

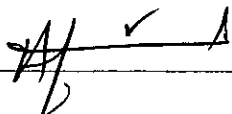
BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST

Case Title: **IHSAN ULLAH** 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: **15.07.2022**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

APPEAL NO. 1121 /2022

IHSAN ULLAH

VS

EDUCATION DEPTT:

INDEX

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| 5 | merit lists dated 10.08.2016 & 10.08.2016 | B | 7- 8 |
| 6 | Copy of appointment order dated 04.01.2017 | C | 9-10 |
| 7 | Writ petition No.431-B/2016 & order dated 19.02.2019 | D | 11- 18 |
| 8 | Copy of Departmental Representation | E | 19. |
| 9 | Vakalat Nama | | 20. |

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. Ihsan Ullah, AT (BPS-15),
GMS Gulsheen Kot 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 IMPUNGED ORDER DATED 30.05.2019
WHEREBY THE APPELLANT HAS BEEN APPOINTED ON THE
POST OF AT (BPS-15) WITH IMMEDIATE EFFECT NOT w.e.f
FROM THE DATE OF COLLEAUGES APPOINTMENT DATED
04.01.2017 EFFECTED SENIOIRTY 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 30.05.2019 may very kindly be modified to extent of seniority of the appellant and the respondents may please be directed to grant seniority to the appellant w.e.f the dated 04.01.2017 whereby colleagues of the appellant were appointed to the post of AT (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 AT (BPS-15) vides dated 30.05.2019 and since

appointment the appellant performed his duties up to mark. Copy of appointment order dated 30.05.2019 attached as annexure.....A.

2- That before appointment of the appellant the respondents in 2013 ignored appellant being 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 10.008.2016, and again 10.08.2016 in which appellant was included. Copy of the merit lists dated 10.08.2016 & 10.08.2016 are attached as annexure.....B.

3- That in the meanwhile the respondent appointed colleagues of the appellant on the post of AT (BPS-15) vide orders dated 04.01.2017 & appellant was ignored deliberately by the respondents. Copy of the appointment order dated 04.01.2017 is attached as annexure.....C.

4- The appellant felt aggrieved filed Writ Petition No.431-B/2016, before the Peshawar High Court, Bannu bench, which was disposed of vides dated 19.02.2019 reproduced as "***in view of the above, the this petition is treated as representation and sent to respondent No.4 for consideration in accordance with the law and if the petitioners are not found eligible to be appointed on merits, they will be given the reasons within a period of one month from the date of receipt of this order***". Copy of writ petition No.431-B/2016 & order dated 19.02.2019, are attached as annexure.....D.

5- That the respondents in compliance of abovementioned the Honorable Peshawar High Court, Bannu Bench, order issued "supra" order of the appellant of appointment vides dated 30.05.2019 with immediate effects, not w.e.f colleagues appointment order dated 04.01.2017.

6- That the appellant feeling aggrieved of the impugned order dated 30.05.2019 moved a departmental representation to the appellate authority which is still pending. Copy of the departmental representation is attached as annexure.....E.

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 04.01.2017 is against law, rules, norms of natural justice hence the impugned order dated 30.05.2019 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 30.05.2019 instead w.e.f the date of his colleagues appointment dated 04.01.2017, 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 04.01.2017, 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:

APPELLANT


IHSAN ULLAH

THROUGH:


AFRASIAB KHAN WAZIR

&

**NAZUREHMAN MEHSOOD
ADVOCTES**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. _____/2022

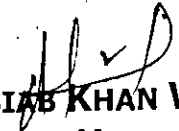
IHSAN ULLAH

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

IHSAN ULLAH

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

IHSAN ULLAH

THROUGH:


AFRASIAB KHAN WAZIR
ADVOCATE HIGH COURT



**OFFICE OF THE DISTRICT EDUCATION OFFICER
NORTH WAZIRISTAN TRIBAL DISTRICT.**

No. _____ DEO /NWTD,
Dated _____ / _____ /2019.



APPOINTMENT ORDER/COURT DECISION

A-6

In the light of Peshawar High Court Bannu Bench judgment in R/O Writ Petition No. 431-B/2016 dated 19.02.2019, the petitioner, **Mr. Ihsan ullah S/O Khan Awal Shah** of Tehsil Miran Shah is hereby appointed against the vacant post of AT (Male) BPS. 15 (RS.16120-1330-56020) per month plus usual allowances on regular basis as admissible under the rule/merit with effect from the date of his taking over charge at GMS Pir Samand Kot Tehsil Datta Khel N.W.T.D.

TERMS & CONDITIONS

1. Charge Report should be submitted to all concerned.
2. Appointment of the candidates are made purely on Temporary basis and is liable to termination at any time without any notice.
3. If any of the candidates 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. Their 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. They should produce their health & age certificate from the medical Superintendent AHQ Hospital Miran Shah NWTD.
6. They may not be handed over charge if they are below 18 years or above 35 years.
7. If they fail to report their 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.

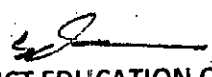

DISTRICT EDUCATION OFFICER
NORTH WAZIRISTAN TRIBAL DISTRICT

Dated 30/05/2019

Endstt: No. 2442-49 Appt/TT/ (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. ADEO circle concerned.
6. Office file.
7. Pay Clerk concerned.


Attested
A-6


DISTRICT EDUCATION OFFICER
NORTH WAZIRISTAN TRIBAL DISTRICT

B-7

(7)

OFFICE OF THE AGENCY EDUCATION OFFICER NORTH WAZIRISTAN AGENCY MIRANSHAH

REVISED FINAL MERIT LIST BEFORE VERIFICATION OF MALE "AT" TEHSIL MIRANSHAH 10/8/2016

| S.No | Name | F/R Name | DOB | SSCI/Amia | | | FAT.Sc/ Khaso | | | BWB.Sc / Alia | | | MAM.Sc / Atamia | | | Service Marks | science Marks | Total Score | Remarks |
|------|----------------|----------------|-----------|-----------|---------|-------|---------------|---------|-------|---------------|---------|-------|-----------------|---------|-------|---------------|---------------|-------------|------------|
| | | | | Total | Obtains | Score | Total | Obtains | Score | Total | Obtains | Score | Total | Obtains | Score | | | | |
| 1 | Ghaniullah | AK Eshdar | 1.9.1937 | 500 | 655 | 14.75 | 1120 | 632 | 17.52 | 550 | 356 | 14.47 | 600 | 490 | 15 | 0 | 0 | 57.53 | PETITIONER |
| 2 | Shahbulah | Hamidullah | 10.2.1930 | 375 | 239 | 12.76 | 600 | 415 | 13.97 | 600 | 393 | 13.1 | 600 | 353 | 11.77 | 0 | 0 | 51.59 | |
| 3 | Muhammad Usman | Esminder Khan | 6.4.1969 | 375 | 278 | 14.83 | 1100 | 600 | 10.91 | 600 | 410 | 13.67 | 600 | 339 | 11.3 | 0 | 0 | 50.71 | PETITIONER |
| 4 | Abdelah | Muaz Khan | 5.1.1951 | 600 | 502 | 11.91 | 1100 | 661 | 12.35 | 500 | 337 | 12.25 | 600 | 418 | 13.93 | 0 | 0 | 50.47 | |
| 5 | Shahid Dls | Muhammad Akbar | 1.1.1984 | 1055 | 753 | 14.34 | 600 | 352 | 11.9 | 600 | 350 | 12 | 600 | 345 | 11.53 | 0 | 0 | 49.57 | |
| 6 | Abdul Wadood | Abd Nawaz Khan | 11.1.1955 | 1250 | 674 | 12.64 | 1100 | 619 | 11.25 | 500 | 407 | 13.57 | 600 | 360 | 12 | 0 | 0 | 49.55 | |
| 7 | Abdul Ghafoor | Asad Khan | 23.1.1970 | 650 | 551 | 13.70 | 1400 | 741 | 10.59 | 900 | 540 | 12 | 1120 | 633 | 11.51 | 0 | 0 | 47.30 | In Service |
| 8 | Ihsanullah | Zhan Asad Shah | 3.2.1981 | 600 | 417 | 9.51 | 600 | 269 | 12.3 | 600 | 394 | 13.13 | 1100 | 639 | 11.62 | 0 | 0 | 46.85 | |

Chairman
Kamran Khan Afridi
Political Agent N.W.A

Member
2. Muhammad Saleem Wazir
HM Hasham Abad Khyber Agency

Member
3. Abdul Manan
SO (Education) FATA

Member
4. Mr. Fazal Wadood
Political Tehsildar MRN

Member
5. Mr. Samiullah
V/Principal GHSS Eidak NWA

Member
6. Mr. Noorallah Jan
AAEO NWA

Member
7. Mst. Taj Meena
AAEO(F) NWA

Member
8. MUHAMMAD NABI AEO NWA
AEO N.W.Agency

Better Copy-(B-7) ihsan ullah

OFFICE OF THE AGENCY EDUCATION OFFICER NORTH WAZIRISTAN AGENCY MIRANSHAH
REVISED FINAL MERIT LIST BEFORE VERIFICATION OF MALE "AT" TEHSIL MIRANSHAH 10.8.2016

| s.no | name | f/name | DOB | SSC | FA/FSC | BA/BSC | MA/MSC | Service marks | Science marks | total | Remarks |
|------|----------------|----------------|-----------|---------|----------|---------|----------|---------------|---------------|-------|------------|
| 1 | ghaniullah | Ali bahadar | 1.8.1987 | 900/665 | 692/1100 | 398/550 | 480/600 | 0 | 0 | 57.63 | petitioner |
| 2 | shakibullah | hamidullah | 10.2.1990 | 239/375 | 419/600 | 393/600 | 353/600 | 0 | 0 | 51.59 | |
| 3 | Muhammad usman | Samandar khan | 8.4.1989 | 276/375 | 600/1100 | 410/600 | 339/600 | 0 | 0 | 50.71 | petitioner |
| 8 | Ihsan ullah | Khan awal shah | 3.2.1981 | 417/850 | 369/600 | 394/600 | 639/1100 | 0 | 0 | 46.86 | |

8

(7)

OFFICE OF THE AGENCY EDUCATION OFFICER NORTH WAZIRISTAN AGENCY MIRANSHAH
 REVISED FINAL MERIT LIST BEFORE VERIFICATION OF MALE "AT" TEHSIL MIRANSHAH 10/8/2016


| Sl. No. | Name | Roll No. | DOB | ESDP/Insa | | | FAP/Sci/Anasa | | | DAS/Sci/Alfa | | | MAM/Sci/Alamia | | | Service Marks | Science Marks | Total Score | Remarks |
|---------|----------------|----------------|------------|-----------|------------|-------|---------------|------------|-------|--------------|------------|-------|----------------|------------|-------|---------------|---------------|-------------|------------|
| | | | | Test | Qualifying | Score | Test | Qualifying | Score | Test | Qualifying | Score | Test | Qualifying | Score | | | | |
| 1 | Abdul Wahid | A181451 | 10.10.1957 | 300 | 555 | 11.78 | 1000 | 822 | 12.53 | 500 | 358 | 11.47 | 600 | 480 | 15 | 0 | 0 | 57.53 | PETITIONER |
| 2 | Abdul Wahid | 1021453 | 10.2.1953 | 300 | 238 | 12.75 | 600 | 418 | 12.57 | 600 | 333 | 11.1 | 600 | 353 | 11.77 | 0 | 0 | 51.59 | PETITIONER |
| 3 | Muhammad Usman | Samandar Khan | 14.10.1959 | 300 | 278 | 11.53 | 1100 | 600 | 12.91 | 600 | 410 | 12.57 | 600 | 335 | 11.3 | 0 | 0 | 50.71 | PETITIONER |
| 4 | Muhammad Usman | Muhammad Usman | 11.1.1951 | 300 | 505 | 11.51 | 1100 | 631 | 12.32 | 600 | 337 | 12.25 | 600 | 412 | 13.93 | 0 | 0 | 50.47 | PETITIONER |
| 5 | Muhammad Usman | Muhammad Usman | 11.1.1954 | 1000 | 753 | 14.34 | 600 | 354 | 11.8 | 600 | 350 | 12 | 600 | 345 | 11.53 | 0 | 0 | 49.57 | PETITIONER |
| 6 | Muhammad Usman | Shan Aul Khan | 12.10.1961 | 850 | 417 | 9.81 | 600 | 359 | 12.3 | 600 | 354 | 13.13 | 1100 | 710 | 11.52 | 0 | 0 | 48.80 | PETITIONER |
| 7 | Abdul Wahid | Muhammad Usman | 11.1.1959 | 1000 | 671 | 12.81 | 1100 | 612 | 11.24 | 600 | 437 | 13.57 | 600 | 360 | 12 | 0 | 0 | 47.00 | PETITIONER |
| 8 | Muhammad Usman | Azad Khan | 23.1.1970 | 850 | 551 | 13.20 | 1400 | 741 | 13.53 | 600 | 540 | 12 | 1100 | 633 | 11.51 | 0 | 0 | 47.30 | In Service |

Chairman
 Kamran Khan Afridi
 Political Agent N.W.A

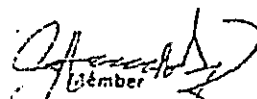
Member
 2. Muhammad Saleem Wazir
 HM Hasham Abad Khyber Agency

Member
 3. Abdul Manan
 SO (Education) FATA

Member
 4. Mr. Fazal Wadood
 Political Tehsildar MRN

Member

 S. Mr. Samiullah
 V/Principal GHSS Eldak NWA

M. Ali
 M. Ali
 M. Ali

Member

 6. Mr. Noorallah Khan
 AAO NWA

Member
 7. Mst. Taj Meena
 AAO(F) NWA

Member
 8. MUHAMMAD NABI AEO NWA
 AEO N.W. Agency

Better copy (8)

OFFICE OF THE AGENCY EDUCATION OFFICER NORTH WAZIRISTAN AGENCY MIRANSHAH
REVISED FINAL MERIT LIST BEFORE VERIFICATION OF MALE "AT" TEHSIL MIRANSHAH 10.8.2016

| s.no | name | f/name | DOB | SSC | FA/FSC | BA/BSC | MA/MS | Service marks | Science marks | total | Remarks |
|------|----------------|----------------|-----------|---------|----------|---------|----------|---------------|---------------|-------|------------|
| 1 | ghaniullah | Ali bahadar | 1.8.1987 | 900/665 | 692/1100 | 398/550 | 480/600 | 0 | 0 | 57.63 | petitioner |
| 2 | shakibullah | hamidullah | 10.2.1990 | 239/375 | 419/600 | 393/600 | 353/600 | 0 | 0 | 51.59 | |
| 3 | Muhammad usman | Samandar khan | 8.4.1989 | 276/375 | 600/1100 | 410/600 | 339/600 | 0 | 0 | 50.71 | petitioner |
| 6 | Ihsan ullah | Khan awal shah | 3.2.1981 | 417/850 | 369/600 | 394/600 | 716/1100 | 0 | 0 | 48.86 | |

30/11/2016
 401-8-210
 1
 22

AGENCY EDUCATION OFFICER N.W. AGENCY MIRANSHAH
APPOINTMENT ORDER / COURT DECISION

In the light of Peshawar High Court, Bannu Bench decision vide Writ Petition/CL-10111-2016, W.P. No.367-1005,138-B,2014,103-B/2013, the approval of the Departmental Selection Committee constituted by Director Education FATA K.P.K Peshawar order No. 5513-29 dated 16/5/2016, the review committee of the merit list No.1122-29 dated 09/11/2016 and Political Agent Approval NO:1220/EC Dated 14/12/2016, the following candidates are hereby appointed against the vacant post of AT (Male) BPS-15 at Rs: (13510-1120-47110) Per Month plus usual allowances as admissible under the rules with immediate effect in the interest of Justice / Public Service.

| S: NO | Name & F/H Name | Place of Posting | Tehsil | Remarks |
|-------|---------------------------------------|------------------------------|------------|-------------|
| 1. | Nazir ullah S/O Muhammad Hakim | GMS Nizam Kot Laky Asan Khel | Dussali | Vacant Post |
| 2. | Musam Bahar S/O Hazrat Khan | GMS Gardi Rogha | Dussali | Vacant Post |
| 3. | Kalimullah S/O Nek Nawaz Khan | GMS Shakhi Mar | Razmak | Vacant Post |
| 4. | Syed Jalal S/O Noor Zar Khan. | GMS Hamid Kot | Srinawan | Vacant Post |
| 5. | Noorat Khan S/O Murad | GMS Payu Jan Kot | Shresta | Vacant Post |
| 6. | Muhammad Karim S/O Ghazi Mar Jan | GMS Sher Khan Kot | Datta Khel | Vacant Post |
| 7. | Abdur ur Rehman S/O Syed Naik Khan | GMS Muhammad Khel | Datta Khel | Vacant Post |
| 8. | Syed Nasir Ud Din S/O Syed Khosla Din | GMS Shams Khel | Miran Shah | Vacant Post |
| 9. | Shahidullah S/O Hamidullah | GMS Dorpa Khel | Miran Shah | Vacant Post |
| 10. | Muhammad Usman S/O Santander Khan | GMS Tall village | Miran Shah | Vacant Post |

TERMS AND CONDITIONS

1. All 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 Officer.
3. His/Her appointment shall be subject to the provision of medical fitness Certificate issued by the concerned Medical Officer.
4. At any time while employed and without assigning any reason his/her Service will be considered terminated during the term of appointment on probation he/his/her work during the initial period of one year of service shall be considered as probationary.
5. His/Her appointment shall be 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 probationary period shall be given to the Government in case of resignation or leaving the service.
8. If he/she fails to assume his/her charge within 15 days, his/her order shall be treated as cancelled.
9. His/Her appointment shall be terminated if his/her certificates found fake/bogus and tempered.
10. He/she shall not be handed over charge if he/she below 18 years and above 35 year of age.

Agency Education Officer
 North Waziristan Agency

Dated 07/11/2017

Encls:- No. 1044-57 / Appointment AT (M) AEO/MRN
 Copy For:-
 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. AEO Concerned.
 6. Candidate concerned.

A. I. Khan
 AEO

[Signature]
 Agency Education Officer
 North Waziristan Agency

[Signature]
 Agency Education Officer
 North Waziristan Agency

Best copy (C-9)

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/CMs 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 and political agent approval no.1360/EC dated 14.12.2016, the following candidates are hereby appointed against the vacant of AT Male BPS-15 at rs.13510-1120-47110 per month plus usual allowance as admissible under the rules with immediate effect in the interest of justice/public service.

| S.NO | Name & F/H Name | Place of posting | Tehsil | Remarks |
|------|----------------------------------|------------------------------|-----------|-------------|
| 1 | Nzir ullah s/o Muhammad hakim | GMS Nizam Kot laky asal khel | Dossali | Vacant post |
| 9 | Shakib ullah s/o hamidullah | GHSS Darpa Khel | Miranshah | Vacant post |
| 10 | Muhammad Usman S/o Samandar khan | GHS Tall Village | Miranshah | Vacant post |

AGENCY EDUCATION OFFICER
NORTH WAZIRISTAN AGENCY

DATED: 04.01.2017

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

APPOINTMENT ORDER / COURT DECISION

10

In the light of Peshawar High Court, Bannu Bench decision vide Writ Petition/COC No.111-B/2016, W.P No.387-B.2015,138-B,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, the review committee of the merit list No.1122-29 dated 09/11/2016 and Political Agent Approval NO:1350/EC Dated 14/12/2016, the following candidates are hereby appointed against the vacant post of TT (Male) BPS-15 at Rs: (13510-1120-47110) Per Month plus usual allowances as admissible under the rules with immediate effect in the interest of Justice /Public Service.

| S:# | Name & Father Name | Place of Posting | Tehsil | Remarks |
|-----|--|--|-------------|-------------|
| 01. | Syed Jalal S/O Noor Zal Khan | GPS Zarjanaan | Spinwar | Vacant Post |
| 02. | Shaukatullah S/O Muhammad Faib | GHS Khazan Gul kot Open Mir Ali | Datta Khel | Vacant Post |
| 03. | Islamullah S/O Muhammad Hayat Khan | GHS Land | Datta Khel | Vacant Post |
| 04. | Umer Nawaz S/O Zar Nawaz | GMS Kani Rogh Manzer Khel | Datta Khel | Vacant Post |
| 05. | Abdul Zarin S/O Zarin Khan | GHS Razmak Camp: Primary Section | Razmak | Vacant Post |
| 06. | Shamranullah S/O Khadid Khan | GHS Razmak Camp: Middle Section | Razmak | Vacant Post |
| 07. | Abdul Halim S/O Abdur Rauf | GPS Damdli Open from Mir Ali | Dossali | Vacant Post |
| 08. | Syed Nasir ud Din S/O Syed Khunsha Din | GPS Gul Shah Jan Kot Open from Mir Ali | Miran Shah | Vacant Post |
| 09. | Ghuni Ullah S/O Ali Bahader | GPS Bad Shah Mir Khan | Miran Shah | Vacant Post |
| 10. | Rahimullah S/O Azimullah | GPS Gul Shin Kot Spulga | Miran Shah | Vacant Post |
| 11. | Luqman Khan S/O Ali Haider | GPS Zabardust Kot | Miran Shah | Vacant Post |
| 12. | Muhammad Usman S/O Samandar Khan | GHS Tall Village | Miran Shah | Vacant Post |
| 13. | Jalal ud Din S/O Allah Zar Khan | GPS Shebaz kot Shewa | Open Shewa | Vacant Post |
| 14. | Noorat Khan S/O Murad Khan | GPS Pipalt picket | Shewa | Vacant Post |
| 15. | Rahat Ullah S/O Toorkistan Khan | GHS Saddiq Kot | Shewa | Vacant Post |
| 16. | Inam Ullah S/O Minawar Khan | GPS Ghulam Khan | Ghulam Khan | Vacant Post |
| 17. | Sharif Ullah S/O Ardullah Khan | GPS Garyum | Garyum | 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 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 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.

[Signature]
Agency Education Officer
North Waziristan Agency

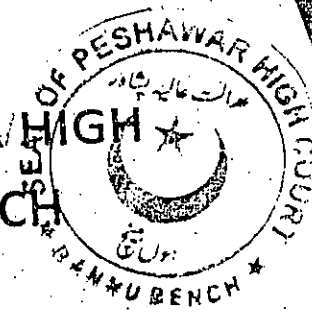
Ends:- No. 1921-43 /Appointment/ TT (M)/AEO/MRN Dated 4/1/17 /2017.

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. Candidate concerned.

[Signature]
Agency Education Officer

BEFORE THE PESHAWAR HIGH COURT, BANNU BENCH

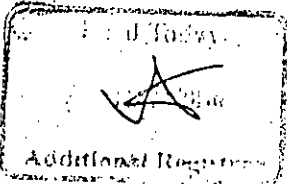


WRIT PETITION NO: 4311-B/2016

D-11

Handwritten: H.No. 1131-B/1-3

1. RAFIQ ULLAH S/O GUL ZAR, VILLAGE, MULLAGAN.
2. HAMID REHMAN S/O MATI UR REHMAN, VILLAGE HASSU KHEL.
3. INAM ULLAH S/O ABDUL ALAHI, VILLAGE HURMAZ.
4. NADIM ULLAH S/O FALAK NAZ KHAN, VILLAGE HURMAZ.
5. BILQIS NAWAZ D/O MUHAMMAD NAWAZ, VILLAGE HASSU KHEL
6. MIS AMROZIA D/O MUHAMAMD RAUF, VILLAGE HASSU KHEL
7. MIS REFAHAT SHAHEEN D/O MUHAMMAD UL ALLAH, VILLAGE HASSU KHEL
8. JEHAN ZEB S/O SHAH ALAM KHAN VIAALGE, ISSURI.
9. ASIM ULLAH S/O SAKHI MAR JAN, VILLAGE MUSSAKI.
10. MUHAMMAD AHMED S/O MUHAMMAD ALAM, VILLAGE MULLAGAN.
11. NOORSALIM S/O RAB NAWAZ KHAN, VILLAGE, HAIDER KHEL.
12. HUFFRAN NAWAZ S/O HAJI MUHAMMAD SHAFI, VILLAGE, ISSURI.
13. ASHRAF ALI S/O FAIZ ULLAH; VILLAGE, IDAK
ALL RESIDENT OF TEHSIL MIR ALI, NWA
14. RASHID ULLAH S/O HAJI DAULAT KHAN, VILLAGE HAKIM KHEL.
15. NOOR QAYUM KHAN S/O ZAMIDAR KHAN, VILLAGE, HAKIM KHEL.
16. MUHAMMAD ILYAS S/O MUHAMMAD ROMAN, VILLAGE, KHADDI.
17. ASWA BIBI D/O BAKHT ULLAH, VILLAGE, HAKIM KHEL.
18. HAMID ULLAH S/O HABIB ULLAH, VILLAGE, HURMAZ
19. TEHSIN ULLAH S/O AJAB KHAN, VILLAGE, MIRAN SHAH
20. REHMAN TARIN S/O GUL TARIN, VILLAGE IDAK,
21. SHER ULLAH S/O AKRAM ULLAH, VILLAGE MIR ALI,



ATTESTED
EXAMINER
Peshawar High Court
Bannu Bench

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- 22. RAHIM ULLAH S/O ABD UL LATIF, VILLAGE, MIR ALI,
- 23. JASIMA ZEB D/O AURANZIB, VILLAGE, KHADDI,
- 24. MAHBOOB REHMAN S/O GHULAM KHAN, VILLAGE, HAKIM KHEL
- 25. SHAMS UL HAQ ABD ULLAH, VILLAGE, HAKIM KHEL
- 26. ABDULLAH S/O MUSEL KHAN, VILLAGE INGHAR KALA.
- 27. GHULAM HUSSAIN GUL HUSSAIN, VILLAGE TAPPI.
- 28. FIDA MUHAMAMD S/O NOOR MUHAMMAD, RESIDENT OF TAPPI.
- 29. HAFIZ MUJABI DIN S/O AMAN KHAN, VILLAGE, TAPPI.
- 30. IHSAN ULLAH S/O KHAN AWAL SHAH, VILLAGE, TAPPI.
ALL RESIDENTS OF TEHSIL MIRAN SHAH, NWA
- 31. NOOR JEHAN S/O HABIB ULLAH, RESIDENT OF CHAHMA
- 32. QARIB ULLAH S/O HASSAN AHMAD, VILLAGE, SPULGA.
- 33. SHAQIB ULLAH S/O HAMID ULLAH VILLAGE, DARPA KHEL.
- 34. ANWAR ULLAH S/O NOOR ULLAH, VILLAGE, TAPPI.
- 35. Sardaraz S/O Zaray Khoon R/O village Miranshah
- 36. MUHAMMAD YASIN S/O HAZRAT ULLAH, VILLAGE, DOSSALI,
- 37. SALIM ULLAH S/O REHMAT ULLAH VILLAGE DOSSALI, ALL RESIDENTS OF
TEHSIL DOSSALI, NWA
- 38. NAZIR ULLAH S/O MUHAMAMD HAKIM, VILLAGE, WOTCH FAQIRAN,
- 39. HASSINA BIBI D/O REHMAT ULLAH, VILLAGE, DOSSALI,
- 40. SHAMRAN ULLAH S/O KHALID KHAN, RESIDENT OF DATTA KHEL
- 41. IHSAN ULLAH S/O AFSAR GUL, RESIDENT OF KHAISOOR
- 42. SALAH UDDIN S/O MIR JANDAD KHAN, RESIDENT OF KHUSHALI,
ALL RESIDENTS OF TEHSIL RAZMAK, NWA.
- 43. RASOOL AHMAD S/O MIR PAYO JAN, VILLAGE, KHUSHALI,
- 44. REHMAN GUL S/O ALI MAR JAN, VILLAGE MALIK SHAHI, KABUL KHEL
- 45. MUHAMAMD SALEH S/O ABD REHMAN, VILLAGE MIAMI KABUL KHEL
- 46. SALAM UDDIN S/O UMER UDDIN, VILLAGE SAIFALI KABUL KHEL.
ALL RESIDENTS OF TEHSIL SHEWA, NWA.
- 47. IBRAHIM KHAN S/O ALIF KHAN, VILLAGE MAMA KHEL.

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- 48. SHAHBAZ KHAN S/O MUSTA KHAN
- 49. AMIR MUHAMMAD SHAH S/O MURSALIN, VILLAGE, GURZAB,
- 50. MUHAMMAD SHAH S/O GUL ZAMAN, VILLAGE, SHER KHEL,
ALL RESIDENTS OF TEHSIL GHULAM KHAN, NWA.
- 51. ZAR SA GUL S/O DARYA KHAN, RESIDENT OF KHUSHALI,
RESIDENT OF TEHSIL, GARYUM, NWA.
- 52. ISHAFAQ ULLAH S/O LAL MAR JAN, VILLAGE MUHAMMAD KHEL,
- 53. UMER NAWAZ KHAN S/O ZAR NAWAZ KHAN, VILLAGE, MUHAMMAD KHEL,
- 54. SHAMS UL ISLAM S/O AKBAR ALI KHAN, VILLAGE, MUHAMAMD KHEL
- 55. MUHAMMAD-RASOOL S/O MUHAMAD HASSAN, VILLAGE, MUHAMMAD KHEL,
ALL RESIDENTS OF TEHSIL, DATTA KHEL, NWA.
- 56. ABD UL HAQ S/O MUHAMAMD LAL MAR JAN, VILLAGE MUHAMMAD KHEL,
- 57. MUHAMAD YOUNIS S/O NAJIB ULLAH, VILLAGE, LAND MUHAMMAD KHEL,
- 58. NOOR UDDIN S/O SHAMS UDDIN, VILLAGE, SHAMIRI
- 59. SALIM ULLAH S/O KHARAM KHAN, VILLAGE, SHAMIRI,
ALL RESIDENTS OF TEHSIL SPIN WAM, NWA.
- 60. GUL ZADA S/O BARA KHAN, VILLAGE, SHAMIRI.....(PETTIONERS)

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23/1/2016

Additional Registrar
 31 MAY 2016
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VERSUS

Tehsil Spin wam NWA
23/1/2016

- I. ADDITIONAL CHIEF SECRETARY- FATA,
SECRETARIAT, WORSAK ROAD PESHAWAR.
- II. DIRECTOR EDUCATION (FATA) – FATA,
SECRETARIAT, PESHAWAR.
- III. POLITICAL AGENT- North Waziristan AGENCY, MIRAN
SHAH.
- IV. AGENCY EDUCATION OFFICER – North Waziristan
AGENCY, MIRAN SHAH.

ATTESTED
 WAZIRISTAN
 GOVT. OFFICE
 Miran Shah

(RESPONDENTS)

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Writ Petition under Article 199 of the Constitution of
Islamic Republic of Pakistan, 1973.

On acceptance of this Writ Petition, an appropriate writ may very graciously be issued with directions to the respondents for appointment of the petitioners on the basis of merit list already prepared for appointment on various posts of different categories. Other relief if any may also be granted.

Respectfully Sheweth:

1. That, the petitioners are the bona fide residents of North Waziristan Agency and have the required qualifications for various posts advertised by the respondent# 3.
2. That, the respondents have prepared various merit lists for the appointment of the petitioners along with other candidates. (Copy of the merit list is annexed as A).
3. That, time and again the respondents have been extending lame excuses and are not ready to appoint the petitioners according to the merit list.
4. That, the respondents have withheld all the merit lists mentioned above, on the pretext that on account of "OPERATION ZARAB" all the lists are missing from the concerned office of Agency Education Officer, Miranshah.
5. That, the respondents have also advertised some of the posts of various categories in the newspapers and are bent upon making the

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BUREAU (PUNJAB)

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appointment on the basis of newly prepared merit lists of their favourite candidates.

- 6. That, the petitioners have been approaching the respondents for appointment on the basis of already prepared merit lists but they are paying no heed to the earnest request of the petitioners.
- 7. That, the petitioners have given application and sent legal notice to the respondents but of no avail. (Copy of application, legal notice and registry receipt are annexed as B, C and D).
- 8. That, the petitioners have no equate remedy available to them, hence this Writ Petition inter alia on the following grounds:-

GROUND:-

- 1. That the petitioners after interviews and thorough scrutiny of their testimonials have been shown entitled for the appointment on the basis of merit lists.
- 2. That, the delaying tactics used by the respondents, not appointing the petitioners have no legal grounds or justification.
- 3. That, the majority of the petitioners are likely to become over-aged because of the conduct and self-styled policies of the respondents.
- 4. That, the respondents are not ready to make appointment of the petitioners according to the merit lists as they are suffering from nepotism and favoritism.
- 5. That, petitioners seek permission of this Hon'ble Court to advance other points at the time of arguments.

It is therefore, humbly prayed that on acceptance of this writ petition under article 199 of the constitution of Islamic Republic of Pakistan 1973, an appropriate writ may very graciously be issued with directions to the respondents for appointment of the petitioners on the basis of merit list already

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prepared for appointment on various posts of different categories. Other relief if any may also be granted.

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INTERIM RELIEF.

In wake of above submissions, the respondents may kindly be restrained from making fresh appointment in NWA till the final disposal of the instant Writ Petition.

Dated: 27/05/2016

Petitioners

Through Counsel

[Signature]
28/5/2016
Muhammad Rashid Khan Wazir Advocate
High Court Bannu Bench

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CERTIFICATE

It is certified that no such like petition has been filed nor the same is pending before this honorable court or any other forum.

Petitioners

Through Counsel

[Signature]
28/5/2016
Muhammad Rashid Khan Wazir Advocate
High Court Bannu Bench

28/5/2016
FILED
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JUN 1 2016
HONORABLE JUDGE

List of Books:-

1. Constitution of Islamic Republic of Pakistan 1973.
2. Any other judgment.

Note: The instant Writ Petition falls within the domain of D.B.

Attested
[Signature]

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Notary Public

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT
BANNU BENCH.

(Judicial Department)

W.P No. 431 B of 2016

Hamid-ur-Rehman etc:

Vs

Addl: Chief Secty: FATA etc:

JUDGMENT

Date of hearing 19/02/2019.

Appellant-Petitioner

By Khosh Ameer Khattak Adv

Respondent By Shahid Hamud Buzghi

Addl: AG

SHAKEEL AHMAD, J.--- By means of this petition, filed

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

1973, the petitioners seeks the following relief:-

"On acceptance of this writ petition, an appropriate writ may very graciously be issued with directions to the respondents for appointment of the petitioners on the basis of merit list already prepared for appointment on

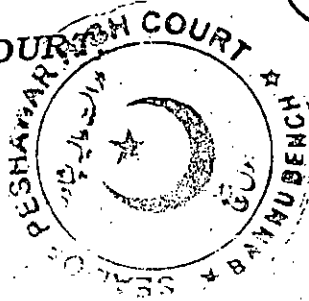
Imranullah (D B) Muhammad Nasir Mahfooz and Justice Shakeel Ahmad

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EXAMINER
Peshawar High Court
Bannu Bench

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various posts of different categories. Other relief, if any, may also be granted."

2. At the very out-set, the learned counsel appearing on behalf of the petitioners stated at the bar that he would not press the instant petition provided their case is send to the respondent No.4 for consideration in accordance with law.

3. In view of the above, this petition is treated as representation and sent to respondent No.4 for consideration in accordance with law and if the petitioners are not found eligible to be appointed on merits, they will be given the reasons within a period of one month from the date of receipt of this order. Writ petition is disposed of accordingly.

Announced.
19.02.2019.

Sd/Mr Justice Muhammad Nasir Mahfooz, J.
Sd/Mr Justice Shakeel Ahmad, J.

CERTIFIED TO BE TRUE COPY

[Signature]
Registrar
Peshawar High Court Sadoon Bench
Authorised Under Article 27 of
The Qanun-e-Shahadat Ordinance 1984

[Handwritten signature]

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

Attested
[Signature]

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To

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

E-19

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 30.05.2019. 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 in 2013. 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 revised final merit list dated 10.08.2016 in which my name was included, and in the meanwhile the department appointed my colleagues on the post of AT (BPS-15) orders dated 04.01.2016 during the pendency of Writ Petition No.431-B/2016, 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 this petition is treated as representation and sent to respondent No.4 for consideration in accordance with the law and if the petitioners are not found eligible to be appointed on merits, they will be given the reasons within a period of one month from the date of receipt of this order*" order dated 19.02.2019. After the direction to the department they issued my appointment order dated 30.05.2019 with immediate effects, not w.e.f colleagues appointment order dated 04.01.2017. 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
IHSAN ULLAH AT (BPS-15)
GMS Gulsheen kot Spulga,
North Waziristan District

(20)

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

_____ OF 2022

Israr Ullah

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Educational Dept

(RESPONDENT)
(DEFENDANT)

I/We Israr Ullah

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

Israr Ullah

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.- 1121/2022

| 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. Ihsan Ullah 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> |