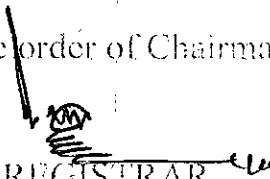


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. - \_\_\_\_\_

596/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/03/2023	<p>The appeal of Mr. Aziz Ullah Shah presented today by Mr. Younas Ali Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ Parcha Peshi is given to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE KHYBER PAKHTUN KHWA, SERVICE TRIBUNAL,  
PESHAWAR

Service Appeal No. 593 /2023

Aziz Ullah Shah \_\_\_\_\_ Appellant

Versus

Govt. of Khyber Pakhtun Khwa through Secretary Elementary and  
Secondary Education and others

Respondents

INDEX

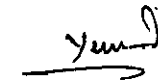
S.NO.	PARTICULARS	ANNEX	P. NO.
1.	Memo of Appeal		16
2.	Affidavit		7-8
3.	Appointment letter of Appellant	A	9-10
4.	Copy of writ petition	B	11-15
5.	Copy of FIR No. 75 dated: 04-03-2019	C	16
6.	Copy of writ petition NO.812-B/2020 and order dated: 28-09-2020	D & E	17-20 21-22
7.	Copy of Acquittal order in FIR No.75	F	23
8.	Copy of Transfer order of the appellant and Notification of ban on transfer order	G & H	24,25
9.	Copies of civil suit and charge report	I & J	26,28,29
10.	Copy of application and attendance register	K & L	30,31
11.	Copies of Show cause and reply	M & N	32,33
12.	Copy of posting order of respondent No.4 as D.E.O (M) on OPS	O	34,35
13.	Copy of appellant's removal order	P	36
14.	Departmental Appeal	Q	37-41
15.	Wakalat nama		42

Dated: /03/2023

Appellant

  
Aziz Ullah Shah

Through Counsel:-

  
Younas Ali Khan Marwat  
Advocate High Court,  
Lakki Marwat.

1

**BEFORE KHYBER PAKHTUN KHWA, SERVICE TRIABUNAL,  
PESHAWAR**

Service Appeal No. 596 /2023

**Aziz Ullah Shah S/O Syed Badshah r/o Matora, Tehsil Ghazni Khel, District  
Lakki Marwat.**

Appellant

*Versus*

1. **Govt. of Khyber Pakhtun Khwa through Secretary Elementary and  
Secondary Education Department, Peshawar.**
2. **Director, Elementary and Secondary Education, Peshawar.**
3. **District Education Officer, Lakki Marwat.**
4. **Muhammad Ilyas Khttak, Deputy District Education Officer / D.E.O  
(OPS) (Male) Lakki Marwat).**

Respondents

**SERVICE APPEAL UNDER SECTION-4 OF THE  
SERVICE TRIBUNAL ACT, 1974 AGAINST THE ACT  
OF THE RESPONDENT NO. 4 WHO ISSUED  
IMPUGNED ORDER DATED: 02-12-2022, VIDE  
WHICH THE APPELLANT WAS REMOVED FROM  
SERVICE ON ACCOUNT OF ABSENCE.**

**Respectfully Sheweth!**

The appellant most humbly submits as under:-

1. That the present appellant was appointed in the education department District  
District Lakki Marwat on dated: 13-01-2004 as **chowkidar in Govt, Primary  
School Shaista Khan Matora District Lakki Marwat** and consequent to the

appointment order, the appellant took charge of his duties vide arrival report dated: 13-01-2004. {Copy of Appointment order is attached as **Annexure-A** }.

2. That the appellant after appointment, was working with great zeal and devotion since date of arrival according to the rules of service and according to the wishes of the Superiors and having no complaint against the present appellant since his appointment.
3. That after more than 14 years of service the appellant was entitled to promotion as per policy from the Class-IV post to the post of junior clerk, therefore the appellant filed writ petition No.749-B/2018 for the above said promotion, which is still pending in the Peshawar High Court Bannu Bench. **(Copy of writ petition is Annexure-B)**
4. That on 04-03-2019 Muhammad Yasin, Head teacher of Govt Primary School Shaista Khan Matora, registered a false and concocted case against the present appellant and his father vide FIR No.75 dated:- 04-03-2019 u/s 506/342/186/34-PPC Police station Ghazni Khel.Lakki Marwat **{Copy of FIR is Annex-C}**
5. That after the registration of case the appellant was arrested and suffered mental and physical hardship during custody of police and after some days both the appellant and father of the appellant were released on bail by the trial court.
6. That after the release the appellant joined the duty and was regularly performing his duties but in the month of October 2019, salary of the appellant was illegally stopped by the respondent No.3 without any reason and lawful justification. Against which the appellant filed a writ petition NO.812-B/2020 in the Hon'ble High Court Peshawar, Bannu Bench for release of pay, wherein the Hon'ble High Court Peshawar, Bannu Bench order to release salary vide interim order dated: 28-09-2020. **(Copy of writ petition NO.812-B/2020 and order dated: 28-09-2020 are Annexure- D & E)**
7. That the trial in the above mentioned FIR was initiated and the appellant was acquitted from charge vide order dated: 11-03-2020. **(Copy of Acquittal order is Annexure-F)**
8. That personal grudge of some officials in District Education Department Lakki Marwat was not over, therefore to satisfy their personal grudge, again the salary

9

of the appellant was stopped on 01-03-2021 by the then D.E.O, Lakki Marwat, but the appellant never stopped to perform his duties.

9. That salary stoppage was not enough for rivals of the appellant therefore transfer order of the appellant was issued vide order dated: 06-08-2021 from GPS Shaista Khan Matora to GHS Matora. It is pertinent to mention that the transfer and posting was completely ban in those day. **(Copy of Transfer order of the appellant and Notification of ban on transfer order are Annexure- G & H)**
10. That the appellant filed a civil suit vide which the said illegal and void transfer order of the appellant was challenged and on the other side also joined the duty in the GHS Matora. **(Copies of civil suit and charge report are Annexure-I & J)**
11. That after performance of duty for more than a month the appellant's salary was not released by the concerned office. The Head Master of GHS Matora informed the appellant that his salary is not shifted to the GHS Matora, therefore he is unable to pay salaries of the appellant.
12. That the appellant has enmity in the area of Govt High School Matora, therefore the appellant filed an application before respondent No.3 / competent authority for transfer of appellant to his previous station but the respondent NO.3 didn't pay heed to the appellant's request, while the appellant was unable to perform his duties due to fear / danger to life and non-releasing of salaries of appellant because for more than a year the appellant was performing duties without pay. **(Copy of application and attendance register are Annexure- K & L)**
13. That on 03-09-2022 the respondent No.3 issued show cause notice to the appellant, which was duly replied. **(Copies of Show cause and reply are Annexure- M & N)**
14. That on 20-10-2022 posting and transfer were made in province in respect of District Education Officers, while through same notification the respondent No.4 the than Deputy District Education Officer Lakki Marwat was posted to the D.E.O Lakki Marwat as OPS. **(Copy of order is Annexure-O)**
15. That the respondent No.4 / D.E.O (OPS) Lakki Marwat without any inquiry and providing opportunity of personal hearing to the appellant issued the impugned

Yours

office order dated: 02-12-2022 vide which the appellant was removed from service. (Copy of removal order is Annexure-P)

16. That the said impugned order of removal from service has not been served upon the appellant, so after getting knowledge, the appellant moved an appeal dated: 15-12-2022 before competent authority but after laps of almost 3 months the said appeal was not decided till date and no response what-so-ever has been made. { Copy of appeal is attached, marked as Annex-Q}
17. That the appellant being aggrieved and having no other efficacies remedy except to file the instant appeal for the redressal of his grievances before this Hon'ble Tribunal on the following amongst other grounds.

**GROUND:**

- A. That the impugned orders of respondents dated: 02-12-2022 is against law, facts, hence liable to be set-aside.
- B. That personal grudge against present appellant is crystal clear from the first registration of case till the removal from service as all the proceedings were initiated without just and proper cause.
- C. That the appellant was acquitted from the charge made in FIR but the appellant already suffered great damage to image in locality as to satisfy personal grudge some rivals of the appellant in Education Department Lakki Marwat also charged the appellant's old and affirm father.
- D. That the present D.E.O (OPS) has no lawful authority to issue removal order of the appellant. Moreover no proper inquiry was conducted neither opportunity of personal hearing was provided to the appellant, therefore, the appellant's removal order dated: 02-12-2022 is in utter disregard to the principles of the fairness, merit and transparency hence the impugned order being against the law, illegal, unlawful, void ab initio and liable to be reversed.
- E. That the appellant served the department for almost 19 years without any stigma on his service and with unblemished record and the penalty imposed upon the appellant is very harsh, which is liable to be reversed.

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- F. That the removal of the appellant from his service without adopting proper criteria and codal requirements by the respondents is against the worthy ruling of the Hon'ble Superior Courts of Pakistan and therefore, the same are illegal practice and such practice adversely effects efficiency of incumbents and also reduces their confidence and faith in public, hence the impugned order referred above is liable to be upheld on this score also.
- G. That the appellant had been made victim of discrimination, demerits, partiality and favoritism without any just and reasonable cause thereby offending the fundamental rights of the appellant as provided by the constitution of 1973, hence the impugned orders detailed above are liable to be set at naught.
- H. That the impugned order has been passed by applying wrong law over the subject, hence no limitation can run against an illegal order.
- I. That the appellant is very hardworking and punctual in his duty, therefore, no complaint received by the Respondents against the appellant but due to the personal grudge of some officials in the education department lakki marwat the Respondents unlawfully and illegally proceeded against the appellant by ordering his removal from his service, which is against the law and fundamental rights of the appellant.
- J. That the appellant was condemned unheard, his departmental appeal was not properly adjudicated in the manner as provided by the law. Further no chance of personal hearing was given to the present appellant in order to redress his grievances which shows the malafide of the Respondents, hence needs interference of this Hon'ble Tribunal.
- K. That the present impugned order is illegal, illogical, against facts, without jurisdiction and suffering from material irregularity, hence they are untenable and liable to be struck down.
- L. That the Respondents erroneously exercised their powers against judicial principle, and have passed the impugned orders and opened a new pandora box in clear violation of Service law, hence, the said impugned order is liable to be set aside, and the appellant may kindly be re-instated in service with all back benefits.

5/11/16

M. The appellants crave for leave of the Hon'ble Tribunal to raise additional grounds at the time of arguments.

**IT IS, THEREFORE, MOST RESPECTFULLY PRAYED THAT ON ACCEPTANCE OF THIS APPEAL THIS HON'BLE TRIBUNAL MAY VERY GRACIOUSLY BE PLEASED TO:**

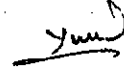
- i. **DECLARE THE IMPUGNED ORDER DATED: 02-12-2022 AS ILLEGAL, AND UNLAWFUL.**
- ii. **REINSTATE THE APPELLANT IN SERVICE WITH ALL BACK BENEFITS.**
- iii. **ANY OTHER RELIEF, THOUGH NOT SPECIFICALLY ASKED FOR, DEEMS APPROPRIATE TO THE HON'BLE TRIBUNAL MAY ALSO BE GRANTED.**

Dated: /03/2023

Appellant

  
AZIZ Ullah Shah

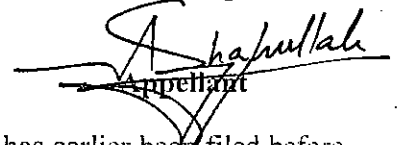
Through Counsel:-



Younas Ali Khan Marwat  
Advocate High Court,  
Lakki Marwat.

**VERIFICATION:**

It is verified that all the contents of the instant appeal are true and correct and nothing has been concealed intentionally from this Hon'ble Tribunal.

  
Appellant

**Note:** That no such like petition / Appeal on this subject matter has earlier been filed before this Hon'ble Tribunal.

  
Appellant



**BEFORE KHYBER PAKHTUN KHWA, SERVICE TRIABUNAL,  
PESHAWAR**

Service Appeal No. \_\_\_\_\_/2023

**Aziz Ullah Shah** \_\_\_\_\_ **Appellant**

*Versus*

**Govt. of Khyber Pakhtun Khwa through Secretary Elementary and  
Secondary Education and others**

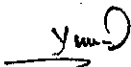
\_\_\_\_\_ **Respondents**

**AFFIDAVIT**

I, **Aziz Ullah Shah S/O Syed Badshah** r/o Matora, Tehsil Ghazni Khel, District Lakki Marwat, do hereby solemnly affirm and declare upon oath that the contents of the appeal are true and correct to the best of my knowledge & belief and nothing has been concealed or withheld from this Honourable Tribunal.

**Identified By:**

**Deponent**



**Younas Ali Khan Marwat**  
Advocate, High Court,  
Lakki Marwat



**Aziz Ullah Shah**  
CNIC: 11201-1456059-1

**BEFORE KHYBER PAKHTUN KHWA, SERVICE TRIBUNAL,  
PESHAWAR**

Service Appeal No. \_\_\_\_\_ /2023

**Aziz Ullah Shah** \_\_\_\_\_ **Appellant**

*Versus*

**Govt. of Khyber Pakhtun Khwa through Secretary Elementary and  
Secondary Education and others**

\_\_\_\_\_ **Respondents**

**ADDRESSES OF THE PARTIES**

**APPELLANT.**

**Aziz Ullah Shah S/O Syed Badshah r/o Matora, Tehsil Ghazni Khel, District  
Lakki Marwat.** \_\_\_\_\_ **Appellant**

*Versus*

**RESPONDENTS**

1. Govt. of Khyber Pakhtun Khwa through Secretary Elementary and  
Secondary Education Department, Peshawar.
2. Director, Elementary and Secondary Education, Peshawar.
3. District Education Officer, Lakki Marwat.
4. Muhammad Ilyas Khattak, Deputy District Education Officer, /  
D.E.O (OPS) (Male ) Lakki Marwat).

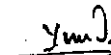
\_\_\_\_\_ **Respondents**

Dated: /03/2023

**Appellant**

  
**Aziz Ullah Shah**

**Through Counsel:-**

  
**Younas Ali Khan Marwat**  
Advocate High Court,  
Lakki Marwat.

OFFICE OF THE DEPUTY DISTRICT OFFICER ( MALE)

PRIMARY LAKKI MARWAT

Hello Ph: # 510294

OFFICE ORDER:

As approved in the meeting of District Selection committee for recruitment District Lakki Marwat held on 20/12/2003n and 21/12/2003, the appointment of the following contract Chowkidar is here by ordered @ Rs: 2800/- per month fixed in the following schools shown against their names in the interest of Public service form the date of their taking over charge with the following terms and conditions.

S.No	Name With Father Name and Address	Date of Birth	Place of duty/Post	Remarks
01	Mustaqim Khan S/O Abdúl Majeed R/O Kaka Khel	1958	Chowkidar.GPS Mustaqeem Kaka Khel	Land Owners / Recommend by Land Owners
02	Rashid Khan S/O Hayat Ullah R/O Wanda Shahab Khel	1982	Chowkidar, GPS Wand Shahab Khel	DO
03	Hussan Ahmad S/O Baqi Jan R/O Behram Khel	16-1-84	Chowkidar, GPS Baqi Jan Behram Khel	DO
04	Muhammad Karim S/O Abdul Karim R/O Wanda Bahawali	20-3-1981	Chowkidar, GPS Wanda Bahawali	DO
05	Aziz Ullah Shah S/O Sayed Bad Shah R/O Motora	4-11-1982	Chowkidar, GPS Sayed Bad Shah Motora	DO
06	Kalim Ullah S/O Muhammad Ghulam R/O Jhang Khel	12-11-1976	Chowkidar.GPS Akbar Abad Jhang Khel	DO
07	Quaza Khan S/O Habib Khan R/O Ahmad Khel	1-2-1981	Chowkidqar GPS,Wanda Ahmad Khel	DO

TERMS AND CONDITIONS

1. The appointment has been made purely on contract basis and can be terminated any time.
2. Their monthly pay is Rs: 2800/- fixed and will be rendered as admissible under the rules.
3. Their services will be governed by the rules and regulation applicable from time to time.
4. They are directed to produce health and age certificate form the medical Superintendent Lakki Marwat
5. Charge reports should submitted to all concerned

(Muhammad Aslam Khan)

Dy: Distt: Officer (M/P)  
Lakki Marwat

Endst: No. 65-69/A-I / Dated Lakki Marwat the January 13, 2004.

Copy for Information to the

01. Director Schools and Literacy NWFP Peshawar
02. Distt: Coordination Officer Lakki Marwat.
03. Executive Distt: Officer (School's & Lit:) Lakki Marwat
04. Distt: Accounts Officer Lakki Marwat.
05. Superintendent (Accounts Local Office)
06. Head Teachers Government: Primary Schools Concerned
07. Candidates Concerned.

*Akram Marwat*

Dy: Distt/Officer  
(M/P)Lakki Marwat

13/1/04

(F)

**BEFORE THE HONOURABLE PESHAWAR HIGH COURT,  
BANNU BENCH.**

Writ Petition No. 749-B -B of 2018  
with CM No 8/18.

**Azizullah Shah** son of Syed Bad Shah, resident of Matora, Tehsil & District Lakki Marwat.

PETITIONER

VERSUS

1. **Govt. of Khyber Pakhtunkhwa**, through Secretary, Elementary & Secondary Education Department, K.P.K. Peshawar
2. **Secretary to the Govt. of K.P.K.** Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
3. **Director**, Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar
4. **District Education Officer (Male)**, Elementary & Secondary Education, Lakki Marwat.

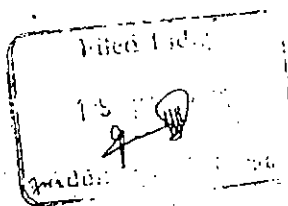
RESPONDENTS

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

ATTESTED  
J. J. Khan  
Peshawar High Court  
Bannu Bench

Respectfully Sheweth,

1. That the petitioner is permanent & bonafide resident of district Lakki Marwat and addresses of parties as given above, are correct and sufficient for the purpose of service.
2. That the petitioner is having Master degree in Political Science and has been serving as Class-IV/Chowkidar in the Education Department under the control of respondent No 4. Presently petitioner is posted as Chowkidar at Govt. Primary School Shaista Khan, Matora, Lakki Marwat. Copies of the CNIC of petitioner along with their Academic record is enclosed as



Annexure A whereas, copy of the service record of the petitioner is enclosed as Annexure B.

3. That as per policy in vogue of the Provincial Government of Khyber Pakhtunkhwa the holders of the posts of Daftaries, Naib Qasids or other equivalent posts like cook, Bearer, Chowkidar, Sweeper etc, having two years' service as such, along with Secondary School Certificate, have been given 33% Departmental Quota for promotion to the post of Junior Clerk. Whereas, 67% posts of Junior Clerks are to be filled on the basis of initial recruitment

4. That in the Elementary & Secondary Education Department, Lakki Marwat, 1/3<sup>rd</sup> of the total posts of Junior Clerks are the right of promotion of matriculate Class-IV employee, however, each time on accrual/availability of the vacancy of Junior Clerk the same is each time filled through initial recruitment entirely through advertisement without complying 33% quota of departmental promotion from amongst the holders of the posts of Class-IV.

It would not be out of place to mention that since 1987, no promotion has been awarded to any of the Class-IV employee to the post of Junior Clerk; which is violation of the rules/policy of the provincial government.

5. That being aggrieved of the acts & deeds of the respondents whereby they are not considering the Class-IV employees of the Departments for the purpose of promotion as per specified percentage, which act itself is violative of the policy in vogue and as petitioners' legal, fundamental & constitutional rights have been denied; thus having no other efficacious remedy but to invoke Constitutional jurisdiction of this august court, the petitioners are filing present Writ Petition seeking issuance of direction to the respondents to first publicize the number of vacancies of Junior Clerks and to satisfy and maintain 1/3<sup>rd</sup> ratio of departmental promotion out of entire available vacancies of Junior Clerks on, inter alia, on the following grounds:

Filed Today  
19 SEP 2013  
Additional Registrar

ATTESTED  
JUDGE  
High Court  
Lahore Bench

**GROUNDS:**

- i. That the inaction of respondents in complying with the policy in vogue of Provincial Government for filling up vacancies of Junior Clerks from promotional quota of Class-IV employees, is the outcome of malafide discrimination, against policy in vogue of the Provincial Govt. without jurisdiction, without lawful authority and having no binding effect upon rights of petitioner.
- ii. That the petitioner has been serving as Class-IV/chowkidar in the Education Department Lakki Marwat since long and he meets the required criteria for his promotion as Junior Clerk. Besides, petitioner has also worked as Senior English Teacher in the Department and record in this regard is enclosed as **Annexure C.**
- iii. That the respondents have developed an illegal practice that each time they advertise the vacancies of junior clerks, for direction recruitment and do not look into the rights of petitioner and other class-IV employees for the purpose of promotion to the post of junior clerk. As per policy in vogue of the provincial government out of each 03 posts of junior clerks, 01 post of junior clerk is the right of promotion of class-IV employees.
- iv. That the petitioner has the right of promotion on 33% vacancies of Junior Clerks as per policy in vogue of the provincial government and respondents have no room to sabotage the vested legal and constitutional rights of petitioner.
- v. That the respondents have no authority to advertise the posts of junior clerks without filling-up 33% seats by promotion amongst holders of the posts of class-IV in the department. Advertising the posts after completing process of promotion would provide another opportunity to those Class-IV employees who could not be promoted due to their low seniority but have required/higher qualification in this

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Filed Today  
 19/08/2012  
 Additional Registrar

ATTESTED  
 JUDGE  
 District Court

5 (4)

regard. Hence, the advertisement of posts of junior clerks is an arbitrary, illegal and malafide act and is a wanton aggression upon the rights of petitioner and other Class-IV employees of the department.

- vi. That by not making promotion on 33% seats of Junior Clerks, the respondents are violating the legal rights of petitioner. The respondents, while not acting upon the prescribed policy, have acted illegally and exceeded their jurisdiction; and there is no other adequate remedy is available to petitioner but to file present writ petition to safeguard his rights.
- vii. That previously the petitioner filed a civil suit wherein he called in question the vires of a fresh appointee on the basis of ibid 33% rights; however, the said suit was returned to the petitioner. Copies of the previous suit are enclosed as **Annexure D.**
- viii. That the counsel for petitioner may be allowed to argue additional grounds at the time of arguments.

In view of foregoing humble submissions, it is most respectfully prayed that on acceptance of the present Writ Petition and by issuance of an appropriate writ, order or direction, directing respondents to allocate 33% posts of the total posts of Junior Clerks for the purpose of promotion of Class-IV employees to the post of Junior Clerk; and thereby award promotion to the petitioner on any of the such vacancies on the basis of seniority-cum-fitness.

It is further prayed that respondents may please be restrained from filling-up entire vacancies of junior clerks in the Department (either presently lying vacant or would fall vacant in future) by way of direct recruitment until and unless 1/3<sup>rd</sup> posts of the total strength of Junior Clerks are to be filled through promotion of class-IV employees in accordance with government's policy.

1/11/11

Filed Today  
 19 3/11/11  
 [Signature]  
 [Stamp]

**ATTESTED**  
 [Signature]  
 JUDGE  
 (Reserve Bench)  
 District Court



5

Any other appropriate relief which this Honourable Court, in the given circumstances, may deem proper in the best interest of justice, may also be granted to the petitioner.

No. 6023 Yours Humble Petitioner

Certified that the above is a true and correct copy of the original filed on this date 18 day of July 18 by Azizullah Shah (Azizullah Shah) Through Counsel Syed Bad Shah R/o Lakki Marwat who was identified by Younis Ali Khan who is personally known to me. 18/07/18

Dt. July 18, 2018 High Court Bannu Bench  
**Younis Ali Khan**  
Advocate High Court Lakki Marwat.

**BOOKS REFERRED:**

1. The Constitution of Islamic Republic of Pakistan, 1973
2. Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules 1989.

**CERTIFICATE**

I, Azizullah Shah son of Syed Bad Shah, resident of Matora, Tehsil & District Lakki Marwat, petitioner, do hereby certify that it is the first petition on the subject matter and no such petition has earlier been filed.

Azizullah Shah  
**Petitioner**

**AFFIDAVIT**

I, Azizullah Shah son of Syed Bad Shah, resident of Matora, Tehsil & District Lakki Marwat, petitioner, do hereby solemnly affirm and declare on oath that all the Para-wise contents of above **Writ Petition** are true & correct to the best of my knowledge, belief and information; and that, nothing has been deliberately concealed from this Honourable Court.

Filed Today  
19 JUL 2018  
Additional Registrar

Identified by Counsel:  
**Younis Ali Khan Advocate**

Younis Ali Khan

Azizullah Shah  
**Deponent**  
**ATTESTED**  
By: \_\_\_\_\_  
Clerk  
High Court  
Bannu

قلم نمبر ۲۳-۵ (۱)

نثر قائل

### ابتدائی اطلاعی رپورٹ

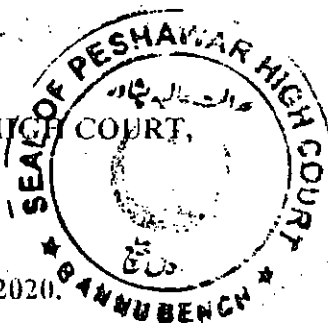
ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۲ مجموعہ ضابطہ نو جداری

عسری حیل	میلروت
75	ظلع دو جن دھوسر 3/19 04 وقت 13:15 بجے تاریخ
37	تاریخ زودت رپورٹ 4 صحت 14:45 بجے صابڈی 3/19 04 وقت 13:30 بجے
نام و سکونت اطلاع دہندہ مستفیض	محمد یاسین ولد عرفان علی سکنہ منورہ
مختصر کیفیت جرم (معرّفہ) حال اگر کوئی یا گیا ہو۔	506-342-186/34
جائے وقوعہ قاصد قاعدے اور سمت	گورنمنٹ پرائمری سکول شہانہ خان منورہ طاہر سرفہا عالم پبلی کولمٹر
نام و سکونت ملزم	عزیز الرحمن ولد سید بادشاہ ولد سید بادشاہ ولد سید شہانہ خان سکنہ منورہ
کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرنا	کارروائی کر کے رپورٹ پر مقدمہ چلا دیا گیا
قاعدے سے روانگی کی تاریخ و وقت	سبیل دارک

**ابتدائی اطلاع** نے درج کر کے وفادار کی بری درخواست چھاپا دھاوا خان کو ملنے  
 مقدمہ نسبت کا سننے کے بعد یہ شخص کو قید کر کے منورہ کے قید خانے میں رکھا گیا۔ گورنمنٹ پبلک چارج نمبر ۲۳-۵ (۱) کے تحت  
 پرائمری سکول شہانہ خان منورہ کا ہیڈ میٹر ہوں۔ اس وقت میں درانم اللہ خان آدم بچوں کو سرکاری میں جو جوائے کہ سکول  
 کو ملتا ہے سربراہ شہانہ شاہ ولد سید بادشاہ سکنہ منورہ کے والد سید بادشاہ ولد سید شہانہ خان کو سکول ملا دیا اور آئی سی  
 بوقت تقریباً 13 بجے کو ملتا ہے سربراہ شہانہ شاہ اور ولد سید بادشاہ نے درانم اللہ خان کو سرکاری میں لے کر آج کے صبح کے وقت  
 کیا۔ بعد میں شہانہ خان نے سکول میں لے کر آج کے صبح کے وقت سکول ملا دیا کو سربراہ شہانہ خان کو سکول  
 کے گھروں کو تالے لگائے۔ اس بار میں میں نے SDEO منورہ کو اطلاع دی کہ شہانہ خان کو سکول میں لے کر آج کے صبح کے وقت  
 ہے۔ بعد میں سرکاری ذیلی میں رکھا گیا اور آئی سی کے والد سید بادشاہ نے سکول کو ملتا ہے سربراہ شہانہ شاہ اور ولد سید  
 سید بادشاہ کے صدف خان کو لے کر روٹی لیا گیا۔ محمد یاسین ولد عرفان علی سکنہ منورہ آڑم 11 گورنمنٹ پرائمری سکول  
 شہانہ خان منورہ دستخط پرائمری 19-3-4 وقت 14:45 بجے سنا گیا۔ 2744375-1201 احوال 53/506/34  
 کا نمبر ہے پولیس دوران نسبت ریاض علی شاہ ۵۵۰۰۰۵۵۰ اور تعلق ہو کر وقوعہ ہندوئی اطلاع کے حکم سے  
 کرتے ہوئے سربراہ سکول شہانہ خان منورہ کو لے کر آج کے صبح کے وقت ریاض علی شاہ کے گھر پر پہنچ کر محمد یاسین  
 درانم اللہ خان کے گھر پر پہنچ کر باہر سے باہر کر کے حیدر شہزاد کے گھر پر پہنچ کر شہانہ خان کو سکول میں لے کر آج کے صبح کے وقت  
 گاؤں کی کارروائی ہو کر جو میں کے سکول کو ملتا ہے سربراہ شہانہ شاہ ولد سید بادشاہ سکنہ منورہ کے والد سید بادشاہ خان کو سکول  
 منورہ کو حیدر شہزاد کے گھر پر پہنچ کر باہر سے باہر کر کے حیدر شہزاد کے گھر پر پہنچ کر شہانہ خان کو سکول میں لے کر آج کے صبح کے وقت  
 تاکہ یوں ہی رہے جس کا لیکچر ہو کہ وہ اس کے والد سنا گیا ہے۔ وہاں شہانہ خان کو سکول میں لے کر آج کے صبح کے وقت  
 کارروائی تمام لیں بعد درخواست کو لے کر منورہ کے سکول میں لے کر آج کے صبح کے وقت تاکہ یوں ہی رہے جس کا لیکچر ہو کہ وہ اس کے والد سنا گیا ہے۔  
 لکھن ڈالہ اچھا سنا گیا جاتا ہے۔ جہاں گورنمنٹ پبلک چارج نمبر ۲۳-۵ (۱) کے تحت

MFCTG/K 04-03-19

BEFORE THE HON'BLE PESHAWAR HIGH COURT,  
BANNU BENCH, BANNU.



Writ Petition No. B12-B of 2020.

Aziz Ullah Shah S/O Syed Bad Shah R/O village Matora,  
 presently posted as Chowkidar at Government Primary School  
 Syed Bad Shah Matora, District Lakki Marwat.....Petitioner.

VERSUS

- 1-Government of Khyber Pakhtunkhwa through Secretary  
 Education (E & S) Peshawar.
  - 2-The Director Education (E & S), Peshawar.
  - 3.-The District Education Officer (M), District Lakki Marwat.
  - 4-The Sub Divisional Education Officer (M), Lakki Marwat
  - 4-The Head Master, Government Primary School, Syed Bad  
 Shah Matora, District Lakki Marwat, and
  - 5-The District Account Officer, District Lakki Marwat,
- .....Respondents.

WRIT PETITION UNDER ARTICLE 199 OF THE  
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN.

Respectfully Sheweth:

1. That, petitioner was appointed as Chowkidar at Government  
 Primary School Syed Bad Shah Matora, vide order bearing  
 Endorsement No.65-69/A-1 dated 13.01.2004, by the Deputy  
 District Education Officer (M/P), Lakki Marwat, and now the

**ATTESTED**  
 CLERK  
 Peshawar High Court  
 Bannu Bench

Filed Today  
 02 SEP 2020

petitioner is performing his duties at Government Primary School Shahista Khan Matora, District Lakki Marwat. (Copy of the appointment order of the petitioner is annexed as Annex:-A).

2. That, since his appointment on 13.01.2004, the petitioner is performing his duties with full devotion and regularity. (Copies of Attendance Register from January, 2017 to August, 2020, are annexed herewith as annexure-B).
3. That, on 04.03.2019, Muhammad Yasin S/O Hazrat Ali R/O village Matora, the then Head Teacher, Government Primary School, Shahista Khan Matora, District Lakki Marwat, registered a false and concocted case against the petitioner and his father, vide FIR No.75 dated 04.03.2019, U/Ss 506/342/186/34 PPC of P.S.GhazniKhel. (Copy of the FIR No.75 of 2019, is annexed as Annexure-C).
4. That, subsequently, the petitioner was acquitted in the above said case registered vide FIR No.75 of 2019, by the learned Judicial Magistrate-VII, Lakki Marwat, vide order dated 11.03.2020. (Copy of the order dated 11.03.2020, passed by the learned Judicial Magistrate-VII, Lakki Marwat is annexed as Annex:-D).
5. That, the petitioner is performing his official duties, and he has been paid monthly salary till September, 2019. (Copy of the monthly Pay Slip for the month of September, 2019, is attached as Annexure-E).

6. That, after September, 2019, the monthly salary of the petitioner was stopped by the respondents, without any reason and lawful

ATTESTED

1. / 11 / 2020  
 M. I. / W. K.  
 P. S. / M. K. / C. O. U. T.  
 B. A. / S. / P. / S. / C. H.

Filed Today

4/11/2020

justification and he has been kept deprived of his legal /lawful salaries, since October, 2019, which act of the Respondents is against the fundamental rights of petitioner.

7. That, the respondents were requested, time and again and the petitioner also submitted an application to the Sub Divisional Education Officer, (M), Lakki Marwat for payment of his monthly salaries, but of no avail.
8. That, now the petitioner having no other adequate remedy, approaches to this Hon'ble Court through the instant writ petition, inter-alia on the following grounds:-

GROUNDS:

- A. That, the act of Respondents regarding non-payment of monthly salaries to the petitioner, is unjust, unlawful and discriminatory.
- B. That, petitioner's salary has been stopped by the Respondents for no just reason / ground, but for their unlawful demands.
- C. That, Respondents are exploiting the petitioner by not paying him for his due rights.
- D. That, the petitioner is performing his official duties with great zeal and fervor and has never given any chance of complainant against him, to the Respondents, since his appointment.
- E. That, due to non-payment of monthly salaries by the respondents, the petitioner is facing great inconvenience, rather it amounts to infringement of fundamental rights of the petitioner.
- F. That, the act of respondents, with regard to non-payment of monthly salaries to the petitioner, is malfeasance and

ATTEST  
 I / *[Signature]*  
 Additional Registrar

Filed Today  
 02 SEP 2020  
*[Signature]*  
 Additional Registrar

misfeasance on the part of respondents and amounts to forced labour.

G. That, learned counsel for the petitioner may kindly be allowed to submit further grounds during the hearing of instant writ petition.

In wake of above submissions, it is humbly prayed that with the issuance of proper writ, the Respondents may kindly be directed to make payment of all the salaries to the petitioner, since October, 2019, till date, with all back benefits / privileges etc, along with any other relief, which the Hon'ble Court may deem fit and not specifically asked for.

**INTERIM RELIEF:**

Interim relief to the effect that Respondents may kindly be directed to pay the current as well as onward salaries to the petitioner, till disposal of instant petition.

Dated: 02/09/2020.

Yours humble Petitioner

*A. Shahkhalid*  
(Aziz Wah Shah)

Through Counsel

*Younas Ali Khan*

(Younas Ali Khan)  
Advocate, High Court,  
Lakki Marwat.

ATTORNEY  
REGISTERED  
LAKKI MARWAT

Filed Today  
02 SEP 2020  
*Amulya*  
Additional Registrar

**PESHAWAR HIGH COURT,**  
**BANNU BENCH.**

FORM 'A'  
FORM OF ORDER SHEET



Date of order or proceedings (1)	Order or other proceedings with signature of Judge (s). (2)
28.9.2020	<p><u>W.P No.812-B/2020.</u></p> <p>Present:</p> <p>Mr. Younis Ai Khan Marwat Advocate for petitioner.</p> <p>Mr. Shahid Hameed Qureshi, Addl: A.G along with Kashif Munir Legal Advisor for respondent No.3</p> <p>*****</p> <p>On the last date of hearing while directing respondents No.3 and 4 for filing para-wise comments, the respondents were directed to release the salary of the petitioner for the month of September, 2020, however, the compliance of the said order has not yet been made. Both Mr. Kashif Munir, Legal Advisor of respondent No.3 and the worthy AAG assured releasing salary of the petitioner for the month of September and October, 2020 in the first week of October. In case of any default, show cause notice shall be issued</p>

ATC  
28/9/2020  
Kashif Munir  
Legal Advisor

against the respondents for non-compliance of the  
order dated 07.9.2020.

Sd/ Justice Ms.Musarrat Hilali,J  
Sd/ Mr.Justice Sahibzada Asadullah,J

*[Handwritten signature]*  
22/9/2020

SCANNED

*Khaliq*  
Khaliq Khan

*all*  
22/9/2020



OS-07:  
11/03/2020

11/3/2020, 18/7/19, 19/5/19, 12/2/19

Present:

Mr. Asad Anwar, APP for the state.

Accused Azizullah on bail in person and for the exempted accused.

Facts of the case are that accused namely Azizullah son of Syed Badshah and Syed Badshah son of Shaista Khan resident of Matora were booked in case vide FIR No.75 Dated 04/03/2019 registered U/Ss 506-342-186/34 PPC at P.S Ghazni Khel.

On previous date i.e. 22/02/2020 private complainant namely Muhammad Yasin appeared before the court and stated at the bar that he did not want to prosecute the accused anymore and has got no objection if accused are acquitted from the charges leveled against them in the present case. In this respect, his statement was recorded as PW-1.

The offences u/s 506-342 PPC are compoundable in nature while the offence u/s 186 PPC is non-compoundable but the complainant, who is the star witness of the prosecution case, does not take interest in the prosecution of case.

Hence, in view of the statement of complainant, accused facing the trial are hereby acquitted u/s 249A CrPC of the charges leveled against them in the case in hand. They are on bail, their bail bonds stand cancelled and sureties are discharged from the liability of bail bonds.

File of the court be consigned to record room after its completion and compilation.

Announced:

11/03/2020

OMAR AZMAT KHAN  
Judicial Magistrate-VII  
Lakki Marwat

19/4

11-3-2020  
17-3-2020  
17-3-2020

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) LAKKI MARWAT

OFFICE ORDER

The competent authority is pleased to issue the adjustment/transfer in respect of the following Class IV on their own pay and grade in the interest of public service with immediate effect.

S#	Name	From	To	Remarks
1.	Aziz Ullah Shah Chowkidar	GPS Shaista Khan Matora	GHS Matora	On Administrative ground as well as under complaint
2.	Kiramt Ullah Chowkidar	GHS Matora	GPS Shaista Khan Matora	Against S.No.01

NOTE:-(1) Charge report should be submitted to all concerned.  
(2) No TA/DA is allowed.

District Education Officer  
(Male) Lakki Marwat.

Endst.No. 3995-99 Dated. 06-08-2021  
Copy to the:-

1. District Accounts Officer Lakki Marwat.
2. District Monitoring Officer Lakki Marwat.
3. Head Master GHS Matora.
4. SDEO (M) Lakki Marwat.
5. Official concerned.

District Education Officer  
(Male) Lakki Marwat.



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT**

Peshawar the June 10, 2021

**NOTIFICATION**

**NO.SO(SM)E&SED/7-1/2021/PT/General:** In continuation of this Department Notification No. SO(SM) E&SED/7-1/2021/E-Transfer Policy dated 10-06-2021, the Competent Authority is pleased to impose ban on all type of posting/ transfers except E-Transfer Policy in Elementary & Secondary Education Khyber Pakhtunkhwa with immediate effect till further orders.

**SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**

**Endst: of even No. & Date**

**Copy forwarded to the:**

1. Principal Secretary to Governor Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister Khyber Pakhtunkhwa.
3. Accountant General, Khyber Pakhtunkhwa Peshawar.
4. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
5. Director DCTE, Khyber Pakhtunkhwa.
6. Director DPD, Khyber Pakhtunkhwa.
7. All District Education Officers (Male/Female), Khyber Pakhtunkhwa.
8. All District Account Officers (Male/Female), Khyber Pakhtunkhwa.
9. PSO to Chief Secretary, Khyber Pakhtunkhwa.
10. PS to Secretary E&SE Department.
11. PS to Special Secretary E&SE Department.
12. PA to Additional Secretary E&SE Department.
13. PA to Deputy Secretary E&SE Department.
14. In charge EMIS, E&SE Department for uploading at official website at the earliest.
15. Master file.

**(HAFAEEZ UR RAHMAN'SIAHI)  
SECTION OFFICER (SCHOOLS MALE)**

**OFFICE OF THE HEAD MASTER GHS MATORA LAKKI MARWAT.**

**CERTIFICATE OF TRANSFER OF CHARGE**

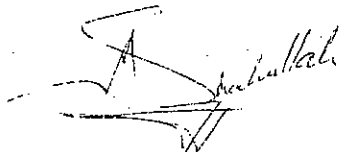
Certified that we have on the Before Noon of this day on 11-08-2021 respectively made over and receive charge of this officer of the GHS Matora vide DEO (Male) Lakki Marwat Endst.No:3995-99, Dated: 06-08-2021.

Signature of relieved  
Government Servant:  
Designation:

Vacant Post.  
Vacant Post.

Station: GHS Matorta Lakki Marwat.

Signature of relieving:  
Government Servant:  
Designation.

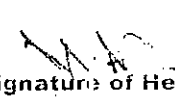
  
Mr: Aziz Ullah Shah.  
Chowkidar (BPS-04) GHS Matora.

Endst: No: 46-49 HM/MT/LMT.

Dated: 12-08-2021.

Copy:

The District Education Office (M) Lakki Marwat.  
The District Account Office Lakki Marwat.  
The District Monitoring Officer Lakki Marwat.  
The Headmaster Concerned .

  
Signature of Head Master  
GHS Matora Lakki Marwat.  
HEAD MASTER  
GHS Matora  
Distt. Lakki Marwat

بخدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) محکمہ ابتدائی و ثانوی تعلیم ضلع لکی مروت

عنوان: ٹرانسفر آرڈر کی منسوخی

جناب عالی

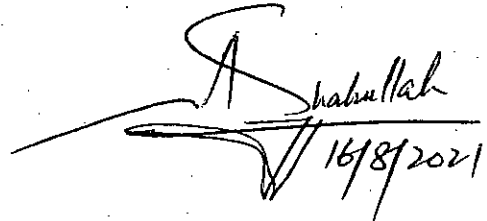
مودبانہ گزارش ہے۔ فدوی حسب ذیل عرض کرتا ہے۔

- (1) یہ کہ فدوی GPS شائستہ خان مٹورہ میں چوکیدار تعینات تھا۔ آپ صاحب نے 99-3995-Ends No مورخہ 06-08-2021 کی رو سے فدوی کو GPS شائستہ خان مٹورہ سے GHS مٹورہ ٹرانسفر کیا۔
- (2) یہ کہ فدوی کی گھریلو ذاتی دشمنی ہے۔ فدوی اور اس کے والد محترم کے خلاف تھانہ غزنی خیل میں FIR بھی درج ہو چکی ہے۔ ٹرائل کے بعد فدوی کو باعزت طور پر بری کیا گیا ہے۔ FIR اور فیصلے کی کاپی لف ہے۔
- (3) یہ کہ فدوی کی Damages and defamation suit عدالت سول جج 2 لکی مروت میں زیر سماعت ہے۔
- (4) یہ کہ فدوی کو اینٹیل ڈیوٹی سرانجام دینے میں شدید مسئلہ درپیش ہے۔ نیز فدوی کی جان کو خطرہ ہے۔ اگر فدوی کے جان و مال کو کچھ نقصان ہو تو حکام بالا ذمہ دار ہونگے۔

لہذا آپ صاحب مہربانی فرما کر فدوی کا تبادلہ منسوخ کر کے شکر یہ کاموقع دیں۔ فدوی تاحیات دعا گورہے گا۔

عین نوازش ہوگی

مورخہ 16-08-2021

  
Shabullah  
16/8/2021

العارض

اپکا تابعدار عزیز اللہ شاہ چوکیدار GHS مٹورہ ضلع لکی مروت

بعد الفت جناب سینئر سول جج صاحبہ کی مروت

عزیز اللہ شاہ ولد سپہ بادشاہ سکند منورہ ضلع بکروت

(مدعا علیہ غیر اے 2 ہزار روپے کے لئے 3)

بنام

- (1) حکومت KPK بزرگہ سیکرٹری ایجوکیشن (E8SE) پشاور
- (2) ڈائریکٹر ایگزیکیوٹو اینڈ سٹیلڈیو ایجوکیشن پشاور
- (3) ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) (E8SE) بکروت
- (4) سب ڈیوٹنل ایجوکیشن آفیسر (مردانہ) (E8SE) بکروت

دعویٰ ملنے ڈگری استقراریہ بحق مدعی پر خلاف مدعا علیہم بدین مضمون  
 کہ حکم نمبر 99-3995 مورخہ 2021-8-6 جاری کردہ منجانب ڈسٹرکٹ  
 ایجوکیشن آفیسر (مردانہ) بکروت بابت Adjustment غلط، خلاف قانون بنی  
 پر بدستی ہے اور حکم منجانب سیکرٹری ایجوکیشن مورخہ 2021-6-10 کے  
 سہ اس پر خلاف ہے جو کہ من مدعی کے حقوق پر کالعدم وغیر موثر اور قابل معافی  
 ہے منسوخ فرمایا جائے اور من مدعی اپنی سابقہ سکول GPS شاملہ خط  
 منورہ بکروت پر بحیثیت جو کیدار کام کرنے کا حقدار ہوں بلکہ خرچ مقدم  
 و دیگر دادرسی جو ترمیم انصاف ہو صہادر فرمائی جائے

(4) دعویٰ ملنے ڈگری حکم ناکیدی از قسم حکیمہ بحق مدعی پر خلاف  
 مدعا علیہم بدین مضمون کے مدعا علیہم کو حکم دیا جائے کہ وہ  
 Notification مورخہ 2021-6-10 منجانب سیکرٹری ایجوکیشن (E8SE)  
 پر عمل درآمد کرنے سے غیر قانونی احکامات نمبر 99-3995 کو

منسوخ کر کے اس میں سابقہ سکول کے پاس شائستہ خان منسوخ ہونے پر  
 ڈیوٹی سربراہی میں رہنے کے احکامات صادر فرمائیں۔ اور غیر قانونی طور پر  
 موصوفہ کے پاس منسوخ ہونے میں بحیثیت ہوگیہ ازرائقی سربراہی میں رہنے  
 کے احکامات صادر کرنے سے باز و ممنوع رہیں۔ جمعہ 27 مارچ 2016

مالتی نغرض کورٹ میں دستاویزات  
 حسب الحکم جیساں ہے

صاحبہ عالی

دعویٰ حسب ذیل عرض کرتا ہے

میں نے منسوخ ڈیوٹی منسوخ کا سکونٹ ہوں۔ اور اعلیٰ مقام پر نو جوان ہوں

میں نے منسوخ ڈیوٹی منسوخ کا سکونٹ ہوں۔ اور اعلیٰ مقام پر نو جوان ہوں  
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 منسوخ ڈیوٹی منسوخ کا سکونٹ ہوں۔ اور اعلیٰ مقام پر نو جوان ہوں

(5) مذکورہ محمد حسین ولد حفتر علی جوئے ہوا ہم گاؤں میں نے ذاتی عناد و رنجش کی بناء پر من مدعی اور والد ام کے خلاف مذکورہ FIR درج کی تھی اور بعد میں مقدمہ مذکورہ میں میں من مدعی میر والد سمیت گرفتار ہو کر کافی دنوں تک جیل سروسٹل حوالہ میں گزارنے کے بعد رہا ہوا۔

(6) تو کے درم 2020-3-11 ~~یہاں کے بعد~~ اور اس سے قبل باقاعدگی سے ڈیوٹی سرانجام دیتا رہا ہوں لیکن ذاتی عناد کی بناء پر مذکورہ صدر جج محمد حسین نے غیر قانونی طور پر من مدعی کو تنگ کرنے کی خاطر میر حیدر اسٹیشن بارہ مدعا علیہم کے ساتھ منی کھلیت کرنا استہمال کیا۔ اور من مدعی کی غیر قانونی غلامی کے خلاف عدالت نونی طور پر حاکمہ شہوان کی اور اس کے روک دی۔

(7) من مدعی نے مدعا علیہم کے اس غیر قانونی فعل کے خلاف عدالت عالیہ راولپنڈی اور نئی نئی بیچ من مدعا/8128 P.S. دائر کی۔ جس سے مدعا علیہم کو شہوان کی اور اس کے اہلکار ہمارے گھر منتقل کر دیئے گئے۔ رقم 7  $\frac{9}{2020}$ ، 28  $\frac{9}{2020}$  لاف ہیں۔

(8) یہ مدعا علیہم نے 2021ء میں من مدعی کو شہوان کی اور اس کے اور من مدعی باقاعدگی کے ساتھ اپنی ڈیوٹی سرانجام دیتا رہا۔ نقل pay slip، صورت، فروری 2021 لاف ہیں۔

(9) اس کے باوجود میں مدعا علیہم اپنے غیر قانونی افعال سے باز نہ آئے۔ اور من مدعی کو ہراس و پریشان کرنے کی خاطر من کا غیر قانونی کو دوبارہ بیانہ بنا کر من مدعی کو سکول لایا۔ P.S. دائر خانہ منور سے برائے کرنا کا ایک حقیقہ منسوب بنا یا۔ اور من مدعی کو ایک



4  
ایک نوٹس مورخہ 20-06-08 کو ذیل میں ارسال نمبر 3858 نوٹس نمبر 54/2008  
مجموعاً۔ جس کے طور پر میں من مدعی نے باقاعدہ جواب نوٹس نمبر 54/2008  
مدعا علیہم کو اپنے عزیز قانونی اقدارات سے آگاہ کرنا باز رکھنے کی  
استعداد کی ہے۔

(10) جس کے بارے میں مورخہ 10-06-2008 نوٹس نمبر 3995-99  
مورخہ 20-06-08 کے جواب کے خلاف صرف قانون  
میں ہرگز ہرگز نہیں ہے۔ اور قابل منسوخ ہے۔

(11) جس کے بارے میں مورخہ 12-08-2008 نوٹس نمبر 12-8-2008  
کو تاہم نہیں کی اور 12-8-2008 نوٹس نمبر 12-8-2008  
کو خارج نہیں کیا گیا ہے۔ اس کے ساتھ ہی تمام دستاویزوں  
نقل خارج (پورٹ) نقل اس کے حاضری لف میں  
Monthly Staff Statement لف میں ہے۔

(12) جس کے بارے میں مدعی نے مورخہ 16-8-2008 کو DEO اور مورخہ  
20-08-2008 کو جمعہ ڈیپارٹمنٹ 12-8-2008 نوٹس نمبر 12-8-2008  
لیکن نوٹس شہوانی نہیں ہوئی۔ نوٹس آدرس میں لف میں

(13) جس کے بارے میں مدعا علیہم سے مطالبہ کیا کہ وہ عزیز قانونی اقدارات  
3995-99 مورخہ 20-08-08 منسوخ کرے گا۔ مگر یہ قابل منسوخ  
کر کے عرصہ 3 دن سے چھ ماہ زنجاری ہوئے

یہاں من دعویٰ کو نئے دعویٰ و نئے خواہشہ از انظار  
 مدعا علیہم عرصہ سے یوم سے اندر حدود تحصیل و ضلع لکھنؤ  
 داخل ہوا۔ اسلئے دعویٰ پورا اندر صفا و قابل سماعت  
 بنا۔ سیکرٹری سول جج صاحب لکھنؤ سے

15  
 عالیہ نگران کورٹ میں وارنٹاں سماعت مبلغ 500/- روپیہ  
 کورٹ میں چسپاں ہے

06/09  
 2021

الذ

عزیز اللہ شاہ ولد سید بادشاہ ولد سید محمد علی شاہ

Shahullah

بذریعہ  
 محمد علی شاہ

لکھنؤ عدالت

بہ استناد سے  
 لکھنؤ ایوان نیا مقبول دعویٰ دعویٰ  
 سید علم و لکھنؤ سے دست و سید عالم

العبد:  
 Shahullah  
 عزیز اللہ شاہ



محکمہ ابتدائی و ثانوی تعلیم (مردانہ) لکی مروت

تاریخ 4395

مراسلہ نمبر 03/9/22

منجانب: ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) لکی مروت

بجانب: 1۔ عزیز اللہ شاہ ولد سید بادشاہ سکنہ مٹورہ ڈاکخانہ غزنی خیل ضلع لکی مروت تحصیل غزنی خیل

عنوان: غیر حاضری نوٹس

یادداشت:

بحوالہ رپورٹ موصولہ از ہیڈ ماسٹر گورنمنٹ ہائی سکول مٹورہ آپ عزیز اللہ شاہ چوکیدار - جی - ایچ - ایس - مٹورہ 0 ستمبر 2021 سے سکول ٹیوٹی سے غیر حاضر ہیں۔ آپ کو ہدایت کی جاتی ہے کہ مذکورہ غیر حاضری نوٹس موصول ہونے کے 15 یوم کے اندر اندر سرکاری ٹیوٹی پر حاضر ہو کر زیر دستخطی کے رو برو اپنی غیر حاضری کی معقول وجہ بیان کریں۔ بصورت دیگر آپ کے خلاف ای اینڈ ڈی رولز 2011 کے تحت تادیبی کارروائی عمل میں لائی جائے گی۔

ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) لکی مروت

نقول برائے اطلاع:

1۔ ہیڈ ماسٹر جی - ایچ - ایس - مٹورہ لکی مروت

ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) لکی مروت

TO: - The District Education Officer (Male) Lakki Marwat

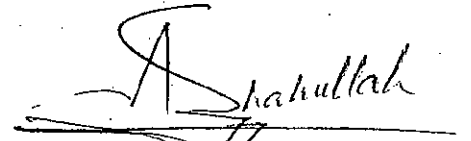
From: - Azizullah Shah Chowkidar GHS Matora

Subject: - Answer Notice Of Absentee No 4395

**Memorandum:-**

- 1:- That E&SE department has registered a fake and concoct FIR No 75 date 04-03-2019 against Mr Azizullah Shah. Subsequently I was acquitted in the said FIR by trial in the court of Judicial Magistrate VII Lakki Marwat
- 2:- That E&SE department has stopped the monthly salary of Mr Azizullah Shah without any reason and lawful justification for the safeguard of fundamental rights I approached to the honorable Peshawar High Court in Writ Petition No 812-B/2020 date 02-09-2020
- 3:- That E&SE department has issued the transfer order Endorsement No 3995-99 and Notification No 3994 of Mr Azizullah Shah date 06-08-2021 against the government policy of ban imposed on all type of transfer in department Vide Notification No SO(SM)E&SED/7-1/2021/PT/General.
- 4:- That Mr Azizullah Shah has challenged the illegal order of the department Endorsement No 3995-99 in the Court of Civil Judge No: 1 Lakki Marwat date 06-09-2021.
- 5:- That E&SE department Notification and Absentee Notice are the proof of interference and infringement of the court process which come under the category of contempt of court

Date 15-09-2022

  
Azizullah Shah

**Copy for information**

- 1:- Head Master GHS Matora Tehsil Ghazni Khel District Lakki Marwat



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No. 091-9221188

Dated Peshawar 20<sup>th</sup> October, 2022

**NOTIFICATION**

**NO. SO(MC/E&SE)/4-19/2022/PT/TC:** The following posting / transfers of the officers are hereby ordered with immediate effect, in the best public interest: -

S.No	Name & Designation	Present place of posting	Proposed place of posting	Remarks
1.	Mst. Parveen Rehman (TC/BS-19)	GHSS Khawaz Khola Swat	DEO (Female) Shangla	AVP by relieving DEO (M) Shangla from Addl Charge purely on temporary basis, as a stop gap arrangement till the arrival of the regular officer
2.	Mst. Safia Amin (MC/BS-19 a.c.b)	Additional Director (Estab) Directorate of E&SE Peshawar	DEO (Female) Peshawar	V.S.No.11
3.	Mst. Hafsa Gul (MC/BS-19 a.c.b)	Additional Director (P&M) Directorate of E&SE Peshawar	DEO (Female) Malakand.	AVP
4.	Mst. Parveen Begum (MC/BS-19 a.c.b)	DEO (Female) Karak.	DEO (Female) Kohistan Upper.	AVP
5.	Mst. Haghmana Sardar (MC/BS-19 a.c.b)	DEO (Female) Buner.	Additional Director (Estab) Directorate of E&SE Peshawar.	V.S.No.2
6.	Mr. Muhammad Sultan (TC/BS-19) Ex-DEO(M) Kurram	At the disposal of Directorate of E&SE Peshawar	Additional Director (Admin) DPD	AVP, purely on temporary basis as a stop gap arrangement till the arrival of the regular officer
7.	Mst. Rukhsana Rahim (MC/BS-19)	At the disposal of Directorate of E&SE	DEO (Female) Buner.	V.S.No.5
8.	Mr. Zahoor Muhammad (MC/BS-19)	DEO (Male) Laiki Marwat.	DEO (Male) Kohistan Lower by relieving DEO (M) Battagram from Additional Charge.	AVP
9.	Mr. Sher Daraz (TC/BS-19)	At the disposal of Directorate of E&SE	Additional Director (P&M) Directorate of E&SE Peshawar.	V.S.No.3, purely on temporary basis, as a stop gap arrangement till the arrival of the regular officer
10.	Mr. Fardullah Mehsood (TC/BS-19) Ex-DEO (M) Orakzai	At the disposal of Directorate of E&SE	DEO (Male) Kurram	V.S.No.15, purely on temporary basis, as a stop gap arrangement till the arrival of the regular officer
11.	Mst. Samina Ghani (MC/BS-19)	DEO (Female) Peshawar.	DEO (Female) Khyber.	V.S.No.14

*M. A. Khan*  
20.10.22



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar

Phone No. 091-9221588

12.	Mst. Mehr-Un-Nisa (MC/BS-18)	Under transfer to DEO (Female) Kohistan Upper	DEO (Female) Bajaur by relieving DEO(F) Upper Dir from Additional Charge.	AVP
13.	Mr. Muhammad Ilyas (MC/BS-18)	Deputy DEO (Male) Lakki Marwat.	DEO (Male) Lakki Marwat in OPS.	V.S.No.8
14.	Mst Fanoos Jamal (MC/BS-18)	DEO (Female) Khyber.	DEO (Female) Karak.	Vice S.No. 4
15.	Mr. Liaqat Ali (MC/BS-18)	DEO (Male) Kurum in OPS.	Deputy DEO (Male) Dir Lower.	AVP
16.	Mst. Syeda Anjum (MC BS-19)	DEO (Female) Lakki Marwat.	DEO (Female) D.I.Khan.	Vice S.No. 17
17.	Mst. Farzana Sardar (MC BS-19)	DEO (Female) D.I. Khan	DEO (Female) Lakki Marwat.	Vice S.No. 16

SECRETARY TO THE GOVT: OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT

Encl: of even No.& date:

Copy forwarded for information to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male/ Female) Peshawar.
4. District Account Officer, Concerned.
5. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
6. PS to Minister E&SE Department, Khyber Pakhtunkhwa.
7. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
8. Officers concerned.
9. Master file.

*Naser.*  
*20.10.22*  
(NASEER ABBAS KHALIL)  
SECTION OFFICER (Management Cadre)



**Office of The District Education Officer  
Male Lakki Marwat**

Ph: (0969)538291 email: [emlakki@punjab.gov.pk](mailto:emlakki@punjab.gov.pk)  
www.facebook.com/deomale Lakki, www.twitter.com/deo\_m\_lakki

**OFFICE ORDER:-**

1. WHEREAS, Mr. Aziz Ullah S/O Syed Badshah Chowkidar Govt. High School Matora Lakki Marwat was proceeded under the Khyber Pakhtunkhwa Govt. Servants Efficiency & Discipline (E&D) Rules-2011 amended on 31-12-2021 for the charges of his habitual willful absence from official duty w.e.f. 03-09-2021 till date, as per report of the Head Master GHS Matora Lakki Marwat dated. 22-08-2022.
2. AND WHEREAS, The District Education Officer (Male) Lakki Marwat served an absence notice upon the cited official on his home address through registered covering letter vide No.4395 dated. 03-09-2022, with the directions to resume his official duty within fifteen (15) days.
3. AND WHEREAS, in view of the above, the cited official neither resumed his official duty in GHS Matora Lakki Marwat, nor appeared before office of DEO (Male) Lakki Marwat to justify his willful absence.
4. AND WHEREAS, District Education Officer (Male) Lakki Marwat published an absence notice through daily Newspapers "Ajj" dated. 24-10-2022, with the directions to resume his official duty and explain the reasons of willful absence before the competent authority but he willfully failed to follow the directions.
5. AND WHEREAS, minor penalty of withholding one (1) Increment has already been imposed upon the Ex-Official vide this office No. 3994 dated. 06-08-2022.
6. AND NOW THEREFORE, in light of the above record and in exercise of powers conferred under Govt. Servants Efficiency & Discipline Rules-2011 amended vide date 31-12-2021, the competent authority (District Education Officer Male Lakki Marwat), is satisfied and is pleased to impose Major Penalty of "Removal from Service" (Rule-4 (1) (b) (iii) of the Ibid rule) upon Mr. Aziz Ullah Ex-Chowkidar GHS Matora Lakki Marwat from the date of absence.

(Muhammad Ilyas Khan Khattak)  
District Education Officer  
(Male) Lakki Marwat.

Endst No. 7748-53 Dated. 08-12-2022

Copy to the:-

- 1) Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 2) District Monitoring Officer (EMA), Lakki Marwat.
- 3) District Accounts Officer, Lakki Marwat.
- 4) Deputy District Education Officer (Male) Local Office.
- 5) Head Master/DDO GHS Matora with the directions to:-  
(a) Recover illegally paid salary during the above cited period, if any, at earliest under intimation to this office (b) Record necessary entry in his service book.
- 6) Mr. Aziz Ullah S/O Syed Badshah Ex-Chowkidar GHS Matora R/O Matora Tehsil Ghazni Khel District Lakki Marwat.

  
District Education Officer  
(Male) Lakki Marwat.



To,

**The Hon'ble Director,  
Directorate of Elementary and Secondary Education,  
Khyber Pakhtun Khwa, Peshawar.**

Subject: **DEPARTMENTAL APPEAL AGAINST ORDER DATED: 02-12-2022 PASSED BY DISTRICT EDUCATION OFFICER, LAKKI MARWAT AND WHILE REVERSING THE SAID ORDER, DIRECTION MAY KINDLY BE GIVEN TO THE D.E.O, LAKKI MARWAT, TO RE-INSTATE THE APPELLANT WITH ALL BACK BENEFITS.**

**Worthy Sir,**

1. Most respectfully it is stated that the present appellant was appointed in the education department District Lakki Marwat on dated: 13-01-2004 as **chowkidar in Govt, Primary School Shaista Khan Matora District Lakki Marwat** and consequent to the appointment order, the appellant took charge of his duties vide arrival report dated: 13-01-2004. **(Copy of appointment order are Annexure-A)**
2. That the appellant after appointment, was working with great zeal and devotion since date of arrival according to the rules of service and according to the wishes of the Superiors and having no complaint against the present appellant since his appointment.
3. That after more than 14 years of service the appellant was entitled to promotion as per policy from the Class-IV post to the post of junior clerk, therefore the appellant filed writ petition No.749-B/2018 for the above said promotion, which is still pending in the Peshawar High Court Bannu Bench. **(Copy of writ petition is Annexure-B)**
4. That on 04-03-2019 the Head teacher of Govt Primary School Matora Shaista Khan Muhammad Yasin Khan registered a false and concocted case against the present appellant and his father vide FIR No.75 dated:- 04-03-2019 u/s 506/342/186/34-PPC Police station Ghazni Khel. **{Copy of FIR is Annex-C}**
5. That after the registration of case the appellant was arrested and suffered mental and physical hardship during custody of police and after some days

both the appellant and father of the appellant were released on bail by the trial court.

6. That after the release the appellant joined the duty and was regularly performing his duties but in the month of September 2019, salary of the appellant was illegally stopped by the then D.E.O without any reason and lawful justification. Against which the appellant filed a writ petition NO.812-B/2020 in the Hon'ble High Court Peshawar, Bannu Bench for release of pay, wherein the Hon'ble High Court Peshawar, Bannu Bench order to release salary vide interim order dated: 28-09-2020. **(Copy of writ petition NO.812-B/2020 and order dated: 28-09-2020 are Annexure-D & E)**.
7. That the trial in the above mentioned FIR was initiated and the appellant was acquitted from charge vide order dated: 11-03-2020. **(Copy of Acquittal order is Annexure-F)**
8. That personal grudge of some officials in District Education Department Lakki Marwat was not over, therefore to satisfy their personal grudge, again the salary of the appellant was stopped on 01-03-2021 by the then D.E.O, Lakki Marwat, but the appellant never stopped to perform his duties.
9. That salary stoppage was not enough for rivals of the appellant therefore transfer order of the appellant was issued vide order dated: 06-08-2021 from GPS Shaista Khan Matora to GHS Matora. It is pertinent to mention that the transfer and posting was completely ban in those day. **(Copy of Transfer order of the appellant and Notification of ban on transfer order are Annexure-G & H)**
10. That the appellant filed a civil suit vide which the said illegal and void transfer order of the appellant was challenged and on the other side also joined the duty in the GHS Matora. **(Copies of civil suit and charge report are Annexure-I & J)**
11. That after performance of duty for a month the appellant's salary was not released by the concerned office. The Principal of GHS Matora informed the appellant that his salary is not shifted to the GHS Matora,

12. That the appellant has enmity in the area of GHS Matora, therefore the appellant filed an application before competent authority for transfer of appellant to his previous station but the concerned authority didn't take steps in this regard, while the appellant was unable to perform his duties due to fear / danger to life and non-releasing of salaries of appellant because for more than a year the appellant was performing duties without pay. (Copy of application is Annexure- K)
13. That on 03-09-2022 the than D.E.O, Lakki Marwat issued show cause notice to the appellant, which was duly replied. (Copies of Show cause and reply are Annexure- L &M)
14. That on 20-10-2022 posting and transfer were made in province in respect of District Education Officer, which through same notification the Deputy District Education Officer Lakki Marwat was posted to the D.E.O Lakki Marwat as OPS. (Copy of order is Annexure-N)
15. That the above said D.E.O (OPS) Lakki Marwat without any inquiry and providing opportunity of personal hearing to the appellant issued the impugned office order dated: 02-12-2022 vide which the appellant was removed from service, hence this departmental appeal is been filed before your worthy office:- (Copy of removal order are Annexure-O)

#### **GROUNDS OF APPEAL:**

- A. That personal grudge against present appellant is crystal clear from the first registration of case till the removal from service as all the proceedings were initiated without just and proper cause.
- B. That the appellant was acquitted from the charge made in FIR but the appellant already suffered great damage to image in locality as to satisfy personal grudge some rivals of the appellant in Education Department Lakki Marwat also charged the appellant's old and affirm father.
- C. That the present D.E.O (OPS) has no lawful authority to issue removal order of the appellant. Moreover no proper inquiry was conducted neither opportunity of personal hearing was provided to the appellant, therefore, the appellant's removal order dated: 02-12-2022 is in utter disregard to the principles of the fairness, merit and transparency hence the impugned order

being against the law, illegal, unlawful, void ab initio and liable to be reversed.

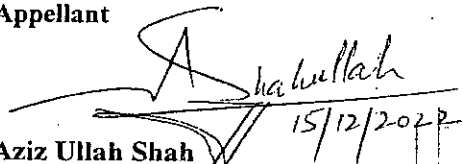
- D. That the appellant served the department for almost 19 years without any stigma on his service and with unblemished record and the penalty imposed upon the appellant is very harsh, which is liable to be reversed.
- E. That the removal of the appellant from his service without adopting proper criteria and codal requirements is against the worthy ruling of the Hon'ble Superior Courts of Pakistan and therefore, the same are illegal practice and such practice adversely effects efficiency of incumbents and also reduces their confidence and faith in public, hence the impugned order referred above is liable to be upheld on this score also.
- F. That the appellant had been made victim of discrimination, demerits, partiality and favoritism without any just and reasonable cause thereby offending the fundamental rights of the appellant as provided by the constitution of 1973, hence the impugned removal of appellant order is liable to be set at naught.
- G. That the impugned order has been passed by applying wrong law and also is passed by the incompetent authority as the present D.E.O (OPS) has no such jurisdiction to issue removal order of any employee, hence the illegal order is liable to be set-aside.
- H. That the appellant is very hardworking and punctual in his duty, therefore, no complaint received by the high-ups' against the appellant but due to the personal grudge of some officials in the education department lakki marwat an unlawful and illegal actions against the appellant were taken which ended up by issuing order of removal from his service, which is against the law and fundamental rights of the appellant.
- I. That the appellant was condemned unheard, as no chance of personal hearing was given to the present appellant in order to redress his grievances which shows the malafide, hence needs interference of your worthy office.

- J. That the present impugned order is illegal, illogical, against facts, without jurisdiction and suffering from material irregularity, hence they are untenable and liable to be struck down.
- K. That the authority erroneously exercised their powers against judicial principle, and have passed the impugned order and opened a new pandora box in clear violation of Service law, hence, the said impugned order is liable to be set aside, and the appellant may kindly be re-instated in service with all back benefits.
- L. The appellant crave for leave of the Hon'ble Tribunal to raise additional grounds at the time of arguments.

**SO THROUGH THIS APPEAL MOST HUMBLY  
PRAYED THAT THE APPELLANT MAY VERY  
GRACIOUSLY BE RE-INSTATED IN SERVICE  
WITH ALL BACK BENEFITS AND THE DELAY IF  
ANY, MAY KINDLY BE CONDONED.**

Dated: 15-12-2022

Appellant

  
Aziz Ullah Shah  
Chowkidar GHS Matora  
District Lakki Marwat.

## وکالت نامہ

بعدالت خیردختوخواہ سروس ٹریڈینگ پشاور

مورخہ 20 مارچ 2023ء منجانب  
 مقدمہ عزیز اللہ شاہ نام حکومت خیردختوخواہ  
 دعویٰ جرم  
 تھانہ سروس اسیل

## باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن  
 مقام حکومت پشاور کے لئے یونس علی خان سروس  
 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 و تقرر ثالث و فیصلہ پر حلف دینے جو اب دہی اور اقبال دعویٰ اور بصورت  
 ڈگری کرانے اجراء اور وصولی چک روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زر  
 اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی  
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدمہ مذکور کے کل  
 یا جزوی کاروائی کے واسطے اور وکیل یا مختیار قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور  
 صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہونگے۔ اور اس کا ساختہ برداختہ منظور  
 و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا۔ اس کے مستحق  
 وکیل صاحب موصوف ہونگے۔ نیز بقایا خرچہ کی وصولی کرنیکا بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی مقام  
 دورہ پر ہو یا جگہ سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کہ پیروی مقدمہ مذکور کریں۔

نیز اگر بھی وجہ بیماری، معذوری، علالت وغیرہ کی وجہ سے عارضی یا مستقل پیروی مقدمہ نہ کر سکیں تو بھی  
 وکیل صاحب یا اسکے لواحقین کو بقایا فیس (اگر کوئی ہے) ادا کرنے کا پابند ہوگا ہونگے اور ادا شدہ فیس کی  
 واپسی کا تقاضہ کرنے کا حق نہیں ہوگا۔ مضمون وکالت نامہ سن اور سمجھ کر وکالت نامہ لکھ دیا کہ سندر ہے

المرقوم 20 مارچ 2023ء

العبد گواہ شد العبد

Accepted  
 Yuns

مقام KPK سروس ٹریڈینگ کے لئے منظور ہے۔

Shahallah

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Younus Ali Khan Advocate

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