

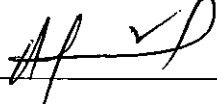
BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST

Case Title: **KHAN MUHAMMAD vs EDUCATION DEPTT:**

S.#	Contents	Yes	No
1.	This appeal has been presented by: Afrasiab Khan wazir Advocate	✓	
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A.G?	✓	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?	✓	
16.	Whether appeal contains cuttings/overwriting?	✓	
17.	Whether list of books has been provided at the end of the appeal?	✓	
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether Security and Process Fee deposited? on _____		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on _____		
26.	Whether copies of comments/reply/rejoinder submitted? on _____		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on _____		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: **AFRASIAB KHAN WAZIR**
ADVOCATE HIGH COURT

Signature: 

Dated: 14.07.2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 1119 /2022

KHAN MUHAMMAD

VS

EDUCATION DEPTT:

INDEX

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6	appointment orders dated 30.11.2016 & 27.12.2016	D	10-11
7	Copy of writ petition No.690-B/2017 & order dated 04.02.2019, writ Petition No.295-B/2019 & COC No.75-B/2019	E	12-25
8	Copy of departmental representation	F	26
9	Vakalat Nama	27

APPELLANT

THROUGH:


AFRASIAB KHAN WAZIR
ADVOCATE HIGH COURT

OFFICE:

Room No.6 Ground Floor, Afridi Tower,
Government College Chowk, Faqir Abad,
Peshawar City.

Mobile No: 0312-9888752

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. _____/2022.

Mr. Khan Muhammad, CT (BPS-15),
GMS Gulsheen School Spulga, North Waziristan District.....**APPELLANT.**

VERSUS

- 1- The Secretary Elementary & secondary Education department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
- 3- District Education Officer Miranshah, North Waziristan District.

.....**RESPONDENT.**

APPEAL UNDER SECTION-4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 28.06.2019 WHEREBY THE APPELLANT HAS BEEN APPOINTED ON THE POST OF CT (BPS-15) WITH IMMEDIATE EFFECT NOT w.e.f FROM THE DATE OF COLLEAGUES APPOINTMENT DATED 30.11.2016 EFFECTED SENIORITY OF THE APPELLANT AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINTY DAYS.

PRAYER:

That on acceptance of this instant service appeal the impugned order dated 28.06.2019 may very kindly be modified to extent of seniority the appellant and the respondents may please be directed to grant seniority to the appellant w.e.f the dated 30.11.2016 whereby colleagues of the appellant were appointed to the post of CT (BPS-15) with all back benefits. Any other remedy which this August Tribunal deems fit that may also be granted in favor of the appellant.

R/SHEWETH:

ON FACTS:

BRIEF FACTS OF THE APPEAL

- 1- That the appellant is the employee of education department and appointed as CT (BPS-15) vides dated 28.06.2019 and since

appointment the appellant performed his duties up to mark. Copy of appointment order dated 28.06.2019 attached as annexure.....A.

2- That before appointment of the appellant the respondents in 2013 ignored appellant being in short list, from appointment after fulfilling all the Codal formalities. However, the respondents were not interested in appointment of the appellant despite eligibility and the appellant time and again requested the respondents to issue their appointment letter but all went in vain and after considerable time the respondents issued merit list vides dated 26.05.2016, 26.05.2016 in which appellant was included, while in revised final merit list dated 10.08.2016 appellant was again excluded from merit. Copy of the merit lists dated 26.05.2016 & 26.05.2016 and revised merit list dated 10.08.2016 are attached as annexure.....B & C.

3- That in the meanwhile the respondent appointed colleagues of the appellant on the post of CT (BPS-15) vide orders dated 30.11.2016 & 27.12.2016 and appellant was ignored deliberately by the respondents. Copy of the appointment orders dated 30.11.2016 & 27.12.2016 are attached as annexure.....D.

4- The appellant felt aggrieved filed Writ Petition No.690-B/2017, before the Peshawar High Court, Bannu bench, which was disposed of with the direction to the respondents that "***in view of the above, the writ petition is disposed of with the direction to respondent No.3 to consider the prayer of the petitioner strictly in accordance with law, and merit, and if no relief could be granted to the petitioner, he be provided the reasons in writing within a period of one (01) month from the date of receipt of this order***" vide order dated 04.02.2019 while another writ petition No.295-B/2019 and COC No.75-B/2019 as well . Copy of writ petition No.690-B/2017 & order dated 04.02.2019, writ Petition No.295-B/2019, COC No.75-B/2019 are attached as annexure.....E.

5- That the respondents in compliance of the Honorable Peshawar High Court, Bannu Bench, and order dated 04.02.2019 issued "supra" order of the appellant appointment vides dated 28.06.2019 with immediate effects, not w.e.f colleagues appointment order dated 30.11.2016.

6- That the appellant feeling aggrieved of the impugned order dated 28.06.2019 moved an departmental representation to the appellate authority which is still pending. Copy of the departmental representation is attached as annexure.....F.

7- That the appellant having no other remedy but to file this instant service appeal on the following grounds inter alia.

ON GROUNDS:

A- That the inaction of the respondents by not issuing order of appointment of appellant w.e.f his colleagues appointment dated 30.11.2016 is against law, rules, norms of natural justice hence the impugned order dated 28.06.2019 may be modified to the extent of seniority of the appellant.

B- That the appellant has not been treated in accordance with law and rules, hence respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973.

C- That the respondent acted in sheer discrimination while appointing appellant with immediate effect vide dated 28.06.2019 instead w.e.f the dated of his colleagues appointment dated 30.11.2016, hence action of the respondents is not tenable in eye of law.

D- That the respondents acted against the aforementioned orders of the Peshawar High Court, Bannu Bench, thus the inaction and action of the respondents is against law and rules.

E- That the action of the respondents is against the Article 38(e) of the constitution of Islamic Republic of Pakistan, 1973.

F- That the appellant have the right to be issued appointment order and granted seniority w.e.f his colleague's appointment order i.e 30.11.2016, and the action of respondents is against the Principle of Consistency.

G- That the appellant seek permission to advance any other grounds at the time of regular hearing.

It is therefore the appeal of the appellant may very kindly be accepted as prayed for.

Dated: 15-7-2022

APPELLANT
KHAN MUHAMMAD
THROUGH:
AFRASIAB KHAN WAZIR
&
NAZUREHMAN MEHSOOD
ADVOCATES

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. _____/2022

KHAN MUHAMMAD

VS

EDUCATION DEPTT:

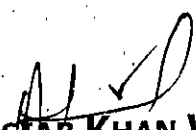
AFFIDAVIT

I Afrasiab Khan Wazir, Advocate High Court, do hereby solemnly affirm and declare that the contents of this instant service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.


AFRASIAB KHAN WAZIR
ADVOCATE HIGH COURT,
PESHAWAR

CERTIFICATE:

It is certified that no earlier service appeal has been filed between the parties.


AFRASIAB KHAN WAZIR
ADVOCATE HIGH COURT,
PESHAWAR



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR**

APPEAL NO. _____/2022

KHAN MUHAMMAD

VS

EDUCATION DEPTT:

**APPLICATION FOR CONDONATION OF
DELAY IN FILING THE ABOVE NOTED
APPEAL**

R.SHEWETH:

- 1- That the appellant has filed an appeal along with this application in which no date has been fixed so far.
- 2- That the appellant prays for the condonation of delay in filing the above noted appeal inter alia on the following grounds:

GROUND OF APPLICATION:

- A- That the valuable rights of the appellant are involved in the case hence the appeal deserves to be decide on merit.
- B- That it has been the consistent view of the Superior Courts, that cases should be decided on merit rather on technicalities including the limitation. The same is reported in 2002 PLC C.S 1388, 2004 PLC (CS) 1014 and 2003 PLC (CS) 76.

It is therefore prayed that on acceptance of this application the delay in filing the above noted appeal may please be condoned.

APPELLANT

KHAN MUHAMMAD

THROUGH:


**AFRASIAB KHAN WAZIR
ADVOCATE HIGH COURT**



OFFICE OF THE DISTRICT EDUCATION OFFICER
NORTH WAZIRISTAN TRIBAL DISTRICT.

No. _____ DEO/NWTD,
Dated _____ 2019.



Ann - A - 6

APPONTMENT ORDER

Consequent upon the judgment of Peshawar High Court Bannu Bench in R/O Writ Petition No. 690-B/20167 dated 04.02.2019, Mr. Khan Muhammad S/O Inayat ullah Jan of Tehsil Razmak is hereby appointed against the vacant post of CT (Male) at GHS Datta Khel in BPS. 15 (RS.16120-1330-56020) per month plus usual allowances on regular basis as admissible under the rule with effect from the date of his taking over charge in the interest of public service.

~~The order will be affected after summer vacations~~

TERMS & CONDITIONS

1. Charge Report should be submitted to all concerned.
2. Appointment of the candidate is made purely on Temporary basis and is liable to termination at any time without any notice.
3. If any of the candidate wishes to resign his post he will be given one month prior notice or his pay for one month will be forfeited in lieu thereof.
4. His documents, CNIC & other testimonials should be checked before handed over charge of the post and attested copies thereof may be kept on record of the school.
5. He should produce his health & age certificate from the medical Superintendent AHQ Hospital Miran Shah NWTD.
6. he may not be handed over charge if he is below 18 years or above 35 years.
7. If he fails to report his arrival within 15 days of the issue of this appointment order then it will be treated as cancelled.
8. No salary will be drawn before the verification of all the Academic/ Professional & testimonials from the concerned Boards/Universities & Institutions.
9. If any legal & technical flaw is pointed out, the appointment will stand as cancelled.

S. P. S.
DISTRICT EDUCATION OFFICER
NORTH WAZIRISTAN TRIBAL DISTRICT

Dated. 28/06/2019

2898-2906
Endstt: No. _____ Appt/CT/ (Male File)/DEO/NWTD

1. Director of Education Newly Merged Tribal Districts.
2. Deputy Commissioner NWTD.
3. Addl: Deputy Commissioner NWTD.
4. District Account Office NWTD.
5. Head Master the School concerned.
6. ADEO circle concerned.
7. Office file.
8. Pay Clerk concerned.

[Signature]
DISTRICT EDUCATION OFFICER
NORTH WAZIRISTAN TRIBAL DISTRICT

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B-7

OFFICE OF THE AGENCY EDUCATION OFFICER NORTH WAZIRISTAN AGENCY MIRANSHAH

(TENTATIVE) REVISED SHORT LIST OF MALE "CT" TEHSIL RAZMAK26/5/2016

S.No	Name	F/Name	DOB	SSC			FA/F.Sc			BA/B.Sc			MA/M.Sc			CT			Service Marks	science Marks	Total Score	Remarks
				Total	Obj Marks	Score	Total	Obj Marks	Score	Total	Obj Marks	Score	Total	Obj Marks	Score	Total	Obj Marks	Score				
1	Khaliq Ur Rehman	Qandahar Khan	5/4/984	850	547	12.871	1100	607	11.036	550	294	10.69	2400	1997	11.86	1500	1159	15.45	0	10	71.91	SDCnot Eligible/PETATIONER
2	Sher Ahmad	Ilyas Khan	03-01-89	850	585	13.765	1100	719	13.073	550	271	9.85	4	2.91	10.91	1500	1209	16.12		5	68.72	PETATIONER
3	Ihsan Ullah	Afsar Gul	20/3/1989	850	555	13.059	1100	708	12.873	550	313	11.38	1100	660	9	900	563	12.51		5	63.82	
4	Salah ud Din	Mir Jandar Khan	01-01-90	1050	794	15.124	1100	673	12.236	550	359	13.05				900	572	12.71		10	63.12	petationer
5	Zafar Iqbal	Naeem Khan	14.3.1991	1050	725	13.81	1100	666	12.109	5500	4208	15.30	0		0	1500	1156	15.41		5	61.63	
6	Sherher Yar ud Din	Shah Alam Khan	15/3/1988	850	591	13.906	1100	661	12.018	550	301	10.95	1100	615	8.39	1500	1146	15.28			60.54	SDC not Eligible PETATIONER
7	Khan Muhammad	Inayatullah Jan	07-05-79	850	442	10.4	1100	562	10.218	550	275	10.00	800	385	7.22	1200	670	11.17		10	59.01	
8	Hayatullah	Muqarab Khan	04-01-86	850	661	15.553	1100	801	14.564	4550	2897	12.73				1500	1197	15.96			58.81	SDCnot Eligible
9	Zeenatullah	Gul Janat Khan	15.4.1989	1050	739	14.076	1100	574	10.436	550	375	13.64	0	0	0	900	602	13.38		5	56.53	
10	Javedullah	Zamin Badshah	2.1.1986	850	498	11.718	1100	506	9.2	550	268	9.75	1100	633	8.63	900	519	11.53		5	55.82	
11	Imranullah	Walli Jan	5.1.1989	850	577	13.576	1100	697	12.673	4300	2507	11.66				1500	1172	15.63			53.54	All Documents Required
12	Hayat Noor	Haji Feroz Khan	04-11-93	900	721	16.022	1100	726	13.2	550	309	11.236				900	563	12.51		0	52.97	All Documents Required

1. Muhammad Nabi AEO NWA
Chairman

2. Muhammad Saleem Wazir
HM Hasham Abad Khyber Agency

3. Abdul Manan
SO (Education) FATA

4. Mr. Fazal Wadood
Political Tehsildar MRN

5. Mr. Samiullah
V/Principal GHSS Eidak NWA

6. Mr. Noorallah Jan
AAEO NWA

7. Mst. Taj Meena
AAEO(F) NWA

Note:- All the Required Documents must be submitted before the end of Tentative date, otherwise this office will not be responsible for their recruitments.

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OFFICE OF THE AGENCY EDUCATION OFFICER NORTH WAZIRISTAN AGENCY MIRANSHAH

(TENTATIVE) REVISED SHORT LIST OF MALE "CT" TEHSIL RAZMAK26/5/2016

S.No	Name	F/Name	DOB	SSC			FA/F.Sc			P.V.B.Sc			MA/M.Sc			CT			Service Marks	Score	Total Score	Remarks
				Total	Ob/ Marks	Score	Total	Ob/ Marks	Score	Total	Ob/ Marks	Score	Total	Ob/ Marks	Score	Total	Ob/ Marks	Score				
1	Sher Ahmad	Ilyas Khan	1/3/1989	850	585	13.76	1100	719	13.1	550	271	9.85	4	2.72	10	1500	1209	16.12		5	68.01	PETATIONER
2	Ihsan Ullah	Afsar Gul	20/3/1989	850	555	13.06	1100	708	12.9	550	313	11.38	1100	660	9	900	563	12.51		5	63.82	CT,BA and MA DMC+Degree Required
3	Salah ud Din	Mir Jandar Khan	1/1/1990	1050	794	15.12	1100	673	12.2	550	359	13.05				900	572	12.71		10	63.12	PETATIONER
4	Khan Muhmmad	Inayatullah Jan	5/7/1979	850	442	10.4	1100	562	10.2	550	275	10.00	800	385	7.2	1200	670	11.17		10	59.01	
5	Hayat Noor	Haji Feroz Khan	11/4/1993	900	721	16.02	1100	726	13.2	550	309	11.24				900	563	12.51		5	57.97	All Documents Required
6	Sami Ullah	Gul Zaman	12/12/1983	850	540	12.71	1100	596	10.8	550	285	10.36				1500	991	13.21			47.12	All Documents Required

1	Khalil Ur Rehman	Qandahar Khan	5/4/1984	850	547	12.87	1100	607	11	550	294	10.69	2400	1897	12	1500	1159	15.45	0	10	71.91	SDCnot Eligible/PETATIONER
2	Sherher Yar ud D	Shah Alam Khan	15/3/1988	850	591	13.91	1100	661	12	550	301	10.95	1100	615	8.4	1500	1146	15.28			60.54	SDC not Eligible
3	Hayatullah	Muqarab Khan	1/4/1986	850	661	15.55	1100	801	14.6	4550	2897	12.73				1500	1197	15.96			58.81	SDCnot Eligible

1. Muhammad Nabi AEO NWA
Chairman

2. Muhammad Saleem Wazir
HM Hasham Abad Khyber Agency

3. Abdul Manan
SO (Education) FATA

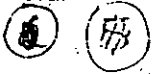
4. Mr. Fazal Wadood
Political Tehsildar NWA

5. Mr. Samiullah
V/Principal GHSS Eidak NWA

6. Mr. Noorallah Jan
AAEO NWA

7. Mst. Taj Meena
AAEO(F) NWA

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C-9

Please
Due to
Court
Case

OFFICE OF THE AGENCY EDUCATION OFFICER NORTH WAZIRISTAN AGENCY MIRANSHAH

REVISED FINAL MERIT LIST BEFORE VERIFICATION OF MALE "CT" TEHSIL RAZMAK 10/8/2016

Sl. No.	Name	F/Name	DOB	SSC			F.A/F.Sc			B.A/B.Sc			M.A/M.Sc			CT			Service Marks	Science Marks	Total Score	Remarks
				Total	Ob. Marks	Score	Total	Ob. Marks	Score	Total	Ob. Marks	Score	Total	Ob. Marks	Score	Total	Ob. Marks	Score				
1	Zafar Iqbal	Haeem Khan	14.3.1991	1050	✓ 725	13.8095	1100	✓ 555	12.1031	2750	2104	15.30	2750	2104	11.48	1500	1156	15.41		5	73.11	at same time Double Degree.
2	Sher Ahmad	Ilyas Khan	03/01/1989	850	✓ 585	13.7647	1100	✓ 719	13.6727	550	271	9.85	4	2.91	10.91	1500	1209	16.12		5	68.72	PETITIONER
3	Ihsan Ullah	Afsar Gul	20/3/1989	850	✓ 555	13.0588	1100	✓ 708	12.8727	550	313	11.38	1100	660	9	900	✓ 553	12.51		5	63.82	
4	Salah ud-Din	Mir Jander Khan	01/01/1990	1050	✓ 794	15.1238	1100	✓ 673	12.2354	550	353	13.05				900	✓ 572	12.71		10	63.12	petitioner

Chairman

1: MUHAMMAD NABI AEO NWA
AEO N.W.Agency

Member

2: Muhammad Saleem Wazir
HM Hasham Abad Khyber Agency

Member

3: Abdul Manan
SO (Education) FATA

Member

4: Mr. Fazal
Political Teh

Member

5: Mr. Samiullah
V/Principal GHSS Eidak NWA

Member

6: Mr. Noorallah Jan
AAEO NWA

Member

7: Mst. Taj Meena
AAEO(F) NWA

Agency Education Officer
North Waziristan Agency

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(J) ✓

D - (10)

OFFICE OF THE AGENCY EDUCATION OFFICER N.W. AGENCY MIRANSHA
APPOINTMENT ORDER / COURT DECISION

In the light of Peshawar High Court, Bannu Bench decision vide Writ Petition No.111-B/2016, W.P No.387-B/2015,138-B,2014,403-B/2013, the approval of the Departmental Selection Committee constituted by Director Education FATA K.P.K Peshawar order No. 5518-29 dated 16/5/2016 and the review committee of the merit list No.1122-29 dated 09/11/2016, the following candidates are hereby appointed against the vacant post of CT (Male) BPS-09 at Rs: (9860-610-23169) Per Month plus usual allowances as admissible under the rules with immediate effect in the interest of Justice /Public Service.

SN. O	Name	Place of Posting	Remarks
1.	Fazal Wali S/O Haji Jalil	GHS Tall Village	Vacant Post
2.	Asimullah S/O Sakhi Mar Jan	GMS Dandil Dossali	Vacant Post
3.	Haseenullah S/O Haqi ur Rehman	GMS Samar Gul Kot Mirali	Vacant Post
4.	Khakemin Khan S/O Ismail Khan	GHS Tall Village Miranshah	Vacant Post
5.	Muhammad Naveed S/O Muhammad Avas Khan	GHS Raghzi Killa Miranshah	Vacant Post
6.	Zahir Ayub Khan S/O Mir Dal Khan	GHS Sidiqi Kot Shewa	Vacant Post
7.	Badshah Zar Khan S/O Saif Rauf	GMS Muhammad Amin Kot Ghulam Khan	Vacant Post
8.	Rasool Amin S/O Sadat Khan	GHS Ghazlana Datta Khel	Vacant Post
9.	Sherin Muhammad S/O Ghazi Muhammad	GHS Paryat Dossali	Vacant Post
10.	Sirajullah S/O Fazal Mehmood	GHS Spowan	Vacant Post
11.	Rehmatullah S/O Sher Badshah	GMS Ppahi Picket	Vacant Post
12.	Sher Ahmad S/O Ilyas Khan	GHS Rarmak Camp	Vacant Post

Terms & Condition:

1. His/Her appointments shall be on regular basis in accordance with the Government Policy in vogue.
2. His/Her appointment shall be subject to the provision of medical fitness Certificate issued by the concern Medical Superintendent.
3. He/She shall be governed under such rules, regulation, orders and ordinances etc relating to appointment and promotion.
4. At any time without notice and without assigning any reason his/her Service Will be Considered Terminated during the period of his/her appointment on probation i.e his/her work during the initial period of one year of services was not found satisfactory.
5. His/Her appointment shall stand cancelled from the date of issue of this order, if his/her documents are not verified.
6. His/Her salary shall not be drawn till the verification of all the concerned documents/Performance is.
7. One month prior notice shall be given to the Government in case of resignation or leaving the service.
8. If he/she fail to assume his/her charge within 15 days, his/her order shall be treated as cancelled.
9. He/She will be terminated if he/ her certificates found fake/bogus and tempered.
10. He/She should not be handed over charge if he/she below 18 years and above 35 year of age.

Agency Education Officer
North Waziristan Agency

Ends:- No. 1318-35 /Appointment/CT(MYAEO/MRN) Dated 30/11/2016

- Copy To:-
1. The Registrar honorable Peshawar High Court, Bannu Bench Bannu.
 2. The Director of Education (FATA) Secretariat Peshawar.
 3. The Political Agent NWA Miranshah.
 4. The Agency Accounts Officer Miranshah.
 5. AAEO Concerned.
 6. Candidates concerned

Attested
AA ✓

KHAN MUHAMMAD BETTER COPY D-10

OFFICE OF THE AGENCY EDUCATION OFFICER N.W.AGENCY MIRANSHAH

APPOINTMENT ORDE/COURT DECISION:

In light of the Peshawar High Court, Bannu Bench decision vide writ petition No.111-B/2016, W.P No.387/2015, 138/2014, 408/2013, the approval of the departmental selection committee constituted by the director education FATA KPK Peshawar order No.5518-20 dated 16.5.2016, the review committee of the merit list No.1122-29 dated 09.11.2016 the following candidates are hereby appointed against the vacant of CT Male BPS-09 at RS.9860-610-28160 per month plus usual allowance as admissible under the rules with immediate effect in the interest of justice/public service.

S.NO	NAME	PLACE OF POSTING	REMARKS
12	Sher ahmad s/o Ilyas khan	GHS Razmak Camp	Vacant post

Dated: 30.11.2016

Agency Education Officer
North Waziristan Agency

(30)

(11)

OFFICE OF THE AGENCY EDUCATION OFFICER N.W. AGENCY MIRANSHAH

1. In the light of Peshawar High Court, Bannu Bench decision vide Writ Petition No.111-B/2016, W.P No.387-B/2015,133-S,2014,408-B/2013, the approval of the Departmental Selection Committee constituted by Director Education FATA K.P.K Peshawar order No. 5518-29 dated 16/5/2016 and the review committee of the merit list No.1122-29 dated 09/11/2016, the following candidates are hereby appointed against the vacant post of CT (Male) BPS-09 at Rs: (9960-610-26160) Per Month plus usual allowances as admissible under the rules with immediate effect in the interest of Justice /Public Service.

SN.	Name	Place of Posting	Tehsil	Remarks
1.	Saqibullah S/O Noor Sady Din	GHS Eddak	Mir Ali	Vacant Post
2.	Zaherullah S/O Izzat Khan	GHS Darpa Khel	Miran Shah	Vacant Post
3.	Muhammad Younus Khan S/O Najibullah	GMS Kam Rughra	Datta Khel	Vacant Post
4.	Salamullah S/O Gul Rauf	GMS Daganil	Dussan	Vacant Post
5.	Muhammad Aman S/O Gul Rauf Jan	GHS Pir Sabir Jan	Dussan	Vacant Post
6.	Muhammad S/O Afsar Gul	GHS Razmak	Razmak	Vacant Post

3

1. His/Her appointments shall be on regular basis in accordance with the Government Policy in vogue.
2. His/Her appointment shall be subject to the provision of medical fitness Certificate issued by the concerned Medical Superintendent.
3. He/She shall be governed under such rules, regulation, orders and ordinances etc. relating to appointment and promotion.
4. At any time without notice and without assigning any reason his/her Service will be Considered Terminated during the period of his/her appointment on probation i.e. his/her work during the initial period of one year of services was not found satisfactory.
5. His/Her appointment shall stand cancelled from the date of issue of this order, if his/her documents could not be verified.
6. His/Her salary shall not be drawn till the verification of all the concerned documents: Testimonials.
7. One month prior notice shall be given to the Government in case of resignation or leaving the service.
8. If he/she fail to assume his/her charge within 15 days, his/her order shall be treated as cancelled.
9. He/She will be terminated if his/ her certificates found fake, bogus and tempered.
10. He/She should not be handed over charge if he/she below 18 years and above 35 year of age.

[Signature]
Agency Education Officer
North Waziristan Agency

[Signature]
Agency Education Officer
North Waziristan Agency

Ends: No. 1726-35 Appointment CT(M)VAEO MRS Dated: 27/11/2016

- Copy To:
1. The Registrar Honorable Peshawar High Court, Bannu Bench Bannu.
 2. The Director of Education (FATA) Secretariat Peshawar.
 3. The Political Agent NWA Miran Shah.
 4. The Agency Accounts Officer Miran Shah.
 5. AAEO Concerned.
 6. Candidate concerned.

[Signature]
Agency Education Officer
North Waziristan Agency

3. The Political Agent NWA Miran Shah.
4. The Agency Accounts Officer Miran Shah.
5. AAEO Concerned.
6. Candidate concerned.

[Signature]
Agency Education Officer

[Handwritten Signature]

OFFICE OF THE AGENCY EDUCATION OFFICER N.W.AGENCY MIRANSHAH

APPOINTMENT ORDE/COURT DECISION:

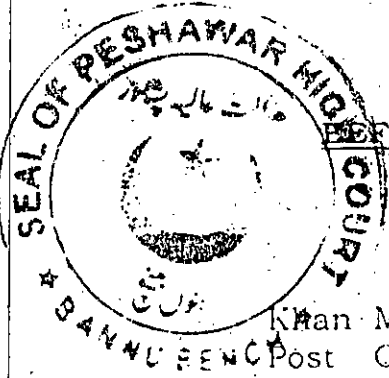
In light of the Peshawar High Court, Bannu Bench decision vide writ petition No.111-B/2016, W.P No.387/2015, 138/2014, 408/2013, the approval of the departmental selection committee constituted by the director education FATA KPK Peshawar order No.5518-20 dated 16.5.2016, the review committee of the merit list No.1122-29 dated 09.11.2016 the following candidates are hereby appointed against the vacant of CT Male BPS-09 at RS.9860-610-28160 per month plus usual allowance as admissible under the rules with immediate effect in the interest of justice/public service.

S.No	name	Place of posting	Tehsil	Remarks
6	Ihsanullah S/O Afsar Khan	GHS Razmak	Razmak	Vacant post

Dated: 27.12.2016

Agency Education Officer
North Waziristan Agency

E-12



BEFORE THE PESHAWAR HIGH COURT BANNU BENCH

690-B

Writ Petition No. _____/2017

Khan Muhammad S/O Inayatullah Jan R/O Shakhimar,
Post Office Razmak, Tehsil Razmak, District North
Waziristan Agency.....(Petitioner)

VERSUS

- 1- Government of Khyber Pakhtunkhwa through Secretary Home and Tribal Affairs Peshawar
 - 2- District Education FATA Secretariat Worsak Road Peshawar
 - 3- Agency Education Officer, North Waziristan Agency Miran Shah
-(Respondents)

WRIT PETITION UNDER ARTICLE 199 OF CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973 UPTO DATE AMENDMENT

PRAYER:-

ON ACCEPTANCE OF INSTANT PETITION, RESPONDENTS MAY KINDLY BE DIRECTED BY ISSUING WRIT TO APPOINT THE PETITIONER AS CT TEACHER AGAINST THE AVAILABLE QUOTA IN AGENCY EDUCATION DEPARTMENT. THIS HONOURABLE COURT MAY FURTHER BE PLEASED TO GRANT ANY OTHER REMEDY FIT IN CIRCUMSTANCES.

Attended
Adv

ATTESTED
EXAMINER
Peshawar High Court

Filed Today
27/11/2017
Additional Registrar

13

2-2

Respectfully Sheweth:-

BRIEF FACTS:-

1. That the petitioner is bonafide denizen of Razmak, North Waziristan Agency and despite of fact that in this tribal area education is just a dream, however, the petitioner has achieved a remarkable education record. (Copies of testimonial are annexure "A")
2. That advertisement was made in Daily for the appointments of Teachers in North Waziristan Agency.
3. That respondents have also distribute the posts as per criteria/policy (2009), in which 04 posts of CT are lying vacant in the Union Council of petitioner. (Copy of the Distribution of Post is "B").
4. That having the above mentioned qualification the petitioner accordingly applied and appeared in the test and interview for the posts of CT.
5. That after the written test and interview the tentative merit lists for the posts were issued by respondents. The petitioner is at Serial No.7 in the tentative merit list of CT. (Copy of the tentative merit list of CT is annexure "C").

Muhammad
A. D.

ATTESTED

EXAMINER
Peshawar High Court
Banna Bench

2017
Additional Registrar

(14)

12/3

6. That after verification of documents final merits has been prepared in which the candidates at Serial Nos.1, 6 and 5 are dropped, therefore, the petitioner has become at Serial No.4 in the final merit list while Candidates at Serial No.2 and 3 in the final merit lists are already appointed. (Copy of the Final Merit List is annexure "D").
7. That there are 04 posts are vacant, in which 02 posts are already filled by the department, therefore, the petitioner, has 4th position in the final merit list, legal right for appointment but respondents with malafide intention, without jurisdiction, without any legal authority, just for personal illegal interest not appointing the petitioner on the vacant post.
8. That as it is clear than crystal that the law and order situation of the North Waziristan Agency is deteriorating day by day, wherein the respective authorities are not properly facilitating/redressing the grievance of the petitioner and the petitioner's case is a classic example of respondent's misfeasance and nonfeasance.
9. That petitioner was time and again approach to respondents but in vain.
10. That feeling aggrieved of the same and having no other efficacious remedy the petitioner invokes

Filed Today
27.11.2017
Additional Registrar

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ATTESTED
EXAMINER
Peshawar High Court
Banda Bench

15

P-4

extra ordinary writ jurisdiction of this Honourable Court, inter alia on the following grounds:-

GROUND S:-

1. That the act of the respondents is illegal, perverse and not sustainable in the eyes of law.
2. That the petitioner is entitled in law for appointment against the available vacancy of CT.
3. That otherwise the respondents were morally bound to encourage the petitioner, rather they have created numerous hindrances in the appointment process of the petitioner on the said post of Qari and the respondents very act smakes of malafide and there is a chance of favourtism and nepotism in the said area as nobody is going to probe into such a petty case, keeping in view the havoc/problems of North Waziristan Agency.
4. That the very act of the respondents is violative of Article-4, 8 and 25 of Constitution of Islamic Republic of Pakistan, 1973,
5. That the petitioner is qualified candidate for the post of CT and also position as 4th position in the merit list.
6. That the discrimination and influence made by the respondents and legal rights of the petitioner has been violated.

ATTESTED
W
JUDGE
High Court

Filed Today
JUDGE
High Court

Handwritten signature

- 7. That respondents did not appoint the petitioner with malafide intention and they are want to appoint other persons instated of petitioner on the vacant posts.
- 8. That as mentioned above, the whole Educational hierarchy of District Bannu is otherwise facing immense political pressure, which can be stopped and checked by this Honourable court, as the pick and choice policy of the respondents will prevail and the persons having merit and higher qualification will be ignored.
- 9. That the very act of the respondents is against the fundamental rights and in clear violation of Article 25 of the constitution of Islamic Republic of Pakistan and this discrimination needs to be handled with iron hands to protect the rights granted by the constitutional of this land of the country.
- 10. That additional grounds will be taken at the time of arguments with the permission of this Honourable Court.

12-

It is, therefore, most humbly prayed that on acceptance of instant petition, respondents may kindly be directed by issuing writ to appoint the petitioner as CT teacher against the available quota in agency education

ATTESTED
 N
 District Magistrate
 District Bannu

[Handwritten Signature]

Attested
 A. J. P.

(17)

P-6

department. This Honourable Court may further be pleased to grant any other remedy fit in circumstances.

Dated: 24/7/2017

Petitioner
Through his counsel

He
Khush Amir Khattak
Advocate High Court

Interim Relief:-

Interim relief in shape of refraining the respondents from any appointment of CT Teachers against the available vacant posts till final disposal of the Writ petition.

He
Advocate

AFFIDAVIT

I, Khush Amir Khattak Advocate do hereby solemnly affirm and declare that the contents of instant petition are true and correct to the best of my knowledge and belief as conveyed to me by my client and that nothing has been kept secret or concealed from this Hon'ble Court.

Deponent

Identified by:-

He
Khush Amir Khattak
Advocate High Court

ATTESTED

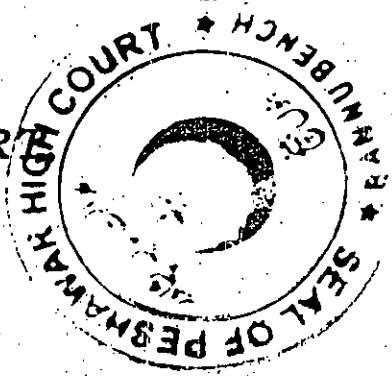
W
EXAMINER
Peshawar High Court
Bannu Bench

Attested
W.D.

He

18

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT
BANNU BENCH.



(Judicial Department)

W.P No. 690-B of 2017

Khan Muhammad

Vs

Govt: of Khyber Pakhtunkhwa etc:

JUDGMENT

Date of hearing 04/02/2019.

Appellant-Petitioner

By Khosh Amrooz Chakk
Adv;

Respondent

SHAKEEL AHMAD, J.--- Through the instant petition filed

U/A-199 of the Constitutional of Islamic Republic of Pakistan

1973, the petitioner seeks the following relief:-

"It is, therefore, most humbly prayed that on acceptance of instant petition, respondents may kindly be directed by issuing writ to appoint the petitioner as CT teacher against the available quota in agency education department. This

**Inranullah* (D.B) Muhammad Nasir Mahfooz and Justice Shakeel Ahmad*

*Attested
Adv*

ATTESTED

CLERK
Peshawar High Court

19

Hon'ble court may further be pleased to grant any other remedy fit in circumstances."

2. At the very out-set, learned counsel appearing on behalf of the petitioner stated at the bar that he would not press the instant petition provided that respondent No.3/Agency Education Officer, North Waziristan Agency Miranshah is directed to consider the prayer of the petitioner in accordance with law.

3. The learned Addl: A.G appearing on behalf of the respondents has got no objection.

4. In view of the above, the writ petition is disposed of with the direction to respondent No.3 to consider the prayer of the petitioner strictly in accordance with law, and merit, and if no relief could be granted to the petitioner, he be provided the reasons in writing within a period of one (01) month from the date of receipt of this order.

Announced.
04.02.2019.

CERTIFIED TO BE TRUE COPY
Examiner
Peshawar High Court Danno Bench
Authorized under Article 87 of
The Qanun-e-Shahadat Order 1988

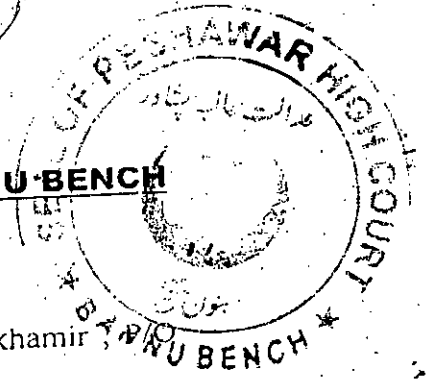
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20

BEFORE THE PESHAWAR HIGH COURT BANNU BENCH

W.P No 295 /2019



1- Khan Muhammad S/O Inayat Ullah Jan R/O Shakhamir Razmak , Tehsil Razmak District NW TD
.....(Petitioner.)

VS

- 1- Government of Khyber Pakhtunkhwa through Secretary Education Peshawar.
2- District Education Officer District North Waziristan.
3- Director Education Khyber Pakhtunkhwa Tribal Districts (EX-FATA)/ Higher and Secondary Education Peshawar.
.....(Respondents)

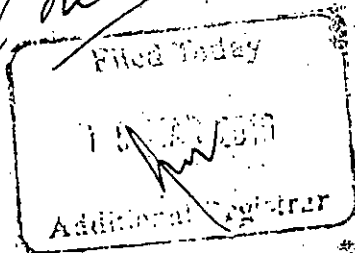
WRIT PETITION UNDER ARTICLE 199 READ WITH ARTICLES 3 & 4 OF CONSTITUTION OF ISLMAIC REPUBLIC OF PAKISTAN, 1973.

THE PARTIES MAY BE SERVED EASILY ON THE ADDRESSES MENTIONED HERE IN ABOVE.

ATTESTED
EXCERNER
Peshawar High Court
Bannu Bench

Prayer:

- I. ON ACCEPTANCE OF THE INSTANT WRIT PETITION THIS HON'BLE COURT MAY KINDLY ISSUE AN APPROPRIATE WRIT WITH THE DIRECTIONS TO THE RESPONEDNTS TO CANCEL / WITHDRAW THE IMPUGNED ADVERTISEMENT DATED 01/01/2019 TO THE EXTENT OF A POST OF CT TEACHER AT SERIAL NO .1 OF ADVERTISEMENT AND MAY FURTHER DIRECT THE RESPONDENTS TO APPOINT THE PETITIONER IN THE LIGHT OF ORDER / JUDGMENT OF THIS HON'BLE COURT ISSUED IN WRIT PETITION NO. 690-B/2017 DECIDED ON 04/02/2019 TITLED KHAN MUHAMMAD VS GOVERNMENT OF KPK.



Respectfully sheawth.

Brief facts:-

1. That the petitioner is bonafide resident of District North Waziristan and belongs to respectable family of the area.
2. That the petitioner filed writ petition No .690-B/2017 for his appointment as CT Teacher against the available quota in Agency Education department which was allowed by this Hon'ble Court on 04/02/2019. **(Copy of writ Petition and Judgment are enclosed as annexure "A &B")**
3. That the writ Petition No.690-B/2017 was allowed with the directions "In view of the above, the writ petition is disposed of with the direction to respondents No. 3 to consider the prayer of the petitioner strictly in accordance with law , and merit , and if no relief could be granted to the petitioner , he be provided the reasons in writing with in a period of one month from date of receipt of this order ".
4. That the petitioner provided attested copy along with application to the respondent No.3 to consider case of the petitioner in light of the judgment of this Hon'ble Court **(Copy of Application is enclosed as annexure "C")** **ATTESTED**
5. That the Ex- FATA SECRETIATE has already issued letter No. 6685 dated 17-03-2017 to the respondent No.3 to vacate posts through Court order. But respondent No.3 has advertised the CT posts along with others in Newspaper for appointment through ETEA. **(Copy of list of posts from tehsil razmak and copy of advertisement is enclosed as annexure "D")**

Filed Today

18 MAR 2019

Additional Registrar

*Alam*EXAMINER
District Court
Dera Ismail Khan

6. That in case of appointment against the post of CT Teacher from tehsil Razmak District North Waziristan the judgment of this Hon'ble Court in writ Petition No. 690-B/2017 will become in affective in favour of the petitioner.

7. That the petitioner being aggrieved , having no other remedy in hand , seeks the indulgence of this Hon'ble Court inter alia the following grounds.

GROUND S:

a. That the conduct of the respondents in respect of the judgment of this Hon'ble Court dated 04-02-2019 is against law and rules regulations.

b. That in the light of judgment of this Hon'ble Court respondents are bound to keep vacant one post of CT Teacher from Tehsil Razmak District North Waziristan.

c. That advertisement of the CT Post from Tehsil Razmak and appointment against the said post through ETEA would create legal and technical complications in case of the instant petitioner hence it is necessary to restrain the respondents from appointment against the vacant post of CT Teacher from Tehsil Razmak District North Waziristan.

d. That the petitioner is going to overage as he is waiting for appointment since long , but without any reason the respondents are reluctant to appoint the petitioner which is also amount to contempt of court proceedings .

Filled Today
[Signature]

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ATTESTED
[Signature]
[Illegible text]

e. That same other ground may raised by the counsel for petitioner at the time of arguments.

It is therefore, most humbly prayed that in light of above facts and grounds this writ petition may kindly be allowed / accepted as prayed for above.

INTERMRELIEF:

That in the mean while this Hon'ble court may further be pleased to suspend the operation of the impugned advertisement dated 01-01-2019 to extent of one post of CT Teacher at serial No. 1 from Tehsil Razmak District North Waziristan, till the disposal of the writ petition.

Petitioner

Through



Alam Zeb Khan

Advocate High Court, Bannu

Dated: 16/3/19

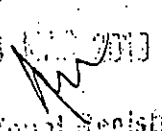
CERTIFICATE:

As per instructions of my client, certified that no such like Writ Petition has earlier been filed by the petitioner before this Honourable Court.

LIST OF BOOKS:

1. Constitution of Islamic Republic of Pakistan, 1973,
2. Case Law According to Need,


Advocate

Filed Today
 16/03/2019

 Additional Registrar

ATTESTED

 EXAMINER
 Peshawar High Court
 Bannu Bench

24

PESHAWAR HIGH COURT,
BANNU BENCH.

FORM 'A'
FORM OF ORDER SHEET

Date of order or proceedings	Order or other proceedings with signature of Judge (s).
(1)	(2)
19.11.2019	<p><u>W.P No.295-B/2019.</u> Present:</p> <p>Mr. Alamzeb Khan Advocate for petitioner.</p> <p>Mr. Shahid Hameed Qureshi, Addl: A.G along with Saif Ullah Khan, Agency Education Officer.</p> <p>***</p> <p><u>IKRAMULLAH KHAN, J.</u>--- The grievance of the petitioner has already been redressed vide appointment order, dated 28.6.2019, as such, this petition has served its purpose. Disposed of accordingly.</p> <p><u>Announced.</u> 19.11.2019.</p> <p>Sd/Justice Ikramullah Khan, J Sd/ Justice Sahibzada Asadullah, J</p> <p>CERTIFIED TO BE TRUE COPY</p> <p>Examiner Peshawar High Court Bannu Bench Under Article 3. The Oath-taking Ordinance 1984</p> <p>21/12/19</p>

(Handwritten signature)

(D.B) Hon'ble Mr. Justice Ikramullah Khan and Hon'ble Mr. Justice Sahibzada Asadullah.

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PESHAWAR HIGH COURT,
BANNU BENCH.

FORM 'A'

FORM OF ORDER SHEET

Date of order or proceedings	Order or other proceedings with signature of Judge (s).
(1)	(2)
14.5.2019	<p><u>COC No. 75-B of 2019.</u></p> <p>Present:</p> <p>Mr. Alamzeb Khan Advocate for the petitioner.</p> <p>***</p> <p>Respondent shall submit reply to reach this Court within fortnight.</p> <p><i>Sd/Justice Muhammad Nasir Mehfoz, J</i> <i>Sd/Justice Shakeel Ahmad, j</i></p> <p>CERTIFIED TO BE TRUE COPY</p> <p><i>18/5/19</i></p> <p>Examiner Peshawar High Court Bannu Bench Authorised Under Article 81 of the Qanun-e-Shahadat Order 1988</p> <p><i>[Handwritten signature]</i></p>

To

The Director E&SE department,
Khyber pakhtunkhwa, Peshawar.

F-26

Subject: For Seniority and Back Benefits from the date of my colleagues appointment.

Respected sir,

I am teacher in education department and appointed as CT (BPS-15) dated 28.06.2019. Before my appointment the department in 2013 ignored me due to their inefficiencies for appointment, even I had fulfilled all formalities and being in merit list. However, the department was not interested in issuance of my appointment order, despite eligibility and i time and again requested the department to issue appointment letter and after prolong time they issued merit list dated 26.05.2016, 26.05.2016 in which my name was included, while in revised final merit list dated 10.08.2016 i was again excluded from merit and in the meanwhile the department appointed my colleagues on the post of CT (BPS-15) orders dated 30.11.2016 & 27.12.2016 during the pendency of Writ Petition No.690-B/2017, which I filed before the Peshawar High Court, Bannu bench, and was disposed of with the direction to the department that "*in view of the above, the writ petition is disposed of with the direction to respondent No.3 to consider the prayer of the petitioner strictly in accordance with law, and merit, and if no relief could be granted to the petitioner, he be provided the reasons in writing within a period of one (01) month from the date of receipt of this order*" order dated 04.02.2019 and COC No.75-B/2019 as well. After the direction to the department they issued my appointment order dated 28.06.2019 with immediate effects, not w.e.f colleagues appointment order dated 30.11.2016. Thus the department discriminated in granting seniority and back benefits by issuing my appointment letter with immediate effect.

Therefore it is requested that my case may very kindly be considered and granted seniority and back benefits with effect from my colleague's appointments.

Dated: 06.04.2022.

APPLICANT
Khan Muhammad CT (BPS-15)
GMS Gulsheen School Spulga,
North Waziristan District

VAKALATNAMA

27

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

_____ OF 2022

Chen Muhammad

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Educational Deptt:

(RESPONDENT)
(DEFENDANT)

I/We Chen Muhammad

Do hereby appoint and constitute **AFRASIAB KHAN WAZIR, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/2022

CLIENT(S)

ACCEPTED
AFRASIAB KHAN WAZIR
&
NAZUREHMAN MEHSOOD
ADVOCATES

OFFICE:

Room No.6 Ground Floor, Afridi Tower,
Government College Chowk, Faqir Abad,
Peshawar City.

Mobile No: 0312-9888752

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1119/2022 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/07/2022	<p>The appeal of Mr. Khan Muhammad presented today by Mr. Afrasiab Khan Wazir Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on . Parcha peshi is given to the appellant/counsel.</p> <p>By the order of Chairman</p> <p>REGISTRAR</p>
2-		