

30.09.2022

Counsel for the appellant present. Mr. Kabir Ullah
Bench is incomplete, therefore, case is adjourned to
07.10.2022 Additional Advocate General for respondents
present.

07.10.2022

Learned counsel for the appellant made a request for
adjournment in order to prepare the brief. Adjourned. To
come up for arguments on 07.11.2022 before D.B.

(Mian Muhammad)
Member (I)

(Kalim Arshad Khan)
Chairman

07.11.2022

Appellant present in person.

Naseer Ud Din Shah learned Assistant Advocate General
for the respondents present.

Former requested for adjournment on the ground that his
learned counsel is busy in hon'ble Peshawar High Court
Peshawar. Last chance is given. To come up for arguments on
27.12.2022 before D.B.

SCANNED
KPST
Peshawar

(Fareeha Paul)
Member (E)

(Rozina Rehman)
Member (J)

27-12-22

Due to winter vacation,

The case is adjourned

to 3-4-23

Reader

01.02.2022

Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy before the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 01.04.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-ud-Din)
Member (J)

1st April, 2022

Junior to counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Former requests for adjournment due to non-availability of learned senior counsel. Adjourned. Last opportunity is granted. To come up for arguments on 09.06.2022 before the D.B.



(MIAN. MUHAMMAD)
Member (E)



CHAIRMAN

09.06.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments on 30.08.2022 before the D.B.



(Fareeha Paul)
Member (E)




(Salah-ud-Din)
Member (J)

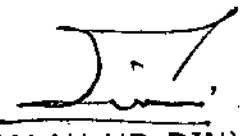
16.09.2021

Mr. Arbab Saif-ul-Kamal, Advocate, for the appellant present. Mr. Riaz Ahmed Paindakheil, Assistant Advocate General for the respondents present.

Mr. Arbab Saif-ul-Kamal, Advocate submitted list of legal heirs of the deceased appellant alongwith Wakalat Nama, which are placed on file.

Office is directed to make necessary entries in this respect in the memo of appeal as well as relevant record accordingly. Adjourned. To come up for arguments before the D.B on 10.11.2021.



(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

10.11.2021

Mr. Arbab Saiful Kamal, Advocate for the appellant present Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments before the D.B on 01.02.2022.


(ATIQ UR REHMAN WAZIR)
MEMBER (E)


(SALAH-UD-DIN)
MEMBER (J)

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01.04.2021

Nemo for parties.

Kabirullah Khattak, Additional Advocate General for respondents present.

The preceding date was adjourned on Reader's Note, therefore, both the parties be put on notice for 16-07-2021 for arguments before D.B.

(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

(ROZINA REHMAN)
MEMBER (JUDICIAL)

16.07.2021

Son of the appellant alongwith Mr. Arbab Saif-ul-Kamal, Advocate, present. Mr. Riaz Ahmed Paindakheil, Assistant Advocate General for the respondents present.

Learned counsel for the appellant stated at the bar that he has been informed that the appellant has died, therefore, he will submit list of legal heirs of deceased appellant for impleadment as appellants in the instant appeal. Adjourned. To come up for further proceedings before the D.B on 16.09.2021.

(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

15.05.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 18.08.2020 before D.B.



Reader

18.08.2020

Due to summer vacations, the case is adjourned to 20.10.2020 for the same.

Reader

20.10.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

The Bar is observing general strike today, therefore, the matter is adjourned to 30.12.2020 for hearing before the D.B.



(Mian Muhammad)
Member



Chairman

SCA
K
Peshawar,

30.12.2020


Due to summer vacation, case is adjourned to 01.04.2021 for the same as before.




Reader

11.11.2019

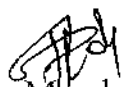
Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 13.01.2020 before D.B.

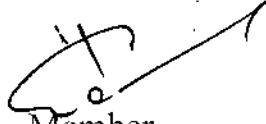

Member


Member

13.01.2020

Appellant absent. Learned counsel for the appellant absent. Mr. Usman Ghani learned District Attorney present. Due to general strike of the Bar on the call of Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for further proceedings/arguments on 13.03.2020 before D.B. Appellant be put to notice for the date fixed.


Member


Member

13.03.2020

Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 15.05.2020 before D.B.

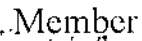

Member


Member

09.04.2019

Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Learned counsel for the appellant submitted rejoinder and seeks adjournment. Adjourn. To come up for further proceeding on 25.06.2019 before D.B.


Member


Member

25.06.2019

Counsel for the appellant and Addl: AG for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. Case to come up for arguments on 27.08.2019 before D.B.

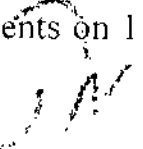

Member


Member

27.08.2019

Appellant in person present. Mr. Zia Ullah learned DDA present. Appellant seeks adjournment as his counsel is not in attendance. Adjourn. To come up for arguments on 11.11.2019 before D.B.


Member


Member

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Service Appeal No. 1048/2017


13.12.2018

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents present. Written reply on behalf of respondents not submitted despite last chance. Learned Additional AG requested for further adjournment. Last chance for filing of written reply is further extended subject to payment of cost of Rs. 1000/- which shall be borne by the respondents from their own pockets. Representative of the department is also not in attendance therefore, notice be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned. To come up for written reply/comments and cost of Rs. 1000/- on 22.01.2019 before S.B.


Muhammad Amin Khan Kundi
Member


22.01.2019

Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Barkat Ali Litigation Officer present and submitted written reply/comments. Adjourn. To come up for rejoinder/arguments on 09.04.2019 before D.B.


Member


02.08.2018

Miss. Uzma Syed, Advocate put appearance on behalf of counsel for the appellant. Mr. Kabirullah Khattak, Addl: AG for respondents present. Written reply not submitted. Addl: AG requested for adjournment. Granted. To come up for written reply/comments on 13.09.2018 before S.B.


Chairman

13.09.2018

Miss. Uzma Syed, Advocate counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Written reply not submitted. Learned AAG requested for adjournment. Granted but as a last chance. Case to come up for written reply/comments on 29.10.2018 before S.B.


Chairman

29-10-18

Due to Retirement of Honorable Chairman the Tribunal is non functional therefore the case is adjourned to come up for the same on 13/12/18

Rehder

SCANNED
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Peshawar

14.03.2018

Learned counsel for the appellant present. None present on behalf of the respondents. The present case is lingering on at the stage of pre-admission notice for sufficient time. Hence in the circumstances of the case, to avoid further delay the present appeal is admitted for regular hearing subject to all just/legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to respondents for written reply/comments. To come up for written reply/comments on 30.04.2018 before S.B

Appellant Deposited
Security Process Fee


Member



30.04.2018

None present on behalf of appellant. Learned Addl: AG for the respondents present. The Tribunal is non functional due to retirement of the Honorable Chairman. Therefore, the case is adjourned. To come up for the same on 27.06.2018 before S.B.


Reader

01-01-2018

27.06.2018

Junior counsel for the appellant and Mr. Muhammad Jan, DDA for the respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 02.08.2018 before S.B.


Member

02.01.2018

Counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 24.01.2018 before S.B.

(Gul Zeb Khan)
Member (E)

24.01.2018

Learned counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 20.02.2018 before S.B.

(Muhammad Hamid Mughal)
MEMBER

20.02.2018

Counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 14.03.2018 before S.B.

(Gul Zeb Khan)
Member

SCANNED
KF BT
Peshawar

24.01.2018

Learned counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 20.02.201 before S.B.

(Muhammad Hamid Mughal)
MEMBER

24.01.2018

Learned counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 20.02.201 before S.B.

Service Appeal No. 1048/2017

26.10.2017

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for preliminary hearing on 14.11.2017 before S.B.

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Handwritten signature

(Muhammad Amin Khan Kundi)
Member

28.10.2017

~~Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents also present.~~

14.11.2017

~~Counsel for the appellant present and requested for adjournment. Adjourned. To come up for preliminary hearing on 07.12.2017 before S.B.~~

~~Adjourned on 14.11.2017 before S.B.~~

Handwritten signature

(Gul Zeb Khan)
~~(Muhammad Member in Khan Kundi)~~
Member

07.12.2017


Junior counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 02.01.2018 before S.B.

Handwritten signature
(Gul Zeb Khan)
Member (E)

05.10.2017

Counsel for the appellant present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving as Chowkidar in Education Department however, during service a criminal case was registered against the appellant vide FIR No. 140 dated 14.11.2004 under sections 302/324 PPC Police Station Saddar. It was further contended that after registration of the said criminal case the attendance of the appellant was beyond his control therefore, the competent authority terminated him from service vide order dated 20.03.2007 on the allegation of his absence. It was further contended that the competent court vide order dated 29.05.2013 acquitted the appellant from the charges level against him on the basis of compromise and thereafter the appellant filed departmental appeal on 20.05.2016 as well as departmental appeal dated 25.05.2017 but the same was not responded hence, the present service appeal. When the learned counsel for the appellant was confronted that the appellant was acquitted on 29.05.2013 but the appellant filed the departmental appeal in the year 2016 and another departmental appeal in the year 2017 and the same is beyond the date of limitation period. Learned counsel for the appellant contended that since the matter pertains to pensionary benefits and the impugned order of termination of the appellant has been passed retrospectively therefore, the same is void ab-initio. As such the limitation does not run against the void order. Since the departmental appeal has been filed after the limitation period therefore, pre-admission notice be issued to the Learned Additional Advocate General Office for assistant on the point of limitation. Adjourned. To come up for preliminary hearing on 26.10.2017 before S.B.

SCANNED
KPST
Peshawar


(Muhammad Amin Khan Kundi)
Member

Form-A

FORM OF ORDERSHEET

Court of _____

Case No. 1048/2017

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	18/09/2017	<p>The appeal of Mr. Qamar Ali Khan presented today by Mr. Saadullah Khan Marwat Advocate, may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>
2-	20/9/17	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>S-10-2017</u></p> <p style="text-align: right;"><i>[Signature]</i> MEMBER</p>

16.09.2021

Mr. Arbab Saif-ul-Kamal, Advocate, for the appellant present. Mr. Riaz Ahmed Painsakheil, Assistant Advocate General for the respondents present.

Mr. Arbab Saif-ul-Kamal, Advocate submitted list of legal heirs of the deceased appellant alongwith Wakalat Nama, which are placed on file.

Office is directed to make necessary entries in this respect in the memo of appeal as well as relevant record accordingly. Adjourned. To come up for arguments before the D.B on 10.11.2021.

(ATIQU-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

30.12.2020 Due to summer vacation, case is adjourned to
01.04.2021 for the same as before.

Reader

01.04.2021 Nemo for parties.

Kabirullah Khattak, Additional Advocate General for
respondents present.

The preceding date was adjourned on Reader's Note,
therefore, both the parties be put on notice for _____
for arguments before D.B.

(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

(ROZINA REHMAN)
MEMBER (JUDICIAL)

16.07.2021

Son of the appellant alongwith Mr. Arbab Saif-ul-Kamal,
Advocate, present. Mr. Riaz Ahmed Paindakheil, Assistant
Advocate General for the respondents present.

Learned counsel for the appellant stated at the bar that he
has been informed that the appellant has died, therefore, he will
submit list of legal heirs of deceased appellant for impleadment
as appellants in the instant appeal. Adjourned. To come up for
further proceedings before the D.B on 16.09.2021.

(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 1048 / 2017

Qamar Ali Khan versus

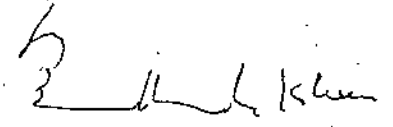
D.E.O & Others

I N D E X

S. No	Documents	Annex	P. No.
1.	Memo of Appeal		1-3
2.	Appointment order dated 06-10-1987	"A"	4
3.	FIR No. 140 dated 14-11-2004	"B"	5
4.	Termination order dated 20-03-2007	"C"	6
5.	Representation dated 18-04-2007	"D"	7
6.	Acquittal order dated 29-05-2013	"E"	8-11
6.	Sub-sequent Rep: dated 20-05-2016	"F"	12
7.	Final Rep: dated 22-05-2017	"G"	13-14

Through

Appellant


 Saadullah Khan Marwat
 Advocate.
 21-A Nasir Mansion,
 Shoba Bazaar, Peshawar.
 Ph: 0300-5872676
 0311-9266609

Dated. 16.09.2017

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. _____/2017

Qamar Ali Khan S/O Hayat Khan,
R/O Gedder Mama Khel,
Bannu, Ex-Chowkidar, GPS,
Gedder Mama Khel. Appellant

VERSUS

1. District Education Officer (M)
Bannu.
2. Director, Elementary Education,
KP, Peshawar
3. Secretary, Elementary Education,
KP, Peshawar. Respondents

⊛<=>⊛<=>⊛<=>⊛<=>⊛

**APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974
AGAINST OFFICE ORDER NO. 2494-97, DATED 20-
03-2007 R. NO. 1 WHEREBY APPELLANT WAS
TERMINATED FROM SERVICE WITH EFFECT FROM
15-11-2004:**

⊛<=>⊛<=>⊛<=>⊛<=>⊛

Respectfully Sheweth;

1. That appellant was appointed on 06-10-1987 as Chowkidar and was posted at GPS, Gedder Mama Khel, Bannu. (Copy as Annex "A")
2. That appellant was performing his official duties without any complaint when on 14-11-2004, he was implicated in criminal case along with other relatives by complainant Muhammad Haroon. (Copy as Annex "B")

3. That on 20-03-2007, appellant was terminated from service by R. No. 01 with effect from 15-11-2004. (Copy as Annex "C")
4. That appellant submitted representation on 18-04-2007 with Registry No. 1293 dated 18-04-2007, before R. No. 2 for reinstatement in service but in vain. (Copy as Annex "D")
5. That due to the fear of torture of police as well as enemies, he was not in position to do the needful, yet after compromising the matter, he was acquitted from the charges on 29-05-2013 by Additional Session Judge-I, Bannu. (Copy as Annex "E")
6. That on 20-05-2016 appellant submitted sub-sequent representation before the authority. The same was marked to SDEO (M), Piry for detail report but no further action was taken. (Copy as Annex "F")
7. That on 22-05-2017, appellant submitted final representation before R. No. 02 but without any fruitful result. (Copy as Annex "G")

Hence this appeal, inter alia, on the following grounds:-

GROUND S:

1. That appellant rendered 17/18 spotless services to the department but no benefit of the same was given to him.
2. That appellant did not absent from duty willfully but was due to the aforesaid compelling circumstances.
3. That after gaining acquittal from the competent court of Law, the department was legally bound to reinstate appellant in service.
4. That since 18-04-2007, appellant submitted representations to the Authorities for reinstatement in service, but no heed was paid to the same for ulterior motive.
5. That no order could be given retrospective effect.

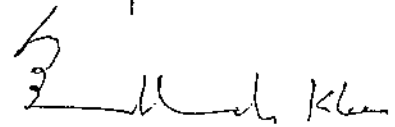
It is, therefore, most humbly prayed that on acceptance of appeal, order dated 20-03-2007 of R. No. 01 be set aside and appellant be reinstated in service with all back benefits, with such other relief as may be deemed proper and just in circumstances of the case.

OR

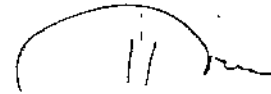
In the alternate, appellant be given Pensionary benefits, G.P fund, Gratuity, etc of the rendered services.

Appellant

Through



Saadullah Khan Marwat



Arbab Saiful Kamal
Advocates.

Dated 16-09-2017

A

4

6-10-87

OFFICE OF THE SUB DIVL: EDUCATION OFFICER (M) BANNU.APPOINTMENT.

Mr. Qasim Ali Khan S/O Hayat Khan candidate
is hereby appointed against the post of Chowkidar at GPS
Qaidor Mama Uhal @Rs. 600/-PM in revised Basic Pay
scale No.1 from the date of taking over charge.

Charge reports should be submitted to this Office.

He is directed to produce Health & age certificate
from Medical Superintendent DHQ Hospital Bannu.

He will be governed by the service rules in force.

No TA/DA is allowed at the time of first appointment

If he wishes to resign he will give prior notice
or one months pay will be forfeited in lieu thereof.

He is not allowed to take over charge
if age is less than 18 years or above than 40 years.

(MIR ADAT KHAN),
SUB DIVL: EDUCATION OFFICER,
(M) BANNU.

Endst: No. 8254-561

Dated 6/10/1987

Copy to the:-

1. Headteacher GPS Qaidor Mama Uhal
2. Candidate concerned.

M. A. Khan
Sub Divl: Education Officer,
(M) Bannu.

(MORSIN)

9	10	11	12	13		14	15
Signature and designation of the Head of the office or other Attesting Officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer dismissal etc)	Signature of the Head of the office of 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 praised of the Government servant
دستخط افسر مجاز	تاریخ انقطاع ملازمت	وجوہات انقطاع ملازمت ترقی، تبادلہ یا برطرفی	دستخط افسر مجاز	Nature and duration of leave taken	Allocation of periods of leave on average pay upto four months (or earned leave not exceeding 120 days) to which leave salary is debitabale to another Government	دستخط افسر مجاز	سزا یا جزا یا غیر مستحب کارکردگی کا ریکارڈ
				Period	Govt. to which debitabale		
<p>30/11/05</p> <p>11/12/05</p> <p>20/3/07</p> <p>Mr. Qamar Ali Khan Chaudhary G.P. Golan, Manu Khal, is hereby terminated from service w.e.f. 15/11/2004 due to long willful absence after fulfilment of all codal formalities by E.D.O. S&L No 2494-97 L-14/vol: 1/AE-1/11/07 dated 20/3/2007.</p> <p>Dy: D.O. Edu. (P) P. Bannu</p> <p>Attest محمد علی خان</p>							

خدمت ضابط ڈسٹرکٹ ایجوکیشن افسر حلیہ بنوں

P. No. 1293

تاریخ 18.4.07

درخواست برادر محالی بر سرسول

ضابط عالی :-

ذیل گزارش ہے۔

۱۔ پندرہ سائیل قلعہ تبلیغ میں بحیثیت جوڈیئر اریگولری ہوئے تھے۔
اور گورنمنٹ پرائمری سکول گیدڑ علی میں خدمات سر انجام دے چکے تھے۔
۲۔ ان کی تعیناتی خدمت سے سائیل کو مورخہ 04.11.04 کو فوجواری
مقدم میں پہنچ سے ملوث کیا گیا۔

۳۔ ہم کہ مقدم بالا میں راضی نام کیا گیا۔ اور حکم مورخہ 29/5/13
کا رو سے از عدالت ضابطہ لے لیا ہے۔ بنوں رکائی علی۔

۴۔ یہ کہ باعزت پیر کا ہونے کے بعد سائیل سرسول پر محالی کا حقدار ہے۔
سورنڈر مقدم بالا میں بے جا ملوث کیا گیا تھا۔

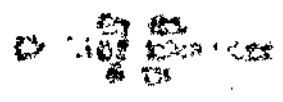
۵۔ فیاض سے اکتاس بجے کہ حکم مورخہ 20/3/07 کو مستوخ خرما
کو سرسول پر محالی کرنے کا حکم صادر فرمادیا گیا۔ تاہم کیفیت دعا گو رہیوں گا۔

فرعی خان
مورخہ 18-4-07

فرعی خان ولد صاحب خان سکشن گیدڑ علی حلیہ بنوں :-

سابقہ جوڈیئر گورنمنٹ پرائمری سکول گیدڑ علی حلیہ بنوں

بزرگ برادر خود



ORDER...12
29-5-2013

PP for the state present.

Accused Qamar Ali in custody produced.

Mutation No.1098, duly attested by the

revenue official on 28/5/2013, whereby

in toto 8 kanals 18 marlas landed property

has been transferred in names of the minors

namely Sadam and Kamran (minor sons of deceased)

and Mst:Zaiba (minor daughter of deceased)

according to their respective shares in

Diyat on behalf of the accused party, on

which the complainant party/L.Rs of deceased

got satisfied, placed on file.

Earlier on 15/5/2013, joint state-

ment of legal heirs namely Aftab Khan (father)

Mst:Bas Kamala (widow), Mst:Bakht Janan

(mother), Adnan and Muhammad Haroon (sons

of deceased) and Mst:Bahnama (daughter)

in respect of compromise with the accused

Qamar Ali has been recorded, according

to which they have pardoned their rights of

Qisas and Diyat being major L.Rs of deceased

Handwritten notes on the left margin: "12/2 13", "13-13", "26/5/13", and a signature.

Handwritten note: "Liquor 27/5/13"

Form header with fields: Title, No and date

Handwritten notes at the bottom left: "27/5/13", "District & Sessions Judge", "Banna Qamar Ali"

Official stamps and signatures at the bottom of the page.

Iran Khar
st Bakht Jana
4. Adnan, 5.
) and 6. Mst

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and have also got no objection upon acquittal
of the accused Qamar Ali.

Regarding factum of compromise,
joint statement of elders namely Mujib-ur-Rehman
and Muhammad Tahir Khan has also been recorded
placed on file. They also took responsibility
in case of any illwell in between the accused
and the L.Rs of deceased. Compromise papers
are also available on file.

As the offence being compoundable and
compromise seems to be genuine, I while accepting
compromise, acquit accused Qamar Ali from the charge,
levelled against him. He is in custody, he be released
forth, if not required in any other case.

File of this court be consigned to RR,

Announced
29-5-2013

Liyaqat Ali Khan Marwat
(Liyaqat Ali Khan Marwat)
Addl: Sessions Judge-I, Bannu

- 1. Registration No. 1204
- 2. Date of Presentation of Application 29/5/13
- 3. Date of Preparation of copy 29/5/13
- 4. Date of Delivery of copy 29/5/13
- 5. No. of copies 3
- 6. Usual Fee Rs. 3/-
- 7. Special Fee Rs. 3/-
- 8. Signature of Copyist [Signature]

[Signature]
District & Session Judge
Bannu

Joint statement of legal heirs of deceased Imran Khan namely 1.Mst Bas Kamala (widow), 2.Mst Bakht Jana (mother), 3.Aftab Khan (father), 4.Adnan, 5. Muhammad Haroon (complainant) (sons) and 6.Mst Bahnama (daughter)

That Muhammad Haroon has registered a case FIR No.140 dated 14-11-2004 under sections 302/324/34 PPC of P.S Haved, Bannu and for the offence of Qatl-e-Amd of our deceased son Murad Ali and ineffective firing over the complainant. We, the legal heirs of the deceased have patched up the matter with the accused and had forgiven the accused in the name of Almighty Allah and have waived the right of Qisas and Diyat while the accused is ready to alienate the property in the names of minors Saddam and Kamran (minor sons of deceased) and Mst Zaiba (minor daughter of deceased) according to their respective shares of Diyat amount. If any legal heir of the deceased is dig out then we shall be responsible. We have got no objection on acquittal of accused. The compromise deed EX:PA and proforma EX:PA/1 are correctly bear over signatures and thumb impressions.

RO&AC
15-05-2013

(Liaqat Ali Khan Marwat)
Additional Sessions Judge-I, Bannu

Aftab Khan (father)
(father of deceased)
No.11101-584910-7

Mst Bas Kamala
(widow of deceased)
NIC No.11101-8938242-8

Mst Bakhat Janan (mother of deceased)
NIC No.11101-8451797-2

Adnan (son)

Muhammad Haroon (son/complainant)
NIC No.11101-1463680-3

Mst Bahnama (daughter)

The ladies are identified by Aftab Khan

Attested
Copies
District & Session Judge
Bannu

(Liaqat Ali Khan Marwat)
Additional Sessions Judge-I, Bannu

Joint statement of the elders 1.Mujib-ur-Rehman S/O Raqib Khan and 2.Muhammad Tahir Khan S/O Sher Ghulam Khan stated on oath.

Stated on oath that we are the respectable elders of the village of the deceased and accused party. We know both the parties being our co-villagers. Through our efforts both the parties have patched up the matter. The deceased party has forgiven the accused in the name of Almighty Allah and waived off the rights of Qisas and Diyat while the accused is ready to alienate the property in the names of minors Sadam and Kamran (minor sons of deceased) and Mst Zaiba (minor daughter of deceased) according to their respective shares in Diyat amount. Apart from the major legal heirs of the deceased if any other legal heir is dig out than we shall be responsible for it. The compromise is genuine and in the best interest of the parties. The compromise deed EX:PA bears our signature correctly.

RO&AC
15-05-2013

Liaqat
(Liaqat Ali Khan Marwat)
Additional Sessions Judge-I, Bannu

1.Mujib-ur-Rehman
CINC No.11101-8672203-1

2.Muhammad Tahir Khan
NIC No.11101-4913862-5

Liaqat
(Liaqat Ali Khan Marwat)
Additional Sessions Judge-I, Bannu

Attested
Copies
District & Sessions Judge
Bannu

20-5-16
 محترم صاحب ڈسٹرکٹ ایجوکیشن افسر مردانہ ضلع بنوں
 درخواست برائے بحالی پیش جو کیمبرائٹ میں خان
 جی بی ایس کیمبرائٹ میں
 316

حصہ 1

تدارک ضلع ساہیول تحصیل ایجوکیشن میں 87/6 جولائی نمبر 55-8254
 بطور جو کیمبرائٹ لکھا اور ایسی کو کیمبرائٹ واپس دیا گیا

الحقہ خالد بدھتھی سے 11/14 مرسائل کا 302 مقدمہ دائر ہو گیا
 2004

اور نفوذ ہو گیا

دیکھ 2011 کو مدالت میں پیش ہوا اور بائنت لٹریچر 5/29 کو
 2013

دیا گیا

سنگھ نے دفتر فدا سے بحالی کی درخواست کی تاہم پیش اور 90 Fund وغیرہ مل
 سکے۔ لیکن دفتر والوں نے ڈائریکٹر سے واپس لے لی۔ اس کا
 فیصلہ DEO صاحب فودکرے

آئیے ضابطہ مل گیا کہیں الٹی تک آج صاحبان کے رحم و کرم سے ہر دفعہ سے
 آج صاحبان میرا ہی کرے ساتھ لکھی صرف تو یہ لٹریچر جو کیمبرائٹ میں
 اور دوسرے مراعات دیکر منظور فرمادیں

دعا گو رہی ہے

القاری

صفحہ 20/2016
 19/7/2016

محمد علی خان ولد ضیاء خان جو کیمبرائٹ میں جی بی ایس کیمبرائٹ میں

Page No. 12-94
Date 22.5.17

مکتوب جناب ڈائریکٹر صاحب ایڈمنسٹری ائنڈ سٹینڈری
لجوسٹیشن کے پاس، لاہور

اپیل ٹرادر بجائی برسرروس / پنشن وغیرہ

جناب عالی!

ذیل گزارش ہے

- 1 یہ کہ سائل ٹورفہ 06-10-1987 کو بحیثیت چوہدری عمرتی عوا اور ٹورفہ پرائمری سکول ٹیچر فاقہ اصل بنوں میں متعین کیا گیا۔
- 2 یہ کہ سائل اپنی فرائض منصبی ایڈمنسٹری ائنڈ سٹینڈری کے سرانجام دے رہا تھا کہ بد قسمی سے ٹورفہ 24-11-2004 کو مستعفی ہوئے مارون نے فوجداری مقدمہ میں ڈیپارٹمنٹ داروں کے ہمراہ ملوث کیا۔
- 3 یہ کہ ڈسٹمنوں کی ڈری وجہ سے سائل پینس پروردہ چلا گیا لیکن بعد ازاں راہی نامہ معوق ٹورفہ 29-05-2013 کو مقدمہ بالا سے بری کر دیا گیا۔
- 4 یہ کہ رہائی سے قبل سائل ٹورفہ 18-04-2007 کو جناب ڈسٹریکٹ لاجوسٹیشن آفیسر خدمت میں بجائی بر ملازمت در خواست گزارا مئی لیکن اس پر کوئی عمل درآمد نہیں کیا گیا۔
- 5 یہ کہ سائل کے خلاف قانونی لوازمات کی تکمیل نہیں کی گئی اور ایڈمنسٹری ائنڈ سٹینڈری کے وائلو ایسری کے ملازمت سے ہر طرف کیا گیا۔
- 6 یہ کہ غیر حاضری قصداً و عمداً نہ تھی بلکہ ایف آئی آر کے اندراج اور ڈسٹمنوں کی وکیلوں کے ڈری وجہ سے تھی جو ٹرول سے باہر تھی۔
- 7 یہ کہ غیر حاضری پر کسی کو (Major Punishment) پینس دی جا سکتی بشرطیکہ وہ عمداً و قصداً نہ ہو۔
- 8 یہ کہ حکم ٹورفہ 20-03-2007 کے خلاف واقعات ہیں اور بروک کے فیصلہ ٹیچر بورڈ کے فوجداری مقدمہ ختم ہونے سے قبل سرورس کی بجائی

ے لیے حجاز فورم سے رجوع نہیں کیا جائیے۔

بازار بین الاقوامی
پاکستان
لاہور

لہذا استدعا ہے کہ حکم فوراً 20-03-2007ء خلاف فائلز و واقعات ٹھونے کے وینسز مینیجر بریڈ ہنٹی کو منسوخ فرما کر سائل کو تمام اعتراضات پر جواباً لکھ کر کا حکم ہمارے پاس لکھوٹ دینے سائل کو مکمل پینشنری فوائد پر کویشن عطا کرنے کا حکم ہمارے فرماوے۔

دُعا فوراً ہوگی

المس قوما 22-05-2017

امداد علی
Amir Ali

قمر علی خاں وکد ضیاء خان سکندریہ کبڈرے خیل بنوں۔
سابقہ چیئرمین اور منیجر ایئر سول کبڈرے خیل بنوں

بعدالت جناب سرسٹریٹریونٹل صوبہ سرحد پشاور

امیلانٹ

متجانب

محکمہ تعلیم وغیرہ

قمر علی خان

ینام

دعوی اپیل

باعث تحریر یہ اینٹکہ

مقررہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و نکل کاروائی متعلقہ آل مقام پشاور کیسے اسعد امانت خان سرور سے ایڈوکیٹ ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی نکل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب کو کرنے باضی نامہ و تقرر ثالث و فیصلہ برتلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور رضی دعویٰ اور درخواست ہر قسم کا تقدیر اور ان پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری بکطرفہ یا اپیل کی برآمدگی اور مستویٰ نیز ڈگری کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کے نکل یا تجزیہ کاروائی کے واسطے اور وکیل یا مشاور قانونی کو اپنے ہمراہ یا اپنی بجائے تفرز کا اختیار ہوگا اور صاحب مقدمہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ مشاورہ قبول ہوگا اور دوران مقدمہ میں جو شرحہ و ہرجانہ التواء مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب موصوف ہوں گے نیز بقایا دفر حسبہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام درورہ پر ہو یا عد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔

لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم 15/9/17

العبد العبد العبد

ارباب سید انکمال ایڈوکیٹ

سید اللہ خان مروت ایڈوکیٹ

قمر علی خان

عین رضیہ تار ایڈوکیٹ

Qasim Ali Khan

BEFORE THE HONOURABLE KHYBERPAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1048 OF 2017

Qamer Ali Khan

Appellant.

VERSUS

Secretary E&SE Department, Khyber Pakhtunkhwa & Others Respondents.

JOINTS PARAWISE COMMENTS ON & FOR THE BEHALF OF THE
RESPONDENT NO.1,2 and 3.

PRELIMINARY OBJECTIONS.

- 1- That the appellant has got no cause of action/locus Standi.
- 2- That the instant appeal is badly time barred.
- 3- That the appellant has concealed material facts from this honourable Tribunal
- 4- That the instant service appeal is based on mala-fide intentions.
- 5- That the appellant has not come to the Honourable Tribunal with clean hands.
- 6- That the appellant is not entitled for the relief he has sought from this Honourable Tribunal.
- 7- That the instant service appeal is against the prevailing Law & Rules.
- 8- That the instant appeal is based on mala-fide intentions just to put extra pressure on the respondents.
- 9- That the appeal is not maintainable in its present form.
- 10- That the appeal is bad for mis-joinder & non joinder of necessary parties.
- 11- That the instant Service Appeal is barred by Law.
- 12- That the appellant is not competent to file the instant appeal against the respondents.
- 13- That the appellant is stopped by his own conduct to file the instant appeal.

FACTS.

- 1- Para No. 1 is correct to the extent of the appellant that the appellant appointed as chowkider on 6-10-1987 and was posted at GPS Gedder Mama Khel, Bannu.
- 2- Para No. 2 is correct to the extent of the appellant that the appellant has been charged vide case FIR No.140 dated 14-11-2004 Registered under section - 302/PPC at police station Haved District Bannu. However, the appellant did not inform the department with respect to involvement in criminal case. (copy of FIR is Annexed as Annexure-A)
- 3- Pare No.3 is also incorrect, that the appellant remained absent w.e.f., 14-11-2004 to 18-4-2007 and the Department has served upon three absentee notices to the appellant vide NO. 2347 dated 27-6-2006, No2471 dated 27-7-2006 and 2544 dated 18-8--2006 and also published his absentee notice in Daily Express dated 15-11-2006. The respondents also sent letter for Personal Hearing vide this office letter to appear before the enquiry committee framed for personal hearing on 15-2-2007 in

27-6

2006

عنوان
دستی دستک انجمن مردانہ
پاکستانی سول سوسائٹی

بجانب

عنوان
قمر علی خان جوہر سید
پولیس سٹیشن سول سوسائٹی
دہلی کے پریس خانہ

26-6
2006

حوالہ پتہ پورہ کی اطلاع درجہ
کے ایک ہندی قتل کیس کے
سے کافی طور پر جاننے کے
حال میں ہے۔
میں اور ایسی خبریں
ان کے جواب میں
ورہ ایک ہندی قتل کیس کے
کا رونا کی حالت میں

Dr. D. G. Bhat
M.P.P., Bangalore

عنوان
انڈین سول سوسائٹی

2471

خوارق 27/6

مخارج

A2

دستی دستک اسکرین
پہا لہری تکرار ہون

بنا

محمد علی خان جو کسکدا
"خواتین لہری تکرار اسکرین"

مخارج

تو کس غیر ماضی

پادشہت بحوالہ دستک 2347 مورخہ 27/6

پہا لہری تکرار اسکرین
"خواتین لہری تکرار اسکرین"
تو کس غیر ماضی
کارروائی کی ہے

Dr. D. G. Reddy
M/Prv. Bangalore

تاریخ ۱۹/۸/۲۰۰۶

ڈیپٹی ڈسٹرکٹ آفیسر مردانہ
پولیس سٹیٹوٹریٹ

بیمانی

نام

محمد علی خان پولیس سٹیشن
پولیس سٹیٹوٹریٹ

عنوان

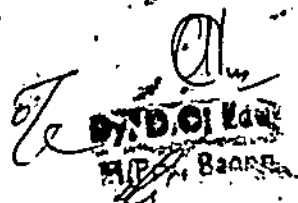
پولیس سٹیشن

یادداشت: پتہ پور پور 2347 حوالہ 27/06

اور 2471 حوالہ 27/06

آئیے ایک بار پھر یہ دیکھ لیں کہ اس کی
دوسری کاپی کجا ہے اور اس کی کاپی کجا ہے
مقبول رہے بیان کر دو۔

یہ ایک نیا کیس ہے اور اس کی کاپی کجا ہے
اس کی کاپی کجا ہے اور اس کی کاپی کجا ہے
یہ بیان کر دو۔



B

30068302
30068300

سین پتھان میں اختلافات ختم ہو کر انگلیسر پانی کی مضبوطی کا عزم

پٹی نایب صدر کی سربراہی میں پارٹی میں پارٹی کے اختلافات ختم ہو گئے۔

پٹی نایب صدر کی سربراہی میں پارٹی میں پارٹی کے اختلافات ختم ہو گئے۔

مردان میں عازمین حج کے لئے دوسری ترتیبی ورکشاپ

مولانا سید اللہ جان اور دیگر علماء نے شرکاء کو حج اور عمرہ کے بارے میں توجیہ دینی

مردان (لاہور، فیسول) حج خدمت میں مستحق مردان کے لیے عازمین حج کی تربیتی ورکشاپ منعقد ہوئی۔ مولانا سید اللہ جان اور دیگر علماء نے شرکاء کو حج اور عمرہ کے بارے میں توجیہ دینی۔

پانچ روزہ خطے کے خلاف عوامی حکومت

سوالی (لاہور، فیسول) پانچ روزہ خطے کے خلاف عوامی حکومت کی سربراہی میں ایک کمیٹی تشکیل دی گئی۔

پاکستان انسٹیٹیوٹ آف ایجوکیشنل سائنسز

آپ کی فری ٹائم سرگرمیوں کو مستعمل بنانے کے لیے اس ادارے میں داخلہ لیں۔

27.7.2006 تا 27.8.2006

INF(BU)72

پاکستان انسٹیٹیوٹ آف ایجوکیشنل سائنسز

15 نومبر 2006ء کو منعقد ہونے والے ایجوکیشنل سائنسز کانفرنس میں شرکت کریں۔

10:00 بجے صبح پانچ بجے تک

پٹی نایب صدر کی سربراہی میں پارٹی میں پارٹی کے اختلافات ختم ہو گئے۔

پٹی نایب صدر کی سربراہی میں پارٹی میں پارٹی کے اختلافات ختم ہو گئے۔

پٹی نایب صدر کی سربراہی میں پارٹی میں پارٹی کے اختلافات ختم ہو گئے۔

پٹی نایب صدر کی سربراہی میں پارٹی میں پارٹی کے اختلافات ختم ہو گئے۔

پٹی نایب صدر کی سربراہی میں پارٹی میں پارٹی کے اختلافات ختم ہو گئے۔

پٹی نایب صدر کی سربراہی میں پارٹی میں پارٹی کے اختلافات ختم ہو گئے۔

روزنامہ ایکسپریس لیسٹ

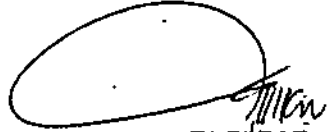
2006-11-04

Anx (C)

OFFICE OF THE EXECUTIVE DISTRICT OFFICER, SCHOOLS & LITERACY, BANNU.

TERMINATION ORDER.


In exercise of Power vested to me under Govt: of N.W.F.P. Local Govt: Election & Rural Development Department Notification NO. SO (L-G)13-196/E.M/05 dated 7-10-2005, Mr. Qamer Ali Khan Chowkidar G.P.S. Gidder Mama Khel Bannu is hereby terminated from Service wef. 15-11-2004 due to long will-ful absence after fulfilment of all codel formalities.


EXECUTIVE DISTRICT OFFICER,
SCHOOLS & LITERACY, BANNU.

Endst: NO. 2694-97 /L-14/Vol: I/AB-I/M/Pry: Dated Bannu the 20 /3/2007.

Copy for information to the:-

- 1- District Accounts Officer, Bannu.
- 2- Deputy District Officer (M) Pry: Bannu with reference to his NO. 3020 dated 20/10/2006
- 3- Mr. Qamer Ali Khan Ex-Chowkidar GPS Gidder Mama Khel Bannu.
- 4- Head Teacher School Concerned.


EXECUTIVE DISTRICT OFFICER,
SCHOOLS & LITERACY, BANNU.

BEFORE THE HONOURABLE KHYBERPAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1048 OF 2017

Qamer Ali Khan

Appellant.

VERSUS


Secretary E&SE Department, Khyber Pakhtunkhwa & Others

Respondents.

AFFIDAVIT.

I Barkat Ali Khan Subject Specialist BPS NO.17 Legal representative of District Education Officer (Male) Bannu do hereby solemnly affirm and declare on oath that contents of the reply to Appeal are true and correct to the best of my knowledge and nothing has been concealed from the Honourable court.

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DISTRICT OFFICER (MALE)
Elementary & Sec-y: Education
BANNU


(LITIGATION OFFICER)
DEO (Male) Bannu.

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A. No. 1048/2017

Qamar Ali Khan

versus

D.E:O & others

LIST OF LEGAL HEIRS OF LATE QAMAR ALI KHAN:

Respectfully Sheweth:

1. That the subject appeal is fixed for hearing on 16-09-2021.
2. That during the pendency of appeal, appellant died on 10-07-2019 at his natural death and left the legal heirs as under:-


i. Gul Zahiriye	Widow
ii. Qamar Zaman	Son (Died)
iii. Umer Ali Khan	Son
iv. Muhammad Raza Khan	Son
v. Samar Ali Khan	Son
vi. Zafir Ullah Khan	Son
vii. Shah Noor Zaman	Son
viii. Khalid Khan	Son
ix. Khaniaz Khan	Son
x. Benazira	Daughter (Married)
xi. Andaleba	Daughter (Married)

It is, therefore, most humbly requested that legal heirs of the appellant be placed on file.

Appellant

Through

Legal Heirs


 Saadullah Khan Marwat
 Advocate

Dated 15-09-2021



حکومت خیبر پختونخوا پاکستان

THE GOVT OF KHYBER PAKHTUNKHWA PAKISTAN

وفات سرٹیفکیٹ

DEATH CERTIFICATE

CRMS No: D111043-21-0014
NATURE OF DEATH: NORMAL

FORM.No: P06855600

درخواست دہندہ کا نام: گل بظاہریے

درخواست دہندہ کا شناختی کارڈ نمبر: 1110172211550

پتہ: گاؤں گیدڑ مہ خیل، تحصیل: بنوں، ضلع: بنوں

مدت عیال	وجہ موت	تاریخ دفن	جانے وفات تاریخ	مذہب	جنس	تاریخ پیدائش	والد کا نام / شناختی کارڈ نمبر	مستوفی کا نام / شناختی کارڈ نمبر
	طبعی	10-7-2019	10-7-2019	اسلام	مرد	1-1-1951	حیات خان	سمر علی خان 1110127118341

APPLICANT NAME: GUL ZAHIRYE

APPLICANT CNIC: 1110172211550 RELATION WITH DECEASED: Husband

ADDRESS: VILLAGE: GIDAR MAMA KHEL,

TEHSIL: BANNU, DISTRICT: BANNU

DECEASED NAME/ CNIC	FATHER NAME/ CNIC	DATE OF BIRTH	SEX	RELIGION	PLACE/DATE OF DEATH	DATE OF BURIAL	REASON OF DEATH	SICKNESS PERIOD
QAMER ALI KHAN 1110127118341	HAYAT KHAN	1-1-1951	MALE	ISLAM	GIDAR MAMA KHEL 10-7-2019	10-7-2019	NATURAL	

BLOOD RELATION PERSON CAUSING DISPOSAL OF BODY

برہمنی رشتہ دار مدفن کنندہ

NAME: SAMER ALI KHAN

CNIC: 1110154601039

GRAVEYARD NAME: GIDAR MAMA KHEL

ENTRY DATE: 21-8-2021

ISSUE DATE: 21-8-2021

ADDITIONAL INFORMATION: NIL

1110154601039

نام: سمر علی خان

شناختی کارڈ نمبر: 1110154601039

قبرستان کا نام: گیدڑ مہ خیل

تاریخ اندراج: 21-8-2021

تاریخ اجراء: 21-8-2021

اضافی معلومات: کوئی نہیں

Secretary
Village Council
Mama Khel I Bannu
ماہیل (43) ضلع: بنوں

Handwritten signature and stamp