

30.07.2015

Appellant with counsel present. Learned counsel for the appellant informed the Tribunal that during the pendency of appeal, the departmental appeal of the appellant was partially accepted vide order dated 24.7.2015 and the order of compulsory retirement was set-aside and appellant was reinstated in service, however, the absence period was treated as leave without pay and service benefits were denied to the appellant.

In afore-stated circumstances, learned counsel for the appellant requested for withdrawal of appeal as he intends to institute fresh appeal in the light of the afore-stated development. The appeal is dismissed as withdrawn. File be consigned to the record.

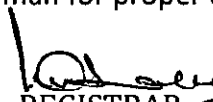


ANNOUNCED
30.7.2015.


Chairman
30.07.15

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 706 /2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	24.06.2015	<p>The appeal of Mr. Muhammad Ilyas presented today by Mr. Ijaz Anwar Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	25-6-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>29-6-15</u></p> <p style="text-align: right;"> CHAIRMAN</p>
3	29.06.2015	<p>Agent of counsel for the appellant present. Counsel for the appellant is stated busy at Islamabad. Adjourned to 30.7.2015 for preliminary hearing before S.B.</p> <p style="text-align: right;"> Chairman</p>

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No. 706 /2015

Muhammad Ilyas, Ex Primary School Teacher, Govt Primary School No. 1 Peshawar.

(Appellant)

VERSUS

Govt of Khyber Paktunkhwa through Secretary Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar and others.

(Respondents)

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6	Judgment and order dated 25.02.2015	C	27-28
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5	Vakalatnama		

Muhammad Ilyas
Appellant

Through

Ijaz Anwar

IJAZ ANWAR
Advocate Peshawar

&

Sajid Amin
SAJID AMIN
Advocate Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 706/2015

K.W.P PROVINCE
Service Tribunal

Diary No. 738

Dated 24-6-2015

Muhammad Ilyas, Ex Primary School Teacher, Govt
Primary School, No. 1 Mera Shahi Bala Peshawar.

(Appellant)

VERSUS

1. Govt of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Director, Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (Male) Peshawar.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the Order dated 24.05.2014, communicated to the appellant on 04.03.2015 whereby the appellant has been awarded the major penalty of "compulsory retirement from Service" against which his departmental Appeal dated 12.03.2015 has not been responded despite the lapse of 90 days statutory period.

filed to day
24/6/15
Registrar

Prayer in Appeal: -

On acceptance of this appeal the impugned order dated 24.05.2015, may please be set-aside and the appellant may be re-instated in service with all back benefits of service.

Respectfully Submitted:

1. That the appellant was initially appointed in the Respondents' department as Primary School Teacher vide order dated 17.03.1992. Ever since his appointment, the appellant had performed his duties as assigned with zeal and devotion and there was no complaint whatsoever regarding his performance. *(Copy of the Service Book is attached as Annexure A)*
2. That while serving in the said capacity, the appellant was falsely implicated in a criminal case under section 302-324/148-149, vide FIR No. 11 dated 09.06.2013 of Police Station Regi Model Town, Peshawar. The appellant duly informed his department about his false implication in criminal case. Since there were serious threats to the live of the appellant from his enemies, therefore he could not join his duty. *(Copy of the FIR is attached as Annexure B)*
3. That initially the appellant applied for the bail before arrest. which was granted to him by the concerned court, later the matter was patched up by the elder of the Locality and accordingly the appellant was acquitted from criminal charges by the Learned ADSJ-II vide his judgment and order dated 25.02.2015. *(Copy of the judgment of the ADJ-II dated 25.02.2015 is attached as Annexure Charge C)*
4. That after obtaining copies of the acquittal order the appellant duly reported for duty, however, he was informed that he has been proceeded departmentally in absentia and has been awarded the major penalty of compulsory retirement from service vide order dated 24.05.2014. It is pertinent to mention here that the order of penalty was however never communicated to the appellant. It was only on 04.03.2014, when the appellant was provided the copy of the Penalty order dated 24.05.2014. *(Copy of the order dated 24.05.2014, is attached as Annexure attached as Annexure D)*
5. That against the order dated 24.05.2014, the appellant filed his departmental appeal dated 12.03.2015, however, the departmental appeal has also not been responded despite the lapse of 90 days statutory period. *(Copy of the departmental appeal is attached as Annexure E)*
6. That the penalty imposed upon the appellant is illegal unlawful against the law and facts therefore, liable to be set aside inter alia on the following grounds:-

GROUND OF APPEAL:

- A. That the appellant have not been treated in accordance with law, hence his rights secured and guaranteed under the law are badly violated.
- B. That no proper procedure has been followed before the imposition of penalty of compulsory retirement upon the appellant. No charge sheet, show cause notice or any absence notice whatsoever has been served upon the appellant before the imposition of penalty upon him, thus the whole proceedings are violative of the express provisions of the Law and Rules on the subject, an order based on such proceedings is liable to be set aside on this score alone.
- C. That the appellant has not been given opportunity of personal hearing before the imposition of penalty upon him hence he has been condemned unheard.
- D. That the appellant has not been given any opportunity to defend himself against the charges, neither any charge sheet or show cause notice has been issued, nor any absence notice has been served upon the appellant hence he has not been given opportunity to defend himself.
- E. That since the absence of the appellant was not willful but was due to his false implication in criminal case, moreover the respondents were fully aware of the registration of criminal case against the appellant, therefore under the law/rules they were required to keep the proceedings pending till the decision of the criminal case.
- F. That though it has been alleged in the order of compulsory retirement from service that publication has been made in the daily news paper, however prior to the publication no notice has been issued/ served upon the appellant which is mandatory under Rule 9 of the Government servants (Efficiency and Disciplinary) Rules, 2011 before publishing it in the news paper, as such the direct publication made in the news paper is also violative of the express provisions of the Rules.
- G. That the appellant has never committed any act or omission which could be termed as misconduct, his absence from duty was not willful but it was due to his false implication in criminal case. Since the appellant has now gained acquittal in the criminal case, hence deserves to be reinstated into service.

- H. That all the proceedings against the appellant are conducted ex-parte he has not been associated with the departmental proceedings at any stage thus the impugned order is violative of Principles of Natural justice.
- I. That the appellant has more than 23 years spotless service career at his credit, the penalty imposed upon him is too harsh and liable to be set aside.
- J. That the appellant is jobless since the imposition of illegal penalty upon him.

It is, therefore, humbly prayed that on acceptance of this appeal the impugned order dated 24.05.2015 may please be set-aside and the appellant be re-instated in service with all back benefits of service.


Appellant

Through



IJAZ ANWAR
Advocate Peshawar

&



SAJID AMIN
Advocate Peshawar

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No. _____/2015

Muhammad Ilyas, Ex Primary School Teacher, Govt Primary School No. 1 Peshawar.

(Appellant)

VERSUS

Govt of Khyber Paktunkhwa through Secretary Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar and others.

(Respondents)

***APPLICATION FOR CONDONATION OF DELAY,
IF ANY IN FILING THE TITLED APPEAL***

Respectfully submitted:

1. That the appellant has today filed the accompanied appeal before this honorable tribunal in which no date of hearing is fixed so far.
2. That the applicant prays for condonation of delay if any in filing the instant appeal inter alia on the following grounds:-

GROUND OF APPLICATION

- A. That the appellant was since falsely implicated in the criminal case, moreover he duly informed the department about his implication in criminal case, however he was awarded the penalty of compulsory retirement from service vide the impugned order dated 24.05.2014, which order too was never communicated to the appellant. The appellant was not aware about the departmental proceedings against him. It was only on 04.03.2014 i.e after his acquittal from criminal case, when the appellant was provided the copy of the Penalty order dated 24.05.2014, thereafter he duly filed departmental appeal within 30 days, hence delay if any was not willful and deserves to be condoned.

- B. That the delay if any in filing the departmental appeal and instant appeal was not willful nor can the same be attributed to the appellant as it was due to the late communication of the penalty order to the appellant by the respondents, therefore the appellant cannot be made suffered for the faults of others, hence delay if any deserves to be condoned.
- C. That even otherwise, since the appellant was charged in the criminal case and was facing trial, therefore, filling of departmental appeal could be a futile exercise unless the appellant had acquitted from the criminal charges. Since the appellant has filed the departmental appeal within 30 days of the acquittal order, hence in time. Reliance is placed on ***PLD 2010 SC 695***.
- D. That no proper procedure has been followed before the imposition of penalty upon the appellant. Thus the whole proceedings as well as the order of penalty is illegal and void ibinatio and no limitation run against such an illegal and void order.
- E. That valuable rights of the appellant are involved in the instant case in the instant case, hence the delay if any in filing the instant case deserves to be condoned.
- F. That it has been the consistent view of the Superior Courts that causes should be decided on merit rather than technicalities including limitation. The same is reported in **2014 PLC (CS) 1014 & 2003 PLC (CS) 769**.
- G. That the facts and grounds mentioned in the accompanied appeal may also be read as integral part of the instant appeal

It is therefore humbly prayed that on acceptance of this application the delay if any in filing the instant appeal may please be condoned.

Through

M. Ijaz Anwar
Applicant

Ijaz Anwar

IJAZ ANWAR
Advocate Peshawar
&

Sajid Amin
SAJID AMIN
Advocate, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No. _____/2015

Muhammad Ilyas, Ex Primary School Teacher, Govt Primary School No. 1 Peshawar.

(Appellant)

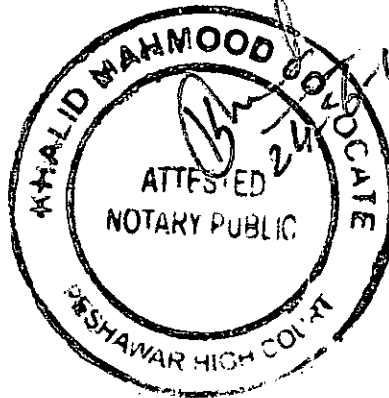
VERSUS

Govt of Khyber Paktunkhwa through Secretary Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar and others.

(Respondents)

AFFIDAVIT

I, *Muhammad Ilyas, Ex Primary School Teacher, Govt Primary School, No. 1 Mera Shahi Bala Peshawar*, do hereby solemnly affirm and declare on oath that the contents of the above noted appeal as well as accompanied application for condonation of delay are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.



M/24/15
Dependent

(For use in Police Department only).

Approved: *A* (8)
Note:— The entries in this should be dated.

1. *Supplente S/Book sanctioned with*
DE. D. M. by both E.M. H. No. 3095-89.
Dated 9/6/2001.
M. W. M. M. M.

1. Name: *Mr*
2. Race: _____
3. Residence: *re*

Verification Roll No. _____ dated _____ received back
CERTIFICATE

1. *Certified that the official concerned never*
been absent from duty with pay/with out pay
during the service. Left Thumb Impression

4. Father's name a _____
5. Date of birth by nearly as can be _____

2. *Certified that the official concerned has never*
been terminated/resigned from service during the
entire service.

6. Exact height by _____

3. *Certified that the official concerned has never*
been promoted M.B.N/S/Promote/cycle advance during
the entire service.

Qualification _____ Date _____
Qualification _____ Date _____
English _____
First Arts _____

7. Personal marks f _____

4. *Certified that the official concerned has never*
been promoted Long leave/E/leave-with pay/with out
pay.

B.L. or B.A. _____

8. Left hand thumb of (Non-Gazetted) _____

5. *Certified that the official concerned allowed*
Study leave w.e from 7/1/97 to 26/6/97 entry made
in Page No 7 of the S/Book Training School Natal examination
Attended

Bledership examination _____


Little Finger: _____

Finger Print *M. W. M. M. M.*
Signature of official

Other qualifications *M. W. M. M. M.*

Middle Finger: _____

Drill Instructing *Exempted*

Thumb: 

Court Duties *Passed ... examination*
From R. D. E. Peshawar under
Roll No. 30. Session 1927.
Marks Obtained 67.5

9. Signature of Gove _____

Reserve Duties *The result was declared on 27-2-98*

10. Signature and de Head of the Office. Officer. _____

D.D.O. (M)
Pry: Peshawar.

N.B.— Line to be drawn under the qualification possessed.

Attended

9

3

Note:— The entries in this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

1. Name: Mr. MAHAMMAD ILYAS KHAN

2. Race: Afghan (Muslim)

3. Residence: vill & p/o Shahi Bala Tah 2 Dist- Peshawar.


4. Father's name and residence: Mr. Sardar Ali Khan.


5. Date of birth by Christian era as nearly as can be ascertained: (4-3-1972)


6. Exact height by measurement: 5-3
4th March one thousand nine hundred seventy two


7. Personal marks for identification: Mole on the middle of chin.

8. Left hand thumb and Finger impression of (Non-Gazetted) officer:

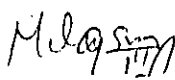
Little Finger: 

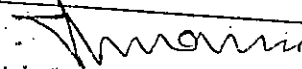
Ring Finger: 

Middle Finger: 

Fore Finger: 

Thumb: 

9. Signature of Government Servant: 

10. Signature and designation of the Head of the Office, or other Attesting Officer: 
Sub Div: Educ. Officer,
Peshawar.



Note:— The entries in this should be dated.

10

4

1	2	3	4	5	6	7	8	9
Name of post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant	Signature and Designation of the Head of the office or other attracting officer in attestation of columns 1 to 8
BDS No 7-1095-60-1995								
App Sufail Singh Long	m	K 1095				3/17/92	M. G. Singh	Sub Divl; Edu: C (M), Peshawar
m	m	K 1155				12/1/92	M. G. Singh	Sub Divl; Edu: Off (M), Peshawar
App Shahidullah	m	K 1155				23/2/93	M. G. Singh	Sub Divl; Edu: Off (M), Peshawar
m	m	K 1218				12/1/93	M. G. Singh	Sub Divl; Edu: Off (M), Peshawar
BDS No 7-1480-81-2695								
m	m	K 1642				6/1/94	M. G. Singh	Sub Divl; Edu: Off (M), Peshawar
m	m	K 1723				12/1/94	M. G. Singh	Sub Divl; Edu: Off (M), Peshawar
(BDS No 9-1605-97-3060)								
m	m	K 1799				22/10/95	M. G. Singh	Sub Divl; Edu: Off (M), Peshawar
m	m	K 1799				12/1/95	M. G. Singh	Sub Divl; Edu: Off (M), Peshawar
m	m	K 1896				12/1/97	M. G. Singh	Sub Divl; Edu: Off (M), Peshawar
App Shahidullah	m	K 1896				6/27/97	M. G. Singh	Sub Divl; Edu: Off (M), Peshawar
m	m	K 1993				12/1/97	M. G. Singh	Sub Divl; Edu: Off (M), Peshawar

Attested
[Signature]

2. 3. Veri	Signature of Government Servant	Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Nature and duration of leave taken	13		14	15
							Leave			
							Allocation of period of leave on average pay upto four months for which leave salary is debitible to another Government	Signature of the head of the office or other attesting officer		
Period	Government to which debitible									
M. Qasim		Sub Divl: Edu: Officer, (M), Peshawar.	30/11/92	A/m					Appointed as pte Transl in BDS No 7: 1095-60-2885.	
M. Qasim		Sub Divl: Edu: Officer, (M), Peshawar.	23/11/92	2 PM					on S No 50 vide order by Pesh. Emittario 3180-3296 Dated 16/3/92.	
M. Qasim		Sub Divl: Edu: Officer, (M), Peshawar.	31/11/92						Sub Divl: Edu: Officer, (M), Peshawar.	
M. Qasim		Sub Divl: Edu: Officer, (M), Peshawar.	31/11/92	S. Revine					Sub Divl: Edu: Officer, (M), Peshawar.	
M. Qasim		Sub Divl: Edu: Officer, (M), Peshawar.	31/11/94						Passed PTC Examination from RDE Pesh under Roll No 179 obtaining marks 634 from 2nd Division in 1st Session 1990-91.	
M. Qasim		Sub Divl: Edu: Officer, (M), Peshawar.	30/11/94						The result dec'd on 22/10/91	
M. Qasim		Sub Divl: Edu: Officer, (M), Peshawar.	22/10/95	10 Alland					Sub Divl: Edu: Officer, (M), Peshawar.	
M. Qasim		Sub Divl: Edu: Officer, (M), Peshawar.	30/11/95						17 3/92	30 11/93
M. Qasim		Sub Divl: Edu: Officer, (M), Peshawar.	30/11/95						Sub Divl: Edu: Officer, (M), Peshawar.	
M. Qasim		Sub Divl: Edu: Officer, (M), Peshawar.	30/11/95						12	30 11/94
M. Qasim		Sub Divl: Edu: Officer, (M), Peshawar.	27/11/97						Sub Divl: Edu: Officer, (M), Peshawar.	
M. Qasim		Sub Divl: Edu: Officer, (M), Peshawar.	30/11/97						Sub Divl: Edu: Officer, (M), Peshawar.	
M. Qasim		Sub Divl: Edu: Officer, (M), Peshawar.	30/11/98						Sub Divl: Edu: Officer, (M), Peshawar.	

Attest

1	2	3	4	5	6	7	8	9	10
Name of post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant	Name and Designation of the officer or attesting officer attestation of columns 1 to 8	Date of termination of appointment
		(BPS-9-1105-97-3160)							
Mr. Shikhar Bala Singh		RS 2090/-				12/198	M. J. Singh	Mr. D. D. O. (G)	
—		K 2187/-				12/199	M. J. Singh	Sub Div. Officer (G), Peshawar.	
—		K 2284/-				12/2000	M. J. Singh	Mr. D. D. O. (G)	
1642-7-74		1993							
	Office of the Assistant General Secretary to the Government of Punjab				Entry of pay drawn on 12/2001 may be made and pay roll also produced.				
	Pay Fixation of Rs. 146-81-2695 at Rs. 1642/- with next increment on 1-12-2001				Accounts Officer				
	Pay Fixation								
		K. 238 1/2 pm				12/2001	M. J. Singh	D.D.O. (G) Peshawar.	
		BPS-9(2410-145-6760)						Ration for and adges. as his reg.	
		Rs. 3570/- pm				12/2001	M. J. Singh	OED copy to 285-87 date	
		Revised entry on page No 8							

Ally

8 Signature of Government Servant	9 Name and Designation of the officer attesting officer (Articles 1 to 11)	10 Date of termination or appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or reward or other part of the Government Servant	
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
						Period			Government to which debitable
<i>[Signature]</i>	Sub Div; Edu. Officer (M), Peshawar.	30/11/99		<i>[Signature]</i>			12/11/99 to 30/11/99 according to the Acquittance Roll and other records of this Office		
<i>[Signature]</i>	Sub Div; Edu. Officer (M), Peshawar.	30/11/2000		<i>[Signature]</i>				Sub Div; Edu. Officer, (M), Peshawar.	
<i>[Signature]</i>		30/11/2001		<i>[Signature]</i>			Subst. P. Extermination from BS 16 Pesh. with Roll NO 148680 in the Scales 1995. 536 marks/1100 in 5th Grade. Recall - date - 22/10/95		
<i>[Signature]</i>			Allowed 12.5% 9:50 a.m. 22/10/95 due to EA II Division vide O.P. (M) Peshawar.	<i>[Signature]</i>				Sub Div; Edu. Officer, (M), Peshawar.	
<i>[Signature]</i>	D.D.O. (M) Pry: Peshawar.		Pay Revised and	<i>[Signature]</i>			12/11/99 to 30/11/99 according to the Acquittance Roll and other records of this Office	Sub Div; Edu. Officer, (M), Peshawar.	
<i>[Signature]</i>			Return from Study Leave and adjusted 27/6/97 on his regular post. vide OED copy Pesh. Encl. No 285-87 dated 23/8/97.	<i>[Signature]</i>			Study leave granted w.e.f 7/11/97 to 29/5/97 vide OED copy Pesh. Encl. No 3457-52 dated 25/3/97 and extended w.e.f 30/5/97 to 26/6/97 in Half range Pay + 300 Study Allowance or 75%, vide OED copy Pesh. Encl. No 157-69/7-12 dated 6/8/97	Sub Div; Edu. Officer, (M), Peshawar.	

[Handwritten signature]

1	2	3	4	5	6	7	8	9
Name of post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term 'Pay'	Date of Appointment	Signature of Government Servant	Signature and Designation of the Head of the office or other attesting officer in attestation of columns 1 to 8
SPS Shalibala		BPS 09 (2410-145-6760)				12 1/201	Mulgaon	D.S.O. (A) Pry: Pesbala
do			Rs. 3590/2 pm			12 1/201	Mulgaon	D.S.O. (A) Pry: Pesbala
			Rs. 3715/- pm			12 1/202	Mulgaon	D.S.O. (A) Pry: Pesbala
		Revised Entry						
		ET Add. inc						
		1993 + 97 = 2090/-				27 2/98	Mulgaon	D.S.O. (A)
			Rs. 2187/4 pm			12 1/98	Mulgaon	D.S.O. (A)
			Rs. 2284/4			12 1/99	Mulgaon	D.S.O. (A)
			Rs. 2381/4			12 1/2000	Mulgaon	D.S.O. (A)
			Rs. 2478/4			12 1/2001	Mulgaon	D.S.O. (A)
		Revised Pay Scale 09 (2410-145-6760)						
			Rs. 3715/4			12 1/2001	Mulgaon	D.S.O. (A)
			Rs. 3860/4			12 1/2002	Mulgaon	D.S.O. (A)
			Rs. 4005/4 pm			12 1/03	Mulgaon	D.S.O. (A)

Signature
H

8 Signature of Government Servant	9	10	11	12	13 Leave		14	15	
	Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, demerital, etc.)	Signature of the head of the office or other attesting officer.	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitabale to another Government		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
						Period	Government to which debitabale		
M. G. S. M.	D.S.O. (M) Pry: Peshawar	30/11/2002	A/2 Me	D.S.O. (M) Pry: Peshawar		Service Verified w.c. from 12/76 to 30/11/77 according to the Acquittance Roll and other records of this Office			
M. G. S. M.	D.S.O. (M) Pry: Peshawar	Allowed w.c. 27/98	C/Att. me					Sub Dir: Edu. Officer, (M), Peshawar.	
M. G. S. M.		30/11/98	A/2 Me			Service Verified w.c. from 12/97 to 30/11/99 according to the Acquittance Roll and other records of this Office			
M. G. S. M.		30/11/99	A/2 Me			Service Verified w.c. from 12/99 to 30/11/2001 according to the Acquittance Roll and other records of this Office			
M. G. S. M.		30/11/2001	A/2 Me			Service Verified w.c. from 12/2000 To 30/11/2001 from the Acqu. Roll or other record of this Office.			
M. G. S. M.		12/01	Received by 20/5					D.S.O. (M) Pry: Peshawar.	
M. G. S. M.		30/11/2001	Annual			Service Verified w.c. from 12/2001 To 30/11/2002 from the Acqu. Roll or other record of this Office.			
M. G. S. M.		30/11/2003	Annual					D.S.O. (M) Pry: Peshawar.	
M. G. S. M.		30/11/2004	Annual						

Approved
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1 Name of post	2 Whether substantive or officiating and whether permanent or temporary.	3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of Government Servant	9 Signature and Designation of head of the office or attesting officer with attestation of columns 1 to 8
L.P.S. H.C. (P.L.)		<u>BPS 09(2410-145-6760)</u>						
BPS-9 1995								
<p>Office of the Assistant Secretary H. P. P. Peshawar Public Pay Cell 1-15-2004 1-12-2004</p> <p><i>[Signature]</i> 18/03</p> <p>For Member Secy. H.P.P. Peshawar</p>								
<p>L.P.S. Shahi Bala H.C. (P.L.)</p>								
		<u>BPS 09(2410-145-6760)</u>	Rs-4150/- ^{Per An}			12 2004	<i>[Signature]</i>	<p><i>[Signature]</i> D.D.O. (P) 3 Pry: Peshawar</p>
<p><i>[Signature]</i></p>								

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9 Signature of Government Servant	10 Signature and Designation of head of the office or other attesting officer in attestation of columns 1 to 8	11 Date of termination or appointment	12 Reason of termination (such as promotion, transfer, dismissal, etc.)	13 Signature of the head of the office or other attesting officer.	14 Leave		15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitabale to another Government	
		T.R	40% 15/12/03		Period	Government to which debitabale	
		Drawn amount of pay & allowances of Rs. 6615/- on acc of One Advance increment on C.T. v.e.f 22/9 to 11/03.			Passed C.T. Excess from R.D.E. N.W.F. Part in 1998 under Roll No 30 and secured marks 678/1200 and result was declared on 27-2-98 Deputy Dist. Officer (M) Primary Peshawar M. Sa...		
			TR 146 4/04		Allowed C.T. from 27-2-98 till 27-2-98 with 25% off in school and following provisions under No 2266 by G.O. 5-11-03 not allowed above claim on account of Refutation of pay phase to 28-3-99 D.D.O. (M) Peshawar		
		Drawn amount of pay and all on acc of Annual increment of 12/03 w.c.t 11/03 + 3/04 on B. 667/2			Mr. Subal Khasra P.C. is hereby under taking the effect that if any objection is made to me as a result of incorrect award of C.T. period and deduction held detri, on it will be met to by recovery for my pay phase.		
			6 Scale 30- 2005 Revised		D.D.O. (M) Peshawar M. Sa...		

District Accounts Officer Peshawar
15/12/07

District Accounts Officer Peshawar
8/4/04
29/07

D.D.O. (M) Peshawar

M. Sa...

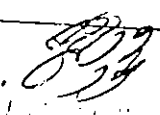
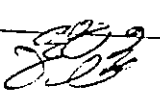
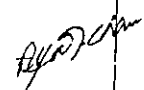
D.D.O. (M) Peshawar

Attested

D.D.O. (M) Peshawar

M. Sa...

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1	2	3	4	5	6	7	8	9
Name of post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant	Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8
G.P.S Shahri Bala N.C. (P) / 11/17/11		P.P.S-09 (2770-165-7720)	4750/- Pm			12 2005	M. J. G. S. M. J.	 8
		<p>2005</p> <p>Office of the Accountant General</p> <p>2770-165-7720 (P)</p> <p>4750/-</p> <p>Pay Final</p> <p>11/17/11</p>						
sta		Rs 4915/- Pm				12 2005	M. J. G. S. M. J.	 D.D.O. (M) Pry: Peshawar 8
cho		Rs-5080/- Pm				12 2006	M. J. G. S. M. J.	 D.D.O. (M) Pry: Peshawar 3 2

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8	9	10	11	12	13		14	15	
Signature of Government Servant	Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Nature and duration of leave taken	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
						Allocation of period of leave on average pay upto four months for which leave salary is debitale to another Government			
						Period	Government to which debitale		
M. G. Singh 11/11	<i>[Signature]</i>	30/11 2005	Annual Leave	<i>[Signature]</i> D.D.O. (M) Pry: Peshawar.				<i>[Signature]</i>	12 1202 from the Aug. Roll an other record of this Office
								<i>[Signature]</i> D.D.O. (M) Pry: Peshawar.	
								<i>[Signature]</i> D.D.O. (M) Pry: Peshawar.	12 1203 from the Aug. Roll an other record of this Office.
								<i>[Signature]</i> D.D.O. (M) Pry: Peshawar.	12 1204 from the Aug. Roll an other record of this Office.
M. G. Singh 11/11	<i>[Signature]</i> D.D.O. (M) Pry: Peshawar.	30/11 2006	Annual Increment	<i>[Signature]</i> D.D.O. (M) Pry: Peshawar.				<i>[Signature]</i> D.D.O. (M) Pry: Peshawar.	12 1205 from the Aug. Roll an other record of this Office.
M. G. Singh 11/11	<i>[Signature]</i> D.D.O. (M) Pry: Peshawar.	30/11 2007	6 Pay Scale Revised	<i>[Signature]</i> D.D.O. (M) Pry: Peshawar.				<i>[Signature]</i> D.D.O. (M) Pry: Peshawar.	12 1206 from the Aug. Roll an other record of this Office

Annulment of 11/11/06 on 11/11/06
S.P. Addl. Comm. no. 7/05 6806
with TR no 184 dt 9-10-06

[Signature]
11/11/06
19/10/06

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1	2	3	4	5	6	7	8	9	10
Name of post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant	Name and Designation of head of the office or attesting officer (attribution of columns 1 to 8)	Date of termination or appointment
Shahi Bala N.C.S.		BPS 09 (3185-190-8885)	Rs-5845/-Pm			17 2007	M. D. Singh	Deputy Director D.D.O. (M) 30 Pr. Peshawar	9-12-2007
do			Rs-6035/-Pm			12 2007	M. D. Singh	Deputy Director D.D.O. (M) 30 Pr. Peshawar	9-12-2007
		Allowed up Gradation in B. 12							
		BPS 12 (3630-260-11430)				10 2007	M. D. Singh	Deputy Director D.D.O. (M) 30 Pr. Peshawar	9-12-2007
do			Rs-6230/-Pm			12 2007	M. D. Singh	Deputy Director D.D.O. (M) 30 Pr. Peshawar	9-12-2007
		Revised Entry due to up Gradation							
5845/9		BPS 09 (3185-190-8885)	6035/-Pm			12 2007	M. D. Singh	Deputy Director D.D.O. (M) 30 Pr. Peshawar	9-12-2007
	OFFICE OF THE ACCOUNTS OFFICER PAY FIXATION PARTY N.W.F.P. 2007	GENERAL BASIC							
	OF RS 3185 - 190 - 8885								
	AT 5845								
	With Next								
	Accounts Officer Pay Fixation Party N.W.F.P.								

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8	9	10	11	12	13		14	15	
					Leave				
Signature of Government Servant	Name and Designation of the officer attesting officer (Sections 1 to 6)	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is payable to another Government		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
						Period	Government to which payable		
M. Qasim	P. Khan D.D.O. (M) Fry: Peshawar	30/11/2007	Annual Increment	P. Khan D.D.O. (M) Fry: Peshawar					Service Verified from 12/5/2006 to 30/11/2007 from the Roll on file of this Office
M. Qasim	P. Khan D.D.O. (M) Fry: Peshawar	30/11/2007	up grade to B-12	P. Khan D.D.O. (M) Fry: Peshawar					Allowed to graduation From BPS... 12/1-10-2007 Vide: Notification No... Finance Deptt. Vide: No. F.D. 30 (FR) 16-22-2007 dated: 26-01-2008 Vide: E.O. No. 8198-2007, dt. 7-7-08 S No, 179
M. Qasim	P. Khan D.D.O. (M) Fry: Peshawar	30/11/2007	Annual Increment	P. Khan D.D.O. (M) Fry: Peshawar					OPTION
M. Qasim	P. Khan D.D.O. (M) Fry: Peshawar	30/11/2007	up grade to B-12	P. Khan D.D.O. (M) Fry: Peshawar					I Mr. Muhammad Ilyas Khan Pst. is hereby exercise my option to allow me Annual increment on 1-12-2007 in my old B-09 & Fixed my pay on 2-12-2007 in B-12
M. Qasim	P. Khan D.D.O. (M) Fry: Peshawar	30/11/2007	up grade to B-12	P. Khan D.D.O. (M) Fry: Peshawar					Attested D.D.O. (M) Fry: Peshawar

M. Qasim

Signature of Government Servant	Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 3	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Nature and duration of leave taken	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
						Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
						Period	Government to which debitable		
M. J. G. S. 7/11/17	D.D.O. (M) Fry: Peshawar.	30-6-2008	Revised	D.D.O. (M) Fry: Peshawar.					Service Verified w.e. from 12/1/2007 To 30-11-2008 from the Aug: Roll an other record of this Office.
M. J. G. S. 7/11/17	D.D.O. (M) Fry: Peshawar.	30-11-2008	Annual increment	D.D.O. (M) Fry: Peshawar.					Service Verified w.e. from 12/1/2008 To 30-11-2009 from the Aug: Roll an other record of this Office.
M. J. G. S. 7/11/17	D.D.O. (M) Fry: Peshawar.	30-11-2009	Annual increment	D.D.O. (M) Fry: Peshawar.					Service Verified w.e. from 12/1/2009 To 30-11-2010 from the Aug: Roll an other record of this Office.
	D.D.O. (M) Fry: Peshawar.	30-11-2010	Annual increment	D.D.O. (M) Fry: Peshawar.					Service Verified w.e. from 12/1/2010 To 30-11-2011 from the Aug: Roll an other record of this Office.
	<p>GENERAL</p> <p>ACCOUNTS OFFICER</p> <p>Pay Fixation</p> <p>OR RS 4355-360-3635</p> <p>AR RS 7455</p> <p>With Next increment on</p> <p>1-07-2008</p> <p>1-12-2008</p>								ADHO
	D.D.O. (M) Fry: Peshawar.	30-6-2011	Scale Revised	D.D.O. (M) Fry: Peshawar.					Service Verified w.e. from 12/1/2009 To 30-11-2010 from the Aug: Roll an other record of this Office.
	D.D.O. (M) Fry: Peshawar.	30-11-2011	Annual increment	D.D.O. (M) Fry: Peshawar.					Service Verified w.e. from 12/1/2010 To 30-11-2011 from the Aug: Roll an other record of this Office.
	D.D.O. (M) Fry: Peshawar.	30-11-2012	Annual increment	D.D.O. (M) Fry: Peshawar.					Service Verified w.e. from 12/1/2011 To 30-11-2012 from the Aug: Roll an other record of this Office.

TR-458
3/12/05
Drawn Rs 2292/- arrears of upgradation w.e.f 2/12/07 to 4/08

TR-312
to 10/1/2011
Drawn Rs-3400/- arrears of CA from 7/2011 to 8/2011 on a/c of summer vacation duty

Allegre

2/11/2011
A. G.
11/1/2011

(24)

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary.	3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive post	5 Additional pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of Government Servant	9 Signature and Designation of head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of appointment
				14500/02		1/11/2011		CA D.D.O. (M) Pay: Rs. 14500	
			/						
			Rs 15 (85000 - 70000)						
	Mera G.S. Shikhi 1/11/2011		14000 + 700	Rs 15500		31/5/2011		Sub Divisional Magistrate Muzaffargarh	

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گورنمنٹ پبلک پشاور ہائیڈرو پاور سٹیشن، قصبہ ڈیرہ پشاور، 2006ء کی آئی آر (نام شہادت) کے نام (پولیس)

تاریخ نمبر 23-05-15

ابتدائی اطلاعی رپورٹ

Case No. _____
 Date _____
 Location _____
 Title _____

1	تاریخ وقت رپورٹ	6 9 صبح 13-45
2	نام و سکونت اطلاع دہندہ مستغیث	شہزاد محمد نواز بہادر صاحب، محلہ 153، انوم انڈان سنگھ، شیخا پور، پشاور
3	مختصر کیفیت جرم (مردودہ) حال اگر کچھ لایا گیا ہو۔	302-324 PP
4	جائے وقوعہ یا مقام سے اور سے	148-149
5	نام و سکونت ملزم	محمد علی خان، محلہ 153، انوم انڈان سنگھ، شیخا پور، پشاور
6	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہو، تو وجہ بیان کرو	اندر قریبی دروازے پر درخت لگا ہوا ہے۔
7	مقام سے روانگی کی تاریخ و وقت	12-30

ابتدائی اطلاع نیچے درج کرو۔ اس وقت ایک تحریری مراسلہ منجانب ابراہیم خان سید وصول ہو کر یہ معلوم ذیل میں تحریر ہے۔
 153 انوم انڈان سنگھ، شیخا پور، پشاور میں واقع ایک مکان میں 13-45 صبح 6 9 بجے ایک شخص نے ایک دروازے پر درخت لگا ہوا ہے اور اس کے ذریعہ اندر داخل ہو گیا۔
 اس شخص نے ایک دروازے پر درخت لگا ہوا ہے اور اس کے ذریعہ اندر داخل ہو گیا۔
 اس شخص نے ایک دروازے پر درخت لگا ہوا ہے اور اس کے ذریعہ اندر داخل ہو گیا۔
 اس شخص نے ایک دروازے پر درخت لگا ہوا ہے اور اس کے ذریعہ اندر داخل ہو گیا۔

ASi PS Rmt
9-5-013

Legal Branch
Capital City Police Peshawar

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IN THE COURT OF SUHAIL SHERAZ NOOR SAANI
ADDITIONAL SESSIONS JUDGE-II, PESHAWAR

Sessions Case No. 10/SC of 2014

State ...versus... Yahya etc

Or-----38
25.02.2015

Dy.PP for State present. Accused Sami Ullah, Islam Ullah, Muhammad Ilyas and Kiramat Ullah present on bail. Neither complainant nor legal heirs of the deceased present even after repeated calls.

2. This order is meant to dispose of an application under section 265-K Cr.PC, submitted by accused facing trial requesting thereby their acquittal under section 265-K Cr.PC with respect to instant case registered vide FIR No. 11, dated 09/06/2013 u/ss 302/324/148/149 of Pakistan Penal Code pertaining to Police Station Reggi Model Town, Peshawar.

3. Arguments heard and record gone through.

4. Perusal of record would show that joint statement of Niaz Muhammad and Mst: Ulfat Bibi, parent and legal heirs of deceased Waqas, and joint statement of Khushdil Khan and Mst: Sabeeha Begum, parents and legal heirs of deceased Afzal Khan, were recorded on 13/01/2015 and placed on file alongwith compromise deeds and proformas Ex.PB, Ex.PC, Ex.PF and Ex.PG wherein it is submitted that they have patched up the matter with the accused named above, pardoned them in the name of Allah Almighty by waiving of their rights of Qisas and Diyat; it was further submitted that deceased persons were unmarried and they are only legal heirs of deceased persons, respectively; and that they have got no objection if the accused facing trial be acquitted during trial.

Similarly, joint statement of complainant Shad Muhammad and victims Kalim Ullah son of Niamat Ullah and Ali Raza son of Najeeb ullah was also recorded and placed

P.T.O.

ATTESTED

(Examiner)
Sessions Court Peshawar
3.3.15

SUHAIL SHERAZ NOOR SAANI
Additional District & Sessions Judge-II, Peshawar

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25.02.2015
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on file wherein they also submitted that they have paid up the matter with the accused facing trial and pardoned them in the name of Allah Almighty by waiving their rights of Qisas and Diyat, therefore, if said accused be acquitted, they have got no objection too, compromise deed Ex.PA/1, Ex.PA/2 and Ex.PA/3 relied upon by them as well. Joint statement of elders of locality namely Sareer Ahmad son of Abdul Qayyum and Zahid Ullah son of Muhammad Khan was also recorded and placed on file, wherein they further verified the compromise between parents/legal heirs of both the deceased, complainant and victims with the accused facing trial as well as verified compromise deeds and proformas. List of legal heirs of both the deceased named above is available on record which further verifies the above named as parents /legal heirs of said deceased.

5. Since the parents/legal heirs of deceased, complainant and victims have entered into compromise with the accused facing trial, and they have got no objection upon their acquittal, hence, application in hand is accepted and accused Sami Ullah s/o Shad ^{Kiramat Ullah s/o} Kiramat Ullah, Islam Ullah s/o Faiz Ullah, Muhammad Ilyas s/o Sardar Ali and Kiramat Ullah s/o Hashmat Ullah are hereby acquitted in the instant case. They are on bail, are discharged, alongwith their sureties from the liabilities of bail bonds. After expiry of period of appeal/revision, case property be disposed off in accordance with law.

6. File be consigned to record room after its completion and compilation..

Announced
25.02.2015

No:	2616
Date of Application	
Name of Applicant	3.3.15
Word	1200
Fee	
Signature	
Date of Disposal	3.3.15
Date of Delivery	3.3.15

Admitted

(SUHAIL SHERAZ NOOR SAANI)
Additional Sessions Judge-II,
Peshawar.
SUHAIL SHERAZ NOOR SAANI
Additional District & Sessions
Judge-II Peshawar
REGISTERED TO BE TAVERN COPY
3.3.15

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V. J. W. T. - D

DISTRICT EDUCATION OFFICER (MALE) PESHAWAR.NOTIFICATION :-

1. WHEREAS Asstt:Sub Divisional Education Officer (Male) Circle Mathra, Peshawar reported that Mr. Muhammad Ilyas PSHT, Government Primary School No.1 Mera Shai Bala Peshawar was charge under saction 302-324 /148-149 PPC vide FIR No.11 in Police Station Ragi Model Town on 09/06/2013 and absent from duty with effect from 09/06/2013.

2. AND WHEAREAS Mr. Muhammad Ilyas PSHT, Government Primary School No.1 Mera Shai Bala Peshawar was proceeded against under Khyber Pakhtunkhwa Govt: Servant (Efficiency & Discipline) Rules 2011, for the charged of " wilful absence from duty with effect from 09/06/2013 .

3. AND WHEREAS:- Absent Notice was served upon the accused Mr. Muhammad Ilyas PSHT, GPS No.1 Mera Shai Bala Peshawar through "Daily Express" Peshawar dated: 12/04/2014.

4. AND WHEREAS:- No reply of Absent Notice was given by the accused official.

5. AND WHEARAS the, competent authority, District Education Officer (Male) Peshawar, after having considered the charges, evidence on record, is of the view that the charge of wilful and unauthorized absence against the accused official has been proved.

6. NOW THEREFORE, In exercise of the Powers conferred under Rules-4 (b) ii of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, I the competent Authority District Education Officer (Male) Peshawar is pleased to impoce major penalty of " Compulsory Retirement " upon Mr. Muhammad Ilyas, PSHT GPS No.1, Mera Shai Bala Peshawar with immediate effect. The period of his absence with effect from 09/06/2013 till date is hereby treated as unauthorized absence from duty without pay.

Sharif Gul
District Education Officer
(Male) Peshawar.

Endst: No. 2719-25 / Dated Peshawar the 24 / 5 / 2014.

Copy forwarded to the :-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Sub Divisional Education Officer (Male) Peshawar with the remarks to recover any over payment made to the above named official and deposit in to Govt: Treasury under intimation to this office. *CCU S/Secy*
3. ASDEO (Male) Circle Mathra Peshawar.
4. PS to Secretary E&SED Khyber Pakhtunkhwa Peshawar.
5. PA to Director E&SE Khyber Pakhtunkhwa Peshawar.
6. PA to District Edcation Officer (Male) Peshawar.
7. Official Cocnerved.

[Signature]
Dy: District Education Office
(Male) Peshawar.

[Signature]
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VATWA: E Jc
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To

The Director,
Elementary and Secondary Education Department,
Khyber Pakhtunkhwa,
Peshawar.

Subject: Departmental Appeal against the order dated 24.05.2014, communicated to the undersigned on 04.03.2015 whereby the major penalty of compulsory retirement from service has been imposed upon the undersigned.

Prayer in Departmental Appeal:

On acceptance of this appeal the order dated 24.05.2014, may please be set aside and the undersigned may be reinstated in service with all back benefits and wages.

Respected Sir,

I very humbly submit the following few lines for your kind and sympathetic consideration:

1. That the undersigned was initially appointed as Primary School Teacher vide order dated 17.03.1992. Ever since my appointment I had performed my duties as assigned with zeal and devotion and there was no complaint what so ever regarding my performance.
2. That while serving in the said capacity, the undersigned was falsely implicated in a criminal case under section 302-324/148-149, vide FIR No. 11 dated 09.06.2013 of Police Station Regi Model Town, Peshawar. I duly informed the School authorities about my false implication in criminal case.

ATTEST
[Signature]

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[Circular Stamp]

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- 4. That initially I applied for bail before arrest which was granted to me by the concerned court, later the matter was patched up by the elder of the Locality, according I was acquitted from criminal charges by the Learned ADSJ-II Peshawar vide Judgment and order dated 25.02.2015.
- 5. That after obtaining copies of my acquittal order I duly reported for duty, however, I was told that I have been proceeded departmentally in absentia and have been awarded the penalty of compulsory retirement from service vide order dated 24.05.2014. It is pertinent to mention here that the order of penalty was however never communicated to me.
- 6. That the penalty so imposed upon me is illegal, unlawful against the law and facts, hence liable to be set aside inter alia on the following grounds.

GROUND OF DEPARTMENTAL APPEAL .

- A. That the applicant undersigned has not been treated in accordance with law hence my rights secured and guaranteed under the law are badly violated.
- B. That no proper procedure has been followed before awarding me the penalty of compulsory retirement from service, I have not been served with any notice, charge sheet or show cause notice, nor has any inquiry been conducted before the imposition of penalty upon me. Thus the whole proceedings are defective in the eye of law as such the order based on such defective proceedings is liable to be set aside on this score alone.
- C. That I have not been provided opportunity of personal hearing before awarding me the penalty hence I have been condemned unheard.
- D. That no charge sheet or show cause notice has ever been served upon me, thus I have not been given opportunity to

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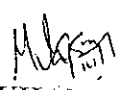
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- E. That since my absence from duty was not willful but was due to my involvement / false implication in criminal case. Therefore under the law/rules the department was required to hence keep the proceedings pending till the decision of the criminal case.
- F. That I have been committed any act or omission which could be termed as misconduct my absence from duty was not willful but it was due to my false implication in criminal case. Since I have now gained acquittal in the criminal case, therefore I deserve to be reinstated into service.
- G. That all the proceedings against me are conducted ex-parte I have not been associated with the departmental proceedings at any stage thus the impugned order is violative of Principles of Natural Justice.
- H. That I have a long and spotless service career at my credit, I have always performed my duties as assigned with zeal devotion and to the entire satisfaction of my superiors. The penalty imposed upon me is harsh and does not commensurate with the charges, needless to mention that those charges too were never probed hence liable to be set aside.
- I. That I am jobless since the imposition of illegal penalty upon me.

It is, therefore, humbly prayed that on acceptance of this Departmental Appeal the order dated 24.05.2014, may kindly be set aside and the applicant may be reinstated into service with all back benefits.

Yours Obediently



MUHAMMAD ILYAS
Ex- Primary School Teacher,
Govt. Primary School No. 1



POWER OF ATTORNEY

In the Court of 1 E P E Sawai Tribunal Peshawar
Muhammad Ijaz

} For
} Plaintiff
} Appellant
} Petitioner
} Complainant

VERSUS

Govt of K P E E

} Defendant
} Respondent
} Accused
}

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____
Fixed for _____

I/We, the undersigned, do hereby nominate and appoint

IJAZ ANWAR ADVOCATE, SUPREME COURT OF PAKISTAN

and Sajid Amin Advocate my true and lawful attorney, for me in my same and on my behalf to appear at _____ to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at _____
the _____ day to _____ the year _____
Executant/Executants _____

Accepted subject to the terms regarding fee _____

*Accepted
Sajid Amin*

Ijaz Anwar

Advocate High Courts & Supreme Court of Pakistan

SAJID AMIN
ADVOCATE HIGH COURT
Legal Advisor Services & Labour Laws Consultants
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