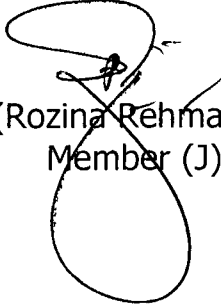


15.04.2021

Appellant present through counsel. Preliminary arguments heard. Record perused.

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to respondents for submission of written reply/comments. To come up for reply/comments on 07.07.2022 before S.B.


Rs-700/-  
Security & Process Fee  
A. J. Iqbal  
15/4/22

  
(Rozina Rehman)  
Member (J)

07<sup>th</sup> July, 2022

Appellant present in person. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Learned AAG seeks further time to submit reply. Last opportunity is granted. To come up for reply/comments on 12.09.2022 before S.B.

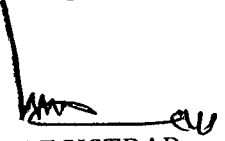
  
(Kalim Arshad Khan)  
Chairman

Form- A

# FORM OF ORDER SHEET

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

Case No. - 552 /2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/04/2022	<p>The appeal of Mr. Farmanullah resubmitted today by Mr. Hamza Jahangir 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-		

The appeal of Mr. Farman Ullah S/O Rooh Ullah, R/O Shori Khel, Badhber Suleman Khel District Peshawar received today i.e. on 01.04.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. Every memorandum of appeal shall be presented in approved file covers.
2. Checklist is not attached with the appeal.
3. Appeal has not been flagged/marked with annexure marks.
4. Certificate be given to the effect that appellant has not been filed any service appeal earlier on the subject matter before this Tribunal.
5. One more copy/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 849 /S.T,

Dt. 8-4- /2022

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Hamza Jehangir Adv. Pesh.

Dear Sir,

All of the above mentioned objections have been fulfilled and complied with.



Counsel for Appellant.  
8-04-2022.

**BEFORE THE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 552/2022

Farman Ullah

Versus


*Director, Elementary and Secondary Education Peshawar & others*

**INDEX**

S#	Description of documents	Annex	Page
1	Appeal		1-6
2	Affidavit		7
3	Copy of the Pay Roll	A	8
4	Copy of Endst. 6692-94 dated 06-06-2020	B	9
5	Copy of 1 <sup>st</sup> BBA Petition along with order sheets	C	10-14
6	Attested Copies of 2 <sup>nd</sup> BBA petition and Record	D	15-29
7	Copy of Endst. 3848-50 dated. 10-12-2020	E	30
8	Attested copies of acquittal order and record	F	31-39
9	Copy of Endst. 8107-8110 dated. 10-04-2021	G	40
10	Copy of application dated 12-04-2021	H	41
11	Copy of Endst. 3302, dated 15-09-2021	I	42
12	Copy of Endst. 8778 dated 29-09-2021 and latter of respondent No. 3	J	43-44
13	Copy of Endst. 10789 dated 06-11-2021	K	45
14	Copy of departmental representation	L	46-47
15	Copy of attendance register	M	48-53
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Dated; 25-03-2022

Through

Appellant  
  
HAMZA JEHANGIR  
Advocate High Court

①

BEFORE THE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL

PESHAWAR

Service Appeal No. 552/2022

FARMAN ULLAH S/O ROOHULLAH R/O SHORI KHEL, BADHBER  
SULEMAN KHEL DISTRICT PESHAWAR.

.....APPELLANT

Versus

1. DIRECTOR, ELEMENTARY AND SECONDARY EDUCATION  
PESHAWAR.
2. DISTRICT EDUCATION OFFICER (MALE) PESHAWAR.
3. PRINCIPAL GOVERNMENT HIGHER SECONDARY SCHOOL  
SHAHEED SAQIB GHANI NO. 2 PESHAWAR CANTT.
4. DISTRICT ACCOUNTS OFFICER PESHAWAR.
5. PROVINCIAL GOVERNMENT THROUGH CHIEF SECRETARY.

.....RESPONDENTS

Service Appeal under section 4 of the Khyber Pakhtunkhawa  
Service Tribunals Act, 1974 against the Order/ Endorsement No.  
10789 Dated. 06-11-2021 passed by Respondent No 2 whereby he  
regretted from payment of outstanding pay and other allowances for  
the period of suspension of the appellant and Respondent No. 1 did  
not decide the Departmental Representation dated 10/12/2021  
against the Order dated. 06-11-2021 of the Appellant within the  
statutory period i.e. 90 days.

2

**Prayer in Appeal:**

*On acceptance of this appeal the order/ endorsement No. 10789 dated 06-11-2021 may be declared illegal, against the law and justice, and not binding upon the rights of the appellant further more the Respondents may please be directed to withdraw the said order and further more it may please also be declared that the appellant is entitle for the payment of salaries and other allowances for the period of his absence and treat the same period as spend on duty with full pay and allowances.*

**Respectfully Sheweth!**

1. That the appellant is a civil servant since 1995 and currently is appointed as S.PET at GSSGHSS No.2 Peshawar Cantt. (Copy of salary slip/ pay roll is attached as Annexure "A").
2. That the appellant was charged in a false case FIR No. 970 charged U/S 302-34/PPC Dated. 18-12-2019 of P.S Badabher Peshawar. Consequently the respondent No. 2 suspended the appellant from his service vide Endst No. 6692-94 Dated. 06-06-2020 till the final order of the Court. (Copy of Endst No. 6692-94 is attached as Annexure "B").
3. That after the said incident appellant being a law abiding citizen adopted a legal procedure and applied for pre arrest bail but during the pendency of said BBA petition wild threats of dire consequences and frequently attempts of killing were made to the appellant so in order to safe his life he opted not to appear in court as well as in the school also the name of the appellant was mention in column No. 2 of the Challan so his counsel withdraw the instant BBA petition. (Copy of the 1<sup>st</sup> BBA Petition along with order sheets is attached as Annexure "C").
4. That after quite sometime when the appellant came to know that there is an apprehension of his arrest by the local police so he again appeared before the court and applied for Bail Before Arrest application and during the pendency of the same the compromise was effected between the parties and all the legal heirs of deceased as well as the complainant of the case pardon the appellant and BBA

3

was confirmed. **(Attested Copies of the BBA and statements of complainant party along with order is attached as Annexure "D")**.

5. That the respondent No. 2 passed another Endst No. 3848-50 Dated. 10-12-2020 through which the suspension allowance was allowed if the appellant was regular and on duty and not absconder. Despite the fact that the same Endst was never conveyed or received by the appellant. **(Copy of the Endst No. 3848-50 is attached as Annexure "E")**.
6. That in the meanwhile the appellant was acquitted by the Court of Honorable Additional District and Sessions Judge Peshawar vide order Dated. 20-03-2021. **(Attested copy of the order along with relevant record is attached as Annexure "F")**.
7. That after acquittal the appellant submitted the attested copies of the case in the office of respondent no. 2 and he passed an Endst No. 8107-8110 Dated. 10-04-2021 vide which the appellant was reinstated on service. Where as the period of absence was left to be decided later on. **(Copy of Endst No. 8107-8110 is attached as Annexure "G")**.
8. That feeling aggrieved by the Endst. 8107-8110 dated. 10-04-2021 the appellant requested the respondent No. 2 through respondent No. 3 vide application dated. 12-04-2021. **(Copy of the application is attached as Annexure "H")**.
9. That the respondent No. 2 passed another Endst No. 3302 dated. 15-09-2021 vide which he regretted the request of the appellant and considered the absence period as extra ordinary leave without pay. **(Copy of the Endst No. 3302 is attached as Annexure "I")**.
10. That the respondent No. 2 issued Endst No. 8778 Dated. 29-09-2021 vide which the respondent No. 2 asked for the staff attendance register by the respondent No. 3. So the respondent No. 3 vide letter dated. 06-10-2021 requested the respondent No. 2 to pay all the salaries and other benefits to the appellant. **(Copy of the Endst No. 8778 and letter by respondent No. 3 is attached as Annexure "J")**.
11. That again the request of the appellant was regretted vide Endst No. 10789 Dated. 06-11-2021 and the previously passed office Endst No. 3302 dated. 15-09-2021

stand still. (Copy of the Endst No. 10789 Dated. 06-11-2021 is attached as Annexure "K").

12. That feeling aggrieved of the same the appellant field departmental representation before the respondent No.1 which was received by the office of respondent No. 1 on Dated. 14-12-2021. but no order was passed on the same within 90 days as per rules hence the present appeal. (Copy of the departmental representation is attached "L").
13. That the appellant being mortally aggrieved from the order/ Endst. 10789 dated. 06-11-2021 of the Respondent No. 2 hence challenges the same on the following grounds amongst other:

**Grounds:**

- A. That Respondents have not treated Appellant in accordance with law.
- B. That the Appellant is a law abiding citizen of Pakistan and during his service has never been found guilty of any misconduct.
- C. That the main part of the incident/ Case has been resolved by the competent Court of law in which the appellant is acquitted whereas in the event of non payment of salaries and other allowances for the certain period of absence that would defiantly having the damaging effect on the future career and promotion of the appellant.
- D. That the impugn order has been passed without appreciating the evidence and facts of the case.
- E. That no proper or any enquiry is ever been conducted by the respondent nor any report is provided to the appellant.
- F. That the impugned order herein is illegal and against the law.
- G. That vested rights of the Petitioner are involved. As he is solely dependant on his monthly salary.
- H. That the impugned order is without jurisdiction, illegal and without authority.

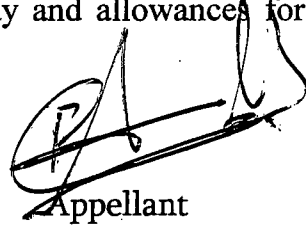


- I. That the impugned order/ Endst No. 10789 dated 06-11-2021 is issued without prior notice to the Appellant.
- J. That the Appellant is condemned unheard.
- K. That it is also pertinent to mention here that at the time of occurrence the appellant was present on duty and was falsely charged in the above mentioned FIR and the same fact is proved from the staff attendance register of the school as well as from the CCTV footage of cameras placed inside the premises of the school. **(Copy of the school staff attendance register is attached as Annexure "M")**.
- L. That during case with the intervention of elders of locality the matter was patched up and the complainant party had no claim against the appellant and other co-accused thus all the accused in the instant FIR were acquitted by the hon'ble Court.
- M. That the appellant suffered from financial losses, mental distress and was facing severe life threats, due to which appellant was unable to join his duty and therefore for the security reasons was absent.
- N. That the absence of the appellant from duty was just because of the threats to his life of dire consequences, in fact he was regularly appearing for hearings before the court.
- O. That it is also important to mention here that the section of Law incorporated in the FIR i.e section 302 PPC is a compoundable offence and the genuine compromise was affected between the parties which is duly recorded by the Court through statements of all legal heirs of deceased and the complainant. Whereas the State didn't challenge the same which clearly proves that appellant is honourably acquitted in true spirit and as per law of the land. **(Attested copies of the compromise are already attached in annexure "D")**.
- P. That appellant is a devoted employee and has always performed his duties with perfection which can be seen from his previous record and if the same outstanding pay and allowances are not granted to him so he will suffer from irreparable losses.
- Q. That other grounds will be raised at the time of arguments with the prior permission of the Court.

6

**PRAYER**

It is, therefore, prayed that on acceptance of this appeal the Endst No. 10789 dated 06-11-2021 may kindly be declared illegal, against the law and justice, and not binding upon the rights of the appellant further more the Respondents may please be directed to pay entire salary along with allowances for the period of 01-04-2020 till 31-12-2020 during which he was absent. And the same period be treated as spent on duty with full pay and allowances for the said period.



Appellant

Date: 19-03-2022

Through

HAMZA JEHANGIR  
Advocate High Court

7

**BEFORE THE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL**

**PESHAWAR**

Service Appeal No. \_\_\_\_\_/2022

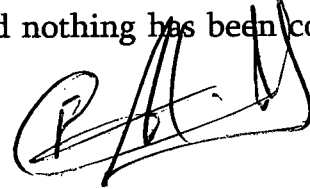
**Farman ullah**

**Versus**

***Director, Elementary and Secondary Education Peshawar & others***

**AFFIDAVIT**

I, Farman Ullah S/O Roohullah R/O Suleman Khel district Peshawar, do hereby solemnly affirms and declare on oath that the contents of the present appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



**DEPONENT**

8

ANNEX (A)



**Dist. Govt. NWFP-Provincial**  
**District Accounts Office Peshawar Dist.**  
**Monthly Salary Statement (March-2020)**

**Personal Information of Mr FARMAN ULLAH d/w/s of ROOU ULLAH**

Personnel Number: 00139199 CNIC: 1730147109585 NTN:  
Date of Birth: 07.01.1973 Entry into Govt. Service: 24.04.1996 Length of Service: 23 Years 11 Months 009 Days

**Employment Category: Vocational Temporary**

Designation: SENIOR PHYSICAL EDUCATION 80004162-DISTRICT GOVERNMENT KHYBE

DDO Code: PW6036-SECONDARY SCHOOL PESHAWAR CANTT.

Payroll Section: 003 GPF Section: 001 Cash Center:

GPF A/C No: EDNSR004046 Interest Applied: Yes **GPF Balance: 564,384.00**

Vendor Number: 30256131 - FARMANULLAH 01-200-1930-1 (250604)

**Pay and Allowances:** Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 16 Pay Stage: 19

Wage type		Amount	Wage type		Amount
0001	Basic Pay	47,790.00	1001	House Rent Allowance 45%	4,091.00
1210	Convey Allowance 2005	5,000.00	1947	Medical Allow 15% (16-22)	1,688.00
2148	15% Adhoc Relief All-2013	915.00	2199	Adhoc Relief Allow @10%	659.00
2211	Adhoc Relief All 2016 10%	3,380.00	2224	Adhoc Relief All 2017 10%	4,779.00
2247	Adhoc Relief All 2018 10%	4,779.00	2264	Adhoc Relief All 2019 10%	4,779.00

**Deductions - General**

Wage type		Amount	Wage type		Amount
3016	GPF Subscription	-3,340.00	3501	Benevolent Fund	-800.00
3609	Income Tax	-1,393.00	3990	Emp.Edu. Fund KPK	-150.00
4004	R. Benefits & Death Comp:	-650.00			0.00

**Deductions - Loans and Advances**

Loan	Description	Principal amount	Deduction	Balance

**Deductions - Income Tax**

Payable: 15,721.95 Recovered till MAR-2020: 11,545.00 Exempted: 0.49- Recoverable: 4,177.44

**Gross Pay (Rs.): 77,860.00 Deductions: (Rs.): -6,333.00 Net Pay: (Rs.): 71,527.00**

Payee Name: FARMAN ULLAH  
Account Number: 0010023252980016  
Bank Details: ALLIED BANK LIMITED, 250604 Dabgari Bazar Peshawar Dabgari Bazar Peshawar, Peshawar

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: SNEWS  
City: NOWSHERA Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official  
Temp. Address: City: Email: farmanullah0305923@gmail.com

*(Signature)*  
Vice Principal  
Govt. Higher Secondary School  
Shaneed Dabgari Bazar  
Peshawar Cantt.

(9)

ANNEX (B)

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

Mr. Farman Ullah S.PET GSSGHSS No: 02 Peshawar Cantt: charged under u/s PPC 302-34 FIR No: 970 dated 18/12/2019 Police Station Badabher Peshawar, is hereby suspended from service w.e.f, 18/12/2019 till the final decision of the Court.

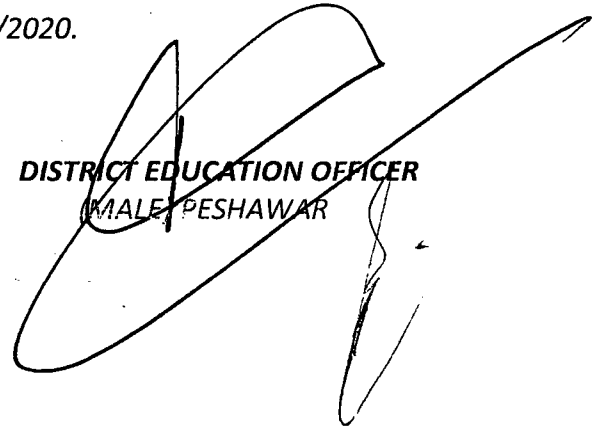
**DISTRICT EDUCATION OFFICER  
(MALE) PESHAWAR**

Endst: No: 6692-94 Estb:CT/DM/PET/ Dated 08/06 /2020

Copy of the above is forwarded to the :-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Principal GSSGHSS No: 02 Peshawar Cantt: Peshawar w/r to his No:1879 dated 25/02/2020 and with the direction stop his pay immediately under intimation to this office.
3. CCPO Peshawar w/r to his No:4252/SRC dated 26/02/2020.

**DISTRICT EDUCATION OFFICER  
(MALE) PESHAWAR**



10

Annex (c)

(10/11)

In the Court of District Judge Peshawar  
Sardar Anullah S/O Rashidullah R/o  
Suleman Khan Badabey Peshawar

*[Signature]*

v/c

- 1. The State
- 2. Musafirullah S/O Faridullah R/o Suleman Khan Peshawar

Code FIR No. 970 Dated 18.12.19  
y/s 302/34 PPC PS Badabey

Subject: Petition for ~~protest~~ <sup>protest</sup> but to  
have the final disposal of the case.

Respectfully Shown that a ~~change~~ <sup>change</sup> in  
the case titled above.

2. That ~~accused~~ <sup>accused</sup> is innocent and  
has never been ~~implicated~~ <sup>implicated</sup>  
in the matter.

RECEIVED  
11 5 FEB 1960  
(Signature)  
District Court Peshawar

429

3. That the accused is innocent on the point of possession and the local Police intend to arrest the accused which will cause great humiliation for the Exe family.
4. That the accused is innocent and has never been in possession of the property.
5. That the accused is ready to give satisfaction of the amount to the court.

I have prayed that on acceptance of this petition the court may kindly be pleased to give a decree in favor of the accused.

Through  
 Advocate *[Signature]* AS.

Attorney  
 I am Shamsuddin  
 and declare on oath  
 that the contents of the  
 petition are true  
 & correct and that  
 no fraud has been  
 committed.

ATTESTED  
 (15 FEB 2008)  
 (Signature)  
 District Court Peshawar

74

~~12/2/20~~

Order-05  
30-01-2020

Accused/petitioner on ad-interim pre-arrest bail present. Complainant present. Record is pending in said petition titled "Rahat Ullah Vs The State". Arguments not heard as the lawyers are on strike today, hence adjourned.

File to come up for arguments on

12/2/20

Wajid Ali Khan  
AD&SI-IX, Peshawar

I request for the withdrawal of the said Arrest Bail Petition

01-06  
12-02-2020

Accused petitioner engaged counsel present who stated at the bar that since his name is placed in Column 02 of the Challan, hence he is not arrested. He therefore dismit apprehend his arrest by the police & therefore wants to withdraw the instant petition.

The instant petition there-fore stands dismissed as withdrawal. Petition be consigned to the RL.

Announced  
12-02-2020

Wajid Ali Khan  
Ad 9 SI-IX Peshawar

No.	1953
Dated of Application	12/2/20
Name of Applicant	
Word	2400
Fee	
Signature of Applicant & Date	
Dated of Preparation	15-2-2020
Date of Delivery	15-2-2020

CERTIFIED TO BE TRUE COPY

15 FEB 2020

(Examiner)  
Copying Agency  
Peshawar

R  
12.2.2020



~~11~~

Now the accused/petitioner approaches this Hon'ble court for his release on pre-arrest bail on the following ground inter alia:

**GROUNDS:**

- A. That the accused/petitioner is law abiding citizen and belongs to a respectable family.
- B. That a genuine compromise has been effected between the parties and the complainant party pardoned the accused party for Diyat.
- C. That due to genuine compromise between the parties and the complainant party has no objection on grant of bail.
- D. That accused/petitioner is quite innocent and has been falsely implicated in the instant case with malafidely intension.
- E. That except the bear allegation in the FIR there is nothing on the record which connects the accused/petitioner with the alleged crime, hence this is the case is one of further inquiry.
- F. That the case of the accused/ petitioner is one of further probe.

B

ATTESTED

(Exec. District Court)

18

~~10~~

G. That any other grounds will be raised at the time of arguments with permission of this Hon'ble Court.

H. That the accused/petitioner is ready to furnish reliable sureties to the satisfaction of this Hon'ble Court.

It is, therefore, most humbly prayed that acceptance to this petition the accused/petitioner may kindly be released on Pre-Arrest Bail till the final disposal of the case.

Date: 03/09/2020

Accused/Petitioner

Through

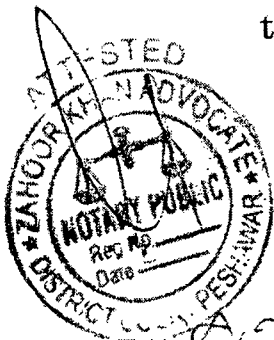
Advocate Hamza Jehangir  
District & Sessions Courts  
Peshawar

HAMZA JEHANGIR  
Advocate, Peshawar

**AFFIDAVIT**

I, Farman Ullah S/o Rooh Ullah R/o Shori Khel, P.O Badhber, Suleman Khel, Tehsil & District Peshawar, do hereby solemnly affirm and declare on oath that the contents of this petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

DEPONENT   
CNIC No. 17301-4710958-5



**BEFORE THE ADD DISTRICT & SESSIONS JUDGE,**  
**PESHAWAR**

**FARMAN ULLAH & OTHERS**

**Versus**

**THE STATE**  
*(Handwritten mark)*

**APPLICATION FOR MAKING APPROPRIATE ORDER FOR APPOINTMENT**  
**OF LOCAL COMMISSIONER TO RECORD STATEMENTS OF THE LEGAL**  
**HEIRS OF DECEASED ZAHIDULLAH**

***Respectfully Sheweth:-***

1. That the above captioned BBA is pending disposal in this Hon'ble Court and is fixed for today i.e. 12-12-2020.
2. That the compromise has been affected between the parties and the legal heirs of the deceased have patched up the matter with the accused/ petitioners and forgiven them unconditionally by the name of Allah Almighty.
3. That now the legal heirs of the deceased are ready to record their statements before the court but due to *Pardanasheeni* couldn't attend this Hon'ble Court therefore present application.
4. That if the local commission is appointed for recording statements of legal heirs of deceased then there will be no need for proceeding further with the case.
5. That it is in the interest of justice and to arrive at the just conclusion, it is necessary that the application for appointment of Local Commissioner may be appointed for recording statements of LRs of deceased.

It is therefore, humbly prayed that on acceptance of this application an appropriate order for the appointment of Local Commissioner may kindly be made for recording of statements of legal heirs of deceased Zahid Ullah. Any other remedy this Hon'ble Court deems fit and appropriate may also be granted.

**ATTESTED**  
*(Handwritten mark)*  
District Court Peshawar  
**AFFIDAVIT**

**ATTESTED**  
ZAHOOR KHAN ADVOCATE  
NOTARY PUBLIC  
DISTRICT COURT PESHAWAR  
*12/12/2020*

Through  
**APPLICANTS**  
*(Handwritten signature)*  
**HAMZA JEHANGIR**  
Advocate, Peshawar

I do hereby solemnly affirm and declare on oath that contents of the application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'able court.

*(Handwritten signatures)*  
(Farmanullah) (Ismail) (Masood)

**DEPONENT**

20

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**ORDER-**  
12/12/2020

APP for the state present. Accused/petitioner on ad-interim bail present with counsel and submitted Waakalat Nama, POf. . Complainant not in attendance. The learned counsel for the accused submitted application for appointment of local commission to record statement of the legal heirs the deceased namely Zahid Ullah on the ground that compromise has been affected between the parties and appointment of local commission is required to record compromise statements of female legal heirs of the deceased, who are unable to attend the court being parda- Nasheen ladies.

Request of the learned counsel for accused seems genuine, hence, accepted and **Ayesha Rafiq, Advocate** is hereby appointed as local commission with the direction to visit the house of the legal heirs of the deceased and record the statements, after due verification of their identity, and submit report to this Court on or before the date fixed. Fee of local commission is fixed as **Rs. 8,000/-** which is to be deposited by the accused in the court. Informatory notice be issued to local commission. Notice to the complaint be issued.

File to come up for attendance of complainant and commission report on 27/12/20

**Nasrullah Khan**  
AD & SJ-XV, Peshawar

ATTESTED

12.12.2020

2 / 12 / 2020  
(Examiner)  
District Court Peshawar

(21)


Statement of Ayesha Rafique Advocate, local commissioner.

I was appointed as local commissioner by this honorable court for recording statement of legal heirs of the deceased namely Zahid Ullah. Accordingly I visited their house and recorded their statement wherein they have stated that they have patched up the matter with the accused party and pardoned them in the name of Allah Almighty and they have got no objection on the confirmation of BBA petition as well as their acquittal later on. One Arshed S/O Zahid Ullah (deceased) has also identified the legal heirs of the deceased. My commission report is attached with the statement of legal heirs of the deceased.

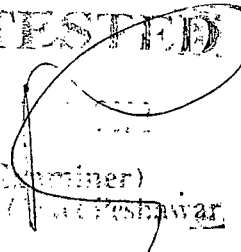
R.O & A.C

22/12/2020

  
Ayesha Rafique Advocate,  
local commissioner.

  
Nasrullah Khan  
Additional Sessions Judge-XV,  
Peshawar.

22.12.20

ATTESTED  
  
(Attester)  
District (Peshawar)

رپورٹ اہل کمیشن

*[Handwritten signature]*

منہج عالیہ رفیق ایڈولٹ پشاور اہل کمیشن مقرر کردہ جناب  
 نسر اللہ خان آئی آر صاحب پشاور ذمیر حکم / order مورخہ  
 15/10/20 کو اہل کمیشن مقرر ہوئی۔ من اہل کمیشن نے موقع پیر جانے  
 مسما تان زبیا 2، فاطمہ 3، حلیمہ 4، عائشہ دختر ان زبید اللہ متوفی  
 5 مسماۃ جمشیدہ بیوہ زبید اللہ کو آنک و الر متوفی زبید اللہ گھر  
 موجود یا یا جملہ خواتین سے مشترک بیان ریکارڈ کیا۔ اصل بیان  
 ہمراہ رپورٹ اہل کمیشن ہے) بیان مشترک کی تصدیق برط  
 بھائی مسما تان مسمی ارشدہ ولد زبید اللہ سے کردائی گئی۔ تمام مسما تان  
 کا اصل شناختی کارڈ چیک ٹیگ ٹک نشان انڈسٹری / دستخط و شناختی  
 کارڈ نمبر زبیر خیر ٹیگ ٹک اندر ایک سے شناختی کارڈ کی  
 فوٹو کاپی مشترک ایسیاتہ ٹیگ ٹک لیزر رپورٹ اہل  
 کمیشن غرقین خدمت پیش بعد الت حفوظ ہے۔

*[Handwritten notes and dates]*  
 24/11/2020

اہل کمیشن

عائشہ رفیق ایڈولٹ پشاور

*[Handwritten signature]*

ARRESTED  
 21/11/20  
 (Deputy)  
 District Court Peshawar

مشترک بیان پر رہنمائی خواہش

9

مایانگ مسماں لا زبازوجہ نفسیر خان بچہ

38 سال (1) قالم 31 سال زوجہ منگور (3) حلیم

زوجہ ماجد بچہ 59 سال (4) مسماة عائشہ زوجہ

شاہد بچہ 21 سال دختران منوم زاید اللہ ولد عمر خان

(5) مسماة جمشیدہ بیوہ زاید اللہ ساکنان سلیمان خیل تحصیل

وقلع پشاور عامل و بالغ ہیں بیان کرتے ہیں کہ ملزمان

فرمان اللہ ولد روح اللہ (6) مسعود ولد شمس القمر (3)

راحت اللہ ولد محمد عمر (4) محمد اسماعیل ولد محمد ابراہیم ساکنان

سلیمان خیل کو مقدم عدالت نمبر 970 مورخہ 18/12/2019

زیر دفع 302/34 نقانہ بڑھ پیر میں ملزمان گردانہ  
PPC

گئے ہیں۔ کو برٹ جبرگ اور بر رفائے العی معاف کرتے ہیں

چنگ خلاف اب بیماری کوئی دعوہ داری نہ رہی ہے۔ اگر

عدالت حضور ملزمان کی BBA لفٹم کر دے یا ملزمان کو

مقدمہ نہ اسے بری کر دے تو ہمیں کوئی عذر دوا کرتا نہیں

ہوگا۔ ہم مسماں نے مشترک بیان رو بہرہ اہل کمشن

(جاری ہے)

Handwritten notes and signatures on the right side of the page.

ATTESTED  
Examiner  
District Court Peshawar

محترم عائشہ رفیق ایڈولٹ رافقی نامہ درج میں حبیبی  
 تقدیر ہم صمائان ایڈولٹ بہائی ارشد ولد زائدہ اللہ  
 نے بیروبرو اہل کمنشن کی بیمار اصلہ زمان کا BBA کفرم سوئے  
 یا مقدمہ سے برہی سوئے پر کوئی غررو اعتراف نہیں۔  
 یہی بیمار ابیان ہے جو ہم درست ہے

العبد  
 فاطمہ زوجہ منگور  
 17301-1188387-6

العبد  
 زینب زوجہ فقیر خان  
 17301-0662065-2

العبد  
 عائشہ زوجہ شاید  
 17301-7769496-6

العبد  
 تنہا زائدہ ارشد  
 حلیم زوجہ ماجد  
 17301-1382290-5

العبد  
 جمشیدہ بیوہ زائدہ اللہ  
 17301-6430177-0

تقدیر کنندہ  
 ارشد ولد زائدہ اللہ (متوفی)  
 17301-1382290-5

ایڈولٹ عائشہ رفیق اہل کمنشن

ATTESTED  
 1922  
 District Court, Peshawar



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Joint Statement of

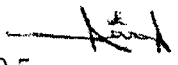
- 1. Muhammad Arshed
- 2. Asad Ullah
- 3. Irfan khan
- 4. Hamza son of Zahid khan ( sons of the deceased all residents of Suliman Khel District Peshawar on oath:

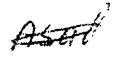
وہم ذیل کے افراد کو ایصال / عیب /


Stated that we are the LR's of the deceased in case FIR NO. 970 dated 18/12/2019 of Police Station Badaber u/s 302/34 PPC wherein, we have charged the accused namely Farman Ullah , Rahat Ullah, Muhammad Masood khan and Muhammad Ismail the commission of offence.

Now through the intervention of the elders of the locality we have patched up the matter with the accused /petitioners and pardoned them in the instant case in the name of Allah Almighty . To this effect we dully submitted an affidavit which is EXPA and proforma of Qisas and Diyat is ExPB are duly signed by us and PO. We have waived of our right of Qisas and diyat. We have no objection if the BBA petition of the accused/ petitioners is confirmed as well as acquittal of the accused named above later on from the charges leveled against them. on the basis of compromise by this court . Our CNIC copies are ExPC and ExPF are placed on file .

R.O & A.C  
22/12/2020.

1. Muhammad Arshed   
CNIC NO. 17301-1382290-5

2. Asad Ullah   
CNIC No. 17301-8480489-3

3. Irfan khan   
CNIC No. 17301-8285391-9


4. Hamza son of Zahid khan ( sons of the deceased )

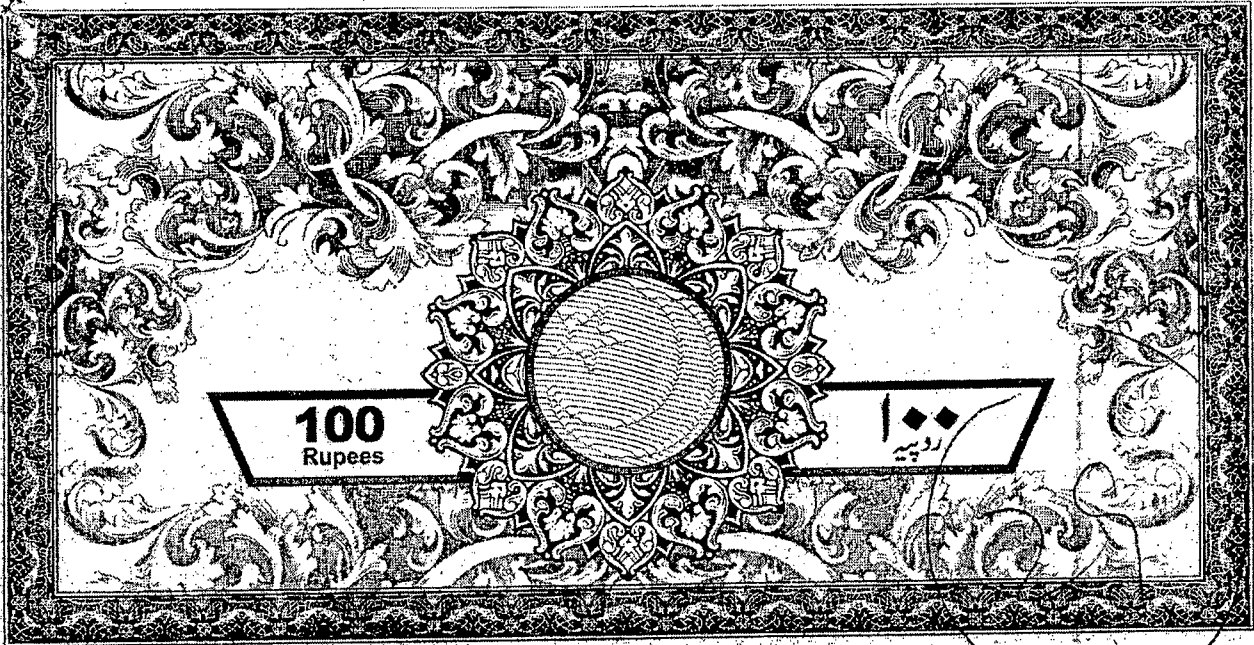
Identified by 

5. Muhammad Arshed  
CNIC NO. 17301-1382290-5



ATTESTED  
22/12/2022  
(Examiner)  
District Court Peshawar

  
(Nasrullah Khan )  
ASJ-XV, Peshawar  
22/12/22



AFFIDAVIT/COMPROMISE DEED

- I, Waqif Ullah son of Faridullah resident of Shori Khel PO: Badaber Suleman Khel, Peshawar do hereby solemnly affirm and declare on Oath as under :-
- That I have lodged the report against the accused namely <sup>Rahatullah S/O M. Umar Khan</sup> 1. Farmanullah S/O Rookhullah 2. Muhammad Masood S/O Shamsul Qamar 3. Muhammad Ismail son of Muhammad Ibrahim R/O Shori Khel PO: Badaber, Suleman Khel, Peshawar for effected killing of ZAHID ULLAH (Decd) S/O UMAR KHAN. In consequence thereof FIR No.970 dated 18.12.2019 U/S 302/34 PPC in P.S Badhaber.
  - That now through the intervention of elders of locality I and other legal heirs have patched up the matter with the accused party and forgiven them unconditionally by the name of Allah Almighty.
  - That the accused named above have applied for their BBA/acquittal in the instant case, if this Hon'able court confirm BBA/acquitt them we have no objection, as we have forgiven them and do not want to proceed further in the instant case.

Whatever stated above are true and correct to the best of our knowledge and belief and nothing has been concealed or mis-stated therein.

Dated: \_\_\_\_ .10.2020

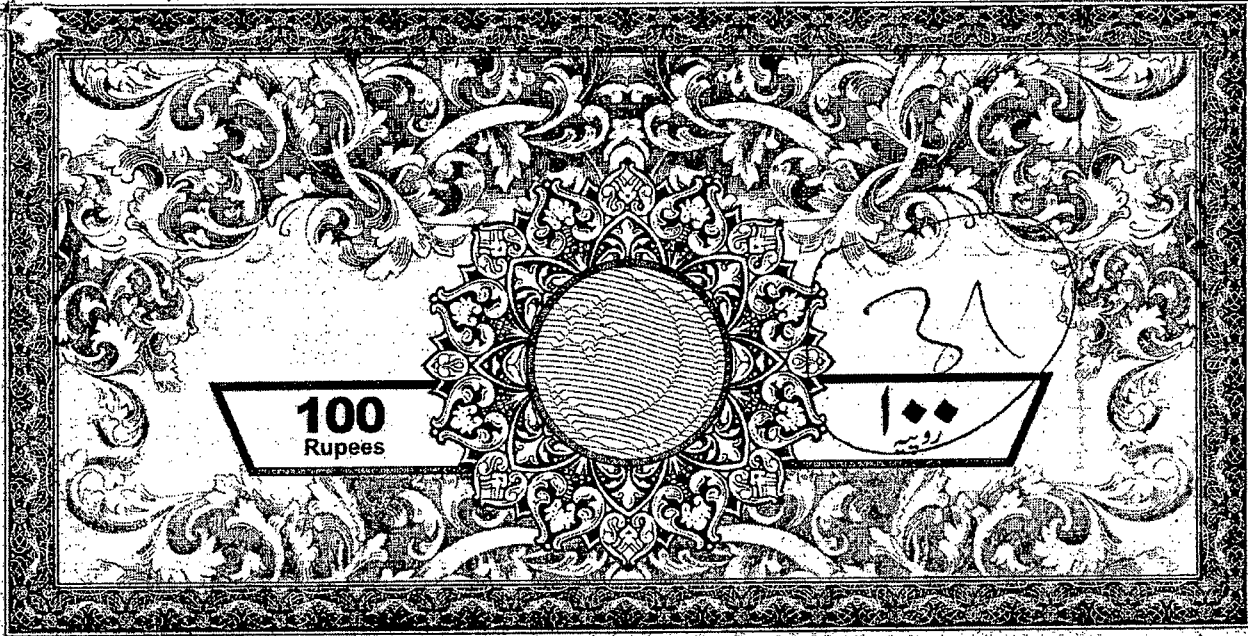
EXECUTANTS,

- |  |                           |               |
|--|---------------------------|---------------|
| <u>WITNESSES/ELDERS OF LOCALITY</u> 1. | WAQIF ULLAH NIC NO: _____ | (Complainant) |
| 2. <u>BAHR UL AMIN</u> S/O             | MUHAMMAD ARSHAD _____     | (sons of      |
| <u>AMIN UL HAQ</u>                     | ASADULLAH _____           | Deceased)     |
| NIC NO: <u>17301-8663197-1</u>         | 3. IRFANULLAH _____       | "             |
|  | 4. HAMZA _____            | "             |
| 2. <u>KICAYAT</u> S/O                  | 6. Mst. Zaiba _____       | (Daughters of |
| <u>LUTE UR REHMAN</u>                  | 7. Mst. Fatima _____      | Deceased)     |
| NIC NO: <u>17301-9255706-1</u>         | 8. Mst. Haleema _____     | "             |
|  | 9. Mst. Ayesha _____      | "             |
|  | 10. Mst. Hamsheeda _____  | (Widow of     |
|  |                           | Deceased)     |

ATTESTED

(Examiner)

District Court Peshawar



*[Handwritten signature]*

- (c) In case of Daman (whether a specific request made no court for determination of the amount. Not applicable
- 8. (a) Name(s) of the minor(s) heirs of the deceased with full particulars of the guardian and his/her relationship. No minor thus not applicable  
 (b) Steps taken to safeguard/protect of minors/woman, heirs of the deceased. Not applicable
- 9. Mode of payment of Diyat, Arsh & Daman. The amount of Diyat has been forgiven in favour of accuseds.
- 10. Certificate from the MNA/MPA/Magistrate/Member Local Council/Chairman, Union Council in proof of correctness of particulars of the heirs.
- 11. Affidavit by each heir of the victim(s) and/or injured certifying waiving or compounding against receipt of "Badl-e-Budh" or Arsh or otherwise. Attached.
- 12. Financial position of the :- *[Signature]* Both the parties are poor.
  - (a) Accused. *Rahat* 1. Farmanullah 2. Muhammad Masood 3. Muhammad Ismail *[Signature]*  
 4. Rahatullah s/o Muhammad Umar Khan.
  - (b) Deceased's heir(s). 1. Mst. Jamsheed (Widow of Deed) *[Signature]*  
 2. Muhammad Arshad 3. Asadullah 4. Irfanullah  
 5. Hamza (sons of Deceased)  
 6. Mst. Zaiba 7. Mst. Haleema 8. Mst. Fatima  
 9. Mst. Ayesha (Daughters of Deceased)

Signature of the Accused.

Signature of the Learned Counsel/AORs For the Parties/Complainant.

ELDERS OF THE ILLAQA.

- 1. BAHR UL AMIN s/o AMIN UL HAQ  
NIC NO: 17301-8663197-1
- 2. KIRAYAT s/o LUTE UR REHMAN  
NIC NO: 17301-9255806-1

*[Handwritten signature]*

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IN THE COURT OF MR. NASRULLAH KHAN  
ADDITIONAL SESSIONS JUDGE-XV, PESHAWAR  
STATE.....VS..... Farman Ullah etc etc  
BBA No 257 OF 2020

ORDER  
22/12/2020

1. Shehryer khan, APP for the state present. Counsel for the accused / petitioner also present. Legal heirs of the deceased and complainant present. Local commission also present and submitted her report which is placed on file.
2. The accused/petitioner namely Farman Ullah S/o Rooh Ullah seeks confirmation of his pre arrest bail in case FIR No.970 dated 18/12/2019 registered under section 302/34PPC at Police Station Badaber, Peshawar.
3. On 22/12/2020 legal heirs namely Muhammad Arsehd, Asad Ullah, Irfan Ullah and Hamza sons of Zahid khan (sons of the deceased) and complainant/injured namely Waqif Ullah appeared before the court and alleged compromise and they submitted compromise deed along with proforma of Qisas and diyat. To this effect joint statement of legal heirs namely Muhammad Arsehd, Asad Ullah, Irfan Ullah and Hamza sons of Zahid khan and complainant Waqif Ullah were recorded wherein they have stated that they have patched up the matter with the accused/petitioner and pardoned him in the name of Almighty Allah by waiving off their right of Qisas and diyat, Arsh and Daman and has got no objection if pre-arrest bail granted to the accused/petitioner is confirmed. The affidavit is ExPA ,

ATTESTED  
[Signature]

22/12/2020

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Q

Proforma is ExpB and copies of CNiCs are ExPC to ExPF are placed on file .

4. Similarly joint statement of female legal heirs of the deceased also recorded through commission duly identified by Arsehd S/O Zahd Ullah ( deceased). The commission report is Exp/A. Joint statement of female LR's of the deceased is ExpB/1 .

5. Since the offence with which the accused/petitioner is charged is compoundable in nature and the compromise seems forthright and genuine. Hence, accepted and pre-arrest bail already granted to the accused/petitioner on 04/09/2020 is hereby confirmed on the basis of compromise on the existing bail bonds.

6. File be consigned to record room after necessary completion.

Announced:  
22/12/2020

Q

(Nasrullah Khan),  
Additional Sessions Judge-XV,  
Peshawar.

22.12.2020

CERTIFICATE OF TRUE COPY

Copied by District Court  
Peshawar.

No.	16932
Dated of	22-3-2021
Name of	Ullah
Word	P-14
Fee	
Sign	[Signature]
Dated of	22-3-2021
Dated of	22-3-2021

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ANNEX (E)

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

In partial modification of this office Suspension Order issued vide Endst: No.6692-94, dated 06/06/2020, the suspension allowance is hereby allowed under the rules in favor of Mr. Farman Ullah S.PET GSSGHSS No: 02 Peshawar Cantt., if he is regular, on duty and not absconder.

**DISTRICT EDUCATION OFFICER**  
**(MALE) PESHAWAR**

Endst: No: 3848-50 Estb:CT/DM/PET/ Dated 10 / 12 /2020

Copy of the above is forwarded to the :-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Principal GSSGHSS No: 02 Peshawar Cantt: for necessary action.
3. CCPO Peshawar w/r to his No:4252/SRC dated 26/02/2020.

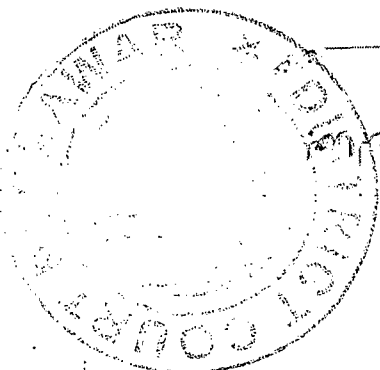
**DY: DISTRICT EDUCATION OFFICER**  
**(MALE) PESHAWAR**

District Court Peshawar  
(Exhibits)

ATTESTED

Date	Case No.	Page No.	Description
01	01-01	01	...
02	05-02	02	...
03	07-06	03	...
04	10-08	04	...
05	77-11	05	...
06	98-78	06	...
07	101-99	07	...
08	102-102	08	...
09	155-123	09	...

155  
 11.06.2021  
 CH/SC



ANNEX

(F)

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پر ڈھنڈھوں سے گزارات کرنا زخمی کرنا کا برخلاف ملزمان مسعود و راحت د اسماعیل مسلمان دھید آتش دعویری  
 کی آگ سے متعلق کے کاغذات سرگت تیار کرتا ہے فرضاً پوسٹ مارٹم زیر حفاظت تفتیش غلطی 4832 1074 بمبئی  
 بدلی کی رپورٹ مندرجہ ذیل میں لاکر مشعل مراملہ کھانہ بھجوا یا جس پر منظم ہذا درج رجسٹر ہو کر دیگر یگانہ آگ  
 نے تفتیش کرتا ہوئے ہوئے جا کر نقشہ موقع بلا کیل عمربک کرتا موقع سے عینی فون آلود اور ایک زفرہ کارڈ ٹیس 30  
 بورڈ ٹھاکر بندر پارٹیل سر پر بھگرتا بردے فرد عقبہ پوسٹ کی ملزمان کی خانہ تک شہر میں لاق ہا کر فر دکان  
 ملک شہر کی ملزم راحت اللہ گزشتہ کا 2 یوم مر است پوسٹ حاصل کرتا انٹار وٹیس تھا گیا ملزم کا بیان  
 زیر ذمہ 161 صفحہ اولیہ کرتا عدالت میں ملزم کا بیان اولیہ نہ ہو سکا جسکو ہزاریم وارنٹ ملزم کی جیل آگ اور میں جمع  
 کیا گیا ملزم کے متعلق کے بارے میں فون آلود اور عینی فون آلود بعض دیگر ملزمان بھی ہوئے۔ رائے ملزم کے حصول  
 ہو چکی ہے۔ ملزم عمران اللہ عدالت سے BBA کر کے جس میں سماعت شروع تھی کہ دوران سماعت ملزم کا وکیل نے  
 دفعہ گوی سے قائم کے کہ عدالت کو بتلایا کہ ملزم عمران اللہ کو پولیس نے کالم نمبر 2 میں ڈال دیا ہے۔ بدیں وجہ اپنا BBA  
 آرڈر وید ڈرا گیا۔ ملزم مسعود اور اسماعیل کے خلاف پہلے ہی کاروائی رو پوش مکمل ہو چکی تھی۔ ملزم عمران  
 اللہ کے خلاف بھی کاروائی رو پوش مکمل ہو چکی ہے۔ اور حکمہ تعلیم کو ملزم عمران اللہ کے خلاف کھٹانہ کاروائی  
 پہلے درخواست کر رہی تھی ہے۔ منظم میں دیگر تفتیش مکمل ہے۔ سہ اعتبار سے اس وقت کو بیان مندرجہ پیش  
 خانہ عسکر کے برخلاف ملزم راحت اللہ چالان مکمل ہے۔ ملزمان عمران اللہ مسعود اور اسماعیل کے  
 چالان مکمل زیر دفعہ آگ سے دیا جاتا ہے۔ سماعت فرماتی جائے۔

۳۳

ATTESTED

Sho Ps B. BR.  
 22.2.2020

13/2/20

ایگزیرل پولیس سروس کا دفتر، لاہور

ممبران پولیس سروس، لاہور، 20.06.2011 (تاریخ) (نام سٹیٹس) (پولیس)

فارم نمبر ۲۳-۱۵ (۱)

کاؤنٹر فائیل

### ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست آہنی پولیس رپورٹ شدہ زیر دفعہ ۱۵۴ مجموعہ ضابطہ فوجداری

	تھانہ	بڈ نمبر	ضلع
			لہور
	۲	۹۷۵	تاریخ
			۱۸/۱۲/۱۷
۱-	تاریخ و وقت رپورٹ		
۲-	نام و سکونت اطلاع دہندہ مستفیث		
۳-	مختصر کیفیت جرم (معدومہ) حال اگر کچھ لیا گیا ہو۔		
۴-	جائے وقوعہ حاصلہ تھانہ سے اور سمت		
۵-	نام و سکونت ملزم		
۶-	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہو تو وجہ بیان کرو		
۷-	تھانہ سے روانگی کی تاریخ و وقت		

### ابتدائی اطلاع شیخ درج کروڑ سسٹیشن رپورٹ

جوتھ ۵۵۵ ریلوے ایک فٹری وریسل بنوانے  
 اختیار احمد ASI سے وصول ہونے والی ہے۔ بخیرت خان۔ یہی صاحب تھانہ بدھو  
 حسب اطلاع HMC ۱۲۱۔ مقتول زبیر اللہ ولد علی خان بھدر ۶۳ سالہ ساکن سکونہ خیابان شہری  
 ولد زبیر خان بھدر ۲۵ سالہ ساکن سکونہ خیابان شہری، مقتول زبیر اللہ ولد علی خان بھدر ۶۳ سالہ ساکن سکونہ خیابان شہری  
 بنام گجولی HMC لایا جائے جسر درج واقفہ اللہ باہ بقاعی دست پریش و حوالہ یوں رپورٹ  
 کرتا جیہ کہ سرور میں بلج چچا ام حقول زبیر اللہ ۵۵، والد ام فرید اللہ ولد زبیر اللہ خان بھدر  
 ولد شمس القدر، واقعہ اللہ محمد عبد، اسماعیل ولد ابراہیم، فرمان اللہ ولد  
 روح اللہ ولد سلیم القدر سے چچا ام زبیر اللہ پر با ارادہ قتل نامی ٹرک سے جیلے نامی ٹرک  
 سے چچا ام زبیر اللہ ٹرک گر شدہ یہ زخمی ہوا، جس کو لیڈرل عداج صالح ہسپتال HMC  
 لار دیا تھا۔ بخیرت خان کے تاب نہ آکر راستہ میں جاں بحق ہوا۔ جیلے میں اور فرید اللہ  
 والد ام جیلے چچا زاد ام فرمان اللہ ولد سلیم مسعود ولد شمس القدر، واقعہ اللہ دار  
 قہر، اسماعیل ولد ابراہیم کی طرف سے من گھڑات سے ٹکر کر سر پر  
 شدہ یہ زخمی ہوا۔ وہ تمام ملزمان کو ساتھ جاٹھیرا دیا گیا ہے۔ وہ  
 میرا عدادہ فرمان اللہ، نرید اللہ والد ام چچا ام زبیر اللہ پر با ارادہ قتل نامی ٹرک سے  
 جیلے نامی ٹرک سے ملتا، زخمی ہونا اور جان بحق ہونا ملزمان کے

خبرنامہ اللہ ولہ رو 7 اللہ احمد اپنے آپ، والدین اور فریاد اللہ چچا زاد ادا سرنامہ اللہ  
 پیر ڈنڈوں سے زارت کر کے زخمی پیرنا کا مہرہ ان مسعود ولد سمن اللہ، راجہ اللہ  
 دلہ شہر، اسحاق خیل ملہ ابراہیم ساکنان میں نے خیل ماٹو خیل وغورہ اہویں، دستخط  
 اردو واقعہ اللہ مارواٹی پولیہا حسب لفتہ سائل رپورٹ درج 7 بہ بیوکر پڑھ کر سنایا کھانا  
 درست لکھ کر کے ذمیر بیان خود دستخط کیا، جسکی معالہہ کن مرتابوں جھنڈل زاپیر  
 ماہر ذرات میں بنا کر کے ان میں لوستے سارے ذمیر حفاظت کیسبل علیحدہ 18/12/19  
 سے 19/12/19 تک پھیرا جاتا ہے۔ جبکہ قبر و صین واقعہ اللہ، فریاد اللہ، خبرنامہ اللہ لکھتے  
 ضرور جانے مرتبہ کر کے بھرتی 18/12/19 صا کھ ان ڈیوٹی ڈاکٹر 18/12/19 صا کھ لکھتے  
 لکھتے ضرور پیر ڈاکٹر صا کھ نے پیر و سمن جری وارڈ ریفیز کر کے رائے لکھی  
 پیر کیا، جبکہ واقعہ اللہ، خبرنامہ اللہ لکھتے اللہ لکھتے پیر رائے Simple لکھی  
 پیر گیا، صین رپورٹ سے صورت جو 7 بہ کاپیائی جاکر مراسلے بھرتی نامی مقررہ رسالہ  
 ہے، ان میں کسین سٹاف جاو، لکھتے صا کھ جاو، دستخط اللہ میں امتیاز اللہ  
 جنم 18/12/19 مارواٹی قانہ اہدہ کٹر پیری مراسلے لکھ کر پیر درج 7 بہ بیوکر 18/12/19 صا کھ  
 لکھتے پیر لکھتے، اس میں 7 بہ کے لکھتے صا کھ لکھتے پیر پیر چچا پیر لکھتے  
 لکھتے پیر لکھتے پیر لکھتے پیر لکھتے پیر لکھتے پیر لکھتے پیر لکھتے پیر لکھتے  
 لکھتے پیر لکھتے پیر لکھتے پیر لکھتے پیر لکھتے پیر لکھتے پیر لکھتے پیر لکھتے

Mplam Jan  
 Sk. PS. PDP  
 18/12/19

ملکے طان لکھتے  
 301-88-044

اطلاع کے نیچے اطلاع دہندہ کا دستخط ہوگا یا اس کی مہر یا نشان لگا یا جائے گا۔ اور اگر تحریر کنندہ ابتدائی اطلاع کا دستخط بطور تصدیق ہوگا۔ حروف الف یا ب سرخ روشنائی سے بانٹا بل نام  
 ایک ملزم یا مشہور علی الترتیب واسطے باشندگان علاقہ غیر یا وسط ایشیا یا افغانستان جہاں موزوں ہوں، لکھنا چاہئے۔

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A

STATEMENT OF FARID ULLAH S/O UMARA KHAN R/O  
SULIMAN KHEL, PESHAWAR ON OATH.

I am injured of case FIR No. 970 dated 18/12/2019 u/s  
302/34 PPC of Police Station Badabair, Peshawar wherein the  
complainant namely Waqib Ullah S/O Farid Ullah had  
charged accused Farman Ullah, Ismail, Masood and Rahat  
Ullah for the commission of offence

Now through the intervention of the elders of the  
locality I have patched up the matter with the accused named  
above and have pardoned them in the name of Allah Almighty.  
The compromise is genuine and was effected without force and  
coercion. Now I have got no objection on their acquittal from  
the charges leveled against them. My copy of CNIC is ExPA is  
placed on file.

RO & AC  
20-03-2021

FARID ULLAH S/O UMARA KHAN  
(injured) CNIC No. 17301-0424282-1

(Nasrullah Khan)  
Addl: Sessions Judge-XV,  
Peshawar

20.3.2021

ACCEPTED

AG

(Examiner)  
District Court Peshawar

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8

IN THE COURT OF NASRULLAH KHAN  
ADDITIONAL SESSIONS JUDGE-XV, PESHAWAR  
STATE...VS.... Rahat Ullah etc  
CASE NO.04/SC OF 2020

ORDER  
20/03.2021

1. Javed Ali, learned Dy PP for the state present. Accused Ismail, Rahat Ullah, Msood and irfan Ullah on bail present. Injured Friid Ullah also present with counsel. .

2. The accused namely Farman Ullah S/O, Roohullah, Ismail S/O Ibrahim , Masood S/O Shamsur Qamar and Rahat Ullah Muhammad Umar all r/O Badaber have been put to trial in case FIR No.970 dated 18/12/2019 registered U/S 302/34/ 512 PPC at Police Station Badaber, District Peshawar.

3. Today Farid. Ullah S/O Umara khan injured has appeared and alleged compromise. He stated that through intervention of elders of the locality, he has patched up the matter with the accused and pardoned them in the name of Great Almighty Allah by waiving off his right of Arsh and Daman and has got no objection if the accused is acquitted of the charge. The copy of CNIC is ExPA is placed on file.

20-3221

ATTESTED



(Attaining)  
District Court Peshawar

4. On 27/12/2020 statements of female legal heirs of the deceased recorded through commission wherein they have stated they have patched up the matter with the accused and pardoned

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them in the in the name of Great Almighty Allah by waiving off their right of Qisas and Diyat and has got no objection if the accused is acquitted of the charges. The attested copy statement is placed on file,

5. Similarly on 22/12/2020, male legal heirs ( sons) of the deceased have also has appeared and alleged compromise. He stated that through intervention of elders of the locality, they have patched up the matter with the accused and pardoned them in the name of Great Almighty Allah by waiving off their right of Qisas and Diyat and has got no objection if the accused is acquitted of the charge. To this effect photocopy of the statement is placed on file.

20 03 2021

7. Since the offences with which the accused are charged is compoundable in nature and the compromise seems forthright and genuine. Hence, accepted and accused namely Farman Ullah S/O

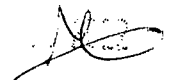
Roohullah, Ismail S/O Ibrahim, Masood S/O

Shamsur Qamar and Rahat Ullah Muhammad

Umar r/O Badaber is hereby acquitted of the charge on the basis of compromise.

8. Accused are on bail, hence their bail bonds are cancelled and sureties are absolved from their liabilities.

ATTESTED



Officer  
Peshawar

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9. Case property shall be kept reserved till the expiry of period of appeal/revision.

10. File of this court be consigned to Sessions record room after necessary completion and compilation.

ANNOUNCED.  
20/03/2021

(Nasrullah Khan),  
Additional Sessions Judge-XV,  
Peshawar.

20/3/22

CERTIFIED TO BE TRUE COPY

Copying Party District Court,  
Peshawar.

22/3/22

No.	16933
Date	22/3/22
Name	میرزا
Words	فان
Page	P-09
Signature	[Signature]
Date of Issue	22/3/22
Date of Receipt	22/3/22

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ANNEX (G)

**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PESHAWAR**  
**NOTIFICATION.**

In pursuance of the decision of the Honorable Additional Session Judge - XV, Peshawar, Dated 20/03/2021, in the case FIR No.970, dated 18-12-2019, u/s 302-34, Police Station Badaber, Peshawar, and the competent authority is pleased to reinstate Mr. Farman Ullah (SPET) GSSGHSS Peshawar Cantt: w-e-f, 18-12-2019.

His Absconder/ intervening period will be decided later on.

**DISTRICT EDUCATION OFFICER**  
**(MALE) PESHAWAR**

Endst: No: 2107-2110 /Estb:CT/DM/PET/ Dated 10 / 04 /2021

Copy of the above is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Principal GSSGHSS No: 02 Peshawar Cantt: w/r to his No. 1980, Dated 27/03/2021, for necessary action.
3. CCPO Peshawar w/r to his No: 4252/SRC dated 26/02/2020.

**DY: DISTRICT EDUCATION OFFICER**  
**(MALE) PESHAWAR**



(41)

محسود جناب ڈسٹرکٹ ایجوکیشن آفیسر ضلع پشاور

عنوان :- درخواست بھرا دار ادائیگی بقایا نحوہ

ANNEX (H) جناب عالی

مودبانہ گزارش ہے کہ بندہ گورنمنٹ

شہید نقيب نخبی یا ٹری سینڈری سکول میں سینئر SPET کے پوسٹ

پر کام کر رہا ہے دفتر ہذا نے 06-06-2020 کو نوٹری سے

معطل کیا اور 10-04-2021 کو نوٹری پر حال کیا گیا۔ لیکن

اپریل 2020 سے دسمبر 2020 تک یعنی نو (9) مہینوں کے

نحوہ کے بقایا حوات باقی رہ گئے ہیں لہذا میری فوری

بندہ کو نو (9) مہینوں کی نحوہ کے بقایا حوات دینے کے

احکامات صادر فرمائیں۔  
forwards  
n/a please  
12/4/2021

Govt. Higher Secondary School  
Shahpur S. Tal. District Muz. 2  
Peshawar

شکریہ

العارض العالی

آیفوٹا بھرا دار مرمان اللہ SPET

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ANNEX (I)

**DISTRICT EDUCATION OFFICER  
(MALE) PESHAWAR**

No: 3302 /Estb:CT/DM/PET/

Dated. 15 / 09 /2021

To

The Principal,  
GSSGHSS No. 02,  
Peshawar Cantt.

Subject: **REQUEST FOR CONVERSION OF ABSENT/ ABSCONDER PERIOD AS LEAVE  
ON FULL PAY IN RESPECT OF MR. FARMANULLAH (SPET)**

Memo:

I am directed to refer to your Endst: No. Nil, Dated: 12/04/2021, on the body of the application on the subject cited and to state that request of the above named official is hereby regretted and his absconder/ intervening shall be considered and converted as Extra Ordinary Leave without pay.

The teacher concerned may be informed accordingly.

DY: DISTRICT EDUCATION OFFICER  
(MALE) PESHAWAR

Endst: No: \_\_\_\_\_ /Estb:CT/DM/PET/P:File/ Dated \_\_\_\_\_ /2021

Copy of the above is forwarded to the :-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
2. P.A to District Education Officer (Male) Peshawar

DY: DISTRICT EDUCATION OFFICER  
(MALE) PESHAWAR

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ANNEX (J)

**DISTRICT EDUCATION OFFICER  
(MALE) PESHAWAR**

No: 5778 /Estb:CT/DM/PET/

Dated. 29 / 09 /2021

To

The Principal,  
GSSGHSS No. 02,  
Peshawar Cantt.

Subject:

**REQUEST FOR CONVERSION OF ABSENT/ ABSCONDER PERIOD AS LEAVE  
ON FULL PAY IN RESPECT OF MR. FARMANULLAH (SPET)**

Memo:

I am directed to refer to your Endst: on the footer of the application in respect of the above named official of your school, Dated: 22/09/2021, on the subject cited above, and to state that let this office know whether the said SPET was present or absconder during the period w-e-f 01-04-2020 to 01-12-2020. If remained present then a copy of the attendance register may be provided to this office.

DY: DISTRICT EDUCATION OFFICER  
(MALE) PESHAWAR

Endst: No: \_\_\_\_\_ /Estb:CT/DM/PET/P:File/ Dated \_\_\_\_\_ /2021

Copy of the above is forwarded to the :-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
2. P.A to District Education Officer (Male) Peshawar

DY: DISTRICT EDUCATION OFFICER  
(MALE) PESHAWAR

خدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر مردانہ ضلع پشاور  
اپیل برائے تنخواہ

گزارش ہے۔ بحوالہ آپ صاحبان کے مراسلہ نمبر 8778 بتاریخ 29-09-2021 موصول ہو چکا ہے۔ جس میں کہا گیا کہ دوران روت بتاریخ 01-04-2020 سے 31-12-2020 سائل نے سکول میں ڈیوٹی کر چکا ہے یا نہیں۔ جناب عالی سائل کو بے گناہ دعویداری میں ملوث کیا گیا تھا۔ جس کی وجہ سے سائل مندرجہ بالا پیریڈ میں ڈیوٹی نہ کر سکا۔ اور اس کے پور عدالت عظمیٰ نے سائل کو باعزت طور بھی بری کر دیا ہے۔ اور رولز کے مطابق جس ملازم کو باعزت بری کیا گیا ہو وہ FR-54 رولز کے تحت غیر حاضری پیریڈ کی حقدار ہے اور اسی وجہ سے اور بھی اساتذہ کرام کو یہ حق دیا گیا اور اس کے علاوہ میرے کیس کی انکواری بھی ہو چکی ہے۔ جس میں انکواری آفیسر نے بھی تنخواہ دینے کی سفارش کی ہے۔ فوٹو سٹیٹ کا پی SR-54 (Est. Code) اور دیگر آرڈر اور عدالتی فیصلہ منسلک ہیں۔

لہذا آپ صاحبان مندرجہ بالا حقائق کو مدنظر رکھ کر سائل کو 1-4-2020 سے 31-12-2020 کی پیریڈ کو غیر حاضری کو حاضری میں بھی تنخواہ دینے کا حکم صادر فرمائیں

العارض

forwards  
w/a please

06-10-2021  
Vice Principal  
Govt. Higher Secondary School  
Shahood Sahib Ghani No. 2  
Peshawar Cantt.

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ANNEX (K)

**DISTRICT EDUCATION OFFICER  
(MALE) PESHAWAR**

No: 10789 /Estb:CT/DM/PET/  
Dated: 06/11 /2021

To

The Principal,  
GSSGHSS No. 02,  
Peshawar Cantt.

Subject: **REQUEST FOR CONVERSION OF ABSENT/ ABSCONDER PERIOD AS LEAVE  
ON FULL PAY IN RESPECT OF MR. FARMANULLAH (SPET)**

Memo:

I am directed to refer to your Endst: No. Nil, Dated: 06/10/2021, on the footer of the application on the subject cited and to state that request of the above named official is hereby regretted and the decision of this office vide this office letter No. 3302, Dated: 15/09/2021, still stands.

The teacher concerned may be informed accordingly.

DY: DISTRICT EDUCATION OFFICER  
(MALE) PESHAWAR

Endst: No: \_\_\_\_\_ /Estb:CT/DM/PET/P:File/ Dated \_\_\_\_\_ /2021

Copy of the above is forwarded to the :-

1. Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. P.A to District Education Officer (Male) Peshawar

DY: DISTRICT EDUCATION OFFICER  
(MALE) PESHAWAR

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ANNEX (2)

TO,

**THE DIRECTOR,  
ELEMENTARY AND SECONDARY EDUCATION,  
PESHAWAR.**


Subject: DEPARTMENTAL REPRESENTATION AGAINST THE  
ENDORSEMENT NO. 10789 DATED. 06-11-2021.

Respected Sir!

**(The appellant most humbly submits as under)**

1. That the appellant is appointed as S.PET at GSSGHSS No. 2 Peshawar Cantt.
2. That the appellant was charge in a false case FIR No. 970 charged U/S 302-34/PPC Dated. 18-12-2019 of P.S Badabher Peshawar. In result the appellant was suspended from his service vide Endst No. 6692-94 Dated. 06-06-2020 till the final order of the Court.
3. That the appellant got acquittal from Hon'ble Court and vide Endst No. 8107-8110 Dated. 10-04-2021 the appellant was reinstate to service but vide Endst No. 10789 Dated. 06-11-2021 the appellant was regretted from payment of outstanding pay and other allowances for the period of his suspension.
4. That it is pertinent to mention here that at the time of occurrence the appellant was present on duty and was falsely charged in the above mentioned FIR and the same fact is proved from the attendance register of the school.
5. That when the appellant came to know regarding the said FIR so he filed Bail before Arrest Application and got interm Bail by the Court, and through intervention of elders of locality the matter was patched up and the complainant party had no claim against the applicant thus the BBA was confirmed and latter on applicant was Honourably acquitted by the hon'ble Court.

Received

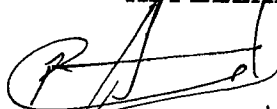
  
14/12/2021

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6. That during the course of court proceeding and Jirgah appellant suffered from financial losses, mental distress and was facing severe life threats, due to which appellant was unable to join his duty and therefore for the security reasons was absent.
7. That the absence of the appellant from duty was just because of the threats to his life of dire consequences, in fact he was regularly appearing for hearings before the court.
8. That it is also important to mention here that the section of Law incorporated in the FIR i.e section 302 PPC is a compoundable offence and the genuine compromise was affected between the parties which is duly recorded by the Court through statements of all legal heirs of deceased and the complainant. Whereas the State didn't challenge the same which clearly proves that appellant is honourably acquitted in true spirit and as per law of the land.
9. That appellant is a devoted employee of your department and has always performed his duties with perfection which can be seen from his previous record and if the same outstanding pay and allowances are not granted to him so he will suffer from irreparable losses.

It is, therefore, humbly requested that the said impugned Endst No. 10789 dated 06-11-2021 may please be set aside and the outstanding pay of the appellant for the period of his suspension/ absence be paid to the appellant.

**APPELLANT**



**FARMANULLAH S/O ROOHULLAH**  
(SPET) GSSGHSS, Peshawar Cantt

0305-9230086

Dated: 10/12/2021

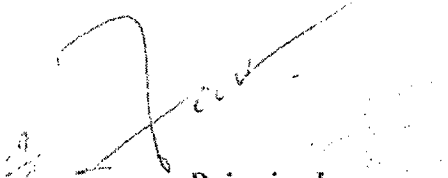
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ANNEX (M)

TO WHOM IT MAY CONCERN

OFFICE OF THE PRINCIPAL  
GOVT; SHAHEED SAQIB GHANI HIGHER  
SECONDARY SCHOOL PESHAWAR CANTT.  
No \_\_\_\_\_ Dated \_\_\_\_\_ 2019.

It is certified that **Mr. Farmanullah SPET, BPS-16** is has been working in Govt: Shaheed Saqib Ghani Higher Secondary School Peshawar Cantt since 16-8-2017 and was present at school on 18-12-2019 (08:00 AM – 02:10 PM) the day of incident.



Principal

Govt: Shaheed Saqib Ghani Higher  
Secondary School Peshawar Cantt.



# STAFF / TEACHER ATTENDANCE REGISTER

For the Month of دسمبر 2019

Name: 24 <u>مظفر الدین</u>				30 <u>محمد شفیق</u>				31 <u>سید الرحمن</u>				32 <u>قرمان اللہ</u>				
Designation: S-O				S-O				S.P.E.T				S.P.E.T				
Date	Arr.	Sig.	Dep.	Sig.	Arr.	Sig.	Dep.	Sig.	Arr.	Sig.	Dep.	Sig.	Arr.	Sig.	Dep.	Sig.
1																
2	7/50	ML	2/1	ML	7/45	ML	2/1	ML	8/15	ML	2/1	ML	8/15	ML	2/1	ML
3	7/45	ML	2/1	ML	7/45	ML	2/1	ML	8/15	ML	2/1	ML	8/15	ML	2/1	ML
4	Leave				Leave				Leave				Leave			
5	7/50	ML	2/1	ML	7/45	ML	2/1	ML	8/15	ML	2/1	ML	8/15	ML	2/1	ML
6	7/40	ML	2/1	ML	7/45	ML	2/1	ML	8/15	ML	2/1	ML	8/15	ML	2/1	ML
7	7/5	ML	2/1	ML	7/45	ML	2/1	ML	8/15	ML	2/1	ML	8/15	ML	2/1	ML
8																
9	7/10	ML	2/1	ML	7/38	ML	2/1	ML	8/15	ML	2/1	ML	8/15	ML	2/1	ML
10	7/45	ML	2/1	ML	7/45	ML	2/1	ML	8/15	ML	2/1	ML	8/15	ML	2/1	ML
11	7/5	ML	2/1	ML	7/45	ML	2/1	ML	8/15	ML	2/1	ML	8/15	ML	2/1	ML
12	8/15	ML	2/1	ML	7/45	ML	2/1	ML	8/15	ML	2/1	ML	8/15	ML	2/1	ML
13	Leave				Leave				Leave				Leave			
14																
15																
16																
17	7/45	ML	2/1	ML	7/45	ML	2/1	ML	8/15	ML	2/1	ML	8/15	ML	2/1	ML
18	7/50	ML	2/1	ML	7/45	ML	2/1	ML	8/15	ML	2/1	ML	8/15	ML	2/1	ML
19	8/15	ML	2/1	ML	7/45	ML	2/1	ML	8/15	ML	2/1	ML	8/15	ML	2/1	ML
20	8/15	ML	2/1	ML	Leave				8/15	ML	2/1	ML	8/15	ML	2/1	ML
21	8/15	ML	2/1	ML	7/45	ML	2/1	ML	8/15	ML	2/1	ML	8/15	ML	2/1	ML
22																
23																
24																
25	Winter Vacation															
26	Winter Vacation															
27	Winter Vacation															
28	Winter Vacation															
29	Winter Vacation															
30	Winter Vacation															
31	Winter Vacation															

### STATEMENT OF LEAVES TAKEN

	Sick	Casual	Previous	Total	Sick	Casual	Previous	Total	Sick	Casual	Previous	Total	Sick	Casual	Previous	Total
This Month		03				02				01				03		
Previous		09				12				12				10		
Total		12				14				13				13		

Date: \_\_\_\_\_

Signature of Head \_\_\_\_\_

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# Govt: Shaheed Saqib Ghani Higher Secondary school Peshawar Cantt

Dated: 17-12-2019

S.No	Teacher,s Name	1	2	3	4	5	6	7	8
1	عسر خان	10# B	10# A	10# C			10# E	10# D	
2									
3	عبدالرحمن	10# B	10# A	10# C		10# F	9# B		
4	/								
5	/								

Dated: 18-12-2019

S.No	Teacher,s Name	1	2	3	4	5	6	7	8
1	عنایت اللہ	7# B	7# C		7# A		6# C	7# B	10# F
2									
3	گل بیار	7# A		10# C	6# A		8# C		10# E
4	/			10# C					
5	/								

Principal

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Govt. Shabed Sagib (Cham) Higher Secondary School Peshawar Cantt.

(23)

TEACHER/STAFF MOVEMENT REGISTER

S.No	Date	Name	Design	Time of Departure	By Whom Allowed	Sign of departure	Return Time	Signature
1	18/12/2019	Mr. T. Khan	S.S	12:14			No	AS
2	11	Mr. Khan	PT	12:24	N.C.	1730166-637917	12:34	AS
3	11	Mr. Khan	S.S	12:30			No	AS
4	11	Mr. Khan	S.S	12:30			No	AS
5	11	Mr. Khan	T.T	12:34			No	AS
6	11	Mr. Khan	S.S.T	12:43			No	AS
7	11	Mr. Khan	S.S	12:53			No	AS
8	11	Mr. Khan	S.S.T	12:58			No	AS
9								
10	19/12/2019	Mr. Khan	S.S	11:40			11:53	AS
11	11	Mr. Khan	S.S	11:53			No	AS
12	11	Mr. Khan	S.S	11:53			No	AS
13	11	Mr. Khan	S.S	12:05			No	AS
14	11	Mr. Khan	S.S	12:33			No	AS
15	11	Mr. Khan	S.S.T	1:00			No	AS
16	11	Mr. Khan	P.T	1:00			1:45	AS
17								
18	23/12/2019	Mr. Khan	T.T	9:23				AS
19	11	Mr. Khan	P.T	9:23				AS
20	11	Mr. Khan	P.T	9:23				AS

11:39

11:53

65

11/5

2019-20	32. Teacher Name = FARMAN ULLAH SAHIB(SPET)						TP=21	
	1	2	3	4	5	6	7	8
	08:00-08:40	08:40-09:20	09:20-10:00	10:00-10:40	10:40-11:20	11:35-12:10	12:10-12:45	12:45-01:20
Monday		7-A(PT)		8-B(PT)			8-C(PT)	6-C(ISL)
Tuesday		" " " "		" " " "			" " " "	" " " "
Wednesday		" " " "		" " " "	9-D(PT)	7-B(PT)		7-C(PT)
Thursday			6-C(PT)		" " " "	" " " "		8-C(PT)
Friday			" " " "		6-C(ISL)			
Saturday			" " " "		" " " "		7-C(PT)	

EM/1

EM/1

*Handwritten signature*

FARMAN ULLAH SAHIB  
 SPET  
 2019-2020

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# STAFF / TEACHER ATTENDANCE REGISTER

For the Month of Sept 2021

Name		Designation: SPET													
Date	Arr.	Sig.	Dep.	Sig.	Arr.	Sig.	Dep.	Sig.	Arr.	Sig.	Dep.	Sig.	Arr.	Sig.	De
1															
2															
3															
4															
5															
6															
7															
8															
9															
10															
11	8/30	M													
12	8/31	M													
13	8/30	M													
14	8/30	M													
15	8/30	M													
16	8/30	M													
17															
18	8/30	M													
19	8/30	M													
20	8/30	M													
21	8/30	M													
22	8/30	M													
23	8/30	M													
24															
25	8/30	M													
26															
27	8/30	M													
28	8/30	M													
29	8/30	M													
30	8/30	M													
31															

WINTER VACATIONS

## STATEMENT OF LEAVES TAKEN

	Sick	Casual	Previous	Total	Sick	Casual	Previous	Total	Sick	Casual	Previous	Total	Sick	Casual	Pr
This Month		01													
Previous															
Total															

Dated

Signature of Head

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قیمت 50 روپے	111880			
Hamza Jehangir AHC ایڈووکیٹ:		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
BC-18-1153 بار کونسل ایسوسی ایشن نمبر:		رابطہ نمبر: 0323-9274572		

Learner KPK Service Tribunal Peshawar: بعدالت جناب

Appellant: <u>مخائب:</u>	Services Appeal: <u>دعویٰ:</u>
FARMANULLAH	علت نمبر: _____
نام	مورخہ: _____
DIRECTOR ELEMENTARY	جرم: _____
SECONDARY Education Peshawar	تھانہ: _____
<b>باعت تحریر آنگہ</b>	

مقدمہ صرحہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام Peshawar کیلئے Hamza Jehangir AHC کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

الرقوم: 26/03/2022

مقام \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 نوٹ: اس وکالت نامہ کی کوئی کاپی قابل قبول ہوگی۔

Farmanullah S/o Poochullah