

13th June, 2022

Clerk to counsel for the appellant present.

Counsel are on strike. To come up for preliminary hearing on 29.06.2022 before S.B.

Q


(Kalim Arshad Khan)
Chairman

29.06.2022

Appellant present in person and requested for adjournment on the ground that his learned counsel is busy in Hon'ble Peshawar High Court. Adjourned. To come up for preliminary hearing on 09.08.2022 before S.B.


(Farooha Paul)
Member (E)

~~9.8.2022~~ Due to the Public Holiday the Case
is Adjourned to 29-9-2022


Reader

13.01.2022

Nemo for appellant.

Notice be issued to appellant/counsel for 10.03.2022
for preliminary hearing before S.B.



(Rozina Rehman)
Member (J)

10.03.2022

Due to retirement of the Worthy Chairman, the
Tribunal is defunct, therefore, case is adjourned to
13.06.2022 for the same as before.





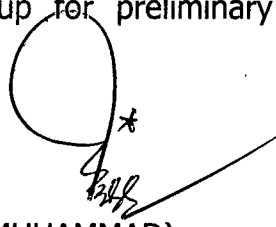
Reader.

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7454 /2021


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/09/2021	<p>The appeal of Mr.Muhammad Salman resubmitted today by Kashif Ali 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-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>23/11/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	23.11.2021	<p>Appellant in person present.</p> <p>Appellant seeks adjournment on the ground that his counsel is not available today. Adjourned. To come up for preliminary hearing on 13.01.2022 before S.B.</p> <p style="text-align: right;"> (MAN MUHAMMAD) MEMBER (E)</p>

The appeal of Mr. Muhammad Suleman Sweeper at GHS Batkhela village and post office Beatkhela received today i.e. on 06.05.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of impugned orders/letters/recommendations of respondent no. 6&7 mentioned in the heading of the appeal are not attached with the appeal which may be placed on it.
- 2- Copies of denovo departmental proceedings if initiated against the appellant may also be placed on file.
- 3- Respondent no.8 is un-necessary party which may be deleted from the list of respondents.

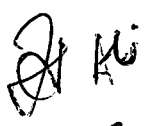
No. 795 /S.T.

Dt. 07/05 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Kashif Ali Advocate,
District Court Swat.

Sir
This file is resubmitted for extension of time. Please extend the time for removal of the objections.


Kashif Ali Adv., Swat.
7/9/2021

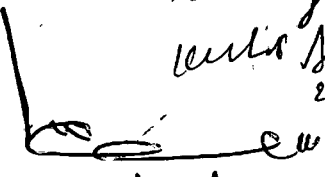
⑩ days time further extended.


7/9/2021.

Sir, This file is resubmitted for extension of time

please extend the time for competing to file

⑤ days time further extended.


22/9/2021.

Sir,

This file is resubmitted after completion.

The inquiry report is attached on page 17A.

Please put up the file before Bench for disposal.

Z Ali

23/9/21

Khashif Ali Khan
Adv. Swat

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, AT PESHAWAR.

7454/2021

Muhammad Salman, Sweeper at Government High School
Batkhela, Village & P/O Batkhela, District Malakand.

(Appellant)

V E R S U S


The District Education Officer (M) Malakand at Batkhela &
others

(Respondents)

I N D E X

S.NO.	DESCRIPTION OF DOCUMENTS	Annexure	PAGES
1.	Appeal with affidavit	-	1-6
2.	Addresses of the parties	-	7
3.	Copies of appeal & order/judgment dated 05-03-2019	A & B	8-16
4.	Copy of devono proceedings/ Recommendations	C	17
5.	Copies of applications/appeals	D	18-24
		-	
6	wakalatnama	-	25

Appellant (M. Salman)
Through Counsel


KASHIF ALI KHAN

Advocate High Court

Chamber Address: District Courts Swat
Gul Kada, Saidu Sharif, Swat
Cell #: 0300 907 5335

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

Muhammad Salman, Sweeper at Government High School
Batkhela, Village & P/O Batkhela, District Malakand.
(Appellant)

V E R S U S

- 1) The District Education Officer (M) Malakand at Batkhela.
- 2) The Director Elementry & secondary Education, Khyber Pakhtunkhwa at Peshawar.
- 3) The Head Master GHS # 2 Batkhela.
- 4) The District Accounts Officer Malakand.
- 5) SDEO (Male) Dir Upper.
- 6) Principal GHSS, Khar, Batkhela, District Malakand
- 7) Vice Principal GCMHS, Batkhela.

(Respondents)

SERVICE APPEAL

**APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST
THE IMPUGNED ORDER/LETTER/RECOMMENDATIONS
OF RESPONDENTS # 6 & 7 TO THE EXTENT WHEREBY
THE APPELLANT HAS BEEN DECLARED NOT
ENTITLED/DEPRIVED FROM BACK BENEFITS.**

PRAYER

**ON ACCEPTANCE OF THIS APPEAL THE IMPUGNED
ORDER/LETTER/RECOMMENDATIONS OF RESPONDENTS
6 & 7 TO THE EXTENT OF DEPRIVING/NOT GIVING
BACK BENEFITS TO THE APPELLANT MAY KINDLY BE
SET ASIDE, DECLARED NULL AND VOID AND THE
APPELLANT BE REINSTATED WITH ALL BACK BEFEFITS.**

Respectfully Sheweth:

- 1. That the appellant was appointed as sweeper and posted in government high school # 2 Batkhela, Malakand in the year 2010. The respondent # 3 leveled some baseless oral allegation against the petitioner. That an illegal and baseless enquiry was conducted against the appellant and consequently the respondent

1 issued order dated 29-09-2015 whereby the appellant was illegally removed from service. The appellant being aggrieved from the above order dated 29-09-2015 filed a departmental appeal before the respondent # 2.

2. That the respondent # 2 after summary proceedings issued the notification dated 05-12-2016 whereby the impugned order dated 29-09-2015 of respondent # 1 was upheld by rejecting the appeal of the appellant.
3. That feeling aggrieved, the appellant filed appeal against the above mentioned order dated 29-09-2016 and notification 05-12-2016 in service tribunal, KPK, at Peshawar which was accepted and the appellant was reinstated while the respondents were directed to conduct proper departmental proceedings against the appellant and the issue of back benefits of the appellant shall follow the result of denovo departmental proceedings.
4. That the respondents conducted denovo departmental proceedings/ enquiry against the appellant but nothing was found against the appellant. Therefore the appellant submitted various applications/ appeal to the respondents for the release of all back benefits but till now no answer is given to the appellant.
5. That feeling aggrieved, the appellant having no other alternate remedy is going to file the instant appeal against the above mentioned order/ letter/

recommendation dated 21-06-2019 is against law, *Sharia* and liable to be set aside to the extent of back benefits *inter alia* on the following grounds:

GROUND S:

- a. That the impugned recommendations/ letter issued by respondents # 6 & 7 is against law, facts of the case and the conclusion drawn by them is based on erroneous assumption of law, conjectures and surmises.
- b. That as per judgment/ order of this Hon'ble tribunal dated 05-03-2019 after denovo departmental proceedings nothing was found against the appellant which entitled the appellant for all the back benefits.
- c. That in the garb of the said impugned recommendations/ order, the respondents are going to deprive the appellant from back benefits for some unknown reasons.
- d. That the impugned recommendations/ order issued by respondents # 6 & 7 is one sided and is illegal, without jurisdiction, unconstitutional, against the relevant law and based on malevolence, therefore have no sanctity in the eyes of law because the impugned recommendation issued by respondents # 6 & 7 are against the fundamental rights mentioned in the constitution of Islamic Republic of Pakistan

1973. Therefore, the impugned recommendations are based on *malafide* intentions, malevolence, malign and oppressive, therefore, untenable.

- e. That the respondents # 6 & 7 have no legal authority to deprive the appellant from back benefits without any reason/allegation as the appellant has not been found guilty in denovo departmental proceedings and appellant has proved his stance of innocence.
- f. That the impugned recommendations are based on political victimization and against the doctrine of fair justice and law of equity as well as the order of the service tribunal. Therefore on this score alone the impugned recommendations are untenable and liable to be set aside.
- g. That the respondents cannot adopt an indirect method of depriving the appellant from the constitutional relief because unless and until the relevant law is not followed and the order/judgment dated 05-03-2019 is not implemented.
- h. That the enquiry officers/ respondents # 6 & 7 have in a slip shod manner has recommended and deprived the appellant from all back benefits which unlawful.
- i. That any other ground not specifically mentioned may be raised at the time of arguments with the kind permission of the honorable court.

It is, therefore, humbly prayed that on acceptance of this appeal the recommendation dated 21-06-2019 issued by respondents # 6 & 7 may kindly be set aside and declared null and void and the appellant be declared entitled for all back benefits. Any other relief which this court deems fit may also be granted in favour of the appellant.

Appellant

Muhammad Salman
Muhammad Salman

Through counsel
KASHIF ALI Adv

6

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

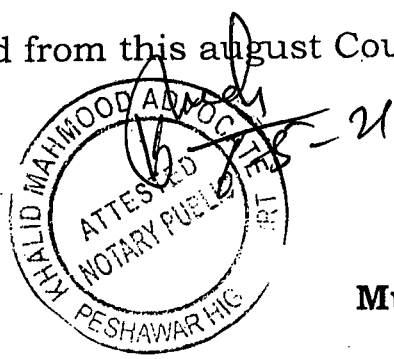
**Muhammad Salman, Sweepr at Government High School
Batkhela, Village & P/O Batkhela, District Malakand.
(Appellant)**

V E R S U S

**The District Education Officer (M) Malakand at Batkhela &
others
(Respondents)**

AFFIDAVIT

It is hereby solemnly stated on oath that the contents of
the appeal are true and correct and nothing has been
concealed from this august Court.



Deponent:

Muhammad Salman
Muhammad Salman

**KHALID MAHMOOD
ADVOCATE
Oath Commissioner
Peshawar High Court**
6-5-21

(2)

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, AT PESHAWAR.

Muhammad Salman, Sweeper at Government High School
Batkhela, Village & P/O Batkhela, District Malakand.
(Appellant)

V E R S U S

The District Education Officer (M) Malakand at Batkhela &
others
(Respondents)

CORRECT ADDRESS OF THE PARTIES
CORRECT ADDRESS OF THE PARTIES ARE AS UNDER:

Muhammad Salman, Sweeper at Government High School
Batkhela, Village & P/O Batkhela, District Malakand.
(Appellant)

CNIC #:

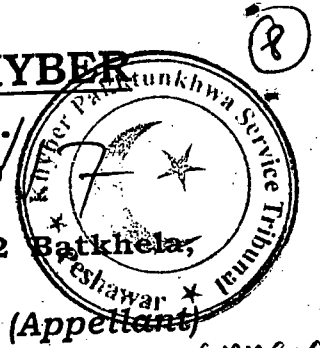
Mobile #:

- 1) The District Education Officer (M) Malakand at Batkhela.
- 2) The Director Elementry & secondary Education, Khyber
Pakhtunkhwa at Peshawar.
- 3) The Head Master GHS # 2 Batkhela.
- 4) The District Accounts Officer Malakand.
- 5) SDEO (Male) Dir Upper.
- 6) Principal GHSS, Khar, Batkhela, District Malakand
- 7) Vice Principal GCMHS, Batkhela.
- 8) Chairman Service Tribunal, KPK, Camp court at Swat
(Respondents)

Appellant (M. Salman)
Through Counsel


KASHIF ALI KHAN
Advocate High Court

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



Muhammed
Salman, Sweeper at Government High School # 2
village & P/o Batkhela, District Malakand.

(Appellant)

Annex
A

V E R S U S

- 1) The District Education Officer (M) Malakand at Batkhela.
- 2) The Director Elementry & secondary Education, Khyber Pakhtunkhwa at Peshawar.
- 3) The Head Master GHS # 2 Batkhela.
- 4) The District Accounts Officer malakand.
- 5) SDEO (Male) Dir Upper.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 29

Dated 13-1-2017
(Respondents)

APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST
THE IMPUGNED ORDER # 6536-39 DATED 29-09-2015 OF
RESPONDENT # 1 WHEREBY THE APPELLANT WAS
REMOVED FROM SERVICE AGAINST THE LAW, RULES
AND FACTS AND AGAINST WHICH THE APPELLANT
PREFERRED DEPARTMENTAL APPEAL TO THE
RESPONDENT # 2 WHO REJECTED THE SAME VIDE
NOTIFICATION # 258-61 DATED 05-12-2016
WITHOUT ANY REASON IN A VERY MECHANICLE MANNER
AGAINST THE LAW, RULES AND FACTS AND THUS BOTH
THE IMPUGNED ORDER AND NOTIFICATION ARE LIABLE
TO BE SET ASIDE.

PRAYER

ON ACCEPTANCE OF THIS APPEAL THE IMPUGNED
REMOVAL FROM SERVICE ORDER OF APPELLANT ISSUED
BY RESPONDENT # 1 DATED 29-09-2016 AND
NOTIFICATION DATED 05-12-2016 OF RESPONDENT # 2
MAY KINDLY BE SET ASIDE AND THE APPELLANT BE
REINSTATED BACK INTO SERVICE WITH ALL BACK
BENEFITS/ CONSEQUENTIAL BENEFITS.

Respectfully Sheweth:

Filed to-day 1. That the appellant was appointed as sweeper and
posted in government high school # 2 Batkhela,
Malakand in the year 2010.

Registrar
13/1/17

Re-submitted to -day
and filed.

Registrar 30/1/17

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

2. That the respondent # 3 leveled some baseless oral allegation against the appellant.
3. That an illegal and baseless inquiry was conducted against the appellant and consequently the respondent # 1 issued order dated 29-09-2015 whereby the appellant was illegally removed from service. *Annex. A*
4. That the appellant being aggrieved from the above order dated 29-09-2015 filed a departmental appeal before the respondent # 2.
5. That the respondent # 2 after summery proceedings issued the notification dated 05-12-2016 whereby the impugned order dated 29-09-2015 of respondent # 1 was upheld by rejecting the appeal of the appellant. *Annex. B*
6. That feeling aggrieved, the appellant prefer to file the instant appeal against the above mentioned order dated 29-09-2016 and notification 05-12-2016 which are against law, *Sharia* and liable to be set aside *inter alia* on the following grounds:

GROUND S:

- a. That the case of the appellant has been dealt with in a manner not supported by the law and rules on the subject, hence the appellant has not been treated in accordance with the law.
- b. That the impugned notification issued by respondent # 2 and order dated 05-12-2016 of respondent # 1 are against law, facts of the case and

ATTESTED


EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar


the conclusion drawn by them is based on erroneous assumption of law, conjectures and surmises.

c. That in the garb of the said notification and order, the respondents are going to remove the appellant from service for some unknown reasons.

d. That the impugned notification issued by respondent # 2 and order dated 05-12-2016 of respondent # 1 are illegal, without jurisdiction, unconstitutional, against the relevant law and based on malevolence, therefore no sanctity in the eyes of law because the impugned notification issued by respondent # 2 and order dated 05-12-2016 of respondent # 1 are against the fundamental rights mentioned in the constitution of Islamic Republic of Pakistan 1973. Therefore, the impugned notification and order are based on *malafide* intentions, malevolence, malign and oppressive therefore untenable.

e. That the respondent # 1 has no legal authority to remove the appellant from service with out any allegation as the appellant has not been given any opportunity to provide the documents and prove his stance.

f. That the impugned order and notification are based on political victimization and against the doctrine of fair justice and law of equity. Therefore on this score

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

alone the impugned order and notification are untenable and liable to be set aside.

g. That the respondents cannot adopt an indirect method of depriving the appellant from the constitutional relief because unless and until the relevant law is not followed.

h. That the appellant has been condemned unheard.

i. That the vest right of the appellant have been infringed.

j. That the appellant has never been associated with any inquiry proceedings and has been condemned on oral baseless allegation.

k. That the enquiry officer has with out giving opportunities to the appellant has recommended for the removal of service which unlawfull.

l. That any other ground not specifically mentioned may be raised at the time of arguments with the kind permission of the honorable court.

It is, therefore, humbly prayed that on acceptance of this appeal the order dated 29-09-2015 issued by respondent # 1 and notification dated 05-12-2016 issued by respondent # 2 may kindly be set aside and declared null and void and the appellant be re-instated with all back benefits. Any other relief which this court deems fit may also be granted in favour of the appellant.

ATTESTED

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

[Signature] Appellant
Through
[Signature] 17-12-2017

WILAYAT ALI KHAN
Advocate High Court

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

Muhammad
Salman, Sweeper at Government High School # 2 Batkhela,
village & P/o Batkhela, District Malakand.
(Appellant)

V E R S U S

The District Education Officer (M) Malakand at Batkhela etc
(Respondents)

AFFIDAVIT

It is hereby solemnly stated on oath that the contents of
the appeal are true and correct and nothing has been
concealed from this august Court as per the information
furnished by my client.

Deponent:
Applicant Through
[Signature]
12/2017
WILAYAT ALI KHAN
Advocate

Date of Presentation of Application 15/01/2021
Number of Words 2000
Copying Fee 22-00
Urgent 4-00
Total 26-00
Name of C [Signature]
Date of Completion of Copy 15/01/2021
Date of Delivery of Copy 15/01/2021

Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(18)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT SWAT

Service Appeal No. 106/2017

Annex
"B"



Date of Institution... 13.01.2017

Date of decision... 05.03.2019

Muhammad Salman, Sweeper at Government High School No. 2 Batkhela Village & Post Office Batkhela, District Malakand. ... (Appellant)

Versus

1. The District Education Officer (M) Malakand at Batkhela and four others. ... (Respondents)

MR. KASHIF ALI,
Advocate

... For appellant.

MIAN AMIR QADIR,
District Attorney

... For respondents.

MR. HAMID FAROOQ DURRANI,
MR. AHMAD HASSAN

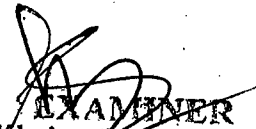
... CHAIRMAN
... MEMBER

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN: -

The appellant is aggrieved of order dated 29.09.2015 passed by respondent No. 1, whereby, he was removed from service while performing duties as Sweeper in Government High School No. 2 Batkhela, District Malakand. His departmental appeal was also rejected by respondent No. 2 on 05.12.2016, hence the appeal in hand.

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

2. We have heard learned counsel for the appellant and learned District Attorney on behalf of the respondents. We have also examined the available record with their assistance.

3. The record transpires that one Shahbaz Muhammad, Headmaster Government High School No. 2 Batkhela, reported on 26.08.2015 that the appellant with the collusion of one Abu Baseer Chowkidar of the school, had facilitated some persons in commission of sexual offence with a woman on 23.08.2015. The people of locality, on gaining knowledge, reached the gate of the school and beat up the persons involved in the offence. Allegedly, the occurrence took place in the upper floor of GHS No. 2 Batkhela. The Headmaster initially required a written report from the class IV employees and simultaneously constituted a committee of senior teachers for the purpose of enquiry into the matter. It is also noted in the report that the said committee separately interrogated the two persons including the appellant who confessed their guilt and disclosed the entire episode in detail. The said report was sent to DEO(M) Malakand at Batkhela with the recommendations for transfer of the said officials from the school. On 29.09.2015, the order of removal from service was passed against the appellant by the DEO(M) Malakand at Batkhela. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar upheld the order of major penalty imposed upon the appellant vide decision/notification dated 05.12.2016.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

4. The record before us also contained copy of an undated show cause notice issued by respondent No. 1, wherein, it was inter-alia noted that the appellant had confessed in his written statement regarding the occurrence that had taken place on 23.8.2015. The appellant was required to submit a reply within 15 days to the show cause notice. We have also come-across the departmental appeal of the appellant, wherein, it was categorically noted that the appellant had not given any confessional statement. It was further noted that the mention of confession in the show cause notice was out of malafide and only for the purpose of establishing the charge against the appellant. In the said regard, it is worth-noting that the copy of alleged statement of appellant was appended with the para-wise comments submitted by the respondents which copy clearly contained overwriting to the extent of participation of appellant in the occurrence.

5. It is also a fact that no regular enquiry was undertaken by the respondents in the course of proceedings against the appellant and apparently the impugned order followed the issuance of the show cause notice. At the time of hearing of the appeal, the representative of the respondents provided a copy of enquiry report stating to be in respect of appellant and Abu Baseer Chowkidar. The said enquiry report was prepared by the enquiry officer/Principal, GSBASHSS Swabi on 25.09.2016, wherein, it was noted in the recommendations part that the action against the appellant was taken in haste and formalities/process were not fulfilled. However, the incident of vulgarity/obscenity had actually taken place


ATTESTED


EXAMINER
Member Peshawar
Service Tribunal
Peshawar

GHS No. 2 Batkhela and the penalty imposed upon the culprits/officials was retainable. The said enquiry report is the only document regarding the departmental proceedings against the appellant, that too, submitted after about one year of the passing of impugned order.

6. In view of the foregoing, we allow the appeal in hand and set aside the impugned order dated 29.09.2015 passed by respondent No. 1. Resultantly, the appellant is reinstated into service. The respondents may conduct proper departmental proceedings against the appellant but only in accordance with law and rules. The exercise, if undertaken, shall be completed within a period of ninety days from the receipt of copy of instant judgment. The issue of back benefits in favour of appellant shall follow the result of denovo departmental proceedings.

Parties are left to bear their respective costs. File be consigned to the record room.


(AHMAD HASSAN)
Member


(HAMID FAROOQ DURRANI)
Chairman
Camp Court, Swat

ANNOUNCED
05.03.2019

Certified to be true copy


Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 15/01/2021
Number of Words 2000
Copying Fee 22-00
Urgent 4-00
Total 26-00
Name of Copiant [Signature]
Date of Completion of Copy 15/01/2021
Date of Delivery of Copy 15/01/2021

GHS No. 2
Bat Khela

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) MALAKAND AT BATKHELA

Annex
C

REINSTATEMENT ORDER

In the light of judgment in service appeal No.106/2017 announced by Service Tribunal Camp Court Swat dated 05.03.2019. Mr Muhammad Salman GHS No-2 Batkhela is hereby re-Instated on his original Sweeper post at GMS Sher Khana from the date of his taking over charge. The period of his removal i.e.29.9.2015 to up till current date of taking over charge & due to not performing duty will be treated as leave without pay.

- Note;- 1. Entry to this effect should be made in his Service Book.
2. Charge report should be submitted to all concerned.

(Siraj Muhammad)

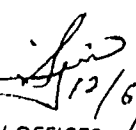
DISTRICT EDUCATION OFFICER
(M) MALAKAND AT BATKHILA.

Endst:No: 5186-90 /Class-IV/File

Dated, 12 /05/2019.

Copy of the above is forwarded to;-

1. Registrar Service Tribunal Camp Court Swat with reference to the above referred Service appeal.
2. The District Accounts Officer, Malakand.
3. B&AO Account Branch Local Office.
4. Head Master GMS Sher Khana Malakand.
5. Official Concerned.


12/6/2019
DISTRICT EDUCATION OFFICER
(M) MALAKAND AT BATKHILA.


ATTESTED

17A

To

The DEO (Male) Malakand
At Batkhela

Subject:- Enquiry Report I/R of Mr. Muhammad Salman Ex. Sweeper GHS NO-2 Batkhela

Memo

Reference to your office letter No.5249-50/inquiry/file C-IV, we the under signed visited the said school on 15/06/2019.

All parties were informed and hence no sooner did than we reach the said station every single one was present.

The school was functioning absolutely fantastic. The entire staff was present and the teachers were busy in their teaching unaware of the world and all that is in it.


Mr. Muhammad Salman Ex. sweeper GHS NO- 2 Batkhela is served with questionnaire. He gave answers to the questions. This is crystal clear fact that Mr. Muhammad Salman has not been executing duties since 29/09/2015 as evident from his school record, after he had been dismissed from his services by DEO (M) Malakand.

Therefore, we the undersigned have no hesitation whatsoever to lay out our recommendation as under.

Recommendation

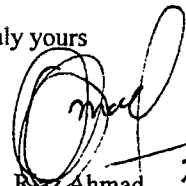
As per the decision of Honorable Supreme Court of Pakistan 2003 SCMR 228 Copy attached when there is no work, there is no pay.

So we are of the opinion that Mr. Muhammad Salman Ex. Sweeper is not entitle for any back benefits i.e. salaries and other allowances since 29/09/2015. Further it is recommended that Mr. Salman when dismissed from his services on 29.09.2015 to date of his rejoining the services may be counted as leave without pay


Noor Hayat
Principal GHSS Khar
Batkhehla Malakand

DEO (M) Malak
Date 21-06-19
At Batkhela

Truly yours


Raza Ahmad
vice Principal GCMHS
Batkhehla Malakand. 21-06-2019.

*File
Process on file -
21/6/19*

ATTESTED

15-0

محفوظ جناب ڈائریکٹر ایجوکیشن اینڈ سائنس ڈیپارٹمنٹ
جیمبر پنشن ٹو

درخواست براد ملائگی سابقہ بنایا جات
دعوات 29/5/2015 تا 12/6/19

جناب عالی! گزارش ہے

1- یہ کہ سائل کا نام محمد سلمان ہے اور گورنمنٹ ہائی سکول
پنشن میں خرابی تھی۔

2- یہ کہ مجھے صوم 29/9/2015 کو بے بنیاد التزام کے
سلسلے میں سکول سے نوکری سے نکالا گیا اور بعد
عدالت حضور نے میرے کیس میں حکم کو دوبارہ
ڈیکو آری کا حکم دیا تھا۔

3- یہ کہ دوبارہ انٹروئرز میں مجھ پر گئے التزامات ثابت نہ ہو
سکے اور صوم 12/6/2019 کو نوکری پر بحال ہو گیا۔

4- یہ کہ میری بے گناہی ثابت ہونے کے بعد بھی حکم نڈا نے
میرے نکالے جانے والے وقت کے سارے نچو ہیں، دعوات
ڈکری ہے جو کہ انصاف کے تقاضوں کے خلاف ہے۔

لہذا استدعا ہے کہ عینوری درخواست نڈا
سائل کے تمام سابقہ نچو ہیں دعوات دینے کے احکامات صادر فرمائے جائیں۔

20/11/2021

محمد سلمان صاحب
گورنمنٹ ہائی سکول پنشن

ATTESTED

بمختار جناب ڈائریکٹر ایمنٹری اینڈ سیکنڈری ایجوکیشن خیبر پختونخواہ

(19)

درخواست بمراد عطائگی سابقہ تقایا جان و مراعات، 29-05-2019 تا
12-06-2019

جناب عالی:

- 1- یہ کہ سائیل کا نام محمد سلمان ہے اور گورنمنٹ ہائی سکول بنیالہ میں فائبروٹ میو۔
- 2- یہ کہ مجھے 29-09-2019 کو ایک بے بنیاد الزام کے سلسلے میں سکول سے نفرتی سے نکالا گیا اور بعد از عدالت حضور نے میرے کیس میں حکمہ کو دوبارہ انکوٹری کا حکم دیا گیا۔
- 3- یہ کہ دوبارہ انکوٹری میں مجھ پر لگے الزامات ثابت نہ ہو سکے اور مواض 12-06-2019 کو نفرتی پر بحال ہو گیا۔
- 4- یہ کہ میری بے گناہی ثابت ہونے کے بعد بھی حکمہ ہذا نے میرے نکالے جانے والے وقت کے سارے تنخواہیں و مراعات اوتاریے جو کہ انصاف و تقاضوں کے خلاف ہے۔

لہذا استدعا ہے کہ منظور در خواست
ہذا سائیل کے تمام سابقہ تنخواہیں و مراعات
دینے کے احکامات صادر فرمائے جائیں۔

المترقوہ 1- 25/11/2020

عریض محمد سلمان
محمد سلمان فائبروٹ گورنمنٹ ہائی سکول بنیالہ

ATTESTED

مختصو رجناب ڈائریکٹر ایجوکیشن ایبٹ سیکنڈری ایجوکیشن خیبر پختونخوا

درخواست ہمارا عطیگی سابقہ تنخواہ و مراعات جو کہ

2015-09-29 سے 2019-06-12 تک ادا نہ ملیں۔

جناب عالی حسب ذیل عرض یلیں :-

1- یہ کہ سائیل کا نام مسلمان ہے اور گورنمنٹ ہائی اسکول بنیالہ میں
Sweeper کے پوسٹ پر تعینات ہے۔

2- یہ کہ مجھے 2015-09-29 کو بے بنیاد الزام کے تحت سکول ہذا
سے نکالا گیا تھا۔

3- یہ کہ بعد از میں نے اپنی بے گناہی ثابت کرنے کے لئے عدالت سے
رجوع کیا، عدالت ہذا نے میرا طرز دوبارہ حکم کو انگوائری
کے لئے بھیج دیا۔

4- یہ کہ دوبارہ انگوائری میں مجھے تمام الزامات سے برکردیا گیا
اور مورثر 2019-06-12 کو نوکری پر بحال ہو گیا۔

5- یہ کہ میرے بے گناہی ثابت ہونے کے بعد ہی مجھ کو ہذا کے میرے
نقائے حانے کے وقت کے سارے تنخواہ و مراعات روک دیے جو کہ
انصاف کے تقاضوں کے عین خلاف ہے۔

اسی لیے آپ صاحب کے حضور عرض ہے کہ
سائیل چونکہ بے گناہ ہے اس لیے میرے سابقہ بنیالہ
جاری کرنے کے احکامات صادر فرمائے جائیں۔

عزیز محمد سلمان
محمد سلمان خاکروں گورنمنٹ ہائی اسکول بنیالہ

مورثر: 26/08/2020

ATTESTED

خدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر ملاکنڈ ہنچلہ بکر

(21)

م درخواست نمبر اور مطابقتی سابقہ تفویضات و مراعات 29-05-2019 تا

12-06-2019

جناب عالی:

- ① یہ کہ سائیل گورنمنٹ ہائی سکول نمبر 2 ہنچلہ میں فاکروب ہے۔
- ② یہ کہ مورخہ 29-09-2019 کو ایک بے بنیاد الزام کے سلسلے میں مجھ کو نوکری سے نکالا گیا تھا۔
- ③ یہ کہ مورخہ 05-03-2019 کو عدالت نے سائیل کے کیس میں دوبارہ انکو انٹری کا حکم دیا تھا۔
- ④ یہ کہ دوبارہ انکو انٹری میں سائیل بے گناہ ثابت ہو چکا ہے، لیکن اب مجھ کو سائیل کے سابقہ تفویضات ادا کرنے سے انکار کیا ہے۔

لہذا

استدعا ہے کہ کہ سائیل کو سابقہ
تفویضات و مراعات جاری کرنے کے احکامات
صادر فرما کر سائیل کے ساتھ انصاف
کیا جائے

مورخہ 20/02/2020

عرفی محمد سلمان

محمد سلمان فاکروب

ATTESTED

محضوَر جناب ڈسٹرکٹ ایجنیشن آفیسر ملاکنڈ

(22)

درخواست نمبر ۱۰ سالفہ بقایاجات و مراعات ۲۰۱۹-۲۰۲۰ تا ۱۹-۰۶-۱۲

جناب عالی حسب ذیل عرض ہیں:-

- ۱- یہ کہ سائیل گورنمنٹ ہائی سکول نمبر ۲ بنغلہ میں خاکروب پوسٹ ایگریکچرل
ہے -
- ۲- یہ کہ مورثہ ۲۰۱۹-۲۰۲۰ کو ایک بے بنیاد الزام کے وجہ سے لکڑی سے نکال دیا گیا۔
- ۳- یہ کہ مورثہ ۲۰۱۹-۲۰۲۰ کو عدالت نے سائیل کے لیے میں دوبارہ انگواڑی
کا حکم دیا تھا۔
- ۴- یہ کہ دوبارہ انگواڑی میں سائیل بے گنہ ثابت ہو چکا ہے لیکن
حکومت نے سائیل کو سالفہ بقایاجات ادا کرنے سے انکار کیا ہے۔

لہذا

ابتداء سے کہ محضوَر درخواست صاف
سائیل کے بقایاجات جاری کرنے کے احکامات
صدر فرما کر سائیل کے ساتھ پیرا پیرا
الضاف کیا جائیں

مورثہ نمبر: 7/01/2020

مرتبہ محمد سلمان
محمد سلمان خاکروب

ATTESTED

محضوَر جناب پرنسپل گورنمنٹ ہائی سکول نمبر 2 بنجیلہ ملاکنڈ۔

(28)

درخواست نمبر 10 علی نیگی سابقہ بقایا جات، 29-09-2019 تا 06-06-2019

جناب عالی حسب ذیل عرضیں ہیں :-

- 1- یہ کہ سائیل گورنمنٹ ہائی سکول نمبر 2 بنجیلہ میں خاکروب پوسٹا پیر تعینات ہے
- 2- یہ کہ مورخہ 28-9-2015 کو ایک بے بنیاد الزام کے وجہ سے لٹری سے نکالا گیا تھا۔
- 3- یہ کہ مورخہ 05-3-2019 کو عدالت نے جج کے ہذا کو دوبارہ انکوائری کا حکم دیا ہے
- 4- یہ کہ دوبارہ انکوائری میں سائیل بے گندہ ثابت ہو چکا ہے۔

لہذا استدعا ہے کہ سائیل کے بقایا جات
جاری کرنے کے احکامات صدر دفتر سے
سائیل کے ساتھ پورا اٹھا کر دیں۔

محمد سلمان
محمد سلمان خاکروب گورنمنٹ ہائی سکول نمبر 2 بنجیلہ

المترقون :-
10/09/2019

ATTES

1- میرا پورا نام محمد سلمان ولد حفیز الرحمن ہے اور بڑھتی ہوئی عمر میں عجلہ اختراع کوئی کا رہا کرتی ہوں۔

2- میں ٹورنٹو کی سکول کے میں خاڑوب پوسٹ پر 11-6-2010 پر بھرتی ہوا تھا۔

3- مجھے 29-9-2015 کو نوٹری سے لکھا گیا تھا کہ اس کی اور بھی کیا تھا اور الزام مجھ پر لگایا گیا حالانکہ میرا اس سے کوئی تعلق نہیں تھا۔

4- میری مدت ملازمت 6 سال تھی۔

5- میرے خلاف اساتذہ نے رپورٹ لکھی تھی کہ صاحب کو یہ بھی لکھی تھی جس پر میرے صاحب نے میرے خلاف رپورٹ لکھی تھی۔
اور میرے ایک بارت۔

6- اس کے بعد میں نے کسی بھی نوٹری کے لیے کوئی درخواست نہیں دی۔
بلکہ ٹورنٹو میں اپنی بگنی کی ثابت کرنا اور نوٹری پر دوبارہ بحال کرنا کے لیے درخواست دائر کی۔

7- 29 ستمبر 2015ء سے سیکرٹری میں کھڑے تھیں جو خدمات انجام دی ان کی آرڈر کاپی میرے پاس موجود ہے اور فائل میں ہے۔

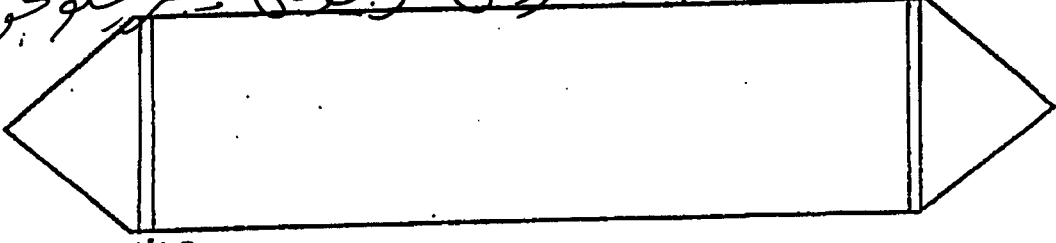
8- عدالت نے مجھے نوٹری پر بحال کیا ہے اور اس کی آرڈر کاپی میرے پاس ہے میں صرف یہ کہنا چاہتا ہوں کہ میرے جتنے بتایا جا رہا ہے ان کے دینے کے احکامات صادر فرماویں۔

محمد سلمان خاڑوب

مورخہ 19-07-2015

ATTESTED

بعدالت جنان سرویس ٹریڈنگ (پرائیویٹ) لمیٹڈ کے نام سے



2 منجانب

محمد سلمان بنام دستارکد ایجوکیشن ایئر
عزیز

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام پشاور کیلئے محکمہ عدلیہ ایئر وکس

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 ثالثہ فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کیلئے یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور 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 بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائنہ التوائے مقدمہ کے سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سند ہے۔

المرقوم ۵۶ ماہ ۵۵ 2021

واہ العبد

Attested & Accepted
کے لئے منظور ہے۔

by Kashtali Adul Ali

03469465023

بمقام پشاور

محمد سلمان بنام

03419842590

“A”

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

No.

APPEAL No. 7954 of 2021

S.B

Mohammad Salman

Appellant/Petitioner

Versus

DEO (M) Malakand Batkhela

RESPONDENT(S)

Notice to Appellant/Petitioner

Mohammad Salman Swenpor
at GHS Batkhela Village I P/O
Batkhela Distt Malakand

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 10-3-2022 at 8:00 AM.

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



Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

No.

APPEAL No. 71154 of 20 17

Mohammad Salman

Appellant/Petitioner

Versus

DEO (D) Malakand Batkhela

RESPONDENT(S)

Notice to Appellant/Petitioner

Mohammad Salman Swalper

GHS Batkhela Village

P/O Batkhela Malakand

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 10-5-22 at 8:00 AM

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



Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.