06.09.2022

Clerk of learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Mingora Bench (Dar-ul-Qaza), Swat. Last opportunity given. Adjourned. To come up for arguments on 05.10.2022 before D.B at Camp Court, Swat.

(Mian Muhammad) Member (E) Camp Court, Swat

(Salah-Ud-Din) Member (J) Camp Court, Swat

05.10.2022

Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation of arguments. Adjourned. To come up for arguments on 07.11.2022 before the D.B at Camp Court Swat.

(Rozina Rehman) · Member (J) Camp Court Swat

(Salah-Ud-Din) Member (J) Camp Court Swat 09.06.2022

Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, learned Additional Advocate General for the respondents present.

Counsel are on strike. Adjourned. To come up for arguments on 04.07.2022 before D.B at camp court Swat.

(Mian Muhammad) Member (E) Camp Court Swat

(Kalim Arshad Khan) Chairman Camp Court Swat

04.07.2022

Junior to counsel for appellant present.

Noor Zaman Khattak, learned District Attorney for respondents present.

Former made a request for adjournment as senior counsel is busy before Hon'ble Peshawar High Court. Adjourned. To come up for arguments on 01.08.2022 before D.B at Camp Court, Swat.

(Fareeha Paul) Member (E) Camp Court, Swat

(Rozina Rehman) Member (J) Camp Court, Swat

8-22

Due to Sammal vacation the case 's adjansand to 6-9. 22 for the fame,

03.01.2022

Clerk of learned counsel for the appellant present. Mr. Bakht Rehman, Litigation Officer alongwith Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for the respondents present.

Clerk of learned counsel for the appellant sought adjournment on the ground that learned counsel for the appellant is out of station today. Adjourned. To come up for rejoinder, if any, as well as arguments on 07.03.2022 before the D.B at Camp Court Swat.

(Mian Muhammad) Member (E)

Camp Court Swat

(Salah-ud-Din)

Member (J) Camp Court Swat

07.03.2022

Due to retirement of the Hon'ble Chairman, the case is adjourned to 10.05.2022 for the same as before.

adèr

10.05.2022

Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Mingora Bench (Dar-ul-Qaza), Swat. Adjourned. To come up for arguments on 09:06.2022 before the D.B at Camp Court Swat.

(Mian Muhammad) Member (E) Camp Court Swat

(Salah-ud-Din) Member (J) Camp Court Swat 23.09.2021 Learned Addl. A.G be reminded about the omission and for submission of Reply/comments within extended time of 10 days.

01.11.2021

Appellant in person present. Mr. Hussain Ali, Litigation Officer alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present and submitted reply/comments, which is placed on file and copy of the same is handed over to the appellant. Adjourned. To come up for rejoinder, if any, as well as arguments before the D.B on 03.01.2022 at Camp Court Swat.

(Atiq-Ur-Rehman Wazir)

Member (E) Camp Court Swat

(Salah-Ud-Din) Member (J) Camp Court Swat

P.S

04.03.2021

Appellant Deposited

W & Process Fea

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

Points raised need consideration. Admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for reply/comments. To come up for written reply/comments on 41512021 before S.B at Camp Court, Swat.

(Rozina Rehman) Member (J) Camp Coult, Swat

Chănîman

## 26.07.2021

To come up for written reply/comments on 23.08.2021 before S.B at Camp Court, Swat. Notices be issued to appellant/counsel as well as respondents for the date fixed.

23.08.2021

Appellant in person and Mr. Muhammad Riaz Khan Paindakhel, Asstt.A.G for the respondents present.

Written reply/comments have not been furnished. Representative of the respondents seeks further time. The respondents are directed to submit written reply/comments in office at Peshawar within 10 days, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 01.11.2021 before the D.B, at camp court Swat.

man Camp Court Swat.

Stipulated period has passed and reply has not been submitted

#### 07.10.2020

Appellant has forth come but his respective counsel is stated to be busy in Dar-ul-Qaza bench of the august Peshawar High Court, Peshawar. It is now almost 11:30 A.M and the Tribunal has to commence proceedings in hearing arguments in other appeals fixed for today, therefore, adjourned to 05.11.2020 on which to come up for preliminary hearing before S.B at Camp Court, Swat.

> (MUHAMMAD JAMAL KHAN) MEMBER CAMP COURT SWAT

#### 05.11.2020

#### Appellant in person present.

Petitioner in person uresen.

Lawyers are on general strike, therefore, case is adjourned to 07.01.2021 for preliminary hearing, before S.B at Camp Court, Swat.

(Rozina Rehman) Member (J) Camp Court, Swat

7.1.2021

Que to covid 19, The case is adjourned to 4 = 3 · 2021 for the same eader

04.06.2020

Due to Covid-19, the case is adjourned. To come up for the same on 09.07.2020, at camp court Swat.

₀₹.

09.07.2020

Bench is incomplete. Therefore, the case is adjourned. To come up for the same on 10.09.2020, at camp court Swat.

Reader

10.09.2020

Appellant present in person with a request for adjournment as his counsel is not available.

Record shows that this appeal has been pending since 27.12.2018 for preliminary hearing and till today, his counsel never appeared before the Tribunal for arguments. As such, last chance is given. To come up for preliminary hearing on 07.10.2020 before S.B at Camp Court, Swat.

Member (J) Camp Court, Swat

## Service Appeal No. 1551/2018

### 09.01.2020

Appellant in person present and requested for adjournment on the ground that his counsel is not available today due to general strike of Khyber Pakhtunkhwa Bar Council. Adjourned to 05.03.2020 for preliminary hearing including hearing on the issue of limitation before S.B at Camp Court Swat.

(Muhammad Amin Khan Kundi) Member Camp Court Swat

05.03.2020

Learned counsel for the appellant present and seeks adjournment. Adjourn. To come up for preliminary hearing on 05.05.2020 before S.B at Camp Court, Swat.

Member Camp Court, Swat.

HAM BODON

Due to corrora virous tour to camp court sanat has been cancelled. To come up for the same on

04-06-2020

09.10.2019

Appellant in person present and requested for adjournment on the ground that his counsel is not available today. Adjourned to 07.11.2019 for preliminary hearing including hearing on the issue of limitation before S.B at Camp Court Swat.

> (Muhammad Amin Khan Kunđi) Member Camp Court Swat

07.11.2019

Appellant alongwith his counsel present and requested for adjournment. Adjourned to 05.12.2019 for preliminary hearing including hearing on the issue of limitation before S.B at Camp Court Swat.

(Muhammad Amin Khan Kundi) Member Camp Court Swat

05.12.2019

Appellant in person present, submitted Wakalat Nama in favor of Muhammad Javid Khan Advocate and seeks adjournment Adjourn. To come up for preliminary hearing including hearing on the issue of limitation on 09.01.2020 before S.B at Camp Court, Swat.

Member Camp Court, Swat

12.06.2019

Learned counsel for the appellant present and seeks adjournment. Adjourn. to come up for preliminary hearing including hearing on the issue of limitation on 03.07.2019 before S.B at Camp Court, Swat.

Member Camp Court, Swat.

03.07.2019

Clerk to counsel for the appellant present and submitted application for adjournment. Adjourn. To come up for preliminary hearing including hearing on the issue of limitation on 04.09.2019 before S.B at Camp Court, Swat.

Member

Camp Court, Swat

04.09.2019

Learned counsel for the appellant present and seeks adjournment to assist this Tribunal on the issue of limitation. Adjourn. To come up for preliminary hearing including hearing on the issue of limitation on 09.10.2019 before S.B at Camp Court,

Swat.

Member Camp Court, Swat. 05.03.2019

Counsel for the appellant present.

Straft and States

Learned counsel for the appellant seeks adjournment in order to seek fresh instructions from the appellant. Adjourned to 02.04.2019 before S.B at camp court, Swat.

Chairman  $\sqrt{\eta}^{*}$ Camp Court, Swat

02.04.2019

「日本の時間」は、「日本の日本」、「

日本省にあるの地位のとあることである

Learned counsel for the appellant present. Heard.

Learned counsel for the appellant when confronted with the issue of limitation, seeks adjournment for proper assistance. Adjourn. To come up for preliminary hearing on 08.05.2019 before S.B at Camp Court Swat.

Member Camp Court, Swat

#### 08.05.2019

Appellant in person present and seeks adjournment as his counsel is not in attendance. Adjourn. To come up for preliminary hearing including hearing on the issue of limitation, on 12.06.2019 before S.B at Camp Court Swat.

. Member Camp Court, Swat.

## Form-A

## FORM OF ORDER SHEET

Court of 1551 /2018 Case No. S.No. Date of order Order or other proceedings with signature of judge proceedings 2 3 1 The appeal of Mr. Saeed Ahmad resubmitted today by Dr. Adnan 27/12/2018 1-Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order pleases REGISTRAR > 12-110 This case is entrusted to touring S. Bench at Swat for preliminary 3-1-19 2hearing to be put up there on 08-02-19CHAIRMAN Appellant absent. Learned counsel for the appellant 08.02.2019 present and seeks adjournment. Adjourn. To come up for preliminary hearing on 05.03.2019 before S.B at Camp Court Swat. Member Camp Court, Swat

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The appeal of Mr. Saeed Ahmad son of Muhammad Fazal Rahim r/o Bara Duresh Khela Ex-PST GPS No. Baz Khela received today i.e. on 21.12 2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Strate and the second

- 1- Memorandum of appeal may be got signed by the appellant
- 2- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.

No. 2441 /S.T.

Dt. <u>24 - 12 -</u>/2018.

REGISTRAR 24 11212 SERVICE TRIBUNAL **KHYBER PAKHTUNKHWA** PESHAWAR.

#### Dr. Adnan Khan Adv. High Court Swat.

Dear Sin;

Re-mbmit after remonal objection.

## BEFORE THE HON'BLE SERVICE TRIBUNAL, KPK PESHAWAR

Service Appeal No. 1557 of 2018

Saeed Ahmad.....Appellant

## <u>VERSUS</u>

Government of Khyber Pakhtunkhwa and others

.....Respondents

S. No.	Description	Annéxure	Pages No.
1.	Memo of Service Appeal with Certificate	· · ·	1-4
2.	Affidavit		5
3.	Application for Condonation of Delay with AFFide	VIT.	6-7-74
4.	Addresses of parties		8
5.	Copy of clearance certificate	A	9
6.	Copy of FIR	В	10-11
7.	Copy of order dated 15-10-2016	С	12.24
8.	Copy of impugned order	D	25.26
9.	Copy of memo of departmental appeal	E	27.28
΄ 10. · ·	Wakalatnama		29

## **INDEX**

مسعبہ اعر Appellant though Counsel

**Dr. Adnan Khan, Barrister-at-Law** Office: Adnan Law Associates, Opp. Grassy ground Mingora, Swat. Cell: 0346-9415233

# **BEFORE THE HON'BLE SERVICE TRIBUNAL**, <u>KHYBER PAKHTUNKHWA, PESHAWAR</u>

Service Appeal No. 1551 of 2018

Saeed Ahmad s/o Muhammad Fazal Rahim r/o Bara Duresh Khela, District Swat (Ex-PST GPS No.1 Baz Khela.

Appellan

### VERSUS

- Diary No. 1783
- 1) Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department, Civil Secretariat, Peshawar.
- 2) Director, Elementary & Secondary Education, Peshawar.
- 3) District Education Officer (Male), District Swat at Saidu Sharif.

....Respondents

#### <u>APPEAL UNDER</u> SECTION 4 OF THE <u>KHYBER</u> <u>PAKHTUNKHWA</u> SERVICE TRIBUNAL ACT, 1974.

## <u>Respectfully</u> Sheweth:

That the appellant was serving as Primary School Teacher at 1) GPS No.1 Baz Khela Tehisl Matta, District Swat.

dto-day 2) 112 Re-submitted to -da

and filed.

That during the period of insurgency prevailing in Swat Valley, the appellant was apprehended by Pak Army on the allegations of involvement in Anti-State activities. The appellant was detained in June, 2009 and after remaining in detention, was

released in December, 2010. At the time of release, the appellant was given a clean chit by the security forces (Copy of clearance certificate is attached as Annexure "A").

- 3) That after his release from the unlawful confinement of the security forces, the appellant was once again arrested by the local police in case FIR No.219 dated 13-08-2008 Police Station Matta (Copy of FIR is attached as Annexure "B").
- 4) That after facing proceedings for a considerable time before the Anti-Terrorism Court in the above mentioned FIR, the appellant was discharged by the learned Trial Court vide order dated 15-10-2016. (Copy of order is attached as Annexure "C").
- 5) That even after his release, the appellant could not agitate his lawful rights and seek remedies from the competent forums on the apprehension of further harassment and detention by the Law enforcement authorities.
- 6) That because of the above mentioned apprehension and the fact that the appellant's name was included in Schedule-IV of Anti-Terrorism Act, the appellant could not return to his home town for a considerable time after his release from prison.
- 7) That very recently the appellant, in an attempt to resume his normal life, moved back to his home town, where he was informed about the impugned order of removal from service vide order dated 28-09-2010 (Copy of order is attached as Annexure "D").
- 8) That after getting knowledge of the impugned order, the appellant forthwith filed Departmental Appeal before respondent No.2. Despite the lapse of the prescribed period, the appeal has not been decided as yet (Copy of memo of appeal is attached as Annexure "E").

2

9) That feeling aggrieved as above, the appellant files this appeal, *inter alia*, on the following grounds:

### <u>GROUNDS:</u>

- A) That the impugned order is illegal, malafide and violative of due process of law. Hence, the same is liable to be set aside.
- B) That by virtue of the impugned order, retrospective punishment has been inflicted upon the appellant, which makes the order *void ab inito*. Void order is a nullity in the eyes of law and thus liable to be set aside.
- C) That no publication in the prescribed newspapers was made against the appellant prior to the impugned order. Therefore, on this score as well the impugned order is liable to set aside.
- D) That no Show Cause notice, proper inquiry, statement of allegation, personal hearing and final notice whatsoever have been conducted/served in the impugned proceedings.
- E) That further grounds with leave of this Hon'ble Tribunal will be raised at the time of oral submissions.

It is, therefore humbly prayed that on acceptance of this appeal, the impugned order be declared as illegal and the same be set aside. Consequently, the appellant may be reinstated to his original post alongwith back benefits. Any other remedy though may not specifically prayed for but which circumstances of the case would in the interests of justice demand may also be granted.

Appellant -

Through Counsel

Dr. Adnan Khan, Barrister-in-Law Advocate Supreme Court of Pakistan

## **CERTIFICATE:**

Certified that no such like appeal has earlier been filed before this Hon'ble Tribunal on the subject matter.

Appellant

2 her

Through Counsel

Dr. Adnan Khan, Barrister-in-Law Advocate Supreme Court of Pakistan

# BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER PAHKTUNKHWA, PESHAWAR

Service Appeal No\_\_\_\_\_ of 2018

#### VERSUS

#### <u>AFFIDAVIT</u>

I, Sami Ullah (Appellant), do hereby solemnly affirm and declare that the contents of the above titled Appeal are true and correct to the best of my knowledge and belief. Furthermore, no such like appeal has earlier been filed before this Hon'ble Tribunal or elsewhere on the subject matter.

 DEPONENT

2 ve

Saeed Ahmad s/o Muhammad Fazal Rahim



Misc: Application No.\_\_\_\_\_ of 2018

In Service Appeal No.\_\_\_\_\_ of 2018

Saeed Ahmad s/o Muhammad Fazal Rahim r/o Bara Duresh Khela, District Swat (Ex-PST GPS No.1 Baz Khela).

..... Appellant/Applicant

#### VERSUS

Government of Khyber Pakhtunkhwa & others

..... Respondents

# APPLICATION FOR CONDONATION OF DELAY IN FILING SERVICE APPEAL.

Respectfully Sheweth;

- That the accompanying appeal is being filed before this Hon'ble Tribunal, which is apparently filed after the prescribed thirty days limitation period.
- 2) That the official respondents had unofficially communicated to appellant that he should wait for the outcome of the Departmental Appeal where the appellant's grievance shall hopefully be redressed.
- 3) That on the above mentioned assurance, appellant did not file the instant appeal promptly.
- 4) That any lapse in this respect is innocent and in good faith.
- 5) That the apparent excessive period is only of a few days and not a substantial one.

That it is in the interests of justice that disputes are adjudicated upon merits rather on the technicalities.

6)

It is, therefore, humbly prayed that on acceptance this application, any delay in filing the instant appeal be condoned in the interests of justice.

Appellant/Applicant

Run

Through Counsel

Dr. Adnan Khan, Barrister-in-Law.



# **BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER** PAHKTUNKHWA, PESHAWAR

C.M. No.\_\_\_\_\_of 2018

In Service Appeal No\_\_\_\_\_ of 2018

Saeed Ahmad ..... .....Applicant

### VERSUS

### <u>AFFIDAVIT</u>

I, Sami Ullah (Applicant), do hereby solemnly affirm and declare that the contents of the above titled Application are true and corrent to the best of my knowledge and belief. Furthermore, no such like application has earlier been filed before this Hon'ble Tribunal or elsewhere on the subject matter.

Tarig Aziz A vocate TH COMMISSIONER

ict Crats Swat.

-12-018

Dist

No. 3.0

## DEPONENT

1/van

Saeed Ahmad s/o Muhammad Fazal Rahim

## **BEFORE THE HON'BLE SERVICE TRIBUNAL, KPK**

Service Appeal No.\_\_\_\_\_ of 2018

Saeed Ahmad.....Appellant

## VERSUS

Government of Khyber Pakhtunkhwa and others

......Respondents

## ADDRESSES OF THE PARTIES

APPELLANT:<br/>CNIC Z / 560 - 0999562 - 3<br/>cell Z · 03429845793.Saeed Ahmad s/o Muhammad Fazal Rahim r/o Bara DureshKhela, District Swat (Ex-PST GPS No.1 Baz Khela

## **RESPONDENTS:**

- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department, Civil Secretariat, Peshawar.
- 2) Director, Elementary & Secondary Education, Peshawar.
- 3) District Education Officer (Male), District Swat at Saidu Sharif.

Appellant

She

Saeed Ahmad

Through Counsel

Dr. Adnan Khan, Barrister-in-Law Advocate Supreme Court of Pakistan

# CERTIFICATE

It is certified that Saeed Ahmed 5/o Muhammad Fazal Raheem resident of Bar Drushkhala is not involved in any sort of terrorist activities. He may please not be bothered un necessarily.

11 Addin -15-December 2010 -Dated:

o man Colonel Commanding Officer (Ashfag Ahmad)

Anux A"

Ann "B" بالمراب المراجع المدر المحادد وزارد جرف محد المراجع المحديق المحديق المحدم المداري المرابع (10 ۵ رم نبر ۲۳\_۵ (۱) کم ۱۶ ビーノシノびししろした! ۱۳۱۱) المال السبب بندجرم قابل دست اندازی پویس را پورنٹ شد وزیر دفعہ **۱۵ جموعہ ضابط فو جداری** ھر Myre an 2610 41 26:3-09 26 2006 20,100 16 16 3 99 16 10 10 - 560 worth JG JL 40/4 miles com pinde PIL 364 - TATA - 19 12 statute the how by U.S. Heller at de altre de ن کی کی ارا ملاع درج کرنے بی اوقت ، دا، داد و وجه بیان کرد سرمر سرم، حسر مرم مدور ، جرم معد مر مرکز مند سرم ان کی کی ارا ملاع درج کرنے بی اوقت ، دا، داد و وجه بیان کرد in Prot 二小されしはト ابتدائي اطلاع فيجدون كروب ستعين عالا في سالت النداز عال 41 is she is the the the contraction of the contraction of محقبت كر فتج بد عال بتسل م هر مرال الرب 10 مرم رف الرب عمر ال العدانة حرك مع مراعيا ما من منهم الم مريد من عنام مرم مل مرة الم على Gover al John Come come a will the upon - retering in the the first and didis Jung Cours fin Englished ide Stand out it is Alt no the is a fine main and in the is the in the is and is and The second and the second of the second of the second in the side of the start and t - cin il and and the city of the 100 - PS Hallen 26 - 03 - 09 C.T.C Aue

# BETTER COPY

ابتدائی اطلاعی رپورٹ ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیردفعہ 154 مجموعہ ضابط فوجد اری فانہ: ۔ مٹہ ضلع: ۔ سوات ست نمبر: ۔ 41	
ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس ر پورٹ شدہ زیر دفعہ 154 مجموعہ ضابطہ نوجداری فانہ: ۔ مٹہ	
فانه: _مٹه	
لت نمبر:-41 تاريخ وقت وقوعه :26/10/09 وقت عصرويله	
	6
1 تاريخ دفت رپورت: _26/3/09 دفت دفترى ادقات چاكيدگى پرچه 26/3/09 دفت 11:35 بج	
2 نام وسکونت اطلاع د جنده مستغیر بیش می داد خان محدقوم پیش مهند بعمر 40/42 سال حال نائب صوبیدار فرنڈیز کر کنشیبر کی پادتون 41 مید	•
3 مختصر کیفیت جرم (معہد فعہ) حال اگر کچھ لیا گیا ہو۔ PPC 364-7ATA	
4 جائے وقوعہ فاصلہ تھاند سے اور سمت ۔ بریم بل بفاصلہ 2 کلومیٹر جانب جنوب ازتھانہ	÷.
5 نام وسکونت ملزم	,* • 
6 کارردائی جوتفتیش سے متعلق کی گئی اگراطلاع درج بر سیدگی تحریری درخواست چٹھی انگریز ی نمبری	- -
كرف ميں توقف ہوا ہوتو دجہ بيان كرو 1558 قائم كيا گيا	
7 تھانہ۔۔۔روائگی کی تاریخ وقت بطور پیش رپورٹ	

مستغیث بالا نے بوساطت افسران بالا ایک تحریری درخواست اور چھی انگریزی نمبری ADJ / ADJ محررہ 26/3/09 لا کر پیش کیا جسکامتن ذیل ہے بھنور جناب SSP صاحب سوات بوساطت افسران بالاعنوان درخواست بمراد درج کرنے FIR جناب عالیٰ! حسب عرض ہوں کہ مور خہ 26/10/07 کو پلاٹو ن نمبر 41 مستغیث کو فتح پور حال مذکورہ حوالر کو بہقام بریم پل مورخہ 26/10/07 .....دہشتگر دوں نے اتار کر اغواء کیا ہے مذکورہ کے متعلق تا حال کوئی انتہ پیتنہیں ہے ......یقل کردیا ہے لہذابذر بعہ درخواست استدعا ہے کہ برخلاف ملز مان/ملز مان نامعلوم حوالدار کے اغوا ئیگی کا رپورٹ FIR درج کرنے کا حکم صادر فر مائیں عین نوازش ہوگی بدیں پلاٹون کمانڈر ، پلاٹون نمبر 41 دستخط اگریزی مورخه 26/3/09 برخلاف نامعلوم ملزم/ملز مان کسان د بشتگر د طالبان FC حوالدارجلال الدین کوانحواء کرنے کے سردست صورت جرم بالا کا پائی جا کر پر چہ بجرم بالافوق قائم کرکے بخت پورخان Si/INV کو مامور تفتیش کیاجا کر پرچہ بطور بیش رپورٹ گزارش ہے۔ د شخط انگریز ی 26/3/09-

Nu

## IN THE COURT OF MUHAMMAD AMIN KUNDI ADMINISTRATIVE JUDGE, ANTI-TERRORISM COURTS MALAKAND DIVISION AT SWAT

Case No: (93/8 OF 2016

The State

......Versus......

Saeed Ahmad

Case FIR No: 41 dated: 26.03.2009 U/Ss 364, 120, 120A, 148, 149 PPC, 7-ATA P.S Matta Distt: Swat

O. <u>'1:-</u> 05.09.2016:-

The supplementary challan in the subject case received from Rahim prosecution against the accused, namely, Saeed Ahmad S/O Muhammad Fazal R/O Bara Drushkhela Matta. Be entered in the relevant register. The prosecution has also annexed joint opinion in the shape of proforma 'B' for discharge of accused. Accused is on bail, he be summoned for 26.09.2016. Original record be requisitioned for the date fixed.

Ann C

(MUHAMMAD AMIN KUNDI)-ADMINISTRATIVE JUDGE ATCs MALAKAND DIVISION AT SWAT

Note Reader: 26.09.2016

The learned Presiding Officer has gone to the Worthy Peshawar High Court Peshawar for meeting, hence the case is adjourned to the next date for further proceedings on 15.10.2016.

IR No: 41 being Not ft for trial & ded

Reader ATC-I

CT:C

**O R D E R:-**15.10.2016:-

Arif Bilal Senior PP for the state present. Accused Saeed Ahmad is on bail present. Original record also received.

Q<sup>e'</sup>

Accused Saeed Ahmad is involved in Case FIR No: 41 dated: 26.03.2009 U/Ss 364, 120, 120A, 148, 149 PPC, 7-ATA P.S Matta Distt: Swat.

Brief facts of the prosecution case according to the.FIR is that on the application of Platoon Commander P-41 dated: 26.03.2009 addressed to the District Police Officer Swat for registration of the case was submitted to the effect that on 26.10.2007 Hawaldar Jalal-u-Din of Platoon No: 41 after availing ten days casual leave was returning to his place of posting Police Check Post Fatehpur. When at Brame Bridge, he was kidnapped by unknown militants and since then his whereabouts is not known. The application was forwarded to the District Police officer Swat by District Officer Frontier Constabulary (Kanju) through letter No: 1552 / Adj dated: 26.03.2009 on the basis of which the present case was registered against the unknown accused.

After registration of the case, accused petitioner alongwith other coaccused were involved in the present case through Parwana Namzadgi Mulziman dated: 04.11.2010. Accordingly the present accused petitioner was involved in the present case.

On arrest of the accused facing trial, namely, Saeed Ahmad, usual investigation was conducted, supplementary challan has been submitted against him in the aforesaid case in this court by the prosecution and JIT (*Joint Investigation Team*) has also annexed their joint opinion in the shape of proforma 'B' recommending the discharge of the accused Saeed Ahmad being case against him not prosecutable. As

FIR No: 41 being Nat fit for trial & discharged

per joint opinion of the SP Investigation, District Public Prosecutor, Investigation Officer and the prosecutor, the case in hand is not fit for prosecution owing to deficient evidence, therefore, in the light of this joint opinion of the prosecution to proceed further with the trial is mere futile exercise and wasting of time. Resultantly by acting upon the opinion of prosecution, the present accused, namely, Saeed Ahmad is hereby discharged of the subject charge. He is on bail; his bail bonds stands cancelled and his sureties are discharged from the liabilities of bail bonds.

File be consigned to record room after necessary completion and compilation.

ANNOUNCED 15.10.2016

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(MUHAMMAD AMIN KUNDI) Administrative Judge ATCs Malakand Division At Swat

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# HE COURT OF MUHAMMAD AMIN KUNDI ADMINISTRATIVE JUDGE, ANTI-TERRORISM COURTS MALAKAND DIVISION AT SWAT

ase No: 94/8 OF 2016

The State

Saeed Ahmad S/O Muhammad Fazal R/O Bara Drushkhela Distt: Swat.

Case FIR No: 109 Dated: 23.09.2009 U/Ss 302, 364, 109, 114, 121 A, 123 A 7-ATA P.S Matta Distt: Swat

05.09.2016:-

The supplementary challan in the subject case received from prosecution against the accused, namely, Saeed Ahmad S/O Muhammad Fazal Rehim R/O Bara Drushkhela Distt: Swat. Be entered in the relevant register. The prosecution has also annexed joint opinion in the shape of proforma 'B' for discharge of accused. Accused be summoned for 26.09.2016. Original record be requisitioned for the date fixed.

> (MUHAMMAD AMIN KUNDI) ADMINISTRATIVE JUDGE ATCs MALAKAND DIVISION AT SWAT Anti Terrorica Lourt Mild. Division Carat.

Page 1

Note Reader: 26.09.2016

The learned Presiding Officer has gone to the Worthy Peshawar High

Court Peshawar for meeting, hence the case is adjourned to the next date for

further proceedings on 15.10.2016.

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10-016

**O R D E R**:-15.10.2016:-

Arif Bilal Senior PP for the state present. Accused Saeed Ahmad

present. Original record also received.

Accused namely, Saeed Ahmad is involved in Case FIR No: 109 Dated: 23.09.2009 U/Ss 302, 364, 109, 114, 121 A, 123 A7-ATA P.S Matta Distt: Swat.

Brief facts of the prosecution case according to the FIR, lodged on the basis of Murasila is that on 23.09.2009 at 16:30 hours, complainant Jehan Sher lodged the report in the shape of Murasila to the effect that his brother Shah Khasroo was principal in Sofa Public School situated at Bara Drushkhela and was present at duty in the said school on 17.10.2008 at 08:45 hours, when on that day at 08:45 hours, the local terrorist / militants Umer Ali alias Farooq S/O Taza Gul, Islam-u-Din alias Usama S/O Salamat Gul R/O Tity, Umer Zada alias Fahad S/O Unknown R/O Rahat Kot and Zabiullah commander S/O unknown R/O Bara Bandai, Saeed Ahmad S/O Muhammad Fazal Rahim and Muhammad Sahib Khan S/O Gul Muhammad alias Dang came to the School at their instance and his (complainant) brother Shah Funsal was abducted by them for the purpose of committing of his Qatl-e-amad. It was further alleged by the complainant in the report that on 28.10.2008 at 14:30 hours, Maulvi Muhammad Alam alias Benorrai, Khalil S/O Unknown R/O Shangla present at Benorrai had issued Fatwa of his (Shah Khasroo) Wajib-ul-Qatal and accused Umer Ali, Islam-u-Din, Umer Zada and Zabiullah mentioned above obeyed his order / Fatwa and committed Qatl-e-amad of his brother with deadly weapon and the dead body was buried there. The occurrence was stated to have been witnessed by teacher Alamgir S/O Khaista Bacha, teacher Fazal Hamid S/O Haleem Khan R/O Bara Drushkhela. It was

FIR No: 109 being Not for first of a

arther alleged that on their request at 27.03.2009 at the pointation of accused named above and with the help of Muhammad Ibrahim, Muhammad Nisar both sons of Sadbar Khan, Khalid Khan S/O Muhammad Nawab, Muhammad Riyaz S/O Muhammad Siraj, Ihsanullah S/O Mehnati, Sher Muhammad Khan S/O Sher Afzal etc the dead body was exhumated and was handed over to them. Motive for the offence was stated their cooperation with the Government of Pakistan. It was further alleged that the delay in lodging the report was occurred due to critical situation in Swat and fear of accused and charged accused Saeed Ahmad, Muhammad Sahib Khan and Muhammad Alam alias Benorrai Khalil for abating the offence of abductors and committing Qatl-e-amad and charged accused Umer Ali, Islam-u-Din, Umer Zada and Zabiullah commander for abduction and committing Qatl-e-amad of his brother. Accordingly the present case was registered against the accused named above.

On arrest of the accused facing trial, namely, Saeed Ahmad, usual investigation was conducted, supplementary challan has been submitted against him in the aforesaid case in this court by the prosecution and JIT (*Joint Investigation Team*) has also annexed their joint opinion in the shape of proforma *B*' recommending the discharge of the accused Saeed Ahmad being case against him not prosecutable. As per joint opinion of the SP Investigation, District Public Prosecutor, Investigation Officer and the prosecutor, the case in hand is not fit for prosecution owing to deficient evidence, therefore, in the light of this joint opinion of the prosecution to proceed further with the trial is mere futile exercise and wasting of time. Resultantly by acting upon the opinion of prosecution, the present accused, namely, Saeed Ahmad is hereby

-10-64/6

18 discharged of the subject charge. He is on bail, his bail bonds stands cancelled and hit sureties are discharged from the liabilities of bail bonds. File be consigned to record room after necessary completion and compilation. Ż (MUHAMMAD AMIN KUNDI) <u>A N N O U N C E D</u> 15.10.2016 Administrative Judge ATCs ADMINISTRATIVE JOE AT SWAT MALAKAND DIVISION AT SWAT And Torrestory Mind. Dicision 5 - 4 CTC /-- 16  $\sim$ FIR No: 109 being Nat fit for trial Or disch

IN THE COURT OF MUHAMMAD AMIN KUNDI ADMINISTRATIVE JUDGE, ANTI-TERRORISM COURTS MALAKAND DIVISION AT SWAT

Case Noi \$ /8 OF 2016

#### The State

.....VS......

Saeed Ahmad S/O Muhammad Fazal R/O Bara Drushkhela Distt: Swat.

## Case FIR No: 219 Dated: 13.08.2008 U/Ss 324, 148, 149, 3/4 E.S.A 7-ATAP.S Matta Distt: Swat

O\_\_\_\_1:-05.09.2016:-

The supplementary challan in the subject case received from prosecution against the accused, namely, Saeed Ahmad S/O Muhammad Fazal Rahim R/O Bara Drushkhela Distt: Swat. Be entered in the relevant register. The prosecution has also annexed joint opinion in the shape of proforma 'B' for discharge of accused. Accused be summoned for 26.09.2016. Original-record be requisitioned for the date fixed.

(MUHAMMAD AMIN KUNDI) **ADMINISTRATIVE JUDGE ATCs** MALARAND DIVISION AT SWAT

Page 11

Note Reader: 26.09.2016

The learned Presiding Officer has gone to the Worthy Peshawar High Court Peshawar for meeting, hence the case is adjourned to the next date for

further proceedings on 15.10.2016.

. Reader ATC-I

ORDER:-15.10.2016:-

> Arif Bilal Senior PP for the state present. Accused Saeed Ahmad on bail present. Original record also received.

> Accused, namely, Saeed Ahmad is involved in Case FIR No: 219 Dated: 13.08.2008 U/Ss 324, 148, 149, 3/4 Exp. Sub: Act, 7-ATAP.S Matta Distt: Swat.

Brief facts of the prosecution case according to the FIR is that on 13.08.2008 at 11:15 hours, complainant Anwar Said Khan ASHO lodged the report in the P.S to the effect that he received information through informer that on the preceding night the militants / terrorist, namely, Ibn-e-Amin S/O Bahadar, Ikram S/O Hasam-u-din, Anwarullah S/O Abdul Keal, Muhammad Naeem S/O Toti, Bakht Farzand S/O Shamozai, Usman Ali S/O Muhammad Nauoor, Muhammad Jaan S/O Badray, Haroon-ur-Rashid *alias* Rawai S/O Khobar alongwith 14/15 unknown accused fited rocket launcher and at the house belonging Afzal Khan Lala with the intention to commit his Qatl-e-amad, however, Afzal Khan Lala escaped unhurt luckily and in this connection his

private servant verified the occurrence, however, no one was ready for report. The occurrence was stated to have been witnessed by the villagers and private servants of Afzal Khan Lala. Accordingly the present case was registered against the accused.

After registration of the case, during investigation, statement of Afzal Khan Lala was recorded U/S 161 Cr.PC on 16.09.2009 wherein he also charged accused er alongwith other co-accused, therefore, the accused petitioner was involved in the present case on the basis of statement of Afzal Khan Lala.

On arrest of the accused facing trial, namely, Saeed Ahmad usual investigation was conducted, supplementary challan has been submitted against him in the aforesaid case in this court by the prosecution and JIT (*Joint Investigation Team*) has also annexed their joint opinion in the shape of proforma *B* recommending the discharge of the accused facing trial Saeed Ahmad being case against him not prosecutable. As per joint opinion of the SP Investigation, District Public Prosecutor, Investigation Officer and the prosecutor, the case in . hand is not fit for prosecution owing to deficient evidence, therefore, in the light of this joint opinion of the prosecution to proceed further with the trial is mere futile exercise and wasting of time. Resultantly by acting upon the opinion of prosecution, the present accused, namely, Saeed Ahmad is hereby discharged of the subject charge. He is on bail; his bail bonds stands cancelled and his sureties are discharged from the liabilities of bail bonds.

File be consigned to record room after necessary completion and

compilation.

ANNOUNCED

(MUHAMMAD AMIN KUNDI) Administrative Judge ATCs Malakand Division ATSWAT

## IN THE COURT OF MUHAMMAD AMIN KUNDI ADMINISTRATIVE JUDGE, ANTI-TERRORISM COURTS MALAKAND DIVISION AT SWAT

Case No: /25/8 OF 2016

The State through Amjad Ali S/O Amir Ghawas

R/O Bara Drushkhela Distt: Swat

Saeed Ahmad S/O Muhammad Fazal R/O Bara Drushkhela Distt: Swat.

Case FIR No: 128 Dated: 06 10 2009 U/Ss 302, 324, 148, 149, 7-ATA P.S Matta Distt: Swat

13.10.2016:-

**O R D E R**:-04,11.2016:- The supplementary challan in the subject case received from prosecution against the accused, namely, Saeed Ahmad S/O Muhammad Fazal <u>Rahim</u> R/O Bara Drushkhela Distt: Swat. Be entered in the relevant register. The prosecution has also annexed joint opinion in the shape of proforma 'B' for discharge of accused. Accused be summoned for 04.11.2016. Original record be requisitioned for the date fixed.

> (MUHAMMAD AMIN KUNDI) Administrative Judge ATCs Malakand Division AT Swat

> > H-11-16

Mujarab Khan DPP for the state is present. Accused Saeed Ahmad on bail is also present. Original record received.

Accused facing trial, namely, Saeed Ahmad S/O Muhammad Fazal R/O Bara Drushkhela Distt: Swat is involved in case FIR No: <u>128</u> Dated: 06.10.2009 U/Ss 302, 324, 148, 149 PPC, 7-ATA P.S Matta Distt: Swat.

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Brief facts of the prosecution case according to the FIR, lodged en the basis of Murasila is that on 06.10.2009 at break hours, complainant Amjad Ali lodged the report in the shape of Murasila to the effect that 24.09.2008 he alongwith his father, namely, Amir Ghaus were present in their Hotel, in the meanwhile on the that day at Sham vela, the local militants / Taliban, namely, Saeed S/O Fazal Rahim, Shujat Ali S/O Abdul Qayum, Sahib S/O Dang, Yasar S/O Saeed R/O Bara Drushkhela, commander Taliban Umer Ali alias Farooq S/O Unknown R/O Tety duly armed with deadly weapon entered their Hotel and started firing at them. As a result of which his father, namely, Amir Ghaus was hit and died on the spot whereas he (complainant) escaped unhurt luckily. The occurrence was stated to have been witnessed by Anwar, Jahangir Khan etc. Motive for the offence was stated that they (complainant party) are co-operative with government while the Taliban did not want so. The delay in the report was stated to have been occurred due to fear of accused and charged the accused named above for committing Qatl-e-amad of his father and attempting to commit Qatl-e-amad of him (complainant). Accordingly the present case was registered against the accused on the basis of Murasila.

On arrest of the accused facing trial, namely, Saeed Ahmad usual investigation was conducted, supplementary challan has been submitted against him in the aforesaid case in this court by the prosecution and JIT (*Joint Investigation Team*) has also annexed their joint opinion in the shape of proforma 'B' recommending the discharge of the accused facing trial Saeed Ahmad being case against him not prosecutable. As per joint opinion of the *SP Investigation*, District Public Prosecutor, Investigation Officer and the Prosecutor, the case in hand is not fit for prosecution owing to deficient evidence, therefore, in the light of this joint opinion of the prosecution to proceed further with the trial is mere futile exercise and wasting of time. Resultantly by acting upon the opinion of prosecution, the present accused, namely, Saeed Ahmad is hereby discharged of the subject charge. He is on bail; his bail bonds stands cancelled and his sureties are discharged from the liabilities of bail bonds.

File be consigned to record room after necessary completion and

compilation.

A N N O U N C E D 04.11.2016

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1mmalles (MUHAMMAD AMIN KUNDI) ADMINISTRATIVE JUDGE ATCs MALAKAND DIVISION AT SWAT  $, :: t \downarrow$ 5. O.

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FIR No: 128 14

### FICE OF THE EXECUTIVE DISTRICT OFFICIER ELERTEN SECONDARY EDUCATION SWAT AT GUI KADA.

OFFICE ORDER/TERMINATION

the following PST (M/P) teachers remained absent from duty from the date noted against each were directed by the D.D.O concerned to resume their duty Vide his memo No. and date mentioned below but they failed to resume their duties.

S.No	Name & Post	First	2 <sup>nd</sup> Notice	3 <sup>rd</sup> Nótice	Date from
	/Scheol	Notice			which absent
J	Fazelat PST GGPS	No.65	No.140	Final	01/08/2048
	Deolai ·	dated	dated	enquiry	
		17/2/2009	7:3/2009	dated	
				25/5/2010	
<u>?</u>	Yabya Sahib PST	No.3453	No.3798	N.6143	01/09/2009
	GPS Chungai	dated	dated	dated	
•		10/11/2009	04/12/2009	29/04/2010	
3	Saeed Ahmad PST	No.3414	No.4931	No.6210	01/08/2009
	GPS	dated	dated	dated	
	No.1.Bazkhela	6/11/2009	15/3/2010	30/4/2010	
4	Nisar Ahmād PST	No.1556	No.1647	No.3783	21/02/2009
•	GPS Jukhtai	dated	dated	dated 🗖	
		27/4/2009	4/5/2009	3/12/2009	
5	Muhd Haqani Shah	No.8443	No.293	No.752	30/11/2008
	PST GPS Qala	dated	dated	dated	
	Fazil Banda	17/12/2008	28/12/2009	28/12/2009	
()	Usman Ali PST	No.8594	No.263 date	No.747	21/10/2008
	GPS Sakbra	dated	20/1/2009	dated	
		31/12/2008		26/3/2009	

They were then directed to resome duty through daily CHAND dated 30/67/2016 but they also failed to resume duty.

An enquiry was also conducted against them by the ADO circle concerned who also recommended their termination from service.

In view of the above facts the E.D.O.(E&S) Education Swat being a competent authority as per mentioned No.SOR-V(E&AD) 2-7/2003 dated 17/10/2005 is please to romove the above mentioned PST (M/F) teachers from service under special power ordnance 2000 with effect from the date of their absence in the interest of public service.

#### (RAJ MUHAMMAD KHAN) EXECUTIVE DISTRICT OFFCIER (E&S) EDUCATION SWAT

Endst: No 2026

Copy forwarded for information to:-

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The Director Elementary and Secondary Education K.P.K. Peshawar 

- 2. The District Co-ordination Officer Swat at Gul Kada. 3.
- The District Accounts Officer Swat at Saidu Sharif. 4:
- The D.D.O (M/F) Primary (E&S) Education Swat.
- The Principals / Head Master Cluster in charge concerned. 5.
- The officials concerned through their respective DDO with the direction to . 6. inform the teachers concerned accordingly.

EXECUTIVE DISYR

ELEMENTARY AND

EDUCATION SWAT AT GU

7. P.A to E.D.O.local office.



#### Office of the executive District Officer Elementary and Secondary Education Swat at Gul Kada

#### **Office Order/ Termination**

The following PST (M/F) teachers remained absent from duty from the date noted against each were directed by the DDO concerned to resume their duty vide his memo No and date mentioned below but they failed to resume their duties.

(C ) I			- 12		
S No	Name & Post	First Notice	2 <sup>nd</sup> notice	3 <sup>rd</sup> Notice	Date from
	School				which absent
1	Fazelat PST	No. 65 dated	No. 140	Final Enquiry	01.08.2008
	GGPS Deolai	17.2.2009	dated	dated .	
			7.3.2009	25.5.2010	
2	Yahya Sahib	No. 3453	No.3798	No. 6143	01.09.2009
	PST GGPS	dated	dated	dated	
	Chungai	10.11.2009	04.12.2009	29.04.2010	· .
3	Saeed Ahmad	No.	No.	No. 6210	01.08.2009
	PST GGPS No.	3414dated	4931dated	dated	,
	1 Bazkhela	06.11.2009	15.3.2009	30.4.2010	(
4	Nisar Ahmad	No.	No. 1647	No. 3783	21.02.2009
	PST GGPS	1556dated	dated	dated	
	Jukhtai	27.42009	4.5.2009	3.12.2009	
1	Muhd Haqani	No. 8443	No. 293	No. 752	30.11.2008
	Shah PST	dated	dated	dated	
-	GGPS Qala	17.12.2008	28.12.2009	28.12.2009	
	Fazil Banda				
1	Usman Ali PST	No. 8594	No. 263	No. 747	21.10.2008
	GPS Sakbra	dated	dated	dated .	
	,	31.12.2008	20.1.2009	26.3.2009	

They were then directed to resume duty through daily CHAAND dated 30.07.2010 but they also failed to resume duty.

An enquiry was also conducted against them by the ADO circle concentred who also recommended their termination from service.

Inv view of above facts the EDO (E&S) Education Swat being a competent authority as per mentioned NO. SOR-V (E&AD) 2-7/2003 dated 17.10.2005 is please to remove the above mentioned PST (M/F) teachers from service under special power ordinance 2000 with effect from the date of their absence in the interest of public service.

Raj Muhammad Khan Executive District Officer (E&S) Education Swat

Endst: 20261-67

#### 28.9.10

Copy forwarded for information to:-

1. The Director Elementary and Secondary Education KPK Peshawar

2. The District Co ordination officer Swat at Gul Kada

3. the District Accounts Officer Swat at Siadu sharif

- 4. The DDO (M./F) Primary (E&S) Education Swat.
- 5. The Principals/ Head Master Cluster in charge concerned.
- 6. the officials concerned through their respective DDO with the direction to inform the teachers concerned accordingly.

C.J.C Nov

7. P.A to EDO local office.

Executive District Officer (E&S) Education Swat

) Ann

The Director,				
Elementary a	nd Secondary	Education	Department K.P.K	, 1,
Peshawar.				

Through: Proper Channel,

Subject:

To.

APPEAL FOR RE-INSTATEMENT IN SERVICE AS PS1 EFFECT FROM 01-08-2009.

**Respected Sir**,

Reference lothe termination Order Endst No: 20261/67 dated 28-09-2010. The following facts are hereby submitted into your kind consideration for the cited subject.

- 1. That, during the tumulus situation in Swat, I was arrested by Pak Army on the charges to be involved in Anti-State Activities in June 2009 and was KepT in custody till December 2010 and consequently discharged of all charges (Clearance attached, Annexure 1)
- 2. That, my house was destroyed by the Security Forces as and my family was profon the mercy of Allah due to which my family migrated from my village For the sake of their lives and future. Inspite of clearance from Pak Army, I waspublically accused intriguingly by unknown persons to be involved in Rafi-State activities. I as well as my family members WaSto hade for the Safely
- 3. That, I was again charged by the Police Department under challan case FIR No. 219 dated 13-08-2008 U/Ss 324, 148, 149, 3/4 E.S.A. 7-ATAP. S Matta District Swat and my trail were started in ATC Malakand Division Swat. I defended by case to the last.
- 4. That, the Honorable court in its verdict on 04-11-2016 discharged me with honour all of such charges (Annexure 2).
- 5. That being a peaceful citizen and a man of good character, I was tortured for a long period for unknown reasons. Resultantly, I remained absent from my duties and my services were terminated via the above quoted termination order (Annexure 3).

In light of above facts and circumstarices, I have the right to submit my appeal for the re-instatement of my services as PST teacher GPS Bazkhela Swat from the date of termination including all my privileges. My appeal may please be considered purely on humanitarian ground as there are no any other sources of income for live hood of my family.

C.L.C. Nue

Yours Faithfully,

Sur

Saeed Ahmad S/o Muhammad Fazal Rahim R/o Bara Durushkhela District Swat 15601-Cell: 0342-9845793

#### Better Copy



To 🕚

#### The Director, Elementary and Secondary Education Department KPK Peshawar.

Through: Proper channel

Subject: Appeal for re instatement in service as PST teacher with Effect form 01.08.2009.

#### Respected Sir,

Reference to the termination Order Endst No. 20261/67 dated 28.09.2010. The following facts are hereby submitted into your kind consideration for the cited subject.

- 1. That during the tumulus situation in Swat I was arrested by Pak Army on the charges to be involved in Anti State Activities in June 2009 and was kept in custody till December 2010 and consequently discharged of all charges (Clearance attached, annexure 1).
- 2. That my house was destroyed by the Security Forces as and my family was put on the mercy of Allah due to which my family migrated from my village for the sake of their lives and future. Inspite of clearance from Pak Army, I was publicly accused intriguingly by unknown persons to be involved in Anti State activities. I as ell as my family members was to hide for the safely.
- 3. That I was again charged by the police Department under challan case FIR No. 219 dated 13.08.2008 U/Ss 34 148, 149, <sup>3</sup>/<sub>4</sub> E.S.A 7-ATAP. S Matta District Swat an my trial were started in ATC Malakand Division Swat. I defended by case to the last.
- 4. That the Honourable Court in its verdict on 04.11.2016 discharged me with honour all of such charges (Annexure 2).
- 5. That being a peaceful citizen and a man of good character, I was tortured for a long period for unknown reasons. Resultantly, I remain absent from my duties and my services were terminated via the above quoted termination order (Annexure 3).

In light of above facts and circumstances, I have the right to submit my appeal for the re-instatme Executive District Officer

(E&S) Education Swat

nt of my services as PST teacher GPS Bazkhela Swat from the date of termination including all my privileges. My appeal may please be considered purely on humanitarian ground as there are so any other sources income for live hood of my family.

al wer

Yours Faithfully

Saeed Ahmad S/o Muhammad fazal Rahim R/o Bara Durushkhela Distirct Swat 15601 Cell: 0342-9845793

(29) سروس مربیومل جنر کخونی / میں کور مناورہ سوار بعدالت قيت الكروبي كور فيس <del>الارم</del> منجانب میشوش بنام حکومرت مورقد 19 جسمي مقدمه سعداجر دعویٰ سروس اسل جرم مسرق الم مقدمه مندرجه عنوان بالامين اپن طرف سے داسطے پیروی وجواب دنہی دکل کا روائی متعلقة أن مقام فلورة كيبي مسهر سمر داللم عدمان م حافظ اختر سيد الكررس مقرر کر سے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کا روائی کا کامل اختياط ہوگا۔ نيز وكيل صاحب كوراضي نامہ دتقر رثالث د فيصلہ پر حلف دينے جواب دی اورا قبال دعویٰ اور درخواست ہوشم کی تصدیق زرادراس پر دستخط کڑنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برامد ہوگی اورمنسوخ مذکور کے نسل یا جزوی کاروائی کے داسطے اور وکیل یا مختار قانونی کواپنی ہمراہ یا پنی بجائے تقر رکا اختیا رہوگا۔ اورصاحب مقرر دمشده كوبهي جمله مذكوره بالااختنيا رات حاصل ہوئے اوراسكاسا ختہ برداختة منظور وقبول ،وگا۔اور دوران مقدمہ میں جوخر چہ دہرجانہ التوابی مقدمہ کے سبب ہے ہوگا اسکے شخق وکیل صاحب ہوئے۔ نیز بقایا دخرچہ کی وصولی کرتے وفت کابھی اختیار ہوگا آگرکوئی تاریخ پیشی مقام دورہ ہر ہویا حد ۔۔۔ باہر ہوتو دکیل صاحب پایندند ہوئے کی پیروی مقدمہ مذکور لہذاو کالت نام کھودیا ک سندر ہے r. 18 المرقوم بطري 19 1 Attested & Augled Immened Adama -----بمقام مناوع سوا = مسركور في مم المركم Dr. Adman Khan - Bari-at-Law Hafiz Akntor Seul Adv. Advocate Supreme Court

ليتها المر مروس برين للم المعام ليتاور براقي ي الوسوار قيمت ايک دوپ كورث فين ی وسمنه المان متجانب ایدارش mentar in Elaren eige 1551/2018 July my pur 1551 3:00 ST Fish مندمه مندرجة عنوان بالامين ابن طرف م واسط پيردي وجواب دين وكل كاردائي متهاغة آلن مقام كيمب كود فسوات تسرم فحر جاوير خان اليرونس سير كم تورف و الكامقرركر يجاقراركياجا تاب كمصاحب موصوف كومقدمدى كل كاردائى كاكال الإاحتياط وقاينيز وكيل صاحب كوراضي نامه وتقرر ثالث وفيصله برحلف ديين جواب دی اورا قبال دعوی اور درخواست ، رسم کی تصدیق زرادراس بر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم بیردی یا ڈگری ایک طرف یا اپیل کی برامد ہوگی اور منسوخ مذکور سے نسل ياجز دى كاردائى ب داسط ادروكيل يا مختار قانونى كوابني ممراه يا بني بجائة تقرر كالختيار موگا-ا در صاحب مقرره شده کوچھی جملہ مذکورہ بالا اختیارات حاصل ہوئے اور اسکا ساختہ برداخة متطور وقبول ، وكارا در دوران مقدمه مي جوخر چدد برجاندالتوابيه مقدمه سبب ۔۔ ہوگااسکے شخق دیل صاحب ہوئے۔ نیز بقایا وخرچہ کی وصولی کرتے دقت کا بھی اختیار ہوگا کرکوئی تاریخ بیشی مقام دورہ ہر ہویا صدے باہر ہوتو ویل ساحب پایندند موسط کا پروی مور مدر دورابدادکالت ناملکودیاک سندر en 17 ماه برو المرتوح 0Ś 5. <sup>12</sup>4400 - 1**9419 - 1958 - 1961 - 1962 - 1964** - 1964 - 1964 - 1964 - 1964 - 1965 - 1965 - 1966 - 1966 - 1966 - 1 1966 - 1966 - 1966 - 1966 - 1966 - 1966 - 1966 - 1966 - 1966 - 1966 - 1966 - 1966 - 1966 - 1966 - 1966 - 1966 -سروس فريون ترم مورف سوات مترع المتلخ ورا مل Muhammad Javaid Khan Advocate Supreme Quist NOS 03439607492.

العالمة في مراجع ما مراجع المراجع من مراجع المتون سيراكد من عمرة من 1551/2018 ver من - مای در کورست کارنج شرمی . Eujon in alle provident الماري المركب المركب المركب المركب مايخ مالون سي ترفي سور رك 03.07-18

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

PESHAWAR.

13 ..... of 20 Ø. Saced Ahad ......Appellant/Petitioner Versus through Seef: Edu. .Respondent --**Respondent** No. Distt: Education office (Male) Distt: Swat Saidy Shos uan

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.

at Camp Court Swat

egistrar, Khyber Rakhtunkhwa Service Tribunal, Peshawar.

Note:

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

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# KIIYBER PAKIITUNKIIWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD

PESHAWAR.

No.

Sacid Alamad Appellant/Petitioner Versus *The pose of Secret Educes: K. P. L.* Respondent · Respondent No. 2. Director, Ele: 9 Sec: Education Gout: of Notice to: No Shamer.

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......

March 20 Day of..... 21 at Camp Court Swat Khyber Pakhtunkhwal Service Tribunal, Peshawar. Note: The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays. Always quote Case No. While making any correspondence.

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	PESHAWAR
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GS&PD.KP.SS-17

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-RST-20,00

WHEREAS an appeal/pctition 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. 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-

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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.

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Registrar, Khyber Pakittarkhwa Service Tribunal, Peshawar. GS&PD.KP-2557/3-RST-5000 Forms-09.07.2018/P4(Z)/F/PHC Jos/Form A&B Ser. Tribunal



KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR. 113 No. APPEAL No...... of 20 / 3 Sacad shad **Apellant/Petitioner** Versus Unraugh Seen Edis: 16 Ple for Shi **RESPONDENT(S)** at lan Adnan likan Barrister Compel Notice to Appellant/Petitioner Aduceate Supreme Court of Paleistan at Take notice that your appeal has been fixed for Preliminary hearing,

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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.

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Registrar, Khyber Pakatunkhwa Service Tribunal, Peshawar.

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Khyber Pakhtunkhwa Service Tribunal, Peshawar.

GS&PD.KP-2557/3-RST-5000 Forms-09.07.2018/P4(Z)/F/PHC Jos/Form A&B Ser. Tribunal "A" KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR. No. Saud Almad ..... of 20 **Apellant/Petitioner** Through Scinersut dui: 12 ple fish. Distt: Education BESPONDENT(S) Kes: No-3. (male) Swat Saide Sharif Swat Notice to Appellant/Petitioner. 23/8/2021 9.00AM Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal 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.

## BEFORE THE KHYBER PAKTUNKHWA SERVICE TRIBUNAL CAMP COURT SWAT

Service Appeal No. 1551/2018

Saeed Ahmad s/o Muhammad Fazal Rahim r/o Bara Durush khela District Swat (Ex-PST GPS No.1 Baz Khela)

### Versus

- 1. Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Peshawar.
- 2. Director Elementary and Secondary Education Khyber Pakhtun Khwa.
- 3. District Education officer (Male) Swat.

#### .....Respondents.

Appellant

•	INDEX

S.No	Description of Documents	Annexures	Pages
1	Para-wise-comments	-	1-3
2	Affidavit	-	4
3	Authority Letter	-	5
4	Copy Order dated 28.09.2010	"A"	6

DISTRICT EDUCATIO FFICER (M) SWAT AT GULKADA

### BEFORE THE KHYBER PAKTUNKHWA SERVICE TRIBUNAL CAMP COURT SWAT

Service Appeal No. 1551/2018

Saeed Ahmad s/o Muhammad Fazal Rahim r/o Bara Durush khela District Swat (Ex-PST GPS No.1 Baz Khela)

.....Appellant

#### Versus

- 1. Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Peshawar.
- 2. Director Elementary and Secondary Education Khyber Pakhtun Khwa.
- 3. District Education officer (Male) Swat.

.....Respondents.

### Parawise Comments on Behalf of the Respondents: Respectfully shewith Preliminary objections

- 1. That the appellant is not an aggrieved person within the meaning of section 4 of the service tribunal Act, 1974.
- 2. That the appellant has no cause of action / locus standi.
- 3. That the appellant has not come to this honorable court with clean hands.
- 4. That the appellant has filed this instant service appeal just to pressurize the respondents.
- 5. The present service appeal is liable to be dismissed for non-joinder/miss joinder of necessary parties.
- 6. That the instant service appeal is against the prevailing law and rules.
- 7. That the appellant has filled this instant Service Appeal on malafide motives.
- 8. That the instant Appeal of the Appellant is **badly time barred**.
- 9. That the instant service appeal is not maintainable in the present form, and above in the present circumstances of the issue.
- 10. That the appellant has estopped by his own conduct.
- 11.That the appellant has concealed the material facts from this honorable tribunal.

#### <u>FACTS</u>

- 1. That the Para No.1 is correct.
- That the Para No.2 is irrelevant to the present respondents, however, the Appellant has already been removed from service vide order Endst no. 20261-67 dated 28-09-2010 on the grounds of willful absence.
- 3. That the Para No.3 is irrelevant to the present respondents, however, there is great factual controversy in the contents of para No. 2 & 3. In para No. 2 the Appellant states that he was detained in June 2009 and was released in December 2010 and states in para No. 3 that he was arrested in case FIR No. 219 dated 13-08-2008.
- 4. That the Para No.4 is irrelevant to the present respondents, however, as stated in the para No. 2 above, he was already been removed from service after following codal formalities.
- 5. That the Para No.5 is irrelevant to the present respondents and also subject to proofs. The Appellant remained absent and was issued notices time and again but he failed to resume his duty within the stipulated time and finally he was directed to resume duty through Daily Chand dated 30-07-2010 but he failed to resume his duty and thus he was removed from service in accordance with law, rules and policy. (Order copy already annexed with Service Appeal)
- 6.
- 7. That the Para No.6 is the repetition of the above para, hence, no comments.
- That the para No. 7 is incorrect and denied. As stated in the foregoing paras, three notices were issued to the Appellant and a notice was also given to him in the Daily Chand dated 30-07-2010. Therefore the stance of the Appellant in this para is astonishing.
- 9. That the para No. 8 is incorrect and denied. How the Appellant can file an appeal after the laps of more than ten years? The Appellant has annexed a copy of the so called appeal without any date.
- 10.That the Para No. 9 is incorrect and denied. The instant Service Appeal of the Appellant is bereft of any merit, hence, liable to be dismissed inter-alia following grounds.

### **GROUNDS**

- A. That the Para No. A is incorrect and not admitted. The order dated 28-09-2010 is not illegal, unlawful and without lawful authority.
- B. That the Para No. B is absolutely incorrect and denied. The Appellant has been removed from service after observing all codal formalities.
- C. That the Para No. C is incorrect and denied. Detail reply of this para has been given in paras No. 5 & 7 above.

D. That the para No. D is incorrect and denied. As clear from the removal order dated 28-09-2010.

It is therefore very humbly prayed that the instant Service Appeal of the Appellant may be dismissed with cost in favor of the respondents.

DISTRICT EDUCATION OFFICER (M) SWAT AT GULKADA

DIRECTOR,

ELEMENTARY AND SECONDARY EDUCATION KHYBER PAKHTUNKHWA

ELEMENTARY AND SECONDARY EDUCATION DEPTT PESHAWAR

## BEFORE THE KHYBER PAKTUNKHWA SERVICE TRIBUNAL CAMP COURT

Service Appeal No. 1551/2018

Saeed Ahmad s/o Muhammad Fazal Rahim r/o Bara Durush khela District Swat (Ex-PST GPS No.1 Baz Khela)

### Versus

Provincial Govt. of Khyber Pakhtunkhwa & others

# ..... Respondents

.....Appellant

#### AFFIDAVIT

I, Hussain Ali Litigation Officer, do hereby solemnly affirm and declare on oath on the directions and on the behalf of the Respondents that the contents of the comments are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honrable Court.

HUSSAIN ALI O/O DEO (M) SWAT

### OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) DISTRICT SWAT

Email: emisswat@gmail.com,

Phone No. 09469240228

### **AUTHORITY LETTER**

Mr. Hussain Ali Litigation Officer, office of the undersigned is hereby authorized to submit comments in *Service Appeal No. <u>1551/2018</u>* case titled *Saeed Ahmad Vs Govt of KPK and others* and attend Khyber Pakhtunkhwa Service Tribunal Camp Court Swat on behalf of respondents.

> DISTRICT EDUCANON OFFICER (M) SWAT AT GULKADA