

Restoration application No. 731/2022

05.01.2023

Counsel for the appellant present.

Riaz Khan Painsdakhel learned Assistant Advocate General
for respondents present.

Learned counsel for the appellant submitted an application
seeking withdrawal of the restoration application as the appellant
has already been in service vide office order dated 12.12.2022.

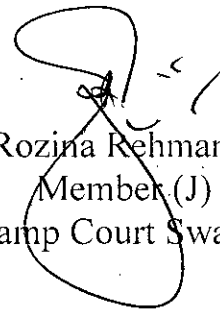
In view of the above, instant restoration application is
hereby dismissed as withdrawn. Parties are left to bear their own
casts. File be consigned to record room.

ANNOUNCED

05.01.2023



(Fareeha Paul)
Member (E)
(Camp Court Swat)



(Rozina Rehman)
Member (J)
(Camp Court Swat)

Before The Hon: Service Tribunal Khyber
Pakhtunkhwa Peshawar.

Akhtar Sher Bache class iv Govt. Middle
School T-sam Kabal Swat — Applicant/Petitioner
versus

- 1) The Secretary Elementary/Secondary Education
K P Peshawar and others — Respondents.

Application for withdrawal miscellaneous
application No-731/2022.

Respectfully Sheweth.

- 1) That the above mentioned application
pending before this Hon: Tribunal
which is fixed for today.
- 2) The Respondent (DEO Maleswot) Swat
issue the re-instate order of the petitioner
with immediate effect (i.e. 12/12/2022)
- 3) The Applicant/Petitioner ~~is~~ ^{to} want ~~the~~
challenge the "intervening period with
out pay under the law in ^{any} legal form.

It is humbly prayed to accept
the application and allow the applicant/
petitioner for withdrawal the misc.
application No-731/2022.

اکhtar شر بچہ

Akhtar Sher Bache — petitioner

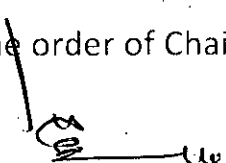
5/01/2022

Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 731 /2022

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	15.12.2022	<p>The application for restoration of Appeal No. 5790/2021 submitted today by Mr. Umar Khetab Advocate. It is fixed for hearing before touring Division Bench at Swat on <u>5-1-2023</u>. Original file be requisitioned. Notices be issued to applicant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR.</p>

*counsel was informed
Tellephonically
on 23/12/22*

✓
SCANNED
KUT
[P... ..]

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHOON KHAWAR PESHAWAR.

Restoration Appli no 731/2022
Miscellaneous Application NO...../2022

1. Akhtar Sher Bacha Class IV Government Middle School Taran Kabal Swat.....Petitioner/Appellant.

Versues.

1.Secretary Elementary and Secondary Education Khyber Pukhoonkhawa Peshawar and othersRespondents.

SCANNED
KPST
Peshawar

INDEX.

S.No. Description of Documents. Annexures. Page.

S.No.	Description of Documents.	Annexures.	Page.
1	Petition/Application		1-2
2	Order sheet dated 08/11/2022	A	3
3	Application to Respondent No.3.		4-5
4	Wakalatnama.		6
5			
6			
7			
8			
9			
10			
11			
12			


Akhtar Sher Bacha.....Petitioner/Appellant

Through Umar Khitab advocate
High Court/ Darul Qaza Swat.

0346 8788774

BEFORE THE SERVICE TRIBUNAL KHYBER
PUKHTOONKHAWA PESHAWAR.
Restoration Appli. No. 731/2022
Miscellaneous application No...../2022

(1)

*Akhar Sher Bacha Class IV Government Middle school
Taran Tehsil Kabal Swat.....Petitioner/Appellant.*

Khyber Pakhtunkhwa
Service Tribunal

VERSUES.

Diary No. 2341

Dated 15/12/2022

1.The Secretary Elementary and Secondary Education
Khyber Pukhtoon Khawa and others.....Respondents.

APPLICATION FOR THE RESTORATION OF SERVICE APPEAL
NO 5790/21 DUE TO THE ORDER OF DATED 08/11/2022
OF THIS HONOURABLE SERVICE TRIBUNAL CAMP COURT
SAIDU SHARIF SWAT.

Respectfully Sheweth,

1.That the applicant/appellant has filed the above service
Appeal No.5790/2021before this Honourable Tribunal.

2.That after fulfilling legal formalities and after submission
of reply by the Respondents the instant Honourable
service Tribunal issue the order on 08/11/2022.

3.That the above mention appeal was disposed of with
the direction to appellant to approach the District
Education Officer Male Swat/Respondent No.3 for
redressed of his grievances the direction were also given
to Respondent No, 3 in open court to disposed of within
the 15 days under the law.(Copy of order sheet dated
08/11/2022 as Annex: A)

4. That the petitioner/appellant has submitted his
application /grievances petition vide diary No. 3442 dated
12/11/2022 which has not yet been decided in the
prescribed period. The direction as mention in order
dated 08/11/2022. The only course for petitioner/
Appellant to approach this Honourable service
Tribunal.(Application as Annex: B)

On acceptance of instant application due to the above mentioned reason/ request the above mentioned appeal No, 5790/2021 may be restored.

اکھتر شیرو باچا

Akhar Sher Bacha.....Petitioner/Appellant.

Certificate.

Certified that the application is correct and all words of the application are true and this kind application not pending before this Honourable Service Tribunal.

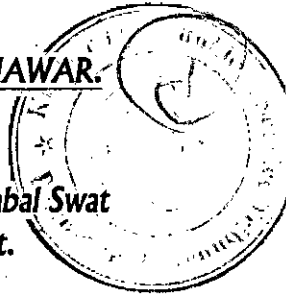
اکھتر شیرو باچا

Akhar Sher Bacha.

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTOON KHAWA PESHAWAR.

5790/2021

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



Versus

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

Dated 02/6/2021

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

PRAYER IN APPEAL.

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

RSSPECTFULLY SHWETH.

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

16/2021

ATTESTED
AMIR
16/2021

Ana A

3


08th Nov, 2022

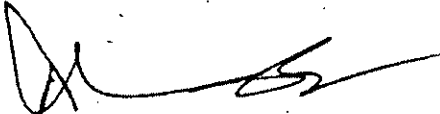
Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Painsdakhel, Assistant Advocate General alongwith Mr. Muhammad Riaz, District Education Officer (Male) Swat for the respondents present.



2. During the course of arguments, a consensus was developed that the appellant might make a fresh application to the District Education Officer (Male) Swat for redressal of his grievances, which if moved would be sympathetically considered and decided within next fifteen days in accordance with law. The appeal is disposed of in the above terms. The appellant is, however, at liberty to approach the court again if after considering his matter by the department, he still feels aggrieved of the same but in accordance with law. Consign.

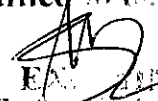
3. *Pronounced in open court in Swat and given under our hands and seal of the Tribunal on this 08th day of November, 2022.*


(Salah Ud Din)
Member (Judicial)
Camp Court Swat


(Kalim Arshad Khan)
Chairman
Camp Court Swat

[Faint, mostly illegible text and lines, possibly a stamp or administrative markings]

Certified to be true copy


Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 28/11/22
Number of Words 800
Copying Fee 16/5
Urgent 4/5
Total 14/5
Name of Customer _____
Date of Submission of Copy 28/11/22
Date of Delivery of Copy 28/11/22

The
District Education Officer (Male)
Secondary Education District Swat.

0004
667
12-11-22

Anx B

(4)

**Subject:- APPLICATION FOR ADJUSTMENT, RELEASE OF PAY
AND ALL OF BACK BENEFITS.**

R/Sir,

1. That the applicant was initially appointed as class IV at GMS Taran Kabal (Now High status) vide appointment order No.3501-02 dated 26/11/2003.
2. That on 29/10/2007 FIR No.454 under Sections 342,353, 120b, 124 A,436, 427 PPC and 3/4 ESA 7ATA was lodged police station Kabal Swat against the appellant. The ATC later on 21/01/2019 discharge the appellant from the FIR.
3. That the Pakistan Army arrested the appellant on 16/2/2009 on the suspicion and baseless allegation of Involvement in the illegal activities after the long period of detention by Pak Army later on dated 16/10/2018 released the appellant.
4. That the appellant after his release submitted an application in good honour ^{for adjustment, Release} ~~for adjustment, Release~~ of pay with effect from 01/10/2009, but in vain.
5. That a show cause notice issued from your office to the appellant vide No. 1842-44 dated 3/10/2019 and the appellant submitted the reply of show cause.
6. That District Education Officer Swat appointed Principal GHSS Kabal Swat and Headmaster GHS kotlai against the appellant as enquiry officers. The Enquiry officer completed their detail enquiry and submitted his enquiry report to your office vide No. 960 dated 19/07/2019. According the enquiry officers after their conclusion they found the appellant as innocent and no charges were proved against

3442
12/11/22

5

the appellant.

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

In the light of Enquiry report, police clearance Certificate and discharge from the Honorable ATC, I Submitted an application by the direction of Honorable Service Tribunal Khyber Pukhtoonkhw Peshawar in your good honor to release the appellant monthly salary from 01/02/2009 and issue the adjustment order in GMS Taran Kabal Swat of the appellant.

اکھتار شہر بشتائی

Yours obedient.

**Akhatar Sher Beshtai GMS Taran
Kabal Swat. Dated 12/11/2022.**

بار کونسل نمبر: 1058-18-16 bc

بار ایسوسی ایشن نمبر: 37-31

رابطہ نمبر: 0345-9524859

ای میل ایڈریس: ۷۷

110995 میریل نمبر:

DBA SWAT DISTRICT BAR ASSOCIATION

SWAT DISTRICT BAR ASSOCIATION

ڈسٹرکٹ بار ایسوسی ایشن سوات

RECEIVED

بعدالت جناب: جسٹس صاحب سروس ٹریڈینگز کی لٹاؤریٹس کورٹ سورت

منجانب: آر پی بلانٹ

دعویٰ اور خواست: منفرد ریفرنس

علت نمبر:

مورخہ:

جرم:

تھانہ:

آختر شہزاد صاحب

ایڈووکیٹ

ایڈووکیٹ

ایڈووکیٹ

باعت حیرانگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے برائے پیروی مقدمہ

آن مقام گلہ: کیلئے عرض خرابی کیلئے کو مقرر کر کے

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

لہذا وکالت نامہ لکھ دیا کہ سند ہے

ایڈووکیٹ

مقام گلہ سروس ٹریڈینگز سورت

Acceptance

ایڈووکیٹ ادخطا:

المرقوم: 10/12/2022