

22.09.2015

Appellant with counsel present. Preliminary arguments heard and record perused.

Brief facts of the case of the appellant are that the appellant was charged in a criminal case vide FIR No. 11 dated 9.6.2013 registered under sections 302/324/148/149 PPC at PS Regi Model Town Peshawar on the basis whereof he absented himself from duty and, after inquiry compulsorily retired from service vide order dated 24.5.2014 which was impugned in departmental appeal which was not decided within the statutory period of 90 days constraining the appellant to prefer service appeal. It was during the pendency of the service appeal when the departmental appeal was accepted vide order dated 24.7.2015 and the appellant was reinstated in service while the intervening period of absence with effect from 9.6.2013 to 24.5.2014 was treated as leave without pay.


In view of the afore-stated development the earlier service appeal was withdrawn and the instant service appeal was preferred with a prayer that the said period of absence be considered as period on duty and appellant be allowed all arrears of pay and back benefits of service.

Learned counsel for the appellant, on query of the Court, conceded that the appellant was not confined to custody and that he opted to go in hiding due to serious threats to his life.

Since the appellant was not confined by the state entities and he himself went in exile even without seeking leave, therefore his absence from duty cannot be treated as a valid reason justifying his claim. Vide impugned order, passed by departmental authority, the required relief has been granted to the appellant in the shape of reinstatement in service and, for the reasons mentioned above, the claim of the appellant for counting absence period as period on duty is devoid of merits. The appeal is, therefore, dismissed in limine.

File be consigned to the record.

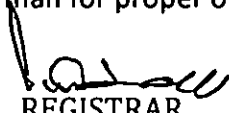


ANNOUNCED
22.9.2015


CHAIRMAN
22.09.15

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 959/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	24.08.2015	<p>The appeal of Mr. Muhammad Ilyas presented today by Mr. Ijaz Anwar Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	27-8-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>31-8-15</u></p> <p style="text-align: right;"> CHAIRMAN</p>
3	31.08.2015	<p>Agent of counsel for the appellant present. Learned counsel for the appellant is not in attendance due to strike of the Bar. Adjourned to 22.9.2015 for preliminary hearing before S.B.</p> <p style="text-align: right;"> Chairman</p>

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No. 959 /2015

Muhammad Ilyas, Primary School Teacher, Govt.
Primary School, No. 1 Mera Shahi Bala Peshawar.

(Appellant)

VERSUS

Govt of Khyber Paktunkhwa through Secretary Elementary
and Secondary Education Khyber Pakhtunkhwa Peshawar and
others. **(Respondents)**

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3	FIR dated 09.06.2013	B	23
4	Judgment and order dated 25.02.2015	C	24-25
5	order dated 24.05.2014	D	26
6	Departmental Appeal and memo of service appeal	E & F	27-34
7	Impugned order dated 24.07.2015 & order of Tribunal dated 30.07.2015	G & H	35-37
8	Vakalatnama		

Muhammad Ilyas
Appellant

Through

Ijaz Anwar
IJAZ ANWAR
Advocate Peshawar

Sajid Amin
SAJID AMIN
Advocate Peshawar

1

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 959 /2015

**K.W.F. PROVINCE
Service Tribunal**

Diary No 1000

Dated 24-8-2015

Muhammad Ilyas, Primary School Teacher, Govt.
Primary School, No. 1 Mera Shahi Bala Peshawar.

(Appellant)

VERSUS

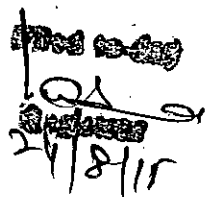
1. Govt of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Director, Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (Male) Peshawar.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the Order dated 24.07.2014, whereby the departmental appeal of the appellant has been Partially accepted and he has been reinstated into service but the alleged period of absence / intervening period has been treated as without pay hence denied back benefits to the appellant.

Prayer in Appeal: -

On acceptance of this appeal the impugned order dated 24.07.2015, to the extent of treating the absence / intervening period i.e 09.06.2013 to 24.05.2014 as without pay may please be set-aside and the appellant may be allowed all arrears of pay and back benefits of service.


24/8/15

Respectfully Submitted:

1. That the appellant was initially appointed in the Respondents' department as Primary School Teacher vide order dated 17.03.1992. Ever since his appointment, the appellant had performed his duties as assigned with zeal and devotion and there was no complaint whatsoever regarding his performance. *(Copy of the Service Book is attached as Annexure A)*

2. That while serving in the said capacity, the appellant was falsely implicated in a criminal case under section 302-324/148-149, vide FIR No. 11 dated 09.06.2013 of Police Station Regi Model Town, Peshawar. The appellant duly informed his department about his false implication in criminal case. Since there were serious threats to the live of the appellant from his enemies, therefore he could not join his duty. *(Copy of the FIR is attached as Annexure B)*
3. That initially the appellant applied for the bail before arrest. which was granted to him by the concerned court, later on the matter was patched up by the elder of the Locality and accordingly the appellant was acquitted from criminal charges by the Learned ADSJ-II vide his judgment and order dated 25.02.2015. *(Copy of the judgment of the ADJ-II dated 25.02.2015 is attached as Annexure Charge C)*
4. That after obtaining copies of the acquittal order the appellant duly reported for duty, however, he was informed that he has been proceeded departmentally in absentia and has been awarded the major penalty of compulsory retirement from service vide order dated 24.05.2014. It is pertinent to mention here that the order of penalty was however never communicated to the appellant. It was only on 04.03.2014, when the appellant was provided the copy of the Penalty order dated 24.05.2014. *(Copy of the order dated 24.05.2014, is attached as Annexure attached as Annexure D)*
5. That against the order dated 24.05.2014, the appellant filed his departmental appeal dated 12.03.2015, and thereafter Service appeal No.706/2015 before this Honourable Tribunal. *(Copies of the departmental appeal and memo of service appeal are attached as Annexure E & F)*
6. That while the service appeal of the appellant was pending, an order dated 24.07.2015, has been issued, whereby the departmental appeal of the appellant has been though accepted and he has been reinstated into service, but the alleged period of absence from duty i.e 09.06.2013 to 24.05.2014 has been treated as leave without pay thus denied the back benefits to him. In view of the order dated 24.04.2015, since the Service appeal of the appellant became infructious, therefore the appellant requested for its withdrawal and filling of fresh appeal, accordingly the appeal was dismissed as withdrawn vide order dated 30.07.2015, by this Honourable Tribunal vide order dated 30.07.2015. *(Copies of the impugned order dated 24.07.2015 and order of the Tribunal dated 30.07.2015, are attached as Annexure G and H)*

7. That the appellant prays for the acceptance of the instant appeal inter alia on the following grounds:-

GROUND OF APPEAL:

A. That the appellant have not been treated in accordance with law, hence his rights secured and guaranteed under the law are badly violated.

B. That the case of the appellant is covered under FR-54 which provides that:

"F.R.54----Where a Government Servant has been dismissed or removed is reinstated, the revising or appellate authority may grant to him for the period of his absence from duty—

a) If he is honorably acquitted, the full pay to which he would have been entitled if he had not been dismissed or removed, and, by an order to be separately recorded, any allowance of which he was in receipt prior to his dismissal removal; or

b) If otherwise, such portion of such pay and allowances as the revising or appellate authority may prescribed.

In a case falling under clause (a), the period of absence from duty will be treated as a period spent on duty unless the revising appellate authority so directs.

Since the appellant has been Honourable acquitted in criminal case, therefore on his reinstatement he cannot be denied the back benefits of service to which he would have been entitled had ne been in service.

C. That it has also been held by the Superior courts in a number of reported cases that all acquittals are honorable and there can be no acquittal that can be termed as dis-honourable, reliance is places on **1998 SCMR 1993 and 2001 SCMR 269.**

D. That since the absence of the appellant was not willful but was due to his false implication in criminal case, moreover the respondents were fully aware of the registration of criminal case against the appellant, therefore under the law/rules when the appellant is reinstated on his acquittal form criminal case he under no circumstance can be denied the back benefits for the period he remained out of service.

E. That the appellant has never committed any act or omission which could be termed as misconduct, his absence from duty was not willful but it was due to his false implication in criminal case. Since the appellant have honorably acquitted in the criminal case, and subsequently reinstated, thereafter treating the absence period as leave without pay is uncalled for and liable to be set aside.

- F. That during the intervening period the appellant never remained in gainful employment, therefore on his reinstatement he is entitled for the grant of all benefits also.
- G. That the appellant also seeks permission of this honorable Tribunal to rely on additional grounds at the time of hearing of the appeal.

It is, therefore, humbly prayed that On acceptance of this appeal the impugned order dated 24.07.2015, to the extent of treating the absence / intervening period i.e 09.06.2013 to 24.05.2014 as without pay may please be set-aside and the appellant may be allowed all arrears of pay and back benefits of service.

M. Ilyas
Appellant

Through

Ijaz Anwar

IJAZ ANWAR
Advocate Peshawar

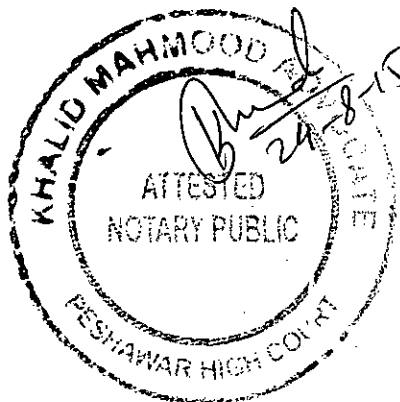
&

Sajid Amin

SAJID AMIN
Advocate Peshawar

AFFIDAVIT

I, **Muhammad Ilyas, Ex Primary School Teacher, Govt Primary School, No. 1 Mera Shahi Bala Peshawar**, do hereby solemnly affirm and declare on oath that the contents of the above noted appeal are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.



M. Ilyas
Deponent

(For use in Police Department only).

Signature: M 5

Note:-- The entries in this should be dated.

Hairs: *Dark brown 3/Book sanctioned with
OTB 100% both EADLN No. 3045-27
Dated 9/6/2001*

-
-
-

- Name: *M*
- Race: _____
- Residence: *Ke*

Verification Roll No. *CERTIFICATE* dated _____ received back _____

1. Certified that the official concerned never been absent from duty with pay/with out pay during the service. Left Thumb Impression

- Father's name a _____
- Date of birth by nearly as can be _____

2. Certified that the official concerned has never been terminated/resigned from service during the entire service.

- Exact height by _____

Qualification	Date	Qualification	Date
English		First Arts	
3. Certified that the official concerned has never been promoted A.B.N/S/P/Name/cycle advance during the entire service.			

- Personal marks I _____

Qualification	Date	Qualification	Date
Punjab		B.L. or B.A.	
4. Certified that the official concerned has never been promoted Long leave/E/Leave - with pay/with out pay.			

- Left hand thumb of (Non-Gazetted) _____


Qualification	Date	Qualification	Date
Vedu		Leadership examination	
5. Certified that the official concerned has never been promoted in the service. Study leave n.e from 7/1/97 to 26/6/97. Study made in Page no 7 of the S/P Book/Training School. Nital examination.			

Little Finger: _____

Qualification	Date	Qualification	Date
Finger Print		Other qualifications	
6. Certified that the official concerned has never been promoted. Signature of official.			

Middle Finger: _____

Qualification	Date	Qualification	Date
Drill Instruction		Passed in _____ examination	
Court Duties		From R. D. E. Peshawar under Roll No. 132. Session 1927	
Reserve Duties		Marks Obtained 675. The result was declared on 27-2-93	

Thumb: 

- Signature of Governing Officer _____

- Signature and date of Head of the Office. Officer. _____

D.D.O. (M)
Psy: Peshawar.

N.B.-- Line to be drawn under the qualification possessed.

Handwritten signature

6

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

1. Name: Mr. MAHAMMAD ILYAS KHAN

2. Race: Afghan (Muslim)

3. Residence: vill. & P.O. Shahi Bala Teh. & Dist. Peshawar.


4. Father's name and residence: Mr. Sardar Ali Khan


5. Date of birth by Christian era as nearly as can be ascertained: (4-9-1972)
4th March one thousand nine hundred seventy two

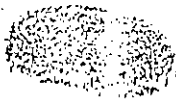
6. Exact height by measurement: 5-3


7. Personal marks for identification: Mole on the middle of chin

8. Left hand thumb and Finger impression of (Non-Gazetted) officer:

Little Finger: 

Ring Finger: 

Middle Finger: 

Fore Finger: 

Thumb: 

9. Signature of Government Servant: M. Ilyas Khan

10. Signature and designation of the Head of the Office, or other Attesting Officer: [Signature]
Sub Dist. Police Officer,
P. O. Shahi Bala.

Attest
[Signature]

Note: The entries in this should be dated.

7

1	2	3	4	5	6	7	8	9
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 Art 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant	Signature and Designation of the Head of the Office or other authority in charge of column 1 to 8
B.P.S No 7-1095-80-1995								
Gps Safaid Sing Lang	m	K 1095/				3 17/92	M. J. [Signature]	Unknown Sub Divl; Educ: C (M), Peshawar
m	m	K 1155/				12 1/92	M. J. [Signature]	Unknown Sub Divl; Educ: Off (M), Peshawar
Gps Shahid Bader	m	K 1155/				23 /93	M. J. [Signature]	Unknown Sub Divl; Educ: Off (M), Peshawar
m	m	K 1210/				12 /93	M. J. [Signature]	Unknown Sub Divl; Educ: Off (M), Peshawar
B.P.S No 7-1480-81-2695								
m	m	K 1642/				6 /94	M. J. [Signature]	Unknown Sub Divl; Educ: Off (M), Peshawar
m	m	K 1723/				12 /94	M. J. [Signature]	Unknown Sub Divl; Educ: Off (M), Peshawar
(B.D.F. No 7 1605-97-3060)								
m	m	K 1725/				22 10/95	M. J. [Signature]	Unknown Sub Divl; Educ: Off (M), Peshawar
m	m	K 1793/				12 /95	M. J. [Signature]	Unknown Sub Divl; Educ: Off (M), Peshawar
m	m	K 1896/				12 /96	M. J. [Signature]	Unknown Sub Divl; Educ: Off (M), Peshawar
Gps Shahid	m	K 1896/				6 27/97	M. J. [Signature]	Unknown Sub Divl; Educ: Office (M), Peshawar
m	m	K 1993/				12 /97	M. J. [Signature]	Unknown Sub Divl; Educ: Office (M), Peshawar

Attest

⑧

Signature of Government Servant	Name and Designation of the Head of the office or other attesting officer in absence of whom the leave is taken	Date of termination or appointment	Name of the person (such as promotion, transfer, demotion, 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 award or prize of the Government Servant
					Period and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitible to another Government		
M. G. S. 7/77	Sub Divl: Edu: Officer. (M), Peshawar.	30/11/72	A/m	Unknown	Sub Divl: Edu: Officer. (M), Peshawar.		Appointed as per retained BDS No 7: 1095-6-795.	
M. G. S. 7/77	Sub Divl: Edu: Officer. (M), Peshawar.	23/7/72	2-24/73	Unknown	Sub Divl: Edu: Officer. (M), Peshawar.		on S.No 50 vide D.O. Pesh. Enclt No 318-2256 Dated 16/3/72	
M. G. S. 7/77	Sub Divl: Edu: Officer. (M), Peshawar.	30/11/72	1/73	Unknown	Sub Divl: Edu: Officer. (M), Peshawar.		Sub Divl: Edu: Officer. (M), Peshawar.	
M. G. S. 7/77	Sub Divl: Edu: Officer. (M), Peshawar.	30/5/74	5-Revine	Unknown	Sub Divl: Edu: Officer. (M), Peshawar.		Passed P.T.C Examination from R.D.E Pesh under Roll No 179 of Tary marks 634 from 2nd Division in 1971	
M. G. S. 7/77	Sub Divl: Edu: Officer. (M), Peshawar.	30/11/74	1/74	Unknown	Sub Divl: Edu: Officer. (M), Peshawar.		Since 1990-91. The result dec 22/10/91	
U. G. S. 7/77	Sub Divl: Edu: Officer. (M), Peshawar.	22/10/75	10/75	Unknown	Sub Divl: Edu: Officer. (M), Peshawar.		Sub Divl: Edu: Officer. (M), Peshawar.	
U. G. S. 7/77	Sub Divl: Edu: Officer. (M), Peshawar.	30/11/75	1/75	Unknown	Sub Divl: Edu: Officer. (M), Peshawar.		Sub Divl: Edu: Officer. (M), Peshawar.	
M. G. S. 7/77	Sub Divl: Edu: Officer. (M), Peshawar.	30/11/75	1/75	Unknown	Sub Divl: Edu: Officer. (M), Peshawar.		Sub Divl: Edu: Officer. (M), Peshawar.	
M. G. S. 7/77	Sub Divl: Edu: Officer. (M), Peshawar.	27/11/77	1/77	Unknown	Sub Divl: Edu: Officer. (M), Peshawar.		Sub Divl: Edu: Officer. (M), Peshawar.	
U. G. S. 7/77	Sub Divl: Edu: Officer. (M), Peshawar.	30/11/77	1/77	Unknown	Sub Divl: Edu: Officer. (M), Peshawar.		Sub Divl: Edu: Officer. (M), Peshawar.	
U. G. S. 7/77	Sub Divl: Edu: Officer. (M), Peshawar.	30/11/75	1/75	Unknown	Sub Divl: Edu: Officer. (M), Peshawar.		Sub Divl: Edu: Officer. (M), Peshawar.	

Attest




1	2	3	4	5	6	7	8	9	10
Name of Officer	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post.	Additional pay for officiating.	Other emolument falling under the term "Pay".	Date of Appointment.	Signature of Government Servant.	Post and Designation held by the officer at the date of cessation of service.	Date of appointment.
C.P.S. Sub. Peshawar	—	1105-97-31 (a)	Rs 2090/-	—	—	12/1/57	M. J. [Signature]	—	—
—	—	K 2187/-	—	—	—	12/1/57	M. J. [Signature]	Sub. Div. [Signature]	—
—	—	K 2284/-	—	—	—	12/1/57	M. J. [Signature]	Sub. Div. [Signature]	—
164-7	1993	Office of the Government General	—	—	—	—	—	—	—
—	—	Pay of Rs. 2675/-	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—
—	—	K. 2381/-	—	—	—	12/1/57	M. J. [Signature]	D.D.O. (B)	—
—	—	B.P.S-9 (2410-145-67)	—	—	—	—	—	Pry: Peshawar.	—
—	—	K. 3570/-	—	—	—	12/1/57	M. J. [Signature]	Ration for and adju. on his reg.	—
—	—	—	—	—	—	—	—	D.E.O. (M) by K. 285-87	—
—	—	—	—	—	—	—	—	Sub. Div. (M)	—

Raised entry on Page No. 8

Attest

Serial Designation of the officer (Article 1 to 11)	Date of termination or appointment	Reason of termination (such as promotion, transfer, demand, etc.)	Signature of the head of the office or other attending officer	Leave		Signature of the head of the office or other attending officer	Reference to any pending or reward or other of the Government servant	
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is payable to another Government			
					Period			Government to which payable
1/5/77	Answer Officer Peshawar	30/11/99	Answer	Answer	Answer	Answer	Answer	
7/5/77	Answer Sub Divl. Officer (M), Peshawar	30/11/2000	Answer	Answer	Answer	Answer	Sub Divl. Educ. Officer, (M), Peshawar	
22/7/77	Answer	30/11/2001	Answer	Answer	Answer	Answer	Answer	
1/11/77	Answer	30/11/2001	Answer	Answer	Answer	Answer	Answer	
2/11/77	Answer	30/11/2001	Answer	Answer	Answer	Answer	Answer	
5/11/77	Answer	30/11/2001	Answer	Answer	Answer	Answer	Answer	
8/11/77	Answer	30/11/2001	Answer	Answer	Answer	Answer	Answer	
12/11/77	Answer	30/11/2001	Answer	Answer	Answer	Answer	Answer	
15/11/77	Answer	30/11/2001	Answer	Answer	Answer	Answer	Answer	
18/11/77	Answer	30/11/2001	Answer	Answer	Answer	Answer	Answer	
21/11/77	Answer	30/11/2001	Answer	Answer	Answer	Answer	Answer	
24/11/77	Answer	30/11/2001	Answer	Answer	Answer	Answer	Answer	
27/11/77	Answer	30/11/2001	Answer	Answer	Answer	Answer	Answer	
30/11/77	Answer	30/11/2001	Answer	Answer	Answer	Answer	Answer	
3/12/77	Answer	30/11/2001	Answer	Answer	Answer	Answer	Answer	
6/12/77	Answer	30/11/2001	Answer	Answer	Answer	Answer	Answer	
9/12/77	Answer	30/11/2001	Answer	Answer	Answer	Answer	Answer	
12/12/77	Answer	30/11/2001	Answer	Answer	Answer	Answer	Answer	
15/12/77	Answer	30/11/2001	Answer	Answer	Answer	Answer	Answer	
18/12/77	Answer	30/11/2001	Answer	Answer	Answer	Answer	Answer	
21/12/77	Answer	30/11/2001	Answer	Answer	Answer	Answer	Answer	
24/12/77	Answer	30/11/2001	Answer	Answer	Answer	Answer	Answer	
27/12/77	Answer	30/11/2001	Answer	Answer	Answer	Answer	Answer	
30/12/77	Answer	30/11/2001	Answer	Answer	Answer	Answer	Answer	
31/12/77	Answer	30/11/2001	Answer	Answer	Answer	Answer	Answer	

Advised

1	2	3	4	5	6	7	8	9
Name of post	Whether substitution or allocation and whether permanent or temporary.	If officiating, state (i) substitution appointment, or (ii) whether service counts for pension under Act, 371 C.S.R.	Pay in substituted post	Additional Pay for officiating	Other emolument falling under the term 'Pay'	Date of Appointment	Signature of Government Servant	Signature and Designation of the head of the office or other authority officer in attestation of columns 1 to 8
2 PS Shahibala		BPS 09 (2410-145-676)				12/2007	M. G. S. J.	D.S.O. (M) Pry: Peshawar
do -			Rs- 3574/- pm			12/2007	M. G. S. J.	D.S.O. (M) Pry: Peshawar
		Received Enrolment ET Adm. Inr 1993-1-97-2090/-				27/98	M. G. S. J.	
			Rs- 2182/- pm			12/98	M. G. S. J.	
			Rs- 2284/- pm			12/99	M. G. S. J.	
			Rs- 2387/- pm			12/2000	M. G. S. J.	
			Rs- 2478/- pm			12/2001	M. G. S. J.	
		Received Pry Secy Secy (2410-145-676)						
			Rs- 3715/- pm			12/2001	M. G. S. J.	
			Rs- 3800/- pm			12/2002	M. G. S. J.	
do			Rs- 4005/- pm			12/03	M. G. S. J.	

Attest
[Signature]

Signature of Government Servant	Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 4	Date of termination or 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 period of leave on average pay upto four months for which leave salary is debitable to another Government		
M. Qasbi	D.S.O. (M) Pry: Peshawar	30/11/2002	Transfer	D.S.O. (M) Pry: Peshawar			12/12/02	30/11/02
M. Qasbi	D.S.O. (M) Pry: Peshawar	30/11/98	Transfer	D.S.O. (M) Pry: Peshawar			12/12/98	30/11/98
M. Qasbi	D.S.O. (M) Pry: Peshawar	30/11/98	Transfer	D.S.O. (M) Pry: Peshawar			12/12/98	30/11/98
M. Qasbi	D.S.O. (M) Pry: Peshawar	30/11/99	Transfer	D.S.O. (M) Pry: Peshawar			12/12/99	30/11/99
M. Qasbi	D.S.O. (M) Pry: Peshawar	30/11/2000	Transfer	D.S.O. (M) Pry: Peshawar			12/12/00	30/11/00
M. Qasbi	D.S.O. (M) Pry: Peshawar	30/11/2001	Transfer	D.S.O. (M) Pry: Peshawar			12/12/01	30/11/01
M. Qasbi	D.S.O. (M) Pry: Peshawar	12/11/01	Retiree	D.S.O. (M) Pry: Peshawar			12/11/01	30/11/01
M. Qasbi	D.S.O. (M) Pry: Peshawar	30/11/2001	Annual	D.S.O. (M) Pry: Peshawar			12/12/01	30/11/01
M. Qasbi	D.S.O. (M) Pry: Peshawar	30/11/2003	Annual	D.S.O. (M) Pry: Peshawar			12/12/03	30/11/03
M. Qasbi	D.S.O. (M) Pry: Peshawar	30/11/2004	Annual	D.S.O. (M) Pry: Peshawar			12/12/04	30/11/04

Attest
d

1	2	3	4	5	6	7	8	9
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 Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term 'Pay'	Date of Appointment	Signature of Government Surgeon	Signature and Designation of head of the office or attesting officer for allocation of columns 1 to 8
B.P.S. 4606		BPS 09(2410-145-6760)						
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B.P.S. Shahi Bala 4606		BPS 09(2410-145-6760) Rs = 4150/-/pm				1 ¹² 2004	M. G. Singh	D.D.O. Prayagrah Pray: Prayagrah
/								
/								

Added

(Handwritten initials and number 14)

9 Signature of Government Servant	10 Name and Designation of head of the office after attesting officer in attestation of columns 1 to 8	11 Date of termination or appointment	12 Reason of termination (such as promotion, transfer, dismissal, etc.)	13 Signature of the head of the office or other attesting officer.	14 Leave		15 Reference to any recorded punishment or censure, or award or praise of the Government Servant
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitible to another Government	
		T.R.	40% 15/12/03		Period	Government to which debitible	
		Drawn under pay & allowances of Rs. 6615/- on a/c of One Advance increment on C.T. w.e.f. 22/12/99 to 11/03.			73- R.D.E. No. F.D. Part to 1998 under Roll No. 30 and received marks 678/1200 and result was declared on 27-2-98		Deputy District Officer (M) Primary Education M. Sar...
		TR 146 4/04					
		Drawn under pay and all on a/c of Annual Increment of 12/03 w.e.f. 11/03 to 3/04 at B. 667 1/2			Allowed C.T. from 15/12/99 to 27-2-98 with 2 with Distt. Officer School and Education Department order No. 2260-64 dt. 5-11-2003 not allowed appeal		
					Claims on account of Repetition of pay from 28-3-99		
		6 Scale 30- 2005 Revised			Mr. Subil Dhas die in hard work under taking the effect that if any opponent is made to me as a result of incorrect award of C.T. then he must claim his later, on it will be made to by recovery as my pay from		

Wagon

(Large handwritten signature)



15

1	2	3	4	5	6	7	8	9
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 Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant	Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8
G.P.S Shahibaba M.C.P.L.		Rs 2770/- (2770-165-7720)	4750/-	Pr	Pr	12/2005	M. G. Singh	 B
	<p>2770-165-7720</p> <p>4750/-</p> <p></p> <p>Pay Fixed by N.W.F.P. Peshawar</p> <p>Pr 27/x</p>							
Pr		Rs 4917/-	Pr			12/2005	M. G. Singh	 D.D.O. (M) Pr: Peshawar B
Pr		Rs 5080/-	Pr			12/2006	M. G. Singh	 D.D.O. (M) Pr: Peshawar B

Attest

(16)

8 Signature of Government Servant	9 Signature and Designation of the head of the office or other attesting officer in attestation of column 1 to 8	10 Date of termination or appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
					Period	Government to which debitable		
M. Hassan		30/11/2005	Annual	 D.D.O. (M) Pry: Peshawar.			Service Verified w.e. from 12/1/2005 To 30-11-2005 from the Aug. Roll or other record of this Office	12-1/2005
							D.D.O. (M) Pry: Peshawar.	
							Service Verified w.e. from 12/1/2003 To 30-11-2004 from the Aug. Roll or other record of this Office.	12-1/2003
							D.D.O. (M) Pry: Peshawar.	
							Service Verified w.e. from 12/1/2004 To 30-11-2005 from the Aug. Roll or other record of this Office.	12-1/2004
M. Hassan	 D.D.O. (M) Pry: Peshawar.	30/11/2006	Annual Increment	 D.D.O. (M) Pry: Peshawar.			Service Verified w.e. from 12/1/2005 To 30-11-2005 from the Aug. Roll or other record of this Office.	12-1/2005
							D.D.O. (M) Pry: Peshawar.	
							Service Verified w.e. from 12/1/2006 To 30-11-2006 from the Aug. Roll or other record of this Office.	12-1/2006
							D.D.O. (M) Pry: Peshawar.	
							Service Verified w.e. from 12/1/2007 To 30-11-2007 from the Aug. Roll or other record of this Office.	12-1/2007
							D.D.O. (M) Pry: Peshawar.	

5-10/11/06 Addl. allm - no 7/05 6406
vide TR No 184 dt 9-10-06

A ddt: 11/1/07
19/10/07

Pay Scale
Revised



17

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary.	3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of Government Servant	9 Name and Designation of the officer for attesting officer (attestation of columns 1 to 8)	10 Date of termination appointment
D.P.S Shahi Bada M.C.S.		BRS 07 (3185-190-8885)	Rs-5845/-	Pm		12/2007	M. Dasgupta	D.D.O. (M) 30/1/2007 Pr. P. S. Bada	2
do		Rs-6035/-	Pm			12/2007	M. Dasgupta	D.D.O. (M) 30/1/2007	2
		Allowed up Gradation in B-12							
		BRS 12 (3630-260-11430)	Rs-5970/-	Pm		10/2007	M. Dasgupta	D.D.O. (M) 30/1/2007	2
do		Rs-6230/-	Pm			12/2007	M. Dasgupta	D.D.O. (M) 30/1/2007	2
S. S. 157		Revised Entry due to up Gradation BRS 09 (3185-190-8885)	6035/-	Pm		12/2007	M. Dasgupta	D.D.O. (M) 30/1/2007	2
OFFICE OF THE PAY FIX		OFFICE OF THE ACCOUNTANT GENERAL OF THE STATE OF WEST BENGAL 2004	OF RS 3185 - (9-8885)	AT 5845					
		Accounts Officer Pay Fixation Party N.W.F.P.							

Attested



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9	10	11	12	13		14	15
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is payable to another Government		
Signature of Government Servant	Name and Designation of the officer or appointing officer	Date of termination or appointment	Reason of termination (such as promotion transfer dismissal, etc.)	Signature of the head of the office or appointing officer	Period	Government to which eligible	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
M. Qasim	P. D. Khan D.D.O. (M)	30/11/2007	Annual increment	P. D. Khan D.D.O. (M)			
		12/12/07					Services verified from 12/12/06 to 30/11/07
M. Qasim	P. D. Khan D.D.O. (M)	30/11/07	up grade to B-10	P. D. Khan D.D.O. (M)			
							Allowed up gradation from BPS... 1-10-2007
M. Qasim	P. D. Khan D.D.O. (M)	30/11/2007	Annual increment	P. D. Khan D.D.O. (M)			
							Finance Deptt. vide No. FD/50 (FR) 10-11-2007 dated 26-01-2008 vide E.O No. 898-202, dt. 7-1-08 S No. 179
M. Qasim	P. D. Khan D.D.O. (M)	30/11/2007	Annual increment	P. D. Khan D.D.O. (M)			
							OPTION
M. Qasim	P. D. Khan D.D.O. (M)	30/11/2007	Annual increment	P. D. Khan D.D.O. (M)			
							I Mr. Muhammad Qasim Khan P.S.T. is hereby exercise my option to allow me Annual increment on 1-12-2007 in my old B-09 & Fixed my pay on 2-12-2007 in B.12
M. Qasim	P. D. Khan D.D.O. (M)	2/12/2007	up grade to B-12	P. D. Khan D.D.O. (M)			
							Attested D.D.O. (M) Pry: Poshwar
							Sig: of Govt. Servant M. Qasim

Attested
M. Qasim



1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term 'Pay'	7 Date of Appointment	8 Signature of Government Servant	9 Signature and Designation of the Head of the office or other attesting officer in attestation of columns 1 to 8
LPS Shalmi Bala		P.P.S. 12 (-3630-260-11430)	6230/- Pm			2 ¹² 2007		 D.D.O. (M) Pty: Poshwar
do		P.P.S. 12 (-4355-310-13655)	7455/- Pm			12 2008		 D.D.O. (M) Pty: Poshwar
do			7765/- Pm			12 2008		 D.D.O. (M) Pty: Poshwar
			8275/- Pm			12 2008		 D.D.O. (M) Pty: Poshwar
			8385/- Pm			1 ¹² 2010		 D.D.O. (M) Pty: Poshwar
		P.P.S. 12 (-7000-500-22000)						
do			13500/- Pm			12 2011		 D.D.O. (M) Pty: Poshwar
			14000/- Pm			12 2011		 D.D.O. (M) Pty: Poshwar

8 Signature of Government Servant	9 Signature and Designation of the head of the office or other attesting officer in illustration of column 1 to 4	10 Date of termination or appointment	11 Reason of termination (such as promotion, transfer, decessed, etc.)	12 Signature of the head of the office or other attesting officer	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is payable to another Government Servant		
<i>[Signature]</i>	D.D.O. (M) Pry: Peshawar	30-6-2008	Revised	<i>[Signature]</i> D.D.O. (M) Pry: Peshawar			Service Verified w.c. from 12-2-2007 To 30-11-2008 Aug: Roll in other record of this Office.	
<i>[Signature]</i>	D.D.O. (M) Pry: Peshawar	30-11-2008	Annual Increment	<i>[Signature]</i> D.D.O. (M) Pry: Peshawar			Service Verified w.c. from 12-2-2008 To 30-11-2008 Aug: Roll in other record of this Office.	
<i>[Signature]</i>	D.D.O. (M) Pry: Peshawar	30-11-2008	Annual Increment	<i>[Signature]</i> D.D.O. (M) Pry: Peshawar			Service Verified w.c. from 12-2-2008 To 30-11-2008 Aug: Roll in other record of this Office.	
	D.D.O. (M) Pry: Peshawar	30-11-2010	Annual Increment	<i>[Signature]</i> D.D.O. (M) Pry: Peshawar	TR-458 3/2/09		Service Verified w.c. from 12-2-2009 To 30-11-2010 Aug: Roll in other record of this Office.	
			GENERAL					
			BASIC					
			O: RS 4355-210 - 13655					
			A: RS 7455-210 - 1-07-2008					
			with Next increment on 1-12-2008					
			Accounts Officer					
			Pay Fixation					
	D.D.O. (M) Pry: Peshawar	30-6-2011	Scale	<i>[Signature]</i> D.D.O. (M) Pry: Peshawar			Service Verified w.c. from 12-2-2009 To 30-11-2010 Aug: Roll in other record of this Office.	
	D.D.O. (M) Pry: Peshawar	30-11-2011	Annual Increment	<i>[Signature]</i> D.D.O. (M) Pry: Peshawar			TR-312 to 11/12/2011 Drawn Rs-3400/- on account of CA 7 from 7/2011 to 8/2011 on a/c of <i>[Signature]</i> vacation duty.	
	D.D.O. (M) Pry: Peshawar	30-11-2012	Annual Increment	<i>[Signature]</i> D.D.O. (M) Pry: Peshawar				

[Signature]

[Signature]
A-6
11/14/2011



1	2	3	4	5	6	7	8	9	10
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 Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant	Signature and Designation of head of the office for attesting officer in attestation of columns 1 to 6	Date of appointment
			14500/00			1/11/11		CA	
			/						
			Rs 15 (20000-20000-25000)						
Mess. Officer (Sub. Div.) A/S. Secy. (Sub. Div.) A/S. Secy. (Sub. Div.)			14000 + 700	Rs 15500		31/5-2011		Sub Division, Peshawar	

Handwritten signature at the bottom left of the page.

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9-



8 Signature of Government Servant	9 Name and Designation of head of the office and attesting officer (columns 1 to 6)	10 Date of termination or appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded transfer or award or grant of the Government Servant	
					Nature and dura- tion of leave taken	Allocation of period of leave on average pay upto four months, for which leave salary is debtiable to another Government			
						Period			Government to which debtiable
	D.D.O. (M) Punjab						Service Verified w.e. from 1.12.00 To 30-11-2011 from the Aug. Roll as other record of the Office.	D.D.O. (M)	
	Sub Divisional Officer (M) Punjab			Punjab 15-15			Service Verified w.e. from 1.12.11 To 30-11-2012 from the Aug. Roll as other record of the Office.	D.D.O. (M)	
				Ref 31-5-2013 vide 7170-7331-DC/CC/31/5/13					

UNDERTAKING	
L.M.	GPS
PST/Sr. PST/PSHI/PS	GPS
I do hereby give an undertaking to the effect that if any over payment is made to me for any period during the period of my appointment and payment of such amount shall be treated as if made against the Govt. funds and recovery may be made from my pay/pension etc.	
Signature:	

Sub Divisional
Educ. Officer (M)
Punjab

Attd

ابتدائی اطلاعی رپورٹ

Copy
Legal Branch
Capital City

35

تاریخ اور وقت رپورٹ

1- تاریخ اور وقت رپورٹ	9/10/54 13:45
2- نام و ساکنت اطلاع دہندہ مستغنیث	مشارف محمد دار محمد اللہ صاحب در محلہ 33% انور انڈائن سنگھ خیشا سنگھ شاہین پاران
3- مختصر کیفیت جرم (معدومہ) حال اگر کچھ لیا گیا ہو	302-324 PD 118-149
4- جائے وقوعہ طالع قحانہ سے درست	2- مہمان خانہ نزد جنازہ گھر پور پور
5- نام و ساکنت ملزم	اسد محمد انور صاحب
6- کارروائی ہونی سے متعلق کی گئی اگر اطلاع دہن کرنے میں توقف رہا تو وجہ بیان کرو	انہوں نے شہر کی طرح اپنے گھر پر قہر لگایا ہے
7- قحانہ سے روانگی کی تاریخ اور وقت	

ابتدائی اطلاع نیچے درج کرو۔ اس وقت ایک تحریر بھی ملا

میںجاںب ابراہیم خان پور کو کہہ سکون ذیل ہیں۔ ممبر 23-2006G/19 (عام نمبر 23) (عام نمبر 23) کے تحت
 دوران گفت و گو میں نے اطلاع یہ کیا کہ خود اس طرح آکر موضع پور کو کسان (1) صاحبی ریل سٹیشن نزد جنازہ گھر پور پور
 سنگھ خیشا سنگھ انصاف خان ولد خود سنگھ خان سنگھ درستی انگریزی 1942 سال کے پہلے قتل شدہ تھے جس سے
 اور سائیکل میں مقتول وقاصی صاحبی صاحبی پور کو کہوں کہ خود اس طرح آکر موضع پور کو کسان (1) صاحبی ریل سٹیشن نزد
 علی رضا ولد محمد علی احمد اور علی احمد ولد محمد علی احمد صاحبی صاحبی پور کو کہوں کہ خود اس طرح آکر موضع پور کو کسان (1) صاحبی ریل سٹیشن نزد
 محمد علی خاؤن آئے ہیں براہ راست جو بھی بوقت وقوعہ بالا پور جا بیٹھے تو اس دوران (1) صاحبی ریل سٹیشن نزد
 سٹار احمد (2) رسول احمد ولد نصیر احمد (3) صاحبی خان ولد محمد اشرف (4) محمد الباقی ولد سردار علی صاحبی پور کو کہوں کہ
 دو چھتیت احمد ساکنان شاہی بالا جو پہلے مسلح ہوئے تھے۔ یہیں سے وہ اپنے گھر پر سوار ہوئے۔
 فائرنگ کی نتیجہ سے گلہ پور وقاصی خان اور انصاف خان موضع پور کو کسان جی پور اور فوٹوش قسمتی سے ہم جیل بالائی
 کے وجہ عباد ساکنان قتل بقائے کی دشمنی ہے۔ میں اپنے نتیجہ وقاصی اور انصاف کے قتل سے مخالف متبرک کسان بالا کو پور
 ہوں اور میرے ہذا میرے علاوہ علی رضا ولد محمد علی احمد اور علی احمد ولد محمد علی احمد صاحبی پور کو کہوں کہ خود اس طرح آکر موضع پور کو کسان (1) صاحبی ریل سٹیشن نزد
 اللہ علی صاحبی پور کو کہوں کہ خود اس طرح آکر موضع پور کو کسان (1) صاحبی ریل سٹیشن نزد
 سائل ہوں یہ ہرگز درج بالا رپورٹ مستند نہیں ہے۔ اگر درست تسلیم کرتے ہیں تو کسان (1) صاحبی ریل سٹیشن نزد جنازہ گھر پور پور
 کزنا ہوں یہ در وقت وقوعہ کے وقت میری حالت وہ تھی کہ میں نے اپنے گھر پر سوار ہوئے اور اس وقت کسان (1) صاحبی ریل سٹیشن نزد جنازہ گھر پور پور
 مقتول دیوڑھے سے صورت ہمراہ لایا گیا تھا۔ یہاں پر مسلح ذرا سے تھوڑی سی فائرنگ ہوئی۔ یہاں پر کسان (1) صاحبی ریل سٹیشن نزد جنازہ گھر پور پور
 ان وقت کسان (1) صاحبی ریل سٹیشن نزد جنازہ گھر پور پور
 زمانہ میں ماڈرن ٹائپ ہونے لگی ہے۔ کارروائی زمانہ میں صورت میں میری حالت وہ تھی کہ میں نے اپنے گھر پر سوار ہوئے اور اس وقت کسان (1) صاحبی ریل سٹیشن نزد جنازہ گھر پور پور
 بہتر طریقہ سے قحانہ سے روانگی کی تاریخ اور وقت

ASR PS RAI
9-5-54

Legal Branch
Capital City Police Postwar
35

12-36
ASR

ATTESTED: C
24

IN THE COURT OF SUHAIL SHERAZ NOOR SAANI
ADDITIONAL SESSIONS JUDGE-II, PESHAWAR

Sessions Case No. 10/SC of 2014

Or-----38
25.02.2015

State ...versus... Yahya etc.

Dy.PP for State present. Accused Sami Ullah, Islam Ullah, Muhammad Ilyas and Kiramat Ullah present on bail. Neither complainant nor legal heirs of the deceased present even after repeated calls.

2. This order is meant to dispose of an application under section 265-K Cr.PC, submitted by accused facing trial requesting thereby their acquittal under section 265-K Cr.PC with respect to instant case registered vide FIR No. 11, dated 09/06/2013 u/ss 302/324/148/149 of Pakistan Penal Code pertaining to Police Station Reggi Model Town, Peshawar.

3. Arguments heard and record gone through.

4. Perusal of record would show that joint statement of Niaz Muhammad and Mst: Ulfat Bibi, parent and legal heirs of deceased Waqas, and joint statement of Khushdil Khan and Mst: Sabeeha Begum, parents and legal heirs of deceased Afzal Khan, were recorded on 13/01/2015 and placed on file alongwith compromise deeds and proformas Ex.PB, Ex.PC, Ex.PF and Ex.PG wherein it is submitted that they have patched up the matter with the accused named above, pardoned them in the name of Allah Almighty by waiving of their rights of Qisas and Diyat; it was further submitted that deceased persons were unmarried and they are only legal heirs of deceased persons, respectively; and that they have got no objection if the accused facing trial be acquitted during trial.

Similarly, joint statement of complainant Shad Muhammad and victims Kalim Ullah son of Niamat Ullah and Ali Raza son of Najeeb ullah was also recorded and placed

P.T.O.

ATTESTED

(Examiner)
Sessions Court Peshawar
23.15

SUHAIL SHERAZ NOOR SAANI
Additional District & Sessions Judge-II, Peshawar
25/2/15

Attested

25

Of-----38
25.02.2015
Contd.....

on file wherein they also submitted that they have patched up the matter with the accused facing trial and pardoned them in the name of Allah Almighty by waiving their rights of Qisas and Diyat; therefore, if said accused be acquitted, they have got no objection too, compromise deed Ex.PA/1, Ex.PA/2 and Ex.PA/3 relied upon by them as well. Joint statement of elders of locality namely Sareer Ahmad son of Abdul Qayyum and Zahid Ullah son of Muhammad Khan was also recorded and placed on file, wherein they further verified the compromise between parents/legal heirs of both the deceased, complainant and victims with the accused facing trial as well as verified compromise deeds and proformas. List of legal heirs of both the deceased named above is available on record which further verifies the above named as parents /legal heirs of said deceased.

5. Since the parents/legal heirs of deceased, complainant and victims have entered into compromise with the accused facing trial, and they have got no objection upon their acquittal, hence, application in hand is accepted and accused Sami Ullah s/o Sham ^{Kis Ullah} Akbar, Islam Ullah s/o Faiz Ullah, Muhammad Ilyas s/o Sardar Ali and Kiramat Ullah s/o Hashmat Ullah are hereby acquitted in the instant case. They are on bail, are discharged, alongwith their sureties from the liabilities of bail bonds. After expiry of period of appeal/revision, case properly be disposed off in accordance with law.

6. File be consigned to record room after its completion and compilation..

Announced
25.02.2015

No:	2616
Date of Appt.	
Name of	
Ward	1240
Fee	
Signature	
Date of	3-3-15
Date of Dismissal	3-2-15
	3-3-15

(SUHAIL SHERAZ NOOR SAANI)
Additional Sessions Judge-II,
Peshawar.

SUHAIL SHERAZ NOOR SAANI
Additional District & Sessions
Judge Peshawar

RECEIVED TO BE TRACED ONLY

3-3-15

Attorney

DISTRICT EDUCATION OFFICER (MALE) PESHAWAR.

NOTIFICATION:-

1. WHEREAS Asstt:Sub Divisional Education Officer (Male) Circle Mathra, Peshawar reported that Mr. Muhammad Ilyas PSHT, Government Primary School No.1 Mera Shahi Bala Peshawar was charge under section 302-324 /148-149 PPC vide FIR No.11 in Police Station Ragi Model Town on 09/06/2013 and absent from duty with effect from 09/06/2013.

2. AND WHEREAS Mr. Muhammad Ilyas PSHT, Government Primary School No.1 Mera Shai Bala Peshawar was proceeded against under Khyber Pakhtunkhwa Govt: Servant (Efficiency & Discipline) Rules 2011, for the charged of " wilful absence from duty with effect from 09/06/2013 .

3. AND WHEREAS:- Absent Notice was served upon the accused Mr. Muhammad Ilyas PSHT, GPS No.1 Mera Shai Bala Peshawar through "Daily Express" Peshawar dated: 12/04/2014.

4. AND WHEREAS:- No reply of Absent Notice was given by the accused official.

5. AND WHEREAS the competent authority, District Education Officer (Male) Peshawar, after having considered the charges, evidence on record, is of the view that the charge of wilful and unauthorized absence against the accused official has been proved.

6. NOW THEREFORE, In exercise of the Powers conferred under Rules-4 (b) ii of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, the competent Authority District Education Officer (Male) Peshawar is pleased to impose major penalty of " Compulsory Retirement " upon Mr. Muhammad Ilyas, PSHT GPS No.1, Mera Shai Bala Peshawar with immediate effect. The period of his absence with effect from 09/06/2013 till date is hereby treated as unauthorized absence from duty without pay.

Sharif Gul
District Education Officer
(Male) Peshawar.

Endst: No. 2719-25 / Dated Peshawar the 24 / 5 / 2014.

Copy forwarded to the :-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Sub Divisional Education Officer (Male) Peshawar with the remarks to recover any over payment made to the above named official and deposit in to Govt: Treasury under intimation to this office.
3. Asstt:DO (Male) Circle Mathra Peshawar.
4. PS to Secretary E&SE Khyber Pakhtunkhwa Peshawar.
5. PA to Director E&SE Khyber Pakhtunkhwa Peshawar.
6. PA to District Education Officer (Male) Peshawar.
7. Official Concerned.

Dy: District Education Office
(Male) Peshawar.

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APPEAL - E 20

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To
The Director,
Elementary and Secondary Education Department,
Khyber Pakhtunkhwa,
Peshawar.

Subject: Departmental Appeal against the order dated 24.05.2014, communicated to the undersigned on 04.03.2015 whereby the major penalty of compulsory retirement from service has been imposed upon the undersigned.

Prayer in Departmental Appeal:

On acceptance of this appeal the order dated 24.05.2014, may please be set aside and the undersigned may be reinstated in service with all back benefits and wages.

Respected Sir,

I very humbly submit the following few lines for your kind and sympathetic consideration:

1. That the undersigned was initially appointed as Primary School Teacher vide order dated 17.03.1992. Ever since my appointment I had performed my duties as assigned with zeal and devotion and there was no complaint what so ever regarding my performance.
2. That while serving in the said capacity, the undersigned was falsely implicated in a criminal case under section 302-324/148-149, vide FIR No. 11 dated 09.06.2013 of Police Station Regi Model Town, Peshawar. I duly informed the School authorities about my false implication in criminal case.

1616
12/12

559200

ASD

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- 4. That initially I applied for bail before arrest which was granted to me by the concerned court, later the matter was patched up by the elder of the Locality, according I was acquitted from criminal charges by the Learned ADSJ-II Peshawar vide Judgment and order dated 25.02.2015.
- 5. That after obtaining copies of my acquittal order I duly reported for duty, however, I was told that I have been proceeded departmentally in absentia and have been awarded the penalty of compulsory retirement from service vide order dated 24.05.2014. It is pertinent to mention here that the order of penalty was however never communicated to me.
- 6. That the penalty so imposed upon me is illegal, unlawful against the law and facts, hence liable to be set aside inter alia on the following grounds.

GROUND OF DEPARTMENTAL APPEAL.

- A. That the applicant undersigned has not been treated in accordance with law hence my rights secured and guaranteed under the law are badly violated.
- B. That no proper procedure has been followed before awarding me the penalty of compulsory retirement from service, I have not been served with any notice, charge sheet or show cause notice, nor has any inquiry been conducted before the imposition of penalty upon me. Thus the whole proceedings are defective in the eye of law as such the order based on such defective proceedings is liable to be set aside on this score alone.
- C. That I have not been provided opportunity of personal hearing before awarding me the penalty hence I have been condemned unheard.
- D. That no charge sheet or show cause notice has ever been served upon me, thus I have not been given opportunity to

Ally

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- E. That since my absence from duty was not willful but was due to my involvement / false implication in criminal case. Therefore under the law/rules the department was required to hence keep the proceedings pending till the decision of the criminal case.
- F. That I have been committed any act or omission which could be termed as misconduct my absence from duty was not willful but it was due to my false implication in criminal case. Since I have now gained acquittal in the criminal case, therefore I deserve to be reinstated into service.
- G. That all the proceedings against me are conducted ex-parte I have not been associated with the departmental proceedings at any stage thus the impugned order is violative of Principles of Natural Justice.
- H. That I have a long and spotless service career at my credit, I have always performed my duties as assigned with zeal devotion and to the entire satisfaction of my superiors. The penalty imposed upon me is harsh and does not commensurate with the charges, needless to mention that those charges too were never proved hence liable to be set aside.
- I. That I am jobless since the imposition of illegal penalty upon me.

It is, therefore, humbly prayed that on acceptance of this Departmental Appeal the order dated 24.05.2014, may kindly be set aside and the applicant may be reinstated into service with all back benefits.

Yours Obediently

M. Ilyas
MUHAMMAD ILYAS
Ex- Primary School Teacher,
Govt. Primary School No. 1

As per

ANNEX OF
(30)

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. _____/2015

Muhammad Ilyas, Ex Primary School Teacher, Govt Primary
School No. 1 Peshawar.

(Appellant)

VERSUS

Govt of Khyber Paktunkhwa through Secretary Elementary
and Secondary Education Khyber Pakhtunkhwa Peshawar and
others.

(Respondents)

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6	Judgment and order dated 25.02.2015	C	27-28
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4	Departmental Appeal	E	30-32
5	Vakalatnama		

Appellant

Through



IJAZ ANWAR
Advocate Peshawar

&



SAJID AMIN
Advocate Peshawar

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BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No. _____/2015

Muhammad Ilyas, Ex Primary School Teacher, Govt
Primary School, No. 1 Mera Shahi Bala Peshawar.

(Appellant)

VERSUS

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

(Respondents)

• Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the Order dated 24.05.2014, communicated to the appellant on 04.03.2015 whereby the appellant has been awarded the major penalty of "compulsory retirement from Service" against which his departmental Appeal dated 12.03.2015 has not been responded despite the lapse of 90 days statutory period.

Prayer in Appeal: -

On acceptance of this appeal the impugned order dated 24.05.2015, may please be set-aside and the appellant may be re-instated in service with all back benefits of service.

Respectfully Submitted:

1. That the appellant was initially appointed in the Respondents' department as Primary School Teacher vide order dated 17.03.1992. Ever since his appointment, the appellant had performed his duties as assigned with zeal and devotion and there was no complaint whatsoever regarding his performance. *(Copy of the Service Book is attached as Annexure A)*
2. That while serving in the said capacity, the appellant was falsely implicated in a criminal case under section 302-324/148-149, vide FIR No. 11 dated 09.06.2013 of Police Station Regi Model Town, Peshawar. The appellant duly informed his department about his false implication in criminal case. Since there were serious threats to the life of the appellant from his enemies, therefore he could not join his duty. *(Copy of the FIR is attached as Annexure B)*
3. That initially the appellant applied for the bail before arrest. which was granted to him by the concerned court, later the matter was patched up by the elder of the Locality and accordingly the appellant was acquitted from criminal charges by the Learned ADSJ-II vide his judgment and order dated 25.02.2015. *(Copy of the judgment of the ADJ-II dated 25.02.2015 is attached as Annexure Charge C)*
4. That after obtaining copies of the acquittal order the appellant duly reported for duty, however, he was informed that he has been proceeded departmentally in absentia and has been awarded the major penalty of compulsory retirement from service vide order dated 24.05.2014. It is pertinent to mention here that the order of penalty was however never communicated to the appellant. It was only on 04.03.2014, when the appellant was provided the copy of the Penalty order dated 24.05.2014. *(Copy of the order dated 24.05.2014, is attached as Annexure attached as Annexure D)*
5. That against the order dated 24.05.2014, the appellant filed his departmental appeal dated 12.03.2015, however, the departmental appeal has also not been responded despite the lapse of 90 days statutory period. *(Copy of the departmental appeal is attached as Annexure E)*
6. That the penalty imposed upon the appellant is illegal unlawful against the law and facts therefore, liable to be set aside inter alia on the following grounds:-

GROUNDS OF APPEAL:

- A. That the appellant have not been treated in accordance with law, hence his rights secured and guaranteed under the law are badly violated.
- B. That no proper procedure has been followed before the imposition of penalty of compulsory retirement upon the appellant. No charge sheet, show cause notice or any absence notice whatsoever has been served upon the appellant before the imposition of penalty upon him, thus the whole proceedings are violative of the express provisions of the Law and Rules on the subject, an order based on such proceedings is liable to be set aside on this score alone.
- C. That the appellant has not been given opportunity of personal hearing before the imposition of penalty upon him hence he has been condemned unheard.
- D. That the appellant has not been given any opportunity to defend himself against the charges, neither any charge sheet or show cause notice has been issued, nor any absence notice has been served upon the appellant hence he has not been given opportunity to defend himself.
- E. That since the absence of the appellant was not willful but was due to his false implication in criminal case, moreover the respondents were fully aware of the registration of criminal case against the appellant, therefore under the law/rules they were required to keep the proceedings pending till the decision of the criminal case.
- F. That though it has been alleged in the order of compulsory retirement from service that publication has been made in the daily news paper, however prior to the publication no notice has been issued/ served upon the appellant which is mandatory under Rule 9 of the Government servants (Efficiency and Disciplinary) Rules, 2011 before publishing it in the news paper, as such the direct publication made in the news paper is also violative of the express provisions of the Rules.
- G. That the appellant has never committed any act or omission which could be termed as misconduct, his absence from duty was not willful but it was due to his false implication in criminal case. Since the appellant has now gained acquittal in the criminal case, hence deserves to be reinstated into service.

- H. That all the proceedings against the appellant are conducted ex-party he has not been associated with the departmental proceedings at any stage thus the impugned order is violative of Principles of Natural justice.
- I. That the appellant has more than 23 years spotless service career at his credit, the penalty imposed upon him is too harsh and liable to be set aside.
- J. That the appellant is jobless since the imposition of illegal penalty upon him.

It is, therefore, humbly prayed that on acceptance of this appeal the impugned order dated 24.05.2015 may please be set-aside and the appellant be re-instated in service with all back benefits of service.

Appellant

Through



IJAZ ANWAR
Advocate Peshawar

&



SAJID AMIN
Advocate Peshawar



35 ANNEX G

DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION
KHYBER PAKHTUNKHWA

ORDER.

1. WHEREAS, Muhammad Ilyas PST GPS No.I Mera Shahi Bala Peshawar was proceeded against under Khyber Pakhtunkhwa Govt:Servant(Efficiency & Disciplinary) Rules 2011, for the charges of "wilful absence from duty with effect from 09.06.2014 in connection with FIR No.11 dated 09.03.2013.
2. AND WHEREAS. Absent notice was served upon the accused teacher through "Daily Express" Peshawar dated 12.04.2014.
3. AND WHEREAS, DEO(M)Peshawar imposed Major Penalty of "Compulsory retirement" upon Muhammad Ilyas PSHT GPS No.I Mera Shahi Bala Peshawar.
4. AND WHEREAS, the District Education Officer (M) Peshawar has submitted his comments/report to this office vide 11307 dated 08.05.2015.
5. AND WHEREAS the appellant authority to call Muhammad Ilyas PSHT GPS Mera Shahi Bala Peshawar for personal hearing vide this office letter No.2649 dated 08.07.2015.
6. AND WHEREAS, the appellant authority having considered the charges, evidence on the report of the DEO(M)Peshawar given the opportunity of personal hearing to the Ex-PSHT
7. NOW THEREFORE, in exercise of powers conferred by the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules.2011. The Hon'able Court acquitted the teacher concerned and the appellant authority is pleased to accept the appeal of Muhammad Ilyas PSHT Government Primary School Mera Shah Bala Peshawar and he is hereby reinstated in service with immediate effect. The absent period of the teacher may be converted into leave without pay

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 5407-10 /F No. 12/Vol: VI/PST (M) Peshawar.

Dated Peshawar the 24/7/15 2015.

Copy forwarded for information and necessary action to the:-

1. District Education Officer (M) Peshawar w/r to his No.2632 dated 24.06.2015.
2. Accountant General Khyber Pakhtunkhwa Peshawar.
3. Teacher concerned.
4. P/A to Director E&SE, Khyber Pakhtunkhwa, Peshawar.
5. Master File.

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Deputy Director (Estb :)
Elementary & Secondary Edu:
Khyber Pakhtunkhwa Peshawar.
24/7/15

36 ANNEX H

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR



Appeal No. 706/2015

Page No. 738
Date 24-6-2015

Muhammad Ilyas, Ex Primary School Teacher, Govt
Primary School, No. 1 Mera Shahi Bala Peshawar.

(Appellant)

VERSUS

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

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the Order dated 24.05.2014, communicated to the appellant on 04.03.2015 whereby the appellant has been awarded the major penalty of "compulsory retirement from Service" against which his departmental Appeal dated 12.03.2015 has not been responded despite the lapse of 90 days statutory period.

24/6/15

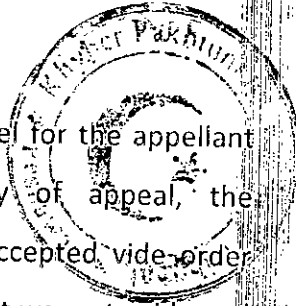
Prayer in Appeal: -

On acceptance of this appeal the impugned order dated 24.05.2015, may please be set-aside and the appellant may be re-instated in service with all back benefits of service.

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

30.07.2015

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Appellant with counsel present. Learned counsel for the appellant informed the Tribunal that during the pendency of appeal, the departmental appeal of the appellant was partially accepted vide order dated 24.7.2015 and the order of compulsory retirement was set-aside and appellant was reinstated in service, however, the absence period was treated as leave without pay and service benefits were denied to the appellant.

In afore-stated circumstances, learned counsel for the appellant requested for withdrawal of appeal as he intends to institute fresh appeal in the light of the afore-stated development. The appeal is dismissed as withdrawn. File be consigned to the record.

ANNOUNCED
30.7.2015.

Sd/-
Chairman

Certified to be true copy
EXAMINED
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application: 4.8.2015
Number of Words: 800
Copying Fee: 6
Urgent: 7
Total: 6
Name of Copyist: [Signature]
Date of Completion of Copy: 5.8.2015
Date of Delivery of Copy: 6.8.2015

POWER OF ATTORNEY

In the Court of Khyber Pakhtunkhwa Sadr Court Pesh
Muhammad Ijaz

} For
} Plaintiff
} Appellant
} Petitioner
} Complainant

VERSUS

Govt of Pk and other

} Defendant
} Respondent
} Accused
}

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____
Fixed for _____

I/We, the undersigned, do hereby nominate and appoint

IJAZ ANWAR ADVOCATE, SUPREME COURT OF PAKISTAN

and Sajid Amin my true and lawful attorney, for me in my same and on my behalf to appear at Pesh to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc. and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at _____
the _____ day to _____ the year _____
Executant/Executants Muhammad Ijaz
Accepted subject to the terms regarding fee _____

Ijaz Anwar

Advocate High Courts & Supreme Court of Pakistan

ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT
FR-3 & 4, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt
Ph.091-5272154 Mobile-0333-9107225

Accepted
Sajid Amin
Sajid Amin