

FORM OF ORDER SHEET

Court of _____

Appeal No. 16/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	01/01/2024	<p>The appeal of Mr. Habib ul Nabi resubmitted today by Mr. Qaisar Ali Advocate. It is fixed for preliminary hearing before touring Single Bench at Swat on _____.</p> <p>By the order of Chairman</p> <p>REGISTRAR</p>

The appeal of Mr. Habib ul Nabi received today i.e on 14.12.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Affidavit has not been attested by the Oath Commissioner.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Check list is not attached with the appeal.
- 4- Address of the appellant is incomplete be completed according to rule-6 of the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 5- The law under which appeal is filed is not mentioned.
- 6- Page Nos. 6 to 8 of the appeal are illegible be replaced by legible/better one.

No. 3888 /S.T,

Dt. 15/12 /2023.



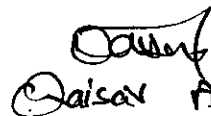
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Qaiser Ali Adv.
High Court Buner.

Note

Respected sir,

The above mentioned
objections has been
clear.


Qaiser Ali Advocate

01-01-2024.

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTOONKHWA
PESHAWAR

Service Appeal No.....16.....2023/

Habib Ul Nabi S/O Said Muhammad SPST, R/O Village Pirbaba, Tehsil
Daggar, District Buner.(Appellant)

VERSES

1. District Education officer (M) Buner .
2. Director E & SE khyber pukhtoonkhwa at Peshawar.
3. Govt of khyber pukhtoonkhwa through secretary E & SE
khyberpukhtoonkhwa at Peshawar.....(Respondents)

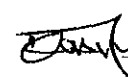
Index

S NO	Description of documents	Annextures	Pages
1	Service appeal		1, 2, 3
2	Affidavit		4
3	Addresses of parties		5
4	Copy of inquiry report	"A"	6, 7, 8
5	Copy of show cause notice and reply	B&C	9, 10
6	Impugned demotion order dated 22/07/2023	D	11
7	departmental appeal dated 19/08/2023 through proper channel along with courier service receipt Dated 19-08-2023	E&F	12, 13, 14
9	Wakalat nama		15

Dated:


Appellant

Through





QAISAR ALI AND MUHAMMAD ALI

Advocates, Office District Court Buner

CELL No 0332-9701518.

17

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTOONKHWA
PESHAWAR

Service Appeal No...../16.....2023/

Habib Ul Nabi S/O Said Muhammad SPST, R/O Village Pirbaba, Tehsil
Daggar, District Buner.(Appellant)

VERSES

1. District Education officer (M) Buner .
2. Director E & SE khyber pukhtoonkhwa at Peshawar.
3. Govt of khyber pukhtoonkhwa through secretary E & SE
khyberpukhtoonkhwa at Peshawar.....(Respondents)

**SERVICE APPEAL AGAINST THE IMPUGNED ORDER DATED
22/07/2023, WHEREBY THE RESPONDENT NO 1 DEMOTED THE APPELLANT
TO LOWER POST I.E FROM BPS-14 TO BPS-12 ON THE BASIS OF INQUIRY
CONDUCTED THROUGH NOTIFICATION NO . 2465-69 DATED 24-05-2023.
THE DEPARTMENTAL APPEAL THE APPELLANT IS STILL PENDING AND WAS
NOT DECIDED WITHIN THE STATUTORY PERIOD.**

The appellant submits as follows:

1. That the appellant is serving as senior primary school teacher (hereinafter called as SPST) and was serving department with full zeal and zest to the entire satisfaction at his superiors.
2. That without any show cause notice and statement of allegations an inquiry was initiated against the appellant on the false and factious grounds of his taken part in the 9 -may-2023 protests (Copy of inquiry report is attached as annexure A).
3. That after inquiry the respondent no.1 give show cause notice No.2845-48 dated 03-06-2023 to the appellant and appellant in his reply dated 26-06-2023 totally denied the allegations level against him . (Copy of show cause notice and reply are attached as annexure B&C).
4. That after reply of show cause notice the respondent no.1 vide his order no.3418-24 dated 22-07-2023 without final show cause notice, facts finding inquiry and without personal hearing imposed major penalty and demoted appellant to lower post i.e BPS-14 to BPS-12.(Copy of impugned order of demotion dated 22/07/2023 attached as annexure D).

5. That after impugned order of respondent no.1 the appellant preferred departmental appeal through proper channel but No heed have been paid to the same till the expiry of the statutory period.(Copy of departmental appeal dated 19/08/2023 through proper channel along with courier service receipt dated 19-08-2023 attached as annexure, E & F).
6. That the impugned demotion order is liable to be set aside and the appellant need to be re-instated / restore in his own scale i.e BPS-14 with all back benefits on the following grounds inter alia.

Grounds:

- A. That the impugned demotion order from BPS-14 to BPS-12 of the appellant dated 22/07/2023 was solely based on suspicion and on mala-fide intention, hence need to be set aside.
- B. That the impugned order dated 22-07-2023 is against law, rolls and natural justice.
- C. That the appellant was serving the department with full zeal and zest to the entire satisfaction of his superiors and no complained have been made by any one against him, but he was falsely demoted just on basis of suspicion .
- D. That the respondent No 1 and 2 has totally ignored the law and rules applicable to the subject matter and was penalized the appellant which actions and inactions are not in consonance with the law and natural justice.
- E. That no charge sheet and statement of allegation were issued to the appellant. More over neither any opportunity of personal hearing was given to him and as per inquiry report the appellant was declare innocent and during inquiry no soled evidence was produced by agencies against the appellant the impugned demoted order and the allegation against appellant is illegal and unwarranted under the law.
- F. That the action and inactions of the respondents are violative of the Khyber pukhtoonkhwa Govt servant efficiency and discipline rules 2011 read with amended rules 2021 and constitution of Islamic republic of Pakistan.
- G. That no fact finding inquiry has been conducted and no final show cause notice has been given to the appellant hence roll of audi.alterm partem has grossly been violated.

H. That a hasty and arbitrary proceedings were initiated and conducted against the appellant which is a classic example of the Maxim "justice hurried is a justice buried".

I. That the appellant seeks the permission of this worthy tribunal to relay on additional grounds at the time of arguments.

Prayer:

It is therefore kindly prayed that, on acceptance of this appeal the impugned order dated 22/07/2023 of the respondent No 1 may kindly be set aside and the appellant may kindly be re-instated / restore in BPS-14 with all back benefits.

Any other relief not specifically prayed for and which this worthy tribunal deem fit and appropriate in the facts and circumstances of the instant case may also kindly be granted for the end of justice.

Dated:



APPELLANT

THROUGH



QAISAR ALI & MUHAMMAD ALI

ADVOCATES DISTRICT BUNER

CELL NO 0332-9701518.

4

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTOONKHWA
PESHAWAR

Service Appeal No.....2023

Habib Ul Nabi S/O Said Muhammad SPST, R/O Village Pirbaba, Tehsil
Daggar, District Buner.(Appellant)

VERSES

1. District Education officer (M) Buner .
2. Director E & SE khyber pukhtoonkhwa at Peshawar.
3. Govt of khyber pukhtoonkhwa through secretary E & SE
khyberpukhtoonkhwa at Peshawar.....(Respondents)

AFFIDIVET

I , Habib Ul Nabi S/O Said Muhammad SPST, R/O Village Pirbaba, Tehsil
Daggar, District Buner,

do hereby solemnly affirm and declare on oath that the contents of the instant
service appeal is correct to the best of my knowledge and belief & nothing has
been concealed from this worthy tribunal.

Deponent



Habib Ul Nabi

CNIC NO:15101-75468125-3

(5)

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTOONKHWA
PESHAWAR

Service Appeal No.....2023

Habib Ul Nabi S/O Said Muhammad SPST, R/O Village Pirbaba, Tehsil
Daggar, District Buner.(Appellant)

VERSES

1. District Education officer (M) Buner .
2. Director E & SE khyber pukhtoonkhwa at Peshawar.
3. Govt of khyber pukhtoonkhwa through secretary E & SE
khyberpukhtoonkhwa at Peshawar.....(Respondents)

Addresses of parties

PETITIONER

Habib Ul Nabi S/O Said Muhammad SPST, R/O Village Pirbaba, Tehsil
Daggar, District Buner

RESPONDANTS

1. District Education officer (M) Buner .
2. Director E & SE khyber pukhtoonkhwa at Peshawar.
3. Govt of khyber pukhtoonkhwa through secretary E & SE
khyberpukhtoonkhwa at Peshawar Appellant


Appellant

Through

 
QAISAR ALI AND MUHAMMAD ALI

Advocates, Office District Court Buner

CELL No 0332-9701518.

①

(6)

Annex (A)

To

THE DISTRICT OFFICER EDUCATION OFFICER (M)

BUNER

Subject: INQUIRY REGARDING NOTIFICATION NUMBER 2465-69 DATED 24/05/2023 IN RESPECT OF NOMINATED EMPLOYEES REPORTEDLY TOOK PART IN 9TH MAY, PROTEST AT DAGGAR .

MEMO:

Reference subject cited above the committee under the chairmanship of Mr: Dilawar Khan Principal BS 20 GCMHS Daggar Buner (Chairman) and the other two committee members Sartaj Khan Principal Bs 18 GHS Dewana baba And Iftikhar Javid SS BS 17 GHSS Kulyari visited the reporting offices/Agencies i.e DPO Buner, ISI Buner, MI Buner and Special Branch Buner for accumulating information/evidences/data of the protest.

1. The DPO/Police department provided some pictures/images of some of the employees mentioned in the attached list.
2. The department failed to provide any other solid evidence/Audio/Video etc regarding the protest that is slogans against the state, blocking the roads or damaging any government property during the protest.
3. Some of the employee have been charged, arrested under 3mpo for the reasons best known to law enforcing Agencies
4. The committee also discussed the matter with the reporting agency MI and committee waited For the Evidences as per request of the incharge of the agency but no evidence or information provided to committee
5. The committee also met the ISI/Incharge who also failed to provide any other solid evidence against the charged employees. Further the committee visited offices of the special branch at the police line at daggar and discussed the matter in great details but no fruitful and solid evidence was provided. In the light of the above accumulated data/evidence the committee informed the charged employees through telephonic calls for taking written and verbal statement at CCMHS school daggar in the supervision of chairman of the committee at office of the principal.
6. The accused employees were given free, transparent and relaxed environment for interview. Questionnaire and discussion one by one in written and verbal form and thus recorded.

FINDINGS:

Keeping in view the verbal, written and other evidences the committee came to the conclusion that

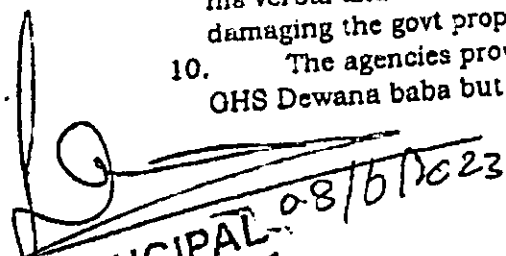
[Signature]
 08/07/2023
 PRINCIPAL
 G.C.M.H.S Daggar
 District Buner

Attached to be
 due copy
[Signature]
 Dilawar Khan
 Advocate
 11-12-2023

(2)

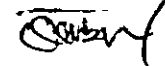
(7)

1. Mr:Abdul Baseer S/o Salawar khan R/O dokadapirbaba PST, GPS dokada that is FIR has been lodge/against him. He confessed in verbal statement that peaceful protest is our right while in written statement he denied. He seems sympathetic, lenient and supporting towards PTI activities.
2. In respect of Mr:Amir Alam Khan S/c GGHS cheena the reporting agencies have not provided any audio, video or picture regarding his participation in the protest the accused employee provided some documents in his defense. Neither he accepted in verbal statement nor in written regarding his participation in protest against the state in any form. There is no FIR against him.
3. Habib un Nabi S/o Said Muhammad PST GPS Dokadahad been arrested as per statement of the employee. No Audio, Video evidence provided by the agencies concerned. His verbal statements indicated his a little bit sympathy for the PTI.
4. The agencies provided only picture in respect of Muhammad Younas S/o Muhammad Ghaficr CT GHS Shalbandi. No other evidence of blocking the roads, anti state slogans and damaging the govt property has been provided. The police has lodged FIR against him.
5. FIR has been lodged against Bakht Nawab PST GPS Kund by the police. He has denied participation in the written while Seemed Sympathetic towards PTI and vired his selfie in the time of protest with some irrelevant comments thus dug his own grave.
6. There is no evidence i.e. Picture, Audio or video against Saddar Zaman PST GPS Batara. He totally denied in his written and verbal statements his participation in the protest. He supported his claim by some witnesses (attached).
7. Masked picture of sardarali S/o Muhammad Saeed SST GMS mulafYousaf was provided by the agencies regarding his participation in the protest there is no other audio, video against the state. He confessed in his verbal statement and commitment with Kamrar. Khan Leader of the PTI.
8. Muhammad Nasar S/o Muhammad resident of jowar PST has spent ten days in jail as per his verbal statement except picture there is no other solid evidence of Audio and video against him. He was extremely apologetic for watching the protest and swore by God that he will remain far away from even watching towards the protest of PTI. He confessed that his parents are grate tension hearing this news
9. As for Ashraf Ali S/o Abdul Hassan PST RiazabadMulayousaf is concerned he got trapped in the strike while v.siting the BISE swat for F.A certificate to be corrected on the next day (10th May). He denied in his verbal and written statement making slogans, blocking and damaging the govt property except his recorded photo.
10. The agencies provided picture of Kamal Said S/o Nizam Said CT GHS Dewana baba but failed to provide any sort of solid evidence


PRINCIPAL
G.C.M.H.S Daggar
District Buner

Attested to be

true copy.



Date: 11/12/2023

Time: 11:00 AM

11/12/2023

3 2

regarding his participation in the protest. The fact is that neither he has any political affiliation to PTI nor any other political party as per authentic sources. On 9th may he was going toward Jowar for paying his debt to naseeb dad SST, got trapped having no conveyance to go back in instant situation.

11. Ihtisham S/o Shams ulHaq SST IT GHS Elai challenged his participation in the protest in the form of picture audio, video etc by any agency or person he swore on God before committed that he was not present in the protest. That he was on the way back along with his wife in taking exam from AIOU Islamabad at GDC Daggar going back toward my home Elai seeing the protest turned towards national bank Daggar Square and reached home. He also challenged of proving against him any sort of sympathy, vote and participation in the protest on the call of PTI.

CONSEQUENTLY, One of THE FOLLOWING RECOMMENDATIONS ARE MADE FOR PENALTY/EXONERATION TO THE TEACHER NOTED AGAINST HIM

- ✓ 1. Mr: Abdul Baseer S/o Salawar Khan R/O dokada Pirbaba PST, GPS dokada (a) censure (b) with holding of increment for the maximum period. (C) Both of them.
- ✗ 2. Mr: Amir Alam Khan S/c GGHS cheena (a) Censure
- ✓ 3. Habib un Nabi S/o Said Muhammad PST GPS (a) censure (b) with holding of increment for the one year. (C) Both of them.
- ✓ 4. Muhammad Younas S/o Muhammad Ghafoor CT GHS Shelbandi (a) censure. (b) With holding of increment for one year.
- ✓ 5. Bakht Nawab PST GPS Kund. (a) censure (b) with holding of increment for the maximum period. (c) both of them.
- ✓ 6. Saddar Zaman PST GPS Batara (a) Censure
- ✓ 7. Sardar Ali S/o Muhammad Saeed SST GMS mula Yousaf (a) censure (b) with holding of increment for the Minimum Period. (C) Both of them.
- ✓ 8. Muhammad Nasar S/o Muhammad resident of Jowar PST (a) censure (b) With holding of increment for the one year. (C) Both of them.
- ✓ 9. Ashraf Ali S/o Abdul Hassan PST Riaz Abad Mulayousaf. (a) censure (b) with holding of increment for the two years. (C) Both of them.
- ✓ 10. Kamal Said S/o Nizam Said CT GHS Dewana baba (a) May be exonerated
- ✓ 11. Ihtisham S/o Shams ulHaq SST IT GHS Elai (a) May be exonerated.

Signatures:

1. Dilawar Khan Principal BS-20
GCMHS Daggar Buner (Chairman) 08/06/2023
PRINCIPAL
G.C.M.H.S Daggar
District Buner
A. Engr. Ihtisham Javid SS BS-17
GHSS Kilyari Buner

A. Engr. Ihtisham Javid
Subject Specialist
ESSE Buner

2. Sartaj Khan Principal BS-18
GHS Dewana baba Buner
PRINCIPAL 8/06/2023
GHS Dewana Baba
Distt; Buner

attached to be
four copy

Qaiser Ahmad
Advocate High Court

M-12-2023



(a)

SHOW CAUSE NOTICE

Annex (B)

I, Mr. Iftikhar Ul Ghani, District Education Officer (M) Buner, as the Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, do hereby serve upon you, Mr. Habib Un Nabi PST GPS Dokada, this show cause notice as follows: -

1. That as per the report of various agencies, you were involved in the protest against the state institutions on 9th May, 2023.
2. That the Competent Authority conducted an inquiry vide this office notification No.2508-14 dated 26/05/2023 to probe into the allegations against you.
3. That the inquiry committee, after conducting a comprehensive inquiry, recommended various recommendations commensurate with each delinquent official's guilt.
4. That the said inquiry committee recommended the following penalties against you commensurate with your guilt:
 - (a) Censure
 - (b) Withholding of increment for one year, or
 - (c) both of them.
5. That you are guilty of misconduct under Rule-3(b) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, read with Conduct Rules 1987.
6. By reasons of the above, you appear to be guilty of misconduct under Rules 3(b) of the Khyber Pakhtunkhwa Servants (Efficiency and Discipline) Rules 2011.

In terms of Rule-5(a) of the Khyber Pakhtunkhwa Government Servants E & D Rules 2011, I, as the Competent Authority, serve upon you with this show cause notice under Rule-7 of the ibid rules.

As a result, thereof, I as the Competent Authority, have tentatively decided to proceed against you under the above mentioned rules. You are, therefore, required to show cause as to why one of the major/minor penalties specified in Rule 4 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, should not be imposed upon you and also intimate whether you desire to be heard in person. If no reply to this show cause is received within 07 days of its delivery, it shall be presumed that you have no defence to put in and in that case Ex-parte action will be taken against you, which may culminate in your removal from service.

Handed to me

Advocate High Court

(IFTIKHAR UL GHANI)
DISTRICT EDUCATION OFFICER (M)
BUNER

Endst: No. 2245-42 Dated. 13/06/2023.

Copy forwarded for information to the;

1. Director Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar
2. Deputy Commissioner Buner.
3. S.D.E.O Concerned Buner.
4. Official Concerned.

13/06/23
DISTRICT EDUCATION OFFICER (M)
BUNER

To,

The DEO (M.)
District Buner

(10)

Amred (U)

Subjed: Reply to Show cause notice regarding
the involvement in the protest on 9th
may 2023

Respected Sir,

I am writing in response to the
show cause notice dispatched by your
kind office to me regarding the
participation in the protest on 9th may, 2023
on the day of 9th may, 2023 I along with
my friend had gone to Sowersi market
for shopping and on the way back
to home police signaled us under the
Daggas police station and arrest us
I was not involved in the protest of
9th may, 2023 and the said statement
shopping evidence was already put to
the inquiry committee.
I hope there is no disciplinary action
will be taken against me
Thank you very much

Yours sincerely,
Habib ur Nabi (SPST)
GPS Dokada

Dated 26/6/2023

Attestation do
be true way
Qalsar Ali Khan
Advocate High Court
M-12-2023



(11) Annex (10)

OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) DISTRICT BUNER
PHONE & FAX NO. 0939-555110
EMAIL: edobuner@gmail.com



NOTIFICATION.

1. **WHEREAS**, the law enforcement agencies reported some employees included Mr Habib Un Nabi SPST GPS Dokada of this department to the Secretary Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar who were allegedly involved in the protest and slogans against state institutions on 9th May 2023, as mentioned in the charge sheet and statement of allegations, for the purpose of disciplinary proceedings.
2. **AND WHEREAS**, the same list was delivered by the Secretariat Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar for disciplinary proceedings against the accused/delinquent employees which, inter alia, included Mr. Habib Un Nabi SPST GPS Dokada.
3. **AND WHEREAS**, the undersigned constituted an inquiry committee vide this office Endst No.2508 dated 26/05/2023 to probe into the allegations against the accused/delinquent officials. The inquiry committee comprised of the following officers;
 - i. Mr Dilawar Khan-BPS 20 Principal GCMHS Daggar
 - ii. Mr Sartaj Khan- BPS 18 Principal GHS Diwana Baba
 - iii. Mr Iftikhar Javed- BPS 17 SS GHSS Kulyarai
4. **AND WHEREAS**, the undersigned, being the Competent Authority, suspended the services of Mr Habib Un Nabi SPST GPS Dokada vide this office Endst No.2527-31 dated 27/05/2023.
5. **AND WHEREAS**, the inquiry committee conducted a comprehensive inquiry and submitted its report wherein Mr Habib Un Nabi SPST GPS Dokada was found guilty of the acts and omissions as given in the charge sheet and statement of allegations.
6. **AND WHEREAS**, in the light of the inquiry report, the undersigned issued a show cause notice to Mr Habib Un Nabi SPST GPS Dokada vide this office Endst No.2845-48 dated 13/06/2023, to which he submitted reply.
7. **AND WHEREAS**, the undersigned called the accused for personal hearing on 10/07/2023 vide this office letter No.3073-75 dated 03/07/2023. The accused appeared before the undersigned on 10/07/2023 in person for personal hearing but he failed to defend himself against the allegations levelled against him.
8. **AND WHEREAS**, the Competent Authority (DEO (M) Buner), after having considered the charges, evidences on record, inquiry report, explanation of the accused in response to show cause notice and personal hearing on 10/07/2023, is of the view that charges against the accused have been proved.

NOW, THEREFORE, in exercise of the powers conferred under rule 14(5) of the Khyber Pakhtunkhwa Govt Servants (Efficiency & Discipline) Rules 2011, as amended vide Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) No.SO (Policies)E&AD/2-6/2021 Peshawar Dated the 31/12/2021, I, Mr. Iftikhar Ul Ghani DEO(M) Buner as the Competent Authority, am pleased to impose major penalty of "Reduction to a lower post and pay scale for two years" upon Mr. Habib Un Nabi SPST GPS Dokada from SPST BPS 14 to PST BPS 12, keeping in view the gravity of his guilt, with immediate effect in the interest of public service.

Note: Necessary entry to this effect should be made in his Service Book accordingly.

(IFTIKHAR UL GHANI)
DISTRICT EDUCATION OFFICER (M)
DISTRICT BUNER

Endst No. 3418-24 Dated 22/07/2023.

Copy is forwarded for information to the;

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa.
2. Deputy Commissioner Buner.
3. District Monitoring Officer Buner.
4. District Accounts Officer.
- ✓ 5. SDEO(M) concerned.
6. Official concerned.
7. Master File.

Attended

be done

Qaisar Ali
Advocate High C

ur 12/

Iftikhar 22/7/23

(12)

Ameed (F)

مختصر جناب ڈائریکٹر جنرل محکمہ تعلیم بمقام سیکرٹریٹ ریڈائریکٹریٹ پشاور صوبہ خیبر پختون خواہ

حبیب النبی ولد سید محمد (SPST GPS Dokada) محکمہ تعلیم ضلع بونیر۔۔۔۔۔ (سائیل / اپیلانٹ)

بنام

۔۔۔ (مسئول ایہ / ریپانڈنٹ)

(M) DEO محکمہ تعلیم ضلع بونیر

عنوان محکمانہ اپیل۔

اپیل بنا راضگی حکم نمبری 3418-24 مورخہ 22-07-2023 صادر کردہ جناب ڈسٹرکٹ ایجوکیشن صاحب (میل) ضلع بونیر جس کی رو سے من سائیل کو SPST BPS-14 کی پوسٹ سے غلط، بے بنیاد، خلاف قانون، خلاف واقعات، خلاف انصاف، خلاف حقیقت اور خلاف ضابطہ طور پر اپنے عہدے سے تنزلی کر کے PST BPS-12 پر تعینات کیا ہے۔ جو کہ مذکورہ حکم ہرگز قابل بحالی نہ ہے۔ بلکہ قابل منسوخی ہے۔

اسد عالی محکمانہ اپیل!

بمنظوری محکمانہ اپیل ہذا حکم نمبری 3418-24 مورخہ 22-07-2023 صادر کردہ جناب ڈسٹرکٹ ایجوکیشن صاحب (میل) ضلع بونیر کو منسوخ اور کالعدم قرار فرما کر من سائیل کو اپنے پوسٹ BPS-14 پر واپس تعینات فرمایا جائے۔ نیز دیگر دادرسی جو قرین انصاف ہو۔ بھی مرحمت فرمائی جائے۔

Ameeed No ka

Ameeed copy

Qasim Ali Khan
Advocate High Court

جناب عالی! محکمانہ اپیل منجانبہ۔۔۔ سائیل حسب ذیل عرض ہے۔

۱۔ یہ کہ سائیل / اپیلانٹ کے خلاف مورخہ 08-06-2023 کو انکو آڑی کا انعقاد ہوا۔ اور انکو آڑی مورخہ 12-06-2023 رپورٹ کے مطابق سائیل اپیلانٹ کے خلاف کسی قسم کی ویڈیوں، آڈیوں شہادت بابت شمولیت احتجاج مورخہ 09 مئی 2023 موجود نہ ہے اسلئے سائیل کو سزا بدنیقی اور غیر قانونی طور پر دیا گیا جو کہ غلط، خلاف قانون اور خلاف واقعات ہوتے ہوئے ہرگز قابل بحالی نہ ہے۔ بلکہ قابل منسوخی ہے۔ (اس نسبت انکو آڑی رپورٹ لف ہے)۔

۲۔ یہ کہ مذکورہ بالا انکو آڑی رپورٹ پر مسئول ایہ / ریپانڈنٹ نے سائیل کو Show Cause نوٹس نمبری

2845-48 مورخہ 13-06-2023 کو جاری کیا جس کے۔۔۔۔۔

22-06-2023 کو جواب نوٹس دیا جس میں سائیل نے اپنے بے گناہی کے بابت اور ریاست کے خلاف کسی قسم کے سرگرمیوں/سیاسی جلسوں اور جلوسوں میں شرکت نہ کرنے کے بابت ٹھوس وجوہات بیان کیا ہے۔ (اس نسبت نوٹس، جواب نوٹس لف ہیں)

۳۔ یہ کہ مسئول الیہ/ریسپانڈنٹ نے سائیل کے جواب نوٹس کے باوجود من سائیل کو غیر قانونی اور خلاف ضابطہ طور پر سائیل کے خلاف تادیبی کارروائی کر کے سائیل کو BPS-14 سے تنزلی کر کے BPS-12 پر تعینات کیا جو کہ غلط، خلاف قانون، خلاف واقعات اور خلاف ضابطہ ہے اور حقوق سائیل پر غیر موثر اور کالعدم ہے اور ہرگز قابل بحالی نہ ہے۔ (اس نسبت حکم نامہ بابت سزایابی لف ہے)۔

۴۔ یہ کہ من سائیل روز اول سے اپنے ڈیوٹی/فرائض منصبی کے ساتھ ہمیشہ مخلص اور وفادار رہا ہے۔ اور من سائیل تہہ دل سے ڈیوٹی/فرائض سرانجام دیتا آ رہا ہے اور کسی قسم کی سیاسی سرگرمیوں میں شامل نہیں رہا ہے اور نہ کسی سیاسی پارٹی سے تعلق/وابستگی رہی ہے۔ سائیل ایک سرکاری ملازم ہے اور سائیل کے فرائض میں شامل نہ ہے کہ وہ ایک سیاسی پارٹی کا الہ کار بنے۔ مزید یہ کہ سائیل ایک محبت وطن اور فرض شناس شہری ہے اور ریاست کے خلاف کسی بھی قسم کی سرگرمیوں کا سوچ بھی نہیں سکتا۔

یہ کہ سائیل کو انکے عہدے اور پوسٹ سے تنزلی/ Demotion خلاف ضابطہ، خلاف قانون، خلاف واقعات اور خلاف سر و سز و لزوا ایکٹ ہیں۔ لہذا حسب ضابطہ و قانون سائیل کو اپنے عہدے اور پوسٹ پر بحالی کے احکامات صادر فرمایا جائے اور حکم نمبر 24-3418-2023 مورخہ 22-07-2023 کی منسوخی کے احکامات صادر فرمایا جائے۔

Attested
by
Qaisar Ali Khan
Advocate High C
W-12-20

بیان حلفی لہذا استدعا ہے۔ بمنظوری حکمانہ اپیل ہذا حکم نمبری 24-3418-2023 مورخہ 22-07-2023 کو منسوخ اور کالعدم قرار فرما کر من سائیل کو مذکورہ پوسٹ یعنی BPS-14 پر واپس تعینات فرمایا جائے۔ نیز دیگر دادرسی جو قرین انصاف ہو۔ بھی مرحمت فرمائی جائے۔

العارض

حبیب النبی

(SPST GPS Dokada)

محکمہ ایجوکیشن ضلع بونیر
19/08/2023

السید

حبیب النبی

(SPST GPS Dokada)

محکمہ ایجوکیشن ضلع بونیر
19/08/2023
تاریخ

14

Annex (F)

0. 742 For Insured Notices see reverse. Rs. Ps. AID (14)
 Stamps: except in case of RGL117145685 50
 un insured more than
 the initial weight piece
 Post Office Guide or on which
 acknowledgement is due.

Insured a registered*
 Addressed to: J. M. P. P. P. Date-Stamp: Annex (F)

*Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.
 Insured for Rs. (in figures) 100 (in words) one hundred

Insurance fee Rs.	Ps.	Weight (in words)	Kilo	Grams
				<u>1818125</u>

Name and address of sender: 46/15 (1) (2)

وکالت نامہ



۱۲

347


بک نمبر

61

سیریل نمبر:

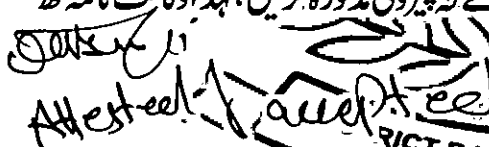
<p>ایڈویکٹ دستخط: </p> <p>بار کونسل ابار ایسوسی ایشن نمبر: B.C. 15-5693</p> <p>رابطہ نمبر: 0332-97701528</p>	<p style="text-align: center;">۱۵</p> <p style="text-align: center;"></p> <p style="text-align: center;">ڈسٹرکٹ بار ایسوسی ایشن بوئیر خیبر پختونخواہ</p>
--	--

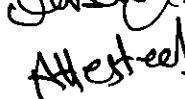
بعدالت جناب: مہر بخشون خواجہ سروسی ڈی بیونل بساور

<p>مخانب: <u>ایڈوانٹ</u></p> <p style="text-align: center;"></p>	<p>دعویٰ: <u>سروسی ڈی بیونل</u></p> <p>علت نمبر: _____</p> <p>مورخہ: _____</p> <p>جرم: _____</p> <p>تھانہ: _____</p>
--	--

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی وجواب وہی کاروائی متعلقہ آن مقام سروسی ڈی بیونل بساور کیلئے مہر علی و محمد علی خان البریلوی کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوفی کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا؛ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زیریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکور سے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہونگے اور اس کا ساختہ پروا ختم قبول و منظور ہوگا دوران مقدمہ میں جو خرچہ ہر جاندا تو اپنے مقدمہ کے سبب سے ہوگا وہ وکیل موصوفی وصول کرنے کا حقدار ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند ہے



Attest: 

DISTRICT BAR ASSOCIATION BUNER
KHYBER PAKHTUNKHWA

المرقوم:

المعبد گواہ شد المعبد

مقام سروسی ڈی بیونل بساور کے لئے قبول و منظور ہے

نوٹ اس وکالت نامہ کی نوٹ کاپی ناقابل قبول ہوگی۔

مہر بخشون خواجہ سروسی ڈی بیونل بساور