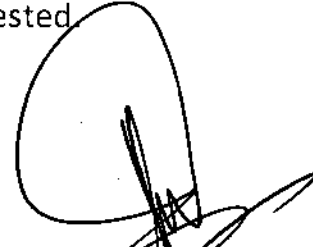


The appeal of Mr. Muhammad Ayub Khan received today i.e on 09.07.2024 is incomplete on the following score which is returned to the appellent for completion and resubmission within 15 days.

- 1- Index of the appeal is incomplete be completed according to service tribunal rules 1974.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Annexures of the appeal are unattested

No. 321 /Inst./2024/KPST,

Dt. 10/7 /2024.



OFFICE ASSISTANT
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Pervez Khan Khalil Adv.
High Court Peshawar.

Needful done. File re-submitted Plz.

K.P.K. Service Tribunal:

Pervez Khan
11.7.2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

SERVICE APPEAL No. 970 /2024

Muhammad Ayub Khan

VERSUS-


Education Department

Government of KPK

I N D E X

S.No	Description of Documents	Pages annexed
1	Service Appeal with Affidavit	2-7
2	Addresses of the parties	8
3	Impugned Final order	33
4	Suspension order	13,14
5	Removal order	15
6	Passport, Air Ticket, Transit bail etc	10-12
7	Correspondence of respondent-2 with Establishment Deptt GOKPK for seeking guidance in the matter.	19-22
8	Letter of respondent-2 to Finance Department GOKPK	23-25
9	Reply/advice from Finance Department GOKPK	26
10	Pay roll Slip of appellant for the month of August, 2012	32
11	Case of Abdul Wahab, Clerk Revenue & Estate, District Dir upper.	27-28
12	Case of Mr.Jamil Ahmed, Sepoy of Malakand levy.	29-31
13	Wakalathnama	34

Dated: 07-07- 2024


Muhammad Ayub Khan Khalil
(Appellant)

THROUGH: MR. Pervez Khan Khalil,
Senior Advocate, Peshawar

(2)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL No. 970 /2024

Muhammad Ayub Khan, Ex- SST/Head Master, GMS, Forest College, Peshawar
R/O Village Tehkal Bala, Tehsil & district, Peshawar. (*Appellant*)

-: VERSUS: -

1. Government of Khyber Pakhtunkhwa through Director, Elementary & Secondary Education, Peshawar.
2. Government of Khyber Pakhtunkhwa through Secretary, Elementary & Secondary Education, Peshawar. (*Respondents*)

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED FINAL REGRET ORDER/LETTER OF 2nd July, 2024 OF THE RESPONDANTS WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT FOR GRANT OF PENSION WAS REGRETED.

.....

PRAYERS:

On acceptance of the instant service appeal the impugned Regret orders/letters NO.SO (Primary-M/E&SED/5-1/G.MISC/Mr. Muhammad Ayub Khan Khalil /SST PESHAWAR/2024 of 2ND July, 2024, may kindly be set aside and appellant allowed full Pensionary & service benefits for his service rendered before registration of criminal case against him please.

Respectfully Sheweth,

FACTS:

Facts giving rise to the present Appeal are as under:-

1. Appellant joined Education Department Khyber Pakhtunkhwa as C.T teacher on 26-01-1986 and after diligently working for 18 years was promoted as SST (G) teacher on 01-09-2003. Appellant served as regular civil servant for more than 27 years of admitted service and was lastly posted as Head Master Government Middle School Forest College, Peshawar.
2. In connection with some payment due from a neighbor Afghan refugee who had run to his country, appellant departed to Afghanistan on 23.12.2008 on Pakistani Passport NO.AD 11338315 and returned on 19.01.2009. Landing

from PIA flight on Islamabad airport appellant was informed that in the backdrop of old family vendetta he along with his brothers, has falsely been nominated in case F.I.R NO. 06 dated 03.01.2009 for the offence u/s 302 P.P.C. Appellant, who was extremely distraught, en-route sought transitory bail from the Court of District & Sessions Judge, Islamabad on 20.01.2009, returned home at Peshawar & joined the investigation. Later, appellant was sent to judicial lock-up. Since the appellant had no adult male member of the family to pursue his defense in the court of law, therefore, due to pitiable defense, say no defense, he was convicted as the opponent party was an influential family. Thus a serious miscarriage of justice caused to the innocent appellant from long incarceration. The ulterior motive for false involvement was to stretch the net and blackmail the appellant's family to abandon some precious disputed landed property in favour of opponent party. Documentary evidence in the shape of copies of exit-entry on passport, PIA ticket and transit bail annexed at pages 10-12.

3. Based on F.I.R the appellant was suspended by Director Elementary Education Khyber Pakhtunkhwa Peshawar, respondent-1, w.e.f 03-01-2009, and latter while proceeding under Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011, appellant in absentia was imposed major penalty of removal from service on 31.12.2012 vide Notification NO. 3107-10 but w.e.f 11.07.2012, the date of judgment. The appellant was not associated with any formal disciplinary proceeding, enquiry or afforded with any show-cause notice or personal hearing whatsoever, prescribed by the rules ibid notwithstanding that appellant was present in judicial lock-up at Peshawar. Copy of Suspension & Removal order annexed at Page 13-15.

4. The appellant after undergoing the undeserved sentence made the departmental appeal/representation dated 05-10-2021 to the Secretary, Elementary Education Khyber Pakhtunkhwa, respondent-2. The matters was remained in consideration for considerable period and vide order of 02nd July, 2024 latest, the appeal was regretted and communicated to the appellant. Copy of departmental appeal and regret final order annexed at pages 16-18 of 33

5. This is on records that vide pay slip for the month of August, 2012 issued to the appellant the respondents' party has acknowledged appellant's regular service of 26 years, 07 months & 12 days whereas as per terms & condition of service qualifying service for pension is 10 years and for full pension 25 years. Copy of pay slips annexed at page 32.

6. During his entire service period and up-till the date of registration of F.I.R the appellant has unblemished, rather meritorious service record, with no adverse report in his professional career. Hence the subject appeal on the following grounds, amongst other to be canvassed at the time of arguments.

GROUND S:

Following grounds are presented in support of the prayers:

- (4)
- A. That, appellant has already completed qualifying service for pension before the eventful day of registration of F.I.R and was a fit and proper person for the job of the respondents on the last working day. The unfortunate family enmity roped him in a false case latter which has no nexus with his unblemished public service he rendered and acknowledged by the respondents on record.
 - B. That, the charge of offence did not relate to the appellant's public duty and functions but beyond & extraneous. Therefore, *stricto sensu*, did not fall in the pail of 'Misconduct. Even post-sentence, the previous suspicions inadvertently crept in the parties, were successfully removed and a compromise through Jirga was effected between the parties without payment of any blood money (Khoon Baha).
 - C. That, government servant's pension is a right earned through service and not a discretionary grant. Pension is earned by the civil servant through his qualifying service with the employer which is 10 years at minimum. Pension is not the bounty from the employer to be considered on exterior premises as held by the superior courts from time to time.
 - D. That, pension being a material part of service follows from completion of qualifying period of service. It is not a bounty of the State but as a right acquired after putting-in qualifying service. The grant of pension cannot be refused so arbitrarily with such a non-speaking final order.
 - E. The final order is non-speaking one as it does not disclose reasons for denial of pension and the law/rules specifically relied upon.
 - F. That, West Pakistan Civil Service Pension Rules, 1963 and Article 371-A of Civil Service Regulations do not bar, rather both support grant of pension for the non-disputed service period, when the F.I.R was not registered and appellant convicted, appellant was a fit and proper person for the job.
 - G. That, neither the petitioner was associated to any disciplinary proceeding, enquiry conducted nor the petitioner afforded with formal opportunity of defense. Even no proceeding as prescribed in Rule 8 of KPK E&D Rules, 2011 was followed by issuing to appellant any show-cause Notice or affording him personal hearing before issuing the adverse orders. Thus the appellant was condemned unheard and met with circumvented proceeding in absentia.
 - H. That, the apex court in Mir Ahmad Khan case while setting principle in the matter of pension, has not ignored even temporary service of employees of the Commissionerate Afghan Refugees, who were allowed pension benefits by completion of ten years service. Reliance is placed on 1997 SCMR 1477.
 - I. That Article 371-A of the Civil Services Regulations GOP, consider Government servants borne even on temporary establishments who have rendered more than 5 years' continuous temporary service, count such service for the purpose of pension and gratuity excluding broken periods of temporary service, if any, rendered previously what to say of regular 27 years of admitted service of the appellant. While sub-article (ii) of the CSR ibid admit temporary and officiating service followed by confirmation; for the purpose of pension.

- J. Thus, admittedly the appellant has put in more than 27 years of regular service before his services were terminated. He was, therefore, entitled to pensionary benefits under Regulation 371-A (i) of Civil Service Regulations and Pension Rules 1963 too, *inter alia*.
- K. That, Article-A of Civil Service Regulations and section 23 of The West Pakistan Civil Service Pension Rules, 1963 were interpreted by apex court in the case Chairman, Pakistan Railway GOP wherein as principle it was held that "pension is not the bounty from the State/Employer to the servant/employee, but it is fashioned on premise and the resolution that the employee serves the employer in the days of ability later become incapacitated from performing this duties. It was also held that a pension system is intended to promote efficient, continued and faithful service of the employee to the employer in return of economic security to the employees and their dependents by an arrangement under which pensions become property of the individual as a matter of right upon the termination of public service".
- L. Pension is a periodical allowance of money granted by the Government in consideration or recognition of meritorious past services, loss or injury sustained in the public service. A pension is mainly designed to assist the pensioner in providing for his daily wants, and it presupposes the continued life of the recipient. Summing up that pension is not only compensation for loyal service rendered in the past, but also has a broader significance, in that it is a measure of socio-economic justice which inheres economic security in the fall of life of the employee when his physical and mental prowess is ebbing corresponding to aging process and, therefore, one is required to fall back on savings. One such saving in kind is pension when one gives his best high time in the hey-day of life to his employer, in the days of invalidity and economic insecurity he is recompensed by way of periodical payment of pension. The term has been judicially defined as a stated allowance or stipend made in consideration of past service. Thus, the pension payment to a Government employee is earned by rendering reasonably long and efficient service and therefore can be said to be a deferred portion of compensation for service rendered. In one sentence one can say that the most practical *raison d'être* for pension is inability of the employee to feed for oneself and the dependants due to old age as one may still wish to live even if he ends-up incapacitated of old age and penniless.
- M. A pension is intended to assist a retired civil servant in providing for his daily wants so long he is alive in consideration of his past services, though recently the above benefit has been extended in Pakistan to the widows and the dependent children of the deceased civil servants. The *raison d'être* for pension seems to be inability of the civil servant to provide for oneself and family due to his old age.
- N. A person who enters Government service always looks forward for retirement benefits. Grant of pension being the most valuable of such benefits. Pension like salary of a civil servant is no longer a bounty but is a right acquired after putting in satisfactory service for the prescribed minimum period. Reliance for K-N paragraphs ante on P L D 2013 Supreme Court 829.

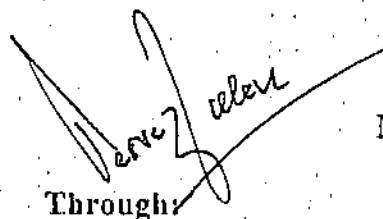
- O. That, all reliefs solicited herein service appeal fall in the pail of Terms & Condition of civil servant and this tribunal has got jurisdiction to entertain the appeal. That, respondents have not dealt the appellant in accordance with the spirit of binding laws, rules, and above all, the underlying concept of pension.
- P. That, line-departments of government of Khyber Pakhtunkwa on identical departmental appeals and in similar placed cases, have allowed pension benefits, even re-instated into service and then were retired. Immediate examples can be cited one of Abdul Wahab, Clerk Revenue & Estate, District Dir upper and another Mr. Jamil Ahmed a uniform Sepoy of Malakand levy, both convicted for the same offence, were extended the benefits of pension. Respondents agitated pension case of the appellant on the same lines citing the precedents however was cold-shouldered in bureaucratic mess. Denying the same to the appellant has discriminated him. The principle of parity, consistency & equality was violated within the ranks of single provincial government departments of Khyber Pakhtunkhwa in appellant' case which is unfortunate and not tenable in law. *Copies at pages- 19-31.*
- Q. By depriving appellant from his job as well as forfeiting his pension earned through rendering more than 27 years of admitted service the appellant was subjected to double jeopardy enshrined in Article 13 of the Constitution of Pakistan (1973), Section 403 of the Cr.P.C section 26 of General Clauses Act, 1898. This principle prohibits prosecuting or punishing a person twice for the same offense.
- R. That, departmental appeal for grant of pension having been unsuccessful, appellant received regret letter from respondent-2 vide NO.SO (Primary-M/E&SED/5-1/G.MISC/Mr. Muhammad Ayub Khan Khalil /SST PESHAWAR/2024 of 2ND July, 2024, hence preferred instant appeal under section 4 of the Service Tribunals Act, 1973, *inter alia*, before this hon'ble Service Tribunal.
- S. Any other relief not specifically prayed for but ancillary thereto, appurtenant therewith or concomitant to the caption payer, or arise during the pendency of the appeal may also be allowed, with cost throughout please.
- T. That appellant would like to offer some other grounds during the course of arguments.

PRAYER:

In light of the above facts, points of law, as well as legal elucidation put forth this honorable tribunal is respectfully prayed to grant relief as prayed for in heading of the service appeal please.

Any other relief as deemed appropriate in circumstances of the case not specifically asked for may also be granted to appellant.

Dated: 07-07- 2024



Through:
Pervez Khan Khalil, Senior Advocate, Peshawar.



Muhammad Ayub Khan
(Appellant)

FORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. _____ /2024

Muhammed Ayub Khan, Ex- SST/Head Master, GMS, Forest College, Peshawar.

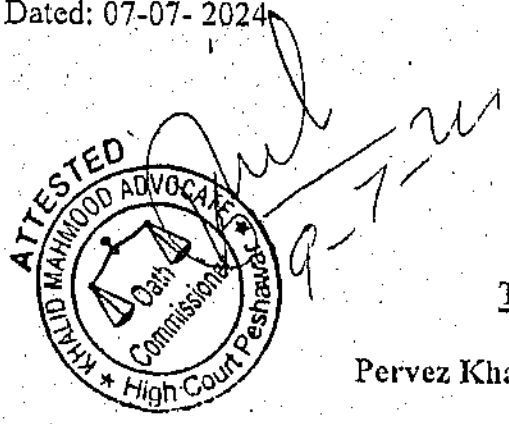
-: VERSUS: -

Government of Khyber Pakhtunkhwa through Director, Elementary & Secondary Education, Peshawar.

AFFIDAVIT:

I, Muhammad Ayub Khan S/O Muhammad Yaqub Khan R/O of Tehkal Bala, Tehsil & District Peshawar, CNIC NO: 17301-1504383-9, do hereby solemnly affirm and declare on oath that the contents of accompanying appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal, deliberately.

Dated: 07-07-2024



[Handwritten Signature]
 Muhammad Ayub Khan
 (Deponent)

Through:

Pervez Khan Khalil, Senior Advocate, Peshawar

[Handwritten Signature]
[Handwritten Signature]

(8)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. _____ /2024

Muhammed Ayub Khan, Ex- SST/Head Master, GMS, Forest College, Peshawar.

-: VERSUS: -

Government of Khyber Pakhtunkhwa through Director, Elementary & Secondary Education, Peshawar.

ADDRESSES OF THE PARTIES

APPELLANT:


Haji Muhammed Ayub Khan, R/O Lalazar Colony, University Campus, Peshawar.

RESPONDENTS:

1. Government of Khyber Pakhtunkhwa O/O Director, Elementary & Secondary Education, Peshawar.

2. Government of Khyber Pakhtunkhwa O/O Secretary, Elementary & Secondary Education, Peshawar.

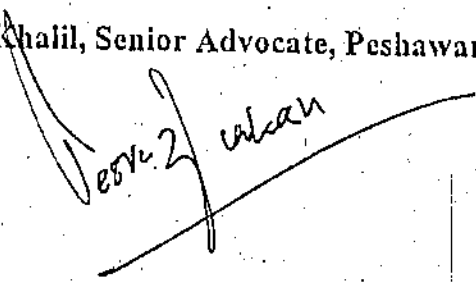
Dated: 07-07-2024


Muhammed Ayub Khan Khalil

(Appellant)

Through:

Pervez Khan Khalil, Senior Advocate, Peshawar


Pervez Khan

Phone No 63171

OFFICE OF THE DIRECTOR OF EDUCATION (SCHOOLS) PESHAWAR DIVISION PESHAWAR.

9

APPOINTMENT

Appointment of the following persons is/are hereby ordered against the post of C.T. on temporary & adhoc basis at Rs; 620/- PM, fixed plus usual allowance as admissible under the Rules in BPS NO. 9 (Rs;) at the Institutions noted against each Name.

S.NO	NAME, QUALIFICATION & ADDRESS	POSTED AT	REMARKS
1.	Mr. Mohammad Ayub, B.A. S/O Mohammad Yaqub Khan Vill: 1/0 Tehkal Bala Kandi Akasai Distt: Peshawar.	Govt High School, Tehkal Bala.	Vice Mr. Said Akbar, CT adjusted at GHS No. 4 Kakahal.

TERMS & CONDITIONS

1. Their appointment are purely temporary and liable to termination any time without any assigning/reasons or notice.
2. In case of resignation they/he/she will have to submit one Month's prior Notice to the Department or forfeit one Month's pay in lieu thereof to the Govt;.
3. He/She/They are required to produce Health & Age certificates from the Medical authorities concerned before taking over charge provide they are not in Govt; Service.
4. He/She/They should not be allowed to take over charge if his/her/their age is less than 18 years or above 30 years.
5. His/Her/Their appointment is/are subject to further condition that he/She/they are Domicile of NWFP.
6. His/Her/Their antecedents forms should be obtained duly verified by the Local Police authorities and submit to this office together with application for appointment on prescribed form and under taking, declaration of moveable and immoveable property for record in this Office.
7. All Education, Character and Domicile Certificates should be thoroughly checked before handing over charge if necessary it should be verified from the Institutions concerned.
8. If he/she/they fails to take over charge of the post within a week of the receipt of these orders the offer of appointment shall stand cancelled.
9. Charge reports should be submitted to all concerned.
10. No TA/DA etc; is allowed.
11. He/She/They should be given test in Nazira Quran and Pakistan Studies and result intimated to this office.

(SHAH JEHAN KHAN)
DIRECTOR OF EDUCATION (SCHOOLS),
PESHAWAR DIVISION PESHAWAR.

Endst; No. 5481-85 / F.No. / Dated Peshawar the 21-1-1985.

Copy for information and necessary action to the;

1. Distt; Edu: Officer (Jale) Peshawar.
2. ~~Sub-Div; Edu: Officer~~
3. Headmaster/Headmistress, GHS; GMS Tehkal Bala w/r to his No. 946 dt: 16.1.85.
4. Candidate concerned.
5. Supdt; E/Branch.
6. Personal file.


[Signature]
D.O.S. 21/1/85


For Director of Education (Schools),
Peshawar Division Peshawar.

Jahanzab/
Sousafza

21/85

10

	
<p>REPUBLIC OF AFGHANISTAN د افغانستان اسلامي جمهوریت</p>	
<p style="text-align: center;">AFGHANISTAN د افغانستان اسلامي جمهوریت</p>	
<p>VISA</p>	
Valid from / مدت اعتبار: <u>22.12.87</u> Duration of stay / مدت اقامت: <u>(3 months)</u>	Type of visa / نوع ویزا: <u>Multiple Entry</u>
No. of entry / تعداد ورود: <u>76</u> Date of issue / تاریخ صدور: <u>22.12.87</u>	Full name / نام کامل: <u>M. H. M. M. M. M. M.</u> Gender / جنسیت: <u>Male</u>
Date of birth / تاریخ تولد: <u>1962</u> Place of birth / محل تولد: <u>Herat / هرات</u>	Accepted by / پذیرفته شد توسط: <u>A. H. M. M. M.</u> No. of passport / شماره پاسپورت: <u>AAB45880</u>
Kabul International Airport 15 JAN 88	

	
<p>ISLAMIC REPUBLIC OF PAKISTAN اسلامی جمہوریہ پاکستان</p>	
<p>PAKISTAN اسلامی جمہوریہ پاکستان</p>	
<p>VISA</p>	
Valid from / مدت اعتبار: <u>23 Dec 2007</u> Duration of stay / مدت اقامت: <u>(3 months)</u>	Type of visa / نوع ویزا: <u>Multiple Entry</u>
No. of entry / تعداد ورود: <u>6002</u> Date of issue / تاریخ صدور: <u>23 Dec 2007</u>	Full name / نام کامل: <u>M. H. M. M. M. M.</u> Gender / جنسیت: <u>Male</u>
Date of birth / تاریخ تولد: <u>1962</u> Place of birth / محل تولد: <u>Herat / هرات</u>	Accepted by / پذیرفته شد توسط: <u>A. H. M. M. M.</u> No. of passport / شماره پاسپورت: <u>AAB45880</u>
Kabul International Airport 15 JAN 88	

10

19 JAN 2009

Name

Gate

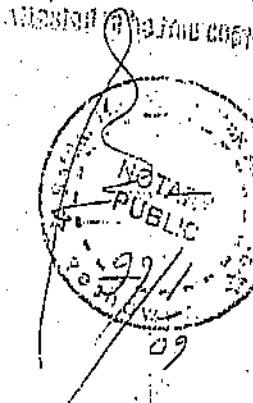
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Seq. No.

PK 2521SB

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Economy Class



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UNIT	FARE BASIS	CLASS	DATE	TIME	STATUS	FARE	TAXES	TOTAL
Y	Y	Y	19 JAN 09	0214	OK	450	15	465

FARE BASIS: Y
 CLASS: Y
 DATE: 19 JAN 09
 TIME: 0214
 STATUS: OK
 FARE: 450
 TAXES: 15
 TOTAL: 465

NOTES: *PK 2521SB*
15 JAN 09
465

PIA
 PASSENGER TICKET
 AUTO-RENEWABLE TICKET
 PASSENGER COUPON

20006

6. That the accused/ petitioner has been roped in the above-mentioned

IN THE COURT OF CH. ANWAAR AHMED KHAN, ADDITIONAL SESSIONS, ISLAMABAD.

Bail Application No.

Ayub S/o Yaqoob Khan..... Versus..... The State.

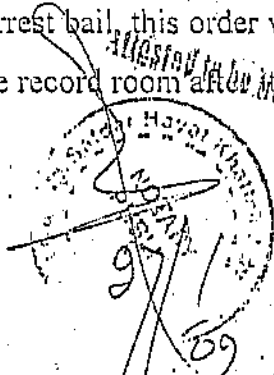
Received by way of entrustment.
Be registered.

Present: Petitioner with his counsel.

Petitioner Ayub S/o Yaqoob Khan, has applied for pre-arrest transitory bail in case FIR No.6 dated 3-1-2009, registered against him at Police Station Takal Bala, District Peshawar, under Sections 302, 324, 148/149 of PPC, on the ground that the petitioner is absolutely innocent; that he has been falsely involved; that petitioner was not present in Pakistan on the day of occurrence and was in Afghanistan, who has arrived in Pakistan a day before; that he has committed no offence as alleged in the FIR; that the petitioner intends to avail legal remedy from the concerned court and he apprehends his immediate arrest at the hands of Police of District Peshawar. It is contended that the petitioner be granted transitory bail enabling him to approach the Sessions Court Peshawar, for seeking legal remedy from there.

In view of the above submissions, the petitioner is admitted to pre-arrest transitory bail subject to his furnishing bail bonds in the sum of Rs.70,000/- with one surety in the like amount to the satisfaction of this court till 28.1.2009. Till then, he shall not be arrested in this case by the Police of Police Station Takal Bala, Tehsil & District Peshawar, in this case. The petitioner shall approach the concerned quarter on or before 28.1.2009 for his legal remedy. After the expiry of said period of transitory pre-arrest bail, this order will automatically be abated. File be consigned to the record room after due completion.

Announced.
20-1-2008.



(Ch. Anwaar Ahmed Khan)
Addl: Sessions Judge,
Islamabad.

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OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&S) EDUCATION PESHAWAR

Suspension

Under the provision of rules FR-54 Mr. Muhammad Ayub SET Headmaster GMS Forest College Peshawar charged under section PPO-302-324-148-149 dated 03-01-2009 vide FIR No. 27 involved in criminal case is hereby suspended from Govt. Service w.e.f 03-01-2009 till the decision of court.

Note:-

1. Necessary entry to this effect should be made in his S/Book.
2. He is allowed suspension allowance as admissible under the rules.

(MUKHTIAR AHMAD)
Executive District Officer
(E&S) Education Peshawar

Enclst No. 723-261

Dated Peshawar the 11/11/2010

Copy of the above is forwarded for information and necessary

action to the:-

- 1/- Director (E&S) Education Khyber Pakhtun Khwa Peshawar
- 2/- District Accounts Officer Peshawar
- 3/- In charge Head Master GMS Forest College Peshawar
- 4/- Cashier local office.

M. Iqbal
District Officer (Male)
(E&S) Education Peshawar

*Entered in
BR-1 Page-192
is filled.*

*80
12/11/10*

OFFICE OF THE EXECUTIVE DISTRICT OFFICER
(F&S) EDUCATION PESHAWAR

No. 40 /P/File
Dated 11/4 2013

To

The Headmaster
GMS Forest collage Peshawar.

Subject;- SUSPENSION OF MR MUHAMMAD AYUB HEADMASTER GMS
FOREST COLLEGE.

Memo;

I am directed to enclosed a copy of Notification issued by the
Director of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
vide No 3107-10 dated 31.12.2012 copy already endorsed to you. Hence a copy
of the said notification may be handed over to the teacher concerned under
intimation to all concerned.

Encl; attached ✓

Dy:District Officer (Male)
(E&S) Education Peshawar

Endost; No _____

Copy of the above to the;-

1. The Director, Elementary and Secondary Education
Govt: of Khyber Pakhtunkhwa Peshawar
2. Cashier local office for similarly necessary action.

Dy:District Officer (Male)
(E&S) Education Peshawar

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KHYBER PAKHTUNKHWA

NOTIFICATION

1. WHEREAS, Muhammad Ayub' SST GMS Forest College Peshawar was involved and charged under section 302/324/48/149 in the case of FIR No.6 dated 3-1-2009.

2. WHEREAS, he was suspended with effect from 3-1-2009 by the EDO E&SE Peshawar vide his Endst: No. 723-26 dated 1-11-2010 with the approval of the competent authority vide this office letter 596 dated 5-4-2011.

3. WHEREAS, he was convicted by the Additional Session Judge-1 Peshawar and sentenced under section u/s 302(b) PPC to undergo imprisonment for life on three counts and shall also be liable to pay compensation of Rs 500000/- in terms of section 544-A Cr.PC- to the legal heirs of the deceased vide judgement dated 11-7-2012.

4. NOW, THEREFORE, in exercise of powers conferred under the Govt: of Khyber Pakhtunkhwa Government Servant (Efficiency & Disciplinary) Rules 2011, a major penalty of removal from service is imposed upon Muhammad Ayub SST GMS Forest College Peshawar with effect from the date of judgment dated 11-7-2012.

DIRECTOR
ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA, PESHAWAR

3107-10
Endst: No. _____ /File No. 325/SET (M) dated Peshawar the 31/12/2012
Copy forwarded for information and necessary action to the:-

- 1. The Executive Distt: Officer E&SE Peshawar dated 12-11-2012
- 2. Distt: Accounts Officer Peshawar
- 3. HM GMS Forest College Peshawar
- 4. Ex-Teacher concerned

3-8/12/12
Deputy Director (Establishment)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar.

بھٹو ورن جناب عزت مآب سیکرٹری صاحب محکمہ ایلیمنٹری اینڈ سیکنڈری ایجوکیشن خیبر پختونخوا

عنوان: درخواست برائے عطا ہنگی پنشن و دیگر مراعات نام نمبر ایوب (G) Ex-SST (G) فارمٹ کالج پشاور

جناب عالی!

مذکورہ گزارش ہے کہ من سال محکمہ تعلیم خیبر پختونخوا میں 26 جنوری 1986 کو سٹیٹ سی ٹی ٹیچر بھرتی ہوا۔ انوار سال تک خدمت اور ریٹائرمنٹ کے ساتھ خدمات سر انجام دینے کے بعد کیمبر 2003 کو اسے سی ٹی پوسٹ سے ایس ایس ٹی جنرل پرتی دے دی گئی اور اس کا چالہ گورنمنٹ ہائی سیکنڈری سکول جنرل پشاور سے گورنمنٹ ہائی سکول پشاور، کرویہا گیا جہاں سے کیم جنوری 2004 کو چالہ کر کے گورنمنٹ مل سکول فارمٹ کالج پشاور کا ہیڈ ماسٹر مقرر کیا گیا۔

3 جنوری 2009 کو جبکہ سال گورنمنٹ مل سکول فارمٹ اسٹیٹ میں بدستور اپنے فرائض انجام دے رہا تھا کہ بچہ خانہ دانی بخشی ایک نامزدہ نقل کس میں ملزم ہوا مقرر کیا گیا۔ مسائل کے خلاف تھانہ جنرل میں ایف آئی آر نمبر 6 کے تحت زیر نمبر 03/01/2009 مورچہ 302/324/337A/337F/148/149PPC مورچہ 11/7/2012 سیشن جج اپنا دور کی عدالت سے ہونے کے مسئلہ کے احکامات جاری کر دیے تاکہ ہم جو ای 2013 تک اسے سب مائل کو اپنی رہی۔ مورچہ 11/7/2012 سیشن جج اپنا دور کی عدالت سے مسائل کو مذکورہ الزام میں غیر قید کی مراد ہوئی جس کے نتیجے میں نوٹیفکیشن نمبر 10-3107 مورچہ 31/12/2012 کے اجراء سے اسے نوکری سے بنا دیا گیا۔ (Annexure A)

مسائل کی مراد سپریم کورٹ تک برقرار رہی اس لیے اس نے اپنی مقررہ قید کاٹ کر بائ پاس کر لی۔ اور 15/7/2021 کو پشاور ٹرائل سے رہا کر دیا گیا۔ (Annexure B)

جناب عالی معزز سپریم کورٹ کے ایک فیصلے SCMR 1997 صفحہ نمبر 1477-1480 کے مطابق جو کہ انہوں نے آئین پاکستان 1973 کی آرٹیکل 189 کے تحت دیا تھا کہ 10 سالہ سروس مکمل کرنے پر ایک سرکاری ملازم پنشن و دیگر مراعات کا حقدار ہوتا ہے۔ لیکن جبکہ مسائل کی مجموعی سروس بھی 26 سال سے زائد ہے۔

جناب عالی مسائل ہی کے کس کی طرح ذہنی کمزور ملاکنڈ کے ٹوک ہذا ایوب ولد فضل وہاب بھی نقل ہی کے جرم میں غیر قید کی مراد کاٹ کر رہا ہونے کو کمشنر ملاکنڈ ڈویژن جناب ریاض مسعود صاحب نے سپریم کورٹ کے ایک ماہانہ فیصلہ کی روشنی میں انہیں پنشن و دیگر مراعات عطا کرنے کے احکامات صادر فرمائے۔ (Annexure C)

بالکل اسی طرح ملاکنڈ ڈویژن کے ایڈووکیٹ ایس ایس ٹی ہجیر خانہ دانی بخشی نقل کے جرم میں قید کی مراد پوری کر کے رہا ہونے تو اسے پنشن و دیگر مراعات کے اجراء کا فیصلہ سپریم کورٹ کے اسی فیصلے کے تحت کیا گیا۔ (Annexure D)

اس لیے استدعا ہے کہ مسائل کو بھی پنشن اور دیگر مراعات عطا کرنے کے احکامات صادر فرمائیں تاکہ مسائل اور اس کا خانہ دانی فائدہ بخشی سے محفوظ رہے۔

مورچہ: 05/10/2021

جملہ متعلقہ دستاویزات درخواست ہذا کے ساتھ منجملہ ہیں۔

درخواست گزار

نمبر ایوب (G) Ex-SST (G)
 فارمٹ کالج پشاور
 رابطہ: 9218268-0333

[Handwritten signature]
 12/10

[Handwritten signature]
 13-10-21
 DS (Budget) (S.A.)
 13/10



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**

Block "A" Civil Secretariat, Peshawar

Phone No. 091-9223540

No.Gen/SO(C.)E&SED/KPK/1-7/2022/Muhammad Ayub/SE-3193 Dated 21.02.2022

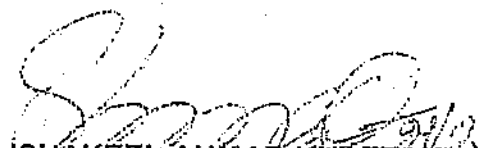
To

The Section Officer (Primary),
Elementary & Secondary Education Department,
Khyber Pakhtunkhwa Peshawar

Subject: REQUEST FOR RELEASE OF PENSION BENEFITS IN RESPECT OF MUHAMMAD AYUB, EX-SST (G), GMS FOREST COLLEGE PESHAWAR (lodged by Muhammad Ayub, Ex-SST (G), GMS Forest College Peshawar)

I am directed to refer to the subject cited above and to enclose herewith copy of an application/complaint alongwith its enclosures, lodged by Muhammad Ayub, Ex-SST (G), GMS Forest College Peshawar, with the request to examine the case as per rules/policy and a views/comments may be submitted to this office, at the earliest, please.

Encl: As Above:


(SHAKEEL AHMAD KHATTAK)
SECTION OFFICER (COMPLAINT).

Endst: of even number & date:

Copy of the above is forwarded to the:

PA to Deputy Secretary (Budget), E&SE Department, Peshawar for information.


SECTION OFFICER (COMPLAINT).



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block "A" Opposite M PA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9223587

(18)

No. SO(PE)5-1/Gen-Misc/Pension Benefits/2022
Dated Peshawar the 24-03-2022

To

The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa

→ EOM.
25-3-2022.

Subject: - REQUEST FOR RELEASE OF PENSION BENEFITS IN R/O
MUHAMMAD AYUB, EX-SST (G), GMS FOREST COLLEGE
PESHAWAR.

I am directed to refer to the subject noted above and to enclose herewith letter No. Gen/SO(C)/E&SED/KPK/1-7/2022/Muhammad Ayub/SE-3193 dated: 21.02.2022, forwarded by Section Officer (Complaint), E&SE department along-with an application submitted by Muhammad Ayub, Ex-SST (G), GMS Forest College, Peshawar and its enclosures.

It is therefore requested, that furnished your views/comments on the instant case to this department *at the earliest*.

Encl: as above.

Yours faithfully,

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY)

Copy forwarded to the: -

1. Section Officer (Complaints), E&SE Department, Khyber Pakhtunkhwa w/r to his letter No. as quoted above.
2. PS to Secretary, E&SE Department Khyber Pakhtunkhwa.

C
Bismillah
25/3/2022

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY)
25 3/22

o/c



forwarded to the PS to Secretary

12

19

BOARD OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.

F.No. Muhammad Ayub Ex-Sst Gms Forest College Peshawar
Dated Peshawar the 13/11/2021
1-9225344 Email: estabshmentmale1@gmail.com

To

Division Officer (Primary),
Elementary & Secondary Education Department,
Khyber Pakhtunkhwa Peshawar.

Subject: - REQUEST FOR RELEASE OF OF PENSION BENEFITS IN R/O
MUHAMMAD AYUB EX-SST(G) GMS FOREST COLLEGE PESHAWAR

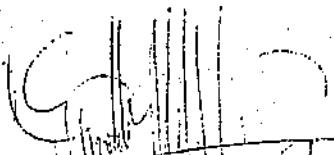
Dear Sir,

I am directed to the letter No. SO(PE)/E&SED/5-19/Reinstatement/2022
dated 24-08-2022 on the subject cited above and to submit para wise comments as
directed vide the afore-mentioned letter.

- That Muhammad Ayub Ex-SST(G) GMS Forest College Peshawar was appointed as CT dated 26-01-1986, promoted to SET dated 1-09-2003 and performed duty till 2-01-2009.
- That Muhammad Ayub Ex-SST(G) GMS Forest College Peshawar got involved in FIR No.6 dated 03-01-2009 and consequently he was suspended from service w.e.f 03-01-2009 vide Endorsement No.723-26 dated 1-11-2010. However he received salary till July 2013 as per his application.
- That he was sentenced for life imprisonment by the Hon. Additional Session Judge Peshawar dated 11-07-2012.
- That He was removed from service by the department vide Notification bearing Endorsement No.3107-10 dated 31-12-2012.
- That He has been released from jail on the expiry of sentence dated 15-07-2021 ..
- The Ex-SST concerned has now requested for pension and other benefits as he has served the department for about 26 years on the analogy of one Mr. Abdul Wahab Ex-J.C at office of the Deputy Commissioner by converting his termination of services into compulsory retirement.

The case is submitted for perusal please.

Enclosure: As Above.

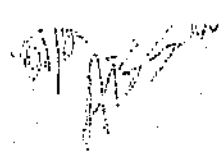

Assistant Director (Estab-MI) 13/11/2022
Elementary & Secondary Education
Khyber Pakhtunkhwa

Endst: No. _____

Copy of the above is to:-

1. PA to Director Local Directorate.

Assistant Director (Estab-MI)
Elementary & Secondary Education
Khyber Pakhtunkhwa



SO (4) 13/11/21

SO A 1

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block "A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9223587

18
20

No. SO (PE)/E&SED/5-1/Gen-Misc/Pension Benefits/2022
Dated Peshawar thc. 18-05-2022

To

The Secretary to Govt. of Khyber Pakhtunkhwa.
Establishment Department.

Subject: - REQUEST FOR RELEASE OF PENSION BENEFITS IN RO
MUHAMMAD AYUB EX-SST(G) GMS FOREST COLLEGE
PESHAWAR.

D/Sir,

I am directed to refer to the subject noted above and to enclose herewith letter No. 7737/F.No. Muhammad Ayub Ex. SST GMS Forest College Peshawar dated 13.04.2021, received from Directorate of E&SE, along-with its enclosures regarding pension benefits. It is to state that the said ex-teacher was appointed as Certified Teacher/CT on 26.01.1986 and promoted to Senior English Teacher/SET now SST on 01.09.2003 and performed duty till 02.01.2009 (about 23 years regular service). After that he got involved in FIR No. 6, dated: 03.01.2009 and consequently he was suspended from service w.e.f 03.01.2009 by Directorate E&SE.

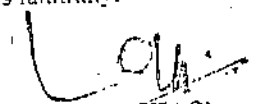
However, he received salary till July 2013, as evident from his application. He was sentenced for life imprisonment by the Hon. Additional Session Judge Peshawar dated: 11.07.2012 and consequently removed from service by the Directorate on 31.12.2012. He was released from jail on the completion of the sentence on 15.07.2021 (after 12 years of imprisonment).

Now, the ex-teacher concerned has requested, for pension and other benefits as he has served the department for about 23 years on the analogy of one Mr. Abdul Wahab Ex-Junior Clerk of the office of the then District Officer Revenue & Estate/DOR&E, Upper Dir (under Deputy Commissioner Office, Malakand) by converting his termination of services into compulsory retirement for pensionary benefits. (Copy enclosed).

Advice of the Establishment Department is requested in the instant case, please.

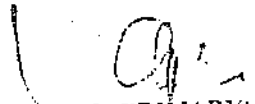
Encl: as above.

Yours faithfully,


(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY)

Copy forwarded to: -

PS to Secretary, E&SE Department.


SECTION OFFICER (PRIMARY)
20/5/22



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block "A" Opposite M PA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9223587

(21)

No. SO (PE)/E&SED/5-1/Gen-Misc/Pension Benefits/2022
Dated Peshawar the. 20-05-2022

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Establishment Department.

→ E.M.
23.5.2022

Subject: -

REQUEST FOR RELEASE OF PENSION BENEFITS IN R/O
MUHAMMAD AYUB EX-SST(G) GMS FOREST COLLEGE
PESHAWAR.

D/Sir,

I am directed to refer to the subject noted above and to enclose herewith letter No. 7737/F.No. Muhammad Ayub Ex. SST GMS Forest College Peshawar dated 13.04.2021, received from Directorate of E&SE, along-with its enclosures regarding pension benefits. It is to state that the said ex-teacher was appointed as Certified Teacher/CT on 26.01.1986 and promoted to Senior English Teacher/SET now SST on 01.09.2003 and performed duty till 02.01.2009 (about 23 years regular service). After that he got involved in FIR No. 6, dated: 03.01.2009 and consequently he was suspended from service w.e.f 03.01.2009 by Directorate E&SE.

However, he received salary till July 2013, as evident from his application. He was sentenced for life imprisonment by the Hon. Additional Session Judge Peshawar dated: 11.07.2012 and consequently removed from service by the Directorate on 31.12.2012. He was released from jail on the completion of the sentence on 15.07.2021 (after 12 years of imprisonment).

Now, the ex-teacher concerned has requested, for pension and other benefits as he has served the department for about 23 years on the analogy of one Mr. Abdul Wahab Ex-Junior Clerk of the office of the then District Officer Revenue & Estate/DOR&E, Upper Dir (under Deputy Commissioner Office, Malakand) by converting his termination of services into compulsory retirement for pensionary benefits. (Copy enclosed).

Advice of the Establishment Department is requested in the instant case, please.

Encl: as above.

Yours faithfully,

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY) 23/5/22

Copy forwarded to: -

PS to Secretary, E&SE Department.

SECTION OFFICER (PRIMARY)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMN: DEPARTMENT
(Regulation Wing)

22

NO.SOR-I(E&AD)2-3/2018/Muhammad Ayub Ex-SST(G)
Dated Peshawar the 20th July, 2022

To, The Secretary to Govt. of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department.

Subject: - REQUEST FOR RELEASE OF PENSION BENEFITS IN R/O MUHAMMAD
AYUB EX-SST(G) GMS FOREST COLLEGE, PESHAWAR

Dear Sir,

I am directed to refer to your letter NO.SO(PE)/E&SED/5-1/Gen-Misc/Pension Benefits/2022 dated 20.05.2022 on the captioned subject and to state that the instant case pertains to pensionary benefits which is the subject of Finance Department, therefore, the Administrative Department may take up the case with Finance Department for advice.

Yours faithfully,

SECTION OFFICER (R-I)
Phone # 9210860

ASE
22/7

SO(PE)

SECRETARY DIARY

No. 460

Dated 22/7/22

SECTION OFFICER (PRIMARY)

5/8/22



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block "A" Opposite M PA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9223587

23

No. SO (PE)/E&SED/5-1/Gen-Misc/Pension Benefits/2022
Dated Peshawar the August 03rd, 2022

To

The Secretary to Govt. of Khyber Pakhtunkhwa, → *FOH*
Finance Department. *4-8-2022*

Subject: - REQUEST FOR RELEASE OF PENSION BENEFITS IN R/O
MUHAMMAD AYUB EX-SST(G) GMS FOREST COLLEGE PESHAWAR.

D/Sir,

I am directed to refer to the subject noted above and to enclose herewith letter No. 7737/F.No. Muhammad Ayub Ex. SST GMS Forest College Peshawar dated 13.04.2021, received from Directorate of E&SE, along-with its enclosures regarding pension benefits. It is to state that the said ex-teacher was appointed as Certified Teacher/CT on 26.01.1986 and promoted to Senior English Teacher/SET now SST on 01.09.2003 and performed duty till 02.01.2009 (about 23 years regular service). After that he got involved in FIR No. 6, dated: 03.01.2009 and consequently he was suspended from service w.e.f 03.01.2009 by Directorate E&SE.

However, he received salary till July 2013, as evident from his application. He was sentenced for life imprisonment by the Hon. Additional Session Judge Peshawar dated: 11.07.2012 and consequently removed from service by the Directorate on 31.12.2012. He was released from jail on the completion of the sentence on 15.07.2021 (after 12 years of imprisonment).

Now, the ex-teacher concerned has requested, for pension and other benefits as he has served the department for about 23 years on the analogy of one Mr. Abdul Wahab Ex-Junior Clerk of the office of the then District Officer Revenue & Estate/DOR&E, Upper Dir (under Deputy Commissioner Office, Malakand) by converting his termination of services into compulsory retirement for pensionary benefits. (Copy enclosed).

Advice of the Finance Department is requested in the instant case, please.

Encl: as above.

Yours faithfully,

(Signature)
(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY)

Copy forwarded to: -

PS to Secretary, E&SE Department.

(Signature)
SECTION OFFICER (PRIMARY)
(S/S/2)



GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT

Finance Department Civil Secretariat Peshawar <http://www.finance.gkp.pk> [facebook.com/GoKPPD](https://www.facebook.com/GoKPPD) twitter.com/GoKPPD

NO.SOSR-II/FD/1-3/2022/E&SE Deptt/P.C

Dated Peshawar the 07.09.2022

To
The Secretary to Govt. of Khyber Pakhtunkhwa,
Elementary and Secondary Education Department.

Subject:- REQUEST FOR RELEASE OF PENSION BENEFITS IN R/O MUHAMMD
AYUB EX-SST(G) GMS FOREST COLLEGE PESHAWAR.

Dear Sir,

I am directed to refer your office letter No. SO(PE)/E&SED/5-1/Gen-Misc/Pension Benefits/2022 dated 03.08.2022 on the subject noted above and to request to Intimate that under what rules/policy the official (Muhammad Ayub), Ex-SST GMS Forest College, Peshawar allowed for salaries till 2013, rather the services of the said official were placed under suspension since 03.01.2009. Beside this copy of the termination order issued by the competent authority in respect of above mentioned officer may also be shared, please.

Yours faithfully,

[Signature]
07-09-2022
SECTION OFFICER (SR.II)

SECRETARY DIARY

No. 2407
Dated 13/9/2022

[Handwritten notes and signatures]
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GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARITE PESHAWAR
(PHONE NO. 091-9223587)

25

No. SO(PE)/E&SED/5-1/Gen-Misc/2022

Dated Peshawar the November 16th, 2022

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Finance Department

Subject: - REQUEST FOR RELEASE OF PENSION BENEFITS IN R/O
MUHAMMAD AYUB EX-SST (G) GMS FOREST COLLEGE PESHAWAR

Dir Sir,

I am directed to refer to your letter No. SOSR-II/FD/1-3/2022/E&SE Deptt/P.C dated 07.09.2022 and to state that Mr. Muhammad Ayub Ex-SST GMS Forest College Peshawar was suspended on 01.11.2010 by District Education Officer (Male) Peshawar w.e.f. 03.01.2009 under F.R.54 (copy enclosed). CSR 194 provides that "A Government servant who has been charged for a criminal offence or debt and is committed to prison shall be considered as under suspension from the date of his arrest. In case such a Govt. servant is not arrested or is released on bail, the competent authority may suspend him by specific order, if the charge against him is connected with his position as Government servant or is likely to embarrass him in the discharge of his duties or involves moral turpitude. During suspension period the Government servant shall be entitled to the subsistence grant as admissible under F.R-53"

F.R.53 provides that "A Government servant under suspension is entitled to the following payments; -

(b) In the case of Government servant under suspension, other than that specified in clause (a), he shall be entitled to full amount of his salary and all other benefits and facilities provided to him under the contract of service, during the period of his suspension". (copy enclosed)

Hence, the applicant received salary under FR.53. Moreover, the Removal from service order of the applicant is also enclosed, please.

Muhammad

Muhammad

Yours Sincerely

(MUHAMMAD ISHAQ)
SECTION OFFICER (P.E)

Copy forwarded to the: PS to Secretary E&SE, Khyber Pakhtunkhwa.

SECTION OFFICER (P.E)



25

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARITE PESHAWAR
(PHONE NO. 091-9223537)

No. SO(PE)/E&SED/5-1/Gen-Misc/2022

Dated Peshawar the November 16th, 2022

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Finance Department

Subject: REQUEST FOR RELEASE OF PENSION BENEFITS IN R/O
MUHAMMAD AYUB EX-SST (G) GMS FOREST COLLEGE PESHAWAR

Dir Sir,

I am directed to refer to your letter No. SOSR-II/FD/1-3/2022/E&SE Deptt/P.C dated 07.09.2022 and to state that Mr. Muhammad Ayub Ex-SST GMS Forest College Peshawar was suspended on 01.11.2010 by District Education Officer (Male) Peshawar w.e.f. 03.01.2009 under F.R.54 (copy enclosed). CSR 194 provides that "A Government servant who has been charged for a criminal offence or debt and is committed to prison shall be considered as under suspension from the date of his arrest. In case such a Govt. servant is not arrested or is released on bail, the competent authority may suspend him by specific order, if the charge against him is connected with his position as Government servant or is likely to embarrass him in the discharge of his duties or involves moral turpitude. During suspension period the Government servant shall be entitled to the subsistence grant as admissible under F.R-53"

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Hence, the applicant received salary under FR.53. Moreover, the Removal from service order of the applicant is also enclosed, please,

Yours Sincerely

(MUHAMMAD ISHAQ)
SECTION OFFICER (P.E)

Copy forwarded to the: PS to Secretary E&SE, Khyber Pakhtunkhwa.

SECTION OFFICER (P.E)



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

26

Finance Department Civil Secretariat Peshawar <http://www.finance.gkp.pk> [facebook.com/GokPFD](https://www.facebook.com/GokPFD) twitter.com/GokPFD

NO.SOSR-II/FD/1-3/2022

Dated Peshawar the 20.01.2023

To
The Secretary to Govt. of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department.

Subject: - REQUEST FOR RELEASE OF PENSION BENEFITS IN R/O MUHAMMAD AYUB, EX-SST (G) GMS FOREST COLLEGE PESHAWAR.

Dear Sir, ^{18/1}
I am directed to refer to your letter No.SO(PE)/E&SED/5-1/Gen-Misc/2022 dated 16.11.2022 on the subject noted above and to state that the subject case may be decided at your own level in-light of Rule-17(2) of E&D Rules-2011, please (copy enclosed).

Encl: As above

Yours faithfully,

[Signature]
20/01/2023
SECTION OFFICER (SR.II)

SO/PE
26/11
AS/PE
26/11/23
SECRETARY FINANCE
26/11/23
26/11/23
S/A
P.U
27/11/23

Federal or Government in a post, appointment...
required to be made and salary of which is required to be fixed by
the Federal Government or Government shall be treated as pay

IN THE COURT OF COMMISSIONER MALAKAND DIVISION AT SAIDU SHARIF SWAT.

Appeal No. 159/CMD

Dated. 28/12/2019

Abdul Wahab s/o Fazal Wahab ex- Servant, Revenue Department r/o Fazalabad, Jatkot, District Dir Upper..... Appellant

Versus

Deputy Commissioner District Dir Upper..... Respondent

APPLICATION/APEAL FOR RE-INSTATEMENT IN SERVICE OR GRANT OF RETIREMENT BENEFITS.

ORDER
28.02.2020

This is an appeal filed by the appellant Abdul Wahab s/o Fazal Wahab, (Ex-Junior Clerk) in the office of the then District officer Revenue & Estate, District Dir Upper, whereby the appellant requested for re-instatement in service or grant of retirement benefits.

Gist of the case is that the appellant Mr. Abdul Wahab was appointed as Junior Clerk in the office of the Deputy Commissioner, Dir on 04.10.1982. On 10.02.2007 he was arrested in murder charges under Section 302/324/34/ PPC. The Court of Additional Session Judge/Izafi Zilla Qazi, Dir Upper convicted the appellant under Section 302 (b) PPC and sentenced to death vide Order dated 16.12.2009. The appellant challenged this order in Hon'ble Peshawar High Court, Peshawar. The Hon'ble Court vide Order dated 24.06.2010 converted the death sentence of the appellant into life imprisonment.

The appellant was imprisoned for almost twelve years and after completion of his imprisonment period he was released. Now vide the instant appeal the appellant has requested that he may be re-instated on his service or may be granted retirement benefits.

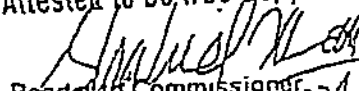
In light of the opportunity of personal hearing given to the appellant. Perusal of the comments received from Deputy Commissioner, Dir Upper coupled with the available record it appears that the appellant committed murder. He was arrested and trialed. The trial Court as well as the appellate court declared him guilty and sentenced for life imprisonment. Record further reveal that before committing the crime the appellant served as Junior Clerk for more than twenty four years and the official also completed the punishment for the crime he committed.


In light of the above, appeal of the appellant is accepted to the extent that the appellant is "compulsory retired" from service instead of termination. Retirement benefits may be granted to him. The appeal is disposed of accordingly.

A copy of this order may be sent to the Deputy Commissioner, Dir Upper for compliance.

Announced:
28.02.2020

Attested to be true Copy


Reader to Commissioner
Malakand Division,
Saidu Sharif Swat


COMMISSIONER MALAKAND DIVISION
Commissioner, Malakand Division.

27/4/2020

Annexure K (67)



OFFICE OF THE,
DEPUTY COMMISSIONER
DIR UPPER

No. 8389 /DC/EA/15(Exp: Abdul Wahab Ex-JC) Dated: Upper Dir the 04/05/2020

OFFICE ORDER

Whereas, on the report of District Police Officer Upper Dir No. 645/GB dated 21/02/2007, Mr. Abdul Wahab Ex-Junior Clerk office of the then DOR&E Upper Dir was found charged in criminal case registered against him vide FIR No. 12 dated 10/02/2007 U/S 302/324/34 PPC Police Station Sheringal. Accordingly, he was placed under suspension vide order No. 307/1/1 (AC) dated 03/03/2007. After proved case against him the District & Session Judge Dir Upper vide order dated 16/12/2009 awarded death sentence to him and after inquiry report his services were terminated vide order No. 2496-99/DCO/Acctt: dated 18/12/2009.

And whereas, after completion of his life imprisonment ordered by honorable Peshawar High Court Peshawar, he filed Departmental appeal dated 28/12/2019 before the Commissioner Malakand Division for re-instatement into service or grant of retirement benefits and the Commissioner Malakand Division vide order dated 28/02/2020 accepted his appeal to the extent of "compulsory retirement" instead of termination. Only to the extent of pension benefit with effect from 18/12/2009.

Now therefore, I Khalid Iqbal Khattak Deputy Commissioner Upper Dir keeping in view directions/order of the Commissioner Malakand Division Saidu Sharif Swat dated 28/02/2020 conveyed vide his good office letter No. 648/159/CD dated 04/05/2020, Mr. Abdul Wahab s/o Fazal Wahab s/o Jettkot Dir Upper Ex-Junior Clerk is hereby compulsory retired from service with effect from 18/12/2009. His retirement is only to the pensionary benefits being convicted accused.

Deputy Commissioner
Upper Dir

No. 8390-95 /DC/EA/15(Exp: Abdul Wahab Ex-JC)

- Copy forwarded to the:-
- 1) Commissioner Malakand Division Saidu Sharif Swat with reference to above for information please.
 - 2) Additional Deputy Commissioner (F&P) Dir Upper.
 - 3) District Accounts Officer Dir Upper.
 - 4) Account Officer/Assistant Budget Section Local Office.
 - 5) Accountant Local Office.
For necessary action.
 - 6) Mr. Abdul Wahab s/o Fazal Wahab s/o Jettkot Sheringal Ex-Junior Clerk Revenue Department Dir Upper.

Deputy Commissioner
Upper Dir

LMS

Handwritten initials/signature



Government of Khyber Pakhtunkhwa
Home & Tribal Affairs Department

No. SO (Budget)/HD/2-10/2012
Dated Peshawar the June 4th, 2018

To

The Deputy Commissioner/Commandant,
Malakand Levies, Malakand.

Subject: - APPLICATION FOR GRANT OF PENSION.

Dear Sir,

I am directed to refer to your office letter No.7380/LC dated 19-10-2017 and letter No.1220/LC dated 14-02-2018 on the subject noted above and to state that the levy official has completed 18 years qualifying service as per office Order No.244 /LC) dated 18-01-2006, however, the official concerned was convicted after his retirement on 08-11-2006 as evident from the judgment of Zilla Qazi Malakand. In an another case, the issue regarding pension case was settled once for all in a judgment of Supreme Court reported in SCMR 1997 page 1477-1480 (copy enclosed) and it has clearly been laid down in the judgment that whoever draws salary from government exchequer for more than ten years, is entitled for pensionary benefits within the meaning of Section 371-A of the Civil Service Regulation. The judgment of the supreme court on law point is having a binding effect on all organs of the state within the meaning of Article-189 of the constitution of Islamic republic of Pakistan, 1973 which is reproduce below:

189, Decision of Supreme Court binding on other courts: Any decision of the Supreme Court shall, to the extent that it decides a question of law or is based upon or enunciates a principle of law, be binding on all other courts in Pakistan.

2. Keeping in view of the legal position as explained above, the levy official is entitled for pension on the strength of his approved service coupled with the judgment of the Apex Court and Article-189 of the Constitution, please..

Encls: as above.

Handwritten initials/signature with 'LS' written above

Yours faithfully,

(JAN MISAAR)
SECTION OFFICER (BUDGET)

REFERENCE ATTACHED

PUC is a letter from Section Officer (Budget), Home Department KPK in response to this office letter No. 7380/LC dated: 19/10/2017 and letter No. 1220/LC dated: 14/02/2018 vide flags "A&B" of the file placed below.

Brief of the case:

27

It is submitted for the information of worthy DC/Commandant Malakand Levies that No.4393 Sepoy Jamil Ahmad of Malakand Levies, involved in case, FIF No.20 dated: 24/08/2005 U/S 302/324/109/114PPC Levy Post Qulangi. The local Levies arrested the accused official and sent to Judicial Lock-up Malakand. In meanwhile his 18 year qualifying service completed as per FIC Levy rules 1962 i.e. 18 year and as such he was retired from service vide this office order No.244 dated: 18/01/2006 placed below flag "C".

31

The accused submitted an application from Judicial Lock-up Malakand and requested for grant of pension. The case was sent to District Accounts Office Malakand for further necessary action. The District Accounts Office has stated that the case will be considered after the decision of the case pending before the Court of law.

34

On 18/11/2006, the accused official was convicted by Court of Law for life imprisonment, vide detail judgment of District & Session Judge Malakand at Batkhet dated:08/11/2006 at flag "D".

37

After completion of imprisonment in the case the accused has been released from jail and submitted an application for grant of pension. The application of applicant was sent to Home & TAs Department Khyber Pakhtunkhwa, Peshawar with the request to approach Law Department for legal opinion/advice to proceed further in the matter accordingly, vide this office letter No.7380/LC dated: 19/10/2017 and No.1220/LC dated: 14/02/2018 flags "E&F".

37

In view of above, the Home Department, vide letter No.SO (Budget) /HD/2-10/2012 dated: 04/06/2018 (PUC) stated that the official concerned has completed his requisite 18-year qualifying service for pension benefits and he was convicted by the Court of Law after his retirement and refer a reference of another case the issue regarding pension case was settled once for all in judgment of Supreme Court.

reported in SCMR 1997 page 1477-1480 (copy enclosed) and it has clearly been laid down in the judgment that whoever draws salary from Government exchequer for more than ten years, is entitled for pensioner benefits within the meaning of Section 371-A of Civil Service Regulation. The Judgment of Supreme Court on law point is having a binding effect on all organs of the state within the meaning of Article-189 of the constitution of Islamic republic of Pakistan, 1973 which is reproduced below:-

"Decision of supreme Court binding on other courts: any decision of the Supreme Court shall, to the extent that it decides a question of law or is based upon or enunciates a principle of law, be binding on all other courts in Pakistan".

7/

In view of above, the Home Department directed to this office that the Levy official concerned is entitled for pension on the strength of his approved service coupled with the judgment of apex court and article-189 of the constitution of Pakistan.

8/

If approved, to process the pension case of the official concerned.

9/

Submitted please.

[Signature]
h/supdt
6/8/18

10/

~~DA/CO~~

approved
process pt.

h/supdt
S.M.

[Signature]
6/8/18

8/8/18



GOVERNMENT OF PAKISTAN
ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA
DISTRICT Peshawar Dist.
PAY ROLL SYSTEM

32

PAYMENT ADVICE

P Sec: 003 Month: AUGUST 2012
PW6017 - DISTRICT OFFICER (M) SI
Min: Education Schools
NTN:
GPF #: EDU 040397
Old #:

Pers #: 00095905 Buckle:
Name: MUHAMMAD AYUB
Dsg: S. E. T.
NIC No.: 13762281005

DEPTT CODE

BPS Interest Applied

is Active Temporary

PW6017 -86

PAYS AND ALLOWANCES:

0001-Basic Pay	24,400.00
1505-Charge Allowance	60.00
1897-Housing Subsidy Allowance	7,440.00
1947-Medical Allow 15% (16-22)	2,107.00
1948-Adhoc Allowance 2010 50%	7,025.00
1970-Adhoc Relief Allow 2011	2,107.00
2118-Adhoc Relief Allow (2012)	4,880.00

Gross Pay and Allowances

48,019.00

DEDUCTIONS:

IT Payable	1,194.66	Deducted	647.00	TAX: (3509)	133.00
GPF Balance	157,625.00			Subrc:	1,740.00
3501-Benevolent Fund					250.00
3511-Addi Group Insurance					19.00
3604-Group Insurance					173.00
3990-Emp. Edu. Fund KPK					125.00

Total Deductions

2,460.00

NET AMOUNT PAYABLE

45,559.00

QUALIFYING SERVICE
YRS MON

D. O. B
12.06.1962

LFP Quota: 4
NEP, TEHKAL PAYAN TEHKAL PAYAN

26/08/2012

0000001809-8



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No.091-9223587)

33

No.SO (Primary-M)/E&SED/5-1/G. Misc/Mr. Muhammad Ayub/SST/Peshawar/2024

Dated Peshawar 2nd July, 2024

To,

Mr. Muhammad Ayub Khalil (Ex-SST/HM)
GMS Forest College Peshawar.

Subject: - APPEAL FOR RE-INSTATEMENT.

I am directed to refer to the subject noted above and to state that this department examined your appeal thoroughly and regretted by the Appellate Authority being devoid of merit as per policy.

(REHMAN GUL)

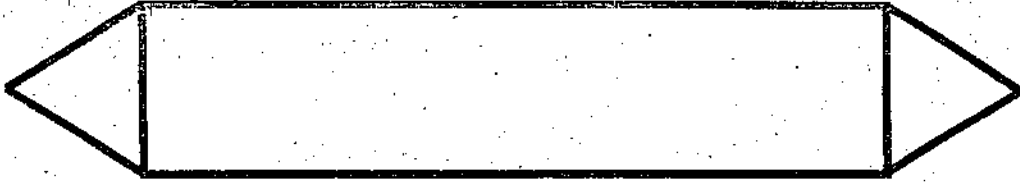
SECTION OFFICER (PRIMARY MALE)

Endst: of even No. & Date:-
Copy forwarded to the:-

1. Director E&SE Department Khyber Pakhtunkhwa, Peshawar.
2. PS to Secretary, E&SE Department Khyber Pakhtunkhwa.

SECTION OFFICER (PRIMARY MALE)

بعد الٹ جبر مجسواہ سروس مرکز پشاور



7 جولائی

مورخہ

مقدمہ

دعویٰ سروس سپل بر کے پیشی

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام سروس سگسٹریٹ کپتیاور کیلئے پیرویز صالح حلیل و دیگر دستاویزات اور

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز

وکیل صاحب کو راضی نامہ کرنے ق تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی

اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا محتاج ہوگا۔ از بصورت ضرورت

مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے

تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکور با اختیارات حاصل ہوں گے

اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ ہوں گے

سبب سے دہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔

کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سند ہے۔

0333-9218268

ADDellant

2024ء

ماہ جولائی

Accepted

ATTESTED

Pervez Khan
Senior Private Law Consultant
Peshawar, Pakistan

کے لئے منظور ہے۔


مقام

7

FORM OF ORDER SHEET

Court of _____

Appeal No. 970/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/07/2024	<p>The appeal of Mr. Muhammad Ayub resubmitted today by Mr. Pervez Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 15.07.2024. Parcha Peshi given to the counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>