


# FORM OF ORDER SHEET

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

Case No. - \_\_\_\_\_ **224/2023**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/1/2023	<p>The appeal of Mr. Yousaf Shah presented today by Mr. Zafar Ali Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ Parcha Peshi is given to appellant/counsel.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK,  
PESHAWAR.

Service Appeal No. 224 /2023

Yousaf Shah ..... Appellant  
Versus

Secretary to Government of Khyber Pakhtunkhwa, Elementary and  
Secondary Education, Peshawar etc..... Respondents

**I N D E X**

S.No.	Description of documents.	Annexure	Pages.
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Appellant

Yousaf Shah

Dated: 23-01-2023

Through

  
Zafar Ali Khan  
Advocate High Court

03339349442

03139539269

Email: Zafaradv124 Gmail@PK

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK,  
PESHAWAR.

Service Appeal No. 224 /2023

**Yousaf Shah**  
S/o Mian Muhammad Shah  
Govt. Primary School, Maho Dheri Mardan  
R/o Village Bakri Banda, Mardan..... Appellant

Versus

- 1) Secretary to Government of Khyber Pakhtunkhwa, Elementary and Secondary Education, Peshawar.
- 2) District Education Officer, (Male) Mardan
- 3) Director Elementary and Secondary Education, KP, near GHSS No.1, G.T. Road, Peshawar..... Respondents

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Appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, against the impugned Orders dated 09.01.2015 whereby departmental appeal has been filed by the appellant on 02.03.2015 and rejected on 03.12.2015 by the respondent and maintained the order dated 09.01.2015.

Prayer:

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On acceptance of this appeal, the impugned Orders dated 03.12.2015 and 09.01.2015 may kindly be set aside and the appellant may kindly be reinstated in the service alongwith back benefits as per law and rules.

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***Respectfully Sheweth;***

- 1) That the appellant was appointed as PST (Teacher) on 20.04.1999 in the office of Respondent No.2. (Copy of appointment letter attached as Annexure A).
- 2) That the appellant performed his duties honestly and regularly without no complaint.
- 3) That the appellant was charged in FIR No.387 dated 12.06.2013 charged U/S 489F PPC at P.S Saddar Mardan due to which the appellant has not joined the duty in the department. (Copy of FIR is attached as Annexure B).
- 4) That the appellant was suspended due to above mentioned FIR and after acquittal the appellant was re instated in service.
- 5) That after full fledged trial of the criminal case leveled against the appellant, the appellant was acquitted on 12.06.2015 by the competent court of jurisdiction. (Copy of acquittal order is annexure C).
- 6) That the appellant has submitted application for casual leaves which was granted by the competent authority and after completion of casual leaves it was not further extended. Furthermore, due to which departmental proceedings were started.
- 7) That the appellant was removed from service on 09.01.2015 by the respondents without completing legal process from the service. (Order of removal order dated 09.01.2015 is attached as Annexure D).
- 8) That appellant submitted his departmental appeal on 02.03.2015 to respondent which was rejected on 03.12.2015.

(Copy of Departmental Appeal and removal order dated 03.12.2015 is attached as Annexure E).

- 9) That the appellant being aggrieved from the above said orders dated 09.01.2015 and 03.12.2015 beseech indulgence of this Hon'ble Tribunal on the following grounds:-

**GROUND**

- A) That the Orders dated 09.01.2015 and 03.12.2015 passed by the respondent for removal of service of appellant is against the law and service rules, hence untenable in the eyes of law.
- B) That the whole process of removal from service is conducted in the absence of appellant.
- C) That no inquiry statement of allegation and charge sheeted the appellant in his absence and no codal formality was completed by the respondents and removed the appellant from service straightly is against the law and services rules.
- D) That the appellant has been condemned unheard and no opportunity of personal hearing has been provided; which is the requirement of law, justice and equity.
- E) That due to fear of enemies, appellant was unable to attend his office and to perform duties.
- F) That the appellant is a poor person having no other source of income.
- G) That if the appellant is not re-instated then the entire family would suffer from starvation.
- H) That this honorable Service Tribunal has vast powers to re-instate the appellant as being a poor person.


- I) That the brother of the appellant has filed appeal before this Hon'ble Tribunal which was allowed on 10.10.2022 due to which the appellant is entitled to be similarly re instated. (Copy of Order dated 10.10.2022 is attached as Annexure F).
- J) That the delay occurred in this case is due to non payment of loan to the complainant of the above mentioned FIR and the complainant was regularly standing in front of the school where the appellant was performing his duties as a teacher and several time was insulted by the complainant before the students of the school for the demand of his payment.
- K) That the impugned Order has been passed by the respondent as totally void order according to relevant provisions of law and is liable to be set aside.
- L) That any other grounds will be taken at the time of arguments with the kind permission of this Hon'ble Tribunal.

It is therefore, humbly prayed that On acceptance of this appeal, the impugned Orders dated 09.01.2015 and 03.12.2015 may kindly be set aside and the appellant may kindly be reinstated in the service alongwith back benefits as per law and rules.

Appellant 

Yousaf Shah

Dated: 23-01-2023

Through 

Zafar Ali Khan  
Advocate High Court

**AFFIDAVIT**

I, **Yousaf Shah** S/o Mian Muhammad Shah Govt. Primary School, Maho Dheri Mardan R/o Village Bakri Banda, Mardan, do hereby affirm and declare on oath that the contents of the application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

  
Deponent

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK,  
PESHAWAR.

Service Appeal No. \_\_\_\_\_/2023

Yousaf Shah ..... Appellant  
Versus

Secretary to Government of Khyber Pakhtunkhwa, Elementary and  
Secondary Education, Peshawar etc..... Respondents

ADDRESSES OF THE PARTIES

APPELLANT:

**Yousaf Shah**

S/o Mian Muhammad Shah  
Govt. Primary School, Maho Dheri Mardan  
R/o Village Bakri Banda, Mardan.

RESPONDENTS:

- 1) Secretary to Government of Khyber Pakhtunkhwa, Elementary and Secondary Education, Peshawar.
- 2) District Education Officer, (Male) Mardan
- 3) Director Elementary and Secondary Education, KP, near GHSS No.1, G.T. Road, Peshawar




Appellant

**Yousaf Shah**

Dated: 23-01-2023

Through



Zafar Ali Khan  
Advocate High Court

(6)

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK,  
PESHAWAR.

C.M No. \_\_\_\_\_/2023

IN

S.A.No. \_\_\_\_\_/2023

Yousaf Shah ..... Appellant  
Versus

Secretary to Government of Khyber Pakhtunkhwa, Elementary and  
Secondary Education, Peshawar etc..... Respondents

**APPLICATION FOR CONDONATION OF  
DELAY IN THE MAIN APPEAL.**

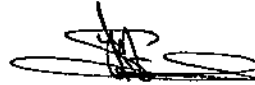
**Respectfully Sheweth:-**

1. That the above titled is being filed before this Honorable Tribunal which has not been fixed for hearing.
2. That the accompanying service appeal may kindly be treated as part and parcel of this application.
3. That the delay occurred in this case is due to non payment of loan to the complainant of the above mentioned FIR and the complainant was regularly standing in front of the school where the appellant was performing his duties as a teacher and several time was insulted by the complainant before the students of the school for the demand of his payment.
4. That the brother of the appellant was also removed from service due to registration of FIR against him and the appeal of the appellant has been allowed and now re instated in service vide Judgment of this Hon'ble Tribunal dated 10.10.2022.



5. That the Order of removal 07.05.2015 is a void order and there is no limitation against the void order.
6. That delay occurred in filing appeal was not intentional but due to the above mentioned reason.

It is therefore humbly prayed that on acceptance of this application the delay if any in filing the appeal may kindly be condoned as per the relevant provisions of law.



Appellant  
**Yousaf Shah**

Dated: 23-01-2023

Through 

Zafar Ali Khan  
Advocate High Court

**AFFIDAVIT**

I, **Yousaf Shah** S/o Mian Muhammad Shah Govt. Primary School, Maho Dheri Mardan R/o Village Bakri Banda, Mardan, do hereby affirm and declare on oath that the contents of the application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



Deponent

1st appointed order S.No I Union Council Mado Dheri

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PRIMARY MARDAN.

APPOINTMENT.

OFFICE ORDER.  
DT: 20.04.1999.

As mentioned in the Test dated 06.03.1999 and Interview held on 08.03.1999 by the Deptt. Selection committee and Merit List prepared according to Govt: Rules. The following P.T.C Trained Candidate are hereby appointed as P.T.C Trained Teachers in BPS-07 (Rs. 1480-81-2695) plus usual allowances as admissible under the rules with effect from the date of taking over charge in the school noted against each in the interest of public Service on the following terms and condition.

S.No.	Name/Father name/Address.	Merit Position.	School Where Posted	Remarks.
<u>OPEN MERIT.</u>				
1.	Anwar Adil S/O Saifur-Rahman R/O Gujar Garhi.	1/RDE/58.02	GPS, Ibrahim Khan Kili.	A.V.P.
2.	Tariq Khan S/O Amir Zada R/O Painde Khan Kati G.	2/RDE/56.68	GPS, Kala Khela	-do-
3.	Taj Muhammad S/O Saadu Din R/O Pir Saddi.	3/RDE/56.66	GPS, Kandar No.1.	-do-
4.	Rahmat Jehad Ali S/O Dilber Khan R/O Jalal	4/RDE/54.74	GPS, Chak Taja	-do-
5.	Rohul Amin S/O Abdullah R/O Katlang.	5/RDE/54.31	GPS, Sher Pur.	-do-
6.	Fazlulah S/O Hidayat R/O Sawal Dher.	6/RDE/54.04	GPS, Sher Pur.	-do-
7.	Ahmad Ali S/O Sher Khan R/O Gujarat.	7/RDE/53.60	GPS, Danda	-do-
8.	Nasrullah S/O Sabir ullah R/O Kalo	8/RDE/53.49	GPS, Hassan Abad (Rustam)	-do-
9.	Ismail Rahim S/O Gul Raheem R/O Dhundia.	9/RDE/53.47	GPS, Murad Abad.	-do-
10.	Habibullah S/O Zardulla R/O Dagai (Mian Essa).	10/RDE/52.98	GPS, Kula Dheri	-do-
11.	Ehsan Muhammad S/O Nazir Muhammad R/O Mehmod Abad.	11/RDE/52.93	GPS, Shago Wand	-do-
12.	Jamshaid Khan S/O Habibur Rahman R/O Takkar	12/RDE/52.80	GPS, Ali (Rustam)	-do-
13.	Arsala Khan S/O Kashmir Khan R/O Pati Kili.	13/RDE/52.80	GPS, Mehmod Abad	-do-
14.	Muhammad Younas Khan Mir Muhammad R/O J/Gazhi.	14/RDE/52.78	GPS, Sokai	-do-
15.	Hazrat Hussain S/O Abdur Rahman R/O Karkanai.	15/RDE/52.77	GPS, Barooh(1)	-do-
16.	Sultan Muhammad S/O Akber R/O Sari Bahlol.	16/RDE/52.55	GPS, Sher Abad	-do-
17.	Tila Muhammad S/O Raheer Khan R/O Dagai.	17/RDE/52.50	GPS, Faqir Shah Koti.	-do-
18.	Rohul Amin S/O Noor Rahman R/O Dalasa	18/RDE/52.31	GPS, Firdus Abad	-do-

**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PRIMARY**  
**MARDAN.**

Appointment.

Office Order.

Date 20.04.1999

Consequent upon in the Education Department dated 08.0.1999 and screening Test dated 06.03.1999 and Interview held on 08.03.1999 by the Deptt: Selection Committee and Merit List prepared according to Govt: Rules. The following PTC Trained Candidate are hereby appointed as P.T.C Trained Teachers in BPS-07 (Rs. 1480-81-2695) plus usual allowances as admissible under the rules with effect from the date of taking over charge in the school noted against each in the interest of public Service on the following terms and condition.

S No	Name/ Father Name/ address	Merit Position	School where posted	Remarks.
<b>OPEN MERIT.</b>				
1.	Anwar Adil S/o Saifur Rehman R/o Gujar Garhi.	1/RDE/58.02	GPS Ibrahim Khan Kili	AVP
2.	Tariq Khan S/o Amir zada R/o Painda Khan Kati G	2/RDE/56.68	GPS Kala Khela	do
3.	Taj Muhammad S/o Saddud Din R/o Pir Saddi.	3/RDE/56.66	GPS Kandar No.1	do
4.	Jehad Ali S/o Diibar Khan R/o Jalal	4/RDE/54.74	GPS Chak Taja	do
5.	Rohul Amin S/o Abdullah R/o Katlang	5/RDE/54.31	GPS Sher Pur	do
6.	Fazlullah S/o Hidayat R/o Sawal Dher	6/RDE/54.04	GPS Sher Pur	do
7.	Ahmad Ali S/o Sher Dad Khan R/o Gujarat.	7/RDE/53.60	GPS Sher Banda	do
8.	Nasrullah S/o Sabir Ullah R/o Kalo	8/RDE/53.49	GPS Hassan Abad Rustam	do
9.	Ismail Rahim S/o Gul Raheem R/o Dhundia.	9/RDE/53.47	GPS Murad Abad	do
10.	Habibullah S/o Zardulah R/o Dagai (Mian Essa)	10/RDE/5298	GPS Kula Dheri	do
11.	Ehsan Muhammad S/o Nazir Muhammad R/o Mehmod Abad.	11/RDE/5293	GPS Shago Wand	do
12.	Jamshaid Khan S/o Habibur Rehman R/o Takkar	12/RDE/5280	GS Ali Rustam	do
13.	Arsala Khan S/o Kashmir Khan R/o Pati Killi.	13/RDE/82.80	GPS Mehmod Abad	do
14.	Muhammad Younas Khan S/o Mir Muhammad R/o I/ Garhi.	14/RDE/52.78	GPS Sokai	do
15.	Hazra Hussain S/o Abdur Rehman R/o Karisanai.	15/RDE/52.77	GpS Barech (1)	do
16.	Sulan Muhammad S/o Ali Akbar R/o Sari Bahlol.	16/RDE/52.55	GPS Sher Abad	do
17.	Tila Muhammad S/o Raeem Khan R/o Dagai.	17/RDE/52.50	GPS Faqir Shah Koti	do
18.	Ruhul Amin S/o Noor Rahman R/o Dalasa	18/RDE/52.31	GPS Firdus Abad.	do



10

- UNION COUNCIL CHAK BAGHDAD.
1. Ajmal Khan S/O Shah Jehan R/O 1/RDE/1998/40.67 GPS, Nari Baja A.V.P. New Mir Alam
  2. Noor Faraz S/O Gulzar R/O 1/AIOU/1996/39.35 GP, Mian Gul Zara-do-Sharif Abad.

- UNION COUNCIL M.C. MARDAN.
1. Muhammad Tariq S/O Muhammad 1/RDE/1995/46.57 GPS, Hoti Anwar R/O Far Hoti. -do-

- UNION COUNCIL CHARGULI.
1. Amraiz Khan S/O Noor Akbar R/O 1/RDE/1996/35.26 GPS, Adina Dheri Khan Abad. -do-
  2. Shad Ali Khan S/O Ghulam Akbar 2/RDE/1997/47.69 GPS, Aman Garh Jafar Abad. -do-
  3. Muhtaj S/O Safdar Khan R/O 3/RDE/1997/41.45 GPS, Aman Garh Jafar Abad. -do-

- UNION COUNCIL BALA GARHI.
1. Saeedur Rahman S/O Sirajur Rahman 1/RDE/1996/44.35 GPS, Atta Muhammad Kili. -do-

- UNION COUNCIL SHAMO ZAI.
1. Abdul Wali Khan S/O Amir Khan 1/RDE/1997/50.48 GPS, Aratona R/O Mata (Atlg) -do-

- UNION COUNCIL LAZA KHAN.
1. Khalid Khan S/O Muhammad Amin 1/RDE/1996/38.96 GPS, Daddar Khan R/O Shankar. -do-

- UNION COUNCIL SARO SHAH.
1. Farid Khan S/O Nadar Khan 1/RDE/1995/28.33 GPS, Ali Haider K; R/O Ghazi Gul Kili. -do-

- UNION COUNCIL CHAK HOTI.
1. Shoukat Ali S/O Mir Akbar 1/RDE/1997/46.16 GPS, Ijara Ki R/O All Dad Khalil Chak noti -do-
  2. Qasim Jan S/O Khushdil Khan 2/RDE/1997/36.65 GPS, -do- R/O Mashin Korona -do-

- UNION COUNCIL PALO DHERI.
1. Aindud Din S/O Rahmanud Din 1/RDE/1996/39.55 GPS, Jalil R/O Palo Dheri. -do-
  2. Khalid Khan S/O Noor Hayat 2/RDE/1996/38.19 GPS, Nari Surang R/O Hamza Koti. -do-

- UNION COUNCIL MAHO DHERI.
1. Yousaf Shah S/O M: Muhammad Shah R/O Bakht Banda. 1/RDE/1997/50.50 GPS, Akbar Abad -do-
  2. Amir Zada S/O Zarif Khan R/O 2/RDE/1997/41.84 GPS, Maho Dheri K. Khazana Dheri. -do-
  3. Aziz Ahmad S/O Abdul Khaliq 3/RDE/1997/33.06 GPS, Sahib Abad. R/O Shahbaz Korona. -do-
  4. Sajeed Gul S/O Akhtar Gul R/O 4/RDE/1998/48.30 GPS, Sari Koragh Khazana Dheri. -do-
  5. Gulab Khan S/O Jalat Khan R/O 5/RDE/1998/46.43 GPS, Abdul Said B: R/O Khaje Rashaka. -do-

BETTER COPY

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Union Council Chak Baghdad.			
1.	Ajmal Khan S/o Shah Jehan R/o New Mir Alam	1/RDE/1998/40.67	GPS Nari Baja AVP
2.	Noor Faraz S/o Gulraz R/o Sharif Abad.	1/AIOU/1996/39.35 GP	Mian Gul zara Do
Union Council M.C Mardan			
1.	Muhammad Tariq S/o Muhammad Anwar R/o Par Hoti	1/RDE/1995/46.57	GPS Hoti -do-
Union Council Chargulli.			
1.	Amraiz Khan S/o Noor Akbar R/o Khair Abad.	1/RDE/1995/35.26	GPS Adina -do-
2.	Shad Ali Kha S/o Ghulam AKbar Jafar Abad	2/RDE/1997/47.69	DHeri Aman -do-
3.	Muntaj S/o Safdar Khan R/o Jafar Abad	3/RDE/1997/41.45	Garh Aman -do-
Union Council Bala Garhi			
1.	Saeedur Rehman S/o Sirajur Rahman R/o Bala Garhi	1/RDE/1996/44.35	GPS Atta -do-
Union Council Shamo Zai			
1.	Abdul Wali Khan S/o Amir Khan R/o Mata (Ktlg)	1/RDE/1996/50.48	Muhammad Killi -do-
Union Council Baza Khan			
1.	Khalid Khan S/o Muhammad Amin Khan r/o Shankar	1/RDE/1996/38.96	GPS Aratona -do-
Union Council Saro Shah.			
1.	Frid Khan S/o Nadar Khan R/o Ghazi gul Killi	1/RDE/1995/28.33	GPS Daddar -do-
Union Council Hoti			
1.	Shoukat Ali S/o Mir AKbar R/o All Dad KHail Chak Hoti	1/RDE/1997/46.16	GPS Alio -do-
2.	Qasim Jan S/o Khushdil Khan R/o Mashin Korona	2/RDE/1997/36.65	Haidar K -do-
Union Council Palo Dheri			
1.	Ainud Din S/o Rahmanud Din R/o Palo Dheri	1/RDE/1996/39.55	GPS Ijara Ki -do-
2.	Khaid Khan S/o Noor Hayat R/o Hamza Koti	2/RDE/1996/38.19	GPS -do- -do-
Union Council Maho Dheri.			
1.	Yousaf Shah S/o M Muhammad Shah R/o Bakr Banda	1/RDE/1997/50.50	GPS Jalil -do-
2.	Amir da S/o ari: Khan R/o Khazana Dheri	2/RDE/1997/41.84	GPS Nari -do-
3.	Aziz Ahmad S/o Abdul Khaliq R/o Shahbaz Korona	3/RDE/1997/33.06	Surang -do-
4.	Sajeed Gul S/o Akhtar Gul R/o Khazana DHeri	4/RDE/1998/4830	GPS Maho -do-
5.	Gulab Khan S/o Jalat Khan R/o Khaja Rashaka	5/RDE/1998/46.43	GPS Sahib -do-
			Abad -do-
			Koragh -do-
			GPS Sari -do-
			Abdul Said B -do-

4

- 1. Malak S/O ... 1/11/1996/46.14. ... Bogar Cen R: A.V.P.
- 2. Qandat Khan S/O Muhammad ... 2/11/1997/46.14. ...

DISCIPLINE

- 1. Muhammad Yaq S/O ... 1/11/1996/46.05. ... Sagar Machi AVP.

TERMS AND CONDITIONS:-

- 1). Their appt. are made purely on merit and liable to termination at any time without assigning any reason or notice.
- 2). In case of resignation they will have to submit one month's prior notice to the department or foreforth one month's pay in lieu thereof to the Govt.
- 3). They are required to produce health and age Certificate from M/S D.H. hospital ... before taking over charge.
- 4). The original Certificate i.e. .../professional should be checked before handing over charge by SHO (concerned).
- 5). They shall be governed by such service discipline and conduct rules have been or may be prescribed there after by the Govt. of ...
- 6). They should not be allowed to take over charge in case of their age are less than 18 years and above 33 years.
- 7). If they fail to take over charge of the post within 15 days on the issue of this order their order will be cancelled.
- 8). The SHO may not release their pay unless their certificate are verified from the quarter concerned.
- 9). No T.D. is allowed being 1st appt.
- 10). The teachers appointed on Union Council merit shall not be transferable out of Union Council area till the completion of atleast (7) seven years service in the respective Union Council.

Note: In case of wrong record of Union Council in application form the appointment will be liable to termination with pay notice.

(Sd/-) ...  
DISTRICT EDUCATION OFFICER,  
(Sd/-) ...

Order no. 1134-1274/Dt: 20.04.1999/1229  
Copy forwarded to them:-

- 1. The Director Primary Education ...
- 2. P.S. to Secretary Education ...
- 3-4. The sub-iv: education officer (p) ...
- 5-6. The District accounts officer ...
- 7. The SHO (accounts) / SHO ( ...)
- 8. Candidate concerned.

A.F.  
Nazeerullah  
Assistant.

(Sd/-) ...  
DISTRICT EDUCATION OFFICER  
(Sd/-) ...  
29/4/99

BETTER COPY

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Union Council Tangi					
1.	Malag S/o Abdul Qadar R/o Salim Aman Dheri	1/RDE/1996/53.40	GPS	Sogar	AVP
2.	Mandat Khan S/o Muhammad Jan r/o Jamrod	2/RDE/1997/46.14	GPS (Sic)	Ganf	-do-

Disable

1.	Muhammad Ayaz S/o Karam KHal G D Zai	1/RDE/Dis/1998 48.05	GPS	Aagra Machi	AVP
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Terms and Conditions

1. Their apptt are made purely on Tem basis in liable to termination at any time without assigning any reason or notice.
2. In case of resignation they will have to submit one months prior notice to the department or forfeit one months pay in lieu thereof to the Govt.
3. They are required to produce Health and age certificate from M/S DHQ Hospital Mardan before taking over charge.
4. The original certificate i.e. read professional should be checked before heading over charge by SLEO (Concerned).
5. They shall be governed by such service discipline and conduct rules have been or may be prescribed there after by the Govt of NWFP.
6. They should not be allowed to take over charge in case of their age are less then 18 years and above 33 years.
7. If they fail to take over charge of the post within 15 days on the issue of this order their order will be cancelled.
8. They SDEO may not reels their pay unless their certificate are verified from the quarter concerned.
9. NO TA/DA is allowed being 1<sup>st</sup> appt:
10. The teachers appointed on Union Council merit shall not be transferable out of Union Council area till the completion of atleast 7 seven years service in the respective Union Council

Note: In case of wrong record of U C inn application Form the appointment will be liable to termination with any notice.

Faiza Rasheed  
District Education Officer  
Male Primary Mardan

Endst No. 1184-1274/Dt 2004.1999/1999

Copy forwarded to the:-

1. The Director Primary Education NWFP Peshawar.
2. PS to Secretary Education NWFP Peshawar.
3. The sub iv education Officer (M) Mardan/ Takht Bhai.
4. The Distirct Accounts Officer Mardan.
5. The ADEO (Accounts) ADEO () Mardan
6. Candidate Concerned.

District Education Officer  
Male Primary Mardan

1	تاریخ	15/12/2012
2	مقام	لاہور
3	مقام	لاہور
4	مقام	لاہور
5	مقام	لاہور
6	مقام	لاہور

ابتدائی اطلاع یہ درج کردہ منتخب شدہ افراد کے نام ہیں جن کے بارے میں

مقامی طور پر اطلاع دی گئی ہے۔

1. محمد علی احمد (پیدائشی نام محمد علی احمد) جو کہ ایک معروف شخصیت ہے۔

2. محمد علی احمد (پیدائشی نام محمد علی احمد) جو کہ ایک معروف شخصیت ہے۔

3. محمد علی احمد (پیدائشی نام محمد علی احمد) جو کہ ایک معروف شخصیت ہے۔

4. محمد علی احمد (پیدائشی نام محمد علی احمد) جو کہ ایک معروف شخصیت ہے۔

5. محمد علی احمد (پیدائشی نام محمد علی احمد) جو کہ ایک معروف شخصیت ہے۔

6. محمد علی احمد (پیدائشی نام محمد علی احمد) جو کہ ایک معروف شخصیت ہے۔

محمد علی احمد  
Nadla Petrol Adrenaline  
High Court  
Dist. Court Mar...  
لاہور



Handwritten text in Urdu script, appearing to be a list or record. The text is heavily obscured by noise and grain. Some legible fragments include:  
11-06-2013  
12/10/05

Additional handwritten text in Urdu script at the bottom of the page, also obscured by noise. Some fragments are visible:  
...  
...  
...

ابتدائی اطلاع رپورٹ

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

ضلع مردان

تھانہ صدر

تاریخ وقت وقوع 20.12.2012 بوقت دن

نمبر 387

۱-	تاریخ و وقت رپورٹ 11.06.013 وقت چا کیدگی 12.6.013 وقت 11.00 بجے
۲-	نام سکونت اطلاع دہندہ مستغیث حاجی خانزادہ ولد شہزادہ ساکن نیومیان گل کلع حسین آباد مردان
۳-	مختصر کیفیت جرم (معد دفعہ) حال اگر کچھ لیا گیا ہو۔ PPC 489F
۴-	جائے وقوعہ فاصلہ تھانہ سے اور سمت بیشک مدعی واقع دیہہ نیومیان گل کلع
۵-	نام سکونت ملزم سلیم شاہ ۲- یوسف شاہ سید احمد شاہ پسران میاں ممد شاہ ساکنان بکری بانڈہ
۶-	کاروائی جو تفتیش کے متعلق کی گئی اگر اطلاع کرنے میں توقف ہوا تو وجہ بیان کرہ تحریری درخواست پر مقدمہ رجسٹر کیا جاتا ہے
۷-	تھانہ سے روانگی کی تاریخ و وقت برسبیل ڈاک

ابتدائی اطلاع نیچے درج کرو۔

مستغیث مندرجہ خانہ نمبر ۲ نے ایک تحریری درخواست لا کر پیش کی جسکا متن ذیل ہے۔ بخدمت جناب SHO صاحب تھانہ صدر مردان۔ جناب عالی گزارش کی جاتی ہے کہ من ساکن خانزادہ ولد شہزادہ سکنتہ نیومیان گل کلع حسین آباد مردان نے مسمی سلیم شاہ یوسف شاہ اور سید احمد شاہ پسران میاں محمد شاہ سکنتہ رڈ بکری بانڈہ کے ساتھ پراپٹی کا کاروبار کیا ہے۔ ساکن نے مذکورہ بالا افراد سے چار سده روڈ پر تقریباً 19 کنال زمین خریدی تھا جو کہ مبلغ -/54000000 (پانچ کروڑ چالیس لاکھ روپے) پر سودا ہوا تھا اور سودا کا شامپ نوٹو اسٹیٹ درخواست کیساتھ کی ہے مگر مقررہ وقت پر ساکن کو نہ قبضہ دیا تھا اور نہ انتقال کا ہی بمقام نیوی میاں گل کلع جس پر جرگہ ممبران میر عالم خان ولد خان گل اور منظور حسین نے 20.12.2012 نے یہ فیصلہ کیا ہے کہ مزکورہ بالا افراد ساکن کو مورخہ 20.05.2013 پر تمام رقم مبلغ -/40000000 روپے (آٹھ کروڑ چالیس لاکھ روپے) دینے کا پابند ہونگے جس یہ مزکورہ بالا افراد نے ساکن کو نقدی رقم مبلغ /62200000 روپے اور مبلغ -/20240000 کا زمین واپس کر دیا ہے اور مبلغ -/55400000 کے چار عدد جبکہ بنام سلیم شاہ کے لئے چیک 357285 مورخہ 202.05.13 مبلغ -/20000000 (دو کروڑ روپے) اور دو عدد چیک بنام یوسف شاہ چیک نمبر 5754996/20.5.2013 مبلغ -/94000000 اور چیک نمبر 5754995 مورخہ 01.06.2013 مبلغ -/78600000 روپے اور ایک عدد چیک نمبر 7058186 مورخہ 25.05.2013 مبلغ -/18140000 برائے رقم وصولی کے لئے دئے تھے جو کہ بینک نے Dishonor ہوئے جسکے نوٹو اسٹیٹ بمعہ بینک رسیدات درخواست کیساتھ منسلک

Handwritten signature

ہے چونکہ مذکورہ بالا افراد نے سائل کیساتھ دھوکہ دہی کیا ہے اور سائل کے کاروبار کو تباہ کر دیا ہے لہذا آپ صاحبان کی خدمت میں درخواست کی جاتی ہے کہ مذکورہ بالا افراد کے خلاف FIR درج کرنے کا حکم صادر فرمادیں اور سائل کو انصاف دلائیں تحریر حاجی خانزادہ بقلم خود سکنہ نیومیاں گل نکلے حسین آباد 03459300032 المرقوم 11.06.2013 کارروائی تھانہ پیش کردہ درخواست حرف بہ حرف درج بالا ہو کر بمضمون درخواست سے صورت جرم بالا کا پا کر بقدمہ درج رجسٹر کیا جاتا ہے نقول FIR بمعدہ درخواست لف شدہ و چیک ہائے و سٹامپ پیپر بغرض تفتیش حوالہ انچارج شعبہ تفتیش کئے جاتے ہیں پرچہ گزارش ہے۔ 12.06.2013



Handwritten notes at the top of the page, including "JMIC" and various numbers and dates.



Complete challan put in Court. Be registered. Accused

Sleem Shah in custody produced. Other accused be summoned for 17/7/13

(Syed Mudassir Shah Termizi)  
Judicial Magistrate-I, Mardan.

6-2  
17-7-13

A.P.P. present. Accused Saleem Shah in custody present. Other accused absent. Be summoned again for 27-7-2013.

S. MUDASSIR SHAH  
TERMIZI  
CIVIL JUDGE - JUDICIAL  
MAGISTRATE MARDAN

3  
27/7/13

Accused Saleem Shah in custody produced. Accused Yousaf Shah and Sayed Ahmad Shah are absconding. Statement of DFC Parvez Khan recorded as SW-1 who stated that both the accused named above have gone into hiding and are avoiding their lawful arrest and that there is no hope of their arrest in their near future. In

light of the above statement of the DFC, accused Yousaf Shah and Sayed Ahmad Shah are proceeded against u/s 512 Cr.P.C. evidence is to be recorded in their absence.

Copies of the relevant documents delivered to accused Saleem Shah in compliance with section 241-A Cr.P.C.

To come up for framing of formal charge on 03/8/13.

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10 SEP 2021

Examiner Copying Branch  
Mardan Court Mardan

S. MUDASSIR SHAH  
TERMIZI  
CIVIL JUDGE - JUDICIAL  
MAGISTRATE MARDAN

4  
31/9/13

Case file received on transfer  
with order of District and Sessions  
Judge Muzaffar Ahmad  
Be sent for 12-11-13.

4.12.2013 ✓ All present for the State. Original records of...  
accused said that he is not in attendance. Accused said that he Yusuf Shah  
one day of... of... their... of...  
be... of... of... for 13/11/14  
accused... be... on... Jail.

(Muzaffar Ahmad)

Judicial Magistrate, Mardan

6  
13/1/14

A.P.P. present. Be Yusuf  
Shah and Said Shah present.  
Supplementary challan of the  
above be present. Be  
Salem Shah be sent  
for 27/2/14

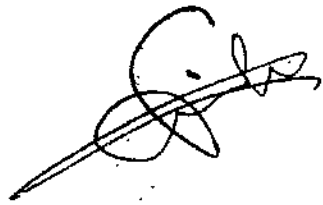
Certified To Be True Copy

Revenue...  
S... ..

0-7  
27.2.14

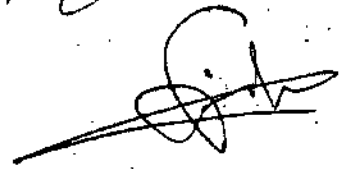
Accused absent - ~~not~~ be  
issued against accused and  
Arrests & Supplementary charges  
of accused. Say of ~~that~~ and  
yourself that be also required  
put up on 12/4/14

3



0-8  
12/4/14

Accused absent previous  
process not received.  
Be repeated for 14/6/14.

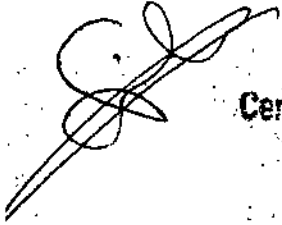


0-9  
10/6/14

A.P.P. mess. ~~at~~ absent  
previous process not received.  
Explanation be called for  
and official. Fresh  
process be called for

Supplementary  
charges of the  
accused & arrested  
& served the receipt  
and place on file.

21-7-14.



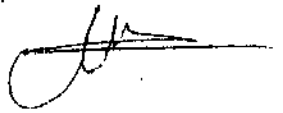
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10 SEP 2021

Examiner Copying Branch  
Session Court Mardan

Note Reader  
21 07 2014

The presiding officer is on causal leave, therefore, adjourned. To  
come up as per preceding order sheet for 17/8/14

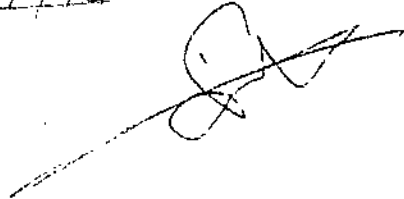


~~Fida Muhammad~~  
JMHC, Mardan

17-08-14

App for the same present. Absence  
absent. Notice is issued against  
same for 13/11/14.

1/0



13/11/14

A PP present  
absent. process not present.  
process be repeated

29/1/15

29-01-15 App present. Absence absent.  
Notice is issued against for 17/3/15  
with notice to his/secretary for

guy mdr

Certified To Be True Copy



29/4/15

Examined by  
Signed by

0-14  
28/4/15

A PP present. Accd are not  
present. Fresh NBWA to be  
(4) ~~see~~ against the accd  
and notice their sentences  
for 27-5-2015.  
Yus  
Mardan

6-10  
27/5/15

A PP present. As per report  
of DFC the accd saleems  
shah and young shah in  
Judicial lock up in some  
other case. They be secured  
through Mardan by fresh  
NBWA be used against  
the remans and for  
11-6-2015  
Yus  
Mardan

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0 SEP 2021

Examiner Copying Branch  
Session Court Mardan



0-16  
11.6.15

Accused Mustin Shah  
not produced. other  
two accused on bail present.  
Complainant present and  
submitted affidavit of  
Compromise. Accused Mustin  
Shah be produced on  
12-6-15

JP  
JM  
man

Order-17  
12.06.2015

Accused Saleem Shah produced in custody. Co-accused Yousaf Shah and Syed Ahmad Shah present on bail. APP for the State present.

Accused facing trial namely Salim Shah, Yousaf Shah and Syed Ahmad Shah sons of Mian Muhammad Shah all residents of Bakri Banda, District Mardan have been charged vice case FIR No 587 dated 12.06.2013 under Section 489-F, PPC of Police Station Saddar, Mardan for commission of the offence.

On the previous date i.e. 11.06.2015 complainant Khanzada son of Shahzada resident of New Mian Gul Kille, Tehsil and District Mardan appeared before the Court and recorded his statement to the effect that he has patched up the matter with the accused facing trial unconditionally, pardoned them unconditionally and have got no objection upon their acquittal. Affidavit of compromise is Es CW 1/2 with copy of his CNIC as Ex CW 1/1.

In view of statement recorded by the complainant, compromise is allowed and accused facing trial stand acquitted from the charge leveled against them in the present case. Accused Saleem Shah is in custody, be released forthwith if not required in any other case of law. Remaining accused on bail, bonds furnished by them are cancelled and sureties

20  
27  
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10/06/2015

Examiner  
Deputy Registrar

(Contd)

19/11

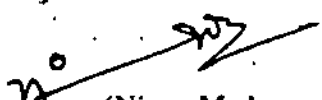
17  
(Contd)

thereunder are absolved from the liabilities towards the bonds. Case property be disposed of according to law after expiry period provided for appeal/revision.

File be consigned to record room after completion and compilation.

Announced:  
12.06.2015

5

  
(Nisar Muhammad Khan)  
Judicial Magistrate, Mardan.  
**Nisar Muhammad Khan**  
Judicial Magistrate, Mardan

Name of Application \_\_\_\_\_  
\_\_\_\_\_

Name of Applicant: محمد علی خان  
No. of Application: 13573  
Date of presentation of application: 30/8/21  
Date of issue of copies: 10/9/21  
Number of copies: P-32  
Court Fees: \_\_\_\_\_  
Urgent Fees: \_\_\_\_\_  
Signed of copyist/Examiner: [Signature]  
Date of Delivery: 10/9/21

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10/SEP 2021  
Examiner Copying Branch  
Session Court Mardan



بازار میں ازان نام: لبرائن صید جو کرائی فیبریک صلاب مریہ کا  
 سیکرٹری سید شاہد حسین صاحب، ۳ سید احمد شاہ، لبرائن صید جو کرائی  
 سائنس کیمپ، باہر، کراچی۔

۳۸۷ روپیہ ۶/۱۳ ۱۲ کیم ۴۸۹۶

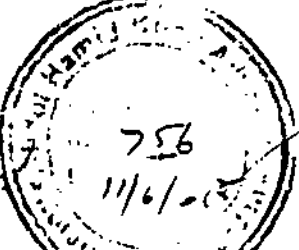
سید عبدالرحمن ولد شہزادہ سید صاحب سید احمد شاہ لبرائن صید جو کرائی  
 صید جو کرائی سائنس کیمپ، باہر، کراچی۔  
 راضی نام ہو گا اور سید صاحب اور سید صاحب لبرائن صید جو کرائی  
 اور سید صاحب لبرائن صید جو کرائی اور سید صاحب لبرائن صید جو کرائی  
 سید صاحب لبرائن صید جو کرائی اور سید صاحب لبرائن صید جو کرائی  
 سید صاحب لبرائن صید جو کرائی اور سید صاحب لبرائن صید جو کرائی  
 سید صاحب لبرائن صید جو کرائی اور سید صاحب لبرائن صید جو کرائی

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10 SEP 2021

Examiner Copying Branch  
 Senior Court Mardan

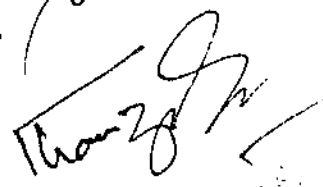
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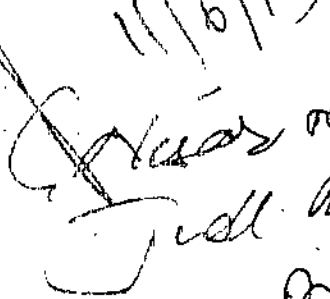


Statement of Complainant namely  
Khanzada S/o Shehzada R/O New Mian Crull Kalay  
Maratan, on oath—

I Khanzada S/o Shehzada my  
CNCR# 16101-1278465-1 which is  
EXC 1/1, charged accused namely Saleem Shah  
Yousef Shah, Saad Ahmad Shah S/O Mian  
Muhammad Shah in case FIR# 387 dated  
12/06/13 u/s. 489 Fpc PS Saddan. & now  
~~effective~~ <sup>revised</sup> compromise have been effected  
~~between~~ ~~part~~ with accused. Compromise deed  
EXC 1/2 which is place on file and I have  
no objection on the acquittal of accused.  
~~Affidavit of Disposal is as per~~

RO for  
11-6-15

  
Khanzada

11/6/15  


Justice Ashraf (Khan)  
Jull. Magistrate,  
Muz.

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11/6/2015  
Evaluation Officer  
Section 108/109



11/6/15  
16101-1278465-1  
Khanzada S/o Shehzada R/O New Mian Crull Kalay Maratan

1914

*Disciplinary*  
*2/16*

Sub Divisional Education Officer  
(male) Primary Mardan.

NO 1000 / Re-Instatement

Dated 9/6/2014

*114*

To ✓

The District Education Officer  
(male) Mardan.

Subj:- RE-INSTATEMENT/COURT DECISION.  
Name.

(11)

Reference your Office no.6744-43 dated 22.06.13.  
The Original application along with S/Book & Court decision  
of Mr. Asad Mardan; Session Judge-II Mardan is R/o Mr. Iqbal Shah I  
GPS nahabat Asad Mardan is sent herewith for the above mentioned sus-  
p-

So, it is therefore requested that the applicant may please  
be re-instated in service from the date of suspension i.e. 12.6.2013,  
in his own Post at the same school.

Encl; As: 1. Application  
2. S/Book  
3. Court Decision etc.

*M. G. Ghalib*  
07/6/2014  
Sub Divisional Education Officer  
(n) Primary Mardan.

Endst: NO

Copy to the:-  
1. Head teacher GPS nahabat, Abad Mardan.  
2. ASDEO (n) Mardan Khass for information.

Stamp: 2531  
10/6/2014

Sub Divisional Education Office  
(n) Primary Mardan.

BETTER COPY

19/5

Sub Division Education Officer  
(Male) Primary Mardan  
No. 1000/ Re Instatement  
Dated 09.06.2014

To

The District Education Officer  
(Male) Mardan.

Subject: **RE INSTATEMENT/ COURT DECISIONS.**

Memo.

Reference your office No. 6741-43 dated 22.06.13.  
The original application alongwith S/o Book and court decision of  
Hon'ble additional Sessions Judge II Mardan is R/o Yousaf Shah GPS  
Mahabat Abad Mardan is sent herewith for one above mentioned

So, it is therefore requested that the applicant may please be re  
instated in service from the date of suspension i.e. 12.06.2013, in his  
own post at the same school.

Encl As      1. Application  
                  2. S/ Book  
                  3. Court Decision etc.

Sub Divisional Education Officer  
(M) Pry: Mardan.

Endst No. \_\_\_\_\_/-

Copy to the:-

1. Head teacher GPS Mahabat Abad Mardan.
2. ASDEO (M) Mardan Khass for information.

Sub Divisional Education Officer  
(M) Pry: Mardan.

f

19/6

حضرت خانبه ایمن - ڈی۔ ای۔ او (میل) سرحد

غورالہ: درخواست بر او استحقاقی رخصت  
(Earned leave)

خانبه عالیہ!

خود بانی گزارش ہے کہ فوری گھریلو مسائل کی وجہ سے

سے سکول میں اپنے فرائض منصبی ادا کرنے سے قاصر ہے

لہذا گزارش ہے کہ فوری طور پر 10-4-2013

سے 30-5-2013 تک رخصت استحقاقی

عناایت و سہارے مشکور و شکر ہوئے گا موزوں دینے

ظہیر کو از سر نو


\_\_\_\_\_

فوری: یوسف شاہ (PST)  
سی پی ایس حضرت آباد سرحد

تاریخ: 10-4-2013

Endorsement No: 1943

dated: 10/4/13

  
Head Master  
3915, No. 12th Street  
Faisalabad

Note: forwarded to DDO (Male) Primary Market  
for necessary action

  
11/4/13

19/7

Subd (M)

Form 1/2 pl

To ~~22/11/13~~

SUB DIVISIONAL EDUCATION OFFICER (MALE) MARDAN.

NO. 4035 / Re-inst File.

Dated. 21-11-2013.

C

The District Education Officer (Male) Mardan

Subject: - RE-INSTATE IN SERVICE W.E.F 12.06.13

Memo, Reference your office No6741-43 dated 22.06.2013.

Enclosed please find herewith the Original application alongwith S/Book and Court Decision of Additional Session judge-II Mardan in respect of Mr, Yousaf Shah Pst GPS Mahabat Abad Mardan for the above mentioned subject pl.

- Encl; As 1. Application
- 2. S/Book
- 3. Court Decision is attached pl.

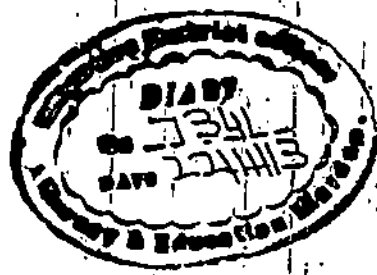
*[Handwritten Signature]*  
21/11/2013

SUB DIVISIONAL EDUCATION OFFICER (MALE) MARDAN

Endust: No \_\_\_\_\_

Copy to the:-

- 1. ASDEO(M) Circle Mardan Khass for information
- 2. Head teacher GPS Mahabat Abad Mardan



SUB DIVISIONAL EDUCATION OFFICER (MALE) MARDAN

*[Handwritten mark]*



Annex D (20)



OFFICE OF THE DISTRICT EDUCATION OFFICER  
(M) MARDAN

OFFICE ORDER

Whereas Mr Yousaf Shah PST C/O Mohabat Abad Mardan remained absent from duty with effect from 01/11/2014 till to date without any permission/information.

Whereas the authorized officer sent an absence notice through registered cover on your home address for the resumption of your duty but came back un-delivered as you were not present.

Whereas for the sake of wide publication of show cause of absence the undersigned further published notices for your duty resumption in daily The MASTROQ dated 19-12-2014 and daily The AAI dated 20-12-2014, but you neither resumed your duty nor replied the show cause and not attended this office for personal hearing as well in the prescribed time.

Now, therefore, the undersigned being the competent authority in exercise of powers conferred in the Efficiency and Disciplinary Rules 1973 revised in 2011, has been pleased to impose the major penalty i.e. Removal from Service upon you Mr. Yousaf Shah PST C/O Mohabat Abad Mardan with effect from the date of your absence i.e. 01.11.2014.

( HANIFULLAH FAROOQI )  
DISTRICT EDUCATION OFFICER (MALE)  
MARDAN.

Encl. No. 199/K / PF Sahib Zada PST.

Dated 9/1 / 2015.

Copy forwarded to the:-

1. P.S. to Secretary E & S Education Khyber Pakhtoon Khwa Peshawar.
2. P.A. to Director E & S Education Khyber Pakhtoon Khwa Peshawar.
3. District Comptroller of Accounts Mardan.
4. Sub Divisional Education Officer (Male) Mardan with the remarks to submit his service book for removal from service entry.
5. Mr. Yousaf Shah PST C/O Head Teacher C/O Mohabat Abad Mardan.

DISTRICT EDUCATION OFFICER (MALE)  
MARDAN

Assume E. (21)

To  
The Director  
Elementary and Secondary Education  
Khyber Pakhtunkhwa Peshawar

**Subject; Appeal for Re-instatement and Cancellation of Termination order of appellant Mr. Yousaf Shah S/o Mian Muhammad Shah PST GPS Muhabat Abad Mardan.**

Respectfully sheweth;

1. That the appellant namely Mr. Yousaf Shah S/O Mian Muhammad Shah PST Teacher GPS Muhabat Abad Mardan from 19/04/1999.
2. That the appellant is punctual and honest to his profession.
3. That the appellant remained absent from his duty from 1.11.2014 due to severe domestic problem and his absentee is not deliberate but due to above mentioned cause.
4. That due to such absentee District Education officer (Male) Mardan issued show cause notice in daily "AAJ" dated 20/12/2014 and later on issued termination order dated 9/1/2015 (copy attached herewith)
5. That because of above mentioned problem appellant submitted his written reply with one day delay on 5/1/2015.
6. That the appellant is punctual, regular and efficient teacher and have clear past record.
7. That the appellant is the only supporter of his family and his termination order will suffer him heavy financial and mental lose.

So it is therefore humbly prayed that the appeal may kindly be admitted and termination order may kindly be cancelled.

Appellant

Yousaf Shah  
PST

S/O Muhammad Shah  
GPS Muhabat Abad Mardan.

Y. Shah

2-3-15



**DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION**  
**KHYBER PAKHTUNKHWA**

**ORDER.**

1. WHEREAS, Mr. Yousaf Shah SPST GPS Muhat Abad Mardan was found absent from this duty w.e.f 01.11.2014 till date and he was proceeded against under the Khyber Pakhtunkhwa Government Servant (Efficiency & Disciplinary) Rules, 2011 for the said charges.
2. AND WHEREAS, the above named PST teacher was charged in criminal case, bearing FIR No.387 dated 12.06.2013 at Police Station Thana Sadaar Mardan.
3. AND WHEREAS, on finalty of proceeding DEO (M) Mardan imposed the major penalty of converting the above period as un-authorized leave from duty and removed from service.
4. AND WHEREAS, consequently he made appeal to the appellat authority Director E&SE vide 973 dated 03.09.2015.
5. NOW THEREFORE, in exercise of powers conferred by the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules.2011. The appellat authority is pleased to reject the appeal of the above PST teacher.

DIRECTOR  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar

Endst: No. 125-27 /F No.141/PST (M) Mardan

Dated Peshawar the 3/12 2015.

Copy forwarded for information and necessary action to the:-

1. District Education Officer (M) Mardan w/r to his No.6314 dated 19.09.2015.
2. Teacher concerned.
3. P/A to Director E&SE, Khyber Pakhtunkhwa, Peshawar.
4. Master File.

Deputy Director (Estb :)  
Elementary & Secondary Edu:  
Khyber Pakhtunkhwa Peshawar.

*[Handwritten Signature]*  
2/12/15

Amir Khan 23



**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

Service Appeal No. 722/2018

**BEFORE: MR. KALIM ARSHAD KHAN CHAIRMAN  
MISS. FAREHA PAUL MEMBER (E)**

Sajid Shah, S/O. Main Muhammad Shah, (Ex. PST), Government  
Primary School, Shamlat Mardao R/O. Village Bakri Banda, District  
Mardan. (Appellant)

**Versus**

1. The Secretary to Government of Khyber Pakhtunkhwa, Elementary  
& Secondary Education, Peshawar.

2. The District Education Officer (Male), Mardan.

3. The Director, Elementary & Secondary Education, Khyber  
Pakhtunkhwa, Peshawar. (Respondents)

Mr. Muhammad Adam Khan For appellant  
Advocate

Mr. Naseer Ud Din Shah For respondents  
Asstt. Advocate General

Date of Institution ..... 25.05.2018  
Date of Hearing ..... 10.10.2022  
Date of Decision ..... 10.10.2022

**JUDGEMENT**

**FAREHA PAUL, MEMBER (E)** The service appeal in hand has  
been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal  
Act 1974, against impugned order dated 07.05.2015, whereby the appellant is  
awarded major penalty of removal from service w.e.f 17.12.2014.

2. Brief facts of the case, as given in the memorandum of appeal, are that  
the appellant was appointed as Primary School Teacher (PST) by the District  
Education Officer (Male), Mardan, (Respondent No. 2) on 29.06.2009 and

**ATTESTED**

ATTESTED

*f*

(PW) (9)

posted in Government High School, Faqir Killi, Mardan. The appellant along with other persons was charged and arrested in a criminal case under Section 489-F PPC vide FIR No. 387 dated 20.12.2012 of Police Station Saddar, Mardan. Resultantly he was placed under suspension by DEO (Male), Mardan vide letter dated 31.01.2014. The DEO (Male), Mardan awarded the appellant with punishment of removal from service vide impugned order dated 07.05.2015, which was never communicated to him. While pursuing the fate of disciplinary case, the appellant came across the impugned order on 01.07.2015 and preferred departmental appeal to Director, Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar (Respondent No. 3) on 19.08.2015. His appeal was rejected vide letter dated 03.12.2015, which was not conveyed to the appellant and he learnt about it on 23.04.2018. Aggrieved from that, the appellant submitted service appeal on 25.05.2018.

3. Respondents were put on notice who submitted written replies/comments on the appeal. We have heard the learned counsel for the appellant as well as the learned Assistant Advocate General and perused the case file with connected documents in detail.

4. Learned counsel for the appellant presented the case in detail and contended that impugned order was void as the appellant was not afforded the right of defense and he was condemned unheard. He argued that the appellant was neither issued a charge sheet and statement of allegations, nor any show cause notice and hence the entire proceedings of removal were against law. He contended that even the impugned order was not sent to the appellant on his residential address, rather the same was sent to the Head Master of his school, who did not convey the same to the appellant. He

**ATTEST**

*[Signature]*  
Assistant Advocate General  
Khyber Pakhtunkhwa  
Service Tribunal

*[Signature]*

(2)

invited the attention to the FIR, through which he was charged mala fide, and later on acquitted by the Judicial Magistrate Mardan vide order dated 12.06.2015. He contended that as the appellant was in judicial lockup, he could not attend to his official duty. He applied for leave, the fate of which was not communicated to him.

5. The learned Assistant Advocate General, on the other hand, contended that after fulfilling of codal formalities the appellant was removed from service vide order dated 07.05.2015. He admitted that removal order was communicated to the appellant through his Head Master. He informed that absence notices were published in daily Mashriq and Daily Express on 12.04.2015. He further contended that proper notices for resuming the duty were issued but the appellant neither personally appeared nor submitted written justification and did not resume his duty as he was ordered. He further informed that after being acquitted from the charges as laid down in FIR against the appellant, he was reinstated in service with effect from the date of his suspension vide order dated 30.05.2014 but he did not resume his duties. He therefore requested for the dismissal of the appeal.

6. After hearing the arguments and going through the record presented before us, it transpires that respondent department placed the appellant under suspension from government service in the light of FIR filed against him till the decision of the court. It would have been in the fitness of the matter that the respondents should have waited for the outcome of the court case before taking any action against the appellant but instead they proceeded against him without fulfilling the procedure as given in Rule-9 of the Government Servants (Efficiency & Discipline) Rules, 1973 and awarded him major penalty of removal from service. Instead of serving the notices at his

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residential address, which was a requirement of the above Rules, the appellant was issued notices on the address of his Head Master/School, which is clear deviation of the provision of Rule-9 of the Rules and thus the impugned action is not sustainable.

7. In view of the facts narrated above, the appeal in hand is allowed and the impugned order dated 07.05.2015 is set aside. The appellant is reinstated into service w.e.f 17.12.2014 with all back benefits. Parties are left to bear their own costs. Consign.

8. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 10<sup>th</sup> day of October, 2022.

  
(KALIM ARSHAD KHAN)  
Chairman

  
(FAREEHA PAUL)  
Member (E)

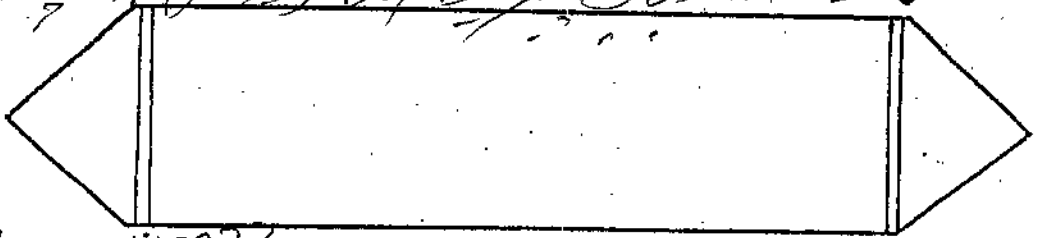
Date of Presentation of Application: 19-10-22  
Number: 1600  
C: 18/1  
U: 18/1  
S: 18/1  
Date of Reception of Copy: 19-11-22  
Date of Delivery of Copy: 19-11-22

Certified to be true copy  
  
SEVER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

**ATTESTED**



بعدالت حبان فیروز کوکری کی درخواست کاروائی ۱۵۱۵



۲۰۲۳ء منجانب اسٹیشن

یوسف نشاہ بنام حکومت

اصول

موزعہ  
مقدمہ  
دعویٰ  
جرم

### باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی دکل کاروائی متعلقہ یوسف نشاہ کیلئے یوسف نشاہ کے نام سے

آن مقام مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر حالتہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور بسورت ڈگری کرنے اجراء اور صولی چیک در و پیہا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل انگریزی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوگی گے۔ کہ پیروی نہ کرے۔ مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

Accepted  
CNIC 220078  
1720

المرقوم

ماہ

واہ العبد

بمقام

کے لئے منظور ہے۔