

S.A No. 7494/2021

17th Oct., 2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt,
Addl. AG for the respondents present.

The original file has been received which shows that pre-admission notice was issued to the respondents for submission of reply/parawise comments and to assist the Tribunal but the para-comments/reply has not been received so far. Therefore, let the respondents should submit comments/reply on or before next date. To come up for reply/comments and preliminary hearing on 13.12.2022 before S.B. As per order dated 01.09.2022, the appellant shall pay the cost of Rs. 3000/- on the date fixed.



(Kalim Arshad Khan)
Chairman

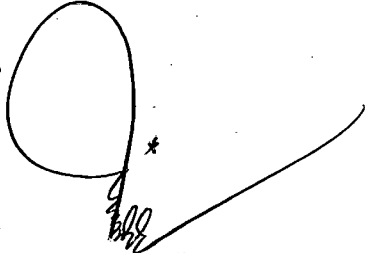
Reshawan

01.09.2022

Mr. Khan Zada Khan, Advocate learned counsel for the petitioner present. Arguments on restoration application heard.

Learned counsel for the petitioner contended that the service appeal was dismissed in default on 15th June, 2022 arguing that on the date of hearing, the petitioner did not appear before the Tribunal due to some domestic engagement i.e. the serious illness of his wife, and could not inform his counsel. The appellant submitted restoration application on 22.06.2022 which is well within time. Learned counsel for the petitioner requested that the restoration application may kindly be allowed. Request for restoration application is allowed subject to payment of cost of Rs. 3000/-. The appeal is restored to its original number. Adjourned. To come up for further proceedings on 17.10.2022 before S.B.

SCANNED
KPST
Peshawar

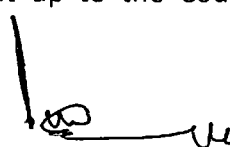


(Mian Muhammad)
Member (E)

Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 363/2022

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	22.06.2022	<p>The application for restoration of appeal No. 7494/2021 submitted today by Mr. Khanzada Khan Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	5-7-2022 Counsel Infor - By Telephonically - 11-8-22	<p>This restoration application is entrusted to Single Bench at Peshawar to be put up there on <u>01-09-2022</u>. Original file be requisitioned. Notices to the applicant and his counsel be also issued for the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p>

15.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 15.6.2022. for the same as before.

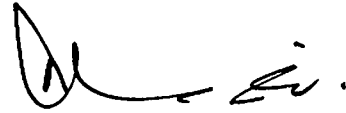


Reader.

15th June, 2022

Despite several calls till closing hours of the court nobody put appearance on behalf of the appellant. Dismissed in default. Consign.

3. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal this 15th day of June, 2022.*



(Kalim Arshad Khan)
Chairman

30.11.2021

Counsel for the appellant present. Preliminary arguments have been heard.

Learned counsel for the appellant argued that the appellant is aggrieved of the impugned order dated 25.05.2005 whereby he has been awarded major penalty of removal from service w.e.f 27.10.2001 which has been given effect through entry into service book and copy of the original impugned order is not available with the service appeal. The appellant was nominated in FIR No. 28 dated 23.10.2004 under Section-302 PPC as a result of which he remained absent. The appellant on acquittal vide order of the Additional Session Judge-II Takhtbhai dated 28.11.2020 submitted his departmental appeal which was rejected on 01.07.2021, thereafter he approached the Service Tribunal on 29.09.2021. Learned counsel for the appellant ~~was asked~~ to indicate the date of arrest and date of his bailout. He was not in knowledge of basic information. Moreover, there is no copy of impugned order dated 25.05.2005 to have been attached with the memorandum of appeal. It is therefore, appropriate to issue pre-admission notice to the official respondents to submit their reply/parawise comments and assist the Tribunal. Adjourned. To come up for preliminary hearing on 18.01.2022 before S.B.




(Mian Muhammad)
Member(E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7694 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	04/10/2021	<p>The appeal of Mr. Muslim Khan resubmitted today by Mr. Khanzada Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>30/11/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Muslim Khan son of Hashim Khan Ex-Chowkidar r/o village Dara Lund Khur received today i.e. on 29.09.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- ✓ 1- Memorandum of appeal may be got signed by the appellant.
- 2- Copy of impugned order dated 25.05.2005 mentioned in the heading of the appeal is not attached with the appeal which may be placed on it.
- ✓ 3- Annexures of the appeal may be attested.
- ✓ 4- Certificate be given to the effect that the appellant has not been filed any service appeal earlier on the subject matter before this Tribunal.

No. 1937 /S.T,


Dt. 29/09 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Khan Zada Khan Adv.

Respected Sir,

Re-submitted after removal of objections at 6/NO 1,3,4 however regarding objection NO 2 it is clarified that the imp. ord dated 25/5/2005 was not been communicated to the appellant. However, the relevant page of service book bearing remarks of removal from service dated 25/5/05 is already available on page 16 Annexure "C".


1-10/21

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Appeal No. 7494 /2021

Muslim Khan. **APPELLANT**

VERSUS

The District Education Officer (DEO) Male, Mardan, &
others. **RESPONDENTS**

I N D E X

S.No.	Description of Documents	Annex	Pages
1.	Service Appeal		1-5
2.	Affidavit		6
3.	Application for Suspension and Affidavit		7-9
4.	Application for Condonation and Affidavit		10-12
5.	Addresses of the Parties		13
6.	Copy of the Appointment Order dated 24.10.1987	A	14
7.	Copy of FIR dated 23.10.2004	B	15
8.	Copy of Relevant Page of Service Book Bearing the Removal Order dated 25.05.2005	C	16
9.	Copy of Judgment dt: 28.11.2020 passed by the learned ASJ, Takht Bhai, District Mardan	D	17-30
10.	Copy of Letter dated 16.01.2021	E	31
11.	Copy of the Departmental Appeal dated 06.01.2021	F	32
12.	Copy of Impugned Rejection Order dated 01.07.2021 issued by the Respondent No.2 addressed to the respondent No.1	G	33
13.	Wakalatnama		34

Through

Appellant



Khan Zada Khan
Advocate High Court
(Cell: 0300-9175182)

Dated: 27.09.2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Appeal No. _____/2021

Muslim Khan S/o Hashim Khan (Ex-Chowkidar)
R/o Village Dara, Lund Khwar, Tehsil Takht Bhai,
District Mardan.

.....APPELLANT

VERSUS

1. The District Education Officer (DEO) Male, Mardan.
2. The Director Education Elementary & Schools,
Khyber Pakhtunkhwa, Peshawar.
3. The Secretary Education Elementary & Schools,
Khyber Pakhtunkhwa, Peshawar.
4. The Government of Khyber Pakhtunkhwa through
the Advocate General, Khyber Pakhtunkhwa.

.....RESPONDENTS

**APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT,
1973 AGAINST THE IMPUGNED ORDER DATED
25.05.2005 FOLLOWED BY THE SUBSEQUENT
IMPUGNED ORDER DATED 01.07.2021,
WHEREIN THE APPELLANT WAS REMOVED
FROM SERVICE, AGAINST WHICH
DEPARTMENTAL APPEAL DATED 06.01.2021
WAS FILED BEFORE THE RESPONDENT NO.1,
WHICH WAS DISMISSED ON DATED 01.07.2021,
BY THE RESPONDENT NO.2, BUT COPY OF THE
SAID REJECTION ORDER DATED 01.07.2021
WAS NOT COMMUNICATED TO THE APPELLANT
TILL FILING OF THE INSTANT APPEAL BEFORE
THIS HON'BLE TRIBUNAL.**

Respectfully Sheweth:

1. That on dated 24.10.1987, the appellant was appointed as Chowkidar in Education Department. (Copy of the Appointment Order is attached as annex "A").
2. That on dated 23.10.2004 the appellant while posted at GPS Faraskali, Tehsil Takht Bhai, District Mardan was charged in a false murder case and removed from service on dated 25.05.2005, which was given effect from dated 27.10.2004. (Copy of FIR is attached as annex "B" while that of the relevant page of service book bearing the removal order is annex "C").
3. That on dated 07.12.2018, the appellant was arrested and on dated 28.11.2020 acquitted of the said murder charge by the Additional Sessions Judge, Takht Bhai, District Mardan. (Copy of the Judgment is attached as annex "D").
4. That on dated 16.01.2021, the respondent No.1 (DEO) issued a letter to the sub-Divisional Officer (E), Takht Bhai, wherein the SDO(E) was directed to inform the appellant for filing departmental appeal. (Copy of Letter dated 16.01.2021 is attached as annex "E").

5. That the appellant, after filing the departmental appeal on 06.01.2021, visited the office of respondent No.1 (DEO) and respondent No.2 (Director Education) to know about the status of his departmental appeal but of no avail till filing of the instant appeal before this Hon'ble Tribunal.
6. That it is pertinent to mention here that a few days ago when the appellant went to the office of respondent No.2 (the Director Education) to know about the status of departmental appeal, the appellant was handed over a copy of the impugned rejection order dated 01.07.2021 issued by the respondent No.2 addressed to the respondent No.1 (the DEO). (Copy attached as annex "F").
7. That it is very pertinent to mention here that despite of the clear cut direction of the respondent No.2, the appellant has not yet been properly/officially informed by the respondent No.1 (DEO) about the rejection of his departmental appeal.
8. That the appellant feeling aggrieved and having no other adequate available remedy approached this Hon'ble Tribunal on the following amongst other grounds;

GROUND S:

- A. The appellant has come to this Hon'ble Tribunal with clean hands.
- B. The respondents have blatantly violated the laid down procedure before the imposition of major penalty of removal from service upon the appellant and the appellant has been condemned unheard, which is against the settled principle of law i.e. "*Audi Alteram Partem*" and the said practice of the respondents is no more than abuse of law and colourful exercise of authority.
- C. The appellant has neither been provided/ communicated copy of the impugned order (removal from service) dated 25.05.2005 nor any information in light of the second/subsequent impugned order (rejection of departmental appeal) dated 01.07.2021 issued by respondent No.2 (the Director Education).
- D. Since the appellant has been honourably acquitted of the said criminal murder charge, therefore, in light of the dicta of the apex courts has got an inalienable right to be re-instated into his service alongwith all the back wages and benefits.

It is, therefore, most humbly prayed that keeping in view the facts and circumstances of the instant appeal, the impugned order dated 25.05.2005 and 01.07.2021 may kindly be set aside and the appellant be re-instated into service alongwith all the back wages and benefits.

Any other relief deems fit and appropriate in the circumstances of the case may also be granted.

Through Appellant



KHAN ZADA KHAN
Advocate High Court

Dated: 27.09.2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Appeal No. _____/2021

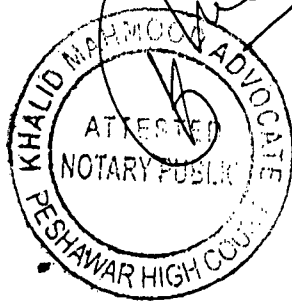
Muslim Khan. **APPELLANT**

VERSUS

The District Education Officer (DEO) Male, Mardan, &
others. **RESPONDENTS**

AFFIDAVIT

I, Muslim Khan S/o Hashim Khan (Ex-Chowkidar) R/o Village Dara, Lund Khwar, Tehsil Takht Bhai, District Mardan, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

In Re:

Appeal No. _____/2021

Muslim Khan. **APPLICANT/APPELLANT**

VERSUS

The District Education Officer (DEO) Male, Mardan, &
 others. **RESPONDENTS**

APPLICATION FOR SUSPENSION
OF THE IMPUGNED ORDERS
DATED 25.05.2005 & 01.07.2021,
TILL THE FINAL DECISION OF
INSTANT APPEAL.

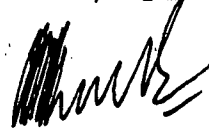
Respectfully Sheweth:

1. That the titled appeal is being filed before this Hon'ble Tribunal in which no date of hearing has yet been fixed.
2. That the applicant/appellant has a prima facie case in his favour and he is sanguine of its success.
3. That the balance of convenience also lies in favour of the applicant/appellant.

4. That if the impugned orders are not suspended, the applicant/appellant will suffer an irreparable loss.

It is, therefore, prayed that by accepting this application, the impugned orders dated 25.05.2005 & 01.07.2021 may please be suspended, till the final decision of instant appeal.

Through Applicant/Appellant



KHAN ZADA KHAN
Advocate High Court

Dated: 27.09.2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

In Re:

Appeal No. _____/2021

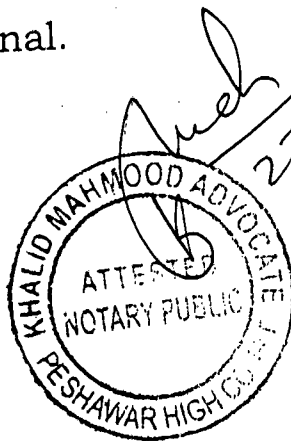
Muslim Khan. **APPLICANT / APPELLANT**

VERSUS

The District Education Officer (DEO) Male, Mardan, &
others. **RESPONDENTS**

AFFIDAVIT

I, Muslim Khan S/o Hashim Khan (Ex-Chowkidar) R/o
Village Dara, Lund Khwar, Tehsil Takht Bhai, District
Mardan, do hereby solemnly affirm and declare on oath
that the contents of the accompanying **Suspension**
Application are true and correct to the best of my
knowledge and belief and nothing has been concealed
from this Hon'ble Tribunal.




DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

In Re:

Appeal No. _____/2021

Muslim Khan. **APPLICANT / APPELLANT**

VERSUS

The District Education Officer (DEO) Male, Mardan, &
others. **RESPONDENTS**

APPLICATION FOR CONDONATION
OF DELAY IN FILING THE TITLED
APPEAL.

Respectfully Sheweth:

1. That the accompanying appeal is being filed before this Hon'ble Tribunal, in which no date of hearing has yet been fixed.
2. That the applicant/appellant has not been communicated the rejection order of departmental appeal dated 01.07.2021, despite of the fact that the respondent No.2 (Director Education) has clearly directed the respondent No.1 (DEO) to inform the appellant accordingly, but of no avail till filing of the instant appeal before this Hon'ble Tribunal.

3. That a few days ago when the applicant/appellant himself went to the office of respondent No.2 (Director Education) to know about the status of departmental appeal, the applicant/appellant was provided a copy of the rejection order dated 01.07.2021, hence the present application for condonation of delay.
4. That the law favours adjudication on merits rather non-suiting the parties on mere technicalities.
5. That as precious rights of the applicant/appellant are involved in the instant case, therefore, it is just, fair as well as in the larger interest of justice that the delay in filing of the instant appeal may kindly be condoned.

It is, therefore prayed that by accepting this application, the delay in filing of instant appeal may please be condoned in the best interest of justice.

Through Applicant/Appellant



KHAN ZADA KHAN
Advocate High Court

Dated: 27.09.2021

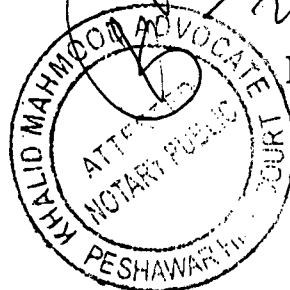
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

In Re:

Appeal No. _____/2021

Muslim Khan. **APPLICANT/ APPELLANT****VERSUS**The District Education Officer (DEO) Male, Mardan, &
others. **RESPONDENTS****A F F I D A V I T**

I, Muslim Khan S/o Hashim Khan (Ex-Chowkidar) R/o Village Dara, Lund Khwar, Tehsil Takht Bhai, District Mardan, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Application for Condonation of Delay** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Appeal No. _____/2021

Muslim Khan. **APPELLANT**

VERSUS

The District Education Officer (DEO) Male, Mardan, &
others. **RESPONDENTS**

ADDRESSES OF THE PARTIES

APPELLANT:

Muslim Khan S/o Hashim Khan (Ex-Chowkidar)
R/o Village Dara, Lund Khwar, Tehsil Takht Bhai,
District Mardan.

RESPONDENTS:

1. The District Education Officer (DEO) Male, Mardan.
2. The Director Education Elementary & Schools,
Khyber Pakhtunkhwa, Peshawar.
3. The Secretary Education Elementary & Schools,
Khyber Pakhtunkhwa, Peshawar.
4. The Government of Khyber Pakhtunkhwa through
the Advocate General, Khyber Pakhtunkhwa.

Through Appellant


Khan Zada Khan
Advocate High Court

Dated: 27.09.2021

OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER (FEMALE) TEHSIL, MARDAN.

APPOINTMENT ORDER.

As proposed by Mr. Tajdar Khan MPA, FF-21, Mardan-5, the following candidates are hereby appointed as full time chowkidars, in BPS-1 @ Rs. 600-13-850, P.M plus usual allowances, admissible under the rules, with effect from (Already working as part time chowkidars w.e.f. 17.1987 and fresh from the date of taking over charge, in the interest of public service, on the following terms and conditions:-

Terms/Conditions:-

1. No TA/DA/Dtc is allowed.
2. Charge reports should be submitted to all concerned.
3. They should produce health and age certificates, from the Medical Supdt; DHQ Hospital, Mardan, before taking over charge.
4. They should not be handed over charge, if they are not in-between the age of 18 years and 40 years.
5. Their appointment are purely on temporary basis and can be terminated at any time, without any notice or reason being assigned.
6. If they want to resign, they should give one month prior notice, or one month pay will be forfeited to Govt; in lieu thereof.
7. Their National Identity Cards should be checked.

S.No.	Name.	Father Name.	School.	Remarks.
1.	Mohammad Nabi.	Saraf Khan.	GCPS Mian Khan.	NCP.
2.	Akhtar Gul.		do Babozai-1	do
3.	Musain Maider.	Mir Akbar.	do Babozai-2	do
4.	Sher Bahadar.	Nasri Khan.	do Pansal	do
5.	Wahid Mian.	Sard Khan.	do Kohi Bamol-1	do
6.	Darwish Khan.	Noor Shah.	do Kohi Bamol-2	do Ex. Part. T. Chowk.
7.	Kehmanullah.	Ahmad Khan.	do Baizo Kharki.	do SSC Passed.
8.	Ali Akbar.	Mian Gul.	do Ghala.	do
9.	Taza Gul.	Badar Gul.	do Charahurn.	do Ex. Part. T. Chowk.
10.	Gul Akbar.	Gul Babar.	do Alo-1	do
11.	Mohammad Yousof.	Taj.	do Alo-2	do
12.	Khani Gul.	Itbar Gul.	do Qasbi.	do
13.	Akram Said.	Umar Shah.	do Taza Gram.	NCP
14.	Abdul Wahid.	Molvi Fazle Raq.	do Sarobi.	do
15.	Faqir Zada.	Lal Zada.	do Dheri Likpani.	do
16.	Bakht Mir Shah.	Kamal Shah.	do Dheri (Inzaro)	do
17.	Bashir Khan.	Dad Khan.	do Likpani.	do
18.	Aqir Bahader.	Nanish Khan.	do Mata Jadoed.	do Ex. Part. T. Chowk.
19.	Dilawar Khan.	Haji Misal Khan.	do Pilagai.	do
20.	Abdullah.	Najibullah.	do Haji Tor Juk Faz Kili.	NCP.
21.	Uzmani Gul.	Rehman Gul.	do Sawalder.	NCP SSC Pass.
22.	Misal Khan.	Mian Khan.	do Checharr.	NCP Ex. Part. T. Chowk.
23.	Musliq Khan.	Hashan Khan.	do Saada Abad (L/K)	NCP.
24.	Ghulam Mohd.	Abdul Sadiq.	do Said Faqir Korona.	NCP.
25.	Fazle Wahab.	Mohammad.	do Mian Gano Kili.	NCP EX. Part. T. Chowk.
26.	Mursalin.	Dari Khan.	do Jamal Garhi-2	NCP.
27.	Mehraban Shah.	Arbab Gul.	do Centre Jamal Garhi.	Ex. Part. T. Chowk.
28.	Liaqat Ali.	Khani Zaman.	do Sadiq Abad.	NCP.
29.	Abdul Mastan.		do Taja Korona.	do Ex. Part. T. Chowk.
30.	Sarbiland Khan.	Isat Khan.	do Kati Garhi.	do
31.	Amir Gulab.	Shahzed Gul.	do H: Tor Gul Banda.	do
32.	Sadullah.	Musafar Khan.	do R. Kumj.	NCP Ex. Ser. Man.
33.	Alif Khan.	Gul Zaman.	do Bilandai.	NCP SSC Pass.
34.	Mohd Israr.	Ghulam Mohd.	do Moti Banda.	NCP.

(MISS AFFARI SHAH.)
Sub Divisional Education Office
(Female) Mardan.
Dated Mardan the 24.10.1987

Order No. 1702-G

Copy of the above is forwarded for info and p/a to the :-

M. A. H. M. No. 21, Mariam Village, Mian Khan, w/o to this

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**IN THE COURT OF FAISAL ANJUM
ADDITIONAL SESSIONS JUDGE-II, TAKHT BHAI**

Case No.....21/SC of 2019
Date of commencement..... 06/03/2019
Date of Decision.....28/11/2020



State through Nisar Muhammad, son of Saleh Muhammad, resident of Shah Dhand Tehsil Takht Bhai.

(Complainant)

Versus

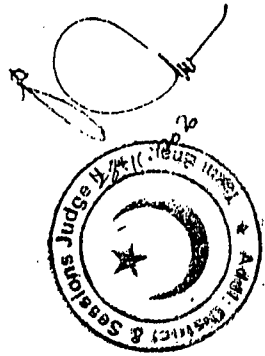
Muslim, son of Hasham, resident of Dara Lund Khwar Tehsil Takht Bhai, District Mardan.

(Accused facing trial in custody)

Charged vide FIR No. 553, dated 23/10/2004, U/S 302 PPC Police Station, Lund Khwar.

JUDGMENT:

1. Accused Muslim, son of Hasham, resident of Dara Lund Khwar Tehsil Takht Bhai, District Mardan is booked in case FIR No.553 dated 23.10.2004 under section 302 PPC registered at police station Lund Khwar.
2. According to the contents of FIR EXPA, on 23.10.2004, the complainant Nisar Muhammad, son of Saleh Muhammad brought the dead body of his deceased brother Ali Muhammad to the police station Lund Khwar and reported the matter to the local police that he and his cousin Fazal Muhammad were barbers by profession. On the day of occurrence, he alongwith his cousin Fazal Muhammad were going back to their house from the village where they had gone for shaving/cutting hair. On their way, his deceased brother Ali Muhammad, who was teacher, also joined them to proceed towards their house. When they reached near the fields of one Jahanzeb at 14:15 hours, the accused facing trial duly armed with fire arm weapon emerged and started firing on his brother Ali Muhammad as a result he was injured and died on the spot while the accused facing trial decamped from the spot after the commission of the offence. Motive behind the occurrence was described as some 04/05 months prior to the occurrence, an altercation was taken place between the



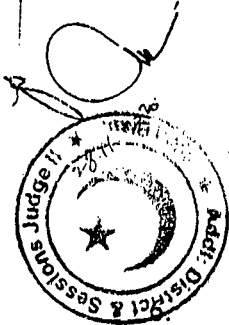
accused and his deceased brother Ali Muhammad. He narrated that besides him, the occurrence was also witnessed by his cousin Fazal Muhammad. The complainant charged the accused facing trial for the murder of his brother Ali Muhammad.

3. The Challan was submitted by the prosecution against the nominated accused U/S 512 Cr.P.C, and after recording evidence, the accused facing trial was declared proclaimed offender and his perpetual warrant was issued by the then learned Additional Sessions Judge-I, Takht Bhai vide order dated 10.05.2005. Later on, after the arrest of accused Muslim, his supplementary challan was submitted on 05.03.2019. He was produced in custody before the court through Zamima Bey and copies were supplied under section 265-C Cr.P.C on 01.04.2019 while formal charge was framed on 08.04.2019, but accused facing trial pleaded not guilty and opted to face the trial, hence, prosecution witnesses were summoned and case property was requisitioned.

4. Prosecution examined eleven witnesses i.e. (PW-01) to (PW-11) and the rest were abandoned. Prosecution evidence contains the following statements on oath:

PW 1: Fazal Ahad No.400, (retired), resident of Alam Ganj

5. He stated that he was entrusted with warrant Ex.PW1/1 for execution of accused namely Muslim Khan which he returned unexecuted with his report Ex.PW1/2 as well as proclamation notice Ex.PW1/3 with report Ex.PW1/4. The accused had been avoiding his lawful arrest in the case.



PW 2:- Bakht Shed Khan (Retied SI), resident of Garhi Kapora

He stated that he is marginal witness to the recovery memo Ex.PW2/1 vide which blood-stained clothes consisting of Qamiz, Shalwar and one chaddar pertaining to the deceased Ali Muhammad were taken into possession by the investigating officer in his presence.

PW 3:- Sher Malook Khan (retired)

7. He submitted complete challan Ex.PW3/1 in the case against the accused facing trial.

PW 4:- Rajid Ali, son of Ali Akbar, resident of Shah Dhand Lund Khwar

8. He had identified the dead body of the deceased Ali Muhammad before the police as well as doctor. He stated that PW Naseeb was also present with him.

PW 5:- Waqar Ali No. 589 Incharge Warrant cell

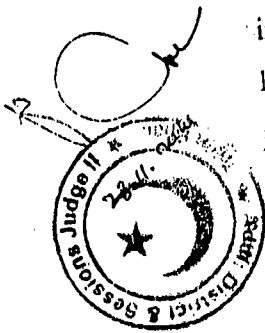
9. He stated that in his presence one Imtiaz brought the weapon of offence i-e one pistol 30-bore Ex.P-1 to the Police Station which was taken into possession by Yaqoob Khan SI/OII in his presence vide recovery memo Ex.PW5/1. The pistol in question was brought by Imtiaz on the basis of disclosure made by the accused facing trial to the investigating officer that the pistol in question had been kept with Imtiaz after the commission offence. The accused facing trial also made the pointation of the spot to the investigating officer in his presence vide pointation memo Ex.PW5/2.

PW 6:- Yaqoob Khan OII posted at Shangla

10. He stated that after arrest of the accused the case was handed over to him for investigation. He produced the accused vide application Ex.PW6/1 and obtained three days police custody. As the accused was feeling ill so he got examined the accused through doctor and placed on file his tests and ECG. During the course of interrogation, the accused wished to produce the pistol which was lying with one Imtiaz and brought through the said Imtiaz to the police station and he took into possession the said pistol as weapon of offence vide recovery memo Ex.PW5/1 in presence of its marginal witnesses. The accused made pointation of various places of the occurrence vide pointation memo Ex.PW5/2 in presence of its marginal witnesses. He recorded statement of PWs and on expiry of his physical custody the accused was produced before JMIC for recording his confessional statement, but the accused refused to make confession and was sent to jail vide application Ex.PW6/2. After completion of investigation, he handed over the case file to the SHO concerned for onward proceedings.

PW 6-A:- Dr. Gul Akbar SMO CH Lund Khwar

11. His statement recorded in the proceedings u/s 512 Cr.P.C was transposed due to the death of this witness. He conducted the



PM examination of the deceased Ali Muhammad, son of Saleh Muhammad, resident of village Shah Dand on 23.10.2004 at about 03:30 pm and found the following injuries on his body:-

External Examination:

1. FA entrance wound ½ x ½ inches back of left shoulder near left axilla.
2. F.A exit wound 2 x 2 inches front of left side chest above left nipple.

Internal Examination:-

Thorax Left lung, heart, blood vessel was found injured.

Abdomen: Stomach empty and healthy.

Remarks:

In his opinion the cause of death was due to injuries to left lung and heart followed by hemorrhage and shock. The time between injury and death was instantaneous while between death and PM examination was within two hours. He endorsed his signature PM Ex.PM consisting of six sheet, injury sheet and inquest report Ex.PM/1 and Ex.PM/2. He handed over the last worn clothes of the deceased along with PM paper to the police.

PW 7:- Qadeer Muhammad, son of Gul Hamish, resident of Landay Shah

12. He stated that during the days of occurrence, he was teacher in GPS Paras Kelly while deceased Ali Muhammad was head teacher of class-IV in the school. The deceased usually directed the staff to perform duty, on which the accused was annoyed thereafter deceased Ali Muhammad went for Tabligh for four months. On returned from Tabligh the relation in between the accused facing trial and deceased remained strain. The head teacher himself requested to the accused facing trial to patched up the matter but the accused was reluctant and hence the occurrence.


PW 8:- Manzoor Khan ASHO City Mardan

13. He stated that he arrested the accused facing trial on 07.12.2018 and issued his card of arrest Ex.PW8/1. After completion of the investigation, he submitted supplementary challan Ex.PW8/2.

PW 9:- Nisar Muhammad, son of Saleh Muhammad, resident of Shah Dand Tehsil Takht Bhai

14. He stated that deceased Ali Muhammad was his brother who was serving in school as teacher. The accused facing trial was serving as Naib Qasid in the said school. PW Fazal Muhammad is his first cousin and they are barbers by profession. On the day of occurrence, after finishing their work in different places, they were returning to home while deceased Ali Muhammad also reached at the spot from the school and was going ahead of them. In the meantime, accused facing trial emerged and started firing at deceased Ali Muhammad, resultantly Ali Muhammad was hit and died on the spot and accused decamped from the spot. Motive of the occurrence was that verbal altercation was taken place between accused and deceased Ali Muhammad some 4/6 months prior the occurrence over which the relations were strained. They started to weep and cry upon which the people attracted to the spot and with the help of people including PW Fazal Muhammad, they put the dead body on cot and brought to the road where it was shifted to a Datsun and taken to the police station where he made report to the police. His report was verified by PW Fazal Muhammad by putting thumb impression on his report Ex.PA. He pointed out various places of occurrence to the investigating officer to prepare the site plan. He charged the accused facing trial for the commission of offence.

[Handwritten signature]
11.02.20



PW 10:- Fazal Muhammad, son of Dost Muhammad, resident of Shah Dand Tehsil Takht Bhai

He stated that on the day of occurrence, he alongwith complainant Nisar Muhammad were coming back to their house after finishing their work as barbers in different Banda. When they reached near to the fields of Jamal Khan, it was about 02/02:15 PM in the meantime, deceased Ali Muhammad also reached there and entered on the said Pulla situated inside the sugar cane crops. He followed them on the said Pulla at a distance of 10/20 paces. When he reached near to the fields of Jehan Zeb, the accused emerged from the fields of Jehan Zeb and made firing at the deceased, resultantly he was hit and fell at the spot and died. They shifted him to police station where complainant Nisar Muhammad made report and he

endorsed his report as verifier. The investigating officer took the blood-stained earth from the spot and sealed the same into a parcel vide recovery memo Ex.PW2/1. The spot was shown by the complainant Nisar Muhammad. Motive for the occurrence was verbal altercation which was taken place in between the deceased and the accused five months prior to the occurrence. He was examined by the investigating officer u/s 161 Cr.P.C. He charged the accused facing trial for the commission of offence.

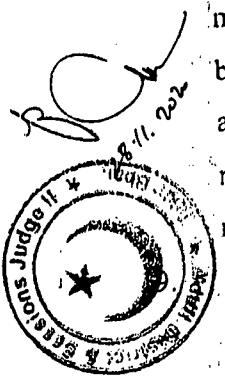
PW 11:- Tahir Shah Khan retired SI

16. He stated that after registration of the case, the copy of FIR was handed over to him for investigation. While going to the spot, in the way, first he searched the accused in his house but he was not available and nothing incriminating was recovered. Thereafter, he rushed to the spot. On reaching to the spot, on the pointation of eye witnesses he prepared site plan Ex.PB and he picked up blood-stained earth from the place of the deceased vide recovery memo Ex.PW10/2 and sealed in parcel No. 01 in the presence of marginal witnesses. He recorded the statement of eye witness. Thereafter constable Rehman Gul No. 617 brought blood-stained garments of the deceased consists of shirt Ex. P-1, Shalwar P-2, white banyan P-3 and chaddar P-4 sent by the doctor from the hospital having corresponding cuts marks, which were sealed into separate parcel, vide recovery memo Ex.PW2/1. He sent the blood-stained articles to FSL for analysis vide application Ex.PW 11/1 and positive report of the chemical Ex.PK was received. As the deceased Ali Muhammad was a school teacher, he went to GPS Fares Kelly where he recorded the statements of school teacher's u/s 161 Cr.P.C. As the accused was avoiding his lawful arrest intentionally, therefore, vide his application Ex.PW11/2 he obtained warrant u/s 204 Cr.P.C. and notice u/s 87 Cr.P.C vide application Ex.PW11/3. After execution of warrant and proclamation notice he recorded the statement of SW u/s 161 Cr.P.C. He placed on file the search memo Ex.PW11/4. After completion of the investigation the case file was handed over to then SHO Sher Malook Khan who submitted complete challan u/s 512 Cr.P.C dated 12.11.2004 Ex.PW11/5. He is well conversant with signature of Sher Malook SHO.



17. On the close of evidence of the prosecution, the statement of the accused facing trial Muslim was recorded U/S 342 Cr.P.C. The accused claimed innocence and pleaded his false implication in the instant case by the complainant. He added that no independent witness deposed against him and all the witnesses were interested. He termed the prosecution case as concocted. The accused did not wish to be examined U/S 340(2) Cr.P.C and also did not desire to produce evidence in defence.

18. Learned APP for the state assisted by counsel for the complainant contended that in the instant case, the prosecution has successfully proved its case against the accused. The accused has been directly charged and arrested after a long standing abscondence. The evidence on the file connects the accused with the commission of offence. On the basis of its evidence, the prosecution has established the case beyond any shadow of doubt. The site plan was prepared at the pointation of complainant. The ocular testimony is supported by medical evidence. He remarked that minor contradictions appearing in the statements of P.V.s are ignorable, as they did not tend to frustrate the natural case of prosecution. The medical and circumstantial evidence in the shape of recovery of blood-stained earth from place of deceased coupled with abscondence of accused established guilt of the accused beyond reasonable doubt. He may be convicted with capital punishment and maximum fine U/S 544-A Cr.P.C.



Conversely, the learned defense counsel submitted that a false and concocted case has been made by the complainant against the accused. He contended that prosecution has not proved its case beyond the shadow of doubt. He alleged that being interested witnesses the deposition of complainant Nisar Muhammad PW 9 and eye witness Fazal Muhammad PW 10 is highly doubtful, therefore, are not trustworthy and on this sole ground is liable to be discarded and thus creates doubt and the benefit of doubt is the right of accused facing trial. Therefore, the prosecution has failed to prove its case against the accused facing trial; so, he may be acquitted from charged leveled against him.

20. I have heard the arguments presented by the learned APP for the state and defense counsel and gone through record carefully in the light of their valuable assistance.

21. Perusal of the file shows that as per initial report in the shape of Murasila Ex.PA/1 lodged by the complainant Nisar Muhammad, on 23.10.2004, he alongwith his cousin Fazal Muhammad were going back to their house from the village where they had gone for shaving/cutting hair. On their way, his deceased brother Ali Muhammad also joined them to proceed towards their house. When they reached near the fields of one Jahanzeb at about 14:15 hours, the accused facing trial duly armed with fire arm weapon emerged and started firing at his brother Ali Muhammad, as a result he was hit and died on the spot while the accused facing trial decamped from the spot after the commission of the offence. This shows that Nisar Muhammad and Fazal Muhammad were the eye witnesses of the occurrence. The investigating officer Tahir Shah Khan PW 11 prepared the site plan Ex.PB at the instance of complainant and eye witness. According to site plan Ex.PB, point 1 was referred to the deceased Ali Muhammad while point No 2 was given to the accused facing trial. Points No 3 and 4 were given to the complainant Nisar Muhammad PW 9 and Fazal Muhammad PW 10. According to the statement of Tahir Shah Khan PW 11, the accused Muslim and deceased Ali Muhammad were having their backs towards complainant Nisar Muhammad and Fazal Muhammad. This shows that the accused facing trial was standing at point 2 in between deceased Ali Muhammad at point 1 and complainant Nisar Muhammad at point 3. It is very strange that the deceased was standing nearer to the accused facing trial i-e about 10 paces while the deceased Ali Muhammad was standing far from the complainant Nisar Muhammad, but the investigating officer has given the distance between accused facing trial Muslim and complainant Nisar Muhammad about 25 paces while the distance between deceased Ali Muhammad and complainant Nisar Muhammad was given 17 paces and distance between deceased Ali Muhammad and eye witness Fazal Muhammad was shown as 21 paces. This aspect of the site plan has been admitted by investigating officer Tahir Shah Khan PW 11 in his cross examination. From the site plan, it is very much



clear that the distance between the complainant, eye witness Fazal Muhammad, deceased Ali Muhammad and the accused Muslim were not given according to their places mentioned in the site plan. The distance between deceased Ali Muhammad and the complainant Nisar Muhammad should have been given as far as they were standing at their places while the distance between accused facing trial and the complainant should have been given nearer to each other. The investigating officer Tahir Shah Khan PW 11 admitted in his cross examination that for the said calculation, he had shown the deceased nearer to the PWs than the accused facing trial.

22. It is also worth to mention that as per site plan Ex.PB, there was no Abadi nearer to the place of occurrence, rather there were fields of sugarcane around the place of occurrence. Waqar Ali PW 5, who was the marginal witness of the pointation memo Ex.PW5/2 stated in his cross examination that the spot was situated in the middle of village Landy Shah while the spot was surrounded by village Abadi i-e houses, mosque and hujras. It is also important to mention that as per pointation memo Ex.PW5/2, when the accused facing trial reached near the Mosque Khan Zarin, he asked the police to stop. The said Khan Zarin mosque had not been shown in the site plan Ex.PB. Moreover, it is also evident from the record that the point for recovery of blood-stained earth had not been given in the site plan. In this regard, no explanation has been advanced by the prosecution that if the blood-stained earth was recovered from the place of deceased Ali Muhammad, then why the point was not given for the said recovery. It is also evident from the site plan Ex.PB that no empty shell was recovered by the investigating officer from the spot. Therefore, in the given circumstances, the site plan Ex.PB prepared by the investigating officer on the pointation of complainant and eye witness does not support the prosecution story.

23. The prosecution produced Rajid Ali PW 4 who was the relative of the deceased Ali Muhammad. He identified the dead body of the deceased Ali Muhammad before the police and doctor. His name was also incorporated in the post mortem report. He stated in his cross examination that he received information regarding the occurrence at 03:00 PM and then he rushed to the police station. He again stated that he reached to the police station at 03:00 PM. It is

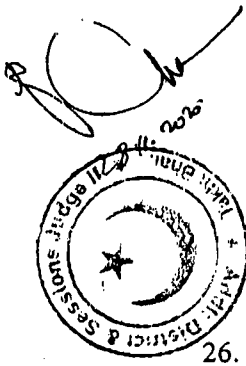


very strange that he received information in his village Shah Dhand at 03:00 PM and then he reached to the police station at 03:00 PM which was away from his village at about 1 ½ miles. He further stated that the other persons left the police station for Civil Hospital while he remained in police station and left for his village from police station after signing to the ASI. But on the contrary, his name was incorporated in the post mortem of the deceased Ali Muhammad as identifier when the dead body of deceased was brought to the hospital and the timing was mentioned as 03:20 PM. This shows that Rajid Ali was present in the hospital when the dead body was brought from police station to the hospital, but he contradicted his presence in the hospital as he stated that from police station, he left for his village which proves that he did not go to the hospital. Then how his name has been mentioned in the post mortem as identifier of the dead body of deceased. This question was not clarified by the prosecution through its evidence.

24. Waqar Ali PW 5 is the marginal witness of the recovery memo Ex.PW5/1 and pointation memo Ex.PW5/2. He stated in his statement that Imtiaz brought the weapon of offence i-e pistol .30 bore Ex.P-1 to the police station in his presence which was taken into possession by Yaqoob Khan SI/OII. He was cross examined by the defense counsel in which he stated that the pistol was produced on the day on which the custody of the accused was obtained. Perusal of the record shows that the accused facing trial was arrested on 07.12.2018 while he was produced by the investigating officer before the Judicial Magistrate, Takht Bhai on 08.12.2018 and three days police custody of the accused was granted to him. As per statement of Waqar Ali PW 5, the pistol was brought by Imtiaz on the day when the custody was obtained i-e 08.12.2018, but as per recovery memo Ex.PW5/1, the pistol was taken into possession by the investigating officer on 10.12.2018 i-e on third day of custody of accused. Moreover, Waqar Ali PW 5 stated that investigating officer informed the gate keeper/constable that a person namely Imtiaz will bring a pistol and he should not be booked for that purpose. On the arrival of Imtiaz, the gate keeper informed the investigating officer and Yaqoob Khan came out from his office and received the said person and brought him to his office. He alongwith accused were



stated that the deceased Ali Muhammad met them over the spot thoroughfare while Fazal Muhammad PW 10 stated that the deceased entered firstly about 08/10 paces ahead of them and they did not meet with the deceased. Nisar Muhammad PW 9 stated that the deceased Ali Muhammad had never remained associated with profession prior to his service and during service while Fazal Muhammad PW 10 stated that the deceased Ali Muhammad was performing his paternal profession off and on, however, he was not regularly performing his paternal job. Nisar Muhammad PW 9 stated that he cannot say that who brought the cot and who put the dead body over the said cot. He also cannot say that who took the dead body to the vehicle and who was the driver of the vehicle as well as he cannot say who brought the vehicle for shifting the dead body. He had not touched the dead body of the deceased nor PW Fazal Muhammad had touched the dead body for putting the same over a cot. Fazal Muhammad PW 10 stated that he alongwith complainant Nisar picked up the dead body with the help of other peoples to the cot. They took the dead body within 02 to 03 minutes from the spot. The hands and clothes of the Nisar and Fazal Muhammad were besmeared with the blood of the deceased while putting the dead body into a cot. Fazal Muhammad PW 10 stated that five/six shots were fired by the accused while they were not fired upon by the accused while Nisar Muhammad PW 9 stated that there was only one fire shot on the spot. This shows that there are material contradictions in the statements of complainant Nisar Muhammad PW 9 and Fazal Muhammad PW 10 which cause dint in the prosecution case.



26.

The prosecution produced Qadeer Muhammad PW 7 who stated that there were strained relations between accused facing trial and deceased Ali Muhammad. He was cross examined by the defense counsel in which he stated that in his presence no altercation, quarrel, beating or firing had taken place between accused Muslim and deceased Ali Muhammad in the school. Moreover, Nisar Muhammad PW 9 also stated in his cross examination that he was not the witness of altercation between deceased Ali Muhammad and accused facing trial Muslim. So, the

present in the office of investigating officer and has not come out from his office. On the contrary, Yaqoob Khan PW 6 stated in his cross examination that during interrogation, it was disclosed that pistol was lying with Imtiaz to whom he passed a message through a constable. On arrival of the constable, Imtiaz was present and he took the pistol alongwith him and came to police station in company of the said constable. As the constable was accompanying the said Imtiaz so he was not searched and, on their arrival, he came out from his office and met with Imtiaz alongwith the said constable namely PW Waqar on the main gate of police station. The said statement shows that Waqar Ali was accompanied with Imtiaz when he brought the pistol from intimated place and at the time of handing over the said pistol to investigating officer, but Waqar Ali PW 5 did not say a single word in this regard that he was present with Imtiaz when the pistol was brought by him.. So, the recovery of pistol is doubtful as there were contradictions in the statements of Waqar Ali PW 5 and Yaqoob Khan PW 6. Yaqoob Khan PW 6 admitted in his cross examination that he has mentioned in the recovery memo Ex.PW5/1 that the opinion of armorer Moharrir is to be obtained, but perusal of the file shows that the armorer report is not available on the record which could prove that the pistol was sent for armorer report that whether the pistol was in working condition or not. It is also important that if the said pistol was used by the accused facing trial in the commission of the offence and the said pistol was the case property, then why the accused facing trial was not charged u/s 15 AA for keeping the un-licensed pistol in his possession.

Most importantly, the complainant Nisar Muhammad PW 9 stated in his cross examination that they had distributed the villages with Fazal Muhammad and he had mentioned in his report to the police that he was working in village Saifoor Banda while PW Fazal Muhammad had worked in village Miangano Banda. Both the villages are situated at a distance of one Furlong. They met with each other in Saifoor Banda in the Hujra of Saifoor. On the contrary, Fazal Muhammad PW 10 stated that on the day of occurrence he alongwith Nisar Muhammad were working together in the same village Saifoor Banda. They both finished their work in village Saifoor Banda and left for their houses. Nisar Muhammad PW 9



prosecution is failed to prove the motive behind the commission of the offence by the accused facing trial.

27. Tahir Shah Khan PW 11 recovered the blood-stained garments of the deceased Ali Muhammad vide recovery memo Ex. PW2/1. He stated in his cross examination that he had seen the clothes of the deceased having bullets cut marks. The Qamiz and Shalwar were having bullets cut marks through and through. The chaddar and Banyan of the deceased were also having bullets cut marks. Bakht Shed Khan PW 2 also stated in his statement that there were some cut marks on the clothes. On the contrary, as per post mortem report, the deceased Ali Muhammad was having only one entry and one exit wound on his body. If the Qamiz and Shalwar of the deceased Ali Muhammad were having bullet cut marks, then the deceased should had received any other wounds on his legs, but there is nothing in the post mortem of the deceased except one entry and one exit wound on the upper part of his body which could prove that the deceased was also hit by fire shot on his leg. The medical report does not support the statement of Tahir Shah Khan PW 11.

28. For the aforementioned discussion, the ocular account is unworthy of credit as such testimony of witnesses and investigating Officer is contradictory and held of no legal significance and such evidence, therefore, cannot be relied for conviction. It is also revealed from the record that the accused facing trial remained in police custody, but there is no admission or confession on his part. No incriminating article or crime weapon was recovered from the possession or on the pointation of the accused facing trial during interrogation.

The prosecution also founded its case on the abscondence of the accused. The abscondence of accused, no doubt is a corroborative piece of evidence, but the same cannot be read in isolation. In case of *Rohtas Khan Vs the state (2010 SCMR566)*, the august Supreme Court of Pakistan held:-

"The Learned High Court gave importance to the abscondence of appellant. No doubt it is a relevant fact but it can be used as a corroborative piece of evidence, which cannot be read in isolation but it has to be read along with substantive piece of evidence".




In the case of *Muhammad Khan Vs State (1999 SCMR 1220)*, the august Supreme Court of Pakistan held that

"Abscondence of accused can never remedy the defects in the prosecution case". Similarly in the case of "Muhammad Saad Vs Najeeb Ali 1995 SCMR 1632, the Hon'ble Supreme court held that "abscondence itself has no value in the absence any other evidence".

30. Hence, it can be safely concluded that abscondence can only be used against accused as a relevant fact when substantial evidence is available. In absence of substantial evidence abscondence alone is of no significance against the accused. Therefore, in the light of above discussion, the prosecution has failed to prove its case, against the accused facing trial beyond the shadow of doubt and I hereby extend benefit of doubt and acquit the accused facing trial Muslim, son of Hasham, resident of Dara Lund Khwar Tehsil Takht Bhai, District Mardan from the charges leveled against him in the instant case. He is in custody be released forthwith if not required in any other case. Superintendent Jail to do the needful in accordance with law. Case property be disposed of in accordance with law, but after the period of limitation prescribed for appeal/ revision. This file be consigned to the record room, after necessary completion and compilation.


Announced
28.11.2020


(Faisal Anjum)
Additional Sessions Judge-II
Takht Bhai



Certificate

Certified that this judgment consists of Fourteen (14) pages. Each page has been read, checked and signed by me after making corrections, where necessary.


(Faisal Anjum)
Additional Sessions Judge-II
Takht Bhai



(31) "E" "E" (31)



OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) MARDAN

☎ & ☎ 0937-933151 , ✉ deomalemardan@gmail.com



NO 500 / Muslim Khan Chowkidar GPS Faris Banda file Dated Mardan 16-01- /2021

To

The Sub Divisional Education Officer
(Male) Takht Bhai Mardan.

Subject:- DETAIL REPORT REGARDING REMOVAL OF MUSLIM KHAN S/O
HASHIM CHOW:GPS FARIS BANDFA TAKHT BHAI.

Memo

Reference your office letter No.671 dated 14.01.2021 on the subject noted above.
It is to inform you that the above named Chowkidar of your sub division is already
been removed from service vide this office letter No.8368-71 dated 25.05.2005 w.e.f.27.10.2004

You are hereby directed to inform the above named official to lodge his appeal for re-
instatement in service before the appellate authority i.e. Director Elementry & Secondary
Education Khyber Pakhtunkhwa Peshawar, and the DEO (M) Mardan is not being competent to
re-instate him into his service.

The applicant may be informed accordingly.

District Education Officer
(Male) Mardan
16/1/21

16/1/21

خدمت جناب D.E.O صاحب محترم

32
06/01/2021

درخواست بجزاد دوباره تقیبات کرنے سائل / جو کیدار مسی صلیم ولدہ ششم
P.S فارسی بانڈہ سرکل لفڈ فورڈ۔ جو کہ مقدمہ عدلت نمبر 553۔ مورخہ 23/10/2019
جو کہ زبرد فیس 302 تھانہ لفڈ فورڈ میں ملوث سپرکے بنیاد پر ڈیوٹی
سے برخاست کیا تھا۔

جناب عالی۔ درخواست سائل / جو کیدار ذیل فرما ہے۔

1 یہ کہ سائل مسی صلیم ولدہ ششم P.S فارسی بانڈہ سرکل لفڈ فورڈ
میں بحیثیت جو کیدار تقیبات تھا۔

2 یہ کہ مقدمہ بہ تفصیل بالا میں سائل / جو کیدار ڈیوٹی سے برخاست کیا گیا۔

3 یہ کہ اب سائل / جو کیدار مقدمہ بہ تفصیل بالا میں عدالت جناب نیشنل ایجوکیشن
اور ایشنل سیشن جج ایڈووکیٹ نے باعزت برسی کر دیا ہے۔
انقل فیملی افیسر

4 یہ کہ اب سائل کو دوبارہ بحیثیت جو کیدار بحال کرنا مطلوب ہے۔

لہذا استدعا ہے کہ منظور کی درخواست لکھا سائل کو دوبارہ
بحیثیت جو کیدار جوئی / بحال کرنے کا حکم صادر فرمائی جائے۔

تاریخ: 05/01/2021

سائل / جو کیدار: صلیم ولدہ ششم سائل ڈرہ لفڈ فورڈ محکمہ انتظامیہ





(33)

G

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.

No. 5813 /E.No. /A-20/C-IV/Appeal/Mardan
Dated Peshawar the 1-7- /2021
Phone: 091-9225344 Email: ddadm.n.ese@gmail.com

To

District Education Officer
(Male) Mardan

Subject: **APPEAL**

Memo:

I am directed to refer to your Letter No. 4016 dated 07/06/2021 on the subject cited above and to ask you that appeal in r/o Mr. Muslim Khan S/o Hashim Khan Chowkidar GPS Faras Killi Takht Bhai Mardan has been rejected.

I am further directed to ask to inform the appellant concerned accordingly under intimation to this office.

Endst; No. 5813-14

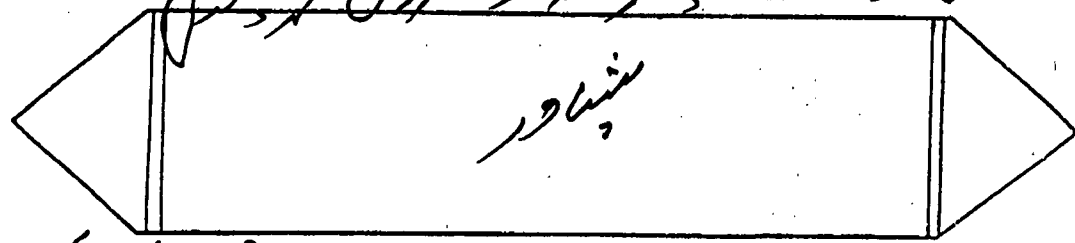
Copy forwarded to the:

1. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Mr. Muslim Khan S/o Hashim Khan Chowkidar GPS Faras Killi Takht Bhai Mardan.
3. Master File.

o/c
Deputy Director (F&A)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar
30/6/2021

o/c
Deputy Director (F&A)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar
30/6/2021

بعدالت خسرو خواہ سروس ٹریڈ منسٹری



2021ء پنجاب کی بلانٹ
بنام ڈی ای ایم

مردان و خیرہ

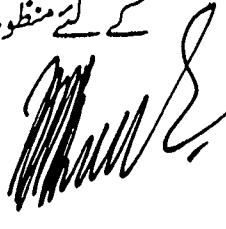
مسلم

موزخہ	-----
مقدمہ	-----
دعویٰ	-----
جرم	-----

باعث تحریر آنکے

مقدمہ بندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام ~~پشاور~~ کیلئے قانونی خزانہ کی ٹریڈ منسٹری
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی مکمل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالتہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

المرقوم 27 _____ ماہ ستمبر 2021

کے لئے منظور ہے۔
Attested by:  Adv.
HIL

بمقام پشاور

“B”

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

No.

Repd

Appeal No. 7494 of 20 21

Muslim Khan Appellant/Petitioner

Versus

D.E.O (M) Mardan. Respondent

Respondent No. 1

Notice to: —

The Dist. Education Officer (D.E.O) Male,
Mardan.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 18/11/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

Pre-Admission Notice

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..... 9th

Day of..... Dec 20 21

(For Reply)


 Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

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

"B"

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

S.A

No.

Appeal No. 74 94 of 2021
Muslim Khan

.....Appellant/Petitioner

D-EO (M) Mardan

.....Respondent

Respondent No. 2

Notice to: The Director Education Elementary & Schools Kpk Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 18/11/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Free - Admission Notice

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 9th

Day of..... Dec 20 21

(For Reply)

[Signature]
12/15/2021

[Signature]
Registrar

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

“B”

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

No.

Appeal No. 7494 of 20 21
Muslim Khan. Appellant/Petitioner
 Versus
D.E.O (M) Mardan Respondent
 Respondent No. 3/12

Notice to: The Secretary Education Elementary & Schools, Kpk Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 18/11/21 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Pre-Admission Notice

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

9th

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

Day of Dec 21 20 21
 (For Reply)

M. J. [Signature]
 Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

"B"

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

No.

Appeal No. 7494 of 20 21

Muslim Khan Appellant/Petitioner

Versus Mardan.

D.E.O (M) Respondent

Respondent No. 4

Muslim Khan
17/12/2021

Notice to:

The Govt. of KPK Through The Advocate
General KPK

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 18/1/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Pre-Admission Notice

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 9th

Day of Dec 20 21

(For Reply)

M. J.
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No: 7494/2021

Muslim Khan S/O Hashim Khan R/O Village Dara, Lund Khwar,
Tehsil Takht Bhai, District Mardan.

(Appellant)

Versus


The District Education Officer (DEO) Male, Mardan & Others.

(Respondents)

INDEX

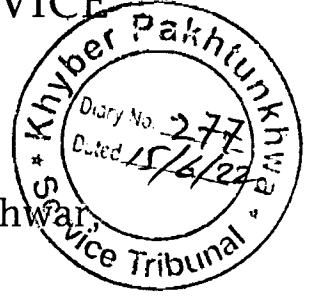
S.NO	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGES	
1.	Para wise comments along with affidavit		01	05
2.	Copy of Suspension order	A	00	06
3	Copy of Inquiry Report	B	00	07
4	Copy of Show Cause & Removal order	C & D	08	09

Respondent


District Education Office
(Male) Mardan

03459344581

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR



Service Appeal No: 7494/2021

Muslim Khan S/O Hashim Khan R/O Village Dara, Lund Khwar,
Tehsil Takht Bhai, District Mardan.

(Appellant)

Versus

The District Education Officer (DEO) Male, Mardan & Others.

(Respondents)

Para Wise Comments On Respondents 1 to 3&5

Respectfully Sheweth,

PRELIMINARY OBJECTIONS:

1. That the appellant has no cause of action as well as locus standi to file the instant appeal.
2. That the instant appeal is badly time barred.
3. That the appellant has not come to this Honorable Tribunal with clean hands.
4. That the appellant has concealed the material facts from this Honorable Tribunal, hence the appeal is liable to be dismissed.
5. That the respondent No 1, through a letter No.4383-86 dated 07-12-2004, Mr. Muslim Khan Chowkidar i.e (appellant) GPS. Faras killi (Lund Khwar) had been suspended from service w.e.f 23-10-2004 as involved criminal case under section 302 P.P.C dated 23-10-2004 at Police station Lund Khwar.

(Suspension Order as Annexure A)

6. That the FIR had been lodged against the appellant on 23-10-2004, the appellant was arrested on 07-12-2018 and the appellant was absconder from 23-10-2004 to 07-12-2018.
7. That the inquiry officer has submitted the inquiry report and stated his conclusion " The cruel action of appellant i.e Muslim Khan Chowkidar GPS Faras killi Takhat Bhai can never be set aside because there were no personal grudges between the teacher and the appellant .

8. That the appellant shot dead the teacher only because the teacher insisted the appellant to perform his duty.
9. That the inquiry officer is proposed the appellant may be removed from service. (Copy of inquiry is as Annexure B)
10. That after fulfillment of all the codal formalities, the appellant was removed from service vide order Endst No 8368-71/ dated 25-05-2006, W.E.F. 27-10-2004, in accordance with law.

(Copies of Show cause & Removal is as Annexure -C & D)

11. That the appeal of the appellant has rejected on 01-07-2021 by the respondent No 02 i.e. Director of Education kpk.

FACTS:

1. Para No 1 pertains record, hence needs no comments.
2. Para No 2 is incorrect, baseless, against facts & law, as the appellant was removed from service vide order Endst No 8368-71/ dated 25-05-2006, W.E.F. 27-10-2004, in accordance with law, and the appellant has killed an innocent teacher without cogent reason, hence denied.
3. Para No 3 pertains record, hence needs no comments.
4. Para No 4 pertains record, hence needs no comments.
5. Para No 5 is incorrect, baseless and against facts as the appeal of the appellant has rejected on 01-07-2021 by the respondent No 02 i.e. Director of Education kpk, hence denied.
6. Para No 6 pertains to record, hence needs no comments.
7. Para No 7 is incorrect, as the appeal of the appellant has rejected and sent copy to the appellant, which is mentioned at S.No 02 in the rejection order , hence denied.
8. That the grounds as under:

GROUND:

- A. Para A is incorrect, baseless, against law and facts, as the appellant has not come to this Hon'ble Tribunal with clean hands, hence denied.
- B. Para B is incorrect, baseless, against law and facts, as the respondent being a responsible Govt Officer acted accordance with law and imposed the major penalty removal from service

to the appellant, hence denied.

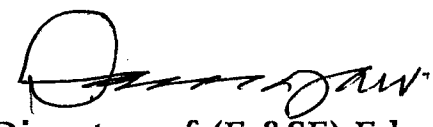
C. Para C is incorrect, baseless, against law and facts, as the respondent has already communicated as well as issued Showcase to the appellant, hence denied.

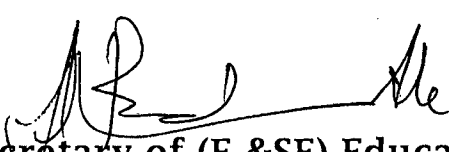
D. Para D is incorrect, baseless, against law and facts, as the act of the appellant is too much harsh, which is not pitiable in the eye of law, hence denied.

It is therefore humbly prayed that in the light of above facts, the appeal may please be dismissed with cost.


Respondents

District Education Officer
(Male) Mardan


Director of (E & SE) Education
KPK, Peshawar


Secretary of (E & SE) Education
KPK, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No: 7494/2021

Muslim Khan S/O Hashim Khan R/O Village Dara, Lund Khwar,
Tehsil Takht Bhai, District Mardan.

(Appellant)

Versus

The District Education Officer (DEO) Male, Mardan & Others.

(Respondents)

AFFIDAVIT

I, Mr. Sajid Khan Litigation Officer Education Department Mardan
do hereby solemnly affirm and declare that the contents of Para
Wise Comments submitted on behalf of respondents are true to
the best of my knowledge and belief and nothing has been
concealed from this Honorable Court.



Deponent

Sajid Khan
Sajid Khan

16101-6005318-5

Annex A

(6)

(6)

OFFICE OF THE EXECUTIVE DISTRICT OFFICER SCHOOLS & LITERACY MARDAN.

SUSPENSION:

Mr. Muslim Khan Chowkidar Govt: Primary School Faras Killi (L/Khawar) is hereby suspended from service w.e.f. 23.10.2004 as involved under 302 P.P.C at Police Station Lund Khawar.

No sub. pay is allowed till the receipt of police/jail report.

Necessary entry to this effect should be made in his Service Book.

(HAJJI FAZLIRABBI KHAN)
EXECUTIVE.

Endst: NO: 4383-86 / Absent file V:II/T-B/Dated Mardan the 7/12/04.

Copy of the above is forwarded for information to the:-

1. Deputy District officer Male Primary Takht Bhai W/R to his No. Nil & Nil and with the direction to furnish all nature of case in separate letter ~~on~~ and ^{not} on the body of other letter.

2. District Accounts Officer Mardan.

3. M/T Govt: Primary School Faras Killi (L/K)

4. Master file.

EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY MARDAN.

ATC

Inquiry report with reference to Executive District Officer (Schools & Literacy) Mardan NO. 2922-24 dated 2.2.2006 regarding murder of Mr. Ali Muhammad Head Teacher GPS, Faras Koroona by Muslim Khan Chowkidar of the said School. (90)

Proceeding.

Accompanied by Mr. Liqat Ali Office of Executive District Officer (Schools & Literacy Mardan). I visited GPS, Faras Killi on 3.4.2006 to inquire the case with proper proceedings and come to the conclusion. The teacher attendance register was checked which shows 25.10.2004 as the death day of the departed soul. Mr. Muslim Khan Chowkidar is also marked absent from duty that day, FIR against the said Official has also been chalked in Police Station Lund Khawar. The murderer is absconder and there is very little hope that he will come to the grip of law. ①

History.

Mr. Ali Mohammad (Late) Head Teacher GPS, Faras Koroona was performing his duties in the School as H/T. His job was to teach the students, work evaluation, his other fellows, maintaining the congenial environment and keeping eye on the Government property kept in the School. Muslim Khan was the Chowkidar of the School who was notorious for antisocial activities, he used to bring arms in the School premises and thus hurried the teachers as well as the inhabitants of the village. He never took interest in his job and seldom joined his fellows or did any thing which was assigned to him by the Government. Late Ali Muhammad always advised him in soft manner for performing regular duties, but he being brought in negative society turned deaf year to these advices. It was the twenty fifth of October 2004 when these advices made this culprit ferous and aimed Mr. Ali Muhammad his Head teacher with a gun. The poor teacher departed the same day and the culprit Muslim Khan absconded. The incident was quickly reported by DDO (M/P) Takht Bhai and the authority suspended his services.

Conclusion.

The crucial action of Muslim Khan Chowkidar GPS, Faras Killi Takht Bhai can never be satisfied because there were no personal grudges between the teacher and Chowkidar and the Chowkidar shot dead the teacher only because the teacher insisted him to perform his duties. Therefore it is proposed that Muslim Khan Chowkidar may be removed from Service but show cause notice be issued before final action in order to give him a chance for defence.

(Liaqat Ali Khan)
Asstt: O/O
EDO(S&L) Mardan.

(FAZLI QADAR KHAN).
DEPUTY DISTRICT OFFICER
(MALE) PRIMARY MARDAN.

2254
8/4/06

DATP
MM

ATC
[Signature]

Annex C = 8

SHOW CAUSE NOTICE.

WHEREAS YOU, Mr. Muslim Khan, Chowk, GPS, Faras Killi (L/Khawar) were proceeded against under the NWFP, Removal from Service Special Power Ordinance 2000 for the charges mentioned in the statement of allegation, dated 23/10/2004

2

42

2. AND WHEREAS, Mr. Fazal Qadar, Dy. DO (M/P) Mardan. was appointed as inquiry Officer to conduct inquiry in connection with the charges Levelled against you in the said statement of allegation in accordance with the procedure Laid down in Rules (6) of the Special Power) Ordinance 2000.

3. And WHEREAS, the enquiry committee after having examined the charges, replies have submitted its report according to which the charges mentioned in the statement of allegation have been proved against you (Copy of the inquiry report is attached).

4. AND WHEREAS, the competent authority agreeing with the finding of the inquiry committee has tentatively decided to impose upon, You the following minor/Major Penalties as Specified in rule. (4) (a) (ii) of the Govt: Servant (E&D) Rules, 1973 as reflected in rule, 3 (b) of the NWFP, Removal from Service (Special) Powers Ordinance, 2000 amended under evolution of power 2001.

1. Involved in Murder case of Ali Muhammad PTC, GPS, Faras Killi and absconder from Law/Deptt;
2. Removal from services.

5. NOW THEREFORE, You are hereby called upon to show cause in writing as to why the proposed action should not taken against you.

Your reply should reach the Undersigned (competent authority) within in fourteen days of the receipt of this Notice, failing which it will be presumed that you have no explanation to offer in this behalf.

You may also intimate as to whether you want to be heard in person.

(MIAN WALI MUHAMMAD).
EXECUTIVE.

6758-59

Enst: NO. _____ / Vol: / I / Absent / Removal / PST (MM) / Dated 4/5 / 2006.

Submitted to the :-

1. District Officer (M/P) ~~Mardan~~ / Takht Bhai for information & with the direction to serve upon the aforesaid accused Official, and copy of the said Show cause notice containing their signature as a token of receipt there of may be furnished to this Office for records.

A copy of inquiry report in the subject case is also enclosed herewith. The same may be get photostated and handed over to accused alongwith a copy of the Show Cause notice.

2. M/T GPS, Faras Killi (Lund Khawar).

~~EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY MARDAN.~~

Enst. No 982 dt 5-5

- 1) Forwarded to H. Teacher concerned.
- 2) Chowkian concerned.

Deputy District Officer
O/L (M) Pys, Takht Bhai

ATC
[Signature]

OFFICE OF THE EXECUTIVE DISTRICT OFFICER, SCHOOLS & LITERACY MARDAN
NOTIFICATION.

3

WHEREAS MR. Muslim Khan, Charkidar, GPS, Faras Killi (TB) was involved in the Murder case. School Teacher

AND WHEREAS an inquiry committee headed by Fazal Qadar, DDO (M/P) Mardan was constituted to conduct inquiry against the accused for the charges leveled against him in accordance with the rules.

AND WHEREAS the enquiry committee after having examined the charges evidence on record and explanation of the accused Official had submitted its report.

AND WHEREAS, the Executive District Officer (S&L) Mardan after having considered the charges evidence on record, explanation of the accused Official, finding of the enquiry Committee that the charges leveled against him is the aforementioned statement of allegation are proved.

NOW THEREFORE in exercise of the Powers conferred by the NWFP, Removal from Service (Special Powers) Ordinance 2000, the competent authority Executive District Officer (S&L) Mardan is please to impose major/~~XXXX~~ Penalty of Removal from Service w.e. from 27/10/2004

(MIAN WALI MUHAMMAD).
EXECUTIVE.

Endst: NO. 8368-71 / N. NO. Abstr. 24 v-II / Dated 25-5 / 2006.

Copy forwarded to the :-

1. Deputy District Officer (Male) Primary ~~Mardan~~ Takht Bhai.
2. District Account Officer (Mardan).
3. ~~OFFICER IN CHARGE~~ Accused mentioned above.
4. ~~MASTER~~ Head Teacher, GPS, Faras Killi (Takht Bhai)

EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY MARDAN.

Endst. No 1685

Forwarded to the ADD civil
Lund Khattar to inform the
Concerned. C. V / H-Teacher
For nla.

27/5/06
Deputy District Officer
Off. (M) Pys; Takht Bhai

AIC
[Signature]