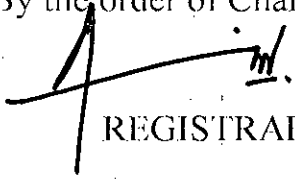


FORM OF ORDER SHEET

Court of _____

Appeal No. 14/2024

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. Kamal Said 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. Kamal Said 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 12 of the appeal are illegible be replaced by legible/better one.

No. 3887 /S.T,

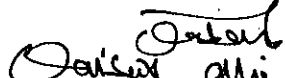
Dt. 15/12 /2023.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Qaiser Ali Adv.
High Court Buner.

Noted

Respected sir
above mentioned objection
has been check -


Qaiser Ali Advocate

01-01-2024

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTOONKHWA
PESHAWAR

Service Appeal No.....14.....2023

Kamal Said S/O Nizam Said CT, R/O Village Amnawar, 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, 11
6	Impugned with holding increment order dated 22/07/2023	D	12
7	departmental appeal dated 19/08/2023 through proper channel along with courier service receipt Dated 19-08-2023	E&F	13, 14, 15
9	Wakalat nama		16

Dated:

Kamal Said
Kamal Said

Appellant

Through

Qaisar Ali

Muhammad Ali

QAISAR ALI AND MUHAMMAD ALI

Advocates, Office District Court Buner

CELL No 0332-9701518

(1)

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTOONKHWA
PESHAWAR

Service Appeal No.....14.....2023

Kamal Said S/O Nizam Said CT, R/O Village Amnawar, 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 WITH HOLD OF ONE ANNUAL INCREMENT FOR TWO YEARS WITHOUT CUMULATIVE EFFECT UPON THE APPELLANT 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 certified school teacher (hereinafter called as CT) 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.2829-32 dated 03-06-2023 to the appellant and appellant in his reply 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.3453-59 dated 22-07-2023 without final show cause notice, facts finding inquiry and without personal hearing imposed minor penalty and with hold of

two annual increments for two years (Copy of impugned order of with holding increments 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 with holding of two annual increments for two years order is liable to be set aside and the annual increments of appellant need to be restore with all back benefits on the following grounds inter alia.

Grounds:

- A. That the impugned with holding of one annual increment for two years 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 one annual increment for two years was falsely with hold 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 with holding of one annual increment for two years 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 read with amended rules 2021 and constitution of Islamic republic of Pakistan.

3

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 annual increment of appellant may kindly be restore 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

Kamal Said S/O Nizam Said CT, R/O Village Amnawar, 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, Kamal Said S/O Nizam Said CT, R/O Village Amnawar, 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 Kamal Said

Kamal Said S/O Nizam

CNIC NO: 15101-3561881-1

FIA
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(S)

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTOONKHWA

PESHAWAR

Service Appeal No.....2023

Kamal Said S/O Nizam Said CT, R/O Village Amnawar, 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)

Address of parties

PETITIONER

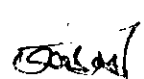

Kamal Said S/O Nizam Said CT, R/O Village Amnawar, Tehsil Daggar, District Buner.(Appellant)

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 0322-9701118.

PR
C.A
218

(6)

Annex (A)

(1)

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. Dilavir Khan Principal BS 20 GCHS Daggar Buner (Chairman) and the other two committee members Sartaj Khan Principal BS 18 GHS Dewana baba Anwar Khan 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 employees have been charged, arrested under 3mpo for the reasons being 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 GCMHS 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

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

08/6/2023

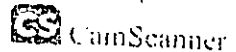
Witnessed to be
true copy

[Signature]

[Signature]

Advocate

12. 2023



1. Mr. Abdul Baseer S dokada that is FIR statement that he denied. He see activities.
2. In respect of Mr. agencies have no participation in documents in his written regard any form. There
3. Habib un-Nabi arrested as per provided by th his
4. The agencies S/o Muhamm blocking the has been pro
5. There is no statements claim by s
6. Masked p in the pro confessed Leader of
7. Muhamr ten days other sol apologeti remain f confesse
8. As for A concern A cert his vert damagi
9. The GHS D

o S... R/O...
 nar... against...
 eful protest... right...
 is sympathetic... intent...

...baba PST, GPS...
 e confessed in verbal...
 In written statement...
 pporting to wards PTI

...ena the reporting...
 icture regarding his...
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 n verbal statement nor...
 against the state in

...Dob... had been...
 Audio, video evidence...
 d statements indicated

...of Muhammad Younas...
 No other evidence of...
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 against him...
 ST GPS Kund by the...
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 e in the time of protest...
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...ad Saeco EST GMS...
 regarding his participation...
 to against the state. He...
 nment with Kamran Khan

...lent of jowar PST has spent...
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 against him. He was extremely...
 swore by God that he will...
 wards the protest of PTI. He...
 islor, hearing this news...
 I Riuzabad Mulayousaf is...
 while visiting the BISE swat for...
 ext day (10th May). He denied in...
 ng slogans, blocking and...
 r recorded photo...
 of Kamal Saad S/o Nizam Saad CT...
 de any sort of solid evidence

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

Checked to be
 true copy

Scanned with CamScanner

Gaise
 Adhra
 14-12-2023

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 source. On 25 May, 2023, he was going forward for paying his debt to nose dad SST, got trapped in a situation. He challenged his participation in the protest in the form of a committee that he was formed by him and others. He was not present in the protest. He was on his way back along with his wife in taking the exam from AIOU Islamabad. He was challenged towards national bank doggar Square and reached home. He was challenged of proving protest against him and reaching home. He was challenged of proving participation in the protest on the call of PTI.

CONSEQUENTLY, THE FOLLOWING RECOMMENDATIONS ARE MADE FOR PUNISHMENT/EXONERATION TO THE TEACHER NOTED BELOW:

1. Mr. Abdul Basit (a) with holding of increment (a) with holding of increment for one year.
2. Mr. Amir Ali (a) with holding of increment (a) with holding of increment for one year.
3. Mr. Muhammad Yousaf (a) with holding of increment (a) with holding of increment for one year.
4. Mr. Bakht Nadeem (a) with holding of increment (a) with holding of increment for one year.
5. Mr. Saddar Zaman (a) with holding of increment (a) with holding of increment for one year.
6. Mr. Sardar Ahsan (a) with holding of increment (a) with holding of increment for one year.
7. Mr. Muhammad Nisar (a) with holding of increment (a) with holding of increment for one year.
8. Mr. Ashraf Raza (a) with holding of increment (a) with holding of increment for one year.
9. Mr. Kamal (a) with holding of increment (a) with holding of increment for one year.
10. Mr. Ihtisham (a) with holding of increment (a) with holding of increment for one year.

Signatures:
 Principal
 G.C.M.H.S.D.
 District Buner
 A. Eng. Ullah Javid
 Subject Specialist
 E&E Officer

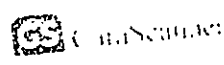
fact is that neither he has any political affiliation to PTI nor any other political party as per authentic source. On 25 May, 2023, he was going forward for paying his debt to nose dad SST, got trapped in a situation. He challenged his participation in the protest in the form of a committee that he was formed by him and others. He was not present in the protest. He was on his way back along with his wife in taking the exam from AIOU Islamabad. He was challenged towards national bank doggar Square and reached home. He was challenged of proving protest against him and reaching home. He was challenged of proving participation in the protest on the call of PTI.

11. Mr. Ihtisham (a) with holding of increment (a) with holding of increment for one year.
12. Mr. Muhammad Yousaf (a) with holding of increment (a) with holding of increment for one year.
13. Mr. Bakht Nadeem (a) with holding of increment (a) with holding of increment for one year.
14. Mr. Saddar Zaman (a) with holding of increment (a) with holding of increment for one year.
15. Mr. Sardar Ahsan (a) with holding of increment (a) with holding of increment for one year.
16. Mr. Muhammad Nisar (a) with holding of increment (a) with holding of increment for one year.
17. Mr. Ashraf Raza (a) with holding of increment (a) with holding of increment for one year.
18. Mr. Kamal (a) with holding of increment (a) with holding of increment for one year.
19. Mr. Ihtisham (a) with holding of increment (a) with holding of increment for one year.

Principal
 GHS Dewana Baba
 Distt: Buner
 2/06/2023

All set to be
 for copy
 [Signature]

11-12-2023



9

Annex (B)



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



SHOW CAUSE NOTICE

1. Mr. Imkhar Uf Ghani, District Education Officer (M) Buner, as the Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, shall serve upon you, Mr. Kamul Said CT GIS Deyana Baba, 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 part.
 4. 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.
 5. By reasons of the above, you appear to be guilty of misconduct under Rules 3(b) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011.

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

As a result thereof, 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.

(IMKHAR U. GHANI)
DISTRICT EDUCATION OFFICER (M)
BUNER

Encl: No. 2829-32 Dated: 13/06/2023

- Copy forwarded for information to the:
1. Director Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar
 2. Deputy Commissioner Buner.
 3. Principal Concerned
 4. Official Concerned

(Imkhar Uf Ghani)
DISTRICT EDUCATION OFFICER (M)
BUNER

Attested to be
True copy

Dalsar Ahmad
Advocate High Court
12/06/2023

10

Annex (C)


To: The District Education Officer (M) Buner
Subject: Reply to the show cause notice.

Dear Sir,
With due respect in response to your show cause notice dated 09-05-2023 concerning the 09-05-2023 events I would like to clarify that on the mentioned date I intended to apply for my original Degree of M.A. Economics from University of Lakki Marwat from the said Degree ROS from District of Jowar was essential. However when I reached the concerned area I made a high school the road was blocked as a result of completion I had to stay over there as having no personal vehicle or motor bike to return home. At the time the main cause of objection and allegation was the picture shared by someone upon social media. In this regard I would like to depend myself upon the following ground realities.

- (1) I have no connection to any political party or movement.
 - (2) I am the only livelihood earner of my family.
 - (3) I neither participated in any kind of protest on that particular day i.e. 17th May 2023 nor any other day during my life.
 - (4) I neither shouted any political slogan nor damaged any kind of public assets on that mentioned day.
 - (5) I never shared any political comment nor picture upon social media, face book, whatsapp etc.
- (6) That I will take extreme care to in future to be present in such places as media can share anything and someone can use it negatively.

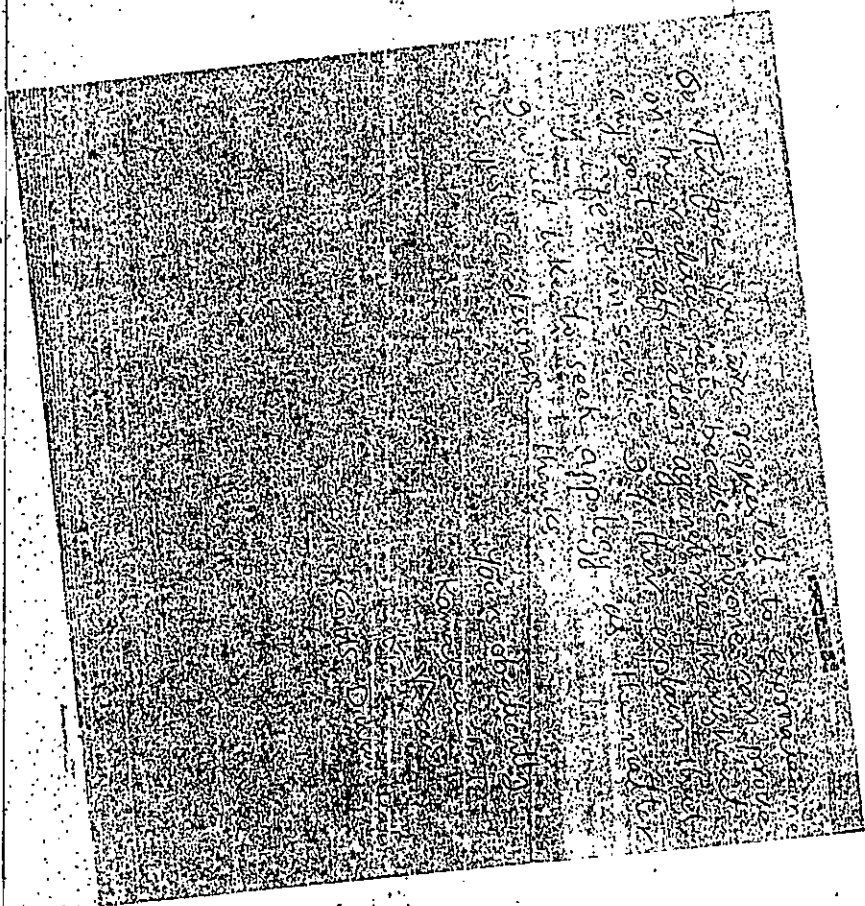
P.T.O

Attested to be true copy


Advocate
CamScanner

11-12-2023

11



Attested to by

True Copy

Advocate in Court

14-19-2023



(12)

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



An nex (D)

NOTIFICATION.

1. WHEREAS, the law enforcement agencies reported some employees included Mr Kamal Said CT GHS Diwana Baba 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 Kamal Said CT GHS Diwana Baba.
 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 GCM, Daggar
 - ii. Mr Sartaj Khan- BPS 18 Principal GHS Diwana Baba
 - iii. Mr Ifukhar Javed- BPS 17 SS GHSS Kulyang
 4. AND WHEREAS, the undersigned, being the Competent Authority, suspended the services of Mr Kamal Said CT GHS Diwana Baba 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 Kamal Said CT GHS Diwana Baba 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 Kamal Said CT GHS Diwana Baba vide this office Endst No 2829-32 dated 13/05/2023, to which he submitted reply.
 7. AND WHEREAS, the undersigned called the accused for a personal hearing on 10/07/2023 vide this office letter No 63 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. Ifukhar Ul Ghani DEO(M) Buner as the Competent Authority, am pleased to impose minor penalty of "withholding of one annual increment for two years without cumulative effect" upon Mr. Kamal Said CT GHS Diwana Baba, 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. 3453-59 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. Distric. Accounts Officer.
 5. Principal concerned.
 6. Official concerned.
 7. Master File.

[Signature] 22/7/23
DISTRICT EDUCATION OFFICER (M)
DISTRICT BUNER.

Attested to be
true & PV
[Signature]
Advocate High Court
11/12/2023

(15) Annex (E)

آنطور جناب ڈائریکٹر جنرل محکمہ تعلیم، مقام سیرٹریٹ رڈ ڈائریکٹریٹ پشاور صوبہ خیبر پختون خواہ
فائل سید ولدہ پٹیل (CT GHS Dewana Baba) محکمہ تعلیم ضلع بونیر۔۔۔ (سائیل / ایپلانٹ)

۔۔۔ (مسئول ایہ / ریپانڈنٹ)

(M) DEO محکمہ تعلیم ضلع بونیر

عنوان حکمانہ اپیل

اپیل بنا راضی حکم نمبری 59-3453 محررہ 22-07-2023 صادر کردہ جناب ڈسٹرکٹ ایجوکیشن
صاحب (میل) ضلع بونیر جس کی رو سے من سائیل سے 10 سالانہ انکر مینٹس بنائے دو سال کاٹ کر
غلط، بے بنیاد، خلاف قانون، خلاف واقعات، خلاف انصاف، خلاف حقیقت اور خلاف ضابطہ ہے
۔ جو کہ مذکورہ حکم ہرگز قابل بحالی نہ ہے۔ بلکہ قابل منسوخ ہے۔

استدعائے حکمانہ اپیل

بمطوری حکمانہ اپیل ہذا حکم نمبری 59-3453 محررہ 22-07-2023 صادر کردہ جناب ڈسٹرکٹ
ایجوکیشن صاحب (میل) ضلع بونیر کو منسوخ اور کالعدم قرار فرما کر من سائیل سے 10 سالانہ انکر مینٹس
بحال کیا جائے۔

جناب عالی! حکمانہ اپیل پنجاب سائیل حسب ذیل عرض ہے۔

1۔ یہ کہ سائیل / ایپلانٹ کے خلاف مورخہ 08-06-2023 کو انکوآری کا اندراج ہوا اور انکوآری
رپورٹ کے مطابق سائیل ایپلانٹ کے خلاف کسی قسم کی ویڈیوں، آڈیوں، شہادت بائت شہادت شہادت احتجاج
مورخہ 09 مئی 2023 موجود نہ ہے اس لیے سائیل کو مزید ترقی اور غیر قانونی طور پر دیا گیا جو کہ غلط،
خلاف قانون اور خلاف واقعات ہوتے ہوئے ہرگز قابل بحالی نہ ہے۔ بلکہ قابل منسوخ ہے۔ (اس
نسبت انکوآری رپورٹ لف ہے)۔

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Qalsar

Qalsar Ali Khan
Advocate High Court.

یہ کہ مذکورہ بالا انکوآری رپورٹ پر مسئول ایہ / ریپانڈنٹ نے سائیل کو Show Cause نوٹس نمبری
2829-32 مورخہ 13-06-2023 کو جاری کیا جس کے بائت ایپلانٹ نے جواب نوٹس
دیا جس میں سائیل نے اپنے بے گناہی کے بائت اور ریاست کے خلاف کسی قسم کے مزگرموں / سیاسی

M-12-2023

جلسوں اور جلوسوں میں شرکت نہ کرنے کے بابت جھوٹے دعوایات 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 نارہی کارروائی کر کے سائیل سے سالانہ انکریمنٹس برائے دو سال کاٹ کر جو کہ غلط، خلاف قانون، خلاف واقعات اور خلاف ضابطہ ہے اور حقوق سائیل پر غیر موثر اور کالعدم ہے اور ہرگز قابل بحال نہ ہے۔ (اس نسبت حکم نامہ بابت سزایابی لف ہے)۔

۴۔ یہ کہ من سائیل روز اول سے اپنی ذیوی/افرائض منصبی کے ساتھ ہمیشہ مخلص اور وفادار رہا ہے۔ اور من سائیل تہہ دل سے ذیوی/افرائض سرانجام دیتا آ رہا ہے اور کسی قسم کی سیاسی سرگرمیوں میں شامل نہیں رہا ہے اور نہ کسی سیاسی پارٹی سے تعلق/اداسگی رہی ہے۔ سائیل ایک سرکاری ملازم ہے اور سائیل کے افرائض میں شامل نہ ہے کہ وہ ایک سیاسی پارٹی کا الہ کار ہے۔ مزید یہ کہ سائیل ایک محنت وطن اور فرض شناس شہری ہے اور ریاست کے لیے کسی بھی قسم کی سرگرمیوں کا سونچ بھی نہیں سکتا۔

۵۔ یہ کہ سائیل سے دو انکریمنٹس برائے دو سال کاٹنا خلاف ضابطہ، خلاف قانون، خلاف واقعات اور خلاف سرورڈ لڈ ایکٹ ہیں۔ لہذا حسب ضابطہ و قانون سائیل کی سالانہ انکریمنٹس کی بحالی کے احکامات صادر فرمایا جائے اور حکم نمبر 59-3453-2023 مورخہ 22-07-2023 کی منسوخی کے احکامات صادر فرمایا جائے۔

لہذا اس کے لیے منظور کی جگہ ان اپیل ہذا حکم نمبر 59-3453-2023 مورخہ 22-07-2023 کو منسوخ اور کالعدم قرار فرما کر من سائیل کے سالانہ انکریمنٹس بحال کرنا کے احکامات صادر فرمایا جائے۔ نیز دیگر دادی جو قرین الصواب ہو۔ بھی مرخص فرمائی جائے۔

بیان حلف
جاناً بیان کرتا ہوں کہ جملہ مراتب
تا حد علم و یقین میرے درست و صحیح ہے

العارض
Kamal Sidor
کمال سید ولد

(CT GHS Dewana Baba)

محکمہ تعلیم ضلع بوہڑ

Accepted to be
true copy
Qaisar Aftab Khan
Advocate High Court
کمال سید ولد

(GHS Dewana Baba)

19-08-2023

محکمہ تعلیم ضلع بوہڑ

(15)

Annex (F)

Attested to be

True copy

Qaiser Ali Khan
Advocate High Court

12-12-2023

No. 740

For Insurance Notice, see reverse.
Stamps affixed except in case of
if amount of Rs. not more than
RGL 117145033
Post Office Guide of which no
acknowledgement is due.

Rs. 10
Ps. 15

Received a registered
addressed to

To: J. P. Khan

Date Stamp

Annex F

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

Insured for Rs. (in figures) 1000/-
Insurance fee Rs. 10/-
Name and address of sender: J. P. Khan

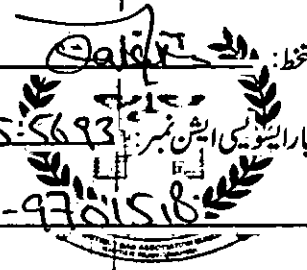

وکالت نامہ

347


بک نمبر

56

سیریل نمبر:

 <p>ایڈویکٹ دستخط: _____ بار کونسل ابار ایسوسی ایشن بونر: BC-15:5693 رابطہ نمبر: 0322-9751518</p>	<p>(16)</p>  <p>ڈسٹرکٹ بار ایسوسی ایشن بونر خیبر پختونخواہ</p>
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بعدالت جناب: خیر عتوں خواہ سروس ٹریبونل بساور

<p>منجانب: اسٹانٹے</p>  <p>ڈسٹرکٹ بار ایسوسی ایشن بونر</p>	<p>دعویٰ: سروس اسٹانٹے</p> <p>علت نمبر: _____</p> <p>مورخہ: _____</p> <p>جرم: _____</p> <p>تھانہ: _____</p>
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باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام بساور میں کوئی کیلئے قمبر علی و محمد علی خان اور کسی ماہ کو کوویل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوفت 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 زریں 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 پر داختم قبول و منظور ہوگا دوران مقدمہ میں جو خرچہ ہر جانبہ التوا کے مقدمہ کے سبب سے ہوگا وہ وکیل موصوفت 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 سندر ہے

الموقع: _____
 Attested & accepted
 DISTRICT BAR ASSOCIATION BUNER
 KHAYER PAKHTUNKHWA

الموقع: _____
 گواہ شد _____
 کے لئے قبول و منظور ہے _____
 مقام _____

نوٹ اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

کمال سید ولد نظام سید منگہ امور ملو پونیر (ایڈووکیٹ)