

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 949/2019

Date of Institution 19.07.2019
Date of Decision 05.07.2021

Ahmad Jan P.S.T (B.P.S-12); Government Primary School, Walai Arang Tehsil Utmankhel S/O Bakhti Jan R/O Ghazi Baba Tehsil Utmankhel.

(Appellant)

VERSUS

Secretary to Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department, Peshawar and three others.

(Respondents)

Hamad Hussain,
Advocate

For appellant.

Muhammad Adeel Butt,
Additional Advocate General

For respondents.

AHMAD SULTAN TAREEN
ROZINA REHMAN

CHAIRMAN
MEMBER (J)

JUDGMENT

ROZINA REHMAN, MEMBER: Facts gleaned out from the memorandum of appeal are that appellant was appointed as P.T.C in Education Department on 01.09.1999. He was taken into custody by the Government Agencies on 04.02.2015 and was later on handed over to the Bajaur Scout Authorities where he was kept in illegal

05/7/19

custody till 03.07.2018. He was removed from service by the Political Agent/Deputy Commissioner, Bajaur vide impugned order dated 21.04.2016 during his illegal confinement. He filed Writ Petition before Hon'ble Peshawar High Court, Peshawar which was allowed and appellant was released by the Jail authorities. After release from the Jail, when reached to Government Primary School, Walai Arang Tehsil Utmankhel in order to resume duty, appellant was informed about the removal/termination from service. He filed departmental appeal which was not responded to within stipulated period, hence, he filed the instant service appeal.

2. Learned counsel for appellant contended that the impugned order is against law and facts as appellant was not provided with fair opportunity of defense. He contended that the removal of appellant from service was on the score of absence and his absence was not willful but due to the compelling circumstances. He submitted that absence does not constitute any misconduct as the same was not willful rather he was kept by the Law Enforcement Agencies in illegal confinement and he was released on the directions of Hon'ble Peshawar High Court, Peshawar and lastly, he submitted that major penalty was awarded to the appellant when he was in illegal confinement which confinement was declared illegal and unlawful by the Hon'ble Peshawar High Court, Peshawar.

3. Conversely, learned A.A.G submitted that appellant was apprehended by the L.E.As on the allegations of directly/indirectly involvement in miscreants activities in Bajaur. That he was

05/7/19

interrogated by the L.E.A,s and graded as Black for the subversive activities and was handed over to the then District Administration Bajaur for awarding punishment of 21 years imprisonment under the Action in Aid of Civil Power Regulation, 2011 and F.C.R. He further submitted that since F.C.R was repealed with I.G.R which was suspended by the Hon'ble Peshawar High Court, Peshawar , therefore, the appellant was kept as "Amanat" of L.E.A,s in the lockup. He submitted that proper show cause notice for absence of the appellant was published in daily newspapers and that a reply to show cause notice was received from the son of appellant. He, therefore, requested for dismissal of instant appeal.

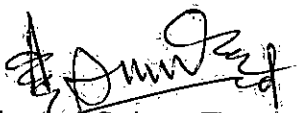
4. Admittedly, appellant was taken into custody by the Government Agencies on 04.02.2015. His relatives moved several applications before different fora to know his whereabouts but to no avail. The respondents in their parawise comments have categorically admitted that appellant was apprehended by H.Q Scouts on 06.02.2.2015 and declared "Black" by J.I.T due to his involvement in terrorist activities. It is also on record that appellant was recommended 21 years imprisonment under multiple charges action in Aid of Civil War and he alongwith other detenues ere handed over to the Deputy Commissioner Bajaur for awarding recommended punishment. A Writ Petition was filed in the august Peshawar High Court, Peshawar, wherein, the recommended punishment was requested to be declared as illegal and vide order dated 27.02.2019 of the Hon'ble Peshawar High Court, Peshawar, Writ Petition was

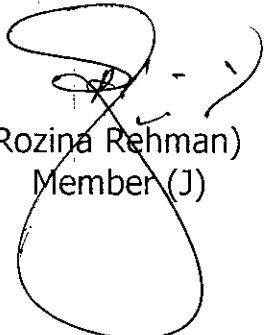
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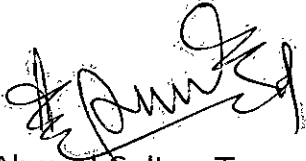
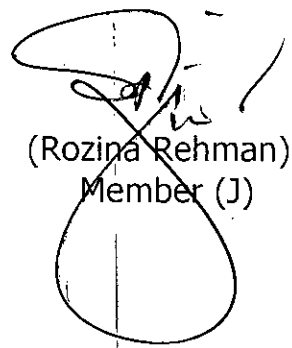
allowed and respondents were directed to release appellant/detenué forthwith. Admittedly, he remained in illegal confinement from 04.02.2015 till 27.02.2019, whereas, the impugned order was passed on 21.04.2016 by the then Political Agent Bajaur vide which major penalty of removal from service was imposed upon the appellant. It merits to mention here that show cause notice was issued by the Political Agent on 03.02.2016. Appellant's son submitted reply of show cause notice and informed the authority regarding illegal confinement of the appellant which fact has been admitted by the Political Agent Bajaur in his letter addressed to the Commandant Bajaur Scouts at Khar dated 24.03.2016. In response to the above-mentioned letter of the Political Agent, a letter was sent by the Commandant Scouts Bajaur to the Political Agent regarding verification of Ahmad Jan and his apprehension by the Headquarter Bajaur Scouts, was admitted on 6th February, 2015. Despite knowledge regarding the illegal confinement of the appellant by the competent authority i.e. Political Agent, Bajaur, impugned order was passed.

5. For the reasons recorded herein above, the impugned order dated 21.04.2016 stands set aside. Appellant is reinstated in service with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.
05.07.2021


(Ahmad Sultan Tareen)
Member (E)


(Rozina Rehman)
Member (J)

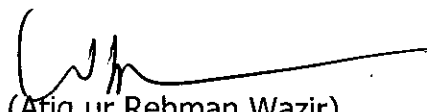
S.No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	05.07.2021	<p><u>Present:</u></p> <p>Hamad Hussain, Advocate ... For Appellant</p> <p>Muhammad Adeel Butt, Additional Advocate General ... For respondents</p> <p>Vide our detailed judgment of today of this Tribunal placed on file, the impugned order dated 21.04.2016 stands set aside. Appellant is reinstated in service with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.</p> <p><u>ANNOUNCED.</u> 05.07.2021</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;">  (Ahmad Sultan Tareen) Chairman </div> <div style="text-align: center;">  (Rozina Rehman) Member (J) </div> </div>

16.11.2020

Appellant in person present.

Zara Tajwar learned Deputy District Attorney for respondents present.

Former made a request for adjournment as his counsel is not available. Adjourned. To come up for arguments on 14.01.2021 before D.B.



(Atiq ur Rehman Wazir)
Member (E)



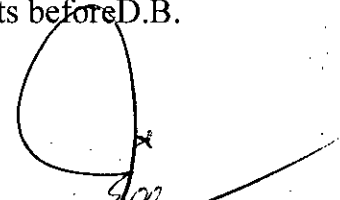
(Rozina Rehman)
Member (J)

14.01.2021

Counsel for the appellant present. Addl: AG for respondents present.

Arguments could not be heard due to learned Member(Judicial) is on leave.

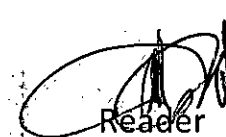
Adjourned to 01.04.2021 for arguments before D.B.



(Mian Muhammad)
Member(E)

01.04.2021

Due to non availability of the concerned D.B, the case is adjourned to 05.07.2021 for the same.



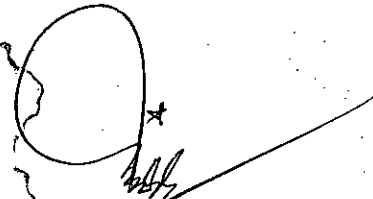
Reader

15.07.2020

Counsel for the appellant present. Addl: AG for respondents present.

Written reply on behalf of respondents No. 1,2 and 4 not submitted. Notices be issued to them for reply. Last opportunity granted.

Adjourned to 09.09.2020 before S.B.


(Mian Muhammad)
Member(E)

09.09.2020

Appellant alongwith counsel and Mr. Behramand ADEO for respondents No. 1, 2 and 4 alongwith Addl. AG for official respondents present.

Respondents No. 1, 2 and 4 have not furnished reply/comments despite last opportunity, hence proceeded against ex-parte. The appeal is assigned to D.B for arguments on 16.11.2020. The appellant may furnish rejoinder to reply/comments of respondent No. 3, within a fortnight, if so advised.

Chairman

18.02.2020

Counsel for the appellant present and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Iltaf-ur-Rehman, Junior Clerk on behalf of respondents No. 3 and 4 present. Written reply on behalf of respondent No. 3 submitted. Representatives of respondents No. 1 & 2 are absent, therefore, notices be issued to them with the direction to direct the representatives to attend the court and submit written reply on the next date positively. To come up for written reply/comments on behalf of respondents No. 1, 2 & 4 on 12.03.2020 before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

12.03.2020

Junior counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Written reply on behalf of respondent No. 3 has already been submitted. Neither written reply on behalf of respondents No. 1, 2 & 4 submitted nor their representatives are present, therefore, notices be issued to them with the direction to direct the representatives to attend the court and submit written reply on the next date positively. To come up for written reply/comments on behalf of respondents No. 1, 2 & 4 on 21.04.2020 before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

21.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 15.07.2020 for the same. To come up for the same as before S.B.


Reader

26.11.2019

Appellant with counsel and Mr. Usman Ghani, District Attorney alongwith Mr. Nasir Rehman, Junior Clerk and Mr. Iltaf Ahmad, Assistant for respondents present.

The appellant has submitted an application for substitution of Secretary to Government of Khyber Pakhtunkhwa E&SE, Department and District Education Officer, Bajaur at Khar as respondent No.1 and 4 respectively in place of Secretary to Government of Khyber Pakhtunkhwa Law and Order merged area and the Agency Education Officer, Bajaur. The application is allowed. The office is required to make the necessary changes in the calendar of respondents and issue them notices for submission of reply/comments.

Adjourned to 08.01.2020 before S.B.

Chairman

08.01.2020

Appellant in person and Addl. AG alongwith Bahramand ADEO for the respondents present.

Representative of respondents seeks time to furnish reply/comments. Adjourned to 18.02.2020 on which date the requisite reply/comments shall positively be furnished.

Chairman

R

24.09.2019

Counsel for the appellant present.

Contends that the impugned order dated 21.04.2016 imposing major penalty of removal from service upon the appellant was passed by Political Agent Bajaur who was not a competent authority for the purpose. Further states that the impugned punishment was imposed also on the ground of absence from duty, however, no specific period of alleged absence was provided. In the instant case, the appellant was in unlawful confinement of the security agency from 04.02.2015 and his release was effected on 07.03.2019 in pursuance to judgment/order of Honourable Peshawar High Court in Writ Petition No. 22-M/2019 passed on 27.02.2019. Absence attributable to the appellant was, therefore, beyond his control and was not willful, it was added.

In view of the arguments of learned counsel and available record, instant appeal is admitted for regular hearing. *The appellant is required to deposit security & process fee within 10 days.* Thereafter, notices be issued to the respondents.

To come up for written reply/comments on 26.11.2019 before S.B.

Chairman

Appellate Appointed
Security Process Fee

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.-

999

/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/07/2019	<p>The appeal of Mr. Ahmad Jan resubmitted today by Mr. Abdul Hafeez Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on _____</p> <p style="text-align: right;">CHAIRMAN</p>

P-15

2019
2019

The appeal of Mr. Ahmed Jan received today, i.e. on 19/07/2019 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Affidavite should be attested by oath commissioner.
- 2- Memorandum of appeal should be signed by appellant.

No. 1242 /S.T. 1000, 1000, 1000

Dt. 23-7/2019

[Signature]
REGISTRAR
SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Abdul Hafeez, Adv.

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I have completed on the following scores and resubmitted the instant Appeal on dated: 24/7
19

[Signature]

19/07/2019

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20

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Ahmad Jan PST BPS 12, Govt Primary School, Walai Arang Tehsil Utmankhel S/O Bakhti
Jan R/o Ghazi Baba Tehsil Utmankhel -----Appellant

VS

The Secretary Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar and
others -----Respondents

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S.N	Description of Documents	Annexure	Page
1	Memo of appeal		1-3
2	Affidavit		3
3	copy of appointment is annex	A	4-5
4	copy of removal order is annex and <i>Discipline Punishment</i>	B	6-10
5	copy of judgment dated 27/02/2019 is annex	C	11-14
6	Copy of Departmental Appeal dated 4/04/2019 is annex	D	15-16
7	Wakalat nama	E	17

Dated; 19/07/2019

Appellant

A Jan

Through

Abdul Hafeez

And

Hussain
Hussain Hussain
ADVOCATES

Cell no 03120952763

MEMORANDUM

MEMORANDUM FOR THE SECRETARY

RE: [Illegible]

DISCUSSION OF [Illegible]

MEMORANDUM OF [Illegible]

DATE: [Illegible]

[Illegible text block]

W. [Illegible]

[Illegible text block]

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No. 949 /2019

Ahmad Jan PST BPS 12; Govt Primary School Walai Arang Tehsil Utmankhel S.O. Bahri
Jan R/o Ghazi Baba Tehsil Utmankhel. -----Appellant.

VERSUS

- order sheet 26/11/19
1. ~~Secretary to Govt. of KP, E & SE Department, Peshawar.~~
~~The Secretary law & order Merged Area Warsak Road Peshawar~~
2. The Director Elementary and Secondary Education kpk Peshawar
3. The Deputy Commissioner/ the then (Political Agent) Tribal District Bajour at Khar
4. ~~The Agencies Education Officer Bajour at Khar~~ Respondents
- order sheet 26/11/19
4. District Education Officer Bajour at Khar
- 10/7
19/7/19

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 21/04/2016 WHEREBY THE APPELLANT WAS REMOVED/TERMINATED FROM SERVICE

File to the Registrar
26/11/19

PRAYER:

ON ACCEPTANCE OF THE INSTANT APPEAL, THE IMPUGNED office ORDER DATED 21/04/2016 MAY GRACIOUSLY BE SET ASIDE AND APPELLANT BE REINSTATE IN SERVICE WITH ALL BACK BENEFITS.

ANY OTHER ADQUATE REMEDY WHICH IS NOT SPECIFICALLY ASKED FOR TO WHICH THE APPELLANT IS DEEMED FIT MAY ALSO BE GRANTED

RESPECTFULLY SHEWETH.

Fact giving rise to the present appeal are as under:-

- 1 That the appellant was appointed as P.T.C Teacher in Education department on dated 01/09/1999 And during his service the appellant performed his duty with great zeal and punctuality. (copy of appointment is annex "A")
- 2 That on 04/02/2015 the Government Agencies taken the appellant into custody and illegally confinement the appellant and later on the appellant was handed over to the Bajour Scout Authorities where the appellant was kept in illegal custody till

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Government of the United States
Department of State

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Director of the Agency for International Development
The Deputy Secretary of State
The Agency for International Development
Washington, D.C.

SECRET
OFFICE OF THE DIRECTOR
AGENCY FOR INTERNATIONAL DEVELOPMENT
WASHINGTON, D.C.

MEMORANDUM
TO: [Illegible]
FROM: [Illegible]

1. [Illegible]
2. [Illegible]
3. [Illegible]

Very truly yours,
[Illegible Signature]

cc: [Illegible]
[Illegible]

3/07/2018. After that the appellant once again handed over to the Bajour District Administration by the Bajour Scout Authorities.

- 3 That the appellant was removed/terminated from services by then the Political Agent, Bajaur Agency / Deputy Commissioner Bajaur, vide impugned office order dated 21/04/2016, during his illegal confinement. (copy of removal order is annex "B")
- 4 That the appellant filed a writ petition No 22-M/2019 before the Peshawar High Court Mingora Bench Swat against his illegal confinement by the Security Agencies as well as Political Agent, Bajaur Agency / Deputy Commissioner Bajaur which was allowed on 17/02/2019. (copy of judgment dated 27/02/2019 is annex "C")
- 5 That the appellant was, released by the jail authorities Civil Khas Jail on 07/03/2019 on the directions of the Honorable Peshawar high court Peshwar Mingora banch vide judgment dated 27/2/2019.
- 6 That after released from the jail the appellant when reached to the Govt Primary School, Walai Arang Tehsil Utmankhel, in order to resume his duty was informed regarding his Removal/Termination from the services vide the impugned office Order.
- 7 That the appellant filed a departmental appeal before the respondent No 2 which was not decided within the stipulated period, hence the instant service appeal before this Hon'ble service Tribunal on the following grounds inter alia. (Copy of Departmental Appeal dated 4/04/2019 is annex "D").

GROUND:

- A. That the impugned office order is against facts and circumstances unconstitutional and void, ab-initio hence not sustainable in the eyes of law.
- B. That the impugned office order has been issued on presumptions as the appellant was not provided fair opportunity for defending himself, which is against the golden principle of natural justice that no one should be condemned unheard.
- C. That the removal of the appellant from service is on the score of absence but such absence was not willful but was due to the compelling circumstances.
- D. That the absence does not constitute any misconduct when the same is not willful and similarly thousands equally placed employees have been reinstated into their service not only by the departments but also by the Hon'ble Tribunal / Court and those judgments were upheld by the apex court
- E. That the impugned order was not served on the appellant even in confinement and as is evident from the same. Therefore the instant appeal is well within time after gaining knowledge of his removal from services.

- F. That no opportunity of personal hearing was afforded to appellant, which is also the mandatory requirement of law as well as principle of natural justice. The appellant was condemned unheard and accordingly the impugned order is void, ab-initio, arbitrary and hence not sustainable.
- G. That the whole departmental proceedings against the appellant was based on personal ill will and with ill intention a harsh and illegally major penalty was awarded to the appellant in the circumstances when the appellant was in illegal confinement and the same confinement was declared illegal and unlawful by the Peshawar High Court Mingora Bench Swat vide write petition No 22-M/2019
- H. That is a settled law that no major penalty can be imposed without holding a regular and detailed enquiry wherein the delinquent official is to be fully associated with all stages of proceedings and be provided fully opportunity of defense but in case in hand the Respondents failed to conduct a full-fledged enquiry rendering the impugned orders as nullity in the eye of law.
- I. That any other ground may be adduced during the course of argument, the kind permission of this Hon'able court.

It is, there for most humbly prayed that the instant appeal may graciously be accepted and the impugned office order dated 21/04/2016 be set aside, the appellant may kindly be re-instate to his service with all back benefits of services.

Any other relief as deemed appropriate in the circumstances of the case not specifically asked for, may also be granted to appellant.

AS

Appellant

Through

Abdul Hafeez

And

Hamad Hussain
Advocate high court

Dated: 19 / 07 / 2019

AFFIDAVIT

Lahmad Jan PST, do hereby solemnly affirm and declare, that the contents of the appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'able Court.

[Signature]
24/7/2019

[Signature]
DEPONENT

of personal hearing with sufficient attention to the
principle of law as well as to the
and according to the order of the
not satisfied

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4(A)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____/2019

Ahmad Jan PST BPS 12, Govt Primary School, Walai Arang Tehsil Utmankhel S/O Bakhti Jan R/o Ghazi Baba Tehsil Utmankhel -----Appellant

VS

The Secretary Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar and others -----Respondents

APPLICATION FOR CONDONATION OF DELAY

Respectfully Shewth:

1. That the appellant has filed a service appeal under section 4 of the Service Tribunal Act Against the impugned office order on dated 21/04/2016, where the appellant was terminated from service 21/04/2016.
2. That when the appellant was terminated from service, during that period the appellant was kept in illegally custody by the government Agencies till release and there was No knowledge of termination order from service to the appellant.
3. That the appellant was released by the jail authorities on dated 7/03/2019, and after two days of the Released on dated 9/3/2019, the appellant went to Government Primary School, Walai Arang Tehsil Utmankhel, for duty but it has come to know due to absence from duty the appellant has been removed/ terminated from service
4. That after knowledge of removal / termination order the appellant submitted departmental appeal on dated 4/04/2019 to the respondent No 2, which was not decided within the stipulated period.
5. That the condo nation of delay for non-filing departmental appeal / instant appeal within time due to the circumstances and illegal confinement of the petitioner and after released from illegal confinement the petitioner filed the departmental appeal / instant appeal within time.


It is therefore humbly prayed that in the circumstance of above facts this honorable tribunal may be pleased to condone the delay.


Appellant

Through

Abdul Hafeez

&


Hamad Hussain

Dated: 19 / 07/2019

OFFICE OF THE AGENCY EDUCATION OFFICER BAJAUR AGENCY AT KHAR.

APPOINTMENTS

Consequent upon the result of interview held on 26.1.99, the following local candidates (male) of Bajaur Agency, of KHAR SUB DIVISION (Trained from G.E.C. Jamrud) on the basis of 25% open merit & 75% merit/section wise are hereby appointed against the vacant PTC posts in the BPS No 7 @ Rs. 1480/- PK with usual allowances as admissible under the rules from effect from 01.09.1999 in the interest of public service.

SNO.	Name of Candidate with percentage.	Name of school where appointed.	Remarks.
1.	Mal. Khan S/O Ali Khan.	GPS. Batwar (Salarzai)	Against PTC post vice Shabbuddin PTC transferred.
2.	Heyder Khan, S/O Habibur Rehman.	GPS Almano (Salarzai)	Against PTC post vice Abdul Haleem transferred.
3.	Ahmad Jan S/O Bakht Jan.	GMPS. Sapari (Salarzai)	Against PTC post vice Mohd Iqbal transferred.
4.	Nazim Khan, S/O Fazal Rahim.	GPS Damano (Salarzai)	Against PTC post vice Said Ahmad Shah transferred & he is directed to work at GBPS Sapari Barang.

TERMS/CONDITIONS.

- 1:- The appointments of the candidates will be confirmed after verification of their certificates from BISE/ university/RED etc.
- 2:- The appointments of the candidates are being made purely on temporary basis and is liable to termination at any time without assigning any reason, in case they wish to resign from their services they will give one month prior notice or forth of one month pay in lieu thereof.
- 3:- Charge reports should be submitted in duplicate to this office.
- 4:- They should produce their health & age certificate from the Agency surgeon concerned.
- 5:- They should not handed over charge of the post if they below 18 years or above 33 years of age.
- 6:- They should produce their original certificates/domicile certificate before taking over charge.
- 7:- NO TA/DA etc is allowed.

(MR. RAZI HUSSAIN BANGASH),
Agency Edu: Officer,
Bajaur Agency

Endst; NO 2918-23 / PTC(M) Dated. 23/8/1999
Copy to the; -

- 1:- Director of Education FATA, NWFP, Peshawar.
- 2:- Regional Director of Education FATA, Peshawar.
- 3:- AAEO (M) Concerned.
- 4:- Head Teachers concerned.
- 5:- Candidates concerned.
- 6:- Accountant of the local office.

Inact

Agency Edu: Officer,
Bajaur Agency.

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OFFICE OF THE AGENCY EDUCATION OFFICER BAJAUR AT KHAR

APPOINTMENTS:

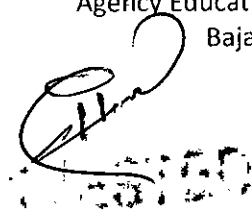
Consequent upon the result of the interview held on 26/01/1999, the following local candidates (Male) of Bajaur Agency at KHAR SUBDIVISION, (trained from G.E.C Jamrud) on the bases of 25% open merit and 75% both/session wise are hereby appointed against the vacant PTC post in the BPS-7 & Rs.1480/- PK with usual allowance is admissible under the rule from effect from 01/09/1999 in the interest of public service.

SNO.	Name of Candidate with percentage	Name of School where appointed	Remarks
1.	Lal Khan S/o Ali Khan	GPS, Batwar (Salarzai)	against PTC post vice Shahbuddin PTC transferred
2.	Haider Khan S/o Habibur Rehman	GPS Almano (Salarzai)	Against PTC post vice Abdul Haleem Transferred
3.	Ahmad Jan S/o Bakht Jan	GMPS Sapari (Salarzai)	Against PTC post vice Muhammad Iqbal Transferred
4.	Nazim Khan S/o Fazal-e-Rehman	GPS Almano (Salarzai)	Against PTC post vice Said Ahmad Shah transferred and he is directed to work at GBPS Sapari Banang.

TERMS /CONDITIONS:

1. The appointments of the candidates will be confirmed after verification of their certificate from BISE/University/RED etc.
2. The appointments of the candidates are being made purely on temporary basis and is liable to termination at any time without assigning any reason, in case they wish to resign from their services they will give one month prior notice or profit of one month pay in then thereof.
3. Charge report shall be submitted in duplicate to this office.
4. They should produce their health & age certificates from the agency surgeon concerned.
5. They should not handed over charge of the post if they below 18 year or above 33 years of age.
6. They should produce their original certificate/domicile certificate before taking over charge.
7. NO TA/DA etc is allowed.

(Mr. RAZI HUSSAIN BANGASH)
Agency Education Officer,
Bajaur Agency.



Endst: No. 2918-23/PTC(M) Dated 23/08/1999

Copy to the:-

1. Director of Education FATA, NWFP, Peshawar
2. Regional Director of Education FATA, Peshawar.
3. AAEO(M) Teacher concerned.
4. Head Teacher concerned.
5. Candidate concerned.
6. Accountant of the local office.

Agency Education Officer,
Bajaur Agency.

OFFICE OF THE POLITICAL AGENT, BAJAUR.

No. 3009 /EC

Dated Khar the 21/04/2016.

OFFICE ORDER.

1. WHEREAS; In pursuance of the FATA Secretariat, Admn: Infrastructure & Coordination Department, Peshawar letter No. FS/SO(C-III)/1-16/Edu: & Health/2823-36 dated 02/10/2015 the process of Physical Verification of Govt: employees in Bajaur Agency was carried through the Additional Political Agent Bajaur Agency.
2. AND WHEREAS; The Additional Political Agent Bajaur vide his office letter No. 253 dated 21/01/2016 reported the following teachers absent from duty and recommended for disciplinary action against them:-
 1. Mr. Muhammad Jan Qari, BPS-12, GHS, Ghazi Baba Tehsil Utmankhel s/o Bakhti Jan r/o Ghazi Baba Tehsil Utamankhel.
 - ✓ 2. Ahmad Jan PST BPS-12, Govt: Primary School, Walai Arang, Tehsil Utmankhel s/o Bakhti Jan r/o Ghazi Baba Tehsil Utamankhel.
3. AND WHEREAS; The undersigned being competent authority issued show cause notices to them vide this office letter No. 1309/EC dated 03/02/2016 and No. 1304/EC dated 03/02/2016 for attendance and showing cause of absence from duties.
4. AND WHEREAS; due to no response from both the above absent teachers the undersigned published a notice in their names dated in daily "Aaj" and "Nai Bat" 20/02/2016 and till date both the teachers nor attended their duty nor submitted any explanation.
5. AND WHEREAS; Reportedly both the teachers remain involved in terrorist activities and wanted to the Law Enforcement Agencies for Anti State activities.

NOW THEREFORE, I Engineer Aamir Khattak the Political Agent, Bajaur Agency being competent Authority hereby pleased to impose major penalty of removal from service upon them, under Rules-4 (b) iii of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, and terminate them from service form the date of absence from duty.

POLITICAL AGENT, BAJAUR.

Dated Khar the 21/04/2016.

No. 3010 - 17 /EC

Copy forwarded to the:-

1. PS to Additional Chief Secretary FATA, FATA Secretariat Warsak Road, Peshawar.
2. PS to Secretary (AI & C) FATA Secretariat, Peshawar.
3. The Director Education FATA FATA Secretariat Warsak Road, Peshawar.
4. The Commandant Bajaur Scouts at Khar.
5. Additional Political Agent, Bajaur for information with reference to above.
6. Agency Accounts Officer, Bajaur.
7. The Agency Education Officer, Bajaur.
8. Official concerned.

POLITICAL AGENT, BAJAUR.

(1)

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P. 2

(100)

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PERSONAL CONFIDENTIAL

*Ready
Process, as
per law.*

03-07-19

AC's.

Process as per rules

HQ
17th
Khar
Tel: - 0942-220898
No.573/IC/ 1 //Cell
3 July 2018

Bajaur
Scouts

Scouts
Corps

To: Deputy Commissioner Bajaur Agency

Subj: Handing Over of Detainees for Punishment

1. It is certified that competent auth have approved disposal of detainees which have been rewarded with punishment under FCR. Therefore, detainees are hereby hand over to your administration for recommended punishment. Details are as under:-

Ser	Name/ Father Name	Address	Recommended Punishment
a.	Abdul Subhan s/o. Fazal Elahi	Lara Banda Teh Khar, BA	07 Yrs punishment under actions in aid of civ power, 2011 and FCR.
b.	Luqman Khan s/o Bahraman Khan	Vill Anderi Charmang Teh Nawagai, BA	28 Yrs punishment under multiple charges under actions in aid of civ power, 2011 and FCR.
c.	Rahim Jan s/o Umar Said	Afghanistan	14 Yrs punishment under multiple charges under actions in aid of civ power, 2011 and FCR.
d.	Muhammad Rafiq s/o Sher Afzal	Lara Banda Teh Khar BA	14 Yrs punishment under multiple charges under actions in aid of civ power, 2011 and FCR.
e.	Muhammad Shafiq s/o Sher Afzal	Lara Banda Teh Khar BA	07 Yrs punishment under actions in aid of civ power, 2011 and FCR.
f.	Imran s/o Mosii Khan	Tangkhata Teh Khar, BA	28 Yrs punishment under multiple charges under actions in aid of civ power, 2011 and FCR.
g.	Taj Muhammad s/o Sher zaman Khan	Balolai Teh Khar, BA	14 Yrs punishment under multiple charges under actions in aid of civ power
h.	Ashaq Khan s/o Lal Sher	Karkanai Charmang Teh Nawagai, BA	28 Yrs punishment under multiple charges under actions in aid of civ power
i.	Irfan Ullah s/o Behraman	Vill Anderi Charmang Teh Nawagai, BA	28 Yrs punishment under multiple charges under actions in aid of civ power
j.	Shakir Ullah s/o Naizmeen Khan	Tang Khata Teh Khar, BA	14 Yrs punishment under multiple charges under actions in aid of civ power
k.	Ahmed Jan s/o Bakhti Jan	Ghazi Baba Teh Utman Khel, BA	21 Yrs punishment under multiple charges under actions in aid of civ power
l.	Ahmed Bilor s/o Hafiz Ibadat Khan	Asary Qadeema Roud Mazdur Abad Technical College Teht Bhai. Dist Mardan	28 Yrs punishment under multiple charges under actions in aid of civ power
m.	Umer Khetab s/o Saz Gul	Ghazi Baba Teh Utman Khel, BA	14 Yrs punishment under multiple charges under actions in aid of civ power
n.	Ahmed Shah s/o Nawab Zada	Vill Arang Teh Utman Khel, BA	28 Yrs punishment under multiple charges under actions in aid of civ power

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Handwritten numbers 91, 92, 93, 94, 95, 96, 97 on the right margin.

(8)

o.	Habib Ullah s/o Gul Haleem	Damano Shah Teh Khar, BA	14 Yrs punishment under multiple charges under actions in aid of civ power
p.	Rahim Ullah s/o Shah Wazir	Damadola Teh Mamund, BA	28 Yrs punishment under multiple charges under actions in aid of civ power
q.	Naimat Ullah Asmat s/o Muhib Ullah Jan (Salah Ud Din)	Lara Banda Teh Khar . BA	21 Yrs punishment under multiple charges under actions in aid of civ power
r.	Muhammad Ismail s/o Said Ashraf	Inayat Qilla Teh Khar. BA	14 Yrs punishment under multiple charges under actions in aid of civ power
s.	Sana Ullah s/o Fazal-e-Haq	Zari Teh Mamund Dist BA	21 Yrs punishment under multiple charges under actions in aid of civ power
t.	Rahat Ullah s/o Said Wali	Inayat Killa Teh Khar BA	21 Yrs punishment under multiple charges under actions in aid of civ power
u.	Akhtar, Said s/o Shah Said	Bar Chamarkand Teh Nawagai, BA	14 Yrs punishment under multiple charges under actions in aid of civ power
v.	Farman Ullah s/o Sharif Khan	Inayat Killi Teh Khar, BA	14 Yrs punishment under multiple charges under actions in aid of civ power
w.	Jehanzeb s/o Rehmani Gul	Bara Kamangara Teh Nawagai, BA	07 Yrs punishment under actions in aid of civ power

Maj
for Comdt
(2nd Air Scouts)

CONFIDENTIAL

SECRET

9

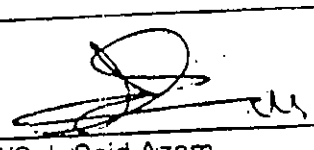
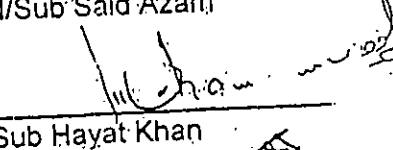
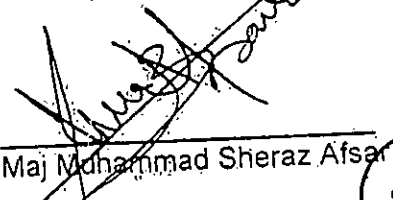
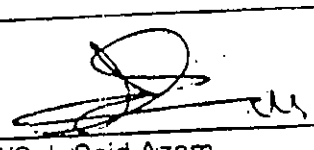
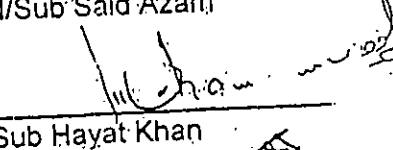
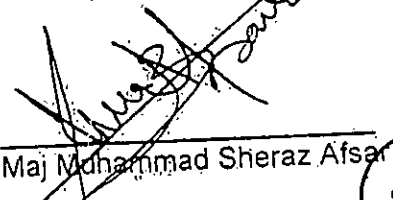
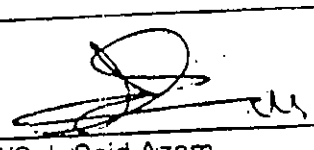
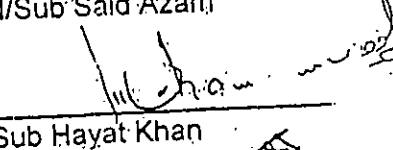
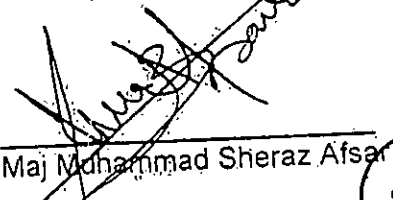
INITIAL INTG REPORT

1.	Name	-	Ahmed Jan
2.	Allas	-	Nil
3.	Father Name	-	Bakhti Jan
4.	Nationality	-	Pakistani
5.	Age at the time of offence	-	39 yrs
6.	Age at the time of appr	-	39 yrs
7.	Age/ DOB	-	42 yrs (01-01-1976)
8.	ID Card No/ Passport No	-	15304-1999485-5
9.	Caste	-	Umar Khel
10.	Religion / Sect	-	Islam (Sunni)
11.	Affiliation	-	Nil
12.	Education	-	M.A /Med
13.	Marital Status	-	Married
14.	Brothers / Sisters:-		
	Se	Name	Address
	a.	Muhammad Jan	Vill Ghazi Baba Dak Khana Gardai Teh Uthman Khel BA
	b.	Muhammad Iqbal	-do-
	c.	Muhammad Israr	-do-
	d.	Jamal Khan	-do-
	e.	Saliha Bibi	Vill Pori Shah Irang
	f.	Sultan Zari	Vill Rahim Abad Timargara
	g.	Bakht Fari	Vill Mardan
	h.	Bakh Zari	Vill Banj Irang
			Occupation
			Teacher
			Student
			-do-
			Teacher
			House Wife
			-do-
			House Wife
			House Wife
15.	Cell No/ Tel No	0345-9551978	
16.	Profession	Teacher	
17.	Address (Temp/ Perm)	Perm: Vill Ghazi Baba Dak Khana Garda Teh Uthman Khel BA Temp:- -do-	
✓ 18.	Brief of Acct Apprehension:	Apprehended on 04 Feb 2015 by Pol Adm due to his suspicious links with Ts. ✓	
✓ 19.	Details of Items Rec	Nil	
20.	Salient of Intg (Joining Ts Orgs, Details if damages/ Killings):-		
	<p>Detainee Ahmed Jan was apprehended by Bajaur scouts in Feb 15 due to suspicious links with miscreants. As per detailed interrogation and statement of other apprehended terrorist who was apprehended after his arrest, Ahmed Jan was a member of gp of known absconder msct commander Jan Wali Sheena of TTP. In 2013 he visited Afg</p>		

SECRET

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SECRET

and stayed with miscreants for about 3 x months. Till his arrest he was in contact with a group of terrorist which remained active in terrorist activities inside Bajaur Agency. In 2014 he participated in an IED explosion on a pro-government local Malik of Utmarkhel Bajaur Agency.										
21	Input from Own Sources Nil									
22	Input/Indent Parade by Notables: According to Maliks/ Mashran of the area he is permanent r/o Bajaur Agency.									
23	Evidence Avail a. Witness Nil b. Documentary Nil c. Audio / Video Nil d. Misc Nil									
24	Grading Black									
25	Opinion of Intg Offr:- Ahmed Jan was an active member/ facilitator of gp. of known absconder msct commander Jan Wali sheena of TTP. Till his arrest he was in contact with a group of terrorist which remained active in terrorist activities inside Bajaur Agency									
26	Recommendation Suspect may be tried under actions in aid of civ power regulations 2011/ FCR									
27	Signature of Intg Team									
28	<table border="1"> <tr> <td>a.</td> <td>Signature of BIC JCO/ NCO</td> <td> N/Sub Said Azam</td> </tr> <tr> <td>b.</td> <td>Signature of FCIU JCO/ NCO</td> <td> Sub Hayat Khan</td> </tr> <tr> <td>c.</td> <td>Signature of OC BIC Offr</td> <td> Maj Muhammad Sheraz Afsar</td> </tr> </table>	a.	Signature of BIC JCO/ NCO	 N/Sub Said Azam	b.	Signature of FCIU JCO/ NCO	 Sub Hayat Khan	c.	Signature of OC BIC Offr	 Maj Muhammad Sheraz Afsar
a.	Signature of BIC JCO/ NCO	 N/Sub Said Azam								
b.	Signature of FCIU JCO/ NCO	 Sub Hayat Khan								
c.	Signature of OC BIC Offr	 Maj Muhammad Sheraz Afsar								

Ctr Sign

ATTENDED


Col.
Comdt.
(Rahman Kadir Khan)

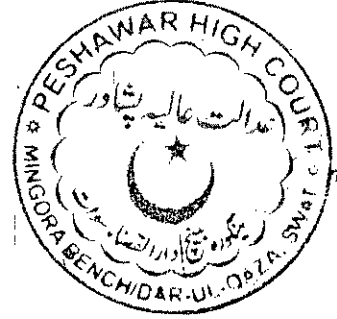
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11

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

Writ Petition No. _____/2018

Ahmad Jan S/o Bakhti Jan,
R/o Ghazi Baba Arang Utmankhel, District Bajour
Through Muhammad Israr S/o Bakhti Jan,
R/o Ghazi Baba Arang Utmankhel District Bajour



.....**Petitioner**

VERSUS

1. Government of Pakistan through Secretary Defence, Islamabad
2. Inspector General of Frontier Corps Qilla Balahisar Peshawar
3. Commandant Bajour Khar Bajour
4. Secretary Home & Tribal Affairs Khyber Pakhtunkhwa, Civil Secretariat, Peshawar
5. Commissioner Malakand Division at Saidu Sharif District Swat
6. Deputy Commissioner Tribal District Bajour at Khar

.....**Respondents**

**WRIT PETITION UNDER ARTICLE 199 OF
THE CONSTITUTION OF THE ISLAMIC
REPUBLIC OF PAKISTAN, 1973**

Respectfully Sheweth:

FILED TODAY
Deputy Registrar
24 DEC 2018

ATTESTED
Examiner
Peshawar High Court Bench
Mingora Dar-ul-Qaza, Swat.

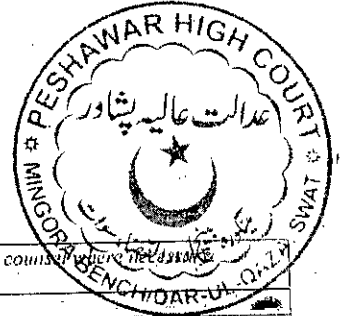
ATTESTED

PESHAWAR HIGH COURT, MINGORA BENCH
(DAR-UL-OAZA), SWAT


FORM OF ORDER SHEET

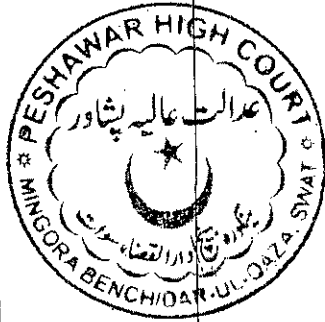
Court of

Case No. of



Serial No. of order or proceeding	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge and that of parties or counsel where necessary
1	27.02.2019	<p align="center"><u>W.P 22-M/2019 with Interim Relief</u></p> <p>Present: Mr. Abdul Hafeez, Advocate for the Petitioner.</p> <p>Mian Hussain Ali, D.A.G and Mr. Wilayat Ali Khan, A.A.G for the official Respondents.</p> <p align="center">***</p> <p><u>MUHAMMAD GHAZANFAR KHAN, J.-</u> This Constitutional Petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 has been brought the petitioner praying that:</p> <p align="center">“It is, therefore, most humbly prayed that on acceptance of instant writ petition, the recommended punishment in the impugned letter may kindly be declared as illegal, void and be struck down and the detenue/petitioner be acquitted from all the charges leveled against him and the respondents may kindly be directed to release the detenue/petitioner and the petitioner may also be treated in accordance with the petitioners of W.P No.3959-P./2018 and W.P 3971-P/2018.</p> <p>Any other adequate remedy which is not specifically asked for may also be granted in favour of the petitioner.”</p> <p>2. As averred in the petition, the petitioner was taken into custody by the Government Agencies on <u>04.2.2015</u> and since then, he is in their illegal confinement;</p>

ATTESTED

 Examiner
 Peshawar High Court Bench
 Mingora Dar-ul-Qaza, Swat.



that his relatives moved several applications before different *fora* to know his whereabouts but all in vain and that after 25th Amendment in the Constitution, the petitioner along with others were handed over to the respondent No.6 by the respondent No.3 (Commandant Bajawar Scouts Khar) vide letter No.57/3/IC/2/1 cell dated 03.7.2018 for awarding recommended punishment in aid of Civil Power Regulation/FCR 2011, hence, this petition.

3. Arguments heard and record gone through.

4. The contention of the present petitioner is that he is under illegal confinement of the respondents without any plausible reason regarding his involvement in any offence. The perusal of record shows that the matter in hand is alike to the matter earlier decided by this Court on 15.10.2018 in W.P 3959-P/2018, wherein it was held that:

“Admittedly, the detainees were handed over to the office of Assistant Commissioner/Addl: District Magistrate, Khar Bajaur (Tribal District by the Commandant Bajaur Scouts Khar vide letter No.57/3/IC/2/1Cell dated 03.7.2018 for award of recommended punishment in aid of Civil Power Regulation/FCR 2011 but since the Frontier Crimes (“FCR”) has been repealed and replaced with FATA Interim Government Regulation 2018 and the suspects/detenues could not be awarded the recommended punishment as mentioned in the letter No.6803/AC/ADM(K) dated 05.10.2018, addressed to the Commandant Bajaur Scouts, 17th Scouts Corps Khar, produced by the learned A.A.G, placed

ATTESTED

Examiner
Peshawar High Court Bench
Mingora Dar-ul-Qaza, Swat.

14

on file, therefore, in the circumstances, this Court is left with no option but to order the release of the detainees. Even otherwise, there is nothing on record regarding detainees that they are charged in any offence or involved in any anti-state activities."

5. Over and above, the learned D.A.G and learned A.A.G present before the Court could not reasonably rebut the contention of learned counsel for the petitioner. So, in light of the *ibid* referred judgment of this Court, this writ petition is allowed accordingly and the respondents are directed to release the petitioner/detenué forthwith, if not required in any other case.

Announced
27.02.2019

~~JUDGE~~

Certified to be true copy

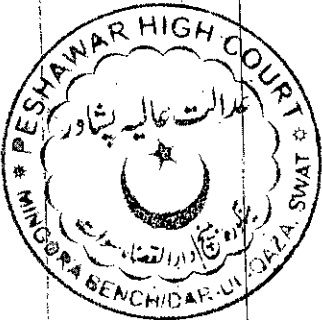
EXAMINER

Peshawar High Court, Mingora/Dar-ul-Qaza, Swat
Authorized Under Article 87 of Quran-e-Shahadat Ode.1984

S.No..... 29
Name of Applicant..... Sahib ul Bahar
Date of Presentation of Applicant..... 1-3-19
Date of Completion of Copies..... 1-3-19
No of Copies..... 4-2
Urgent Fee.....
Fee Charged..... 8/-
Date of Delivery of Copies..... 1-3-19

[Handwritten signature]

[Handwritten signature]



To,

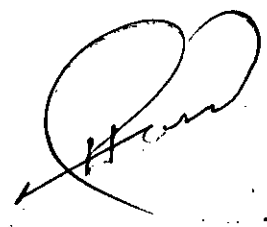
15

**The Director Education,
Khyber PakhtonKhwa,
Peshawar.**

Sub: Departmental Appeal

Sir,

1. That applicant was appointed in education department on 1/9/1999 as a PST teacher in Bajaur.
2. That there was an old enmity with Ex-AEO GulRehman and he pressurized the Head master of GHS Ghazi Baba to stop the salary of the applicant in May 2013, because he was the cluster incharge of the Lower Arang union council.
3. That on dated 4/2/2015 after complete process for the preparing pay bill of all stopped salaries w.e.f 1/5/2013 to February 2015 the applicant was present in AEO office and was arrested by the Lvies officials and later on was handed over to Bajaur Scout authorities and they kept the applicant in illegal custody till 3/7/2018.
4. That later on the applicant was handed over to the Bajaur administration for awarding 21years imprisonment illegally under the secret deal of GulRehman and Scout authorities.
5. That the applicant filed a writ petition to set aside the impugned order of the Bajaur Scout authorities in Peshawar High Court.
6. That the honorable PHC declared illegal the impugned order of the Bajaur Scout authorities and ordered for the release of applicant on 27/2/2019 and after completing the legal formalities the applicant was released on 7/3/2019.
7. That when applicant went to his old school GPS WaisArang, he was told that he has been terminated from service.
8. That the applicant went to the DC office Bajaur to receive the termination order.
9. That after the utmost struggle of two weeks the applicant was granted termination order on 21/3/2019 in which he has been showed absent whereas the applicant was in the illegal custody of the Bajaur Scout and Bajaur administration and was not wilful absent.
10. That after consultation with an advocate, this instant appeal is being forwarded to you for reinstatement of his service and it is humbly prayed that by accepting this appeal, the applicant may kindly be reinstated and all back benefits be granted.



Your obedient,
Ahmand Jan PST WaisArang
District Bajaur.
NIC No: 15304-1999485-5

Cell No: 03469807352

Copy to: Secretary E&S Edu,
KP Peshawar for legal action.

Dated: 4/4/2019

Note: necessary documents are attached.

16

Ahmand Jan
STED

Handwritten signature at the top of the page.

کے لئے منظور ہے۔

مقام

Date line: _____

2014 19 11

Main body of handwritten text, likely a letter or report, containing several lines of Urdu script.

Handwritten signature on the left side of the page.

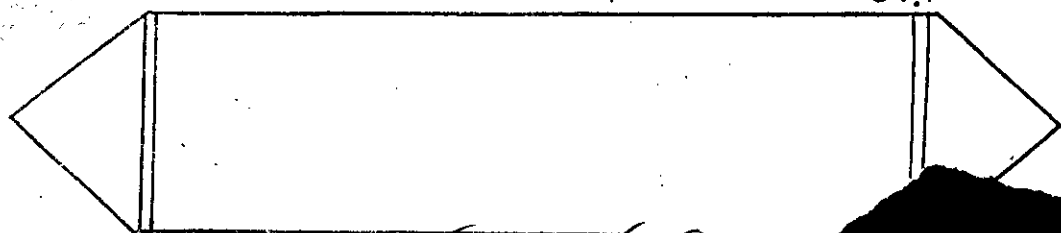
ان مقام _____

Handwritten text below the signature line.

اوپر چکر لگانا

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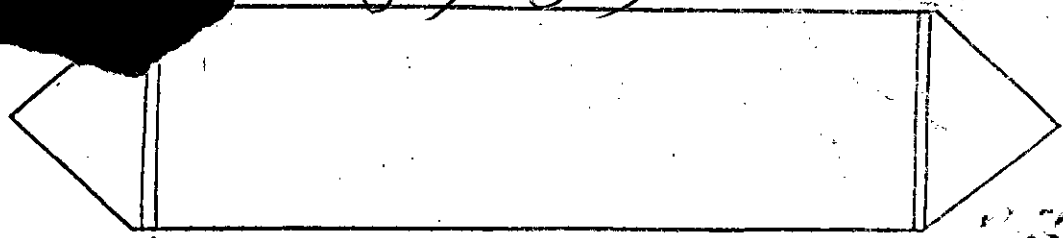
Handwritten text on the right side, including the name 'امیر خان'.



Handwritten text below the diagram, possibly a label or description.

Handwritten mark or signature at the bottom left corner.

بعدالت سرویس لٹریچر



محمد جمال بنام محمد علی و دیگر

موزعہ
مقدمہ
دعوی
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
 آن مقام _____ کیلئے _____

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

محمد جمال

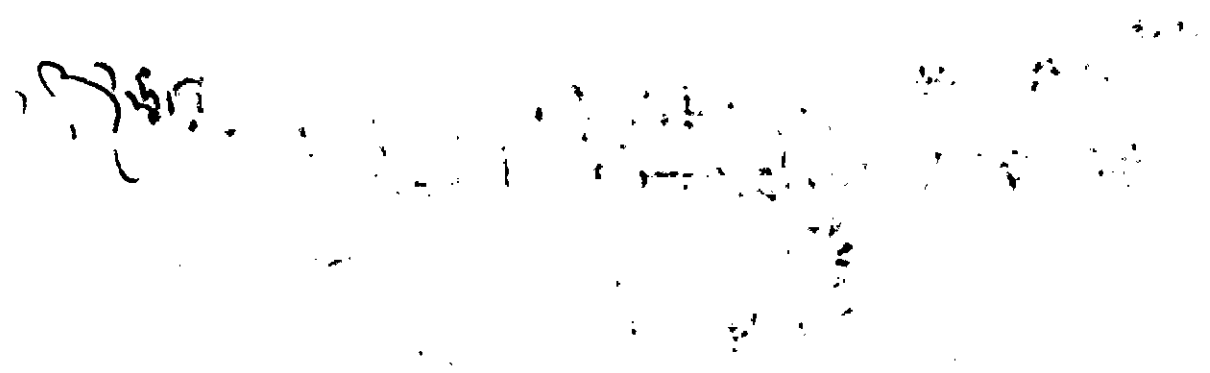
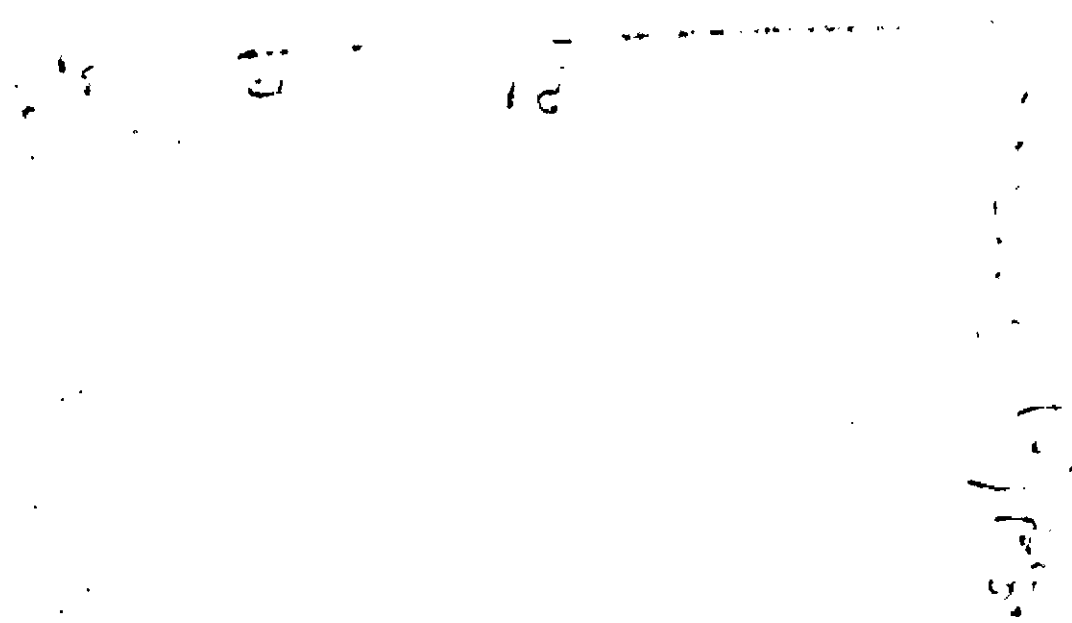
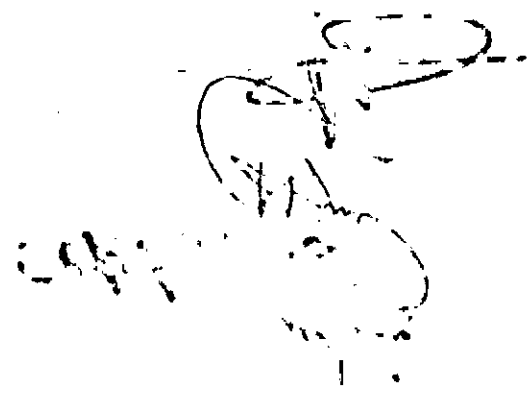
المرقوم ۱۹ - ماہ ۷ - ۲۰۱۹

العبد _____ واہ العبد _____

کے لئے منظور ہے۔

محمد جمال

بمقام



Handwritten text, possibly a signature or a note, located at the bottom of the page. The text is written in a cursive style and is partially obscured by a large black shadow in the bottom left corner.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

C.M APPLICATION NO. -----/2019

IN

Service Appeal No.949/2019

Ahmad Jan PST BPS 12, Govt Primary School, Walai Arang Tehsil Utmankhel S/O Bakhti
Jan R/o Ghazi Baba Tehsil Utmankhel. -----Appellant

VERSUS

1. The Secretary to Govt of Khyber Pakhtunkhwa Elementary and Secondary Education Department Peshawar.
2. The Director Elementary and Secondary Education KPK Peshawar.
3. The Deputy Commissioner/ the then (Political Agent) Tribal District Bajour at Khar.
4. The District Education Officer Bajour at Khar -----Respondents/

**APPLICATION FOR CORRECTION OF RESPONDENT NO. 1 AS
SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
ELEMENTARY SECONDARY EDUCATION DEPARTMENT
INSTEAD OF SECRETARY LAW AND ORDER MERGED AREA
AS WELL AS CORRECTION OF RESPONDENT NO. 4 AS
DISTRICT EDUCATION OFFICER BAJOUR AT KHAR
INSTEAD OF AGENCY EDUCATION OFFICER BAJOUR.**

PRAYER:

**ON ACCEPTANCE OF THE INSTANT APPLICATION FOR
CORRECTION OF RESPONDENT NO. 1 AND 4 MAY KINDLY BE
ALLOWED AS MENTIONED ABOVE.**

RESPECTFULLY SHEWETH,

1. That the Service Appeal No. 949/2019 tilted Ahmad Jan PST BPS 12 vs Education Department is pending before this Honorable Tribunal
2. That in the above mentioned Service Appeal inadvertently Respondent No. 1 has been arrayed as Secretary and Law and Order Merged Area instead of Secretary to Govt of Khyber Pakhtunkhwa Elementary and Secondary Education Department Peshawar, similarly Respondent No. 4 has been arrayed as Agency Education Officer Bajour instead of The District Education Officer Bajour.

3. That the above mentioned correction of the respondent No. 1 and 4 is necessary for submission of reply and proper consideration of actual respondent as well as departmental/ official respondents in the subject service appeal.
4. That the appellant requests before this Honorable Tribunal for correction of Respondent No. 1 as Secretary to Govt of Khyber Pakhtunkhwa Elementary and Secondary Education Department Peshawar and Respondent No. 4 as District Education Officer Bajour at Khar.

It is, therefore, humbly prayed that on acceptance of the instant application and necessary correction may kindly be made in the panel of respondents of above mentioned service appeal as Respondent No. 1 Secretary to Govt of Khyber Pakhtunkhwa Elementary and Secondary Education Department Peshawar and Respondent No. 4 District Education Officer Bajour at Khar.


Appellant

Through

Abdul Hafiz

And


Hamad Hussain
Advocates high court

Dated: 26/11 /2019

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 949/2018

Ahmad Jan PST BPS-12 Govt: Primary School, walai Arang Tehsil
Utmankhel S/O Bakhti Jan R/O Ghazi Baba Tehsil
Utmankhel.....Appellant

VERSUS

Secretary Law & Order & others Peshawar.....(Respondents)

**PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS No. 3/ DEPUTY
COMMISSIONER/THE THEN (POLITICAL AGENT) TRIBAL DISTRICT
BAJAUR.**

Respectfully Sheweth:

The answering respondent most respectfully submit the following:

Preliminary Objection:

1. It is respectfully submitted that the appellant has no Locus Standi to file this instant appeal against the answering respondent No. 03.
2. That the appeal is not maintainable/entertain-able therefore liable to be dismissed.
3. That the appellant has got no cause of action.
4. That the appellant has not come to this honorable court with clean hands.
5. That the appellant is barred by law.
6. That the appellant is stopped by his own conduct to bring the present appeal.

FACTS:

1. No Comments.
2. Record reveals that Ahmad Jan was apprehended by LEAs in allegations of directly/ indirectly involvement in miscreants activities in Bajaur. Record further reveals that he was interrogated by LEAs and graded as Black for the subversive activities and handed over to the then district Administration Bajaur for a punishment of 21 years imprisonment under Action in Aid of Power Regulation 2011 and FCR. Since FCR was repealed that was suspended by the honorable Peshawar High Court, Peshawar and Jirgas were declared as ultra vires by the Supreme Court of Pakistan, hence, trial delayed and

was kept as Amanat of LEAs in the lock-up. Later on, Ahmad Jan filed writ petition No. 22-M/2019 in Peshawar High Court/ Mingora Bench/ Darul Qaza Swat for release and the said learned court passed a judgment dated 27-02-2019 the Para-5 of which is reproduced "Over and above, the learned D.A.G and learned A.A.G present before the Court could not reasonably rebut the contention of learned counsel for the petitioner. So. In the light of the ibid referred judgment of this court, this writ petition is allowed accordingly and the respondents are directed to release the petitioner/ detinue forthwith, if not required in any other case" in obedience of the orders he was released on 05-03-2019 on the bail bond of 04 reliable sureties with surety bond of rupees four lacs each.

3. The then Additional Political Agent reported vide letter No. 253 dated 21/01/2016 (copy annex-A), that Ahmad Jan (PST BPS-12) GPS Walai Arang Tehsil Utmankhel failed to appear for his physical verification and he recommended to initiate disciplinary proceeding against him. In pursuance of the recommendation of Additional Political Agent, the then Political Agent issued show Cause Notice in the name of Ahmad Jan PST BPS-12 vide letter No 1304/EC dated 3-02-2016 (Copy Annex-B). However, no reply from Ahmad Jan, the instant appellant received, hence, a show cause notice for absence was published in the daily Aaj dated 20-02-2016 and daily Naibaat dated 20-02-2016(Copies Annex C). In the meanwhile a reply to show cause notice received on 08-03-2016 from the son of appellant Ahmad Jan wherein he clarified that his father is in the custody of FC of Bajaur Scouts and unable to appear for his duty. In order to know the factual position regarding Ahmad Jan, the Commandant Bajaur Scouts was approached vide letter No. 2281/EC dated 24/03/2016, who vide letter No. 57/3/IC/XX/I/Cell dated 31-03-2016 confirmed that **suspect Ahmad Jan s/o Bakhti Jan is apprehended by HQ Bajaur Scouts on 06-02-2015 and declared Black by JIT due to his involvement in terrorist activities (copies Annexed D)**, Hence, in view of the above scenario the instant appellant Ahmad Jan was removed from service vide office order dated 21-04-2016(copy annex-E).

4. As para-2 above.

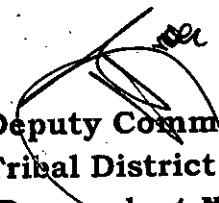
5. Correct.
6. No comments.
7. No comments.

REPLY TO GROUNDS:

- A. Incorrect, the proceedings have been completed as per law and the order passed therein had been made under the relevant section of Service Rules.
- B. Incorrect, no injustice has been exercised during the whole process, the details are described in para-3 above.
- C. As mentioned in para 3 above.
- D. No comments.
- E. Incorrect, this instant appeal is absolutely time-barred, as a copy of removal order was issued in the name of official concerned just after issuance.
- F. As para C above.
- G. Incorrect, all the proceedings in the instant case have been carried out as per law/Rules as mentioned in the facts above at para-3 and para-7 of preliminary objections.
- H. Incorrect, during the whole proceedings the instant appellant remained absent. He neither responded properly to the showcause published in the News Papers nor appeared for his duty in the respective School.
- I. No Comments.

PRAYER

In view of the position explained above, it is prayed that on acceptance of this para-wise comments, on behalf of respondent No.3, the instant appeal may be dismissed with cost.


**Deputy Commissioner,
Tribal District Bajaur.
(Respondent No.3)**



(6)

**OFFICE OF THE
ADDITIONAL POLITICAL AGENT BAJAUR**

Phone # 0942-220294

Fax # 0942-220587

No. 253

Dated 21/01/2016

To,

The political Agent,
Bajaur Agency.

Subject: Physical Verification of Education Employees Male/Female

Kindly refer to the subject cited above:

In this connection the following employees of Education Department are not able comes for verification to this office so far

S.No	Name	Designation	BPS	School	Tehsil
01	Muhammad Jan	Qari	12	GHS Ghazi Baba	UTK
02	Nasrat Mushtaq	PST	12	GPS JanKali	Salarzai
03	Wajida Bibi	Junior Teacher		Governor Model School	Khar
04	Ahmad Jan	PST	12	GPS Walai Arang	UTK

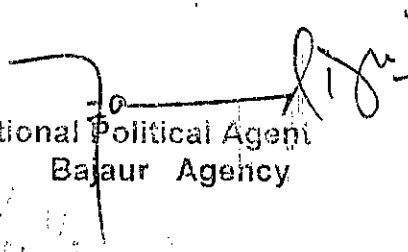
Furthermore covering letter was sent to AEO Bajaur Agency for taking disciplinary action against the defaulters but AEO replied that the Employee above BPS 10 are not laying in the jurisdiction of this office and request that the Political Agent may be ask to take disciplinary action as per E&D rules against them.

Owing to above it is requested in your good self to take disciplinary action against the defaulters please under rules.


Additional Political Agent
Bajaur Agency

Copy of the above is forwarded to the:

- 1) The Agency Education Officer Bajaur.


Additional Political Agent
Bajaur Agency

Advt E.C.
E.C.
P.A (B)
21/01

(7)

OFFICE OF THE,

POLITICAL AGENT, BAJAUR.

No. 1304 /EC Dt 03/02/2016.

To.

Ahmad Jan PST BPS-12,
Govt: Primary School, Walai Arang,
Tehsil Utmankhel.

Subject: SHOW CAUSE NOTICE.

Memo:-

Reference Additional Political Agent, Bajaur letter No. 253 dated 21/01/2016 regarding physical verification of the Education Department Employees.

During the process of physical verification, you were found absent from your duties since long.

You are, therefore, directed to show cause that why disciplinary action should not be initiated against you under the E& D Rules 2011.

You are further directed to insure your presence on duty within a week time after issuance of this Show Cause Notice.


POLITICAL AGENT, BAJAUR.

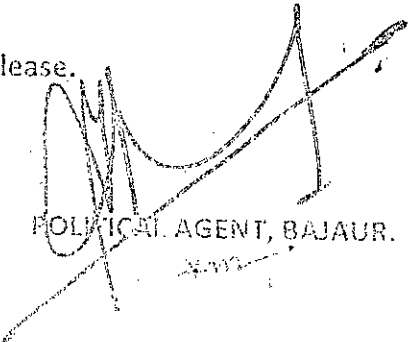
Dated Khar the 03/02/2016.

No. 1305-08 /EC

Copy forwarded to the:-

1. PS to ACS FATA, Warsak Road, Peshawar.
2. PS to Secretary (A I & C) FATA Secretariat, Peshawar.
3. Additional Political Agent, Bajaur with reference to above referred letter.
4. The Agency Education Officer, Bajaur.

For information please.


POLITICAL AGENT, BAJAUR.

پشاور بہت آباد اسلام آباد اور راجپوت سے بیک وقت شائع ہو رہا اکثر الاشاعت قوی روزنامہ

روزنامہ

پشاور پاکستان

عبدالواحد یوسفی

صفحہ 12

جلد 27 ہفتہ 20 فروری 2016 11 جمادی الاول 1437۔ قیمت 12 روپے۔ پے آر اے ایڈریس شمارہ 42

استہوار اظہار و حجتہ غیر حاضری عمداً

ب۔ محمد جان ٹارگی BPS-12 گورنمنٹ ہائی سکول قاری بابا تحصیل انٹانگول ۲- احمد جان P.S.T
BPS-12 گورنمنٹ پرائمری سکول ڈی آر ٹی تحصیل اتانگول سرحد دراندہ سے آپ اپنی ڈیوٹیوں سے غیرہ ضرر میں جس کی بنا پر آپ دونوں کو آپ کے سکولوں کے ایڈریس پر علیحدہ علیحدہ نوٹس ارسال کئے گئے ہیں جن میں آپ دونوں کو ہدایت کی گئی تھی کہ آپ ایک ہفتہ کے اندر اندر اپنی اپنی ڈیوٹیوں پر حاضر ہو جائیں اور اپنی غیر حاضری کی وجوہات بتائیں لیکن نہ آپ اپنے فرمائش معافی کی ادائیگی کیلئے اپنی ڈیوٹیوں پر حاضر ہوئے اور نہ ہی کوئی معقول وجہ یا اطلاع دفتر ہذا کو دی لہذا آخری بار بذریعہ استہوار ہذا آپ کو مطلع کیا جاتا ہے کہ اس استہوار کے اشاعت کے پندرہ دن کے اندر اندر زیر دستگی سے روروش ہو کر اظہار وجہ عمداً غیر حاضری پیش کریں کہ کیوں نہ آپ کیخلاف نادبی کارروائی کی جائے بصورت دیگر آپ دونوں کیخلاف غیرہ سختو سختی کے سرکاری ملازمین کے پیشینی ایڈریشن (E&D) روز مجریہ 2011 کے تحت کارروائی عمل میں لائی جائیگی جس کے تحت آپ دونوں کی ملازمت سے برخواستگی بھی ہو سکتی ہے چہ کا تم خود مرزا ہو گے۔

انجینئر عامر شاک بلدیہ کل ایجنٹ باجوڑ ایجنسی

روزنامہ نئی بابت

Daily Nai Baat

نئی بابت

پشاور

جلد 5 ہفتہ 11 جمادی الاول 1437ھ 20 فروری 2016ء چاکن 2072 ب

شمارہ 51

www.naibaat.com e-mail: nb@naibaat.com

اشتراک خاتون اور دیگر ممبران

(1) گورنمنٹ ہائی سکول غازی ماہ تحصیل انجمن

(2) ایچ جی اے P.S.T BPS-12 گورنمنٹ پرائمری سکول ڈی آرنگ تحصیل انجمن

عمرہ دراز سے آپ اپنی ڈیوٹیوں سے غیر حاضر ہیں جس کی بنا پر آپ دونوں کو آپ کے سکولوں کے ایڈریس پر بطور مطلعہ نوٹس ارسال کئے گئے ہیں۔ ان میں آپ دونوں کو ہدایت کی گئی تھی کہ آپ ایک ہفتہ کے اندر اندر اپنی اپنی ڈیوٹیوں پر حاضر ہو جائیں اور اپنی غیر حاضری کی وجوہات بتائیں۔ لیکن نہ آپ اپنے فرائض منصبی کی ادائیگی کیلئے اپنی ڈیوٹیوں پر حاضر ہوئے اور نہ ہی کوئی معقول وجہ یا اطلاع دفتر بڑا کو دی لہذا آخری بار بذریعہ اشتہار بڑا آپ کو مطلع کیا جاتا ہے کہ اس اشتہار کے اشاعت کے بعد وہ دن کے اندر اندر ڈیوٹیوں پر نہ آئے اور نہ ہی کوئی اطلاع دے جو ہم ان غیر حاضری جوئیں کریں کہ کون نہ آپ کے خلاف تاہم کارروائی کی جائے۔ یہ صورت دیگر آپ دونوں کے خلاف غیر مستحق خواتین کے سرکاری ملازمین کے اعلیٰ عہدہ ایچ ڈی اے (E&C) اور مہرب 2011 کے تحت کارروائی عمل میں آئی جائے گی جس کے تحت آپ دونوں کی ملازمت سے برخواستگی عملی ہو سکتی ہے۔ چنانچہ آپ خود مدعا درج کروائیں۔

اشتراک خاتون اور دیگر ممبران

(11)

(19)

OFFICE OF THE

POLITICAL AGENT, BAJAUR.

No. 2281 /EC Dt 24/03/2016

To.

The Commandant,
Bajaur Scouts at Khar.

Subject: APPLICATION/VERIFICATION OF MUHAMMAD JAN QARI GHS, GHAZI BABA & AHMAD JAN PST, GPS, WALI ARANG TEHSIL UTMANKHEL.

Memo:-

During the process of physical education the following teachers of education department were found absent from their duties. Show cause notices were issued to them through their schools addresses (copies enclose) as well as through Daily newspapers:-

1. Muhammad Jan Qari GHS Ghazi Baba Tehsil Utmankhel.
2. Ahmad Jan PST GPS Walai Arang Tehsil Utmankhel.

Now son/nephew of the above teachers submitted reply of show cause notices and stated that their father/uncle is in the custody of FC (Copies enclose).

You are, therefore, requested let this office know that actually the aforementioned teachers are in the custody of the Security Forces or otherwise. Your reply in the matter is required to complete departmental proceedings against them please.

No. 2282-85 /EC

POLITICAL AGENT, BAJAUR.

Dated Khar the 24/03/2016.

Copy forwarded to the:-

1. PS to ACS FATA, Warsak Road, Peshawar.
2. PS to Secretary (AI & C) FATA Secretariat, Peshawar.
3. The Additional Political Agent, Bajaur.
4. The Agency Education Officer, Bajaur.

For information please.

POLITICAL AGENT, BAJAUR.

SECRET

(10) (10) 20

HQ Bajaur Scouts
17th Scouts Corps
Khar
Tel - 0942-220893
No.57/3/ICI X X //Cell
31 March 2016

To: The Political Agent
Bajaur Agency, Khar

Subject: Application / Verification of Muhammad Jan Qari GHS, Ghazi Baba & Ahmad Jan PST, GPS, Wali Arang Tehsil Utmankhel

Reference your letter Number. 228/ /EC dated 24 March 2016.

Suspect Ahmed Jan son of Bakhti Jan was apprehended by this HQ on 06 Feb 2015 due to his involvement in terrorist activities. He is held with this HQ and has been declared "Black" by JIT. Moreover Muhammad Jan Qari son of Bakhti Jan is also wanted to this HQ due to his suspicious activities / contact with terrorists.

EC

PAAB
31/3/16

POLITICAL AGENT OFFICE BAJAUR
Dairy No: 3177
Dated: 4/4/16
SECRET *

Sohail
Caption
for Commandant
(Sohail Ahmad)

OFFICE OF THE POLITICAL AGENT, BAJAUR.

(12)

No. 3009 /EC

Dated Khar the 21/04/2016.

OFFICE ORDER.

1. **WHEREAS;** In pursuance of the FATA Secretariat, Admn: Infrastructure & Coordination Department, Peshawar letter No. FS/SO(C-III)/1-16/Edu: & Health/2823-36 dated 02/10/2015 the process of Physical Verification of Govt: employees in Bajaur Agency was carried through the Additional Political Agent, Bajaur Agency.
2. **AND WHEREAS;** The Additional Political Agent, Bajaur vide his office letter No. 253 dated 21/01/2016 reported the following teachers absent from duty and recommended for disciplinary action against them:-
 1. Mr Muhammad Jan Qari, BPS-12, GHS, Ghazi Baba Tehsil-Utmankhel s/o Bakhti Jan r/o Ghazi Baba Tehsil Utmankhel.
 2. Ahmad Jan PST BPS-12, Govt: Primary School, Walai Arang, Tehsil Utmankhel s/o Bakhti Jan r/o Ghazi Baba Tehsil Utmankhel.
3. **AND WHEREAS;** The undersigned being competent authority issued show cause notices to them vide this office letter No. 1309/EC dated 03/02/2016 and No. 1304/EC dated 03/02/2016 for attendance and showing cause of absence from duties.
4. **AND WHEREAS;** due to no response from both the above absent teachers the undersigned published a notice in their names dated in daily "Aaj" and "Nai Bat" 20/02/2016 and till date both the teachers nor attended their duty nor submitted any explanation.
5. **AND WHEREAS;** reportedly both the teachers remain involved in terrorist activities and wanted to the Law Enforcement Agencies for Anti State activities.

NOW THEREFORE, I Engineer Aamir Khattak the Political Agent, Bajaur Agency being competent Authority hereby pleased to impose major penalty of removal from service upon them, under Rules-4 (b) iii of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, and terminate them from service from the date of absence from duty.

POLITICAL AGENT, BAJAUR.

Dated Khar the 21/04/2016!

No. 3010-17 /EC

Copy forwarded to the:-

1. PS to Additional Chief Secretary FATA, FATA Secretariat Warsak Road, Peshawar.
2. PS to Secretary (AI & C) FATA Secretariat, Peshawar.
3. The Director Education FATA FATA Secretariat Warsak Road, Peshawar.
4. The Commandant Bajaur Scouts at Khar.
5. Additional Political Agent, Bajaur for information with reference to above.
6. Agency Accounts Officer, Bajaur.
7. The Agency Education Officer, Bajaur.
8. Official concerned.

POLITICAL AGENT, BAJAUR.

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1743 /ST

Dated 03/09 /2021


To

The District Education Officer,
Government of Khyber Pakhtunkhwa,
Bajaur at Khar.

Subject: - JUDGMENT IN APPEAL NO. 949/2019, MR. AHMAD JAN.

I am directed to forward herewith a certified copy of Judgement dated 05.07.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.