


06.07.2022

Petitioner present in person. Mr. Noor Zaman Khattak, District Attorney alongwith Muhammad Naveed, Superintendent present.

Representative of the respondent department submitted Office Order Endst: No. 12164-71, dated 05.10.2021 which is placed on file. Judgement of Service Tribunal has been implemented conditionally subject to the outcome of CPLA.

In view of the above, instant petition is disposed off. File be consigned to record room.

Announced.  
06.07.2022

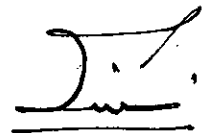
  
(Fafeeha Paul)  
Member (E)  
Camp Court, Swat

06.04.2022

Nemo for the petitioner. Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for the respondents present.

A perusal of the record would show that on 06.10.2021, representative of the respondents had submitted office order bearing Endorsement No. 12164-71 dated 05.10.2021 according to which, the directions issued vide order dated 26.08.2021 recorded in the instant execution petition were complied with and copy of the same was also handed over to the petitioner, however the proceedings were adjourned due to non-availability of learned counsel for the petitioner.

Notice for prosecution of the petition be issued to the petitioner as well as his counsel for 07.06.2022 before the S.B at Camp Court Swat.



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

07.06.2022

Clerk to counsel for the petitioner present. Mr. Kabirullah Khattak, learned Additional Advocate General for the respondents present.

On the call of Khyber Pakhtunkhwa Bar Council, District Bar Association is observing strike today, therefore, learned counsel for the appellant did not appear before the court. Adjourned. To come up for further proceedings on 06.07.2022 before the S.B at camp court Swat.



(Mian Muhammad)  
Member (E)  
Camp Court Swat

05.01.2022

None for the petitioner present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

Notices be issued to the petitioner and his counsel. To come up for further proceedings on 09.02.2022 before S.B at camp court Swat.



(Mian Muhammad)  
Member(E)  
Camp Court Swat

09.02.2022

Tour is hereby canceled. Therefore, the case is adjourned to 06.04.2022 for the same as before at Camp Court Swat.




Reafer

06.10.2021

Petitioner in person present. Mr. Riaz Khan Paindakheil, Assistant Advocate General alongwith Adnan Hussain Assistant for the respondents present.


Representative of the respondents submitted office order Endst. No. 12164-71 dated 05.10.2021 which is placed on file. Copy of the same is handed over to the petitioner. Petitioner requested for adjournments as his counsel is not available today. Adjourned. To come up on 08.12.2021 before S.B at Camp Court Swat.

  
(ATIQ-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)  
CAMP COURT SWAT

09.12.2021

Clerk to counsel for the petitioner present. Mr. Riaz Khan Paindakheil, Assistant Advocate General Officer for respondents present.

Clerk to counsel for the petitioner requested for adjournment as counsel for the petitioner is not available today. Adjourned. To come up for further proceedings on 05.01.2022 before S.B at Camp Court, Swat.

  
(Atiq Ur Rehman Wazir)  
Member (E)  
Camp Court, Swat

26.08.2021

Petitioner in person and Mr. Ibrarullah, DEO (M) and Muhammad Idrees, Legal Representative for the respondents present.

The scope of operative part of the judgment of this Tribunal passed in favour of the petitioner and of the denovo enquiry conducted in the light of said judgment has been discussed with DEO (M) Malakand and the condition of converting of non-duty period into E.O.L is beyond the scope of judgment of this Tribunal as well as recommendations of the enquiry commit. Thus, it is directed that necessary corrigendum be issued to exclude the said condition of conversion of non-duty period into E.O.L from the order dated 18.02.2020 discussed before and the petitioner is held entitled for back benefits of salary and others which would have accrued to him, had he not been removed from service. To come up for implementation report on 06.10.2021 before S.B at camp court, Swat.

  
Chairman  
Camp Court, Swat

06/04/2021

Due to COVID-19, the case is adjourned to

02/06/2021 for the same.

  
READER

26.07.2021

To come up for reply/comments of respondents No. 4 & 5 on 25.08.2021 before S.B at Camp Court, Swat. Notices be issued to petitioner/counsel as well as respondents for the date fixed.

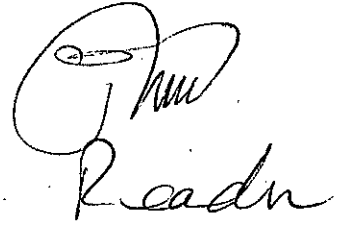
25.08.2021

Chairman  
Junior to counsel for the petitioner and Mr. Muhammad Riaz Khan Painsdakhel, Asstt. AG for the respondents present. In order to assist the Tribunal properly, Learned AAG seeks further time. Request is accorded. Case to come up on 26.08.2021 before S.B at camp court, Swat.

  
Chairman  
Camp Court, Swat

8/12/20

Due to COVID-19 case is  
adjourned to 02-02-2021 for the  
same as before.

  
Mian Muhammad

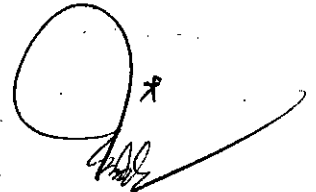
02.02.2021

Petitioner in person present.

Muhammad Riaz Khan Paindakhel, Assistant Advocate  
General for respondents is present.

Due to the bereavement of close relative of the learned  
counsel for the petitioner, he could not turned up for  
arguments.

Adjourned to 06.04.2021 before S.B at camp court:  
Swat.

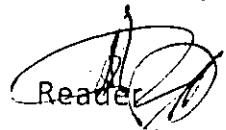


(Mian Muhammad)  
Member(E)  
Camp Court Swat

\_\_\_\_\_ 2020

Due to COVID19, the case is adjourned to

5/10/2020 for the same as before.

Reader 

05.10.2020

Assistant of learned counsel for the appellant is present. Mr. Usman Ghani, District Attorney for the respondents is also present.

Written reply on behalf of respondents No. 1 to 3 has already been submitted.

The record also reveals that last three consecutive adjournments were made due to note Reader, therefore, it is deemed appropriate to issue notices to respondents No. 4 & 5 for submission of written reply. File to come up for written reply/comments on behalf of respondents No. 4 & 5 on 03.11.2020 before S.B at Camp Court, Swat.


  
(MUHAMMAD JAMAL KHAN)  
MEMBER  
CAMP COURT SWAT

03.11.2020

Nemo for appellant.

Muhammad Jan learned Deputy District Attorney alongwith Bakht Rehman Headmaster for respondents present.

Written reply on behalf of respondents No.1 to 3 already submitted. Respondents No.4 & 5 be put on notice for reply/comments by way of last chance. To come up for written reply/comments on 08.12.2020, before S.B at Camp Court, Swat.

  
Member (S)  
Camp Court, Swat



07.10.2020

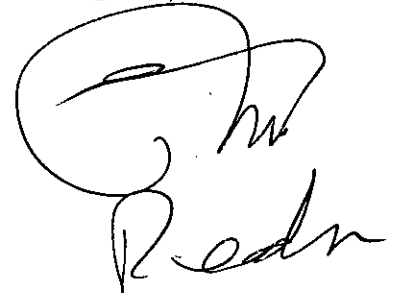
Petitioner himself alongwith Barrister Dr. Adnan Khan, Advocate, present.

No one on behalf of the respondent is present despite issuance of process. There are no traces on record as to whether the process was issued through registered envelope accompanied with AD Card or else ordinarily. The process has to be repeated once again and the service of respondent posted outside the territorial limits of district has to be procured through issuance of notice through registered envelope accompanied with AD Card for 08.12.2020 before S.B at Camp Court, Swat.

(MUHAMMAD JAMAL KHAN)  
MEMBER  
CAMP COURT SWAT

8/12/20



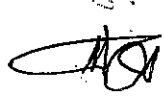

Due to COVID-19 case is  
adjourned to 02-02-2021

  
Dr. Adnan Khan

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Execution Petition No. 75 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	11.03.2020	<p>The execution petition of Mr. Sulman Farsi submitted today by Mr. Adnan 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 11/3/2020</p>
2-	5.8.20	<p>This execution petition be put up before touring S. Bench at Swat on <u>05-08-20</u></p> <p style="text-align: right;"> Chairman MEMBER</p> <p style="text-align: center;"><i>Due to COVID-19, the petition is adjourned for the same on 8.9.2020.</i></p> <p style="text-align: right;"></p>
	08.09.2020	<p>Nemo for the appellant.</p> <p>Due to reader's note process couldn't be issued, therefore, both the parties be put to notice for 07.10.2020 before S.B at Camp Court, Swat.</p> <p style="text-align: right;"> (Rozina Rehman) Member Camp Court, Swat</p>

**BEFORE THE HON'BLE SERVICE TRIBUNAL,  
KHYBER PAKHTUNKHWA AT PESHAWAR**

Execution Application No. 75 of 2020

In Service Appeal No. 1373 of 2018

Salman Farsi ..... *Appellant*

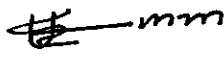
**VERSUS**


District Education Officer, Malakand.

.....*Respondent*

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4.	Copy of enquiry report	B	10-12
5.	Copy of reinstatement order	C	13-14
6.	Wakalatnama		15

Applicant   
Through Counsel

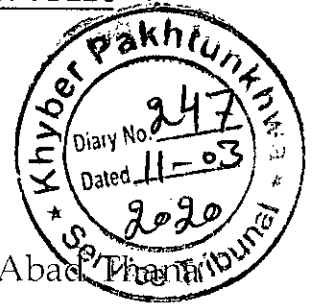
  
Dr. Adnan Khan, Barrister-at-Law,  
Advocate Supreme Court of Pakistan.  
Office: Adnan Law Associates,  
Opp. Grassy Ground Mingora Swat.  
Cell: 0346-9415233

1

**BEFORE THE HON'BLE SERVICE TRIBUNAL,**  
**KHYBER PAKHTUNKHWA AT PESHAWAR**

Execution Application No. 75 of 2020

In Service Appeal No. 1373 of 2018



Salman Farsi s/o Khaista Bacha r/o Mohalla Sheikh Abad  
Tehsil Batkhela, District Malakand [Qari (BPS-12) Government  
High School Maina, District Malakand].

.....Applicant

VERSUS

District Education Officer Male, Dir Lower at ~~Timergara~~ Malakand.

.....Respondent

**APPLICATION UNDER SECTION 7(2)(d) OF**  
**THE KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNALS ACT 1974, FOR EXECUTION OF**  
**DECISION DATED 02-09-2019.**

**Respectfully Sheweth,**

- 1) That the applicant was initially appointed as Qari (BPS-12) in the Education Department on 15-03-2017 and was posted at Government High School Maina, District Malakand.
- 2) That on an anonymous complaint regarding testimonials of the applicant, a fact finding enquiry was conducted. And vide impugned order dated 26-06-2018, major penalty of removal from service alongwith recovery of Rs. 1,64,499/- was awarded to applicant.

- 2
- 3) That the applicant approached this Hon'ble Tribunal through the above tiled Service Appeal for his reinstatement into service. The same was accepted by this Hon'ble Tribunal vide judgment dated 02-09-2019. Consequently, the impugned order dated 26-06-2018 was set aside with further direction to the respondent for conducting de-novo enquiry strictly in accordance with law (Copy of judgment dated 02-09-2019 is attached as Annexure "A").
  - 4) That in compliance of the judgment, a committee was constituted by the respondent to conduct de-novo enquiry. The committee was chaired by Muhammad Zeb Khan, Principal GSASHS No.1 Thana while Muhammad Wasim, Principal GHS No.2 Thana was appointed as committee member.
  - 5) That the committee after thread bar enquiry concluded that complaint against the applicant is not valid and that he has genuine educational testimonials in hand whereupon he was appointed purely on merit. The committee recommended the applicant's reinstatement into service (Copy of enquiry report is attached as Annexure "B").
  - 6) That consequently, the applicant was reinstated into service vide order dated 18-02-2020. Regrettably, a condition was inserted into reinstatement order whereby the period of non-duty w.e.f 11-11-2017 till date of overtaking charge has been converted into Extra Ordinary Leave without pay (Copy of reinstatement order is attached as Annexure "C").
  - 7) That in the entire episode, the applicant has been stigmatized and forced to undertake litigation twice. Instead of being

compensated, precious rights of the applicant have been infringed:

- 8) That there is no fault on behalf of the applicant in the entire episode. Conversion of the intervening period into Extra Ordinary Leave without pay means that the applicant has been deprived of his seniority and back benefits.
- 9) That ironically, the recovery of salaries of Rs. 1,64,499/- made from the applicant against which the applicant had performed duty has also not been reimbursed to the applicant.
- 10) That said act is highly deplorable and may not be overlooked by this Hon'ble Tribunal.

It is, therefore, humbly prayed that on acceptance of this application, judgment dated 02-09-2019 be implemented in its letter and spirit. Consequently, the applicant may be ordered to be reinstated into service from the date of his removal with all back benefits in shape of seniority, monetary benefits and re-payment of recovered amount of Rs. 1,64,499/-.

Applicant



Salman Farsi  
Through Counsel




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

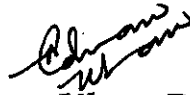
**CERTIFICATE:**

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

Applicant



Salman Farsi  
Through Counsel



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

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

Execution No. \_\_\_\_\_ of 2020

In Service Appeal No.1373 of 2018

Salman Farsi .....Appellant

**VERSUS**

Government of Khyber Pakhtunkhwa and others

.....Respondents

**AFFIDAVIT**

I, **Salman Farsi** (Appellant), do hereby solemnly affirm and declare that the contents of the above titled Execution Petition are true and correct to the best of my knowledge and belief. Furthermore, no such like Execution petition has earlier been filed before this Hon'able Tribunal or elsewhere on this subject matter.

DEPONENT

ATTESTED  
Tariq Aziz Advocate  
OATH COMMISSIONER  
District Courts Swat.  
Licence No-2457  
No. 07/10/2020

  
**Salman Farsi**



① Ann. "A"



**BEFORE THE HON'BLE SERVICE TRIBUNAL,  
KHYBER PAKHTUNKHWA, PESHAWAR**

Service Appeal No. 1373 of 2018

E.P.No. 75/20

Salman Farsi s/o Khaista Bacha, Qari (BPS-12) Government High School Maina, District Malakand.

Appellant Khyber Pakhtunkhwa Service Tribunal

**VERSUS**

Diary No. 1614

Dated 07-11-18

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

.....Respondents

**APPEAL UNDER SECTION 4 OF THE  
KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL ACT, 1974.**

Respectfully Sheweth:

- 1) That appellant was appointed as Qari (BPS-12) in the Education Department on 15-03-2017. Later on, appellant was posted at Government High School Maina, District Malakand (Copy of appointment order attached as Annexure "A").
- 2) That after his appointment as aforementioned, appellant made his arrival after fulfilling various codal formalities and started his regular duty.

Filed to-day

Registrar

07/11/18

**ATTESTED**

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

7

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR  
AT CAMP COURT SWAT.

Service Appeal No.1373/2018

Date of Institution ... 07.11.2018

Date of Decision ... 02.09.2019



Salman Farsi S/o Khaista Bacha, Qari (BPS-12) Government High School Maina,  
District Malakand. (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary  
Education Department, Civil Secretariat, Peshawar and two others.  
(Respondents)

DR. ADNAN KHAN,  
Advocate

For appellant.

MIAN AMIR QADAR,  
District Attorney

For respondents

MR. AHMAD HASSAN,  
MR. MUHAMMAD HAMID MUGHAL

MEMBER(Executive)  
MEMBER(Judicial)


JUDGMENT

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the  
parties heard and record perused.

ATTESTED

ARGUMENTS.

02. Learned counsel for the appellant argued that he was appointed as Qari  
(BPS-12) in the Education department vide order dated 15.03.2017 and thereafter  
posted at GHS Maina, District Malakand. After assumption of charge, he started  
duty. On an anonymous complaint regarding testimonials of the appellant, a fact  
finding enquiry was ordered. In the light of enquiry report dated 22.03.2018 his  
DMC was found genuine. Thereafter, show cause notice was served on the  
appellant to which he replied and finally vide impugned order dated 26.06.2018

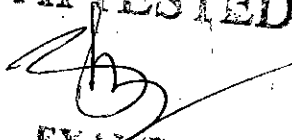
  
EXAMINED  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

major penalty of removal from service alongwith recovery of Rs. 164499/- was awarded to him. He preferred departmental appeal which remained un-responded, hence, the present service appeal. No penalty can be awarded to a civil servant on the basis of fact finding enquiry. Impugned order is void ab-initio and not sustainable in the eyes of law.

03. Learned District Attorney argued that a complaint was lodged against the appellant. That certificate Kashf-ud-Darajat of Shahadat-u-Tajwid submitted by him was fake. The appellant was proceeded under E&D Rules 2011 and after observance of all codal formalities major penalty alongwith recovery was awarded to him.

### CONCLUSION.

04. In the present service appeal purportedly, the appellant is guilty of getting appointment in Education Department as Qari (BPS-12) on the strength of fake testimonials. The matter was probed by the respondents by nominating an enquiry committee. The committee submitted its recommendations. It is pertinent to point out that instead of conducting regular enquiry under E&D Rules 2011, a fact finding enquiry was conducted and thereafter major penalty of removal from service was awarded to the appellant. No penalty can be imposed on a civil servant on the basis of fact finding enquiry. Penalty can only be awarded to a civil servant once disciplinary proceedings are conducted against him under E&D Rules 2011. In the present state of affairs entire action on the part of respondents is void ab-initio, illegal and unlawful. In order to award any penalty to the appellant regular enquiry is required to be conducted by the respondents.

**ATTESTED**  
  
**EXAMINER**  
 Khyber Pakhtunkhwa  
 Service Tribunal,  
 Peshawar

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05. In view of the foregoing, the appeal is accepted. Impugned order dated 26.06.2018 is set aside and the respondents are directed to conduct de-novo enquiry strictly in accordance with law and rules. However, reinstatement of the appellant would be subject to the outcome of the de-novo enquiry. Parties are left to bear their own costs. File be consigned to the record room.

(MUHAMMAD HAMID MUGHAL)  
Member

(AHMAD HASSAN)  
Member  
Camp court Swat

ANNOUNCED  
02.09.2019

**Certified to be true copy**

Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application 17-09-19  
 Number of Words 1600  
 Copying Fee 2000  
 Urgent ✓  
 Total 2000  
 Name of Copyist [Signature]  
 Date of Completion of Copy 19-09-19  
 Date of Delivery of Copy 19-09-19

(10)

Annex B

From ,  
Mohammad Zeb ( Chairman Inquiry Committe )  
Principal  
GSASHS No. 1 Thana  
District Malakand

To ,  
The District Education Officer ( Male )  
District Malakand at Batkhela

Subject : Report of Denovo Inquiry against Mr. Salman Farsi (Ex. Qari), GHS Maina.

Memo :  
Reference to your Office Notification Endst: No. 8688-89/ Transfer Dated 03/10/2019 ,  
regarding Denovo Inquiry in light of Service Tribunal judgement of appeal No. 1371 of 2018 in respect of  
Mr. Salman Farsi (Ex. Qari) GHS Maina District Malakand.

Charges of allegations :

The allegation charged on Mr. Salman Farsi (Ex. Qari) GHS Maina District Malakand, is that of getting appointment as Qari (BPS-12) in the Department of Elementary & Secondary Education Khyber Pakhtunkhwa on the strength of fake testimonials.

In order to probe the allegations, the undersigned Inquiry Committee called on Mr. Salman Farsi (Ex. Qari) GHS Maina District Malakand on dated: 07-10-2019 and handed over a questionnaire to him and advised him to submit a written reply. Mr. Salman Farsi submitted his written statement with the undersigned on dated: 08-10-2019.

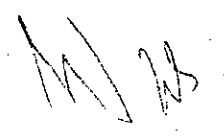
Observations, Findings, Conclusions and Recommendations of the Inquiry are presented as under :

Observations and Findings :

- i). DEO (M) Malaknd advertised 02 vacancies of Qari post in the district through NTS published in Newspaper Daily Mashriq on dated: 30-09-2016.
- ii). Mr: Salman Farsi applied for the said post as he had the relevant qualification and was eligible to apply for said post of Qari.
- iii). He got 72/100 Marks in NTS test and availed 2<sup>nd</sup> position in overall merit (Test marks + Academic marks).
- iv). Vide Notification issued from Office of DEO (M) Malakand under Endst No. 2299-2311/Qari/ Appointment/Ad hoc/NTS dated: 15/03/2017, Mr. Salman Farsi got appointed as Qari (BPS-12) at GHS Maina District Malakand placed at S. No. 2 in the appointment order.
- v). He took charge of his post immediately and started his duties on regular basis.

C.T.C





- vi). According to clause 8 of Terms & Conditions of the appointment order, pay shall not be drawn until and unless a certificate is issued by Office of DEO (M) Malakand that documents of the incumbent has been verified from the concerned authorities.
- vii). For the above mentioned purpose, he submitted photo copies of all of his Educational Testimonials along with Fee Receipts in the Office of DEO (M) Malakand for verification process.
- viii). On the basis of verification of all of his Educational Testimonials, Pay release notification in respect of Mr. Salman Farsi (Qari) GHS Maina District Malakand was issued by Office of DEO (M) Malakand and on
- ix). On the basis of Pay release notification issued after verification of all relevant documents, he received about 08 months salary of the occupied post.
- x). Then an unsuccessful candidate applied for the same post Mr: Kalim ullah S/o Salis Kan resident of Totakan that comes at S. No. 4 in the overall merit list submitted a complaint in the office of DEO (M) Malakand routed through DC Malakand No. 535 dated 24-10-2017 against the authenticity of Tajweed DMC.
- xi). A fact finding inquiry was conducted in this regard and after issuing show cause notice and appearing for personal hearing, then finally the competent authority District Education Officer (M) Malakand imposed upon Mr: Salman Farsi the penalty of Removal from Govt: Service from the date of his taking over charge vide Office of DEO (M) Malakand Notification No. 5124/Salman Farsi Qari GHS Maina Removal Dated Batkhela the 26<sup>th</sup> June 2018.
- xii). While appearing before the undersigned Inquiry Committee for personal hearing, Mr: salman Farsi stated that he got appointment as Qari (BPS-12) through a legal process and all his Educational Testimonials are authentic and has been verified from the concerned authorities. Reply to the complaint against the authenticity of his Tajweed DMC, he replied that he has got the sanad of Shahadat Ul Tajweed in the year 2006. At that times the concerned authorities were not issued DMC of the Sanad. They were issued only Sanad (Certificates) to their students in which percentage of obtained marks were mentioned in Sanad (Certificate). So I had only Sanad of Shahadat Ul Tajweed and I had no DMC in hand. However on my own request the concerned authorities issued me DMC of my Sanad of Shahadat Ul Tajweed. He showed the original DMC of Shahadat Ul Tajweed to the undersigned Inquiry Committee.
- xiii). Vide Office of DEO (M) Malakand letter No. 1098 Dated 07/02/2018 forwarded to Mr: Fida Muhammad (Principal GZSHS Dargai No.1) regarding verification of Tajweed DMC. The Ex. Inquiry officer Mr: Fida Muhammad (Principal GZSHS Dargai No.1) has been verified the said DMC of Shahadat Ul Tajweed from the concerned authorities and has forwarded the verified DMC to Office of DEO (M) Malakand vide his office letter No. 9503 Dated 22/03/2018.
- xiv). Member of Denovo Inquiry Committee Mr: Mohammad Wasim Principal GHS No. 2 Thana visited the Institution Munzematul Esar Ul Khidmat Al Insania situated at Tehkal Bala Peshawar on dated: 26-10-2019 in connection with verification of documents issued to Mr: Salman Farsi from the said institution. Authorities of the concerned Institution verified his documents consisting of Sanad of Shahadat Ul Tajweed, DMC of Shahadat Ul Tajweed and Sanad of Shahadat Hifz Ul Quran. The Institution has issued him the DMC of Shahadat Ul Tajweed with the remarks that Mr: salman Farsi has got sanad of Shahadat Ul Tajweed during the year 2006, however DMC of the said Sanad has issued to him on dated 25/01/2018 on his own request to fulfill his need.

M/NS C.T.G  
W

**Conclusions :**

After observing and analyzing the whole situation, it is concluded that the complaint against the authenticity of Tajweed DMC of Mr: Salman Farsi is no more valid. All the observations and findings show that he has all the relevant Educational Testimonials in hand. He has been appointed purely on merit through a departmental recommended / approved process, and complaint against the authenticity of his appointment seems invalid.

**Recommendations :**

1). Consequent upon the above mentioned observatio, findings and conclusions, it is recommended that Mr: Salman Farsi (Ex. Qari) GHS Maina District Malakand may not be deprived of his due right and may please be reinstated into service.

**Photo copies of supporting documents attached with the Inquiry report are:**

- A-1). Questionnair handed over to Mr: salman Farsi.
- A-2). Written Statement of Mr: Salman Farsi.
- A-3). Domicile and CNIC of Salman Farsi.
- A-4). Advertisement of the post.
- A-5). Appointment order of Mr: Salman Farsi.
- A-6). Pay Slip of Mr: Salman Farsi.
- A-7). Show Cause Notice issued to Mr: Salman Farsi.
- A-8). Removal from Service Notification in respect of Mr: Salman Farsi.
- A-9). Letter issued from Office of DEO (M) Malakand to Mr: Salman Farsi regarding recovery of salaries.
- A-10). Bank Challan regarding recovery of salaries from Mr: Salman Farsi amounting to Rs. 154968/=.
- A-11). Letter issued from Office of DEO (M) Malakand to Ex. Inquiry Officer Mr: Fida Muhammad (Principal GZSHS Dargai No. 1) regarding verification of Tajweed DMC in respect of Mr: salman Farsi.
- A-12). Reply of Mr: Fida Muhammad (Principal GZSHS Dargai No. 1) regarding verification of Tajweed DMC in respect of Mr: salman Farsi.
- A-13). Affidavit of Qari Abdul Salam (Director of concerned Institution) regarding verification of Tajweed DMC in respect of Mr: salman Farsi.
- A-14). SSC (Certificate + DMC), HSSC (Certificate + DMC), Degree and DMC of BBA (Honours).
- A-15). Verified Sanad of Shahadat UI Tajweed.
- A-16). Verified DMC of Shahadat UI Tajweed.
- A-17). Verified Sanad of Shahadat Hifz UI Quran.
- A-18). Attendance certificate issued by authorities of the Institution Munzematul Esar ul Khidmat Al Insania to Mr: Mohammad Wasim Principal GHS No. 2 Thana regarding his visit to the Institution in connection with verification of documents of Mr: Salman Farsi.

Date of submission of Report : 29-10-2019



**MOHAMMAD WASIM**

( Member Inquiry Committee )

Principal

GHS. No. 2 Thana  
District Malakand

Principal  
G.H.S No2 Thana  
Distt: Mkd



**MUHAMMAD ZEB**

( Chairman Inquiry Committee )

Principal

GSASHS No. 1 Thana  
District malakand

Principal  
Govt: Shahbaz Mill Shahzar  
High School No. 1 Thana  
Distt: Malakand

C.T.C  
du



**OFFICE OF THE,  
DISTRICT EDUCATION OFFICER,  
(MALE) MALAKAND**

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Telephone No.0932 410281  
Email:emismalakand@gmail.com

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**OFFICE ORDER /**

Whereas Mr.Salman Farsi was appointed as Qari vide this office Endst: No.2299-2311/Qari/Appointment/Adhoc/NTS dated 15-03-2017 on Adhoc School based and one year contract policy in BPS-12 (Rs.11140) fixed pay plus usual allowcances at S.No.2.

And whereas an anonymous complaint against the said teacher received to the office of the undersigned. On the basis of complaint, an inquiry was initiated. As per conclusion of the inquiry report, the DMC of the "Shahadatul Tajweed" was found fake as per verification dated 04-11-2017.

And whereas, the recommendation of the Inquiry Officer, the said teacher was removed from service vide this office notification under Endst: No.5124/Salman Farsi Qari GHS Maina Removal from service dated 26-06-2018.

And whereas, the said aggrieved teacher filed a Service Appeal before the Honourable Khyber Pakhtunkhwa Service Tribunal Peshawar under S.A No.1373 of 2018.

And whereas, the Hon'ble Service Tribunal Khyber Pakhtunkhwa Peshawar announced the judgement on dated 02-09-2019, wherein the removal from serves order issued vide this office notification Endst: No.5124/Salman Farsi Qari GHS Maina Removal dated 26-06-2018 has been declared set aside with the direction to the respondents to conduct a de-novo enquiry in accordance with law and rules and the re-instatement of the appellant would be subject to the out-come of the de-novo enquiry.

Consequently a de-novo enquiry committee was appointed vide this office Endst: No.8688-89/Transfer dated 03-10-2019, and as per conclusion recommendations of the Inquiry Committee, the documents including Tajweed DMC were found genuine and authentic and the appellant may not be deprived of his due right i.e. appointment against Qari Post.

To further confirm the authenticity of Tajweed DMC, another Inquiry was also conducted which also recommended his Re-instatement on service and the Madrassa from which he obtained Sanad was also verified from the Registrar, Joint Stock Companies and societies Khyber Pakhtunkhwa Peshawar.

Therefore, the Competent Authority is pleased to re-instate Mr.Salman Farsi Son of Khaista Bacha against the vacant post of Qari (BPS-12) at GHS Maina with the following terms and conditions:-

- 1 Entry to this effect should be made in his Service-book.
- 2 The intervening period of non-duty is converted into EOL without pay w.e.f 11.11.2017 to till the date of taking over charge.
- 3 Charge Report should be submitted to all conerned.

( SIRAJ MUHAMMAD )  
DISTRICT EDUCATION OFFICER  
(MALE) MALAKAND

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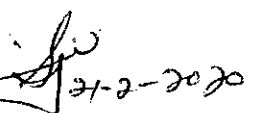
(14)

Endst: No. 2184-93 /

Dated: 18/02/2020.

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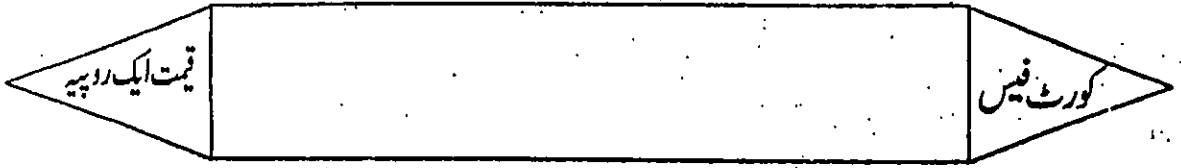
- 1 The Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar with reference to the above referred
- 2 The Director, E&SE Khyber Pakhtunkhwa Peshawar.
- 3 The Deputy Commissioner Malakand.
- 4 The District Monitoring Officer Malakand.
- 5 PS to the Worthy Secretary to Govt. of khyber Pakhtunkhwa, E&SED Peshawar.
- 6 The B&AO Local office.
- 7 Litigation Officer, Local Office.
- 8 Assistant Programmer EMIS Cell local office.
- 9 The Candidate concerned.
- 10 Master File.

  
DISTRICT EDUCATION OFFICER  
(MALE) MALAKAND

M. Riaz  
D/Assistant

C.T.C  
/u

# بعدالت جسٹس بخواتین سرکس ٹریبونل



مورخہ ۹ مارچ ۲۰۲۰ء منجانب سائل  
مقدمہ سلمان ناریسی بنام ڈی۔ ای۔ او ملائکہ  
دعویٰ درخواست اجراء

## جرم باعث تحریر آنکہ

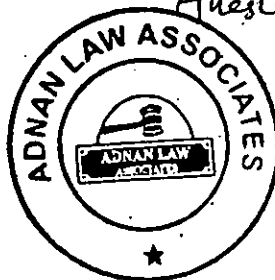
مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ آن مقام بسا اور/نسیب کورٹے سوات کیلے ڈیپریسٹر ڈاکٹر سردان خان AS مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے کے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زرا اور اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ مذکور کے نسل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقررہ شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوا ایسے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سند رہے

المرقوم ۹ ماہ مارچ ۲۰۲۰ء

السبب گواہ شدہ العبد

Attested & Accepted

کے لئے منظور ہے



Barrister  
Dr. Adnan Khan  
Advocate High Court

مقام ناریسی صلہ خانہ



Office of the,  
District Education Officer (M)  
Malakand at Batakhehla



OFFICE ORDER

Consequent upon decision of the Honorable Service Tribunal Khyber Pakhtunkhwa Peshawar at Camp Court Swat, Execution Application No. 75 of 2020 In Service Appeal No. 1373 of 2018, announced on 26.8.2021, Mr. Salman Farsi Qari GHS Maina is hereby allowed to draw all back benefits of Salaries as well as payment of deposited amount recovered salaries provisionally / conditionally subject to the final decision of CPLA.

It is therefore, the 2<sup>nd</sup> condition of intervening period of no-duty which was previously converted into EOL without pay with effect from 11.11.2017 till the date of taking over charge is removed conditionally till the final verdict of August Supreme Court of Pakistan.


(Midrar Ullah)  
District Education Officer  
Male Malakand

Endst: No. 12164-71

Dated 05 /10/2021

*Copy is forwarded for information & Necessary action to:*

1. The Registrar Honorable Service Tribunal Khyber Pakhtunkhwa Peshawar.
2. The Director, E&SE Department, Khyber Pakhtunkhwa Peshawar.
3. The Deputy Commissioner Malakand.
4. The District Accounts Officer Malakand.
5. The D.M.O. Malakand.
6. The Litigation Officer Local Office.
7. The Head Master GHS Maina.
8. The Teacher concerned.

  
District Education Officer  
Male Malakand



Office of the,  
District Education Officer (M)  
Malakand at Batkhela



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Male Malakand