

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 1058/2018

Date of Institution ... 27.08.2018

Date of Decision ... 15.11.2021

Jamshad Awan s/o Muhammad Yunis R/O Rehmat Abad, Abbottabad,
Ex-CT, GMS Tootni, Abbottabad. ... (Appellant)VERSUSGovernment of Khyber Pakhtunkhwa through Secretary, Peshawar and
two others. ... (Respondents)Present.Mr. Sajjad Ahmad Abbasi, ... For appellant.
AdvocateMr. Muhammad Riaz Khan Paindakhel, ... For respondents.
Asstt. Advocate GeneralMR. AHMAD SULTAN TAREEN ... CHAIRMAN
MR. ROZINA REHMAN, ... MEMBER(J)JUDGMENT

AHMAD SULTAN TAREEN, CHAIRMAN:-The appellant named above invoked the jurisdiction of this Tribunal through service appeal described above in the heading challenging thereby the penalty of removal from service imposed upon him in pursuance to the disciplinary proceedings under Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011, purporting the same being against the facts and law on the subject.

2. Brief facts of the case are that the appellant while serving as C.T Teacher at GMS Tootni, Abbottabad, a criminal case was registered against him. The appellant was proceeded against

departmentally and was removed from service on 28.04.2018. Feeling aggrieved, the appellant filed departmental appeal on 30.04.2018 which was not decided within the statutory period of ninety days, hence the appeal in hand on 27.08.2018.

3. The appeal was admitted for regular hearing on 21.12.2018. Notices were issued to the respondents for submission of written reply/comments. On 15.04.2019, the respondents have submitted written reply/comments refuting the claim of the appellant with several factual and legal objections and asserted for dismissal of appeal with cost.

4. We have heard arguments of learned counsel for the parties and have also gone through the available record with their assistance.

5. Obviously, the plea which the respondents have tried to establish against the appellant through parawise comments and arguments at the bar is mainly linked with his involvement in the criminal case. It has been asserted on behalf of the respondents that the appellant being member of teaching cadre indulged himself in such a heinous criminal case and earned bad name to the department; that departmental and criminal proceedings are of distinct in nature and can run side by side; and that decision of the criminal court, if any is not binding in the departmental proceedings.

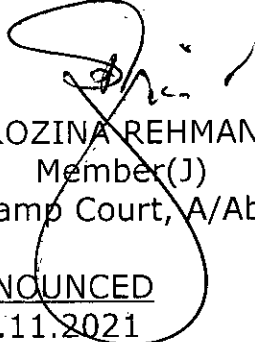
6. The Tribunal observes that consequent upon arrest of the appellant in case FIR No. 598 dated 21.11.2017, P.S City Abbottabad, the department should have placed the appellant under suspension as per provision of CSR 194 which provides that a Government servant when is charged in a criminal offence or debt

and is committed to prison shall be considered as under suspension from the date of his arrest. So, the arrest and committal of a government servant to prison on charge of a criminal offence will be considered automatic suspension from the date of his arrest. CSR 194 also provides that in case, such a Government servant is not arrested or is released on bail, the competent authority may suspend him by specific order, if the charge against him is connected with his position as Government servant or is likely to embarrass him in the discharge of his duties or involves moral turpitude. In any case, the provision of CSR 194 does not necessitate any disciplinary action more than suspension. In the present case of the appellant, the competent authority exercised its power in excess of the said provision of CSR 194. No ground for disciplinary action in the manner as taken by the competent authority in case of the appellant was made out prior to decision of the criminal case against the appellant. We are mindful of the fact that the criminal proceedings and departmental proceedings can go parallel and even acquittal of the accused has no bearing upon the departmental disciplinary proceedings; but every criminal charge has its different circumstances. In our view, if a Government servant is charged for an offence connected with his position as such, he can be proceeded against simultaneously in departmental proceedings and in criminal proceedings on account of the charge of an offence. Needless to say that on compromise of the parties, the APP representing the State had withdrawn the prosecution case against the appellant and he was discharged from the Case FIR No. 598 dated 01.11.2017 which was taken as ground for disciplinary action against the appellant. When the criminal case taken as ground for disciplinary action against the appellant was no more, major penalty imposed upon him has become




reversible. We, therefore, hold that the order of imposition of the penalty of removal from service upon the appellant necessitates setting aside.

6. For what has been discussed above, the appeal at hands is accepted, the impugned order is set aside and the appellant is reinstated into service. However, the period commencing from the date of registration of criminal case against him till passing of this judgment shall be treated as leave of the kind due in accordance with law. Parties are left to bear their respective costs. File be consigned to the record room.


(ROZINA REHMAN)
Member(J)
(Camp Court, A/Abad)

ANNOUNCED
15.11.2021


(AHMAD SULTAN TAREEN)
Chairman
(Camp Court, A/Abad)

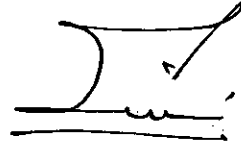
20.09.2021

Nemo for the appellant. Mr. Sohail Ahmed Zeb, Litigation Officer alongwith Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for the respondents present.

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel and to come up for arguments before the D.B on 15.11.2021 at Camp Court Abbottabad.



(ATIQU-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)
CAMP COURT ABBOTTABAD



(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT ABBOTTABAD

15.11.2021

Mr. Sajjad Ahmad Abbasi, Advocate for appellant and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG for the respondents present.

Vide our detailed judgment, the appeal at hands is accepted, the impugned order is set aside and the appellant is reinstated into service. However, the period commencing from the date of registration of criminal case against him till passing of this judgment shall be treated as leave of the kind due in accordance with law. Parties are left to bear their respective costs. File be consigned to the record room.



(ROZINA REHMAN)
Member (J)
(Camp Court, A/Abad)



Chairman
(Camp Court, A/Abad)

ANNOUNCED
15.11.2021

18.01.2021

Due to COVID-19, the case is adjourned for the same on 15.02.2021.


READER

15.02.2021


Learned counsel for appellant present.

Riaz Khan Paindakhel learned Assistant Advocate General alongwith Sohail Ahmed Zeb Litigation Officer for respondents present.

Former requests for adjournment; Granted. To come up for arguments on 19.04.2021 before D.B at Camp Court Abbottabad.




(Atiq ur Rehman Wazir)
Member (E)
Camp Court, Abbottabad



(Rozina Rehman)
Member (J)
Camp Court, Abbottabad

19.4.2021

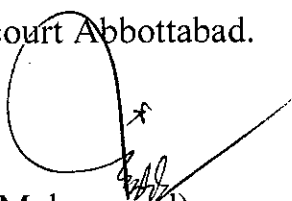
Due to covid-19, The case is adjourned to 20/8/2021 as before.

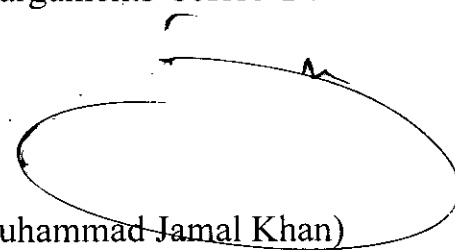

Reader

16.11.2020

Appellant is present in person. Mr. Usman Ghani, District Attorney alongwith Mr. Sohail Ahmad Zeb, Assistant (Litigation) for respondents present.

The Lawyers community is not appearing in the Tribunal for the reason that they are observing sough of the Hon'able Chief Justice, Peshawar High Court, Peshawar, therefore, the case is adjourned to 18.01.2021 for arguments before D.B at camp court Abbottabad.


(Mian Muhammad)
Member(E)


(Muhammad Jamal Khan)
Member(J)
Camp Court Abbottabad

Due to covid ,19 case to come up for the same on 18/5/20
at camp court abbottabad.


Reader

20
Due to summer vacation case to come up for the same on
at camp court abbottabad.

14/9

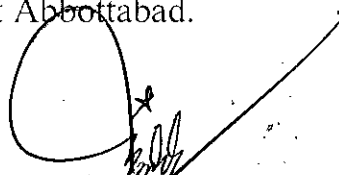

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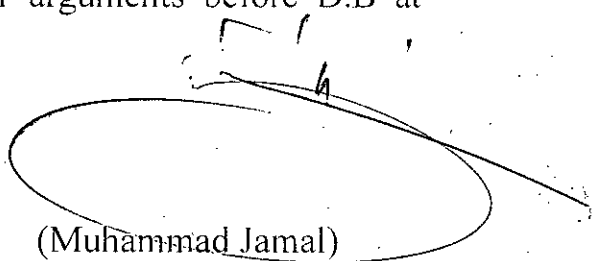
14.09.2020

Appellant has not forth come at the moment i.e 3:45PM.
Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate
General alongwith Mr. Sohail Ahmad Zeb, Assistant Litigation
for respondents present.

Perusal of preceding order sheet revealed that the case
was adjourned due to summer vacation, therefore, in the
circumstances it is deemed appropriate to issue notice to the
appellant as well as his respective counsel.

Adjourned to 16.11.2020 for arguments before D.B at
camp court Abbottabad.


(Mian Muhammad)
Member(E)


(Muhammad Jamal)
Member
Camp Court A/Abad

19.09.2019

Junior counsel for the appellant and Mr. Muhammad Bilal, Deputy District Attorney alongwith Mr. Sohail Ahmed Zeb, Assistant for the respondents present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel is busy in the Model Court and cannot attend the Tribunal today. Case to come up for arguments on 18.11.2019 before D.B at Camp Court Abbottabad.



(Hussain Shah)
Member
Camp Court Abbottabad



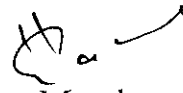
(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

18.11.2019

Counsel for the appellant present. Mr. Usman Ghani, District Attorney alongwith Mr. Sohail Ahmed Zeb, Assistant for respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 18.12.2019 before D.B at Camp Court, Abbottabad.



Member



Member
Camp Court Abbottabad

18.12.2019

Appellant in person and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Sohail Ahmad Zeb, Litigation Officer for the respondents present. Appellant requested for adjournment on the ground that his counsel is ill and unable to attend the Tribunal today. Adjourned to 17.02.2020 for arguments before D.B at Camp Court Abbottabad.



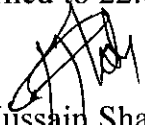
(Hussain Shah)
Member
Camp Court Abbottabad



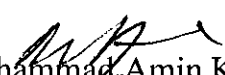
(M. Amin Khan Kundi)
Member
Camp Court Abbottabad

09.07.2019

Junior counsel for the appellant and Mr. Muhammad Bilal, Deputy District Attorney for the respondents present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant has gone to Peshawar High Court, Peshawar and cannot attend the Tribunal today. Adjourned to 22.08.2019 for arguments before D.B.


(Hussain Shah)


Member
Camp Court Abbottabad


(Muhammad Amin Khan Kundi)

Member
Camp Court Abbottabad

22.08.2019

Appellant in person present. Mr. Muhammad Bilal, learned Deputy District Attorney alongwith Mr. Sohail Ahmad Zeb, Assistant for respondents present. Appellant submitted an application for adjournment. Adjourned on cost of Rs. 3000/- to be paid on behalf of the appellant to the respondents. To come up for arguments on 19.09.2019 before D.B at Camp Court, Abbottabad.



Member


Member
Camp Court A/Abad

Service Appeal No. 1058/2018


19.02.2019

Appellant alongwith his counsel present. Mr. Muhammad Bilal Khan, Deputy District Attorney alongwith Mr. Sohail Ahmad Zeb, Assistant for the respondents present. Written reply on behalf of respondents not submitted. Learned Deputy District Attorney for the respondents requested for further adjournment. Adjourned. To come up for written reply/comments on 15.04.2019 before S.B at Camp Court Abbottabad.


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

15.04.2019

Appellant in person present. Mr. Muhammad Bilal, DDA alongwith Mr. Sohail Ahmad Zeb, Assistant for respondents present. Written reply on behalf of respondents submitted which is placed on file. Case to come up for rejoinder and arguments on 17.06.2019 before DB at camp court Abbottabad.


(Ahmad Hassan)
Member
Camp Court A/Abad

17.06.2019

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

The appellant has submitted rejoinder to the comment of respondents which is placed on record. To come up for argument on 09.07.2019 before the D.B at camp court, Abbottabad.


Member

Chairman
Camp court, A/

21.12.2018


Counsel for the appellant present.

Learned counsel for the appellant referred to the medical report dated 21.11.2017 and stated that there was no mention of any sign of offence as alleged against the appellant. He further stated that the prosecution of case FIR No. 598 dated 19.11.2017 already stood withdrawn on 25.09.2018. He also referred to the statement of Khan Gul, Drawing Master who was claimed to be an eye witness of the occurrence. It was stated in the statement that when he entered in the class room he found the appellant sitting with the student.

In his view, the appellant could not have been awarded major penalty by way of removal from service on the strength of allegations contained in the FIR and facts and circumstances of the case.

The instant appeal, therefore, warrants admission for regular hearing. Admit. The appellant is directed to deposit security and process fee within 10 days. Notices be issued to the respondents for submission of written reply/comments on 19.02.2019 before S.B at camp court Abbottabad.

Appellant Deposited
Security & Process Fee


Chairman
Camp court, A/Abad

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1058/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/08/2018	<p>The appeal of Mr. Jamshed Awan presented today by Mr. Sajjad Ahmad Abbasi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>
2-	10-9-18	<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>16-11-18</u>.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
16.11.2018		<p>Clerk to Counsel for the appellant present. Due to retirement of the Hon'ble Chairman Service Tribunal is incomplete. Tour to Camp Court Abbottabad has been cancelled. To come up for the same on 21.12.2018 at camp court Abbottabad.</p> <p style="text-align: right;"><i>[Signature]</i> Reader A/Abad</p>

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHAWA PESHAWAR

Appeal No. 1058/2018

Jamshad Awan

VERSUS

Government of K P K & Others.....

SERVICE APPEAL

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5.	Copy of F.I.R lodged against Appellant.	17	"C"
6.	Copy of letter No. 13167-71 dated 25-11-2017 for formation of enquiry committee.	18	"D"
7.	Copy of enquiry report date 27-11-2017	19 to 22	"E"
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APPELLANT

Through:

Dated:-27/08/2018

(SAJJAD AHMED ABBASI)
(Advocate High Court),

Abbottabad.

BEFORE THE SERVICES TRIBUNAL KHYBER
PAKHTUNKHAWA PESHAWAR

Appeal No. 1058/2018

Jamshad Awan s/o Muhammad Yunis r/o Rehmat Abad Abbottabad

Ex. CT, GMS Tootni, Abbottabad.

Khyber Pakhtunkhwa
Service Tribunal ... Appellant

Diary No. 1337

Dated 27-8-2018

VERSUS

1. Government of Khyber PakhtunKhawa through Secretary Education Peshawar.
2. District Education Officer (M) Abbottabad.
3. Director Elementary and Secondary Education Peshawar.

...Respondents

SERVICE APPEAL AGAINST THE ORDER No. 5091-96
DATED 28-04-2018 PASSED BY THE RESPONDENT NO. 2
WHEREBY RESPONDENT NO. 2 REMOVED THE
APPELLANT FROM SERVICE.

PRAYER:

ON ACCEPTANCE OF THIS APPEAL THE ORDER No. 5091-96
PASSED BY RESPONDENT NO. 2 DATED 28-04-2018 BE SET
ASIDE AND THE APPELLANT BE REINSTATED IN SERVICE
WITH ALL BACK BENEFITS.

Filed ^{F.P} day
Sondh
Registrar 27/8/18

RESPECTFULLY SHEWETH:

1. That appellant joined the Service in Education department as P.T.C on 20-10-1994. Copy of appointment letter is annexed as annexure "A".

2. That at the time of initial appointment the appellant's educational qualification was F.A, P.T.C.
3. That later on the appellant improved his educational qualification and passed his B.A as a private candidate and got C.T certificate from Alama Iqbal Open University.
4. That appellant served in different schools as teacher in district Abbottabad.
5. That on 28-04-2018 when the final impugned order was passed the service of appellant in Education Department was 23 years, and 6 months.
6. That during this period of service as stated in para No. 5 above, not a single incident of mis-conduct or moral turpitude was reported against the appellant, except one of absence from duty as appellant was ill.
7. That on 18-11-2017 appellant was assigned the tournament duty at High School No. 3 Abbottabad for 20-11-2017 on behalf of G.M.S Totni by Head Master of the school.
8. That later on appellant's duty was cancelled and appellant attended the school for performing the duty on 20-11-2017.
9. That on 20-11-2017 after the school hours as usual the appellant went back to his home at Abbottabad.
10. That on 21-11-2017 when appellant along with other staff members reached at Bodla stop in the way to his school, some people gathered there enquired about appellant and thereafter

beaten the appellant and followed him even inside his school
 beaten the appellant and torn appellant's clothes. Appellant
 reported the matter to education officer and in police station
 and after sometime an F.I.R No. 603 under section
506-337-AI/34 was chalked out at P.S City Abbottabad against Zafar,
Asad & others. Copy of F.I.R is annexed as annexure "B".

11. That one Zohaib Iqbal s/o Zafar Iqbal lodged a false report
 against the appellant in P.S City Abbottabad and an F.I.R
 under sections 377/511 P.P.C was chalked against the
 appellant at P.S City Abbottabad. Copy of F.I.R is annexed as
 annexure "C".

12. That in F.I.R No. 598 dated 21-11-2017 P.S city the appellant
 was arrested by the local police on 21/11 but on 29/11 was
 released ~~on~~ by the Court.

13. That later on although the Court of A.S.J VI Abbottabad on
17-02-18 cancelled the bail of appellant but was released
 on bail by Honourable High Court on 07-03-2018.

14. That just after the F.I.R dated 21-11-2017 the respondent No.
 2 formed an enquiry committee vide order No. 13167-71 dated
 25-11-2017 comprising sub divisional educational officer
 Havellian. Copy of letter is annexed as annexure "D".

15. That the enquiry officer after visiting the school recorded the
 statements of male and female students, teachers and thereafter
 submitted his report on 27-11-2017 before respondent No. 2.
 Copy of report is annexed as annexure "E".

16. That as the criminal case against the appellant was pending before the Court therefore the enquiry officer only recommended the suspension of appellant.
17. That another enquiry was also conducted by Mr. Abdul Rasheed Sb Principal Government High School Bagnotar, against the appellant, although the copy of said report is not with the appellant but the enquiry officer has found the charges against the appellant baseless. The said report is available in the office of Respondent No. 2.
18. That later on, for unknown reasons, the respondent No. 2 again constituted another enquiry committee comprising Ikram Ul Haq Sb Principal Gov't High School Takia Sheikhan and Mr. Abdul Salam Sb Principal G.H.S No. 4 Abbottabad vide letter No. 14704-8 dated 31-12-2017. Copy of letter is annexed as annexure "F".
19. That the respondent No. 2 as per record on the same day sent a charge sheet and statement of allegations to HM GMS Totni for appellant's service. Copy of letter along with charge sheet and statement of allegations is annexed as annexure "G".
- IT IS PERTINENT TO MENTION HERE THAT** the charge sheet and statement of allegations was not prepared by enquiry committee.
20. That on 31-12-2017 the appellant was serving in G.H.S Bagnotar so, neither the charge sheet nor statement of allegations was received by the appellant.

21. That when the appellant received the charge sheet, the appellant on 17-03-2018 replied the charge sheet. Copy of reply of charge sheet is annexed as annexure "H".
22. That the enquiry committee recorded the statements of different people but did not allow the appellant to cross examine the witnesses.
23. That on 15-03-2018 the enquiry committee submitted its report before respondent No. 2. Copy of enquiry report is annexed as annexure "I".
24. That on 21-03-2018 the respondent No. 2 issued a Show Cause Notice to appellant which was received by appellant on 26-03-2018. Copy of show cause notice is annexed as annexure "J".
25. That the appellant replied the show cause notice. Copy of reply to show cause notice is annexed as annexure "K".
26. That on 28-04-2018 the respondent No. 2 removed the appellant from service. Copy of order is annexed as annexure "L".
27. That the appellant filed a department appeal/ representation before respondent No. 3. Copy of memo of appeal/ representation is annexed as annexure "M".
28. That despite passing of 90 days of service appeal/ representation, the same has not been decided by Respondent No. 3 hence this appeal is filed before this tribunal.

29. That the order dated 28-04-2018 passed by respondent No. 2 is against the law, based on malafide, without jurisdiction and lawful authority on the following amongst other ground.

GROUNDS:

- a. That while constituting the second rather third enquiry committee the respondent No. 2 illegally ignored the findings of first enquiry committee dated 27-11-2017 whereby the respondent No. 2 was recommended only to suspend the appellant.
- b. That the allegations against the appellant are contained in an F.I.R, trial of which had been commenced against the appellant and the respondent No. 2 while passing the impugned order illegally and with malafide intention did not wait for the outcome of the criminal case.
- c. That neither the enquiry committee nor the respondent No. 2 had taken the medical report of alleged victim into consideration and illegally ignored the same as it was clearly held in the said report "No sign of any scratch on body". Copy of report is annexed as annexure "N".
- d. That the enquiry committee and respondent No. 2 also ignored another aspect of the case that on 21-11-2017 the alleged victim (Student) had come in the school in school uniform and had there been any sexual harassment to the student he would not have come to the school on very next day and that too in school uniform.

- e. That the respondent No. 2 who was requested through application to wait for the outcome of criminal case illegally passed the impugned order dated 28-04-2018. Copy of application is annexed as annexure "O".
- f. That the enquiry conducted by Muhammad Tanveer also recorded the statements of school teachers annexed as annexure "P" but those were ignored by the respondent No. 2 while passing the impugned order and the second enquiry committee while submitting their report.
- g. That the enquiry committee illegally did not allow the appellant to cross examine the witnesses who had deposed against appellant neither their statements were recorded in appellant's presence.
- h. That the alleged occurrence had been shown at 11 A.M when the school was open, the alleged victim remained in school till the closing hour of school, the students i.e. his class fellows and other teachers, and class IV employees of the school remained present in school but the alleged victim did not reported the matter to anyone, and all these facts had not been considered either by enquiry committee or respondent No. 2 while passing the impugned order and illegally ignored all the matters.
- i. That neither the statement of allegations nor the enquiry is in accordance with law.

- j. That the show cause notice is also against the provisions of Law.
- k. That the respondent while issuing the impugned order ignored the pride of performance/ distinction certificated awarded to appellant in recognition of appellant's excellent services rendered by appellant for the department. Copies of certificates are annexed as annexure "Q" comprising 6 certificates.
- l. That this service appeal is being filed within prescribed period of limitation.

IT IS THEREFORE HUMBL Y P RAY E D T H A T O N
 A C C E P T A N C E O F T H I S A P P E A L T H E O R D E R
 N o . 5 0 9 1 - 9 6 P A S S E D B Y R E S P O N D E N T N O . 2
 D A T E D 2 8 - 0 4 - 2 0 1 8 B E S E T A S I D E A N D T H E
 A P P E L L A N T B E R E I N S T A T E D I N S E R V I C E
 W I T H A L L B A C K B E N E F I T S


 ...APPELLANT.

Through


 SAJJAD AHMED ABBASI,
 ADVOCATE HIGH COURT,
 ABBOTTABAD.

DATED: 27/08/2018

VERIFICATION:

It is verified on oath that the contents of foregoing Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Tribunal.


 ...APPELLANT

BEFORE THE SERVICES TRIBUNAL KHYBER
PAKHTUNKHAWA PESHAWAR

Jamshad Awan

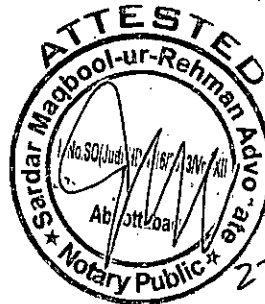
VERSUS

Government of Khyber PakhtunKhawa & Others. .

SERVICE APPEAL

AFFIDAVIT

I, Jamshad Awan s/o Muhammad Yunis r/o Rehmat Abad Abbottabad, do hereby solemnly affirm and declare on oath that the contents of foregoing service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Tribunal.




...DEPONENT

BEFORE THE SERVICES TRIBUNAL KHYBER
PAKHTUNKHAWA PESHAWAR

Jamshad Awan

VERSUS

Government of Khyber PakhtunKhawa & Others. .

SERVICE APPEAL

CERTIFICATE

Certified that no such like Service Appeal has earlier been filed, nor
decided by this Tribunal except the present one.



...APPELLANT

Through



(SAJJAD AHMED ABBASI)
Advocate High Court, Abbottabad

Dated: 27/08/2018

BEFORE THE SERVICES TRIBUNAL KHYBER
PAKHTUNKHAWA PESHAWAR

Jamshad Awan

VERSUS

Government of Khyber PakhtunKhawa & Others.

SERVICE APPEAL
ADDRESSES OF THE PARTIES

Respectfully Sheweth:-

Addresses of the parties are as under:-

Jamshad Awan s/o Muhammad Yunis r/o Rehmat Abad Abbottabad

... Appellant

VERSUS

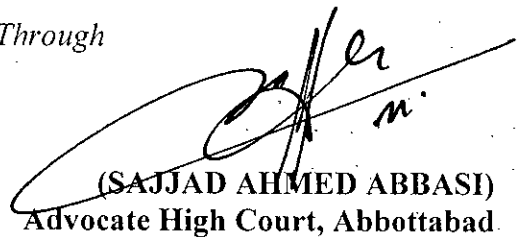
1. Government of Khyber PakhtunKhawa through Secretary Education Peshawar.
2. District Education Officer (M) Abbottabad.
3. Director Elementary and Secondary Education Peshawar.

... Respondents

... APPELLANT

Through

Dated: 27/08/2018


 (SAJJAD AHMED ABBASI)
 Advocate High Court, Abbottabad.

12

OFFICE OF THE DISTRICT EDUCATION OFFICER(M) PRIMARY ABBOTT BAD.

OFFICE ORDER
DATED A. ABAD THE 28.1.1994

APPOINTMENTS.

ANNEXURE 'A'

The following trained PTC Candidates of District Abbottabad are hereby appointed against the PTC posts as noted against each in BPS 7 @ Rs.1480-81-2695/PM, plus allowances as admissible under the Rules, in the interest of public service with effect from the date of their taking over charge.

S.NO.	Name/Father's Name/Address.	Place Where Appointed.	Remarks.
1:-	Mr. Pannah Ali Shah, s/o Mushtaq Hussain, Mohra R/o Banda Muneer Khan, Abbottabad.	GMPS Mohra	Agst. Post.
2:-	Mohammad Sajid s/o Wali Mohammad R/o More kalan, Abbottabad.	GPS Langrial	Against Vacant PTC Post.
3:-	Jamil Ahmad s/o Mohd Firdous R/o Behram Gali(S.N.Khan).	GMPS Jawa	-do-
4:-	Muneer Ahmad s/o Naseerud-Din R/o Havelian, City.	GPS Jagian	-do-
5:-	Gul Javeed s/o Munisif Khan R/o Nawan-Shehr, Abbottabad.	GMPS Nakar Mughal.	...do....
6:-	Munir Ahmad s/o Fazal Dad, R/o Banda Pir Khan, A. Abad.	GPS Bagh.	...do....
7:-	Shah Mohammad s/o Khani Zaman, R/o Ghora Bazgran.	GMPS Gadda Sangala.	...do....
8:-	Mohammad Alyas s/o Mohd Din R/o Newshehra.	GMPS Nakkar(Tharyati)	...do....
9:-	Abdul Sattar s/o Abdul Jabbar R/o Kangrora, Abbottabad.	GPS Jabri(S.N.Khan).	...do....
10:-	Saeed Khan s/o Fareed Khan, R/o Bhuraj, Abbottabad.	GPS Tipara.	...do....
11:-	S. Azhar Hussain s/o Shah Mohammad R/o Dhantaur, Abbottabad.	Jandar Bari.	...do....
12:-	Mohammad Rahim s/o Mehtab Khan, R/o Dheri Maira, Abbotabad.	GPS Gali Batgran.	...do....
13:-	Naseem Anwar, s/o Ibrat Khan, R/o Phallah, Abbottabad.	GMPS ^{Ruppa} ... _{GMPS chattan}	...do....
14:-	Iqbal Khan s/o Iyat Khan, R/o Dheri Kehal, Abbotabad.	GMPSdo....
15:-	Mansoor s/o Mukrab Khan, R/o ... , Abbottabad.	GPS Retolani.	...do....
16:-	Hafeez Ahmad Shah s/o Aziz Ahmad Shah, R/o Sher By Sydian.	GMPS Banj B-Gali.	...do....
17:-	Misri Khan s/o Ali Zaman, R/o Byan Ahmad Ali Khan, A. Abad	GPS Dubran.	...do....
18:-	Tariq Khan s/o Fazalur Rehman, R/o Langra, Abbottabad.	GMPS Serge.	...do....
19:-	Sajjad Ahmad s/o Abdul Hafeez R/o Bandi Mansoor, Abbottabad.	GMPS Khaiteerkote.	...do....
20:-	Tauqir s/o Faqir Mohammad, R/o Debather, Abbottabad.	GPS Chamber No.1	...do....
21:-	Mohammad Hashir s/o Abdul Jabbar, R/o Pagan(Sherwan) Abbottabad.	GMPS Makri.	...do....
22:-	Liaqat Khan s/o Anwar Khan, R/o Malkan, Havelian, A. Abad.	GPS Baswair.	...do....

Attested
[Signature]

75.	Sher Bahader S/O Mohd Rafique R/O Halalia Abbottabad.	GPS Namakmaira	AGB Vac
76.	Mohd Anwar S/O Mohd Yaqub R/O Karach Abbottabad.	GMPS Gadda Sinjala	d
77.	Tariq Javed S/C Said Akbar R/O Chatraf Abbottabad.	GPS Jandar Bari	-o
78.	Jamshad Awan S/O Mohd Yunis R/O Rehmat. Abad A. Abad.	GPS Narhoter	-do-
79.	Mohd Ishfaq S/O Mohd Yusuf Sherwan Abbottabad.	GMPS Doga	-do-
80.	Mohd Fiaz S/O Mohd Yusuf R/O Jabriar Abbottabad.	GPS Darra Majath.	-do-
81.	Aurangzeb S/C Abdur Rehman Kalamangy Abbottabad.	GPS Khoi Bagla.	-do-
82.	Tariq Mahmood S/C Mohd Ashraf R/O Behakki Abbottabad.	GPS Banda Mughlan.	-do-
83.	Mohd Rustan S/O Gul Zaman R/O Talkandi Abbottabad.	GMPS Khukhrialala	-do-
84.	Zahid Hussain S/O Abdul Hannan R/O Nagri Pala Abbottabad.	GMPS Samloi	-do-
85.	Khawaj Mohd S/O Bahader Khan R/O Bandi Qazi.	GPS Mian	-do-
86.	Ghulam Abbass S/O Fareedud. Din R/O Havelian City.	GPS Kohalian	-do-
87.	Ihsanul Haq S/O Aminul Haq R/O Talola Abbottabad.	GMPS Ratwali Syedan	-do-
88.	Khalid Javed S/O Khalilur Rehman R/O Dhantaur Abbottabad.	GPS Taghan	-do-
89.	Shakel Khan S/O Mohd Aslam R/O Maira M Pattang Abbottabad.	GPS Fagh	-do-
90.	Attiqur Rehman S/O Mohd Idrees R/O Dakhan Sangal A. Abad.	GPS Dhakhan	-do-
91.	Mohd Yusuf S/O Samunder Khan R/O Gali Meeran Abbottabad.	GPS Sangraai	-do-
92.	Khalilur Rehman S/O Mohd Miskeen R/O Sambli Abbottabad.	GMPS Danna Drair.	-do-
93.	Abdur Razaq S/O Mohd Bashir R/O Beerote Abbottabad.	GMPS Hutrari	-do-
94.	Nazeer Ahmad S/O M. Miskeen R/O Puck Abbottabad.	GPS Awar Khaingali	-do-
95.	Gulzaman Khan S/O Dilawar Khan R/O Kiara Abbottabad.	GPS Bissan Lora.	-do-
96.	Ali Mardan S/O Khani Zaman R/O Sambli Abbottabad.	GPS Rankote	-do-
97.	Mashkoor Ahmad S/O Fazal Khan R/O Mohra Beerote Abbottabad.	GPS Lahoor	-do-
98.	Adnan Ahmad S/O Maqsoodur Rehman R/O Salkhad Abbottabad.	GPS Mohra Jhngra	-do-
99.	Shakeel Mohd S/O Mohd Miskeen R/O Pluck Abbottabad.	GMPS Seri Loongal	-do-
100.	Ishtiaq Hussain S/O Ghulam Hussain R/O Talola Abbottabad.	GPS Nakar Khan Kalan	-do-

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gain acant	101.	Gul Saed S/O Shan Zamana R/O Nagri Kalan Abbottabad	GPS Banwari	Against Vac PTC Post.
do-	102	Mohd Mumtaz S/O Mohd Bashir Nammal Abbottabad	GPS Ali Abad	-do-
do-	103.	Mohd Farooq S/O Mohd Iqbal R/O Bandi Dhandan Abbottabad	GMPS Barreetha	-do-
do-	104	Rashid Mahmood S/O Asimur Rehman R/O Dhamtuar Abbottabad	GMPS Kinarian	-do-
do-	105.	Mohd Saleem S/O M. Yaseen R/O Talkandi Abbottabad	GPS Saikote	-do-
do-	106.	Mohd Arif S/O Qalander Khan R/O Naroka Abbottabad	GPS Bali Kote	-do-
do-	107.	Ghulam Dastageer S/O Ghulam Mustafa R/O Shaikhul Bandi Abbottabad	GPS Ghari Lora	-do-
do-	108.	Mohd Farooq S/O Mohd Afsar R/O Bandi Dhandan Abbottabad	GPS Chankote	-do-
do-	109.	Abdul Sattar S/O Mohd Zaman R/O Mohri Naira	GMPS Ratwali	-do/-
do-	110	Safdar Hussain Shah S/O Altaf Hussain Shah R/O Khan Perote	GPS Kiala Fatangi	-do-
do-	111.	Mohd Shaheer S/O Abdur Rehman R/O Cali Mohri (Peeran)	GMPS Jandran	-do-
do-	112.	Gohar Ramzan S/O Mohd Eastan R/O Khen Mal Abbottabad	GPS Seri Khan Kalan	-do-
do-	113.	Kamshid Ahmad S/O Kala Khan R/O Nagri Kalan Abbottabad	GPS Surjal	-do-
do-	114.	Mohammad Haid S/O Mohd Suleman R/O Sumna Abbottabad	GPS Sumna Karaga	-do-
do-	115.	Waseem Akhtar S/O Mohd Kaseer R/O Julhal Abbottabad	GMPS Navelay	-do-
do-	116.	Tahir Gul S/O Mohd Miskaen R/O Upper Malakpura A. Road	GPS Chamber No.1	-do-
do-	117.	Abdul Munir S/O Abdur Kahim S R/O Majhar Abbottabad	GPS Tarach	-do-
do-	118.	Mohd Eliaz S/O Jalal Khan R/O Dodial Bawashar	GMPS Nerian ghar	-do-
do-	119.	Shaic Iqbal S/O Shauroz Khan R/O Nariyan Abbottabad	GPS Surjal	-do-
do-	120.	Mohd Safer S/O Mohd Yacub R/O Cheri Malakpura Abbottabad	GMPS Kalu Lupri	-do-

CONDITIONS: All appointments made under all services conditions is

1. To be held; from time to time on merit basis.
2. All the newly appointed candidates are directed to produce their original Qualificational Certificates to the S. Abbottabad and Concerned ADEOs for checking before presentation of their Age and Health Certificate Form.
3. The average candidates will get their pay after the sanction to the Relaxation of Age limit from the Comy authority.
4. A.S.D. is concerned are directed to point out the coverage candidates of their beats immediately and they should be prepared on the prescribed form alongwith necessary documents and sent to the appointing authority for further necessary action.
5. The prescribed age for PTC post is 25 years, if a candidate is under age of 18 years charge may not be handed.
6. At the time of preparation of their Service books and Qualifications Certificates etc, should be pasted in Persol Files/Service books for record.
7. They are directed to submit their charge reports to Concerned

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Endst. No. 5115- 5240/ AE-I/PTCs/Appointments/Dated 20.10.1994.

Copy forwarded for information and necessary action to the:-

- 1. Director Primary Education N.W.F.P. Peshawar.
- 2. Sub Divisional Education Officer(M) Abbottabad.
- 3. All Candidates concerned.
- 4. All Concerned ASDEs, Abbottabad Sub; Div; Abbottabad.

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(SARDAR MOHAMMAD AYUB)
DISTRICT EDUCATION OFFICER(MALE)
PRIMARY ABBOTTABAD.

attested
[Handwritten initials]

دعوت علیہ اہل بیت پر دہلی میں ۱۱۱۷ھ میں دیکھی گئی ہے۔
 عارض نقل بمطابق اصل ہے وقاصی و درود و وفاتہ شریفہ و غیرہ اور ۱۱۱۷ھ
 نقل دہلی سے پشت پر دانستہ ۱۱۱۷ھ دہلی میں کیا ہے ۱۱۱۷ھ و وفاتہ شریفہ نقل دہلی
 مدد ۱۱۱۷ھ و وفاتہ شریفہ نقل دہلی، لفظ خود اذان، حجت الیوم سے اس میں درج ہے
 بیعت بمطابق دہلی سے بیعت مہدی سے (۱۱۱۷ھ) ۱۱۱۷ھ ۳۳۶۸۱ PPc ۱۱۱۷ھ پائی بات ہے
 دہلی دہلی سے نقل کیا جاوے و خطا اس میں ۱۱۱۷ھ وفاتہ شریفہ سے ۱۱۱۷ھ کا وہی
 مقالہ آمدہ نقل دہلی سے (۱۱۱۷ھ) بالکل صحیح ہے نقل دہلی سے، لفظ خود ہمہ جہت اہل دہلی
 لفظ نقلی سوالہ خود حق خان سے کیا گیا ہے درج اس میں ہے۔

طارق خان
 MLC ps. city
 22-11-17

Attested
 [Signature]
 as per

دستخط
 عہدہ
 کے لیے اطلاع دہندہ کا دستخط ہوگا یا اس کی ہر نشان لگایا جائے گا اور اس پر فرمایا کہ ہرگز نہ ایسا ہی اطلاع کا دستخط بطور تصدیق ہوگا۔ حروف الفبا یا سرخ روشنائی سے ہر ایک نام پر
 ملزم یا شہر علی الترتیب واسطے باشندگان علاقہ غیر یا وسط ایشیا یا افغانستان جہاں موزوں ہوں لکھنا ہے۔

گورنمنٹ ہیڈ کوارٹرز سٹیٹ پبلک پراسیکیوٹریٹر جنرل لاہور (قائم شدہ 20.06.2011ء) قیود نام (پیس)

قائم نمبر ۲۳-۱۵۰۹۸۹۳۱-۱۳۱۵۱
 ۵۳۱۱-۶۵۴۶۴۴۴

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۴ مجموعہ ضابطہ فرجیاری

ضلع لاہور ایسٹ آباد

تاریخ وقت وقوعہ ۱۱/۱۷/۲۰۱۱ وقت ۱۱:۰۵ بجے

تاریخ وقت رپورٹ	۱۱/۱۷/۲۰۱۱ وقت ۱۱:۰۵ بجے
تاریخ وقت رپورٹ	۱۱/۱۷/۲۰۱۱ وقت ۱۱:۰۵ بجے
نام و سکونت اطلاع دہندہ مستفیض	زوبیدہ اقبال ولد ظفر اقبال قوم تنوکی سنہ ۱۹۶۸ء و والدہ عالیہ طالبہ ۴ گورنمنٹ لوائٹ فولڈ سکول ٹوٹی
مختصر کیفیت جرم (معدومہ) حال اگر کچھ لیا گیا ہو۔	زیر دفعہ PPc 377/S11
جائے وقوعہ حاصل شدہ سے درست	گورنمنٹ لوائٹ فولڈ سکول ٹوٹی جانب عین لیاصلہ ۱۲/۱۵ کوکھڑا اڈھانہ
نام و سکونت ظم	جمیٹہ ولد نا معلوم حال سکول ٹیچر گورنمنٹ لوائٹ فولڈ سکول ٹوٹی
کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف بنا تو وجہ بیان کرو	بم سبب نقل و حرکت دینا ۹ روز نامہ ۱۱/۱۷/۲۰۱۱ دفعہ ۱۵۴ مقرر ہوا
تعداد سے روانگی کی تاریخ و وقت	بہ سبب ڈاک

ابتدائی اطلاع نیچے درج کرو۔ لوقت صدر و نقل دیت ۹ روز نامہ ۱۱/۱۷/۲۰۱۱

دلپورٹ آذان سفینیت سندھ مخالف بے لوساطتہ دائرہ ۱۴۴۰ جوتہ شعلہ یل بدست کنیشن ظفر ۳۳۳۳۳

دیونم ذیل کے دلپورٹ زوبیدہ اقبال ولد ظفر اقبال قوم تنوکی بمصر ۳۱ سالہ سندھ ہاؤس دائرہ حال

حالت علم گورنمنٹ لوائٹ فولڈ سکول ٹوٹی ۱۱/۱۷/۲۰۱۱ وقت ۱۱:۰۵ بجے والد اشرف ظفر اقبال، باغی

بھائی اہم دلپورٹ مٹا سید ہیں گورنمنٹ لوائٹ فولڈ سکول ٹوٹی میں فلائس پشیم کا طالب علم سونہ دیپ

پینس اس علم وہاں عمیدہ خوجا امری سکول میں پھون لوڈنگ گاڑی کل فورنہ ۱۱/۱۷/۲۰۱۱ میں حسب فقہ سکول میں

موجود تھا کہ جیسے پھر جمیٹہ ۲۵ ادو پی دیے اور دوکان سے پائپر ویز لانا کیا جا رہے ہیں پائپر لاکم فریٹ ایجن

دک سکول میں پونیا تو ٹیچر مذکورہ لے جے اپنے ساتھ سکول کی مالکانہ لے کر لے لے کر لے کر لے کر لے کر

قلم و قلم نہ ناسا شروع کر دیے۔ ذمہ داری سٹیٹ لائڈ اڈا کے گوشہ کی صورت میں لے نیشن لیا جبکہ دیگر

بیگ مٹا لے کر لے کر لے کر لے کر لے کر لے کر لے کر لے کر لے کر لے کر لے کر لے کر لے کر لے کر لے کر

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یا کیا اور کسی کو فوجی ٹونہ بنانا یا کیا فوجی مہم سے فوجی لے کر لے کر لے کر لے کر لے کر لے کر

آنے میں کو میں لے کر لے کر لے کر لے کر لے کر لے کر لے کر لے کر لے کر لے کر لے کر لے کر لے کر

انہیں دلپورٹ میں رہی ہیں والد ام لے کر لے کر لے کر لے کر لے کر لے کر لے کر لے کر لے کر

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والد اشرف ظفر اقبال لے کر لے کر لے کر لے کر لے کر لے کر لے کر لے کر لے کر لے کر لے کر

دلپورٹ درج صدر دیونم ہر دفعہ سنانہ و سبب لے کر لے کر لے کر لے کر لے کر لے کر لے کر

ثبت لے کر لے کر لے کر لے کر لے کر لے کر لے کر لے کر لے کر لے کر لے کر لے کر لے کر

بیان لے کر لے کر لے کر لے کر لے کر لے کر لے کر لے کر لے کر لے کر لے کر لے کر لے کر

۱۱/۱۷/۲۰۱۱ ۰۵:۱۱ بجے ڈاک سے جاری ہے

Attested

تاریخ

09/11/17

15/11/17

میں لکھ جائے کہ معاملہ تذبذب طلبی پر نقل دیتے بغیر کاروائی
 دستی SHO صاحب میں دینی جاتی ہے حساب عادی نقل بطریق اصول ہے
 آفتاب 131 AMMC قیادت سٹی 11/17 SHO صاحب نے نقل دیتے کہ دریاوت کاروائی
 دائرہ 144 مارت کے دائرہ 144 نے نقل دیتے کہ پشت پر ڈالنے میں دیا جزیوت SHO صاحب
 قیادت سٹی حساب عادی نقل دیتے کہ 9 روزہ 11/17 دلویت اذان زودید اقبال
 ولہ نقل اقبال قوم تزوت سکتہ ہاڈوے دائرہ میں سمسوی دریاوت یوت مکتوت دلویت
 سمسوی دریاوت نے سمسوت مروت میں 377/511 PPT پائی جان ہے نقلی رقم
 دیم ڈم کے لغوی تعین سوال شہر تعین کیا جاوے دیتے کہ 9 لغتہ مکتوتی وہ فیدر ایل دلویت
 دیمسٹ ٹیبلی رقم 1337 ارسال قیادت میں دستہ اسٹریٹوی دائرہ 144 چونکہ شعلیل 11/17 کاروائی
 قیادت آفرہ نقل دیتے کہ رقم بحوالہ قائم ہو کہ نقل دیتے کہ نقل دیتے و دیمسٹ کاروائی لغوی
 تعین سوال OTV سٹاف کیا جاتا ہے دیمسٹ ارش ہے

طارق خان
 MHC-PS-C144
 21-11-17

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اطلاع کے نیچے اطلاع دہندہ کا دستخط ہوگا اس کے بعد راجستان لگا جائے گا۔ اور اس پر کر کے سندہ اور ان کے اطلاع کا دستخط ہوگا۔ حروف الف یاب سرخ روشنائی سے بالمشاہد نام پر
 ایک ملزم یا مشتہر علی الترتیب واسطے باشندگان علاقہ غیر یا وسط ایشیا و افغانستان تہا میں روزوں میں لکھتا ہے۔

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

SUSPENSION

Mr. Jamshed, CT, GMS Tootni is hereby placed under suspension with effect from the date of registration of FIR for the period of ninety days under Rule-6 of Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rule, 2011 regarding his involvement in case FIR No. 598 dated 20-11-2017 Police Station City Abbottabad under Section PPC-377/511 as per report of Headmaster GMS Tootni vide Memo No. 128 dated 21-11-2017.

Note:- Necessary entry should be recorded in the service book of teacher concerned.

DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Endst No. 13167-71 EBIII/Jamshed Awan

Dated 25/11/2017

Copy forwarded to the:

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
2. District Comptroller of Accounts Abbottabad.
3. Headmaster GMS Tootni-Abbottabad.
4. Budget & Accounts Officer, Local Office Abbottabad
5. Teacher concerned

DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

attested
[Signature]

ANNEXURE
"D"

OF THE SUB DIVISIONAL EDUCATION OFFICER (MALE) HAVELIAN

NO: 884

Dated: 27/11/2017

THE DISTRICT EDUCATION OFFICER

(MALE) ABBOTTABAD

ANNEXURE "E"

Subject: Inquiry report regarding occurrence of unpleasant events at GMS Tootni

Memo:

Reference your telephonic directions on 22/11/2017 and Notification No.13167-71 dated 25/11/2017 the inquiry has been conducted on the subject cited above with the following FORs:

1. Reported event of 20/11/2017.
2. Reported event of 21/11/2017.
3. General academic position of GMS Tootni.

Procedure:

The undersigned paid visit to GMS Tootni on 23/11/2017 and reached at school in morning assembly at 8:15 am. Muhammad Haroon Shah SST Headmaster, Khan Gul DM and Sarwar Sultan PET are late comers and the undersigned marked them ABSENT at teachers attendance register

A) Statements on the issue obtained from the following staff:

- 1- Muhammad Haroon Shah SST
- 2- Sardar Chanzab CT
- 3- Khan Gul DM
- 4- Sarwar Sultan PET
- 5- Badal Khan AT
- 6- Muhammad Sadiq N/Q
- 7- Muhammad Farooq Sweeper

B) Scrutiny of records

C) Interview of students

D) Assessment of all classes through written test

[1364
30-11-17]

~~ABDO~~ / Sarpat / ADO SST SST
 Mark up // E.B. - II
 Attested
 27/11/17

(20) (12)

20

Summary of the statements about the event of November 20, 2017

1. Muhammad Haroon Shah SST.

As per his statement he left for sports event at 9.00 am after handing over the through order book to Mr. Jamshed Awan CT. only three teachers i.e. Jamshed Awan Khan Gul DM and Sarwar Sultan PET were at school alongwith Muhammad Sadiq N/Q. Khan Gul DM.

He totally denied any unpleasant event on the day in his written statement.

2. Sarwar Sultan PET

He solemnly declared that he is fully unaware of any happening of the day.

Summary of the statements about the event of November 21, 2017

1- Sarwar Sultan PET

He narrated that Khan Gul DM, Jamshed Awan CT and me were on the way to school when a mob of 15 to 20 persons stopped our vehicle Suzuki No. LEB 1781 by force at Bodla Gali Stop (about 01 KM from school) and started beating Mr. Jamshed CT brutally. We hardly escaped from the spot and reached the school but these violent/fully charged people followed us and reached the school. They again attacked Jamshed CT but the staff intervened.

2- Khan Gul DM.

His statement also resembles with the statement of S. No.1

3- Other staff

All the staff members are the eye witness of the physical assault on Jamshed CT by Zafar Iqbal and his allies. (Annex A B C D E F & G)

B. scrutiny of records

Teachers' attendance register and order book is not maintained properly. (Annex H and I).

C. Interviews of students

Students of 8th class randomly selected for interview including Zohaib Khan S/O Zafar Iqbal the alleged victim of sexual harassment. The main points of these interviews are:

- Corporal punishment is daily routine of the school.
- Teachers usually use mobiles most of time.
- Some teachers occasionally abuse/calling names in the class.
- Female students said that Jamshed sahib is good teacher but surprisingly few male students strongly disagreed.

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[Signature]
[Signature]

157 199 21

Assessment of all classes

S. NO	6 TH %	RESULT	7 TH %	RESULT	8 TH %	RESULT
1	20	FAIL	00	FAIL	40	PASS
2	20	FAIL	00	FAIL	00	FAIL
3	20	FAIL	00	FAIL	00	FAIL
4	10	FAIL	00	FAIL	00	FAIL
5	20	FAIL	20	FAIL	04	FAIL
6	20	FAIL	20	FAIL	20	FAIL
7	10	FAIL	00	FAIL	24	FAIL
8	00	FAIL	00	FAIL	04	FAIL
9	20	FAIL	40	PASS	14	FAIL
10	10	FAIL	00	FAIL	04	FAIL
11	40	PASS	20	FAIL	04	FAIL
12	30	FAIL	00	FAIL	24	FAIL
13	30	FAIL	20	FAIL	28	FAIL
14	20	FAIL	00	FAIL	00	FAIL
15			00	FAIL	20	FAIL
16			20	FAIL	00	FAIL
17			00	FAIL	10	FAIL
18			00	FAIL	30	FAIL
19			40	PASS	24	FAIL
20			20	FAIL	00	FAIL
21			00	FAIL	00	FAIL
22			20	FAIL		
23			20	FAIL		
24			20	FAIL		
25			00	FAIL		
26			20	FAIL		
27			00	FAIL		

FINDINGS

1. Mr. Muhammad Haroon Shah SST Head Master of the school is absolutely incapable to manage the institution properly. Laissez-faire is at its best at GMS Tootni.
2. Teaching learning situation at GMS Tootni is miserable as assessment result shows.
3. All the staff members stated that nothing happened on 20/11/2017 in the school as per their written statements but surprisingly Mr. Khan Gul DM further added as afterthought in his statement as note that he found Mr. Jamshed Awan CT and Zohaib Khan student of 8th class sitting in the empty class room of 7th class due to the reasons best known to him. The statements of Mr. Khan Gul DM are self contradictory. The statement of Zohaib Khan student also shows that he delivered the chips packets to the accused in empty room of 7th class. Mr. Sarwar Sultan PET

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(138) (18) (19)

... his statement that he was in play ground along with students of athletics for rehearsal. Students during their interview told that all the students of the school were playing outside the school after the departure of head master which shows the level of professional attitude of the teachers and their sincerity towards the students.

4. As per students remarks Jamshed CT usually told his students about the soft bulky parts of the human body including breasts, hips and cheeks. The teacher called these organs as dangerous parts.
5. As for as the allegation of sexual harassment is concerned, criminal case has already been registered by the police station City Abbottabad, now the case is subjudiced before the competent Court of Law hence, the fate of the case let be decided by the Honorable Court.
6. Physical assault by Zafar Iqbal and his allies against Jamshed Awan CT has been proved as per statements of the eye witnesses.
7. The application launched by head master and his staff regarding threats is considerable for the dislocation of the staff.

Recommendations

1. Mr. Muhammad Haroon Shah SST head master GMS Tootni may be transferred to any high school of the district as he has no managerial skills.
2. To safe guard the future of the students and all teachers for further threats from the community dislocation of teachers including the accused teacher is proposed.
3. Proceedings under E&D rules 2011 may be initiated against head master and his staff on poor performance.
4. Mr. Khan Gul DM may be proceeded under the rules on his contradictory statements.
5. Mr. Jamshed Awan CT may be suspended forthwith under the E&D Rules 2011.

attested
[Signature]

[Signature] 20/11/2017
INQUIRY OFFICER

MUHAMMAD TANVEER
SDEO (MALE) HAVELIAN

56/10/2/10 23

ANNEXURE

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD
NOTIFICATION

The Inquiry Committee comprising of the following officers is hereby constituted to conduct formal inquiry against Mr. Jamshed Awan, CT, GMS Tootni Abbottabad on account of charges/allegations leveled against him with immediate effect.

1. Mr. Abdus Salam, Principal, GHS No.4 Abbottabad.
2. Mr. Ikram Ul Haq, Principal, GHS Takia Sheikhan Abbottabad.

TERMS OF REFERENCES:

To probe the following issues:-

- A. The Accused is involved in sexual harassment with Zohaib Iqbal, student of Class 8th as per report of Mr. Zafar Iqbal S/O Ali Bahadur (Father of the student) resident of Hari Da Naka PO Pawa Abbottabad dated 21-11-2017, .
- B. FIR#598 dated 21-11-2017 under Section 377-511 PPC Police Station City Abbottabad has also been registered against the accused as per Superintendent of Police, Investigation Abbottabad Memo No. 9870 dated 30-11-2017, .
- a. The above mentioned facts proved misconduct, and professional dishonesty.
- b. The inquiry committee shall submit recommendations/report to the undersigned within fifteen (15) days with solid recommendation as laid down in Rule 11 to 14 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011. Opportunity of self defence and cross examination be provided to the accused.

Encls: 1. Charge Sheet 2. Statement of allegations

sd/-
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Endst: No. 14704-8 EBIII/Jamshed Awan

Dated 31/12/2017

Copy forwarded to the:-

1. Director Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.
2. Mr Abdus Salam, Principal, GHS No.4 Abbottabad along with copies of the relevant documents.
3. Mr Ikram Ul Haq, Principal, GHS Takia Sheikhan Abbottabad.
4. Headmaster GMS Tootni/i Abbottabad with the remarks to cooperate with the inquiry committee.
5. Mr. Jamshed Awan, CT, GMS Tootni Abbottabad.

DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

attested
[Signature]

24

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD.

No. 14709 EBIII/Jamshed/CT

Dated 31/12/2017

To

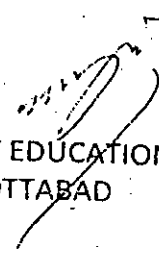
ANNEXURE "G"

The Headmaster
GMS Tootni Abbottabad.

Subject: CHARGE SHEET & STATEMENT OF ALLEGATION

Memo:

Charge Sheet & Statement of Allegation in r/o of Mr. Jamshed Awan, CT of your school is attached herewith. You are hereby directed to serve the same to him and return one copy to this office as a token of receipt.


DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

alleged
Jamshed Awan

25

OFFICE OF THE DISTRICT EDUCATION OFFICER(M) ABBOTTABAD

No. 14709 EBIII/Jamshed Awan

Dated 31/12/2017

CHARGE SHEET

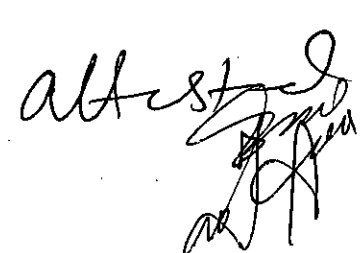
1. I Qazi Tajammal Hussain, District Education Officer (Male) Abbottabad as Competent Authority, hereby charge you, Mr. Jamshed Awan, CT, as follows:

That you, while posted as CT at GMS Tootni Abbottabad committed the following acts/irregularities:

- A. As per report of Mr. Zafar Iqbal S/O Ali Bahadur, resident of Hari Da Naka PO Pawa Abbottabad dated 21-11-2017, you are involved in sexual harassment with his son Zohaib Iqbal, student of Class 8th.
 - B. As per Superintendent of Police, Investigation Abbottabad Memo No. 9870 dated 30-11-2017, FIR#598 dated 21-11-2017 under Section 377-511 PPC Police Station City Abbottabad has also been registered against you.
2. By reason of the above, you appear to be guilty of misconduct under Rule-3 of the Khyber Pakhtunkhwa Govt: Servants (E&D) Rules 2011 and have rendered yourself liable to all or any of the penalties specified Rules-of the rules ibid.
 3. You are, therefore, required to submit your written defence within ten days of the issuance of this Charge Sheet to the Inquiry Committee as the case may be.
 4. Your written defence, if any, should reach the Inquiry Committee within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.
 5. Intimate whether you desire to be heard in person.
 6. A statement of allegations is enclosed.


COMPETENT AUTHORITY

Mr. Jamshed Awan, CT, GMS Tootni, Abbottabad.



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OFFICE OF THE DISTRICT EDUCATION OFFICER (M) ABBOTTABAD

No. 14709 EBIII/Jamshed Awan

Dated 31/12/2017


DISCIPLINARY ACTION

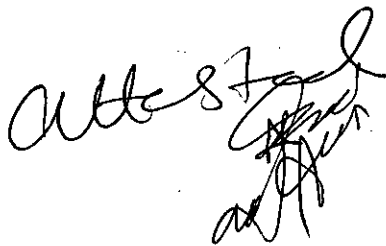
1. I Qazi Tajammal Hussain, District Education Officer (Male) Abbottabad as competent authority, am of the opinion that Mr. Jamshed Awan, CT, GMS Tooni Abbottabad has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

- A. As per report of Mr. Zafar Iqbal S/O Ali Bahadur, resident of Hari Da Naka PO Pawa Abbottabad dated 21-11-2017, you are involved in sexual harassment with his son Zohaib Iqbal, student of Class 8th.
- B. As per Superintendent of Police, Investigation Abbottabad Memo No. 9870 dated 30-11-2017, FIR#598 dated 21-11-2017 under Section 377-511 PPC Police Station City Abbottabad has also been registered against you.
2. For the purpose of inquiry of the said accused with reference to the above allegations, inquiry committee consisting of the following officers is constituted under rule 10 (1) (a) of the ibid rules:
- a. Mr. Abdus Salam, Principal, GHS No. 4 Abbotabad.
- b. Mr. Ikram Ul Haq, Principal, GHS Takia Sheikhan Abbottabad.
3. The inquiry committee shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within fifteen days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
4. The accused and a well conversant representative of the Department shall join the proceedings on the date, time and place fixed by the inquiry officer.

Mr. Jamshed Awan, CT, GMS Tooni Abbottabad.


COMPETENT AUTHORITY



بخدمت جناب:-

۱- عبدالسلام صاحب پرنسپل گورنمنٹ ہائی سکول نمبر 4، ایبٹ آباد۔

۲- اکرام الحق صاحب پرنسپل گورنمنٹ ہائی سکول تکیا شیخاں، ایبٹ آباد۔

جواب چارج شیٹ

جناب عالی! جواب چارج شیٹ ذیل عرض ہے۔

عذرات تمہیدی؛

۱- یہ کہ سائل کو نہ تو دفتر کی طرف سے اور نہ ہی گورنمنٹ ہڈل سکول توتنی کی طرف سے چارج شیٹ موصول ہوئی۔ نیز سائل 31/12/2017 کے دوران GHSS بگنوتر میں سروس کر رہا تھا۔ نہ کہ GMS توتنی میں۔

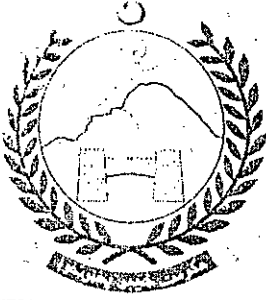
۲- یہ کہ سائل کو مورخہ 10/03/2018 کو جناب DEO صاحب نے کہا کہ آپ GHS نمبر 4 میں جائیں اور پرنسپل عبدالسلام اور پرنسپل اکرام الحق صاحب کو ملیں۔ جس پر میں گورنمنٹ ہائی سکول نمبر 4 کو گیا تو پرنسپل صاحب نے مجھے کہا کہ آپ کو چارج شیٹ ملی ہے تو سائل نے کہا کہ مجھے کوئی نہیں ملی ہے جس پر پرنسپل اکرام الحق صاحب نے مجھے انکوائری کا Letter چارج شیٹ Statement of allegations دی اور کہا کہ 10 دن کے اندر اس کا جواب دو اور اس کے ساتھ ساتھ مجھے ایک صفحے پر تین چارج سوالات لکھ کر دیے اور ان کا جواب بھی ابھی دو۔ میں نے ان چارج سوالات کے جوابات لکھ کر دیے اور کہا کہ چارج شیٹ کا جواب دس دن کے اندر اندر دے دوں گا۔

alleged
Sub
alleged

عذرات واقعاتی؛

A- یہ کہ فقرہ نمبر A چارج شیٹ کا جواب ہے کہ سائل کے خلاف ایک من گھڑت جھوٹ پڑی اور بدینتی سے نام نہاد FIR درج کی گئی جس کا سائل کے ساتھ کوئی تعلق واسطہ نہ ہے۔ جس کی باقاعدہ طور پر متعلقہ ادارے نے تفتیش کی اور چالان بعد از قلمبندی بیان گواہان عدالت میں جمع کئے جو کہ ٹرائل مقدمہ زیر تجویز عدالت ہے۔ نیز سائل کے خلاف قبل ازیں

OFFICE OF THE PRINCIPAL GOVT. HIGH SCHOOL ABBOTTABAD



No. 895

Dated: 15-03-2018

ANNEXURE "I"



0992-330807,



ad7075ghsno4atd@gmail.com

The

The District Education Officer (M)
Abbottabad

Subject: FORMAL INQUIRY AGAINST MR. JAMSHIED AWAN CT

Memo:

Reference Notification Endst No 14704-8/EB-III Dated 31.12.2017, issued by the District Education Officer (M) Abbottabad regarding the subject noted above, we the undersigned officers have been appointed to conduct formal inquiry against Mr. Jamshed Awan CT GMS Tootni Atd. The report is hereby submitted for necessary action please.

TERMS OF REFERENCES:

To probe the following issues:

01. The accused is involved in sexual harassment with Zohaib Iqbal, student of class 8th as per report of Mr. Zafar Iqbal S/O Ali Bahadur (Father of the student) resident of Hari Da Naka PO. Pawa Abbottabad dated 21-11-2017.
02. FIR// 598 Dated 21-11-2017 under Section 377-511 PPC Police station City Abbottabad has also been registered against the accused as per Superintendent of Police. Investigation Abbottabad Memo No.9870 Dated 30-11-2017.
03. The above mentioned facts proved misconduct, and professional dishonesty.

INQUIRY COMMITTEE:

01. Mr. Abdus Salam Principal GHS No.4 Abbottabad.
02. Mr. Ikram Ul Haq Principal GHS Takia Sheikhan Abbottabad.

NAME OF DEPARTMENTAL REPRESENTATIVE:

Mr. Muhammad Ayaz Supdt: DEO (M) Abbottabad.

Inquiry of Mr. Jamshed Awan CT.doc Address: GHS No. 4 Abbottabad

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attested
[Signature]

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PROCEDURE OF INQUIRY: Visit of concerned school/Office, collection of statements and cross examination of the accused and complainants.

FACTS/ FINDINGS:

01. In the light of TORs of inquiry, the undersigned officers visited GMS Tqotni Abbottabad on 05.03.2018. The Head Master alongwith his staff was present at the spot.
02. The victim student, Zohaib Iqbal S/O Zafar Iqbal Student of class 8th has been produced before the inquiry committee to record his statement. The student stated on oath that Mr. Jamshed Awan CT of the school called me on the upper storey of the school and gave me Rupees 100/- to purchase snacks from the shop. I did the same and returned to the school. The accused teacher took me to a room in the upper storey of the class. He asked me to sit with him and eat the snacks. I refused to do so. He compelled me to sit with him. He started kissing the sensitive parts of my body. He compelled me to hold his sensitive body organ and continued this practice for about half an hour. He tried to put off my trousers for the act of sodomy. Meanwhile Mr. Khan Gul DM of school entered the class room. The accused teacher left the practice immediately. Mr. Khan Gul DM also asked me what I was doing there in the class lonely. I was much disturbed and went home and told my parents the whole story. The next day my father filed an FIR at the police station and submitted complaints in the concerned offices. (Annex: 01)
03. We have visited all the classes of school to enquire regarding the attitude of the accused teacher. The students did not respond our questions clearly. When they have been asked about the best teacher of their school, they told that Mr. Khan Gul DM was the best teacher of their school who has been transferred alongwith other staff after the incident of Nov 20, 2017.
04. At the complaint of victim student, his father Zafar Iqbal with company of few other relatives stopped the van of teachers on 21.11.2018 and beat the accused teacher. The report of assault has been registered against the group through the DEO (M) Officer Abbottabad.
05. Mr. Khan Gul DM of the school, the eye witness of the sexual harassment incident, has been asked to record the statement before the inquiry committee on 08.03.2018. He explained that he went to the classroom of the upper storey of the school on 20.11.2017 to get contact Number of the Head Master from Mr. Jamshed Awan. When I entered the classroom, I found Mr. Jamshed Awan CT/(IC Head Master on that day) sitting with alleged victim student together. (Annexure: 02)
06. Mr. Zafar Iqbal father of victim student narrated in his statement that the accused has deliberately planned to call his son in seclusion on the upper storey of the school and tried to commit sodomy. He wept bitterly while recording his statement and expressed his grief over the heinous attitude of a teacher.

Inquiry of Mr. Jamshed Awan CT.doc Address: GHS No. 1 Abbottabad

attested
[Signature]

stated that he can think to settle the issue if the District Education Management acknowledge the sensitivity and gravity of the matter. (Annexure: 03)

7. The accused has also submitted his statement before the enquiry committee wherein he has denied all the allegations shamelessly and fabricated the story just for his face saving. It is an absurd and disjointed statement in which facts has been twisted. He has shed the crocodile tears to conceal the facts. (Annexure: 04)

08. The accused has been suspended w.e.from 20.11.2017 by the DEO (M) Abbottabad vide suspension order Endst No. 13167-71/EB-III Dated 25.11.2017. (Annexure: 05)

09. The Competent Authority has imposed Minor Penalty of **censure and recovery of absent period** upon the accused teacher vide office order Endst No. 14546-48 /EB-III Dated 27-12-2017 on the report of Head Master GMS Tootni as indicated in the order. (Annexure: 06)

10. A preliminary inquiry has also been conducted by Mr. Muhammad Tanveer ordered by the DEO (M) Abbottabad.

11. The Honorable Peshawar High Court Abbottabad Bench has granted bail to the accused on 05.03.2018. The case is pending before the trial Court of Additional District & Sessions Judge-VI Abbottabad.

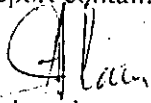
CONCLUSION:


In the light of above stated facts, statements of stakeholders and disciplinary action of the competent authority it is concluded that the accused was found involved in sexual harassment of the student and hence, is a guilty of moral misconduct. Due to the heinous attitude of the accused, the student has been psychologically depressed. This kind of Govt servant is a stigma on the fair face of one of the noblest professions. The accused has no right to serve in Education Department as he has severely violated the rule of conduct pertaining to morality. The act of sexual harassment of a student may spoil his entire life. He may become criminal in society and the oversight of such incident may encourage the culprits in Education Department. Although the accused could not complete the act of sodomy due to the entrance of the eye witness but even the statement of the victim student is enough to connect the accused with the commission of offence. There is no evidence to suggest that the complainant would falsely charge his teacher for an offence which will not only put his character but also honor of the entire family at stake. The Education department should get rid of such black sheep to avoid victimization and sexual harassment.

RECOMMENDATIONS:

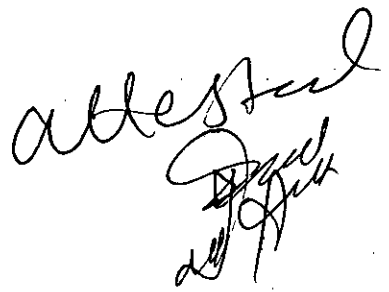
The accused may be imposed Major Penalty of Removal from service under E&D Rules 4 (b-III) 2011 of the Govt of Khyber PakhtunKhwa,

This report contain 19 pages.


Mr. Abdussalam
Principal
GHS No. 4 Abbottabad


Mr. Ikram Ul Haq
Principi
GHS Takia Shaikhan

Inquiry of Mr. Jamshed Awan CT.doc Address: GHS No. 4 Abbottabad



No. 3530 EBIII/PF/Vol ii/Jamshed Awan/CT

Dated 21/3 2018

SHOW CAUSE NOTICE

ANNEXURE
"J"
Recd 24/3/18

I Qazi Tajammal Hussain, District Education Officer (Male) Abbottabad as Competent Authority under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you Mr. Jamshed Awan, CT, GMS Tootni Abbottabad (Presently posted at O/O DEO(M) Abbottabad) as follows:

1. (i) that consequent upon the completion of inquiry conducted against you by the Inquiry Committee vide Memo No. 895 dated 15-03-2018, wherein you were given opportunity of self defense and cross examination.

(ii) on going through the findings and recommendations of the Inquiry Committee, the material on record and other connected papers including your defense before the inquiry officer:-

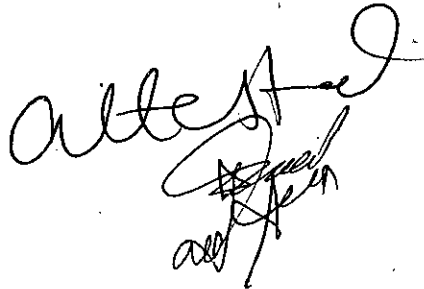
I am satisfied that you have committed the following acts/omissions specified in Rule-3 of the said rules:

"You were found involved in sexual harassment of Mr. Zohaib Iqbal S/O Zafar Iqbal student of Class- 8th.

2. As a result thereof, I, as Competent Authority, have tentatively decided to impose upon you the major penalty of "Removal from Service" under Rule 4 of the said rules.
3. You are therefore, required 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.
4. If no reply to this notice is received within seven days or not more than fifteen days of its issuance, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.
5. A copy of the finding of the inquiry officer is enclosed.


COMPETENT AUTHORITY

Mr. Jamshed Awan, CT, GMS Tootni, Abbottabad
(Presently posted at O/O DEO(M) Abbottabad)



بخدمت جناب DEO صاحب (میل) ایبٹ آباد

ANNEXURE "K"

جواب شوکا ز نوٹس نمبر 3530 مورخہ 31-03-2018

عنوان :-

جناب عالی! گزارشات درج ذیل ہیں۔

1۔ شوکا ز نوٹس اجلت میں کسی شخص کی ایماء پر دیا گیا ہے۔

2۔ یہ کہ شوکا ز بمطابق قانون نہ ہے۔

3۔ یہ کہ شوکا ز جس نام نہاد انکوآری کی سفارشات پر دیا گیا اس نام نہاد انکوآری کو کوئی قانونی حیثیت نہ ہے۔ کیونکہ یہ بات قابل غور ہے کہ دفتر ہذا کی طرف سے انکوآری کمیٹی کا نوٹیفیکیشن مورخہ 31-12-2017 کو جاری ہوا۔ جس کے پیرا نمبر (A) میں لکھی ہوئی ہے کہ سائل کے خلاف Misconduct and professional Dishonesty ثابت ہوگئی ہے۔ انکوآری کروانے سے قبل ہی کیسے کوئی جرم ثابت ہو سکتا ہے؟ یہ بات سمجھ سے بالاتر ہے۔ نیز نام نہاد انکوآری رپورٹ میں سائل نے جو جواب چارج شیٹ تحریری طور پر جمع کروایا تھا اس کو یکسر قطع انداز کرتے ہوئے اس کا انکوآری رپورٹ میں حوالہ تک نہ دیا کہ سائل نے چارج شیٹ کا جواب دیا ہے کہ نہیں۔

attested

لہذا نام نہاد انکوآری و شوکا ز نوٹس نا قابل بحالی ہے، قابل اخراج ہے۔

i۔ یہ کہ فقرہ نمبر 1 شوکا ز کے جواب میں عرض ہے کہ سائل کو بمطابق قانون رائج الوقت گواہان کے بیانات کی نقول نہ تو فراہم کی گئیں ہیں اور نہ ہی گواہان پر Cross Examination کا موقع دیا گیا ہے۔ سائل کو بیانات کی کاپیاں IRTI ایکٹ کے تحت دفتر ہذا سے لینی پڑھیں مگر انکوآری کمیٹی نے بمطابق E&D رولز 2011 کے مطابق انکوآری نہ کی ہے جو اسی بناء پر ہی انکوآری رپورٹ بلا مزید کارروائی خارج فرمائی جاوے۔

ii۔ یہ کہ فقرہ نمبر 2 کے جواب میں عرض ہے کہ جب کوئی انکوآری بمطابق رولز نہ کی گئی ہو تو اس کی سفارشات کی کوئی

attested

قانونی حیثیت نہ ہے لہذا شوکا ز نوٹس ہذا کی بھی کوئی قانونی حیثیت واہمیت نہ ہے اور نہ ہی سائل نے کوئی گناہ کیا ہے۔ یہاں پر ایک بات قابل غور ہے کہ سائل کے خلاف دفتر ہذا نے جو انکوائری SDEO تنویر صاحب حویلیاں نے کی تھی اس میں یہ بات واضح طور پر لکھی تھی کہ سائل کا کیس عدالت میں زیر تجویز ہے اور اس بات کا کوئی ثبوت نہ ہے کہ سائل نے کوئی گناہ کیا ہے کہ نہیں اور انکوائری آفیسر نے عدالت کے فیصلے سنانے کے بغیر کوئی جرم ثابت ہونے یا نہ ہونے کی کوئی سفارشات دی ہے مگر دفتر ہذا نے بغیر کسی وجہ کے ایک نام نہاد انکوائری بغیر کسی شکایت و Source کے عمل میں لائی ہے جو کہ بمطابق E&D رولز 2011 نہ کی گئی ہے۔ جہاں انکوائری کے مطابق رولز نہ کی گئی ہے وہاں پر کسی بھی قسم کی کوئی بھی سزا نہیں دی جاسکتی اور اس پر سپریم کورٹ آف پاکستان و سروس ٹریڈیونلز پشاور کے بے شمار فیصلہ جات موجود ہیں اور دفتر ہذا کے بخوبی علم میں بھی ہیں۔

2۔ یہ کہ فقرہ نمبر 2 کے شوکا ز کے جواب میں عرض ہے کہ مجاز اتھارٹی نے اپنی Powers کا صحیح استعمال نہ کیا ہے۔ مجاز اتھارٹی کو بمطابق قانون چاہیے تھا کہ جس طرح نوید اقبال AT کے کیس میں انکوائری رپورٹ کو واپس انکوائری کمیٹی کو بھیجا گیا تھا کہ وہ ٹیچر کو جرح کو موقع فراہم کریں اور اس کے بعد سفارشات ارسال کرے۔ مگر سائل کے ساتھ ایسا کوئی بھی قانونی رویہ اختیار نہ کیا گیا۔ نیز سائل کو جب چارج شیٹ مورخہ 31-12-2017 کو دی گئی تو اس لیٹر پر GMS توتنی ایبٹ آباد کو کہا گیا کہ وہ سائل کو چارج شیٹ کے متعلق اطلاع کرے جبکہ سائل اس وقت GHSS بکنوٹر میں تعینات تھا۔ لہذا سائل کے خلاف تمام تر کارروائی کسی شخص کے کہنے پر کی جا رہی ہے۔

3۔ یہ کہ فقرہ نمبر 3 شوکا ز نوٹس کے جواب میں عرض ہے کہ سائل کے خلاف کوئی بھی لائق شہادت بر مشل موجود نہ ہے جو اس بات کی تائید کرے کہ سائل نے کوئی گناہ کیا ہے نیز زوہیب اقبال کی میڈیکل رپورٹ و FIR درج کروانے میں تاخیر اور میڈیکل آفیسر کی Observation کو انکوائری کمیٹی نے یکسر نظر انداز کرتے ہوئے اجلت میں دفتر ہذا کو ارسال کیاں حالانکہ جوڈیشل مجسٹریٹ ایبٹ آباد بعد الت عالیہ پشاور ایبٹ آباد پنچ نے بھی اس بات کی تائید کی کہ سائل کے خلاف ایک دن کی تاخیر کے بعد FIR درج کی گئی اور اس کی کوئی وجہ بھی بیان نہ کی گئی اور میڈیکل آفیسر نے اپنی رپورٹ میں یہ بات تحریر کی کہ کسی بھی قسم کا کوئی نشان نہ پایا گیا اور عدالت سمجھتی ہے کہ سائل کے کیس مزید Probe کیا جائے جو کہ ضابطہ فوجداری Cr.P.C (2) 2497 کے زمرے میں آتا ہے جبکہ انکوائری کمیٹی نے معزز جج صاحبان سے بھی زیادہ عقلمند اور خود کو قانون دان سمجھا کہ سائل کو گناہ گار ٹھہرا دیا۔ جبکہ اس سے قبل انکوائری SDEO تنویر صاحب حویلیاں و پرنسپل رشید صاحب GHSS بکنوٹر ایبٹ آباد نے بھی اپنی سفارشات میں کہا ہے کہ کورٹ کو فیصلہ کرنے دیں مگر موجودہ کمیٹی کی سفارشات سمجھ سے بالاتر ہیں۔ (تائید میں ثبوت کے طور پر مصدقہ نقل پشاور ہائیکورٹ لف ہے)

Attest
[Signature]

4- یہ کہ فقرہ نمبر 4 شوکا ز کے جواب میں عرض ہے کہ سائل اندر معیاد شوکا ز کا جواب دے رہا ہے۔

5- یہ کہ فقرہ نمبر 5 کے جواب میں عرض ہے کہ شوکا ز نوٹس کے ساتھ سائل کو کوئی انکوائری رپورٹ نہ دی گئی ہے جو کہ سائل نے ایک درخواست بابت فراہمی نقل انکوائری رپورٹ و بیانات گواہان منسلک انکوائری رپورٹ بمطابق RTI ایکٹ مورخہ 21-03-2018 کو دی تھی جو کہ سائل کو نامکمل دستاویزات مورخہ 26-03-2018 کو دی گئی۔ (تائید میں نقل درخواست 31-03-2018 لف ہے)۔

لہذا گزارش ہے کہ سائل کے خلاف نام نہاد انکوائری و شوکا ز نوٹس کو داخل دفتر فرمایا جائے اور جو ٹرائل زیر تجویز عدالت ہے اس عدالت کے فیصلہ آنے تک سائل کے خلاف کوئی بھی کارروائی نہ کی جائے کیونکہ سائل کے خلاف جرم کی نوعیت اتنی سنگین ہے کہ جس کا فیصلہ صرف عدالت مجاز ہی کر سکتی ہے نہ کہ کوئی نام نہاد انکوائری کمیٹی۔

جمشید اعوان C.T.



Presently posted at DEO Abbottabad

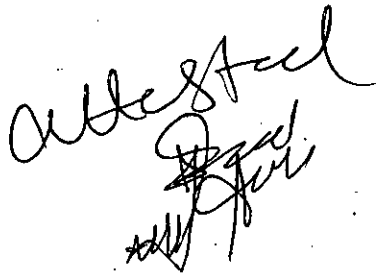
Dated 30/03/2018

1- کاپی برائے اطلاع رجسٹرار پشاور ہائیکورٹ ایبٹ آباد

بحوالہ 07-03-2018 Cr. Mis B.A No.158/18 مورخہ

2- رجسٹرار سپریم کورٹ آف پاکستان، اسلام آباد

3- رجسٹرار سروس ٹریبونل، پشاور



70 36

ANNEXURE "L"

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

ORDER

1. WHEREAS, you Mr. Jamshed Awan, CT, GMS Tootni Abbottabad, was proceeded under Rule-3 of the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011.
2. AND WHEREAS, you were involved in sexual harassment with Zohaib Iqbal, student of Class-8th as per report of Zafar Iqbal S/O Ali Bahadur (father of the student), resident of Village Hari Da Nakka, PO Pawa Abbottabad dated 21-11-2017.
3. AND WHEREAS, FIR No. 598 dated 21-11-2017 under Section 377-511 PPC Police Station City Abbottabad was registered against you as per Superintendent of Police Investigation Abbottabad Memo No. 9870 dated 30-11-2017.
4. AND WHEREAS, an Inquiry Committee was constituted vide this Office Endst No. 14704-8 dated 31-12-2017, to probe the charges/allegations levelled against you and provide you the opportunity of self defence and cross examination. Charge Sheet & Statement of Allegations was served upon you vide this Office No. 14709 dated 31-12-2017
5. AND WHEREAS, on receipt of findings/recommendations of Inquiry Committee vide Memo No. 815 dated 15-03-2018, show cause notice was served upon you vide this office No. 3530 dated 21-03-2018 with the proposed major penalty of Removal from Service Under Rule-4 of of Khyber Pakhtunkhwa Govt Servant (Efficiency & Discipline) Rules, 2011.
6. AND WHEREAS, you submitted your reply dated 30-03-2018 of the show cause notice, which was found unsatisfactory and you were summoned for personal hearing on 12-04-2018 vide this office Memo No. 4291 dated 11-04-2018 to avail the opportunity of self defence. You submitted your application to reschedule the personal hearing.
7. AND WHEREAS, You were recalled for personal hearing on 23-04-2018 vide this Office Memo No. 4655 dated 20-04-2018. You appeared for personal hearing on the scheduled date and failed to defend the charges leveled against you.
8. AND WHEREAS, it is established that you have no defense to put-in and the charges levelled against you are proved.

NOW THEREFORE, as per recommendation of the Inquiry Committee, the Competent Authority in exercise of the power conferred upon him under Rule-4 (1) &(b)(iii) of Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rule,2011 is pleased to impose Major Penalty of "REMOVAL FROM SERVICE" upon Mr. Jamshed Awan, CT, GMS Tootni Abbottabad with immediate effect.

Endst: No. 5091-96 /EBIII/Jamshed Awan/CT/Vol II

sd/-
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Dated 28/4 /2018

Copy for information & necessary action to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Comptroller of Accounts Abbottabad.
3. District Monitoring Officer(IMU) Abbottabad.
4. Budget & Accounts Officer local office.
5. Headmaster GMS Tootni Abbottabad.
6. Teacher concerned.

[Signature]
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

بخدمت جناب ڈائریکٹر ایلیمینٹری اینڈ سکیونڈری ایجوکیشن خیبر پختونخواہ، پشاور

ANNEXURE "M"

محکمہ اپیل بر خلاف آرڈر نمبر 96-5091 مورخہ 28/04/2018

عنوان:

جناب عالی! اپیل ذیل عرض ہے۔

1- یہ کہ سائل گورنمنٹ مڈل سکول توتھی، ایبٹ آباد میں بطور CT ٹیچر اپنے فرائض منصبی احسن طریقے سے سرانجام دے رہا تھا۔

2- یہ کہ سائل کی 23/24 سالہ سروس میں کبھی بھی کوئی شکایت محکمہ کی طرف سے وصول نہ ہوئی۔

3- یہ کہ سائل کو ایک نام نہاد اور جھوٹے مقدمہ نمبر 598 مورخہ 21/11/2017 بمقام 377/511 PPC میں بدینتی سے ملوث کیا گیا اور اس واقع کی انکوائری کرانے کے لئے ایس ڈی او (مردانہ) حویلیاں کو بذریعہ نوٹیفیکیشن نمبر 71-13167 مورخہ 25/11/2017 کو انکوائری آفیسر مقرر کیا جنہوں نے بعد از قلمبندی بیانات اساتذہ و طلباء اپنی سفارشات DEO صاحب (مردانہ) کو ارسال کیں کہ سائل کو معطل کیا جائے اور سائل کے خلاف فوجداری مقدمہ عدالت مجاز میں زیر سماعت ہے جس وجہ سے عدالت اس بابت فیصلہ کرے کہ آیا سائل نے کوئی گناہ کیا ہے یا نہیں۔ تائید میں نقل انکوائری رپورٹ لف ہے۔

4- یہ کہ آرڈر مورخہ 28/04/2018 میں محکمہ نے بدینتی سے انکوائری بالا کا ذکر ہی نہیں کیا۔ تائید میں نقل آرڈر مورخہ 28/04/2018 لف ہے۔

5- یہ کہ سائل کے خلاف ایک اور انکوائری بھی جناب عبدالرشید صاحب پرنسپل گورنمنٹ ہائی سکول بکنوٹر، ایبٹ آباد نے کی اور انہوں نے بھی اپنی رپورٹ میں سفارش کی کہ تمام الزامات بے بنیاد اور فوجداری مقدمہ زیر سماعت عدالت ہے اور فیصلے کے بعد ہی اس بات کا پتہ چلے گا کہ سائل نے کوئی جرم کیا ہے یا نہیں اس انکوائری کی رپورٹ سائل کے پاس نہ ہے۔ البتہ دفتر DEO (مردانہ) میں موجود ہے۔

attest
[Signature]

ب

6- یہ کہ انکوائری جس کی بناء پر سائل کو نوکری سے برطرف کیا گیا بمطابق E&D رولز 2011ء نہ کی گئی ہے کیونکہ نہ تو سائل کو بیانات کی نقول فراہم کی گئی اور نہ ہی بمطابق قانون دروز سائل کو گواہان پر جرح کا موقع دیا گیا جو اس بناء پر ہی انکوائری قابل منسوخی ہے۔

7- یہ کہ انکوائری سوال نامہ کی صورت میں دی گئی جو کہ بمطابق عدالتی نظائر قابل اخراج ہے۔

8- یہ کہ سائل کا فوجداری مقدمہ زیر سماعت عدالت ہے اور ابھی شہادت استغاثہ قلمبند ہونا باقی ہے مگر انکوائری کمیٹی نے بدینتی سے سائل کے خلاف جان بوجھ کر اور کسی کی ایما پر اپنی سفارشات دیں جو کہ انکوائری رپورٹ نا قابل بحالی ہے اور قابل منسوخی ہے۔

9- یہ کہ آرڈر مورخہ 28/04/2018 بغیر قانونی تقاضے پورے کیے بڑی عجلت میں کیا گیا حالانکہ سائل نے شوکا ز نوٹس کے جواب میں جامع جواب جمع کروایا تھا اور اس کے فقرہ نمبر 2 میں یہ ادعا لیا گیا تھا کہ جس طرح نوید اقبال A.T کے کیس میں انکوائری رپورٹ کو واپس انکوائری کمیٹی کو بھیجا گیا تھا کہ وہ ٹیچر کو جرح کا موقع فراہم کریں اور اس کے بعد سفارشات ارسال کریں۔ نیز انکوائری کمیٹی نے میڈیکل لیگل رپورٹ کو بھی یکسر نظر انداز کیا۔ تائید میں نقل جواب شوکا ز نوٹس لف ہے۔

10- یہ کہ آرڈر مورخہ 28/04/2018 خلاف قانون، خلاف واقعات ہے۔ لہذا قابل منسوخی ہے۔

11- یہ کہ دوران پرسنل ہیئرنگ سائل نے بذریعہ درخواست مجاز اتھارٹی کو التجا کی تھی تا فیصلہ فوجداری مقدمہ انکوائری رپورٹ کو التواء میں رکھا جائے اور بعد از فیصلہ کاروائی عمل میں لائی جاوے مگر مجاز اتھارٹی نے 102 انکوائری رپورٹس کی سفارشات کو نظر انداز کرتے ہوئے ایک تیسری انکوائری بغیر کسی قانونی جواز کے اپنی مرضی سے خلاف E&D رولز کروائی جو کہ فیصلہ مورخہ 28/04/2018 قابل منسوخی ہے۔

12- یہ کہ سائل ایک شریف اور مذہبی گھرانے سے تعلق رکھتا ہے اور محکمہ کے اس آرڈر سے سائل کی عزت و شہرت کو شدید نقصان پہنچا ہے کیونکہ ابھی مجاز عدالت سے اس بات کا فیصلہ نہیں ہوا کہ سائل نے کوئی گناہ کیا ہے یا نہیں۔

attest
[Signature]

13- یہ کہ مسائل کے قیمتی حقوق کا سوال ہے اور مسائل واحد کفی ہے اور مجازاً اتھارٹی نے بدینتی کے ساتھ مسائل کے گھر کا چولہا بند کر دیا۔

14- یہ کہ حکمانہ اپیل اندر میعاد ہے۔

لہذا استدعا ہے کہ بمنظوری اپیل ہذا مسائل کو ملازمت پر بمعہ سابقہ مراعات بحال کیا جاوے اور آرڈر مورخہ 28/04/2018 کو منسوخ فرمایا جاوے۔

المرقوم: 30/04/2018

حشد اعوان CT----- (اپیلانٹ)

30/4/18

attested

No. 2149

Name Zohaib Iqbal Son of Zafar Iqbal Age 13yr Sex M

Occupation _____ Residence Haari Nakal Tootni Name of relative or friend _____

Date and hour of arrival 24/11/2017

No. And date of police docket 10-50 AM

No. And date of Constable Yasir 905

PS City

If admitted { Date of admission _____ Date of discharge _____

Date and hour of report sent to police _____

Space for particulars as to further reference to the case date of giving evidence in court of despatch of articles said to contain poison.

Particulars of injuries of symptoms. In case of poisoning.

A young kid wearing school uniform and ornament in the neck, who is told that an attempt of sexual ^{act} ~~abuse~~ was made by his teacher yesterday at about 11/04. No sign of any scratch on the body, or bruises or lacerations on the body. Con Asach of on buttocks, old healed lesions are present on the inner side of buttocks. Anal sphincter are intact. No abrasion or erythema found around the anus except old healed lesions (may be)

Two Identification marks - 905
affected
by
sexual
abuse

1 Nature of injuries Boy is not shy or reluctant to tell the story. Victim is of scabies
(Skin Deep, or Muscle Deep or Bone Exposed) examined The kind of weapon used or poison suspected in the case of poisoning
Probable duration of injury 18-24 hr

Examined _____ of _____ 20

In Police Case No Fee received

In Private Case a Fee of Rs _____ Paid to Medical Officer

Examining Medical Officer

Dr. Wazir Iqbal

Examination Medical Officer

Signature or thumb-impresion of p...

بخدمت جناب DEO صاحب میل ایبٹ آباد

عنوان: درخواست برائے ملوثی کرنے کارروائی انکوائری بر خلاف مسائل بوجہ ذر سہاعت مقدمہ فوجداری۔ جس کی بنیاد پر مسائل کے خلاف انکوائری کا حکم صادر ہوا۔

جناب عالی!

گزارشات ذیل عرض ہیں۔

۱- یہ کہ مسائل کے خلاف ایک من گھڑت اور مٹی بردہ یعنی مقدمہ FIR مقامی تھانہ میں درج کی گئی جس میں مسائل کی ضمانت بر میرٹ ہو چکی ہے۔

۲- یہ کہ مسائل کے خلاف ایک انکوائری بھی کی جا رہی ہے جس کے TORs اور مذکورہ FIR کی نوعیت ایک جیسی ہیں جو کہ فوجداری مقدمہ ذر سہاعت عدالت ایبٹ آباد ہے جس میں شہادت استغاثہ قلمبند نہیں ہوئی ہے۔

۳- یہ کہ تقاضا انصاف و قانون ہے کہ محکمانہ انکوائری کو تا فیصلہ عدالت ملوثی کیا جاوے اور اس ضمن میں عدالتی نظائر بحوالہ 387 PLC (C.S) 2011 کے مطابق انکوائری تا فیصلہ NAB رپورٹ ملوثی کی گئی۔ نقل فیصلہ لف ہے۔

لہذا مذکورہ بالا فیصلہ کی روشنی میں مسائل کے خلاف محکمانہ کارروائی کو تا فیصلہ عدالت مجاز ملوثی کئے جانے کے احکام صادر فرمائے جائیں کیونکہ انکوائری ملوثی نہ کرنے کی صورت میں مقدمہ باذی طول پکڑے گی اور طوالت اختیار کرے گی۔

العراض

الرقوم: 2018/ 23/4

albestad

جسٹس عثمان CT حال DEO میل ایبٹ آباد (مسائل)

سی خان ڈی ایم ۱۳۳۹ کوئی ایسٹ آفیس

لفاً باسٹوش و جو اس قسم کے ایسٹوں کے طور پر

۱۶-۱۱-۲۰ ہم نے پورے کو جو واقعہ سکول کے اندر بیان

کیا گیا ہے۔ اس کے کئی طرف سے جو بیان ملے ہیں

دیکھا گیا ہے وہ کراٹر غلط ہے۔

میں نے کسی قسم کی غیر اعلیٰ حرکت سکول میں نہیں

کی ہے۔ نہ ہی کسی اور کو کسی غیر اعلیٰ

ورک میں ملوث کیا ہے۔

جناب والا! یہی میرا صحیح بیان ہے کہ یہی درست ہے

تاریخ ۱۶-۱۱-۲۰

[Handwritten signature]

CNIC No 13101-0953501-7

Contact 0310-9234880


attested

[Handwritten signature]

(4.3)

ANNEXURE "Q"

1st Govt. English Medium High School No. 3, Abbottabad



The **Pride of Performance / Distinction Certificate** is awarded to

Mr. Jamshaid Awan

In recognition of his excellent services / standing at the top in academic & professional efficiency / result(s) during the last years in the school.

Fazal-a-Manan
 (Mr. Fazal-a-Manan)
 Director

Schools & Literacy Department
 Govt. of NWFP, Peshawar.

Jamshaid Awan
 Secretary

Schools & Literacy Department
 Govt. of NWFP, Peshawar.

Issued on: 20-6-2004.

Designed By: K. R.

Khan.

Attest
[Signature]
[Signature]

DISTRICT GOVT. HIGH/HIGHER SECONDARY SCHOOLS



TOURNAMENT 2003 ABBOTTABAD

CERTIFICATE OF HONOUR

This Certificate is awarded to Mr. Tamshed Awan

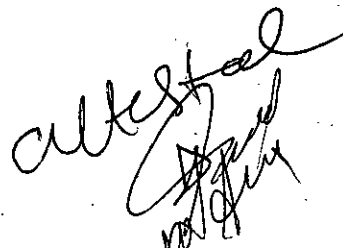
of G.H.S.S. No. 3 Abbottabad in response of his

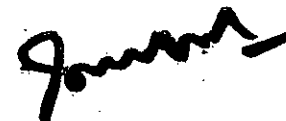
Dedicated and devoted services rendered by him for the successful conductance of High/ Higher

Secondary Schools Tournament 2003 District Abbottabad.


Abdur Rashid

(General Secretary)
Principal Govt High School
Mir Pur Abbottabad (E/M)





Sardar Muhammad Ayub
President
Executive District Officer (Edu: & Lit:)
Abbottabad

DISTRICT GOVT. HIGH/HIGHER SECONDARY SCHOOLS



TOURNAMENT 2003 ABBOTTABAD

MERIT CERTIFICATE

The Tournament Committee is pleased to award this Certificate to

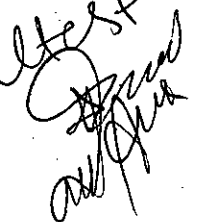
Mr. Tawheed Awan GHS/GHSS No. 3. Abbottabad


His Proficiency, Being Incharge P.T. Platoon in 2003, during the

GHS/GHSS Tournament 2003, Distt: ATd. Is recognized and highly appreciated


Abdur Rashid

(General Secretary)
Principal Govt High School
Mir Pur Abbottabad (E/M)

attested



Sardar Muhammad Ayub
President
Executive District Officer (Edu: & Lit.)
Abbottabad

GOVERNMENT HIGH SCHOOL NO.3 (E/M) ATD 46
PRIDE OF PERFORMANCE/DISTINCTION CERTIFICATE

The Member Board of Governors ,G H S No.3 Atd. (E/M)
is Pleased to Award this Pride of Performance Certificate to
Mr. Javed Akhtar Aslam

GHS No.3 Abbottabad(English Medium) by the

Chief Guest, Honourable

M.AZAM KHAN SWATI Distt: Nazim Manshera

on the First Parents Day Ceremony, which held in GHS No.3 Atd (E/M) on
23-12-2001, his Excellent Proficiency being PT. In charge. In 2001 in
GHS No.3 Abbottabad(English Medium) is recognized & highly Appreciated

(SARDAR MUHAMMAD AYUB)
Chairman
Board of Governors
GHS No.3 Abbottabad
(English Medium)

alleged
[Signature]

(FAZAL MEHMOOD KHAN)
Principal
GHS No.3 Abbottabad
(English Medium)

Donated by Exam Section

47

Provincial GOVT. High/Higher Secondary Schools
Tournament 2001 N.W.F.P.
Abbottabad

MERIT CERTIFICATE

The Tournament Committee is pleased to award this certificate to
Imdad Ahmad GHS/GHSS No. 3, Abbottabad

by the Chief Guest, Honorable **MUHAMMAD SHARIF ARSOO** Secretary Education N.W.F.P.,
during the Prize Distribution Ceremony, held in G.H.S. # 3 Abbottabad (English Medium) on 31-12-2001.

His excellent proficiency, being PT. League in 2001, during the
GHS/GHSS Provincial Tournament 2001, N.W.F.P., Atq, is recognized and highly appreciated.

(HAFIZ DARRADAR KHAN)
PRESIDENT
Director Secondary Education N.W.F.P.
Peshawar.

Attested
[Signature]

[Signature]
(FAZAL MEHMOOD KHAN)
GENERAL SECRETARY
Provincial GHS/GHSS Tournament 2001 N.W.F.P. Atq.
Principal, G.H.S # 3, Abbottabad. (English Medium)

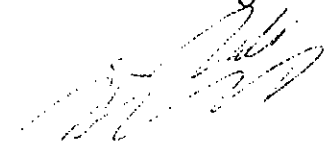
48

DISTRICT HIGH / HIGHER SECONDARY SCHOOLS TOURNAMENT
2000
ABBOTTABAD
New Millennium Tournament

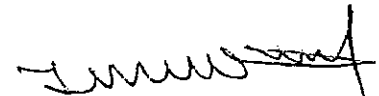
MERIT CERTIFICATE

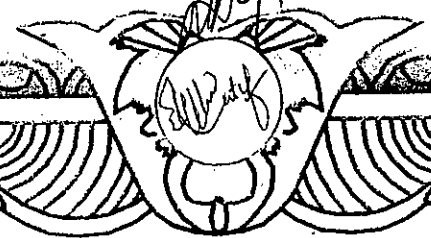
This certificate is Awarded to
Mr. Jamshed Awan of
GOVT. HIGH / HIGHER SECONDARY SCHOOL
No. 3, Abbottabad

Being In charge P.T. Pakistan 2000 of the High / Higher
Secondary Schools Tournament 2000.


(SYED NIAMAT SHAH)
PRESIDENT
District Education Officer (M-S)
Abbottabad.

Attested



(FAZAL MAHMOOD)
General Secretary
District High/Higher Schools Tournament,
PRINCIPAL, G.H.S. No. 3, Abbottabad.



وکالت نامہ

کورٹ فیس

بعدالت سلیپر سٹیٹس پٹیوٹل کیشنڈر (پبلک کوریٹ ایسٹ ایماڈ)عنوان: جنسڈ اسوان بیم گورنمنٹ P.K. وغیرہمخانب: ایڈوائس / جنسڈ اسواننوعیت مقدمہ: اپیل باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے جردی و جواب دی کل کاروائی متعلقہ آن مقام

سجاد احمد عباسی ایڈووکیٹ ایسٹ ایماڈ

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا نیز وکیل صاحب

موصوف کو کرنے راضی نامہ و تقررات و فیصلے برصفت دوسرے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء

وصول چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور

کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مفاد صاحب گالونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار

بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پر داخہ مجھ کو منظور

قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ اتوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔

نیز بھتیا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف

پابند ہوں گے کہ جردی مقدمہ مذکورہ کریں اور اگر مفاد مقرر کردہ میں کوئی جزو بھتیا ہو تو وکیل صاحب موصوف

مقدمہ کی جردی کے پابند ہوں گے۔ نیز درخواست براد استجارت باش بصیغہ مفلسی کے دائر کرنے اور اس کی

جردی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

مقام: ایسٹ ایماڈالرقوم: 24/08/2018Accepted.
24/08/18

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR.

Appeal No. 1058/2018

Jamshed AwanAppellant

VERSUS

Government of Khyber Pakhtunkhwa & Others..... Respondents

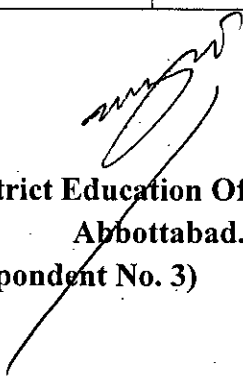
SERVICE APPEAL

Joint Para Wise Comments on behalf of Respondents

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1	Comments alongwith affidavit.	01 to 04	

Dated: 02/04/2019


District Education Officer (M)
Abbottabad.
(Respondent No. 3)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Appeal No. 1058/2018

Jamshed AwanAppellant

VERSUS

Government of Khyber Pakhtunkhwa & Others..... Respondents

SERVICE APPEAL

Joint Para Wise Comments on behalf of Respondents

Respectfully Sheweth:-

Comments on behalf of respondents are submitted as under:-

PRELIMINARY OBJECTION:-

1. That the appellant has no cause of action to file the instant appeal.
2. That the appellant has no locus standi to file the present appeal.
3. That the appellant did not come to this Honorable Tribunal with clean hands.
4. That the present appeal has been filed to pressurize and blackmail the respondents.
5. That instant appeal is hopelessly time barred hence, liable to be dismissed.
6. That the instant appeal is not maintainable in its present form hence, liable to be dismissed.
7. That the appellant has suppressed the material facts from this Honorable Tribunal, hence, not entitled for any relief and appeal is liable to be dismissed without any further proceeding.
8. That the respondents seek leave of this Honorable Tribunal to raise additional points at the time of arguments.

Factual objections:-

1. That the Para No. 1, of the instant service appeal relates to record of the appellant hence, need no comment.
2. That the Para No. 2, of the instant service appeal is correct.
3. That the Para No. 3, of the instant service appeal is also relates to the academic record of the appellant hence, need no comment.
4. That the Para No. 4, of the instant service appeal also relates to the record.
5. That the Para No. 5, of the instant service appeal also relates to the record.
6. That the Para No. 6, of the instant service appeal also relates to the record.
7. That the Para No. 7, of the instant service appeal also relates to the record.
8. That the Para No. 8, of the instant service appeal also relates to the record.
9. That the Para No. 9, of the instant service appeal is subject to cogent proof.


10. That the Para No. 10, of the instant service appeal also relates to the record.
11. That the Para No. 11, of the instant service appeal as composed is incorrect hence, denied as appellant was involved in sexual harassment and all the allegations have been proved against the appellant.
12. That the Para No. 12, of the instant service appeal relates to record and appellant was suspended vide letter No. 13167-71 dated 25-11-2017. (Copy of suspension letter dated 25-11-2017 has already been annexed with the service appeal of the appellant as annexure "D").
13. That the Para No. 13, of the instant service appeal pertains to record.
14. Correct.
15. Correct.
16. Correct.
17. That the Para No. 17, of the instant service as composed is incorrect hence, denied as no inquiry was conducted by the said Principal.
18. That the Para No. 18, of the instant service appeal it is submitted that the previous inquiry was not conducted in the prescribed manner hence, regular inquiry was constituted vide Notification No. 14704-8 dated 31-12-2017 and charge sheet and statement of allegations were served upon the appellant. (Copies of the same have already been annexed with the service appeal as annexure "F", "G" respectively).
19. That the Para No. 19, of the instant service appeal is correct to the extent of issuance of charge sheet & statement of allegations while rest of the para as composed is incorrect hence, denied as inquiry committee has no mandate whatsoever to issue the charge sheet & statement of allegations as it is the sole ambit of the competent authority.
20. That the Para No. 20, of the instant appeal relates to record.
21. That the Para No. 21, of the instant appeal is also relates to record.
22. That the Para No. 22 of the instant appeal as composed is incorrect hence, denied.
23. Correct.
24. Correct.
25. Correct.
26. In reply to Para No. 26, it is submitted that all the allegations levelled against the appellant have been proved through the regular inquiry and after observing all the due process of Law the Major Penalty of "REMOVAL FROM SERVICE" was imposed upon the appellant vide order No. 5091-96 dated 28-04-2018. (Copy of Order dated 28-04-2018 has already been annexed with the service appeal as annexure "L").
27. That the Para No. 27, of the instant appeal relates to record.
28. That the Para No. 28, of the instant appeal is also relates to record.

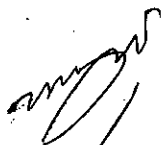
29. That the Para No. 29, of the instant appeal as composed is incorrect hence, denied as order dated 28-04-2018 was issued after fulfillment of all the codal formalities.


GROUNDS:-

- a. That ground a, as composed is incorrect hence, denied as comprehensive reply has already been given in Para No. 18 of the Factual Objections.
- b. That ground b, as composed is incorrect hence, denied as all the allegations have been proved against the appellant.
- c. That ground c, as composed is incorrect hence, denied complete reply has been given in preceding paras.
- d. That ground d, as composed is incorrect hence, denied.
- e. That ground e, as composed is incorrect hence, denied.
- f. That ground f, of the instant service appeal as composed is incorrect hence, denied as complete reply has already been given in Para No. 18 of the Factual Objections.
- g. That ground g, as composed is incorrect hence, denied.
- h. That ground h, as composed is incorrect hence, denied.
- i. That ground i, as composed is incorrect hence, denied.
- j. That ground j, as composed is incorrect hence, denied.
- k. That ground k, as composed is incorrect hence, denied.
- l. That ground l, as composed is incorrect hence, denied.

It is, therefore, very humbly prayed that in the light of forgoing comments the service appeal in hand may graciously be dismissed with cost throughout.


Secretary
E&SE Khyber Pakhtunkhwa
Peshawar.
(Respondent No.1)


District Education Officer (M)
Abbottabad.
(Respondent No.2)


Director
E&SE Khyber Pakhtunkhwa
Peshawar.
(Respondent No.3)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR.

Appeal No. 1058/2018

Jamshed AwanAppellant

VERSUS

Government of Khyber Pakhtunkhwa & Others..... Respondents

SERVICE APPEAL

Joint Para Wise Comments on behalf of Respondents

AFFIDAVIT

I, Mr. Qazi Tajjamal Hussain, District Education Officer (M) Abbottabad, do hereby affirm and declare on oath that the contents of forgoing comments are correct and true according to the best of my knowledge and belief and nothing has been suppressed from this Honorable Tribunal.


DEPONENT

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Jamshed Awan

VERSUS

Gov't of K.P.K & Others.

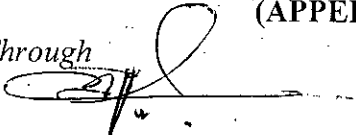
SERVICE APPEAL
REJOINDER ON BEHALF OF APPELLANT TO THE
COMMENTS FILED BY RESPONDENTS

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...JAMSHED AWAN
(APPELLANT)

Through 

SAJJAD AHMED ABBASI,
ADVOCATE HIGH COURT,
ABBOTTABAD.

DATED: 17/06/2019

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Jamshed Awan

VERSUS

Gov't of K.P.K & Others.

SERVICE APPEAL
REJOINDER ON BEHALF OF APPELLANT TO THE
COMMENTS FILED BY RESPONDENTS

RESPECTFULLY SHEWETH:

That the rejoinder on behalf of Appellant is as under;

That the Appellant, on the basis of an enquiry report conducted against appellant was removed from service on 21-03-2018 based on a criminal case bearing F.I.R No. 598 dated 21-11-2017. The case F.I.R No. 598 dated 01-11-2017 was put in Court on 04-07-2018 and on 25-09-2018 the APP representing the state withdrew the prosecution against the appellant/ accused and the accused/appellant was discharged from the Case F.I.R No. 598 dated 01-11-2017.

Copies are annexed as annexure "A".

REPLY TO PRELIMINARY OBJECTIONS:

1. Para No. 1 is not correct. Appellant has got cause of action to file the titled appeal.

2. Para No. 2 is not correct. Appellant being a Civil Servant has got a Locus Standi to file the titled Appeal.
3. Para No. 3 is not correct. Nothing has been brought on record by the Respondents to show that the Appellants has not come to this Court with clean hands.
4. Para No. 4 is not correct. The titled appeal has been filed to get the Legal Rights.
5. Para No. 5 is not correct. The Appeal is within time.
6. Incorrect. No other forum for filing the Appeal has been shown by the Respondents.
7. Incorrect. What material facts has been suppressed the comments are silent. Appellant is entitle for the relief claimed.
8. Incorrect. The Respondents had got no legal right to take the Appellant in surprise.

REPLY OF FACTUAL OBJECTIONS:

1. Para No. 1 needs no reply.
2. Para No. 2 needs no reply.
3. Para No. 3 needs no reply.

4. Para No.4 needs no reply.
5. Para No. 5 needs no reply.
6. Para No. 6 needs no reply.
7. Para No. 7 needs no reply.
8. Para No. 8 needs no reply.
9. In reply to Para No. 9 it is submitted that there is no boarding house in School, therefore not only Appellant but the whole teaching staff after School hours go to their homes and the house of Appellant is at Abbottabad.
10. Para No. 10 needs no reply.
11. Para No. 11 is not correct. Very vague allegations of alleged harassment were leveled against the Appellant and as there was no proof hence the prosecution was withdrawn. Copy is already annexed.
12. Para No. 12 of Appeal is correct.
13. Para No. 13 needs no reply.
14. Para No. 14 needs no reply.
15. Para No. 15 needs no reply.

16. Para No. 16 needs no reply.

17. Para No. 17 of comments is not correct whereas of Appeal is correct.

18. In reply to Para No. 18 it is submitted that both the paras of comments i.e.

17 and 18 are self-contradictory. In Para No. 17 the contention of Respondents is that no enquiry was conducted. But in Para No. 18 the contention of Respondents is that previous enquiry was not conducted in prescribed manner. The fact is that in the enquiry as mentioned in Para No. 17 of the Appeal the charges levelled against the Appellants were found baseless by Enquiry Officer. The notification dated 31-12-2017 for conducting another enquiry is based on malafide and the Respondents have concealed the findings of the Enquiry conducted by Mr. Abdul Rasheed Sb Principal G.H.S Bagnotar with malafide intention. It is also added that the Enquiry Report on the basis of which the Appellant has been removed from service is based on surmises and conjectures.

19. Para No. 19 of Appeal is correct.

20. Para No. 20 needs no reply.

21. Para No. 21 needs no reply.

22. Para NO. 22 of Appeal is correct.

23. Para No. 23 needs no reply.

24. Para No. 24 needs no reply.

25. Para No. 25 needs no reply.

26. In reply to Para No. 26 it is submitted that on the basis of alleged allegations an F.I.R was also lodged against the Appellant and the Respondents without waiting for the result of trial removed the Appellant from service. In the enquiry as stated in this Para no allegations were proved against the Appellant.

27. Para No. 27 needs no reply.

28. Para No. 28 needs no reply.

29. Para No. 29 of comments is incorrect whereas Para No. 29 of Appeal is correct.

REPLY OF GROUNDS:

- a. Para No. "a" of the Appeal is correct.
- b. Para No. "b" of the comments is incorrect hence denied.
- c. Para "c" of comments is not correct.
- d. Para "d" of comments is not correct.
- e. Para "e" of comments is not correct.
- f. Para "f" needs no reply. Para No. 18 of comments is in contradiction with rest of the Paras of the comments.

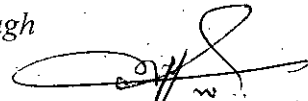
- g. Para "g" needs no reply.
- h. Para "h" needs no reply.
- i. Para "i" needs no reply.
- j. Para "j" needs no reply.
- k. Para "k" needs no reply.
- l. Para "l" needs no reply.

IT IS THEREFORE HUMBL Y PRAYED THAT BY CONSIDERING THE MEMO OF APPEAL AND THE REJOINDER TO THE COMMENTS THE APPEAL BE ACCEPTED.



...JAMSHED AWAN
(APPELLANT)

Through

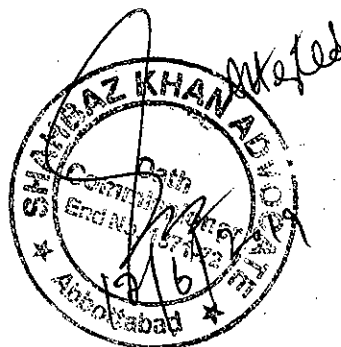


SAJJAD AHMED ABBASI,
ADVOCATE HIGH COURT,
ABBOTTABAD.

DATED: /7/06/2019

AFFIDAVIT

I, Jamshed Awan s/o Muhammad Yunis r/o Rehmat Abad Abbottabad, do hereby solemnly affirm and declare on oath that the contents of foregoing rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this tribunal.




...DEPONENT

IN THE COURT OF ALIYA IHSAN SWATI JUDICIAL MAGISTRATE II/S.30, ABBOTTBAAD

4687

807

مقدمہ نمبر

89/ Order # 01
2417/18

04/07/18

فیصلہ اجیشی

25/09/18

0-2
5.9.18

Handwritten signature

M. Iqbal
5/9/18

No. 89/2/2018

State vs Jamshed Awan

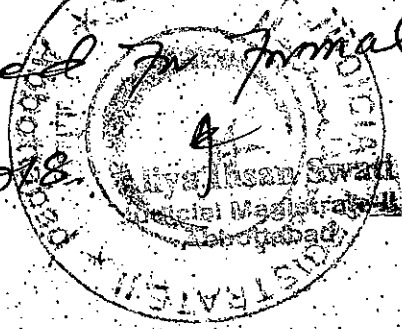
FIR # 598 dated 1-11-17

u/s 377.511 P.S. City

Complete challan submitted by prosecution. Be registered. Notice be issued to the complainant and accused for 05/9/2018

Aliya Ihsan Swati
Judicial Magistrate-II
Abbottabad

APP for the state present. Complainant absent Awan & on bail present. Proven u/s 201 CrPc is complicit with. Notice be issued to complainant. Be fixed for formal charge on 25.9.2018.



25 OCT 2018
EXAMINER
Abbottabad

Order # 03
25.09.2018

Present: Complainant Zafar Iqbal father of the minor namely Zohaib Iqbal.
Accused Jamshed Awan on bail.
Learned APP for the state.

Father of complainant/minor appeared before the court and stated that compromise has been effected with the accused and he and his son does not want to prosecute him anymore.

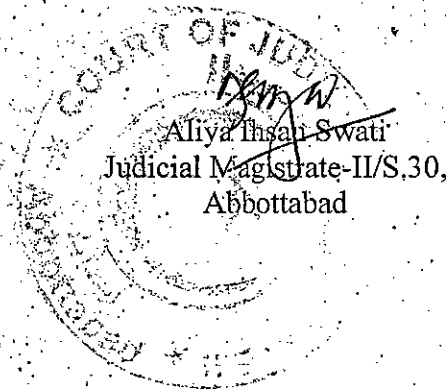
To this effect, father of the complainant recorded his statement that compromise has been effected with the accused and he and his son does not want to prosecute him anymore and expressed no objection if he is acquitted of the charges. He produced compromise deed as Ex-PA and copy of his CNIC EX.PB.

At this stage, learned APP for the state moved the instant application for withdrawal from prosecution u/s 494 Cr.P.C read with section 7 (c) Prosecution Act 2005. ~~Original record received.~~

Since, the offence is not compoundable and charge has not yet been framed but complainant has pardoned the accused and does not want to prosecute him. I believe that, there is no scope for conviction of the accused in the instant case. Hence, permission is hereby granted to withdraw the instant case. Application is accepted and accused Jamshed Awan is hereby discharged. His sureties are relieved of the liabilities. Case property if any be disposed of according to law.

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

Announced in open court
25.09.2018



7
2 OCT 2018
Abbottabad

18644 - 10/10/18

Nil
22/10/18
24-10-18

دلیل سوالات کے جوابات درست نہیں یا بالکل درست نہیں
دیکھنا ہے کہ کیا ہوگا
595
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21
17
فائل کی کاپی

Before The Service Tribunal K.P.K
Camp Court Abbottabad.

Jamshad Awan Versus Govt of K.P.K
and others.

Service Appeal

Application For Adjournment

Respectfully Sheweth;

(Service)
① That the titled ^(Service) Appeal is pending before this Honourable Tribunal which is fixed for Hearing for Today and is at Serial # 16 of the cause List

② That my Counsel Mr. Sajjad Ahmed Abbas Adu is not available today in Abbottabad as he has gone to village to attend Funeral Ceremony of his Close Relative.

It is therefore respectfully prayed that the titled Service Appeal may please be adjourned and date may please be changed

Dated: 22/08/19

Jamshad Awan
Appellant