

S.No. of proceedings	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	11.01.2016	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR</u> <u>CAMP COURT SWAT</u></p> <p style="text-align: center;"><u>SERVICE APPEAL NO.138/2014</u></p> <p>(Fazal Mehmood-vs- Principal Govt: Degree College Daggar, Bunir and one other.)</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:</u></p> <p>Counsel for the appellant and Mr. Nosherawan, Principal alongwith Mr. Muhammad Zubair, Senior Government Pleader for respondents present.</p> <p>Fazal Mehmood hereinafter referred to as the appellant has preferred the instant appeal under section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against order dated 10.10.2013 vide which his services were terminated on the allegations of illegal appointment where-against his departmental appeal dated 23.10.2013 was not responded within the statutory period.</p> <p>Brief facts giving rise to the present appeal are that the appellant was appointed as Lab Attendant vide order dated 03.12.2009 where-after he assumed his duties and while performing his duties his services were terminated vide impugned order 10.10.2013 where-against he preferred departmental appeal on 23.10.2013 which was not responded and hence the instant service appeal.</p>

[Handwritten signature]
11.01.16

Learned counsel for the appellant argued that the appellant was given no notice nor any opportunity of hearing was afforded nor any inquiry conducted and hence the impugned order is void and not tenable in the eye of law.

Learned Senior Govt. Pleader argued that the appellant was not the son of deceased employee and as such his services were rightly dispensed with vide impugned order referred to above.


We have heard arguments of the learned counsel for the parties and perused the record.

According to letter dated 03.12.2009 the appellant was appointed as Lab Attendant by the Principal, Govt: College Daggar Buner. There is no mention in the said order that the appellant was appointed against the quota meant for deceased son. Even otherwise no notice whatsoever or opportunity of hearing was afforded to the appellant and as such the impugned termination order is not tenable in the eye of law.

We are, therefore, constrained to accept the present appeal and set-aside the impugned order and reinstate the appellant in service with back benefits. In case the respondents intend to proceed against the appellant they shall adopt the proper procedure including extending opportunity of hearing to the appellant in the prescribed manners. The appeal is accepted in the above terms. No order as to costs. File be consigned to the record room.



(Abdul Latif)
Member



(Muhammad Azim Khan Afridi)
Chairman
11.01.16.

ANNOUNCED
11.01.2016

03.11.2015

Agent of counsel for the appellant and Mr. Nowsherwan, Principal alongwith Mr. Muhammad Zubair, Sr.GP for respondents present. Arguments could not be heard due to non-availability of D.B. To come up for final hearing before D.B on 11.01.2016 at Camp Court Swat.


Chairman
Camp Court Swat

14.11.2014

Appellant in person and Mr. Muhammad Nisar, Assistant for respondent No.2 with Mr. Kabirullah Khattak, AAG for the respondents present. The Tribunal is incomplete. To come up for written reply/comments on 27.02.2015.



Reader

27.02.2015

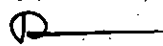
Appellant in person and Addl: A.G for respondents present. Para-wise comments submitted. The case is assigned to D.B for rejoinder and final hearing for 22.09.2015.



Chairman

22.09.2015

Counsel for the appellant and Mr. Muhammad Jan, GP with Dil Aram Khan, Lecturer for the respondents present. Counsel for the appellant submitted that the case pertains to territorial limits of Malakand Division and requested for transfer of the case to camp court, Swat. Request is accepted. To come up for arguments at camp court, Swat on 03-11-2015.



MEMBER



MEMBER

Appeal No. 138/2014.
Mr. Faraz Mahmood

30.04.2014

Counsel for the appellant presents and submitted before the Court additional documents i.e initial Advertisement of the post, medical Examination of the appellant alongwith his salary slip which is placed on file. Preliminary arguments heard and case file perused. Through the instant appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, the appellant has impugned order dated 22.10.2013 vide which the appellant was terminated from service without any cogent reason. The appellant had filed departmental appeal on 23.10.2013, which has not been responded within the statutory period of 90 days, hence the instant appeal.

Appellant Deposited
Security & Process Fee
Rs. 160/- Bank
Receipt is Attached with File.

JMS
9/5/14

Points raised at the Bar need further consideration and the appeal is well within time, hence admit for regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply on 10.07.2014.

Member

This case be put before the Final Bench for further proceedings.

Chairman

30.05.2014

10.7.2014

Counsel for the appellant and Mr. Dilaram Khan, Lecturer, Govt. College Daggar on behalf of respondent No. 1 with Mr. Usman Ghani, Sr. GP for the respondents present. Written reply has not been received, and request for further time made on behalf of the respondents. To come up for written reply/comments on 14.11.2014.

Chairman

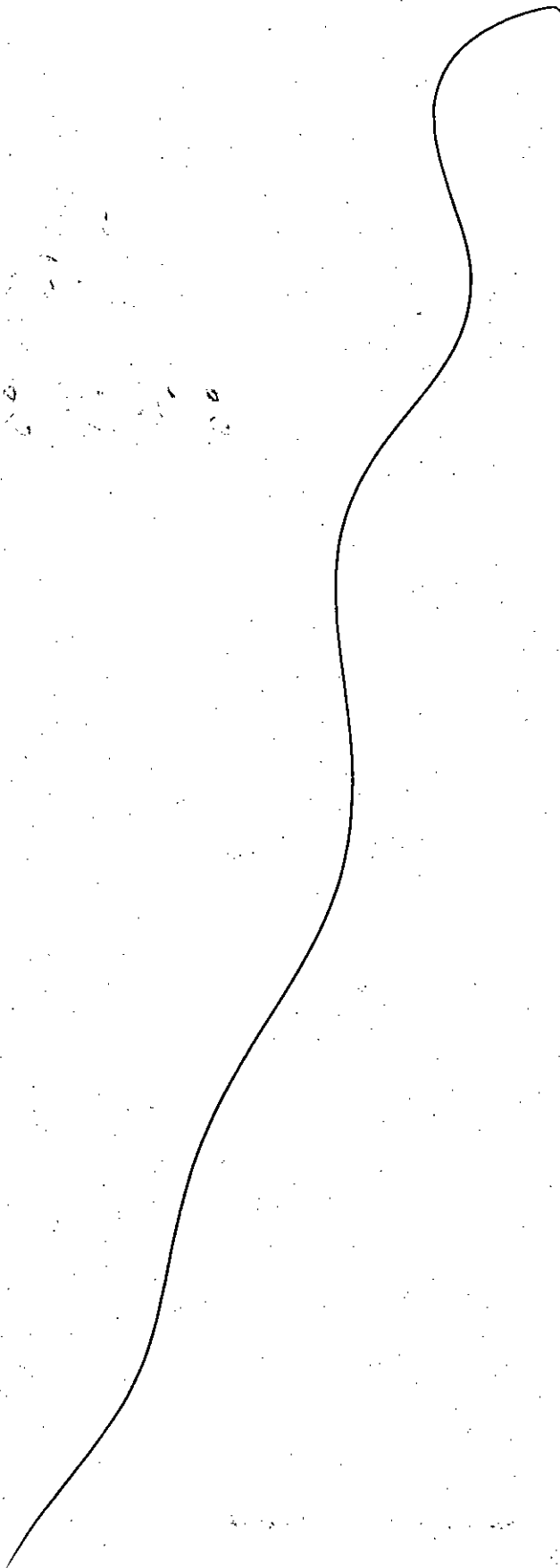
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24.03.2014

Counsel for the appellant present and requested for adjournment to produce necessary documents of the appellant. To come up for preliminary hearing on 30.04.2014.





Member



Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 138/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	03/02/2014	The appeal of Mr. Fazal Mehmood presented today by Mr. Shamsul Hadi Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.  REGISTRAR
2	7-2-2014	This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>24-3-2014</u> .  CHAIRMAN

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. 138 /2014

Fazal MehmoodAppellant

V E R S U S

Principal Govt College Daggar and another.....Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Memo of Appeal		1-4
2.	Affidavit		5
3.	Addresses of the Parties		6
4.	Copy of appointment order	A	7
5.	Copy of impugned order dated 10/10/2013	B	8
6.	Copies of departmental appeal.	C	9
7.	Wakalat Nama		10

Appellant

Through



Shams ul Hadi

Advocate, Peshawar.

Office: Street No. 3

Abshar Colony, Warsak Road,
Peshawar .

Cell No. 0313-9772262

Dated: 01/02/2014

①

BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 138 /2014

Fazal Mehmood S/O Muhammad Yousaf

R/O Village Karapa Tehsil Daggar District Bunir.

[Stamp]
127
03/2/14

.....(Appellant)

V E R S U S

1. Principal Govt Degree College Daggar, Bunir.
2. Director Higher Education Khyber Pakhtunkhwa, Peshawar.

.....(Respondents)

APPEAL UNDER SECTION 4 OF KHYBER PUKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED OFFICE ORDER DATED: 22.10.2013 VIDE WHICH THE ^{Appellant} PETITIONER WAS TERMINATED FROM THE POST OF CLASS-IV.

[Stamp]
3/2/14

PRAYER IN APPEAL:

On acceptance of this appeal the impugned Office order dated: 10/10/2013 may kindly be set aside and the appellant may kindly be reinstated on his post with full back wages and benefits.

Respectfully Sheweth:

1. That initially the appellant joined the respondent/department in the year on 03/12/2009 and as such performed his duties with zeal and zest and till date no complaint whatsoever has been recorded from any quarter. (Copy of appointment Order is annexure-A)
2. That surprisingly vide impugned office order dated: 10/10/2013, the Respondent No.1 without observing the law and rules laid down for the purpose, the appellant was terminated from his post. (Copy of impugned office order dated: 10/10/2013 is annexure-B)
3. That against the said illegal order the appellant filed departmental appeal before the competent authority

which was not decided within the statutory period.(Copy of appeal is annexure-C)

That being aggrieved the appellant approached this Hon'ble Tribunal on the following grounds amongst other inter alia:

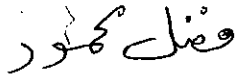
GROUND:

- A. That the impugned Termination order dated: 10/10/2013 is against facts, law and procedure, hence, untenable being unjust and unfair.
- B. That the appellant was not treated in accordance with law and rules, thus the Respondent No.1 acted in violation of the relevant laws laid down for the purpose.
- C. That no right of hearing was provided to the appellant and as such in pre-planned manner the appellant was removed from his service.
- D. That the mandatory provisions of Khyber Pakhtunkhwa Removal from service (Special powers) Ordinance, 2000 has been violated by the Respondent No.1 which needs interference by this august Court.


(4)

- E. That in the impugned termination order, the Respondent No.1 recorded strange observations regarding "Special quota reserved for retired employees" which clearly showing the ill intention of the respondent towards appellant because the appellant never applied through said quota nor the appellant was appointed against the reserved quota which is evident from his appointment order.
- F. That any other ground may be adduced during the course of argument, with the kind permission of this Hon'ble Court.

It is, therefore, most humbly prayed that on acceptance of this appeal, *the impugned Office order dated: 10/10/2013 may kindly be set aside and the appellant may kindly be reinstate on his post with full back wages and benefits.*


Appellant
Fazal Mehmood

Through


Shams ul Hadi
Advocate High Court
Peshawar.

Dated: 01/02/2014

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**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. _____/2014

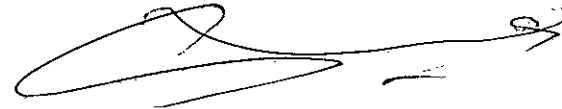
Fazal MehmoodAppellant

V E R S U S

Principal Govt College Daggar and another.....Respondents

AFFIDAVIT

I, **Shams ul Hadi**, Advocate, Peshawar do hereby as per information conveyed to me by my client solemnly affirm and declare that the contents of the **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



A D V O C A T E



6

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. ____/2014

Fazal MehmoodAppellant

V E R S U S

Principal Govt College Daggar and another.....Respondents

ADDRESSES OF THE PARTIES

APPELLANT:

Fazal Mehmood S/O Muhammad Yousaf

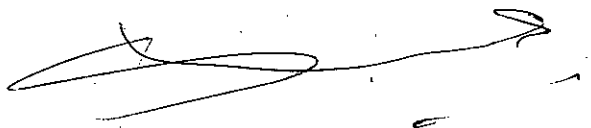
R/O Village Karapa Tehsil Daggar District Bunir.

RESPONDENTS:

1. Principal Govt Degree College Daggar, Bunir.
2. Director Higher Education Khyber Pakhtunkhwa, Peshawar.


Appellant

Through



Shams ul Hadi
Advocate, Peshawar.

Dated: 01/02/2014

7

Amended - 'A'

OFFICE OF THE PRINCIPAL GOVT: COLLEGE DAGGAR BUNER.

APPOINTMENT ORDER.

The following class IV employees are hereby appointed against the vacant posts as mentioned against each.

S. No	Name	Father Name	Address	Post
1.	Sher Akbar Khan	Mamoor Khan	Vill: Rega P.O & Tehsil Daggar Buner	Chowkidar
2.	Fazal Mahmood	Muhammad Yousaf	Vill: Karapa P.O & Tehsil Daggar Buner	Lab: Attdt:
3.	Sher Akbar Khan	Shah Wazir	Vill: Rega P.O & Tehsil Daggar Buner	Chowkidar

TERMS & CONDITION.

1. Their appointment is on temporary basis.
2. They should produce health and age certificate from the medical superintendent concerned.
3. Their service is liable to be terminated on one month notice from either side. In case of resignation without notice, his one month pay / allowances (if any) shall be forfeited to the Govt.
4. They should be governed by such rules / policies issued by the provincial Govt. from time to time.
5. Charge reports should be submitted to all concerned.

Principal
Govt: College Daggar Buner.

No. 491-96 / A-12

Dated 03 / 12 / 2009

Copy of the above is forwarded for information and necessary action to:-

1. The Director Higher Education N-W.F.P. Peshawar.
2. The District Accounts Officer Buner.
3. The Official Concern,
4. The Head Clerk Govt: College Daggar.

Attested

Principal
Govt: College Daggar Buner.

No. 340-42 (8) Annexure "B"
Date: 10.10.2013

Office of the Principal Govt. College
Duggan.

The Director Higher Education,
K.P.K.,
Peshawar

Subject: Termination of Class IV - FAZAL MAHMOOD
~~Class IV~~ 2013

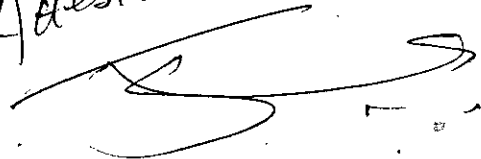
Memo.

The services of Mr. Fazal Mahmood
S/O Muhammad Yousaf of village
Karsapa, Buner are hereby terminated
w.e.f. 1-9-2013 (1st September 2013) at a
notice of one month he was employed
on a purely temporary basis against a
post vacated by his uncle's death. It
was pointed out by the public prosecutor in
the August High Court Peshawar, at
Peshawar that the appointment was wrong,
since he was not the son of late
M. Mahmood a class IV employee of the
College. (Terms & conditions of his appointment attached)

Copies to:

- 1. D.A.O Buner
- 2. Personal File of the Officer
- 3. Fazal Mahmood

Zia-ur-Rahman
Principal
Govt. College Duggan
Dist: Buner

Attested


درخواست بنام ڈائریکٹر ہائیڈرو پاور اینڈ پراجیکشن سبڈیوژن

اپریل 30-30-P

جناب عالی! گزارش کیجانی ہے کہ میرا آرڈر گورنمنٹ ڈگری کالج ڈگر جس مورخہ 03-12-2009

REP NO # 491-94/A-12 کو ڈگر کالج میں ہوا تھا۔ اور میرا الیونمنٹ لیٹ اسٹڈی کے پوسٹ پر ہوا تھا۔

لیکن میں مسلسل طرز سوال تک ہوا تر جو کددار کی ڈیوٹی فوش اسٹوڈی اور ایماڈاری کے ساتھ بنھار یا تھا۔ لیکن ضیاء اللہ علی جو کہ جو ہورہ سرنسپل ہے۔ ڈگر کالج جو غیر جس نے مجھے ڈیوٹی سے اور کالج سے بیدخل کر دیا ہے۔ پھر کوئی وجہ بتانے میرا تنخواہ اکاؤنٹ آفس بوسٹ سے بند کیا ہے۔ اور مجھے کالج سے نکال دیا ہے۔ پھر کوئی وجہ بتانے۔ نہ ہی میں نے کوئی حوری کیا ہے اور نہ ہی میرے سے کبھی حوری ہوا ہے نہ ہی کوئی اور حضور ہے۔ اب جا جان سے گزارسی کیجانی ہے کہ مجھے دوبارہ ایسی ڈیوٹی دی جائے اور ایسی نوکری پر دوبارہ بحال کیا جائے۔

میں آپ کو مشکور اور ممنون رہوں گا۔

فضل محمود
لیٹ ایڈ
فضل محمود

دلدار محمد یوسف

لیٹ ایڈ گورنمنٹ ڈگری کالج ڈگر
ڈگر

23/10/2013

CAV II

CA-VII

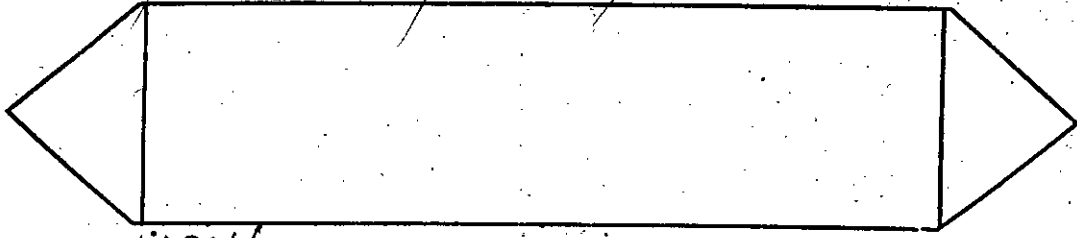
M. M. - up

23/10/13

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Attested

بعدالت
 ۲۵
 فی بیرون گندھ گنواہیہ



۲۰۱۶ء منجانب
 بنام فی بیرون گنواہیہ

مفل محمود

مورخہ
 مقدمہ
 دعویٰ
 جرم

باعث تحریر آئندہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
 آن مقام _____ کیلئے _____
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے و تقرر ثالتہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور اس کا ساختہ
 پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے وہ ہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
 مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سند ہے۔

مفل محمود

مفل محمود گنواہیہ

المرقوم 30
 ماہ _____ 2016

بمقام
 فی بیرون گنواہیہ کے لئے منظور ہے۔

Attested and accepted by
 Shams ul Haq Advocate

Before the Service Tribunal Khyber Pakhtunkhwa, Peshawar

Service Appeal No. 138/2014
Mr. Fazal Mehmood

-----Appellant

Versus

Principal Govt Degree College Daggar, Buner & Other

----- Respondents

Subject: - **PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO.1&2.**

Respected Sheweth,

Preliminary Objections

- 05/02/15
- i. The appellant has not come to this Hon'able Tribunal with clean hands.
 - ii. The appellant is trying to suppress material facts from this Hon'able Tribunal.
 - iii. The appeal in hand is misconceived one, hence not maintainable.
 - iv. The appeal in hand is time barred.
 - v. This Hon'able Tribunal has no jurisdiction to entertain the instant appeal.
 - vi. The appellant is estopped by his own conduct to file instant appeal.

FACTS

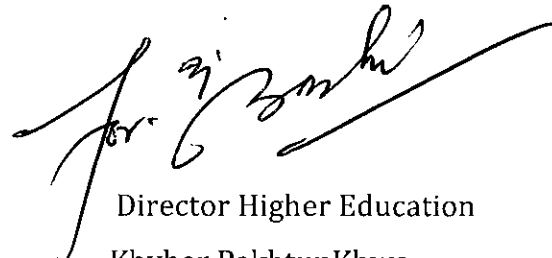
1. Correct to the extent that the Appellant was appointed as Class-IV by the Respondent No.1 on temporary basis vide Endorsement No.491-96/A/2012 dated 03/12/2009(**Annexure-A**) but rest of the Para is incorrect as the appellant himself has confessed his negligence in duties in an application addressed to the Respondent No.1 dated 26/07/2013 for seeking an apology for the said guilt (**Annexure-B**).
2. Contention of the appellant is totally wrong as Respondent No.1, being competent authority has rightly terminated the services of appellant after observing all codal formalities as he was instructed off & on to mend his ways he did not bother, so it was in the interest of both institution & justices that his services should have been get rid off which was done by the Respondent positively vide order No.340-42 dated 10/10/2013(**Annexure-C**).Furthermore the Appellant was not the legal heir of the late Ali Mehmood, an ex-employee of the said College and the Appellant was appointed in place of his uncle i.e. late Ali Mehmood as by the time his own son Muhammad Sadiq was under age and on attaining an age he was rightly appointed by the Respondents on quota basis and the services of Appellant were rightly terminated(**Annexure-D**).
3. Correct to the extent that the Departmental appeal was received in the office of Respondent No.2 on 23/10/2013 but it is incorrect that the same went unnoticed as the comments of the Principal were asked vide letter No.26993 dated 31/12/2013(**Annexure-E**) by the Respondent No.2.

GROUND

- A. Strongly denied as proclaimed. The termination order is based on facts, law, procedure, hence tenable being just & fair.
- B. Vehemently denied. Respondent No.1 being competent authority has legally treated the Appellant and in no sense violated the relevant laws laid down for the purpose.
- C. Not admitted. In such like cases no right of hearing is given, the Departmental appeal was more than enough which was sent for comments to the Principal.
- D. Not admitted. Mandatory provision of Khyber Pakhtunkhwa removal from service (special power) Ordinance, 2000 has never been violated by Respondent No.1, hence does not need interference of the August Court.
- E. Not admitted. Already replied in the preceding Para 2 of the Facts.
- F. That the Appellant also wants to advance other grounds at the time of arguments.

Prayer

It is therefore prayed that the appeal may graciously be dismissed with cost in the light of above statement.


Director Higher Education
Khyber Pakhtunkhwa
Respondent No.2

Before the Services Tribunal Khyber Pakhtunkhwa, pesharwar

Service Appeal No. 138/2014
Mr. Fazal Mehmood.

-----Appellant

Versus

Principal Govt: Degree College Daggar, Buner & other

-----Respondents

Subject:- PARAWISE COMMENTS ON BEHAFE OF RESPONDENT No. 1

Respected Sheweth,

Preliminary objections.

- i. The appellant has not come to this Hon'able Tribunal with clean hands.
- ii. The appellant is trying to suppress material fact from this Hon'able Tribunal.
- iii. The appeal is misconceived one , hence not maintainable.
- iv. The appeal in hand is time barred.
- v. The Hon'able Tribunal has no jurisdiction to entertain the instant appeal.
- vi. The appellant is estopped by his own conduct to file instant appeal.

0-7
27.02.15

FACTS

1-Correct to the extent that the Appellant was appointed as Class-iv by the respondent No.1 on temporary basis vide endorsement No. 491-96 /A/2012 dated 03/12/2009 (Annexure-A) but rest of the para is incorrect as the appellant himself has confessed his negligence in duties in an application addressed to the Respondent No.1 dated 26/07/2013 for seeking an apology for the said guilt (Annexure-B).

2- Contention of the appellant is totally wrong as respondent No.1 being competent authority has rightly terminated the services of appellant after observing all codal formalities (Annexure-C) as he was instructed off & on to mend his ways but he did not bother, so it was in the interest of both institution & justices that his services should have been get rid off which was done by the Respondent positively vide order No. 340-42 dated 10/10/2013 (Annexure-D) Further the appellant was not the legal heir of the late Ali Mehmood, an ex employee of the said College and the Appellant was appointed in place of his uncle i.e. late Ali Mehmood as the time his own son Muhammad Sadiq was under age

and on attaining an age he was rightly appointed by the Respondents on quota basis and the services of Appellant were rightly terminated (Annexure-E).


3- The departmental appeal filed by the appellant was devoid of merits hence it was not considered. Moreover the appellant has got no cause of action and his appeal is liable to be dismissed. (Annexure - F)

GROUNDS

- A- Strongly denied as proclaimed. The termination order is based on facts, law procedure, hence tenable being just & fair.
- B- Vehemently denied. Respondent No.1 being competent authority has legally treated the Appellant and in no sense violated the relevant laws laid down for the purpose.
- C- Not admitted. The respondent have complied with the provision of law hence does not need interference of the August Court.
- D- Not admitted. Mandatory provision of Khyber Pakhtunkhwa removal from service (special power) has never been violated by the respondent.
- E- Incorrect, as replied in para 2 of fact.
- F- That the respondent seeks permission of this honorable tribunal to raise additional grounds at the time of arguments.

Prayer.

It is therefore prayed that the appeal may graciously be dismissed with cost in the light of above statement.


Principal
Govt: Degree College
Daggar, Buner.
Respondent No-1

Annexure - A

OFFICE OF THE PRINCIPAL GOVT. COLLEGE DAGGAR BUNER.

APPOINTMENT ORDER

The following class IV employees are hereby appointed against the vacant posts as mentioned against each.

S. No	Name	Father Name	Address	Post
1.	Sher Akbar Khan	Mamoor Khan	Vill: Rega P.O. & Tehsil Daggar Buner	Chowkidar
2.	Fazal Mahmood	Muhammad Yousaf	Vill: Karapa P.O & Tehsil Daggar Buner	Lab: Attdt:
3.	Sher Akbar Khan	Shah Wazir	Vill: Rega P.O & Tehsil Daggar Buner	Chowkidar

TERMS & CONDITION.

1. Their appointment is on temporary basis. ✓
2. They should produce health and age certificate form the medical superintendent concerned.
3. Their service is liable to be terminated on one month notice from either side. In case of resignation without notice, his one month pay / allowances (if any) shall be forfeited to the Govt.
4. They should be governed by such rules / policies issued by the provincial Govt from time to time.
5. Charge reports should be submitted to all concerned.

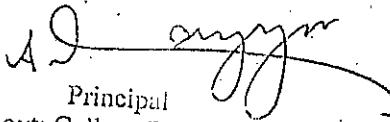
Principal,
Govt: College Daggar Buner.

Dated 03 / 12 / 2009

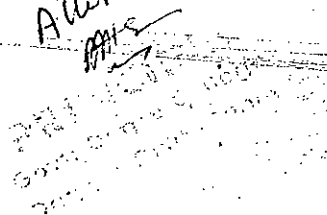
No. 491-96 / A-12

Copy of the above is forwarded for information and necessary action to:-

1. The Director Higher Education N-W.F.P. Peshawar.
2. The District Accounts Officer Buner.
3. The Official Concern.
4. The Head Clerk Govt: College Daggar.


Principal
Govt: College Daggar Buner.

Iqbal H. J.C.

Attended


ادست جناب پرنسپل صاحب

جناب عالی

بحوالہ درخواست معروضیوں کے مجموعے غلطی بیگنی سے

اس وقت دھیر سے سائڈ میڈیاں کالج میں آئے ہوئے تھے اور

میں نے کالج گیت کی جانیاں اس شخص سے بیگنی دی تھی

اور یہی میری غلطی ہے میں آئی غلطی کو ^{کو} میں اس سے

تسلیم کرتا ہوں آپ صاحبان سے درخواست کرتا ہوں کہ

م تدرہ ایسی غلطی نہیں کروں گا۔ میں آپ سے معافی

درخواست کرتا ہوں۔ - - - - - فضل محمود

حوالہ دار فضل محمود

26/7/2013

Attnel
MHS

Annexure - c 25/10/74

10-4/74

مقام: تحصیل احمد پور، ڈیپارٹمنٹ برائے تعلیم
پروفیسر: عیالوت

تمہیں بڑے خوش پامناؤں کے ساتھ حکیم کل رات تقریباً 10 بجے آج کلچ سے عشرہ فریج - آج کلچ کے عین وقت
کی جانان اور غیر متعلقہ (جینی) شخص کے خلاف کی گئی اور کلچ کے عین وقت کو کھول دیا گیا اور
میں گھر کے تھا - اور میں سب سے پہلے کلچ کے اندر لار کے تھا
تھیں - مگر صاف قانون اور سرکاری احکامات و ہدایات کے باوجود میں نے
سرکاری اشتیاقات کسی دہریہ کو منتقل کرنا اور وہ عین ایسی رہی ہے سرکاری احکامات کی
دھیان اور ان کی منہ ادا ہے۔
تم منسلک احکامات و ہدایات کے خلاف وزیر کے آؤٹ ہو رہے ہو۔ انہی پر
فصل ضابطہ قانون کے خلاف وزیر ہے۔ تم خود انہوں کے اندر جواب دیں کہ تمہارا
آؤٹ - خلاف انہوں کے عمل میں لائق ہے۔

Handwritten signature

PRINCIPAL
Govt. College Dera
Distt: Eunar

PRINCIPAL
Govt. Degree College
Duggar Distt: Eunar

No. 340-42

Date: 10.10.2013

Annexure - D Office of the Principal Govt. College Dargai.

The Director, Higher Education,
K.P.K.
Peshawar

Subject: Termination of Class IV - FAZAL MAHM
~~FAZAL MAHM~~ - 2013

Memo.

The services of Mr. Fazal Mahmood
S/o Muhammad Yousaf of village
Karapa, Buner are hereby terminated
w.e.f. 1-9-2013 (1st September 2013) at a
notice of one month he was employed
on a purely temporary basis against a
post vacated by his uncle's death. It
was pointed out by the public prosecutor in
the August High Court Peshawar, at
Peshawar that the appointment was wrong.
Since he was not the son of late
Mr. Mahmood a Class IV employee of the
College (Terms & conditions of his appointment attached)

Copies:

1. D. A. Buner
2. Office of the Principal
3. Fazal Mahmood

[Signature]
Principal - Peshawar
Govt. College Dargai
Dist. Buner

RECEIVED ON
22 DEC 2013
Dist. Buner Page # 95

[Signature]
Principal
Govt. College Dargai
Dist. Buner

Annexure - E

OFFICE OF THE PRINCIPAL GOVT. COLLEGE DAGGAR BUNER.

OFFICE ORDER.

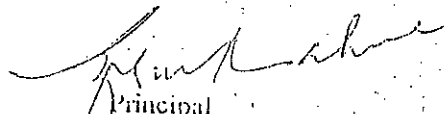
CLASS IV APPOINTMENT (CONTRACT)

Consequent upon the recommendation of the Departmental Selection Committee, the undersigned is pleased to appoint the following on regular contract basis BPS-01, on the against vacant post, in this college with effect from the date of taking over charge.

S. No	Name	F/Name	Address	Post	Remarks.
1.	Muhammad Sadiq	Ali Mahmood	Karpa Buner	Chowkidar	Against Vacant Post.

TERMS AND CONDITIONS.

1. The appointment is made purely on temporary basis and will be governed by such rules and regulation as may be issued from time to time by the Govt. for the category of Govt. servants to which they belong.
2. The candidate will sign and submit a contract on judicial stamp paper.
3. He should provide his health and age certificate from the Medical superintendent Distt: Head Quarter Hospital Daggar Buner, before taking over charge.
4. He should take his charge within thirty days of issuance of this order.


Principal
Govt. College Daggar Buner.
Dated 01-10-2013

No. 310-A / A -12

Copy of the above is forwarded for information and necessary action to:-

1. The Director Higher Education K P K Peshawar.
2. The District Accounts Officer Buner.
3. The Official Concern.
4. The Head Clerk Govt. College Daggar.

Principal
Govt. College Daggar Buner.



Annexure - 2

OFFICE OF THE PRINCIPAL
GOVT. COLLEGE DAGGAR BUNER.

No. 272 /

Dated: 14/09/2013

The Director of Higher Education
K.P.K Peshawar.

Subject:- APPROVAL FOR TERMINATION FROM SERVICE AND
REPLACEMENT BY NEW RECRUITMENT.

Memo:-

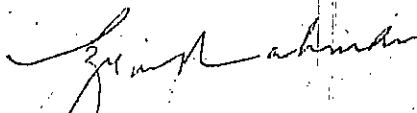
Brief facts of the case are that on the demise of Mr. Ali Mahmood, a class IV employee of the college, his nephew Fazal Mahmood was recruited in his place on class IV quota. At the time of Ali Mahmoods' death his son was underage and could not be recruited.

During his tenure from 31-12-2009 upto date the performance and conduct of the said Fazal Mahmood was disappointing. Time and again he was issued notices and warning to mend his ways and act according to service rules yet he never bothered about them. In a final inquiry against him he confessed in written statement the reality of allegations against him.

Basically his recruitment was not legal because he did not deserve to be appointed against a quota seat as he was not the son of the late Ali Mahmood.

Now Ali Mahmood's son Muhammad Sadiq Ali is of the age, qualified for appointment and he is entitled to be recruited / appointed against his father's vacant post.

Therefore it is requested that approval for the termination of Fazal Mahmood and sanction for the appointment of Muhammad Sadiq Ali may please be accorded w.e.f 01-09-2013.


Principal
Govt. College Dagggar Buner.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 126 ST Dated 26 / 1 / 2016


To

The Principal Govt Degree College Daggar,
Bunir.

Subject: - Judgement.

I am directed to forward herewith certified copy of Judgement dated 11.1.2016 passed by this Tribunal on subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.