FORM OF ORDER SHEET

Court of _____

Appeal No. 1445/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	**12-Sep-24**	The appeal of Mr. Hamid Ullah today by Mr. Anwar Ali Khan Advocate. It is fixed for preliminary hearing before Single Bench at Swat on 08-Oct-24. Parcha Peshi given to counsel for the appellant. By order of the Chairman REGISTRAR

The appeal of Mr. Hamid Ullah received today i.e on 13.08.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1- Check list is not attached with the appeal.
2- Appeal has not been flagged/marked with annexures marks.
3- Copy of appointment order dated 01.03.2017 mentioned in the memo of appeal is not attached with the appeal be placed on it.
4- Copies of enquiry reports mentioned in the memo of appeal are not attached with the appeal be placed on it.
5- Annexure-B, C, H, I, J &K of the appeal are illegible be replaced by legible/better one.
6- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 626 /Inst./2024/KPST,

Dt. 15/8 /2024.

OFFICE ASSISTANT
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Anwar Ali Khan Adv.
High Court at Peshawar.

Resubmitted after necessary completion and removing the objections.

Appointment order dated 01.03.2017 mentioned in para No. 3 of the objection has already been attached as Annexure "C".

Inquiry reports mentioned in para No. 4 of the objections has not been provided to the appellant.

Resubmitted after doing needful, delay, if any, may kindly be condoned.

Counsel for the appellant

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Service Appeal No. 1445 2024

Hamid Ullah (Watchman/chowkidar)..... Appellant

Versus

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

INDEX

Appellant

Through

Anwar Ali Khan
Advocate, High Court

THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1445 2024

Hamid Ullah (Watchman/chowkidar)
Govt. Girls Higher Secondary School,
Shiaqotek, District Chitral Lower..... Appellant

Versus

1. Govt. of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education, Peshawar.
2. Director Elementary and Secondary Education, KPK, Peshawar.
3. District Education Officer (Female), Chitral Lower.
4. Principal Govt. Girls Higher Secondary School, Shiaqotek, Chitral Lower.....Respondents

SERVICE APPEAL U/S 04 OF THE SERVICE TRIBUNAL ACT 1974, AGAINST THE IMPUGNED ORDER DATED 13.03.2024 OF THE RESPONDENT No.2 AND IMPUGNED ORDER OF RECOVERY DATED 27.03.2024 OF THE RESPONDENT No.4, RECEIVED ON DATED 09. 04.2024, AND AGAINST INACTION OF THE RESPONDENTS BY NOT DECIDING THE DEPARTMENTAL APPEAL DATED 16.04.2024 OF THE APPELLANT WITHIN STATUTORY PERIOD.

PRAYER:

ON ACCEPTANCE OF THE INSTANT APPEAL, THE IMPUGNED ORDER DATED 13.03.2024 OF THE RESPONDENT No.2 AND IMPUGNED ORDER OF RECOVERY DATED 27.03.2024 OF THE RESPONDENT No.4, RECEIVED ON 09.04.2024, MAY KINDLY BE SET-ASIDE AND THE RESPONDENT MAY KINDLY BE RESTRAINED FROM MAKING SUCH ILLEGAL

AND UNLAWFUL RECOVERY FROM THE APPELLANT.

ANY OTHER REMEDY NOT SPECIFICALLY ASKED FOR, WHICH THIS HON'BLE COURT MAY DEEM FIT IN THE CIRCUMSTANCES, MAY ALSO BE GRANTED IN FAVOR OF THE APPELLANT.

RESPECTFULLY SHEWETH:

1. That the respondents acquired highly valuable land measuring 02 Kanals for construction of Govt. Girls High School Shiaqotek, Chitral Town, District Chitral Lower and in consideration agreed to appoint family members of the appellant's father or his nominated persons in all the sanctioned posts of Class-IV sanctioned for the said school or on its up gradation vide contract dated 12.06.2004 and appointed the appellant as Chowkidar w.e.f 3.5.2006 and the appellant's brother namely Abdullah as Chowkidar vide order 01.03.2017. Later on the respondents acquired another patch of land measuring 04 Kanals for construction of Govt. Girls Higher Secondary School, Shiaqotek, District Chitral Lower. (Copy of the agreement dated 12.06.2004 and appointment letter dated 03.05. 2006 of the appellant and appointment letter of the Abdullah and another agreement dated 22.06.2012 are Annexure A to D respectively).

2. That since the appointments, the appellant and his brother are performing their duties in GGHS and GGHSS Shiaqotek Chitral honestly, diligently and upto the entire satisfaction of the superiors.

3. That it is pertinent to mention here that on the other side of the main road there is an Old Govt. Girls Middle School, located at a distance of about 200 meters from the said GGHS School, with separate class-IV staffs, and in the year 2021 an International NGO (WISH) constructed a youth center in the premises of the

said Govt. Girls Middle School and after completion of the construction, the said center remained under the supervision and use of the Respondent No.4.

4. That the said Govt. Girls Middle School has its own watchman and Class-IV staffs and the youth center also locates within the premises/ boundry wall of the said school, and suddenly for unknown reasons, when respondent No.4 verbally ordered the appellant to take charge of watchman of the said middle school, the appellant requested and wrote an application with valid justifications to the respondent No.3, that it is practically impossible for the appellant to attend two different places at the same time , because the said Govt. Girls Middle School is located away from the duty place of the appellant and the appellant is the chowkidar specifically of Govt. Girls High School and Govt. Girls Higher Secondary School and it is illegal to take duty from the employee around the clock, but instead of arranging watchman, the respondent No. 3 and 4 sent the appellant for duty in the Deputy Commissioner Office, District Chitral Lower, where the appellant performed duties from morning till night for many months, which shows the arbitrary exercise of power as well as negligence by the defendant No. 3 and 4. (Copy of the application is Annexure E).

5. That in this way, the respondent No. 3 and 4 left the said Middle school without watchman for about two years , then on August 07, 2023 it was discovered that allegedly theft committed in the youth centre located in the premises of the said Middle school and many equipments are missing and a FIR was registered against unknown persons and during investigation the house of the appellant was raided and the police tortured the appellant and his brother namely Abdullah (Chowkidar) in the police station since morning till night, and then when the prosecution reached to the conclusion that the allegations are baseless and without evidence and having no probability of conviction, submitted

challan for cancellation of FIR and the learned judicial magistrate disposed off the case accordingly vide order dated 23.04.2024. (Copy of the FIR and other relevant record of the said case are enclosed as Annexure F to H).

6. That in the meantime, departmental inquiry started and an inquiry officer was appointed who made a nominal inquiry and submitted report by saying that theft had committed because of the negligence of the appellant and his brother, however, the competent authority subsequently constituted an inquiry committee and the committee also made nominal inquiry only from the appellant and his brother (Chowkidar) without framing a proper charge sheet, statement of allegations and without issuing show cause and without recording statement of a single witness, and relying on the earlier inquiry officer's report based on surmises and assumptions, and by resorting to the story made by the respondent No.4, and again wrongly held that the alleged negligence on the part of the appellant was the cause of the incident and made the appellant and his brother (Chowkidar) scapegoat and put all the debris on them in order to save the skin of all the responsibles.

7. That it is worth to mention here that the departmental inquiry committee did not interrogate the class-IV staff, clerical staff, teachers, principal and the students of the Govt. Girls Middle School where the community Youth Centre locates and which was under their charge and use.

8. That the respondent No. 2, on the basis of the said so called nominal inquiry report, through impugned order dated 13.03.2024 and in continuation of the same the respondent No.4 through impugned order dated 27.03.2024 ordered the appellant and his brother to deposit Rs. 3400000/- the cost of the alleged stolen items immediately. The appellant received the said order on dated 09.04.2024. (Copy of the impugned order 13.03.2024 of

the respondent No.2 and impugned order dated 27.03.2024 of the respondent No.4 are annexed as Annexure I & J).

9. That the appellant feeling aggrieved preferred a **departmental appeal on dated 16.04.2024**, against the said impugned orders, which was not responded within the statutory period. (Copy of the Departmental appeal 16.04.2024 are enclosed as Annexure K).

10. That, feeling aggrieved, the appellant approaches this Hon'ble court on the following grounds inter alia;

GROUNDS:

A) That the actions, inaction and omissions of the respondents are illegal, unlawful, void, and against norms of natural justice, hence liable to be set-aside.

B) That before passing the impugned orders, no show cause, charge sheet and statement of allegations were issued to the appellant.

C) That the respondents have acted in an arbitrary manner while issuing the impugned order and accordingly is the result of fanciful exercise of power by the respondents.

D) That the impugned orders are based on malafide and just to hide their own negligence and to save the skins of actual responsible officials.

E) That the impugned orders are based on surmises and conjectures.

F) That, it is an admitted fact that the appellant is appointed as chowkidar specifically for the Govt. Girls High School and Govt. Girls Higher Secondary School and not of the said Govt. Girls Middle School where the alleged theft took place.

G) That the appellant being chowkidar of the GGHS and GGHSS, located at different and distant place from the said middle school,

has never performed service as chowkidar in the said middle school.

H) That the appellant being chowkidar of the GGHS and GGHSS was not the chowkidar or under the responsibility or charge of watchman of the said middle school or the equipments inside the community centre at the time of alleged occurrence.

I) That the appellant's father being illiterate villager farmer, the Respondents No.1 to 4 had acquired about six kanal agricultural land worth of Crores Rupees for the construction of the Govt. Girls High School and Higher Secondary School without paying a single penny in consideration of class-IV posts in the said school and now with intent to harass and terminate the appellant and to undo the said agreements conspired and put the instant false and baseless charges of negligence on the appellant and constantly harassing and embarrassing the appellant in different modes and manners.

J) That the codal formalities have not been fulfilled while passing the said impugned orders against the appellant which is a gross violation of Article 10-A of the constitution 1973.

K) That the principles of natural justice have been contravened by the respondents while passing the impugned orders.

L) That the impugned orders are erroneous and not sustainable in the eye of law.

M) That the impugned orders are based on assumptions and without an iota of proof against the appellant.

N) That when the prosecution reached to the conclusion that the case is baseless and there is no probability of conviction, withdrawn its case by cancellation of FIR.

O) That any other ground will be raised at the time of arguments with kind permission of this Hon'ble court.

It is therefore, most humbly prayed that on acceptance of the instant appeal, the impugned order dated 13.03.2024 of the respondent No.2 and impugned order of recovery dated 27.03.2024 of the respondent No.4, received on 09.04.2024, may kindly be set-aside and the respondent may kindly be restrained from making such illegal and unlawful recovery from the appellant.

Any other remedy not specifically asked for, which this hon'ble court may deems fit in the circumstances, may also be granted in favor of the appellant.

Appellant

Through

Anwar Ali Khan
Advocate High Court

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

S.Appeal No._____ 2024

Hamid Ullah, Chowkidar GGHSS Shiaqotek Chitral Lower.. "Appellant"

Versus

Govt of KP through Secretary Elementary and Secondary Education (E&SE) Department Peshawar and others....."Respondents"

AFFIDAVIT:

I Mr. Hamid Ullah son of Akbar Khan R/o Shaiqotek Tehsil and District Chitral Lower, do hereby solemnly affirm and declare that the contents of the instant **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Deponent

CNIC No.15201-5769688-7

05/08/24

ATTESTED

IRFAN ULLAH

Oath Commissioner

Advocate High Court

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No._____/2024

Hamid Ullah (Watchman/chowkidar)..... Appellant

Versus

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

Application for suspension of operation of the impugned order of recovery dated 13.03.2024 and dated 27.03.2024 and other subsequent orders of the respondents in continuation of the same.

Respectfully Sheweth:

1. That the applicant/appellant has a prima facie case and is sanguine for its success.
2. That balance of convenience also lies in favor of the appellant.
3. That if the impugned orders are not suspended, the applicant/ appellant suffer irreparable loss.
4. That the suspension of the impugned orders is utmost necessary for the ends of justice.
5. That the contents of the main appeal may kindly be considered as part and parcel of the instant application.

It is, therefore, most humbly prayed that on acceptance of the instant application, the said impugned orders may kindly be suspended till the final disposal of the accompanying appeal.

Appellant

Through

Anwar Ali Khan
Advocate, High Court

AFFIDAVIT:

I, do hereby solemnly affirm and declare on oath that the contents of the instant application are true and correct and nothing has been concealed from this Hon'ble Tribunal.

Deponent

ATTESTED
Advocate High Court
13-8-24

(10)

Annexure "A"

FIVE RUPEES

True Copy

Muhammad Sohib Nasir Khan
Advocate High Court &
Federal Shariat Court

"معاہدہ نامہ"

District Officer (Female)
Schools Education: Chitral

Executive District Officer
Education & Mass Education

Assistant Distt: Officer (P&D)
Edu: Lit: Chitral

ATTESTED

"Better Copy"

"معاہدہ نامہ"

مسمی محمد اکبر ولد زیر بلی خان ساکن شیا قوٹیک تحصیل و ضلع چترال ایک قطعہ اراضی مقدار دو ۲/۲ کنال برائے تعمیر زنانہ ہائی سکول اس معاہدے کی رو سے وقف کر دیا ہے کہ مذکورہ سکول اپ گریڈ ہونے کے بعد اس میں کلاس فور کی جتنی بھی آسامیاں محکمہ خزانہ صوبہ سرحد کی طرف سے منظور ہونگے تو حکومتی پالیسی مروجہ کے تحت موصوف محمد اکبر یا اس کی طرف سے نامزد کردہ افراد کی بھرتیاں عمل میں لانے کا محکمہ تعلیم ضلع چترال پابند ہوگا لہٰذا یہ چند سطور بطور معاہدہ لکھدی جاتی ہے۔

Assistant District Officer (P&D)
Edu: Lit: Chitral

District Officer (Female)
Schools and Lit: Chitral

Executive District Officer
Education and Lit: Chitral

۱ گواہ شد
شیر عزیز

۲ گواہ شد
نذیر احمد شاہ
12-6-04

۳ گواہ شد
12-6-04

ATTESTED

(11)

Annexure "B"

OFFICE OF THE EXECUTIVE DISTRICT OFFICER S&L CHITRAL.

OFFICE ORDER.

Consequent upon the recommendation of the Departmental Selection Committee, appointment of the following Class IVs is hereby ordered in fixed pay Rs.3500/- PM with effect from the date mentioned against each, in the public interest of public service, subject to the terms and conditions noted below:-

No	Name/ parentage & address	Office/School	Post	Effective from.	Remarks.
	Sikandar Khan S/O Qurban R/O Seenlasht	GGMS Seenlasht	NQ	1.4.2006	Against newly created V.post.
	Mst. Najma Bibi D/O Hakim R/O Seenlasht	GGMS Seenlasht	Sweeper	1.4.2006	-do-
	Hamidullah S/O Akbar Khan R/O Shiaqotak	GGHS Shiaqotak	Chow:	1.4.2006	-do-
	Mst. Asia W/O Akbar Khan R/O Shiaqotak	-do-	L.Attdt:	1.4.2006	-do-
	Ghiamullah S/O Zawali R/O Paraheg	GGHS Paraheg	Chow:	1.4.2006	-do-
	Ibrahim Khan S/O Dinar Brig.	-do-	L.Attdt:	1.4.2006	-do-
	Abdur Rahman S/O Yourmas Qadir, S/Rech	GMS S/Rech	N/Q	1.4.2006	-do-
	Abdur Rahim S/O Yourmas Qadir, S/Rech	-do-	Sweeper	1.4.2006	-do-
	S.Hasan Wali Shah S/O Ghulam Habib, Istaru	GGHS Werkup	L.Attdt:	1.4.2006	-do-
	Habibur Rahman S/O Habib ullah R/O Werkup	GGHS Werkup	Chow:	1.4.2006	-do-
	Mahboob ALI Shah S/O Bool Khan R/O Mastuj	GGHS Mastuj	Chow:	1.4.2006	-do-
	Mst. Samina Bibi D/O Bool Khan R/O Mastuj	-do-	L.Attdt:	1.4.2006	-do-
	Mir Ayub Khan s/O Mas Ghiab R/O Melp	GHS Melp	Chow:	1.4.2006	-do-
	Abdus Sami s/O Sher Ali R/O Melp.	-do-	L.Attdt:	1.4.2006	-do-
	Hamidud Din S/O Saibal Din R/O Drosh.	GGHS Drosh	Sweeper	1.4.2006	Against V.Post.
	Wazirullah S/O Jalali Khan R/O Lone	GGMS Lone	NQ	1.4.2006	Against newly created V.Post.
	Mohammad Afzal S/O Hassan Wali R/O Lone	-do-	Sweeper	1.4.2006	-do-
	Jamshid Din S/O Syed Mohammad Khandoolak	GMS Tirgar	Sweeper	17.10.2005	-do-

1. Their appointment is purely fixed salary basis and non pensionable.
2. They should produce Health and age certificate from M/S DHQ Hospital Chitral.
3. Their age should not exceed 45 years and below 16 years.

(SHER DIL AMAN)
Executive District Officer
Schools and literacy Chitral.

Endst No. 2644-64 /EB/Appt/C.IV dated Chitral, the 3-5/2006.

Copy of the above is forwarded for information and action to the:-

1. District Accounts Officer Chitral.
2. Headmasters concerned.
3. Candidates concerned.
4. Middle Sections (M&E) local office.

Principal
G.G.H.S.S Shiaqotak
Chitral

Executive District Officer
Schools and literacy Chitral.

True Copy
20-05-2024
Muhammad Shib Noor Khan
Advocate Court &
Federal Shariat Court

ATTESTED

"BETTER COPY"

OFFICE OF THE EXECUTIVE DISTRICT OFFICER S&L CHITRAL

OFFICE ORDER:

Consequent upon the recommendation of the departmental Selection Committee , Appointment of the following Class-IV is hereby ordered in fixed pay Rs.3500/- PM with effect from the date mentioned against each, in the interest of public service, subject to terms and conditions noted below.

S.No	Name/ Parentage & address	Office/school	Post	Effective from	Remarks
1.	Sikandar khan S/o Qurban R/o Seenlasht	GGMS Seenlasht	N/Q	01.04.2006	Against newly created post
2.	Mst. Najma Bibi D/o HakimR/o Seenlasht	GGMS Seenlasht	Sweeper	01.04.2006	Do
3.	Hamid Ullah S/o Akbar Khan R/o Shiaqotek	GGHS Shiaqotek	Chow:	01.04.2006	Do
4.	Mst. Asia W/o Akbar Khan R/o Shiaqotek	Do	L.Attd	01.04.2006	do
5.	Ubid Ullah S/o Zowali R/o Parabeg	GGHS Parabeg	Chow:	Do	Do
6.	Ibrahim Khan S/o Dinar Baig	Do	L.Attd	Do	Do
7.	Abdur RahmanS/o Yormas Qadir R/o S/Reech	GMS S/Reech	N/Q	DO	DO
8.	Abdur Rahim S/o Yormas Qadir R/o S/Reech	Do	Sweeper	Do	Do
9.	S.Hassan Wali Shah S/o Ghulam Habib R/o Istaru	GGHS Werkop	L.Attdt	Do	DO
10.	Habib Ur Rehman S/o Habib Ullah R/o Werkup	GGHS Werkup	Chow.	do	DO
11.	Mahboob Ali shah S/o Bool Khan R/o Mastuj	GGHS Mastuj	do	do	Do
12.	Mst. Samina Bibi D/o Bool Khan R/o Mastuj	Do	L.Attdt	Do	Do

13.	Mir Ayub Khan S/o Mas Gulab R/o Melp	GHS Melp	Chow.	Do	Do
14.	Abdus Sami S/o Sher Ali R/o Melp	Do	L.Attdt	Do	Do
15.	Hamid Ud Din S/o Saif Ud Din R/o…….	GGHS Drosh	Sweeper	Do	Against V. post
16.	Wazir Ullah S/o Jalal Khan R/o Lone	GGMS Lone	N/Q	DO	Against newly created V.post
17.	Muhammad Afzal S/o …….R/o Lone	Do	Sweeper	Do	Do
18.	Jamal Ud Din S/o…..R/o…….	GMS……	DO	17.10.2005	DO

1. There appointment is purely fixed pay basis and non-pensionable.
2. They should produce health and age certificate from medical superintendent District Headquarter Hospital Chitral.

3. Their age should not exceed 45 years and below 16 years.

(Sher Dil Aman)
Executive District Officer
School and Literacy Chitral

….No. 2644-64/ EB/App../C.iv Dated Chitral the 3.5.2006

Copy of the above is forwarded for information and action to the;

1. District Account Officer Chitral
2. Headmistress concerned
3. Candidate concerned
4. Middle Section (……) local office.

Executive District Officer
School and Literacy Chitral

(12)

Annexure "C"

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) CHITRAL.

OFFICE ORDER.

Appointment of the following Class-IVs (Land donors) are hereby ordered in BPS No. 03 @ Rs. (8040-325-17790) plus usual allowances as admissible under the rule with effect from 01/03/2017.

S.No	Name & parentagus	Address	Post	Name of School	Remarks
1	Saeedullah S/O Akbar Khan	Sheyagotak	N/Qasid	GGHS Sheyagotak	A.V.Post
2	Abdullah S/O Akbar Khan.	-do-	Chowkidar	-do-	-do-
3	Ruhina Akbar D/O Akbar Khan	-do-	Lab:Attendent	-do-	-do-
4	Farzana Bibi W/O Late Mohd Azim Khan	Moghulandeh	Sweeper	GGMS Moghulandeh	-do-

TERMS & CONDITIONS.

1. There appointment is purely temporary and liable to termination at any time.
2. They should produce health and age certificate from Medical Superintendent District Head Quarter Hospital Chitral.
3. They will be governed by such rules / regulations issued by the Government from time to time.
4. Their service will be considered as regular but without pension and gratuity as per rule of selection, 19 of NWFP Civil Servants Act, 2005.
5. They will contribute towards G.P.Fund on the prescribed rate.
6. If appeal is filled against any candidate ad accepted and the department will take no responsibility of it.
7. They should not be handed over charge if their age exceeds 40 years & below 18 years.

The appointees should submit affidavit regularly in duty. In case of irregularity the / will be terminated from service.

(BIBI HAJIRA)
District Education Officer
(Female) Chitral

True Copy
10-05-2024
Muhammad Sahib Noor Khan
Advocate High
Federal Shariat Court

ATTESTED

Better copy

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) CHITRAL

OFFICE ORDER:

Appointment of the following Class-IV (Land donors) are hereby ordered in BPS No.03@Rs.(8040-325-17790) plus usual allowance s as admissible under the rule with effect from 01.03.2017.

S.No	Name and Parentage	Address	Post	Name of School	Remarks
1.	Saeed Ullah S/o Akbar Khan	Sheyaqotek	N/Q	GGHS Sheyaqotek	A.V post
2.	Abdullah S/o Akbar Khan	Do	Chowkidar	Do	Do
3.	Ruhina Akbar D/o Akbar Khan	Do	Lab. Attendant	Do	Do
4.	Farzana Bibi W/o Late Mohd Azim Khan	Moghulandeh	Sweeper	GGMS Moghulandeh	do

TERMS & CONDITIONS:

1. There appointment is purely temporary and is liable to termination at any time.
2. They should produce health and age certificate from medical superintendent District Headquarter Hospital Chitral.
3. They will be governed by such rules/regulations issued by the Government from time to time.
4. The services will be considered as regular but without pension and gratuity ..... Of section 19 of NWFP Civil Servant Act, 2005.
5. They will contribute towards G.P fund on prescribed rate.
6. If appeal is filed against any candidate and accepted, and the department will take no responsibility of it.
7. They should not be given charge if their age exceeds 40 years and below 18 years.
8. The appointees should submit affidavit for regularity in duty, in case of irregularity they will be terminated from service.

(Bibi.....
...)

District Education Officer

(Female Chitral)

(13)

Annexure "D"

30

معاہدہ نامہ

[illegible] اول اکبر خان ولد [illegible] مالک [illegible] ہائر سیکنڈری سکول شیا ٹوبیک کی تعمیر کے لیے سکول منظور ہونے کے بعد جتنے بھی کلاس فور پوسٹیں منظور ہو جائیں ان تمام [illegible] بھرتی کرنے کا پابند ہوگا۔ نیز اس کے علاوہ بھی اگر کوئی کلاس فور پوسٹ اس سکول میں منظور ہو سکے اس [illegible] مالک جائیداد کے نامزد کردہ بندے کو بھرتی کرنے کا پابند ہوگا۔ اس کے علاوہ پنشن پر جانے کی صورت میں مالک جائیداد اس کے بندے بھرتی ہوتے۔

فریق دوئم محکمہ ایجوکیشن مالک جائیداد کے درج بالا شرائط کو منظور کرتے ہوئے [illegible] اجازت سے بغیر محکمہ تعلیم نے کسی اور فرد کو دے دی۔ تو مالک جائیداد کو یہ اختیار ہوگا کہ وہ [illegible] سے وصول کرے گا۔ درج بالا شرائط دونوں فریق منظور کر کے اپنے اپنے دستخط کیے۔

گواہ نمبر 1

گواہ نمبر 2

گواہ نمبر 3

True Copy

Muhammad Sahib Noor Khan
Advocate High Court &
Federal Shariat Court

ATTESTED

Better Copy

معاہدہ نامہ

فریق اول اکبر خان ولد زیر بلی ساکنہ شیا قوٹیک تحصیل وضلع چترال ایک قطعہ زمین بمقدار چار کنال گورنمنٹ ہائر سیکنڈری سکول شیا قوٹیک کی تعمیر کیلئے سکول سنکشن ہونے کے بعد جتنے بھی کلاس فور پوسٹیں سنکشن ہو جائیں ان تمام پوسٹوں پر زمین کے بدلے میں محکمہ ایجوکیشن بھرتی کرنے کا پابند ہوگا۔ نیز اس کے علاوہ بھی آئندہ کوئی کلاس فور پوسٹ اس سکول میں سنکشن ہو جائے اس پر بھی مالک جائیداد کے نامزد کردہ بندے کو بھرتی کرنے کا پابند ہوگا اس کے علاوہ نیشن پر جانے کی صورت میں مالک جائیداد کے بندے بھرتی ہونگے۔

یہ فریق دوئم محکمہ ایجوکیشن مالک جائیداد کے درج بالا شرائط کو منظور کرکے اراضی لے لی، مالک جائیداد کے تحریری اجازت کے بغیر محکمہ تعلیم نے کسی اور فرد کو دے دی، تو مالک جائیداد کو یہ اختیار ہوگا کہ وہ (مالک زمین) کی مکمل قیمت بمعہ ہرجانہ فریق دوئم سے وصول کریگا۔ درج بالا شرائط کو دونوں فریق منظور کرکے اپنے اپنے دستخط کئے۔

Assitant District Education Officer (P&D) Chitral

22.6.2012

ATTESTED

گواہ نمبر 1
15201-0573841-1

گواہ نمبر 2 فاروق ولی خان
15201-0604868-9

گواہ نمبر 3 عمران الدین
15202-5463949-5

Annexure "E"

بخدمت جناب ضلعی۔تعلیمی۔آفیسر (زنانہ) چترال لوویر۔

عنوان۔ درخواست بمراد نگرانی نئی تعمیر شدہ بلڈنگ بذریعہ (این۔جی۔اوز)۔

جناب عالیہ۔

گذارش آنکہ سائلان کو بذریعہ پرنسپل ہدایات کی گئی ہے۔کہ ہم اس نئی تعمیر شدہ بلڈنگ کی نگرانی کریں گے۔ جناب والا گورنمنٹ ہائرسیکنڈری سکول شیاتو لیک تین پورشن پر مشتمل ہے جو کہ مڈل، ہائی اور ہائرسیکنڈری۔ مڈل پورشن لنک روڈ سے بطرف مغرب تعمیر شدہ ہے۔اور ہائی وہائرسیکنڈری لنک ورڈ سے بطرف مشرق واقع ہے۔ یوں مختلف پورشن میں دو چوکیداروں سے ڈیوٹی لینا اور ذمہ دار ٹھرانہ کہاں کا انصاف ہے۔ چوکیدار سے چوبیس گھنٹے ڈیوٹی لینا قانون کے خلاف ہے اور غیر قانونی ہے۔ ڈیوٹی سے متعلق نوٹفکیشن تمام دفاتر میں موجود ہیں۔ ہم دو چوکیدار ایک ہائی پورشن اور ایک ہائرسیکنڈری پورشن کے ذمہ دار ہیں۔ یہ نئی بلڈنگ مڈل پورشن میں تعمیر کی گئی ہے۔اسکے ساتھ ہمارا کوئی واسطہ نہیں ہے۔ اور نہ ہم سے کوئی مشورہ کیا گیا ہے۔ یہاں پہلے سے کلاس فورز پوسٹوں کا فقدان ہے۔تین پورشن کیلئے صرف ہم دو چوکیدار ناکافی ہیں۔

لہذا درخواست ہے کہ جناب والا مہربانی کرکے اس بلڈنگ کی حفاظت اور نگرانی کیلئے خود بندوبست کرے۔ویسے بھی ہائرسیکنڈری اور ہائی پورشن ہمارے پدری جائداد میں تعمیر کیا گیا ہے اور ہم ذمہ دار ہیں۔ مڈل پورشن کا مالک جائداد اور ہے۔ ہم اپنی اصل ڈیوٹی کی جگہ چھوڑ کر اس بلڈنگ کی نگرانی نہیں کرسکتے ہماری بس سے باہر ہے۔اسکے لئے الگ پوسٹوں کی منظوری ہوجائے تو بہتر ہوگا۔

جناب والا ہماری اس درخواست پر ہمدردانہ غور فرما کر ہمیں نجات دلائے۔جناب والا کی نوازش ہوگی۔

عرضے فدویان۔

۱۔ عبداللہ چوکیدار

۲۔ حمیداللہ چوکیدار۔

Forwarded to the DEO (F) Chitral 10/09/2021

Principal
G.G.H.S.S Shiseqotak
Chitral

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Muhammad Ghulam Khan
Advocate
Peshawar

Annexure "F"

(15)

سیریل نمبر--0024

پولیس فارم نمبر 24-5(1)

ابتدائی اطلاعی رپورٹ نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 154 مجموعہ ضابطہ فوجداری

نمبر: 345/23 تھانہ: چترال سٹی ضلع: لوئر چترال ای ایف نمبر: 00345

تاریخ و وقت وقوعہ: وقت نامعلوم دوران جولائی کی چھٹیاں

1 تاریخ و وقت رپورٹ	بحوالہ روزنامچہ نمبر (45) 07-08-202308:00PM	6 تھانہ سے روانگی کی تاریخ و وقت	بذریعہ اسپیشل سپیرمر
2 نام و سکونت اطلاع دہندہ مستغیث	آصف کنول پتہ زنانہ ہائیر سیکنڈری سکول شیا تو لیک چترال، موجودہ پتہ زنانہ ہائیر سیکنڈری سکول شیا تو لیک چترال، پیشہ: پرنسپل فون نمبر: 03452101203		
3 مختصر کیفیت جرم (معہ دفعہ) و مال اگر کچھ لوٹا گیا ہے	بجرم: 380ت پ 457ت پ		
4 جائے وقوعہ و فاصلہ تھانہ سے اور سمت	زنانہ ہائیر سیکنڈری سکول شیا تو لیک چترال بفاصلہ قریب 3 کلومیٹر جانب جنوب از تھانہ		
5 کاروائی متعلقہ تفتیش اگر اطلاع درج کرنے میں کچھ توقف ہوا ہو تو اس کی وجہ بیان کی جاوے	تحریری مراسلہ موصول ہونے پر مقدمہ قائم ہوا۔		

دستخط: Bulbul Hassan بیلٹ نمبر: 731/M عہدہ: SI ٹیلی فون نمبر: 03469894722

(ابتدائی اطلاع نیچے درج کریں)

جناب عالی! بوقت مندرجہ صدر بجہ ایک تحریری مراسلہ منجانب PASI اظفر عالم بدست کنسٹیبل علاؤالدین نمبر 329 تھانہ ہذا موصول ہو کر جس کا متن ہو بہو ذیل ہے۔ بخدمت آفیسر انچارج صاحب تھانہ چترال سٹی جناب عالی! آج مورخہ 07.08.2023 کو دوران موبائل گشت شیا تو لیک میں موجودگی کے دوران اطلاع ملی کہ گورنمنٹ زنانہ ہائیر سیکنڈری سکول میں چوری کا وقوعہ رونما ہوا ہے۔ قانونی کاروائی کی خاطر جائے وقوعہ پہنچنے پر پرنسپل گورنمنٹ ہائیر سیکنڈری سکول آصفہ کنول صاحبہ نے ایک تحریری درخواست پیش کی جو کہ ہو بہو ذیل ہے۔ بخدمت جناب SHO صاحب تھانہ چترال جناب عالی! گزارش ہے کہ میں گورنمنٹ ہائیر سیکنڈری سکول زنانہ کا پرنسپل ہوں۔ آج بدوران جنرل چیکنگ NGO کی طرف سے بنائی گئی کمیونٹی سینٹر میں موجود کمپیوٹر لیب دیکھنے سے پتہ چلا کہ لیب میں موجود 13 عدد کمپیوٹر غائب تھے۔ کمپیوٹر کے علاوہ سکینر وغیرہ بھی غائب تھے۔ لہذا آج میں تسلی کرنے کے بعد نامعلوم چور/چوروں کے خلاف میرے سکول کے کمپیوٹر لیب میں گھس کر چوری کرنے کے بابت رپورٹ کر کے رپورٹ کرتی ہوں۔ ملزمان نامعلوم کے خلاف چوری کا پرچہ درج رجسٹر کر کے ملزمان کو کیفر کردار تک پہنچایا جائے۔ پرنسپل آصفہ کنول زنانہ ہائیر سیکنڈری سکول شیا تو لیک چترال موبائل نمبر 03452101203 مورخہ SD07.08.2023 آصفہ کنول پرنسپل GGHSS شیا تو لیک چترال کاروائی پولیس: پس پیش کردہ درخواست سے صورت جرم بالا کا پایا جانا کر مراسلہ بجرم بالا بخلاف ملزمان نامعلوم بغرض قائمی مقدمہ بدست کنسٹیبل علاؤالدین ارسال تھانہ ہے۔ پرچہ چاک کر کے تفتیش ID اسٹاف کو حوالہ کیا جائے۔ میں موقع پر مصروف تفتیش ہوں۔ مراسلہ گزارش ہے۔ SD PASI اظفر عالم تھانہ چترال مورخہ 07.08.2023 کاروائی تھانہ: پس آمدہ مراسلہ صرف بحرف درج صدر ہو کر پرچہ بجرم بالا بخلاف ملزم ملزمان نامعلوم فوق چاک کیا گیا۔ مقدمہ کی اطلاع بذریعہ کنٹرول روم آفیسران بالا کو دی جاری ہے۔ تفتیش انوسٹی گیشن ونگ کو حوالہ ہو کر پرچہ گزارش ہے۔

SI Bulbul Hassan
07-08-2023

True Copy
10-05-2024

ATTESTED

(16)

Annexure "G"

ضلع: اوٹر چترال

رپورٹ بصیغہ اخراج

زیر دفعہ 173

تھانہ: چترال سٹی

مورخہ: 2023-08-07

تھانہ: چترال سٹی

مقدمہ نمبر: 345/23

جرم: 380
457

1	نام مستغیث یا اطلاع دہندہ	آصفہ کنول ولد زنانہ ہائیر سیکنڈری سکول شیاتوک چترال
2	نوعیت جرم استغاثہ	380 457
3	تفصیل مال مسروقہ اگر کوئی ہو	
4	نام و پتہ ملزمان اگر کوئی ہو	
5	گرفتار کیا گیا تو تاریخ گرفتاری	
6	تاریخ وقت رہائی	
7	تفصیل مال برآمد ہو یا نہ ہو	
8	مختصر حالات مقدمہ و نتیجہ تفتیش	

Sir
Bailable for order
8/4/24

جناب عالی! حالات مقدمہ ہذا یوں ہیکہ مورخہ 07.08.2023 کو PASI اختر علم دوران موبائل گشت گورنمنٹ ہائیر سیکنڈری سکول شیاتوک میں چوری کا واقعہ رونما ہوا ہے جس پر قانونی کارروائی کی خاطر جائے وقوعہ پہنچنے پر مدعیہ مقدمہ بالا ایک تحریری درخواست برائے قانونی کارروائی پیش کی ہے جو کہ ہو بہو ذیل ہے۔ بخدمت جناب SHO صاحب تھانہ چترال جناب عالی گزارش ہے کہ میں گورنمنٹ ہائیر سیکنڈری سکول زنانہ کا پرنسپل ہوں۔ آج بدوران جنرل چیکنگ NGO کی طرف سے بنائی گئی کمیونٹی سینٹر میں موجود کمپیوٹر لیب دیکھنے سے پتہ چلا کہ لیب میں موجود 13 عدد کمپیوٹر غائب تھے۔ کمپیوٹر کے علاوہ سکینر وغیرہ بھی غائب تھے۔ لہذا آج میں تسلی کرنے کے بعد نامعلوم چور/چوروں کے خلاف میرے سکول کے کمپیوٹر لیب میں نقب لگا کر چوری کرنے کے بابت دعویداری کرکے رپورٹ کرتی ہوں۔ ملزمان نامعلوم کے خلاف چوری کا پرچہ درج رجسٹر کرکے ملزمان کو گرفتار کرکے تک پہنچایا جائے۔ پرنسپل آصفہ کنول زنانہ ہائیر سیکنڈری سکول شیاتوک چترال موبائل نمبر 03452101203 مورخہ SD07.08.2023 آصفہ کنول پرنسپل GGHSS شیاتوک چترال کارروائی پولیس: پس پیش کردہ درخواست سے بصورت جرم بالا کا پایا جاکر مراسلہ بجرم بالا بخلاف ملزمان نامعلوم بغرض قانونی مقدمہ مراسلہ تھانہ ہذا کے پر مقدمہ ہذا درج رجسٹر ہو کر تفتیش انوسٹی گیشن اسٹاف کو حوالہ ہوا ہے۔ PASI اختر جائے وقوعہ پر بذریعہ AHP حاصل خان مقامات چار چرد کرسی اور میز سے 5 عدد نشانات انگشت اٹھا کر حوالہ کرنے پر قبضہ پولیس میں کرکے پارسل نمبر 1 مہر بہ AH تیار کرکے گواہان فرد سے مکمل کی ہے۔ SI/OII ابرار احمد مقدمہ ہذا کی حسب ضابطہ تفتیش کرتے ہوئے گواہان فرد، مراسلہ رسان پرچہ چاک کنندہ اور AHP کے بیانات زیر دفعہ 161 ض ف تلمبند کی ہے حاصل کردہ شہر پرنٹ بذریعہ اسسٹنٹ افسران بالا نادرا ریکارڈ سے مطابقت کے لئے دفتر نادرا چترال بھیجا ہے حسب لشاندہی مدعیہ مقدمہ نقشہ موقع بنا کر ملزم کی نشاندہی پر جائے وقوعہ کی ہے۔ ملاحظہ موقع پرنسپل آفس اور مین گیٹ کا تالہ جو ہر چابی سے کھلتے ہیں بطور وجہ ثبوت قبضہ پولیس میں کرکے پارسل نمبر 2، 3 مہر بہ مہر AM تیار کرکے گواہان فرد سے مکمل کی ہے۔ کا پیش کردہ چوری شدہ 1 ایک عدد خالی ڈبہ LED 2۔ ایک عدد خالی ڈبہ پرنٹر 3۔ اسکینر کے ایک عدد خالی ڈبہ 4۔ ایک عدد خالی ڈبہ کمپیوٹر قبضہ پولیس میں کرکے گواہان فرد سے مکمل کی ہے۔ کاغذات چوری شدہ سامان حاصل کرکے لف مسل کی ہے گواہان فرد سے بیانات زیر دفعہ 161 ض ف قلمبند کی ہے۔ سکول میں موجود اسٹاف اور دیگر ملازمین کے بیانات ضابطہ انکوائری کمیشن عمل میں لایا ہے۔ سکول کے اسٹاف اور مشتبہ گان کے CDR حاصل کرکے بعد تجزیہ میں لف مسل کی ہے مدعا واقعی ہے۔ نشانات انگشت دوران موصولی ہونے پر بذریعہ

CTC

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Session Courtzo

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(17)

Annexure "H"

IN THE COURT OF MUHAMMAD HAYAT
SENIOR CIVIL JUDGE (Admin)/JUDICIAL MAGISTRATE, CHITRAL LOWER

Case No. _____ Date of Institution. _____

FIR No. 345 Dated: 07.08.2023 u/S(s) 380/457 PPC PS Chitral City

State ... Vs ... Unknown

Serial No. Date Of Order	Order or Other Proceedings with Signature of Judge or Magistrate and That of Parties or Counsel Where Necessary.
Order No. 02 23.04.2024	DyPP for the present. Final report/Complete challan submitted by prosecution.

Perusal of record reveals that final reports/complete challan, received from the prosecution. Its perusal would reveal that as a result of the occurrence reported to local police by one Asfa Kanwal Principal Higher Secondary School Shiaqotek/complainant, the local police lodged above cited FIR against the unknown accused in respect of theft of computers from the lab of Higher Secondary School Shiaqotek, Chitral Lower. During investigation it was found by local police that the occurrence was took place during winter vacations and no lock or door was broken, therefore, it is assumed that if the occurrence was happened the keys were used for the same which were in custody of school officials. A departmental inquiry was also initiated and as per the report of Departmental Committee the mishap was due to negligence of school staff/watchman. As per Inquiry report the robbery was the outcome of sheer negligence of both the watchmen Mr. Hameedullah and Mr. Abdullah and they are responsible for this financial loss of the Community your Centre/Computer Lab. The committee recommended to recover all the amount of stolen items/devices from the above mentioned watchmen and to purchase the new ones for the lab. After the receipt of inquiry report, local police forwarded this final report/complete challan for cancellation of FIR.

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Session Court/ZC
Chitral
4.5.24

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IN THE COURT OF MUHAMMAD HAYAT'

SENIOR CIVIL JUDGE (Admin) JUDICIAL MAGISTRATE
CHITRAL LOWER.

Case No.....Date of institution.....

Fir No. 345, Dated 07.08.2023, U/s 380, 457PPC, PS Chitral City

State Vs Unknown

Serial No. Date of order	Order or other proceedings with signature of judge or Magistrate and that of parties or Counsel where necessary.	
Order No..... 23.4.2024	Dy PP for the present. Final report/complete challan submitted by prosecution. Perusal of record reveals that final report/complete challan received from the prosecution. Its perusal would reveal that as a result of the occurrence reported to local police by one Asfa Kanwal Principal Higher Secondary School Shiaqotek/complainant , the local police lodged above cited FIR against the unknown accused in respect of theft of computers from the lab of Higher Secondary School Shiaqotek, Chitral Lower. During the Investigation it was found by local police that the occurrence was took place during winter vacations and no lock or door was broken , therefore it is assumed that if the occurrence was happened the keys were used for the same which were in custody of school officials. A departmental inquiry was also initiated and as per the report of Departmental Committee the mishap was due to the negligence of school staff/watchman. As per inquiry report the robbery was the outcome of the sheer negligence of both the watchman Mr. Hameed Ullah and Mr. Abdullah and they are responsible for this financial loss of the community youth centre/computer lab. The committee recommended to recover all the amount of stolen items /devices from the abovementioned watchmen and to purchase the new ones for the lab. After the receipt of the inquiry report local police forwarded this final report/complete challan for cancellation of FIR.	

(18)

IN THE COURT OF MUHAMMAD HAYAT

SENIOR CIVIL JUDGE (Admin)/JUDICIAL MAGISTRATE, CHITRAL LOWER

Case No ..... Date of Institution. .....

FIR No. 345 Dated: 07.08.2023 u/S(s) 380/457 PPC PS Chitral City

State ..... Vs..... Unknown

Serial No Date Of Order	Order or Other Proceedings with Signature of Judge or Magistrate and That of Parties or Counsel Where Necessary.	حکم نمبر / تاریخ
Order (Contd.)	This Court is now of the considered view that if the case is fixed for further proceeding, it will bear no fruits. Thus, for the reasons, the Court sees no probability of progress in the present case FIR even if the case is further proceeded. Therefore, by agreeing with the Prosecution, the FIR is hereby cancelled. Case property, if any, be disposed of as per law and rules. This file be consigned to record room after necessary completion and compilation, police file be returned with copy of this order. **Announced** 23.04.2024 **(Muhammad Hayat)** SCJ (Admin)/Judicial Magistrate, Lower Chitral Attested Copy Clerk Session Court/ZO Chitral 4.5.24 ATTESTED	

Better copy

IN THE COURT OF MUHAMMAD HAYAT'

SENIOR CIVIL JUDGE (Admin) JUDICIAL MAGISTRATE
CHITRAL LOWER.

Case No.....Date of institution.....

Fir No. 345, Dated 07.08.2023, U/s 380, 457PPC, PS Chitral City

State Vs Unknown

Serial No. Date of order	Order or other proceedings with signature of judge or Magistrate and that of parties or Counsel where necessary.	
Order No..... 23.4.2024	This court is now of the considered view that if the case is fixed for further proceeding , it will bear no fruits. Thus for the reasons the court sees no probability of progress in the present case FIR even if the case is further proceeded. Therefore, by agreeing with the prosecution, the FIR is hereby cancelled. Case property if any be disposed of as per law and rules. This file be consigned to record room after necessary completion and compilation. , police file be returned with copy of this order. Announced 23.04.2024 Muhammad Hayat SCJ (Admin) Judicial Magistrate, Lower Chitral	

(19)

Annexure "I"

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR
(P&D) Branch

No. 328 F.No.02/DD (P&D)/Chitral Dated Peshawar the 13-3-2024

To

The District Education Officer (F),
Chitral Lower

Subject: INQUIRY REPORT OF ROBBERY INCIDENT TAKEN PLACE AT GGHSS SHIAQOTAK DISTRICT CHITRAL LOWER

I am directed to refer to the subject noted above and to enclose the inquiry report submitted by inquiry committee for implementation of its recommendations in letter and spirit under intimation to this Directorate.

I am further directed to request you to ask the Principal of GGHSS Shiaqotak to recover the amount of the robbery from both the Class-IVs i.e Mr Hamid Ullah and Mr. Abdullah through proper challan, please.

Assistant Director (P&D)
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar

Endst. No.
Copy of the following forwarded to the:-
1. Principal GGHSS Shiaqotak District Lower Chitral.
2. PA to Director, Directorate of (E&SE) Khyber Pakhtunkhwa Peshawar.

Assistant Director (P&D)
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar

True Copy

DEO (F) Chitral
Diary No.
Dated

Muhammad Sahib Noor Khan
Advocate Court &
Federal Shariat Court

ATTESTED

BETTER COPY

DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION
KHYBER PAKHTUNKHWA, PESHAWAR

No.328.....(P&D) Chitral Dated Peshawar 13.03.2024

To,

The District Education Officer (F),
Chitral Lower

INQUIRY REPORT OF ROBBERY INCIDENT TAKEN PLACE AT GGHSS SHIAQOTEK DISTRICT CHITRAL LOWER.

I am directed to refer to the subject noted above and to enclose the inquiry report submitted by the inquiry committee for implementation of its recommendations in letter in spirit under intimation to this Directorate.

I am further directed to request you to ask the Principal of GGHSS Shiaqotek to recover the amount of the robbery from both the Class-IV i.e Mr. Hamid Ullah and Mr. Abdullah through proper challan, please.

Assistant Director (P&D)
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar

.....No.....

Copy of the following forwarded to the;

1. Principal GGHSS Shiaqotek, District Lower Chitral
2. PA to Director of (E&SE) Khyber Pakhtunkhwa Peshawar

Assistant Director (P&D)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

(20)

Annexure "J"

OFFICE OF THE PRINCIPAL GGHSS SHIAQOTAK CHITRAL LOWER. PHONE NUMBER. 0943-413458. EMAIL ADDRESS. gghsshiaqotak@gmail.com.

No. 193-94 /GGHSS/INQUIRY/RECOVERY/ WYCC dated 27/ 03 /2024

To:-

1. Mr. Hamid Ullah Chowkidar GGHSS Shiaqotak, Chitral Lower.
2. Mr. Abdullah Chowkidar GGHSS Shiaqotak, Chitral Lower.

Subject:- IMPLEMENTATION OF THE RECOMMENDATION OF INQUIRY REPORT/ RECOVERY OF RS. 3400000/- (THIRTY-FOUR LAC RUPEES ONLY).

Memo:

Reference to the No. 16376/E-14/ EB (F) dated Chitral the 26/03/2024 received from the District Education Officer (Female), Chitral Lower; you are hereby directed to deposit Rs. 3400000/- (Thirty-Four Lac Rupees) into the Govt Treasury through Challan within two Weeks of the receipt of this call and submit a copy it in the office of the undersigned failing which the matter will be reported to high ups.

Principal
GGHSS Shiaqotak Chitral Lower.

Endst: No._____ dated_____/_____/2024.

Copy to the District Education Officer (Female) Chitral Lower with reference to her No & date as referred above for information. please.

Principal
GGHSS Shiaqotak Chitral Lower.

True Copy
10-05-2024
Mohammad Sohib Noor Khan
High Court
Chitral Court

ATTESTED

BETTER COPY

OFFICE OF THE PRINCIPAL GGHSS SHIAQOTEK CHITRAL LOWER.
PHONE NUMBER 0943-413458. EMAIL ADDRESS .gghsshiaqotak @gmail.com

No. 193-94/GGHSS /INQUIRY/RECOVERY /WYCC dated 27/3/2024

1. Mr. Hamid Ullah Chowkidar GGHSS Shiaqotak Chitral Lower
2. Mr. Abdullah Chowkidar GGHSS Shiaqotak Chitral Lower

IMPLEMENTATION OF THE RECOMMENDATION OF INQUIRY REPORT /RECOVERY OF Rs.3400000/- (THIRTY – FOUR LAC RUPEES ONLY).

Memo:

Reference to the No. 16376/E-14/EB(F) dated Chitral the 26/03/2024 received from the District Education Officer (Female) Chitral Lower , you are hereby directed to deposit Rs.3400000/- (Thirty Four Lac Rupees) into the Govt. treasury through challan within two weeks of the receipt of the call and submit a copy of it in the office of the undersigned failing the matter will be reported to high ups.

Principal
GGHSS Shiaqotak,
Chitral Lower

Endst: No. .....dated...../...../2024

Copy to the District Education Officer (Female) Chitral Lower with reference to her No. and date as referred above for information, please.

Principal
GGHSS Shiaqotak Chitral Lower

(21)

Annexure "K"

Interdepartmental Appeal

To,

The Worthy Secretary Elementary
& Secondary Education, KP
Peshawar.

Subject: **Departmental Appeal for Cancellation of order No.328 F. No. 02/ DD (P&D) Chitral Dated 13-03-2024 Peshawar, Whereby on the basis of enquiry report the appellants (watchmen) has been ordered to deposit Rs. 3400000/. (Thirty Four Lac) , the amount of robbery committed by unknown accused at GGHSS Shiqotak Lower Chitral. and may also kindly pass a restraining order to suspend all the proceedings and actions initiated by the lower authority on the basis of said impugned order till the disposal of this appeal .**

Respectfully Sir,

The appellants serve as watchman in the Government Girls High Secondary School in Shiaqotak lower chitral, since decades. It is with utmost concern and disbelief that. I write to appeal against the unjust accusations and unfair order passed against me in the light of enquiry report by the worthy assistant Director (P&D) E&SE KP Peshawar on school 25-03-2024 regarding the robbery incident at the newly constructed community youth centre in the middle girl's portion of Shiqotak Chitral Lower. .

Despite my unwavering cooperation with the police investigation and the search conducted at my residence no incriminating evidence found linking me to the robbery, however to my dismay, the department enquiry committee failed to interrogate crucial individuals such as the class fours staff of that middle girls school that portion where the robbery alleged to have been committed, the Principal and other teachers, clerical staff and even the student opting to solely target me based on my position as watchman.

It is deeply troubling that without any material proof or thorough investigation, the enquiry committee hastily ordered me and my brother to deposit Rs. 3400,000/. as the supposed loss incurred due to this robbery. The decision not only tarnishes me and my brother reputation, but also imposes an unjust financial burden on us, Therefore, the said order and inquiry committee report being liable to be rejected for the following reasons.

1. The appellant had no duty in the middle school where the said robbery took place, but the duty of the appellants in the high and higher secondary school portion. Mr. Abdullah has on duty from 8am to 4pm and Hameed Ullah is on duty from 4pm to 8am daily and the place where the theft took place is quite far apart from the place of duty of the appellants and it is a universal truth that no person can be present at two different places at the same time, and according to law duration of duty shall not be more than 8 hours. In this regard, the appellants also made a timely request to the higher officials, but instead, as a punishments the appellants were appointed on duty from morning to evening in the DC Office Chitral Lower. Furthermore no iota of evidence is available on record regarding the negligence of the appellants in performing of their duties.
2. That apart from all the teaching staff, clerical staff, hundreds of students and especially the class four staff of that portion where the theft happened by targeting

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20-05-2024
Muhammad Sajid Nawab Khan
Advocate High Court &
Federal Shariat Court

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To

The Worthy Secretary
Elementary And Secondary Education KP, Peshawar.

SUBJECT: DEPARTMENTAL APPEAL FOR CANCELLATION OF ORDER NO #02/DD(P&D) CHITRAL DATED 13/03/2024 PESHAWAR, WHEREBY ON THE BASIS ENQUIRY REPORT THE APPELLANTS (WATCHMEN) HAS BEEN ORDERD TO DEPOSITE RS:3400000/- (THIRTY FOUR LAC), THE AMOUNT OF ROBBERY COMMITTED BY UNKNOWN ACCUSED AT GGHSS SHIQOTAK LOWER CHITRAL. AND MAY ALSO KINDLY PASS A RESTRAINING ORDER TO SUSPEND ALL THE PROCEEDINGS AND ACTIONS INITIATED BY LOWER AUTHORITY ON THE BASIS OF SAID IMPUGNED ORDER TILL THE DISPOSAL OF THIS APPEAL.

Respectfully Sir,

The appellants serve as watchmen in Govt Girls High Secondary School in Shiaqotak Lower Chitral Since decades. It is with utmost concern and disbelief that I write to appeal against the unjust accusations and unfair order past against me in the light of inquiry report by the worthy Assistant Director (P&D) E&SE, KP Peshawar on school 25/03/2024 regarding the robbery incident at the newly constructed community youth center in the middle Girls portion of Shiaqotak Chitral Lower.

Despite the unwavering corporation with the police investigation and the search conducted at my all residence no incrimination evidence found linking me to the robbery, however to my dismay, the department enquiry committee failed to interrogate crucial individual such as the class fours staff of the middle girls school that portion where the robbery alleged to have been committed, the Principal and other teachers, clerical staff and even the student opting to solely target me based on my position as watchman.

It is deeply troubling that without any material proof or thorough investigation, the enquiry committee hastily ordered me and my brother to deposit Rs.3400000/- as the supposed loss incurred due to this robbery. The decision not only tarnishes me and my brother reputation, but also imposes an unjust financial burden on us. Therefore, he said order and inquiry committee report being liable to be rejected for the following reasons.

1. The appellant had no duty in the middle school where the said robbery took place. But the duty of the appellants in the high and higher secondary school portion. Mr, Abdullah has on duty from 8 am to 4 pm and Hameed Ullah is on duty from 4 pm to 8 am daily and the place where the theft took place is quite far apart from the place of duty of the appellants and it is a universal truth that no person can be present at two different places at the same time, and

only the appellants without any concrete evidence and justification is the clear proof that the enquiry committee biased the investigation. The enquiry committee wrongly hold that the houses and shops of the appellants are adjacent to the place of occurrence but the houses and shop of the appellants are situated to the distance of 500 meter from the place of occurrence. It is also an admitted fact enquiry committee and the lower authority had given no show cause notices to the appellants.

3. As the FIR of the incident has also been registered against unknown persons, the police also investigated the appellants with all the staff of the institution for that purpose the police called the appellants daily early in the morning and were released at late night. The police also did not find any evidence against the appellants and the criminal case is pending in the competent court of law, and it is also a fact that the appellants are poor people belonging to the middle class and spent their life with the lowest salary, while appellants six Kanal land worth crores of rupees, has taken by the government and constructed the aforementioned High Secondary School without paying a single rupee to the appellants. Therefore conviction of appellants based on assumptions and concerns based inquiry report is against the principles of natural justice.

I humbly request a fair and unbiased review of our case, considering all pertinent evidence and testimony from individuals directly involved or affected by the robbery incident.

We firmly believe in our innocence and seek your intervention to ratify this grave Injustice.

Thank you for your attention to this matter we eagerly await your prompt and fair resolution.

Sincerely
Appellant Mr.Hamidullah
S/O Akbar Khan R/O Shiaqotak
(Chowkidar) at GGHSS
Shiaqotak District Lower Chitral
Contact: 03449700982

Copy to:

1. Director E&SE Department, Peshawar
2. District Education Officer (Female) Chitral Lower
3. The Principal GGHSS Shiaqotak Chitral Lower

Dated:
April 16, 2024
Chitral Lower

Note: All the relevant documents are enclosed herewith as annexures A to H.

True Copy
10-5-2024
Muhammad Sahib Noor Khan
Advocate High Court &
Federal Shariat Court

ATTESTED

according to the law duration of duty shall not be more than 8 hours. In this regard, the appellants also made a timely request to the higher official, but instead, as a punishments the appellants were appointed on duty from morning to evening in the DC Office Chitral Lower. Furthermore no iota of evidence is available on record regarding the negligence of the appellants in performing of their duties.

2. That apart from all the teaching staff, clerical staff , hundreds of students and especially class four staff of that portion where the theft happened , by targeting only the appellants without any concrete evidence and justification is the clear proof that the enquiry committee biased the investigation. The enquiry committee wrongly hold that the houses and shops of appellants are adjacent to place of occurrence but the houses and shop of the appellants are situated to the distance of 500 meter from the place occurrence. It is also and admitted fact enquiry committee and the lower authority had given no show cause notices to appellants.
3. As the FIR of the incident has also been registered against unknown person, the police also investigated appellants with all the staff of institution for that purpose the police called the appellant daily early in the morning and were released at late night. The police also did not find any evidence against the appellants and the criminal cases pending in the competent court of law, and it also a fact that the appellants are poor people belonging to the middle class and spent their life with the lowest salary while appellant 6 kanals land worth crore of rupees has taken by govt and constructed afore mentioned high secondary school without paying a single rupee to appellants. Therefore conviction of appellant based assumption and concerns based enquiry report is against the principles natural justice.

I humbly request a fair and unbiased review of our case , considering all pertained evidence and testimony from individuals directly involved or affected by the robbery incident.

We firmly believe in our innocence and seek your intervention to ratify this grave injustice.

Thank you for your attention to this matter we eagerly await your prompt and fair resolution.

Sincerely

Appellant Mr Hamid Ullah
S/O Akbar Khan R/O Shiaqotak
(Chowkidar) at GGHSS
Shiaqotak District Lower Chitral
Contact:03449700982

Copy to:

1. Director E&SE Department Peshawar
2. District Education Officer (female) Chitral Lower
3. The Principal GGHSS Shiaqotak Chitral Lower

Dated: April 16, 2024
Chitral Lower.

بعدالت خیبر پختونخواہ سروس ٹریبونل پشاور

2024ء منجانب اپیلانٹ

حمید اللہ بنام گورنمنٹ آف KP

موزخہ
مقدمہ سروس اپیل
دعویٰ
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی وجواب دہی وکل کارروائی متعلقہ آن مقام پشاور کیلئے اسد علی خان ایڈووکیٹ ہائی کورٹ 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 وتقرر ثالث وفیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور صولی چیک وروپیہ ارعرضی دعوی اور درخواست ہر قسم کی تصدیق زرایں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برامدگی اور منسوخی نیز دائر کرنے اپیل نگرانی ونظر ثانی وپیروی کرنے کا اختیار 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 مذکورہ بااختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہرجانہ التوائے مقدمہ کے سبب سے وہ ہوگا۔ 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 رہے۔

المرقوم ——— ماہ ——— سنہ 20ء

العبد ——— گواہ العبد ———

بمقام پشاور کے لئے منظور ہے۔

حمید اللہ
(اپیلانٹ)

Attested and accepted.