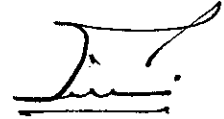


10.05.2022

Clerk of learned counsel for the appellant present. Mr. Hussain Ali, ADEO (Litigation) alongwith Mr. Noor Zaman Khattak, District Attorney for the respondents present and sought further time for submission of written reply/comments. Last opportunity given. Adjourned. To come up for submission of written reply/comments on 08.06.2022 before the S.B at Camp Court Swat.



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

8th June, 2022

Appellant in person present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Hussain Ali, ADEO for respondents present.

Written reply/comments on behalf of respondents not submitted despite last chance. Today again representative of the respondents seeks further time for reply. Granted but as a last change failing which their right for submission of written reply shall be deemed struck off. To come up for written reply/comments on 08.07.2022 before the S.B at camp court Swat.



(Kalim Arshad Khan)
Chairman
Camp Court Swat

08.07.2022

Since 8th July 2022 is declared as holiday. Therefore, case is adjourned to 5/8/2022 for the same as before.

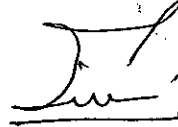


Reader

06.01.2022

Appellant in person present. Mr. Muhammad Adeel Butt
Additional Advocate General present.

Written reply not submitted. Notices be issued to the respondents for submission of written reply/comments. To come up for written reply/comments on 07.03.2022 before S.B at camp court Swat.



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

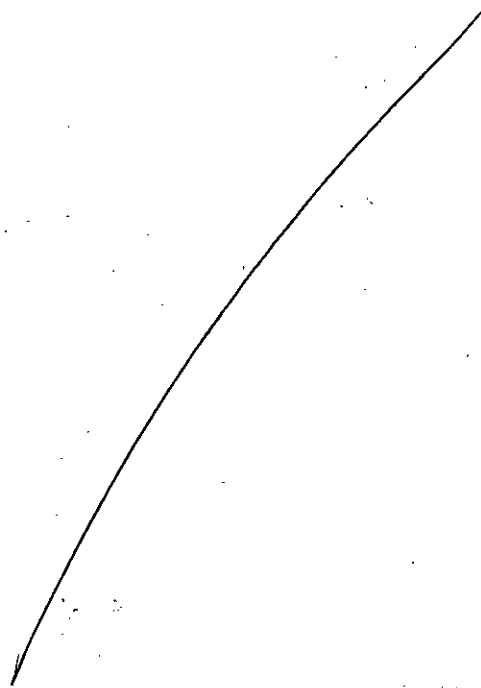
*Due to retirement of the Hon'ble
Chairman the case is adjourned to
09-05-2022. For the same as before*



09.05.2022

Due to non-availability of the Bench, the case is adjourned to 10.05.2022 for the same as before.

Reader



30.07.2021

Nemo for the appellant.

On having gone through the memorandum of appeal and documents annexed therewith, there are arguable points, warranting of instant appeal for regular hearing. The appeal is, therefore, admitted for full hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 15.12.2021 before the D.B.


Chairman

15.12.2021

None for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

Notices be issued to the appellant and his counsel to deposit security and process fee with 10 days, thereafter notices be issued to the respondents for submission of written reply/comments. To come up for written reply/comments on 28.02.2022 before D.B.

Appellant Deposited
Security & Process Fee

22/12/21


(MIAN MUHAMMAD)
MEMBER (E)

Form-A



FORM OF ORDER SHEET

Court of _____

Case No. -

5790

/2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1.	2	3
1-	02/06/2021	<p>The appeal of Mr. Akhtar Sher Bacha presented today by Mr. Umar Khitab 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 for preliminary hearing to be put up there on <u>30/07/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTON KHAWA PESHAWAR

APPEAL NO _____ /2020

Akhtar Sher Bacha Class IV Government Middle school Taran Kabal Swat Elementary and secondary Education Swat.....Appellant

KP

The Secretary Elementary and secondary Education and othersRespondents.

INDEX

	<u>DESCRIPTION OF DOCUMENTS.</u>	<u>Annexure.</u>	<u>Pages.</u>
1	Memo of appeal.		1-2
2	Affidavit.		3
3	Memo of addresses.		4
4	Hon: ATC Court judgment.	A	5
5	Application.	B	6
6	Show cause notice and Reply.	C	7-8
7	Enquiry Report.	D	9-11
8	Departmental appeal	E	12-13
9	Police clearance Certificate.		14
10	Wakalatname.		15
11			
13			
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16			

Akhtar Sher Bacha.
..... Appellant.


Umar Khitab
Advocate High Court

District Courts Gulkada Saidu Sharif Swat.

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTOON KHAWA PESHAWAR.

(J)

5790/2021

Akhtar Sher Bacha/o Amir Baz Khan Class IV Government Middle school Taran Kabal Swat
Appellant.

Versus

- 1.The Secretary Elementary and Secondary Education Khyber Pukhoon Khaw Peshawar.
2. Director Elementary and Secondary Education Khyber Pukhtoonkhaw Peshawar
- 3.District Education Officer Male Elementary and secondary Education Swat

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 5832

Dated 02/6/2021

APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL Act, 1974
AGAINST THE VERBAL ORDER OF RESPONDENT No.3 WHO HAS STOP
THE MONTHLY SALARY AND NOT ADJUSTED IN SERVICE AND
AGAINST THE VERBAL ORDER OF RESPONDENT NO.3 THE
DEPARTMENTAL APPEAL SUBMITTED TO RESPONDENT No.2 DATED
23/02/2021 WHICH HAS NOT YET BEEN DECIDED.

PRAYER IN APPEAL.

On the acceptance of instant appeal the verbally order of Respondent No.3 may kindly
be declare null and void and be directed to release the monthly salary and arrears with
effect from 1/10/2009 up to date and issue the adjustment order of the appellant.

RESPECTFULLY SHWETH.

Filed to-day

Registrar
2/6/2021

1. That the appellant was initially appointed as class IV in Government Elementary and secondary Education Swat vide appointment order No,3501-02/DCO/Etab: dated 26/11/2003.
2. That on 29/10/2007 FIR No,457 under section 342,353,120b, 124A 436.427PPC and 3/4 F.S.A 7ATA was lodged /Registered at police station Kabal Swat against the appellant. The concerned court latter on 21/01/2019 discharge the appellant.(Court judgment as Annex:A)
3. That Pakistan Army arrested the appellant on 16/02/2009 on the suspicion and baseless allegation of his involvement in the illegal activities after the long period of detention by Pak Army later on dated 16/10/2018 released the appellant.
4. That the appellant after his release submitted application to Respondent No.3 for his dues (arrears) release of pay but in vain. (application copy as Annex:B)
- 5/ That Respondent No.3 issued show cause notice to the appellant vide No. 1842-44 dated 3/10/2019 and the appellant submitted his written reply of the show cause notice to Respondent No.3.(Show cause notice and Reply are Aneex: C and D)
- 6/ That the Respondent No. 3 appointed Principal Government Higher school Kabal Swat and Headmaster Government High school Kotlai Kabal Swat against the appellant as enquiry officers The enquiry officers completed their detail enquiry and submitted his enquiry report to Respondent No,3 vide No, 960 dated 19/07/2019.(Enquiry report as Annex:E)

7/ That according the detailed enquiry report. The enquiry officers after their conclusion they found the appellant as innocent and no charges were proved against the appellant. 2

8/ That in spite of all codel formalities, The Respondent No.3 verbally denied from the legal right of the appellant to adjust and pay the salaries arrears.

9/ That the appellant being aggrieved from the verbal order of the Respondent No. 3 submitted the Departmental appeal to Respondent No.2 on 23/02/2021 which yet not been decided with in stipulated period. Hence the instant appeal is here by filed on the following ground.(Departmental appeal as Annex: F)

Ground of Appeal.

1.The District police officer Swat issued the police clearance certificate to appellant after his discharge from the competent court.

2.That the appellant has been deprived illegally of his just and legal right to receive the monthly salary as well as arrears and further adjustment.

3/ The Respondent No,3 has not terminated/Dismissed the appellant from service, and with out any legal order stopped the monthly salary of appellant.

4/That the appellant has not been treated according to law and rule and has been illegally deprived from the salary which is not permissible under the service rules/law.

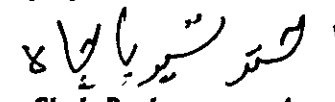
5/.That stoppage of pay is discriminatory and violation of the fundamental right and settled principal and policy of the Government.

6/ That the some other grounds may be argued at time of arguments of the instant appeal with the prior permission of this Hon: Tribunal.

6/ Any other remedy which is just and appropriate may also be awarded though not specially prayed.

7/ That the Tribunal has got jurisdiction to entertain this instant appeal hence the appeal which is with in time.

It therefore most humbly prayed that the appeal of the appellant may be accepted as prayed with all back benefits.


Akhtra Shah Bacha.....Appellant.

Through


Umar Khitab Advocate District Courts Gulakada Swat.
Advocate High Court

Cell No. 0345-9377656.

CERTIFICATE.

It is certified that no such like appeal has earlier been filed by the appellant nor is pending or decided by this Honorable Tribunal.


Akhtar Shah Bacha.....Appellant.

BEFORE THE SERVICE TRIBUNAL KHYBER PULHTOONKHAWA PESHAWAR.

3

Service appeal No _____ /

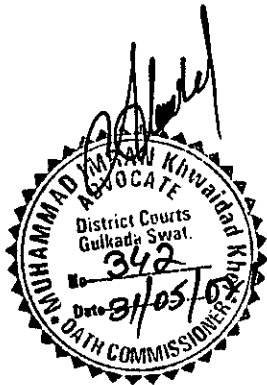
Akhtar Sher Bacha Class IV Government Middle school Taran Kabal Swat Elementary and Secondary Education Swat.....Appellant.

Versus.

1. The secretary Elementary and secondary Education KP & Others ...Respondents.

AFFADAVIT.

It is stated on oath that all the contents of this application Are true and correct to the best knowledge and belief. Moreover, no such Like application is pending before this Honorable Tribunal.



Deponent. اکتار شہر بابا

Akhtar Sher Bacha class IV Government Middle school Taran Kabal Swat.



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BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTOONKHW PESHAWAR.

3
4

SERVICE APPEAL NO _____ /2019.

Akhtar Sher Bacha Class IV Government Middle school Taran Kabal Swat Government Elementary and Secondary Education Swat.....Appellant.

Versus.

1.The secretary Elementary and secondary Education Khyber Pukhtoonkhawa Peshawar & other.....Respondents.

MEMO OF ADDRESSES.

Address of Appellant. Government Elementary and secondary Education Swat.

Akhtar Sher Bacha Class IV Government Middle School Taran Kabal Swat. Cell No. 0345 9236095

Addresses of Respondents.

- 1)Secretary Government Elementary and secondary Education Swat.
- 2).The Director Elementary and Secondary Education Khyber Pukhoon Khaw G.T. Road Peshawar
- 3)The District Education Officer(Male) Gulkada saidu sharif

اکhtar شير بچا

Akhtar Sher Bacha.....appellant

Through

Umar Khitab

Advocate

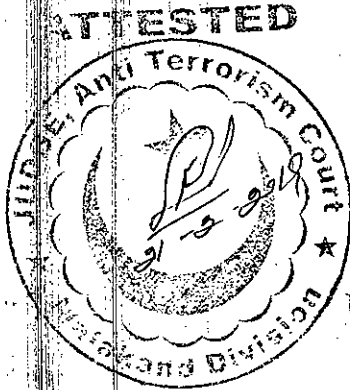
Umar Khitab
District Courts Gul Kada Saidu Sharif Swat Court
Cell No. 0345 9377656

IN THE COURT OF SYED OBAIDULLAH SHAH SPECIAL JUDGE, ANTI-
TERRORISM COURT-I MALAKAND DIVISION AT SWAT

Aux A

5

Case No: 13/8 OF 2019



The State

.....Versus.....

Akhtar Sher Bacha

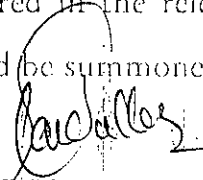
Case FIR No: 547 Dated: 29.10.2007

U/Ss 324, 353, 120-b, 124-A, 436, 427 PPC,

3/4 E.S.A, 7-ATA P.S Kabal Distt: Swat

06.02.2019

The supplementary challan in the subject case received from prosecution against the accused, namely, Akhtar Sher Bacha S/O Amir Baz Khan R/O Taran Deulai Distt: Swat. Be entered in the relevant register. Original record be requisitioned and accused be summoned for 21.02.2019.


JUDGE ATC-I MALAKAND
DIVISION AT SWAT
Malakand Division at Swat

ORDER
21.01.2019

Accused Akhtar Sher present. PP for the state present who requested for the discharge of the accused having no solid evidence against him.

In the light of record, the request of the prosecution seems genuine; therefore, accepted and accused, namely, Akhtar Sher is hereby discharged for the charges leveled against him. Sureties of the accused if any, be relieved from the liabilities of bail bonds.

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

ANNOUNCED
21.01.2019


JUDGE ATC-I MALAKAND
DIVISION ~~Judge Anti-Terrorism Court~~
Malakand Division at Swat



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

Amir (7)

SHOW CAUSE NOTICE

I Muhammad Amin District Education officer (M) Swat under the Khyber pukhtun Khawa Government Servant (Efficiency & Disciplinary) „Rules 2011, do hereby serve upon you, Mr. Akhtar Sher Bacha (Sweeper) Government High School Taran District Swat this show cause notice as follows:-

- 1 As you were appointed on 13/12/2003 & performed your duty as Sweeper at Government High School Taran till 15/09/2009.
- 2 As you have remained absent from your duty w.e.f. 16/09/2009 to 16/10/2018 without any information.
- 3 You have been Involved in antistate activities and you were in the custody of Pak army for Nine Years and one Month.
- 4 You have given an application for re-instate on 06/05/2019.

As a result thereof, I as the competent authority have tentatively decided to proceed against you under the above mentioned rules.

You are, therefore, required to show cause as to why minor/major penalty provided in the aforesaid Rule should not be imposed upon you and also intimate whether you desire to be heard in person.

If no reply to this office is received within 15 days of its delivery, it shall be presumed that you have no defense to put in and in that case ex-party action will be taken against you.

(Muhammad Amin)
DISTRICT EDUCATION OFFICER (M)
SWAT

Endst: No. 1842-44 /G/File/C-IV/IMU Dated 3/07 /2019.

Copy forwarded to:-

- 1- The Director of Elementary and Secondary Education
Khyber Pakhtun Khwa, Peshawar.
- 2- The Head Master GHS Taran; District Swat.
- 3- P.A to District Education Officer (M) Swat local Office.
- 4- The Official Concerned.


DY: DISTRICT EDUCATION OFFICER (M)
SWAT

بخدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر

Annex B

عنوان:

رحم درخواست بابت بحال کرنے کلاس فور مسمی اختر شیر باچا ولد امیر
باز خان سکندہ گاؤں تاران تحصیل قبل ضلع سوات مڈل سکول تاران!

جناب عالی!

یہ کہ سائل کو پاک آرمی نے بمورخہ 16/09/2009 کو شک کے بنیاد پر اپنے
تحویل میں لے لیا تھا۔ جس کی وجہ سے سائل اپنی ڈیوٹی کرنے سے دور رہا ہے

یہ کہ اب سائل کی کلٹرنس وغیرہ مکمل طور پر ہو چکے ہیں اور سائل اب
پاک آرمی کی طرف سے مکمل طور پر بری ہو چکا ہے۔
یہ کہ اب سائل اپنی بحالی چاہتا ہے۔ جس کے لئے آپ صاحبان کو اپنی
درخواست پیش کر رہا ہے۔

لہذا آپ صاحبان کے خدمت میں رحم درخواست پیش خدمت ہے۔ مہربانی فرما
کر سائل کو دوبارہ تاران مڈل سکول جس میں ابھی ہائی سکول کو بھی شامل
کردیا گیا ہے میں بحال کرنے کا حکم صادر فرما دے تو سائل تا حیات دعا
گوں رہے گا۔

احقر شیر باچا

عریض

مسمی اختر شیر باچا ولد امیر باز خان سکندہ گاؤں تاران تحصیل قبل ضلع سوات

مورخہ: 06/05/2019

تتمتہ

Umar Khitab
Advocate High Court

Put up a
file

To,

THE DISTRICT EDUCATION OFFICER (M)
DISTRICT SWAT.

8

SUBJECT: REPLY TO SHOW CAUSE NOTICE DATED 03-10-2019

Respected Sir,

It is stated that

1. The Applicant was performing duties at GHS Taran Swat as Sweeper from 24-11-2003 till 15-09-2009.
2. That on 16-09-2009 the applicant was arrested by Pak Army on false allegations against the applicant.
3. That the applicant remain in custody with Pak Army till 16-10-2018
4. That the local police has issued Clearance Certificate to the applicant (copy attached)
5. That no evidences of any state activities were proved against applicant. Moreover during the custody the Pak Army arranged a technical training of three months for the applicant (card photocopy attached).
6. That the Pak Army released the applicant on 16-10-2018
7. That the inquiry has been conducted DEO(M) by officers Ahmad Sultan Principal GHSS Kabal and Rahmat Ali Headmaster GHS Kotlai Swat and found Akhtar Sher case genuine.
8. That the mentioned absentee of the applicant is neither willful nor on any malafide reasons
9. That no departmental proceeding have been launched against the applicant except the present show cause notice which is retrospective in nature.

Your good self is therefore requested to kindly reinstate the applicant from the date of arrest by the Pak Army and with draw the show cause issued on 3-10 -2019.

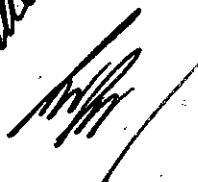
Thanks.

Regards

AKHTAR SHER
SWEEPER
GOVT. HIGH SCHOOL
TARAN SWAT.

attested

احمد شير باجوا



Umar Khitab
Advocate High Court

No 960 /Dated 19/7/2019.

INQUIRY REPORT IN RESPECT OF MR.AKHTAR SHER BACHA, SWEEPER GHS:TARAN SWAT.

Submitted to: District Education Officer (M)
Saidu Sharif District Swat.
Submitted By: 1. Ahmad Sultan, Principal, GHSS:Kabal Swat.
2. Rahmat Ali, Hedmster GHS:Kotlai Swat.
Complaint: ENQUIRY AGAINST MR.Akhtar Sher Bacha Sweeper.

Introduction:

GHS:Taran Swat is situated on the east of Deolai, Fazal Abad Swat at distance of about (19-Km) from Kabal Swat. It has been up graded to High status on March 2015. Total teaching staff is 11(Eleven) at Present & Total Sanctioned Posts 17 .Headmaster Post is vacant since the date of Up Gradation of the school. Mr.Sultanul Haq, SST-Sc-1 is In charge Headmaster. Non Teaching staff is 05 (Five) .Chawkidar Post is Vacant Presently. Mr.Akhtar Sher Bacha, resident of Village Taran Swat was a regular Government servant up to 05-09-2009 and was appointed against sweeper post on 24-11-2003.

Pakt Army arrested him on 16.09.2009 & remained with army till 16.10.2018. Sweeper post remained vacant till the appointment of Mr.Dawood Sweeper, who has been appointed on sweeper post by the DEO(M)Swat on 01-04-2015.

Presently Mr.Fazai Subhan, Chowkidar , working on this post after his mutual transfer with Mr: Dawood on 02-04-2018. Anti terrorism Court –I Malakandi Division Judge in his statement in his decision says that (In light of record, the request of the prosecution seems genuine therefore, accepted and accused namely Mr.Akhtar Sher Bacha is hereby discharged for the charges leveled against him) .

Mr.Akhtar Sher Bacha, received no Salary since September 2019 till date .Pak Army released Mr.Akhtar Bacha on 16-10-2018.

Police department swat gave him a conditional clearance Certificate of six months validity on 28.03.2019. Mr.Akhtar Sher Bacha then wrote an application to DEO(M)Swat for his re-Adjustment/Re-Instatement on his post of Sweeper at GHS:Taran.

DEO(M)Swat nominated a two(2) members committee to inquire all facts about the case.

PROCEDURE FOLLOWED.

A formal letter was sent to in charge Headmaster GHS:Taran, having Endst:No.943/Dated 20.6.2019 to inform Mr.Akhtar Sher Bacha, keep all the school record ready for consultation & be present himself, in order to collect all the relevant information's on the enquiry day 28.06.2019 on 10-AM. On the 28-06-2019, Both the enquiry officers reached the GHS:Taran Swat on 10-AM, where Headmaster, his staff & Mr.Akhtar Sher Bacha was present on the occasion .School record was checked, questioners were distributed, written statements were obtained & fruitful discussions were made with all concerned & the following facts were collected .

Next Page-1-2

[Signature]
PRINCIPAL
GHSS, Mudasir Khan Sheheed
Kabal, Swat.

[Signature]
attested

[Signature]
Umar Khitab
Advocate High Court

[Signature]
Rahmat Ali
Head Master
Govt. High School Kotlai Swat.
Phone: 32111

[Handwritten notes and signatures]
MS Sher Mehtab
AS of
ES
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Ann D



10/10/10
10/10/10
10/10/10

10

Page- 2

FACTS COLLECTED.

Mr.Akhtar Sher Bacha is a permanent resident of Village Taran Tehsil Kabal Swat. Seen annexure-1
He was appointed in this school on 24.04.2003. Seen annexure-2
He was a regular servant as Sweeper in this school up to 16.09.2009. Seen annexure-3 to5
He was arrested by Pak Army on 16-09-2009.by saying that he has links with Taliban. He remained with army in prison till 16.10.2018.During this period he remained absent from school duty. Seen annexure-6 to 7.

After Judgement of Anti terrorism Coutr –I- Malakand Division Swat thatis (accused Mr.Akhtar Sher Bacha is present,P.P. for state present, who request ed for the discharge of accused having no solid evidence against him. In light of the record , the request of the P.P. seems jeniune ,therefore,accepted and accused namely Mr.Akhtar Sher is hereby discharged for the charges leveled against him dated 21.01.2019. Seen annexure-No. 7-B

Pak Army released Mr.Akhtar Sher Bacha sweeper,and awarded him a Technical & Vocational Certificate on 16.10.2018.After which he was released. Seen Annexure-8

The Police Department swat gave him a conditional clearance certificate with validity of sex(6) months-& is going to be expired on 27.09.2019. Seen annexure-9

From the school record no termination order found of Mr.Akhtar Sher Bacha.
No any advice/adverse found in order book of school against Mr.Akhtar Sher Bacha.
Mr.Suitanul Haq, SST In charge Headmaster GHS:Taran in his statement said that he has provided all the available record to the inquiry committee and that Mr. Akhtar Sher Bacha has not attended the school in his presence since 02-08-2016 till now. Seen annexure-10

Mr.Akhtar Sher Bacha in his statement to various questions says that he was serving in this school since 13.12.2003.
Pak Army arrested him on 16.09.2018 by saying that I had links with Taliban.
During my prison with Pak Army I had received no salary which is also supported by Bank statement and DEO(M)Swat (Accounts Branch) office Certificate. Seen annexure-11

To a question in his answer he says that PAK Army arrested him on suspicion ground on my links with Taliban but he has not been proved as accused, to be a talib/Terrist.
After release from Pak Army he was busy in getting solid clearance from Pak Army, Court & police , thus was un able to report quickly to the department .How ever after that I applied for my re-adjustment/instatement to DEO(M)swat on 06-05-2019. Seen annexure-12

In the answer to a question he says that the two numbers of technical training Certificates & Police department clearance certificate shows that he is clear from the charges of my links with Taliban. Seen annexure-13+14

No Salary is obtained by Mr.Akhtar Sher Bacha since September 2009 as shown by account branch Pay slip office of the DEO(M) Swat. Seen annexure-11

PRINCIPAL
GHSS, Mudasir Khan Shaheed,
Kabal, Swat.

attached

Rahmat Ali
Head Master
Govt: High School Kottai Swat.
EMIS Code: 31399

Umar Khitab
Advocate High Court



1950
1951
1952

Next Page-2-3

Page 3

9. CONCLUSION.

On the basis of the above facts the following conclusions can be withdrawn.
Mr. Akhtar Sher Bacha, Sweeper was a regular servant in GHS:Taran Swat since 13.12.20003 up to 16.09.2009. He remained in prison with Pak Army from 16-09-2009 to 16-10-2018(9Years & 1 Month) on his suspicious links with Taliban.
No documentary proofs against Mr. Akhtar Sher Bacha with solid charges from Pak Army and police department proved. No solid clearance is given by Pak Army to Mr. Akhtar Sher Bacha.
Anti terrorism Court-I Malakand Division Swat Judge in his Judgment says that due to absence of solid evidences against Mr. Akhtar Sher Bacha, the request of the PP is genuine and accused namely Mr. Akhtar Sher is hereby discharged for the charges leveled against him. A conditional clearance certificate is given by police swat to the concerned with a validity of (6) six months which is going to be expired on 27-09-2019.
No Salary has been drawn/paid to Mr. Akhtar Sher Bacha during this period.

RECOMMENDATIONS

On the basis of the above facts and conclusions it is recommended that the case needs to be proceeded further on merit per rules following E&D rules 2011.

(AHMAD SULTAN)

Principal GHSS:Kabal Swat.
Inquiry officer for Mr. Akhtar sher
GHS:Taran Swat.

(RAHMAT ALI)

HEADMASTER, GHS:Kotli Swat.
Inquiry officer for the Mr. Akhtar sher
GHS:Taran, Swat.

Rahmat Ali
Head Master
Govt. High School Kallai Swat.
EMIS Code: 33730

alleged

Umar Khitab
Advocate High Court

بصابت ڈائریکٹریا ایلنڈری اسٹریٹس چیمبر آف سٹون فوہ

12

عنوان :- پلانہ آپیل برائے بقایا جات مقدمہ ریٹرنڈے اور
ایڈجسٹمنٹ برائے ملازمت

بصابت عالی! اپیلانٹ حسب ذیل عرض کرتا ہے

1۔ بہ نمہ آپیلانٹ بحوالہ تقرری نامہ نمبر
22 $\frac{11}{2003}$ کو نجییت ملاں فور ملازم ٹرینٹ فوڈ سکول نارڈن (کیبل)
سورٹ میں بھرتی ہوا تھا۔

2۔ بہ نمہ آپیلانٹ کو $\frac{16}{2004}$ کو "پاک ایچی" کے طالباں کے
ٹیک میں گرفتار کیا گیا تھا۔

3۔ بہ نمہ آپیلانٹ کو پاک ایچی کے $\frac{10}{2015}$ کو رہا کر دیا۔

4۔ بہ نمہ میں دوران آپیلانٹ کے خلاف ایف۔ ائی۔ آر نمبر 547 مورہ

$\frac{29}{2007}$ جرم 3247353/2016-124A اور 3/4 ESA 7ATA کیبل
436,427 PPC

تھانہ میں رجسٹر ہوا۔

5۔ بہ نمہ آپیلانٹ نے ریائی کے بعد ڈی۔ ڈی۔ او اور دانہ سورت کو
کئی درخواستیں بردھا بقایا جات مقدمہ، مقدمہ جاری ریٹرنڈے
اور ایڈجسٹمنٹ دیئے ہیں۔

6۔ بہ نمہ ای۔ ڈی۔ سی (ATC) کے صغیر عدالت نے آپیلانٹ کو
دیاست کے درخواست پر جرم ثابت نہ ہونے کے بنا پر بری کر دیا۔

7۔ بہ نمہ آپیلانٹ کو ڈی۔ ڈی۔ ڈی اسٹریٹس چیمبر آف سٹون فوہ
رجسٹرڈ مشورماز کا اختیار نہ ملے مشورماز جاری کیا گیا۔

8۔ بہ نمہ آپیلانٹ نے مشورماز کا جوابا حکمہ کو بروقت ارسال
کیا تھا۔

9۔ بہ نمہ مشورماز کے جوعہ کے بعد ایک انوکھ تقرری آفسر صدر ہوا۔
اور انوکھ تقرری میں آپیلانٹ کو یہ گناہ قرار دے دیا۔

10- آپ پبلا نٹ کو ڈسٹرکٹ پولیس آفسر سموت کے کرف سے
Police clearance certificate بھی جاری ہوا ہے

11- ہم کم ریاست کے صدر اے۔ بی۔ سی عدالت وکٹریڈیٹن سپروٹریٹ
سموت میں آپ پبلا نٹ کے خلاف کوئی جرم ثابت نہیں ہوا ہے۔ اور نہ
انکو پٹری رپورٹ میں آپ پبلا نٹ کے خلاف کوئی جرم ثابت ہوا ہے

اسلئے آپ قیدان سے رہا ہوئے۔

آپ پبلا نٹ کو قہورہ کے جہا پاجات و قہورہ ریلز اور ملازمت
Assignment کے احکامات جاری کر کے فکوریڈیٹے

لفتم ندرہ
آفسر شہر باجا
آفسر شہر باجا ولد آفسر باڑخان
نائب قاصد
گورنمنٹ مڈل سکول تارون (کھل)
سموت

23/02/2021

مندرجہ ذیل لغو لاشف ہیں۔

- 1- شہر باجا۔
- 2- شہر باجا جواب۔
- 3- انکو پٹری رپورٹ
- 4- عدالتی حقیقہ
- 5- پولیس مگسٹر کی رپورٹ
- 6- رپورٹ

امین

Umar Khitab
Advocate High Court



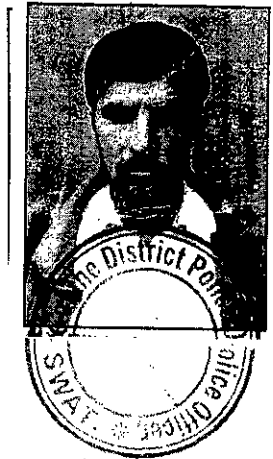
14

**THE DISTRICT POLICE
SWAT**

No. 2355 /NRC

Date of Issuance 28 /03/2019

Date of Expiry 27 /09/2019



POLICE CLEARANCE CERTIFICATE

Full Name Akhtar Sher Bacha

Father Name Amir Baz Khan

Gender Male

CNIC No. 42401-1992042-7

Passport No. *****

Nationality Pakistani

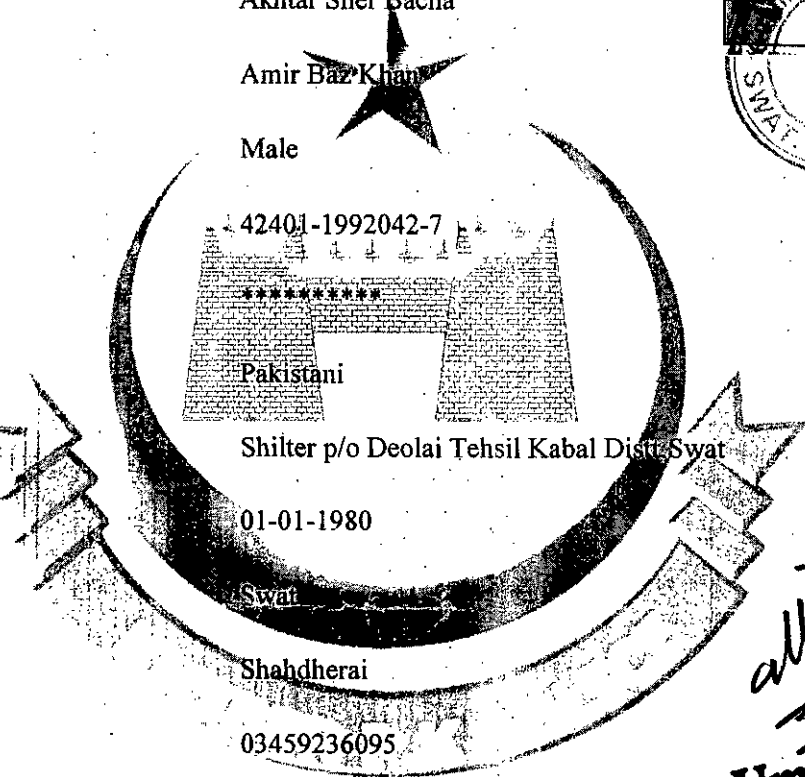
Address Shilter p/o Deolai Tehsil Kabal Distt Swat

Date of Birth 01-01-1980

Place of Birth Swat

Police Station Shahdherai

Cell No. 03459236095



attested
Umar Khitab
Advocate High Court


The above mentioned individual was charged in case FIR No: 547 /2007 u/s 324-353-3/4EXP PS Kabal and was hereby discharged for the charges leveled against him by the court of ATC-I Malakand.

Note:-


- Any erasure or amendment in this certificate makes it invalid.
- Residential address to based on computerized national identity card (CNIC).
- This verification is based on the information provided by the applicant.
- This certificate is valid for six months only.

[Signature]
District Police Officer
Swat, Khyber Pakhtunkhwa
District Police Officer,
Swat.

Office of District Police Officer Swat
Tel: +92-946-9240402 Fax:9240402
E-mail: dposwat@gmail.com

 <p>بار کونسل نمبر: 18-105:8 بار ایسوسی ایشن نمبر: 25 رابطہ نمبر: 9377656</p>	  <p>سیریل نمبر: 80121</p> <p>ڈسٹرکٹ بار ایسوسی ایشن سوات</p>
--	---

بعدالت جناب: **پروٹیکشن ڈیپارٹمنٹ** خیبر پختونخواہ حکومت پاکستان

<p>منجانب: پبلک</p>  <p>احقر: پبلک</p>	<p>دعویٰ اور خواست: سروس ڈیپل</p> <p>علت نمبر: _____</p> <p>مورخہ: _____</p> <p>جرم: _____</p> <p>تھانہ: _____</p>
--	---

بابت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے برائے پیروی مقدمہ

آن مقام **پبلک** کیلئے **خطابہ** کو مقرر کر کے اقرار کیا جاتا ہے، کہ صاحب موصوف کو مقدمہ کی کل کارروائی کو کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث کرنے، دعویٰ، جواب، دعویٰ، اقبال دعویٰ، اور درخواست برائے سرسبزگی مقدمہ، منسوخی ڈگری یکطرفہ، اجراء و پیروی کرنے کا مختار ہوگا۔ نیز دائر کرنے اپیل نگرانی، نظر ثانی و پیروی کرنے کا مختار ہوگا۔ اور مقدمہ مذکورہ کیلئے کل وقتی یا جزوی کارروائی کیلئے کسی دیگر وکیل یا مختار قانون کو اپنے ہمرازہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی جملہ مذکورہ اختیارات حاصل ہوں گے، اور اس کا ساختہ و پرداختہ منظور قبول ہوگا، بدوران مقدمہ جو خرچہ و ہرجانہ کسی بھی سبب سے حاصل ہوگا، وہ وکیل موصوف وصول کرنے کا حقدار ہوگا، کوئی تاریخ پیشی مقام مذکورہ بالا سے باہر ہو، تو وکیل صاحب پیروی مقدمہ کرنے کے پابند نہ ہوں گے، مقدمہ کسی عدالت میں بعدم پیروی خارج ہونے یا ڈگری یکطرفہ ہونے کے صورت میں وکیل صاحب ذمہ دار نہیں ہوں گے، لہذا وکالت نامہ لکھ دیا کہ سند رہے

رضیہ سید صاحبہ

مقام: _____

پبلک

Accepted

Umar Khitab
Advocate High Court

المقوم: _____

"B"

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

No.

Appeal No. 5790 of 20 21

Akhtar Sher Bacha Appellant/Petitioner

The Secy: ERSE KPN Respondent

Respondent No. 3

Notice to: —

Distt: Education Officer Male
ERSE Swat.

Regd.

26-1-22

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 28/2/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this 22/1

Day of Dec 2021.

(for Reply)

Registrar,
2 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.

11

12

OPF2
Answers 2nd Book

for good
L 22E KIN

L 02E
DIII
L. question
3
Affairs & more

28/8/55

29/11

10 Dec

(for K...)

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTOONKHW PESHAWAR.



Akhtar Sher Bacha Class IV Government Middle school Taran Kabal Swat..... Appellant.

Put up to the worthy chair-man Versues.
with relevant appeal.

1. The Secretary Elementary and secondary Education K.P. Peshawar and
others..... Respondents.

23/12/21.

SERVICE APPEAL NO. 5790/2021.

Subject:- APPLICATION FOR TRANSFER OF THE ABOVE MENTIONED APPEAL
FROM SERVICE TRIBUNAL PESHAWAR TO THE SERVICE TRIBUNAL CAMP
COURT SWAT.

Respectfully shewth,

1. That the above mention appeal is pending before Honourable
Tribunal Peshawar which is fixed on 22/02/2022.
2. That the above mention appeal the appellant belong to District Swat but it is
pertained to be noted that in above appeal notice was not served on appellant/
council nor on the Respondents.
3. That for the convenience of parties and due to weak financial position of the
appellant, the above appeal may kindly be transfer to service Tribunal camp court
Swat.

On the acceptance of the instant application the above
appeal may kindly be transfer to service Tribunal camp court Swat.

اکhtar شير باچا

Akhtar Sher Bacha.....Appellant.

Be fixed in coming
hour camp court Swat.
Allowed
23/12/21

6-1-22

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTON KHAWA PESHAWAR

APPEAL NO 5790/2020

Akhtar Sher Bacha Class IV Government Middle school Taran Kabal Swat Elementary and secondary Education Swat.....Appellant

KP

The Secretary Elementary and secondary Education and others Respondents.

INDEX

	<u>DESCRIPTION OF DOCUMENTS.</u>	<u>Annexure.</u>	<u>Pages.</u>
1	Memo of appeal.		1-2
2	Affidavit.		3
3	Memo of addresses.		4
4	Hon: ATC Court judgment.	A	5
5	Application.	B	6
6	Show cause notice and Reply.	C	7-8
7	Enquiry Report.	D	9-11
8	Departmental appeal	E	12-13
9	Police clearance Certificate.		14
10	Wakalatname.		15
11			
13			
14			
15			
16			

Akhtar Sher Bacha.

Appellant.



Umar Khitab
Advocate High Court

District Courts Gulkada Saidu Sharif Swat.

CHECK LIST

Case title.	Akhtar Sher Bacha class IV Government Middle school Taran Kabal Swat Elementary and Secondary Education Swat. V/S Secretary Elementary and Secondary Education Swat & Others.		
2.	Case is duly signed.		
3.	The law under which the case is preferred has been mentioned.	Yes.	
4.	Approved file cover is used.	Yes	
5.	Affidavit is duly attested and appended.	Yes	
6.	Case and annexure are properly paged and numbered accordance.	yes	
7.	Copies of Annexure are legible and attested. If not then better copies duly attested have been filed.	Yes.	
8.	Certified copies of all the requisite documents have been filed.	Yes	
9.	Certificate specifying that no case on similar grounds was earlier Submitted this court, filed.	yes	
10.	Case is within time.		
11.	The value for the purpose of court fee and jurisdiction has be Mentioned in the relevant column,	yes	
12.	Court fee in shape of stamp paper is affixed		No.
13.	Power of attorney is in proper form		No
14.	Memo addresses filed.	Yes	
15.	List of books mentioned in the petition	Yes	
16.	The requisite number of spare copies attached write petition		No
	3 No,s civil appeal, (SB-DB)		
17.	Case Revision /appeal / petition etc, is filed on a prescribed form	Yes	
		yes	

Umar Khitab Advocate.

Signature Umar Khitab 31/05/2021
Advocate High Court

FOR OFFICE USE ONLY.

Case No _____

Case Received on _____

Complete in all Respect _____

Signature _____

Date of court. _____

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTOON KHAWA PESHAWAR.

Akhtar Sher Bacha/o Amir Baz Khan Class IV Government Middle school Taran Kabal Swat
..... Appellant.

Versus

1. The Secretary Elementary and Secondary Education Khyber Pukhoon Khaw Peshawar.
2. Director Elementary and Secondary Education Khyber Pukhtoonkhaw Peshawar.
3. District Education Officer Male Elementary and secondary Education Swat.

APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL Act, 1974
AGAINST THE VERBAL ORDER OF RESPONDENT No.3 WHO HAS STOP
THE MONTHLY SALARY AND NOT ADJUSTED IN SERVICE AND
AGAINST THE VERBAL ORDER OF RESPONDENT NO.3 THE
DEPARTMENTAL APPEAL SUBMITTED TO RESPONDENT No.2 DATED
23/02/2021 WHICH HAS NOT YET BEEN DECIDED.

PRAYER IN APPEAL.

On the acceptance of instant appeal the verbally order of Respondent No.3 may kindly
be declare null and void and be directed to release the monthly salary and arrears with
effect from 1/10/2009 up to date and issue the adjustment order of the appellant.

RSSPECTFULLY SHWETH.

1. That the appellant was initially appointed as class IV in Government
Elementary and secondary Education Swat vide appointment order
No,3501-02/DCO/Etab: dated 26/11/2003.

2. That on 29/10/2007 FIR No,457 under section 342,353,120b,
124A 436.427PPC and 3/4 F.S.A 7ATA was lodged /Registered at
police station Kabal Swat against the appellant. The concerned court latter
on 21/01/2018 discharge the appellant. (Court judgment as Annex:A)

3. That Pakistan Army arrested the appellant on 16/02/2009 on the
suspicion and baseless allegation of his involvement in the illegal activities
after the long period of detention by Pak Army later on dated
16/10/2019 released the appellant.

4. That the appellant after his release submitted application to
Respondent No.3 for his dues (arrears) release of pay but in vain.
(application copy as Annex:B)

5/ That Respondent No.3 issued show cause notice to the appellant vide
No. 1842-44 dated 3/10/2019 and the appellant submitted his
written reply of the show cause notice to Respondent No.3. (Show cause
notice and Reply are Aneex: C and D)

6/ That the Respondent No. 3 appointed Principal Government Higher
school Kabal Swat and Headmaster Government High school Kotlai Kabal
Swat against the appellant as enquiry officers The enquiry officers
completed their detail enquiry and submitted his enquiry report to
Respondent No,3 vide No, 960 dated 19/07/2019. (Enquiry report as
Annex:E)

7/ That according the detailed enquiry report. The enquiry officers after their conclusion they found the appellant as innocent and no charges were proved against the appellant. (2)

8/ That in spite of all codel formalities, The Respondent No.3 verbally denied from the legal right of the appellant to adjust and pay the salaries arrears.

9/ That the appellant being aggrieved from the verbal order of the Respondent No. 3 submitted the Departmental appeal to Respondent No.2 on 23/02/2021 which yet not been decided with in stipulated period. Hence the instant appeal is here by filed on the following ground.(Departmental appeal as Annex: F)

Ground of Appeal.

1.The District police officer Swat issued the police clearance certificate to appellant after his discharge from the competent court.

2/.That the appellant has been deprived illegally of his just and legal right to receive the monthly salary as well as arrears and further adjustment.

3/ The Respondent No,3 has not terminated/Dismissed the appellant from service, and with out any legal order stopped the monthly salary of appellant.

4/That the appellant has not been treated according to law and rule and has been illegally deprived from the salary which is not permissible under the service rules/law.

5/.That stoppage of pay is discriminatory and violation of the fundamental right and settled principal and policy of the Government.

6/ That the some other grounds may be argued at time of arguments of the instant appeal with the prior permission of this Hon: Tribunal.

6/ Any other remedy which is just and appropriate may also be awarded though not specially prayed.

7/ That the Tribunal has got jurisdiction to entertain this instant appeal hence the appeal which is with in time.

It therefore most humbly prayed that the appeal of the appellant may be accepted as prayed with all back benefits.


Akhtra Shah Bacha.....Appellant.

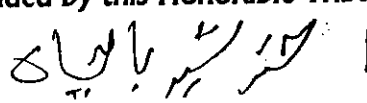
Through


Umar Khitab Advocate District Courts Gulkada Swat.
Advocate High Court

Cell No. 0345-9377656.

CERTIFICATE.

It is certified that no such like appeal has earlier been filed by the appellant nor is pending or decided by this Honorable Tribunal.


Akhtar Shah Bacha.....Appellant.

BEFORE THE SERVICE TRIBUNAL KHYBER PULHTOONKHAWA PESHAWAR.

3

Service appeal No _____ /

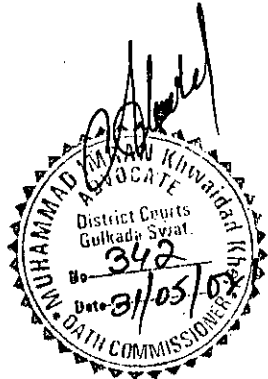
Akhtar Sher Bacha Class IV Government Middle school Taran Kabal Swat Elementary and Secondary Education Swat.....Appellant.

Versus.

1. The secretary Elementary and secondary Education KP & Others ...Respondents.

AFFADAVIT.

It is stated on oath that all the contents of this application Are true and correct to the best knowledge and belief. Moreover, no such Like application is pending before this Honorable Tribunal.



Deponent. اکتار شہر بابا

Akhtar Sher Bacha class IV Government Middle school Taran Kabal Swat.

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTOONKHW PESHAWAR.

SERVICE APPEAL NO _____/2019.

Akhtar Sher Bacha Class IV Government Middle school Taran Kabal Swat Government Elementary and Secondary Education Swat.....Appellant.

Versus.

I.The secretary Elementary and secondary Education Khyber Pukhtoonkhawa Peshawar & other.....Respondents.

MEMO OF ADDRESSES.

Address of Appellant. Government Elementary and secondary Education Swat.

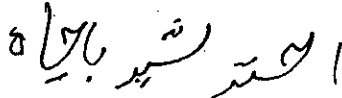
Akhtar Sher Bacha Class IV Government Middle School Taran Kabal Swat. Cell No. 0345 9236095

Addresses of Respondents.

1)Secretary Government Elementary and secondary Education Swat.

2).The Director Elementary and Secondary Education Khyber Pukhoon Khaw G.T. Road Peshawar

3)The District Education Officer(Male) Gulkada saidu sharif


Akhtar Sher Bacha.....appellant

Through


Umar Khitab

Advocate

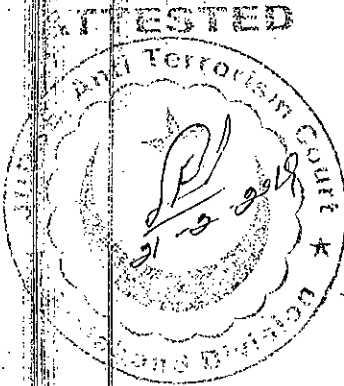
Umar Khitab
District Courts Gul Kada Saidu Sharif Swat Court
Cell No. 0345 9377656

IN THE COURT OF SYED OBAIDULLAH SHAIH SPECIAL JUDGE, ANTI-
TERRORISM COURT-I MALAKAND DIVISION AT SWAT

Case No: 13/8 OF 2019

Aux A

5



The State

Versus

Akhtar Sher Bacha

Case FIR No: 547 Dated: 29.10.2007

U/Ss 324, 353, 120-b, 124-A, 436, 427 PPC,

3/4 E.S.A, 7-ATA P.S Kabal Distt: Swat

06.02.2019

The supplementary challan in the subject case received from prosecution against the accused, namely, Akhtar Sher Bacha S/O Amir Baz Khan R/O Taran Deulai Distt: Swat. Be entered in the relevant register. Original record be requisitioned and accused be summoned for 21.02.2019.

JUDGE ATC-I MALAKAND
DIVISION AT SWAT

ORDER
21.01.2019

Accused Akhtar Sher present. PP for the state present who requested for the discharge of the accused having no solid evidence against him.

In the light of record, the request of the prosecution seems genuine; therefore, accepted and accused, namely, Akhtar Sher is hereby discharged for the charges leveled against him. Sureties of the accused if any, be relieved from the liabilities of bail bonds.

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

ANNOUNCED
21.01.2019

JUDGE ATC-I MALAKAND
Judge Anti-Terrorism Court
Malakand Division at Swat

بخدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر

Annex B

6

عنوان: رحم درخواست بابت بحال کرنے کلاس فور مسمی اختر شیر باچا ولد امیر
باز خان سکھہ گاؤں تاران تحصیل کبل ضلع سوات مڈل سکول تاران!

جناب عالی!

یہ کہ سائل کو پاک آرمی نے بمورخہ 16/09/2009 کو شک کے بنیاد پر اپنے
تحویل میں لے لیا تھا۔ جس کی وجہ سے سائل اپنی ڈیوٹی کرنے سے دور رہا ہے

یہ کہ اب سائل کی کلٹرنس وغیرہ مکمل طور پر ہو چکے ہیں اور سائل اب
پاک آرمی کی طرف سے مکمل طور پر بری ہو چکا ہے۔
یہ کہ اب سائل اپنی بحالی چاہتا ہے۔ جس کے لئے آپ صاحبان کو اپنی
درخواست پیش کر رہا ہے۔

لہذا آپ صاحبان کے خدمت میں رحم درخواست پیش خدمت ہے۔ مہربانی فرما
کر سائل کو دوبارہ تاران مڈل سکول جس میں ابھی ہائی سکول کو بھی شامل
کر دیا گیا ہے میں بحال کرنے کا حکم صادر فرما دے تو سائل تا حیات دعا
گوں رہے گا۔

اختر شیر باچا

عریض

مسمی اختر شیر باچا ولد امیر باز خان سکھہ گاؤں تاران تحصیل کبل ضلع سوات

مورخہ: 06/05/2019

تتمتہ

Umar Khitab
Advocate High Court

Put up a
file



OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) SWAT



Annex C (7)

SHOW CAUSE NOTICE

I Muhammad Amin District Education officer (M) Swat under the Khyber pukhtun Khwa Government Servant (Efficiency & Disciplinary) , Rules 2011, do hereby serve upon you, Mr. Akhtar Sher Bacha (Sweeper) Government High School Taran District Swat this show cause notice as follows:-

- 1 As you were appointed on 13/12/2003 & performed your duty as Sweeper at Government High School Taran till 15/09/2009.
- 2 As you have remained absent from your duty w.e.f 16/09/2009 to 16/10/2018 without any information.
- 3 You have been Involved in antistate activities and you were in the custody of Pak army for Nine Years and one Month.
- 4 You have given an application for re-instate on 06/05/2019.

As a result thereof, I as the competent authority have tentatively decided to proceed against you under the above mentioned rules.

You are, therefore, required to show cause as to why minor/major penalty provided in the aforesaid Rule should not be imposed upon you and also intimate whether you desire to be heard in person.

If no reply to this office is received within 15 days of its delivery, it shall be presumed that you have no defense to put in and in that case ex-party action will be taken against you.

(Muhammad Amin)
DISTRICT EDUCATION OFFICER (M)
SWAT

Endst: No. 1842-44 /G/File/C-IV/IMU Dated 3/6/19 /2019.

Copy forwarded to:-

- 1- The Director of Elementary and Secondary Education
Khyber Pakhtun Khwa, Peshawar.
- 2- The Head Master GHS Taran, District Swat.
- 3- P.A to District Education Officer (M) Swat local Office.
- 4- The Official Concerned.


DY: DISTRICT EDUCATION OFFICER (M)
SWAT

To,

THE DISTRICT EDUCATION OFFICER (M)
DISTRICT SWAT.

SUBJECT: REPLY TO SHOW CAUSE NOTICE DATED 03-10-2019

Respected Sir,

It is stated that

1. The Applicant was performing duties at GHS Taran Swat as Sweeper from 24-11-2003 till 15-09-2009.
2. That on 16-09-2009 the applicant was arrested by Pak Army on false allegations against the applicant.
3. That the applicant remain in custody with Pak Army till 16-10-2018
4. That the local police has issued Clearance Certificate to the applicant (copy attached)
5. That no evidences of any state activities were proved against applicant. Moreover during the custody the Pak Army arranged a technical training of three months for the applicant (card photocopy attached).
6. That the Pak Army released the applicant on 16-10-2018
7. That the inquiry has been conducted DEO(M) by officers Ahmad Sultan Principal GHSS Kabal and Rahmat Ali Headmaster GHS Kotlai Swat and found Akhtar Sher case genuine.
8. That the mentioned absentee of the applicant is neither willful nor on any malafide reasons
9. That no departmental proceeding have been launched against the applicant except the present show cause notice which is retrospective in nature.

Your good self is therefore requested to kindly reinstate the applicant from the date of arrest by the Pak Army and with draw the show cause issued on 3-10 -2019.

Thanks.

Regards

AKHTAR SHER
SWEEPER
GOVT. HIGH SCHOOL
TARAN SWAT.

اکھتار شہر باجیہ

attested
[Signature]
Umar Khitab
Advocate High Court

No 160 / Dated 19/7/2019.

INQUIRY REPORT IN RESPECT OF MR.AKHTAR SHER BACHA, SWEEPER GHS:TARAN SWAT.

Submitted to: District Education Officer (M)
Saidu Sharif District Swat.

Submitted By: 1. Ahmad Sultan, Principal, GHSS:Kabal Swat.
2. Rahmat Ali, Hedmster GHS:Kotlai Swat.

Complaint: ENQUIRY AGAINST MR.Akhtar Sher Bacha Sweeper.

Introduction:

GHS:Taran Swat is situated on the east of Deolai, Fazal Abad Swat at distance of about (19-Km) from Kabal Swat. It has been up graded to High status on March 2015. Total teaching staff is 11 (Eleven) at Present & Total Sanctioned Posts 17. Headmaster Post is vacant since the date of Up Gradation of the school. Mr. Sultanul Haq, SST-Sc-1 is In charge Headmaster. Non Teaching staff is 05 (Five). Chawkidar Post is Vacant Presently. Mr. Akhtar Sher Bacha, resident of Village Taran Swat was a regular Government servant up to 05-09-2009 and was appointed against sweeper post on 24-11-2003.

Pakt Army arrested him on 16.09.2009 & remained with army till 16.10.2018. Sweeper post remained vacant till the appointment of Mr. Dawood Sweeper, who has been appointed on sweeper post by the DEO(M)Swat on 01-04-2015.

Presently Mr. Fazai Subhan, Chowkidar, working on this post after his mutual transfer with Mr. Dawood on 02-04-2018. Anti terrorism Court - I Malakand Division Judge in his statement in his decision says that (In light of record, the request of the prosecution seems genuine therefore, accepted and accused namely Mr. Akhtar Sher Bacha is hereby discharged for the charges leveled against him).

Mr. Akhtar Sher Bacha, received no Salary since September 2019 till date. Pak Army released Mr. Akhtar Bacha on 16-10-2018.

Police department swat gave him a conditional clearance Certificate of six months validity on 28.03.2019. Mr. Akhtar Sher Bacha then wrote an application to DEO(M)Swat for his re-Adjustment/Re-Instatement on his post of Sweeper at GHS:Taran.

DEO(M)Swat nominated a two(2) members committee to inquire all facts about the case.

PROCEDURE FOLLOWED:

A formal letter was sent to in charge Headmaster GHS:Taran, having Endst:No.943/Dated 20.6.2019 to inform Mr. Akhtar Sher Bacha, keep all the school record ready for consultation & be present himself, in order to collect all the relevant information's on the enquiry day 28.06.2019 on 10-AM. On the 28-06-2019, Both the enquiry officers reached the GHS:Taran Swat on 10-AM, where Headmaster, his staff & Mr. Akhtar Sher Bacha was present on the occasion. School record was checked, questioners were distributed, written statements were obtained & fruitful discussions were made with all concerned & the following facts were collected.

Next Page-1-2

PRINCIPAL
GHSS, Mudasir Khan Shaheed,
Kabal, Swat.

attested

Umar Khitab
Advocate High Court

Head Master
High School Kotlai Swat

9

Annex D

10

FACTS COLLECTED.

Mr. Akhtar Sher Bacha is a permanent resident of Village Taran Tehsil Kabal Swat. Seen annexure-1
He was appointed in this school on 24.04.2003. Seen annexure-2
He was a regular servant as Sweeper in this school up to 16.09.2009. Seen annexure-3 to 5
He was arrested by Pak Army on 16-09-2009 by saying that he has links with Taliban. He remained with army in prison till 16.10.2018. During this period he remained absent from school duty. Seen annexure-6 to 7

After Judgement of Anti terrorism Coutr -I- Malakand Division Swat that is (accused Mr. Akhtar Sher Bacha is present, P.P. for state present, who request ed for the discharge of accused having no solid evidence against him. In light of the record ,the request of the P.P. seems jeniune ,therefore, accepted and accused namely Mr. Akhtar Sher is hereby discharged for the charges leveled against him dated 21.01.2019. Seen annexure-No. 7-B

Pak Army released Mr. Akhtar Sher Bacha sweeper, and awarded him a Technical & Vocational Certificate on 16.10.2018. After which he was released. Seen Annexure-8

The Police Department swat gave him a conditional clearance certificate with validity of sex(6) months & is going to be expired on 27.09.2019. Seen annexure- 9

From the school record no termination order found of Mr. Akhtar Sher Bacha.
No any advice/adverse found in order book of school against Mr. Akhtar Sher Bacha.
Mr. Suitanul Haq, SST In charge Headmaster GHS:Taran in his statement said that he has provided all the available record to the inquiry committee and that Mr. Akhtar Sher Bacha has not attended the school in his presence since 02-08-2016 till now. Seen annexure-10

Mr. Akhtar Sher Bacha in his statement to various questions says that he was serving in this school since 13.12.2003.
Pak Army arrested him on 16.09.2018 by saying that I had links with Taliban.
During my prison with Pak Army I had received no salary which is also supported by Bank statement and DEO(M)Swat (Accounts Branch) office Certificate. Seen annexure-11

To a question in his answer he says that PAK Army arrested him on suspicion ground on my links with Taliban but he has not been proved as accused, to be a talib/Terrist.
After release from Pak Army he was busy in getting solid clearance from Pak Army, Court & police, thus was un able to report quickly to the department. How ever after that I applied for my re-adjustment/instatement to DEO(M)swat on 06-05-2019. Seen annexure-12

In the answer to a question he says that the two numbers of technical training Certificates & Police department clearance certificate shows that he is clear from the charges of my links with Taliban. Seen annexure-13+14

No Salary is obtained by Mr. Akhtar Sher Bacha since September 2009 as shown by account branch Pay slip office of the DEO(M) Swat. Seen annexure-11

PRINCIPAL
GHSS, Mandasir Khan Shuhosa
Kabal, Swat.

attested

Rahmatullah
Headmaster
Govt. High School Kabal Swat.
ETAS Code: 31100

Umar Khitab
Advocate High Court

Next Page-2-3

Page-3

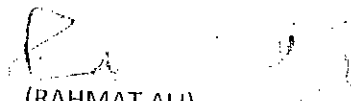
9. CONCLUSION.


On the basis of the above facts the following conclusions can be withdrawn.
Mr. Akhtar Sher Bacha, Sweeper was a regular servant in GHS: Taran Swat since 13.12.2003 up to 16.09.2009. He remained in prison with Pak Army from 16-09-2009 to 16-10-2018 (9 Years & 1 Month) on his suspicious links with Taliban.
No documentary proofs against Mr. Akhtar Sher Bacha with solid charges from Pak Army and police department proved. No solid clearance is given by Pak Army to Mr. Akhtar Sher Bacha.
Anti terrorism Court-I Malakand Division Swat Judge in his Judgment says that due to absence of solid evidences against Mr. Akhtar Sher Bacha, the request of the PP is genuine and accused namely Mr. Akhtar Sher is hereby discharged for the charges leveled against him. A conditional clearance certificate is given by police swat to the concerned with a validity of (6) six months which is going to be expired on 27-09-2019.
No Salary has been drawn/paid to Mr. Akhtar Sher Bacha during this period.

RECOMMENDATIONS

On the basis of the above facts and conclusions it is recommended that the case needs to be proceeded further on merit per rules following E&D rules 2011.

(AHMAD SULTAN)
Principal GHSS: Kabal Swat.
Inquiry officer for Mr. Akhtar sher
GHS: Taran Swat.


(RAHMAT ALI)
HEADMASTER, GHS: Kotli Swat.
Inquiry officer for the Mr. Akhtar sher
GHS: Taran, Swat.


Head Master
Govt. High School Kotli Swat.
EMIS Code: 32200

attached


Umar Khitab
Advocate High Court.



12

مضامین ڈائریکٹریٹ جی اے ایس ڈی / مسکنڈری ایجوکیشن ڈیپارٹمنٹ چیئر مینز کی طرف سے

عنوان :- نکلانہ آپیل برائے نکلانہ جات مقنودہ ریفرنس اور
ایڈجسٹمنٹ برائے ملازمت

مضامین جی اے ایس ڈی / ایڈجسٹمنٹ حسب ذیل شرحہ کرتا ہے

- 1- پیمہ نمبر آپیل ایڈجسٹمنٹ کیلئے تیسری نامہ نمبر 3501-02 نمبر 3501-02
- 2- آپیل ایڈجسٹمنٹ کے خلاف فوراً ملازمت کیلئے درخواستیں قبول کرنا (ریفرنس نمبر 22/2003) اور ایڈجسٹمنٹ کے خلاف فوراً ملازمت کیلئے درخواستیں قبول کرنا (ریفرنس نمبر 22/2003) سے متعلق ہوتی ہوئی تھی۔
- 3- پیمہ نمبر آپیل ایڈجسٹمنٹ کو 16/09/2004 کو "پاک آرمی ایف اے کالہانہ کے ٹیسٹ میں گرفتار کیا گیا تھا۔"
- 4- پیمہ نمبر آپیل ایڈجسٹمنٹ کو 16/10/2018 کو روک کر دیا۔
- 5- پیمہ نمبر آپیل ایڈجسٹمنٹ کے خلاف ایف۔ ایف۔ ایف۔ اور نمبر 547 نمبر 29/10/2007 جی اے ایس ڈی / 3247353/2007-127A اور 3/4 ESA 7 ATA کیلئے 436/427 PPC سے متعلق ہوتی ہیں۔
- 6- پیمہ نمبر آپیل ایڈجسٹمنٹ نے ریفرنس کے بعد ڈی۔ ایف۔ ایف۔ اور نمبر 547 کو کئی ریفرنس میں برائے نکلانہ جات مقنودہ، مقنودہ جاری ریفرنس اور ایڈجسٹمنٹ دیے ہیں۔
- 7- پیمہ نمبر آپیل ایڈجسٹمنٹ کے خلاف ایف۔ ایف۔ ایف۔ کے صغیر عدالت نے آپیل ایڈجسٹمنٹ کو ریفرنس کے درخواست پر جرم ثابت نہ ہونے کے بنا پر بری کر دیا۔
- 8- پیمہ نمبر آپیل ایڈجسٹمنٹ نے مقنودہ جی اے ایس ڈی / 3247353/2007-127A کے خلاف درخواستیں قبول کرنا (ریفرنس نمبر 22/2003) سے متعلق ہوتی ہیں۔
- 9- پیمہ نمبر آپیل ایڈجسٹمنٹ کے خلاف ایف۔ ایف۔ ایف۔ اور نمبر 547 کو کئی ریفرنس میں برائے نکلانہ جات مقنودہ، مقنودہ جاری ریفرنس اور ایڈجسٹمنٹ دیے ہیں۔

۱۰۔ آپیلانٹ کو ڈسٹرکٹ پولیس آفیسر مسورت کے کرف سے
Police Clearance Certificate بھی جاری ہوا ہے

۱۱۔ ہم کم ریاست کے صدر اے۔ ٹی۔ سی عدالت ولانڈر ڈویژن سپروٹریٹ
مسورت میں آپیلانٹ کے خلاف کوئی جرم ثابت نہیں ہوا ہے۔ اور نہ
انڈیپنڈنٹ ریپورٹ میں آپیلانٹ کے خلاف کوئی جرم ثابت ہوا ہے

اس لیے آپ عدبان سے ایس جے۔ کم

آپیلانٹ کو قمعورہ کے بقایا جات و قمعورہ ریلز اور ملازمت
Adjustment کے احکامات جاری کر کے شکور فرماتے

لفظ ندرہ
آفسر شہزاد
آفسر شہزاد باجا ولد آفسر بازخان
نائب قاضی
گورنمنٹ مڈل سیکولر ٹاپران (کیبل)
مسورت

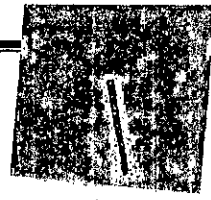
23/02/2021

مندرجہ ذیل تفویض ہے۔

- ۱۔ شہزاد
- ۲۔ شہزاد جواب
- ۳۔ انڈیپنڈنٹ ریپورٹ
- ۴۔ عدالتی حقیقہ
- ۵۔ پولیس کورڈریشن سرٹیفکیٹ
- ۶۔ درخواست

استدعا

Umar Khitab
Advocate High Court



14

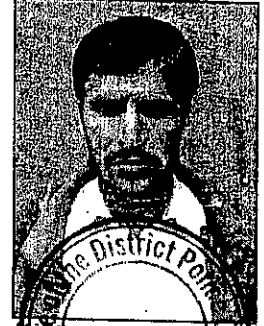
THE DISTRICT POLICE
SWAT

No. 2355 /VRC

Date of Issuance 28 /03/2019

Date of Expiry 27 /09/2019

POLICE CLEARANCE CERTIFICATE



Full Name Akhtar Sher Bacha
Father Name Amir Baz Khan
Gender Male
CNIC No. 42401-1992042-7
Passport No. *****
Nationality Pakistani
Address Shilter p/o Deolai Tehsil Kabal Distt Swat
Date of Birth 01-01-1980
Place of Birth Swat
Police Station Shahdherai
Cell No. 03459236095

attest
Umar Khitab
Advocate High Court

The above mentioned individual was charged in case FIR No. 547 /2007 u/s 324-353-3/4EXP PS Kabal and was hereby discharged for the charges leveled against him by the court of ATCI Malakand.

Note:-

- Any erasure or amendment in this certificate makes it invalid.
- Residential address to based on computerized national identity card (CNIC).
- This verification is based on the information provided by the applicant.
- This certificate is valid for six months only.

District Police Officer
Swat, Khyber Pakhtunkhwa
District Police Officer,
Swat.

Office of District Police Officer Swat.
Tel: +92-946-9240402 Fax: 9240402
E-mail: dposwat@gmail.com