

24.10.2022

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 written reply/comments on 22.11.2022 before S.B at Camp Court, D.I.Khan.



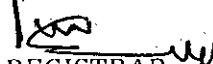


(Rozina Rehman)
Member (J)
Camp Court, D.I.Khan

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1091/2022 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/07/2022	<p>The appeal of Mr. Muhammad Hassan presented today by Mr. Muhammad Waqar Alam Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	13-7-22	<p>This case is entrusted to touring Single Bench at D.I.Khan for preliminary hearing to be put there on <u>25-7-22</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p><i>Due to summer vacation to come up for the same as before on 26-9-22</i></p> <p> CHAIRMAN</p>
26 th	Sept 2022	<p>Learned counsel for the appellant present.</p> <p>Learned counsel for the appellant seeks time to prepare the case. Granted. To come up for preliminary hearing on 24.10.2022 before S.B at Camp Court, D.I. Khan.</p> <p> (Kalim Arshad Khan) Chairman Camp Court D.I.Khan</p>

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

In service Appeal No. 1091 /2022

Muhammad Hassan **VERSUS**
(Appellant)

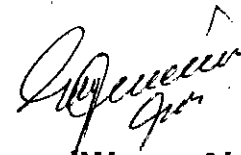
GOVT of KPK etc
(Respondents)

I N D E X

S.No.	Description of documents	Pages
1	Memorandum of Appeal along with affidavit.	1-10
2	Copy of service appeal No. 1821 of 2009 along with order dated 28-11-2017. A	11-14
3	Copy of execution petition No.75/2021 along with order sheet dated 17-12-2021. B&C	15-17
4	Copy of impugned notification dt: 14-12-2021 along with the departmental appeal dated 07-02-2022. D & E	18-23
5	Copies of applications and letters.	24-34
6	Copies of service book pages.	35-44
7	Copy of service appeal No.453/ 2004 along with order dated 29-12-2004.	45-51
8	Vakalatnama	52

Dated: __.07.2022

Appellant's Counsel



Muhammad Waqar Alam
ASC, D.I.Khan
Cell No.0333-9950616

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR AT D.I.KHAN

Service Appeal No. _____/2022

Muhammad Hassan son of Sarfaraz r/o village Mahra
Tehsil Parova District D.I.Khan Ex-PST Teacher at GPS Lal
Mahra, D.I.Khan.

..... (**Appellant**)

VERSUS

1. **Government of KPK, through secretary Education Department, KPK Peshawar.**
2. **Director Elementary and Secondary Education Department, KPK Peshawar.**
3. **District Education officer (M), District D.I.Khan.**

..... (**Respondents**)

APPEAL UNDER SECTION 4 OF THE KPK SERVICES TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED ORDER/NOTIFICTION No.27892-95 DATED 14/12/2021 ISSUED BY RESPONDENT NO.3 DEO (M) D.I.KHAN WHEREBY APPELLANT WAS DISMISSED FROM SERVICE AND AGAINST THE OMISSION ON THE PART OF RESPONDENT NO. 2 FOR INDICISION OF THE DEPARTMENTAL APPEAL WHICH IS AGAINST THE LAW AND IN VIOLATION OF SERVICES LAWS AND RULES AND THE APPELLANT WAS CONDEMNED UNHEARD WITH MALAFIDES.

Hea

PRAYER

On acceptance of this appeal, impugned order/Notification No.27892-95 Dated 14-12-2021 issued by respondent No.3 may please be reversed and set-aside and the respondents be directed to reinstate the appellant in service with all back benefits.

Note:

Addresses given above shall suffice the object of service. All necessary and proper parties have been arrayed in the panel of respondents.

Respectfully Sheweth;

1. That the appellant was appointed on 10-05-1994 as PST Teacher in the Education Department D.I.Khan and served as PST Teacher till 30-11-1997 and received the monthly salaries accordingly from the account office D.I.Khan.
2. That on 10-07-1998 the appellant was booked in Case FIR No. 90/1998 PS Parova registered under section 302 PPC.
3. That the appellant was suspended on 05-10-1998 and the suspension order was shown to be effected from 10-07-1998.
4. That the appellant was received suspension period allowance till 14-11-2001 and thereafter the appellant was sentenced to death by the Session Court D.I.Khan in Case FIR No.90/1998 PS Parova.
5. That the appellant after the announcement of conviction judgment made appeal to the High Court which was decided by upholding the sentence awarded by Session Court but modified from death sentence to life imprisonment.
6. That the appellant on 10-06-2009 completed the sentence of life imprisonment and released from Central Jail D.I.Khan. Thereafter the appellant requested to the EDO to take back

Shu

the services of the appellant against the post of PST but the same request was not honored by the competent officer, ultimately the appellant filed a service appeal before KPK Service Tribunal which was decided on 28-11-2017 against the Education Department D.I.Khan. Copy of appeal along with order date 28-11-2017 is annexed as "A"

7. That after decision of Service Tribunal the Education Department reluctant to decide the case of the appellant on the direction of Tribunal, therefore the appellant filed execution petition in the Service Tribunal and lastly on 17-12-2021, the DEO D.I.Khan submitted Notification Dated 14-12-2021 in the Service Tribunal at Peshawar and dismissed the services of the appellant by exercising powers under section 4(b)(IV) of KPK Government Servant E&D Rules 2011 and the dismissal order is effected from the date of conviction of appellant. Copies of execution petition along with order dated 17-12-2021 and impugned notification dated 14-12-2021 are jointly enclosed as annexure "B" and "C" respectively.
8. That the appellant filed a departmental appeal dated: 07-02-2022 to respondent No.2 which was not decided in statutory period. Copy of departmental appeal along with receipt is annexed as "D".
9. That on 26-11-2021 the Chairman Service Tribunal issued an order Vide which the case was fixed at principal seat at Peshawar and the attendance of appellant was absolved, thereafter the case was decided on 17-12-2021 in the absence of appellant and the appellant got knowledge about the notification dated 14-12-2021 on 05-02-2022. Copies of order sheets are enclosed as annexure "E".



GRUNDS

1. That the impugned Dismissal dated 14/12/2021 and indecision of appellant's departmental appeal is illegal, against services Law and rules, without jurisdiction, in violation of the precedents of Honourable apex courts of the country and is not justifiable for any reason whatsoever.
2. That the impugned/alleged Notification Dated 14-12-2021 is against law, facts and circumstances, hence liable to be set aside.
3. That the Notification Dated 14-12-2021 is without jurisdiction hence falls under the definition of Corum-non-Judice hence on this sole ground the impugned notification is liable to be declared as illegal and unjustified.
4. That the offence with which the appellant was charged does not come under the definition of moral turpitude, hence the dismissal order is illegal and unjustified.
5. That the law department has also gave their opinion vide letter dated 04-12-2003 in which it is clarified that the offence of embezzlement is an offence involving moral turpitude however murder does not amount to moral turpitude.
6. That while issuing the impugned notification the DEO has violated the mandate of law and also misinterpreted the judgment of the Service Tribunal dated 28-11-2017.
7. That before passing the impugned notification Dated 14-12-2021 the appellant was not allowed for personal hearing and no charge sheet, show cause notice was issued, hence the proceeding conducted the DEO D.I.Khan is against law and natural justice. *Ahu*

8. That in service appeal No. 453/2004 decided on 29-12-2004, the Service Tribunal reinstated a convicted person and direct the respondent Department to accept the arrival report of the appellant, and post him at an appropriate station, preferably away from the place where he has a blood feud with his opponents.
9. That no formal inquiry was conducted in the case of appellant and appellant was condemn unheard and principles of natural justice is violated in the case of appellant.

It is, therefore, humbly requested from your good self that the impugned Notification dated 14-012-2021 passed by D.E.O (M) D.I.Khan may please be set aside and appellant's departmental appeal may please be accepted as prayed for and appellant be re-instated into service with all back benefits.

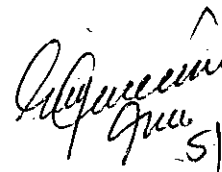
Dated ___/07/2022

Your humble appellant



Muhammad Hassan

Through counsel



5/7/22

Muhammad Waqar Alam
Advocate Supreme Court
Dera Ismail Khan

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

In service Appeal No. _____/2022

Muhammad Hassan
(Appellant)

VERSUS

GOVT of KPK etc.
(Respondents)

CERTIFICATE

Certified that appellant have not filed an appeal regarding the subject controversy, earlier in this august Tribunal.

Dated __.07.2022


Appellant

NOTE

Appeal with annexure along-with required sets thereof are being presented in separate file covers.

Dated __.07.2022


Appellant's counsel

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

In service Appeal No. _____/2022

Muhammad Hassan
(Appellant)

VERSUS

GOVT of KPK etc
(Respondents)

AFFIDAVIT

I, **Muhammad Hassan**, appellant herein, do hereby solemnly affirm on oath:-

1. That the accompanying appeal has been drafted by counsel following our instructions;
2. That all para-wise contents of the appeal are true and correct to the best of my knowledge, belief and information;
3. That nothing has been deliberately concealed from this Honourable Court, nor anything contained therein, based on exaggeration or distortion of facts.

Dated __.07.2022


DEPONENT

Identified By:-


Muhammad Waqar Alam
Advocate Supreme Court

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWASERVICE
TRIBUNAL CAMP COURT DERA ISMAIL KHAN

Service Appeal No. _____/2022

MUHAMMAD HASSAN (Appellant)

VERSUS

GOVT. OF KPK AND OTHERS (Respondents)

SERVICE APPEAL

APPLICATION FOR CONDONATION OF DELAY

Respected Sir,

Appellant humbly submits as under:-

1. That the above mentioned service appeal is being filed before this honourable court, the contents of which may please be considered as integral part of this application.
2. That on 26-11-2021 the petitioner of appellant was fixed before service tribunal at camp Court D.I:Khan headed by Chairman Service Tribunal Sultan Tareen Sahab, and in this respect the order sheet dated: 26-11-2021 is very much clear in which the Tribunal absolved from attendance at principal seat and the case was fixed for dated: 07-12-2021 at Peshawar.
3. That the appellant required information regarding the proceeding dated: 07-12-2021 from the reader of the tribunal, he replied that the Chairman Service Tribunal has relinquished the charge as retired and the file of Petitioner is missing and lastly the Petitioner got knowledge on dated: 05-02-2022, about the disposal of execution petition on dated:17-12-2021.

Ma

- 4. That the delay in the institution is not intentional but due to the non-communication of order by the Respondents, hence the petition may please be considered with in time.
- 5. That this honourable Tribunal has got vast and ample powers and competent jurisdiction to accept the instant application

It is therefore humbly requested that on acceptance of the instant application the condonation of delay may be granted to the petitioner.

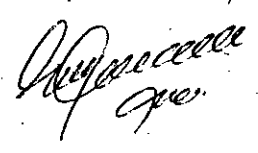
Date: 05/07/2022



Yours Humble Appellant

MUHAMMAD HASSAN

Through Counsel,



MUHAMMAD WAQAR ALAM
Advocate Supreme Court

AFFIDAVIT

I, **Muhammad Hassan**, the appellant, do hereby solemnly affirm and declare on oath that the contents of the application are true and correct to the best of my knowledge and belief and that nothing has been deliberately concealed from this honorable court.



DEPONENT

Annexure "A" - 11 -

HEARING AT D.I.KHAN.

BEFORE THE N.W.F.P. SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 1821 of 2009

Ex. No. 1903
Date 7.11.09

Muhammad Hassan B/O Sarfaraz,
Resident of Village Mahra (D.I.Khan)
Ex: P.T.G. Teacher,
Govt: Primary School Lal Mahra (D.I.Khan).

-----Appellant

VERSUS



- 1- Executive District Officer,
Elementary & Secondary Education, D.I.Khan.
- 2- Director Elementary & Secondary Education,
N.W.F.P. Peshawar.
- 3- District Co-Ordination Officer, D.I.Khan.

-----Respondants.

SERVICE APPEAL UNDER SEC: 4 OF THE N.W.F.P.
SERVICE TRIBUNAL ACT 1973.

PRAYER:-

To please take cognizance of this case and while allowing the instant service appeal, this Hon'ble Tribunal may be pleased to direct the Respondant No.1 to re-instate the appellant in service with effect from 10.7.1994 i.e. from the date of suspension with all back benefits.

Filed to-day
[Signature]
Registrar 7/11/09

Respectfully Sheweth;

The appellant submits as under:-

That the appellant is B.A. and qualified P.T.C. teacher having been inducted in service with effect from 10.5.1994 on regular basis (Copy of Service Book ANNEXURE-"A")

ATTESTED

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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

SERVICE APPEAL NO. 1821/2009

Date of institution ... 07.11.2009
Date of judgment ... 28.11.2017



Muhammad Hassan S/O Sarfaraz,
Resident of Village Mahra (D.I.Khan)
Ex-P.T.C Teacher
Govt. Primary School Lal Mahra (D.I.Khan)

... (Appellant)

VERSUS

1. Executive District Officer, Elementary & Secondary Education, D.I.Khan.
2. Director Elementary & Secondary Education, N.W.F.P Peshawar.
3. District Co-Ordination Officer, D.I.Khan.

... (Respondents)

**SERVICE APPEAL UNDER SECTION-4 OF THE N.W.F.P SERVICE
TRIBUNAL ACT, 1974.**

Mr. Shaikh Muhammad Bushir Gohar, Advocate.
Mr. Farhaj Sikandar, District Attorney

For appellant.
For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI
MR. GUL ZEB KHAN

MEMBER (JUDICIAL)
MEMBER (EXECUTIVE)

ATTESTED

JUDGMENT

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

MUHAMMAD AMIN KHAN KUNDI, MEMBER:- This appeal has been filed under Section-4 of the N.W.F.P Service Tribunal Act, 1974. The appellant was serving in Education Department as Primary School Teacher. He was involved in criminal case vide FIR No. 90 dated 10.07.1998 under sections 302/234 PPC P.S Paroa. He was convicted and after his conviction period he was released from jail. He submitted application to respondent to allow him to join his duty but he was not

M. Amin
28.11.2017

allowed to join his duty. He preferred departmental appeal but the same was not responded. Hence the present service appeal.

2. Learned counsel for the appellant contended that the appellant was appointed as Primary School Teacher (PST) vide order dated 10.05.1994. It was further contended that during service the appellant was involved in a criminal case vide FIR No. 90 dated 10.07.1998 under sections 302/324 PPC P.S Paroa and after arrest of the appellant, the appellant was suspended till 16.10.2001. It was further contended that on conclusion of trial, the trial court convicted the appellant and sentenced him to death vide detail judgment dated 28.9.2001. It was further contended that the appellant challenged the judgment of Trial Court before the worthy High Court and the worthy High Court also maintained the conviction however, reduced the sentence of the appellant from death to life imprisonment vide judgment dated 18.04.2002. It was further contended that after expiry/undergone the period of sentence, the appellant was released by the jail authority on 10.06.2009 and he reported to respondent-department for joining duty through application dated 23.06.2009 but his arrival report/application was not accepted by the respondents through verbal order on 08.07.2009 therefore, he filed departmental appeal on 05.08.2009 but the same was not responded hence, the present service appeal on 07.11.2009. Learned counsel for the appellant contended that neither inquiry was conducted against the appellant by the department nor any show-cause notice was issued to the appellant but the respondent/department did not allow the appellant to join duty, therefore, requested for acceptance of the present service appeal.

3. On the other hand, learned District Attorney for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant was serving as Primary School Teacher in Education Department however, during service he was involved in a criminal case and was convicted and sentenced to death by the competent court and on appeal the worthy High Court maintained the conviction however, sentence of his death was reduced to life imprisonment. It was further contended that since the appellant was convicted therefore, after

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

28.11.2017

expiry/undergone the period of sentence the appellant was rightly not allowed by the respondents to join his duty and prayed for dismissal of appeal.

4. We have heard the arguments on both sides and gone through the record available on file.

5. Perusal of the record reveals that the appellant was serving as Primary School Teacher in Education Department. However, during service he was involved in a criminal case and on conclusion of trial, the appellant was convicted and sentenced to death vide judgment dated 28.09.2001 on appeal, the worthy High Court maintained his conviction however, reduced his sentence from death to life imprisonment vide judgment dated 18.04.2002. After expiry/undergone the period of sentence he was released by the jail authority from jail on 10.06.2009 but when he submitted application to respondent to allow him to join his duty, he was not allowed to perform his duty by the respondent. The record further reveals that neither any inquiry was initiated against the appellant by the respondent-department nor there is any order of his termination or removal from service on the record. As such it is not clear from the record that the appellant was terminated or removed from service by the respondents or the appellant is in service therefore, we partially accept the appeal of the appellant and remit the case to the departmental authority to decide the departmental appeal of the appellant through a speaking order within a period of three months after receipt of this judgment and also direct to communicate the same order to the appellant and thereafter if any party is aggrieved then he is at liberty to approach this Tribunal if so desired. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
28.11.2017

Muhammad Amin
(MUHAMMAD AMIN KHAN KUNDI)
MEMBER
CAMP COURT D.I.KHAN

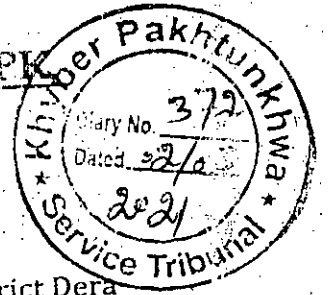
Zeb Khan
(GUL ZEB KHAN)
MEMBER
CAMP COURT D.I.KHAN

Certified to be true copy

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Annexure "B" - 15 -

**BEFORE THE COURT OF SERVICE TRIBUNAL, KPK
PESHAWAR**



COC No. 75/21

Mohammad hassan S/O Saifuraz R/O Village Mahra, Tehsil Parova District Dera Ismal Khan. Ex PTC Teacher Govt Primary School Lal Mahra Dera Ismail Khan.

..... Appellant

VERSUS



- I) Executive District Officer
Elementary & Secondary Education D I Khan Khyber Pakhtun
Khuwa
II) District Co-Ordination Officer D.I.Khan

..... Respondents

**APPLICATION UNDER SECTION 4 OF CONTEMPT OF COURT ACT
1967 TO INITIATE PROCEEDINGS AGAINST RESPONDENTS FOR
DISOBEYING THE ORDER DATED 28/11/2017 OF HONORABLE
SERVICE TRIBUNAL.**

Respectfully Sheweth:

1. That the petitioner was serving in Education Department as P.T.C Teacher and he was involved in Criminal Case vide FIR No. 90 dated 10/07/1998 under section 302/W PPC, Police Station Parova.
2. That the petitioner was convicted After releasing from jail. He submitted an application to respondents to allow him to join his duty but he was not allowed
3. That the petitioner therefore filled and appeal to Khyber Pakhtunkhwa Service Tribunal for redressed this 9 revacca .
4. That on 28/11/2017 learned Member of Khyber Pakhtunkhwa Service Tribunal mentioned in order that record reveals that rather any inquiry was not conducted against petitioners by respondents department nor there is any order of termination or remover from service on record. As it is not clear from the record that petitioner was terminated or removed from service by respondent department

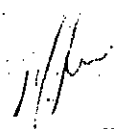
ATTESTED

(Signature)

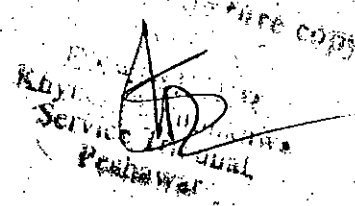
Therefore while accepting the partially appeal of petitioner case was remitter to departmental authority to decide the departmental appeal of petitioner within three months. But up till now departmental authority did not decided the departmental appeal of petitioner. Departmental authority also did not reinstate the petitioner did not with the order of Service Tribunal committed an offence of contempt of court. Attested copies of appeal of order dated 28/11/2017 are enclosed as Annexure A&B respectively.

It is therefore, humbly, prayed that on the acceptance of instant petition proceeding of contempt court by court may please be initiated against department.

Dated: 23/02/2021

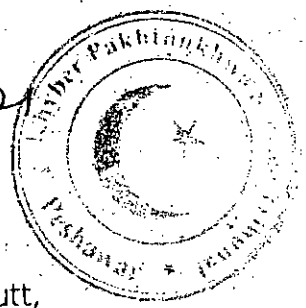

Your Humble Appellant

Muhammad Hassan S/O Sarfaraz
Ex PTC Teacher L-3 Mahra,
Dera Ismail Khan

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Annexure 'c' - 17-

Execution Petition No. 75/2021
Muhammad Hassan vs Govt



12.2021

None for the petitioner present. Mr. Muhammad Adeel Butt,
Addl: AG alongwith Mr. Kairan Khan, ADEO and Mr. Baseerullah,
Litigation Officer for respondents present.

In pursuance of Service Tribunal judgement dated
28.11.2017 reiterated vide order sheet dated 26.11.2021
respondent-department has issued notification dated 14.12.2021
whereby major penalty of "dismissal from service" awarded to the
petitioner. However, perusal of the said notification reveals that it
has been issued by DIO(M), DIK who is not the appellate
authority of petitioner, hence notification in-question is hit by
coram-non-judice. Notification is placed on file. However, the
petitioner is at liberty to challenge it as a fresh cause of action
through another service appeal if so advised. File be consigned
to the record room.

Announced:
17.12.2021

(MIAN MUHAMMAD)
MEMBER (E)

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 30/6/22
Number of Wards 1600
Number of Pages 18
Number of Exhibits 4
Total 22
Date of Completion of Case 30/6/22
Date of Disposal of Case 30/6/22



Annexure "D" - 18 -

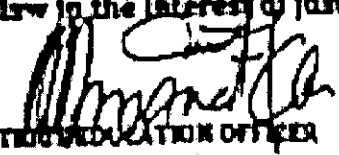
**OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) DERA ISMAIL KHAN**

Tel: 09448280138- 09448280131
Email: gmd@dikhan@pk.gov.pk

NOTIFICATION

1. Whereas, the appellant namely Mr. Muhamad Hassan was appointed against the PST post at GPS Lal Mahra District DI Khan vide order dated 10/05/1994 of the then DEO (M) D. I. Khan. During the service, he was involved in the alleged criminal case vide FIR No. 90 dated 10/07/1998 under Section 302/324 PTC, lodged in the Police Station Parova DI Khan
2. And whereas, as a result thereof, he was arrested and trial was initiated against him. The Trial Court decided the case of the appellant vide judgement dated 28/09/2001, whereby he was convicted and sentenced to death by the competent court of law. On appeal, the Honorable High Court maintained the conviction vide judgement dated 18/04/2002, however, sentence of his death was reduced to life imprisonment and consequently, he was released from jail on 10/06/2009
3. And whereas, the teacher concerned filed Service Appeal No. 1821/2009 before the Honorable Khyber Pakhtunkhwa Service Tribunal which was decided vide judgement 28/11/2017, whereby the Respondent Department has been directed to decide the departmental appeal of the appellant through a speaking order within a period of three months after receipt of the judgement
4. And whereas, to comply with the orders of Honorable court, the Respondent Department conducted inquiry vide Notification No. 2721B-21 dated 11/09/2018. The inquiry committee recommended that, as the teacher concerned has been convicted by the competent court of law so the Law Department may be approached for guidance in this regard being a competent forum.
5. And whereas, as a result thereof, the case of the appellant was forwarded to Law Department vide this office letter No. 10670 dated 26/04/2019 for grant of legal opinion. Law Department intimated the vide letter dated 06/09/2019 "that the official concerned convicted by the competent court is to be dismissed from service under the rule in vogue"

Now therefore, in compliance of the judgement dated of 28/11/2017 passed by the Honorable Service Tribunal in Service Appeal 1821/2009 & having gone through the whole case record along with consulting the relevant provisions of law, the undersigned being competent authority is pleased to impose the major penalty of "Dismissal from Service" upon Mr. Muhammad Hassan Ex-PST in terms of Rule 4(b) (iv) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 w.e.f his date of conviction by the court of law in the interest of justice please.


DISTRICT EDUCATION OFFICER
(MALE) DIKHAN

Ends NO. 27892-95

Dated DIKhan the 14/12/2021

1. PA to Director E&SE KP Peshawar
2. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar with reference to COC 75/2021 titled as Muhammad Hassan Vs DBO(M)DIKhan
3. PA to DEO(M)DIKhan
4. M. Hassan Ex-PST


DISTRICT EDUCATION OFFICER
(MALE) DIKHAN

Through Proper Channel

Dated: 07-02-2022

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

DEPARTMENTAL APPEAL AGAINST ORDER OF DISTRICT
EDUCATION OFFICER(M) D.I.KHAN VIDE WHICH THE SERVICES
OF THE APPELLANT WAS DISMISSED VIDE NOTIFICATION NO.
27892-95 DATED 14-12-2021.

Appellant respectfully submits as under,

1. That the appellant was appointed on 10-05-1994 as PST Teacher in the Education Department D.I.Khan and served as PST Teacher till 30-11-1997 and received the monthly salaries accordingly from the account office D.I.Khan.
2. That on 10-07-1998 the appellant was booked in Case FIR No. 90/1998 PS Parova registered under section 302 PPC.
3. That the appellant was suspended on 05-10-1998 and the suspension order was shown to be effected from 10-07-1998.
4. That the appellant was received suspension period allowance till 14-11-2001 and thereafter the appellant was sentenced to death by the Session Court D.I.Khan in Case FIR No.90/1998 PS Parova.
5. That the appellant after the announcement of conviction judgment made appeal to the High Court which was decided by upholding the sentence awarded by Session Court but modified from death sentence to life imprisonment.
6. That the appellant on 10-06-2009 completed the sentence of life imprisonment and released from Central Jail D.I.Khan. Thereafter the appellant requested to the EDO to take back the services of the appellant against the post of PST but the same request was not honored by the competent officer, ultimately the appellant filed a service appeal before KPK Service Tribunal which was decided on 28-11-2017 against the Education Department D.I.Khan.

7. That after decision of Service Tribunal the Education Department reluctant to decide the case of the appellant on the direction of Tribunal, therefore the appellant filed execution petition in the Service Tribunal and lastly on 17-12-2021 the DEO D.I.Khan submitted Notification Dated 14-12-2021 in the Service Tribunal at Peshawar and dismissed the services of the appellant by exercising powers under section 4(b)(IV) of KPK Government Servant E&D Rules 2011 and the dismissal order is effected from the date of conviction of appellant.
8. That on 26-11-2021 the Chairman Service Tribunal issued an order Vide which the case was fixed at principal seat at Peshawar and the attendance of appellant was absolved, thereafter the case was decided on 17-12-2021 in the absence of appellant and the appellant got knowledge about the notification dated 14-12-2021 on 05-02-2022, hence the instant appeal on the following grounds.

GROUND:

- a. That the impugned/alleged Notification Dated 14-12-2021 is against law, facts and circumstances, hence liable to be set aside.
- b. That the Notification Dated 14-12-2021 is without jurisdiction hence falls under the definition of Coram-Non-Judice hence on this sole ground the impugned notification is liable to be declared as illegal and unjustified.
- c. That the offence with which the appellant was charged does not come under the definition of moral turpitude, hence the dismissal order is illegal and unjustified.
- d. That the law department has also gave their opinion vide letter dated 04-12-2003 in which it is clarified that the offence of embezzlement is an offence involving moral turpitude however murder does not amount to moral turpitude.
- e. That while issuing the impugned notification the EDO has violated the mandate of law and also misinterpreted the judgment of the Service Tribunal dated 28-11-2017.
- f. That before passing the impugned notification Dated 14-12-2021 the appellant was not allowed for personal hearing and no charge sheet, show cause notice was issued, hence the proceeding conducted the DEO D.I.Khan is against law and natural justice.

- 21 -
- g. That in service appeal No. 453/2004 decided on 29-12-2004, the Service Tribunal reinstated a convicted person and direct the respondent Department to accept the arrival report of the appellant, and post him at an appropriate station, preferably away from the place where he has a blood feud with his opponents. Copy enclosed as ready reference.
 - h. That no formal inquiry was conducted in the case of appellant and appellant was condemn unheard and principles of natural justice is violated in the case of appellant.

It is, therefore, humbly requested from your good self that the impugned Notification dated 14-012-2021 passed by D.E.O (M) D.I.Khan may please be set aside and appellant's departmental appeal may please be accepted as prayed for and appellant be re-instated into service with all back benefits.

Dated: 07-02-2022

Your Sincerely



Muhammad Hassan
 S/o Sarfaraz
 Ex-PST G.P.S LalMahra
 D.I.Khan
 Cell No. 0344-9400799

No. 589

For Insurance Stamps affixed except on uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due. Rs. Ps. 60/-

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*Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

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Insurance fee Rs. _____ Ps. _____ (in words) _____

Name and address of sender { _____


Del. 22

EP No. 75/2021
26.11.2021

- 22 -

Petitioner alongwith counsel and Mr. Noor Zaman Khattak, District Attorney alongwith Muhammad Kamran, ADEO(Litigation) for the respondents present. Mr. Musarrat Hussain, DEO (M) D.I.Khan (respondent No. 1) in person present.

The D.E.O. (M) in attendance has stated that he is appointing authority for the post of PST. Accordingly, the status of the DEO (Male) is that of the Competent Authority and the Departmental Appellate Authority in case of the petitioner, in view of his being incumbent of the post of PST is Director, E&SE Khyber Pakhtunkhwa Peshawar. Copies of some correspondence in different dates has been produced by the petitioner and placed on file. One in the said correspondence is letter of Mr. Gulnawaz Khan, Principal, GHSS Giloti D.I.Khan addressed to the DEO (Male) D.I.Khan on the subject of denovo enquiry in respect of Muhammad Hassan Ex-PST (petitioner). Accordingly, reference has been given to letter No. 2610-14 dated 06.02.2018 in respect of appointment of signatory of the said letter as enquiry officer alongwith another officer. It appears from the said reference that the judgment of this Tribunal passed on 28.11.2017 was in hands of the respondents. The other correspondence mentioned before is in-between the DEO (M) D.I.Khan and the Director E&SE, Khyber Pakhtunkhwa Peshawar and between the Section Officer (Litigation-II) of the Administrative Department and the Director E&SE Peshawar. It is not difficult to infer that the Director E&SE Khyber Pakhtunkhwa Peshawar being departmental appellate authority in case of the petitioner despite having knowledge of the judgment has so far not been able to pass the requisite order in compliance with operative part of judgment of this Tribunal passed on 28.11.2017. Let this Execution Petition be fixed at Principal Seat with notice to the Director E&SE for attendance personally or through well-conversant representative to clarify as to why the judgment of this Tribunal has so far not been implemented. The petitioner is absolved from attendance at Principal Seat. The Registrar of this office shall sent copy of this order to the Director E&SE Khyber Pakhtunkhwa Peshawar formally and the DEO (M) in attendance will also communicate certified copy of this order to the Director, E&SE through his official channel. Case to come up on 07.12.2021 before S.B at Peshawar.


Chairman
Camp Court, D.I.Khan

08.12.2021

Counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Basir Ullah, Legal Representative and Mr. Muhammad Kamran, ADEO for respondents present

Learned AAG requested for a short adjournment enabling him to submit final and conclusive implementation report of the Service Tribunal judgement dated 28.11.2017. The request is acceded to but as a last chance where-after coercive measures will invariable be initiated. Adjourned. To come up for further proceedings on 17.12.2021 before S.B.

(Mian Muhammad)
Member(E)

17.12.2021

None for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Kamran Khan, ADEO and Mr. Baseerullah, Litigation Officer for respondents present.

In pursuance of Service Tribunal judgement dated 28.11.2017 reiterated vide order sheet dated 26.11.2021 respondent-department has issued notification dated 14.12.2021 whereby major penalty of "dismissal from service" awarded to the petitioner. However, perusal of the said notification reveals that it has been issued by DEO(M) DIK who is not the appellate authority of petitioner, hence notification in question is hit by *coram-non-judice*. Notification is placed on file. However, the petitioner is at liberty to challenge it as a fresh cause of action through another service appeal if so advised. File be consigned to the record room.

(MIAN MUHAMMAD)
MEMBER (E)

Announced:
17.12.2021

محفوظ صاحب دالہ شادان ڈسٹرکٹ ایجوکیشن آفیسر صاحب (سرورانہ) ضلع ڈیرہ اسماعیل خان

- 24 -

صاحب عالی!

ADEO
9/11/14

زود بخشد گزارش کی جاتی ہے کہ مسی 1998 میں میرا 302 کے کس میں غیر ملکی 2009-10-10 کو کل
سے ریٹائر ہوئی ہے۔ چیل سے ریٹائر ہونے کے بعد ڈسٹرکٹ ایجوکیشن آفیسر سرورانہ (سرورانہ) ضلع ڈیرہ اسماعیل خان
اور ڈائریکٹر آف ایجوکیشن خیر بختون خواہ بشادور کو اپنے سکول میں ڈیوٹی سر انجام دینے کی درخواست میں
کوئی جواب نہ ملنے پر مسی نے سرورانہ میں سکول ڈیرہ بشادور میں کس ڈائریکٹر کے لئے مدرسہ زکریا اللہ
سے صرف 27-11-2017 کو سروری اپیل منظور کرتے ہوئے حکم حیدرآ کو تین ماہ کے اندر کس نکلانے
کیلئے کس ریٹائر کیا۔ ایسے بعد حکم حیدرآ کی طرف سے دوبارہ سروری درخواستی ہوئی۔

ایسے بعد حکم حیدرآ کی طرف سے لیسٹریف 10670 صرف 2019-4-26 کو سکریٹری آف لاء اور
ڈائریکٹر آف ایجوکیشن خیر بختون خواہ بشادور سے کنٹینس مانگنے کیلئے لیسٹری ارسال کر دی گئی
جس کا بعض دن کوئی نتیجہ برآمد نہیں ہوا ہے۔

اب آخنداب سے ادباً کہنا کہ گزارش کی جاتی ہے کہ مسی کے کسی ایسے سرکاری سکول میں ڈیوٹی
سراخجا کرنے کیلئے آرڈر صادر فرمائے جاویں۔

دوبارہ سکریٹری آف لاء بشادور سے کنٹینس مانگنے کیلئے لیسٹری ارسال فرمایا جاوے۔

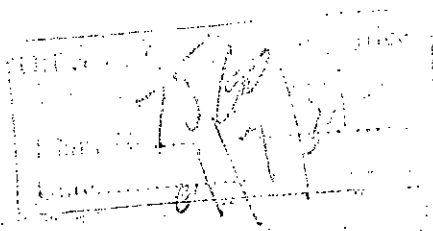
فیہہ آگیا تا دم رسیت دیکھو ویسٹا

نقطہ صرف
1/2
2021

مسی محمد صلی اللہ علیہ وسلم سرفراز بھٹا آف ایجوکیشن ڈائریکٹر 05 مئی 2021 تحصیل سرورانہ ضلع ڈیرہ اسماعیل خان

Jamsheed

21/05/2021



03469400799



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

Tel # 0966-9280128/9280131
Email. emisdikhan@yahoo.com

- 25 -

No. 16576 /AE-II/PST/

Dated DIKhan the 6/8 /2021

To,

The Director
Elementary & Secondary Education,
Khyber Pakhtunkhwa
Peshawar.

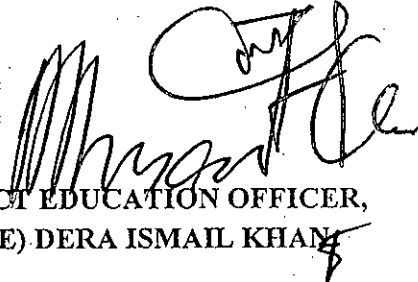
Subject:- LEGAL OPINION REGARDING REINSTATEMENT OF
CONVICTED PERSON INTO GOVT:SERVICE:

Memo:

Reference Secretariat No.(O9Lit-II) E & SED/1-3/SA#1821/03/Muhammad Hassan dated, Peshawar 28-11-2019 & Endst of Directorate, bearing No.8615/F No. 12/PST (M)Umar Hayat dated Peshawar the 31/12/2019 on the subject noted above.

It is submitted for your kind honour that the said case may please be forwarded to the Law Department as well as Establishment Department for the said guidance /opinion as the undersigned can not take up the case directly to these Departments. All relevant record is attached herewith.

Enclosure: _____ Pages.



DISTRICT EDUCATION OFFICER,
(MALE) DERA ISMAIL KHAN

Endst No. _____

dated the _____ 2021

Copy to the:

1. PA to District Education Officer (Male) DIKhan.
2. Ex. Official Concerned.
3. Office record.


DISTRICT EDUCATION OFFICER,
(MALE) DERA ISMAIL KHAN

ALIK MUHAMMAD IQBAL KHIARA

Advocate

B.Sc, L.L.B

H No: E-193 Village Kanjkian Wali
Dera Ismail Khan
Contact# 0966-713780

OFFICE:

District Bar Association Dera Ismail Khan

Ref No: _____

Dated: 18.12.2017.

To

The Director Elementary & Secondary
Education, K.P.K., D.I.Khan.

Through:- District Education Officer(M), D.I.Khan.

I am directed by my client Mr. Muhammad Hassan Khan son of Haji Sarfaraz, a P.T.C. Teacher, resident of Village Mahra Tehsil Paroa District, D.I.Khan. to inform your kind honour as follows:-

- 1- That my client was inducted in Service as P.T.C. Teacher on 10-5-1994 in Education Department and posted at Govt:Primary School, Mahra Tehsil Paroa District, D.I.Khan who was later on involved in Criminal Case-Vide FIR No.90 dated 10-7-1998 U/Ss:302/324 FPC, Police Station Paroa District, D.I.Khan.
- 2- That my client after facing the trial was finally sentenced to Life Imprisonment on 18.4.2002.
- 3- That my client after completion of sentence reported for duty on 23.6.2009 but my client was orally refused by your goodself to take him on duty.
- 4- That my client aggrieved by your kind refusal filed a Departmental appeal on 5.8.2009 and thereafter Service Appeal to Service Tribunal on 4.11.2009.

Page-2.

Received with
enclosures

Received
19/12/17

D.No. 14806
19-12-17

27
MALIK MUHAMMAD IQBAL KHIARA

Advocate

B.Sc, LL.B

OFFICE:
H No: E-193 Village Kanjkian Wali
Dera Ismail Khan
Contact# 0966-713780

District Bar Association Dera Ismail Khan

Ref No: _____

Page- 2.

Dated: _____

5- That Honourable Service Tribunal K.P.K.Camp at D.I.Khan decided my Service Appeal No.1821 of 2009 as per detailed judgement dated. 28.11.2017 which is enclosed herewith in Original for your kind action accordingly.

6- That my client's Criminal Offence U/S 302/324 PPC does not come under the purview of Moral Turpitude which is supported by a Notification dated 3.12.2003 issued by Section Officer, Establishment Division Govt: of K.P.K., hence my client is entitled to be re-instated in service as PTC Teacher, as per Provision of S-3A K.P.K. "Removal from service(Special Powers) Ordinance, 2000.

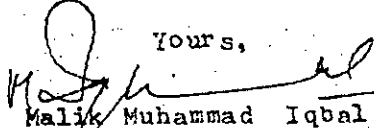
You are therefore requested to kindly decide my Departmental Appeal dated 5.8.2009 according to the true letter and spirit of the detailed Judgement dated 28.11.2017 in accordance with the Provisions, specially Sec: 3A contained in KPK Removal from Service (Special Powers)Ord:2000 which was Vogue in year,2009, and while accepting my client's Departmental Appeal dated 5.8.2009 allow to join his duty with retrospective date i.e. 10.7.1998.

THANKS.

Yours,

Postal Address:

Muhammad Hassan s/o
Haji Sarfaraz, PTC Teacher
R/O vill: Mahra Teh: Paroa
Distt: Dikhan Mob:03449400799


Malik Muhammad Iqbal Khiara
Advocate Distt: Bar Association
MALIK MUHAMMAD IQBAL
Advocate
District Bar Association
Dera Ismail Khan

Copies attached:-

- 1-Detailed Judgement dated 28.11.2017 in original,
 - 2-Photo copy of Departmental Appeal dt: 5.8.2009.
 - 3-Photo copy of Notification No.SORV(E&AD)-II-V/2003 dt: 3.12.2003 issued by Section Officer Estt: admn: Deptt: KPK Peshawar.
- Note:- 1-Photo copy of this Notice has been retained in my Office.
2-There is no cutting/over writing in this Notice.

MALIK MUHAMMAD IQBAL
Malik Muhammad Iqbal Khiara,
District Bar Association,
Advocate Dera Ismail Khan Association, DIK.

حضرت خاب
ڈاکٹر سید سکونز ہدیہ احمد شاہ

اسل محمدانہ
دین دہ عالی سرفراز قوم کھوز
مکتبہ اسلامیہ
حسن پورہ
سائل / استاد

نام

- 1- ڈاکٹر سید الحق سکونز ڈیڑھ اٹال خان
 - 2- سب ڈکٹریٹرز ڈیڑھ اٹال خان مردانہ ڈیڑھ اٹال خان
 - 3- حصہ لکچر برائے سائنس سول ماڈرن
- تہہ پانڈنٹان = ڈیڑھ اٹال خان

اسل بنیادنی صلح درخوردہ مورس لکچر 38A-36-4036 درخوردہ 10/5/98

چار سب ڈکٹریٹرز ڈیڑھ اٹال خان مردانہ ڈیڑھ اٹال خان

درخوردہ 10/7/98 نے کھشت PT لکچر برائے سائنس

سول ماڈرن ڈیڑھ اٹال خان برائے سائنس 90/98 درخوردہ 10/7/98

عم 302-305 PP 302-305 لکچر لکچر = suspend کر کے

اسرائیلی فوجیوں نے 14/11/2001 سے

فوجیوں کو کھینچ کر لیا گیا۔ (اسرائیلی)

کو کھینچ کر لیا گیا۔ (اسرائیلی)

28/9/2001 ... سزا کے تحت دیا گیا۔

18/9/2002 ... سزا کے تحت دیا گیا۔

کو سزا کے تحت دیا گیا۔

382 = 382 ... سزا کے تحت دیا گیا۔

2009 ... سزا کے تحت دیا گیا۔

5/5/2009 ... سزا کے تحت دیا گیا۔

suspend ... سزا کے تحت دیا گیا۔

PTC ... سزا کے تحت دیا گیا۔

سزا کے تحت دیا گیا۔

فوجیوں نے ... سزا کے تحت دیا گیا۔

1994 ... سزا کے تحت دیا گیا۔

محکمہ تعلیم ذریعہ ایف ایل ایم ایل (ریورس) PTC پورٹ پورٹ

جورا - دوران عدالت ، ایف ایل ایم ایل (ریورس) اور نیابت

محنت - منتقلی کے دوران سرانجام دیا ، ایف ایل ایم ایل (ریورس)

آئینہ کار اور رقم - قسطوں پر 90 روپے 7/10/100 302

تعمیرات اور دیگر - بنیاد کے لئے رقم - 98

ایف ایل ایم ایل (ریورس) اور دیگر رقم اور دیگر

بند موجودہ جوڈیشل منتقلی میں ذریعہ ایف ایل ایم ایل (ریورس)

جانسن میں - صورت قابل منتقلی 7/9 - ذریعہ ایف ایل ایم ایل (ریورس)

Petition Court جوڈیشل منتقلی کے جائیدادوں کے منتقلی کے

اس کے لئے رقم 28-9 - صورت قابل منتقلی کے

نمائندہ رقم - رقم 28-9 - صورت قابل منتقلی کے

ذریعہ ایف ایل ایم ایل (ریورس) - صورت قابل منتقلی کے

بند موجودہ جوڈیشل منتقلی میں ذریعہ ایف ایل ایم ایل (ریورس)

تعمیرات اور دیگر - بنیاد کے لئے رقم - 98

ایف ایل ایم ایل (ریورس) اور دیگر رقم اور دیگر

بند موجودہ جوڈیشل منتقلی میں ذریعہ ایف ایل ایم ایل (ریورس)

جانسن میں - صورت قابل منتقلی 7/9 - ذریعہ ایف ایل ایم ایل (ریورس)

کتاب فقہاء دینہ B-382 کتابا کا نام نہ بھی دیا گیا

اس کا (نام) جو... اور دیکھو یہی کتاب دیکھی۔ میں دیکھ

تاریخ 10/6 کو رکھی گئی ہے...

تین اشعار تھے

1- یہ کتاب محمد بن سرفراز نے 384-4036 ہجری 5-13

سب کتب میں آئی ہیں۔ یہ کتاب 10/6 ہجری 15

میں مکتبہ A.P. نے suspend کیا ہے اس کی

تاریخ (نام) ہے... 14/11

2001ء کو... اس کتاب میں 10/6

5040ء میں... 98

12... 17... 18

سرکار ہمدردان کی کتاب میں مذکور ہے

16... 302

مذکورہ کتاب میں...

Contradiction

...

تاریخ حوالہ ...

۱۶-۱۱-۲۰۰۱

۱۰-۱۱-۲۰۰۱ ... suspend ...

... ۹۵ ...

... ۹۵ ...

... ۹۵ ...

... ۹۵ ...

... ۹۵ ...

... ۹۵ ...

suspend زمانہ تک اس کے اندر روز
 suspension روز کے 70 سے 80 تک بحال زمانہ تک
 98 غلط زمانہ جاری
 ختم

سین
 1/11/09

سائنس اور طبیعت
 کے درمیان
 تعلق
 اور
 انسانی
 زندگی
 پر
 اثر

ختم
 سین



1/11/09

(BETTER COPY).

- 34 -

GOVERNMENT OF N.W.F.P.
ESTABLISHMENT & ADMIN. DEPARTMENT
(REGULATION WING)

No. SORV(EXAD)2-A/2003
Dated Pesh: the 3rd December, 2003

To, The Accountant General,
NWFP Peshawar.

Attention: Accounts Officer HAD,
NWFP, Peshawar.

Subject:- RE-INSTATEMENT IN SERVICE AFTER UNDERGOING LIFE
IMPRISONMENT/PAYMENT OF PENALTY.

Dear Sir,

I am directed to refer to your letter No. 11-24(79)Karak/Vol-III
409 Dated 25.8.2003 and to state that the points raised therein have been
examined in consultation with Law Department Government of NWFP.

The Law Department has intimated that the offence of
"Embezzlement" is an offence involving moral turpitude. However murder
does not amount to moral turpitude.

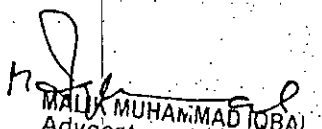
Yours faithfully,

(RAFIQ AKBAR)
SECTION OFFICER, NWFP

OFFICE OF THE ACCOUNTANT GENERAL NWFP, PESHAWAR.
No. 11-24(79)Karak/Vol-10/5231-42 Dated 4.12.2003.

Copy forwarded for necessary action

1. DAO, Karak.
2. DAO, Charsadda,
with reference to his letter on the above subject.


MALIK MUHAMMAD IQBAL
Advocate
District Bar Association
Dera Ismail Khan

sd/- x x x
ACCOUNTS OFFICER HAD,
N.W.F.P. PESHAWAR.

(U)

Annexure U.F

- 34 -

GOVERNMENT OF NWFP
ESTABLISHMENT & ADMINISTRATION DEPARTMENT
(REGULATION WING)

SORULEXAD 32-A/2003
No. SORULEXAD 32-A/2003
Dated Peshawar the 3rd December 2003.

To: The Accountant General, NWFP, Peshawar. ✓ 3-12-2003

Attention: Accounts Officer, IAD NWFP, Peshawar.

Subject: RE-INSTANTMENT OF SERVICE AFTER UNDERGOING OF IMPRISONMENT/PAYMENT OF PENALTY.

Dear Sir,

I am directed to refer to your letter No. II-24(79) Karak/Vol-10/409 dated 25.8.2003 and to state that the points raised therein have been examined in consultation with Law Department Government of NWFP.

(Embezzlement)

The Law Department has intimated that the offence of "Embezzlement" is an offence involving moral turpitude. However, murder does not amount to moral turpitude.

Yours faithfully,

(RAFIQ AKBAR)
SECTION OFFICER I.A.M.

OFFICE OF THE ACCOUNTANT GENERAL NWFP PESHAWAR
No. II-24(79) Karak/Vol-10/5231-32 Date: 01.12.2003

Copy forwarded for necessary action to

1. ✓ DAO, Karak.
2. DAO, Charsadda.

With reference to each letter on the above subject.

*Attested
Khalid
Advocate, Peshawar*

APPROVED FOR PUBLICATION
NWFP PESHAWAR

u Embezzlement

1. Passed SSC Exam: during Session 1987 (Annual) from BISE NWFP Peshawar under roll no 31937, securing 578/850 marks in "B" grade. The entry has been made from the original ^{Heirs} certificate issued by the Secretary BISE Peshawar bearing SNO 555501 Dated 31 August, 1987

[Signature]
SDEO (M)
D. I. Khan

2. Passed FA Exam: held in June, 1989, under Roll No

Verification Roll No. 76591 from BISE Peshawar, dated received back Securing 544/1100 marks in "B" grade. The entry has been made from the ^{original} Prov. Certificate

Left thumb impression ^{Secret} BISE Peshawar. Issued by the Principal Govt. College D. S. Man Dated 29-11-1989
n. Salim A.S.

[Signature]
SDEO (M)
D. I. Khan

3. Passed P.T.C Exam: during Session 1992-93 from

Qualifications	Date	Qualifications	Date
Registrar, Departmental Exam		Edn: Deptt: NWFP Peshawar	
English	under Roll no 972 Securing 716/1200 marks in 1st Div.	First Arts	
Pashto	The result was declared on 25-12-1993. The entry has	B. L. or B. A.	
Urdu	been made from the Prov. Certificate issued by the	Pleadership examination	
Plan-drawing	Principal Govt. Elementary College (M) D. S. Man	Training School final examination	
Finger print	<i>n. Salim</i>	SDEO (M) D. I. Khan	
Drill instructing	Passed BA Exam: from Govt. University D. S. Man	Other qualifications -	
Court duties	under Roll no 575, Exam: held in Feb. 1992, securing		
Reserve duties	246/600 marks in 3rd Division. The entry has been		
	made from the Prov. Certificate, issued by the Principal		
	Govt. College D. S. Man Dated 01-8-1992-23-771.		
	<i>n. Salim</i>	<i>[Signature]</i> SDEO (M) D. I. KHAN	

N. B. - A line to be drawn under the qualifications possessed

- 1. Name ... MUHAMMAD HASSAN
- 2. Race ... Pakistani.
- 3. Residence ... Village MAHRA ; Tehsil & Dist. DEGA ISMAIL KHAN.
- 4. Father's name and residence ... SARFRAZ.
- 5. Date of birth by Christian era or as nearly as can be ascertained. 12-01-1971
(Twelfth January, N. H. Z Seventy-One)
- 6. Exact height by measurement ... 5 - 5
- 7. Personal marks for identification ... A wound marks on Right Leg.
- 8. Left hand thumb and finger impression of (non-gazetted Officer) ...

Little Finger



Ring Finger



Middle Finger



Fore Finger



Thumb

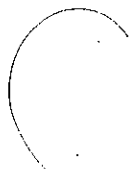


9. Signature of Government Servant ...

Muhammad Hassan

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

[Signature]
SDEO (M)
S.I. Khan



copy

2 NO

date

1989

to

in

ig

with

72

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating, and whether permanent or temporary	If officiating, state— (i) substantive appointment or (ii) whether service counts for pension under rule 3.20 of C.S.R. (Pb.) volume II	Pay in substantive post	Additional pay for officiating	Other emoluments falling under the term "pay"	Date of appointment	Signature of Government servant
درجہ ملازمت BPS NO 9 1185-72-2263 G.P.S.	عارضی منتقل تائم مقام	اگر عارضی ہے تو کیا دور بدل کے مطابق پنشن کا مستحق ہے	تعمرواہ بطور عارضی ملازمت	زائد تعمرواہ زائد تعمرواہ بطور تائم مقام	ماسوائے تعمرواہ دیگر الاؤٹس	تاریخ تقرری	دستخط سرکاری ملازم
Kulachi-wala	Temp.	Being FA 2nd Div.	RS. P. 1185/-	RS. P. -		5 10-94	<i>[Signature]</i>
G.P.S. Miali	Temp.		1185/-			26-5 94	
1605-97-3060/6-9							
G.P.S. Miali	Temp. Off.		Rs 1605/p.m.			6 1/94	
-DO-	-DO-		Rs 1702/p.m.			12 1/94	
-DO-	Temp. Off.		Rs 1799/p.m.			12 1/95	
G.P.S. Lol Mahra	-DO-		1376/p.m.			12	
BPS 9			Rs. 1933/p.m.			96	
Do			Rs. 1993/p.m.			12 1/97	

Signature of Head of the office or other person in charge of the office

Signature of Government servant

DRO (M)
I. Khan

[Handwritten signatures and notes on the right margin]

8	9	10	11	12	13	14	15				
<p>Signature of Government servant</p> <p>دستخط سرکار کے ملازم</p>	<p>Signature and name of Head or other attesting officer in station column 8 to 9</p> <p>دستخط اور نام</p>	<p>Date of termination or appointment</p> <p>تاریخ انقطاع ملازمت</p>	<p>Reason of termination (such as promotion, transfer, dismissal etc.)</p> <p>وجوہات انقطاع ملازمت ترقی انتداب یا برطرفی</p>	<p>Signature of the Head of the office or other Attesting Officer</p> <p>دستخط افسر مجاز</p>	<p>LEAVE</p> <p>Allocation of periods of leave on average pay upto four months (or earned leave not exceeding 120 days) to which leave salary is debitable to another Government</p> <p>چھٹی چار ماہ تک کی رخصت کیلئے اوسط تنخواہ کا تعین</p> <table border="1"> <tr> <th data-bbox="901 553 1015 682">Period</th> <th data-bbox="1015 553 1177 682">Govt. to which debitable</th> </tr> <tr> <td>عرصہ</td> <td>گورنمنٹ سے رقم ادا ہوگی</td> </tr> </table>	Period	Govt. to which debitable	عرصہ	گورنمنٹ سے رقم ادا ہوگی	<p>Signature of the head of the office or other Attesting officer</p> <p>دستخط افسر مجاز</p>	<p>Reference to any recorded punishment, or censure or reward or praised of the Government servant</p> <p>سزا یا سزا یا نوبیر سزا کارروائی کا ریکارڈ</p>
Period	Govt. to which debitable										
عرصہ	گورنمنٹ سے رقم ادا ہوگی										
						<p>Service Verified w.e.f. 11/11/96 upto 3-11/97 from acquittance rolls and other Office record.</p> <p>S. I. Khan D.I. Khan</p>					
						<p>Supervisor D.I. of ... D.I. ... No. 4036-... dt: 5.10.98 to 10.7.98.</p>					
						<p>No 9623 dt 29-6-98</p>					
						<p>Drawn S.A. for 11/98 dt 12/98 Rs 5467/86 Sourchind/Bafarni no 1201 dt 13-4-99</p>					
						<p>Members 190-CC Sourchind/Bafarni</p>					

8	9	10	11	12	13		14	15
Signature of Government servant	Signature of the Head of the office or other officer in station column 9 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer dismissal etc.)	Signature of the Head of the office or other Attesting Officer	LEAVE		Signature of the head of the office or other Attesting officer	Reference to any recorded punishment, or censure or reward or praised of the Government servant
					Nature and duration of leave taken	Allocation of periods of leave on average; pay upto four months (or earned leave not exceeding 120 days) to which leave salary is debitable to another Government		
					Period	Govt. to which debitable		
			وجوہات انقطاع ملازمت مقررہ تاریخ یا برطرفی	دستخط افسر مجاز	فصلت کی نوعیت و معیار	چار ماہ تک کی رخصت تینے اوسط متواترہ کا تعین گورنمنٹ سٹ رہم ادا ہوگی	دستخط افسر مجاز	سزا یا جہز یا غیر سزا کارروائی کا ریکارڈ
						Suspension period is hereby extended up to 20-4-99 vide D.E.O (M) P.S. D.I. Khan Endst. No. 1201-4 dated 13-4-99.		
						Suspension period already sanctioned is hereby extended for next three months up to 20-4-99 vide D.E.O (M) P.S. D.I. Khan Endst. No. 1201-4 dated 13-4-99.		
						Suspension period already sanctioned is hereby extended for next three months up to 19-7-99 vide D.E.O (M) P.S. D.I. Khan Endst. No. 2441-43 dt. 24/6/99.		

S.D.E.O. (M)
D.I. KHAN.

S.D.E.O. (M)
D.I. KHAN.

تاریخ = 5/3/99
 Drawn SA for 1/7/99
 to 30/8/99
 E. M. J. /
 M. J. /

تاریخ = 12/3/99
 Drawn SA for 1/7/99
 to 30/8/99
 Add: District & District Officer
 D.I. Khan

1	2	3	4	5	6	7	8	9
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state— (i) substantive appointment or (ii) whether service counts for pension under rule 3.20 of C.S.R. (Pb.) volume II	Pay in substantive post	Additional pay for officiating	Other emoluments falling under the term "pay"	Date of appointment	Signature Government servant	Signature and designation of the Head of the office or other officer in station columns 1 to 3
ڈپٹی سیکریٹری	عارضی منتقل تاکم نظام	اگر عارضی ہے تو کی وہ عدالت کے مطابق پیش کا مستحق ہے	ڈپٹی سیکریٹری لاہور	ڈپٹی سیکریٹری بھارت تاکم مقام	ڈپٹی سیکریٹری بھارت تاکم مقام الادیشن	تاریخ تقرر	ڈپٹی سیکریٹری تاکم	ڈپٹی سیکریٹری تاکم
			RS. P.	RS. P.				

Suspension period is hereby extended for next three months up to (19-7-2) 19-07-2000 vide D.E.O (M) Pr. D/Khan Enclst. NO: 2320-22 dated 20-6-2000.

[Signature]
D.E.O (M)

200 = 4000 at 14/10/2000
 Drawn SA for 7/2000 to
 9/2000 int 2904/86
 Searchd no 4004 - 31 of 5-10-2000
[Signature]
 24/10/2000
 10/11/00

[Signature]
6

8	9	10	11	12	13		14	15
Signature of Government servant	Signature and designation of the Head of the office or other Attesting Officer in column 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer dismissal etc)	Signature of the Head of the office or other Attesting Officer	LEAVE Allocation of periods of leave on average pay upto four months (or earned leave not exceeding 120 days) to which leave salary is debitable to another Government		Signature of the head of the office or other Attesting officer	Reference to any recorded punishment, or censure, or reward or praised of the Government servant
					Nature and duration of leave taken	Govt. to which debitable		
					Period	Period		
					Suspension period is here by extended for next three months upto 19-10-99 vide D.E.O (M) Prg: D.I.Khan Fmdst: No: 824-27 dated 15-2-2000			
					Suspension period is here by extended for next three months upto 19-01-2000 vide D.E.O (M) Prg: D.I.Khan Fmdst: No: 821-23 dated 15-2-2000			
					Suspension period is here by extended for next three months upto 19-4-2000 vide D.E.O (M) Prg: D.I.Khan Fmdst: No: 1209-11 dated 10-4-2000			
					Suspension period is here by extended for next three months upto 19-4-2000 vide D.E.O (M) Prg: D.I.Khan Fmdst: No: 1209-11 dated 10-4-2000			
					Suspension period is here by extended for next three months upto 19-4-2000 vide D.E.O (M) Prg: D.I.Khan Fmdst: No: 1209-11 dated 10-4-2000			
					Suspension period is here by extended for next three months upto 19-4-2000 vide D.E.O (M) Prg: D.I.Khan Fmdst: No: 1209-11 dated 10-4-2000			
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					Suspension period is here by extended for next three months upto 19-4-2000 vide D.E.O (M) Prg: D.I.Khan Fmdst: No: 1209-11 dated 10-4-2000			
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					Suspension period is here by extended for next three months upto 19-4-2000 vide D.E.O (M) Prg: D.I.Khan Fmdst: No: 1209-11 dated 10-4-2000			
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					Suspension period is here by extended for next three months upto 19-4-2000 vide D.E.O (M) Prg: D.I.Khan Fmdst: No: 1209-11 dated 10-4-2000			
					Suspension period is here by extended for next three months upto 19-4-2000 vide D.E.O (M) Prg: D.I.Khan Fmdst: No: 1209-11 dated 10-4-2000			
					Suspension period is here by extended for next three months upto 19-4-2000 vide D.E.O (M) Prg: D.I.Khan Fmdst: No: 1209-11 dated 10-4-2000			
					Suspension period is here by extended for next three months upto 19-4-2000 vide D.E.O (M) Prg: D.I.Khan Fmdst: No: 1209-11 dated 10-4-2000			
					Suspension period is here by extended for next three months upto 19-4-2000 vide D.E.O (M) Prg: D.I.Khan Fmdst: No: 1209-11 dated 10-4-2000			
					Suspension period is here by extended for next three months upto 19-4-2000 vide D.E.O (M) Prg: D.I.Khan Fmdst: No: 1209-11 dated 10-4-2000			
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					Suspension period is here by extended for next three months upto 19-4-2000 vide D.E.O (M) Prg: D.I.Khan Fmdst: No: 1209-11 dated 10-4-2000			
					Suspension period is here by extended for next three months upto 19-4-2000 vide D.E.O (M) Prg: D.I.Khan Fmdst: No: 1209-11 dated 10-4-2000			
					Suspension period is here by extended for next three months upto 19-4-2000 vide D.E.O (M) Prg: D.I.Khan Fmdst: No: 1209-11 dated 10-4-2000			

Tax 2567
clt. 10/2000

Tax = 1183
Tax = 2567
13/5/2000

Down SA for 9/2000 to 6/2000
9700/28
10/2000

Drawn SA for 13/5/2000 to 3/2000
9700/28
10/2000

9	10	11	12	13		14	15
Signature of Government servant	Signature and designation of the Head of the office or other Attesting Officer in testimony columns 1 to 8	Reason of termination (such as promotion, transfer dismissal etc)	Signature of the Head of the office of other Attesting Officer	LEAVE		Signature of the head of the office or other Attesting officer	Reference to any recorded punishment, or censure, or reward or praised of the Government servant
				Nature and duration of leave taken	Allocation of periods of leave on average pay upto four months (or earned leave not exceeding 120 days) to which leave salary is debitabale to another Government		
	Date of termination or appointment			Period	Govt. to which debitabale		
		دوبہات انقطاع ملازم ترقی: شہزاد یا بر طرفی	دستخط افسر مجاز	فصلت کی نوعیت و معیار	چار ماہ سبکدوشی کی صورت کیا جائے اور سبکدوشی کا احکام کیا ہے	دستخط افسر مجاز	سزا یا سزا یا غیر سزا کا رکورد کی کارڈنگ
					Suspension period is hereby extended upto 19.10.2000 (3M) vide D.O. AMKA Suddt No. 4229-31 dt. 19/10/00.		
					Suspension is hereby extended upto 17.01.2001 (3M) vide D.O. (M) Prg AMKA S/P No. 4991-93 dt. 17/1/01.		
					Suspension ^{Period} is hereby extended upto 17-04-2001 (3M) vide D.O. CM) Prg AMKA Suddt No. 810-12 dt. 09/4/2001.		
					Suspension ^{Period} is hereby extended upto 16.7.2001 (3Month) vide D.O. MHP/DIRK- End 715-15 Dated 20.3.2001.		

Sub. Divl. Education Officer
(M) D.I. Khan

Sub. Divl. Education Officer
(M) D.I. Khan

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

D.I. Khan

D.I. Khan

8	9	10	11	12	13	14	15						
Signature of Government servant	Signature and signature of the Head of the office or other Attesting Officer in Column 8 to 9	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal etc.)	Signature of the Head of the office or other Attesting Officer	<p>پیشگی LEAVE</p> <p>Allocation of periods of leave on average pay upto four months (or earned leave not exceeding 120 days) to which leave salary is debitable to another Government</p> <table border="1"> <tr> <th data-bbox="758 624 869 1057">Nature and duration of leave taken</th> <th data-bbox="869 624 981 1057">Period</th> <th data-bbox="981 624 1157 1057">Govt. to which debitable</th> </tr> <tr> <td>فصلت کی</td> <td>عرصہ</td> <td>گورنمنٹ جسے رقم ادا ہوگی</td> </tr> </table>	Nature and duration of leave taken	Period	Govt. to which debitable	فصلت کی	عرصہ	گورنمنٹ جسے رقم ادا ہوگی	Signature of the head of the office or other Attesting officer	Reference to any recorded punishment, or censure, or reward or praised of the Government servant
Nature and duration of leave taken	Period	Govt. to which debitable											
فصلت کی	عرصہ	گورنمنٹ جسے رقم ادا ہوگی											
رستخیز مسکا ملازم	دستخط افسر ملازم	16/10/2001 ملازم	وجوہات انقطاع ملازمت تلقی تبادلہ یا برطرفی	دستخط افسر ملازم	دستخط افسر ملازم	سزا یا جوہر یا جوہر کارکردگی کا ریکارڈ							
					<p>Suspension Period Extended upto 16/10/2001 vide Distt. Officer (Literacy & Education) etc Srd. No 1506-08 dt. 29/8/2001</p> <p>Dy. District Officer (M) P. Edu: D.L.Chan</p> <p>TN-2486 13/11/2001 Drawn Rs. 9700/24 S Allow: fr 2,849/2001 Suspension 14/11</p>								

- 45 -

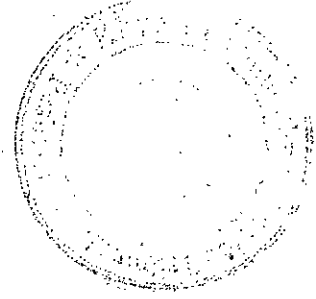
1

BEFORE THE NWFP SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 453/2004

Date of Institution 16.6.2004

Date of Decision 29.12.2004



Zahir Shah, SET, Govt High School
Zarki Nasrati, resident of Village Zarki Nasrati
District Karak.

.....Appellant

VERSUS

1. Government of NWFP through
Secretary Schools & Literacy, NWFP
Peshawar.
2. Director of Education
Schools & Literacy, NWFP, Peshawar
3. Executive District Officer,
Schools & Literacy, Karak.

.....Respondents

Abdul Hameed
Advocate

...For Appellant

Mr. Sultan Mehmood,
Govt. Pleader

...For Respondents

Mr. Abdul Sattar Khan.
Mr. Azmat Hanif Orakzai

Chairman
Member

JUDGMENT

AZMAT HANIF ORAKZAI:- This is an appeal filed by
Zahir Shah SET, GHS Zarki Nasrati, District Karak u/s 4 of the

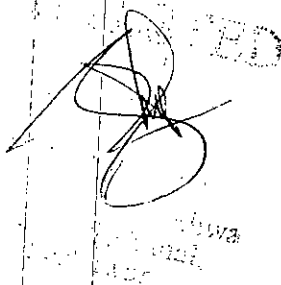
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NWFP Service Tribunal Act, 1974 wherein it has been prayed that the respondent No.1 & 3 be directed to re-instate the appellant against his original post of SET at GHS Zarki Nasrati.

2. Briefly stating the factual matrix of the case is while serving as SET at GHS, Zarki Nasrati, District Karak was implicated in a criminal case registered under sections 324/427/34 PPC, vide FIR No.107 dated 24/7/2000 at Police Station Takht-i-Nasrati District Karak. The appellant was tried by Judicial Magistrate, Karak and sentenced to seven years R.I. u/s 324 PPC, Five years R.I. u/s 337-F(v). Similarly u/section 427 PPC a fine of Rs.9,800/- was imposed on him for payment as compensation to the complainant for repair of his tractor which had allegedly been damaged by the appellant. Against his conviction order the appellant filed a criminal appeal before the Peshawar High Court which was dismissed by the Honourable Court, however sentences of 7 years R.I. u/s 324 PPC, and 5 years R.I. u/s 337-F(v) PPC awarded to the appellant were reduced to four years each, respectively. The appellant thereupon filed a criminal petition before the Supreme Court of Pakistan which too was dismissed vide judgment dated 19/12/2003. During the pendency of trial, the respondent department surprisingly did not initiate any disciplinary action against the appellant, and that he continued to draw his salary till 30/04/2002. His salary was

however, stopped by the department from 1/5/2002 onwards. After undergoing the imprisonment period he reported for duty before the Headmaster GHS Zarki Nasrati on 28/1/2004 however, the latter refused to allow him to resume his duty for want of any explicit approval from Director, S&L. Feeling aggrieved with the decision of the Headmaster he filed an appeal/representation, on 17/2/2004 before Director, Education (S&L)/respondent No.2 for his posting/adjustment . The appellant received no response from the Director Education within ninety days, hence the instant appeal on the following grounds:-

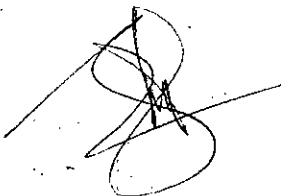
- a. A government servant was eligible to be re-instated in service by the competent authority after undergoing the punishment of imprisonment, provided that he was not convicted for an offence constituting moral turpitude.
- b. The appellant had been charged for an offence u/s 324 PPC i.e. attempted murder which was a common phenomenon in a district like Karak.
- c. That the appellant had a clean record of service and that he had never been proceeded against departmentally in the past nor was there any bad entry in his service record.

A handwritten signature in black ink is written over a circular stamp. The stamp contains the word "RECEIVED" at the top and "17/2/2004" at the bottom. Below the signature, there is some faint, illegible text.

- 48 -

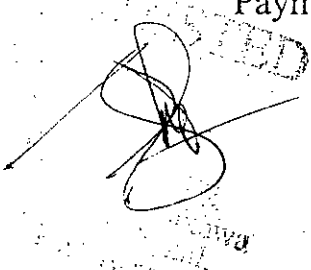
d. That the appellant was the sole supporter of his family and that he had served the department for thirty long years, hence he deserved to be given the assignment which he previously was performing.

3. After preliminary hearing, the respondents filed their replies and the case was argued by Counsel of the appellant as well as GP for the State. Counsel for the appellant stated that the appellant who had a clean record of service was implicated in a criminal case u/s 324 PPC due to a family feud which is not very uncommon in a place like District Karak. As a consequence thereof he was sentenced to imprisonment, and imposition of fine. After undergoing his imprisonment period the appellant reported for duty on 28/1/2004 before the School authorities of GHS Zarki Nasrati, District Karak but he was refused a job. The Counsel further contended that while criminal proceedings were in process against the appellant, no action was initiated against the appellant by the department, and that he continued to draw salary till his conviction. Now that he had undergone the sentence period he had a right to be re-instated in service as it was a policy of the government that a civil servant was entitled to reinstatement after serving the conviction period provided that he was not convicted for an offence



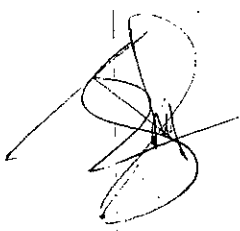
of moral turpitude. Attempted murder did not fall in the category of moral turpitude as was clear from letter dated 3/12/2003 of the Establishment Department (Annexure-F). The Counsel also contended that there were instances in the recent past relating to District Karak where government functionaries who had been convicted for offences other than offences of moral turpitude had been re-instated into service by the competent authorities. In this connection he cited the examples of one Irshad Ahmed, Radiographer (BPS-6) who was re-instated by DCO, Karak vide his order dated 9/4/2002, and Mr. Raqib Khan, CT Teacher who had been convicted u/s 302 PPC but was re-instated in service by EDO, S&L Karak vide his order dated 5/5/2003. The Counsel also produced a letter dated 26/5/2004 from EDO S&L Karak addressed to Director S&L NWFP, Peshawar wherein the appellant had been recommended for re-instatement into service after undergoing the sentence period.

4. The GP on the other hand stated that after the registration of a criminal case against the appellant the department did not initiate any disciplinary action against the appellant, for unexplained reasons. The appellant had been drawing salary during the trial period despite the fact that he did not perform official duty. This Payment made to him illegally be recovered from him.



The GP further argued that the appellant after being convicted was not fit enough to be entrusted with the task of teaching students any more. The plea of the appellant therefore did not deserve any consideration, and the instant appeal be dismissed.

5. I have gone through the case file, and have carefully listened to the arguments advanced by both sides. In the instant case, the appellant who otherwise had a clean record of service got implicated in a criminal case of attempted murder due to personal enmity, being very common in the area. He was sentenced to rigorous imprisonment, and fined too. After undergoing his sentence period, and payment of fine, he reported hence back for duty, but he was denied service in his old school. He filed a departmental appeal which too elicited no response within the stipulated time period. In the instant case, I tend to agree with the learned Counsel for the appellant, and direct the respondent department to accept his arrival, and post him at an appropriate station, preferably away from the place where he has a blood feud with his opponents. The respondent department is further directed to verify from record if the appellant actually performed duty during the period from 24/7/2000 to 30/4/2002 i.e. his trial period for which he received salary from government exchequer. I am stressing on this because respondents No.1 & 2 in their replies have



stated that illegal payment was made to him as he had not performed official duty during the afore-mentioned period. If the plea of the respondents on this account stands proved, then necessary recovery will have to be made from him. The instant appeal is disposed of in limine in the above terms. No order as to costs. File be consigned to the record.

ANNOUNCED
29.12.2004

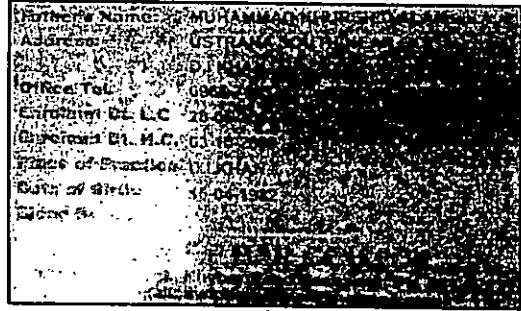
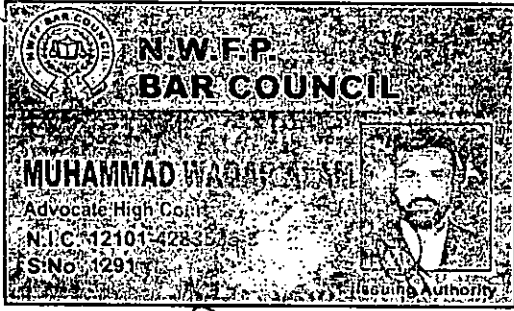
Amm
(AZMAT HANIF ORAKZAI)
MEMBER

Certified to be true copy.
[Signature]
Khan Azmat Hanif Orakzai
Member, Tribunal,
Peshawar

Date of
Name
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18-04-2016

وکالت نامہ



Khyber Pakhtunkhwa Service Tribunal بعدالت جناب
Appellan منجانب Peshawar

M. Hassan نام Govt. of K.P.K.

Service appeal دعویٰ یا جرم

تفصیل دعویٰ یا جرم

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے پیروی و جوابدہی برائے پیشگی یا تصفیہ مقدمہ بمقام D-10 Khan کیلئے

محمد وقار عالم ایڈووکیٹ ہائی کورٹ

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے، کہ ہر پیشگی پر خود بذریعہ اختیار خاص رو برو عدالت حاضر ہونا ہوں گا۔ اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر پیشگی پر منظر حاضر نہ ہوں، اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا، تو صاحب موصوف اسکے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پشہری کے علاوہ کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ اور مقدمہ صدر پشہری کے علاوہ اور جگہ ساعت ہونے یا بروز تعطیل یا پشہری کے اوقات کے آگے پیچھے پیش ہونے پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا بیانہ واپس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داخل صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ یا جواب دعویٰ یا درخواست اجراءے ڈگری و نظر ثانی اپیل و نگرانی دہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کرانے اور ہر قسم کا بروپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر ثالثی یا راضی نامہ فیصلہ پر حلف کرنے، اقبال دعویٰ کا بھی اختیار ہوگا، اور بصورت مقرر ہونے تاریخ پیشگی مقدمہ مذکورہ بیرون از پشہری صدر پیروی مقدمہ مذکورہ نظر ثانی اپیل و نگرانی دہر آڈیٹ مقدمہ یا منسوخی ڈگری یکطرفہ یا درخواست حکم اختتامی یا ترقی یا اگر ترقی نقل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا کی گئی علیحدہ جتانہ پیروی کا اختیار ہوگا اور تمام ساختہ پر داخل صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزوی کاروائی یا بصورت درخواست نظر ثانی اپیل یا نگرانی یا دیگر معاملہ مقدمہ مذکورہ کسی دوسرے وکیل یا ایئر سز کو اپنے بجائے یا اپنے ہمراہ مقرر کریں، اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور وہ ان مقدمہ میں جو کچھ ہر جائز التوا مزایا، وہ صاحب موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری نسیں تاریخ پیشگی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ کسی مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے۔ تاکہ سند رہے

Received
Signature
Date

موزنہ _____ ماہ _____ 20 _____

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

العبد محمد وقار عالم

العبد

العبد

محمد وقار عالم ایڈووکیٹ ہائی کورٹ

Mob: 0333-9950616

Email: waqaralam1982@gmail.com

"B"

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

No.

TB

Appeal No. 1091 of 2022

Mr. Hassan Appellant/Petitioner

Versus

Through Secy: Edn. Dept. Pesh: Respondent

Respondent No. 3

Notice to:

Distt. Education Officer (A)
Distt. D.I. Khan

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 20-11-22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 8/11 Day of Nov 20 22

at camp court D.I. Khan
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

“B”

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

No.

TB

Appeal No. 1091 of 20²²

M. Hassan Appellant/Petitioner

Versus

Through Secy: Edn: KPL Respondent

Respondent No. 2

Notice to: Director, Etc: 2 Sec: Education Dept: of KPL
Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 22-11-22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you via this office Notice No.....dated.....

gll

Given under my hand and the seal of this Court, at Peshawar this.....

Day of Nov 22 2022

at Camp Court D. 1. Peshawar




Registrar.

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays
 2. Always quote Case No. While making any correspondence.

"B"

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

No.

TB

Appeal No. 1091 of 20 22

Mr. Hassan Appellant/Petitioner

Versus

through Secy: Edn: K.P.K. Pesh: Respondent

Respondent No. 1

Notice to: —

Govt. of K.P.K. through Secy: Education
Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 29-11-22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal~~ has already been sent to you vide this office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this 8th

Day of Nov 20 22

at Camp Court D. I. Khan

[Signature]
14/11/22

SECRETARY, Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Registrar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.