

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.

Service Appeal No. 4053/2020

Date of Institution ... 05.05.2020

Date of Decision ... 14.09.2021

Muhammad Arif Ex-PTC, Government Primary School, Jhok Mahey,
Tehsil Paraova District Dera Ismail Khan.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary
Elementary & Secondary Education, Khyber Pakhtunkhwa,
Peshawar and three others.

... (Respondents)

Mr. TAIMUR ALI KHAN,
Advocate

--- For appellant.

MR. RIAZ AHMED PAINDAKHEL,
Assistant Advocate General

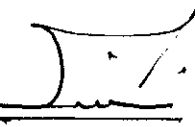
--- For respondents.

MR. SALAH-UD-DIN
MR. ATIQ-UR-REHMAN WAZIR

--- MEMBER (JUDICIAL)
--- MEMBER (EXECUTIVE)

JUDGMENT:

SALAH-UD-DIN, MEMBER:-


Brief facts of the instant appeal are that the appellant, while serving as PTC Teacher was charged in case FIR No. 111 dated 30.07.2007 under sections 365-A/395 PPC registered in Police Station Wahwa District Ghazi Khan, who was arrested and sent to jail. Vide the impugned suspension order No. 910-12 dated 26.01.2009, the appellant was suspended from service with effect from 30.07.2007 on the ground of his involvement in the criminal case. The appellant was ultimately

acquitted by the august Supreme Court of Pakistan vide judgment dated 06.06.2019. While in custody in the above mentioned criminal case, the appellant was also charged in another criminal case FIR No. 742/2013 under sections 224/225-B PPC registered at Police Station Cantt D.I.Khan and was acquitted in the said criminal case vide order dated 15.04.2019. Upon release of the appellant from the jail on 02.05.2019, he submitted departmental appeal on 16.05.2019, however the same was not responded, therefore, the appellant filed the instant service appeal.

2. Notices were issued to the respondents, who contested the appeal by way of submitting comments, refuting the contentions of the appellant.

3. Learned counsel for the appellant has contended that after charging of the appellant in the criminal case, he was suspended by the department with effect from the date of his charging in the criminal case and thereafter no further order has been made by the respondents; that after his acquittal in the criminal case, the appellant approached the respondents by way of filing departmental appeal/representation on 16.05.2019 for his reinstatement in service, however the same remained pending and ultimately vide letter dated 01.01.2020, the same was forwarded to the Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar, however no response was received by the appellant; that as the appeal was sent to the appellate Authority vide letter dated 01.01.2020, therefore, the limitation for filing of service appeal shall be counted from the said date and the appeal in hand is, therefore, within time; that there are numerous rulings of worthy Supreme Court of Pakistan, wherein it has been held that decision of cases be made on merits by avoiding technical knockout including the ground of limitation; that after suspension of the appellant by the competent Authority, no further order has been made by the respondents, therefore, the appellant is still under suspension and after his acquittal in the criminal case, he is entitled to all



back benefits in view of Article 194 of CSR as well as FR 53 and 54-A; that the impugned suspension order is liable to be set-aside and the appellant is entitled to be reinstated in service with all back benefits.

4. On the other hand, learned Assistant Advocate General for the respondents has contended that the appellant was required to have filed departmental appeal before the Director Elementary and Secondary Education, however the appellant filed departmental appeal before the District Education Officer (Male) District D.I.Khan, who was not the Authority competent to decide the appeal of the appellant; that the appellant had filed departmental appeal on 16.05.2019 while the instant service appeal has been filed on 05.05.2020, therefore, the appeal in hand is badly time barred and is liable to be dismissed on this score alone.

5. We have heard the arguments of learned counsel for the parties and perused the record.

6. A perusal of the record would show that the appellant while serving as PTC Teacher was charged in case FIR No. 111 dated 30.07.2007 under sections 365-A/395 PPC registered in Police Station Wahwa District Ghazi Khan, who was arrested and sent to jail. Vide the impugned suspension order No. 910-12 dated 26.01.2009, the appellant was suspended from service with effect from 30.07.2007 on the ground of his involvement in the criminal case. The suspension order of the appellant is still in field and has not been followed by any subsequent order one way or the other. In view of F.R-53 clause (b), the appellant is entitled to fully amount of his salary and all other benefits and facilities during the period of his suspension. F.R-53 is reproduced for ready reference as below:-

"F.R.53 A government servant under suspension is entitled to the following payments:-

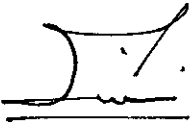
(a) In the case of 1 [an employee of the Armed Forces] who is liable to revert to Military duty, to

the pay and allowances to which he would have been entitled had he been suspended while in military employment.

- (b) 2[(b) *In the case of a government servant under suspension, other than that specified in clause (a), he shall be entitled to full amount of his salary and all other benefits and facilities provided to him under the contract of service, during the period of his suspension.*]

7. The impugned suspension order was passed on the basis of involvement of the appellant in the criminal case, however the appellant has now been acquitted by the august Supreme Court of Pakistan in the said case. It is by now well settled that every acquittal is honourable. In view of F.R. 54 clause (a), the appellant is entitled to receive full salary for the entire period of his absence from duty.

8. The appellant submitted departmental appeal to District Education Officer (Male) D.I.Khan on 16.05.2019, who kept the same pending and sent it to the appellate Authority i.e Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar vide letter No. 01.01.2020 and copy of the same was also sent to the appellant for information. The District Education Officer (Male) D.I.Khan was not an appellate Authority, therefore, in view of rule-6 of Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986, he was required to have withheld the appeal of the appellant and he should have been informed of the fact and reasons for the same. In view of second proviso to rule-6 of the *ibid* rules, in case an appeal is so withheld, the same may be resubmitted within 30 days of the date on which the appellant is informed of the withholding of the appeal and, if resubmitted properly in accordance with the requirements of the rules *ibid*, shall be deemed to be an appeal under rule-3 of the rules *ibid* and shall be dealt with in accordance with the provision of *ibid* rules. The provision of rule-6 of Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986, has not been complied with, therefore, the appeal is not hit by limitation. Even otherwise too, in view of peculiar facts and circumstances of the case, it would be highly unjustifiable



to deny the rights of the appellant merely on the alleged technical ground of limitation.

9. In view of the foregoing discussion, the appeal in hand is allowed by setting-aside the impugned orders and the appellant is reinstated in service with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
14.09.2021



(SALAH-UD-DIN)
MEMBER (JUDICIAL)



(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)


ORDER
14.09.2021

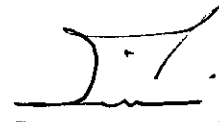
Mr. Taimur Ali Khan, Advocate, for the appellant present.
Mr. Riaz Ahmèd Paindakhel, Assistant Advocate General for the respondents present. The appeal in hand was fixed for 21.06.2021 at Camp Court D.I.Khan, however upon submission of application by the appellant, worthy Chairman of this Tribunal ordered that the appeal in hand be fixed before the D.B at Peshawar for arguments on 14.09.2021. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal in hand is allowed by setting-aside the impugned orders and the appellant is reinstated in service with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

14.09.2021


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

24.11.2020

Appellant in person and Muhammad Jan, learned DDA alongwith Kamran ADO for respondents present.

Written reply not submitted. Representative of respondents seeks time to submit reply/comments. Granted. To come up for reply/comments on 25.01.2021 before S.B at Camp Court, D.I. Khan.



(Atiq-Ur-Rehman Wazir)
Member (E)
Camp Court, D.I. Khan

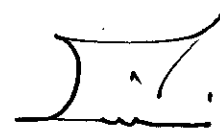
25-1-2021

due to COVID 19, the case is adjourned to 26.3.2021 for the papers.



26.03.2021

Appellant in person present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Muhammad Kamran, ADO (Litigation) for the respondents present and submitted comments on behalf of respondents, which are placed on file. Adjourned. File to come up for rejoinder and arguments before D.B at Camp Court D.I.Khan on 21.06.2021.



(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT D.I.KHAN

Form- A

FORM OF ORDER SHEET

Court of

4053/2020

Case No.-

/2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/05/2020	<p>The appeal of Mr. Mohammad Arif presented today by Mr. Burhand Latif Khaisori, Advocate, may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;">REGISTRAR 375/2020</p> <p>This case is entrusted to touring S. Bench Camp Court D.I.Khan for preliminary hearing to be put up on 25.9.2020</p> <p style="text-align: right;">MEMBER</p>
2-	14.9.20	<p>25.09.2020</p> <p>Counsel for appellant present. Preliminary arguments heard. File perused.</p> <p>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 written reply/comments. To come up for written reply/comments on 24.11.2020 before S.B at Camp Court, D.I.Khan.</p> <p style="text-align: right;">(Rozina Rehman) Member (J) Camp Court, D.I.Khan</p>

Appellant Deposited
Security & Process Fee

30/9/20

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No. 4053/2020

Muhammad Arif
VERSUS
Govt of KPK & other

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Dated: / /2020

Your Humble Appellant

M. Arif

Muhammad Arif

Through Counsel

Burhan/Latif Khaisori

Burhan/Latif Khaisori
Advocate Supreme Court
Of Pakistan

Cell # 0333-997-3433

BEFORE THE KHYBER PAKHTUNKHWA SERVICEKhyber Pakhtunkhwa
Service Tribunal**TRIBUNAL, PESHAWAR**Service Appeal No. 4053 /2020Diary No. 3394Dated 5-5-2020

Muhammad Arif Ex PTC, Government Primary School,
Jhok Mahey, Tehsil Paraova District Dera Ismail Khan.

(Appellant)**VERSUS**

1. Government Of Khyber Pakhtunkhwa through Secretary elementary/ secondary education, Khyber Pakhtunkhwa Peshawar.
2. Director elementary/ secondary education, Khyber Pakhtunkhwa Peshawar.
3. Executive District Officer(M), elementary/ secondary education, Dera Ismail Khan.
4. The Deputy District Officer(M), elementary/ secondary education, Parova, Dera Ismail Khan.

(RESPONDENTS)

SERVICE APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED SUSPENSION ORDER NO. Endst. No.910-12, DIKhan DATED 26/01/2009 PASSED BY THE RESPONDENT NO. 3 AND AGAINST THE IN ACTION VIDE WHICH THE RESPONDENTS ARE NOT ACTING IN ACCORDANCE WITH LAW FOR ENTERTAINING THE APPEAL/REPRESENTATION OF THE APPELLANT VIDE DAIRY NO.5531 DATED 16/05/2019 FOR THE RE INSTATEMENT OF THE APPELLANT IN THE DEPARTMENT WITH ALL BACK BENEFITS.

Filed to-day
Registrar

05/05/2020

ABC

Prayer:

On acceptance of the instant appeal and by setting aside suspension order no. Endst. No.910-12, Dikhan dated 26/01/2009 passed by the respondent no. 3 with the directions to the respondents to reinstate the appellant into his services with all back benefits.

Respectfully Sheweth;

1. That the petitioner was appointed as PTC teacher in the respondents department in the year 1986.
2. That during the services, the petitioner did not leave any stones unturned towards his high ups.
3. That unfortunately in the year 2007, the petitioner was charged in FIR No.111, dated 30/07/2007 registered u/s 365-A and 395-PPC, in police station, Wahwa, District Dera Ghazi Khan.
4. That the appellant was sent to jail and in this respect the respondent no.3 issued the impugned suspension order No.910-12 dated 26/01/2009 of the appellant and resultantly the appellant was suspended. Copy of the impugned suspension order along with its better copy is annexed as **Annexure-A.**
5. That later the appellant was acquitted from the charges leveled against him by the August Supreme Court of Pakistan. Copy of the Judgment of August Supreme Court of Pakistan dated 06/03/2019 is annexed as **Annexure-B.**
6. That due to the break of central jail DIKhan, the accused was also booked in the FIR NO.742 dated 10/10/2013 u/s 224/225-B, PPC and the accused was also acquitted in the said case on 15/04/2019. Copy of the order of acquittal dated 15/04/2019 is annexed as **Annexure-C.**

ASC

7. That after release from the jail on 02/05/2019, the appellant submitted the departmental representation/appeal to the high ups vide application dated 16/05/2019. Copy of application of dated 16/05/2019 is annexed as **Annexure-D.**
8. That in correspondence and consequences upon the departmental representation/appeal of the appellant, the respondent no.3 sent letter no.60/DEO(M) dated 01/01/2020 to the respondent no.2 for obtaining the legal opinion along with the check list and the said letter along with the check list was forwarded to respondent no.1 by the respondent no.2 vide letter no.1947 dated 20/02/2020 and the respondent no.1 further forwarded the letter to the litigation section ^{SON} ^{ASL} legal opinion vide letter no.87 dated 06/03/2020 and up till now no further progress have been made out by the respondents for the reinstatement of the appellant. Copy of letter no.60 dated 06/01/2020 along with its better copy of and check list is annexed as **Annexure-E.**
9. That feeling aggrieved with the impugned orders dated 26/01/2009 passed by respondent no.3 and in action by respondents by not reinstating the services of the appellant with back benefits upon the appeal/representation of the appellant, the appellant is having no other remedy except to knock at the doors of this honorable forum on the following grounds.

G R O U N D S

- a. That the impugned office order No. 910-12 dated 26/01/2009 passed by respondent no.3 is illegal, against the natural justice, ulterior motives, based on discrimination and ineffective upon the rights of the Appellant.

- b. That the impugned transfer order is based on discrimination as the impugned order of the Appellant is totally based on mala fide, arbitrary, against the cannon of justice, equity and fair-play. Thus the impugned transfer order is liable to be cancelled.
- c. That it is an interesting factor that the appellant was once suspended vide impugned letter no.910-12 dated 26/01/2009 and later no further extension for the suspension of the appellant was issued which is a clear illegality duly committed by the respondents in the case of appellant.
- d. That now it is settled law that once the suspension letter is issued then the same is expired after 90 days and the respondents did not issue the further suspension letters of the appellant which is an illegality on the part of respondents. Copy of Service Book of the appellant is annexed as **Annexure-F.**
- e. That it is also very interesting that after the impugned letter dated 26/01/2009, the respondents did not issue the further suspension letters as well as even no termination letter of appellant was ever issued by the respondents and this aspect was also mentioned by respondent no.3 in the check list.
- f. That the respondents landed into the field of errors because it was mandatory for the respondents to issue the new suspension letter after 90 days failing which after the 90 days, the suspension period become automatically in operative and the respondents did not bother to care this and thus committed illegality and resultantly the impugned order is against the law.
- g. That it is pertinent to mention here the respondents did not care about the dictums already laid down in the

ABC

judgments citations, "2013 SCMR 752, PLC 2019, CS 255" wherein it is categorically mentioned that if any employee is reinstated in services, he will be reinstated with all back benefits, further all in cases of acquittal the department is legally bound to reinstate the services of the employee.

- h. That the Appellant is the victim of unlawful and illegal Act of the Respondents and such a mala fide act on the part of Respondents is against the law and rules, without jurisdiction and lawful authority, against the natural justice misuse of official powers and is the outcome of victimization known by the respondents and it has caused an immense mental torture and agony to the appellant.
- i. That any further grounds if will be needed will be agitated during the course of arguments.

It is therefore, On acceptance of the instant appeal and by setting aside suspension order no. Endst. No.910-12, Dikhan dated 26/01/2009 passed by the respondent no. 3 with the directions to the respondents to reinstate the appellant into his services with all back benefits.

Dated: /___/2020

Your Humble Appellant

M. Arif

Muhammad Arif

Through Counsel

Burhan Latif Khaisori
Burhan Latif Khaisori
Advocate Supreme Court
Of Pakistan

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

Service Appeal No. _____/2020

Muhammad Arif**VERSUS****Govt of KPK & other****CERTIFICATE**


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

_____.2020


 Appellant
NOTE

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

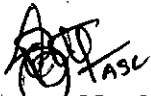
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 Appellant's Counsel
AFFIDAVIT

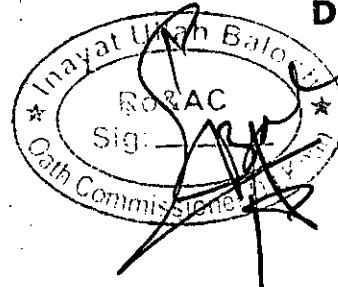
I, **Muhammad Arif Ex PTC**, Government Primary School, Jhok Mahey, Tehsil Paraova District Dera Ismail Khan., the appellant, do hereby solemnly affirm on oath:-

1. That the accompanying appeal has been drafted by counsel following my 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.

Identified By:-


 TASC

Burhan Latif Khaisori
 Advocate Supreme Court
 Of Pakistan



 Deponent

(7)

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

Service Appeal No. _____/2020

Muhammad Arif

VERSUS

Govt. of Khyber Pakhtunkhwa etc

SERVICE APPEAL

APPLICATION FOR CONDONATION OF DELAY

Respectfully Sheweth:

The appellant humbly submits as under,

1. That the above titled service appeal is being filed today before this Honorable Tribunal and this application may please be considered integral part of the instant appeal.
2. That the appellant is submitting the present application on the ground because the appellant submitted his departmental appeal/representation on 16/05/2019 which is still in process as per information of the appellant because it is in the knowledge of the appellant the respondent no.1 vide letter no.87 dated 06/03/2020 has directed the litigation branch for opinion in the case of appellant and if the said letter is considered then the appeal of the appellant is not time barred but further only to avoid the time after the submission of representation dated 15/04/2019, the appellant is submitted the instant application.
3. That the valuable rights and features of the appellant is very much involve in the case of appellant.
4. That this Honorable form has the exclusive jurisdiction entertain of the present jurisdiction of the appellant and to condoned the delay if so considered.

Therefore, it is humbly requested that the period for filing the instant appeal may please be condoned and the appeal of the appellant may please be decided on merit.

Dated: /03/2020

Humble Appellant

M. Arif

Muhammad Arif
Through Counsel

Burhan Latif Khaisori
Burhan Latif Khaisori
Advocate Supreme Court
Of Pakistan

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER

8

PAKHTUNKHWA, PESHAWAR

Service Appeal No. _____/2020.

Muhammad Arif

VERSUS

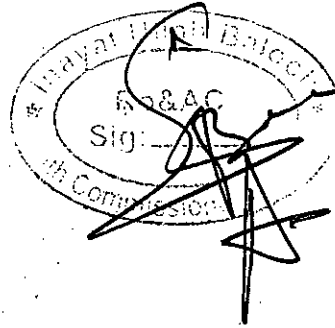
Govt. of Khyber Pakhtunkhwa etc

SERVICE APPEAL

AFFIDAVIT

I, **Muhammad Arif**, the appellant, do hereby solemnly affirm and declare on oath that contents of above application are true & correct to the best of my knowledge and that nothing has been concealed from this Honorable Court.

Dated: ____-03-2020



DEPONENT

"Anex A"

9

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E/S) EDUCATION DIKHAN.
SUSPENSION.

Mr. Muhammed Arif PTC GPS: Thoke Mahey Tehsil Paroa is hereby suspended w.e.f. 30-7-2007 in police case vide FIR No. 111/07 dated 30-7-2007 as intimated by Dy: District Officer (M) Paroa vide his No. 45 dated 20-5-2008 and No. 152 dated 29.9.2008.

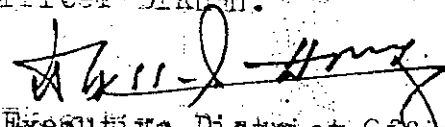
SA/-

Executive District Officer
Ele/Secondary Edu: DIKhan.

Endst No. 910-12 dated DIKhan the 26/01 /2009.

Copy to the -

- 1- The Dy: District Officer (M) Paroa w/r to his No. 194 dated 7-11-2008.
- 2- The District Account Officer DIKhan.
- 3- The District Co-ordination Officer DIKhan.
- *- ~~Exec~~


Executive District Officer
Ele/Secondary Edu: DIKhan

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E/S) EDUCATION DIKHAN**SUSPENSION**

Mr. Muhammad Arif etc GPS;Jhok mahey Tehsil Parova is hereby suspended w.e.f 30/07/2007 in police case wide FIR NO.117/07 dated 30/07/2007 as intimated by Dy District Officer(M) Parova vide his number 45 dated 20/05/2008 and No.152 dated 29/09/2008.

Sd/-

Executive District officer
Ele/Secondary Edu; Dikhan.

Endst No.910-12 dated DIKhan 26/01/2009 .

Copy to the ;

1. The Deputy District Officer (M) Parova w/r to his no.194 dated 07/11/2008.
2. The District Account Officer, DIKhan.
3. The District Coordination Officer, DIKhan.

Sd/-

Executive District officer
Ele/Secondary Edu; Dikhan.

Better Copy
Dase

"Anex B"

77

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Manzoor Ahmad Malik
Mr. Justice Syed Mansoor Ali Shah
Mr. Justice Yahya Afridi

Crl Appeal No.166 -L of 2012 &
Crl Appeal No.167-L of 2012, AND
Crl. Appeal No. 13-L of 2019 &
Crl. Petition No. 224-L of 2019

(On appeal from the judgments of the Lahore High Court, Multan Bench, Multan dated 02.12.2009 passed in Crl. Appeal No. 26 of 2008 & Crl. Appeal No. 27 of 2008 and judgment dated 13.12.2018 passed in Crl. Appeal No. 05-J of 2009 (ATA) and Crl. Appeal No. 109 of 2011 (ATA)

Muhammad Arif (in Crl A 166 & Crl.P. 224)

Ghulam Shabbir (in Crl A 167 & Crl. P.224)

Abdul Rehman (in Crl A 13)

...Petitioner(s)/Appellant(s)

Versus

The State etc

(in all)

Respondent(s)

For the Appellant(s) : Rana Muhammad Zahid, ASC
(in Crl.A.166,167 &
Crl.P. 224)

For the Appellant(s) : Mr. Ejaz Ahmad Janjua, ASC
(in Crl.A.13)

For the State : Mr. Mazhar Sher Awan, Addl.
P.G. Pb.

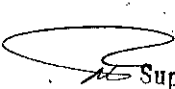
Date of Hearing : 06.03.2019

JUDGMENT

MANZOOR AHMAD MALIK, J.- Crl. M.A. No. 83-L of 2019: For reasons mentioned in the application and in the larger interest of justice, delay in filing Crl. Petition No. 224-L of 2019 is condoned.

2. Ghulam Akbar, complainant got registered a criminal case vide FIR No. 111 dated 30.07.2007, offence under sections 365-A, 395-PPC, registered at P.S. Wahwa, District Dera Ghazi

ATTESTED


Court Associate
Supreme Court of Pakistan

12

Khan regarding an incident which allegedly took place on the intervening night of 6/7.07.2007. Precisely, the case of the complainant, in the FIR (Exh.PA), is that in between the night of 6th and 7th of July, 2007, he alongwith his son Muhammad Umar Farooq (PW.3) and other family members was sleeping in the courtyard, when somebody awoke him by catching hold from his hair. He saw four persons standing around him, armed with pistols whereas two persons armed with Kalashnikovs were standing inside the four-wall near the gate. Some of the intruders were described by their physical structure in the FIR. On gun point, one person deprived the complainant of his possessed articles by personal search which included his nokia phone and cash amount of Rs.400/-.. In the meantime the other two persons standing at the door with Kalashnikovs came inside the room wherein the complainant had already been dragged. They asked about Rs.30,00,000/- allegedly possessed by him and directed to give the same to them but the complainant replied that in the month of May he had spent the same for purchasing the agricultural land. The accused flared up and slapped him. Two accused armed with Kalashnikovs guarded him while the others started searching whole of the house and ultimately after half an hour, the four accused who were searching the house caught hold of Umar Farooq from his arm and directed the complainant to arrange Rs.30,00,000/- as ransom to save his son and also threatened that in case the amount was not paid to them or the information was given to Police, the complainant's son would be done away with. Hence all the accused persons took away his son while complainant and his family members were locked into a room. When the complainant was satisfied that the accused had gone, he and the family members raised hue and cry whereby Allah Bakhsh and Ameer Muhammad living nearby in the neighborhood and some other persons of the village, reached at the spot and made the family free after opening the outside bolt. The house was searched and valuable things such as gold ornaments, licensed pistol 30 bore and a cash amount of Rs.100,000/- were found missing. In order to save the life of his abducted son Umar Farooq, the complainant decided not to report the matter to the Police and started private search of the accused and the abductee until on the

ATTESTED

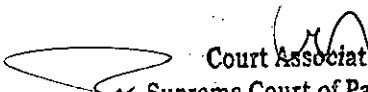


Court Associate
Supreme Court of Pakistan

third day, he received telephone message from unknown persons, whereby he was asked to contact Muhammad Arif alias Doctor (appellant). Hence on 10.07.2007 he alongwith his brother Muhammad Asghar and Muhammad Tariq (P|W.4) contacted Muhammad Arif (appellant) who consoled them and assured that his son would safely return, provided rupees one crore were arranged for ransom. Complainant party got time for consultation in between, hence by making few other contacts with the said appellant, it was finally settled that the victim would be made free if Rs.24,50,000/- were handed over to Muhammad Arif (appellant) and ultimately, on 29.07.2007 as per instructions of the appellants' side the complainant's side reached alongwith the settled amount at "Chashma" right bank canal near "Jhangi Darmiani" and at that time the complainant was accompanied by his brother Muhammad Asghar and Muhammad Tariq. After some time eight armed persons including the present appellants met them on the site. Muhammad Arif (appellant) took the ransom amount and when the same was counted to their satisfaction the abductee Muhammad Umar Farooq was handed over to the complainant with a direction that if the matter was reported to police, their family members would face dire consequences. Ghulam Shabbir (appellant) was attributed the role of pivot to the whole of the occurrence.

3. Appellants Muhammad Arif, Ghulam Shabbir and Abdul Rehman along with co-accused Khizar Hayat and Muhammad Bashir were indicted by the Judge, Anti Terrorism Court, Dera Ghazi Khan to face trial in the afore-mentioned FIR. On conclusion of trial, the learned trial Court, vide its judgment dated 19.06.2008, convicted the appellants and co-accused Khizar Hayat and Muhammad Bashir under section 365-A PPC read with section 7(c) of the Anti Terrorism Act, 1997 and sentenced all of them to imprisonment for life. They were further convicted under section 395 PPC and were sentenced to 10 years R.I. The sentences were ordered to run concurrently. Benefit of section 382-B, Code of Criminal Procedure was extended to the appellants and their co-convicts. Out of these five convicts, appellants Abdul Rehman and Muhammad Arif @ Doctor filed a joint criminal appeal (Cri. Appeal No. 26 of 2008), whereas appellant Abdul Rehman filed separate

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criminal appeal (Cri. Appeal No. 27 of 2008) before the Lahore High Court, Multan Bench, Multan. The learned appellate court, vide judgment dated 02.12.2009, by setting aside the conviction and sentence of appellants under section 395 PPC maintained their conviction and sentence under section 365-A PPC read with section 7(e) of the Anti Terrorism Act, 1997 and thus partly accepted the appeals. Thereafter, convicts Muhammad Arif and Ghulam Shabbir filed criminal petition and jail petition respectively before this Court, wherein leave was granted on 04.06.2012. Hence, Cri. Appeal Nos. 116-L & 167-L of 2012.

4. The aforesaid appeals of Muhammad Arif and Ghulam Shabbir came up for hearing on 05.03.2019 when during scrutiny of record, an interesting situation emerged. It was brought to the notice of the Court that co-convict of the appellants Abdul Rehman whose appeal (Cri. Appeal No. 27 of 2008) was also disposed of by the learned High Court vide judgment dated 02.12.2009, filed a jail petition before this Court (Jail Petition No. 655 of 2010). The said jail petition was fixed before two Hon'ble Judges of this Court in chambers, which was dismissed vide order/judgment dated 01.04.2011. This Court, vide order dated 05.03.2019, while exercising *suo moto* jurisdiction review the order dated 01.04.2011, granted leave to appeal in Jail Petition No. 655 of 2010 filed by convict Abdul Rehman. Hence, Cri. Appeal No. 13-L of 2019.

5. During the course of hearing on 05.03.2019, it also transpired that a judgment dated 13.12.2018 was passed by a learned Division Bench of the Lahore High Court, Multan Bench, Multan, perusal whereof revealed that apart from filing a joint criminal appeal through counsel, the appellants Muhammad Arif and Ghulam Shabbir along with their co-convicts Muhammad Bashir, Abdul Rehman and Khizar Hayat had filed a criminal appeal through jail (Cri. Appeal No. 05-J of 2009), which was taken up by the learned High Court with the criminal appeal (Cri. Appeal No. 109 of 2011) filed by their co-accused Maskeen Shah (tried separately). Perhaps the Division Bench of the High Court was not apprised by the office of the High Court and by the learned counsel appearing on behalf of appellants and their co-convicts that the criminal appeals of appellants Muhammad Arif, Ghulam Shabbir and Abdul Rehman had already been decided by another Division

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Supreme Court of Pakistan

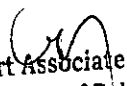
Bench of the High Court way back on 02.12.2009. Interestingly, the learned High Court vide judgment dated 13.12.2018 while maintaining the convictions and sentences of appellants and their co-convicts namely Khizar Hayat and Muhammad Bashir as recorded by the trial court dismissed all the criminal appeals. This has certainly created an anomalous situation. In these circumstances, learned counsel for the appellants Muhammad Arif and Ghulam Shabbir has filed Crl. Petition No. 224-L of 2019 whereby judgment dated 13.12.2018 passed by a Division Bench of the Lahore High Court, Multan Bench, Multan (in Crl. Appeal No. 05-J of 2009 and Crl. Appeal No. 109 of 2011) has been challenged.

6. We have heard the learned counsel for the convict-appellants/petitioners and learned Additional Prosecutor General, Punjab for the State at length and have perused the available record with their assistance.

7. The occurrence of dacoity in the house of the complainant and abduction of his son for ransom took place in the intervening night of 6th and 7th of July 2007 whereas it was reported to the Police on 30.07.2007 i.e. twenty three days thereafter. It was claimed by the complainant in the FIR that on 29.07.2007 his son was released by the appellants but even then the case was reported to the Police on the next day. Mulazim Hussain SI (PW.1) who recorded the FIR stated in the opening sentence of his cross examination that the complainant was accompanied by some other persons including his son. Muhammad Tariq PW.4 was the Nazim of the Union Council and he stated, during his cross examination, that on the day of reporting the crime to the Police he had reached the house of the complainant during early hours of the day and then they left for the Police Station in the afternoon. Therefore, this sole circumstance leads to the conclusion that the machinery of law was set in motion after due deliberations and consultations.

8. In this case the appellants were also charged for committing robbery in the house of the complainant and robbing his pistol, cash and gold ornaments. The learned appellate court,

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Supreme Court of Pakistan

vide judgment dated 02.12.2009, acquitted them of the charge under Section 395 PPC and their acquittal to this extent was not assailed any further either by the complainant or by the State which attained finality. Therefore, the prosecution evidence which had been disbelieved to the extent of the commission of the dacoity and qua the recovery of looted articles could not be believed to the extent of abduction for ransom of the son of the complainant.

9. Mobile number of the complainant or for that purpose the number of mobile phone through which telephone calls were made to the complainant by the appellants requiring him to arrange ransom were not disclosed either in the FIR or by any prosecution witness while appearing before the learned trial court.

10. It is also claim of the prosecution that an amount of Rs.24,50,000/- (rupees twenty four lac and fifty thousand only) was paid by the complainant as ransom for the release of his son. He straightaway stated in his cross examination that he was not maintaining any bank account. The complainant further stated that he had taken a sum of Rs.12½ lac from Haji Ramzan resident of Di Khan. He further stated that residence of said Haji Ramzan was ahead of Nawab Addah but could not tell the name of his village. He further stated that he had collected a sum of Rs.2,00,000/- from Saleem Muhammad. No details for the arrangement of remaining Rs.10,00,000/- were disclosed by the complainant before the learned trial court. He stated that he had arranged the amount of ransom through his relatives and friends. He named two such friends but could not disclose the name of village of one of his such friends.

11. Muhammad Umar Farooq the alleged abductee stated before the learned trial court that he was taken away from his house in a car. Similarly Ghulam Akbar complainant (PW.2), Muhammad Umar Farooq (PW.3) and Muhammad Tariq (PW.4) stated that when the amount of ransom was paid to the appellants they came in a dala. But no such car or dala was taken into possession during the course of investigation. According to the contents of the FIR the intruders were armed with Kalashnikovs at the time of dacoity but no such Kalashnikov was taken into

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Supreme Court of Pakistan

possession during the course of investigation. During the course of investigation, Ashiq Hussain, SI (PW5) recovered a pistol, an amount of Rs.13000/- and a pair of golden ear rings from appellant Abdul Rehman; a finger ring, pistol 30 bore and Rs. 10,000/- from appellant Shabbir; a 30 bore pistol, a pair of gold ear rings and a sum of Rs.12000/- from Khizar Hayat; Rs. 200,000/- and a pistol 30 bore belonging to complainant from appellant Arif; a pistol 30 bore and Rs. 50,000/- from convict-Bashir. We are afraid these recoveries are of no avail to the prosecution because Ashiq Hussain SI (PW.5) stated in his cross examination that the detail of currency notes was not given to him by the complainant nor he separately sealed them and that they were just tied with a string. He admitted that it was not written on the jewelry box as to who had produced the ornaments. He further admitted that he did not seal the pistols (30 bore) allegedly recovered on the pointation of appellants and their co-convicts. The relevant excerpt of his cross examination is reproduced as under:-

"I am unable to show any recovery memo regarding the licence of the pistol of the complainant. The detail of the currency notes had not been given in the memos showing their denomination and their number. They were not separately sealed. They are still tied with a string and not sealed. I did not ask the complainant for detail of the ornaments of which he was deprived of allegedly. Volunteered they were mentioned in the FIR. It is incorrect that detail of ornaments did not find mention in the FIR and it is further incorrect that I made a false statement. The complainant did not produce receipts of the ornaments. It is correct that it was no where written on jewelry box as to who produced the ornaments. The jewelry boxes of the ornaments are not sealed and still the boxes are without seal or lock. Same is the situation of the mobile. The pistols (30 bore) have not been sealed. The bullets connected alongwith were not also sealed and still open. The bullets were not even signed and same is the condition of all the articles of the case property."

12. There are material contradictions in the statements of the witnesses of the prosecution inasmuch as it is case of the complainant before the learned trial court that when he went to the Police Station he was all alone, however, Muzlaim Hussain who chalked out the FIR stated in the opening sentence of his cross examination that the complainant was accompanied by some other persons including his son. Muhammad Umer Farooq (PW.3) did

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not state before the learned trial court that he was also accompanying his father when the crime was reported to the Police. It was stated by the alleged abductee before the learned trial court that on the asking of the appellants' side he had contacted his father three times on telephone to make arrangement of the ransom amount but no such claim was raised by the complainant in the FIR or while appearing before the learned trial court.

13. Another important circumstance which has surfaced during the course of arguments is that a co-accused of the appellants namely Aman Ullah @ Awami, who was nominated by the complainant as one of the perpetrators of alleged crime in the FIR became fugitive to law and was arrested on 15.07.2013. He was tried separately by the learned Judge, Anti Terrorism Court, Dera Ghazi Khan. During trial of Aman Ullah @ Awami, the said accused filed an application under section 265-K, Cr.P.C. It is recorded in the judgment of trial court dated 07.11.2013, whereby Aman Ullah @ Awami was acquitted that the aforesaid application was not contested by the complainant. The learned trial court has further observed as under:-

"6. In this case the evidence of the complainant PW-1 and abductee Muhammad Umar Farooq PW-2 and Muhammad Tariq PW-3 is very important. All these witnesses in their examination in chief corroborated the prosecution story but in their cross examination they have deposed that the present accused/petitioner Aman Ullah alias Awami s/o Jan Muhammad Lashari was not nominated by them in their statements before the IO and the said accused was neither present at the place of occurrence nor he demanded ransom money nor he was present at the time and place where ransom money was paid by the PWs to the abductors. PW-1, PW-2 and PW-3 invariably deposed in their cross examination that the said accused was not previously seen by them anywhere but the said accused has been seen by them for the first time in the court room of this court during the conduct of trial of this case. The PWs have categorically deposed that the said accused/petitioner Aman Ullah alias Awami was not involved in the occurrence of this case at any stage in any manner so he is innocent and the PWs have no objection on his acquittal in this case....To meet the ends of justice application u/s 265-K of Cr.P.C. is accepted and accused Aman Ullah alias Awami is acquitted of the charges in this case...."

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Supreme Court of Pakistan


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The acquittal of Aman Ullah alias Awami also remained unchallenged any further.

14. Viewing from whatever angle the prosecution case against the appellants is doubtful in nature. **Therefore, Crl. Appeal Nos. 166-L & 167-L of 2012 filed by Muhammad Arif and Ghulam Shabbir and Crl. Appeal No. 13-L of 2019 filed by Abdul Rehman are allowed. The convictions and sentences of appellants Muhammad Arif, Ghulam Shabbir and Abdul Rehman are set aside. They are acquitted of the charges framed against them. They shall be released forthwith, if not required to be detained in any other criminal case.** So far as judgment dated 13.12.2018 passed by a Division Bench of the Lahore High Court Multan Bench, Multan to the extent of appellants Muhammad Arif, Ghulam Shabbir and Abdul Rehman is concerned, as discussed in Para 5 above, case to the extent of these appellants had already been disposed of by another learned Division Bench of the High Court vide judgment dated 02.12.2009, therefore, **Crl. Petition No. 224-L of 2019 is converted into an appeal and the same is hereby allowed. Consequently, the impugned judgment dated 13.12.2018 to the extent of appellants Muhammad Arif, Ghulam Shabbir and Abdul Rehman is set aside.**

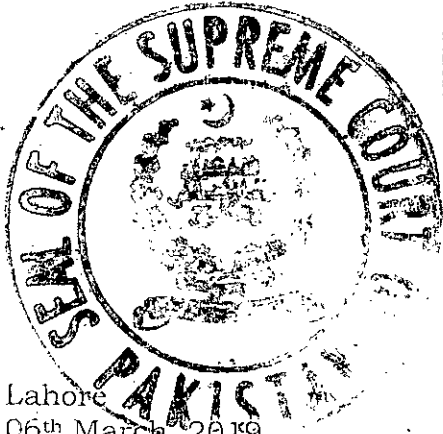
15. It has been observed by us that co-convict of the appellants namely Khizar Hayat and Muhammad Bashir were convicted and sentenced by the trial Court along with appellants Muhammad Arif, Ghulam Shabbir and Abdul Rehman vide judgment dated 19.06.2008. They challenged the same by filing a joint criminal appeal through jail, which culminated into one of the impugned judgments dated 13.12.2018. The said convicts Khizar Hayat and Muhammad Bashir have not filed any petition/appeal before this Court against their conviction and sentence. However, sequel to our discussion in the preceding paragraphs and by placing reliance on a judgment of this Court reported as Amin Ali and another v. The State (2011 SCMR 323), **the conviction and sentence of co-convicts Khizar Hayat and Muhammad Bashir recorded/maintained by the learned courts below are set aside. They are acquitted of the charges framed against**

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Court Associate
Supreme Court of Pakistan

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them. They shall be released forthwith, if not required to be detained in any other criminal case. It is further observed that impugned judgment dated 13.12.2018 shall remain intact to the extent of co-accused/co-convict of appellants namely Maskeen Shah, who was tried separately.

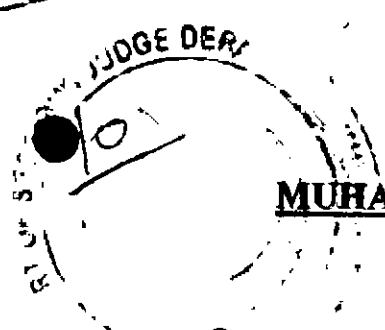


Sd/- Manzoor Ahmad Malik, J
Sd/- Syed Mansoor Ali Shah, J
Sd/- Yahya Afridi, J
CERTIFIED TO BE A TRUE COPY
Court Secretary
Supreme Court of Pakistan

Lahore
06th March, 2019
"Not approved for reporting"
K.Anees/-

913

Date of Presentation 6-3-19/15264/19
No. of Words 3100
No. of Folios: (36)
Requisition Fee Rs. —
Copy Fee in: 19
Court Fee Stamps: 24
Date of Completion of Copy: 11-3-19
Date of Delivery of Copy: 11-3-19
Compared by: [Signature]
Received by: [Signature]
Total Amount Rs. — Advance Rs. —
Balance Amount Rs. —



2018
2019
42/170
"Anex C"

In the Court of
MUHAMMAD TARIQ KHAN JUDICIAL MAGISTRATE-II,
DERA ISMAIL KHAN

(21)

State Vs Humayun

Os - 30
15.04.2019

APP (Shahid Ullah) present for the State. Accused Muhammad Arif produced in custody from Central Jail, D.I.Khan. PW Zaki-ul-Amin SI present and examined as PW-1. Counsel for accused already submitted an application u/s 249-A Cr.P.C for acquittal of accused named above.

Arguments heard and available record perused.

Accused namely Muhammad Arif S/O Muhammad Afzal has been booked in case FIR No.742 dated 10.10.2013 U/S 224/225-B PPC registered at PS Cantt, D.I.Khan. The allegation against the accused facing trial namely Muhammad Arif is that he escaped from Central Jail, D.I.Khan during terrorist attack at Central Prison, D.I.Khan, hence the present FIR registered against accused facing trial.

After the completion of investigation supplementary challan was submitted on 09.04.2018 wherein the accused facing trial was summoned through Zamima Bay and provision of section 241-A Cr.P.C was complied with on 16.07.2018. Formal charge was framed on 31.07.2018 to which the accused pleaded not his guilt and claimed trial. Prosecution was invited to produce their evidence. Since 2018 the instant case is pending for prosecution evidence but uptill now the prosecution has examined only one witness.

Handwritten notes on the left margin including 'J.M-II', '15/4/19', and '15/4/18'.

Handwritten signature and initials.

Signature and stamp of Muhammad Tariq Khan, Judicial Magistrate-II, Dera Ismail Khan.

Handwritten signature and date 11/2/20.

1746
11-2-20
11.2.20
2000

Handwritten signature and date 11/2/20.

ATTESTED
Examiner

Perusal of site plan reveals that the place of alleged occurrence was a very thickly populated area but none from the private persons were asked to become a witness of the occurrence. This means that local police has violated the mandatory provision of section 103 Cr.P.C which is fatal to the prosecution. Reliance in this regard placed in case of “Muhammad Ibrahim and another Vs. The State, reported in 2000-P Cr.LJ page 374.

PW Zaki-ul-Amin SI appeared before the court and his statement recorded as PW-1 who in his cross examination stated that he does not know that from where accused Muhammad Arif was arrested by the SHO. He himself admitted in his cross examination that at the time of occurrence he was posted at PTC Hangu. He don't know that terrorists attacked over the central prison, D.I.Khan and took the prisoners alongwith them. He also admitted that interrogation report of accused is not present on judicial file.

Therefore, in these circumstances, there is no probability of the accused being convicted, hence the application u/s 249 -A Cr.P.C of the accused is accepted and the accused facing trial namely Muhammad Arif is hereby acquitted from the charge leveled against him. His sureties stands discharged from the liabilities under the bail bonds and the case property, if any be disposed off in accordance with law.

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

Announced
15.04.2019



(Signature)
Muhammad Tariq Khan
 Judicial Magistrate-II, D.I.Khan
 MUHAMMAD TARIQ KHAN
 Judicial Magistrate-II
 Dera Ismail Khan
 11/2/20

"Area D"

بخدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر صاحب (مردانہ) بہادر ضلع ڈیرہ اسماعیل خان

عنوان :- بحالی ملازمت P.T.C پوسٹ

23

جناب عالی!

گزارش بحضور انور ہے کہ بندہ پر تیرہ (13) سال قابل 30/7/2007 کو ایک جھوٹی پولیس FIR ہوئی تھی۔ جس کی پاداش میں بندہ نے کئی سال جیل گزاری۔ اور اس دوران محکمہ نے بندہ کو ملازمت سے Suspend کر دیا۔ اب سپریم کورٹ آف پاکستان نے اس جھوٹے کیس سے بندہ کو باعزت بری کر دیا ہے۔ بندہ نے یہ عرصہ کافی مصیبت اور کرب میں گزارا۔ اور بندہ کے اہل و عیال نے بھی کافی کسمپرسی کی زندگی گزاری۔ کیس پر اخراجات کے بوجھ نے اس کے مالی مشکلات میں اور اضافہ کر دیا۔ اب بندہ کو جب باعزت بری کر دیا گیا ہے۔ تو اس بنا پر بندہ ملتمس ہے کہ اُسے محکمہ بھی بحال کر دے۔

لہذا آپ کی خدمت میں ہمدردانہ التجا کی جاتی ہے۔ کہ بندہ کو ملازمت کے سابقہ بقایا جات اور تمام تر مراعات کے ساتھ دوبارہ اپنی ملازمت پر بحال فرمایا جائے۔ تاکہ وہ مالی مشکلات سے باہر نکل سکے۔

FIR اور باعزت بری ہو کے عدالتی احکامات کی کاپیاں برائے ملاحظہ ہمراہ درخواست لف ہیں۔

حضور کی نوازش شاہانہ ہوگی۔

M. A. Khan

العارض

بندہ محمد عارف P.T.C سابقہ سکول GPS جھوک سے تحصیل پروا ضلع ڈیرہ اسماعیل خان

Office of the District Officer
District Administration
District Office
5531
16-5-2019

ADO (Muzaffargarh) Litigation
17/5/2019

"Anex E"

24

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

No. 60 DEO (M)

Dated D.I.Khan the 01/01/2007

To

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


Subject: - CHECK LIST FOR OPINION.

Memo:-

Enclosed please find herewith the Check list for views comments and opinion in Respect of Muhammad Arif, who was recruited as PST at GPS Jhock Mahay Tehsil Parova District Dera Ismail Khan. The above named teacher was involved in Criminal Case U/S 365,395 PPC Vide FIR NO.111 dated 30/07/2007 and he has also been sentenced to life imprisonment.

The detail check list in R/O the person in question is being submitted to you for kind information & also it may onward submission to the Law Department for further opinion please.

Encl: As above.


DISTRICT EDUCATION OFFICER
(MALE) DERA ISMAIL KHAN

Enclst: No.

Dated DIKhan the

2019

Copy for information to the:-

- 1) - SDEO (Male) Parova (District DIKhan).
- 2) - Muhammad Arif Ex-PST GPS Jhock Mahay (Parova), DIKhan.

DISTRICT EDUCATION OFFICER
(MALE) DERA ISMAIL KHAN.

25

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

No. 60/DEO(M) dated 01/01/2020

To,

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

SUBJECT: **CHECK LIST FOR OPINION**

Memo:-

Enclosed please find herewith the check list for views comments and advise and opinion in respect of Muhammad Arif, who was recruited as PST at GPS, Jhok Mahey Tehsil Parova District Dera Ismail Khan. The above named Teacher was involved in criminal case u/s 365,395-PPC vide FIR No.111 dated 30/07/2007 and he has also been sentenced to life imprisonment.

The detail check list in R/o the person in question is being submitted to your kind information and also it may on ward submission to the law department for further opinion please.

Encl; As above

District Education Officer (M)

Endst; No

dated DIKhan

/2019

Copy for information to the.

1. SDEO (M) Parova (District DIKhan).
2. Muhammad Arif Ex-PST, GPS , Jhoke mahey (Parava) DIKhan.

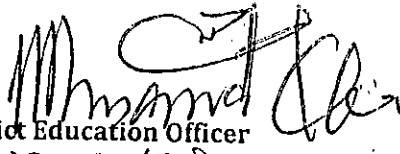
District Education Officer (M)

Better Copy
ASL

(26)

**CHECK LIST OF THE LAW DEPARTMENT FOR
VIEWS / COMMENTS ADVICE / OPINION**

1	Name of department	Elementary & Secondary Education Department KPK Peshawar
2	Subject	Legal opinion regarding reinstatement of convicted person into government service
3	Background of the case	<ul style="list-style-type: none"> ➤ Mr. Muhammad Arif was recruited as PST teacher in Education Department DIKhan at GPS Meran dated 24.09.1986. ➤ Mr. Muhammad Arif was involve in a Criminal Case U/S 365A, 395 PPC vide FIR No. 111 dated 30.07.2007. ➤ Mr. Muhammad Arif was sentence to life imprisonment and after that appellat filed appeal before the Apex Court, the Honourable Supreme Court of Pakistan was pleased to issue order of acquittal from the charges leveled against him. ➤ The appellat was released from the jail w.e.f 02.05.2019. ➤ Appellant was suspended from service vide order dated 30.07.2007. ➤ No final order was passed against the official concern.
4	Relevant and supportive documents	The appellat has filed appeal against the Honorable Lahore High Court the Honourable Supreme Court of Pakistan. (Annexed)
5	Issue elaboration	➤ That the appellat was not terminated from the government service at that time then what will be the present status of the appellat after acquittal from Supreme Court of Pakistan?
7	References	Nil
8	Precedent	Nil
9	Reasons for seeking opinion	As this office did not have any rule / law / precedent regarding implementation of the Honourable Supreme Court of Pakistan.
10	Any other relevant information / documents	Service book of the appellat is annexed
11	Deficiency	Nil


 District Education Officer
 (Male) Dera Ismail Khan

Note—The entries in this page should be renewed or re-attested at least every five years, and the Signatures in lines 9 and 10 should be dated.

1. Name ... Muhammad Aarif

2. Race ... Khicara

3. Residence ... village Chah Khan-wala
Teh. + Distt. Dillehan

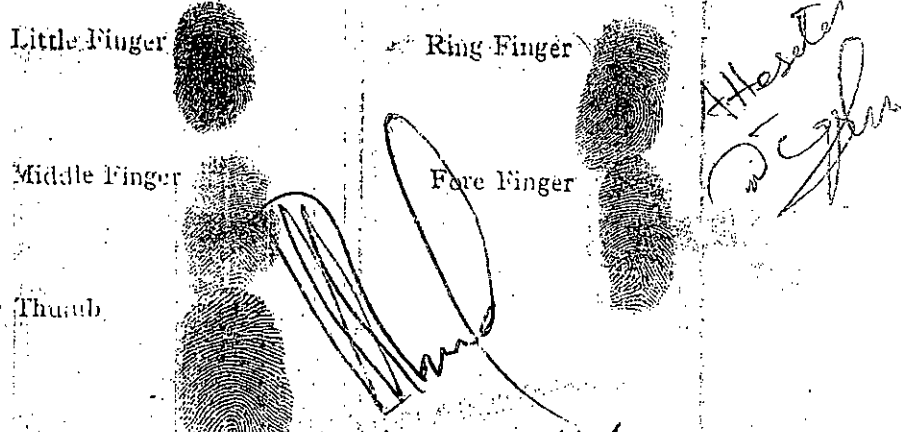
4. Father's name and residence ... Muhammad Adzal

5. Date of birth by Christian era or as nearly as can be ascertained. 20.4.1967 (20th April N.H. and Sixty Seven)

6. Exact height by measurement ... 5'-5"

7. Personal marks for identification ... Two moles on left side of neck.

8. Left hand thumb and finger impression of (non-gazetted Officer) ...



9. Signature of Government Servant ... M. Aarif

10. Signature and Designation of the Head of the Office, or other Attesting Officer.
 Muhammad Adzal
 Sub. Distt. Dillehan
 D. I. ...

Date of birth verified from 55 Caste Register
 Muhammad Aarif

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	عارضی مستقل یا قائم مقام	اگر عارضی ہے تو کیا وہ عدل کے مطابق پیشن کا مستحق ہے	تعمرواہ بطور عارضی ملازمت	زائد تعمرواہ بطور قائم مقام	ماسوائے تعمرواہ دیگر الاؤٹس	تاریخ تقریری	دستخط سرکاری ملازم
PS-7 (560-23-1020)			RS. P.	RS. P.			
P.T.C PS Miran		Pay	560/- PM			5/10/86	M. A. B.
P.T.C PS Miran	Temp	Pay	560/- PM			12/87	M. A. B.
P.T.C PS Miran Temp		Rs	750/- PM			7/87	M. A. B.
B-7 560-23-1020				Received B-7 750-31-1370			
Pay on 30/6/87				Pay on 1/7/87			
560/- PM				250/- PM			
P.T.C PS Miran	Temp	Rs	781/- PM			12/87	M. A. B.
P.T.C PS Miran	Temp	Rs	812/- PM			12/88	M. A. B.
PS Sikandar Serial No. 1	du	Rs	812/- PM			02/9/89	M. A. B.
du	du	843/-				12/89	M. A. B.

Signature of the Head of the Office or of Attesting Officer in attestation columns 1 to 8

M. A. B.
S. I. Khan
M. A. B.

M. A. B.
M. A. B.
M. A. B.

Attested
E. J. Khan

[Handwritten signature]

10 Signature and designation of Head of the office or other officer in attestation columns 10 & 11	11 Date of termination or appointment	12 Reason of termination (such as promotion, transfer dismissal etc)	13 Signature of the Head of the office of other Attesting Officer	14 Nature and duration of leave taken	15 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	16 Signature of the head of the office or other Attesting officer	17 Reference to any recorded punishment, or censure, or reward or praised of the Government servant
<p>Signature of Head of office</p> <p>S.D.E.O. (M) D.I. Khaz</p>	<p>تاریخ انقضاء ملازمت</p>	<p>وجوبت انقضاء ملازمت</p>	<p>دستخط افسر مجاز</p>	<p>وقت کی نوعیت و معیار</p>	<p>چار ماہ تک کی رخصت کیلئے اوسط مہینہ 10 کا تعین</p> <p>Govt. to which debitable</p> <p>گورنمنٹ برائے رقم آباد پولیس</p>	<p>دستخط افسر مجاز</p>	<p>سزا یا جہز یا غیر سزا کا ذکر کی کارروائی</p>
<p>Signature of Head of office</p> <p>S.D.E.O. (M) D.I. Khaz</p>	<p>تاریخ انقضاء ملازمت</p>	<p>وجوبت انقضاء ملازمت</p>	<p>دستخط افسر مجاز</p>	<p>وقت کی نوعیت و معیار</p>	<p>Appointed as P.T.C. (trained) teacher in BPS-7 (560-23-1020) vide DEO (M) D.I. Khaz order no. 1678-86 dated 24.9.86</p>	<p>Signature of Head of office</p> <p>S.D.E.O. (M) D.I. Khaz</p>	<p>Reference to any recorded punishment, or censure, or reward or praised of the Government servant</p>
<p>Signature of Head of office</p> <p>S.D.E.O. (M) D.I. Khaz</p>	<p>تاریخ انقضاء ملازمت</p>	<p>وجوبت انقضاء ملازمت</p>	<p>دستخط افسر مجاز</p>	<p>وقت کی نوعیت و معیار</p>	<p>Services Verified w.e.f. 30.11.87 from quitance rolls and other Office Record</p>	<p>Signature of Head of office</p> <p>S.D.E.O. (M) D.I. Khaz</p>	<p>Reference to any recorded punishment, or censure, or reward or praised of the Government servant</p>
<p>Signature of Head of office</p> <p>S.D.E.O. (M) D.I. Khaz</p>	<p>تاریخ انقضاء ملازمت</p>	<p>وجوبت انقضاء ملازمت</p>	<p>دستخط افسر مجاز</p>	<p>وقت کی نوعیت و معیار</p>	<p>Services verified w.e.f. 1.12.86 to 30.11.87 from quitance rolls and other office record</p>	<p>Signature of Head of office</p> <p>S.D.E.O. (M) D.I. Khaz</p>	<p>Reference to any recorded punishment, or censure, or reward or praised of the Government servant</p>
<p>Signature of Head of office</p> <p>S.D.E.O. (M) D.I. Khaz</p>	<p>تاریخ انقضاء ملازمت</p>	<p>وجوبت انقضاء ملازمت</p>	<p>دستخط افسر مجاز</p>	<p>وقت کی نوعیت و معیار</p>	<p>Services verified w.e.f. 1.11.87 to 30.11.88 from quitance rolls and other office record</p>	<p>Signature of Head of office</p> <p>S.D.E.O. (M) D.I. Khaz</p>	<p>Reference to any recorded punishment, or censure, or reward or praised of the Government servant</p>
<p>Signature of Head of office</p> <p>S.D.E.O. (M) D.I. Khaz</p>	<p>تاریخ انقضاء ملازمت</p>	<p>وجوبت انقضاء ملازمت</p>	<p>دستخط افسر مجاز</p>	<p>وقت کی نوعیت و معیار</p>	<p>Services verified w.e.f. 30.11.88 from quitance rolls and other office record</p>	<p>Signature of Head of office</p> <p>S.D.E.O. (M) D.I. Khaz</p>	<p>Reference to any recorded punishment, or censure, or reward or praised of the Government servant</p>

1	2	3	4	5	6	7
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
درجہ ملازمت	عارضی مستقل قائم مقام	اگر عارضی ہے تو کیا ووٹوں کے مطابق پیشن کا مستحق ہے	تمخواہ بطور عارضی ملازمت	زائد تمخواہ بطور قائم مقام	ماسوائے تمخواہ دیگر الاؤٹس	تاریخ تقررہ
RBPS: 2007, VIDE GOVT. OF NWFP FINANCE DEPARTMENT PESHAWAR NOTIFICATION NO. BPS: 10 (3295-215-8745)						
Ops:	Perm: / off		RS. P.	RS. P.		
- Do -	- Do -			7165/PM		01/07/2007
				7380/AM		01/12/07

RBPS: 2008, VIDE GOVT. OF NWFP FINANCE DEPARTMENT NOTIFICATION NO. BPS: 10 (3955-260-11755)						
Ops:	Perm: / off					
- Do -	- Do -			8857/AM		01/07/08
				9155/PM		01/12/2008

T-151
313109 Drawn Rs=91230/- on account of Suspension
Pay & Allowances used 118108 to 23/10/09

T-2692
1313109 Drawn Rs=132187 on account of 4131/08/09
Susp. Pay + Allowances for 3109.

(Handwritten signatures and stamps)
Name: *(Signature)*
Attested: *(Signature)*

Signature of Government servant
رستم خط سکرکاری
ملازم

30
DDO (M) P
Peshawar

DDO (M) P
Peshawar

No. No.
Form 3
Case No.
Date
Dated

10	11	12	13		14	15	
Signature of Government servant	Signature and position of Head of the office or other bearing office in relation 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
	Date of termination or appointment			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		
دستخط سرکاری ملازم	تاریخ انتقال ملازمت	دوبت انتقال ملازمت یا برطرفی	دستخط افسر مجاز	وقت کی نوعیت و معیار	چار ماہ تک کی رخصت کیلئے اوسط تنخواہ کا تعین	دستخط افسر مجاز	سزا یا سزا یا ترمیم یا کارکردگی کا ریکارڈ
AT/10/2007 No FD (RRC) 1-11-2007 dt 20-7-07	30/11/2007	Annual					
DDO (M) P.Y. Paroa (D.K.)	30/6/2008	RIBPS: 2008	DDO (M) P.Y. Paroa (D.K.)			D.D.O. (M) D.I. Khan	Service verified w.e.f. 1-12-07 to 30-11-08 from the Acq. Book & other office records.
DDO (M) P.Y. Paroa (D.K.)	Annual	DDO (M) P.Y. Paroa (D.K.)				D.D.O. (M) D.I. Khan	Service verified w.e.f. 1-12-03 to 30-11-04 from the Acq. Book & other office records.
DDO (M) P.Y. Paroa (D.K.)	Annual	DDO (M) P.Y. Paroa (D.K.)				D.D.O. (M) D.I. Khan	Service verified w.e.f. 1-12-04 to 30-11-05 from the Acq. Book & other office records.
DDO (M) P.Y. Paroa (D.K.)	Annual	DDO (M) P.Y. Paroa (D.K.)				D.D.O. (M) D.I. Khan	Service verified w.e.f. 1-12-05 to 30-11-06 from the Acq. Book & other office records.
DDO (M) P.Y. Paroa (D.K.)	Annual	DDO (M) P.Y. Paroa (D.K.)				D.D.O. (M) D.I. Khan	Service verified w.e.f. 1-12-06 to 30-11-07 from the Acq. Book & other office records.
DDO (M) P.Y. Paroa (D.K.)	Annual	DDO (M) P.Y. Paroa (D.K.)				D.D.O. (M) D.I. Khan	Service verified w.e.f. 1-12-07 to 30-11-08 from the Acq. Book & other office records.
DDO (M) P.Y. Paroa (D.K.)	Annual	DDO (M) P.Y. Paroa (D.K.)				D.D.O. (M) D.I. Khan	Service verified w.e.f. 1-12-08 to 30-11-09 from the Acq. Book & other office records.
DDO (M) P.Y. Paroa (D.K.)	Annual	DDO (M) P.Y. Paroa (D.K.)				D.D.O. (M) D.I. Khan	Service verified w.e.f. 1-12-09 to 30-11-10 from the Acq. Book & other office records.
DDO (M) P.Y. Paroa (D.K.)	Annual	DDO (M) P.Y. Paroa (D.K.)				D.D.O. (M) D.I. Khan	Service verified w.e.f. 1-12-10 to 30-11-11 from the Acq. Book & other office records.
DDO (M) P.Y. Paroa (D.K.)	Annual	DDO (M) P.Y. Paroa (D.K.)				D.D.O. (M) D.I. Khan	Service verified w.e.f. 1-12-11 to 30-11-12 from the Acq. Book & other office records.
DDO (M) P.Y. Paroa (D.K.)	Annual	DDO (M) P.Y. Paroa (D.K.)				D.D.O. (M) D.I. Khan	Service verified w.e.f. 1-12-12 to 30-11-13 from the Acq. Book & other office records.
DDO (M) P.Y. Paroa (D.K.)	Annual	DDO (M) P.Y. Paroa (D.K.)				D.D.O. (M) D.I. Khan	Service verified w.e.f. 1-12-13 to 30-11-14 from the Acq. Book & other office records.
DDO (M) P.Y. Paroa (D.K.)	Annual	DDO (M) P.Y. Paroa (D.K.)				D.D.O. (M) D.I. Khan	Service verified w.e.f. 1-12-14 to 30-11-15 from the Acq. Book & other office records.
DDO (M) P.Y. Paroa (D.K.)	Annual	DDO (M) P.Y. Paroa (D.K.)				D.D.O. (M) D.I. Khan	Service verified w.e.f. 1-12-15 to 30-11-16 from the Acq. Book & other office records.

Mr. Muhammad Arif PST is Suspende
 From Service w.e.f. 31-07-2007 (in Police
 Case Under P.I.R. No: 111/07 dated
 30-07-2007) vide LDO (E/S) Education,
 Deoa Lomail Khan, Bndst: No: 4/2-11,
 dated D.I. Khan. On 26-01-2007

Handwritten signature and initials.

DDO (M) P.Y. Paroa (D.K.)

Dy: District Officer (M) P.Y. Edu: D.I. Khan.

Dy: District Officer (M) P.Y. Edu: D.I. Khan.

Dy: District Officer (M) P.Y. Edu: D.I. Khan.



KHYBER PAKHTUNKHWA
BAR COUNCIL

ADVOCATE GENERAL
KHYBER PAKHTUNKHWA

BURHAN LATIF

Advocate:

bc-03-0933

Date of Issue: September 2017

Valid upto: September 2020

ONLY FOR VAKALAT NAM



Additional Secretary
K.P. Bar Council

وکالت

33

کورٹ
فیس

Before the Services Tribunal, KPK, Peshawar
From Appellant
Muhammad Arif Vs Govt. of K.P.K
Services Appeal

دعویٰ یا جرم

تفصیل دعویٰ یا جرم

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیرونی وجوہات دی برائے پیشی یا تصفیہ مقدمہ بنام
BURHAN LATIF KHAISORI ADVOCATE SUPREME COURT, Dist: Bar

D. I. Kham

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا ذرا بذریعہ رو برد عدالت حاضر ہوتا رہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پشوری کے علاوہ یا پشوری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر پشوری کے علاوہ اور جگہ ساعت ہونے یا بروز تعطیل یا پشوری کے اوقات کے آگے یا پیچھے پیش ہونے پر مظہر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا محنت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو اسلئے ساختہ پر واداشت صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اسلئے ڈگری نظر ثانی اپیل تکراری و ہر قسم درخواست ہر قسم کے بیان دینے اور پر ثالثی یا راضی نامہ و فیصلہ برحلاف کرنے اقبال دعویٰ کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکور بیرون از پشوری مقدمہ مذکور نظر ثانی اپیل و تکراری و برآمدگی مقدمہ یا مشورتی ڈگری یک طرفہ یا درخواست حکم امتناعی یا ترقی یا گرفتاری قبل از فیصلہ اجراء ڈگری بھی صاحب موصوف کو بشرط ادا ہنگی علیحدہ علیحدہ اختیار ہو گا اور تمام ساختہ پرواداشت صاحب موصوف مثل کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مذکورہ یا اس کے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی اپیل تکراری یا دیگر معاملہ و مقدمہ مذکورہ کسی دوسرے وکیل یا بیر مٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں وہی اود ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانب التوا پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پروی 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

ماہ مورخہ

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

Accepted

Handwritten signature

M. Arif
Muhammad Arif
(Appellant)

CNIC # 32103-1213004-5

cell # 0343-047-3310

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

SERVICE APPEAL No. 4053 / 2020

Muhammad Arif

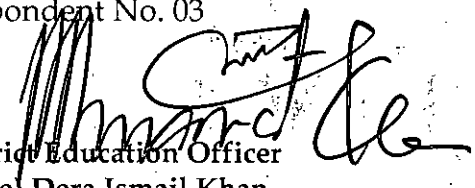
VS

Government of KPK

Index

S No.	Description of documents	Description of annuexure	Page No.
01	Reply of service appeal		
02	Affidavit		
03	Annexure		
04	Authority		

Respondent No. 03


District Education Officer
(Male) Dera Ismail Khan

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

SERVICE APPEAL No. 4053/2020

Muhammad Arif

VS

Government of KPK

COMMENTS ON BEHALF OF RESPONDENTS.

Preliminary Objections

1. That the appellant has got no cause of action / locus standi.
2. that the appellant has not come to the honorable tribunal with clean hands.
3. That the appellant has filed the service appeal on malafide objectives.
4. that the instant appeal is against the prevailing laws and rules.
5. That the appeal is barred by the doctrine of leeches.
6. That the instant appeal is illegal and against the facts.
7. That the service appeal is not maintainable in its present form.
8. That the appellant has concealed the material facts from the honorable tribunal.
9. That the appeal is badly time barred.

Objection on Facts

The respondents humbly submits as under

1. That the para is correct to the extent that appellant was appointed as a P.T.C in year 1986
2. Para pertains to the service of appellant hence no comments.
3. Para pertains to the extent that the appellant was involved in criminal case in F.I.R No.111 Dated 30-07-2007. The appellant was sentenced life imprisonment 25 years by the Session judge ATC district D.G.Khan.
4. Para is correct to the extent that the appellant was suspend from service.
5. Para pertains to the acquittal of appellant hence need verification.
6. Para pertains to the involvement of appellant in F.I.R No.742 hence no comments.
7. Para pertains to the departmental appeal of appellant to the respondent no.3 hence no comment.
8. Para pertains to the obtaining the legal opinion against the appellant from respondent No.2 hence no comments.
9. As the appellant was convicted by the A.T.C Judge D.G.Khan for 25 years on 19-06-2008. So the appellant is no entitled for Re-instatement in service.

Grounds

- a. Incorrect / Not admitted. The order passed by the Respondent No.3 is legal with lawful authority and plausible justification.
 - b. the para is refuted. The respondents were not malafide to the appellant.
 - c. in correct/not admitted. As discussed above.
 - d. As the appellant was convicted by A.T.C Court. So there is no need to extend the suspension period.
 - e. Para Pertains to the check list hence needs verification.
 - f. ~~No Comments.~~ *As replied above.*
 - g. In correct/not admitted . As discussed above.
 - h. Para is Rebutted. Respondents were not malafide to the appellant.
- That any further grounds if will be needed shall be agitated during the course of arguments. For ~~is has been discussed above the appeal of appellant should be dismissed.~~

It is prayed that the appeal may kindly be dismissed

[Signature]
Respondent No.1
The Secretary E&SE KPK
Peshawar

[Signature]
Respondent No.2
The Director E&SE KPK
Peshawar

[Signature]
Respondent No.3.
District Education Officer
(M) D. I. Khan

Submitted for vetting
M. Khan
24.11.2020.

D. D. E. O. for ESS K.P.K.
[Signature]
25/11/20

Approved
[Signature]
District Attorney
Khyber Pakhtunkhwa
Service Tribunal Camp Court
D.I. Khan

vetted subject to correction
attachment of all annexures
at least and approved
of D.A. / A.A.
[Signature]

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

SERVICE APPEAL No. 4053 / 2020

Muhammad Arif

VS

Government of KPK

Affidavit

I Mr: Muhammad Kamran Khan ADEO Litigation (M) D.I.Khan do solemnly affirm and declare on oath that contents of written reply are correct to the best of my knowledge and nothing has been concealed from this honorable Court

M Kamran
Deponent

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

SERVICE APPEAL No. 4053 / 2020

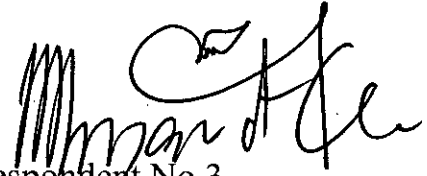
Muhammad Arif

VS.

Government of KPK

Authority

I District Education Officer (M) D.I.Khan do hereby authorized Mr: Muhammad Kamran Khan to attend the honorable Service Tribunal KPK Peshawar on behalf of respondent in connection with submission para wise comments till the decision of service appeal.

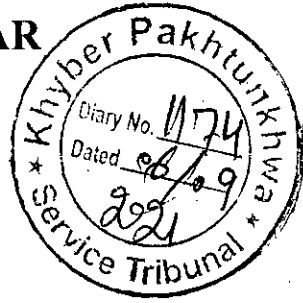


Respondent No.3
District Education Officer
(M) D.I.Khan

BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR

Put up to the weekly chain with instant appeal

Appeal No.: 4053/2020



Muhammad Arif V/s Government of KP

Recd 7/9/2021

Subject: Application for transfer of instant appeal from D.I.Khan Comp Court to Principle seat at Peshawar.

Respectfully Sheweth,

1. That the appellant has filed the instant appeal against the suspension order dated:26/01/2019 before this Honorable Tribunal.
2. That the instant appeal is in arguments stage and is fixed at D.I.Khan Comp Court.
3. That due to Covid-19 D.I.Khan Comp court is non functional for so many months due to which the case of the appellant is linger on and the appellant is suffering a lot.
4. That as the appellant is jobless and has financial problems and it will be interest of justice to fix the instant appeal at principle seat at Peshawar for speedy disposal of the case.

It is therefore most humbly prayed that on acceptance of this application. The instant appeal may kindly be transferred from D.I.Khan Comp Court to Principle seat at Peshawar and fix the case on any early date to meet the ends of justice.

*Allowed as requested
14.9.21
07/9/2021*

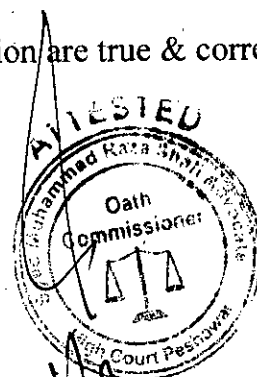
Through

M. Arif
Appellant
Muhammad Arif

Taimur Ali Khan
Taimur Ali Khan
Advocate High Court

AFFIDAVIT

It is solemnly affirms that the contents of this application are true & correct.



M. Arif
DEPONENT

BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR

Appeal No.: 4053/2020

Muhammad Arif V/s Government of KP

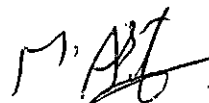
Subject: Application for transfer of instant appeal from D.I.Khan Comp Court to Principle seat at Peshawar.

Respectfully Sheweth,

1. That the appellatant has filed the instant appeal against the suspension order dated:26/01/2019 before this Honorable Tribunal.
2. That the instant appeal is in arguments stage and is fixed at D.I.Khan Comp Court.
3. That due to Covid-19 D.I.Khan Comp court is non functional for so many months due to which the case of the appellatant is linger on and the appellatant is suffering a lot.
4. That as the appellatant is jobless and has financial problems and it will be interest of justice to fix the instant appeal at principle seat at Peshawar for speedy disposal of the case.

It is therefore most humbly prayed that on acceptance of this application. The instant appeal may kindly be transferred from D.I.Khan Comp Court to Principle seat at Peshawar and fix the case on any early date to meet the ends of justice.

Through


Appellant
Muhammad Arif


Taimur Ali Khan
Advocate High Court

AFFIDAVIT

It is solemnly affirms that the contents of this application are true & correct.




DEPONENT

BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR

Appeal No.: 4053/2020

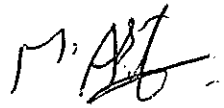
Muhammad Arif V/s Government of KP

Subject: Application for transfer of instant appeal from D.I.Khan Comp Court to Principle seat at Peshawar.


Respectfully Sheweth,

1. That the appellant has filed the instant appeal against the suspension order dated:26/01/2019 before this Honorable Tribunal.
2. That the instant appeal is in arguments stage and is fixed at D.I.Khan Comp Court.
3. That due to Covid-19 D.I.Khan Comp court is non functional for so many months due to which the case of the appellant is linger on and the appellant is suffering a lot.
4. That as the appellant is jobless and has financial problems and it will be interest of justice to fix the instant appeal at principle seat at Peshawar for speedy disposal of the case.

It is therefore most humbly prayed that on acceptance of this application. The instant appeal may kindly be transferred from D.I.Khan Comp Court to Principle seat at Peshawar and fix the case on any early date to meet the ends of justice.

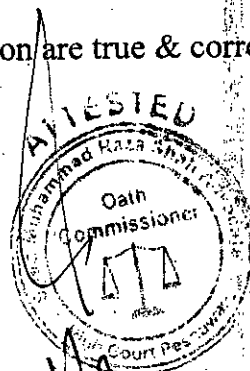

Appellant
Muhammad Arif

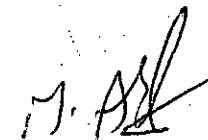
Through


Taimur Ali Khan
Advocate High Court

AFFIDAVIT

It is solemnly affirms that the contents of this application are true & correct.




DEPONENT



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 1953 /ST

Dated: 30/09 /2021

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

To

The District Education Officer Male,
Government of Khyber Pakhtunkhwa,
D.I. KHAN.

Subject: JUDGMENT IN APPEAL NO. 4053/2020, MR. MUHAMMAD ARIF.

I am directed to forward herewith a certified copy of Judgement dated 14.09.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR