BEFORE THE CHAIRMAN KPK SERVICE TRIBUNAL, PESHAWAR

Apr cal No: 1489/20

Bilal Fareed

VERSUS

Kircher Pakhtukhwa Lawiee Tribunal

8190

Government of KPK & others.

04/10/23

APPLICATION FOR PLACING OF
ADDITIONAL DOCUMENTS OF THE
APPELLANT/PETITIONER ON THE COURT
FILE.

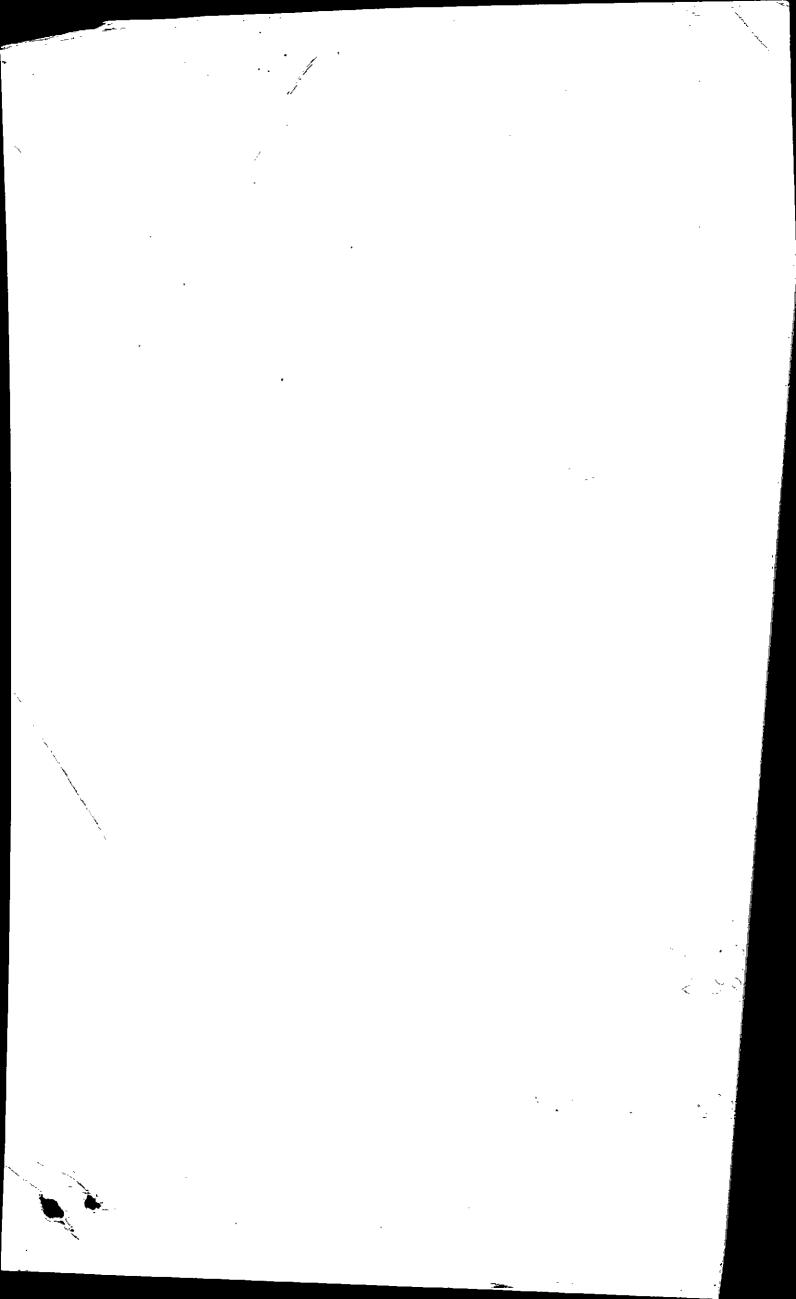
Respectfully Sheweth:

1. That the captioned service appeal of the appellant/
petitioner is pending adjudication before this
Honourable Court and the next date of hearing is
fixed on 25/10/2023.

Civil Nazir Senior Vivil Judge Peshawar

2. That the additional documents i.e. last pay certificate showing the deduction of GP fund, judgment of JM dated 29/09/2019 where in the appellant has been acquitted in criminal case

25-10-23 ababababal



against the appellant/petitioner. Besides, service book, judgment of this Honourable Tribunal in Appeal No. 1229/2015 dated 17/12/2018 as well as other relevant documents which are to be placed on the court file so as to decide the case.

It is therefore, humbly prayed that on acceptance of instant application, additional documents mentioned above may graciously be ordered to be placed on court file.

...APPELLANT/PETITIONER

Dated;	/2023

il Judge

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Through;

(Muhammad Arshad Khan Tanoli) Advocate Supreme Court of Pakistan

&

(Muhammad Ibrahim Khan) Advocate High Court, Abbottabad



Annex - A
P-3

LAST PAY CERTIFICATE

Last pay Certificate in respect of Bilal Fareed (Driver) of daur water Shad Division Abbottabad, he has been paid upto 31/01/2018 on following rates.

		•			
1	Pay	13410/-			
2	House Rent Allowance	1029/-			
3	Medical Allowance	1500/-			
4	Conveyance Allowance	1785/-			
5	Washing Allowance	100/-			
6	ARA-2013	283/-			
7	ARA-2015	209/-			
8	ARA-2016	1078/-	1078/-		
9	ARA-2017	1341/-	1341/-		
	TOATL GROSS PAY	19706/-			
	DEI	DUCTION			
11	G.P Fund	950/-			
2	Benevolent Fund	600/-			
3	Group Insurance	450/-			
	Total Deduction	2000/-			
<u></u>	Net	17706/-			

DIVISIONAL FOREST OFFICER DAUR WATERSHED DIVISION ABBOTTABAD

Colored State

P-M

LAST PAY CERTIFICATE

Last pay Certificate in respect of Bilal Fareed (Driver) of daur water Shad Division Abbottabad, he has been paid upto 30/11/2017 on following rates.

1	Pay	12850/-			
2	House Rent Allowance	1029/-			
3	Medical Allowance	1500/-			
4	Conveyance Allowance	1785/-			
5	Washing Allowance	100/-			
6	ARA-2013	283/-			
7	ARA-2015	209/-			
8	ARA-2016	1078/-			
9	ARA-2017	1285/-			
	TOATL GROSS PAY	19090/-			
	DL:	DUCTION			
1	G.P Fund	950/-			
2	Benevolent Fund	600/-			
3	Group Insurance	450/-			
	Total Deduction	2000/-			
	Net	17090/-			

DIVISIONAL FOREST AFICER DAUR WATERSHED DIVISION ABBOTTABAD

> Civil Nazir Serid vil Judge Peshd van





Prudential Statement

Name: BILAL FARID S/O MUHAMMAD FARID

Address: BAGNOTAR PO BAGNOTAR

Branch Code/Name:

301 Main Branch Abbottabad

Region Name: Abbottabad

Statement of Account

B/F Balance: 0.00

Product Name: NBP - Advance Salary

CiF No:

2794895

Account No: 5147132828

IBAN: PK57NBPA0301005147132828

Your CNIC has expired. Kindly provide a

copy of your new CNIC to the bank at the

earliest

	Fr	om: 01-Jan-15	To: 14-Jan-22					, i
S. No	Date	Particulars	Instno	Memo	Debit	Credit	Principal	Balance
1	08-Feb-18	DISBURSEMENT			330,000.00	0.00	330,000.00	330,000.00
2	08-Mar-18	PAYMENT		08	0.00	8,559.86	3,750.00	326,250.00
3	09-Apr-18	PAYMENT		09	0.00	8,559.69	3,295.00	322,955.00
4	08-May-18	PAYMENT		80	0.00	8,560.41	3,517.00	^{1.} 319,438.00
5	08-Jun-18	PAYMENT		08	0.00	8,559:77	3,405.00	316,033.00
6	09-Jul-18	PAYMENT	•	09	0.00	8,560.31	3,625.00	₁ , 312,408.00
7	08-Aug-18	PAYMENT		08	0.00	8,560.32	3,519.00	308,889.00
8	08-Sep-18	PAYMENT		08	0.00	8,559.54	3,575.00	305,314.00
9	08-Oct-18	PAYMENT		08	0.00	8,559.92	3,792.00	1 301,522.00
10	08-Nov-18	PAYMENT		08	0.00	8,559.66	3,694.00	297,828.00
11	08-Dec-18	PAYMENT	,	08	0.00	8,560.01	3,909.00	293,919.00
12	08-Jan-19	PAYMENT	•	08	0.00	8,559.97	3,817.00	290,102.00
13	08-Feb-19	PAYMENT		80	0.00	8,560.37	3,879.00	286,223.00
14	06-Mar-19	PRIN ONLY PMT	Civi Nazir		0.00	160,000.00	160,000.00	126,223.00
15	08-Mar-19	PAYMENT	Civalinazir	08	0.00	8,560.22	4,555.00	121,668.00
16	08-Apr-19	PAYMENT	Senior Civil Judge	08	0.00	8,560.35	6,597.00	115,071.00
17	13-Apr-19	PRIN ONLY PMT	Peshawar		0.00	90,000.00	90,000.00	25,071.00
18	08-May-19	PAYMENT		08	0.00	8,559.77	7,934.00	17,137.00
19	08-Jun-19	PAYMENT		08	0.00	8,559.54	8,283.00	, 8,854.00
20	27-Jun-19	PAYOFF	•		0.00	8,945.17	8,854.00	0.00
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Total 19 Credit transactions of amount: 395,904.88 Total 1 Debit transactions of amount: 330,000.00

IN THE COURT OF FARMAN ALI KHAN, JUDICIAL MAGISTRATE-III.

Casa No. 210/PO

FIR #333

Dated 29.09.2019.

u/s 3/4 EHO

Date of institution 10.02.2016

Dated of decision: 28.07.2020

State

Versus

Bilal Fareed s/o Muhammad Fareed, caste Karlal, R/o Bagnotr Tehsil & District Abbottabad...... accused.

JUDGMENT 28.07.2020.

Briefly narrated facts of the case are that the complainant Riaz Khan Inspector the then SHO PS Bagnotr allegedly recovered 5 bottles liquor from the possession of the accused at near Rehmat Kianat Mosque within the criminal jurisdiction of PS Bagnotr Abbottabad. SHO/complainant took samples from each recovered bottle and sent these to FSL Peshawar for analysis. At completion of investigation challan was put in court.

During the trial the attendance of the accused named above was procured. Compliance use 241-A Cr.P.C was made. After which formal charge was framed us 3/4 EHO, to which the accused pleaded not guilty and claimed trial. Prosecution was directed to produce evidence.

Prosecution produced as many as 03 witnesses.

PW-01 Saboor Khan the then MHC PS Bagnotr who was the marginal witness of chalking FIR. His statement was recorded but not cross examined although opportunity was given.

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PW-2 Complainant Inspector Riaz Khan, recorded his statement and was duly cross examined. During the days of occurrence, he remained posted as SHO at PS Bagnotr. On 29.09.2019 he alongwith his companies was present in Harno Bazar where he received information regarding the accident near Rehmat Kianat Mosque. On this information he reached on the spot where he found accidental vehicle where matter between two parties have been patched up. During the search of Motor Car No., A-1184 he found the five bottles of liquor. The name of the owner of the vehicle was Bilal Fareed R/o near Old exchange Bagnotr. He separated 5/5 ML from each bottle and sealed the same in parcel No. 5 and remaining sealed into parcel No. 6 on the spot. He prepared recovery memo and took the signature of marginal witness over the recovery memo which is Ex.PW-2/1. He also drafted Murasila and handed over to Constable Ehsan for submission to the PS Murasila is Ex.PW-2/2. He issued card of arrest of the accused which is Ex.PW-2/3. After the expiration of 24 hours he produced the accused before Learned Magistrate through the application which is Ex.PW-2/4. For further physical custody his application was turned down and accused was remanded to Judicial lockup. He also placed STED to be use Goppon file his departure and arrival DD which is Mark-A/1. He also placed on file

submitted complete challan in instant case which is Ex.PW-2/6.

& Session James ment of PWs u/s 161 Cr.P.C. After the completion of investigation, her

FSL report regarding parcel 1 to 5 which is Ex.PW-2/5. He also recorded

He was cross examined

PW-3 Constable Muhammad Ehsan No. 221 then posted as Constable at PS

Bagnotr. Stated on oath that during the days of occurrence he was posted as at

PS Bagnotr. On 29.09.2019 he was present alongwith SHO and other



-ful

companies in Harno Bazar where SHO received information regarding the accident near Rehmat Kainat Mosque on information they reached on the spot where they found accidental vehicle where the matter between the parties have been patched up. During the search of Motor vehicle No. A-1184 found 5 bottles of liquors. The name of owner of vehicle was Bilal Fareed R/o near old exchange Bagnott. SHO separated 5/5 milliliter liquor from each bottles and sealed the same into parcel No. 1 to 5 for FSL analysis and sealed remaining 5 bottles of liquor into parcel No.6 and affixed 3/3 mono grams namely MR on it which is present in court and Ex.P1. SHO prepared recovery memo in his presence and presence of other co-marginal witness namely Baber No. 154. Today he had seen recovery memo which is correct and correctly bears my signature and signature of other co-marginal witness which is already Ex.PW-2/1. After drafting the Murasila SHO handed over me Murasila for safe

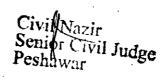
* COPe was cross examined.

Prosecution closed its evidence and abandoned one of the witness namely Buber No. 154 being unnecessary because he was the marginal witness of same fact as Constable Muhamad Ehsan already produced as PW-3.

After closing of prosecution evidence statement of accused u/s 342 Cr.P.C. was recorded. He was given a chance to produce evidence in his defense, to which he declined.

Final arguments of both sides were heard and record perused.5.

Before, discussing the evidence of the case, it is important to mention that it if
no application for sending the samples for FSL present on file. Moreover,



recovery sketch'is also not present on file. There is no independent eye witness of the case present inspite at the time of occurrence there was an accident occurred and many independent people were present there. It is also important to mention that recovery was effected from under the driving seat of accused vehicle but not any kind of documents of ownership of vehicle was taken into possession by complainant por complainant took into possession the driving license of accused Bilal Fareed s/o Muhammad Fareed. The name of marginal witness of occurrence namely Eshan is not mentioned in DD dated: 03.09.2019 available on file. Complainant himself is also investigation officer of the case which is against the provision of law and police order. Moreover, according to FSL report samples of recovered liquor were sent to FSL after 11 days hence, there is a un extend delay of about 11 days in recovery and sending samples for FSL analysis. Road certificate is also not available on file: There is also contradiction in the statement of

ATTESTED to be True Copy complainant and eye witness.

Hence in light of above-mentioned circumstances the prosecution Abbbottsbadfailed to provesits case beyond reasonable doubt. Hence, the accused Bilal Fareed, s/o Muhammad Fareed is hereby acquitted of the charges leveled against them. Sureties stands relived. Case property is hereby confiscated in accordance with law. Case file be consigned to record room after its. necessary completion and compilation.

Announced

28.07.2020

Judicial Magistrate-III Abbottabad.

	Eilal Farra)
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(ii) whether service counts for pension under rule 320 of
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL CAMP COURT, ABBOTTABAD.

Service appeal No. 1229/2016

Date of institution ...

Date of decision

Abdul Waheed S/o Abdur Rehman R/o Village Kuk Mung Tehsil & District Abbottabad. (Appellant)

District Health Officer, Abbottabad and four others.

(Respondents)

Malik Mahmood Akhtar,

Advocate

For appellant.

Mr. Usman Ghani,

District Attorney

For respondents.

MR. HAMID FAROOQ DÜRRANI

MR. AHMAD HASSAN,

MEMBER.

JUDGMENT

HAMID FAROOO DURRANI, CHAIRMAN

The appellant Abdul Waheed was appointed as Besishti-cum-Sweeper against Basic Pay Scale in Health Department vide order No. 17437-40/27-T dated 17.41.1994. it is his claim that during the course of service he was being awarded increments as per law while he was also promoted to BPS-2 by respondent No.4. It was on 14:03:2013, that he was compulsorily retired as a consequence of departmental proceedings, where-after, his papers for pension and other ancillary pension benefits were prepared and sent to respondent No.2. It was, however, on 24.08.2014 that the appellant was denied the pension benefits purportedly under government of N.W.F.P Finance Department No. DIA-1/92-93/FD doted 04.11.1992 on the ground that he was appointed in the year, 1994. therefore, was not entitled for the said benefits.

We have heard learned counsel for the appellant and learned District Auto respondents and have also gone through the available record.

3. It is evident from office order dated 14.03.2013 that the appellant was compulsorily retired with effect from the date of his absence from duty i.e 24.12.2012, however, the pension benefits admissible under the rules were duly allowed to him. We have also gone through the above noted letter from the Finance Department Government of NWFP which preliminary relates to the appointment of specified categories of staff on fixed salaries. It is noted that the Provincial Cabinet had, inter-alia, decided on 21.05.1992 that:-

"Non-education cadre posts in the Education Department such as Chowkidars, Naib Qasids, Malis, Water Career, Sweeper etc. be filled on contract basis".

- Department, the order of appointment of the appellant, the extracts from his service book and the order of his compulsory retirement, one can safely reach the conclusion that the policy of Government as reflected through letter dated 04.11.1992 was although made at the relevant time, however, did not seem to have made applicable in the year 1994 in the case of the appellant. All along his service, the appellant was treated like regular civil servant and was given to understand regarding his entitlement of pension benefits.
- 5. In view of the above, we allow the appeal in hand in terms of prayer contained in its memorandum. Parties are left to bear their respective costs. File be consigned to the record room.

Chairman Camp Court, Abbottabad.

(AHMAD HASSAN) Member

<u>ANNOUNCED</u> 17.12.2018

Certified be fure copy

Khybe Lakhnikhwa
Service Tribunal

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Date of Complexion of Cost. 67

HAMID FAROOQ DÜRRANI)

07/66/22

OFFICE OF THE CHIEF CONSERVATOR OF FORESTS KHYBER PAKHTUNKHWA PESHAWAR

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2.		scriber is requested	to state whether	he desire to make ar	ıy alteration in h	is nomination mad	le under the rules
3.	The subs		to satisfy himsel	f as to the correctnes	ss of the statemer	nt and to bring erro	ors to the notice of

Chief Conservator of Forest 7-7 Central Southern Forest Region-I Khyber Pakhtunkhwa Peshawar DIVISIONAL FOREST OFFICER DAUR WATERSHED DIVISION ABBOTTABAD



Civil Line Forest Offices Abbottabad

□ 0992-93105

LAST PAY CERTIFICATE

Certified that Mr. Bilal Fareed Driver of Daur Watershed Division Abbottabad. He has been paid upto 10/2019 at the following rates:

	Net Paid.	21166
4	RB&DC	450
3	BF	600
2	W/D	-
1	GP Fund - 13810	950
	Deduction	
	Total	23166
11	AR 2019 10%	1397
10	AR 2018 10%	1397
9	AR 2017 10%	1397
8	AR 2016 10%	1078
7	AR 2015 2.5%	209
6	AR 2013 5%	283
5	WA	150
4	CA	1785
3	MA	1500
2	HRA	0
1	Pay	13970

Divisional Forest Officer Daur Watershed Division Abbottabaa Civil Wazir Senid Civil Judge Peshawar

BENEFIT SERVICE CERTIFICATE

(julian)	
Certified that Mr. Bird Fasted	S/O Muhammad Fareed is
permanent employee of and working as since date of superannuation is 60 years. He	8.5.2011. and bit
under:-	is entitled all pension benefits as
Date of joining 8.5.2014	
Date of Birth 19.9.1990	
Date of retirement 18.9,2050	
Last pay drawn R. 134/0-	
Total service 3 year 8 Mon the 23 days	<u>e</u> ,
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OFFICE ORDER NO. 33 DATED ABBOTTABAD THE MR.AZHAR ALI KHAN DIVISIONAL FOREST OFFICER DAUR WATERSHED DIVISION ABBOTTABAD.

Consequent upon his arrival Mr. Bilal Farid Driver in Daur Watershed Division Abbottabad. He is further posted in Havelian Watershed Range with immediate effect in the interest of public service.

Sd/-MR.AZHAR ALI KHAN DIVISIONAL FOREST OFFICER DAUR WATERSHED DIVISION ABBOTTABAD.

Memo. Copy to:-

- The Range Officer Watershed Range Havelian.
- Accountant

3. Personal file. 4-Brilled Farid Driver.

DIVISION DAUR WATERSHED DIVISION

ABBOTTABAD.