

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 1194/2016

Date of Institution ... 14.11.2016

Date of Decision ... 13.04.2018

Mr. Adil Khan (Ex-PSt) BPS-12,
S/o Sher Bahadar Khan r/o Bajaur Agency.

... (Appellant)

VERSUS

1. Secretary (AI & C) FATA Secretariat Peshawar and 5 others.

... (Respondents)

MR. MUHAMMAD ASIF YOUSAFZAI,
Advocate

--- For appellant.

MR. MUHAMMAD JAN,
Deputy District Attorney

--- For respondents.

MR. AHMAD HASSAN,
MR. MUHAMMAD HAMID MUGHAL

--- MEMBER(Executive)
--- MEMBER(Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER.- Arguments of the learned counsel for the parties heard and record perused.

FACTS

2. The brief facts are that the appellant has impugned order dated 02.08.2016 vide which he was awarded major punishment of dismissal from service. He filed departmental appeal on 09.08.2016 which was not responded within the stipulated period, hence, the instant service appeal on 14.11.2016.

ARGUMENTS

3. Learned counsel for the appellant argued that he was serving as PTC in the Education Department since 05.05.1990. After having been falsely implicated in a

murder case through FIR no. 229-30/PNT(U) dated 22.03.2016, he was awarded five years rigorous imprisonment by the court of Political Agent, Bajaur Agency vide order dated 29.04.2016. On the other hand disciplinary proceedings were initiated against him and upon conclusion major penalty of dismissal from service was imposed on him vide impugned order dated 02.08.2016. Feeling aggrieved he filed departmental appeal on 09.08.2016 which was not decided within the stipulated period, hence, the instant service appeal. Impugned order was passed by the incompetent authority, hence, the same is *corum-non-judice*. The competent authority for the appellant is Agency Education Officer. Reliance was placed on case law reported as 2017 SCMR 1249.

4. On the other hand learned Deputy District Attorney argued that impugned order passed by the Political Agent, Bajaur Agency as competent authority was in accordance with law and rules. Before passing this order all codal formalities required under the rules were observed. The departmental appeal filed by the appellant was not available on record.

CONCLUSION

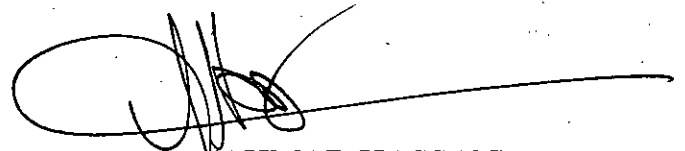
5. Major penalty of dismissal from service was imposed on the appellant vide impugned order dated 02.08.2016, against which he filed departmental appeal on 09.08.2016 which was not responded within stipulated period. According to Appeal Rules the respondents were bound to dispose of his departmental appeal through a speaking order within a period of 90 days but they failed on this account. That as a result of inaction on the part of the respondents, the appellant was deprived of the relief available under the aforementioned rules. We deem it appropriate to remand back the case to the respondents for decision on his departmental appeal. In addition to above, Political Agent is not competent authority for the appellant so the order

passed by him is *corum-non-judice*. Competent authority in this case is Agency Education Officer.

6. As a sequel to above, the case is remitted back to the respondent-department to decide the departmental appeal of the appellant within a period of 60 days after receipt of this judgment. Parties are left to bear their own costs. File be consigned to the record room.



(MUHAMMAD HAMID MUGHAL)
MEMBER




(AHMAD HASSAN)
MEMBER

ANNOUNCED
13.04.2018


13.12.2017


Counsel for the appellant and Addl: AG alongwith Mr. Daud Jan, Supdt for respondents present. No one is present on behalf of respondents no. 3, 4 and 6 nor their written replies submitted despite last opportunity, hence their right of defense is struck of. To come up for rejoinder and final hearing on 13.02.2018 before D.B.


(Ahmad Hassan)
Member (E)

13.02.2018

Appellant in person present. Mr. Usman Ghani, Learned District Attorney alongwith Daud Jan ADO for the respondents present. Appellant submitted rejoinder which is placed on file. Due to general strike of the bar, the case is adjourned. To come up for arguments on 13.04.2018 before D.B


(Ahmad Hassan)
MEMBER


(Muhammad Hamid Mughal)
MEMBER

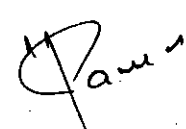
Order

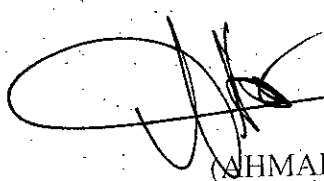
13.04.2018

Counsel for the appellant and Mr. Muhammad Jan, DDA for respondents present. Arguments heard and record perused.

Vide detailed judgment of today of this Tribunal placed on file, the case is remitted back to the respondent-department to decide the departmental appeal of the appellant within a period of 60 days after receipt of this judgment. Parties are left to bear their own cost. File be consigned to the record room.

Announced:
13.04.2018


(MUHAMAMD HAMID MUGHAL)
Member


(AHMAD HASSAN)
Member


16/10/2017

Counsel for the appellant and Mr. Kabirullah Khattak, AAG for respondents present. Mr. Yousof Khan, Advocate present and moved an application for impleadment on behalf of Mr. Zakir Hussain. Written reply on behalf of respondent No. 3,4 and 6 not submitted despite extension of last opportunity. However, on the request of AAG last opportunity is further extended. To come up for written reply/comments and cost of Rs. 2000/- on behalf of respondents No. 3,4 & 6 and also arguments on impleadment application on 16/11/2017 before SB.


(GUL ZEB KHAN)
MEMBER

16.11.2018

Counsel for the appellant present. Mr. Kabir Ullah Khattak, Additional Advocate General for the respondents present. None present on behalf of respondents No. 3, 4 & 6. Written reply not submitted on behalf of respondents No. 3, 4 & 6. Despite in last opportunities. Last opportunity, further extended subject to payment of cost of Rs. 3000/- which shall be borne by respondents from their own pockets. Notice be issued to respondent No. 3, 4 & 6. To come up for written reply/comments and costs of Rs. 3000/- on arguments on impleadment application on 13.12.2017 before S.B.


(Gul Zeb Khan)
Member (E)

12.09.2017

Mr. Muhammad Adeel Butt, Additional AG for the respondents present. Written reply on behalf of respondents not submitted despite last opportunity. Learned Additional AG requested for further adjournment. Another last opportunity granted. Representative of the department is directed to furnish authority letter on or before the next date. Adjourned. To come up for written reply/comments and costs of Rs. 1000/- on 05.10.2017 before S.B.



(Muhammad Hamid Mughal)
Member

05.10.2017

Appellant with counsel present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Daud Jan, Superintendent for the respondents also present. Written reply by respondents No. 2 & 5 has already submitted. Learned Additional AG stated at the bar that respondent No. 1 also rely on the written reply submitted by respondents No. 2 & 5. Written reply on behalf of respondents No. 3, 4 and 6 not submitted despite extension of last opportunity at the cost of Rs. 1000/-. Learned Additional AG requested for further adjournment. Last opportunity is further extended subject to payment of further cost of Rs. 1000/- which shall be borne by the respondents from their own pockets. Adjourned. To come up for written reply/comments and cost of Rs. 2000/- on behalf of respondents No. 3, 4 & 6 on 16.10.2017 before S.B.



(Muhammad Amin Khan Kundi)
Member


05.06.2017

Counsel for the appellant and Addl. AG for respondents present. Written reply not submitted despite last opportunities. Requested for further adjournment. Last opportunity further extended subject to payment of cost of Rs. 1000/- which shall be borne by respondents from their own pockets. To come up for written reply/comments on 18.07.2017 before S.B.


Ahmad Hassan
Member


09. 18.07.2017

Appellant with counsel present. Mr. Muhammad Adeel Butt, Additional AG for the respondent present. Written reply not submitted. Requested for adjournment. Adjourned. Last opportunity granted. To come up for written reply/comments and costs of Rs. 1000/- on 15.08.2017 before S.B.


(Muhammad Hamid Mughal)
Member

15/8/2017

Appellant with counsel present. Mr. Kabirullah, Assistant AG alongwith Farmanullah, Supdt. for the respondents present. Written reply not submitted and representative of the respondents requested for further time. Adjourned. Another last opportunity is granted. To come up for written reply/comments and costs of Rs. 1000/- on 12/9/2017


(GUL ZEB KHAN)
MEMBER

03.04.2017

Counsel for the appellant and Mr. Daud Jan, Supdt. alongwith Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 09.05.2017 before S.B.


Chairman

09.05.2017

Clerk to counsel for the appellant and Mr. Daud Jan, Supdt: alongwith Mr. Muhammad Adeel Butt, Additional AG for the respondents present. Written reply on behalf of respondent No. 1, 3, 4, and 6 not submitted despite another last opportunities. Requested for further adjournment. Another last opportunity is further extended subject to payment of cost of Rs. 500/- which shall be borne by respondents from their own pockets. To come up for written reply/comments and cost on 05.06.2017 before S.B.

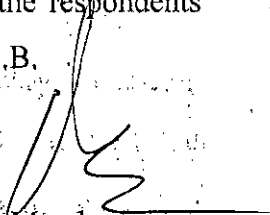

(Muhammad Amin Khan Kundi)
Member

08.12.2016

Counsel for the appellant present. Preliminary arguments heard and case file perused. Through the instant appeal, the appellant has impugned order dated 02.08.2016 vide which the appellant was awarded major punishment of dismissal from service. Against the impugned order appellant filed departmental appeal on 09.08.2016 which was not responded within the statutory period, hence the instant service appeal.

Appellant Deposited
Security Process Fee

Since the appeal is within time and the matter required further consideration of this Tribunal therefore, the same is admitted for regular hearing, subject to deposit of security and process fee within 10 days. Notices be issued to the respondents for written reply/comments for 30.01.2017 before S.B.


Member

30.01.2017

Counsel for appellant and Mr. Daud Jan, Superintendent alongwith Mr. Muhammad Adeel Butt, Additional AG for respondents present. Written reply by respondents not submitted. Learned Additional AG requested for further time for submission of written reply. To come up for written reply/comments positively on 06.03.2017 before S.B.


(ASHFAQUE TAJ)
MEMBER

06.03.2017


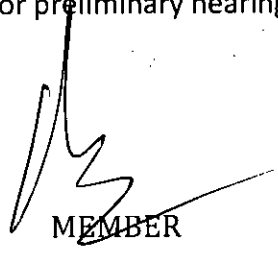
Clerk to counsel for the appellant and Mr. Daud Jan, Superintendent alongwith Addl: AG for respondents present. Written reply not submitted. Requested for adjournment. Request accepted. To come up for written reply/comments on 03.04.2017 before S.B.


(MUHAMMAD AAMIR NAZIR)
MEMBER

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1194/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	02/12/2016	<p>The appeal of Mr. Adil Khan resubmitted today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	6.12.2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>8-12-16</u></p> <p style="text-align: right;"> MEMBER</p>


The appeal of Mr. Adil Khan Ex-PST son of Sher Bahadar Khan r/o Bajaur Agency received today i.e. on 14.11.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1- Copy of application dated 15.7.2016 mentioned in the memo of appeal is not attached with the appeal may be placed on it.

2- Annexure-E of the appeal is illegible which may be replaced by legible/better one.

No. 1909 /S.T,

Dt. 15/11 /2016



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. M.Asif Yousafzai Adv. Pesh.

Respected Sir,

1- Removed.

2- Removed

Resubmitted after compliance


**BEFORE THE KHYBER PAKHTUNKHWAR SERVICE TRIBUNAL
PESHAWAR.**

Appeal No. 1194 /2016

Adil Khan

V/S

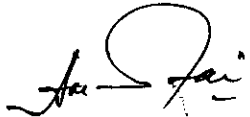
Education Deptt (FATA):
.....



INDEX

S.No	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	01-04
2.	Copy of Appointment Order	-A-	05
3.	Copy of training and course certificates	-B-	06-08
4.	Copy of order dated 29.04.2016 and warrant of commitment	-C & C1-	09-10
5.	Copy of Woola (31.05.2016)	-D-	11-12
6.	Copy of Bail order 30.6.2016	-E-	13-14
7.	Copy of Application dated 04.07.2016	-F-	15-16
8.	Copy of Application dated 15.07.2016	- G -	17
9.	Copy of impugned order 2.8.2016	-H-	18
10.	Copy of Departmental Appeal	-I-	19-20
11.	Vakalat Nama	-----	21

APPELLANT

THROUGH:


(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT.


TAIMUR ALI KHAN
& 
(SYED NOMAN ALI BUKHARI)
ADVOCATES, PESHAWAR

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

Appeal No. 1194 /2016

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1182

Dated 14-11-2016

Mr. Adil Khan (Ex-PST) BPS-12
s/o Sher Bahadar Khan r/o Bajaur Agency.

.....**APPELLANT**

VERSUS

1. Secretary (AI & C) FATA Secretariat, Peshawar.
2. The Director Education (FATA), FATA Secretariat Warsak Road, Peshawar.
3. The Political Agent Bajaur Agency.
4. The Commissioner FCR, Malakand Agency.
5. The Agency Education Officer Bajaur Agency.
6. The Agency Account Officer Bajaur Agency.

.....**RESPONDENTS**

**APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974
AGAINST THE ORDER DATED 02.08.2016
WHEREBY THE APPELLANT WAS DISMISSED
FROM THE SERVICE AND AGAINST NOT
TAKING ACTION ON THE DEPARTMENTAL
APPEAL OF THE APPELLANT WITHIN
STATUTORY PERIOD OF 90 DAYS.**

Filed to-day

Registrar

14/11/16

PRAYER:

**THAT ON ACCEPTANCE OF THIS APPEAL, THE
IMPUGNED ORDER DATED 02.08 .2016 MAY BE SET
ASIDE AND THE APPELLANT MAY BE REINSTATED IN TO
SERVICE WITH ALL BACK AND CONSEQUENTIAL
BENEFITS. ANY OTHER REMEDY, WHICH THIS AUGUST
TRIBUNAL DEEMS FIT AND PROPER THAT MAY ALSO BE
AWARDED IN FAVOUR OF APPELLANT.**

Re-submitted to -day
and filed.

Registrar

جناب ڈائریٹر آف ایجوکیشن ناٹا، ناٹا سٹیٹسٹکس، لیسٹنر ڈسٹرکٹ
درخواست برائے پندرہواں آرٹیکل

1/2

جناب عالی!

سائیل فیل عرضی ارسال ہے۔

یہ کہ سائیل GPS میٹری سول خود میں 1 میں بیٹت
PS=2، PS آ ایسا ڈیوٹی بہایت ایسا نڈاری سے سر انجام
دے رہا تھا۔

یہ کہ سائیل کے اپنے عیادہ جاتی نائل صوبیدار مناسب
کے ساتھ ڈسٹری بیوٹن ہوئی تھی۔

نائل صوبیدار مناسب اور ڈسٹری بیوٹن نائل ڈائری نائل سٹارٹ
میں بیٹوں کو لپکا سے تاک میں بیٹے تھے۔ کہ ایسا نائل لوڈ
اور ڈائریوں سے سہل وارڈ۔ بعد میں فائزنگ شروع کی۔
جس میں میرا جاتی خالوار نو سٹروان عمر باجوڑ لیونز موقع پر
ماتحت ہوا۔ جبکہ نائل صوبیدار مناسب ماہیٹا جا رہے ہیں
آئی کی فائزنگ سے نائل ہوا ہے۔

یہ کہ سائیل دریا دار علاقہ کارڈ میں ایک سیت کے غارہ جہازہ
میں شریک تھا۔ میں واردات کے موقع پر موجود نہیں تھا۔
مجھے نائل مناسب نے جوڑے طور پر ملوث کیا ہے۔ کوئی حیح دیں
گواں موجود ہیں ہے۔

یہ کہ سائیل خالوار نو سٹروان عمر باجوڑ لیونز جوڑ
نائل مناسب اور ڈسٹری بیوٹن نائل ڈائری سٹارٹ کے انحصار
فائزنگ کی حصہ سے نائل ہوا ہے۔ باجوڑ لیونز میں 24 سال
سروس کر گیا تھا۔ مجھے سنا لقعان ہوا۔ سر؟

یہ کہ سائیل کے سٹوڈنٹ میں مختلف لیونز سٹوڈنٹ میں
زیر تعلیم ہے۔ دوسرے طرف نو سٹروان مرحوم کی بیوی
بچے کی کفالت ہی سر کر آیا۔

P.T.O ATTENDED

(2/9)

(25)

یہ کہ سائیل ماکوئی اور ذریعہ معاش نہیں ہے۔

یہ کہ مذکورہ order الے dismiss، غیر قانونی، غیر شرعی،

خلاف آئین ہے، خلاف رنج درواج ہے۔

الذی آ بہ صامیان سے

بہ دروانہ آ سائیل ہے۔

کہ مذہبی order الے dismiss کو فتح کر کے
سرس سرورس خود دوبارہ بحال کرنے کے احکامات
جاری کر دیں۔

عین نوازش ہوگی۔

الموقع 03/08/2016

العائز

اسات تابع فرمان عادل خان بیٹہ شیخ 12=BPS

GPS خود سیرنگل پھیل آ عمال پھیل باجوڑ ایشی

① الے dismiss کا ری لیف ہے،

3.8.16

90 دن انتظار

ندہ

ATTESTED

→

RESPECTFULLY SHEWETH:

Brief facts given rise to the instant appeal are as below:

1. That the appellant was appointed as a PTC post in BPS-7 in Education Department (FATA) vide order dated 05.05.1990 and the appellant had also completed training and courses and the appellant has performed his duties efficiently and up to the entire satisfaction of his superior and to the best of his capabilities. **(Copy of Appointment Order and training and course certificate are attached as Annexure-A & B).**
2. That the appellant was falsely involved in a murder case in F.I.R No. 229-30/PNT (U) dated 22.3.2016, in which appellant's name was also inserted, with malafide intention, the appellant was not present at the time of occurring of accident, there is no eyes witness was present.
3. That the appellant was awarded punishment of 5 years R.I by the court of Muhammad Ali Khan Asstt: Political Agent/ Addl: Magistrate, Khar, Bajur Agency vide order dated 29.4.2016 without referring the matter to JIRGA and warrant of commitment was issued to the Superintendent Central Jail Haripur. **(Copy of the order and warrant of commitment were attached as Annexure-C & C1).**
4. That the situation was brought under control and "woola" for a period of ten month ordered amongst the concerned parties by the Political Agent and Local elders on 31.5.2016. **(Copy of woola is attached as Annexure-D).**
5. That after appellant filed a Bail application which was confirmed by the competent court of Commissioner FCR, Malakand vides order dated 30.6.2016. **(Copy of the court order was attached as Annexure-E).**
6. That the bail was confirmed the appellant filed an application to the APA Khar for releasing the appellant on bail according to the order of the competent court of Commissioner FCR, Malakand but the appellant was not released by the APA Khar. **(Copy of the Application dated 4.7.2016 was attached as Annexure-F).**
7. That the appellant filed an application for not to conduct one sided proceedings against the appellant but despite that one

sided proceeded was conducted without charge sheet, departmental inquiry and final show cause notice, the appellant was dismissed from the service vide order dated 2.8.2016. **(Copy of the Application dated 15.07.2016 & Order are attached as Annexure-G & H).**

8. That the appellant filed departmental appeal dated 09.08.2016 against the impugned order dated 02.08.2016, but no action has been taken on the departmental appeal of the appellant within statutory period of 90 days. Hence the present appeal on the following grounds amongst the others. **(Copy of departmental appeal is attached as Annexure-I).**

GROUND:

- A) That the impugned order dated 02.08.2016 and not taking action on the departmental appeal of the appellant within statutory period of 90 days is against the law, facts, norms of justice and material on record and principle of fair play.
- B) That the impugned order and attitude of respondent department is in sheer violation of Article 4, 10(A), 25 and 38 of the constitution.
- C) That due to impugned order and Harsh View of the respondents department, the appellant and his family has suffered a lot and appellant has also have 26 years' service at his credit.
- D) That the appellant at the time of occurrence of accident, was at funeral ceremony and there is no eye witness to say that the appellant is murderer.
- E) That no chance of personal hearing was provided to the appellant at the time of passing impugned order, which against the law and rules.
- F) That before passing impugned order no codal formalities was fulfilled and no proper procedure was adopted which is the violation of the (E & D) Rules 2011; hence the impugned order is not sustainable, liable to be set aside.

- G) That no proper procedure has been followed before passing the impugned order and even, there is no show cause notice and statement of allegation was issued even no departmental inquiry was conducted thus the proceedings so conducted are defective in the eye of law.
- H) That the appellant's punishment in criminal case has not yet been finalized by superior forum, which means that the appellant is still innocent and as per CSR-194 the respondent Deptt: was required to keep the appellant under suspension.
- I) That the penalty order was issued under 1962 Constitution and not under proper law, so the penalty order is illegal, void-ab-initio, defective and nullity in the eyes of law.
- J) That the appellant was condemned unheard and has not been treated according to law and rules.
- K) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that the appeal of the appellant maybe accepted as prayed for.

APPELLANT *عادل خان*

Adil KHan

THROUGH:

M. Asif Yousafzai
(M. ASIF YOUSAFZAI)

ADVOCATE SUPREME COURT.

& *Taimur Ali Khan*

TAIMUR ALI KHAN

& *Syed Noman Ali Bukhari*

(SYED NOMAN ALI BUKHARI)

ADVOCATES, PESHAWAR

(A) (A) (S)

OFFICE OF THE AGENCY EDUCATION OFFICER BAJAUR AGENCY AT KHAN,
APPOINTMENT.

As recommended by Santer Bajaur Agency Mr. Adil Khan S/O Sher Bahadar Khan of Bajaur Agency is hereby appointed against PTC post in BFS 7 @ Rs. 750/- PM Fixed with usual allowances as admissible under the rules at Govt; Primary School Khurina NO I against Vacant post from the date of his taking over charge in the interest of public service.

Terms/Conditions:-

1. Charge reports should be submitted induplicate to this office.
2. He should produce his health & Age certificate from Agency Surgeon.
- 3/ His appointed purely made on temporary basis and liable to termination without any notice any time.
4. He should produce his original certificate before taking over charge.

Sd/-
(HAJI AQIL JAN KHAN),
Agency Edu; Officer
Bajaur Agency.

Endst; NO 935-38 /A-I/PTC dated 5/5/90.
Copy to the:-

1. Head Teacher concerned.
2. AAO(N) Concerned.
3. Candidate concerned.
4. Accountant of the local office.

Inam /

Ajmal
Agency Edu; Officer
Bajaur Agency.

ATTESTED
[Signature]

DIRECTORATE OF EDUCATION (F.A.T.A) N.W.F.P

IN SERVICE TEACHERS TRAINING 2006.

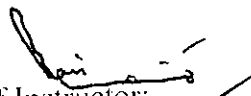



IN SERVICE TEACHERS TRAINING CERTIFICATE:

This Certificate is awarded to

Mr. Adil Khan PTC GPS Khawrina No 1 Bajaur Agency

*For successful completion of Refresher Course for FATA Primary Teachers held on
11th July, 2006 to 25th July, 2006 at Govt. High School Khar Bajaur Agency.*


Chief Instructor:
Razi Hussain Bangash
(A.E.O Bajaur Agency)


Course Incharge
(Dr Abdur Rauf)
(DE FATA, Peshawar)

Prepared By

ATED

7

DIRECTORATE OF EDUCATION F.A.T.A. PESHAWAR.

Refresher Course Certificate

Certified that Mr./Mrs./Miss. Adil Khan S/O Sher Bahadar Khan.

PTC/CT/SET Govt: Primary School Khurina NO I Bajaur Agency.

has participated in the Refresher Course in the subjects of

English, Urdu & Mathematics at Govt; High School Khar Bajaur Agency

From 26.6.2004 To 10.7.2004.

ATTESTED

(Prof: Dr. Abdur Rauf)

Director of Education F.A.T.A.

10/7/2004
Course Coordinator

C.H.S. Khar
Bajaur Agency

DIRECTORATE OF EDUCATION (FATA) N.W.F.P, PESHAWAR.

8

INSERVICE TEACHERS TRAINING



This Certificate is awarded to

Mr. ADIL KHAN P.T.C

*For successful completion of Refresher Course for
T.A.T.A Primary Teachers During Summer Vacations 2005 at Govt. High
School Khar Bajaur Agency. With effect from 4th July to 15th July, 2005.*

[Signature]
Chief Instructor
Razi Hussain Bangash
A.E.O Bajaur Agency

Course Incharge
[Signature]
(Dr. Abdur Rauf)
DE(FATA, Peshawar)

TESTED

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IN THE COURT OF MUHAMMAD ALI KHAN, ASSTT: POLITICAL
AGENT/ ADDL: DISTT: MAGISTRATE, KHAR, BAJAUR AGENCY.

State V/S Adil Khan S/O Sher Bahadar R/O Gardai Manodehrai, Tehsil Utmankhel,
Bajaur Agency.

Charge: U/S 302 PPC/ 11-FCR.

ORDER.

29-04-2016

Accused Adil Khan S/O Sher Bahadar R/O Gardai Manodehrai, Tehsil Utmankhel, Bajaur Agency is reportedly involved in the murder of one Jabir Hussain S/O Manasib Khan of Gardai Manodehrai on main govt: road.

As such, the accused was apprehended and sent to the lock-up Khar, so as to proceed him against per law for the offence and violation of the road sanctity. Since, the initial inquiry conducted by the field staff is totally against the accused, hence, he was directed to deposit fine of violation of the road sanctity, to confess the offence, extend the wooia period/ceasefire and to explain his position regarding committing the offence with valid reasons, however, he failed to do so in the stipulated period, which shows that the atmosphere is still on risk at his hands. Though, he was granted with a respite as well but in vain and still found reluctant.

Consequent upon failure of accused regarding explaining his position in connection with the offence, confession of the offence, showing consent for extension of the ceasefire and deposition of the fine amount, he/ accused was found liable for legal punishment under the law. Accused Adil Khan S/O Sher Bahadar is therefore hereby sentenced to undergo Five years (05) years R.I and order passed accordingly.

Announced:
29-04-2016.

ATTESTED

(Signature)
(Muhammad Ali Khan)
Asstt: Political Agent/
Addl: Distt: Magistrate,
Khar.

10

(6)

IN THE COURT OF MUHAMMAD ALI KHAN, ASSTT: POLITICAL
AGENT/ ADDL: DISTT: MAGISTRATE, KHAR, BAJAUR AGENCY.

No. 2896 /APA/ADM (K)

Dated 29-04-2016.

WARRANT OF COMMITMENT.

To,

The Superintendent,
Central Jail Haripur.

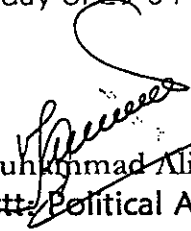
Charge: U/S 302 PPC/ 11-FCR.

Whereas, accused Jihangir Khan S/O Mandamin R/O Gardai Manodehrai, Tehsil Utmankhel, Bajaur Agency produced before me today on 29-04-2016. I examined the case of accused i.e. charges leveled against him and punishment of five years (05) years imprisonment recommended/ sentenced by this court i.e. court of the APA/ADM Khar. During minute perusal of the record, I personally found the recommendations correct and justified in the light of FCR Resultantly, the accused is hereby sentenced to undergo five (05) years R.I.

This is to authorize and require you (the said superintendent) to receive accused Jihangir Khan S/O Mandamin R/O Gardai Manodehrai, Tehsil Utmankhel, Bajaur Agency into your custody together with this warrant and keep him safely in the said Jail for rigorous imprisonment of five (05) years R.I. duly recommended by the court. Upon completion of the punishment, this warrant should be returned with an endorsement certifying the manner of its execution:

Given under my hand and seal of the court this day of 29-04-2016.

ATTESTED


(Muhammad Ali Khan)
Asstt: Political Agent/
Addl: Distt: Magistrate,
Khar.

مولانا مابین فریقین

مورخہ 15/5/16

11
D

فریقین: عادل و بیوقوف۔ عثمان سیران شہزادہ سندن لڑکی مالوڑ ڈھیری آغا خان
اور مناسب خان و جانگیر سیران محمد امین خاں (مورخہ) سندن لڑکی مالوڑ ڈھیری

نمبر مقدمہ ذیل جرگہ مشران نے مقدمہ بالا فریقین کے مابین رواج کے مطابق ایک سالہ
مورخہ میا دیکھا یعنی 17 مورخہ 5/31 سے آئندہ 3/31 تک مولانا
رواج کے مطابق مولانا مشران کا مقدمہ ذیل ہے۔

- (1) دھالی مولانا میں قتل کے صورت میں ایک کروڑ روپیہ پاکستانی جرمانہ ہوگا۔
- (2) زخمی کے صورت میں پچاس لاکھ روپیہ جرمانہ ہوگا۔
- (3) جنت جھنگڑ کے صورت میں پچیس لاکھ روپیہ جرمانہ ہوگا۔
- (4) رواج کے مطابق دھالی مولانا نئی آبادی بنانے پر پابندی ہوگی۔ البتہ پیرانی آبادی
سیران کے صورت میں پیرانہ لڑکی بنانے گا۔ جرگہ مشران کے مشورے کے مطابق
- (5) صوریہ بنانے پر لڑکی پابندی ہوگی۔
- (6) پیرانہ راستے ازاد ہونگے۔
- (7) رات کے وقت فریقین اپنا حفاظت خود کرے
- (8) جرمانہ ثبوت کے بنا پر خلاف ورزی کرنے والے سے وصول کیا جائے گا۔
- (9) فریقین کے مابین مولانا ملک بھر میں نافذ عمل ہوگا۔
- (10) جرمانہ حکومت اور جرگہ مشران مشترکہ طور پر وصول کیا جائے گا۔ اور وصولی کے بعد

ادھال حکومت اور ادھا جرگہ مشران کا ہوگا۔ فقط جرگہ مشران
ان راستے پیدل جانے بند ہوگا۔ جملہ حوثی اور شہر میں ٹریڈیوٹ کے نیچے ازاد ہوگا۔

ال د
عنا سب خان
21107-1715099-9

ال د
شہزادہ
21107-3683815

ال د
فریقین
21107-8388593-3
Attested.
13/5/16
Political Party
Ullain Khar
Bajaur Agency

ATTESTED
P. T. O.

011072446757-5

(12)

دستور برگرد مشران

محمد اکبر قزافی

رسول خان زبیر

راجی محمد

الرحمن

محمد رودن

رزاده

دفعہ صباغہ

محمد اکبر ملوڑ و صبری

نادر خان

شاہد خان

شاہد علی ظفر ملوڑ و صبری

عبدالقادیر

شہناز

حضرت محمد

Attested.

137th. 9.6.2016

Political Naib Tensikar
Uman Khail
Bajaur Agency

E

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~~28/6~~

IN THE COURT OF COMMISSIONER FCR, MALAKAND DIVISION
AT SAIDU SHARIF SWAT.

Case No. 06/B.I/Misc

Date of Institution: 10/06/2016

1. Adil Khan s/o Sher Bahadar Khan r/o Gardai.
2. Yaqob Khan s/o Sher Bahadar Khan r/o Gardai, Mano Dherai Tehsil Bajaur Agency.....Accused/Appellant

Versus

Government through Manasib s/o Muhammad Amin r/o Gardai, Mano Dherai, Bajaur Agency.....Respondent

BAIL APPLICATION OF THE APPELLANT IN THE ABOVE TITLED CASE.

ORDER
30.06.2016

This is a bail application of the above mentioned accused submitted by their counsel Saleem Zada advocate, whereby counsel for the applicants requested this court that the APA, Khar has arrested the above mentioned accused in a criminal case under section 302 PPC, therefore, they may release on bail.

Counsel for the accused explained that there exist an enmity between the parties and during the month of March 2016 the parties exchanged fire, resultantly one member from both the parties died. To normalize the situation the Political Administration and local elders intervened. The situation was brought under control and "Woola" for a period of ten months between the parties were affected. He further stated that as per section 11 of the FCR the lower court is law bound to refer the case within ten days after the arrest of the accused to the council of elders for submission of its findings. But the lower court has not taken any action in this regard and the accused are languishing behind the bars without any reason/crime.

Counsel for the accused has requested that the lower court may be directed to initiate proceedings in the case in light of section 11 of the FCR and as both the parties have suffered one casualty each therefore, as per law and rewaj of the area the parties may be released on bail. Counsel for the accused also submitted authorities in this regard i.e PLD 1990 Supreme Court 959, PLD 2014 Peshawar 108, PLD 2009 Supreme Court 58, 2003 SCMR 107.

ATTESTED

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Arguments advanced by counsel for the accused as para-wise comments received from the APA, Khar. Perusal of the para-wise comments received from APA, Khar reveals that the murder incident has occurred on 22.03.2015 and the accused have already been arrested but no progress in the case has so far been made by the trial court, as section 11 (1) of the FCR is very much clear in this regard. The relevant part says *"The Political Agent or District Coordination Officer, as the case may be, shall appoint the members of the council of elders within ten days from the date of arrest of the accused and shall require the council of elders to submit its findings on the question referred to within ninety days"*. Furthermore applicant No. 01 is a government official and is in charge of the Political Administration but they issued show cause notice to him to attend for his duties which is strange. Record shows that applicant No. 02 is suffering from cancer. During the enemy party the parties have suffered one casualty each and "Woola" have also been affected between the parties and the local elders are making efforts to normalized situation between the parties.

In light of the above facts bail application of the above mentioned accused in the instant case are accepted and the APA, Khar is directed to release the accused from detention after obtaining strong surety bonds from them, preferably surety of the local council of elders who participated in the Woola program. Bail application of the respondent side may also be considered on merit if they desire so.

آمرین پر

The APA is further directed to refer the case to the council of elders constituted with consent of both the parties within ten days as explained in section 11 (1) of the FCR and decide the same within three months' time.

Announced.



ATTESTED

A

IN THE COURT OF COMMISSIONER FCR, MALAKAND DIVISION
AT SAIDU SHARIF SWAT.

Case No. 06/B.I/Misc

Date of Institution: 10/06/2016

1. Adil Khan s/o Sher Bahadar Khan r/o Gardai.
2. Yaqob Khan s/o Sher Bahadar Khan r/o Gardai, Mano Dherai, Tehsil Bajaur Agency.....Accused/Appellant

Versus

Government through Manasib s/o Muhammad Amin r/o Gardai, Mano Dherai, Bajaur Agency.....Respondent

BAIL APPLICATION OF THE APPELLANT IN THE ABOVE TITLED CASE.

ORDER
30.06.2016

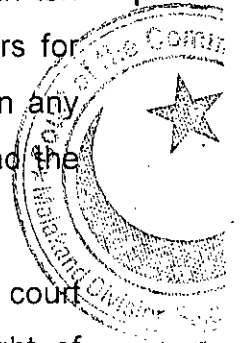
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Attested to be true Copy

Reader to Commissioner,
 Malakand Division,
 Saidu Sharif Swat.



Arguments advanced by counsel for the accused as well as para-wise comments received from the APA, Khar perused. Perusal of the para-wise comments received from APA, Khar reveals that the murder incident has occurred on 22.03.2016 and the accused have already been arrested but no progress in the case has so far been made by the trial court, as section 11 (1) of the FCR is very much clear in this regard. The relevant portion says *"The Political Agent or District Coordination Officer, as the case may be, shall appoint the members of the council of elders within ten days from the date of arrest of the accused and shall require the council of elders to submit its findings on the question referred to within ninety days"*. Furthermore, applicant No. 01 is a government official and is in custody of the Political Administration but they issued show cause notice to him to attend for his duties which is strange. Record reveals that applicant No. 02 is suffering from cancer. During the enmity both the parties have suffered one casualty each and "Woola" have also been affected between the parties and the local elders are making efforts to normalized situation between the parties.

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The APA is further directed to refer the case to the council of elders constituted with consent of both the parties within ten days as explained in section 11 (1) of the FCR and decide the same within three months' time.

Announced.

Attested to be true Copy

Reader to Commissioner,
Wakanda Division,
Saidu Sharif Swat.



Commissioner FCR.

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Court Matter/Immediate



IN THE COURT OF
COMMISSIONER FOR MALAKAND DIVISION
SAIDU SHARIF SWAT

No. 1174-77/07/B.I/Misc
Dated: 04 / 07 / 2016

To,

1. The Assistant Political Agent, Khar, Bajaur Agency.
- ✓ 2. The Assistant Political Agent, Nawagai, Bajaur Agency.

Subject:

1. Adil Khan s/o Sher Bahadar Khan r/o Gardai.
2. Yaqob Khan s/o Sher Bahadar Khan r/o Gardai, Mano Dherai, Tehsil Bajaur Agency..... Accused/Appellant

Versus

Government through Manasib s/o Muhammad Amin r/o Gardai, Mano Dherai, Bajaur Agency..... Respondent.

APPLICATION.

Sir,

I am directed to enclose herewith a copy of an application submitted by counsel for the applicant.

2. I am further to convey that if the applicants fulfill conditions contained in this court order dated 30.06.2016, then they may be released and compliance report may be submitted to this court please.

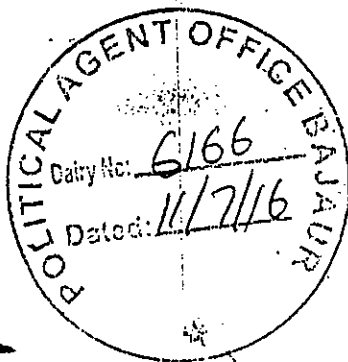
Secretary to Commissioner,
Malakand Division

No. 1178 / 07 / B.I / Misc

Copy forwarded to the Political Agent, Bajaur for information please.

Secretary to Commissioner,
Malakand Division

Handwritten signatures and initials: ROM, J177



No. 4784 / ROM dated 11/07/2016
Copy alongwith application is forwarded to SPA Khar for n/a under intimation to this office please

ATTESTED

Handwritten signature

108

بصالح جناب مکتبہ اعلیٰ ہند، مدائنہ ایشیائیہ، سیدھ شہر۔

عادل خان عثمانیہ نام A.P.A کا

Reader

W

Commission

u-06-016

روزنامہ ایشیائیہ نام A.P.A کے بارے میں معلومات فراہم کیا جائے
تو وہ کل جمعہ 30/6/2016ء کو عدالت کی تصدیق
کے ساتھ ساتھ عدالت پر راجع کیا جائے

جناب عالی! حسب ذیل گزارشت ہے۔

1۔ یہ کہ سالانہ عدالت کیلئے میں نے عدالت اور نوٹس دیکھ کر
تعمیرات کیوں کر وہاں کر کے پورے عدالت کیلئے سالانہ
روزنامہ منظور کر کے سالانہ نوٹس پر راجع کر کے
اطاعت کیا ہے۔ اس کے لئے جمعہ 30/6/16ء کو

میں یہ کہ عدالت کیلئے سالانہ نوٹس فراہم کرنے کے ساتھ ساتھ
کو عدالت میں پیش کرنے کے ساتھ ساتھ اور اس کے لئے
پہلے سے A.P.A کے بارے میں اطلاع دینا ہے۔

میں یہ کہ ان کے بارے میں اطلاع دینا ہے اور اس کے لئے
پہلے سے ان کے بارے میں اطلاع دینا ہے۔ Forward کر رہے

میں یہ کہ ان کے بارے میں اطلاع دینا ہے اور اس کے لئے
پہلے سے ان کے بارے میں اطلاع دینا ہے۔ Working day
کا راجع قانونی اور اس کے لئے اطلاع دینا ہے اور اس کے لئے
پہلے سے ان کے بارے میں اطلاع دینا ہے۔

سزا دینا ہے اور اس کے لئے اطلاع دینا ہے اور اس کے لئے
پہلے سے ان کے بارے میں اطلاع دینا ہے۔

کفورت نائب

~~مجلس~~

1/3



بنا:- معزم جناب APA خاں صاحب باجوڑ
بنا:- معزم جناب APA فاضل صاحب باجوڑ
بنا:- معزم جناب ایڈیشنل پولیٹیکل ایجنٹ باجوڑ
عنوان:- درخواست برائے پھر روانہ آدیل

جناب عالی!

مشورہ بانڈ لٹراسٹس سے کہ 22.3.2016 کو اپنے حجازی اد جاسیوں
سے دشمنی پر دعوتی ہے، جیسی سہرا حجازی عادل خان سپیٹ ٹیمر GPS
قدیمہ بنا۔ پولیٹیکل انتظامیہ کے حوالات میں ہے،
جو کہ کمشنر ملانڈ نے حاضر ضمانت رہ کر نہ لیا گیا ہے،
ضمانت جی پو جی تھی، اور رہ جی جی دسٹ پو جی تھی۔
لیکن تاحال حوالات میں ہے، نیز پولیٹیکل ڈیپارٹمنٹ
میں طعنے حاضر تھا۔ اب حاصبان حوالات میں
نیز پولیٹیکل ڈیپارٹمنٹ کر سکتے ہیں۔

[Handwritten signature]

[Handwritten signature]
APPA
15/7/16
اعاضہ

لکھند استدعا کی جاتی ہے، کہ حوالات سے
کھلتے وقت اس کے خلاف یکطرفہ کارروائی نہ کی جائے۔

ایضاً تابع فرمان عمران خان سکندر مدنی
کاری برائے ضروری کارروائی ضروری اطلاع :- المرفوع 15-07-2016

میزان: کمشنر ملانڈ، لیفٹننٹ سید شریف سوات
بنا:- رجسٹرار ناٹا ٹریبونل بساہ
بنا:- سیکریٹری سوشل سیکرٹری ناٹا، ناٹا سیکریٹری بساہ

ATTESTED
[Handwritten signature]

H" 18
OFFICE OF THE POLITICAL AGENT, BAJAUR.

No. 5341 /EC

Dated Khar the 2/08/2016.

OFFICE ORDER.

1. WHEREAS; the accused Adil Khan PST BPS-12 GPS Khawrina No. 2 Tehsil Utmankhel s/o Sher Bahadar was charged in the murder of one Jabir Hussain s/o Manasib Khan r/o Gardai Manodehrai Teshil Utmankhel on main Govt: Road vide FIR No. 229-30/PNT (U) dated 22/03/2016.
2. AND WHEREAS; the accused Adil Khan s/o Sher Bahadar was sentenced to undergo Five years regouious by imprisonment in the court of Assistant Political Agent/Additional District Magistrate, Khar vide order dated 29/04/2016.
3. AND WHEREAS; the accused Adil Khan has been sent to Central Jail, Haripur vide order No. 2897/ADM/APA (K) dated 29/04/2016 by the Assistant Political Agent, Additional District Magistrate, Khar.
4. AND WHEREAS; Estacode volume I-II S.No. 158 (V) and S.No. 160 provides that all Govt: Servants convicted of a criminal charge involving moral turpitude should be dismissed from Government Service. For this purpose, Government servants (Efficiency and Discipline) Rules, 1973 (SI:No. 85) provide for dispensation for the normal disciplinary procedure.

NOW THEREFORE, I Engineer Aamir Khattak the Political Agent, Bajaur Agency being competent Authority by vieving of the formal proceeding hereby impose major penalty of removal from service upon the accused Adil Khan PST, BPS-12 as provided vide Article 181 (2) proviso (a) Rule 55 of the Civil Services Rules [Article 177 (I) (b) of the 1962 constitution and the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, and dismiss him from service with immediate effect in the public interest.

POLITICAL AGENT, BAJAUR.

Dated Khar the 2/08/2016.

No. 5342-49 /EC

Copy forwarded to the:-

1. PS to Additional Chief Secretary FATA, FATA Secretariat Warsak Road, Peshawar.
2. PS to Secretary (AI & C) FATA Secretariat, Peshawar.
3. The Director Education FATA FATA Secretariat Warsak Road, Peshawar.
4. The Commandant Bajaur Scouts at Khar.
5. Additional Political Agent, Bajaur for information with reference to above.
6. Agency Accounts Officer, Bajaur.
7. The Agency Education Officer, Bajaur.
8. Officials concerned.

POLITICAL AGENT, BAJAUR.

ATTESTED

VAKALAT NAMA

NO. _____/20

IN THE COURT OF Service Tribunal, Peshawar.

Adil Khan S/o Sher Bahadr Khan (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

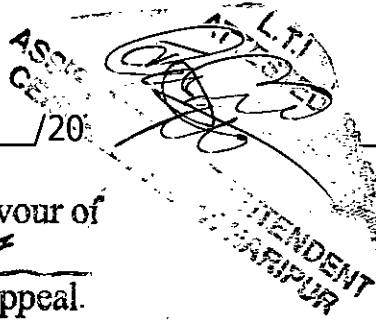
A.C.S FATA etc (Respondent)
(Defendant)

I/We, Adil Khan (Appellant).

Do hereby appoint and constitute **M. Asif Yousafzai, Advocate Supreme Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20



(Handwritten signature and stamp)
(CLIENT)

Handwritten notes

28 ¹⁰/₁₆ Power of attorney attested in favour of
Mr Asif Yousafzai
Advocate for the purpose of appeal.

(Signature)
Superintendent
Central Prison Haripur

ACCEPTED
(Signature)
M. ASIF YOUSAFZAI
Advocate Supreme Court
Peshawar.

OFFICE:

Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar
Cell: (0333-9103240)

BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No: 1194/2016

Mr. Adil Khan Ex-PST BPS-12 GPS Kawerina No:2 ehsil Utmankhel Bajaur

Agency.....Appellant.

VERSUS

1. Secretary (AI&C) FATA Secretariat Peshawar.
2. Director Education FATA Secretariat Peshawar.
3. The Political Agent Bajaur Agency.
4. The Commissioner FCR, Malakand Agency.
5. The Agency Education Officer Bajaur Agency.
6. The Agency Account Officer Bajaur Agency..... Respondents.

Para-wise comments on behalf of respondent No:2 & 5

Respectfully Sheweth:

Preliminary Objections

1. That the appellant has got no cause of action to file the instant appeal.
2. That the appellant has not come to this Honourable Tribunal with clean hands.
3. That the appellant has concealed material facts from this Honourable Tribunal.
4. That the appellant is estopped by his own conduct to bring the present appeal.
5. That the appeal is bad due to mis-joinder and non-joinder of necessary parties.
6. That the instant appeal is not maintainable in devoid of merits.

On Facts:

1. No comments. Pertains to record.
2. No comments. Relates to Respondent No.3.
3. No comments. Relates to Respondent No.3.
4. No comments. Relates to Respondent No.3.
5. No comments. Relates to Respondent No.4.
6. Incorrect. In this regard an office order has been issued vide No. 5342-49 dtaed 02/08/2015 by the Political Agent Bajaur being Competent Authority has terminated the service of the appellant in accordance with law and rules, copy of the same notification is attached as (Annexure-A).
7. Incorrect. The services of the appellant has been terminated after fulfillment of all codal formalities as the appellant was involved in a murder case reported by Naib Tehsildar Political, copy of the report is attached as (Annexure-B).
8. Incorrect. The departmental appeal of the appellant is not available on the record of the respondent. However reply on grounds are as under:

Grounds:

- A. Incorrect. No action has been taken by the Competent Authority which is against law & rules. The services of the appellant has been terminated by the respondents in accordance with law & rules and in the interest of Public as no one is allowed to violate the Government rules.
- B. Incorrect. In this regard the notification of the termination order Para-4 is self explanatory, copy attached for ready reference.

- C. Incorrect. No comments, hence denied.
- D. Incorrect. In this connection its is submitted for the kind information of the Honorable Service Tribunal that a detail report has been sent by Political Naib Tehsildar to the Assistant Political Agent Bajaur. According to the report the Naib Tehsildar stated that 1st firing has been done by the appellant, copy of the same report is attached for ready reference.
- E. Incorrect. In this regard the copy of Assistant Political Agent/Additional District Magistrate Order dated 29/04/2016 is attached for ready reference as (Annexure-C).
- F. Incorrect. After observing of all codal formalities the service of the appellant has been terminated by the Political Agent being Competent Authority for the post.
- G. Incorrect. As explained in Para- F above.
- H. Incorrect. As the appellant was involved in criminal case therefore according to rules he is not entitle to any benefits.
- I. Incorrect. The appellant has been punished/sentence by the Assistant Political Agent under the law for a period of 5 years after thoroughly examination of the whole case and has been treated according to law & rules.
- J. Respondents are also seeks permission to advance other grounds and proofs at the time of arguments.

In the light of above facts it is humbly prayed that the appeal in hand may very kindly be dismissed.

Respondent No.2


Director Education FATA

Respondent No. 5


Agency Education Officer
Bajaur Agency

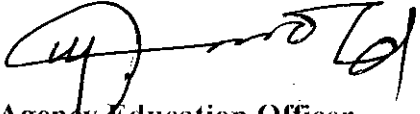
AFFIDAVIT

We the above respondents do hereby declare and affirm that the above comments are true and correct to the best of our Knowledge and belief that nothing has been concealed from this Honorable Tribunal.

Respondent NO. 2


Director Education FATA

Respondent NO. 5


Agency Education Officer
Bajaur Agency

OFFICE OF THE POLITICAL AGENT, BAJAUR.

No. 5341 /EC

Dated Khar the 2/08/2016.

OFFICE ORDER.

1. WHEREAS; the accused Adil Khan PST BPS-12 GPS Khawrina No. 2 Tehsil Utmankhel s/o Sher Bahadar was charged in the murder of one Jabir Hussain s/o Manasib Khan r/o Gardai Manodehrai Teshil Utmankhel on main Govt: Road vide FIR No. 229-30/PNT (U) dated 22/03/2016.
2. AND WHEREAS; the accused Adil Khan s/o Sher Bahadar was sentenced to undergo Five years regouious by imprisonment in the court of Assistant Political Agent/Additional District Magistrate, Khar vide order dated 29/04/2016
3. AND WHEREAS; the accused Adil Khan has been sent to Central Jail, Haripur vide order No. 2897/ADM/APA (K) dated 29/04/2016 by the Assistant Political Agent, Additional District Magistrate, Khar.
4. AND WHEREAS; Estacode volume I-II S.No. 158 (V) and S.No. 160 provides that all Govt: Servants convicted of a criminal charge involving moral turpitude should be dismissed from Government Service. For this purpose, Government servants (Efficiency and Discipline) Rules, 1973 (St:No. 85) provide for dispensation for the normal disciplinary procedure.

NOW THEREFORE, I Engineer Aamir Khattak the Political Agent, Bajaur Agency being competent Authority by vieving of the formal proceeding hereby impose major penalty of removal from service upon the accused Adil Khan PST, BPS-12 as provided vide Article 181 (2) proviso (a) Rule 55 of the Civil Services Rules [Article 177 (I) (b) of the 1962 constitution and the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, and dismiss him from service with immediate effect in the public interest.

POLITICAL AGENT, BAJAUR.

Dated Khar the 2/08/2016.

No. 5342-49 /EC

Copy forwarded to the:-

1. PS to Additional Chief Secretary FATA, FATA Secretariat Warsak Road, Peshawar.
2. PS to Secretary (AI & C) FATA Secretariat, Peshawar.
3. The Director Education FATA FATA Secretariat Warsak Road, Peshawar.
4. The Commandant Bajaur Scouts at Khar.
5. Additional Political Agent, Bajaur for information with reference to above.
6. Agency Accounts Officer, Bajaur.
7. The Agency Education Officer, Bajaur.
8. Officials concerned.

POLITICAL AGENT, BAJAUR.

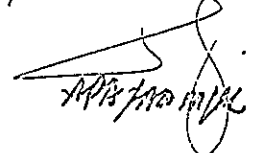
منجانب پولیٹکل نائٹ تحصیلدار اتمان خیل
بجانب جانب اسسٹنٹ پولیٹکل ایجنٹ صاحب خاں
جناب عالی!

بحوالہ نمبر 2422 اے پی اے خاں مورخہ 10-4-2016

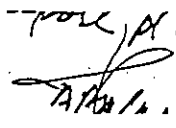
معروض خدمت ہوں۔ کہ فریقین شیربہادر خان و مناسب خان ساکنان گردنی کے مابین مورخہ 22-03-2016 پر جھگڑہ ہوا۔ جھگڑہ کے دوران پہلے فریقین کے بیٹوں مسمیان نوشیروان ، عادل ، عمران اور جابر ، شاکر اللہ ، ذاکر اللہ، جہانگیر نے ایک دوسرے کو تینوں پتھروں سے مارنا شروع کیا۔ جبکہ بعد میں ایک دوسرے پر فائرنگ شروع کی۔ فائرنگ کی پہل عادل ولد شیربہادر نے کی جس سے جابر ولد مناسب خان شدید زخمی ہوکر بعد میں جان بحق ہوا۔ جبکہ فریق دوم نے جوابی فائرنگ کرکے جس سے نوشیروان شدید زخمی ہوکر بعد میں جان بحق ہوا۔

زیر دستخطی ہمراہ لیوی نفری موقعہ پر چند منٹ کے اندر پہنچ گئے۔ اور دونوں زخمی افراد کو فوری طور ہسپتال منتقل کیے گئے۔ دونوں زخمی افراد کے فونگی کی اطلاع تقریباً ایک گنپتہ بعد موصول ہوئی۔ چونکہ فریقین کے مابین مکانات ایک دوسرے کی قریب ہونے کیوجہ سے مزید نقصان کا اندیشہ تھا۔ بدیں وجہ فریقین کے مکانات پر لیوی نفری ڈال دیا گیا۔ تاکہ مزید نقصان نہ ہو۔ اس روز مغرب کے بعد جرگہ مشران کے کوششوں سے فریقین کے مابین ایک ماہ کا اولہ عمل میں لایا گیا۔
- مزید گزارش ہے۔ کہ مذکورہ اولہ جو کہ مورخہ 22-04-2016 کو ختم ہونے والا ہے اور فریقین سے دو (2) دو (2) افراد خار جیل میں مقید ہے۔ لیڈا تجویز ہے۔
(1) کہ مقید افراد کو اُس وقت تک رہا نہ کیا جائے۔ جب تک فریقین اولہ میں مزید توسیع نہ کریں۔ (2) مقید افراد کو اُس وقت تک رہا نہ کیا جائے۔ جب تک فریقین سے قانون اور رواج کے مطابق روڈ جرمانہ وصول نہ ہو۔ (3) مقتولین دونوں زیر دستخطی نے روڈ کے کنارے سے اٹھائے ہیں۔ بدیں وجہ فریقین روڈ جرمانہ کے زمرے میں آتے ہیں۔ بدیں وجہ فریقین سے روڈ جرمانہ قانون اور رواج کے مطابق وصول کرنا قرین انصاف ہے۔

لیڈا رپورٹ بمراد ملاحظہ مناسب کارروائی ارسال خدمت ہے۔
پولیٹکل نائٹ تحصیلدار
اتمان خیل۔

Reader
pus up letter to PA(B)


254
Date 15/5/16
PA(B)



"C" (11) (117)

IN THE COURT OF MUHAMMAD ALI KHAN, ASSTT: POLITICAL
AGENT/ ADDL: DISTT: MAGISTRATE, KHAR, BAJAUR AGENCY.

State V/S Adil Khan S/O Sher Bahadar R/O Gardai Manodehrai, Tehsil Utmankhel,
Bajaur Agency.

Charge: U/S 302 PPC/ 11-FCR.

ORDER.

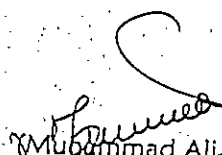
29-04-2016

Accused Adil Khan S/O Sher Bahadar R/O Gardai Manodehrai, Tehsil Utmankhel, Bajaur Agency is reportedly involved in the murder of one Jabir Hussain S/O Manasib Khan of Gardai Manodehrai on main govt: road.

As such, the accused was apprehended and sent to the lock-up Khar, so as to proceed him against per law for the offence and violation of the road sanctity. Since, the initial inquiry conducted by the field staff is totally against the accused, hence, he was directed to deposit fine of violation of the road sanctity, to confess the offence, extend the woola period/ceasefire and to explain his position regarding committing the offence with valid reasons, however, he failed to do so in the stipulated period, which shows that the atmosphere is still on risk at his hands. Though, he was granted with a respite as well but in vain and still found reluctant.

Consequent upon failure of accused regarding explaining his position in connection with the offence, confession of the offence, showing consent for extension of the ceasefire and deposition of the fine amount, he/ accused was found liable for legal punishment under the law. Accused Adil Khan S/O Sher Bahadar is therefore hereby sentenced to undergo Five years (05) years R.I and order passed accordingly.

Announced:
29-04-2016.


(Muhammad Ali Khan)
Asstt: Political Agent/
Addl: Distt: Magistrate,
Khar.