


FORM OF ORDER SHEET

Court of _____

Appeal No. 1679/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	30 /09/2024	<p>The appeal of Mr. Hazrat Usman presented today by Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 03.10.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICED TRIBUNAL,
PESHAWAR.

Appeal NO. 1679 /2024

Hazrat Usman VS GOVT OF KPK & OTHERS:

APPLICATION FOR FIXATION OF THE ABOVE TITLED APPEAL AT
PRINCIPAL SEAT, PESHAWAR.

Respectfully Sheweth:

1. That the above mentioned appeal is pending adjudication before this Hon'ble Tribunal in which no date has been fixed so far.
2. That according to Rule 5 of the Khyber Pakhtunkhwa Service Tribunal Rules 1974, a Tribunal may hold its sittings at any place in Khyber Pakhtunkhwa which would be convenient to the parties whose matters are to be heard.
3. That it is worth mentioning that the offices of all the respondents concerned are at Peshawar and Peshawar is also convenient to the appellant/applicant meaning thereby that Principal Seat would be convenient to the parties concerned.
4. That any other ground will be raised at the time of arguments with the permission of this Hon'ble court.

It is therefore prayed that on acceptance of this application the appeal may please be fixed at principal seat Peshawar for the Convenience of parties and best interest of justice.

Applicant

Dated: - 16 / 9 / 2024

Through


NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 1679 /2024

MR. HAZRAT USMAN

V/S

EDU: DEPTT:

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Dated: 10-09-2024

THROUGH: **APPELLANT**
NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 1679 /2024

Mr. **Hazrat Usman**, DM (BPS-16),
GHSS No 3, Michan Khel District Lakki Marwat

..... **APPELLANT**

VERSUS

- 1- The Director Elementary & Secondary Education
Department, Khyber Pakhtunkhwa, Peshawar.
- 2- District Education Officer, District Lakki Marwat

..... **RESPONDENTS**

**APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST
THE IMPUGNED ORDER DATED 10/05/2024, WHEREBY
MAJOR PENALTY OF COMPULSORY RETIREMENT FROM
SERVICE HAS BEEN IMPOSED ON THE APPELLANT AND
AGAINST THE INACTION OF THE RESPONDENT BY NOT
DECIDING THE DEPARTMENTAL APPEAL OF THE
APPELLANT WITHIN THE STIPULATED PERIOD OF 90 DAYS.**

PRAYER:

That on acceptance of this appeal, the impugned order dated
10/05/2024, whereby the appellant has been compulsory retired
from service may kindly be set aside and the appellant may please
be reinstated into service with all back benefits. Any other remedy
which this august Service Tribunal deems fit that may also be
awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

**Brief facts giving rise to the present appeal are as
under:-**

- 1) That the appellant was initially appointed as PST Teacher in
compliance of the decision of Honourable Peshawar High
Court Peshawar through appointment order dated
03/12/2011, submitted his arrival report and started

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performing his duty with zeal and zest. Copy of appointment order dated 03/12/2011 is attached as annexure.....**A**

- 2) That whereafter the respondent department advertised various posts including Drawing Master (BPS-09) now (BPS-15) and after the appellant fulfilling all the codal formalities recommended by the District Selection Committee and appointed as DM through order dated 24/04/2012 and submitted his arrival report and performed his duties quite efficiently and upto the entire satisfaction of his superiors. Copy of appointment order dated 24/04/2012 is attached as annexure.....**B**
- 3) That the appellant while performing his duty was falsely been charged in a criminal case vide FIR No. 297 dated 01/05/2024 under section 377/511 PPC r/w 53 CPA in Police Station Gul Mai, Lakki Marwat. Copy of FIR is attached as annexure.....**C**
- 4) That the respondent department on the basis of ibid criminal case suspended the appellant through order dated 03/05/2024. Copy of order dated 03/05/2024 is attached as annexure.....**D**
- 5) That after charge in the ibid FIR and after arrest, the appellant filed post arrest bail petition before the competent court of law and the same was accepted and the appellant has been released on bail vide order dated 06/05/2024. Copy of bail order dated 06/05/2024 is attached as annexure.....**E**
- 6) That after release on bail, the appellant moved an application for providing copies of inquiry or other departmental proceedings conducted against the appellant or any final order issued against him. Copy of the application is attached as annexure.....**F**
- 7) That in response to the above application, the respondents provided the impugned order dated 10/05/2024, whereby the major penalty of compulsory retirement has been imposed upon the appellant without conducting regular inquiry into the matter. Copy of the impugned order dated 10/05/2024 is attached as annexure.....**G**

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- 8) That the appellant feeling aggrieved, filed departmental appeal, which has not been responded till date. Copy of the departmental appeal is attached as annexure.....H
- 9) That appellant, having no other remedy, prefer the instant appeal on the following grounds amongst the others.

GROUND:

- A) That the impugned order dated 10/05/2024, whereby the major penalty of compulsory retirement has been imposed upon the appellant is void in nature, against the law, facts, norms of natural justice and materials on the record, hence not tenable in the eye of law therefore are liable to be set aside.
- B) That appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C) That the respondents acted in arbitrary and malafide manner while issuing the impugned order dated 10/05/2024.
- D) That no charge sheet, statement of allegation and show cause notice has been served on appellant before issuing of impugned orders.
- E) That no regular inquiry has been conducted in the instant case which is mandatory under the rules before imposing major penalty of compulsory retirement.
- F) That, no codal formalities required were fulfilled for the major penalty of "Compulsory Retirement" by the respondents while issuing the impugned compulsory retirement order dated 10/05/2024.
- G) That, no regular or fact-finding inquiry is conducted in the matter which is pre-requisite as per the judgments of the Supreme Court of Pakistan in punitive matters.

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I) That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 10-9-24

THROUGH:


APPELLANT


NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT


UMAR FAROOQ MOHMAND


WALEED ADNAN


KHANZAD GUL
ADVOCATES HIGH COURT

CERTIFICATE:

No such like appeal is pending or filed between the parties on the subject matter before this Honorable Tribunal.


Advocate

AFFIDAVIT

I, Mr. **Hazrat Usman**, , do hereby solemnly affirm on oath that the contents of the above appeal are true and correct to the best of my knowledge and believe and nothing has been concealed from this Honorable Tribunal.


DEPONENT

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

APPOINTMENT ORDER:

In compliance of decision of Hon: High Court Peshawar Bench D.I.Khan Order dated 08-9-2011 the below named candidate is hereby appointed as PST (Teacher) Male in (BPS-07) Rs: (5800-320-15400) Plus usual allowances as admissible under the rules on regular basis under the provision of Establishment and Administration Department circular bearing No. SOR-6 (E&AD) 13-01-2005 dated: 10-08-2005 on the terms & conditions given below.

4 A
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S#	Name	Father Name & Address	To be posted at	Remarks
1	Hazrat Usman	Feroz Khan R/O Isak Khel	GPS, No.4, Zangi Khel	A .V. P, vacated due to Retirement of Mr. Sharifullah Khan PST GPS, No.4, Zangi Khel w.e.f. 11-10-2011, vide Pers: No. 00295532

Terms and Conditions:

1. His appointment will be considered regular without pension or gratuity in term of Section 19 of NWFP Civil Servant Act. 1973 as amended vide NWFP civil Servant (Amendment) Act. 2005. He will be however being entitled to contributory provided fund in such a manner and at such rate as may be prescribed by the Government.
2. His services will be liable to termination on one-month notice from either case of resignation without notice two months pay/allowance shall be refunded to the Govt.
3. He would be on probation for a period of two years extendable for another one year and during this period she is not entitled to apply for any long leave etc.
4. His services will be governed by such rules and regulations as may be issued from time to time by the Govt.
5. His services can be terminated at any time in case his performance is found unsatisfactory during probationary period. In case of misconduct he will be proceeded against the NWFP removal from service (special power) ordinance. 2000 and the rules framed from time to time.
6. Charge report should be submitted to all concerned
7. No TADA is allowed to any one
8. Drawing and disbursing officer concerned is directed to check and verified the Certificates/Degrees of the above candidate from the concerned Board/University before the drawl of his pay.
9. The appointment is liable to be termination if the appointee failed to take over charge with in (15) days of the commencement date.
10. The undersigned reserves the rights of amendment in this appointment order in case of any mistake.
11. He is required to produce ^{his} health and Age Certificates from the Medical Supdt; DHQ Hospital (Tajazai) Lakki Marwat.

(Haji Abdul Malik)
Executive District Officer.
(E&S) Education Lakki Marwat

14008-15
Endst: No _____ Dated Lakki Marwat the 03/12/ 2011.

Copy of the above is forwarded to the

1. District Coordination Officer, Lakki Marwat..
2. Registrar High Court Peshawar Bench D.I.Khan,.
3. Deputy District Officer (Male) Primary Local Office..
4. District Accounts Officer, Lakki Marwat.
5. Medical Superintendent DHQ, Hospital Lakki Marwat
6. ADO, Circle concerned.
7. Head Teacher concerned School.
8. Candidate concerned.

(Executive District Officer)
(E&S) Education Lakki Marwat

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

APPOINTMENT ORDER:-

Consequent upon the recommendations of District Selection Committee the appointment of below name candidates are hereby ordered as Drawing Master (Male)BPS-09, Rs: (6200-380-17600) plus usual allowances as admissible under the rules on regular basis, under provision of Establishment & Administration Department circular bearing No. SOR-6 (E&AD) 13-01-2005 date: 10-08-2005 on the term and condition given below in the interest of public service from the date of taking over charge.

OPEN MERIT

S. No	Name	Father Name and Address	To be posted at	Remark
1	Mr. Abdur Rahman	Ghani ur Rehman, R/o Nawar Khel	GMS, Nar Surana	A.V.Post
2	Mr. Muhammad Hussain Khan	Abdul Khanan, R/o Ghulam Ali Samti	GHS, Mangala	A.V.Post
3	Mr. Momin Khan	Nazk Muhammad, R/o N.M.Ghazni Khel	GMS, Mash Masti Khani	A.V.Post
4	Mr. Muhammad Ali Jan	Yousaf Khan, R/o Wanda Baru	GHS, Tap Takhti Khel	A.V.Post
5	Mr. Hazrat Usman	Feroz Khan, R/o Isak Khel	GHS, Wanda Baru	A.V.Post
6	Mr. Inayat Ullah Khan	Salah Khan, R/o Abba Khel	GHS, Adam Zai	A.V.Post
7	Mr. Amin ur Rashid	Haroon ur Rashid, R/o Naurang	GHSS, Landiwah	A.V.Post
DISABLE				
1	Mr. Saif Ullah Khan	Karim Khan, R/o Lakki City	GMS, Wanda Dautai	A.V.Post

TERMS & CONDITION:-


- 1- Their appointments will be considered regular without pension and gratuity in terms of section 19 of NWFP, Civil servant 1973, as amended vide NWFP, Servant (Amendment) act 2005. They will however be entitled to contributory provident fund in such in manner and at such a rate as may be prescribed by the Govt.
- 2 Their services will be liable to termination on one month notice from either side. In case of resignation without notice two months pay/allowances will be refunded to the Govt.
- 3 Their services will be governed by such rules as the Govt: may issue regulations as from time to time.
- 4 Their services will be terminated at any time in case his performance is found un-satisfactory during probationary period, in case of misconduct preceded against the NWFP removal from service (special power) ordinance. 2000 and the rules framed from time to time.
- 5 Charge reports should be submitted to all concerned.
- 6 No TA/DA is allowed.
- 7 The undersigned will check and verify the certificates/ Degrees of the above named candidates from the concerned Board/ University before the drawl of pay.
- 8 The appointment is liable to termination if the appointee failed to take over charge within fifteen days of the commencement date.
- 9 The undersigned reserves the right of amendment in the appointment order in case of a mistake.
10. They are required to produce their Health and age certificates from the Medical Superintendent DHQ, Hospital Lakki Marwat.

(Mir Azam Khan)
Executive District Officer
(E&S) Education Lakki Marwat.

2930-39

Encls No. _____ Dated 24/4/2012.

- Copy to the:-
1. Director (E&S) Education Khyber Pakhtunkhwa, Peshawar
 2. District Coordination Officer, Lakki Marwat.
 3. District Accounts Officer, Lakki Marwat.
 4. District Officer (M) Local Office.
 - 5-9. Principal/Head Masters concerned schools.
 10. Supdt: Establishment Local office.


Executive District Officer
(E&S) Education Lakki Marwat

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A small circular mark or stamp at the bottom center of the page, containing a number (possibly 8).

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زبردفعہ 154 مجموعہ ضابطہ فوجداری

ضلع: کئی مردت

تھانہ: کئی شئی

وقت 18:30 بجے

تاریخ: 30/04/2024

علت: 297

1	تاریخ و وقت رپورٹ: 01/05/2024 وقت 15:20 بجے	چاکیدگی 01/05/2024 وقت 15:40 بجے
2	نام و سکونت اطلاع دہندہ مستغیث	قدرت اللہ ولد محمد امین سکنہ جبار خیل حال کئی چمن خیل ہمر 13/14 سال
3	مختصر کیفیت جرم (معد دفعہ) اگر کچھ لیا گیا ہو۔	PPC 377/511, 53 CPA
4	جائے وقوعہ فاصلہ تھانہ سے اور سمت	خالی میدان نزد کبیر ٹیوب ویل بحد چمن خیل جانب شرق جنوب بفاصلہ 1-1/2 کلومیٹر از تھانہ
5	نام و سکونت ملزم	یاسر عثمان ولد فیروز سکنہ عیسک خیل حال کئی چمن خیل
6	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو	برسیدگی رپورٹ پر چھوڑ دیا گیا
7	تھانہ سے روانگی کی تاریخ و وقت	بہ سبیل ڈاک

ابتدائی اطلاع نیچے درج کرو۔

مستغیث مندرجہ خانہ نمبر 2 ہمراہ والد اش محمد امین ولد محمد دین سکنہ جبار خیل حال کئی چمن خیل NIC نمبر 1-11201-8586527-4317083-0316 بحاضری تھانہ آکر قدرت اللہ رپورٹ کرتا ہے کہ کل مورخہ 30/04/2024 کو گھر خود میں موجود تھا کہ بوقت 18:30 بجے ماسٹر عثمان ولد فیروز خان سکنہ عیسک خیل حال کئی چمن خیل جو گورنمنٹ ہائی سکول کئی چمن خیل میں میرا 7th کلاس کا استاد ہے آیا اور آواز دی کہ قدرت اللہ باہر آ جاؤ جس کی آواز پر میں گھر سے باہر نکلا اور اس نے اپنے ساتھ موٹر سائیکل پر بٹھا کر بعدا کبیر ٹیوب ویل لے گیا کچھ دیر بیٹھنے کے بعد ماسٹر عثمان میرے نزدیک ہو کر مجھ سے چھو میاں لینا شروع کیا اور اس کے بعد میرا ناڑہ کھول کر مجھے الٹا لٹا کر اپنا ناڑہ کھول کر اپنا آلہ تناسل میرے مقعد پر رکھتے ہوئے خارج ہوا میرے رخسار پر اس کے چھونے کے نشانات موجود ہیں فارغ ہونے کے بعد اس نے جیب سے کپڑا نکال کر پہلے مجھے صاف کیا اور بعد میں اپنا آلہ تناسل صاف کیا اور مجھے کہا کہ اگر آپ نے کسی کو بتایا تو سکول میں سزا دوں گا میں نے رو کر تو ماسٹر صاحب نے مجھے چڑی سے مارا اور کہا کہ اگر آپ نے یہ واقعہ گھر میں سنایا تو مزید سزا دوں گا اس کے بعد اس کے ساتھ موٹر سائیکل پر بیٹھا کر دینی مدرسہ کے ساتھ چھوڑ دیا بعد پڑھنے میں بھی گھر میں خوف کی وجہ سے کسی کو نہیں بتایا مگر آج صبح ویلہ سارا واقعہ

Better Copy of the Page No.

اپنے والد کو بتایا، وقوعہ ہذا میرا چشم دید ہے، رپورٹ میں دیری گھر میں بوجہ خوف وقوعہ نہ بتانے پر ہوئی ہے، میں
ماسٹر عثمان متذکرہ بالا کے خلاف اپنے ساتھ خلاف وضع، جنسی تشدد و عویدار ہوں، العبد نشان انگوٹھا سہمی محمد آمین
ولد محمد دین سکنہ جبار خیل حال لکی مچن خیل رپورٹ بالا کی تائید کرتا ہوں، العبد نشان انگشت، کارروائی تھانہ حسب
گفتہ مدعی قدرت اللہ بالا کی رپورٹ حرف بہ حرف درج بالا ہو کر بزبان پشتو پڑھ کر سنانے سمجھانے درست تسلیم
کر کے زیر رپورٹ خود اپنا انگوٹھا مثبت کیا جبکہ والد اش نے تائیدی انگوٹھا مثبت کر کے جن کی میں تصدیق کرتا ہوں،
قدرت اللہ کا نقشہ ضرر بہ شکل درخواست تحریر کر کے بغرض رائے ڈاکٹری زیر حفاظت کا نمٹیل تسلیم 922 شی
ہسپتال ہسپتال ٹل بھجوا یا جاتا ہے، مضمون رپورٹ سے صورت جرم بالا کی پائی جا کر پرچہ بجرائم بالا بر خلاف ملزم
----- بالا چاک ہو کر نقول FIR بغرض تفتیش حوالہ KBI سٹاف کئے جاتے ہیں، پرچہ گزارش ہے، دستخط

انگریزی ASI/PP/City مورخہ 01/05/2024



**Office of The District Education Officer
Male Lakki Marwat**

Phone & Fax: (0969)538291, Email: emislakki@yahoo.com
www.facebook.com/deomaleLakki, www.twitter.com/deo_m_lakki

"D"

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OFFICER ORDER:

The competent authority (District Education Officer Male Lakki Marwat) is pleased to order suspension from government service in respect of Mr Hazrat Usman DM (BPS-15) Government Higher Secondary School No. 3, Michen Khel District Lakki Marwat w.e.f. 1st May 2024 for his involvement in a criminal case FIR No. 297 under Section 377/511 of Pakistan Penal Code (PPC) and Section 53 Child Protection Act (CPA) dated 01-05-2024 and in the light of a report received from Principal GHSS No. 3, Michen Khel Lakki Marwat vide his letter No. 75 dated 02-05-2024.

NOTE:-

1. Necessary entry to this effect should be made in his Service Book.
2. He will be entitled to draw subsistence allowance as per rules.

District Education Officer
(Male) Lakki Marwat

Endst: No 2813-19 Dated. 03-05-2024

Copy to the:-

1. Superintendent of Police Investigation Lakki Marwat
2. District Monitoring Officer EMA Lakki Marwat
3. District Accounts Officer Lakki Marwat
4. Deputy District Education Officer (Male) Lakki Marwat
5. Principal GHSS No. 3, Michen Khel Lakki Marwat
6. Superintendent Establishment Local Office.
7. PA to DEO (Male) Local Office.

District Education Officer
(Male) Lakki Marwat

Better Copy of the Page No. 12

بخدمت جناب ڈی ای او صاحب (میل) ضلع لکی مروت

درخواست دوبارہ نقول کی کاپیاں دینے کے احکامات (انکوائری رپورٹ، پنشن کاپی، کمپسری

ریٹائرمنٹ کی کاپی، پرنسپل رپورٹ کی کاپی) زیر RTI ایکٹ 2013ء KP

جناب عالی

گزارش کی جاتی ہے کہ سائل آپ کے زیر سایہ سابقہ DM کے آسامی پر GHSS NO.3 میں کام کر رہا تھا سائل کے خلاف من گھڑت FIR چاک کی گئی جو کہ سائل کو پریشانی کا نشانہ بنایا، چونکہ اسی بناء پر سائل کو محکمہ پنشن کر کے کمیٹی (انکوائری) بنالی اور حتیٰ کہ سائل Compulsory Retirement from Service کے احکامات بھی جاری کر دیئے۔

اب آپ صاحبان نے بذریعہ درخواست استدعا کی جاتی ہے کہ سائل کو متعلقہ ریکارڈ، انکوائری رپورٹ، پنشن آرڈر اور Order Compulsory Retirement کے علاوہ پرنسپل رپورٹ کی کاپی کی اشد ضرورت ہے۔

لہذا آپ صاحبان مہربانی فرما کر دینے کے احکامات جاری فرما کر مشکور فرمائیں

بڑی مہربانی ہوگی

فقط مورخہ 14/5/2024

العارض

مسائل حضرت عثمان Ex.DM جی ایچ ایس ایس نمبر 3 چمن خیل تحصیل و ضلع لکی مروت

Mob- 0314-9400680

NIC- 11201-7303142-9

حکومت جناب ڈی ای او صاحب (سبل) ضلع کماروٹ

درخواست دربارہ نقول کی کیا گیاں دینے کے احکامات (انٹرنی رپورٹ سپیشن مابلی بلجسری
ریٹائرمنٹ ٹائپل پرنسپل رپورٹ ٹائپل
ڈیر (RT) ایڈیٹ KAK 13

جناب مال

گزارش کا حال ہے مسائل ایک از پر سابقہ سالہ DM کے اسالی پر HSS No 3 میں کام کر رہی
مسائل کے خلاف من ٹراٹ FIR جاگ لگی جو کہ مسائل کو پریشانی کا نشانہ بنا رہا۔ چونکہ اسی بنا پر مسائل کو
فکس سپیشن کر کے لیکش (انٹرنی) بنا لی اور صحتی مسائل compulsory Retirement from service کے
احکامات بھی جاری کر دیے

انہی صاحبان سے بذریعہ درخواست اسٹریک کی جاتی ہے مسائل کو متعلقہ ریٹائرڈ (انٹرنی رپورٹ) سپیشن
اور order compulsory Retirement کے حدود پر پرنسپل رپورٹ کی کاپی کی شد ضروری ہے

مذکورہ صاحبان پر بنا کر دیے کے احکامات جاری من ماسٹر مشکو و فرمائیں

برہم چورن

14/5/24

سطح ۲

الذمہ

سبل / حکومت کماروٹ Ex DM کی ایچ ایس ایس ٹریڈ یون سبل / سبل / ضلع کماروٹ

680-24-314-066

7303142-9 H201-24



(13) "G"

**Office of The District Education Officer
Male Lakki Marwat**

Ph: (099) 91538291 email: cmalelakkimaruwat.com
www.facebook.com/deo.male.lakki, www.twitter.com/deo_m_lakki

OFFICE ORDER:-

1. **WHEREAS**, Mr. Hazrat Usman, Drawing Master (DM) BPS-15, Government Higher Secondary School No. 3, Michen Khel District Lakki Marwat was proceeded under the Khyber Pakhtunkhwa Government Servants Efficiency & Discipline (E&D) Rules-2011 amended on 31-12-2021 for his involvement in a buggery case as per Police Station Lakki Marwat City FIR No. 297 Under Sections 377/511 of Pakistan Penal Code (PPC) and Section 53 of Child Protection Act (CPA) dated 01-05-2024 and in the light of report received from Principal of the concerned school vide No. 75 dated 02-05-2024.
2. **AND WHEREAS**, the contents of FIR clearly states that the above quoted official sexually assaulted a seventh grader (Complainant in FIR) of the school he is posted in and also threatened him of awarding corporal punishment if he narrated the ordeal before his parents.
3. **AND WHEREAS**, the undersigned, being competent authority, placed the services of above quoted official under suspension with immediate effect vide No. 2813-19 dated 03-05-2024 as and when this office received the FIR copy along with a report of Principal concerned regarding the involvement of the cited official in a sodomy case.
4. **AND WHEREAS**, the undersigned, being competent authority, constituted an Inquiry Committee, vide Endst: No. 2877-84 dated 06-05-2024, to probe allegations against Mr Hazrat Usman, DM contained in a report submitted by Principal concerned in the light of above-mentioned First Information Report (FIR).
5. **AND WHEREAS**, the Inquiry Committee headed by Mr Shaukat Ali Khan Deputy DEO Local Office as its Chairman and comprising Dr Ihsanullah ADEO Establishment Secondary Local Office and Mr Hashim Khan ADEO (P&D) Local Office as its members probed the complaint and found that the evidence gathered during the inquiry conclusively established that the accused teacher committed the heinous crime of sexual abuse against his student.
6. **AND WHEREAS**, the incident constituted misconduct on part of above quoted accused teacher and that there was no expression of remorse by him that he would do anything differently in future. It is also beyond any doubt that the accused teacher caused severe emotional and psychological harm to the victim (student) and also tarnished the noble profession of teaching.
7. **AND WHEREAS**, the involvement of Mr Hazrat Usman, DM, in a buggery case also raises a serious concern about his behaviour and his fitness to be a teacher. The assault that is perpetrated by him can cause a lifelong trauma to developing the victim

student, besides badly impacting the physical and emotional wellbeing of other students.

8. **AND WHEREAS**, the competent authority (District Education Officer Male Lakki Marwat) after having considered the charges and evidence on record, findings of the Inquiry Committee is of the view that the accused teacher has tarnished the reputation of entire education department and noble teaching profession and the charges against him contained in the FIR provide sufficient grounds to proceed him under E&D Rules 2011.

9. **AND NOW THEREFORE**, in exercise of the powers conferred under Government Servants Efficiency & Discipline Rules-2011 amended vide dated 31-12-2021, the competent authority (District Education Officer Male Lakki Marwat) under Section 5 (b) of Khyber Pakhtunkhwa Govt. Servants read with Rule-4 (b)(II), is satisfied and is pleased to impose Major Penalty of "**Compulsory Retirement from Service**" upon Mr Hazrat Usman Ex-Drawing Master Government Higher Secondary School No. 3, Michen Khel District Lakki Marwat with immediate effect.

District Education Officer
(Male) Lakki Marwat

Endst No. 3059-65 Dated. 10 / 05 / 2024.

Copy to the:-

- 1) Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 2) Deputy Commissioner Lakki Marwat
- 3) District Monitoring Officer (EMA), Lakki Marwat.
- 4) District Accounts Officer, Lakki Marwat.
- 5) Deputy District Education Officer (Male) Local Office.
- 6) Principal GHSS No. 3, Michen Khel Lakki Marwat with the directions to Record necessary entry in his service book.
- 7) Mr Hazrat Usman S/O Feroz Khan, (Ex-Drawing Master) Government Higher Secondary School No. 3, Michen Khel Lakki Marwat Resident of Village Isak Khel District Lakki Marwat, presently Mohallah Michen Khel Lakki Marwat City.

District Education Officer
(Male) Lakki Marwat

IN THE COURT OF SHABBIR MUHAMMAD DURRANI,
ADDL. SESSIONS JUDGE-II, LAKKI MARWAT.

Hazrat Usman Vs The State.

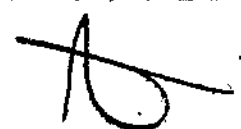
BA No.305/4 dated: 04-05-2024

ORDER
06-05-2024

1. Present; Sr:PP Nadeem Khan for the State and complainant Qudrat Ullah with his father Muhammad Amin present. Learned counsel for accused / petitioner also present. Record received, placed on file. Learned counsel for accused/petitioner submitted an application for correction of section of law 376 PPC instead of 377 PPC in the bail petition on the ground mentioned therein. Application seems genuine, hence allowed. Moharrir is directed to do the needful wherever necessary.
2. The accused / petitioner Hazrat Usman alias Master Usman s/o Feroz Khan r/o Esak Khel presently Lakki Michan Khel Lakki Marwat is charged in the instant case vide FIR No. 297 dated: 01-05-2024 u/s 376/511 PPC r/w 53 Child Protection Act PS Lakki City District Lakki Marwat, now seeks post arrest bail from this court on the ground of compromise.
3. The allegations against the accused / petitioner are that on 30-04-2024 at 18:30 hours he attempted to commit carnal intercourse forcibly upon minor complainant Qudrat Ullah, hence the FIR.
4. Before proceeding with the case on merits, minor complainant Qudrat Ullah along with father/wali Muhammad Amin submitted an affidavit Ex. PA before the court for compromise, wherein they stated that due to intervention of local elders, the accused / petitioner satisfied them about his innocence. They have privately patched up the matter and he has got no objection if the accused / petitioner is allowed bail on the basis of compromise. In this respect their joint statement

etc/05/24

ATTESTED


Examiner to
District & Session Judge
Lakki Marwat

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**IN THE COURT OF SHABBIR MUHAMMAD DURRANI,
ADDL: SESSIONS JUDGE-II, LAKKI MARWAT.**

Hazrat Usman Vs The State.

BA No.305/4 dated: 04-05-2024

was also recorded. The compromise is with their free will, consent and volition being in the best interest of the parties. Copy of CNIC of his wali is Ex. PB..

5. Though the offence is non compoundable but keeping in view the principle of forgiven and forgotten coupled with the averments of the affidavit and statement of the complainant and in order to pay sanctity to the private settlement of the parties for their future betterment, the application stands allowed and the accused/petitioner named above be released on bail if he furnish bail bonds in the sum of Rs.80,000/- (Eighty thousands only) with two sureties each in the like amount to the satisfaction of this court. The sureties must be local, reliable and mean of means.
6. File be consigned to the record room after its completion while requisitioned record be returned to the quarter concerned.

Announced.
06-05-2024

(Shabbir Muhammad Durrani)
Addl: Sessions Judge-II.
Lakki Marwat.

C.D. No. 3088
 Application received on 7-5-24
 Copying Fee deposited on.....
 Judgment received for copying 7-5-24
 No. of words 58
 Copying Fee.....
 Search Fee.....
 Urgent Fee.....
 Name of Copyist Shabbir
 Copy Completed on 7-5-24
 Copy Delivered on 7-5-24
 Name of Examiner Shabbir

ATTESTED

Examiner to
District & Session Judge
Lakki Marwat

To: The Director
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar.

"H"
15
1385
31-5-24.

Subject: DEPARTETNAL APPEAL UNDER RULE 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER NO. 3059-65 DATED 10.05.2024 PASSED BY DISTRICTR EDUCATION OFFICER (MALE) LAKKI MARWAT VIDE WHICH THE MAJOR PENALTY OF "COMPULSORY RETIREMENT FROM SERVICES HAS BEEN IMPOSED UPON THE APPELLANT, UNLAWFULLY AND AGAINST THE RULES/POLICY WITHOUT WAITING TO THE COURT DECISION

Respected Sir,

I have the honour to submit that I am aggrieved from the above mentioned order and hereby submit departmental appeal as provided under Rule 4 of the Service Tribunal Act, 1974 on the following facts and grounds:-

FACTS

1. That the appellant is the bonafide resident of Village Isak Khel Tehsil and District Lakki Marwat and presently residing in Mohallah Michen Khel near GHSS No. 3 Michen Khel Lakki City.
2. That the appellant has served in Education Department for a long period with meritorious services and presently posted as a Drawing Master BPS-15 in GHSS No. 3 Michen Khel Lakki City since last one year.
3. That during the entire service, neither any complaint received against the appellant nor crime committed and belongs to a respectable family as well as profession
4. That the appellant has some enmity with the local community and they were in struggle to involve me in any serious offence and put under Harassment so they have motivated some one who used a trick and planted a game against me who get ready one boy namely Qudrat Ullah a student of 7th Class to involve me in wrong allegation of sodomy case.
5. On all the above plantation and engineering motivation, local police of Police Station Lakki Marwat has entered FIR No. 297 dated 01.05.2024 under section 376/511 PPC read with 53 Child Protection Act (Photostat copy enclosed as a Annexure A).
6. As evident from the FIR dated 01.05.2024, the allegations levelled against me regarding committal of the crime time mentioned as 18.30 hours after closing of school hours as the above named student belong to Village Jabbar Khel and the appellant is resident in Mohallah Michen Khel Lakki City thus the statement is contradiction and based on personal grudges.
7. However, on the said FIR, the appellant was suspended from the service vide order No. 2813-19 dated 03.05.2024 passed by District Education Officer (Male) Lakki Marwat and an enquiry committee to this effect was constituted under the chairmanship of Deputy District Education Officer (Male) Lakki Marwat who telephonically informed for attendance of enquiry proceedings on 09.05.2024.
8. On 09.05.2024, the appellant attended the office of DDEO (Male) Lakki Marwat and submitted written statement (Photostat copy enclosed as Annexure B) with the contents that I am innocent and the complaint is planted one, only to put me under harassment and mental torture but they have not followed the rules and regulations as provided in Rule 10 & 11 of the Government Servant (Efficiency & Discipline Rules), 2011.
9. Show Cause Notice has not been served upon the appellant nor Inquiry report issued by the Competent Authority for defence of the case as provided in 14, 4 (a), (b), (c) and Rule (5) of Government Servant (Efficiency & Discipline Rules), 2011.
10. It is also injustice that no opportunity of personal hearing afforded to the appellant as required vide Rule 15 Government Servant (Efficiency & Discipline Rules), 2011 not in written date affixed for the purpose of personal hearing, thus all the proceedings based on personal grudges and local pressure over the authorities concerned.

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11. Charge Sheet and statement of allegations as required under Government Servant (Efficiency & Discipline Rules), 2011, however. Later one, when the complainant party contacted by our local elders, they submitted written statement/affidavit through Stamp Paper dated 06.05.2024 that after careful investigation locally, their blame over the accused official was wrong, and not based on facts and also requested for withdrawal of their allegations and rebutted their version vide which the Additional Session Judge-II Lakki Marwat, released the appellant on bail vide Order Sheet dated 06.05.2024 (Photostat copy enclosed as Annexure C).

12. It is pointed out that the authority concerned has not fulfilled the rules and regulations required for the purpose and within a period of 09 days, major penalty "Compulsory Retirement from Service" imposed upon the appellant vide impugned order which need to be set aside hence the instant appeal on the following grounds:-

GROUND

A. That no complaint received from any one during the entire service and is clean conduct with meritorious services rendered upto now.

B. That no proper regular enquiry conducted nor copy of inquiry report provided to the appellant as required under Rule 14 (4) (c) of the Government Servant (Efficiency & Discipline Rules), 2011.

C. That no show cause notice issued by the Authority concerned to the appellant nor any opportunity of personal hearing given to the appellant thus so that proper defence is offered as provided in 2021 PLC (C.S) 683 and PLD 1976 S.C 538. (Photostat copy enclosed as Annexure D & E)

D. As evident from the all proceedings conducted during only 9 days, the punished is mala fide, based on personal grudges and awarded to the appellant prior to the decision of the court.

E. That the appellant is innocent, clean previous services, law abiding and peaceful citizen, blamed with planted and engineered allegations and no proper facts and figures dugout by the authority and imposed, with major penalty thus damaged and totally exhausted in the society without proving the allegations nor exercise wait for the decision of court and final criminal proceedings.

D. That the complainant has already submitted his written statement/affidavit, declared innocent the appellant which is available on file but the authority concerned has mis-guided, mis-leaded and kept in dark by all concerned hence the order needs and required to be set aside in the interest of law and justice.

E. From all the above acts, the authority concerned has not go through the case and sustained damages to my status, put under harassment and mental torture in violation of all constitutional as well as fundamental rights and thus punished and imposed major penalty "Compulsory Retirement from Service" without completion of all legal aspect of the case hence the order needs to be set aside.

PRAYER

It is very humbly prayed that on acceptance the instant departmental appeal, the order No. 3059-65 dated 10.05.2024 may kindly be set aside and the appellant may be re-instated into service with all back benefits.

Thanking You Sir,

Yours Most Obedient Servant

Dated: 31.05.2024



Hazrat Usman, DM BPS-15
GHSS No. 3 Michen Khel
R/O Village Isak Khel now Mohallah
Michen Khel Lakki City
District Lakki Marwat.
CNIC No. 11201-7303142-9
Contact No. 03018752937

Accepted & Accepted

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2024
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Hayat usman

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