



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

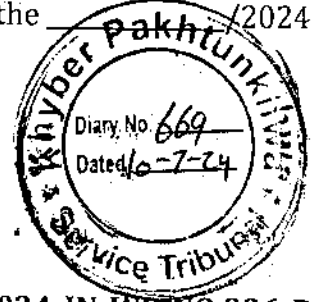
Tel 0966-9280128/9280131  
Email. [emisdikhan@gmail.com](mailto:emisdikhan@gmail.com)

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

Dated D.I.Khan the \_\_\_\_\_/2024

To,

The Registrar,  
Peshawar High Court DIKhan Bench  
Dera Ismail Khan



Subject:- **IMPLEMENTATION OF ORDER DATED 06-06-2024 IN WP NO.226-D OF 2024 WITH CM NO.242-D/2024**

Memo:

It is stated for your kind honour that on the directions of the Honourable Khyber Pakhtunkhwa Service Tribunal in service appeal bearing No. 1091/2022 titled as Muhammad Hassan VS Govt: of Khyber Pakhtunkhwa Denovo inquiry was conducted by the inquiry committee notified by this office bearing No. 19766-68 dated 17-10-2023 in which the petitioner was given a fair chance of hearing by the committee as well as the undersigned.

On the recommendation of Inquiry committee the undersigned passed the final order regarding his Govt: Service under the relevant rules & law.

The copy of inquiry report as well as his personal hearing statements and final order are attached herewith for your kind perusal.

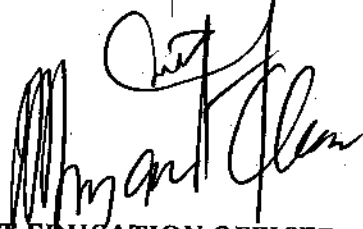
DISTRICT EDUCATION OFFICER,  
(MALE) DERA ISMAIL KHAN

Endst: No. 9217-21 /

Dated DIKhan the 02-7 /2024

Copy for information to the:-

1. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. Muhammad Hassan, Ex-PST GPS Lal Mahrah Petitioner.
3. Mr Waqar Alam Advocate High Court Bar DIKhan for his written request dated 11/06/2024.
4. A.D.E.O (Litigation) local office.
5. Office record.

  
DISTRICT EDUCATION OFFICER,  
(MALE) DERA ISMAIL KHAN



GOVERNMENT OF KHYBER PAKHTUNKHWA  
OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)  
DERA ISMAIL KHAN

**NOTIFICATION**

WHEREAS, Mr. Muhammad Hassan was appointed as PST at GMPS Kulachi Wala Tehsil Paroa District DIKhan vide DEO (Male) Pry DIKhan vide Endst No. 3582-3631 / AE-1 Dated DIKhan 09-05-1994 & afterward was transferred to GPS Lal Mahrah

AND WHEREAS, He was involved in a criminal case under FIR No.90 U/S 302/324 PPC PS Paroa dated 10-07-1998.

AND WHEREAS, He was suspended from Govt; Service vide DEO (Male) Pry DIKhan under endst No.4036-38 dated 05-10-1998 & received suspension allowance till 16-10-2001.

AND WHEREAS, He was awarded death sentence by the Honorable Session Judge DIKhan vide session case No.04/1999 & was announced on 28-09-2001.

AND WHEREAS, The Honorable Peshawar High Court DIKhan Bench altered his death sentence into imprisonment for life vide Cr. Appeal No. 66 of 2001 & was announced on 18-04-2002.

AND WHEREAS, He completed his imprisonment for life on 10-06-2009.

AND WHEREAS, He filed a service appeal No.1821/2009 which was decided on 28-11-2017 & directed the respondent to decide it within ninety days.

AND WHEREAS, He filed an execution petition bearing No.75/2021 & in response to that petition. He was dismissed from the Govt; Service from the date of announcement of his 1st conviction vide DEO (M) DIKhan notification bearing Endst No.27892-95 Dated DIKhan the 14-12-2021.

AND WHEREAS, He filed another Service appeal bearing No.1091/2022 against his dismissal from Govt; Service along with reinstatement into service with all back benefits.

AND WHEREAS, Honorable Service Tribunal set aside the dismissal order of the petitioner with the directions to respondent No.3 i.e DEO (Male) DIKhan to reinstate him into service for the purpose of Denovo inquiry of petitioner.

AND WHEREAS, In the light of said judgment he was reinstated into service for the purpose of Denovo inquiry vide DEO (Male) DIKhan Endst No.19751-54 dated DIKhan the 17-10-2023.

AND WHEREAS, For Denovo inquiry a notification bearing No.19766-68 dated 17-10-2023 was issued by undersigned.

AND WHEREAS, In response to that notification an inquiry was conducted by the inquiry committee which give the fair chance of personal hearing to the petitioner.

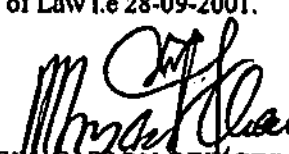
AND WHEREAS, The inquiry committee unanimously recommended the dismissal from the Govt; Service under E&D rules 2011 as well as clauses of Esta code 2011 page No.165 from date of announcement of his 1st conviction.

AND WHEREAS, A show case notice bearing No. 4046-48 dated 19-03-2024 was issued to him for his final personal hearing.

AND WHEREAS, Undersigned was not satisfied with the written reply of teacher concerned.

NOW THEREFORE On the recommendations of inquiry committee the undersigned. I Dr. Mussarat Hussain Khan District Education Officer (Male) DIKhan being competent authority in exercise of the powers conferred under Rule-4 sub (i) clause b (IV) of Govt: of Khyber Pakhtunkhwa Establishment & Administration Department (E&D) Rules 2011, is pleased to impose the major penalty of **DISMISSAL FROM GOVT; SERVICE** Upon him Mr. Muhammad Hassan PST GPS Lal Mahrah Tehsil Paroa District DIKhan w.e.f the date of announcement of his 1st conviction by the court of Law i.e 28-09-2001.


Note; Necessary entries must be made in his original Service Book

  
DISTRICT EDUCATION OFFICER  
(MALE) DERA ISMAIL KHAN  
Dated D.I.Khan the 24/04/2024

Endst: No. 5084-90 DEO (M)/Estab: (P)

Copy of the above is forwarded to the:

1. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. PA to Director E&SED Khyber Pakhtunkhwa, Peshawar.
3. District comptroller of Account Officer DIKhan.
4. SDEO (Male) Paroa with the remarks to make necessary entry in his original service book.
5. Mr. Muhammad Hassan Ex-PST GPS Lal Mahrah Tehsil Paroa District DIKhan.
6. PA to DEO (Male) DIKhan.
7. Office record.

  
DISTRICT EDUCATION OFFICER  
(MALE) DERA ISMAIL KHAN

To

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

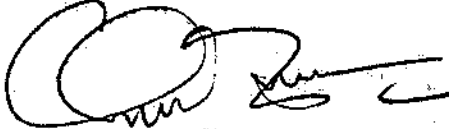
Subject: **INQUIRY REPORT**

Respected Sir,

Reference to your good office Notification No. 19766-68 dated 17.10.2023,

Enclosed please find herewith complete inquiry report comprised of 28  
pages (04 pages inquiry report and 24 pages annexure) submitted for your kind  
perusal.

Dated:

  
Dr. Qamer Uz Zaman  
Principal GHS Parova DIKhan  
Chairman Inquiry committee

## ENQUIRY REPORT

02

### Title of the Enquiry

De-novo inquiry on the direction of the Honorable Khyber Pakhtunkhwa Service Tribunal in Service Appeal No. 1091/2022 titled as Muhammad Hassan VS Govt: of Khyber Pakhtunkhwa etc. the DEO(M)DIKhan notified following inquiry committee vide office order No. 19766-68 dated 17.10.2023. (Annexure A page No. 06)

### Enquiry Committee

1. Dr. Qamar Uz Zaman Principal GHS Parova DIKhan
2. Dr. Abdul Hafeez SDEO Draban Kalan DIKhan
3. Dr. Khalid Saeed Akbar Head Master GHS Rodi Khel DIKhan
4. Asmat Ullah ADEO(Estab: Primary) DEO(M) office DIKhan

### Back Ground of the Enquiry

Mr. Muhammad Hassan S/O Serfaraz was appointed as PST at GMPS Kulachi Wala DIKhan vide order dated 09.05.1994. He performed his duty since his date of appointment till 15.07.1998. In the year 1998, he was involved in a criminal case. He murdered a person and was arrested by Police Station Prova DIKhan under FIR No. 90 on 15.07.1998. He remained behind the bar since his arrest for a period of about 11yrs. He was awarded Death Sentence by the District Session Judge DIKhan in the year 2001. Then the Honourable High Court had changed/modified the Death Sentence into Life Imprisonment. He had completed his Life Imprisonment on 19.06.2009.

As and when appellant was arrested by the Police, the Education Department issued suspension Notification vide DEO (M)Primary DIKhan No. 4036-38 dated 05.10.1998. The appellant received suspension allowance from the Government up to 16.10.2001 (Service Book is annexed as Annexure B page No. 07-14)

After released from the jail the appellant filed appeal before the respondent department which was not decided/replied by the respondent department. Then appellant filed service appeal No. 1821/2009 which was decided vide judgment dated 28.11.2017. The Honourable Tribunal was pleased to remand the service appeal of the appellant to the official respondents to decide it within ninety days (Annexure C page No. 15-18). Then appellant filed EP No. 75/2021 and during the pendency of Execution Petition the respondent department produced Dismissal from Service Order vide Endst: No.27892-95 dated 14.12.2021 of appellant (Annexure D page No. 19).

The official concerned filed and other service appeal No. 1091/2022 with pray  
"On acceptance of this appeal, impugned order/Notification No.27892-95 Dated 14-12-2021 issued by respondent No.3 may please be reversed and set-aside and the respondents be directed to reinstate the appellant in service with all back benefits"

03

The service appeal of the official concerned was fixed for hearing before the Honourable Service Tribunal on 17.07.2023 and the Honourable Tribunal was pleased to decide the case of official concerned, the operating part of the judgment is reproduced as under;

*"We, however, feel that on setting aside the impugned order, an inquiry must be conducted, in accordance with the relevant provisions of law and rules, providing the appellant fair opportunity of hearing/associating him with the inquiry proceedings and then make an appropriate order regarding the fate of service of the appellant. The appellant is reinstated for the purpose of inquiry. The issue of back benefits will be subject to the outcome of de-novo inquiry. Consign" (Annexure E, page No. 20-23)*

In compliance with the above referred judgment of the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar, the District Education Officer (Male) DIKhan vide Endst: No. 19766-68 dated 17.10.2023 constituted the above mentioned inquiry committee to conduct De-Novo inquiry and reinstated the appellant into service as directed by the Honorable Tribunal (Annexure A & F page No. 6, 24.).

#### Procedure Adopted

The inquiry committee met at the office of the SDEO(M) Draban Kalan, discussed the case of Mr. Muhammad Hassan, pursued the record and decided the date of personal hearing of Mr. Muhammad Hassan. The committee thoroughly examined the available record pertaining to the instant case. The committee called the appellant for personal hearing at the office of the SDEO(M) Draban Kalan DIKhan on 31.01.2024. The appellant appeared before the committee and appellant was heard in person. The committee members inquired about the detail incident from Mr. Muhammad Hassan PST. The detail reply of Muhammad Hassan was recorded/written by Mr. Asmat Ullah ADEO (Committee member). He admitted that he was involved in a Criminal case U/S 302PPC on 10.07.1998. He was arrested under FIR No. 90 Police Station Provā on 15.07.1998. He was awarded Death Sentence by the District Session Judge DIKhan in the year 2001 and the Honourable High Court had modified the Death Sentence into Life Imprisonment. (Annexure G page No. 25.)

#### Observations

Mr. Muhammad Hassan S/O Serfaraz was appointed as PST at GMPS Kulachi wala vide order dated 09.05.1994. He was involved in a criminal case U/S 302PPC. He was arrested by Police Station Provā under FIR No. 90 on 15.07.1998. He remained behind the bar since his arrest for a period of 11 yrs. He was awarded Death Sentence by the District Session Judge DIKhan in the year 2001. Then the Honourable High Court had change/modified the Death Sentence in to Life Imprisonment. He had completed his Life Imprisonment on 28.06.2009. As and when appellant was arrested by the Police, the Education Department issued suspension Notification vide DEO(M) Primary DIKhan No. 4036-38 dated 05.10.1998. The appellant received suspension allowance from the Government up to 16.10.2001.

04

## Findings

In view of the above narrated facts and from the perusal of the available office record and personal hearing, the committee had come to the following findings:

- 1- Mr. Muhammad Hassan S/O Serfaraz was appointed as PST at GMPS Kulachi wala DIKhan vide order dated 09.05.1994. He worked from his date of appointment till 1998.
- 2- In the year 1998, Mr. Muhammad Hassan S/O Serfaraz was involved in a criminal case U/S 302PPC. He was arrested by Police Station Prova under FIR No. 90 on 15.07.1998.
- 3- Mr. Muhammad Hassan S/O Serfaraz was awarded Death Sentence by the District Session Judge DIKhan in the year 2001 then he filed appeal before the Honourable High Court and the Honourable High Court was pleased to change his Death Sentence into Life Imprisonment. He remained behind the bar since his arrest for a period of 11yrs. He had completed his Life Imprisonment on 28.06.2009.
- 4- Mr. Muhammad Hassan S/O Serfaraz received suspension allowance from the Education Department up to 16.10.2001(date of conviction).
- 5- Mr. Muhammad Hassan filed appeal before the DEO (M) DIKhan for restoration as PST, the DEO(M) DIKhan in exercising the power conferred upon him being competent authority, imposed Major Penalty of Dismissal from Service upon the Official concerned (Mr. Muhammad Hassan) vide Endst: No.27892-95 dated 14.12.2021.

## Conclusion

Mr. Muhammad Hassan was a PST in GMPS Kulachi Wala DIKhan. He was involved in a Criminal Case U/S 302PPC in FIR No. 90 dated 10.07.1998. He was arrested and awarded Death Sentence by the District and Session Judge DIKhan on 28.09.2001. Then he was sentenced Life Imprisonment by the High Court Bench DIKhan. He had completed his Life Imprisonment on 28.06.2009. Thus it is concluded that Mr. Muhammad Hassan is convicted by the court of law. The office record reflects opinion from Law Department which clearly reflects that the official Government servant convicted by the competent court is to be dismissed from service under the rules in vogue. (Annexure H page No. 26)

## Recommendations

*"The phrase "termination of proceedings" does not mean a decision of all the various appeals which are open to the convicted man. The intention of the clause is that in cases where the competent authority considers that dismissal of the Government servant concerned should follow his conviction and the dismissal*

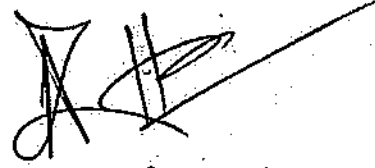
OS

should have effect from the Court's order of conviction, i.e., immediately on the termination of the first final. Dismissal cannot be ordered retrospectively with effect from the date of arrest" (ESTA Code 2011 page No. 165 (Annexure I page No. 27-29.)

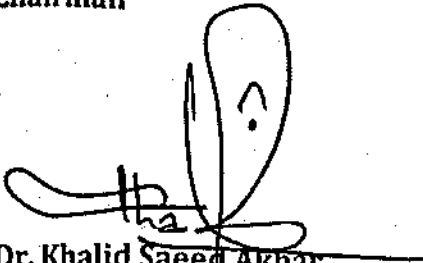
Hence in the light of above referred ESTA Code Clause and perusal of available office record the committee unanimously recommended that the competent authority may impose Major Penalty of Dismissal from Service under E&D Rule 2011 upon the appellant named Mr. Muhammad Hassan S/O Serfaraz w.e.f his date of his first conviction (28.09.2001).



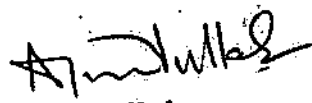
Qamer Uz Zaman  
Principal (BS-19)  
GHS Prova DIKhan  
Chairman



Dr. Abdul Hafeez  
SDEO (BS-17) Draban Kalan  
DIKhan  
Member



Dr. Khalid Saeed Akbar  
Head Master (BS-17)  
GHS Rodi Khel DIKhan  
Member



Asmat Ullah  
ADEO (BS-16)  
DEO (M) Office DIKhan  
Member