

Sham Haider

11.11.2021

Mr. Muhammad Ayaz Majid, Advocate for the appellant

present.

2. During the course of preliminary arguments, learned counsel with reference to the objection of the office as to absence of copy of departmental appeal conceded the point that the departmental appeal was not filed because of the pursuit for extra-ordinary remedy under Section 199 of the Constitution of Islamic Republic of Pakistan; but the matter stood diverted for want of jurisdiction. However, if this Tribunal deems appropriate, this appeal may be sent to the Departmental Appellate Authority treating the same as departmental appeal for appropriate decision of the said authority.

3. In view of the foregoing position, this appeal is converted into departmental appeal in exercise of powers under Rule 27 of the Khyber Pakhtunkhwa Service Tribunal Rules, 1974 to meet with the ends of justice and is remitted to the respondent No. 1 for its disposal on merit in accordance with law. Office is directed to send certified copy of this order alongwith Memorandum of Appeal and other documents annexed therewith to respondent No. 1. File be consigned to the record room

  
Chairman

ANNOUNCED  
11.11.2021

21.06.2021


Nemo for the appellant. Notice be issued to appellant/counsel for hearing on office objection on 22.09.2021 before S.B.

  
Chairman

22.09.2021

Nemo for appellant.

Notice be issued to appellant/counsel for 11.11.2021 for hearing on office objection, before S.B.

  
(Rozina Rehman)  
Member (J)

Form-A  
FORMOF ORDERSHEET

Court of \_\_\_\_\_

Case No. \_\_\_\_\_ /2021\_\_\_\_\_


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	<p>04/01/2021</p>           <p>19.03.2021</p>	<p>As per direction of the Worthy Chairman this case is submitted to the touring S. Bench for decision on office objection . To be put up there on <u>19/03/21</u>.</p> <p style="text-align: right;"><i>Cm</i> REGISTRAR</p>           <p>Junior to counsel for the appellant present. Former requests for adjournment as learned senior counsel is not available today.. Adjourned to 21.06.2021 before S.B.</p> <p style="text-align: right;"><i>Mian Muhammad</i> (Mian Muhammad) Member (E)</p>

The appeal of Mr. Sham Haider son of Haleem Haider received today i.e. on 17.07.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Copy of departmental appeal against the impugned order and its rejection order are not attached with the appeal which may be placed on it.

No. 1678 /S.T,

Dt. 17-07 /2020.

  
REGISTRAR,  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Ayaz Majid Adv. Peshawar.

*Sir,*  
Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 2337

Dated 03/2/2021

*Re submitted with the request to be put before the honorable tribunal*

*355/  
27/07/2020*

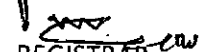
R/sir

The instant appeal was returned to the learned counsel for the appellant for removing the above mentioned deficiency. The learned counsel resubmitted the same without removing the deficiency and with the request to be put before the Hon'ble Tribunal as the case may be.

Submitted for order please.

*Hon'ble Chairman*

*Put up before S.B. for hearing of office objectives. 4/2/21*

  
REGISTRAR  
4/2/2021

S. Appeal NO: 7770/2021

**IN THE SERVICES TRIBUNAL KHYBER  
PAKHTUNKHWA PESHAWAR**

**Sham Haider ..... Appellant**

**VERSUS**

**Govt of KPK & others ..... Respondents**

**I N D E X**

<b>S.No</b>	<b>Description of Documents</b>	<b>Annex</b>	<b>Pages</b>
1.	Service Appeal		1-5
2.	Affidavit		6
3.	Application for condonation of delay		7
4.	Affidavit		8
5.	Copy of appointment order	<b>A</b>	9-11
6.	Copy of letter of nomination	<b>B</b>	12
7.	Copy of Study leave without pay and NOC	<b>C &amp; D</b>	13-14
8.	Copy of Notification extension of Leave	<b>E</b>	15
9.	Copy of PHD Degree	<b>F</b>	16
10.	Copy of re-assumption of charge certificate	<b>G</b>	17
11.	Copy of Application and regret letter	<b>H &amp; I</b>	18-19
12.	Copy of Notice and Resignation	<b>J &amp; K</b>	20-21
13.	Copy of Surety Bonds	<b>L &amp; M</b>	22-23
14.	Copy of Termination of notification	<b>N</b>	24
15.	Copy of Writ Petition	<b>O</b>	25-28
16.	Copy of memo of review Petition and order	<b>P</b>	29-31
17.	Wakalat Nama		32

Appellant

Through

Dated: 17.07.2020

**Muhammiad Ayaz Majid**  
Advocate, High Court  
Peshawar

①

In the Services Tribunal Khyber Pakhtonkhwa Peshawar.

Service Appeal No: 7770/2021

Sham Haider S/O Haleem Haider

R/O Village Karapa, Tehsil Daggar, District Buner.

Present Address: LTC, Hall Air University, E-9, Islamabad

Khyber Pakhtukhwa  
Service Tribunal

Diary No. 7414

Dated 17/7/2020

Appellant Petitioner

Versus

1. Government of Khyber Pakhtonkhwa, through Chief Secretary, Civil Secretariat Peshawar.
2. Secretary to Government of Khyber Pakhtonkhwa, Higher Education Department Civil Secretariat Peshawar.
3. Director Higher Education, Khyber Pakhtonkhwa Peshawar.
4. Principal Government Degree College Daggar, District Buner. Respondents

Appeal under rule 4 of Services Tribunal Act 1973/.

Filed to-day

Registrar

17/7/20

Respectfully sheweth;

1. That the Petitioner being qualified appointed as Lecturer in English (BS-17) posted in Government Degree College Daggar, Buner vide appointment order dated. <sup>05</sup> 10.01.2008 (Copy of appointment order annexed as "A")
2. That the Petitioner being fond of further education applied for scholarships announced during his job, and succeeded in getting US SCHOLARSHIP PROGRAM funded by USAID, for Ph.D, to be completed in four years. (Copy of letter of nomination annexed as "B")

3. That the Petitioner applied for NOC, vide Notification, NO. SO (-11)/HE/12-9/2-12/Sham Haider, DATED PESHAWAR THE 19.06.2012, and study leave / leave without pay, was sanctioned wef 12.07.2012 to 11.07.2014 by the competent authority i.e. Respondent No.2. The course was though four years but the leave without pay was sanctioned for two years.

**(Copy of study leave / leave without pay and NOC annexed as "C" & "D" respectively)**

4. That after expiry of already sanctioned leave without pay, the petitioner returned and applied for extension of leave as the course was not completed being four years which after tiring efforts sanctioned for further two years, w.e.f 12.07.2014 to 11.07.2016, vide Notification No. SO(FR)/FD/5-1/2013( C ), Dated. Peshawar the 29.08.2014

**(Copy**

**of Notification (Extension of leave) annexed as "E")**

5. That after completion of course the Petitioner was honored with PhD degree by the University of Rochester, and returned and resume his duties as Lecturer in the posted college.

**(Copy of PhD degree annexed as "F")**

6. That the Respondents stopped the seniority, increments and all other benefit for which he was entitled, and on his re-assumption of charge as lecturer in the posted college become junior to his colleagues, but didn't object and started performing his duties.

**(Copy of re-assumption of charge certificate annexed as "G")**

7. That during performing his job as lecturer (BPS-17) certain post of Assistant Professors were advertised and intended to apply for the post and to fulfill professional obligations applied for grant of NOC from the competent authority i.e. Director Higher Education through proper channel on 07.11.2016, but was regretted.

**(Copy of application and regret letter annexed as "H" & "I" respectively)**

8. That the Petitioner feeling difficult to keep continues his services informed the Respondent of his inability to perform his duties through proper channel on 04.02.2017, which was not responded, and on 06.03.2017 resigned from his services.

**(Copy of notice and resignation annexed as "J" & "K" respectively)**

9. That though the Petitioner was not bound to execute any sort of bond in favour of department but the Respondents forced him and executed bond to the effect that the Petitioner after his return and completion of Ph.D degree, shall bound to perform duties for five years. The contents of both the bonds are contradictory and not even disclose the intention of the Respondents, and having no binding effect on the Petitioner, having in violation of the rules.

**(Copy of bonds annexed as "L" & "M" respectively)**

10. That the Respondents instead to accept his resignation, issued proceedings of which he was not informed properly and issued termination order on 01.08.2018, vide Notification No. SO (C-II) / HED / IX-9 / 2018.

**(Copy of termination Notification annexed as "N")**



11. That the appellant instituted writ petition which was dismissed for want of jurisdiction.

(Copy of writ petition and order annexed as 'D')

12. That aggrieved by the judgment the Appellant filed Review Petition which met the same fate of dismissal.

(Copy of memo of review petition and order annexed "A")

13. That the Respondents failed to act in accordance with law, and denied fundamental constitutional and legal rights hence any proceedings against the Petitioner if any are against the law, void and consequently the Notification, No. SO (C-II) / HED / IX-9 / 2018, dated. 01.08.2018 is being illegal, void, having no effect on the rights of Petitioner liable be set aside, and cancelled.

It is therefore requested that on acceptance of the present writ petition the honorable court to declare to,

- A. The conduct of the Respondents with the Petitioner against the law, rules and principles of natural justice,
- B. The Notification No. SO (C-II) / HED / IX-9 / 2018, dated 01.08.2018, void, illegal and against the Constitution.
- C. Dismissal of application file by the Petitioner, for issuing NOC to apply for the post of Assistant Professor in any other affiliated organization of Higher Education Department, KPK, void, illegal and against law / rules and the Constitution.

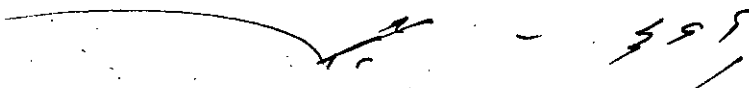
D. And also to declare resignation of the Petitioner as legal and right of the  
Petitioner.

E. Acceptance of resignation instead of termination legal and accordance with  
law.



Appellant

Through Counsel



MOHAMMAD AYAZ MAJID

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTONKHWA PESHAWAR

Sham Haider


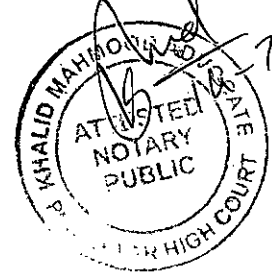
(Appellant)

Versus

Government of Khyber Pakhtonkhwa & others ..... (Respondents)

SERVICES APPEAL

I, Sham Haider S/O Haleem Haider R/O Village Krappa, District Buner do hereby solemnly affirm and state on oath that all the contents of accompanying appeal are correct to the best of my knowledge and belief, nothing has been kept concealed from the honorable tribunal.

  
DEPONENT  
  
7-26-20

**BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTONKHTWA PESHAWAR**

Sham Haider

(Appellant)

Versus

Government of Khyber Pakhtonkhwa& others .....(Respondents)

**APPLICATION FOR CONDONATION OF DELAY IN SERVICES APPEAL**

Respectfully sheweth;

1. That the accompanying appeal is preferred before the honourable tribunal.
2. That no appeal has been filed being unaware of the proceedings.
3. That the Appellant filed writ petition before the Peshawar High Court Peshawar which was dismissed due to which long time was lapsed and wasted.
4. That the condonation of delay in filling departmental appeal was not intentional but due to upper mentioned reasons.
5. That no limitations run against illegal order.
6. That the honourable tribunal is competent to hear the case regarding violation of rights what so ever.

It is therefore requested that the delay in filling the appeal may be condoned.

Applicant/Appellant

Through Counsel

  
MOHAMMAD AYAZ MAJID

8

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTONKHWA PESHAWAR

Sham Haider

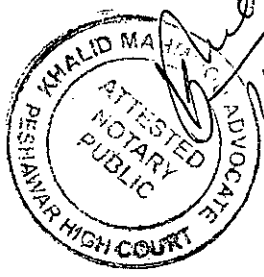
(Appellant)

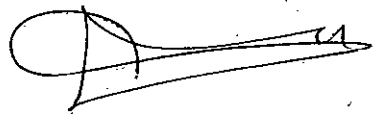
Versus

Government of Khyber Pakhtonkhwa & others ..... (Respondents)

APPLICATION FOR CONDONATION OF DELAY IN SERVICES APPEAL

I, Sham Haider S/O Haleem Haider R/O Village Krappa, District Buner do hereby solemnly affirm and state on oath that all the contents of accompanying application for condonation of delay, are correct to the best of my knowledge and belief, nothing has been kept concealed from the honorable tribunal.

*Sham Haider*  
7-26-15  




DEPONENT

Amr Khan (A) By Registered Post



GOVERNMENT OF NWFP  
HIGHER EDUCATION, ARCHIVES & LIBRARIES  
DEPARTMENT

9

Dated Peshawar the 05/01/2008

**NOTIFICATION**

**N.S.O(COLLEGES)2-5/2007.** Consequent upon the recommendation of NWFP Public Service Commission, the Competent Authority is pleased to appoint the following recommendees as Lecturers in English (BI 5-17) of College Cadre in Higher Education Department with immediate effect and to post them in the Colleges noted against their names:-

No	Name with Father's Name	Domicile	Name of College	Remarks
1.	Abdul Wahab S/o Abdul Azim Khan Postal Address:- Village & P.O. Inzer Banda Tehsil & District Karak. Permanent Address:- Village & P.O. Bazar Banda Tehsil Takht-e-Nasrati District Karak.	Karak	Govt. Postgraduate College Karak	Against vacant post
2.	Ahmad Nawaz Khan S/o Shah Jehan Postal Address:- Jinnah Colony, Street No 2 Mohallah Upper Channai District & Tehsil Manshra.	Manshra	Govt. Postgraduate College Manshra.	Against vacant post
3.	Anwar Iqbal S/o Hazrat Gul Postal Address:- C/O Faizullah Khatun, Old China Embassy, Street No.52, Sector -6, Islamabad. Permanent Address:- Village Kabir Bana, P/O Samabad, Tehsil & District Karak.	Karak	Govt. Postgraduate College Karak	Against vacant post
4.	Ayaz Ahmad S/o Jan Muhammad Postal Address:- Ayaz Ahmad C/o D. Iqbal College For Girls Mardan Cantt. P.O. / 2 200	Mardan	Govt. Postgraduate College Mardan.	Against vacant post
5.	Dr. Nawaz Khan S/o Muhammad Ismail Khan Postal Address:- Faqir Api Medicine Shop, Shop # 26 Underpass Khyber Teaching Hospital, Peshawar. Permanent Address:- Village Malik Bana Khan, Baka Khei F.R. Bannu.	FR Bannu	Govt. Degree College Kotka Habibullah FR Bannu.	Against vacant post
6.	Fazal Ullah S/o Shera Jan Postal Address:- Fazatollah Village Hariaz Tehsil & P/O Mir Ali, N.W:Agency, C/O Madina Medical Store Mir Ali.	North Waziristan Agency	Govt. College Mir Ali (North Waziristan Agency)	Against vacant post
7.	Galab Sher Khan S/o Gul Sher Khan Postal Address:- Village Shehano Killa (Toru) P.O Shamsbad Abad (Toru) Tehsil and District Mardan.	Mardan	Govt. Postgraduate College Mardan.	Against vacant post
8.	Gulzar Hussain S/o Ishaq Noor Postal Address:- Village & P.O. Chitrali (Furum) District & Tehsil Mard	Mardan	Govt. Degree College No.2 Mardan.	Against vacant post
9.	Habib Rahman S/o Maula Dad Postal Address:- Habib Rahman S/o Maula Dad Moh: Shai Khail Daraban Kalat D.I.Khan. Permanent Address:- Mohallah Malekabad Mangora District Swat.	D.I.Khan	Govt. Degree College Yar Hussain (Swabi)	Against vacant post
10.	Jawad Mushtaq S/o Mushtaq Elahi Postal Address:- Main Bazar Kot Najibullah Moh: & P.O. Kot Najibullah Maqbool Far Machine Tehsil & District Haripur. Permanent Address:- Moh: Khandaq Moh: Eid-Gali Village & P.O. Kot Najibullah Moh: & District Haripur.	Haripur	Govt. Postgraduate College Haripur.	Against vacant post

ATTESTED



9A

**Better Copy**

**GOVERNMENT OF NWFP  
HIGHER EDUCATION, ARCHIEVES & LIBRARIES  
DEPARTMENT**

**Dated, Peshawar the 05.01.2008**

**NOTIFICATION:-**

**No.SO(COLLEGES)2-5/2007.** Consequent upon the recommendation of NWFO Public Service Commission, the Competent Authority is pleased to appoint the following recommendations **Lecturers in English (BPS-17)** of College Cadre in Higher Education Commission with immediate effect and to post them in the Colleges noted against their names:-

S.No	Name with father Name	Domicile	Name of College	Remarks
1.	Abdul Wahab S/o Abdul Azim Khan Postal Address:- Village & P.O Inzar Banda Tehsil and District Karak. Permanent Address:- Village & P.O Inzar Banda Takht-e-Nasrati District Karak.	Karak	Govt Postgraduate College Karak	Against Vacant Post
2.	Ahmad Nawaz Khan S/o Shah Jehan Postal Address:- Jinnah Colony, Street No.2 Mohallah Upper Channai District and Tehsil Nowshera	Mansehra	Govt Postgraduate College, Mansehra	Against Vacant Post
3.	Anwar Iqbal S/o Hazrat Gul Postal Address:- C/O Faizullah Khattak, Old China Embassy, Street No.52, Sector -6/Islambad. Permanent Address:- Village Kabir Killah P/o Sabirabad, Tehsil and District Karak.	Karak	Govt Postgraduate College, Karak	Against Vacant Post
4.	Ayaz Ahmad S/o Jan Muhammad Postal Address:- Ayaz Ahmad C/o Defence College For Girls Mardan Cantt, P.C/2 200	Mardan	Govt Postgraduate College Mardan	Against Vacant Post
5.	Dil Nawaz Khan S/o Muhammad Ismail Khan Postal Address:- Faqir Api Medicine Store, Shop No.26 Under pass Khyber Teaching Hospital Peshawar, Permanent Address:- Village Malik Khan, Baka Khel F.R.Bannu.	FR Bannu	Govt Degree College Kotka Habibullah FR Bannu	Against Vacant Post
6.	Fazal Ullah S/o Shera Jan Postal Address:- Fazalullah Village Tehsil and P/o Mir Ali, NW Agency C/o Madina Medical Store Mir Ali.	North Waziristan Agency	Govt College Mir Ali (North Waziristan Agency)	Against Vacant Post
7.	Gulab Sher Khan S/o Gul Sher Khan Postal Address:- Village Shehano Killy (Toru) P/o Shamshad Abad (Toru) Tehsil and District Mardan.	Mardan	Govt Postgraduate College Mardan	Against Vacant Post
8.	Gulzar Hussain S/o Ishaq Noor Postal Address:- Village Shekhano Killy (Toru) P/o Shamshad Abad (Toru) Tehsil and District Mardan.	Mardan	Govt Degree College No.2 Mardan	Against Vacant Post
9.	Habib Rehman S/o Maula Dad Postal Address:- Habib Rehman S/o Dad Mohallah Shai Khel Daraban Kalay D.I.Khan Permanent Address:- Mohallah Malcox Abad Mangora District Swat.	DI Khan	Govt Degree College Yar Hussain, (Swabi)	Against Vacant Post
10.	Jawad Mushtaq S/o Mushtaq Elahi Postal Address:- Main Bazar Kot Najibullah Village and Post Kot Najibullah Maqbool Flour Machine Tehsil and District Haripur. Permanent Address:- Mohallah Khandaq Near Eid-Gali Village and Post Office Kot Najibullah Tehsil and District Haripur.	Haripur	Govt Postgraduate College Haripur	Against Vacant Post

**ATTESTED**

**Attested**



11	Khalid Mehmood S/o Haji Muhammad Ibrahim Postal Address:- C/o Modern School System Manshra Road, Mirpur, Abbottabad. Permanent Address:- Village Manur P.O., Kotgali Tehsil Balakot District Man-ehua.	Manshra	Govt. Degree College Havilian.	Against vacant post
12	Khalid Usman Khan S/o Hakim Khan Postal Address:- Zam House Lalaza Street Arbab Road Tehkal Bala University Road Peshawar. Permanent Address:- District & Tehsil Lakki Marwat, Village Marwandy Multan P/C Sarai Nourang.	Lakki Marwat	Govt. Degree College Ghazni Khel	Against vacant post
13	Manzoor-ur-Rehman Farooqi S/o Fazl-ur- Rehman Farooqi, Postal Address:- Shaheen Muslim Town Phandu Road Moh. Afridi Abad Peshawar.	Peshawar	Govt. Degree College Peshawar	Against vacant post
14	Muhammad Atif Haider S/o Muhammad Imtiaz Khan Postal Address:- Mohallah Malak-A-N-N Village & P.O. Tordher Tehsil Lahor District Swabi.	Swabi	Govt. Degree College Lahor (Swabi)	Against vacant post
15	Muhammad Mohsin Salim S/o Muhammad Salim Postal Address:- H.No. 187, Darul Khair, Lower Malik Pura, Abbottabad.	Abbottabad	Govt. Postgraduate College No.1 Abboattabad	Against vacant post
16	Muhammad Shakir-ur-Rehman S/o Haji Muhammad Jan Postal Address:- Village Hisam P.O. Shorc Kot District and Tehsil D.I.Khan.	D.I.Khan	Govt. Degree College Paniala (D.I.Khan)	Against vacant post
17	Muhammad Tufail S/o Mir Shah Nawaz Postal Address:- P.O. Karak, Tehsil, District & Village Algadi Karak.	Karak	Govt. Postgraduate College Karak.	Against vacant post
18	Mukhtiar Ahmad S/o Ahmad Jan Postal Address:- Riaz Medical Store Main Bazar Sakhakot Malakand Agency. Permanent Address:- Village Quraish Falli, P.O. Ghum Dehri, Tehsil Dargai Malakand Agency.	Malakand Agency	Govt. Degree College Thana <b>APPROVED</b>	Against vacant post
19	Nazir Ahmad S/o Mohib-ur-Rehman Postal Address:- House No.355/3 Banda Sappan, havelian Road, Abbottabad.	Abbottabad	Govt. Degree College Haripur	Against vacant post
20	Rehman Ullah S/o Sardar Khan Postal Address:- Din Medical Store Civil Hospital Khar Bajaur Agency NWFP.	Bajour Agency	Govt. Degree College Khar (Bajour Agency)	Against vacant post
21	Suleman Khan S/o Nasir Khan Postal Address:- Vill: Meherdi Tehsil Dargai P.O. Dargai, Malakand Agency.	Malakand Agency	Govt. Degree College Thana (Malakand Agency)	Against vacant post
22	Sana Ullah Khan S/o Muhammad Aslam Postal Address:- P.O. Kotka Mir Alam Daud Shah Bannu. R/O Lptlla Fazal Ghani Daud Shah Bannu.	Bannu/4	Govt. Degree College Ghori Wala (Bannu)	Against vacant post
23	Sham Haider S/o Alim Haider Postal Address:- Village Karapa, P.O. and Tehsil Daggar, District Buner.	Buner	Govt. Degree College Totalai (Buner)	Against vacant post
24	Shams-ul-Islam S/o Faqir Gul Postal Address:- H. No.373 Sector NW, Phase # 4 Street # 4, Hayatabad, Peshawar. Permanent Address:- Village & P.O. Chahi Usmani Khel, Dargai, Malakand.	Malakand Agency	Govt. Degree College Timergara.	Against vacant post
25	Sibghat Ullah S/o Haq Nawaz Postal Address:- Village and P.O. Chahilkan, Tehsil & District D.I.Khan.	D.I.Khan	Govt. Degree College Tank.	Against vacant post
26	Sultan Muhammad S/o Gul Muhammad Postal Address:- House No.89 Sector No.4 Khalabat Township, Haripur.	Haripur	Govt. Degree College Khalabat (Haripur)	Against vacant post



11.	Khalid Mehmood S/o Haji Muhammad Ibrahim Postal Address:- C/o Modern School System Mansehra Road, Mirpur, Abbotabad, Permanent Address:- Village Manor P/o Kotgali Tehsil Balakot District Mansehra	Mansehra	Govt Degree College Havilian	Against Vacant Post
12.	Khalid Usman Khan S/o Hakim Khan Postal Address:- Zam House Lalazar Street Arbab Road Tehkal Bala University Road, Peshawar Permanent Address:- District & Tehsil Lakki Marwat, Village Marwandy Multan P/o Sarai Naurang.	Lakki Marwat	Govt Degree College Ghazni Khel	Against Vacant Post
13.	Manzoor-Ur-Rehman Farooqi S/o Fazl-e- Rehman Farooqi, Postal Address:- Shaheen Muslim Town, Phandu Road Mohallah Afridi Abad Peshawar.	Peshawar	Govt, Degree College Peshawar	Against Vacant Post
14.	Muhammad Atif Haider S/o Muhammad Imtiaz Khan Postal Address:- Mohallah Malak A-N Village and P.O Tordher Tehsil Lahor District Swabi	Swabi	Govt Degree College Lahor Swabi	Against Vacant Post
15.	Muhammad Mohsin Salim S/o Muhammad Salim Postal Address:- House No.187, Darul Khai, Tower Malik Puran Abbotabad.	Abbotabad	Govt Post Graduate College, No.1 Abbotabad	Against Vacant Post
16.	Muhammad Shakil-ur-Rehman S/o Haji Muhammad Jan Postal Address:- Village Hisam P.O Store Kot District and Tehsil D.I.Khan.	DI Khan	Govt Postgraduate College Karak	Against Vacant Post
17.	Muhammad Tufail S/o Mir Shah Nawaz Postal Address:- P.O Karak, Tehsil, District & Village Algadi Karak.	Karak	Govt Postgraduate College Thana	Against Vacant Post
18.	Mukhtiar Ahmad S/o Ahmad Jan Postal Address:- Riaz Medical Store Main Bazar Sakhkot Malakand Agency, Permanent Address:- Village Quraish Kalli, P.O Gham Dheri, Tehsil Dargai Malakand Agency.	Malakand Agency	Govt Degree College Thana	Against Vacant Post
19.	Nazir Ahmad S/o Mohib-ur-Rehman Postal Address:- House No.355/3 Banda Sappan Havelian Road, Abbotabad.	Abbotabad	Govt Degree College Haripur	Against Vacant Post
20.	Rehman Ullah S/o Sardar Khan Postal Address:- Din Medical Store Civil Hospital Khar Bajaur Agency NWFP.	Bajaur Agency	Govt Degree College Khar (Bajaur Agency)	Against Vacant Post
21.	Suleman Khan S/o Nasir Khan Postal Address:- Village Meherdi Tehsil Dargai P/O Dargai, Malakand Agency.	Malakand Agency	Govt Degree College Thana (Malakand Agency)	Against Vacant Post
22.	Sana Ullah Khan S/o Muhammad Aslam Postal Address:- P.O Kotka Mir Alam Dad Shah Bannu. R/o Lpttla Fazal Ghani Daud Shah Bannu.	Bannu/4	Govt Degree College Ghori Wala Bannu	Against Vacant Post
23.	Shams Haider S/o Alim Haider Postal Address:- Village Karapa, P.O and Tehsil Daggar, District Buner.	Buner	Govt Degree College Totalai, (Buner)	Against Vacant Post
24.	Shams-ul-Islam S/o Faqir Gul Postal Address:- H. No.373 Sector N/ Phase#4 Street No.4, Hayatabad, Peshawar. Permanent Address:- Village and P.O Garhi Usman Khel, Dargai, Malakand.	Malakand Agency	Govt Degree College Timergara	Against Vacant Post
25.	Sibghat Ullah S/o Haq Nawaz Postal Address:- Village and Post Office Shanikan Tehsil and District D. I Khan.	D.I.Khan	Govt Degree College Tank	Against Vacant Post
26.	Sultan Muhammad S/o Gul Muhammad Postal Address:- House No.89 Sector No.4, Khalabut Township, Haripur.	Haripur	Govt Degree College Khalabat (Haripur)	Against Vacant Post

**ATTESTED**

Attested  


(19)

The appointment of the above mentioned Lecturers will be subject to the following terms and conditions:-

**TERMS AND CONDITIONS**

- i. They shall, for all intents and purposes be Civil Servant, except for the purpose of Pension and Gratuity. In lieu of the same, they shall be entitled to receive Contributory Provident Fund. For the said fund 10% contribution will be made by the Provincial Government and 10% by the Civil Servant concerned in the prescribed manner. Provided further that, in the event of death of the civil servant, whether before or after retirement, his family shall be entitled to receive the said amount, if it has not already been received by the concerned deceased civil servant.
- \* ii. They will have all rights/privileges contained in NWFP Civil Servants Act, 1973 with all amendments made therein including NWFP Civil Servants (Amendment) Act, 2005 and Rules made thereunder.
- \* iii. In case of resignation, the lecturers will have to give one-month prior notice. In absence of such notice his one month's pay shall be forfeited to Government.
- iv. The selectees must join their post within 30-days of the issue of this Notification. The Director Higher Education NWFP Peshawar must furnish a certificate to the effect that the selectees have joined the post or otherwise, after one month of the issue of this Notification.
- v. In case of disciplinary matters, NWFP Civil Servants Act, 1973 and NWFP Civil Servants Removal from Service (Special Powers) Ordinance 2000 shall be applicable.
- vi. They will get pay i.e. initial pay of BPS-17 including usual allowances as admissible under the rules. They will be entitled to annual increments like other Civil Servants.
- vii. They will be equally considered for appointment against higher post if found eligible on the basis of competence, expertise and experience.


SECRETARY TO GOVT. OF NWFP  
HIGHER EDUCATION DEPARTMENT

Encls: Number & Date as above.

Copy of the above is forwarded to:-

**ATTESTED**

- 1- Accountant General NWFP Peshawar.
- 2- P.S. to Chief Secretary NWFP Peshawar.
- 3- Director Higher Education NWFP Peshawar, with reference to his office letter No.19024/CA-II/Estab Branch dated 17/10/2007.
- 4- Director of Education (FATA), Civil Secretariat (FATA) Warsak Road Peshawar.
- 5- Director Recruitment NWFP Public Service Commission Peshawar, w/r to his letter No.SRF/41705 dated 6/8/2007.
- 6- District/Agency Accounts Officers concerned.
- 7- Principals, Government Colleges (Male) concerned.
- 8- Section Officer (FATA) Civil Secretariat FATA Warsak Road Peshawar.
- 9- Section Officer (General) Higher Education Department Peshawar.
- 10- Manager, Government Printing Press, NWFP, Peshawar.
- 11- Officers concerned.

  
SECTION OFFICER (COLLEGES)



11A

**Better Copy**

The appointment of the above mentioned Lecturers will be subject to the following terms and conditions:-

**TERMS AND CONDITIONS:-**

- ★
- i. They shall, for all intents and purposes be Civil Servant, except for the purpose of Pension and Gratuity. In lieu of the same, they shall be entitled to receive Contributory Provident Fund. For the said fund 10% contribution will be made by the Provincial Government and 10% by the Civil Servant concerned in the prescribed manner. Provided further that, in the event of death of the civil servant, whether before or after retirement, his family shall be entitled to receive the said amount, if it has not already been received by the concerned deceased civil servant.
  - ii. They will have all rights/privileges contained in NWFP Civil Servants Act, 1973 will all amendments made therein including NWFP Civil Servants (Amendment) Act, 2005 and Rules made thereunder.
  - iii. In case of resignation, the lecturers will have to give one-month prior notice. In absence of such notice his one month's pay shall be forfeited to Government.
  - iv. The selectees must join them post within 30-days of the issue of his Notification. The Director Higher Education NWFP Peshawar must furnish a certificate to the effect that the selectees have joined the post or otherwise, after one month's of the issue of this Notification.
  - v. In case of disciplinary matters, NWFP Civil Servants Act, 1973 and NWFP Civil Servant Removal from service (Special Powers) Ordinance 2000 shall be applicable.
  - vi. They will get pay i.e initial pay of BPS-17 including usual allowances as admissible under the rules. They will be entitled to annual increments like other Civil Servants.
  - vii. They will be equally consider for appointment against higher post if found eligible on the basis of competence, expertise and experience.

**SECRETARY TO GOVT, OF NWFP  
HIGHER EDUCATION DEPARTMENT**

Endst Number & Date as above:-

Copy of the above is forwarded to:-

1. Accountant General NWFP Peshawar.
2. P.S To Chief Secretary NWFP Peshawar.
3. Director Higher Education NWFP Peshawar, with reference to his office letter No.19024/CA-II/Estab Branch dated 17.10.2017.
4. Director of Education (FATA) Civil Secretariat (FATA) Warsak Road, Peshawar.
5. Director Recruitment NWFP Public Service Commission Peshawar, w/r to his letter No.SRF/41705 dated 06.08.2007.
6. District/Agency Accounts Officers concerned.
7. Principals, Government Colleges (Male) concerned.
8. Section Officer (FATA) Civil Secretariat FATA Warsak Road, Peshawar.
9. Section Officer (General) Higher Education Department Peshawar.
10. Manager, Government Primary Press, NWFP, Peshawar.
11. Officer Concerned.

**ATTESTED**

**SECTION OFFICER (COLLEGES)**

**Attested**



Annexure B  
12

**PARTICIPANT / EXCHANGE VISITOR BIOGRAPHICAL DATA**

<b>I. BACKGROUND INFORMATION</b>		PROGRAM DATES (if available)								
PROGRAM TYPE (Check appropriate box) <input type="checkbox"/> Short-term (less than 6 months) <input checked="" type="checkbox"/> Long-term (6 months or longer)	AREA OF STUDY Teaching of English	I-2. CONTRACTOR / IMPLEMENTING PARTNER Institute of International Education (IIE)								
I-1. HOST COUNTRY United States of America		I-3. NAME (MR., MRS., OR MISS) CAPITALIZE OR UNDERLINE LEGAL SURNAME. Please show the name as it appears in the Passport. MR. Sham Haidar								
I-4. PASSPORT NUMBER AB691322	I-5. PASSPORT EXPIRATION DATE 21 July 2015									
I-6. HOME / MAILING ADDRESS (Include Street Name and Number) Village Karapa, Post Office Daggar, Tehsil Daggar		CITY OR TOWN AND COUNTRY Buner, KPK, Pakistan								
I-7. EMAIL ADDRESS sham_haidar@yahoo.com	I-8. TELEPHONE NUMBER +923339694321	I-9. DATE OF BIRTH (MO/DAY/YR) 1 <sup>st</sup> May 1977	I-10. COUNTRY & CITY / TOWN OF BIRTH Buner KPK Pakistan							
I-11. NAME, ADDRESS AND TELEPHONE OF RELATIVE(S) LIVING IN THE COUNTRY OF TRAINING		I-12. NAME, ADDRESS AND TELEPHONE OF OTHER EMERGENCY CONTACT IN THE COUNTRY OF TRAINING								
I-13. SEX / MARITAL STATUS (Check appropriate box) <input checked="" type="checkbox"/> MALE <input type="checkbox"/> SINGLE <input type="checkbox"/> FEMALE <input checked="" type="checkbox"/> MARRIED		I-14. IF MARRIED, NAME OF SPOUSE Noor Sifat								
<b>II. LANGUAGE PROFICIENCY</b>										
II-1. ENGLISH LANGUAGE PROFICIENCY DETERMINATION (Check appropriate box) TEST GIVEN? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, DATE: Mar 2010		OTHER MEANS USED TO VERIFY ENGLISH PROFICIENCY (Specify)								
II-2. PROFICIENCY IN OTHER LANGUAGES (Optional)	LANGUAGES	SPEAKING (Check appropriate box)			READING (Check appropriate box)			WRITING (Check appropriate box)		
		Excellent	Good	Fair	Excellent	Good	Fair	Excellent	Good	Fair
		Pashto	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Urdu	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>III. IF YOU HAVE LIVED, STUDIED, OR TRAVELLED IN THE COUNTRY OF TRAINING, COMPLETE THE FOLLOWING</b>										
COUNTRY	DATES (MONTH & YEAR)		PURPOSE (e.g., Travel, Training, Conference. If Training, indicate type of program & sponsor)							
	FROM	TO								
<b>IV. EDUCATION</b>										
IV-1. Highest Degree Completed Master	IV-2. Country Where Degree was Obtained -Pakistan		IV-3. Special Honors Received (Optional) Gold Medal in Master of Education.							
IV-4. LIST BELOW TECHNICAL / VOCATIONAL SCHOOL, COLLEGE OR UNIVERSITIES FROM WHICH YOU RECEIVED DEGREES (Use continuation sheet if necessary)										
NAME OF INSTITUTION	MAJOR FIELD OF STUDY	LANGUAGE OF INSTRUCTION	DATES ATTENDED FROM TO	TITLE OF DEGREE, DIPLOMA / CERTIFICATE						
SUIT	Education	English	Mar 06 Aug 07	Master In Education						
University of Peshawar	English	English	Feb 00 Sep02	Master in English						
<b>V. EMPLOYMENT</b>										
V-1. BRIEF TITLE OF PRESENT POSITION/OCCUPATION Lecturer in English	V-2. DATES OF EMPLOYMENT: FROM Feb 2008 TO PRESENT		V-3. TOTAL YEARS 8 Years							
V-4. PRESENT EMPLOYER (Name & Address) Higher Education KPK	V-5. SUPERVISOR'S NAME, EMAIL ADDRESS AND TEL. NO. Muhammad Iqbal Acting Principal GC Daggar +9293955336									
V-6. BRIEF DESCRIPTION OF WORK Teaching of English at undergraduate level	<input checked="" type="checkbox"/> Government <input type="checkbox"/> NGO <input type="checkbox"/> Private Sector <input type="checkbox"/> Student <input type="checkbox"/> Other:									
VI. Other information requested by specific Missions. Also use for other general information not captured above.										
VII. By signing below, I certify that the information contained on this form is truthful, accurate and complete.										
SIGNATURE	DATE: 18/01/2012									
Note: This form facilitates compliance with the ADS 253 File Documentation Requirement for participant biographical data. It is expected that the information will be provided jointly by the Mission, Implementers and Participants/Exchange Visitors. The form can be completed as a macro online, or in hard copy. It applies to U.S. and third country training.										

AID 1380-1 (11/2011)

**ATTESTED**

Amended C  
13

GOVERNMENT OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT.

NO. SO (C-II)/HE/12-9/2012/Sham Haider.  
DATED PESHAWAR THE 19.06.2012.

To

The Director,  
Higher Education,  
Khyber Pakhtunkhwa, Peshawar.

Subject: - NOC FOR PH.D IN US THROUGH US AID.

D/Sir,

I am directed to refer to your letter No.11783/CA-II/Estt;Branch dated 30.05.2012 on the subject noted above and to state that request of the officer is not acceded to, hence he may be informed accordingly.

SD/-  
(HABIB-UR-RAHMAN)  
SECTION OFFICER (COLLEGES-II)

OFFICE OF THE DIRECTOR HIGHER EDUCATION KHYBER PAKHTUNKHWA. PESHAWAR.

Endst.No. 11783/A-12/CA-II/Estt;Branch.

Dated Pesh; the 19/06/2012.

Copy of the above is forwarded to the Principal Govt;Degree College, Daggar (Buner) with the request to inform the lecturer concerned accordingly.

g/clk  
2/7/12

DEPUTY-DIRECTOR (ESTABLISHMENT)

ATTESTED



A. Haider "D" 14

**GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES & LIBRARIES  
DEPARTMENT**

Dated Peshawar the 04/07/2012

**NOTIFICATION**

**NO.SO(C-DHE/IX-12/09/Sham Haider.** The Competent Authority is pleased to allow 02-years extra ordinary leave (without pay) with effect from 12.07.2012 to 11.07.2014 in favour of **Mr. Sham Haider**, Lecturer in English, Govt; College Daggar (Buner), for completion of his Ph.D research work, under Revised Leave Rules-1981.

- i. No financial implications what so ever, will be borne by the Provincial Government.
2. On expiry of the extra-ordinary leave, the officer will resume his duty against the same post/station.

**SECRETARY  
HIGHER EDUCATION DEPARTMENT**

**Endst: No. & Date as above.**

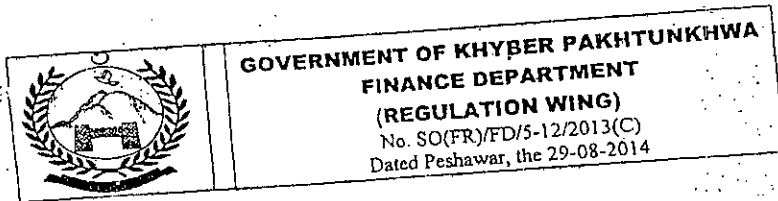
Copy forwarded to the:-

1. Director Higher Education Khyber Pakhtunkhwa, Peshawar.
2. Principal, Govt; College Daggar (Buner).
3. District Accounts Officer, Buner.
4. Officer concerned.

**ATTESTED**

  
( **HABIB-UR-REHMAN** )  
SECTION OFFICER (COLLEGES-II)

Amman (15) E



To  
 ✓ The Secretary to Govt: of Khyber Pakhtunkhwa,  
 Higher Education, Archive & Libraries Department.

Subject: - APPLICATION FOR LEAVE EXTENSION (EOL)

Dear Sir,  
 I am directed to refer to your letter No. SO(Colleges-ID)HED/12-5/2012 dated 21-0-2014 on the subject noted above and to state that Finance Department agrees to the grant of Extra Ordinary Leave (without pay) w.e.f. 12-07-2014 to 11-07-2016 02years in respect of Mr. Sham Haider, Lecturer in English (BS-17) Govt: Degree College, Bunner, under Rule-12 (4) of the Revised Leave Rules, 1981 being a hardship case in order to complete his Ph.d research work from University of Rochester New York USA.

Yours faithfully,

(SHAUKAT ULLAH)  
 SECTION OFFICER (FR)

*Attested*

PRINCIPAL  
 Govt: College Daggan

ATTESTED

Annule "F"

(16)

# University of Rochester

ATTES-

TESTE

*This Diploma witnesses that*

**Sham Haidar**

*having fulfilled the established requirements for the degree of*

**Doctor of Philosophy  
Education**

*has in consequence thereof been admitted to this degree  
with all rights and privileges that pertain.*

*al testimony of this action are affixed below the seal of this University  
ose signatures prescribed for such action by its Board of Trustees on*

F

(16)



CERTIFICATE OF TRANSFER OF CHARGE *Andace* G

1. Certified that I have on the fore / of this day respectively made over and receive charge of the office of the Lecturer in English on returned from extra ordinary leave sanctioned Vide No.So(C-I)HE/IX-12/09/ Sham Haider dated:04-07-2012 and SO(Colleges-II) HED 12-09/2012 dated 22.10.2014.
2. Particulars of cash and important and confidential documents handed over are noted on the reverse.

Station G. C. Daggar Buner

Dated: 12/07/2016 (F.N)

Signature of reliving

Govt. servant: Sham Haider

Designation Lecturer in English  
Against Vacant Post

**ACCEPTED**

OFFICE OF THE PRINCIPAL GOVT: COLLEGE DAGGAR BUNER.

No. 599 /

Dated 19 / 7 / 2016

1. Secretary to Govt: of KPK Higher Education Deptt: Peshawar.
2. Director of Higher Education KPK Peshawar.
3. Distt: Accounts Officer Buner at Daggar.
4. Personal File
5. Officer Concerned.

*Principal*  
Principal  
Govt: College Daggar Buner.

*Amir Hussain H*

(18)

(9)

To

The Director Higher Education  
KPK Peshawar

Through: PRPOPER CHANNEL.

Subject N.O.C.  
Memo:-

It is requested that I intend to apply for Assistant Professor in Education in University of Malakand. I have recently completed my PhD in Education with USAID scholarship in the United States. I believe, being PhD in Education, I can better the society as a teacher trainer rather than a lecturer in a public sector college. I had taken leave without pay for my study. I may kindly be granted NOC & oblige.

**ACCEPTED**

Yours Faithfully



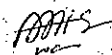
Sham Haidar  
Lecturer in English  
G.C. Daggar Buner

OFFICE OF THE PRINCIPAL GOVT; COLLEGE DAGGAR BUNER.

No. 906 /A-12

Dated 7/11 /2016

Forwarded in original for grant of NOC as desired please.

  
Principal  
Govt. College Daggar Buner



**DIRECTORATE OF HIGHER EDUCATION  
KHYBER PAKHTUNKHWA  
KHYBER ROAD PESHAWAR**

Phone # 091-9210242, 9211025/Fax # 9211025

19

28/12/16

*Signature*  
*[Signature]*  
*SAC*  
*[Signature]*

To

Mr. Sham Haider,  
Lecturer in English  
Govt. Degree College, Daggar (Buner)

**SUBJECT**                      **EXPLANATION.**  
Memo



I am directed to refer to your application regarding NOC for applying to the post of Assistant Professor in Education at University of Malakand and to inform that you were granted Scholarship for doing Ph.D. studies under U.S Aid Programme and you had executed an agreement bond for serving with the Higher Education Department for five years after completion of Ph.D. In spite of that you applied for employment in the said University and thus concealed the facts which is in violation of your own undertaking, that knowing the facts, why you applied for the post?

I am, therefore, directed to ask you to explain your position in this regard. Your explanation should reach this office through your Principal within seven days of the receipt of this letter failing which disciplinary action will be initiated against you.

**ATTACHED**  
*[Signature]*

Endst: No. 35838

**BY: DIRECTOR (ESTABLISHMENT)**

Copy of the above is forwarded to the Principal Govt. Degree College, Daggar (Buner) with the direction to examine the cases thoroughly before sending to this office in future.

*S. Bah*  
*27/12/16*  
**BY: DIRECTOR (ESTABLISHMENT)**

(PA)

(PA)

**Better Copy**

**DIRECTORATE OF HIGHER EDUCATION  
KHYBER PAKHTUNKHWA  
KHYBER ROAD PESHAWAR**

Phone#091-9210242, 9211025/fax#9211803

Dated Peshawar 28.12.\_\_\_\_\_

To,

**Mr Sham Haider,  
Lecturer in English  
Govt Degree College, Daggar (Buner)**

Subject:- **EXPLANATION**

Memo:-

I am directed to refer to your application regarding NOC for applying to the post of Assistant Professor in Education at University of Malakand and to inform that you were granted Scholarship for doing Ph.D studies under U.S Aid Programme and you had executed an agreement bond for serving with the Higher Education Department for five years after completion of Ph.D In spite of that you applied for employment in the said University and thus concealed the facts which is in violation of your own undertaking, that knowing the facts, why you applied for the post?

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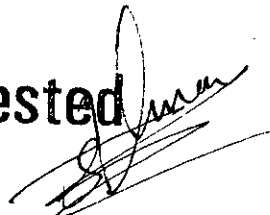
**BY DIRECTOR (ESTABLISHMENT)**

Endst No.35838/

Copy of the above is forwarded to the Principal Govt Degree College, Daggar (Buner) with the direction to examine the cases thoroughly before sending to this office future.

**BY DIRECTOR (ESTABLISHMENT)**

**Attested**



Am Xuse "J" (20) (B) (K)

To

The Director Higher Education  
Khyber Pakhtunkhwa Peshawar .

Through: PRPOPER CHANNEL.

Subject NOTICE FOR LEAVING THE JOB.  
Memo:-

It is requested that due to personal engagements it is proving difficult for me to continue my services as lecturer in English at Government college Daggar Buner. I want to inform the department.

Yours Faithfully

Sham Haidar  
Lecturer in English  
G.C.Daggar Buner

OFFICE OF THE PRINCIPAL GOVT; COLLEGE DAGGAR BUNER.

No.52/

Dated: 04/02/2017

Forwarded in original to the DHE Khyber Pakhtunkhwa for necessary action please.

**ATTESTED**

Principal  
Govt: College Daggar Buner

(PA)

(21A)

Better Copy

To,

**The Director Higher Education  
Khyber Pakhtunkhwa, Peshawar**

Through:- **PROPER CHANNEL**

Subject:- **RESIGNATION**

Memo:-

*Due to personal problems it is proving impossible for me to continue my services as a lecturer in English at Govt College Daggar Buner, Therefore, I resign from the post and request you to accept my resignation I had already given one month prior notice to the department.*

**Sham Haider  
Lecturer in English  
Govt College Daggar Buner  
Date:- 06.03.2017**

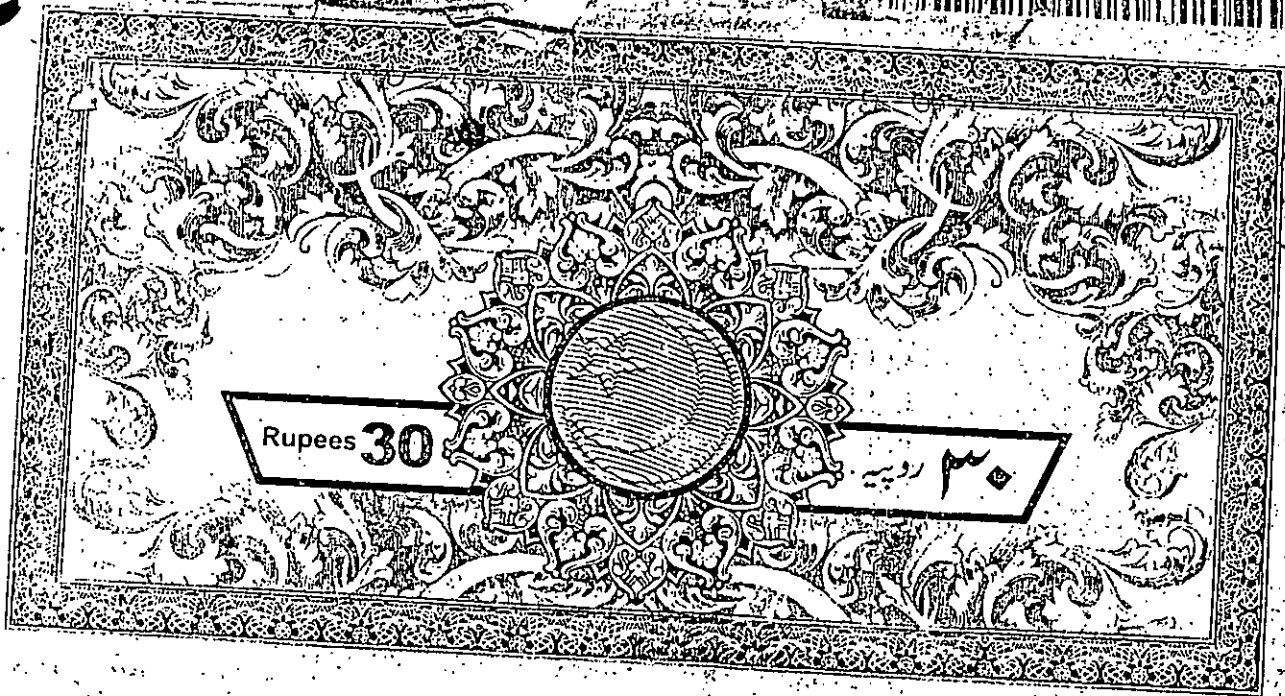
**OFFICE OF THE PRINCIPAL  
GOVT. COLLEGE DAGGAR BUNER  
No.126/ dated 06.03.2017**

*Forwarded in original for necessary action please*

**ATTESTED**

**Attested**  
*[Signature]*

22  
Amir "d"  
22



SURETY BOND

I, **Sham Haider** Lecturer Government College Daggar Buner have received Ph.D Scholarship offer from US Aid in University of Rochester New York USA. As per University policy there is relaxation that after completing course work maximum up-to two years scholar can do research work in his home country. I do hereby declare that after completing my course work I will comeback and serve Higher Education Khyber Pakhtunkhwa alongwith my research work. Therefore, I may please be granted Ex-Pakistan Leave for two years. Furthermore, all the contents are true and correct to best of my knowledge and belief and nothing has been kept /secret.

Dated:-21<sup>st</sup> June, 2012

Signature

Name SHAM HAIDER

Designation Lecturer Government

Daggar Buner

Witness No 1

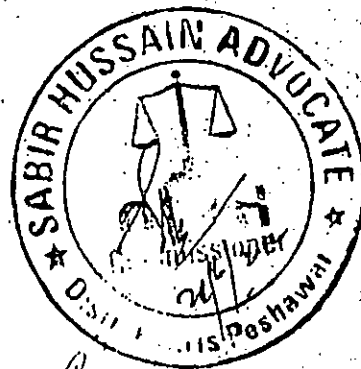
15202-9742189-7

Witness No 2

17301-6220053-4

**ATTESTED**

**ATTESTED**

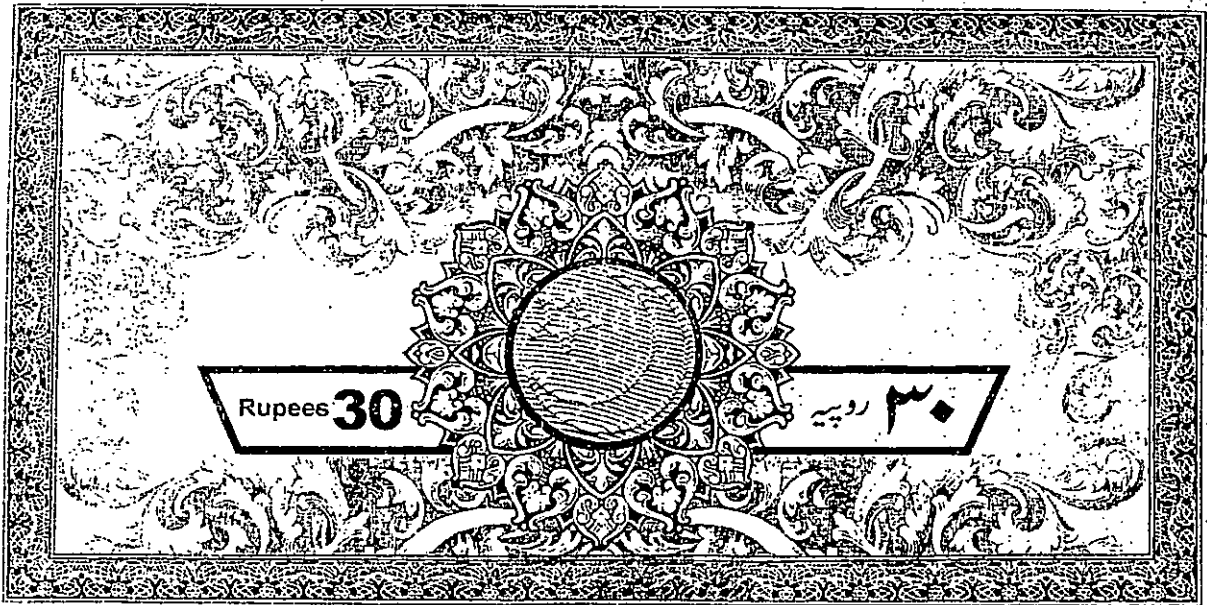


*Albi id*

559388

23 Am. Xall M. 11

111 10 88810 88000 1110010101010 10100110000 1010



SURETY BOND

I Sham Haidar Lecturer Government College Daggar Buner have received a PhD Scholarship Offer from U.S.Aid in U.S. I hereby solemnly affirm and declare that I will serve Higher Education Khyber Pakhtunkhwa for 5 years after completing my PhD. Moreover I will apply for the entitled leave for the said period.

Dated: 30/05/2012

Sham Haidar

Lecturer G. C. Daggar. Buner.

ATTESTED



30 MAY 2012

ATTESTED

1. Witness No.

Javed Afsar S/O Fazli Ahmad  
15101-7208881-5

2. Witness No.

Raj Wali S/O wale sarich  
01402-1535726-5





Amir Saleem N. (24)

**GOVT. OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT**

Dated Peshawar the 01.08.2018.

**NOTIFICATION**

/1170-77

**No. SO (C-II)/HED/IX-9/2018.** WHEREAS Mr. Sham Haider, Lecturer in English (BS-17) Govt. Degree College Dagggar, Buner was granted study leave for 1460 days extraordinary leave without pay w.e.f 12.07.2012 to 11.07.2016 for pursuing Ph.D studies, subject to the condition that he would serve under Higher Education Department for at least 5 consecutive years after successful completion of his Ph.D studies. Nevertheless, the officer concerned otherwise tendered resignation, without serving for 5 years, in violation of bond from the post of lecturer and stood absent from his duties w.e.f 06.03.2017 till date.

2. **AND WHEREAS** notices were issued to him at his home address as well as in leading newspapers with the direction to resume duty within 15 days, failing which ex-parte action under Khyber Pakhtunkhwa Efficiency & Discipline Rules, 2011 would be initiated against him,

3. **AND WHEREAS** the accused lecturer did not report for duty in response to the absence notices.

6. **AND WHEREAS** the accused lecturer did not respond to the same within the prescribed limit of time.

7. **NOW THEREFORE** the Competent Authority (Chief Secretary, Khyber Pakhtunkhwa) after having considered the charges, evidence on record, and in exercise of powers conferred upon him in terms of rule-9 of the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011, has been pleased to impose upon the accused lecturer the major penalty of "**removal from service**" with immediate effect and the intervening period from 06.03.2017 till date to be treated as un-authorized absence.

**ATTESTED**

SECRETARY TO GOVT. OF  
KHYBER PAKHTUNKHWA  
HIGHER EDUCATION DEPARTMENT

**Endst: No. & Date Even.**

Copy for further necessary action is forwarded to the:-

1. Director Higher Education, Khyber Pakhtunkhwa, Peshawar w/r to his letter No: 20310/CA-II/Estt: Branch/A-12/Sham Haider/English dated 20.06.2018.
2. Principal, Govt. Degree College Dagggar, Buner.
3. District Accounts Officer, Buner.
4. Officer concerned. C.D.C. DAGGAR, BUNER
5. PS to Secretary, Higher Education Department.

(MUHAMMAD FAYAZ KHAN)

(25) Annexed. 0 (1)

## In the Peshawar High Court Peshawar.

WP No. 45748 /2018



Sham Haider S/O Haleem Haider

R/O Village Karapa, Tehsil Daggar, District Buner.

Present Address, LTC, Hall Air University, E-9, Islamabad

Petitioner

Versus

1. Government of Khyber Pakhtonkhwa, through Chief Secretary, Civil Secretariat Peshawar.
2. Secretary to Government of Khyber Pakhtonkhwa, Higher Education Department Civil Secretariat Peshawar.
3. Director Higher Education, Khyber Pakhtonkhwa Peshawar.
4. Principal Government Degree College Daggar, District Buner. Respondents

Writ Petition U/A 199 of the Constitution of Islamic Republic of Pakistan 1973.

**ATTESTED**  
*[Signature]*

Respectfully sheweth;

1. That the Petitioner being qualified appointed as Lecturer in English (BS-17) posted in Government Degree College Daggar, Buner vide appointment order dated. 18.02.2008  
(Copy of appointment order annexed as "A")
2. That the Petitioner being fond of further education applied for scholarships announced during his job, and succeeded in getting US SCHOLARSHIP PROGRAM funded by USAID, for Ph.D, to be completed in four years.  
(Copy of letter of nomination annexed as "B")
3. That the Petitioner applied for NOC, vide Notification, NO. SO (-11)/HE/12-9/2-12/Sham Haider, DATED PESHAWAR THE 19.06.2012, and study leave / leave without pay, was sanctioned wef 12.07.2012 to 11.07.2014 by the competent authority i.e. Respondent No.2. The course was though four years but the leave without pay was sanctioned for two years.

FILED TODAY (Copy of study leave / leave without pay and NOC annexed as "C" & "D" respectively)

Deputy Registrar

14 SEP 2018

**ATTESTED**  
*[Signature]*  
**EXAMINER**

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**PESHAWAR HIGH COURT PESHAWAR**  
**FORM "A"**  
**FORM OF ORDER SHEET**



Court of.....

Case No.....


Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
1	2	3
	8.5.2019	<p><b>Writ Petition No. 4574-P/2018.</b></p> <p>Present:</p> <p>Mr. Mohammad Ayaz Majid, advocate for petitioner.</p> <p>*****</p> <p><b>ROOH-UL-AMIN KHAN, J.-</b> As per averments of the writ petition, the petitioner was appointed as Lecturer in English (BS-17) and posted at Government Degree College, Daggar District Buner vide order dated 18.2.2008. During his job, for acquiring further education, he applied for scholarships and succeeded in getting US Scholarship Programme funded by USAID, for Ph.D, to be completed in four years. On 19.6.2012 he applied for NOC and study leave/leave without pay, which was sanctioned w.e.f 12.7.2012 to 11.7.2014 by respondent No.2, which was further extended for further two years w.e.f 12.7.2014 to 11.7.2016, vide notification dated 29.8.2014. After completion of Ph.D degree, he returned and assumed duties, however, in the meanwhile,</p>

ATTESTED

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EXAMINER

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		<p>certain posts of Assistant Professors were advertised, for which the petitioner being eligible was constrained to apply as such he requested the respondents vide application dated 7.11.2016 for the grant of NOC but the same was regretted. Feeling aggrieved, he resigned from the services on 6.3.2017, but instead of accepting the resignation, the respondents issued his termination order on 1.8.2018. Hence this petition.</p> <p>2. In essence, the grievance of the petitioner is that after completion of his four years Ph.D programme he resumed his duties. Subsequently some posts of Assistant professors were advertised for which he wanted to apply and for this purpose he applied for the grant of NOC, which was refused rather he was issued a show cause notice and later on terminated from the service.</p> <p>3. Arguments of learned counsel for petitioner heard and record gone through.</p> <p>4. It appears from the record that the petitioner after completion of his Ph.D resumed his duty on 12.7.2016 and performed duties till 6.3.2017 but after tendering resignation left the college without waiting for acceptance /rejection of his resignation and willfully remained absent from his duty. A registered letter dated 31.10.2017 was sent</p>
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ATTESTED  
  
EXAMINER

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		<p>to him on his home address directing him to resume his duty within 15 days but he did not respond, hence the absence notice was issued and published in the news papers with the similar direction but he failed to comply with, hence was awarded major penalty of removal from service.</p> <p>5. Admittedly, the petitioner is a civil servant who has been terminated from service on his willful absence from duty after initiating proceedings against him under section 8A of Government Servants (Efficiency and Discipline) Rules 1973. The petitioner in the present case seeks his reinstatement into service, which obviously falls within the definition of terms and conditions of service, wherein jurisdiction of this Court is exclusively barred by Article 212 of the Constitution of Islamic Republic of Pakistan, 1973. The petition is, therefore, dismissed as not maintainable. However, petitioner would be at liberty to approach the proper forum, if so desire.</p> <p><i>Announced on; 08<sup>th</sup> of May, 2019</i></p> <p><b>ATTESTED</b></p> <p><b>JUDGE</b></p> <p><b>JUDGE</b></p>
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*Zurshad*

(DB) Hon'ble Mr. Justice Rosh Ul Amin Khan & Hon'ble Mr. Justice Mohammad Nasir Mahroof

**CERTIFIED TO BE TRUE**

**20 MAY 2019**

Authorised Officer  
The Cantonment

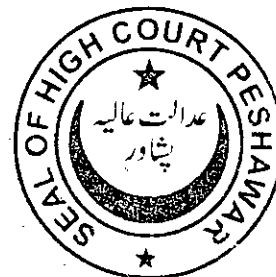
Annexed up  
(29)

## In the Peshawar High Court Peshawar.

Rev Petition No. \_\_\_\_\_/2019

In

WP No. 4574/2018



Sham Haider S/O Haleem Haider

R/O Village Karapa, Tehsil Daggar, District Buner.

Present Address. LTC, Hall Air University, E-9, Islamabad

Petitioner

**Versus**

1. Government of Khyber Pakhtonkhwa, through Chief Secretary, Civil Secretariat Peshawar.
2. Secretary to Government of Khyber Pakhtonkhwa, Higher Education Department Civil Secretariat Peshawar.
3. Director Higher Education, Khyber Pakhtonkhwa Peshawar.
4. Principal Government Degree College Daggar, District Buner.

Respondents

**Review of the writ Petition No. 4574/2018, decided on 08.05.2019, U/S 114 of Civil Procedure Code 1908**

**ATTESTED**

Respectfully sheweth;

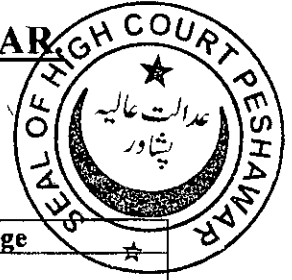
1. That the Petitioner instituted under article 199, decided on 08.05.2019. (Attested copy of the Judgment/Order annexed as "A")
2. That the Petitioner sought redressed with the prayer at the end of the memo read as,  
"It is therefore requested that on acceptance of the present writ petition the honorable court to declare to,  
A. The conduct of the Respondents with the Petitioner against the law, rules and principles of natural justice,  
B. The Notification No. SO (C-II) / HED / IX-9 / 2018, dated 01.08.2018, void, illegal and against the Constitution.  
C. Dismissal of application file by the Petitioner, for issuing NOC to apply for the post of Assistant Professor in any other affiliated organization of Higher

**ATTESTED**

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**PESHAWAR HIGH COURT, PESHAWAR**

**FORM 'A'**  
**FORM OF ORDER SHEET**



Date of order.	Order or other proceedings with the order of Judge
20.02.2020	<p style="text-align: center;"><b><u>Review Petition No.125-P/2019</u></b></p> <p><b><u>Present:-</u></b> Mr. Muhammad Ayaz Majid, Advocate, along with petitioner.</p> <p style="text-align: center;">*****</p> <p><b><u>ROOH-UL-AMIN KHAN,J.-</u></b> Through instant review petition, Sham Haider, the petitioner, seeks review of order/judgment dated 08.05.2019, passed by this Court in Writ Petition No.4574-P/2018, operative part of which is reproduce below:-</p> <p style="text-align: center;">“Admittedly, the petitioner is a civil servant who has been terminated from service on his willful absence from duty after imitating proceedings against him under section 8A of the Government Savants (Efficiency and Discipline) Rules, 1973. The petitioner in the present case seeks his reinstatement into service, which obviously falls within the definition of terms and conditions of service, wherein jurisdiction of this Court is exclusively barred by Article 212 of the Constitution of Islamic Republic of Pakistan, 1973. The petition, is therefore, dismissed as not maintainable. However, petitioner would be at liberty to approach the proper forum, if so desires.”</p> <p>3. The main thrust of the arguments of learned counsel for the petitioner was that in fact the petitioner had tendered his resignation from his post since</p>

M.Siraj Ahndi PS

DB of Hon'ble Mr. Justice Rooh ul Amin Khan and Hon'ble Mr. Justice Ishfaq Ibrahim.

**ATTESTED**

**EXAMINER**  
Peshawar High Court

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03.03.2017, as a result, his salary was stopped by the respondents from the said date, however, the petitioner later on came to know that respondents have terminated him from service on 01.08.2018. Learned counsel for the petitioner contended that the judgment be reviewed in the manner that 03.03.2017 be declared the date of resignation of the petitioner and the subsequent order dated 01.08.2018 vide which the petitioner has been terminated from served may be declared as illegal, unlawful and without lawful authority.

4. The ground agitated in the review petition was the prayer in the main writ petition. As stated in the judgment under review, the petitioner being a civil servant and the matter pertaining to termination or resignation, the jurisdiction of this Court is barred under Article 212 of the Constitution in such like matters. The petitioner may seek his remedy before the proper forum. This review petition being meritless is hereby dismissed.

announced:  
20.02.2020

*Rooh ul Amin*  
JUDGE

**ANNULLED**

*[Signature]*  
JUDGE

No. 2028  
 Date of Presentation of Application 17/7/22  
 No of Pages 3-19  
 Copying fee .....  
 Total 19  
 Date of Preparation of Copy 17/7/22  
 Date of Delivery of Copy 17/7/22  
 Received By *[Signature]*

**CERTIFIED TO BE TRUE COPY**

EXAMINER  
 Peshawar High Court, Peshawar  
 Authorized Under Article 87 of  
 The Qanun-e-Shahadat Order 1984

17 JUL 2020