

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

BEFORE: KALIM ARSHAD KHAN ...CHAIRMAN
MIAN MUHAMMAD ...MEMBER EXECUTIVE

Service Appeal No.1380/2019

Muhammad Sharif, (Ex-PST) son of Muhammad Ayaz Caste Kundi
resident of Namdoor Tehsil & District Tank.

.....(*Appellant*)

Versus

1. **Government of Khyber Pakhtunkhwa**, through Secretary Education Department, Peshawar.
2. **Director Elementary and Secondary Education**, Khyber Pakhtunkhwa, Peshawar.
3. **District Education Officer (Male)**, Tank.

.....(*Respondents*)

Present:

Mr. Gul Tiaz Khan Marwat,
Advocate.....For appellant.

Mr. Muhammad Adeel Butt,
Additional Advocate GeneralFor respondents.

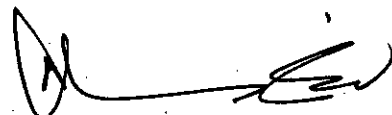
Date of Institution.....21.10.2019
Dates of Hearing.....28.06.2022
Date of Decision.....28.06.2022

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDERS DATED 14.03.2019 PASSED BY RESPONDENT NO.2 VIDE WHICH DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER OF STOPPAGE OF SALARY/PAY OF APPELLANT BY RESPONDENT NO.3 FOR THE PERIOD 01.07.2009 TO 15.12.2010 HAS BEEN REJECTED.

JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN.: According to the averments made in the appeal are that the appellant was appointed as

PST in 1984 in GPS Village Manji Gomal Bazar Tank; that the appellant alongwith other family members were falsely implicated in a murder case vide FIR No. 84 Police Station Mullazai Tehsil & District Tank; that on the basis of the said FIR appellant's salary was stopped w.e.f 01.07.2009 to 15.12.2010 by respondent No.3 without any speaking order irrespective of the fact that the appellant was performing his duties; that no regular enquiry was conducted nor any charge sheet, statement of allegation and show cause notice were served upon the appellant; that the appellant himself surrendered before the police and sought pre-arrest bail, which was confirmed by the learned Additional Sessions Judge, Tank on 15.12.2010; that later on he was acquitted by the learned Sessions Judge, Tank vide judgment dated 26.03.2011; that upon refusal of respondent No. 3 on 31.12.2011 to supply impugned order, appellant preferred departmental appeal before respondent No.2 on 23.01.2012, which was not responded within statutory period. He then filed service appeal No. 526/2012 before this Tribunal which was remanded to respondent No.2 to decide the departmental appeal of the appellant but respondent department did not pay any heed to decide departmental appeal. The appellant then filed execution petition before the Tribunal for provision of impugned order, which was duly executed and impugned order dated 14.03.2019 was supplied to the appellant, against which he filed departmental representation, which was also rejected on 23.09.2019, hence, this appeal.

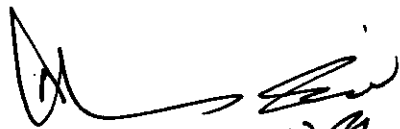

28/06/22

2. On receipt of the appeal and its admission to full hearing, the respondents were summoned, who on putting appearance contested the appeal by filing written reply raising therein numerous legal and factual objections. The defence setup was a total denial of the claim of the appellant.

3. We have heard learned counsel for the appellant and learned Additional Advocate General for the respondents.


4. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned AAG controverted the same by supporting the impugned order(s).

5. It is the case of appellant that he had performed duties from 01.07.2009 to 15.12.2010 and the department had stopped salary of the appellant for the said period. The contention of the department is that after registration of criminal case against the appellant, respondent No.3 stopped his salary from 01.07.2009 which was released on 15.12.2010 when the pre-arrest bail of the appellant was confirmed by the learned Additional Session Judge Tank. It was further contended that the respondent-department had initiated a fact finding enquiry against the appellant which was conducted by the Abdur Rashid Baloch, Principal GHSS No.2 D.I.Khan. That after registration of FIR against the appellant, he became absconder for about sixteen months and applied


28/06/22

for BBA on 11.12.2010, which was confirmed on 15.12.2010 whereafter his salary was released. It was also contended that the appellant had filed service appeal No. 526/2012 before this Tribunal which was remanded to respondent No.2 for decision on the departmental appeal and the department rejected the appeal on 14.03.2019.

6. In support of his case, the appellant has annexed extracts from the attendance register from June 2009 to November 2010 which was duly attested by ADO (M) Primary Tank. Similarly, the extracts of the service book were also attached. The entries of the service book show that the service period of the appellant from the alleged registration of FIR till confirmation of the pre-arrest bail, was duly verified not only by the departmental officers but also by the accounts office. These facts were not controverted by the respondents in their written reply nor even today before the Tribunal. The departmental authorities have also not annexed with their reply any documents to support their contention that the appellant remained absconder from the date of registration of FIR till confirmation of his pre-arrest bail. There is no proclamation under Section-87 of the Cr.PC, warrant under Section 204 of the Cr.PC and other proceedings, if any, conducted against the appellant for his alleged abscondence, placed on file to substantiate the contention of the respondents. There is, however, only fact finding enquiry report on the file which too is unsupported by any documents.


28/06/22

7. In the circumstances withholding of the salary of the appellant from 01.07.2009 to 15.12.2010 seems unjustified. Therefore, on allowing this appeal, we direct the respondents to release the salary of the appellant for the period prayed for in the appeal. Consign.

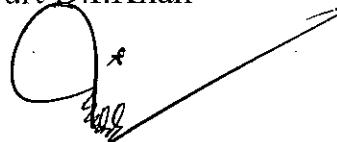
8. *Pronounced in open Court at Dera Ismail Khan and given under our hands and the seal of the Tribunal on this 28th day of June, 2022.*



KALIM ARSHAD KHAN

Chairman

Camp court D.I.Khan



MIAN MUHAMMAD

Member Executive

Camp court D.I.Khan

ORDER

28th June 2022

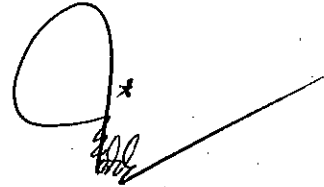
Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Rasool Khan, ADEO Tank for respondents present.

Vide our detailed judgment of today, separately placed on file, in the circumstances withholding of the salary of the appellant from 01.07.2009 to 15.12.2010 seems unjustified. Therefore, on allowing this appeal, we direct the respondents to release the salary of the appellant for the period prayed for in the appeal. Costs shall follow the event. Consign.

Pronounced in open court in Dera Ismail Khan and given under our hands and seal of the Tribunal this 28th day of June, 2022.



(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan



(Mian Muhammad)
Member(E)
Camp Court D.I.Khan

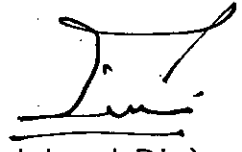
26.05.2022

Appellant alongwith his counsel present. Mr. Farhaj Sikandar, District Attorney for the respondents present.

Learned counsel for the appellant stated that as the record of fact finding inquiry is not available and availability of the same is necessary before the Tribunal for just and right decision of the matter in issue. Learned District Attorney shall intimate the respondents for production of whole record of the fact finding inquiry on the next date. Adjourned. To come up for arguments on 27.06.2022 before the D.B at Camp Court D.I.Khan.



(Rozina Rehman)
Member (J)
Camp Court D.I.Khan

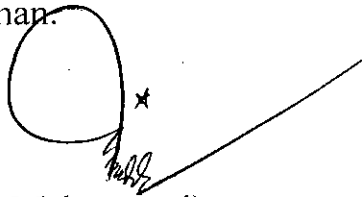


(Salah-ud-Din)
Member (J)
Camp Court D.I.Khan

27th June, 2022

Appellant alongwith his counsel present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Both the parties are directed to prepare the case and argue the case by tomorrow. Last opportunity is granted. To come up for arguments on 28.06.2022 before D.B at camp court D.I.Khan.




(Mian Muhammad)
Member(E)



(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan

25.01.2022

Tour is Cancelled, therefore, case is adjourned to 24.05.2022 for the same as before.


Reader.

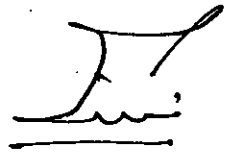
24.05.2022

Learned counsel for the appellant present. Mr. Farhaj Sikandar, District Attorney for the respondents present.

Learned counsel for the appellant sought adjournment on the ground that as previous date was changed on Reader Note, therefore, the appeal in hand was not noted for today. Adjourned. To come up for arguments on 25.05.2022 before the D.B at Camp Court D.I.Khan.



(Rozina Rehman)
Member (J)
Camp Court D.I.Khan



(Salah-ud-Din)
Member (J)
Camp Court D.I.Khan

25.05.2022

Learned counsel for the appellant present. Mr. Mahmood Azam, ADEO (Litigation) alongwith Mr. Farhaj Sikandar, District Attorney for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not gone through the record. Adjourned. To come up for arguments on 26.05.2022 before the D.B at Camp Court D.I.Khan.

(Rozina Rehman)
Member (J)
Camp Court D.I.Khan

(Salah-ud-Din)
Member (J)
Camp Court D.I.Khan

25.10.2021

Appellant present through counsel.

Asif Masood Ali Shah learned Deputy District Attorney present.

Written reply on behalf of respondents is still awaited. Preceding date was adjourned on a Reader's note, therefore, notice be issued to all the respondents with direction to furnish written reply/comments positively. To come up for written reply/comments on 23.11.2021 before S.B at Camp Court, D.I.Khan.

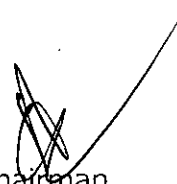


(Rozina Rehman)
Member(J)
Camp Court, D.I.Khan

23.11.2021

Appellant in person and Mr. Muhammad Rasheed, DDA alongwith Muhammad Azhar, ADEO for the respondents present.

Representative of respondents has submitted Written reply/comments on behalf of the respondents. Placed on file. To come up for rejoinder, if any and arguments on 25.01.2022 before the D.B at Camp Court, D.I.Khan.



Chairman
Camp Court, D.I.Khan

27.10.2020

Appellant is present in person. Mr. Muhammad Jan, Deputy District Attorney and Mr. Mehmood Azam, ADO, for the respondents are also present.

Written reply on behalf of respondents not submitted. Representative of the department is seeking further time to furnish written reply/comments. Time is given. File to come up for written reply/comments on 21.12.2020 before S.B at Camp Court D.I.Khan.

(MUHAMMAD JAMAL KHAN)
MEMBER
CAMP COURT D.I.KHAN

21.12.2020

Due to COVID 19, the case is adjourned to 25.3.2021 for the same.

25.03.2021

Appellant in person and Mr. Muhammad Rasheed, DDA alongwith Mr. Mehmood Azam, ADEO for respondents present.

Written reply/comments not submitted. Representative of the respondents seeks time to submit the same on the next date. Granted but as a last chance.

Adjourned to 21.06.2021 before S.B at camp court D.I.Khan.

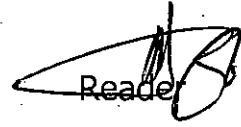
(Mian Muhammad)
Member(E)
Camp Court D.I.Khan

21-6-21

Due to COVID 19, the case is adjourned to 25.10.21 for the same.

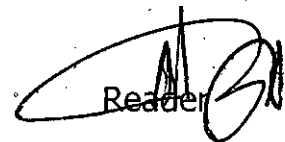
25/3/2020

Due to COVID-19 the case is adjourned. To come up for the same 21/4/2020 at Camp Court, D.I Khan


Reader

21/4/2020

Due to COVID-19 the case is adjourned. To come up for the same 22/9/2020 at Camp Court, D.I Khan


Reader

22.09.2020

Appellant in person present.

Mr. Usman Ghani, District Attorney alongwith Mehmood Azam, ADO for respondents present.


Written reply/comments on behalf of respondents not submitted. Representative of respondents seeks time to file written reply/comments. To come up for written reply/comments on 27.10.2020 before S.B at Camp Court, D.I Khan.



(Rozina Rehman)
Member (J)
Camp Court, D.I Khan

27.01.2020


Appellant in person present and requested for adjournment on the ground that his counsel is not available today due to strike of Khyber Pakhtunkhwa Bar Council. Adjourned to 24.02.2020 for preliminary hearing before S.B at Camp Court D.I.Khan.


(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan

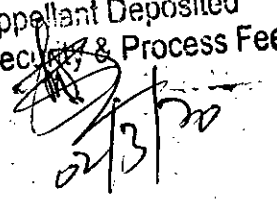
24.02.2020

Counsel for the appellant Muhammad Sharif present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was not paid salary on the allegation of absence from duty. The appellant filed departmental appeal but the same was not decided within the stipulated period, therefore, the appellant filed service appeal which was remitted to the departmental authority to decide the departmental appeal in accordance with law vide judgment dated 28.03.2016 but the departmental authority has again rejected the departmental appeal of the appellant vide order dated 14.03.2019 hence, the present service appeal. It was further contended that the salary was not paid to the appellant without any reason. It was further contended that the absence was not proved by the respondent-department therefore, the appellant was entitled for salary of the said period.

The contentions raised by learned counsel for the appellant need consideration. The appeal is admitted for 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 the respondents for written reply/comments for 25.03.2020 before S.B at Camp Court D.I.Khan.


(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan

Appellant Deposited
Security & Process Fee

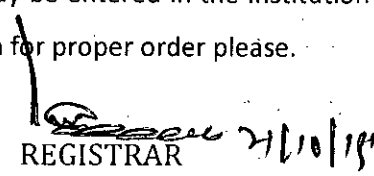

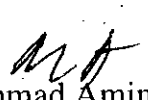

02/3/20

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1380/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/10/2019	<p>The appeal of Mr. Muhammad Sharif received today by post through Gul Tiaz Khan Marwat Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR 21/10/19</p>
2-	15-11-19	<p>This case is entrusted to touring S. Bench at D.I.Khan for preliminary hearing to be put up there on <u>25-11-2019</u></p> <p> CHAIRMAN</p>
25.11.2019		<p>Appellant in person present and requested for adjournment on the ground that his counsel is not available today due general of Khyber Pakhtunkhwa Bar Council. Case to come up for preliminary hearing on 27.01.2020 before S.B at Camp Court D.I.Khan.</p> <p> (Muhammad Amin Khan Kundi) Member Camp Court D.I.Khan</p>

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. 1380 /2019

Muhammad Sharif

..... **Appellant**

VERSUS

Govt: of KPK through Secretary ^{Education} ~~Higher~~ Civil Secretariat
Peshawar and others. **Respondents**

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5	Copies of Service Book	C	21-30
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Dated: 18 /10/2019

**Your Humble Appellant
Through Counsel**


**GUL TIAZ KHAN MARWAT
Advocate High Court DIKhan**

I

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. 1380 /2019

Muhammad Sharif Ex-PST S/O Muhammad Ayaz Gaste
Kundi R/O Namdoor Tehsil & District Tank

Chhy. Secy. Peshawar
Service Tribunal

Diary No. 1472

Dated 21/10/2019

..... **Appellant**

VERSUS

1. Govt: of KPK through Secretary Education
Department Govt: of KPK Civil Secretariat Peshawar.
2. Director Elementary & Secondary Education, Govt. of
KPK Peshawar.
3. District Education Officer (M) Tank

.....**Respondents**

**APPEAL U/S 4 OF KPK SERVICE TRIBUNAL ACT 1974
AGAINST THE ORDER NO 3821 DATED 14.03.2019 ISSUED
BY RESPONDENT NO. 2, COPY SUPPLIED TO THE
APPELLANT ON 23.09.2019 VIDE WHICH DEPARTMENTAL
APPEAL AGAINST THE IMPUGNED ORDER OF STOPPAGE
OF SALARY/ PAY OF APPELLANT BY RESPONDENT NO 3
FOR THE PERIOD 01.07.2009 TO 15.12.2010 HAS BEEN
REJECTED.**

Respected Sir,

1. That the Appellant was appointed as PST (PTC) in the
year 1984 and since then he is/was performing his duty.
2. That the Appellant was posted in Govt. Primary School
Village Manji Gomal Bazar Tank.

Filed to-day
Registrar
21/10/19

Re-submitted to-day
and filed.
Registrar
21/10/19
Guz

3. That the Appellant was falsely charged for murder alongwith with other family members in a criminal case vide FIR No. 84 P.S Mullazai Tehsil & District Tank. ~~Copy of FIR is enclosed as Annexure - A.~~
4. That the Appellant was performing his duties and he was never asked by the high ups of the Education Deptt: in respect of involvement in a criminal case but Respondent No. 3 without any written order stopped the Salary / Pay of Appellant with effect from 01.07.2009 to 15.12.2010 irrespective of the fact that the Appellant was performing his duty in the school regularly prior and after the occurrence as evident from the school attendance register. Copies are enclosed as **Annexure - B.**
5. That it is pertinent to mention here that neither any entry of stoppage of salary/ pay of Appellant from 01.07.2009 to 15.12.2010 neither of Ascendance of Appellant has been made by Respondent No. 3 and even no entry of absence from duty has been marked in the attendance register. Copy of Service Book is enclosed as **Annexure - C.**
6. That similarly, neither any regular departmental inquiry has been conducted by the respondents nor any charge sheet, statement of allegations and show cause notice were issued to the Appellant but the pay / salary of the Appellant was stopped.

Amr

7. That neither the Appellant was arrested by the police nor the local police concerned has approached the departmental Authority of Education Department for taking any departmental action against the Appellant and the Appellant himself surrendered the Court of law and sought BBA which was confirmed on 15.12.2010. Copy of order is enclosed as **Annexure - D**.
8. That the Appellant was finally acquitted from the charge of murder by the learned Sessions Judge Tank vide judgment dated 26.03.2011. Copy of Judgment is enclosed as **Annexure - E**.
9. That the Appellant made repeated requests to Respondent No. 3 to supply / provide copy of order regarding stoppage of Salary/ Pay of Application for the period 01.07.2009 to 15.12.2010 to enable the Appellant to seek legal remedy but fruitless and finally the Appellant was refused to supply copy of order on 31.12.2011.
10. That after refusal of provision of Copy of Respondent No. 3, the Appellant filed departmental appeal before Respondent No. 2 on 23.01.2012. Copy of Departmental Appeal is enclosed as **Annexure - F**.
11. That the departmental appeal which was not decided by the Respondent No. 2 within the statutory period of 90 days, therefore, the Appellant filed service appeal No.

Amr

526/2012 before this learned Tribunal which came up hearing on 28.03.2016 and the same was remanded to Respondent No. 2 for giving conclusive finding and decisions on departmental appeal of Appellant. Copy of Judgment/ order is enclosed as **Annexure - G.**

12. That the Appellant has been retired from service with effect from 04.12.2017 vide Office Order No 11516-19 dated 23.12.2017. Copy of Order is enclosed as **Annexure-H.**
13. That after decision of appeal No. 526/2012, the Appellant anxiously waited for the decision of departmental appeal by Respondent No. 2 but inspite of lapse of long period when no action was taken by Respondent No. 2, then the Appellant knocked the door of this learned Tribunal for implementation / execution of judgment /order dated 28.03.2016.
14. That in compliance with the notice of this learned tribunal Respondent No. 3 forwarded letter No. 615 dated 11.02.2019 to Respondent No. 2 to decide departmental appeal of Appellant and in response of aforesaid letter of Respondent No. 3, Respondent No. 2 issued impugned order vide letter No. 3821 dated 14.03.2019, Copy whereof was provided to this learned Tribunal on the date of hearing i.e. 23.09.2019 and copy thereof was also provided to the Appellant vide which departmental appeal

Amr

of the Appellant has been rejected. Copies of letter dated 11.02.2019 and Impugned order dated 14.03.2019 are enclosed as **Annexure J&K** respectively.

15. That the Appellant feeling aggrieved from all the impugned orders/actions and inactions of respondents 2&3 individually and collectively, the appellant seeks the indulgence of this learned tribunal under its appellate jurisdiction inter alia on the following grounds.

GROUND:-

- A. That the impugned actions / inactions of Respondents of non-payment of arrears of pay/ salaries with effect from 01.07.2009 to 15.12.2010 is against law, arbitrary, Malafide void abinitio, without lawful authority, without Jurisdiction and of no legal effect qua the rights of appellant.
- B. That neither any charge sheet, statement of allegations and nor any show cause notice has been served upon the appellant and the impugned order of stoppage of Pay/ Salary for the period 01.07.2009 to 15.12.2010 has been passed without holding regular inquiry while by now it is a settled principle of law that regular inquiry is must and there should be no punishment without holding regular inquiry.
- C. That the order of stoppage of pay / salary of Appellant passed by the Respondent No.3, DEO(M) Tank is against

Just

law and facts as neither the Appellant was associated in the so-called inquiry proceedings nor witnesses were examined in the presence of Appellant.

- D. That the impugned action/order of respondent No.3 of stoppage of pay/salary is not sustainable without holding regular inquiry and without proving an opportunity of personal hearing but the Appellant was punished without observing all these legal and mandatory formalities and requirements of law.
- E. That the entire proceedings from beginning to end is against law as no departmental proceedings has been initiated/ completed against the Appellant as provided under the law.
- F. That besides all these legal defects, neither final show cause notice was served upon the Appellant before the stoppage of pay/salary nor personal hearing was provided which is under the law.
- G. That the Appellant has been met out discriminatory treatment and he has not been treated under the law as required under the provisions of fundamental rights guaranteed the Constitution of Islamic Republic of Pakistan.
- H. That this Honorable Tribunal is creation of Constitution under which fundamental rights of the citizens of the Country are protected and having vast Constitutional

Qureshi

Power, this Honorable Tribunal is competent and authorized to correct the failure, faults, dereliction of duty, laches, defects in jurisdiction denial of justice, bias or disability and to set aside/struck down illegal and order without lawful authority of the Departmental Authorities of Government Offices/ Departments including the Respondents.

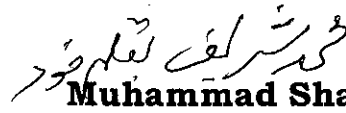
- J. That all the actions/inactions and orders passed by the respondents are void and illegal and no limitation runs against the void orders and it is also a settled principle of law that when the initial order is void then the superstructure built thereon shall have to fall on the grounds automatically.
- K. That counsel for the Appellant may please be allowed to raise additional ground during the course of arguments.

It is, therefore, humbly prayed on acceptance this Appeal this Honorable Tribunal may very graciously be pleased to accept the appeal of the Appellant and as a consequence thereof the Appellant may please be paid the arrears of salary / pay with effect from 01.07.2009 to 15.12.2010.

Jan

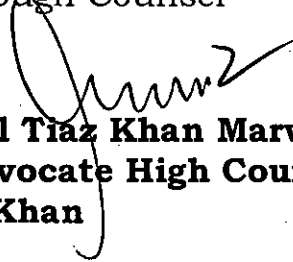
Any other relief deemed appropriate in the prevailing circumstances may also be granted.

Your humble appellant,


Muhammad Sharif

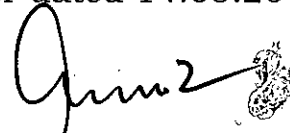
Through Counsel

Dated: 18 /10/2019


Gul Tiaz Khan Marwat
Advocate High Court
DIKhan

CERTIFICATE

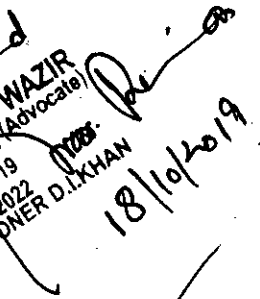
Certified that it is a first appeal by the appellant before this learned tribunal against the impugned order dated 14.03.2019


Counsel for APPELLANT

AFFIDAVIT

I, Muhammad Sharif Ex-PST S/O Muhammad Ayaz Caste Kundi R/O Namdoor Tehsil & District Tank, the appellant do hereby solemnly affirm and declare on Oath that the contents of appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.


DEPONENT

Attested
NOOR-UJ-REHMAN WAZIR
(Lic-bc-09-2566 (Advocate))
R.D. 25-04-2019
To 25-04-2022
OATH COMMISSIONER D.I.KHAN

18/10/2019

9

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Civil Misc. Application No. _____/2019

In

Service Appeal No _____/2019

Muhammad Sharif **Appellant**

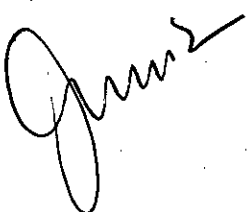
VERSUS

Govt: of KPK through Secretary Education Civil Secretariat
Peshawar and others. **Respondents**

**PETITION U/S 5 OF LIMITATION ACT CONTAINING THE
REQUEST FOR CONDONATION OF DELAY IN FILING OF
APPEAL.**

Respected Sir,

1. That the accompanied Appeal is being filed before this learned Tribunal against the order of rejection of departmental appeal of appellant passed by respondent No. 2.
3. That the petitioner came to know about the order dated 14.03.2019 of rejection of departmental appeal by Respondent No. 2 when copy whereof was produced before this learned Tribunal on 23.09.2019 during hearing of execution petition of Appellant and the impugned order was thus never communicated to the petitioner earlier i.e prior to 23.09.2019.
4. That the petitioner on gaining the knowledge of rejection of departmental appeal by respondent No. 2, therefore, the limitation for filing of appeal is to be run from date of provision of copy of order i.e. 23.09.2019.
5. That keeping in view the circumstances explained above there is no delay in filing of Appeal on the part of



appellant/petitioner and if there is any delay in filing of appeal.

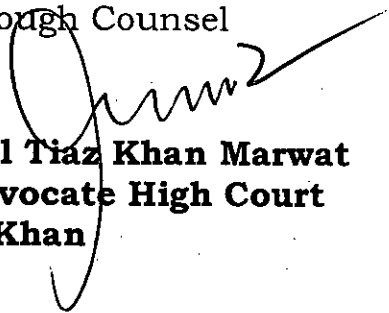
It is, therefore, humbly prayed on acceptance this Petition, this Honorable Tribunal may very graciously be pleased to condon the delay if any in filing of appeal in the interest of justice.

Your humble Appellant/
Petitioner

محمد شریف بکام خور
Muhammad Sharif

Through Counsel

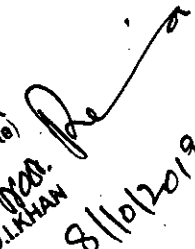
Dated: 18 /10/2019


Gul Tiaz Khan Marwat
Advocate High Court
DIKhan

AFFIDAVIT

I, Muhammad Sharif Ex-PST S/O Muhammad Ayaz Caste Kundi R/O Namdoor Tehsil & District Tank, the appellant do hereby solemnly affirm and declare on Oath that the contents of appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

محمد شریف بکام خور
DEPONENT


NOOR-UR-REHMAN WAZIR
(Lic-bc-09-2586 (Advocate))
R.D. 25-04-2019
To 25-04-2019
OATH COMMISSIONER D.I.KHAN

18/10/2019

11 A

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) D.I. KHAN
ADWAKHAI:-

According to the verbal approval of Chairman District Council, D.I. Khan on phone on 27.1.84 and investigation of this office under No. 4341-46/II-AR dated 7.3.84. The following adjustments are hereby ordered in the interest of public service.

Sl. No.	Name of Teacher	From	To	Remarks
1)	Mohammad Sharif s/o Candidate Mohammad Ayub		GPS Gomal- Bazar	Plus No. 2
2)	Zaria Bakhsh PTC	GPS Gomal- Bazar	GPS Peshawar	Plus No. 2 After proceeded as LPA.

The order will take effect from 15.1.84.

- 1). Charge reports should be submitted as usual.
- 2). No TA/DA & Transport is allowed to any one.
- 3). No joining time is allowed which is absolutely necessary for transit.

Handwritten notes:
205
17

Signature
DISTRICT EDUCATION OFFICER,
(MALE) D.I. KHAN.

Order No. 55642-46/II-AR/PTC Dated D.I. Khan the 27 / 10 / 84.
Copy of the above is forwarded for information and necessary action to:-

- 1-2). SDCs (Male) M. Khan & Tank.
- 3). RM G.M. Peshawar.
- 4). Candidate concerned.
- 5). Chairman P.T.C. D.I. Khan.

Signature
DISTRICT EDUCATION OFFICER,
(MALE) D.I. KHAN.

Signature
Deputy District Officer
(M) P. Tank

Handwritten notes:
PTC
12/10

Signature
Quiz
Baku

Better Copy

11

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE), D.I.KHAN

A
B

Appointment:-

According to the verbal approval of Chairman District Council D.I.Khan on phone on 27.03.1984 and in continuation of this office No. 4762-69 dated 07.03.1984 the following adjustments are hereby ordered in the interest of public service.

<u>S. No.</u>	<u>Name of Teacher</u>	<u>From</u>	<u>To</u>	<u>Remarks</u>
1)	Muhammad Sharif s/o Moh: Ayaz	Candidate	G.P.S Gomal Bazar	vide No.2
2)	Karim Bakhsh PTC	GPS Gomal Bazar	GMS Paharpur	vice GMS Akbar proceeded on LPR

The order will take effect from 15.03.1984

- 1) Charge reports should be submitted as usual.
- 2) No TA/DA & Transfer grant is allowed to any one.
- 3) No joining time is allowed which is absolutely necessary for transit

Sd/-
DISTRICT EDUCATION OFFICER
(MALE) D.I.KHAN

Ends: No. 55642-46/II AE/PTC dated D.I.Khan the 27.03.1984
Copy of the above is forwarded for information and necessary action to:

- 1+2) SDEOS (Male) D.I.Khan & Tank.
- 3) G.MS Paharpur.
- 4) Candidate Concerned.
- 5) Chairman District Council D.I.Khan

Sd: _____
DISTRICT EDUCATION OFFICER,
(MALE) D.I.KHAN

Attested
Jmm2
sdw

رجسٹر حاضرین مدرستین گورنمنٹ ایلمنٹری سکول ماہی پور

بابت ماہ ستمبر
 نام: ایف ایم الکر
 نمبر: PST
 عنوان: جو کلبدار
 پست: PST

تاریخ	آمد	دستخط	رہائی	آمد	دستخط	رہائی	آمد	دستخط	رہائی	آمد	دستخط	رہائی
1												
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 A. B. O.
 P. W. T. 11/11

(Handwritten signature)

مہر و دستخط	حال	سابقہ	میزان	حال	سابقہ	میزان	حال	سابقہ	میزان	حال	سابقہ	میزان

(Handwritten signature)

رجسٹر حاضر و مدرسیں گورنمنٹ ڈگری کالج امرتسر

بابت	اصناف اللہ	انتخاب	حکومت
رقم	PST		

تاریخ	آمد	دستخط	رہائی	آمد	دستخط	رہائی	آمد	دستخط	رہائی	آمد	دستخط	رہائی
1	8/30	اصناف	اصناف	11/30	اصناف	اصناف	2/30					
2	8/30	اصناف	اصناف	11/30	اصناف	اصناف	2/30					
3	8/30	اصناف	اصناف	11/30	اصناف	اصناف	2/30					
4												
5	8/30	اصناف	اصناف	11/30	اصناف	اصناف	2/30					
6	8/30	اصناف	اصناف	11/30	اصناف	اصناف	2/30					
7	8/30	اصناف	اصناف	11/30	اصناف	اصناف	2/30					
8	8/30	اصناف	اصناف	11/30	اصناف	اصناف	2/30					
9	8/30	اصناف	اصناف	11/30	اصناف	اصناف	2/30					
10	8/30	اصناف	اصناف	11/30	اصناف	اصناف	2/30					
11												
12	8/30	اصناف	اصناف	11/30	اصناف	اصناف	2/30					
13	8/30	اصناف	اصناف	11/30	اصناف	اصناف	2/30					
14	8/30	اصناف	اصناف	11/30	اصناف	اصناف	2/30					
15	8/30	اصناف	اصناف	11/30	اصناف	اصناف	2/30					
16	8/30	اصناف	اصناف	11/30	اصناف	اصناف	2/30					
17	8/30	اصناف	اصناف	11/30	اصناف	اصناف	2/30					
18												
19	8/30	اصناف	اصناف	11/30	اصناف	اصناف	2/30					
20	8/30	اصناف	اصناف	11/30	اصناف	اصناف	2/30					
21	8/30	اصناف	اصناف	11/30	اصناف	اصناف	2/30					
22	8/30	اصناف	اصناف	11/30	اصناف	اصناف	2/30					
23	8/30	اصناف	اصناف	11/30	اصناف	اصناف	2/30					
24	8/30	اصناف	اصناف	11/30	اصناف	اصناف	2/30					
25												
26	8/30	اصناف	اصناف	11/30	اصناف	اصناف	2/30					
27	8/30	اصناف	اصناف	11/30	اصناف	اصناف	2/30					
28	8/30	اصناف	اصناف	11/30	اصناف	اصناف	2/30					
29	8/30	اصناف	اصناف	11/30	اصناف	اصناف	2/30					
30	8/30	اصناف	اصناف	11/30	اصناف	اصناف	2/30					
31	8/30	اصناف	اصناف	11/30	اصناف	اصناف	2/30					

قسمت	حالیہ	سابقہ	میزان	حالیہ	سابقہ	میزان	حالیہ	سابقہ	میزان	حالیہ	سابقہ	میزان
انتخاب												
استحقاق												
بیماری												
میزان												

دستخط ہیڈ ماسٹر

دستخط ہیڈ ماسٹر

Attested
Junk
PST

رہائی

اصناف
A.P.O.
Pvt. Tank

میزان

رجسٹر حاضر و مدرسین گورنمنٹ پرائمری سکول ماچی

نام	ایمان اللہ	نمبر	۱۱/۷
عہدہ	P.S.T	تاریخ	۲۰۰۹ء
محلہ	ماچی	مدرسین	محمد شریف

تاریخ	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی
۱												
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۳۰												
۳۱												

M.A.O.
 TANKI
 MACHI
 P.S.T.

نمبر وقت	حال	سابقہ	میزان	حال	سابقہ	میزان	حال	سابقہ	میزان	حال	سابقہ	میزان
انفاذ												
استحقاق												
بھاری												
میزان												

دستخط ہیڈ ماسٹر

14

رجسٹر حاضرین مدرسہ سین لورڈز کالج کراچی

پابتاہ دسمبر 2009ء
نام: احمد علی
پتہ: H-T
P.S.T

تاریخ	آمد	دستخط	روائی	آمد	دستخط	روائی	آمد	دستخط	روائی	آمد	دستخط	روائی
1	P			P								
2	P			P								
3	P			P								
4	P			P								
5	P			P								
6	P			P								
7	P			P								
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11	P			P								
12	P			P								
13	P			P								
14	P			P								
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18	P			P								
19	P			P								
20	P			P								
21	P			P								
22	P			P								
23	P			P								
24	P			P								
25	P			P								
26	P			P								
27	P			P								
28	P			P								
29	P			P								
30	P			P								
31	P			P								

میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال

دستخط ہیڈ ماسٹر
دستخط ہیڈ ماسٹر

Attested
Guzar
Date

رجسٹر حاضرین مدرسہ کونینڈ کالج (پرائمری) سیکولر ماہنامہ

نام		عنوان		عنوان		عنوان		عنوان		عنوان		عنوان	
M.S.C. P.S.T.C.		P.O.C.		P.O.C.		P.O.C.		P.O.C.		P.O.C.		P.O.C.	
تاریخ	آمد	دستخط	رہائی	آمد	دستخط	رہائی	آمد	دستخط	رہائی	آمد	دستخط	رہائی	آمد
1	P			P									
2	P			P									
3	P			P									
4	P			P									
5	P			P									
6	P			P									
7	P			P									
8	P			P									
9	P			P									
10	P			P									
11	P			P									
12	P			P									
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20	P			P									
21	P			P									
22	P			P									
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26	P			P									
27	P			P									
28	P			P									
29	P			P									
30	P			P									
31	P			P									

ABDO
PRY. Tank

قسمت	حالیہ	سابقہ	میزان	حالیہ	سابقہ	میزان	حالیہ	سابقہ	میزان
اتفاقیت	1	-							
انتخابات	-	-							
بیماری	-	-							
میزان	1	-							

Attest
Anwar

دستخط میڈیا

رجسٹر حاضرین نڈز سین گورنمنٹ پرائمری سکول ماہ

بابت ماہ فروری

2015

نام احسان اللہ		عطاء محمد		P.S.T		M.S.C.P.S.T. C. Bed		M.F.d	
روز	دستخط	روز	دستخط	روز	دستخط	روز	دستخط	روز	دستخط
1	P	P	11/30	8/30	احسان	11/30	احسان	8/30	
2	P	P	11/30	8/30	احسان	11/30	احسان	8/30	
3	P	P	11/30	8/30	احسان	11/30	احسان	8/30	
4	P	P	11/30	8/30	احسان	11/30	احسان	8/30	
5	P	P	11/30	8/30	احسان	11/30	احسان	8/30	
6	P	P	11/30	8/30	احسان	11/30	احسان	8/30	
7	P	P	11/30	8/30	احسان	11/30	احسان	8/30	
8	P	P	11/30	8/30	احسان	11/30	احسان	8/30	
9	P	P	11/30	8/30	احسان	11/30	احسان	8/30	
10	P	P	11/30	8/30	احسان	11/30	احسان	8/30	
11	P	P	11/30	8/30	احسان	11/30	احسان	8/30	
12	P	P	11/30	8/30	احسان	11/30	احسان	8/30	
13	P	P	11/30	8/30	احسان	11/30	احسان	8/30	
14	P	P	Sunday	Sunday	احسان	11/30	احسان	8/30	
15	P	P	11/30	8/30	احسان	11/30	احسان	8/30	
16	P	P	11/30	8/30	احسان	11/30	احسان	8/30	
17	P	P	11/30	8/30	احسان	11/30	احسان	8/30	
18	P	P	11/30	8/30	احسان	11/30	احسان	8/30	
19	P	P	11/30	8/30	احسان	11/30	احسان	8/30	
20	P	P	11/30	8/30	احسان	11/30	احسان	8/30	
21	P	P	Sunday	Sunday	احسان	11/30	احسان	8/30	
22	P	P	11/30	8/30	احسان	11/30	احسان	8/30	
23	P	P	11/30	8/30	احسان	11/30	احسان	8/30	
24	P	P	11/30	8/30	احسان	11/30	احسان	8/30	
25	P	P	11/30	8/30	احسان	11/30	احسان	8/30	
26	P	P	11/30	8/30	احسان	11/30	احسان	8/30	
27	P	P	11/30	8/30	احسان	11/30	احسان	8/30	
28	P	P	Sunday	Sunday	احسان	11/30	احسان	8/30	
29	P	P							
30	P	P							
31	P	P							

TESTED

A.D.O

(M) P.T. Tank

قسم	حال	سابقہ	میزان	حال	سابقہ	میزان	حال	سابقہ	میزان
انفاقیہ	1	1	2						
احتمالی	-	-	-						
بیاری	-	-	-						
میزان	1	1	2						

دستخط ہیڈ ماسٹر

رجسٹر حاضرین مدرسہ کونولڈ کالج کراچی

بابت ماہ اگست

نام اصنام اللہ		P. S. T. M. Ed. P. S. T. C.		طوائف		فوج کونولڈ		
ردیف	امیدوار	دستخط	امید	دستخط	امید	دستخط	امید	
1	8/30	امسان	17/30	امسان	8/30	فیرشلک	11/30	P
2	8/30	امسان	17/30	امسان	8/30	فیرشلک	11/30	P
3	8/30	امسان	17/30	امسان	8/30	فیرشلک	11/30	P
4	الواری	X	X	X	X	X	X	P
5	8/30	امسان	17/30	امسان	8/30	فیرشلک	11/30	P
6	8/30	امسان	17/30	امسان	8/30	فیرشلک	11/30	P
7	8/30	امسان	17/30	امسان	8/30	فیرشلک	11/30	P
8	8/30	امسان	17/30	امسان	8/30	فیرشلک	11/30	P
9	8/30	امسان	17/30	امسان	8/30	فیرشلک	11/30	P
10	8/30	امسان	17/30	امسان	8/30	فیرشلک	11/30	P
11	الواری	X	X	X	X	X	X	P
12	امانت کالفا	8/30	فیرشلک	11/30	فیرشلک	8/30	فیرشلک	P
13	8/30	امسان	17/30	امسان	8/30	فیرشلک	11/30	P
14	8/30	امسان	17/30	امسان	8/30	فیرشلک	11/30	P
15	8/30	امسان	17/30	امسان	8/30	فیرشلک	11/30	P
16	8/30	امسان	17/30	امسان	8/30	فیرشلک	11/30	P
17	8/30	امسان	17/30	امسان	8/30	فیرشلک	11/30	P
18	الواری	X	X	X	X	X	X	P
19	8/30	امسان	17/30	امسان	8/30	فیرشلک	11/30	P
20	8/30	امسان	17/30	امسان	8/30	فیرشلک	11/30	P
21	8/30	امسان	17/30	امسان	8/30	فیرشلک	11/30	P
22	8/30	امسان	17/30	امسان	8/30	فیرشلک	11/30	P
23	8/30	امسان	17/30	امسان	8/30	فیرشلک	11/30	P
24	8/30	امسان	17/30	امسان	8/30	فیرشلک	11/30	P
25	الواری	X	X	X	X	X	X	P
26	رفعت انصاری	8/30	فیرشلک	11/30	فیرشلک	8/30	فیرشلک	P
27	8/30	امسان	17/30	امسان	8/30	فیرشلک	11/30	P
28	8/30	امسان	17/30	امسان	8/30	فیرشلک	11/30	P
29	8/30	امسان	17/30	امسان	8/30	فیرشلک	11/30	P
30	8/30	امسان	17/30	امسان	8/30	فیرشلک	11/30	P
31								

11/10/1940
 A. D. O. C.
 P. S. T. C.

درجہ	حال	سابقہ	میزان	حال	سابقہ	میزان	حال	سابقہ	میزان
اتفاق	2	2	4						
استثنائی	-	-	-						
بیماری	-	-	-						
میزان	2	2	4						

دستخط میڈیکل

رجسٹر حاضرین مدرسہ بین (ہندوستان) سکول ماہیہ

2010

بابت ماہ

نام		اصناف اللہ		P.C.T		B.Ed.		M.Ed.		CT	
تاریخ	آمد	دستخط	ادائیگی	دستخط	آمد	دستخط	ادائیگی	دستخط	آمد	دستخط	ادائیگی
1		P	7/30	P	12/30	P	7/30	P	11/30	P	7/30
2		P	7/30	P	11/30	P	7/30	P	11/30	P	7/30
3		P	7/30	P	11/30	P	7/30	P	11/30	P	7/30
4		P	7/30	P	11/30	P	7/30	P	11/30	P	7/30
5		P	7/30	P	11/30	P	7/30	P	11/30	P	7/30
6		P	7/30	P	11/30	P	7/30	P	11/30	P	7/30
7		P	7/30	P	11/30	P	7/30	P	11/30	P	7/30
8		P	7/30	P	11/30	P	7/30	P	11/30	P	7/30
9		P	7/30	P	11/30	P	7/30	P	11/30	P	7/30
10		P	7/30	P	11/30	P	7/30	P	11/30	P	7/30
11		P	7/30	P	11/30	P	7/30	P	11/30	P	7/30
12		P	7/30	P	11/30	P	7/30	P	11/30	P	7/30
13		P	7/30	P	11/30	P	7/30	P	11/30	P	7/30
14		P	7/30	P	11/30	P	7/30	P	11/30	P	7/30
15		P	7/30	P	11/30	P	7/30	P	11/30	P	7/30
16		P	7/30	P	11/30	P	7/30	P	11/30	P	7/30
17		P	7/30	P	11/30	P	7/30	P	11/30	P	7/30
18		P	7/30	P	11/30	P	7/30	P	11/30	P	7/30
19		P	7/30	P	11/30	P	7/30	P	11/30	P	7/30
20		P	7/30	P	11/30	P	7/30	P	11/30	P	7/30
21		P	7/30	P	11/30	P	7/30	P	11/30	P	7/30
22		P	7/30	P	11/30	P	7/30	P	11/30	P	7/30
23		P	7/30	P	11/30	P	7/30	P	11/30	P	7/30
24		P	7/30	P	11/30	P	7/30	P	11/30	P	7/30
25		P	7/30	P	11/30	P	7/30	P	11/30	P	7/30
26		P	7/30	P	11/30	P	7/30	P	11/30	P	7/30
27		P	7/30	P	11/30	P	7/30	P	11/30	P	7/30
28		P	7/30	P	11/30	P	7/30	P	11/30	P	7/30
29		P	7/30	P	11/30	P	7/30	P	11/30	P	7/30
30		P	7/30	P	11/30	P	7/30	P	11/30	P	7/30
31		P	7/30	P	11/30	P	7/30	P	11/30	P	7/30

ADP
MPC
ADP
(M) PTV Tank

قسم خدمت	حال	سابقہ	میزان	حال	سابقہ	میزان	حال	سابقہ	میزان
اتفاقیت									
استحقاق									
بیماری									
میزان									

Attest
Quint
ADP

دستخط ہیڈ ماسٹر

رجسٹر حاضرین مدرسین

(33)

18

۲۰۰۵

بابت ماه جونہ جولائی ۱۱

اسطاعت

نام	عبدہ	تاریخ	آمد	دستخط	دراستی	دستخط	آمد	دستخط	دراستی	دستخط	آمد	دستخط	دراستی	دستخط
P	P	۱												
P	P	۲												
P	P	۳												
P	P	۴												
P	P	۵												
P	P	۶												
P	P	۷												
P	P	۸												
P	P	۹												
P	P	۱۰												
P	P	۱۱												
P	P	۱۲												
P	P	۱۳												
P	P	۱۴												
P	P	۱۵												
P	P	۱۶												
P	P	۱۷												
P	P	۱۸												
P	P	۱۹												
P	P	۲۰												
P	P	۲۱												
P	P	۲۲												
P	P	۲۳												
P	P	۲۴												
P	P	۲۵												
P	P	۲۶												
P	P	۲۷												
P	P	۲۸												
P	P	۲۹												
P	P	۳۰												
P	P	۳۱												

قسمت	حال	سابقہ	میزان	حال	سابقہ	میزان	حال	سابقہ	میزان
انفانتی									
اسٹوڈنٹ									
بیماری									
میزان									

Handwritten signature and text: *Handwritten signature*
 Handwritten text: *Handwritten signature*

دستخط ہیڈ ماسٹر

۲۰۰۵

For use in Police Department only

Heirs.

- 1.
- 2.
- 3.

Passed the Secondary School Certificate Examination of the Board of Intermediate and Secondary Education, Peshawar held in April 1982, as a Regular Candidate. He obtained 32.4 Marks out of 850 and has been placed in Grade "E" under Roll No 50628 S.No 390346 Dated 11th August 1982. *M. M. Khan*

Verification Roll No.

Dated

received back

Left thumb-impression

passed P.T.C examination from the Government Elementary College Teacher (M) D. Khan under roll No 86 Marks obtained 611 out of 1250 in 1983. *M. M. Khan*

Qualification	Date	Qualifications	Date
English		First Arts	
Pashtu		B.L. or B.A.	
Urdu		Pleadership examination.	
Plan-drawing		Traning School final examination	
Finger print		Other qualifications:-	
Drill instructing			
Court duties			
Reseve duties			

M. M. Khan
 1-11
 D.P. Office (M) (M) Peshawar

N.A. Alina to be drawn under qualification possessed.

Dr

Note:- The entries in this page should be renewed or reattested at least every five years and the Signature in lines 9 and 10 should be dated

00 338794

22

1. Name *Mohammad Sharif Khan*

2. Race *Kundi* ... *(Pakistan)*

3. Residence *Village Nandoo Post office Pail Tehsil Tank District D.I. Khan*

4. Father's name and residence *Mohammad Ayaz*

5. Date of birth by Christian era as nearly as can be ascertained *25-3-1965*

(Twenty five March N.H. & District of ...)

6. Exact height by measurement ... *5-7*

7. Personal marks for identification *Scar Mark on right eye brow*

8. Left hand thumb and finger impression of (non-gazetted) office. ...

Little Finger.

Ring Finger

Middle Finger.

Foru Finger

Thumb

9. Signature of Government servant

10. Signature and designation of the Head of the Office, or other Attesting Officer.

محمد شریف خان

Mr. Muhammad Sharif Khan
Sub-Inspector
Police Station

Amir
1-19
Dy. District Officer
(At) Pirmir Tank

Attested
Amir
1-19

1	2	3	4	5	6	7	8
Name of Post	Whether substantive or officiating and Whether permanent or temporary	If officiating state--- (i) substantive appointment or (ii) whether service counts for pension under Act 371, C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emoluments falling under term "Pay"	Date of appointment	Signature of Government servant
Govt Mosque School Munid to Kellan Kamal Bazar	Temp		560/-			15 ³ / ₈₄	MSK ✓
Govt. Primary school Mangin	Temp	Rs	560/-			20.10.86	MSK
Govt. Pri. School Kat Azam	Temp	Rs	560/-			24.11.86	MSK
- do -	- do -	Rs	583/-			1.12.85	MSK
- do -	- do -	Rs	606/-			1.12.86	MSK
Govt. Pri. School Raghza B.P.S. 7 Rs 750 - 31 - 1370	do	Rs	699/-			12.4.87	MSK
- do -	- do -	Rs	699/-			1.7.87	MSK
P.T.C. at G.P.S. Warostri	- do -	Rs	843/-			19.10.87	MSK
- do -	- do -	Rs	874/-			1.12.87	MSK
G.M.P.S Bultan Alad	- do -	Rs	874/-			11.5.88	MSK
G.P.S. Attal Vell	- do -	Rs	874/-			13.6.88	MSK
- do -	- do -	Rs	905/-			1/12/88	MSK

MSK
1/12/88

9	10	11	12	13		14	15
				Nature and duration of leave taken	Allocation of periods of leave on average Pay up to four months for which leave salary is debitable to another Government		
Signature and designation of the head of the office of other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as Promotion transfer, dismissal, etc).	Signature of the head of the office or other attesting officer			Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government servant
M. N. K. S. DEO (M) TANK	20.10.84	Transfer	M. N. K. S. DEO (M) TANK				Appointed as PTC at BMS Masjid Khatamul Masajid Bazaar vide D.E.O. No. 1011/Khatam orders No. 53642-46/ dated 27-3-84
M. N. K. S. DEO (M) TANK	24.11.84	Transfer	M. N. K. S. DEO (M) TANK				M. N. K. S. DEO (M) TANK
M. N. K. S. DEO (M) TANK	30.11.85	Annual Increment	M. N. K. S. DEO (M) TANK				15.3.84
M. N. K. S. DEO (M) TANK	30.11.86	Annual Increment	M. N. K. S. DEO (M) TANK				15.3.84
M. N. K. S. DEO (M) TANK	12.4.87	Transfer	M. N. K. S. DEO (M) TANK				1.12.85
M. N. K. S. DEO (M) TANK	30.6.87	Pay & Scale Revised	M. N. K. S. DEO (M) TANK				30.11.86 A.M.
M. N. K. S. DEO (M) TANK	18.10.87	Transfer	M. N. K. S. DEO (M) TANK				1.12.86
M. N. K. S. DEO (M) TANK	30.11.87	Annual Increment	M. N. K. S. DEO (M) TANK				10.30.11.87 (A.M.)
M. N. K. S. DEO (M) TANK	1.2.88	Transfer	M. N. K. S. DEO (M) TANK				57 w SDEO TANK
M. N. K. S. DEO (M) TANK	12.6.88	Transfer	M. N. K. S. DEO (M) TANK				Service written on 1.12.87 10.30.11.88
M. N. K. S. DEO (M) TANK	30.11.88	Annual Increment	M. N. K. S. DEO (M) TANK				57 w SDEO TANK
M. N. K. S. DEO (M) TANK	30/11/89	Annual Increment	M. N. K. S. DEO (M) TANK				Service written on 1.12.88 10.30.11.89

By District Officer (S) Prayagraj

[Signature]

[Signature]

By District Officer (S) Prayagraj
SDEO TANK

1	2	3	4	5	6	7	8
Name of Post	Whether substantive or officiating and Whether permanent or temporary	if officiating state... (i) substantive appointment or (ii) whether service counts for pension under Act 371, C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emoluments falling under the term "Pay"	Date of appointment	Signature of Government servant
BPS 7 (1480-81-2695) GDS KST Haji Gulzar			Rs 1697/-			11/12/93	M. Shaukat
Office of the Accountant General N.W.F.P. Peshawar Pay fixed in the revised Pay Scales 1991 of Rs. 1695/- to Rs. 2209/- (B-7) @ Rs. 1455/- P.M.W.E.F. 1-6-1991 with next increment on 1-12-1991							
Accounts Officer Pay Fixation Party N.W.F.P. Peshawar							
BPS 7 (1481-81-2695) GDS Gurwala			Rs 2209/-	2290/-		11/12/93	M. Shaukat
			Rs 2290/-	2290/-		11/12/93	M. Shaukat
			Rs 2371/-	2452/-		11/12/93	M. Shaukat
			Rs 2452/-	2533/-		11/12/93	M. Shaukat
			Rs 2533/-	2614/-		12/1/97	M. Shaukat
			Rs 2614/-				
			Rs 2533/-				
			Rs 1-12				

(201-2-105)

10% Disallowance
(M) Priority

9	10	11	12	13		14	15
				Nature and duration of leave taken	Allocation of periods of leave on average pay up to four months for which leave salary is debitable to another Government		
Signature and designation of the head of the office of other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as Promotion transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer			Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government servant
<i>[Signature]</i> SDEO (M) TANK.	31/5/94	Leison 9/11/94 9/11/94	<i>[Signature]</i> SDEO (M) TANK.			<i>[Signature]</i> 16	By instrument of fixation 1994 Pay on 31/5/94 1695/- Pay on 1/6/83 2280/- Next date on 1/12/94
							As per drawn Rs 2487/- for 4/94 side pay dated 4/9/94 due to revision of pay 11/6/93
<i>[Signature]</i> SDEO (M) TANK.	37/11/94	A-2	<i>[Signature]</i> SDEO (M) TANK.			<i>[Signature]</i> 14	Service Verified on 1/12/92 on 30/11/94 for the office posts of Acquittances roll.
<i>[Signature]</i> SDEO (M) TANK.	30/11/95	A-2	<i>[Signature]</i> SDEO (M) TANK.			<i>[Signature]</i> 15	
<i>[Signature]</i> SDEO (M) TANK.	30/11/96	A-2	<i>[Signature]</i> SDEO (M) TANK.			<i>[Signature]</i> 15	Service Verified on 30/11/98 for the office posts of Acquittances roll.
<i>[Signature]</i> SDEO (M) TANK.	30/11/97	A-2	<i>[Signature]</i> SDEO (M) TANK.			<i>[Signature]</i> 15	Service Verified on 30/11/97 for the office posts of Acquittances roll.
<i>[Signature]</i> SDEO (M) TANK.			<i>[Signature]</i> SDEO (M) TANK.			<i>[Signature]</i> 15	Service Verified on 30/11/96 for the office posts of Acquittances roll.
			<i>[Signature]</i> SDEO (M) TANK.			<i>[Signature]</i> 15	Service Verified on 30/11/96 for the office posts of Acquittances roll.
			<i>[Signature]</i> SDEO (M) TANK.			<i>[Signature]</i> 15	Service Verified on 30/11/96 for the office posts of Acquittances roll.

Attested
[Signature]
[Signature]

[Signature]
SDEO (M) TANK

1	2	3	4	5	6	7	8
Name of Post	Whether substantive or officiating and Whether permanent or temporary	if officiating 'state-- (i) substantive appointment or (ii) whether service counts for pension under Act 371, C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emoluments falling under the term 'Pay'	Date of appointment	Signature of Government servant
BPS-71480-81-2695 gPskiripamanda			2614	/-		1/12/97	M. Shariq
Approved by A (Revised) gPskiripamanda B.P.S. No.			2533	2		1/3/98	M. Shariq
			2614	/-		01/12/98	M. Shariq
Detail of Movement of post							
03/98 Buzhigill SW2							
04/98	SW2						
05/98	SW2						
06/98	SW2						
07/98	SW2						
08/98	SW2						
Post	3000/- Approved						

(23/02/2005)

Dist. Officer
Muzaffargarh

21 26

9	10	11	12	13		14	15
Signature and designation of the head of the office of other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as Promotion transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	LEAVE		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government servant
				Nature and duration of leave taken	Allocation of periods of leave on average Pay up to four months for which leave salary is debitable to another Government		
				period	Government to which debitable		
SUDHAKAR TANK	30/11/97	Mkt	[Signature]	[Signature]	[Signature]	[Signature]	[Signature]
SUDHAKAR TANK	20/11/98	Mkt	[Signature]	[Signature]	[Signature]	[Signature]	[Signature]
[Signature]	[Signature]	[Signature]	[Signature]	[Signature]	[Signature]	[Signature]	[Signature]
Awarded S/Graded PPS-10 vide D.O. (M) Tank No. 432/96 dt. 28/6/97	[Signature]	[Signature]	[Signature]	[Signature]	[Signature]	[Signature]	[Signature]
[Signature]	[Signature]	[Signature]	[Signature]	[Signature]	[Signature]	[Signature]	[Signature]
E 604 Drawn - Selg/	[Signature]	[Signature]	[Signature]	[Signature]	[Signature]	[Signature]	[Signature]
Drawn - Selg/	[Signature]	[Signature]	[Signature]	[Signature]	[Signature]	[Signature]	[Signature]
Orally award of Selection	[Signature]	[Signature]	[Signature]	[Signature]	[Signature]	[Signature]	[Signature]
[Signature]	[Signature]	[Signature]	[Signature]	[Signature]	[Signature]	[Signature]	[Signature]

دوکان ایس آر ڈی

By: District Officer (M) Prmy: Tank

Attested
[Signature]
[Signature]

1	2	3	4	5	6	7	8
Name of Post	Whether substantive or officiating and Whether permanent or temporary	If officiating state--- (i) substantive appointment or (ii) whether service counts for pension under Act 371, C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emoluments (falling under the term "Pay")	Date of appointment	Signature of Government servant
g ^m PS Kat Nawaz		1660-107-3265	2730	2730		1-1-97	M Sharif
	2623	2837	2730	2837		1-1-97	M Sharif
		2944	2837	2944		1-1-98	M Sharif
" "		3051	2944	3051	2944	1-12-99	M Sharif
" "		3158	2944	3051		1-12-2000	M Sharif
-R.D		3265	3051	3158		12/2001	M Sharif
B-10-2490-160-7280		4730	4090	4730		12/2001	M Sharif
		4890	4890	4890		12/2002	M Sharif
		5050	5050	5050		11/2003	M Sharif
		5210	5210	5210		12/2004	M Sharif
		5370	5370	5210		12/2004	M Sharif
		5210	5210	5210		1-7-2005	M Sharif
		6157	6157	6157		1-11-05	M Sharif
		6380	6380	6380		11/2/06	M Sharif
		6565	6565	7380		11/2/07	

Dist. District Officer
(M) Priny. Tank

9	10	11	12	13		14	15
				Nature and duration of leave taken	Allocation of periods of leave on average Pay up to four months for which leave salary is debit to another Government		
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as Promotion transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Government to which debit	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or grant of the Government servant	
<i>[Signature]</i> Sub Div: Edu Officer (M) Tank	3-7-1885		<i>[Signature]</i> Officer (M) Tank				
<i>[Signature]</i> D.D.O. (M) Tank	30-11-2000		<i>[Signature]</i> D.D.O. (M) Tank		Service verified from 1-12-99 to 30-11-99 from Acq: & other record of this office		
<i>[Signature]</i> D.D.O. (M) Tank	30-11-2001	Annual	<i>[Signature]</i> D.D.O. (M) Tank		Service verified from 1-12-99 to 30-11-99 from Acq: & other record of this office		
<i>[Signature]</i> Deputy District Officer (Male) Tank	12-5-99	Rev.	<i>[Signature]</i> Deputy District Officer (Male) Tank		Service verified from 1-12-2000 to 30-11-2000 from Acq: & other record of this office		
<i>[Signature]</i> Deputy District Officer (Male) Tank	12-5-99		<i>[Signature]</i> Deputy District Officer (Male) Tank		Service verified from 1-12-2000 to 30-11-2000 from Acq: & other record of this office		
<i>[Signature]</i> Deputy District Officer (Male) Tank	3-9-11		<i>[Signature]</i> Deputy District Officer (Male) Tank		Service verified from 1-7-2001 to 30-11-2001 from Acq: & other record of this office		
<i>[Signature]</i> D.D.O (M) Edu: Pry: Tank	30-11-2004	Alm	<i>[Signature]</i> D.D.O (M)				
<i>[Signature]</i> D.D.O (M) Tank	30-6-2005	Pay	<i>[Signature]</i> D.D.O (M) Tank				
<i>[Signature]</i> D.D.O (M) Tank	30-11-2005	Alm	<i>[Signature]</i> D.D.O (M) Tank		Service verified from 1-12-2001 to 30-11-2002 from Acq: & other record of this office		
<i>[Signature]</i> D.D.O (M) Tank	30-11-2006	A/2	<i>[Signature]</i> D.D.O (M) Tank				
<i>[Signature]</i> D.D.O (M) Tank	30-6-2007	Rev	<i>[Signature]</i> D.D.O (M) Tank				
<i>[Signature]</i> D.D.O (M) Tank	30-11-2007	472	<i>[Signature]</i> D.D.O (M) Tank				

Dy. District Officer (M) Prmy: Tank

[Signature]
D.D.O

23

28

9	10	11	12	13		14	15	
				Nature and duration of leave taken	Allocation of periods of leave on average Pay up to four months for which leave salary is debitable to another Government period Government to which debitable			
Signature and designation of the head of the office of other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as Promotion transfer, dismissal, etc),	Signature of the head of the office or other attesting officer			Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government or Govt	
								Service verified w.r.t 1-12-2002 to 30-11-2003 from acq: sold and after office record if
								D.D.O (M) Edu; Prg; Tank
								Service verified w.r.t 01.12.2003 to 30.11.2004 from acq: sold and after office record.
OFFICE OF THE DISTRICT MAGISTRAR PESHAWAR PAY FIXATION BY REVISED BASIC GRADES OF RS. 7,865/- AT RS. 6,810/- With Next Increment on 1-07-2005 to 1-12-2005	2005 GENERAL REVISOR BASIC 1.85-8415 P.M.W.E.F.	8415 1-07-2005 1-12-2005	(10)			Deputy District Officer (M) Prg; Tank	Service verified w.r.t 01.12.2004 to 30.11.2005 from acq: sold and after office record.	
								Deputy District Officer (M) Prg; Tank
								Service verified w.r.t 01.12.2005 to 30.11.2006 from acq: sold and after office record.
								Deputy District Officer (M) Prg; Tank
						Deputy District Officer (M) Prg; Tank	Service verified w.r.t 01.12.2006 to 30.11.2007 from acq: sold and after office record.	

Accounts Officer
 Peshawar

Deputy District Officer
 Prg; Tank

Attested
 Prg; Tank
 Prg; Tank

1	2	3	4	5	6	7	8
Name of Post	Whether substantive or officiating and Whether permanent or temporary	(i) officiating state... (ii) substantive appointment or (iii) whether service counts for pension under Act 371, C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emoluments falling under the term "Pay"	Date of appointment	Signature of Government servant
BPS-12 (4355-310-12655) Rs. 9315/- PST EPS						7 1-2-2008	M. Sharif
do		Rs. 9700/-				12 1-2-2008	M. Sharif
do		9935/-				12 2-2008	M. Sharif
do		10245/-				12 1-2-2008	M. Sharif
R.B.P.S. 2011 (7000-500-2200) do		16500/-				12 7-11	M. Sharif
do		17000/-				12 1-2-2011	M. Sharif
		and 1-12					

By: Director of
(M) Punjab

(Signature)

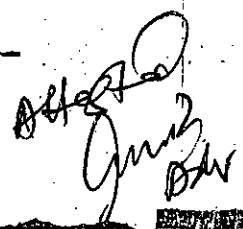
30

9	10	11	12	13		14	15
				Nature and duration of leave taken	Allocation of periods of leave on average Pay up to four months for which leave salary is debitable to another Government period Government to which debitable		
Deputy District Officer (M) Prmy. Tank	1-12-2011	A/Leave	1-12	Deputy District Officer (M) Prmy. Tank			
Deputy District Officer (M) Prmy. Tank	1-12-2011	A/Leave	1-12	Deputy District Officer (M) Prmy. Tank	Sanctioned GPP Advance Rs. 13600/-		Reference to any recorded punishment or censure or reward or praise of the Government servant
Deputy District Officer (M) Prmy. Tank	1-12-2010	A/Leave	1-12	Deputy District Officer (M) Prmy. Tank	Tank No. 789-91		
Deputy District Officer (M) Prmy. Tank	1-12-2011	A/Leave	1-12	Deputy District Officer (M) Prmy. Tank	CIP Fund Advance		
Deputy District Officer (M) Prmy. Tank	1-12-2011	A/Leave	1-12	Deputy District Officer (M) Prmy. Tank	T-4 V 3-4-2012		
Deputy District Officer (M) Prmy. Tank	1-12-2011	A/Leave	1-12	Deputy District Officer (M) Prmy. Tank	Rs. 13600/-		
Deputy District Officer (M) Prmy. Tank	1-12-2011	A/Leave	1-12	Deputy District Officer (M) Prmy. Tank	Deputy District Officer (M) Prmy. Tank		
Deputy District Officer (M) Prmy. Tank	1-12-2011	A/Leave	1-12	Deputy District Officer (M) Prmy. Tank	Deputy District Officer (M) Prmy. Tank		

(M) Prmy. Tank

Deputy District Officer (M) Prmy. Tank

Deputy District Officer (M) Prmy. Tank


 Deputy District Officer (M) Prmy. Tank

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(Handwritten signatures and notes)
Case No. 15-12-2010 H-12-205 BBA

er No. 03
15-12-2010

Accused-petitioner namely Muhammad Sharif son of Muhammad Ayaz on ad interim bail with counsel and SPP for the State present.

2. The above named accused has been charged in case FIR No.84, dated 22.07.2009, under Section 302/324/34 PPC registered at PS Mullazai, who applied for their BBA before this Court.

3. Today, the complainant Naeem Khan and Muhammad Riaz stated compromise with accused-petitioner named above. Their joint statement in this respect recorded, wherein they stated that in case FIR No.84, dated 22.07.2009, under Section 302/324/34 PPC registered at PS Mullazai, the accused-petitioner has been charged however now due to the intervention of elders of the locality, they have effected compromise with the accused-petitioner and have got no objection if the BBA of accused-petitioner is confirmed in the instant case. In this respect they produced affidavit of compromise Ex: PA, proforma Ex PB and copy of CNIC as Ex: PC.

Ex

4. Since, the matter has been compromised in between the accused-petitioner Muhammad Sharif son of Muhammad Ayaz and complainant Naeem Khan and Muhammad Riaz, which is in their best interest, while the offence is compoundable in nature, hence the instant petition stands accepted and the ad interim bail is confirmed to the accused-petitioner named above on the existing bail bonds. Record requisitioned be sent back to the quarter concerned. File be consigned to the Record Room after its necessary completion and compilation.

Announced
15.12.2010

Sajjad Ahmed Jan
Additional Sessions Judge, Tank

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15-12-10
Office of the District
Sessions Judge, Tank

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Adv

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IN THE COURT OF MRS. ZARQAISIL SANI, SESSIONS JUDGE, TANK

Sessions Case #47/2011

State Verus *Muhammad Sharif son of Muhammad Ayaz, aged about 46/47 Years, Caste Kundi, Resident Mohallah Astan Khel Nandoor Tehsil & District, Tank*
----- (Accused)

Case FIR # 84
Dated: 22.07.2009
Under Section: 302/324/34 PPC
Police Station: Tank

JUDGMENT

Accused Muhammad Sharif on-bail alongwith his counsel present. DPP for the State also present. PWs Naeem Khan and Fazal Rehman present and examined as PW-2 & 3. Defence counsel submitted an application under Section 265-K Cr.P.C for the acquittal of accused. Notice of the same was given to prosecution. Arguments on application heard. Record perused.

Record would show that instant case was registered on the report of complainant Naeem Khan for the murder of his wife Mst; Rashida bibi and ineffective firing upon him. According to him, on the day of occurrence, he came out from his house and it was about 10:00 hours and was going to his Baithak. He was on the way, when in the meanwhile accused Muhammad Sharif; Bashir sons of Muhammad Ayaz, Muhammad Nazif son of Muhammad Azim and Ghulam Qadir son of Muhammad Yousaf caste Kundi his co-villagers armed with deadly weapons were present in the street. Upon seeing him, they started firing at him. He returned back while running and

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escaped unhurt. At the same time, his wife Mst;Rashida bibi came out from his house for help of him. When he faced towards her, in the meanwhile accused Muhammad Sharif had fired upon her, due to which she was hit, injured and fell down on the ground. He escaped unhurt luckily. The occurrence was witnessed besides him, by his brother Fazal Rehman, Abdul Hakim and Salah ud-Din who were present there and they helped him in lifting the injured from the spot and shifted her to his house and then they arranged a vehicle in which she was shifted to civil hospital, Tank. In the hospital, "Thaneedar" came there where he reported to him.

Supplementary challan against accused was put in court. He was summoned and charged under Section 302/34 PPC but he denied the charge and claimed trial. In the trial, 3 PWs were appeared in the court.

Co-accused Muhammad Bashir, Ghulam Qadir and Muhammad Nazif have faced trial in the court of then Additional Sessions Judge, Tank. They are acquitted in the instant case vide judgment dated 21.06.2010.

Bans

Sessions Judge
Tank

Complainant and eye-witnesses appeared in the court and their statements recorded as PW-2 & 3 wherein they confirmed that they have charged the accused facing trial on the basis of suspicion. Accused facing trial has satisfied them about his innocence. They have not seen the accused at the time of commission of offence. According to them, accused was ready to take special Oath but the members of the "Jirga Party" asked the accused to pay Rs.4,50,000/- as compensation amount and exempted accused from taking Oath. Nobody was coming forward as eye-witness. No new evidence was procured by the prosecution. Proceeding further with the case will be futile exercise and wastage of precious time of court. I, therefore on acceptance of 265-K application, acquit accused Muhammad

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Sharif of the charge levelled against him. He is on bail, his bail bonds stand cancelled. Case property be kept intact till the expiry period of appeal/revision. Order announced. File be consigned to the record room after its completion.

ANNOUNCED
26.03.2011

Bans
(MRS. ZARQAISH SANI)
SESSIONS JUDGE, TANK

Certified that this judgment consists of 03 pages. Each page has been signed by me after making necessary correction therein.

Attested
Amr

Bans
(MRS. ZARQAISH SANI)
SESSIONS JUDGE, TANK

30-4-11

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To

The Director,
Elem: & Secy: Edu: KPK Peshawar.

Through: -

Executive
The Dy:Distt:Officer, Elm; & Secy: Edu: Tank.

Subject: -

APPEAL AGAINST ILLGAL STOPPAGE OF PAY IN
RESPECT OF MOHD:SHARIF GPS MANJI (TANK).

Respected Sir,

With humble submission I Mr.Mohammad Sharif Khan,PST
GPS Manji(Tank),beg to appeal against illegal stoppage of my pay & allows: on
the following grounds :-

1. That I was serving and performing my duties regularly & smoothly, at GPS Manji (Tank).
2. that In 7/2009 all of a sudden, I was involved in 302 Case by the local Police, and my monthly was illegally stopped by the EDO,E & SE Tank, on the report of DPO,Tank.
3. That the EDO,E & SE Tank has illegally stopped my pay from 7/2009 without any Investigation/Enquiry in the matter.
4. That the DPO Tank has stated me as absconder in the above cited case, while I was performing my duties regularly and punctually, as evidence Photo copies of the school attendance Register duly signed by In charge of school and checked by the ADO Circle during his school's visit. are attached for perusal please.
5. That the Department has taken no disciplinary action against me regarding my absence from duty as required under the rules in case ^{OP} my prolong ^{alleged} absence from duty for the period from 7/2009 to 15/12/2010.
6. That however, I have appeared before the Hon:Addl:Session Judge Tank and I was released on bail on 11/12/2010.

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(11/12/2010)

*Attest
Gunn
Sd/-*

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7 The during all this period I approached the Department for release of pay from 7/2009 which was illegally stopped by the department, but all in vain.

In view of the above factual position of the case, I beg to appeal your goodself, against the illegal stoppage of my pay, and to request that the EDO Tank may be asked to release my monthly salaries from 7/2009, and obliged please. In case my appeal is not honored and not considered that I will be compelled to knock the door of Service Tribunal for Justice.

Thanking you in anticipation.

Dated 23/1/2012

Yours Obediently,

M. Sharif Khan
Mond. Sharif Khan
PST GPS Manji (Tank)

1. Copy of the above along with its enclosures, submitted in Advance to the Director, Elem: & Secy: Education, Peshawar for inform: & n/action and with the request that my appeal may kindly be considered sympathetically please.
2. The EDO, E & SE Tank for information & with the request that my appeal may be forwarded to the Director, Elem: & Secy: Education, Peshawar alongw2ith your comments please.

M. Sharif Khan
Mond. Sharif Khan
PST GPS Manji (Tank)

*Attested
Gursh
Adv*

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S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
	28.03.2016	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u> <u>CAMP COURT D.I KHAN.</u></p> <p style="text-align: center;">APPEAL NO 526/2012</p> <p>(Mohammad Sharif-vs-Govt. of KPK through Secretary, Elementary & Secondary Education, Peshawar others)</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>PIR BAKHISH S-IAN, MEMBER:</u></p> <p>Counsel for the appellant (Mr. Muhammad Abu Bakir Usman, Advocate) and Mr. Farhaj Sikandari C/P for respondents present.</p> <p>2. Learned counsel for the appellant submitted that despite the fact that the appellant performed duty w.e.f 10/07/2009 to 15.12.2010, no salary was paid to him for the said period. Contention of the respondent department is that while charged in FIR No. 84 dated 22.07.2009 at Police Station Malazar Tehsil and District Tank, appellant was absconder and he did not perform duty.</p> <p>3. The departmental appeal of the appellant was stated to have not yet been decided.</p> <p>4. After hearing pro & contra arguments and perusal of the</p>

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record, the factual controversy is about performing of duty or absent from duty of the appellant about which no authentic materials is available on record. In the stated situation it is the considering opinion of the Tribunal that since entire record is always with the department who can decide whether appellant was on duty or he was absent from duty, hence we are not strained to remit the case to the departmental authority with the direction to decide appeal of the appellant strictly on merits after going through also the criminal case (which is not available before us) and to give a conclusive finding and decision on departmental appeal of the appellant. Appeal disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.

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Sd.
(ABDUL LATIF)
MEMBER

(PIR BAKHT SHAH)
MEMBER

ANNOUNCED
28.03.2016

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**OFFICE OF THE DISTRICT EDUCATION OFFICER(M)
DISTRICT TANK.**

SANCTION:-

Sanction is hereby accorded to the grant of 365 days Leave encashment in lieu of LPR in R/O Mr. Muhammad Sharif SPST GPS, No.1 Amakhel District Tank as admissible to him under the rules

He is also allowed to retire from Govt. Service with effect from 04-12-2017 (A.N) premature basis on his own request.

Note: - Necessary entry to this effect should be made in his service book.

--Sd/--

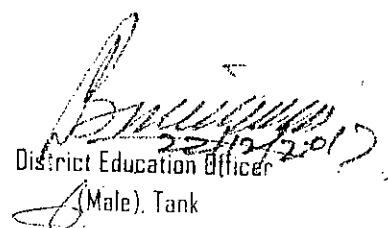
District Education Officer
(Male), Tank.

Endst.No 11516-19/1

Dated 23/12/2017

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

1. District Accounts Officer, Tank
2. SDEO (M), with reference to his No.722 dated 06-12-2017
3. Head Teacher/Official Concerned School.
4. District Monitoring Officer (IMU), Tank.


23/12/2017
District Education Officer
(Male), Tank

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



No. _____ / ADEO Litigation Dated Tank the ____ / ____ / 2019

To

The Director,
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

SUBJECT: TO DECIDE THE DEPARTMENTAL APPEAL OF MR. MUHAMMAD SHARIF PST ON THE DIRECTION OF HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Memo:

It is stated that One Muhammad Sharif PST has been performed his duties at GPS Manjhi Tank till 21/07/2009 but on 22/07/2009 FIR No. 84 on Section 302 / 324 / 34 PPC was register against him in Police Station Mullazai District Tank (Copy of FIR is enclosed as **Annexure-A**). The District Education Officer (Male) Tank has stopped the salary of accused Teacher from 01/07/2009 To 15/12/2010 i-e (ascendance period of accused) and released the pay after his bail was confirmed on 15/12/2010.

The appellant (Muhammad Sharif) presented departmental appeal before honorable Director Elementary & Secondary Education on 23/01/2012 (Copy of departmental appeal is enclosed as **Annexure-B**). The departmental appeal was not decided within the time and appellant filled Service Appeal No. 526 /2012 before the Khyber Pakhtunkhwa Service Tribunal. The honorable Service Tribunal announced his Judgment on 28/03/2016 and direct the respondents to decide the departmental appeal of appellant strictly on merit. (Copy of Judgment is enclosed as **Annexure-C**)

The D.E.O (Male) Tank has referred the Judgment dated 28/03/2016 passed by Khyber Pakhtunkhwa Service Tribunal to the worthy Directorate E&SE Peshawar through letter No. 2502 Dated 20/07/2016, in order to decide the departmental appeal of appellant as directed by Service Tribunal.

The worthy Director E&SE initiate Inquiry and nominate Mr. Abdur Rasheed Baloch Principal GHSS No.3 D.I.Khan as Inquiry Officer. (Copy of Inquiry Report is enclosed as **Annexure-D**)

The Petitioner filled execution Petition before Khyber Pakhtunkhwa Service Tribunal on 19/04/2018, the representative of the respondents officials submitted the Inquiry report before the honorable Service Tribunal but the honorable Judge was not satisfied with the Inquiry report and directed that the departmental appeal of appellant may be decided before 20/03/2019 in the light of the Judgment dated 28/03/2016.

Therefore, the departmental appeal along with relevant record and Judgment date 28/03/2016 is submitted for the early disposal of departmental appeal of appellant please.

Attested
Gmz
sdv

J. F. Rana
11-02-2019

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DIRECTORATE OF ELEMENTARY & SECONDARY
EDUCATION KHYBER PAKHTUNKHWA,
PESHAWAR

No. 382 / F.No. 14 / PST Male Tank.
Dated: 12/3/2019

To

The District Education Officer
(Male) Tank.

Subject: - DEPARTMENTAL APPEAL

I am directed to refer to your letter No. 615 dated 11/02/2019 on the subject cited above and to ask you that the case/appeal in respect of Muhammad Sharif PST GPS Manjhi District Tank has been examined/analyzed by this office. Hence inform the appellant concerned that his appeal has been rejected by the competent authority.

Endst No. 3822-23
Copy of the above is forwarded to: -

1. Muhammad Sharif PST GPS Manjhi District Tank
2. PA to Director E&SE local Office.
3. Master File.

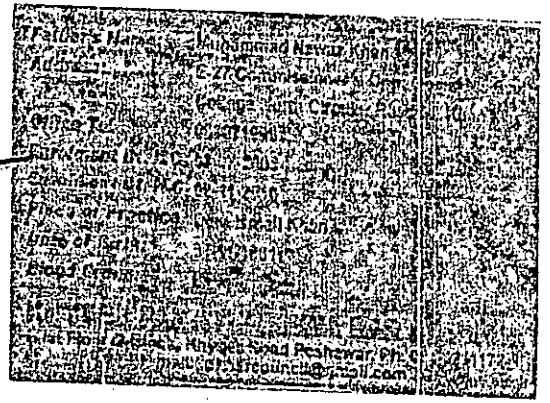
Deputy Director Estab (Male)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar
12/3/2019

Deputy Director Estab (Male)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar
12/3/2019

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VAKALATNAMA

IN THE COURT OF Service Tribunal K.P.K. Peshawar
Mohammad Sharif VERSUS Govt. of K.P.K. etc

Title Service Appeal

I/we Mohammad Sharif

The above named Appellant herby appoint Gul Tiaz Khan Marwat Advocate High Court D.I.Khan, in the above mentioned case to all or any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this court/tribunal in which the same may be tried or heard or any other proceedings out of our connected therewith.
 2. To sign and verify and file or withdraw all proceedings, petitions, appeals, affidavits, and applications for compromise or withdrawal, or for the submission to arbitration of the said case or any other documents, may be deemed necessary or advisable by them by the conduct, prosecution or defense of the said case at all its stages.
 3. To receive payments of and issue receipts for all moneys that may be or become due and payable to us during the course on conclusion of the proceeding.
To do all other acts and things, which may deemed necessary or advisable during the course of proceedings.
- AND hereby agree:
- a. To ratify whatever advocates may do the proceedings.
 - b. Not to hold the advocates responsible if the said case be proceed ex-parte or dismissed in default in consequence of their absence from the court when it is called for hearing.
 - c. That the advocates shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains un-paid.
 - d. That advocates may be permitted to argue any other point at the time of arguments.

In witness whereof I/we have signed this vakalatnama here under the contents of which have been read/explained to me/us which is fully understood by me/us.

Date: 18/10/2019

محمد شریف
Signature of Executants (s)

Accepted by:

Gul Tiaz Khan Marwat
Advocate High Court D.I.Khan (KPK)
Cell No. 0300-9092488 / 0345-9853488

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT D.I.KHAN

Service Appeal No. 1380/ 2019

Muhammad Sharif

Versus

Govt. of K.P.K etc

REPLY ON BEHALF OF RESPONDENTS NO.1, 2 & 3

RESPECTFULLY SHEWETH:

PRELIMINARY OBJECTIONS

1. That the appellant has got no cause of action and locus standi.
2. That the appellant is estopped to sue due to his own conduct.
3. That the appeal of appellant is badly time barred.
4. That the appeal is not maintainable in its present form.
5. That the appeal in hand is a weak case and has no legal force.
6. That the appellant deliberately concealed the material fact from this honorable Tribunal.
7. That the appellant does not come to this Honorable Tribunal with clean hands.
8. That the appellant is not entitled for any relief from this learned Tribunal.

REPLY ON FACTS

1. That Para No.01 is correct to the extent that the appellant was appointed as PST in Year 1984 but rest of the Para is not admitted.

2. That Para No.02 pertains to record. Hence no comments.
3. That Para No.3 is correct to the extent that FIR No. 84 under Section 302/324/34 PPC at Police Station Mullazai District Tank was lodged against the appellant on 22-07-2009. The appellant became absconder after the lodged FIR. (Copy of FIR is annexed as Annexure-"A")
4. That Para No.4 is incorrect and not admitted. After the registration of criminal case against appellant, the Respondent No.03 stopped the salary of appellant from 01-07-2009 and released his salary on 15-12-2010, when honorable Addl. Session Judge Tank confirmed his bail before Arrest (BBA). (Order Copy of BBA is annexed as Annexure 'B')
5. That Para No.05 is incorrect and not admitted. As replied above.
6. That Para No.06 is incorrect and not admitted. The Respondent Department initiated a facts finding inquiry against appellant, which was conducted by Mr. Abdur Rashid Baloch, Principal (BPS-19) GHSS No.3 Dera Ismail Khan. (Copy of inquiry report is annexed as Annexure "C")
7. That Para No.07 is incorrect and not admitted. After registration of FIR against appellant, he became absconder for a period of about sixteen months and applied for BBA on 11-12-2010, the bail was confirmed on 15-12-2010 and after confirmation of bail, his salary was released accordingly.
8. That Para No.08 is not related to the Respondent Department.
9. That Para No.09 is incorrect and not admitted.
10. That Para No.10 pertains to record. Hence no comments.
11. That Para No.11 is correct to the extent that the appellant filed Service Appeal No. 526/2012 before this learned Tribunal, which was fixed for hearing 28-03-2016, and the same was remanded to Respondent No.02 for decision on departmental appeal of appellant. The

Respondent No. 02 rejected the departmental appeal of appellant on 14/03/2019. (Copy of rejected departmental appeal is annexed as Annexure "D")

12. That Para No. 12 is correct. Hence no comments.

13. That Para No.13 pertains to record. Hence no comments.

14. That Para No.14 is incorrect and not admitted. The departmental appeal of appellant was decided on 12-03-2019 and endorsed to the appellant. The appellant filed Service Appeal on 18-10-2019 after a long period of seven months, which is badly time barred.

15. That Para No.15 is incorrect and not admitted. The instant Service Appeal is badly time barred. Therefore the appellant has no cause of action and locus standi to file this appeal.

REPLY ON GROUNDS.

A. That this Para is incorrect and not admitted. The appellant is not entitled to the arrears of salary during the absconding period i-e 01-07-2009 To 15-12-2010.

B. That this Para is incorrect and not admitted. The Respondent Department initiated facts finding inquiry against appellant. The Inquiry officer recommended that the appellant remained absconder from 22-07-2009 To 15-12-2010. So he is not entitled for the pay under rules. The inquiry report is already annexed as Annexure "C"

C. That this Para is incorrect and not admitted.

D. That this Para is incorrect and not admitted. The detail reply is given in Para No. D

E. That Para No. E is incorrect and not admitted. As replied in facts.

F. That Para No. F is incorrect and not admitted. As replied in facts.


G. That Para No. G is incorrect and not admitted. The appellant remained absconder from 22-07-2009 To 15-12-2010. So he is not entitled for the pay under rules.

H. No Comments.

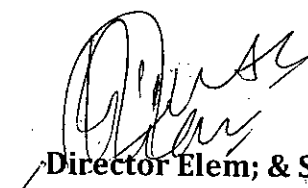
J. That this Para is incorrect and not admitted. As replied above.

K. That the Respondents may also be allowed to raise additional grounds at the time of arguments.


It is therefore, humbly requested that the appeal of the appellant may please be dismissed with costs.



**District Education Officer
(Male) Tank
Respondent No. 03**



**Director Elem; & Secy; Education
Khyber Pakhtunkhwa Peshawar
Respondent No. 02**



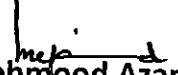
**Secretary E&SE Department
Khyber Pakhtunkhwa, Peshawar
(Respondent No.01)**

⑤

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL CAMP COURT D.I.KHAN**

AFFIDAVIT

I, Mehmood Azam ADEO (Litigation) Office of the DEO-Male Tank do hereby solemnly affirm and declare on oath that the above reply of Service Appeal No. 1380/2019 are true and correct to the best of my knowledge and belief that nothing has been deliberately concealed from this Honorable Service Tribunal.

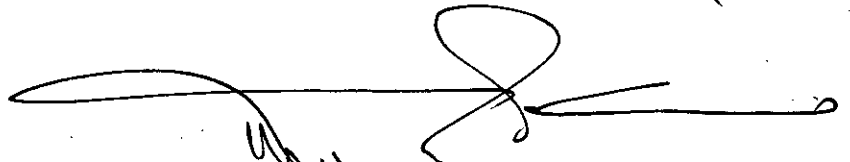

Mehmood Azam
ADEO Litigation
O/O DEO-Male Tank
CNIC : 12201-0313189-7

⑥

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

AUTHORITY LETTER

Mr. Mehmood Azam ADEO Litigation office of the DEO (Male) Tank is hereby authorized to attend the Honorable Khyber Pakhtunkhwa Service Tribunal Camp D.I.Khan in connection with Service Appeal No. 1380 of 2019 Titled as "*Muhammad Sharif Vs Govt; of KPK*" on behalf of District Education Officer (M) Tank.



District Education Officer
(Male) Tank
Respondent No. 04

(B)

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Case No. 15-12-10 H-12-205 BBA

er No. 03
15.12.2010

Accused-petitioner namely Muhammad Sharif son of Muhammad Ayaz on ad interim bail with counsel and SPP for the State present.

2. The above named accused has been charged in case FIR No.84, dated 22.07.2009, under Section 302/324/34 PPC registered at PS Mullazai, who applied for their BBA before this Court.

3. Today, the complainant Naeem Khan and Muhammad Riaz stated compromise with accused-petitioner named above. Their joint statement in this respect recorded, wherein they stated that in case FIR No.84, dated 22.07.2009, under Section 302/324/34 PPC registered at PS Mullazai, the accused-petitioner has been charged however now due to the intervention of elders of the locality, they have effected compromise with the accused-petitioner and have got no objection if the BBA of accused-petitioner is confirmed in the instant case. In this respect they produced affidavit of compromise Ex: PA, proforma Ex PB and copy of CNIC as Ex: PC.

4. Since, the matter has been compromised in between the accused-petitioner Muhammad Sharif son of Muhammad Ayaz and complainant Naeem Khan and Muhammad Riaz, which is in their best interest, while the offence is compoundable in nature, hence the instant petition stands accepted and the ad interim bail is confirmed to the accused-petitioner named above on the existing bail bonds. Record requisitioned be sent back to the quarter concerned. File be consigned to the Record Room after its necessary completion and compilation.

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Announced
15.12.2010

[Signature]
Sajjad Ahmed Jan
Additional Sessions Judge, Tank

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Office of the District
Sessions Judge, Tank

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Adm

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Annex-C

Fact Finding Enquiry Report- Muhammad Sharif PST District Tank

Enquiry Report

The Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa, Peshawar vide Endst: No. 7426-29/ F No.KC/TT/AT/Qari Division Dated Peshawar the 24-08-2006 notified Mr. Abdur Rashid Baloch, Principal(BPS 19) GHSS NO.3 D.I.Khan as Inquiry Officer to conduct facts finding enquiry against Muhammad Sharif PST District Tank.

(Annex-A)

Purpose of the Enquiry:

Muhammad Sharif PST Tank remained absconder w.e.f 22-07-2009 to 15-12-2010. Whether he is entitled for pay of mentioned period or not.

Brief the Complaint:

The FIR No. 84 dated 22-07-2009 was registered against Muhammad Sharif PST GPS Manjhi District Tank. The applicant became absconder from 22-07-2009 to 15-12-2010. He joined his duties properly on 24-12-2010. He considers himself entitle for pay.

Enquiry Proceeding:

As per Notification of the competent authority, the Inquiry Officer visited the office of DEO (M) District Tank on 06 & 07-09-2016. The Inquiry Officer decided to serve a Questionnaires to I/c DEO(M) Tank and Sub-Divisional Education Officer Tank in order to find facts from the office record.

Both above-mentioned officers submitted written reply.

(Annex-B)

General Observations/Findings:

Mr. Musrat Hussain I/c DEO Tank stated in his black and white reply that Muhammad Sharif was PST at GPS Manjhi District Tank. The FIR against said Teacher was registered on 02-07-2009. (Copy Attach)

The absconder/accused appealed for BBA on 11-12-2010. (Copy Attach)

The pre-arrest bail of the accused was confirmed by the Session Judge Tank on 15-12-2010.

(10)

Annex-C (2)

Fact Finding Enquiry Report- Muhammad Sharif PST District Tank

The Executive District Officer Tank directed the concerned teacher to resume his duties on 23-12-2010. (Copy Attach) 40

He joined his duties on 24-12-2010 properly.

I/c DEO(M) Tank further added that he is not entitled for pay of said period. As he was remained absconder during the period and absconder period pay is not admissible to him under the rules.

Muhammad Nawaz SDEO (M) District Tank provided reply of Questionnaire.

His remarks were the same as I/c DEO (M), that FIR against Muhammad Sharif PST on 22-07-2009, became absconder on 22-07-2009, applied for BBA on 11-12-2010, the bail confirmed on 15-12-2010 and EDO Tank ordered to resume his duties on 23-12-2010.

He further added that he was absconder from 22-07-2009 to 15-10-2010. Absconder is not entitled for pay under the rules/law. The prayer in his application dated 11-12-2010 is very clear.

Conclusion:-

The statement of both officer I/c DEO (M) and SDEO (M) Tank in black and white is very clear that Muhammad Sharif became absconder after chalking out FIR against him on 22-07-2009. The absconder/accused applied for BBA on 11-12-2010, which was confirmed on 15-12-2010. He remained absconder from 22-07-2009 to 15-12-2010. So he is not entitled for pay under the rules.

Recommendations:

Muhammad Sharif PST remained absconder w.e.f 22-07-2009 to 15-12-2010. EDO District Tank issued order for release his pay w.e.f 16-12-2010, directing him to resume his duties at his school.

So the entire office record is an ample proof of this fact that he is not entitled for pay from 22-07-2009 to 15-10-2010, that is his absconder period.

ABDUR RASHID BALOCH
INQUIRY OFFICE
Principal GHSS NO.3 D.I.Khan.

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Annex - D

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DIRECTORATE OF ELEMENTARY & SECONDARY
EDUCATION KHYBER PAKHTUNKHWA,
PESHAWAR

No. 382 / F.No. 14/PST Male Tank.
Dated: 11/3 /2019.

To

The District Education Officer
(Male) Tank.

Subject: - DEPARTMENTAL APPEAL

I am directed to refer to your letter No. 615 dated 11/02/2019 on the subject cited above and to ask you that the case/appeal in respect of Muhammad Sharif PST GPS Manjhi District Tank has been examined/analyzed by this office. Hence inform the appellant concerned that his appeal has been rejected by the competent authority.

Endst No. 3822-23
Copy of the above is forwarded to: -

1. Muhammad Sharif PST GPS Manjhi District Tank
2. PA to Director E&SE local Office.
3. Master File.

11/3/2019
Deputy Director Estab (Male)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

12/3/2019
Deputy Director Estab (Male)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Attested
Junk
sdw