


01.03.2023


Clerk of learned counsel for the appellant present. Mr. Rehmat Ali, ADEO alongwith Mr. Muhammad Jan, District Attorney for the respondents present.

Lawyers are on strike. To come up for arguments on 13.03.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar

D


(Fareeha Paul)
Member (E)



(Salah-ud-Din)
Member (J)


13th March, 2023

Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

Learned counsel for the appellant seeks further time in order to properly assist the court on the next date. Adjourned. To come up for arguments on 17.05.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar


(Salah-ud-Din)
Member (J)


(Kalim Arshad Khan)
Chairman

1183/2018

24th Oct., 2022

Lawyers are on strike today.

To come up for arguments on 01.12.2022 before the D.B. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.


(Fareeha Paul)
Member(E)


(Kalim Arshad Khan)
Chairman


01st Dec. 2022

Counsel for the appellant present. Mr. Muhammad Riaz Khan Pindakhel, Assistant Advocate General for the respondents present.

SCANNED
KPST
Peshawar

Learned counsel for the appellant requested for adjournment in order to further prepare the brief. Last opportunity is granted. To come up for arguments 01.03.2023 before the D.B.


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member(J)

28.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 02.06.2022 for the same as before.


Reader


02.06.2022

Appellant in person present.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 29.07.2022 for arguments before D.B.



(Fareeha Paul)
Member(E)



(Rozina Rehman)
Member (J)

29th July 2022

Learned counsel for the appellant. Mr. Naseer-ud-Din Shah, Assistant Advocate General for respondents present.

Learned counsel for the appellant seeks adjournment in order to prepare the brief of the instant appeal. Adjourned. To come up for arguments on 24.10.2022 before the D.B.


(Salah-Ud-Din)
Member (J)


(Kalim Arshad Khan)
Chairman

09.07.2021

Mr. Changez Khan Advocate on behalf of Syed Ghufran Ullah Shah Advocate counsel for appellant is present.

Muhammad Adeel Butt learned Additional A.G alongwith Haseen Ullah Assistant for respondents present.

The former requests for grant of further time for submission of rejoinder and arguments. Adjournment is accorded. The appellant is given 10 days for submission of rejoinder in office and if the appellant failed to submit rejoinder within stipulated time, then he will have to seek extension of time through written application citing sufficient reasons. Otherwise, his right for submission of rejoinder shall be deemed struck off. File to come up for arguments on 18.11.2021 before D.B.


(Rozina Rehman)
Member (J)

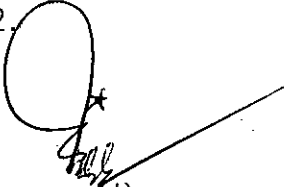

Chairman

18.11.2021

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

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is unable to appear for arguments today due to illness. Adjourned. To come up for arguments before the D.B on

28.02.2022


(Mian Muhammad)
Member (E)

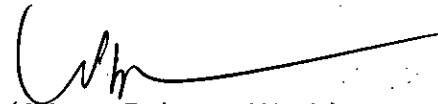

(Salah-Ud-Din)
Member (J)

30.11.2020

Appellant present through counsel.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Former made a request for adjournment. Adjourned. To come up for arguments on 10.02.2021 before D.B.



(Atiq ur Rehman Wazir)
Member (E)

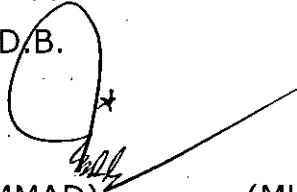


(Rozina Rehman)
Member (J)

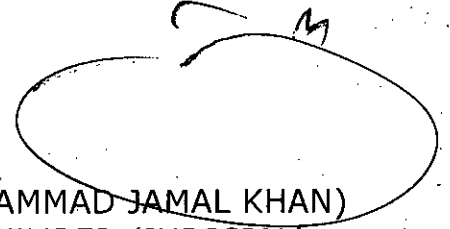
10.02.2021

Syed Ghufuran Ali Shah, Advocate, for appellant is present. Mr. Muhammad Rasheed, Deputy District Attorney and Mr. Hayat Khan, Assistant Director, for the respondents are also present.

In the connected Appeal No. 1184/2018 adjournment has been made for submission of rejoinder and arguments, therefore, instant appeal is also adjourned to 07.04.2021 for arguments before D.B.



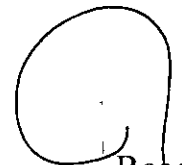
(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

07.04.2021

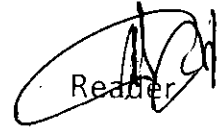
Due to demise of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 09/07/2021 for the same as before.



Reader

08-5 .2020

Due to COVID19, the case is adjourned to
28/7/2020 for the same as before.


Reader

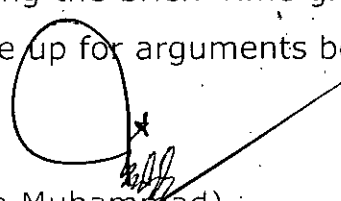
11
28.07.2020

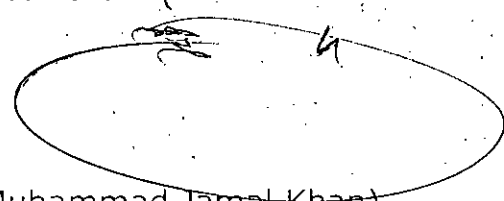
Due to COVID-19, the case is adjourned. To come
for the same on 21.09.2020 before D.B.


Reader

21.09.2020

Syed Ghufuranullah Shah, Advocate for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present. Learned counsel for the appellant is seeking time for preparing the brief. Time granted. Adjourned to 30.11.2020 on which to come up for arguments before D.B.


(Mian Muhammad)
Member (Executive)


(Muhammad Jamal Khan)
Member (Judicial)

22.11.2019


Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 21.01.2020 for rejoinder and arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

21.01.2020

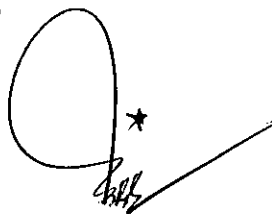
Due to general strike of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Kabirullah Khattak, Additional AG for the respondents present. Case to come up for rejoinder and arguments on 09.03.2020 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

09.03.2020

Counsel for the appellant present. Asst: AG alongwith Mr. Sajid, Supdt for respondents present. Learned counsel for the appellant stated that written reply in connected service appeal no. 1184/2018 titled Syed Ali Dina has not been submitted by the respondents. Representative of the respondents seeks time to submit the same on the next date of hearing. Adjourned. To come up for arguments on 08.05.2020 before D.B.


Member


Member

19.06.2019

Junior counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Neither representative of the department present nor written reply submitted therefore, notices be issued to respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned but as a last chance. Case to come up for written reply/comments on 12.07.2019 before S.B.



(Muhammad Amin Khan Kundi)
Member

12.07.2019

Counsel for the appellant and Addl. AG alongwith Muhammad Ashraf Khan, ADEO for the respondents present and requested for time. Last opportunity granted. To come up for written reply/comments on 06.09.2019 before S.B.



Member

06.09.2019

Counsel for the appellant and Mr. Usman Ghani District Attorney alongwith Irfanullah, Assistant and Sajid Superintendent for the respondents present.

Parawise comments on behalf of respondents No. 1 to 5 submitted which are placed on record. The appeal is posted to D.B for arguments on 22.11.2019. The appellant may submit rejoinder, within a fortnight, if so advised.




Chairman

1183/18

04.2.2019

Counsel for the appellant has submitted an application for permission to deposit the security and process fee as ordered on 12.12.2018.


Application is allowed and appellant is directed to make the requisite deposit within one week from today, where-after notices be sent to respondents for submission of written reply/comments on 27.3.2019 before S.B.


Appellant Deposited
Security & Process Fee

Chairman 

27.03.2019

Learned counsel for the appellant present. Written reply not submitted. Rehmat Khan Superintendent representative of the respondent No.6 present and requested for time to furnish written reply/comments. No one present on behalf of remaining respondents. Notice be issued to remaining respondents with direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 26.04.2019 before S.B


Member

26.04.2019

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

Learned AAG requests for adjournment to procedure written reply/comments from the respondents.

Adjourned to 19.06.2019 for written reply/comments.

Chairman 

12.12.2018

Counsel for the appellant Suhar Wardy present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Education Department as SST General (BPS-16) in Government High Secondary School Harchin District Chitral, he was imposed minor penalty of withholding of annual increment for three years vide order dated 09.03.2018 on the allegation that he misled Mst. Tahira Bibi D/O Shaheer Khan who had been sexually harassed by Didar Ali, Sweeper of GHS Harchin and she took poison as a protest in his school and died. The appellant filed departmental appeal on 09.04.2018 which was not decided hence, the present service appeal on 09.08.2018. Learned counsel for the appellant further contended that neither charge sheet, statement of allegation was served upon the appellant nor proper inquiry was conducted nor opportunity of personal hearing and defence was provided to the appellant. It was further contended that that the appellant have no concern whatsoever with the incident as the Headmaster of that school was responsible for the incident therefore, the impugned order is illegal and liable to be set-aside.


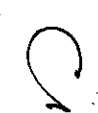
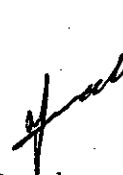
The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notice be issued to the respondents for written reply/comments for 04.02.2019 before S.B.


Muhammad Amin Khan Kundi
Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1183/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/09/2018	The appeal of Mr. Suhar Wardy resubmitted today by Syed Ghufan Ullah Shah Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.  REGISTRAR
2-	26-9-2018	This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>25-10-2018</u>  CHAIRMAN
	25.10.2018	Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 12.12.2018.  Reader

The appeal of Mr. Suhar Wardy SST General GHS Sore Laspur District Chitral received today i.e. on 09.08.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Annexures of the appeal may be attested.
- 3- Annexures of the appeal may be flagged.
- 4- Copy of impugned orders dated 09.03.2018 mentioned in heading of the appeal is not attached with the appeal which may be placed on it.
- 5- Copy of departmental appeal against the impugned order is not attached with the appeal which may be placed on it.
- 6- Annexures-A to E referred to in the memo of appeal are not attached with the appeal which may be placed on it.
- 7- Eight more copies/sets of the appeal along with annexures i.e complete in all respect may also be submitted with the appeal.

No. 1576 /S.T,

Dt. 10/8 /2018.

10/8/18
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Syed Ghufanullah Shah Adv. Pesh.

Respected Sir,

Requested for Extension of time.

10 days time extended.

Respected Sir,

Requested for Extension of time.

5 days further extended.

6/9/18

Respected Sir,

the insufficient

Resubmitted after completion all

Jay

Respected Sir,

Requested for Extension of time,

JR

Two days time further extended.

Respected Sir, 18/9/18

Respected Sir, requested

Resubmitted after removed all the objections.

JR
25/9/18

BEFORE THE KHYBER PAKHTUNKHUWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No. 1183 2018

Suhar Wardy

V E R S U S


Govt: of (KPK) through Chief Secretary Peshawar and others

INDEX

S.No	Description of Documents	Annexure	Page No.
1	Memo of appeal		1-5
2	Affidavit		6
3	Addresses of parties		7
4	Copy of F.I.R	"A"	8
5	Copy of statement of the appellant	"B"	9-10
6	Copy of F.I.R along with Case record	"C"	11-17
7	Copies of charge Sheet, statement of allegation, Show Cause and other proceedings along with replies	"D"	18-37
8	Copy of impugned order	"E"	38
9	Copy Memo of Appeal	"F"	39-42
10	Wakalat Nama		✓


Appellant

Through


Syed Ghufraan Ullah Shah

Advocate Peshawar.

Office Address: 22-A Nasir Mention Railway road Peshawar.

Cell # 0334-9185580

BEFORE THE KHYBER PAKHTUNKHUWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No. _____ 2018.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1263

Dated 09/8/2018

Suhar Wardy

SST General (BPS-16) GHS Sore Laspur District Chitral

.....Appellant

V E R S U S

1. Government of Khyber Pakhtunkhwa (KPK) through Chief Secretary at Civil Secretariat Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa (KPK), Elementary and Secondary Education Government of K.P.K at Civil Secretariat Peshawar.
3. Director Elementary & Secondary Education Khyber PukhtunKhuwa Peshawar.
4. Deputy Director (Establishment) Directorate of Elementary & Secondary Education Khyber Pakhtunkhaw Peshawar.
5. EDO Elementary & Secondary Education Distt: Chitral.
6. Secretary Finance Government of Khyber Pakhtunkhwa (KPK) at Civil Secretariat Peshawar.

.....Respondents

Filed to-day
Registrar
9/8/18.

Appeal U/S 4 of KPK, Service Tribunal Act 1974 against the impugned Notification bearing No. SO(S/M) E&SED/4-33/2016/Peshawar dated 09-03-2018, whereby minor penalty of "Withholding of annual increment for three years" has been imposed upon the appellant.

Prayer:

On acceptance of the instant Service Appeal, the impugned notification bearing No. SO(S/M)E&SED/4-

33/2016 dated 09-03-2018; be set aside and the appellant be allowed for full monetary and Service benefits with all subsequential effects. Any such relief which this honourable Tribunal deems proper and just be granted to the appellant against the respondents keeping in view the circumstances of the case.

Respectfully Sheweth;

That brief facts and grounds giving rise to the instant Service Appeal are as under;

1. That on 03 December 2015 the appellant was posted as CT-Senior (BS.16) at Government High School Harchin Chitral; where a verbal complaint was made against Sweeper of the school namely Didar Ali (BPS-02); to have criminal allegations with respect to cheating the complainant namely Tahira Bibi D/O Shapeer Khan in his personal/private capacity. It is pertinent to mention here that the complainant was neither student nor staff of GHS Herchin nor the occurrence reported to take place in premises or nearby area of the School. On first instance of complaint the Head Master of the School thoroughly took notice the matter, informed the competent authority/EDO Chitral and through resolution of Parents Teacher Council (PTC) it was recommended to take Disciplinary action against the accused Sweeper including his immediate transfer from the School. Furthermore cognizance of the case was also taken by the local Police in case F.I.R No. 145 dated 3.12.2015, Charged Under Section 506/354 PPC at Police Station Mastuj Chitral. Consequently the accused Sweeper was arrested and prosecuted before court beside to transfer him from GHS-Harchin to EDO Office Chitral by the competent authority/EDO Chitral/Respondent No.5 soon after his release from Jail.

(Copy of F.I.R is annexure "A")

2. That the Police also put name of the appellant as private witness of the complaint and the appellant has also recorded his witness before the court as his social responsibility.

(Copy of statement of the appellant is annexure "B")

Filed to-day
Registrar

3. That after about 08 months of the complaint the same complainant once again came to the School on 05-08-2016 with demand to terminate the accused Sweeper from service. The appellant along with other respectable teachers of the School and Head Master of the School put their generous possible effort to satisfy her about the departmental and criminal proceedings against the accused. The demand of the complainant was also intimated to the EDO Office Chitral through phone DDEO namely Ihsan ul Haq also assured her to take strict administrative action against the accused according to the law; hence, she left the school being satisfied.
4. That the complainant came back to the School after School timing in absence of the appellant and Head Master, in poisoned condition and acted suicide. It is pertinent to mention here that it was Friday and the school was closed and informal students of Allama Iqbal open University started arriving except bordered teachers all the local teachers left the school towards their homes.
5. That the accused Didar Ali has already been charged in criminal case with effect to cause death of the deceased in Case F.I.R No.135 dated 05-08-2016, U/S 322 PPC.
(Copy of F.I.R along with Case record is annexure "C")
6. That consequently the appellant was preceded departmentally in haphazard and irregular manner before different committees.
(Copies of charge Sheet, statement of allegation, Show Cause and other proceedings along with replies are annexure "D")
7. That vide impugned order dated 09-03-2018 the appellant was imposed with minor penalty of "withholding of annual increments for three years" by Respondent No.2.
(Copy of impugned order is annexure "E")
8. That the appellant filed departmental appeal/representation to the next higher authority on 09-04-2018, which has not been replied till date.
(Copy of Memo of Appeal is annexure "F")
9. That as a matter of service and having no other remedy; the appellant approaches this honourable Tribunal inter alia on the following amongst the following others;

GROUND:

- A. The impugned order is illegal and void because the appellant has been punished for an allegation not related to any terms and condition of his service. For convenience of this

Filed-to-day
Registrar

Honourable Tribunal statement of allegation is reproduced here below;

"You misled Mst. Tahira Bibi D/o Shapeer Khan who had been sexually harassed by Didar Ali Sweeper of GHS Harchin and she took poison as protest in your school and died"

- B. That, there is nothing on record to connect the appellant with the occurrence of offence or with his teaching responsibility and consequently subject penalty has been awarded in a mechanical manner, which is untenable in the eyes of law.
- C. That statement of allegation in itself clear that the occurrence has took after School had gone off when said Tahira Bibi came to school in a poisoned condition but astonishingly the appellant has been proceeded and punished in an irrational and illogical manner.
- D. The entire proceeding against the appellant are void and illegal because it is admitted on record that the said deceased was neither student of school of the appellant neither he has any concern with the private character of accused/employee of the school where the appellant was posted.
- E. The competent authority has failed to read and understand reply to charge sheet and reply to show cause along with all annexure, otherwise it is much clear that there is no allegation leveled and establishment against the appellant.
- F. The way of the Enquiry adopted in the proceeding is also void and illegal beside being strange and innovative because Enquiry officer has enquired upon enquiries conducted by other committees and statement of such Enquiry members or officer have never been recorded, which is totally void . The most ugly dent and defect in the Enquiry report is that the Enquiry officer has picked statement from previous enquiries and has failed to support or reject opinion of any enquiry report or showing the appellant any evidence or giving him

Filed to-day

Registrar

any chance of examination resultantly has gone through wrong track.

- G. That the matter has been taken in political manner and upon the reports of social activist, which in fact has no nexus with the reality and facts.
- H. That impugned order is void, illegal and against the facts and circumstances of the case, therefore liable to be set aside.
- I. That contents of reply to charge sheet and reply to show cause and departmental appeal be consider as integral part of the instant Service appeal.
- J. That any other ground be furnished when ever require for the assistance of this Honourable Tribunal in support of his appeal.

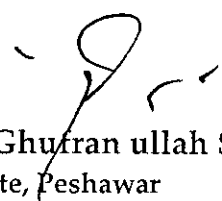
It is, therefore, most humbly prayed that the instant service appeal be accepted as prayed on the heading.



Appellant

Filed to-day
Registrar

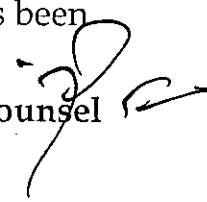
Through,



Syed Ghufuran ullah Shah
Advocate, Peshawar

CERTIFICATE:

It is certified that no other service appeal on the same subject has been filed before this honourable Tribunal.



Counsel

BEFORE THE KHYBER PAKHTUNKHUWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No. _____ 2018

Suhar Wardy

V E R S U S

Govt: of (KPK) through Chief Secretary Peshawar and others.

AFFIDAVIT;

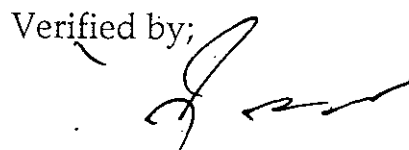
I, Mr. Suhar Wardy SST General (BPS-16) GHS Sore Laspur District Chitral, Appellant do hereby solemnly affirm and declare on Oath that the contents of the service appeal; are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Honourable Court.



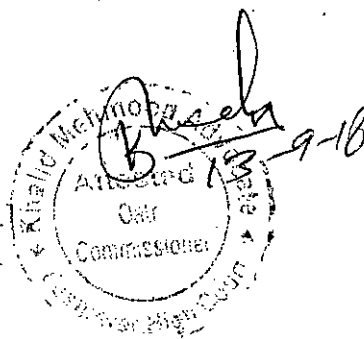
Deponent

CNIC No. _____

Verified by;



Syed Ghufan ullah Shah
(Advocate Peshawar)



BEFORE THE KHYBER PAKHTUNKHUWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____ 2018

Suhar Wardy

V E R S U S

Govt: of (KPK) through Chief Secretary Peshawar and others

ADDRESSES OF PARTIES

APPEALANT;

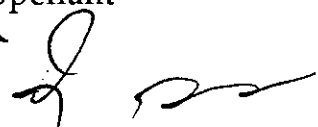
Suhar Wardy SST General (BPS-16) GHS Sore Laspur
District Chitral

RESPONDENTS;

1. Government of Khyber Pakhtunkhwa (KPK) through Chief Secretary at Civil Secretariat Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa (KPK), Elementary and Secondary Education Government of K.P.K at Civil Secretariat Peshawar.
3. Director Elementary & Secondary Education Khyber PukhtunKhuwa Peshawar.
4. Deputy Director (Establishment) Directorate of Elementary & Secondary Education Khyber Pakhtunkhaw Peshawar.
5. EDO Elementary & Secondary Education Distt: Chitral.
6. Secretary Finance Government of Khyber Pakhtunkhwa (KPK) at Civil Secretariat Peshawar.


Appellant

Through,


Syed Ghufan ullah Shah
Advocate-Peshawar

Annex A

(8)

گورنمنٹ پبلک سروس کمیشن، لاہور، 20.05.2011ء (قلم نمبر 156) (پولیس)

قلم نمبر 156-2011

ابتدائی اطلاعی رپورٹ

Exp. W. 3/1

14.15/2016

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زبردستی 156 مجموعہ ضابطہ فوجداری

تاریخ: 14.15.2016

وقت: 07:35

مقام: 145

ذاتی نام: 19

پتہ: 12/3 دتہ 1500 ع جاگہ کی چوٹی 12/3 دتہ 19:00

اطلاع دہندہ: مستقیم

مقام: 16/17

نمبر: 506/356

مقام: 156

مقام: 156

مقام: 156

مقام: 156

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مقام: 156

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Page 5

22/12/16

بیان سپورڈی فان و لگول فان دروم جو 55 سال تک جاری رہا

تیسری مرتبہ قوال حلقا بیان کیا کہ صبح 12 بجے 03 پر GHS

موجودہ میں ڈیڑھ گھنٹہ پہلے سے لگول فان کے اکرچے بتائے باہر گیسٹ

میں ایک لگول اکرچے اور ایک اور لگول اکرچے سے ترمیم

گیسٹ اور صبح 12 بجے ترمیم کا مرحلہ ہی رہا۔ شام 5 بجے

تک سپورڈی اور لگول اکرچے سے استعارہ اس کے

کے اس مکان کا لگول اکرچے (میں نے لگول اکرچے میں ہی گفت

میں غلطی ڈالنے کا ارشاد کیا ہے۔ جس پر میں نے اسے

کہہ دیا کہ میں نے یہاں لگول اکرچے اور لگول اکرچے

علیٰ زمین کے اکرچے سے اس کے بی بی صبح اور متعین کے درمیان

اور اس صبح ان کے اکرچے سے اس کے بی بی اکرچے

اور اس کے بی بی اکرچے سے اس کے بی بی اکرچے

AX میں سے راتوں کا ٹواہ پڑھیں۔ از فور کیا کہ متعین

حکایت کا ٹواہ پڑھیں۔ صبح میں یہ لگول اکرچے سے

کے بتول کے لگول اکرچے سے اس کے بی بی اکرچے سے

بتول کوئی تنازعہ نہ ہے۔ یہ بتول کے بی بی اکرچے سے متعین کا بی بی

جو لگول اکرچے سے اس کے بی بی اکرچے سے

اس کے بی بی اکرچے سے اس کے بی بی اکرچے سے

از فوراً کے لئے یہاں سے تیار ہو جائے۔ اس وقت یہ ایک گروپ
 کے اراکین کے لئے ہے۔ یہاں سے تیار ہو جائے، اس وقت یہ ایک گروپ
 ہے۔ اس وقت یہ ایک گروپ ہے۔ اس وقت یہ ایک گروپ ہے۔
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~~_____~~

جیل عتیق

JM/Buni

نور محمد

22/XII/16

Amx - C²

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گورنٹ پریس، لاہور، نمبر 2265/13 ڈوم سٹور، قیادانیک، بازار، حوضہ سرور، 20.05.2011 (تاریخ شہرہ) (نام شہرہ) (نام پریس)

ڈوم نمبر 13-5 (1)

11

ابتدائی اطلاعی رپورٹ

تاریخ

ابتدائی اطلاع نامہ جرم متعلقہ واقعہ کے بارے میں ابتدائی اطلاع دینے والے شخص کی شناخت اور پتہ

تاریخ و وقت رپورٹ	20/05/16 وقت 16:30
نام و سکونت اطلاع دہندہ مستفیض	12322
مختصر کیفیت جرم (موردہ) حال اگر کوئی آیا ہو۔	میرزا محمد علی صاحب نے اپنے گھر میں ایک گیس سیلینڈر کے ساتھ ایک گیس پائپ ٹوڑ دیا جس سے گیس نکلنے لگی اور پورے گھر میں پھیلنے لگی۔
جانے واپس نہ ملنے کا نامہ ہے اور مت	میرزا محمد علی صاحب نے گیس پائپ ٹوڑنے کے بعد فوراً گیس سٹیشن پر اطلاع دی اور وہاں سے ایک ٹیکنیشن کو بلا دیا۔
نام و سکونت مجرم	میرزا محمد علی صاحب
کارروائی جو پیش کے متعلق کی گئی اگر اطلاع درج کرنے میں تاخیر ہو، بتا دیا جائے گا	میرزا محمد علی صاحب نے گیس پائپ ٹوڑنے کے بعد فوراً گیس سٹیشن پر اطلاع دی اور وہاں سے ایک ٹیکنیشن کو بلا دیا۔
تفصیلات و سوانحی کی تاریخ و وقت	20/05/16

ابتدائی اطلاع کے درج کردہ واقعہ کے بارے میں میرزا محمد علی صاحب نے بتایا کہ وہ اپنے گھر میں ایک گیس سیلینڈر کے ساتھ ایک گیس پائپ ٹوڑ دیا جس سے گیس نکلنے لگی اور پورے گھر میں پھیلنے لگی۔

میرزا محمد علی صاحب نے گیس پائپ ٹوڑنے کے بعد فوراً گیس سٹیشن پر اطلاع دی اور وہاں سے ایک ٹیکنیشن کو بلا دیا۔

میرزا محمد علی صاحب نے بتایا کہ وہ اپنے گھر میں ایک گیس سیلینڈر کے ساتھ ایک گیس پائپ ٹوڑ دیا جس سے گیس نکلنے لگی اور پورے گھر میں پھیلنے لگی۔

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پہلے اسکول مدرسہ سے ملازمین کے حقوق سے

پہلے اسکول مدرسہ سے ملازمین کے حقوق سے

پہلے اسکول مدرسہ سے ملازمین کے حقوق سے

پہلے اسکول مدرسہ سے ملازمین کے حقوق سے

328

کامات اسٹراکچر

کامات اسٹراکچر

امروز میں تمام ملازمین کو سکول مدرسہ سے ملازمین کے حقوق سے

ملازمین کے حقوق سے

اسٹراکچر

15

تاریخچه کل

فصل دوم

322 شماره 2 جم 16-8-5

نقشه کیفیت جرم

فصلی در مورد

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در این فصل به بررسی و تحلیل نمونه‌های مختلف از جنس فلزات و آلیاژها پرداخته شده است. نتایج حاصل از آزمایش‌های انجام شده در این زمینه، نشان‌دهنده تغییرات در خواص مکانیکی و شیمیایی این مواد در شرایط مختلف است. همچنین، روش‌های نوین برای تشخیص و اندازه‌گیری این تغییرات، در این فصل مورد بحث قرار گرفته است.

در این بخش، نتایج حاصل از آزمایش‌های مختلف بر روی نمونه‌های فلزی، به تفصیل بیان شده است. این نتایج نشان می‌دهد که تغییرات در خواص مکانیکی و شیمیایی این مواد، در شرایط مختلف، به شدت متغیر است. همچنین، روش‌های نوین برای تشخیص و اندازه‌گیری این تغییرات، در این بخش مورد بحث قرار گرفته است.

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Handwritten signature or mark

نہایت پرکاشی صلا

لال

۱۲/۱۵ دہلی ۳۵۰۷۳۵

۱۳/۱۵ دہلی ۱۶۹۰

۲۹/۳۵ کوٹلیہ خانہ خوب از مقام

۳۵۶/۳۵۴

بزرگ اور بھاری صاحب

بزرگ اور بھاری صاحب
میں سے پوچھیں یا وہی صاحب حصول حویلی کے ہیں
بزرگ اور بھاری صاحب
۱۷/۱۵ کوٹلیہ خانہ خوب از مقام
میں سے پوچھیں یا وہی صاحب حصول حویلی کے ہیں
۱۳/۱۵ دہلی ۱۶۹۰
۲۹/۳۵ کوٹلیہ خانہ خوب از مقام
۳۵۶/۳۵۴
۱۲/۱۵ دہلی ۳۵۰۷۳۵

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CHARGE SHEET

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I, Abid Saeed, Chief Secretary, Khyber Pakhtunkhwa as Competent Authority hereby charge you, Suhar Wardi SST (General) BS-16 GHS Sore Laspur District Chitral as follows:

That you, while posted as SST(G) BS-16 GHS Harchin District Chitral committed the following irregularities:

1- "You misled Mst. Tahira Bibi D/O Shaheer Khan who had been sexually harassed by Didar Ali, Sweeper of GHS Harchin and she took poison as a protest at your school and died."

2- By reason of the above, you appear to be guilty of misconduct under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Rules ibid.

3- You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the inquiry officer/ inquiry committee, as the case may be.

4- Your written defence, if any, should reach the inquiry officer/ inquiry committee within specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.

5- Intimate whether you desire to be heard in person.

6- A Statement of Allegations is enclosed.

(ABID SAEED)
CHIEF SECRETARY KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

Suhar Wardi Ex-SST (General) BS-16 GHS Harchin District Chitral
(now SST (General) BS-16 GHS Sore Laspur District Chitral)

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THE ENQUIRY COMMITTEE CONSTITUTED WIDE NOTIFICATION NO. 20(M)BESD/4-37/2016(MR. SUHAR WARDY & OTHERS DISTRICT CHITRAL DATED MARCH 12, 2017.

WHITEN DEFENSE TO CHARGE SHEET BY MR. SUHAR WARDY, SGT. GATEVAL (BPS-16) GHS SORU LARPUR DISTRICT CHITRAL.

Statement of allegations:

"You misled Mat Tahira Bibi D/O Shaper Khan who had been sexually harassed by Dider Ali Sweeper of GHS Harchin and she took poison as a protest in your school and died."

Respected Sir;

In compliance of the subject Charge Sheet the following submissions are made with effect to deny the allegation leveled against me:

1. That on 08 December 2016 when I was posted as Senior - CT, BPS-16) at Government High School Harchin Chitral, Sweeper of that school namely Dider Ali (BPS-02) was under criminal allegations with respect to cheating with one complainant namely Tahira Bibi D/O Shaper Khan in his personal/private capacity. It is pertinent to mention on here that the said Tahira Bibi was neither student nor staff of GHS Harchin nor the occurrence reported to take place in premises or nearby area of the school neither she was known or related to me in any manner.

2. That beside administrative and departmental proceeding by the then acting in charge of the school namely Syed Ali Dina, the local Police also took cognizance of the matter through case F.I.R No. 145 dated 3.12.2016, Charged Under Section 806/354 PFC at Police Station Mastuj Chitral, therefore the I.O of the case has put my name in the calendar of witnesses as Prosecution Witness only to testify the complaint against accused Dider Ali, which I have already testified at witness box of the court as my personal responsibility (list of witness annexed). Except that I do not know about the complaint whether it was lodged or the neither know about the accused whether innocent or guilty nor both were my concern.

3. That the accused was in judicial lock up and soon after his release, he was transferred from GHS-Harchin and the trial was under adjudication before the court and in the meanwhile I have never seen the complainant or the accused nor has he turned back to the school.

4. That suddenly on 08-08-2016 the said complainant once again came to the school and demanded to terminate the accused Sweeper from service. The head master as well as other teachers of the school jointly tried their level best to satisfy her about the departmental and criminal proceedings against the accused. The head Master also made a call to EDO-Office and one responsible officer of the office also talked to her after making conversation with the Head Master and assured her to punish the accused strictly according to law. After

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the advice and assurance by the Head Master, other teachers and to talk with the Officer in phone she left the school with satisfaction.

5. That it was Friday, our school got close and the informal students of Workshop by Allama Iqbal Open University from different villages started arriving and except bordered we all local teachers left to our homes accordingly.
6. That the return of complainant back to the School after School timing in our absence in poisoned condition and to act suicide; is an accident which was totally beyond my knowledge, capacity and concern to save her life. When I got information at my home I along with others approached the medical persons of the village to save her life but it was also beyond their control. The accused Didar Ali has been charged in criminal case with effect to cause death of the deceased in Case F.I.R No.135 dated 05-08-2016, U/S 322 PPC.
(Copy annexed)
7. That in the above scenario It is clearly stated that, I have **Not** misled any one to be harassed by someone, to take poison and to die neither I know about such allegation being alleged by any concern of the deceased or my competent departmental and administrative authorities in any shape, therefore ; I, totally deny statement of allegation in the subject charge sheet.

It is, therefore, most humbly requested that on acceptance of the instant defense reply the subject allegation in charge sheet may kindly be withdrawn and I may kindly be exonerated from all allegations leveled against me.

Mr, Suhar Wardy
SST(General BPS-16)
GHSS Harchin District Chitral
Cell No. 0345504484



DISCIPLINARY ACTION

21

I, Abid Saeed, Chief Secretary, Khyber Pakhtunkhwa as Competent Authority, am of the opinion that Suhar Wardi SST. (General) BS-16 GHS Harchin District Chitral has rendered himself liable to be proceeded against, as he committed the following acts/ omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

"He misled Mst. Tahira Bibi D/O Shaheer Khan who had been sexually harassed by Didar Ali, Sweeper of GHS Harchin and she took poison as a protest in his school and died."

2. For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer/ inquiry committee, consisting of the following, is constituted under Rule 10(1)(a) of the ibid. Rules:

- i. _____
- ii. _____
- iii. _____

3. The inquiry officer/ inquiry committee shall, in accordance with the provisions of the ibid Rules, provide reasonable opportunity of hearing to the accused, record its findings and make within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer/ inquiry committee.

(ABID SAEED)
CHIEF SECRETARY KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

Suhar Wardi Ex-SST (General) BS-16 GHS Harchin District Chitral
(now SST (General) BS-16 GHS Sore Laspur District Chitral)

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THE OFFICE OF PROVINCIAL INSPECTION TEAM KPK AT BLOCK No. 15
ATTACHED DEPARTMENTS COMPLEX KHYBER ROAD PESHAWAR.

STATEMENT OF MR. SUHAR WARDY ,SST-GENERAL (BPS-16) GHSS
HARCHIN DISTRICT CHITRAL IN RESPECT OF IMPARTIAL ENQUIRY
REGARDING DEATH OF MST TAHIRA BIBI STUDENT OF TWELTH YEAR
AT MAYON PUBLIC SCHOOL LASPOR MASTUJ, CHITRAL.

Respected Sir;

In compliance of the subject Letter I, want to record my statement below;

1. That on 03 December 2015 when I was posted as Senior - CT, BPS-16) at Government High School Harchin Chitral, Sweeper of that School namely Didar Ali (BPS-02) was under criminal allegations with respect to cheating with one complainant namely Tahira Bibi D/O Shapeer Khan in his personal/private capacity. It is pertinent to mention here that the said Tahira Bibi was neither student nor staff of GHS Herchin r.or the occurrence reported to take place in premises or nearby area of the School neither she was known or related to me in any manner.
2. That beside administrative and departmental proceeding by the than acting In charge of the School namely Syed Ali Dina , the Local Police also took cognizance of the matter through case F.I.R No. 145 dated 3.12.2015, Charged Under Section 506/354 PPC at Police Station Mastuj Chitral ,therefore the I.O of the case has put my name in the calendar of witnesses as Prosecution Witness only to testify the complaint against accused Didar Ali ,which I have already testified at witness box of the court as my personal responsibility (List of witness annexed) .Except that I, do not know about the complaint whether it was fabricated or true neither know about the accused whether innocent or guilty nor both were my concern.
3. That the accused was in judicial lock up and soon after his release, he was transferred from GHS-Harchin and the trial was under adjudication before the court and in the meanwhile I have never seen the complainant or the accused nor has he turned back to the School.
4. That suddenly on 05-08-2016 the said complainant once again came to the School and demanded to terminate the accused Sweeper from service. The head master as well as other teachers of the School jointly tried their level best to satisfy her about the departmental and criminal proceedings against the accused. The head Master also made a call to EDO-Office and one responsible officer of the office also talked to her after making conversation with the Head Master and assured her to punish the accused strictly according to law . After the advice and assurance by the Head Master, other teachers and to talk with the Officer in phone she left the school with satisfaction.
5. That it was Friday, our school got close and the informal students of Workshop by Allama Iqbal Open University from different villages started arriving and except bordered we all local teachers left to our homes accordingly.

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6. That the return of complainant back to the School after School timing in our absence in poisoned condition and to act suicide, is an accident which was totally beyond my knowledge, capacity and concern to save her life. When I got information at my home I along with others approached the medical persons of the village to save her life but it was also beyond their control. The accused Didar Ali has been charged in criminal case with effect to cause death of the deceased in Case F.I.R No.135 dated 05-08-2016, U/S 322 PPC.
7. That it is pertinent to mention here that the complainant is an unauthorized person and till date the following 07 Enquiries have been conducted against me upon his request;
1. District Education Officer Chitral enquired the matter and transferred the accused Sweeper.
 2. The concerned Police Officer enquired the matter and registered case against the accused Sweeper Didar Ali.
 3. The District Education Officer Chitral second time enquired the matter and exonerated me from the charges.
 4. Deputy Commissioner Chitral enquired the matter and exonerated me from the charges.
 5. Director Elementary & Secondary Education KPK took departmental Enquiry through District Education Officer Dir and exonerated me.
 6. Secretary Education KPK also enquired the matter, Show Cause and charge Sheets were issued through Enquiry officer of Environment Department Peshawar and the same were filed.
 7. The Director Elementary & Secondary Education lastly enquired the matter in the previous week.

In light of the above mentioned statement followed by series of the already conducted Enquires, it is requested to withdraw the enquiry and file the complaint accordingly

Mr, Suhar Wardy
SST(General BPS-16)
GHSS Harchin District Chitral
Cell No. 0345504484

REGISTERED



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

(24)

No.SO(SM)E&SED/4-33/2016/Syed Ali Dina HM & Others
Dated Peshawar the October 23, 2017

To

1. Syed Ali Dina Headmaster GHSS Harchin District Chitral.
2. Mr. Suhar Wardi Ex-SST GHS Harchin (now SST GHS Sor Laspur) District Chitral.
3. Mr. Didar Ali Ex-Sweeper GHS Harchin (now Sweeper GCMHS) Chitral.

Subject:- **SHOW CAUSE NOTICE.**

I am directed to refer to the subject noted above and to enclose herewith a copy of Show Cause Notice wherein the Competent Authority (Chief Secretary Khyber Pakhtunkhwa) has tentatively decided to impose upon you the major penalty of "Removal from service" under Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 in connection with the charges leveled against you.

2. You are therefore directed to furnish your reply to the Show Cause Notice as to why the aforesaid penalty should not be imposed upon you and **also intimate whether you desire to be heard in person.**

3. Your reply should reach this Department **within Seven (07) days** of the delivery of this letter otherwise ex-parte action shall be taken against you.

(MUJEEB-UR-REHMAN)
SECTION OFFICER (SCHOOLS MALE)

Encl: as above:

Endst: Even No. & Date:

Copy of the above is forwarded to the:-

1. Director E&SE Khyber Pakhtunkhwa, Peshawar.
2. District Education Officer (Male) Chitral with the direction to ensure delivery of show cause notices to the accused.
3. PS to Secretary E&SE Khyber Pakhtunkhwa, Peshawar.

SECTION OFFICER (SCHOOLS MALE)

25

SHOW CAUSE NOTICE

I, Muhammad Azam Khan, Chief Secretary Khyber Pakhtunkhwa, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, Suhar Wardi SST GHS Harchin (now SST GHS Sor Laspur) District Chitral as follows:-

1. (i) That consequent upon the completion of inquiry conducted against you by the inquiry committee and;
- (ii) On going through the findings and recommendations of the inquiry committee, the material on record and other connected papers including your written defence before the inquiry committee.

2. I am satisfied that you have committed the following act/omission specified in rule-3 of the said rules:

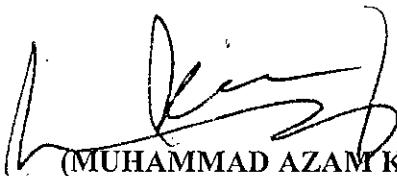
(a) Inefficiency

3. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of Removal from Service under Rule-4 of the said rules.

4. You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

5. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

6. A copy of the findings of the inquiry committee is enclosed.


(MUHAMMAD AZAM KHAN)
CHIEF SECRETARY KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

Suhar Wardi SST GHS Harchin,
(now SST GHS Sor Laspur) District Chitral.

Date: / /2017

To the Worthy Chief Secretary,
Khyber Pakhtunkhwa.

26

REPLY FOR AND ON BEHALF OF MR. SUHAR WARDI TO THE SHOW CAUSE
NOTICE DATED 23/10/2017

Respected Sir,

The undersigned, presently serving as SST (BPS-16) GHS Sorlaspur, would like to take this opportunity to submit his reply to the show cause notice received on 23/10/2017 (hereinafter referred to as "impugned notice") whereby he has been called upon to submit his explanation in respect of the tragic death of Mst. Tahira Bibi D/o of Shapeer Khan ("deceased"). In addition to the filing of the present reply, the undersigned would also like to take this opportunity to express his strong desire to be heard in person. The relevant facts are as follows:

PRELIMINARY OBJECTIONS:

- (i) That the undersigned has not been treated in accordance with the law and his inviolable rights as secured and guaranteed by the Constitution of the Islamic Republic of Pakistan, 1973 ("Constitution") have been infringed.
- (ii) That the impugned disciplinary proceedings and the impugned notice are, respectfully, against Articles 4, 9 and 10-A of the Constitution.
- (iii) That the deceased, a student at the Mayun Public School Harchin Mastuj, Chitral, was not personally known to the undersigned. In fact, the undersigned never had any sort of interaction or association with the deceased and did not even know of her existence until after the alleged incident had taken place.
- (iv) That the alleged incident involving the deceased and Mr. Didar Ali ("accused"), who was a sweeper (BPS-02) at the Government High School Harchin ("GHS Harchin"), did not take place within the premises of the said school and nor did it take place within the immediate vicinity of the said school.



- (v) That the undersigned NEVER instigated, misled, directed, guided or suggested, explicitly or implicitly, to the deceased to lodge any sort of an FIR against the accused in respect of his alleged actions. The undersigned had no role to play in the lodging of the FIR whatsoever and the documents appended to this reply corroborate the undersigned's version of the story.
- (vi) That even otherwise the deceased, who of own her motion entirely, lodged an FIR against the accused, did not commit any illegal or unlawful act but rather set the law in motion against the alleged wrong the accused had caused her.
- (vii) That the undersigned can by no stretch of the imagination be held responsible for the actions of the deceased.
- (viii) That the undersigned did not accompany the deceased to the Police Station at Mastuj, Chitral to lodge any sort of an FIR against the accused.
- (ix) That the undersigned, being an ordinary teacher at the GHS Harchin, had no authority to initiate any sort of departmental or administrative proceedings against the accused. In fact, he had no role to play in the commencement of the said proceedings whatsoever.
- (x) That the undersigned testified in the criminal proceedings against the accused as a prosecution witness because he, as a father of 6 (including 2 daughters) considered it his moral and ethical duty and therefore he must not be subjected to negative and incriminating inferences for having performed his civic duty. In fact, to hold the said deposition before a Court of the law against him would be gravely contrary to the principles of natural justice.
- (xi) That the impugned Inquiry Report fails to disclose anything concrete against the undersigned. In fact, the same is wholly speculative in nature. Hence, respectfully it cannot be made the basis of imposing any penalty against the undersigned, especially one so severe as removal from service.
- (xii) That previous inquiries conducted against the undersigned have also failed to disclose anything significant against him and have completely failed to incriminate him or associate him in any meaningful and substantial way with the tragic incident.
- (xiii) That a recent inquiry conducted by the Directorate of E&SE Khyber Pakhtunkhwa, at the instance of Mrs. Shahnaz Bibi W/O Qayum Ali Shah of Mastuj Chitral, sister of the deceased, has completely exonerated the undersigned of any role in the incident.
- (xiv) That in the criminal proceedings against the accused before the Judicial Magistrate at Mastuj and Booni, Chitral, all the concerned police officials who testified did so in



favour of the undersigned, completely absolving him of any incriminating involvement in the matter.

(xv) That the mother of the deceased solely holds the accused responsible for the wrong done to the deceased and for her tragic demise. The mother of the deceased does not hold the undersigned responsible in any way, shape or form for the death of the deceased; in fact, she does not even hold the undersigned responsible for instigating the deceased in any way whatsoever.

(xvi) That the undersigned has remained a devoted and committed government servant who has, since 1989, dedicated his life to teaching children in the GHS Harchin where, over the years, he has earned great respect and renown amongst his peers, his students and the residents and members of the local community at Harchin, Chitral. Respectfully, to impose a penalty so severe as removal of service on the undersigned will greatly tarnish his reputation and will cause him, as a father of 6, great mental stress and anguish.

(xvii) That upon finding out the tragedy that had befallen the deceased, the undersigned, who was at his home at the relevant time, hurriedly rushed to get medical help in order to save the deceased's life. Regrettably, his noble efforts were all in vain when upon arrival he was shocked and greatly saddened to find that the deceased had passed away.

(xviii) The undersigned never had any personal interest or involvement in the matter and nor did he at any point harbor any ulterior motive.

BRIEF FACTS:

1. THAT, on 03/12/2015, while the undersigned was posted as Senior - CT (BPS-16) at GHS Harchin, the deceased, a student of Mayana Public School Harchin Mastuj, Chitral, was allegedly sexually assaulted by the accused. It must be noted that the alleged incident did not take place within the premises of GHS Harchin and nor did it take place anywhere near the immediate vicinity of GHS Harchin.

2. That, thereafter, the deceased, completely on her own, lodged a First Information Report No. 145, dated 03/12/2015 (FIR No. 145) under section 506/354 PPC at Police Station Mastuj, Chitral naming the accused therein. The Investigation Officer put the name of the undersigned in the witness list as a prosecution witness and consequently, the latter testified in Court but only to the extent of the deceased's arrival at the GHS Harchin to complain regarding the accused's alleged actions. It is imperative to note at this juncture that the deceased, who was not a staff member or student at the GHS Harchin at the time of her tragic demise, was not known to the undersigned in anyway.

29

Copy of FIR No. 145 dated 03/12/2015 is attached herewith marked as Annexure 'A'

3. **That**, in addition to the initiation of criminal proceedings against the accused, he was also proceeded against administratively as well as departmentally at the instance of the then school in-charge namely, Mr. Syed Ali Dina (**"Headmaster"**).
4. **That**, in the meantime, the accused, who was in judicial lock-up, was released and transferred from GHS Harchin. Apparently, this greatly upset the deceased who suddenly arrived at GHS Harchin on 05/08/2016 and started demanding that the accused be terminated from his service. The Headmaster along with other teachers, in an attempt to pacify the deceased, assured her that the accused was being proceeded against, both administratively and judicially, and that he would be dealt with in accordance with the law. Having calmed down, the deceased left GHS Harchin satisfied with the assurances she had been given.
5. **That**, it being Friday, all the local teachers of the GHS Harchin, including the undersigned, left for their respective homes and thereafter the informal students of Workshop by Allama Iqbal Open University, all from different villages, started arriving at the said school.
6. **That**, unbeknownst to the undersigned, the deceased returned to the GHS Harchin after school timings/closing hours and, having taken poison, tragically passed away. Upon receiving the appalling news of this tragic and wholly unexpected turn of events, the undersigned, along with other villagers, hurriedly tried to fetch a doctor in an attempt to save the life of the deceased. However, all the noble efforts of the undersigned were in vain as upon arrival, he was utterly shocked to discover that the deceased had sadly passed away and could not be saved. Subsequently, another First Information Report No. 135 dated 05/08/2016 was lodged against the accused under section 322 PPC.

Copy of the FIR No. 135 dated 05/08/2016 is attached herewith marked as Annexure 'B'

7. **That**, to the utter shock and surprise of the undersigned, the then worthy Chief Secretary, KPK Mr. Abid Saeed, in addition to constituting an inquiry committee against the undersigned, also issued a charge sheet against the latter accusing him in the following terms *"You misled Mst. Tahira Bibi D/O Shaheer Khan who had been sexually harassed by Didar Ali, Sweeper of GHS Harchin and she took poison as a protest in your school and died"*. Confident of his innocence, the undersigned replied to the said charge sheet by filing a sufficiently detailed written reply wherein he forcefully rebutted the allegations wrongly raised against him.

30

Copies of the Order constituting an Inquiry Committee, Charge-Sheet and Written Reply of the undersigned are attached herewith marked as Annexures 'C-1', 'C-2' & 'C-3'

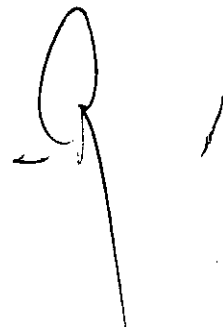
8. That, vide Elementary & Secondary Education Department (E&SED), Khyber Pakhtunkhwa Notification No. SO(SM)E&SED/4-33/2016/Mr. Ali Dina Shah & Others District Chitral dated 17/03/2017, the abovementioned Inquiry Committee was constituted with the object of probing into charge sheet/statement of allegations against the Headmaster, the undersigned and the accused. The findings of this Inquiry Committee in its Inquiry Report ("**impugned Inquiry Report**") in respect of the undersigned were regrettably, and unexpectedly, in the negative, which naturally left the undersigned astonished. However, upon a bare perusal of the said Inquiry Report, it is more than evident that the said findings of the impugned Inquiry Report were based on unfair presumptions and conjectures. Therefore, it would not be out of place to state that the Inquiry Report was purely speculative in nature and failed to offer anything substantial or incriminating against the undersigned.

Copy of the Inquiry Report is attached herewith marked as Annexure 'D'

9. That, to the dismay of the undersigned, upon the completion of the impugned Inquiry Report, he was served with the impugned notice asking him to show cause as to why the major penalty of 'Removal of Service' under Rule 4 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 ("**KP E&D Rules**") should not be imposed on him for having allegedly committed the act/omission of 'Inefficiency', as specified in Rule 3 of the KP E&D Rules.
10. That, in light of the foregoing facts and circumstances, the undersigned requests that the disciplinary proceedings as well as the impugned notice may kindly be withdrawn on the following amongst other grounds:

GROUNDS

- A. Because the undersigned has not been treated in accordance with the law and his inviolable rights as secured and guaranteed by the Constitution have been infringed.
- B. Because the impugned disciplinary proceedings and the impugned notice are, respectfully, against Articles 4, 9 and 10-A of the Constitution.
- C. Because the undersigned did not know the deceased personally or otherwise. In fact, the undersigned did not even *know of* the deceased's existence until after the alleged



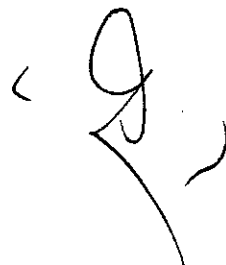
31

incident had taken place. The deceased was not a student of the GHS Harchin at the time of her demise and neither was she a staff member of the said school. In fact, the deceased was a student at Mayun Public School Harchin Mastuj, Chitral during the relevant happenings. Hence, having had no association or interaction with the deceased until after the alleged incident, there is no plausible reason why the undersigned would ever instigate or mislead the deceased. This allegation is, therefore, respectfully illogical and does not stand to reason.

D. **Because** the alleged incident dated 03/12/2015 did not take place within the premises of the GHS Harchin and nor did it take place anywhere near the said school and therefore the undersigned was not a witness to the same.

E. **Because** the undersigned, who had no interest in the matter nor any ulterior motive, never instigated or misled the deceased in any manner, shape or form: it was the deceased who visited the GHS Harchin and happened upon the undersigned rather than the other way around. The undersigned never directed, advised, guided or suggested to the deceased to lodge an FIR against the accused. In fact, the undersigned did not even accompany the deceased to the Police Station at Mastuj, Chitral to lodge any sort of an FIR against the accused. It is, therefore, quite understandably strange that the undersigned is being held responsible for the lodging of the FIR by the deceased; the undersigned had no power, control or influence over the actions, thoughts and motives of the deceased. Therefore, the fact that the undersigned has been wrongly accused of 'catalyzing' the situation has left him utterly speechless, bewildered and totally confused.

F. **Because** even otherwise, the lodging of an FIR by the deceased on her own against the accused was not a criminal, illegal or unlawful act. The accused had allegedly sexually assaulted the deceased and it was the latter's fundamental and constitutional right to proceed against the accused under the law. The deceased, who of her own initiative entirely exercised her rights as guaranteed under the Constitution, merely set the machinery of the state into motion against the accused who had allegedly violated the law. If the act of approaching the police or recourse to the law for the redressal of genuine grievances is virtually criminalized or discouraged, the citizens of this country will lose faith in the state and its judicial organs. However, in closing it must be forcefully reiterated here that the undersigned never directed, advised, suggested or guided the deceased, whom he did not know at all, to lodge any FIR against the accused. In fact, it was the deceased, entirely of her own accord, who set the machines of the law into motion and the undersigned had no control, influence or power over the deceased's actions, thoughts, motives or desires.



32

- G. **Because** the involvement of the undersigned in the judicial proceedings against the accused was merely to the extent of the deceased's arrival at the GHS Harchin to complain regarding the accused's alleged actions. It must be noted that the undersigned, as a father of 6 children (including 2 daughters), considered it his ethical and moral duty, as a responsible and law-abiding citizen, to testify in Court; since he did not evade the same, no adverse and incriminating inferences may be drawn against the undersigned for performing his civic duty. In fact, to do so will be contrary to the principles of natural justice.
- H. **Because** the administrative and departmental proceedings against the accused were initiated at the instance of the Headmaster while the undersigned, being an ordinary teacher at the GHS Harchin, had no authority to initiate the said proceedings against the accused and also had absolutely no role to play in the commencement of the said proceedings whatsoever. However, it must be added respectfully, had the said proceedings not been commenced against the accused, the Headmaster and, maybe even the undersigned, would then have been accused, through their actions/omissions, of frustrating the process of the law and in aiding the accused.
- I. **Because** the impugned Inquiry Report, which is based solely on conjectures and presumptions, is purely speculative in nature and completely fails to reveal anything substantial or incriminating against the undersigned and therefore the major penalty of removal from service is respectfully unwarranted. The impugned Inquiry Report mechanically places reliance on previous inquiries conducted against the said undersigned and therefore displays a lack of application of the mind. Furthermore, the said impugned Inquiry Report keeps referring to 'circumstantial evidence' against the undersigned without explicitly referring to anything damaging or significant against the undersigned. Hence, the impugned Inquiry Report, which of its own fails to disclose anything concrete against the undersigned, being wholly speculative in nature, respectfully cannot be made the basis of imposing any penalty against the undersigned, especially one so severe as removal from service.
- J. **Because** previous inquiries conducted against the undersigned have also failed to disclose anything significant against the undersigned and completely fail to incriminate him or associate him in any meaningful and substantial way with the tragic incident.

33

K. **Because** a recent inquiry conducted by the Directorate of E&SE Khyber Pakhtunkhwa, at the instance of Mrs. ShahnazBibi W/O Qayum Ali Shah of MastujChitral, sister of the deceased, has completely exonerated the undersigned of any role in the incident.

Copy of the Inquiry Report of the Directorate of E&SE Khyber Pakhtunkhwa is attached herewith marked as Annexure 'E'

L. **Because** at the time of the lodging of the FIR No. 145 dated 03/12/2015 by the deceased, the undersigned did not accompany her to the Police Station at Mastuj, Chirtal. This is corroborated by the testimony of Sardar Muhammad, Head Constable IHC (In-charge HarchinChowki) in the criminal proceedings before the Judicial Magistrate at Mastuj and Booni, Chitral against the accused wherein the said Head Constable deposed, in his Examination-in-Chief and Cross-Examination, that the deceased came to the Police Station entirely on her own to lodge her report with the police and that the undersigned, known to the said Head Constable, was not with her at the relevant time. Furthermore, one Mr. Ali Madath Khan, Constable, in his Cross-Examination in the said criminal proceedings, has also denied the presence or role of the undersigned at the time when he was taking the said complaint of the deceased to the Police Station at Mastuj, Chitral for the lodging of the FIR No. 145 dated 03/12/2015. Thus, this evidence greatly favours the undersigned and lays to rest the unfounded allegations leveled against him.

Copies of the Statements of the Head Constable Sardar Muhammad and Ali Madath Khan, Constable are attached herewith marked as Annexures 'F-1' & 'F-2'

M. **Because** the then DASI Mr. Ibrahim Shah at Police Station Mastuj, Chitral, presently serving as SP Investigation Chitral, also deposed in the above-mentioned criminal proceedings before the Judicial Magistrate at Mastuj and Booni in favour of the undersigned.

Copy of the Statement of Mr Ibrahim Shah, the then DASI is attached herewith marked as Annexure 'G'

N. **Because** the mother of the deceased, during the criminal proceedings before the Judicial Magistrate at Mastuj and Booni, solely blamed the tragic demise of the deceased on the accused and at no point did she ever mention or even refer, explicitly or implicitly, to the undersigned as the instigator or killer of the deceased. Moreover, the mother of the



34

deceased has also signed a Declaration wherein she has solely put the blame of the deceased's tragic death on the accused; in fact, nowhere in the said Declaration has the undersigned even been mentioned by the mother of the deceased as the instigator or killer of the deceased. It is pertinent to mention that the said Declaration bears the signatures of all the notables of the Laspur community at Chitral.

Copies of the Statement of the deceased's mother and her Declaration are attached herewith marked as Annexures 'H-1' & 'H-2'

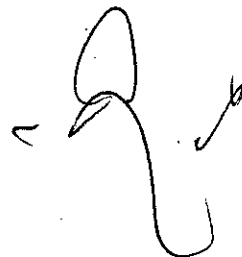
- O. **Because** the undersigned has remained a devoted and committed government servant who has, since 1989, dedicated his life to teaching children in the GHS Harchin where, over the years, he has earned great respect and renown amongst his peers, his students and the residents and members of the local community at Harchin, Chitral. In fact, because of his tireless efforts and hard work, the undersigned has maintained a spotless service record that is admirable and laudable to say the least. Hence, respectfully, to impose on the undersigned the major penalty of removal from service is unwarranted because the same will cause the undersigned, a father of 6 in his 50's, great distress and mental anguish, especially since he is completely innocent.
- P. **Because** upon finding out about the poisoning of the deceased, the undersigned, who was at his home, tried his level best to hurriedly get medical help in order to rescue the deceased. However, regrettably, the noble efforts of the undersigned were all sadly in vain since upon arriving at the premises of the GHS Harchin, he discovered that the deceased was beyond rescue.
- Q. Any additional grounds may be raised by the undersigned in his personal hearing.

It is, therefore, most humbly requested that, in light of the foregoing facts and circumstances, the impugned notice dated 23/10/2017, whereby the undersigned has been informed of the imposition of the major penalty of removal from service, may kindly be withdrawn and the undersigned may also be absolved from any pending disciplinary proceedings. **Furthermore, the undersigned is also desirous of being heard in person.**

Thanking you in anticipation,

Yours obediently,

SuhrWardy, SST General (BPS-16)
GHS Sore Laspur, District Chitral, KPK



35

OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
CHITRAL.

NO. _____/EB(M)/E-3/INQUIRY.

DATED ____/____/2017.

To,

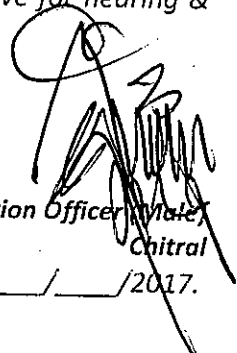
1. Syed Ali Dina Shah,
The then H.M GHSS Harchin.
2. Mr. Suhar Wardi,
The then SST GHSS Harchin presently at GHS Sore Laspur.

Subject: REQUEST FOR IMPARTIAL INQUIRY REGARDING DEATH OF MS. TAHIRA BIBI STUDENT OF TWELVE CLASS OF MAYUN PUBLIC SCHOOL, MASTUJ, DISTRICT CHITRAL.

Memo:

Reference Provincial Inspection Team, Khyber Pakhtunkhwa Block No. 15, Attached Department Complex, Khyber Road, Peshawar Cantt: letter No. INSP/1/PIT/2017/4011 dated July 6, 2017, on the subject cited above; you, are hereby directed to attend the office of Provincial Inspection Team at venue mentioned above for hearing & recording statements on Tuesday i.e 25-07-2017 at 11:00 A.M positively.

The matter is urgent and be treated on priority.

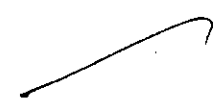

District Education Officer (Male)
Chitral

Dated ____/____/2017.

Endst: No. _____/EB(M)/E-3/Inquiry.

Copy forwarded to the:

1. Director Elementary & Secondary Education Govt of Khyber Pakhtunkhwa, Peshawar for information, please.
2. Waleed Afrdi, Research Officer P.I.T KP Peshawar cantt: w/r to his No. quoted above, for information, please.
3. Principal, GHSS Harchin with the direction to inform & relieve the above named H.M to attend the said inquiry process on the date & venue mentioned above.
4. Head Master, GHS Sore Laspur with the direction to inform & relieve the above named SST to attend the said inquiry process on the date & venue mentioned above.


District Education Officer (Male)
Chitral

36

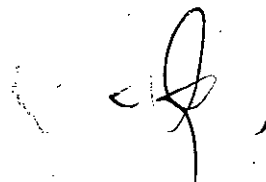
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"Impartial Inquiry regarding death of Ms. Tahira Bibi student of Twelve Class of Mayun Public School , Mastuj, District Chitral."

STATEMENT TO IMPARTIAL INQUIRY BY MR. SUHR WARDY "SST GENERAL (BPS-16) GOVT HIGH SCHOOL SORE LASPUR DISTRICT CHITRAL.

RESPECTED SIR;


1. That, on 03 December 2015 when I was posted as Senior-CT, (BPS-16) at Government High School Harchin Chitral, Sweeper of that School namely Didar Ali (BPS-02) was under criminal allegations with respect to cheating with one complainant namely Tahira Bibi D/O Shaheer Khan in his personal/private capacity. It is pertinent to mention here that the said Tahira Bibi was neither student nor staff of GHS Herchin nor the occurrence reported to take place in premises or nearby area of the School neither she was known or related to me in any manner.
2. That, beside administrative and departmental proceedings by the than acting In charge of the School namely Syed Ali Dina, the local Police also took cognizance of the matter through case F.I.R No.145 dated.3.12.2015, Charged Under Section 506/354 PPC at Police Station Mastuj Chitral, therefore, the I.O of the case has put my name in the calendar of witnesses as prosecution witness only to testify the complaint against accused Didar Ali, which I have already testified at witness box of the court as my personal responsibility (**List of witness annexed**). Except that I do not know about the complaint whether it was fabricated or true neither know about the accused whether innocent or guilty not both were my concern.
3. That, the accused was in judicial lockup and soon after his release, he was transferred from GHS-Harchin and the trial was under adjudication before the court and in the meanwhile I have never seen the complainant or the accused nor has he turned back to the School.



(37)

4. **That**, suddenly on 05.08.2016 the said complainant once again came to the School and demanded to terminate the accused Sweeper from Service. The head master as well as other teachers of the School jointly tried their level best to satisfy her about the departmental and criminal proceedings against the accused. The Head Master also made a call to EDO-Office and one responsible officer of the office also talked to her after making conversation with the Head master and assured her to punish the accused strictly according to law. After the advice and assurance by the Head Master, other teachers and to talk with the Officer in phone she left the school with satisfaction.
5. **That**, it was Friday, our school got close and the informal students of Workshop by Allama Iqbal Open University from different villages started arriving and except bordered we all local teachers left to our homes accordingly.
6. **That**, the return of complainant back to the School after School timing in our absence in poisoned condition and to act suicide; is an accident which was totally beyond my knowledge, capacity and concern to save her life. When I got information at my home I alongwith others approached the medical persons of the village to save her life but it was also beyond their control. The accused Didar Ali has been charged in criminal case with effect to cause death of the deceased in Case F.I.R No.135 dated. 05.08.2016 U/S 322 PPC.
- (Copy Annexed)**
7. **That**, before this enquiry I have faced several enquiries earlier, where I have fully cooperate with all the concerned authorities.

MR. SUHAR WARDY
SST (General BPS-16)
GHSS Harchin District Chitral
Cell No. 0340-2676370



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the March 09, 2018

138

NOTIFICATION

NO SO(S/M)/E&SED/4-33/2016/Mr. Ali Dina Shah & Others:

WHEREAS Mr. Suhar Wardi SST BS-16 GHS Harchin District Chitral (now SST General BS-16 GHS Sore Laspur District Chitral) was proceeded against under the Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations.

2. AND WHEREAS the inquiry committee comprising the following officers was constituted to conduct formal inquiry against the accused official, for the charges leveled against him in accordance with the rules.

- i. Mr. Muhammad Masood Additional Secretary Environment Department.
- ii. Mr. Said Rehman Principal GHS No.2 Batkhela Malakand.

3. AND WHEREAS the inquiry committee after having examined the charges, evidence on record and explanation of the accused official has submitted the report.

4. AND WHEREAS a show cause notice was served upon Mr. Suhar Wardi SST BS-16 GHS Harchin District Chitral (now SST General BS-16 GHS Sore Laspur District Chitral) on 23.10.2017.

5. AND WHEREAS the Competent Authority (Chief Secretary, Khyber Pakhtunkhwa) after having considered the charges and evidence on record, inquiry report, explanation of the accused official in response to the Show Cause Notice and personal hearing granted to him by Secretary Establishment Department Khyber Pakhtunkhwa on behalf of Chief Secretary Khyber Pakhtunkhwa on 12.02.2018 is of the view that the charges against the accused official have been proved.

6. NOW, THEREFORE, in exercise of the powers conferred under section 14 of Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (Chief Secretary, Khyber Pakhtunkhwa) is pleased to impose minor penalty of "Withholding of annual increments for three years" upon Mr. Suahr Wardi SST BS-16 GHS Harchin District Chitral (now SST General BS-16 GHS Sore Laspur District Chitral) with immediate effect.

SECRETARY

Endst: of even No. & Date

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male), Chitral.
4. District Accounts Officer Chitral.
5. Mr. Suhar Wardi SST BS-16 GHS Harchin District Chitral (now SST General BS-16 GHS Sore Laspur District Chitral).
6. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
7. PS to Secretary E&SE Department, Khyber Pakhtunkhwa, Peshawar.
8. Incharge EMIS E&SE Department.
9. Office order file.

(ANEELA FAHIM)
SECTION OFFICER (SCHOOLS MALE)

Annex → "F" (39)

564
09/4/2018

To

The Worthy Chief Minister
Khyber Pakhtunkhwa,
Peshawar.

Through: *Proper Channel.*

Subject:- APPEAL FOR AND ON BEHALF OF MR. SUHAR WARDI TO
THE IMPUGNED NOTIFICATION DATED. 09.03.2018.

Respected Sir,

The undersigned, presently serving as SST (BPS-16) GHS Solarspur, would like to take this opportunity to submit his appeal to the impugned Order/ Decision/ Notification/ dated 09/03/2018 (hereinafter referred to as "Notification") whereby the penalty imposed upon the Appellant "withholding of annual increment for three years".

The undersigned may kindly be exonerated to minor penalty against him for the facts and reasons:

BRIEF FACTS:-

1. That on 03/12/2015, while the undersigned was posted as Senior CT (BPS-16) at Government High School Harehin, Chitral, (GHS Harehin) the deceased, a student of Mayun Public School, Harehin Mastuj, Chitral, was alleged sexually assaulted by the Mr. Didar Ali, who was a sweeper (BPS-02) at GHS Harehin (accused). It must be noted that the alleged incident did not take place within the premises of GHS Harehin and nor did it take place anywhere near the immediate vicinity of GHS Harehin.
2. That thereafter the deceased, completely on her own, lodged a First Information Report No 145 dated 02/12/2015 (FIR No 145) under Section 506/354 PPC at Police Station Mastuj, Chitral naming the accused therein. The Investigation Officer put the name of the undersigned in the witness list as a prosecution witness and consequently, the latter testified in court but only to the extent of deceased's arrival at the GHS Harehin to complain regarding the accused's alleged actions. It is imperative to note at this juncture that the deceased, who was not a staff member or student at the GHS Harehin at the time of her tragic demise, was not known to the undersigned in anyway.

[Handwritten Signature]

(40)

3. That in addition to the initiation of criminal proceedings against the accused, he was also proceeded against administratively as well as departmentally at the instance of the then school in charge namely Mr. Syed Ali Dina (**Headmaster**).
4. That in the meantime, the accused, who was in judicial lockup, was released and transferred from GHS Harehin. Apparently, this greatly upset the deceased who suddenly arrived at GHS Harehin on 05/08/2016 and started demanding that the accused be terminated from his service. The Headmasters alongwith other teachers, in an attempt to pacify the deceased, assured her that the accused was being proceeded against, both administratively and judicially, and that he would be dealt with in accordance with law. Having claimed down, the deceased left GHS Harehin satisfied with the assurances she had been given.
5. That it being Friday, all the local teachers of the GHS Harehin, including the undersigned, left for their respective homes and thereafter the informal students of workshops by Allama Iqbal Open University, all from different villages, started arriving at the said school.
6. That unbeknownst to the undersigned the deceased returned to the GHS Harehin after school timing/closing hours and, having taken poison, tragically passed away. Upon receiving the appalling news of this tragic and wholly unexpected turn of events, the undersigned, along-with other villagers, hurriedly tried to fetch a doctor in an attempt to save the life of the deceased. However, all the noble efforts of the undersigned were in vain as upon arrival, he was utterly shocked to discover that the deceased had sadly passed away and could not be saved. Subsequently, another First Information Report No 135 dated 05/08/2016 was lodged against the accused under Section 322 PPC.
7. That to the utter shock and surprise of the undersigned, the then Worthy Chief Secretary, KPK Mr. Abid Saeed, in addition to constituting an inquiry committee against the undersigned, also issued a charge sheet against the letter accusing him in the following terms "Your misled Mst: Tahira Bibi D/o Shaheer Khan who has been sexually harassed by Didar Ali, sweeper of GHS Harehin and she took poison as a protest in your school and died." Confident of his innocent, undersigned replied to the said charge sheet by filing a sufficiently detailed written reply wherein he forcefully rebutted the allegations wrongly raised against him.

Handwritten signature or initials.

41

8. That vide elementary & Secondary Education Department (E&SED) Khyber Pakhtunkhwa Notification No SO (SM) E&SED/4-33/2016/Mr. Ali Dina shah & others District Chitral dated 17/03/2017, the above mentioned inquiry committee was constituted with the object of probing into charge sheet/statement of allegations against the Headmaster, the undersigned and the accused. The findings of this inquiry committee in its inquiry report (**Inquiry Report**) in respect of the undersigned failed to disclose anything meaningful or incriminating against him. In fact, upon a bare perusal of the said inquiry report, it is more than evident that the said findings of the inquiry report were based on presumptions and conjectures and therefore, it would not be out of place to state that the inquiry report was purely speculative in nature and failed to offer anything substantial or incriminating against the undersigned.

9. That to the dismay of the undersigned, upon the completion of the inquiry report which failed to disclose anything incriminating against the undersigned, he was served with the notice under reply asking him to show cause as to why the major penalty of 'Removal of Service' under 4 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 (**KP E&D Rules**) should not be imposed on him for having allegedly committed the act, omission of inefficiency, as specified in Rule 3 of the KP E&D Rules.

(Copy of Show Cause Notice is attached herewith marked as annexure "A")

10. That in response to the show cause notice the appellant filed a detail reply and deny all the allegations, which was ^{labeled} ~~labeled~~ against the present appellant, after submitting the reply, the appellant received a notice for his personal hearing/appearance before the competent authority.

(Copy of the Reply to Show Cause Notice & Notice for personal hearing are attached herewith marked as Annexures "B & C")

11. That after personal hearing on 12.02.2018, to the utter-shock the appellant received the impugned **Notification dated.09.03.2018**, where a minor penalty was imposed upon the appellant, while ignoring the appellant plea taken in his detail reply, which is against the Law/ Rules and against the valuable rights of the appellant, because the appellant is from a respectable family and prosecuted in malicious inquiry/ proceedings, which was never done by the appellant and there is not a single involvement of the appellant in the instant matter.

(Copy of the Impugned Notification dated.09.03.2018 is attached herewith marked as "D")

42

12. That the undersigned has remained a devoted and committed government servant who has, since 1989, dedicated his life to teaching children in the GHS Harchin where, over the years, he has earned great respect and renown amongst his peers, his students and the residents and members of the local community at Harchin, Chitral. In fact, because of this tireless efforts and hard work, the undersigned has maintained a spotless service record that is admirable and laudable to say the least. Hence, respectfully, to impose on the undersigned the minor penalty of **"withholding of annual increments for three years"** is unwarranted because the same will cause the undersigned great distress and mental anguish, especially since he is completely innocent.

It is, therefore, most humbly requested that, in light of the foregoing facts and circumstances on acceptance of this appeal, the impugned Notification dated 03/09/2018, whereby the undersigned has been informed of the imposition of the minor penalty of **"withholding of annual increments for three years"** may kindly be withdrawn and declare that the penalty imposed upon the appellant are baseless and unfounded, hence of no legal effect and a nullity in the eye of Law.

Thanking you in anticipation,

Appellant

Suhrwardy, SST General (BPS-16)
GHS Sore Laspur, District Chitral, KPK
NIC 15202-4515886-5
Cell No. 03402676370

Dated. ____ / ____ /2018.



WAKALAT NAMA

BEFORE THE K.P.K SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. _____ of 2018

✓
Mr. Suhar Wardy

V E R S U S

**Government K.P.K, through Chief Secretary Civil Secretariat
Peshawar and others**

(Petitioner)
(Plaintiff)
✓(Appellant)
(Accused)
(Decree-Holder)

Respondent
(Defendant)
(Opponent)
(Complainant)
(Judgment-Debtor)

✓
I/we **Mr. Suhar Wardy S/O Gul Wali Khan, Appellant.**

The above named accused/Petitioner /Appellant do hereby appoint and constitute **SYED GHUFRAN ULLAH SHAH, Advocate** as counsel (for Appellant) in the above mentioned case, to do all or any of the following acts, deeds and things:-

- 1- To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal or any other court/tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
- 2- To sign, verify and file or withdraw all proceedings, petitions, appeals, revision, review affidavits and applications for compromise or withdrawal, or for submission to arbitration of the said case, or any other document, as may be deemed necessary or advisable by him for the conduct, prosecution or defense of the said case at any stages.
- 3- To receive payment of and issue receipts for all money that may be or become due and payable to us during the course or on the conclusion of the proceedings. To do all other acts and things this may be deemed necessary or advisable during the course of the proceedings.

AND HEREBY AGREE:-

- a) To ratify whatever the said Advocate may do in the proceedings.
- b) Not to hold the Advocate responsible if the said case be proceeded ex-parte or dismissed in default in consequence of their absence from the Court/Tribunal when it is called for hearing.
- c) That the Advocate shall be entitled to withdraw from the prosecution of the said case if the whole OR any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this power of Attorney/Wakalat Nama hereunder the contents of which have been read/explained to me/us and fully understood by me / us this _____ 09th Day of _____ August, 2018 at Peshawar.

Signature of Executants'

Accepted subject to term regarding payment of fee.

✓
SYED GHUFRAN ULLAH SHAH
Advocate High Court Peshawar
22-A Nasir Mansion, Railway Road Peshawar
Off:-0342-9047344/H.C.B No.091-9210186/Mob: 0334-9185580

Firm Regist.No.RF/ICT #8565/09
N.T.N 3796081-4

113

D

**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL
PESHAWAR.**

Service Appeal No: 1183/2018

Suhar Wardy SST General GHS Sore Laspur District Chitral.Appellant.

VERSUS

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

PARAWISE COMMENTS ON & FOR BEHALF OF RESPONDENTS No: 1-6.

Respectfully Sheweth :-

The Respondents submit as under:-

PRELIMINARY OBJECTIONS.

- 1 That the Appellant has got no cause of action/locus standi .
- 2 That the instant Service Appeal is badly time barred.
- 3 That the Appellant has concealed material facts from this Honorable Tribunal.
- 4 That the instant Service Appeal is based on mala fide intentions.
- 5 That the Appellant has not come to this Honorable Tribunal with clean hands.
- 6 That the Appellant is not entitled for the relief he has sought from this Honorable Tribunal .
- 7 That the instant Service Appeal is against the prevailing law & rules.
- 8 That the Appeal is not maintainable in its present form.
- 9 That the Appeal is bad for mis-joinder & non joinder of the necessary parties.
- 10 That this Honorable Tribunal has got no jurisdiction to entertain the instant case.
- 11 That the impugned Notification No SO(S/M) E&SED /4-33/2016 Peshawar dated 09/03/2018 is legally competent & liable to be maintained.

- 12 That the appellant has been found guilty of misleading the late Tahira Bibi for above said committing suicide after her sexual harassment by Didar Ali Sweeper in the school premises during working hours.
- 13 That all codal formalities have been observed by the Respondent Department prior to the issuance of the impugned Notification dated 09/03/2018 by the competent authority.
- 14 That the penalty of withholding of 03 Annual increments with accumulative effect is in accordance with the mandatory provisions of FR-29.

ON FACTS

- 1 That Para-1 is correct to the extent that Didar Ali Sweeper at GHS Harchin District Chital has committed rape & Sexual Harassment with Tahira Bibi in the School Promises during working hours of the school which resulted in the suicide of Tahira Bibi upon the alleged instigation by the appellant. Hence, Departmental disciplinary proceedings were started against the HM of GHS Harchin District Chitral under the mandatory provisions of E&D rules 2011 which resulted in the Compulsory Retirement from service on charges of not taking prompt and in-time action against the said sweeper in school nor reported the tragic incident/matter to the Respondent Department. The competent authority, served a statement of allegations to the appellant for misleading & even compelling the late Tahira Bibi for committing suicide after her alleged rape & Tragedy while serving against the SST(G) post at GHS Herchin District Chital dully replied by the appellant in an un satisfactory manner. Similarly, the cognizance of the offence was also taken by the local police in case FIR no 145 dated 03/12/2015 registered under sections 506, 354/PPC at police station Mastooj District Chital **(Copies of the statement of allegation, & FIR are attached as Annexures A&B)**
- 2 That para-2 is correct that vide case FIR No 145 dated 03/012/2015 registered under section 506, 354/PPC at police station Mastooj District Chital, the appellant has directly been charged for the alleged incident by the local police upon complaint by the aggrieved party. whereupon, the appellant has recorded his statement under section 164/CRPC before the learned JMJC Chitral on dated 22/12/2016 wherein, he has admitted the occurrence by the appellant who was working against the SST (G) post at GHS Herchin Chitral at that time & has compelled late Tahira Bibi for committing suicide after the alleged incident **(Copy of the statement dated 22/12/2016 is attached as Annexure C).**
- 3 That the para- 3 is incorrect & misleading on the grounds that the appellant alongwith the HM; GHS Herchin District Chital have miserably been failed to take action & even report the alleged matter to competent authority well in time for the proceeding against the accused Sweeper Didar Ali of the said school wherein, the alleged incident occurred during the school

111

hours, Hence resulted in the compulsory Retirement of the Principal GHS Herchin & with holding of 3-annual increments from the present appellant vide the impugned Notification after observing all the codal formalities by the competent authority. Therefore, the stand of the appellant is without any reason & justification & is liable to be rejected in favor of the Respondent Department.

- 4 That Para-4 is also incorrect & denied. The tragic incident has taken place during the working hours in the said school which resulted in the suicide of the aggrieved girl upon the instigation of the appellant. Hence, the statement of the appellant is baseless & liable to be rejected in favor of Respondents.
- 5 That the para-5 is correct to the extent that the accused sweeper of GHS Herchin District Chitral has been charged in a criminal case vide FIR No 135 on dated 05/08/2016 under section 322/PPC by the local police upon the complaint of the relatives of the late women instead upon the report of the appellant. Therefore he is twisting the alleged tragedy on mala-fide intentions. **(Copy of the said FIR is attached as Annexure-D).**
- 6 That the para-6 is incorrect & misleading on the grounds that the appellant has been proceeded under the E&D rules 2011 after observing all codal formalities by the Respondent Department including serving upon the appellant, the statement of allegations charge sheet, show cause Notice & inquiry duly replied by the appellant an unsatisfactory & even evasive manner which resulted in the impugned Notification dated 09/03/2018 issued by the competent authority. Therefore the plea of the appellant is liable to be rejected **(Copy of the charge sheet, statement of allegation, show cause Notice, reply of the appellant & inquiry report are attached as annexures-E, F, G & H).**
- 7 That the para-7 is correct that vide the impugned Notification dated 09/03/2018, the minor penalty of withholding of 3-annual increments with accumulative effect has been imposed upon the appellant in view of the facts & circumstances of the case under the mandatory provisions of FR-29 by the competent authority. **(Copy of the impugned Notification is attached as Annexure)**
- 8 That para-8 is incorrect & denied. No Departmental appeal has been filed by the appellant against the impugned Notification dated 09/03/2018, Hence got finality against the appellant under the provisions of law of limitation Act 1908. Therefore, the appeal in hand is badly time barred & liable to be dismissed in favour of the Respondents.
- 9 That para-9 is legal. However, the Respondent Department further submit on the following grounds inter alia:-

ON GRONDS.

- A Incorrect & not admitted. The impugned Notification dated 09/03/2018 is within legal sphere & liable to be maintained in favor of the Respondents in the interest of equity & justice.
- B Incorrect & not admitted. The statement of the appellant is without any solid proof & legal justification as he has been found guilty by the inquiry officer in view of the material available on record. Therefore, the impugned Notification dated 09/03/2018 is legally competent & liable to be maintained.
- C Incorrect & denied. The tragic incident has taken place during the working hours of the school wherein, the appellant was also working against the SST (G) post & has been found guilty of instigating the late Tahira Bibi for committing suicide which she did as both the appellant & the H/M of the said school were in collusion with the accused sweeper namely Didar Ali in the sad and inhuman incident on the date of occurrence.
- D Incorrect and not admitted. The appellant has been found guilty by the inquiry officer in view of the material available on record. Therefore, he has been proceeded under the E&D rules 2011 in accordance in the prescribed manner by offering chance of personal hearing which he did not avail properly.
- E Incorrect & denied. The competent authority has gone through the whole case record & proceeded against the appellant under E&D Rules 2011 which resulted in the impugned Notification dated 09/03/2018 issued by the competent authority.
- F Incorrect & denied. The statement of the appellant is without any legal force & justification as the Respondent Department has acted as per law, rules & procedure in the instant case which resulted in the impugned Notification dated 09/03/2018 issued by the Respondent Department.
- G Incorrect & denied. The plea of the appellant is baseless as he has miserably failed to specify even a single point regarding the extortion of political motivation in the instant case by the Respondent Department.
- H Incorrect & denied. The impugned Notification dated 09/03/2018 is legally competent and is liable to be maintained in favor of the Respondent Department.
- I Incorrect & denied. The contents of the replies to the charge sheet, statement of allegations & show cause Notice are against the facts & even circumstances of the case & the same cannot be made as a part & parcel of the case of the appellant under the rules, Hence, liable to be rejected.

109
j Legal. However, the Respondent Department seeks leave of this Honorable Tribunal to submit additional grounds, record & case law at the time of arguments.


In view of the above made submissions, it is prayed that this Honorable Tribunal may very graciously be pleased to dismiss the instant appeal in favor of the Respondent Department in the interest of justice.

Dated ___ / ___ / 2019



Secretary

E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondents No:1&2)




Director

E&SE/Department Khyber
Pakhtunkhwa, Peshawar.
(Respondents No: 3&4)

AFFIDAVIT

I, Hayat Khan Asstt: Director (Litigation-II) E&SE Department do hereby solemnly affirm and declare on oath that the contents of the instant Parawise Comments are true & correct to the best of my knowledge & belief.



Deponent

Annex A

(Handwritten mark/signature)

گورنمنٹ پبلس ٹیما، بانیہ ٹریڈ نمبر 2286/13، ایم سٹور ٹیڈ ایک پراواز ٹریڈ نمبر 20.05.2011 (دوم سٹور نمبر) کی نام (پیس)

نام نمبر 5-13 (1)

ابتدائی اطلاعی رپورٹ

Exp. W. 3/1

17/15/2016

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ نمبر 152 مجموعہ ضابطہ نوعداری

تاریخ: 3 دسمبر 2015 صبح 07:35 بجے

تاریخ: 3 دسمبر 2015 صبح 19:00 بجے

مقام: پٹانہ راجہ جی جی صاحب صاحبان کے گھر، 6/15، سائیکل ایریا، لکھنؤ

مقام (مدرسد) حال اگر کوئی گاڑی

پٹرول پمپ کی شناخت اور دستاویزات کے ساتھ ساتھ تمام چیزیں

ڈیڑھ گھنٹے سے زائد کے عرصے میں چھان بین کی گئی ہے

پٹرول پمپ کے متعلق کی گئی اطلاع درج کرنے میں وقفہ ہوا ہے اور وہ بیان کر رہی ہیں

پٹرول پمپ کی تاریخ اور پتہ

ابتدائی اطلاع نیچے درج کردہ بنا ہے

پٹرول پمپ پر اسمبلی کارڈ نمبر 144 ملے گا۔ پٹرول پمپ پر اسمبلی کارڈ نمبر 155 پر چھان بین کی گئی ہے

پٹرول پمپ پر اسمبلی کارڈ نمبر 144 ملے گا۔ پٹرول پمپ پر اسمبلی کارڈ نمبر 155 پر چھان بین کی گئی ہے

پٹرول پمپ پر اسمبلی کارڈ نمبر 144 ملے گا۔ پٹرول پمپ پر اسمبلی کارڈ نمبر 155 پر چھان بین کی گئی ہے

پٹرول پمپ پر اسمبلی کارڈ نمبر 144 ملے گا۔ پٹرول پمپ پر اسمبلی کارڈ نمبر 155 پر چھان بین کی گئی ہے

پٹرول پمپ پر اسمبلی کارڈ نمبر 144 ملے گا۔ پٹرول پمپ پر اسمبلی کارڈ نمبر 155 پر چھان بین کی گئی ہے

پٹرول پمپ پر اسمبلی کارڈ نمبر 144 ملے گا۔ پٹرول پمپ پر اسمبلی کارڈ نمبر 155 پر چھان بین کی گئی ہے

پٹرول پمپ پر اسمبلی کارڈ نمبر 144 ملے گا۔ پٹرول پمپ پر اسمبلی کارڈ نمبر 155 پر چھان بین کی گئی ہے

پٹرول پمپ پر اسمبلی کارڈ نمبر 144 ملے گا۔ پٹرول پمپ پر اسمبلی کارڈ نمبر 155 پر چھان بین کی گئی ہے

پٹرول پمپ پر اسمبلی کارڈ نمبر 144 ملے گا۔ پٹرول پمپ پر اسمبلی کارڈ نمبر 155 پر چھان بین کی گئی ہے

پٹرول پمپ پر اسمبلی کارڈ نمبر 144 ملے گا۔ پٹرول پمپ پر اسمبلی کارڈ نمبر 155 پر چھان بین کی گئی ہے

پٹرول پمپ پر اسمبلی کارڈ نمبر 144 ملے گا۔ پٹرول پمپ پر اسمبلی کارڈ نمبر 155 پر چھان بین کی گئی ہے

پٹرول پمپ پر اسمبلی کارڈ نمبر 144 ملے گا۔ پٹرول پمپ پر اسمبلی کارڈ نمبر 155 پر چھان بین کی گئی ہے

پٹرول پمپ پر اسمبلی کارڈ نمبر 144 ملے گا۔ پٹرول پمپ پر اسمبلی کارڈ نمبر 155 پر چھان بین کی گئی ہے

پٹرول پمپ پر اسمبلی کارڈ نمبر 144 ملے گا۔ پٹرول پمپ پر اسمبلی کارڈ نمبر 155 پر چھان بین کی گئی ہے

Amra $\xrightarrow{\beta}$ (9)

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22/12/16

بیان سپورڈی فان و دیگر گولڈ فان درم 55 سال سینہ چرکتی
 تیسرے مروجہ متنوع و اہل خلفا بیان کیا کہ جمع 12/03/15
 چرکتی میں ڈیڑھی لپہ سپورڈی کے و سپورڈی کے اکثر چرکتی میں
 میں ایک لپہ اکثر اچھی ہے اور ایک لپہ اچھی ہے۔ تو میں
 ٹیسٹ اور سپورڈی لپہ کو مستقیم طور پر ہی روزہ شایگان
 ٹیسٹ سپورڈی اور اور اچھی ہے۔ اس اعتبار سے اس کے
 کے اس لپہ کا ~~سپورڈی~~ سپورڈی لپہ کے لئے اس میں بہت
 اس فنڈ ڈانٹ کا کوشش ہے۔ جس میں میں اس کے
 کے ہم جتنا کہ درمیان میں نام آئے اور اس کے سپورڈی
 علی رس کے لئے اس کے لئے ہی متنوع اور متنوع کے درمیان
 اور اس کے لئے اس کے لئے اس کے لئے اس کے لئے
 اس کے لئے اس کے لئے اس کے لئے اس کے لئے

اس میں سے رتق کا ٹواہ سپورڈی اور فور کیا کہ مستقیم
 حکایت کا ٹواہ سپورڈی۔ متنوع ہے سپورڈی کا آگے ہے۔ اس
 کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے
 لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے
 اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے

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ان فوریہ کے صدر کیمبرج کے بیٹا کے نام سے - اس وقت یہ کیمبرج
 کے ایام کے دوران سماجی سرگرمیوں میں حصہ لیا کرتا تھا اور
 شہر میں کئی برساتی تڑے گاڑے اور ان میں سے کئی تڑے
 یہ علاقے کے تڑوں کے ساتھ ساتھ کئی اور تڑوں کے ساتھ
 لقیات تھا۔ ان فوریہ کے ساتھ ساتھ کئی اور لقیات
 کیمبرج کے علاقے کے تڑوں میں ڈھونڈ بھی لگائی گئی تھی۔
 عام طور پر 12/15 اور 12/15 کے تڑوں میں کئی اور تڑوں
 کیمبرج کے تڑوں میں کئی اور تڑوں کے ساتھ ساتھ
 یہ عام طور پر 12/15 اور 12/15 کے تڑوں میں کئی اور تڑوں
 لقیات تڑوں کو نشانہ دینے کے لیے جاری ہوا۔ یہ علاقے
 کیمبرج میں کئی اور تڑوں کے ساتھ ساتھ
 عام طور پر 12/15 اور 12/15 کے تڑوں میں کئی اور تڑوں
 کیمبرج کے تڑوں میں کئی اور تڑوں کے ساتھ ساتھ

~~_____~~

میں سے

Pras/Bini

22/11/16

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CHARGE SHEET

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I, Abid Saeed, Chief Secretary, Khyber Pakhtunkhwa as Competent Authority hereby charge you, Suhar Wardi SST (General) BS-16 GHS Sore Laspur District Chitral as follows:

That you, while posted as SST(G) BS-16 GHS Harchin District Chitral committed the following irregularities:

1- "You misled Mst. Tahira Bibi D/O Shaheer Khan who had been sexually harassed by Didar Ali, Sweeper of GHS Harchin and she took poison as a protest your school and died."

2- By reason of the above, you appear to be guilty of misconduct under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Rules ibid.

3- You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the inquiry officer/ inquiry committee, as the case may be.

4- Your written defence, if any, should reach the inquiry officer/ inquiry committee within specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.

5- Intimate whether you desire to be heard in person.

6- A Statement of Allegations is enclosed.

(ABID SAEED)

CHIEF SECRETARY KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

Suhar Wardi Ex-SST (General) BS-16 GHS Harchin District Chitral
(now SST (General) BS-16 GHS Sore Laspur District Chitral)

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THE ENQUIRY COMMITTEE CONSTITUTED VIDE NOTIFICATION NO. SO(SM)E&SED/4-33/2016/MR. SUHR WARDY & OTHERS DISTRICT CHITRAL DATED MARCH 17, 2017.

WRITTEN DEFENSE TO CHARGE SHEET BY Mr. SUHR WARDY, SST
GENERAL (BPS-16) GHS SORE LASPUR DISTRICT CHITRAL.

Statement of allegations;

"You misled Mst Tahira Bibi D/O Shaper Khan who had been sexually harassed by Didar Ali, Sweeper of GHS Harchin and she took poison as a protest in your School and died."

Respected Sir;

In compliance of the subject Charge Sheet the following submissions are made with effect to deny the allegation leveled against me.

1. That on 03 December 2015 when I was posted as Senior - CT, BPS-16) at Government High School Harchin Chitral, Sweeper of that School namely Didar Ali (BPS-02) was under criminal allegations with respect to cheating with one complainant namely Tahira Bibi D/O Shaper Khan in his personal/private capacity. It is pertinent to mention here that the said Tahira Bibi was neither student nor staff of GHS Harchin nor the occurrence reported to take place in premises or nearby area of the School neither she was known or related to me in any manner.
2. That beside administrative and departmental proceeding by the then acting in charge of the School namely Syed Ali Dina, the Local Police also took cognizance of the matter through case F.I.R No. 145 dated 3.12.2015, Charged Under Section 506/354 PPC at Police Station Mastuj Chitral, therefore the I.O of the case has put my name in the calendar of witnesses as Prosecution Witness only to testify the complaint against accused Didar Ali, which I have already testified at witness box of the court as my personal responsibility (List of witness annexed). Except that I, do not know about the complaint whether it was fabricated or true neither know about the accused whether innocent or guilty nor both were my concern.
3. That the accused was in judicial lock up and soon after his release, he was transferred from GHS-Harchin and the trial was under adjudication before the court and in the meanwhile I have never seen the complainant or the accused nor has he turned back to the School.
4. That suddenly on 03-08-2016 the said complainant once again came to the School and demanded to terminate the accused Sweeper from service. The head master as well as other teachers of the School jointly tried their level best to satisfy her about the departmental and criminal proceedings against the accused. The head Master also made a call to EDO-Office and one responsible officer of the office also talked to her after making conversation with the Head Master and assured her to punish the accused strictly according to law. After

20

the advice and assurance by the Head Master, other teachers and to talk with the Officer in phone she left the school with satisfaction.

5. That it was Friday, our school got close and the informal students of Workshop by Allama Iqbal Open University from different villages started arriving and except bordered we all local teachers left to our homes accordingly.
6. That the return of complainant back to the School after School timing in our absence in poisoned condition and to act suicide; is an accident which was totally beyond my knowledge, capacity and concern to save her life. When I got information at my home I along with others approached the medical persons of the village to save her life but it was also beyond their control. The accused Didar Ali has been charged in criminal case with effect to cause death of the deceased in Case F.I.R No.135 dated 05-08-2016, U/S 322 PPC.
(Copy annexed)
7. That in the above scenario It is clearly stated that, I have Not misled any one to be harassed by someone, to take poison and to die neither I know about such allegation being alleged by any concern of the deceased or my competent departmental and administrative authorities in any shape, therefore ; I, totally deny statement of allegation in the subject charge sheet.

It is, therefore, most humbly requested that on acceptance of the instant defense reply the subject allegation in charge sheet may kindly be withdrawn and I may kindly be exonerated from all allegations leveled against me.

Mr, Suhar Wardy
SST(General BPS-16)
GHSS Harchin District Chitral
Cell No. 0345504484



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DISCIPLINARY ACTION

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I, Abid Saeed, Chief Secretary, Khyber-Pakhtunkhwa as Competent Authority, am of the opinion that Suhar Wardi SST (General) BS-16 GHS Harchin District Chitral has rendered himself liable to be proceeded against, as he committed the following acts/ omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

"He misled Mst. Tahira Bibi D/O Shaheer Khan who had been sexually harassed by Didar Ali, Sweeper of GHS Harchin and she took poison as a protest in his school and died."

2. For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer/ inquiry committee, consisting of the following, is constituted under Rule 10(1)(a) of the ibid Rules:

- i. _____
- ii. _____
- iii. _____

3. The inquiry officer/ inquiry committee shall, in accordance with the provisions of the ibid Rules, provide reasonable opportunity of hearing to the accused, record its findings and make within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer/ inquiry committee.

(ABID SAEED)
CHIEF SECRETARY KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

Suhar Wardi Ex-SST (General) BS-16 GHS Harchin District Chitral
(now SST (General) BS-16 GHS Sore Laspur District Chitral)

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THE OFFICE OF PROVINCIAL INSPECTION TEAM KPK AT BLOCK No. 15
ATTACHED DEPARTMENTS COMPLEX KHYBER ROAD PESHAWAR.

STATEMENT OF MR. SUHAR WARDY ,SST-GENERAL (BPS-16) GHSS
HARCHIN DISTRICT CHITRAL IN RESPECT OF IMPARTIAL ENQUIRY
REGARDING DEATH OF MST TAHIRA BIBI STUDENT OF TWELTH YEAR
AT MAYON PUBLIC SCHOOL LASPOR MASTUJ, CHITRAL.

Respected Sir;

In compliance of the subject Letter I, want to record my statement below;

1. That on 03 December 2015 when I was posted as Senior - CT, BPS-16) at Government High School Harchin Chitral, Sweeper of that School namely Didar Ali (BPS-02) was under criminal allegations with respect to cheating with one complainant namely Tahira Bibi D/O Shapeer Khan in his personal/private capacity. It is pertinent to mention here that the said Tahira Bibi was neither student nor staff of GHS Herchin nor the occurrence reported to take place in premises or nearby area of the School neither she was known or related to me in any manner.
2. That beside administrative and departmental proceeding by the than acting In charge of the School namely Syed Ali Dina , the Local Police also took cognizance of the matter through case F.I.R No. 145 dated 3.12.2015, Charged Under Section 506/354 PPC at Police Station Mastuj Chitral ,therefore the I.O of the case has put my name in the calendar of witnesses as Prosecution Witness only to testify the complaint against accused Didar Ali ,which I have already testified at witness box of the court as my personal responsibility (List of witness annexed) .Except that I, do not know about the complaint whether it was fabricated or true neither know about the accused whether innocent or guilty nor both were my concern.
3. That the accused was in judicial lock up and soon after his release, he was transferred from GHS-Harchin and the trial was under adjudication before the court and in the meanwhile I have never seen the complainant or the accused nor has he turned back to the School.
4. That suddenly on 05-08-2016 the said complainant once again came to the School and demanded to terminate the accused Sweeper from service. The head master as well as other teachers of the School jointly tried their level best to satisfy her about the departmental and criminal proceedings against the accused. The head Master also made a call to EDO-Office and one responsible officer of the office also talked to her after making conversation with the Head Master and assured her to punish the accused strictly according to law . After the advice and assurance by the Head Master, other teachers and to talk with the Officer in phone she left the school with satisfaction.
5. That it was Friday, our school got close and the informal students of Workshop by Allama Iqbal Open University from different villages started arriving and except bordered we all local teachers left to our homes accordingly.

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THE OFFICE OF PROVINCIAL INSPECTION TEAM KPK AT BLOCK No. 15
ATTACHED DEPARTMENTS COMPLEX KHYBER ROAD PESHAWAR.

STATEMENT OF MR. SUHAR WARDY ,SST-GENERAL (BPS-16) GHSS
HARCHIN DISTRICT CHITRAL IN RESPECT OF IMPARTIAL ENQUIRY
REGARDING DEATH OF MST TAHIRA BIBI STUDENT OF TWELTH YEAR
AT MAYON PUBLIC SCHOOL LASPOR MASTUJ, CHITRAL.

Respected Sir;

In compliance of the subject Letter I, want to record my statement below;

1. That on 03 December 2015 when I was posted as Senior - CT, BPS-16) at Government High School Harchin Chitral, Sweeper of that School namely Didar Ali (BPS-02) was under criminal allegations with respect to cheating with one complainant namely Tahira Bibi D/O Shapeer Khan in his personal/private capacity. It is pertinent to mention here that the said Tahira Bibi was neither student nor staff of GHS Herchin nor the occurrence reported to take place in premises or nearby area of the School neither she was known or related to me in any manner.
2. That beside administrative and departmental proceeding by the than acting in charge of the School namely Syed Ali Dina , the Local Police also took cognizance of the matter through case F.I.R No. 145 dated 3.12.2015, Charged Under Section 306/354 PPC at Police Station Mastuj Chitral ,therefore the I.O of the case has put my name in the calendar of witnesses as Prosecution Witness only to testify the complaint against accused Didar Ali ,which I have already testified at witness box of the court as my personal responsibility (List of witness annexed) .Except that I, do not know about the complaint whether it was fabricated or true neither know about the accused whether innocent or guilty nor both were my concern.
3. That the accused was in judicial lock up and soon after his release, he was transferred from GHS-Harchin and the trial was under adjudication before the court and in the meanwhile I have never seen the complainant or the accused nor has he turned back to the School.
4. That suddenly on 05-08-2016 the said complainant once again came to the School and demanded to terminate the accused Sweeper from service. The head master as well as other teachers of the School jointly tried their level best to satisfy her about the departmental and criminal proceedings against the accused. The head Master also made a call to EDO-Office and one responsible officer of the office also talked to her after making conversation with the Head Master and assured her to punish the accused strictly according to law . After the advice and assurance by the Head Master, other teachers and to talk with the Officer in phone she left the school with satisfaction.
5. That it was Friday, our school got close and the informal students of Workshop by Allama Iqbal Open University from different villages started arriving and except bordered we all local teachers left to our homes accordingly.

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6. That the return of complainant back to the School after School timing in our absence in poisoned condition and to act suicide, is an accident which was totally beyond my knowledge, capacity and concern to save her life. When I got information at my home I along with others approached the medical persons of the village to save her life but it was also beyond their control. The accused Didar Ali has been charged in criminal case with effect to cause death of the deceased in Case F.I.R No. 135 dated 05-08-2016, U/S 322 PPC.
7. That it is pertinent to mention here that the complainant is an unauthorized person and till date the following 07 Enquiries have been conducted against me upon his request;
1. District Education Officer Chitral enquired the matter and transferred the accused Sweeper.
 2. The concerned Police Officer enquired the matter and registered case against the accused Sweeper Didar Ali.
 3. The District Education Officer Chitral second time enquired the matter and exonerated me from the charges.
 4. Deputy Commissioner Chitral enquired the matter and exonerated me from the charges.
 5. Director Elementary & Secondary Education KPK took departmental Enquiry through District Education Officer Dir and exonerated me.
 6. Secretary Education KPK also enquired the matter, Show Cause and charge Sheets were issued through Enquiry officer of Environment Department Peshawar and the same were filed.
 7. The Director Elementary & Secondary Education lastly enquired the matter in the previous week.

In light of the above mentioned statement followed by series of the already conducted Enquires, it is requested to withdraw the enquiry and file the complaint accordingly

Mr; Suhar Wardy
SST(General EPS-16)
GHSS Harchin District Chitral
Cell No. 0345504484

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REGISTERED



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

(24)

No.SO(SM)E&SED/4-33/2016/Syed Ali Dina-HM. & Others
Dated Peshawar the October 23, 2017

To

1. Syed Ali Dina Headmaster GHSS Harchin District Chitral.
2. Mr. Suhar Wardi Ex-SST GHS Harchin (now SST GHS Sor Laspur) District Chitral.
3. Mr. Didar Ali Ex-Sweeper GHS Harchin (now Sweeper GCMHS) Chitral.

Subject:- SHOW CAUSE NOTICE.

I am directed to refer to the subject noted above and to enclose herewith a copy of Show Cause Notice wherein the Competent Authority (Chief Secretary Khyber Pakhtunkhwa) has tentatively decided to impose upon you the major penalty of "Removal from service" under Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 in connection with the charges leveled against you.

2. You are therefore directed to furnish your reply to the Show Cause Notice as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

3. Your reply should reach this Department within Seven (07) days of the delivery of this letter otherwise ex-parte action shall be taken against you.

(MUJEEB-UR-REHMAN)
SECTION OFFICER (SCHOOLS MALE)

Encl: as above:

Endst: Even No. & Date:

Copy of the above is forwarded to the:-

1. Director E&SE Khyber Pakhtunkhwa, Peshawar.
2. District Education Officer (Male) Chitral with the direction to ensure delivery of show cause notices to the-accused.
3. PS to Secretary E&SE Khyber Pakhtunkhwa, Peshawar.

SECTION OFFICER (SCHOOLS MALE)

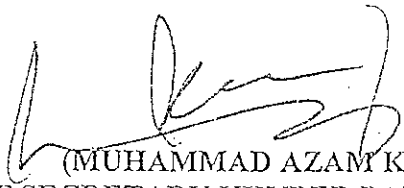
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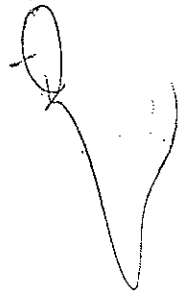
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SHOW CAUSE NOTICE

I, Muhammad Azam Khan, Chief Secretary Khyber Pakhtunkhwa, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, Suhar Wardi SST GHS Harchin (now SST GHS Sor Laspur) District Chitral as follows:-

1. (i) That consequent upon the completion of inquiry conducted against you by the inquiry committee and;
 - (ii) On going through the findings and recommendations of the inquiry committee, the material on record and other connected papers including your written defence before the inquiry committee.
2. I am satisfied that you have committed the following act/omission specified in rule-3 of the said rules:
- (a) Inefficiency
3. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of demand for service under Rule-4 of the said rules.
4. You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
5. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.
6. A copy of the findings of the inquiry committee is enclosed.


(MUHAMMAD AZAM KHAN)
CHIEF SECRETARY KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY



Suhar Wardi SST GHS Harchin,
(now SST GHS Sor Laspur) District Chitral.

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Date: / /2017

To the Worthy Chief Secretary,
Khyber Pakhtunkhwa.

(26)

REPLY FOR AND ON BEHALF OF MR. SUHAR WARDI TO THE SHOW CAUSE
NOTICE DATED 23/10/2017

Respected Sir,

The undersigned, presently serving as SST (BPS-16) GHS Sorlaspur, would like to take this opportunity to submit his reply to the show cause notice received on 23/10/2017 (hereinafter referred to as "impugned notice") whereby he has been called upon to submit his explanation in respect of the tragic death of Mst. Tahira Bibi D/o of Shapeer Khan ("deceased"). In addition to the filing of the present reply, the undersigned would also like to take this opportunity to express his strong desire to be heard in person. The relevant facts are as follows:

PRELIMINARY OBJECTIONS:

- (i) That the undersigned has not been treated in accordance with the law and his inviolable rights as secured and guaranteed by the Constitution of the Islamic Republic of Pakistan, 1973 ("Constitution") have been infringed.
- (ii) That the impugned disciplinary proceedings and the impugned notice are, respectfully, against Articles 4; 9 and 10-A of the Constitution.
- (iii) That the deceased, a student at the Mayun Public School Harchin Mastuj, Chitral, was not personally known to the undersigned. In fact, the undersigned never had any sort of interaction or association with the deceased and did not even know of her existence until after the alleged incident had taken place.
- (iv) That the alleged incident involving the deceased and Mr. Didar Ali ("accused"), who was a sweeper (BPS-02) at the Government High School Harchin ("GHS Harchin"), did not take place within the premises of the said school and nor did it take place within the immediate vicinity of the said school.



58

27

- (v) That the undersigned NEVER instigated, misled, directed, guided or suggested, explicitly or implicitly, to the deceased to lodge any sort of an FIR against the accused in respect of his alleged actions. The undersigned had no role to play in the lodging of the FIR whatsoever and the documents appended to this reply corroborate the undersigned's version of the story.
- (vi) That even otherwise the deceased, who of own her motion entirely, lodged an FIR against the accused, did not commit any illegal or unlawful act but rather set the law in motion against the alleged wrong the accused had caused her.
- (vii) That the undersigned can by no stretch of the imagination be held responsible for the actions of the deceased.
- (viii) That the undersigned did not accompany the deceased to the Police Station at Mastuj, Chitral to lodge any sort of an FIR against the accused.
- (ix) That the undersigned, being an ordinary teacher at the GHS Harchin, had no authority to initiate any sort of departmental or administrative proceedings against the accused. In fact, he had no role to play in the commencement of the said proceedings whatsoever.
- (x) That the undersigned testified in the criminal proceedings against the accused as a prosecution witness because he, as a father of 6 (including 2 daughters) considered it his moral and ethical duty and therefore he must not be subjected to negative and incriminating inferences for having performed his civic duty. In fact, to hold the said deposition before a Court of the law against him would be gravely contrary to the principles of natural justice.
- (xi) That the impugned Inquiry Report fails to disclose anything concrete against the undersigned. In fact, the same is wholly speculative in nature. Hence, respectfully it cannot be made the basis of imposing any penalty against the undersigned, especially one so severe as removal from service.
- (xii) That previous inquiries conducted against the undersigned have also failed to disclose anything significant against him and have completely failed to incriminate him or associate him in any meaningful and substantial way with the tragic incident.
- (xiii) That a recent inquiry conducted by the Directorate of E&SE Khyber Pakhtunkhwa, at the instance of Mrs. Shahnaz Bibi W/O Qayum Ali Shah of Mastuj Chitral, sister of the deceased, has completely exonerated the undersigned of any role in the incident.
- (xiv) That in the criminal proceedings against the accused before the Judicial Magistrate at Mastuj and Booni, Chitral, all the concerned police officials who testified did so in

