


FORM OF ORDER SHEET

Court of

Appeal No.

1657 / 2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/08/2023	<p>The appeal of Mr. Muhammad Ali resubmitted today by Asma Sadiq Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

The appeal of Mr. Muhammad Ali son of Shah Nawaz Khan r/o Mian Kalay Charbagh District Swabi received today i.e on 10.08.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal are unattested.
- 2- Memorandum of appeal is not signed by the appellant.
- 3- Page no. 21 of the appeal is illegible which may be replaced by legible/better one.
- 4- Approved file cover is not used.

No. 3030 /S.T.

Dt. 11/08 /2023.



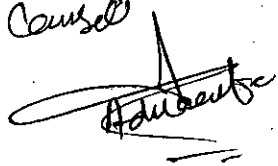
11/8/23

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Asma Sadiq Adv.
High Court Peshawar.

Note:

all objections are removed
by the counsel



BEFORE THE HONOURABLE SERVICES TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

In S.A. 1657 /2023

M. Ali Vs Director E&SE & Others

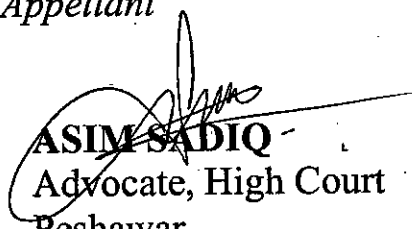
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DATED: 09-08-2023

Appellant

Through


ASIM SADIQ -
Advocate, High Court
Peshawar.

①

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICESTRIBUNAL PESHAWAR

In S.A. 1657 /2023

M. Ali S/o Shah Nawaz Khan R/o Mian Kalay Charbagh
District Swabi.

-----Appellant

VERSUS

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. Secretary E & SE Khyber Pakhtunkhwa Peshawar.
3. Chief Secretary E & SE Khyber Pakhtunkhwa Peshawar.
4. Assistant Director (Admin), Directorate E & SE Khyber Pakhtunkhwa Peshawar.
5. District & Education Officer (Male) Swabi.

-----Respondents

APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL
ACT -1974 AGAINST THE ORDER DATED
22/05/2023 WHEREBY THE RESPONDENTS
REFUSED / REJECTED THE
APPLICATION APPEAL OF THE
APPELLANT FOR THE GRANT OF THE
SERVICE BENEFITS / SALARIES W.E.F
THE DATE OF DISMISSAL I.E 2016 TILL
THE DATE OF REINSTATED I.E 2022 IN
EYE OF LAW AND RULES ON THE
SUBJECT.

Respectfully Sheweth,

1. That the Appellant was appointed as Sweeper at GMS Mian Killi Swabi by DEO (M) Swabi vide order and SST No. 1580 G/C in the department in the year of 2004 and till there was performing his live duties to the best of his abilities and has never chance of his pleasure to his superiors (**Order is attached as Annex - A**).
2. That on 21/07/2016 the applicant was kidnapped by one of the secret agency of the country on suspicion and remained in their custody round about 5 years but when the possession of applicant was cleared after through prob by the secret agencies he was handed over to the Police Station Chowki Azam Abad District Swabi on 18/01/2021 (**Daily Diary dated 18/01/2021 are attached as Annex-B**).
3. That during the period when appellant was remained in custody of secret agencies the respondents proceeded against the appellant in his absence and resultantly without waiting for his arrival dismissed the appellant vide order dated 21/12/2016 (**Copy of order are attached as Annex-C**).
4. That when the appellant was released by the agencies and handed over to police the appellant was then released from the police custody on 18/01/2021 and came to know that he was dismissed from service by the department / respondents so the appellant preferred representation for his against

reinstatement along with all back / service benefits including salaries for the period he remained in the custody of secret agencies without his Part **(Copy of representation is attached as Annex-D).**

5. That after inquiry when he was found innocent then the appellant was reinstated into his service, vide order dated 19/08/2022 but without back benefits and his salaries which was his Constitutional rights as the absence was not the liberate but due to the illegal custody of the appellant, with the secret agencies **(Receipts are attached as Annex-E)**
6. That the appellant feeling aggrieved moved an application / representation to the respondent No.1 for release of his salaries for the period he remain absence due to illegal custody with the Secret Agencies but the same was refused vide order dated 22/05/2023 without application of judicial mind **(Order is Attached as Annex-F).**

Hence this service appeal on the following grounds:-

Grounds:

- A. That the absence of appellant from service / duty was not deliberate but due to the illegal / unjustified custody with the secret agencies.
- B. That as soon as the appellant was released from custody he there and then moved on application for reinstatement and back benefit from the department / respondents.

- C. That salaries from the period the appellant remained in custody of secret agencies with the vested rights of the appellant and his family.
- D. That the back benefit / salaries for the period of illegal custody is supported by a bundle of judgments of superior courts.
- E. That any other ground will be raised at the time of arguments with prior permission of this Hon'ble Court.


It is, therefore, humbly prayed that on acceptance of the instant Service Appeal, by setting aside the order 22/05/2023 the appellant may kindly be allowed back benefit along with salaries with effect from May 2016 till 2022 in the interest of justice.

Any other relief not specifically asked for may also graciously be extended in favour of the appellant in the circumstances of the case.

Dated: 09/08/2023.

Appellant

Through


ASIM SADIQ
Advocate, High Court
Peshawar.

NOTE:-

No such like appeal for the same appellant, upon the same subject matter has earlier been filed by me, prior to the instant one, before this Hon'ble Tribunal.


Advocate.

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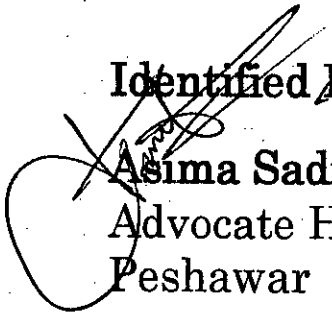
AFFIDAVIT

I, Muhammad Ali S/o Shaha Nawaz Khan R/o Mian Kallay Tehsil Razar, Swabi that all the contents of this instant petition are true and correct to the best of my knowledge and belief, and nothing has been concealed from this Honorable Court.

DEPONENT.....

CNIC # 16202-4657875-1

Identified By


Asima Sadiq
Advocate High Court
Peshawar

(6)

BEFORE THE HONOURABLE SERVICES TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

In S.A _____/2023

M. Ali Vs Director E&SE & Others

ADDRESSES OF PARTIES

ADDRESS OF APPELLANT

M. Ali S/o Shah Nawaz Khan R/o Mian Kalay Charbagh
District Swabi.

ADDRESSES OF RESPONDENTS

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. Secretary E & SE Khyber Pakhtunkhwa Peshawar.
3. Chief Secretary E & SE Khyber Pakhtunkhwa Peshawar.
4. Assistant Director (Admin), Directorate E & SE Khyber
Pakhtunkhwa Peshawar.
5. District & Education Officer (Male) Swabi.

DATED: 09-08-2023

Appellant

Through

ASIMSADIQ
Advocate, High Court
Peshawar.

CONTRACT APPOINTMENT.

(7)

Annex "A"

Consequent upon the approval of the Departmental Selection Committee as Notification/Letter No. SOR-V(E&AD)2-25/03/dated 22.10.2003, the following Class-IV Servants hereby appointed against vacant contract posts purely on contract basis @ Rs. 2800/- PM fixed in schools noted against their names with immediate effect in the interest of public service.

S#	Name & Father,s Name	Posted As	Posted at	Rema
1	Muhammad Rafiq s/o Zar Gul vpo, Adina	NQ	GGHS, Adina	AV
2	Seema Begum D/O Siraj vpo, Adina	L/Atd:	GGHS, Adina	AV
3	Ghaffar Ali s/o Saifullah vpo, Ismaila	Sweep:	GGHS, Ismaila	AV
4	M.Fazil s/o Samar Khan vpo, Manki	L/Atd:	GGHS, Manki	AV
5	Muhammad Islam s/o M.Inam VPO,S/Khan	Chow:	GGHS, Salim Khan	AV
6	Sher Aman s/o said Ghulam vpo, Salim Khan	NQ	GGHS, Salim Khan	AV
7	Nihaz D/O Anwar Shah vpo, Salim Khan	L/Atd	GGHS, Salim Khan	AV
8	Abdul Qahar s/o Said Qamar, vpo Tarakai	L/Atd:	GGHS, Tarakai	AV
9	M.Islam s/o Inzar Gul, VPO, Tarakai	ASweep:	GGHS, Tarakai	AV
10	M.Zubair s/o Wali Dad vpo, Tarakai	Chow:	GGHS, Tarakai	AV
11	Tariq Ali s/o Abdullah Shah, vpo, Tarakai	NQ	GGHS, Tarakai	AV
12	Arshid s/o Alam Khan vpo, Tordher	L/Atd:	GGHS, Tordher	AV
13	M.Farooq s/o M.Zahid VPO, Lahor	L/Atd:	GGHSS, Lahor	AV
14	Ghaffar Ali s/o Muzammil Khan vpo. Lahor	Sweep:	GGHSS, Lahor	AV
15	Tahira Naz D/O Faqir said vpo, Lahor	L/Atd:	GGHSS, Lahor	AV
16	Waheed Murad s/o Faramosh VPO, Topi	Chow:	GGHSS, Topi	AV
17	Jan Bahadar s/o Lal Bahadar vpo, Pabaini	NQ	GGMS, Pabaini	AV
18	Tahira w/o Noor Muhammad vpo, Pabaini	Sweep:	GGMS, Pabaini	AV
19	Zarbali Khan s/o Noshad VPO, Y/Hussain	Sweep:	GHS, I. Yar Hussain	AV
20	Zafar Ali s/o Fazli Rehman vpo, Beka	Sweep:	GHS, Beka	AV
21	Sadiq Ali s/o Mian Umar vpo, Dobain	L/Atd:	GHS, Dobain	AV
22	Wiqar Ali s/o Shahrastan, vpo, Kalu Khan	Sweep:	GHS, Kalu Khan	AV
23	Wali Ullah s/o Sami ullah vpo, Tarakai	NQ	GHS, Tarakai	AV
24	Hayat Ali s/o Khan Wali vpo, Turlandi	Sweep:	GHS, Turlandi	AV
25	Qamar Zaman s/o Palawan vpo, Salim Khan	L/Atd:	GHS, I. Salim Khan	AV
26	Siddique Ahmad s/o Shamsul Haq, vpo, S/ Khan	NQ	GHS, I. Salim Khan	AV
27	Mahfooz Ullah s/o Habibur Rehman, vpo, A.K. Killi	L/Atd:	GHS, Ayub K Killi	AV
28	Inayatullah s/o Rafiullah VPO, Baja	Bhti:	GHS, Baja	AV
29	Burhan Ali s/o Raz Wali Khan vpo, G/Muanara	NQ	GHS, G/Munara	AV
30	Khalid Khan s/o Alam Gul, VPO, J/Nath	L/Atd:	GHS, J/Nath	AV
31	Lutfur Rehman s/o M.Aslam VPO, Lahor	L/Atd	GHS, Lahor	AV
32	Bin Yamin s/o A.Jabbar VPO, Lahor	Bhti:	GHS, Lahor	AV
33	Zarwali Khan s/o Shamshed VPO, Swabi	Sweep	GHS, Swabi	AV
34	Muradullah s/o Faqirullah VPO, Zarobi	NQ	GHS, Zarobi	AV
35	Rashid Ahmad s/o Abdul Malik vpo, Jalsai	Sweep:	GMS, Jalsai	AV
36	Fazli Manzoor s/o Farmanullah vpo, Nabi	NQ	GMS, Nabi	AV
37	Sakhi ur Rehman s/o M.Muslim vpo, Nabi	Sweep:	GMS, Nabi	AV
38	Yasir Ali s/o Jehan ullah vpo, K.Sher Killi	NQ	GMS, Roshan Pura	AV
39	Fazli Raziq s/o Fazli Manan, vpo Thand Koi	NQ	GMS, Thand Koi	AV
40	Muhammad Arshad s/o M.Quresh vpo, T/Koi	Sweep:	GMS, Thand Koi	AV
41	Hamayun Khan s/o Abdul nazir vpo, Dagi	Sweep:	GMS, Mathra (D)	AV
42	Ijaz Ali s/o Sherin dad vpo, Dodher	Chwo:	GGPS, Dodher	AV
	(DECEASED C-IV PERSONS SONS)	--	--	--
43	Ghulam Farooq s/o M.Ghafoor vpo, Kaddi	NQ	GHS, Kalabat	AV
44	Jafar Ali s/o Shah Jehan vpo, Lahor	L/Atd:	GGHSS, lahor	AV
45	Adam Khan s/o Nazir Khan vpo, Beesak	NQ	GHS, Beesak	AV
46	Sheraz s/o safdar khan, vpo, Kalu Khan	NQ	GHS, Kalu Khan	AV
47	Muhammad Ismail s/o Sher Khan vpo, Manki	Sweep:	GHS, Manki	AV
48	Abdul Wahid s/o Zamir Khan vpo, Kabgani	L/Atd:	GHSS, kabgani	AV

(8)

(LAND OWNERS)

50	Shazia D/O Bakht Zamin vpo, Gohati	Call:	CMS, Gohati	AVP
51	Usmania w/o Namdar Ali vpo, Nabi	Call:	CMS, Nabi Dhok	AVP
52	Khatoo w/o Misal Khan vpo, Yar Hussain	Call:	CMS, Yar Hussain	AVP
53	Hamid Khan s/o Hakim Khan vpo, Yar Hussain	NQ	CMS, Yar Hussain	AVP
54	Islam Nabi s/o samiullah vpo, Dodher	NQ	GGMS, Dodher	AVP
55	Safaqat w/o ismal Nabi vpo, Dodher	Call	GGMS, Dodher	AVP
56	Amin ul Haq s/o Lajbar Khan vpo, Palu Dand	NQ	GGMS, Palu Dand (SK)	AVP
57	Parveen w/o Anwar ul Haq vpo, Palu Dand	Sweep;	GGMS, Palu Dand (SK)	AVP
58	Mufarih Shah s/o Abdul Wahab vpo, Sarwar S K	NQ	GGMS, Sarwar Shah Koty	AVP
59	Sadaqat D/O Noroz Khan vpo, Sarwar Shah Koty	Sweep:	GGMS, Sarwar Shah Koty	AVP
60	Misal Khan s/o Dilbar Khan vpo, Kaddi Dagi	Chow:	GGPS, Kaddi Dagi	AVP
61	Habib ur Rehman s/o Ahmad vpo, Kund (Gad)	Chow:	GGPS, Kund (Gaddon)	AVP
62	Muhammad Arif s/o Munawar Khan vpo, Channai	NQ	GHSS, Channai (G)	AVP
63	Haq Nawaz s/o M. Yunas vpo, Channai	L/Atd	GHSS, Channai (G)	AVP
64	Zahid Nawaz s/o M. Yunas vpo, Channai	Chow:	GHSS, Channai (G)	AVP
65	Sher Aman s/o Sardar Khan vpo, Mian Killi	NQ	GMS, Main Killi	AVP
66	Muhammad Ali s/o Shah Nawaz, vpo, Mian Killi	Sweep:	GMS, Main Killi	AVP
67	Zubair Muhammad s/o Fazal Muhammad vpo, Musa Banda	NQ	GMS, Musa Banda	AVP
68	Alam Dad s/o Gul Dad vpo, Musa Banda	Sweep:	GMS, Musa Banda	AVP
69	Rozi Khan s/o Esa Khan vpo, Naik Nam Banda	NQ	GMS, Naik Nam Banda	AVP
70	Shamim Khan s/o Raza Khan vpo, Naik Nam B	Sweep;	GMS, Naik Nam Banda	AVP
71	Jehad Ali s/o Murad Ali vpo, Turlandi	NQ	GMS, Turlandi	AVP
72	Sajjad Ali s/o Murad Ali vpo, Turlandi	Sweep:	GMS, Turlandi	AVP
73	Shamsul Arifeen s/o Noor ul Haq, vpo, Kalu Khan	NQ	GMS, Jangal Khel (KK)	AVP
74	Ruhul Amin s/o Fazli haq, vpo, Kalu Khan	Sweep;	GMS, Jangal Khel (KK)	AVP
75	Fazal Shah s/o Tahir Shah vpo, Pio Dher Lar	Chow:	GPS, Pio Dher Lar	AVP
76	Munfat Khan s/o hanif Ullah vpo, Lahor	Chow:	GPS, Afzal Khan Banda	AVP
77	S. Gaffar Shah s/o Ibrar Khan vpo, Y/hussain	Chow:	GPS, Allah Dad Khel	AVP
78	Iqbal Shah s/o Pir Khan vpo, Mangal Chi (G)	Chow:	GPS, Jalil (M. Chai)	AVP
79	Said Arab Khan s/o Gulmast vpo, Lahor	Chow:	GPS, Lahor	AVP
80	Jamshid s/o Amir Nawab vpo, permoli	Chow:	GPS, Momin Mah: perm	AVP
81	Niaz Ali s/o Madad Khan vpo, manki	Chow:	GPS, Raees Abad (Mki)	AVP
82	Bahadar Said s/o Said Bawal vpo, Gabasni	Chow:	GPS, S. Bawal Banda (G)	AVP
83	Barkat Ali s/o Jamshid Khan vpo, Ismaila	Chow:	GPS, Sarak Kor (Ismaila)	AVP
84	Nazar Muhammad s/o Taj Muhammad vpo, Bakar	Chow:	GPS, Sher Dil Koty	AVP
85	Ashfaq Ahmad s/o Unab Gul vpo, Jehangira	Chow:	GPS, Shahbaz Pur (Jra)	AVP
86	Munaras Khan s/o Roidad Khan vpo, Y/Hussain	Chow:	GPS, Y/Hussain Khurd	AVP

Terms & Conditions:-

1. NO TA/DA is allowed
2. Charge Reports should be submitted to all concerned.
3. The appointment is purely made on contract basis & liable to termination at any stage/time without assigning any notice.
4. The post is not pension able.
5. They will produced health & age certificate from the medical Superintendent DHQ Hospital, Swabi.
6. They will not be handed over charge if their age is less then 18 years and above 50 years.
7. In case of resignation they will have to give one month prior notice to the Deptt: or forfeit one month pay in lieu thereof to the Govt:.
8. They will be permanently Domicile of Swabi District.
9. They will have no right of transfer to any other school or post.
10. They will furnish a certificate to the effect that land donated by the person nominated on the consensus of all the legal heirs.

(KHAN SHER)
EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY, SWABI

Endst: No. 1580-G/C-IV Apptt: File/EDO(S&L), Dated Swabi the, February, 19, 2004.

Copy of the above is forwarded for information & n/a to the:-

1. Hon,able Minister of Education, Govt: of NWFP, Peshawar.
2. Secretary Schools & Literacy Department Govt: of NWFP, Peshawar.
3. Director Schools & Literacy, NWFP, Peshawar.
4. District Nazim, Swabi.
5. District Coordination officer, Swabi.
6. District Accounts officer Swabi

نہج ہوائی

نقل ۵۴ فورناج 18.01
021

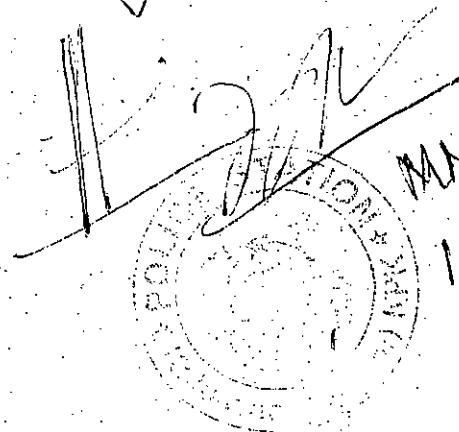
پولیس ایف آئی اے

تفاح خاں

السنی فی الدین ایہ وقت 23:55 بجے صبح ۱۸/۰۱/۲۰۲۱ء کو
 ۵۴ فورناج سے علاج سے واپس آیا۔ واقعہ یادداشت شدہ۔
 افسانہ خان کی طبی و تندرستی کے بارے میں کوئی اطلاع نہیں۔
 محمد علی ولد شاہ خواجہ حیات خان کو انٹلی جنس اداروں
 کی بنیاد پر تقریباً ۱/۲ سال قبل اٹاریا قتل اور ۱/۲ سال
 تک انٹلی جنس اداروں کیسٹا کو زیرِ ملاحظہ (پ۔ صحتی) قرار
 دیا گیا اور وکیل سنی انٹلی جنس اداروں نے حکم نمونہ کے تحت
 کر کے جو کہ درج ذیل طور پر حوالہ و گزارش کر کے گھر خود
 رکھتے کیا گیا۔ دیگر خبریت رہی۔ جس پر ان کے اسٹیشن
 طور پر داخل کوٹ کیا گیا۔

طاہر علی

نہج ہوائی



MM-PS-KK
 18.01.021

جناب صاحب ڈسٹرکٹ انچارج ایف ڈی اے

پنجاب قادی

میرٹھ کے لئے ڈسٹرکٹ انچارج ایف ڈی اے کے پاس

سکول کے جوہداری کے لئے ڈسٹرکٹ انچارج ایف ڈی اے اور

سکول میں ایف ڈی اے کے لئے ڈسٹرکٹ انچارج ایف ڈی اے کے پاس

وہ ایف ڈی اے کے لئے ڈسٹرکٹ انچارج ایف ڈی اے کے پاس

جوہداری کے لئے ڈسٹرکٹ انچارج ایف ڈی اے کے پاس

کے لئے ڈسٹرکٹ انچارج ایف ڈی اے کے پاس

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23/7/2016

ڈسٹرکٹ

0300 5673289

ٹیپو

NOTIFICATION.

WHEREAS the following officials/Government servants were proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 on account of their willful and un-authorized absence from duty and were directed to resume their duty, by the Officers concerned vide their numbers according to the under mentioned detail, but they failed to resume their duty.

AND WHEREAS absence notices were served upon the accused officials through Daily New Papers to resume duty within 15 days but they remained absent and did not report for duty in response of their absence notices.

AND WHEREAS the competent authority i.e the DEO (Male) Swabi after having considered the charges and evidence on record is of the view that the charges of willful and un-authorized absence from duty against the accused officials have been proved.

NOW, THEREFORE, in exercise of the powers conferred under Section 3 b (iii) of the Khyber Pakhtunkhwa Removal from service under (Efficiency & Discipline) Rules 2011, the competent authority is pleased to impose the major penalty of removal from service upon them with immediate effect. The period of their absence from duty till the issuance of this order be treated as un-authorized absence from duty with out pay.

S/1	Name/Father's Name & Address	Name of school	D/O Absence	Name of Concerned officer/HM/Pr by whom Absence notices issued	Detail of Notices & No./dt of issue by the concerned	Name of News Paper	Date of Publication
1	Sher Aman N/O S/O Sardar Khan VPO Mian Killi Charbagh (Swabi)	GMS Mian Killi	25.05.2016	Head Master Concerned	No. 216 dated 27.05.16 No. 217 dated 05.06.16	Daily Aaj Daily Mashiq	29.10.2016
2	Muhammad Ali S/O Shah Nawaz Khan VPO Mian Killi Charbagh (Swabi)	GMS Mian Killi	23.07.2016	Head Master Concerned	No. 219 dated 15.08.16 No. 220 dated 02.09.16	Daily Aaj Daily Mashiq	29.10.2016
3	Fazli Hadi S/O Noori Hadi Mohallah Mian Baba Marghuz (Swabi)	GPS Yara Khel Marghuz	01.09.2016	ASDEO Concerned	No. 317 dated 03.09.16 No. 320 dated 19.09.16 No. 321 dated 30.09.16	Daily Aaj Daily Mashiq	29.10.2016
4	Abu Bakar S/O Zakir Khan VPO Dewal (G) Swabi	GPS No.2 Dewal (Gadoon)	25.05.2016	SDEO Concerned	No. 561 dated 11.08.16	Daily Aaj Daily Mashiq	29.10.2016

(JELIAN MUHAMMAD)
DISTRICT EDUCATION OFFICER
(MALE) SWABI

Endst: No. 12164-07 / F.No. 1-31/C-IV Removal from service dated Swabi the 21/12/2016.

- Copy of the above is forwarded for information and n/action to the:-
1. Director E&SE Khyber Pakhtunkhwa, Peshawar.
 2. District Accounts Officer, Swabi. (3) District Monitoring Officer, Swabi.
 4. Headmaster concerned school. (5) ADEO(B&A/Estab) Local Office.
 6. SDEO (M) Concerned. 7. Officials concerned (Under Registered cover).

Dy
DISTRICT EDUCATION OFFICER
(MALE) SWABI

بخدمت جناب ڈائریکٹر صاحب ایلمنٹری اینڈ سیکنڈری ایجوکیشن خیبر پختون خواہ پشاور

درخواست برائے بحالی

جناب عالی:-

مودبانہ گزارش ہے کہ فدوی محکمہ تعلیم میں بحیثیت سویپر ملازم مورخہ 25-02-2004 سے گورنمنٹ مڈل سکول میاں کلی میں اپنے خدمات سرانجام دے رہا تھا۔ بد قسمتی سے ملک میں جاری شریپندی اور تحریک طالبان کے دوران وہ مورخہ 21-07-2016 کو حکومتی ایجنسیوں نے شک کی بنیاد پر سکول سے حراست میں لے کر حراستی تفتیشی مرکز کو لے گئے۔ فدوی مورخہ 16-01-2021 تک ایجنسیوں کی تحویل میں رہا۔ اسی دوران مجھے بحوالہ ڈسٹرکٹ ایجوکیشن آفس صاحب (مردانہ) صوابی انڈوسٹریل نمبر 12104-07 مورخہ 21-12-2016 بوجہ طویل غیر حاضری ملازمت سے برخاست کر دیا۔ حالانکہ فدوی ایجنسیوں کی حراست میں رہا اور قصداً غیر حاضر نہیں رہا۔

جناب والا

چونکہ فدوی بے قصور تھا اور میرے خلاف ایجنسیوں نے کوئی ثبوت فراہم نہیں کئے اور مجھے مورخہ 16-01-2021 کو رہا کر دیا گیا۔ چونکہ ایجنسیوں نے مجھے عدالت میں پیش نہیں کیا ہے میں آپ صاحبان کو اپنی بے گناہی ثابت کر سکوں اسلئے آپ صاحبان سے درخواست التماس کی جاتی ہے کہ میری بے گناہی اور چھوٹے چھوٹے بچوں کو مد نظر رکھ کر فدوی کو اپنی ملازمت پر بحال کرنے کی احکامات صادر فرما کر مشکور و ممنون فرمادیں فدوی بمعہ اہل و عیال تاحیات دعا گور ہے گا۔

العبد

محمد علی ولد ز شاہ نواز خان

شناختی کارڈ نمبر: 1-16202-4657875

فون نمبر: 0349-7721215



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.

No. 8059 /F.No. /A-20/C-IV/Swabi

Dated Peshawar the 15-07-2022

Phone: 091-9225344

Email: ddadm.e@gmail.com

To

The District Education Officer
(Male) Swabi

Subject: **APPLICATION FOR RE-INSTATEMENT**
Memo:

I am directed to refer to your letter No. Nil dated 3.6.22 on the subject noted above and to returned the case in r/o Muhammad Ali Ex-Sweeper GMS Main Killi Swabi with the direction to resolve the issue ^{at} your own level under the rules/policy being competent.

Shahid
15/7/22

Assistant Director (Admn)

Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst; No. _____

Copy forwarded to the: -

1. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Master file

SM

Assistant Director (Admn)

Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar



14

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) SWABI
(Office phone & Fax No.0938280239, emis swabi@yahoo.com)

NO 6698 /P.S File No. M.Ali/ Sweeper/ Dated/ 05 108 /2022

To,

The Director
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.

SUBJECT: - APPLICATION FOR RE-INSTATEMENT
Memo:-

Reference your good-self directions on the body of application in order to solve the subject issue of **Mr. Muhammad Ali Ex-Sweeper** of GMS Mian Killi Swabi at your own level.

It is to bring in your kind notice that major penalty of "**Removal form Service**" has been imposed upon the said official vide this Office E/No. 12104-07/Dated 21-12-2016 and due to which this office is no longer in position to proceed further in the matter. Moreover, an inquiry has already been conducted in the subject matter vide your good office E/No. 4261-63/F.No. 432/A-20/Class-IV/Swabi/Dated Peshawar the 01-09-2021.

This office is the competent authority but not the appellate authority.

Hence, this office is not in position to resolve the matter accordingly. The report is submitted for your kind perusal and further management.


DISTRICT EDUCATION OFFICER
(MALE) SWABI



15

NOTIFICATION

1. **WIHEREAS**, Muhammad Ali was appointed as Sweeper at GMS Mian Killi Swabi by DEO Male Swabi vide his order under Endst No. 1580 dated 19/02/2004.
2. **WIHEREAS**, Muhammad Ali sweeper has submitted an appeal to the appellate authority, that he was kidnapped by some unknown persons on 21/07/2016.
3. **WIHEREAS**, the Head Master GMS Mian Killi Sawbi informed the DEO (Male) Swabi regarding his absence from duty.
4. **WIHEREAS**, the DEO (Male) Swabi served Show Cause notice upon Muhammad Ali sweeper through daily newspaper Aaj dated 29/10/2016 followed by latter No.11475 dated 26/11/2016.
5. **WIHEREAS**, the DEO (Male) Swabi imposed major penalty of Removal from service upon Muhammad Ali sweeper vide Ends No.12104-07 dated 21/12/2016.
6. **WIHEREAS**, an appeal has lodged by Muhammad Ali Ex Sweeper GMS Mian killi Swabi before the appellate authority.
7. **WIHEREAS**, this Directorate conducted an inquiry through Mr.Saifur Rahman Principle GHS No.1-Nowshera cant vide Ends No.4261-63 dated 01/09/2021.
8. **AND WIHEREAS**, The inquiry officer has submitted detail report with the recommendation that the appellate authority may consider his appeal symphatitacally.
9. **NOW, THEREFORE**, in exercise of the power conferred upon appellate authority, under section-17 read with rules 2(b) of E&D Rules-2011, The Director E&SE Khyber Pakhtunkhwa Peshawar (Appellate Authority) has **Re-Instated** the appellant Muhammad Ali Sweeper GMS Mian killi Swabi with immediate effect.

597-601

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Endst: No. _____ /F.No./A-20/C-IV/Swabi

Dated Peshawar the 14/8/2022.

Copy of the above is forwarded for information and n/action to the:-

- 1- District Education Officer (Male) Swabi w/r to his latter No.6698 dated 05/08/2022.
- 2- District Account Officer Swabi.
- 3- Appellant concerned.
- 4- PA to the Director E&SE Khyber Pakhtunkhwa Peshawar.
- 5- Master File.

Assistant Director (Admn)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar

14/8/22



16

DISTRICT EDUCATION OFFICE (MALE) SWABI



(Office Phone & Fax No 0938280239, emis_swabi@yahoo.com)

OFFICE ORDER

In pursuance of Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar wherein Mr. Muhammad Ali Sweeper has been re-instated into service vide Notification E/No. 597-601/F.No./A-20/C-IV/Swabi/ Dated Peshawar the 19.08.2022; the Competent Authority has been pleased to adjust him at GMS Gandaf (G) Swabi w.e.f 19.08.2022 on temporary basis till the availability of vacant post at locality in the best public interest.

Note:

1. No TA/DA is allowed.
2. He will perform his duty at office of the Undersigned till further orders.

DISTRICT EDUCATION OFFICER
(MALE) SWABI

Endst. No. 8523-28 Dated 27/09/2022

Copy of the above is forwarded to the:

- 1) District Accounts Officer Swabi.
- 2) District Monitoring Officer Swabi.
- 3) ADEO Estab/B&AO Local Office.
- 4) H/Master concerned school.
- 5) Official concerned.
- 6) Office file.

Dy. DISTRICT EDUCATION OFFICER
(MALE) SWABI

No. 1018

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgment is due.

Rs. Ps.

40 17
Annex

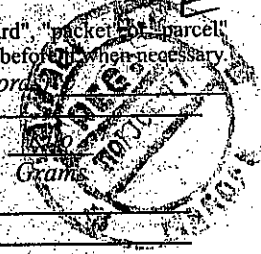
Received a registered*
addressed to _____

Date-Stamp

Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before, when necessary.

Insured for Rs. (in figures) _____ (in words) _____

Insurance fee Rs. _____ Ps. _____ (in words) _____



Name and address of sender

No. 1019

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgment is due.

Rs. Ps.

40

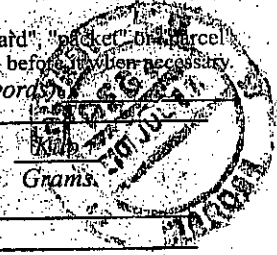
Received a registered*
addressed to _____

Date-Stamp

Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before, when necessary.

Insured for Rs. (in figures) _____ (in words) _____

Insurance fee Rs. _____ Ps. _____ (in words) _____



Name and address of sender

بیان حلفی بابت انٹو آڈی

من مستحق محمد علی ولد شاہ نواز خان اللہ تبار و نقالی گو صاحبہ موناظر خان کریم اقرار نامیوں
 کہ سب سے ذیل بیان مائل برحق اور حقیقت پر مبنی ہے۔ یہ کہ میں حکم تہمت میں سپریم کورٹ
 سے 25-02-2016 سے 25-02-2016 کے دوران میں عدالت تھانہ اور ہسپتال سے ملک میں جاری
 ریسٹ گروپ، دستاویزات، جانان کے دوران 2016 کو حکومتی ایڈیٹران نہ ملک کی بنا پر سکون
 سے فراغت میں رہ کر تفتیش کر رہے تھا۔ عدوی مورخہ 2016-01-16 تک حکومتی ایڈیٹران کے حوالے
 میں رہا۔ اس دوران مجرم ڈسٹرکٹ ایجوکیشن افسر (پروانہ) حوالے کے آرڈر پر 2016-07-12
 پر 2016-12-21 کو پولیس ٹیپو گرافی عدالت سے فراغت کیا گیا۔ حالانکہ عدوی زیر تفتیش
 نہ تھے افراد میں تھا۔ قصداً غیر حاضر نہ تھا۔ چونکہ عدوی کے تصور ثابت ہوا۔ اس لیے پورے 16
 کو رہا کر دیا گیا۔ بعد ازاں عدالت رہا کر دیا۔ اس وقت عدوی دوبارہ عدالت کرنا چاہتا ہے
 اس لیے اس کے صاحبان مہر و مہلی فرما کر عدوی کے خاطر مجھے عدالت سے نکالنے کا احکامات
 صادر فرما دیے ہیں۔ بندہ ناگرم و غامگ رہے گا۔

Mh

محمد علی ولد شاہ نواز خان

شناخت نمبر: 16202-4657875-1

فون نمبر: 0349-7721215

(19)

**ENQUIRY REPORT AGAINST MUHAMMAD ALI EX-SWEEPER, GMS MIAN
KILLI DISTRICT SWABI.**

PREAMBLE/AUTHORITY

The Director E&SE Deptt: Khyber Pakhtunkhwa has constituted the enquiry committee consists on the following officer to conduct enquiry in the appeal lodged by Mr. Muhammad Ali Ex-Sweeper, GMS Mian Killi District Swabi vide Notification No.4261-63/F.No.432/A-20/Class-IV Dated 01-09-2021 (Annex-A).

officer

ENQUIRY COMMITTEE ✓

Mr. Saifur Rahman Principal, GHS No.1 Nowshera Cantt:

APPELLANT

Muhammad Ali Ex-Sweeper, GMS Mian Killi Swabi

GIST OF APPEAL

Requesting for Re-Instatement in Service (Annex-B)

PROCEEDINGS:-

officer

The Enquiry Committee started the proceedings accordingly and visited office of the District Education Officer (Male) Swabi on ²⁸-10-2021. The matter was discussed in detail with the concerned dealing hands. The available record was checked thoroughly.

While checking the available record, it was observed that an enquiry has already been conducted in the instant case. However, the progress of the said enquiry is still awaited.

Findings:-

- 1- Mr. Muhammad Ali was appointed as Sweeper at GMS Mian Killi Swabi by DEO (M) Swabi vide order endstt No. 1580 G/C-IV Apptt dated 19-02-2004.
- 2- He performed duty as sweeper from 25-02-2004 to 21-07-2016.
- 3- According to his appeal submitted to the appellate authority, he was kidnapped by some unknown persons on 21-07-2016.
- 4- The Head Master of GMS Mian Killi Swabi sent absence notices to the appellant on 15.08.2016, 02-09-2016 and 20-09-2016 (Annex-C to E).
- 5- The Head Master, GMS Mian Killi Swabi informed the DEO (M) Swabi vide letter No.218 dated 23-07-2016 and No. 222 dated 06-10-2016 (Annex- F&G).
- 6- The DEO (M) Swabi served show cause notice upon the appellant through daily leading News Paper Aaj dated 29-10-2016 followed by letter No.11475 dated 26-11-2016 (Annex- H&i).

7- However, in the light of above mentioned show cause notice, no response was received to the DEO (M) Swabi. 20

8- The DEO (M) Swabi imposed major penalties of "REMOVAL FROM SERVICE" upon the appellant vide endstt No.12104-07/F.No. 1-31/C-IV Removal from service dated 21-12-2016 (Annex-J).

9- The present Head Master of GMS Mian Killi Swabi has also recorded his statement regarding the absence of the appellant (Annex-K).

10- The appellant was heard in person. He recorded the statement wherein he repeated the previous request (Annex-L).

11- His total absence period is more than 05 years. If his absence is considered, then he is not eligible for Re-Instatement in the light of Rules in vogue. However, if the appellate authority is pleased to grant the benefit of his innocence, then his case appeal

may be considered for re-instatement on humanitarian
Recommendation:- *Ground.*

In the light of above mentioned facts and documentary proof on record, the appellate authority may consider his appeal sympathetically.

(MR.SAIFUR RAHMAN)
Principal (BPS-20)
GHS No.1 Nowshera Cantt:

درخواست برادر ادا سکی لجا اجازت

۲

جناب عالی!

(۱) صوبہ سندھ کی طرف سے میری سائل کے بارے میں تمام دفتروں کو

میں لکھ کر دیا گیا ہے کہ میری سائل کو اپنی سائل کے بارے میں

تعمیر کے بارے میں 2-2-2004 کو پارچ لیا گیا۔

(۲) مابعد 2-7-2004 کو نامعلوم ایجنسی کے افسروں نے سائل کے بارے میں پتہ چلا

کہ سائل کو اس گناہ پر پکڑا گیا ہے، سائل نے خود یہ معلوم نہیں کیا تھا

۲۳۔ ۳۔ ۲۰۰۳ کو ڈسٹرکٹ ایجوکیشن آفیسر نے صوبہ سندھ ۱۶۔۱۱۔۲۰۰۳ کو نوٹری

کی سونہ سائل کے بارے میں ۱-9-2004 کو سائل کے پاس سے انکوائری آپ کے دفتر کے دفتر

کی طرف سے اوپر انکوائری افسر نے سائل کو نوٹری پتہ چکان کرنے کے لئے درخواستیں

پہلے ہی اپنے دفتر کے خط کے نمبر ۱۰۶-۲۰۰۳ کے تحت ۱۹-8-2002 کو نوٹری

کی جناب عالی، سائل کو نوٹری پتہ چکان کرنے کے لئے آپ کے دفتر کے دفتر

آدا انکوائری کے لئے سائل کو نوٹری پتہ چکان کرنے کے لئے درخواستیں

پہلے ہی اپنے دفتر کے خط کے نمبر ۱۰۶-۲۰۰۳ کے تحت ۱۹-8-2002 کو نوٹری

محمد رفیق سید
محمد رفیق سید

محمد رفیق سید

208

0349-7721215

Annex

1 - 2003

21A

Better Copy No.21

بخدمت جناب ڈائریکٹر صاحب ایلمنٹری اینڈ سیکنڈری ایجوکیشن خیبر پختونخواہ پشاور

درخواست بمرادادائیگی بقایاجات

جناب عالی!

- 1- مؤدبانہ گزارش ہے کہ سائل محکمہ تعلیم ضلع صوابی میں بطور سویپر گورنمنٹ مڈل سکول میاں گلے صوابی میں بھرتی ہوا مورخہ 19.02.2004 کو چارج لیا۔
- 2- مورخہ 12.07.2016 کو نامعلوم ایجنسی کے لوگوں نے سائل کو اغواء کر لیا اور نامعلوم مقام پر لے گئے سائل کو یہ معلوم ہی نہیں تھا کہ سائل کو کس گناہ پر اٹھایا گیا۔
- 3- سائل کو ڈسٹرکٹ ایجوکیشن آفیسر نے مورخہ 21.12.2016 کو نوکری سے برطرف کر دیا۔
- 4- مورخہ 01.09.2021 کو سائل کے کین میں انکوائری آپ کے حکم سے مقرر کی گئی اور انکوائری افسر نے سائل کو نوکری پر بحال کرنے کی سفارس کی اور آپ کے دفتر کے خط نمبر 597-601 مورخہ 19.08.2022 کو نوکری پر بحال کر دیا گیا۔
- 5- جناب عالی سائل کو تو نوکری پر بحال کر دیا گیا لیکن کسی قسم کے بقایاجات ادا نہیں کئے گئے سائل ایک غریب آدمی ہے اور سائل کا بہت نقصان ہوا ہے اسلئے آپ صاحبان مہربانی کر کے سائل کے بقایاجات کے احکامات صادر فرما کر مشکور فرمائیں۔

مہربانی ہوگی۔

العارض

آپ کا تعبد ار محمد علی سویپر GMS گندف ضلع صوابی

0349-7721215



(22)

**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.**

No. 6344

/F.No. /A-20/C-IV/personal file/ Muhammad Ali/Swabi

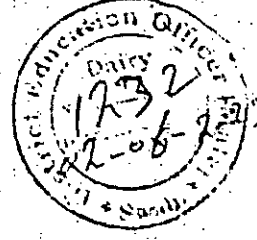
Dated Peshawar the 22/5 /2023

Phone: 091-9225344

Email: ddadmn.ese@gmail.com

To-

The District Education Officer
(Male) Swabi



Swabi
J/c
22/5/2023

Subject: **NOTIFICATION.**

Memo:

I am directed to refer to the subject cited above and to enclose herewith a copy of an appeal in r/o Muhammad Ali Sweeper GMS Gandaf Swabi received vide this office diary no. 208 dated 06-02-2023 and to state that the above named official was reinstated into service vide this office issued notification under Endst: No. 597-601 dated 19-08-2022.

Now the applicant requested for conversion of his intervening period (Absent period) into kind of leave, but as under the cardinal principle of "where there is no duty there is no pay"

You are therefore, asked to inform the applicant that he is not entitled to the back benefits of the intervening period.

22-5-2023

Assistant Director (Admn)

Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst; No. _____

Copy forwarded to the:-

1. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Master File.

sd/-

Assistant Director (Admn)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar

Teacher's Attendance Register

23

FOR THE MONTH OF May 2016

NO. 25

NO. 06

NO. 07

NO. 08

Name: Cochan A.A

Tamerullah

Shay Arnon

Mohammad Ali

Designation: DM

Tat

N/A

Teacher

Sl. No.	Dates	Cochan A.A				Tamerullah				Shay Arnon				Mohammad Ali			
		Arr.	Sig.	Dep.	Sig.	Arr.	Sig.	Dep.	Sig.	Arr.	Sig.	Dep.	Sig.	Arr.	Sig.	Dep.	Sig.
1																	
2	7/10/16			11:35										7/10			
3	7/11/16			11:35										7/11			
4	7/12/16			11:35										7/12			
5														7/13			
6	7/14/16			11:35										7/14			
7														7/15			
8														7/16			
9														7/17			
10				11:35										7/18			
11	7/19/16													7/19			
12														7/20			
13														7/21			
14				11:35										7/22			
15														7/23			
16						11:35								7/24			
17						11:35								7/25			
18														7/26			
19	7/27/16			11:35										7/27			
20	7/28/16					11:35								7/28			
21	7/29/16			11:35										7/29			
22														7/30			
23	7/31/16			11:35										7/31			
24																	
25																	
26																	
27																	
28																	
29																	
30																	
31																	

STATEMENT OF LEAVES TAKEN

Sl. No.	Total	Cochan A.A				Tamerullah				Shay Arnon				Mohammad Ali			
		Sick	Casual	Pri.	Total	Sick	Casual	Pri.	Total	Sick	Casual	Pri.	Total	Sick	Casual	Pri.	Total
01	This Month		02	-	02		01	-	01		01	-	01		-	-	-
02	Previous		08	-	08		01	-	04		03	-	03		02	-	02
03	Total		10	-	10		05	-	05		04	-	04		02	-	02

Dated: _____

Wisdom PUBLISHING COMPANY

Headmistress/Headmaster

50 روپے	3973	پشاور بار ایسوسی ایشن، خیبر پختونخوا
ایڈوکیٹ: عاصم صادق / احمد الرحمن	بار کونسل ایسوسی ایشن نمبر: 21-4339-BC	PESHAWAR BAR ASSOCIATION
رابطہ نمبر: 421 9595-0331		QR Code

بعدالت جناب: *محمد علی محمد*

مخانب: Petitioners	دعویٰ: <i>appeal</i>
محمد علی	علت نمبر:
بنام	مورخہ:
دائرہ <i>SE</i> مع <i>and others</i>	جرم:
	تھانہ:

بابت تحریر آگے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی وجواب دہی کاروائی متعلقہ آن مقام *شیخو* کیلئے *عاصم صادق* / *احمد الرحمن* / *احمد گل* / *سید محمد* / *صالح* 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 تقررات و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یا کٹ طرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ 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 وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پر دراختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانبہ مقدمہ کے سبب سے ہوگا کو کوئی تازہ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب یا ہند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المقوم: 10/9/20
PESHAWAR BAR ASSOCIATION
KHYBER PAKHTOONKHA

مقام *شیخو* گواہ شد۔

محمد علی محمد
محمد علی محمد

نوٹ: اس وکالت نامہ کی فوٹو کاپی نا قابل قبول ہوگی۔

محمد علی محمد شیخو خان کسٹڈین میان گل تحصیل درت مولوی