

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 683/2014

Date of institution 13.05.2014

Date of judgment 02.08.2016

Muhammad Nazir S/o Sultan khan
Headmaster Govt. Middle School, Samandi Mela Bosti Khel, FR, Kohat.
R/o Sheraki Amal Khel Darra Adam Khel, FR, Kohat.
Presently House No. 319 Sector-1, Phase-1, KDA, Kohat.

... (Appellant)

VERSUS

1. Director Education FATA Secretariat, Peshawar.
2. Ashraf Khan Agency Education Officer, FR, Kohat at KDA, Gate No. 2 Kohat.

... (Respondents)

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 WHEREBY SALARY FOR THE MONTH OF AUGUST 2013 OF APPELLANT HAS BEEN STOPPED BY RESPONDENT NO. 2 ILLEGALLY. AGAINST WHICH THE APPELLANT FILED A DEPARTMENTAL APPEAL REPRESENTATION TO RESPONDENT NO. 1 WHO COULD NOT DISPOSE OF DEPARTMENTAL APPEAL OF THE APPELLANT.

Mr. Noor Badshah, Advocate.

.. For appellant.

Mr. Muhammad Jan, Government Pleader

.. For official respondent.

MR. ABDUL LATIF

.. MEMBER (EXECUTIVE)

MR. PIR BAKHSH SHAH

.. MEMBER (JUDICIAL)

JUDGMENT

ABDUL LATIF, MEMBER:- Facts giving rise to the instant appeals are that the appellant is serving in Education Department against the post of SST (BPS-17) in GMS Government Middle School, Samandi Mela Bosti Khel, FR, Kohat. That the appellant was transferred by respondent No. 2 without getting approval from the competent authority. The respondent had encroached from powers vested in him and contrary to prescribed service rules issued order of appellant on 10.07.2013 and the appellant took over charge on

22.07.2013 as Headmaster GMS Kohiwal FR, Kohat. The charge report was conveyed to all concerned later on for the reasons that it was summer vacations. The respondent No. 2 without explaining position and took action against appellant without taking into consideration the relevant section of law straight away stopped the salary of the appellant with the observation that the appellant had not taken over the charge on new incumbent i.e imposed penalty before the inquiry and acted arbitrarily and beyond jurisdiction. The appellant appeared before the respondent No. 2 and apprised him about the factual position and requested that his monthly salary be released, which was stopped without any cause. The respondent No. 2 flatly refused and contrary to rules called explanation of the appellant instead of releasing his pay. The appellant filed department appeal on 10.09.2013 which was not responded and hence the instant service appeal with a prayer that on acceptance of this appeal the impugned order of respondent No. 1 & 2 may please be set-aside being illegal, arbitrary and against the prescribed service rules. Therefore, the monthly salary for the month of August 2013 of the appellant may please be released and paid to the appellant to secure ends of justice.

The learned counsel for the appellant argued the impugned stoppage of salary of the appellant was against the law, contrary to prescribed service rules and against the facts and circumstances of the case, hence liable to be set-aside. He further argued that there was no provision to stop the salary of any civil servant without conducting any proper inquiry and that act of respondent No. 2 to stop the salary of the appellant was based on malafide intention and action of respondent No. 2 was beyond jurisdiction, was unlawful and called for interference of the Hon'ble Service Tribunal. He further argued that the appellant had been awarded commendation certificates by various authorities on account of his good performance, having nothing adverse against him and the appellant faced great financial hardship due to illegal withholding of his salary for the month of August 2013 and that it was incumbent upon the authority to have initiated disciplinary proceedings against the appellant if there was any allegations against him and further added that salary could not be stopped as a punitive step as there was no such provision in the Efficiency and Disciplinary Rules to that effect. He further contended that relevant authorities were approached for

relief but to no avail and prayed that on acceptance of this appeal the impugned withholding of salary of the appellant for the month of August as well as the deductions made for another six days may also be released to meet the ends of justice. The learned counsel for the appellant also cited directions of the Peshawar High Court in Writ Petition No. 116/2003 titled Tahira Farida lecturer Urdu Government Girls Degree College Gulshan Rehman Kohat Road Peshawar decided on 06.05.2004 wherein Writ Petition for release of salary of the petitioner was allowed as there was no provision under the E& D mechanism for stoppage of salary as a punitive measure.

3. The learned Government Pleader resisted the appeal and argued that the salary of the appellant was withheld on account of non-compliance of order of transfer by the appellant and respondent-department was justified to withhold the salary of the appellant as he failed to assume charge in compliance with the orders of his transfer. He further argued that the appellant was not an obedient subordinate and tried to defy the orders of the senior authority and also resorted to litigation. He prayed that the appeal being devoid of merits may be dismissed.

4. Arguments of learned counsels for the parties heard and record perused.

5. From perusal of the record it transpired that salary of the appellant for the month of August 2013 and another six days was withheld on the ground that the appellant did not comply with the orders of his transfer from one station to another. The said step was prima-facie taken as a reprisal for the non-compliance of appellant with orders of his posting, the record is however silent as to whether any disciplinary proceedings were initiated against the appellant and whether stoppage of salary was covered under the efficiency mechanism of the government. Since withholding/stoppage of salaries on account of disobedience is not covered under the rules and proper disciplinary proceedings are required to be initiated in such a scenario, the impugned withholding of salary of the appellant being not covered under the law and no credible evidence in support of absence against the appellant has been produced nor was the appellant proceeded against on the charges of absence, we are constrained to intervene in the case and direct the respondent-department to release the withheld salary of the appellant immediately on receipt of this judgment. The appeal is

accepted in the above terms. Parties are, however left to bear their own costs. File be
consigned to the record room.

AL

ANNOUNCED
02.08.2016



BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 683/2014

Date of institution ... 13.05.2014

Date of judgment ... 02.08.2016

Muhammad Nazir S/o Sultan Khan
Headmaster Govt. Middle School, Samandi Mela Bosti Khel, FR, Kohat.
R/o Sheraki Amal Khel Darra Adam Khel, FR, Kohat.
Presently House No. 319 Sector-1, Phase-1, KDA, Kohat.

... (Appellant)

VERSUS

1. Director Education FATA Secretariat, Peshawar.
2. Ashraf Khan Agency Education Officer, FR, Kohat at KDA, Gate No. 2 Kohat.

... (Respondents)

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 WHEREBY SALARY FOR THE MONTH OF AUGUST 2013 OF APPELLANT HAS BEEN STOPPED BY RESPONDENT NO. 2 ILLEGALLY. AGAINST WHICH THE APPELLANT FILED A DEPARTMENTAL APPEAL REPRESENTATION TO RESPONDENT NO. 1 WHO COULD NOT DISPOSE OF DEPARTMENTAL APPEAL OF THE APPELLANT.

Mr. Noor Badshah, Advocate.

.. For appellant.

Mr. Muhammad Jan, Government Pleader

.. For official respondent.

MR. ABDUL LATIF

.. MEMBER (EXECUTIVE)

MR. PIR BAKHSH SHAH

.. MEMBER (JUDICIAL)

JUDGMENT

ABDUL LATIF, MEMBER:-

Facts giving rise to the instant appeals are that

the appellant is serving in Education Department against the post of SST (BPS-17) in GMS

Government Middle School, Samandi Mela Bosti Khel, FR, Kohat. That the appellant was

transferred by respondent No. 2 without getting approval from the competent authority.

The respondent had encroached from powers vested in him and contrary to prescribed

service rules issued order of appellant on 10.07.2013 and the appellant took over charge on

22.07.2013 as Headmaster GMS Kohiwal FR, Kohat. The charge report was conveyed to all concerned later on for the reasons that it was summer vacations. The respondent No. 2 without explaining position and took action against appellant without taking into consideration the relevant section of law straight away stopped the salary of the appellant with the observation that the appellant had not taken over the charge on new incumbent i.e imposed penalty before the inquiry and acted arbitrarily and beyond jurisdiction. The appellant appeared before the respondent No. 2 and apprised him about the factual position and requested that his monthly salary be released, which was stopped without any cause. The respondent No. 2 flatly refused and contrary to rules called explanation of the appellant instead of releasing his pay. The appellant filed department appeal on 10.09.2013 which was not responded and hence the instant service appeal with a prayer that on acceptance of this appeal the impugned order of respondent No. 1 & 2 may please be set-aside being illegal, arbitrary and against the prescribed service rules. Therefore, the monthly salary for the month of August 2013 of the appellant may please be released and paid to the appellant to secure ends of justice.

2. The learned counsel for the appellant argued the impugned stoppage of salary of the appellant was against the law, contrary to prescribed service rules and against the facts and circumstances of the case, hence liable to be set-aside. He further argued that there was no provision to stop the salary of any civil servant without conducting any proper inquiry and that act of respondent No. 2 to stop the salary of the appellant was based on malafide intention and action of respondent No. 2 was beyond jurisdiction, was unlawful and called for interference of the Hon'ble Service Tribunal. He further argued that the appellant had been awarded commendation certificates by various authorities on account of his good performance, having nothing adverse against him and the appellant faced great financial hardship due to illegal withholding of his salary for the month of August 2013 and that it was incumbent upon the authority to have initiated disciplinary proceedings against the appellant if there was any allegations against him and further added that salary could not be stopped as a punitive step as there was no such provision in the Efficiency and Disciplinary Rules to that effect. He further contended that relevant authorities were approached for

relief but to no avail and prayed that on acceptance of this appeal the impugned withholding of salary of the appellant for the month of August as well as the deductions made for another six days may also be released to meet the ends of justice. The learned counsel for the appellant also cited directions of the Peshawar High Court in Writ Petition No. 116/2003 titled Tahira Farida lecturer Urdu Government Girls Degree College Gulshan Rehman Kohat Road Peshawar decided on 06.05.2004 wherein Writ Petition for release of salary of the petitioner was allowed as there was no provision under the E& D mechanism for stoppage of salary as a punitive measure.

3. The learned Government Pleader resisted the appeal and argued that the salary of the appellant was withheld on account of non-compliance of order of transfer by the appellant and respondent-department was justified to withhold the salary of the appellant as he failed to assume charge in compliance with the orders of his transfer. He further argued that the appellant was not an obedient subordinate and tried to defy the orders of the senior authority and also resorted to litigation. He prayed that the appeal being devoid of merits may be dismissed.

4. Arguments of learned counsels for the parties heard and record perused.

5. From perusal of the record it transpired that salary of the appellant for the month of August 2013 and another six days was withheld on the ground that the appellant did not comply with the orders of his transfer from one station to another. The said step was prima-facie taken as a reprisal for the non-compliance of appellant with orders of his posting, the record is however silent as to whether any disciplinary proceedings were initiated against the appellant and whether stoppage of salary was covered under the efficiency mechanism of the government. Since withholding/stoppage of salaries on account of disobedience is not covered under the rules and proper disciplinary proceedings are required to be initiated in such a scenario, the impugned withholding of salary of the appellant being not covered under the law and no credible evidence in support of absence against the appellant has been produced nor was the appellant proceeded against on the charges of absence, we are constrained to intervene in the case and direct the respondent-department to release the withheld salary of the appellant immediately on receipt of this judgment. The appeal is

accepted in the above terms. Parties are, however left to bear their own costs. File be
consigned to the record room.

ANNOUNCED
02.08.2016



(PIR BAKHSH SHAH)
Member

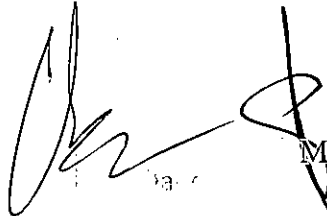


(ABDUL LATIF)
Member

02.05.2016

Appellant with counsel and Mr. Daud Jan, Supdt alongwith Mr. Usman Ghani, Sr. GP for respondents present. Rejoinder on behalf of the appellant submitted copy of which is placed on file. To come up for arguments on 02.08.2016.

Member



Member

02.08.2016

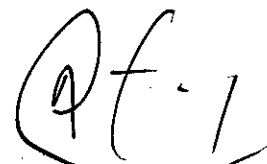
Appellant with counsel and Mr. Daud Jan, Superintendent alongwith Mr. Muhammad Jan, GP ^{official} for respondents present.

Vide our detailed judgment of toady placed on file, we are constrained to intervene in the case and direct the respondent-department to release the withheld salary of the appellant immediately on receipt of this judgment. The appeal is accepted in the above terms. Parties are, however, left to bear their own costs. File be consigned to the record room.

ANNOUNCED
02.08.2016



MEMBER



MEMBER

11 16.04.2015

Appellant in person, M/S Daud Jan, Supdt. for respondent No.1 and Abdul Malik, AAEO for respondent No. 2 alongwith Addl: A.G present. Requested for adjournment. Directed to furnish written reply/comments on 3.7.2015 before S.B.


Chairman

12 03.07.2015

Appellant in person and Mr. Daud Jan, Supdt. alongwith Addl: A.G for respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 1.9.2015 before S.B.


Chairman

01.09.2015

Agent of counsel for the appellant and Mr. Daud Jan, Supdt. alongwith Assistant A.G for respondents present. Para-wise comments submitted. The appeal is assigned to D.B for rejoinder and final hearing for 3.12.2015.


Chairman

03.12.2015

Appellant in person and Mr. Mr. Daud Jan, Supdt alongwith Mr. Muhammad Jan, GP for respondents present. Appellant requested for adjournment due to non-availability of his counsel. To come up for rejoinder as well as arguments on

2.5.2016


Member


Member

Appeal No. 683/2014
Mr. Muhammad Nazki

9. 28.01.2015

Appellant deposited process fee


& Security



Appellant with counsel and Mr. Kabirullah Khattak, Asst: Advocate General for the respondents present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the stoppage of salary for the month of August 2013, he filed departmental appeal on 10.09.2013, which was not responded within the statutory period of 90 days hence the instant appeal on 13.05.2014.


The learned AAG while assisting the court was of the view that the instant appeal is time barred. There is no original or final order, hence not maintainable in its present form. He requested that the instant appeal may be dismissed in limine.

Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents. To come up for written reply/comments on 19.03.2015 before Bench II.


Member

10. 19.03.2015

Counsel for the appellant, M/S Daud Jan, Supdt for respondent No.1 and Ashraf Khan, AEO (respondent No.2) in person with Asst: AG for the respondents present. Representative of the respondents requested for time. To come up for written reply/comments on 16.04.2015.


Member

6.

27.10.2014

Counsel for the appellant and Mr. Daud Jan, Sudt with Mr. Kabirullah Khattak, Asst: Advocate General for the respondents present. Representative of the respondents need time to submit complete record of the appellant. To come up for preliminary hearing on 10.11.2014.



Member

7.

10.11.2014

Clerk of counsel for the appellant, Muhammad Ashraf, AEO for respondent No.2 and Mr. Daud Jan, Supdt with Mr. Kabirullah Khattak, Asst: AG for the respondents present. Since the Tribunal is incomplete, therefore, case is adjourned to 16.12.2014 for preliminary hearing.

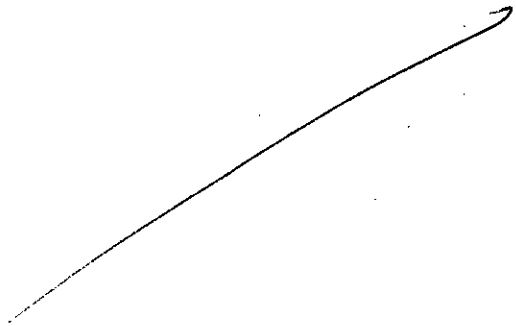

Reader

8.

Reader Note:

16.12.2014

Appellant with counsel and Mr. Kabirullah Khattak, Asst: Advocate General for the respondents present. Since the Tribunal is incomplete, therefore, case is adjourned to 28.01.2015 for the same.


Reader

3,

08.07.2014

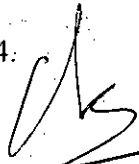
Appellant alongwith counsel present. Preliminary arguments partly heard. The matter required further clarification, therefore, pre-admission notice be issued to the learned GP to assist the Tribunal. To come up for preliminary hearing on 28.08.2014.


Member

4,

28.08.2014

Appellant in person and Mr. Kabirullah Khattak, Assistant Advocate General for the respondents present. Appellant moved an application for condonation of delay which is placed on file. To come up for further preliminary hearing on 23.09.2014.

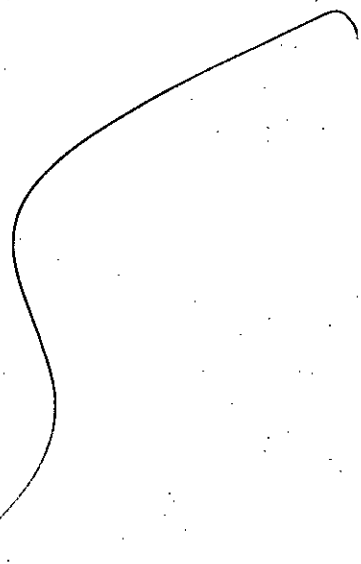

Member

5,

23.09.2014

Counsel for the appellant and Mr. Daud Jan, Supdt with Mr. Ziaullah, GP for the respondents present. Representative of the respondents need time to submit complete record of the appellant. He is directed to submit complete record on next date, positively, on 27.10.2014.


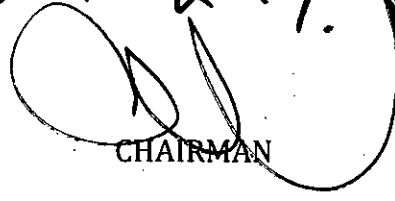

Member



Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 683/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	13/05/2014	<p>The appeal of Mr. Muhammad Nazir presented today by Mr. Noor Badshah Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	15-5-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>8-7-2014</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Appeal No. 683/2014

Muhammad Nazir S/o Sultan Khan (Headmaster GMS Samandi Mela
Boti Khel FR, Kohat R/o Sheraki Amal Khel Darra FR, Kohat, Presently
House No.319 Sector-I, Phase-I, KDA Kohat. (Appellant)

VERSUS

Director Education FATA Secretariat Peshawar. etc.

(Respondents)

INDEX

S. No	Description of Documents	Annexure	Pages
1.	Memo of Appeal		1-4
2.	Transfer order dated 10-7-13 & charge report	A & B	5-6
3.	Application / appeal to respdt-1	C	7
4.	Civil suit to Civil court	D	8-14
5.	Appeal to Distt: Judge & its order dt 09-4-14.	E	15-18
6.	Commendation certificate		19-24
7.	Pay slips		25-36
8.	Wakalat Nama		37

Dated: 07-5-2014.

Appellant

Muhammad Nazir

Through:

Noor Badshah Advocate

Kohat.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Appeal No. 683/2014

702
13-5-2014

Muhammad Nazir S/o Sultan Khan Headmaster Govt. Middle School,
Samandi Mela Bosti Khel, FR, Kohat R/o Sheraki Amal Khel Darra
Adam Khel, FR Kohat. Presently House No.319 Sector -1, Phase-1,
KDA, Kohat. (Appellant)

Versus

1. Director Education FATA Secretariat, Peshawar.
2. Ashraf Khan Agency Education Officer, FR, Kohat at KDA, Gate No.2 Kohat. (Respondents)

APPEAL Under Section-4 of KPK Service Tribunal Act 1974 whereby salary for the month of August 2013 of appellant has been stopped by respondent No.2 illegally. Against which the appellant filed a departmental appeal representation to respondent No.1 who could not dispose of appeal the appellants also resorted before the civil court which is returned and directed to approach the proper forum.

Prayer in Appeal:

On acceptance of this appeal the impugned order of respondent No.1 & 2 may please be set aside being illegal, arbitrary and against the prescribed service rules. Therefore, the monthly salary for the month of August 2013 of the appellant may please be released and paid to the appellant to secure ends of justice.

Respectfully Sheweth

Facts :

- I. Facts giving rise to the present appeal are that the appellant is serving in Education Deptt: against the post of SST BPS-17 in GMS Govt. Middle School, Samandi Mela Bosti Khel, FR, Kohat. He is an honest, efficient and trust worthy officer, which is evident from the record.
- II. That the appellant was transferred by respondent No.2 without getting approval from the competent authority. The respondent had

13/5/14

encroached from powers vested in him and contrary to prescribed service rules issued order of appellant on 10-7-2013 and the appellant took over charge on 22-7-2013 as Headmaster GMS Kohiwal FR, Kohat. The charge report was conveyed to all concerned later on for the reasons that it was summer vacations. The respondent No.2 without explaining position and took action against appellant without taking into consideration the relevant section of law straight away stopped the salary of the appellant with the observation that the appellant had not taken over the charge on new incumbent i.e. imposed penalty before the inquiry and acted arbitrarily and beyond jurisdiction. The appellant appeared before the respondent No.2 and apprised him about the factual position and requested that his monthly salary be released, which was stopped without any cause. The respondent No.2 flatly refused and contrary to rules called explanation of the appellant instead of releasing his pay. The appellant due to compelling circumstances made representation. Copy of annexure-A & B.

- III. That the appellant sought remedy regarding release his monthly salary before the respondent No.1 and all administrative stake holders, but achieved nothing. It is added that the respondent No.1 also did not dispose of appeal of the appellant within statutory period. The appellant resorted before Civil court but returned the suit preferred by the appellant. Afterwards the appellant went on appeal before District Judge Kohat who directed the appellant to seek remedy before proper forum and incorporated in its judgment that the prayer fall under the domain of terms of conditions of service of the Govt. Servant. Copies vide Annexure-C, D & E.

IV. That dissatisfied with the impugned order the appellant submit the instant appeal on the following grounds:-

Grounds:

- a) That the impugned orders is against law, contrary to prescribed service rules and against the facts and circumstances of the case, hence liable to be set-aside.
- b) That the respondent No.2 due to malafide intention and ill feeling stop the salary of the appellant as there is no provisions in the prescribed services rules to stop the salary of any official prior to conducting proper inquiry. The respondent No.2 has acted beyond jurisdiction, which is unlawful and calling for interference of this honourable court.
- c) That the appellant knocked at the door of all concerned administrative, stake holders, but achieved nothing. It was incumbent upon that the respondent No.1 to hear the point of view of the appellant but he also could not dispose of the appeal within the statutory period. The appellant is subject specialist and serving in PBS-17. He is an honest, capable officer. The appellant has been awarded two penalties one, he was transferred to remote area i.e. GMS Kohiwal and also stopped his pay as the appellant has circulated his charge report all concerned but due to summer vacation it could not receive by the concerned authorities in time. The appellant in such situation time again requested before the respondent No.2, but he flatly refused and contrary to the rules did not release his salary and deprived him till date. This sort of affairs prima facie established that the competent authority has acted beyond jurisdiction and stopped the salary of the appellant for the month of August 2013 as the entire family depends upon his salary.

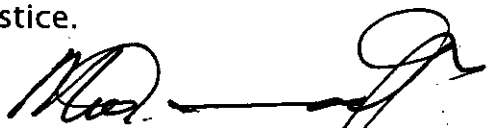
The respondent No.2 as well as respondent No.1 has flagrantly violated the prescribed services rules which is untenable. It is further added that Rs.6000/- also deducted for the month of January 2014 which is grave miscarriage of justice.

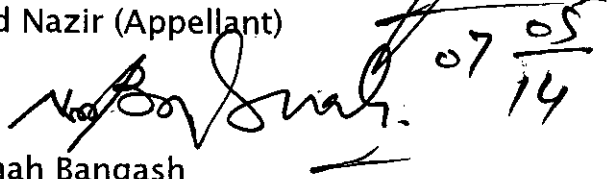
d) That the appellant has been awarded commendation certificate by the competent authority showing his performance as best and nothing adverse against him. The appellant has faced great hardship financially and condemned unheard, which is against the natural justice. It was incumbent upon the authority concerned to initiate inquiry, imposed penalty if the appellant found guilty on the charges leveled against him, then any penalty was required to be imposed upon him. Neither inquiry conducted nor any penalty imposed upon him and summarily stopped the salary for the month of August 2014. It is worth mentioning here that authorities are not permitted to withhold the salary of a serving employee and to make him starve for no fault on his part. The respondent No.2 has committed illegality irregularity to withhold salary of the appellant, hence the impugned order is un-sustainable.

e) That the appeal is within time.

In view of above it is humbly prayed that on acceptance of instant appeal the impugned orders referred to above may please be set-aside and the appellant salary for the August 2013 and deducting Rs. 6000/- may also be paid to him for ends of justice.

Dated: 07-5-2014.


Muhammad Nazir (Appellant)

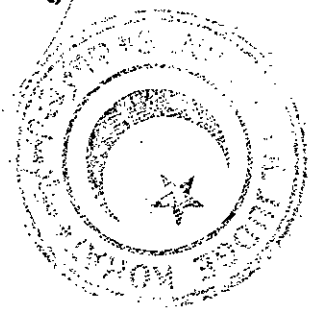
Through:  07/05/14
Noor Badshah Bangash
Advocate,
Distt: Courts Kohat.

Case IV Ijaz Younas vs Ashraf Khan

Haji Nazir Vs Ashraf Khan

Order No.08 15-2/14 vs 11-10/13 141/1

Handwritten notes: 9983, 10/1/13, J. Younas



Plaintiff alongwith counsel present. Defendant through counsel present.

Plaintiff submitted application for release of his monthly salary for August, 2013 and also prayer in the instant application, for relinquishment of his claim made in para-I of the plaint on the grounds that his transfer/posting was made by competent authority and he does not want to press this prayer, said application placed on file and relief claimed by plaintiff to this regard stand dismissed as withdrawn.

Arguments on application for rejection of plaint heard. Case file perused.

Instant suit relates to the matter of transfer/posting and release of salary of the plaintiff, which admittedly falls with the terms and conditions of service, and Civil Court has no jurisdiction to entertain such like suits where question of transfer/posting or service benefits of any Government Servant/Official are involved. Reliance made on the judgments of august Apex Courts reported in 2001 PLC (Lahore High Court) page 527 and 1999 PLC (C.S) 107.

In the light of above discussion and case laws referred above, the suit of plaintiff is hereby returned under Order-VII rule-10 CPC. Plaintiff is at liberty to approach proper forum for redressal of his grievances if so, desire.

File be consigned to the record room after necessary completion and compilation.

Announced 15.02.2014

Handwritten signature of Ijaz Younas

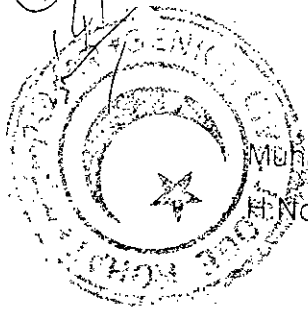
(IJAZ YOUNAS) Civil Judge-IV, Kohat Ijaz Younas Civil Judge - IV, Kohat

ATTESTED TO BE TRUE COPY EXAMINED 26/9/14 IJAZ

(9)

BEFORE THE LEARNED SENIOR CIVIL JUDGE KOHAT

(4)



Senior Civil Judge
Kohat

Muhammad Nazir SST, Amel Khel Sharaki FR, Kohat, Presently
F.No:319, Sector-I, Phase-I, KDA, Kohat. (Plaintiff)

Versus

Ashraf Khan AEO, FR, Kohat at KDA Gate # 2, Kohat. (Defendant)

- i. Declaratory suit cum perpetual injunction till the conclusion of the suit by restraining the defendant to withdraw the transfer order No.103015-17 dated 10-7-2013 of plaintiff, who has been transferred from Govt. Middle School Samand Mela FR, Kohat to GMS Kohiwal illegally, without justification, despite that the inquiry officer had given suggestion in his findings that the plaintiff be transferred from GMS Samand Mela FR, Kohat to Govt High School Sharaki FR, Kohat. Therefore the transfer / posting order of plaintiff issued by defendant is ineffective upon the rights of plaintiff.
- ii. Release of monthly salary for the month of August 2013, which has been held up by the defendant through verbal order by depriving the plaintiff from his monthly salary. This illegal act on the part of defendant is absolutely illegal as there is no provision in rules regarding stoppage of monthly salary of the official concerned / plaintiff. Hence the defendant be ordered to release the monthly salary of plaintiff and make payment to him being his substantive right.

That the suit value for the purpose of Court fee Rs.1000/-, which is exempted from court fee.

Cause of action arose one month ago within the jurisdiction Civil court at Kohat against defendant, when the defendant was asked to cancel the posting transfer order in respect of plaintiff and release his monthly Salary for 08-2013, who flatly refused finally.

Respectfully Sheweth,

ATTESTED TO BE TRUE COPY

(P-1)

EXAMINED
26/11/2013
KOHAT

(10)

5
141
7

1. That the plaintiff is bonafide resident of FR, Kohat serving in Education Deptt: against the post of SST BPS-17 in GMS Kohiwal FR Kohat and residing at KDA Kohat. He is an honest, efficient and trustworthy officer, which is evident from the record. Besides, he has also be awarded best performance certificate by the competent authorities. Copy enclosed.
2. That according to the prescribed services rules the defendant has been vested powers relating to terms and conditions of Civil Govt. Servants from BPS-1 to BPS-15, but in case of terms and conditions and allied matters of Civil Govt. Servants, who are in BPS-16 and above comes within the jurisdiction of Director Education Peshawar and Secretary Education FATA, as well, which is evident from the office manual / service rules etc. The powers exercised by defendant tantamount to abuse of process of offices against the transfer policy which is in vogue in FATA.
3. That the plaintiff was transferred by defendant without getting approval from the competent authority. The defendant has encroached from powers, exercised the power illegally and contrary to the prescribed service rules. Besides when the posting / transfer order of the plaintiff was issued on 10-7-2013, he took over the charge on 22-7-13. The charge report was conveyed to the all concerned later on for the reasons that it was summer vacations. The defendant, before taking over charge by the plaintiff, he straight away stopped the salary of the plaintiff with the observations that the plaintiff had not taken over the charge on new incumbent i.e. imposed penalty before enquiry, acted, arbitrarily and beyond jurisdiction. The plaintiff appeared before the defendant and apprised him about the situation and requested that his monthly salary be released which was stopped without any cause. The defendant instead of releasing salary called his explanation on malafide intention and ill felling on the instigation of the mischief mongers, which is best known to him. Copies enclosed.
4. That in order to cancel the illegal order and release of pay of the plaintiff, when he saw no positive result, he disappointed and subsequently issued a legal notice. After issuance of notice, the

(P-2)

ATTESTED TO BE TRUE COPY

COPING L. EXAMINED
26/1/2014

6
14/11

defendant could not reply and decided to seek remedy before Civil Court which he has civil right and every citizen can seek remedy in Civil Court, the plaintiff is one of them who faced inconvenience.

5. That the law of land does not permit to withhold salary of Govt. Servant which is basic necessity and subsistence allowances, besides, under rules even in suspension period a Govt. servant can draw full salary for which the rules is very much clear.
6. That the plaintiff also knocked at the door of the Higher Forum i.e. Chief Secretary, KPK, Secretary Education FATA, Director FATA Education, as well as Additional Chief Secretary FATA, but nothing achieved. Neither the posting order of the plaintiff cancelled nor the monthly salary of August 2013 released till date.
7. That on several occasions the plaintiff asked the defendant to resolve the issue but flatly refused, hence the present suit.
8. That to restrain the defendant from such illegal act perpetual injunction is in distensible till the conclusion of the case for safe administration of justice as the valuable rights accrue to be plaintiff in view of the facts and circumstances of the case.
9. That value for the purpose of court fee and cause of action have been mentioned in heading of the plaint.

In view of above, it is humbly prayed that the suit of the plaintiff may please be decreed against the defendant with cost. It is further prayed that any relief deemed appropriate to the circumstances of the case which has not specifically asked for may also be extended the favour of plaintiff for ends of justice.

ATTESTED
 BY
 M. J. KHAN
 OATH COMMISSIONER
 KOHAT
 TRUE COPY

Dated: 09-10-2013.

ATTESTED
Meh. Mohd. Qureshi
Advocate
Oath Commissioner Kohat

Muhammad Nazir
(Plaintiff) Muhammad Nazir

Through: *Noor Badshah*
Noor Badshah Bangash
Advocate,
Distt Courts Kohat.

Correct address

*of parties have been mentioned
in case of any change will be
intimated please.
Noor Badshah
plty through counsel.*

Affidavit

*I hereby solemnly affirm & declare
that the contents of this plaint are correct
and nothing concealed.*

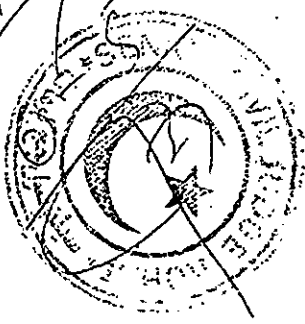
Muhammad Nazir
(P-3)

deponent

لیدر الٹھاب سول نیچر صاحب کو ہا

(12)

7
14/11



اشرف خان

محمد نذیر

دعویٰ اشرف خان

درخواست برار اضرام پٹنہ تریہ ترائی بائبل (Service Tribunal) کے
اصدار سے ہے عدالت خدا و اختیار سماعت قابل ہے۔ بیگز سے سہارڈر 7 جولائی
نئی مقدمہ قابل اضرام ہے خارج ہر بنا بارے

ضباب عالی

مدعا علیہ ذل پر حق تریہ

پر تم سے مقدمہ سہارڈر بالہ عدالت صفور سے ذریعہ جو تریہ جس آئندہ تاریخ
شعبہ 3/11/03 سہارڈر ہے

جی پر تم دعویٰ سہارڈر غیر قانونی ہے تریہ مدعی/مدعا علیہ مقدمہ سے تعلق رکھتے ہیں
جس ترائی بائبل (Service-Tribunal) کے جس کی بابت اختیار سماعت صرف
(Service-Tribunal) کو حاصل ہے اسلئے دعویٰ سہارڈر قابل اضرام ہے
خارج ہر بنا بارے

آئیے ہم درخواست مدعا علیہ منظور رہی سہارڈر
دعویٰ سہارڈر سے مقدمہ خارج ہر بنا بارے

اشرف خان (مدعا علیہ) نے لکھی درخواست
اشرف خان

3/11/03

ATTESTED TO BE TRUE COPY

COPYING

26/11/03

کبریٰ کی جانی ہے نہ محلہ حضرت
درویش برکت نامہ علم ارتقا
دست فصح سے کوئی اسے نہیں
پر مدغم ہے السیر

اشرف خان (نور عالمی)
پیر لکھنؤ
مطابق

ATTESTED TO BE TRUE COPY

COPYING

26/11/11

بجدالت جناب سول جج صاحب کوہاٹ

Handwritten notes and signatures on the left side of the page.

اشرف خان

نام

محمد نذیر

جواب درخواست نسبت اخراج مقدمہ زیر آرڈر 73 ررول 11 ضابطہ دیوانی

سائل / مدعی ذیل عرض کرتا ہے:

جانب عالی!

یہ کہ لفظ نمبر کے جواب کی ضرورت نہ ہے۔



یہ کہ دعوی مدعی قانونی ہے۔ اور حقیقت پر مبنی ہے جہاں تک مدعا عالیہ نے نسبت اختیار ت ناعت سروسٹریٹیوں کا ذکر کیا ہے اس سلسلہ میں عرض ہے کہ سروسٹریٹیوں کو وہ اختیارات حاصل ہیں جو کسی بھی سرکاری ملازم کی سروس کی ٹرمز اینڈ کنڈیشنز کی بابت ہو۔ جبکہ دعوی مدعی محض سول رائٹس کے بارے میں اور اسے اختیارات صرف اور صرف دیوانی کو حاصل ہے۔

یہ کہ ایجنسی ایجوکیشن کا دفن علاقہ سرکار بمقام KDA کو ہاٹ واقع ہے۔ اور دونوں فریق اگر ایک ہی علاقہ سے تعلق رکھتے ہوں تو اس سلسلے میں کوئی امر مانع نہیں اور مدعی سول کورٹس سے رجوع کر سکتا ہے۔ نیز مدعا عالیہ نے اپنی درخواست میں کوئی معقول وجہ بیان نہ کی ہے۔ اور جو وجہ نسبت سروسٹریٹیوں تحریر کی گئی ہے اسکو mis-conceieved کیا ہے اس سلسلے میں یہ امر بھی لکھنا بیجا نہ ہوگا کہ مدعا عالیہ نے اپنے اختیارات سے تجاوز کیا ہے اور ناحق طور پر مدعی کو تک و پریشان کیا ہے اسکے خلاف بیجا الزامات لگائے ہیں ان الزامات کا انفران بالا کو بے بنیاد کرنا داخل دفتر کیا ہے۔ نیز دونوں سرکاری ملازمین مدعی اور مدعا عالیہ کی سینیاری اور دوسرے سروس رولر صوبائی حکومت کے ساتھ ہیں۔ دونوں کے آفسرز آرڈرز صوبائی حکومت نے کئے ہیں۔

یہ کہ درخواست دائر کردہ Pre-mature ہے اور مقدمہ ہذا میں ابھی تک شہادت بھی قلمبند نہیں ہوئی۔ اور مقدمہ اتہدائی مراحل میں ہے جو ثبوت ہائے عرضی دعوی کے ساتھ منسلک کئے گئے ہیں وہ بادی النظر میں اس میں کامیابی کے امکانات موجود ہیں۔ جبکہ دیگر امور بدوران بحث لائیں جائیں گے کہ درخواست خارج فرمائی جائے اور مدعا عالیہ کو حکم صادر کیا جائے کہ وہ جو ابد دعوی دخل کرے تاکہ مقدمہ میں پیش رفت ہو سکے۔

سوری: 28-12-13

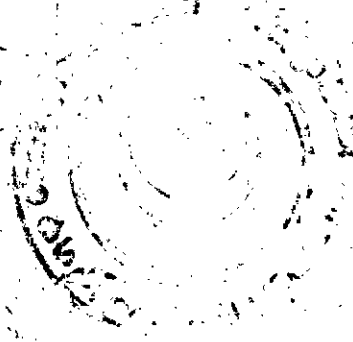
محمد نذیر بزرگ وکیل خود

Handwritten signature and notes on the right side.

ATTESTED TO BE TRUE COPY
26/12/13
KOHAT

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
------------------------------------	------------------------------	---

ORDER-03
09.04.2014



Appellant in person with counsel present.

Appellant has filed the instant appeal against the order dated 15.02.2014 passed by Civil Judge-IV, Kohat through which the learned lower court has returned the plaint under Order VII Rule 10 CPC.

Prayer in the appeal is for setting aside the order of the lower court and to remand back the case back to the lower court with the directions to decide it on merits.

I have heard the arguments for counsel for the appellant in *limine*.

The record annexed with this appeal has revealed that, appellant has filed a declaratory suit in which he has challenged his transfer order. In relief-Bay the appellant has prayed for the release of his salary for the month of August, 2013.

It is admitted fact that, the appellant is serving as a Subject Specialist in Education Department and he is a Government Servant. The suit filed by the appellant relates to the matter concerning with terms and conditions of his service. The appellant has relinquished the prayer in which he has challenged the transfer order and now his suit is to the extent of release of salary only. The payment, stoppage and release of salary are the matter, which exclusively fall under the domain of terms and conditions of the service of a Government Servant.

So, in the circumstances stated above the lower court has rightly held that, the instant suit does not come under the jurisdiction of Civil Court and it has rightly returned the plaint to the appellant. No error has been found in the impugned order. The instant appeal being without any merits stands dismissed in *limine*. Parties are left to bear their own costs. The copy of this order be sent to the lower court for information. File be consigned to record room after its completion.

ANNOUNCED
09.04.2014

GOHAR REHMAN
ADJ-III, KOHAT

[Signature]
9-4-2014

دستور العمل کے مطابق رجسٹریشن کی ضرورت نہیں ہے۔
09/3/13 سے رجسٹریشن کی ضرورت ہے۔
رجسٹریشن کی ضرورت ہے۔

1 / 1

ATTESTED TO THE COURT
22/4/14

16



BEFORE THE LEARNED DISTRICT JUDGE KOHAT

3
Muhammad Nazir S/o Sultan Khan (Headmaster GMS Samandi Mela Boti Khel FR, Kohat R/o Sheraki Amal Khel Darra FR, Kohat, Presently House No.319 Sector-I, Phase-I, KDA Kohat. (Appellant)

VERSUS

Ashraf Khan AEO FR, Kohat at KDA Gate No.2 Kohat.

(Respondent)

APPEAL AGAINST THE IMPUGNED ORDER DATED 15-2-2014 OF CIVIL JUDGE-IV KOHAT, WHEREBY THE SUIT OF THE APPELLANT / PLAINTIFF HAS BEEN RETURNED UNDER ORDER VII RULE 10 CPC.

Prayer:

On acceptance of this appeal the impugned order referred to above may please be set aside and necessary direction may please be given to the lower court to decide the case on merit as the monthly salary of the appellant / plaintiff has been held up by the respondent concerned contrary to law and without justification.

Respectfully Sheweth

Facts:

1. Facts giving rise to the present appeal are that the appellant had brought a Civil Suit against respondent. The plaint is self-explanatory and needs no recapitulation. After hearing the parties the learned trial court returned the plaint under order VII Rule 10

22/4/14

COPIED BY

5723290

CPC and directed the appellant / plaintiff to approach the proper forum for redressal his grievances if so desire. The appellant is aggrieved from the order of lower court and submit the instant appeal on the following grounds:-

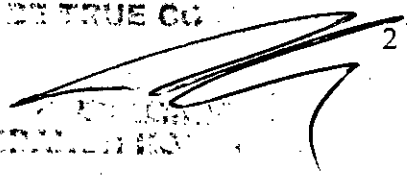
II. That the impugned order of the lower court is against law, facts and circumstance of the case and is liable to be set aside.

III. That the appellant / plaintiff had sought two prayers. During the course of proceeding in Civil Court the appellant was transferred and his first prayer was settled. The appellant submitted an application before the learned trial court and clearly stated in his application that prayer of II i.e. release of monthly salary for the month of August 2013, which has been held up by defendant/respondent through verbal order be retained/and adjudicated upon but the trial court straight away and in cursory manner returned the plaint of the appellant, which is against law. In this connection it is stated that the civil rights of the appellant has been violated, so it was incumbent upon the trial court to dispose of this issue by giving opportunity to the appellant to hear his point of view. So in these circumstances the impugned order is not sustainable in the eyes of law.

IV. That the Civil Court has got the jurisdiction to entertain the grievances of any citizens of Pakistan residing in territorial jurisdiction of Civil Court. The appellant is bonafide resident of Kohat District. He had knocked at the door of all concerned but nothing achieved, so in compelling circumstances he had sought remedy before lower court and also dissatisfied with the impugned order. It is worth mentioning here if there is any terms

ATTACHED TO BE TRUE CO

22/4/14



4

5105280

COPYING FORWARDED TO

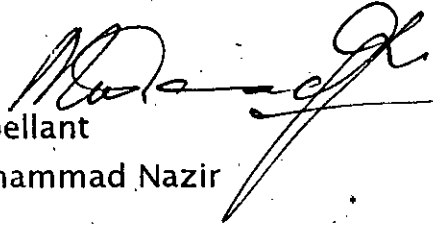
(18)

and conditions of ^{Service of} a Civil Govt. Servant is involved he can file an appeal before the services tribunal but in case the civil rights has been infringed so civil court has the authority to adjudicate upon such matter. It is added that the relevant ruling on the subject matter was produced before the learned trial court, but the plaint was returned, therefore calling for interference of this Honourable court in view of the facts and circumstances of this case.

(5)

V. That the appeal is within time.

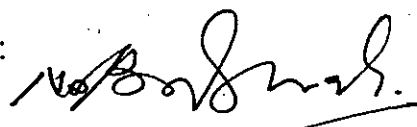
In view of the above, it is humbly prayed that on acceptance of the instant appeal the impugned order may please be set aside and the lower court may please be directed to decide the case on merits and full opportunity be provided to the appellant/ plaintiff to enable him to produce evidence pertaining to the subject matter for ends of justice.



Appellant
Muhammad Nazir

Dated: 05-3-2014.

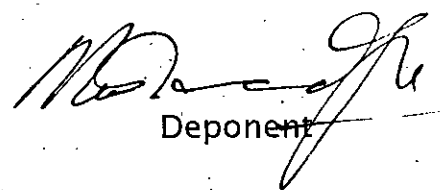
Through:



Noor Badshah Bangash
Advocate,
Distt: Courts Kohat.

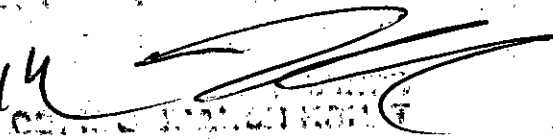
Affidavit

I do hereby solemnly affirm and declare that the contents of this appeal are true to the best of my knowledge and belief and nothing concealed from this Honourable Court.


Deponent

ATTESTED COPY

22/4/14



PERFORMANCE CERTIFICATE

It is to certify that. Mr. Haji Muhammad Nazir S/O Haji Sultan Khan
 Principals/Head Master of GMS SAMANDI MELA BEST KHAZ along with
 staff is hereby awarded best performance Certificate an account of healthy promotion
 of debates activities among the students as shown in the speech competition that held
 at AEO OFFICE F.R on 04-09-2012 with expectation
 to follow the golden principle KOHAT (KDA) Question of excellence in future.

Agency Education Officer
 F.R Kohat.
[Signature]

Attested to be true copy.
[Signature]
 KOHAT

20

Office of the Agency Education
Officer, FR Kohat

No. 9053 Dated: 12-06-13

To

The Director of Education,
FATA Khyber Pukhtunkhwa,
Peshawar.

Subject: **EXPLANATION OF THE ENQUIRY REPORT.**

Memo: Reference your letter no.8671 dated 10-06-2013

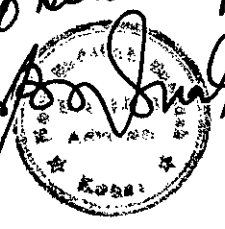
It is stated that the allegations leveled against Muhammad Nazir S.S.T G.M.S Samandi Mela Bosti F.R Kohat are totally base less and the enquiry was conducted on one side. He is a local one and the elders of the areas are fully confident and like him very much. The school is a model one in the F.R Kohat due to his best performance and good administration.

Except these, the Head Master is an honest hard worker, punctual, trustworthy, obedient and dutiful etc. He is the best suitable H/M for GMS Samandi Mela Bosti Khel F.R Kohat.

Therefore, it is requested that the enquiry report may be cancelled and filed.

Mae dli
Agency Education Officer 12/6
FR Kohat. 13

Attached to be time copy.
no. 8053



Inspection Remarks

29.04.2003

The Worthy Governor N.W.F.P was to visit FR Kohat on 30.04.2003, and the address to a leading tribal Jirga was scheduled at Govt. College Darra Adam Khel, it was therefore, essential to pay a visit to GC Darra Adam Khel and some other Girls Schools as the Governor was to be requested by the Jirga for upgradation of one Girls High School to Higher Secondary status & one Girls Middle to High status. Accompanied with Mr. Gohar Din Asstt. Director (P&D), the undersigned paid visit to the following Institutions, report regarding which is appended below: -

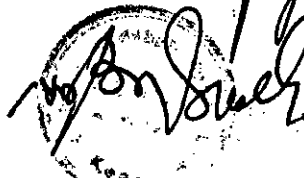
GOVT. COLLEGE DARRA ADAM KHEL

It was astonishing rather shocking to notice that the college was depicting a picture of a neglected institution, its front was white washed and the students Residential Block was left unmet. The roofs with dried grass were speaking the slackness of college management, despite the fact that a month back I had personally cautioned the Principal to remove these grass but in vain.

A day before the Inspection of the college by Worthy Governor, the Teachers Attendance was found very discouraging. 66% Professors were absent, which is the worst ratio of teachers absenteeism. Seven Professors named Iqbal Ahmad, Muhammad Ali, Dr. Muhammad Nisar, Zabihullah, Muhammad Yasin & Jawas Khan together with the Principal and Ministerial Staff were present. Shahbaz Faisal was reportedly on proper duty.

The rest of the Professors should explain their position about their deliberate absenteeism particularly on a day before the inspection of Worthy Governor.

A very genuine problem of drinking water was discussed in detail, a way out for the same is being explored shortly.

At the time of the inspection
copy
Shahbaz Faisal


99

GGHS PIRWAL KHEL FR KOHAT.

The Headmistress was present. One Nighat Seema SET was on C/Leave since 24/04/2003 to date. An SET post is vacant and the Science Mistress Zuhra was on job Training. Shahida Nasrin, Bibi Zainab PTC & Naheed PTC were absent. Action against absentees should be taken under intimation to this Directorate and they should not be paid for their absence period.

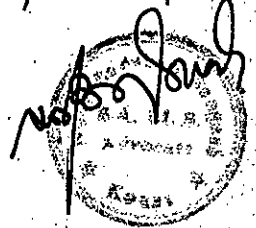
All the Class IV servants Alif Khan, Allah Jan, Khandan Khan & Arshida Bibi were absent, their pay should also be stopped till further orders. The clerk was asked to make necessary repair and should replace the broken Glass Panes out of school funds.

GGMS MUHAMMAD HUSSAIN MELA.

Subsequent to viewing very disgusting situation at GC Darra Adam Khel and viz-a-viz GGHS Pirwal Khel, the next school with a view to ascertain its feasibility status, inspected was GGHS Sheraki Muhammad Hussain Mela which was found a very well flourishing school. All the teachers except two named Iram Naz TT a habitual absentee and Naheed Naz CT (Tech) were found present. There was pin drop silence in the school with hundred of students and the classes were busy in instructional work. About thirty minutes schooling time was left with the teachers & taught, even than there was very regularity in all the classes. The credit goes to Headmistress "Shehla Afridi" & her team of dedicated teachers.

Iram Naz TT who has been married at Lahore & remain absent for the last three years should never be taken on duty in coming vacation and case of her removal should be initiated by Agency Education Officer FR Kohat.

The Industrial Home aspect has been totally ignored which need proper attention & the Headmistress should arrange for the same.

Attended to be done by
no. 10/10/03


23

GMS SAMANDI MELA.

It was found an identical school well functioning, having services of a very good Headmaster, who deserves appreciation. Reportedly a Drg: Master of this school has made himself personal-non-grata, the Headmaster therefore was given camp order to relieve him forth with.

The Manzoor Khan son may be relieved accordingly
[Signature]

GGMS SHERIN MELA.

Surprised the school at the moment when five minutes were remaining for closing time, even than the school was found well functioning. Headmistress though was not present leaving a letter (not proper Order Book) that she is to attend Agency Education Officer office for resolving 5th class problem, the Agency Education Officer FR Kohat therefore may confirm her attendance in office for due problem or other wise.

Abida DM & Amina Bibi PTC were found absent since long. Their pay should be stopped till further order & Disciplinary action should be initiated against them.

General: - Regularity was viewed in all the four schools with the exception of Govt: College Darra Adam Khel.

(Prof: Dr. Abdur Rauf)
Director Education (FATA)
Governor's Secretariat, Peshawar.

Endst: No. 1246-5h / 11.2/775P: khy. vol. II

dt. 2-5-03

- Copies to the: -
1. P.S to Secretary to Governor FATA Peshawar.
 2. Principal GC Darra Adam Khel FR Kohat.
 3. District Coordination Officer Kohat.
 4. Agency Education Officer FR Kohat.
 5. Asstt: Political Agent FR Kohat.
 - 6-9. Headmistress/Headmasters, GGHS Pirwall Khel, GGMS Sheraki
Muhammad Hussain Mela FR Kohat, GMS Samandi Mela & GGMS Sherin Mela.



[Signature]
Director Education (FATA)
Governor's Secretariat, Peshawar.

29



PAKISTAN DAY
This Certificate is awarded to

Mr. / Ms. MUHAMMAD NAZIR SST GDS SAMANDI MELA
Upon Successful participating in BOSTI KHEL F.R. KOHAT

Best Teacher award on Pakistan day Organized
By Political Administration, Agency Education office
FATA Secretariat Program Frontier Region, Kohat

to be done
mon shah

M. A. Khan
AGENCY EDUCATION OFFICER
FR KOHAT

[Signature]
ASSISTANT POLITICAL AGENT
FR KOHAT

25



GOVERNMENT OF KARNATAKA
ACCOUNTANT GENERAL
DISTRICT Kochi
PAY ROLL SYSTEM

Month: December 2013
KIS066 GENCY_EDU_OFFICER (ER) KO
Of Education
DUKT005734

Pers #: 00157774 Buckle: 0
Name: MOHAMMAD NAZIR 83/39
Des: S. E. T.
CHIC No. 15989010897

POST CODE KT0066

SPE Interest Applied
BPS 17 Active Permanent

PAYS AND ALLOWANCES:		
0001-Basic Pay		34,000.00
1000-House Rent Allowance		2,955.00
1210-Convey Allowance 2005		5,000.00
1528-Unattractive Area Allow		4,000.00
1865-Teaching Allowance (2006)		1,000.00
1947-Medical Allow 15% (16-22)		2,809.00
1948-Adhoc Allowance 2010@ 50%		9,365.00
1970-Adhoc Relief Allow 2011		2,809.00
2118-Adhoc Relief Allow (2012)		6,800.00
Gross Pay and Allowances		72,138.00
DEDUCTIONS:		
IT Payable	2,060.85 Deducted	2,242.00
GPF Balance	557,658.00	AX: (3609) 413.00
3661-E. E. F (Exchange)		Subrc: 2,240.00
3701-Renevolent Fund(Exchange)		200.00
3704-Group Insurance(Exchange)		250.00
3711-Addl Group Insuranc(Exch)		230.00
		25.00
Total Deductions		3,358.00
	NET AMOUNT PAYABLE:	68,780.00

QUALIFYING SERVICE
YRS MON
23 Years 07 Months 009 Days

D. B. B
16.10.1964
Days

LFP Quota:
NBP MAIN BRAI - KOHA
PLS 15175-4

Attch before to copy of form

20

P. Sec: 001 North January 2014
 KT0066 - AGENCY EDU OFFICER (FR) KO

MOHAMMAD NAZIR S3/39
 S. E. T
 NIC No 15989010897

MTN:
 GPF #: EDUKT005734
 Old #:

Interest Applied
 17 Active Permanent

DEPTT CODE KT0066 -

PAYS AND ALLOWANCES		
0001-Basic Pay		34,000.00
1000-House Rent Allowance		2,955.00
1210-Convay Allowance 2005		5,000.00
1528-Unattractive Area Allow		4,000.00
1865-Teaching Allowance (2006)		1,000.00
1947-Medical Allow 15% ,16-22)		2,809.00
1948-Adhoc Allowance 2010@ 50%		9,365.00
1970-Adhoc Relief Allow 2011		2,809.00
Basic Pay and Allowances		62,800.00
DEDUCTIONS:		
IT Payable	1,582.44 Deducted	2,838.00
GPF Balance	559,398.00	
3661-S E F (Exchange)		TAX: (3609) 396.00
3701-Benevolent Fund(Exchange)		Subrc: 2,240.00
3704-Group Insurance(Exchange)		200.00
3711-Addl Group Insuranc(Exch)		250.00
5801-Adj Basic Pay		230.00
		25.00
		6,560.00
Total Deductions		9,901.00
NET AMOUNT PAYABLE:		62,237.00

QUALITY OF SERVICE
 23 Years 08 Months 009 Days

D.O.B 16.10.1964
 LFP Quota:
 NBP MAIN BRANCH KOHA
 PLS 15175-4

Handwritten note:
 At the time of
 16/10/1964
 15175-4

27

PAYMENT ADVICE

SH: 1774 Kohat

P Sec: 001 Month: February 2014
 KT0066 - AGENCY EDU OFFICER (FR) K0

SH: 1795 Kohat

P Sec: 001 Month: February 2014
 KT0066 - AGENCY EDU OFFICER (FR)

MOHAMMAD NAZIR S3/39
 CNIC No. 15999010897
 GPF Interest Applied
 17 Active Permanent

PAYS AND ALLOWANCES:		#T0066	-
0001-Basic Pay		34,600.00	00
1000-House Rent Allowance		2,925.00	00
1210-Convey Allowance 2005		5,000.00	00
1528-Unattractive Area Allow		4,000.00	00
1845-Reson: Allowance (2004)		1,000.00	00
1947-Medical Allow 12% 16-22		2,809.00	00
1948-Adhoc Allowance 2010@ 50%		9,365.00	00
1970-Adhoc Relief Allow 2011		2,805.00	00
2118-Adhoc Relief Allow (2012)		6,800.00	00
Gross Pay and Allowances		72,138.00	00
DEDUCTIONS:			
IT Payable		550.00	00
GPF Balance 562		2,240.00	00
3661-E.E.F (Exchange)		200.00	00
3701-Renevolent F		00.00	00
3714-Group Insur		00.00	00
3715-Group		00.00	00
AMOUNT PAYABLE			

MOHAMMAD NAZIR S3/39
 CNIC No. 15999010897
 GPF Interest Applied
 17 Active Permanent

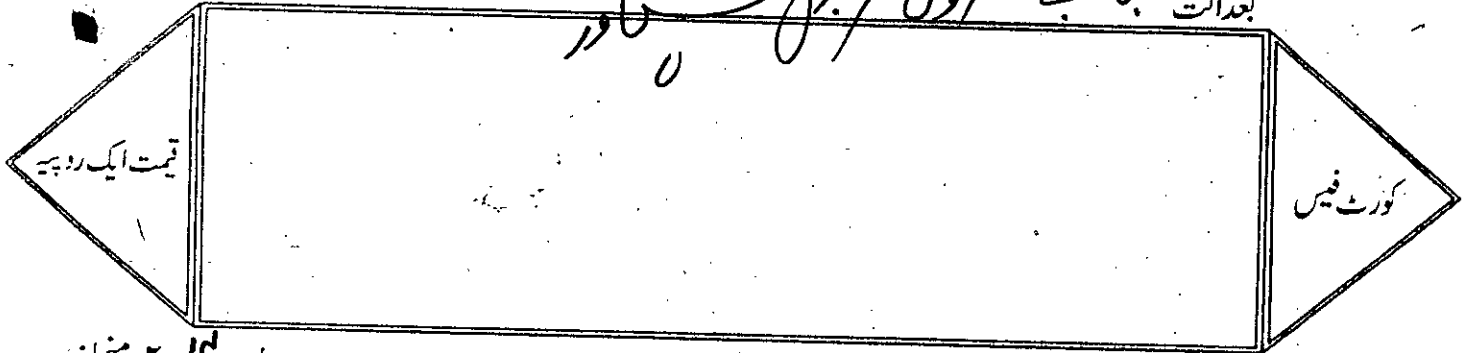
PAYS AND ALLOWANCES:		#T0066	-
2151-Adhoc Allowance 2013 @10%		3,400.00	00
Gross Pay and Allowances		72,138.00	00
DEDUCTIONS:			
IT Payable		550.00	00
GPF Balance 562		2,240.00	00
3661-E.E.F (Exchange)		200.00	00
3701-Renevolent F		00.00	00
3714-Group Insur		00.00	00
3715-Group		00.00	00
NET AMOUNT PAYABLE			

QUALIFYING SERVICE
 YRS 10

QUALIFYING SERVICE
 YRS 10

Must be true copy
Mohammad Nazir

27



۲۰۱۴ء منجانب

مقدمہ

مقدمہ

جوئے

نام و ایڈریس پورن کاٹا سٹریٹ سبزی بازار
حاجی محمد نذیر
appellant
and others

جم *svca appeal* باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جوابدہی کل کارروائی متعلقہ آل مقام کے لئے
نور بادشاہ نگین لٹریچر و کٹ کوئلہ ط

مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا اختیار ہوگا۔ نیز وکیل صاحب کو کرنے راضی نامہ و
تقریر ثالث و فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرانے اجراء اور وصولی چیک در روپیہ اور عرضی
دعویٰ اور درخواست ہر قسم کی تصدیق زر اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی
برآمدگی ایجد منصوخی و نیز دائر کرنے اپیل نگرانی نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدمہ مذکور کے کل
یا اپنی بجائے تقریر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے۔ اور اس کا ساختہ پر
داختہ منظور و قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا۔ اس کے مستحق کیا صاحب
موصوف ہوں گے نیز بقایا خرچہ کی وصولی کرنے کا بھی اختیار ہوگا۔ اور کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر وکیل
صاحب پابند نہ ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا گیا ہے۔

Muhammad Nazir

۲۰۱۴ء
(Appellant)
(Muhammad Nazir)

ماہ

07

المرقوم

کے لئے منظور ہے۔

attested & accepted



Muhammad Nazir

سبزی بازار

مقام

بکھنور جناب اسٹنٹ پولیٹیکنیکل ایجنٹ صاحب F.R کوہاٹ

درخواست بمراد کارروائی کرنے برائے ماسٹر نذر خان SET

جناب عالی!

- گزارش ہے کہ سہیل قوم بستی ہیل سنڈی سیلہ پرائمری سکول موسی خان کلمے کا مالک مکان ہے۔ اور ذیل عرض کرتا ہے۔
- ۱۔ یہ کہ نذر خان SET جو کہ سنڈی سیلہ میں غرضہ 12 سال سے خدمات سرانجام دے رہا ہے۔ علاقہ کے عوام کے لیے دردمر بنا ہوا ہے۔ اور پورا دن شیطانی کاموں میں مصروف رہتا ہے۔ اور سکول میں بوقت آسہلی ایسی باتیں کرتا ہے جس کی وجہ سے علاقہ میں گڑبگڑ کا نظریہ پیدا ہو جاتا ہے۔
 - ۲۔ یہ کہ سہیل مذکورہ بالا نے ساری سرکاری کھاتوں میں گزار دی۔ وراپ۔ کول کے نام میں پاسپورٹوں کے پیچھے گھونٹتا رہتا ہے۔ اور جب لوگوں سے شناختی کارڈ جمع کرتا ہے تو سکول کے نام میں کلاس ڈیرو کو ذاتی کام کے سلسلہ میں یعنی فونوٹیسٹ نکالنے کے لیے بازار بھیج دیتے ہیں۔
 - ۳۔ یہ کہ EDO صاحب کے ساتھ گاڑی میں ڈرائیونگ کرتا چرتا ہے۔ انیسوں کی بات ہے کہ اسکی ڈیوٹی سکول میں ہے۔ نہ کہ ڈرائیونگ کی۔ اور پورا دن ایجوکیشن دفتر کے کاغذات میں لگا رہتا ہے۔ اس کا ریکارڈ معلمین سے کروا سکتے ہیں۔
- جناب عالی! انیسوں کا مقام ہے کہ اس سکول کے ہیڈ ماسٹر اپنے منہ سے میرے ساتھ انتقامی کارروائی کرتے ہوئے کلمہ کھلا معلمین کے سامنے کہہ دیا ہے کہ موسی خان کے سکول پر میں نے پیشاب کر دیا ہے۔ ہمارے ساتھ ساری باتوں کے ثبوت موجود ہیں۔ اور ہر ذات پیش کر سکتا ہوں۔

برائے مہربانی سہیل مذکورہ بالا کو سکول ہڈا میں کسی اور دل تبدیل فرمایا جا کر مشکور فرمائیں۔ اور حال میں سہیل مذکورہ بالا۔ شیرے خلاف درخواست دائر کی ہے۔ جو کہ قانون کی خلاف ورزی ہے۔

مورخہ 2013-0-15

صدر مجلس

ملک مکان موسی خان سنڈی سیلہ وی خا۔ کلمے قوم بستی خیل F.R کوہاٹ

نون نمبر 202617-0922

کاپی نو:

- ۱۔ جناب ذاکر حسین صاحب ڈپٹی کمشنر کوہاٹ
- ۲۔ جناب کمشنر صاحب کوہاٹ
- ۳۔ جناب گورنر صاحب سوسہ خیبر پختونخوا اور
- ۴۔ جناب ACS صاحب نانا
- ۵۔ جناب ڈائریکٹر صاحب کلمہ تعلیم نانا
- ۶۔ جناب آفتاب درانی صاحب سیکرٹری سوشل سیکٹر نانا
- ۷۔ جناب جمال ناصر صاحب سیکرٹری لاء اینڈ آرڈر نانا

صنایع انجمن ایجوکیشن افسر الف - آر - ٹومان

عنوان درج است برائے خلاف خود نر SET

صنایع انجمن

گزارش ہے کہ ہم اعلیٰ تعلیم کے لیے آج سماج کی خدمت میں

صرف پیش کرتے ہیں کہ خود نر SET نے جس سے تعلیم کے لیے آج سماج میں

تہ سیکولر کا بیڑا عرق کرنا ہے اور اس کا بیڑا ہائی اسکول پختہ میں امتحان دے رہا ہے جس کیلئے

سکول کے تقریباً 300 بچوں کا مستقل تباہ کر دیا گیا ہے

پھر؟ ج کل شادی سکول پختہ میں مال کے سٹاف کے ساتھ کوئی

KCA سے بچے لائے اور حکمران کیلئے پورا ان کے حقوق کو

اور سکول میں موجود نہیں لگتا ہے

اس لیے آج سماج میں پختہ سکول

اس کے خلاف قانونی کارروائی کرنے

الغرض

فیلڈ سید نریدہ

کافی نر کے سروں کا احوالی

ڈائریکٹر آف ایجوکیشن قائمہ شاد

(2) ایجوکیشن ایف ڈی

OFFICE OF THE AGENCY EDUCATION OFFICER

F.R KOHAT

Gate No.2 K.D.A Kohat

Phone # 0922-9260321 Fax # 0922-9260321

Letter No: 02 Dated: 19 / 12/2013.

To: The Assistant Political Agent,
F.R Kohat.

Subject: **RELIEVING OF ABDUL MALIK FROM THE AEO OFFICE TO SCHOOL.**

Memo: -

Reference your remarks on the body of the letter/ complaint against the cited officer.

I would like to bring in your kind notice the factual position.

Mr. Abdul Malik performed duty as AAEO FR Kohat w.e.f 1/4/2005 to 31/5/2012. He is experience, devoted to his job, honest and efficient officer. In the previous law & order situation he lonely run the office efficiently.

It is the only one person Muhammad Nazir SET presently working in GMS Samandi Mela who is involved in such like character assassination campaign due to his transfer to GMS Kohiwal in the result of enquiry already conducted against him. It is nothing but to pressurize the officers for his back transfer to his choice school. The Muhammad Nazir SET obtained the elders signatures on the blank paper requested them for his transfer and then used the signature against the Abdul Malik. The Muhammad Nazir is problematic, corrupt and psychological patient. He needs treatment. He is already under report and the Director Education (FATA) directed this office to initiate disciplinary action against Muhammad Nazir SET.

Mr. Abdul Malik has been redeployed by Secretary Social Sector Department FATA Secretariat vide NO. FS/SSD/SO (E)AP/265-69 dated 4/2/2013 (photo copy order attached).

The deployment order of 03 SST including Abdul Malik cancelled in June 2013.

The undersigned requested the Political Administration for his deployment in the AEO office vide No.9472 dated 15/8/2013.

The Political administration recommended his case to the Secretary Education FATA vide NO. 251/Di/Dofata Dated 22-8-2013.

The Secretary Social Sector Department FATA again re-deployed Mr. Abdul Malik to AEO Office vide No. SO (FATA) 1-30/2013 dated 21/11/2013 (photo copy attached).

The signatures of elders have been misused by Muhammad Nazir SET.

So keeping in view of the above facts, you are requested to warn Mr. Nazir not to make interference in the office affairs. It wastes the precious time of this office.


Agency Education Officer
F.R Kohat

Endst: No. _____ / Dated ____/12/2013.

Cop to the: -

1. Secretary Social Sectors Department FATA Secretariat Peshawar.
2. Deputy Commissioner Kohat.
3. Director of Education, FATA, K.P.K. Peshawar.


Agency Education Officer
F.R Kohat

خدمت جناب اسٹنٹ پبلیکل ایجنٹ ایف آر کوھاٹ

جناب عالی

گزارش ہے کہ بندہ قوم بستی خیل سکنہ سمندی میلہ کا مستقل باشندہ ہے بندہ پرائمری سکول موسیٰ خان کلمے کا مالک مکان ہے جناب والا: نذیر خان S.E.T جو کہ سمندی میلہ میں عرصہ 12 سال سے خدمات سرانجام دے رہا ہے علاقے کے عوام کے لیے دردمر بنا ہوا ہے۔ پورا دن علاقے کے شیطانی کاموں میں مصروف رہتا ہے اور سکول کی اسپل میں ایسی باتیں کرتا ہے کہ اس سے علاقے میں گریز کا خطرہ ہے۔

دوسری بات: یہ ہے کہ ساری عمر جعلی کھاتوں میں گزار دی اور اب بھی سکول کے ناٹم میں پاسپورٹوں کے پیچھے گھومتا پھرتا ہے اور جب لوگوں سے شناختی کارڈ جمع کرتا ہے تو سکول کے ناٹم میں کلاس فوروزاتی کام کے سلسلہ میں یعنی فوٹو سٹیٹ نکالنے کے لیے بازار بھیج دیتے ہیں۔ تیسری بات یہ ہے کہ A.E.O صاحب کیساتھ گاڑی میں ڈرائیونگ کرتا پھرتا ہے۔ افسوس کی بات ہے کہ اسکی ڈیوٹی سکول میں ہے نہ کہ ڈرائیونگ کی اور پورا دن ایجوکیشن دفتر کے کاغذات میں لگا رہتا ہے۔ اسکا ریکارڈ سکول کے معلمین سے کر دیا جاسکتا ہے۔

جناب والا

افسوس کا مقام ہے اس سکول کے ہیڈ ماسٹر ایچ منہ سے میرے ساتھ انٹقامی کارروائی کرتے ہوئے کھلم کھلا معاہدہ کے سامنے کہہ دیا ہے کہ میں نے موسیٰ خان کے سکول پر پیشاب کر دیا ہے۔

جناب والا: ہمارے ساتھ ان ساری باتوں کا ثبوت موجود ہے اور ہر وقت پیش کر سکتا ہوں۔ برائے مہربانی اس کا تدارک کر کے مشکور فرمائیں۔

العارض

مالک مکان موسیٰ خان، سمندی میلہ، موسیٰ خان کلمے بستی خیل ایف آر کوھاٹ۔

فون نمبر 0922 202667

(1) D.C.O صاحب ایف آر کوھاٹ۔

(2) کسٹرن صاحب ایف آر کوھاٹ۔

(3) گورنر صاحب KPK۔

(4) A.C.S صاحب فانا۔ ڈائریکٹر صاحب ننگہ تعلیم فانا

(5) سیکریٹری سوشل سیکٹر فانا۔

موسیٰ خان کلمے
15/11/2013

Letter No. 9958

Dated: 11/10/2013

To: The Headmaster,
GMS Kohwal, FR Kohat.

Subject: EXPLANATION.
Memo:-

Reference your explanation No. 11 received on dated 5/10/2013 after detail perusal your explanation reply is not satisfactory.

In continuation a letter No. 5318 dated 30/9/2013 you are once again directed to explain your position on the following grounds.

1. Being a focal person for free supply of books distribution. After distribution of books you had not given the record to make reconciliation with directorate.
 2. During the books distribution you had received Rs.500 per each school. The principal/Darna circle lodge their statement with their names & seal. You have mis-use your power and made corruption in the official matters.
 3. After assumption of charge on 5/9/2013 you have lavishly spent the school fund beyond your power for spending more than Rs.1200 you will have to get sanction from the competent authority. Do not misuse your power.
 4. After taking charge in the GMS Kohwal you daily leave the school in R/O personal work and not taking interest in the school affairs. (School order book enclosed for ready reference).
 5. You must take classes and assigned the work to all teachers. You are not supposed to be the head of Department but a simple SFI teacher and daily ensure the teaching classes instead of waiting in the office.
 6. You are once again directed to resolve the issue of your absence period with the high up otherwise strict action would be proposed against you.
- In light of the above no disciplinary action should not be taken against you. You reply should reach within 07 days positively after receipt of this letter. In case of failure your absent report will be communicated to all concerned for further action.

Agency Education Officer
F.R Kohat

Encl: No. 9958-471
Copy to the:

Dated: 11/10/2013

1. Director Education (E.A) Peshawar
2. Deputy Commissioner / Political Agent FR Kohat.
3. Assistant Political Agent FR Kohat.

Agency Education Officer
F.R Kohat

Received on dated
12/10/13
12/10/13

Letter No: 9818 Dated: 30 / 9 / 2013

To: The Headmaster,
GMS Kohiwal, FR Kohat.

Subject: **EXPLANATION.**
Memo:-

You have been transferred from GMS Samandi Mela To GMS Kohiwal as a result of enquiry vide Director Education (FATA) Endst: No. 10315-17 Dated 10/7/2013.

Due to non compliance your absence report had been sent to Director Education FATA vide this office NO.9455 dated 6/8/2013 when you took charge on 6/9/201, you had forgedly write down 22/7/2013 instead of 6/9/2013 as evident from the order book where the incharge CT Ihasanuddin recorded the date as 6/9/2013. You have concealed the facts and tried to deceive this office.

You are therefore directed to explain your position within 03 days after receipt of this letter and why should not action be taken against you under the rules.

In case of failure your absence period would be communicated to Director Education (FATA) as well as District Accounts Officer Kohat for entries in your personal file and service book.


Agency Education Officer
F.R Kohat

Endst: No. 9822 / Dated 30 / 9 / 2013.

Copy to the: -

1. Director Education (FATA) Peshawar.
2. Deputy Commissioner/ Political Agent FR Kohat.
3. Assistant Political Agent FR Kohat.
4. District Accounts Officer Kohat.


Agency Education Officer
F.R Kohat

OFFICE OF THE AGENCY EDUCATION OFFICER

F.R KOHAT

Gate No.2 K.D.A Kohat

Phone # 0927-9260321 Fax # 0922-9260321

Letter No: _____ Dated: _____ / 10/2013

To: The Headmaster,
GMS Kohiwal, FR Kohat.

Subject: **EXPLANATION.**
Memo:-

It is evident from the school order book that from the date of taking over charge in the school dated 6/9/2013, you are daily leave the school before the time and visiting the offices. You are leaving the school in R/O personal engagement.

Furthermore you took several equipments from GMS Samandi Mela without permission and bringing in the notice of the undersigned. Besides a focal person you did not provide the free supply books record to AEO office.

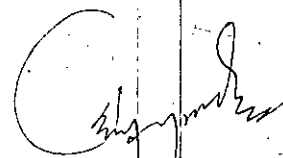
In view of the above facts why not disciplinary action should be taken against you. You are directed to explain your position within 03 days after receipt of this letter positively. Otherwise strict action would be proposed against you.

Endst: No. 9824-271
Copy to the: -

Dated 07/10 2013.

1. Director Education (FATA) Peshawar.
2. Deputy Commissioner/ Political Agent FR Kohat.
3. Assistant Political Agent FR Kohat.


Agency Education Officer
F.R Kohat



Agency Education Officer
F.R Kohat

9958

Dated 11/10/2013

To:  The Headmaster,
GMS Kohiwal, FR Kohat.

Subject: **EXPLANATION.**
Memo:-

Reference your explanation No.21 received on dated 3/10/2013 after detail perusal your explanation reply is not satisfactory.

In continuation letter No.9818 dated 30/9/2013 you are once again directed to explain your position on the following grounds.

1. Being a focal person for free supply of books distribution. After distribution of books you had not given the record to make reconciliation with directorate.
 2. During the books distribution you had received Rs.500 per each school. The principal Darra circle lodge their statement with their names & seal. You have miss use your power and made corruption in the official matters.
 3. After assumption of charge on 6/9/2013 you have lavishly spent the school fund beyond your power for spending more than Rs.1200 you will have to get sanction from the competent authority. So you misuse your power.
 4. After taking charge in the GMS Kohiwal you daily leave the school in R/O personal work and not taking interest in the school affairs. (School order book enclosed for ready reference).
 5. You must take classes and assigned the work to all teachers. You are not supposed to be the head of Department but a simple SET teacher and daily ensure the teaching classes instead of wandering in the offices.
 6. You are once again directed to resolve the issue of your absence period with the high up otherwise strict action would be proposed against you.
- In light of the above facts why disciplinary action should not be taken against you. Your reply should reach within 03 days positively after receipt of this letter. In case of failure your absent report will be communicated to all concerned for further action.

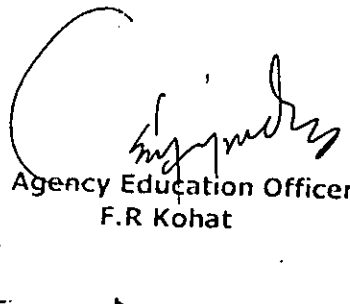
Agency Education Officer
F.R Kohat

Endst: No. 9958-61 /

Dated 11/10/2013.

Copy to the: -

1. Director Education (FATA) Peshawar.
2. Deputy Commissioner/ Political Agent FR Kohat.
3. Assistant Political Agent FR Kohat.


Agency Education Officer
F.R Kohat

Received on dated
12/10/13


12/10/13

OFFICE OF THE AGENCY EDUCATION OFFICER

F.R KOHAT

Gate No.2 K.D.A Kohat

Phone # 0922-9260321 Fax # 0922-9260321

Letter No: _____ Dated: _____ / 10/2013

To: The Headmaster,
GMS Kohiwal, FR Kohat.

Subject: **EXPLANATION.**
Memo:-

It is evident from the school order book that from the date of taking over charge in the school dated 6/9/2013, you are daily leave the school before the time and visiting the offices. You are leaving the school in R/O personal engagement.

Furthermore you took several equipments from GMS Samandi Mela without permission and bringing in the notice of the undersigned. Besides a focal person you did not provide the free supply books record to AEO office.

In view of the above facts why not disciplinary action should be taken against you. You are directed to explain your position within 03 days after receipt of this letter positively. Otherwise strict action would be proposed against you.


Agency Education Officer
F.R Kohat

Endst: No. 9824-271 Dated 07/10 2013.

Copy to the: -

1. Director Education (FATA) Peshawar.
2. Deputy Commissioner/ Political Agent FR Kohat.
3. Assistant Political Agent FR Kohat.

Agency Education Officer
F.R Kohat

Letter No. 9958 Dated 11 / 10 / 2013To:  The Headmaster,
GMS Kohiwal, FR Kohat.Subject: **EXPLANATION.**
Memo:-

Reference your explanation No.21 received on dated 3/10/2013 after detail perusal your explanation reply is not satisfactory.

In continuation letter No.9818 dated 30/9/2013 you are once again directed to explain your position on the following grounds.

Being a focal person for free supply of books distribution. After distribution of books you had not given the record to make reconciliation with directorate.

2. During the books distribution you had received Rs.500 per each school. The principal Darra circle lodge their statement with their names & seal. You have miss use your power and made corruption in the official matters.

3. After assumption of charge on 6/9/2013 you have lavishly spent the school fund beyond your power for spending more than Rs.1200 you will have to get sanction from the competent authority. So you misuse your power.

4. After taking charge in the GMS Kohiwal you daily leave the school in R/O personal work and not taking interest in the school affairs. (School order book enclosed for ready reference).

5. You must take classes and assigned the work to all teachers. You are not supposed to be the head of Department but a simple SET teacher and daily ensure the teaching classes instead of wandering in the offices.

6. You are once again directed to resolve the issue of your absence period with the high up otherwise strict action would be proposed against you.

In light of the above facts why disciplinary action should not be taken against you.

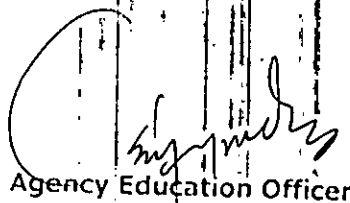
Your reply should reach within 03 days positively after receipt of this letter. In case of failure your absent report will be communicated to all concerned for further action.


Agency Education Officer
F.R Kohat

Endst: No. 9958-61 / 1Dated 11/10/2013.

Copy to the:

1. Director Education (FATA) Peshawar.
2. Deputy Commissioner/ Political Agent FR Kohat.
3. Assistant Political Agent FR Kohat.


Agency Education Officer
F.R Kohat

Received on dated
12 / 10 / 13




75

ENQUIRY REPORT AGAINST MUHAMMAD NAZIR KHAN SET GMS SAMANDI MELA BOSTI
KHEL FR KOHAT.

The undersigned was appointed as enquiry officer vide Local Directorate endst No: 2458-60/A12 dated 13-02-2013, to conduct an impartial enquiry on the subject cited above and to resolve the problem. The complaint was lodged by Malik Musa Khan Samandi Mela Bosti Khel FR Kohat. The complaint has leveled four allegations against the accused.

1. The accused teacher is a headache for the people of the area and create distrust and disturbance amongst the people.
2. He is involved in the bogus and faked affairs of passports and CNICs. He used the C-IV of the school for his private purposes.
3. He is more as a driver of the AEO FR Kohat than the headmaster of the school. He spent all his time in the office work of AEO.
4. He has prevented the AEO to upgrade my school to middle status. The undersigned visited the office of the AEO on 17-04-2013 and meet all the official/Officers in the office and visited Bosti Khel area where discussion was carried with elders of the community and teachers of GMS Samandi Mela and other male and female school teachers of the area. GMS Samandi Mela attendance registers were checked, discussion, investigation and asking questions from all concerned were applied as tools to dig out the facts.

Procedure Adopted:

All concerned were informed two day before my visit. First I visit the AEO office. Discussed the issue with the AEO and other staff members. Record their statement then visit GMS Samandi Mela and the Malik Musa Khan School. There I met with the community elders and teachers. They all were interrogated and their statement were taken.

KEY FINDINGS.

1. The complaint leveled against the said teacher was partially based on facts. It is a fact that he has been serving as a driver of the AEO since the present AEO posted at FR Kohat. The attendance registers of GMS Samandi Mela shows that he has been outside the station for 58 days since 1st November, 2012. Moreover the AEO (C) is under the complete control of the said teacher.
2. Moreover, there is a tussle and clash of tribal nature amongst the community members of the area. Half of the members of the community support him to be Head master of the school where he is serving. According to them, the H/M is an honest, efficient and hard worker administrator and provides quality education to the kids of the area. The teaching/Learning condition of the school support their claim. While the other part of the community members consider him as a threat to their interest. According to this section of the people he takes side and is partial in the community affairs.
3. The APA FR Kohat has also of the view that the person is no more acceptable as H/M of GMS Samandi Mela. The matter was discussed in a meeting with him in his office. According to him he has also received complaint from the elders of the area. On the basis of these complaints, he has asked for the transfer of the said teacher to his own village and tribe.

Handwritten signatures and initials, including the name 'Muhammad Nazir Khan' and the date '11/1/13'.

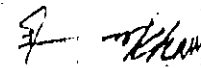
74

The teacher concern is no doubt an efficient honest and hard worker teacher, so far as his duty is concerned. But he is a non-local person in the community He belongs to Sheraki Area. There has been complaints and counter complaints among these groups. As per Tribal practice, they can not directly face each other. In order to satisfy their thirst of hostility they target the Head Master.

Recommendations:

In order to end these complaints and save the precious time of the department, Muhammad Nazir GMS Samandi Mela is proposed to be transferred to GHS Sheraki. Sheraki is his own village where he resides. The school is located in his own tribe and nearest station to him.

He has completed his tenure at GMS Samandi Mela. He has been serving there since 22-04-2002 till date. Therefore, it will be in the best interest of the department and the public to be transferred to the proposed school.



Shah Zar Khan

Dy: Director (M&E)

Directorate of Education

3.6.2013



FATA SECRETARIAT
DIRECTORATE OF EDUCATION

WARSAK ROAD PESHAWAR, PAKISTAN
PH. 091-9210166 FAX 091-9210214

NO. 8671 / DATED 10/6/13
A-17/MUHAMMAD HAZIR SST

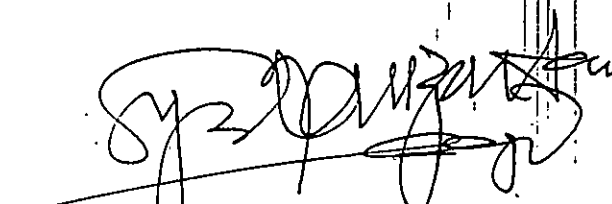
To

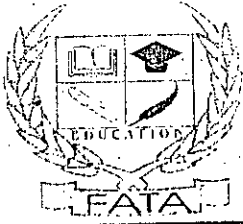
The Agency Education Officer
F.R Kohat

Subject: ENQUIRY/TRANSFER

I am directed to enclose herewith a copy of Enquiry report and submit a transfer proposal in respect of Muhammad Nazir SST GMS Samandi Mela Bosti Khel F.R Kohat as recommended by the Enquiry Officer.

Encl: As Above


(SYED MANZAR JAN SAJID)
ADDL. DIRECTOR (ESTAB)



OFFICE OF THE AGENCY EDUCATION OFFICER

F.R KOHAT

Gate No.2 K.D.A Kohat

Phone = 0922-9260321 Fax # 0922-9260321

Letter No: _____ Dated: _____ / 01/2015.

To: The Assistant Political Agent,
FR Kohat.

Subject: **EXPLANATION OF FAKE ALLEGATION OF AGENCY EDUCATION OFFICER.**
Memo: -

Reference your letter No.57 APA dated 14/1/2015 it is stated for your kind information that the allegation leveled against Mr. Muhammad Nazir SST are true. He has contaminated the peaceful atmosphere of FR Kohat. As I have already mentioned in several letters that he is psychological patient and suffering from superiority complex. The following are Para wise replies along with proofs which shows his character and efficiency.

1. Mr. Muhammad Nazir is SST, it is beyond Agency Education Officer Jurisdiction. He has been proposed to Aurakzai Agency (Now transferred back to FR Kohat) by the Directorate of Education FATA. An enquiry was conducted by the Directorate of Education to probe into the matter against him. Embezzlement in books distribution proved against him and Principals also gave written statements that he has taken bribe in the books distribution. Due to his mismanagement the books were not properly distributed. Thus he not only waste the precious time of the students but has also wasted lacs of govt. money. So his statement is wrong, he was expelled to Aurakzai Agency by the Director rather by the Agency Education Officer. Unfortunately now, Mir. Muhammad Nazir has been transferred back again to FR Kohat who is a constant threat for Education in FR Kohat. He is my subordinate but almost every week I have to attend courts because he is in the habit of filing court cases against Agency Education Officer, Asstt. Agency Education Officer, Assistant Political Agent teachers and FIA Director etc.

Thus wasting the precious time of this office and diverting our attention from Education.

2. Mr. Abdul Malik has not continuously served for five years. He has also served as SST in GHS Akhurwal only recently he has been transferred to Agency Education Office FR Kohat on the request of Agency Education Officer, Director Education, people demand and also written by the Assistant Political Agent FR Kohat.

Actually FR Kohat has no sanctioned post of Development, when Abdul Malik was transferred to school, FR Kohat suffered a lot in the development field. As there was no one in FR Kohat who is expert in the developmental work, so it was requested by the Agency Education Officer and also by the Assistant Political Agent that FR Kohat is in dire need of AAEO (Dev.). As a result he was transferred back to Agency Education Office FR Kohat. Mr. Muhammad Nazir being a subordinate of Agency Education Officer is violating the Govt. Rules due to his false allegation. Thus I am not working on the instigation of Aman Shah and Abdul Malik. It is actually his own "Makafath-e-Amal" that he is suffering. He is a man of rebellious nature which one can enquire from any body in FR Kohat.

3. He gave a wrong statement. He was in charge of the Books Distribution during previous Agency Education Officer's period. Thousands of books were lying in a very far-flung area of GMS Samandi Mela due to this wrong selection of site for books distribution it was not possible for everyone to collect the books easily because Army was deployed. Up till now, no reconciliation statement has been given by Mr. Muhammad Nazir despite repeated asking. Written statement of principal is available against him.
4. Agency Education Officer had issued letter to each and every high and middle school for changing uniform. He has said in public and during Assembly (video available) that I am not going to change the dress. Then how he can say that he had not received any order or he is unaware. This shows that he is a constant threat to the administration due to his negative attitude.
5. Agency Education Officer is a competent authority if he brings any change for the betterment of educational quality. These are internal exams rather than external, clusters have been made by the FATA Secretariat and Head of high schools or Senior SST are Cluster Incharge. FATA secretariat ask for cluster report from time to time. This has seen done to ensure quality of education. It was general complaint from all Cluster Incharges that Middle Schools do not conduct their exams properly and weak students come to the 9th and 10th class, thus our Board Result is effected. So it was decided in a meeting that 8th exam will be conducted with in Cluster High School. However during paper setting, supervision and marking, middle school teachers will also participate, but he did not obey the order.
6. CD is available when required will be produced.
7. "Self praise is no recommendation". If any certificate is awarded somebody may have done favouritism otherwise one can visit his school and ask students and teachers about his performance.
8. Although he is my subordinate allegation has been proved against him but almost every week he files a case in the court or with Assistant Political Agent and Deputy Commissioner. So I have right to respond in a proper way.

9. There is no Union which is effecting the decision of this office nor any Additional Director FIA have tried to affect my decisions. I have reported earlier he is a psychological patient using three tablets of Prothiadine daily and being a constant threat is no more required for the Education Department.
10. Mr. Muhammad Nazir SST has also filed a case against Mr. Tayyab Abdullah Ex-Assistant Political Agent FR Kohat. It is his habit that any body speaks against him become a target.
11. So keeping in view the above facts it is a matter of great concern that one being a culprit and subordinate level false allegation against the high officials. If he mends his ways and give a written excuse and statement that he will avoid such baseless allegation in future the undersigned has no personal differences or grudges with Mr. Muhammad Nazir SST.

Agency Education Officer
F.R Kohat

Copy to the:-

1. Director Education (FATA) Peshawar.
2. Commissioner Kohat Division Kohat.
3. Deputy Commissioner Kohat.

Agency Education Officer
F.R Kohat

OFFICE OF THE AGENCY EDUCATION OFFICER

F.R KOHAT

Gate No.2 K.D.A Kohat

Phone # 0922-9260321 Fax # 0922-9260321

Letter No: 9666

Dated: 13

/ 9/2013

To: The Director Education (FATA),
FATA Secretariat Warsak Road Peshawar.

Subject: **RECONCILIATION & DEMAND OF NEW BOOKS.**

Respected Sir,

When I took charge of the office in June, 2013 the Text Books had been distributed in various schools of FR Kohat. However no proper record is available for reconciliation of old record & to demand new Books. I have contacted time & again with Ex-AEO & Mr. Nazir Khan SET who was incharge of the Book-Distribution but in vain.

Therefore, it is requested to enquire into the matter to resolve the issue & ensure reconciliation and new demand of books.


Agency Education Officer
F.R Kohat

To: The Director Education (FATA),
FATA Secretariat Peshawar.

Subject:
Memo:-

REPORT ABOUT MUHAMMAD NAZIR SET GMS KOHIWAL.

The undersigned transferred to FR Kohat and took over charge on 18/6/2013.

The whole FR Kohat Educational Institutions running smoothly and the people are cooperative and devoted to their duties except Muhammad Nazir SET GMS Kohiwal, who is involve in negative activities and creating problems for the Education Department.

1. Before joining duty at FR Kohat Deputy Director Monitoring & Evaluation conducted an enquiry against the above cited teacher on the complaint of the people of the area. In the result of the enquiry his proposal was called vide letter No.9691 dated 27/6/2013. This office send a feasible proposal of his transfer from GMS Samandi Mela to GMS Kohiwal vide this office No.9374 dated 2/7/2013. His transfer was issued by Director Education FATA Peshawar vide No.10315-17 dated 10/7/2013.
2. He did not obey the order. He was directed time and again to take the charge but in vain.
3. The undersigned again contacted Director Education and also write a letter vide No.9455 dated 6/8/2013 to guide this office what to do. The Director Education FATA through telephonic message directed to stop his pay if he did not obey the order. So the pay was stopped due to non compliance of order.
4. Furthermore he was made a focal person by the then AEO for the distribution of free supply of books. He was contacted again and again to provide the record of books to made reconciliation with the Directorate to make further demand but he is using delaying tactics and this office is unable to make reconciliation of books.
5. The cited teacher took over charge in GMS Kohiwal on 6/9/2013 but he recorded 27/7/2013. The incharge CT recorded the exact date of charge in the order book with his signature as 6/9/2013 (photocopy of the order book attached).
6. After assumption of charge he never stay in his school and write order book stating that I am leaving to Peshawar or Kohat in R/O Personal work (photocopy attached).
7. He is not attending the school and always visiting the offices as well as writing anonymous complaints against the officials for pressurizing and blackmailing.
8. Besides the above facts a case in the anti-corruption Department Kohat circle is going on (Summon attached).

From:

The Headmaster,
GMS Samandi Mela FR, Kohat.

Through:

The Headmaster Cluster Incharge,
GHS, Bosti Khel, FR, Kohat

To:

The Agency Education Officer,
Kohat.

Subject: Annual of 8th Class Examination to be conducted at GHSs
vide Office order No.172 dated 11-2-2014.

Memo:

Please refer to your Office Order 172 dated 11-2-14 and copy endorsed vide No.25 dated 14-2-14 from Headmaster Govt. High School, Bosti Khel, FR, Kohat on the captioned subject.

1. It is submitted that it has been ordered by the Agency Education Officer, FR, Kohat regarding Annual examination of 8th class to be conducted at respective Govt. High Schools and the respective subject teacher will also be present. In this connection the undersigned would like to highlight the following points before the Authority concerned to review the office order, so that the policy / rules which are invogue since long may not suffer and to avoid any prejudice to the students of 8th class. The Provincial Govt. has not introduced such policy / rules on the subject matter. The routine examinations are being held to encourage of students of 8th class as the class teacher and the respective Headmasters are fully conversant and having long standing experience to coach the students within the prescribed course of 8th class and on various occasion as per schedule home examinations have already been taken. So new policy without the prior permission of the competent authority is not based on logical view and it will confuse the talented students as well as average type of student and would create numerous complications in this regard. If the AEO FR, Kohat so interested to hold such type of examination, he should get necessary sanction from the competent authority.

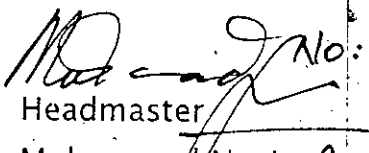
*Forwarded to the Agency Education Officer FR Kohat
for further necessary action please.*

[Signature]
22.02.2014
Head Master
G.H.S Bostikhel
F.R Kohat

- a. It is pertinent to mention here that the syllabus of the respective schools are different.
- b. Even talented students of 8th class are afraid if examination is taken in changed syllabus prepared by the irrelevant teachers, because it is home examination not Board Exam.
- c. It is well established that most of schools are situated at far flung area and the students will face various type of difficulties in view of the prevailing situation in FR, Kohat.
- d. It is proposed that if students of 8th class found below average in examination they will be considered as failed and at the time of admission at next class the respective headmaster of high schools may take a test from the student concerned, if they found ineligible they may not be give admission in 9th class.
- e. It is also proposed that inefficient teacher / headmasters be dealt severely of the respective middle school if they committed negligence in the discharge of official duty.
- f. From the perusal of the office order it transpire that it is interference in the power of respective headmaster. If such practice is continued without prior permission of the competent authority it would naturally discourage the teachers as well as the respective headmaster. So the matter needs to be reviewed and worth withdrawal of office order.

It is requested, that the matter may please be reviewed as proposed above.

Dated: 20-02/2014.

 No: 471
 Headmaster
 Muhammad Nazir 20-02
 GMS Samandi Mela 14
 Bosti Khel, FR, Kohat. HEAD MASTER
 B.P.S - 17
 G.M.S. Samandi Mela.
 Bosti Khel, F.R, Kohat.

Copy forwarded for information and necessary action:

1. The Director of Education, FATA Secretariat Peshawar.
2. The Dy: Commissioner Kohat Division, Kohat.
3. APA, FR, Kohat.
4. Headmaster GHS Bosti Khel, FR, Kohat.

CHS Basti Kher

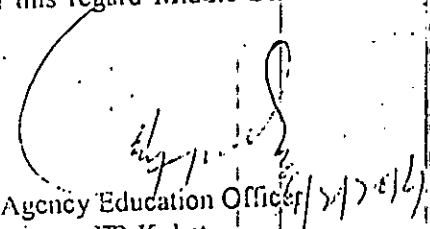
OFFICE OF THE AGENCY EDUCATION OFFICER FR KOHAT AT KDA KOHAT.

No. 172

Dated: 11/12/2014.

OFFICE ORDER

All the Middle Schools (Male) are Directed that the 8th class annual exam. 2014 will be conducted in the high schools of the respective cluster. During (A) Examination at High School respective subject teacher/representative of Middle School will also be present. Papers will be set by the high school teacher with in the course of 8th class. Middle school should strictly follow the above said procedure otherwise their students of Middle School May remain devoid of admission in the High Schools. In this regard Middle Schools Head Teachers will be responsible for any delay or mismanagement.


Agency Education Officer / 11/12/14
FR Kohat.

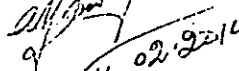
Encl. No 25

Date. 14.02.2014

① G.M.S. Saramillah

11/12/14

② G.M.S. Saramillah


Headmaster
S. Saramillah
FR Kohat.

بخصوص جناب اسٹنٹ پولیٹیکنیکل ایجنٹ صاحب F.R کوہاٹ

درخواست بمراد کارروائی کرنے برخلاف ماسٹرنڈرخان SET

جناب عالی!

گزارش ہے کہ مسائل قوم ہستی خیل سمندی میلہ پرائمری سکول موسیٰ خان کھلے کا مالک مکان ہے۔ اور ذیل عرض کرتا ہے۔
۱۔ یہ کہ مڈریخان SET جو کہ سنزری میلہ میں عرصہ 12 سال سے خدمات انجام دے رہا ہے۔ علاقہ کے عوام کے لیے دردمنہ بنا رہا ہے۔ اور پورا دن شیطانی کاموں میں مصروف رہتا ہے۔ اور سکول میں بوقت آسپل ایسی باتیں کرتا ہے جس کی وجہ سے علاقہ میں گڑبگ کا خطرہ پیدا ہو جاتا ہے۔

۲۔ یہ کہ کسی مذکورہ بالا نے ساری عمر خیل کھاتوں میں گزار دی۔ اور اب سکول کے ٹائم میں پاسپورٹوں کے پیچھے گھومتا رہتا ہے۔ اور جب لوگوں سے شناختی کارڈ جمع کرتا ہے تو سکول کے ٹائم میں کلاس فیکرز کو ذاتی کام کے سلسلہ میں یعنی فوٹو سٹیٹ نکالنے کے لیے بازار کھینچ دیتے ہیں۔

۳۔ یہ کہ EDO صاحب کے ساتھ گاڑی میں ڈرائیونگ کرتا چرتا ہے۔ افسوس کی بات ہے کہ اسکی ڈیوٹی سکول میں ہے۔ نہ کہ ڈرائیونگ کی۔ اور پورا دن ایجوکیشن دفتر کے کاغذات میں لگا رہتا ہے۔ اس کا ریکارڈ معائنہ سے کروا سکتے ہیں۔

جناب عالی! افسوس کا مقام ہے کہ اس سکول کے ہیڈ ماسٹر اپنے منہ سے میرے ساتھ انتقامی کارروائی کرتے ہوئے حکم کھلا علمین کے سامنے کہہ دیا ہے کہ موسیٰ خان کے سکول پر میں نے پیشاب کر دیا ہے۔ ہمارے ساتھ ساری باتوں کے ثبوت موجود ہیں۔ اور ہر وقت پیش کر سکتا ہوں۔

برائے مہربانی کسی مذکورہ بالا کو سکول بندائیں کسی اور دل تبدیل فرمایا جا کر مشکور فرمائیں۔ اور خال میں کسی مذکورہ بالا۔ میرے خلاف درخواست دائر کی ہے۔ جو کہ قانون کی خلاف ورزی ہے۔

سورہ 2013-0-15

محمد حسین صاحب

ملک مکان موسیٰ خان سمندی میلہ دکی خان کھلے قوم ہستی خیل F.R کوہاٹ

فون نمبر 0922-202617

کاپی نو:

- ۱۔ جناب ذاکر حسین صاحب ڈپٹی کمشنر کوہاٹ
- ۲۔ جناب کمشنر صاحب کوہاٹ
- ۳۔ جناب گورنر صاحب سوبہ خیبر پختونخوا ایشادور
- ۴۔ جناب ACS صاحب قانا
- ۵۔ جناب ڈائریکٹر صاحب محکمہ تعلیم قانا
- ۶۔ جناب آفتاب درانی صاحب بیکٹری سوشل سیکرٹار قانا
- ۷۔ جناب جمال ناصر صاحب سیکرٹری اے اینڈ آرڈر قانا

خلیفہ بیال

میں مسیٰ اصمان الدین سے گورنمنٹ نڈل سکول کونسی وال القوا کوٹہ بیال کرنا ہوں کہ

محمد نذیر SET کا تبادلہ گورنمنٹ نڈل سکول سعیدی پبلہ سے گورنمنٹ نڈل سکول کونسی وال

کالج ڈائریکٹر صاحب آف ایجوکیشن ٹانوا اردو نمبر 17-15-19815 بطور ضمیمہ 10-7-13 کو پرائیوٹ

مسیٰ فنڈز مسلسل سکول سے غائب رہا اور 9/13 کو چارج لینے سکول آیا۔ چارج رولر شہزاد نور

اس میں 20-7-13 ملے گا۔ جو دفتر کو بغیر ہر گناہ ارسال کیا گیا ہے دستخط کے ساتھ اردو

میں 9/13 ملے گا تاکہ سند رہے

دراصل یہ کہ میں نے 2-9-13 کو حتمی ہونے کے ناطے سکول کا چارج مگر آغا خان سے ہے جو

کھانقا۔ مذکورہ بیڑا سید نے ہونے کی وجہ سے ایچ آر جی بیڈنگ مگر آغا خان سے 3-9-13

کو ڈائری 17 کے تحت AEO ایچ آر کوٹہ سے بذریعہ درخواست مطالبہ کیا گیا۔ مسیٰ

7-9-13 کو ڈائری 18 کے تحت AEO ایچ آر کوٹہ سے پیشہ ہو کر سند

پلیٹ بورڈ ایچ آر کوٹہ سے درخواست دی۔ جس سے بہ کمال بریٹاچ کہ نذیر سے 20-7-13

5-9-13 تک چارج نہیں لیا گیا

اصمان الدین سے

گورنمنٹ نڈل سکول کونسی وال

1-9-2013
A. A. Kohat

Charge report

M. Muhammad Nazim SSI has been taken over the charge in GMS Kohat (A.N) Dated 22-07-13.

Vide D.E FATA KPK Peshawar Endat No 10315-17 Dated 10-07-2013.

Taken over 22/7/13
The charge

Handed over
the charge
Dated 22-07-13

No 16-B

Copies for information.

- ① Principal Secretary to Governor KPK Peshawar.
- ② D.E FATA KPK Peshawar.
- ③ A.E.O. F.R. Kohat.
- ④ Distt Account Officer KDA Kohat.
- ⑤ office copy.

Attested
A.A.E.O. (FR) Kohat

OFFICE OF THE AGENCY EDUCATION OFFICER F.R.KOHAT AT K.D.A.KOHAT.

No. 9455 / AEO, F.R. Kohat
Dated the 6/8 / 2015.

TK

The Director of Education,
FATA, K.P.K. Peshawar.

SUBJECT: REPORT IN RESPECT OF MUHAMMAD NAZIR SST TRANSFER CASE

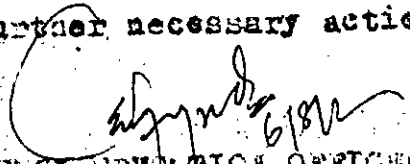
Memo:

I would like to bring in your kind notice that Deputy Director Monitoring & Evaluation conducted an enquiry against the cited teacher and proposed for transfer.

The transfer proposal was sent to Director of Education, FATA, Peshawar vide No. 9374 dated 2.7.2015.

The transfer order issued vide Director of Education, FATA, Peshawar const: No. 10315-17/A-12/M. Nazir SST dated Peshawar the 4.7.2015. The above cited teacher failed to take charge in the school mentioned against his name up till now.

So report is submitted for further necessary action please.


AGENCY EDUCATION OFFICER,
F.R. KOHAT AT K.D.A. KOHAT.

بعدالت جناب سروس ٹریبونل KPK پشاور

ڈائریکٹر ایجوکیشن فانا وغیرہ

بنام

محمد نذیر SST

درخواست براد صادر کرنے مناسب حکم بدیں امر کہ نمائندہ محکمہ تعلیم فانا کو فون بر محمد اشرف AEO افٹ

آر کوہاٹ نے غلط بیانی سے کام لے کر یہ کہا ہے کہ آج مورخہ 14-10-27 کو پولیو ڈے ہے۔ جس

میں AEO اشرف خان FR کوہاٹ مصروف ہے اور متعلقہ ریکارڈ پیش نہیں کر سکتے۔

جناب عالی! سائل/اپیلانٹ ذیل عرض رساں ہے:

۱- یہ کہ اپیل ہذا عدالت حضور میں برائے ابتدائی بحث مقرر ہے جس میں عدالت ہذا کی طرف سے نوٹس برائے پیش کرنے متعلقہ مثل/ریکارڈ حکم صادر ہوا تھا۔ پچھلی تاریخ پیشی پر عدالت نے متعلقہ ریکارڈ کی وضاحت طلب کی کہ [متعلقہ ریکارڈ کیوں پیش نہیں کیا گیا جس پر متعلقہ نمائندہ جوابا کہا کہ AEO کہتا ہے کہ آج FR کوہاٹ میں پولیو ڈے ہے اور اس میں ایجنسی ایجوکیشن آفیسر مصروف ہے جس کی وجہ سے ریکارڈ پیش نہیں کیا جا سکتا۔

۲- یہ کہ AEO محمد اشرف نے غلط بیانی سے کام لیا ہے۔ اور مورخہ 14-10-27 کو کوئی پولیو ڈے مقرر نہیں ہوا

تھا۔ جس کا ثبوت درخواست کے ساتھ منسلک ہے۔ رسپانڈنٹ محض اپیلانٹ/سائل کو تنگ اور پریشان کے درپے ہے یہی وجہ ہے کہ تاخیری حربے استعمال کر رہا ہے کیونکہ سائل کی ماہانہ تنخواہ غیر قانونی اور بلا جواز طور پر بند کی ہوئی ہے اور دوسری طرف عدالت کو غلط بیان سے دھوکہ دے رہا ہے جس کے خلاف قانونی کارروائی ایک قانونی تقاضا ہے۔

لہذا استدعا ہے کہ اس سلسلے میں ضروری کارروائی عمل میں لائی جا کر سائل کی دادرسی کی جائے۔ نیز آج تاریخ پیشی پر رسپانڈنٹ نے ریکارڈ پیش نہیں کیا تو عدالت سے التجا کی جاتی ہے کہ اپیل ہذا کو منظور کرا کے برائے مزید کارروائی متعلقہ عدالت میں بھیجوانے میں احکامات صادر کئے جائیں تاکہ سائل مزید ضرر رسیدہ ہونے سے بچ جائے اور چونکہ معاملہ تنخواہ بندش کا ہے تاکہ جلد میرٹ پر فیصلہ ہو سکے۔

عین نوازش ہوگی۔

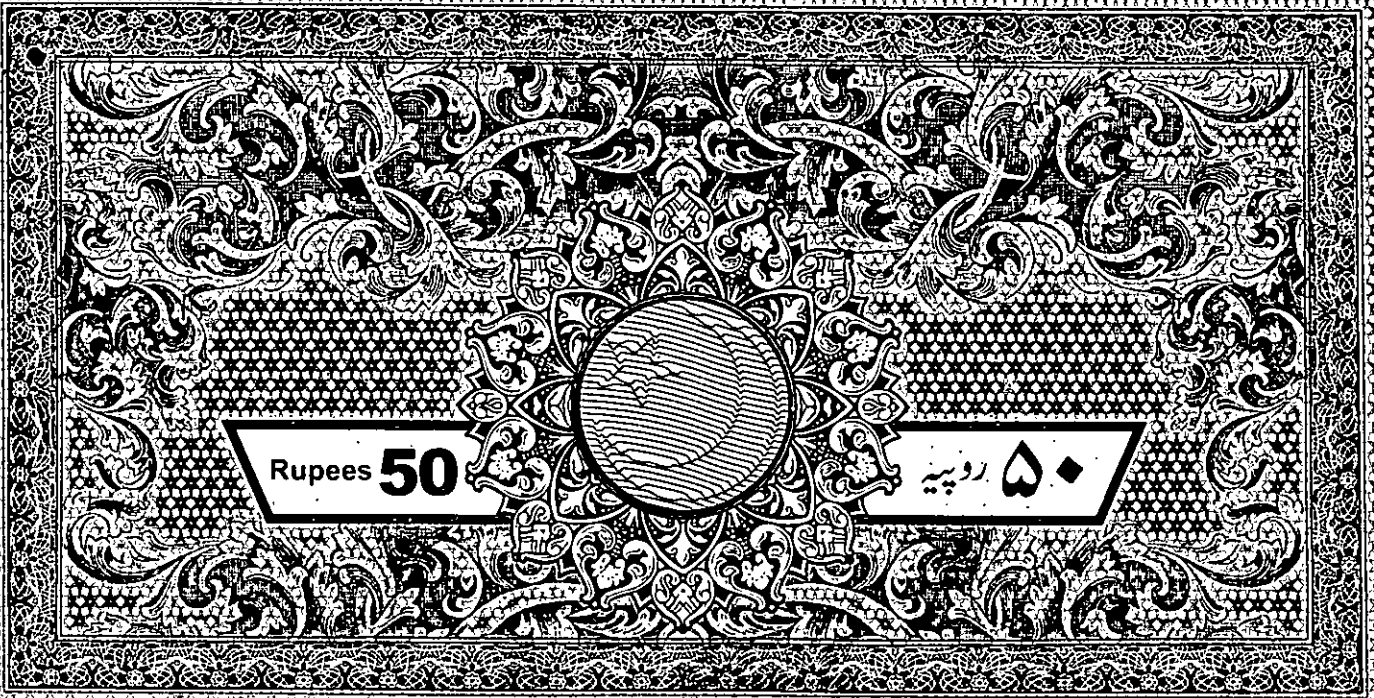
مورخہ: 01-11-2014

صاف بیان منسلک ہے

ع

محمد نذیر SST سائل/اپیلانٹ/ڈائریکٹر ایجوکیشن فانا بادشاہ بنگش ایڈووکیٹ کوہاٹ

11-11-14
۱۶



بیان حلی

منجانب: حاجی محمد نذیر ولد حاجی سلطان خان سکنہ عمل خیل شیراکی درہ FR کوہاٹ کا ہوں اور ذیل حلفاً بیانات کرتا ہوں۔

۱- یہ کہ مورخہ 27-10-14 کو FR کوہاٹ کوئی پولیو ڈے یا کوئی دوسرا پروگرام مقرر نہیں ہوا تھا۔ حالانکہ اسکا شیڈول پروگرام 20-10-14 سے 23-10-14 تک تھا۔

۲- یہ کہ پچھلی تاریخ کو نمائندہ محکمہ تعلیم کو AEO محمد اشرف FR کوہاٹ نے فون پر غلط بیانی سے کام لیا۔ اور عدالت کو دھوکہ دیا۔

حلفاً بیان ہے کہ مذکورہ بیانات تاحد علم و یقین کے میرے حقیقت پر مبنی ہے کوئی امر پوشیدہ نہیں رکھا گیا اور نہ ہی کوئی امر دروغ گوئی پر مبنی ہے۔

مورخہ: 11-12-2014

Muhammad Nazir
11/12/14

(CNIC # 14301-6806131-9) حاجی محمد نذیر ولد حاجی سلطان خان



OFFICE OF THE AGENCY SURGEON FR KOHAT

Opposite Gulshan-e-Rohman Colony, Meshawar Malak Plaza Kohat Road.

Phone #: 091-2322466

No. 126/1-10/AS/FR/Kohat/2014

Date: October 09, 2014

Subject: Activity Plan for the Upcoming Polio Campaign October 20th - 23rd, 2014.

Tentative Activity Plan For Polio Campaign 20 th - 23 rd Oct 2014					
S.no	Activity	Date	Venue	Time	Remarks
1	UPEC Meeting	09-10-14	All concerned UCs	9:00am	
2	AIC Meeting	10-10-14	CH Zarghun Khel	10:00	
3	APEC Meeting	13/10/2014	APA office FR KOHAT	11:00	
4	Team trainings	14/10/2014	Akhurwal 1,2,3.at BHU Akhurwal. Zarghun Khel 1,2,3.at CH Zarghun Khel.	10:00	
5	Team trainings	15/10/2014	Sheraki 1,2 at GHS Sheraki, Boosti Khel 1,2 at BHU Boosti Khel Paya 1,2 at BHU Paya, Arakhi Jammu At BHU Arakhi	9:00	
6	Team trainings	16/10/2014	Torchapper at BHU Torchapper,	9:00	
			Kuhiwal at CD Kuhiwal		
			Sheendand & Turki Ismail Khel at BHU Sheendand		
7	Inauguration	17/10/2014	Malak Aslam Khan Hujra Bazar	10:00	
8	Campaign	20-23/10/2014	Field	08:02pm	

(DR. JAMAL ABDUL NASIR)
AGENCY SURGEON
FR KOHAT

Distribution:

1. Deputy Com.
2. Assistant Polio representative

hat.

Kohat with the request to kindly invite
11FF to attend the APEC.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Muhammad Nazir S/o Sultan Khan Headmaster Govt. Middle School, Samandi Mela Bosti Khel, FR, Kohat R/o Sheraki Amal Khel Darra Adam Khel, FR Kohat. Presently House No.319 Sector -1, Phase-1, KDA, Kohat. (Appellant)

Versus

1. Director Education FATA Secretariat, Peshawar.
2. Ashraf Khan Agency Education Officer, FR, Kohat at KDA, Gate No.2 Kohat. (Respondents)

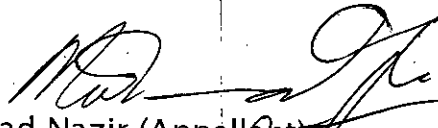
Submission of application for condonation of delay Under Section-5 of Limitation Act and affidavit regarding non supply of attested copy of impugned order made by respondent No.2.

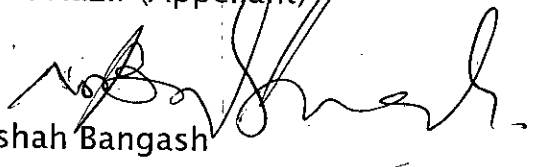
Respectfully Sheweth

1. The cited appeal has been filed in this honourable tribunal in which the date is fixed for today.
2. That at the time of filing an appeal ^{application for} condonation U/S 5 was not annexed inadvertently and attested copy of impugned order was not granted due to malafide intention on the part of respondents just ^{to} time barred the appeal to be preferred by appellant. Now the same is submitted with the prayer that it may be annexed with appeal already preferred by appellant.

In view of the above, it is requested that permission may please be granted to enable the counsel for the appellant to argue the case in preliminary hearing for ends of justice.

Dated: 13-8-2014.


Muhammad Nazir (Appellant)

Through: 
Noor Badshah Bangash
Advocate,
Distt: Courts Kohat.

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK, PESHAWAR

Muhammad Nazir Vs. Director Education & others.

Subject: Application regarding condonation of delay U/S 5 of Limitation Act 1898.

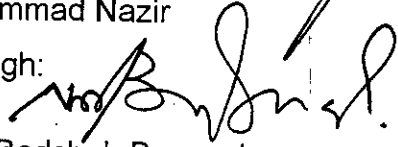
Respected Sheweth;

1. The appellant / petitioner has filed an appeal against the order of respondents in which a date has fixed for today.
2. That the appellant / petitioner has not annexed an application for condonation of delay at the time of filing of appeal inadvertently and now the same is presented on the following grounds:-
 - a. That the respondent party due to malafidely could not supply copy of the impugned order for which the appellant time and again requested for the same and some delay occurred.
 - b. That the respondents have acted illegally and the salary of the appellant has stopped for which ~~on~~^{no} fault on his part. No notice was given, no enquiry conducted, no charge sheet served upon the appellant. The appellant resorted before all concerned, but achieved nothing, thus some portion in filing of appeal expired.
 - c. That the superior court have held that cases be decided on merit and technicalities avoided. Section 5 of Limitation Act, it gives the court a discretion, which is to be exercised in judicial manner and discretion ought to be exercised upon principles, which are well understood. The petitioner has given sufficient cause receiving a liberal construction so as to advanced substantial justice.
 - d. That the respondents have passed illegal order. If any illegal order is passed that is to be treated as void order and no time limitation runs against void order.

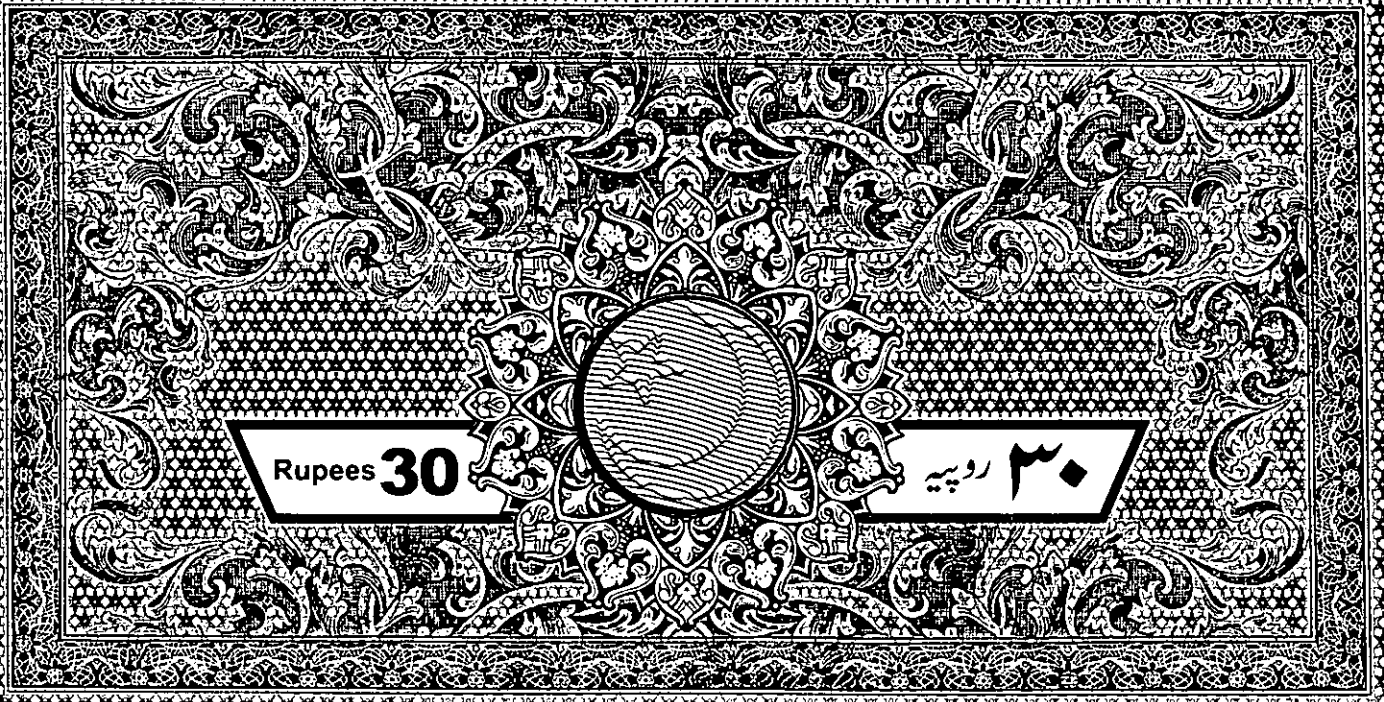
In view of above explained position that the cause of delay was not intentional, therefore, the same is condonable for safe administration of justice. Besides, valuable rights accrue to the petitioner and full opportunity be provided to him for ends of justice *and the petition may please be accepted.*


Muhammad Nazir

Through:


Noor Badshah Bangash
Advocate,
Distt: Courts Kohat.

Dated: 13-8-2014.



بیان حلی

منجانب: حاجی محمد نذیر ولد حاجی سلطان خان سکنہ عمل خیل شیراکی درہ FR کوہاٹ، حال گورنمنٹ مڈل سکول سمندی میلہ
بوستی خیل FR کوہاٹ کا ہوں۔

حلفاً بیان ہے کہ من مقرر/اپیلانٹ کی تنخواہ ماہ اگست سال 2013ء بلا جواز، غیر قانونی طور پر ایجنسی ایجوکیشن آفیسر
FR کوہاٹ نے بند کر رکھی ہے۔ اور ساتھ جنوری 2014ء میں تنخواہ سے بلا جواز اور غیر قانونی مبلغ چھ ہزار روپیہ کٹوتی
بھی کی ہے۔ اس سلسلہ میں من مقرر نے متعلقہ دفتر و اکاؤنٹ دفتر میں کئی بار چکر لگائے تاکہ تنخواہ کی بندش اور چھ ہزار کٹوتی
کا کوئی تحریری حکم حاصل کر سکے۔ مگر بدینتی کی بناء پر من مقرر کو کوئی نقل فراہم نہیں کی گئی۔ اور ٹال مٹول سے کام لیتے ہوئے
من مقرر کو مصدقہ کاپی سے محروم رکھا گیا۔ رسپانڈنٹ کا مقصد ٹال مٹول کا یہ تھا کہ من مقرر اپیل نہ کر سکے اور اسکی عدالتی اپیل
کی معیاد گزر جائے۔

حلفاً بیان ہے کہ مذکورہ بیان تا حد علم و یقین کے میرے حقیقت پر مبنی ہے کوئی امر پوشیدہ نہیں رکھا گیا اور نہ ہی کوئی امر دروغ
گوئی پر مبنی ہے۔

مورخہ: 13-8-2014

[Handwritten Signature]
حاجی محمد نذیر ولد حاجی سلطان خان

13-08-14
13/8/14
SHER HADER
Advocate
Oath Commissioner
Dist Courts Kohat

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Muhammad Nazir S/o Sultan Khan Headmaster Govt. Middle School, Samandi Mela Bosti Khel, FR, Kohat R/o Sheraki Amal Khel Darra Adam Khel, FR Kohat. Presently House No.319 Sector -1, Phase-1, KDA, Kohat. (Appellant)

Versus

1. Director Education FATA Secretariat, Peshawar.
2. Ashraf Khan Agency Education Officer, FR, Kohat at KDA, Gate No.2 Kohat. (Respondents)

Submission of application for condonation of delay Under Section-5 of Limitation Act and affidavit regarding non supply of attested copy of impugned order made by respondent No.2.

Respectfully Sheweth

1. The cited appeal has been filed in this honourable tribunal in which the date is fixed for today.
2. That at the time of filing an appeal, condonation U/S 5 was not annexed inadvertently and attested copy of impugned order was not granted due to malafide intention on the part of respondent just ^{to} time barred the appeal to be preferred by appellant. Now the same is submitted with the prayer that it may be annexed with appeal already preferred by appellant.

In view of the above, it is requested that permission may please be granted to enable the counsel for the appellant to argue the case in preliminary hearing for ends of justice.

Dated: 13-8-2014.

Muhammad Nazir (Appellant)

Through: Nocr Badshah Bangash
Advocate

Distt: Courts Kohat.

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK, PESHAWAR

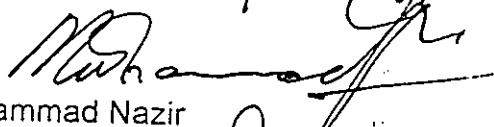
Muhammad Nazir Vs. Director Education & others.

Subject: Application regarding condonation of delay U/S 5 of Limitation Act 1898.

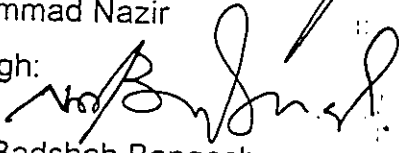
Respected Sheweth;

1. The appellant / petitioner has filed an appeal against the order of respondents in which a date has fixed for today.
2. That the appellant / petitioner has not annexed an application for condonatin of delay at the time of filing of appeal inadvertently and now the same is presented on the following grounds:-
 - a. That the respondent party due to malafidely could not supply copy of the impugned order for which the appellant time and again requested for the same and some delay occured.
 - b. That the respondents have acted illegally and the salary of the appellant has stopped for which ~~no~~ fault on his part. No notice was given, no enquiry conducted, ^{no} charge sheet served upon the appellant. The appellant resorted before all concerned, but achieved nothing, thus some portion in filing of appeal expired.
 - c. That the superior court have held that cases be decided on merit and technicalities avoided. Section 5 of Limitation Act it gives the court a discretion which is to be exercised in judicial manner and discretion ought to be exercised upon principles which are well understood. The petitioner has given sufficient cause receiving a liberal construction so as to advanced substantial justice.
 - d. That the respondents have passed illegal order. If any illegal order is passed that is to be treated as void order and no time limitation runs against void order.

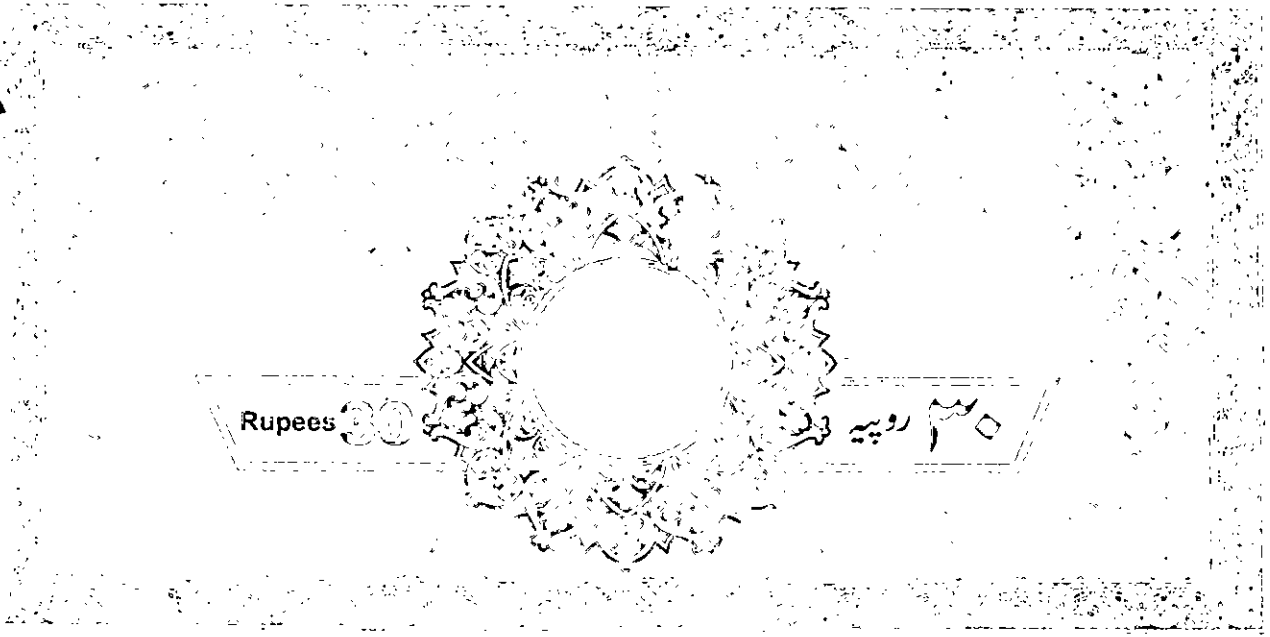
In view of above explained position that the cause of delay was not intentional therefore the same is condonable for safe administration of justice. Besides, valuable rights accrue to the petitioner and full opportunity be provided to him for ends of justice *and the petition may please be accepted.*


Muhammad Nazir

Through:


Noor Badshah Bangash
Advocate,
Distt: Courts Kohat.

Dated: 13-8-2014.



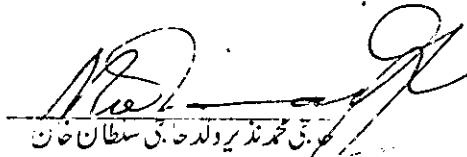
بیان حلفی

منجانب: حاجی محمد نذیر ولد حاجی سلطان خان سکنہ عمل خیل شیراکی درہ FR کوہاٹ، حال گورنمنٹ مڈل سکول سندھی میڈ
بوستی خیل FR کوہاٹ کا ہوں۔

حلفا بیان ہے کہ من مقرر/اپیلانٹ کی تنخواہ ماہ اگست سال 2013ء بلا جواز، غیر قانونی طور پر ایجنسی ایجوکیشن آفیسر
FR کوہاٹ نے بند کر رکھی ہے۔ اور ساتھ ہی 2014ء میں تنخواہ سے بلا جواز اور غیر قانونی مبلغ چھ ہزار روپیہ کٹوتی
بھی کی ہے۔ اس سلسلہ میں من مقرر نے متعلقہ دفتر و اکاؤنٹ دفتر میں کئی بار چکر لگائے تاکہ تنخواہ کی بندش اور چھ ہزار کٹوتی
کا کوئی تحریری حکم حاصل کر سکے۔ مگر بدیہی کی بناء پر من مقرر کو کوئی نقل فراہم نہیں کی گئی۔ اور نال منول سے کام لیتے ہوئے
من مقرر کو مسدودہ کاپی سے محروم رکھا گیا۔ ریپنڈنٹ کا تصدیق نال منول کا یہ تھا کہ من مقرر اپیل نہ کر سکے اور اسکی یہ الٹی اپیل
کی معیاد نذر جائے۔

حلفا بیان ہے کہ مذکورہ بیان تا حد علم و یقین کے میرے حقیقت پر مبنی ہے کوئی امر پوشیدہ نہیں رکھا گیا اور نہ ہی کوئی امر دروش
کوئی پر مبنی ہے۔

سورخہ: 13-8-2014


حاجی محمد نذیر ولد حاجی سلطان خان

13-08-14

SHER HAILER
Advocate
Civil Commissioner
Distt Courts Ke. at

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Muhammad Nazir S/o Sultan Khan Headmaster Govt. Middle School, Samandi Mela Bosti Khel, FR, Kohat R/o Sheraki Amal Khel Darra Adam Khel, FR Kohat. Presently House No.319 Sector -1, Phase-1, KDA, Kohat. (Appellant)

Versus

1. Director Education FATA Secretariat, Peshawar.
2. Ashraf Khan Agency Education Officer, FR, Kohat at KDA, Gate No.2 Kohat. (Respondents)

Submission of application for condonation of delay Under Section-5 of Limitation Act and affidavit regarding non supply of attested copy of impugned order made by respondent No.2.

Respectfully Sheweth

1. The cited appeal has been filed in this honourable tribunal in which the date is fixed for today.
2. That at the time of filing an ^{application for} appeal condonation U/S 5 was not annexed inadvertently and attested copy of impugned order was not granted due to malafide intention on the part of respondent just ^{to} time barred the appeal to be preferred by appellant. Now the same is submitted with the prayer that it may be annexed with appeal already preferred by appellant.

In view of the above it is requested that permission may please be granted to enable the counsel for the appellant to argue the case in preliminary hearing for ends of justice.

Muhammad Nazir (Appellant)

Dated: 13-8-2014.

Through:
Noor Badshah Bangash
Advocate,

Distt: Courts Kohat.

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK, PESHAWAR

Muhammad Nazir Vs. Director Education & others.

Subject: Application regarding condonation of delay U/S 5 of Limitation Act 1898.


Respected Sheweth;

1. The appellant / petitioner has filed an appeal against the order of respondents in which a date has fixed for today.
2. That the appellant / petitioner has not annexed an application for condonatin of delay at the time of filing of appeal inadvertently and now the same is presented on the following grounds:-
 - a. That the respondent party due to malafidely could not supply copy of the impugned order for which the appellant time and again requested for the same and some delay occured.
 - b. That the respondents have acted illegally and the salary of the appellant has stopped for which ~~no~~^{no} fault on his part. No notice was given, no enquiry conducted, no charge sheet served upon the appellant. The appellant resorted before all concerned, but achieved nothing, thus some portion in filing of appeal expired.
 - c. That the superior court have held that cases be decided on merit and technicalities avoided. Section 5 of Limitation Act it gives the court a discretion, which is to be exercised in judicial manner and discretion ought to be exercised upon principles which are well understood. The petitioner has given sufficient cause receiving a liberal construction so as to advanced substantial justice.
 - d. That the respondents have passed illegal order. If any illegal order is passed that is to be treated as void order and no time limitation runs against void order.

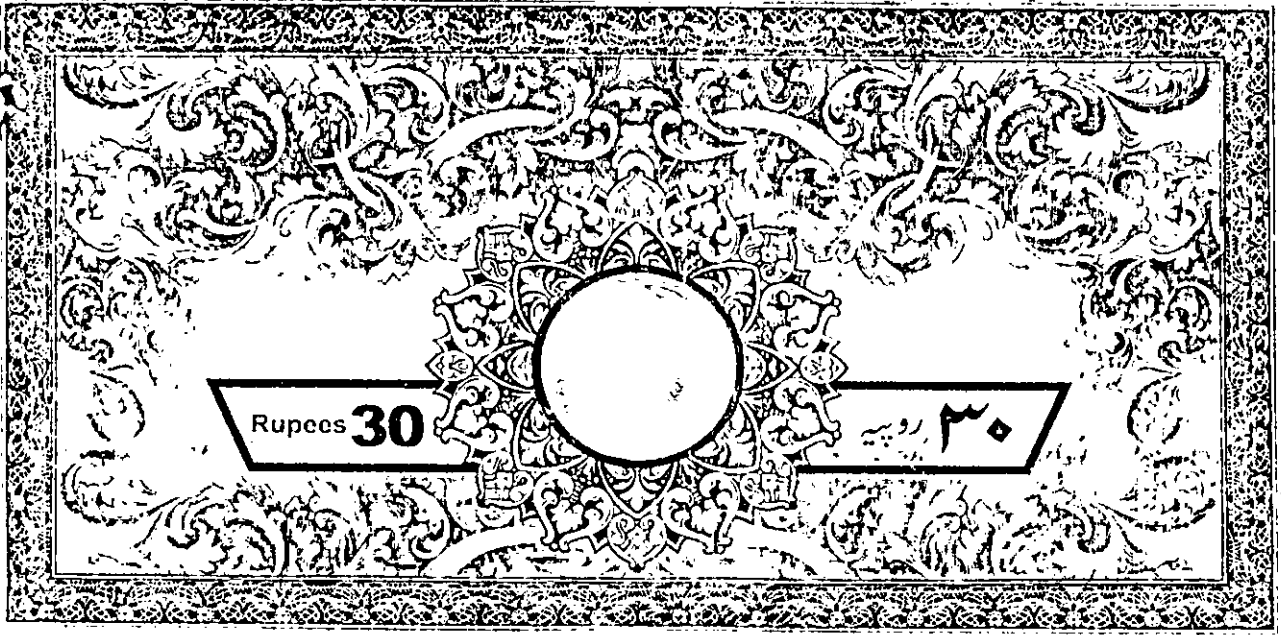
In view of above explained position that the cause of delay was not intentional therefore the same is condonable for safe administration of justice. Besides, valuable rights accrue to the petitioner and full opportunity be provided to him for ends of justice. *and the petition may please be accepted.*


Muhammad Nazir

Through:


Noor Badshah Bangash
Advocate,
Distt: Courts Kohat.

Dated: 13-8-2014.



بیان حلفی

منجانب: حاجی محمد نذیر ولد حاجی سلطان خان سکندہ عمل خیل شیراکی درہ FR کوہاٹ، حال گورنمنٹ ہڈل سکول سندھی میلہ
پستی خیل FR کوہاٹ کا ہوں۔

حلفاً بیان ہے کہ من مقرر/اپیلانٹ کی تنخواہ ماہ اگست سال 2013ء بلا جواز، غیر قانونی طور پر ایجنسی ایجوکیشن آفیسر
FR کوہاٹ نے بند کر رکھی ہے۔ اور ساتھ جنوری 2014ء میں تنخواہ سے بلا جواز اور غیر قانونی مبلغ چھ ہزار روپیہ کٹوئی
بھی کی ہے۔ اس سلسلہ میں من مقرر نے متعلقہ دفتر و اکاؤنٹ دفتر میں کئی بار چکر لگائے تاکہ تنخواہ کی بندش اور چھ ہزار کٹوئی
کا کوئی تحریری حکم حاصل کر سکے۔ مگر بدینتی کی بناء پر من مقرر کو کوئی نقل فراہم نہیں کی گئی۔ اور ٹال مٹول سے کام لیتے ہوئے
من مقرر کو صدقہ کا پیسے محروم رکھا گیا۔ رسپانڈنٹ کا مقصد ٹال مٹول کا یہ تھا کہ من مقرر اپیل نہ کر سکے اور اسکی عدالتی اپیل
کی معیار گزر جائے۔

حلفاً بیان ہے کہ مذکورہ بیان تاحد علم و یقین کے میرے حقیقت پر مبنی ہے کوئی امر پوشیدہ نہیں رکھا گیا اور نہ ہی کوئی امر دروغ
کوئی پر مبنی ہے۔

سوریہ: 13-8-2014

[Handwritten Signature]
حاجی محمد نذیر ولد حاجی سلطان خان

13-08-14
13/8/14
SHER HAIDER
Advocate
Oath Commissioner
Distt Courts Kohat

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR:

Muhammad Nazir S/o Sultan Khan Headmaster Govt. Middle School, Samandi Mela Bosti Khel, FR, Kohat R/o Sheraki Amal Khel Darra Adam Khel, FR Kohat. Presently House No.319 Sector -1, Phase-1, KDA, Kohat. (Appellant)

Versus

1. Director Education FATA Secretariat, Peshawar.
2. Ashraf Khan Agency Education Officer, FR, Kohat at KDA, Gate No.2 Kohat. (Respondents)

Submission of application for condonation of delay Under Section-5 of Limitation Act and affidavit regarding non supply of attested copy of impugned order made by respondent No.2.

Respectfully Sheweth

1. The cited appeal has been filed in this honourable tribunal in which the date is fixed for today.
2. That at the time of filing an appeal ^{application for} condonation U/S 5 was not annexed inadvertently and attested copy of impugned order was not granted due to malafide intention on the part of respondent just ^{to} time barred the appeal to be preferred by appellant. Now the same is submitted with the prayer that it may be annexed with appeal already preferred by appellant.

In view of the above it is requested that permission may please be granted to enable the counsel for the appellant to argue the case in preliminary hearing for ends of justice.

Dated: 13-8-2014.

Muhammad Nazir (Appellant)

Through:
Noor Badshah Bangash
Advocate,
Distt: Courts Kohat.

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK, PESHAWAR

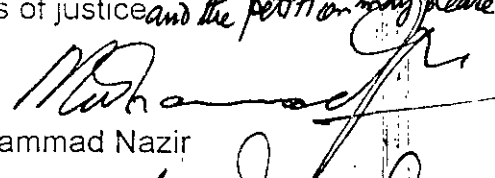
Muhammad Nazir Vs. Director Education & others.

Subject: Application regarding condonation of delay U/S 5 of Limitation Act 1898.

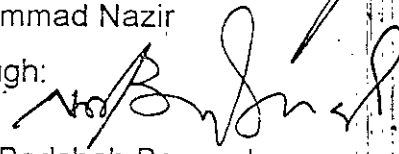
Respected Sheweth:

1. The appellant / petitioner has filed an appeal against the order of respondents in which a date has fixed for today.
2. That the appellant / petitioner has not annexed an application for condonation of delay at the time of filing of appeal inadvertently and now the same is presented on the following grounds:-
 - a. That the respondent party due to malafidely could not supply copy of the impugned order for which the appellant time and again requested for the same and some delay occurred.
 - b. That the respondents have acted illegally and the salary of the appellant has stopped for which ~~no~~^{no} fault on his part. No notice was given, no enquiry conducted, ~~no~~^{no} charge sheet served upon the appellant. The appellant resorted before all concerned, but achieved nothing, thus some portion in filing of appeal expired.
 - c. That the superior court have held that cases be decided on merit and technicalities avoided. Section 5 of Limitation Act it gives the court a discretion, which is to be exercised, in judicial manner and discretion ought to be exercised upon principles which are well understood. The petitioner has given sufficient cause receiving a liberal construction so as to advanced substantial justice.
 - d. That the respondents have passed illegal order. If any illegal order is passed that is to be treated as void order and no time limitation runs against void order.

In view of above explained position that the cause of delay was not intentional therefore the same is condonable for safe administration of justice. Besides, valuable rights accrue to the petitioner and full opportunity be provided to him for ends of justice *and the petition may please be accepted.*


Muhammad Nazir

Through:


Noor Badshah Bangash
Advocate,
Dist: Courts Kohat.

Dated: 13-8-2014.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Muhammad Nazir S/o Sultan Khan Headmaster Govt. Middle School, Samandi Mela Bosti Khel, FR, Kohat R/o Sheraki Amal Khel Darra Adam Khel, FR Kohat. Presently House No.319 Sector -1, Phase-1, KDA, Kohat. (Appellant)

Versus

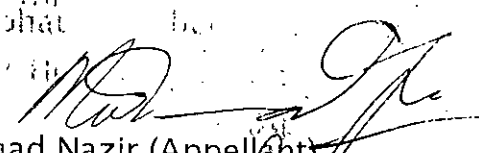
1. Director Education FATA Secretariat, Peshawar.
2. Ashraf Khan Agency Education Officer, FR, Kohat at KDA, Gate No.2 Kohat. (Respondents)

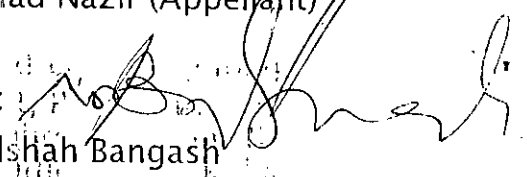
Submission of application for condonation of delay Under Section 5 of Limitation Act and affidavit regarding non supply of attested copy of impugned order made by respondent No.2.

Respectfully Sheweth

1. The cited appeal has been filed in this honourable tribunal in which the date is fixed for today.
2. That at the time of filing an appeal ^{application for} condonation U/S 5 was not annexed inadvertently and attested copy of impugned order was not granted due to malafide intention on the part of respondent just ^{to} time barred the appeal to be preferred by appellant. Now the same is submitted with the prayer that it may be annexed with appeal already preferred by appellant.

In view of the above, it is requested that permission may please be granted to enable the counsel for the appellant to argue the case in preliminary hearing for ends of justice.


Muhammad Nazir (Appellant)

Through: 
Noor Badshah Bangash
Advocate.

Distt: Courts Kohat.

Dated: 13-8-2014.

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK, PESHAWAR

Muhammad Nazir Vs. Director Education & others.

Subject: Application regarding condonation of delay U/S 5 of Limitation Act 1898.

Respected Sheweth:

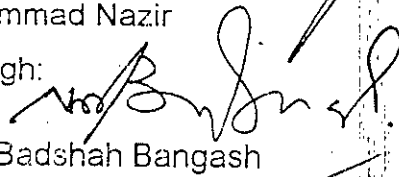
1. The appellant / petitioner has filed an appeal against the order of respondents in which a date has fixed for today.
2. That the appellant / petitioner has not annexed an application for condonation of delay at the time of filing of appeal inadvertently and now the same is presented on the following grounds:-
 - a. That the respondent party due to malafidely could not supply copy of the impugned order for which the appellant time and again requested for the same and some delay occurred.
 - b. That the respondents have acted illegally and the salary of the appellant has stopped for which ~~no~~ fault on his part. No notice was given, no enquiry conducted, ~~no~~ charge sheet served upon the appellant. The appellant resorted before all concerned, but achieved nothing, thus some portion in filing of appeal expired.
 - c. That the superior court have held that cases be decided on merit and technicalities avoided. Section 5 of Limitation Act it gives the court a discretion, which is to be exercised in judicial manner and discretion ought to be exercised upon principles which are well understood. The petitioner has given sufficient cause receiving a liberal construction so as to advanced substantial justice.
 - d. That the respondents have passed illegal order. If any illegal order is passed that is to be treated as void order and no time limitation runs against void order.

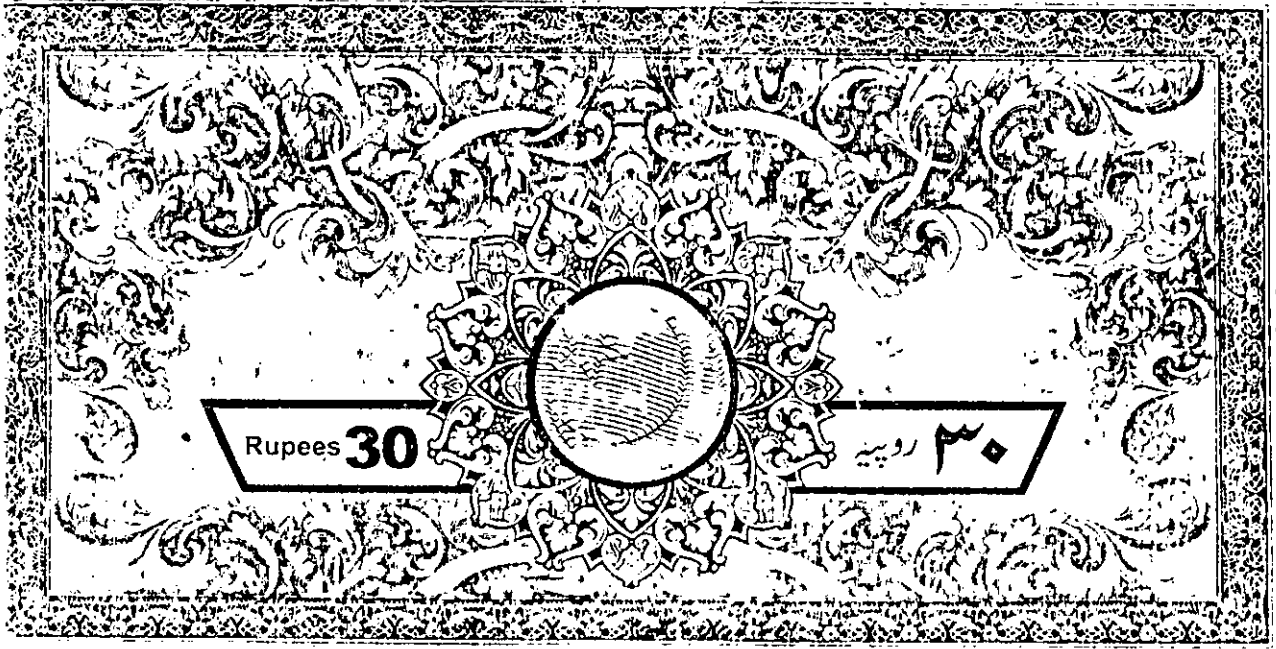
In view of above explained position that the cause of delay was not intentional therefore the same is condonable for safe administration of justice. Besides, valuable rights accrue to the petitioner and full opportunity be provided to him for ends of justice *and the petition may please be accepted.*

Dated: 13-6-2014.


Muhammad Nazir

Through:


Noor Badshah Bangash
Advocate,
Distt: Courts Kohat.



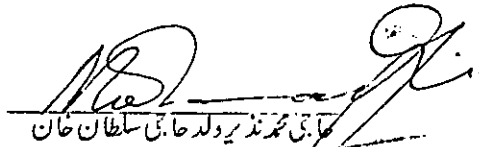
بیان حلفی

مخانب: حاجی محمد نذیر ولد حاجی سلطان خان سندن عمل خیل شیراکی درہ FR کوہاٹ، حال گورنمنٹ ہڈل سکول سندھی میلہ
بوستی خیل FR کوہاٹ کا ہوں۔

حلفنا بیان ہے کہ من مقرر/ اپیلانٹ کی تنخواہ ماہ اگست سال 2013ء بلا جواز، غیر قانونی طور پر ایجنسی ایجوکیشن آفیسر
FR کوہاٹ نے بند کر رکھی ہے۔ اور ساتھ جنوری 2014ء میں تنخواہ سے بلا جواز اور غیر قانونی مبلغ چھ ہزار روپیہ کٹوتی
بھی کی ہے۔ اس سلسلہ میں من مقرر نے متعلقہ دفتر و اکاؤنٹ دفتر میں کئی بار پکڑ لگائے تاکہ تنخواہ کی بندش اور چھ ہزار کٹوتی
کا کوئی تحریری حکم حاصل کر سکے۔ مگر بدینتی کی بناء پر من مقرر کو کوئی نقل فراہم نہیں کی گئی۔ اور ٹال مٹول سے کام لیتے ہوئے
من مقرر کو مصدقہ کاپی سے محروم رکھا گیا۔ رسپانڈنٹ کا مقصد ٹال مٹول کا یہ تھا کہ من مقرر اپیل نہ کر سکے اور اسکی عدالتی اپیل
کی معیاد گزر جائے۔

حلفنا بیان ہے کہ مذکورہ بیان تاحد علم و یقین کے سیرے حقیقت پر مبنی ہے کوئی امر پوشیدہ نہیں رکھا گیا اور نہ ہی کوئی امر دروغ
گوئی پر مبنی ہے۔

سورخ: 13-8-2014


حاجی محمد نذیر ولد حاجی سلطان خان

13-08-14
SHER HAIDER
Advocate
Oath Commissioner
Distt Courts Kehal

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Muhammad Nazir S/o Sultan Khan Headmaster Govt. Middle School, Samandi Mela Bosti Khel, FR, Kohat R/o Sheraki Amal Khel Darra Adam Khel, FR Kohat. Presently House No.319 Sector -1, Phase-1, KDA, Kohat. (Appellant)

Versus

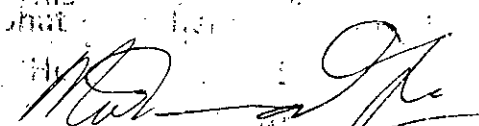
1. Director Education FATA Secretariat, Peshawar.
2. Ashraf Khan Agency Education Officer, FR, Kohat at KDA, Gate No.2 Kohat. (Respondents)

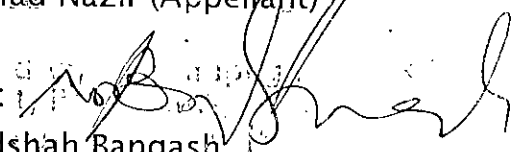
Submission of application for condonation of delay Under Section-5 of Limitation Act and affidavit regarding non supply of attested copy of impugned order made by respondent No.2.

Respectfully Sheweth

1. The cited appeal has been filed in this honourable tribunal in which the date is fixed for today.
2. That at the time of filing an appeal ^{application for} condonation U/S 5 was not annexed inadvertently and attested copy of impugned order was not granted due to malafide intention on the part of respondent just ^{to} time barred the appeal to be preferred by appellant. Now the same is submitted with the prayer that it may be annexed with appeal already preferred by appellant.

In view of the above, it is requested that permission may please be granted to enable the counsel for the appellant to argue the case in preliminary hearing for ends of justice.


Muhammad Nazir (Appellant)

Through: 
Noor Badshah Bangash
Advocate

Distt: Courts Kohat.

Dated: 13-8-2014.

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK, PESHAWAR

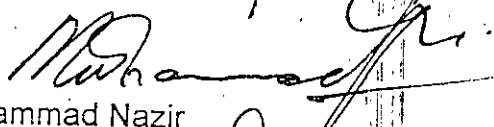
Muhammad Nazir Vs. Director Education & others.

Subject: Application regarding condonation of delay U/S 5 of Limitation Act 1898.


Respected Sheweth:

1. The appellant / petitioner has filed an appeal against the order of respondents in which a date has fixed for today.
2. That the appellant / petitioner has not annexed an application for condonation of delay at the time of filing of appeal inadvertently and now the same is presented on the following grounds:-
 - a. That the respondent party due to malafidely could not supply copy of the impugned order for which the appellant time and again requested for the same and some delay occurred.
 - b. That the respondents have acted illegally and the salary of the appellant has stopped for which ^{no} fault on his part. No notice was given, no enquiry conducted, no charge sheet served upon the appellant. The appellant resorted before all concerned, but achieved nothing, thus some portion in filing of appeal expired.
 - c. That the superior court have held that cases be decided on merit and technicalities avoided. Section 5 of Limitation Act it gives the court a discretion, which is to be exercised in judicial manner and discretion ought to be exercised upon principles which are well understood. The petitioner has given sufficient cause receiving a liberal construction so as to advanced substantial justice.
 - d. That the respondents have passed illegal order. If any illegal order is passed that is to be treated as void order and no time limitation runs against void order.

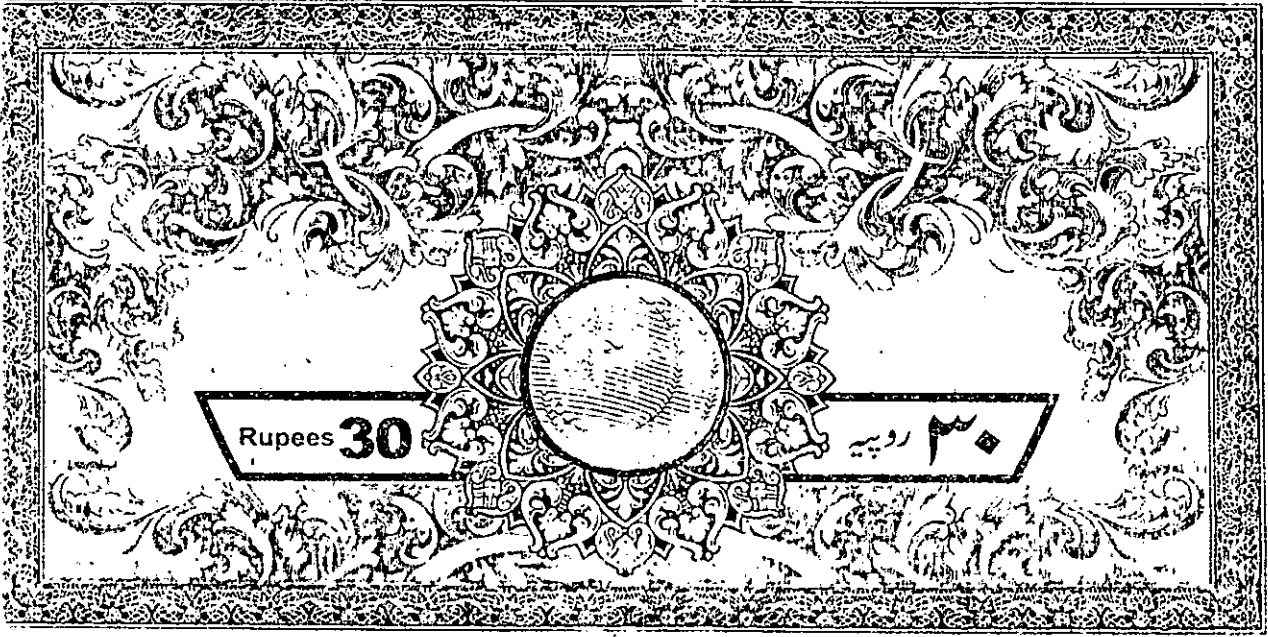
In view of above explained position that the cause of delay was not intentional therefore the same is condonable for safe administration of justice. Besides, valuable rights accrue to the petitioner and full opportunity be provided to him for ends of justice *and the petition may please be accepted*


Muhammad Nazir

Through:


Nour Badshah Bangash
Advocate,
Distt: Courts Kohat.

Dated: 13-8-2014.



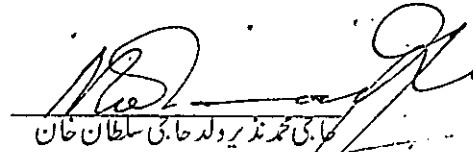
بیانِ حلفی

منجانب: حاجی محمد نذیر ولد حاجی سلطان خان سنہ عمل خیل شیرا کی درہ FR کوہاٹ، حال گورنمنٹ ٹل سکول سمندی سیلہ
بوتی خیل FR کوہاٹ کا ہوں۔

حلفاً بیان ہے کہ من مقرر/ایپلانٹ کی تنخواہ ماہ اگست سال 2013ء بلا جواز، غیر قانونی طور پر ایجنسی ایجوکیشن آفیسر
FR کوہاٹ نے بند کر رکھی ہے۔ اور ساتھ جنوری 2014ء میں تنخواہ سے بلا جواز اور غیر قانونی مبلغ چھ ہزار روپیہ کٹوتی
بھی کی ہے۔ اس سلسلہ میں من مقرر نے متعلقہ دفتر و اکاؤنٹ دفتر میں کئی بار چکر لگائے تاکہ تنخواہ کی بندش اور چھ ہزار کٹوتی
کا کوئی تحریری حکم حاصل کر سکے۔ مگر بدینتی کی بناء پر من مقرر کو کوئی نقل فراہم نہیں کی گئی۔ اور ٹال مٹول سے کام لیتے ہوئے
من مقرر کو مصدقہ کاپی سے محروم رکھا گیا۔ رسپانڈنٹ کا مقصد ٹال مٹول کا یہ تھا کہ من مقرر اپیل نہ کر سکے اور اسکی عدالتی اپیل
کی معیاد گزر جائے۔

حلفاً بیان ہے کہ مذکورہ بیان تاجد علم ذیقین کے میرے حقیقت پر مبنی ہے کوئی امر پوشیدہ نہیں رکھا گیا اور نہ ہی کوئی امر دروغ
گوئی پر مبنی ہے۔

مورخہ: 13-8-2014


حاجی محمد نذیر ولد حاجی سلطان خان

13-08-14
13/8/14
SHER HANIDER
Advocate
Oath Commissioner
Distt Courts Kohat

BEFORE THE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 683/2014

Mr. Muhammad Nazir Head Master GMS Samandi Mela FR Kohat.....Appellant

.....VERSUS.....

1. Director Education FATA, FATA Secretariat Peshawar
2. Ashraf Khan Agency Education Officer FR Kohat at KDA Gate No.2 Kohat..... Respondents.

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 1 AND 2
PRELIMINARY OBJECTIONS.

1. That the appellant has got no cause of action/locus standi to file the instant appeal.
2. That the appellant has not come to this Honorable Tribunal with clean hands.
3. That the appellant has concealed materials facts from this Honorable Tribunal.
4. That the appeal is not maintainable in its present form.
5. That the appeal is bad due to non-joinder and mis-joinder of necessary parties.
6. That the appellant is stopped by his own conduct to bring the present appeal.
7. That the appellant is not maintainable under section 4 of Service Tribunal Act 1974.

Reply on Facts:


1. No Comments pertains to record.
2. Incorrect. The pay of the appellant has been stopped on account of wilfull absence from duty on the recommendation of Competent Authority. In this regard a detail report has been prepared by the Agency Education Officer FR Kohat and stated that the appellant is not entitle for any benefits/salary for absent period copy of report is attached as (Annexure-A) and source form is attached as (Annexure-B).
3. Incorrect. He has been transferred by Competent Authority on the complaints of the people of the area. Further the appellant was involved in negative activities and creating problems for the Education Department. As reported by the Agency Education Officer FR Kohat in his detail report in Para No.1.
4. No comments. As explained in Para No. 1&2 above.

Grounds.

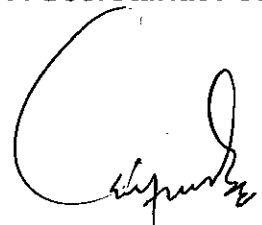
- A. Incorrect. The appellant absented from his lawful duty, therefore he was not entitle for salary of absent period. The appellant will be entitle for salary on the basis of performing his duty not on the basis of charity.
- B. Incorrect. The appellant was found absent from his duty as reported by Agency Education Officer FR Kohat. Detail report is attached (See Para No. 2).
- C. Incorrect. As explained in Para's mentioned above.
- D. Incorrect. In this regard a statement has been given by the teacher Mr. Ihsan-Ud-Din CT GMS kohi FR Kohat that the appellant has been remained absent copy of the same is attached, he is not entitle for the salary of his absent period (60)

In the light of above explained position it is humbly prayed that the appeal may kindly be dismissed having no legal fact with cost.

Respondent No1.


Director Education (FATA)
FATA Secretariat Peshawar


Respondent No.2


Agency Education Officer
FR Kohat

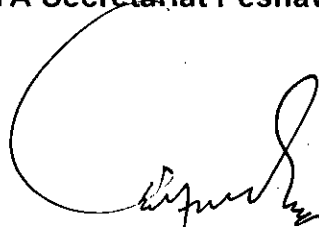
AFFIDAVIT

We the above respondents do here by declared and affirm that the above comments are true and correct to the best of our knowledge and belief that nothing has been concealed from this Honorable Tribunal.

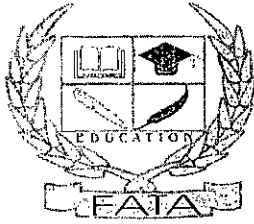
Respondent No1.


Director Education (FATA)
FATA Secretariat Peshawar

Respondent No.2


Agency Education Officer
FR Kohat

Annex - A



OFFICE OF THE AGENCY EDUCATION OFFICER

F.R KOHAT

Gate No.2 K.D.A Kohat

Phone # 0922-9260321 Fax # 0922-9260321

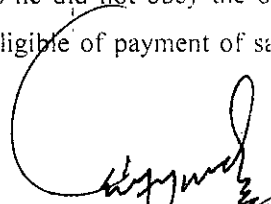
Letter No: 2888 Dated: 15/04/2015

CONCISE REPORT ABOUT MUHAMMAD NAZIR SST GMS SAMANDI MELA.

The undersigned transferred to FR Kohat and took over charge on 18/6/2013.

The whole FR Kohat Educational Institutions running smoothly and the people are cooperative and devoted to their duties except Muhammad Nazir SST GMS Samandi Mela, who is involve in negative activities and creating problems for the Education Department.

1. Before joining duty at FR Kohat Deputy Director Monitoring & Evaluation conducted an enquiry against the above cited teacher on the complaint of the people of the area. In the result of the enquiry his proposal was called vide letter No.9691 dated 27/6/2013. This office send a feasible proposal of his transfer from GMS Samandi Mela to GMS Kohiwal vide this office No.9374 dated 2/7/2013. His transfer was issued by Director Education FATA Peshawar vide No.10315-17 dated 10/7/2013.
2. He did not obey the order. He was directed time and again to take the charge but in vain.
3. The undersigned again contacted Director Education FATA and also write a letter vide No.9455 dated 6/8/2013 to guide this office what to do. The director Education (FATA) through telephonic message directed to stop his pay if he did not obey the order. So the pay was stopped due to non compliance of order.
4. Further he was made of focal person by the then AEO for the distribution of free supply of books. He was contacted again and again to provide the record of books to made reconciliation with the Directorate to make further demand but he is using delaying tactics and this office is unable to make reconciliation of books.
5. The cited teacher took over charge in GMS Kohiwal on 6/9/2013 but he recorded 27/7/2013. The incharge CT recorded the exact date of charge in the order book with his signature as 6/9/2013 (photocopy of the order book attached).
6. After assumption of charge he never stay in his school and write order book stating that I am leaving to Peshawar or Kohat in R/O Personal work (photocopy attached).
7. Later on 18/2/2015 it was decided by Deputy Secretary Admin that Mr. Muhammad Nazir SST will withdraw his cases and provide affidavit on stamp paper that he will never bypass administrative channels in submitting his grievances and obey orders of the seniors. His salary has already been released however he has not yet provided affidavit nor has withdrawn his cases in the court.
8. Now he is claiming the salary of the absent period. As he did not obey the orders of the Directorate & Agency Education officer. So he is not eligible of payment of salary for the absent period.


Agency Education Officer
F.R Kohat

Annex "B"

FORM: PAY02

Date: _____

Page No: _____



**PAYROLL SYSTEM
AMENDMENT FORM
SINGLE EMPLOYEE ENTRY**

OFFICE OF THE _____

A.E.O. P.R. Kohat

FOR THE MONTH OF _____

8/2013

DDO Code
(Cost Center)

47-66

Description

Personnel
Number

00167779

Employee
Name

*Muhammad Nazir
SET*

National ID
Card Number

Grade (Pay
Scale Group)

Salary
Status

Start

Stop

GENERAL DATE CHANGE			CHANGE IN PAYMENTS / DEDUCTIONS				Effective Date	REMARKS
Info Type	Field ID	New Contents	Wage Type	AMOUNT				
				Rupees	Paisa	Adj		
		<i>pay in active</i>	<i>078</i>				<i>1-8-2013</i>	<i>He was transferred vide Director Edu: DATA Enclst. No 10315-17/A-12 but he did not take charge in the School. Director Edu: telephonic message directed to stop the pay of Mr. Nazir SET due to non compliance of order.</i>
		<i>2/1/13</i>						

Agency Education Officer

F.R. Kohat
Prepared By

Audited / Checked By

Agency Education Officer
Entered / Verified By
F.R. Kohat

FORM: PAY02 - INSTRUCTIONS

GENERAL INSTRUCTIONS

- A. This form is to be used to enter monthly monetary and non-monetary adjustments.
- B. This form is to be used for adjustments in Payroll area only.
- C. This form is to be used to enter adjustment for single employee only.
- D. Dates are to be included in the following format:
DD / MM / YYYY
For example: To Input 1 January 2002 use 01/01/2002.
- E. For List of Codes please refer to List of Codes provided to support these Input Forms.
- F. As a general rule where the following is seen:

--	--

The boxes imply that there is a code that go into the field.
The Description will follow on the line provided.
For Example:

Current Government.

N	W
---	---

CODE DESCRIPTION

*Danwood
Cartigatm*

SPECIFIC INSTRUCTIONS:

1. Add the date of submission of this form.
2. Add the page number of this form.
3. Add the office name: E.g. Ministry of Commerce / Govt. High School No.2 Peshawar.
4. Add the month to which this adjustment relates. E.g. October
5. Write DDO Code.
6. Enter the Description of the DDO Code.
7. Add Computer Generated Personnel Number. This is an eight digit code in the new SAP system, while 11 digit in the Legacy system.
8. Add name of the employee.
9. Add National ID Card Number. This is a 11 or 13 Digit code (depending upon issuing authority).
10. Self Explanatory.
11. Add Description of Grade e.g. BPS 18.
12. In case salary is to be stopped for this employee select "Stop". Where salary payment of an employee whose payment was stopped is to be revived, select "Start".
13. These are Non-Monetary changes. E.g. Change of Address.
14. Refer to List # 19 from the Lists of Codes and select the info type e.g. 009 for change of bank account number.
15. Choose the field that requires adjustment. E.g. 60 for change in Bank account number.
16. Enter the new contents of change. E.g. E.g. bank account number PLS 2779-5
17. These are Monetary changes. E.g. Change of amount in recurrent payments / deduction (allowances).
18. Refer to list # 14 and 16 from the Lists of Codes.
19. Add Amount in Rupees and Paisa.
20. Add "P" if the adjustment is the form of "Payment". Add "D" if the adjustment is a "Debit" adjustment.
21. Add date from which this change becomes effective.
22. Add any remarks.
23. Name and Signature of person preparing this form.
24. Name and Signature of certifying officer.
25. Name and signature of person who has entered and verified this form.

Annex - B

خلیفہ بیال

میں نسبی اصحاب الدین C گورنمنٹ ہڈل سکول کو بی وال الفیڈ کو ماسٹ بیال کرنا ہوں کہ

محمد نذیر SET کا تبادلہ گورنمنٹ ہڈل سکول سکھری پبلہ سے گورنمنٹ ہڈل سکول کو بی وال

کالج ڈائریکٹر صاحب آف ایجوکیشن ٹانہا اردو نمبر 17-10315 جو رخصتہ 10⁷/₁₃ کو ہوا تھا

نسبی فزیکل سٹریٹ سکول سے غائب رہا اور 9⁹/₀₁₃ کو خارج لینے سکول آیا۔ خارج رولر اسٹورڈ ہوا

اس میں 22⁷/₀₁₃ ملے گا۔ جو دفتر کو بغیر لیکچر اسٹاٹ ارسال کیا میں نے دستخط کیے ساکے اور

میں 9⁹/₀₁₃ ملے گا تاکہ سٹورڈ ہو

دراصل اس میں 2⁹/₀₁₃ کو سٹورڈ ہونے کے ناظر سکول کا خارج مگر آجکل C.T کے حوالے

کیا تھا۔ مقررہ بیٹا سٹورڈ نہ ہونے کی وجہ سے ایجنڈا پیدہ مگر مگر آجکل C.T نے 3⁹/₀₁₃

کو ڈائری 17 کے تحت AEO ایڈوائس کیا ہے۔ یہ زیادہ درخواست معالمانہ ہے۔ اس میں

3⁹/₀₁₃ کو ڈائری 18 کے تحت AEO ایڈوائس کیا ہے۔ یہ زیادہ درخواست معالمانہ ہے۔ اس میں

ملے گا اور اس میں درخواست دی۔ جس سے یہ کام ہو جائے کہ نذیر 55 کے طرف

9⁹/₀₁₃ کے حوالے سے خارج رہیں گے

14⁹/₀₁₃

اصحاب الدین C.T

گورنمنٹ ہڈل سکول کو بی وال

ogel

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Appeal No.683/2014

Muhammad Nazir Head Master GMS Samandi Mela FR Kohat.
(Appellant)

Versus

1. Director of Education FATA, FATA Secretariat Peshawar.
2. Muhammad Ashraf Agency Education Officer FR Kohat at KDA Gate
No.2 Kohat. (Respondents)

REJOINDER / REPLICATIONS ON BEHALF OF APPELLANT

Preliminary Objections:

1. That the appellant has got cause of action /locus standi to file the instant appeal.
2. That the appellant has come to this honourable court with clean hands.
3. That the appellant has not concealed material facts from this honourable tribunal and based on facts.
4. That the appeal is maintainable in its present form.
5. That the appeal is not bad due to non-joinder and mis-joinder of necessary parties.
6. That the appellant is not estopped by his own conduct to bring the present appeal.
7. That the appeal is maintainable U/S 4 of Service Tribunal Act, 1974.

Reply On Facts:

1. Needs no replication.
2. Incorrect.
3. Incorrect. The grounds taken in the appeal at Para No.2 are well founded. In this connection it is pertinent to mention here that stoppage of salary is against the relevant provisions of Service Law. There is no provisions exist to held up the salary of the alleged delinquent official. The respondents have flagrantly violated the rules and encroached from his power while exercising the same. The respondent/also acted beyond jurisdiction for the reasons that the case was not properly enquired under E & D Rules, 2011 and stoppage of pay of the appellant was based on ill-feeling. The appellant has never absented himself from duty because it was summer vacation which is established from the record.

4. Needs no replication as explained in preceding paras.

Grounds:

- a. Incorrect. In this connection, it is significant to mention here that the appellant is a Govt. Servant and he is not claiming monthly salary on basis of charity, but performed his duties and still performing his duties with great care efficiently and to the entire satisfaction of his superiors, which is evident from the record.
- b. Incorrect. The action on the part of respondent No.2 is based on ill feeling and malafide intention. As explained in the preceding paras, there is no provisions in Service Law to stoppage the salary of any Govt. Servant. Full legal procedure has not been adopted as required under the rules. The stoppage of pay is miscarriage of justice.
- c. Incorrect. The grounds so taken in the para-c is well founded and self-explanatory.
- d. Incorrect. The official who had given statement is based on ill feeling and pressurized them by respondent No.2 and he is relative of the respondent No.2, so such type of statement is not admissible under the relevant provisions of prescribed services of law. No opportunity provided to the appellant to cross examine the witness. Because, no proper enquiry conducted and stopped the salary of the appellant by respondent NO.1 on the whims and wishes of respondent NO.2, which is an ex-parte action and also un-warranted therefore, the appellant condemned ~~unheard~~ ^{so}, the action initiated needs to be ~~disclosed~~ null and void and released the salary in view of the explained position in preceding paras. Besides, during the course of disposal of complaints / inquiry the learned Deputy Secretary administration had passed order to the effect that the salary of the appellant be released immediately vide Para No.VIII, but surprisingly no action taken in this regard. On several occasion t he appellant had made request with regard to release his stoppage salary and deductions but with no positive result. The relevant documents i.e. affidavits and other supported documents regarding non compliance of order by Abdul Malik, who refused to abide by the order made by the Director FATA Edu: Peshawar. So, on account of relation with Abdul Malik, the respondent No.2 did not stop the salary of Abdul Malik, while in similar nature case the pay of the appellant was stopped meaning thereby that the appellant had been treated in discriminate manner. This instance is being incorporated to the effect that this honouralbe court will draw inference in this regard. The relevant documents lend support to the case of appellant.

In view of the above, it is humbly prayed that the instant appeal may please be accepted and the salary and deduction, ^{salary} of the appellant may be released so that the requirements of justice are fulfilled.

Dated: 28-4-2016.


(Appellant) Muhammad Nazir


Through: 


Noor Badshah Bangash Advocate,
Dist: Courts Kohat

"Charge report"

Mr Muhammad Nazim SSI has been taken over the charge in GMS Kohi wal (A.N) Dated 22-07-13.

Vide D.E FATA KPK Peshawar Endst No 10315-17 Dated 10-07-2013.


Taken over 22⁰⁷/13
The charge



Handed over
the charge

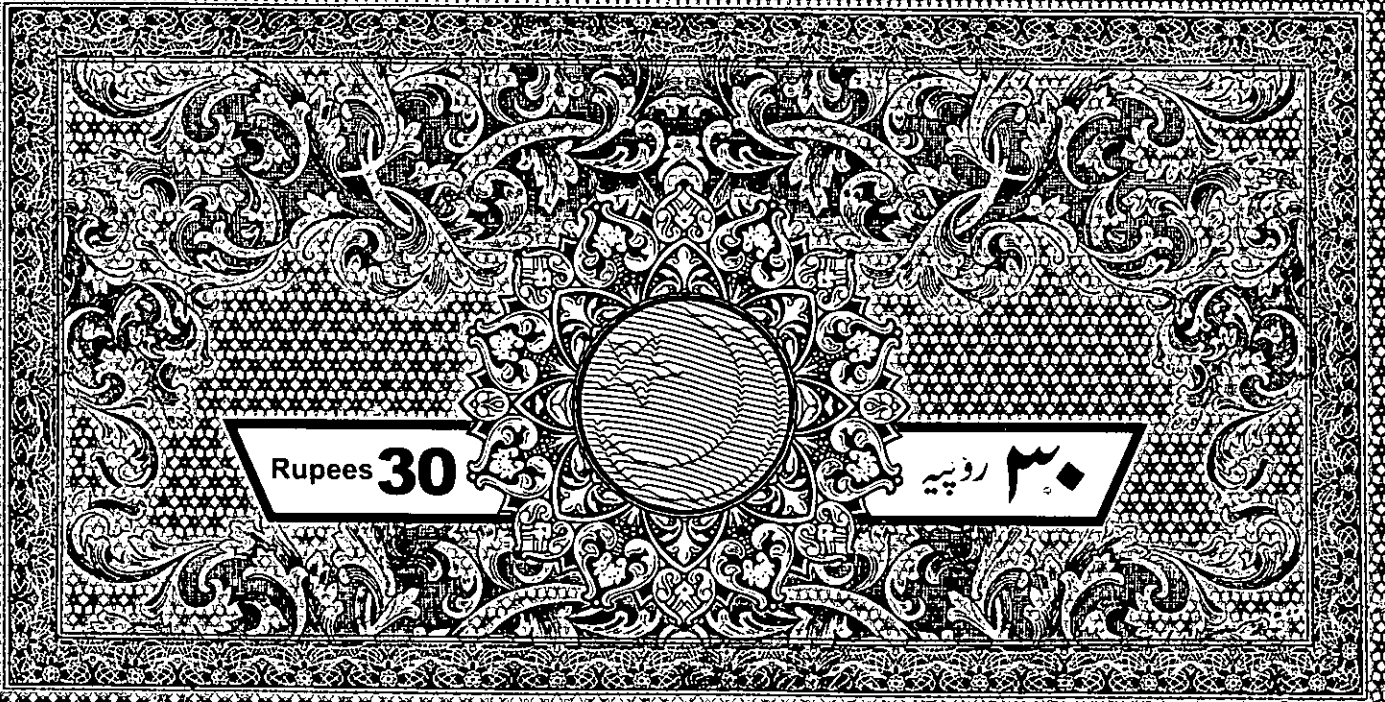
No 16-B

Dated 22-07-13

Copies for information.

- ① Principal Secretary to Governor KPK Peshawar.
- ② D.E FATA KPK Peshawar.
- ③ A.E.O. F.R. Kohat.
- ④ Distt Account Officer K.D.A Kohat.
- ⑤ office copy.

Attested

A.A.E.O. (M)
F.R. Kohat;



Rupees 30

۳۰ روپیہ

بیانِ حلفی

منکہ حاجی محمد زید ولد حاجی سلطان خان مرحوم سکنتہ عمل خیل شیرا کی درہ آدم خیل FR کوہاٹ / SST جی ایم ایس سندھی میلہ
بوستی خیل FR کوہاٹ کا ہوں۔

حلفاً بیان ہے کہ من مقرر کی تنخواہ بدینتی کی بناء اور غیر قانونی طور پر محمد اشرف AEO ایف آر کوہاٹ نے بند کر رکھی ہے۔

حلفاً بیان ہے کہ جملہ مراتب بالاتا حد علم و یقین کے میرے درست و صحیح ہے کوئی امر مبنی بر دروغ گوئی نہ ہے۔

مورخہ: 24-11-2015

(Handwritten Signature)

محمد زید

شناختی کارڈ نمبر 9-131680614301

24-11-15

بسم اللہ الرحمن الرحیم
مذکورہ رقم سلطان خان ساکن قوم تہ اہلی، ڈاکخانہ خانہ قباچی
4579
24-11-15

سکول تہ اہلی، محلہ
تھیل و ضلع ضلع قباچی
تھیل و ضلع قباچی

اسٹیشن ہاؤس
اسٹیشن ہاؤس کوہاٹ کچھری

سلطان خان

KOHAT TREASURY
20 NOV 2015
KOHAT



107

FATA SECRETARIAT
(Inquiries & Complaint Cell)
(Administration, Infrastructure & Coordination Department)
Warsak Road Peshawar

ORDER SHEET

DISPOSAL OF COMPLAINTS AGAINST MR. ABDUL MALIK, AAEO, FR KOHAT.

A number of complaints were received in this Office against Mr. Abdul Malik, AAEO, FR Kohat containing the following allegations :-

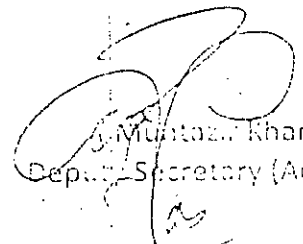
- i. He has occupied the post of AAEO for the last 15 years.
- ii. He has appointed his overage wife as Sweeper but she is not performing duty and cleanliness is made by the Principal through the students.
- iii. He has been deducting salaries from teachers on account of absence from duty.
- iv. Showing posting of missing teacher on detachment
- v. Illegal transfer of Laila Afridi from the post of AAEO to far flung area on personal grudges.
- vi. Linkages of AEO/AAEO with corrupt staff of Schools.
- vii. Collection of gratifications from the absent staff.
- viii. Taking Missing of two computers and name ceiling laws from the record.

In order to dispose off the allegations, Mr. Abdul Malik AAEO, Mr. Muhammad Ashraf, AEO FR Kohat, Rep. of Director Education FATA and the complainants Mr. Badshah Khan, Laila Afridi and Mr. Nazir Khan, SET were summoned on 18.2.2015. All of them were heard in detail and the concerned AAEO/AEO were given the opportunity to explain their positions. During arguments of the complainants and explanation of the concerned Officers certain irregularities on the part of AAE/AEO and some deficiencies on the part of the complainants were observed. However, instead of prolonging the issue, it was felt to take a medium way / short cut for resolving the issue. Keeping in view the arguments of the complainants, explanations of AEO/AAEO, and available record, the following directions were issued for compliance by the Directorate of Education FATA :-

- i. Directorate of Education FATA may provide Rules or Precedent for posting of AAEOs or AEOs at the Agency level for the 2nd term.
- ii. Directorate of Education FATA may review and cancel transfer order of Laila Afridi SST, from I/C Headmistress GGHS Pirwal Khel.
- iii. Mst. Laila will address the grievances of his staff which led to an inquiry against her.
- iv. ✓ In future, posting/transfer may be made in accordance with the SOP and nomination of Officers for posting shall be made from a panel.
- v. ✓ In future no complaint will be entertained by FATA Secretariat provided that it is routed through proper channel.
- vi. ✓ Action will be taken against those complainants under F&D Rules, whose complaints are found baseless.
- vii. Mr. Abdul Malik, AAEO, FR Kohat was warned to be careful in future and deliver service in the public interest.

- viii. Salary of Mr. Nazir Khan SET may be released immediately. Mr. Nazir Khan was directed to obey the orders of his seniors and if he was found indulged in litigations in future, action will be taken against him.
- ix. Mr. Hazi Khan S.I. will submit an affidavit on Stamp Paper that he will never bypass administrative channels in submitting his grievances and withdraw his pending case from Service Tribunal.
- ✓ x. Deduction of salary and transfer of officials as a tool of punishment may be avoided as there are numerous judgements of Supreme Court and High Courts to this effect. Irregularities, mis-conduct, corruption and willful absence may be properly enquired under F&D Rules 2011 rather than half hearted measures.

Dated 18.2.2015.


(Muntaz Khan)
Deputy Secretary (Admin)

IN THE COURT OF SERVICE TRIBUNAL PESHAWAR

A.W.P. PROVINCE
Service Tribunal
Diary No. 306
dated 20/4/15

Muhammad Nazir

VS

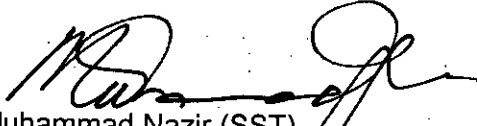
Education Deptt:

Application for Early Hearing of the above mentioned case.

Respectfully Sheweth;

1. That the above mentioned case was fixed for reply hearing on 16-4-2015 in the honourable Peshawar Service Tribunal Peshawar.
2. That the reply was incomplete from the Edu: Deptt:
3. That the case is about salary matter and the case is under process since approximately one year.
4. That the coming hearing date is fixed on 03-7-2015.

It is therefore humbly requested that on acceptance of this application, the above mentioned case may please be fixed for early hearing before honourable court.


Muhammad Nazir (SST)

Through:


Noor Badshah Bangash Advocate

Distt: Courts Kohat.

Dated: 20-04-2015.

IN THE COURT OF SERVICE TRIBUNAL PESHAWAR

Muhammad Nazir

VS

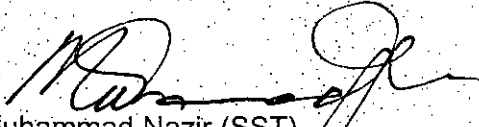
Education Deptt.

Application for Early Hearing of the above mentioned case.

Respectfully Sheweth;

1. That the above mentioned case was fixed for reply hearing on 16-4-2015 in the honourable Peshawar Service Tribunal Peshawar.
2. That the reply was incomplete from the Edu: Deptt.
3. That the case is about salary matter and the case is under process since approximately one year.
4. That the coming hearing date is fixed on 03-7-2015.

It is therefore humbly requested that on acceptance of this application, the above mentioned case may please be fixed for early hearing before honourable court.


Muhammad Nazir (SST)

Through:


Noor Badshah Bangash, Advocate

Distt: Courts Kohat.

Dated: 20-04-2015.

IN THE COURT OF SERVICE TRIBUNAL PESHAWAR

Muhammad Nazir VS Education Deptt:

Application for Early Hearing of the above mentioned case.

Respectfully Sheweth;

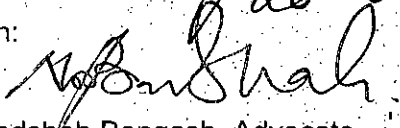
1. That the above mentioned case was fixed for reply hearing on 16-4-2015 in the honourable Peshawar Service Tribunal Peshawar.
2. That the reply was incomplete from the Edu: Deptt:
3. That the case is about salary matter and the case is under process since approximately one year.
4. That the coming hearing date is fixed on 03-7-2015.

It is therefore humbly requested that on acceptance of this application, the above mentioned case may please be fixed for early hearing before honourable court.

Dated: 20-04-2015.


Muhammad Nazir (SST)

Through:


Noor Badshah Bangash, Advocate
Distt: Courts Kohat.