

25/11/22

Due to deletion of the case to  
come up for 25/01/2023


Or  
Read

22.07.2022

Appellant alongwith his counsel present.

Naseer Ud Din Shah, learned Assistant Advocate General alongwith Wajeeh Ud Din Shah Deputy Director and Asad Ullah ADEO for respondents present.

Although, no proper arguments were forwarded by all the three parties, yet the representative produced certain record which clearly shows that inquiry was conducted against appellant but result is awaited. In view of the available record, respondents are directed to make sure the production of the fate of inquiry, if any, against appellant and proper order in respect of salary of the appellant. They are directed to contact the appellant and to apprise him in respect of joining of his duty at a relevant station, where-after, they are directed to submit proof in respect of salary of the appellant as to whether salary was released to the appellant after assuming charge at any station, in view of submission forwarded by all the three parties today. To come up for further proceedings on 12.08.2022 before D.B.

  
(Fareeha Paul)  
Member(E)

  
(Rozina Rehman)  
Member (J)

12-8-2022

Proper DB not available the case is  
adjourned to 30-9-2022


  
Reader


30.09.2022

Appellant present in person.

Muhammad Jan, learned District Attorney for respondents present.

Former made a request for adjournment as his counsel is not available today. Adjourned. To come up for arguments on 25.11.2022 before D.B.

  
(Fareeha Paul)  
Member (E)

  
(Rozina Rehman)  
Member (J)

15.04.2022

Neither appellant nor his counsel present, however, clerk to counsel for the appellant present. Mr. Kabirullah Khattak learned Addl. AG alongwith Mr. Imtiaz Ali Shah, Additional Assistant Commissioner and Mr. Asad Ullah Focal Person for respondents present.

Clerk to counsel for the appellant is directed to ensure the presence of appellant each and every date, failing which, the appeal will be decided in his absence. Reply/comments on behalf of respondents No. 2 to 4 has been received. Learned AAG for the respondents submitted that the impugned order was passed by the respondent No. 2 i.e Deputy Commissioner on the complaint of respondent No. 4, whose reply has been filed, therefore, there seems no need to file reply/comments on behalf of rest of the respondents. To come up for arguments before the D.B on 17.05.2022.



Chairman

17.05.2022

Appellant alongwith his counsel present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 09.06.2022 before the D.B.



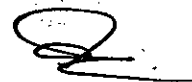
(Rozina Rehman)  
Member (J)



(Salah-ud-Din)  
Member (J)

9.6.22

*proper D.B is as per, therefore the case is adjourned to 22.7.22 for case.*

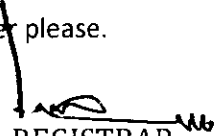



Form- A

FORM OF ORDER SHEET

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

Case No.- 7774/2021


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	19/11/2021	<p>The appeal of Mr. Syed Awan Ali Shah resubmitted today by Mr. Safdar Iqbal Khattak 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> <p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on 08-12-2022.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

The appeal of Mr. Syed Awan Ali Shah S/O Syed Zamin Jan, R/O Lower Orakzai, Village Kharkai, District Orakzai received today i.e. on 18.11.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.


1. Annexures of the appeal may be attested.
2. Certificate be given to the effect that appellant has not been filed any service appeal earlier on the subject matter before this Tribunal.
3. Annexure A, C and D attached with the appeal are illegible which may be replaced by legible/better one.

No. 2305 /S.T,

Dt. 18/11 /2021

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Safdar Iqbal Khattak Adv. Pesh.

Re-Submitted to do the needful  
Correct as per objections.  18/11/2021

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR

S.A No. 7774 of 2020

Syed Awan Ali Shah.....Appellant

**VERSUS**

Govt. of KP through Secretary E&SE and others

...Respondents

**I N D E X**

S#	Description of documents.	Annexure	Pages.
1.	Service appeal		1- 5B.
2.	Affidavit		6
3.	Stay application with affidavit		7
4.	Addresses of the parties.		6-11
5.	Copy of order dated 02.06.2020 and order dated 02.07.2020	A-B	7-9
6.	Copy of service appeal and suspension order	C-D	10-11
7.	Copy of COC petition	E	12-14
8.	Copy of order dated 03.03.2021	F	15-18
9.	Copy of application	G	19-20
10.	Copy of grounds of writ petition and judgment dated 27.10.2021	H	21-25
11.	Wakalatnama		28

Dated: 18.11.2021

Appellant

Through

Safdar Iqbal Khattak  
Advocate, High Court,  
Peshawar.

①

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR

Service Appeal No. \_\_\_\_\_ of 2021

Syed Awan Ali Shah S/o Syed Zamin Jan  
R/o Lower Orakzai, Village Kharkai,  
District Orakzai.

..... Appellant

VERSUS

- 1) Govt. of Khyber Pakhtunkhwa through Director Elementary & Secondary Education, Peshawar.
- 2) Deputy Commissioner, Orakzai
- 3) Additional Assistant Commissioner, Revenue, Orakzai
- 4) District Education Officer, District Orakzai at Hangu.
- 5) Superintendent DEO Orakzai,
- 6) District Accounts Officer District Orakzai.

.... Respondents.

**APPEAL UNDER SECTION 4 OF THE**  
**KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL ACT, 1973, AGAINST THE**  
**ORDER DATED 03.03.2021, WHEREIN,**  
**THE MONTHLY SALARY OF THE**  
**APPELLANT WAS STOPPED.**

**PRAYER**

**By acceptance of this appeal, the**  
**impugned order dated 03.03.2021 may**  
**kindly be declare as illegal, unlawful,**

②

**void ab-initio and consequently they may kindly be directed to start monthly salary to the appellant alongwith back benefits.**

Respectfully Sheweth:

- 1) That the appellant was earlier serving in GHS Avimela and on 02.06.2020, the appellant was transferred from GHS Avimela to District education Officer in his own pay and scale as SPET, but astonishing on 02.07.2020, the earlier order dated 02.06.2002 was withdrawn. (**Copy of order dated 02.06.2020 and order dated 02.07.2020 are attached as Annex "A & B"**)
- 2) That thereafter, the appellant challenged the same through Service appeal before KP Service Tribunal, wherein, the impugned order was suspended vide order dated 31.11.2020. (**Copy of service appeal and suspension order are attached as Annex "C & D"**)
- 3) That after the appellant performing his duty regularly, but the respondents No.2 to 6 were creating hurdles in his duty and at last the appellant was stopped by the DEO for not performing his duty, therefore, the appellant filed a COC Petition. (**Copy of COC petition is attached as Annex "E"**)
- 4) That on 03.03.2021, the respondent No.2 wrote a letter to the respondents No.1 to stop salary of the appellant without any justified and legal reason. (**Copy of order dated 03.03.2021 is attached as Annex "F"**)



(B)

- 5) That on the same day i.e. 03.03.2021, the respondent No.6 writ a letter to the respondents No.4 to stop monthly salary of the appellant, and since then till date his salary was stopped without justified and legal reason.
- 6) That thereafter, the appellant submitted application for release of his salary to the respondent No.1, but of no fruitful result. **(Copy of application is attached as Annex "G")**
- 7) That thereafter, the appellant filed a Writ petition before the hon'ble Peshawar High Court, Peshawar, which was decided vide order dated 27.10.2021 with direction to the appellant to approach to the proper forum. **(Copy of grounds of writ petition and order dated 27.10.2021 are attached as Annex "H")**
- 8) That the appellant is aggrieved from the order dated 03.03.2021 passed by the respondents No.2,4 & 6 and come to this hon'ble Tribunal on the following amongst other grounds.

**GROUND:**

- A. That the act of the respondents No.2, 4 & 6 for stopping monthly salary of the appellant is against the law, facts and circumstances of the case.
- B. That the act passed by the respondent in the impugned order dated 03.03.2021 beyond his jurisdiction which is not vested to him as according to law.
- C. That as stated in body of the appeal, that during the pendency of service appeal, they are not legally

4

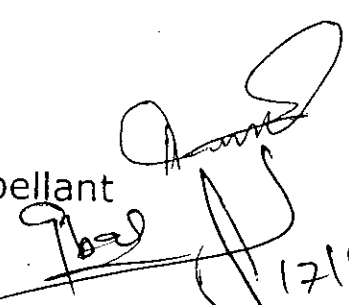
allowed to stop monthly salary of any of the Govt. Servant without any justified and legal reason.

- D. That the act of the respondent is a result of pressurize to withdraw the service appeal from the competent Court of law.
- E. That any other ground will be raise at the time of hearing with kind permission of this hon'ble court.

PRAYER

***It is, therefore, most humbly prayed that by acceptance of this appeal, the impugned order dated 03.03.2021 may kindly be declare as illegal, unlawful, void ab-initio and consequently they may kindly be directed to start monthly salary to the appellat alongwith back benefits.***

Appellant  
Through

  
Safdar Iqbal Khattak  
Advocate, High Court,  
Peshawar.

17/11/2021

5

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR

S.A No. \_\_\_\_\_ of 2021

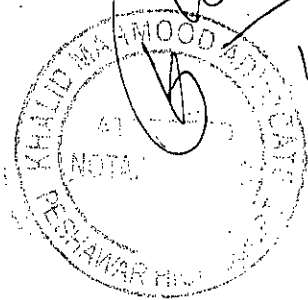
Syed Awan Ali Shah.....Appellant

**VERSUS**

Govt. of KP through Secretary E&SE and others  
...Respondents

**AFFIDAVIT**

I, Syed Awan Ali Shah S/o Syed Zamin Jan R/o Lower Orakzai, Village Kharkai, District Orakzai. (Appellant), do hereby, solemnly declare on oath that the contents of the **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.



*[Handwritten Signature]*

**DEPONENT**  
21603-9663268-7  
0335-5478639

5-A

S-A

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR

In re;  
S.A No. \_\_\_\_\_ of 2021

Syed Awan Ali Shah.....Appellant

**VERSUS**

Govt. of KP through Secretary E&SE and others  
...Respondents

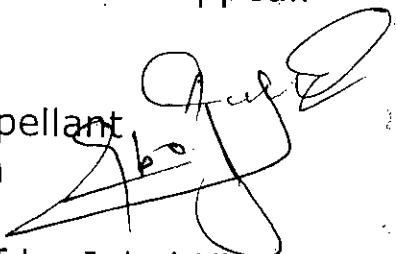
**APPLICATION FOR GRANT OF  
INTERIM RELIEF IN SHAPE OF  
SUSPENSION OF THE IMPUGNED  
ORDER DATED 03.03.2021.**

Respectfully Sheweth:

- 1) That the above titled appeal is being filed before this hon'ble Tribunal alongwith instant application.
- 2) That the grounds of main appeal may kindly also be considered as part and parcel of this application.
- 3) That appellant is having a good prima-facie case in his favour and is also sanguine about its success.
- 4) That balance of convenience also lies in favour of suspension of impend order.
- 5) That if the impugned order dated 03.03.2021 is not suspended the applicant will get irreparable loss.

It is, therefore, prayed that on acceptance of this application, the operation of impugned order dated 03.03.221 may graciously be suspended and the respondents may also be directed to start monthly salary of appellant till final decision of the appeal.

Appellant  
Through

  
Safdar Iqbal Khattak  
Advocate, High Court,  
Peshawar.

(6) S-B S-B

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR

S.A No. \_\_\_\_\_ of 2021


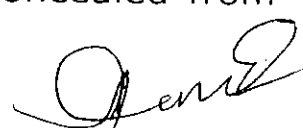
Syed Awan Ali Shah.....Appellant

**VERSUS**

Govt. of KP through Secretary E&SE and others  
...Respondents

**AFFIDAVIT**

I, Syed Awan Ali Shah S/o Syed Zamin Jan R/o Lower Orakzai, Village Kharkai, District Orakzai. (Appellant), do hereby, solemnly declare on oath that the contents of the **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

 18-11-21 

**DEPONENT**  
21603-9663268-7  
0335-5478639

(B) (P)

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR

S.A. No. \_\_\_\_\_ of 202

Syed Awan Ali Shah.....Appellant

**VERSUS**

Govt. of KP through Secretary E&SE and others  
...Respondents

**MEMO OF ADDRESSES**

**APPELLANT**

Syed Awan Ali Shah S/o Syed Zamin Jan  
R/o Lower Orakzai, Village Kharkai,  
District Orakzai.

**RESPONDENTS**

- 1) Govt. of Khyber Pakhtunkhwa through Director Elementary & Secondary Education, Peshawar.
- 2) Deputy Commissioner, Orakzai
- 3) Additional Assistant Commissioner, Revenue, Orakzai
- 4) District Education Officer, District Orakzai at Hangu.
- 5) Superintendent DEO Orakzai,
- 6) District Accounts Officer District Orakzai.

Appellant  
Through  
Safdar Iqbal Khattak  
Advocate, High Court,  
Peshawar.

17/11/2021

2 Annex A



Directorate of Elementary and Secondary Education  
Khyber Pakhtunkhwa Peshawar

PH No. 091-9210339, 9210938,  
091-9210437, 9210957, 9210468  
Fax: 091-9210936

Notification

The transfer of the following SPETs are hereby ordered with effect from the date of their taking over charge in the school/Office as noted against each in the interest of public service

S.No	NAME OF SPET	Present place of posting	Transfer to	Remarks
		District Education Office Orakzai	GHS Awi Mela District Orakzai	Vice S.No.2
		GHS Awi Mela District Orakzai	District Education Office Orakzai	Vice S.No.1

This notification should be submitted to all concerned.  
No further action is allowed.

**DIRECTOR**  
Elementary and Secondary Education  
Khyber Pakhtunkhwa Peshawar.

Dated Peshawar this 11/1/2020

Deputy Director  
11/1/2020

6

*[Handwritten scribble]*

B

*Ammed*

A

BETTER COPY

7-14

DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION  
 KHYBER PAKHTUNKHWA PESHAWAR  
 Ph No. 091-921039, 9210838

Notification:

The transfer of the following SPETs are hereby ordered with effect from the date of their taking over charge in the school/office as noted against each in the interest of public service.

S.No.	Name of SPET	Present Place of posting	Transfer to	Remarks
1.	Habib ur Rehman	District Education Office Orakzai	GHS Awi Mela District Orakzai	Vice S.No. 2
2.	S. Awan Ali Shah	GHS Awi Mela District Orakzai	District Education Office Orakzai	Vice S.No. 1

Note:

1. Charge report should be submitted to all concerned.
2. No TA/DA is allowed.

DIRECTOR  
 Elementary & secondary Education  
 Khyber Pakhtunkhwa Peshawar

Endost No. \_\_\_\_\_ dated Peshawar the 02/06/2020

Copy forwarded for information and necessary action to the:

1. District Education officer Orakzai
2. District Accounts officer Orakzai
3. Head Master GHS Awai Mela Orakzai
4. PA to Director Elementary And Secretary education Peshawar
5. Master File.

Deputy Director

*[Handwritten signature]*  
 ATTESTED



9

Annex B



**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER  
PAKHTUNKHWA, PESHAWAR.**

Notification

Consequent upon the approval of the competent authority, the transfer notification in respect of Mr. Habib Ur Rehman SPET and Mr. Syed Awan Ali Shah PET issued vide this Directorate under Endorsement No. 60-64 dated 2-06-2020, is hereby withdrawn in the interest of public service with immediate effect.

Furthermore the services of Mr. Habib Ur Rehman SPET are hereby placed at the disposal of DEO Orakzai for further posting against the vacant post of SPET.

Compliance report should be sent to all concerned.

**Director**  
Elementary and Secondary Education  
Khyber Pakhtunkhwa, Peshawar

Endst. No. 287-92 /A-12/ E-7

Dated Peshawar: the 2/7/ 2020

- 1 Copy forwarded to the -
- 2 District Education Officers District Orakzai.
- 3 District Accounts Officers District Orakzai
- 3 Headmaster concerned.
- 4 Teachers concerned
- 5 PA to Director Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar.
- 6 P/Files.

*[Signature]*  
Deputy Director (Estab)  
Merged Districts

2/7/2020

Annex C (10)



13576

S.A. No. /2020

Case No. 10072

Date 10/09/2020

Syed Aswat Ali Shah son of Syed Zamin Jan  
R/o cante Bar Muhammad Khol, Tapa Baba Nawand  
Kharid, P.O. Kuras, Tehsil Lower District Orakzai

.....Appellant

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary  
Education, Civil Secretariat, Peshawar

Director Elementary and Secondary Education, near  
CHSS No.1, G.T. Road, Peshawar.

3. District Education Officer, Orakzai of Mangla

Deputy Director (Emab) Mangla District

.... Respondents

RECEIVED  
10/9/2020  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

ORIGINAL  
10/9/2020  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

APPEAL U/S 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL  
ACT, 1974.

RESPECTFULLY SHEWETH:-

1. That appellant was initially appointed as Physical  
Education Teacher (BPS-18) on 02.09.2008 in G.M.S.  
Avinah District Orakzai. (Copy of appointment order is  
attached as Annexure "A").

2. That on 10.03.2020 the appellant submitted an  
application to the respondent No.3 for his transfer from  
GMS Avinala to the office of District Education Officer

Annex D<sup>1</sup> (4)

2020 Appellant in person along with Mr. Sarwar  
Advocate, are present.

Learned counsel for the appellant contends that the transfer order made on 02.06.2020 was later on withdrawn by virtue of notification dated 02.07.2020 which is contrary to the posting transfer policy as in vogue in the province however, since the post is still vacant, therefore, neither he has relinquished the charge nor he has been relieved there from and he stressed that the order so made was the result of extraneous pressure emanating from a political figure/office holder, calling in question the very order in the departmental appeal but it proved ineffective thus paving way for the instant service appeal.

The points so agitated at the bar needs consideration. This appeal is admitted for regular hearing, subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter notices be issued to the respondents for written reply/documents for 21.01.2021 before S.B.

In the meanwhile the operation of the impugned notification bearing endorsement No 887 92/A-12/F-7 dated 02.07.2020 shall remain suspended if not already acted upon till the date fixed.

(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

Certified to be true copy

30-11-20  
10  
4  
14-10

25      12      44

Annex E

BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR

Misc. Application No. \_\_\_\_\_/2021  
for Contempt of Court

IN

S.A.No.13575/2020

Syed Awan Ali Shah S/o.Syed Zamin Jan  
R/o Caste Bar Muhammad Khel,  
District Lower Orakzai..... Petitioner

Versus

1) Faridullah, District Education Officer, District Orakzai  
at District Hangu.

2) Abdul Malik Assistant District Education Officer,  
Tehsil & District Orakzai at District Hangu.

..... Respondents

APPLICATION U/S 3/4 OF THE CONTEMPT  
OF COURT ORDINANCE, 2003, R/W  
ARTICLE 204 OF THE CONSTITUTION OF  
ISLAMIC REPUBLIC OF PAKISTAN, 1973,  
FOR INITIATING THE CONTEMPT OF  
COURT PROCEEDINGS AGAINST THE  
RESPONDENTS.

Respectfully Sheweth:

- 1) That the Service appeal No.13575/220 is pending before  
this hon'ble Tribunal and next date of hearing is fixed  
for 25.01.2021. (Copy of the S.A is attached)

~~27~~

13

- 3) That this hon'ble tribunal vide his order dated 30.11.2020 suspended the impugned notification bearing endorsement No.887-92/A-12/E-7 dated 27.07.2020. (Copy of the order dated 30.11.2020 is attached)
- 4) That on the next date i.e. 01.12.2020, at evening time, the petitioner delivered the above mentioned order to the respondent No.1, in his office.
- 4) That as accordingly, the petitioner continued his job and make in attendance till 09.12.2020, but on 10.12.2020, the respondent No.1 stopped the applicant from his official duty on the behest of the respondent No.2 and they not only used abusive language to the applicant, but given serious threats of the dire consequences and they categorically stated that we not obey/ comply of the order of this hon'ble Tribunal and even of Supreme Court of Pakistan.
- 5) That the act of the respondents for not comply the order of this Hon'ble Tribunal i.e. 30.11.2020, and they forcibly stopped the applicant from his official duty is clear cut amounts to contempt of Court.
- 6) That the aforesaid act of the respondents is totally illegal, is in total disregard to the order dated 30.11.2020.
- 7) That in the circumstances, the respondent has committed gross violation of the order passed by this hon'ble Tribunal and has exposed themselves for contempt of Court proceedings.

That any additional grounds will be raised at the time of arguments with the permission of this Hon'ble Tribunal.

It is, therefore, humbly prayed that on acceptance of this application the contempt of Court proceedings may kindly be initiated against the respondents and they may kindly be summoned personally and punish according to law and consequently they may further directed not to create hurdles in his official duty till further order.

Through

Petitioner

Saffdar Iqbal Khattak  
Advocate High Court

AFFIDAVIT

I, Syed Awan Ali Shah S/o Syed Zamir Jan R/o Caste Bar Muhammad Khel, District Lower Orakzai (Petitioner), do hereby affirm and declare on oath that the contents of the accompanying Contempt Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Deponent

15

*[Handwritten mark]*



OFFICE OF THE DISTRICT ACCOUNTS  
OFFICER DISTRICT ORAKZAI

Annex F

No. 1547-LR/DAO Orakzai

Dated: 15/3/2021

District Education Officer,  
District Orakzai

Subject: IMMORAL ACTIVITIES OF THE TEACHER MR. SYED AWAN ALI SHAH.

Sir,

Please refer to Deputy Commissioner Orakzai letter No. 377/DC/OC-Ork dated 03 March 2021 (photo copy attached), in which the services of the Syed Awan Ali Shah S/O Zannu Jan (SPET) Govt. High School Aul Mela Lower Orakzai surrendered to Elementary & Secondary Education Department. This office directed by the Deputy Commissioner Orakzai to stop pay of the concerned official.

It is therefore requested that Sport-A-N for stoppage of Pay may kindly be submitted to this office for further process into the matter please.

*[Signature]*  
DISTRICT ACCOUNTS OFFICER,  
DISTRICT ORAKZAI

Copy to:-

The Deputy Commissioner Orakzai with reference to his above cited letter, for information please.

*[Signature]*  
DISTRICT ACCOUNTS OFFICER,  
DISTRICT ORAKZAI

OFFICE OF THE DISTRICT ACCOUNTS  
OFFICER DISTRICT ORAKZAI

No.1547-48/DAO Orakzai

Dated \_\_03/2021.

To,

District Education Officer,  
District Orakzai,

**SUBJECT: IMMORAL ACTIVITIES OF THE TEACHER  
MR. SYED AWAN ALI SHAH**

Sir,

Please refer to Deputy Commissioner Orakzai letter No.377/C/DC-ORk dated 03 March 2021 (Photo copy attached), in which the services of the Syed Awan Ali Shah S/o Amin Jan (SPET) Govt: High School Avi Mela Lower Orakzai surrendered to Elementary & Secondary Education Department. This office directed by the Deputy Commissioner Orakzai to ~~Pay~~ <sup>stop</sup> of the concerned official.

It is therefore requested that source II for stoppage of pay may kindly be submitted to this office for further process into the matter, please.

District Accounts Officer,  
District Orakzai.

Copy to

The Deputy Commissioner Orakzai with reference to his above-cited letter, for information please.

District Accounts Officer,  
District Orakzai.





OFFICE OF THE DEPUTY COMMISSIONER  
DISTRICT ORAKZAI

☎ 0925-690008, 0925-690003

✉ dcorakzai@gmail.com

☎ 0925-690007

@DCOrakzai

No. 377 /C/DC-Ork

Dated: 03 March 2021

To The Secretary  
Elementary & Secondary Education  
Khyber Pakhtunkhwa.

IMMORAL ACTIVITIES OF THE TEACHER MR. SYED AWAN ALISHAH

Dear Sir,

The subject is referred to the subject being referred to on 02-03-2021 on the subject as above.

Distt. Education Officer (Male) has complained against the illegal and immoral attitude of Mr. Syed Awan Ali Shah s/o Syed Zamin Jan (SPET) Govt. High School Awi Mela Lower Orakzai and has requested the District Administration to take legal action against him under the rules. In view of the above, Mr. Syed Awan Alishah SPET Govt. High School Awi Mela Lower Orakzai is hereby surrendered to the District Inspector, Education Department, Khyber Pakhtunkhwa immediately with his register and all documents and enquiry into the case under the E&D rules and take action against him as per the rules.

DEPUTY COMMISSIONER  
ORAKZAI TRIBAL DISTRICT

- 1. Copy of event No. And date forwarded to: Director Education Khyber Pakhtunkhwa
- 2. Commissioner Kohat Division Kohat
- 3. District Police Officer Orakzai with the request for action against the above mentioned teacher according to relevant law rules.
- 4. District Accounts Officer Orakzai with the request to stop the salary of the above mentioned teacher immediately.
- 5. District Education Officer Orakzai for his information.

DEPUTY COMMISSIONER  
ORAKZAI TRIBAL DISTRICT

OFFICE OF THE DEPUTY COMMISSIONER  
DISTRICT ORAKZAI

No. 377/C/DC-Ork

Dated 03 March 2021-09-09

To

The Secretary  
Elementary & Secondary Education  
Khyber PakhtunkwahSubject: **IMMORAL ACT OF THE TEACHER MR. SYED AWAN  
ALI SHAH**

Dear Sir,

Enclosed herewith letter bearing No. 1490 dated 02.03.2021 on the subject noted above.

District Education Officer (Male) has complained against the illegal and immoral attitude of Mr. Syed Awan Ali Shah S/o Syed Zamin Jan (SPET) Govt. High School Avi Mea Lower Orakzia and has requested the District Administration to take legal action against him under the rules. In view of the above Mr. Syed Awan Ali Sha SPET Govt High School Avi Mela Lower Orakzai is hereby surrender to Elementary & Secondary Education Department, Khyber Pakhtunkwa immediately with the request to conduct a formal enquiry into the case under the E&D rules and take action against him subsequently please.

Deputy Commissioner  
Orakzai Tribal District

Copy of even No. and date forwarded:-

1. Director Education, Khyber Pakhtunkhwa.
2. Commissioner, Kohat Division Kohat
3. District Police Officer Orakzai with the request to take action against the official concerned according to relevant law/ rules please.
4. District Accounts Office Orakzai with the directions to stop the salary of the above mentioned teacher immediately.
5. District Education Officer Orakzai for necessary action.

Deputy Commissioner  
Orakzai Tribal District

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TO,

The ,Director Education, Khyber pakhtunkhwa peshawar

**Subject:** Application of release of monthly salary

Respected sir,

It is hereby submitted that the under sign is presently serving the in the office of district education officer district orakzai at hangu as physical supervisor .....

Further to elaborate that undersigned was serving in Govt High School Avimela as a senior physical education teacher (SPET) wherein i was transferred on 2-6-2020 from Govt High School Avimela to the office of district education and i took charge and started my duty regularly but astonishingly on 2-7-2020, i was again transferred from the office of the distt education officer district orakzai to the govt high school Avimela, and i challenged the illegal act of the district education officer district orakzai through appeal before the Khyber pakhtunkhwa service tribune Peshawar, wherein the impugned transfer order dated 2-7-2020 was suspended, and still pending in which near date of hearing is fixed for 14-4-2021. copies Attached

That due to personal graggess and with due malafide intension and also undue political influence of the local MNA jawad Hassan, on the illegal direction of the district education officer orakzai at hangu, the accountant officer district orakzai, stopped my salary without any justified and legal reason from the month 3, march and onward.

That after i approached to the concerned accountant office for release of my salary, but he used to delaying tactics , hence the hatred appeared. It is therefore, humbly requested that my salary may kindly be release.

**Note:** Service appeal is also pending as well as contempt of court proceeding in

which next date of hearing is fixed on 14-4-2021

Name : syed Awan Ali Shah

*Q. Awan*  
4/4/2021

*20*

Father name: Syed Zamin Jan

Presently serving: District physical supervisor orakzai

Personal number 00440802

Call no 03355478639

Copy information to the

1. The Secretary Elementary & Secondary Education Khyber Pakhtunkhwa.
2. Commissioner Kohat, Division Kohat.
3. District Accounts Officer Orakzai
4. District Police Officer Orakzai & Hangu
5. District Education Officer Orakzai

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BEFORE THE PESHAWAR HIGH COURT, PESHAWAR



Writ Petition No. 3831 P of 2021

Syed Awan Ali Shah S/o Syed Zamin Jan  
R/o Lower Orakzai, Village Kharkai,  
District Orakzai.

..... Petitioner

VERSUS

- 1) Govt. of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Peshawar.
- 2) Deputy Commissioner, Orakzai
- 3) Additional Assistant Commissioner, Revenue, Orakzai
- 4) Assistant Education Officer, District Orakzai at Hangu.
- 5) Superintendent DEO Orakzai,
- 6) District Accounts Officer District Orakzai.

.... Respondents.

**WRIT PETITION UNDER ARTICLE**  
**199 OF THE CONSTITUTION OF**  
**ISLAMIC REPUBLIC OF PAKISTAN**  
**1973**

**FILED TODAY**  
Deputy Registrar  
07 SEP 2021

Respectfully Sheweth:

- 1) That the petitioner was earlier serving in GHS Avimela and on 02.06.2020, the petitioner was

**ATTESTED**  
EXAMINER  
Peshawar High Court

**RE-FILED TODAY**  
Deputy Registrar  
09 SEP 2021

22

**JUDGMENT SHEET  
IN THE PESHAWAR HIGH COURT,  
PESHAWAR  
[JUDICIAL DEPARTMENT]**



**Writ Petition No.3831-P/2021**

*"Syed Awan Ali Shah vs. Govt: of Khyber Pakhtunkhwa  
through Secretary Elementary & Secondary Education,  
Peshawar & others"*

Date of hearing: **27.10.2021**

Mr. Safdar Iqbal Khattak, Advocate for the petitioner.

**JUDGMENT**

**WIQAR AHMAD, I.-** Through instant petition, filed under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the petitioner has prayed for the following relief:

**"It is, therefore, most humbly prayed that by acceptance of this writ petition, the impugned orders dated 03.03.2021 may kindly be declared as illegal, unlawful, void ab-initio and consequently they may kindly be directed to start monthly salary to the petitioner".**

02. Brief facts, as per contents of the petition in hand, are that in the year 2005, petitioner was appointed as Physical Education Teacher (BPS-15) by the respondents, in GMS, Avimela District, Orakzai and vide order dated 02.06.2020, his services were transferred from said school to the office of District Education Officer, however, later on, vide order dated

**ATTESTED**  
EXAMINER  
Peshawar High Court

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02.07.2020, earlier transfer order was recalled. The order was challenged by him, before Khyber Pakhtunkhwa Service Tribunal where his appeal was accepted and the impugned order before the Tribunal was suspended vide order dated 31.11.2020. Thereafter, due to some reasons, his salary was stopped, for release of which, he has submitted application before the Khyber Pakhtunkhwa Service Tribunal but no fruitful result, hence, the instant petition.

03. Arguments heard and record perused.

04. Admittedly and undeniably, the petitioner is a civil servant and the issue raised in the instant petition relates to terms and conditions of his service, therefore, this Court cannot exercise its jurisdiction under Article 199 of the Constitution, in view of specific bar provided under Article 212 of the Constitution of the Islamic Republic of Pakistan, 1973, which reads as under;

"212. Administrative Courts and Tribunals. (1) Notwithstanding anything hereinabove contained, the appropriate Legislature may by Act [provide for the establishment of] one or more Administrative Courts or Tribunals to exercise exclusive jurisdiction in respect of

(a) matters relating to the terms and conditions of persons [who are or have been] in the service of Pakistan, including disciplinary matters;

ATTESTED  
EXAMINER  
Peshawar High Court

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(b) matters relating to claims arising from tortious acts of Government, or any person in the service of Pakistan, or of any local or other authority empowered by law to levy and tax or cess and any servant of such authority acting in the discharge of his duties as such servant; or

(c) matters relating to the acquisition, administration and disposal of any property which is deemed to be enemy property under any law.

(2) Notwithstanding anything hereinbefore contained, where any Administrative Court or Tribunal is established under clause (1), no other court shall grant an injunction, make any order or entertain any proceedings in respect of any matter to which the jurisdiction of such Administrative Court or tribunal extends and all proceedings in respect of any such matter which may be pending before such other court immediately before the establishment of the Administrative Court or Tribunal other than an appeal pending before the Supreme Court, shall abate on such establishment:

Provided that the provisions of this clause shall not apply to an Administrative Court or Tribunal established under an Act of a Provincial Assembly unless, at the request of that Assembly made in the form of a resolution, **Majlis-e-Shoora** (Parliament) by law extends the provisions to such a Court or Tribunal.

(3) An appeal to the Supreme Court from a judgment, decree, order or sentence of an administrative Court or Tribunal

**ATTESTED**  
**EXAMINER**  
Peshawar High Court



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shall lie only if the Supreme Court, being satisfied that the case involves a substantial question of law of public importance, grants leave to appeal"

05. In view of the above, the instant writ petition being not maintainable, stands dismissed in limine.

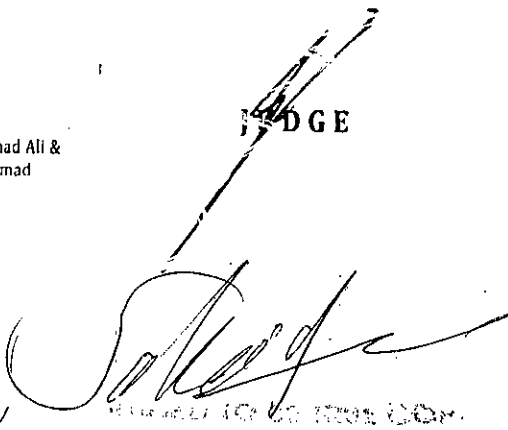
**Announced.**  
27.10.2021.

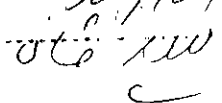
  
JUDGE

DB Hon'ble Mr. Justice Syed Arshad Ali &  
Hon'ble Mr. Justice Wiqar Ahmad



Hlmayat.CS

JUDGE



11939  
Date of Presentation of Application 28/10/2021  
No of Pages 10-1  
Copying fee  
Total 40/-  
Date of Preparation of Copy 30/10/2021  
Date of Delivery of Copy 30/10/2021  
Received By 

30 OCT 2021

50 روپے	107250			
ایڈویکٹ: <u>سید اقبال علی</u>		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل/ایسوسی ایشن نمبر: <u>be-10-7969</u>				
رابطہ نمبر: <u>0300 5980549</u>				

بعدالت جناب: خیبر طوطو گواہ سردس من بیون لیسٹ

منجانب: <u>Appellant</u>	دعویٰ:
<u>سید اقبال علی</u>	علت نمبر:
<u>بنام</u>	مورخہ:
<u>گورنمنٹ آف KP ڈسٹرکٹ</u>	جرم:
	تھانہ:


**باعث تحریر آنکہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کا روایتی متعلقہ آن مقام کیلئے سید اقبال علی کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

الرقوم: 17 نومبر 2023

الع گواہ شد بد

مقام کے لیے منظور ہے۔

قیمت 50 روپے	107250			
ایڈوکیٹ: <u>سید اقبال حسن</u>		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل / ایسوسی ایشن نمبر: <u>be-10-7969</u>				
رابطہ نمبر: <u>03005980549</u>				

بعد اٹ جناب: خیبر پختونخواہ سردسوں ٹریڈینگز لیسٹرز

مخانب:	دعویٰ:
Appellant	
سید اقبال حسن	علت نمبر:
بنام	مورخہ:
گورنمنٹ آف ایف ڈی	جرم:
	تھانہ:
<b>باعث تحریر آئیکہ</b>	

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ  
آن مقام کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو  
راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق  
زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز  
دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی  
کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب  
مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا  
دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے  
باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 17 نومبر 2023ء  
گواہ شدہ  
مقام

**“B”**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**

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

No.

Recd  
D

Appeal No. 7774 of 2021

Syed Awan Ali Shah Appellant/Petitioner

Versus

through Director F&SE Pesh. Respondent

Respondent No. 6

Notice to:

Distt. Accounts Officer Distt. Dera Ismail Khan.

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 3/2/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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 20th

Day of Dec 2021.

(For Reply)

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

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

"B"

## KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

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

No.

Appeal No. 7774 of 2021Syed Awan Ali Shah Appellant/Petitioner

Versus

Through Director ECSE Pesh. RespondentRespondent No. 5

Notice to: —

Superintendent DEO Orakzai

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 3/2/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Given under my hand and the seal of this Court, at Peshawar this 20<sup>th</sup>

Day of Dec 20 21

(For Reply)

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

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**“B”**

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

S.B

No.

Recd

Appeal No. 7774 of 20 21

Syed Awan Ali Shah Appellant/Petitioner

Versus

Through Director ERSE Pesh. Respondent

Respondent No. 4

Notice to:

Distt. Education Officer, Distt. Orakzai  
at Hangu.

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 3/2/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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office Notice No.....dated.....

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Day of Dec 20

(For Reply)

  
 Registrar,  
 Khyber Pakhtunkhwa Service Tribunal,  
 Peshawar.

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

**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD, 8-B  
PESHAWAR.

No.

*Recd*

Appeal No. 7774 of 20 21

Syed Awan Ali Shah Appellant/Petitioner

Versus

Through Director ECSE Pesh. Respondent

Respondent No. 3

Notice to: — Additional Assistant Commissioner,  
Revenue, Orakzai

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 3/2/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Day of Dec. 20 21

*(For Reply)*

*M.S.*  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

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**"B"**

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

S.B

No.

Recd

Appeal No. 7779 of 20 21

Syed Awan Ali Shah Appellant/Petitioner

Versus

Through Director L&SE Pesh. Respondent

Respondent No. 2

Notice to:

Deputy Commissioner, Orakzai

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 3/2/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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20th

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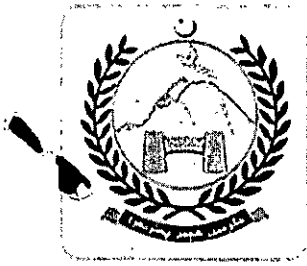
Day of Dec 20 21

(For Reply)

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

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**KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL, PESHAWAR**

No. 2682 /ST Dated: 30/12/2021

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

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

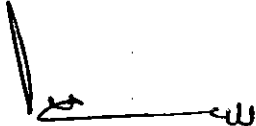
To,

The District Education Officer,  
District Orakzai, Hangu.

Subject: - **ORDER DATED 08-12-2021 IN SERVICE APPEAL NO. 7774/21 SYED AWAN ALI SHAH**

I am directed to refer to the subject noted above and to send herewith attested copy of order sheet dated 08-12-2021 in Service Appeal No. 7774/21 Syed Awan Ali Shah vs Director E&SE for strict compliance please.

**Encl: As Above.**

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 7774/2021

Syed Awan Ali Shah .....(Appellant)

Versus

Director E&SE Khyber Pakhtunkhwa and Others.....(Respondents)

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1

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

Service Appeal No. 7774/ 2021

Syed Awan Ali Shah ..... Appellant

VS

Director E & SE & Others ..... Respondents

**Comments on behalf of Respondent No.1 & 4**

- That the appellant has been charged in a Criminal case.
- That the appellant has got no cause of action , locus standi to file the instant appeal.
- That the appellant has not come to this Honorable Tribunal with clean hands.
- That the appellant after transfer to his original post of PET, GHS Avi Mela filed Service Appeal No. 13576/ 2020, which is still pending adjudication in this Honorable Service Tribunal for judgment.
- That the instant appeal is badly time barred.
- That the appellant is stopped by has own conduct to bring the instant appeal.
- That the appellant has concealed material facts from this Honorable Service Tribunal.
- That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.

**ON FACTS:**

1. That para-1 is correct to the extent that the adjustment / transfer order of the appellant was withdrawn, in accordance with law/ rules.
2. That the appellant filed service appeal No.13576/2020 and the same is pending adjudication, the Honorable Chairman of the Service Tribunal directed for production of the service structure/ rules of Agency Physical Supervisor and the same will be argued in the coming date of hearing i.e 03.02.2022.
3. That the appellant is misleading this Honorable Tribunal and exerting illegal pressure on the respondent department, after transfer from the office of DEO Orakzai to GHS Avi Mela filed service appeal No.13576/2020 and the same is pending adjudication, the Honorable Chairman of the Service Tribunal directed for production of the service structure/ rules of Agency Physical Supervisor and the same will be argued in the coming date of hearing.
4. That the appellant has been involved in criminal and illegal activities, blackmailing of Competent Authorities and District Education office, the District Education Officer has requested the Deputy Commissioner Orakzai regarding the criminal and blackmailing activities of the appellant, subsequently the Deputy Commissioner surrendered his services to Elementary & Secondary Education

Department (**attached as Annex-A**), Khyber Pakhtunkhwa, upon which the Department has initiated proceedings against the appellant and an inquiry is under process (**attached as Annex-B**).

It is pertinent to mention over here that the appellant has been charged in a criminal case which was reported by DPO Kohat (**attached as Annex-C**), upon report of DPO Kohat the Respondent Department issued his suspension order (**attached as Annex-D**), in this regard Rule-5 and FR (53) ii B is quite clear, as per FR (53) ii B 'A Government servant against whom a criminal charge or proceedings for arrest or debt is pending should also be placed under suspension by issue of specific order to this effect during periods when he is not actually detained in custody or imprisoned (e.g whilst released on bail) if the charge made or proceedings taken against him is connected with position as a Government servant or is likely to be embarrass him in discharge of his duties as such or involves moral turpitude' (**attached as Annex-E**).

5. That detail reply has already been submitted under para-4 above.
6. That para-6 is incorrect, there is no record of submission of appeal of the appellant, hence this para is denied.
7. That para-7 pertains to the Honorable Peshawar High Court Peshawar judgment.
8. That the appellant has no cause of action and locus standi to file the subject appeal on following grounds:

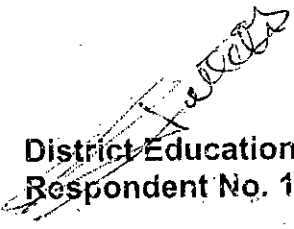
**Grounds:**

- a. **Incorrect and denied**; the respondent department has acted according to the law /rules and policy.
- b. **Incorrect and denied**, the respondents have acted as per law and rules, being involvement of the appellant in criminal activities.
- c. **Incorrect and denied**, the appellant is misleading this Honorable Tribunal and exerting illegal pressure on the respondent department, after transfer from the office of DEO Orakzai to GHS Avi Mela filed service appeal No. 3576/2020 and the same is pending adjudication, the Honorable Chairman of the Service Tribunal directed for production of the service structure/ rules of Agency Physical Supervisor and the same will be argued in the coming date of hearing.
- d. **Incorrect and denied**, the respondent department is bound to abide by the policy and rules in-vogue and has acted according to the policy.
- e. **Legal**, the answering department also seek permission of this Honorable Service Tribunal to advance additional grounds at the time of arguments.

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Prayer:

In light of above, factual and legal position of the case, it is humbly prayed that the instant appeal may kindly be dismissed in favor of the respondent department.

  
District Education Officer Orakzai  
Respondent No. 1 & 4

④

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 7774/2021

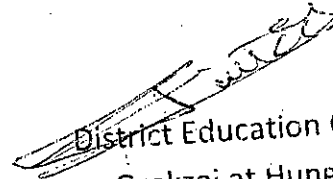
Syed Awan Ali Shah .....(Appellant)

Versus

Director E&SE Khyber Pakhtunkhwa and Others.....(Respondents)

**Affidavit**

I Farid Ullah District Education Officer Orakzai do hereby solemnly affirm and declare that the contents of the accompanying Parawise Comments submitted by the respondent are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

  
District Education Officer  
Orakzai at Hungu



**OFFICE OF THE DISTRICT EDUCATION OFFICER-ORAKZAI**

Umar Plaza, Main Kohat Road; Muslimabad-Hangu.

Phone # 0925-690017 Fax # 0925-690017

Email: deorakzai2020@gmail.com



**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

Service Appeal No. 7774/21

Syed Awan Ali Shah.....APPELLANT

**VERSUS**

Govt of Khyber Pakhtunkhwa, E&SED Peshawar etc.....RESPONDENTS

**AUTHORITY LETTER**

It is certified that the comments have been prepared/verified by the undersigned and submitted herewith to the honorable Service Tribunal. Moreover, Mr. Asad Ullah SS (BPS:17) Focal Person Litigation of this office is hereby authorized to appear & submit the comments before the honorable Service Tribunal in Service Appeal No. 7774/21, please.

  
DISTRICT EDUCATION OFFICER,  
ORAKZAI

6



**OFFICE OF THE DEPUTY COMMISSIONER  
DISTRICT ORAKZAI**

☎ 0925-690008, 0925-690003.

☎ 0925-690007.

✉ dcorakzai@gmail.com

✉ @DCOrakzai

No. 377 /C/DC-Ork.

Dated: 03 March, 2021

To The Secretary  
Elementary & Secondary Education  
Khyber Pakhtunkhwa.

Sub: IMMORAL ACTIVITIES OF THE TEACHER MR. SYED AWAN ALI SHAH

Dear Sir,

Enclosed find herewith a letter bearing No. 1490 dated 02-03-2021 on the subject noted above.

District Education Officer (Male) has complained against the illegal and immoral attitude of Mr. Syed Awan Ali Shah s/o Syed Zamin Jan (SPET) Govt. High School, Avi Mela Lower Orakzai and has requested the District Administration to take legal action against him under the rules. In view of the above Mr. Syed Awan Ali Shah SPET Govt. High School, Avi Mela Lower Orakzai is hereby surrendered to Elementary & Secondary Education Department, Khyber Pakhtunkhwa immediately with the request to conduct a formal enquiry into the case under the E&D rules and take action against him as per rules, please.

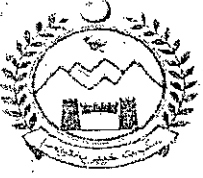
DEPUTY COMMISSIONER  
ORAKZAI TRIBAL DISTRICT

Copy of even No. And date forwarded to:-

1. Director Education, Khyber Pakhtunkhwa.
2. Commissioner Kohat, Division Kohat.
3. District Police Officer Orakzai with the request to take action against the official concerned according to relevant law/rules, please.
4. District Accounts Officer Orakzai with the directions to stop the salary of the above mentioned teacher immediately.
5. District Education Officer Orakzai for necessary action.

DEPUTY COMMISSIONER  
ORAKZAI TRIBAL DISTRICT





Directorate of Elementary and Secondary Education  
Khyber Pakhtunkhwa Peshawar  
PH No. 091-9210389, 9210938,  
091-9210437, 9210957, 9210468  
Fax 091-9210936

**NOTIFICATION.**

The competent authority is pleased to nominate Mr. Abdul Manan Deputy Director (F/A), of this office as an inquiry officer to conduct fact finding enquiry in case of Syed Awan Ali Shah, GHS Avi Mela, District Orakzai as per the following TORs (copy attached).

**TORs.**

- i. Detail investigation regarding complaint raised by the elders of Orakzai tribe.
- ii. Detail investigation regarding his un-authorized long absence from official duty without prior intimation.
- iii. Post service audit for last 5 years in lieu of.
- iv. Detail of his private business, photographic evidence in support of his business if any may also be probed.
- v. Warnings & threats received on social media/SMS/MMS/WatsApp therein.
- vi. Inquiring the concerned ADEO for not reporting on time if any or deem appropriate.

The Enquiry Officer is requested to submit report with clear recommendations within fifteen days positively.

**Director**

Elementary and Secondary Education  
Khyber Pakhtunkhwa.

Endst.No. 5265-67 / F.No. E-7/KC/New Orakzai/

Dated Peshawar the 5/4 /2021.

Copy forwarded to the:-

1. Mr. Abdul Manan Deputy Director (F/A), of this office.
2. District Education Officer Orakzai with the remarks to provide complete record /your cooperation to the enquiry during proceedings.
3. Headmaster GHS Avi Mela, District Orakzai with the remarks to extend full cooperation and provide complete record to the enquiry officer during proceedings.
4. Syed Awan Ali Shah, GHS Avi Mela, District Orakzai
5. PA to Director Education, NMD KPK.

Deputy Director (Estab)



6

DIRECTOR OF ELEMENTARY &  
SECONDARY EDUCATION KHYBER  
PAKHTUNKHWA, PESHAWAR

## NOTIFICATION

Mr. Wajeeh Ud Din Deputy Director of this Directorate is hereby nominated as Inquiry Officer to conduct an enquiry against Syed Awan Ali Shah SPET (BPS-16) GHS-Avi-Mela District Orakzai in the light of District Education Officer Orakzai letter bearing No. 9329 Dated 14-12-2021 along with its enclosures. (Copy attached)

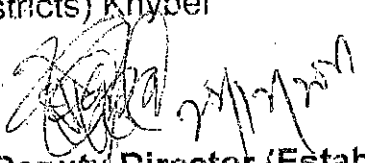
The enquiry officer is requested to submit his report within fifteen days positively for onward submission to the quarter concerned.

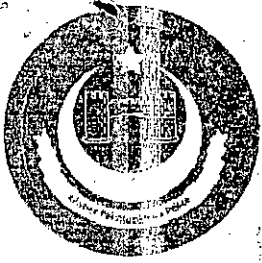
**DIRECTOR**  
Elementary and Secondary Education  
Khyber Pakhtunkhwa Peshawar

Endst: No. 15773-76 /A-12/1<sup>st</sup> AE/Enquiry File/Pakka, Cover  
Dated Peshawar the 22/12 / 2021

Copy of the above is forwarded to the:-

1. Inquiry Officer/ Deputy Director Local Directorate.
2. District Education Officer Orakzai with the remarks to provide complete record and extend full cooperation to the Inquiry Officer during the proceedings.
3. PA to Director Elementary and Secondary Education Peshawar.
4. PA to Additional Director (Merged Districts) Khyber Pakhtunkhwa Peshawar.

  
Deputy Director (Estab)  
Merged Districts.



9

**OFFICE OF THE  
SUPERINTENDENT OF POLICE, INVESTIGATION,  
KOHAT.**

Phone: (0922) 9260274 , fax (0922) 9260275

Email: [invlab2@gmail.com](mailto:invlab2@gmail.com)


No. 1856 /GC, Dated Kohat the 01/06 /2021.

To: The District Education Officer,  
(Male) Orakzai.

Subject: **INFORMATION / DEPARTMENTAL ACTION.**

Memo:

Accused Syed Awan Ali Shah s/o Syed Zameen Jan r/o cast Baba Nwasy Tappa Ba  
Muhammad Khel Village Kharkay Lower Orakzai District Orakzai has been charged in  
case FIR No. 174 dated 20.05.2021 u/s 324/427/148/149/109 PPC PS Usterzai District  
Kohat. Reportedly, he is serving under your command. (Copy of FIR is attached).  
It is therefore, requested that proper departmental action may be taken / initiated against  
him under intimation to this office please.

  
Superintendent of Police,  
Investigation, Kohat

No. 1857 /GC,

Copy to OII PS Usterzai for information.

نمبر ۲۲ ۱۱۵۵

# ابتدائی اطلاع رپورٹ

کوئٹہ

(فائیل) ابتدائی اطلاع نسبت جرم قابل دست ارزانی پولیس رپورٹ نمبر ۱۵۲ مجموعہ ضابطہ نوچاری

تھانہ ابتدائی

منسل کوٹاٹ

تاریخ وقوع وقوعہ ۱۵/۵/۵۵ وقت ۱۵:۵۵ بجے

نمبر ۱۷۶

۱	تاریخ وقوع رپورٹ ۲۵/۵/۵۵ وقت	۱۵/۵/۵۵
۲	نام و سکونت اطلاع دہندہ و مقبض	۱۹۳۵-۱۹۳۶-۱۹۳۷-۱۹۳۸
۳	مختصر کیفیت جرم (موردہ) حال اگر کچھ یاد گیا ہو	۱۹۳۷-۱۹۳۸-۱۹۳۹
۴	جائے وقوعہ فاصلہ تھانہ سے اور سمت	پولیس سٹیشن کوٹاٹ روڈ
۵	نام و سکونت ملزم	
۶	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہو تو وجہ بیان کرو۔	رہنمائی سر اسٹیشن پولیس سٹیشن کوٹاٹ
۷	تھانہ سے روانگی کی تاریخ و وقت	سر اسٹیشن کوٹاٹ

ابتدائی اطلاع بخیر درج کروا سکتا ہوں اور اس وقت تک کہ اس کے لئے کوئی اور اطلاع نہ ملے۔

مقبضہ خانہ ۱۹۳۵-۱۹۳۶-۱۹۳۷-۱۹۳۸

تاریخ وقوعہ ۱۵/۵/۵۵

وقت ۱۵:۵۵ بجے

جائے وقوعہ پولیس سٹیشن کوٹاٹ روڈ

نام و سکونت ملزم

کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہو تو وجہ بیان کرو۔

تھانہ سے روانگی کی تاریخ و وقت

سر اسٹیشن کوٹاٹ

مطلع قمری

تھانہ استریٹی پروانا ٹائمنز ڈیپارٹمنٹ / ریزرونگی خدمت

فیس وصولی 174 روپے 20.05 2021  
324-4427 / 448-194-34 / 109  
PP-174

- 1. بیگم سید اعوان علیشاہ ولد ضامن خان سہ قومی ٹیپ ریزرونگی ضلع اورنگی
  - 2. سید نصیر حسین ولد نعل الور عرف نازن
  - 3. ناصر حسین ولد نعل الور عرف نازن
  - 4. نعل الور عرف نازن ولد سید حسین افضل
  - 5. سید ضامن خان ولد سید حسین افضل
- ری ڈونوف ملزمان اسماء نامعلوم

جا پالی ا  
 خدمت عنوان بدنام مالا بدناما خدمت فیس خان ولد محمد اکرم سہ قومی  
 فیروز ضلع ٹیپ سیرت ضلع مطلع اورنگی حال گروہی وزارت خان کلم ٹیپ گروہیت  
 میں درج رجسٹر ہے بدناما خدمت کا خری ٹھانڈا آئی بیان کیا کہ سہ سید  
 اعوان علیشاہ ولد ضامن خان کیا کہ ایجوکٹا آگیا ہند میں گلاس فور  
 ملاز میں ہے تعلیم گندی کی تھی جو ٹیپ ہے کہ گلاس فور ملاز میں ہے  
 سید نے پر اس آگیا کہ تعلیم گندی کی ہے اب بچے گئی ہوئی کہ وہ  
 بعدا سید اعوان علیشاہ ولد ضامن خان کے صلہم اختیار پر ملزمان بندہ  
 مالا سلم نہ ہو گیا ہے بندہ کلام بدنامی خدمت کا بیان ذی دفعہ اگائی  
 گندی کا کار گندی کے بیان پر ملزمان مالا سلم نہ ہو گیا کہ خدمت بعدا میں  
 باخبر کرتے ملزمان کھڑے جاتے ہیں اور سید اعوان علیشاہ کے صلہم مگر  
 پر خدمت میں و ام مالا کیا کہ خدمت 109 PP کی ایڈریس آگیا ہے  
 پروانا کسری تیل ریٹارڈ علیہ جا پالی جا پالی

oil Ps. Uster 2021 26-05-2021

- 1. ریڈر صاحب PP صاحب قومی
- 2. ریڈر صاحب SP صاحب KBI
- 3. ریڈر صاحب SDP صاحب سید نواز
- 4. قریب کلام برائے تکرار

بیان زیر رقم 164 OP

بیان موصیٰ محبت خان ولد محمد اکبر عمر 52/53 سال مسکنہ حال گڑھی موڑ  
قوم قبیلہ رضیل تہذیب رضیل ڈاکخانہ فیروز پور رضیل کوئٹہ علاقہ اور ترقی

حلفاء بیان کیا کہ مورخہ 20/21 کو میں نے اپنی مدد طلب میں نامعلوم ملنگ خان

کے خلاف FIR کھلا اور ترقی میں درج کر رکھی تھی لیکن مجھے ممکن نہیں ہے کہ

تفصیلی رپورٹ ہے کہ میں نے سید اعوان علی شاہ ولد محمد اسحاق مسکنہ نانا نواسی قوم

ریگڑ رضیل گاؤں قریب پہاڑ گڑھی کے پھانچ مشورہ از مسکنہ 1 سے سید محمد

3 مل انور عرف نازک سیران سے سید حسن افضل 4 کھارو سے 5 سید عزیز

سیران مل انور سے دستہ دو نامعلوم گھسان نے مجھے تیرا دادہ قتل قاریف کیا ہے

اور میری بیوی کو قتل کیا اور میری بیوی کے ساتھ اپنے اہل خانہ کا دادہ قتل قاریف کیا ہے

اور اپنے بیوی کو قتل کیا اور میری بیوی کے ساتھ اپنے اہل خانہ کا دادہ قتل قاریف کیا ہے

دو دیگر ایسے نام بھی بیان کیے

سید محمد اسحاق

الذمہ محبت خان ولد محمد اکبر

14301-8764318-5  
0333-9610922

JM-7-121  
25-05-21

(13)

IN THE COURT OF JUDICIAL MAGISTRATE-I, KOHAT

Serial No. of Order of Proceedings	Date of order or Proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties or counsel where necessary
<u>ORDER</u>	25.05.2021	<p>Wajid Alam ASI/OH of PS Usterzai produced Mehboob Khan s/o Muhammad Akbar r/o presently Garhi Mawaz Khan Kohat before the court in connection with FIR No. 174 dated: 20.05.2021 u/s 324-427-148-149 PPC PS. Usterzai for recording of his statement u/s 164 Cr.PC. Record perused. Statement of above named person recorded u/s 164 Cr.PC. Original statement alongwith this order is handed over to the OH/O for placing the same on record while photocopies of the same be kept for record of this court.</p> <p style="text-align: right;"><i>(Nayyar Iqbal)</i> Judicial Magistrate-I, Kohat</p>



(14)

**DIRECTORATE OF ELEMENTARY &  
SECONDARY EDUCATION KHYBER  
PAKHTUNKHWA, PESHAWAR**

**NOTIFICATION**

Consequent upon the approval of the Competent Authority, Syed Awan Ali Shah, SPET (BS-16), GHS Avi Meia District Orakzai is hereby suspended from service due to his involvement in FIR No. 174 dated 20-05-201 under section 324/427/148/149/109 PPC P.S. Ustarzai District Kohat, as reported by District Education Officer Orakzai vide No. 6668 dated 29-06-2021 in the interest of public service. He will be entitled for subsistence allowance as per rules.


**Director**

Elementary and Secondary Education  
Khyber Pakhtunkhwa, Peshawar

Endst: No. 1751-56/A-12/AE/ Khaista Sher SST dated 09/08/2021

Copy forwarded to the:-

1. District Education Officer Tribal District Orakzai w/r to your letter No. cited above.
2. District Accounts Officer District Orakzai.
3. Deputy Commissioner District Orakzai.
4. Head Master GHS Avi Meia District Orakzai.
5. SPET concerned.
6. PA to Additional Director (Estab) Merged Districts Khyber Pakhtunkhwa, Peshawar.

  
**Deputy Director (Estab)  
Merged Areas**



- (e) engaged or is reasonably believed to be engaged in subversive activities, or is reasonably believed to be associated with others engaged in subversive activities, or is guilty of disclosure of official secrets to any un-authorized person, and his retention in service is prejudicial to national security; or
- (f) entered into [voluntary return or] plea bargaining under any law for the time being in force and has returned the assets or gains acquired through corruption or corrupt practices voluntarily.

(inserted vide SO(Policies) &ad/2-6/2017 dated 07-12-2017)

4. **Penalties.**---(1) The following are the minor and the major penalties, namely:

(a) Minor penalties:

- (i) Censure;
- (ii) Withholding, for a specific period, promotion or increment subject to a maximum of three years, otherwise than for unfitness for promotion or financial advancement, in accordance with the rules or orders pertaining to the service or post:  
Provided that the penalty of withholding increments shall not be imposed on a Government servant who has reached the maximum of his pay scale;
- (iii) Recovery of the whole or any part of any pecuniary loss caused to Government by negligence or breach of order;

(b) Major penalties:

- (i) Reduction to a lower post or pay scale or to a lower stage in a time scale. For a maximum of five years.  
Provided that on restoration to original pay scale or post, the penalized Government servant will be placed below his erstwhile juniors promoted to higher posts during subsistence of the period of penalty. Provided under Rule 4(b)(i) added vide SO(REG-VI)E&AD/2-6/2010 Dated 18-7-2012
- (ii) Compulsory retirement;
- (iii) Removal from service; and
- (iv) Dismissal from service.

(2) Dismissal from service under these rules shall disqualify a Government servant from future employment under Government.

(3) Any penalty under these rules shall not absolve a Government servant from liability to any other punishment to which he may be liable for an offence, under any other law, committed by him while in service.

5. **Initiation of proceedings.**---(1) If on the basis of its own knowledge or information placed before it, the competent authority is of the opinion that there are

(16)

efficient grounds for initiating proceedings against a Government servant under these rules it shall either:-

- (a) proceed itself against the accused by issuing a show cause notice under rule 7 and, for reasons to be recorded in writing, dispense with inquiry:

Provided that no opportunity of showing cause or personal hearing shall be given where-

- (i) the competent authority is satisfied that in the interest of security of Pakistan or any part thereof, it is not expedient to give such an opportunity; or
  - (ii) a Government servant has entered into plea bargain under any law for the time being in force or has been convicted on the charges of corruption which have led to a sentence of fine or imprisonment; or
  - (iii) a Government servant is involved in subversive activities; or
  - (iv) it is not reasonably practicable to give such an opportunity to the accused; or
- (b) get an inquiry conducted into the charge or charges against the accused, by appointing an inquiry officer or an inquiry committee, as the case may be, under rule 11:

Provided that the competent authority shall dispense with the inquiry where-

- (i) a Government servant has been convicted of any offence other than corruption by a court of law under any law for the time being in force; or
- (ii) a Government servant is or has been absent from duty without prior approval of leave:

Provided that the competent authority may dispense with the inquiry where it is in possession of sufficient documentary evidence against the accused or, for reasons to be recorded in writing, it is satisfied that there is no need to hold an inquiry.

(2) The charge sheet or statement of allegations or the show cause notice, as the case may be, shall be signed by the competent authority.

6. Suspension.---A Government servant against whom action is proposed to be initiated under rule 5 may be placed under suspension for a period of ninety days, if in the opinion of the competent authority, suspension is necessary or expedient, and if the period of suspension is not extended for a further period of ninety days within thirty days of the expiry of initial period of suspension, the Government servant shall be deemed to be reinstated.

- (a) The premium awarded for any essay or plan in public competition.
- (b) Any reward offered for the arrest of a criminal or for information or any special service in connection with the administration of justice;
- (c) Any reward offered payable in an accordance the provision of any act or regulations;
- (d) Any reward sanctioned for services in connection with the administration of the Customs and Excise Laws; and
- (e) Any fees payable to a Government Servant for duties which he is required to perform in his official capacity under any special or local law or by order of Government; and
- (f) Any fees payable to a Government Servant for duties which he is required to perform in his official capacity under any special or local law, or by order of Government.

Under FR. 48-A, a Government Servant whose duties involve the carrying out of scientific and technical research shall not apply for or obtain cause or permit any other person to apply for or obtain, a patent for an invention made by such Government servant save with the permission of the Local Government and under any such conditions as local Government may impose. If a question arises as to whether a Government Servant is a Government servant to whom Rule-48-A applies, the decision of the Local Government in this behalf will be final.

**Dismissal, Removal and Suspension (F.R 52-55)**  
**Dismissal (F.R.52)**

A Government Servant ceases to draw the pay and allowances of his post from the date of his dismissal or removal from service.

**Suspension and reinstatement (F.R.53)**

During the period of suspension Government Servants are entitled to the following payments:-

- a) in case of employees of the Armed Forces who are liable to revert to Military duty, they are entitled to pay and allowances to which they would have been entitled, had they been suspended while in military employment.
- b) In case of a Government Servant under suspension, other than that specified in clause (a), he shall be entitled to full amount of his salary and all other benefits & salaries provided to him under the contract of service, during period suspension.
- a) A Government Servant committed to prison either for debt or on a criminal charge should be considered, as under suspension from the date of his arrest and until the termination of proceedings against him, i.e his suspension is automatic from the date of arrest till termination of the proceedings against him.
- b) A Government servant against whom a criminal charge or proceeding for arrest or debt is pending should also be placed under suspension by issue of specific order to this effect during periods when he is not actually detained in custody or

imprisoned (e.g whilst released on bail) if the charge made or proceedings taken against him is connected with position as a Government Servant or is likely to embarrass him in discharge of his duties as such or involves moral turpitude; and

- c) The requirement of obtaining approval of authority for extension of suspension period after every 3 months laid down in Government Servants (Efficiency and Discipline) Rules, 1973, does not apply to suspension ordered under these rules. Article 194 or 194-A does not mention any such requirement.

**When honourably acquitted (F.R 54);** in cases, where the suspension of a Government Servant is held to have been unjustifiable or not wholly justifiable or he is re-instated after being dismissed, removed from service or suspended, the revising or appellate authority may grant him the following pay and allowances for the period of absence:-

- a) if the Government Servant has been honorably acquitted, he may be given the full pay to which he would have been entitled but for his dismissal, removal or suspension. The period of absence in such case is treated as spent on duty. For this purpose F.R 54 should be treated as absolute and unconditional and no question should be raised as to whether there was a post or not against which he could be adjusted for the period of his absence or that he had no longer any lien and another Government Servant was appointed substantively in his place. If the condition of lien had first to be satisfied the rule would not have been absolute.
- b) **When not honourably acquitted** Where a Government Servant has not been honorably acquitted he may be granted such portion of pay as may be prescribed by the competent authority. In this case the period of absence is not treated as spent on duty unless the revising or appellate authority directs that it should be treated as duty. The competent authority may also direct that the period spent under suspension may be regarded as leave and the Government Servant paid leave salary as permissible under the rules. The period of suspension can be treated even the extraordinary leave, but in such case no recovery will be made for the subsistence grant and allowances already paid to the suspended Government Servant. It has been held that F.R 54 permit an appellate authority to convert a period spent under suspension into one of leave.
- c) the amount of arrears payable to the Government Servant concerned whether he is reinstated as a result of a court judgment or acceptance of his appeal by the departmental authority, will be reduced by the amount earned by way of salary or as profit on account of his having accepted some employment or been engaged in some profitable business during the period he remained dismissed, removed or suspended, and for the determination of the said amount a committee will be constituted consisting of two officers of the administrative Division and a representative of the Finance Division.

**Retirement during Suspension pending Inquiry F.R 54-A (i)** If a Government Servant, who has been suspended pending inquiry into his conduct attains the age of superannuation before the completion of inquiry, the disciplinary proceedings against him will abate and such Government Servant will retire with full pensionary benefits and the period of suspension will be treated as period spent on duty. The posts vacated by

appointment as such, the sanction for honorarium is automatically implied. There is no objection to the payment of honorarium to the heirs of a deceased Government Servant.

The Government Servants do not require any special permission to receive:-

- (a) The premium awarded for any essay or plan in public competition.
- (b) Any reward offered for the arrest of a criminal or for information or any special service in connection with the administration of justice;
- (c) Any reward offered payable in accordance the provision of any act or regulations;
- (d) Any reward sanctioned for services in connection with the administration of the Customs and Excise Laws; and
- (e) Any fees payable to a Government Servant for duties which he is required to perform in his official capacity under any special or local law or by order of Government; and
- (f) Any fees payable to a Government Servant for duties which he is required to perform in his official capacity under any special or local law or by order of Government.

Under FR. 48-A, a Government Servant whose duties involve the carrying out of scientific and technical research shall not apply for or obtain cause or permit any other person to apply for or obtain, a patent for an invention made by such Government servant save with the permission of the Local Government and under any such conditions as local Government may impose. If a question arises as to whether a Government Servant is a Government servant to whom Rule-48-A applies, the decision of the Local Government in this behalf will be final.

#### **Dismissal, Removal and Suspension (F.R 52-55)**

##### **Dismissal (F.R.52)**

A Government Servant ceases to draw the pay and allowances of his post from the date of his dismissal or removal from service.

##### **Suspension and reinstatement (F.R.53)**

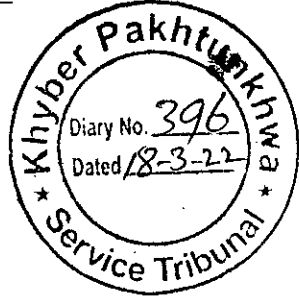
During the period of suspension Government Servants are entitled to the following payments:-

- a) in case of employees of the Armed Forces who are liable to revert to Military duty, they are entitled to pay and allowances to which they would have been entitled, had they been suspended while in military employment.
- b) In case of a Government Servant under suspension, other than that specified in clause (a), he shall be entitled to full amount of his salary and all other benefits & salaries provided to him under the contract of service, during period suspension.
- a) A Government Servant committed to prison either for debt or on a criminal charge should be considered, as under suspension from the date of his arrest and until the termination of the proceedings against him, i.e his suspension is automatic from the date of arrest till termination of the proceedings against him.
- b) A Government servant against whom a criminal charge or proceeding for arrest or debt is pending should also be placed under suspension by issue of specific order to this effect during periods when he is not actually detained in custody or

10

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

CM No. \_\_\_\_\_/2022  
IN  
SA.No.7774/2021



Syed Awan Ali Shah ..... Appellant

**VERSUS**

Govt. of KP through Director E&SE and others

..... Accused/ Respondents

Put up to the writing chain - au  
with relevant app - al.

**APPLICATION EARLY FIXATION**

Ready

**OF AN EARLY DATE OF HEARING.**

*Respectfully Sheweth;*

- 1) That the above titled appeal is pending adjudication before this hon'ble Tribunal which is fixed for 06.06.2022.
- 2) That the Hon'ble Tribunal, while admitting the appeal for full hearing vide order dated 08.12.2021, directed the respondents to release the salary of the appellant immediately, the operating part of the order is reproduced herein below:-

***“the appeal is admitted to regular hearing subject to all just legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issues to respondents for submission of reply/ comments. To come up for reply/ comments on 03.02.2022 before S.B. The***

**respondents are, also directed to release salary of the appellant immediately"**

**(Copy attached)**

- 3) That the appellant approached to the department/ respondents for compliance of the above stated order, but no action has been taken so far.
- 4) That the respondents are lingering on the matter and also not implementing the order passed by this Hon'ble Tribunal, hence the instant application.
- 5) That the date fixed in the instant appeal is <sup>Too Long and</sup> living a miserable life as he and his family is totally dependent on the appellant's salary.

It is, therefore, humbly prayed that on acceptance of this application, the titled appeal may graciously be fixed for an early date.

Through

Appellant

  
Safdar Iqbal Khattak  
Advocate  
High Court, Peshawar

**AFFIDAVIT**

I, Syed Awan Ali Shah S/o Syed Zamin Jan R/o Lower Orakzai, Village Kharkai, District Orakzai. (Appellant), do hereby, solemnly declare on oath that the contents of the **COC** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

  
**DEPONENT**

21603-9663268-7

0335-5478639

(1)

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR

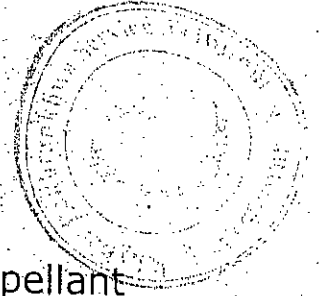
Service Appeal No. 7774 of 2021

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 7909

Dated 18/11/2021

Syed Awan Ali Shah S/o Syed Zamin Jan  
R/o Lower Orakzai, Village Kharkai,  
District Orakzai.



..... Appellant

VERSUS

- 1) Govt. of Khyber Pakhtunkhwa through Director Elementary & Secondary Education, Peshawar.
- 2) Deputy Commissioner, Orakzai
- 3) Additional Assistant Commissioner, Revenue, Orakzai
- 4) District Education Officer, District Orakzai at Hangu.
- 5) Superintendent DEO Orakzai,
- 6) District Accounts Officer District Orakzai.

.... Respondents.

Filed to-day

Registrar  
18/11/2021

**APPEAL UNDER SECTION 4 OF THE**  
**KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL ACT, 1973, AGAINST THE**  
**ORDER DATED 03.03.2021, WHEREIN,**  
**THE MONTHLY SALARY OF THE**  
**APPELLANT WAS STOPPED.**

Certified to be true copy

Registrar  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Re-submitted to-day  
and filed.

**PRAYER**

Registrar

19/11/2021

**By acceptance of this appeal, the**  
**impugned order dated 03.03.2021 may**  
**kindly be declare as illegal, unlawful,**

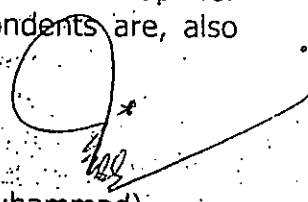


08.12.2021

Counsel for the appellant present. Preliminary arguments heard.

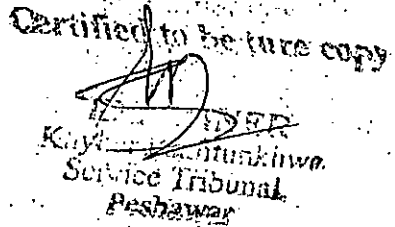
Learned counsel for the appellant argued that the appellant was posted as SPET at GHS Awimela, District Orakzai vide Notification dated 02.06.2020 and withdrawn vide notification dated 02.07.2020. The said notifications have already been challenged in service appeal No. 13576/2020 and operation of the impugned order dated 02.07.2020 stands suspended vide order of the Service Tribunal dated 30.11.2020. COC application is under process in the case in the Service Tribunal as well. Subsequent to that the appellant is aggrieved of the impugned order of respondent No.2 dated 03.03.2021 whereby his services were surrendered to Secretary Elementary and Secondary Education Department and he was requested to conduct formal enquiry under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) 2011 against the appellant. Since then the appellant has neither been posted elsewhere nor departmental proceedings initiated against him. Rather his salary has been stopped since March 2021. The impugned order of respondents is therefore, illegal and illogical on the ground that neither he is suspended nor awarded any penalty and as such the stoppage of salary of the appellant is unjustified.

The appeal is admitted to regular hearing subject to all just legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for submission of reply/comments. To come up for reply/comments on 03.02.2022 before S.B. The respondents are, also directed to release salary of the appellant immediately.



(Mian Muhammad)  
Member(E)

Date of Presentation 10/12/21  
 Number of Words 800  
 Pages 10/-  
 Date of Completion of Copy 10/12/21  
 Date of Delivery of Copy 10/12/21

Certified to be true copy  
  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar

03/02/22

**BEFORE THE HONOABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR.**

**Service Appeal No. 7774/2021**

Syed Awan Ali Shah ..... APPELLANT

**VERSUS**

Government of Khyber Pakhtunkhwa through Director Elementary & Secondary  
Education, Peshawar & others..... RESPONDENTS

**INDEX**

S. No	Description of Departments	Annex	Pages
01	Affidavit		1
02	Reply		2

*ALLAHUDDIN*  
**DEPONENT**

**DISTRICT ACCOUNTS OFFICER  
GHAKZAI**

**BEFORE THE HONOABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR.**

**Service Appeal No. 7774/2021**

Syed Awan Ali Shah .....APPELLANT

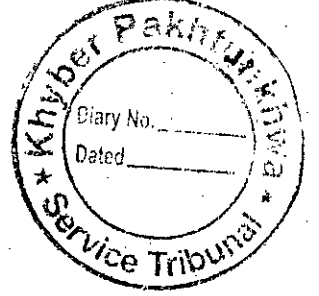
**VERSUS**

Government of Khyber Pakhtunkhwa through Director Elementary & Secondary Education,  
Peshawar & others.....RESPONDENTS

**(Para Wise Comments on behalf of Respondent No 6)**

Preliminary Objection:-

- A). *That the Petitioner have not came to this court with clean hands*
- B). *That the petitioner have no locus standi.*
- C). *That the petition in hand is not maintainable.*
- D). *That the petition have no cause of action.*
- F). *That the instant petition is barred by law.*



**RESPECTFULLY SHEWETH**

Facts

- 1) *Pertains to Respondent no 01 to 04.*
- 2) *Pertains to Respondent no 01 to 04.*
- 3) *Pertains to Respondent no 01 to 04.*
- 4) *Pertains to Respondent no 04.*
- 5) *It is incorrect. The monthly salary of the Appellant has not stopped by the respondent no 06 by himself but on the written request of respondent No 04. The Respondent No.06 has got no objection on opening of Salary of Appellant provided that the concerned DDO may approach him through his written order regarding Appellant opening of salary.*
- 6) *Pertains to Respondent no 01 to 05.*
- 7) *Pertains to record.*


8) *It is incorrect. The salary of the Appellant has stopped on the written request of DDO of the Appellant and not on its own.*

**Grounds**

- A. It is Incorrect. No un-lawful Act has been committed by the Respondent No.06.*
- B. It is incorrect.*
- C. It is also incorrect.*
- D. Pertains to Respondent No. 01 to 05.*
- E. Correct.*

**PRAYERS**

*It is therefore most humbly prayed that keeping in view the above replay in shape of para wise comments, the name of Respondent No.06 may kindly be deleted (EXPUNGED) from the list of Respondent in Public interest and the appeal of appellant may kindly be dismissed.*

  
DISTRICT ACCOUNTS OFFICER  
ORAKZAI AT HANGU  
(RESPONDENT NO. 06)

**BEFORE THE HONOABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR.**

**Service Appeal No. 7774/2021**

Syed Awan Ali Shah .....APPELLANT

**VERSUS**

Government of Khyber Pakhtunkhwa through Director Elementary & Secondary  
Education, Peshawar & others.....RESPONDENTS


**(Reply of Para 1-8 on behalf of Respondent No 6)**

***Respectfully Sheweth:-***

It is submitted that the salary of the appellant has stopped on written request of DDO of the Appellant. And District Education officer, Orakzai at Hangu is in better position to satisfy the grievances of the petitioner.

It is pertinent to mention here the Appellant as well as the District Education Officer Orakzai at Hangu has not yet submitted any source to this office to start monthly salary. As and when received will be processed under the rules.

Keeping in view the above mentioned facts it is, therefore, humbly prayed that the District Education Officer Orakzai at Hangu may be directed accordingly and the name of Respondent No.6 may kindly be withdrawn from the list of Respondent in public interest.

  
DISTRICT ACCOUNTS OFFICER  
ORAKZAI AT HANGU  
(RESPONDENT NO. 06)

DISTRICT ACCOUNTS OFFICER  
ORAKZAI

**BEFORE THE HONOABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR.**

**Service Appeal No. 7774/2021**

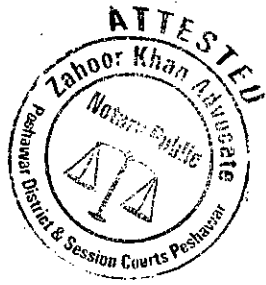
Syed Awan Ali Shah .....APPELANT

**VERSUS**

Government of Khyber Pakhtunkhwa through Director Elementary & Secondary  
Education, Peshawar & others.....RESPONDENTS

**AFFIDAVIT**

I Wakeel Ahmad Computer Operator (BPS-16) at District Accounts Office Orakzai at Hangu do hereby solemnly affirm and declared on oath that the contents of the accompanying reply on behalf of Respondent No. 06 are true and correct to the best of my Knowledge and belief and nothing has been concealed from this honorable court.



*Zahoor Khan Adhoke*  
DEPONENT  
CNIC # 17103-0362663-1

Identified by

A handwritten signature in black ink, appearing to be 'Zahoor Khan Adhoke', written over a horizontal line.

**AUTHORITY**

Certify that Mr. Wakeel Ahmad Computer Operator of this office is hereby authorized to submit the reply in the Honorable Peshawar Service Tribunal Peshawar in Service Appeal **No. 7774/2021** in R/o Syed Awan Ali Shah S/o Syed Zamin Jan

*Wakeel Ahmad*  
**DISTRICT ACCOUNTS OFFICER  
ORAKZAI AT HANGU**

**DISTRICT ACCOUNTS OFFICER  
ORAKZAI**

BEFORE THE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 7774/2021

Syed Awan Ali Shah.....Appellant

VS

Director E&SE & Others.....Respondents

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Service Appeal No. 7774/ 2021

Syed Awan Ali Shah .....Appellant

VS

Director E & SE & Others ..... Respondents

**Comments on behalf of Respondent No.1 & 4**

- That the appellant has been charged in a Criminal case.
- That the appellant has got no cause of action , locus standi to file the instant appeal.
- That the appellant has not come to this Honorable Tribunal with clean hands.
- That the appellant after transfer to his original post of PET, GHS Avi Mela filed Service Appeal No. 13576/ 2020, which is still pending adjudication in this Honorable Service Tribunal for judgment.
- That the instant appeal is badly time barred.
- That the appellant is stopped by his own conduct to bring the instant appeal.
- That the appellant has concealed material facts from this Honorable Service Tribunal.
- That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.

**ON FACTS:**

1. That para-1 is correct to the extent that the adjustment / transfer order of the appellant was withdrawn, in accordance with law/ rules.
  2. That the appellant filed service appeal No.13576/2020 and the same is pending adjudication, the Honorable Chairman of the Service Tribunal directed for production of the service structure/ rules of Agency Physical Supervisor and the same will be argued in the coming date of hearing i.e 03.02.2022.
  3. That the appellant is misleading this Honorable Tribunal and exerting illegal pressure on the respondent department, after transfer from the office of DEO Orakzai to GHS Avi Mela filed service appeal No.13576/2020 and the same is pending adjudication, the Honorable Chairman of the Service Tribunal directed for production of the service structure/ rules of Agency Physical Supervisor and the same will be argued in the coming date of hearing.
  4. That the appellant has been involved in criminal and illegal activities, blackmailing of Competent Authorities and District Education office, the District Education Officer has requested the Deputy Commissioner Orakzai regarding the criminal and blackmailing activities of the appellant, subsequently the Deputy Commissioner surrendered his services to Elementary & Secondary Education Department (attached as Annex-A), Khyber Pakhtunkhwa, upon which the Department has initiated proceedings against the appellant and an inquiry is under process (attached as Annex-B).
- It is pertinent to mention over here that the appellant has been charged in a criminal case which was reported by DPO Kohat (attached as Annex-C), upon report of DPO Kohat the Respondent Department issued his suspension order (attached as Annex-D), in this

regard Rule-5 and FR (53) ii B is quite clear, as per FR (53) ii B ' A Government servant against whom a criminal charge or proceedings for arrest or debt is pending should also be placed under suspension by issue of specific order to this effect during periods when he is not actually detained in custody or imprisoned (e.g whilst released on bail)if the charge made or proceedings taken against him is connected with position as a Government servant or is likely to be embarrass him in discharge of his duties as such or involves moral turpitude' (**attached as Annex-E**).

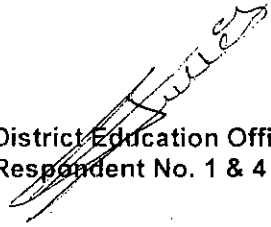
- 5. That detail reply has already been submitted under para-4 above.
- 6. That para-6 is incorrect, there is no record of submission of appeal of the appellant, hence this para is denied.
- 7. That para-7 pertains to the Honorable Peshawar High Court Peshawar judgment.
- 8. That the appellant has no cause of action and locus standi to file the subject appeal on following grounds.

**Grounds:**

- a. **Incorrect and denied;** the respondent department has acted according to the law /rules and policy.
- b. **Incorrect and denied,** the respondents have acted as per law and rules, being involvement of the appellant in criminal activities.
- c. **Incorrect and denied,** the appellant is misleading this Honorable Tribunal and exerting illegal pressure on the respondent department, after transfer from the office of DEO Orakzai to GHS Avj Mela filed service appeal No. 3576/2020 and the same is pending adjudication, the Honorable Chairman of the Service Tribunal directed for production of the service structure/ rules of Agency Physical Supervisor and the same will be argued in the coming date of hearing.
- d. **Incorrect and denied,** the respondent department is bound to abide by the policy and rules in-vogue and has acted according to the policy.
- e. **Legal,** the answering department also seek permission of this HonorableService Tribunal to advance additional grounds at the time of arguments.

**Prayer:**

In light of above, factual and legal position of the case, it is humbly prayed that the instant appeal may kindly be dismissed in favor of the respondent department.

  
District Education Officer Orakzai  
Respondent No. 1 & 4

PAKHTUNKHWA, PESHAWAR

3

Service Appeal No. 7774/2021


Syed Awah Ali Shah.....**APPELLANT**


VERSUS

Director E&SE and others.....**RESPONDENS**

AFFIDAVIT

I, Asad Ullah SS B-17, Focal Person for Litigation District Education Office Orakzai, do hereby solemnly affirm and declare that all the contents of the accompanying compliance report submitted by the respondents are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Court.

**DEPONENT**   
**CNIC: 14101-1426407-9**  
**Cell No. 0333-9671304**

**ATTESTED**  
  
15/04/2021



**OFFICE OF THE DISTRICT EDUCATION OFFICER-ORAKZAI**

Umar Plaza, Main Kohat Road, Muslimabad-Hangu.

Phone # 0925-690017 Fax # 0925-690017

Email: deorakzai2020@gmail.com



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

(4)

Service Appeal No. 7774/2021

Syed Awan Ali Shah.....**APPELLANT**

**VERSUS**

Director KP E&SE and Others.....**RESPONDENTS**

**AUTHORITY LETTER**

It is certified that the comments have been prepared/verified by the undersigned and submitted herewith to the honorable court. Moreover, Mr. Asad Ullah SS (BPS: 17) Focal Person Litigation of this office is hereby authorized to appear & submit the comments before the honorable Khyber Pakhtunkhawa Service Tribunal, Peshawar.

  
**DISTRICT EDUCATION OFFICER,  
ORAKZAI**



OFFICE OF THE DEPUTY COMMISSIONER  
DISTRICT ORAKZAI

0925-690008, 0925-690003.

0925-690007.

dcorakzai@gmail.com

@DCOrakzai

Dated: 03 March, 2021

No. 377 /C/DC-Ork

To The Secretary  
Elementary & Secondary Education  
Khyber Pakhtunkhwa.

Sub:- IMMORAL ACTIVITIES OF THE TEACHER MR. SYED AWAN ALL SHAH

Dear Sir,

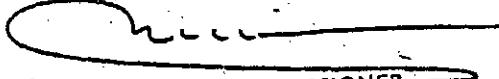
Enclosed find herewith a letter bearing No. 1490 dated 02-03-2021 on the subject noted above.

District Education Officer (Male) has complained against the illegal and immoral attitude of Mr. Syed Awan Ali Shah s/o Syed Zamin Jan (SPET) Govt: High School Avi Mela Lower Orakzai and has requested the District Administration to take legal action against him under the rules. In view of the above Mr. Syed Awan Ali Shah SPET Govt: High School Avi Mela Lower Orakzai is hereby surrendered to Elementary & Secondary Education Department, Khyber Pakhtunkhwa immediately with the request to conduct a formal enquiry into the case under the E&D rules and take action against him subsequently, please.

  
DEPUTY COMMISSIONER  
ORAKZAI TRIBAL DISTRICT

Copy of even No. And date forwarded to:-

1. Director Education, Khyber Pakhtunkhwa.
2. Commissioner Kohat, Division Kohat.
3. District Police Officer Orakzai with the request to take action against the official concerned according to relevant law/rules, please.
4. District Accounts Officer Orakzai with the directions to stop the salary of the above mentioned teacher immediately.
5. District Education Officer Orakzai for necessary action.

  
DEPUTY COMMISSIONER  
ORAKZAI TRIBAL DISTRICT



**NOTIFICATION**

6

Mr. Wajeeh Ud Din Deputy Director of this Directorate is hereby nominated as Inquiry Officer to conduct an enquiry against Syed Awan Ali Shah SPET (BPS-16) GHS Avi Mela District Orakzai in the light of District Education Officer Orakzai letter bearing No. 9329 Dated 14-12-2021 along with its enclosures. (Copy attached).


The enquiry officer is requested to submit his report within fifteen days positively for onward submission to the quarter concerned.

**DIRECTOR**  
**Elementary and Secondary Education**  
**Khyber Pakhtunkhwa Peshawar**

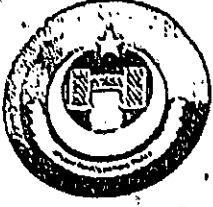
Endst: No. 16773-76 /A-12/1<sup>st</sup> AE/Enquiry File/Pakka, Cover  
Dated Peshawar the 22/12/ 2021

Copy of the above is forwarded to the:-

1. Inquiry Officer/ Deputy Director Local Directorate.
2. District Education Officer Orakzai with the remarks to provide complete record and extend full cooperation to the Inquiry Officer during the proceedings.
3. PA to Director Elementary and Secondary Education Peshawar.
4. PA to Additional Director (Merged Districts) Khyber Pakhtunkhwa Peshawar.

  
**Deputy Director (Estab)**  
**Merged Districts.**

Deputy Director (Estab)



**OFFICE OF THE  
SUPERINTENDENT OF POLICE, INVESTIGATION,  
KOHAT.**

Phone: (0922) 9260274 Fax: (0922) 9260275  
Email: [invlab2@gmail.com](mailto:invlab2@gmail.com)

No. 1856 /GC, Dated Kohat the 01/06 /2021.


To: The District Education Officer,  
(Male) Orakzai.

Subject: INFORMATION / DEPARTMENTAL ACTION.

Memo:

Accused Syed Awan Ali Shah s/o Syed Zameen Jan r/o cast Baba Nwasy Tappa Bar Muhammad Khel Village Kharkay Lower Orakzai District Orakzai has been charged in case FIR No. 174 dated 20.05.2021 u/s 324/427/148/149/109 PPC PS Usterzai District Kohat. Reportedly, he is serving under your command. (Copy of FIR is attached).

It is therefore, requested that proper departmental action may be taken / initiated against him under intimation to this office please.

  
Superintendent of Police,  
Investigation, Kohat

No. 1857 /GC.

Copy to OII PS Usterzai for information.





مرزا ایم بالا کی بارگاہ عالیہ میں مقیم رہنے والے تھے۔ ان کی ولادت ۱۲۶۵ھ بمطابق ۱۸۴۹ء میں ہوئی۔ ان کی تعلیم مولانا محمد رفیع صاحب نے دی۔ ان کی شہرہ آفاق تصنیف "تاریخ ہندوستان" ہے۔ ان کی وفات ۱۳۰۵ھ بمطابق ۱۸۸۹ء میں ہوئی۔

۱۲۶۵-۱۲۸۵  
20-05-091

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Annex - E

10

IN THE COURT OF JUDICIAL MAGISTRATE-I, KOHAT

Serial No. of Order of Proceedings	Date of order or Proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties or counsel where necessary
<u>ORDER</u>	25.05.2021	<p>Wajid Alam AS/OH of PS Usterzai produced Mehboob Khan s/o Muhammad Akbar r/o presently Garhi Mawaz Khan Kohat before the court in connection with FIR No. 174 dated: 20.05.2021 w/s 324-127-148-149 PPC PS Usterzai for recording of his statement w/s 164 Cr.PC. Record perused. Statement of above named person recorded w/s 164 Cr.PC. Original statement alongwith this order is handed over to the OI/IO for placing the same on record while photocopies of the same be kept for record of this court.</p> <p style="text-align: right;"><i>(Nayyar Jabot)</i> Judicial Magistrate-I, Kohat</p>



بیان زیر دفعہ 164 Cr.P.C

بیان مسیحی محبوب خان ولد محمد آل کھنڈر 52/3  
قوم قبیلہ راجپوت قبیلہ راجپوتہ تحصیل جھنگ ضلع جھنگ

حلفاً بیان کیا کہ مورخہ 20/05/2015 کو میں نے اپنی مورخہ 20/05/2015 کے مطابق نامعلوم ملزمان کے خلاف FIR قلم اٹھائی ہے جس میں درج کردہ تمام ملزمان کے متعلق تفصیلی پتہ چل گیا ہے کہ وہ سبھی سید ایچوان علی شاہ ولد صاحبین جہاں سکند آباد ٹوٹا سہی قوم لیوڑ قبیلہ گاؤں خیر کے محلہ کورنگی کے صاحب مشورہ ایڑ صاحبان 1 سید ہماید علی 2 محلہ انور عرفان نازک 3 سران سید صاحب افضل 4 صاحب صاحب 5 سید صاحب 6 سران محلہ انور میں ہیں جو نامعلوم کسان کے نام پر بارگاہ قبلہ فائرنگ کی ہے اور میری مورخہ 20/05/2015 کے بیان کے مطابق ان کے نام بارگاہ قبلہ فائرنگ کی ہے اور انہیں پتہ چل گیا ہے کہ ان کے نام بارگاہ قبلہ فائرنگ کی ہے اور انہیں پتہ چل گیا ہے کہ ان کے نام بارگاہ قبلہ فائرنگ کی ہے

سید ایچوان علی شاہ

المحبوب خان ولد محمد آل کھنڈر

14301-8764318-5  
0333-9610922

JM-I  
25-05-21





DIRECTORATE OF ELEMENTARY &  
SECONDARY EDUCATION KHYBER  
PAKHTUNKHWA, PESHAWAR

**NOTIFICATION**

Consequent upon the approval of the Competent Authority, Syed Awan Ali Shah, SPET (BS-16), GHS Avi Mela District Orakzai is hereby suspended from service due to his involvement in FIR No. 174 dated 20-05-201 under section 324/427/148/149/109 PPC P.S. Ustarzai District Kohat, as reported by District Education Officer Orakzai vide No. 6668 dated 29-06-2021 in the interest of public service. He will be entitled for subsistence allowance as per rules.

**Director**

**Elementary and Secondary Education  
Khyber Pakhtunkhwa, Peshawar**

Endst: No. 2751-55/A-12/IAE/ Khaista Sher SST dated 09/08/2021  
Copy forwarded to the:-

1. District Education Officer Tribal District Orakzai w/r to your letter No. cited above.
2. District Accounts Office, District Orakzai.
3. Deputy Commissioner District Orakzai.
4. Head Master GHS Avi Mela District Orakzai.
5. SPET concerned.
6. PA to Additional Director (Estab) Merged Districts Khyber Pakhtunkhwa, Peshawar.

**Deputy Director (Estab)  
Merged Areas**

*M*  
06/08/2021



**OFFICE OF THE DEPUTY COMMISSIONER  
ORAKZAI TRIBAL DISTRICT**

(15)

No. 2572 /C/DC-Ork

Dated: 16 November, 2021

To

Section Officer (E-V),  
Establishment Department,  
Khyber Pakhtunkhwa, Peshawar

Subject:- **COMPLAINT AGAINST MUHAMMAD KHALID DEPUTY COMMISSIONER  
ORAKZAI AND OTHERS.**

Reference your letter No. SOE-V/E&AD/2-1/NAB/Case No. 275/21 dated 03 November 2021 on the subject cited above.

It is intimated that the services of the complainant (Syed Awan Ali Shah) were surrendered to the Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa vide this office letter No. 377/C/DC-Ork dated 03-03-2021 (Annex-A) on the request of District Education Officer Orakzai vide letter No. 1490 dated 2-03-2021 (Annex-B) with the request to conduct a formal enquiry into the case under E&D rules. Subsequently, the Director Elementary and Secondary Education Department Khyber Pakhtunkhwa ordered enquiry against Syed Awan Ali Shah vide notification No. 5263-67/F.No.E-7/KC/New Orakzai dated 5-04-2021 (Annex-C).

It is further added that as per report of the DEO Orakzai, Mr. Awan Ali Shah has also been involved in following illegal / immoral activities :-

1. Hate speeches & defamation on social media against Education department Orakzai (Annex-D). The District Education officer requested Director Elementary & Secondary Education for surrendering his services vide letter No. 769-C dated 3-2-2021 (Annex-E).
2. Written complaints by fellow staff for taking legal action against him for threatening them with weapons (Annex-F).
3. Written complaints by inhabitants of Avi Mela (his area of posting) for his absence from his duties (Annex-G).

Moreover, on the complaints by inhabitants of Avi Mela for his absence, the enquiry was conducted by Education Department Orakzai against Syed Awan Ali Shah PET and the enquiry officer reported in his findings that he is absent from his duty since long (Annex-H). Subsequently, show cause notices were served to Syed Awan Ali Shah by District Education Officer Orakzai, however, as reported by DEO

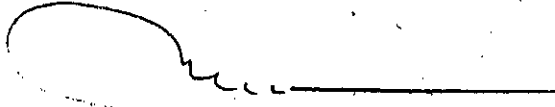
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Orakzai, the complainant Syed Awan Ali Shah has failed to reply to the same (Annex-I & Annex-J).

16

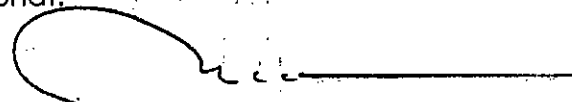
It is further added that District Education Officer Orakzai intimated Director Elementary & Secondary Education Department Khyber Pakhtukhwa with copy endorsed to this office vide letter No. 6668 dated 29-6-2021 (Annex-K) that Superintendent of Police (Investigation)-Kohat has requested for action against the accused Mr. Syed Awan Ali Shah in case FIR No. 174 dated 20-05-2021 u/s 324/148/149/109 PPC PS Usterzai Kohat vide letter No. 1856/GC dated 01-06-2021 (Annex-L). Subsequently the Director Elementary & Secondary Education Department Khyber Pakhtukhwa, Peshawar suspended services of Mr. Awan Ali Shah vide notification NO. 11751-56/A-12/IAE/Khaista Sher SST dated 29-08-2021 (Annex-M).

Moreover, an enquiry has already been conducted in the said case against Mr. Hussain Shah (Superintendent DC office Orakzai) and the enquiry officer submitted his findings stating therein that the complainant has personnel affairs/self interested demands with the Superintendent DC Office (Mr. Hussain Shah) either due to official business or domestic affairs and recommended the complaint to be filed. The enquiry report has already been forwarded vide this office letter No. 1251/C/DC-Ork dated 20-05-2021 (copy attached as Annex: N for ready reference).

  
DEPUTY COMMISSIONER  
ORAKZAI TRIBAL DISTRICT

**Copy of even No. & date forwarded to the:-**

1. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
2. Additional Director Staff (For Director General), National Accountability Bureau, Block-III, PDA Complex, Hayatabad Peshawar w/r/ to his letter No.117/9/2199-21/CVC/NABKP252877/3123 dated 20-10-2021 on the subject referred above.
3. PS to Secretary Establishment, Khyber Pakhtunkhwa Peshawar.
4. PS to Commissioner Kohat Division, Kohat.

  
DEPUTY COMMISSIONER  
ORAKZAI TRIBAL DISTRICT



عنوان: درخواست بمراد برائے مداخلت کارسرا کار بمقام ڈسٹرکٹ ایجوکیشن آفس اور کزنٹی۔

17

نہایت آدب سے گزارش ہے۔ کہ سید اعوان علی شاہ SPET GHS Avi Mela Orakzai نامی استاد روزانہ آفس آتا ہے اور سرکاری امور میں غیر ضروری مداخلت کرتا ہے اور اپنی من مانی پر تلا ہر ہے۔ ناجائز کام نہ ہونے کی صورت میں جملہ سٹاف کو پستول ذیکھا کر حراساں کرتا ہے۔ اور ساتھ ہی سوشل میڈیا پر دفتر ہذا کے خلاف منفی پروپیگنڈہ کرتا ہوا چلا رہا ہے۔ (نقول منسلک ہے) جس کی وجہ سے جملہ سٹاف شدید ذہنی کوفت میں مبتلا ہیں۔ اور جس کی وجہ سے سرکاری امور نمٹانے میں ہم جملہ ملازمین کو رکاوٹ پیش آرہی ہے۔

لہذا ہم جملہ ملازمین درخواست کرتے ہیں کہ ہمیں اس ذہنی کیفیت سے نکالنے کے لئے مذکورہ استاد کو دفتر آنے پر پابندی لگائی جائے اور ساتھ ہی کارسرا کار میں مداخلت کا FIR بھی درج کی جائے۔

جملہ ملازمین

ڈسٹرکٹ ایجوکیشن آفس، ضلع اور کزنٹی۔

1-Raees Khan, ADEO.....

2-Abdul Malik, ADEO.....

3-Iqbal Hussain, ADEO.....

4-Daulat Shah. ASDEO.....

Deputy Director (Estab)



YOU, Najeeb Ur Rehman and 14 others

5 comments 7 shares

## ملگری استاذان\_Malgari\_Ustazan\_orakzai

By Syed Awan Ali Shah SPET GHS Avi Mela Central Orakzai

ضلع اورکزئی کے ملگری استاذان اللہ کے مدد سے بڑا دعوا محکمہ تعلیم اورکزئی میں بڑے پیمانے پر کرپشن کا راز کھول گیا ضلع اورکزئی کے محکمہ تعلیم میں کرپٹ مافیا کے ملی بھگت سے ضلع اورکزئی میں ضلع کرک بنگو کوہاٹ کے اساتذہ بھرتی کرنے کے بعد ضلع کے مختلف کیڈرز کے اساتذہ ایگریڈیشن میں جعلی سروس بک جعلی ڈگریاں۔ جعلی ویرفیکشن ریڈی میڈ ڈگریاں پر جعلی اساتذہ ایگریڈ کر کے اورکزئی کے کرپٹ ڈسٹرکٹ ایجوکیشن آفیسر فرید اللہ کا مکروہ چہرہ بے نقاب ہو گیا مندرجہ بالا تصویری کمپینٹ جس میں ایجوکیشن آفس کے کرپٹ ٹولے نے ملگری استاذان کے ایک کارکن کے خلاف پشاور سروس ٹریبونل عدالت میں جھوٹے اور بے بنیاد الزامات کا ڈرامہ کھول کر سامنے آگیا ضلع کے پورے مافیا نیٹ ورک نے ایک کمپینٹ کی شکل میں ہمارے اوپر جھوٹے اور بے جا الزامات لگا کر کرپشن بے غیرتی اور بے ایمانی کے ریکارڈ قائم کیے کرپٹ ٹولے کے 19 گریڈ کے ایجوکیشن آفیسر اور 17،18 گریڈ کے کرپٹ آفیسر نے اپنی کمپینٹ بھی درست طریقے سے نہیں لکھ سکے کرپٹ ٹولے نے کمپینٹ میں قلم چھوڑ کر کالم چور جملہ ملازمین کو جملا ملازمین معذرت خواہ کو معذرت ہوا لکھ کر اپنے نالائق کا ثبوت دیا ہے اس سے اندازہ ہے کہ اب چور کالم بھی لکھنے لگے ہیں لہذا ہم کرپٹ ٹولے سے یہ پوچھتے ہیں کہ اگر آپ مافیا ٹولے میں تھوڑی سی ایمان اور غیرت ہے تو واقعی ایماندار مافیا ہیں تو کھول کر میدان میں آجھوٹے الزامات سے کچھ نہیں بنتا ہمارے پاس تو نہ ٹینک ہے اور نہ فورسز ہیں آپ کس چیز سے ڈرتے ہیں آپ کے پورے ٹیم کے اوسان خطا ہو کر پورے آفس میں کھلبلی مچ گئی ہیں پورے مافیا سسٹم ویران اور پریشان ہیں اور یہ بھی یاد رکھیں کہ آپ کے مافیا نیٹ ورک لوئر تحصیل کے چور کرپٹ مداری بھگوان داس پر بھروسہ ہیں اور ہمارے ٹیم کا بھروسہ اس ذات خدا پر ہے جس نے تمام دنیا پیدا کیا ہے اور تمام دنیا اس کے قبضہ قدرت میں ہے اور ہمارے ساتھ ضلع اورکزئی کے غریبوں یتیموں کے آسرایواؤں اور مظلوم لوگوں کی دعائیں ہیں آپ یاد رکھیں کہ دنیا کی طاقت ہمیں برا تمنا درد دل کئی ہوں تو کر خدمت فقیروں کی نہیں ملتا یہ (نہیں سکتے شاعر مشرق علامہ اقبال کی وہ شعر لکھوں گو بر باد ہوں کی خزیوں میں) پشتو کا مشہور شاعر کا شعر (چے اللہ در سرہ مل نہ وی رحمانہ..... کہ لخرے در سرہ وی یک تنہا ہے)..... کمپینٹ میں ایک دو نمبر مافیا لیٹیگیشن کلرک اسد نامی مافیا کرپٹ ایجوکیشن آفیسر نے استعمال کر کے عدالت عظمیٰ کو جھوٹے اور بے بنیاد الزامات کی کمیٹی کے نام پر اپنے ناجائز اختیارات کا استعمال کی دستخط تمہا کر قانون اور آئین پاکستان کی کھلی خلاف ورزی کر کے مذاق اڑایا ہے جیسا Competent Authority کے تصویری کمپینٹ میں دکھایا گیا ہے موجودہ کلرک نے گزشتہ کئی سالوں سے گورنمنٹ ہائیر سیکنڈری سکول کلابہ کی سرکاری ڈیوٹی چھوڑ کر ہمارے ضلع کے معصوم بچوں کے مستقبل سے کھیل رہے ہیں مافیا تین چار سال پہلے بھی اورکزئی کے پولیٹیکل ایجنٹ زبیر خان نے اس مافیا پر ایجوکیشن آفس میں آنے پر پابندی عائد کیا تھا مافیا ایک ماہ میں پورا ایک لاکھ روپے سے زائد سرکاری خزانہ لوٹ کر رہا ہے مافیا نے سکول کی بجائے ایجوکیشن آفس میں ایک کلرک کی ڈیوٹی دیکر سارا دن ایجوکیشن آفس کا طواف کر رہا ہے مافیا کسی صورت ایجوکیشن آفس چھوڑنے کو تیار نہیں ہے انشاء اللہ بہت جلد مافیا کی کرپشن کی داستان میڈیا کے منظر عام پر لائے گئے 2۔ اقبال حسین ایس ایس ٹی جو کئی سالوں سے اپنی سکول کی ڈیوٹی چھوڑ کر سیاسی مداری کی ملی بھگت سے اورکزئی ایجوکیشن آفس میں قبضہ جما کر اورکزئی کے غریب سادہ لوح اور مظلوم عوام سے شناختی فارم کی تصدیق کی مد میں 20 روپے سے لیکر 500 روپے تک رشوت وصول کر لوٹتے ہیں جو واقعی بڑا ظلم اور زیادتی ہے..... دوسرے طرف ضلع اورکزئی کے چند مخصوص ایجنٹ لوئر تحصیل کے ضلع کوہاٹ کچھ پکے میں ایک مقامی مسجد کے صحن میں ڈیرے ڈال کر کرپٹ ڈسٹرکٹ ایجوکیشن آفیسر اور کرپٹ سیاسی مداری کی ایما پر کلاس فور کی نوکریاں کے حصول کے لئے دن رات کر کے فی کس 50000 ہزار سے لیکر ایک لاکھ روپے تک رشوت وصول کر کے سرگرم ہیں جبکہ باقی تحصیلوں کے بنگومیں ایک مسجد کے قریب رشوت لینے کے لئے سرگرم ہیں ملگری استاذان کے فلینٹ فارم سے خبردار کرتے ہیں کہ خدا کے لئے اپنی حق پر رشوت مت دیں یہ آپ کی قانونی حق ہے آپ کی یہ رشوت دینا دنیا اور آخرت کی بربادی کا سبب بنے گا..... ضلع اورکزئی کے ملگری استاذان ضلع کے نام و نہاد تنظیموں اور خاص کر ایجوکیشن آفس کے مافیا بلکہ پورے ضلع اورکزئی کے کرپٹ رشوت خور کالی بھیڑیوں کو چیلنج کرتے ہیں کہ آپ لوگ ٹیبل ٹاک پر آکر ہم سے مناظرہ کرے اگر آپ پر کرپشن ثابت نہ کر سکے تو سروس سے استعفیٰ دینے کے اگر ثابت کر دیا تو خدا کے لئے آپ لوگوں میں اگر زرا سی بھی غیرت اور ایمان ہو تو پھر ایجوکیشن آفس کا طواف بند کرے ضلع کے غریب اور مظلوم عوام کی حقوق پر ڈاکہ ڈالنا بند کریں آخر میں میں ہم ضلع اورکزئی کے غیور اور غیرت مند لوگوں سے معافی چاہتے ہیں اس رپورٹ پر..... باقی مندرجہ بالا جس نے ہمارے ٹیم کے خلاف اور ٹیم کے ایک کارکن کے خلاف جھوٹے الزامات اور کمپینٹ پر مبنی دستخط کرنے والے مافیا کو برملا کہہ رہے ہیں کہ آج کے بعد اگر ہمارے



### Khamosh Banda

اعوان کا مفاد صرف اور صرف ذاتی ہے۔

دفتر میں خود ایڈجسٹ کرنا

...پوسٹ دلانا CT اپنے بھائی کوثر علی شاہ کو۔

### Khamosh Banda

اعوانی ایک ضرب المثل ہے کہ ادھی اپنی صحبت سے پہچانا جاتا ہے تیرے صحبت میں سارے دو نمبری اور تین نمبری لوگ شامل ہیں۔ اور تم بھی ویسے ہی ہو اور بتانے ضرورت نہیں۔

...میرے پاس ایک ایسا ثبوت ہے جب میں وہ پیش کروں گا تو پھر تیرے اپنے علاقے کے لوگ تم پر تھوکیں گے۔

### Khamosh Banda

خاموش بندہ جلد مزید خاموشی سے پردہ اٹھانے کا انتظار کریں۔

ن ن ن ن اور کڑی عوام کو حقیقت بتانا میرا فرض ہے باقی عوام اب بہت سمجھدار ہیں

### Syed Hassan Abbas Sherazi

اس کرپشن میں ایجوکیشن ڈیپارٹمنٹ ضلع اور کڑی کا سارا عملہ ملوث ہے کیونکہ چند افراد کرپشن نہیں کر سکتے اور منتخب نمائندے اپنے کرپٹ ٹیم کو بچانے کے لئے سرگرم ہیں

### Khamosh Banda

اعوانی پہ غولو کے تروکی ما ویاں اور ہم بے عزتہ کی گئے تم کو لوگوں نے بے وقوف بنایا ہے تم سے مزہ لیتے ہیں تم کچھ نہیں کر سکتے دفتر والوں ایک درخواست دستخط کنے تو تمہارے اوسان خطا ہو گئے کتے کی طرح ادھر ادھر... بھگ رہے ہو لوگوں کی منتیں کر رہے ہو کہ مجھے بچاؤ

### Khamosh Banda

جب ملگر استبدان تنظیم بنی ہے اسوقت سے اس میں صرف چھ کارکن تھے اب ترقی کر کے چھ سے پانچ ہو گئے میں شامل ہوا ہے جس کا ITA ہیں خائستہ شیر استاد ان کی بد اخلاقی بے ایمانی اور لڑائی جھگڑوں سے تنگ ہو کر ... کا ویلکم بینر ہے اور پیڈ ہے۔ اعوان نے اس تنظیم کو ITA ثبوت

### Khamosh Banda

اس تنظیم کے جتنے ممبر ہیں سارے کام چور اور سکول ڈیوٹی سے بھاگنے والے ہیں۔ ملگری استاذان کا نام استعمال کر کے بورڈ اور یو نورسٹی کے ہر امتحان میں یہ ڈیوٹیاں لگاتے ہیں۔

### Khamosh Banda

بقول آپ کے کہ مافیا دفتر کا چکر لگاتے ہیں یہ تم روزانہ دفتر کے چکر کیوں لگاتے ہو اگر دفتر اتنا کریٹ ہے تو پھر تم کو اس دفتر سے دور رہنا چاہئے تاکہ تیری بدنامی نہ ہو تم کس حیثیت دفتر آتے ہو گالیاں دیتے ہو دفتر کے رجسٹر... چوری کرتے ہو اگر مرد کے بچے ہو تو

### Khamosh Banda

یہ ملگری استاذان کا نام اپنی ذاتی مفاد کے لئے استعمال کر رہا ہے

### Khamosh Banda

اگر اس کام چور اعوان کے پاس ثبوت ہیں تو پیش کریں۔

### Khamosh Banda

جو ڈرامہ اعوان علی اور اس کے ٹولے اور رشید بابو ڈی ای او صاحب کو بدنام کرنے کے لئے رچایا اس سے بھی اب پردہ اٹھاتا ہوں۔ رشید بابو اور اعوان علی پکے دوست ہیں۔ اوی میلہ ہائی سکول سے ان کی دوستی ہے۔ رشید نے بھی... کبھی سکول نہیں دیکھا اور اعوان نے بھی کبھی کب

### Sirkanie Zalmi

فرید اللہ صاحب اور کزینی انجنسی ایک دو مہینے ہو گئے ہیں آیا ہیں اس لگتا ہیں فرید اللہ صاحب سختی کرتا ہیں اب لوگ برداشت نہیں کرتے ہیں پھر نازیہہ پوسٹ کرتے ہو ...

### Khamosh Banda

تم باتونی مافیا ہو۔ اس تنظیم میں تیرے سوا کوئی نہیں ہے۔ عورتوں کی طرح صرف زبان چلاتے ہو تم نے فرید اللہ کے بارے 20 کو سارے اور کزینی میں افواہ پھیلانی تھی کہ آج فرید اللہ ٹرمینیٹ ہو جائے گا یا ٹرانسفر میرے خیال میں تمہیں... سمجھتے ہو کہ تیرے باپ کی حکومت ہے جو



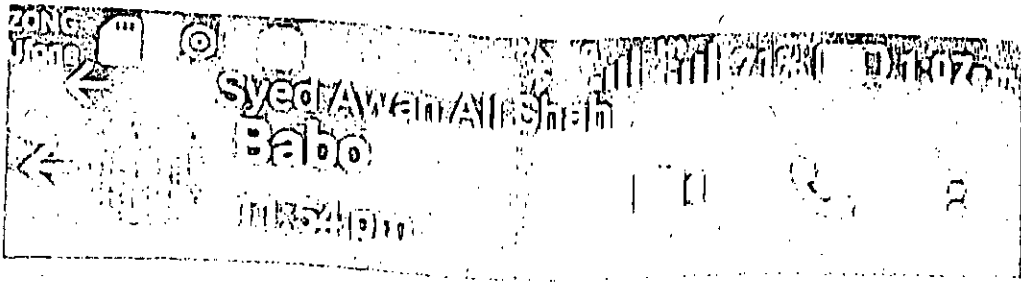
ضلع اورکزئی کے محکمہ تعلیم کے اساتذہ کی حالیہ بھرتی میں تحریک انصاف کے انصافی حکومت میں میرٹ کے جھوٹے دعوے دھرے کے دھرے رہ گئے ضلع اورکزئی کے محکمہ تعلیم کے حالیہ اساتذہ بھرتی میں کرپٹ ڈسٹرکٹ ایجوکیشن آفیسر فرید اللہ اور اساتذہ سلیکشن کمیٹی کے چیئرمین اقبال خان کرپٹ سیاسی مداری کی ملی بھگت سے اورکزئی کے محکمہ تعلیم کے ہاسٹل میں قبضہ جما کر اساتذہ کی بھرتی میں لاکھوں کی بولیاں لگا کر کروڑوں کے گھپلے کر کے ضلع اورکزئی کے تعلیمی میدان کو ویران کر دیا ضلع کے کرپٹ ڈسٹرکٹ ایجوکیشن آفیسر فرید اللہ نے اور سیاسی مداری کی ملی بھگت سے ضلع اورکزئی کے غریب عوام کے نوجوانوں کی حقوق پر ڈاکہ ڈال کر اورکزئی نوجوانوں کی بجائے ضلع کوہاٹ ہنگو ضلع کرک کے مافیا نے میدان مار لیا ایجوکیشن کے کرپٹ آفیسران نے ضلع اورکزئی کے 50 سے زائد خالی پوسٹوں جو ایٹا میں دینے گئے تھے چوری کر کے آئے روز ایک ایک پوسٹ پر بولی لگا کر 5 لاکھ سے لیکر 10 لاکھ روپے تک فروخت کرتے رہے اس دوران انٹی کرپشن کے اسسٹنٹ ڈائریکٹر سپیشل وینگ نے اورکزئی کے تاریخ میں پہلی بار ایجوکیشن آفس میں چھاپہ مار کر کر ڈسٹرکٹ ایجوکیشن آفیسر فرید اللہ کو رنگے ہاتھوں گرفتار کیا جو کہ تصویر میں واضح دیکھائی دے رہا ہے اور یہ بھی یاد رہے کہ مافیا نیٹ ورک نے انٹی کرپشن ڈائریکٹر چھاپہ کے باوجود ضلع اورکزئی کے ایجوکیشن ہاسٹل میں پھر سے بیٹھ کر کرپشن کا بازار گرم کر رکھا ہے اور آئے روز فی آرڈر 5 لاکھ سے لیکر 10 تک فروخت کرنے کا یہ سلسلہ نہ روسکا ملگری استاذان ضلع اورکزئی کی حالیہ اساتذہ بھرتی میں مافیا نیٹ ورک کے مختلف ایجنٹوں کے ذریعے تقسیم کرنے والی رشوت دینے والوں کو پرزور اپیل کر کے خبردار کرتے ہیں کہ وہ اپنی رشوت مختلف ایجنٹوں کے ذریعے تقسیم کرنے والے مافیا سے واپس کرے ورنہ یہ رشوت آپ کے کام نہیں آئیگی اور دو نمبر طریقے سے آنے والے امیدواروں جنہوں نے ضلع اورکزئی کے نوجوانوں کی حقوق چھین کر اورکزئی کے نوجوانوں کی حقوق پر قبضہ ڈالا ہے معاف نہیں کیا جائے گا بلکہ ان مافیا کو محکمہ تعلیم سے باہر پھینک دیا جائے گا انشاء اللہ آخر میں ملگری استاذان نے کوہاٹ میں ایک ہنگامی میٹنگ ہونی جس میں ملگری استاذان نے ضلع اورکزئی کے سوشل میڈیا اورکزئی کے پریس میڈیا نوجوانوں عوامی نیشنل پارٹی کے چیئرمین مٹل خان اورکزئی شیخان ویلفیئر سوسائٹی اورکزئی یوتھ آرگنائزیشن اور حالیہ اساتذہ کی متاثر امیدواروں سے مطالبہ کیا ہے کہ وہ ملگری استاذان ضلع اورکزئی کے ان کرپٹ عناصر کے خلاف اٹھ کر مافیا کے کرپشن کو بے نقاب کرنے میں ساتھ دیجئے مافیا کو بہت جلد انشاء اللہ قانون اور انین کے کٹھرے میں لائے نگے اور بہت جلد بے نقاب کرینگے اور یہ بھی یاد رہے کہ اگر ملگری استاذان کے کسی ایک کارکن یا رشتہ دار کا ایک بال بھی ضائع ہوا تو تمام تر ذمہ داری کرپٹ چور مداری اور مافیا گروپ ایکس وائی زیڈ پر عائد کی جائے گی اردے جن کے پختہ ہوں نظر جن کی خدا پر ہوں۔ طلاطم خیزوں موجوں سے وہ گھبرا یا نہیں کرتے انشاء اللہ





you, Najeeb Ur Rehman and 14 others 5 comments 7 sha

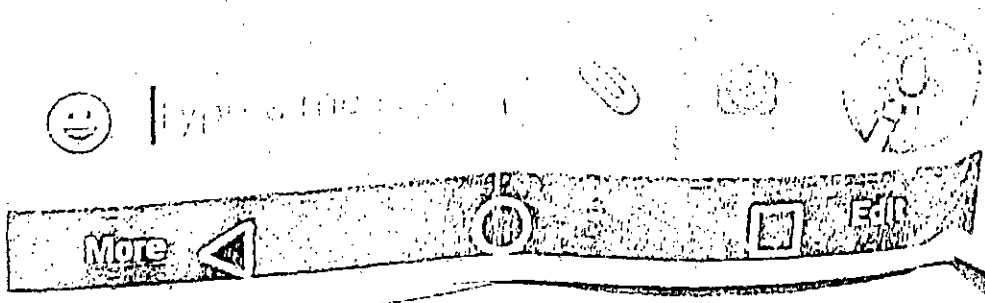




You deleted this message

TODAY

جناب آج آپ لوگوں کی من مانہ ہے کہ فون تک رسو  
نہیں کرتے شاید کل کسی اور کی ہو گی انشاء اللہ  
آپ دیکھے گے کہ آپ کی آفس کا پورا نقشہ تبدیل ہو  
گا لوگ شاید نہیں سمجھتے ہیں لیکن ہم سمجھتے  
ہیں کہ آپ لوگوں نے لوئر تحصیل میں پی پی سی  
آرڈرز میں کیا ڈرامہ کیا ہے وہ بھی ہمیں معلوم ہیں  
کریٹ فریڈ اللہ نے آج پی پی سی پوسٹوں میں کیا کچھ  
نہیں کیا 44 پوسٹوں میں 34 آرڈرز ایشیو کی ہیں  
اور باقی پوسٹس کہاں غائب کی ہیں یاد رکھو میں  
آپ کو قسم خدا دیتا ہوں اگر میں چاہو تو بہت جلد  
کریٹ فریڈ اور سمیت پورا عملہ رنگے ہاتھوں پکڑے  
گے پس میں آپ کو ایک دوست سمجھ کر آپکو  
خبردار کرتا ہوں کہ آپ پی پی سی او کو کہہ دو کہ اپنا قبلہ  
درست کریں اور جلیل حسین کا آرڈر پیر تک جاری نہ  
کیا تو پھر شکوہ نہیں کرنا انشاء اللہ پیر کے بعد پورا  
میڈیا اور دوسرے ادارے ساتھ آفس آپکے پورا عملہ  
گرفتار کریں گے لیکن آپ چند دوستوں کی خاطر ہم  
خاموش بیٹھے ہیں وسلام



بخدمت جناب ڈائریکٹر انٹرنیشنل ایجوکیشن خیر پختونخواہ پشاور۔

جناب عالی! گزارش کرتے ہیں کہ اپنی توجہ ایک اہم مسئلے کی طرف مبذول کرانا چاہتا ہوں۔ کہ عوان علی شاہ PET گورنمنٹ ہائی سکول آوی میاں ضلع

اور کرنلی میں عرصہ دراز سے تعینات ہے۔

لیکن اس نے جب سے چارج لیا ہے تب سے لیکر آج تک اس نے ایک دن بھی ڈیوٹی نہیں کی ہے۔ اور اس نے کوہاٹ میں اپنا کاروبار شروع کیا ہے اور ساتھ ہی شیشٹری کا دوکان بھی کھولا ہے۔ جس نے ہمارے بچوں کو پڑھانے کا قیمتی وقت اپنے کاروبار میں ضائع کر رہے ہیں۔ اور ہم جملہ ماکانان نے کئی بار سابقہ ڈی ای او زاہد اللہ شاہ صاحب کو بھی شکایت کیا تھا لیکن بد قسمتی سے وہ بیمار ہو گیا اور دوبارہ انس کونہ آگیا۔ لیکن مذکورہ شخص جب سے بھرتی ہوا ہے ایک دن بھی ڈیوٹی نہیں کی۔ اور حرام تنخواہیں لیتا ہے یہ ہمارے بچوں کے حقوق پے ڈاک ڈالنا ہے اور ہمارے بچوں کا مستقبل تباہ و برباد ہو رہا ہے۔

لہذا آپ صاحبان سے گزارش ہے کہ اس کے خلاف انکو ڈی کی جائے اور جتنے حرام تنخواہیں لئے ہیں انکی ریکوری کی جائے اور ساتھ ہی کھڑی سے کھڑی سزا دی جائے تاکہ دوسروں کیلئے نشان عبرت بن جائے۔ شکر یہ۔

العارضین

جملہ شران و کشران گاؤں آوی میاں قوم مشتی ضلع اور کرنلی

تاج پور کے اطلاع و ضروری کارروائی۔

1۔ منسٹ آف ایجوکیشن خیر پختونخواہ پشاور۔

2۔ ڈسٹرکٹ ایجوکیشن آفیسر ڈسٹرکٹ اور کرنلی۔

3۔ ڈائریکٹر (NAB) نیشنل اکاؤنٹبلیٹی خیر پختونخواہ پشاور۔

4۔ بریگیڈر اور کرنلی۔ کاؤٹ غلجو۔

5۔ ڈپٹی کمیشنر ڈسٹرکٹ اور کرنلی ہنگو۔

ٹو: ڈسٹرکٹ ایجوکیشن آفس اور کزنٹی۔

عنوان: درخواست بمراد برائے مداخلت کام سرکار بمقام ڈسٹرکٹ ایجوکیشن آفس اور کزنٹی۔

نہایت مودبانہ گزارش کیجاتی ہے۔ کہ کافی عرصے سے سید اعوان علی شاہ نامی پی ای ٹی استاد آفس آ کر ہمیں ڈراتے اور دھمکاتے ہیں۔ سرکاری امور میں غیر ضروری مداخلت کرتا رہتا ہے۔ سوشل میڈیا پر ذاتی اور دفتری امور پر منفی پروپیگنڈے کر رہے ہیں۔ ہمیں شدید ذہنی ازیت پہنچ رہی ہیں۔ اس ذہنی کوفیت میں ہم بہتر انداز میں سرکاری امور سر انجام نہیں دے سکتے۔ وہ پچھلے کئی مہینوں سے مسلسل سکول کے بجائے دفتر ہمیں ذہنی کوفیت دینے آرہے ہیں۔

لہذا ہم جملہ ملازمین یہ پُر زور اپیل کرتے ہیں ہمیں اس ذہنی کوفیت سے بچائے اور انکو دفتر آنے پر پابندی کے ساتھ ساتھ اس پر کام سرکار میں مداخلت کا FIR بھی کٹوایا جائے ورنہ ہم کالم چوڑھڑتال کرنے پر مجبور ہیں۔ سرکاری امور کے سر انجام دہی میں حسب مجبوری دیر پر ہم معذرت ہوہے۔

1) Iqbal Hussain

2) Daulat Shah

3) Sheraz Ullah

4) Wahid Ullah

5) Akhbar Ahmad Khan

Miss Nabeela

Nabeel Ullah

Mehar Dil

Mehar Dil

Mehar Dil

Mehar Dil

جملہ ملازمین

ڈسٹرکٹ ایجوکیشن آفس، ضلع اور کزنٹی۔

Rafiq

Rafiq

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

Service Appeal No.7774/2021

Syed Awan Ali Shah.....Petitioner

**VERSUS**

Deputy Commissioner, Orakzai & Others.....Respondents

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21-3-22  
DEPUTY COMMISSIONER  
ORAKZAI TRIBAL DISTRICT

Appeal No.7774/2021

Syed Awan Ali Shah.....Petitioner

VERSUS

1. Govt: of Khyber Pakhtunkhwa through Director Elementary & Secondary Education, Peshawar.
  2. Deputy Commissioner, Orakzai.
  3. Additional Assistant Commissioner, Orakzai.
  4. District Education Officer, Orakzai.
  5. Superintendent DEO Orakzai.
  6. District Accounts Officer, Orakzai
- .....Respondents

**Parawise comments on behalf of respondent No.2&3.**

**Preliminary objections on facts:-**

- A. No comments. Not relevant to respondent No.2&3.
- B. No comments. Not relevant to respondent No.2&3.
- C. Incorrect. The District Education Officer (Male) Orakzai being controlling authority of the employee/appellant complained against the illegal and immoral attitude of the appellant and requested the district administration, Orakzai to take action against him. As the appellant was creating problems, therefore he was surrendered to Elementary & Secondary Education Department, Khyber Pakhtunkhwa with the request to conduct a formal inquiry against him under the E&D rules. Reportedly, an inquiry under E&D rules against the official is already in process and the outcome of inquiry against the official is yet awaited. Hence, the issue is more of a discipline and administrative issue of the department i.e Elementary & Secondary Education Department, Khyber Pakhtunkhwa. The authority to release salary is District Education Officer, Orakzai and the authority to decide the disciplinary proceedings against the official is the Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa. Therefore there is no merit in the claim on the appellant regarding hurdles in service matters of the appellant including his place of duty, E&D proceedings and release of salary as all these are the exclusive domain of the parent department i.e Elementary & Secondary Education Department, Khyber Pakhtunkhwa. The orders of his surrender and stoppage of salary by the District Accounts Office has also been done on the recommendations of the controlling authority i.e District Education Officer (Male) Orakzai. Henceforth the issue in hand is actually a service matter between the employee/appellant and the department.
- D. As explained in para above.
- E. Not relevant to respondent No.2&3.
- F. Not relevant to respondent No.2&3.
- G. No comments.
- H. As already explained in above paras.

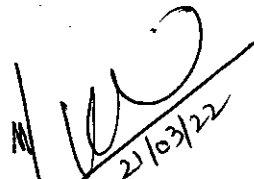
**Grounds:-**

1. The District Education Officer (Male) Orakzai being controlling authority of the employee/appellant complained against the illegal and immoral attitude of the appellant and requested the district administration, Orakzai to take action against him. As the appellant was creating problems, therefore he was surrendered to Elementary & Secondary Education Department, Khyber Pakhtunkhwa with the request to conduct a formal inquiry against him under the E&D rules. Reportedly, an inquiry under E&D rules against the official is already in

process and the outcome of inquiry against the official is yet awaited. Hence, the issue is more of a discipline and administrative issue of the department i.e Elementary & Secondary Education Department, Khyber Pakhtunkhwa. The authority to release salary is District Education Officer, Orakzai and the authority to decide the disciplinary proceedings against the official is the Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa. Therefore there is no merit in the claim on the appellant regarding hurdles in service matters of the appellant including his place of duty, E&D proceedings and release of salary as all these are the exclusive domain of the parent department i.e Elementary & Secondary Education Department, Khyber Pakhtunkhwa. The orders of his surrender and stoppage of salary by the District Accounts Office has also been done on the recommendations of the controlling authority i.e District Education Officer (Male) Orakzai. Henceforth the issue in hand is actually a service matter between the employee/appellant and the department.

- 2. As explained in para (A).
- 3. No comments.
- 4. Incorrect. The action against the appellant has been taken on the recommendations of District Education Officer (Male) Orakzai as explained in para-A, and there is no pressure from the respondent No.2&3 in any manner.
- 5. No comments.

  
 19-07-2022  
 DEPUTY COMMISSIONER  
 ORAKZAI TRIBAL DISTRICT  
 (RESPONDENT NO.2)

  
 21/03/22  
 ADDL: ASSTT: COMMISSIONER (REVENUE)  
 ORAKZAI TRIBAL DISTRICT  
 (RESPONDENT NO.3)

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

Service Appeal No.7774/2021

Syed Awan Ali Shah.....Petitioner

**VERSUS**

Deputy Commissioner, Orakzai & Others.....Respondents

**AFFIDAVIT**

Mr. Imtiaz Ali Shah, Additional Assistant Commissioner, Lower Orakzai, do hereby solemnly affirm and declare on oath the **parawise comments** are true and correct to the best of my knowledge and belief and nothing has been concealed.

*Imtiaz Ali Shah*  
DEPONENT

CNIC#14203-4660194-5  
Cell# 0336-9727777

*[Faded and illegible handwritten text]*



4



**OFFICE OF THE DEPUTY COMMISSIONER**  
**DISTRICT ORAKZAI**

No 621 /DC/R/C-22

Dated 21 /03/2022

**AUTHORITY LETTER**

Mr. Imtiaz Ali Shah, Additional Assistant Commissioner, Lower Orakzai is hereby authorized to submit the parawise comments in Khyber Pakhtunkhwa Service Tribunal, Peshawar in Service Appeal No.7774/2021 in case titled "Syed Awan Ali Shah VS Deputy Commissioner, Orakzai & Others" on my behalf.

  
DEPUTY COMMISSIONER  
DISTRICT ORAKZAI