

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
CAMP COURT D.I.KHAN.

Appeal No. 1158/2016

Date of Institution ... 17.11.2016

Date of Decision ... 24.09.2019

Hashmat Ullah, S/O Ghulam Sarwar Caste Baloch R/O Kulachiwala, Tehsil and District D.I.Khan. Ex-SPST, GPS Kulachiwala, Tehsil Parova, District, D.I.Khan  
... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa, through Chief Secretary, Peshawar and six others.  
... (Respondents)

-----  
MR. ZIA UR REHMAN KAZI,  
Advocate

--- For appellant.

MR. FARHAJ SIKANDAR,  
Deputy District Attorney

--- For respondents

MR. AHMAD HASSAN,  
MR. MUHAMAD HAMID MUGHAL

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

JUDGMENT

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

ARGUMENTS:

02. Learned counsel for the appellant argued that in response to an advertisement floated by the respondents, he applied for post of PST (BPS-07) and after fulfillment of required formalities his appointment was notified vide order dated 16.01.2014. He continued serving the respondents to the entire satisfaction but then a complaint was lodged by Mr. Malik Muhammad Bakhsh. An FIR was lodged

against the appellant and his salary also stopped. However, vide order dated 12.04.2012 his pay was released. That a show cause notice dated 21.06.2016 was served on him to which he replied accordingly. Through impugned order dated 22.08.2016 major penalty of removal from service was imposed on him. Feeling aggrieved, he filed departmental appeal on 27.08.2016, which was not disposed of during the statutory period mentioned in the rules. Later on during the pendency of the appeal in hand it was rejected on 07.12.2016. Proper enquiry was required to be conducted before imposition of major penalty coupled with procedure laid down in E&D Rules 2011. Respondents failed to observe the aforementioned process, therefore subsequent order in the shape of impugned order lacked legal backing and thus was not tenable in the eyes of law.

03. Learned DDA argued that the appellant was not appointed on 16.10.2014 as the then EDO, D.I.Khan Mr. Abdur Rehim denied issuance of the appointment order of the appellant. He further alleged that his signatures were scanned by the appellant in addition to that he was a General Councillor in the Local Government. As his appointment order was fake and bogus, therefore, no record of his attendance was available at GPS Ghara Guldad Kulachi, D.I.Khan. He also drew salary illegally. He was promoted from the post of PST to SPST on the basis of fake degree. All codal formalities were observed and thereafter punishment of removal from service was awarded to him through the impugned order.

**CONCLUSION:**

04. The controversy involved in the present service appeal is that the respondents have out rightly denied issuance of appointment order dated 16.10.2004

and termed it fake and bogus. In support of their stance they also produced statement of the then EDO, D.I.khan Mr Abdur Rahim Khan, who denied that the order referred to above was not signed by him. He further alleged that the appellant scanned his signature and termed it fake and bogus. Furthermore, the record of attendance at GPS Ghari Guldad, D.I.Khan, where the appellant was posted was also not available in the said school. He also got promotion as SPST on the basis of fake certificate obtained from Allama Iqbal Open University, Islamabad. Resultantly an FIR was also lodged against him. Through impugned order dated 22.08.2016 major penalty of removal from service was awarded to him.

05. As major penalty of removal from service was awarded to the appellant and that too on the basis of a show cause notice which goes against the procedure laid down in E&D Rules 2011. The respondents were required to record reasons for dispensing with regular enquiry and thereafter show cause notice could be served on the appellant. However, no such record is available to establish that Rule-5 of E&D Rules 2011 was followed by the respondents. Moreover, there are countless judgments of the superior courts followed by this Tribunal that in case major penalty is to be awarded to a civil servant then regular enquiry should invariably be conducted. Moreover, in the present case factual controversy are involved that can only be resolved by conducting regular enquiry, as per procedure laid down in the said rules.

06. As a sequel to above impugned order dated 22.08.2016 is set aside and the respondents are directed to conduct proper enquiry in accordance with law and rules and thereafter may pass orders as deemed appropriate. However, reinstatement of

the appellant shall be subject to the outcome of enquiry. Parties are left to bear their own costs. File be consigned to the record room.



(MUHAMMAD HAMID MUGAHL)  
MEMBER



(AHMAD HASSAN)  
MEMBER  
CAMP COURT D.I.KHAN

ANNOUNCED  
24.09.2019


Order

24.09.2019

Appellant with counsel present. Mr. Farhaj Sikandar, DDA for respondents. Arguments heard and record perused.

Vide our detailed judgment of today of this Tribunal placed on file, impugned order dated 22.08.2016 is set aside and the respondents are directed to conduct proper enquiry in accordance with law and rules and thereafter may pass orders as deemed appropriate. However, reinstatement of the appellant shall be subject to the outcome of enquiry. Parties are left to bear their own cost. File be consigned to the record room.

Announced:  
24.09.2019




(Muhammad Hamid Mughal)  
Member




(Ahmad Hassan)  
Member  
Camp Court D.I.Khan

27.08.2019

Appellant in person and Mr. Farhaj Sikandar, District Attorney for the respondents present. Appellant requested for adjournment on the ground that his counsel has gone to Saudi Arabia for performing of Hajj. Adjourned to 23.09.2019 for rejoinder and arguments before D.B at Camp Court D.I.Khan.

  
(Hussain Shah)  
Member  
Camp Court D.I.Khan

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court D.I.Khan

23.09.2019


Appellant in person present. Mr. Farhaj Sikandar, DDA for respondents present. Appellant seeks adjournment as his counsel is not available today due to general strike of the Bar. Adjourn. To come up for arguments on 24.09.2019 on before D.B at camp court D.I.Khan.

  
Member

Member  
Camp Court D.I.Khan

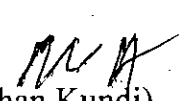
26.03.2019


Counsel for the appellant present. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Muhammad Kamran, ADO for respondents present. Representative of the respondents stated that he rely on the reply already submitted in the present appeal. Case to come up for rejoinder and arguments on 23.04.2019 before D.B at camp court, D.I.Khan.

  
Member  
Camp Court, D.I.Khan

23.04.2019

Appellant in person and Mr. Farhaj Sikandar, District Attorney alongwith Mr. Sajjad Qurashi, Clinical Technician (Pharmacy) for the respondents present. Due to strike of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Adjourn. To come up for rejoinder and arguments on 25.06.2019 before D.B at Camp Court D.I.Khan.


  
(M. Amin Khan Kundi)  
Member  
Camp Court D.I.Khan

  
(M. Hamid Mughal)  
Member  
Camp Court D.I.Khan

25.06.2019


Appellant in person and Mr. Farhaj Sikandar, District Attorney for the respondents present. Appellant requested for adjournment on the ground that his counsel has gone to Peshawar High Court, Bannu Bench and cannot attend the Tribunal today. Case to come up for rejoinder and arguments on 27.08.2019 before D.B at Camp Court D.I.Khan.


  
(Hussain Shah)  
Member  
Camp Court D.I.Khan

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court D.I.Khan

25.02.2019


Learned counsel for the appellant and Mr. Farhaj Sikandar, District Attorney alongwith Kamran ADO for the respondents present. Learned-counsel for the appellant submitted an application to allow the appellant to file amended service appeal on the ground that at the time of filing the instant service appeal, the departmental authority had not decided the departmental appeal of the appellant and the same was rejected vide order dated 07.12.2016. Application is allowed at the cost and risk of the appellant and subject to all legal objections including the issue of limitation. Learned counsel for the appellant seeks a short adjournment to furnish amended appeal. Adjourn. To come up for amended appeal on 26.02.2019 before D.B at Camp Court D.I.Khan.

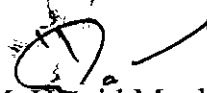
  
(M. Amin Khan Kundi)  
Member  
Camp Court D.I.Khan

  
(M. Hamid Mughal)  
Member  
Camp Court D.I.Khan

26.02.2019

Learned counsel for the appellant and Mr. Farhaj Sikandar, District Attorney alongwith Kamran ADO for the respondents present. Learned counsel for the appellant submitted amended appeal. To come up for parawise comments/reply of the amended service appeal on 26.03.2019 before D.B at Camp Court D.I.Khan.

  
(M. Amin Khan Kundi)  
Member  
Camp Court D.I.Khan

  
(M. Hamid Mughal)  
Member  
Camp Court D.I.Khan




Service Appeal No. 1158/2016


18.12.2018 As per direction of the worthy Chairman Khyber Pakhtunkhwa Service Tribunal, D.I.Khan tour dated 18.12.2018 has been rescheduled and the case is re-fixed for 27.12.2018.

  
Reader

27.12.2018

Appellant in person present. Mr. Farhaj Sikandar, District Attorney for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 25.02.2019 before D.B at Camp Court D.I.Khan.

  
(Hussain Shah)  
Member  
Camp Court D.I.Khan

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court D.I.Khan

22.06.2018

Appellant Hashmatullah in person alongwith his counsel Mr. Ziaur Rahman, Advocate present. Written reply submitted. To come up for rejoinder, if any, and arguments on 29.08.2018 before the D.B at camp court, D.I.Khan.



Chairman

Camp Court, D.I.Khan

29.08.2018

Appellant in person present, Mr. Kamran ADO for the respondents present. Court is hereby cancelled, therefore the case is adjourned for the same on 22.10.18 at camp court D.I. Khan.



22.10.2018


Court is hereby cancelled, therefore the case is adjourned for the same on 27.11.2018 at camp court D.I. Khan.



27.11.2018

Counsel for the appellant present. Mr. Usman Ghani, District Attorney for respondents present. Learned counsel for the appellant submitted rejoinder which is placed on file. Counsel for the appellant is directed to furnish member copy of the instant appeal. Adjourned to 18.12.2018 for arguments before D.B at camp court D.I.Khan.


  
(Ahmad Hassan)  
Member

  
(M.Amin Khan Kundi)  
Member  
Camp Court D.I.Khan

Service Appeal No. 1158/2016

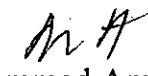
25.01.2018

Counsel for the appellant present. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Muhammad Kamran, ADO (litigation) and Mr. Naveed Zafar, Assistant Account Officer for the respondents also present. Written reply on behalf of respondent No. 7 submitted. Representative of respondents No. 1 to 6 requested for further adjournment. Adjourned. To come up for written reply/comments on behalf of respondents No. 1 to 6 on 22.02.2018 before S.B at Camp Court D.I.Khan.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court D.I. Khan

22.02.2018

Appellant in person present. Mr. Usman Ghani, District Attorney alongwith Mr. Muhammad Kamran, ADO for respondents No. 1 to 6 and Mr. Naveed Zafar, Assistant Account Officer for respondent No. 7 also present. Written reply on behalf of respondent No. 7 has already submitted. Representative of respondents No. 1 to 6 requested for further adjournment. Adjourned. To come up for written reply/comments on behalf of respondents No. 1 to 6 on 26.04.2017 before S.B at Camp Court D.I.Khan.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court D.I. Khan


25.05.2018

Due to retirement of the Worth Chairman, the Tribunal become non-functional. To come up for the same 22.06.2018. Notice be issued to the parties accordingly.

  
Member


23.08.2017

None present on behalf of the appellant. Mr. Farhaj Sikandar, District Attorney for the respondents present. Representative of respondent-department is not in attendance, therefore, notice be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned. To come up for written reply/comments on 30.11.2017 before S.B at Camp Court D.I.Khan. Notice be also issued to appellant and his counsel for attendance for the date already fixed.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court D.I. Khan

30.11.2017

Appellant in person present. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Muhammad Kamran, ADO (litigation) and Mr. Naveed Zafar, District Accounts Officer for the respondents also present. Written reply on behalf of respondents not submitted. Learned District Attorney requested for further adjournment. Adjourned. To come up for written reply/comments on 25.01.2018 before S.B at Camp Court D.I.Khan.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court D.I. Khan

1158/2016

10.01.2017

Learned counsel for the appellant argued that the appellant was serving as PST when subjected to enquiry on the allegations of committing fraud and manipulation in his personal as well as service documents and removed from service vide impugned order dated 22.08.2016 where-against which he preferred departmental appeal on 27.08.2016 which was not responded and hence the instant service appeal on 17.11.2016.

That the mode and manners prescribed for enquiry were not adopted and the impugned order was passed without waiting for the report and findings of the enquiry officer.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 29.03.2017 before S.B at camp court, D.I.Khan as the same pertains to territorial limits of D.I.Khan Division.

  
Chairman

29.03.2017

Since tour is hereby cancelled, therefore, the case is adjourned for the same on 23.08.2017.

  
Reader

29.11.2016

None for the appellant present. Notices be issued to the appellant and his counsel. To come up for preliminary hearing on 06.12.2016.

  
(PIR BAKHSI SHAH)  
MEMBER

06.12.2016

Counsel for the appellant present. Counsel for the appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 4-1-17 before S.B.

  
Member

04.01.2017

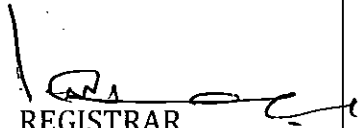

Clerk to counsel for the appellant present and requested for adjournment. Request accepted. To come up for preliminary hearing on 10.01.2017.

  
(MUHAMMAD AAMIR NAZIR)  
MEMBER

Form- A  
FORM OF ORDER SHEET

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

Case No. 1158 /2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	17/11/2016	<p>The appeal of Mr. Hashmat Ullah presented today by Mr. Zia-ur-Rehman Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	18-11-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>24-11-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p>

**Amended Memo of Appeal**  
**BEFORE THE KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL, PESHAWAR**

Service Appeal No of 2016

**Hashmat Ullah S/o Ghulam Sarwar Caste Baloch R/O Kulachiwala,**  
Tehsil and District D.I.Khan.

Ex-SPST, GPS Kulachiwala, Tehsil Parova, District D.I.Khan

**Appellant**

**Versus**

1. **Government of Khyber Pakhtunkhwa Through Chief Secretary, Peshawar.**
2. **The Secretary Education, Government of Khyber Pakhtunkhwa Peshawar.**
3. **The Director Education, Government of Khyber Pakhtunkhwa Peshawar.**
4. **District Education Officer (Male), Dera Ismail Khan.**
5. **Sub Divisional Education Officer (prova) Dera Ismail Khan.**
6. **Head Master, Government Primary School Kulachiwala, Dera Ismail Khan.**
7. **Budget and accounts Officer, D.I.Khan**

**Respondents**

**SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST  
THE ORDER DATED 22.08.2016 ISSUED BY DISTRICT  
EDUCATION OFFICER (M) DERA ISMAIL KHAN VIDE  
WHICH APPELLANT WAS REMOVED FROM SERVICES BY  
IMPOSING THE MAJOR PENALTY ALONG WITH  
DEPARTMENTAL APPEAL'S REJECTION ORDER DATED  
07.12.2016.**

*28.02.2019*  
*Hashmat Ullah*  
*App*



**Respectfully Sheweth.**

1. **That** some post of PST were advertised in the Dail Mashriq by the then District Education Officer, School & Literacy Dera Ismail Khan namely Abdul Rahim Khan regarding which the appellatant submitted his application along with required documents. Copy of advertisement is enclosed as **Annexure "A"**
2. That on the date fixed, Petitioner appeared for test and interview and thereafter, Petitioner was appointed as PST Teacher in BPS-07 issued vide Letter No 2944-48 on 16.10.2004 in the Education Department Khyber Pakhtunkhwa. Copies of order along with Medical Certificate are enclosed as **Annexure "B" & "C"** respectively.
3. That after obtaining the charge as PST Teacher in GPS Garra Gul Dad, Petitioner served there according to the wishes and desires of his high-ups till 05.11.2007. Where after, appellatant was transferred from GPS Garra Guldad to GPS Moga Kulachi.
4. **That** appellatant also performed his duties in GPS Moga efficiently for one year and vide letter No 22946-51 Dated 11.10.2008, Petitioner was transferred by the order of Executive District Officer Dera Ismail Khan to GPS Kulachiwala.
5. **That** during the course of his service, due to efficient performance of the Appellant he was promoted as SPST teacher in BPS-14, however, due to local political rivalry, one Malik Muhammad Hamish moved an application to the department against the Appellant with various baseless, illegal allegation and in the light of said allegation, an F.I.R was not only lodged against the Appellant but an ex-parte

7  
Muhammad  
Rahim Khan  
D.O.  
26.12.2009

inquiry was also initiated against the Appellant and pay of the Appellant was stopped by the department. However, vide letter No 4277-79 Dated 12.04.2012, the pay of the Appellant was released by the order of the then Executive District Officer Dera Ismail Khan. Copy of the Service Book is enclosed as **Annexure "D"**.

6. **That** during the course of trial against the Appellant the Learned Judge Anti-Corruption, when the then Executive District Officer appeared as witness, he instead of verifying his signature on the first appointment letter of the Appellant totally made malafide, baseless, ill-founded statement wherein he denied from the signature in order to book the Appellant in the above stated illegal and a malafide case for the interest of Education Department. Though his statement was totally wrong regarding which Appellant reserved the legal rights against him.

7. **That** thereafter, Appellant was served with a show cause notice vide letter No 12559 Dated 21.06.2016 by the District Education Officer (M) D.I.Khan, with the allegation mentioned therein and sought a written reply within 07 days from the Appellant. Copy of letter is enclosed as **Annexure "E"**.

8. **That** in compliance of the show cause notice issued by the District Education Officer (M) D.I.Khan, Appellant submitted his reply on 28.06.2016 which was duly received. Copy of reply is enclosed as **Annexure "F"**.

9. **That** thereafter, on 21.07.2016, vide letter no 13587-91 issued by District Education Officer (M) D.I.Khan Appellant was directed to appear in person on 02.08.2016 before him, as he was not satisfied from the reply of Appellant which was already submitted and on the date fixed when Appellant went unfortunately the Appellant was not given

*Imam Raza*  
28.2.2019

the opportunity of hearing and thereafter the Appellant was informed vide letter no 15929-34 Dated 22.08.2016 that he was removed from service efficiency and discipline rules 2011 by District Education Officer (N) D.I.Khan. Copy of removal order is enclosed as **Annexure "G"**.

10. **That** feeling aggrieved from the impugned removal Order Dated 22.08.2016 the Appellant preferred the Departmental appeal in time on 27.08.2016 which was earlier not responded with in statutory period of 60 days and the Appellant filed the instant Appeal on 15.11.2016. However, on 07.12.2016 during pendency of instant Service appeal, the departmental Appellate authority passed the Departmental Appeal Rejection's order Dated 07.12.2016. Copy of the Departmental appeal rejection order Dated 27.08.2019 is enclosed as **Annexure "H"**, and departmental rejection order Dated 07.12.2016 are already available on Judicial file.

11. **That** as now statutory waiting period for filing instant appeal has come to an end, therefore, feeling aggrieved from the impugned removal order Dated 22.08.2016 and departmental appeal rejection order Dated 07.12.2016 of the Appellant authority and finding no other alternate remedy, the Appellant is constrained to approach this Honorable Tribunal on the following amongst others grounds.

#### G R O U N D S

a. **That** all the allegation leveled against the Appellant in the show cause notice are baseless, ill-founded and based on malifide intention beside the Appellant submitted reply along with various documents in proof which was turned down without lawful authority as such the allegations against the Appellant are not proved.

*Handwritten signature and date:*  
26.02.2019  
12/11/19

- b. **That** the entire enquiry proceedings have been conducted at the back of the Petitioner and he has not been associated during the said process. Even the alleged witnesses have been examined without giving the Appellant an opportunity of cross examination, so the Petitioner has been condemned unheard.
- c. **That** Appellant served the Education Department since 16.10.2004 till now without any fault on his behalf even the Appellant was not given the opportunity of personal hearing, hence Appellant was condemned unheard.
- d. **That** the allegation of changing the appointment order from 2007 to 2004 by scanning the signature of the then EDO is totally wrong, baseless and without any legal justification.
- e. **That** the allegation of producing fake/forged intermediate certificate from AIOU Islamabad is also groundless and department has got no proof that Appellant submitted the said certificate.
- f. **That** the allegation of holding the office of General Councilor is also baseless regarding which the department has got no valid proof rather the Appellant was victimized only on the basis of political rivalry as well as non-obedience of illegal demands of blue eyed officers of Education Department.
- g. **That** the fourth allegation against the Appellant is an F.I.R which was lodged against the Appellant on 05.06.2014 which was also in the knowledge of the department cannot take any action against the Appellant till the decision of the said case by the competent Court as such all the allegations including the F.I.R baseless, ill-founded and without lawful authority and on the basis of which the impugned removal order Dated 22.08.2016 against the Appellant is untenable,

*Handwritten signature*  
28.2.2019

without lawful authority, illegal, based on malifide intentions, hence liable to be set aside with all back benefits.

- h. That the Counsel** for the appellant may kindly be allowed to raise the additional grounds at the time of arguments.

**It is, therefore, humbly prayed that on acceptance of this appeal, the impugned order Dated 22.08.2016 imposing major penalty of removal from service along with departmental appeal's rejection Order Dated 07.12.2016 may very graciously be set aside and the Appellant be exonerated of the charges leveled against him, as consequential relief he may be reinstated in service with all back benefits.**

**Any other relief deemed appropriate but not specifically asked for may also be granted**

**Dated: 26.02.2019**

**Your Humble Appellant**

*Hashmat*

**Hashmat Ullah**

Through Counsel

*Zia-ur-Rahman Kazi*  
*28/2/19*

**Zia-ur-Rahman Kazi**

Advocate High Court

Dera Ismail Khan

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

Service Appeal No of 2016

**Hasmat Ullah .....Appellant**

**Versus**

**Government of K.P.K etc.....Respondents**

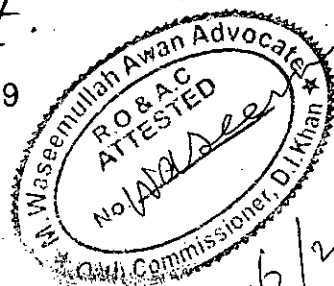
**SERVICE APPEAL**

**AFFIDAVIT**

I, HashmatUllah, the Petitioner, do hereby solemnly affirm and declare on oath:-

1. **That** accompanying service appeal has been drafted by Council following instructions of me.
2. **That** all parawise contents of the service appeal are true and correct to the best of my knowledge, belief and information;
3. **That** nothing has been deliberately concealed from this August Tribunal nor anything contained therein is based on exaggeration or distortion of facts.

*Hasmat*  
Dated:- 26.02.2019



*Hasmat*  
**Deponent**

1

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

Service Appeal No. 1158 /2016.

Hashmat Ullah **VERSUS** Govt. of KPK etc.

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Your Humble Appellant

*Hashmat*

Hashmat Ullah  
Through Counsel

Dated: 15/11/2016

*Zia Ur Rehman Kazi*  
Zia Ur Rehman Kazi  
Advocate High Court,  
Dera Ismail Khan.  
15/11/16

2

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

Service Appeal No. 1158 /2016

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1197

Dated 17/11/16

**Hashmat Ullah** S/o Ghulam Sarwar Caste Baloch R/o Kulachiwala,  
Tehsil & District DIKhan.  
Ex-SPST, GPS Kulachiwala, Tehsil Parova, District Dera Ismail Khan.

**Appellant**

**VERSUS**

1. Government of Khyber Pakhtunkhwa, through Chief Secretary, Peshawar.
2. The Secretary Education, Government of Khyber Pakhtunkhwa, Peshawar.
3. The Director Education, Government of Khyber Pakhtunkhwa, Peshawar.
4. District Education Officer (Male), Dera Ismail Khan.
5. Sub-Divisional Education Officer (Prova), Dera Ismail Khan.
6. Head Master, Government Primary School Kulachiwala, Dera Ismail Khan.
7. Budge & Accounts Officers, Dera Ismail Khan.

**Respondents**

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 22.08.2016 ISSUED BY DISTRICT EDUCATION OFFICER (M) DERA ISMAIL KHAN VIDE WHICH APPELLANT WAS REMOVED FROM SERVICE BY IMPOSING THE MAJOR PENALTY.**

**Respectfully Sheweth:-**

Compendium of facts out of which present Appeal arises are as under:-

1-

That some posts of PST were advertised in the daily "Mashriq" by the then District Education Officer School & Literacy Dera Ismail Khan namely Abdul Rahim Khan regarding which the appellant submitted his application along with required documents. Copy of advertisement is enclosed as **Annexure "A"**.

Filed to-day

Registrar

17/11/16

15.11.2016  
Khan  
15.11.2016



- 2- **That** on the date fixed, petitioner appeared for test and interview and thereafter petitioner was appointed as PST Teacher in BPS-07 issued vide letter No. 2944-48 on 16.10.2004 in the Education Department Khyber Pakhtunkhwa. Copies of order along with Medical Certificate are enclosed as **Annexure "B & C"** respectively.
- 3- **That** after obtaining the charge as PST Teacher in GPS Garra Gul Dad, petitioner served there according to the wishes and desires of his high0ups till 05.11.2007. Where after, appellant was transferred from GPS Garra Guldad to GPS Moga Kulachi.
- 4- **That** appellant also performed his duties in GPS Moga efficiently for one year and vide letter No. 22946-51 dated 11.10.2008, petitioner was transferred by the order of Executive District Officer Dera Ismail Khan to GPS Kulachiwala.
- 5- **That** during the course of his service, due to efficient performance of the appellant he was promoted as SPST Teacher in BPS-14, however, due to local political rivalry, one Malik Muhammad Hamish moved an application to the department against the appellant with various baseless, illegal allegations and in the light of said allegations, an FIR was not only lodged against the appellant but an ex-parte inquiry was also initiated against the appellant and pay of the appellant was stopped by the department. However, vide letter no. 4277-79 dated 12.04.2012, the pay of the appellant was released by the orders of the then Executive District Officer, Dera Ismail Khan. Copy of service book is enclosed as **Annexure "D"**.
- 6- **That** during the course of trial against the appellant before the learned Judge Anti Corruption, when the then Executive District Officer appeared as a witness, he instead of verifying his signature on the first appointment letter of the appellant totally made malafide, baseless, ill founded statement wherein he denied from his signature in order to book the appellant in the above stated illegal and malafide case for

7  
 Liaquat Khan  
 Dera Ismail Khan  
 15-11-2016

the interest of Education Department. Though his statement was totally wrong regarding which appellant reserved the legal rights against him.

7- **That** thereafter, appellant was served with a show cause notice vide letter no. 12559 Dated 21.06.2016 by the District Education Officer (M) Dera Ismail Khan with the allegations mentioned therein and sought a written reply within 07 days from the appellant. Copy of letter is enclosed as **Annexure "E"**.

8- **That** in compliance of the show cause notice issued by the District Education Officer (M) Dera Ismail Khan, appellant submitted his reply on 28.06.2016 which was duly received. Copy of reply is enclosed as **Annexure "F"**.

9- **That** thereafter, on 21.07.2016, vide letter no. 13587-91 issued by District Education Officer (M) Dera Ismail Khan appellant was directed to appear in person on 02.08.2016 before him, as he was not satisfied from the reply of appellant which was already submitted and on the date fixed when appellant went unfortunately the appellant was not given the opportunity of hearing and thereafter the appellant was informed vide letter No. 15929-34 Dated 22.08.2016, that he was removed from service efficiency and Discipline Rules 2011 by District Education Officer (M) Dera Ismail Khan. Copy of removal order is enclosed as **Annexure "G"**.

10- **That** feeling aggrieved from the impugned removal order Dated 22.08.2016 the appellant preferred the Departmental appeal in time on 27.08.2016 which has not been responded or replicated by the respondents within the statutory period. Thus deemed to be considered as rejected. Copy of the departmental appeal Dated 27.08.2016 is enclosed as **Annexure "H"**.

11- **That** as now the statutory waiting period for filing instant appeal has come to an end, therefore, feeling aggrieved from the impugned removal order Dated 22.08.2016 and departmental in-action of the appellate authority on the department of the appellant and finding no other alternate

*Imam Raza Khan*  
Khan  
15-11-2016

remedy, the appellant is constrained to approach this Honourable Tribunal on the following amongst other grounds:-

**GROUNDS:-**

**a)** That all the allegations leveled against the appellant in the show cause notice are baseless, ill founded and based on malafide intentions beside the appellant submitted reply along with various documents in proof which was turned down without lawful authority as such the allegations against the appellant are not proved.

**b)** That the entire enquiry proceedings have been conducted at the back of the petitioner and he has not been associated during the said process. Even the alleged witnesses have been examined without giving the appellant an opportunity of cross examination, so the petitioner has been condemned unheard.

**c)** That appellant served the Education Department since 16.10.2004 till now without any fault on his behalf even then appellant was not given the opportunity of personal hearing, hence appellant was condemned unheard.

**d)** That the allegations of changing the appointment order from 2007 to 2004 by scanning the signature of the then EDO is totally wrong, baseless and without any legal justification.

**e)** That the allegations of producing fake / forged intermediate certificate from AIOU Islamabad is also groundless and department has got no proof that appellant submitted the said certificate.

**f)** That the allegations of holding the office of General Councilor is also baseless regarding which department has got no valid proof rather the appellant was victimized only on the basis of political rivalry as well as non obedience of illegal demands of blue eyed officers of Education Department.

*Handwritten notes:*  
Kor  
sum Di  
15.11.2016

g) **That** the forth allegation against the appellant is an FIR which was lodged against the appellant on 05.06.2014 which was also in the knowledge of the department can not take any action against the appellant till the decision of the said case by the competent Court as such all the allegations including the FIR the baseless, ill found and without lawful authority and on the basis of which the impugned removal order Dated 22.08.2016 against the appellant is untenable, without lawful authority, illegal, based on malafide intentions, hence liable to be set aside with all back benefits.

h) That the counsel for the appellant may kindly be allowed to raise the additional grounds at the time of arguments.

***It is, therefore, humbly prayed that on acceptance of this appeal, the impugned order Dated 22.08.2016 imposing major penalty of removal from service may very graciously be set aside and the appellant be exonerated of the charges leveled against him, as consequential relief he may be reinstated in service with all back benefits. Any other relief deemed appropriate but not specifically asked for may also be granted.***

Your Humble Appellant

*Hashmat*

**Hashmat Ullah**  
Through Counsel

Dated:15/11/2016

*Zia Ur Rehman Kazi*  
**Zia Ur Rehman Kazi**  
Advocate High Court,  
Dera Ismail Khan. 15/11/2016

7

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

Service Appeal No. \_\_\_\_\_/2016

Hashmat Ullah

**VERSUS**

Govt: of KPK etc

**VERIFICATION:**

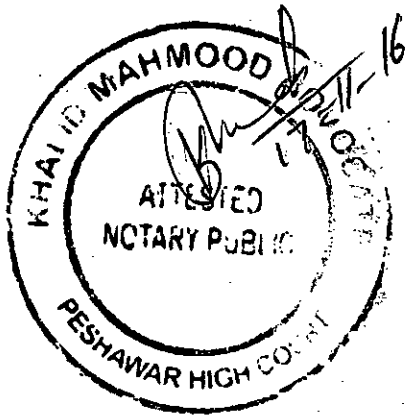
It is verified that all the para-wise contents of the Re Service appeal are true and correct to the best of my knowledge and belief, and nothing has been concealed from this Tribunal Court.

*Hashmat*

**Hashmat Ullah**

**AFFIDAVIT:-**

I, **Zia Ur Rehman Kazi** Advocate High Court, Dera Ismail Khan, counsel for the appellants, do hereby solemnly affirm declared on oath upon the instruction of my client, that contents of the above **Service Appeal** are true and correct and nothing has been concealed from this Tribunal Court.



*Hashmat*

**Deponent**

*Zia Ur Rehman Kazi*  
**Zia Ur Rehman Kazi** 15/11/16  
Advocate High Court,  
Dera Ismail Khan.

8

### درخواستیں مطلوب ہیں

شیخ ذریعہ اسماعیل خان کے سکول امیدواروں سے پرائمری کوالیفیکیشن ۱۰٪ مردانہ اور ۱۰٪ زنانہ کی تقریبی کے لئے درج ذیل شیڈول / شرائط کے تحت مجوزہ فارم پر درخواستیں مورخہ 16/2/2004 تک ذریعہ تعلیمی کے دفتر میں پیش جانی چاہئے۔ فارم دفتر کلکٹر کیمپ اور لکھنؤ ذریعہ اسماعیل خان سے دفتری اوقات میں شیڈول 25/1 روپے کے عوض حاصل کیا جاسکتا ہے۔

سلسلہ	تاریخ	تاریخ	موضوع	محلہ
1- پرائمری سکول پنجڑ	26/2/04	23/2/04	1- انٹرمیڈیٹ تک / PTC ذریعہ سالہ ڈیپلومہ یا بیمبرک سینٹر / این این بی PTC / تین سالہ ڈیپلومہ	پریکٹس سلاٹوں اور عراق کے اسلامی ممالک مان جڈہ چنار نام بنار کمپس اجتماعات سے اسکی کے رکن مطالعات مولانا درجہ آصف نے ایم اے سی جینی
2- پرائمری سکول پنجڑ	27/2/04	24/2/04	ایسا	پریکٹس سلاٹوں اور عراق کے اسلامی ممالک مان جڈہ چنار نام بنار کمپس اجتماعات سے اسکی کے رکن مطالعات مولانا درجہ آصف نے ایم اے سی جینی

**شرواٹھ:-** Initial (1) تقرری تین سال کے لئے اکثریت بنیادوں پر ہوگی (2) عمر کی حد 35 تا 18 سال سے (3) 25 فیصد تقرری شیڈول میں اور 75 فیصد میں کونسل سمیت کی بنیاد پر ہوگی (4) 2 فیصد کوٹیشن اور ان کے لئے پٹرٹیکل بندوبست کی ذمہ داری ان کی ذمہ داری کی راہ میں رکاوٹ نہ ہو۔ لیکن اس کے لئے میڈیکل بورڈ کا سرٹیفکیٹ پیش کرنا لازمی ہوگا (5) تحریری امتحان / نیت میں پاس امیدواروں کو انٹرویو میں شامل کیا جائے گا (6) منتخب امیدواروں کو تمام اساتذہ کی وسعت سے متعلقہ بورڈ / یونیورسٹی سے ہم آہنگ ہونے (7) سرکاری ملازمین اپنے نکلنے کے وقت سے درخواست پیش کریں (8) نیت / انٹرویو کے لئے کوئی T.A.H.A نہیں دیا جائے گا (9) انٹرویو کے دن اصل اساتذہ ضروری ہوگا (10) علاوہ ذمہ داری تقرری ان تمام شرائط کے مطابق ہوگی جو گورنمنٹ کی طرف سے وقتاً فوقتاً درج کی جاتی ہیں / پالیسی کی صورت میں نافذ العمل ہوں۔

صدرالرحیم خان ایگزیکٹو ڈسٹرکٹ آفیسر سکولز اینڈ لکھنؤ ذریعہ اسماعیل خان

ان رجسٹرڈ  
ڈیپلومیوں میں  
اور باقاعدہ  
پرائمری  
سکولوں کے  
مدرسوں کے

درجہ  
تیس

خطاب

پریکٹس سلاٹوں  
اور عراق کے  
اسلامی ممالک  
مان جڈہ چنار  
نام بنار کمپس  
اجتماعات سے  
اسکی کے رکن  
مطالعات مولانا  
درجہ آصف نے  
ایم اے سی جینی

درجہ

پرائمری سکول  
(2003-21)

روپے  
روپے  
ار کے ذریعے  
تعلیمی کے دفتر

جنسی  
لیچمنٹ  
پیشاور  
PID(P) No. 40

Annexure 4 B 3  
9

OFFICE OF THE EXECUTIVE DISTRICT OFFICER, (SCHOOLS & LIT.)  
DIKHAN

APPOINTMENT ORDER:

Consequent upon the approval of Selection Committee, the following  
Fresh Male is hereby appointed against vacant post of P.S.T in  
the school noted against their name in BPS 07 plus usual allowances being a  
qualified, fresh candidate as per existing policy in the interest of public service w.e. from  
the date of taking over charge on the following terms and conditions.

S.No. Name of Candidate with Father's Name

Schools where posted.

1. Hashmatullah S/O Ghulam Sarwar  
R/O Kulachi Wala D.I.Khan.

GPS. Gara Guldad

TERMS & CONDITIONS:

1. Charge reports should be submitted to all concerned.
2. No pensionary benefit will be available.
3. The services of the above named candidate is made purely on temporary basis & liable to terminate at any time with out assigning any notice/ reasons.
4. The candidate will produce Health & Age certificate from the M/S concerned.
5. The original documents may be checked/ verified by concerned Board/ University through DDO concerned before handing over charge.
6. No TA/DA is allowed.

Sd/-


EXECUTIVE DISTRICT OFFICER,  
SCHOOLS & LITERACY DIKHAN

Endst: No. 2944-48

Dated D.I.Khan the 16/10 2004

Copy to the:-

1. Director Schools & Literacy N.W.F.P. Peshawar.
2. District Co-ordination Officer, D.I.Khan.
3. District Accounts Officer, D.I.Khan.
4. Headmistress/ Headmaster concerned.
5. Candidate concerned.

Ma.   
EXECUTIVE DISTRICT OFFICER,  
SCHOOLS & LITERACY DIKHAN  
Executive District Officer  
School & Literacy, DIKhan

32

12 Annexure C B

10

N.W.F.P., Med No. 4

MEDICAL CERTIFICATE

Name of Official..... *H. S. Khanna*

Caste or Race..... *B. S. K. S.*

Father's Name..... *G. S. Khanna*

Residence..... *K. S. Khanna*

Date of Birth..... *08.10.1975*

Exact height by measurement..... *5' 6"*

Personal marks of identification..... *None*

Signature of the Official..... *H. S. Khanna*

Signature of.....

Head of office.....

*Took over charge on 16.10.2004*

Seal of Office.....  
By: Distt. Officer  
(M) P. S. Kulachi

*Head of Office*  
Soyl M. S. Kulachi

I do hereby certify that I have examined Mr.....  
a candidate for employment in the Office of the.....  
and can not discover that head any disease communicable or other constitutional  
efficiency or bodily infirmary except.....

I do not consider this as disqualification for employment in the office of the  
His age according to his own statement..... *29* year and  
by appearance about..... years.



LEFT HAND THUMB AND FINGER  
IMPRESSIONS..... *18.10.2004*

*Comptroller*  
Medical Superintendent  
M. S. Khanna Memorial  
Civil Hospital D. I. Khan

*Handwritten signature*

*s/c*



(11) Annexure D3

SSC passed SSC Examination from the

PTC Heirs BISE Bannu during session 1992

1. passed PTC Examination under Roll No. 01744 securing 420/800

2. from Departmentally Examination marks placed Registered NWP, Peshawar under

Roll No. 4523 securing 645/1200

3. placed in II Division

*[Signature]*  
Dy. D.O.  
(M) Prg: Kulachi

*[Signature]*  
Dy. D.O.  
(M) Prg: Kulachi

Verification Roll No. Dated

Received back

Left thumb-impression

F.A. passed intermediate (FA) Examination from A-i-O-U Islamabad in 1995-97 under Roll No C-3261866 Regist. No: 95-NDN-0795. He secured 54% marks (484/900) and was placed in Grade "C" Result Declaration date is 30-11-1997.

Qualifications verified <i>[Signature]</i> Date <i>[Signature]</i>	Qualifications <i>[Signature]</i> Dy. District Officer (M) Prg: Edu-Paras	D:
English	First Arts	
Pashto	B.L. or B.A.	
Urdu	Pleadership examination	
Plan-drawing	Training School final examination	
Finger print		
Drill instructing	Other qualifications	
Court duties		
Reserve duties		

N.B. -- A line to be drawn under the qualifications possessed.

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

12

Name Hazhmatullah

Race Baloch

Residence Kulachi wada Dilkhan

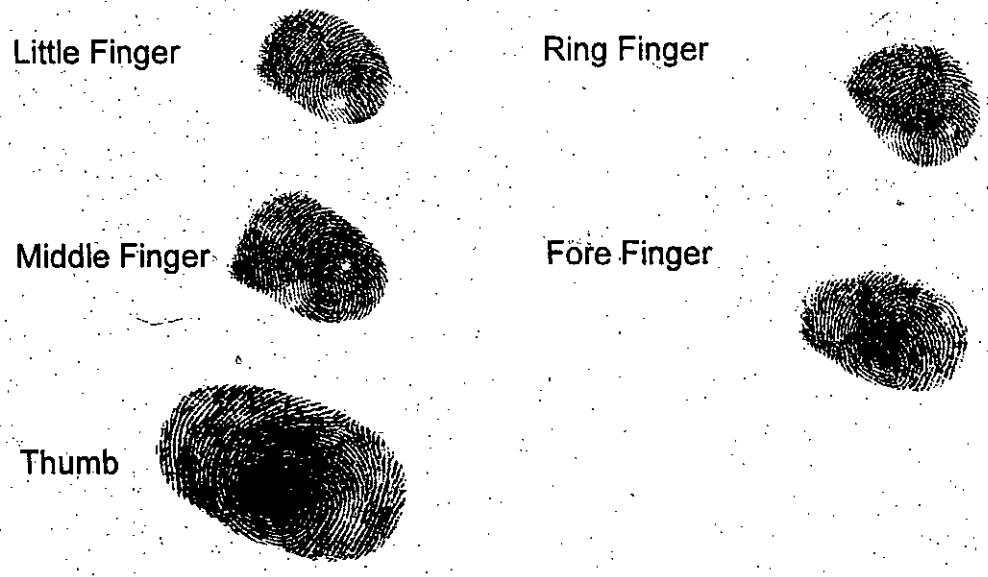
Father's name and residence Ghulam Saqar

Date of birth by Christian era or as nearly as can be ascertained. 08-10-1975 (Eight October 1975 & Seventy Five)

Exact height by measurement 5-6"

Personal marks for identification A wound scar below the chin

Left hand thumb and finger impression of (non-gazetted Officer)



9. Signature of Government Servant Hazhmatullah

10. Signature and Designation of the Head of the Office, or other Attesting Officer.  
IKR  
 Dy: Distt: Officer  
 (M) Pny: Kulachi

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 rule 3.20 of C.S.R. (Pb.) volume II	Pay in substantive post	Additional pay for officiating	Other emoluments falling under the term "pay"	Date of appointment	Signature
درجہ ملازمت	عارضی مستقل یا قائم مقام	اگر عارضی ہے تو کیا وہ رول کے مطابق پیشن کا مستحق ہے	تخواہ بطور عارضی ملازمت	زائد تخواہ بطور قائم مقام	ماسوائے تخواہ دیگر الاؤنس	تاریخ تقرری	
BPS-7 (2220-120-5820)			Rs.	Ps.	Rs.	Ps.	
G.P.S. Garah Guldad Tehsil Kulachi			Rs. 2220/-	Pm			16/10/2004 Hash
<del>(BPS-7 2555-140-6755)</del>							
-do-			Rs. 2555/-	Pm			1/7/05 Hash
-do-			Rs. 2695/-	Pm			1/12/05 Hash
<del>(BPS-7 2940-160-7740)</del>							
-do-			Rs. 2835/-	Pm			1/12/06 Hash
-do-			Rs. 3260/-	Pm			1/7/07 Hash
<del>(BPS-7 3530-190-9230)</del>							
-do-			Rs. 3420/-	Pm			1/12/07 Hash
-do-			Rs. 4100/-	Pm			1/7/08 Hash
G.P.S. Kulachi				Rs. 4100/-			12/10/08 Hash
-do-				Rs. 4290/-	Pm		1/12/2009 Hash
-do-				Rs. 4480/-			12/01/09 Hash

10	11	12	13 LEAVE Allocation of periods of leave on average pay upto four months (or earned leave not exceeding 120 days) to which leave salary is debitable to another Government		14	15
Date of termination or appointment	Reason of termination (such as promotion transfer dismissal etc)	Signature of the Head of the office or other attesting Officer	Name and duration of leave taken	Period	Signature of the head of the office or other Attesting officer	Reference any recorded punishment or award or reward or praised of the Government servant
Date of termination or appointment	Reason of termination (such as promotion transfer dismissal etc)	Signature of the Head of the office or other attesting Officer	Name and duration of leave taken	Period	Signature of the head of the office or other Attesting officer	Reference any recorded punishment or award or reward or praised of the Government servant
تاریخ انقطاع ملازمت	وجوہات انقطاع ملازمت ترقی۔ تبادلہ یا برطرفی	دستخط افسر مجاز	رخصت کی نوعیت و معیار	چار۔ ایک تک کی رخصت کے لئے اوسط تنخواہ کا تعین عرصہ	دستخط افسر مجاز	سزا تعمیر کارکردگی کارہائے
Dy: Distt: Officer (M) Pry: Kulachi	BDS-Revised 1/05	IK & M Dy: D.O.(M) Pry: Kulachi	IK & M Dy: D.O.(M) Pry: Kulachi	Appointed as primary school Teacher in 1973-7 plus usual allow. made Executive Distt. Officer (S.K.L) Station Enrol. No: 2944-48 Dated: 16.10.2004.	IK & M Dy: Distt: Officer (M) Pry: Kulachi	
Dy: D.O.(M) Pry: Kulachi	30/11/05	IK & M Dy: D.O.(M) Pry: Kulachi	IK & M Dy: D.O.(M) Pry: Kulachi	Service Verified W. E. F. 16/10/04...to 30/11/04 from Aeg: Roll & Other Office Record	IK & M Dy: D.O.(M) Pry: Kulachi	
Dy: D.O.(M) Pry: Kulachi	30/11/06	IK & M Dy: D.O.(M) Pry: Kulachi	IK & M Dy: D.O.(M) Pry: Kulachi	Service Verified W. E. F. 1/12/04...to 30/11/05 from Aeg: Roll & Other Office Record.	IK & M Dy: D.O.(M) Pry: Kulachi	
Dy: D.O.(M) Pry: Kulachi	30/07/07 BDS Revised	IK & M Dy: D.O.(M) Pry: Kulachi	IK & M Dy: D.O.(M) Pry: Kulachi	Service Verified W. E. F. 1/12/05...to 30/11/06 from Aeg: Roll & Other Office Record.	IK & M Dy: D.O.(M) Pry: Kulachi	
Dy: Distt: Officer (M) Pry: Kulachi	30/08/08 BDS	IK & M Dy: Distt: Officer (M) Pry: Kulachi	IK & M Dy: Distt: Officer (M) Pry: Kulachi	Service Verified W. E. F. 1/12/06...to 31/10/08 from Aeg: Roll & Other Office Record.	IK & M Dy: D.O.(M) Pry: Kulachi	
Dy: Distt: Officer (M) Pry: Kulachi	Transfer & Promotion 10/11/08 Gps Kulachi wash	IK & M Dy: Distt: Officer (M) Pry: Kulachi	IK & M Dy: Distt: Officer (M) Pry: Kulachi		IK & M Dy: Distt: Officer (M) Pry: Kulachi	
Dy: District Officer (M) Pry: Edu: Paroa	30/11/2008 incent.	IK & M Dy: District Officer (M) Pry: Edu: Paroa	IK & M Dy: District Officer (M) Pry: Edu: Paroa		IK & M Dy: District Officer (M) Pry: Edu: Paroa	
Dy: District Officer (M) Pry: Edu: Paroa	30/11/2008 incent.	IK & M Dy: District Officer (M) Pry: Edu: Paroa	IK & M Dy: District Officer (M) Pry: Edu: Paroa		IK & M Dy: District Officer (M) Pry: Edu: Paroa	



10	11	12	13		14	15	
Nature and designation of Head of office or other existing officer in station of posts 1 to 8	Date of termination or appointment	Reason of termination (such as promotion transfer dismissal etc)	Signature of the Head of the office of other attesting Officer	LEAVE		Signature of the head of the office or other Attesting officer	Reference to any recorded punishment or sensible reward or praise of the Government servant
				Allocation of periods of leave on average pay upto four months (or earned leave not exceeding 120 days) to which leave salary is debitable to another Government	Name and duration of leave taken		
تاریخ انقطاع ملازمت	وجوہات انقطاع ملازمت ترقی - تبادلہ یا برطرفی	دستخط افسر مجاز	رخصت کی نوعیت و معیار	چار ماہ تک یا رخصت کے لئے اوسط تنخواہ کا تعین	دستخط افسر مجاز	یہ عہدہ پر کام کر رہی ہیں	
				Period	Govt. to which debitable		
				عرصہ	گورنمنٹ جسے رقم ادا ہوگی		

2007  
OFFICE OF THE ACCOUNTANT GENERAL  
N.W.F.P. PESHAWAR.  
PAY FIXED IN THE REVISED BASIC  
PAY SCALES 2007

OF RS. 2940-160-7740 (7)  
AT RS. 3260 P.M.W.E.F. 1-07-2007  
With Next Increment on 1-07-2007  
Accounts Officer  
Pay Fixation Party N.W.F.P. Peshawar

Service Verified from... 01-11-2008  
to 30-11-09 from the Acquittance  
Roll and other School Record

By: District Officer  
(M) Prg: Edu: Paroa

TCA Number 132 Dated 18-10-10  
Drawn Rs 11521/-  
on a/c of award of B-9  
w.e.f 1-10-07 to 31-9-10  
\* SJ

2008  
OFFICE OF THE ACCOUNTANT GENERAL  
N.W.F.P. PESHAWAR  
PAY FIXED IN THE ADJUSTED REVISED  
BASIC PAY SCALES  
OF RS. 3820-230-10720 (9)  
AT RS. 4280 P.M.W.E.F. 1-07-2008  
With Next Increment on 1-12-2008  
Accounts Officer  
Pay Fixation Party N.W.F.P. Peshawar

Service Verified W.E.F.  
01-12-09 to 31-12-10 from the  
Acq. Roll & Other Office Record

By: District Officer  
(M) Prg: Edu: Paroa

TCA Number 172 Dated 19-4-12  
Drawn Rs 263532/-  
on a/c of award of Pay Scale  
w.e.f 1-12-10 to 31-3-12  
\* SJ

Pay released  
vide EDU SL  
NO 42727

12/04/12  
25/04/12

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 rule 3.20 of C.S.R. (Pb.) volume II	Pay in substantive post		Additional pay for officiating		Other emoluments falling under the term "pay"	Date of appointment	Signature of Government Servant
			Rs.	Ps.	Rs.	Ps.			
درجہ ملازمت	عارضی مستقل یا قائم مقام	اگر عارضی ہے تو کیا وہ رول کے مطابق پشن کا مستحق ہے							
PST REVISED ENTRIES DUE TO AWARD OF BPS: 09.12.2009									
		B-9/3185-190-8885							
Qps: Kulachi wala.	Temp: off.				3379	PM		01/07	Hashmat
Qps: Kulachi wala.		B-9/3820-230-10720			3565	AM		01/07	Hashmat
-Do-	Temp: off				4280	AM		01/08	Hashmat
-Do-	-Do-				4510	AM		01/08	Hashmat
-Do-	-Do-				4740	AM		01/09	Hashmat
-Do-	-Do-				4970	PM		01/12/2010	Hashmat
Qps: Kulachi wala.	Temp: 1/11				8100	AM		01/2011	Hashmat
					8480	AM		01/12/2011	Hashmat

Serial No.	10	11	12	13		14	15
				Name and duration of leave taken	Allocation of periods of leave on average pay upto four months (or earned leave not exceeding 120 days) to which leave salary is debitabale to another Government		
	Date of termination or appointment	Reason of termination (such as promotion transfer dismissal etc)	Signature of the Head of the office or other attesting Officer	Name and duration of leave taken	Allocation of periods of leave on average pay upto four months (or earned leave not exceeding 120 days) to which leave salary is debitabale to another Government	Signature of the head of the office or other Attesting officer	Reference to any recorded punishment or censure or reward or praised of the Government servant
	تاریخ انقطاع ملازمت	وجوہات انقطاع ملازمت ترقی - تبادلہ یا برطرفی	دستخط افسر مجاز	رخصت کی نووعیت و معیار	چار ماہ تک کی رخصت کے لئے اوسط تنخواہ کا تعین Govt: to which debitabale گورنمنٹ جسے رقم ادا ہوگی	دستخط افسر مجاز	سزا یا سزا نہیں بنایا کارکردگی کارکردگی
							Service Verified w.e.f. 07-12-10 to 30/11/11 on the acquittance Roll and other office record.
	<i>Amin Saeed</i> District Officer Pry: Paroa, D.I. Khan	30-11-2007 A/Inct: not Due.	<i>Amin Saeed</i> Deputy District Officer (M) Pry: Paroa, D.I. Khan				
	<i>Amin Saeed</i> District Officer Pry: Paroa, D.I. Khan	30-06-2008 RSPS: 2008	<i>Amin Saeed</i> Deputy District Officer (M) Pry: Paroa, D.I. Khan				
	<i>Amin Saeed</i> District Officer Pry: Paroa, D.I. Khan	30-11-2008 A/Inct:.	<i>Amin Saeed</i> Deputy District Officer (M) Pry: Paroa, D.I. Khan				REVISION OF BASIC PAY SCALES Government of Khyber Pakhtunkhwa Finance Department (Regulation wing) No: FD (PRC) 1-1-2011 dt: 14-07-2011 Pay on 30-06-11 BPS: 07 Rs: 4970/- Pay on 01-12-11 BPS: 09 Rs: 8100/- with next incl: on 01-12-2011
	<i>Amin Saeed</i> District Officer Pry: Paroa, D.I. Khan	30-11-2009 A/Inct:.	<i>Amin Saeed</i> Deputy District Officer (M) Pry: Paroa, D.I. Khan				
	<i>Amin Saeed</i> District Officer Pry: Paroa, D.I. Khan	30-11-2010 A/Inct:.	<i>Amin Saeed</i> Deputy District Officer (M) Pry: Tehsil PAROA D.I. Khan.				Dy: District Officer (M) Pry: Edu: Paroa
	<i>Amin Saeed</i> District Office Pry: Tehsil PAROA D.I. Khan	30-06-2011 BBPS: 2011	<i>Amin Saeed</i> Deputy District Officer (M) Pry: Paroa				Awarded BPS-12 vide notification of govt: of Khyber Pakhtunkhwa (E&SE) Deptt: endst No. SO (B&A) 1-18/E & SE/2012 Dated Peshawar. 11-07-2012. PAY DEPARTMENTALLY FIXED DUE TO AWARD OF BPS-12 Pay on 30-06-12 In BPS - 09 Rs= 8480/- Pay on 01-07-12 In BSS - 12 Rs= 8500/- Next increment on 01-12-2012 (with effect)
	Dy: D.O (M) Pry: Paroa	30-11-2011 A/Inct:.	Dy: D.O (M) Pry: Paroa				Dy: District Officer (M) Pry: Edu: Paroa
	Dy: D.O (M) Pry: Paroa						UNDERTAKING I Mr. <i>Hashmat Ullah</i> Desig: <i>PST</i> hereby undertake that if any over payment was made to me on award of BPS-12 on basis of up-gradation of post/promotion and the over payment will be recovered from my pay / pension / gratuity / CP fund / GP fund etc.

Hashmat

Dy: District Officer  
(M) Pry: Edu: Paroa



1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating, and weather permanent of temporary	If officiating state (i) substantive appointment or (ii) whether service counts for pension under rule 3.20 of C.S.R. (Pb.) volume II	Pay in substantive post	Additional pay for officiating	Other emoluments falling under the term "pay"	Date of appointment	Signature of Government Servant
درجہ ملازمت	عارضی - مستقل یا قائم مقام	اگر عارضی ہے تو کیا وہ رول کے مطابق پیشن کا مستحق ہے	تجواہ بطور عارضی ملازمت	زائد تجواہ بطور قائم مقام	ماسوائے تجواہ دیگر الاؤنس	تاریخ تقرری	دستخط سرکاری ملازم

Rs. Ps. Rs. Ps.  
 (B)

**OPTION**  
 I Mr. Hashmat-ullah hereby opt that my pay fixation in B: the Annual increment 01-12-12 please be fixed availing lower scale. Awarded BPS-12 vide notification of govt of Jhpper Pakhtunkhwa (ESSE) Deptt: endst No. SO (B&A) 1-18/E & SE/2012 Dated Peshawar: 11-07-2012.

Hashmat  
 Sub-Divisional Education Officer (Male) Parga D.I. Khan

PAY DEPARTMENTALLY FIXED DUE TO AWARD OF BPS:  
 Pay on 30-11-12 In BPS-12 Rs = 8500/-  
 Pay on 1-12-12 In BSS-14 Rs = 9000/-  
 Next increment on 01-12-2013

Amin Saeed  
 Sub-Divisional Education Officer (Male) Parga D.I. Khan

PST REVISID ENTRIES DUE TO AWARD OF BPS: 12. WEP: 01-07-2012  
 LB-12/7000-500-22500

IPS: Kulachi wala.

~~do do~~ Cancelled 8500/- Cancelled 07/01/2012  
 8500/- 12/01/2012 Cancelled

(B-12 W.O = B-14)  
 TCA 372  
 1st 718

12/01/12 to 31/12/12 Promoted to B-14. Raising Pay to Rs 9830/- Pm

Amin Saeed  
 13/08/13

Signature and designation of Head of office or other attesting officer in station of posts 1 to 8	Date of termination or appointment	Reason of termination (such as promotion transfer dismissal etc)	Signature of the Head of the office or other attesting Officer	Name and duration of leave taken	LEAVE		Signature of the head of the office or other Attesting officer	Reference to any recorded punishment or censure towards the Government servant	
					Allocation of periods of leave on average pay upto four months (or earned leave not exceeding 120 days) to which leave salary is debitable to another Government	Govt: to which debitable			
دستخط افسر	تاریخ انقطاع ملازمت	وجوہات انقطاع ملازمت ترقی - تبادلہ یا برطرفی	دستخط افسر مجاز	رخصت کی نوعیت و معیار	چار ماہ تک کی رخصت کے لئے اوسط تنخواہ کا تعین	Period	Govt: to which debitable	دستخط افسر مجاز	سزا یا جزایا نیہ مناسب کے کردگی کا ریکارڈ
						عرصہ	گورنمنٹ ہے رقم ادا ہوگی		

TCA 176  
7/12

Drawn Rs 2420/- on a/c of  
Differ of Pay  $1\frac{7}{12}$  to  $30\frac{11}{12}$  due  
to upgradation of scales (W.O.O)  
Round off Pay to Rs 8500/- from Rs 8480/-

10/02/12  
Distt Accounts Officer  
Distt (Small Ehas)

Awarded BPS 14 vide notification of govt: of  
Khyber Pakhtunkhwa (E&SE) Deptt: endst  
No. SO (B&A) 1-18/E & SE/2012 Dated Peshawar:  
11-07-2012.

PAY DEPARTMENTALLY FIXED DUE TO AWARD OF BPS  
Pay on 14-2-12 in BPS 12 Rs. = 9000/-  
Pay on 15-2-12 in BSS 14 Rs. = 9830/-  
Next increment on 01-12-2013

30-11-2012  
A/Inch  
Dy: District Officer  
D. Paroa D.I. Khan

Dy: District Officer  
(M) Paroa D.I. Khan

Dy: District Officer  
(M) Paroa D.I. Khan

Promoted as  
SPST BPS-14  
14-02-2013

S.D.E.O.  
(M) Paroa

Sub-Divisional Education  
Officer (Male) Paroa D.I. Khan

UNDERTAKING

I Mr. Hashmatullah  
Desig: SPST hereby undertake that  
if any over payment was made to me on award of  
BPS on basis of up-gradation of post/promotion  
and the over payment will be recovered from my  
pay / pension / gratuity / CP fund / GP fund etc.

Promoted as SPST in BPS-14 w.e.f  
15-2-2013 vide DEC (M) D.I. Khan  
credit No. 1660-65 dated D.I. Khan  
04/03/2013 at SN

Sub-Divisional Education  
Officer (Male) Paroa D.I. Khan

Hashmat. Sub-Divisional Education  
Officer (Male) Paroa D.I. Khan

	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 rule 3.20 of C.S.R. (Pb.) volume II	Pay in	substantive post	Additional pay for	officiating	Other emoluments falling under the term "pay"	Date of appointment	Signature of Government Servant
درجہ ملازمت	عارضی - مستقل یا قائم مقام	اگر عارضی ہے تو کیا وہ رول کے مطابق پنشن کا مستحق ہے	تجواہ بطور عارضی ملازمت	تجواہ بطور عارضی ملازمت	زائد تجواہ بطور قائم مقام	زائد تجواہ بطور قائم مقام	ماسوائے تجواہ دیگر الاؤنس	تاریخ تقرری	دستخط سرکاری ملازم
			Rs.	Ps.	Rs.	Ps.			
BDS-14(8000-610-26300)					Rs. 9830/-			15/2/13	
					Rs. 10640/-			1/1/13	

10	11	12	LEAVE		14	15	
Signature and designation of the Head of the office or other Attesting Officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion transfer dismissal etc)	Signature of the Head of the office of other attesting Officer	Name and duration of leave taken	Allocation of periods of leave on average pay upto four months (or earned leave not exceeding 120 days) to which leave salary is debitabale to another Government	Signature of the head of the office or other Attesting officer	Reference any recorded punishment or reward or other services rendered by the Government servant
				Period	Govt. to which debitabale		
<p>دستخط افسر مجاز</p>	<p>تاریخ انقطاع ملازمت</p>	<p>وجوہات انقطاع ملازمت ترقی۔ تبادلہ یا برطرفی</p>	<p>دستخط افسر مجاز</p>	<p>رخصت کی نوعیت و معیاد</p>	<p>چار ماہ تک کی رخصت کے لئے اوسط تنخواہ کا تعین</p>	<p>دستخط افسر مجاز</p>	<p>سزا یا جزایا غیر مناسب کے کردگی کار کیا رہا</p>
<p>S.D.E.O. (M) Paroa</p>		<p>30/11/13</p>	<p>S.D.E.O. (M) Paroa</p>				
<p>S.D.E.O. (M) Paroa</p>					<p>pay fixed departmentally</p>		
					<p>1-7-08 = 4200/- 1-12-08 = 4510/- 1-12-09 = 4740/- 1-1-10 = 4970/- 7-7-11 = 8100/- 1-12-11 = 8480/- 7-12-12 = 8500/- 4-12-12 = 9000/- 1-12-13 = 9500/-</p>		
					<p><u>SUSPENSION</u> Suspended from Govt Service w.e.f. 05/06/2014 vide DEO (M) Dikham endst no 9271-79/ AE-V PST (M) Dated Dikham the 19/06/2014 due to FIR no. 04 dated 05/6/14 U/Ss 218/420/ 468/471 PPC/SQ2 PC ACTPSACE Dikham.</p>	<p>SDEO</p>	
					<p>for the period 15<sup>2</sup>/<sub>13</sub> to 28<sup>2</sup>/<sub>14</sub> been recovered from the pay due to cancellation of 13/5-14</p>		

Annexure 'E'

23

**OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER  
(MALE) PAROA DERA ISMAIL KHAN**

No. 5529 /

Date 23/06/2016

To:

Mr. Hashmatullah SPST  
GPS Kulachi Wala Tehsil Paroa DIKhan

Subject: - **SHOW CAUSE NOTICE**

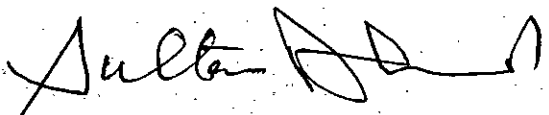
Memo:

Enclosed please find herewith a show cause notice issued by Nazir Khan Khattak

District Education Officer (M) DIKhan against you vide his office letter No. 12559/IMU/DEO (Estab)

Primary dated: 21-06-2016. In this regard you are directed to submit your reply within stipulated period to the office concerned.


Matter may be treated as most urgent.

  
**SUB DIVISIONAL EDUCATION OFFICER  
(MALE) PAROA DIKHAN**

Endst No. \_\_\_\_\_ /

Copy to the: -

1. District Education officer (Male) DIKhan with reference to his endst No. 12560-63/DEO.Estab (P) dated: 21-06-2016.

  
**SUB DIVISIONAL EDUCATION OFFICER  
(MALE) PAROA DIKHAN**

**DISTRICT EDUCATION OFFICER  
(M) DERA ISMAIL KHAN**

24



**OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALE) DERA ISMAIL KHAN**

No. 12559/DEO (Estab: ) Primary.

Dated 21/06 /2016

**SHOW CAUSE NOTICE**

I Nazir Khan Khattak, District Education Officer (Male) Dera Ismail Khan as competent authority under the Khyber Pakhtunkhwa Government servants (Efficiency & discipline) rules, 2011, do hereby serve you Mr Hashmatullah SPST Govt: Primary School Kulachi Wala Tehsil Parova District DIKhan as follows:

1. That you were terminated from your service on 01/05/2010 and you were reported to change the appointment order from 2007 to 2004 by scanning the signature of the then EDO.
2. You have also been promoted to SPST (BPS-14) by producing fake/forged/bogus Intermediate certificate from AIOU Islamabad.
3. Prior to year 2007 you have also been reported to be the General Counselor from the year 2001 to 2005 which shows that you are not in Government Service before 2007.
4. That a case vide FIR NO.4 dated 05/06/2014 under section 218/420/468/471 PPC/5(2)PC ACT has been registered by PS ACE DIKhan on the same charges against you and on the report of Anti corruption DIKhan the matter is sub Judge before special judge anti corruption.

By the reason of the above you appeared to be guilty of Misconduct and corruption under rule (3) of Khyber Pakhtunkhwa Government servant (E& D) rule 2011 and have rendered yourself liable to all or any of penalties specified in the rules ibid.

- a) You are therefore, required to submit your written defense within seven (7) days of receipt of this Show Cause Notice, failing which, it will be presumed that you have nothing to put in your defense and ex-parte action will be taken against you.
- b) Intimate whether you desired to be hired in person.

COMPETENT AUTHORITY

Mr. Hashmatullah SPST  
Govt: Primary School Kulachi wala Tehsil Parova Distt: DIKhan

Endst: No. \_\_\_\_\_/DEO.Estab (P) Dated DIKhan the \_\_\_\_\_/2016

Copy forwarded to the:-

1. Sub Divisional Education Officer (M) Parova with the direction to serve the Show Cause Notice to Official Concerned.
2. Honourable Additional Special Judge Anti Corruption Camp DIKhan
3. Assistant Director ACE DIKhan
4. District Accounts Officer Dera Ismail Khan.
5. PA to DEO (M) DIKhan.

DISTRICT EDUCATION OFFICER  
(M) DERA ISMAIL KHAN



(25)

**OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALE) DERA ISMAIL KHAN**

No. 7 /DEO (Estab: ) Primary.

Dated 21/06 /2016

**SHOW CAUSE NOTICE**

I Nazir Khan Khattak, District Education Officer (Male) Dera Ismail Khan as competent authority under the Khyber Pakhtunkhwa Government servants (Efficiency & discipline) rules, 2011, do hereby serve you Mr Hashmatullah SPST Govt: Primary School Kulachi Wala Tehsil Parova District DIKhan as follows:

1. That you were terminated from your service on 01/05/2010 and you were reported to change the appointment order from 2007 to 2004 by scanning the signature of the then EDO.
2. You have also been promoted to SPST (BPS-14) by producing fake/forged/bogus Intermediate certificate from AIOU Islamabad.
3. Prior to year 2007 you have also been reported to be the General Counselor from the year 2001 to 2005 which shows that you are not in Government Service before 2007.
4. That a case vide FIR NO.4 dated 05/06/2014 under section 218/420/468/471 PPC/5(2)PC ACT has been registered by PS ACE DIKhan on the same charges against you and on the report of Anti corruption DIKhan the matter is sub Judge before special judge anti corruption.

By the reason of the above you appeared to be guilty of Misconduct and corruption under rule (3) of Khyber Pakhtunkhwa Government servant (E& D) rule 2011 and have rendered yourself liable to all or any of penalties specified in the rules ibid.

- a) You are therefore, required to submit your written defense within seven (7) days of receipt of this Show Cause Notice, failing which, it will be presumed that you have nothing to put in your defense and ex-parte action will be taken against you.
- b) Intimate whether you desired to be hired in person.

COMPETENT AUTHORITY

Mr. Hashmatullah SPST  
Govt: Primary School Kulachi wala Tehsil Parova Distt: DIKhan

Endst: No. 12560-63 DEO.Estab (P)

Dated DIKhan the \_\_\_\_\_ /2016

Copy forwarded to the:-

1. Sub Divisional Education Officer (M) Parova with the direction to serve the Show Cause Notice to Official Concerned.
2. Honourable Additional Special Judge Anti Corruption Camp DIKhan
3. Assistant Director ACE DIKhan
4. District Accounts Officer Dera Ismail Khan.
5. PA to DEO (M) DIKhan.

DISTRICT EDUCATION OFFICER  
(M) DERA ISMAIL KHAN



**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)**  
**DERA ISMAIL KHAN**

26

NO: \_\_\_\_\_ /DEO (Estt:)pry

DIKhan the Dated: 21/06 /2016

To  
The District Accounts Officer  
Dera Ismail Khan

Subject: **Verification of Salaries drawn against the Personal # 00346552 titled Mr. Hashmatullah PST**

Memo:

It is submitted to your kind honour that FIR lodged against Mr. Hashmatullah SPST GPS Kulachi wala under FIR NO.4 dated 05/06/2014 under section 218/420/468/471 PPC/5(2)PC ACT has been registered by PS ACE DIKhan.

The said official was appointed in 2007 but he has changed his appointment order from 2007 to 2004 by scanning the signature of the then EDO. Now it is required whether his first pay was activated in 2004 or in 2007 because his case is under proceeding in the department as well as in the Honourable Additional Special Anti Corruption Court.

The Honourable court has directed undersigned to point out than when the salaries of accused official were activated for the first time in your system and how much salaries has been drawn by him

You are requested to provide detail of month wise salaries drawn under this personal number w.e.f October 2004 to uptill now.

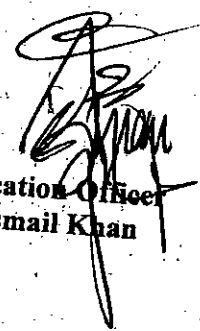
Your cooperation and earliest reply will be highly appreciated which enable this department to take prompt action /solve the case.

**District Education Officer**  
**(M) Dera Ismail Khan**

Endst: No 12555-58 /DEO (Estt:)pry

Dated DIKhan the \_\_\_\_\_ /2016

- Copy forwarded to the:-
1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
  2. Honourable Additional Special Judge Anti Corruption Camp DIKhan
  3. Assistant Director ACE DIKhan
  4. PA to DEO(M) DIKhan

  
**District Education Officer**  
**(M) Dera Ismail Khan**





**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)**  
**DERA ISMAIL KHAN**

27

NO: \_\_\_\_\_/DEO (Estt:)pry

DIKhan the Dated: 21/06

To

Mr. Jamal Ahmad Mirza  
Head Master GHS Behari Coloney DIKhan

Subject: **INQUIRY**

Memo:

Reference this office No.11075/AE-V/PST(M) dated 07/08/2014 You were appointed as inquiry officer in the light of complaint/FIR register by the Assistant Director Crime ACE DIKhan for submission of early report against the following official.

1. Mr. Hasmatullah SPST (B-14) GPS Kulachi wala Tehsil Parova
2. Mr. Abdul Majeed S/Clerk O/O SDEO(M) Parova

You failed to submit the same within stipulated period of time. Again reference this office letter No.2056/AE-V PST(M) dated 23/10/2014 remainder was issued by directing you to expedite the matter within a period of a week time but you have failed to do so uptill now without showing any reason.

Now the case is under proceeding with Honourable anti corruption court and is pressing hard for departmental proceeding and its output in the said case.

You are therefore, once again redirected to complete the same before 13/07/2014 the next date of hearing fixed in the said case. It is to remind you that no refusal or showing any reason for non compliance will be accepted as at this stage it is impossible for the undersigned to find any other alternate way. In case of non-compliance the responsibility will rest upon you and will be tantamount to inefficiency on your part.

District Education Officer  
(M) Dera Ismail Khan

Endst: No 12551-53/DEO (Estt:)pry

Dated DIKhan the \_\_\_\_\_/2016

Copy forwarded to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Honourable Additional Special Judge Anti Corruption Camp DIKhan
3. Assistant Director ACE DIKhan.
4. PA to DEO(M) DIKhan

District Education Officer  
(M) Dera Ismail Khan

**OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER  
(MALE) PAROA DERA ISMAIL KHAN**

No. 5588 /

Date 26 / 07 / 2016

To


Mr. Hashmatullah SPST  
GPS Kulachi Wala Tehsil Paroa DIKhan

Subject: - **SHOW CAUSE NOTICE**

Memo:

Enclosed please find herewith a show cause notice issued by Nazir Khan Khattak District Education Officer (M) DIKhan against you vide his office endst No. 13587-91 /DEO Estab:(Primary) dated: 21-07-2016. In this regard you are directed to submit your reply within stipulated period to the office concerned.


Matter may be treated as most urgent.

  
**SUB DIVISIONAL EDUCATION OFFICER  
(MALE) PAROA DIKHAN**

Endst No. \_\_\_\_\_ /

Copy to the: -

- 1. District Education officer (Male) DIKhan with reference to his endst No and date quote above.

  
**SUB DIVISIONAL EDUCATION OFFICER  
(MALE) PAROA DIKHAN**



(29)

**OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALE) DERA ISMAIL KHAN**

No. \_\_\_\_\_ /DEO (Estab: ) Primary.

Dated \_\_\_\_\_ /2016

**FINAL SHOW CAUSE NOTICE**

I Nazir Khan Khattak, District Education Officer (Male) Dera Ismail Khan as competent authority under the Khyber Pakhtunkhwa Government servants (Efficiency & discipline) rules, 2011, do hereby serve you Mr Hashmatullah SPST Govt: Primary School Kulachi Wala Tehsil Parova District DIKhan as follows:

As the reply of your previous show Cause Notice is found unsatisfactory and charges level against you have been proved. So being competent authority the undersigned has tentatively decided to Impose, Major Penalty, "Removal from service" upon you under rule (4) of Khyber Pakhtunkhwa Government servant (E& D) rule 2011. You are therefore, directed to present any documentary proof or evidence before the undersigned as well as to appear in person on 02/08/2016 for providing the opportunity of personal Hearing in your defense, otherwise ex-parte action will be taken against you.

**COMPETENT AUTHORITY**


Mr. Hashmatullah SPST  
Govt: Primary School Kulachi wala Tehsil Parova Distt: DIKhan

Endst: No. 13587-91 /DEO.Estab (P)

Dated DIKhan the 21-7 /2016

Copy forwarded to the:-

1. Sub Divisional Education Officer (M) Parova with the direction to serve the Show Cause Notice to Official Concerned.
2. Honourable Additional Special Judge Anti Corruption Camp DIKhan.
3. Assistant Director ACE DIKhan.
4. District Accounts Officer Dera Ismail Khan.
5. PA to DEO (M) DIKhan.

  
DISTRICT EDUCATION OFFICER  
(M) DERA ISMAIL KHAN

To: The District Education Officer (Male),  
Dera Ismail Khan.

Through: The Sub-Divisional Education Officer (Male)  
Parova, District D.I.Khan.

Subject: **SHOW CAUSE NOTICE.**  
Reference No. 12559/DEO(3stab:) Primary dated 21.06.2016 of the  
DEO (M) D.I.Khan and No. 5529 dated 23.06.2016 of the SDEO (M)  
Parova, on the subject cited above.

Respected Sir,

I humbly submit reply to the above referred Show Cause  
Notice as under:

1. That I received show cause notice from your esteemed office wherein four allegations have been levelled against me.
2. **Allegation No.1** is baseless and denied. In reply to this, it is humbly submitted that the same is groundless. I being a government servant cannot think to scan and fabricate the signature of the then EDO. I was duly appointed as PST and my appointment order is genuine. It is further clarify that besides me, a number of persons were appointed by the same EDO and no question of scanning the signature of said EDO could be arisen. It is the matter of record that so many persons were appointed along with me and if record of your good-self esteemed office is scrutinized, my appointment order will be proved to be genuine. Bald denial of the then EDO from signing my appointment order it not justified and the said denial does not render my appointment as fake particularly when the said EDO has no personal record or notes of signing the appointment letters and other office correspondence. The said EDO in order to save his skin from pending case in the court of Special Judge Anti-Corruption has made me a scapegoat.
3. Accusation No.2 is also baseless and strongly denied, and in reply to this allegation, I most respectfully submit that I have been awarded promotion to the BPS-14 by the existing rules and policy in vogue. No fake or bogus intermediate degree from AIOU

Islamabad has been produced by me. It is pertinent to mention here that the fate of said alleged fake FA degree would be determined by the court of competent jurisdiction as the matter is subjudice before the Honourable Special Judge, Anti-corruption, D.I.Khan. Penalizing the petitioner prior to the decision of said competent court would be extrajudicial and amounts to usurp and bypass the judicial powers of the court which is not justified and has no sanctity under the law.

4. In reply to allegation No.3; it is submitted that the same is also baseless and is not admitted at all. There is no iota of evidence in this regard and I cannot be penalized for this accusation.

*Allegation No. 5 is baseless and denied.*

5. In reply to Charge No.4 it is submitted that the trial of case FIR No. 4 dated 05.06.2014 is still pending before the Honourable Special Judge Anti-Corruption, D.I.Khan, and still I have not been proved to be the guilty in the Court. It is the settled principle of law that unless the charges are proved in the court of law, I cannot be held guilty of those charges. Let it not be gone un-noticed that during the pending of trial before the court of competent jurisdiction, legally departmental proceedings cannot be initiated against me and the superior courts of the country have depreciated this practise.

In view of foregoing humble submissions, it is most respectfully requested that the Show Cause Notice may please be filed without any further proceeding and I may please be exonerated from the allegations levelled in the said show cause notice.

Yours Most Obedient Servant,

*Hashmat*

Dated 28 June, 2016

**Hashmatullah**  
SPST GPS Kulachi Wala,  
Tehsil Parova, D.I.Khan.

*Received on 28/06/2016 (FH)*  
*[Signature]*  
*28/6/2016*



**ORDER**

WHEREAS you Mr. Hashmatullah , (SPST) Government Primary School Kulachi wala Tehsil Parova District DIKhan were proceeded for having committed the following gross irregularities which constitute under rule 3 sub rules (a), (b) & (d) of the Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) rules, 2011.

AND WHEREAS a case vide FIR NO.4 dated 05/06/2014 in Special court Judge Anti corruption reference case # 4 dated 05/06/2014 Crime ACT/PC 218,420,468, 471/5(2) that

- You were terminated from service on 01/05/2010 and you were reported to change the appointment order from 2007 to 2004 by scanning the signature of the then EDO.
- You have also promoted to SPST (BPS-14) by producing fake/bogus/forged intermediate certificate from AIOU Islamabad.
- Prior to year 2007 you have also been reported to be General Counselor from year 2001 to 2005.

AND WHEREAS a show cause notice was served upon you vide District Education officer (M) No. 12559 dated 21.06.2016 through Sub Divisional Education Officer (M) Dera Ismail Khan.

AND WHEREAS your reply received to this office after stipulated period and time was found unsatisfactory.

AND WHEREAS final Show cause Notice issued vide this office Endst: No.13586 dated 21/07/2016 in which you have directed to appear in person on 02/08/2016 before undersigned as well as disciplinary committee

AND WHEREAS, during personal hearing you have admitted that you have not passed FA examination but you got promotion from PST to SPST.

AND WHEREAS, you are not performed any type of duty during 2004 to 2007 as per report of Sub Divisional Education Officer (M) Kulachi and record which he provide to this office.

AND WHEREAS, you have not drawn any type of salaries from the period 2004 to 2007 as per report of District Accounts Officer Vide his letter No.Admn/DAO-DIK/15-16-196-97 dated 11/07/2016.

AND WHEREAS, the appointment order Vide Endst: No.2944-48 dated 16.10.2004 has been denied by the competent authority of that time before the anti corruption court.

AND WHEREAS, all the charges leveled against you have been proved and you have failed to defend these charges.

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NOW THEREFORE, the Competent Authority in exercise of the Power conferred upon him under Sub Rules-4-b (iii) of Khyber Pakhtunkhwa, Government Servant (Efficiency & Discipline) Rules-2011 is pleased to impose Major Penalty of "REMOVAL FROM SERVICE" upon Mr. Hashmatullah, SPST, GPS Kulachi wala Tehsil Parova District DIKhan with immediate effect with recovery of Payment which you have drawn un lawfully during this period.

*ed/*  
DISTRICT EDUCATION OFFICER  
(M) DERA ISMAIL KHAN

Endst: No 15727-31 / DEO.Estab (P)

Dated DIKhan 02.8 /2016

Copy forwarded to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar with the request to initiate inquiry against those DDOs who unlawfully released salaries to the official and inflicted huge loss to the government Exchequer.
2. Assistant Director Anticorruption Establishment DIKhan with the request to initiate proceeding to lodge FIR against Mr. Hashmatullah /DDOs who released unlawfully salaries to the official concerned and ensure the recovery of payment.
3. District Comptroller of Accounts Dera Ismail Khan
4. Sub Divisional Educational Officer (M) Parova with the remarks that entry regarding Removal from Service should be recorded in his service book.
5. District Monitoring Officer (IMU)DIKhan
6. Mr. Hashmatullah SPST GPS Kulachi Wala Tehsil Parova District DIKhan

*[Signature]*  
DISTRICT EDUCATION OFFICER  
(M) DERA ISMAIL KHAN

Annexure H y

34

To,

1. The Secretary Education, Govt. of Khyber Pakhtunkhwa, Peshawar.
2. The Director Education, Govt. of Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (M), Dera Ismail Khan.
4. Sub-Divisional Education Officer (Prova), Dera Ismail Khan.
5. Head Master, Govt. Primary School Kulachiwala, Dera Ismail Khan.
6. Budget and Accounts Officer, Dera Ismail Khan.

Subject: DEPARTMENTAL APPEAL AGAINST ORDER No. 15929-34 DATED 22/08/2016 ISSUED BY DISTRICT EDUCATION OFFICER (M) D.I.KHAN VIDE WHICH APPELLANT WAS REMOVED FROM SERVICE BY IMPOSING THE MAJOR PENALTY.

Respected Sir,

The petitioner submits as under,

1. That some posts of PST were advertised in the daily Mashriq by the then District Education Officer Schools & Literacy Dera Ismail Khan namely Abdul Rahim Khan regarding which the appellant submitted his application alongwith required documents. Copy of advertisement is attached herewith as **Annexure-A**.
2. That on the date fixed, petitioner appeared for test and interview and thereafter petitioner was appointed as PST Teacher in BPS-07 Issued vide letter No. 2944-48 on 16/10/2004 in the Education Department KPK. Copies of order alongwith Medical Certificate are attached as **Annexure-B & B/1**.
3. That after obtaining the charge as PST teacher in GPS Garra Gul-Dad, petitioner served there according to the wishes and desires of his high-ups till 05/11/2007. Where after, appellant was transferred from GPS Garra Guldad to GPS Moga Kulachi.



Copy of transfer order No. 2937-39 dated 06/11/2007 is attached as Annexure-C.

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4. That appellant also performed his duties in GPS Moga efficiently for one year and vide letter No. 22946-51 dated 11/10/2008, petitioner was transferred by the orders of Executive District Officer Dera Ismail Khan to GPS Kulachiwala. Copy of order No. 22946-51 dated 11/10/2008 is attached as Annexure-D.

5. That during the course of his service, due to efficient performance of the appellant he was promoted as SPST Teacher in BPS-14, however, due to local political rivalry, one Malik Muhammad Hamaiish moved an application to the department against the appellant with various baseless, illegal allegations and in the light of said allegations, an FIR was not only lodged against the appellant but an ex-parte inquiry was also initiated against the appellant and pay of the appellant was stopped by the department. However, vide letter No. 4277-79 dated 12/04/2012, the pay of the appellant was released by the orders of the then Executive District Officer D.I.Khan. Copies of service book and letter are attached as Annexure-E & E/1.

6. That during the course of trial against the appellant before the learned Judge Anti Corruption, when the then Executive District Officer appeared as a witness, he instead of verifying his signature on the first appointment letter of the appellant totally made mala fide, baseless, ill founded statement wherein he denied from his signature in order to book the appellant in the above stated illegal and mala fide case for the interest of Education Department. Though his statement was totally wrong regarding which appellant reserved the legal rights against him.

7. That thereafter, appellant was served with a show cause notice vide letter No. 12559 dated 21/06/2016 by the District Education Officer (M) D.I.Khan with the allegations mentioned therein and sought a written reply within 07 days from the appellant. Copy of letter is attached as Annexure-G.

8. That in compliance of the Show Cause notice issued by the District Education Officer (M) D.I.Khan, appellant submitted his reply on 28/06/2016, which was duly received. Copy of reply is attached as Annexure-H.

9. That thereafter, on 21/07/2016, vide letter No. 13587-91 issued by District Education Officer (M) D.I.Khan appellant was directed to appear in person on 02/08/2016 before him, as he was not satisfied from the reply of appellant which was already submitted and on the date fixed when appellant went to the office of the EDO for his personal hearing, unfortunately the appellant was not given the opportunity of hearing and thereafter the appellant was informed vide letter No. 15929-34 dated 22/08/2016, that he was removed from service while imposing the major penalty under the Govt. Servant efficiency & Discipline Rules 2011 by District Education Officer (M) D.I.Khan. Copy of removal order is attached as Annexure-I.

10. That the appellant has no other option except to file the instant appeal, inter alia, on the following grounds.

**GROUND:**

- 1. That all the allegations leveled against the appellant in the show cause notice are baseless, ill founded and based on mala fide intentions beside this appellant submitted reply alongwith various documents in proof which was turned down without lawful authority as such the allegations against the appellant are not proved.
- 2. That appellant served the Education Department since 16/10/2004 till now without any fault on his behalf even then appellant was not given the opportunity of personal hearing, hence, appellant was condemned unheard
- 3. That the allegations of changing the appointment order from 2007 to 2004 by scanning the signature of the then EDO is totally wrong, baseless and without any legal justification

That the allegations of producing fake/forged intermediate certificate from AIOU Islamabad is also groundless and department has got no proof that appellant submitted the said certificate.

That the allegations of holding the office of General Councilor is also baseless regarding which department has got no valid proof rather the appellant was victimized only on the basis of political rivalry as well as non obedience of illegal demands of blue eyed officers of Education Department.

That the fourth allegation against the appellant is an FIR which was lodged against the appellant on 06/06/2014 which was also in the knowledge of the department, though the said case is under trial regarding which department cannot take any action against the appellant till the decision of the said case by the competent court as such all the allegations including the FIR are baseless, ill founded and without lawful authority and on the basis of which the impugned removal order dated 22/08/2016 against the appellant is untenable, without lawful authority, illegal, based on malafide intention, hence, liable to be set aside with all back benefits.

*It is therefore, humbly prayed that on acceptance of instant appeal, the impugned removal order dated 22/08/2016 may kindly be set aside and the appellant may kindly be reinstated with all back benefits.*

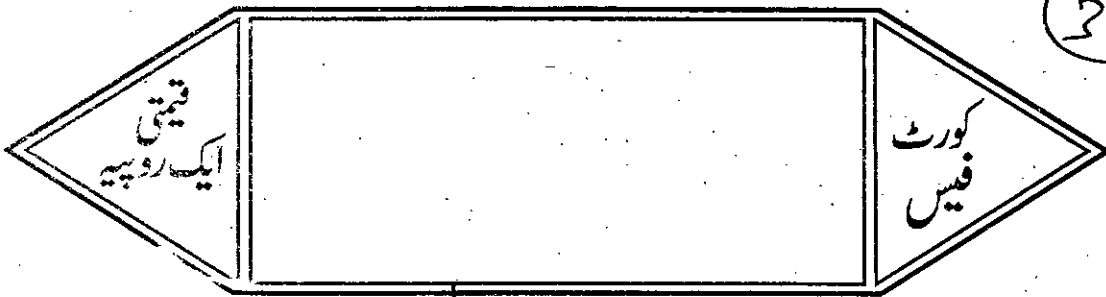
Dated: 27/08/2016

Yours Humble Appellant

*Haqmat*

Haqmat Ullah  
SPST, GPS Kulachiwala  
Tehsil Prova,  
District Dera Ismail Khan

وکالت نامہ



بعدالت صاحب سروس لبریفول شاہد  
منجانب Appellant  
حسنت اللہ بنام حکومت پاکستان  
دعوی یا جرم

تفصیل دعوی یا جرم سروس اپیل

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیرونی وجوہ دہی برائے پیش یا تصدیق مقدمہ بنام  
صبا و سرگمان صاحبی (دوسرے حالوں کے لیے)

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا ایذا بذریعہ رو برو عدالت حاضر ہوتا رہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا بیچے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر پکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے یا بیچے پیش ہونے پر مظہر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا محنت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو کل ساختہ پر داخستہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعوی یا جواب دعوی یا درخواست اجراء اسمائے ذمیری نظر ثانی اپیل گمرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر ثالثی یا راضی نامہ و فیصلہ برطرف کرنے اقبال دعوی کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مزکور بیرون از پکھری صدر بیرونی مقدمہ مزکور نظر ثانی اپیل و گمرانی و برآمدگی مقدمہ یا مستوفی ذمیری سے حرمہ یا درخواست تسمہ استانی یا ذمیری یا گرفتاری قبل از فیصلہ اجراء ذمیری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ ضمانت بیرونی کا اختیار ہو گا اور تمام ساختہ پر داخستہ صاحب موصوف مثل کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مزکورہ یا اس کے کسی جزو کی کاروائی یا بصورت درخواست نکل جانے اپیل گمرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا بیرسٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے

موری 15/11/2016

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور حضور ہے

Accepted  
Munir Ahmad  
Adv  
15/11/2016

Hassan  
Appellant

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR**

Service Appeal No. 1158/2016

Amended Memo of Appeal


Hashmatullah

VS

Government of KPK

**Respectfully Sheweth**

It is requested to this Honourable Tribunal that the para wise comments already submitted in the service appeal of the present appellant may kindly be consider as reply in the amended service appeal of the present appellant.

  
District Education Officer  
(M) DIKhan

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR**

**Service Appeal No. 1158/2016**

**Amended Memo of Appeal**

**Hashmatullah**

**VS**

**Government of KPK**

**Authority**

I District Education Officer (M) DIKhan hereby authorized Mr. Muhammad Kamran Khan ADEO to attend Honourable Service Tribunal KPK Peshawar on behalf of respondents in connection with submission of Para wise comments and till the decision of the service appeal.

Respondent No.4

  
District Education Officer  
(M) DIKhan

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. 1158/2016

Amended Memo of Appeal

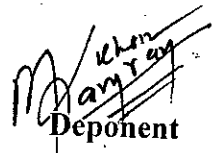
Hashmatullah

VS

Government of KPK

**Affidavit**

I Mr. Muhammad Kamran Khan Assistant District Education Officer (M) DI Khan solemnly affirm and declared on oath that the content of written reply are correct to the best of my knowledge and nothing has been concealed from this Honorable Court.

  
Deponent

1212-4307841-7

**BEFORE THE HONORABLE SERVICE TRIBUNAL (Camp) At D.I.KHAN.**

Appeal No. 1158/2016.

Hashmatullah S/O Ghulam Sarwar Caste Baloch R/O Kulachiwala Tehsil & District D.I.Khan.

(Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Govt: of KPK, Peshawar.
2. The Secretary Education, Government of Khyber Pakhtunkhwa, Peshawar.
3. The Director, Education Government of Khyber Pakhtunkhwa, Peshawar.
4. The District Education Officer (Male), Dera Ismail Khan.
5. The Sub Divisional Education Officer (Parova), Dera Ismail Khan.
6. The Head Master, Government Primary School Kulachiwala, D.I.Khan.
7. District Account Officer, Dera Ismail Khan.

(Respondents)

**Preliminary Objection.**

1. That the Appellant has got no cause of action against Respondent No.7
2. That the Appellant has got no Locus Standi.

**RESPECTFULLY SHEWETH:**

**Para wise Comments/Replies by Respondent No. 7 are as under:-**


1. Relates to Respondent No. 4 for detail Comments.
2. As above.
3. Relates to Respondent No. 3, 4 and 5 for Comments.
4. Relates to Respondent No. 3, 4 for detail Comments.
5. Relates to Respondent No.3, 4 for detail Comments.
6. Relates to Respondent No. 4 for detail Comments.
7. Relates to Respondent No. 4 for detail Comments.
8. Relates to Respondent No. 4 for detail Comments.
9. Relates to Respondent No. 4 for detail Comments.
10. Relates to Respondent No. 4 for detail Comments.
11. Needs no Comments by Respondent No. 7.

**GROUNDS:**

- a). Relates with Respondent No. 4&5.
- b). As Above.
- c). As Above.
- d). Relates with Respondent No. 4 for Comments.
- e). As Above.
- f). As Above.
- g). Point of law.
- h). Needs no Comments.

In view of foregoing Comments/Reply the grievances of the Appellant pertains amongst Respondent No. 4 & 5 and not with Respondent No. 7 Moreover, the matter/case is yet under trial in the Court of Anticorruption Department.

It is, therefore, humbly prayed that the name of this office may kindly be struck out from the list of Respondents upon enclosed application.

  
(Respondent No.7)  
District Accounts Officer  
Dera Ismail Khan



**BEFORE THE HONORABLE SERVICE TRIBUNAL(Camp) At D.I.KHAN.**

Appeal No. 1158/2016.

Hashmatullah S/O Ghulam Sarwar Caste Baloch R/O Kulachiwala Tehsil & District D.I.Khan.

(Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Govt: of KPK, Peshawar.
2. The Secretary Education, Government of Khyber Pakhtunkhwa, Peshawar.
3. The Director, Education Government of Khyber Pakhtunkhwa, Peshawar.
4. The District Education Officer (Male), Dera Ismail Khan.
5. The Sub Divisional Education Officer (Parova), Dera Ismail Khan.
6. The Head Master, Government Primary School Kulachiwala, D.I.Khan.
7. District Account Officer, Dera Ismail Khan.

(Respondents)

**APPLICATION UNDER ORDER 1 RULE 10 (2) CPC, 1908 ON BEHALF OF RESPONDENT**

**No.7.**

**Respected Sir,**

The Applicant/Respondent No.7, submits as under:-

1. That the instant Case is pending adjudication in this learned Court and is fixed for today.
2. That the bone of contention is amongst the Appellant and Respondents No. 1, 2, 3 & 4 and the Applicant/Respondent No. 7 has no concern whatsoever with the instant list.
3. That the plaintiffs have wrongly arrayed the Applicant/Respondent No. 7 as party in the instant suit.
4. That the Applicant/Respondent No. 7 is public functionary and has no concern with the private disputes of the parties to the suit. Therefore, it is quite legal to strike out their name from the panel of defendants.
5. That this learned Court has got enough powers to strike out the names of the Applicant/Respondent No. 7 from the panel of defendants.

Therefore, in the light of above mentioned facts, it is prayed that on acceptance of the instant application the name of Applicant/Respondent No. 7 may graciously be struck out from the panel of Respondents.

Dated:     / 10 / 2017.

  
Applicant/Respondent No. 7.  
Through Representative.

**VERIFICATION.**

It is verified this day, dated:     /     /     at D.I.Khan that all the contents of the instant application are correct to the best of my knowledge and belief and nothing has been concealed from this honorable court.

  
Applicant/Respondent No. 7.  
Through Representative.

**BEFORE THE HONORABLE SERVICE TRIBUNAL(Camp) At D.I.KHAN.**

Appeal No. 1158/2016.

Hashmatullah S/O Ghulam Sarwar Caste Baloch R/O Kulachiwala Tehsil & District D.I.Khan.

**(Appellant)**

**Versus**

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Govt: of KPK, Peshawar.
2. The Secretary Education, Government of Khyber Pakhtunkhwa, Peshawar.
3. The Director, Education Government of Khyber Pakhtunkhwa, Peshawar.
4. The District Education Officer (Male), Dera Ismail Khan.
5. The Sub Divisional Education Officer (Parova), Dera Ismail Khan.
6. The Head Master, Government Primary School Kulachiwala, D.I.Khan.
7. District Account Officer, Dera Ismail Khan.

**(Respondents)**

**AFFIDAVIT**

I Mr. Naveed Zaffar Assistant Accounts Officer, office of the District Accounts Officer, Dera Ismail Khan do here by solemnly affirm and declare on Oath the content of the accompanying Para wise comments are true and correct to the best of my knowledge and belief that nothing has been concealed from this Honorable Court.

**IDENTIFIED BY**

**Additional Advocate General  
Peshawar High Court Bench  
Dera Ismail Khan.**

**DEPONENT**



**(Naveed Zaffar)  
Assistant Accounts Officer,  
On behalf of  
District Accounts Officer,  
Dera Ismail Khan  
Respondent No. 7.**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Block "A" Civil Secretariat, Peshawar

Phone No. 091-9211128

By Registered Post.

**MOST IMMEDIATE / COURT MATTER.**

NO.SO (Lit-II)E&SED/1-3/SA# 1158/16/Hashmatullah.  
Dated Peshawar, the 06-04-2018.

To

✓ The District Education Officer (M),  
Elementary & Secondary Education,  
D.I.Khan.

Subject: **COUNTERSIGNATURE OF PARA WISE COMMENTS.**


I am directed to refer to the subject noted above and to enclose herewith Parawise Comments (in original) in Service Appeal No. 1158/2016 Mr. Hashmatullah, Ex-SPST, GPS, Kulachiwala, D.I.Khan VS Secretary E&SE Department, duly signed by the Secretary E&SE Department, Govt: of Khyber Pakhtunkhwa for further necessary action at your end.

Encl: (as above)

Endst: of even No. & date.

Copy forwarded to the:-

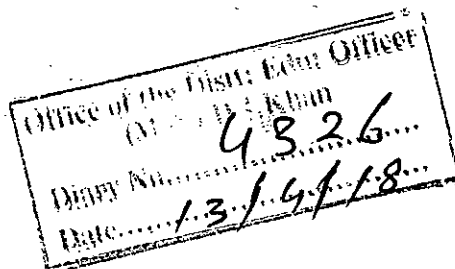
- 1: PA to Deputy Secretary (Legal) E&SE Department.

  
SECTION OFFICER (LIT:II)

SECTION OFFICER (LIT:II)

ADO (Litigation)

DEO (M)  
13/04/18



BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. 1158/16

Hashmatullah

VS

Government of KPK

COMMENTS ON BEHALF OF RESPONDENTS

- 1) That the appellant has got no cause of action / locus standi.
- 2) That the appellant has not come to Honourable Court with clean hands.
- 3) That the appellant has filed the service appeal on malafide objectives.
- 4) That the instant appeal is against the prevailing laws and rule.
- 5) That the appeal is barred by doctrine of leeches.
- 6) That the instant appeal is illegal and against the facts and on grounds circumstances.
- 7) That the Honourable Court has no jurisdiction to entertain such like appeal.
- 8) That the service appeal is not maintainable in its present form.
- 9) That the appellant has concealed material facts from Honourable Tribunal.
- 10) That the **appointment order** of the appellant was fake and bogus.
- 11) That the appellant has submitted the **fake degree of FA**.

Objections on facts

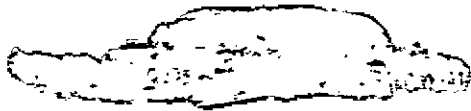
- 1) Para pertains to the advertisement of different posts in the education department and selection and recruitment process of different school teachers.
- 2) Incorrect / not admitted. The appellant was not appointed on 16.10.2004. as the Ex-EDO DIKhan **Mr. Abdur Rahim Khan** has strongly denied from issuance of the appointment order of the appellant and stated at the bar in the court of **Anti Corruption Court Bench DIKhan** that the signature on appointment orders were scanned by the appellant himself (**Annexure A**). Moreover the appellant was General Counselor in the Local Government. And he was **General Counselor in the year 2001-05**.
- 3) Incorrect / not admitted. As the appointment orders of appellant was fake and bogus. Moreover there is **no record of his attendance at GPS Gara Guldad Kulachi DIKhan**.
- 4) Incorrect / not admitted. Appellant was appointed through fake and bogus appointment order so all the service of appellant was illegal and appellant has drawn salary illegally.
- 5) Strongly denied. As the appellant was promoted from the post of PST (BPS-12) to SPST (BPS-14) with fake degree of FA from the AIOU Islamabad. FIR No. 4 dated 05.06.2014 in special court judge Anticorruption was registered against the appellant under the section 218, 420, 468, 471/5(2) PPC1860. (verification report is annexed)
- 6) Incorrect / not admitted. The **EDO DIKhan has stated at the bar** before the court of **Anti Corruption** that the signature on the appointment orders was fake and the signature was scanned by the appellant himself.
- 7) **Show cause notice** was served to the appellant on 21.06.2016 by the DEO(M)DIKhan on the bases of allegations and charges leveled against the appellant which were according to law.
- 8) The reply of the appellant was not satisfactory.
- 9) Incorrect / not admitted. The appellant was given a full chance of personal hearing but the appellant did not satisfy his high-ups. The appellant himself admitted that his FA degree was fake. (personal hearing is annexed)
- 10) As the appellant preferred the departmental appeal on 27.08.2016 which was dismissed on 07.12.2016 and the appellate authority maintained the Major Penalty of Removal from Service.
- 11) Incorrect / not admitted. Due to the above mentioned facts the appeal of the appellant is only an exercise in futility and riving. The appellant was not victimized on basis of political basis. So the appeal may kindly be dismissed with cost.


## Objections on grounds

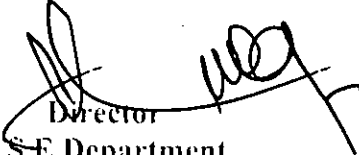
- a) Incorrect / not admitted. The allegation / charges leveled against the appellant were correct based upon solid reasons and lawful justification.
- b) Incorrect / not admitted. No one can be condemned unheard. As the appellant was given full chance of personal hearing which is evident and crystal clear from the removal from service order on date 22.08.2016.
- c) Incorrect / not admitted. The appellant was given full chance of personal hearing and appellant was not condemned unheard.
- d) Strongly denied. The statement of EDO is annexed with reply.
- e) Strongly denied. Appellant has got promotion on the basis of fake degree from AIUO Islamabad.
- f) Strongly denied. As the allegation of contesting and holding the office of General Counselor were correct.
- g) Strongly denied. The impugned order of removal from service dated 22.08.2016 was tenable and legal in eye of law.
- h) The learned counsel for the respondents may kindly be allowed to raise the additional grounds at the time of arguments.

## Pray


Therefore it is requested to this Honourable Court to dismiss the instant appeal of the appellant because the appellant has produced fake appointment order and fake degree of FA.

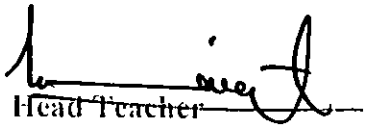


  
Secretary  
E&SE Department  
Khyber Pakhtunkhwa Peshawar  
(Respondent No: 152, 1)

  
Director  
E & SE Department  
Khyber Pakhtunkhwa Peshawar  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

  
Sub-Divisional Education officer  
(M) Parova DIKhan

  
District Education Officer  
(M) DIKhan

  
Head Teacher  
GPS Kulachi Wala DIKhan

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. 1158/16 ✓

Hashmatullah ✓

VS

Government of KPK

COMMENTS ON BEHALF OF RESPONDENTS

- 1 That the appellant has got no cause of action / locus standi.
- 2 That the appellant has not come to Honourable Court with clean hands.
- 3 That the appellant has filed the service appeal on malafide objectives.
- 4 That the instant appeal is against the prevailing laws and rule.
- 5 That the appeal is barred by doctrine of leeches.
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- 7 That the Honourable Court has no jurisdiction to entertain such like appeal.
- 8 That the service appeal is not maintainable in its present form.
- 9 That the appellant has concealed material facts from Honourable Tribunal.
- 10 That the **appointment order** of the appellant was fake and bogus.
- 11 That the appellant has submitted the **fake degree of FA**.

Objections on facts

- 1) Para pertains to the advertisement of different posts in the education department and selection and recruitment process of different school teachers.
- 2) Incorrect / not admitted. The appellant was not appointed on 16.10.2004. as the Ex-EDO DIKhan **Mr. Abdur Rahim Khan** has strongly denied from issuance of the appointment order of the appellant and stated at the bar in the court of **Anti Corruption Court** Bench DIKhan that the signature on appointment orders were scanned by the appellant himself (**Annexure A**). Moreover the appellant was General Counselor in the Local Government. And he was **General Counselor in the year 2001-05**. ✓
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- 4) Incorrect / not admitted. Appellant was appointed through fake and bogus appointment order so all the service of appellant was illegal and appellant has drawn salary illegally.
- 5) Strongly denied. As the appellant was promoted from the post of PST (BPS-12) to SPST (BPS-14) with fake degree of FA from the AIOU Islamabad. FIR No. 4 dated 05.06.2014 in special court judge Anticorruption was registered against the appellant under the section 218, 420, 468, 471/5(2) PPC1860. (**Annex FIR and verification report**)
- 6) Incorrect / not admitted. The **EDO DIKhan has stated at the bar** before the court of **Anti Corruption** that the signature on the appointment orders was fake and the signature was scanned by the appellant himself.
- 7) **Show cause notice** was served to the appellant on 21.06.2016 by the DEO(M)DIKhan on the bases of allegations and charges leveled against the appellant which were according to law.
- 8) The reply of the appellant was not satisfactory.
- 9) Incorrect / not admitted. The appellant was given a full chance of personal hearing but the appellant did not satisfy his high-ups. The appellant himself admitted that his FA degree was fake. (**Annex Admission/Statement**)
- 10) As the appellant preferred the departmental appeal on 27.08.2016 which was dismissed on 07.12.2016 and the ~~competent~~ **appellate** authority ~~imposed~~ **maintained** the Major Penalty of Removal from Service.
- 11) Incorrect / not admitted. Due to the above mentioned facts the appeal of the appellant is only an exercise in futility and riving. The appellant was not victimized on basis of political basis. So the appeal may kindly be dismissed with cost.

## Objections on grounds

- a) Incorrect / not admitted. The allegation / charges leveled against the appellant were correct based upon solid reasons and lawful justification.
- b) Incorrect / not admitted. No one can be condemned unheard. As the appellant was given full chance of personal hearing which is evident and crystal clear from the removal from service order on date 22.08.2016.
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- e) Strongly denied. Appellant has got promotion on the basis of fake degree from AIOU Islamabad.
- f) Strongly denied. As the allegation of contesting and holding the office of General Counselor were correct.
- g) Strongly denied. The impugned order of removal from service dated 22.08.2016 was tenable and legal in eye of law.
- h) The learned counsel for the respondents may kindly be allowed to raise the additional grounds at the time of arguments.

## Pray

Therefore it is requested to this Honourable Court to dismiss the instant appeal of the appellant because the appellant has produced fake appointment order and fake degree of FA.

Secretary  
E&SE Department  
Khyber Pakhtunkhwa Peshawar  
(Rest 1 & 2)

Director  
E & S E Department  
Khyber Pakhtunkhwa Peshawar

Sub-Divisional Education officer  
(M) Parova DIKhan

Submitted for vetting.  
M. Kamran: A.D.O. litigation.  
20/2/18

Noted  
subject to  
correction

District Education Officer  
(M) DIKhan

20/2/18  
D-1. Ichen  
Camp  
Court

Head Master  
GPS Kulachi Wala DIKhan

BEFORE THE HONOURABLE KPK SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1158/16

Hashmatullah

VS

Government of KPK

**Affidavit**

I Mr. Muhammad Kamran Khan Assistant District Education Officer (M) DI Khan do hereby solemnly affirm and declared on oath that the content of written reply of the above mentioned service appeal are correct to the best of my knowledge and nothing has been concealed from this Honorable Court.

*M. Khan*  
Deposant



BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. 1158/16

Hashmatullah

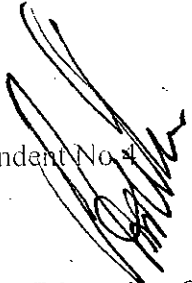
VS

Government of KPK

Authority

I District Education Officer (M) DIKhan hereby authorized Mr. Muhammad Kamran Khan to attend Honourable Service Tribunal KPK Peshawar on behalf of respondents in connection with submission of Para wise comments and till the decision of the service appeal.

Respondent No. 4

  
District Education Officer  
(M) DIKhan

(A) ✓

(55)

P.w.3 Statement of Abdur Rahim Khan son of Fazal Ahmad r/o  
Abbas Nagar, Shadnian Colony, D.I.Khan on oath

During the relevant days I was posted as Executive District Officer, Education Department, D.I.Khan. I have seen photocopy of the appointment order of accused Hashmatullah placed on file bearing Endst: No.2944-48 dated 16.10.2004, shown to have been issued by me under my signature but I have not signed the same rather my signature were scanned<sup>D</sup> and put on the said order. My statement under section 161 Cr.P.C is placed on file and is Ex.PW3/1.

XX: Reserved.

RO & AC  
01.06.2016



(Kalim Arshad Khan)  
Additional Special Judge,  
Anti Corruption, Camp Court  
at D.I.Khan.

(B) ✓

P-111  
تھانہ ACE

صفحہ 111

تھانہ: سرکل آفیسر ایڈیشن ڈیڑھ

تھانہ: تھانہ DEO صاحب (سردانہ) ڈیڑھ

تھانہ نمبر 4 حورثہ  $\frac{6}{14}$  تھانہ ACE  
/ DIK

لیکار مسککار

تھانہ عنوان بالا لیدر ایڈیشن ایڈیشن ایڈیشن

کیا DIK میں زیر سماعت ہے جس میں دوران سماعت

عبدالرحیم تھانہ EDO نے عیدتی ارڈر ازاں ملے۔

تھانہ ایڈیشن PST تھانہ ایڈیشن تھانہ ایڈیشن

تھانہ ایڈیشن۔ جس میں عبدالرحیم تھانہ EDO کے روئے و عدالت تھانہ

تھانہ ایڈیشن ایڈیشن ایڈیشن ایڈیشن ایڈیشن

تھانہ ایڈیشن ایڈیشن ایڈیشن ایڈیشن ایڈیشن

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تھانہ ایڈیشن ایڈیشن ایڈیشن ایڈیشن ایڈیشن

۲ FSI کے افسران کی بروقی میں باطل حک دوبارہ  
FSI بحوالے جائیں اور عدالت کیس میں عدالت انٹی  
ریشن ٹیم کیورٹ OIC کے حکم کی بروقت تعمیل ہوگی۔  
مندرجہ ذیل نوٹ اندر آئی (جو فراہم کیے جائیں)

URGENT  
ADBO (B)

Co. ACE OIC  
3/01/2017

Office of the Distt: Edu: Officer  
(M-2) D.I. Khan  
Diary No. 176  
Date: 4-1-2017

Am  
Dk  
411

سید آبی کا پتہ

ع: حضرت امام

س: کون سی Post ہے۔

ج: PST ہے۔

س: PST یا SPST ہے۔

ج: یہ جس Case میں ہے اس کے تحت تو SPST ہے

س: آپ کی appointment کب ہوئی

ج: 10-10-2014 کو

س: آپ کی app بیان ہوا

ج: گھر کا پتہ

س: کتنے دن آپ نے وہاں ڈیوٹی کی

ج: دو دن لکریا

س: آپ کا DDO اور وہاں کام کیا کرتے تھے کہ آپ نے کہا اس

ج: order لیا گیا تھا۔ اور ان دنوں نے دفتر میں رکھا۔ اور کچھ دنوں

نے مجھے Moga GPS میں لے کر گیا

س: دفتر و لوگوں کے ساتھ written order ہے

ج: نہیں ہیں۔ میں نے لکریا کہا

س: آپ کو Moga GPS میں کب گیا

ج: 07-11-06

س: DDO کے ساتھ آپ کی Release کی

ج: 2011 میں جو ان کی Release کی

س: آپ کے ساتھ original ہے 2014 کا

ج: وہاں ہے

س: عبدالرحیم کے جو appointment ہے وہ انہوں نے کہا

authority

میں بیان کیا گیا ہے کہ یہ ایک سگنل ہے

وہ تو سب سے الگ ہے۔  
اگر آپ نے 2004 کے آرڈر میں (Advertisement) کی ہے

2004 سے 2007 تک  
کئی Asexual میں تھا۔ کیا آپ (Verification) میں

میں اس بار یہ کہہ سکتے ہیں۔

PS5 پر نوٹ کیا گیا ہے۔  
Date یا اس - یہ سب 2012 میں

میں ایک Promotion کے بارے میں

میں اس بار میں سے ہیں

میں FA کے بارے میں

میں اس بار میں

میں آپ نے FA میں کیا تو آپ Promotion کے بارے میں

میں اس بار میں کہہ سکتے ہیں۔  
یہ سب 2004 پر انکوائری  
میں Promotion پر نہیں

Competent Authority کے بارے میں  
Majid کے بارے میں

دفاع میں آپ کی کہیں

میں خود تو کہہ سکتے ہیں۔ یہ تو مجھے سب سے زیادہ  
Anti Corruption کے بارے میں

میں اس بار میں کہہ سکتے ہیں۔  
میں اس بار میں کہہ سکتے ہیں۔

میں اس بار میں کہہ سکتے ہیں۔  
میں اس بار میں کہہ سکتے ہیں۔

Heed at

23/10/2016

Searchable  
23/10/16

Handwritten signature

Page-3

من 2005 میں جن کو کسٹمر ہے اس سے  
2002 میں اسٹیشن دے دیا گیا ہے۔  
اس اسٹیشن کو کبھی کبھی دیکھتے ہیں

Hq. Lt.  
2/8/2016

Sec. D. I. C.  
Stc.  
2-8-16  
[Signature]  
2/8/2016

[Signature]  
[Signature]  
2/8/16 SDO Rawal

[Signature]  
[Signature]  
2/8/16

SDO

Sd-

F.I.R.

Anti Corruption Court.

~~S. 193~~

inquiry

∴ Statement of P.W.S.



(D)

OFFICE  
22636

**DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION**  
**KHYBER PAKHTUNKHWA**

**NOTIFICATION**

1. WHEREAS, Mr. Hashmat Ullah SPST GPS Kulachiwala D.I.Khan proceeded under the Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules, 2011 for the charges of fake/forged/bogus intermediate certificate from AIOU Islamabad.
2. AND WHEREAS, the District Education Officer (M) D.I.Khan started departmental proceeding an FIR was lodged against the teacher concerned under FIR No.4 dated 05.06.2014 U/S 218/240/468/471 PPC/5(2)PC ACT PS ACE D.I.Khan on the complaint of Malik Muhammad Hashim s/o Ghulam Farid r/o Kulachi D..Khan.
3. AND WHEREAS. The District Education Officer (M) D.I.Khan served show cause notice vide Endst: No.12559 dated 21.06.2016. The reply of the show cause notice received un-satisfactory. The Hon'able Special Court Anti-Corruption provides the copy of the Ex-DEO (M) D.I.Khan who regretted the originality of his signatures and District Accounts Officer also regretted the drawl of salary during the years 2004 to 2007. During personal hearing the above named teacher not justified that he was appointed in 2004 instead of 2007.
4. AND WHEREAS, DEO (M) D.I.Khan constituted disciplinary committee which decided that all the evidence were against the teacher concerned. The DEO (M) D.I.Khan being a competent authority imposed major penalty of "**Removal from service**".
5. AND WHEREAS, the aggrieved Teacher filed a departmental appeal dated 29.08.2016 to the Director E&SE Khyber Pakhtunkhwa (appellant authority) against the aforesaid major penalty imposed upon him by the DEO concerned. The DEO (M) D.I.Khan submitted his comments vide letter No.20201 dated 19.10.2016.
6. AND WHEREAS, the competent authority Director Elementary and Secondary Education Khyber Pakhtunkhwa) after having considered the charges and evidence on record, is of the view that charges against accused teacher have been proved.
7. NOW THEREFORE, in exercise of powers conferred under Khyber Pakhtunkhwa Servants (Efficiency & Discipline) Rules-2011 the appellate authority has decided to reject the appeal of Mr. Hashmat Ullah SPST GPS Kulachiwala D.I.Khan on the above mentioned grounds.

**DIRECTOR.**

Endst: No. 14033-36 /F No. 162/Vol: IV/Appeal of PST (M) Dated Peshawar the 7/12/2016.

Copy forwarded for information and necessary action to the:-

- D.I.Khan*
1. District Education Officer (M) ~~Swat~~ w/r to his No. cited above.
  2. Sub-Divisional Education Officer (M) Swat.
  3. Teacher concerned.
  4. P/A to Director E&SE, Khyber Pakhtunkhwa, Peshawar.
  5. Master File.

*7/12/16*  
Deputy Director (Estb : )  
Elementary & Secondary Edu:  
Khyber Pakhtunkhwa Peshawar.  
*6/1/16*

**OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER  
(MALE) PAROA DERA ISMAIL KHAN**

NO. 027 / 1

Date 27 / 1 / 01 / 2017

To

The District Education Officer  
(Male) DIKhan

P-117

Subject:- **REMOVAL FROM SERVICE IN R/O MR. HASHMATULLAH SPST GPS  
KULACHI WALA TEHSIL PAROA DIKHAN**

Dear Sir,

Reference your office letter No. 15929-34/DEO (Estab:) P dated: 22-08-2016 in which your good self removed from service to one Mr. Hashmatullah SPST with immediate effect vide notification under reference and also mentioned in the last para of said notification that the recovery of payment which he has drawn un-lawfully during this period be made. Whereas Director E& SE Peshawar has directed vide his letter No. 707/F-No.114/vol: 1/PST (M) DIKhan dated: 05-01-2017 that the recovery of salary paid to the teacher of absence period may be made. Your goodself also endorsed the said letter vide your endst No. 812-13 dated: 13-01-2017.

It is requested that this office may pleased be guided about the recovery of teacher in detail and clear that recovery should be made for the absent period or full period of his service.

I also bring it in your kind notice that the teacher served on the strength of SDEO (Male) Paroa w.e.f: 13-11-2008 to 22-08-2016 and remained present during his tenure in this sub division.

*[Signature]*  
Sub Divisional Education Officer  
(Male) Paroa DIKhan

ADO (PY)  
*[Signature]*

DEO (M)  
27/01/17

Office of the Dist: Educ: Officer  
(Male) D.I. Khan  
Diary No. 1064  
Date: 27-1-17

*[Signature]*  
28/01/17

56

(STATE Vs HASHMAT ULLAH PST ETC)

PW-02  
4.5.2016.

Statement of Nasreen Akhtar Malik, Assistant Director, Regional Services, Allama Iqbal Open University, H-8, Islamabad on oath.

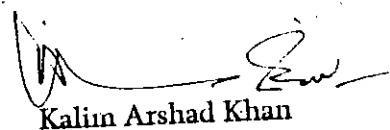
Stated that in those days I was performing my duties as a Assistant Controller Department of Examination Certificate Section. That a copy of an intermediate certificate (General Group) in the name of Hashmat Ullah son of Ghulam Sarwar under Roll No. C-3261866, Reg. No. 95-NDD-0795 bearing serial No. 05918 dated 30.11.1997, was sent by A.D, A.C.E, D.I.Khan for verification which was compared with original record present with us in Certificate (Verification) Section and was not issued by the Allama Iqbal Open University, Islamabad, Department of Exams (Certificate Section) and was found fake and bogus. In this respect, we have issued confidential letter to the Assistant Director, Crimes A.C.E, D.I.Khan dated 27.5.2014 present on judicial file as Ex:Pw-2/1 which correctly bears my signature and seal. (Confronted not recorded so) It is correct that Anti Corruption Police ~~was~~ not recorded my statement under section 161 Cr.PC. It is correct that no statement of any official of A.I.O.U under Section 161 Cr.PC was recorded by Police. It is incorrect that on the pressure of Police I have recorded my false statement. It is also incorrect that my statement regarding the certificate is incorrect. It is also incorrect that my whole statement is incorrect.

*Q that their*

*it was found*

XX:

RO&AC  
04.5.2016



Kalim Arshad Khan  
Additional Special Judge, Anti Corruption  
Southern Districts Camp Court D.I.Khan.

nd  
1  
2.  
5.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR CAMP DERA ISMAIL KHAN**

Service Appeal No.1158 of 2016

**Hashmat Ullah.....Appellant**

**Versus**

**Government of K.P.K etc.....Respondents**

**SERVICE APPEAL**

**REJOINDER ON BEHALF OF APPELLANT**

**REJOINDER TO PRELIMINARY OBJECTION**

1. **Para No 1** of the comments is incorrect, hence denied. The appellant has valid cause of action and locus standi.
2. **Para No 2** of the comments is incorrect, hence denied. The Appellant has approached this Hon'ble Tribunal with all its fairness and with clean hands.
3. **Para No 3** of the comments is incorrect, hence denied. The service appeal has been filed having due fundamental right of earning livelihood.

7  
 Mansoor  
 27.11.2018

4. **Para No 4** of the comments is incorrect, hence denied. The service appeal of the Appellant is in accordance with prevailing laws and rules.
5. **Para No 5** of the comments is incorrect, hence denied. The service appeal of the Appellant is not suffering from delay and laches.
6. **Para No 6** of the comments is incorrect, hence denied. The appeal is founded on strong legal grounds and Appellant is very much sanguine of its success.
7. **Para No 7** of the comments is incorrect, hence denied. The objection raised in Para-7 of the comments is against the spirit and mandate of Article 212 of the Constitution of Islamic Republic of Pakistan.
8. **Para No.8** of the comments is incorrect, hence, denied.
9. **Para No.9** of the comments is incorrect, hence, denied. The Appellant has disclosed all the material facts before this Hon'ble Tribunal rather it is the Respondent who has suppressed the material facts from this Hon'ble Tribunal.
10. **Para No.10** of the comments is incorrect, hence strongly denied. Without conducting full-fledged inquiry, how it came into the notice of Respondents appointment order of the Appellant is fake and bogus. The appointment order having endorsement

No.2944-48 Dated 16.10.20104 is genuine according to record of the Respondents.

11. **Para No.11** of the comments is incorrect, hence, denied. The Appellant never submitted any kind of fake degree of F.A to the Respondents rather the allegations of having fake F.A degree is not proved before the Court of Special Judge, Anti-Corruption Southern District Dera Ismail Khan in a full-fledged trial faced by the Appellant.

#### **REJOINDER ON FACTS**

1. **Para No 1** needs no reply.
2. **Para No 2** of the objections on facts is incorrect, hence, strongly denied. The Appellant was duly appointed on 16.10.2004 by the Ex-EDO Dera Ismail Khan Mr. Abdur Rahim Khan. The statement of Ex-EDO Mr. Abdur Rahim Khan before Special Court, Anti-Corruption has been misinterpreted by the answering Respondents in Para-2. It is a matter of record that Appellant was malafidely booked in case F.I.R No.4 Dated 05.06.2014 registered under Sections 218/420/468/471 P.P.C read with 5(2) P.C Act, 1947 at Police Station ACE, Dera Ismail Khan. The Appellant faced the agonies of full-fledged protracted trial and finally has been acquitted by the Special Court through Judgment/Order Dated 06.03.2018, so it is crystal clear that allegations against the Appellant were unfounded and baseless. Certified copies of the complete record of case F.I.R No.4 Dated

05.06.2014 registered under Sections 218/420/468/471 P.P.C read with 5(2) P.C Act, 1947 at Police Station ACE, Dera Ismail Khan is enclosed as Annexure-A. Moreover, the factum that Appellant was General Councilor in Local Government in the year 2001-05 have no footing at all because in this regard no documentary proof was ever produced before the Special Court, therefore, the allegation that Appellant was General Councilor is also baseless.

3. **Para No 3** of the objections on facts is incorrect, hence, denied. The appointment order of the Appellant is genuine and is proved from the record. It is pertinent to mention here that appointment order of the Appellant carried Endst No.2944-48 Dated 16.10.2004 having signature of Ex-EDO Mr. Abdur Rahim Khan and on the same date, i.e., 16.10.2004, Mr. Abdur Rahim Khan not only issued the appointment order of the Appellant but also of some other colleagues of the Appellant namely Mr. Abdul Hameed Khan having Endst No.2949-53 Dated 16.10.2004, Muhammad Khalil having Endst No.2949-54 Dated 16.10.2004, Mr. Attiq ur Rahman having Endst No.2954-58 Dated 16.10.2004, Mr. Ghazanfar Ali having Endst No.2955-59 Dated 16.10.2004 and Mr. Ahmad Nawaz having Endst No.2960-64 Dated 16.10.2004. All these colleagues of the Appellant are still in service and the Respondents stopped their salaries in 2012 and 2014 on the same set of allegations as leveled against the Appellant but they approached the Hon'ble Peshawar High Court, DIKhan Bench

through WP No.315-D of 2012 decided 04.09.2012 and WP No.560-D of 2014 decided 30.09.2014. Copies of the appointment orders of the colleagues of the Appellant and certified copies of writ petitions along with relevant documents and final Judgments are enclosed as **Annexures-B, C&D** respectively. All the colleagues of the Appellant are still in service and serving the department also drawing their salaries regularly till today, which clearly establishes that all the appointment orders issued on 16.10.2004 by the Ex-EDO Mr. Abdur Rahim Khan are genuine. Copies of the salary slips of the colleagues of the Appellant are enclosed as **Annexure-E**. Even the genuineness of the appointment order of the Appellant could be looked into while perusing the cross examination of Abdur Rahim Khan, Ex-EDO recorded before Learned Special Judge, Anti-Corruption.

4. **Para** No 4 of the objections on facts is incorrect, hence, denied. The detailed reply has already been given in reply to Para No.3 of the comments.
5. **Para** No 5 of the objections on facts is incorrect, hence, strongly denied. The Appellant is having genuine degree of F.A from the Board of Intermediate and Secondary Education, Dera Ismail Khan passed in year 2015-16. The Appellant has no concerned with the degree allegedly issued by A.I.O.U nor the factum of fake F.A degree was proved before the Learned Special Judge, ACE, Dera Ismail Khan. It is also pertinent to mention here that Rules governing the services of the appellant does allow the



promotion of PST (BPS-12) to SPST (BPS-14) even in case of possessing Secondary School Certificate. Copies of the F.A certificate along with D.M.C are enclosed as **Annexure-F**. The rules governing the services of the Appellant are exhibited in the Anti-Corruption file as Ex PC, which are worth perusal.

6. **Para No 6** of the objections on facts is incorrect, hence, denied. In this objection statement of EDO Dera Ismail Khan Mr. Abdur Rahim Khan, has been misinterpreted and his cross examination has not been referred by the answering Respondents.
7. **Para No 7**, of the objections on facts is incorrect, hence, strongly denied. The show cause notice is having baseless and unfounded allegations, thus liable to be undone by this Hon'ble Tribunal.
8. **Para No 8** of the objections on facts is incorrect, hence, denied. The reply of the Appellant was quite satisfactory
9. **Para No 9** of the objections on facts is incorrect, hence, denied. The Appellant never admitted that his F.A degree is fake rather it was strongly refuted by the Appellant throughout the litigation.
10. **Para No.10** of the objections on facts is correct that against the impugned removal order Dated 22.08.2016, the Appellant preferred within time departmental appeal on 27.08.2016 and after the lapse of statutory period, filed the instant service appeal on 15.11.2016, however; the departmental authority in a patently illegal manner rejected the departmental appeal of the Appellant

on 07.12.2016 and the same Departmental Appellate Authority Order No.1033-36/ F.No.162/Vol: IV/Appeal of PST (M) Dated 07.12.2016 is liable to be set aside and struck down by this Learned Tribunal despite the fact that the same has been passed after taking cognizance of the instant matter by this Learned Tribunal on 15.11.2016.

11. **Para No.11** of the objections on facts is incorrect, hence, denied.

#### **REJOINDER ON GROUNDS**

- a. **In reply** to ground-A, it is humbly stated that the allegations/charges leveled against the Appellant were neither proved at the departmental level by conducting any kind of inquiry by the Inquiry Officer or Inquiry Committee nor before the Learned Special Judge, Anti-Corruption in a full-fledged trial faced by the Appellant. Thus, the plea that allegations/charges leveled against the Appellant were correct and based upon solid reason and lawful justification is totally fallacious.
- b. **In reply** to ground-B of the comments, it is humbly submitted that neither any Inquiry Officer was appointed by the competent authority to probe into the veracity or otherwise of the unfounded allegations against the Appellant nor any Inquiry Committee was constituted for the above cited purpose, while on the other hand a harsh punishment in the shape of removal from

service has been imposed through impugned Orders Dated 22.08.2016 and 07.12.2016 which are not warranted under any canons of law and liable to be struck down.

- c. **Reply** to ground-C is incorrect, hence denied. While imposing major penalty upon the Appellant, no regular inquiry has been conducted, thus the Appellant have been condemned unheard.
- d. **Reply** to ground-D is incorrect, hence; denied. In this paragraph, Respondents have tendered once side of the picture while the cross examination of Ex EDO Mr. Abdur Rahim Khan has not been annexed with comments for the reasons best known to them. The cross examination of statement of Ex EDO Mr. Abdur Rahim Khan is worth perusal and the same is reproduce for ease of reference:-

*"It is incorrect that advertisement was made in newspaper. It is correct that on 16.10.2004, I along with accused Hashmat Ullah appointed numerous other persons as PST Teachers. Today, I admit that I appointed Hashmat Ullah and more other 100/150 candidates as PST Teachers I admit my signatures on all those appointments orders. It is correct that ACE police did pressurize me while recording my statement under Section 161 Cr.P.C. It is possible that I might have signed appointment Order No.2944-48 of accused Hashmat Ullah Dated 16.10.2004. It is possible*

*that due to pressure of ACE Police, I deny my signature on appointment Order Dated 16.10.2004 of accused Hashmat Ullah. It is correct that I remained as E.D.O of District Dera Ismail Khan from March, 2003 to January, 2008. It is incorrect to suggest that for advertised posts, criteria was that a candidate must have SSC certificate. It is incorrect that we have published advertisement for the post of PST. Due to extreme old age, I cannot recollect my memory".*

- e. **Reply** to ground-E is incorrect, hence, denied. The detailed reply has already been furnished.
- f. **Reply** to ground-F is incorrect, hence, denied. The allegation of contesting and holding the office of General Councilor were neither proved during the course of criminal trial nor by the Departmental Authority by bringing any iota of evidence in this regard.
- g. **Reply** to ground-G is incorrect. Hence, denied. The impugned order of removal from service Dated 22.08.2016 along with impugned departmental Appellate authority order Dated 07.12.2016 are legally not tenable in the eyes of law and both the impugned orders Dated 22.08.2016 and 07.12.2016 are liable to be struck down.

- h. **Counsel** for the Appellant may please be allowed to urge additional grounds at the time of final hearing of the instant matter.

**It is therefore, most respectfully prayed that service appeal may please be allowed as prayed for by setting aside both the impugned orders Dated 22.08.2016 and 07.12.2016 resultantly, the Appellant may please be reinstated into Government service with all back benefits.**

Dated: - 27.11.2018

Your Humble Appellant

*Hashmat*

**Hashmat Ullah**  
Through Counsel

*Zia-ur-Rahman Kazi*  
**Zia-ur-Rahman Kazi** 27/11/18

Advocate High Court  
Dera Ismail Khan

**VERIFICATION**

I, **Hashmat Ullah**, Appellant do hereby solemnly affirm:-

1. **That** accompanying rejoinder has been drafted by my counsel, following my instructions;
2. **That** all Para wise contents of the Rejoinder are true and correct to the best of my knowledge, belief and information;
3. **That** nothing has been deliberately concealed from this August Court nor anything contained therein is based on exaggeration or distortion of facts.

Dated:- 27.11.2018

*Hashmat*  
**Hashmat Ullah**  
Appellant

Identified by:-

*Zia ur Rahman Kazi*  
**Zia-ur-Rahman Kazi** 27/11/18  
Advocate High Court  
Dera Ismail Khan

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زبردفعہ 152 مجموعہ ضابطہ نو جداری

12

تھانہ ACE ضلع DIK تاریخ و وقت وقوعہ سال 2010 2013 قبل تاریخ وقوعہ اور وقت  
نمبر 40 (4)

1-	تاریخ و وقت رپورٹ حررہ 20/12/13 دفتر سب ڈیویژن	جائیدگی حررہ 05/11/13 وقت 15:00
2-	نام و سکونت اطلاع دہندہ مستغیث - مس محمد مبین ولد عہد محمد خیرید سکتہ کلاں والہ ڈسٹرکٹ اسلام آباد	
3-	مختصر کیفیت جرم (معدومہ) حال اگر کچھ لیا گیا ہو۔	218,420,468,471/500 PRACT
4-	جائے وقوعہ قاصد تھانہ سے اور دست	دفتر SDEO سر دائرہ ایجوکیشن پروڈکشن
5-	نام و سکونت ملزم	
6-	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو	بعد حصول اجازت بحوالہ سول سروس ڈیپارٹمنٹ DACE اسلام آباد
7-	تھانہ سے روانگی کی تاریخ و وقت	منزلی رپورٹ

ابتدائی اطلاع نیچے درج کرو۔ مدعی صدر درجہ قاتل نمبر 2 نے اپنے قاتل کی درخواست

بنی بنیاد کے طور پر لکھی کہ حضرت اللہ PSI کے قاتل ہیں۔ جو کہ گورنمنٹ پبلسٹک سروس کے قاتل ہیں اور ان کی سرکاری جلی ہے۔ اور یہ کہ حضرت اللہ نے گذرہ سال 2007ء کی قاتل میں عتبہ قانونی لکھی ہے جس میں شامل ہے جس وقت ان کی توہینوں سے فارغ کر دیا گیا تھا۔ لیکن گذرہ سال 2004ء میں Convert کرنے کے حال رکھا گیا۔ جس میں ایجوکیشن کونسل کی درخواست شامل ہے۔ گذرہ سال 2007ء میں سرکاری خزانے کو متحان بنایا۔ مدعی کی درخواست پر حسب ضابطہ اولہ بحوالہ سروس 1022 تاریخ 21/12/13 ابتدائی ایجوکیشن بحوالہ سروس 2119 حررہ 7/11/13 اور ایجوکیشن سروس 11/11/13 کا حکم صادر ہوا۔ یہ دوران ایجوکیشن یا ایلیا کے التزام علیہ حضرت اللہ PSI کی F.A کی سرکاری جلی و فیکس ہے جس پر التزام علیہ حضرت اللہ PSI نے بہت قانونی طریقے سے 14 BPS حاصل کیا۔ جو بحوالہ سروس 52 حررہ 15/11/13 خزانے کے دفتر سے اقبال اور ایجوکیشن ایسٹم ایڈس سے واضح ہے۔ AIOU کی طرف سے جوئی ٹی رولوں کے تحت

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ظاہر کیا ہے یہ کہ التزام علیہ حضرت اللہ PSI کے قاتل ہیں اور ان کی سرکاری جلی ہے جس میں شامل ہے جس وقت ان کی توہینوں سے فارغ کر دیا گیا تھا۔ لیکن گذرہ سال 2004ء میں Convert کرنے کے حال رکھا گیا۔ جس میں ایجوکیشن کونسل کی درخواست شامل ہے۔ گذرہ سال 2007ء میں سرکاری خزانے کو متحان بنایا۔ مدعی کی درخواست پر حسب ضابطہ اولہ بحوالہ سروس 1022 تاریخ 21/12/13 ابتدائی ایجوکیشن بحوالہ سروس 2119 حررہ 7/11/13 اور ایجوکیشن سروس 11/11/13 کا حکم صادر ہوا۔ یہ دوران ایجوکیشن یا ایلیا کے التزام علیہ حضرت اللہ PSI کی F.A کی سرکاری جلی و فیکس ہے جس پر التزام علیہ حضرت اللہ PSI نے بہت قانونی طریقے سے 14 BPS حاصل کیا۔ جو بحوالہ سروس 52 حررہ 15/11/13 خزانے کے دفتر سے اقبال اور ایجوکیشن ایسٹم ایڈس سے واضح ہے۔ AIOU کی طرف سے جوئی ٹی رولوں کے تحت

(P-T-O)

دستورالعمل کے تحت ڈیپوٹیشن سے حاصل کردہ نوٹیفکیشن اور سیکرٹری نوٹس کو تسلیم کرنے کی بجائے واضح الزامات کی بابت الزام علیہ شخصیت الٹے راستے پر تصدیقی کے بارے میں سوالنامہ میں سرو کیا گیا لیکن مذکورہ الزام علیہ اپنے ادب کو گھائے الزامات کے بارے میں تسلی بخش جواب نہ دے سکا۔ جملہ حالات واقعات یا لا پتر قابل رپورٹ جو الٹے 265 توڑ کا 274 لغزش حصول رائے و کسی رجسٹریشن انوائری قابل دستر خیاب DACE لیسٹ اور بحوالہ کی جس پر خیاب ADLI صاب نے ذیل رائے ارسال کی ہے۔

In the above cited enquiry, it was alleged that above cited accused has got appointment through bogus F.A. Certificate in 2007. And later on converted his appointment order from the year 2007 to 2004 by pasting the scan signature of the then EDO Abdul Rahim with the connivance of Education Clerk Abdul Majeed. Field staff conducted enquiry and found all the allegations as correct. Similarly it has also been proved that the accused remained General Councilor from the year 2001 to 2005 and thus committed fraud. In view of the above I am agreed with the recommendation of Circle Officer and ADC Dikhan and recommended registration of case and arrest against Hashmat Ullah PST and education Clerk Abdul Majeed, if approved. Sd/- Asstt: Director Legal-II ACE, K.P.K, Peshawar.

ADLI صاب کی رائے پر خیاب DACE صاب نے جو الٹے فرم 5017 توڑ 5/6 کسی رجسٹرڈ رائے کا حکم صادر کیا جس کا حکم سرپرست @ حضرت الٹے PST پھر محکمہ تعلیم 14 BPS ولد عدم سرور قوم بلوچ سکا کھڑے والہ صلح Dikhan صاب نے FA میں کی جعلی ویٹوں سرٹیفیکیشن کرنے کے تحت قانونی طریقے سے اور طبعی عدالت سے 14 BPS حاصل کیا۔ یہ کہ خود کو سال 2004 کا عہدہ ہی پھرتا پھرتا لیا حالانکہ وہ سال 2004 میں نوٹیفکیشن تھا۔ (2) عبدالحمد ظفر / اکاؤنٹ دستر DEO کے ایجنٹس کے ذریعے پروا کر کے جس نے حضرت اکاؤنٹ جملہ نوٹس کارروائی پر جیمہ بوشی رکھی۔ حالانکہ یہ جملہ نوٹس کارروائی سے بخوبی واقف تھا۔ جس کو وہ سے دستر کارروائی Drawal / تنخواش Drawal ہوتی رہی۔ کے صدق بحریم یا لا پتر جس طرح رجسٹر کیا جاتا ہے۔ بدو ان تفسیر دیگر تصور رائے کا تصدیق لیا کارروائی خدق بھی قانونی کارروائی عمل میں لائی جائے گی۔ یہی صورت تفسیر ہوں پر یہ مندرجہ ذیل رپورٹ گذاریں۔

Signature  
Co-ACE Dikhan  
05-6-2014

اطلاع کے نیچے اطلاع دہندہ کا دستخط ہو گا یا اس کی مہر یا نشان لگا یا جائے گا۔ اور اس پر تحریر کنندہ ابتدائی اطلاع کا دستخط بطور تصدیق ہو گا۔ حروف الف یا ب سرخ روشنائی سے بالقابل نام پر ایک ملزم یا مشتہر علی الترتیب واسطے باشندگان علاقہ غیر یا وسط ایشیا یا افغانستان جہاں سوزوں ہوں، لکھنا چاہئے۔



## فائل رپورٹ بغرض کیس رجسٹریشن

بذریعہ: ملک محمد ہمیش ولد غلام فرید سکھ کلاچی والہ

برخلاف: حشمت اللہ PST ولد غلام سرور سکھ کلاچی والہ

بحوالہ اوپن انکوائری نمبر 11/2014(edu)

جناب عالی!

مدعی بالانے ایک درخواست ان الزامات کے تحت گزاری کہ حشمت اللہ ولد غلام سرور قوم بلوچ سکھ کلاچی والا PST جو کہ GPS کلاچی والا میں ہے۔ کی FA سٹوفیکٹ جعلی ہے۔ اور وہ 2007 کی غیر قانونی بھرتی میں بھی شامل ہے۔ جن کو بعد ازاں فارغ کر دیا گیا۔ لیکن اس کو 2004 کی بھرتی میں Converted کر کے بحال رکھا گیا جس میں ایجوکیشن کلرک مجید کی معاونت شامل ہے۔ اس نے سرکاری خزانے کو نقصان پہنچایا ہے۔ کارروائی کی جائے۔

## تفصیل کارروائی:

مدعی کی درخواست پر بحوالہ لیٹر نمبر 1022/21-02-2014 ابتدائی انکوائری کی اجازت موصول ہوئی جو بعد ازاں بحوالہ لیٹر نمبر 2119/07-03-2014 اوپن انکوائری نمبر 11/2014 کا حکم صادر کیا گیا۔ انکوائری میں اس الزام کے تحت کہ حشمت اللہ PST ٹیچر کی F-A کی سٹوفیکٹ جعلی ہے کے بارے میں F-A سٹوفیکٹ کی Verification کیلئے بحوالہ لیٹر نمبر 52/15-05-2014 کنٹرولر علامہ اقبال یونیورسٹی کو تحریر کیا جس پر یونیورسٹی کی طرف سے ذیل رپورٹ موصول ہوئی۔

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You are requested to register a case against him/her with the appropriate agency (i.e. Local Police / FIA) for further Investigation under intimation to this office

Address: Allama Iqbal Open University  
Campus: Islamabad

Assistant Controller of Examinations

Certificate Section

Allama Iqbal Open University

Islamabad

رپورٹ درج بالا سے پایا گیا کہ حشمت اللہ PST ٹیچر کی F-A سٹوفیکٹ جعلی، بوگس ہے۔

علامہ اقبال اوپن یونیورسٹی اسلام آباد کو حشمت اللہ PST کی F-A سرٹیفکیٹ کی Verification کیلئے بھیجا گیا

14

مارک "A" پرف قابل ملاحظہ ہے۔

علامہ اقبال اوپن یونیورسٹی کی طرف سے بھجوائی گئی Verification رپورٹ مارک "B" پرف قابل ملاحظہ ہے۔

☆ -- بیان ازاں الزام علیہ حشمت اللہ PST ٹیچرز جس نے اپنے بیان میں تحریر کیا ہے کہ وہ میٹرک پاس ہے۔ اور محکمہ تعلیم میں 2004 سے بھرتی ہے۔ یہ کہ اپنے بیان میں اپنے اوپر لگائے گئے الزامات کے بارے میں اس پر کئے گئے سوالات کے جوابات تسلی بخش نہ دے سکا۔ جس کا بیان بشکل جواب نامہ مارک "C" پرف قابل ملاحظہ ہے۔ الزام علیہ پر کیا گیا سوال نامہ مارک "D" پرف قابل ملاحظہ ہے۔

☆ -- الزام علیہ حشمت اللہ PST نے اپنے بیان میں تحریر کیا ہے کہ وہ سال 2004 کا بھرتی ہے حالانکہ الزام علیہ سال 2001 سے لے کر سال 2005ء جون تک یونین کونسل ملانہ میں بطور کونسلر رہا ہے۔ جس کا نوٹیفکیشن حاصل کردہ الیکشن آفس مارک "E" پرف قابل ملاحظہ ہے۔

☆ -- بیان ازاں عبدالستار سیکرٹری یونین ملانہ جس نے اپنے بیان میں تحریر کیا ہے کہ الزام علیہ حشمت اللہ ملانہ میں سال 2001ء سے سال 2005ء تک بطور کونسلر رہا ہے۔ جس کا بیان مارک "F" پرف قابل ملاحظہ ہے۔

☆ -- فوٹو کاپی بھرتی آرڈر نمبر 48-2944 مورخہ 16-10-2004 ازاں الزام علیہ حشمت اللہ PST مارک "G" پرف قابل ملاحظہ ہے۔

☆ -- بیان ازاں سابقہ EDO عبدالرحیم جس نے بیان کیا کہ اُس نے حشمت اللہ PST کے بھرتی آرڈر نمبر 48-2944 مورخہ 16-10-2004 ملاحظہ کر لیا ہے اس آرڈر پر اُس کے دستخط بطور بھرتی کنندہ EDO ثبت نہیں ہیں۔ بلکہ Scan شدہ ہیں۔ بیان عبدالرحیم سابقہ EDO مارک "H" پرف قابل ملاحظہ ہے۔

☆ -- فوٹو کاپی سروس بک جہاں پر الزام علیہ نے F.A پاس سرٹیفکیٹ کی بنیاد پر BPS-14 حاصل کیا مارک "I" پرف قابل ملاحظہ ہے۔

## عالیجاہ!

بدوران انکوآری حالات واقعات بالا پائے گئے مدعی نے درخواست دی کہ حشمت اللہ PST الزام علیہ کی FA کی سرٹیفکیٹ جعلی وبوگس ہے اور سال 2007ء کا بھرتی ہے جب سال 2007ء میں ٹیچرز کی بھرتی کو غیر قانونی کرادے کرنو کریوں سے فارغ کیا گیا تو مذکورہ الزام علیہ نے خود کو غیر قانونی طریقے سے سال 2004ء میں Convert کر دیا۔

بدوران انکوآری الزام علیہ حشمت اللہ PST کی FA پاس سرٹیفکیٹ جعلی وبوگس ثابت ہوئی جس پر اُس نے غیر قانونی طریقے سے BPS-14 حاصل کیا۔ یہ کہ الزام علیہ نے خود کو سال 2004ء میں بھرتی ہونا ظاہر کیا حالانکہ الزام علیہ حشمت اللہ PST سال 2001ء سے سال 2005ء تک یونین کونسل ملانہ ضلع ڈیرہ اسماعیل خان میں بطور کونسلر رہا ہے۔ الیکشن کمشنر سے حاصل کردہ نوٹیفکیشن سے واضح ہے۔

یہ کہ الزام علیہ حشمت اللہ PST کے سال 2004ء کے بھرتی آرڈر پر EDO بھرتی کنندہ بھی اپنے دستخطوں سے انکاری ہے۔

سریدست حشمت اللہ PST ولد غلام سرور قوم بلوچ سنگھ کلاچی والا ضلع ڈیرہ اسماعیل خان جس نے FA پاس کی جعلی سرٹیفکیٹ پیش کر کے غیر قانونی طریقے سے BPS-14 حاصل کیا یہ کہ خود کو سال 2004ء کا بھرتی ہونا ظاہر کیا حالانکہ وہ اس وقت کونسلر تھا کے خلاف بعد رائے ADL صاحب کیس رجسٹریشن کی استدعا کی جاتی ہے۔ بدوران تفتیش دیگر قصور وار ان کا تعین کیا جا کر ان کے خلاف قانونی کارروائی حسب ضابطہ عمل میں لائی جائے گی۔

W/DAEE Sir,



Tommy  
CO/ACE/DIKhan  
Dated: 02-06-2014

3/3

Respected Sir,

Final report of CO/ACE/DIKhan is worth - attending and in detail. Allegations are proved and supported by documentry evidences placed on file.

The alleged teacher - Hashmat ulah converted his appointment order from the year 2007 to 2004 by pasting the scan signature of the then EDO education. (Statement of EDO placed on Mark H)

It is worth mentioning that the alleged teacher remained as elected general councillor from the year 2001 to 2005. Statement of Secaratory union council Malana placed on file as Mark F.

After obtaining the legal opinion of ADL, Permission for registration of case may please be accorded,

if approved;

ADL ACE  
02.06.2014

Additional Special Judge  
Anti Corruption Southern Region  
Camp at Bani Nawan

ADL-II  
For opinion  
JAC

16

P.w.3 Statement of Abdur Rahim Khan son of Fazal Ahmad r/o  
Abbas Nagar, Shadman Colony, D.I.Khan on oath

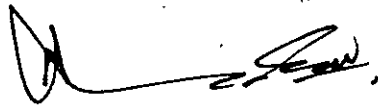
During the relevant days I was posted as Executive District Officer, Education Department, D.I.Khan. I have seen photocopy of the appointment order of accused Hashmatullah placed on file bearing Endst: No.2944-48 dated 16.10.2004, shown to have been issued by me under my signature but I have not signed the same rather my signature were scanned and put on the said order. My statement under section 161 Cr.P.C is placed on file and is Ex.PW3/1.

XX: Reserved.

RO & AC  
01.06.2016

*Attested*

*Attested*  
Additional Special Judge  
Anti Corruption Southern Region  
Camp at D.I.Khan  
28/7/2016



(Kalim Arshad Khan)  
Additional Special Judge,  
Anti Corruption, Camp Court  
at D.I.Khan.

XX. On Behalf of Accused Hashamtullah  
PW-3 Abdul Rahim Khan (Ex-EDO)

It is incorrect that advertisement was made in newspaper. It is correct that on 16.10.2004, I alongwith accused Hashmatullah appointed numerous other persons as PST Teachers. Today, I admit that I appointed Hashmatullah and more other 100/150 candidates as PST Teachers I admit my signatures on all those appointment Orders. It is correct that ACE police did pressurize me while recording my statement u/s 161 Cr.P.C. It is possible that I might have signed appointment order No. 2944-48 of Accused Hashmatullah Dated 16.10.2004. It is possible that due to pressure of ACE police, I deny my signature on appointment Order Dated 16.10.2004 of Accused Hashmatullah. It is correct that I remained as EDO of District D.I.Khan from March 2003 to January 2008. It is incorrect to suggest that for advertised posts, criteria was that a candidate must have SSC certificate. It is incorrect that we have published advertisement for the post of PST. Due to extreme old age, I cannot recollect my memory.

XX Reserved (For Accused Abdul Majeed & Bashir Ahmad)

*[Handwritten signature]*  
*[Handwritten signature]*  
Additional Special Judge  
Anti Corruption  
Southern Districts  
28/10/18

*[Handwritten signature]*  
(Ihsan Ullah Khan Magsud)  
Additional Special Judge, Anti  
Corruption Southern Districts  
(Camp Court DIKhan)

No 039590



18

# BOARD OF INTER: & SECONDARY EDUCATION, BANNU.

## DETAILED MARKS CERTIFICATE

Secondary School Certificate Examination

(GENERAL GROUP)

Session 1973 (Annual / Supplementary)

Name Hashmatullah Khan

Father's Name Haj. Ghulam Sarwar Khan Roll No. 01744

SUBJECTS	Total Marks	MARKS OBTAINED	
		Figures	Words
1. English	160	44	<p><i>Final</i></p> <p><i>Controller of Examinations</i></p> <p><i>Board of Intermediate &amp; Secondary Education Bannu</i></p> <p><i>27/10/73</i></p>
2. Urdu	160	67	
3. Islamiyat Comp:	75	45	
4. Pakistan Studies	75	37	
5. Gen: Mathematics	100	47	
6. General Science	100	58	
7. Art	100	58	
8. IS	100	69	
<b>Total</b>	<b>850</b>	<b>425</b>	

NOTE:- This certificate is valid errors and omissions excepted.

Prepared by

Checked by

Date

19

Controller of Examinations  
Board of Intermediate & Secondary Education  
BANNU.

*Attested*

*28/10/73*

Additional District Judge  
Anti Corruption Southern Region  
Camp at D.I. Khan

EXPA

Additional District Judge  
Anti Corruption Southern Region  
Camp at D.I. Khan

*Additional Special Judge*

*Anti Corruption Judge*

*Camp comm. DIK*

*08/11/73*



20 2/2

DETAIL MARKS CERTIFICATE

TRAINING CLASSES EXAMINATION P.T.C. 1992

Roll No. 4523 Name Hashmatullah Son/Daughter of Ghulam Sarwar

Serial No.	SUBJECT	Max Marks	Marks Obtained		TOTAL
			Interi	Exteri	
1.	Principles of Edu, and Method of Teaching	100			54
2.	Child Devept: and Counselling	100			46
3.	School Org: and Class Room Management	100			50
4.	Lang: and Method of Teaching	100			43
5.	Mathematics and p:thod of Teaching	100			42
6.	Science and Method of Teaching	100			35
7.	Social Studies and Method of Teaching	100			54
8.	Islamiat and Method of Teaching	100			51
9.	Art and Craft, Art and Method of Teaccing	100			41
10.	Health and Principle of Education	100			68
11.	Teaching Practice	260			140
Grand Total		1200			645

Passed/Failed

Division II

To Re-appear in

- 1
- 2
- 3

Prepared by [Signature]

Checked

Date of declaration 11-5-89

[Signature]  
14/3/2000  
[Signature]

[Signature]  
Head Master  
Govt. M. S. Kulach  
Dera Ismail Khan

Dy: Registrar  
Departmental Examination  
Education Department  
N.W.F.P., Peshawar

[Signature]  
Additional Special Judge  
Anti Corruption Southern Region  
Govt. of P. Khan  
[Signature]  
21/8



GOVERNMENT OF THE N.W.F.P.  
SCHOOLS AND LITERACY DEPARTMENT.

21

NOTIFICATIONS

EX-10  
Additional Special Judge  
Muzam

Peshawar, dated the 11/11/2003.

No. SGG/S&L/1-25/SSRC: In pursuance of the provisions contained in sub-rule (2) of rule (3) of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and in modification of this Department Notification No. SO(PE)4-3/2001/PTC, Service Rules, dated-22.1.2002, the Schools & Literacy Department, in consultation with the Establishment Department and the Finance Department hereby lays down the method of recruitment, qualification and other conditions specified in columns 3 to 5 of the appendix to this Notification, which will be applicable to the post of Primary School Female Teacher in the Directorate of the Schools & Literacy, North-West Frontier Province.

8/2/18

2 sheets

1/2

SECRETARY TO GOVERNMENT OF N.W.F.P.  
SCHOOLS & LITERACY DEPARTMENT.

Copy to:-

1. All Administrative Secretaries to Government of NWFP,
2. Secretary to Governor, NWFP,
3. Secretary to Chief Minister, NWFP.
4. All Directors in Schools & Literacy Department, NWFP, Peshawar.
5. Director Information, NWFP with the request to give wide publicity.
6. P.S to Minister for Education.
7. All EDOs (S&L) in NWFP.
8. The Manager, Government Press for publication in the next issue of Government gazette.

Thank

Attested

Additional Special Judge  
Anti Corruption Southern Region  
Camp at D.I. Khan  
28/11/03

(NEK NAWAZ KHAN)  
SECTION OFFICER (GENERAL)

12/11/03

AGENT BY INITIAL RECRUITMENT

AGE LIMIT

METHOD OF RECRUITMENT

22

Imp. X

- (a) F.A/F.Sc. or equivalent qualification from a recognized Board; and
  - (b) Primary School Teaching Certificate (P.T.C) or one and a half years Diploma in Elementary Education from a recognized Institute; or
  - (c) Secondary School Certificate in Second Division Diploma in Elementary Education from a recognized Institute; And
  - (d) Three years diploma in Elementary Education.
2. In case of non-availability of candidates possessing the above qualifications, F.A/F.Sc or equivalent qualification from a recognized Board.  
OR
  3. In case of non-availability of candidates possessing any of the above qualification, Secondary School Certificate from a recognized Board
  4. Provided that in case of Girls Primary Schools in backward areas to be notified by Government, a female middle pass candidate from a recognized Board may be acceptable in the absence of a candidate possessing any of the above qualifications, on such terms and conditions as Government may, by notification, determine.

18-35 years

Initial recruitment in the following manner:  
 25% recruitment shall be made on district level merit and 75% on Union Council level merit.  
 Provided that 2% of the vacancies shall be filled from such disable candidates whose disability does not hinder in performance of their duty.

Note: In case eligible candidates in a certain Union Councils are not available, the recruitment on vacant post will be filled from the adjacent Union Councils in the same district possessing the qualification as a stop-gap arrangement; provided that their contract shall not be extended after candidates in the Union Council concerned become available.

2/20

Approved  
 Additional Special Officer  
 Anti Corruption Authority  
 Eastern Region  
 Capital City, Islamabad

EXPLANATION

Salary Package.

1. F.A/F.Sc/P.T.C/Diploma in Elementary Education or Matric with 3 years Diploma in Elementary Education ..... BPS-07
2. F.A/F.Sc ..... BPS-06
3. Matric (SSC) ..... BPS-05
4. Middle Pass Candidate ..... BPS-04

Secretary to Government of N.W.F.P.  
 Schools and Literacy Department.

7. All EDs (S&L) in NWFP.
8. The Manager, Government Press for publication in the next issue of Government gazette.

23

OFFICE OF THE ASSISTANT DIRECTOR EXAMINATIONS AT PITE,  
N.W.F.P., PESHAWAR

No. 1030

Dated 18-10-2010

To:

The Dy D.O (M) Primary Education  
Paroo D. G. Khan

Subject: VERIFICATION OF DMC/CERTIFICATE

Memo:

EXD  
Special Judge  
Anti Corruption  
Camp count  
7768/02  
298

The following Detailed Marks Certificate/Certificate received with your Memo. No. \_\_\_\_\_

Dated 12/10/10 checked with the Tabulation Register issued by this office and found as per remarks noted against each:

S.No.	Roll No.	Name of Candidate	Name of Exam.	Year	Marks obtained	REMARKS
1.	7977	Allah Nawaz PTC		1996	768	verified & found correct
2.						
3.	1107	Muhammad Ramzan PTC		1998	823	-do-
4.	1517	Muhammad Bilal PTC		1995	748	-do-
5.	1113	Muhammad Saeed PTC		1997	776	-do-
6.	1076	Tahangir Ahmad PTC		1999	789	-do-
7.	992	S. Tauqeer Hussain PTC		1999	837	-do-
8.	1054	Muhammad Ashraf PTC		1998	777	-do-
9.	7966	Asmat Aziz PTC		1996	739	-do-
10.	4523	Hashmatullah PTC		1998	645	-do-
11.	466	Muhammad Asghar PTC		2001	777	-do-
12.	1057	Saeedullah Khan PTC		1998	815	-do-
13.						
14.						
15.						

Additional Special Judge  
Anti Corruption Southern Region  
Camp count

ASSISTANT DIRECTOR (EXAMINATIONS),  
AT PITE, N.W.F.P., PESHAWAR

**Board of Intermediate and Secondary Education, Bannu**

No 776 / Secrecy / BISE-B / 2010

Date: 29/10/2010

From

The Controller of Examinations,  
Board of Intermediate and  
Secondary Education, Bannu.

To

The DDO (Male)  
Primary Parca (D/100)Subject: VERIFICATION OF DETAILED MARKS CERTIFICATE(S).

Memo:

Reference to your letter 7811 Verification Dated: 15/10/2010 on the subject cited above and to inform you that photocopies of Detailed Marks Certificates of the following D8 candidates enclosed with the above mentioned letter were thoroughly checked and verified from the record of this office and were found correct / fake as mentioned in the remarks column against each Roll Number.

S.No	R.No.	Candidate's Name	Father's Name	Examination	Marks Obtd:	Remark
1	34889	Mulud Azam	Makhan	SSC/A/04	567-B	Correct
2	44190	Mulud Ayaz	Hajji Ghulam Shabir	SSC/A/03	519-B	MI - do -
3	67895	Khalid Mahmood	Mulud Aslam	SSC/A/96	510-B	- do -
4	58071	Mushtaq Ahmad	Asmatullah	SSC/S/95	395-D	- do -
5	2510	Abdul Rashid	Azizullah	SSC/A/94	484-C	- do -
6	3769	M. Asghar	Malik Khuda Baksh	- do -	592-B	- do -
7	3792	M. Azam	H. M. Akbar	- do -	412-D	- do -
8	4028	Asmat Aziz	Azizullah	- do -	436-C	- do -
9	1744	Hakimul Ullah	Haji Ghulam Sarwar	SSC/S/93	425-C	- do -
10	2258	Mulud Bilal	Haji Khan	SSC/A/93	580-B	- do -
11	2679	Mulud Ramzan	Allah Baksh	- do -	518-B	- do -
12	2036	Mulud Saeed	Nasiruddin	SSC/A/92	553-B	- do -
13	3158	Farooq Ali Khan	Mulud Ishaq	- do -	496-C	- do -
14	28669	Mulud Azam	Makhan	HSSC/A/06	690-B	- do -
15	26435	Ehsanullah	Haji Ghulam Hussain	HSSC/A/05	482-B	- do -
16	33494	Mulud Ayaz	Hajji Ghulam Shabir	- do -	574-C	- do -
17	72639	Muhtiyar Nawaz	Karb Nawaz	HSSC/A/04	666-B	- do -
18	66262	Mulud Asghar	Nasir Khuda Baksh	HSSC/A/98	691-B	MI - do -
19	55877	Mulud Azam	Hajji Mulud Akbar	HSSC/B/98	429-B	- do -
20	71892	Khalid Mahmood	Mulud Aslam	HSSC/A/97	561-C	- do -

Copy to:

The Assistant Secretary, Board of Intermediate and Secondary Education, Bannu

Additional Special Judge  
Anti Corrupt  
Southern Region  
Camp at D.I. Khan

Controller of Exams  
Board of Intermediate &  
Secondary Education Bannu

29/10/2010  
Controller of Examinations  
Board of Intermediate &  
Secondary Education, Bannu  
Ph. No. 0928-633446

25

IN THE COURT OF IHSANULLAH KHAN MAHSUD,  
ADDITIONAL SPECIAL JUDGE ANTI-CORRUPTION,  
SOUTHERN DISTRICTS, CAMP COURT DERA ISMAIL KHAN

Case No:22 of 2015

Date of Institution.....01.09.2015  
Date of Decision.....06.03.2018

The State

VERSUS

1. HASHMATULLAH S/O GHULAM SARWAR (PST TEACHER, EDUCATION DEPARTMENT)
2. ABDUL MAJEED S/O PAINDA KHAN (ACCOUNTANT, SDEO OFFICE)
3. HAJI BASHEER AHMAD S/O MUMMDOO (EX-ADO CIRCLE PAROA)

(Accused facing trial)

Ihsan  
6/3/18  
Additional Special Judge  
Anti Corruption Southern Region  
Camp of D.I.Khan.

CHARGED UNDER SECTIONS-218, 420,468 AND 471 OF  
THE PPC READ WITH SECTION 5 (2) OF THE PREVENTION  
OF CORRUPTION ACT 1947 VIDE CASE FIR NO-04, DATED-  
05/06/2014, POLICE STATION, ACE, D.I.KHAN.

J U D G M E N T :

Attested  
Additional Special Judge  
Anti Corruption Southern Region  
Camp of D.I.Khan  
28/2/18

The prosecution's case as per the FIR is that the complainant Malik Muhammad Hamaish son of Ghulam Fareed through a written complaint dated 20/12/2013, addressed to the AD ACE D.I.Khan, leveled allegations against one Hashmatullah son of Haji Ghulam Sarwar PST Teacher GPS: Kulachi about his intermediate certificate being forged and his having acquired job in the Education Department as PST Teacher on the strength of that fake document; that due to his fictitious

documents submitted at the time of his appointment having been discovered to be fake, he was removed from service; that thereafter his date of appointment in education department was fraudulently converted from the year 2007 to the year 2004, whereby his service was saved from termination; that in this entire illegal exercise accused Hashmatullah was aided, assisted and abetted by a clerk of the Education Department namely Abdul Majeed (co-accused).

The written complaint was processed by the local ACE authorities for seeking sanction of the competent authority for holding open inquiry which was allowed. Open Inquiry was conducted which culminated into registration of FIR No.04 dated 05/06/2014, under Sections 218,420,468 and 471 of the PPC read with Section 5(2) of the PC Act, at PS ACE, D.I.Khan.

After completion of investigation, complete challan of the case was submitted in court on 01/09/2015 and the accused facing trial were summoned who appeared in compliance whereupon copies of the incriminating documents placed on record against them by the prosecution were provided to them as required under the law. Formal charge against the accused was framed on 30/09/2015 to which they pleaded not guilty and claimed trial.

The prosecution was called upon to produce its witnesses and in compliance the prosecution produced a total of six witnesses and having abandoned the rest of its witnesses closed its evidence. Statements of the accused facing trial as required under Section 342 of the Cr.P.C were recorded but an opportunity being provided. They refused to have their statement recorded on oath in their defence.

Written Arguments of the learned defense counsel available on record were perused and before that, those of learned Sr PP had been heard and case file examined.

The theme of the extensive arguments put forward in defense of the accused facing trial is that no doubt it is alleged on record that complainant charged accused Hashmatullah for having used a fake and fictitious certificate with respect to his educational qualifications for

12/9/15  
6/3/18

Additional Special Judge  
Anti Corruption Southern Region  
Camp at D.I.Khan

Attested

Additional Special Judge  
Anti Corruption Southern Region  
Camp at D.I.Khan  
28/10/18

securing job as PST Teacher, but that beyond that mere allegation the prosecution had not proved this charge by bringing on record cogent evidence to substantiate the charge.

This being the case of the prosecution it was imperative for it to substantiate this charge against the accused facing trial through evidence. To do so, the prosecution produced six witnesses in support of its case. Out of these, statements of the complainant Malik Muhammad Hamish, AAO Nasreen Akhtar, Saleem Tariq CO, PS, ACE, Muhammad Asif are material as far as the merits of the case concerned. These witnesses have supported the case of the prosecution in their respective testimonies however, during their respective cross examinations they have made admissions which strike at the roots of the case and are considered legally fatal to the case of the prosecution.

For instance the complainant Malik Muhammad Hamaish has the following to say during his cross examination.

12/5/18  
6/3/18  
Additional Special Judge  
Anti Corruption Southern Region  
Camp at D. Khan

“XX: It is correct that my application dated 20/12/2013 is based on hearsay information. It is also correct that services of Accused Hashmatullah by D.O. Education were verified at different intervals. It is correct that I do not personally know PW Abdul Rahim nor I have any acquaintance with his handwriting/signatures. I do not know the legal modus operandi of the promotion of the post of BPS-7 to BPS-14 in education Department. It is correct that I do not know the name of the officials who verified the services, the Accused Hashmatullah nor I charged any of them in my application dated 20/12/2013. At the moment, I cannot say whether the alleged F.A. certificate is forged one or genuine. I have got no objection if all the Accused are acquitted from the instant case. I am matriculate. I do not know the legal intricacies involving the instant case. It is correct that I charged above named Accused on mere suspicion”

Accepted  
Additional Special Judge  
Anti Corruption Southern Region  
Camp at D. Khan  
28/1/18

Similarly PW-2 Nasreen Akhtar , Assistant Director, Regional Services, Allama Iqbal Open University, H-8, Islamabad admits during her cross examination as follows

"XX: It is correct that Anti-Corruption Police had not recorded my statement under Section 161 Cr.P.C. It is correct that no statement of any official of A.I.O.U under Section 161 Cr.P.C. was recorded by the Police. It is incorrect that on the pressure of Police I have recorded my false statement. It is also incorrect that my statement regarding the certificate is incorrect. It is also incorrect that my whole statement is incorrect.

**Muhammad Saleem Tariq (CO, ACE) admits during his cross examination as follows:-**

**XX: on behalf of accused Hashmatullah.** It is correct the word obtained is not mentioned in the application submitted by Malik Muhammad Hamish which is already EX-PW:4/1 regarding obtaining of fake alleged fake certificate of F.A. of accused Hashmatullah. The witness volunteered that it is stated in the application by the complainant that F.A. certificate of accused Hashmatullah is fake. It is correct that during the course of entire investigation the Original F.A. certificate has not been produced by the department. The witness added that the photocopy is placed on record which is produced by the department on the basis of which was verified from the concerned University. Accused Hashmatullah was appointed as PST Teacher on the Matric Certificate vide appointment order dated 16/10/2004, I have not recorded the statement of any employee/official of AIOU under section 161 CrPC. It is correct that mark "A" is not exhibited. The entries in the service book are generally being made by the concerned staff of the institution. The witness volunteered that the person who has made entry in the relevant paper is also an accused in the present case. It is not in my knowledge that as to whether witness Abdur Raheem EDO resile from his previous statement which was recorded under section 161 CrPC. It is incorrect to suggest that due to Anti-Corruption Police pressure earlier he recorded incorrect statement before us. The whole suggestion is incorrect. It is also incorrect to suggest that on the basis of false allegations accused

12/5/18  
6/3/18  
Additional Special Judge  
Anti Corruption Southern Region  
Case No. D.I. Khan

Attested  
Additional Special Judge  
Anti Corruption Southern Region  
Case No. D.I. Khan



Hashmatullah has falsely being involved in the present case. The whole suggestion is incorrect.

**XX: on behalf of accused Basheer Ahmad,** it is incorrect to suggest that no supporting evidence was collected by me against accused basher Ahmad, the present case was registered on 05/06/2014, whereas the above named accused was arrayed/involved as accused in the present case the witness volunteered that on 21/07/2014 the accused Basheer was also made an accuse and permission was obtained from the High-ups for the investigation of the Basheer accused. It is correct that there is no evidence on record that the accused Basheer has received any illegal gratification or bribe from anyone in the present case. The witness volunteered that the accused has misused his powers and in this way he has given a financial benefit to another accused. It is correct that after the arrest of accused too no supporting evidence was collected by me against the accused facing trial. The witness volunteered that no direct gratification, was received by the accused however he has given a financial benefit to the other accused, the witness further added that the proof against the Basheer accused was also brought on the file.

**And finally, Muhammad Asif P.S. Anti-Corruption has the following to say in his cross;**

**XX: on behalf of Hashmat-Ullah:** It is correct that original copy of the Original Certificate is not before me, and only photocopy is available on the record.

**This** being the state of evidence produced by the prosecution against the accused facing trial this court cannot lose sight of the huge doubt created in the veracity of the prosecution's case against the accused facing trial. It is a cardinal principle of criminal law, procedure and evidence that the benefit of the slightest doubt in the case of the prosecution has to be extended to the accused.

**Since,** as discussed above, the testimonies of the main witnesses of the prosecution are full of contradictions and these contradictions and admissions are sufficient to create reasonable doubt about the veracity of the case of the prosecution in an ordinary mind. For what has been

14/9/18  
6/3/18  
Additional Special Judge  
Anti Corruption Southern Region  
Camp at D.L. Khan

Accepted  
Additional Special Judge  
Anti Corruption Southern Region  
Camp at D.L. Khan  
28/3/2018

discussed above this court comes to be conclusion that the prosecution has failed to bring home guilt to the accused facing trial without reasonable doubt therefore, giving them the benefit of doubt the accused facing trial are acquitted from the charge leveled against them. Case property if any, be kept intact till expiry of period of appeal and/or revision where after it be disposed of according to law. Since the accused are on bail therefore, their bail bonds are cancelled and their sureties are absolved of the liabilities of their bail bonds.

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

**ANNOUNCED**

06.03.2018

*Ihsanullah Khan Mansud*  
**Ihsanullah Khan Mansud,**  
 Additional Special Judge-  
 Anti-Corruption, Southern Districts  
 Camp Court Dera Ismail Khan

**CERTIFICATE.**

Certified that this judgment consists of (06) pages. Each page has been read over, corrected where-ever necessary and signed by me.

*Astoria*  
*[Signature]*  
**Additional Special Judge**  
**Anti Corruption Southern Region**  
**Camp of D.I. Khan**  
*28/3/18*

*Ihsanullah Khan Mansud*  
**Ihsanullah Khan Mansud,**  
 Additional Special Judge-  
 Anti-Corruption, Southern Districts  
 Camp Court Dera Ismail Khan

31

Annexure  
"B"

OFFICE OF THE EXECUTIVE DISTRICT OFFICER, (SCHOOLS & LIT.)

DIKHAN

APPOINTMENT ORDER:

Consequent upon the approval of Selection Committee, the following  
Fresh Male is hereby appointed against vacant post of P.E.T. in  
the school noted against their name in BPS 07 plus usual allowances being a  
qualified, fresh candidate as per existing policy in the interest of public service w.e. from  
the date of taking over charge on the following terms and conditions.

<u>S.No.</u>	<u>Name of Candidate with Father's Name</u>	<u>Schools where posted.</u>
1.	Hoshmatullah S/O Ghulam Sarwar R/O Kulachi D.I.Khan.	GP. Ghar Guljed

TERMS & CONDITIONS:

1. Charge reports should be submitted to all concerned.
2. No pensionary benefit will be available.
3. The services of the above named candidate is made purely on temporary basis & liable to terminate at any time with out assigning any notice/reasons.
4. The candidate will produce Health & Age certificate from the M/S concerned.
5. The original documents may be checked/ verified by concerned Board/ University through DDO concerned before handing over charge.
6. No TADA is allowed.

Sd/-  
EXECUTIVE DISTRICT OFFICER,  
SCHOOLS & LITERACY DIKHAN

Encl: No. 2944-48

Dated D.I.Khan the 16/10/2004

Copy to the:-

1. Director Schools & Literacy N.W.F.P. Peshawar.
2. District Co-ordination Officer, D.I.Khan.
3. District Accounts Officer, D.I.Khan.
4. Headmistress/ Headmaster concerned.
5. Candidate concerned.

Ma. \_\_\_\_\_  
EXECUTIVE DISTRICT OFFICER,  
SCHOOLS & LITERACY DIKHAN  
Executive District Officer  
School & Literacy, DIKhan

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OFFICE OF THE EXECUTIVE DISTRICT OFFICER (SCHOOLS & LIT.)

DIKHAN

APPOINTMENT ORDER

Consequent upon the approval of Selection Committee, the following fresh Male is hereby appointed against vacant post of PTC in the school noted against their name in 07 plus usual allowances being a qualified, fresh candidate as per existing policy in the interest of public service. W. e. from the date of taking over charge on the following terms and conditions.

<u>S. No.</u>	<u>Name of Candidate with Father's Name</u>	<u>School where posted</u>
01	Abdul Hameed Khan S/O Allah Wasaya R/O Moballah Faqir Abad D.I.Khan	G.P.S Basti Ali D.I.Khan

TERMS & CONDITIONS:

1. Charge reports should be submitted to all concerned.
2. No pensioner benefit will be available.
3. The services of the above named candidate is made purely on temporary basis & liable to terminate at any time with out assigning any notice/ reasons.
4. The candidate will produce Health & Age certificate from the M/S concerned.
5. The original documents may be checked/ verified by concerned Board/ University through DDO concerned before handing over charge.
6. No TADA is allowed.

Sd/-

EXECUTIVE DISTRICT OFFICER,  
SCHOOLS & LITERACY DIKHAN

Encl: No. 2949-531

Dated D.I.Khan the 16/10 2004

Copy to the

1. Director Schools & Literacy N.W.F.P Peshawar.
2. District Co-ordination Officer, D.I.Khan.
3. District Account Officer, D.I.Khan.
4. Headmistress/Headmaster concerned.
5. Candidate concerned.

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EXECUTIVE DISTRICT OFFICER,  
SCHOOLS & LITERACY DIKHAN

Executive District Officer  
Schools/Literacy, D.I.Khan

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OFFICE OF THE EXECUTIVE DISTRICT OFFICER (SCHOOLS & LITERACY)  
DIKHAN

APPOINTMENT ORDER

Consequent upon the approval of Selection Committee, the following  
Name \_\_\_\_\_ is hereby appointed against vacant post of \_\_\_\_\_ PTC  
in the school notes against their name in BPS \_\_\_\_\_ 07 plus usual allowances being  
a qualified, fresh candidate as per existing policy in the interest of public service  
w.e. from the date of taking over charge on the following terms and conditions.

<u>S.No.</u>	<u>NAME of Candidate with Father's Name</u>	<u>Schools where posted</u>
1.	Muhammad Khalil S/O Ranghu Distt: DIKhan.	GPS, Dete Kaloo.

TERMS & CONDITIONS

1. Charge reports should be submitted to all concerned.
2. No pensionary benefit will be available.
3. The services of the above named candidate is made purely on temporary basis & liable to terminate at any time with out assigning any notice/reasons.
4. The candidate will produce Health & Age certificate from the M/S concerned.
5. The original documents may be checked/ verified by concerned Board/ University through DDO concerned before handing over charge.
6. No TA/DA is allowed.

Sd/-  
EXECUTIVE DISTRICT OFFICER,  
SCHOOLS & LITERACY DIKHAN

Dist. No. 2942-54-7  
Endst. No. 100

Dated D.I.Khan the 16/11/2004

- Copy to the:-
1. Director Schools & Literacy N.W.F.R. Peshawar.
  2. District Co-ordination Officer, D.I.Khan.
  3. District Accounts Officer, D.I.Khan.
  4. Headmistress/ Headmaster concerned.
  5. Candidate concerned.

Sd/-  
EXECUTIVE DISTRICT OFFICER,  
SCHOOLS & LITERACY DIKHAN  
Executive District Officer  
School & Literacy, DIKhan

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اسٹیٹ سرورس کے لیے پوزیشن

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (SCHOOLS & LIT.)

DIKHAN

46

APPOINTMENT ORDER

Consequent upon the approval of Selection Committee and approved by the District Co-ordination Officer, D.I.Khan. The following MALE candidate is hereby appointed against vacant post of PTC in the school noted against their name in BPS 07 plus usual allowances being a qualified, fresh candidate as per existing policy in the interest of public service w.e.from the date of taking over charge on the following terms and conditions.

S.No.	Name of Candidate with Father's Name	Schools where posted.
1.	Mr. Attiq-ur-Rehman S/O M. Rafiq R/O Muryali DIKhan.	GPS. Bhirki

3

TERMS & CONDITIONS:

1. Charge reports should be submitted to all concerned.
2. No pensionary benefit will be available.
3. The services of the above named candidate is made purely on temporary basis & liable to terminate at any time with out assigning any notice/ reasons.
4. The candidate will produce Health & Age certificate from the M/S concerned.
5. The original documents may be checked/ verified by concerned Board/ University through DDO concerned before handing over charge.
6. No TA/DA is allowed.

Sd/- EXECUTIVE DISTRICT OFFICER, SCHOOLS & LITERACY DIKHAN

Endst: No. 2954-58/1 Dated D.I.Khan the 16/10/2004

- Copy to the:
1. Director Schools & Literacy N.W.F.P. Peshawar.
  2. District Co-ordination Officer, D.I.Khan:
  3. District Accounts Officer, D.I.Khan.
  4. Headmistress/ Headmaster concerned.
  5. Candidate concerned.

Vla EXECUTIVE DISTRICT OFFICER, SCHOOLS & LITERACY DIKHAN

OFFICE OF THE EXECUTIVE DISTRICT OFFICER, (SCHOOLS & LIT:)  
DIKHAN

APPOINTMENT ORDER:

Consequent upon the approval of Selection Committee, the following  
Male is hereby appointed against vacant post of P.T.C  
in the school against their name in BPS 07 plus usual allowances being  
a qualified, fresh candidate as per existing policy in the interest of public service  
w.e. from the date of taking over charge on the following terms and conditions.

<u>S.No.</u>	<u>Name of Candidate with Father's Name</u>	<u>Schools where posted.</u>
1.	Ghannifer Ali S/O Bahadur Dattah S/O DEPT. Dist:	GPS. Chah Pahor GPS. Chah Pahor

TERMS & CONDITIONS:

1. Charge reports should be submitted to all concerned.
2. No pensionary benefit will be available.
3. The services of the above named candidate is made purely on temporary basis & liable to terminate at any time with out assigning any notice/ reasons.
4. The candidate will produce Health & Age certificate from the M/S concerned.
5. The original documents may be checked/ verified by concerned Board/ University through DDO concerned before handing over charge.
6. No TA/DA is allowed.

Sd/-  
EXECUTIVE DISTRICT OFFICER,  
SCHOOLS & LITERACY DIKHAN

Endst: No. 2955-59 / Dated D.I.Khan the 16 / 10/2004

Copy to the:-

1. Director Schools & Literacy N.W.F.P. Peshawar.
2. District Co-ordination Officer, D.I.Khan.
3. District Accounts Officer, D.I.Khan.
4. Headmistress/ Headmaster concerned.
5. Candidate concerned.

*M. A. Khan*  
EXECUTIVE DISTRICT OFFICER,  
SCHOOLS & LITERACY DIKHAN  
Executive District Officer  
School & Literacy, DIKhan.

36

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (SCHOOLS & LIT.)

DIKHAN

APPOINTMENT ORDER:

Consequent upon the approval of Selection Committee, the following  
Name: \_\_\_\_\_ is hereby appointed against vacant post of P.S.T. in  
the school noted against their name in BPS 02 plus usual allowances being a  
qualified, fresh candidate as per existing policy in the interest of public service w.e.f. from  
the date of taking over charge on the following terms and conditions.

<u>S.No.</u>	<u>Name of Candidate with Father's Name</u>	<u>Schools where posted.</u>
1.	Ahmed Nawaz S/O Muhammad Hayat. D.I. Khan.	G.P.S. -Boher. ✓

TERMS & CONDITIONS:

1. Charge reports should be submitted to all concerned.
2. No pensionary benefit will be available.
3. The services of the above named candidate is made purely on temporary basis & liable to terminate at any time with out assigning any notice/ reasons.
4. The candidate will produce Health & Age certificate from the M/S concerned.
5. The original documents may be checked/ verified by concerned Board/ University through DDO concerned before handing over charge.
6. No TADA is allowed.

Sd/-  
EXECUTIVE DISTRICT OFFICER,  
SCHOOLS & LITERACY DIKHAN

Enst: No. 2960-64 / Dated D.I.Khan the 16/10/2007

Copy to the:-

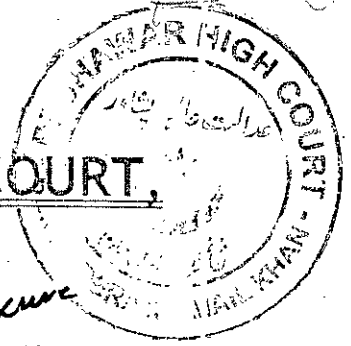
1. Director Schools & Literacy N.W.F.P. Peshawar.
2. District Co-ordination Officer, D.I.Khan.
3. District Accounts Officer, D.I.Khan.
4. Headmistress/ Headmaster concerned.
5. Candidate concerned.

\_\_\_\_\_  
EXECUTIVE DISTRICT OFFICER,  
SCHOOLS & LITERACY DIKHAN



37

BEFORE THE PESHAWAR HIGH COURT,  
D.I.KHAN BENCH



*Annexure  
"C"*

Writ Petition # 36 /D-2012

1. Ahmad Nawaz, PST Head Teacher, Government Primary School, Chah Hussain Shahi, Tehsil Paroa, District D.I.Khan.....(0344-9354690)
2. Ghazanfar Ali, PST, Government Primary School Chah Pahorr, Tehsil Paroa, District D.I.Khan.  
.....(Petitioners)

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Education, Peshawar.
2. Director Education, Khyber Pakhtunkhwa, Peshawar.
3. Executive District Officer Education (S&L), D.I.Khan.  
.....(Respondents)

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION  
OF ISLAMIC REPUBLIC OF PAKISTAN 1973

Respectfully Sheweth,

FACTS:

- (1) That the addresses of the parties are sufficient for the purpose of their services.
- (2) That petitioner-1 was appointed as PST on contract basis by respondent-3 vide order Endst # 2960-64 dated 18.10.2004. Likewise, petitioner-2 was also appointed as PST on contract basis by the said respondent vide order Endst # 2955-60 dated 16.10.2004. Copies of appointment orders of petitioners are enclosed as Annex-A&B respectively.

*Annex*

ATTESTED  
23-11-18  
EXAMINOR  
Peshawar High Court  
D.I.Khan Bench

- (3) That in compliance with the orders, referred to above, the petitioners assumed the charge of their posts respectively and their pay/salaries were computerized. Copies of charge reports and pay slips are enclosed as Annex-C, C/1 to C/3 respectively.
- (4) That petitioners were performing their duties to the entire satisfaction of their superiors and were receiving their monthly salaries regularly upto November, 2010 but later on their salaries were withheld/stopped from the month of December, 2010, till today, for unknown reasons, however monthly salaries to some of the teachers were paid but the petitioners were deprived of the same without assigning any reason.
- (5) That petitioner-1 then approached respondent-3 through a written application dated 08.12.2011 but fruitless and later on served the respondent-3 through a legal notice to release his monthly salary but in vain. Copies of application, legal notice and original postal receipts are enclosed as D, E, F & G respectively.
- (6) That services of sixty teachers were terminated vide order dated 17.12.2005 while 1613 teachers were terminated in the year 2010 and it appears that the petitioners' names have also been included in the list of those teachers but no order of termination has so far been served or communicated to the petitioners which ex-facie suggests that the orders of appointments of petitioners are intact.
- (7) That feeling aggrieved and having no other remedy, the petitioners seek the indulgence of this Honourable

Annex

ATTESTED  
23-11-18  
EXAMINOR  
Jesnawar High Court  
D.J. Khan Bench

Court for the redressal of their grievances under the Constitutional jurisdiction, inter alia the following grounds:-

GROUND:

- A. That the actions/in-actions of non-payment of monthly pays/salaries of the petitioners are against the provisions of fundamental rights guaranteed under the constitution and amounts to forced labour which is prohibited under the constitution.
- B. That the actions of non-payment of pay/salaries to the petitioners in-spite of performance of duties by the petitioners in their respective schools but without any wages is totally illegal and without any justification.
- C. That although no order of termination from service of petitioners have ever been issued by the respondents but the petitioners have not been paid salaries which is probably due to the wrong interpretation of order/decision taken by the Standing Committee of the Provincial Assembly as consequence of which, services of 1613 teachers were declared as null and void, who were appointed in the year 2007-08 but the order of appointments of petitioners pertains to year 2004 and have no nexus with the termination order of 1613 teachers and it seems that on the pretext of the aforesaid decision, monthly pay/salaries of the petitioners have been stopped/withheld irrespective of the fact that no order of termination from services of the petitioners <sup>had</sup> ever been issued.

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ATTESTED  
23-11-18  
EXAMINOR  
Leshawar High Court  
D.I. Khan Bench

- D. That withholdings of pays/salaries or arrears of pay and other financial benefits which are to be paid to the employees in lieu of performance of duties is vested rights guaranteed under the fundamental rights of the constitution and it is not the bounty of state.
- E. That the petitioners performing duties regularly from the month of <sup>Dec.</sup> 2010 and onwards till today but respondents have not released their monthly salaries which are evergreen cause of disturbance of mental torture and physical pain.
- F. That colleagues of the petitioners approached this Honourable Court by filing Writ Petition # 400/2011 titled as "Muhammad Muneer Hussain Shah versus Government of Khyber Pakhtunkhwa and others" which came up for hearing before a Division Bench of this Honourable Court on 20.04.2011 and was allowed and treated as representation to be sent to respondent-3 for consideration within a month with further directions of payment of salaries to the petitioners as per rules. Copy of order is enclosed as Annex-H.
- G. That counsel for the petitioner may please be allowed to raise additional grounds during the course of arguments.

*Muneer Hussain Shah*  
 20/11/14

In view of the above submission, it is therefore, humbly prayed that on acceptance of this petition, this Honourable Court may kindly be pleased to issue a writ declaring the action of stoppage of salaries of petitioners to be illegal, void, ab initio, coram non iudice and of no legal effect upon the rights of petitioners and as a consequence

*Muneer*

ATTESIEU  
 23-11-18  
 EXAMINOR  
 Peshawar High Court  
 D.I. Khan Bench

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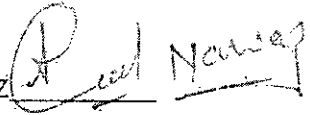
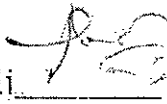
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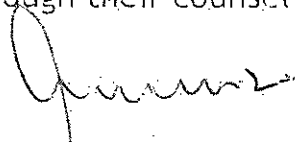
thereof to direct the respondents to release their salaries and arrears to the petitioners forthwith.

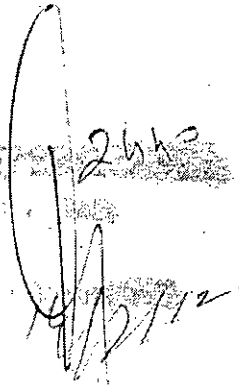
Any other relief deem appropriate in the prevailing circumstances may also be granted.

Dated: 9/07/2012

Your Humble Petitioners,

1. Ahmad Nawaz 
  2. Ghazanfar Ali 
- Through their counsel

  
 GUL TIAZ KHAN MARWAT,  
 Advocate High Court, D.I.Khan

  
 26/12

List of books:-

1. Constitution of Islamic Republic of Pakistan, 1973
2. FR & SR
3. General Clauses Act
4. Judgments on the point.

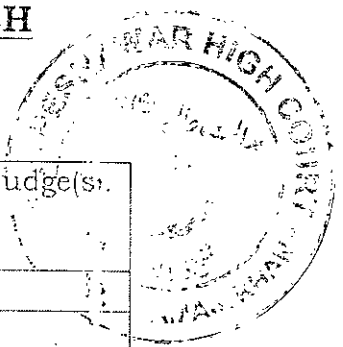
ATTESTED  
 23-11-18  
 EXAMINOR  
 -esnawar High Court  
 D.I.Khan Bench

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13

PESHAWAR HIGH COURT, D.I. KHAN BENCH

FORM OF ORDER SHEET



Date of order or proceedings (1)	Order or other proceedings with signature of Judge(s). (2)
04.9.2012.	<p><u>W.P.No.315-D/2012 with C.M.No.284-D/2012.</u></p> <p><b>Present:</b> Mr. Gul Tiaz Khan Marwat, Advocate for the petitioners. ***</p> <p><u>QAISER RASHID KHAN, J.-</u> After arguing the case at some length, the learned counsel for the petitioner requested that the present petition may be treated as representation and sent to respondents for decision.</p> <p>2. In view of the above, the instant petition is treated as departmental representation on behalf of the petitioners and sent to respondent No.3 for decision in a month according to law, rules and policy on the subject.</p> <p><u>Announced.</u> <u>Dt:04.9.2012.</u></p>

*[Signature]*  
JUDGE

*[Signature]*  
JUDGE

4241

G.R.No. \_\_\_\_\_

Application Received on 23-11-18

Copying Fee Deposited Rs. \_\_\_\_\_

No of Papers 06 pages

Copying Fee 04

Urgent Fee 04

Total Fee \_\_\_\_\_

Copy ready for delivery 23-11-18

Copy delivered on 23-11-18

Signature of Examiner [Signature]  
23-11-18

4/9/12

Certified to be true Copy

23-11-18

EXAMINER

Peshawar High Court Bench D.I. Khan

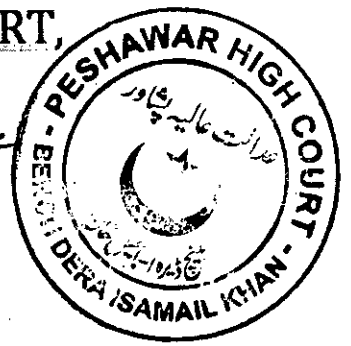
Authorized Under Section 10

Qadri & Shaukat

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6

**BEFORE THE PESHAWAR HIGH COURT,  
D.I.KHAN BENCH**



*Annexure  
"D"*

Writ Petition # 560 /D-2014

1. Ahmad Nawaz, PST Head Teacher, Government Primary School, Chah Hussain Shah, Tehsil Paroa, .....(0344-9354690)
2. Ghazanfar Ali, PST, Government Primary School Chah Pahorr, Teshil Paroa.
3. Sadaqat Ali, PST GPS Sikandarpur Janubi # 2.
4. Wahid Bakhsh, PST GPS Jhok Maachee Gharbi, Tehsil Paroa, District D.I.Khan.....(Petitioners)


Versus

1. Government of Khyber Pakhtunkhwa through Secretary Education, Peshawar.
2. Director Education, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (S&L), D.I.Khan.
4. Sub Divisional Education Officer (Male), Paroa Circle, District D.I.Khan.
5. The Manager, National Bank of Pakistan Ltd: Main Branch, D.I.Khan.
6. The Manager, National Bank of Pakistan Ltd: Circular Road Branch, D.I.Khan.....(Respondents)

Doc. No. 2080  
Addn. Registrar.  
24/09/14

**WRIT PETITION UNDER ARTICLE 199 OF THE  
CONSTITUTION OF ISLAMIC REPUBLIC OF  
PAKISTAN 1973**

*Guar*

**ATTESTED**  
  
13-11-18  
**EXAMINOR**  
Peshawar High Court  
D.I.Khan Bench

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Respectfully Sheweth,

(1) That the addresses of the parties are sufficient for the purpose of their services.

(2) That petitioner-1 was appointed as PST vide order Endst # 2960-64 dated 18.10.2004. Likewise, petitioner-2 was also appointed as PST vide order Endst # 2955-60 dated 16.10.2004. Similarly, petitioners # 3 & 4 were also appointed as PSTs vide being order bearing Endst # 4255-57 dated 15.10.2004 and order bearing Endst # 3999-41 dated 15.10.2004 respectively.

(3) That in compliance with the orders, referred to above, the petitioners assumed the charge of their posts respectively and their pay/salaries were computerized and they were drawing their salaries.

A. That petitioners are performing their duties to the entire satisfaction of their superiors and are receiving their monthly salaries regularly upto November, 2010 but later on their salaries were withheld/stopped from the month of December, 2010, till year 2012, for unknown reasons and thus petitioners were deprived from their vested rights i.e., pay/salaries and without assigning any reason against which petitioners # 1 & 2 filed writ petition # 315-

2080  
24/09/14

*Guil*  
**ATTESTED**  
*S*  
*13-11-18*  
**EXAMINOR**  
Peshawar High Court  
D.I.Khan Bench

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D/2012, which came up for hearing before a Division Bench on 04.09.2012 and the Honourable Court was pleased to treat the Constitutional Petition as Departmental Representation and was sent to District Education Officer, D.I.Khan where after monthly salaries of the petitioners # 1 & 2 were released. Copy of order dated 04.09.2012 is enclosed as Annex-A

(4) That suddenly and abruptly respondent # 4 issued a letter bearing # 1136-40 dated 30.04.2014 vide which the petitioners have been asked to explain the position as to why their names are not appearing in the seniority list of the PSTs to which the petitioners submitted their joint replies that the petitioners are performing their duties in their respective schools and it is the duty of the office of respondent # 3 to prepare and cause the seniority list of the teachers. Copies of letter and reply are enclosed as Annex-B&C respectively.

(5) That after submission of reply by the petitioners, respondent # 4 prepared a source form which was submitted to the District Accounts Officer by him containing the directions to stop/inactive the salaries of the petitioners. Copies of source forms are enclosed as Annex-D respectively.

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Peshawar High Court  
D.I.Khan

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(6) That the monthly salary for the month of August has since been remitted by the District Accounts Office to the concern bank where accounts of the petitioners are maintained and when petitioners presented their cheques of monthly salaries for the month of August 2014, the bank authorities refused to pay their monthly salaries with oral observations that the Education Department has issued directions to the Bank not to pay the same to the petitioners.

(7) That facing with these circumstances, the petitioners served respondent # 4 with legal notice as to why salaries of the petitioners have been stopped by him as there is no order of termination issued by competent authority but no reply has so far have been given by respondent # 4 inspite of receipt of legal notice. Copies of legal notice along with original postal receipts are enclosed as **Annex-E, F, G, H** respectively.

(8) That having no other efficacious and speedy remedy, the petitioners seek the indulgence of this Honourable Court for the redressel of their grievances under the Constitutional jurisdiction of this Honourable Court, inter alia the following grounds:-

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GROUNDS:

- a. That the action of stoppage/withholding of monthly salaries of the petitioners irrespective of the fact that they are performing their duties is without lawful authority and unjustified action as there is no provision under the Civil Servant Act or any other Service Laws vide which pay/salaries of the Government Servant is to be stopped and even a suspended Government Servant is also entitled to receive full pay/salary.
- b. That the petitioners are performing their duties without any break and that neither there is any departmental proceedings/inquiry against the petitioners nor the petitioners remained absent from duty and nor respondent # 4 is appointing authority to take any departmental action including the stoppage of monthly pay/salaries which is the only source of livelihood of the petitioners and their other family members but respondent # 4 has made an attempt to deprive them from the last piece of morsel and this action of stoppage of pay is not only an unauthorized action of respondent # 4 but is against the injunctions of HOLY QURA'AN and SUNNAH.

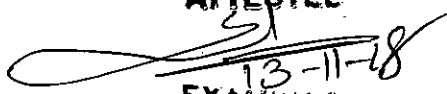
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- c. That the action of issuance of letter by respondent # 4 in respect of non-existence of names of the petitioners in the seniority list of PSTs is not understandable as for what purpose, respondent # 4 had issued the letter dated 30.04.2014 as under Section 8. of Khyber Pakhtunkhwa Civil Servant Act, it is the legal obligation of Appointing Authority to prepare and cause the seniority list of his subordinates and it is not the legal, statutory and moral obligations of concern employees/ civil servant to prepare the seniority list and inspite of knowing this legal position, respondent # 4 had issued the disputed letter in respect of seniority list of the petitioners which is very funny, surprising and pregnant.
- d. That the actions of non-payment of stoppage and pay/salaries to the petitioners in-spite of performance of duties by the petitioners in their respective schools but without any wages is totally illegal and without any justification.
- e. That neither there is any order of termination of petitioners have ever been issued by the competent authority, nor there is any inquiry pending against the petitioners but monthly pay/salaries of the petitioners have been stopped/withheld which is against law and rules as there is no provisions in service law/rules vide

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which monthly salaries/pay of the employees is to be stopped/withheld.

- f. That withholdings of pay/salaries and other financial benefits which are to be paid to the employees in lieu of performance of duties is vested rights guaranteed under the fundamental rights of the constitution and it is not the bounty of state.
- g. That the petitioners are performing duties regularly from the dates of their appointments, i.e., year 2004 but now in the month of August 2014, respondents # 3 & 4 have withheld/stopped their monthly salaries which are evergreen cause of disturbance of mental torture and physical pain.
- h. That counsel for the petitioner may please be allowed to raise additional grounds during the course of arguments.

In view of the above submission, it is therefore, humbly prayed that on acceptance of this petition, this Honourable Court may kindly be please to issue a writ declaring the action of stoppage of salaries of petitioners to be illegal, void, ab initio, coram non judice and of no legal effect upon the rights of petitioners and as a consequence thereof to direct the respondents to release their salaries and arrears to the petitioners forthwith.

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**ATTESTED**  
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 D.I.Khan Bench

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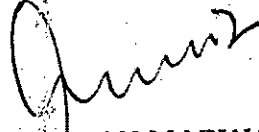
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Any other relief deem appropriate in the prevailing circumstances may also be granted.

Dated 24/09/2014

Your Humble Petitioners,

Through their counsel



GUL TIAZ KHAN MARWAT,  
Advocate High Court, D.I.Khan

List of books:-

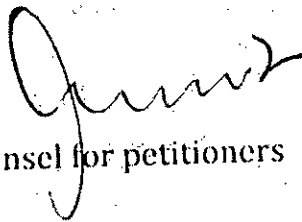
1. Constitution of Islamic Republic of Pakistan, 1973
2. FR & SR
3. General Clauses Act
4. Judgments on the point.

Certificate

Certified that it is first petition on the subject before this

Honourable Court.

2080  
24/09/14



Counsel for petitioners

ATTESTED  
13-11-14  
EXAMINER  
Peshawar High Court  
D.I.Khan

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**BEFORE THE PESHAWAR HIGH COURT,  
D.I.KHAN BENCH**

Filed to day 2080  
Audt- Registrar.  
24/09/14

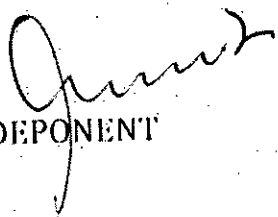
Writ Petition # \_\_\_\_\_/D-2014

Ahmad Nawaz and another.....(Petitioners)

Versus

Government of Khyber Pakhtunkhwa through Secretary  
Education, and others.....(Respondents)

AFFIDAVIT: I, Gul Tiaz Khan Marwat, advocate/counsel  
petitioners do hereby solemnly affirm and declare on Oath that  
the contents of the instant petition are true and correct to the  
best of my knowledge and belief and that nothing has been  
concealed from this Honourable Court.

  
DEPONENT

Gul Tiaz Khan Marwat  
Advocate


D. I. Khan

On the side of \_\_\_\_\_

On \_\_\_\_\_  
24/09/2014

No. 1964 / 24-09-2014

Address \_\_\_\_\_  
Court \_\_\_\_\_  
Position \_\_\_\_\_  
D.I.Khan Bench

**ATTESTED**  
  
13-11-18  
**EXAMINER**  
Peshawar High Court  
D.I.Khan Bench

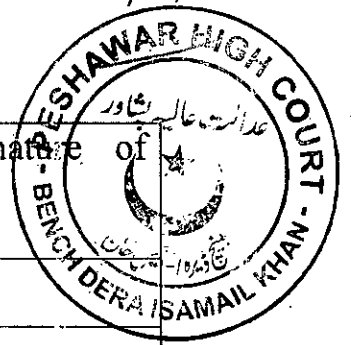


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PESHAWAR HIGH COURT D.I.KHAN BENCH

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FORM OF ORDER SHEET



Date of order or other proceedings	Order or other proceedings with signature of Judge(s)
(1)	(2)
30/9/2014	<p><u>CM No. 588 in WP No.560-D of 2014.</u></p> <p>Present: Mr.Gul Tiaz Khan Marwat advocate alongwith petitioners No.1 and 2 in person. Asstt:AG for respondents No.1 to 4 alongwith respondent No.3 in person.</p> <p>-----</p> <p><u>ROOH-UL-AMIN KHAN J.-</u> The latter stated at the bar that he is going to withdraw letter No.1136-40 dated 30-4-2014 and will intimate the SDEO Paroa who shall release salaries of the petitioners till 2-10-2014. On such assurance of respondent No.3, the petitioners are no longer interested to pursue the instant petition which is disposed of accordingly. However, the petitioners may file a fresh one if needed so.</p> <p style="text-align: right;"><i>Rooh Amin</i> <u>JUDGE</u></p> <p style="text-align: right;">4011</p> <p>G.R.No. _____ Application Received on <u>12-11-18</u> Copying Fee deposited Rs _____ No of Papers <u>14 page</u> Copying Fee <u>24</u> Urgent Fee _____ Total Fee <u>561</u> Copy ready for delivery <u>13-11-18</u> Copy delivered on <u>13-11-18</u> Signature of Examiner _____</p> <p><i>30/9</i></p> <p>Certified to be true Cop. <i>[Signature]</i> <u>13-11-18</u> EXAMINOR Peshawar High Court Bench D I Khan Authorized Under Section 97 of Qanoon-a-Shahadat-Act</p> <p style="text-align: right;"><i>[Signature]</i> <u>13-11-18</u></p>

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B

OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER  
(M) PAROA DERA ISMAIL KHAN

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No 1136 - 40 /

Dated Paroa the 30 / 04 / 2014

To

- 1. Sadaqat Ali PST GPS Sikander Janubi No.2
- 2. Ahmed Nawaz PST GPS Chah pahore
- 3. Ghazanfer Ali PST GPS Jh:Muhammad Ramzan
- 4. Jamshed Iqbal PST GPS Ahmad Abad
- 5. Wahid Bakhsh PST GPS Jh:Machi Gharbi

Subject - Seniority List Of PST

Memo

You are performing duties in respective schools and drawing monthly salary regularly But your names do not exist in the PST Seniority list.

You are hereby directed to explain your position as to why your names are not included in the said seniority list

Sub Divisional Education Officer,  
(M) Paroa D.I.Khan

Enust No \_\_\_\_\_

Copy to:-

- 1. The District Education office: (Male) D.I.Khan with reference to his letter No.4457/AE-V.PST (M) dated 09/04/2014.

Sub-Divisional Education Officer,  
(M) Paroa D.I.Khan

Attested  
Jamil  
advi

دفتر سب ڈوسٹرل ایجوکیشن آفیسر (مردانہ) تحصیل پروا ڈسٹرہ اسماعیل خان

تاریخ: 31/08/2011

موضوع: فراہمی انفارمیشن برکار سرکار سال 2004 سے لیکر جون 2008 تک

سیرٹیفکٹ سرکل کا نام: شاہ نواز BPS-17

اکاؤنٹنٹ: عبدالجید BPS-14

نمبر شمار	نمبر کارڈ	ولدیت	پست نمبر	تاریخ پہلی تقرری تک تعلیم	پہلی ترقی کر کے	پہلی پوسٹنگ کے	اس سرکل کے	کیا ترقی اس دوران	اگر بند ہوئی تھی تو	کس DDO نے	ریاز کر
1	محمد اعجاز	محمد افضل	362023	16/10/04	10/2005	پرائمری سکول پروا نمبر 4	ملک غلام حفیظ (موجود)	ہاں	18/03/2007	عائیت اللہ	
2	محمد اعجاز	عائیت اللہ	362032	15/10/04	10/2005	پرائمری سکول گڑھوٹ شاہ	ملک غلام حفیظ (موجود)	ہاں	18/03/2007	عائیت اللہ	
3	محمد اعجاز	محمد افضل	362270	15/10/04	10/2005	پرائمری سکول پروا نمبر 4	ملک غلام حفیظ (موجود)	ہاں	18/03/2007	عائیت اللہ	

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	حاجی فضل الرحمن	18/03/2007	ہاں	ملک غلام جعفر (مرحوم)	پرائمری سکول سوکھے والی	10/2005	15/10/04	362711	الہی بخش	نذیر احمد	4
	-	-	نہیں	ملک غلام جعفر (مرحوم)	پرائمری سکول چڑھ پولاد	10/2005	16/10/04	207087	اللہ نواز	محمد طارق نواز	5
	حاجی فضل الرحمن	18/03/2007	ہاں	لال شترین	پرائمری سکول تھیم آباد فتح	10/2005	16/10/04	208477	امام بخش	محمد طارق	6
	حاجی فضل الرحمن	18/03/2007	ہاں	ملک غلام جعفر (مرحوم)	پرائمری سکول	10/2005	16/10/04	362330	امام بخش	مشاق احمد	7
	عنایت اللہ	31/08/2011	ہاں	ملک غلام جعفر (مرحوم)	بیت کہری						
تاریخ تقرری مشکوک ہونے کی وجہ سے محکمانہ انکوائری شروع ہے	عنایت اللہ	31/01/2013	نہیں	ملک غلام جعفر (مرحوم)	پرائمری سکول چاہ پہور	03/2007	16/10/04	349400	رحیم بخش	غفسر علی	8
	محمد نواز	30/09/2014	ہاں								
تاریخ تقرری مشکوک ہونے کی وجہ سے محکمانہ انکوائری شروع ہے	عنایت اللہ	31/01/2013	نہیں	ملک غلام جعفر (مرحوم)	پرائمری سکول جھوک مسو پکھ	07/2007	16/10/04	362028	امام بخش	واحد بخش	9
	محمد نواز	30/09/2014	ہاں								
	حاجی فضل الرحمن	18/03/2007	ہاں	ملک غلام جعفر (مرحوم)	پرائمری سکول	10/2005	16/10/04	362269	محمد عبداللہ	عبدالرحمن	10
	عاصم سعید	12/07/2011	ہاں		روڈ						

	حاجی فضل الرحمن عنایت اللہ	18/03/2007 31/08/2011	ہاں ہاں	ملک غلام جعفر (مرحوم)	پرائمری سکول پروا نمبر 4	12/2005	16/10/04	362293	حمید اللہ	سیخ اللہ	11
	حاجی فضل الرحمن عنایت اللہ	18/03/2007 31/08/2011	ہاں	ملک غلام جعفر (مرحوم)	پرائمری سکول پروا نمبر 4	10/2005	16/10/04	362328	محمد رمضان	محمد یوسف	12
	حاجی فضل الرحمن عنایت اللہ	01/01/2007 31/08/2011	ہاں ہاں	ملک غلام جعفر (مرحوم)	پرائمری سکول لنڈہ شریف	10/2005	16/10/04	362332	رحمت اللہ	اکرام اللہ	13
	حاجی فضل الرحمن عنایت اللہ	18/03/2007 31/08/2011	ہاں ہاں	ملک غلام جعفر (مرحوم)	پرائمری سکول چاندنہ	10/2005	16/10/04	362333	محمد رمضان	فضل الرحمن	14
	- عنایت اللہ	- 31/08/2011	نہیں ہاں	ملک غلام جعفر (مرحوم)	پرائمری سکول جھوک سوپکھ	10/2005	16/10/04	362603	ثناء اللہ	مجیب اللہ	15
	حاجی فضل الرحمن عنایت اللہ	18/03/2007 31/08/2011	ہاں ہاں	ملک غلام جعفر (مرحوم)	پرائمری سکول سرہ گرہ	10/2005	16/10/04	362700	فیض محمد	سیف اللہ	16
	تاریخ تقرری مشکوک ہونے کی وجہ سے حکمانہ انکوائری شروع ہے	- 31/12/2013 30/09/2014	نہیں ہاں ہاں	ملک غلام جعفر (مرحوم)	پرائمری سکول چڑی بوہڑ	09/2007	16/10/04	369779	محمد حیات	احمد نواز	17

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18	صداقت علی	اصغر علی	369902	16/10/04	09/2007	پرائمری سکول سکندر جنوبی نمبر 1	ملک غلام جعفر (مرحوم)	نہیں ہاں ہاں	- 31/12/2012 30/09/2014	عمایت اللہ محمد نواز	تاریخ تقرری مشکوک ہونے کی وجہ سے حکمانہ انکوائری شروع ہے
19	عبدالعزیز	خالق داد	284189	19/05/05	11/2006	پرائمری سکول لنڈہ پارا	ملک غلام جعفر (مرحوم)	نہیں	-	-	-
20	محمد خالد	ملک حمید اللہ	287292	11/02/06	06/2006	پرائمری سکول کلاچی والا	ملک غلام جعفر (مرحوم)	نہیں	-	-	-
21	محمد نسیم الزہید	محمد زاہد	287324	11/02/06	07/2006	پرائمری سکول لنڈہ شریف	ملک غلام جعفر (مرحوم)	نہیں	-	-	-
22	محمد فاروق	خدا بخش	287329	11/02/06	06/2006	پرائمری سکول روڈہ	ملک غلام جعفر (مرحوم)	نہیں	-	-	-
23	فضل الرحمن	فیض محمد	287330	11/02/06	06/2006	پرائمری سکول گرہ ٹوٹ شاہ	ملک غلام جعفر (مرحوم)	نہیں ہاں	- 31/08/2011	عمایت اللہ	-
24	محمد اقبال	شاہ جہان خان	286397	25/02/06	07/2007	پرائمری سکول لال ماہرہ	ملک غلام جعفر (مرحوم)	نہیں	-	-	-
25	احمد گل E/T	محمد سعید	257521	01/03/06	04/2006	پرائمری سکول جھوک ہوت	احمد نواز	نہیں	-	-	-

			نہیں	ملک غلام جعفر (مرحوم)	پرائمری سکول چڑھ پولاد غربی	05/2006	01/04/06	284184	محمد صادق	غلام عباس	26
			نہیں	ملک غلام جعفر (مرحوم)	GMKS فتح مندہ	03/2007	01/08/06	346598	ملک غلام جعفر	ملک محمد الیاس E/T	27
	عنایت اللہ	12/04/2012	ہاں								
			نہیں	عبدالمجید	پرائمری سکول شمیر	09/2006	01/08/06	309515	غلام سرور	حفیظ الرحمن	28
			نہیں	ملک غلام جعفر (مرحوم)	پرائمری سکول جھوک لنگرہ	02/2007	01/10/06	342930	عبدالرشید	جمشید اقبال	29
تاریخ تقرری مشکوک ہونے کی وجہ سے حکمانہ انگوائزی شروع ہے	عنایت اللہ	31/12/2012	ہاں								
	محمد نواز	30/09/2014	ہاں								
			نہیں	ملک غلام جعفر (مرحوم)	پرائمری سکول جھوک خوجہ	02/2007	01/10/06	343612	محمد مقصود	محمد جاوید اقبال	30
	عنایت اللہ	31/08/2011	ہاں								
			نہیں	ملک غلام جعفر (مرحوم)	پرائمری سکول محمد آباد	11/2006	01/11/06	336613	محمد نواز	محمد خالد جاوید	31
			نہیں	ملک غلام جعفر (مرحوم)	پرائمری سکول ٹائیولہ	01/2007	30/11/06	343695	محمد رمضان	امام بخش خان	32
			نہیں	ملک غلام جعفر (مرحوم)	پرائمری سکول گنگوڑی	02/2007	20/12/06	346675	بہاول حق	عبدالرحمان	33
	عنایت اللہ	09/02/2012	ہاں								

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34	محمد فاروق	خالد داد	343667	16/12/06	01/2007	پرائمری سکول مشکوہ ری بالا	ملک غلام جعفر (مرحوم)	نہیں	-	-
35	حشمت اللہ	غلام سرور	346552	16/10/04	-	پرائمری سکول گرہ گل دادکلاچی	-	-	-	تاریخ تقرری و FA کی سرٹیفکیٹ مشکوک ہونے کی وجہ سے حکمانہ انکوائری شروع ہے اور FIR درج ہو چکی ہے۔

نوٹ:

1. مندرجہ بالا انفارمیشن اصل سروس بکس میں اندراج کے مطابق اور فرسٹ تقرری آرڈر متعلقہ ٹیچر سے موصول کرنے کے بعد، Pay Bills کی فونڈیشنس کا پیمان (SDEO(M) ڈیرہ کے دفتر سے حاصل کرنے کے بعد یہ انفارمیشن تیار کی گئی ہے۔  
(SDEO(M) پرو آکا دفتر 01-08-2008 سے کھولا گیا ہے۔ اس تاریخ سے پہلے تمام اصل ریکارڈ (SDEO(M) ڈیرہ اور کلاچی کے دفتر میں موجود ہے۔
2. لسٹ میں درج شدہ تمام اساتذہ کی سروس بکس کی نقل اور فرسٹ تقرری آرڈر کی کاپیاں لف ہیں۔
3. ماسوائے میرٹ پر بھرتی شدہ 2007 کے بغیر تمام مندرجہ بالا لسٹ میں درج کئے گئے ہیں۔

*(مردانہ)*  
سب ڈویژنل ایجوکیشن آفیسر

(مردانہ) تحصیل پرو آڈیرہ اسماعیل خان

*(مردانہ)*

*(مردانہ)*

*(مردانہ)*

*(مردانہ)*





GOVERNMENT OF PAKISTAN  
 ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA  
 DISTRICT  
 PAY ROLL SYSTEM

PAYMENT ADVICE

59

SN: 2  
 D. I. Khan  
 Pers #: 00346552 Buckle:  
 Name: HASHMAT ULLAH  
 Dsg: SR. PRIMARY SCHOOL TEACHER  
 CNIC No. 1210124383959  
 GPF Interest Free

F Sec: 002 Month: April 2014  
 DI7050 -DDO(M) Primary Faqee Dikhan  
 Min: Education Schools,  
 NTN:  
 GPF #: DI7050  
 Old #:

14 Vocational Temporary  
 PAYS AND ALLOWANCES:

0001-Basic Pay	9,830.00
1000-House Rent Allowance	1,475.00
1210-Convey Allowance 2005	2,780.00
1300-Medical Allowance	1,000.00
1948-Adhoc Allowance 2010@ 50%	2,455.00
1970-Adhoc Relief Allow 2011	745.00
2118-Adhoc Relief Allow (2012)	1,965.00
2148-15% Adhoc Relief All-2013	1,474.00
Gross Pay and Allowances	21,676.00

DEDUCTIONS:

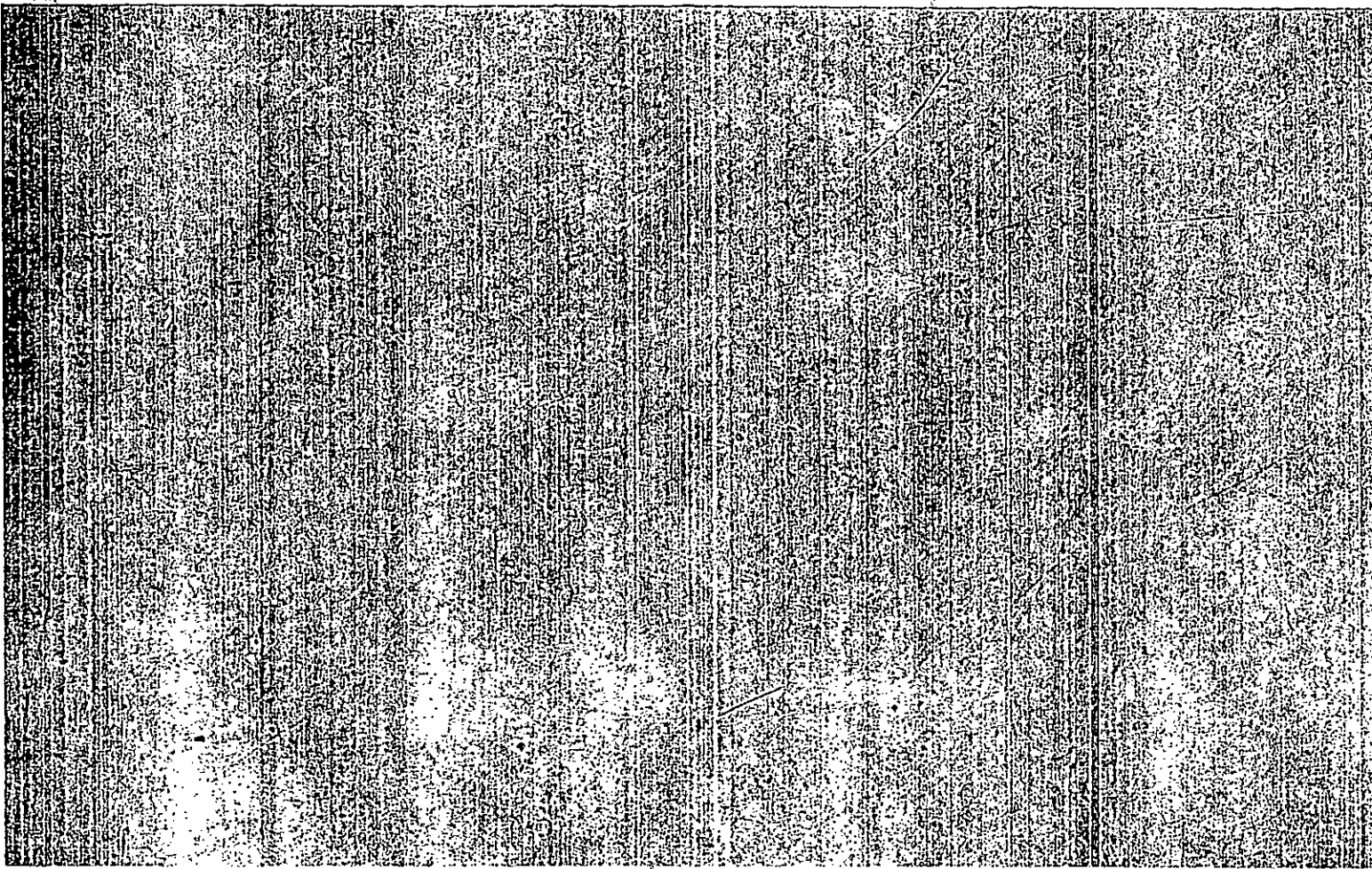
GPF Balance	16,988.00	Subrc:	1,372.00
3501-Benevolent Fund			130.00
3511-Addl Group Insurance			13.00
3604-Group Insurance			115.00
3950-Emp. Edu. Fund KFK			100.00

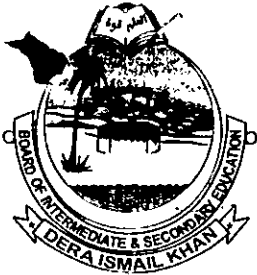
Total Deductions 1,730.00  
 19,916.00

D. O. B  
 08.10.1975  
 09 Years 06 Months 016 Days

LFF Quota:  
 HRL  
 PLS-20210-6

EIDGAH KALAN, D. I. KH





# Board of Intermediate and Secondary Education

DERA ISMAIL KHAN (KHYBER PAKHTUNKHWA) PAKISTAN

PROVISIONAL & DETAILED MARKS CERTIFICATE

HIGHER SECONDARY SCHOOL CERTIFICATE EXAMINATION

SESSION ANNUAL- 2016 (PART-II)

147830

S.No. DB \_\_\_\_\_

C.No: 54

B.I.S.E, D.I.KHAN  
KHYBER PAKHTUNKHWA.

Roll No: 48713



Group: HUMANITIES

Reg No: 18685-DB/PVT-2015

Hashmat Ulalh Khan

Son / Daughter of Haji Ghulam Sarwar

of DERA ISMAIL KHAN

has secured the marks shown against each subject, in the Higher Secondary School Certificate Examination held in the month of April- 2016 as Private Student

Subjects	Marks	Marks Obtained					
		Part-I		Part-II		Total	Marks in Words
		Theory	Pract	Theory	Pract		
English	200	42	--	33	--	75	Seventy-Five
Urdu	200	61	--	62	--	123	One Hundred Twenty-Three
Islamic Education	50	31	--	--	--	31	Thirty-One
Pakistan Studies	50	--	--	26	--	26	Twenty-Six
Islamic History	200	45	--	41	--	86	Eighty-Six
Civics	200	41	--	65	--	106	One Hundred Six
Islamic Studies	200	48	--	47	--	95	Ninety-Five

Total : 1100

542-D Five Hundred Forty-Two Only

Remarks :

Result Declaration Date: 29-07-2016

Prepared By: \_\_\_\_\_

Checked By: \_\_\_\_\_

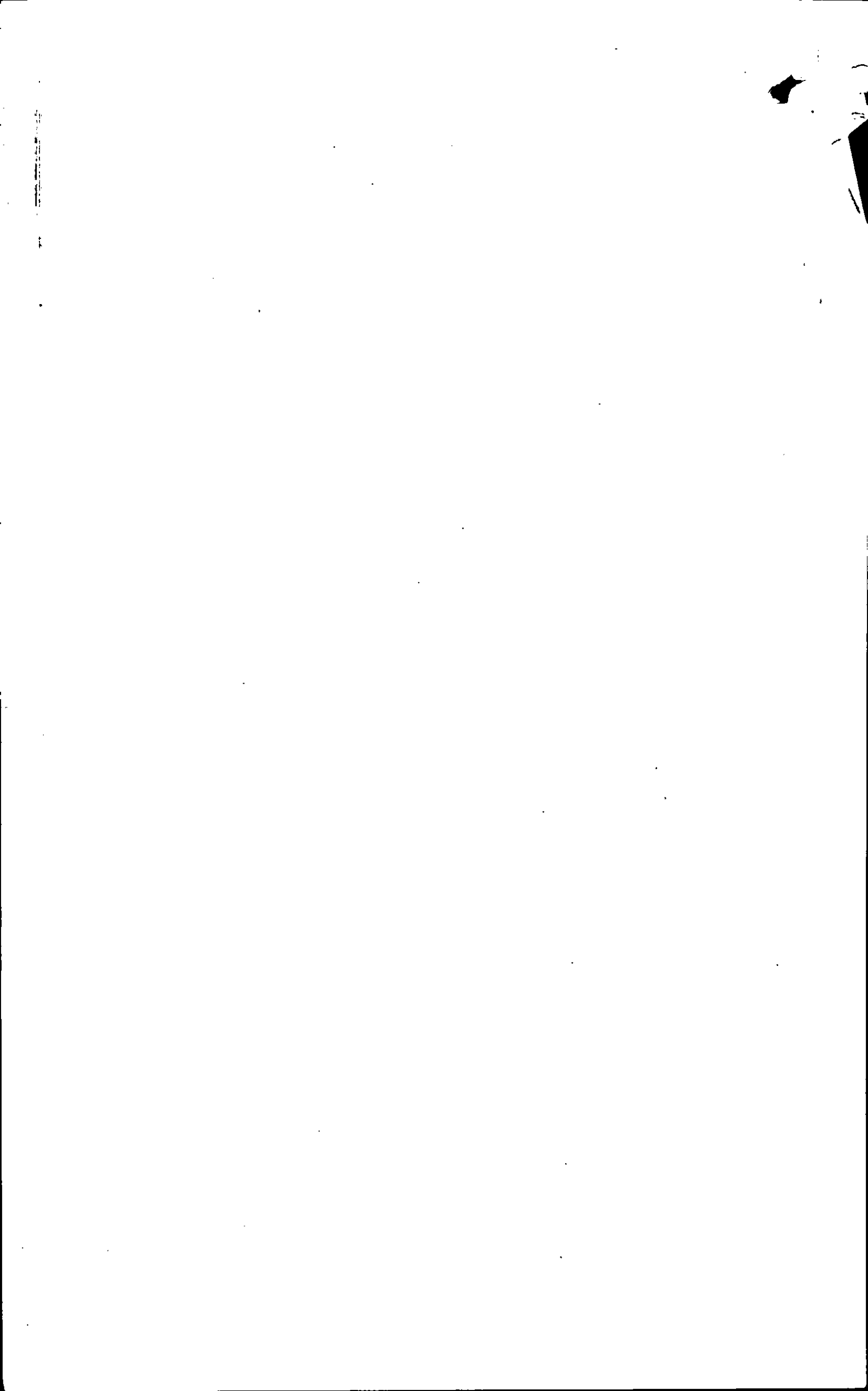
Date of issue: 29-07-2016

Controller of Examinations

Note: Error(s)/Omission(s), excepted. Any mistake in above particulars (without Name/ P. Name) must be intimated within 30 days of the issuance of this certificate.

Computer Cell, B.I.S.E, Dera Ismail Khan.

Attested as  
Rev D.M.C  
Head Master  
Govt: Middle School  
Kulachi Wala D.I.Khan



**Amended Memo of Appeal**  
**BEFORE THE KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL, PESHAWAR**

Service Appeal No of 2016

**Hashmat Ullah** S/o Ghulam Sarwar Caste Baloch R/O Kulachiwala,  
Tehsil and District D.I.Khan.

Ex-SPST, GPS Kulachiwala, Tehsil Parova, District D.I.Khan

**Appellant**

**Versus**

1. **Government of Khyber Pakhtunkhwa** Through Chief Secretary,,Peshawar.
2. **The Secretary Education,** Government of Khyber Pakhtunkhwa Peshawar.
3. **The Director Education,** Government of Khyber Pakhtunkhwa Peshawar.
4. **District Education Officer (Male),** Dera Ismail Khan.
5. **Sub Divisional Education Officer (prova)** Dera Ismail Khan.
6. **Head Master, Government Primary School Kulachiwala,** Dera Ismail Khan.
7. **Budget and accounts Officer, D.I.Khan**

**Respondents**

**SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 22.08.2016 ISSUED BY DISTRICT EDUCATION OFFICER (M) DERA ISMAIL KHAN VIDE WHICH APPELLANT WAS REMOVED FROM SERVICES BY IMPOSING THE MAJOR PENALTY ALONG WITH DEPARTMENTAL APPEAL'S REJECTION ORDER DATED 07.12.2016.**

*Handwritten signature and date:*  
27.02.2019

Respectfully Sheweth.

1. **That** some post of PST were advertised in the Dail Mashriq by the then District Education Officer, School & Literacy Dera Ismail Khan namely Abdul Rahim Khan regarding which the appellant submitted his application along with required documents. Copy of advertisement is enclosed as Annexure "A"
2. That on the date fixed, Petitioner appeared for test and interview and thereafter, Petitioner was appointed as PST Teacher in BPS-07 issued vide Letter No 2944-48 on 16.10.2004 in the Education Department Khyber Pakhtunkhwa. Copies of order along with Medical Certificate are enclosed as Annexure "B" & "C" respectively.
3. That after obtaining the charge as PST Teacher in GPS Garra Gul Dad, Petitioner served there according to the wishes and desires of his high-ups till 05.11.2007. Where after, appellant was transferred from GPS Garra Gul Dad to GPS Moga Kulachi.
4. **That** appellant also performed his duties in GPS Moga efficiently for one year and vide letter No 22946-51 Dated 11.10.2008, Petitioner was transferred by the order of Executive District Officer Dera Ismail Khan to GPS Kulachiwala.
5. **That** during the course of his service, due to efficient performance of the Appellant he was promoted as SPST teacher in BPS-14, however, due to local political rivalry, one Malik Muhammad Hamish moved an application to the department against the Appellant with various baseless, illegal allegation and in the light of said allegation, an F.I.R was not only lodged against the Appellant but an ex-parte

26.12.2009

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Khan  
abul  
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inquiry was also initiated against the Appellant and pay of the Appellant was stopped by the department. However, vide letter No 4277-79 Dated 12.04.2012, the pay of the Appellant was released by the order of the then Executive District Officer Dera Ismail Khan. Copy of the Service Book is enclosed as Annexure "D".

6. **That** during the course of trial against the Appellant the Learned Judge Anti-Corruption, when the then Executive District Officer appeared as witness, he instead of verifying his signature on the first appointment letter of the Appellant totally made malafide, baseless, ill-founded statement wherein he denied from the signature in order to book the Appellant in the above stated illegal and a malafide case for the interest of Education Department. Though his statement was totally wrong regarding which Appellant reserved the legal rights against him.

7. **That** thereafter, Appellant was served with a show cause notice vide letter No 12559 Dated 21.06.2016 by the District Education Officer (M) D.I.Khan, with the allegation mentioned therein and sought a written reply within 07 days from the Appellant. Copy of letter is enclosed as Annexure "E".

8. **That** in compliance of the show cause notice issued by the District Education Officer (M) D.I.Khan, Appellant submitted his reply on 28.06.2016 which was duly received. Copy of reply is enclosed as Annexure "F".

9. **That** thereafter, on 21.07.2016, vide letter no 13587-91 issued by District Education Officer (M) D.I.Khan Appellant was directed to appear in person on 02.08.2016 before him, as he was not satisfied from the reply of Appellant which was already submitted and on the date fixed when Appellant went unfortunately the Appellant was not given

Learned Judge  
28.2.2019

the opportunity of hearing and thereafter the Appellant was informed vide letter no 15929-34 Dated 22.08.2016 that he was removed from service efficiency and discipline rules 2011 by District Education Officer (N) D.I.Khan. Copy of removal order is enclosed as **Annexure "G"**.

10. **That** feeling aggrieved from the impugned removal Order Dated 22.08.2016 the Appellant preferred the Departmental appeal in time on 27.08.2016 which was earlier not responded with in statutory period of 60 days and the Appellant filed the instant Appeal on 15.11.2016. However, on 07.12.2016 during pendency of instant Service appeal, the departmental Appellate authority passed the Departmental Appeal Rejection's order Dated 07.12.2016. Copy of the Departmental appeal rejection order Dated 27.08.2019 is enclosed as **Annexure "H"**, and departmental rejection order Dated 07.12.2016 are already available on Judicial file.

11. **That** as now statutory waiting period for filing instant appeal has come to an end, therefore, feeling aggrieved from the impugned removal order Dated 22.08.2016 and departmental appeal rejection order Dated 07.12.2016 of the Appellant authority and finding no other alternate remedy, the Appellant is constrained to approach this Honorable Tribunal on the following amongst others grounds.

#### G R O U N D S

a. **That** all the allegation leveled against the Appellant in the show cause notice are baseless, ill-founded and based on malifide intention beside the Appellant submitted reply along with various documents in proof which was turned down without lawful authority as such the allegations against the Appellant are not proved.

*Handwritten signature and date:*  
24.02.2019

- b. **That** the entire enquiry proceedings have been conducted at the back of the Petitioner and he has not been associated during the said process. Even the alleged witnesses have been examined without giving the Appellant an opportunity of cross examination, so the Petitioner has been condemned unheard.
- c. **That** Appellant served the Education Department since 16.10.2004 till now without any fault on his behalf even the Appellant was not given the opportunity of personal hearing, hence Appellant was condemned unheard.
- d. **That** the allegation of changing the appointment order from 2007 to 2004 by scanning the signature of the then EDO is totally wrong, baseless and without any legal justification.
- e. **That** the allegation of producing fake/forged intermediate certificate from AIOU Islamabad is also groundless and department has got no proof that Appellant submitted the said certificate.
- f. **That** the allegation of holding the office of General Councilor is also baseless regarding which the department has got no valid proof rather the Appellant was victimized only on the basis of political rivalry as well as non-obedience of illegal demands of blue eyed officers of Education Department.
- g. **That** the fourth allegation against the Appellant is an F.I.R which was lodged against the Appellant on 05.06.2014 which was also in the knowledge of the department cannot take any action against the Appellant till the decision of the said case by the competent Court as such all the allegations including the F.I.R baseless, ill-founded and without lawful authority and on the basis of which the impugned removal order Dated 22.08.2016 against the Appellant is untenable,

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Muhammad Raza  
Islamabad  
Sr.  
Adv.  
28-2-2019



without lawful authority, illegal, based on malifide intentions, hence liable to be set aside with all back benefits.

- h. **That the Counsel** for the appellant may kindly be allowed to raise the additional grounds at the time of arguments.

It is, therefore, humbly prayed that on acceptance of this appeal, the impugned order Dated 22.08.2016 imposing major penalty of removal from service along with departmental appeal's rejection Order Dated 07.12.2016 may very graciously be set aside and the Appellant be exonerated of the charges leveled against him, as consequential relief he may be reinstated in service with all back benefits.

Any other relief deemed appropriate but not specifically asked for may also be granted

Dated: 26.02.2019

Your Humble Appellant

*Hashmat*

Hashmat Ullah

Through Counsel

*Zia-ur-Rahman Kazi*

Zia-ur-Rahman Kazi

Advocate High Court

Dera Ismail Khan

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

Service Appeal No of 2016

**Hasmat Ullah .....Appellant**

**Versus**

**Government of K.P.K etc.....Respondents**

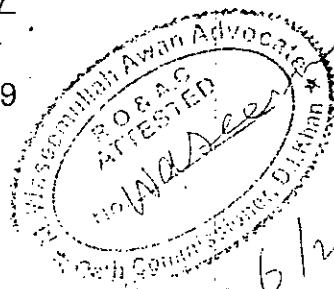
**SERVICE APPEAL**

**AFFIDAVIT**

I, HashmatUllah, the Petitioner, do hereby solemnly affirm and declare on oath:-

1. **That** accompanying service appeal has been drafted by Council following instructions of me.
2. **That** all parawise contents of the service appeal are true and correct to the best of my knowledge, belief and information;
3. **That** nothing has been deliberately concealed from this August Tribunal nor anything contained therein is based on exaggeration or distortion of facts.

*Hasmat*  
Dated:- 26.02.2019



*Hasmat*  
**Deponent**

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1737 /ST

Dated 14 / 10 / 2019

To


The District Education Officer Male,  
Government of Khyber Pakhtunkhwa,  
DI. Khan.

Subject: -

JUDGMENT IN APPEAL NO. 1158/2016, MR. HASHMAT ULLAH.

I am directed to forward herewith a certified copy of Judgement dated 24.09.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.