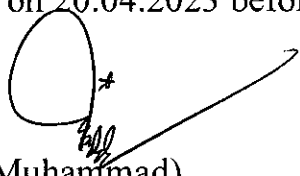



11.01.2023

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

Learned counsel for the appellant submitted rejoinder, copy of
which handed over to learned District Attorney. Learned counsel for
the appellant also requested for adjournment on the ground that he
has not made preparation for arguments. Adjourned. To come up for
arguments on 20.04.2023 before the D.B.

SCANNED
KPST
Peshawar


(Mian Muhammad)
Member (E)


(Salah-Ud-Din)
Member (J)

20.04.2023

Counsel for the appellant present: Mr. Muhammad Jan,
District Attorney for the respondents present.

The Worthy Chairman is on leave today, the bench
is, therefore incomplete. To come up for arguments on
22.06.2023 before the D.B. Parcha Peshi given to the parties.

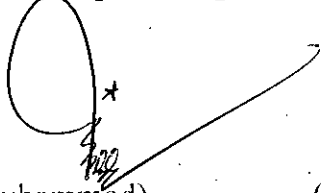

(FAREEHA PAUL)
Member (E)


Fazle Subhan P.S

07.10.2022

Counsel for the appellant present. Mr. Kabir Ullah Khattak, Additional Advocate General for respondents present.

Counsel for the appellant seeks adjournment on the ground that he has not prepared the brief. Last opportunity granted. To come up for arguments on 17.11.2022 before D.B.


(Mian Muhammad)
Member (E)


(Kalim Arshad Khan)
Chairman


17.11.2022


Clerk of counsel for the appellant present.

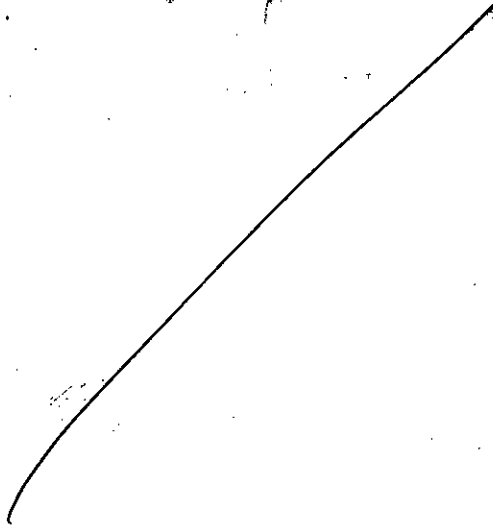
Kabir Ullah Khattak learned Additional Advocate General for respondents present.

SCANNED
KPBT
Peshawar

Lawyers are on general strike, therefore, case is adjourned to 11.01.2023 for arguments before D.B.


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)



28.06.2022

Junior of learned counsel for the appellant present. Mr. Naseer Ud Din Shah, Assistant Advocate General for respondent present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy before the august Supreme Court of Pakistan. Adjourned. To come up for arguments on 05.10.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah Ud Din)
Member (J)

5th October, 2022 Junior to learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Junior to counsel for the appellant seeks adjournment on the ground that learned senior counsel is not available today. Last chance is given to argue the case on the next date failing which the case will be decided without the arguments. To come up for arguments on 07.10.2022 before the D.B.



(Fareeha Paul)
Member(Executive)



(Kalim Arshad Khan)
Chairman

P.S

28.07.2021 Learned Addl. A.G be reminded about the omission and for submission of Reply/comments within extended time of 10 days.


Chairman

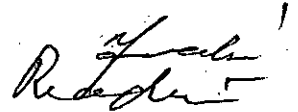
06.12.2021 Junior of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Farid Ahmad, ADEO for respondents present.

Written reply/comments on behalf of the respondents submitted which is placed on file. A copy of the same is handed over to the junior of learned counsel for the appellant. To come up for arguments on 07.03.2022 before D.B.


(MIAN MUHAMMAD)
MEMBER (E)

7-3-22

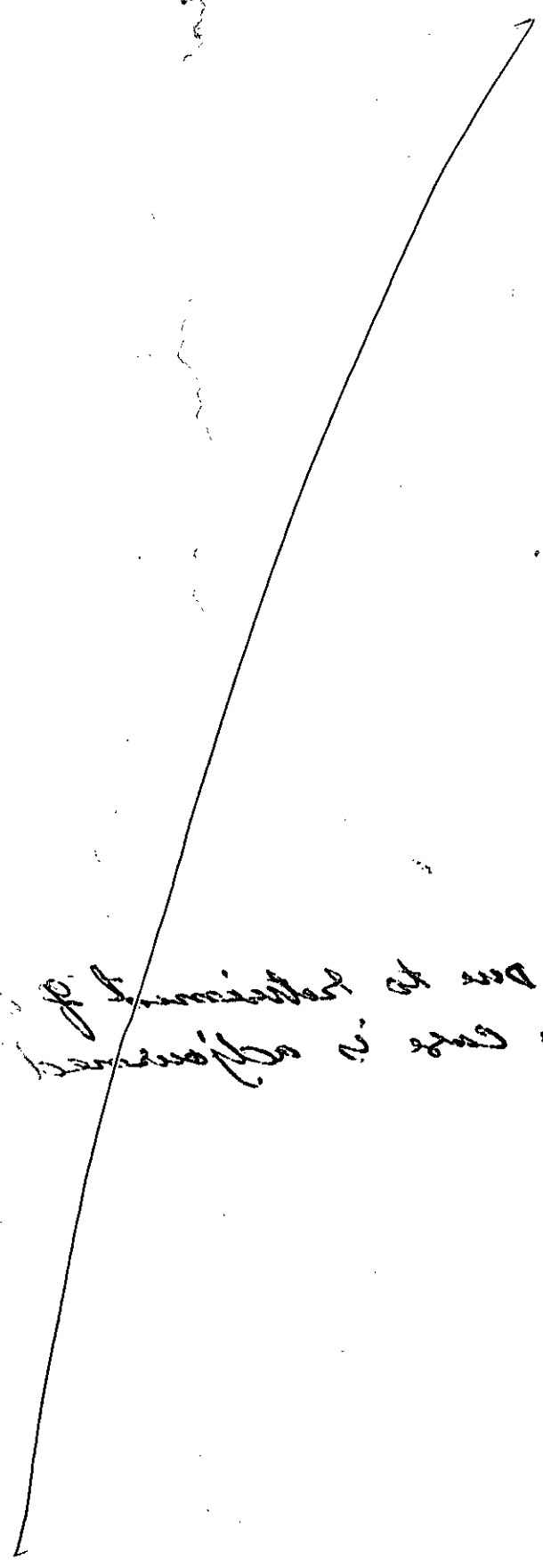
Due to retirement of the Hon.ble Chairman
the case is adjourned to 28-6-22


Receiver

20

1-3-55

The case is approved
and to be returned to



03.06.2021

Counsel for the appellant and Mr. Farid Ahmad, ADO Lower Chitral alongwith Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Notices be issued to both the District Education Officers, Lower Chitral and Upper Chitral to ensure their attendance on the next date for resolution of their respective jurisdiction. Case adjourned to 15.07.2021 before S.B.


Chairman

15.07.2021

Counsel for the appellant and Addl. AG alongwith Farid Ahmad, ADO Chitral (Lower) for the respondents present.

Mr. Fareed Ahmad, ADO present before the Court has informed that the territorial question of the district is not relevant to the case of the appellant. The matter involving in this appeal relates to District Lower Chitral. It seems that submission of the comments/reply was pending due to the question of limits of the newly created district. By now the territorial jurisdiction has been settled belonging to district lower Chitral. The said office has already been made respondent in pursuance to order dated 01.04.2021. Therefore, respondents are directed to submit written reply/comments within 10 days in office, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 06.12.2021 before the D.B.

*Stipulated period
has passed and
reply has not been
submitted.*


Chairman

Dildar Ali

01.04.2021

Learned counsel for the petitioner present.

Mr. Kabirullah Khattak learned Addl. AG for respondents present.

On 11.11.2021 representative of the respondents department has submitted application for deletion/correction of respondent No.4 as DEO (Male) Chitral has been bifurcated. Copy of the same is handed over to the learned counsel for the appellant.

Today counsel for the appellant stated at the bar that he got no objection on the application. In the meanwhile furnish application for impleading DEO (Male) Lower Chitral as respondent. Copy of the same is handed over to the learned Additional Advocate General and he did not object over the same.

In view of the above DEO (Male) Lower Chitral is impleaded in the panel of respondents. Mohrrar of the court is directed to array the same in the panel of respondents with Red Ink, therefore, notice be issued to newly respondent.

Learned Additional Advocate General is required to contact the respondents and facilitate the submission of reply/comments. To come up for reply/comments on 03.06.2021 before S.B.



(Atiq Ur Rehman Wazir)
Member (E)

11.11.2020

Nemo for the appellant. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Zulfiqar, DEO (Upper Chitral), for the respondents are present.

Representative of the department submitted application for deletion/correction of respondent No. 4, as Chitral has been bifurcated into two districts. The same be noticed to appellant. File to come up for further proceedings on 31.12.2020 before S.B.

(Muhammad Jamal Khan)
Member (Judicial)

31.12.2020

Nemo for the appellant present. Mr. Noor Zaman Khattak, District Attorney for respondents present.

Adjourned to 23.02.2021 for further proceedings before S.B.

(Mian Muhammad)
Member(E)

23.02.2021

Appellant is present alongwith his counsel. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present.

Application for deletion/correction of respondent No. 4 as already written as DEO (Male) Chitral has already been submitted by representative of the department vide order sheet dated 11.11.2020, copy of the same is handed over to learned counsel for appellant today. File to come up for further proceedings on 01.04.2021 before S.B.

(Muhammad Jamal Khan)
Member

16.06.2020

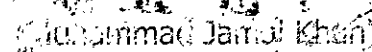
Clerk of counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Written reply on behalf of respondents not submitted. Learned Additional AG seeks time to furnish written reply/comments. Adjourned to 28.07.2020 for written reply/comments before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

29.07.2020

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

Learned AAG seeks time to contact the respondents and furnish reply/comments. Adjourned to 22.09.2020 on which date the requisite reply/comments shall positively be furnished.


(Muhammad Jamil Khan)
MEMBER


Chairman

22.09.2020

Junior to counsel for the appellant present. Nemo on behalf of the respondents.

Fresh notices be issued to the respondents for submission of written reply/comments on 11.11.2020 as last chance.


Chairman

Appeal No. 4315/2020

07.05.2020

Learned counsel for the appellant Didar Ali present. Preliminary arguments heard.

SCANNED
KPST
Peshawar

It was contended by the learned counsel for the appellant that the appellant was serving as Sweeper in Higher Education Department, he was imposed major penalty of removal from service vide order dated 09.03.2018 on the allegation of misconduct mentioned in the charge sheet. The appellant filed departmental appeal on 24.10.2019 but the same as rejected vide order dated 22.01.2020 hence the present service appeal. *03-12-2015*

Learned counsel for the appellant contended that departmental proceeding was initiated against the appellant on the charge that ^{he} she had harassed one Mst. Tahira bibi. It was further contended that in this regard FIR No.145 U/S 506, 354, PPC P.S Mastuj, Chitral ^{dated 3.12.2015} ~~dated~~ ^m ~~dated~~ 03.12.2015, was also registered against the appellant. It was further contended that later on, the victim namely Mst. Tahira Bibi made suicide and another FIR No.135 dated 05.08.2016 U/S 322, PPC P.S Chitral was registered wherein the appellant was involved as accused. It was further contended that after conclusion of trial, the appellant was acquitted in both aforementioned criminal cases. It was further contended that inquiry was initiated against the appellant on the said allegation but the inquiry officer has not recorded statement of any witness nor the appellant was associated in inquiry proceeding nor he was provided opportunity of defense nor he was provided opportunity of personal hearing. Therefore the impugned order is illegal and liable to be set aside.

Contention raised by the learned counsel, need consideration. The appeal is admitted to regular hearing subject to all just legal objections including the issue of limitation. The appellant is directed to deposit security and process fee within 10 days, thereafter notices be issued to the respondents for reply/comments. To come up for written reply/comments on 16.06.2020 before S.B.

M Amin
(M. AMIN KHAN KUNDI)
(MEMBER-J)



Security & Process Fee

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ /2020


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	19/03/2020	<p>The appeal of Didar Ali resubmitted be placed before S.B for office objection on <u>30-04-2020</u></p> <p style="text-align: right;"> REGISTRAR</p> <p>2- 30.04.2020</p> <p>None is present on behalf of the appellant. Notices be issued to appellant and his counsel for arguments on office objections on 07.05.2020.</p> <p style="text-align: right;"> (M. AMIN KHAN KUNDI) (MEMBER-J)</p> <p><i>Appellant Deposited Security & Process Fee</i></p> <p><i>30/4/2020</i></p> <p><i>Noted</i></p> <p><i>30/4/2020</i></p>

The appeal of Mr. Didar Ali Ex-Sweeper GCMHS District Chitral received today i.e. on 19.03.2020 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 flagged.
- ✓ 3- Annexures of the appeal may be attested.
- ④ Copy of rejection order of departmental appeal mentioned in para-6 of the memo of appeal is not attached with the appeal which may be placed on it.


No. 973 /S.T,

Dt. 19/03/2020


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Aimal Khan Barkandi Adv. Pesh.


Referred
This file is resubmitted after completion. The respondent has provided letter dated 22.01.2020 to the appellant in respect of rejection of departmental appeal. It is order of rejection of departmental appeal. Please put up the file before the Tribunal for decision.

 21/4/2020
Aimal Khan Barkandi
Adv, Pesh.

Su

objection No-4 not removed, and still stands. Reply of counsel for the appellant is submitted for order please

Honorable
Member;


21/4/2020

1110

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8001

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will be...
is not...
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**BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Service Appeal No. 4315 /2020

Didar Ali.....Appellant

Versus


Govt. of Khyber Pakhtunkhwa & others.....Respondents

INDEX

S. No.	Description of documents	Annexure	Page
1.	Memo of appeal		1-5
2.	Verification		6
3.	Copy of show-cause notice, charge sheet, statement of allegations and Inquiry Report dated 31.05.2017	A, B	7-19
4.	Copy of impugned order dated 09.03.2018 of removal from service	C	20
5.	Copy of department appeal dated 24.10.2019	D	21
6.	Copy of letter dated 10.01.2019	E	22
7.	Copy of impugned order dated 22.01.2020	F	23
8.	Copy of judgments dated 03.07.2019 of ASJ/ IZQ, Chitral along with memo of appeal	G, H	24-40
9.	Copy of statement of Mst. Zaryaf dated 03.07.2019	I	41
10.	Wakalat Nama		42

Appellant
Didar Ali

Through


Aimal Khan Barkandi
Advocate, Peshawar
FR-30, 4TH Floor, Bilour
Plaza, Peshawar Cantt.
Cell: 0300-9320001

19/3/2020

(1)

**BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Service Appeal No. _____/2020

Didar Ali, Ex-Sweeper (BPS-03) at GCMHS,
District Chitral Appellant

Versus

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar
 2. Secretary Elementary & Secondary Education (E&SE) Department, Govt. of Khyber Pakhtunkhwa, Peshawar
 3. Section Officer (R-I), Establishment and Administration Department (Regulation Wing), Govt. of Khyber Pakhtunkhwa, Peshawar
 4. District Education Officer (Male), Chitral
- Respondents

Appeal u/s 4 of the Service Tribunal Act, 1973 against the Notification No.SO(S/M)/E&SED/4-33/2016, dated 09.03.2018 of respondent No. 2 whereby the appellant was imposed major penalty of removal from service.

PRAYER

On acceptance of this appeal, the impugned Notification No. SO(S/M)/

②

E&SED/4-33/2016, dated 09.03.2018 of respondent No. 2 may kindly be set aside and the appellant may be reinstated to his post (Sweeper, BPS-03) with all back benefits admissible under the law and rules.

Respectfully submitted;

1. That the appellant was appointed as Sweeper in the Govt. High School, Harchin, Chitral by the respondents, and consistently performed his duty at district Chitral.
2. That on 03.12.2015, an FIR No. 145 u/s 506, 354, PPC was registered against the appellant at Police Station Mastuj, Chitral, in which the appellant was convicted for six months and two years in the above charges respectively by the Judicial Magistrate/ Ilaqa Qazi, Chitral on 20.05.2019. However, on appeal the appellant was acquitted of the charges on 03.07.2019 by the learned Additional Sessions Judge/ Izafi Zilla Qazi, Chitral.
3. That during the above trial, another FIR No. 135, dated 05.08.2016 u/s 322, PPC was lodged against the appellant at Police Station Mastuj, Chitral by Mst. Tahira Bibi (now deceased) wherein the appellant was acquitted of the charge by the learned Additional Sessions Judge/ Izafi Zilla Qazi, Chitral vide judgment dated 03.07.2019.
4. That during the trial of the above mentioned two criminal cases, departmental inquiry was initiated

against the appellant in this regard and vide Notification No. SO(S/M)/E&SED/4-33/2016, dated 09.03.2018 of respondent No. 2, the appellant was imposed major penalty of removal from service on the allegations leveled by Mst. Tahira Bibi (now deceased) on 03.12.2015 when she was on the way to her college. (Copy of the show-cause notice, charge sheet, statement of allegations, inquiry report and notification is annexure "A", "B" & "C")

5. That as the appellant has been acquitted in both the criminal cases, therefore, submitted departmental appeal to respondent No. 1 on 24.10.2019 for reinstatement to his post. (Copy of the departmental appeal is annexure "D")
6. That the department appeal of the appellant was regretted on 22.01.2020 vide letter No. SOR-I(E&D)5-30/2018. The copy of the order/ letter was provided to the appellant on 26.02.2020. (Copy of the letters is annexure "E" & "F")
7. That the appellant is now filing this service appeal in the hon'ble Tribunal and prays for his reinstatement to the post of Sweeper (BPS-03) on the following grounds;

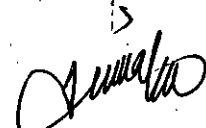
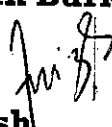
GROUND

- A. That the impugned orders of respondents No. 1 and 2 are against the law and facts of the case, hence, are not tenable.

- B. That no proper inquiry has been taken in the case to ascertain about the actual facts of the case and to ascertain the authenticity of the allegations leveled against the appellant.
- C. That the appellant has been acquitted of the charges leveled against him by the learned Additional Sessions Judge/ Izafi Zilla Qazi, Chitral vide judgment dated 03.07.2019. This side of the case has all together been ignored by the respondents. The appellant is entitled to be reinstated to his post with all back benefits. (Copy of the judgments is annexure "G" & "H")
- D. That the appellant belongs to respectable family of the locality and cannot think of such shameful act. The appellant has been exonerated of the charges by the mother of deceased Mst. Tahira Bibi who has recorded her statement before the Additional Sessions Judge, Chitral on 03.07.2019. (Copy of the statement is annexure "I")
- E. That the appellant has been condemned unheard. No proper opportunity of hearing has been provided to the appellant, which is against the natural justice.
- F. That there is nothing in the inquiry report regarding the allegations level against the appellant but even then major penalty has been imposed upon the appellant on presumptions, which is illegal, unjust and is liable to be set aside.

- G. That the major penalty imposed on the appellant is too harsh and severe which does not commensurate with the facts of the case.
- H. That the respondents should have waited till the decision of the criminal cases registered against the appellant before imposing the major penalty. The order of removal has been passed in hasty manner without giving chance to the appellant to prove his innocence.
- I. That both the criminal cases were registered against the appellant on the connivance of the local administration and police based on malafide intentions. There is neither reliable evidence nor any independent witness produced in the trial Court and due to which the learned appellate Court acquitted the appellant.

It is, therefore, prayed that on acceptance of this appeal the impugned Notification No. SO(S/M)/E&SED/4-33/2016, dated 09.03.2018 of respondent No. 2 may kindly be set aside and the appellant may be reinstated to his post (Sweeper, BPS-03) with all back benefits admissible under the law and rules.

Appellant
Didar Ali
Through
 09/3/2020
Aimal Khan Barkandi
&

Faiz Bukhsh
Advocates, Peshawar

**BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Service Appeal No. _____/2020

Didar Ali.....Appellant

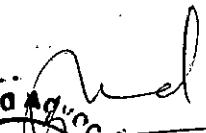

Versus

Govt. of Khyber Pakhtunkhwa & others.....Respondents

Appeal u/s 4 of the Service Tribunal Act, 1973

VERIFICATION

I, Didar Ali s/o Halawati Khan r/o Harchin, Tehsil Mastuj, District Chitral (appellant), do hereby verify that the contents of the **Service Appeal** are true and correct to the best of my knowledge, and nothing has been concealed from this Hon'ble Court.



 DEPONENT
 19-3-2020
 15202-7458286-7

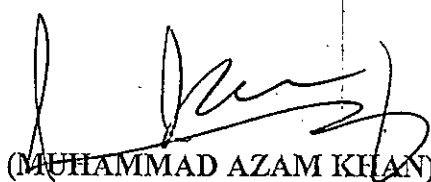
annex
"A"

7

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, Didar Ali Ex-Sweeper GHS Harchin (now Sweeper GCMHS) 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

Didar Ali Ex-Sweeper GHS Harchin,
(now Sweeper GCMHS) District Chitral.





CHARGE SHEET

(8)

I, Abid Saeed, Chief Secretary, Khyber Pakhtunkhwa as Competent Authority, hereby charge you, Didar Ali Sweeper BS-03 GCMHS District Chitral as follows;

That you, while posted as Sweeper BS-03 GHS Harchin District Chitral committed the following irregularities:

"You sexually harassed Mst. Tahira Bibi D/O Shaheer Khan on 03-12-2015 when she was on the way to her college. On 05-08-2016 the affectee came to GHS Harchin to protest for no action against you and took poison 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.

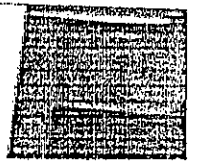
6- A Statement of Allegations is enclosed.

Abid Saeed
10.3.2017

(ABID SAEED)
CHIEF SECRETARY KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

Ex-
Didar Ali, Sweeper BS-03 GHS Harchin District Chitral.
(Now Sweeper GCMHS Chitral).

AS 22/17



DISCIPLINARY ACTION

9

I, Abid Saeed, Chief Secretary, Khyber Pakhtunkhwa as Competent Authority, am of the opinion that Didar Ali Sweeper BS-02 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 sexually harassed Mst. Tahira Bibi D/O Shaheer Khan on 03-12-2015 when she was on the way to her college. On 05-08-2016 the affectee came to GHS Harchin to protest for no action against him and took poison 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. Muhammad Masood Adh: Secy: Environment
- ii. Said Rehman Principal GHS no. 2 Batkhela M.D.
- 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
10.3.2017

(ABID SAEED)

CHIEF SECRETARY KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

EX
↓
Didar Ali Sweeper BS-02 GHS Harchin District Chitral

Now at Govt. Centennial High School Chitral.

RS
SEND



Inquiry Report

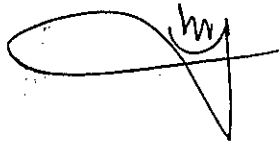
Subject: DISCIPLINARY PROCEEDINGS AGAINST MR. ALI DINA SHAH HEADMASTER (BS-17) GHS HARCHIN CHITRAL AND OTHERS

Order of Inquiry

The Inquiry was assigned to us 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 17th March 2017 (Annex-I) to probe into charge sheet/statement of allegations Annex-II, III & IV against the three accused namely Mr. Ali Dina Headmaster, Mr. Suhar Wardi SST (General) and Mr. Didar Ali Sweeper—all posted at GHS Harchin, Chitral at the time of complaint of alleged/attempted molestation.

Background of the case

2. According to report of District Education Officer (DEO) (male) Chitral, report of Headmaster GHS Harchin Chitral, documents received from E&SED as well as information obtained during the proceedings the alleged unfortunate incidence of attempted molestation happened on 03-12-2015 when a female student namely Tahira Bibi D/O Shaheer Khan was on her way to Mayoon College, Herchin when she was suddenly intercepted by Mr. Didar Ali Son of Halawati sweeper GHS Harchin with the evil intention of molestation. However appearance of a person from other direction ended the episode and Ms. Tahira Bibi daughter of Shaheer Khan went to GHS Harchin where Didar Ali Son of Halawati was serving as a sweeper and complained to the headmaster of GHS Harchin Mr. Syed Ali Dina Shah and demanded action against the sweeper. Reportedly the Head Master Mr. Ali Dina and Mr. Suhar Wardi SST (G) respectively advised and instigated Ms. Tahira Bibi to lodge report with the police with the promise to extend all out support in the court of law. So, Tahira Bibi lodged complaint with police and the accused Mr. Didar Ali was arrested. Besides, Tahira Bibi D/O Shaheer Khan also submitted written complaint to the DEO(M) Chitral for action against Didar Ali Son of Halawati sweeper GHS Harchin. The DEO (M) Chitral



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transferred the accused Didar Ali Son of Halawati sweeper GHS Harchin to another school away from Herchin. However dissatisfied with the action taken against the accused, Ms. Tahira Bibi D/O Shaheer Khan came to GHS Harchin on 05.03.2016 with the protest that justice had not been done to her and asked Headmaster to terminate Didar Ali sweeper GHS Harchin. She reportedly reminded the Headmaster and Mr. Suhar Wardi of their promise of support and rued that she was left out in cold in litigation and they did not even go for statement as witness. Reportedly Tahira Bibi stayed back in GHS Harchin till the closing time where she reportedly committed suicide by eating poison.

3. After the reported incidence of suicide, DEO (Male) Chitral constituted an inquiry committee comprising of Mr. Ahmad Ghazi Head Master GHS Sonoghore and Syed Alim Shah I/C Head Master GHS Mastuj to probe into the matter and submit a detail inquiry report along with suggestions. The committee conducted the inquiry and submitted report which declared the Head Master Mr. Ali Dina Shah as irresponsible person for not handling the situation properly and proposed him to be put on the disposal of Directorate. The inquiry report also held Suhar Wardi responsible of instigating Ms. Tahira Bibi D/O Shaheer Khan; however nothing has been suggested against him in the inquiry report.

4. E&SED Khyber Pakhtunkhwa nominated DEO (M) Upper Dir as Inquiry Officer who also probed the unfortunate incident and submitted the findings (**Annex-V**), a gist of which is as follows:

- a) According to the police station record the police got information about the death of Ms. Tahira Bibi D/O Shaheer Khan and on reaching the incident place the mother of Ms. Tahira Bibi came and reported to the police that a criminal case was pending in the court of law due to complaint of her daughter against Mr. Didar Ali Son of Halwati sweeper GHS Harchin. Because of that case her daughter i.e. Ms. Tahira Bibi D/O Shaheer Khan was in intense grief which caused her to take poison and commit suicide. She held Mr. Didar Ali Son of Halawati sweeper GHS Harchin responsible for the death of her daughter.
- b) According to the reply/ statement of the Head Master, on 03.12.2015 Ms. Tahira Bibi complained against the Sweeper GHS Harchin, Mr. Didar Ali Son of

ASPEND

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Halawati. The headmaster was aware of lodging of report to police however clarified that he was not a witness in the FIR of Ms. Tahira Bibi against Didar Ali but the name of Suhar Wardi SST (G) was present as a witness in the FIR. With regard to suicide, he stated that on 05.08.2016 Ms. Tahira Bibi came to school and wanted termination of Didar Ali Son of Halawat from service as a punishment for his alleged attempt on her honour. He said that he was not aware of taking poison by Ms. Tahira Bibi as after closing hours, he had gone home. He was informed by Lal Khan Class-IV about the eating of poison by Ms. Tahira Bibi. When he returned to school the doctor had come for the treatment of Ms. Tahira Bibi who had come on the call of teachers residing in the school. The headmaster also alleged that some of his opponents were trying to use the incident as a tool to malign him falsely. However, some of the villagers held him along with Suhar Wardi SST (G) responsible for instigating the deceased for lodging FIR which later on led to tension into her suicide.

- c) The factual position is that Ms. Tahira Bibi D/O Shaheer Khan has caused her death by eating poison. She has done this in the school on the date on which the head master was present in the school.
- d) The Head Master has shown negligence on his part while not taking the case seriously. Though alleged molestation attempt happened outside his school, being a human being he cannot absolve himself of the onus to take Mst. Tahira Bibi to home on the day before the suicide. Circumstantial evidences show that Mr. Suhar Wardi SST (G) might have instigated Ms. Tahira Bibi for loding FIR. As far as the accused Chowkidar is concerned, he is under arrest and the court can decide better. Both M/S Ali Dina Shah, Head Master and Suhay Wardi SST (G) GHS Harchin Chitral may be proceeded under E&D Rules 2011 for the charges of inefficiency.

Methodology

5. In follow up to the Notification and communication of Charge Sheets and Statement of Allegations to all the accused by the E&SED, the charge sheet and statement of allegation were again sent to all the accused with the direction to ensure timely reply to the charges within stipulated time. Mr. Ali Dina and Mr. Suhar Wardi submitted their written replies whereas Mr. Didar Ali did not submit any written reply. All the accused, DEO Male Chitral, Departmental representative and relevant employees of GHS Harchin were called and their statements recorded. Questions were asked and answers obtained from the parties. All the relevant record obtained from E&SED and DEO Chitral and defense offered by the accused was perused. Hearing was



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held thrice, in the presence of both the accused and the departmental representative. In order to provide fair chance of defense to the parties and maintain impartiality, the accused and the departmental representative were allowed to cross question each other regarding veracity of written record as well as statements submitted or recorded during the proceedings.

6. Details of proceedings of the inquiry held/recorded and conclusions drawn unanimously by us are as follows:

6.1. Inquiry in respect of Mr. Ali Dina

6.1.1 Following are the allegation against the accused Mr. Ali Dina, Headmaster GHS Harchin Chitral.

"On 05-08-2016 Mst. Tahira Bibi D/O Shaheer Khan protested before you in your office for no action against Didar Ali, Sweeper of your school, who had sexually harassed her and she took poison and died in your office after the school had gone off but you failed to handle the situation"

6.1.2 Written statement of accused Mr. Ali Dina is placed at Annex-VI through which he has tried to prove himself innocent stating that the complainant was neither a student nor staffer of his school; the alleged attempt on her honor did not take place in the school, alleged attempt of the accused Didar Ali was his private action. After the occurrence he tried to console the complainant Ms Tahira Bibi D/O Shaheer Khan and on the day of suicide too, he tried his best to send the girl back peacefully. Copy of the attendance register provided by the Headmaster (Annex-VII) indicates that Mr. Didar Ali was absent on the day of attempted molestation i.e. 03-12-2015. Immediately on receipt of complaint he took actions like informing DEO (Male) Chitral and calling meeting of PTC which resulted in transfer of the accused Didar Ali Sweeper to DEO office.

6.1.3 View point of other teachers: Mr. Hidayatullah Senior A.T GHS Harchin states that Mr. Didar Ali was absent on 3-12-2015; around 9.00 O'clock the complainant Ms Tahir Bibi came and complained against Mr. Didar Ali whereupon she was advised by the Headmaster to consult her parents and senior relatives to resolve the matter. She however, proceeded to police post and Mr. Didar Ali was arrested at about 1200 noon outside the school vicinity. The Headmaster called PTC meeting on

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12th December 2015 and in follow up to meeting resolution, called explanation from Mr. Didar Ali for being absent from the school on 3-12-2015. According to Mr. Sher Fraz, SST GHS Herchin, the complainant Ms Tahira D/O Shaheer Khan was present in the school on 5-08-2016 at 11:30 am and Headmaster and Mr. Suhar Wardi had left the school. The complainant informed that she had eaten poison to protest against non provision of justice; when she was feeling ill, he along with few other resident teachers went to fetch doctor. The doctor came and started treatment while he along with other teachers went to bring police. On return they found her dead though doctors tried to save her life. An almost similar statement has been given by Mr. Riffatuddin SST, GHS Harchin

- 6.1.4 Statement of Mr. Lal Khan, Laboratory Attendant GHS Harchin: He stated that on both the occasions i.e. on 3-12-2015 and on 05-08-2016, both Mr. Ali Dina Headmaster and Mr. Suhar Wardi SST were present in the school when the deceased Ms Tahira Bibi visited the school; firstly for complaining against Didar Ali and secondly for lodging protest for non provision of justice to her. On 05-08-2016 they left the school at least 10-15 minutes before prescribed closing hours i.e. in the middle of crisis when the deceased was protesting for non provision of justice.
- 6.1.5 Statement of Qayyum Shah S/O Jehan Shah, brother in law of the deceased Tahira Bibi D/O Shaheer Khan. He informed that the accused Didar Ali did attack the girl with evil intentions but could not succeed because of appearance of a person from other direction. He further informed that the three accused namely Ali Dina Shah, Mr. Suhar Wardi and Mr. Didar Ali are relatives and rivals to each other because all three have claims on the land on which the school was built, so they wanted to use the incident against each other. That is why efforts for compromise between the father of the accused Didar Ali and the deceased Tahira's mother were sabotaged by them. If they were true helpers, they would have suggested to the deceased to lodge complaint with her college administration rather than with Police. He held both Ali Dina the headmaster and Mr. Suhar Wardi the SST responsible for mishandling the situation. According to him, families of all the parties (the three accused persons and that of the deceased) belong to same sect and school of thought and have distant kinship as well.

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Conclusions drawn in other inquiries already conducted in the matter: (excerpts from Inquiry report of DEO Male Upper Dir Annex-V and report of DEO Male Chitral.....Annex- VIII)

- i) Inquiry committee comprising of Mr. Ahmad Ghazi HM GHS Sonoghore and Syed Alim Shah I/C HM GHS Mastuj concluded that Headmaster Mr. Syed Ali Dina is an irresponsible person for he failed in handling the situation properly and recommended him to be put on disposal of Directorate,
- ii) Inquiry report conducted by DEO (Male) Dir Upper concluded that Headmaster has shown negligence on his part while taking the case not serious. If he is true to the extent that the molestation act was outside the school, then being a human being he cannot absolve himself of the onus to take Ms Tahira Bibi to home on the day before the suicide.
- iii) Report submitted by DEO (Male) Chitral to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar indicates that gross negligence and carelessness have been committed by the Headmaster by letting the girl alone in the premises and mishandling the situation. He has shown grave incompetence and irresponsibility to let the incident happen.

6.2 Finding

Perusal of record, previous inquiries and the statements recorded during the proceedings indicate that the Headmaster turned a blind eye to the gravity of the matter right from the day of first complaint to him till the occurrence of the suicide. Even on the day of sad occurrence of suicide, the headmaster left the school in the middle of crisis before closing hours. We are therefore, of the opinion that the Headmaster is guilty of negligence of his duty because of adopting non serious attitude towards his administrative and managerial duties and lack of efficiency and leadership which led to his failure to handle the situation effectively.

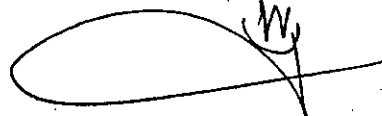
6.3 Inquiry in respect of Mr. Suhar Wardi

- 6.3.1 Following are the allegation against the accused Mr. Suhar Wardi, SST (General) GHS Harchin Chitral.

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"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"

- 6.3.2 Written statement of Mr. Suhar Wardi is placed at Annex-IX. He is of the view that on 3rd December 2015 he was serving in GHS Harchin as Senior CT-, BPS-16 when Mr. Didar Ali Sweeper of the school was charged under criminal allegations with respect to cheating with Mst Tahira in his personal capacity. The occurrence reported to be happened out of school; neither the occurrence nor the complainant had any relation with him or the school. When she complained against the accused Didar Ali, the Headmaster took action, reported to the DEO and local police also booked the accused Didar Ali under Section 506/354 PPC at Police Station Mastuj, Chitral. He further stated that I.O of the case put his name in the witness list only to testify the complaint which he did as his personal responsibility. The accused remained behind the bars for about fifteen days and on release, transferred from GHS Harchin. On 05-08-2016 i.e. the day of suicide, Ms Tahira Bibi suddenly came and demanded termination of Didar Ali Sweeper. The Headmaster and other teachers tried their best to pacify the complainant about the departmental and judicial proceedings against the accused Didar Ali, so she left satisfied. It was Friday so after closing hours all local teachers, (including Suhar Wardi local teacher) and formal students left and Informal students of Allama Iqbal Open University started arriving for workshop. Therefore he knows nothing about return of complainant to school in their absence, in poisoned condition and subsequent suicide. Therefore he did not mislead the complainant.
- 6.3.3 View point of other teachers: statements of other teachers noted at 6.1.3 above indicate that Mr. Suhar Wardi was present in the school on both occasions i.e. on the day of first complaint on 3rd December, 2015 and on the day of suicide on 05-08-2016. Moreover, on 05-08-2016 he left the school almost 10-15 minutes before closing hours.
- 6.3.4 View point of Mr. Lal Khan, Laboratory Attendant GHS Harchin: He stated that on 05-08-2016, both Mr. Ali Dina Headmaster and Mr. Suhar Wardi were present in the school. They had left school at least 10-15 minutes before prescribed closing hours. Mr. Lal Khan did not give any clue as to instigation of the complainant by Mr Suhar Wardi.
- 6.3.5 View point of previous inquiries about the accused:




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- i) Inquiry committee comprising of Ahmad Ghazi Headmaster GHS Sonoghore and Syed Alim Shah I/C Headmaster GHS Mastuj held Suhar Wardi responsible to the extent of catalyzing the situation by instigating the complainant Ms Tahira Bibi D/O Shaheer Khan; by then he has been transferred to Sorlaspur; the inquiry suggested nothing more against him.
- ii) Inquiry report conducted by DEO (Male) Dir Upper, concluded that circumstantial evidence show that he might have instigated the complainant Ms Tahira Bibi.
- iii) Report submitted by DEO (Male) Chitral to Director E&SE Khyber Pakhtunkhwa indicates that Mr. Suhar Wardi was transferred to GHS Arkari to neutralize situation arising as a result of public resentment who demanded immediate transfer of Mr. Ali Dina and Mr. Suhar Wardi (as reported by SHO Mastuj).

6.4 Findings

The conclusion drawn by previous two inquiries noted above states that circumstantial evidence might suggest that he instigated the girl to lodge FIR with police because his name has been associated with the story from the very first complaint of molestation by Ms Tahira against Didar Ali, he figures in the list of witness in the court of law and subsequently under mounting pressure of public resentment he was also transferred from GHS Harchin to pacify the people of the area. So he appears to have a finger in the pie. Therefore, we agree with the conclusion drawn by the previous two inquiries that circumstantial evidences suggest that he might have instigated the deceased Tahira Bibi to lodge complaint with the police.

6.5 Inquiry in respect of Mr. Didar Ali Sweeper

6.5.1 Following are the allegations against the accused Mr. Didar Ali, Sweeper GHS Harchin Chitral:

"You sexually harassed Mst. Tahira Bibi, D/O Shaheer Khan on 03-12-2015 when she was on the way to her college. On 05-08-2016 the affectee came to GHS Harchin to protest for no action against you and took poison and died"

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- 6.5.2 Statement of the accused: The accused Mr. Didar Ali did not submit statement. He told the inquiry committee that he could speak no language. Therefore, services of a Chitrali resident government school were utilized for investigation from the accused and recording his statement. Hearing Mr. Didar Ali told that he knew the deceased Ms Tahira Bibi was present in the school on the day of occurrence of attempted act of terrorism. He stated that he spent the preceding night at school and after serving to resident teachers, left the school in the morning. He did not meet the way nor knew anything about the happening; however towards the morning he was summoned by police of nearby police post. He went to the police post with the impression of being summoned for some errands—a routine matter as he visited the post quite often in his private capacity. It however came to his attention on him after reaching the police post that he was summoned in connection with the complaint of Ms Tahira Bibi. He was then taken into custody and kept at the Police Station. Court trial started and he remained behind bars for fifteen days whereafter he was released on bail. He told that he had no personal scores with Suhar Wardi. It could be gathered from his talks that the three accused were settling personal scores among themselves by playing the incident against each other.
- 6.5.3 Statement of Qayyum Shah, brother in law of the deceased Ms Tahira Bibi: His statement has already been reflected, as noted above at para-6.1.5
- 6.5.4 View point of co-accused Mr. Syed Ali Dian: He was of the opinion that the accused Didar Ali is not a good government servant, he absents himself from duty frequently. The headmaster also provided copy of the attendance register which indicates that Mr. Didar Ali was absent on the day of attempted murder of Ms Tahira Bibi on 3rd December 2015 till the end of the month i.e. 31st December, 2015.
- 6.5.5 View point of co-accused Mr. Suhar Wardi: He was of the opinion that the accused, Mr. Didar Ali Sweeper was an addicted man of bad character.
- 6.5.6 View point of Mr. Qari Usman, TT GHS Harchin: He opined that the accused Mr. Didar Ali was an average performer of official duty.
- 6.5.7 View point of Mr. Lal Khan, Laboratory Attendant GHS Harchin: He was of the opinion that the accused Mr. Didar Ali, the then Sweeper frequently deserted his duty; did not take least interest in official duty. The headmaster could never take appropriate action against him.



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6.5.8 View point of previous inquiries

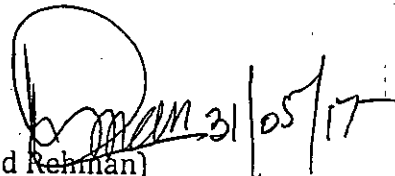
- i) Report submitted by DEO(Male) Chitral to Director E&S indicates that Didar Ali was arrested on charges of harassment
- ii) Inquiry report by DEO (M) Dir Upper concludes that Mr. I under arrest in connection with the said complaint of Ms Ta the court can decide better

6.5.9

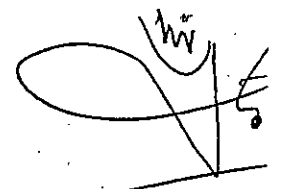
Findings

So far as the charge regarding molestation of Mst. Tahira Bibi, Khan by the accused Mr. Didar Ali, the then Sweeper GHS Harchin is co under trial in the court of law in Chitral and the court is competent to de beyond the scope of this inquiry.

So far as his conduct with regard to performing official duty and compromising his official status is concerned, on the basis of state concerned employees recorded during the proceedings, explanation c Headmaster from the accused Mr. Didar Ali and previous inquiries, it tran is habitual absentee, does not take interest in duty and shirks duty and h the extent of performing the official duty, is unsatisfactory.


31/05/17

(Said Rehman)
Principal GHS No.2 Batkhela
Malakand



(Muhammad Masood)
Additional Secretary
Forestry, Environment &
Department

annex
C

Dated Peshawar the March 09, 2018

NOTIFICATION

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

WHEREAS Mr. Didar Ali Ex-Sweeper BS-03 GHS Harchin District Chitral (now Sweeper BS-03 GCMHS 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. Didar Ali Ex-Sweeper BS-03 GHS Harchin District Chitral (now Sweeper BS-03 GCMHS 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 officer 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.

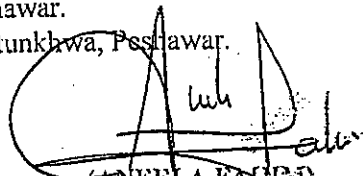
6. NOW, THEREFORE, in exercise of the powers conferred under section 14 of Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (Chief Secretary, Khyber Pakhtunkhwa) is pleased to impose major penalty of "Removal from service" upon Mr. Didar Ali Ex-Sweeper BS-03 GHS Harchin District Chitral (now Sweeper BS-03 GCMHS 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. Didar Ali Ex-Sweeper BS-03 GHS Harchin District Chitral (now Sweeper BS-03 GCMHS 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 FARIDI)

12/3

To

The Chief Secretary
Khyber Pakhtunkhwa.

annex
"D"

21

24/10/19

Subject:

REQUEST FOR RE-INSTATEMENT IN SERVICE.

With humble submission it is being state that I was removed from service on March 09, 2018 bearing Elementary & Secondary Education Department Notification No.SO(S/M)E&SED/4-33/2016/Mr.Ali Dina Shah & Others (Flag-A) on the basis that an FIR was lodged against me on the ground of baseless allegations on 03/12/2015.

2. The case was prejudice in the court of Additional District Judge Chitral (Camp Court Booni) while my removal order was issued which is totally against the rules and regulations.

3. Now the court of Additional District Judge Chitral has decided the case vide Judgment attached as (Flag-B), stating therein that

on 03-06-2019

"Scrutiny of evidence and other material on file from all angles, I am of the opinion that the prosecution has failed to prove the guilt of the accused through unimpeachable ocular testimony. The basic principle of Sharia/Law that conviction must be based on evidence beyond any shadow of doubt because the damage resulting from erroneous sentence is irreversible and the principle that it is better to acquit guilty person that to punish an innocent one, but as the prosecution has failed to prove the guilt of appellant beyond any shadow of doubt, therefore, the conviction of appellant cannot be maintained. Resultantly, while extending the benefit of doubt, this court accepts the appeal filed by the appellant (convict) by setting aside his conviction and sentence and acquits him of the charges leveled against him. He be released forthwith."

5. The case also has been decided through راضی نامہ, between both parties. (Flag-C).

4. In view of the above judgment, it is therefore humbly requested that I may kindly be re-instate in service on humanitarian grounds.

I shall be very thankful to you for kindness.

Thanking you.

(Didar Ali)

دیدی علی

Ex-Sweeper

GHS Harchin, District
Chitral (Upper).

24/10/2019



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No.SO(SM) E&SE/4-33/2016/ Aii Dina & Others
Dated Peshawar the January 10, 2019

To

The Secretary,
Government of Khyber Pakhtunkhwa,
Establishment Department.

22
annex
"E"

Subject: - REQUEST FOR RE-INSTATEMENT INTO SERVICE.

I am directed to refer to the subject noted above and to enclose herewith an application received from the Chief Secretary Khyber Pakhtunkhwa alongwith relevant documents in respect of Mr. Didar Ali, Ex Sweeper, Government Higher Secondary School Harchin District Chitral (Upper) regarding re-instatement into service in light of judgment of Additional District Judge/IZQ, Chitral dated 03-07-2019.

It is submitted that the appellant was removed from service vide this office Notification dated 09-03-2019 (Annex-I) after proper departmental enquiry against him. Now the Additional District Judge/IZQ Chitral has acquitted him from the charges levelled against him vide judgment dated 03-07-2019 (Annex-II). The official concerned has now requested for re-instatement into service on the basis of his acquittal by the Additional District Judge Chitral,


Keeping in view of the above, it is, requested that this office may please be advised, whether the appellant may be re-instated into service on the basis of his exoneration by the Additional District judge Chitral from the charges levelled against him or otherwise.

Encl. As above.


SECTION OFFICER (SCHOOLS MALE)

Endst: Even No. & Date:

1. PS to Secretary E&SE Khyber Pakhtunkhwa, Peshawar.


SECTION OFFICER (SCHOOLS MALE)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMN: DEPARTMENT
(Regulation Wing)

No. SOR-I(E&AD) 5-30/2018
Dated the 22nd January 2020

23

2

Annex
"F"

To,

The Secretary to Govt. of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department

Subject: - **REQUEST FOR RE-INSTATEMENT INTO SERVICE**

Dear Sir,

I am directed to refer to your letter NO. SO (SM) E&SE/4-33/2016/Ali Dina & others dated 10.01.2020 on the captioned subject and to state that neither the official submitted departmental appeal against the said major penalty nor filed appeal in the Khyber Pakhtunkhwa Service Tribunal. Therefore, penalty imposed upon the accused as a result of disciplinary proceedings i.e. "Removal from Service" is still in the field. The Additional District Judge Chitral has released him only in a criminal case under trial and the Court has not ordered for his re-instatement into service for which the accused will have to approach the Khyber Pakhtunkhwa Service Tribunal. Since legal issues are involved, Law Department may also be consulted in the matter.

Yours faithfully,

(ABDUL AHAD)
SECTION OFFICER (R-I)
Phone # 9210860

annex
"G"

(24)

**IN THE COURT OF MOHAMMAD KHAN YOUSAFZAI
ADDITIONAL DISTRICT JUDGE/IZQ, CHITRAL
CAMP COURT BOONI**

Appeal No.	01/10-A of 2019
Date of Institution:	03.06.2019
Date of Decision:	03.07.2019

Deedar Ali S/O Halawati Khan R/O Herchin Laspur Tehsil Mastuj
[present confined in District Jail, Chitral] District Chitral
..... (Appellant/accused)

Versus

Mst: Tahira Bibi D/O Shapir Khan R/O Broke Laspur Tehsil Mastuj
District Chitral (Respondent)

**CRIMINAL APPEAL AGAINST THE
JUDGMENT/ORDER DATED 20.05.2019 PASSED BY
CIVIL JUDGE/IQ, BOONI CHITRAL.**

Judgment:

The instant appeal has been preferred by aforementioned appellant against the judgment/order of learned Civil Judge, Booni Chitral dated 20.05.2019, by which the appellant/convicted accused was sentenced to imprisonment for 26 months R.I.

2. Facts of the case succinctly are that, [allegedly] on 03.12.2015 at 07:30 hours Mst: Tahira Bibi [student of Intermediate at Mayun Public School aged about 16/17 years] was going to School when reached at Main road Chat Kham Broke Laspur, accused Deedar Ali [who was ambushing there for her] confronted and tried to outrage her modesty, on resistance extended her life threats; she while rescuing her-life & modesty reached to school and intimated Headmaster about

A. Usman

16

Reader To
Addl. Sessions Judge Chitral
Camp Court Booni

the incident. Thus, the case FIR # 145 dated 03.12.2015 under section 506/354-PPC was registered against accused/appellant Deedar Ali. After completion of the investigation, challan was submitted before learned trial court for trial. Accused/appellant was summoned and he was formally charged to which he pleaded not guilty and claimed trial. After framing of charge, prosecution in support of the charge produced 12 witnesses and closed its evidence. After close of prosecution evidence, the statement of appellant/accused was recorded under section 342-Cr. PC, wherein he did not admit the charges & evidence of the prosecution produced against him and recorded his statement as DW-3 under section 340 Cr. PC and produced Hidayat Ullah as DW-1 and Sardar Alam as DW-2 in defense. After hearing arguments of the state counsel, counsel for appellant and counsel for appellant/accused, the learned Civil Judge/IQ, Booni Chitral convicted the appellant/accused for the terms mentioned above, hence, the present appeal in hand.

3. Respondant was summoned. On behalf of the state, the learned APP and learned advocate on behalf of complainant/respondent contested the appeal.

4. Counsels heard and record perused.

3. The precise allegations against the appellant/accused facing trial levelled in the FIR is that, he on the eventful day, time and place mentioned in the FIR Ex. PW-3/1 [on 03.12.2015 at 07:55 hours at

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main road Chat Kham Broke Laspur] was in a wait for the alleged victim and she while going to school when appeared at the place mentioned above, accused/appellant tried to outrage her modesty and on resistance extended her life threats. The victim girl reached to school by rescuing her life and modesty.

4. I would like to examine first as to whether the complainant has reported the matter within time or otherwise and any eyewitness has been associated with the case.

According to contents of FIR, the [alleged] incident has happened on 03.12.2015 at 07:35 hours while the report has been lodged to police on the even date at 16:00 hours; which shows a clear delay of more than eight hours. The distance between the place of occurrence and police station, Mastuj has been shown as 29/30 KM and the report has been made at Chowki Herchia which as per the cross-examination of complainant [page # 02 verse # 13] the distance between Chat Kham (place of occurrence) and Police Chowki is of 20 minutes for ladies. Meaning thereby, the Police station (Police Chowki) is not too much far away from the place of occurrence. Thus, for the delay in reporting the matter no plausible explanation has been assigned by the complainant which at the outset makes the case of prosecution as doubtful and the complainant in her report to police has stated that, after the incident she rescued her life & modesty, went to School and intimated the headmaster about the incident. The

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complainant in her cross-examination as PW-2 has stated that,

”یہ درست ہے کہ مجھے سہروردی اور دیگر اساتذہ نے بھروسہ کی رپورٹ درج کرنے کے لیے بھیجے، از خود کہا اساتذہ نے برخلاف ملزم مت قانونی کارروائی کرنے کے لیے چوکی بھیجی اور کہا کہ ملزم سے ہم بھی تنگ آگئے ہیں۔“

The grudge between teachers, Sahar Wardi and the accused is quite evident from the above portion of cross-examination of complainant; therefore, deliberation and consultation with school teachers in the School for charging the accused with malafide intention cannot be ruled out.

Moreover, the witness PW-1 [who has transmitted the Murasilla to PS Mastuj] in his cross-examination has stated that, Murasilla was handed over to him at 15:00 hours and he reached to PS Mastuj at 16:00 hours; admittedly, the Murasilla has been handed over to him on 03.12.2015 at 15:00 hours however, astonishingly the Murasilla Ex. PA illustrating the time of report as 16:00 hours; if the matter was reported to police at 16:00 hours then the same is not appealing to a prudent mind that, how can the Murasilla was handed over to him [PW-1] before lodging of the report by complainant or in other words before its inscription. The PW-1 has stated to have transmitted the Murasilla to PS Mastuj at 16:00 hours however, PW-3 has stated in his cross-examination that, the constable [PW-1] came to PS Mastuj by holding Murasilla at 19:00 hours; which shows a clear contradiction between the statements of PW-1 & PW-3. The

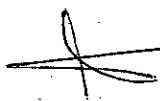
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investigation officer of the case i.e. PW-6 in his cross-examination has mentioned the time of occurrence as 07:00 hours; the statements of the PWs and other material regarding the time of occurrence, time of report, time of handing over the Murasilla to PW-1, time of PW-1 arrival to PS Mastuj are uncertain and the PWs in this regard are inconsistent with each other.

Although, in cases of such like nature where outraging the modesty of any Penelope is alleged, the association of private witnesses is rare but, in the instant case the complainant (*alleged victim*) in her examination in chief has stated that, in the meanwhile *{during attempt to outrage her modesty by accused}* on appearance of a person namely Malang S/O Dour Abat Khan R/O Sor Laspur on the spot, the accused escaped from the scene towards Jungle however, the said Malang has not been produced as witness by the prosecution. So, the best evidence available with prosecution has not been produced and under Article 129-G of Qanoon-e-Shahadat Ordinance 1984 an adverse inference be drawn.

It is admitted on the record that; the matter has been reported at Chowki Herchin and PW-8 Sardar Muhammad has incorporated the report of complainant in Murasilla. The PW-8 in his cross-examination is stating that, the report was lodged to him at 07:25 hours and the Murasilla was incorporated between 07:25 hours to 07:35 hours and handed over the same to constable Ali Madad (PW-1)

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and PW-1 left for PS Mastuj by taking Murasilla with him at 07:35 hours. Apparently, the Murasilla shows the time of report as 16:00 hours and according to PW-1 the Murasilla was handed over to him at 15:00 hours and he reached to PS Mastuj at 16:00 hours. In the same manner [as stated earlier] not only there are contradictions between the statements of PWs and material on file as well as, the Murasilla has been handed over to PW-1 before report of the matter; which itself is smashing the case of prosecution. The time of occurrence has been shown as 07:35 thereafter, the incident the alleged victim went to the school, intimated the headmaster, they allegedly gave her advice to go to Chowki to lodge report thus, the time of report i.e. 07:25 stated by PW-8 is further shattering the case of prosecution.

The prime witness of the case who has been intimated by the complainant about the alleged incident has been examined as PW-9 who in his statement has stated that,

” جب مذکورہ طاہرہ بی بی نے واقعہ کے بارے میں بتلایا تو میں نے جواب میں یہ کہا کہ وہ ملزم آج غیبا ہے۔“

As, per the statement of PW-9 he [accused] was absent on the eventful day however, the DW-1 & DW-1 [teachers at the said School] produced by the defense has stated, that on the eventful day he [the accused] was in the School who prepared breakfast for them and at about 08:00 – 08: 20 hours (DW-1 has stated that, the accused left the school at about 08: 20 after ringing the bell while DW-2 has

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stated that accused left the school 08:00 – 08:10) went outside; if the accused was present in the school at morning and left the school at 08:00 – 8:20 AM then how it is possible that, he was present on the place of occurrence on 07:35. Moreover, the witness PW-5 has stated that, he has no information about the night duty of accused on 03.12.2015. Meaning thereby, the witness is not negating the night duty rather he was unaware. The headmaster of the college namely Ali Dina in first verse of his cross-examination has stated that,

”طہرہ بی بی 03.12.2015 کو ساڑھے 8 بجے ہمارے سکول آئی۔“

If the same is presumed to be true than the statement of PW-8 becomes feckless as he [PW-8] in his cross-examination has stated that,

”مجھے وقوعہ کی رپورٹ 07:25 کو ملی۔“

The contradiction between the statement of PW-8 & that of headmaster totally smashed the case of prosecution.

Furthermore, the mother of the alleged victim has been examined as PW-4 who in her statement has stated that, her daughter came to her house at 02:00 PM; if that was the case then the time of report mentioned in the FIR i.e. 14:00 hours is further doubtful because it has been stated by her mother that, her daughter came to house at 02:00 PM.

The complainant in her statement recorded as PW-2 has admitted that, witness Sahar Wardy had accompanied her while going

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to Police Chowki. The PW-2 has stated that,

”یہ درست ہے کہ گواہ سہروردی میرے ہمراہ چوکی آیا تھا۔“

However, the witness Sahar Wardy in his statement recorded as PW-5 has negated the deposition of PW-2 (complainant) and has stated that,

”یہ غلط ہے کہ بروز وقوعہ میں استغیثہ طاہرہ بی بی کو ساتھ لیکر چوکی میں رپورٹ کی تھی۔“

The above portions of cross examinations of PW-2 & PW-5 showing a glare contradiction on this material point. Moreover, the complainant in her cross-examination has stated that, one Malang came to School alongwith her however, neither the headmaster, nor the teacher Sahar Wardy has stated about the arrival of Malang to School alongwith the alleged victim.

5. The complainant [alleged victim] at the very first in her report to police has stated that, the accused attempted to outrage her modesty however, in her evidence has stated that, the accused took off his dupatta and pushed her thus, she fell down; thus, the complainant has made improvements in her statement.

6. As far as, the suicide of the alleged victim is concerned in this regard, PW-10 (cousin of Mst: Tahira Bibi (late)) in his cross-examination has stated that,

”اس امر کو اٹل تعالیٰ بخوبی جانتے ہیں کہ 05.08.2016 کے واقعے کے اصل ملزمان سکول کے

انتظامیہ اور اسٹاف ہیں۔“

It is worth highlighting that, after suicide of complainant, case under

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section 322-PPC was registered against accused however, the same has been disposed of on the basis of compromise.

7. The Investigation officer of the case has been examined as PW-6 who in his statement has stated that, he has prepared site-plan on 05.12.2015; after 02 days of the alleged occurrence. The witness further states that, he went to the spot for investigation on 05.12.2015. The PW-6 has admitted it correct that, he has not recorded the statements of the teachers of said schools namely Sardar Azam, Hidayat Ullah, Muhammad Afzal and Sher Afzal during investigation; thus the question arises here, if the teachers were present/posted in the same school why their statements were not recorded as they were material witnesses because they were belonging to distant areas and were living in the school, and they were better aware about the presence or absence of accused on night duty; which shows the lethargic behavior on the part of investigation agency. It is pertinent to mention here that, some of the teachers named above have been produced by the accused in defense.

8. It is worth highlighting that, the complainant is stating about the arrival of Malang on the spot however, he [Malang] has not been shown in the site-plan.

9. Last but not the least, although the offence with which the accused is charged are noncompoundable in nature however, the mother of complainant lady sole LR of complainant [as the

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APPEAL COURT

complainant is no more] has submitted a copy of compromise deed before this Court and recorded her statement wherein she stated that, she is the sole/only LR of deceased, she has entered into compromise with accused in the instant case as well as case registered under section 322-PPC against accused by the intervention of the elders of the locality and has pardoned the accused in the way/cause of Allah and has got no objection on acquittal of accused. It is worth mentioning that, after suicide of complainant a case under section 322-PPC was registered against present appellant [convicted accused] which was pending before this Court however, the mother of deceased pardoned the accused in the way/cause of Allah thus, the case was disposed of on the basis of compromise.

10. It is a fundamental principle of criminal jurisprudence, that is, to disbelieve a witness, it is not necessary that there should be numerous infirmities. If there is one which impeaches the credibility of the witness, that may make the entire statement doubtful. Reliance here is placed on *Mir AHMAD SHAH Versus The STATE and another (2013 Y L R 982)*. It has been now settled that conviction must be based on unimpeachable evidence and certainty of guilt and any doubt arising in the prosecution case must be resolved in favour of the accused. Reliance in this regard is placed on case *Muhammad Khan and another v. The State, 1999 SCMR 1220*.

11. In view of the above discussion and scrutiny of evidence and

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Carnal Court Banni

16-7-2019



other material on file from all angles, I am of the opinion that the prosecution has failed to prove the guilt of the accused through unimpeachable ocular testimony. The basic principle of Sharia/Law that conviction must be based on evidence beyond any shadow of doubt because the damage resulting from erroneous sentence is irreversible and the principle that it is better to acquit guilty person than to punish an innocent one, but as the prosecution has failed to prove the guilt of appellant beyond any shadow of doubt, therefore, the conviction of appellant cannot be maintained. Resultantly, while extending the benefit of doubt, this Court accepts the appeal filed by the appellant [convict] by setting aside his conviction and sentence and acquit him of the charges levelled against him. He be released forthwith, if not required in any other case. Case property, if any be disposed of in accordance with law but after expiry period of appeal/revision. This file to record room. Requisitioned record if any, be returned. Muharrir to make relevant entry.

03.07.2019

ANNOUNCED:
03.07.2019

(MOHAMMAD KHAN YOUSAFZAI)
ADDITIONAL DISTRICT JUDGE/IZQ,
CHITRAL
CAMP COURT BOONI

CERTIFICATE:

It is certified that this judgment consists of eleven (11) pages. Each page has been read, corrected where necessary and has been signed by me.

(MOHAMMAD KHAN YOUSAFZAI)
ADDITIONAL DISTRICT JUDGE/IZQ,
CHITRAL
CAMP COURT BOONI

Attested

16 — *[Signature]*
Reader To
Addl. Session Judge
Camp Court Booni

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IN THE COURT OF MOHAMMAD KHAN YOUSAFZAI
ADDITIONAL SESSIONS JUDGE/IZQ, CHITRAL

Case No. 16/2-PPC of 2016
Date of Institution: 10.10.2016
Date of Decision: 03.07.2019

State through Zaryaf Bibi wife of Shapir Khan R/O Phoroot
Laspur Tehsil Mastuj District Chitral..... (Complainant)

Versus

Deedar Ali S/O Halawati R/O Herchin Laspur Tehsil Mastuj
District Chitral (Accused)

JUDGMENT:

Accused Deedar Ali S/O Halawati R/O Herchin Laspur
Tehsil Mastuj District Chitral had been tried for charge under
sections 322-PPC in case FIR # 135 dated 05.08.2016 PS Drosh.

2. According to prosecution story, on 05.08.2016 at 12:30
hours at GHS Herchin, Mst: Tahira Bibi [student of Intermediate
Part-II] extinguished the flame of her life by committing suicide
and the complainant [mother of Mst: Tahira Bibi deceased]
claimed that, a criminal case between Mst: Tahira Bibi and Deedar
Ali was under trial for 7/8 months and because of the said case the
mental agony caused to Mst: Tahira thus, she [her daughter]
extinguished the flame of her life.

3. After completion of investigation, the prosecution
submitted the final report i.e. Challan for trial of accused named
above. The accused was summoned who appeared before this

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Court Booni

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Court. After complying with legal formalities, he was formally charged on 24.11.2016 for the offence punishable under section 322 PPC. He pleaded not guilty and claimed trial. Thereafter, the case was set for production of evidence by the prosecution and so far, 10 PWs have been examined, today the case in hand was fixed for examination of remaining PWs however, the complainant (mother of deceased) appeared before the court by submitting a compromise deed Ex. PA stated that, she has pardoned the accused in the way/cause of Allah by the intervention of elders of locality. In this regard, statement of complainant recorded wherein she stated that, she is the sole/only Shari LR of deceased, she has pardoned the accused in the way/cause of Allah and has got no objection on the acquittal of accused. CNIC of complainant has been exhibited as Ex. PB.

03/7/2019
 محکمہ عدالت
 ضلع مظفر آباد
 سیشن جج
 کی عدالت

4. As, the accused and complainant have entered into compromise and the offence [322 PPC] with which the accused is charged is compoundable in nature and Islam always emphasizes on compromise and having a clear message for compromise that,

”صلح خیر“

5. Keeping in view the statement of sole LR of deceased, the accused facing trial in the instant case is acquitted of the charges levelled against him. He is on bail. His sureties are absolved from

Accepted

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 Camp Court Booni

the liability of bail bonds. Case property if any, be disposed-off in accordance with law on expiry of appeal/revision period. This file to record room, after its completion and compilation.

ANNOUNCED:

03.07.2019

(MOHAMMAD KHAN YOUSAFZAI)
ADDL: DISTRICT & SESSIONS JUDGE/IZQ,
CHITRAL CAMP COURT BOONI

CERTIFICATE:

It is certified that this judgment consists of 03 (three) pages. Each page has been read, corrected where necessary and has been signed by me.

(MOHAMMAD KHAN YOUSAFZAI)
ADDL: DISTRICT & SESSIONS JUDGE/IZQ,
CHITRAL CAMP COURT BOONI

Attested

16-7-2019

Reader To
Addl: Session Judge Chitral
Camp Court Booni

لجودالت قضاہ ایڈیشنل ڈسٹرکٹ انڈسٹریشنل
دیوار علی ولد صدیقی خان سکندہ پور حسین لاسپور حال ڈسٹرکٹ جیل کابل
بنام

کے کارڈ

دعا نما ذریعہ زویہ شاہ پیر خان (مادر مستندہ طائرہ بی بی متوفیہ)
سکنہ بیوی لاسپور پتہ عدالت نمبر 145 مدرخہ 3 ¹²/₁₅ ذریعہ دفعہ
506/354۔ تہہ تھانہ مستوح۔

اپیل خودداری برصغیر حکم فریڈ سولج ایڈیشنل مجسٹریٹ لونی
معدومہ نمبر 5/019 جس کے رو سے عدالت ماتحت نے جسم ناکرہ
میں سائیں کو زیر دفعہ 384 تہہ پ میں دو سال قید یا مشقت
اور تحت دفعہ 506 تہہ پ 08 ماہ قید یا مشقت کی سزا وار کر کے
فریڈ حکم صادر کیا ہے۔

اس دعا۔ بحظوری خودداری اپیل لہذا حکم فریڈ عدالت ماتحت
معدومہ 5/019 کے لہذا حکم فریڈ دیگر میں سائیں / ملزم کو
تہہ پ قیود دیگر حکم فریڈ لہذا فرمائی جائے۔

Attested
Refer to
Sd/- Sessions Judge Chitral
Cantonment Baramulla

کا عالی سائیں / ایڈیشنل سٹریٹ طرف سے گزارے
رہے۔ فریڈ حکم
Awarded Sentence
Administration of Justice
ہے۔ بہترین تہہ پ کا لہذا ہے۔

63-6-2019
www
(نویس)

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2- یہ کہ استغاثہ مقدمہ سراسر مشکوک ہے شہادت استغاثہ کی
 بیرونی ہیں ملزم بریت کا مقدمہ تھا، فیصلہ عدالت ناقابل بحالی
 ہے۔ یہ کہ سب سے عموماً سے 10 منٹ پہلے رپورٹ استغاثہ کے گواہان
 اور مقامی پولیس کے ملکی بھگت کا شاخصانہ سے عدالت ماقمت
 کا فیصلہ *Non Reading* اور *Reading* سے مراد
 ناقابل بحالی ہے جسے منسوخ فرمائی جائے۔

3- یہ کہ وقت و عوقد اور جائے وقوعہ کے بارے میں شہادت استغاثہ
 یا بھی مقدمہ میں کی بنا پر استغاثہ کا مقدمہ انتہائی مشکوک
 ہے کی بنا پر مسائل اور عدالت بریت کا مقدمہ تھا، فیصلہ عدالت ماقمت
 جانبدارانہ اور ذاتی رائے ہے۔

4- یہ کہ استغاثہ میں املزم کے خلاف مقدمہ کو نوٹس کی مشہور ثابت کرنے سے
 بڑی طرح ناکام ہوا ہے فیصلہ عدالت ماقمت قابل منسوخ ہے۔

5- یہ کہ استغاثہ مقدمہ *Case of No Evidence* ہے بنا پر اس میں
 کی سزایابی اصولی قوانین کے منافی فیصلہ ناقابل بحالی ہے۔

6- یہ کہ گواہان استغاثہ کے بیانات کے *Excell Party Law*
 کا نواہر عدالت ماقمت نے فیصلہ میں کوئی ذکر نہ کر کے اس کو عدالت
 انصاف سے محروم کر کے فیصلہ دیا ہے جو کہ کسی طور قابل بحالی نہیں ہے۔
 جسے منسوخ فرمائی جائے۔

8- یہ کہ مقدمہ استغاثہ کے گواہ مستعد اور مقامی پولیس کے بارے میں سارے
 کا پیداوار ہے۔ عدالت ماقمت فیصلہ صادر کرتے وقت *Judicial mind* کو

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 (نوعی)

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 Addl. Sessions Judge
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بیرونی کا رہنے کی بنا پر فیصلہ غیر قانونی و قابل کالعدم ہے۔
9: یہ کہ عدالت ماقامت نے برسرہ شکار کے حوالے سے شہادت
استغاثہ کے تضادات کو نظر انداز کر کے ناانصافی کی ہے۔ فیصلہ
قابل منسوخی ہے۔

10: یہ کہ استغاثہ سٹیشن اور ایجنٹ کے خلاف جرم زبردستی 506/354
کو کئی شہادت سے ثابت نہ کر سکا ہے۔ لہذا فیصلہ عدالت ماقامت
ماورائے شہادت پیش کی بنا پر قابل منسوخی ہے۔

11: یہ کہ سٹیشن ایجنٹ کی بے گناہی مثبت جرم سے عدم وابستگی اور
Plea of Alibi سے شہادت دفاع و شہادت استغاثہ
سے ثابت ہے۔ فیصلہ عدالت ماقامت خلاف انصاف پیش قابل منسوخی ہے۔

12: یہ کہ ریگولیشن برسرہ جرم بالجازت عدالت پیش کی جائے۔
13: یہ کہ حکم اجزیلہ عدالت ماقامت عدورہ 2019 کے خلاف بیچوں ایسی
کئی جواز عدالت میں دائر نہ ہوئے۔

لہذا استدعا ہے کہ مجھ کو جوری ایسی لکھی جائے کہ عدالت ماقامت عدورہ
2019 کو منسوخ و العدم قرار دیا جائے کہ جس کو جرم باہر سے بری
کرنا حکم فیصلہ صادر ہو۔

ایڈووکیٹ محمد شہاب الدین ایجوکیشن
03455347316
31/2019

Attested

Reader To
Addl. Session Judge
Camp Court Booni

ایڈووکیٹ محمد شہاب الدین
ایجوکیشن
محمد شہاب الدین
ایجوکیشن

5-479375
15-11

بیان شرعی وارث متوفیہ طاہرہ بی بی

مسماة زریاف زوجہ شیر خان ساکن لاسپور رمان تحصیل مستوج ضلع چترال۔
 حلفاً بیانی ہے میں رو برو معتبرات مقدمات نمبر 1۔ سرکار بنام دیدار علی مقدمہ علت
 نمبر 135 مورخہ 05.08.2016 زیر دفعہ 322 ت پ تھانہ مستوج نمبر 2۔ سرکار بنام دیدار
 علی مقدمہ علت نمبر 145 مورخہ 03.12.2015 جرم زیر دفعہ 506/354 ت پ تھانہ
 مستوج فیصلہ عدالت سول جج JM بونی عمرہ 20.05.2019 کے خلاف فوجداری اپیل
 A-1/10 عدالت حضور میں زیر سماعت ہے، ہر دو مقدمات میں اپنے دعویداری سے دستبردار ہو کر
 ہر دو مقدمات کو ملزم دیدار علی ولد حلاوتی خان کوئی سبیل اللہ معاف کر دیا ہے۔ میں نے اپنی آزاد
 مرضی اور بلا جبر و اکراہ ملزم کو معاف کیا ہے۔ میں متوفیہ مسماة طاہرہ بی بی دختر شیر خان کا حقیقی ماں
 ہوں اور میرے علاوہ متوفیہ کا دیگر کوئی وارث نہیں ہے۔ لہذا عدالت حضور ہر دو مقدمات میں ملزم
 دیدار علی کو باعزت بری فرمائے تو میری کوئی اعتراض نہیں ہوگا۔ راضی نامہ Ex: PA مشتملہ دو
 صفحات ہے۔ نیز میری شناختی کارڈ کی کاپی Ex: PB ہے۔

العبد۔ زریاف۔ شناختی کارڈ نمبر 2-15202-5229236

عکس درست تسلیم کیا۔

03.07.2019

(محمد خان یوسفزئی)

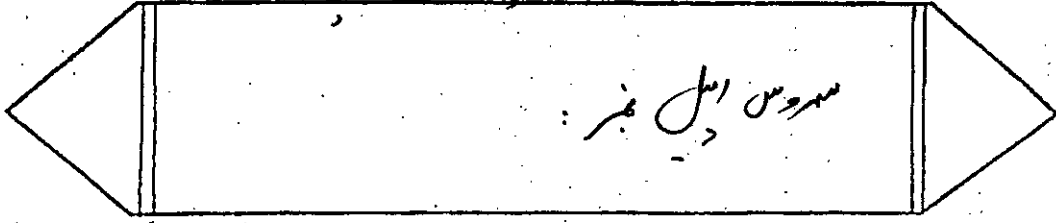
ایڈیشنل سیشن جج راضانی ضلع قاضی چترال

کیسپ کورٹ بونی

A.usted

Reader To
 Adul: Session Judge Chitral
 Camp Court Bouni

بعد الت سروس ٹریبونل، خیبر پختونخوا، سوات



موزخه 16-3-2020
 مقدمہ (دیدار علی جناح گورنمنٹ ڈیفنس) 2020ء پنجاب
 ضلع حیدرآباد
 (ایل فبر) (ایل فبر)

باعث تحریر آئینک

آن مقام سوات کیلئے اعلیٰ خان مارکنڈی، ضلع حیدرآباد سوات
 مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور
 بسورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ
 پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
 مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سندر ہے۔

المرقوم 16 مارچ 2020ء

Accepted by

Amal Khan Bakhundi
 Adv. Pesh

Accepted By

Fazil Bakhundi
 Adv. Pesh

بمقام
 Special Agent
 Govt. of F.W.P.

7-9882547-80851-5080-7458286-7

BEFORE THE LEARNED SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA PESHAWAR

In re:-

Service Appeal No.4315/2020

Didar Ali

VERSUS

Govt. of KP & others

APPLICATION FOR IMPEADING DISTRICT
EDUCATION OFFICER (MALE) LOWER
CHITRAL AS RESPONDENT IN THE ABOVE
NOTED APPEAL

Respectfully Submitted:

1. That the titled service appeal is pending in the hon'ble Tribunal.
2. That as per comments/ application of respondent No.4, the District Chitral has been divided into lower & upper Chitral and the GCMHS is situated within the jurisdiction of lower Chitral.
3. That through the instant application, the applicant/ appelland wants to implead the **District Education Officer (Male), Lower Chitral** as respondent being necessary party.

PRAYER

It is, therefore, prayed that on acceptance of this application, the **District Education Officer (Male) Lower Chitral** may be impleaded as respondent in the above noted appeal.

Applicant/ Appellant
Didar Ali

Through

Aimal Khan Barkandi
Advocate, Peshawar

AFFIDAVIT

I, do hereby affirm and declare as per instruction of my celint that the contents of the instant **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Deponent

KHALID MAHMUD
ADVOCATE
Oath Commissioner
Peshawar High Court

copy

BEFORE THE LEARNED SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA PESHAWAR

In re:-

Service Appeal No.4315/2020

Didar Ali

VERSUS

Govt. of KP & others

APPLICATION FOR IMPLEADING DISTRICT
EDUCATION OFFICER (MALE) LOWER
CHITRAL AS RESPONDENT IN THE ABOVE
NOTED APPEAL

Respectfully Submitted:

1. That the titled service appeal is pending in the hon'ble Tribunal.
2. That as per comments/ application of respondent No.4, the District Chitral has been divided into lower & upper Chitral and the GCMHS is situated within the jurisdiction of lower Chitral.
3. That through the instant application, the applicant/ appellants wants to implead the District Education Officer (Male), Lower Chitral as respondent being necessary party.

PRAYER

It is, therefore, prayed that on acceptance of this application, the District Education Officer (Male) Lower Chitral may be impleaded as respondent in the above noted appeal.

Applicant/ Appellant
Didar Ali

Through

Aimal Khan Barkandi
Advocate, Peshawar

[Signature]
1/4/21

AFFIDAVIT

I, do hereby affirm and declare as per instruction of my client that the contents of the instant **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

[Signature]
1-4-21

Deponent

[Signature]

KHALID HANIF
ADVOCATE
Oath Commission
Peshawar High Court

Before the Service Tribunal, Khyber
Pakhtunkhwa, Peshawar

Service appeal no. 4315/2020

Didar Ali, Appellant

Govt. of Khyber Pakhtunkhwa & others.

I have no objection on
acceptance of this application,
however, DEO (male) may be
impleaded for which application
is submitted.

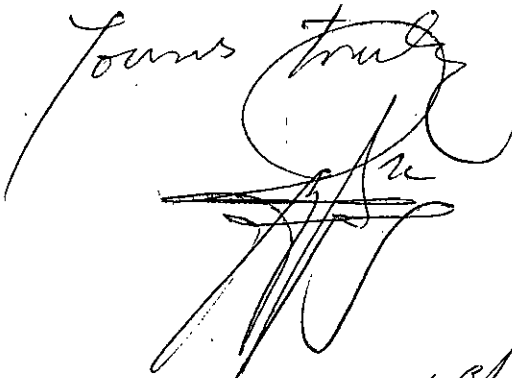
11/4/21
Counsel for the
appellant

Sub: Application for deletion/correction of
respondent no. 4 as already written as
DEO (male) chitral which is incorrect

Respectfully sheweth

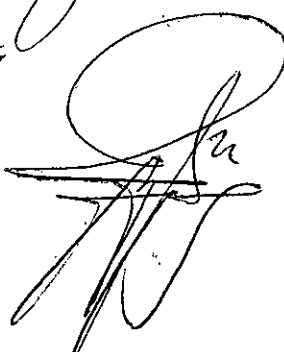
1. That the subject service appeal is pending before this honorable tribunal when in date fixed 11/11/2020 for hearing,
2. That in the instant appeal DEO (m) chitral has been named as respondent No. 4
3. That the respondent No. 4 is not relevant because district Chitral has been divided into lower & upper chitral in 2019.
4. That the GEMTS chitral falls under the jurisdiction of DEO (m) Lower Chitral & not in upper chitral.
5. Therefore DEO (m) Lower chitral may be named as respondent No. 4 in the instant service appeal please

It is therefore humbly requested that DEO (M) Lower Chitral (being relevant respondent to the case & competent authority) may kindly be ordered to be corrected as respondent No. 4 instead of respondent No. 3 (that is DEO (M) Chitral) in the subject Service appeal.

Yours truly

DEO (M) Upper Chitral.

Affidavit.

It is certified that contents of the instant application are correct & nothing has been concealed from the this honorable Tribunal.


DEO (M) Upper Chitral

23/2

SB 11/11/2020



OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) UPPER CHITRAL.
PHONE NO.0943470252

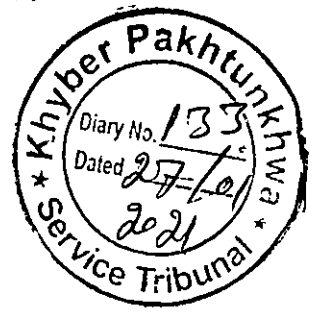


No. 16.118 /F.No Lit(M) L/G-01.

Dated Upper Chitral the 15 10/11/2020

To,

The Registrar,
Khyber Pakhtunkhwa Peshawar Service Tribunal,
Peshawar.





Subject. ELIMINATION OF CASE

With great respect it is stated that the appeal No.4315, Petitioner Didar Ali Versus Govt. KPK, Chief Secy Peshawar is related to the District Education Officer Male lower Chitral.

Therefore, it is request you to kindly eliminate the name of District Education Officer (Male) Upper Chitral from this case. All kind evidences are attached in this regard please.

put up to the court with relevant appeal.


District Education Officer (Male)
Upper Chitral


27/11/2020

Reader



BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No: 4115/2020

Didar Ali Jax Sweeper (BPS-03) ATCC JHS District Council

Versus

The Government of Khyber Pakhtunkhwa, through Chief Secretary Peshawar
& others

Para Wise Comments On Respondents 1, 2 & 3

Respectfully Sheweth

PRELIMINARY OBJECTIONS.

1. That the appellant has got no cause of action as well as no jurisdiction of the instant appeal
2. That the instant appeal is incompetent in its present form & hence liable to be dismissed
3. That the instant appeal is badly time barred.
4. That the appellant has not come to the Honorable Tribunal with any merits.
5. That the appellant has concealed material facts about the case.
6. That Respondent as a Competent Authority, has made a Charge Sheet against the appellant, and the appellant has committed the atrocities against her sexually harassed Mst. Fahra Bibi D/O Shalwa Khattak on 12/05/2015, when she was on the way to her College in Peshawar. Affective came to GHS Harchin to protest for no action against her, she took poison and died.

(Copy of Charge Sheet is as Annexure 1)

That Respondent as a Competent Authority has issued a Show Cause Notice to the appellant.

(Copy of Show Cause Notice is as Annexure 2)

8. That Respondent as a Competent Authority has constituted a Committee against the appellant and the Inquiry Committee has recommended the appellant to be removed from service.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No: 415/2019

1984 AD-1 - Syed Saad BPS (PL) A.C. No. 18, District - 1

(Appellant)

Versus

The Government of Khyber Pakhtun Khwa, the Chief Secretary, Peshawar
& Others

(Respondent)

INDEX

S.NO	DESCRIPTION OF DOCUMENTS	VOLUME NO	PAGES
1	Lawyer's comments along with affidavit	01	01
2	Copy of Charge Sheet	02	01
3	Copy of Show Cause Notice	03	01
4	Copy of inquiry report	04	01
5	Copy Order of Removal	05	01
6	Copy of Affidavit	06	01

Resubmitted

Subscribed and sworn to before me
at Peshawar on this _____ day of _____ 2019

Notary Public

D. Para No D is incorrect, baseless and against facts as the appellant has been given by the Mother of the accused and the acquittal order is decided on basis of Compromise which is show that the appellant is a characterless hence denied.

(Copy of Affidavit is as Annexure E)

E. Para No E is incorrect, baseless as the appellant has not been examined unheard and treated according to law and hence denied.

F. Para No F is incorrect, baseless as The inquiry officer has stated in his Findings "the Conduct of the appellant regarding performing official duty is Unsatisfactory, habitual absence, does not take interest in his duty and shirks duty. So after fulfillment of all the codal formalities the appellant has been removed from Service vide order dated 09-07-2018 in record no. with law.

(Copy of Inquiry is as Annexure C)

G. Para No G is incorrect, baseless as the conduct of the appellant is too bad but the penalty is not too harsh, hence denied.

H. Para No H is incorrect, as the respondent being a respondent the court has acted according to law and the Order is valid and tenable hence denied.

I. Para No I is incorrect, baseless, and against facts as the appellant has been given by the Mother of the accused and the acquittal order is decided on basis of Compromise, which is show that the appellant is a characterless hence denied.

(Copy of Affidavit is as Annexure B)

J. That the respondents seek permission to raise additional grounds and points of arguments.

It is therefore humbly requested that in the light of above facts and circumstances may please be dismissed with costs.

Respectfully

Dist. Judge, Muzaffarpur
(Muzaffarpur)

Handwritten notes and signatures:
1. Attached to the...
2. ...
3. ...
4. ...
5. ...
6. ...
7. ...
8. ...
9. ...
10. ...

Q. That the facts are incorrect as they are not as stated in the report by the Commission of the Government of India.
 The Commission has also stated that the report is not correct.

(Copy of Affidavit is as Annexure C)

F. Para No. 1 is incorrect, as the report is not as stated in the report by the Commission of the Government of India.
 G. Para No. 2 is incorrect, as the report is not as stated in the report by the Commission of the Government of India.
 H. Para No. 3 is incorrect, as the report is not as stated in the report by the Commission of the Government of India.
 I. Para No. 4 is incorrect, as the report is not as stated in the report by the Commission of the Government of India.
 J. Para No. 5 is incorrect, as the report is not as stated in the report by the Commission of the Government of India.

(Copy of Inquiry is as Annexure D)


G. Para No. 1 is incorrect, as the report is not as stated in the report by the Commission of the Government of India.
 H. Para No. 2 is incorrect, as the report is not as stated in the report by the Commission of the Government of India.
 I. Para No. 3 is incorrect, as the report is not as stated in the report by the Commission of the Government of India.
 J. Para No. 4 is incorrect, as the report is not as stated in the report by the Commission of the Government of India.

(Copy of Affidavit is as Annexure E)

J. That the report is not as stated in the report by the Commission of the Government of India.

It is therefore humbly prayed that the report of above Commission is not to be taken into consideration.

Respondent


Major Chitral

[Faint handwritten notes and signatures at the bottom of the page]

BEFORE THE HON'BLE SERVICE TRIBUNAL
KHYBER PAKHTUNKHAWA, PESHAWAR

Service Appeal No. 4315/2020.

Didar AliVs.....Secretary E&SE & Others

(INDEX)

SN	Description of Documents	Annexure	Pages
1.	Reply with Affidavit & Authority Letter	-	1 to 8
2.	Copy of (PTC) Resolution	"A"	15
3.	Copy of Inquiry Report dated 16.01.2016.	"B"	16-25
4.	Copy of Inquiry Report dated 18.08.2016.	"C"	26-28
5.	Copy of Inquiry Report dated 31.05.2017.	"D"	
6.	Copy of request for reinstatement.	"E"	
7.	Copy of attendance of the appellant before the inquiry committee dated 21.07.2017.	"F"	
8.	Copy of show cause notice dated 23.10.2017.	"G"	
9.	Copy of removal from service.	"G-1"	
10.	Copy of Show cause Notice dated 07.02.2018.	"H"	
11.	Copies of Explanations	"I"	
12.	Authority Letter		

Dated; ____/07/2021..

BEFORE THE HON'BLE SERVICE TRIBUNAL

KHYBER PAKHTUNKHAWA, PESHAWAR

Service Appeal No. 4315/2020.

Didar Ali Ex. Sweeper (BPS-03) at Government Centennial
Model High School, District Chitral (Lower).

..... Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary Elementary & Secondary Education (E&SE) Department Government of Khyber Pakhtunkhwa, Peshawar.
3. Section Officer (R-I), Establishment and Administration Department (Regulation Wing), Government of Khyber Pakhtunkhwa, Peshawar.
4. District Education Officer (Male), Chitral Lower.

..... Respondents

**PARA WISE COMMENTS ON BEHALF OF THE
RESPONDENTS NO.1 TO 4:**

PRELIMINARY OBJECTIONS: -

1. That the appellant has got no cause of action/locus standai to file the instant appeal.
2. That the instant appeal is not maintainable, hence, liable to be dismissed.
3. That the appeal is bad in its present form, hence, incompetent and liable to be dismissed.

4. That the appellant concealed the material facts from this honorable court/tribunal.
5. That the appellant has not come to the honorable court/tribunal with clean hands.
6. That the appellant has been estopped by his own conduct to file the instant appeal.
7. That the appeal of the appellant is badly time barred.

Respectfully Sheweth:

ON FACTS:-

1. Para No.1 is correct to the extent that the appellant Mr. Didar Ali was working as Sweeper in the respondents' department, but it is incorrect that he performed his duty consistently. PTC (Parent Teacher Council) Resolution and departmental inquiries shows that the appellant committed gross official miss-conduct and was habitual absentee, did not take interest in his official duty, shirked duty and his service to the department was unsatisfied.

Annexure "A" Copy of (PTC) Resolution.

Annexure "B" Inquiry Report dated 16.01.2016.

Annexure "C" Inquiry Report dated 18.08.2016.

Annexure "D" Inquiry Report dated 31.05.2017.

2. Para No.2 is correct to the extent that the appellant acquitted from the charges and allegations of sexual harassment through compromise/*Razi Nama* while action taken against him under E&D Rules 2011. Moreover, criminal and departmental proceedings run side by side.
3. Para No.3 is correct to the extent that the appellant also acquitted from allegations under Section 322-PPC through compromise/*Razi Nama*, while the appellant has been removed from Service through Disciplinary Action (E&D Rules), 2011.
4. Para No.4 is correct to the extent that three Departmental inquiries were initiated against him which shows that the appellant committed gross official miss-conduct and was habitual absentee, did not take interest in his duty and his services was unsatisfactory.
Rely on above annexed Annexure "A" to "D".
5. Para No.5 is correct to the extent that the appellant was acquitted from the criminal charges on the basis of compromise/*Razi Nama* thereafter he has submitted departmental appeal before competent authority, which was regretted on the grounds that the appellant has been removed form service due to his habitual absenteeism/non-compliance, not due to the criminal charges by the competent authority after due course of law.

Annexure "E" Copy of request for reinstatement.

6. Para No.6 is correct. It is pertinent to mention here that after departmental proceedings the decision was taken against the appellant by the competent authority.
7. Para No.7 is discretion of this honorable Tribunal.

GROUND:-

A. Incorrect, the order dated 09.03.2018 issued by the respondent No.1 was according to the law and all the codal formalities have been completed before issuing the said order.

Annexure "F" Copy of attendance of the appellant before the inquiry committee dated 21.07.2017.

Annexure "G" Copy of show cause notice dated 23.10.2017.

B. Incorrect, all the legal and codal formalities have been completed by the respondent No.1 and the allegations against the appellant have been proved.

Rely on above annexed Annexure "B" to "D".

C. Incorrect, the official/appellant removal from service has been made under Section 14 of Khyber Pakhtunkhwa E&D Rules, 2011 before his acquittal from the criminal charges through compromise/*Razi Nama*, hence, not entitled to reinstate into service.

Annexure "G-I" Copy of order of the removal from service.

D. Correct, but the causes of the appellant's removal from service is quite different as per documents exhibited in the honorable court.

The appellant has been found a habitual absentee, does not take interest in his duty and officially unsatisfactory.

Annexure "H" Copy of Show cause Notice dated 07.02.2018.

Annexure "I" Copies of Explanations.

E. Incorrect, the appellant had been provided opportunities to clear his position through explanations, warnings, reminders and show causes as well as inquires but the appellant always ignored the office orders and found guilty.

Rely on above annexed Annexure "H" & "I".

F. Incorrect, according to the inquiry report the appellant is habitual absentee, does not take interest in his duty and has been found unsatisfactory to the duties and removed from service on the basis of factual reports.

Rely on above annexed Annexure "B", "C" & "D".

G. Incorrect, the report from the principal GHS Harchin and the principal GCMHS Chitral and three departmental inquires initiated against the appellant proved that the appellant was habitual absentee and involved in unlawful activities.

H. Incorrect, the criminal case is a separate matter which was registered against the accused/appellant on the report of complainant, while the departmental proceedings is a separate proceeding which initiated against the official due to his official misconduct, absenteeism and being uninterested in his duty.

Rely on above annexed Annexure "H" & "I".

I. Incorrect.

Therefore, it is humbly prayed that the appeal of the appellant may kindly be dismissed.

Respondent No.1
Chief Secretary Khyber Pakhtunkhwa,

Respondent No.2
Secretary (E&SE) Khyber Pakhtunkhwa,

Respondent No.3
Section Officer Khyber Pakhtunkhwa,
(R-1), Establishment Administration
Department (R-W).

Respondent No.4
DEO (Male) Chitral,

BEFORE THE HON'BLE SERVICE TRIBUNAL

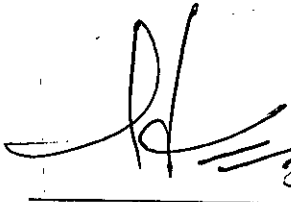
KHYBER PAKHTUNKHAWA, PESHAWAR

Service Appeal No. 4315/2020.

Didar AliVs.....Secretary E&SE & Others

AFFIDAVIT

I, Fazid Ahmed ADB, Lit, CNIC-152005913857 B-17, do hereby solemnly affirm and declare that the contents of the comments/reply are true and correct to the best of my knowledge and belief and nothing has been kept secret from this honorable Court/Tribunal.


30/8/2021
DEPONENT

Dated; 30 /08/2021.

BEFORE THE HON'BLE SERVICE TRIBUNAL
KHYBER PAKHTUNKHAWA, PESHAWAR

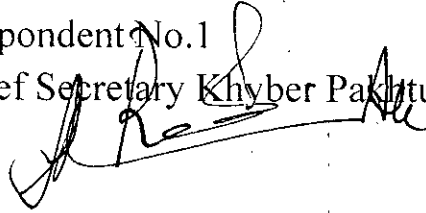
Service Appeal No. 4315/2020.

Didar AliVs.....Secretary E&SE & Others

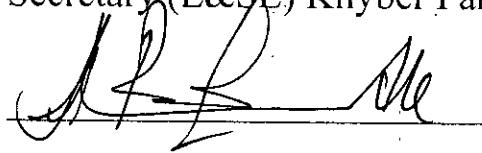
AUTHORITY LETTER: -

Mr. Farid Ahmad ADEO (L1) BPS-17,
 bearing CNIC No. 1520105913857,
 Contact No. 03065749816 in the office of DEO
 (Male) Chitral Lower is hereby authorized/deputed to attend and submit
 para wise comments before the honorable Service Tribunal Khyber
 Pakhtunkhwa, Peshawar on behalf of the respondents.

Respondent No.1
 Chief Secretary Khyber Pakhtunkhwa,

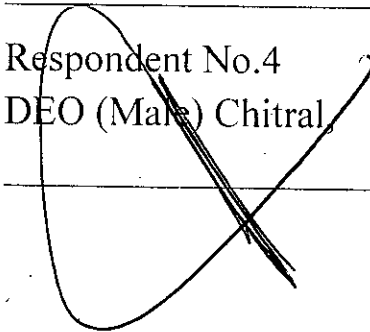


Respondent No.2
 Secretary (E&SE) Khyber Pakhtunkhwa,



Respondent No.3
 Section Officer Khyber Pakhtunkhwa,
 (R-1), Establishment Administration
 Department (R-W).

Respondent No.4
 DEO (Male) Chitral,



BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. 4315 /2020

Khyber Pakhtunkhwa Service Tribunal

Entry No. 2497

Dated 19/3/2020

Didar Ali, Ex-Sweeper (BPS-03) at GCMHS, District Chitral

Appellant



Versus

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar
2. Secretary Elementary & Secondary Education (E&SE) Department, Govt. of Khyber Pakhtunkhwa, Peshawar
3. Section Officer (R-I), Establishment and Administration Department (Regulation Wing), Govt. of Khyber Pakhtunkhwa, Peshawar
4. District Education Officer (Male), Chitral
4. District Education Officer (Male), Lower Chitral - Respondents

Appeal u/s 4 of the Service Tribunal Act, 1973 against the Notification No. SO(S/M)/E&SED/4-33/2016, dated 09.03.2018 of respondent No. 2 whereby the appellant was imposed major penalty of removal from service.

Filed to-day

Registrar

19/3/2020

PRAYER

On acceptance of this appeal, the impugned Notification No. SO(S/M)/

ATTESTED

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar



03.06.2021

Counsel for the appellant and Mr. Farid Ahmad, ADO Lower Chitral alongwith Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Notices be issued to both the District Education Officers, Lower Chitral and Upper Chitral to ensure their attendance on the next date for resolution of their respective jurisdiction. Case adjourned to 15.07.2021 before S.B.

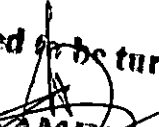

Chairman

15.07.2021

Counsel for the appellant and Addl. AG alongwith Farid Ahmad, ADO Chitral (Lower) for the respondents present.

Mr. Fareed Ahmad, ADO present before the Court has informed that the territorial question of the district is not relevant to the case of the appellant. The matter involving in this appeal relates to District Lower Chitral. It seems that submission of the comments/reply was pending due to the question of limits of the newly created district. By now the territorial jurisdiction has been settled belonging to district lower Chitral. The said office has already been made respondent in pursuance to order dated 01.04.2021. Therefore, respondents are directed to submit written reply/comments within 10 days in office positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 06.12.2021 before the D.B.


Chairman

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Water covered

Dildar Ali

01.04.2021

Learned counsel for the petitioner present.

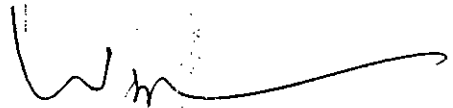
Mr. Kabirullah Khattak learned Addl. AG for respondents present.

On 11.11.2021 representative of the respondents department has submitted application for deletion/correction of respondent No.4 as DEO (Male) Chitral has been bifurcated. Copy of the same is handed over to the learned counsel for the appellant.

Today counsel for the appellant stated at the bar that he got no objection on the application. In the meanwhile furnish application for impleading DEO (Male) Lower Chitral as respondent. Copy of the same is handed over to the learned Additional Advocate General and he did not object over the same.

In view of the above DEO (Male) Lower Chitral is impleaded in the panel of respondents. Mohrrar of the court is directed to array the same in the panel of respondents with Red Ink, therefore, notice be issued to newly respondent.

Learned Additional Advocate General is required to contact the respondents and facilitate the submission of reply/comments. To come up for reply/comments on 03.06.2021 before S.B.



(Atiq Ur Rehman Wazir)
Member (E)

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Dildar Ali

01.04.2021

Learned counsel for the petitioner present.

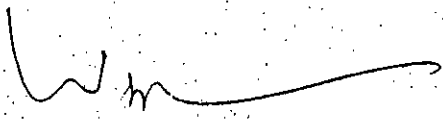
Mr. Kabirullah Khattak learned Addl. AG for respondents present.

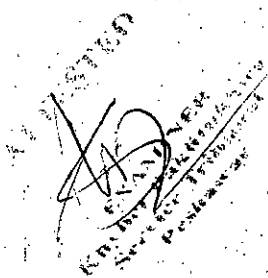
On 11.11.2021 representative of the respondents department has submitted application for deletion/correction of respondent No.4 as DEO (Male) Chitral has been bifurcated. Copy of the same is handed over to the learned counsel for the appellant.

Today counsel for the appellant stated at the bar that he got no objection on the application. In the meanwhile furnish application for impleading DEO (Male) Lower Chitral as respondent. Copy of the same is handed over to the learned Additional Advocate General and he did not object over the same.

In view of the above DEO (Male) Lower Chitral is impleaded in the panel of respondents. Mohrrar of the court is directed to array the same in the panel of respondents with Red Ink, therefore, notice be issued to newly respondent.

Learned Additional Advocate General is required to contact the respondents and facilitate the submission of reply/comments. To come up for reply/comments on 03.06.2021 before S.B.


(Atiq Ur Rehman Wazir)
Member (E)



IMCIV

Judgment Sheet

PESHAWAR HIGH COURT, PESHAWAR

VERSUS

JUDGMENT

Date of hearing --- 26/11/2021

Petitioner, by --- Anshu Sheraz Khan Advocate

LAL JAN KHATTAK J:- Petitioner Said Ahmad alias Anwar has applied to this court for his release on bail in case FIR No.1697 dated 22.08.2021 under section 11-B of the Khyber Pakhtunkhwa Control of Narcotic Substances Act, 2019 registered against him at Police Station Fishtakhara

through.

3. Perusal of the case record would show that a meager quantity of one gram sample was separated for forensic purpose out of the allegedly seized 600

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EXAMINER
Peshawar High Court

Handwritten notes on the left margin including: "Date of hearing", "Petitioner", "LAL JAN KHATTAK J:-", "Ahmad alias Anwar", "FIR No.1697", "22.08.2021", "section 11-B", "Khyber Pakhtunkhwa Control of Narcotic Substances Act, 2019", "Police Station Fishtakhara", "through.", "Perusal of the case record", "show that a meager quantity of one gram", "sample was separated for forensic", "purpose out of the allegedly seized 600".

03/11/21

16.06.2020

Clerk of counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Written reply on behalf of respondents not submitted. Learned Additional AG seeks time to furnish written reply/comments. Adjourned to 28.07.2020 for written reply/comments before S.B.

MA
(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

28.07.2020

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

Learned AAG seeks time to contact the respondents and furnish reply/comments. Adjourned to 22.09.2020 on which date the requisite reply/comments shall positively be furnished.

[Signature]
Chairman

22.09.2020

Junior to counsel for the appellant present. Nemo on behalf of the respondents.

Fresh notices be issued to the respondents for submission of written reply/comments on 11.11.2020 as last chance.

[Signature]
Chairman

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

11.11.2020

Nemo for the appellant. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Zulfiqar, DEO (Upper Chitral), for the respondents are present.

Representative of the department submitted application for deletion/correction of respondent No. 4, as Chitral has been bifurcated into two districts. The same be noticed to appellant. File to come up for further proceedings on 31.12.2020 before S.B.

(Muhammad Jamal Khan)
Member (Judicial)

31.12.2020

Nemo for the appellant present. Mr. Noor Zaman Khattak, District Attorney for respondents present.

Adjourned to 23.02.2021 for further proceedings before S.B.

(Mian Muhammad)
Member(E)

23.02.2021

Appellant is present alongwith his counsel. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present.

Application for deletion/correction of respondent No. 4 as already written as DEO (Male) Chitral has already been submitted by representative of the department vide order sheet dated 11.11.2020, copy of the same is handed over to learned counsel for appellant today. File to come up for further proceedings on 01.04.2021 before S.B.

(Muhammad Jamal Khan)
Member

ADMITTED

Khairul Kabirullah
Secretary
Chitral

Appeal No. 4315/2020
14


07.05.2020


Learned counsel for the appellant Didar Ali present. Preliminary arguments heard.

It was contended by the learned counsel for the appellant that the appellant was serving as Sweeper in Higher Education Department, he was imposed major penalty of removal from service vide order dated 09.03.2018 on the allegation of misconduct mentioned in the charge sheet. The appellant filed departmental appeal on 24.10.2019 but the same was rejected vide order dated 22.01.2020 hence the present service appeal.

Learned counsel for the appellant contended that departmental proceeding was initiated against the appellant on the charge that ^{he} she had harassed one Mst. Tahira bibi. It was further contended that in this regard FIR No.145 U/S 506, 354, PPC | P.S Mastuj, Chitral ~~dated~~ ^{dated 3.12.2015} ~~03.12.2015~~, was also registered against the appellant. It was further contended that later on, the victim namely Mst. Tahira Bibi made suicide and another FIR No.135 dated 05.08.2016 U/S 322, PPC P.S Chitral was registered wherein the appellant was involved as accused. It was further contended that after conclusion of trial, the appellant was acquitted in both aforementioned criminal cases. It was further contended that inquiry was initiated against the appellant on the said allegation but the inquiry officer has not recorded statement of any witness nor the appellant was associated in inquiry proceeding nor he was provided opportunity of defense nor he was provided opportunity of personal hearing. Therefore the impugned order is illegal and liable to be set aside.

Contention raised by the learned counsel need consideration. The appeal is admitted to regular hearing subject to all just legal objections including the issue of limitation. The appellant is directed to deposit security and process fee within 10 days, thereafter notices be issued to the respondents for reply/comments. To come up for written reply/comments on 16.06.2020 before S.B.


(M. AMIN KHAN KUNDI)
(MEMBER-J)

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar


Security and Process Fee

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

قرار داد میٹنگ

A1



District Education Officer
Harchin, District Chitral

آج مورخہ 12 دسمبر 2015 بروز پینتھ بجل دن 10 بجے بی ٹی سی گورنمنٹ ہائی سکول پرجین کا ایک میٹنگ ڈیپارٹمنٹ چیرمین PTC جناب زاو خان صاحب منعقد ہوئی۔

تلاوت کلام پاک سے کارروائی کا باقاعدہ آغاز ہوا۔

اجنڈا کے مطابق درجہ آخر پر توبیل سے بحث کی گئی۔

اس قرار پایا کہ دیدار علی ولد حلاوتی سونپیر گورنمنٹ ہائی سکول پرجین جو کہ 3 دسمبر 2015 کو سکول سے غیر حاضر ہو کر ماہوں بعد سکول اینڈ کالم پرجین سے طلبہ سجاد طاہرہ بی بی دختر شاپیر خان مرحوم ساکنہ بہوں سے سعادت منگنی کرنے پر مستحق پولیس نے اسے گرفتار کر کے میڈیکل جیل دینس بھیج دیا ہے اور ساتھ ہی غیر حاضری کی Explanation کی تاحال ہیڈ ماسٹر کو کوئی جواب بھیج نہیں دیا ہے۔ اور اس کے اوپر مقدمہ تو عدالت کر دیا گیا۔ مگر ہم ٹیچر PTC آج کی اس میٹنگ کے ذریعہ درخواست کرتے ہیں کہ مذکورہ شخص دیدار علی کو اس سکول سے تبدیل کر کے کسی دوسرے ایسے سرورٹنگ سکول میں ٹرانسفر کیا جائے جہاں Co education نہ ہوں۔ یہ صورت دیگر اس علاقے کے والدین اور سکول کے بچے جہاں احتجاج کرنے پر مجبور ہوں گے۔

اس قرار پایا کہ والدین میٹنگ میں یہ بھی بند کیا گیا کہ جو رقم پانچ لاکھ سے کم ہے اس میں ان سے سکول کی فرنیچر نہیں طلبائی جیوں اور ڈیکوں کی مرمت کی جائے۔

اسی طرح آج کی یہ میٹنگ اپنے اختتام کو پہنچا۔

Head Master
Govt. High School
Harchin, District Chitral

چیرمین PTC زاو خان صاحب

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Annex (B) (B) annex "B" 16 10

Inquiry Report

*Distrit Education Officer
(Male) Lower Chitral*

Subject: DISCIPLINARY PROCEEDINGS AGAINST MR. ALI DINA SHAH HEADMASTER (BS-17) GHS HARCHIN CHITRAL AND OTHERS

Order of Inquiry

The Inquiry was assigned to us 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 17th March 2017 (Annex-I) to probe into charge sheet/statement of allegations Annex-II, III & IV against the three accused namely Mr. Ali Dina Headmaster, Mr. Suhar Wardi SST (General) and Mr. Didar Ali Sweeper—all posted at GHS Harchin, Chitral at the time of complaint of alleged/attempted molestation.

Background of the case

2. According to report of District Education Officer (DEO) (male) Chitral, report of Headmaster GHS Harchin Chitral, documents received from E&SED as well as information obtained during the proceedings the alleged unfortunate incidence of attempted molestation happened on 03-12-2015 when a female student namely Tahira Bibi D/O Shaheer Khan was on her way to Mayo College, Herchin when she was suddenly intercepted by Mr. Didar Ali Son of Halawati sweeper GHS Harchin with the evil intention of molestation. However appearance of a person from other direction ended the episode and Ms. Tahira Bibi daughter of Shaheer Khan went to GHS Harchin where Didar Ali Son of Halawati was serving as a sweeper and complained to the headmaster of GHS Harchin Mr. Syed Ali Dina Shah and demanded action against the sweeper. Reportedly the Head Master Mr. Ali Dina and Mr. Suhar Wardi SST (G) respectively advised and instigated Ms. Tahira Bibi to lodge report with the police with the promise to extend all out support in the court of law. So, Tahira Bibi lodged complaint with police and the accused Mr. Didar Ali was arrested. Besides, Tahira Bibi D/O Shaheer Khan also submitted written complaint to the DEO(M) Chitral for action against Didar Ali Son of Halawati sweeper GHS Harchin. The DEO (M) Chitral

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transferred the accused Didar Ali Son of Halawati sweeper GHS Harchin to another school away from Herchin. However dissatisfied with the action taken against the accused, Ms. Tahira Bibi D/O Shaheer Khan came to GHS Harchin on 05.04.2016 with the protest that justice had not been done to her and asked Headmaster to terminate Didar Ali sweeper GHS Harchin. She reportedly reminded the Headmaster and Mr. Suhar Wardi of their promise of support and rued that she was left out in cold in litigation and they did not even go for statement as witness. Reportedly Tahira Bibi stayed back in GHS Harchin till the closing time where she reportedly committed suicide by eating poison.

3. After the reported incidence of suicide, DEO (Male) Chitral constituted an inquiry committee comprising of Mr. Ahmad Ghazi Head Master GHS Sonoghore and Syed Alim Shah I/C Head Master GHS Mastuj to probe into the matter and submit a detail inquiry report along with suggestions. The committee conducted the inquiry and submitted report which declared the Head Master Mr. Ali Dina Shah as irresponsible person for not handling the situation properly and proposed him to be put on the disposal of Directorate. The inquiry report also held Suhar Wardi responsible of instigating Ms. Tahira Bibi D/O Shaheer Khan; however nothing has been suggested against him in the inquiry report.

4. E&SED Khyber Pakhtunkhwa nominated DEO (M) Upper Dir as Inquiry Officer who also probed the unfortunate incident and submitted the findings (Annex-V), a gist of which is as follows:

a) According to the police station record the police got information about the death of Ms. Tahira Bibi D/O Shaheer Khan and on reaching the incident place the mother of Ms. Tahira Bibi came and reported to the police that a criminal case was pending in the court of law due to complaint of her daughter against Mr. Didar Ali Son of Halwati sweeper GHS Harchin. Because of that case her daughter i.e. Ms. Tahira Bibi D/O Shaheer Khan was in intense grief which caused her to take poison and commit suicide. She held Mr. Didar Ali Son of Halawati sweeper GHS Harchin responsible for the death of her daughter.

b) According to the reply/ statement of the Head Master, on 03.12.2015 Ms. Tahira Bibi complained against the Sweeper GHS Harchin, Mr. Didar Ali Son of

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District Education Officer
(Male) Upper Chitral

Halawati. The headmaster was aware of lodging of report to police however clarified that he was not a witness in the FIR of Ms. Tahira Bibi against Didar Ali but the name of Suhar Wardi SST (G) was present as a witness in the FIR. With regard to suicide, he stated that on 05.08.2016 Ms. Tahira Bibi came to school and wanted termination of Didar Ali Son of Halawat from service as a punishment for his alleged attempt on her honour. He said that he was not aware of taking poison by Ms. Tahira Bibi as after closing hours, he had gone home. He was informed by Lal Khan Class-IV about the eating of poison by Ms. Tahira Bibi. When he returned to school the doctor had come for the treatment of Ms. Tahira Bibi who had come on the call of teachers residing in the school. The headmaster also alleged that some of his opponents were trying to use the incident as a tool to malign him falsely. However, some of the villagers held him along with Suhar Wardi SST (G) responsible for instigating the deceased for lodging FIR which later on led to tension into her suicide.

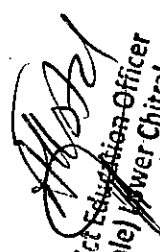
- c) The factual position is that Ms. Tahira Bibi D/O Shaheer Khan has caused her death by eating poison. She has done this in the school on the date on which the head master was present in the school.
- d) The Head Master has shown negligence on his part while not taking the case seriously. Though alleged molestation attempt happened outside his school, being a human being he cannot absolve himself of the onus to take Mst. Tahira Bibi to home on the day before the suicide. Circumstantial evidences show that Mr. Suhar Wardi SST (G) might have instigated Ms. Tahira Bibi for lodging FIR. As far as the accused Chowkidar is concerned, he is under arrest and the court can decide better. Both M/S Ali Dina Shah, Head Master and Suhar Wardi SST (G) GHS Harchin Chitral may be proceeded under E&D Rules 2011 for the charges of inefficiency.

Methodology

5. In follow up to the Notification and communication of Charge Sheets and Statement of Allegations to all the accused by the E&SED, the charge sheet and statement of allegation were again sent to all the accused with the direction to ensure timely reply to the charges within stipulated time. Mr. Ali Dina and Mr. Suhar Wardi submitted their written replies whereas Mr. Didar Ali did not submit any written reply. All the accused, DEO Male Chitral, Departmental representative and relevant employees of GHS Harchin were called and their statements recorded. Questions were asked and answers obtained from the parties. All the relevant record obtained from E&SED and DEO Chitral and defense offered by the accused was perused. Hearing was






District Education Officer
(Male) Lower Chitral

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held thrice, in the presence of both the accused and the departmental representative. In order to provide fair chance of defense to the parties and maintain impartiality, the accused and the departmental representative were allowed to cross question each other regarding veracity of written record as well as statements submitted or recorded during the proceedings.

6. Details of proceedings of the inquiry held/recorded and conclusions drawn unanimously by us are as follows:

6.1. Inquiry in respect of Mr. Ali Dina

6.1.1 Following are the allegation against the accused Mr. Ali Dina, Headmaster GHS Harchin Chitral.

"On 05-08-2016 Mst. Tahira Bibi D/O Shaheer Khan protested before you in your office for no action against Didar Ali, Sweeper of your school, who had sexually harassed her and she took poison and died in your office after the school had gone off but you failed to handle the situation"

6.1.2 Written statement of accused Mr. Ali Dina is placed at Annex-VI through which he has tried to prove himself innocent stating that the complainant was neither a student nor staffer of his school; the alleged attempt on her honor did not take place in the school, alleged attempt of the accused Didar Ali was his private action. After the occurrence he tried to console the complainant Ms Tahira Bibi D/O Shaheer Khan and on the day of suicide too, he tried his best to send the girl back peacefully. Copy of the attendance register provided by the Headmaster (Annex-VII) indicates that Mr. Didar Ali was absent on the day of attempted molestation i.e. 03-12-2015. Immediately on receipt of complaint he took actions like informing DEO (Male) Chitral and calling meeting of PTC which resulted in transfer of the accused Didar Ali Sweeper to DEO office.

6.1.3 View point of other teachers: Mr. Hidayatullah Senior A.T GHS Harchin states that Mr. Didar Ali was absent on 3-12-2015; around 9.00 O'clock the complainant Ms Tahir Bibi came and complained against Mr. Didar Ali whereupon she was advised by the Headmaster to consult her parents and senior relatives to resolve the matter. She however, proceeded to police post and Mr. Didar Ali was arrested at about 1200 noon outside the school vicinity. The Headmaster called PTC meeting on

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District Education Officer
(Male) Chitral

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12th December 2015 and in follow up to meeting resolution, called explanation from Mr. Didar Ali for being absent from the school on 3/12/2015. According to Mr. Sher Fraz, SST GHS Herchin, the complainant Ms Tahira D/O Shaheer Khan was present in the school on 5-08-2016 at 11:30 am and Headmaster and Mr. Suhar Wardi had left the school. The complainant informed that she had eaten poison to protest against non provision of justice; when she was feeling ill, he along with few other resident teachers went to fetch doctor. The doctor came and started treatment while he along with other teachers went to bring police. On return they found her dead though doctors tried to save her life. An almost similar statement has been given by Mr. Riffatuddin SST, GHS Harchin

District Education Officer
(Male) Lower Chitral

- 6.1.4 Statement of Mr. Lal Khan, Laboratory Attendant GHS Harchin: He stated that on both the occasions i.e. on 3-12-2015 and on 05-08-2016, both Mr. Ali Dina Headmaster and Mr. Suhar Wardi SST were present in the school when the deceased Ms Tahira Bibi visited the school; firstly for complaining against Didar Ali and secondly for lodging protest for non provision of justice to her. On 05-08-2016 they left the school at least 10-15 minutes before prescribed closing hours i.e. in the middle of crisis when the deceased was protesting for non provision of justice.
- 6.1.5 Statement of Qayyum Shah S/O Jehan Shah, brother in law of the deceased Tahira Bibi D/O Shaheer Khan. He informed that the accused Didar Ali did attack the girl with evil intentions but could not succeed because of appearance of a person from other direction. He further informed that the three accused namely Ali Dina Shah, Mr. Suhar Wardi and Mr. Didar Ali are relatives and rivals to each other because all three have claims on the land on which the school was built, so they wanted to use the incident against each other. That is why efforts for compromise between the father of the accused Didar Ali and the deceased Tahira's mother were sabotaged by them. If they were true helpers, they would have suggested to the deceased to lodge complaint with her college administration rather than with Police. He held both Ali Dina the headmaster and Mr. Suhar Wardi the SST responsible for mishandling the situation. According to him, families of all the parties (the three accused persons and that of the deceased) belong to same sect and school of thought and have distant kinship as well.

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conclusions drawn in other inquiries already conducted in the matter: (excerpts from Inquiry report of DEO Male Upper Dir Annex-V and report of DEO Male Chitral.....Annex- VIII)

- i) Inquiry committee comprising of Mr. Ahmad Ghazi HM GHS Sonoghore and Syed Alim Shah I/C HM GHS Mastuj concluded that Headmaster Mr. Syed Ali Dina is an irresponsible person for he failed in handling the situation properly and recommended him to be put on disposal of Directorate.
- ii) Inquiry report conducted by DEO (Male) Dir Upper concluded that Headmaster has shown negligence on his part while taking the case not serious. If he is true to the extent that the molestation act was outside the school, then being a human being he cannot absolve himself of the onus to take Ms Tahira Bibi to home on the day before the suicide.
- iii) Report submitted by DEO (Male) Chitral to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar indicates that gross negligence and carelessness have been committed by the Headmaster by letting the girl alone in the premises and mishandling the situation. He has shown grave incompetence and irresponsibility to let the incident happen.

6.2 Finding

Perusal of record, previous inquiries and the statements recorded during the proceedings indicate that the Headmaster turned a blind eye to the gravity of the matter right from the day of first complaint to him till the occurrence of the suicide. Even on the day of sad occurrence of suicide, the headmaster left the school in the middle of crisis before closing hours. We are therefore, of the opinion that the Headmaster is guilty of negligence of his duty because of adopting non serious attitude towards his administrative and managerial duties and lack of efficiency and leadership which led to his failure to handle the situation effectively.

6.3 Inquiry in respect of Mr. Suhar Wardi

6.3.1 Following are the allegation against the accused Mr. Suhar Wardi, SST (General) GHS Harchin Chitral.

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District Education Officer
(Male) Lower Chitral

"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"

- 6.3.2 Written statement of Mr. Suhar Wardi is placed at Annex-IX. He is of the view that on 3rd December 2015 he was serving in GHS Harchin as Senior CT-, BPS-16 when Mr. Didar Ali Sweeper of the school was charged under criminal allegations with respect to cheating with Mst Tahira in his personal capacity. The occurrence reported to be happened out of school; neither the occurrence nor the complainant had any relation with him or the school. When she complained against the accused Didar Ali, the Headmaster took action reported to the DEO and local police also booked the accused Didar Ali under Section 506/354 PPC at Police Station Mastuj, Chitral. He further stated that I.O of the case put his name in the witness list only to testify the complaint which he did as his personal responsibility. The accused remained behind the bars for about fifteen days and on release, transferred from GHS Harchin. On 05-08-2016 i.e. the day of suicide, Ms Tahira Bibi suddenly came and demanded termination of Didar Ali Sweeper. The Headmaster and other teachers tried their best to pacify the complainant about the departmental and judicial proceedings against the accused Didar Ali, so she left satisfied. It was Friday so after closing hours all local teachers, (including Suhar Wardi local teacher) and formal students left and Informal students of Allama Iqbal Open University started arriving for workshop. Therefore he knows nothing about return of complainant to school in their absence, in poisoned condition and subsequent suicide. Therefore he did not mislead the complainant.
- 6.3.3 View point of other teachers: statements of other teachers noted at 6.1.3 above indicate that Mr. Suhar Wardi was present in the school on both occasions i.e. on the day of first complaint on 3rd December, 2015 and on the day of suicide on 05-08-2016. Moreover, on 05-08-2016 he left the school almost 10-15 minutes before closing hours.
- 6.3.4 View point of Mr. Lal Khan, Laboratory Attendant GHS Harchin: He stated that on 05-08-2016, both Mr. Ali Dina Headmaster and Mr. Suhar Wardi were present in the school. They had left school at least 10-15 minutes before prescribed closing hours. Mr. Lal Khan did not give any clue as to instigation of the complainant by Mr Suhar Wardi.
- 6.3.5 View point of previous inquiries about the accused:





ASBWD



District Education Officer
(Male) Lower Chitral

- i) Inquiry committee comprising of Ahmad Ghazi Headmaster GHS Sonoghore and Syed Alim Shah I/C Headmaster GHS Mastuj held Suhar Wardi responsible to the extent of catalyzing the situation by instigating the complainant Ms Tahira Bibi D/O Shaheer Khan; by then he has been transferred to Sorlaspur; the inquiry suggested nothing more against him.
- ii) Inquiry report conducted by DEO (Male) Dir Upper, concluded that circumstantial evidence show that he might have instigated the complainant Ms Tahira Bibi.
- iii) Report submitted by DEO (Male) Chitral to Director E&SE Khyber Pakhtunkhwa indicates that Mr. Suhar Wardi was transferred to GHS Arkari to neutralize situation arising as a result of public resentment who demanded immediate transfer of Mr. Ali Dina and Mr. Suhar Wardi (as reported by SHO Mastuj).

6.4 Findings

The conclusion drawn by previous two inquiries noted above states that circumstantial evidence might suggest that he instigated the girl to lodge FIR with police because his name has been associated with the story from the very first complaint of molestation by Ms Tahira against Didar Ali, he figures in the list of witness in the court of law and subsequently under mounting pressure of public resentment he was also transferred from GHS Harchin to pacify the people of the area. So he appears to have a finger in the pie. Therefore, we agree with the conclusion drawn by the previous two inquiries that circumstantial evidences suggest that he might have instigated the deceased Tahira Bibi to lodge complaint with the police.

6.5 Inquiry in respect of Mr. Didar Ali Sweeper

6.5.1 Following are the allegations against the accused Mr. Didar Ali, Sweeper GHS Harchin Chitral:

"You sexually harassed Mst. Tahira Bibi, D/O Shaheer Khan on 03-12-2015 when she was on the way to her college. On 05-08-2016 the affectee came to GHS Harchin to protest for no action against you and took poison and died"

R > PBNV



Signature
District In-charge Officer
Male Power Chitral

- 6.5.2 Statement of the accused: The accused Mr. Didar Ali did not submit any statement. He told the inquiry committee that he could speak only in Chitrali language. Therefore, services of a Chitrali resident government servant were utilized for investigation from the accused and recording his statement. During hearing Mr. Didar Ali told that he knew the deceased Ms Tahira Bibi was present in the school on the day of occurrence of attempted act of terrorism. He stated that he spent the preceding night at school and after serving the duties to resident teachers, left the school in the morning. He did not meet the way nor knew anything about the happening; however towards evening he was summoned by police of nearby police post. He went to the police post on the impression of being summoned for some errands—a routine matter as he visited the post quite often in his private capacity. It however came to his attention on him after reaching the police post that he was summoned in connection with a complaint of Ms Tahira Bibi. He was then taken into custody and kept at the Police Station. Court trial started and he remained behind bars for a period of fifteen days whereafter he was released on bail. He told that he had a personal relationship with Suhar Wardi. It could be gathered from his talks that the three accused were settling personal scores among themselves by playing the incident against each other.
- 6.5.3 Statement of Qayyum Shah, brother in law of the deceased Ms Tahira Bibi: His statement has already been reflected, as noted above at para-6.1.5
- 6.5.4 View point of co-accused Mr. Syed Ali Dian: He was of the opinion that the accused Didar Ali is not a good government servant, he absents himself from school on. The headmaster also provided copy of the attendance register which indicates that Mr. Didar Ali was absent on the day of attempted murder of Ms Tahira Bibi on 3rd December 2015 till the end of the month i.e. 31st December, 2015.
- 6.5.5 View point of co-accused Mr. Suhar Wardi: He was of the opinion that the accused, Mr. Didar Ali Sweeper was an addicted man of bad character.
- 6.5.6 View point of Mr. Qari Usman, TT GHS Harchin: He opined that the accused Didar Ali was an average performer of official duty.
- 6.5.7 View point of Mr. Lal Khan, Laboratory Attendant GHS Harchin: He was of the opinion that the accused Mr. Didar Ali, the then Sweeper frequently deserted his duty; did not take least interest in official duties. The headmaster could never take appropriate action against him.

Signature

A.S.P.W.V

6-5-9

19
 Director Education Officer
 Malakand Lower Chitral

6.5.8 View point of previous inquiries

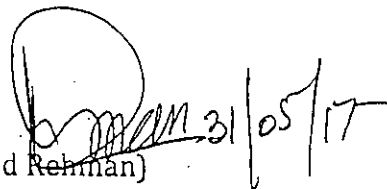
- i) Report submitted by DEO(Male) Chitral to Directorate indicates that Didar Ali was arrested on charges of harassment
- ii) Inquiry report by DEO (M) Dir Upper concludes that Mr. I under arrest in connection with the said complaint of Ms Ta the court can decide better

6.5.9

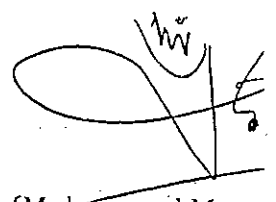
Findings

So far as the charge regarding molestation of Mst. Tahira Bibi, Khan by the accused Mr. Didar Ali, the then Sweeper GHS Harchin is co under trial in the court of law in Chitral and the court is competent to de beyond the scope of this inquiry.

So far as his conduct with regard to performing official duty and compromising his official status is concerned, on the basis of state concerned employees recorded during the proceedings, explanation c Headmaster from the accused Mr. Didar Ali and previous inquiries, it tran is habitual absentee, does not take interest in duty and shirks duty and h the extent of performing the official duty, is unsatisfactory.


 31/05/17

(Said Rehman)
 Principal GHS No.2 Batkhela
 Malakand



(Muhammad Masood)
 Additional Secretary
 Forestry, Environment &
 Department

11-4210

Annexure 26

انکوائری کمیٹی بہ متعلق افسوسناک واقعہ ایف 448 پر جن میں
 صاحبزادہ سید شہزادہ انیسٹریٹ (درمان) جزالہ
 انکوائری رپورٹ

مختار احمد
 ڈسٹرکٹ ایجوکیشن آفیسر
 (Male) Lower Chitral

حسبہ الحکم جوہر ٹیلی فون پر موصول ہوئی، ہم زبردستی خطی کیفیت انکوائری رپورٹ دادی لکھتے ہیں کہ
 درانہ ہو گئے اور موصولہ message کے اجزاء کی روشنی میں انکوائری conduct کی۔ پھر پڑھیں گورنمنٹ
 ہائی سکول پر جن میں گئے، وہاں پیرما سٹر صاحبزادہ 4 کی موجودگی میں مقامی اور غیر مقامی اساتذہ صاحبان سے ملاقات کی
 اور سکول کے اندر وقوعہ حادثہ کی نوعیت پر بحث ہوئی۔ واقعہ لکھنؤ میں آیا۔
 خورد گشت کا ارتکاب کرنے والی یہی حادثہ کے دن صبح اس صبحی کے وقت دو سہرے پکیوں کے ہمراہ سکول
 میں داخل ہوئے تھے، پیرما سٹر صاحبزادہ 4 نے آفس میں بیٹھ کر کلاس روم سے دیردار علی کی ہر خاص سگی کا نظارہ کر
 رہے تھے، تصدیق لینے کے لیے صبح 1 بجے پہنچے۔ 5 اگست 2016 کو وقوعہ کے دن پیرما سٹر صاحبزادہ 4 صبح کو سمجھا کر سکول سے
 واپس بھیجا تھا لیکن کچھ وقفے کے بعد وہ دوبارہ گیسٹ ہاؤس آکر شور مچائی، میر تسلیم کا جو کلب دار تھی اور اس پر
 دھمکاؤں کا تھا، ایک استاد سے پیرما سٹر صاحبزادہ عالمی گیسٹ ہاؤس سے آخری بجے سے بات کر اور پھر ادارے کے اندر داخل ہوئے
 تصدیق لینے کے لیے صبح 2 بجے پہنچے، B، C، B، گیسٹ ہاؤس کے کمرے میں۔ بد قسمتی سے اس وقت پیرما سٹر صاحبزادہ کی ادارے کے اندر
 واپس کا خبر پیرما سٹر صاحبزادہ 4 کو نہیں دی گئی۔ پیرما سٹر صاحبزادہ 4 کے جمعہ کا دن تھا۔ Monitor آیا ہوا تھا
 اس کے ساتھ زیادہ سے زیادہ مصروفیت رہی اور سکول ادارے کی جھڑپ تک وہ لڑائی سکول کے اندر صحن میں بیٹھ رہی
 تصدیق لینے کے لیے صبح 3 بجے پہنچے (3 صفحہ) لکھنے کے جاتے ہیں۔ سکول کے اندر قیام پذیر غیر مقامی اساتذہ سکول کی چھٹی سونے
 کے بعد بھی لڑائی کے باوجود اسے گھر جانے کی ہدایات دے دئے لیکن وہ اٹکارا ہوئی، کچھ اساتذہ جمعے کی عمارت کی
 کلاسیں لکھنے سکول میں گئے، کچھ بجے اپنے کمرے میں مصروف ہو گئے۔ اس دوران ایک کلاس فور جب کلاسی
 پورٹن میں کلاس روم ڈھنڈھ تو تالہ لگانے لگا تو کچھ کو دیکھ کر کہا، بیٹی اپنے گھر چلے جاؤ، کچھ نے جواب دی
 کہ میری طبیعت خراب ہے اساتذہ کو میرے پاس بلادے۔ کلاس فور نے اساتذہ کو اطلاع دی۔ اساتذہ میں سے
 کچھ نے لڑائی لگاتے گئے، کچھ پاس ہی بلاؤں کی موت واقع ہوئی، عینی شاہدین لیکن غیر مقامی اساتذہ
 لکھنے کے لئے گئے۔

6، 5، 4

لکھنے کے لئے گئے ہیں۔

District Education
 Office
 Diary No 1913
 Date 19/8/16

کے لواحقین کا مقامی اساتذہ کے بارے میں یہ کچھ شکوکہ ہے کہ انہوں نے لڑائی کی۔

District Grievance Officer
(Male) Lower Chitral

اصل واقعے کے دن یعنی 3 دسمبر 2015ء کو سکول میں ہتھکڑیاں، ہتھکڑیاں اور کھوپڑیاں لگا کر تھامے گئے۔
واقعے کا اصل تعلق کیا جاتا تو بہتر ہوتا بچائے اس کے کہ قانون نافذ کرنے والوں کی گفتگو ہی کی جائے۔ پیرا 2 سیکشن 17
تحریر کیا گیا ہے۔ اور اسٹاد 2015 سیکشن 25 کے تحت تحریر بیان 7 کے طور پر تحریر
ہوئی ہے۔ پیرا 2 سیکشن 25 کے تحت اس پر آج غیر حاضر ہے لہذا بیٹی راستے سے روکنا شروع واقعے کو روکنا
ہو سکتی ہے۔ سیکشن 25 کے تحت اس پر آج غیر حاضر ہے کہ جب وہ اسی دن جوئی اپنے ذائقہ کام لیا گیا تو طالب (مرد)
دکان موجود تھی۔

صاف عالی! ایسے ان بیانات کی تصدیق جی 2015 سیکشن 25 کے تحت اور دو ADO صاحبان کے سامنے

17/08/2016 کو پھر جین کے دورے کے موقع پر پیرا 2 سیکشن 25 کے تحت اس سے گفتگو کے دوران کوئی۔
ذمہ دار اور سیکشن کے مطابق تفصیل سے واقعے کے آغاز سے لیکر اس وقت تک کوئی کوئی نہیں ہے۔
موجودہ کے گھر جا کر تقریب کرنے اور والدہ صاحبہ کی شکایات و فریاد دوبارہ درج کرنے کی ضرورت محسوس نہیں کی جاتی ہے
بھاری بھاری visit کے بعد بھی ایک احتجاجی جلسہ کیا گیا تھا، اس کے متعلق بھی ذمہ دار اور سیکشن کوئی کوئی نہیں
گفتگو ہوئی

احتیاطی۔ یہ درست ہے کہ 3 دسمبر 2015ء کا واقعہ سکول سے تقریباً دو یا تین گھنٹوں کی دوری پر پیش آیا تھا
متعلقہ تعلق کو اس میں غیر حاضر تھا، چونکہ یہ شکایت لیکر سکول پہنچی تھی وہ اس ادارے کی سابقہ طالبہ تھی۔
یہی موقع تھا کہ پیرا 2 سیکشن 25 کے تحت اس سے گفتگو اور اس کے متعلق اس ادارے کی سابقہ طالبہ تھی۔
سطح کرتے اور تھامے گئے اور سیکول کے احاطے سے لے کر اس وقت تک وارڈ کے

3 دسمبر 2015ء کے واقعے کے بعد 5 اگست 2016ء کو خود کش کا واقعہ افسانوں تک کا حصہ ہے
کا ہی کہا ہے، اس دوران بھی کئی بار خصوصاً انٹر کالنگ سالانہ امتحانات کے موقع پر اس کی تension کا اظہار
پیرا 2 سیکشن 25 کے تحت اس سے گفتگو تھی، یہ امتحان سیکول کے اندر قائم تھی۔ سابقہ انکوائری رپورٹ تحریر
16/01/2016 میں بھی عداوت میں پریشانی اور کشیدگی کی موجودگی کا ذکر کیا گیا ہے۔ اس عداوت کے اندر کیس
کی شدت کا اندازہ نہ لگانا مناسب معلوم نہیں ہوتا ہے۔ خود کش کے بعد بھی ادارے کے ایک اسٹاف ممبر
سکھروندہ 25 کے نام تھیں آنے کے بعد ضرورہ کام کے وقت سے حاضرہ سے رہ جانے کا ذکر بھی ذمہ دار اور سیکشن کوئی
میں کیا گیا۔ نتیجتاً عداوت میں پریشانی اب بھی پائی جاتی ہے واقعہ کے وقت سے تعلق تعلیم کی سیکول کو لے کر
ریورس کی طرف رپورٹ میں بھی اطلاعات کے مطابق پریشانی کی موجودگی کا ذکر کیا گیا ہے۔
سفارشات 1- اس کے حال، مزید پریشانی کی پیشین گوئی سے بچنے کے لئے اگر مذکورہ بالا ذکر آنسو ان کا
تحریر سکولوں میں شراکتہ کیا جائے تو بہتر ہوگا۔ (2) گلہ سے خود حیدر علی کا کیس عدالت میں ہے۔

Ahmed Waqar Khan

18/12/2016

[Signature]
 District Education Officer
 (Male) Lower Chitral

(2)

امیدوار تھے کہ دن میں 3 دسمبر 2015 کو سکول میں ہجرت، ہر شہداء اور کو ہجرت، مقامی دستور و رواج کے مطابق
 واقعہ حاصل تلاش کیا جاتا تو بہتر ہونا چاہئے اس کے کہ قانون نافذ کرنے والوں کی نشان دہی کی جائے۔ بیڑا ستر ماہ کا
 عمر ہے۔ بیڑا ستر ماہ کا ہے۔ اس وقت اس کے پاس 7 گھنٹہ کی تعلیم ہوئی ہے۔ اس کے پاس 7 گھنٹہ کی تعلیم ہوئی ہے۔
 حات ہے۔ بیڑا ستر ماہ کا ہے۔ اس وقت اس کے پاس 7 گھنٹہ کی تعلیم ہوئی ہے۔ اس کے پاس 7 گھنٹہ کی تعلیم ہوئی ہے۔
 ہو سکتی ہے۔ اس کے پاس 7 گھنٹہ کی تعلیم ہوئی ہے۔ اس کے پاس 7 گھنٹہ کی تعلیم ہوئی ہے۔
 دنوں میں ہو رہی ہے۔

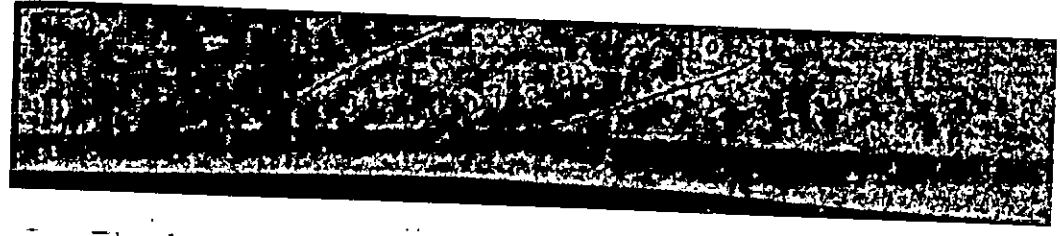
مقامی اہلکاروں کی جانب سے لکھی جانے والی درخواستوں پر اس کے پاس 7 گھنٹہ کی تعلیم ہوئی ہے۔ اس کے پاس 7 گھنٹہ کی تعلیم ہوئی ہے۔
 2016/11/11 کو پشاور میں کے دورے کے موقع پر بیڑا ستر ماہ کا ہے۔ اس کے پاس 7 گھنٹہ کی تعلیم ہوئی ہے۔ اس کے پاس 7 گھنٹہ کی تعلیم ہوئی ہے۔
 یہ کارڈ اس کے پاس لکھی جانے والی درخواستوں پر اس کے پاس 7 گھنٹہ کی تعلیم ہوئی ہے۔ اس کے پاس 7 گھنٹہ کی تعلیم ہوئی ہے۔
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احتمالاً یہ درست ہے کہ 3 دسمبر 2015ء کا واقعہ سکول سے تقریباً دو یا تین کلومیٹر کی دوری پر پیش آیا تھا
 متعلقہ کلاس میں ہی چون غیر حاضر تھا، چونکہ اس کی شناخت نہیں ہو سکی تھی وہ اس ادارے کی سابقہ طالبہ تھی۔
 اس کے پاس 7 گھنٹہ کی تعلیم ہوئی ہے۔ اس کے پاس 7 گھنٹہ کی تعلیم ہوئی ہے۔ اس کے پاس 7 گھنٹہ کی تعلیم ہوئی ہے۔
 اس کے پاس 7 گھنٹہ کی تعلیم ہوئی ہے۔ اس کے پاس 7 گھنٹہ کی تعلیم ہوئی ہے۔ اس کے پاس 7 گھنٹہ کی تعلیم ہوئی ہے۔

3 دسمبر 2015ء کے واقعہ کے بعد 5 اگست 2016ء کو خود کشی کا واقعہ اٹھا ہونے تک کا عرصہ میں
 کا ہی لگتا ہے۔ اس دوران میں کوئی بار خصوصاً انٹر سائلر ایجنٹوں کے موقع پر اس کے پاس 7 گھنٹہ کی تعلیم ہوئی ہے۔
 اس کے پاس 7 گھنٹہ کی تعلیم ہوئی ہے۔ اس کے پاس 7 گھنٹہ کی تعلیم ہوئی ہے۔ اس کے پاس 7 گھنٹہ کی تعلیم ہوئی ہے۔
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اس کے پاس 7 گھنٹہ کی تعلیم ہوئی ہے۔ اس کے پاس 7 گھنٹہ کی تعلیم ہوئی ہے۔ اس کے پاس 7 گھنٹہ کی تعلیم ہوئی ہے۔
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 اس کے پاس 7 گھنٹہ کی تعلیم ہوئی ہے۔ اس کے پاس 7 گھنٹہ کی تعلیم ہوئی ہے۔ اس کے پاس 7 گھنٹہ کی تعلیم ہوئی ہے۔

Ahmad Wase Khan
 ASDEO (M) Waziristan Circle
 Lower Chitral, Peshawar
 Principal



2956 از راولپنڈی تحصیل پبلک اسکول پیر ماہر ٹرنٹ ڈائریکٹوریٹ ڈائریکٹوریٹ
 سکول پیر ماہر ٹرنٹ ڈائریکٹوریٹ ڈائریکٹوریٹ

District Education Officer
 (Male) Lower Chitral

B

وزیرت مذہب و تعلیم، اسلام آباد، پاکستان
 29 جولائی 2016ء

برائے ریفرنس نمبر 17404-6 دورہ 5 جزوی 2016ء
 حوالہ نمبر 16-01-076 دورہ 01
 ایجنٹ کی پراپٹی کے بارے میں جو کہ اسکول پیر ماہر ٹرنٹ ڈائریکٹوریٹ ڈائریکٹوریٹ
 کو منسلک حالت دریافت کیا جائے۔ پراپٹی سے تعلق رکھنے والے شخصیات کے بارے میں جو پراپٹی میں سے
 اور۔ طابعاً ہی کی گاہک ہے وہ جب معمولی طور پر اسکول پیر ماہر ٹرنٹ ڈائریکٹوریٹ ڈائریکٹوریٹ
 کے اسکول پیر ماہر ٹرنٹ ڈائریکٹوریٹ ڈائریکٹوریٹ سے تعلق رکھنے والے شخصیات کے بارے میں جو پراپٹی میں سے
 نہ ملنے کی صورت میں اس کے بارے میں جو پراپٹی میں سے تعلق رکھنے والے شخصیات کے بارے میں جو پراپٹی میں سے
 پراپٹی میں سے تعلق رکھنے والے شخصیات کے بارے میں جو پراپٹی میں سے تعلق رکھنے والے شخصیات کے بارے میں جو پراپٹی میں سے
 12 سو پیر ماہر ٹرنٹ ڈائریکٹوریٹ ڈائریکٹوریٹ سے اس کے بارے میں جو پراپٹی میں سے تعلق رکھنے والے شخصیات کے بارے میں جو پراپٹی میں سے
 تمام انعامات کے بارے میں جو پراپٹی میں سے تعلق رکھنے والے شخصیات کے بارے میں جو پراپٹی میں سے تعلق رکھنے والے شخصیات کے بارے میں جو پراپٹی میں سے

13 پیر ماہر ٹرنٹ ڈائریکٹوریٹ ڈائریکٹوریٹ سے اس کے بارے میں جو پراپٹی میں سے تعلق رکھنے والے شخصیات کے بارے میں جو پراپٹی میں سے
 منگوا کر اس کے بارے میں جو پراپٹی میں سے تعلق رکھنے والے شخصیات کے بارے میں جو پراپٹی میں سے تعلق رکھنے والے شخصیات کے بارے میں جو پراپٹی میں سے
 منگوا کر اس کے بارے میں جو پراپٹی میں سے تعلق رکھنے والے شخصیات کے بارے میں جو پراپٹی میں سے تعلق رکھنے والے شخصیات کے بارے میں جو پراپٹی میں سے
 تعلیم ہو۔

حاجہ سید ا۔ مقدمہ برائے اسکول پیر ماہر ٹرنٹ ڈائریکٹوریٹ ڈائریکٹوریٹ سے اس کے بارے میں جو پراپٹی میں سے تعلق رکھنے والے شخصیات کے بارے میں جو پراپٹی میں سے
 اور کثرت کی نظر سے اس کے بارے میں جو پراپٹی میں سے تعلق رکھنے والے شخصیات کے بارے میں جو پراپٹی میں سے تعلق رکھنے والے شخصیات کے بارے میں جو پراپٹی میں سے
 قرارداد کو بنیاد بنا کر اسکول پیر ماہر ٹرنٹ ڈائریکٹوریٹ ڈائریکٹوریٹ سے اس کے بارے میں جو پراپٹی میں سے تعلق رکھنے والے شخصیات کے بارے میں جو پراپٹی میں سے
 سو پیر ماہر ٹرنٹ ڈائریکٹوریٹ ڈائریکٹوریٹ سے اس کے بارے میں جو پراپٹی میں سے تعلق رکھنے والے شخصیات کے بارے میں جو پراپٹی میں سے تعلق رکھنے والے شخصیات کے بارے میں جو پراپٹی میں سے
 جس کی حوالہ تعلیم ہو۔

M. Hussain
 Headmaster
 Govt. Primary School
 Genogil, Chitral

2002
 29/7/16
 G/B
 for w/p

Govt. Primary School
 S.P. (17)
 G.E.S. Genogil, Chitral

29/7/16



30
GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMN: DEPARTMENT
(Regulation Wing)

No. SOR-I(E&AD) 5-30/2018
Dated the 22nd January 2020

23

Annex E,

To,

The Secretary to Govt. of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department

Subject: - REQUEST FOR RE-INSTATEMENT INTO SERVICE

Dear Sir,

I am directed to refer to your letter NO. SO (SM) E&SE/4-33/2016/Ali Dina & others dated 10.01.2020 on the captioned subject and to state that neither the official submitted departmental appeal against the said major penalty nor filed appeal in the Khyber Pakhtunkhwa Service Tribunal. Therefore, penalty imposed upon the accused as a result of disciplinary proceedings i.e. "Removal from Service" is still in the field. The Additional District Judge Chitral has released him only in a criminal case under trial and the Court has not ordered for his re-instatement into service for which the accused will have to approach the Khyber Pakhtunkhwa Service Tribunal. Since legal issues are involved, Law Department may also be consulted in the matter.

Yours faithfully,

(ABDUL AHAD)
SECTION OFFICER (R-I)
Phone # 9210860

Annex
"F"
District Education Officer
(Male) Lower Chitral

F, 31

We attend the meeting
of Incharge Officer Mrs Eulraj
AD of Education Peshawar
on 21th July 2017.

Sohansandi

Sohansandi

دیس 16/10/17
دیپارٹمنٹ

Syed Ali Dina Shah

Syed Ali Dina Shah

Syed Ali Dina Shah

21/7/2017.

District Education Officer
(Major) Lower Chitral



32

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

2

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

G 31

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.

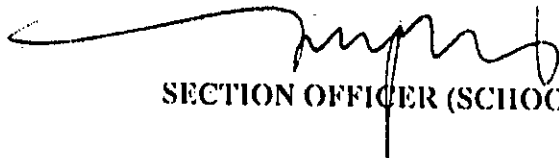
Encl: as above:

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

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)

MD/EST
24/10/2017

5144

24/10/17

annex
"C"

33

20

Dated Peshawar the March 09, 2018

NOTIFICATION

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

WHEREAS Mr. Didar Ali Ex-Sweeper BS-03 GHS Harchin District Chitral (now Sweeper BS-03 GCMHS 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. Didar Ali Ex-Sweeper BS-03 GHS Harchin District Chitral (now Sweeper BS-03 GCMHS 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 officer 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 major penalty of "Removal from service" upon Mr. Didar Ali Ex-Sweeper BS-03 GHS Harchin District Chitral (now Sweeper BS-03 GCMHS Chitral) with immediate effect.

SECRETARY

Masood
District Education Officer
(Malekower Chitral)

Ends: 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. Didar Ali Ex-Sweeper BS-03 GHS Harchin District Chitral (now Sweeper BS-03 GCMHS 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.

12/3


Aneela Faridi
(ANEELA FARIDI)

Headmaster
G.H.S. Harchin
Chitral

34

To: Dedor Ali
Sweeper.

Subject: Explanation


District Education Officer
(Male) Lower Chitral

Memo:

You Dedor Ali Sweeper
G.H.S. Harchin are absent from
your duty today. You are
directed to explain your position
within two days, otherwise strict
disciplinary action will be taken
against you.


Head Master
Govt. High School
Harchin, Distt: Chitral

Dated: 03-12-2015

35


**OFFICE OF THE PRINCIPAL
GOVERNMENT CENTENNIAL MODEL HIGH SCHOOL (BOYS) CHITRAL**

NO. 237 /

DATED. 26/04/2016.

To,

The District Education Officer
(Male) Chitral



District Education Officer
(Male) Lower Chitral

Subject: **COMPLAIN AGAINST DIDAR ALI CHOWKIDAR**

Sir,

As your good self is well aware that inter exam is continue in this school and the school is facing high security risk. As the afore mentioned person is not performing his duty.

It is therefore requested to depute alternate Chowkidar please.



**PRINCIPAL
GCMHS (BOYS) CHITRAL**

OFFICE OF THE
PRINCIPAL
GCMHS (B) CHITRAL
NO. 123
DATED: 12/05/2017.

35
38

To:

The District Education Officer
(Male) Chitral

REQUEST FOR TAKING DISCIPLINARY ACTION AGAINST D'DAR ALI (SWEEPER)
GCMHS CHITRAL

Subject:

Memo:
Reference the subject cited above and to say that Mr. D'dar Ali (Sweeper) does not perform his duties regularly since his transfer to this school. Besides repeated verbal instructions and advises explanation calls (1) No. 306 dated 02-08-2016, (2) No. 336 dated 22-10-2016, (3) 387 dated 01-12-2016 was also issued to him. But all were in vain. If this school is always over crowded with diverse teachers, meetings, seminars and workshops, sanitation become crucial. It is therefore requested to take disciplinary action against him or transfer him from this school. Any candidate from minority (i.e. Christian community) may please be appointed against both sweeper. So that the deteriorating condition of sanitation could be coped.

Principal
GCMHS (B) Chitral

(Signature)
District Education Officer
(Male) Chitral

2



OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) CHITRAL

Phone No: 0943-412627

Fax No: 0943-412627

Email id: www.deomchitral@gmail.com

No. /EB(M)/D-2 Dated: / / 2017.

37

To,

Mr. Didar Ali, Sweeper,
Govt: Centennial Model High School Chitral.


Subject:- **EXPLANATION.**

Memo:

Reference to the No.421, dated 15-02-2017 received from the Principal Govt: Centennial Model High School Chitral; you have been habitual absentee since your transfer in the school. The Principal Govt: Centennial Model High School Chitral served explanation call Nos 306 dated 02-08-2016, 336 dated 22-10-2016 and 387 dated 01-12-2016 on you regarding your deviation from the obligatory duty but you failed to comply with. You are, therefore, directed to explain your position within a week after the receipt of this call for your negligence towards your official duty failing which disciplinary action under E&D rules 2011 will be initiated against you.


Encl. (1)


District Education Officer,
(Male) Chitral.


District Education Officer
(Male) Lower Chitral

Endst: No. 2193 /EB(M) D-2 Dated Chitral the 18/02 /2017.

Copy of the above is forwarded for information to the Principal Govt Centennial Model High School Chitral.


District Education Officer,
(Male) Chitral.

38

OFFICE OF THE
PRINCIPAL
GOVERNMENT CENTENNIAL MODEL HIGH SCHOOL
(BOYS) CHITRAL
NO. 499 /
DATED. 15 / 08 / 2017.


To,

Mr. Didar Ali (Sweeper)
GCMHS (Boys) Chitral,


Subject: EXPLANATION / ABSANCE FROM DUTY.

Memo: *Inspite of repeated verbal advice you do not perform your duties well. You mostly remain absent from your duties. You have been absent since 11/08/2017. Without any prior application / permission.*

Explain your position as to why disciplinary action should not be taken against you under rules.


District Education Officer
(Male) Lower Chitral

(F)


PRINCIPAL
GCMHS (BOYS) CHITRAL

39

OFFICE OF THE
PRINCIPAL
GOVERNMENT CENTENNIAL MODEL HIGH SCHOOL
(BOYS) CHITRAL
NO. 505 /
DATED. 20/08/2017.

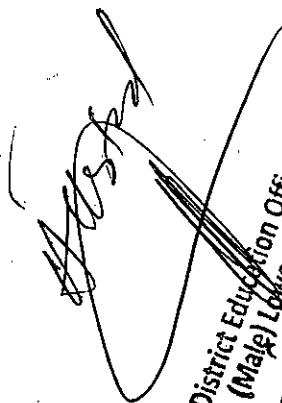
To,

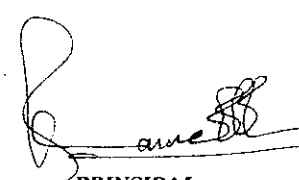
Mr. Didar Ali (Sweeper)
GCMHS (Boys) Chitral,

SUBJECT: WARNING /REMINDER

Memo: You have been absent since 11/08/2017. You were issued an explanation call vide our No. 499 dated 15/08/2017. But you neither responded to the explanation call nor attended your duty. You were also directed previously for your such practices.

You are again strongly directed to explain your position within three days of the issue of this latter, as to why disciplinary action should not be taken against you.


District Education Officer
(Male) Lower Chitral
E'


PRINCIPAL
GCMHS (BOYS) CHITRAL

40

OFFICE OF THE
PRINCIPAL
GOVERNMENT CENTENNIAL MODEL HIGH SCHOOL
(BOYS) CHITRAL
NO. 506 /
DATED. 23/08 / 2017.

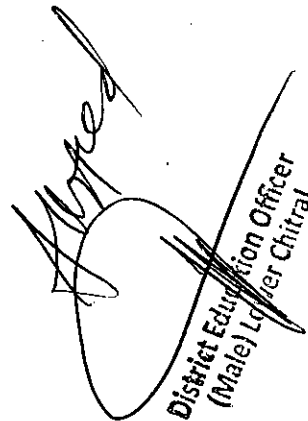
To,

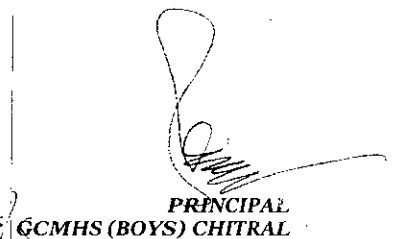
The District Education Officer
(Male) Chitral.

Subject: REQUEST FOR DISCIPLINARY ACTION AGAINST MR. DIDAR ALI (SWEEPER).

Memo: Reference our Explanation call No. 505 dated 20/08/2017. (2). 499 dated 15/08/2017. (3). 421 dated 15/02/2017. (4). 387 dated 01/12/2016. (5). 336 dated 22/10/2016.(copies attached). Mr. Didar Ali sweeper failed to perform his duties. He remained continuously absent .

It is therefore requested to take strong disciplinary action against the said employee please.


District Education Officer
(Male) Chitral


PRINCIPAL
GCMHS (BOYS) CHITRAL

'D'

41

OFFICE OF THE
PRINCIPAL
GOVERNMENT CENTENNIAL MODEL HIGH SCHOOL
(BOYS) CHITRAL

NO. 09 /
DATED. 07 / 02 / 2018.


To,

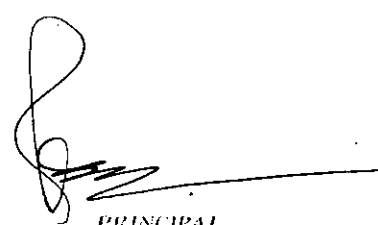
The District Education Officer
(Male) Chitral.

Subject: REQUEST FOR STRICT DISCIPLINARY ACTION AGAINST DIDAR ALI (SWEEPER) GCMHS (BOYS) CHITRAL

Memo: Reference our Endst: No.(1)506 dated 23/08/2017 No.(2) 505 dated 20/08/2017. No.(03) 499 dated 15/08/2017. No (04) 421 dated 15/02/2017. Mr. Dadar Ali (Sweeper) continuously not attending his duties. An enquiry on behalf of your office ~~was~~ ~~was~~ was also conducted by Mr. Shahid Hussain ADO P&D and Show cause notice was also issued vide your No. 16996-17001 dated 01/01/2017.

It is therefore requested that the said employee may kindly be removed from service so that another sweeper could be appointed please.


District Education Officer
(Male) Lower Chitral


PRINCIPAL
GCMHS (BOYS) CHITRAL

42



**OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) CHITRAL**
PHONE NO.0943-412627
EMAIL ADDRESS: deomalechitral@gmail.com
 No. 5255 EB/(M) E-3/Explanation Dated: 21/3/2018.

To:

**The Principal,
GCMHS (Boys) Chitral.**

Subject: - EXPLANATION /ABSENCE FROM DUTY.

Memo:

Reference your No. 40 dated 16/03/2018 on the subject cited above.

It is to inform you that Mr. Didar Ali Sweeper of your school has been removed from service by the Honorable Chief Secretary Khyber Pakhtunkhwa vide Notification No. SO (S/M) E&SED/4-33/2016 dated 09/03/2018 (copy attached).

[Signature]
 District Education Officer,
 (Male) Chitral.

[Signature]
 District Education Officer
 (Male) Lower Chitral

2/c
for N/A
21/3/18

43

BEFORE THE HON'BLE SERVICE TRIBUNAL
KHYBER PAKHTUNKHAWA, PESHAWAR

Service Appeal No. 4315/2020.

Didar Ali Ex. Sweeper (BPS-03) at Government Centennial
Model High School, District Chitral (Lower).

..... Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary Elementary & Secondary Education (E&SE) Department Government of Khyber Pakhtunkhwa, Peshawar.
3. Section Officer (R-I), Establishment and Administration Department (Regulation Wing), Government of Khyber Pakhtunkhwa, Peshawar.
4. District Education Officer (Male), Chitral Lower.

..... Respondents

**PARA WISE COMMENTS ON BEHALF OF THE
RESPONDENTS NO.1 TO 4:**

PRELIMINARY OBJECTIONS: -

1. That the appellant has got no cause of action/locus standi to file the instant appeal.
2. That the instant appeal is not maintainable, hence, liable to be dismissed.
3. That the appeal is bad in its present form, hence, incompetent and liable to be dismissed.

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4. That the appellant concealed the material facts ^{from} this honorable court/tribunal ~~in dark~~.
5. That the appellant has not come to the honorable court/tribunal with clean hands.
6. That the appellant has been estopped by his own conduct to file the instant appeal.

7. That the appeal of the appellant is badly
Respectfully Sheweth: time barred

ON FACTS:-

1. Para No.1 is correct to the extent that the appellant Mr. Didar Ali was working as Sweeper in the respondents' department, but it is ~~not~~ ⁱⁿ correct that he performed his duty consistently, PTC (Parent Teacher Council) Resolution and departmental inquires shows that the appellant committed gross official miss-conduct and was habitual absentee, did not take interest in his official duty, shirked duty and his service to the department was unsatisfied.

Annexure "A" Copy of (PTC) Resolution.

Annexure "B" Inquiry Report dated 16.01.2016.

Annexure "C" Inquiry Report dated 18.08.2016.

Annexure "D" Inquiry Report dated 31.05.2017.

2. Para No.2 is correct to the extent that the appellant acquitted from the charges and allegations of sexual harassment through

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compromise/Razi Nama while action taken against ^{him} his under
E&D Rules. *2011. Moreover criminal and deptt proceedings run
side by side.*

3. Para No.3 is correct to the extent that he appellant also acquitted from allegations under section 322-PPC through compromise/Razi Nama, while the appellant has been removed for Service through Disciplinary Action (E&D Rules). *2011.*
4. Para No.4 is correct to the extent that three Departmental inquiries were initiated against him which shows that the appellant committed gross official miss-conduct and was habitual absentee, did not take interest in his duty and his services was unsatisfactory.
Rely on above annexed Annexure "A" to "D".
5. Para No.5 is correct to the extent that the appellant was acquitted from the criminal charges on the basis of compromise/ Razi Nama thereafter ^ehs has submitted departmental appeal before competent authority, which was regratted on the grounds that the appellant has been removed from service due to his habitual absenteeism/ non compliance not due to criminal charges by the competent authority after due course of law.
Annexure "E" Copy of request for reinstatement.
6. Pare No.6 is correct. It is pertinent to mention ^e here that after departmental proceedings the decision was taken against the appellant by the competent authority.
7. Pare No.7 is discretion of this honorable Tribunal.

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GROUND:-

A. Incorrect, the order dated 09.03.2018 issued by the respondent No.1 was according to the law and all the codal formalities have been completed before issuing the said order.

Annexure "F" Copy of attendance of the appellant before the inquiry committee dated 21.07.2017.

Annexure "G" Copy of show cause notice dated 23.10.2017.

B. Incorrect, all the legal and codal formalities have been completed by the respondent No.1 and the allegations against the appellant have been proved.

Rely on above annexed Annexure "B" to "D".

C. Incorrect, the official/appellant removal from service has been made under Section 14 of Khyber Pakhtunkhwa E&D Rules, 2011 before his acquittal from the criminal charges through compromise/*Razi Nama*, hence, not entitled to reinstate into service.

Annexure "G-I" Copy of order of the removal from service.

D. Correct, but the causes of the appellant's removal from service is quite different as per documents exhibited in the honorable court. The appellant has been found a habitual absentee, does not take interest in his duty and officially unsatisfactory.

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Annexure "H" Copy of Show cause Notice dated 07.02.2018.

Annexure "I" Copies of Explanations.

E. Incorrect, the appellant had been provided opportunities to clear his position through explanations, warnings, reminders and show causes as well as inquires but the appellant always ignored the office orders and found guilty.

Rely on above annexed Annexure "H" & "I".

F. Incorrect, according to the inquiry report the appellant is habitual absentee, does not take interest in his duty and has been found unsatisfactory to the duties and removed from service on the basis of factual reports.

Rely on above annexed Annexure "B", "C" & "D".

G. Incorrect, the report from the principal GHS Harchin and the principal GCMHS Chitral and three departmental inquires initiated against the appellant proved that the appellant was habitual absentee and involved in unlawful activities.

H. Incorrect, the criminal case is a separate matter which was registered against the accused/appellant on the report of complainant, while the departmental proceedings is a separate proceeding which initiated against the official due to his official misconduct, absenteeism and being uninterested in his duty.

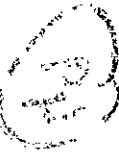
AAK

Dy. Secy

[Handwritten Signature]

Additional Advocate General
Khyber Pakhtunkhwa
Service Tribunal Peshawar

[Faint text]



Encl. 1

[Handwritten notes]

[Handwritten notes]



OFFICE OF THE DISTRICT EDUCATION OFFICER (M)

LOWER CHITRAL

Phone: 0943-412627

Email address: deomchitral@gmail.com



No. 14018

Dated Chitral The: 10/9/2021

To,

✓
The Section Officer Legal,
Elementary & Secondary Education
Department Khyber Pakhtunkhwa, Peshawar.

Subject:-

**DULY VETTED PARAWISE COMMENT IN SERVICE APPEAL
NO 4313/2020 ALONG WITH RELEVANT DOCUMENTS
SUBMITTED FOR SIGNATURE.**

Sir,

Reference to the subject cited above it is submitted that duly vetted Para wise comments (on behalf of Respondents No.1 to 4) and other relevant documents in the appeal No.4313/2020 titled Didar Ali Versus Govt: of Khyber Pakhtunkhwa are submitted for signature of respondents No.1,2 and 3 through proper channel, please

(49)
District Education Officer
(Male) Lower Chitral.

Dated Chitral the, ___/___/021

Endst.No. _____

Copy forwarded to the:-

1. Director Elementary & Secondary Education KPK, Peshawar
2. PS to Chief Secretary Govt of KhyberPaktunkhwa, Peshawar
3. Section Officer (R-1) Establishment and Administration Department (Regulation Wing) Govt of KhyberPaktunkhwa, Peshawar.

District Education Officer
(Male) Lower Chitral.



OFFICE OF THE DISTRICT EDUCATION OFFICER (M)

LOWER CHIRAL

Phone: 0713-412627

Email address: deonchiral@gmail.com



Date: Chiral the 10.1.2021

No. 1018

To:

The Section Officer Legal,
Elementary & Secondary Education
Department (Kyber-Akshun'ka, Besharva)

✓

DUTY-FUL PARAWISE COMMENT IN SERVICE APPEAL
NO 431320 ALONG WITH RELEVANT DOCUMENTS
SUBMITTED FOR SIGNATURE

Subject:

Sir,

Reference to the subject cited above it is submitted that duty-ful Parawise comments on behalf of Respondents No.1 to 4) and other relevant documents in the appeal No.431320 dated 10.1.2021 filed with the Govt of Kyber-Akshun'ka are submitted for signature of respondents No.1, 2 and 3 through proper channel, please

District Education Officer
(Male) Lower Chiral

Date: Chiral the 10.1.2021

1018

Encl. No. _____

- Copy forwarded to the:-
1. Director Elementary & Secondary Education (K/A, Besharva)
 2. PS to Chief Secretary Govt of Kyber-Akshun'ka, Besharva
 3. Section Officer (H-1) Establishment and Administration Department (Regulation Wing) Govt of Kyber-Akshun'ka, Besharva

District Education Officer
(Male) Lower Chiral

STAFF'S ATTENDANCE REGISTER

For the month of August Year 2016

NO. 9 NO. _____ NO. _____ NO. 2016

Name:	<u>Shaji</u>				<u>(P) No</u>				<u>Shaji</u>							
Designation:	<u>Driver</u>				<u>Driver</u>				<u>Driver</u>							
Date	Arr.	Sig.	Dep.	Sig.	Arr.	Sig.	Dep.	Sig.	Arr.	Sig.	Dep.	Sig.	Arr.	Sig.	Dep.	Sig.
1	7:30	P	2:00	A				A	7:30	P	1:30	P				
2	7:30	P	2:00	A				A	7:30	P	1:30	P				
3	7:30	P	2:00	A				A	7:30	P	1:30	P				
4	7:30	P	2:00	A				A	7:30	P	1:30	P				
5	7:30	P	2:00	A				A	7:30	P	1:30	P				
6	7:30	P	2:00	A				A	7:30	P	1:30	P				
7																
8	7:30	P	2:00	A				A	7:30	P	1:30	P				
9	7:30	P	2:00	A				A	7:30	P	1:30	P				
10	7:30	P	2:00	A				A	7:30	P	1:30	P				
11	7:30	P	2:00	A				A	7:30	P	1:30	P				
12	7:30	P	2:00	A				A	7:30	P	1:30	P				
13	7:30	P	2:00	A				A	7:30	P	1:30	P				
14	7:30	P	2:00	A				A	7:30	P	1:30	P				
15	7:30	P	2:00	A				A	7:30	P	1:30	P				
16	7:30	P	2:00	A				A	7:30	P	1:30	P				
17	7:30	P	2:00	A				A	7:30	P	1:30	P				
18	7:30	P	2:00	A				A	7:30	P	1:30	P				
19	7:30	P	2:00	A				A	7:30	P	1:30	P				
20	7:30	P	2:00	A				A	7:30	P	1:30	P				
21	Sunday															
22	7:30	P	2:00	A				A	7:30	P	1:30	P				
23	7:30	P	2:00	A				A	7:30	P	1:30	P				
24	7:30	P	2:00	A				A	7:30	P	1:30	P				
25	7:30	P	2:00	A				A	7:30	P	1:30	P				
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27	7:30	P	2:00	A				A	7:30	P	1:30	P				
28	7:30	P	2:00	A				A	7:30	P	1:30	P				
29	7:30	P	2:00	A				A	7:30	P	1:30	P				
30	7:30	P	2:00	A				A	7:30	P	1:30	P				

Suspended due to being involved in a case.

STAFF'S ATTE

For the month of _____

NO. _____ NO. _____

Name:	<u>Shaji</u>				<u>Shaji</u>			
Designation:	<u>Driver</u>				<u>Driver</u>			
Date	Arr.	Sig.	Dep.	Sig.	Arr.	Sig.	Dep.	Sig.
1	7:30	P	2:00	A				
2	7:30	P	2:00	A				
3	7:30	P	2:00	A				
4								
5	7:30	P	2:00	A				
6	7:30	P	2:00	A				
7	7:30	P	2:00	A				
8	7:30	P	2:00	A				
9	7:30	P	2:00	A				
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12								
13								
14								
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16	7:30	P	2:00	A				
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23	7:30	P	2:00	A				
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27	7:30	P	2:00	A				
28	7:30	P	2:00	A				
29	7:30	P	2:00	A				
30	7:30	P	2:00	A				

Accepted

57


BEFORE THE HON'BLE SERVICE TRIBUNAL
KHYBER PAKHTUNKHAWA, PESHAWAR

Service Appeal No. 4315/2020.

Didar AliVs.....Secretary E&SE & Others

AFFIDAVIT

I, Mr, Farid Ahmad, ADEO B-17, CNIC No. 1520105913857, do hereby solemnly affirm and declare that the contents of the comments/reply are true and correct to the best of my knowledge and belief and nothing has been kept secret from this honorable Court/Tribunal.



DEPONENT

Dated; 10 /07/2021.

58

BEFORE THE HON'BLE SERVICE TRIBUNAL

KHYBER PAKHTUNKHAWA, PESHAWAR

Service Appeal No. 4315/2020.

Didar AliVs.....Secretary E&SE & Others

AUTHORITY LETTER: -

Mr. Farid Ahmad, ADEO(Lit) B-17,
bearing CNIC No. 15201-05913857,
Contact No. 03065749816 in the office of DEO
(Male) Chitral Lower is hereby authorized/deputed to attend and submit
para wise comments before the honorable Service Tribunal Khyber
Pakhtunkhwa, Peshawar on behalf of the respondents.

Respondent No.1

Chief Secretary Khyber Pakhtunkhwa,

Respondent No.2

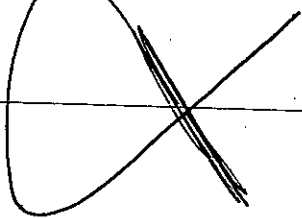
Secretary (E&SE) Khyber Pakhtunkhwa,

Respondent No.3

Section Officer, Khyber Pakhtunkhwa,
(R-1) Establishment & Administration Dept
(Regulation Wing)

Respondent No.

DEO (Male) Chitral,



STAFF'S ATTENDANCE REGISTER

For the month of August Year 2016

NO. 9

NO.

NO.

NO. 2016

Name	Designation	Date	Arr.	Sig.	Dep.	Sig.	Arr.	Sig.	Dep.	Sig.
U.S. 1/1/10	Sweeper	1	7:30	A	2:00	P	7:30	A		
		2	7:30	A	2:00	P	7:30	A		
		3	7:30	A	2:00	P	7:30	A		
		4	7:30	A	2:00	P	7:30	A		
		5	7:30	A	2:00	P	7:30	A		
		6	7:30	A	2:00	P	7:30	A		
		7								
		8	7:30	TO	2:00	TO	7:30	P	1:35	P
		9	7:30	TO	2:00	TO	7:30	P	1:35	P
		10	7:30	TO	2:00	TO	7:30	P	1:35	P
		11	7:30	TO	2:00	TO	7:30	P	1:35	P
		12	7:30	TO	2:00	TO	7:30	P	1:35	P
		13	7:30	TO	2:00	TO	7:30	P	1:35	P
		14	7:30	TO	2:00	TO	7:30	P	1:35	P
		15	7:30	TO	2:00	TO	7:30	P	1:35	P
		16	7:30	TO	2:00	TO	7:30	P	1:35	P
		17	7:30	TO	2:00	TO	7:30	P	1:35	P
		18	7:30	TO	2:00	TO	7:30	P	1:35	P
		19	7:30	TO	2:00	TO	7:30	P	1:35	P
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		21	7:30	TO	2:00	TO	7:30	P	1:35	P
		22	7:30	TO	2:00	TO	7:30	P	1:35	P
		23	7:30	TO	2:00	TO	7:30	P	1:35	P
		24	7:30	TO	2:00	TO	7:30	P	1:35	P

Suspended from work
 Suspended from work
 to
 in case

STAFF'S

For the month of

NO.

Name	Designation	Date	Arr.	Sig.	Dep.	Sig.	Arr.	Sig.
J.P. 1/1/10		1	7:30	S			7:30	S
		2	7:30	S			7:30	S
		3	7:30	S			7:30	S
		4	7:30	S			7:30	S
		5	7:30	S			7:30	S
		6	7:30	S			7:30	S
		7	7:30	S			7:30	S
		8	7:30	S			7:30	S
		9	7:30	S			7:30	S
		10	7:30	S			7:30	S
		11	7:30	S			7:30	S
		12	7:30	S			7:30	S
		13	7:30	S			7:30	S
		14	7:30	S			7:30	S
		15	7:30	S			7:30	S
		16	7:30	S			7:30	S
		17	7:30	S			7:30	S
		18	7:30	S			7:30	S
		19	7:30	S			7:30	S
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		21	7:30	S			7:30	S
		22	7:30	S			7:30	S
		23	7:30	S			7:30	S
		24	7:30	S			7:30	S

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 District No. 10
 District Office