

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR
AT CAMP COURT SWAT

Service Appeal No. 1214/2019

Date of Institution ... 01.10.2019

Date of Decision ... 05.01.2022

Muhammad Saleem S/O Habib Ullah Khan R/O Tangai China,
Galoch, Tehsil Kabal, District Swat.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary at
Peshawar Secretariat and four others.

... (Respondents)

MR. SAID KARIM SHALMAN,
Advocate

--- For appellant.

MR. MUHAMMAD ADEEL BUTT,
Additional Advocate General

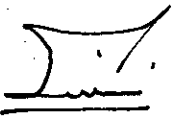
--- For respondents.

MR. SALAH-UD-DIN
MR. MIAN MUHAMMAD

--- MEMBER (JUDICIAL)
--- MEMBER (EXECUTIVE)

JUDGEMENT:

SALAH-UD-DIN, MEMBER:-



Precisely stated the facts as alleged by the appellant in his appeal are that he was appointed as Primary School Teacher vide appointment order dated 09.04.1995. During the course of his service, the appellant was taken into custody by Pak Army on the basis of false and frivolous information and while in custody of Pak Army, the appellant was falsely charged in Case FIR No. 71 dated 04.10.2009 under sections 302/451/148/149 PPC read with 7-ATA registered at Police Station Kabal District Swat. The appellant remained in custody till 26.05.2016 and was ultimately

discharged on 03.08.2016. Upon release of the appellant, he approached the Headmaster of Government Primary School Golden Tehsil Kabal District Swat and submitted his arrival report for resuming of his duty but he was informed that he had been dismissed/terminated from service. The appellant submitted applications on 13.07.2016 as well as 07.09.2016 for his reinstatement/restoration of his service but in vain, therefore, the appellant filed Writ Petition No. 35-M/2018 in the august Peshawar High Court, Mingora Bench (Dar-ul-Qaza) Swat. Vide judgement dated 30.04.2019, the Writ Petition of the appellant was transmitted to District Education Officer (Male) Swat for treating the same as representation and to decide the same within a period of 30 days. It was also observed in the aforementioned judgement that if the appellant still feels aggrieved of the order of DEO, he may approach the Khyber Pakhtunkhwa Service Tribunal in accordance with law for redressal of his grievance. In the light of aforementioned judgement of august Peshawar High Court, Mingora Bench (Dar-ul-Qaza) Swat, an order dated 31.05.2019 was passed by District Education Officer (Male) Swat, whereby the appellant was allowed to resume his duty, however the intervening period with effect from 08.09.2009 till 30.05.2019 was treated as leave without pay. The appellant being partially aggrieved from the order dated 31.05.2019 to the extent of treating of the intervening period as leave without pay, assailed the same through filing of departmental appeal, which was not responded, hence the instant service appeal.

2. Notices were issued to the respondents, who submitted their comments, wherein they denied the assertions made by the appellant in his appeal.
3. Learned counsel for the appellant has contended that it is an admitted fact that the absence of the appellant from duty was not due to any fault of the appellant, rather he was in custody of Pak Army; that the appellant was ultimately discharged in the criminal case registered against him; that

no departmental action was taken against the appellant and in view of his ultimate discharge in the criminal case, the appellant is to be considered on duty during the intervening period, therefore, the respondents were legally not justified in depriving the appellant of the back benefits. Reliance was placed on 2021 SCMR 962 and 2007 SCMR 537.

4. On the other hand, learned Additional Advocate General for the respondents has contended that the appellant did not perform any duty with effect from 08.09.2009 till the passing of the impugned order dated 31.05.2019, therefore, the competent Authority has rightly treated the said period as leave without pay on the principle of no work no pay; that the impugned order is in accordance with law, therefore, the same may be kept intact and the appeal in hand may be dismissed with costs.


5. We have heard the arguments of learned counsel for the appellant as well as learned Additional Advocate General for the respondents and have perused the record.

6. A perusal of the record would show that a scrutiny committee was constituted for dealing with the case of the appellant. Annexed with the comments of the respondents is report dated 30.05.2019 of the scrutiny committee, which was headed by the District Education Officer (Male) Swat as its Chairman. According to findings of the scrutiny committee, it is an admitted fact that the appellant remained in custody of Law Enforcing Agency till 26.05.2016, who was ultimately discharged in the criminal case registered against him. Similarly, the Headmaster of the concerned school has issued a verification certificate, affirming the fact that the appellant had remained in custody of Pak Army from 08.09.2009 till 26.05.2016. It is also an admitted fact that after release of the appellant, he had timely approached the Headmaster of the concerned school for resumption of his duty but he was not allowed to resume his duty. Nothing is available on the record which could show that the absence of the appellant from duty was due to any fault of the appellant, rather it is an admitted

fact that he remained in custody of Law Enforcement Agency. Moreover, no departmental action was taken against the appellant, therefore, after allowing the appellant to resume his duty, the competent Authority was legally not justified in treating the intervening period of absence of the appellant from duty as leave without pay. Wisdom in this respect derived from judgement of august Supreme Court reported as 2021 SCMR 962.

7. In light of the above discussion, the appeal in hand is allowed by modifying the impugned order dated 31.05.2019 to the extent of treating the intervening period as leave without pay and it is held that the appellant is entitled to all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
05.01.2022



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)
CAMP COURT SWAT



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

Service Appeal No. 1214/2019

O R D E R
05.01.2022

Appellant alongwith his counsel namely Syed Karim Shalman, Advocate, present. Mr. Bakht Rehman, Litigation Officer alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal in hand is allowed by modifying the impugned order dated 31.05.2019 to the extent of treating the intervening period as leave without pay and it is held that the appellant is entitled to all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
05.01.2022



(Mian Muhammad)
Member (E)
Camp Court Swat



(Salah-Ud-Din)
Member (J)
Camp Court Swat

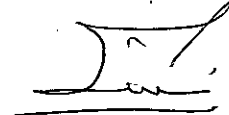
01.11.2021

Appellant in person present. Mr. Hussain Ali, Litigation Officer on behalf of respondents No. 1, 2, 4 & 5 and Mr. Naseeb Khan, Section Officer on behalf of respondent No. 3 alongwith Mr. Riaz Ahmed Paindakhel, Assistant Advocate General present.

Representative of respondents No. 1, 2, 4 & 5 submitted reply/comments of behalf of the said respondents, which is placed on file and copy of the same is handed over to the appellant. Representative of respondent No. 3 stated that he relies on the reply/comments submitted by respondents No. 1, 2, 4 & 5 on behalf of respondent No. 3. To come up for rejoinder, if any, as well as arguments before the D.B on 03.01.2022 at Camp Court Swat.



(Atiq-Ur-Rehman Wazir)
Member (E)
Camp Court Swat

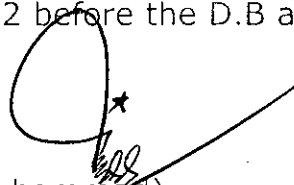


(Salah-Ud-Din)
Member (J)
Camp Court Swat

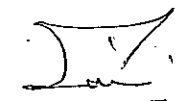
03.01.2022

Appellant alongwith his counsel namely Syed Kareem Shalman, Advocate, present. Mr. Bakht Rehman, Litigation Officer alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Learned counsel for the appellant sought adjournment on the ground that he has not gone through the record due to some domestic engagements. Adjourned. To come up for arguments on 05.01.2022 before the D.B at Camp Court Swat.



(Mian Muhammad)
Member (E)
Camp Court Swat



(Salah-ud-Din)
Member (J)
Camp Court Swat

23.08.2021

Appellant in person and Mr. Muhammad Riaz Khan Paindakhel, Asstt.A.G alongwith Muhammad Aslam D.S, Sultan Shah, Superintendent and Hussain Ali, ADEO for the respondents present.

Representatives of the respondents seek further time to furnish reply/comments. The respondents are directed to submit written reply/comments in office at Peshawar within 10 days, positively at Peshawar. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 01.11.2021 before the D.B, at camp court Swat.

Stipulated period has passed and reply has not been submitted.


Chairman
Camp Court Swat.

P.S

23.09.2021

Learned Addl. A.G be reminded about the omission and for submission of Reply/comments within extended time of 10 days.


Chairman

04.03.2021

Appellant present through counsel. Preliminary arguments heard. File perused.

Points raised need consideration. Admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for reply/comments. To come up for written reply/comments on 3/5/2021 before S.B at Camp Court, Swat.

Appellant Deposited
Security & Process Fee


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

26.07.2021

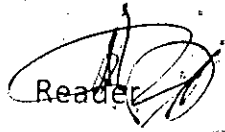
To come up for written reply/comments of respondents No. 1 to 3 on 23.08.2021 before S.B at Camp Court, Swat. Notices be issued to appellant/counsel as well as respondents for the date fixed.


Chairman

S-8-2020

Due to COVID19, the case is adjourned to

9/9/2020 for the same as before.


Reader

09.09.2020

Appellant present in person.

Request for adjournment was made by appellant as his counsel is not available being busy in District Courts Buner, therefore, last chance is given for preliminary hearing before S.B on 05.11.2020 at Camp Court, Swat.

An application for placing on file the verification certificate submitted. Accordingly, its stands placed on file.



Member (J)
Camp Court, Swat

05.11.2020

Appellant in person present.

Lawyers are on general strike, therefore, case is adjourned to 07.01.2021 for preliminary hearing, before S.B at Camp Court, Swat.



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

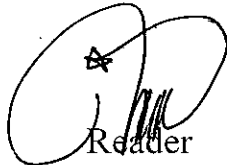
7.1.2021

Due to COVID 19, the case is adjourned to 4.3 - 2021 for the same.



04.06.2020


Due to COVID-19, the case is adjourned. To come up
for the same on 05.08.2020, at camp court Swat.



Reader


09.01.2020.

Appellant in person present and requested for adjournment on the ground that his counsel is not available today due to general strike of Khyber Pakhtunkhwa Bar Council. Adjourned to 05.03.2020 for preliminary hearing before S.B at Camp Court Swat.

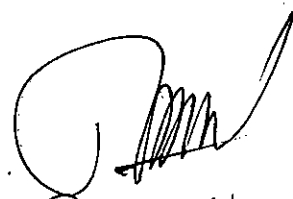

(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

05.03.2020

Learned counsel for the appellant present. Learned counsel for the appellant could not make out the case for the grant of benefits of out of service/absence period of the appellant. Learned counsel for the appellant seeks adjournment to further prepare the brief. Adjourn. To come up for preliminary hearing on 09.04.2020 before S.B at Camp Court, Swat.


Member
Camp Court, Swat.

*Due to corona virus too
to Camp Court Swat has been
cancelled. To come up for the
same on 04-06-20*




Reader

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1214/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01/10/2019	<p>The appeal of Mr. Muhammad Saleem presented today by Said Karim Shalman Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR 01/10/19</p>
2-		<p>This case is entrusted to touring S. Bench at Swat for preliminary hearing to be put up there on <u>7-11-2019</u></p> <p>CHAIRMAN</p>
	07.11.2019	<p>None present on behalf of the appellant. Notice be issued to appellant and his counsel for attendance and preliminary hearing for 05.12.2019 before S.B at Camp Court Swat.</p> <p>(Muhammad Amin Khan Kundi) Member Camp Court Swat</p>
	05.12.2019	<p>Appellant present. Zohaib Hassan Advocate junior to counsel for the appellant present and seeks adjournment on the ground that learned senior counsel for the appellant is not in attendance. Adjourn. To come up for preliminary hearing on 09.01.2020 before S.B at Camp Court, Swat.</p> <p> Member Camp Court, Swat</p>

Camp Court, Swat

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

Service Appeal No. 1214 of 2019

Muhammad Saleem son of Habib Ullah Khan R/o Tangai China, Galoch, Tehsil
Kabal, District Swat.....Petitioner

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary at Peshawar
Secretariat & othersRespondents

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S.#	Description	Annexure	Pages No
1.	Writ Petition along with certificate & list of Books	-	1-6
2.	Affidavit	-	7
3.	Addresses of the parties	-	8
4.	Copies of CNIC, Service Card & appointment order dated 09-04-1995	"A" "B" "C"	9-11
5.	Copy of FIR	"D"	12-14
6.	Copy of discharge 03-08-2016	"E"	15-17
7.	Copy of arrival report	"F"	18
8.	Copies of appellations for reinstatement etc	"G"	19-21
9.	Copies of legal notice & postal receipts	"H"	22-24
10.	Copy of writ petition and order dated 30/04/2019	"I" & "J"	25-32
11.	Copy of order dated 31/05/2019	"K"	33
12.	Copies of departmental appeal, School Teachers attendance Register and postal receipt	"L" & "M"	34-41
13.	Wakalatnama		42

Said Karim Shalman
Advocate High Court



①

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

Service Appeal No. 1214 of 2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1331

Dated 01/10/2019

Muhammad Saleem son of Habib Ullah Khan R/o Tangai China, Galoch,
Tehsil Kabal, District Swat.....Appellant

VERSUS

- (1) Government of Khyber Pakhtunkhwa through Chief Secretary at Peshawar Secretariat.
- (2) Government of Khyber Pakhtunkhwa through Secretary Education Department at Peshawar Secretariat.
- (3) Secretary Finance, Finance Department Khyber Pakhtunkhwa at Peshawar.
- (4) Director Elementary & Secondary Education, Khyber Pakhtunkhwa
- (5) District Education Officer (M) District Swat.

.....**Respondents**

Filed to-day

Registrar

01/10/19

APPEAL AGAINST THE ORDER DATED 31/05/2019

ENDST NO. 4686-90/P.F/M SALEEM/PST/DEO/M OF

RESPONDENT NO.05 TO THE EXTENT OF, THE

INTERVENING PERIOD OF APPELLANT WITH

EFFECT FROM 08/09/2009 TO 30/05/2019 HAS BEEN

TREATED AS LEAVE WITHOUT PAY.

PRAYER:

IT IS THEREFORE HUMBLY PRAYED THAT ON ACCEPTANCE OF THIS INSTANT APPEAL, THE IMPUGNED ORDER DATED 31/05/2019 VIDE ENDST NO. 4686-90/P.F/M SALEEM/PST/DEO/M OF RESPONDENT NO.03 TO THE EXTENT OF TREATING THE INTERVENING PERIOD OF APPELLANT WITH EFFECT FROM 08/09/2009 TO 30/05/2019 MAY KINDLY BE SET ASIDE AND RESPONDENTS BE DIRECTED TO PAY ALL SALARIES BENEFITS ARISING OUT FROM THE INTERVENING PERIOD OF APPELLANT WITH EFFECT FROM 08/09/2009 TO 30/05/2019 TO PETITIONER.

ANY OTHER RELIEF NOT SPECIFICALLY PRAYED BUT THIS AUGUST COURT DEEMS PROPER MAY ALSO BE GRANTED.

Respectfully Sheweth:

Facts;

1. That the appellant is the permanent resident of Tangai China, Galoch Tehsil Kabal, District Swat and has been appointed as Primary School Teacher vide appointment order dated 09-04-1995. (Copies of CNIC, Service Card & appointment order dated 09-04-1995 are attached herewith as Annexure "A" "B" & "C")
2. That during service some false, frivolous information were provided to the Local Pakistan Army men on the basis of such information

appellant remain under the custody of the local Pakistan Army from 08-09-2009 to 26-05-2016, during the detention with the Pakistan Army appellant was booked in a false, baseless and frivolous FIR No. 71 dated 04-10-2009 under sections 302-451-148-149 PPC 7-ATA Police station Kabal, District Swat. (Copy of FIR is attached as Annexure "D")

3. That appellant has been released on bail by the Anti Terrorism Court Malakand Division at Gulkada Swat and thereafter petitioner has been discharged from the criminal case mentioned above vide order dated 03-08-2016. (Copy of discharge order dated 03-08-2016 is attached as Annexure "E")
4. That after release from the competent court of law, appellant went to Government Primary School Golden Tehsil Kabal District Swat and submitted his arrival report. but appellant was orally informed that he has been dismissed / terminated from his service. (Copy of arrival report is attached as Annexure "F")
5. That appellant has time and again requested respondent No. 5 to provide written order of his dismissal / termination of his service, but in vain, therefor appellant filed applications on 13/07/2016 and 07/09/2106 for reinstatement / restoration of service petitioner and to pay / release all unpaid salaries, but again in vain. (Copies of application for reinstatement etc are attached as Annexure "G")
6. That thereafter appellant served respondents with a legal notice through his counsel for reinstatement / restoration of service petitioner and to pay / release all unpaid salaries on 21-11-2017 but

no response whatsoever has been given by respondents. (Copies of legal notice & postal receipts are attached as Annexure "H")

7. That in spite of various representations to respondents no response whatsoever given by respondents so being aggrieved, appellant filed

writ petition No. 35-M/2018 wherein appellant prayed that appellant may kindly be restore / allow to join his service as Primary School Teacher at Government Primary School Golden, Tehsil Kabal, District Swat and to pay all back unpaid salaries to petitioner, whereby the same was transmitted to respondent No.05 vide order dated 30/04/2019 and directed him, to decide it as representation on behalf of the petitioner within a period of 30 days and who shall decide the fate of his employment. (Copies of writ petition and order dated 30/04/2019 are annexed as annexure "I" and "J")

8. That thereafter respondent No. 05 vide impugned order dated 31/05/2019 allowed the appellant to resume his duty as PST at Government Primary School Golden Tehsil Kabal District Swat while the intervening period with effect from 08/09/2009 to 30/05/2019 has been treated as leave without pay. (Copy of order dated 31/05/2019 is annexed as annexure "K")

9. That being aggrieved from the order dated 31/05/2019, appellant prepared partial departmental appeal before respondent No. 04 on 22/06/2019, to the extent of treating the intervening period of appellant with effect from 08/09/2009 to 30/05/2019 as leave without pay. (Copies of departmental appeal and postal receipt are annexed as annexure "L" and "M")

10. That after laps of 90 days respondent No. 04 has not decided the departmental appeal of appellant, hence, this instant appeal before this august court.

11. That the impugned order dated 31/05/2019 of respondent No. 03 is liable to be set aside inter alia on the following grounds.

GROUND:

- A) That the impugned order dated 31/05/2019 of respondent No. 05 is patently illegal, unlawful without lawful authority and of no legal effect.

- B) That appellant has been discharged by competent court of jurisdiction, and is entitle to receive salaries and all other benefits arising out from the intervening period 08/09/2009 to 30/05/2019. But respondent No. 05 has committed illegality by treating the intervening period of appellant with effect from 08/09/2009 to 30/05/2019 as leave without pay. Thus by this way respondents have deprived the petitioner from his basis and fundamental rights guaranteed in the constitution of Islamic Republic of Pakistan 1973.

- C) That the appellant's absentia was not adverting but due to remaining in custody of local Army and police.

- D) That any other grounds will be advanced at the time of arguments with the prior permission of this honorable Court.

It is therefore humbly prayed that on acceptance of this instant appeal, the impugned order dated 31/05/2019 vide Endst No. 4686-90/P.F/M Saleem/PST/DEO/M of respondent No.05 to the extent of treating the intervening period of appellant with effect from 08/09/2009 to 30/05/2019 may kindly be set aside and respondents be directed to pay all salaries/ benefits arising out from the intervening period of appellant with effect from 08/09/2009 to 30/05/2019 to petitioner.

Any other relief not specifically prayed but this august court deems proper may also be granted.

M. Saleem
Petitioner

Through



SAID KARIM SHALMAN
Advocate, High Court

CERTIFICATE

Certified that no appeal has been filed earlier by the appellant before this Honorable court as per instruction of my client.



ADVOCATE

LIST OF BOOKS

1. Constitution of Islamic Republic of Pakistan 1973.
2. Other relevant Service Laws, rules & case laws.



ADVOCATE

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

①⑦

Service Appeal No. _____ of 2019

Muhammad Saleem son of Habib Ullah Khan R/o Tangai China, Galoch, Tehsil
Kabal, District Swat.....Petitioner

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary at Peshawar
Secretariat & othersRespondents

AFFIDAVIT

I, Muhammad Saleem son of Habib Ullah Khan R/o Tangai China, Galoch,
Tehsil Kabal, District Swat, as per instruction of my client, do hereby affirm and
declare that all the contents of this appeal are true and correct to the best of my
knowledge and nothing has been kept Concealed before this Honorable Court.

DEPONENT M. Saleem

Muhammad Saleem

ATTESTED


UMAR SADIQ Advocate,
OATH COMMISSIONER
Distt: Courts Swat.

No. 202 Date 27/9/19

(8)

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

Service Appeal No. _____ of 2019

Muhammad Saleem son of Habib Ullah Khan R/o Tangai China, Galoch, Tehsil
Kabal, District Swat.....Petitioner

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary at Peshawar
Secretariat & othersRespondents

ADDRESSES OF PARTIES

PETITIONERS:

Muhammad Saleem son of Habib Ullah Khan R/o Tangai China, Galoch, Tehsil
Kabal, District Swat.

Cell No:

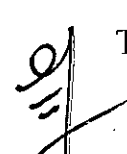
NIC No:

RESPONDENTS:

1. Government of Khyber Pakhtunkhwa through Chief Secretary at Peshawar Secretariat.
2. Secretary Finance, Finance Department Khyber Pakhtunkhwa at Peshawar.
3. Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa
4. Director Elementary & Secondary Education, Khyber Pakhtunkhwa
5. District Education Officer (M) District Swat.

Petitioner

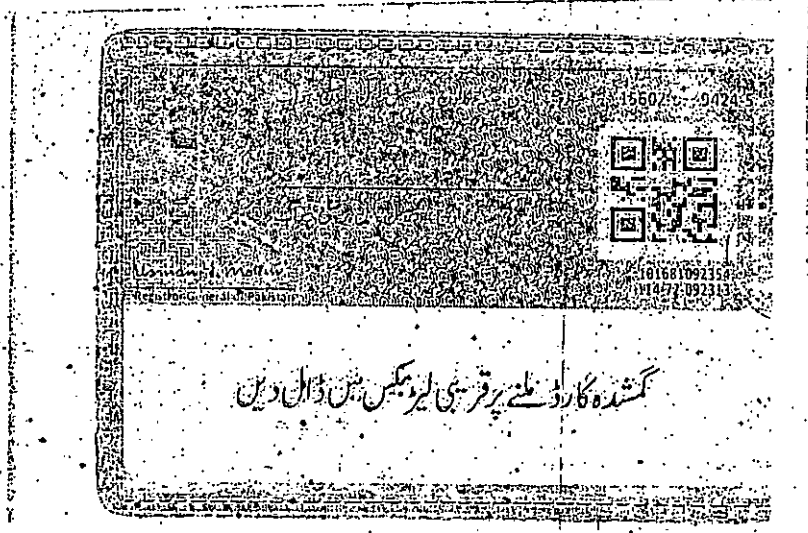
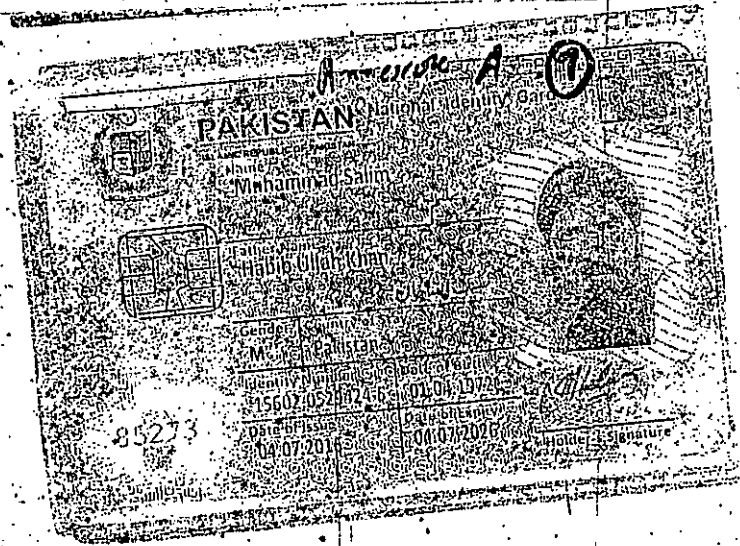
Through


SAID KARIM SHALMAN
Advocate, High Court

~~28~~

Annexure - A

9




Attested by


[Signature]

Said Karim Shalman
 ADVOCATE
 High Court Peshawar


Q A Annexure B



MUHAMMAD SALEEM
PST-BPS-12



GRF. No. EDU.SW13764
Personnel No. 00071516
Office. ELEMENTARY & SECONDARY
EDUCATION DEPARTMENT
DISTRICT SWAT



Father/husband Name: **HABIBULLAH KHAN**

CNIC No. **15608-0588484-5** Date of Birth: **01-04-1978**


Mark of Identification: **NIL**

Issue Date: **01-06-2019** Valid Up To: **31-12-2025**

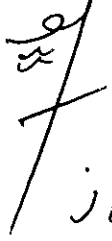
Emergency Contact No. **0343-6658708** Blood Group:

Permanent Address: **TANGAI CHEENA P.O: GALOCH, KARAL
DISTT: SWAT KHYBER PAKHTUNKHWA.**

Note: For Information / Verification, Please Contact HR-MSD Finance Department. (091-9212573)



Attested copy


 سید محمد شاکر
 ایف او

Amir

10

OFFICE OF THE DISTT. EDUCATION OFFICER (M) PRIMARY DISTRICT SWAT

OFFICE ORDER

APPOINTMENT/

The appointment of the following trained PTC candidates are hereby ordered in BPS-7 @Rs.1480-81-2695 plus allowance with immediate effect in the interest of public service as per terms and conditions given below:-

S. NO.	NAME F/NAME & HOME ADDRESS	D/O BIRTH	PTC MARKS	NAME OF SCHOOL WHERE POSTED	REMARKS
<u>PF-65/SWAT-1</u>					
1-	Gohar Ali S/O Shah Room R/O Gogdara.	5-4-73	738	GPS Gorikla	A.V.P
2-	Iqbal Ali S/O Said Roshai R/O Panjigram.	18-6-70	737	GPS Kulyar	-do-
3-	Mohd Irshad Khan S/O Mohd Khurshaid R/O Qambar.	8-3-69	736	GPS Poladay	-do-
4-	Sorab Khan S/O Nawab Khan R/O Gogdara.	15-5-68	730	GPS Uzbaka	-do-
5-	Shujauli Mulk S/O Shahi Mulk R/O Rahim Abad.	1-4-70	729	GPS Kuz Jabak	-do-
<u>PF-66/SWAT-2</u>					
6-	Mohd Zahir S/O Mohd Saleh R/O Zarakhela.	1-3-74	732	GPS Parrai	-do-
7-	Mohd Saim S/O Hapibullah R/O Tangai China	1-4-72	728	GPS Tarokay Qalagay	-do-
8-	Aftab Ahmad S/O Afarin R/O Kanju	10-5-71	726	GPS Sarangpora No-2 (SAR)	-do-
9-	Fazal Khaliq S/O Fazal Malik R/O Kalakalay.	2-2-74	725	GPS Dabiai No-2	-do-
10-	Said Ali Shah S/O Farnda Mohd R/O Kuza Bandal.	3-3-68	724	GPS Sandoka	-do-
11-	Shah Wadan S/O Ahmad Shah R/O Bar Kanju.	12-4-72	711	GPS Khadi Belat <i>Mahing Kklopa</i>	-do-
12-	Sajad Ali S/O Sher Alam R/O Kanju.	7-5-66	705	GPS Archalai	-do-
13-	Nadar Khan S/O Sadar R/O Kabal.	9-10-71	703	GPS Kabal	-do-
14-	Shah Nadar Khan S/O Muzafar R/O Nasrat.	15-4-68	700	GPS Drud	-do-
<u>PF-67/SWAT-3</u>					
15-	Zafar Ali S/O Mohd Rashad Khan R/O Gulibagh.	30-4-70	718	GPS Kandow	-do-
<u>PF-68/SWAT-1</u>					
16-	Sher Rahim S/O Abdur Rahim R/O Shakardara.	5-8-70	706	GPS Sulatan	N.C.P
17-	Nadar Khan S/O Manzaray R/O Sigram.	5-3-69	642	GPS Sulatan	N.C.P

Next Page No-2

Said Karim Shalman
ADVOCATE,
High Court Peshawar.

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Said Karim Shalman
ADVOCATE,
High Court Peshawar

PF-70/SWAT-6.

20-Momih Khan S/O	29-4-74	737	GPS Banr/Sangrai	-do-
Lal Said R/O Samastay.				
21-Sher Zada S/O	1-1-55	765	GPS Kunshay	V.Post
Shah Zarin R/O Maira				
22-Bakht Zahir S/O	1-4-73	736	GPS Brain Banda	N.C.P
Sultan R/O Dandai.				
23-Ahmad Salim S/O	20-4-68	734	GPS -DO-	-do-
Mohd. Jasim R/O Lilownal.				
PF-71/SWAT-7				
24-Niaz Mohd S/O	19-5-73	761	GPS Ali Jan Kaparai	-do-
Mohd Gul R/O Chakisar.				
25-Pazal Wahab S/O	10-4-74	756	GPS -DO-	-do-
Abdul Salam R/O Chakisar.				
26-Bakht Zaman S/O	5-5-72	755	GPS Karin Dara.	V.Post
Hadi Ahmad R/O Chakisar.				
27-Mohd Saeed S/O	18-1-73	751	GPS Alooch	-do-
Mohd Ismail R/O Alooch.				

TERMS & CONDITION:

1. Their apptt: is temporary and is liable to termination/reversion at any time without any reason being assigned.
2. In case of resignation they will have to submit one month prior notice to the Deptt. or forfeit one month pay in lieu thereof to the Govt.
3. They should not be allowed to take over charge if their ages are less than 18 years or above 33 years.
4. They are required to produce Health & Age certificate from the Medical Supdt: Saidu Group of Hospital Saidu Sharif.
5. Charge report should be submitted to all concerned.
6. If they failed to take over charge of the post within 15 days after the issue of this order their apptt: shall stand as cancelled.
7. Certificates should be checked before handing over charge.
8. The SDEO, is directed to make transfers of the senior teachers on the basis of tenure against the above fresh appointee in the General transfer according to Govt. policy.
9. The academic certificates/Degrees of all the candidates should be got verified from the respective Examination Board and University within 15 days.

(FAZLI NABEM KHAN)
DISTRICT EDUCATION OFFICER (M)
PRIMARY SWAT DISTRICT SWAT.

9.4.95.

1293-1343 E-2/T&A. Dated

Copy of the above is forwarded for information and necessary action to the:-

1. The District Accounts Officer Swat.
2. The Sub-Divl: Education Officer (M) Saidu sharif Swat.
3. Candidates concerned.

FOR/ (BY D.E.O) 9.4.95
DISTRICT EDUCATION OFFICER (M)
PRIMARY SWAT DISTRICT SWAT

S. Chanal/****

by *Amsted*
Said Karim Shalman
ADVOCATE
High Court Peshawar

Attested by
Said Karim Shalman
ADVOCATE
High Court Peshawar



گورنمنٹ پبلس کارپوریشن، 4540/10 شمیرہ، قراقرم اور پشاور، 23/2006ء (24 فورما) (پیس) (115) نام (110) نام

عدالت پشاور

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 1512، جمہوریہ اسلامیہ پاکستان

71	تاریخ	6/18/09	مل	1430
	تاریخ	9/2/09	مل	1430
	تاریخ	9/2/09	مل	1430
	تاریخ	9/2/09	مل	1430
	تاریخ	9/2/09	مل	1430
	تاریخ	9/2/09	مل	1430
	تاریخ	9/2/09	مل	1430

ابتدائی اطلاع نیچے درج کردہ حثیت یافتہ کی طرف سے درخواست فیصلہ

107 اپریشن ایس ایف / 1101/R درجہ 9/2/09 نامیہ جس کے ذریعے درخواست فیصلہ
 DISTRICT POLICE OFFICER SUDUT,
 Sub Divisional Police Office Kabal, 29 Punjab
 Application by Civilian @ find here with an application for
 filing of FIR against the individuals mentioned in attached application.
 Please confirm lodging of FIR for our record. @ 29 Punjab Dist.
 Carry out coordination with respective Police Station for early
 on set Major for Commander Mard Haidar. اس حثیت میں درخواست
 کے ساتھ ساتھ ایک ایف اے ایف کے ساتھ درخواست ملانے سے پہلے ہی FIR
 میں درج کیا گیا ہے۔ اس کے ساتھ ساتھ درخواست کنندہ کے خلاف ایک
 حثیت میں درخواست ملانے سے پہلے ہی FIR کے ساتھ ساتھ درخواست
 کے ساتھ ساتھ ایک ایف اے ایف کے ساتھ درخواست ملانے سے پہلے ہی FIR
 میں درج کیا گیا ہے۔ اس کے ساتھ ساتھ درخواست کنندہ کے خلاف ایک
 حثیت میں درخواست ملانے سے پہلے ہی FIR کے ساتھ ساتھ درخواست

Attested
 Said Karim Shahi
 ADVOCATE,
 High Court Peshawar

Attested copy
 Said Karim Shahi
 ADVOCATE,
 High Court Peshawar

Better Copy of FIR

ابتدائی اطلاعی رپورٹ

13

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۲ مجموعہ ضابطہ نو جداری

ضلع: سوات

تھانہ: کابل

تاریخ: 16-06-2009 وقت: 11:00 بجے

حالت نمبر: 71

تاریخ و وقت رپورٹ	13-09-2009 چا کیدگی پرچہ 10-2009-14 وقت 14:30 بجے
نام و سکونت اطلاع دہندہ مستغیث	ضیاء الدین عرف ستورے ولد محمد یعقوب سکنتہ گالوچ
مختصر کیفیت جرم (معد دفعہ) حال اگر کچھ بیا گیا ہو	302-451-148-149 PPC 7-ATA / 512
جائے وقوعہ فاصلہ تھانہ سے اور سمت	خانہ مقنول واقعہ دیہہ گالوچ، بقاصلہ 3/4 کلومیٹر شمال از تھانہ
نام و سکونت ملزم	آراضی آزان ملزم خان محمد
کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہو	تخریری درخواست موصول ہونے پر مقدمہ درج رجسٹرڈ کی گئی
توجہ بیاگرو	ایطور پیش رپورٹ
تھانہ سے روانگی کی تاریخ و وقت	

ابتدائی اطلاع نیچے درج کرو: مستغیث بالا کی تخریری درخواست ہینڈ کورٹر بریگیڈ نمبر 107 اپریشنل ایریا

نمبر 1101/R مورخہ 29-09-09 منجانب میجر ٹوبکا بڈر محمد حیدر

District Police Officer Swat

رجسٹری بوساطت افسران بالا موصول ہو کر ذیل ہے۔

Sub Divisional Police Kabal 29 Punjab

Application by civilian 1) find herewith an application for dying of-Fir against the individuals to attached application please confirm lodging of Fir for our record 3) 29 Punjab only carry out with respective police station for early on

Major for commander Mohd Haider. درخواست کی متن ذیل ہے

بجسور جناب کرنل صاحب پنجاب رجمنٹ 29 تو تاناو بانڈی سوات عنوان Fir نمبر آسن کمیٹی پیر الدین ولد محمد یعقوب خان ساکن گالوچ تحصیل کابل ضلع سوات۔ جناب عالی مدبانہ گزارش ہے کہ میرا بھائی سیراج الدین خان ایک معزز اور شریف آدمی تھا انکی عزت اور آبرو چند ہشت گردوں کو پسند نہ تھا۔ جنگی بنا پر کچھ ہشت گردوں نے 16-06-2009 کو بوقت دن 11 بجے اپنے ہی گھر میں محصور کر کے ہاتھ، آنکھیں باندھ کر بے دردی سے قتل کر دیا ان دہشت گردوں کے نام اور ولد یہ ہے۔ 1) فرمان کمانڈر ولد محمد علی سکنتہ گالوچ (2) علی اکبر کمانڈر ولد فضل سبحان عرف کا کوٹے سکنتہ گالوچ ارسلان خان کمانڈر ولد شیرزادہ سکنتہ گالوچ (3) خوجا (4) انور ولد اکبر زادہ سکنتہ گالوچ (5) حسین احمد ولد عزیز الرحمن عرف ڈورے ساکن گالوچ خان کمانڈر ولد پروات خان سکنتہ گالوچ (7) شاہد ولد سیف الرحمن سکنتہ گالوچ (8) مطیع الرحمن ولد حبیب الرحمن خان (9) محمد شریف خان ولد حبیب سکنتہ گالوچ (10) محمد نسیم خان ولد حبیب اللہ خان ساکن گالوچ (11) صابر عرف انڈا ولد حیات خان (12) اظہار ولد بلتقوم نعمت خیل (13) بلال عرف انانوم ایرو ولد محمد شاہ (14) سمیع اللہ ولد خانزادہ سکنتہ گالوچ (15) سمیع اللہ ولد خونہ گل سکنتہ گلو نو شاہ (16) احمد علی عرف احمد اللہ ولد محمد رشید سکنتہ گالوچ (17) علی اکبر ولد فضل رحیم عرف ڈور پاکستانہ وندے گالوچ (18) سمیع الرحمن ولد عزیز الرحمن روند سا گالوچ (19) کوامت علی (20) انور علی پسران آئی چہ ساکنان خیر آباد گالوچ (21) احمد جان عرف کابل کے 2 بیٹے اسم نامعلوم (22) خاستہ باچہ کمانڈر ولد عزیز الرحمن عرف خانے ساکن گالوچ خیر آباد (24) انور شاہ پسران گلزار عرف شل مپاں گالوچ ستمبر 13 سال 2009 الخارض ضیاء الرحمن عرف ستورے ولد محمد یعقوب خان گالوچ چھٹی سول ہمراہ درخواست پر جناب PSDPO کابل نے ذیل حکم فرمایا۔ PSHO کابل مطلوبہ قانونی کارروائی

Allyed copy
Said Karim Shalman
ADVOCATE,
High Court Peshawar

Said Karim Shalman
ADVOCATE
High Court Peshawar

SDPO Sd کابل ضروری کارروائی تھانہ بس آبدہ چھٹی در خواست حرف بحرف درج صدر ہو کر مضمون رپورٹ سے صورت جرم بالا کاپائی جا کر مقدمہ درج رجسٹرڈ کر کے نقل پرچہ بمعہ اصل چھٹی بشمول تحریری رپورٹ بغرض نقل حوالہ شری گل خان انچارج انویسٹی گیشن کابل کیجاتی ہے۔ افران بالا کو اطلاع دی جارہی ہے۔ پرچہ بطور پیش رپورٹ گزارا ہے۔

دستخط محمد عواث خان

SHO Kabal 04-10-09

پر وائے ایزادگی جرم تکمیل ریکارڈ

جلب جالی!

مقدمہ عنوان العبد قائم ہو کر تفتیش کی گئی مقدمہ چالان

512 ض، ف، مورخہ 20-12-2009 کو دیا جا کر پراسیوشن برائے اعتراض

واپس ہوا۔ جس میں دیگر تکمیل، علاوہ جرم 7-ATA کی ایزادگی کے متعلق تحریر کیا گیا ہے۔ لہذا

حسب رائے DPP صاحب مقدمہ سیکشن جرم 7ATA کی ایزادگی کیجا کر تکمیل ریکارڈ سے مشکور فرمائیں Sd

شری گل خان SI تھانہ کابل مورخہ 29-01-2010

Attested copy

Said Karim Shalman
ADVOCATE,
High Court Peshawar

Said Karim Shalman
ADVOCATE,
High Court Peshawar

Amir (E) (E)

IN THE COURT OF MUHAMMAD AMIN KUNDI ADMINISTRATIVE JUDGE,
ANTI-TERRORISM COURTS MALAKAND DIVISION AT SWAT

15

Case No: 79 /8 OF 2016

The State

VS

Muhammad Saleem S/O. Habibullah Khan
R/O Galooch Tehsil Kabal Distt: Swat

Case FIR No: 71 Dated: 04.10.2009

U/Ss 302, 451, 148, 149 PPC, 7-ATA,

P.S Kabal Distt: Swat



2.07.2016:-

The supplementary challan in the subject case received from prosecution against the accused, namely, Muhammad Saleem S/O Habibullah Khan R/O Galooch Tehsil Kabal Distt: Swat. Be entered in the relevant register. The prosecution has also annexed joint opinion in the shape of proforma 'B' for discharge of accused. Accused be summoned for 03.08.2016. Original record be requisitioned for the date fixed.

MA

(MUHAMMAD AMIN KUNDI)
ADMINISTRATIVE JUDGE ATCS
MALAKAND DIVISION AT SWAT
Anti Terrorism Court
Makd. Division Swat.

ORDER:-
03.08.2016:-

Arif Bilal Senior PP for the state present. Accused Muhammad Saleem on bail is not present. Original record also received.

Accused facing trial, namely, Muhammad Saleem is involved Case

FIR No: 71 Dated: 04.10.2009 U/Ss 302, 451, 148, 149 PPC, 7-ATA, P.S Kabal

Distt: Swat

Handwritten signature and date 3.8.2016

Said Karim Shalman
ADVOCATE,
High Court Peshawar

(16)

(16)

Brief facts of the prosecution case according to the FIR is that

complainant Zia-u-Din *alias* Storay submitted a written application to the Army Col. Punjab Regiment to the effect that his brother *Siraj-u-Din* was member of Aman Committee and was a respectable man of the area, therefore, being elder of the Illaqa, he was murdered by the militants at 16.06.2009 at 11:00 hours in his house brutally and also mentioned the names of accused (24 *in numbers*) in the application including accused petitioner Muhammad Saleem. The said application was sent by the Army Major Muhammad Haider to the District Police Officer Swat for registration of FIR against the accused mentioned in the aforesaid application. Accordingly the present case was registered against the accused on the basis of said application.



On arrest of the accused facing trial, namely, Muhammad Saleem,

usual investigation was conducted, supplementary challan has been submitted against him in the aforesaid case in this court by the prosecution and JIT (*Joint Investigation Team*) has also annexed their joint opinion in the shape of proforma 'B' recommending the discharge of the accused facing trial Muhammad Saleem being case against him not prosecutable. As per joint opinion of the SP Investigation, District Public Prosecutor, Investigation Officer and the prosecutor, the case in hand is not fit for prosecution owing to deficient

M. Haider
 Assistant District
 Magistrate Swat
 District Court Swat

SP

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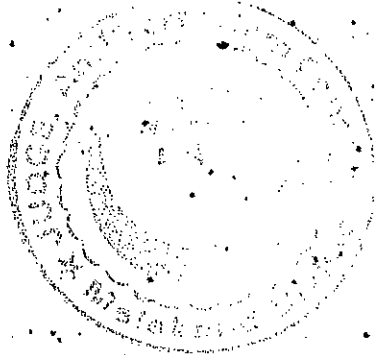
17

evidence, therefore, in the light of this joint opinion of the prosecution to proceed further with the trial is mere futile exercise and wasting of time.

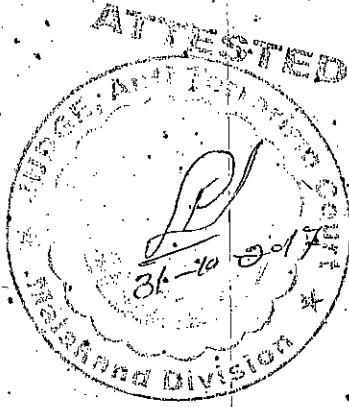
Resultantly by acting upon the opinion of prosecution, the present accused, namely, Muhammad Saleem is hereby discharged of the subject charge. He is on bail; his bail bonds stands cancelled and his sureties are discharged from the liabilities of bail bonds.

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

ANNOUNCED
03.08.2016



Muhammad Amin Kundi
(MUHAMMAD AMIN KUNDI)
ADMINISTRATIVE JUDGE ATCs
MALAKAND DIVISION AT SWAT
Small text below: AMI (A) Peshawar Court, P.W. Division Swat



No. 43
Date Presentation of Application 31-10-2017
No of Page 03
Copy /
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To /
Date of Presentation Copy 31-10-2017
Date of Delivery of Copy /

Said Karim Shalman
ADVOCATE,
High Court Peshawar.

High Court Peshawar
Said K. Arif Shahman
ADVOCATE,
Attested copy

High Court Peshawar
Said K. Arif Shahman
ADVOCATE,
2/2/16

Head Master
Govt Primary School
Golden, Distt: Swat

Dated: 30.06.2016

MUHAMMAD SALIM PST
GPS Golden
District Swat

I Mr. Muhammad Salim PST of GPS Golden have the honour to report my arrival today on 30.06.2016 (F.N), following the release from detention of Army and being declared as "clear".
The arrival Report may therefore be accepted please.

ARRIVAL REPORT

18

18

18

Signature

بھنور جناب ڈی، ای، او صاحب / ایجوکیشن ڈیپارٹمنٹ ضلع سوات

سائل

PST

عنوان: درخواست بمر اور بحال کرنے سائل بطور PTC اور جو تھوڑا ہن تقاضہ ہیں، سائل کو واپس دلانے کا حکم صادر فرمائیں اور مزید جو تھوڑا ہن تقاضہ

ہونگی مرحمت فرمائیں

جناب عالی! درخواست ذیل عرض رساں ہے۔

۱۔ یہ کہ سائل گالوج، تحصیل کبل ضلع سوات کا مستقل رہائشی و شریف النفس، محبت وطن باشندہ ہوں۔

۲۔ یہ کہ سائل جو کہ انتہائی غریب اور لاچار بندہ ہوں۔

۳۔ یہ کہ سائل جو کہ پرائمری سکول گولڈن مین PST میں پھیر تھا۔

۴۔ یہ کہ سائل پر نامعلوم افراد نے فروڈنے پاک آرمی کے ہاں شکایت کی گئی، بعد ازاں سائل پاک آرمی کے پاس نمبر 03-09-2009 کے

پیش ہوا اور اپنے اچھو برائے تفتیش پیش کیا۔ جبکہ 26-05-2016 کو پڈریو مشان سکول فکڈ کرایا گیا۔

۵۔ یہ کہ سائل اب دوبارہ سے اپنی ذیوٹی اسکول ٹچنگ کے خواہاں ہے۔ اور دوبارہ ٹچنگ کے فرائض مہرا انجام دینا چاہتا ہے۔

لہذا استدعا ہے کہ منظور اور خواست ہذا منظور فرمایا جا کر سائل کو بحال کرنے

اور تھوڑا یہ تھوڑا ہیں، واپس دلوانے کا حکم صادر فرمائیں اور جو تھوڑا ہن تقاضہ

بھی مرحمت فرمایا جائے۔

Said Karim Shalman
ADVOCATE,
High Court Peshawar

No 534, Dated: 13/07/2016

Forwarded to honorable
SDEO (M) Swat, for

and necessary action please.

As per the statement of head teacher

the applicant has made arrival on
30-6-2016 and remains present in the area.

محمد سلیم ولد حبیب اللہ خان ساکن گالوج، مانگی پڈریو تحصیل کبل ضلع سوات

شمارتی کارڈ نمبر 5-15602-0529424

سرواٹس نمبر 0344-9677334

Asst. Sub-Divisional Edu. Officer (M)
Primary Circle Kabal
District Swat

P.T.O

Attest ed
Said Karim Shalman
ADVOCATE,
High Court Peshawar

20



Forwarded as recommended
 for m/a to the honorable DE O(M) Dist
 in the light of the written statement of the H/Teacher
 GPS Golden and Circle ADEO Mr. Hissam Ahmad SB
 original please

Sub DIVISION OFFICER
 Primary, Swat
 2016

Attested copy
 Said Karim Shelman
 ADVOCATE,
 High Court Peshawar

خدمت جناب دی ای او ریکروٹیشن ڈیپارٹمنٹ سوات

(21) ~~12~~

جناب عالی

عنوان: عاجزانہ و پمپر دائرہ اسپل بابت بحالی سروس

مؤدبانہ گزارش ہے کہ میں جی پی ایس گولڈن مین بطور PST اپنی ڈیوٹی انجام دے رہا تھا۔ میرے چند شکایات کی بناء پر میں آر جی کسٹڈی میں فرمایا جان آر جی نے کلیم کر کے مجھے 2016-05-26 کو رہا کر دیا

اب ایک بھاری کنبے کی کفالت اور بچیوں کا تعلیمی سلسلہ جاری و ساری رہنا میرے لیے

ناممکن ہے۔ لہذا آپ سے عاجزانہ و پمپر دائرہ اسپل ہے کہ ڈیپارٹمنٹ میں میرے سلسلہ خدمات کو مد نظر رکھتے ہوئے میری نوکری بحال کی جائے جس میں احسان عظیم کے لیے تاحیات دعا گو و احسان مند رہوں گا۔

العارض

محمد سلیم ولد حبیب اللہ خان PST

جی پی ایس گولڈن مین سکینڈ ٹائٹلی حبیب

سوات ٹیڈر : 0344 9677331

برسٹل ٹیڈر : 00071516

Said Karim Shalman
ADVOCATE,
High Court Peshawar.

Signature
clearance certificate
Amir

Attested copy 2/9/16
Said Karim Shalman
ADVOCATE,
High Court Peshawar.

Said Karim Shalman

ایڈووکیٹ کمریسٹیشن پشاور

Advocate; High Court

ایڈووکیٹ ہائی کورٹ

Office: SHALMAN LAW CHAMBER

D22, D23, 3rd Floor Continental Plaza Makaanbagh Chowk, Mingroa Swat

Cell No: (+92)-300-5740744

قانونی نوٹس

محمد سلیم ولد حبیب اللہ خان ساکن ٹانگی چینہ، گالوچ تحصیل قبل ضلع سوات۔ (نوٹس دہندہ)

بنیام

- (1) سیکرٹری ایجوکیشن خیبر پختونخوا بمقام سول سیکرٹری سوات ڈسٹرکٹ جیل پشاور۔
- (2) ڈائریکٹر ایلیمینٹری ایڈیوکیٹری ایجوکیشن صوبہ خیبر پختونخوا بمقام پشاور سیکرٹریٹ۔
- (3) ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) بمقام گلگدہ سید و شریف تحصیل بابوزئی ضلع سوات۔

(نوٹس گزہندہ گان)

Said Karim Shalman
ADVOCATE,
High Court Peshawar.

اسلام علیکم!

آپ کو بذریعہ نوٹس ہذا اطلاع دی جاتی ہے کہ نوٹس دہندہ (محمد سلیم) نے مجھے اپنا وکیل مقرر کر کے ہدایت دہا ہے کہ میں آپ (نوٹس گزہندہ گان) کو درج ذیل نوٹس دوں۔

۱۔ یہ کہ میرا متوکل مورخہ 09-04-1995 کو محکمہ تعلیم میں بطور پرائمری سکول ایجنٹ تعینات ہوا ہے۔

۲۔ یہ کہ متوکل ام روز تعیناتی سے اپنی ڈیوٹی باقاعدہ گی اور احسن طور پر سے انجام دے رہا تھا کہ ان کے خلاف غلامی

بے بنیاد شکایات مقامی ازی کو فراہم کی گئی جس کے بنیاد پر متوکل ام مورخہ 08-09-2009 سے لیکر

26-05-2016 تک پاک آرمی کے زیر نگیں میں رہا پھر اسی دوران میں نے متوکل کی خلافت ایک چھوٹا اور

بے بنیاد فوجداری مقدمہ نمبری 71 مورخہ 04-10-2009 زبرد فغان 302-451-148-149

Attested
Said Karim Shalman
ADVOCATE,
High Court Peshawar.

7-ATA / PPC قضانہ کبلی ضلع سوات درج رجسٹر کیا گیا۔

۳- یہ کہ مقامی اری کی تجویل سے clear ہونے کے بعد مجاز عدالت انسداد دہشتگردی بلاکنڈ ڈویژن بمقام قلعہ

سوات مقدمہ مذکورہ میں برحاضر ضمانت رہا ہوا اور اسی طرح عدالت مذکورہ نے بروئے حکم غمزہ

03-08-2016 مقدمہ مذکورہ سے Discharge کرنے کا حکم صادر فرمایا ہے۔ (نقل حکم غمزہ

03-08-2016 لف ہے)

۴- یہ کہ اسی دوران میرے موکل نے مورخہ 30-06-2016 کو گورنمنٹ پرائمری سکول گولڈن سوات جا کر اپنے

Arrival رپورٹ جمع کی۔ جہاں زبانی طور پر میرے موکل کو آگاہ کیا گیا کہ ان کی نوکری (پرائمری سکول

ٹیچر) ختم کر دی گئی ہے۔ (نقل Arrival Report لف ہے)

۵- یہ کہ میرے موکل نے اپنے نوکری کی ختم ہونے کے نسبت بار بار آپ نوٹس گرہندہ گان سے کوئی تحریری حکم نامہ

حوالہ کرنے کے بابت کہا ہے۔ لیکن تا حال آپ نوٹس دہندہ گان نے میرے موکل کو ایسی کوئی احکامات یا حال

حوالہ نہیں کی ہے اور غیر قانونی اور غیر شرعی طور پر میرے موکل کو بطور پرائمری سکول ٹیچر گولڈن سوات میں اپنے

فرائض منصبی ادا کرنے سے روکا ہوا ہے۔ اس نسبت میرے موکل نے آپ نوٹس گرہندہ نمبر 3 کو اپنے نوکری پر

بحال کرنے اور سابقہ تنخواہیں ادا کرنے کے نسبت تحریری درخواستیں بھی دئے۔ لیکن اس پر تا حال کوئی عمل درآ

نہیں ہوا ہے۔ (نقلات تحریری درخواستیں لف نوٹس ہذا ہیں)

یہ کہ میرے موکل کو ان کے نوکری ختم ہونے کے نسبت کوئی نوٹس موصول نہیں ہوا ہے اور نہ ہی ان کو کسی بھی

انکوائری میں حاضر ہونے کے نسبت کوئی احکامات آپ نوٹس گرہندہ گان کی طرف سے موصول ہوئی

ہے۔ حالانکہ میرا موکل مجاز عدالت سے بڑی ہو چکا ہے اور مزید کسی بھی Law enforcing

Agencies کو درکار نہ ہے۔ لہذا میرے موکل بطور پرائمری سکول ٹیچر بحال اور ان کے سابقہ تمام تنخواہیں

ادا کرنا عین قرین انصاف ہے۔ لیکن آپ نوٹس گرہندہ گان نے تو میرے موکل کو اپنے نوکری پر بحال کر رہے

اور نہ ان کے سابقہ تنخواہیں ادا کر رہے ہیں۔ جو کہ مجوزہ قانون کے سراسر خلاف ورزی ہے۔

Said Karim Shalman
ADVOCATE
High Court Peshawar

Attested Copy
Said Karim Shalman
ADVOCATE
High Court Peshawar



(کپی)

لہذا آپ کو بند ایڈووکیٹ نوٹس ہذا مطلع کیا جاتا ہے کہ نوٹس ہذا کی وصولی آپ کو 15 دنوں کے اندر
 گریہندگان 15 دن کے اندر میرے سوکل کو ان کی نوکری بطوری پر امری سکول ٹیچر بحال کر کے ان کے سابقہ تمام
 تنخواہیں میرے سوکل کو ادا کریں۔ مذکورہ 15 دن کے اندر اندر نوٹس ہذا پر عمل درآمد نہ ہونے کی صورت میں آپ نوٹس
 گریہندگان کیخلاف مجاز عدالت میں قانونی چارہ جوئی کی جائیگی جس کا تمام تر خرچہ مقدمہ آپ کے ذمہ ہوگا۔

واسلام

آپ کا خیر اندیش
 2017/11/21
 سید کریم شلمان ایڈووکیٹ ہائٹی کورٹ

نوٹس ہذا کی ایک نقل میرے دفتر میں برائے مزید قانونی کارروائی محفوظ رہیگی۔ نیز نوٹس ہذا 3 مئی پر شہر پشاور
 متعلقہ لغوات کھی لفت نوٹس ہذا پر

Requested
 to be filed
 Said Karim Shalman
 ADVOCATE
 High Court Peshawar
 2017

Said Karim Shalman
 ADVOCATE
 High Court Peshawar

Annex I (25) ④

BEFORE THE PESHAWAR HIGH COURT, BENCH
AT MINGORA, SWAT

Writ petition No. 35-M of 2018

(1) Muhammad Saleem son of Habib Ullah Khan R/o Tangai China, Galoch,
Tehsil Kabal, District Swat.....Petitioner

VERSUS

(1) Government of Khyber Pakhtunkhwa through Chief Secretary at Peshawar
Secretariat.

(2) Secretary Finance, Finance Department Khyber Pakhtunkhwa at Peshawar.

(3) Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar

(4) Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar

(5) District Education Officer (M) District Swat.

(6) Head Master Government Primary School Golden Tehsil Kabal, District
Swat.....Respondents

Writ petition under Article 199 of the Constitution of
Islamic Republic of Pakistan, 1973;

Said Karim Shalman
ADVOCATE,
High Court Peshawar.

Respectfully Sheweth:

Facts;

1. That the petitioner is the permanent resident of Tangai China, Galoch
Tehsil Kabal, District Swat and has been appointed as Primary School
Teacher vide appointment order dated 09-04-1995, performing his
duties under the immediate control and supervision of respondent No.

5 & 6. (Copies of CNIC, Service Card & appointment order dated 09-04-1995 are attached herewith as Annexure "A" "B" & "C")

- (7 year)
2. That during service some false, frivolous information were provided to the Local Pakistan Army men on the basis of such information petitioner remain under the custody of the local Pakistan Army from 08-09-2009 to 26-05-2016, during the detention with the Pakistan Army petitioner was booked in a false, baseless and frivolous FIR No. 71 dated 04-10-2009 under sections 302-451-148-149 PPC 7-ATA Police station Kabal, District Swat. (Copy of FIR is attached as Annexure "D")
3. That petitioner has been released on bail by the Anti Terrorism Court Malakand Division at Gulkada Swat and thereafter petitioner has been discharged from the criminal case mentioned above vide order dated 03-08-2016. (Copy of discharge order dated 03-08-2016 is attached as Annexure "E")
4. That petitioner went to Government Primary School Golden Tehsil Kabal District Swat and submitted his arrival report which has been signed by respondent No. 6, but petitioner has orally been informed that he has been dismissed / terminated from his service. (Copy of arrival report is attached as Annexure "F")
5. That petitioner has time and again requested respondent No. 5 & 6 to provide written order of his dismissal / termination of his service, but in vain, thereafter petitioner filed application for reinstatement / restoration of service petitioner and to pay / release all unpaid salaries on 13-07-2016 & 07-09-2016, but again in vain. (Copies of

Said Korim Shahman
ADVOCATE,
High Court Peshawar

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3

application for reinstatement etc are attached as Annexure "G")

6. That thereafter petitioner served respondents with a legal notice through his counsel for reinstatement / restoration of service petitioner and to pay / release all unpaid salaries on 21-11-2017 but no response whatsoever has been given by respondents. (Copies of legal notice & postal receipts are attached as Annexure "H")
7. That in spite of various representations to respondents no response whatsoever given by respondents so being aggrieved and dissatisfied from the partial attitude and denying just and legal rights of petitioner and has no other adequate remedy available to petitioner constrains to file the instant writ petition on the following grounds;

GROUNDS;

- A) That the acts and actions of the respondents are patently illegal, unlawful without lawful authority and of no legal effect.
- B) That petitioner has been discharged by competent court of jurisdiction, but respondents are committing illegality to stop petitioner from his service, thus by this way respondents have deprived the petitioner from his ^C basis and fundamental rights guaranteed in the constitution of Islamic Republic of Pakistan 1973.
- C) That the constitutional rights of the petitioner have fully been infringed by respondents by using excess of powers and violating laws, rules and regulation.

Said Karim Shalman
ADVOCATE
11th Court Peshawar

D) That any other grounds will be advanced at the time of arguments with the prior permission of this honorable Court.

PRAYER:-

It is therefore humbly prayed that on acceptance of this instant writ petition the respondents may kindly be directed to restore / allow petitioner to join his service as Primary School Teacher at Government Primary School Golden, Tehsil Kabal, District Swat and to pay all back unpaid salaries to petitioner.

Any other remedy which is just efficacious and appropriate in circumstances of the case may also be granted in favour of petitioner.

Petitioner

Through

SAID KARIM SHALMAN
Advocate, High Court

CERTIFICATE

Certified that no Writ Petition has been filed earlier by the Petitioner before this Honorable court as per instruction of my client.

ADVOCATE

LIST OF BOOKS

1. Constitution of Islamic Republic of Pakistan 1973.
2. Other relevant Books, rules & case laws.

Said Karim Shalman
ADVOCATE,
High Court Peshawar.

ADVOCATE

Annexure J
(29)

JUDGMENT SHEET

IN THE PESHAWAR HIGH COURT, MINGORA
BENCH (DAR-UL-QAZA), SWAT
(Judicial Department)

W.P No. 35-M/2018

*Muhammad Saleem son of Habib Ullah Khan r/o Tangai
China, Galoch, Tehsil Kabal, District Swat.*

VS

*Government of Khyber, Pakhtunkhwa through Chief
Secretary at Peshawar Secretariat.*

Present: Mr. Saïd Karim Shalman, Advocate for the
petitioner.

Muhammad Rahim Shah, Assistant A.G.
for respondents.


Date of hearing: 30.04.2019

JUDGMENT

SYED ARSHAD ALI, J. Through the instant
petition, the petitioner seeks the constitutional
jurisdiction of this Court with the following prayer.

"It is, therefore, humbly prayed that on
acceptance of the instant writ petition the
respondents may kindly be directed to
restore/ allow the petitioner to join his
service as Primary School Teacher at
Government Primary School Golden,
Tehsil Kabal, District Swat and to pay all
back unpaid salaries to petitioner.

Any other remedy which is
just, efficacious and appropriate in
circumstances of the case may also be
granted in favour of petitioner".


Saïd Karim Shalman
ADVOCATE,
High Court Peshawar.

Tajamal

(D.B.) Hon'ble Mr. Justice Mohammad Ibrahim Khan
Hon'ble Mr. Justice Syed Arshad Ali
(W.P. No. 35-M of 2018 Muhammad Saleem Vs. Govt. of KPK and others)

2. It is averred in the petition that the petitioner was appointed as Primary School Teacher vide appointment order dated 09.04.1995. During his service, the petitioner was detained by Pak Army from 08.09.2009 to 26.05.2016 on the basis of false information of some unknown person and during that detention he was charged under sections 302/451/148/149 PPC, 7 ATA vide case F.I.R No. 71 dated 04.10.2009 registered at Police Station Kabal, District Swat. Initially the petitioner was released on bail by Anti-Terrorism Court, Malakand Division at Swat and thereafter he was discharged from the criminal case vide order dated 03.08.2016. Consequent upon the above order, the petitioner approached the Head Master of Govt. Primary School Golden, Tehsil Kabal and submitted his arrival report for resuming his duty but he was verbally informed that he had been dismissed/terminated from service. He time and again made requests to Respondents No. 5 & 6 for providing written order of his termination and thereafter he filed application for his reinstatement followed by a legal notice in this regard sent by his counsel to respondents on his behalf but all in vain, hence, this writ petition.



RECEIVED
 10/11/2018
 District Court, Swat
 District Swat

Said Karim Shalman
 ADVOCATE
 High Court Peshawar

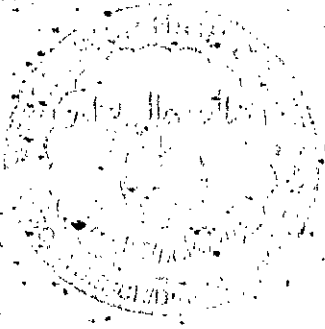
Page 2 of 2

3. On being noticed, the respondents have appeared and contested this petition through their comments.

4. Arguments heard and record perused.

5. It is evident from the record that the petitioner was appointed as Primary School Teacher on 09.04.1995, however, he remained absent from duty as he was charged in case F.I.R No. 71 dated 04.10.2009 u/s 302/451/148/149 PPC, 7 ATA of Police Station Kabal, District Swat. The petitioner was discharged from all charges by the competent Court vide order dated 03.08.2016. However, so far neither the petitioner has been terminated nor his application, which he had filed for restoration of his service, has been decided by respondents. In this view of the matter, keeping in view the law laid down in "*Muhammad Akram Vs.*

DCO, Rahim Yar Khan and others" (2017 SCMR 56); this writ petition is transmitted to District Education Officer (Male), Swat at Gulkada to decide it as representation on behalf of the petitioner within a period of 30 days. The worthy D.E.O shall decide the fate of his employment, however, if the petitioner is still aggrieved of the



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District Education Officer
Swat District Office, Swat

9/11/18
Said Karim Shalman
ADVOCATE,
1st Court Peshawar

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order of D.E.O he may approach the Khyber Pakhtunkwa Service Tribunal in accordance with law for redressal of his grievances. Office is directed to send the original writ petition to D.E.O (Male) Swat forthwith by retaining a copy thereof for record.

ANNOUNCED
Di: 30.04.2019

[Signature]

JUDGE

[Signature]

JUDGE

Certified to be true copy

REGISTRAR

Office of the Registrar
High Court of Swat
Swat

Case No. 17
Plaintiff: *[Handwritten Name]*
Defendant: *[Handwritten Name]*
Date: *[Handwritten Date]*
Dated: *[Handwritten Date]*
Deputy Secretary of Court *[Handwritten Signature]*

[Signature]

Said Karim Shalman
ADVOCATE,
High Court Peshawar.

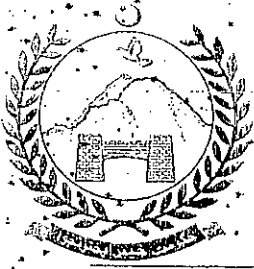
Office
04/05/19

Pageant

Ammaur K

33

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OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) SWAT.

OFFICE ORDER/RESUMPTION OF DUTY.

Mr. Muhammad Saleem PST GPS Golden Dealai is hereby allowed to resume his duty as PST in the mentioned school in the light of Judgment of Ante Terrorism court Malakand Division, at Swat Dated 12.7.2016 and Judgment of Peshawar High Court Mingora Bench /Darul Qaza Swat, Dated 30.04.2019 converting the petition in to Departmental representation and as per recommendations of legal Scrutiny Committee Dated 30.05.2019 with immediate effect in the interest of Public service. The intervening period with effect from 08.09.2009 to 30.05.2019 will be treated as leave without pay on the analogy of Supreme Court of Pakistan Decision of no work no pay.

460690

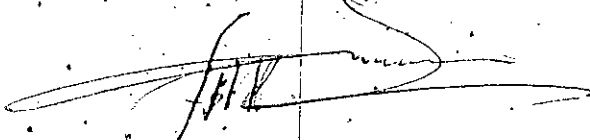
(Mohammad Amin)
DISTRICT EDUCATION OFFICER (M)
SWAT

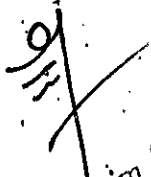
Endst: No: _____ /P.F/M Saleem/PST/DEO/M.

Dated 31/5/2019.

Copy forwarded to:

- 1- The Director Elementary & Secondary Education KPK Peshawar.
- 2- The District comptrollers of Account Swat at Saidu Sharif.
- 3- The District Monitoring Officer Swat.
- 4- The Sub-Divisional Education Officer (M) Circle Kabal Swat.
- 5- P.A to District Education Officer (M) Swat. the local office.
- 6- The teacher concerned.


DISTRICT EDUCATION OFFICER (M)
SWAT


Said Karim Shalman
ADVOCATE,
High Court Peshawar.

محرم و صاحب ڈرائنگ ایجنسی انڈیا سیکنڈری ایجوکیشن میں صوبہ خیبر پختونخوا مقام لشیاور

محمد سلیم ولد حبیب اللہ خان ساکن ٹانگہ چیمبر ٹانوج تحصیل کبل ضلع سوات
..... (ایپیلنٹ)

جری ٹھکانہ ایپل بر خلاف حکم صبا ڈرائنگ ایجنسی آفسیر صبا (نارینہ)
ضلع سوات ملبری فی 31/05/2019 تاریخ سے سابقہ تینویس (Back Benefits)

صبا عالی! حسب ذیل عرض ہے!

(1) واقعات!
میکم ایپیلنٹ مورخہ 09/04/1995 کو حبیبہ بیگم بیگم سکول ٹیچر تعینات ہوا
اور گورنمنٹ پرائمری سکول تاروگے قلاگے تحصیل کبل ضلع سوات میں
اپنی فرائض منصبی انجام دے رہی تھی۔
(نقل سرورس کارڈ و تعیناتی حکم مورخہ 09/04/1995 لف 4)

(2) میکم بیگم بیگم ڈپٹی منسٹر ایپیلنٹ کے خلاف غلط اور بے بنیاد معلومات قلمی
پاک آر جی کو ذرا ہم کی گئی اور منسٹر ایپیلنٹ مورخہ 08/09/2009 سے لیکر مورخہ
26/05/2016 تک پاک آر جی کے سامنے دیا اور گھبرائیں غلط اور
بے بنیاد ایف ڈی آر نمبر 71 مورخہ 04/10/2019 میں ملوث کیا گیا
(نقل ایف ڈی آر لف 4)

(3) میکم گھبرائیں عدالت صبا ایسٹاڈرمنٹ گوری ملاکنڈ ڈویژن مقام قلم کردہ ایپیلنٹ
سوات نے منسٹر ایپیلنٹ کو مقدمہ مذکورہ سے برائے حکم و فیصلہ مورخہ 03/08/2016
کو Discharge کرنے کا حکمات صادر فرمائے۔
(نقل حکم و فیصلہ مورخہ 03/08/2016 لف 4)

(4) میکم گھبرائیں منسٹر ایپیلنٹ گورنمنٹ پرائمری سکول ٹولڈن تحصیل کبل سوات
سوات جا کر اپنی Arrival Report جمع کی ہے جو ان عدلہ طور پر تصدیق شدہ ہے۔

Said Karim Shahmir
ADVOCATE,
High Court Peshawar

گورنمنٹ پرائمری سکول گولڈن ٹریل ضلع سوات نے دستخط کیا لیکن
 میں ایپلینٹ کو ذہنی طور پر مطلع کیا گیا کہ انکو نوکری سے Dismissed/Terminate
 کیا گیا ہے جسکے بعد میں ایپلینٹ نے متعلقہ افسران کو بار بار التعمانی کم ایپلینٹ
 کو اپنے نوکری سے ہر خاستگی کے قریبی احکامات دئیے جاتے لیکن نہیں دئیے گئے
 جس پر میں ایپلینٹ نے صبا ڈسٹرکٹ ایجوکیشن آفسر صاحبہ کو مورخہ 07/07/2016
 اور مورخہ 07/09/2016 کو درخواست برائے اجازت دینے نوکری اور سابقہ عدم ادا شدہ
 تنخواہیں ادا کرنے کی درخواستیں دائر کیں لیکن پھر بھی کوئی شوائب نہ ہوئی۔
 (نقل Arrival Report و درخواست پائے لف میں)

(5) یہ کم گھنٹوں میں ایپلینٹ نے اپنے وکیل کے ذریعہ متعلقہ افسران کو قانونی نوٹس
 بھی ارسال کیا لیکن پھر بھی شوائب نہ ہوئی تو میں ایپلینٹ نے ہاؤس جوری
 گورنٹ صبا ڈسٹرکٹ جج اور ججی کورٹ میں بیچ سیکورڈ سوات میں ایک writ petition
 جنوری 17-35 سال 2018 بعنوان محمد سلیم بنام حکومت خیبر پختونخوا وغیرہ
 دائر کیا جو کم گھنٹوں عدالت مذکورہ نے مورخہ 30/04/2019 کو لکھنے کرتے ہوئے ایک
 ڈسٹرکٹ ایجوکیشن آفسر صاحبہ (نارینہ) ضلع سوات کو برائے مزید کارروائی ارسال کیا
 (نقل قانونی نوٹس و حکم وضع کردہ 30/04/2019 لف میں)

(6) یہ کم مورخہ 30/05/2019 حکم زیر ایل صبا ڈسٹرکٹ ایجوکیشن آفسر صاحبہ
 (نارینہ) سوات نے بذریعہ REPORT OFFICE ORDER/RESUMPTION مورخہ 31/05/2019
 ایپلینٹ کو اپنے نوکری بطور PST پیپر جاری رکھنے کے احکامات جاری کر دیے
 لیکن Intervening period مورخہ 08/09/2009 سے لیکر 30/05/2019 کو
 Leave without pay گردانے کا حکم صادر نہ ہوا۔
 (نقل حکم DEO سوات مورخہ 31/05/2019 لف میں)

(7) یہ کم حکم وضع زیر ایل مورخہ 31/05/2019 صبا ڈسٹرکٹ ایجوکیشن آفسر صاحبہ
 ضلع سوات نامہ Intervening period مورخہ 08/09/2009 سے لیکر مورخہ
 30/05/2019 تک کو Leave without pay گردانے کے احکامات کی وجوہات ذیل
 قابل مبنی ہے اور میں ایپلینٹ Intervening period مذکورہ بالا کے

(جاری)

Said Karim Shalman
 ADVOCATE,
 High Court Peshawar

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سابقہ تنخواجات سمیت رقم Back Benefit کی ادائیگی کا حقدار ہے

Intervening period 31/05/2019 تا 08/09/2009
 دن یہ حکم و فیصلہ زیر تسلیم قرار دیا گیا ہے۔
 صرفہ 08/09/2009 تا 30/05/2009 کو Leave without pay قرار دیا قانون و انصاف خلاف ہے۔

(ii) یہ حکم و فیصلہ انصاف کی غیر جانبداری قطعاً تصدیق کے لئے کافی ہے۔
 آرمی کے زیر تسلیم استراحت اور گھبراہٹ سے متعلقہ امور کے سماعت
 کی وجہ سے لقی اور حقدار کو غلط اور بے بنیاد الزامات اور مقدمے سے
 من ایبارنٹ کو عدالت جناب انسداد و منتگاری مارکنڈ ڈویژن منام
 مگر کہ سید شریف نے بہر وقت حکم و فیصلہ قرار دیا 03/08/2019 کو
 Discharge کرنے کا حکم صادر فرمایا ہے۔

(iii) یہ حکم و فیصلہ انصاف کے خلاف ہے اور باقاعدگی سے ایجنڈے کے تحت ہی جاری کیا گیا ہے۔
 اس کے خلاف عدالت نے بذریعہ جواز غیر جانبداری کی

(iv) یہ حکم و فیصلہ انصاف کے خلاف ہے اور باقاعدگی سے ایجنڈے کے تحت ہی جاری کیا گیا ہے۔
 اس کے خلاف عدالت نے بذریعہ جواز غیر جانبداری کی
 میں پانچویں قسم کا تنازعہ مابین ایبارنٹ کے حقوق میں کیا
 ہے اس گنت ایک فیصلہ قرار دیا 02/10/2012
 کفران عبدالجبار منام DCO سوات وغیرہ میں بھی ایبارنٹ کو
 گنتی سمیت Consequential/Back Benefits کی ادائیگی کا حکم صادر فرمایا ہے۔
 فیصلہ قرار دیا ہے۔ (تخل حکم و فیصلہ قرار دیا 02/10/2012 تک)

کے خلاف

کے خلاف کے خلاف کے خلاف
 حقت و فیصلہ قرار دیا
 دست اور لایح میں

Said Karim Shalman
 ADVOCATE,
 High Court Peshawar

کے خلاف کے خلاف کے خلاف
 حقت و فیصلہ قرار دیا
 دست اور لایح میں
 Intervening period 30/05/2019 تا 08/09/2009 کو
 Back Benefits ادارے کا حکم صادر فرمایا جاوے

ان کے خلاف کے خلاف کے خلاف
 حقت و فیصلہ قرار دیا
 دست اور لایح میں
 CNIC # 15602-0529424-5, 0344-9677331

بابت ماہ ستمبر سال 19

گ.پ.س محمودی

توی شافی کارڈ نمبر:

نام:	عرفان	تاریخ:	19/09/2019
عہدہ:	PST	فون نمبر:	

روزانگی	دستخط	آمد	دستخط	روزانگی	دستخط	آمد	دستخط	روزانگی	دستخط	آمد	دستخط	تاریخ
P												1
P												2
P												3
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												31

Said Karim Shalman
 ADVOCATE,
 High Court Peshawar

Head Master
 GOVT. PRIMARY SCHOOL
 GOLDEN DISTT. SWAT

تاریخ
PST

مکرم خان اللہ
PST

قومی شناختی کارڈ نمبر:

فون نمبر:

تاریخ	آدم	دستخط	روزانگی	دستخط	آدم	دستخط	روزانگی	دستخط	آدم	دستخط	روزانگی	دستخط
1	7:30	17/Jan	12:35	17/Jan	7:30	Saleem	12:35	Saleem				
2	7:30	17/Jan	11:25	17/Jan	7:30	Saleem	11:25	Saleem				
3	7:30	17/Jan	12:35	17/Jan	7:30	Saleem	12:35	Saleem				
4												
5	7:30	17/Jan	12:35	17/Jan	7:30	Saleem	12:35	Saleem				
6												
7	7:30	17/Jan	12:35	17/Jan	7:30	Saleem	12:35	Saleem				
8	7:30	17/Jan	12:35	17/Jan	7:30	Saleem	12:35	Saleem				
9	7:30	17/Jan	12:35	17/Jan	7:30	Saleem	11:25	Saleem				
10	7:30	17/Jan	12:35	17/Jan	7:30	Saleem	12:35	Saleem				
11												
12												
13												
14												
15												
16	7:30	17/Jan	12:35	17/Jan	7:30	Saleem	11:25	Saleem				
17	7:30	17/Jan	12:35	17/Jan	7:30	Saleem	12:35	Saleem				
18												
19	7:30	17/Jan	12:35	17/Jan	7:30	Saleem	12:10	Saleem				
20	7:30	17/Jan	12:35	17/Jan	7:30	Saleem	12:35	Saleem				
21	7:30	17/Jan	12:35	17/Jan	7:30	Saleem	12:35	Saleem				
22	7:30	17/Jan	12:35	17/Jan	7:30	Saleem	12:35	Saleem				
23	7:30	17/Jan	11:25	17/Jan	7:30	Saleem	11:25	Saleem				
24												
25												
26	7:30	17/Jan	12:35	17/Jan	7:30	Saleem	12:35	Saleem				
27	7:30	17/Jan	12:35	17/Jan	7:30	Saleem	12:35	Saleem				
28	7:30	17/Jan	12:35	17/Jan	7:30	Saleem	12:35	Saleem				
29	7:30	17/Jan	12:35	17/Jan	7:30	Saleem	12:35	Saleem				
30	7:30	17/Jan	12:35	17/Jan	7:30	Saleem	11:25	Saleem				
31												

Handwritten notes and signatures on the left side of the page, including names like 'Malik Fazal' and 'ASDFO (W) Kabal Swat'.

Handwritten notes and signatures on the left side of the page, including 'Said Karim Shalman' and 'ADVOCATE, High Court Peshawar'.

میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال
6	4	2						
6	4	2						

Handwritten signature and name 'Head Master' at the bottom left corner.

نومبر:	سرطان احمد	فرید خان	محمد علی
عہدہ:	پسٹ	جوگدار	پسٹ
قومی شناختی کارڈ نمبر:			
فون نمبر:			

تاریخ	آمد	دستخط	رواگئی	دستخط	آمد	دستخط	رواگئی	دستخط	آمد	دستخط	رواگئی	دستخط
1	7:30	14 Jan	12:00	P	14 Jan	12:00	P	14 Jan	7:30	14 Jan	12:00	P
2				P								
3	7:30	14 Jan	12:00	P	14 Jan	12:00	P	14 Jan	7:30	14 Jan	12:00	P
4				P								
5				P								
6				P								
7				P								
8	7:30	14 Jan	12:35	P	14 Jan	12:35	P	14 Jan	7:30	14 Jan	12:35	P
9				P								
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16				P								
17	7:30	14 Jan	c/leave	P	14 Jan	c/leave	P	14 Jan	7:30	14 Jan	c/leave	P
18				P								
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23				P								
24	7:30	14 Jan	12:35	P	14 Jan	12:35	P	14 Jan	7:30	14 Jan	12:35	P
25	7:30	14 Jan	12:00	P	14 Jan	12:00	P	14 Jan	7:30	14 Jan	12:00	P
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27	7:30	14 Jan	12:35	P	14 Jan	12:35	P	14 Jan	7:30	14 Jan	12:35	P
28	7:30	14 Jan	11:35	P	14 Jan	11:35	P	14 Jan	7:30	14 Jan	11:35	P
29	7:30	14 Jan	12:35	P	14 Jan	12:35	P	14 Jan	7:30	14 Jan	12:35	P
30												
31												

پرخصت	جان	سابقہ	میزان	جان	سابقہ	میزان
آغازی	1	3	4	1	3	4
انتقالی	-	-	-	-	-	-
بازی	-	-	-	-	-	-
میزان	1	3	4	1	3	4

Said Karim Shahmir
 ADVOCATE
 High Court Peshawar

Head Master
 C IVI PRIMARY SCHOOL
 D. O. EN DIST. PESHAWAR

نام: **محمد**
 عہدہ: **PST**

قومی شناختی کارڈ نمبر:
 فون نمبر:

محمد سید
PST

فریڈن
 جوگیا

تاریخ	روز	وقت	روز	وقت	روز	وقت	روز	وقت
1								
2	12:35	12:35	12:35	12:35	12:35	12:35	12:35	12:35
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11	12:00	12:00	12:00	12:00	12:00	12:00	12:00	12:00
12								
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14	12:00	12:00	12:00	12:00	12:00	12:00	12:00	12:00
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17	12:00	12:00	12:00	12:00	12:00	12:00	12:00	12:00
18	12:00	12:00	12:00	12:00	12:00	12:00	12:00	12:00
19								
20	12:00	12:00	12:00	12:00	12:00	12:00	12:00	12:00
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24	11:30	11:30	11:30	11:30	11:30	11:30	11:30	11:30
25								
26								
27	12:00	12:00	12:00	12:00	12:00	12:00	12:00	12:00
28	12:00	12:00	12:00	12:00	12:00	12:00	12:00	12:00
29	12:00	12:00	12:00	12:00	12:00	12:00	12:00	12:00
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31	11:25	11:25	11:25	11:25	11:25	11:25	11:25	11:25
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37								
38								
39								
40								

Q. Muhammad Shah
 ASREQ (M) Kabal-2
 Swat
 04/05/2019

Chellat
 04/05/2019
 SDEQ (M)

Said Karim Shalmani
 ADVOCATE
 High Court Peshawar

10/25 Soliman 7:30

Lead Master
 SVT PRIMARY SCHOOL
 GOLDEN HSTT, SWAT

بعدالت جناب عدالت عالیہ سرسویں ڈسٹرکٹ سیشن کورٹ کھٹو خواہ لیسٹ اور

کوریٹ فیس	قیمت ایک روپیہ
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۱۹۰۱ء منجانب سیشن کورٹ
بنام گورنمنٹ کھٹو خواہ لیسٹ اور

25 ستمبر
محمد سلیم

مورثہ
مقدمہ
دعویٰ
جرم

سرسویں ایسیل باعث تحریر آنکہ

مقدمہ مندرجہ بالا میں اپنی طرف سے واسطے پیروی وجواب دہی و کل کاروائی متعلقہ آن مقام لیسٹ اور کئی سید کریم سلمان ایڈووکیٹ 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 و تقرر ثالث و فیصلہ پر حلف دینے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق ذراں پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ ڈائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ بصورت ضرورت مذکور کے نسل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اسکا ساختہ برواختہ منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے ہاگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا ک سند ہے

M. Saleem

محمد سلیم ولد جسٹس خان

المرقوم 25 ماہ ستمبر 19۰۱ء

گواہ شدہ العبد

Attested and Accepted

بمقام لیسٹ اور

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

Service Appeal No. _____ of 2019

Muhammad Saleem son of Habib Ullah Khan R/o Tangai China, Galoch, Tehsil
Kabal, District Swat.....Petitioner

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary at Peshawar
Secretariat & othersRespondents

**APPLICATION FOR PLACING ON FILE THE VERIFICATION
CERTIFICATE.**

Respectfully Sheweth!

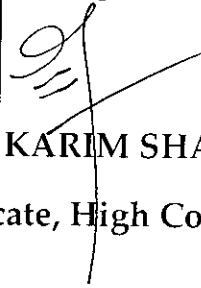
The petitioner submits as under:

1. That the above mentioned Service appeal is pending before this August Court, in which is fixed for today.
2. That the Head Master Government Primary School Golden District Swat has issues verification Certificate to the effect that petitioner/applicant remained in custody of Pak Army from 08/09/2009 to 25/05/2016 and is performing his duties as PST teacher since 31/05/2019. (Copies are attached)
3. That the above mentioned verification certificate is necessary to be place on file as to reach to a justified conclusion of the above mention service appeal.

It is therefore, humbly prayed that documents mentioned above may be placed on file.

Petitioner

Through




SAID KARIM SHALMAN
Advocate, High Court

Dated 09/09/2020

AFFIDAVIT:

I, Muhammad Saleem son of Habib Ullah Khan R/o Tangai China, Galoch, Tehsil Kabal, District Swat, , do hereby affirm and declare on oath that all the contents of this application are true and correct to the best of my knowledge and nothing has been kept Concealed before this Honorable Court.

DEPONENT 

Petitioner: Muhammad Saleem



تصدیق نامہ

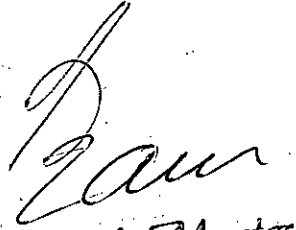
تصدیق کی جاتی ہے کہ محمد سلیم (PST گورنمنٹ پرائمری سکول گولڈن) ولد حبیب اللہ خان گاؤں ٹانگی

چینہ تحصیل کبل سوات 8-9-2009 سے لے کر 25-5-2016 تک پاک فوج کی حراست میں تھا۔ پاک آرمی نے

26-5-2016 کو رہا کر دیا ہے۔

اب وہ گورنمنٹ پرائمری سکول گولڈن سوات میں بحیثیت پرائمری سکول ٹیچر 31-5-2019 اپنی ڈیوٹی سرانجام

دے رہا ہے۔


Head Master
GOVT. PRIMARY SCHOOL
GOLDEN DISTT. SWAT.

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

Service Appeal No. _____ of 2019

Muhammad Saleem son of Habib Ullah Khan R/o Tangai China, Galochi, Tehsil
Kabal, District Swat.....Petitioner

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary at Peshawar
Secretariat & othersRespondents

**APPLICATION FOR PLACING ON FILE THE VERIFICATION
CERTIFICATE.**

Respectfully Sheweth!

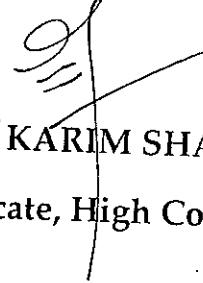
The petitioner submits as under:

1. That the above mentioned Service appeal is pending before this August Court, in which is fixed for today.
2. That the Head Master Government Primary School Golden District Swat has issues verification Certificate to the effect that petitioner/applicant remained in custody of Pak Army from 08/09/2009 to 25/05/2016 and is performing his duties as PST teacher since 31/05/2019. (Copies are attached)
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Petitioner

Through



SAID KARIM SHALMAN
Advocate, High Court

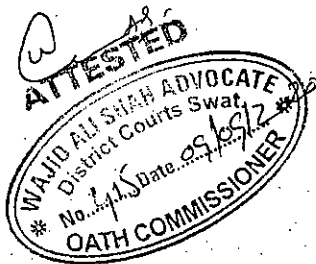
Dated 09/09/2020

AFFIDAVIT:

I, Muhammad Saleem son of Habib Ullah Khan R/o Tangai China, Galoch, Tehsil Kabal, District Swat, , do hereby affirm and declare on oath that all the contents of this application are true and correct to the best of my knowledge and nothing has been kept Concealed before this Honorable Court.

DEPONENT Muhammad Saleem

Petitioner: Muhammad Saleem



تصدیق نامہ

تصدیق کی جاتی ہے کہ محمد سلیم (PST گورنمنٹ پرائمری سکول گولڈن) ولد حبیب اللہ خان گاؤں ٹانگئی

چینہ تحصیل کبل سوات 2009-9-8 سے لے کر 2016-5-25 تک پاک فوج کی حراست میں تھا۔ پاک آرمی نے

2016-5-26 کو رہا کر دیا ہے۔

اب وہ گورنمنٹ پرائمری سکول گولڈن سوات میں بحیثیت پرائمری سکول ٹیچر 2019-5-31 اپنی ڈیوٹی سرانجام

دے رہا ہے۔


Head Master
GOVT. PRIMARY SCHOOL
GOLDEN DISTT. SWAT.

(13)

BEFORE THE KHYBER PAKTUNKHWA SERVICE TRIBUNAL CAMP COURT
SWAT

Service Appeal No. 1214/2019

Muhammad Saleem son of Habib Ullah R/O Tangai China, Galoch, Tehsil Kabal,
District Swat.

.....Appellant

Versus

1. Government of Khyber Pakhtunkhwa through Chief Secretary at Peshawar Secretariat.
2. Secretary Elementary and Secondary Education Peshawar.
3. Secretary Finance, Finance department Khyber Pakhtunkhwa at Peshawar.
4. Director Elementary and Secondary Education Khyber Pakhtun Khwa.
5. District Education officer (Male) Swat.

.....Respondents.

INDEX

S.No	Description of Documents	Annexures	Pages
1	Para-wise-comments	-	1-3
2	Affidavit	-	4
3	Authority Letter	-	5
4	Head Teacher Report	"A"	6
5	ASDEO Report	"B"	7-8
6	Scrutiny Committee Report	"C"	9-10


DISTRICT EDUCATION OFFICER (M)
SWAT AT GULKADA

BEFORE THE KHYBER PAKTUNKHWA SERVICE TRIBUNAL CAMP COURT

Service Appeal No. 1214/2019

Muhammad Saleem son of Habib Ullah R/O Tangai China, Galoch, Tehsil Kabal, District Swat.

.....Appellant

Versus

1. Government of Khyber Pakhtunkhwa through Chief Secretary at Peshawar Secretariat.
2. Secretary Elementary and Secondary Education Peshawar.
3. Secretary Finance, Finance department Khyber Pakhtunkhwa at Peshawar.
4. Director Elementary and Secondary Education Khyber Pakhtun Khwa.
5. District Education officer (Male) Swat.

.....Respondents.

Parawise Comments on Behalf of the Respondents:

Respectfully shewith

Preliminary objections

1. That the appellant is not an aggrieved person within the meaning of section 4 of the service tribunal Act, 1974.
2. That the appellant has no cause of action / locus standi.
3. That the appellant has not come to this honorable court with clean hands.
4. That the appellant has filed this instant service appeal just to pressurize the respondents.
5. The present service appeal is liable to be dismissed for non-joinder/miss joinder of necessary parties.
6. That the instant service appeal is against the prevailing law and rules.
7. That the appellant has filled this instant Service Appeal on malafide motives.
8. That the instant Appeal of the Appellant is time barred.
9. That the instant service appeal is not maintainable in the present form, and above in the present circumstances of the issue.
10. That the appellant has estopped by his own conduct.
11. That the appellant has concealed the material facts from this honorable tribunal.

FACTS

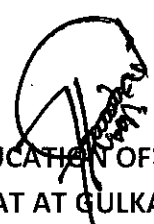
1. That the Para No.1 is correct.
2. That the Para No.2 is irrelevant to respondent No.5 hence needs no comments. However, it is clear from the statement of the Appellant that he remained absent from his duty for such a long period of more than almost nine years. The report of the school Head teacher and then the ASDEO Circle Kabal also proves his absentee. **(Head Teacher Report and ASDEO report annexed as Annexure A,B)**
3. That the Para No.3 is irrelevant to respondent No.5, hence, needs no comments. However the Appellant should have been presented clearance certificate issued by Pak Army if he has been acquitted from the charges leveled against him.
4. That the Para No.4 is correct to the extent of the arrival, however the Appellant was not given charge to perform his duties after such a long absence.
5. That the Para No.5 is the repetition of the above Paras, hence, needs no comments.
6. That the Para No.6 is correct to the extent of the notice, however, as stated in the foregoing Paras, the Appellant was not given charge to perform his duties after such a long absence.
7. That the para No. 7 is correct to the extent that the Appellant filled Writ Petition which was disposed off vide order dated 30-04-2019 and converted it to representation. The rest of the para is the repetition of the above paras, hence no comments.
8. That the para No. 8 is correct.
9. That the para No. 9 is incorrect and denied. The Appellant has been allowed to resume his duty in light of the Scrutiny Committee report and recommendations wherein it was recommended that the Appellant may be directed to resume his duty with immediate effect and the absence/intervening period I,e 08-09-2009 to 30-05-2019 of the Appellant may be considered as leave without pay on the analogy of no work no pay. **(Scrutiny Committee Report annexed as annexure C)**
10. That the para No. 10 is the repetition of foregoing paras, hence, no comments.
11. That the Para No.11 is incorrect and denied. The instant Service Appeal of the Appellant is bereft of any merit, hence, liable to be dismissed inter-alia following grounds.

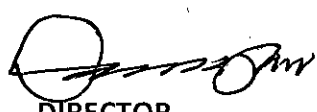
GROUND

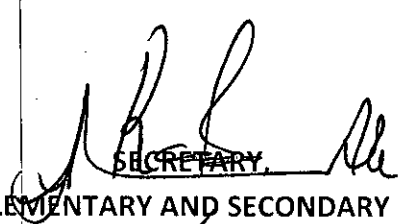
- A. That the Para No. A is incorrect and not admitted. The order date 31-05-2019 is not illegal, unlawful and without lawful authority.

- B. That the Para No. B is incorrect and denied. The Appellant has not served the department in the intervening period, hence, not entitled to receive salaries of the intervening/absence period.
- C. That the Para No. C the repetition of the above paras, hence needs no comments.
- D. That the para No. D is irrelevant, however, the respondents also seek permission of this Honorable Tribunal to advance further grounds at the time of arguments.

It is therefore very humbly prayed that the instant Service Appeal of the Appellant may be dismissed with cost in favour of the respondents.


 DISTRICT EDUCATION OFFICER (M)
 SWAT AT GULKADA


 DIRECTOR,
 ELEMENTARY AND SECONDARY
 EDUCATION KHYBER PAKHTUNKHWA


 SECRETARY,
 ELEMENTARY AND SECONDARY
 EDUCATION DEPTT PESHAWAR


 CHIEF SECRETARY,
 GOVT OF KHYBERPAKHTUN KHWA PESHAWAR

4

BEFORE THE KHYBER PAKTUNKHWA SERVICE TRIBUNAL CAMP COURT

Service Appeal No. 1214/2019

Muhammad Saleem son of Habib Ullah R/O Tangai China, Galoch, Tehsil Kabal, District Swat.

.....Appellant

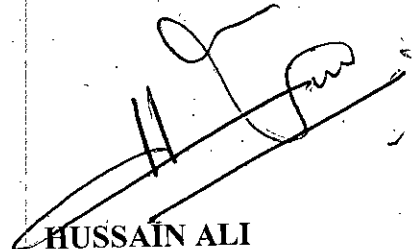
Versus

Provincial Govt. of Khyber Pakhtunkhwa & others

..... Respondents

AFFIDAVIT

I, Hussain Ali Litigation Officer, do hereby solemnly affirm and declare on oath on the directions and on the behalf of the Respondents that the contents of the comments are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honorable Court.


HUSSAIN ALI
O/O DEO (M) SWAT





OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)
DISTRICT SWAT

Email: emisswat@gmail.com,

Phone No. 09469240228

AUTHORITY LETTER

Mr. Hussain Ali Litigation Officer, office of the undersigned is hereby authorized to submit comments in *Service Appeal No. 1214/2019* case titled *Muhammad Saleem Vs Govt of KPK and others* and attend Khyber Pakhtunkhwa Service Tribunal Camp Court Swat on behalf of respondents.


DISTRICT EDUCATION OFFICER (M)
SWAT AT GULKADA

(6)

اعداد غیر معروفہ کے بارے میں

اعداد لیجیاں سے کہ جسے ٹی ڈی سسٹم PSI 9ps ٹولڈن
سیسٹم 2009 سے تا حال یعنی 2 ستمبر 2010 تک مسلسل
غیر معروفہ سے اعداد کوئی اطلاع بھی نہیں۔

تو اب ہر 2

تو اب!

صالح احمد
PSI 9ps ٹولڈن

محمد علی
تفویہ

محمد رفیق
PSI 9ps ٹولڈن

02-09-2010

C.T.C
[Signature]

(8) (5) (10)

OFFICE OF THE DEPUTY DISTRICT OFFICER (M) E&S EDU: SWAT AY

NO 7204-217

Dated _____/2010.

To,

27/7/11 (50)

- 1- ADO Circle Kabal.
- 2- ADO Circle Mingora.
- 3- ADO Circle Khawaza Khela.
- 4- ADO Circle Beharin.

Subject; ABSENT FROM DUTY.

M o;

You are requested to conduct enquiry against the following PSTs who are absent from duty, this office already issued three absent notice to their home address but ^{they} failed to report for duty till now.

- ① Muhammad Saleem PST, GPS Naxkaly Barikot Goldena
- ② Gul Zer PST GPS Chur penwarai.
- ③ Zaira ur Rehman PST, GPS Gharoono thangay.
- ④ Ahmad Ali PST GPS Masjid Rashakai.
- ⑤ Abdul Jamail Chowkidar GPS Sherplum, ^{off 08/07/11}
- 6- Salahuddin PST, GPS Ghakhi Banda Barikot.
- 7- Asghar Shah PST GPS Nawakaly Barikot
- 8- Abid Ali PST GPS Barghen.
- 9- Amir Zeb PST GPS Kasoon.

Your reply /report should reach this office within three days, so that the undersigned submit their cases to the Higher authority for further n/action please.

DEPUTY DISTRICT OFFICER (M) E&S EDU:
SWAT.

Endost; No _____

Copy of the above is forwarded to the; -

01/ Executive District Officer E&S Education swat for information please

Sd
DEPUTY DISTRICT OFFICER (M) E&S EDU:
SWAT.

etc
M



OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)

Swat (Cell # 0946 9240209-228)

No. 4406 Dated. 30/5/19

Annexure "C"

9

(B)

SUBJECT: REPORT OF SCRUTINY COMMITTEE REGARDING MR. MUHAMMAD SALIM PST GPS GOLDEN SWAT IN LIGHT OF THE HONOURABLE PESHAWAR HIGH COURT MINGORA BENCH/ DARUL QAZA SWAT JUDGMENT 30.4.2019.

Memo

Findings and details of the case:

1. That the teacher concerned was appointed on 9.4.1995.
2. That the teacher concerned performed his duties till he was arrested by the law enforcing agencies on 8.9.2009.
3. That the said teacher was charged under section 302/451/148/149 PPC 7 ATA vide case FIR No.71 dated 4.10.2009 registered at police station Kabal Swat.
4. That he was released on bail and later on, on 03.8.2016 he was discharged from criminal case by the Anti Terrorism court.
5. That he remained in custody with the law enforcing agencies till 26.5.2016.
6. That the said teacher presented arrival report to the Head Teacher of GPS Golden Swat.
7. That he was not allowed to resume his duty because he remained absent for about seven years.
8. That it is worth to mention here that the record is silent about the termination or any other departmental proceedings against the said teacher.
9. That the said teacher approached the Honourable Peshawar High Court Mingora bench/ Darulqaza swat.
10. That the Honourable court sought comments from the respondent department.
11. That the comments were submitted with legal and factual objections.
12. That the Honourable court transmitted the writ petition to the DEO (M) Swat with directions to decide the fate of the employment of the Petitioner within one month.

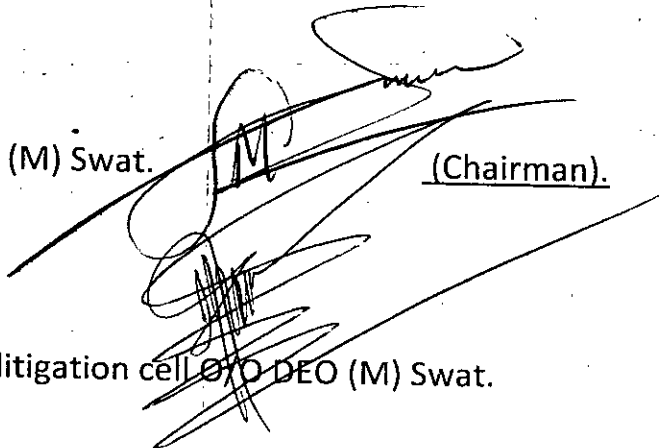
RECOMMENDATIONS.

10

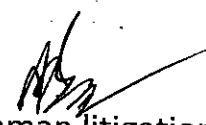
RECOMMENDATIONS.

1. In light of the above mentioned scenario we recommend that the teacher concerned may be directed to resume his duty with immediate effect.
2. The absence period/intervening period i.e 8.9.2009 to 30.5.2019 of the said teacher may be considered as leave without pay on the analogy of no work no pay.

1. Muhammad Amin DEO (M) Swat.


(Chairman).

2. Fazal.Rahman Head of litigation cell O/O DEO (M) Swat.
(Member)


1. Bakht Rahman litigation officer O/O DEO (M) office Swat.
(Member)



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 83 /ST

Dated: 12/01 /2022

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

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


To

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

Subject: JUDGMENT IN APPEAL NO. 1214/2019, MR. MUHAMMAD SALEEM.

I am directed to forward herewith a certified copy of Judgement dated 05.01.2022 passed by this Tribunal on the above subject for compliance please.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR
CAMP COURT AT GULKADA SWAT

Muhammad Saleem VS Govt of KPK etc

SERVICE APPEAL

APPELLANT'S POINTS

Respectfully Sheweth;

Appellant's points are submitted as under:-

- 1) That the Appellant was appointed as PST Teacher on 09/04/1995.
- 2) That Pak Army taken the Appellant in custody on 08/09/2009 and remained in custody till 26/05/2016, while he was charged in FIR No. 71 Dated: 04/10/2009.
- 3) That the Appellant was discharged by the Honorable Court (ATC) vide order Dated: 03/08/2016.
- 4) That Appellant reported to GPS Golden District Swat on 30/06/2016 (arrival report signed by Head Master GPS Golden Tehsil Kabal District Swat).
- 5) That the Appellant was orally informed that he has been dismissed / terminated from Service. No written order was given to Appellant, therefore the Appellant filed an application on 13/07/2016 and 07/09/2016, but in vain.

- 6) That the Appellant served legal notice on Respondents through counsel on 21/11/2017, but no response.
- 7) That the Appellant then filed a writ petition No. 35-M of 2018 decided on 30/04/2019.
- 8) That in compliance of the said writ petition orders, the Appellant was allowed to resume his duty as PST Teacher vide order Dated: 31/05/2019 by Respondent No.5, but the intervening period i.e. since taking Appellant into custody by Pak Army 08/09/2009 to order of Respondent No.5, 30/05/2019 has been treated as leave without pay.
- 9) That the Appellant moved an appeal before the Respondent No.4 on 22/06/2021 vide P.O receipt already annexed on page No. 41.

Appellant
Through Counsel

Said Karim Shalman
Advocate High Court