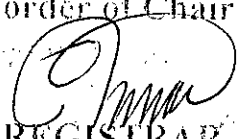


FORM OF ORDER SHEET

Court of \_\_\_\_\_

Appeal No. 307/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/02/2024	<p>The appeal of Mr. Khaled Usman resubmitted today by Mr. Mansoor Salam Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 22.02.2024 .Parcha Peshi is given to counsel for the appellant.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

Respected Sir,

It is submitted that the present appeal was received on 13.02.2024, which was returned to the counsel for the appellant for removing objections (Flag-A). Today i.e. 14.02.2024 the learned counsel re-filed the appeal without removing the objections with detail reply (Flag-B).

The appeal is now submitted to your honor under rules 7 (c) of the Khyber Pakhtunkhwa Service Tribunal rules 1974 for appropriate order please.

Worthy Chairman

  
REGISTRAR

*objec<sup>n</sup> overruled*  
*re-filed*  
*[Signature]*  
*21/02/24*

*[Signature]*

The appeal of Mr. Khalid Usman received today i.e on 13 .02.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- ① According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondents no. 2 & 3 are un-necessary/improper parties, in light of the rules ibid and on the written direction of the Worthy Chairman the above mentioned respondent number be deleted/struck out from the list of respondents.
- ② Page no.10 of the appeal is illegible which may be replaced by legible/better one.

No. 313 /S.F.

DT: 14/2 /2024.



REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mansoor Salam Adv.  
High Court Peshawar.

- ① Appellant was appointed by Respondent No. 3 and later on transferred to Admin Department, (Res-2) where appellant has further transferred to different Department, and his last transferred order was to ST& IT Department where ST& IT Department (Res-1) removed the Appellant, who is incompetent authority, therefore impugned orders of removal has challenged in Deptl. appeal and in Service Appeal.
- ② Page No. 10 has replaced.

therefore requested to re-submit the instant Service Appeal.

Counsel for the  
Appellant

Mansoor Salam

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

SERVICE APPEAL NO. 307 /2024

Khalid Usman

VS

Govt:ofKPK

**INDEX**

S.No.	Documents	Annexur	P. No.
1.	Memo of Appeal	----	1-4
2.	Affidavit	----	5
3.	Copy of the Appointment Orders Dated 22.03.2010 & Arrival Report Dated 24.03.2010	A&B	6,7
4.	Copies of all transfer Orders with Service Book	B-1, B-2, B-3, B-4, B-5 and B-6	8-23
5.	Copy of the Office Order dated 27.09.2017 & 19.03.2018	C&D	24,25
6.	Copies of the FIR & Application for Earned Leave dated 31.01.2019 & Office Order dated 20.02.2019	E,F&G	27-30
7.	Copy of the Transfer Order dated 27.09.2017, Letter dated 24.06.2019 & Reply dated 28.06.2019	H,H-1&I	31-34
8.	Copy of the Notice dated 17.09.2019, Letter to GD Information & Public Relation dated 07.10.2019, Publication of Ajj News dated 11.10.2019 & Application for assuming duty dated 08.10.2019	J,K,L&M	35-38
9.	Copy of the Attendance Register & Leave Application dated 15.10.2019	-N&O-	39-41
10.	Copy of the Removal From Service Order dated 28.10.2019	-P-	42
11.	Copy of Order of BBA dated 03.02.2022 & Judgment/Order dated 26.10.2023 of Learned ADJ-Lakki	-Q&R-	43-65
12.	Copy of Departmental Appeal dated 17.10.2023	-S-	66-68
13.	Wakalat Nama		69

خالد عثمان

APPELLANT

THROUGH



(MANSOOR SALAM)  
ADVOCATE HIGH  
COURT PESHAWAR

- 1 -

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

SERVICE APPEAL NO. 307/2024

Khalid Usman, Ex-NaibQasid (BPS-03),  
Science & Technology and Information Technology  
Department, Khyber Pakhtunkhwa.

(APPELLANT)

VERSUS

1. The Secretary to Government, Science & Technology and Information Technology Department Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. The Secretary to Government, Administrative Department Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
3. The Secretary to Government, Mines & Minerals Development Department Khyber Pakhtunkhwa, Civil Secretariat Peshawar.

(RESPONDENTS)

**APPEAL UNDER SECTION-04 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED ORDER PASSED BY INCOMPETENT AUTHORITY DATED 28.10.2019, WHEREBY THE APPELANT HAS BEEN REMOVED FROM SERVICE AND AGAINST NOT TAKING ACTION ON DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS.**

**PRAYER:**

**ON THE ACCEPTANCE OF INSTANT SERVICE APPEAL THE IMPUGNED ORDER DATED 28.10.2019 PASSED BY INCOMPETENT AUTHORITY MAY VERY KINDLY BE SET ASIDE AND THE APPELLANT MAY PLEASE BE REINSTATED INTO SERVICE WITH ALL BACK & CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS HON'BLE TRIBUNAL DEEMS FIT AND PROPER MAY ALSO BE AWARDED IN THE FAVOR OF THE APPELLANT.**

**RESPECTFULLY SUBMITTED;**

**FACTS:**

1. That the appellant has been appointed as NaibQasid (BPS-01) vide order No. SO (B&A)MD/1-17/2009/1404 dated 22.03.2010 in Minerals Development Department under APT Rules 1989 and assume his duty as NaibQasid in on 24.03.2010. (Copy of the Appointment Orders Dated 22.03.2010 & Arrival Report Dated 24.03.2010 are Annexure-A&B)

2. That the appellant has performing his duty with great devotion with honesty and transferred to different departments as below;
  - i. Appellant has been transferred from Establishment Section to Planning Section vide dated 29.05.2013.
  - ii. Further appellant transferred from Planning Section to SO (G) vide dated 12.09.2013.
  - iii. Appellant transferred from SO (G) to Chief Minister Secretariat vide dated 16.09.2014.
  - iv. On dated 12.02.2015 appellant has transferred from SO (Admn)to Environment Department.
  - v. Similarly on dated 10.08.2015 appellant has again transferred from Section Officer (Admn) to Deputy Secretary-II Section.
  - vi. Appellant has transferred from Industries Department to Higher Education Department vide transfer order dated 17.10.2016.
  - vii. More so appellant has further transferred vide dated 30.01.2017 from HEC Department to Office of Additional Secretary (Rg) Estt Department.  
no complaint or adverse remarks has been ever filed or passed against the appellant regarding his performance since initial appointment i.e. 2010.(All transfer Orders with Service Book are Annexure-B-1,B-2,B-3,B-4,B-5,B-6& B-7)
3. That the appellant has lastly been transferred from Establishment &Admn: Department to Science & Technology and information Technology Department vide Order No. E&A (AD)04(03)2016 dated 27.09.2017 made in the public interest. Furthermore the SO(G) directed the appellant vide office order dated 19.03.2018 to perform their duty as Chowkidar on temporary basis as well.(Copy of the Office Order dated 27.09.2017 & 19.03.2018 are Annexure-C&D)
4. That the appellant was on leave from 07.01.2019 to 30.01.2019, wherein in native village an unfortunate incident of murder took place in Village Dello Khel District Lakki Marwat vide FIR No.13 dated 08.01.2019 u/s 302, 324, 34 PPC PS Lakki, and for that the appellant has been charged with mala-fide intentions in instant FIR, however the appellant has arrived to the office on 31.01.2019 and preferred an application for earned leave for (04) months and the same have been granted vide Office Order dated 20.02.2019. (Copies of the FIR & Application for Earned Leave dated 31.01.2019 & Office Order dated 20.02.2019 are Annexure-E,F&G)
5. That as stated above the appellant was on Earned Leave when FIR was lodge against him with mala-fide intentions, moreover appellant being head and meal earner of their family has gone in abscondence due to fear of enmity. It is noteworthy to mention here that appellanthastransferred from Administrative Departmentto S&T and IT Department vide dated 27.09.2017, the respondent departmentissued a letter dated 24.06.2019 to the Department of Administration for surrender of appellant and stated that his services are no more required in this Department, in responseto the letter Administration Department reply vide dated 28.06.2019that disciplinary action under E&D Rules 2011 may be initiated against the appellant at your own level. (Copy of the Transfer Order dated 27.09.2017, Letter dated 24.06.20109 &Replydated 28.06.2019 is Annexure-H, H-1&I)
6. That the respondent department issued a notice dated 17.09.2019 and directed the appellant to assume the duty within 15 days, which was honored upon 08.10.2019 wherein the appellant assume their duty and

mark their attendance in attendance register, despite the fact that the life of the appellant was in danger due to the enmity and fear of enemies, it is pertinent to mention here that the respondent department has issued a letter to the DG Information & Public Relation for the Publication in leading newspaper vide dated 07.10.2019, the respondent department has issued publications in Ajj News on 11.10.2019, whereas appellant was at duty in office according to attendance register record. (Copy of the Notice dated 17.09.2019, Letter to GD Information & Public Relation dated 07.10.2019, Publication of Ajj News dated 11.10.2019 & Application for assuming duty dated 08.10.2019 are Annexure-J, K, L & M)

7. That as per the record the appellant was on duty from 08.10.2019 to 15.10.2019, wherein he mark their attendance in attendance register, furthermore, the appellant has acknowledge the respondent department and preferred an extra ordinary leave application for period of two (02) years without pay dated 15.10.2019 on the basis of special circumstances of intense hostilities with local enemies & family disturbance, the fate of which is still held in abeyance. (Copy of the Attendance Register & Leave Application dated 15.10.2019 are Annexure-N & O)
8. That the appellant has draw their salary to the month of October, 2019, which was later on stopped on 01.11.2019, however the respondent department without following the procedure of law has removed the appellant vide issuing the office order dated 28.10.2019 with immediate effect. (Copy of the Removal From Service Order dated 28.10.2019 is Annexure-P)
9. That the appellant was absconder during the period from 15.10.2019 till the date when the appellant moved the pre-arrest bail application vide dated 03.02.2022 against the aforementioned FIR No.13 dated 08.01.2019 u/s 302, 324-34 PPC of PS Lakki, District Lakki Marwat, which was later on recalled on dated 11.03.2022 and as a result the appellant has been arrested & sent behind the bars on 14.03.2022, the trail of the instant case has been initiated and the appellant has been acquitted from charges level against him vide judgment dated 26.09.2023, however the attested copy of the said judgment has received on dated 12.10.2023. (Copy of Order of BBA dated 03.02.2022 & Judgment/Order dated 26.10.2023 of Learned ADJ-Lakki is Annexure-Q & R)
10. That the appellant being aggrieved from the removal order dated 28.10.2019 has prepared departmental appeal on 16.10.2023 and submitted the same on 17.10.2023 against the removal order, however that too wasn't considered within the statutory period of 90 days. (Copy of Departmental Appeal dated 17.10.2023 is Annexure-S)
11. That the appellant has no other remedy except to file the instant Service Appeal before this Hon'ble Tribunal for redressal of his grievances on the following grounds amongst others.

**GROUND:**

- A. That the appellant has not been treated according to law and rules and has been illegal removed through void order.
- B. That not responding on Departmental Appeal within in statutory period of 90 days are against the rules, law, illegal, unlawful and violation of Apex Court judgments, thus removal order is not tenable and liable to be

- set-aside and the appellant is entitled to be re-instated with all back and consequential benefits.
- C. That the appellant was initially appointed by Minerals Department, later on appellant was absorbed in Administrative Department and transferred to Science & Technology and Information Technology Department on temporary basis, the impugned office order of the respondent department is void order, hence against the law and KP E&D Rules 2011.
  - D. That the appellant never remain absent from duty intentionally during their almost 10 years' service record, but due to the special circumstances of enmity and hostilities appellant decamp from scene, the appellant resume his duty on dated 08.10.2019 when he was intimated via notice dated 17.09.2019, however the respondent department with mala-fide intention issued the publication in daily newspaper on the same date upon which the appellant was on duty, which is otherwise and against the law and norms justice.
  - E. That keeping the Extra Ordinary Leave Application as held in abeyance by the Respondent Department is against the law and violation of KP Civil Servants Revised Leave Rules-1981. Similarly no regular inquiry was conducted, no statement of any concern has recorded and no opportunity of cross examination and defense has been provided to the appellant, therefore the impugned order is against the law and judgment of the Apex Court.
  - F. That the impugned office order is against the rules and superior court judgment and is liable to be set-aside by reinstating the appellant on his own position as he was before the impugned order
  - G. That it is a cherished principal of law, that where a law requires a thing to be done in a particular manner, the same is to be done in that manner and not otherwise.
  - H. That the absence of the appellant was neither willful nor intentional, however due to compelling circumstances of enmity and hostilities that are evident from record.
  - I. That the appellant has almost 10 years' service on his credit, so the penalty of removal from service is very harsh which is passed in violation of law and, therefore, the same is not sustainable in the eyes of law.
  - J. That the appellant has not been treated in accordance with law and rules by removing from service via impugned office order dated 28.10.2019.
  - K. That on removal from service via impugned office order the appellant has treated illegally and not in accordance with prescribed law and rules which suffer irreparable loss to the appellant.
  - L. That the appellant seeks permission of this Hon'ble Tribunal to rely on other grounds at the time of arguments and produce any Additional Document if required in support of instant Service Appeal.

It is therefore most humbly prayed that the Appeal of the appellant may be accepted as prayed for.

خالد عثمان

APPELLANT  
(Khalid Usman)

THROUGH



(MANSOOR SALAM)  
ADVOCATE HIGH COURT  
PESHAWAR



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

SERVICE APPEAL NO. \_\_\_\_\_ /2024

Khalid Usman

VS

Govt:of KPK

**AFFIDAVIT**

I, Khalid Usman Ex-NaibQasid (BPS-03) Science & Technology and Information Technology Department Khyber Pakhtunkhwa, do hereby affirm and declare on oath that the contents of instant Service Appeal are true & correct to the best of my knowledge & belief, and nothing has been withheld from this Hon'ble Tribunal.

خالد عثمان

**DEPONENT**

Khalid Usman

CNIC: 11201-525375-1

  
IDENTIFIED BY:

MANSOOR SALAM  
ADVOCATE HIGH COURT



-6-

**GOVERNMENT OF NWFP,  
MINERAL DEVELOPMENT DEPARTMENT**

Dated Peshawar, the 22<sup>nd</sup> March, 2010.

**ORDER**

**No. SO(B&A)/MD/1-17/2009.** Under rule 10 sub rule-2 of the NWFP civil servants (appointment, promotion and transfer) Rules, 1989 read with amendment made vide notification No. SOR. VI(E&AD)1-13/2005 dated 10/08/2005. Mr. Khalid Usman S/O Miran Shah, VPO Essa Khel, Lakki Marwat is hereby appointed as Naib Qasid (BPS-01) (2970-90-5670) against an existing vacancy in the Minerals Development Department with immediate effect on the following terms and conditions:-

- (i) He will get pay at the minimum of BPS-01 including usual allowances as admissible under the rules. He will be entitled to annual increment as per existing policy.
- (ii) He shall be governed by the NWFP Civil Servants Act 1973 and all the laws applicable to the Civil Servants and Rules made there under.
- (iii) He shall, for all intents and purposes, be Civil Servant except for purpose of pension or gratuity. In lieu of pension and gratuity, he shall be entitled to receive such amount as would be contributed by him towards Contributory Provident Fund (CPF) alongwith the contributions made by Government to his account in the said fund, in the prescribed manner.
- (iv) In case, he wishes to resign at any time, 14 days notices will be necessary or in lieu thereof 14 days pay will be forfeited.
- (v) He shall produce a Medical Certificate of fitness for Medical Superintendent, Services Hospital Peshawar, before joining duties in the Civil Secretariat, as required under the rules.
- (vi) He has to join duties at his own expenses.

If he accepts the post on these conditions, he should report for duties to the under signed within 14 days of the receipt of this order.

  
**DEPUTY SECRETARY (ADMIN)  
MINERAL DEV. DEPARTMENT**

**FOUR No. & date even / 1404**

Copy forwarded to:

1. Accountant General, NWFP, Peshawar.
2. Section General, Administration Department.
3. Mr. Khalid Usman S/O Miran Shah, VPO Essa Khel, Lakki Marwat.
4. Accountant, Mineral Dev. Department.
5. Personal file.

**ATTSTED**

  
**(IHSANULLAH)  
Section Officer (General)**

B

To  
The Section Officer (General),  
Minerals Dev. Department,  
Govt. of NWFP, Peshawar.

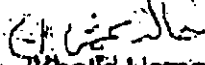
Subject: ARRIVAL REPORT.

Dear Sir,

Respectfully it is submitted that in compliance with the Order of the Government of NWFP, Minerals Development Department, Peshawar vide No. SO(B&A)/MD/1-17/2009/1404, dated 22.3.2010, I beg to submit my arrival report for duty as Naib Qasid in the Minerals Dev. Department today i.e. 24.03.2010 and oblige please.

Dated: 24.03.2010

Yours faithfully,

  
(Khalid Usman)  
S/O Miran Shah  
Naib Qasid,  
Minerals Dev. Department  
Govt. of NWFP, Peshawar

ATTSTED

B-1

-8-



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
MINERALS DEVELOPMENT DEPARTMENT

Dated Peshawar, the May 29, 2010

**OFFICE ORDER**

No. SO (G)/MDD/1-6/2010:- The following internal posting/transfer amongs the officials are hereby ordered with immediate effect in the interest of public service till further orders:-

Sr	Name of Officials	From	To
16	Mr. Syed Ibrahim Shah, Naib Qasid	Planning Section	Establishment Section against Sr. No. 2
25	Mr. Khalid Usman, Naib Qasid	Establishment Section	Planning Section against Sr. No. 1

Section Officer (General)  
Govt. of Khyber Pakhtunkhwa

Encl: No. 4, Date: Even, 2010-20

A Copy of the order is for information and necessary action to:-

1. Mr. Senior Planning Officer, Minerals Devt. Department, Khyt Peshawar.
2. Section Officer (Establishment) Minerals Devt. Department, Govt. of Khyt Peshawar.
3. Mr. Sr. Planning Officer.
4. Mr. Sr. Qasid.

Section Officer (General)



B-2

-9-

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
MINERALS DEVELOPMENT DEPARTMENT

Dated Peshawar, the September 12, 2013

**OFFICE ORDER**

No. SO (G)/MDD/1-6/2010:- The following internal posting/transfer amongst the officials are hereby ordered with immediate effect in the interest of public service till further orders:-

S#	Name of Officials	From	To
1.	Mr. Khalid Usman, Naib Qasid	Planning Section	SO (G) against Sr. No.2
2.	Mr. Umar Hayat, Naib Qasid	SO(G)	Planning Section against Sr. No. 1

*SJ*  
Section Officer (General)  
Govt. of Khyber Pakhtunkhwa

Ends: No. & Date Even.

A Copy is forwarded for information and necessary action to:-

1. The Senior Planning Officer, Minerals Dev. Department, Khyber Pakhtunkhwa.
2. The officials concerned. *Khalid Usman N/O*
3. The Personal File of the concerned officials.

*CY*  
Section Officer (General)

ATTSTED

TO BE SUBSTITUTED FOR ORDER OF L.F.S NO & DATE



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ADMINISTRATION DEPARTMENT

Date: 17/12/2015

**ORDER**

No. EA/AL/24(03)2015. The following order is issued for management employees as herein, ordered with immediate effect:-

Sl. No.	NAME	FROM	TO
1	Muhammad Riaz Niaz Qasbi	Environment Department	Planning & Development Department
2	Muhammad Aman Niaz Qasbi	Chief Minister's Secretariat	Environment Department
3	Rafiqar Ali Yahya Qasbi	Higher Education Department	Advisor to Chief Minister for Law, Parliamentary Affairs & Human Rights
4	Muhammad Ashfaq Niaz Qasbi	Administration Department	Higher Education Department

SECRETARY ADMINISTRATION

LIST OF EVEN NO & DATE

Copy forwarded to the:-

- 1) Accountant General, Khyber Pakhtunkhwa
- 2) Section Officer (Admin. General) Planning & Development Department
- 3) Section Officer (Admin. General) Environment Department
- 4) Section Officer (Admin. General) Higher Education Department
- 5) **SOC(Admin)** Chief Minister's Secretariat
- 6) Officer(s) concerned
- 7) Personal Files

(INAYATULLAH)  
SECTION OFFICER (ADMIN)

17/12/2015  
TTSTED



B-4

-11-



GOVERNMENT OF KHYBER PAKHTUNKHWA,  
INDUSTRIES, COMMERCE & TECHNICAL EDUCATION,  
DEPARTMENT, PESHAWAR

ORDER

No.E&A(IND)/2-60/2015.

The following internal posting / transfers

are hereby ordered with immediate effect, till further order:-

S.No.	Name of Officials	From	To
1.	Mr. Shaukatullah, Computer Operator	Section Officer (Admn) Section	Deputy Secretary-II, Section
2.	Inayatullah, Driver	-do-	-do-
3.	Mr. Khalid Usman, N/Qasid	-do-	-do-

DEPUTY SECRETARY (ADMN)

No.E&A(IND)/2-60/2015. 11045

Dated 10<sup>th</sup> August, 2015.

Copy forwarded to:-

1. PA to Deputy Secretary (Admn) Industries Department.
2. PA to Deputy Secretary-II Industries Department.
- 3-5. Officials concerned.

SECTION OFFICER (ADMN)

ATTESTED

B-5

-12-



To be substituted for order of even No. & dated  
**GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ADMINISTRATION DEPARTMENT**

Dated: 17-10-2016

**ORDER**

No. FBA(AD)04(01)2016. The following posting / transfer amongst Class-IV employees is hereby made in the public interest.

S#	NAME & DESIGNATION	FROM	TO
1.	Nadir Khan, Naib Qasid	Higher Education Department.	Industries Department
2.	Khalid Usman, Naib Qasid.	Industries Department	Higher Education Department.

*sd-*  
DEPUTY SECRETARY (ADMN)

ENST OF EVEN NO & DATE.  
Copy forwarded to the:-

- 1) Accountant General Khyber Pakhtunkhwa.
- 2) Section Officer (General/Admn) Industries Department.
- 3) Section Officer (General/Admn) Higher Education Department.
- 4) PA to Deputy Secretary (Admn) Administration Dept.
- 5) Official(s) concerned
- 6) Personal File(s)

*ok*  
  
(KAMRAN KHATTAK)  
SECTION OFFICER (ADMN)

ATTSTED





**GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ADMINISTRATION DEPARTMENT**

**B-6**

**-13-**

Gated: 30-01-2017

**ORDER**

**No.E&A(AD)P/FZ016** The following posting / transfer amongst Naib Qasids is hereby ordered with immediate effect:-

4.	Mr. Afd Ali	Protocol Wing, Administration Department	Office of the Additional Secretary (Admn) Admn. Department
5.	Mr. Khalid Usman	Higher Education Department	Office of the Special Secretary ( R) Estt. Department
6.	Mr. Amin Khan	Office of the Special Secretary ( R) Estt. Department	Office of the Additional Secretary (Admn) Admn. Department

- *sd* -  
**DEPUTY SECRETARY (ADMN)**

**LIST OF EVEN NO & DATE**

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa
2. Section Officer (Etab & Admn) Higher Education Department
3. PS to Special Secretary (R) Establishment Department.
4. PS to Additional Secretary (Admn) Admn. Department.
5. PA to Deputy Secretary (Admn) Administration Department.
6. PA Assistant (E&A) Department.
7. OMB (a) concerned.
8. Section Officer

*(Signature)*  
**(KAMRAN KHATTAK)  
SECTION OFFICER (ADMN)**

**ATTSTED**

**B-7**

**-14-**

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 Ishaq Usman

2. Race: Dallakhel

3. Residence: 1111 & post office Dallakhel Tehsil & Dist Lalaki Mandel.

4. Father's name and residence:  
Mr Miran Shah

5. Date of birth by Christian era as nearly as can be ascertained:  
10th Feb. 1992

6. Exact height by measurement:  
5' 4"

7. Personal marks for identification:  
Nil

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:  
Kh

10. Signature and designation of the Head of the Office, or other Attesting Officer.

[Signature]

Section Officer (G)  
Govt. of Khyber Pakhtunkhwa  
Minerals Dev. Department

ATTESTED



1	2	3	4	5	6	7	8	9	10	11	12	13		14	15
												Name of post	Whether substantive or acting and whether permanent or temporary		
Period	Government to which debitable														
	Naib B. and B. P. - I 4800-1500-09300		R. 5100/14			12/2011			Annual increment			Granted (09) days earned leave w.e.f. 13-04-2012 to 21-04-2012 (with days inclusive) vide order No. Co. G./MDD/PE/Khadid Usman/NO. 204 dt. 12-04-2012			
	do-		R. 5250/2			12/2012			30/2/2012	Annual increment			30-11-2011 to 30-11-2012 from Pay Roll		
													30-11-2011 to 30-11-2012 from Pay Roll		
													30-11-2011 to 30-11-2012 from Pay Roll		
													30-11-2011 to 30-11-2012 from Pay Roll		
	do-		R. 5400/1			12/2013			30/11/2013	Annual increment			30-11-2012 to 30-11-2013 from Pay Roll		

Section Officer (G)  
Govt. of Khyber Pakhtunkhwa  
Minerals Dev. Department

Section Officer (G)  
Govt. of Khyber Pakhtunkhwa  
Minerals Dev. Department

Section Officer (G)  
Govt. of Khyber Pakhtunkhwa  
Minerals Dev. Department

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1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (1) substantive appointment or (2) whether service ceased for pension under Art. 377 C.B.R.	Pay in substance	Additional Pay for officiating	Other emoluments being under the term "	Date of appointment	Signature of Government Servant
			Rs. 5550/-			17/2014	

9	10	11	12	13	14	15	
Nature and Description of the post of the office (in abstract form of columns 1 to 8)	Date of termination of appointment	Reason of termination (such as resignation, transfer, dismissal, etc.)	Signature of the head of the office or other authority	Leave		Signature of the head of the office or other authority	Reference to any record or memorandum or other document of the Government servant
				Nature and duration of leave taken	Amount of leave taken		
				Granted	17-8-2013		Unlawfully earned leave u/p of 29-7-2013 to 17-8-2013 vide order No SOCR/MOD/1-6/2010 dt 26-07-2013
				Section Officer (G)			Govt. of Khy Pakhtunkhwa Minerals Devt Department
				3.1			SR No 92 dated 2/1/14
				Section Officer (G)			Govt. of Khy Pakhtunkhwa Minerals Devt Department
				Transferred to Chief Minister's Secyariat vide Admin Deptt order No F/A (AD) 4 (3) / 2012 dt. 16/9/2012			1-7-2012 to 15-9-2012
				3.1			
				Section Officer (G)			Govt. of Khy Pakhtunkhwa Minerals Devt Department
							Service verified for 1-12-2012 to 30-9-2014 from Pay Roll.
				3.1			
				Section Officer (G)			Govt. of Khy Pakhtunkhwa Minerals Devt Department

ATTSTED

217-

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service ceases for pension under Art. 37(1) C.S.B.	Pay is substantive post	Additional Pay for officiating	Other emolument (if any) under the terms	Date of appointment	Signature of Government
						30/11/2014	
Assistant RPS-2							
4800-150-4800							

Assistant RPS-2  
4800-150-4800

R. 5700/-

30/11/2014

12/1/2014

ANNUAL AGREEMENT

*[Signature]*  
S.O (Admin)  
Chief Minister Sectt.  
Khyber Pakhtunkhwa

*[Signature]*  
S.O (Admin)  
Chief Minister Sectt.  
Khyber Pakhtunkhwa

Service Verification w.o.f  
01-12-2014 TO 28-02-2015

Transfer To Environment Dept  
vide order no. EEA (AD) 04 (03) 2014.  
20-12-2015.

*[Signature]*  
S.O (Admin)  
Chief Minister Secretary  
Khyber Pakhtunkhwa

*[Signature]*  
S.O (Admin)  
Chief Minister Secretary  
Khyber Pakhtunkhwa

Service verified  
From 12/1/15 to 31/3/15.  
Transferred to Administration Dept.  
vide order no SO (G) / ED / 12-3 / RPH / AD-2  
dated 7/4/15.

S.H. *[Signature]*

S.H. *[Signature]*

MISSED



1	2	3	4	5	6	7	8	9	10	11	12	13		14	15
												Nature and duration of leave taken.	Period		
N/A (B-3) (6535-260-14335)			Rs 78350/m			02/2015						Day fixed in the Revised Basic Pay Scale 2015 vide FD letter NO. FD/PRC/11-1/2015 dt. 27-7-2015			
												Post up graded two pay scale from B-1 to B-3 and sanctioned one pre-mature movement on up gradation w.e.f. 27-7-2015 vide FD letter NO. FD/SOC/PRC/7-20/2015 dt. 30-6-2015 and 17-8-2015.			
												Section Officer (Admin.) Govt. of Khyber Pakhtunkhwa Industries, Commerce & Tech. Education Department			
												TR No. 346 Date: 25/10/15 Dir. Rs. 2/137/- ON A/C of w.s.d. 01/07/15 dt. 30/7/15			
- de -			Rs 80950/m			12/2015 P.W						30-11-2015 A-Inv. 2015			
												Section Officer (Admin.) Govt. of Khyber Pakhtunkhwa Industries, Commerce & Tech. Education Department			
												Section Officer (Admin.) Govt. of Khyber Pakhtunkhwa Industries, Commerce & Tech. Education Department			

ATTACHED



1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Name of post	Whether satisfactory or otherwise permanent or temporary	Involving special educational, or appointment, or special services under Act 71 C.S.S.	Pay in extra or past	Additional pay or gratuity	Other emoluments payable for leave	Date of appointment	Remarks on appointment	10	11	12	Reasons of the Government for the decision which have been taken	Allocation of period of leave for which leave salary is payable to Government in which obtainable	History of the officer or other assisting officer	Remarks to any records payable in respect of Government
								Date of confirmation or re-appointment	Reasons of confirmation or re-appointment, if any	Period				
N/A (B-3)						7 <sup>th</sup> Apr 1976		30/6 1976	Scale revised	Scale revised	Day fixed in Revised Basic Pay Scale 1976 vide FD Letter no. EP/1976-1-7/76 dt: 19-7-2016			
						18 <sup>th</sup> Jan 1976		Annual inc-out side.		Annual inc-out side.	Services verified from the pay roll of this office.			

Transferred to Higher Education  
 Staff Admin. Dept. order  
 No. EA/AD/104(CD)/2016 dt: 17/1/1976

Transferred to Office of the  
 Secy. Secretary (R) Statistics &  
 Dept. of Data Resources (AD)  
 P/F dt: 30-1-2017.

Section Officer  
 Govt of Mysore  
 Higher Education Department

Section Officer (General)  
 Govt of Mysore  
 Higher Education Department

Section Officer (General)  
 Govt of Mysore  
 Higher Education Department

Section Officer  
 Govt of Mysore  
 Higher Education Department



1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Home of Post	Whether candidate is offering suit and whether permission is temporary	Inclusive class of posts and whether service for post is under Ad. III C.S.S.	Pay in convertible post	Additional Pay for additional duties	Other employment during period of appointment	Date of appointment	Signature and Government Seal of the officer after making entry in certificate (to be countersigned by S.O.)	Date of termination of appointment	Reasons of termination (such as 'gross neglect', 'misconduct', 'inefficiency', etc.)	Signature of the officer or other existing officer	Nature and details of work done	Leave taken	Signature of the officer or other existing officer	Remarks to be recorded during report or entry in certificate of Government
NIC (BPS-03)						17-2017								
(95610-390-21,310)			12,340/-											

ATTACHED

1	2	3	4	5	6	7	8
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 'sp'	Date of appointment	Signature of Government Employee
N/A 23rd BPS-03 (9610-990-21310)				Rs. 12730/- P.M.		12/2017	
do				Rs. 13120/- P.M.		12/2018	

9	10	11	12	13		14	15
				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		
Signature and Designation in hand of the officer or attesting officer in illustration of clause 1 to 8	Date of termination or appointment	Reason of termination such as promotion, transfer, retirement, etc.	Signature of the head of the office or other attesting officer	Period	Government to which debitible	Signature of the head of the office or other attesting officer	Reference to any recorded pension account or orders or orders of the Government

Granted Annual Increment 2017

*[Signature]*  
Section Officer (General)  
ST & IT Department  
Govt of Hyber Pakhtunkhwa

Granted Annual Increment 2018

*[Signature]*  
Section Officer (General)  
ST & IT Department  
Govt of Hyber Pakhtunkhwa

~~Granted 10 weeks leave period  
leave 10.12.17~~

The official removed from service by the  
Competent Authority under rule-09 of  
K.P. (E&D) Rules 2011 for lawful absence  
from duty vide order no. S.O. 157/ST & IT/KP/PF/6-160/  
2017/4235-41 dt: 28/10/2017.

*[Signature]*  
Section Officer (General)  
ST & IT Department  
Govt of Hyber Pakhtunkhwa

ATTSTED

23



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ADMINISTRATION DEPARTMENT

Dated: 27-09-2017

ORDER

No. EA(A)04/03/2016.

The following posting / transfer amongst employees are hereby made in

the public interest:-

Sl.	NAME & DESIGNATION	FROM	TO
	Mr. Shahzeb, Naib Qasid	Science Technology & IT Department.	Services placed at the disposal of Provincial Disaster Management Authority (PDMA) on deputation basis for a period of 3 years.
	Mr. Khalid Usman, Naib Qasid	On arrival from leave.	Science Technology & IT Department.

-sd-

DEPUTY SECRETARY (ADMIN)

LIST OF EVEN NO & DATE.

Copies forwarded to the:-

- 1) Accountant General Khyber Pakhtunkhwa
- 2) Deputy Director, Provincial Disaster Management Authority (PDMA)
- 3) Section Officer (General) Science Technology & IT Dept.
- 4) Section Officer (Admn) Relief & Rehabilitation Dept.
- 5) Bill Assistant E&A Department.
- 6) Official(s) concerned.
- 7) Personal File(s).

SECTION OFFICER (ADMIN)

ATTACHED



D -25-

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
SCIENCE & TECHNOLOGY AND INFORMATION  
TECHNOLOGY DEPARTMENT**

NO. SO(G)/ST&IT/Staff/1-1.  
Dated. 19-03-2018

**OFFICE ORDER:**

In the light of under taking given by the following officials of ST&IT Department for exchange of duties, are hereby allowed to perform their duties on temporary basis.

i) Mr. Abdul Aziz- Chowkidar	Posted with SO (B&A) to perform the duty as Naib Qasid.
ii) ✓ Mr. Khalid Usman – Naib Qasid	Will perform the duty of chowkidar.

**Endst. No. and date even.**

✓  
S/O Section Officer(General)

**Copy forwarded to:-**

1. Section Officer (B&A), ST&IT Department, Govt. of Khyber Pakhtunkhwa.
2. Officials Concerned.

✓  
S/O Section Officer(General)

3  
19-3.18

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32

(1) رقم 333

# ابتدائی اطلاعی رپورٹ

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تاریخ

در وقت وقوعہ 8-19-55

13

1	نمبر	19-00	خانہ	8-19-55
2	نمبر	302-324-34	خانہ	8-19-55
3	نمبر	302-324-34	خانہ	8-19-55
4	نمبر	302-324-34	خانہ	8-19-55
5	نمبر	302-324-34	خانہ	8-19-55
6	نمبر	302-324-34	خانہ	8-19-55

ابتدائی اطلاع صحیح درج کروائیں تحریر صحیحاً و سلیماً  
 تمام تعلقہ میں سوائے ان کے سب سے پہلے کیے گئے اور وہ اس وقت تک  
 ولد ابراہیم علی خان سکنہ قلعہ غنیمت ضلع دلو ضلع لیبر قریب 5/5 سال سنائی جارہے ہے۔ 21688  
 جو بال نمبر 55-62755-90-315 ہے جو 8-19-55 کو 19-00 بجے عوامہ لغنی سہیل  
 عابدہ اللہ سہیل ہسپتال بیروت میں موجود تھے اور وہاں ہی ان کے جسم پر  
 نکل سے دیہر 2 لڑھکیاں لگی تھیں۔ جب نڈر خونی کی بیڑا ایجنسی دلو ضلع میں  
 آئے تو ان کے قریب سے لڑھکیوں کے پیکر والی بال گزارنے کی طرف سہیل آئے  
 عابدہ اللہ سہیل کے قدم آئے جس کے لیے اس نے سہیل کو اشارہ کیا۔ جو لڑھکیوں  
 کی جانب سے جسم میں لڑھکیوں سے لڑھکیوں سے لڑھکیوں سے لڑھکیوں سے  
 انہی کے زانیہ والا ماحولم سہیل کے پاس سے لڑھکیوں سے لڑھکیوں سے  
 کو 17-45 بجے عوامہ لغنی ہسپتال میں لڑھکیوں سے لڑھکیوں سے  
 یہ نیت تھی تاہم لڑھکیوں سے لڑھکیوں سے لڑھکیوں سے لڑھکیوں سے  
 میں عوامہ لغنی سے لڑھکیوں سے لڑھکیوں سے لڑھکیوں سے لڑھکیوں سے  
 لڑھکیوں سے لڑھکیوں سے لڑھکیوں سے لڑھکیوں سے لڑھکیوں سے  
 لڑھکیوں سے لڑھکیوں سے لڑھکیوں سے لڑھکیوں سے لڑھکیوں سے  
 لڑھکیوں سے لڑھکیوں سے لڑھکیوں سے لڑھکیوں سے لڑھکیوں سے

P 10

Handwritten signature and notes at the bottom of the page.

بر طرف بلذبان کفریہ، ظالمان، اللہ تعالیٰ نے انہیں ذرا نالہ و غولہ  
 کاروائی تو نہیں تھا، میں خود کھام اطلع دیکھ کر سب کو سزا دینی ہے  
 کو ہواہ نفسیہ میں مقتول عبداللہ خود دیکھ کر جبکہ الجورک ضربا  
 نہ الزام تھا، پھر کفریہ کھالی سے کھالی ہے، درست نہیں ہے، سزا  
 نہیں لگا، جس میں لکھ رکھا ہے، مقتول کے مائیں ان کی، لکھ کر  
 جو مائیں، روئے ڈال کر سزا دینا، فاطمہ کا بیٹا، صادق  
 الجورک سے صورتوں 34-324-302 لکھا گیا، کاروان الجورک اور  
 فاطمہ کے ساتھ، سنہ 15، ارسال کھانہ سے صدر دوزخ، کفر کے  
 کتبیں لکھا، دیکھ کر انہیں لکھا، خان ای اور کھانہ، سنہ 8  
 کی سزا لکھی، صرف طرف دوزخ، مالہ سے ہم، جی ایم بلا عادی، کفر  
 لکھا، کفر اور کتبیں، حوام اخبار، انہیں لکھا، لکھ کر  
 لکھا، الجورک عادی، جو لکھا، لکھ کر، لکھ کر، لکھ کر

دیکھ کر انہیں لکھا، خان ای اور کھانہ، سنہ 8  
 لکھا، کفر اور کتبیں، حوام اخبار، انہیں لکھا، لکھ کر

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Handwritten Urdu text, possibly a name or title.







GOVERNMENT OF KHYBER PAKHTUNKHWA  
SCIENCE & TECHNOLOGY AND INFORMATION  
TECHNOLOGY DEPARTMENT

Dated: 20-02-2019

**OFFICE ORDER**

NO.SOG/ST&IT/KP/PF/6-124/2014:- Sanction is hereby accorded to the grant of 04 months earned leave with effect from 01-02-2019 to 31-05-2019.in favour of Mr. Khalid Usman Naib Qasid, ST&IT Department subject to titlement.

DEPUTY SECRETARY (ADMN)  
ST&IT DEPARTMENT

Endst. No. and date even.  
Copy forwarded:-

1. Accountant General, Khyber Pakhtunkhwa.
2. PS to Secretary, ST & IT Department.
3. Accountant, ST&IT Department.
4. Official Concerned.

SECTION OFFICER (General)

ATTSTED



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ADMINISTRATION DEPARTMENT

Dated: 27-09-2017

ORDER

No. E&A(AD)04(03)2016.

The following posting / transfer amongst employees are hereby made in the public interest:-

Sr	NAME & DESIGNATION	FROM	TO
1.	Mr. Shahzeb, Naib Qasid	Science Technology & IT Department.	Services placed at the disposal of Provincial Disaster Management Authority (PDMA) on deputation basis for a period of 3 years.
2.	Mr. Khalid Usman, Naib Qasid	On arrival from leave.	Science Technology & IT Department.

-sd-

DEPUTY SECRETARY (ADMIN)

LIST OF EVEN NO & DATE.

Copy forwarded to the: -

- 1) Accountant General Khyber Pakhtunkhwa
- 2) Deputy Director, Provincial Disaster Management Authority (PDMA)
- 3) Section Officer (General) Science Technology & IT Dept.
- 4) Section Officer (Admn) Relief & Rehabilitation Dept.
- 5) Bill Assistant E&A Department.
- 6) Official(s) concerned.
- 7) Personal File(s).

SECTION OFFICER (ADMIN)

ATTSTED



H-1      -32-

GOVERNMENT OF KHYBER PAKHTUNKHWA  
SCIENCE & TECHNOLOGY AND INFORMATION  
TECHNOLOGY DEPARTMENT

NO.SOG/ST&IT/KP/PF/6-160/2015/Khalid Usman  
Dated: 24-06-2019

To

The Section Officer (Admn),  
Government of Khyber Pakhtunkhwa,  
Administration Department.

Subject: - **SURRENDER OF Mr. KHALID USMAN (NAIB QASID)**

I am directed to refer to the subject noted above and to state that Mr. Khalid Usman, Naib Qasid of this Department is not performing his duty satisfactorily. He was directed time and again to mend his attitude but in vain. His delinquency in the discharge of official business is detrimental to this department.

Against the backdrop, his services are no longer required in this department and the incumbant is, hereby, surrendered with immediate effect.

Section Officer (General)

Copy forwarded for information to:-

1. PS to Secretary, ST & IT Department.
2. Official concerned.

Section Officer (General)

all  
26/6

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ADMINISTRATION DEPARTMENT

No.SO(Admn)E&A/4(03)/2018-19  
Dated:28-06-2019

2315  
2/7

To

The Section Officer (General),  
Science & Technology and Information Technology Department

Subject:

SURRENDER OF MR. KHALID USMAN (NAIB QASID)

Reference your letter No. SOG/ST&IT/KP/PF/6-160/2015/Khalid Usman/2370 dated 24-06-2019 on the subject noted above and to state that disciplinary action under E&A Rules 2011 may be initiated at your own level against Mr. Khalid Usman, Naib Qasid for not performing official duty. Moreover, there is no vacant post for adjustment of the official in other Departments.

*[Signature]*  
SECTION OFFICER (ADMN)  
28/6/19

A copy is forwarded to:-

- 1. PS to Secretary, Administration Department
- 2. PA to Deputy Secretary, Administration Department

*[Signature]*  
SECTION OFFICER (ADMN)  
28/6/19

*Section Officer (Gen)*

*As discussed  
pl respond to SO (Admn), Admn Dept  
accordingly*

*[Signature]*  
03rd July, 2019

ATTSTED

GOVERNMENT OF KHYBER PAKHTUNKHWA  
SCIENCE & TECHNOLOGY AND INFORMATION  
TECHNOLOGY DEPARTMENT

NO.SOG/ST&IT/KP/PF/6-160/2015/Khalid Usman  
Dated: 03-07-2019

To

The Section Officer (Admn),  
Government of Khyber Pakhtunkhwa,  
Administration Department.

Subject: - SURRENDER OF Mr. KHALID USMAN, (NAIB QASID)

I am directed to refer to your letter No. SO(Admn)/E&AD/4(03)/2018-19 dated 28-06-2019, on the subject noted above and to state that the services of Mr. Khalid Usman, Naib Qasid are no more required to this Department being ill-reputed and problematic the incumbent may kindly be directed to report to your office forthwith in the best public interest.

*[Signature]*  
Section Officer (General)

Copy forwarded for information to:-

PS to Secretary, ST & IT Department.

*[Signature]*  
Section Officer (General)

*one*  
*[Signature]*  
*4/7*

ATTACHED

*[Signature]*



REGISTERED COVER

-35-

REMINDER

GOVERNMENT OF KHYBER PAKHTUNKHWA  
SCIENCE & TECHNOLOGY AND INFORMATION  
TECHNOLOGY DEPARTMENT

11th Floor, SDU Building, Khyber Road, Peshawar Phone: 091-9212498 Fax: 091-9212401

NO.SO(G)/ST&IT/KP/PF/6-160/2011/Khalid Usman  
Dated: Peshawar, 17-9-2019.

To

Mr. Khalid Usman S/o Miran Shah (Naib Qasid),  
Village & P/O Dallokhail, Tehsil & District Lakki Marwat.

Subject: ABSENCE FROM DUTY

I am directed to refer to this department letter of even No. dated 05/07/2019 (copy enclosed for ready reference). You are therefore, once again directed to assume duty and explain reasons of your absence from 01/06/2019 to date within fifteen (15) days otherwise disciplinary action will be taken against you under E&D rules 2011.

Section Officer (G) 17/9/19

Copy forwarded for information to:

1. PS to Secretary, ST&IT Department.
2. PA to Deputy Secretary (Admin), ST&IT Department.
3. The Accountant, ST&IT Department, as directed to stop the salary of Mr. Khalid Usman Naib Qasid of this Department immediately.

Section Officer (G)

18/9  
ATTACHED



GOVERNMENT OF KHYBER PAKHTUNKHWA  
SCIENCE & TECHNOLOGY AND INFORMATION  
TECHNOLOGY DEPARTMENT

NO.SO(G)/ST&IT/KP/PF/6-160/2017/Mr. Khalid Usman  
Dated: 03-10-2019

To,

The Director General,  
Information and Public Relation,  
Government of Khyber Pakhtunkhwa,  
Civil Secretariat.

Subject: NOTICE REGARDING ABSENCE FROM DUTY OF MR.  
KHALID USMAN NAIB QASID (BPS-03) ST & IT  
DEPARTMENT.

I am directed to enclose herewith Seven copies (both in English and Urdu) for publication at least in three leading Newspaper regarding absence from duty of Mr. Khalid Usman Naib Qasid (BPS-03) ST & IT Department.

*Shakirullah Khan*  
(Shakirullah Khan)  
SECTION OFFICER (General)

Encloses As Above:

Endst. No. and date even.

Copy forwarded for information to:-

1. PS to Secretary, ST & IT Department.
2. PA to Deputy Secretary (Admn), ST & IT Department.
3. Accountant ST & IT Department.

*Shakirullah Khan*  
(Shakirullah Khan)  
SECTION OFFICER (General)

ATTSTED  
7  
/e

Science & Technology and Information  
Technology Department, Khyber Pakhtunkhwa

www.dailyaj.com.pk

پشاور ایبٹ آباد اور اسلام آباد سے ایک وقت شائع ہونے والا کثیر الاشاعت قومی روزنامہ

روزنامہ

پشاور  
پاکستان

ایڈیٹر  
عبدالواحد یوسفی

صفحہ 12

جلد 30 حصہ 11 اکتوبر 2019ء منظر العظمیٰ 1441ھ - 20 سہ ماہی سے لے کر ای 272 شمارہ

حکومت خیبر پختونخوا محکمہ سائنس و ٹیکنالوجی اور انفارمیشن ٹیکنالوجی

**نوٹیشن برائے غیر حاضری**

آپ کی خالد عثمان صاحب (بی ایس 03) ولد میران شاہ، گاونڈا کاتہ، راولپنڈی تحصیل، ضلع کرمی کی ہجرت مورخہ 01.08.2019 سے ڈپٹی سے غیر حاضر ہیں۔ جس کیلئے آپ کے گھر کے پتہ پر بذریعہ مراسلہ نمبر 05.07.2019 SO(G)/ST&IT/KP/PF/6-160/2011/Khalid dated 05.07.2019 اور یاد رہاں مراسلہ نمبر Usman/2545B dated 17.09.2019 SO(G)/ST&IT/KP/PF/6-160/2011/Khalid Usman اطلاع کرنی گئی تھی لیکن ابھی تک نہ تو آپ حاضر ہو سکے اور نہ آپ نے کوئی اطلاع دی۔ اس سبب حکام مجاہد (یکٹوری سائنس و ٹیکنالوجی اور انفارمیشن ٹیکنالوجی) بذریعہ اخبار نوٹیشن دیتے ہیں کہ آپ اس نوٹیشن کے اشاعت کے بعد (15) ایام کے اندر اندر حاضر ہو جائیں اور اپنی غیر حاضری کی وجہ بیان کریں بصورت دیگر آپ کے خلاف Govt. Khyber Pakhtunkhwa Servants (Efficiency & Discipline), Rules 2011 کی دفعہ 9 کے تحت یکٹوری کالمنی کی جائے گی جو آپ کی ملازمت سے برطرفی پر منتج ہو سکتی ہے۔

**سیکشن آفیسر (جنرل)**

محکمہ سائنس و ٹیکنالوجی اینڈ انفارمیشن ٹیکنالوجی ڈیپارٹمنٹ  
ایس ڈی پو ہڈنگ، دوسری منزل، خیبر روڈ خیبر پختونخوا پشاور

"SAY NO TO CORRUPTION"

رابطہ نمبر: 091-9212400; 091-9214058

Also available on www.khyberpakhtunkhwa.gov.pk (NF/P)4240/19

روزنامہ آج 2 11 اکتوبر 2019ء پشاور

ATTSTED



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جناب ڈپٹی سیکریٹری STSIT ڈیپارٹمنٹ غیر دستخط خواہ

ڈپٹی آمد رپورٹ

جناب عالی

سودمانہ گزارش کی جاتی ہے کہ سیر کی رپورٹ 31/05/2019 کو ختم ہوئی تھی۔

انکو غیر ملوک خاندانی مسائل کی وجہ سے میں مذکورہ تاریخ پر اپنی

پر حاضر نہیں ہوا۔

لہذا التعمیر کی جاتی ہے کہ آج بحور 08/10/2019 میں ڈپٹی پر حاضر ہوا

اس سے سیر کی حاملہ منظور کی جائے۔

بد عثمان عین نواز شمس پورہ۔

کا تابعدار

بد عثمان دلہستان شاہ

دلہستان، ڈیپارٹمنٹ، تحصیل و قلعہ سہیل پور۔

Date: 08/10/2019

SO G

put up for signing

ATTACHED

8/10

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# Daily Attendance Register of the Chowkidar ST-IT Department

Serial No.	Name	Father's Name	Rank	1	2	3	4	5	6	7	8	9	10	11	12
1	Khalid Usman Chowkidar			A	A	A	A	A	A	A	P	P	A	P	A
2	Muhammad Dawood Chowkidar			P	P				P	P				P	
3	Aziz Ahmad Chowkidar					#	#	#				#	#	#	

INTO

for the month of October 2019

13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Total No. of Days	Remarks	
A	P	P																		Due to self absence of 3 days. Allotted 1/10/2019 to 1/11/2019 for leave order no. 555 555/IT/2019 2019/2235-1 2019/2019	
D	D	D	D	D					D	D	D										
						+	+	+	+			+									

Section Officer (General)  
IT & IT Department  
Govt: of Khyber Pakhtunkhwa

TOTAL

بخدمت جناب ڈپٹی سیکریٹری کے انتظامیہ سائنس اینڈ ٹیکنالوجی اینڈ ایٹمی طاقت

عنوان :- درخواست برائے دو سال ڈپٹی ایگزیکٹو

جناب عالی :-

خود بانہ گزارش ہے کہ ضروری ہے اپنے کاموں میں ایڈولٹ کے لوگوں کے ساتھ کسی تنازعہ پر شدید اختلافات اور دشمنی پیدا ہوئی ہے جسکی وجہ سے فی ایس ایچ والڈین اور مائی گور والوں کو طرح طرح کے اہمالوں سے گنتا کرتے ہیں۔ چونکہ میں اپنے عیالوں میں عمر لحاظ سے ٹرا اہرز نہ دار ہوں۔ اسلئے ایسے حالات میں گور والوں کے ساتھ میری موجودگی بہت ضروری ہے۔

اسلئے آپ صاحبان سے گزارش ہے کہ ضروری ہے کہ ضروری کے پیش نظر فدی کو دو سال کی ایگزیکٹو کی حیثیت عطا فرمائی جائے۔

عین گزارش ہوگی

15-10-2019

آپ کا بندہ خالد عثمان

خالد عثمان نائب سیکریٹری  
ST Dept.

S/O (G)  
15/10

Put up on file  
Seyd (G)  
15/10/19

RECEIVED



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Registered

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
SCIENCE & TECHNOLOGY AND INFORMATION  
TECHNOLOGY DEPARTMENT**

Dated Peshawar 22/10/2019

**ORDER**

NOSO(G)/ST&IT/KP/PF/16-160/2017/4235-41

WHEREAS, Mr. Khalid Usman, Naib Qasid (BPS-03), Science & Technology and Information Technology Department, Civil Secretariat absented himself from duty for long.

2. AND WHEREAS, notices were served upon him and accordance with the procedure given under rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 required him to resume duty within stipulated time, but he failed to comply.

3. NOW, THEREFORE, I, Zafar Iqbal, as Competent Authority, in exercise of powers conferred upon me under rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby impose the major penalty of "Removal-from-Service" on Mr. Khalid Usman, Naib Qasid, Science & Technology and Information Technology Department, Civil Secretariat for willful absence from duty, with immediate effect.

**SECRETARY  
ST&IT Department**

**ENDST. OF EVEN NO & DATE.**

Copy forwarded to the:

1. Account General, Khyber Pakhtunkhwa, Peshawar
2. Section Officer (Admn), Administration Department with reference to his letter No SO (Admn) E&A/4 (03)/2018-19 dated 28-06-2019
3. Mr. Khalid Usman S/O Miran Shah R/O Village & P/O Dallo Khail, Tehsil & District Lakk Marwat
4. PS to Secretary, ST&IT Department
5. PA to Deputy Secretary (Admn), ST&IT Department
6. Accountant, ST&IT Department
7. Personal File

Section Officer (General)  
ST&IT Department  
Govt of Khyber Pakhtunkhwa

Section Officer (General)

**ATTSTED**

"19"

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**IN THE COURT OF FAZAL GUL**  
**ADDITIONAL SESSIONS JUDGE-IV, LAKKI MARWAT**

(Khalid Usman... PS... State)

Order---02  
03-02-2022

Instant pre-arrest bail petition received from the court of Hon'ble Sessions Judge, Lakki Marwat. Be registered.

Accused / petitioner namely Khalid Usman alias Khalid Khan s/o Miran Shah r/o Dalo Khel, Tehsil & District Lakki Marwat, alongwith his learned counsel present. The above named accused/petitioner apprehends his pre-arrest bail in case FIR No. 13 dated 08-01-2019 w/s 302-324-34 PPC of PS Lakki, District Lakki Marwat. The accused/petitioner contends *malafide* and false implication. The application is supported by an affidavit, duly attested. In the absence of record and on the basis of the affidavit, accused is admitted to ad-interim pre-arrest bail subject to furnishing of bail bonds to the tune of Rs. 100,000/- (One lac only) with two local sureties each in the like amount to the satisfaction of this court.

Meanwhile, the accused / petitioner is directed to join the police investigation forthwith. He is also directed to attend this court on each and every date of hearing. Notice to the state / complainant be issued and record be requisitioned on 14-02-2022.

Announced  
03-02-2022



F-1349  
(Fazal Gul)  
Addl; Sessions Judge-IV,  
Lakki Marwat

ATTSTED

**IN THE COURT OF ADAM KHAN SULEMAN KHEL  
ADDL: SESSIONS JUDGE-II, LAKKI MARWAT.**

Sessions Case No.....221/SC of 2022

Date of original institution.....13-06-2022

Date of decision.....26-09-2023

**The State through:**

Khurshed Khan s/o Akbar Ali Khan r/o Mohallah Ghaibi Khel  
Dalo Khel Tehsil & District Lakki Marwat.....(Complainant)

**VERSUS**

Khalid Usman s/o Miran Shah r/o Dalo Khel Tehsil and District  
Lakki Marwat. ....(Accused facing trial)

And

Akhtar Zuman s/o Muhammad Zuman r/o Tajazai Tehsil and  
District Lakki Marwat.....(Accused proclaimed offender)

Case FIR No. 13 Dated: 08-01-2019 U/S 302/324/34 PPC of  
PS Lakki District Lakki Marwat.

**JUDGMENT:**

1- The accused namely Khalid Usman s/o Miran Shah r/o Dalo Khel District Lakki Marwat, being in custody faced the trial in above captioned case.

2- Brief facts of the prosecution story, as per contents of the FIR are that on 08-01-2019 at 19:00 hours, complainant Khurshid Khan brought the dead body of his son Abidullah to city hospital Lakki and lodged the report, alleging therein, that on the eventful day he along with his son Abidullah were on the way back to their village from Lakki city and at about 17:45 hours when they reached the crime venue and deboarded from the vehicle for offering Maghrib prayer, then accused Naseer Muhammad, Khalid

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Examiner to  
District & Session Judge,  
Lakki Marwat

Adam Khan Suleman Khel  
Addl: Sessions Judge-II  
Lakki Marwat

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Khan and Akhtar Zaman emerged on the spot duly armed with Kalashnikovs and immediately opened firing at complainant party with intention to commit their murders, in result his son Abidullah got hit and fell on the ground while complainant escaped unhurt luckily. After the occurrence accused fled away and when complainant attended his injured son Abidullah, he by then had expired on the spot. Some days ago, hot words were exchanged between the accused and deceased which served as motive for the occurrence, hence the FIR.

3- After registration of FIR necessary investigation was initiated in the case. On completion of investigation, prosecution submitted complete challan on 21-01-2019 against all the three accused namely Naseer Muhammad, Khalid Khan and Akhtar Zuman for proceedings u/s 512 Cr.P.C being absconders, however after the arrest of accused Naseer Muhammad, prosecution submitted. Accused Naseer Muhammad in custody was summoned through zamima bay. He was produced in custody, copies were delivered to him u/s 265-C Cr.P.C and formal charge was framed against him wherein he pleaded his innocence and claimed trial. Prosecution was allowed to adduce their evidence which they did. Arguments in the case were heard and ultimately accused Naseer Muhammad was acquitted of the charges by extending him benefit of doubt vide judgment dated: 31-01-2022 passed by the then learned ASJ-I Lakki Marwat while accused Khalid Khan and Akhtar Zuman were declared as P.Os being absconders.

4- After the arrest of accused facing trial Khalid Usman prosecution also submitted supplementary challan against him for trial. On 13-06-2022, instant case file was received from the court of Hon'ble Sessions Judge Lakki Marwat for conducting trial. Accused Khalid Usman was summoned through zamima bay. He was produced in custody, copies were delivered to him u/s 265-C Cr.P.C and thereafter, formal charge was framed against him on 06-07-2022 to which he pleaded not guilty and claimed trial. Prosecution was again allowed to adduce their evidence. In order to prove its charge against the accused facing trial Khalid Usman,

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Lakki Marwat

M. Khan Sulman Khelvi  
District & Session Judge  
Lakki Marwat

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prosecution examined twelve (12) witnesses, with the following brief gist:-

(i) PW-I Nawab Khan ASI deposed that on 08.01.2019 at 19.00 hours, complainant Khursheed Khan brought the dead body of his son Obidullah at civil hospital Lakki Marwat and reported the matter to him. The contents of report was read over to him and after admitting it to be correct, he signed in Urdu as token of its correctness. The murasila was sent to the PS through constable Sartaj Azeez No 415 for the registration of the case Murasila is Ex PW 4/1. He also prepared the injury sheet of the deceased, as well as his inquest report Ex PW 4/2 and Ex PW 4/3 respectively. The dead body of deceased along with his injury sheet and inquest report were handed over to constable Javed Khan No.751 for production before the doctor for the purpose of PM examination.

(ii) PW-2 Akhto Jan ASI deposed that Nawab Khan ASI sent the murasila report through constable Sartaj Azee No.415 for registration of the case. He reduced the contents of murasila into FIR EX.PA. After registration of the case through FIR No 13 dated 8 01 2019 u/s 302/324/34 PPC of PS Lakki he handed over the copy of FIR to incharge LBI staff of PS Lakki.

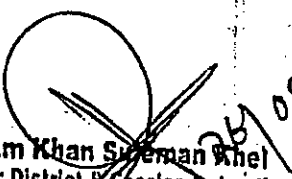
(iii) PW-3 Sar Taj Aziz No.415 deposed that on 8-1-2019, he was present with Nawab Khan ASI in City hospital, Lakki Marwat, who handed over him the murasila, which he took to the P.S for registration of case and handed over the same to moharrir of P.S.

(iv) PW-3-A Dr. Gul Nawar deposed that on 8.1.2019 the dead body was brought at 6:40 pm and at 7.35 pm he had conducted autopsy on the dead body of deceased Abidullah s/o Khorsheed Khan to Mohalla Ghaibi Khel Dalo Khel aged about 24/25 years brought by constable Javed No 751. identified by one Qimatullah s/o Ameer Ahmad and Qudratullah Khan s/o Akbar Ali Khan both residents of Dalo Khel and I found the following External examination Condition of Subject

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Lakki Marwat

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Adam Khan Sulaiman Khel  
Addl: District & Session Judge-II  
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A young body pale looking wearing Shalwar. Qamis with coat above it.

**INJURIES**

1. Five multiple FAI entry wounds of size x inches on anterior lateral aspect of right sided chest 1 to 2 inch apart while exit wound on lateral aspect of left chest
2. Two FAI wounds of size 4x1/4 inch on the sterna region 1 to 3 cm apart while exit wound on the back of chest between scapula region size 15 x1/2 inch.
3. FAI entry wound of size 1/6 x16 inch of right lateral aspect of nose while exit wound on left lateral aspect of neck region of size x1/2 inch of size.
4. Two FAI entry wound of size 16x1/6 inch on the anterior aspect of right flank while exit wound on the posterior lateral aspect of left flank region of size 1/4 inch.
5. Graze wound on the both arm and another big graze wound on the posterior aspect of right hand with fracture both elbow joint and bones of right hand.

**Cranium and spinal cord**

Nil

**Thorax**

Ribs, walls and cartilage, plures, right lung, left lung, pericardium and heart and blood vessels injured.

**Abdomen**

Except mouth pharynx and esophagus liver, kidneys, organ of generation rest are injured

**Muscle Bone and Joints**

Both elbow joint. small bones of right hand fractured

**Opinion**

He opined that death of the victim has occurred due to severe injuries to the vital organs especially, heart, lungs abdominal contents, leading to cardio pulmonary arrest and ultimately to deal.

Probable time between injury and death,

Time between injury and death. ....10 to 30 minutes

Time between death and PM.....01 to 03 hours

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Adnan Khan, Usman Khan  
Addl: District & Session Judge-II  
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After PM. examination he handed over the dead body of the deceased, along with PM documents, two banyan chadar and Qamis of the deceased to the police. The PM report, consists of six sheets, including pictorial is Ex PM. Before conducting PM examination he perused the injury sheet and inquest report

(v) PW-4 Noor Aslam Khan ASHO is the I.O of the case. He deposed that on 08.01.2021, he was present in the PS when received copy of FIR No. 13 for investigation. He along with police officials proceeded to the spot where complainant Khursheed Khan was called on who came to the spot. The complainant pointed out the place of occurrence and on his pointation, he prepared site plan Ex. PB. During the spot inspection through the light of torch, he secured blood stained earth from the place of deceased Abidullah and sealed it into parcel No.1 and recovered 22 empties of 7.62 bore in scattered position near the places of accused Naseer Muhammad, Fareed Khan and Akhtar Zaman, which is shown as point "A" in the site plan. He sealed the same into parcel No.2 Ex P-1 by affixing 3/3 seals in the mark of MA. In this regard, he prepared the recovery/seizer memo in the presence of marginal witnesses. The recovery memo is EXPW 4/1. He was present on the spot when constable Jawed 751 brought the PM documents along with garments of deceased consisting of one kamiz of khaki color Ex P-2, one bunyan of black and white color Ex P-3, one coat of brown color Ex P-4, one blanket of white color Ex P-5 all stained with blood belonging to deceased Abidullah sent by the doctor from city hospital Lakki Marwat and he sealed the garments of deceased into parcel No.3 Ex P-6 and affixed 3/3 seals in the mark of MA and in this regard, he prepared recovery memo EX PW 4/2 in the presence of marginal witnesses and placed the PM documents on judicial file, prepared the site plan at the pointation of complainant Ex PW 4/3. He also recorded statements of witnesses on the spot. He also conducted house search of the accused Naseer Muhammad and Khalid Khan but neither found the accused nor any incriminating article and in this regarding, he prepared the house search memo in the presence of marginal

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Lakki Marwat

Adam Khan Suleman Khel  
Add: District & Session Judge  
Lakki Marwat  
20/01/2023

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witnesses Ex PW4/4. He also prepared the list of LRs of deceased Ex PW4/5. On the return to the PS, he handed over the case property along with his applications to the Muharrir of PS for sending the same to concerned quarters/FSL. As accused were absconding and were avoiding their lawful arrest, hence, he applied vide his application Ex PW4/6 for obtaining warrant u/s 204 CrPC. He also applied vide his application Ex PW 4/7 for issuance of proclamation notices and handed over the same to DFC for its compliance. He also recorded the statement of DFC in this regard and then handed over the case file to SHO for submission of complete chalan u/s 512 CrPC. He also placed on file, the fire arms expert report regarding the 22 empties of 7.62 bore Ex P-K and serologist report regarding the blood stained earth and last worn garments of the deceased Ex P-K/1. After obtaining BBA, accused Naseer Muhammad appeared before him and he issued his formal card of arrest Ex PW4/8 and recorded his 161 CrPC statement. After recall of ad-interim pre arrest bail, he arrested the accused Naseer Muhammad on 21.08.2019 and issued his card of arrest Ex PW 4/9, he interrogated the accused and produced him before magistrate on 22.08.2019 for obtaining his physical remand vide his application Ex PW 4/10 on which 02 days physical custody was granted. He further interrogated the accused on 24.08.20 19. He again produced the accused before the ilaqa magistrate/MOD for obtaining further physical custody vide his application Ex PW 4/11 which was turned down and accused was committed to judicial lockup. He recorded the statement of PWs at relevant junctures. After completion of investigation, he handed over the file to SHO for submission of supplementary challan.

(vi) PW-5 Abdur Rauf No.768 deposed that he was entrusted with warrants u/s 204 Cr.P.C against accused Khalid Usman, Naseer Muhammad and Akhtar Zaman. He searched the accused in their vicinity but could not found them at their residence or in the vicinity. The Warrants 204 alongwith his reports are Ex.PW 1/1 to 1/3 respectively. Thereafter he was also entrusted with the proclamation against the accused under Section 87 Cr.P.C

Adam Khan Saleem Khan  
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09/08/23

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and proclamations were duly made by him. The proclamation notices under 87 Cr.P.C alongwith his reports at overleaf of the proclamation notices are Ex.PW 1/4 to 1/6, respectively. At that stage the accused were found absconding. Thereafter his statement was recorded in the court. I.O also recorded his statement under 161.


(vii) PW-6 Munawar Khan SI deposed that he remained posted as SI LBI staff at P.S Lakki during those days. After getting ad-interim pre-arrest bail, he issued formal card of arrest of accused Khalid Usman s/o Miran Shah Ex PW 6/1. After cancellation of BBA of accused Khalid Usman, he arrested him and issued his card of arrest Ex PW 6/2. On 12-3-2022, he produced the accused vide his application Ex PW 6/3, before the illaqa Magistrate for obtaining physical custody which was allowed for one day. He interrogated the accused, recorded his statement u/s 161 CrPC and on 13-3-2022, he again produced the accused vide his application Ex PW/6/4 for further physical custody but his request was turned down and accused was committed to judicial lock up. After completion of investigation, he handed over the case file to SHO for submission of challan.

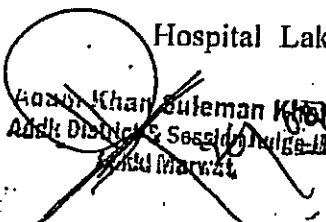
(viii) PW-7 Yousaf Khan ASI deposed that in previous trial his statement was recorded on 4-12-2021 as PW-10. Further deposed that he is well conversant with the signature of Fazil Khan SHO who has died through natural death. Fazal Khan SHO had submitted complete challan against both the accused for proceedings u/s 512 CrPC and supplementary challan against the accused Naseer.

(ix) PW-8 Javed Khan SHO deposed that he submitted supplementary challan against the accused Khalid Usman s/o Miran Shah bearing his correct signature.

(x) PW-9 Javed Khan No.751 deposed that on 08.01.2019, he escorted the dead body of deceased along with injury sheet & inquest report which were handed over to him by the scriber Nawab Khan ASI and he produced before doctor of City Hospital Lakki Marwat along with relevant documents for the

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Lakki Marwat

  
Honourable Khan Suleman Khan  
Addl District & Session Judge-II  
Lakki Marwat

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purpose of PM examination. After PM examination the doctor handed over to him the dead body of deceased along with PM documents, Injury sheet, inquest report and bloodstained last worn garments i.e Qamis of brown color (kharh), one banyan of black-white color, one coat of kaleji color, one kambal of white color bloodstained. He handed over the dead body to LRS of deceased whereas other documents & bloodstained garments to I.O at the spot. His statement was recorded u/s 161 CrPC.

(xi) PW-10 is the statement of complainant Khursheed Khan, he almost narrated the same facts as set up by him in the murasila report Ex. PW 4/1 which was later on culminated into FIR Ex. PA, the contents of which have already been discussed in the preceding para of the judgment, therefore, to avoid repetition such portion of his statement is not reproduced here. He further deposed that he reported the matter to the police in civil city hospital Lakki Marwat which was reduced into writing, read over to him and after admitting it correct, he signed the same as a token of its correctness. On the same night he pointed out the spot to the I.O who prepared the site plan at his instance. During spot inspection I.O secured blood stained sand from the place of deceased Abidullah and sealed into parcel No.1, 22 empty shells near the places of accused lying in scattered position and sealed into parcel No.2 and taken into possession the same vide recovery memo. He was present with the I.O when constable namely Javed brought one qamis of Khaki colour, one black and white bunyan, one hot coat of Kalegi colour made of Rexin, one hot Kambal of white colour all stained with blood belonging to his son Abidullah sent by the doctor of city hospital Lakki which took into possession by the I.O and sealed into parcel No.3 vide recovery memo. He himself witnessed the occurrence and charged the accused for commission of offence. His statement was recorded by the I.O on spot. During course of investigation, it came into his knowledge that father name of accused Akhtar Zaman was Muhammad Zaman.

(xii) PW-11 Hidayatullah No.576 deposed that during spot inspection I.O secured blood stained sand from the place of

Adam Khan Safemam  
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Signature to  
District & Session Judge  
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deceased Abidullah and sealed into parcel No.1, 22 empty shells near the places of accused lying in scattered position and sealed into parcel No.2 and taken into possession the same vide recovery memo already EX PW 8/1. He was present with the I.O when constable namely Javed brought one qamis of Khaki colour, one black and white bunyan, one hot coat of Kalegi colour made of Rexin, one hot Kambal of white colour all stained with blood belonging to his son Abidullah sent by the doctor of city hospital Lakki which took into possession by the I.O and sealed into parcel No.3 vide recovery memo. I.O also searched the house of accused but neither the accused was available nor any incriminating was recovered and in this respect house search memo which is already EX PW 8/4. His statement was recorded by the I.O u/s 161 CrPC.

5- After recording the statements of above-mentioned PWs, prosecution closed its evidence. On 18-09-2023 the accused facing trial Khalid Usman was examined under section 342 Cr.P.C wherein he pleaded his innocence; however he neither wished to be examined on oath in terms of section 340 (2) Cr.P.C nor to produce evidence in his defence and the case was fixed for arguments.

6- Learned Sr. PP for the State, assisted by learned counsel for complainant argued that accused facing trial Khalid Usman along with Akhtar Zuman absconding and Naseer Muhammad acquitted co-accused are directly charged in the promptly lodged report by the complainant for making firing upon him and his son Abidullah with Kalashnikovs, in result his son Abidullah got hit, sustained injuries and expired on the spot while complainant was lucky enough to escape unhurt, leaving no scope for misidentification of the accused on the spot instead of real culprits, as the occurrence took place broad day light and parties are well known to each other, being co villagers, that motive, medico legal report and recoveries support the prosecution case. Recovery of blood stained earth and crime empties are incriminating materials against the accused. The blood stained last worn clothes of deceased and specific charge with attribution in FIR are relevant facts as well. The medical evidence is in the line

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Examiner to District & Session Judge Lakki Marwat

~~Adam Khan Sufyani  
Addl. District & Session Judge  
Lakki Marwat~~ 023

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with prosecution case. The opinion of the doctor is conclusive to establish the time of occurrence. There is sufficient/long unexplained and unjustified abscondence on behalf of accused facing trial as he remained out of law for more than three years after commission of offence which is corroboratory enough to hold him guilty, that prosecution has proved their charges against the accused beyond shadow of any reasonable doubt, hence the accused facing trial deserve conviction and normal penalty of death.

7- On the other hand learned defense counsel emphasized for acquittal of the accused facing trial on the grounds that accused facing trial is innocent and falsely has been charged with mala fide intention on account of previous motive with mala fide intention, that co-accused Naseer Muhammad has already been acquitted in the instant case by trial court Lakki Marwat vide judgment dated: 31-01-2022 by giving him benefit of doubt, hence rule of consistency is also stretched to the case of accused facing trial and needs same concession, that accused facing trial and acquitted co-accused have attributed general role of firing and no specific role has been attributed to any of the accused. That complainant failed to prove and establish his presence at the crime scene at relevant time. The crime empties were dispatched to FSL too late which is lacuna on the part of prosecution. Moreover the prosecution dishonestly improved the story in evidence to justify its false charge but failed miserably, the incident did not take place the way it has been given color to by the complainant prosecution, that there is no independent witness with the prosecution to support their stance, that there is sufficient unexplained delay in lodging the FIR which further create dents in the prosecution case, that ocular account and site plan also do not support prosecution case, that nothing incriminating has been recovered either from the direct possession of the accused facing trial or on their pointation, there is nothing on record to support the prosecution case, that the recoveries are fake and on the basis of such fake recoveries the FSL report have no legal effect, that prosecution evidence is overlapped with material contradictions, discrepancies and

Adam Khan Sulaman  
Addl. District & Session Judge  
Lakki Marwat

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incongruity that look like fatal to the prosecution case, and the prosecution has failed to prove the charges against the accused facing trial, hence seeks acquittal of the accused facing trial.

8- Arguments heard and file perused.

9- Before touching the factual aspects of the case it is pertinent to highlight the charge set up by the prosecution against accused facing trial vide FIR (Ex.PA) based on Murasila report (Ex.PW 4/1), is that on crucial day complainant Khursheed Khan along with his Abidullah (deceased) were proceeding from Lakki city to their village and at about 17:45 hours when they reached the crime venue, there they deboarded from the vehicle for offering Maghrib prayer, meanwhile accused Naseer Muhammad, Khalid Khan and Akhtar Zaman emerged on the spot duly armed with Kalashnikovs and immediately opened firing at complainant party with intention to commit their murders, in result his son Abidullah got hit and fell on the ground while complainant escaped unhurt luckily. After the occurrence accused fled away and when complainant attended his injured son Abidullah, he by then had expired on the spot. Some days ago, hot words were exchanged between the accused and deceased which served as motive for the occurrence. It is pertinent to refer that Nawab Khan ASI is the reporting officer who scribed the report of complainant Khursheed Khan in Civil Hospital Lakki Marwat vide murasila wherein he charged all the three accused namely Naseer Muhammad, Akhtar Zuman and Khalid Usman for commission of offence. The murasila was sent to PS for registration of report through constable Sartaj Aziz No.415 while the dead body was along with inquest report and injury sheet were handed over to constable Javed Khan NO.751 for production before the doctor for the purpose of PM examination. Complainant claimed himself to be an eyewitness of the occurrence. Surprisingly complainant and his son both were fired upon jointly but complainant neither hit nor sustained any single, injury/scratch or laceration in the incident, nor he was even followed by the accused. In such circumstances of report it is worth mentioning that complainant being the alleged sole eyewitness

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needs to establish his presence at the spot besides the proof of charges leveled by him.

10- The careful appraisal of the record available on file, would reveal that admittedly, the entire prosecution case mainly hinges upon the testimony of complainant Khursheed Khan (PW-10) who claimed his presence at the crime venue at the relevant time of occurrence and alleged himself to be the eyewitness of the occurrence, hence he presumably the sole person who has witnessed the occurrence, besides that he is also the real father of deceased Abidullah, so being interested eyewitness his testimony has to be scrutinized with due care and caution. In order to arrive at a proper and just conclusion of the case. Moreover for all intents and purposes the presence of complainant on the spot at the time of occurrence must be adjudged before assigning any credence to his testimony. Admittedly he is related and chance witness, therefore, his testimony should be at par with the facts, circumstances, recoveries, site plan, medical, postmortem and time with frame of incident as three persons are charged. Therefore one of the most crucial test of this case is the statement of complainant and relevancy of site plan and circumstances with statement of complainant in order to prove the fact of his presence at crime scene with other relevant facts of identification of accused persons. Although mere relationship of a witness with the deceased is not a valid ground for excluding his/her testimony from consideration, but it is equally settled principle of law that an eyewitness who claims his/her presence on the spot must satisfy the mind of the court for believing his/her statement and placing implicit reliance over the same by some physical circumstances. It is well settled principle of law that statement of interested and inimical witness requires independent corroboration to base conviction upon the same. Moreover for recording conviction strong and corroborative evidence of unimpeachable character is required. It is golden principle of criminal justice that finding of guilt against accused must not be based on probabilities to be inferred from evidence. The Courts by means of proper appraisal of evidence must be

~~Adam Khan Bileem Khan~~  
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 Lakkhi Marwat

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vigilant to dig out truth of the matter to ensure that no injustice is caused to either party, thus every human narration is always subject to be checked on the touchstone of circumstances as well with reference to a normal human conduct.

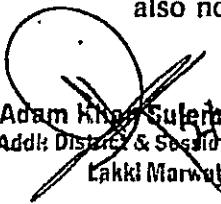
11- The major stress of the defence revolves around the factum that complainant/eyewitness was either procured or chance. Secondly, if he was present at crime scene at the time of alleged occurrence and he was also fired upon by the accused then why did he not receive any single injury/scratch or laceration in the incident as well. Moreover, when complainant especially was at the mercy of accused party, why he was spared to create strong evidence. It is settled law that when a court reached to a conclusion that the eyewitness was chance and the prosecution story was concocted by the prosecution witnesses then the case of the accused merited plain acquittal.

12- I would like to appreciate the above mentioned pieces of evidence one by one to see how long the, prosecution did succeed to elevate the guilt of the accused facing trial? First of all, I would like to take up the ocular account furnished by complainant Khurshed Khan who was examined as PW-10. In carpus Juris oral account of evidence does play a nucleus role. It is an established principle of law that before the testament of a witness is to be believed, he must prove his presence at the place of incident. But in the present case the presence of complainant is much doubt full due to the following reasons.

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13- The complainant attended the witness box as PW-10 who reiterated the version taken in the murasila which was further culminated into FIR Ex. PA. During cross examination he disclosed the purpose of his proceeding to Lakki city was his appointment with dental surgeon, as he was having pain in his teeth, therefore, he had gone along with deceased to meet a dental surgeon, however neither he was able to tell the dental surgeon name nor he produced any transcript or medical chit to I.O to prove his visit to Lakki city at the crucial day at relevant time. He was also not able to tell as to whether prior to making of Magrib *azan*

  
Adam Khan  
Addl District & Session Judge  
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they had left the Lari Ada Lakki Marwat or after *Azan*. Further claimed that he could not guess that who brought the cot for his deceased son and who arranged the vehicle for his deceased son. He did not manage his deceased son due to tense moment and the people who attracted to the spot may had tied toes and chin of the deceased but he himself had not tied the same. Complainant has admitted in his examination in chief that as soon they reached the volley ball ground the occurrence took place but according to site plan Ex.PB the crime venue is located faraway from volley ball ground which clear cut contradicts the version of complainant, this not only create doubts upon his presence on the spot at relevant time but also create dents in the mode and manner of the prosecution story as advanced by complainant.

14- Again it is astonishing when complainant claimed in his examination in chief that they both were fired upon by the accused however during cross examination he was unable to tell that whether he was fired at by the accused or not as he lying on the ground and the bullets passed over him. Per site plan Ex. PA being prepared by the IO at the pointaiton of complainant, he has not been shown in the line of fire rather he was shown at point No.2 at about 90 degree to the left of accused when they allegedly fired upon deceased. He was also unable to tell whether he would have mentioned the place of his laying on the ground during the course of firing at the time of report or not or at the time of spot inspection to the IO or not. He also claimed that after firing he laid down to escape himself from the firing, meaning thereby he was at close distance to the accused as he did not move here or there. Per site plan, he was also shown at targeting range to the accused party and also was visible to them without falling any hindrance in between them but despite being in close proximity he was not fired upon by the accused party even and was let free. It is also not the case of prosecution that, at the time of firing, the complainant laid down on the ground to take shelter and did not try to rescue himself being empty handed, this stance of complainant does not appeal to prudent mind rather castes serious doubts upon the prosecution

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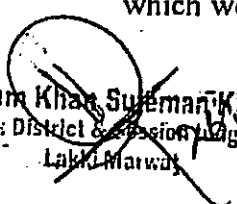
case. Similarly it is also not appealable to prudent mind that, if the complainant was present with his deceased son at the time of occurrence but only the deceased was killed by the accused party and the complainant was left alive, it clearly suggests that complainant was not present with deceased at the time of occurrence and had he been present, he would have not been left by the accused at least to remove evidence against them if not otherwise.

15- It is also surprising even does not appeal to prudent mind when complainant claimed that he did not manage his deceased son due to tense moment and the people who attracted to the spot may had tied his toes and chin but he myself had not tied the same, therefore, his hand and garments were not besmeared with the blood of deceased. This plea of complainant is so astonishing and does not appeal to prudent mind as in a natural course, if, at all, he was present on the spot, he definitely would take his injured son in lap after getting hit from the firing, take part in the process of caring his body, tie up his chin, toes and would lift him carefully to the vehicle to take him to PS or hospital being his real father and his hands and garments would definitely besmeared with the blood of deceased after having received severe multiple fire arms injuries on different parts of his body and blood admittedly oozing from his fire arm injuries having entry with corresponding exit wounds, this version of the complainant is against the natural human conduct which also casts doubts upon his presence on the spot at relevant time.

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 Examiner to  
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16- It is to be noted that whenever complainant came across potential factual questions, he took the shelter of illiterateness to avoid its reply but whenever the question relating to tutored information is asked, then he responded with exact decimal calculation even. Scanning the credence of the complainant, it is worth mentioning that being sole eyewitness he must avoid contradictions in his deposition but it is observed that he repeatedly wavered in his utterances during statement in court which would lead to an irresistible conclusion that the complainant

  
 Adam Khan, Suferman Khan  
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was not present on the spot at the time of occurrence with his deceased son rather later he procured himself as an eyewitness of the alleged occurrence being real his father just to strengthen the prosecution case. Eventually it casts serious doubts upon the presence of complainant/eyewitness at the spot at relevant time of occurrence.

17- Moreover presence of complainant was further doubted that he was not made as witness of the identification of dead body before police at the preparation of inquest report or before doctor in hospital. Court in order to test the testimony of witness should not only consider whether there is consistency in the narrative but should also consider whether the version is probable or not. Complainant while reporting the matter to the police stated that after receiving the fire shots the deceased died on the spot, if so, why the dead body was shifted to the hospital instead of Police Station. The principle of "*falsus in uno, falsus in omnibus*" squarely attracts upon the deposition upon the complainant. It is observed that complainant never hesitated to lie before the court whenever he deems appropriate, necessary and suits the queries, here an inference can be drawn that actually complainant was not present on the spot with the deceased at the time of alleged occurrence, then deceased was hit with FA and then he was shifted to the hospital by someone else from the spot, waited for arrival of the complainant for registration of case and to charge the persons in the murder case of his own choice?

18- PW-4 (I.O) during his examination admitted that he doesn't know as to whether the complainant Khursheed Khan is chowkidar in Govt Girls Primary School Dalo Khel or not. Similarly he has not inquired during investigation about the job business of the complainant. The I.O has failed to investigate the case on that line as it was much important and indispensable to bring on record the fact that whether complainant who is chowkidar in Govt. Girls School Dalo Khel was actually present on duty at that relevant time or not because the official duty of chowkidar starts when office is closed. Moreover I.O not

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Addl. District & Session Judge-II  
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investigated the matter that for what purpose the complainant along with his son visited the Lakki city. Moreover neither complainant produced any article/house hold item/medicine before him for which he had gone to Lakki city prior to occurrence nor I.O collected any such thing from complainant just to establish and prove his visit to Lakki city on the crucial day. It was the prime duty of the I.O to corroborate the ocular account being furnished by complainant with circumstances of the case but I.O failed to adjust and locate the complainant in the frame of the circumstances, thus ocular account cannot be safely relied upon as his presence on the spot at relevant time of occurrence is doubtful. Moreover I.O could not found the fact that either the deceased was having motive with all the accused or anyone of the accused. He was also unable to give the distance between point No.2 and konain diesel agency even he failed to give rough inter-se distance between these two points which also shows his poor investigation in the case, the benefit of which must goes to the accused.

19- Per murasila after the incident deceased died on the spot and thereafter his dead body was shifted to hospital instead of PS, where complainant lodged the report. Surprisingly, complainant lodged the report, but neither he has identified the dead body before the police as well before the doctor. It shows his non presence with the dead body on the spot at relevant time, at the time of report and in the hospital. Perhaps he has not accompanied the shifting process of deceased, rather he was later procured to meet the legal obligations and to make report and if he was attached with the shifting process of dead body, then he would definitely had identify the dead body before the police as well before the doctor as the deceased was his real son, this create serious doubts upon presence of complainant on the spot with deceased at relevant time of occurrence.

20- I.O further claimed and found the column No.2 of the inquest report as blank and column No.3 of the inquest report without time but he also failed to inquire the fact from the scribe of inquest report about the said fact and admitted it as clerical mistake,

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Examiner to  
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although he tried to cover such lacuna as clerical mistake but actually it suggests that injury sheet and inquest report of deceased were prepared first and thereafter, report was lodged, waited for arrival of complainant to record report and to charge the accused as per his own choice? The conduct of complainant is doubtful, hence it can highly be presumed that on the crucial day neither he had visited Lakki city nor the occurrence took place as per mode and manner advanced by the prosecution rather in other mode which shrouded in mystery. The medical evidence is not in line with ocular version rather in conflict with each other, raising suspicion that the events may have unfolded differently than as reported. It is settled principle of law that once a single loophole is observed in a case presented by the prosecution much less glaring conflict in the ocular account and medical evidence or for that matter where presence of eyewitness is not free from doubt, the benefit of such loophole/lacuna in the prosecution case automatically goes in favour of an accused. Despite the fact that place of occurrence having been located near Qonain Diesel Agency and many persons were attracted to the spot after the occurrence but no independent witness had come forward to support the prosecution's case. The eyewitness/complainant at the trial had tried his level best to withhold certain facts and dilute the effect of glaring contradictions in his statement recorded u/s 161 Cr.P.C and the contents of murasila / FIR and had made further improvements to bring his evidence in line with circumstantial evidence. Eyewitness / complainant examined by the prosecution had not actually seen the occurrence and his evidence was neither believable nor confidence inspiring, thus ocular testimony having been disbelieved in its entirety.

21- Last but not the least PW Qismatullah who identified the dead body of deceased before doctor and police being his real cousin was although abandoned by prosecution in the instant trial being won over by the accused, has stuck nail in the coffin of prosecution case while appearing in the witness box as PW-1 in previous trial of co-accused Naseer Muhammad by admitting in his

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Addl District & Sessions Judge  
Lakki Marwat

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cross examination that he cannot say as to who informed him about the occurrence however then he informed the complainant Khurshid Khan about the occurrence in the village. This witness has testified and confirmed the presence of complainant Khurshid Khan in his village at the time of alleged occurrence and not on the spot at relevant time of occurrence. Attested copy of his statement. Ex. PD was produced and placed on file.

22- Over and above when accused facing trial along with absconding and acquitted co-accused have attributed general role of firing in indiscriminate manner in the incident hence it becomes imperative for the prosecution to prove the participation of accused with specific role in the commission of the crime by producing strong corroboratory evidence but in the instant case no such evidence is available. Although twenty two crime empties of 7.62 bore were recovered from the crime venue during spot inspection by I.O, however the guilt of an accused can only be determined on the basis of legal evidence and even high probabilities cannot be substituted for a legal proof connecting nexus of accused with offence and such view is certainly a fallacious one which cannot be approved on legal standards. As the major part of the prosecution evidence is disbelieved, therefore, in the absence of any legal and believable piece of evidence proving specific guilt of the accused is almost unsafe in convicting the accused.

23- In criminal cases concrete and solid impeachable direct evidence is to be produced, any sort of doubt available in the prosecution evidence and that too in the direct oral evidence coupled with the circumstantial evidence would definitely cause harm to the prosecution case. The sparing of the eyewitness by the accused party on the spot and allowing him to be free and too who is to the same inimical grade, create serious doubt of the presence of the complainant on the spot, thus the whole story of the prosecution becomes doubtful. The manner and mode of occurrence reported in murasila becomes more suspicious and highly doubtful in this view of matter. The series of allied circumstances negate the mode and manner of occurrence

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District & Session Judge  
Lanki Marwat

Adam Khan Sulaiman  
Addl. District & Session Judge  
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described in the report. In view of scrutiny, the evidence is found to be patently full of dishonest improvements, which discredit the whole testimonies.

24- In the FIR, the complainant has categorically disclosed that some days prior to the occurrence exchange of hot words between accused and deceased served as motive for the occurrence. Admittedly motive is always considered as a double edge weapon which cut both ways and if it can be used by the accused to take revenge, at the same time, can be a tool used by the complainant for false charge, as well. No doubt motive discussed above exists between the parties, but nothing convincing was brought on record to substantiate that occurrence is actually done by accused facing trial upon such motive only. The existence of motive is not the sole yardstick but its proof and reason for occurrence has to be established by complainant. Nothing cogent and convincing is brought in this regard. It is worth mentioning that if the alleged motive was there and its intensity was so grave which persuaded the accused party to kill the deceased than it must have been proved and in the absence of such proof the very object behind the occurrence shrouded in mystery.

25- True that accused facing trial after his nomination in the case as accused remained out of law for a considerable period of time, however it is well settled that abscondence alone cannot be a substitute of real evidence. It has been observed by the apex Court that abscondence by itself would be of no avail to prosecution in absence of any other evidence against the absconding accused. Mere abscondence of accused would not be enough to sustain his conviction. It is by now well settled law that where other evidence is not sufficient to record conviction, then mere abscondence of an accused cannot be taken into consideration for such purpose.

26- So far as recovery of blood stained garments, other articles and autopsy report of the deceased is concerned, these are only corroborative and confirmatory pieces of evidence, which in the absence of direct evidence would not be sufficient to prove the

Adam Khan, Suleman Khan  
Addl District Session Judge-I  
Lahore Marwat  
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guilt of the accused. As per the dictum of the apex Court, corroborative evidence is meant to test the veracity of ocular evidence, thus corroborative and ocular testimony is to be read together and not in isolation. It is an established canon of appreciation that direct evidence from primary source always has precedence over corroborative pieces of evidence, but when primary evidence is shaky, corroboration, how strong it may be, cannot repair its cracks. Looking into all these facts brought on the record, I do not see that the prosecution has proved the charge of firing on deceased against the accused. Recording conviction on the basis of given set of evidence is likely to cause gross miscarriage of justice and would not be judicious in the attending circumstances.

27- Needless to mention here that earlier upon the same set of evidence the co-accused namely Naseer Muhammad has been acquitted of the charges leveled against him in the instant case by giving him benefit of doubt vide judgment dated 31-01-2022 passed by the then learned ASJ-I Lakki Marwat, hence the accused facing trial also deserves to be acquitted as the role of accused facing trial is not distinguishable from the role assigned to the acquitted co-accused.

The crux of the above mentioned discussion is that, no doubt the misfortunate occurrence has taken place but not according to the mode and manner as advanced by the prosecution and the prosecution has miserably failed to bring home the guilt of accused through cogent and confidence inspiring evidence beyond shadow of any reasonable doubt. The prosecution evidence is full of material contradictions and discrepancies. It is by now well settled law that if there is a single circumstance which create doubt regarding the prosecution case, the same is sufficient to give benefit of doubt to the accused, but here in the case, doubts are floating on the surface of record and according to golden principle of benefit of doubt one substantial doubt would be enough for acquittal of the accused. Conviction must be based on unimpeachable evidence and certainty of guilt and any doubt

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District & Session Judge  
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27/09/2023  
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arising in the prosecution case, must be resolved in favour of the accused.

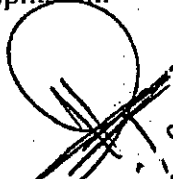
Hence in light of above while extending the benefit of doubt, the accused facing trial namely Khalid Usman is hereby acquitted from the charges leveled against him. He is produced in custody, be released forthwith, if not required in any other case. Release warrants be issued accordingly.

So far as, case against the absconding co-accused Akhtar Zuman is concerned, he is still at large and has already been declared as Proclaimed Offender vide judgment dated 31-01-2022 passed by Mr. Kashif Dilawar, the then learned Addl. Sessions Judge-I Lakki Marwat.

Case property be kept intact till the expiry of period provided for an appeal / revision and thereafter be dealt as per law.

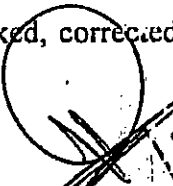
File of this court be consigned to the record room after its necessary completion and compilation.

Announced.  
26-09-2023

  
26/09/2023  
(Adam Khan Suleman Khel)  
Addl. Sessions Judge-II,  
Lakki Marwat  
Addl. District & Session Judge,  
Lakki Marwat

**CERTIFICATE:**

Certified that this judgment comprising twenty two (22) pages. Each page has been checked, corrected and signed by me wherever it was necessary.

  
26/09/2023  
Addl. Sessions Judge-II,  
Lakki Marwat.

Adam Khan Suleman Khel  
Addl. District & Session Judge-I  
Lakki Marwat

Sl No ..... 6792 .....  
Application received on ..... 11-10-2023 .....  
Copying Fee deposited on .....  
Judgment received for copying ..... 12-10-23 .....  
No. of ..... 129 .....  
Copying .....  
Seal .....  
Original .....  
Date .....  
12-10-23  
12-10-23  
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Examiner to  
District & Session Judge  
Lakki Marwat

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To,

The Secretary,  
Science & Technology,  
And information technology  
Department, Peshawar

Subject: APPEAL AGAINST ORDER DATED 28.10.2019  
WHEREBY I WAS REMOVED FROM SERVICE ON THE  
SCORE OF ABSENCE FROM DUTY

Respected Sir,

- 1) That on 22.03.2010, I was appointed as Naib Qasid on regular basis and since then I was performing my official duties with zeal and deal.
- 2) That on 08.01.2019, FIR was lodged against accused Naseer Muhammad, Khalid Usman and Akhtar Zaman charging them for murder of Abid Ullah S/o Khurshid Khan and decamp from the spot.
- 3) That in February 2022, I got bail before from the court of law which was recalled on 11.03.2022 and handed over to the local police.
- 4) That on 17.09.2019, the department issued notice to me with direction to assume the duty which was honoured on 10.10.2019 for joining duty and performed duty for 20 days marking present in the attendance register.



ATTSTED

- 5) That on 15.10.2019, I submitted application before your honor to grant me leave without pay for 02 <sup>years</sup> ~~months~~ due to fear of enemies.
- 6) That on 28.10.2019, without following the procedure of law, I was removed from service. I also got salary for the month of October 2019 which was then stopped vide order dated 28.10.2019 with effect from 01.11.2019.
- 7) That in the meanwhile, trial into the matter was initiated and after recording pro and contra evidence I was acquitted from the charges vide judgment dated 26.09.2023 which order was received from the court on 12.10.2023.

Hence this appeal reinstatement in service inter alia on the following grounds:

**GROUND S:**

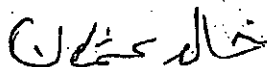
- a) That I never absented from duty intentionally but due to the fear of the enemies decamp form the scene.
- b) That neither any regular enquiry was conducted, no statement of any concerned was recorded, no opportunity of cross emanation and defence, so the impugned order is against the law and rules.

ATTSTED

- c) That I resumed my duty in the compelling circumstances despite the fact that my life was at stake.
- d) That I was honourably acquitted from the charge and the department is <sup>requested</sup> ~~requested~~ to reinstate me in service.
- e) That absence, if any, was neither wilful nor intentional but was due to the compelling circumstances as is evident from record.

It is therefore most humbly prayed that order dated 28.10.2019 be kindly reviewed/set aside and I be reinstated in service with all back benefits.

**Appellant**



**Khalid Usman S/o Miran Shah,**  
R/o Dalo Khel, Lakki Marwat  
Ex-Naib Qasid, Science &  
Technology, Department,  
Civil Secretariat, Peshawar  
Cell No.0345-9851537

Dated 16.10.2023

ATTSTED

**VAKALAT NAMA**

NO. \_\_\_\_\_/2024

IN THE COURT OF Khyber Pakhtunkhwa Service

Tribunal Peshawar (Appellant)  
Khalid Usman (Petitioner)  
(Plaintiff)

VERSUS

Govt: of KPK (Respondent)  
(Defendant)

I/We, Khalid Usman

Do hereby appoint and constitute **MANSOOR SALAM, ADVOCATE HIGH COURT**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

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

Dated 13.02/2024

كhalid Usman  
(CLIENT)

ACCEPTED

Mansoor Salam

**MANSOOR SALAM**  
Advocate High Court