

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.759/2018

Date of Institution: 30.05.2018

Date of Decision: 08.03.2021

Mr. Ashraf Khan, Ex-SPST, GPS Khari Abad S/O Khan Gul Afridi R/O Mohallah Bazar,
Billage Khair Abad, District Nowshera.

... (Appellant)

VERSUS

Secretary Elementary & Secondary (E&SE), Govt. of Khyber Pakhtunkhwa, Civil
Secretariat, Peshawar and two others.

... (Respondents)

Muhammad Arif Jan
Advocate

... For Appellant

Mr. Kabirullah Khattak
Addl Advocate General

... For Respondents

MR. HAMID FAROOQ DURRANI
MR. ATIQ UR REHMAN WAZIR

... CHAIRMAN
... MEMBER (E)

 JUDGEMENT: -

Mr. ATIQ UR REHMAN WAZIR MEMBER (E): - Brief facts of the case are that the appellant while serving as Senior Primary School Teacher (SPST) in Government Primary School Khariabad, Nowshera was charged U/S 377 PPC in an FIR registered against him on 18-03-2015. Simultaneously departmental proceedings were also initiated against him with an inquiry conducted against him and in light thereof, Show Cause Notice served upon the appellant on 28-03-2015, to which he responded and as a result thereof, major penalty of removal from service imposed upon the appellant on 15-04-2015. The Trial Court acquitted the appellant of the charges vide order dated 16-01-2018 giving him benefit of doubt, where after the appellant filed departmental appeal dated 22-02-2018, which was rejected on 12-05-2018, hence the instant service appeal with prayers that the appellant may be re-instated into service with all back benefits.

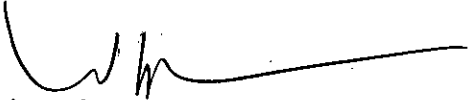
02. Written reply/comments were submitted by respondents.
03. Arguments heard and record perused.
04. Learned counsel for the appellant contended that the appellant was proceeded against both departmentally as well as FIR registered against him under same allegations in the same case. That no proper opportunity of defense was afforded to the appellant, as Show Cause Notice was served upon the appellant without conducting proper inquiry. That the appellant having been acquitted of the same charges leveled in FIR lodged to this effect against him by the trial court vide judgment dated 16-01-2018. Learned counsel for the appellant contended that where the criminal charges are not established before a competent court of law and the civil servant is acquitted on those specific charges, the departmental proceedings exactly on the same charges would be wholly irrelevant and unjustified. Learned counsel for the appellant added that every acquittal, whether on merit or on other grounds is honorable. Reliance was placed on 2011 PLC (CS) 1034. On the question of delay in filing departmental appeal, the learned counsel contended that since the impugned order dated 15-04-2015 is void order, as no proper procedure was followed, hence no limitation runs against such order. Reliance was placed on 2016 SCMR 460, 2019 SCMR 648. Learned counsel for the appellant further added that since the appellant was also facing criminal charges in the court of law, hence it was obligatory upon him to wait for the result of the criminal case. Since the appellant was acquitted of the same charges after three years, hence he filed departmental appeal after acquittal, so the delay occurred was not in control of the appellant. Learned counsel for the appellant added that the penalty of removal from service imposed upon the appellant is harsh to the effect that admittedly, the appellant is sinner, but not his dependents, as withholding pensionary benefits would be a punishment for his dependents and not upon him. The learned counsel prayed that the benefits of his 29 years service may be extended to his dependents on humanitarian grounds and penalty of removal from service may be converted into compulsory retirement.

05. Learned AAG vehemently opposed contentions of the appellant to the effect that the appellant deserve no mercy, as the charges of sodomizing two kids of Class-II have been proved against him without any shadow of doubt. Learned AAG contended that the appellant having past history of committing such heinous crime earlier in 2011, but was acquitted due to lack of evidence. That his existence in the school is fatal for the students of tender years. That he was rightly penalized after conducting proper inquiry against him. That he was properly charge sheeted and Show Cause Notice issued, to which he accordingly responded. That every opportunity of defense was afforded to the appellant, but he failed to prove his innocence. Learned AAG further argued that his appeal is also not maintainable being badly time barred, as the appellant filed departmental appeal after three years, which was rejected by the competent authority for being time barred and in a situation the instant appeal is not competent before this Tribunal. Reliance was placed on 2011 SCMR 698, 2015 SCMR 165, 2011 SCMR 676 and 2010 SCMR 1982. That while seeking condonation of delay, the appellant did not raise any plausible reason, whereas the appellant was supposed to justify each day's delay, hence in absence of valid justification, grant of relief does not warrant. Reliance was placed on 2009 SCMR 1435 and 2020 CP No 1894/2018. That acquittal of the appellant by the trial court was because of compromise with the parties, the crime he committed however is evident from the medical report as well as departmental inquiry and statements of the victims. That acquittal of the appellant from criminal charges having no bearing on merits of the case as disciplinary proceedings initiated according to service rules independently, hence seeking relief after acquittal from criminal charges is not sustainable in law. Reliance was placed on 2007 SCMR 562 and 2006 SCMR 554 and 2020 PLC (CS) 948. That the act of appellant fell under the scope of moral turpitude, which is highly undesirable, especially in an educational institution. Reliance was placed on 2002 SCMR 1691. The learned AAG prayed that the instant appeal being devoid of merit may be dismissed.

06. We have heard learned counsel for the parties and perused the record. We have observed that the appellant was acquitted from the criminal charges giving him benefit of doubt, leaving an edge for the appellant to make him entitled for certain benefits. On the question of limitation/condonation of delay, both the parties put forth pro and contra judgments of the apex court, but arguments of the learned counsel for the appellant hold force, as without acquittal from the same charges, his departmental appeal would have no value. Another justification left with the appellant is his 29 years service and prayers of the learned counsel for the appellant to the effect that depriving his dependents from the pensionary benefits would equate to injustice with his dependents. Stance of the learned counsel is appealing to the effect that real beneficiaries of pensionary benefits are dependents of the appellant and depriving them of such benefits would amount to punishment to his dependents. We are also conscious of the fact that his existence in an educational institution, especially in primary school is not warranted at any cost, but natural justice demands that his 29 years service and resultant benefits belonging to his dependents need to be taken into account. We are satisfied that justice is already done to him.

07. In a situation, we are constrained to convert his major penalty of removal from service into major penalty of compulsory retirement from service with no orders as to costs. File be consigned to record room.

ANNOUNCED.
08.03.2021


(ATIQ UR REHMAN WAZIR)
MEMBER (E)



(HAMID FAROOQ DURRANI)
CHAIRMAN

08.03.2021

Learned counsel for the appellant and Mr. Kabirullah Khattak learned Addl. AG alongwith Muhammad Shoaib, ADO for the respondents present.

Vide detailed judgment of today of this Tribunal placed on file, we are constrained to convert his major penalty of removal from service into major penalty of compulsory retirement from service with no orders as to costs. File be consigned to record room.

ANNOUNCED.
08.03.2021


(ATIQ UR REHMAN WAZIR)
MEMBER (E)


(HAMID FAROOQ DURRANI)
CHAIRMAN

03.12.2020

Due to non-availability of D.B, the case is adjourned to
28.01.2021 for the same as before.

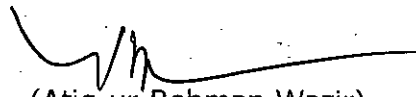


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28.01.2021

Mr. Muhammad Arif, Advocate for appellant and Addl.
AG alongwith Muhammad Shoaib, ADO for the
respondents present.

Arguments heard. To come up for order on
08.03.2021 before this D.B.



(Atiq-ur-Rehman Wazir)
Member(E)



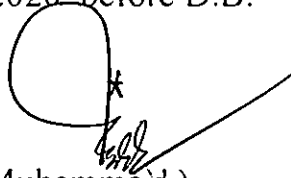
Chairman

22.07.2020

Appellant with counsel present.

Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Yousaf Shah ADEO for the respondents present.

Record in respect inquiry was not submitted. Learned AAG made a request for adjournment to furnish the same; adjourned. To come up for record/arguments on 17.08.2020 before D.B.



(Mian Muhammad)
Member (E)



(Rozina Rehman)
Member (J)

17.08.2020

Due to summer vacations, the case is adjourned to 19.10.2020 for the same.

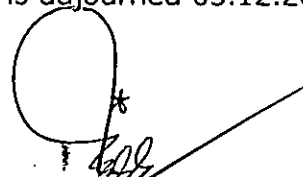


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19.10.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

The Bar is observing general strike today, therefore, the matter is adjourned to 03.12.2020 for hearing before the D.B.



(Mian Muhammad)
Member

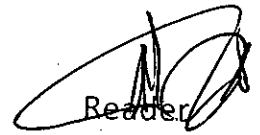


Chairman

4.5 .2020

Due to COVID19, the case is adjourned to

15/7/2020 for the same as before.



Reader

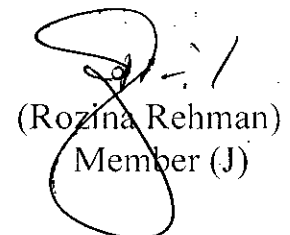
15.07.2020

Appellant in person present.

Mr. Muhammad Jan learned Deputy District Attorney
alongwith Yousaf Shah ADEO for the respondents
present:

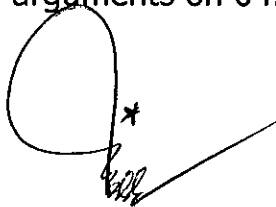
Record in respect of inquiry as per order dated
09.03.2020 is still awaited; respondents are directed to
submit the same on 22.07.2020 before D.B.


(Attiq ur Rehman)
Member (E)

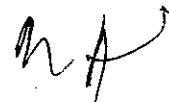

(Rozina Rehman)
Member (J)

09.03.2020

Appellant with counsel present. Mr. Muhammad Jan, DDA alongwith Mr. Hayatullah, ADEO for respondents present. The impugned order of removal from service of the appellant has been passed vide order dated 15.04.2015, wherein at para-3 of the impugned order it has been mentioned by the competent authority that the enquiry was conducted against the appellant and all the allegations were proved against him but the enquiry is not available on the record, therefore, the respondents is directed to direct the representative to attend the court and also furnish the said enquiry. Adjourned. To come up for record and arguments on 04.05.2020 before D.B.



Member



Member

12.11.2019

Appellant in person present. Asst: AG for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 10.12.2019 before D.B.


Member


Member

10.12.2019

Due to general strike of Khyber Pakhtunkhwa Bar Council learned counsel for the appellant is not available today. Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Adjourned to 07.02.2020 for arguments before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

07.02.2020


Counsel for appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 09.03.2020 for arguments before D.B.



(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

03.07.2019


Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 29.08.2019 for rejoinder and arguments before D.B.



(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

29.08.2019

Learned counsel for the appellant and Mr. Riaz Khan Paindakheil learned Assistant Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 10.10.2019 before D.B.


Member


Member

10.10.2019

Appellant in person present. Mr. Ziaullah, DDA for respondents present. Appellant seeks adjournment as his counsel is not available today. Adjourn. To come up for arguments on 12.11.2019 before D.B.


Member


Member

19.12.2018

Learned counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General alongwith Inayat Ullah ADO present. Written reply not submitted. Representative of the respondents seeks time to furnish reply. Granted. To come up written reply/comments on 29.01.2019 before S.B.


Member

29.01.2019

~~_____~~ Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents present. Neither written reply on behalf of respondents submitted nor representative of the department is present therefore, notice be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date by way of last chance. Adjourned. To come up for written reply/comments on 06.03.2019 before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

06.03.2019

Appellant in person present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Inayatullah, ADO (Legal) for the respondents present and submitted written reply. Copy of the same is also handed over to appellant. Adjourned to 08.05.2019 for rejoinder and arguments before D.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

08.05.2019

Appellant in person and Mr. Muhammad Jan, DDA for respondents present.

Due to paucity of time, the instant matter is adjourned to 03.07.2019 for arguments before D.B.


Member


Chairman

02.08.2018

Appellant Ashraf Khan in person present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Written reply not submitted. Learned Addl: AG made a request for adjournment. Granted. To come up for written reply/comments on 12.09.2018 before S.B.


Chairman

11.09.2018

Since 12th September 2018 has been declared as public holiday, by the Provincial Government on account of 1st Mukharram-ul-Haram, therefore the case is adjourned to 01.11.2018 for reply before S.B.

The points raised need consideration. appeal is admitted for regular hearing, subject to all objections if raised by the respondent. Appellant is directed to deposit security for process of appeal. To come up for written reply/comments on 02.08.2018 before S.B.

01.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 19.12.2018.




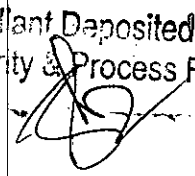

Chairman

Form -A

FORM OF ORDER SHEET

Court of _____

Case No. 759/2018

S.No.	Date of Order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	30/05/2018	<p>The appeal of Mr. Ashraf Khan presented today by Mr. Muhammad Arif Jan Advocate may be entered in the Institution register and put up to the Wrothy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 30/5/18</p> <p>The case is entrusted to S.B Bench for preliminary hearing to be put up there on <u>11/06/18</u>.</p> <p style="text-align: center;"> CHAIRMAN</p> <p>11.06.2018</p> <p>Appellant Ashraf Khan in person alongwith his counsel Mr. Muhammad Arif Jan, Advocate present and heard.</p> <p>The points raised need consideration. The appeal is admitted to regular hearing, subject to all legal objections if raised by the respondents. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 02.08.2018 before S.B.</p> <p style="text-align: center;"> Chairman</p>
		<p>Appellant Deposited Security & Process Fee </p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. 759 /2018

Ashraf Khan.....Appellant

VERSUS

District Education Officer (M), Nowshera and others
...Respondents

I N D E X

S.No.	Description of documents.	Annexure	Dated
1.	Memo of appeal with affidavit.		<u>1-6</u>
2.	Application for condonation of delay		<u>6-11</u>
3.	Addresses of parties		<u>7</u>
4.	Copies of show cause notice alongwith receipts	A	<u>8-10</u>
5.	Copies of show cause notice and reply thereof <u>alongwith Receipt</u>	B	<u>11-15</u>
6.	Copy of impugned order dated 15.04.2015	C	<u>16</u>
7.	Copies of judgment dated 16.01.2018, departmental appeal and dismissal order dated 12.05.2018	D-F	<u>17-29</u>
8.	Wakalatnama		<u>30</u>

Appellant
Through 2A-7
Muhammad Arif Jan
Advocate High Court
Cell: 0333-2212213

Dated: 29.05.2018

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 759 /2018

Diary No. 1011

Dated 30-5-2018

Ashraf Khan, Ex-SPST, GPS, Khair Abad
S/o Khan Gul Afridi R/o Mohallah Bazar, Village Khair
Abad, Distinct Nowshera.

.....Appellant

VERSUS

1. District Education Officer (M), Nowshera.
2. Director, Elementary & Secondary Education,
Near Govt. Higher Secondary School, G.T Road,
Peshawar.
3. Secretary Elementary & Secondary (E&SE),
Govt. of Khyber Pakhtunkhwa, Civil Secretariat,
Peshawar.

.....Respondents

Filed to-day
Registrar
30/5/18

**SERVICE APPEAL U/S 4 OF SERVICE
TRIBUNAL ACT, 1974 AGAINST
IMPUGNED ORDER DATED
12.05.2018, PASSED BY
RESPONDENT NO1, WHEREBY HE
MAINTAINED THE ORDER DATED
15.04.2015 IN RESPECT OF
REMOVAL OF THE APPELLANT FROM
SERVICE.**

PRAYER

**On acceptance of the instant appeal,
the impugned orders dated**

(2)

12.05.2018 and 15.04.2015 passed by respondent No.1 respectively may very graciously be declared as illegal, void ab-initio, ineffective upon the rights of the appellant and to be set-aside and the appellant may very kindly be reinstated in his service with all back benefits.

Respectfully Sheweth:-

Appellant humbly submits as under

- 1) That the appellant was appointed as PTC vide the order dated 26.08.1986 and finally was posted and promoted as SPST GPS, Khair Abad, Nowshera.
- 2) That initially a case FIR No.15 dated 18.03.2015, u/s 377 PPC, PS Akora Khattak was registered against the appellant.
- 3) That the appellant was put on show cause notice bearing No.1045-46 dated 28.03.2015, in respect of misconduct (brief mentioned in the show cause notice), but the same was not served being the appellant remained the bars, which his evident from the receipt attached. (Copies of show cause notice alongwith receipts are attached as Annex"A")
- 4) That another show cause notice bearing No.3368-73 dated 04.07.2015, was issued against the appellant, which was properly replied well within time by negating the allegations mentioned

therein. (Copies of show cause notice and reply thereof are attached as Annex "B")

- 5) That it is worth mentioned here that, the appellant was removed from service vide order dated 15.04.2015 (hereinafter impugned) by respondent No.1 without holding proper inquiry into the matter and moreover, despite the fact of registration of criminal case against the appellant, but the respondent No.1 intentionally passed the impugned order in hasty manner. (Copy of impugned order dated 15.04.2015 is attached as Annex "C")
- 6) That then after trial, the appellant was acquitted by the trial Court vide order dated 16.01.2018, which was delivered on 15.02.2018, then the appellant preferred departmental appeal on 22.02.2018, which was rejected/ dismissed on 12.05.2018. (Copies of judgment dated 16.01.2018, departmental appeal and dismissal order dated 12.05.2018 are attached as Annex "D, E & F" respectively)
- 7) That being aggrieved of the impugned orders, the appellant approaches this Hon'ble Tribunal on the following grounds:-

GROUNDS

- A. Because the orders dated 15.04.2015 and 12.05.2018 (hereinafter impugned) passed by respondent No.1 respectively against the appellant are patently illegal, unlawful, without lawful authority, of no legal effect, hence having no value in the eyes of law, thus be set-aside and the

4

appellant be reinstated in his service with all back benefits.

- B. Because, while the passing the impugned orders, the respondents are badly failed to follow the existing Law, Rules and Regulations governing the subject matter, but on the strength of a criminal case and without holding any proper inquiry under the law, the respondent No.1 passed the impugned order in a hasty manner, which is against the existing law, hence invites consideration of this Hon'ble Tribunal.
- C. Because respondent No.1 also badly failed to considered the length of service and service record of the appellant as no history sheet in respect of the allegations leveled against is available, furthermore, the appellant will attain the age of superannuation in the year 2022, hence through the impugned orders the whole career and future promotions are badly suffered.
- D. Because the august Superior Courts of Pakistan held in a series of judgment that "**every acquittal is to be considered as a honorable acquittal**" and this principle is further evident from the reported judgment "**2011 PLC CS 1034**" and despite all these facts, the appellant was punished for no any reason and justification or the reason best known to the respondents.
- E. Because the appellant is/ was declared innocent and was enrobed by the complainant in a criminal case with their dishonest attitude, which is further established and supported by the dishonest

5

attitude of respondent No.1 by awarding harsh punishment of removal from service.

- F. Because no any proper inquiry is / was initiated against the appellant to ascertain to the fair ends of justice, but mere on a show cause notice and that too without waiting for sufficient time, the respondent No.1 while ignoring the contents of written reply to the show cause notice, passed the impugned order of removal, hence this act of respondent No.1 is against the norms of justice and amounts to abuse of law.
- G. Because the dishonest attitude of the respondents is even established from without holding proper inquiry and depriving the appellant to defend himself before the Inquiry Officer, but astonishingly ex-parte proceedings has been initiated against the appellant, despite the facts of his innocence, thus needs consideration of this hon'ble Tribunal.
- H. Because the appellant is a poor person having children, wife & parents and the only bread winner of the entire family, thus there is no alternate source of income except the service in Education Department, hence the impugned orders are to be set-aside.
- I. Because no personal hearing by the competent authority at the time of passing impugned punishment order, which is contrary to the KPK Govt. Servants (E&D) Rules, 2011, hence, great injustice was extended.

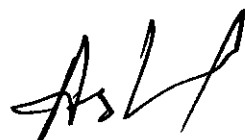
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J. That any other ground, which has not specifically been mentioned may also be permitted to raise at the of hearing.

It is therefore, humbly prayed, on acceptance of the instant appeal, the impugned orders dated 12.05.2018 and 15.04.2015 passed by respondent No.1 respectively may very graciously be declared as illegal, void ab-initio, ineffective upon the rights of the appellant and to be set-aside and the appellant may very kindly be reinstated in his service with all back benefits

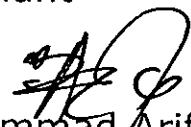
Any other relief which this hon'ble Tribunal deems appropriate in the circumstances of the case though not specifically asked for may kindly also be granted.

Dated: 29.05.2018



Appellant

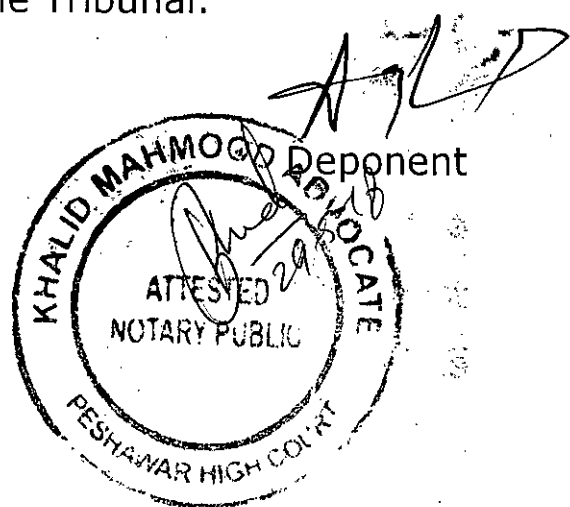
Through



Muhammad Arif Jan
Advocate High Court

AFFIDAVIT

I, do hereby affirm and declare on oath that the contents of the appeal are true and correct to the best of my knowledge and belief and nothing material has been concealed from this hon'ble Tribunal.



A circular notary seal for Khalid Mahmood, Notary Public, Peshawar High Court. The seal contains the text "KHALID MAHMOOD Deponent", "ATTESSED", "NOTARY PUBLIC", and "PESHAWAR HIGH COURT". A handwritten signature is written over the seal.

6-A

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. _____/2018

Ashraf Khan.....Appellant

VERSUS

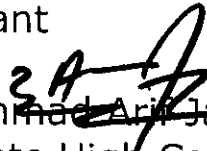
District Education Officer (M), Nowshera and others
...Respondents

Application for condonation of delay if any

Respectfully Sheweth:

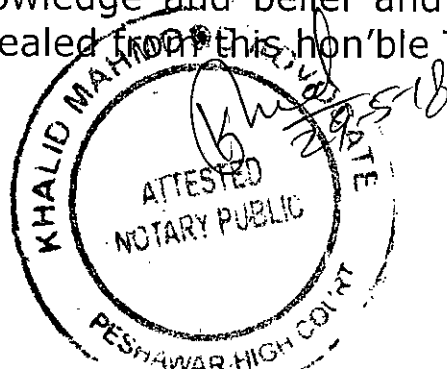
- 1) That the titled appeal has been filed today, wherein, no date of hearing has yet been fixed.
- 2) That grounds of main appeal may kindly also be considered as part and parcel of this application.
- 3) That there is no any delay on part of the appellant intentionally, however, if any, the same was beyond the control of the appellant as, the trial in the criminal case was pending adjudication and as and when, the appellant acquitted from the charges, approached to the competent Court by filing department appeal.
- 4) That the superior Courts time and again held that the case should be decided on merit rather on the basis of technicalities.

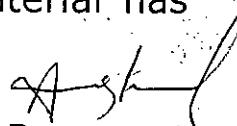
It is, therefore, prayed that, on acceptance of this application, the delay if any may kindly be condoned and the accompanying appeal be decided on merit.

Appellant
Through 
Muhammad Arif Jan
Advocate High Court

AFFIDAVIT

I, do hereby affirm and declare on oath that the contents of the appeal are true and correct to the best of my knowledge and belief and nothing material has been concealed from this hon'ble Tribunal.




Deponent

7

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. _____/2018

Ashraf Khan.....Appellant

VERSUS

District Education Officer (M), Nowshera and others
...Respondents

ADDRESSES OF PARTIES

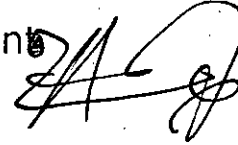
APPELLANT

Ashraf Khan, Ex-SPST, GPS, Khair Abad
S/o Khan Gul Afridi R/o Mohallah Bazar, Village
Khair Abad, Distinct Nowshra.

RESPONDENTS

1. District Education Officer (M), Nowshera.
2. Director, Elementary & Secondary Education,
Near Govt. Higher Secondary School, G.T Road,
Peshawar.
3. Secretary Elementary & Secondary (E&SE),
Govt. of Khyber Pakhtunkhwa, Civil Secretariat,
Peshawar.

Appellant
Through



Muhammad Arif Jan
Advocate High Court



OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
NOWSHERA

(Office Phone//0923-9220228, Fax//0923-9220228)

8
Annex 'A'

SUGW CAUSE NOTICE

I, Mr. Muhammad Inam Toru District Education Officer (Male), Nowshera, under the Khyber Pakhtunkhwa Government Servants (Efficiently & Disciplinary) Rules 2011, do hereby serve you, Mr. Ashraf Khan SPST, Government Primary School, Khair Abad Distt: Nowshera as follow: -

1. That consequent upon the report of the enquiry officers you fucked Mairaj class 2 student and as a result he became unconscious due to severe pain and he could not walk.
 - i. I am satisfied that you have committed the following acts / omission specified in rule 3 of the said rules: -
 - a) You are guilty for misconduct by fucking Mairaj class two student.
 - b) An FIR has been lodged against you under Section 377 PPC, Police Station Akora Khattak Nowshera
2. As a result thereof, I as competent authority have tentatively decided to impose upon you the penalty of: -
 - a) Removal from service.
 - b) You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desired to be heard in person.
 - c) If no reply to this office is received within one week of its delivery, it shall be presumed that you have no defense to put in and in that case Ex-Party action shall be taken against you under the rules.

(Muhammad Inam Toru)

Competent Authority / District Education Officer
(Male) Nowshera

Endstr: No. 1045-46 /DEO (M)NSR/(Lit)/Dated Nowshera the 28/03/2015

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

1. Secretary Education (E&SE) Govt. of Khyber Pakhtunkhwa Peshawar
2. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. Head Teacher GPS Khair Abad Distt: Nowshera.
4. Mr. Ashraf Khan SPST GPS Khair Abad Distt: Nowshera.

Competent Authority / District Education Officer
(Male) Nowshera

Attested
[Signature]



تکلیف
AD 9

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مذہب صحیح ثابت ہے
2/4/15

3/5

مذہب ستمگارت ہم اربعہ اب گورجی علی ہے

6/4

7/4/15

نوٹس ہاؤس راجہ صاحب

8/4/15

جسٹس صاحب
ریسٹورنٹ

پست

C-P-S-S

اشرف خان افسری

Ashraf Khan Afzide

Mahallah Bazar Vill P/O Khair Abad

پست

گاون غیر آباد لوٹری ڈسٹرکٹ

(10)

To
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P.O.

Handwritten signature and scribbles on the left side of the document.



OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
NOWSHERA

(Office Phone#0923-9220228, Fax#0923-9220228)

SHOW CAUSE NOTICE

11
Annex 'B'

I, Mr. Muhammad Inam Toru District Education Officer (Male), Nowshera, under the Khyber Pakhtunkhwa Government Servants (Efficiently & Disciplinary) Rules 2011, do hereby serve you, Mr. Ashraf Khan (SPST) GPS Khairabad District Nowshera as follow:

1. That consequent upon the report of the inquiry officers you sexually molested and declared as convict of sodomy Meraj student of class-II GPS Khairabad.
I am convinced that you have committed the following acts/omission specified in section-3 of the said rules:
 - I. You are guilty for misconduct by sexually molesting Meraj Class-II student of GPS Khairabad.
 - II. You are inefficient and an FIR has been lodged against you under section 377 PPC, Police station Akora Khattak Nowshera.
2. As a result thereof, I as competent authority have tentatively decided to impose upon you the major penalty of:-
 - a. Dismissal from service.
 - b. you are, therefore, directed to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
 - c. if no reply to this show cause notice is received within one week of its delivery, it shall be presumed that you have no defense to put in and in that case ex party action shall be taken against you under the E&D Rules 2011.

(Muhammad Inam Toru)

Competent Authority / District Education Officer
(Male) Nowshera

Endst: No. 3368-73 /DEO (M) Date 6-7-2015

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

- 1: Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 2: Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 3: Sub Divisional Education Officer (Male), Nowshera.
- 4: Head Teacher GPS Khairabad
- 5: Ashraf Khan Afridi (SPST) Moh: Bazar, Khairabad
- 6: ASDEO Khairabad

Competent Authority / District Education
Officer (Male) Nowshera

Allest
2/5

سر - 5 - P - 0

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پنجاب

اشرف خان آفریدی

محلہ بازار گاؤں غیر آباد نوشہرہ

Dispatched
O/O The DEO (M) Ner

A. J. J. J.
A. J. J. J.

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MR. MUHAMMAD INAM TORU

DISTRICT EDUCATION OFFICER (MALE) NOWSHERA

SUBJECT :- REPLY OF NOTICE ENDST : NO 3368-73/DEO(M) DATE 4-7-2015

Respected Sir,

Under the instructions of my client Mr. Ashraf Khan (SPST) GPS Khairabad District Nowshera you are requested to take note of following facts :

1) That, the undersigned has received captioned notice wherein following unfounded, baseless and unsubstantiated charges have been hurled against him namely :-

- a) *Sexually assaulting/molesting and sodomy upon student named Meraj of Class-II GPS Khairabad thereby bringing his conduct within definition of misconduct*
- b) *Being inefficient and FIR having been lodged U/S 377 of PPC Police Station Akora Khattak*
- c) *As a cumulative result, taking tentative view of matter, imposition of major penalty of dismissal of service*
- d) *Asking my client to show cause against proposed imposition of major penalty*

2) That, undersigned benevolent indulgence of your good office for favorable consideration of following points in reply :

- a) That, you notice itself says that FIR has been lodged for alleged offence which implies that a trial is to be started in competent court of law. To be more elaborate FIR is nothing more than machinery to put law in motion. Mere lodging of FIR doesn't mean that accused person has been declared as guilty. The object of section 154 of Cr.P.C. is two fold; from the point of view of information its objection is to set the criminal law in motion, from point of view of investigation it's to collect evidence for tracing and bringing the culprits to justice. Supreme Court of Pakistan in endless chain of case has unequivocally declared that FIR is not a sacrosanct or substantive piece of evidence and is only information to put machinery of law into motion. In other words, mere recording of FIR ipso facto doesn't make my client as being guilty to be looked upon as fallen angel and be treated as step son of society.
- b) That, without any prejudice to foregone, the trial of case is pending before ASJ Nowshera wherein next date is fixed for 27/7/2015. The said trial court has neither given finding regarding guilty or acquittal of my client nor given any tentative assessment in this regard. Viewed in this context, tentatively imposing major penalty is neither legal nor valid as it amounts to jumping to conclusion. In other words, if there is Judgment of competent court of law regarding guilt of applicant he won't have any objection if any consequent action is taken on your behalf.
- c) That, FIR in question is falsely lodged and mala fide wherein interestingly, the complainant Party has already pardoned undersigned, thereby closing all avenues of conviction of my client.
- d) That, as per wisdom spelt out in Article 189 read with 190 of Constitution of Pakistan 1973 all executive authorities are supposed to observe and follow the decision of hierarchy of courts in Pakistan as otherwise there would be law of jungle with each one harping its own

tone and bringing out chaos and lawlessness. Furthermore, the said notice has been issued under E & D Rules 2011, whereas, a simple reading of these Rules show that before an adverse action is taken against accused he must be provide full opportunity to defend himself, hence, said notice is outside parameters of said Rules.

- e) That, in this regard it is worth mentioning that applicant was also made to suffer conspiracy by his rival school teachers group way back in the year 2011 wherein FIR was also lodged, but, with the grace of Almighty Allah the applicant was acquitted honorably (the said judgment has already been delivered to the department). Sir nursing wounds of said episode the said group again joined heads to again make me to face conspiracy in the shape of said FIR. The sole aim of these conspirators is to get rid of honest and duty bound teachers like me to get hold to school to grind their axe.
- f) That, right to fair trial of accused has now become fundamental right vide Article 10A of Constitution of Pakistan 1973 which is similar to Section 6 (1) of the UK Human Rights Act 1998, and imposing of major penalty upon undersigned amounts to violation of right of fair trial of my client before the court of ASJ Nowshera. The applicant has been condemned unheard thereby resulting in violation of time tested principle of "audi alteram partem" which means that before taking any action let the person to be axed must be heard. This carefully crafted and wisdom spawning Article of Constitution has been reproduced as under :-

[10A. Right to fair trial.—For the determination of his civil rights and obligations or in any criminal charge against him a person shall be entitled to a fair trial and due process.]

- g) That Pakistan is an Islamic State as per Articles 2, 2A and 3 of Constitution of Pakistan, 1973 wherein officials of State and Government are expected to provide justice and relief to the deserving cases. The said Articles of Constitution are reproduced ad-verbatim as under :-

2. Islam shall be the State religion of Pakistan. 2A. The principles and provisions set out in the objectives Resolution reproduced in the Annex are hereby made substantive part of the Constitution and shall have effect accordingly. 3. *The State shall ensure the elimination of all forms of exploitation and the gradual fulfillment of the fundamental principle, from each according to his ability to each according to his work.*

- h) That, fundamental right of being treated in accordance with law guaranteed by Article 4 of Constitution of Pakistan, 1973 has been violated. In this regard, Superior courts of Pakistan in plethora of judgments has left no doubt regarding the wisdom spawning Principle that guaranty of Article 4 can't be suspended even when there is cloud of Martial law over Constitution. In other words, said carefully crafted piece of Constitution and reproduced ad-verbatim is basic structure not to be abridged in any way. In fact this Article is bedrock of civilized society.

15

4. (1) To enjoy the protection of law and to be treated in accordance with law is the inalienable right of every citizen, wherever he may be, and of every other person for the time being within Pakistan. (2) In particular :- (a) no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law; (b) no person shall be prevented from or be hindered in doing that which is not prohibited by law; and (c) no person shall be compelled to do that which the law does not require him to do.

- i) That, it has now become fashion due to media driven uncontrolled freedom to accuse honest and duty following Government officials and to tar their name for goods. In other words, a person is killed more effectively with bad reputation than with physical killing and it is time to take rear guard action to save honest Government officials at a time when our beloved country is being attacked by terrorist elements.
- j) That I ensure to abide by all the relevant laws, rules and regulations applicable for the said purpose.

IT IS THEREFORE, RESPECTFULLY SUBMITTED THAT TILL THE MATTER IS DECIDED BY COMPETENT COURT OF LAW AS EXPLAINED ABOVE, SHOW CAUSE NOTICE MAY KINDLY BE FILED IN OFFICE AND APPLICANT BE ALLOWED TO CONTINUE HIS SERVICES.

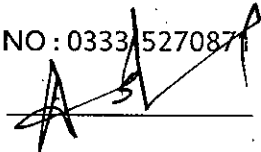
THANKING IN ANTICIPATION

ASHRAF KHAN S/O KHAN GUL

CNIC # 17201- 1768755-9

CONTACT NO : 0333 5270871

SIGNATURE







16 Annex - C

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

NOTIFICATION.

1. Where As Mr. Ashraf Khan SPST GPS Khairabad Nowshera, you were found in child abuse / Child Molest.
2. Where As an FIR was lodged against him under section 377 PPC at Police Station Akora Nowshera.
3. Where As an Enquiry was conducted against him and all the allegations leveled against him were proved.
4. Where As I Muhammad Inam Toru DEO (M) NSR, the competent authority issued Show Cause Notice to him and called him for personal hearing.
5. Now, therefore, in exercise of the power conferred under the Khyber Pakhtunkhwa Govt; Servants (Efficiency and Discipline) rules 2011, the competent authority/ DEO (M) Nowshera is pleased to impose the Major penalty of "**Removal from Service**" upon Mr. Ashraf Khan SPST GPS Khairabad Nowshera with immediate effect.


Competent Authority/DEO (M)
District Nowshera.

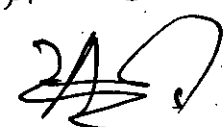
Endstt No
15/04/2015

DEO(M) NSR/Estab(Prim)/Removal of SPST/Dated NSR the

Copy for information to:

1. Secretary (E/S) Edu; Govt, Of Khyber Pakhtunkhwa Peshawar
2. Director (E/S) Edu; Govt, Of Khyber Pakhtunkhwa Peshawar
3. Senior District Account Officer Nowshera.
4. SDEO (M) Edu; NSR is directed for further necessary action.
- 4 ASDEO Circle Khairabad.
5. Official concerned.

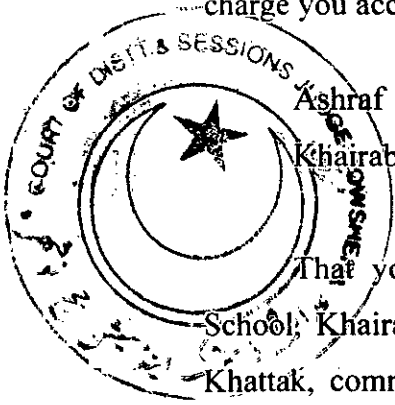

District Education Officer (M) .
Nowshera

Attested


AST-VI (D) Annar- 17

Formal Charge.

I. Ahmed Iftikhar, Additional Sessions Judge-II, Nowshera do hereby charge you accused:



Ashraf Khan son of Khan Gul aged about 53/54 years resident of Khairabad, District Nowshera, as follows:-

That you on 14.03.2015 at 13.30 hours in Government Primary School, Khairabad, within the criminal jurisdiction of Police Station-Akora Khattak, committed unnatural offence/Sexual intercourse with two children namely Zohaib son of Hazrat Ali and Miraj son of Abdul Baqi and you thereby committed an offence punishable under section-377 PPC and within my cognizance.

And I hereby direct that you shall be tried by me for the aforesaid charge.

Dated-11.11.2015.

Ahmed Iftikhar,
Additional Sessions Judge-II,
Nowshera.

NOTE: The charge has been read over and explained to the accused.

- Q. Have you heard and understand the meaning of charge?
- A. Yes, I have heard and understood the meaning of charge.
- Q. Do you plead guilty to the charge or claim trial?
- A. No. I do not want to plead guilty and claim trial.

R.O & A.C
Dated-11.11.2015.
Certified under section-364 Cr.P.C

Accused

Ahmed Iftikhar,
Additional Sessions Judge-II,
Nowshera.

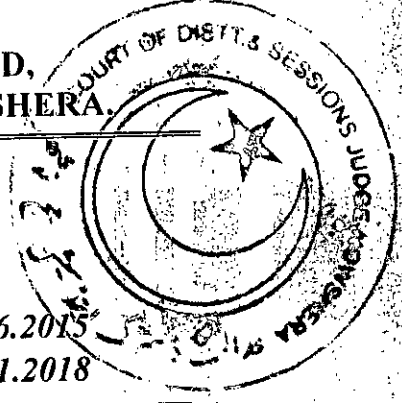
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05 MAY 2018

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IN THE COURT OF MS ZEBAS RASHEED,
ADDITIONAL SESSIONS JUDGE-VI, NOWSHERA.



Sessions Case No.56 of 2017

- Date of Institution..... 15.06.2015
- Date of Decision16.01.2018

The State.....VERSUS

Ashraf Khan son of Khan Gul,
resident of Khairabad, District
Nowshera.....(Accused facing trial)

CASE FIR NO.157, DATED 18.03.2015, U/S 377 PPC,
POLICE STATION AKORA KHATTAK

JUDGMENT

16.01.2018

1. Ashraf Khan son of Khan Gul faced trial in case FIR # 157, dated 18.03.2015, U/S 377 PPC, Police Station Akora Khattak.
2. Facts in brief as contained in the FIR are that on 17.03.2015, the complainant namely Hazrat Ali son of Islam Gul alongwith Abdul Wali son of Abdul Baqi as well as minors Zohaib aged about 15/16 years son of Hazrat Ali and Miraj aged about 12/13 years son of Abdul Baqi reported the matter in Police Station to the effect that his son Zohaib and one minor Miraj are studying in Govt. Primary School Khairabad in class two, that on 14.03.2015, at 13:30 hours, after off time of their school, their school teacher namely Ashraf son of Khan Gul, resident of Khairabad enticed his son namely Zohaib to a room of school where he committed sodomy with him and when the other kid

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Miraj went after him, the accused also caught hold him; and subjected him with sodomy; due to which said Miraj become fainted. That the accused has given Rs.50/- (fifty rupees) to his son Zohaib and dropped him in a motorcar unknown number. That on 15.03.2015, it was Sunday and both children did not disclose the occurrence due to fear. That today his son namely Zohaib, on his query disclosed the occurrence to him. Complainant charged the accused facing trial for commission of the offence, hence, the instant FIR got registered.

3. On 15.06.2015, complete challan was submitted by the prosecution against the accused facing trial. Accused being on bail was summoned, on 20.10.2015, he appeared before Court. Relevant copies were handed over to him under section 265-C Cr.PC. Thereafter, charge was framed, accused pleaded not guilty and opted to face the trial. Prosecution in order to prove its case, produced 07 witnesses. The gist of depositions of PWs is given below.

(PW-1) Hazrat Ali son of Islam Gul is the complainant in the instant case. He deposed that his son namely Zohaib is studying in Government Primary School, Khairabad. On 14.03.2015, the accused facing trial namely Ashraf committed sodomy with his son Zohaib. When the friend of his son namely Miraj came to know about this act by accused facing trial; the accused caught him and also committed sodomy with him. After that the accused facing trial gave Rs.50/- (fifty rupees) to Zohaib and told him that do not talk about this act to anyone. On 15.03.2015, his son Zohaib, informed him about the act of

84
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05 MAY 2018

20

accused facing trial. He alongwith his both sons reached to the PS Akora Khattak and reported the matter in shape of Naqal Mad No.21, dated 17.03.2015 which was read over to him. He verified his signature on said document. The same is Ex.PW-1/1. Then after opinion of DPP, case FIR was registered against the accused facing trial. The FIR was read over to him and he affixed his thumb impression as a token of its correctness. He charged the accused facing trial for commission of offence.

(PW-2) Inayat Ali Amjad, ASI, deposed that on 17.03.2015, the complainant Hazrat Ali alongwith Abdul Wali son of Abdul Baqi as well as the victim children i.e. Zohaib son of Hazrat Ali aged about 15/16 years and Miraj son of Abdul Baqi aged about 12/13 years came to the PP Khairabad, and reported the matter against the accused facing trial. He recorded the report of the complainant in shape of Mad No.21, dated 17.03.2015 already Ex.PW-1/1 and prepared the injury sheets of the victims Miraj and Zohaib Ex.PW-2/1 and Ex.PW-2/2 respectively. On 18.03.2015, he submitted an application to the DPP, Nowshera Ex.PW-2/3 and sought legal opinion. In view of the legal opinion of the DPP, Nowshera, he registered the case vide FIR Ex.PW-2/4. He verified his signatures on above mentioned documents.

(PW-3) Dr. Ihsanur Rahman, SI (Rtd), deposed that on 18.03.2015, he proceeded to spot and prepared site plan Ex.PW-3/1 at pointation of children/victims Zohaib and Miraj. He conducted house search of the accused vide search memo Ex.PW-3/2. He submitted an application Ex.PW-3/3 to the Medical Superintendent, DHQ Hospital, Nowshera Kalan, for the constitution of Medical Board regarding the unnatural act committed by the accused with the victims and as such Medical Board was constituted accordingly. Office order of the Medical

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05 MAY 2018

21

Superintendent, is Ex.PW-3/4 and report of Medical Board is Ex.PW-3/5. He placed on file copy of Mad No.36, dated 20.03.2015 Ex.PW-3/6 regarding information of arrest of the accused by Chota Lahor, Police District Swabi. He also submitted an application Ex.PW-3/7 for departmental action against the accused facing trial who was an employee of Education department. On 25.03.2015, he arrested the accused vide card of arrest Ex.PW-3/8. Vide his application Ex.PW-3/9; he produced the accused to the Doctor DHQ Hospital Nowshera, and obtained report regarding the capability of sexual act of the accused facing trial. He transferred the accused from District Swabi to Nowshera and produced him before the Court vide his application Ex.PW-3/10 for obtaining his ten days custody but three days custody was granted; that during the course of interrogation the accused led him to the spot of occurrence and made pointation of the spot vide pointation memo Ex.PW-3/11. After expiry of the police custody, vide his application Ex.PW-3/12, he produced the accused before Court for recording his confessional statement but the accused refused and was sent to the judicial lockup. He has recorded the statements of the PWs as well as of the accused u/s 161 Cr.PC and after completion of the investigation he handed over the case file to SHO Bakht Sher, for submission of complete challan against the accused facing trial, who has submitted complete challan Ex.PW-3/13.

(PW-4) Dr. Matiur Rahman, Children Specialist, deposed that as per order of the Medical Superintendent, DHQ Hospital Nowshera dated 19.03.2015, already Ex.PW-3/4, he being the member of the Medical Board examined the victims namely Zohaib son of Hazrat Ali and Miraj son of Abdul Baqi. The constituted medical board comprising of noted Specialists and senior doctors namely.

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Branch. S.S.J. Nowshera

05 MAY 2018

22

1. Dr. Muhammad Islam, Surgeon
2. Dr. Matiur Rahman, Children Specialist (himself)
3. Dr. Mushtaq Ahmad, Physician
4. Dr. Fazal Qadar, PMO
5. Dr. Riwayat Shah, PMO

The above board examined the two victims in operation theater in full OT light and illumination. Their findings are as under:

1. There was no evidence of any physical or sexual violence on the body of Zohaib son of Hazrat Ali.

2. There was no evidence of any physical or sexual violence found on superficial examination on the body of Miraj son of Abdul Baqi, but on deep examination of anus (which is only possible in proper OT facilities and illumination), there found a breach in continuity of mucocutaneous junction at 06 O'clock position, an injury which can be due to sexual intercourse suggesting evidence of sexual violence. Due to lapse of time between occurrence of incidence (14.03.2015) and examination on 19.03.2015, no use of taking swab for semen analysis from anus and other body parts or clothing. He has signed the report of medical board regarding MLC case of both the victims Miraj and Zohaib. He seen report of medical board already Ex.PW-3/5 which correctly bears his signature.

(PW-5) Dr. Muhammad Islam, Surgical Specialist, deposed that as per order of the Medical Superintendent, DHQ Hospital Nowshera dated 19.03.2015, already Ex.PW-3/4, he being the member of the Medical Board examined the victims namely Zohaib son of Hazrat Ali and Miraj son of Abdul Baqi. The constituted medical board comprising of noted Specialists and senior doctors namely.

1. Dr. Muhammad Islam, Surgeon (himself)
2. Dr. Matiur Rahman, Children Specialist

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Branch. D.S.J. Nowshera

05 MAY 2016

23

3. Dr. Mushtaq Ahmad, Physician
4. Dr. Fazal Qadar, PMO
5. Dr. Riwayat Shah, PMO

The above board examined the two victims in operation theater in full OT light and illumination. Their findings are as under:

1. There was no evidence of any physical or sexual violence on the body of Zohaib son of Hazrat Ali.
2. There was no evidence of any physical or sexual violence found on superficial examination on the body of Miraj son of Abdul Baqi, but on deep examination of anus (which is only possible in proper OT facilities and illumination), there found a breach in continuity of mucocutaneous junction at 06 O'clock position an injury which can be due to sexual intercourse suggesting evidence of sexual violence. Due to lapse of time between occurrence of incidence (14.03.2015) and examination on 19.03.2015, no use of taking swab for semen analysis from anus and other body parts or clothing. He has signed the report of medical board regarding MLC case of both the victims Miraj and Zohaib. He seen report of medical board already Ex.PW-3/5 which correctly bears his signature.

(PW-6) Bakht Sher Khan, Incharge Security, deposed that after completion of investigation he has submitted complete challan already Ex.PW-3/13 against the accused.

(PW-7) Dr. Yousaf Ali Khan, MO, deposed that on 17.03.2015 one Miraj aged about 12/13 years, son of Abdul Baqi was produced before him by the police of PP casualty DHQ Nowshera Kalan through his injury sheet already Ex.PW-2/1 and his observation on his examination as:

The patient was produced before him with a complain of sexual abuse, on 14.03.2015.

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05 MAY 2018

24

On examination no sperm collection seen on perennial region or clothes.

No redness/traumatic lesion seen.

4. On 11.03.2017, victim namely Miraj and one Abdul Wali appeared before Court and stated that accused facing trial was charged at the behest of Hazrat Ali. They stated that the charge against the accused trial is on the basis of misunderstanding and the accused facing trial is innocent, therefore, they have patched up the matter with the accused facing trial and do not want to pursue the instant case anymore nor they charge him for commission of offence. To this effect their joint statement recorded which was identified by elders of locality namely Dilroz Khan and Muhammad Dawood.

5. With the statement of (PW-7), prosecution closed its evidence. Thereafter, accused facing trial was examined under section 342 Cr.PC, wherein, he professed innocence, however, he did not opt to lead evidence in his defence or to appear as his own witness U/S 340 (2) Cr.PC, on oath.

6. The learned APP for State submitted that the accused facing trial has been directly charged for heinous moral turpitude offence having extremely bad effects on society at large; that medical report supports version of prosecution; that accused facing trial is involved in such like offence regarding which an FIR No.1228 is also available on file; that testimony of PWs have not been shattered during cross examination and

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25

prosecution has proved the case against the accused facing trial through cogent, strong, reliable, confidence inspiring, impartial and convincing evidence, hence, requested for exemplary punishment of the accused.

7. Learned defense counsel rejected the arguments of the prosecution and submitted that the prosecution case is full of doubts, infirmities and irregularities. He argued that it is a case of no evidence; that there is no eyewitness of the occurrence; that the victims have not charged the accused facing trial rather father of victim Zohaib has charged him for the commission of offence; that time of occurrence has not been mentioned, hence, the very foundation of the prosecution case is weak and not convincing; that there are major contradictions in the statements of material prosecution witnesses and they are not unanimous in their statements at all; that the prosecution has badly failed to bring home guilt to the accused facing trial, therefore, requested for acquittal of the accused facing trial.

8. After hearing the arguments of the parties, I have gone through the record on file.

9. The occurrence was allegedly committed on 14.03.2015, whereas, it was reported by the complainant vide Mad No.21, dated 17.03.2015 to the police at 14:30 hours. Delay in making the report was not plausibly explained by the complainant except that due to public holiday on next day of occurrence i.e.

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05 MAY 2018

15.03.2015, the minor victims could not go to School neither disclosed the occurrence due to fear till 17.03.2015. Both the minor victims namely Zohaib is aged about 15/16 years and Miraj is about 12/13 years. They both are not so tendered aged to disclose the occurrence to their family after the occurrence. The medical evidence does not corroborate the stance of the complainant. On medical examination of both the victims by the doctor and thereafter, through medical board no physical and sexual assault was found on body of victim Zohaib. The medical examination Ex.PW-2/1 of victim Miraj reveals an injury in shape of breach in continuity of mucocutaneous junction at 06'O clock position was found but the doctor opined that such injury can be caused due to sexual intercourse. The opinion of doctor is not certain about the cause of such injury.

10. Semen stained/clothes of the victims were not seized by the police. No report of Serologist/chemical examiner is produced in evidence. No samples were collected for cross matching of semen of accused and victims.

11. No DNA samples were taken by the IO. One of the victim Miraj appeared before Court and stated that the accused was charged on misunderstanding and he do not want to prosecute him.

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Branch, D.S.I. Nowshera

05 MAY 2018

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12. The other victim Zohaib was not produced before Court for examination. The complainant when stood as PW-1 had extended concession to the accused and deposed that the accused has satisfied him about his innocence.
13. In view of these circumstances, it is held that prosecution failed to bring home the guilt of the accused without shadow of doubts. Thus, he is entitled to benefit of doubt, therefore, he stands acquitted, by extending him the benefit of doubt. He is on bail. His bail bonds stands cancelled. His sureties are discharged from liabilities of bail bonds.
14. Case property be dealt with in accordance with law. File be consigned to Record Room after its necessary completion and proper compilation.


Announced:
16.01.2018

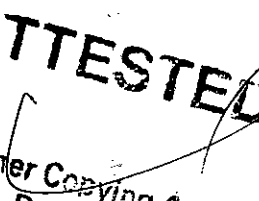

Ms Zeba Rasheed,
Additional Sessions Judge-VI,
Nowshera

CERTIFICATE

Certified that my this judgment consist of 10 (ten) pages, each has been read, checked, signed and corrected by me wherever it was necessary.

Dated: 16.01.2018


Ms Zeba Rasheed,
Additional Sessions Judge-VI,
Nowshera

92

ATTESTED
Examiner Copying Agency
Branch. D.S.J. Nowshera

05 MAY 2018

No 6192
Date of Application 5/5/18
Name of Applicant [Signature]
Words [Signature]
Fee [Signature]
Urgent Fee [Signature]
Sign of Copyist [Signature]
Date of Preparation 05 MAY 2018
Sign of Examiner [Signature]
Date of Delivery 05 MAY 2018

TRATTA

REPUBLIC OF INDIA
MINISTRY OF DEFENSE
NEW DELHI

Annex - E

To

The District Education Officer,
(Male) Nowshera

28

Subject:- APPLICATION FOR RE-INSTATE IN GOVT. SERVICE.

Respected Sir,

That I Mr. Ashraf Khan Afridi S/o Khan Gul R/o Mohallah Bazar ,
Kher Abad Tehsil & District Nowshera Govt. Servent in SPST GPS Khairabad Nowshera
was removed from the Govt. service under reference your office Endst: No. 1401-09
DEO(M) NSR/Estab(Prim)Removal,of SPST/ Dated NSR the 15/04/2015 by the incidental
case was done by him illegally and in the light of without any proof and evidence the
instant case was malafide entered in the Court against me.

Now the Honorable Court of MS Zeba Rasheed Additional Sessions Judge-VI Nowshera have
given his decision in my right and there was no stable proof provided/found in this respect and
the instant Court released me from the malafide case and now I am free from the instant case.

(Copy of order is attached).

It is therefore, humbly requested that I may kindly be reinstated in my service in the light of
court decision and thanks.

Yours Obediently

Dated: 22-1-2018

(Ashraf Khan S/o Khan Gul)

SPS
Resident of Khair Abad District
Nowshera
Contact: No: 03335270871

Ashraf Khan
S/o Khan Gul



OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
NOWSHERA

0923-9220228 , 0923-9220228

EMAIL: DEOMALENSR@GMAIL.COM

No. 7121-22 Dated. 12 / 05 / 2018

29

Armed-F

To

Ashraf Khan S.PST
Resident of Khair Abad, District Nowshera.

Subject: APPLICATION/APPEAL FOR RE-INSTATMENT IN GOVERNMENT SERVICE.

Memo:

Your appeal for Re-Instatment in service was considered by the undersigned and was rejected as you were removed from service as a result of departmental proceeding not on the basis of Court Judgment. Moreover your appeal is badly,time barred.

District Education Officer (M)
Nowshera

Endstt: of Even No. & date:-

Copy for information to the:-

1. SDEO Jehangira Nowshera.
2. Office Copy.

District Education Officer (M)
Nowshera

30

WAKALATNAMA

IN The Khyber Pakhtunkhwa Service Tribunal

Peshawar.

Ashtaf Khan

(Petitioner)
(Plaintiff)
(Applicant)
(Complainant)
(Decree Holder)

VERSUS

DEO (M) Zalle

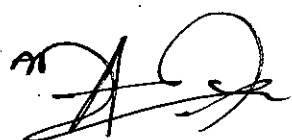
(Respondent)
(Defendant)
(Accused)
(Judgment Debtor)

Case Suo - Appeal 2018

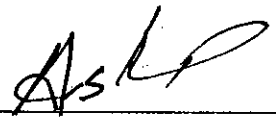
I/We, Ashtaf Khan do hereby appoint and constitute **Muhammad Arif Jan Advocate** High Court, Peshawar, to appear. Plead, act, compromise, withdraw or refer to arbitration to me/ us as my/ our Counsel in the above noted matter, without any liability for their default and with the authority to engage/ appoint any other Advocate/ Counsel at my/ our matter.

Attested & Accepted

CLIENT/S



Muhammad Arif Jan
Advocate, High Court, Peshawar.
Office No. 6, 1st Floor
Pabbi Medical Centre, G.T. Road
Peshawar.
Mobile: 0333-2212213



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 759/2018

Ashraf Khan.....Appellant

VERSUS

DEO & Others..... Respondents

Written comments/reply on behalf of respondents.

Respectively Sheweth

Preliminary Objections

1. That the Appellant has no cause of action/locus standi to file the instant appeal.
2. That this honorable service tribunal has got no jurisdiction to entertain the present appeal.
3. That the present Appeal is bad for mis joinder and non-joinder of necessary parties.
4. That the instant appeal is badly time barred.
5. That the appellant has concealed material facts from this Honorable Tribunal.
6. That the appellant is estopped by his own conduct, by deed and by law to file the instant appeal.
7. That the instant appeal is barred by law.

On Facts

1. Pertain to record.
2. Correct to the extent lodging of FIR. In fact Ashraf Khan (Appellant) has sexually abused Miraj student of class 2nd on 14-03-2014 at 1:40pm in the school premises after closing of school. Appellant is a habitual offender. Initially he established sexual relationship with Zohaib student of the said school and through Zohaib he sexually abused Miraj student of class 2nd. The appellant has also committed un-natural lust in 2011 with shoaib student of class 5th.
3. Incorrect. As replied above.
4. Correct. The show case notice was properly served by the appellant. Reply was submitted by the appellant, which was not satisfactory.
5. Incorrect. Proper inquiry was conducted by the respondents. The charges has been proved against the appellant. The impugned order was passed in the light of findings of the inquiry report.
6. Incorrect. The impugned order was passed as a result of Departmental proceedings. Moreover appeal of the appellant dated 21-02-2018 was badly time barred and it was not addressed to the appellate authority.
7. No. Cemments.

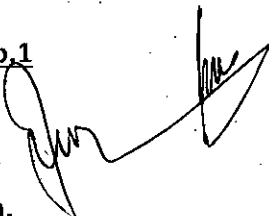
GROUNDS:

1. Incorrect. The order dated 15-04-2015 and 12-05-2018 was according to the law rules and policy.
2. Incorrect. The respondent follow the rules and regulation in passing the impugned order.
3. Incorrect. The appellant was not entitled for the benefits of the service rendered by him as he was habitual offender of sexually abusing the students.
4. Incorrect. The appellant was removed from service as a result of Departmental Proceeding.
5. Incorrect. The appellant was removed from service is a result of the Departmental Proceeding.
6. Incorrect. Proper inquiry was conducted against the appellant. The appellant participated in the inquiry proceeding. Opportunity of defense was provided to the appellant.
7. Incorrect. The appellant was provided full opportunity to defend himself.
8. Incorrect.
9. Incorrect.
10. The respondent may also be permitted to advance other augments at the time of hearing.

It is therefore, requested before your Honor that the present Service Appeal is illegal, against facts and without force, may kindly be dismissed with cost.

Respondent No.1

DEO Male
Nowshera.



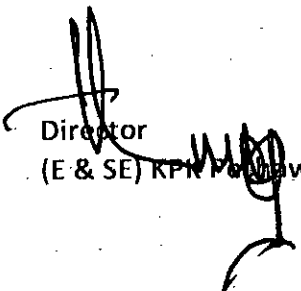
Respondent No.3

Secretary E & SE
Govt of KPK Peshawar.



Respondent No.2

Director
(E & SE) KPK Peshawar



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

3

Appeal No. 759/2018

Ashraf Khan.....Appellant

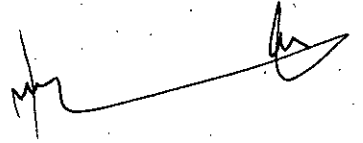
VERSUS

DEO & Others..... Respondents

AFFIDAVIT

I Fayaz Hussain District Education Officer (Male) Nowshera do solemnly affirm and declared on oath that the contents of the para wise comments on behalf of respondents are true and correct to the best of my knowledge and that nothing has been concealed from this Honorable Court.

DEPONENT



4

Enquiry Report against Mr. Ashraf Khan EX-SPST GPS Khair Abad Nowshera

Enquiry Officers: 1- Mr. Ali Said Principal GHS Misri Banda Nowshera (Chairman)

2- Mr. Gulzar Ali Head Master GHS Behram Killi Nowshera (Member)

Name of the accused: Mr. Ashraf Khan Ex-SPST GPS Khair Abad, Resident of bazaar Mohallah Khair Abad Nowshera.

Name of the victims: Zohaib S/O Hazrat Ali and Miraj S/O Abdul Baqi, Ex-Class-II students at GPS Khair Abad Nowshera, Resident of villages Taj Abad and Jammu Khair Abad NSR.

Statement of Allegations/ Charges: Sexual Abuse/ sodomy with, "Miraj" a student of class-II, by Mr. Ashraf Khan EX-SPST GPS Khair Abad Nowshera.

Date of Occurrence: 14 March, 2015 at 1:40 pm round about.

Venue of occurrence: Mr. Ashraf Khan's Class room at GPS Khair Abad NSR.

Introduction: I Mr. Ali Said Principal GHS Misri Banda Nowshera and Mr. Gulzar Ali H/M Behram Killi have re-enquired Mr. Ashraf Khan in the charges leveled against him in the shape of sodomy with "Miraj" a student of class-II previously, by the order of DEO (M) Nowshera No.2721-28/DEO (M) NSR/ Re-Enquiry/Dated:03/06/2015.

Objective of the enquiry: To identify whether Mr. Ashraf Khan has committed the offence of sodomy with Miraj or not?

Procedure: To find out justice is not an easy job. The difficulties in it can't be ignored nor infringed. This is why the rely must be done on primary sources. Justice should be done even Heaven falls. Justice should be in visible form.

In order to achieve the desire goals and access to the truth of the case I adopted the following method.

I received order of re-enquiry on 11th June, 2015 from DEO (M) Nowshera in consequent of which I have visited GPS Khair Abad on 12/06/2015 at 10:00 clock to probe the allegations. I met there with Mr. Asif Head Teacher GPS Khair Abad, heard his opinion and then heard the opinion of Mr. Akseer Azam chawkidar.

Then I summon Mr. Ashraf Khan who was already informed with all his supportive documents. I discussed the matter with him for three and half hour cool minded. I have created his trust and elicited him to tell me the truth. After 2: O, clock I went to Taj Abad and Jammu villages where the homes of victims are situated, along with Mr. Asif HPST GPS Khair Abad.

5

I have with met them and with their parents individually for more than three hours. I built their confidence, ensure their secrecy and finally they elicited what has happened to them. At 6: 0, clock I came back to Khair Abad and met with Mr. Aynaz the EX-IIPST GPS Khair Abad, heard and recorded his opinion.

Then I went back to GPS Khair Abad and summon the whole staff like: Pir Mulik Ex-PST of this Scholl now CT at GHSS Kahee, Mr. Sujawal, Mr. Shaukat Haroon and Mr. Adnan Husain PST's GPS Khair Abad. I heard and recorded their statements except Mr. Murtaza PST who was away due to summer vacations as he is the resident of Charsadda.

On that day I reached back to my home at 10.30 pm. Next morning i.e:13/06/2015 I went to Prang Charsadda where Mr. Murtaza is living. I met him and keenly interrogated him as according to other staff he is the informer.

But sir it is very strange that no body of them is ready to be witness in this case formally while informally everyone including Mr. Ashraf khan is ready to tell the truth.

Sir then I got a copy of previous enquiry conducted by Mr. Gul Nawab Principal GHS Ali Bag NSR as well copy of medical report by medical board especially constituted by DHO NSR for the investigation of this case. In the light of collected data and study of both the reports thoroughly I have came to the following findings:

Findings: 1- The accused Ashraf Khan was the class teacher of grade-I and performed 29 years services in Education Department.

2- The victims were the students of class-II, whose class teacher is Mr. Murtaza.

3- Ashraf Khan initially established sexual relations with Zohaib through his consent as Zohaib's cousins were there in class-I with Ashraf khan and Zohaib has used to come to them usually.

4- Miraj is the friend and classmate of Zohaib and through Zohaib he has been introduced and sexually abused by Mr. Ashraf kahn with his willingness.

5-Zohaib was sodomized by Ashraf Khan for last one year while Miraj for last nine months with their consent with proper intervals some time in break and usually after school closing at every Saturday in his classroom .The present occurrence has also took place on Saturday at 1:40 pm on 14/03/2015.

6-Zohaib is a habitual sodomy and firstly sexually abuses by his cousin in his home.

7- Informally it is admitted by Ashraf khan that he has time and again molested and sodomized the victims for a long time with their consent.

8- It is admitted by both the victims that as per their previous practice on the day of occurrence they have molested with their consent and was no use of force over them.

(6)

9- Ashraf Khan first did sodomy with Zohaib but not discharged and then with Miraj and discharged himself with their consent in classroom.

10- On occurrence day there was teacher party in the school as it was inspection day also, Ashraf Khan avoided both the functions and isolated himself to his room.

11- After occurrence the victims tried to hide their late time presence in the school from other teachers but have been seen by Mr. Murtaza and Sajawal.

12- The victims interrogated by Sajawal and finally Zohaib told him that Miraj is molested by Ashraf Khan.

14- Miraj sexual violation is clear from medical report (which is hereby attached).

15- In occurrence there was no use of force nor has Miraj become unconscious.

16- It was a routine that after sodomy Ashraf Khan has used to give them 20 to 50 rupees and on the occurrence day Rs. 50 has been given to them.

17- An FIR has been lodged against the accused in pursuance of which the accused has been arrested by police and kept in custody before police remand for few days.

18- Now the accused has been released on bail with the petition withdrawn by the parents of the victims through re-conciliation. (Deed is hereby attached).

20- As previous record of the accused is concerned, he has committed un-natural lust in 2011 with a student of class 5th named Shoaib in classroom. But due to lack of direct evidence, the accused has been acquitted.

21- All his colleagues and staff members admitted his bad character and sodomization but due to the fear of some unseen force they negate and hesitate to be direct witness to the occurrence.

22- From statements of the accused, staff members, parents and victims it is very clear that the accused has committed sodomy with the victims and he is the habitual offender.

23- Mr. Sajawal PST of the same is also seen to be the molestation competitor of the accused. It is leak out by the accused particularly with Zohaib.

Conclusion: It is concluded that Mr. Ashraf Khan the (accused) has committed sodomy, un-natural lust and molestation with the victims.

(7)

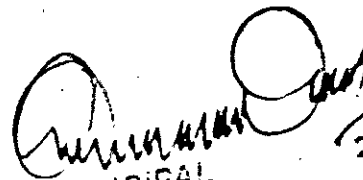
Recommendations: As this school is a grid of conspirators and culprits therefore the following action must be taken against the mentioned staff and anyone of them may not be re-transferred here again in future.

- ✓ 1- Akseer Azam chawkidar of the same school may be issued a show cause notice and be warrand to ensure rooms lockage just after school closing time and not to allow any student to sit in class room nor to play in the school after school closing time.
- 2- The accused may be compulsorily retired from service, on humanitarian basis from the date of occurrence to get ride other learners from his un-natural lust while the benefits of his 29 years service may be given to his dependents as this is their right which may not be disturbed accordingly.
- ✓ 3- Next annual increment of Mr. Muhammad Ayaz EX-HPST of this school may be stopped due to his negligence and ineffective school administration.
- ✓ 4- Mr. Sajawal PST of the same school may be transferred to a very far flung area and as he is the molestation competitor of the accused.
- ✓ 5- Mr. Shaukat Haroon may also be transferred far away as he is non-co-operative and information concealer. NTS
- ✓ 6- Mr. Murtaza PST incharge of class-II has failed to protect his students, ensure their class attendance after break and they fall prey Ashraf Khan's un-natural lust. So he may be transferred to another far away school.


The End

Signature of Ali Said Principal GHS Misri Banda NSR

22/08/15


PRINCIPAL
G.H.S. Misri Banda
Nowshera

Signature of Gulzar Ali H/M GHS Behram Killi NSR


HEAD MASTER
G.H.S. Behram Killi
NOWSHERA

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 579 /ST

Dated 25/08 / 2021

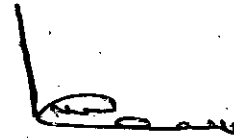
To

The District Education Officer Male,
Government of Khyber Pakhtunkhwa,
Mansehra.

Subject: - **JUDGMENT IN APPEAL NO. 759/2018, MR. ASHRAF KHAN.**

I am directed to forward herewith a certified copy of Judgement dated 08.03.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above



REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

B)

حکومت جناب ایس ایس ای - ایس ایس ای - ایس ایس ای

رواقت

جناب - ایس ایس ای - ایس ایس ای - ایس ایس ای

معاون - درخواست اجراء ضروری قانونی کارروائی

سر خلاف ایس ایس ای - ایس ایس ای - ایس ایس ای

جناب عالی! جناب عالی! آج سائنس اور ٹیکنالوجی کے دور

میری جامعیت کے طالب علم سے یہ امکانات ہیں

میں سے سائنس اور ٹیکنالوجی کے دور میں سائنس کے ساتھ
مطلوبہ عام کرنا اور سائنس کے ساتھ

ایس ایس ایس کے ساتھ سائنس کے ساتھ

کارروائی کر کے سائنس کے ساتھ

میں سے ایس ایس ایس کے ساتھ سائنس کے ساتھ
میں سے ایس ایس ایس کے ساتھ

16/03/2015

معلوم

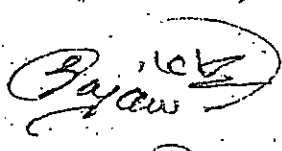
میں سے

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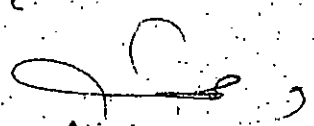
سید سراجی، شیخ گوہاں و سید عرفان جو درخواست
ہذا سب سے متعلق طور پر متفق ہیں۔

نام
عہدہ
شعبہ

(1) مہر زہنی خان S.PST



(2) سجاد خان PST



(3) سہیل PST



(4) سونے بارسن PST



(5) عدنان حسین PST

30 830
130 - 830

مرکزی خان

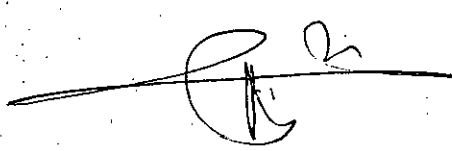
S.P.S.T


17101-4160369-1

0316-9282595

16-2-1985 -

- سوال 1 = آپ کی مدت ملازمت کتنی ہے ؟
- سوال 2 = آپ اس سکول میں کتنے مہینے سے تیسراتے ہیں ؟
- سوال 3 = آپ جو دفتر 13-3-2015 کو سکول میں حاضر ہوئے ؟
- سوال 4 = آپ کی جو دفتر 2015-3-2015 میں آمد اور روانگی کی کیا وجوہات تھیں ؟
- سوال 5 = یہ واقعہ کب اور کس کا ٹم ہو گیا ہے ؟
- سوال 6 = کیا اس واقعے کا کوئی وفاقہ عینی گواہ ہے ؟
- سوال 7 = اسٹریف طاہر S.P.S.T کب سے اس سکول میں تیسراتے ہیں ؟
- سوال 8 = کیا اسٹریف خاں پھول کے ساتھ بد فعلی کا مادی ہے ؟
- سوال 9 = اس واقعے سے پہلے کیا آپ کو اس استاد پر شک ہوا ؟
- سوال 10 = سائز نے کہا کیا ہے ؟ اور کس جماعت میں پڑھتے ہیں ؟
- سوال 11 = واقعہ کے بعد آپ نے کیا اقدام اٹھائے ہیں ؟
- سوال 12 = سائز نے جو ایام استاد اسٹریف خاں کے بارے میں تفصیل سے لکھیں ؟
- سوال 13 = واقعے کے بارے میں اپنے خیالات کا اظہار تفصیل سے لکھیں ؟


26/3/2015


26/3/15

مرکز فنون 24

1 جواب : - 1985 - 2 - 16

2 جواب : 4 سال -

3 جواب : 1 سال

4 جواب : - 45 - 1

5 جواب : ٹائم ہے نہیں واقعہ ہے پیر کو یہ ہے

6 جواب : مجھے پتہ نہیں ہے

7 جواب : مجھے پتہ نہیں ہے

8 جواب : مجھے پتہ نہیں ہے

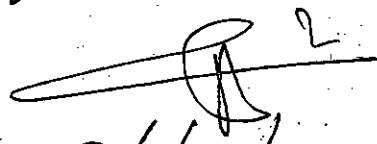
9 جواب : نہیں

10 سوال : دو جماعت ہے

11 واقعہ کے بعد آپ نے کیا اقدامات اٹھائے ہیں۔ میں نے اس طرح نہیں کیا

12 نہیں

13 یہ واقعہ ہے یا نہیں مجھے پتہ نہیں ہے اس پر تفصیل ہے



26/3/2015

2001

2015-13-53

دورہ

سوالنامہ

23

شہرہ کنستیم رول نمبر
P.S.T

شناختی کارڈ نمبر = 17201-8889903-9
فری نمبر = 0305-96 86 862

سوال نمبر 1 = آپ کی ملازمت کتنی ہے ؟ پچھلے ماہ از 13 اکتوبر 2014

سوال نمبر 2 = آپ اس سکول میں کتنے سرٹھے سے لیسات سے پچھلے ماہ سے

سوال نمبر 3 = آپ کا سواغز 2015-13-53 ہے اور سکول میں حاضر کئے ہیں یا نہیں۔ تقریباً

سوال نمبر 4 = آپ کی سواغز 2015-13-53 میں آمد اور روانگی کی کیا وجوہات تھیں؟ آمد 8:30 روانگی 1:55

سوال نمبر 5 = یہ واقعہ کب اور کسوں کی طرف سے ہوا ہے؟ معلوم کریں۔

سوال نمبر 6 = کیا اس واقعے کا کوئی نقصان ہوئی ہے؟ اگر ہوا ہے تو کیا ہے؟ معلوم کریں۔

سوال نمبر 7 = اس واقعے سے پہلے کیا آپ کو اس استاد پر شک ہو چکا ہے؟ معلوم کریں۔

سوال نمبر 8 = اس واقعے کے بعد آپ نے کیا اقدامات کئے ہیں؟ اور کس جماعت میں پڑھتے ہیں؟ (دہم)

سوال نمبر 9 = واقعہ کے بعد آپ نے کیا اقدامات کئے ہیں؟ مذکورہ استاد کے خلاف کارروائی کی ہے یا نہیں؟

سوال نمبر 10 = متاثرہ بچے اور استاد اشرف خان کے بارے میں تفصیل سے لکھیں؟

سوال نمبر 11 = واقعہ کے بارے میں اپنے خیالات کا اظہار تفصیل سے لکھیں؟

Amal

26/3/15

Shaukat

س 12: متناظرہ بچے سے میری جان بچان واقعہ کے بعد ہی ہوتی ہے اور شرف آفرین نے کچی میرے سامنے کسی بچے سے کوئی غلط حرکت تو نہیں کی لیکن اس سے پہلے کچی ابیں ایک دوست بچے سے بد فعلی کے الزام میں تین جانا بڑا تھا۔ اسی وجہ سے ان کے ساتھ میرا تعلق زیادہ تر طاسلام تک محدود تھا۔ اس کی ایک وجہ یہ بھی تھی کہ وہ اکثر اساتذہ کرام سے لڑتا جھگڑتا (میں نے کچی ابیں کسی سے لڑتے ہوئے تو نہیں دیکھا تھا لیکن دوست اساتذہ کی زبانی میں اکثر ایسے واقعات کے بارے میں سنتا رہتا تھا) اس لیے میں نے بھی کسی ایسی صورت حال سے بچنے کے لیے ان سے زیادہ تعلق رکھنا صحیح نہیں سمجھا۔

س 13: جب مجھے اس واقعہ کے بارے میں معلوم ہوا تو مجھے دلی دکھ ہوا اور بہت غصہ بھی آیا کیونکہ ایک استاد کے لیے ایسی حرکت کا ارتکاب کرتا یقیناً بہت بری بات ہے۔ اسی لیے میں نے بھی دوست سائیکلو کی طرح ہینڈ باکسٹ صاحب سے شرف آفرین کے خلاف ضروری کارروائی کرنے کی استدعا کی تاکہ دوست بچے ان کے غلط حرکتوں سے محفوظ رہ سکیں۔

Shahid

تاریخ
نمبر
شاہجہاد ایئر
فون

34 سال

34 سال سے

جی حاضر تھا۔

08:25 - 01:30

سکول ٹائم کے بعد

نہیں

2001

پتہ نہیں

نہیں

دوسری جگہ سے

ADFC کے ذریعے

تفصیل سے

تفصیل سے

تیار کیا گیا۔ اساتذہ کرام مر قرضی خان آ پیر مالک صاحب اور سجاد خان صاحب نے واقعہ کی اطلاع دی کہ لڑکوں پر زبردستی بعد از سکول ٹائم جی زیادتی کا واقعہ رونما ہوا ہے۔ تب میں اساتذہ مقررہ ہال کو آصف صاحب شہزاد کے پاس لے گیا اور انھوں نے ADEO صاحب کو فون سے ذریعہ اطلاع دی جو فوراً تشریف لے آئے۔ واقعہ گوش گزار کرنے کے بعد انھوں نے درخواست مانگی جس پر استاد مر قرضی خان صاحب نے کہا کہ وہ اسٹریٹ صاحب کے ساتھ فوراً رابطے میں ہیں اور وہ فتح پور میں ہیں اور تمام تک آجائیں گے اور وہ ٹرانسفر کے لیے تیار ہو جائیں گے۔ اس طرح یہ واقعہ گزار گیا اگلے دن پھر ADEO زاہر صاحب آگئے ابھی اساتذہ اور ان کے ماہرین

ڈیوٹی چارج کی سڈیو SDEO عبدالصمد صاحب اور ~~ADD~~ DEO العام طور
 تشریح کے آئے۔ پیر مائیک صاحب نے درخواست کی تھی اور
 اساتذہ کرام نے (سوائے مہر تھی، خان صاحب کے) ان پر دستخط کیے
 اور اے ڈی صاحب کے حوالے کر دیا گیا۔ ابھی ایسے تینوں
 آفسیروں کے ساتھ ڈیوٹی چارج کی تھی کہ سینٹرل پرائیج والے سفید
 کپڑوں میں ملیوس آئے۔ جنہوں نے اساتذہ کرام مذکورہ بالا
 اور مہار شجرہ سے ملاقاتیں کیں اور سب کے بیانات سنے۔

محمد نیاز تعلیم خزانہ

HEAD MASTER
 GOVT. PRIMARY SCHOOL
 VILLAGE ADACHI
 تحصیل گڑھی ننگر
 ضلع نوشہرہ

الکیرانظم

ہجوکیران

شناختی کارڈ نمبر 17201-22094543

نمبر = 0321-9734483

سوال 1 = آپ کی موت علامت تھی ہے ؟ 27 سال (87-12-20)

سوال 2 = آپ اس سکول میں کتنے عرصے سے تھیں ہیں ؟ عرصہ 27 سال سے

سوال 3 = آپ کا پورا نام 13-3-14 اور سکول میں حاضر کئے ؟ ہاں

سوال 4 = آپ کی پوزیشن 2005-2004 میں آمد اور روانگی کی کیا وجہ تھی ؟ 4730 سے

سوال 5 = یہ واقعہ کب اور کس کا نام ہوا ہے ؟ معلوم نہیں

سوال 6 = کیا اس واقعے کا کوئی حکم عین خواہ ہے ؟ نہیں

سوال 7 = اسٹریٹ 14-1957 کب سے اس سکول میں تھیں ثابت ؟ 2001 سے

سوال 8 = کیا اشرف خان بچوں کے ساتھ بد رفتاری کا شکار ہے ؟ معلوم نہیں

سوال 9 = اس واقعے سے پہلے کیا آپ کو اس استاد پر شک ہوا ؟ نہیں

سوال 10 = سنا کر بچے کا نام کیا ہے ؟ اور کس جماعت میں پڑھتا ہے ؟ صحرا 8 جماعت دوم

سوال 11 = واقعہ کے بعد آپ نے کیا اقدام اٹھائے ہیں ؟

سوال 12 = سنا کر بچے اور استاد اشرف خان کے بارے میں تفصیل سے کہیں ؟

سوال 13 = واقعہ کے بارے میں اپنے خیالات کا اظہار تفصیل سے کہیں ؟

الکیرانظم

⑩ واقعے بارے میں مجھے کوئی علم نہیں تھا۔ اس لئے کوئی اقدام نہیں اٹھایا

⑪ اس کے بارے میں مجھے کوئی علم نہیں تھا۔

⑫ میرے خود بہ تویہ واقف دیکھا ہے۔ اور نہ ہی مجھے کوئی معلومات ہیں اس لئے ان کے بارے میں میں کوئی بات لکھیں سے نہیں کہہ سکتا۔

⑬ اس کے بارے میں میری رائے یہ ہے کہ کیونکہ اُس دن میں خود سکول میں داخل تھا۔ اور تقریباً چار بجے شام کو سکول سے گزر گیا لیکن اُس وقت تک سکول میں کوئی واقعہ نہیں ہوا تھا۔ اس لئے میں یہ کہتا ہوں کہ اس میں کوئی حقیقت نہیں ہے۔

اسیر اعظم

سوال نمبر

Pir Malik
PST

17201-2178162-3
0334-500328

- سوال نمبر 1 = آپ کی ندرت ملازمت کتنی ہے ؟
- سوال نمبر 2 = آپ اس سکول میں کتنے سوئچ سے لیسات ہے ؟
- سوال نمبر 3 = آپ کا مورخہ 2015-14-03-03 ہے اور سکول میں حاضر ہے ؟
- سوال نمبر 4 = آپ کی مورخہ 2015-03-14 ہے اور سکول میں لیسات ہے ؟
- سوال نمبر 5 = یہ واقعہ کب اور کس کا نام ہے ؟
- سوال نمبر 6 = کیا اس واقعے کا کوئی نتیجہ ہے ؟
- سوال نمبر 7 = اسٹریف خان PST-19 کب سے اس سکول میں لیسات ہے ؟
- سوال نمبر 8 = کیا اسٹریف خان پورے سال بدتمیزی کا عادی ہے ؟
- سوال نمبر 9 = اس واقعے سے پہلے کیا آپ کو اس استاد پر شک تھا ؟
- سوال نمبر 10 = متاثرہ بچے کا نام کیا ہے ؟ اور کس جماعت میں پڑھتا ہے ؟
- سوال نمبر 11 = واقعے کے بعد آپ نے کیا اقدامات اٹھائے ہیں ؟
- سوال نمبر 12 = متاثرہ بچے اور استاد اسٹریف خان کے بارے میں تفصیل سے لکھیں ؟
- سوال نمبر 13 = واقعے کے بارے میں اپنے خیالات کا اظہار تفصیل سے لکھیں ؟

ہوا غز 1 باغ (5) سے اور 23 دن

ہوا غز 2 باغ سے اور 23 دن سے 3 اکتوبر 2014 سے 26 اکتوبر 2015

ہوا غز 3 1:45 دن میں سکول میں موجود تھا، بعض ماں میں حاضر تھا

ہوا غز 4 نوڈر 8:30-8:20 آمد اور روانگی 1:45

ہوا غز 5 نوڈر 2 سے

کتاب

جواب 6: کسی نے ایسے آنکھوں سے ڈنٹیں دکھائی ہیں سرافض خان
اور بجا دل صاحب نے ایک جو کثیف سے دکھو لیا اور پوچھا "کیسے ہو گئے
نے کیا ہے کہ میرے ساتھ جیسی زبانی کی ہے۔"

جواب 7: میں تو فوراً ایک (New appointed) ہوں کسی نے کہا
اساتذہ سے ادنیٰ سا یہ کہ "تھری" 12 سے 15 سال تک بیان
ہے۔

جواب 8: یہ بھی اتنے ہیں کسی نے کہا "اٹھ" ہے۔ اور ان سے ملو
تو اسے کہ بعض سوال کو ہم سے حل کر دیتے ہیں۔

جواب 9: اس واقعے سے پتہ چلتا ہے کہ مازیم انکا ہاتھ کھینچ کر
اکثر اساتذہ اس کے ہاتھ پر اتنے ناراض ہیں۔

جواب 10: "سائبر" ہے گا نام "سراج" ہے اور "سکریٹ" ہے
میں پڑھنا ہے۔

جواب 11: واقعے کے بعد ہم نے اس میں اور دوسرے اساتذہ نے
کو سزا دی ہے۔

جوانی میں 12 سائزہ جسے دوکری علاقوں میں پڑھا جیسے ملاکنڈ،
 سرحدی ضلع ہے۔ اس کے قیام کے بعد اور شہزادی کے
 سے اس کا تعلق ہے۔

اس وقت کاغذی افسر ہی قوم سے ہے، یہاں پر اصل اعلیٰ علاقوں کے
 رجمنٹ کو کھانا تھا، جو اس کے کولوں کے بعد آئے تھے اس عمل
 اس وقت نہیں کرتے تھے، مختلف پوائنٹوں پر اس کے اس کے زمانے
 میں تھے۔ اس کا ایک پتہ اور ایک پتہ ہے، یہاں افغانستان سے
 معلوم ہوا ہے کہ اس کے سادی ایک خط، خاندان سے ہے جو
 جہانگیرہ میں رہا اس کا نام ہے۔

جوانی میں جہاں تک میرا خیال ہے، میں نے اس سائزہ کو دیکھا ہے اور
 اس کی history سے معلوم ہوا ہے کہ یہ واقعہ 50 دہائی سے ہے۔

۲۵

عبدالرشید

پتہ - ایس۔ ٹی۔ ٹی

شمارہ ۱۷۲۵۱-۹۳۷۶۱۶۸-۵

فون نمبر ۰۳۴۱-۹۹۹۷۷۸۰

- سوال نمبر ۱ - آپ کی مدت ملازمت کتنی ہے ؟
- سوال نمبر ۲ - آپ اس سکول میں کتنے مہینے سے تیسات ہیں ؟
- سوال نمبر ۳ - آپ کا تعلق کس قوم سے ہے ؟
- سوال نمبر ۴ - آپ کی عمر ۲۰۱۵-۰۳-۱۹ میں آمد اور وفاقی کی کیا وجہ تھی ؟
- سوال نمبر ۵ - کیا واقعہ کب اور کس جگہ پیش ہوا ہے ؟
- سوال نمبر ۶ - کیا اس واقعے کا کوئی نتیجہ بھی نکلا ہے ؟
- سوال نمبر ۷ - اسٹریٹ جوائنٹ ۲۳۶ کی کب سے اس سکول میں تیسات ہے ؟
- سوال نمبر ۸ - کیا اسٹریٹ جوائنٹ بچوں کے ساتھ بد چلنی کا عادی ہے ؟
- سوال نمبر ۹ - اس واقعے سے پہلے کیا آپ کو ایسا استاد پر شک ہو چکا ہے ؟
- سوال نمبر ۱۰ - ایسا لڑکے کا نام کیا ہے اور کس جماعت میں پڑھتا ہے ؟
- سوال نمبر ۱۱ - واقعہ کے بعد آپ نے کیا اقدام اٹھائے ہیں ؟
- سوال نمبر ۱۲ - متاثرہ بچے اور اسٹریٹ جوائنٹ کے بارے میں تفصیل سے کہیں ؟
- سوال نمبر ۱۳ - واقعہ کے بارے میں اپنے خیالات کا اظہار تفصیل سے کہیں ؟

جواب # ۱ - اچھ ماہ

جواب # ۲ - چھ ماہ سے

جواب # ۳ - ہاں

جواب # ۴ - مہری آمد کا ٹائم ۸:۳۰ am اور داوائی ۲:۰۰ pm کے قریب تقریباً

جواب # ۵ - اس واقعے کا ٹائم کا مجھے پتہ نہیں چلتا۔

جواب # ۶ - اسی واقعے کا کوئی عینی گواہ کا مجھے پتہ نہیں چلتا۔ لیکن میں نے یہ بھی

۱۱

جواب #7 میں نیا استاد ہوں مجھے اشرف اُستاد کے تصانیف
پہنی پتا۔

جواب #8 پتلے خود ہی دیکھا کبھی تمام لوگوں سے یہ سنا ہے کہ
وہ دفعی کا عادی ہے۔

جواب #9 ہاں مجھے اشرف اُستاد کے بارے میں مجھے شک ہوا ہے۔

جواب #10 متاثرہ کے کا نام Zohar ہے۔ اور دوسری کلاس میں
پڑھتا ہے۔

جواب #11 واقعہ کے بعد تمام اساتذہ نے مل کر اشرف کے
خلاف پٹ مارٹر کو درخواست دی۔

جواب #12 متاثرہ بچے کے بارے میں مجھے نہیں پتا۔ اور اشرف اُستاد
بے بی ایس فٹ کے کارڈ میں 18 دن چیل چکے ہیں۔

جواب #13 اشرف اُستاد نے بیت غلطہ نام کیا ہے۔ اور اسکو اس
کی شراعتیں چاہئے۔

سجاول خان

PST

شناختی کارڈ نمبر = 17201-4190825-5

فون نمبر = 0333-9269756

سوال نمبر 1 = آپ کی مدت ملازمت کتنی ہے ؟ 15 سال 2 ماہ
سوال نمبر 2 = آپ اس سکول میں کتنے عرصے سے تینات ہے as above
سوال نمبر 3 = آپ مورخہ 14-03-2015 کو سکول میں حاضر تھے ؟ ہاں

سوال نمبر 4 = آپ کی مورخہ 14-03-2015 میں آمد اور روانگی کی کیا وجوہات تھیں ؟

سوال نمبر 5 = یہ واقعہ کب اور کس ٹائم ہوا ہے ؟
سوال نمبر 6 = کیا اس واقعے کا کوئی نتیجہ عین گواہ ہے ؟ عین گواہ کا پتہ نہیں

سوال نمبر 7 = اسٹریف خان 14-PST کب سے اس سکول میں تینات ہے ؟ 2001 تا 2002
سوال نمبر 8 = کیا اسٹریف خان بچوں کے ساتھ بدتمیزی کا عادی ہے ؟

سوال نمبر 9 = اس واقعے سے پہلے کیا آپ کو اس استاد پر شک تھا ؟
سوال نمبر 10 = متاثرہ بچے کا نام کیا ہے ؟ اور کس جماعت میں پڑھتا ہے ؟ معراج - دوسری جماعت

سوال نمبر 11 = واقعے کے بعد آپ نے کیا اقدام اٹھائے ہیں ؟ اپنے بیٹے کو اسکول سے اسٹریف سے اسٹریف سے
سوال نمبر 12 = متاثرہ بچے اور استاد اسٹریف خان کے بارے میں تفصیل سے لکھیں ؟

سوال نمبر 13 = واقعے کے بارے میں اپنے خیالات کا اظہار تفصیل سے لکھیں ؟

سوال نمبر 14 = اس جیسے استاد کو حتمی طور پر نکال دینا چاہیے

سوال نمبر 15 = غور ! اس کی ملازمت ختم کرنا چاہیے

Signature

Signature

نمبر	
میزان	

سوال نامہ انڈیا آن لائن علی سید پرنسپل ایچ ای سی جی ایم

جناب اشرف خان Ex SPST سوال نامہ پٹروراد سکول نمبر 101 اور آخر میں دستخط

1. آئیے صرف جو allegations Sexual abusement ٹائٹل لے ہیں۔ یہ وقوع کس دن اور کس کونوا؟ 14 تاریخ محاکمہ کا دن یعنی سینہ کا روبرو تھا

2. یہ تو بتائیں بجے کا وقت تھا؟ میں نے بچے کو لایا تھا اور لڑکے اسٹار سکول میں آئے

3. سکول میں بھی لائے بجے ہوئی تھی اور آپ نے بچوں کو لائے بجے تک سکول سے کھڑے تھے؟ ایک بارہ وقت

4. آپ نے کس بیان سے اور سکول میں کس جگہ پر بچوں کو کھڑے تھے؟ پچھلے سرنگی میں نے لڑکے نہیں کھڑے کیے تھے

5. اس سے پہلے ہی آپ کے خلاف اس طرح الزام ٹھکانا ہے؟ یاں میں انجکشن اور علاج کے لیے سے

6. یورنٹیج کیا ہوا؟ بگڑا ہوا

7. موجودہ الزام کے بارے میں آپ کا جواب ہے؟ جھوٹ ہے

8. سٹیٹیکل رپورٹ ہو چکی ہے۔ اگر یاں تو مثبت ہے یا نفی؟ نفی ہے

9. پولیس کو آپ نے اعتراضی یا انکاری بیان دیا ہے؟ جولم آپ دیا ہے؟

10. عدالت نے آپ کو حرم کھینچا ہے؟ معلم

11. Competent Authority نے جو فیصلے کیے ہیں آپ کے خیال میں اس میں کوئی قانونی لقمہ ہے؟ مخاندہ

12. وقوعہ کے بعد آپ اپنے سکول سے نکل گئے یا بجے؟ میں پہلے نکل

13. اس وقت جو لیڈر اسکول میں موجود تھا یا سکول سے باہر تھا۔ اگر سکول سے باہر تھا تو کس جگہ تھا؟ جو لیڈر

14. وقوعہ کے بعد FIR آئیے صرف کس وقت (راج ہوئی)؟ 3 بجے گھر سے ہوئی

15. آئیگی گنہاری کب اور کہاں سے ہوئی؟ 3 بجے گھر سے ہوئی

16. آپ پولیس سے درخواست کی تھی؟ ہیں

17. وقوعہ کے حوالے سے آپ کے خلاف یا آپ کے حق میں کس کس کو ایسی دی ہے؟ ہیں

18. متاثرہ خاندان اور آپ کے درمیان کوئی برائی عداوت تو ایسی؟ ہیں

Zaid Enayati

Ex SPST

اشرف خان

خیوآباد

[Handwritten signature]

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

الحمد لله الذي جعلنا من ذرية آل بيته
الذين هم خير خلق الله على وجه الأرض
وهم خير خلق الله على وجه الأرض
وهم خير خلق الله على وجه الأرض
وهم خير خلق الله على وجه الأرض

زوجهيب حضرت علي

No. 44

Uncles of Hadith

- (1) ...
- (2) ...
- (3) ...
- (4) ...

بیان خلفی عبداللہی یادداشت حصر اج

۱۱

میں افزائے رکھے کہہ سکتا ہوں کہ میرے لئے کھانا کھانے کا وسیع کاروبار
ہے اور میں اس سے زیادہ نہیں کر سکتا ہوں۔ -
- - - - -

عبداللہی

No 44

بیان خلفی حروف = علی و اولیٰ و اس کے بعد یادداشت

میں حروف = علی و اولیٰ و اس کے بعد یادداشت
اسناد طحاوی و طحاوی میں ذہب کے ساتھ بہ فضل کا لفظ الزام
الذہب بالفضل لکھا ہے۔ یہ علی کے لئے ہے۔ بیان کے ساتھ
اس شرف کے لئے ہے۔ طحاوی بہ فضل کے لئے لکھتا ہے۔
فہم میں اور کچھ تو سیدہ بہ فضل کے ساتھ لکھا ہے۔
نہا کا لفظ تو سیدہ لفظ طحاوی و طحاوی کے لئے ہے۔
کچھ نہیں۔ میں اس کا وصف کیا ہے۔ فقط۔ حصر

سولہ
آئی ایچ آر ایف
HPSI کارڈ نمبر

کے کسٹومرز ہیں۔ اس کے علاوہ اس کے بارے میں

سکول (بانیہ کرم عرفی) فائنڈیشن کے ساتھ ساتھ
پہلے سے اس کے مطابق جان نہیں ہے۔

محمد امجد علی خاں

12/06/2015

No XX

~~بیان حلف پر جاننا~~

حلف بیان کرتا ہوں کہ میں اس سے
کوئی منافع نہیں حاصل کرتا۔

میں نے خود اس کے بارے میں جاننا نہیں دیکھا۔ جہاں مختلف لوگوں نے
میں سے اس کے بارے میں جاننا شروع کیا۔ اس کے بارے میں

تقریباً 80% ملوث ہے۔
12/06/2015

یہاں سے اس وقت فریڈمان کے پاس گئے اور ان سے

میں نے کہا کہ میں نے اس واقعے کے بارے میں سزا دے دی ہے
مجھے اور فاضل کو، لیکن ان کے پاس اس کے بارے میں
کوئی چیز نہیں ہے اور وہ اس سے متعلق کوئی چیز نہیں
دیکھ سکتے ہیں۔ اس کے علاوہ اس واقعے کے بارے میں
کوئی چیز نہیں ہے اور وہ اس سے متعلق کوئی چیز نہیں

HPST Caps
12/4/15

No 11

یہاں سے اس وقت فریڈمان کے پاس گئے اور ان سے
میں نے کہا کہ میں نے اس واقعے کے بارے میں سزا دے دی ہے
مجھے اور فاضل کو، لیکن ان کے پاس اس کے بارے میں
کوئی چیز نہیں ہے اور وہ اس سے متعلق کوئی چیز نہیں
دیکھ سکتے ہیں۔ اس کے علاوہ اس واقعے کے بارے میں
کوئی چیز نہیں ہے اور وہ اس سے متعلق کوئی چیز نہیں

12-6-15

مع 15/6/15

بسم الله الرحمن الرحيم
الحمد لله رب العالمين والصلوة والسلام على سيدنا محمد وآله الطيبين الطاهرين

عبد الوهي

من حلقه الكائنات بعد رمضان في شهر رمضان المبارك فواجب علينا
في كل سنة في ايامنا في كل سنة في كل سنة في كل سنة في كل سنة في كل سنة
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عبد الوهي

عبد الوهي

NO 11

مع 15/6/15

بسم الله الرحمن الرحيم
الحمد لله رب العالمين والصلوة والسلام على سيدنا محمد وآله الطيبين الطاهرين

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Mexat

بہاں حلقی شہر کتہ پاروں خٹا

PST

GPS Khair Abad.

مجھے اس واقعہ کے بارے میں بروز اوار صبح 15-03-2015
 کو اپنے ساتھی استاد عدنان حسین کے ذریعے معلوم ہوا۔
 میں اس واقعہ کا عینی شاہد نہیں ہوں اس لیے میں یہ نہیں
 کہہ سکتا کہ آیا شرف آفرین صاحبہ نے واقعی یہ سب کچھ
 کیا ہے یا نہیں لیکن معراج عمرہ جس کے ساتھ یہ واقعہ
 پیش آیا اس کے بڑے بھائی نے میرے سامنے یہ بات کہی کہ
 معراج نے اسے ہی بنا دیا ہے کہ شرف آفرین صاحبہ نے
 اس کے ساتھ بد فعلی کی ہے۔

Sh
 15/3/15

تمام ٹرنسواڈ کے لئے جس میں اس نتیجے پر پہنچا گیا ہے
اشرف خان نے واقعی مسکوہہ طلبہ کے ساتھ بد فعلی کی

Alor

12/06/2014

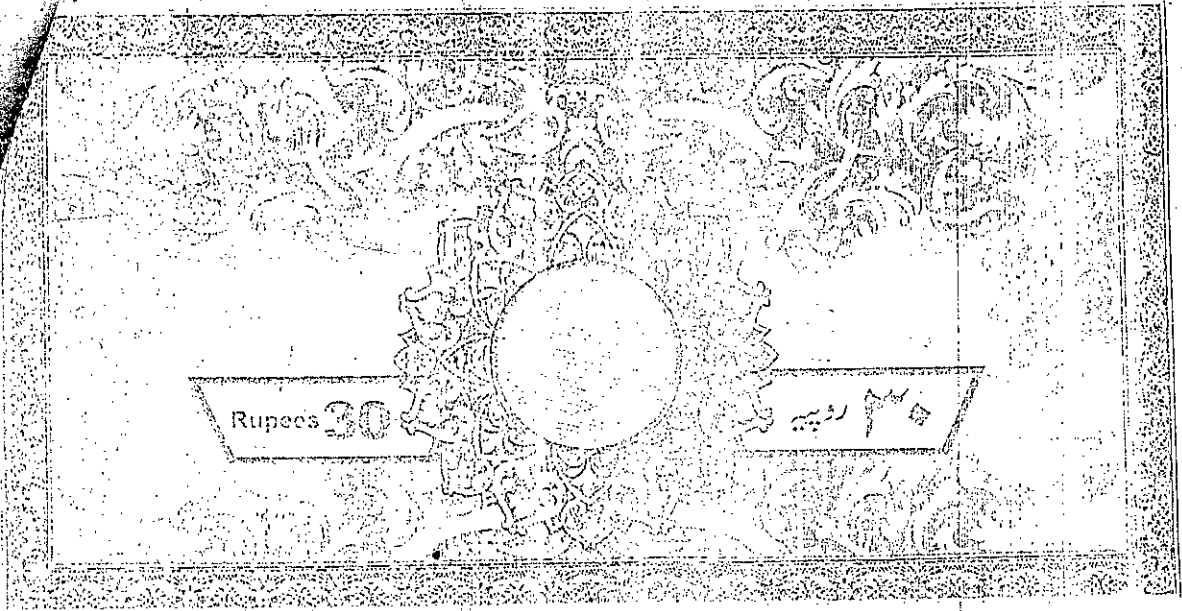
بیان حلفی سجاد

مہر لفظی صاحب کی بیان کی روشنی میں اور دوپہ اور
مہراج کے والدین اور ان کے معرکہ کی سچائی پر
میرے حالات میں عدتے ہوئے میں اس نتیجے پر پہنچا ہوں

کہ ان کے ساتھ یہ فعل گناہ ہے - (Lodhi) Bujaw
12/06/2014

Alor

Mexat



کے لئے یہ رقم دینا ہے۔
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 14/8/05

اس رقم کے لئے اس کے لئے اس کے لئے
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1721-65438-9 (1706807)
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ENQUIRY REPORT AGAINST ASHRAF KHAN SPST GPS KHAIR ABAD

1st enquiry

NAME OF ENQUIRY OFFICERS:

Chairman: 1. Mr GUL NAWAB SHAH PRINCIPAL GHS ALI BAIG

Member: 2. Mr MUHAMMAD AFTAB ASDEO CIRCLE JALLOZAI.

NAME OF ACCUSED:

ASHRAF KHAN SPST GPS KHAIR ABAD.

CHARGES:

FUCKED TWO STUDENTS OF CLASS-II NAMED
ZOHAI B AND MAIRAJ GPS KHAIR ABAD.

DATE OF ENQUIRY:

26/03/2015

INTRODUCTION:

1 Mr Gul Nawab Shah Principal GHS Ali Baig and Muhammad Aftab ASDEO Circle Jallozai conducted enquiry against Ashraf Khan SPST GPS Khair Abad in the light of charges levelled against him in shape of fucking two students named Zohaib and Mairaj Vide DEO(M) Nowshera dated : 17/03/2015.

Procedure:-

We visited the school to probe the allegations of fucking the minor school children named Zohaib and Mairaj of class-II of GPS Khair Abad. A questionnaire was served to all the teaching and non teaching staff of the said school. We met with the ASI of Police Station Khair Abad. Teacher attendance register was also checked and noted his arrival and departure time. The affected students were also interviewed.

Findings:-

1. The accused Ashraf Khan SPST is the incharge teacher of class-I (pehli class). He stayed in his own class rooms off and on after school closing time.
2. The affected students are in class-II, whose incharge teacher is Mr Murtaza Khan SPST.
3. This unfortunate and ill fate incident occurred on 14/03/2015 at 2.00pm.
4. After closing time of school at 1.35pm, all the school boys left the school for home but these two unlucky children stayed in the school on the special instruction of the accused Ashraf Khan SPST.
5. According to the affected children statements, when all the children went away the accused teacher called them (Zohaib & Mairaj) to the class room (1st class).
- ✓ 6. The accused Ashraf Khan SPST molested Zohaib (11 years old) but he put off the shalwar of Mairaj (09 years old) and fucked him. As a result he becomes unconscious due to severe pain. It was 2.00pm (approximately).
7. After fucking, Mairaj could not walk, therefore, according to Zohaib, the accused Ashraf Khan gave him Rs.50 to take the Mairaj to home in a Cheng Che but Mairaj went home slowly along with Zohaib without Cheng Chi. Zohaib helped him in walking.
8. Mairaj could not narrate this incident to his ailing and handicapped father on the same day, in fear that he may not die of grief, as his two elder brothers died in accidents earlier.
9. On Monday dated 16/03/2015 the boys told about this incident to their teachers after morning assembly. The PSHT Muhammad Ayaz immediately wrote a letter to the SDEO(M) to take disciplinary action against the accused Ashraf Khan for his inhuman act (annex-A)
10. The chowkidar of the school had gone for zohar prayer at time.
11. On 17/03/2015 an FIR was lodged in the Police Station Akora Khattak under Section 377 by the brothers of Zohaib and Mairaj.


- ①
12. A Medical Board was constituted and the doctors examined the boy and the report is positive i.e. Ashraf Khan ^{has} fucked the little boy.
 13. According to Amjid Khan ASI Police Post-Khair Abad the accused fucked a little boy in December 2011 too and an FIR was lodged against him. He was arrested but released on the basis of non availability of evidences. He remained in lock-up for 18 days.

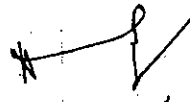
Recommendations:-

1. The chowkidar of the school Akseer Azam be issued a show cause notice for negligence of duty. So that he will remain ~~pp~~ vigilant and alert in future to thwart such incident.
2. Mr. Muhammad Ayaz PSHT is ineffective. He could not control the accused. He may be transferred to some other school.
3. Mr. Murtaza Khan SPST class-II incharge teacher failed to protect his class students and they fell a prey to Ashraf Khan's lust. An increment may be stopped for one year and he may be transferred.
4. The accused may be degraded to the lowest possible scale in teaching cadre and annual increment be stopped for next two (2) years and transferred to a far flung school.

Gul Nawab Shah Principal GHS Ali Baig:

Muhammad Aftab ASDEO(M) Circle Jallozai:


PRINCIPAL
G.H.S. Ali Baig
Nowshera


A.D.O (Circle Jallozi)

ASSISTANT
DISTRICT OFFICER
(E&SE) NOWSHERA.

Not agree with the recommendation of the enquiry matter. Re-enquire the

26/1/2021. DB chairman

Ashraf Khan 28/1/2021

~~Muhammad Tahir~~

~~at 15/3/2021~~

Memorandum/3 Dep't appeal 22/2/2018. Rejected 12/5/18 (P/29)
P/8 Show cause - 28/3/2015 - Appellant behind the bar.

occurrence - 18/3/2015
FIR 18/3/2015

6/4/15

P/11 - another show cause. 4/7/2015 - (Dismissed)
Reply to 2nd show cause P/13-15

Acquittal 16/1/2018.

P/27 - (Paras 13)

Inquiry report P/4 of comments.

2 Questions - (1) Delay in filing appeal.

Impugned order 15/4/15 is void, as no legal procedure followed. Issued well before inquiry conducted in June 2015 - Show cause notice in June after

2019 SCMR 648.
void order
2016 SCMR 460

2nd - Original / Dep'tal.

2011 PLC 1034

Keeping in view length of service, P. sympathetic considerations -

DD A not maintainable. Impugned order filed Dep't 22/2/2018 after delay of 3 years.

SCMR 2011 P/698 A -

2015 SCMR 165 - D. limitation -

2011 SCMR 676 D -

condemnation of delay.

2009 SCMR 1435 B.

2010 SCMR 1982

2020 C.P. 1894 - 2018

Rejection of 29-

impugned order is not void (void & illegal)

Rightly removed. Moral turpitude

~~2002~~ 2002 SCMR 1691.

Statement of elders - victims

2006 SCMR 554 - Dept / Criminal proceedings

2007 SCMR 562

2020 PLCS, 948-B.