


FORM OF ORDER SHEET

Court of _____

Appeal No. 1213/2024

S.No.	Date of order proceedings.	Order or other proceedings with signature of judge
1	2	3
1-	15/08/2024	<p>The appeal of Mr. Misbah Ullah resubmitted today by Mr. Shahzad Gul Shehzad Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 19.08.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

The appeal of Mr. Misbah Ullah received today i.e on 09.08.2024 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- Annexures of the appeal are unattested.
- 4- Memorandum of appeal is not signed by the appellant.
- 5- Address of respondent in complete be completed.
- 6- Approved File cover is not used.

No. 552 /Inst./2024/KPST,

Dt. 9/8 /2024.

Amateelloh
OFFICE ASSISTANT
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Shehzad Gul Shahzad Adv.
High Court at Peshawar.

R/sir,

Re submitted after removal
of objections, her may kindly
be place before the Bench

Shehzad Gul
15/08/2024

BEFORE THE KHYBER PAKHTUNKHUWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No: 1213 /2024

Misbah Ullah (Sweeper) (BPS-03).

..... **APPELLANT**

V E R S U S

District Education Officer (M), Peshawar & another


..... **RESPONDENTS**

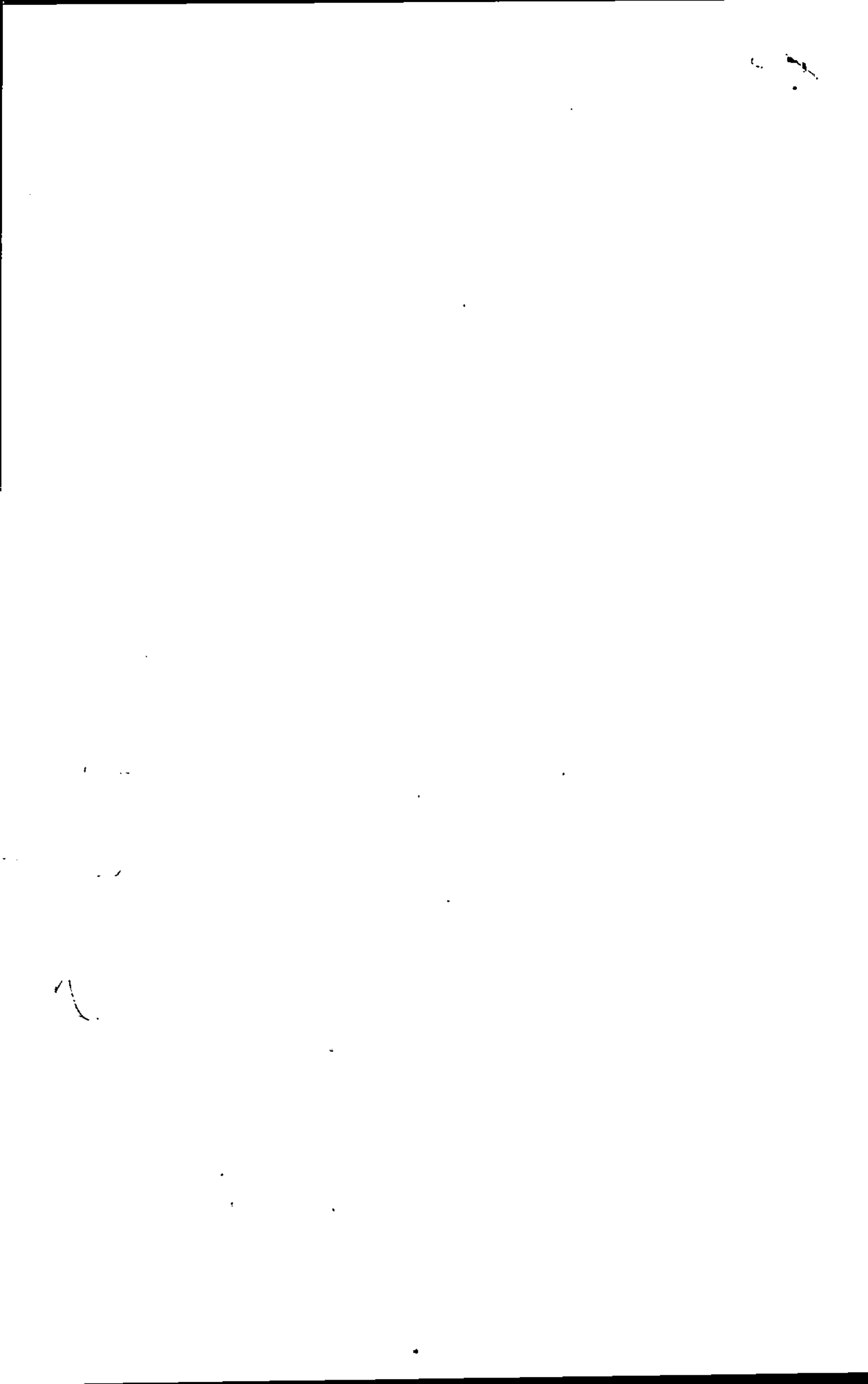
I N D E X

<u>Sr. No</u>	<u>Description of Documents</u>	<u>Annexure</u>	<u>Page No</u>
1	Memo of Appeal with affidavit		
2	Copy of the appointment letter	"A"	
3	Copy of the FIR	"B"	
4	Copy of the release order	"C"	
5	Copy of initial order dated 13.06.2024	"D"	
6	Copy of recommendation along with the impugned order dated 11.07.2024	"E & F"	
8	Wakalat Nama		


Misbah Ullah
Appellant

Through


Shehzad Gul Shehzad
Advocate High Court



BEFORE THE KHYBER PAKHTUNKHUWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No: 12/3/2024

Misbah Ullah (Sweeper) (BPS-03),
Government High School Palosai, Maghdarzan,
Peshawar.....Appellant

V E R S U S

1. District Education Officer (M), Peshawar.
2. Director Education Officer (M), Peshawar
At GT Road Peshawar.

.....Respondents

SERVICE APPEAL UNDER SECTION 4 OF
THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974 AGAINST THE
IMPUGNED ORDER PASSED BY
RESPONDENT NO.1 DATED 13.06.2024,
WHEREBY THE SERVICES OF THE
APPELLANT STAND DISMISSED WITH
EFFECT FROM 11.11.2024 ORDER
RESPECTIVELY. OR OFFICE ORDER NO.
5303 DATED 11.07.2024 OF RESPONDENT
NO.2 WHEREBY REPRESENTATION OF
APPELLANT WAS REJECTED.

PRAYER:

ON ACCEPTANCE OF THIS APPEAL THE
IMPUGNED DEPARTMENTAL ORDER
PASSED BY RESPONDENTS DATED

13.06.2024 AND 11/07/2024 MAY KINDLY PLEASE BE SET ASIDE AND APPELLANT MAY VERY KINDLY BE REINSTATED ON THE SUBJECT POST WITH ALL BACK BENEFITS.

Any other remedy which this Hon'ble Tribunal deems appropriate that may also be awarded in favour of the appellant.

RESPECTFULLY SHEWETH:

That brief facts and grounds giving rise to the instant Service Appeal are as under;

1. That appellant appointed as sweeper in the respondent department in BPS-03 and since remained excellent right from the beginning of his employment until the removable order.
Copy of the appointment letter is attached as annexure "A"
2. That appellant unfortunately dragged into frivolous criminal case of 324. Vide FIR No. 873, dated 11.11.2021 u/s 324/337-F-VI PPC, Police Station Mathra.
Copy of the FIR is attached as annexure "B"
3. That sentence of certain conviction was passed by the criminal justice court, but the appellant released on the basis of the payment of Daman on 05.06.2024.
Copy of the release order is attached as annexure "C"
4. That on 13.06.2024, appellant was removed from service by respondent No.1 with effect from

11.11.2021 respectively. (Copy of initial order dated 13.06.2024 as annexure "D").

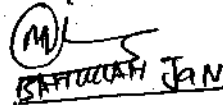
5. That on 25.06.2024 appellant filed representation before respondent No.2 which was rejected on 11.07.2024. (Copies as annexure "E&F").
6. That feeling aggrieved with the both impugned departmental leveled findings of respondents dated 13.06.2024 & 11.07.2024, appellant is preferring this appeal to this learned Tribunal inter alia on the following grounds amongst other;

GROUND:

- A. That this is the simple case of the appellant is presented of conviction base dismissal from services, against which there is a single reason to believe that the act criminal impeached is not fall under the moral turpitude, therefore needs to consider under such circumstances.
- B. The conviction of the offence of criminal nature, on the basis of which dismissal order is passed was of no foundation at all but the appellant not successfully proved his innocence before the Competent Court of law, therefore rightly pay Daman amount for his firm acquittal.
- C. It is stated herein above in the factual para that no formal required necessities of procedural for dismissal from services, is adopted & No Show Cause Notice directly or indirectly served to the appellant, no advertisement and Daily News

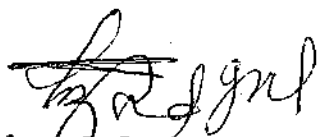
Paper is furnished to attract the information sources of the appellant, no explanation is sought, no inquiry is conducted and when everything would be no then the hole case of the appellant when ultimately become suspicious and misfit to attain of impugned departmental order, therefore the case of the appellant is require to look into such manner also.

It is therefore, most humbly prayed that on acceptance of this appeal the impugned orders passed by respondents dated 13/06/2024 & 11.07.2024 may kindly please be set aside and appellant may very kindly be reinstated on the subject post with all back benefits.


Appellant

Appellant

Through


Shehzad Gul Shehzad
Advocate High Court

BEFORE THE KHYBER PAKHTUNKHUWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No: _____/2024

Misbah Ullah (Sweeper) (BPS-03).

.....**APPELLANT**

V E R S U S

District Education Officer (M), Peshawar & another

.....**RESPONDENTS**

AFFIDAVIT

I, **Misbah Ullah (Sweeper) (BPS-03)**, Government High School Palosai, Maghdarzan, Peshawar, do hereby solemnly verify and declare on oath that all the contents of the subject **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Identified By:

Misbah Ullah
DEPONENT

CNIC: 17301-8933887-9
Cell: _____

Shehzad Gul Shehzad
Shehzad Gul Shehzad
Advocate High Court



09 AUG 2024



A (6)

**OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) PESHAWAR**

APPOINTMENT ORDER

Consequent upon the approval of the District Selection Committee in its meeting held on 09-03-2020, the competent authority has been pleased to appoint the following Candidates Under Retired Employees Son's Quota as Class IVs against vacant posts, on regular basis in DPE-01 of the basic pay scale for Rs. (9610-390-21310) plus usual allowances as admissible under the rules in the schools mentioned against each their names on the terms and conditions given below with effect from the date of their taking over charge.

S.No	Name & CNIC # of Applicant	DOB of applicant	Father's Name, Designation & place of last duty station	Date of Retirement	Post & Place of posting /Remarks
1.	Hazrat Bilal 17301-3228572-7	04-02-97	Mr. Hazrat Shah Ex- NQ GHS AII Baig Novshera.	30-05-08	AVP of Chowkidar GPS No.02 Garhi Mali Khel Peshawar.
2.	Saidan Gul 17301-2317411-3	01-01-88	Mr. Jannat Gul Ex-Chowkidar OPS Bela Momandan Peshawar	30-10-08	AVP of Lab: Attendant at GHS Bela Momandan Peshawar.
3.	Ijaz 17301-5384752-7	15-02-94	Mr. Zar Muhammad Ex-Chowkidar GPS No 01 Zaryab Colony	06-02-09	AVP of Sweeper at GMS Fathu Abdrahema Peshawar
4.	Sidiq Navaz Khan 17301-8968855-9	05-03-86	Abdul Shakoor Ex-NQ GMS Nodah Payan Peshawar.	06-06-09	AVP of N.Q at GMS Gunj Mandi Peshawar.
5.	Gehar Ali 17301-4111305-1	02-01-87	Gul Zahir Ex-Chowkidar GPS No.3 Kakshal No.1 Peshawar.	19-08-09	AVP of Sweeper at GMS Hayat Abad Peshawar.
6.	Zaqhan Ullah 17301-6909247-3	03-03-94	Mr. Sahay Khan Ex-Chowkidar GHS Chamkani Peshawar.	21-08-09	AVP of Chowkidar at GPS No.2 Chamkani Peshawar
7.	Yaqub Khan 17301-4115188-5	18-06-78	Gul Muhammad Ex-Chowkidar GHS No.4 Kakshal Peshawar	05-09-09	AVP of Sweeper at GMS Sethian Peshawar /Age relaxed by 1 year, 10 months & 22 days.
8.	Adil Jbn Mesih 17301-7689325-3	15-03-87	Mr. Jbn Masih Ex- Sweeper GHS Chamkani Peshawar	04-10-09	AVP of Sweeper at GMS Pindlo Charuo Abad Peshawar.
9.	Khair Ullah 17301-3164802-9	01-01-94	Mr. Shahzad Gul Ex-Chowkidar GPS No.1 Jatti Bani Peshawar	30-10-09	AVP of Sweeper at GSHSHSS No.01 City Peshawar
10.	Misbah Ullah Jan 17301-8973887-9	08-02-87	Mr. Hamdullah Jan Ex-Chowkidar GPS No.1 Mathra Peshawar.	31-12-10	AVP of Sweeper at GHS Palosi Mughdarzai Peshawar

TERMS & CONDITIONS:

- NO TA/DA etc is allowed.
- Charge reports should be submitted to all concerned in duplicate.
- They will be governed by such rules and regulations as prescribed by the Govt: from time to time for the category of government servants to which they belong.
- In case of resignation, one month prior notice should be given by the official concerned otherwise one month pay will be forfeited in lieu thereof.
- Official and other documents etc were found fake, FIR will be lodged against them.
- They will take charge of their post within 30 days after the issuance of this order.
- They will produce health fitness and age certificate from the concerned civil surgeon.
- Their pay shall be released after proper verification of documents & testimonials from the concerned agencies

(Note):

Appointment order shall be verified by the concerned Drawing and Disbursing officers personally from the office of the undersigned before handing over charge to the official.

(IRFAN ALI)
DISTRICT EDUCATION OFFICER
(MALE) PESHAWAR

Endst: No. 2064-95 / Appointments File /DSC-09-03-2020/ Dated: 16/03/2020

Copy of the above is forwarded to:

- Accountant General Khyber Pakhtunkhwa Peshawar.

7

- 2 Director Elementary & Secondary Education KP Peshawar
- 3 Deputy Commissioner Peshawar
- 4 Principals / Head-Masters concerned.
- 5 District Monitoring Officer Peshawar.
- 6 SDEO (M) Concerned Peshawar.
- 7 Cashier Local Office.
- 8 Officials Concerned
- 9 Master file.

DISTRICT EDUCATION OFFICER
(MALE) PESHAWAR

C

9

CERTIFICATE

It is submitted that accused Misbah ullah s/o Hamed Ullah R/o Pajjagi Road Peshawar was admitted into this jail on 09-01-2022 in case FIR No. 873 dated 11-11-2021 u/s 324/337-F-VI of Police Station Mathra, by the order of Judicial Magistrate Peshawar.

On 24-10-2023 was convicted u/s 324 in the above mentioned case and sentenced to 07 years RI with fine of Rs. 100000/- in default fifteen days SI and u/s 337-F-VI PPC also convicted and sentenced to 05 Years RI and also to pay Daman of Rs. 10 lacs both the sentence shall run concurrently, benefit of 382-B was also extended to the convict the order of Honourable court of Atta ul Jan Additional Session Judge Peshawar.

Upon appeal before Peshawar high court Peshawar vide Cr.A No.1554-P/2023 the awarded conviction u/s 324-PPC of 07 Years reduced to 04 Years RI and fined amount of Rs. 01 lac and in default 15 days SI remained intact the sentence awarded under section 337-F-VI has also been reduced to 04 years RI and amount of Daman of Rs. 10 lacs reduced to 05 lacs vide Honourable Peshawar high court Peshawar Judgment dated 06-05-2024.

The awarded sentence has been expired on 15-05-2024 and released on 05-06-2024 on payment of Daman amount of Rs.05 lacs in the court.

This certificate issued to the above accused on his written request to the undersigned.


7/6/24
SUPERINTENDENT
CENTRAL PRISON PESHAWAR



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PESHAWAR

OFFICE ORDER

Whereas an information has been received from GHS Palosi Maghdarzai, Peshawar, regarding F.I.R lodged against Mr. Misbah Ullah, Sweeper of his school, u/s 324 PPC at Police Station Badaer, Peshawar.

And whereas in order to initiate departmental proceeding against the accused Mr. Misbah Ullah Sweeper GHS Palosi Maghdarzai, Peshawar, was suspended from service w-e-f 11-11-2021, vide Endst:No.80-83, Dated: 04/03/2022 allowing his the suspension allowance if not absconder.

And whereas the case was tried in the court of Additional Session Judge XI Peshawar, case No326/SC the state versus Misbah Ullah.

And whereas the aforementioned honorable court announced an order dated: 24/10/2023 with judgment that accused Misbah Ullah s/o Hamdullah is convicted u/s 324, PPC and sentenced to suffer 07 years R.I and also to pay the fine of Rs. 100,000/- (One Lac Rupees) or in default of fine to undergo fifteen days S.I.

Now therefore in exercise of powers conferred under Khyber Pakhtukhwa Civil Servants Laws, Removal from Service (Special Power) Ordinance, 2000 (Ordinance No. V of 2000) being competent authority District Education officer (Male) Peshawar, is pleased to impose Major Penalty of "Removal from Service" upon Mr. Misbah Ullah (Sweeper) GHS Palosi Maghdarzai, Peshawar, with effect 11-11-2021.

SAJJAD AKHITAR IQBAL
DISTRICT EDUCATION OFFICER
(MALE) PESHAWAR

Endst: No: 10995-11001 /Estb:Br: /P.file/Dated 13/06 /2024

Copy of the above is forwarded to the:-

- 1- Accountant General Khyber Pakhtunkhwa.
- 2- Director Elementary & Secondary Education Khyber Pakhtunkhwa.
- 3- Head Master GHS Palosi Maghdarzai, Peshawar.
- 4- Mr. Misbah Ullah Ex-Sweeper.
- 5- AD IT EMIS Local Office.
- 6- P.A to District Education Officer (Male) Peshawar.
- 7- P/ File.

DISTRICT EDUCATION OFFICER
(MALE) PESHAWAR



F (12)

**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.**

No. _____ /F.No./A-20/Class-IV/DI Khan

Dated Peshawar the 11-07 2024

Phone: 091-9225344

Email: ddadmn.ese@gmail.com

To

The District Education Officer
(Male) Peshawar.

Subject: **APPEAL FOR REINSTATMENT**
Memo:

I am directed to refer to the subject cited above and to enclose herewith a copy of self-explanatory appeal along with its enclosures submitted by **Mr. Misbah Ullah, s/o Mr. Hamdullah Jan**, Ex-Sweeper GHS Palosi Mughdarzai, Peshawar regarding the subject matter and to ask you to inform the appellant that his appeal has been examined/analyzed by this office and **rejected** by the appellate authority as the appellant concerned was convicted by the court which cannot be reinstated as per rules.

Deputy Director (F&A)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst; No. 5303 /

Copy forwarded to the: -

1. **Mr. Misbah Ullah, s/o Mr. Hamdullah Jan**, Ex-Sweeper GHS Palosi Mughdarzai, Peshawar.
2. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Master File.

Deputy Director (F&A)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar

10/7/24

(A)
9/7/24

قیمت 50	51108	پشاور بار ایسوسی ایشن، خیبر پختونخواہ
ایڈویٹ: شہزاد گل شہزاد	بار کونسل ایسوسی ایشن نمبر 7453-10-BC	PESHAWAR BAR ASSOCIATION
رابطہ نمبر: 0333924689		QR Code

بعدالت جناب: سر سید علی احمد

مخاطب: سید احمد	دعویٰ: سر سید علی احمد
صاحب اللہ	علت نمبر:
بنام	مورد:
DEO	جرم:
	تھانہ:

باعت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام کے صاحب موصوف کو مقدمہ کی کل کاروائی کا کال اختیار ہوگا، نیز وکیل صاحب کو رضی نامہ کرنے و تقریر نمائندگی فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برائگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ 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 وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساتھ ساتھ براہ راست منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا وہی تاریخ منجی حکام دورہ یا حد سے باہر ہو تو وکیل صاحب یا بندہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا گیا ہے۔

المرقوم: 09/08/2024

العہد و العہد واہ شد العہد

مقام کے لیے منظور ہے۔

17301-8933887-9
SHEH WILAM JAIN
صباح اللہ

Amjad Nawaz