature*  
Aan

4

4. The appellant is suspended and suspension period is considered duty with pay. The respondent 4 raised objection that is the suspension order is still intact in appellant service book. Thus his above grievance cannot be settled/ resolved. They demanded removal of suspension order and adjustment order in the service record.

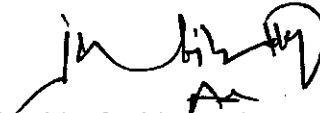
It is humble prayed the instants service appeal may kindly be accepted as prayed for in the heading of appeal.

**Your Humble Appellant**



Naik Ali Shah

Through Counsel



Shiekh Iftekhhar Ul Haq

Advocate High Court

Dated: 25.06.2018

5

BEFORE HONORABLE SERVICE TRIBUNAL PESHAWAR

Service appeal No \_\_\_\_\_ 2018

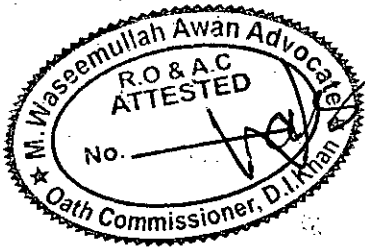
Naik Ali Shah

VS

1. Govt of Khyber Pakhtunkhwa Through Secretary Education

AFFIDAVIT

I Naik Ali Shh S/O Najam Shah R/O Indus Colony D.I.Khan do hereby solemnly affirm on oath that contents of the appeal is true and correct and nothing has been concealed from this Tribunal.



25/6/18

*[Handwritten Signature]*  
DEPONENTS

Identified by  
*[Handwritten Signature]*  
An  
Senior Officer with

(6)

Ann - "A"

**OFFICE OF THE EXECUTIVE DISTRICT OFFICER (SCHOOLS & LITERACY)**  
**D.I.KHAN.**

**APPOINTMENT ORDER: -**

As directed by the Honorable Peshawar High Court Bench at D.I.Khan that the following PST (Male) candidates open merit/batch-wise merit are hereby appointed against the vacancies noted against their names in BPS-07 with immediate effect.

S.No	Name	Father's Name	Residence	Union Council	Score	Posted At
1	Naik Ali Shah	Najam Shah	Sh: Yousaf	Rafra Kulachi	51.35	GPS Haji Abad

**Note: -**

1. Charge report should be submitted to all concerned within 15 days after the issuing of appointment order failing, which the appointment should stand automatically, cancelled.
2. The services of the above named candidates are made purely on temporary basis and liable to terminate at any time without assigning any reason/notice.
3. The initial period of appointment shall be 3-years after which the contract may be renewed by the competent authority keeping in a view the performance of the teacher concerned.
4. They will produce health and age certificate from the MS concerned.
5. The original documents may be checked/verified by the concerned Board/University through DDO before handing over charge.
6. The contract candidate will be bound to sign an agreement on stamp paper as per recruitment policy.
7. Fresh candidate will be on contract basis & in-service on regular basis as per existing policy.
8. All the candidates are directed to report in the office of the Deputy District Officers (Male) Primary D.I.Khan/ Kulachi for further posting/adjustment.
9. No TA/DA is allowed.
10. Deputy District Officers (Male) D.I.Khan/ Kulachi concerned is directed not to hand over charge to any overage candidate.

Sd/-

**ABDUL RAHIM KHAN**  
EXECUTIVE DISTRICT OFFICER  
SCHOOLS & LITERACY D.I.KHAN

Ends No. 2257-2300  
Copy submitted to the:

Dated D.I.Khan the 11/2/06

1. Director Schools & Literacy NWFP Peshawar.
2. District Coordination Officer D.I.Khan.
3. District Officer (Female) Schools & Literacy D.I.Khan.
4. Dy. District Officer (Female) Schools & Literacy D.I.Khan/Kulachi.
5. District Accounts Officer D.I.Khan.
6. Candidates concerned.

*Vla ci.*  
EXECUTIVE DISTRICT OFFICER  
SCHOOLS & LITERACY D.I.KHAN

Attested to be true

copy

*Najam Shah*

(7)

Ann-B  
(1)

03469116819

NIC = 12101-5594231-7

P No. 00286588

Attested to be true copy

*[Signature]*

8

2

Heirs

1. S.Sc Passed S.Sc Exam Session 1991 Annual from B.I.S.E Bannu under Roll.No 13231 Securing 572/850 marks and Placed in Grade B.

3. Mohadyunus  
Asstt  
Distt Officer, (M)  
D.I. Khan  
Verification Roll No.

Mohadyunus  
D.D.O. (M)  
D.I. Khan  
Received back

Dated

The entries in this part of the

Name NAI

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Date of birth by Christian as nearly as can be as

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2-F.S.C Passed Intermediate Exam Pre-Engineering Group Session 1994 (A) From B.I.S.E. Bannu under Roll.No 17590 Securing 544/1100 marks and Placed in Grade D.

Mohadyunus  
Asstt  
Distt Officer, (M)  
D.I. Khan

Mohadyunus  
D.D.O. (M)  
D.I. Khan

Qualifications	Date	Qualifications	Date
----------------	------	----------------	------

3- B.A. Passed B.A. Exam Session Supply 1999 from Gomal University English First Arts D.I.K. under Roll.No 1082 Securing 254/550 marks and Placed in the Second Division.

Urdu Mohadyunus  
Plan-drawing Mohadyunus  
Asstt  
Distt Officer, (M)  
D.I. Khan

Pleadership examination Mohadyunus  
D.D.O. (M)  
D.I. Khan  
Training School final examination

4- Finger print Passed P.T.C Exam Session 1996 from School & Literacy Department NWFP Peshawar under Roll.No 7869 Securing 666/1200 marks and Placed in Second Division. Result declared on 13.5.97

Court duties Mohadyunus  
Reserve duties Mohadyunus  
Asstt  
Distt Officer, (M)  
D.I. Khan

Mohadyunus  
D.D.O. (M)  
D.I. Khan

5- M.A. :- Passed M.A Islamiyat Exam: session 2006 A, from Gomal university D.I. Khan under Roll No, 5629, Securing 705/1100 marks and placed in "First division". Degree is verified by Addl. Controller of exam: G.U.D.I. Who

N.B. -- A line to be drawn under the qualifications possessed. Vide his No, 9580 dated 28-3-08.

Attested to be true copy  
Mohadyunus

Mohadyunus  
Dy: Distt. Officer,  
(M) D.I. Khan

Signature of Govern

Signature and D of the Office, or

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9

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

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O. (M) Khan

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D.D.O. (M) D.I. Khan

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vision

D.D.O. (M) D.I. Khan

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Securing

S.U.D.I. Khan

d.

or, 28/

Name NAIK ALI SHAH s/o Najam Shah

Race Pakistani

Residence sheikh Yousaf Ratta Kulachi (Indus Colony)

Father's name and residence NAJAM SHAH (Indus Colony)

Date of birth by Christian era or as nearly as can be ascertained. Ninth August N.H Seventy Four 8 1974

Exact height by measurement 5-6"

Date

Personal maks for identification A SCAR on Right Side of Neck

Left hand thumb and finger impression of (non-gazetted Officer)



Little Finger



Ring Finger



Middle Finger



Fore Finger



Thumb



Signature of Government Servant

*[Handwritten Signature]*

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

*[Handwritten Signature]*  
By District Officer  
(M) Prg: Edu: D.I. Khan

Attested to be true copy

*[Handwritten Signature]*



1	2	3	4	5	6	7	8	9	10
Name of post	Whether substantive or officiating, and weather permanent or temporary	If officiating state (i) substantive appointment or (ii) whether service counts for pension under rule 3.20 of C.S.R. (Pb.) volume II	Pay in substantive post	Additional pay for officiating	Other emoluments falling under the term "pay"	Date of appointment	Signature of Government Servant	Signature and designation of Head of office or other Attesting Officer in station of ranks 1 to 8	Date of termination or appointment
درجہ ملازمت	عارضی - مستقل یا قائم مقام	اگر عارضی ہے تو کیا وہ رول کے مطابق پیشن کا مستحق ہے	تجواہ بطور عارضی ملازمت	زائد تجواہ بطور قائم مقام	ماسوائے تجواہ دیگر الاؤنس	تاریخ تقرری	دستخط	دستخط سرکاری ملازم	تاریخ انقطاع ملازمت
BPS-07			Rs. Ps.	Rs. Ps.					
2555-140-5755									
PST GPS Haji Abad				Rs 2555/-		13.2.2006	<i>Nishan</i>	D.O. (M) I. Khan	
GPS Rakh Mangham				Rs 2555/-		4.3.2006	<i>Nishan</i>	D.O. (M) I. Khan	
DO GPS	2940-160-7740/B-7			Rs: 2695/-		1/12/06	<i>Nishan</i>	D.O. (M) I. Khan	
Haji Abad				Rs: 3100/-		1/7/07	<i>Nishan</i>	D.O. (M) I. Khan	
DO	B-7 (3530-190-9230)			Rs: 3260/-		1/12/07	<i>Nishan</i>	D.O. (M) I. Khan	
				Rs 3910/-		01/07/08	<i>Nishan</i>	D.O. (M) I. Khan	
				Rs 4100/-		01/12/08	<i>Nishan</i>	D.O. (M) I. Khan	

Attested to be true copy  
*Nishan*

Revised entry see next page

7. Date of appointment	8. Signature of Government Servant	9. Signature and designation of Head of Office or other attesting Officer in Form 1 to 8	10. Date of termination or appointment	11. Reason of termination (such as promotion transfer dismissal etc)	12. Signature of the Head of the office of other attesting Officer	13. LEAVE Allocation of periods of leave on average pay upto four months (or earned leave not exceeding 120 days) to which leave salary is debitable to another Government		14. Name and duration of leave taken	15. Period Govt: to which debitable	16. Dated	17. Government servant
	دستخط	دستخط افسر می	تاریخ انقطاع ملازمت	وجوہات انقطاع ملازمت ترقی- تبادلہ یا برطرفی	دستخط افسر مجاز	چار ماہ تک کی رخصت کے لئے اوسط تنخواہ کا تعین	رخست کی نوعیت و معیار	رخست افسر مجاز	رخست افسر مجاز	دستخط افسر مجاز	سزایا جڑایا غیر مناسب کارکردگی کارپکارڈ
2-2006	[Signature]	[Signature]	Adjustment 1.3.2006		[Signature]	APPOINTED against the PST Post					Vide EDO School and Literacy D-I Khan Endst No 2251-2300 Dated 11.2.2006 at SNO of =
3-2006	[Signature]	[Signature]	30-11-06 Annual Inct.		[Signature]						By District Officer (Pry. Edu. D.I. Khan)
12/06	[Signature]	[Signature]	30-6-07 Revision of Scale		[Signature]	Services verified w.e.f 13-2-06 to 30-11-07 from acquittance rolls & other Officer Record					
7/27	[Signature]	[Signature]	30-11-07 Annual Inct.		[Signature]						
2/7	[Signature]	[Signature]	30-6-08 Scale Revised		[Signature]	Pay Department Fixed In Revised Pay Scales... 1...7...2007					
5/8	[Signature]	[Signature]	30-11-08 Inct.		[Signature]	B.P.S (...7...) 2940-160-7740 Pay on 30-6-2007 Rs. 2695/- Pay on 1-7-2007 Rs. 2747/- Next increment on 01-12-2007					
12/8	[Signature]	[Signature]			[Signature]	Attested to be true copy					
					[Signature]	11 Passed C.T Examination from AIOU Islamabad under R. No M614445, Registration No. 02NDN0410 S.No: 41275, marks obtained 532/900 Session 2004-2005 and result dec. 07.11.2005.					
					[Signature]	Service Verified W.e.f 1-12-06 to 30-11-07 from acquittance rolls & other Officer Record,					

(6) (12)

3	4	5	6	7	8	9	10
officiating state (i) substantive pointment or whether service counts for pension under rule 3.20 of C.S.R. (Pb.) volume II	Pay in substantive post	Additional pay for officiating	Other emoluments falling under the term "pay"	Date of appoint- ment	Signature of Government Servant	Signature and Designation of Head of Office or other Attesting Officer in Registration of Forms 1 to 8	Date of termination or appoint- ment
<p>درجہ ملازمت PST</p> <p>عارضی منتقل مقام</p> <p>اگر عارضی ہے تو کیا وہ رول کے مطابق پنشن کا مستحق ہے</p>	<p>تجواہ بطور عارضی ملازمت</p>	<p>زائد تجواہ بطور تمام مقام</p>	<p>باسوائے تجواہ دیگر الاؤنس</p>	<p>تاریخ تقریری</p>	<p>دستخط کامی ملازم</p>	<p>دستخط امری ملازم</p>	<p>تاریخ انقطاع ملازمت</p>
	Rs. Ps.	Rs. Ps.					
<p>GPS</p> <p>Hydrabad</p>	<p>Revised entry due to award B-09</p> <p>Rs. 3260/-</p>						<p>Pay Department F Revised Pay Scale: B.P.S (07).....3 Pay on. 20-06-07 Pay on. 01-07-07 Next increment on</p>
<p>Attested to be true copy</p> <p>W. M. Q. W. K.</p>							
<p>Mr. Naim Ali Sha ere by under ta over payment award of B.P.S. nance Department -SO(FR) 10-22 will be recovered ension / Gratue</p>							
<p>TEP No. 613 Date 15/07/09 4320/- 01/11/09 to 20/06/09</p> <p>W. M. Q. W. K.</p>							
<p>Attested</p> <p>Distt. Officer (M y Edu D. I. Khan</p>							

7

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7	8	9	10	11	12	13		14	15	
Date of appointment	Signature of Government Servant	Signature and Signature of Head of Office or other Attesting Officer in. (Items 1 to 8)	Date of termination or appointment	Reason of termination (such as promotion transfer dismissal etc)	Signature of the Head of the office of other Attesting Officer	LEAVE		Signature of the head of the office or other Attesting officer	Reference to any recorded punishment or censure, or reward or praised of the Government servant	
						Name and duration of leave taken	Allocation of periods of leave on average pay upto four months (or earned leave not exceeding 120 days) to which leave salary is debitale to another Government			
تاریخ تقریری	دستخط کاری ملازم	دستخط افسر مجاز	تاریخ انقطاع ملازمت	وجوہات انقطاع ملازمت ترقی- تبادلہ یا برطرفی	دستخط افسر مجاز	رخصت کی نوعیت و معیار	Period عرصہ	Govt. to which debitale گورنمنٹ جسے رقم ادا ہوگی	دستخط افسر مجاز	سزا یا جزایا غیر مناسب کارکردگی کا ریکارڈ
Pay Department Fixed in Revised Pay Scale: 07-07-07-2008										
B.P.S. 07-07-07-190-9230						Sanctioned BPS-09 w.e.f. 01-10-2007				
Pay on 07-07-07-2008 Rs. 3260/-						vide E.D.O. (E/S) Education D.I. Khan				
Pay on 07-07-2008 Rs. 3910/-						Endst. NO: 7275-76 dt: 29-06-2009				
Next increment on 01-12-2008										
Attested true copy D.D.O. (M) D.I. Khan								D.D.O. (M) D.I. Khan.		
Departmental Fixation of Pay Due to Award of B-09										
Pay on 07-07-07-07 Rs. 3100/-										
Pay on 07-12-07-07 Rs. 3260/-										
Pay on 07-12-07-09 Rs. 3375/-										
Pay on 07-07-08 B-09 Rs. 4050/-										
1-12-08 B-09 Rs. 4280/-										
<u>UNDERTAKING</u>										
Mr. Naik Ali Shah s/o Najam Shah PST hereby undertake to the effect that over payment is made to me due to award of BPS-09 in the light of Finance Department Notification SO(FR)/10-22(B)2007 dt: 26-01-08 will be recovered out of my pay Pension / Gratuity / C.P.F etc								D. Mr. Naik Ali PST hereby opts that my pay may be fixed in BPS-09 w.e.f. 01-12-2007		
Attested								D.D.O. (M) D.I. Khan.		
Attested								<u>OPTION</u>		
Attested						Attested		Naik Ali Shah PST GPS Haji Abad.		
Dy: Distt Officer (M) Dy: Edu: D.I. Khan						Dy: Distt Officer (M) Dy: Edu: D.I. Khan				
Attested								Attested		
Dy: Distt Officer (M) Dy: Edu: D.I. Khan										
Naik Ali Shah PST GPS GPS Haji Abad.										

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1	2	3	4	5	6	7	8	9	10
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 rule 3.20 of C.S.R. (Pb.) volume II	Pay in substantive post	Additional pay for officiating	Other emoluments falling under the term "pay"	Date of appointment	Signature of Government Servant	Signature and designation of the Head of office or other Attesting Officer in testation of Annex 1 to 8	Date of termination or appointment
درجہ ملازمت PST	عارضی مستقل یا قائم مقام	اگر عارضی ہے تو کیا وہ رول کے مطابق پنشن کا مستحق ہے	تجواہ بطور عارضی ملازمت	زائد تجواہ بطور قائم مقام	ماسوائے تجواہ دیگر الاؤنس	تاریخ تقرری	دستخط کاری ملازم	دستخط افسر مجا	تاریخ انقطاع ملازمت
<i>Revised entry due to award of B-09</i>									
GDS Hajiabad	-DD-	Rs. 3260/-	B-7			1 12/07	<i>[Signature]</i>	D.O. (M) Khan	
	3185-190-3885/B-9								
-DD-	-DD-	Rs. 3375/-	B-9			1 12/07	<i>[Signature]</i>	D.O. (M) Khan	
	3820-230-10720/B-9								
-DD-	-DD-	Rs. 4050/-				1 7/08	<i>[Signature]</i>	D.O. (M) Khan	
-DD-	-DD-	Rs. 4280/-				1 12/08	<i>[Signature]</i>	D.O. (M) Khan	
-DD-	-DD-	Rs. 4510/-				1 12/09	<i>[Signature]</i>	D.O. (M) Khan	
		Rs. 4740/2				01 12/10	<i>[Signature]</i>	D.O. (M) Khan	
	B-9/6200-380-17600	Rs. 7720/2				01 7/11	<i>[Signature]</i>	D.O. (M) Khan	
	<i>Appointed to be true copy</i>	Rs. 8100/2				01 12/11	<i>[Signature]</i>	D.O. (M) Khan	
<i>Revised Entries due to Award of B-12 w.e.f. 01-7-11</i>									
GPS Hajiabad	B-12 (7000-500-22000)	Rs. 8000/-				1 7/12	<i>[Signature]</i>	D.O. (M) Khan	30 11/12
-DD-		Rs. 8500/-				1 12/12	<i>[Signature]</i>	D.O. (M) Khan	30 11/12

15

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7	8	9	10	11	12	13	14	15	
Date of appointment	Signature of Government Servant	Signature and designation of the Head of the office or other Attesting Officer in 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 of other attesting Officer	LEAVE		Signature of the head of the office or other Attesting officer	Reference to any recorded punishment or censure, or reward or praised of the Government servant
						Name and duration of leave taken	Allocation of periods of leave on average pay upto four months (or earned leave not exceeding 120 days) to which leave salary is debitabale to another Government		
تاریخ تقرری	دستخط و دستخط کاری ملازم		تاریخ انقطاع ملازمت	وجوہات انقطاع ملازمت ترقی - تبادلہ یا برطرفی	دستخط افسر مجاز	رخصت کی نوعیت و معیار	چار ماہ تک کی رخصت کے لئے اوسط خواہ کا تعین	دستخط افسر مجاز	سزا یا جزا یا غیر مناسب کارکردگی کا ریکارڈ
						Period	Govt: to which debitabale گورنمنٹ جسے رقم ادا ہوگی		
1/12/07	<i>[Signature]</i>	<i>[Signature]</i> D.O. (M) D.I. Khan		1-12-07 Award B-09	<i>[Signature]</i> D.O. (M) D.I. Khan				Service Verified W.o.f. 1-12-07 to 30-11-08 from acquittance rolls & other Officer Record.
1/12/07	<i>[Signature]</i>	<i>[Signature]</i> D.O. (M) D.I. Khan		30-6-08 Revision of scale	<i>[Signature]</i> D.O. (M) D.I. Khan			Attested to be true copy	<i>[Signature]</i> D.O. (M) D.I. Khan
1/7/08	<i>[Signature]</i>	<i>[Signature]</i> D.O. (M) D.I. Khan		30-11-08 Annual met.	<i>[Signature]</i> D.O. (M) D.I. Khan			<i>[Signature]</i>	
1/12/08	<i>[Signature]</i>	<i>[Signature]</i> D.O. (M) D.I. Khan		30-11-09 Annual Que.	<i>[Signature]</i> D.O. (M) D.I. Khan			B.Ed. - Passed B.Ed. Exam	
1/12/09	<i>[Signature]</i>	<i>[Signature]</i> D.O. (M) D.I. Khan		30-11-010 As met.	<i>[Signature]</i> D.O. (M) D.I. Khan			Session 2007-08 from Gamal University D.I. Khan under Roll No, 930, securing 666/1200 marks & placed in Second division	
21/12/10	<i>[Signature]</i>	<i>[Signature]</i> D.O. (M) D.I. Khan		30-6-011 Revision of scale	<i>[Signature]</i> D.O. (M) D.I. Khan			The result was declared on 06-11-2008.	
21/7/11	<i>[Signature]</i>	<i>[Signature]</i> D.O. (M) D.I. Khan		30-11-011 As met.	<i>[Signature]</i> D.O. (M) D.I. Khan			The degree verified by the Add. Controller of Exam: Gamal University vide his No, 2050 dt: 15-10-2009.	
21/12/11	<i>[Signature]</i>	<i>[Signature]</i> D.O. (M) D.I. Khan			<i>[Signature]</i> D.O. (M) D.I. Khan				
Ref-01-7-12									
1/7/12	<i>[Signature]</i>	<i>[Signature]</i> D.O. (M) D.I. Khan		30-11/12 As met	<i>[Signature]</i> D.O. (M) D.I. Khan				
1/12/12	<i>[Signature]</i>	<i>[Signature]</i> D.O. (M) D.I. Khan		30-11/12 Agency not done	<i>[Signature]</i> D.O. (M) D.I. Khan			Service Verified w.o.f. 1-12-08 To 30-11-09 According is acquit Roll and other office Record	
					<i>[Signature]</i> D.O. (M) D.I. Khan				







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Design: PC hereby undertake that any over payment, was made to me on award of PS-12 on basis of un-gradation of post/promotion and the over payment will be recovered from my pay / pension / gratuity / OP fund / GP fund etc.

D.D.O (M)  
D.I. Khan.

*M. Heshu*  
MAK. A. B. Shal  
PST. G.P.S.  
HEJIALAAL.

*[Signature]*  
D.D.O (M)  
D.I. Khan.

OPTION  
I Mr. *Naik Anwarullah* hereby opt that my pay fixation in BPS-12 may please be fixed after availing the Annual Increment 2012 in lower scale.

*M. Heshu*

*[Signature]*

Attested to be true copy  
*M. Heshu*

D.D.O (M)  
D.I. Khan.

1	2	3	4	5	6	7	8	9	10
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 rule 3.20 of C.S.R. (Pb.) volume II	Pay in substantive post	Additional pay for officiating	Other emoluments falling under the term "pay"	Date of appointment	Signature of Government Servant	Signature and designation of Head of Office or other Officer-in-charge of Station of posts 1 to 8	Date of termination or appointment
درجہ ملازمت BPS-12 (7000-500-22000) PST	عارضی مستقل یا قائم مقام	اگر عارضی ہے تو کیا وہ رول کے مطابق پنشن کا مستحق ہے	تجواہ بطور عارضی ملازمت	زائد تجواہ بطور قائم مقام	ماسوائے تجواہ دیگر الاؤنس	تاریخ تقرری	دستخط کاری ملازم	دستخط افسر محکمہ	تاریخ انقطاع ملازمت
			Rs. 8500/-	Ps.		01/12/2013		SDEO (M) DIK 30/11/2013	
do -			Rs. 8500/-			01/12/2014		SDEO (M) DIK 30/6/2014	
R.B.S. 2015 BPS-12 (9055-650-28555) PST			Rs. 11005/-			01/7/2015		SDEO (M) DIK 05/8/2015	
Attested to be true copy - (Signature)									
SPST BPS-14 2PS Band Kurai			Rs. 11005/-			5/8/15		SDEO (M) DIK 05/8/2015	

Office of the District General  
 Khyber Pakhtunkhwa  
 Pay Fixed in the District Jasti Pay Scales  
 Adj. 2940-160-7740  
 Pay Fixed 3100/- 01-07-2015  
 R.C.P.S. 3820-230-7070  
 Pay Fixed 4050/- 01-07-2015  
 Date of New Appointment 01-11-2015  
 (Signature)

(Signatures)  
 SDEO (M) DIK 30/11/2013  
 SDEO (M) DIK 30/6/2014  
 SDEO (M) DIK 05/8/2015  
 SDEO (M) DIK 05/8/2015  
 Sub Div. Edu. Officer  
 (Male) Peshawar (D.I.K.H.)

7	8	9	10	11	12	13	14	15	
Date of appointment	Signature of Government Servant	Signature and designation of Head of Office or other Attesting Officer in Station of Posts 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 Allocation of periods of leave on average pay upto four months (or earned leave not exceeding 120 days) to which leave salary is debitable to another Government		Signature of the head of the office or other Attesting officer	Reference to any recorded punishment or censure, or reward or praised of the Government servant
تاریخ تقرری	دستخط کاری ملازم	دستخط افسر محلی	تاریخ انقطاع ملازمت	وجوہات انقطاع ملازمت ترقی - تبادلہ یا برطرفی	دستخط افسر مجاز	Name and duration of leave taken	Govt. to which debitable	دستخط افسر مجاز	سزایا جزایا غیر مناسب کارکردگی کارپارڈ
Period	Govt. to which debitable								
11/12/2013			SDEO (M) DIK 30/11/2014	4/9ncr. not due.		رحمت کی نوعیت و معیار	گورنمنٹ جسے رقم ادا ہوگی		
11/12/2014			SDEO (M) DIK 30/6/2015	RBPS-2015					
11/7/2015			SDEO (M) DIK 05/8/2015	Promoted 30/11/2014					
8/5/15			Sub Dvt. Edu. Officer (Male) Peshawar (D.I.Khan)	10% + CA for 02/2015					
				Drawn Rs. 467/- on a/c of award of B. No. 101-02-015 to 31/02-015					
				Drawn Rs. 17828/- on a/c of award of B. No. 101-02-015 to 31/02-015					

Attested to be true copy with

ADAO  
26/03/15

01-12-11  
Service Verified w.e.f. 08-11-12 from acquittance rolls and other office record.  
D.D.A (M) D.I.Khan.

Adjusted under D.E.O (M) D.I.Khan  
Vide D.O (M) D.A. No. 6368-71 dt. 22-01-2015 and Merit Band B.O.L without pay w.e.f. 9-11-2014 to 21-01-2015.  
Sub: Divl: Edu: Officer (Male) D.I.Khan

22-01-2015  
Service Verified w.e.f. 05/8/2015 regarding a/c B.O.L. & etc; office record.  
SDEO (M) DIK

(21) (11)

1	2	3	4	5	6	7	8	9	10
Name of post	Whether substantive or officiating and weather permanent or temporary	If officiating state (i) substantive appointment or (ii) whether service counts for pension under rule 3.20 of C.S.R. (Pb.) volume II	Pay in substantive post	Additional pay for officiating	Other emoluments falling under the term "pay"	Date of appointment	Signature of Government Servant	Signature and designation of Head of Office or other Officer in Station of posts 1 to 8	Date of termination or appointment

Revised Entans due to promotion from PST B-12 to SPST B-14 w.e.f. 05-08-18 is as under

SPST, GPs Bandhwa Pesh

11920/-

05/08/15

Per *[Signature]*

12710/-

01/12/15

BPS-14 GPs

Arrested to be *[Signature]*

15660/-

01/7/2016

Office of the Assistant General Khyber Pakhtunkhwa Peshawar  
 Pay fixed in the revised pay scales AdJ 6200 - 280 - 17800  
 Pay fixed @ Rs. 2720/- w.e.f. 01-07-2011  
 R.B.P.S. Pay fixed @ Rs. 2720/- w.e.f. 01-07-2011  
 Date of next increment is 01-07-2015  
*[Signature]*  
 Accounts Officer  
 Peshawar

16840/-

01/12/2016

Count deers *[Signature]*  
 When is Remuneration *[Signature]*

EO 11/12/15

772079

Remuneration *[Signature]*  
 may be *[Signature]*  
 = 9130/-

EO 11/12/15

More over Court judgment be produced and the period the teacher remained in service and treated as whether leave iduly EO etc

Dir: Edu: Officer Peshawar (D.I.K.P)

Dir: Edu: Officer Peshawar (D.I.K.P)

Sub: Dir: Edu: (Male) D.I.K.P

Sub: Dir: Edu: (Male) D.I.K.P

Office Khyb  
 Pay Fixed  
 Pay Fixed  
 R.B.P.S.  
 Pay Fixed  
 Date of

7	8	9	10	11	12	13	14	15	
Date of appointment	Signature of Head of Government Servant	Nature and designation of Head of office or other Attesting Officer in Station of items 1 to 8	Date of termination or appointment	Reason of termination (such as promotion transfer dismissal etc)	Signature of the Head of the office of the other attesting Officer	LEAVE		Signature of the head of the office or other Attesting officer	Reference to any recorded punishment or censure, or reward or praised of the Government servant
						Name and duration of leave taken	Allocation of periods of leave on average pay upto four months (or earned leave not exceeding 120 days) to which leave salary is debit to another Government		
تاریخ تقرری	دستخط کاری ملازم	دستخط افسر	تاریخ انقطاع ملازمت	وجبات انقطاع ملازمت ترقی- تبادلہ یا برطرفی	دستخط افسر مجاز	رخصت کی نوعیت و معیار	چار ماہ تک کی رخصت کے لئے اوسط خواہ کا تعین	دستخط افسر مجاز	سزایا جزایا غیر مناسب کارکردگی کارپکارڈ
						Period	Govt: to which debitabe		
						عرصہ	گورنمنٹ جسے رقم ادا ہوگی		
								Service Verified w.c. From 06-8-15 To 31-5-16 from the Acq. Roll and other Office Record	
05/08/15				30/11/15					Promoted from PST B-12 to SPST B-14 waf 05-8-15 vide DE O (M) of DIKHAN
11/12/15				30/11/15					Endst. No: 23729-23898 dt 04-08-2015 (Name at Sp: # 64)
04/7/2016				30/11/2016					Departmental fixation is in under
									Pay 04-8-15 BPS-12 11005-
									Pay 05-8-15 SPST B-14 11950-NA
									01-12-15 12750-NA
									Office of the Accountant General Khyber Pakhtunkhwa, Peshawar
									Pay Fixed in the Revised Basic Pay Scales
									Pay Fixed @ Rs 20550-650-20850-172
									Pay Fixed @ Rs 11000-2200-11300-172
									R.B.RS 11-2200-2800-172/20/14
									Pay Fixed @ Rs 15660-11-07-2016
									Date of Next increment is on 01-12-2016
									Accounts Officer Pay Fixation Peshawar

درج ذیل دستخط

05/08/15  
11/12/15

04/7/2016

01/12/2015

امستالمنٹ

دستخط

دستخط

AO 19/7/16

Service Verified w.c. From 06-8-15 To 31-5-16 from the Acq. Roll and other Office Record

SDEO (M) Psh. Peshawar

Sub: Divl: Edu: Officer (M) Psh Peshawar (D.I.Khan)

Sub: Divl: Edu: Officer (M) Psh Peshawar (D.I.Khan)

Service Verified w.c. 01-6-2016 from the Acq. Roll and other Office Record

Sub: Divl: Edu: Officer (Male) D.I.Khan

(23) (70)

1	2	3	4	5	6	7	8	9	10																																																																																										
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 rule 3.20 of C.S.R. (Pb.) volume II	Pay in substantive post	Additional pay for officiating	Other emoluments falling under the term "pay"	Date of appointment	Signature of Government Servant	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 men																																																																																										
درجہ ملازمت	عارضی مستقل یا قائم مقام	اگر عارضی ہے تو کیا وہ رول کے مطابق پنشن کا مستحق ہے	تجواہ بطور عارضی ملازمت	زائد تجواہ بطور قائم مقام	ماسوائے تجواہ دیگر الاؤنس	تاریخ تقرری	دستخط و دستخط افسر محاری ملازم		تاریخ نظام ملازمت																																																																																										
			Rs. Ps.	Rs. Ps.																																																																																															
<p><i>Adjusted against the vacant post of PSE my immediate officer (Mr. DEO LA) with NO 6348-217 ADEO B, Lab LA) at 22-01-15 in period of absence of absconding Mr. Khan from 9-11-12 to 21-1-15</i></p> <p style="text-align: right;"><b>M. J. P.</b> Sub: Dwy. Edu. Officer (Male) <i>M. Khan</i></p> <p><i>Pay fixed departmentally as under -</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>1-7-11</td> <td>9000/- B5P</td> <td>1-7-11</td> <td>9100/-</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>1-7-12</td> <td>9000/- payablenon 21-1-15</td> <td>1-7-12</td> <td>8480/-</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>1-7-13</td> <td>9000/- EOL from 9-11-12 to 21-01-15</td> <td>1-7-13</td> <td>8480/-</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>1-7-14</td> <td>9000/-</td> <td>1-7-15</td> <td>10980/-</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>1-7-15</td> <td>11537/- B5TL</td> <td>5-8-15</td> <td>11920/-</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>5-8-15</td> <td>12710/- B5T4</td> <td>1-7-15</td> <td>12710/-</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>1-7-15</td> <td>13500/-</td> <td>1-7-16</td> <td>15640/-</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>1-7-16</td> <td>16640/- B5T4</td> <td>1-7-16</td> <td>16640/-</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>1-7-16</td> <td>17620/-</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>										1-7-11	9000/- B5P	1-7-11	9100/-							1-7-12	9000/- payablenon 21-1-15	1-7-12	8480/-							1-7-13	9000/- EOL from 9-11-12 to 21-01-15	1-7-13	8480/-							1-7-14	9000/-	1-7-15	10980/-							1-7-15	11537/- B5TL	5-8-15	11920/-							5-8-15	12710/- B5T4	1-7-15	12710/-							1-7-15	13500/-	1-7-16	15640/-							1-7-16	16640/- B5T4	1-7-16	16640/-							1-7-16	17620/-								
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302-404-34 8 1/2 587

22  
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- 1. 302-404-34
- 2. 8 1/2
- 3. 587
- 4. [Name]
- 5. [Name]
- 6. [Name]
- 7. [Name]
- 8. [Name]
- 9. [Name]
- 10. [Name]
- 11. [Name]
- 12. [Name]
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- 19. [Name]
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- 21. [Name]
- 22. [Name]



Am-D

(96)

pistols were present there who grabbed Ikramullah and took

... armed and Nalk Ali Shah armed with



24.10.19  
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Mc. M. 150  
L. P. 150

**IN THE COURT OF MUHAMMAD SAEED**  
**ADDITIONAL SESSIONS JUDGE-V, D.I.KHAN**

BBA No:335/IV of 2014

Naik Ali Shah.....Petitioner

VERSUS

1. The State
2. Shahid Rehman.....Respondents

\*\*\*\*\*

Or.....07  
21.10.2014

Petitioner/accused Naik Ali Shah seeks confirmation of his bail before arrest in case FIR No. 587 dated 08.11.2012 u/s. 302/404/34 P.P.C P.S Saddar. Counsel for accused/petitioner present. Complainant not in attendance despite service of notice to him and his brother at their home. Report of concerned DFC shows that complainant party is not interested in pursuing instant petition. SPP for the State present. Arguments were heard and record perused.

As per FIR complainant Shahid Rahman reported the matter on the spot i.e. bungalow of Imran Khan situated in Waris City at 04:40 PM on 08.11.2012 alongwith the dead body of his brother Ikramullah. He contended that he alongwith his brother were coming from bazaar/market that at 03:00 PM Mst. Shazia Bibi his sister-in-law/bhabi, rang up and asked them to come and meet her in the street of Waris City. When they reached bungalow of Imran, accused Abdul Majeed armed with machine and Abdul Waheed and Naik Ali Shah armed with pistols were present there who grabbed Ikramullah and took him into the bungalow and made firing on him. Complainant fled from the spot and when he came back there with police he found Ikramullah dead there. Motive of the offence was shown that Mst. Shazia Bibi left her house and married his brother i.e. deceased.

After hearing arguments of both sides, it transpires that trial of co-accused Abdul Majeed and Abdul Waheed was concluded by this Court in Sessions Case NO.22/II of 2013 and vide order/judgment dated 26.06.2014 both the accused were

*Attested to be true copy*  
*Mirza*

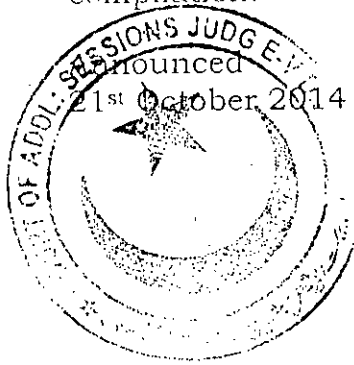
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22/10/14



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21/10/14  
18/7/12  
335/IV  
ASST JUDGE

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M. Iqbal  
ASST JUDGE

acquitted. Present petitioner remained absconder but he had the same role as the two other co-accused. In view of detail reasons of the said judgment in respect of co-accused, prosecution has got a very weak case. Complainant party appears no more interested in pursuing instant BBA. It is the most fit case for grant of regular bail. If instant BBA is disallowed, petitioner would remain behind the bars for some days only to be released on regular bail later. Therefore relying on case law **1999 Cr.L.J 749 (Multan)**, this BBA is allowed and interim bail already granted is hereby confirmed on the strength of existing bail-bonds. Copy of order may be placed on judicial file. Record may be returned back to the concerned authorities while file of this court may be consigned to Record Room after its completion and compilation.



*[Signature]*  
21/10/14  
Muhammad Saeed  
Additional Sessions Judge-V  
Dera Ismail Khan

ATTESTED TO BE TRUE COPY

*[Signature]*  
District And Sessions Judge  
Dera Ismail Khan

12557  
Application Received On 21-10-14  
Date of Copying - 14  
Date of Delivery 21-10-14  
12:00  
Total Charges  
Name of Applicant  
Copying Date 21-10-14  
21/10/14

21/10/14  
Attested to be true copy  
*[Signature]*

ادوات حساب سہین 30 قیدہ اسماعیل خان

سال 2014

مخواست BBR

نیل علی شاہ ولد نجم شاہ نوم بعد سے انڈسٹری کلاسی  
عسیر، قلعہ قبرہ اسماعیل خان

1-

MUHAMMAD RAUF KHAN  
Sessions Judge  
Dera Ismail Khan

18/7/14

1. سرگاد (1) شاہد رحمان ولد بیارڈ نواز نوم صروت  
سائن فیمازری حال قلم آباد قلعہ قبرہ اسماعیل خان

حکم نمبر دفعہ 302-404/34  
FIR نمبر 587 صفحہ 8/12

مخواست سرگاد کینوری فائنٹ قیل اور سرگادری  
سائن اسماعیل خان نمبر عنوان 497-498

حساب عالی : اسماعیل خان صاحب قیل اور سرگادری

1. یہ من سائن اسماعیل خان کے طرف مناسی پولیس نمبر 587

اس کے برابری منسبت ملاحظہ فرمائیں

Attested to be true copy

MICHAEL

22/10/14

ATTESTED

ASJ

18/7/14

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A.S.J. 1970

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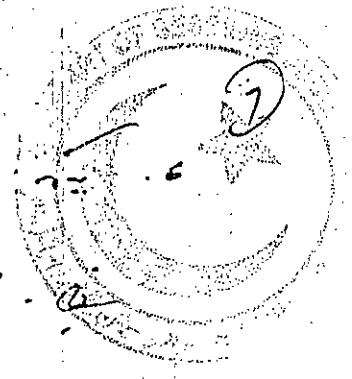
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Examiner

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من سیشن اور سیکشن قلمی اور لکھی ہوئی کاپی فراہم ہونے پر  
میں نے اسے درست کاپی قرار دیا ہے۔  
اختصاصی طور پر۔

من سیشن اور سیکشن قلمی اور لکھی ہوئی کاپی فراہم ہونے پر  
میں نے اسے درست کاپی قرار دیا ہے۔

من سیشن اور سیکشن قلمی اور لکھی ہوئی کاپی فراہم ہونے پر  
میں نے اسے درست کاپی قرار دیا ہے۔

من سیشن اور سیکشن قلمی اور لکھی ہوئی کاپی فراہم ہونے پر  
میں نے اسے درست کاپی قرار دیا ہے۔

18.7.14  
[Signature]

MUHAMMAD SHEED  
Addl. Distt & Sessions Judge V  
Dera Ismail Khan

18.7.14

[Signature]

NIC 12101-5544231-7

mob.

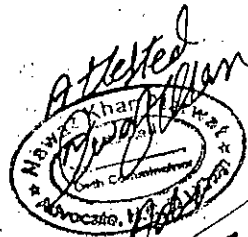
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Examiner  
Man

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18-07-14

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Nizami

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Examiner



33

Am-F



OFFICE OF THE DISTRICT EDUCATION OFFICER (M)  
DERA ISMAIL KHAN

**OFFICE ORDER**

In the light of Honourabel court of additional Session Judge V DIKhan date 21/10/2014 Mr. Naik Ali Shah PST is hereby adjusted at GPS Haji Abad DIKhan against the vacant post of PST in the interest of public service with immediate effect.

Note:

The absent/ absconder period as EOL without pay w.e.f 09/11/2012 to 21/1/2015

Sd/-

DISTRICT EDUCATION OFFICER  
(M) DERA ISMAIL KHAN

Endst: No. 6368-71 / ADEO.Estab (P)

Dated DIKhan the 22/01 /2015

Copy to:

1. Sub Divisional Education Officer (M) DIKhar. w/r to his No: 1307 dated 07/11/2014 along with original service book.
2. District Account Officer DIKhan.
3. Head Teacher Concerned
4. Official Concerned

*Received Copy  
S/Book  
23/1/2015*

*[Signature]*  
DISTRICT EDUCATION OFFICER  
(M) DERA ISMAIL KHAN

*Attested to be true  
copy  
[Signature]*

34

Page-6

IN THE COURT OF USMAN WALI KHAN,

ADDITIONAL DISTRICT & SESSIONS JUDGE-II,

DERA ISMAIL KHAN

Case No : 40 of 2017

Date of Institution : 02.12.2014

Date of Decision : 21.02.2018.

The State

... Versus ...

NAIK ALI SHAH son of Najam Shah, Caste Syed,  
Resident of Indus Colony, Dignat Road P/O Ratta Kulachi  
Sheikh Yousaf Tehsil & District D.I.Khan

(Accused facing trial)

CHARGE U/SS.302/404/34 PPC VIDE FIR NO.587

REGISTERED AT POLICE STATION

SADDAR, D.I.KHAN.

\*\*\*\*\*

MENT

1. Accused Naik Ali Shah faced trial before this court in case FIR

No. 587 dated 08.11.2012 U/SS.302/404/34 PPC registered at PS

Saddar, D.I.Khan.

2. Brief facts of the case are that complainant Shahid Rehman

reported the matter on the spot i.e. bungalow of Imran Khan situated

in Warris City at 04:40 PM on 08.11.2012 alongwith the dead body of

his brother Ikramullah. He contended that he alongwith his brother

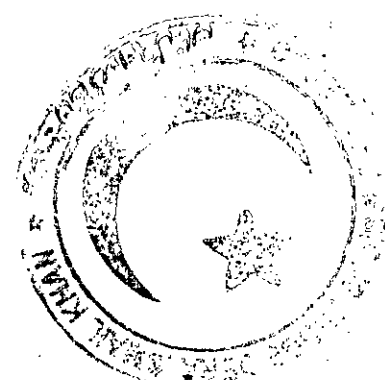
were coming from bazaar/market that at 03:00 PM Mst. Shazia Bibi

his sister-in-law/bhabhi, rang up and asked them to come and meet her

in the street of Warris City, when they reached bungalow of Imran

accused Abdul Majeed armed with machine, accused Abdul Wahed

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and Naik Ali Shah (accused facing trial) armed with pistols were

present there who grabbed Karamullah and took him into the bungalow

and made firing on him, out of fear complainant fled from the spot

and came to his house and then went to the Police Station and

informed the ASHO Kazim Shah as to the occurrence. Then he visited

the spot along with said ASHO and found Karamullah dead there. He

also contended that their motorcycle was not found there. Motive of

the offence was shown that Mst. Shazia Bibi left her house and

married his brother i.e. deceased. Complainant also contended that

occurrence was witnessed by other eyewitnesses.

After the arrest of accused Abdul Majeed and Abdul Wahed,

submitted against them, wherein the accused facing trial was shown to

be absconder. After conclusion of trial of above-named accused, the

learned Additional Sessions Judge-V, D.I.Khan vide judgment dated

26.06.2014 acquitted the accused Abdul Majeed and Abdul Wahed

and perpetual NBWA were issued against the accused facing trial.

4. After the arrest of accused facing trial and after requisite

interrogation/investigation, supplementary Challan against him was

submitted and case file was sent to the court of learned Additional

Sessions Judge-V, D.I.Khan for trial. Accused being on bail was

summoned to face the trial, and on his appearance provisions of

S.265-C CrPC were complied with. Formal charge against the

accused was framed by the court of learned Additional Sessions

Judge-V, D.I.Khan on 02.10.2015 wherein he pleaded not guilty and

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claimed trial and on 24.04.2017 case file was sent to the instant Court

for trial.

5. Therefore, prosecution was directed to produce its evidence in support of its version.

6. Prosecution examined six PWS i.e. Dr. Ghulam Muhammad

SMO, Saifdar Khan ASI, Haroonur Rashede retired SI, Ghulam Kazim

SI, Muhammad Ashraf Constable No.832 and complainant Shahid

Rehman s/o Bahadar Nawaz, as PW-1 to PW-6.

7. During the course of trial, counsel for accused facing trial

submitted an application for acquittal of accused facing trial U/S 265-

IPC. Notice of the application was given to the prosecution.

I have heard the detailed arguments of learned Dy.PP for the

state assisted by learned counsel for the complainant and learned

defence counsel at length and record perused.

9. Learned counsel for the accused submitted that the entire case

of prosecution is full of concoction and deception. The occurrence

never took place the way it was reported by the complainant. There is

contradiction in statements of recorded PWS. Further, against the

earlier acquittal judgment no appeal has been filed before Worthy

Higher Courts. Lastly, requested for acquittal of accused facing trial.

10. Learned Dy.PP for the State resisted the petition under

discussion and requested for summoning of other witnesses and

rejection of petition in hand.

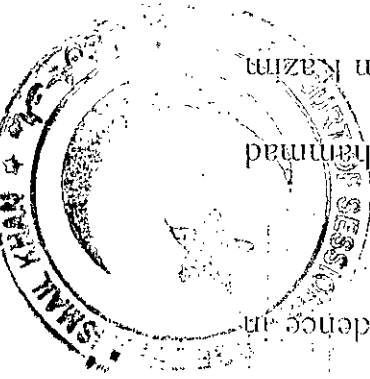
11. After hearing the arguments and going through the record, it is

evident that learned Additional Sessions Judge-V, D.I.Khan

Additional Sessions Judge-V, D.I.Khan

*Dr. 22/04/18*

*USA*  
*Added*  
*22/4/18*



*36*

judgment dated 26.06.2014 acquitted co-accused namely Abdul Majeed and Abdul Waheed. As the evidence remained the same, hence, same observations are also attracted in present case. Although detailed discussion cannot be repeated, however, main controversies are re-produced here as under:



In view of statement of complainant and scribe of Murasila, delay in lodging the report was held as un-explained and thus the matter was found doubtful.

Similarly, even the report of the complainant was doubtful on the ground that same was scribed vide Md No.33 at the Police Station, but Moharrir negated the same and PW-3 admitted that no one came to Police Station, hence, even the report of the complainant was found doubtful.

Statement of PW-1 in comparison with FIR was brought under discussion and with few improvements as well as additions, it was found not in conformity with FIR and was found contradictory to the Murasila. Missing of motorcycle and gold ornaments etc declared the witness as dishonest.

Motive behind the occurrence when mentioned it must be proved and if not proved, the presumption that it was disproved can be drawn. Failure to produce evidence in respect of motive as well as

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9/18  
Dera Ismail Khan

APPROVED TO BY THE  
And Sessions Judge

adverse, presumption under A.129-G of Qaimun-e-Shahadat was brought under discussion and both were also considered as fatal for prosecution case.

- The factum of mobile phone and during evidence its denial was brought under discussion. Absence of SIM number as well as absence of recovery of mobile further negated the prosecution version.
- This fact was brought under discussion that despite closest relationships why the complainant was left and deceased was murdered.

The factum of firing from residential building/bungalow, absence of its inhabitants and nexus of both the parties with such residential building were brought under discussion. Absence of such bungalow from site plan as well as non-production of any evidence from such residential building and its ambiguous status was further considered as fatal.

- One surprising fact that beside bloodstained clothes of the deceased another pair was found, but the status of another pair of garments remained shrouded in mystery. This fact was also considerable in favour of accused facing trial.
- Recovery of pistol as well as reference was made to habitualness of deceased were brought

9/02/14

ARRESTED IN THE  
District and Sessions Judge

namely Naik Ali Shah s/o Najam Shah is acquitted of the charges

above, by extending the benefit of doubt, the accused facing trial

13. In the light of available record and observations recorded

accused rather it will be wastage of precious time of the court

further evidence, there seems no chance of conviction of any of the

purpose and in the light of aforementioned facts with recording of

same, hence, even if proceeded with it will not serve any fruitful

accused facing trial and despite twice opportunities evidence remained

moreover, no direct or circumstantial evidence exists against the

extent of accused facing trial. Present case is full of contradictions,

each other and the prosecution has not proved the allegations to the

the oral as well as circumstantial evidence are not conforming with

doubt. In present case, the statements of PWs are full of contradiction,

prosecution is duty bound to establish the case beyond any shadow of

nomination in FIR is not sufficient for conviction of accused, but the

12. It is repeatedly held in chain of authorities that mere

well as medical certificate.

Majeed after discussing the relevant evidence as

was also considered in favour of accused Abdul

Similarly, the defence plea of accused Abdul Majeed

relevant evidence same was found as proved.

brought under discussion and after discussing the

The plea of alibi of accused Abdul Wahed was

considered as deny in prosecution story.

discussion and the relevant facts were also



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ATTESTED TO BY THE CLERK  
Sessions Judge  
District and Sessions Judge

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9/18

(Usman Wali Khan),  
Additional Sessions Judge-II,  
Dera Ismail Khan

9/18

(Usman Wali Khan),  
Additional Sessions Judge-II,  
Dera Ismail Khan

Certified that this judgment consists of 07 (Seven) pages, each page has been read over, corrected wherever it was necessary and signed by me.

CERTIFICATE

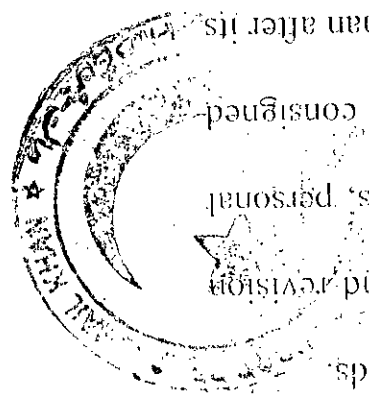
Pronounced in open court at D.I. Khan, under my hand and seal of the court this 21<sup>st</sup> day of February, 2018.

necessary completion and compilation.

to record room of learned District & Sessions Judge, D.I. Khan after its lawful belongings be returned to the lawful owner. File be consigned

14. Case properly be kept intact till period of appeal and revision and thereafter be disposed off as per rules and regulations, personal

sureties are also discharged from the liability of the bail bonds. leveled against him U/S. 265-K Cr.P.C. As he is on bail, hence, his



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2348

Location Received 22-2-24  
 Date of Copying 22-2-24  
 Date of Delivery 22-2-24  
 No of Words 2800  
 Copying Charge \_\_\_\_\_  
 Agent Charge \_\_\_\_\_  
 Total Charge \_\_\_\_\_  
 Name of Captain \_\_\_\_\_  
 Name of Delivery Officer \_\_\_\_\_  
 Name of Passenger \_\_\_\_\_

  
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(41)

Ann - H

(40)

(15)

منجانب: سب ڈویژنل ایجوکیشن آفیسر (مردانہ) ڈیرہ اسماعیل خان

(4)

نمبر \_\_\_\_\_ تاریخ \_\_\_\_\_

بجانب: نیک علی شاہ پی ایس ٹی گورنمنٹ پرائمری سکول حاجی آباد ڈیرہ اسماعیل خان۔

سکول کا پتہ: گورنمنٹ پرائمری سکول حاجی آباد ڈیرہ اسماعیل خان۔ 14

عنوان: شوکار نوٹس ہابت غیر حاضری فراہم سکول ڈیوٹی بتاریخ 10-11-2012 تا حال۔

**یادداشت:** آپ ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) ڈیرہ اسماعیل خان کے چٹھی نمبر 46/AE-V, PST (M)

Dated 29-03-2013 کے مطابق مورخہ 10-11-2012 سے تا حال اپنی سکول ڈیوٹی سے غیر حاضر ہیں

لہذا آپ کو نوکری سے معطل کیا جاتا ہے اور اس ضمن میں آپ کو شوکار نوٹس جاری کیا جاتا ہے کہ آپ نوٹس ہذا کے جاری

تین دن کے اندر اندر اپنی غیر حاضری کی وجہ تحریری جواب کی صورت میں زیر دستخطی کے پاس دے دیں بصورت دیگر آپ کے خا

ٹالیفٹنسی اینڈ ڈسپلن رولز 2011ء کے تحت ایک طرف کارروائی عمل میں لائی جائے گی۔ جسمیں آپ کی ملازمت سے برطرفی بھی ہو

DDP (M)  
Supdt (M)

سب ڈویژنل ایجوکیشن آفیسر (مردانہ)

ڈیرہ اسماعیل خان۔

DDP (M)  
6/4

تاریخ 4/5/13

نمبر 813-15

کاپی برائے اطلاع۔

*[Handwritten Signature]*

سب ڈویژنل ایجوکیشن آفیسر (مردانہ)

ڈیرہ اسماعیل خان۔

- 1 ✓ ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) ڈیرہ اسماعیل خان۔
- 2 ایس۔ ایس۔ ڈی۔ او۔ سرکل لوکل آفس۔ ڈیرہ اسماعیل خان۔
- 3 ہیڈ ٹیچر گورنمنٹ پرائمری سکول حاجی آباد ڈیرہ اسماعیل خان۔

of the Executive Distt: offices  
Literacy and Education D.I. Khan  
Diary No 886  
Date 06-4-13

Attested to be true copy  
Nigul

(42)

To

Ann 'I'

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

**DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER NO. 6368-71 DATED 22/01/2015 PASSED BY THE DEO DERA ISMAIL KHAN THE ADJUSTMENT AND LEAVE WITHOUT PAY ORDER HAD BEEN OCCASIONED DUE TO FLAWED AND ANOMALOUS HANDLING OF THE SERVICE AFFAIRS BY THE DEO DERA ISMAIL KHAN THEREBY CAUSING IRREPARABLE LOSS OF MEANS OF LIVELIHOOD AND FUTURE OF APPELLANT.**

Respected Sir,

1. That the appellant was appointed as P.S.T in the Education Department Dera Ismail Khan in the year 2006 and since then the appellant is working as PST and have never given any chance of complaint to anyone.
2. That unfortunately the appellant was falsely implicated/en-roped in a murder case and FIR was registered on 08/11/2012 in the police station Saddar Dera Ismail Khan.
3. That the appellant applied for BBA which was accepted and the appellant started performing his duties but as due to registration of FIR he was not allowed to mark their attendance in the attendance register. He was told by the Head Teacher that as he is suspended from service, thus, is only allowed to attend school. Copy of suspension order no. 2746 dated 29/03/2013 and No. 813-15 dated 04/04/2013 is enclosed for ready reference.
4. That thereafter the department, DEO Dera Ismail Khan vide order no. 6368-71 dated 22/01/2015 adjusted me but not removed the suspension order. The intervention period have been sanctioned as leave without pay. The flawed and anomalous order caused irreparable

Attested to be true copy  
MIRALI

43

losses in the future service in promotion and pay fixation. AG office raised objection which is sustain to date.

5. That after long trial the appellant has been acquitted from the charges leveled against the appellant. Copy of judgment and order dated 21/02/2018 is enclosed for ready reference.
6. That as the appellant has hounourable acquitted by the court of Honourable Additional District & Sessions Judge-II, Dera Ismail Khan from the charges leveled against him. So cause of action accrued to the appellant for removing hardless/anomalous and flaws from the original Service Book (Personal file of the appellant). The copy of service book is enclosed for your good honour.

**GROUND OF APPEAL:**

- i. That the appellant's Suspension order has not been removed. The suspension order of the appellant is still in field. Thus non-payment of salaries to appellant is illegal because suspension period is payable, so, may kindly be paid to the appellant.
- ii. That due to anomalous, flaws, incorrect order the appellant caused irreparable loss in shape of non-opening of old salary account, non-opening old G.P Fund Account, non-counting Seniority, non-issuing of annual increment on due date. Adjustment order is totally illegal, hence, your honour can check from pay slip or pay Rool register.
- iii. The appellant was suspended. Thus question of leave without pay does not arise.

**Prayer:**

**The order bearing No. 6368-71 dated 22/01/2015 may kindly be set aside. So that my following due rights may released.**

*Attested to be true copy*

*[Signature]*

44

1. Salaries from 09/11/2012 to 21/01/2015 (suspension to adjustment period) may be released being the suspension period.
2. My annual increment for the year 2013-14 may also be released.
3. The word suspension is on field thus it may be removed from Original Service Book and record (Personal File).
4. My old G.P Fund account may also be accumulated instead of fresh account.
5. Seniority of the appellant is badly effecting.
6. As the appellant being a qualified teacher having qualification BSC, MA, CT, B.Ed and M.Ed his promotion to next grade/cadre is also due.

Kindly accept my appeal as prayed for.

Thanks

Dated: 13-03-2018.

Your obediently,

*Naik Ali Shah*

**Naik Ali Shah**  
s/o Najam Shah  
SPST, GPS Wanda  
Balochan (CRBC),  
Dera Ismail Khan.  
Cell# 0345-6836477

*Attested to be true  
copy*

Copy in Advance

To: DEO DIkhan.

45

### No. 1001

For Insurance Notices see reverse. Rs. Ps.  
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.

Received a registered\* addressed to \_\_\_\_\_ Date-Stamp \_\_\_\_\_

Initials of Receiving Officer \_\_\_\_\_ \*Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures) \_\_\_\_\_ (in words) \_\_\_\_\_

If insured. Insurance fee Rs. \_\_\_\_\_ Ps. \_\_\_\_\_ (in words) \_\_\_\_\_ Weight \_\_\_\_\_ Grams \_\_\_\_\_

Name and address of sender \_\_\_\_\_

### No. 469

For Insurance Notices see reverse. Rs. Ps.  
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.

Received a registered\* addressed to \_\_\_\_\_ Date-Stamp \_\_\_\_\_

Initials of Receiving Officer \_\_\_\_\_ \*Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures) \_\_\_\_\_ (in words) \_\_\_\_\_

If insured. Insurance fee Rs. \_\_\_\_\_ Ps. \_\_\_\_\_ (in words) \_\_\_\_\_ Weight \_\_\_\_\_ Grams \_\_\_\_\_

Name and address of sender \_\_\_\_\_

### No. 470

For Insurance Notices see reverse. Rs. Ps.  
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.

Received a registered\* addressed to \_\_\_\_\_ Date-Stamp \_\_\_\_\_

Initials of Receiving Officer \_\_\_\_\_ \*Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures) \_\_\_\_\_ (in words) \_\_\_\_\_

If insured. Insurance fee Rs. \_\_\_\_\_ Ps. \_\_\_\_\_ (in words) \_\_\_\_\_ Weight \_\_\_\_\_ Grams \_\_\_\_\_

Name and address of sender \_\_\_\_\_



Advocate  
Punjab  
S.No. 865

# وکالت نامہ

46

کورٹ  
فیس

Before the K.P.K Service Tribunal D.S.K  
بجالات

Appellant منجانب  
Najik Ali Shah مدرس Govt of K.P.K at

Service Appeal دعوی یا جرم

vs Govt of K.P.K S.T. No 1974 تفصیل دعوی یا جرم

باعث تحریر آنکہ

D. S. Khan

Shahid Jafar ul Haq Advocate

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا ہذا بذریعہ دو بزد عدالت حاضر ہونا ہوں گا اور ہر وقت نکالے جانے مقدمہ وکیل صاحب  
یا موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر ملہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب  
موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل  
بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر پکھری کے علاوہ اور جگہ ساعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے یا پیچھے پیش ہونے  
پر منظر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا سخت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ  
اکوکل ساختہ پر داخستہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعوی یا جواب دعوی یا درخواست اجراء اسمائے ذگری  
نظر ثانی اپیل نگرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر ناشی یا راضی نامہ و فیصلہ برحقیقت کرنے اقبال دعوی کا بھی اختیار ہو گا اور بصورت مقرر ہونے  
تاریخ پیشی مقدمہ مذکور بیرون از پکھری صدر بیرونی مقدمہ مذکور نظر ثانی اپیل و نگرانی و برآمدگی مقدمہ یا مستوفی ذگری یک طرفہ یا درخواست حکم امتناعی یا قری  
یا گرفتاری قبل از فیصلہ اجراء ذگری بھی صاحب موصوف کو بشرط ادا تکلیف علیحدہ مختصمیری کا اختیار ہو گا اور تمام ساختہ پر داخستہ صاحب موصوف مثل کردہ  
از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مذکورہ یا اس کے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی  
اپیل نگرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا بیرسٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے  
اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موصوف کا حق ہو گا مگر  
صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پروا نہ کریں اور ایسی صورت  
میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے

مورخہ 25 جول

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Attached to be

True copy  
in

Sh: Jafar ul Haq

*(Handwritten signature)*

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR**

Service Appeal No. 824/2018

**Naik Ali Shah**

**VS**

**Government of KPK**

**COMMENTS ON BEHALF OF RESPONDENTS**

**Preliminary Objections**

- i. That the appellant remained willful absent / absconder w.e.f. 09.11.2012(after chalking of FIR under Section 302 PPC) to 21.01.2015, therefore the appellant was not entitled for any financial benefits like suspension allowance, seniority, GPS Fund, annual increments and promotion to the next grade.
- ii. That the appellant has joined his service w.e.f. 21.01.2015 and filed departmental appeal on 13.03.2018 so appeal is badly time barred; therefore the present service appeal of the appellant is not maintainable and liable to be dismissed.
- iii. That the fugitive from the law losses his many valuable rights” as a settled principle of law
- iv. That the appellant has got no cause of action / locus standi.
- v. That the appellant has not come to Honourable Tribunal with clean hands.
- vi. That the appellant has filed the service appeal on malafide objectives.
- vii. That the instant appeal is against the prevailing laws and rules.
- viii. That the appeal is barred by doctrine of leeches.
- ix. That the instant appeal is illegal and against the facts and on grounds circumstances.
- x. That the service appeal is not maintainable in its present form.
- xi. That the appellant has concealed material facts from Honourable Tribunal.
- xii. That the service appeal is not maintainable in its present form.

**Objections on facts**

1. Para pertains to the appointment of the appellant in the year 2006 in the respondent department, hence no comments.
2. Para pertains to the involvement of the appellant in the criminal case and FIR No. 587 dated 08.11.2012 under Section 302, 404/34 PPC was chalked against the appellant.
3. The appellant become absconder w.e.f 08.11.2012 after chalking the FIR against the appellant. In the mean while the appellant remained absent from duty without prior permission from the competent authority. On 18.07.2014 appellant has filed BBA application before the Court of the Honourable Additional Session Judge DIKhan and the bail was confirmed on 21.10.2014 by the Additional Session Judge V DIKhan.



4. Incorrect and not admitted. The bail of the appellant was confirmed on 21.10.2014 and till that date the appellant did not assumed her post or did not surrender before the District Police DIKhan. Therefore the status of the appellant in the respondent Department was willful absent from duty and status of the appellant was absconder in the District Police Department DIKhan. Due to absconder status the appellant did not entitle for any financial benefits or seniority benefits from the respondent department. "The fugitive from the law losses his many valuable rights" as a settled principle of law.
5. Incorrect / not admitted. As the appellant remained absconder w.e.f 09.11.2012 to 21.01.2015, therefore he was not entitled for the suspension allowance in the ascendance period.
6. The appellant was acquitted from the charges leveled against him in the FIR dated 08.11.2012, in the light of judgment dated 21.02.2018 of the Honourable Additional Session Judge II DIKhan.
7. Strongly denied. As this Department did not know about the criminal proceeding against the appellant. The status of appellant in the Education Department was willful absent from the duty. Therefore DEO (M) DIKhan has issued Show Cause notice to the appellant through SDEO(M)DIKhan but the appellant did not reply to the show cause notice. The services of the appellant were not suspended by the competent authority (DEO (M) DIKhan). It is further added that the suspension letter dated 04.04.2013 does not sustainable in the eye of law.
8. The appeal of the appellant was not decided by the appellate authority till date. Therefore the present service appeal of the appellant was not maintainable in the eye of law. Furthermore the present appeal of the appellant was also badly time barred. Due to above mentioned circumstances, the service appeal of appellant may be dismissed with cost.
9. That the appellant has assumed his charge of the post w.e.f 21.01.2015, and filed departmental appeal on 13.03.2018, which is badly time barred. Due to non filing of appeal before the competent authority, the appeal of appellant was not maintainable in the eye of law. Hence it is requested to this Honourable Tribunal to dismiss the appeal of the appellant.

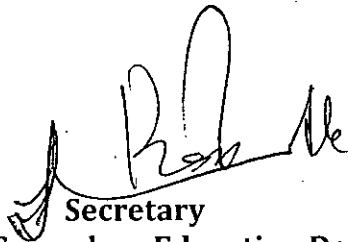
### **Objections on grounds**

1. Para pertains to the acquittal of the appellant by the Honourable Additional Session Judge No. II DIKhan, hence no comments.
2. Incorrect and strongly denied. The appellant remained absconder due to FIR under Section 302-404/34. The appellant was served a show cause notice regarding his absentee, but the appellant did not reply the show cause notice because he was absconder and was not entitled for the suspension under law.
3. This para is strongly denied. The appellant remained willful absent / absconder w.e.f 09.11.2012 to 21.01.2015, therefore the appellant was not entitled for any financial benefits like suspension allowance, seniority, GPS Fund, annual increments and promotion to the next grade.

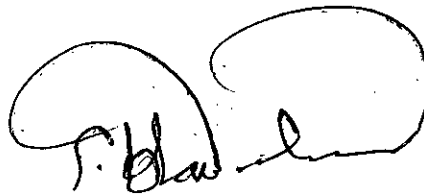
4. Incorrect and strongly denied. The suspension of appellant was not sustainable in eye of law because appellant was suspended by the then SDEO(M)DIKhan which was not competent authority. It is further added that the appellant was served a show cause notice vide latter dated 04.04.2013 but appellant did not replied. But due to the absconder status from the District Police the appellant did not reply to the show cause notice and thus not entitled for any financial benefits.
5. That the counsel for respondents may please be allowed to raised additional grounds at the time of arguments.

### Pray

Due to above mentioned facts and circumstances, the appellant remained willful absent from the education department therefore the service appeal of appellant may kindly be dismissed with cost.



Secretary  
Elementary & Secondary Education Department  
Khyber Pakhtunkhwa Peshawar



Director  
Elementary & Secondary Education Department  
Khyber Pakhtunkhwa Peshawar



District Education Officer  
(M) DIKhan

*Ve-Hee*  
*Naachy*



**BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR**

**Service Appeal No. 824/2018**

**Naik Ali Shah**

**VS**

**Government of KPK**

**Authority**

I District Education Officer (M) DIKhan hereby authorized Mr. Muhammad Kamran Khan to attend Honourable Service Tribunal KPK Peshawar on behalf of respondents in connection with submission of Para wise comments and till the decision of the service appeal.

Respondent No.



**District Education Officer  
(M) DIKhan**

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR**

**Service Appeal No. 824-18**

**Naik Ali Shah**

**VS**

**Government of KPK**

**Affidavit**

I Mr. Muhammad Kamran Khan Assistant District Education Officer (M) DI Khan solemnly affirm and declared on oath that the content of written reply are correct to the best of my knowledge and nothing has been concealed from this Honorable Court.

*M. Kamran Khan*  
Deponent

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA PESHAWER CAMP AT D.I.KHAN.**

Appeal No: 824 OF /2018  
Naik Ali Shah S/o Najam Ali Shah,  
SPST, GPS Wanda Balocha (CRBC) D.I.Khan.

**“VERSUS”**


1. Govt of Khyber Pukhtunkhwa through Secretary Education Govt of KPK Peshawar.
2. Director Education Elementary & Secondary Khyber Pukhtunkhwa Peshawar.
3. District Education Officer (Male) D I Khan.
4. District Accounts Officer D I Khan.

**Respectfully (Sheweth)**

Para wise Reply of the respondent No (4) is as under:

- Para (1) Incorrect/Not Admitted Para not related to Respondent No (4)
- Para (2) As above para no 01.
- Para (3) As above para no 01.
- Para (4) Incorrect / Not Admitted Para not related to Respondent No (4).
- Para (5) Incorrect / Not Admitted Para not related to Respondent No (4).
- Para (6) Incorrect / Not Admitted Para not related to Respondent No (4).
- Para (7) Incorrect / Not Admitted Para not related to Respondent No (4).
- Para (8) Incorrect / Not Admitted Para not related to Respondent No (4) being administrative matter.
- Para (9) Incorrect / Not Admitted Para not related to Respondent No (4).

It is therefore, humbly prayed that as acceptance of above mentioned para wise reply, that the name of Respondent No (4) may graciously be related from the penal of Respondents.

  
**District Accounts Officer,**  
Dera Ismail Khan.  
(Respondent No 4)

**BEFORE THE HONOURABLE SERVICE TRIBUNAL**  
**KHYBER PUKHTUNKHWA PESHAWER**

Appeal No: 824 OF /2018

Naik Ali Shah S/o Najam Ali Shah,  
SPST, GPS Wanda Balocha (CRBC) D.I.Khan.

**“VERSUS”**

5. Govt of Khyber Pukhtunkhwa through Secretary Education Govt of KPK Peshawar.
6. Director Education Elementary & Secondary Khyber Pukhtunkhwa Peshawar.
7. District Education Officer (Male) D I Khan.
8. District Accounts Officer D I Khan.

**AFFIDAVIT**

I Mr. Saeed-ur-Rehman Distt Comptroller of Accounts Dera Ismail Khan do hereby solemnly affirms and declare that All the contents of para wise reply submitted by the Respondent No (6) are true and Correct to the best of my knowledge and belief. That nothing has been Concealed the Honorable Court.

  
**DEPONENT'S**

25/11

**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER**  
**PAKHTUNKHWA PESHAWAR**

Service appeal No 824/2018

Naik Ali Shah Appellant

Versus

Govt: of KPK etc

**REJOINDER ON THE BEHALF OF APPELLANT AGAINST**  
**THE PARA WISE COMMENTS OF RESPONDENTS.**

Respected sir,

Appellant humbly submits as under,

**REJOINDER AGAINST PRERLIMINARY OBJECTIONS:**

I. The appellant never remained absent w.e 9-12-2011 to till 18/07/2014. Actually the appellant was falsely implicated (as the appellant being head of his own Syed (سید) tribe) in the case FIR#587 dated 08/11/2012 u/s 302-404-34 PS Saddar D I Khan and due to fear of police and because of humiliation and insult of the police the appellant remained suspended from services during this period as evident from the suspension order and footnote from the service book available on page#16 of the main service appeal (Page#10 in service book). Thus the appellant was entitled for all financial benefit including suspension allowance, seniority, GP fund, annual increments and promotion to the next grade. Thus this para is denied in above terms.

II. The Para No 2 is denied. The appellant actually joined his services on 13/02/2006 after initial appointment and from the date of initial appointment the appellant never remained absent during whole services as detail given in Para ante. After submission of bail before arrest petition on 18/07/2014 the appellant caught the legs of every forum to get/assume the duty and lastly the respondent authority made mercy on the appellant and instead of reinstatement of the appellant after suspension of services of the

appellant adjusted vide order No#6368-71 dated 22/01/2015 and the absent period was considered as EOL without pay w.e.f 09/12/2012 to 21/01/2015. During this time the appellant made various request to the respondent authority for rederssal of his grievances but the appellant was replied that all his grievances will be fulfilled/remedied after honourable acquittal from the court and thus appellant honourably acquitted by the competent court of learned Additional Session Judge-II D I Khan vide order dated 21/02/2018. And after acquittal the appellant submitted departmental appeal on 13/03/2018, which is well within time in attendant circumstances and thus appeal is maintainable and liable to be accepted. Thus this Para in misformulated one.

- III. That the appellant never remained fugitive from law as detail given in supra Para. Moreover, under the FR#54 (a) the appellant is entitled the full pay along with allowances and other benefits and emoluments as he/appellant was entitled before false implication of the case. Thus this para is mis constructed and denied. copy of the FR#54 is enclose as **R-1.**
- IV. That the appellant being aggrieved having cause of action and locus standi to file the present appeal. Thus this para is misconceived.
- V. The answering respondents have not mentioned the un cleanliness of appellant. Thus this para is miss-formulated.
- VI. That the answering respondent have not explain that how the appellant has malafide objective because the appellant has come in this tribunal after honourable acquittal. Thus this para is denied.
- VII. That the instant appeal is u/s 4 of KPK service Tribunal Act 1974 and thus is accordance to prevailing laws and rules. This para is denied.
- VIII. That the instant appeal is under the doctrine of service laws and rules and in the light of service law and verdict of superior courts no laches is evident in the instant service appeal. Thus this para is misconceived and denied.



- IX. Para 9 is denied. The appeal is accordance to law and facts and circumstances, however the respondents authority has not explained. That how the instant appeal is illegal.
- X. That the answering respondent have not explained that how the appeal is not maintainable in the instant form. Thus this para is denied.
- XI. That no fact has been concealed by the appellant. Hence para is denied.
- XII. That the answering respondent have not explain that how the appeal is not maintainable in the instant form. Thus this para is denied.

**REJOINDER ON FACTS:**

1. Needs no reply as not denied.
2. The reply of Para No. 2 has been given in supra Paras.
3. Para No. 3 is denied in above term. The appellant never remained absent as detail reply is given in supra Paras, because the appellant was suspended from services by the competent authority vide DEO (M) D I Khan letter#2746 dated 29/03/2013 and SDEO (M) D I Khan letter#813-15 dated 04/04/2013, which is evident from the footnote (Page#16) of service book and from the letters NOs letter#2746 dated 29/03/2013 and SDEO (M) D I Khan letter#813-15 dated 04/04/2013 of the authority of the answering respondent. Copy is enclosed as ~~\_\_\_\_\_~~ already Ann-H"
4. Para No. 4 is denied. The appellant never remained absent but suspended from services during that period as detail reply is given in supra Paras. Moreover, the appellant tried his best to take/resumed duties from the appellant through verbal/written request. The remaining answer is available in supra paras. Thus this para is mis conceived. Copy of the applications is <sup>Reply</sup> R-2
5. That the para No. 5 of the answering respondents is squarely denied. In the light of service rule and policies after suspension the employee should must be reinstated to full amount of his

salary and all other benefits, but in the instant case the suspension order has not been cancelled up till now and the appellant was wrongly and illegally instead of reinstatement has been adjusted vide order#6368-71 dated 22/01/2015 which is gross violation of law and service policies and also the actions and omissions of the answering respondents is liable to be rectified and on this sole ground the instant appeal is liable to be accepted. Moreover, the respondent#4/financial institution also raised the similar objections. Which is evident from the footnote of service book (Page#14 & 21 of main service appeal). Thus this para is mis formulated one.

6. Needs no reply as not denied.
7. The reply of the answering respondents is on weak footing. On one pretext the appellant has been made escape goat and on other pretext the answering respondents is denied the actual facts. Moreover, the answering respondents are denying his own suspension letters/records, meaning thereby the stance of the answering respondents are baseless and manipulated one. Thus this para is denied is above terms.
8. The para No. 8 is denied. the detail answer is given in supra paras.

**REJOINDER OF GROUNDS:**

1. Needs no reply as not denied.
2. Incorrect. That appellant was never remained absent/absconder. . The appellant was never charge sheeted/statement of allegation and no inquiry whatsoever was conducted against the appellant and no opportunity of hearing was given to the appellant. Moreover, the showcase notice being alleged by the answering respondents is negated by the answering respondents himself in the reply of objection on facts in No. 7 and thus the impugned order was issued against the natural justice. Thus this para is mis conceived.

3. Incorrect. The detail reply is given in supra Paras.

4. Incorrect. The detail reply is given in supra Paras. The stance of the answering respondents is on wrong footing because the lie has no legs as on one side the answering respondents take the stance of the alleged showcase notice (although not admitted and not served upon the appellant) allegedly issued by the SDEO and other side denying the competency of DEO and SDEO for the suspension letter. Thus this para is denied in above term.
5. The counsel for the appellant will urge additional grounds during of hearing.

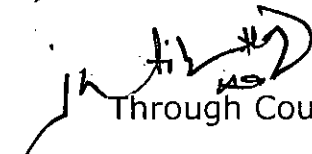
**It is therefore humbly prayed the appeal may kindly be accepted as prayed in heading of the appeal.**

Your humble Appellant



**Naik Ali Shah**

Dated: 24/09/2019



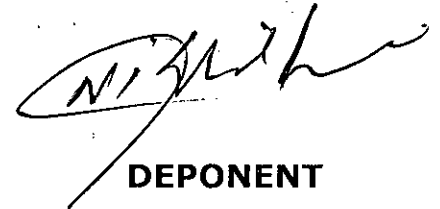
Through Council

**Sheikh Iftikhar ul Haq  
Advocate High Court**

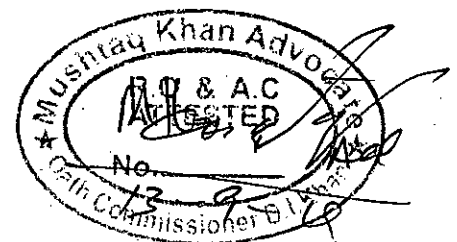
**AFFIDAVIT**

I, **Naik Ali Shah** son of Najam Shah caste Sayyed R/o Indus Colony Diyal road, Tehsil & Dist: D I Khan, the appellant, do hereby solemnly affirm and declare on oath that contents of above appeal are true & correct to the best of my knowledge as communicated to me by my client and that nothing has been concealed from this Honourable Court.

Dated: **24/09/2019**



**DEPONENT**



CHAPTER VIII. - DISMISSAL, REMOVAL AND SUSPENSION

F. R. 52. The pay and allowances of a Government servant who is dismissed or removed from service cease from the date of such dismissal or removal.

A Government servant under suspension is entitled to the following payments:-

- (a) In the case of [an employee of the Armed Forces] who is liable to revert to Military duty, to the pay and allowances to which he would have been entitled had he been suspended while in military employment.
- (b) In the case of a Government servant under suspension, other than that specified in clause (a), he shall be entitled to full amount of his salary and all other benefits and facilities provided to him under the contract of service, during the period of his suspension.]

Government decision -

It has been decided that the rate of the subsistence grant payable to suspended Government servants governed by F.R. 53(b) shall be enhanced from one-third to one-half of the pay of the suspended Government servant.

A doubt has been raised as to whether, in the case of a Government servant who has been suspended while on leave, the subsistence grant should be calculated with reference to his leave salary or with reference to his pay. Attention in this connection is invited to F.R. 55, which prohibits grant of leave to Government servants under suspension. Such a Government servant, therefore, ceases to be on leave as soon as he is placed under suspension, and the subsistence grant in his case also has to be calculated with reference to the pay which was admissible to him on the eve of the commencement of the leave.

These orders take effect from the 1st of December, 1969.

[G.P., M.F., O.M. No. F. 12(32)-R3/70, dated the 14th February, 1970.]

\*In F.R. 53, in clause (a) substituted by the S.R.O. 718(1)/93, 2nd August, 1993, Gaz. of Pak., Extra, Pt. II, P. No. 1339, Aug. 22, 1993.

\*In F.R. 53, clause (b) substituted by the S.R.O. 1173 (1)/94, dt. 21-9-1994, Gaz. of Pak. Extra, Pt. II, dated 5th December, 1994.

\*[F.R. 54.—Where a Government Servant has been dismissed or removed is reinstated, the revising or appellate authority may grant to him for the period of his absence from duty—

- (a) if he is honourably acquitted, the full pay to which he would have been entitled if he had not been dismissed or removed and, by an order to be separately recorded, any allowance of which he was in receipt prior to his dismissal or removal; or
- (b) if otherwise, such portion of such pay and allowances as the revising or appellate authority may prescribe.

In a case falling under clause (a), the period of absence from duty will be treated as a period spent on duty.

In a case falling under clause (b), it will not be treated as a period spent on duty unless the revising or appellate authority so directs.

Explanation.—In this rule, "revising authority" means the "authority" or "authorised Officer" as defined in the Government Servants (Recruitment and Discipline) Rules, 1973, who passes the final order on the case and not the authority who passes an order on appeal.]

Ann - R / 1.

File 8.11.12  
22.1.15

File 6/1/12

File open G.P. E. fund

16/9/69

NI

Seniority List

Place 16/1/12

\*F.R. 54 substituted by S.R.O. 716(1)/93, 2nd August, 1993, Gaz. of Pak., Extra, Pt. II, P. No. 1339, Aug. 22, 1993. (Effective from 30th June, 1993).

(34) 13  
Supdt  
17/11/14  
①

To:  
The District Education Officer  
(Male)  
Dera Ismail Khan.

Ann-R/2

Through: Sub Divisional Education Officer  
Male D.I.Khan.

Subject: Application/representation for Resuming/Joining  
duty in the Government Primary School Haji  
Abad Dera Ismail Khan

Respected Sir,

With due respectfully I beg to state that the Applicant named Naik Ali Shah P.S.T G.P.S. Haji Abad Tehsil and District D.I.Khan was implicated by his enemies in the Criminal Case illegally and unlawfully falsely. The Applicant was totally innocent. Thus due to fear of Police and enemies Applicant remained hidden for long time. Thus he was recorded absent from duty.

That the Applicant being innocent and falsely implicated by his enemies submitted BBA which was accepted and Bail was granted to the Applicant. It is evident from order of the learned Additional Session Judge -V dated. 21.10.2014 that the case of prosecution is very weak and the complainant has not interest in the case. This mean that the Applicant is innocent and falsely been implicated.

It is, therefore humbly prayed that the applicant may kindly be allowed to resume /join his duty in the G.P.School Haji Abad D.I.Khan.

*Mirza*

Copy of order is attached

Your humble applicant.

Naik Ali Shah (S/O Najam Shah)  
R/O Indus Colony D.I.Khan.  
PST G.P.S Haji Abad  
Chashma Road Shaikh Yousaf  
D.I.Khan

Dated. 22.10.2014.

Date 06-4-13



OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER (M) DERA ISMAIL KHAN

35

No. 1307

Dated D.I.Khan the 07/11/2014

To

The District Education Officer (Male) DIKhan

SUBJECT : NEK ALI SHAH PST GPS HAIL ABAD

R/Sir:

An application received from Nek Ali Shah (PST) on 6/11/2014 stating that he was serving at GPS Haji Abad and was implicated by his enemies in the criminal case falsely. Due to fear of police and enemies he remained hidden for long time. He says that BBA was granted by the Additoinal Session Judge-V on dated 21/10/2014 (Order of the Add:toinal session judge-V DIKhan is attached.)

Brief detail as per record is as under

1. Nek Ali Shah PST had been found absent since 10/11/2012 (Head Teacher report attached)
2. According to enquiry officer Zameer Ahmad (I.DO), he was absent and his report is attached.
3. According to Sikandar Irfan (ADO), he absconded on murder case and FIR is chalk out against him. (Copies of FIR and report attached)
4. DEO(M) DIKhan letter No. 2746 dated 29/03/2013 and SDEO(M) DIKhan letter No. 813-15 dated 04/04/2013, he is suspended and show cause notice served to him. (Both Copies Attached)
5. No response to show cause Notice from Nek Al Shah, and the same was sent to two leading newspapers for advertisement vide SDEO Office No. 953 dated 02/05/2013 by the order of DEO(M) DIKhan letter No. 3641 dated 24/4/2013 (copies attached)
6. Nek Ali Shah requests for joining his duty and he submitted his application. (application in original is attached)

*DDBO/Syeda (P)*

*[Signature]*  
Sub Divisional Education Officer  
(Male) Dera Ismail Khan

*14/11/14*  
*DBO*  
*10/11*

Office of the Sub Divisional Education Officer  
Dera Ismail Khan  
Sl. No. 7707  
Date: 13/11/2014

*- Copy of order is attached*

*[Signature]*  
Nek Ali Shah ) 8/0 Rajan Shah  
R/O Ineus Colony D.I. Khan  
PST G.P.S Haji Abad  
Chashma Road Shaikh Yousaf Abad  
D.I. Khan

*Dated. 22.10.2014.*

*[Signature]*

*PTO*

To: The District Education Officer,  
Male,  
D.I.Khan.

Subject: Application for allowing the Applicant  
to attend the duty in the Govt Primary  
School Haji Abad D.I.Khan.

Respectfully Sir,

with due respect I beg to state  
that the Applicant is a very poor person and due to  
malafide and ulterior motives I have been dulged in  
the Criminal Case .From which I have been released  
through BBA and now I have attended the School for  
duty .where the Head teacher did not allow me to mark  
attendance .

I have filed appeal /representation  
before your honour response of which is still awaited.

I am very poor man and have large family  
to support and suffering with starvation . I have neither  
suspended nor terminated by your honour but the Head  
teacher did not allow me to mark attendance. Beside  
my Salaries have also been stopped /withhold.

Keeping in view my poverty and being a  
qualified teacher I may kindly be allowed to mark  
my attendance in the Govt Primary School Haji Abad  
D.I.Khan so that my absent may not appeared/courted.

I hope your kind honour will considered  
my application sympathetically and will favour me  
by directing the Head teacher to mark attendance in  
the School, and I may also kindly be heard in person.

Your Humble Applicant.

*(Signature)*  
(Naik Ali Shah)

F.S.T. Govt: Primary School Haji Abad  
D.I.Khan

Dated. 20.11.2014.

*Sydt (P)*

*ma*  
*DB/10*  
*24/11*

*(Signature)*

Office of the District Officer  
Diary: 9156  
Date: 25-11-2014

Office of the District Education Officer  
(Male) D.I. Khan  
No. 22361 / 2014 (M)  
Dated D.I. Khan the 20/11/2014

To

The Sub-Divisional Officer  
(Male) D.I. Khan.

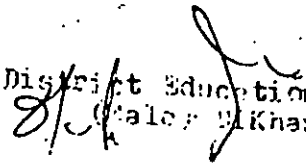
Subject:  
Memo:

NAIK ALI SHAH FST GPS:HAJI ATAD

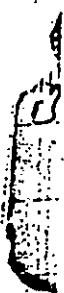
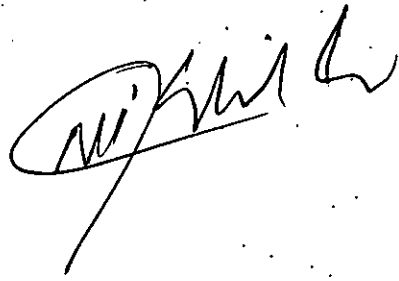
1307 dated 07-11-2014.

You are direct to submit the original service book in respect of Mr. Naik Ali Shah FST GPS:HAJI ATAD D.I. Khan within a week positively.

District Education Officer  
(Male) D.I. Khan



Received  
RL  
20/11/14







OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER (MALE) DERA ISMAIL KHAN

No. 1391  
To

Dated D.I. Khan the 27

The District Education Officer  
(Male) Dera Ismail Khan

Subject: <sup>PST</sup> NAIK ALI SHAH GPS, HAJI ABAD  
Memo:

Kindly refer to your No. 22361/AE-V/PST (Male) Dated 20/11/2014 on the subject noted above.  
Original service book in respect of above named teacher is enclosed herewith as desired please.

Encl: A/A

*[Signature]*  
Sub Divisional Education Officer  
(Male) Dera Ismail Khan 27/11/14

Endst: No. and date even.

Copy forwarded to:  
1. Assistant Sub Divisional Education Officer (Male) City circle Dera Ismail Khan

*[Handwritten]*  
Spelt (D)  
SBA

*[Signature]*  
Sub Divisional Education Officer  
(Male) Dera Ismail Khan

*[Handwritten]*  
DBR  
27/11

Office of the District Education Officer  
Diary No. 9360  
Date... 28-11-2014

*[Handwritten Signature]*



OFFICE OF THE DISTRICT EDUCATION OFFICER (M)  
DERA ISMAIL KHAN

34

No. 22849

Dated 3/12 /2014

To

The Sub Divisional Education Officer,  
(M) Dera Ismail Khan

Subject:

Naik Ali Shah (PST) GPS Haji Abad.

Memo:

Reference your letter No 1391 dated 27/11/2014 & No 1307 dated 07/11/2014 you are directed to provide the following information in respect of Mr. Naik Ali Shah PST GPS Haji Abad within two days positively.

1. What was the pay position during the period the official remained out of duty as a absconder as FIR was lodge against the accused on 08/11/2012
2. Provide the suspension order of the accused.

DISTRICT EDUCATION OFFICER  
(MALE) DERA ISMAIL KHAN

*Handwritten initials and date: 3/12/14*

*Handwritten signature*

(4)



OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER (MALE) DERA ISMAIL KHAN

No. 1467  
To

Dated D.I.Khan the 06 /12/2014

The District Education Officer  
(Male) Dera Ismail Khan

Subject: NAIK ALI SHAH (PST) GPS HAJI ABAD

Memo:

Kindly refer to your No. 22849/AE-V PST (Male) Dated 03/12/2014. on subject noted above.

In this connection, it is stated that:-

1. The pay of above named PST was stopped w.e.f 01/12/2012.
2. He was suspended by the then SDEO (Male) Dera Ismail Khan vide 811-15 dated 04/04/2013 (copy attached as desired please).

*Syafat (P)*

*[Signature]*  
Sub Divisional Education Officer  
(Male) Dera Ismail Khan  
6/12/14

*[Signature]*  
DBK  
8/12

Office of the Sub Divisional Education Officer  
Diary No. 10090  
Date 06-12-2014

*[Signature]*

*[Signature]*

ذریعہ کاپی

Office of the Executive District Officer  
Literacy and Education D.I. Khan  
Diary No. 886  
Date 06-4-13

Date 06-4-13



OFFICE OF THE DISTRICT EDUCATION OFFICER (M)

DERA ISMAIL KHAN

**OFFICE ORDER**

In the light of Honourable court of additional Session Judge V DIKhan date 21/10/2014 Mr: Naik Ali Shah PST is hereby adjusted at GPS Haji Abad DIKhan against the vacant post of PST in the interest of public service with immediate effect.

Note:

The absent/ absconder period as EOL without pay w.e.f 09/11/2012 to 21/1/2015

Sd/-

DISTRICT EDUCATION OFFICER  
(M) DERA ISMAIL KHAN


Endst: No. 6368-71 / ADEO.Estab (P)

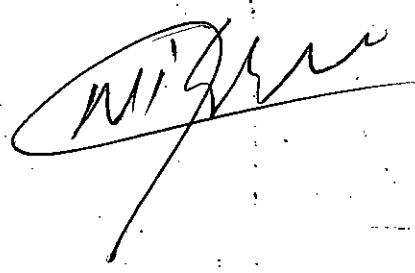
Dated DIKhan the 22/01 /2015

Copy to:

1. Sub Divisional Education Officer (M) DIKhan. w/r to his No: 1307 dated 07/11/2014 along with original service book.
2. District Account Officer DIKhan.
3. Head Teacher Concerned
4. Official Concerned

*Received Copy  
S/Book  
23/1/2015*

  
DISTRICT EDUCATION OFFICER  
(M) DERA ISMAIL KHAN



To

The District Education Officer,  
Dera Ismail Khan.

Through:

SUB DIVISIONAL EDUCATION OFFICER (M) PRIMARY SCHOOL  
D.I.KHAN

Subject:

MERCY APPEAL / REVIEW APPLICATION FOR REVIEWING  
ORDER BEARING NO. 6368-71/ADEO/ESTAB(P) DATED: 22.01.2015

Respected Sir,

That the applicant is Primary School Teacher working under your kind control in the GPS Haji Abad Dera Ismail Khan. The applicant was enroll/implicated by opponen/ enemies in a false Murder Case. Wherein the Applicant has been release through BBA by the learned Sessions Judge-V D.I.Khan.

That the Applicant is a very happy that your honour have allowed me to continue / resume his duty and adjusted me. But the Applicant feel that due to the above order the Applicant have to sustain punishment thrice (3) on only one alleged blame not a guilt, in this regard your honour can peruse the remarks of learned Sessions Judge-V in BBA order dated: 21.10.2014 Wherein they given verdict that other two Accused have already been acquitted and in respect of the Petitioner the Prosecution has got very week case and there is nothing in the case. As complainant party has no more interest in the said case.

Actually the Applicant have been implicated due to malafide intention of the Complainant / prosecution.

It is also pertinent to mention that the persons who are involved in such like murder Cases and who declared innocent always entitled for all back benefits since lodging F.I.R till acquittal. But the applicant who is innocent have been deprived from the back benefits & seniority etc. more over the Suspension period is always treated as attendance. The applicant seems as Suspended, neither the Applicant suspension have cancelled nor removed from Service record and in the District Accounts Record. Thus the Applicant be considered according law.

A.D.Bo (P)

*[Handwritten signature]*

*[Handwritten signature]*  
DBA  
19/6

Office of the Dist: Edu: Officer  
(Male) D.I. Khan  
Diary No... 6647  
Date... 9.1.2015

53

1. Firstly my Salaries have been freezed and sanctioned leave without pay in my favour is unjustified.
2. My Seniority have badly affected, as Junior to me have been brought forward in the 14th Grade but despite of applicant 10 years services he is still lying in initial grade BPS-12 having basic pay Rs. 8500/- Your honour can check the same. Which is also unjustified.
3. My Suspension have not been cancelled up to date. This means that the Applicant is Suspend and according rules and law Suspension period is payable. So not allowing me the salaries of the suspension Period is unjustified / illegal.

Sir,

I approach your honour to kindly look into the matter of the Applicant once again and consider / issue the orders in my favour as under:

**PRAYER:**

- i. Kindly release my salaries with effect from 09.11.2012 up to 21.01.2015 which has been freezed by your honour.
- ii. Kindly promote me according my Seniority to the BPS-14. As all my colleagues / junior to me have been brought forward.
- iii. Kindly re-affix my Salary / pay.

Keeping in view the above facts and circumstances my application in hand may kindly be sanctioned as per prayer above. And I shall be highly grate full to you and will pray for your long life and prosperity. As the applicant is very poor person and is the only bread winner of my family and there is no one to support me except **ALMIGHTY ALLAH**.

Copy of BBA order of the learned Session Judge-V D.I.Khan and your office order bearing No.6368-71/ADEO/Estab(P) dated: 22.01.2015 is enclosed herewith for your kind perusal with the instant Mercy / review Application.

Dated:16-06-2015

No:891 dt:17/6/15  
Forwarded to DEOCM D.I.Khan  
in original please

*[Signature]*  
Sub: Dir: Estab (Male) D.I.Khan

Your Humble Applicant

*[Signature]*

NAIK ALI SHAH  
PST, GPS, Haji Abad D.I.Khan

*[Signature]*

13

**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER**  
**PAKHTUNKHWA PESHAWAR**

Service appeal No 824/2018

Naik Ali Shah      Appellant

Versus

Govt: of KPK etc

**REJOINDER ON THE BEHALF OF APPELLANT AGAINST**  
**THE PARA WISE COMMENTS OF RESPONDENT#4**  
**DISTRICT ACCOUNT OFFICE D I KHAN.**

Respected sir,

Appellant humbly submits as under,

That all Paras all connected thus joint combined rejoinder is been submitted.

That the appellant was appointed as PST on 13/02/2006 in the Education Department and vide personal#001228588 the answering respondent are paying/making monthly salaries payment every month through account No.3411-3 by National Bank Sheikh Yousaf Branch D I Khan since form the date of appointment i.e 13/02/2006 till date except the period the GP fund are also being deducted from the sarlies of appellant every month i.e 13/02/2006 till 08/11/20123 (i.e upto the false implication in criminal case FIR no 587 dated 08/11/2012 u/s 404/34 PPC & upto the adjustment reinstatement. In this regard detail record are avaiable in Education department, however some record/perol is available with the appellant which is enclosed as **Annexure Z.**

It is pertinent to mention that the respondent allotted/feeded an old previous account No.. as mentioned above to the appellant including my colleagues. All my colleagues were having previous balance of GP fund but in my balance sheet the previous credit balance of GP/fund are/was missing. Thus the answering respondent deprived the appellant from previous credit balance


either by mistake or deliberately from 13/02/2006 till 08/11/2012 and for further period till adjustment. Appellant has neither withdraw the CP/GP fund nor obtained any advance from the GP fund account and sufficient credit balance were lying in credit balance sheet of appellant.

**It is therefore humbly prayed the appeal may kindly be accepted as prayed in heading of the appeal.**

Your humble Appellant

  
**Naik Ali Shah**

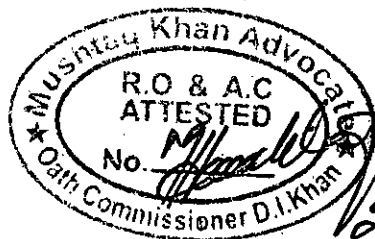
Dated: 24/09/2019

  
Through Council  
**Sheikh Iftikhar ul Haq**  
**Advocate High Court**

**AFFIDAVIT**

I, **Naik Ali Shah** son of Najam Shah caste Syyed R/o Indus Colony Diyal road, Tehsil & Dist: D I Khan, the appellant, do hereby solemnly affirm and declare on oath that contents of above appeal are true & correct to the best of my knowledge as communicated to me by my client and that nothing has been concealed from this Honourable Court.

Dated: **24/09/2019**



**DEPONENT**



*See*  
24/09/19



Annex-2

Accounts Office D.I.Khan  
PAYROLL REGISTER  
for the month of October 2009

Page: 1,407  
Date: 28.10.2009

DDO: Di6119 DY: D O (M) PRY DIK Payro Section: 002 Section 2

00286588 NAIK ALI SHAH Prev Pers No. Desi PRIMARY SCHOOL TEACH (00004018) Grade: 09 KTH: Buckle No. Gazetted/Kon-Gazetted: H

PAYMENTS	AMOUNT	DEDUCTIONS	AMOUNT	LOAN/FUND PRINCIPAL REPAYED	BALANCE
0001 Basic Pay	4,280.00	3109 CPF Subscription RS	524.00-	CPF:	25,582.00
1000 House Rent Allowance	1,146.00	3501 Benevolent Fund	35.00-		
1300 Medical Allowance	500.00	3511 Addi Group Insur e	7.00-		
1872 Dearnes Allowance -EE	425.00	3604 Group Insurance	67.00-		
1908 Adhoc Relief-2009 <0	856.00	3640 Emp. Edu Fund	15.00		

Net Pay: 6,559.00 01.10.2009 31.10.2009  
Account No. PLS-3411-3

Payments 7,207.00 Education 648.00-  
Branch Code: 231429 Sheikh Yousaf D.I.Khan Nation Bank Of Pakistan Sheikh Yousaf D.I.Khan

Accounts Office D.I. Khan  
PAYROLL REGISTER  
For the month of October ,2009

Page : 1.407  
Date : 28.10.2009

DDO : DI6119 DY: D D (M) PRY DIR  
0286588 NAIK ALI SHAH  
P A Y M E N T S

	Prev Pers No:	Desi
A M O U N T	D E D U C T I O N S	
0001 Basic Pay	4,200.00	3109 CPF Subscription
1000 House Rent Allowance	1,146.00	3501 Benevolent Fund
1300 Medical Allowance	500.00	3511 Addl Group Insur
1872 Deafness Allowance-EE	425.00	3604 Group Insurance
1908 Adhoc Relief-2009 (0	856.00	3640 Emp. Edu. Fund

PAYMENTS 7,207.00 DEDUCTIONS  
Branch Code: 231429 SHEIKH YOUSAF D.I. KHAN Nation

Section : 002 Section 2  
PRIMARY SCHOOL TEACH(00004018) Grade: 09 NTN:  
A M O U N T L O A N / F U N D

	A M O U N T
Rs	524.00-
e	35.00-
	7.00-
	67.00-
	15.00-

Bank of Pakistan 648.00- SHEIKH YOUSAF D.I. KHAN

Buckle No.:  
PRINCIPAL

Gazetted/Hon-Gazetted: N  
REPAID BALANCE

CPFR: 25,582.00

NET PAY 6,559.00 01.10.2009 31.10.2009  
Accnt. No: PLS-3411-3

00286597 MUHAMMAD EJAZ  
P A Y M E N T S

	Prev Pers No:	Desi
A M O U N T	D E D U C T I O N S	
0001 Basic Pay	4,290.00	3107 CPF Subscription
1000 House Rent Allowance	1,059.00	3501 Benevolent Fund
1300 Medical Allowance	500.00	3511 Addl Group Insur
1872 Deafness Allowance-EE	425.00	3604 Group Insurance
1908 Adhoc Relief-2009 (0	858.00	3640 Emp. Edu. Fund

PAYMENTS 7,132.00 DEDUCTIONS  
Branch Code: 221540 HBL BAZAR GAKHARY BRANCH Habib

PRIMARY SCHOOL TEACH(00004018) Grade: 07 NTN:  
A M O U N T L O A N / F U N D

	A M O U N T
Rs	465.00-
e	35.00-
	7.00-
	67.00-
	15.00-

nk Limited 589.00- HBL BAZAR GAKHARY BRANCH

NET PAY 6,543.00 01.10.2009 31.10.2009  
Accnt. No: PLS 8811-2

00286624 INSHAD ULLAH  
P A Y M E N T S

	Prev Pers No:	Desi
A M O U N T	D E D U C T I O N S	
0001 Basic Pay	3,760.00	3501 Benevolent Fund
1000 House Rent Allowance	891.00	3511 Addl Group Insur
1300 Medical Allowance	500.00	3604 Group Insurance
1516 Dress/ Uniform Allow	40.00	3640 Emp. Edu. Fund
1567 Washing Allowance	30.00	
1908 Adhoc Relief-2009 (0	792.00	

PAYMENTS 6,213.00 DEDUCTIONS  
Branch Code: 080004 D.I. KHAN BRANCH CIRCULAR ROAD D.I. KHANhyber

CHUNKIDAR (0000357) Grade: 01 NTN:  
A M O U N T L O A N / F U N D

	A M O U N T
Rs	25.00-
e	3.00-
	58.00-
	10.00-

nk Limited 96.00- D.I. KHAN BRANCH CIRCULAR ROAD D

NET PAY 6,117.00 01.10.2009 31.10.2009  
Accnt. No: 073800

00286634 MUHAMMAD INRAN  
P A Y M E N T S

	Prev Pers No:	Desi
A M O U N T	D E D U C T I O N S	
0001 Basic Pay	4,050.00	3109 CPF Subscription
1000 House Rent Allowance	1,146.00	3501 Benevolent Fund
1300 Medical Allowance	500.00	3511 Addl Group Insur
1872 Deafness Allowance-EE	404.00	3604 Group Insurance
1908 Adhoc Relief-2009 (0	810.00	3640 Emp. Edu. Fund

PAYMENTS 6,910.00 DEDUCTIONS  
Branch Code: 221732 H.B.L. SADAR BAZAR Habib

PRIMARY SCHOOL TEACH(00004018) Grade: 09 NTN:  
A M O U N T L O A N / F U N D

	A M O U N T
Rs	524.00-
e	35.00-
	7.00-
	67.00-
	15.00-

nk Limited 648.00- H.B.L. SADAR BAZAR

NET PAY 6,262.00 01.10.2009 31.10.2009  
Accnt. No: PLS 6416-2

00286634 MUHAMMAD INRAN  
P A Y M E N T S

	Prev Pers No:	Desi
A M O U N T	D E D U C T I O N S	
0001 Basic Pay	4,200.00	3109 CPF Subscription

PRIMARY SCHOOL TEACH(00004018) Grade: 09 NTN:  
A M O U N T L O A N / F U N D

	A M O U N T
Rs	524.00-

Buckle No.:  
PRINCIPAL

Gazetted/Hon-Gazetted: N  
REPAID BALANCE

CPFR: 26,054.00

NET PAY 6,262.00 01.10.2009 31.10.2009  
Accnt. No: PLS 6416-2

Accounts Office D.I.Khan  
**PAYROLL REGISTER**  
 for the month of July 2009

Page: 1, 506  
 Date: 30.07.2009

DDO: Di6119      DY: D O (M) PRY DIK      Payro      Section: 002 Section 2

00286588    NAIK ALI SHAH    Prev Pers No.    Desi    PRIMARY SCHOOL TEACH (00004018)    Grade: 09 KTH:    Buckle No.    Gazetted/Kon-Gazzeted:    H

PAYMENTS	AMOUNT	DEDUCTIONS	AMOUNT	LOAN/FUND PRINCIPAL REPaid	BALANCE
<b>0001</b> Basic Pay	<b>1,280.00</b>	3511 Addi Group Insurance	<b>7.00-</b>	CPF:	<b>22,438.00</b>
<b>1000</b> House Rent Allowance	<b>1,146.00</b>	3604 Group Insurance	<b>67.00-</b>		
<b>1300</b> Medical Allowance	<b>500.00</b>	3640 Emp . Edu. Fund	<b>15.00-</b>		
<b>1872</b> Dearnes Allowance -EE	<b>425.00</b>				
<b>1908</b> Adhoc Releif-2009 <0	<b>856.00</b>				
<b>5002</b> Adjustcent House Ren	<b>1,555.00</b>	3109 CPF Subscription -RS	<b>524.00-</b>	Net Pay:	10,879.00 01.07.2009 31.07.2009
<b>5001</b> Adj Basic Pay	<b>1,765.00</b>	3501 Benevolent Fund	<b>35.00-</b>	Account No:	PLS-3411-3

Payments                      11,527.00                      Education                      648.00-

Branch Code: 231429      Sheikh Yousaf D.I.Khan      Habib Bank Limited

Sheikh Yousaf D.I.Khan

Accounts Office P.I. Khan  
 PARRELL RESTAURANT  
 For the Month of July, 2009

Page : 1 596  
 Date : 30.07.2009

Payroll Section : 002 Section 2

PAYROLL SECTION : 002 SECTION 2  
 PARRELL RESTAURANT  
 P.I. KHAN  
 GRADE: SR MTR  
 LIBR/FUND  
 GAZETTED/Non-Gazetted: N  
 REPID  
 BALANCE

0001 Basic Pay 7,280.00 3511 5621 Group Insurance 7.00-  
 1000 House Rent Allowance 1,140.00 3204 5709 Insurance 47.00-  
 1300 Medical Allowance 100.00 3040 Emp. Exp. Fund 15.00-  
 1871 Dearness Allowance 322.00  
 1908 Special Relief (2005) 526.00  
 5002 Adjusted House Rent 1,225.00 3103 EPF Subscription - Rs 524.00-  
 5001 Adj House Rent 2,765.00 3504 Government Fund 35.00-  
 PAYMENTS 11,527.00 DEDUCTIONS 649.00-  
 SPECIAL CODE: 231629 SHELBY YUDANT P.I. KHAN National Bank of Pakistan SHELBY YUDANT P.I. KHAN  
 NET PAY 10,878.00 01.07.2009 31.07.2009  
 Accnt. No: PLS-3411-3  
 GAZETTED/Non-Gazetted: N  
 REPID  
 BALANCE

0001 Basic Pay 6,290.00 3197 EPF Subscription - Rs 462.00-  
 1000 House Rent Allowance 1,055.00 3504 Government Fund 35.00-  
 1300 Medical Allowance 500.00 3511 8441 Group Insurance 47.00-  
 1871 Dearness Allowance 425.00 3404 Group Insurance 12.00-  
 1908 Special Relief (2005) 520.00 3640 Emp. Exp. Fund  
 PAYMENTS 7,132.00 DEDUCTIONS 549.00-  
 SPECIAL CODE: 221540 HOL BAZAR DAIRYERY BRANCH Habibs Bank Limited HOL BAZAR DAIRYERY BRANCH  
 NET PAY 6,583.00 01.07.2009 31.07.2009  
 Accnt. No: PLS 8911-2  
 GAZETTED/Non-Gazetted: N  
 REPID  
 BALANCE

0001 Basic Pay 3,215.00 3511 5621 Group Insurance 7.00-  
 1000 House Rent Allowance 511.00 3204 5709 Insurance 47.00-  
 1300 Medical Allowance 508.00 3040 Emp. Exp. Fund 15.00-  
 1871 Dearness Allowance 30.00  
 1908 Special Relief (2005) 311.00  
 1770 Sp. Additional Allowance 322.00  
 1830 Special Relief (2005) 322.00  
 1931 Adhoc Relief (2005) 481.00  
 1872 Dearness Allowance 481.00  
 1908 Adhoc Relief-2009 (0 792.00  
 PAYMENTS 7,569.00 DEDUCTIONS 73.00-  
 SPECIAL CODE: 000004 O. I. KHAN BRANCH CIRCULAR ROAD O. I. KHANBR Branch Limited O. I. KHAN BRANCH CIRCULAR ROAD D  
 NET PAY 7,496.00 01.07.2009 31.07.2009  
 Accnt. No: 0733800  
 GAZETTED/Non-Gazetted: N  
 REPID  
 BALANCE

0001 Basic Pay 2,215.00 3511 5621 Group Insurance 7.00-  
 1000 House Rent Allowance 511.00 3204 5709 Insurance 47.00-  
 1300 Medical Allowance 508.00 3040 Emp. Exp. Fund 15.00-  
 1871 Dearness Allowance 30.00  
 1908 Special Relief (2005) 311.00  
 1770 Sp. Additional Allowance 322.00  
 1830 Special Relief (2005) 322.00  
 1931 Adhoc Relief (2005) 481.00  
 1872 Dearness Allowance 481.00  
 1908 Adhoc Relief-2009 (0 792.00  
 PAYMENTS 7,569.00 DEDUCTIONS 73.00-  
 SPECIAL CODE: 000004 O. I. KHAN BRANCH CIRCULAR ROAD O. I. KHANBR Branch Limited O. I. KHAN BRANCH CIRCULAR ROAD D  
 NET PAY 7,496.00 01.07.2009 31.07.2009  
 Accnt. No: 0733800  
 GAZETTED/Non-Gazetted: N  
 REPID  
 BALANCE

0001 Basic Pay 2,215.00 3511 5621 Group Insurance 7.00-  
 1000 House Rent Allowance 511.00 3204 5709 Insurance 47.00-  
 1300 Medical Allowance 508.00 3040 Emp. Exp. Fund 15.00-  
 1871 Dearness Allowance 30.00  
 1908 Special Relief (2005) 311.00  
 1770 Sp. Additional Allowance 322.00  
 1830 Special Relief (2005) 322.00  
 1931 Adhoc Relief (2005) 481.00  
 1872 Dearness Allowance 481.00  
 1908 Adhoc Relief-2009 (0 792.00  
 PAYMENTS 7,569.00 DEDUCTIONS 73.00-  
 SPECIAL CODE: 000004 O. I. KHAN BRANCH CIRCULAR ROAD O. I. KHANBR Branch Limited O. I. KHAN BRANCH CIRCULAR ROAD D  
 NET PAY 7,496.00 01.07.2009 31.07.2009  
 Accnt. No: 0733800  
 GAZETTED/Non-Gazetted: N  
 REPID  
 BALANCE

Accounts Office D.I.Khan  
 PAYROLL REGISTER  
 for the month of June 2011

Page: 1,263  
 Date: 01.06.2011

DDO: Di6119      DY: D O (M) PRY DIK      Payro      Section: 002 Section 2

00286588      NAIK ALI SHAH      Prev Pers No.      Desi      PRIMARY SCHOOL TEACH (00004018)      Grade: 09 KTH:      Buckle No.      Gazetted/Kon-Gazzeted:      H

PAYMENTS	AMOUNT	DEDUCTIONS	AMOUNT	LOAN/FUND PRINCIPAL REPAYED	BALANCE
0001 Basic Pay	4,740.00	3109 CPF Subscription - RS	524.00-	CPF:	46,542.00
1000 House Rent Allowance	1,146.00	3501 Benevolent Fund	180.00-		
1300 Medical Allowance	1,000.00	3511 Addi.Group Insurance	7.00-		
1672 Dearnes Allowance-EE	425.00	3604 Group Insurance	67.00-		
1908 Adhoc Relief 2009 <0	940.00	3663 EEF RHFP Fund	15.00-		
1948 Adhoc Allowance 2010	2,370.00				
				Net Pay:	9,836.00      01.06.2011 30.06.2011

Account No. PLS-3411-3

Payments      10,629.00  
 Branch Code: 231429      Sheikh Yousaf D.I.Khan

Education      793.00-  
 National Bank of Pakistan

Sheikh Yousaf D.I.Khan

0901 Basic Pay 1,110.00  
 1500 Medical Allowance 1,668.00  
 1510 Medical Allowance 35.00  
 1567 Medical Allowance 30.00  
 1508 Medical Allowance-2003 (0) 702.00  
 1598 Medical Allowance 2010 1,755.00

5000 Development Fund 3,000.00  
 5001 ACSI Group Insurance 52.00  
 5004 Group Insurance 50.00  
 5003 EEF GPF Fund 10,000.00

DEBITORS  
 R-516 Bank Limited 191.00

NET PAY 6,641.00  
 D. I. KHAN  
 Accnt. No: PLS 6432-0  
 01.06.2011 30.06.2011

PAYMENT: 7,032.00  
 DT: 21.06.2011  
 SAGAR BAZAR, P.O. S.M.

06725500 NON AMAD Abaid  
 P A Y M E N T S  
 Prev Pay: 7,032.00  
 D E D U C T I O N S  
 A R R O U N D  
 10000357) Grade: 01 NTN: 127  
 LDR6/FURD  
 198 CPFF: 18,720.00

0000 Basic Pay 3,520.00  
 1000 House Rent Allowance 861.00  
 1500 Medical Allowance 30.00  
 1567 Medical Allowance 30.00  
 1508 Medical Allowance-2003 (0) 684.00  
 1598 Medical Allowance 2010 1,719.00

5000 Development Fund 3,000.00  
 5001 ACSI Group Insurance 52.00  
 5004 Group Insurance 50.00  
 5003 EEF GPF Fund 10,000.00

DEBITORS  
 R-516 Bank Limited 503.00

NET PAY 7,287.00  
 D. I. KHAN  
 Accnt. No: PLS-15238-7  
 01.06.2011 30.06.2011

06725538 NAKR ALL SADR  
 P A Y M E N T S  
 Prev Pay: 7,770.00  
 D E D U C T I O N S  
 A R R O U N D  
 10000357) Grade: 09 NTN: 1866/FURD  
 LDR6/FURD  
 CPFF: 66,542.00

0000 Basic Pay 4,740.00  
 1000 House Rent Allowance 1,144.00  
 1500 Medical Allowance 1,083.00  
 1567 Medical Allowance-FF 460.00  
 1508 Medical Allowance-FF 200.00  
 1598 Medical Allowance 2010 2,370.00

5000 Development Fund 3,000.00  
 5001 ACSI Group Insurance 52.00  
 5004 Group Insurance 50.00  
 5003 EEF GPF Fund 10,000.00

DEBITORS  
 SHEIKH YOUSUF D. I. KHAN  
 SHEIKH YOUSUF D. I. KHAN  
 792.00  
 NET PAY 9,336.00  
 Accnt. No: PLS-3411-3  
 01.06.2011 30.06.2011

06725519 SADR ALL SADR  
 P A Y M E N T S  
 Prev Pay: 4,670.00  
 D E D U C T I O N S  
 A R R O U N D  
 10000357) Grade: 07 NTN: 1866/FURD  
 LDR6/FURD  
 CPFF: 43,710.00

0000 Basic Pay 4,670.00  
 1000 House Rent Allowance 1,059.00  
 1500 Medical Allowance 1,000.00  
 1567 Medical Allowance-FF 425.00  
 1598 Medical Allowance 2010 914.00

5000 Development Fund 3,000.00  
 5001 ACSI Group Insurance 52.00  
 5004 Group Insurance 50.00  
 5003 EEF GPF Fund 10,000.00

DEBITORS  
 SHEIKH YOUSUF D. I. KHAN  
 SHEIKH YOUSUF D. I. KHAN  
 792.00  
 NET PAY 9,336.00  
 Accnt. No: PLS-3411-3  
 01.06.2011 30.06.2011

Accounts Office D.I.Khan  
**PAYROLL REGISTER**  
 for the month of July 2012

Page: 1, 2 6 3  
 Date: 27.07.2012

DDO: Di6119      DY: D O (M) PRY DIK      Payro      Section: 002 Section 2

00286588. NAIK ALI SHAH      Prev Pers No.      Desi      PRIMARY SCHOOL TEACH (00004018)      Grade: 09 KTH:      Buckle No.      Gazetted/Kon-Gazzeted: H

<b>PAYMENTS</b>	<b>AMOUNT</b>	<b>DEDUCTIONS</b>	<b>AMOUNT</b>	<b>LOAN/FUND PRINCIPAL REPaid</b>	<b>BALANCE</b>
<b>0001</b> Basic Pay	<b>8,100.00</b>	3109 CPF Subscription - RS	<b>524.00-</b>	CPF:	<b>60,166.00</b>
<b>1000</b> House Rent Allowance	<b>1,146.00</b>	3501 Benevolent Fund	<b>180.00-</b>		
<b>1300</b> Medical Allowance	<b>1,000.00</b>	3511 Addi Group Insurance	<b>7.00-</b>		
<b>1948</b> Adhoc Allowance 2010	<b>2,370.00</b>	3604 Group Insurance	<b>67.00-</b>		
<b>1970</b> Adhoc Relief Allow 2	<b>711.00</b>	3990 Emp. Edu. Fund KPK	<b>75.00-</b>		
<b>2118</b> Adhoc Relief Allow	<b>1,620.00</b>				

Net Pay: 14,490.00      01.07.2012      31.07.2012  
 Account No. PLS-3411-3

Payments      14,947.00  
 Branch Code: 231429      Sheikh Yousaf D.I.Khan

Education      853.00-  
 National Bank of Pakistan

Sheikh Yousaf D.I.Khan

PRT II Section		PRT I Section	
0000 Basic Pay	5,700.00	3101 CPF Subscription - Rs	312.00-
1000 House Rent Allowance	850.00	3501 Unavowed Fund	120.00-
1200 Convey Allowance 20	850.00	3511 Adnl Group Insurance	3.00-
1300 Medical Allowance	1,000.00	3604 Group Insurance	58.00-
1510 Dressing Allowance	100.00	3950 Emp Edu. Fund KPK	50.00-
1567 Housing Allowance	100.00		
1948 Adm & Mess Allowance 2010	1,710.00		
1978 Adm & Mess Allowance 2011	710.00		
2110 Adm & Mess Allowance	100.00		

PAYMENTS: 12 July 12 CIRCULAR ROAD, D.I. KHAN. DEDUCTIONS: Habib Bank Limited 542.00 CIRCULAR ROAD, D.I. KHAN. NET PAY: D.I. KHAN. 11,461.00 01/07/2012 31/07/2012  
 Bank Acct No. PLS 15233-7

PRT II Section		PRT I Section	
0000 Basic Pay	8,300.00	3101 CPF Subscription - Rs	500.00-
1000 House Rent Allowance	1,100.00	3501 Unavowed Fund	120.00-
1200 Convey Allowance 20	1,100.00	3511 Adnl Group Insurance	3.00-
1300 Medical Allowance	1,000.00	3604 Group Insurance	58.00-
1510 Dressing Allowance	100.00	3950 Emp Edu. Fund KPK	50.00-
1567 Housing Allowance	100.00		
1948 Adm & Mess Allowance 2010	1,710.00		
1978 Adm & Mess Allowance 2011	710.00		
2110 Adm & Mess Allowance	100.00		

PAYMENTS: 21 July 12 CIRCULAR ROAD, D.I. KHAN. DEDUCTIONS: Habib Bank Limited 53.00 CIRCULAR ROAD, D.I. KHAN. NET PAY: D.I. KHAN. 14,074.00 01/07/2012 31/07/2012  
 Bank Acct No. PLS 15495-1

**NO. 6688 MURAKHISHAH**

PRT II Section		PRT I Section	
0000 Basic Pay	1,100.00	3101 CPF Subscription - Rs	500.00-
1000 House Rent Allowance	1,100.00	3501 Unavowed Fund	120.00-
1200 Convey Allowance 20	1,100.00	3511 Adnl Group Insurance	3.00-
1300 Medical Allowance	1,000.00	3604 Group Insurance	58.00-
1510 Dressing Allowance	100.00	3950 Emp Edu. Fund KPK	50.00-
1567 Housing Allowance	100.00		
1948 Adm & Mess Allowance 2010	1,710.00		
1978 Adm & Mess Allowance 2011	710.00		
2110 Adm & Mess Allowance	100.00		

PAYMENTS: 21 July 12 SLEIKH YOUSAF D I KHAN. DEDUCTIONS: National Bank of Pakistan 53.00 SLEIKH YOUSAF D I KHAN. NET PAY: 14,094.00 01/07/2012 31/07/2012  
 Bank Acct No. PLS-3411-3

**NO. 6559 MURAKHISHAH**

PRT II Section		PRT I Section	
0000 Basic Pay	8,000.00	3101 CPF Subscription - Rs	400.00-
1000 House Rent Allowance	1,100.00	3501 Unavowed Fund	120.00-
1200 Convey Allowance 20	1,100.00	3511 Adnl Group Insurance	3.00-
1300 Medical Allowance	1,000.00	3604 Group Insurance	58.00-
1510 Dressing Allowance	100.00	3950 Emp Edu. Fund KPK	50.00-
1567 Housing Allowance	100.00		
1948 Adm & Mess Allowance 2010	1,710.00		
1978 Adm & Mess Allowance 2011	710.00		
2110 Adm & Mess Allowance	100.00		

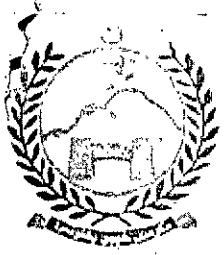
PAYMENTS: 21 July 12 ROSHDI TRADING DEPT. D I KHAN. DEDUCTIONS: Habib Bank Limited 54.00 ROSHDI TRADING CENTER, D.I. KHAN. NET PAY: 13,946.00 01/07/2012 31/07/2012  
 Bank Acct No. PLS 9411-2

PRT II Section		PRT I Section	
0000 Basic Pay	8,000.00	3101 CPF Subscription - Rs	400.00-
1000 House Rent Allowance	1,100.00	3501 Unavowed Fund	120.00-
1200 Convey Allowance 20	1,100.00	3511 Adnl Group Insurance	3.00-
1300 Medical Allowance	1,000.00	3604 Group Insurance	58.00-
1510 Dressing Allowance	100.00	3950 Emp Edu. Fund KPK	50.00-
1567 Housing Allowance	100.00		
1948 Adm & Mess Allowance 2010	1,710.00		
1978 Adm & Mess Allowance 2011	710.00		
2110 Adm & Mess Allowance	100.00		

PAYMENTS: 21 July 12 CHURKIDAR. DEDUCTIONS: Habib Bank Limited 54.00 CHURKIDAR. NET PAY: 13,946.00 01/07/2012 31/07/2012  
 Bank Acct No. PLS 9411-2

Handwritten notes and signatures in the left margin.





KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR

No. 2017 /ST

Dated: 11/10 /2021

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281  
Fax:- 091-9213262

To

The District Education Officer Male,  
Government of Khyber Pakhtunkhwa,  
D.I Khan.

Subject: JUDGMENT IN APPEAL NO. 824/2018, MR. MAIK ALI SHAH & 1 OHERS

I am directed to forward herewith a certified copy of Judgement dated 27.09.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR

KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR CAMP COURT, D.I.KHAN**

**In Service Appeal No. 824-18**

Naik Ali Shah ..... (*Appellant*)

**VERSUS**

Govt. of Khyber Pakhtunkhwa ..... (*Respondent*)

**Written Arguments on behalf of Appellant**

**Brief Facts:**

That the appellant was firstly appointed as PST on 11/13.02.2006. the appellant performed duty with full satisfaction of superiors. During the pendency of service the appellant was malafidely involved on 08.11.2012 in FIR No. 587 dated 08.11.2012 U/S 302-404/34 Police Station Saddar, D.I.Khan.

That thereafter the appellant became worried from the local police and during this the salary of the appellant was stopped from 09.11.2012 till 22.01.2015 i.e. upto impugned order No.6368-71 dated 22.01.2015 issued by DEO (Male) D.I.Khan. The intervening period from 09.11.2012 till 22.01.2015 the appellant remained suspended from services by the competent authority vide letter of DEO (Male) D.I.Khan No.2746 dated 29.03.2013 and SDEO (Male) D.I.Khan letter No.813-15 dated 04.04.2013. Thus, the appellant never absented himself during the period w.e.f. 09.11.2012 till submission of bail before arrest petition on 18.07.2014. That after filing bail before arrest petition the appellant approached to the all his authorities, but in those days the schools were closed due to summer vacations, so the appellant was asked that after summer vacation and confirmation of bail before arrest petition any further proceeding will be decided in this regard. The ad-interim bail granted to the appellant on 18.07.2014 was confirmed by the learned Additional Sessions Judge-V, D.I.Khan on 21.10.2014. Although, the appellant requested again and again to the higher authorities by submitting various applications but after confirmation of BBA, the appellant humbly requested to the higher authorities by submitting application of resuming / joining his duty to DEO

(Male), D.I.Khan on 22.10.2014 at Government Primary School, Haji Abad D.I.Khan. Although, the appellant attended regularly Govt. Primary School Haji Abad, D.I.Khan but the head teacher did not allowed to mark attendance. So, the appellant made kind request verbally and written to the DEO (Male) and SDEO (Male) D.I.Khan. Lastly, on 22.01.2015 the respondent / authority made mercy on the appellant and instead of reinstatement of the appellant of after suspension of services the DEO (Male) D.I.Khan issued the impugned order No.6368-71 dated 22.01.2015 and the intervening period from 09.11.2012 to 21.01.2015 was considered as EOL without pay w.e.f. 09.11.2012 to 21.01.2015 and ordered to the appellant that after acquittal the intervening period will be decided later on. Although, the appellant submitted application for review / mercy appeal to the higher authority but was remained pended uptil the acquittal of the appellant. Moreover, the Accountant General Team (Pay & Fixation Party) also raised objection in the impugned order to the effect that instead of adjustment order reinstatement order was required to be made, wherein adjustment order is made in the aforementioned impugned order dated 22.01.2015 and made footnote on the service book with clear version that after suspension the reinstatement order had to be made which is evident from the service book clearly. Later on, as stated above the appellant was malafidely and falsely implicated in the criminal case was honourably acquitted by the learned Additional Sessions Judge-II, D.I.Khan vide judgment and order dated 21.02.2018 after facing the agony of longest trial. After acquittal the appellant submitted an appeal well within time on 13.03.2018 but was not accepted meaning thereby rejection within stipulated period of 03 months hence, the appellant submitted service appeal on 25.06.2018 within stipulated period as envisaged by the service laws. As the appellant aggrieved from the impugned order dated 22.01.2015 which was required to be reinstatement instead of adjustment. Furthermore, the respondent did not prepare the balance sheet the GP/CP fund from the date of appointment i.e. 11/13.02.2006 till date which was regularly deducted from the appellant. Furthermore, the annual increments of the year 2013 & 2014 was not added in the monthly salary of the appellant. Furthermore, my colleagues consisting of 52 employees were appointed vide order No.2251-2300 dated 11/13.02.2006 issued by DEO (Male) D.I.Khan at that time. In previous seniority list including 2016-2017

the appellant was rightful of seniority list of serial No.1122/108 instead of 1122/303, missing the serial No.1122 at a place of Serial No.108 and was wrongly placed 1122 at Serial No.303. Although, my colleague's serial No. including 1121 and 1123 are available at it own serial No. of 106-107 and 109. Moreover, the appellant also aggrieved from the notification / promotion Order No.11483-550 dated 31.03.2018 vide which my other junior colleagues were promoted to the next grade of BPS-15 as PSHT (Primary School Head Teacher) and the appellant was deprived and my colleagues placed at serial No.1123, 1127, 1129, 1131 and 1132 was promoted. (Copy enclosed). It is also pertinent to mention here that the appellant has been promoted vide notification / promotion order No.1931-2056 dated 18.01.2020 to be PSHT (BPS-15) instead of on 31.03.2018 meaning thereby the appellant was fully eligible and fit at that time also on the basis of rule of consistency and depravedness of the appellant have been made on the ground of discrimination. (All the documents referred above are already available on file). The appellant relies on the following points.

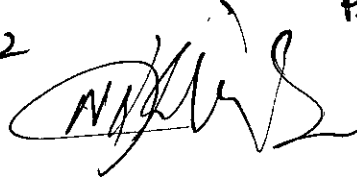
1. That the impugned order of adjustment is not available in any service laws and policies in the attendance circumstances because the appellant was suspended and after suspension the reinstated has been made as per prevailing services laws.
- 2: That as per a fundamental rule shortly FR 54, when any employee is honorably acquitted he is entitled to full pay if he had not dismissed or removed. Any allowance of which he was received prior to his dismissal order, removal or suspension and the period absent from duty will be treated as period spent on duty because as per custom of Pathan Tribal Society those persons are falsely implicated in the criminal cases which were honourable in the tribe and being employee as evident from the instant case and due to that reason firstly the BBA of the appellant confirmed by the learned Sessions Judge and later on honorably acquitted with well-reasoned order.

It is, therefore, humbly requested that the impugned order may kindly be modified instead of adjustment as reinstatement and all the

remaining back benefits including salaries, annual increments CP/GP funds and seniority may graciously be granted to the appellant.

Reliance placed on the following authorities of the apex courts.

- 1) PLD 2010 S.C 695    2) 2015 S.C.M.R Page 77  
3) 2013 S.C.M.R Page 752



**Naik Ali Shah (Appellant)**

Through Counsel



**Sheikh Iftikhar Ul Haq**  
Advocate High Court

From

Distt: Attorney.

(back benefits)

NO WORK NO PAY

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

SERVICE APPEAL NO. 1317/2015

Date of institution ... 16.10.2015

Date of judgment ... 29.05.2018

Sher Muhammad, Senior Clerk  
Deputy Commissioner Office, Charsadda

... (Appellant)

VERSUS

1. Commissioner Peshawar Division, Peshawar.
2. Assistant to Commissioner, Peshawar Division, Peshawar.
3. Deputy Commissioner, Peshawar Division, District Charsadda.

... (Respondents)

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST  
THE ORDER DATED 18.09.2015, WHEREBY THE  
DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN  
PARTIALLY ACCEPTED AND HE HAS BEEN REINSTATED  
INTO SERVICE BUT THE ALLEGED PERIOD OF  
ABSENCE/INTERVENING PERIOD HAS BEEN TREATED AS  
WITHOUT PAY HENCE DENIED BACK BENEFITS TO THE  
APPELLANT.

Mr. Zartaj Anwar, Advocate.

.. For appellant.

Mr. Muhammad Jan, Deputy District Attorney

.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI

.. MEMBER (JUDICIAL)

MR. SUBHAN SHER

.. CHAIRMAN

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: -

Our this judgment

shall dispose of instant service appeal as well as service appeal No. 1318/2015 titled “

Imran Khan Patwari. Versus Commissioner Peshawar Division, Peshawar and two

others” as <sup>m</sup>common questions of law and facts are involved in both the service

appeals.

M. Amin  
29.5.2018

Appeal - 824/B  
0

2. Appellants alongwith counsel present. Mr. Muhammad Jan, Deputy District Attorney for the respondents also present. Arguments heard and record perused.

3. Brief facts of the cases as per service appeals are that the appellants were serving in Revenue Department in the office of Deputy Commissioner Charsadda and during service they were involved in criminal case<sup>m</sup> vide FIR No. 324 dated 24.06.2009 under sections 302-324/148-149 Police Station Prang District Charsadda. After registration of the aforesaid criminal case<sup>m</sup>, the appellants remained absent from duties and the appellants were terminated from service. Later on competent court vide judgment dated 20.04.2015 acquitted the appellants from the charges leveled against them. After acquittal, the appellants filed application for reinstatement alongwith back benefits to the competent authority which was partially accepted, the appellants were reinstated however, absence period was treated as extra ordinary leave without pay vide order separate dated 17.08.2015. The appellants separately filed departmental appeals on 10.09.2015 which were rejected vide separate orders dated 18.09.2015 hence, the present service appeals.

4. Learned counsel for the appellant contended that the appellants were serving in Revenue Department. It was further contended that they were involved in the aforesaid criminal case therefore, they could not perform their duties after registration of the case. <sup>m for which</sup> As such they were terminated from service. It was further contended that later on the appellants surrendered themselves on 01.04.2014 and after conducting trial the competent court acquitted both the appellants vide detailed judgment dated 20.04.2015. It was further contended that the appellants submitted application for reinstatement into service alongwith back benefits but the competent authority vide seprate order dated 17.08.2015 partially accepted their applications and reinstated them in service

*M. Muhammad Jan*  
17.08.2015

from the date of their absence, however, their absence period was treated as extra ordinary leave without pay. It was further contended that the appellants filed departmental appeals regarding back benefits after reinstatement but the same were dismissed through separate order dated 18.09.2016 by the departmental authority therefore, they filed the present service appeals. It was further contended that the competent court acquitted both the appellants in the criminal case therefore, on their reinstatement they could not be denied back benefits of service regarding their absence period. It was further contended that the appellants also surrendered themselves before the court of law on 01.04.2014 and faced the trial in custody, and was ultimately honorably acquitted on 20.04.2015. It was further contended that the impugned orders regarding nonpayment of back benefits are illegal and liable to be set-aside and prayed for acceptance of appeals.

5. On the other hand, learned Deputy District Attorney for the respondents opposed the contention of learned counsel for the appellants and contended that the appellants were serving in Revenue Department. It was further contended that both the appellants remained absent from duty after registration of the aforesaid criminal case, therefore, they were terminated from service. It was further contended that the appellants were acquitted from the charges leveled against them by the competent court by extending them benefits of doubt. It was further contended that the appellants were absent from duty after registration of FIR therefore, the competent authority has rightly reinstated them without back benefits on the principle of no work no pay and prayed for dismissal of both the appeals.

6. Perusal of the record reveals that the appellants were serving in Revenue Department and during service they were involved in the aforesaid criminal case therefore, they did not perform their duties and remained absent from their

*W. Amm*  
29.5.2018



Handwritten notes in Urdu script.

(SOME D.A)

Absconder-Period -  
Not entitled for pay  
Arrears.

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

SERVICE APPEAL NO. 138/2013

1) App # 23/13  
Dismissed. 20/5/15

Date of institution ... 17.01.2013  
Date of judgment ... 20.09.2016

Hayat Gul S/o Haleem Gul, Senior English Teacher (SET)  
Government Middle School Kot Charsadda.

... (Appellant)

VERSUS

1. Secretary Elementary & Secondary Education KPK Peshawar.
  2. Director Elementary & Secondary Education KPK Peshawar.
  3. Executive District Officer (E&SE) Charsadda.
  4. Government of Khyber Pakhtunkhwa through Chief Secretary Peshawar.
- ... (Respondents)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT 1974  
AGAINST THE ORDER DATED 11.09.2012 OF RESPONDENT NO. 1  
WHEREBY THE PERIOD OF SUSPENSION IN RESPECT OF THE  
APPELLANT HAS BEEN TREATED AS EXTRA ORDINARY LEAVE  
WITHOUT PAY AND AGAINST WHICH THE DEPARTMENTAL APPEAL OF  
THE APPELLANT HAS NOT BEEN RESPONDED SO FAR DESPITE THE  
LAPSE OF STATUTORY PERIOD.

Mr. Fazal Shah Mohmand, Advocate	..	For appellant.
Mr. Usman Ghani, Senior Government Pleader	..	For respondents.

MR. ABDUL LATIF	..	MEMBER (EXECUTIVE)
MR. PIR BAKHSH SHAH	..	MEMBER (JUDICIAL)

JUDGMENT

ABDUL LATIF, MEMBER:- Facts giving rise to instant appeal are that the appellant joined the Education Department as PTC Teacher on 05.02.1974. That on 14.04.2003, the appellant was involved in a false murder case of the PS Charsadda vide FIR No. 412, and was suspended vide order dated 01.09.2003. That the appellant was acquitted from the charges by the Court of Learned ADJ-II Charsadda vide order and judgment dated 16.01.2010. That after acquittal from the charges the appellant was reinstated in service vide Notification dated 22.07.2010 and vide the same notification it

was also held that the period from 14.04.2003 to 23.10.2009 will be decided later on subject to the approval of the Finance Department. That the appellant was posted at GMS Kot Charsadda vide Notification dated 27.07.2010. That finally the period of absence from 14.04.2003 to 23.10.2009 was treated as extra-ordinary leave without pay vide order dated 11.09.2012. That the appellant preferred departmental appeal before respondent No. 2 on 10.10.2012 which was not responded so far despite the lapse of statutory period and hence the instant service appeal with a prayer that on acceptance of this appeal the impugned order dated 11.09.2012 of respondent No. 1 may kindly be set-aside and the appellant may kindly be paid the salaries of the period from 14.04.2003 to 23.10.2009 with consequential benefits.

2. The learned counsel for the appellant argued that the impugned order was illegal and void ab-initio, the appellant had not been treated in accordance with law and respondents violated all norms of justice. He further argued that ex-parte action was taken against the appellant, no inquiry was conducted and opportunity of personal hearing was not afforded to the appellant before passing of the impugned order. He further contended that the appellant had been acquitted of the charges on the basis of which he was suspended by the competent court of law and as per law and dictum of the superior court in such circumstances he was entitled to the arrears of pay for the period he remained absent from duty and in this regard he made a reference to FR-54 which on reinstatement allowed full pay for the period of absence. He prayed that the impugned order dated 11.09.2012 may be set-aside and the appellant may be allowed arrears of pay for the period he remained absence from duty.

3. The learned Senior Government Pleader while arguing the case stated that the appeal was not maintainable due to non-joinder of necessary party i.e Finance Department. He further argued that being involved in a criminal case the appellant remained fugitive from law and did not perform any duty during the long period of absence from 14.4.2003 to 23.10.2009 adding further that the said period of absence was already treated as leave without pay on the advice of Finance Department as a hardship case. He also relied on this Service Tribunal judgment dated 20.05.2015 in Service Appeal No. 23/2013 titled

“Muhammad Alam-vs-District Education Officer Charsadda and others and prayed that being identical in nature the instant appeal may also be decided and dismissed on the analogy of the said case.

4. Arguments of learned counsels for the parties heard and record perused.

5. From perusal of the record it transpired that the appellant was involved in a murder case vide FIR No. 412 dated 14.04.2003. He was initially suspended by the relevant authority on 01.09.2003 where-after he absconded and did not surrender to the law enforcement agency. On his acquittal on 16.01.2010 he was reinstated by the department on 22.07.2010. The respondent-department in consultation with Finance Department treated the period of absconsion of the appellant from 14.04.2003 to 23.10.2009 as extraordinary leave without pay as a hardship case on the strength of Rule 12 (4) of the Khyber Pakhtunkhwa Revised Leave Rules 1981. It is evident from the record that the appellant instead of surrendering to law went in hiding and did not perform any duty during the absconsion period from 14.4.2003 to 23.10.2009 and on reinstatement the unauthorized absence from duty was treated as extra-ordinary leave (without pay) as a hardship case. We in the circumstances, do not find any merits for treating the period of unauthorized absence of the appellant as duty for the purpose of drawal of arrears of pay as such payment of salaries could not be justified in such circumstances and in this regard the arguments of learned Senior Government Pleader carries weight which is based on the principle of ‘No work No pay’ as held by the superior courts in various judgments. Being devoid of merits, the appeal is dismissed accordingly. Parties are, however, left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
20.09.2016

  
(PIR BAKHSH SHAH)  
Member

  
(ABDUL LATIF)  
Member

Froom

D. Attorney

APP # 824/18

O. C. J. J.

Sr. No.	Date of order/proceedings	Order or other proceedings with signature of Judge/ Magistrate
1	2	D/A Time barred (cannot under delay)
1.	20.05.2015	<p>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, <u>PESHAWAR.</u></p> <p>Service Appeal No.23/2013, Muhammad Alam Versus the District Education Officer, Charsadda etc.</p> <p><u>JUDGMENT</u></p> <p><u>ABDUL LATIF, MEMBER</u>- Appellant with counsel (Mr. Gohar Ali, Advocate) and Mr. Muhammad Jan, Government Pleader with Javed Ahmad, Supdt. for the respondents-department present.</p> <p>2. The appellant Muhammad Alam filed the instant appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 07.1.2012, whereby he has been reinstated in service w.e.f: 22.10.2009 instead of 20.10.2003 with all back benefits.</p> <p>3. Brief facts of the case are that the appellant was the employee of Education Department District Charsadda, who was charged in a criminal case U/S 302/324/148/149-PPC, vide FIR No. 471, dated 20.10.2003 P.S Sardheri, District Charsadda. He was put under suspension, however, he went to hide and lateron arrested and then acquitted from the charges on the basis of compromise vide order dated 7.9.2010 of the Addl. Sessions Judge-I, Charsadda. After his acquittal, the</p>

→ No record  
to be pay

A SERVICE ORDER WAS ISSUED ON 07.1.2012, AGAINST

Appellant approached the respondents-department for his reinstatement in service and he was accordingly reinstated w.e.f. 22.10.2009, however, the intervening period w.e.f. 20.10.2003 to 21.10.2009 was treated as leave without pay, vide order dated 07.1.2012 of respondent No.1. Feeling aggrieved, the appellant filed departmental appeal on 30.8.2012 before respondent No. 2, which was not decided within the stipulated time, hence the present appeal before this Tribunal.

4. The learned counsel for the appellant stated that the impugned order was against law and rules on the subject. That under the rules monthly salary and annual increments of the appellant could not be stopped during suspension period. He further stated suspension was not an offence if so then respondents-department should have issued charge sheet and show cause notice etc. to him. The learned counsel for the appellant stressed that the appeal was within time, however, if there was any delay in filing the appeal, the appellant had already filed application for condonation of delay, accompanied with the appeal. He requested that the appeal may be accepted. He relied on 2007-SCMR-855, 2014-SCMR-1843 and 2015-SCMR-77.

5. The learned Government Pleader resisted the arguments the arguments of the learned counsel for the appellant and stated that the impugned order was issued on 07.1.2012, against

which the appellant preferred departmental appeal on 30.8.2012, with a considerable delay and this Tribunal had no powers to condone the delay made before the departmental appellate authority. He further stated that admittedly the appellant remained absconder for a long period and did not perform duty, hence he was not entitled for any back benefits. He stressed that under Rule 54 of Fundamental Rules, the competent authority has got the discretionary power to either allow or dis-allow any such benefits and in circumstances of the case, intervening period of the appellant had rightly been treated as leave without pay. He requested that the appeal may be dismissed.

6. We have heard arguments of the learned counsel for the parties and perused the available record with their assistance.

7. The Tribunal is of the view that departmental appeal of the appellant dated 30.8.2012 against the impugned order dated 07.01.2012 was admittedly time-barred before the departmental appellate authority. Under the law this Tribunal has no powers to condone the delay before the departmental appellate authority. The appellant after involvement in criminal case should have surrendered himself but he remained fugitive from law for a long period of more than five years. The appellant did not perform any duty during the period from 20.10.2003 to 21.10.2009 ( 6 years), therefore, he is not entitled to receive salary etc. for that period.

8. In view of the above, the appeal being devoid of merit and not maintainable is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED

A F

824/18

Observed prior

From  
Distt. Attorney

Appeal  
O in G in U

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

SERVICE APPEAL NO. 138/2013

Date of institution ... 17.01.2013  
Date of judgment ... 20.09.2016

Hayat Gul S/o Haleem Gul, Senior English Teacher (SET)  
Government Middle School Kot Charsadda.

(Appellant)

VERSUS

1. Secretary Elementary & Secondary Education KPK Peshawar.
2. Director Elementary & Secondary Education KPK Peshawar.
3. Executive District Officer (E&SE) Charsadda.
4. Government of Khyber Pakhtunkhwa through Chief Secretary Peshawar.

(Respondents)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT 1974  
AGAINST THE ORDER DATED 11.09.2012 OF RESPONDENT NO. 1  
WHEREBY THE PERIOD OF SUSPENSION IN RESPECT OF THE  
APPELLANT HAS BEEN TREATED AS EXTRA ORDINARY LEAVE  
WITHOUT PAY AND AGAINST WHICH THE DEPARTMENTAL APPEAL OF  
THE APPELLANT HAS NOT BEEN RESPONDED SO FAR DESPITE THE  
LAPSE OF STATUTORY PERIOD.

Mr. Fazal Shah Mohmand, Advocate  
Mr. Usman Ghani, Senior Government Pleader

For appellant  
For respondents

MR. ABDUL LATIF  
MR. PIR BAKHSH SHAH

MEMBER (EXECUTIVE)  
MEMBER (JUDICIAL)

JUDGMENT

ABDUL LATIF, MEMBER:- Facts giving rise to instant appeal are that the appellant joined the Education Department as PTC Teacher on 05.02.1974. That on 14.04.2003, the appellant was involved in a false murder case of the PS Charsadda vide FIR No. 412, and was suspended vide order dated 01.09.2003. That the appellant was acquitted from the charges by the Court of Learned ADJ-II Charsadda vide order and judgment dated 16.01.2010. That after acquittal from the charges the appellant was reinstated in service vide Notification dated 22.07.2010 and vide the same notification it



was also held that the period from 14.04.2003 to 23.10.2009 will be decided later on subject to the approval of the Finance Department. That the appellant was posted at GMS Kot Charsadda vide Notification dated 27.07.2010. That finally the period of absence from 14.04.2003 to 23.10.2009 was treated as extra-ordinary leave without pay vide order dated 11.09.2012. That the appellant preferred departmental appeal before respondent No. 2 on 10.10.2012 which was not responded so far despite the lapse of statutory period and hence the instant service appeal with a prayer that on acceptance of this appeal the impugned order dated 11.09.2012 of respondent No. 1 may kindly be set-aside and the appellant may kindly be paid the salaries of the period from 14.04.2003 to 23.10.2009 with consequential benefits.

2. The learned counsel for the appellant argued that the impugned order was illegal and void ab-initio, the appellant had not been treated in accordance with law and respondents violated all norms of justice. He further argued that ex-parte action was taken against the appellant, no inquiry was conducted and opportunity of personal hearing was not afforded to the appellant before passing of the impugned order. He further contended that the appellant had been acquitted of the charges on the basis of which he was suspended by the competent court of law and as per law and dictum of the superior court in such circumstances he was entitled to the arrears of pay for the period he remained absent from duty and in this regard he made a reference to FR-54 which on reinstatement allowed full pay for the period of absence. He prayed that the impugned order dated 11.09.2012 may be set-aside and the appellant may be allowed arrears of pay for the period he remained absence from duty.

3. The learned Senior Government Pleader while arguing the case stated that the appeal was not maintainable due to non-joinder of necessary party i.e Finance Department. He further argued that being involved in a criminal case the appellant remained fugitive from law and did not perform any duty during the long period of absence from 14.4.2003 to 23.10.2009 adding further that the said period of absence was already treated as leave without pay on the advice of Finance Department as a hardship case. He also relied on this Service Tribunal judgment dated 20.05.2015 in Service Appeal No. 23/2013 titled

"Muhammad Alam-vs-District Education Officer Charsadda and others and prayed that being identical in nature the instant appeal may also be decided and dismissed on the analogy of the said case.

4. Arguments of learned counsels for the parties heard and record perused.

5. From perusal of the record it transpired that the appellant was involved in a murder case vide FIR No. 412 dated 14.04.2003. He was initially suspended by the relevant authority on 01.09.2003 where-after he absconded and did not surrender to the law enforcement agency. On his acquittal on 16.01.2010 he was reinstated by the department on 22.07.2010. The respondent-department in consultation with Finance Department treated the period of absconsion of the appellant from 14.04.2003 to 23.10.2009 as extraordinary leave without pay as a hardship case on the strength of Rule 12 (4) of the Khyber Pakhtunkhwa Revised Leave Rules 1981. It is evident from the record that the appellant instead of surrendering to law went in hiding and did not perform any duty during the absconsion period from 14.4.2003 to 23.10.2009 and on reinstatement the unauthorized absence from duty was treated as extra-ordinary leave (without pay) as a hardship case. We in the circumstances, do not find any merits for treating the period of unauthorized absence of the appellant as duty for the purpose of drawal of arrears of pay as such payment of salaries could not be justified in such circumstances and in this regard the arguments of learned Senior Government Pleader carries weight which is based on the principle of 'No work No pay' as held by the superior courts in various judgments. Being devoid of merits, the appeal is dismissed accordingly. Parties are, however, left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
29.09.2016

(PIR BAKHSH SHAH)  
Member

(ABDUL LATIF)  
Member

Absconder of Criminal case → no plausible reason

IN THE SUPREME COURT OF PAKISTAN  
(APPELLATE JURISDICTION)

**PRESENT:**  
MR. JUSTICE SH. AZMAT SAEED  
MR. JUSTICE FAISAL ARAB

**CIVIL PETITION NO. 935 OF 2015**

(On appeal against the judgment dated 24.03.2015  
passed by the Federal Service Tribunal, Islamabad in  
Appeal No. 745(P)CS-2013)

Federation of Pakistan through Secretary Ministry of Defence and  
another

... Petitioners

**VERSUS**

Bashir Ahmed, SBA in MES, Ministry of Defence, GE(Army), Nowshera  
... Respondent

For the Petitioners: Syed Nayyab Hassan Gardezi, Assistant  
Attorney General  
Qari Abdul Rasheed, AOR (Absent)

For the Respondent: Mr. Muhammad Shoaib Shaheen, ASC  
Mr. Ahmed Nawaz Ch, AOR

Date of Hearing: 18.04.2017

**JUDGMENT**

**FAISAL ARAB, J.**- The respondent was appointed as SBA  
in MES, Ministry of Defence in the year 1990. On 20.06.2010 he was  
nominated as an accused in a murder case registered vide FIR No.  
335/2010 under Sections 302/34 PPC at Police Station Azakhel,  
District Nowshera. He remained absent without any authorization  
from the day the FIR was registered against him. Between 27.06.2010  
to 01.09.2010, he was issued five letters calling upon him to resume  
duty but he failed to do so. On account of his absence, disciplinary  
proceedings were initiated against him on 26.10.2010. He was then  
served with show cause notice on 25.04.2011, to which he failed to  
respond. Ultimately, major penalty of compulsory retirement was  
recommended on 15.09.2011. The respondent was then given an  
opportunity of personal hearing but he failed to appear, hence the

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6/10/2019

Authorized Officer imposed major penalty vide order dated 31.01.2012 on account of his continuous absence from duty. The respondent belatedly filed departmental appeal on 03.07.2012 which was considered to be barred by time. The respondent then filed appeal before the Service Tribunal on the ground that he was not given the opportunity of hearing. The Tribunal while disposing of the appeal vide order dated 02.07.2013 directed the petitioner to hear the respondent's departmental appeal afresh and decide within 30 days. After hearing the respondent, the departmental appeal was rejected on 11.10.2013, whereafter he again preferred appeal before the Service Tribunal on 08.11.2013. Before the Tribunal, it was admitted by respondent's Advocate that after the registration, the respondent went underground as he could not live a normal life on account of his involvement in a criminal case and thus remained absent from duty. With regard to the disciplinary proceedings, the Service Tribunal held that on account of murder charges and the enmity with the complainant party, his absence was justified. The Service Tribunal thus converted the major penalty of compulsory retirement into minor penalty of withholding of three increments and reinstated him back in service. Against such decision, present petition for leave to appeal has been preferred. Notice was issued to the respondent.

2. Learned counsel for the petitioners contended that it is an admitted position that the respondent absented himself from 20.06.2010 onwards without seeking leave of absence from the department. The letters calling upon him to resume duty as well as show cause notice delivered at his known address were also not responded to, hence, the department was left with no other option but

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to initiate disciplinary proceedings. Learned counsel further submitted that the Authorized Officer in fact showed leniency by not dismissing the respondent from service and only imposed a penalty of compulsory retirement, which would still entitle him to receive pensionary benefits for the term that he served from 1990 until he was compulsorily retired on 31.01.2012.

3. Learned counsel for the respondent, on the other hand, contended that the respondent was involved in a murder case on 20.06.2010 and was finally acquitted on 20.09.2012, hence, his absence was not willful, therefore, imposition of major penalty was too harsh. He submitted that at best a minor penalty could have been imposed and the Service Tribunal after taking into consideration all this rightly converted major penalty into minor penalty. In support of his contention he relied upon the case of Central Board of Revenue Vs. Shafiq Muhammad (2008 SCMR 1666). He also submitted that even otherwise no case of public importance as envisaged under Article 212(3) of the Constitution is made out and this petition may be dismissed on this score alone.

4. It has come on the record that during the period of absence, no attempt was made on behalf of the respondent to apply for leave. The respondent's counsel himself stated before the Tribunal that the reason for his absence was that he went underground being involved in a murder case and it was only on the basis of a compromise with the victim's relatives that he was acquitted in September, 2012. Though the criminal case came to an end in September, 2012 and he was acquitted on account of compromise

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reached with the complainant party, nevertheless before reaching the compromise, he was not in custody but remained an absconder and only surrendered before the law after the compromise was reached with the victim's family members. To seek condonation of absence during his absconsion would amount to putting premium on such act. If this is made a ground for condonation of absence, then in every case where the civil servant is involved in a criminal case and absconds, his absence from duty would have to be condoned. The act of absconsion or being a fugitive from law cannot be regarded as a reasonable ground to explain absence. Even where a person is innocent, absconsion amounts to showing mistrust in the judicial system. Learned counsel for the respondent was asked to show as to whether in any case, this Court has condoned the absconsion and the departmental action was set aside, he was unable to satisfy this Court on this point. In the circumstances, the case relied upon by the respondent's counsel is of no help to the case of the respondent as it has no relevance in the facts and circumstances of this case.

5. For what has been discussed above, we convert this petition into appeal, allow it, set aside the impugned judgment and restore the departmental action of imposition of major penalty of compulsory retirement.

JUDGE

JUDGE

Islamabad, the  
18<sup>th</sup> of April, 2017  
Approved For Reporting  
Khuram



Form:

Distt: Attorney.

Judgment

<http://www.pakistanlawsite.com/LawOnline/law/content21.asp?Ca>

APP # 824/18

0 1/2 1/2

2007 SC MR 562

[Supreme Court of Pakistan]

Present: Abdul Hameed Dogar and Mian Shakirullah Jan, JJ

SUPERINTENDENT OF POLICE, D.I. KHAN and others---Petitioners

versus

IHSANULLAH---Respondent

Civil Petition No.384-P of 2005, decided on 14th November, 2006.

(On appeal from the judgment, dated 10-5-2005 of the N.-W.F.P. Service Tribunal Peshawar in Appeal No.180 of 2004).

North-West Frontier Province Service Tribunals Act (I of 1974)---

---S. 4---Dismissal from service on account of his arrest in a criminal case---Acquittal from criminal charges---Time-barred appeal---Civil servant was dismissed from service, after he was arrested in criminal case---Civil servant during his arrest, filed departmental representation but did not avail remedy of appeal before Service Tribunal---Civil servant, after he was acquitted from criminal charge, filed appeal before Service Tribunal, which was accepted and he was reinstated in service---Validity---Appeal before Service Tribunal was filed belatedly from date of his dismissal and after five months from the date of his acquittal from criminal charges---Civil servant had lost his right and could not agitate for reinstatement---Acquittal of civil servant from criminal charges would have absolutely no bearing on merits of case as disciplinary proceedings were to be initiated according to service rules independently---Judgment passed by Service Tribunal, reinstating civil servant in service, after acquittal from the criminal charge was not sustainable in law---Supreme Court set aside the judgment passed by Service Tribunal and order of dismissal of civil servant from service was maintained---Appeal was allowed.

Executive Engineer and others v. Zahid Sharif 2005 SCMR 824 and Sami Ullah v. Inspector-General of Police and others 2006 SCMR 554 ref.

Khushdil Khan, Additional Advocate-General N.-W.F.P. and Altai, S.-I. (Legal) for Petitioners.

Abdul Aziz Kundi, Advocate Supreme Court for Respondent.

## ORDER

**ABDUL HAMEED DOGAR, J.**--- This petition is directed against judgment, dated 10-5-2005 passed by learned N.-W.F.P. Service Tribunal, camp at D.I. Khan whereby Appeal No.180 of 2004 filed by respondent was allowed and he was reinstated into service without back-benefits.

2. Brief facts leading to the filing of instant petition are that respondent was dismissed from service on

the allegation that on 12-7-2001 he was found in possession of 225 grams of Charas. Case was registered against him in which he was arrested and sent up to face the trial. According to learned counsel for the respondent he made representation to the competent authority but did avail the remedy of filing appeal before the learned Tribunal challenging his dismissal. According to him after his acquittal from the criminal case which took place on 9-10-2003 he filed instant appeal before Tribunal on 18-3-2004 mainly on the ground that he was acquitted from criminal charges as such be reinstated in service. The appeal before the Tribunal was filed belatedly from date of his dismissal and after five months from the date of his acquittal from the criminal charges. This being so, respondent has lost his right and cannot agitate for reinstatement. By now it is the settled principle of law that acquittal of civil servant from criminal charges would have absolutely no bearing on the merits of the case as the disciplinary proceedings are to be initiated according to service rules independently. Reliance can be made to the cases of Executive Engineer and others v. Zahid Sharif 2005 SCMR 824 wherein it has been held that acquittal of civil servant from Court would not impose any bar for initiation of disciplinary proceedings as his acquittal would have no bearing on disciplinary proceedings at all. In case of Sami Ullah v. Inspector-General of Police and others 2006 SCMR 554 it has been held that acquittal of petitioner from criminal case would have absolutely no bearing on the merits of the case and in the case of N.E.D. University of Engineering and Technology v. Syed Ashfaq Hussain Shah 2006 SCMR 453 it has been held that departmental representation of civil servant was barred by limitation and on the basis of such representation Service Tribunal could not reinstate him in service.

3. In view of what has been discussed hereinabove and the case-law referred (supra) the impugned judgment reinstating the respondent in service after acquittal from the criminal charge is not sustainable in law hence the same is set aside. The petition is converted into appeal and allowed. The order of dismissal from service of respondent is maintained.

M.H./S-81/SC

Appeal allowed.

Service Tribunal has not considered the case of appellant in the light of the rules relating to the determination of seniority of civil servant in such circumstances.

For the foregoing reasons we hold that the seniority of appellant would be reckoned from the date of his induction as UDC in the Office of Post Master General Northern Circle Rawalpindi though transfer on 4-8-1978. The objection relating to maintainability of appeal raised by the learned Deputy Attorney General on the ground that the seniority list published in 1987 remained unchallenged would be of no consequence as on publication of subsequent seniority list... fresh cause of action in favour of appellant therefore the appeal before the Tribunal was maintainable. We accordingly allow this appeal set aside the judgment of Federal Service Tribunal. However there will be no order as to costs.

S.A.K/D-28/S

Appeal allowed

2003 S.C.M.R. 338

[Supreme Court of Pakistan]

Present: Mian Muhammad Ajmal, Tarvir Ahmad Khan and Sardar Muhammad Raza JJ

GOVERNMENT OF N.W.F.P. through Secretary Finance, Excise and Taxation Department Peshawar and 2 others - Petitioners

versus

AURANGZEB - Respondent

(Civil Petition No 308-P of 2001, decided on 16th July, 2002)

(On appeal from the judgment of the N.W.F.P. Service Tribunal Peshawar dated 4-6-2001 passed in Appeal No 2806 of 2000)

(a) Civil service

Absence from duty without leave - Removal from service - Civil servant could not be allowed to put a premium on his abscondence in a murder case and to use the same as a ground for absence from his official duty. Civil servant remained fugitive from law and Courts and remained in hiding for a long time and never applied for leave despite notices. Civil servant's absence without leave in circumstances was sufficient ground for his removal from service. [p 340]

(b) Civil service

Criminal proceedings and departmental proceedings - Distinction - Acquittal of civil servant from a criminal charge - Impact - Prosecution on a criminal charge of a civil servant and departmental proceedings against him are entirely different as one relates to the enforcement of criminal liability whereas the other is concerned with the service discipline. As such acquittal from criminal charge has no bearing on disciplinary proceedings. [p 340] B

Amir Abdullahy, Superintendent of Police and others, 1998 S.C.M.P. 333

Sardar Shaikar Hayat, Additional Advocate General N.W.F.P. for Petitioners  
Fateh Muhammad Khan, Advocate on Record for Respondent

Date of hearing: 16th July, 2002

JUDGMENT

MIAN MUHAMMAD AJMAL, J - The petitioners seek leave to appeal against the judgment of the N.W.F.P. Service Tribunal Peshawar dated 4-6-2001 whereby Appeal No 2806 of 2000 of the respondent was accepted and the petitioner department was directed to reinstate him in service by treating his termination period as extraordinary leave without pay.

2. Brief facts are that on 5-5-1997 a case under sections 302/324/34 P.P.C. was registered against the respondent, a Driver in Civil Secretariat vide F.I.R. No 194 at Police Station Badaber. He absconded and thus remained absent from his duty. The department issued letters dated 8-7-1997, 16-9-1997 and 28-10-1997 to the respondent at his home address to resume duty and also published a notice about his absence in the newspaper "Daily Aaj" Peshawar dated 6-1-1998 with a direction to him to resume duty within 15 days failing which disciplinary action would be taken against him. Thereafter final show cause notice was published in "Daily Aaj" dated 19-2-1998 requiring him again to resume duty without leave for three years. The department issued notice to the respondent within 5 days and on his failure to do so the Authority removed him from service vide F.O. dated 16-5-1997. He remained absent from duty vide office order dated 20-6-1998.

3. The respondent was arrested whereafter he faced trial and was acquitted by the learned Additional Sessions Judge, Peshawar vide his judgment dated 22-4-2000 by giving him the benefit of doubt.

4. After acquittal he moved an application for his reinstatement.

From Dist. Attorney  
Appeal 824/18  
O.K. by  
Absconder  
Premium  
1) Absconder  
2) Criminal Proceeding & Departmental Proceeding

4-5-2000 which was rejected on 24-10-2000. He then filed Appeal No.2806 of 2000 before the N.-W.F.P. Service Tribunal, Peshawar which has been accepted vide judgment impugned herein, as stated in para. 1 above.

5. Learned Additional Advocate-General for the petitioner contended that the Tribunal erred in law in accepting the time-barred appeal of the respondent. He added that registration of criminal case against the respondent and his acquittal therefrom by giving him benefit of doubt and departmental proceedings were taken independently from each other and despite notices and publication in the press, the respondent failed to resume duty, thus, the Authority was justified in removing him from service. He added that the appeal filed by the respondent was time-barred and incompetent as he failed to exhaust departmental remedy before filing the appeal.

6. Learned Advocate-on-Record appearing for the respondent supported the impugned judgment.

7. We have heard the learned counsel for the parties and have perused the record of the case with their assistance. After the registration of the murder case against the respondent, he absconded and remained fugitive from law and the Court till his arrest. He absented from duty from 6-5-1997 and vide letters dated 8-7-1997, 16-9-1997 and 28-10-1997 addressed at his home address he was directed to immediately resume duty but he failed to comply with the direction. Thereafter, notices were published in the daily "Aaj" directing him to report for duty failing which disciplinary action would be taken against him. In response to the notice published in the press on 6-1-1998, the respondent's wife informed respondent No.2 through an application dated 8-1-1998 that due to murder charge, her husband has gone into hiding and his whereabouts are not known and disciplinary action should not be taken against him till his whereabouts are known. The respondent after his arrest was tried and acquitted by giving him the benefit of doubt by the Additional Sessions Judge-V, Peshawar on 22-4-2000, whereafter he applied to respondent No.1 for reinstatement in service on 4-5-2000 admitting his absence from duty due to murder case. There is no denial of the fact that the respondent remained absent from duty from 6-5-1997 to 4-5-2000 when he applied for reinstatement in service, as such he remained absent from duty without leave for three years. The department issued notices to the respondent both by post and press but he being an absconder in a murder case did not respond. The respondent cannot be allowed to take premium of his abscondence in a murder case and to use it as a ground for absence from his official duty. He remained fugitive from law and Courts and remained in hiding himself for a long time and never applied for leave despite notices, therefore, his absence without leave was sufficient ground for his removal from service.

8. Even otherwise, the prosecution on criminal charge and departmental disciplinary proceedings were entirely different as one relates to

the enforcement of criminal liability whereas the other is concerned with the service discipline, as such, acquittal on criminal charge had no bearing on disciplinary proceedings, Reference may be made to Amir Abdullah v. Superintendent of Police and others (1989 SCMR 333).

9. For the foregoing reasons, this petition is converted into appeal and allowed. The impugned judgment of the Service Tribunal is set aside and office order dated 20-6-1998 is restored.

M.B.A./G-162/S

Appeal allowed.

2003 S C M R 341

[Supreme Court of Pakistan]

Present: Rana Bhagwandas, Syed Deedar Hussain Shah  
and Hamid Ali Mirza, JJ

THE STATE---Petitioner

versus

RUB DINO SHAIKH and another---Respondents

Criminal Petitions for Leave to Appeal Nos.47-K to 49K of 2001 and 76-K to 78-K of 2001, decided on 27th March, 2002.

(On appeal from judgment dated 15-5-2001 in Criminal Appeals Nos.44 to 46 and 41 to 43 of 1998 passed by the High Court of Sindh, Karachi).

(a) Penal Code (XLV of 1860)---

---Ss. 420/468/34---Prevention of Corruption Act (II of 1947), S.5(2)---Criminal trial---Burden of proof---Prosecution is duty bound to produce best possible evidence to prove the forgery alleged to have been committed by the accused. [p. 344] A

(b) Penal Code (XLV of 1860)---

---Ss. 420/468/34---Prevention of Corruption Act (II of 1947), S.5(2)---Constitution of Pakistan (1973), Art.185(3)---Appeal against acquittal---Neither original sanction orders alleged to have been forged had been produced, nor evidence with regard to the allegation that the accused had made the forged signatures on the said sanction orders was produced---Mere fact that signatures on the photo-copy of sanction orders were not in agreement with the admitted signatures of the Section Officer did not prove that the alleged signatures on the sanction orders were made by the