

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

**SERVICE APPEAL NO. 690/2018**

Date of institution ... 18.05.2018

Date of judgment ... 16.07.2019

Riaz Ahmed, Ex:PST (BPS-7) Now (BPS-12),  
GPS Darmalak, District Kohat.

... (Appellant)

**VERSUS**

1. The Government of Khyber Pakhtunkhwa through Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
2. The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (Male), District Kohat.

... (Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST  
THE IMPUGNED ORDER DATED 13.03.2018 WHEREBY  
MAJOR PENALTY OF REMOVAL FROM SERVICE WAS  
IMPOSED ON THE APPELLANT WITHOUT CONDUCTING  
REGULAR INQUIRY IN THE MATTER AND AGAINST THE  
APPELATE IMPUGNED ORDER DATED 19.04.2018  
WHEREBY THE DEPARTMENTAL APPEAL OF APPELLANT  
HAS BEEN REGRETTEED ON NO GOOD GROUNDS.

Mr. Mir Zaman Safi, Advocate.

.. For appellant.

Mr. Muhammad Jan, Deputy District Attorney

.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI

.. MEMBER (JUDICIAL)

MR. HUSSAIN SHAH

.. MEMBER (EXECUTIVE)

**JUDGMENT**

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Counsel for the

appellant present. Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Arguments heard and record perused.

2. Brief facts of the case as per present service appeal are that the appellant was serving in Education Department as Primary School Teacher. He was imposed major penalty of removal from service with effect from 31.07.1998

*M. Amin*  
*16.7.2019*

vide order dated 20.08.2015 on the allegation of his involvement in case FIR No. 130 dated 31.07.1998 under section 302/324/34 PPC Police Station Lachi Kohat. The appellant filed departmental appeal on 25.08.2015 which was not responded thereafter, the appellant filed service appeal before this Tribunal, the service appeal of the appellant was partially accepted, the department was directed to hold de-novo proceeding in accordance with law within a period of 90 days from the date of receipt of judgment. The issue of back benefits including pay during suspension shall be decided by the department in accordance with law on the subject vide judgment dated 20.12.2017. On the basis of aforesaid judgment dated 20.12.2017 de-novo inquiry was conducted and again the appellant was imposed major penalty of removal from service vide order dated 13.03.2018. The appellant filed departmental appeal on 19.03.2018 which was rejected on 19.04.2018 hence, the present service appeal on 18.05.2018.

3. Respondents were summoned who contested the appeal by filing of written reply/comments.

4. Learned counsel for the appellant contended that the appellant was appointed as Primary School Teacher (BPS-7) in Education Department vide order dated 26.04.1984. It was further contended that the respondent-department imposed major penalty of removal from service upon the appellant on the allegation of absence from duty due to his involvement in the aforesaid criminal case. It was further contended that the appellant was honorable acquitted by the competent court vide judgment dated 28.11.2013. It was further contended that when the appellant reported for duty, the respondent-department did not allow him to perform duty rather imposed major penalty of removal from service vide order dated 20.08.2015. It was further contended that the appellant challenged the same through service appeal before this Tribunal which was partially accepted and the respondent-department was directed to

*M. Anjum*  
16.7.2019

conduct de-novo inquiry but again the respondent-department without fulfilling the codal formalities imposed major penalty of removal from service therefore, the appellant was condemned unheard. It was further contended that the appellant was having 14 years service in his credit but the respondent-department has not taken the same into consideration while imposing the major penalty of removal from service therefore, it was vehemently contended that the impugned order is illegal and liable to be set-aside and prayed for acceptance of appeal.

5. On the other hand, learned Deputy District Attorney for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant was serving as Primary School Teacher in Education Department. It was further contended that the appellant was involved in case FIR No. 130 dated 31.07.1998 under section 302/324/34 PPC Police Station Lachi Kohat. It was further contended that the appellant remained absconder for sufficient time and was arrested on 10.10.2013, ultimately he was acquitted by the Trial Court vide judgment dated 28.11.2013. it was further contended that the appellant remained absent from duty due to aforesaid criminal case for a long period of 15 years. It was further contended that the respondent-department also conducted de-novo inquiry as per judgment dated 20.12.2017 passed by this Tribunal and again imposed major penalty of removal from service on the basis of inquiry report after fulfilling all the codal formalities. It was further contended that the appellant remained absent from duty without permission of the lawful authority therefore, the appellant was rightly imposed major penalty of removal from service and prayed for dismissal of appeal.

6. Perusal of the record reveals that the appellant was serving in Education Department. He was involved in the aforesaid criminal case and due to the aforesaid criminal case he remained absent from duty. After his arrest he was acquitted by the Trial Court vide judgment dated 28.11.2013. After acquittal

*M. Anwar  
16.7.2019*

when he reported for performing his duty he was removed from service vide order dated 20.08.2015. No doubt the appellant remained absent from duty without permission of the lawful authority for a long period but it is also an admitted fact that the appellant was appointed as Primary School Teacher vide order dated 26.04.1984 and was having 14 years service in his credit till his involvement in the aforesaid criminal case but the respondent-department has not taken into consideration the aforesaid 14 years service of the appellant while imposing the major penalty of removal from service. In the presence of 14 years service, the major penalty of removal from service appear to be harsh therefore, we partially accept the appeal, set-aside the impugned order and convert the major penalty of removal from service into compulsory retirement from the date of his removal from service order i.e 20.08.2015. The absence period as well as intervening period will be treated as leave without pay. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

16.07.2019



(HUSSAIN SHAH)  
MEMBER

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

29.04.2019

Appellant in person and Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Appellant requested for adjournment as his counsel is not in attendance. Adjourn. To come up for arguments on 28.06.2019 before D.B.

  
Member

  
Member

28.06.2019

Mr. Mir Zaman Safi, counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Arguments heard. To come up for order on 16.07.2019 before D.B.

(Hussain Shah)  
Member

(M. Amin Khan Kundi)  
Member

16.07.2019

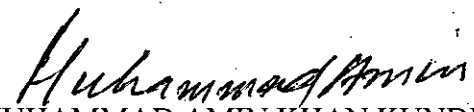
Counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of four pages placed on file, we partially accept the appeal, set-aside the impugned order and convert the major penalty of removal from service into compulsory retirement from the date of his removal from service order i.e 20.08.2015. The absence period as well as intervening period will be treated as leave without pay. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
16.07.2019




(HUSSAIN SHAH)  
MEMBER

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

Service Appeal No. 690/2018

04.10.2018

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Waheed Gul, AD (Litigation) for the respondents present. Written reply submitted. To come up for rejoinder and arguments on 21.11.2018 before D.B.

  
(Muhammad Amin Khan Kundi)  
Member

21.11.2018

Since 21.11.2018 has been declared as public holiday on account of 12<sup>th</sup> Rabi ul Awal. Therefore, the case is adjourned. To come up on 09.01.2019.

  
Reader

09.01.2019

Junior to counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Dil Khubaz Khan Senior Clerk for the respondents present. Junior to counsel for the appellant requested for adjournment as senior counsel for the appellant is not in attendance. Adjourned 08.03.2019 before D.B.

  
Member

  
Member.

08.03.2019

Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 29.04.2019 before D.B.

  
(M. AMIN KHAN KUNDI)  
MEMBER

  
(M. HAMID MUGHAL)  
MEMBER

06.06.2018

Learned counsel for the appellant present. Preliminary arguments heard.

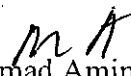
Aggrieved against the order dated 13.03.2018 of major penalty of removal from service, the appellant has filed the present service appeal. Departmental appeal of the appellant was also rejected.

Points raised 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 notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 08.08.2018 before S.B.

Appellant Deposited:  
Security & Process Fee

08.08.2018

Learned counsel for the appellant and Mr. Kapurullah Khattak, AAG for the respondents present. Written reply not submitted learned Additional Advocated General requested for time to file written reply/comments. Granted. To come up for written reply/comments on 04.10.2018 before S.B.

  
Muhammad Amin Khan Kundi  
Member

~~06.06.2018~~



~~Clerk to counsel for the appellant present and seeks adjournment as learned counsel for the appellant is busy before august Supreme Court of Pakistan. Adjourned. To come up for preliminary hearing on 13.07.2018 before S.B.~~

~~Member~~

Form-A  
FORM OF ORDERSHEET

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

Case No. 690/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	18/05/2018	<p>The appeal of Mr. Riaz Ahmad presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	28/05/18. A. A.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>06/06/18.</u></p> <p style="text-align: right;"> CHAIRMAN</p>



**IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

APPEAL NO. 690 /2018

RIAZ AHMAD

VS

EDUCATION DEPTT:

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**APPELLANT**

**THROUGH:**

  
**NOOR MUHAMMAD KHATTAK**  
**ADVOCATE**

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

APPEAL NO. 690 /2018

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 740

Dated 18-5-2018

Mr. Riaz Ahmed, Ex: PST (BPS-7) Now (BPS-12),  
GPS Darmalak, District Kohat.

..... APPELLANT

**VERSUS**

- 1- The Government of Khyber Pakhtunkhwa through Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (Male), District Kohat.

..... RESPONDENTS

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 13-03-2018 WHEREBY MAJOR PENALTY OF REMOVAL FROM SERVICE WAS IMPOSED ON THE APPELLANT WITHOUT CONDUCTING REGULAR INQUIRY IN THE MATTER AND AGAINST THE APPELLATE IMPUGNED ORDER DATED 19-04-2018 WHEREBY THE DEPARTMENTAL APPEAL OF APPELLANT HAS BEEN REGRETTEED ON NO GOOD GROUNDS**

**PRAYER:** That on acceptance of this appeal the impugned orders dated 13.3.2018 19.4.2018 may very kindly be set aside and the appellant may kindly be re-instated in to service with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

Filed to Day  
18/5/18  
Registrar

**R.SHEWETH:**

**ON FACTS:**

- 1- That appellant was appointed as PST (BPS-7) in the respondent Department on the proper recommendation of Departmental selection committee vide order dated 26.4.1984. That in response the appellant submitted his charge report and started performing his duty quite efficiently and up to the entire satisfaction of his superiors. Copies of the appointment order, charge report and medical certificate are attached as annexure ..... **A, B and C.**

- 2- That appellant while serving as PST at GPS darmalak an FIR under section 302/324/34 PPC was lodged against the appellant vide dated 31.7.1998. That due to the above mentioned FIR the respondent No.3 suspended the appellant from service till the finalization of his criminal case vide order dated 29.8.1998. Copies of the FIR and suspension order are attached as annexure ..... **D and E.**
- 3- That finally the Honorable additional Session Judge honorably acquitted the appellant from the criminal charge vide judgment dated 28.11.2013 Communicated to appellant on 2.12.2013. That after acquittal the appellant approached the respondent No.3 for his re-instatement and setting aside the order dated 29.8.1998. That no heed was paid by the respondent No.3 to the said request of the appellant. Copies of the judgment and application are attached as annexure ..... **F.**
- 4- That feeling aggrieved the appellant knocked the door of this august Tribunal in appeal No.573/2014 but the same was withdrawn due to pending inquiry against the appellant in the said matter. Copy of the order sheet is attached as annexure ..... **G.**
- 5- That vide impugned order dated 20.8.2015 the appellant was removed from service on the basis of the above mentioned FIR dated 31.7.1998 inspite of knowing the fact that appellant has been acquitted by the trial Court. Copy of the order is attached as annexure ..... **H.**
- 6- That feeling aggrieved the appellant prefer Departmental appeal before the respondent No.2 vide dated 25.8.2015 but the same was not responded to within stipulated time, therefore he filed service appeal no 1392/2015 on 17/12/2015 . Copies of the Departmental appeal and service appeal are attached as annexure ..... **I and J.**
- 7- That the above mentioned service appeal of the appellant was accepted by this honorable Tribunal vide judgment dated 20/12/2017 whereby the respondent department was directed to hold de novo proceedings against the appellant in accordance with the law and rules. Copy of judgment is attached as annexure ..... **K.**
- 8- That the respondents initiated one sided inquiry against the appellant without re-instating the appellant into service and finally passed/issued the impugned order dated 13.3.2018 whereby the removal order dated 20.8.2015 has been kept intact in utter disregard of law and rules. Copy of impugned order is attached as annexure ..... **L.**

- 9- That feeling aggrieved from impugned order the appellant preferred departmental appeal but the same was regretted on no good grounds vide impugned appellate order dated 19/04/2018. Copies of Departmental appeal and impugned order are attached as annexure ..... ~~2295~~ M & N.
- 10- That appellant having no other remedy but to file the instant appeal on the following grounds amongst the others.

**GROUND:**

- A- That the impugned orders dated 13.3.2018 and 19.4.2018 issued by the respondents are against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That the appellant has not been treated by the respondent Department in accordance with law and rules and as such the respondent Department violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That appellant has been honorably acquitted by the trial Court from the FIR dated 31.7.1998, therefore the respondents are duty bound under F.R 53 to re-instate the appellant in to service with all back benefits.
- D- That the respondents acted in arbitrary and malafide manner while issuing the impugned order dated 13.3.2018 and 19.4.2018 against the appellant.
- E- That appellant has not been re-instated into service prior to Denovo inquiry, therefore the whole proceedings are void ab initio.
- F- That no charge sheet and statement of allegation has been issued against the appellant while issuing the impugned order dated 13.3.2018.
- G- That no chance of personal hearing/ defense has been given to the appellant while issuing the impugned order dated 13.3.2018 against the appellant.
- H- That no show cause notice has been served on the appellant before issuing the impugned order dated 13.3.2018.
- I- That no regular inquiry has been conducted before issuing the impugned order dated 20.8.2015 against the appellant which is as per Supreme Court judgments is necessary in punitive actions against the Civil Servants.

J- That appellant seeks permission to advance other grounds and roofs at the time of hearing.

It is therefore most humbly prayed that the appeal of the appellant may be accepted as prayed far.


Dated: 17.5.2018

  
APPELLANT

**RIAZ AHMAD**  


THROUGH:

  
**NOOR MOHAMMAD KHATTAK**

  
**MUHAMMAD MAAZ MADNI,**  
ADVOCATES,  
HIGH COURT PESHAWAR

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KOHAT.

APPOINTMENT.

A-5

As approved by the Chairman District Council, Kohat, the following candidates are here-by appointed against the newly created posts of P.T.C teachers in B.P.S.7 @ Rs.560/- fixed plus usual allowances in the interest of public service with effect from the date of taking over charge:-

S.No.	Name of Candidate/Address Where appointed.	Remarks.
1.	M.Anwer Majid S/O Ghulam Habib Vill: Meri Banda Kohat (Mat: 698 Marks). GPS, Mir Ahmad Khel.	against newly created post.
2.	M.Aziz Khan S/O Hakim Khan Vill: Togh Bala (Mat:353 (Marks)). GPS, Band Banda.	Against vacant post.
3.	M.Zar Mast Khan S/O Yar Khan, Vill:Sur Gul (Mat:608 Marks) -do-	-do-
4.	M.Mohabat Ali Khan S/O Zakria Khan Vill: Rhoda (Mat:382 Marks). GPS, Mitha Khan.	Against Newly created post.
5.	M.Abdul Wahid S/O Abdur Rashid Vill: Shadi Khel (Mat: 557 Marks). GMS, Mohammad Khoja.	Against vacant post.
6.	Abdul Khaliq S/O Abdur Rahman Vill: Billitang (Mat: 538 Marks). GPS, Alwara Mela.	Vice Mr.Abbas Khan absent from duty.
7.	M.Saud Anwar S/O Abdul Baqi Vill: Lachi (Mat: 535 Marks). GPS, Sheikhon Banda Lachi.	Against vacant post.
8.	Ajmal-ud-Din S/O Islam-ue-Din Vill: Lachi Bala (Mat: 518 Marks). GPS, Inzer Wala.	Against Newly created post.
9.	Ghalib Hussain S/O Ali Kazim Vill: Lachi Khel (Mat: 498 Marks). GPS, Serozai Payala.	Against vacant post.
10.	M. Mohammad Farid S/O Mohammed Qayyum Vill:Shadi Khel (Mat: 500 Marks). GPS, Matu Khel.	Against Newly created post.
11.	Jehanzeb S/O Kinar Gul Vill:GPS, Khaisari Banda. Takht (Mat: 498 Marks). GPS, Mitha Khan.	against Newly created post.
12.	Mohammad Shoib S/O Asad Ali Vill: Alizai. (Mat:472 Marks). -do-	-do-
13.	M.Said Jamal S/O Zaid Gul Vill:Dar Tappi (Mat: 445 Marks). GPS, Dar Tappi.	-do-
14.	Gul Jan S/O Mohammad Khan Vill: Mandooni (Chorlaki), (Mat: 504 Marks). GPS, Dhok Said Bad Shah.	-do-
15.	M.Riaz Ahmad S/O Taj Ali Khan Vill: Dar Malik (Mat: 2nd Divin:). GPS, Tharmatoo (Darmalik).	Against vacant post.
16.	M.Habit-ur-Rahman S/O Sher Zaman Vill: Dhand Saghri (Mat: 511, Ex-Serviceeman) GPS, Serozai North.	-do-
17.	M.Sarwar Hussain S/O Jaffar Ali Vill: Khoja Kayser. (Mat: Ex-Serviceeman). CPS, Era Banda, Neer Ghazi Pump Hangu.	-do-
18.	M.Javeid Iqbal S/O Habib-ullah Khan Vill: Barhi Saghri (Mat: 2nd Divin; T.Son). CPS, Serozai North.	-do-

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(Continued on Page-2)

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(6) (5)

19. M. Riazuddin S/O Hazrat Amir  
Vill: Nari Shakardara (F.A).  
Ex-Serviceman Son). GPS, Serozai Payala Against newly  
created post.
20. M. Sunab Gul S/O Umar Gul  
Vill: Ziarat Sheikh Allah  
Dad (Mat: 355 Marks). GPS, Mian Koi. -db-
21. M. Noor Bad Shah S/O Khan Bad  
Shah Vill: Kamal Khel (Mat:  
582 Marks). GPS, Shinali Kahi Against vacant post.
22. M. Khushab Gul S/O Siraj Gul  
Vill: Dhoda (Mat: 334 Marks). MPS, Latif Abad  
Kharmatoo. Against transferred  
post of Mian Koi.
23. M. Nawait Khan S/O Iqrat Gul  
Vill: Chorlaki (Mat: 474 Marks) GPS, Dhok Said Bad Against Newly create  
post.

TERMS/CONDITIONS.

1. Their appointment are purely temporary and liable to termination at any time without assigning any reason or notice.
2. In case of resignation they will have to submit one month's prior notice to the Department or forfeit one month's pay in lieu thereof to the Government.
3. They are required to produce Health and age Certificate from the Medical Supdt: concerned before taking over charge.
4. Their Educational original Certificates shall be checked before handing over charge.
5. Their appointments are purely temporary and will not confer on them any right/claim to permanent retention in service.
6. They shall be Governed by such service, Discipline and conduct rules as have been or be prescribed here-after by the Government of NWFP.
7. They shall not be allowed to take over charge in case their age is above 25 years or less 18 years.
8. If any one failed to take over charge of the post within 15 days of the receipt of their order, they offer of appointment shall stand cancelled.
9. No TA/DA etc is allowed/ Charge reports should be submitted in duplicate to all concerned.

HAJI ABDUR RAZIQ KHAN  
Distt: Education Officer,  
(Male) Kohat.

26/4/1984. ✓

Endst: No. 9902-27  
/A-I/PTC/I-AG, Dated Kohat the  
Copy of the above is forwarded for information and  
necessary action to the:-

- 1). Chairman Distt: Council, Kohat as approved,
- 2-3).. SDEO (Male) Kohat and Hangu.
- 4-26). Candidate concerned.

*[Signature]*  
Distt: Education Officer,  
(Male) Kohat. *[Signature]*  
26/4/84.

"SHAKIR  
KHATTAK.

2

dated 28/4/84

# Charge report

B-7

certified that Mr. ~~Mohd Reaz~~  
Ahmed 8/10 Taj Ali Khan took over the charge  
of newly opened school Harnatao  
(Kohat) as a PTE on vacant Post.

vide DEO (male) Kohat Endt. No.  
9902-27/A-1/PTE/-Ac dated Kohat  
the 26/4/84.

Relieved servant  
مخدوم محمد علی  
Designation: ...  
(...)

Relieving servant  
Designation: ...

Forwarded to DEO (M) Kohat  
for consideration etc.

T/C

(3) 31/7/84 تا 13/8/84 FIR ... 31/7/84 ... (3)  
... FIR ... 302/325  
34

(4) ...  
... (4)

ATTESTED

[Signature]

Attested  
[Signature]

P50



HEALTH AND AGE FCVM.

C - 8  
*(Signature)*

Name RIAZ AHMED

Nationality : Pakistani.

Caste AFGHAN

Fathers' Name with Residence TAJ ALI KHAN VILL DARMALAK  
KOHAT.

Date of birth by christian era as nearly as can be ascertained 19 years.

Exact height measurement 1.80 M

Personal mark of Identification Rt. hand doggy vertical  
Scm 2 cm x 1/2.

Head of office.

I hereby certify that I have examined RIAZ AHMED  
for employment in EDUCATION Dept<sup>+</sup> and cannot discover  
that he/she has any communicable disease constitutional  
affection or bodily infirmity except NIK

I do not consider this disqualification for employment in  
EDUCATION Department. His age according to his  
statement is 19 years and by appearance he is about  
Nineteen years of age.

LEFT HAND THUMB AND FINGER IMPRESSION.

THUMB

FIRST FINGER

SECOND FINGER.

THIRD FINGER

SMALL FINGER



Medical Superintendent,  
Dist<sup>+</sup> HQ Hospital Kohat.

*Attested*  
*(Signature)*

# ابتدائی اطلاعی رپورٹ

کوئٹہ کنٹرول  
 (غائبین) ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زبردستی ۱۵۴ مجموعہ مناسبت نوجواری ۱-۸۰-۹۸  
 ضلع کوئٹہ  
 تاریخ دہشتہ دو نومبر ۱۹۹۸ ۳۱-۷-۹۸ ورن ۵۷-۳۵

تاریخ دہشتہ دو نومبر ۱۹۹۸	۳۱-۷-۹۸	۵۷-۳۵	۱۳۵
تاریخ دہشتہ دو نومبر ۱۹۹۸	۳۱-۷-۹۸	۵۸-۳۵	۱۳۵
تاریخ دہشتہ دو نومبر ۱۹۹۸	۳۱-۷-۹۸	۵۸-۳۵	۱۳۵
تاریخ دہشتہ دو نومبر ۱۹۹۸	۳۱-۷-۹۸	۵۸-۳۵	۱۳۵
تاریخ دہشتہ دو نومبر ۱۹۹۸	۳۱-۷-۹۸	۵۸-۳۵	۱۳۵
تاریخ دہشتہ دو نومبر ۱۹۹۸	۳۱-۷-۹۸	۵۸-۳۵	۱۳۵
تاریخ دہشتہ دو نومبر ۱۹۹۸	۳۱-۷-۹۸	۵۸-۳۵	۱۳۵
تاریخ دہشتہ دو نومبر ۱۹۹۸	۳۱-۷-۹۸	۵۸-۳۵	۱۳۵
تاریخ دہشتہ دو نومبر ۱۹۹۸	۳۱-۷-۹۸	۵۸-۳۵	۱۳۵
تاریخ دہشتہ دو نومبر ۱۹۹۸	۳۱-۷-۹۸	۵۸-۳۵	۱۳۵

ابتدائی اطلاع نیچے درج ہو کر مندرجہ ذیل مندرجہ خاتمہ فرج سے لے کر  
 سیران ارشد احمد صاحب انگریز افراد اہلیان و بیہ درنگ لیسواری ایک آٹھ گناہ لکڑی اور  
 کوئٹہ ضلع ۱۸ نومبر ۱۹۹۸ کو قتل ہوئے اور لیسواری لکڑی اور لیسواری لکڑی اور لیسواری لکڑی اور  
 اللہ تعالیٰ تعالیٰ تاہم پتیل کو قتل کر کے پتیل کو قتل کر کے پتیل کو قتل کر کے پتیل کو قتل کر کے  
 ہم سے چند قدم باہر لے کر چار سے تھے۔ میں اور لیسواری خان اپنے پیچھے تھے۔ جب نزد پولیس سٹیشن  
 درنگ لکڑی اور لیسواری خان اور لیسواری خان اور لیسواری خان اور لیسواری خان اور لیسواری خان اور  
 و لیسواری خان اور لیسواری خان اور لیسواری خان اور لیسواری خان اور لیسواری خان اور لیسواری خان اور  
 کر کے لیسواری خان اور لیسواری خان اور لیسواری خان اور لیسواری خان اور لیسواری خان اور لیسواری خان اور  
 ارشد احمد صاحب انگریز افراد اہلیان و بیہ درنگ لیسواری ایک آٹھ گناہ لکڑی اور  
 ایک آٹھ گناہ لکڑی اور لیسواری خان اور لیسواری خان اور لیسواری خان اور لیسواری خان اور لیسواری خان اور  
 میں لیسواری خان اور لیسواری خان اور لیسواری خان اور لیسواری خان اور لیسواری خان اور لیسواری خان اور  
 کے کارٹریج پر لیسواری خان اور لیسواری خان اور لیسواری خان اور لیسواری خان اور لیسواری خان اور لیسواری خان اور  
 آگے تارک لیسواری خان اور لیسواری خان اور لیسواری خان اور لیسواری خان اور لیسواری خان اور لیسواری خان اور  
 نسبت لیسواری خان اور لیسواری خان اور لیسواری خان اور لیسواری خان اور لیسواری خان اور لیسواری خان اور  
 کوئٹہ ضلع ۱۹۹۸ کو قتل ہوئے اور لیسواری لکڑی اور لیسواری لکڑی اور لیسواری لکڑی اور لیسواری لکڑی اور  
 یا کہ میں نے لیسواری خان اور لیسواری خان اور لیسواری خان اور لیسواری خان اور لیسواری خان اور لیسواری خان اور  
 کوئٹہ ضلع ۱۹۹۸ کو قتل ہوئے اور لیسواری لکڑی اور لیسواری لکڑی اور لیسواری لکڑی اور لیسواری لکڑی اور

31-7-98

Attested  
 47

E-10

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(5) (5)

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OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PRIMARY, KOHAT.

SUSPENSION:

Mr. Mohammad Riaz PTC GPS Darhalak is hereby suspended from his duty with effect from 31/7/98 with ~~with~~ subsistence allowance till the finalization of his case due to the involvement 302/324/98 case at Police station Lache

u.u.v

(SHER BAHADUR KHAN)  
DISTRICT EDUCATION OFFICER (MALE)  
PRIMARY KOHAT.

ENDST. NO. 2091-93 / ENO. 84/DISCIPL. CASES DATED AT THE

29.8.1998

COPY TO:-

1. SDEO (MALE) PRIMARY KOHAT W/R TO HIS LETTER NO. 10159 / P. NO. 47 FIR DATED 28/6/98
2. H/T GPS DARHALAK.
3. DAO, KOHAT.

PR-53

SUSP. CAS

*[Signature]*  
DISTRICT EDUCATION OFFICER,  
(MALE) PRIMARY KOHAT  
29/8.

ATTESTED

*[Signature]*

Attested  
*[Signature]*

ATTESTED

~~11-11~~

لہذا ان حساب اینڈ ریشل شین جی صاحبہ کو روایات

148/13 سے جو رقم 19/7/13 منگوا 28/11/13

میں سے سرکارینٹی ریاضی کے

مبلغ 13000 روپے 31/7/88 سے 302/324/34

1 / 1 / 1



PP for State present. Accused produced in custody.

Accused Riaz Ahmad is facing trial in case FIR # 130 dated 31.07.1998 u/s 302/324/34 PPC of PS Lachi, Kohat.

Facts of the case are that 31.07.1998 at 0835 hours complainant Shad Muhammad Khan brought the dead bodies of his sons Irshad Muhammad and Hidayat Ullah to PS Lachi and reported that in the morning at 0730 hours he along with Nacem Khan and his two sons were proceeding to Kohat on foot in order to attend the courts. Irshad Muhammad and Hidayat Ullah were going a few paces ahead of them while the complainant and Nacem Khan were following them and when they reached near Union Council Darmatak, Taj Ali Khan, Riaz Mohammad, Dilbar Khan and Muhammad Saeed came out from the UC armed with rifles

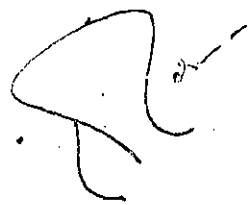



ATTESTED

*[Handwritten signature]*

ATTESTED TO BE TRUE COPY

22/12/13  
*[Handwritten signature]*

*[Handwritten signature]*

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
	Contd- 0-13 - 02 -      2/12 	<p style="text-align: right;">12</p> <p>and opened fire on the complainant and his companions. As a result of which Irshad Muhammad and Hidayat Ullah were hit and died on the spot, while complainant and Naeem Khan escaped unhurt. Motive was disclosed as previous enmity. Upon the report of the complainant instant case was registered.</p> <p>Previously the accused along with his co-accused was absconding and challan u/s 512 Cr.P.C was submitted against them and they were declared proclaimed offenders by the order of then ASJ, Kohat dated 17.05.2000.</p> <p>Later on co-accused namely Taj Ali Khan was arrested and was sent to face the trial before the then DSI/JSC, Kohat but accused has earned acquittal through judgment dated 17.04.2003. That judgment has become final because no appeal or revision has been filed against him.</p> <p>Now after the arrest of present accused, he has been sent to face the trial and on 10.10.2013 formal charge was framed against him. Prosecution evidence was summoned and so far prosecution has produced 03 witnesses against the accused.</p> <p>PW-01 is Anwar Shah, ASI who arrested accused vide card of arrest Ex:PW-1/1 and submitted supplementary challan against accused.</p> <p>PW-02 is the statement of Abdur Rashid who identified the dead bodies of deceased.</p> <p>PW-03 is Mujahid Ali, SI registered the case vide FIR Ex:PA, prepared injury sheets, Ex:PW-3/1 to Ex:PW-3/3 respectively and inquest report Ex:PW-3/4. He also prepared</p> <p style="text-align: right;"><i>Attested</i> </p>

13

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
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Case No. O-13  
- 03 -

recovery memos Ex:PW-3/5 to Ex:PW-3/7 respectively. He also recorded statement of PWs. He initiated the proceedings u/s 204 & 87 Cr.P.C. vide his applications Ex:PW-3/8 & Ex:PW-3/9. After completion of investigation, he submitted complete challan against all the four accused u/s 512 Cr.P.C.

Thereafter the complainant and other private PWs including the eyewitness was summoned and it was reported by the DFC that complainant Shad Muhammad, eyewitness Naeem Ullah and another PW Amir Khan have died. Therefore, the statement of Shad Muhammad and Naeem Ullah earlier recorded during the trial u/s 512 Cr.P.C were transposed to this file. Thereafter the learned counsel for the accused has submitted this application u/s 265-K Cr.P.C, which is being disposed off through this order.

I have heard the arguments and gone through the record.

The contents of the report show that complainant had charged four persons for the murder of his two sons and attempting his life and the life of his companion ineffectively. The role attributed to all the accused is similar that, they came armed with firearms and fired at them and as a result of their firing, his two sons were hit and died on the spot and he and his companion escaped unhurt.

The learned counsel for the accused has taken the ground for the acquittal of the accused that, previously co-accused Taj Ali has faced the trial. During that trial the complainant

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ATTESTED

02/12/13

Attested

# FORM "A" FORM OF ORDER SHEET

14



Court of \_\_\_\_\_  
Case No. \_\_\_\_\_ of \_\_\_\_\_

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
	<p>Contd-0-13 -04-</p> <p><i>[Handwritten Signature]</i></p> <p><b>ATTESTED</b></p> <p><i>[Handwritten Signature]</i></p> <p>2/12/13</p>	<p>their evidence was not considered for the conviction of the co-accused Taj Ali and he was acquitted by the learned Sessions Judge, Kohat through judgment dated 17.04.2003. He had argued that, as the role attributed to all the accused was similar and the evidence was also same against all the accused, therefore, the evidence which was not considered against the co-accused Taj Ali, is not considerable against the present accused. The acquitted co-accused Taj Ali is the father of present accused Riaz. The learned Sessions Judge, Kohat in his judgment has held that it is not appealable to common sense that an aged man of 67/68 years would be present duly armed along with his young son and two other young persons in order to commit the crime when he has no direct motive against the complainant and the deceased. It is also on the record that previously the brother of present accused was murdered for which the father of PW Naeem Ullah was charged. Thus PW Naeem Ullah is certainly an interested witness and he has strong motive to implicate the present accused and his father in this case. The complainant has alleged that they were going to District Courts, Kohat to attend the hearing of a case but it has not been established on the record that they were having any case in District Courts, Kohat on the relevant day.</p> <p><i>[Handwritten Signature]</i></p>

*Attested*  
*[Handwritten Signature]*

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

Contd - O-B

There is no doubt that accused facing trial had remained absconder for a considerable period but mere abscondance is not enough to prove the guilt of an accused. The accused facing trial after his arrest has remained in police custody but neither has he confessed his guilt before any court of law nor any incriminating articles have been recovered from his possession or pointation. The arguments of the learned counsel for the accused has force that, the same evidence which was not considered earlier against the co-accused with the same role and that evidence against the present accused cannot be considered for his conviction. Thus I don't see any reason to proceed with the trial of this case.

As a result of above discussion, I have come to the conclusion that, there is no probability of the conviction of the accused in this case and there is no need of summoning of remaining prosecution witnesses. Hence, by invoking the powers conferred upon this court u/s. 265-K Cr.P.C the accused facing trial namely Riaz Ahmad S/o Taj Ali Khan is acquitted from the charges leveled against him. He is present in custody and is directed to be released if not required in any other case. Case property shall remain intact till the arrest of absconding co-accused. File be consigned to record room after its completion.

ATTESTED

*[Handwritten signature]*

ANNOUNCED  
28.11.2013

*[Handwritten signature]*  
28-11-2013  
GOHAR REHMAN  
ASJ-III, KOHAT

*[Handwritten signature]*

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28/11/13  
 COURT CLERK  
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کمزور صاحب دستبرد کی درخواستیں آنسے صاحب منگے تو مایاں

16

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درخواست گزار جمال کرانے شامل برملڈزٹ PST پیپر بہ میں امریکہ  
 شامل سال 1984 میں گرفتار ہوئے تھا۔ اور توڑ پھاڑی۔ 14 سال تک اینٹا ملڈزٹ  
 احسن طریقے سے نبھایا۔ اس کے بعد شامل نے خلد ایک فوجداری قتل  
 عدالت 130 سے 317/98 جس کے 302/326 تقاضا لایا جس میں دعویٰ کیا گیا  
 جو کہ شامل بے گناہ تھا۔ اور عدالت نے اسے شامل کو بائیس برس کی سزا دی  
 سنہ 11/28 کو عدالت سے نفع ہوا۔ اب شامل اپنی ملڈزٹ  
 کے جمال کا خواستگار ہے۔

صاحب عالیگاہ شامل ذیل عرض کرتا ہے

(1) میں شامل صیانت کے زیر سایہ بحیثیت PST پپر میں عدالت  
 کو گرفتار پڑنے سے پہلے سکول درست میں تصدیقات تھا۔

(2) میں شامل نے 14 سال تک اپنا سر دس احسن طریقے سے  
 نبھایا۔

(3) میں سنہ 317/98 کی ایک مقدمہ FIR میں 130 سے 317/98 جس میں  
 302/326 تقاضا لایا جس میں دعویٰ کیا گیا۔ (تسلیم FIR لڈ ہے) 34

(4) میں اسے مقدمہ بدل میں عدالت نے شامل کو بائیس برس  
 کی سزا دی۔ (تسلیم نفع ہے)

P.T.O

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 [Signature]

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(۳) بیگم سہیل اب دوبارہ اسٹیبلز میں بحال ہونا  
خواہتے ہیں۔

بیگم سہیل آئندہ بیکار بنیں اور اسٹیبلز میں بحال ہوں۔

لکھنؤ اللہ تعالیٰ بیگم سہیل کو بحال کرے  
کا حکم ہمارے پاس

PSD پتھر راجہ احمد راجہ 2012/12/13

Fraternal

13/12/2012

9-17

9-17



**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA  
PESHAWAR**

Service Appeal No. 573 /2014 ✓

Riaz Ahmad S/o Taj Ali Khan  
R/o Darmalak Tehsil and District Kohat. ....

RLW J  
Served  
Date 31-3-2014

Appellant

**Versus**

1. District Education Officer Kohat. ✓
2. Deputy District Education Officer Kohat.
3. Sub Divisional District Education Officer, Kohat.
4. Secretary Education Elementary and Secondary Education Khyber Pakhtun Khwa Peshawar. ....

Respondents

24.08.2015

Appellant with counsel and Mr. Kabirullah Khan Khattak, Assistant A.G for respondents present. Learned counsel for the appellant pressed into service of letter dated 14.7.2015 according to which inquiry proceedings have been initiated against the appellant.

In view of the afore-stated development, learned counsel for the appellant informed the Tribunal that the appellant is to join the proceedings and in case of any adverse order he will seek his remedy afresh in accordance with law.

In view of the above, the appeal is dismissed as withdrawn. File be consigned to the record.

ANNOUNCED ✓  
24.8.2015.

*Chairman*

Date 3-9-2015

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Date 3-9-2015  
3-9-2015

*Attested*  
*[Signature]*

**ATTACHED**

*[Signature]*

*Certified copy*  
*[Signature]*

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KOHAT

H-18

OFFICE ORDER

Mr. Riaz Ahmad S/O Taj Ali Khan PST GPS Darmalak Tehsil Lachi District Kohat r/o village Darmalak Tehsil Lachi District Kohat was charge sheeted for "inefficiency of Misconduct" under section Para 4 (b) (iii), Para 9 removal from service under Efficiency & Disciplinary Rules 2011 on account of willful absence, the undersigned being authorized officer imposed major penalty from the removal from service from the date of his willful absence from duty i.e. 31.07.1998

criminal charge

You Mr. Riaz Ahmad PST had been charged in FIR No: 130 dated 31.07.1998 at Police Station Lachi Kohat under Sections 302/324/34 PPC, right from chalking FIR dated 31.07.1998 you remained absconder and did not performed duty till now.

Accordingly an enquiry has been constituted vide this office No: 3284 dated 02.06.2015 to probe into the matter. The enquiry officer conducted enquiry and asked the accused Mr. Riaz Ahmad S/O Taj Ali Khan to present before enquiry officer and defend the allegations leveled against him regarding his willful absence/ absconder period w.e.f. 31.07.1998 till now.

Enquiry officer offered opportunity to defend your self and explain your willful absence from duty but you Mr. Riaz Ahmad flatly refused to explain cogent reasons which signify your rampant attitude absolutely tantamount to misconduct.

After going through all the available record place in disciplinary case file, the undersigned in the capacity of authority imposed upon Riaz Ahmad PST the major penalty of removal from service w.e.f. 31.07.1998 under section Para 4 (b) (iii)/ Para 9 removal from service under E&D Rules 2011.

ROZ WALI KHAN  
DISTRICT EDUCATION OFFICER  
(MALE) KOHAT

Endst No. 4607-9 / OF Riaz Ahmad PST Dated Kohat the 20.8, 2015

Copy of the above is forwarded to the:-

1. District comptroller of Accounts Kohat
2. Sub Divisional Education Officer (Male) Lachi & Kohat
3. Mr. Riaz Ahmad S/O Taj Ali Khan R/O Vill Darmalak Tehsil Lachi District Kohat

ATTESTED

*MA*  
DY. DISTRICT EDUCATION OFFICER  
(MALE) KOHAT

2/8/15

*Attested*  
*MA*

No. 1472

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

Rs. Ps.

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.	Weight (in words)	Kilo Grams
Name and address of sender			

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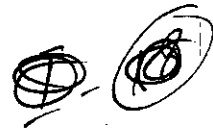
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*Attested  
[Signature]*

To

The Most Respected  
Director Education,  
Khyber Pakhtunkhwa, Peshawar.

I-19



Subject:- DEPARTMENTAL APPEAL AGAINST THE  
TERMINATION ORDER OF THE  
APPLICANT DATED 20/08/2015.

Respected Sir,

Applicant most humbly submits as under:-

1. That the applicant is appointed as PST at GPS Harnato, District Kohat on 26/04/1984 and presently as PST at GPS Darmalak Tehsil Lachi District Kohat.
2. That applicant fulfilled his obligations with zeal and zest and never ever remained irregular or otherwise irresponsible with the continuity of his responsibilities.

ATTENDED

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2- Mail, on 31/7/98 FIR No. 130

3. That on 29/08/1998, the suspension order was passed against the applicant without adopting legal and departmental required requisitions.

PC Lachi was lodged against  
applicant in which

Appended  
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4. That it is worth to mention here for your kind consideration that applicant falsely implicated in the criminal case by some one, therefore, applicant was not aware from his service necessities.
5. That after taking bit relaxation from criminal case, applicant hurriedly approached to concerned officials and authorities for quashment of suspension order and in this regard, and departmental appeal was also preferred.
6. That no response did received on that departmental appeal and thereafter, applicant approach to Service Tribunal Khyber Pakhtunkhwa, Peshawar for acquiring legal remedy.
7. That Service Tribunal ordered that since no final termination order has been passed yet, so the case may be brought after final termination order if so, hence this appeal.

ATTESTED

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[Signature]

[Signature]

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A. That applicant legally entitled for quashment of termination order on the grounds

- i. That no legal proceedings has been adopted before passing of termination order of the applicant, which is otherwise required by prescribed law and manner.
- ii. That inquiry whatsoever with regard to the case of the applicant has been initiated and no show cause notice has also be served upon the applicant before the termination order.
- iii. That since suspension order has been passed against applicant about 17 years ago, thus although sufficient reasons have been mentioned in the departmental appeal in response of the suspension order, so after such a long time the final order is ultimately have become of no

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legal force and become  
infructious in its nature and  
hopelessly time barred also.

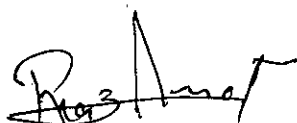
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- iv. That on the allegation of the mere irregularity, major penalty of termination cannot be sufficient or justified or legal.

It is, therefore, most humbly prayed that on acceptance of this Departmental Appeal, the termination from service order may kindly be recalled in the larger interest just, fair, proper & legal.


Dated:- 25/08/2015

  
Your Faithfully,

Riaz Ahmad  
S/o Taj Ali Khan,  
PST GPS Darmalak  
District Kohat.  
Postal Address:-  
P/O Darmalak, Tehsil Lachi  
District Kohat.  
Cell No:- 0333-5017172

ATTESTED



Attested  


BETTER COPY OF PAGE NO.23

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KOHAT

NO.2336 DATED 8/10/2015

To

The Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar.

Subject: DEPARTMENTAL APPEAL AGAINST THE TERMINATION  
ORDER OF THE APPLICATION DATED 20.8.2015

Memo:

Kindly refer your letter No. 149.91 No. 110/Vol:III/P Kohat dated 07.09.2015 on the above cited subject.

I am directed to inform you that in the light of willfully absconder from School duty i.e. more than 15 years therefore, the undersigned imposed upon the major penalty of removal from service (Removal from service (copy attached) for ready reference.

DY DISTRICT EDUCATION OFFICER  
(MALE) KOHAT

*Assisted*  
*g*

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OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KOHAT

No. 149/VI dated 1/6/2015

The Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

Subject- DEPARTMENTAL APPEAL AGAINST THE TERMINATION ORDER OF THE APPLICATION DATED 20-08-2015

Reference

Kindly refer your letter No 149/VI No.110/VI/III/2015 (M) Kohat dated 07/09/2015 on the above cited subject.

I am directed to inform you that, in the light of wilfully absconding from school duty i.e. more than 15 years therefore, the undersigned imposed upon the major penalty of removal from service (Removal from service copy attached) for ready reference

DY DISTRICT EDUCATION OFFICER  
(MALE) KOHAT

ATTESTED

ADDE  
Please put up  
on file  
30/7/2015

*[Signature]*  
Attested  
*[Signature]*

3/7/2015  
3/7/2015

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

APPEAL NO. 1392 /2015

J- 24

Mr. Riaz Ahmed, Ex: PST (BPS-7) Now (BPS-12),  
GPS Darmalak, District Kohat.

..... APPELLANT

**VERSUS**

- 1- The Government of Khyber Pakhtunkhwa through Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (Male), District Kohat.

..... RESPONDENTS

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 20-08-2015 WHEREBY MAJOR PENALTY OF REMOVAL FROM SERVICE WAS IMPOSED ON THE APPELLANT W.E.F. 31.7.1998 WITHOUT CONDUCTING REGULAR INQUIRY IN THE MATTER AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STAUTORY PERIOD OF NINETY DAYS**

**PRAYER:** That on acceptance of this appeal the impugned order dated 20-08-2015 may very kindly be set aside and the appellant may kindly be re-instated in to service with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

**R.SHEWETH:**  
**ON FACTS:**

- 1- That appellant was appointed as PST (BPS-7) in the respondent Department on the proper recommendation of Departmental selection committee vide order dated 26.4.1984. That in response the appellant submitted his charge report and started performing his duty quite efficiently and up to the entire satisfaction of his superiors. Copies of the appointment order, charge report and medical certificate are attached as annexure ..... **A, B and C.**

*Attended*  
*R*

- 2- That appellant while serving as PST at GPS darmalak an FIR under section 302/324/34 PPC was lodged against the appellant vide dated 31.7.1998. That due to the above mentioned FIR the respondent No.3 suspended the appellant from service till the finalization of his criminal case vide dated 29.8.1998. Copies of the FIR and suspension order are attached as annexure ..... **D and E.**
- 3- That finally the Honorable additional Session Judge honorably acquitted the appellant from the criminal charge vide judgment dated 28.11.2013. Communicated to appellant on 2.12.2013. That after acquittal the appellant approached the respondent No.3 for his re-instatement and setting aside the order dated 29.8.1998. That no heed was paid by the respondent No.3 to the said request of the appellant. Copies of the judgment and application are attached as annexure ..... **F.**
- 4- That feeling aggrieved the appellant knocked the door of this august Tribunal in appeal No.573/2014 but the same was withdrawn due pending inquiry against the appellant in the said matter. Copy of the order sheet is attached as annexure ..... **G.**
- 5- That vide impugned order dated 20.8.2015 the appellant was removed from service on the basis of the above mentioned FIR dated 31.7.1998 inspite of knowing the fact that appellant has been acquitted by the trial Court. Copy of the order is attached as annexure ..... **H.**
- 6- That feeling aggrieved the appellant prefer Departmental appeal before the respondent No.2 vide dated 25.8.2015 but no reply has been received so far. Copies of the Departmental appeal and forwarding letter are attached as annexure ..... **I and J.**
- 7- Hence the instant appeal inter alia on the following grounds.

**GROUND:**

- A- That the impugned order dated 20.8.2015 issued by the respondent No.3 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That the appellant has not been treated by the respondent Department in accordance with law and rules and as such the respondent Department violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.

*Attached  
A*

- C- That appellant has been honorably acquitted by the trial Court from the FIR dated 31.7.1998, therefore the respondents are duty bound under F.R 53 to re-instate the appellant in to service with all back benefits.
- D- That the respondents acted in arbitrary and malafide manner while issuing the impugned order dated 20.8.2015.
- E- That charge sheet and statement of allegation has been issued against the appellant while issuing the impugned order dated 20.8.2015.
- F- That no chance of personal hearing/ defense has been given to the appellant while issuing the impugned order dated 20.8.2015 against the appellant.
- G- That no show cause notice has been served on the appellant before issuing the impugned order dated 20.8.2015.
- H- That no regular inquiry has been conducted before issuing the impugned order dated 20.8.2015 against the appellant which is as per Supreme Court judgments is necessary in punitive actions against the appellant.
- I- That appellant seeks permission to advance other grounds and roofs at the time of hearing.

It is therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 14.12.2015

*Attended*  
*[Signature]*

**APPELLANT**

*[Signature of Riaz Ahmed]*

**RIAZ AHMED**

**THROUGH:**

*[Signature of Noor Mohammad Khattak]*  
**NOOR MOHAMMAD KHATTAK  
ADVOCATE**

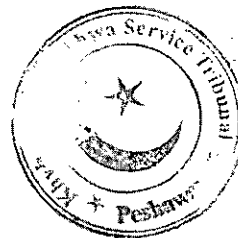
K-27

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No. 1392/2015

Date of Institution... 17.12.2015

Date of decision... 20.12.2017



Mr. Riaz Ahmad Ex-PST (BPS-7) Now (BPS-2) GPS Darmalak, District Kohat.  
... (Appellant)

Versus

1. The Government of Khyber Pakhtunkhwa through Secretary (E&SE)  
Department, Khyber Pakhtunkhwa Peshawar and 2 others. (Respondents)

MR. NOOR MUHAMMAD KHATTAK,  
Advocate ... For appellant.

MR. MUHAMMAD RIAZ PAINDAKHEL,  
Assistant Advocate General ... For respondents.

MR. NIAZ MUHAMMAD KHAN, ... CHAIRMAN  
MR. AHMAD HASSAN, ... MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned

**ATTESTED** Counsel for the parties heard and record perused.

*[Signature]*  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal, 2,  
Peshawar

FACTS

The accused was charged in a murder case vide FIR dated 31.07.1998. Thereafter he was suspended on 29.08.1998 till the finalization of the criminal case in the court of law. In the said suspension order, the appellant was allowed to draw only subsistence allowance. The appellant was finally acquitted by the court of law on 28.11.2013. Thereafter, the appellant filed a departmental appeal against the suspension order on 13.12.2013 which was not responded to and then he filed service appeal No. 573/2014 which was finally dismissed as withdrawn by the appellant on 24.08.2015 for the reason that the department had initiated enquiry proceedings against the appellant. The appellant in the said order reserved his right

*[Handwritten signature]*

28

of seeking legal remedy in case of any adverse order in the departmental proceedings. The appellant was removed from service four days before the said order i.e. on 20.8.2015 against which he filed departmental appeal on 25.08.2015 which was not responded to and thereafter he filed the present service appeal on 17.12.2015

### ARGUMENTS

3. The Learned counsel for the appellant argued that after chalking out of the FIR no departmental proceedings were initiated against the appellant except the suspension order mentioned above. That the said suspension order was illegal due to its duration and also for allowing only subsistence allowance to the appellant. That in view of F.R. 53 the appellant was entitled to full salary. That in the departmental proceedings during the pendency of the earlier service appeal, the appellant was not served with any charge sheet alongwith statement of allegations. That no proper enquiry was conducted. That no witnesses were examined, nor opportunity of cross examination was afforded to the appellant. That no copy of enquiry report was supplied to the appellant. That no final show cause notice was issued to the appellant.

4. On the other hand the learned Assistant Advocate General argued that the impugned order of removal was passed on 20.08.2015 four days before the order of withdrawal of the earlier service appeal. That in the light of judgment reported as 2017-SCMR-965, back benefits of the period of abscondance could not be paid. That the enquiry officer tried to make the appellant appear before him but he through written application refused to appear before the enquiry officer for the reason that his service appeal was pending before this Tribunal and that he would consult his counsel.

ATTESTED



Attested  
[Signature]



CONCLUSION

5. Relevant rules applicable to the disciplinary proceedings against the appellant are Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011. The department was either to adopt the proceedings under Rule 9 of the said rules in case of willful absence or to choose amongst other two options i.e. regular enquiry and dispensing with the regular enquiry. In this case the department has opted for regular enquiry. But the regular enquiry cannot be conducted without issuance of charge sheet and statement of allegations. There is no charge sheet and statement of allegations in the present disciplinary proceedings. In the absence of charge sheet and statement of allegations, the appellant was deprived of his right of defence. His refusal to join proceedings on any ground would not legalize illegal proceedings initiated against the appellant. Above all, no final show cause notice alongwith copy of enquiry report was issued to the appellant. The withdrawal of the appeal 4 days after the impugned order would in no way prejudice the appellant nor his right of resorting to legal remedy would be extinguished.

6. As a result of the above discussion, the present appeal is accepted; the department is directed to hold denovo proceedings in accordance with the law within a period of ninety days from the date of receipt of this judgment. The issue of back benefits including pay during suspension shall be decided by the department in accordance with the law on the subject. Parties are left to bear their own costs. File be consigned to the record room.

*Announced* *Self-Niaz Muhammad Khan,*  
*20.12.2017* *Chairman*

Certified to be true copy

CLERK  
 Khyber Pakhtunkhwa  
 Service Tribunal,  
 Peshawar

*Self-Ahmad Hassan,*  
*Member*

*Attested*  
*[Signature]*



L - 30

**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KOHAT**

**NOTIFICATION:**

1. **WHEREAS**, Mr. Riaz Ahmed PST GPS Darmalak Kohat was willful absent from his official duty without any prior permission from the competent authority w.e.f 31-07-1998 to 19-03-2013 (14 Years, 7 Months, 18 Days) and was absconder as he was involved in F.I.R No.130 dated 31-07-1998 at Police station Lachi Kohat under section 302/324/34 PPC.
2. **AND WHEREAS**, Mr. Riaz Ahmed PST GPS Darmalak Kohat was removed from service vide this office No. 4607-09 dated 20-08-2015 w.e.f 31-07-1998 after observing all codal formalities and in the light of enquiry conducted therein.
3. **AND WHEREAS**, Mr. Riaz Ahmed PST GPS Darmalak Kohat filed Service Appeal No. 1392/2015, in the Khyber Pakhtunkhwa Service Tribunal Peshawar against office order No.4607-09 dated 20-08-2015 issued by DEO (M) Kohat.
4. **AND WHEREAS**, The Honourable Service Tribunal Peshawar passed judgment in the said Service Appeal on 20-12-2017 in which respondents were directed to conduct DENOVO Enquiry in the said case.
5. **AND WHEREAS**, this office conducted DENOVO Enquiry by constituting Enquiry Committee vide this office No. 1733-37 dated 22-02-2018.
6. **AND WHEREAS**, Enquiry Committee after observing the ground realities, available record and statement of parties, submitted its report with the recommendations, "The absentee period w.e.f 31-07-1998 to 19-03-2013 is enough long and justifies his removal from service. Hence removal order No. 4609-09 dated 20-08-2015 may be kept intact".
7. **AND WHEREAS**, All codal formalities including charge sheet, statement of allegations, Show cause Notice and personal hearing were observed accordingly.

**NOW THEREFORE**, In exercise of the Powers conferred by Govt. of Khyber Pakhtunkhwa E & D Rules 2011 under section 4 (b) (iii) /Para 9 and in the light of recommendations of Enquiry Committee, office order issued by this office bearing No.4607-09 dated 20-08-2015 regarding removal from service in r/o Mr. Riaz Ahmed PST GPS Darmalak Kohat will remain intact.

  
DISTRICT EDUCATION OFFICER  
(MALE) KOHAT

Endst No. 2389-92 Dated: 13-03-2018  
Copy to the:

1. PS to secretary Elementary & Secondary Education KPK, Peshawar.
2. Director Elementary & Secondary Education KPK, Peshawar.
3. The Registrar KPK Service Tribunal Peshawar with reference to his memo, No.2/ST dated 01-01-2018 in service Appeal No.1392/2015 judgment dated 20-12-2016.
4. Deputy Commissioner Kohat.
5. SDEO Male Lachi.
6. Official concerned.
7. Office copy.

*Attested*  


  
DISTRICT EDUCATION OFFICER

To

The Director (E&SE) Department,  
Khyber Pakhtunkhwa, Peshawar.

M-31

**SUBJECT: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER DATED 13.03.2018 WHEREBY THE REMOVAL ORDER DATED 20.08.2015 OF APPELLANT WAS REMAIN INTACT**

Respected Sir,

Most humbly it is stated that I was the employee of your good self Department and has served as PST for more than 30 years quite efficiently and up to the entire satisfaction of my superiors. During service as PST at GPS Darmalak an FIR under section 302/324/34 PPC was lodged against me and due to that reason I was suspended vide dated 29.08.1998 by the District Education Officer, District Kohat from service till the finalization of the criminal case. After the acquittal from the criminal charge I visited the concerned quarter for joining my duties but concerned authority was not willing to accept my arrival report. I felt aggrieved approached the august Service Tribunal Peshawar in appeal No.573/2014 but the same was withdrawn due to pending inquiry against me in the above mentioned matter. Lastly I was removed from service vide order 20.08.2015 on the basis of the above mentioned FIR dated 31.7.1998 inspite of honorable acquittal. Feeling aggrieved I filed Departmental appeal and then after preferred service appeal No.1392/2015 before the august Service Tribunal Peshawar which was accepted in my favor with the directions to the concerned authority to re-instated me into service and then after hold Denovo inquiry against me in accordance law. The concerned authority without re-instating me initiated exper tee proceedings and finally issued the order dated 13.3.2018 whereby the removal order dated 20.08.2015 has remain intact.

I have not been re-instated in to service before initiation of Denovo inquiry nor I was associated with the inquiry proceedings, therefore the impugned order dated 13.3.2018 is not tenable in the eye of law and prevailing rules.

It is therefore, most humbly requested that on acceptance of this Departmental appeal the impugned order dated 13.03.2018 may kindly be set aside and I may be re-instated into service with all back benefits.

Dated: 19.03.2018

*Attested*  
*[Signature]*

Obediently Yours,

*[Signature]*

**RIAZ AHMAD EX-PST,**  
GPS Darmalak, District Kohat.



N-32

DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA PESHAWAR.

No. 4307/F.No.110/Enquiry of Riaz Muhammad  
Ex-PST GPS Darmalak District Kohat.

Dated Peshawar the 19-4/2018.

To,

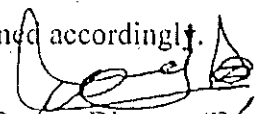
The District Education Officer (M)  
Kohat.

Subject:- DEPARTMENTAL APPEAL.

Memo:-

I am directed to refer to your letter No.3028 dated 06.04.2018 on the subject cited above and to state that the appeal of Mr. Riaz Ahmad Ex-PST GPS Darmalak Kohat in light of DEO(M)Kohat report is hereby rejected.

I am further directed to ask you to inform the teacher concerned accordingly.


  
Deputy Director (Estab.)  
Elementary & Secondary Edu:  
Khyber Pakhtunkhwa Peshawar  
5/19/18

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


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

Deputy Director (Estab :)  
Elementary & Secondary Edu:  
Khyber Pakhtunkhwa Peshawar.

D/A ~~XXXXXX~~

 24/4/18

2470

Attested  


**VAKALATNAMA**

Before the Khyber Pakhtunkhwa Service  
Tribunal Peshawar  
OF 2018

Riaz Ahmad (APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Education Deptt. (RESPONDENT)  
(DEFENDANT)

I/We Riaz Ahmad

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_/\_\_\_/2018

[Signature]  
CLIENT

[Signature]  
**ACCEPTED**  
**NOOR MOHAMMAD KHATTAK**

[Signature]  
**MUHAMMAD MAAZ MADNI**  
ADVOCATES

[Signature]  
**MIR ZAMAN SAPI**  
ADVOCATE

**OFFICE:**

Flat No.3, Upper Floor,  
Islamia Club Building, Khyber Bazar,  
Peshawar City.  
Phone: 091-2211391  
Mobile No. **0345-9383141**



**BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR**  
**SERVICE APPEAL NO. 690/2018**

RIAZ AHMAD ..... APPELLANT

**V/S**

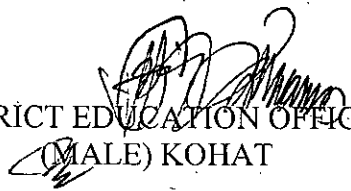
DISTT EDUCATION OFFICER (MALE) KOHAT & OTHER..... RESPONDENTS

Parawise comments on behalf of Respondent No: 1 to 3

**Affidavit**

I, District Education Officer (Male) Kohat do hereby solemnly affirm and declare on oath that the contents of the accompanying Parawise comments are true and correct to the best of my knowledge and belief and nothing has been concealed withheld from this Honourable court.

Deponent

  
DISTRICT EDUCATION OFFICER  
(MALE) KOHAT

**BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR**  
**SERVICE APPEAL NO. 690/2018**

RIAZ AHMAD ..... APPELLANT  
V/S  
DISTT EDUCATION OFFICER (MALE) KOHAT & OTHER..... RESPONDENTS

Parawise comments on behalf of Respondent No: 1 to 3

Respectfully Sheweth

**Preliminary objections:**

1. That the appellant has got no cause of action locus standi.
2. That the appellant has concealed material facts from the Hon'able Tribunal in the instant service appeal.
3. That the instant service appeal is against the relevant provisions of law.
4. That the appellant has not come to this Hon'able Tribunal with clean hands.
5. That the instant appeal is liable to be dismissed for mis-joinder & non-joinder of the necessary parties to the present appeal.
6. That the appellant is estopped by his own conduct.
7. That the instant service appeal is not maintainable in the present form & circumstances of the case.

**FACTS**

1. No comments pertain to record.
2. Admitted to the extent that while after the chalking FIR in murder case in the Police Station Lachi (Kohat) the appellant was supposed to surrender before police and face the trial but instead the appellant become absconder w.e.f. 31.07.1998 till the surrender before police i.e. 19.03.2013. The respondent department just after chalking FIR suspended the appellant as per rule, so far as his subsistence allowance during the period of suspension is concern<sup>g</sup> it is crystal clear that no payment could be made to absconder/ willful absence "**No work No Pay**" after acquittal by the learnt court, dormant file and stale record of local office was consulted but nothing pertaining to disciplinary proceedings can trace, therefore fresh disciplinary proceedings regarding his willful absence from duty has been initiated and subsequently removed from service. The Hon'able Service Tribunal Khyber Pakhtunkhwa Peshawar accepted appeal of the appellant and the respondent department has been directed to initiate denovo proceedings



against the appellant in accordance with law. In pursuance of which the appellant was re-instated in service vide order No: 472-75 dated 18.02.2018 (Copy attached as Annexure A). Served upon charge Sheet on appellant alongwith statement of allegation and constituted thereof enquiry committee vide this office No: 1733-36 dated 22.02.2018 (Copy attached as Annex B, C, D & E) provided the appellant full opportunity to defend him self. The enquiry committee after through investigation and personal hearing of the appellant, recommended that the absconder period is enough long which justify his removal from service therefore the order issued by respondent department dated 20.08.2015 may be kept intact (Copy attached as Annexure E & F).

3. No comments pertain to record. However acquitted from a criminal case cannot effect the Departmental proceedings.
4. Incorrect his appeal by august tribunal was accepted with the direction to the respondent department to initiate Denovo proceedings which has been carried out in the manner as stated vide para 2 above in detail.
5. Incorrect, the appellant was removed from service owing to as he was absconder for a long period almost for 14 years.
6. Incorrect, appeal to appellant authority was not supported by a cogent reason and documentary proof for his willful absence for a long period of 14 years.
7. In compliance of Hon'able tribunal vide judgment dated 20.12.2017 the respondent department hold Denovo proceedings against the appellant strictly in accordance with law & rules.
8. Incorrect, impartial enquiry committee was constituted, consisting of the well versant officers and the appellant was re-instated in service vide order 472-75 dated 18.02.2018 (please see Annex A) if the appellant had some contentions against the enquiry committee, he was at liberty to inform the respondent department about his apprehension but failed to do so, as respondent department can not have any malafide against any one.
9. Incorrect, as stated vide para 6 above.
10. The appellant have no cause of action to file instant appeal.

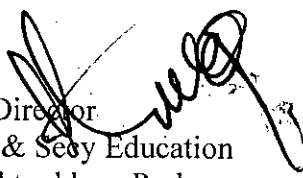
#### GROUNDS


- A. Incorrect, the appellant has been treated strictly in accordance with law & rules.

- B. Incorrect, Article 4 & 25 of the constitutional of Pakistan 1973 does not attract in the instant case/nor did the same was violated by the respondents. The appellant was provided full opportunity to defend him self at the time of disciplinary proceedings charge sheet have been served alongwith statement of allegations, enquiry has been constituted, and personal hearing was conducted.
- C. Incorrect, FR 53 does not attract in the instant case under FR 194 if the appellant surrender before police and remained behind the bar, the respondent No; 3 was bound to pay subsistence allowance etc till the completion of trial and decision but the appellant remained absconder for long period of 14 year, therefore not entitled for any privileges ancillary of suspension for the Acquitted in a criminal case having no bearing on the departmental proceedings.
- D. Incorrect as stated vide para 8 above.
- E. Incorrect the appellant was re-instated in service vide order dated 18.02.2018 (please see Annexure A).
- F. Incorrect, charge sheet and statement of allegation has been delivered to him (please see Annex B, C&D).
- G. Incorrect chance of personal hearing has been given to the appellant he him self appeared before the enquiry committee on 05.03.2018 (please see enquiry report Annex B).
- H. Incorrect, show cause notice has been served upon the appellant (Copy attached as Annexure B)
- I. Incorrect, formal enquiry has been carried out (please see enquiry report Annex B).
- J. The respondent department with the permission of this Hon'able tribunal would adduce some other grounds at the time of arguments.

In view of the above made submission, it is most humbly prayed that this Hon'able, Tribunal may very graciously be pleased to dismissed the instant service appeal with cost in favour of respondent department.

  
District Education Officer  
(Male) Kohat

  
Director  
Elementary & Secy Education  
Khyber Pakhtunkhwa Peshawar

  
Secretary  
Government of Khyber Pakhtunkhwa  
Elementary & Secy Education Department

Amx-(A)

**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)**

**KOHAT**

**OFFICE ORDER**

As per Judgment of Hon: Khyber Pakhtunkhwa Service Tribunal Peshawar dated 20-12-2017, and approved by the competent authority the services of Mr. Riaz Ahmad PST GPS Darmalak Tehsil Lachi District Kohat is hereby re-instated w.e.f 20/12/2017 only for the purpose of denovo enquiry and no liability will be paid to him in this period.

Necessary entry to this effect should be made in his service record accordingly

**DISTRICT EDUCATION OFFICER**

Endst No. 472-75

Dated 18 / 02 / 2018

Copy to:-

1. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. District Accounts Officer Kohat.
- 3-4. SDEO (M) Kohat & Lachi

  
DISTRICT EDUCATION OFFICER  
(Male) Kohat

B

(Stamp)

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KOHAT

No. \_\_\_\_\_ / File Showcause/PST(M)

Dated \_\_\_\_\_ / \_\_\_\_\_ / 2018

To

Mr. Riaz Ahmad (Ex-PST)  
GPS Darmalak Kohat

Subject:- **SHOW CAUSE NOTICE**

Memo:-

I, Haziq ur Rehman, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules 2011, do hereby serve you, Mr. Riaz Ahmad Ex-PST GPS Darmalak Kohat

That consequent upon, you have committed the following illegal acts:-

1. That you have willfully absent from duty without any prior permission from the competent authority wef 31-07-1998 to 19-03-2013 (14 years, 07 months & 18 days) and you have absconded and also involved in FIR 130 dated 31-07-1998 at police station Lachi Kohat under section 302/324/34 PPC
2. The absentee period wef 31-07-1998 to 19-03-2013 is enough long and justification.

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

- (a) **Guilty of Misconduct**
- (b) **Inefficiency**
- (c) **Irrigular**

As a result therefore, I as competent authority, have tentatively decided to impose upon you the major penalty of **Removal from Service** as specified under rules 4 of the said rules

2. You are, therefore, required to show cause/charge sheet as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person or not.
3. If no reply to this notice is received within (07) days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in, and in that case an ex-parte action shall be taken against you.

**DISTRICT EDUCATION OFFICER**

Endst. No. 1738-42 / Complaint/PST(M)

dated 22 / 02 / 2018

Copy for information to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Kohat
3. SDEO(M) Lachi
4. Mr. Riaz Ahmad Ex-PST GPS Darmalak Kohat
4. Personal File.

(Signature)  
DISTRICT EDUCATION OFFICER  
(MALE) KOHAT

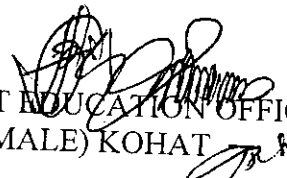
c  
~~10/1~~

**DISCIPLINARY ACTION**

Mr. Haziq ur Rehman as Competent authority, am of the opinion that Mr. Riaz Ahmad PST GPS Darmalak Tehsil Lachi District Kohat has rendered himself liable to proceeded against, as he committed the following act/omissions, within the meaning of rule 3 of the Khyber Pakhtunkhwa government servants (Efficiency and Disciplinary) Rules, 2011.

**STATEMENT OF ALLEGATIONS**

- I. That you have been willful absent wef 31-07-1998 to 19-03-2013, which shows your inefficiency
- II. You have no interest in Job/academic activities, which shows misconduct on your part.
2. For the purpose of enquiry against the said accused with reference to the above allegations, enquiry committee, consisting of the following, is constituted under rule 10(I) (a) of the ibid rules.
  - (i) Mr. Muhammad Rehman Principal GHS No.2 Kohat
  - (ii) Mr. Muhammad Irshad Head Master GHS Ghurzai Payan Kohat
3. The enquiry committee shall, in accordance with the provision of the ibid rules, provide reasonable opportunity of hearing to the accused, record his findings and make, within (7) days of the receipt of this order, recommendations as to punishment or other if appropriate action against the accused.
4. The accused and well conversant representative of the department shall join the proceeding on the date, time and place fixed by the enquiry committee.

  
DISTRICT EDUCATION OFFICER  
(MALE) KOHAT

D

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**OFFICE OF THE DISTRICT EDUCATION  
OFFICER (MALE) KOHAT**

Phone # 0922-9260294

No. 1733-37 /P.File/Riaz Ahmad PST (M)

Dated Kohat the 22.2.18 /2018

**NOTIFICATION**

The Competent authority is pleased to constitute denovo enquiry committee comprising the following officer to conduct formal enquiry against Mr.Riaz Ahmad PST GPS Darmalak Tehsil Lachi District Kohat for the charges mentioned in the charge sheet and statement of Allegations with immediate effect.

- i. Mr. Muhammad Rehman (BPS-19) Principal GHS No.2 Kohat
- ii. Mr. Muhammad Irshad (BPS-17) Head Master GHS Ghurzai Payan Kohat

The enquiry committee shall submit recommendations/report to the competent authority within (07) days positively (Copies of Charge Sheet and statement of Allegations are enclosed).

**DISTRICT EDUCATION OFFICER DR**

Endst of even No & date

- 1 Director E&SE KP Peshawar
- 2 Mr. Muhammad Rehman Principal GHS No.2 Kohat
3. Mr. Muhammad Irshad Head Master GHS Ghurzai Payan Kohat
- 4 Mr. Riaz Ahmad PST GPS Darmalak Tehsil Lachi District Kohat
5. Office Copy

**DISTRICT EDUCATION OFFICER  
(MALE) KOHAT**

*[Handwritten signature]*  
22/2/18

**ENQUIRY REPORT****PREAMBLE:**

Consequent upon the order of District Education Officer (M) Kohat No: 1733-37 dated 22-02-18 we the enquiry committee visited GPS Darmalak Lachi Kohat dated 05.03.2018. There after the accused Mr. Riaz Ahmad was summoned at GSSAHS No: 2 Kohat City for personal hearing as there was a threat to him at GPS Darmalak Lachi, to conduct a DENOVO enquiry as per order of the Honorable Service Tribunal KPK Peshawar.

**PROCEEDINGS:**

Mr. Riaz Ahmad (PST) was served the questionnaire attached and was asked to submit his written reply. In his reply he said that he was appointed as PST on 26-04-1984. He added that he had performed his duty with full devotion and did not leave any stone unturned to deliver. He stated that he never committed any misconduct during his entire length of service. He stated that he had fulfilled his obligations with zeal and zest and never ever remained irregular or otherwise irresponsible with the continuity of his responsibilities. He said that unfortunately he was falsely implicated in the murder case by someone; therefore, he was not aware from his service necessities and could not approach to the concerned officials. He said that after his acquittal from the court he approached the concerned officials without wasting a time for compensation but did not find any response; therefore he approached the Service Tribunal KPK for acquiring legal remedy.

ANNEXURE A

**FINDINGS:**

Record shows that Mr. Riaz Ahmad S/o Taj Ali Khan was appointed against the Post of PST at GPS Kharmatoo Kohat on 26/4/1984 vide No: 9902-27/A-I/PTC/I-AG. He took over the charge of his duty on 28/4/1984.

ANNEXURE B

On 31/7/98 an FIR bearing No.130, U/Ss 302/324//34 PPC was registered against him. At that time he was working against PTC post at GPS Darmalak lachi Kohat. In the light of FIR lodged against him On 29-8-1998 a suspension order was served to him. According to this suspension order (2091-93, dated 29-08-1998); he was suspended with effect from 31-07-1996 along with substance allowance. ANNEXURE "C"

After seventeen years when the accused lodged an application for re-instatement the District Education Officer (Male) Kohat appointed an enquiry officer vide the DEO (M) Kohat office letter No: 3284 dated 02.06.2015, The SDEO (M) Lachi conducted an enquiry against the accused teacher namely Mr. Riaz Ahmad on 28.07.2015 On the basis of enquiry report which is conducted by the enquiry officer Mr. Riaz Ahmad was removed from service ANNEXURE "D"

The accused stated in his application that he was absconder w.e.f. 31.07.1998 to 12.05.2013 (14 Years 09 Months & 11 Days) He was on Probation w.e.f. 19.03.2013 to 13.05.2013 ( on BBA). The learned Addl Session Judge Kohat sent him Hail on judicial custody. He was on Jail only 06 Month & 15 Days) and on 28.11.2013 He was acquitted by the Hon'able court. ANNEXURE "E"

As per the direction of Hon'able Service Tribunal Khyber Pakhtunkhwa Peshawar order announced dated 20.12.2017, and received to this office on 06.01.2018 The District Education Officer (Male) Kohat constituted an enquiry committee to probe into the matter, issued Re-Instatement order for the purpose of DENOVO enquiry vide No: 472-75 dated 18.02.2018. and also issued Show cause notice and statement of allegation to the accused concerned vide this office letter No: 1733-37 dated 22.02.2018. ANNEXURE "F, G & H".


## PERSONAL HERING

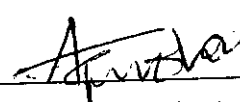
The accused was personally heard at GSSAHS No: 2 Kohat in the presence of Mr. Said Nawaz SST General (BPS-16) dated 05.03.2018. He was provided full opportunity to defend himself with documentary evidences. He submitted his written statement as ANNEXURE "C".

## RECOMMENDATIONS:

On the basis of the scrutiny of the available record and written statement provided by the accused the enquiry committee arrived at the following conclusions:-

1. The absconder period w.e.f. 31.07.1998 to 12.05.2013 is enough long and justifies his removal from service. Hence the Removal order from service, already issued by the District Education Officer (Male) Kohat vide his office No: 4607-09 dated 20.08.2015 may be kept intact.

  
Mr. Muhammad Rehman (Chairman)  
Principal GHS No. 2 Kohat

  
Mr. Irshad (Member)  
Headmaster GHS Ghurzai Payan  
Kohat.





**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KOHAT**

(67)

**NOTIFICATION:**

1. WHEREAS, Mr. Riaz Ahmed PST GPS Darmalak Kohat was willful absent from his official duty without any prior permission from the competent authority w.e.f 31-07-1998 to 19-03-2013 (14 Years, 7 Months, 18 Days) and was absconder as he was involved in F.I.R No.130 dated 31-07-1998 at Police station Lachi Kohat under section 302/324/34 PPC.
2. AND WHEREAS, Mr. Riaz Ahmed PST GPS Darmalak Kohat was removed from service vide this office No. 4607-09 dated 20-08-2015 w.e.f 31-07-1998 after observing all codal formalities and in the light of enquiry conducted therein.
3. AND WHEREAS, Mr. Riaz Ahmed PST GPS Darmalak Kohat filed Service Appeal No. 1392/2015, in the Khyber Pakhtunkhwa Service Tribunal Peshawar against office order No.4607-09 dated 20-08-2015 issued by DEO (M) Kohat.
4. AND WHEREAS, The Honourable Service Tribunal Peshawar passed judgment in the said Service Appeal on 20-12-2017 in which respondents were directed to conduct DENOVO Enquiry in the said case.
5. AND WHEREAS, this office conducted DENOVO Enquiry by constituting Enquiry Committee vide this office No. 1733-37 dated 22-02-2018.
6. AND WHEREAS, Enquiry Committee after observing the ground realities, available record and statement of parties, submitted its report with the recommendations, "The absentee period w.e.f 31-07-1998 to 19-03-2013 is enough long and justifies his removal from service. Hence removal order No. 4609-09 dated 20-08-2015 may be kept intact".
7. AND WHEREAS, All codal formalities including charge sheet, statement of allegations, Show cause Notice and personal hearing were observed accordingly.

**NOW THEREFORE,** In exercise of the Powers conferred by Govt. of Khyber Pakhtunkhwa E & D Rules 2011 under section 4 (b) (iii) /Para 9 and in the light of recommendations of Enquiry Committee, office order issued by this office bearing No.4607-09 dated 20-08-2015 regarding removal from service in r/o Mr. Riaz Ahmed PST GPS Darmalak Kohat will remain intact.

**DISTRICT EDUCATION OFFICER  
(MALE) KOHAT**

Endst No. 2389-92 Dated: 13-03-2018  
Copy to the:

1. PS to secretary Elementary & Secondary Education KPK, Peshawar.
2. Director Elementary & Secondary Education KPK, Peshawar.
3. The Registrar KPK Service Tribunal Peshawar with reference to his memo, No.2/ST dated 01-01-2018 in service Appeal No.1392/2015 judgment dated 20-12-2016.
4. Deputy Commissioner Kohat.
5. SDEO Male Lachi.
6. Official concerned.
7. Office copy.

**DISTRICT EDUCATION OFFICER  
(MALE) KOHAT**

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1404 /ST

Dated 16 / 8 / 2019

To


The District Education Officer Male,  
Government of Khyber Pakhtunkhwa,  
Kohat.

Subject: -

JUDGMENT IN APPEAL NO. 690/2018, MR. RIAZ AHMAD.

I am directed to forward herewith a certified copy of Judgement dated 10.07.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.

**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KOHAT**

No. 3027 /File: Riaz Ahmad/PST (M)  
Dated Kohat the 6/4 /2018

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To

The Director  
E&SE Khyber Pakhtunkhwa Peshawar.

Subject: - **DEPARTMENTAL APPEAL**

Memo:-

I am directed to refer to your office letter No.422/F.No.11/Enquiry of Riaz Ex-PST GPS Darmalak Kohat dated 03-04-2018 on the subject cited above and to state that:-

1. Mr.Riaz Ahmad Ex-PST GPS Darmalak Kohat was willful absent from his official duty without any prior permission from the competent authority wef 31-07-1998 to 19-03-2013(14 years,7 months,18 days) and was absconder as he was involved in FIR No.30 dated 31-07-1998 at Police Station Lachi Kohat under section 302/324/34PPC.

2.The concerned was removed from service vide this office order No.4607-9 dated 20-08-2015 wef 31-03-1998 after observing all codal formalities and in the light of enquiry conducted therein.(Enquiry report attached).

3. He filed Service Appeal No.1392/2015, in the Khyber Pakhtunkhwa Service Tribunal Peshawar against Office order No.4607-09 dated 20-08-2015 issued by this office.

4. The Honorable Service Tribunal Peshawar passed Judgment in the said Service Appeal on 20-12-2017 in which respondents were directed to conduct **DENOVO** enquiry in the said appeal (Copy attached).

5. This office conducted **DENOVO** enquiry by constituting enquiry Committee vide this office No.1733-37 dated 22-02-2018,including charge sheet, statement of allegations, show cause notice (Copies attached).

6. The enquiry Committee after observing the ground realities, available record and statement of parties, submitted its report with the recommendation." **The absentee period wef 31-07-1998 to 19-03-2013 is enough long and justifies his removal from service. Hence removal order No.4609-09 dated 20-08-2015 may be kept intact.**"(Enquiry report attached).

7. After all codal formalities including personal hearing the undersign exercise of the powers conferred by Govt: Khyber Pakhtunkhwa E&D Rules 2011 under Section 4 (b) (iii)/Para 9 and in the light of recommendation of **DENOVO** enquiry Committee order issued vide this office bearing No.4607-09 dated 20-08-2015 regarding removal from service Mr.Riaz Ahmad Ex-PST GPS Darmalak Kohat will remain intact.

Report/Comments are submitted for further perusal please.

*[Signature]* 5/4/18  
DISTRICT EDUCATION OFFICER  
(MALE) KOHAT

*[Signature]*  
DY DISTRICT EDU OFFICER  
(MALE) KOHAT

*DA comments  
to detail reports*



DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA PESHAWAR.

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No. 422 /F. No.110/Enquiry of Riaz  
Ex-PST GPS Darimalak Kohat.  
Dated Peshawar the 3/4 /2018.

*[Signature]*  
5/4/18

To,

The District Education Officer (M)  
Kohat.

Subject: - DEPARTMENTAL APPEAL.

Memo:-

I am directed to refer to the subject noted above and to enclose herewith a copy of appeal in respect of Mr.Riaz Ahmand Ex-PST GPS Darmalak Kohat and to ask you to submit detail report/comments to this office within a week time.

*[Signature]*  
Assistant Director (Estab :)  
Elementary & Secondary Edu:  
Khyber Pakhtunkhwa Peshawar.  
o/c  
\* 2-4-2018

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

Copy forwarded to the:-

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

*[Signature]*  
Assistant Director (Estab :)  
Elementary & Secondary Edu:  
Khyber Pakhtunkhwa Peshawar.  
o/c  
\* 2/4/2018  
Adusted

*[Signature]*  
DY DISTRICT EDU OFFICER  
(MALE) KOHAT

The Director (E&SE) Department,  
Khyber Pakhtunkhwa, Peshawar.

3  
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SUBJECT: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER DATED 13.03.2018 WHEREBY THE REMOVAL ORDER DATED 20.08.2015 OF APPELLANT WAS REMAIN INTACT

Respected Sir,

Most humbly it is stated that I was the employee of your good self Department and has served as PST for more than 30 years quite efficiently and up to the entire satisfaction of my superiors. During service as PST at GPS Darmalak an FIR under section 302/324/34 PPC was lodged against me and due to that reason I was suspended vide dated 29.08.1998 by the District Education Officer, District Kohat from service till the finalization of the criminal case. After the acquittal from the criminal charge I visited the concerned quarter for joining my duties but concerned authority was not willing to accept my arrival report. I felt aggrieved approached the august Service Tribunal Peshawar in appeal No.573/2014 but the same was withdrawn due to pending inquiry against me in the above mentioned matter. Lastly I was removed from service vide order 20.08.2015 on the basis of the above mentioned FIR dated 31.7.1998 inspite of honorable acquittal. Feeling aggrieved I filed Departmental appeal and then after preferred service appeal No.1392/2015 before the august Service Tribunal Peshawar which was accepted in my favor with the directions to the concerned authority to re-instated me into service and then after hold Denovo inquiry against me in accordance law. The concerned authority without re-instating me initiated expe rtee proceedings and finally issued the order dated 13.3.2018 whereby the removal order dated 20.08.2015 has remain intact.

I have not been re-instated in to service before intiation of Denovo inquiry nor I was associated with the inquiry proceedings, therefore the impugned order dated 13.3.2018 is not tenable in the eye of law and prevailing rules.

It is therefore, most humbly requested that on acceptance of this Departmental appeal the impugned order dated 13.03.2018 may kindly be set aside and I may be re-instated into service with all back benefits.

Dated: 19.03.2018

1473  
26-3-18.

S  
Javed

Obediently Yours,

RIAZ AHMAD EX-PST,  
GPS Darmalak, District Kohat.

Attest  
DY DISTRICT EDU OFFICER  
(MALE) KOHAT

To:

Mr. Riaz Ahmad PST GPS Darmatak  
Tehsil Lacki Kohat

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Questionnaire

(i) you have been willful absent w.e.f 31-07-98 to 19-03-2013. Explain your position in this regard:

آب 31<sup>07</sup>/<sub>98</sub> تا 19<sup>03</sup>/<sub>13</sub> کے دوران طرز سے غیبت کرنے کی وجہ سے غیبت کرنے والے ہیں۔

(ii) you have no interest in activities related to your job and academic assignments.

آب فرائض نہیں اور تدریس سے علم و لچک سے فائدہ نہیں دیتے ہیں۔

(iii) you are directed to produce the following Supporting documents.

آپ کو درکار کی جاتی ہے کہ آپ ذیل کی صورت دستاویزات پیش کریں

- 1) Attendance Register for the above said period till 30<sup>7</sup>/<sub>98</sub>.
- 2) Last pay certificate.
- 3) First appointment order.
- 4) Removal order of the department.
- 5) Acquittal order of the Honorable court.
- 6) copy of Suspension order.

Function (Reserved)

3-2-2018

District Edu Officer (Male) Kohat

محفوظ جناب انکو شری آفسر صاحبان

جناب عالی

63

(153)

جناب آپ نے سوال کیا ہے کہ آپ 31 جولائی 1998ء سے اپنی ڈیوٹی (نیا) دینے سے قاصر رہے۔ وضاحت کیجیے؟

جناب انرا اپریل 1994ء سے 31 جولائی 1998ء تک میں اپنی ڈیوٹی احسن طریقے سے انجام دے رہا تھا۔ اللہ کے فضل و کرم سے جتنا عرصہ ڈیوٹی انجام دیا ہے اپنی ڈیوٹی میں کسی قسم کی کوتاہی میری ہے۔ دوران ملازمت 31 جولائی 1998ء کو چھوٹی دھم 302/334 میں انفردالہ 130 میں بے گناہ دعویٰ درج تھا۔ لاچھ میں درج ہوا۔ جہلی وجہ سے مجھے اپنی مفاہمت کیلئے گھر بار چھوڑنا پڑا جان کو لاحق فطرت کی وجہ سے میں اپنے گاؤں کے سکول میں فرائض انجام نہیں دے سکتا تھا۔

نمبر 2 تدریسی سرگرمیوں میں عہدہ لینے سے اسلئے قاصر رہا کہ 29 اگست 1998ء کو مجھے معطل کر دیا گیا اور مجھے اس بات کا بائکل علم نہیں تھا کہ مصطلی میں حاضر ہونا لازمی ہے اور نہ مجھے اپنے ٹھکانے کی طرف کوئی ایڈوائس ملتا تھا اور نہ کوئی نوٹس دیا گیا تھا۔ اور میری معطلی آرڈر میں یہ لکھا تھا کہ کیس کے فائنل فیصلہ آنے تک معطل رہیں گے۔ جناب میرا کیس چلتا رہا اور 28.11.2013 کو عدالت سے باعزت بری ہونے کا فیصلہ آیا۔ فیصلہ آنے کے بعد میں نے اپنے دفتر میں حاضر رہی۔ اور 20.12.2013 کو میں نے اپنی ملازمت پر بحال ہونے کیلئے باقاعدہ درخواست بھی دے دی۔ لیکن ٹھکانے کی طرف سے مجھے کوئی جواب نہیں دیا گیا اور نہ کوئی ریلیف دیا گیا دوران معطلی مجھے نہ تنخواہ وغیرہ دی گئی اور نہ دوسری قسم کا مراعات سے نوازا گیا۔

نمبر 3 افرم پے سلپ کے بارے میں آپ صاحبان نے پوچھا ہے جناب 1۔ اسوقت سسٹر انچارج صاحب میں لیکشن تنخواہ دیا کرتے تھے اسلئے میرے پاس پے سلپ دستیاب نہیں ہے۔ یہ آپ متعلقہ دفتر یعنی ایس ڈی۔ او اور سرادہ کو باٹ لکھے دفتر سے معلوم کر سکتے ہیں۔

انچارج ایس ڈی او ایس پیس PST ٹیچر گورنمنٹ پرائمری سکول درہت  
3.3.2018  
DY DISTRICT EDU OFFICER (MALE) KOHAT

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KOHAT.

Annex (B)

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APPOINTMENT.

As approved by the Chairman District Council, Kohat, the following candidates are here-by appointed against the newly created posts of P.T.O teachers in B.P.S.7 @ Rs.560/- fixed plus usual allowances in the interest of public services with effect from the date of taking over charge:-

S.No.	Name of Candidate/Address Where appointed.	Remarks.
1.	M. Anwer Majid S/O Ghulam Habib Vill: Meri Banda Kohat (Mat: 698 Marks).	GPS, Mir Ahmad Khel. against newly created post.
2.	M. Azim Khan S/C Hakim Khan Vill: Togh Bala (Mat: 353 Marks).	GPS, Band Banda. Against vacant post.
3.	M. Zar Mast Khan S/O Yar Khan, Vill: Sur Gul (Mat: 608 Marks)	-do- -do-
4.	M. Mohabat Ali Khan S/O Zakria Khan Vill: Rhoda (Mat: 382 Marks).	GPS, Mitha Khan. Against Newly created post.
5.	M. Abd ul Wahid S/O Abdur Rashid Vill: Shadi Khel (Mat: 557 Marks).	GMS, Mohammad Khoja. Against vacant post.
6.	Abdul Khaliq S/O Abdur Rahman Vill: Biliktang (Mat: 535 Marks).	GPS, Alwara Mela. Vice Mr. Abbas Khan absent from duty.
7.	M. Saud Anwar S/C Abdul Baci Vill: Lachi (Mat: 535 Marks).	GPS, Sheikhon Banda Lachi. Against vacant post.
8.	Ahmad-ud-Din S/C Islam-ud-Din Vill: Lachi Bala (Mat: 518 marks).	GPS, Inzer Wala. Against Newly created post.
9.	Ghalib Hussain S/C Ali Kazim Vill: Lachi Khel (Mat: 498 Marks).	GPS, Serozai Payala. Against vacant post.
10.	M. Mohammad Farid S/C Mohammad Gayyum Vill: Shadi Khel (Mat: 500 Marks).	GPS, Matu Khel. Against Newly created post.
11.	Jehanzeb S/C Kinar Gul Vill: Takht (Mat: 498 Marks).	GPS, Khaisari Banda. Against Newly created post.
12.	Mohammad Shoib S/C Asad Ali Vill: Alizai. (Mat: 472 Marks).	GPS, Mitha Khan. -do-
13.	M. Saif Jamal S/C Zaid Gul Vill: Dar Tappi (Mat: 445 Marks).	GPS, Dar Tappi. -do-
14.	Gul Jan S/C Mohammad Khan Vill: Mandooni (Chorlaki), (Mat: 504 Marks)	GPS, Dhok Said Bad Shah. -do-
15.	M. Riaz Ahmad S/O Taj Ali Khan Vill: Dar Malik (Mat: 2nd Divin:).	GPS Tharमतop (Darmalik). Against vacant post.
16.	M. Habib-ur-Rahman S/C Sher Zaman Vill: Eband Saghri (Mat: 482, 2nd Divin:eman)	GPS, Serozai North. -do-
17.	M. Sarwar Hussain S/C Jaffar Ali Vill: Kandi Khyer. (Mat: 2nd Divin:er)	GPS, Era Banda, Near Ghazi Pump Hangu. -do-
18.	M. Javid Iqbal S/O Habib-ullah Khan Vill: Barhi Saghri (Mat: 2nd Divin: T. Son).	GPS, Serozai North. -do-

BY DIST. OFFICER (MALE) KOHAT

(Continued on Page-2)



19. M. Riazuddin S/O Hazrat Amir GPS, Serozai Payala Against newly  
Vill: Nari Shakardara (F.A). Ex-Serviceman Son). created post. W
20. M. Sunab Gul S/O Umar Gul GPS, Mian Koi. -db- (151)  
Vill: Ziarat Sheikh Allah Dad (Mat: 355 Marks).
21. M. Noor Bad Shah S/O Khan Bad GPS, Shinali Kahi Against vacant post.  
Shah Vill: Kamal Khel (Mat: 582 Marks).
22. M. Khushab Gul S/O Siraj Gul MP, Latif Abad Against transferred  
Vill: Dhoda (Mat: 334 Marks). Kharmatoo. post of Mian Koi.
23. M. Nawait Khan S/O Iqrat Gul GPS, Dhok Said Bad Against Newly created  
Vill: Chorlaki (Mat: 474 Marks) Shah. post.

TERMS/CONDITIONS.

1. Their appointment are purely temporary and liable to termination at any time without assigning any reason or notice.
2. In case of resignation they will have to submit one month's prior notice to the Department or forfeit one month's pay in lieu thereof to the Government.
3. They are required to produce Health and age Certificate from the Medical Supdt. concerned before taking over charge.
4. Their Educational original Certificates shall be checked before handing over charge.
5. Their appointments are purely temporary and will not confer on them any right/claim to permanent retention in service.
6. They shall be Governed by such service, Discipline and conduct rules as have been or be prescribed here-after by the Government of NWFP.
7. They shall not be allowed to take over charge in case their age is above 25 years or less 18 years.
8. If any one failed to take over charge of the post within 15 days of the receipt of their order, they offer of appointment shall stand cancelled.
9. No TA/DA etc. is allowed/ Charge reports should be submitted in duplicate to all concerned.

HAJI ABDUR RAZIQ KHAN  
Distt: Education Officer,  
(Male) Kohat.

Endst: No. 9902-27 /A-I/PTC/I-AG, Dated Kohat the 26/4/1984.  
Copy of the above is forwarded for information and necessary action to the:-

- 1). Chairman Distt: Council, Kohat as approved,
- 2-3). SDEO (Male) Kohat and Hangu.
- 4-26). Candidate concerned.

*[Handwritten Signature]*  
BY DISTRICT EDU OFFICER  
(MALE) KOHAT

HEALTH AND AGE FORM.

40  
150

Name RIAZ AHMED

Nationality : Pakistani.

Caste AFGHAN

Fathers' Name with Residence TAJ ALI KHAN VILL DARMALAK  
KOHAT.

Date of birth by christian era 19 years.  
as nearly as can be ascertained

Exact height measurement 1.80 M

Personal mark of Identification Rt. hand, dorsal, V-shape  
Scars 2 on L.H.

Head of office.

I hereby certify that I have examined RIAZ AHMED  
for employment in EDUCATION Dept. and cannot discover  
that he/she has any communicable disease constitutional  
affection or bodily infirmity except Nil

I do not consider this disqualification for employment in  
EDUCATION Department. His age according to his  
statement is 19 years and by appearance he is about  
Nineteen years of age.

LEFT HAND THUMB AND FINGER IMPRESSION.

THUMB

FIRST  
FINGER

SECOND  
FINGER.

THIRD  
FINGER

SMALL  
FINGER



Medical Superintendent,  
Distt. HQ Hospital, Kohat.

[Signature]  
DY DISTRICT EDU OFFICER  
(MALE) KOHAT

BY DISTRICT EDU OFFICER  
(MALE) KOHAT

*[Signature]*

*c/c*

Forwarded to DFO (M) Kohat  
for consideration of Mr. *[Name]*

Relieving School  
Designation

Relieving School  
Designation  
*[Signature]*

26/11/54

9902-27/A-1/PTe/-Ae district with

with DFO (male) Kohat Sdho.

(Kohat) as a PTe on vacant post.  
of newly opened school Halmaleo

certified that Mr. *[Name]* has  
taken over the charge

change report

Date 28/11/54

No 2

149

27

808/67

(D)

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OFFICE OF THE SUB-DIVISIONAL EDUCATION OFFICER (M) LACHI.

381

Dated Lachi the 28/7/2015

The District Education Officer,  
(Male) Kohat

Subject: RIAZ AHMAD'S ENQUIRY REPORT.

Message

Reference to your letter No. 3284 dated 02-06-2015 regarding the subject Enquiry. Mr. Riaz Ahmad appeared before Enquiry Officer on scheduled date and requested that he has applied for his restoration in service tribunal and likes to discuss the proposed enquiry with his legal consultant therefore, he will inform the undersigned on 01-08-2015.

It is recommended that his request may be honoured so as to avoid further legal

*Attended*

*[Signature]*  
Enquiry Officer/S.D.E.O. (Male)  
Primary LACHI.

*[Signature]*  
DY DISTRICT EDU OFFICER  
(MALE) KGHAT

OFFICE OF THE SUB: DIVISIONAL EDUCATION  
OFFICER (MALE) LACHI

Dated Lachi the 26/12/2015

No. 3291

The District Education Officer  
(Male) Kohat

ENQUIRY REPORT

Subject  
Memo

In compliance of D.E.O. (M) Kohat letter No 3284 dated 02-06-2015, the undersigned carried out inquiry against Mr. Riaz Ahmad PST GPS Darmahak Kohat in this connection the state record of S.D.E.O (M) Kohat has been consulted as the said office was DDO at that time. proceedings/finding of which are as under:

1. That accused had been served as PTC for the period from 26-04-1984 to 31-07-1998
2. That accused was charged in FIR at police station Lachi under section 302/324/43 dated 31-07-1998
3. That right from chalking FIR, remained absconder/willful absent from duty w.e.f. 31-07-1998
4. After reconciliation, the accused bailed out on BBA on 19-03-2013
5. The accused was asked for present before inquiry officer on 01-08-2015 to defend the allegations about his willful absence from 31-07-1998 till now but the accused flatly refused to response the questionnaire with the plea that he sued writ-petition in court of law and did not bother to face the enquiry.
6. Due to lapsed of more than 15 years whatsoever disciplinary action on behalf of education department, but could not traced in dormant file
7. The case is submitted for further consideration

SUB: DIV. EDUCATION OFFICER  
(INQUIRY OFFICE)  
(MALE) LACHI

BY DISTRICT EDU OFFICER  
(MALE) KOHAT

*M. M. Khan*

ضاب عالی

آج مورخہ 28-7-2015 کو میں دفتر جھڑا میں حاضر ہوا  
جو نکلہ دفتر جھڑا کے طرف سے مجھے 14-7-2015 کو لڈالیم  
ڈاک ایک لیسٹر موبائل پر تھا اور میں کراچی تھا اور  
آج کراچی سے پہنچا کیرالین ڈی. او ہاؤس کے ساتھ  
جلد لیسٹر میں مجھے انکوٹری میں اسپتال میں لگا دیا  
جو نکلہ میرا کیس عدالت میں چل رہا ہے۔ لہذا میں  
اپنے وکیل سے مشورہ کر کے ایک دو دن بعد 31-7-2015  
دونوں کو میں دفتر جھڑا میں حاضر ہو گیا۔

رافض احمد - سابقہ پی۔ ٹی۔ سی ڈپٹی چیف ایس ڈی  
Attested

*Muhammad*  
DY DISTRICT EDU OFFICER  
(MALE) KOHAT



Annex (D)

OFFICE OF THE SUB-DIVISIONAL EDUCATION OFFICER (M) LACHI.

Dated Lachi the 14/07/2015.

No. 369

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To

Riaz Ahmad,  
PST GPS Darmalak.

Subject: ENQUIRY

Memo:

In compliance to the direction issued by DEO (M) Kohat through notification No. 3284 dated 02-06-2015. The undersigned has been appointed as enquiry officer against you. The said enquiry will held in the office of the undersigned on 28-07-2015.

You are therefore requested to make sure your presence on the mentioned date in the office of undersigned during working hours to justify your unauthorized absenteeism since 31-07-1998 to date. Non compliance to this will mean-ex-party decision against you.

*M. J. J.*  
Sub- Divisional Education Officer,  
(Male) Primary LACHI.

Endst:

1. District Education Officer (Male) Primary Lachi.

*A. M. J.*

*M. J. J.*  
DY DISTRICT EDO OFFICER  
(MALE) KOHAT

*Sd.*  
Sub- Divisional Education Officer,  
(Male) Primary LACHI.



کمزور صواب دوسرے کے لئے آسیر ماہیہ سہولیات

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ذریعہ فراہم کر کے بحال کرانے کے لئے برسر خدمت PST پیر میں رہ کر  
سال 1987ء میں گرفتاری ہوئی اور تقریباً 14 سال تک اسٹیشن ملازم

اصولاً طریقہ سے نصاب اور اس کے بعد سائل کے صلہ ایک فوٹو دیا گیا  
عدالت 130 نمبر 7/31 فی 302/322  
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جس سائل کے لئے تھا اور عدالت نے اس سائل کو برسر خدمت برقرار رکھا  
نمبر 13/28 کو عدالت سے منسلک ہوا ہے۔ اس سائل میں عدالت  
کا حال کا خواست ہے۔

صاف علیا کے سائل میں برسر خدمت ہے۔

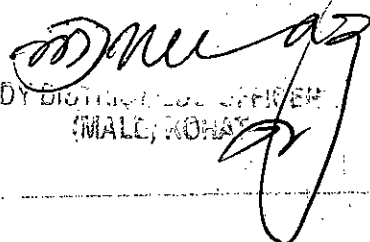
اس سائل میں عدالت نے اس سائل کو برسر خدمت رکھا  
گورنمنٹ پرائمری سکول دیپنگ میں تعلیمات رکھا

(2) یہ سائل 14 سال تک رہا سرورس اصولی طریقہ سے  
نصاباً۔

(3) یہ سائل 31/7/98 کو ایک فیوچر FIR نمبر 130/7/98  
302/322 فی 34 میں دیکھو ای سیول (نیشنل FIR نمبر)

(4) اس سائل میں عدالت نے سائل کو برسر خدمت  
رکھا ہے۔ (نیشنل سائل نمبر)

Attested

  
DY DISTRICT OFFICER  
SMALL COHAT

(5) یک سوالی است درباره این حکومت بر ممالک  
خوارزمشاهیه

(6) یک سئوال شده که در مورد این حکومت چه می دانید

کند از این سئوال که در مورد این حکومت چه می دانید  
که هم بهادران ما را

PST بر این اساس که در این حکومت چه می دانید  
Friedrich

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۱۳/۱۲/۱۳