

The appeal of Mr. Muhammad Mubeen son of Lal Din Ex-PTC District Kurram received today i.e on 12.09.2023 is incomplete on the following score which is returned to the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal is unsigned. ✓
- 2- Appeal has not been flagged/marked with annexures marks. ✓
- 3- Annexures of the appeal are unattested. ✓
- 4- Address of appellant is incomplete. ✓
- 5- The law under which appeal is filed is not mentioned. ✓
- 6- Copy of impugned termination order is not attached with the appeal. ✓
- 7- Memo of appeal be supported with by an affidavit duly attested by the Oath Commissioner. ✓
- 8- Index of the appeal is not attached. ✓
- 9- Annexures/documents are not in sequence which may be annexed serial wise as mentioned in the memo of appeal. ✓
- 10- The documents attached with the appeal are illegible be replaced by legible/better one. ✓
- 11- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal. ✓

No. 409 /S.T.

Dt. 18/9 /2023.

M. Mubeen
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Muhammad Mubeen appellant.
PTC of District Kurram.

جناب عالی

میں نے مندرجہ بالا انداز میں اسطریقہ کے علاوہ تمام کو ایف
کی پور اکیٹ - اسکا کا صرف سروس بک میں ٹرمینیشن انٹری ہے
کوئی باقاعدہ آرڈر نہیں دیا ہے۔ انٹری میں اسکا کیا ہے۔

محمد مبین
20/09-2023

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

Appeal No 1917 /2023

Muhammad Mobeen

VERSUS

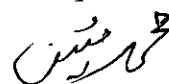
Government of KPK & others

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Dated 14s.09.2023

Deponent



بعدالت جناب سروس ٹرایبونل خیبر پختونخواہ پشاور

اپیل نمبر _____
Appeal No 1917/2023

محمد مبین ولد لال دین سابقہ پی، ٹی، سی، ٹیچر جی، پی، ایس، درگنی ایف، آر ضلع کرم،

بنام

1- سیکٹری ایجوکیشن (E&SE) خیبر پختونخواہ

2- ڈائیکٹر (E&SE) خیبر پختونخواہ

3- DEO میل ضلع کرم

اپیل زیر سیکشن 4 آف خیبر پختونخواہ سروس ٹرایبونل ایکٹ 1974

جناب عالی! سائل مندرجہ ذیل عرض گزار ہے۔

1. سائل کے تقریری پی، ٹی، سی پوسٹ پر بمورخہ 11-04-1988 جی، پی، ایس، سکرم میں ہوئی تھی۔ چودہ

سال تک اس پوسٹ پر خدمت سرانجام دیتا رہا۔

2. بمورخہ 26-02-2000 کو اپر کرم شلوران تنگی گاؤں شافو میں زمین اور مکانات کے حدود کے تنازعے پر دو

قبیلوں کے درمیان جھڑب ہوا تھا۔ جس میں قتلِ مقاتلہ بھی ہوا تھا۔ جس کا مجھے کوئی علم نہیں تھا۔ اور نہ مجھ پر

کوئی ایف، آئی، آر ہوا تھا۔ اور میں مذکورہ گاؤں سے دور جی، پی، ایس نری میلہ میں تھا۔ اور آگے مذکورہ سکول

میں ڈیوٹی دیتا رہا۔ بعد میں DEO کرم نے بمورخہ 30-11-2001 کو جی، پی، ایس درگنی ایف، آر کرم

ٹرانسفر کر دیا۔ اور اس سکول میں باقاعدہ ڈیوٹی دے رہا تھا۔

3. بمورخہ 16-02-2002 کو PA کرم نے مجھے ایف، سی ار کے تحت بے گناہ گرفتار کر کے ڈی آئی خان جیل

میں پابند سلاسل کر لیا۔ اور مجھے کسی جرم کا علم نہ تھا۔ جبکہ میں جیل حکام سے پوچھ رہا تھا۔ کچھ ماہ بعد جیل حکام

نے مجھے ایک وارنٹ دیے دیا۔ اور مجھے بتایا گیا کہ PA کرم نے تم کو اوپر مذکورہ واقع میں 10+10+5 سال

قید کی سزا دی ہے۔ جبکہ دو لاکھ روپے خون بہا بھی لگائے گئے ہیں۔ عدم ادائیگی کی صورت میں دو سال مزید جیل لگایا ہے اور پچاس ہزار روپے زخمانہ ادا کرنا ہے۔

4. میں نے مذکورہ سزا جو کہ 16-02-2002 میں لگائی گئی تھی۔ کے خلاف کمشنر ایف، سی، ار میں اپیل دائر کیا۔ جبکہ کمشنر ایف، سی، ار نے بمورخہ 27-04-2005 کو تمام سزا کنٹرنٹ کرنے کا حکم صادر کر دیا۔ اور میرے رہائی ممکن ہوگی۔

5. PA کرم نے مذکورہ فیصلے کو ٹریبونل ایف سی ار میں چیلنج کیا۔ بمورخہ 14-02-2009 میں ٹریبونل ایف سی ار نے کمشنر ایف سی ار کا فیصلہ بحال رکھا۔

6. مذکورہ فیصلے کے بعد PA کرم نے (Modified Warrant) میں رہائی کی بجائے چار لاکھ پچاس ہزار روپے (دیت) بھیج دیا۔

7. دیت کے خلاف میں نے ہائی کورٹ پشاور میں اپیل دائر کیا۔ جو کہ منظور ہو کر بمورخہ 30-12-2009 بنوں سنٹرل جیل سے رہا ہوا۔

8. بمورخہ 11-01-2010 کو میں نے محکمہ تعلیم کو سروس بحالی کا درخواست دیا جبکہ ادارے کو میرے بارے میں کوئی علم نہ تھا۔ نہ تنخواہ کی بندش کا پتہ تھا اور نہ میرے سزا کے بارے میں انکو علم تھا۔ اور نہ سروس بک دے رہا تھا۔ اور ارج کل کرتا رہا یہاں تک کہ 2021 کو میں ریٹائرمنٹ کو پہنچ گیا۔ اس کے بعد محکمہ تعلیم نے 17-10-2022 کو Departmental Inquiry شروع کی۔ Departmental Inquiry نے صرف سروس بک پر 30-04-2002 کو ٹرمینیشن انٹری دکھایا دیا جس پر کسی بھی Competent Authority کا Sign نہیں ہے۔ 06-03-2023 کو Departmental Committee بنا دیے اور Departmental Committees نے اپنا Incomplete رپورٹ پیش کیا۔

اور آخر بمورخہ 16-08-2023 کو Departmental Appeal اپیل خارج کر دیا۔ اور جیل سزا بھی بے گناہ کاٹا۔ اور سروس سے بھی بے گناہ محروم کر دیا۔

لہذا اپ صاحبان کے عدالت میں حمایت انکساری سے گزارش کی جاتی ہے۔ کہ بندہ کی ضعیف العمر مظلومیت اور بے کسی کے حالت پر رحم فرما کر سروس بحالی اور پینشن عطا یگی کی حکم صادر فرما کر مشکور فرمائیں۔

الغرض

محمد مبین ولد لال دین ضلع کرم تحصیل پاڑا چنار گاؤں شلوزان تنگی شاہ نو۔

محمد مبین

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

Appeal No. _____/2023

Muhammad Mobeen

VERSUS

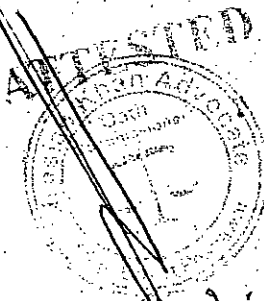
Government of KPK & Others

AFFIDAVIT

*I, Muhammad Mobeen S/o Lal Din Ex-PTC Teacher,
GPS, Dargai, FR District Kuram, do hereby solemnly affirm
and state on oath that all contents of Service Appeal are
true and correct to the best of my knowledge and belief
and nothing wrong has been stated by me in the matter.*

محمد مبین

14/9/23



DEPONENT

CNIC: 17301-5029505-3

Cell: 0342-9023364

In Person

محمد مبین

1714

Phone No. 277

Agency Education Officer,
Karrasa Agency, Parachinar.

Office Order No. _____/A1.

Dated: _____/1968.

Mr. M. H. M. M.

or

Mr. Muhammad Amin son/Lal Din Village Kookhi Tehsil Mandi is hereby appointed in No. 540/7 plus usual allowances as admissible under the rules in the post of Public service with the immediate effect, at G.S. School, Sikaras (P.S.).

- 1. Charge report should be submitted to this Office in duplicate.
- 2. The Appointment of the candidate is to be made purely on Temporary basis and liable to termination at any time without any notice in case he wish to resign his post he should give one month prior notice (with one month pay in lieu thereof).
- 3. Health and Age Certificate should be produced from Agency Medical Officer concerned.
- 4. The original qualification date of both duplicate Certificate should be checked 24hrs before handing over the charge.
- 5. He should not handover charge of the post if he below 18 or above 35 years.

Sd/-
Agency Education Officer,
Karrasa Agency, Parachinar.

Reference: 670-6 /A1; Apptt. dated Parachinar the 17-4 1968.

Copy forwarded to:-

- 1. Head Teacher G.S. Sikaras. (FR)
- 2. Candidate concerned.
- 3. Sr. AAO's concerned.
- 4. Local office accountant.

[Signature]
Agency Education Officer,
Karrasa Agency, Parachinar.

Copy

Attended

No. 575

Agency Education Officer,
Kurram Agency, Parachinar.
Office Order No. -----/Edu
Dated. -----/1988

APPOINTMENT.

Mr. Muhammad Mobin son of Lal Din village Kochi Tehsil Sadda is hereby appointed in B.P.S. 7 plus usual allowances as admissible under the Rules in the interest of public service with the immediate effect at G.P School, Sikaram (FR)

- Note: -
1. Charge report should be submitted to this office in duplicate.
 2. The appointment of the candidate is been made purely on Temporary basis and liable to termination at any time without any notice in case he wish to resign his post he should give one month prior notice forfeit one month pay in lieu thereof.
 3. Health and Age certificate should be produced from Agency Medical Superintendent concerned.
 4. The original qualification date of birth domicile certificate should be checked before handing over the charge.
 5. He should not handover charge of the post if he below 18 or above 35 years.

Agency Education Officer
Kurram Agency, Parachinar.

Endst; No. 670-6/ Edu;/Apptt; Dated Parachinar the 11/04/1998

copy forwarded to the; -

1. Head Teacher, GPS Sikaram (FR).
2. Candidate concerned.
3. AAEO's concerned.
4. Local office Accountant.

Agency Education Officer
Kurram Agency, Parachinar.

B 5

**IN THE COURT OF COMMISSIONER FOR DEFENDANCE
PESHAWAR AND KOHAT DIVISIONS.**

Date of institution.
7.12.2004.

Date of decision.
27.4.2005.

Muhammad Mobin S/O
Lal Din, caste-Jadran R/O
Shafoo Shalozan Tangi of
Kurram Agency.

Appellant.

Versus

1- Eid Rasool S/O Muhammad
Rasool, caste Jadran R/O
Shafoo Shalozan Tangi of
Kurram Agency.

Respondents.

2- The State.

ORDER.

1- This is an appeal against the order dated 16.2.2002 of the Political Agent Kurram whereby the appellant was convicted and sentenced to undergo 10 years RI (two counts) under section 302 and a fine of Rs. 1 lac and further to suffer 5 years RI and a wound money/compensation amounting to Rs.50,000/-.

2- Facts of the case are that the appellant was charged for the double murders of Said Rasool and Muhammad Rasool sons of Ashraf Khan and for attempting on the life of Mst. Toona Gulla. The occurrence took place on 26.02.2000 at about 0900 hrs within the limits of Shafoo, Shalozan Tangi Upper Kurram on account of the dispute between the parties over the construction of a wall. The case was referred to the council of elders for their award/opinion. The council of elders submitted its unanimous award wherein they declared that accused Muhammad Mobin alone is responsible for the commission of the offence and held the accused Muhammad Mobin guilty for the murder of Said Rasool and Muhammad Rasool and for attempt on the life of Mst. Toona Gulla. The Political Agent Kurram passed the impugned order.

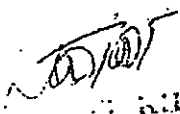
3- Appellant through counsel present. Arguments heard and record of the case examined.

4- The following important infirmities have emerged :-

- i) The punishment that a Political Agent or Assistant Political Agent can award is only 7 years and in consecutive sentences he can only double it. Under section 35 of the Cr.P.C. the total sentence that a Political Agent or Assistant Political Agent can award is only 14 years even if it is for several offences, the total would come down to 14 years only automatically.
- ii) Under section 32 of the Cr.P.C. the Political Agent/Assistant Political Agent is not competent to impose a fine of more than Rs.45000/-.
- iii) Previous sanction of the Commissioner FCR for confirmation of sentence above 7 years has not been obtained.
- iv) The jarga recommends only fine under section 35 and 36 of Turizuna.
- v) The deaths are accidental as per finding of the jarga.
- vi) The jarga members in their findings recommended only a fine of Rs.4,00,000/- as blood money under section 35 & 36 Part-II (Criminal Turizuna).
- vii) The sentence of 5 years awarded in the last part does not mention any section and is rather funny. It is quoted, "for a term of 5 years and to pay wound money as compensation amounting to Rs.50,000/-". He has not indicated the sentence in default of payment of wound money.
- viii) The jarga further held that there was no enmity between the parties in the past and the murder was not intentional but it was accidental.

5- Keeping in view the foregoing discussion and infirmities and as per recommendation of the jarga, the sentence awarded shall run concurrently. The sentence in default of payment of Rs.50,000/- which the Political Agent has not indicated will be 6 months SI. The fine of Rs. 2 lac and 50,000/- if recovered shall be paid to the heirs of the deceased and victim. Appeal is accepted to this extent.

Announced.
27.4.2005.


KILAN AFRIDI
COMMISSIONER FCR
DIVISIONS.)

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IN THE COMMISSIONER FCR DEFUNCT
PESHAWAR AND KOHAT DIVISIONS

Date of Institution
7.12.2004

Date of decision:
27.4.2005

Muhammad Mobin S/o
Lal Din, caste Jadran R/o
Shafoo Shalozan Tangi of
Kurram Agency

Appellant

VERSUS

1. Eid Rasool S/o Muhammad Rasool
Caste Jadran R/o Shafoo Shalozan Tangi of
Kurram Agency
2. The State

Respondents

ORDER

This is an appeal against the order dated 16.02.2002 of the Political Agent Kurram whereby the appellant was convicted and sentenced to go 10 years RI (two counts) U/S 302 and a fine of Rs 1 Lac and further to suffer 5 years RI and a wound money/compensation according to Rs. 50,000/.

2- Facts of the case are that the appellant was charged for the double murders of Said Rasool and Muhammad Rasool S/o Ashraf Khan and for attempting on the life of Mst. Toona Gula. The occurrence took place on 26.02.2000 at 9:00 hrs within the limits of Shafoo Shalozan Tangi Upper Kurram on account of the dispute between the parties over the construction of a wall. The case was referred to the council of elders for their award/opinion. The council of elders submitted its unanimous award wherein they declared the accused Muhammad Mobin alone is responsible for the commission of the offence and held the accused Muhammad Mobin guilty for the murder of Said Rasool and Muhammad Rasool and for attempt of the life of Mst. Toona Gula. The Political Agent Kurram passed the impugned order.

3. Appellant through counsel present. Arguments heard and record of the case examined.
4. The following important informalities have emerged.

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- i). The punishment that a Political Agent or Assistant political Agent can award is only seven years and in consecutive sentences he can only double it. Under Section 35 of the Cr.PC the total sentences that a Political Agent or Assistant Political Agent can award is only 14 years even if it is for several offences, the total would come down to 14 years only automatically.
 - ii). Under Section 32 of the Cr.P.C the Political Agent /Assistant Political Agent is not competent to imposed a fine of more than 45,000/-.
 - iii). Previous sanction of the Commissioner FCR for confirmation of sentence above 7 years has not been obtained.
 - iv). The Jirga recommends only fine Under Section 35 and 36 of Turizana.
 - v). The deaths are accidental as per finding of the Jirga.
 - vi). The Jirga Members in their findings recommended only a fine of 4,00,000/- as blood money under section 35 and 36 Part-II (Criminal Turizona).
 - vii). The sentence of five years awarded in the last part does not mention any section and is further funny. It is quoted "for a term of 5 years and to pay wound money as compensation amounting to Rs. 50,000/-. He has not indicated the sentence in default of payment of wound money.
 - viii). The jarga held that there was no enmity between the parties in the past and the murder was intentional but it was accidental.
5. Keeping in view the foregoing discussion and informalities and as per recommendation of the jarga, the sentence awarded shall run concurrently.

The sentence in default of payment of Rs. 50,000/- which the Political Agent has not indicated will be 6 months SI. The fine of 2 Lac and 50,000/- if recovered shall be paid to the heirs of the deceased and victim. Appeal is accepted to this extent.

Announced

27.4.2005

JALAT KHAN AFRIDI
COMMISSIONER FCR
PESHAWAR & KOHAT
DIVISION

Before the Tribunal FCR

C-7

Revision Petition No.2-09

Muhammad Mubeen Versus Eid Rasool & others.



Judgment

This order is directed to dispose of the Review Petition filed by one Muhammad Mubeen against the previous order of this Tribunal dated 29.07.2006 vide which the order dated 27.04.2005 of Commissioner FCR was set aside.

2. The facts being already discussed earlier are not reproduced here.

3. Arguments heard and record perused.

4. The careful and detail perusal of record with the assistance of counsel for the parties reveal that the irregularities or infirmities as pointed out by the Commissioner FCR in his order dated 27.04.2005 touch the merits of the sentence awarded by PA Kurram in his order dated 16.02.2002 as such this Tribunal is fully convinced that the findings of Commissioner FCR vide his order dated 27.04.2005 hold good and solid legal ground as such this review Petition is accepted and order dated 24.07.2005 of Commissioner FCR is restored.

Announced,
10.02.2009.

[Signature]
14/2/09
Secretary Home,
Member Tribunal, FCR.

[Signature]
10/2/09
Secretary Law,
Member Tribunal FCR.

ATTESTED
READER
FCR-TRIBUNAL

[Signature]

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BEFORE THE TRIBUNAL FCR

Revision Petition No. 2/07

Muhammad Mubeen Versus Eid Rasool & others

Judgment

This order is directed to dispose of the Review Petition by one Muhammad Mobeen against the previous order of this Tribunal dated 29.07.2006 vide which the order dated 27.4.2005 of Commissioner FCR was set aside.

2. The facts being already discussed earlier are not reproduced here.
3. Arguments heard and record perused.
4. The careful and detail perusal of record with the assistance of counsel for the parties reveal that the irregularities or informalities as pointed out by the Commissioner FCR in this order dated 27.04.2005 touch the merits of the sentence by PA Kurram in this order dated 16.02.2002 as such this Tribunal is fully convinced that the findings of Commissioner FCR vide his order dated 27.05.2005 hold good and solid legal ground as such this Review Petition is accepted and order dated 24.07.2005 of Commissioner FCR is restored.

Announced

14.02.2009

Secretary Home

Member Tribunal FCR

Secretary Law

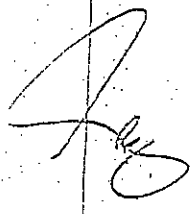
Member Tribunal FCR

PESHAWAR HIGH COURT, PESHAWAR.

FORM 'A'
FORM OF ORDER SHEET

"D" 8

Date of order 1	Order or other proceedings with signature of Judge. 2
14.10.2009.	<p data-bbox="338 386 585 436"><u>JWP No.2172/09.</u></p> <p data-bbox="993 411 1147 461" style="text-align: right;"><i>MuJeen</i></p> <p data-bbox="338 448 1270 498"><i>Present: Salahuddin brother of Muhammad Hussain petitioner.</i></p> <p data-bbox="500 510 1270 660"><i>Mr. Ishtiaq Ibrahim, Addl: A.G. alongwith Mr. Iqbal Ahmad Durrani Standing counsel for the political authorities and Niaz Muhammad, Deputy Superintendent Jail Bannu.</i></p> <p data-bbox="669 660 762 685" style="text-align: center;">*****</p> <p data-bbox="331 735 1270 1009"><u>TARIO PARVEZ KHAN, C.J.</u> Short facts of the case are that a letter addressed to the Chief Justice of this court by the petitioner was converted into human rights writ petition. Notice given to the State and the political authorities.</p> <p data-bbox="323 1034 1270 1532">2. Petitioner was charged for double murder and for causing injuries to a lady and he was convicted and sentenced in a trial held under the FCR. He has challenged his conviction and sentence before the Commissioner (FCR) wherein the sentences on different counts were ordered to run concurrently instead of consecutively which order of the Commissioner (FCR) was maintained by the Tribunal under the FCR.</p> <p data-bbox="315 1557 1270 1981">3. When the Political Agent i.e. trial court was to reissue modified warrant instead of modifying as was awarded initially by the trial court i.e. besides imprisonment petitioner was to pay blood money under 'Riwaj' and in default of payment of blood money to under go two years R.I on each count, the trial court by deleting the word "blood money" has inserted "Diyat amount" to be paid by the</p>



petitioner for murder of the two deceased.

4. Since the convict-petitioner is in District Jail Bannu within our territorial jurisdiction and as he has been directed to pay Diyat amount which could not have been ordered by the trial court because of law as amended, wherein Diyat has been held to be a punishment, has not been extended to FATA and even if extended, Diyat being a punishment greater than blood money could not have been imposed unilaterally that too by a forum which has become functus officio, therefore, we direct the jail authorities that they shall make necessary correction in the jail ticket of the petitioner i.e. the word "Diyat" shall be deemed to stand deleted and in lieu of non-payment of blood money two years R.I shall be reinscribed. Needless to say that all the sentences in lieu of fine or blood money shall run concurrently. This petition stands disposed of accordingly.

sd/
Justice Ranjiv Singh, Chief Justice.
Mazhar Alam Khan, Judge.

Char
No.

9

733

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IN THE HIGH COURT, PESHAWAR

FORM "A"

FORM OF ORDER SHEET

Date of order	Order or other proceedings with signature of Judge
1	2
14.10.2009	<p><u>JWP No. 2172/09</u></p> <p>Present: Salahuddin brother of Muhammad Mubeen Petitioner Mr. Ishtiaq Ibrahim, Addl, A.G alongwith Mr. Iqbal Durrani Standing counsel for the political authorities and Niaz Muhammad, Deputy Superintendent Jail Bannu. *****</p> <p><u>TARIO PARVEZ KHAN CJ</u> Short facts of the case are that a letter addressed to the Chief Justice of this court by the petitioner was converted into human rights Writ Petition. Notice given to the state and the political authorities.</p> <p>2. Petitioner was charged for double murder and for causing injuries lady and he was convicted and sentenced in a trial held under the FCR. He has challenged his conviction and sentence before the Commissioner (FCR) wherein the sentences on different counts were ordered to run concurrently instead of consecutively which order of the Commissioner (FCR) was maintained by the Tribunal under the FCR.</p> <p>3. When the Political Agent i.e trial court was to reissue modified warrant instead of modifying as was awarded initially by the trial court i.e besides imprisonment petitioner was to pay blood money under "Riwaj" and in default of payment of blood money to under go two years R.I on each count, the trial court by deleting the word "blood money" has inserted "Diyat Amount" to be paid by the</p>

petitioner for murder of the two deceased.

4. Since the convict-petitioner is in District Jail Bannu within our territorial jurisdiction and as he has been directed to pay Diyat amount which could not have been ordered by the trial Court because of law as amended, wherein Diyat has been held to be a punishment, has not been extended to FATA and even if extended Diyat being a punishment greater than blood money could not have been imposed unilaterally that too by a forum which has become functus officio, therefore we direct the jail authorities that they shall make necessary correction in the jail ticket of the petitioner i.e the word "Diyat: shall be deemed to stands deleted and in lieu of non-payment of blood money two years R.I shall be reinserted. Needless to say that all the sentences in lieu of fine or blood money shall run concurrently. this petition stands disposed of accordingly.

Sd

Tariq Parvez Chief Justice

Mazhar Alam Khan Judge

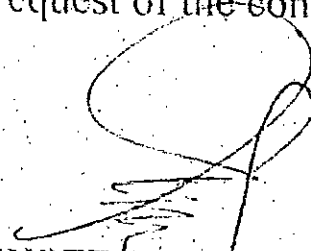
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CERTIFICATE

It is certified that Muhammad Moheem S/o Lal Din
resident of District Hurrgram Vill Sahdeo involved in case FIR No. 26-PNT-1
dated 26-02-2000 U/s 302/307 PPC Police Station 11 FCR
was convicted and sentenced to 10+10+5 by the order
of Magical Agents on 16-02-2002.

The said convict was released from this jail on
30-12-2009, on expiry of his sentence.

The certificate is issued on the personal request of the convict.


SUPERINTENDENT
✓ CENTRAL PRISON BANNU
Superintendent
Central Jail Bannu

محضور غائبہ DEa صاحب کرم انجمنی درم افتدالہ

عنوان در خواست برائے بحالی کروٹیں X-PST

F

11

محمد حسین دلدل لاول دین شلورزن شملی شملی شملی شملی

خدا بخالی

نوڈیانہ گزارش ہے کہ میں X-PST پیسٹ پر تھکا جی پی ایس درم

الین آرگم میں خلوفا الحیام درم تھا۔

PA آرگم نے ایف بی آر کے تحت بغیر کسی فیڈ بک اور بغیر کسی آرگم کے
خواجہ 2/2002 کا کوٹہ قرار دیا۔

میں آئے بعد اللہ میں اپنی ٹنڈی ثابت کرنے میں کامیاب رہا۔
میں PA بنانے میں قبول نہیں کرتا۔

اختلاف خواجہ 2/2002 کو جوئے والی مانی

کسٹڈیاں صاحبانہ گزارش ہے کہ ہاؤسنگ کروٹیں بحالی کے

شلورزن سائن

عین فیڈ بک ہوگی

الکاف

قولہ صرف 11/2010

محمد حسین X-PST

صلوٹ انجمنی



DIRECTORATE OF ELEMENTARY &
SECONDARY EDUCATION KHYBER
PAKHTUNKHWA PESHAWAR

"G" 12

Subject;- INQUIRY REPORT-REGARDING APPEAL IN RESPECT OF MUHAMMAD MOBEEN EX PST DISTRICT KURRAM

The Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar has been pleased to constitute the following committee vide Notification issued under endorsement No. 4858-60 dated 17-05-2020 (**Annexure-I**) to probe into the appeal in respect of the subject Ex PST (**Annexure-II**).

1. Mr. Abdul Manan Deputy Director (F/A) (Merged Areas) Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Mr. Karm-UI Wahab Assistant (Merged Areas) Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

PROCEDURE.

In response to the above cited notification the under signed visited Office of the District Education Officer Kurram on 17-05-2022 and ask the Deputy District Education Officer Kurram for provision of the relevant record pertaining to the subject inquiry, but the District Education Officer concerned has not provided the required record. Later on, the Inquiry Officer once again asked the District Education Officer concerned vide letter No. 13 Dated 17-10-2022, for provision of the following record pertaining to the appeal of Muhammad Mobin Ex PST (**Annexure-III**):-

1. 1st Appointment Order.
2. Last Pay Roll.
3. Service History.
4. Original Service.
5. Any action taken against the Ex PST.
6. Copy of FIR of Political Administration.
7. Notification/Letter regarding release from Jail.
8. Copy of Penalty, if imposed upon the Ex PST.

The Committee also asked the appellant for provision of the following information (**Annexure-IV**):-



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1. 1st Appointment Order.
2. Original Service.
3. Last Pay Roll.
4. CNIC.
5. Copy of FIR of Political Administration.
6. Copy of Penalty, if imposed upon the Ex PST.

In the light our letters the District Education Officer (M) Kurram and appellant jointly provided the following documents/information:-

- i. Copy of 1st Appointment Order.
- ii. Original Service Book.
- iii. Copy of CNIC.
- iv. Copy of the Orders of Commissioner FCR Dated 27-04-2005.
- v. Copy of the Judgment of FCR Tribunal Dated 14-02-2009.
- vi. Copy of the Judgment of Honorable Peshawar High Court, Peshawar.
- vii. Copy of Released Order of Jail Supdt: Bannu.

FACTS OF CASE

1. Muhammad Mobeen Ex PST was appointed by the Agency Education Officer Kurram vide No. 670-06 Dated 11-04-1988 (**Annexure-V**), and took over charge against the post of PST at GPS Sikarom Kurram on 12-04-1988.
2. He served in Education Department as PST since 12-04-1988 to 25-02-2000, as FIR registered against him on 26-02-2000.
3. Neither the appellant nor the District Education Officer (M) Kurram provided the copy of FIR registered against the said Ex PST; however, from the perusal of Commissioner Order Dated 27-04-2005 (**Annexure-VI**), it was observed that he was involved in double murders of Said Rasool and Muhammad Rasool and for causing injuries to a lady. A FIR registered against him under section 302/307 PPC at Police Station 11-FCR vide FIR No. 26 Dated 26-02-2000. The occurrence took place on 26-02-2000 and in the subject case he was convicted and sentenced in a trial held under FCR to undergo 10 years RI (Two count) and fine of Rs, two Lac and further to suffer 5 years RI and a wound money amounting to Rs, 50,000/-
4. The accused Ex PST filed an appeal against the orders of Political Agent dated 16-02-2002, before the Court of Commissioner and the commissioner decided the case vide dated 27-04-2005 (**Annexure-VI**), that the sentence awarded shall run concurrently. The sentence in default of payment of Rs, 50,000, which the Political Agent has not indicated will be 6 Months RI. The fine of Rs, 2, Lac



DIRECTORATE OF ELEMENTARY &
SECONDARY EDUCATION KHYBER
PAKHTUNKHWA PESHAWAR

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- and 50,000/-, if recovered shall be paid to the heirs of the deceased and accept the appeal of the Ex PST.
5. Then Muhammad Mobeen Ex PST filed a review Petition before Tribunal F.C.R. and the Tribunal F.C.R, decided the review petition vide Judgment Dated 14-02-2009 (**Annexure-VII**), that the findings of Commissioner FCR vide his Order dated 27-05-2005 hold good and solid legal ground as such this Review Petition is accepted and order Dated 24-07-2005 of Commissioner FCR is restored, but in the mean while the Honorable Peshawar High Court Peshawar vide judgment No. JWP-2172/2009 has directed the Jail authorities that they shall make necessary correction in the jail ticket of the petitioner i.e. the word "DIYAT" shall be deemed to stands deleted and in lieu of Non payment of blood money two years R. shall be reinserted. Needless to say that all the sentences in lieu of fine or blood Money shall run concurrently. This petition stands disposed of accordingly (**Annex-IX**).
 6. After expiry of the sentenced of the convicted Ex PST, he was released from the Central Prison Bannu on 30-12-2009 (**Annexure-VIII**).
 7. The accused has been convicted w.e.f 16-02-2002 and was released on 30-12-2009.

FINDINGS.

1. That a FIR registered against the Ex PST on 26-02-2000, but the Competent Authority has neither suspended his Services nor any penalty imposed upon him under the rules, However he drawn his salary upto January, 2002.
2. From the perusal of Service Book, it was observed that the District Education Officer concerned has made entry in his transfer from GPS Narai Mela (Shalozan Tangai) to GPS Dargai FR Kurram on 30-11-2001.
3. The District Education Office Kurram has failed for provision of Office Order regarding imposing any penalty upon Muhammad Mobeen Ex PST, however entry has been made in his Service Book as Terminated from the Service vide Agency Education Officer Kurram No. 1937-4 Dated 30-04-2002, but the entry has not attested by any Authority.
4. The accused has been convicted w.e.f 16-02-2002 and was released on 30-12-2009.

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Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer	13		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
				Leave			
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government.		
Period	Government to which debitable						
	30/4/2002 30/4/2002	Terminated from service Terminated from service	ABO ABO			ABO ABO	Terminated from the Service vide ABO O.O. No. 1937-4 dated 30/4/02. Terminated from the Service vide ABO O.O. No. 1937-4 dated 30/4/02.

ABO
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PARA 250:-

**REPORT OF THE COMMITTEE IN R/O M. MUBEEN EX-PST
DISTRICT KURRAM IS SUBMITTED FOR APPROVAL**

Mr. Muhammad Mubeen, Ex-PST was appointed vide No: 670-06 dated: 11/04/1988. He served in Education Department as PST since 12/04/1988 to 25/02/2000. On 26/02/2000 FIR vide No: 26 was registered against him under section 302 CrPC. The then Political Agent Kurram sentenced him 10 years RI (Two Count) and a Fine of Rs. One Lac and further to suffer five years RI and a wound money amounting to Rs. Fifty Thousand on 16/02/2002. He appealed in the Court of Commissioner Kohat on 07/12/2004. This appeal was decided on 27/04/2005. According to the decision the sentence shall run concurrently. The accused then filed Petition No: 2/07 in the FCR Tribunal which was decided on 14/02/2009 and maintained the decision of the Commissioner FCR.

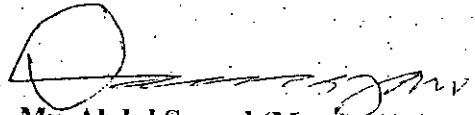
He was released from Bannu Central Jail on 30/12/2009 after completion of his sentence. His conviction period is 16/02/2002 to 30/12/2009.

It is pertinent to mention here that FIR was registered against Muhammad Mubeen on 26/02/2000 but no action was taken against him by the Department. He drew his Salaries upto January 2002. He was transferred from GPS Narai Mela, Shalozan Tangai to GPS Daragai FR-Kurram on 30/11/2001. There is no record in DEO Kurram Office regarding imposing any penalty upon Muhammad Mubeen, Ex-PST. However, entry has been made in his service book as terminated from the service vide No: 1937-40 dated: 30/04/2002 which is not attested by any authority.

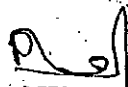
Keeping in view of the above mentioned facts this committee rejects the appeal of Mr. Muhammad Mubeen, Ex-PST on the grounds that he has not been acquitted of the charges of double murder rather he has completed his sentence.



Mr. Wajeh Uddin Ahmad (Member)
Deputy Director (Estab/Male)
Directorate of E&SE KP Peshawar



Mr. Abdul Samad (Member)
Deputy Director (Litigation)
Directorate of E&SE KP Peshawar



Mr. Fazal Wahid (Chairman)
Deputy Director (Estab/Male)
Directorate of E&SE KP Peshawar



NOTIFICATION

"J" 17

WHEREAS, Muhammad Mubeen, Ex PST District Kurram was appointed vide No. 670-06 dated 11-04-1988 and took over charge on 12-04-1988. He served in Education Department as PST in District Kurram w.e.f 12-04-1988 to 25-02-2000.

AND WHEREAS, a FIR was registered against Muhammad Mubeen, Ex PST District Kurram under Section 302 CrPC vide No. 26 dated 26-02-2000.

AND WHEREAS, the then Political Agent, now Deputy Commissioner Kurram, sentenced him for 10 years RI (Two Count) and a Fine of Rs. One Lac and further to suffer five years RI and a wound money amounting to Rs.50000/- (Fifty Thousand) vide dated 16-02-2002.

AND WHEREAS, Muhammad Mubeen, Ex PST District Kurram lodged an appeal before the, Court of Commissioner Kohat vide dated 7-12-2004, which was decided that the sentence awarded shall run concurrently vide Dated 27-04-2005

AND WHEREAS, Muhammad Mubeen, Ex PST District Kurram filed a petition# 2/07 in the FCR Tribunal, which was decided by maintaining the decision of the Court of Commissioner Kohat vide dated 14-02-2009.

AND WHEREAS, Muhammad Mubeen, Ex PST District Kurram lodged an appeal before the Director Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar (Appellate Authority) and Appellate Authority constituted the Appellate Committee vide Notification No, 17463-67 dated 06-03-2023.

AND WHEREAS, the Inquiry Committee submitted its report that although Muhammad Mubeen Ex PST District Kurram has completed his sentence but the Court has not acquitted him of the charges of double murder.

NOW THEREFORE, in the light of above mentioned facts and evidences available on record, the Competent Authority is pleased to reject the appeal in respect of Muhammad Mubeen Ex PST District Kurram.

Director

Elementary and Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 23148-52 /E.No.44/General Appeals of (Male) Teachers.

Dated Peshawar the 16/08/2023

Copy forwarded to the:-

1. District Education Officer (M) Kurram at Parachinar.
2. District Accounts Officer Kurram at Parachinar.
3. Additional Director (Etab) Mergel District Khyber Pakhtunkhwa Peshawar.
4. Ex Teacher concerned.
5. PA to Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.

16/8/2023
Assistant Director (Etab)
Elementary & Secondary Education,
Khyber Pakhtunkhwa Peshawar

Better Copy

DIRECTORATE OF ELEMENTARY
SECONDARY EDUCATION KHYBER
PESHAWAR

NOTIFICATION

AND WHEREAS Muhammad Mubeen, Ex PST District Kurram was appointed vide No.670-06 dated 11-04-1988 and took over charge on 12-4-1988. He served in Education Department as PST in District Kurram w.e.f 12-04-1988 to 25-02-2000.

AND WHEREAS, a FIR was registered against Muhamma Mobeen Ex-PST District Kurram Under Section 302 CRPC vide No 26 dated 26.02.2000.

AND WHEREAS the then Political Agent now Deputy Commissioner Kurram sentenced him for 10 years RI (two Count) and a fine of Rs. One Lac and further to suffer five years RI and a wound money amounting to Rs. 50,000/- Fifty thousands vide dated 16.02.2002.

AND WHEREAS, Muhammad Mubeen Ex-PST District Kurram lodged an appeal before the court of Commissioner Kohat vide dated 7-12-2004, which was decided that the sentence awarded run concurrently vide dated 27.04.2005.

AND WHEREAS, Muhammad Mobeen Ex-PST District kurram filed a petition 2/07 in the FCR Tribunal which was decided by maintaining the decision of the Court of Commissioner Kohat. vide dated 14.02.2009.

AND WHEREAS Muhammad Mobeen Ex-PST District kurram lodged an appeal before the Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar appellate authority and appellate authority constituted the appellate committee vide notification No. 17463-67 dated 06.03.2023.

AND WHEREAS, The Inquiry Committee submitted its report that although Muhammad Mobeen Ex-PST District kurram has completed his sentence but the court has not acquitted him of the charges of the double murders.

NOW THEREFORE: in the light of above mentioned facts and evidences available on record, the Competent Authority is pleased to reject the appeal in respect Muhammad Mubeen EX PST District Kurram.

Director

Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

Endst No. 23148-52/F.NO. 44/General Appeal of (Male) Teachers

dated peshawar the 16/08/2023

Copy forwarded to the:-

1. District Education Officer (M) Kurram at Parachinar.
2. District Account Officer Kurram at Parachinar.
3. Additional Director (Estab) Merge District Khyber Pakhtunkhwa Peshawar.
4. Ex Teacher concerned.
5. PA to director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.

Assistant Director (Estab)

Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar