

26.1.2015

Counsel for the appellant and Mr. Muhammad Jan, GP present. Notices be issued to the respondents and case to come up for written reply of all the respondents positively on 27.2.2015.

  
MEMBER

27.02.2015

Counsel for the appellant and Mr. Daud Jan, Supdt. for respondents alongwith Addl: A.G for official respondents present. Both the parties informed the Court that the grievances of the appellant are being considered by department. Adjourned for further proceedings on 10.04.2015 before S.B.

  
Chairman

10.04.2015

Appellant in person and Addl: A.G for respondents present. Appellant requested for adjournment as his counsel is not in attendance. To come up for further proceedings on 16.9.2015:

  
MEMBER

16.09.2015

Appellant with counsel and Mr. Daud Jan, Supdt. alongwith Mr. Muhammad Jan, GP for respondents present. Learned counsel for the appellant requested for withdrawal of the instant appeal in this respect his signature also recorded in the margin of the order sheet. Request is accepted and the appeal is dismissed as withdrawn. File be consigned to the record room.

ANNOUNCED  
16.09.2015

  
MEMBER

  
MEMBER

21107-16841905

22.09.2014

Appellant with counsel and Mr. Muhammad Jan, GP with Daud Jan, Head Clerk for official respondents present and requested for further time. Notice has not been issued to respondent No. 4. Moharrir is directed to issue notice to respondent No.4. To come up for written reply of all the respondents by way of last chance, on 29.10.2014.

  
MEMBER

29.10.2014

Clerk to counsel for the appellant: Mr. Muhammad Jan, GP with Daud Jan, Head Clerk for the official respondents present and requested for further time. Fresh notice be issued positively to respondent No. 4. To come up for written reply of all the respondents on 05.12.2014.

  
MEMBER

5.12.2014

Clerk to counsel for the appellant, and Mr. Muhammad Jan, GP with Daud Jan, Head Clerk for the official respondents present. None is available on behalf of private respondent No. 4. The Tribunal is incomplete. To come up for the same on 26.1.2015.

  
READER

16.4.2014

Appellant in person and Mr. Ziaullah, GP with Daud Jan, Head Clerk for official respondents and private respondent No. 4 in person present. Respondents need time. To come up for written reply on main appeal as well as reply/arguments on stay application on 15.5.2014.

MEMBER

MEMBER

15.5.2014

Appellant in person and Mr Muihammad Jan, GP with Daud Jan, Head Clerk for the official respondents and Ibadur Rahman, Advocate/counsel for private respondent No. 4 present and requested for short adjournment. This is a third time request made on behalf of the respondents for adjournment. To come up for written reply on main appeal as well as reply/arguments on stay application on 09.7.2014.

MEMBER

MEMBER

9.7.2014.

Appellant in person and Mr. Muhammad Jan GP with Daud Jan, Head Clerk for respondents No. 1 to 3 present and again requested for time. None is available on behalf of private respondent No.4. Fresh notice be issued to him as well as his counsel. To come up for written reply on main appeal as well as reply/arguments on stay application on 22.09.2014 and this will be the last opportunity for the respondents.

MEMBER

MEMBER

Appeal No. 12/2014  
Mr. Behram Khan.


3.

29.1.2014

Counsel for the appellant present. Preliminary arguments heard and record perused. Through the instant appeal, the appellant has impugned order dated 17.12.2013 vide which departmental representation against the order dated 11.11.2013 whereby the appellant was transferred from the post of Agency Physical Supervisor, was regretted. The impugned order as per contention of the learned counsel for the appellant is based on malafide and without any legal justification.

Appellant deposited  
process fee & security  
of Rs. 200/- Bank Receipt  
attached with file.

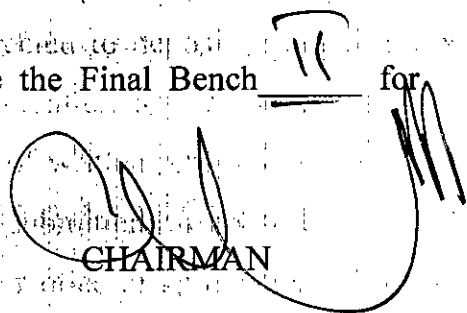
Since the matter required further consideration, hence admitted for regular hearing, subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply on 4.3.2014. Counsel for the appellant also submitted an application for suspension of impugned orders. Notice of application should also be issued to the respondents for reply/arguments on the date fixed.

  
MEMBER

4.

29.1.2014

This case be put up before the Final Bench 11 for further proceedings.

  
CHAIRMAN

4.3.2014

Appellant in person and Mr. Muhammad Jan, GP with Daud Jan, Head Clerk for the respondents present. Respondents need time. To come up for written reply on main appeal as well as reply/arguments on stay application on 16.4.2014.

  
MEMBER

  
MEMBER

Form-A  
FORM OF ORDER SHEET

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

Case No. 12/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	06/01/2014	<p>The appeal of Mr. Behramand Khan presented today by Mr. Khaled Rahman Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"><i>La. Q.</i> REGISTRAR</p>
2	8-1-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>29-1-2014</u>.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 19 /2014

Behramand Khan

The Secretary and others

Versus

.....Appellant

.....Respondents

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4.	Adjustment order	10.03.2010	B	0-11
5.	Application for retirement		C	0-12
6.	Retirement Notification	13.03.2010	D	0-13
7.	Extracts from the Service Book		E	0-14
8.	Proposal Letter	19.03.2010	F	0-15
9.	Adjustment order of the appellant	14.04.2010	G	0-16
10.	Letter to the appellant for assumption of duty	14.04.2011	H	0-17
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22.	Impugned appellate order	17.12.2013	T	
23.	Wakalat Nama			

  
Appellant

Through

**Khaled Rahim**  
Advocate, Peshawar  
Cell # 0345-9337312

Dated: 6 / 01/ 2014

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 12 /2014

Behramand Khan  
Agency Physical Supervisor,  
Office of the Agency Education Officer,  
Bajaur Agency. ....Appellant

15  
06-1-14

Versus

1. The Secretary Education (FATA),  
FATA Secretariat, Warsak Road, Peshawar.
2. The Director Education (FATA),  
FATA Secretariat, Warsak Road, Peshawar.
3. The Agency Education Officer  
Bajaur Agency at Khar.
4. Muhammad Gul S/o Gul Zali Khan,  
R/o Bajaur Agency. presently Office of the  
Agency Education Officer  
Bajaur Agency at Khar .....Respondents

**SERVICE APPEAL UNDER SECTION 4 OF THE  
KHYBER PAKHTUNKHWA SERVICE TRIBUNALS  
ACT, 1974 AGAINST THE IMPUGNED APPELLATE  
ORDER DATED 17.12.2013 WHEREBY THE  
DEPARTMENTAL REPRESENTATION OF THE  
APPELLANT AGAINST THE ORDER DATED  
11.11.2013 VIDE WHICH THE APPELLANT WAS  
UNLAWFULLY TRANSFERRED FROM THE POST  
OF AGENCY PHYSICAL SUPERVISOR WHILE  
RESPONDENT NO.4 WAS TRANSFERRED VICE THE  
APPELLANT WAS UNLAWFULLY REGRETTEED.**

*[Handwritten signature]*  
6/1/14

**PRAYER:**

On acceptance of the instant appeal, the impugned appellate order dated 17.12.2013 and the impugned transfer order dated 11.11.2013 may graciously be brushed aside by restoring the appellant to the post of Agency Physical Supervisor and relieving Respondent No.4 being retired from service.

---

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

1. That appellant was appointed as Physical Education Teacher (PET) vide order dated 27.08.1994. He has served the Department to the entire satisfaction of the high-ups and never has any complaint ever arose against him.
2. That a post of Agency Physical Supervisor was lying vacant in the office of Respondent No.3, therefore, being qualified and eligible appellant was transferred to it vide order dated 05.05.2006 (*Annex:-A*).
3. That later on, vide order dated 10.03.2010 (*Annex:-B*) Respondent No.4 who was working by then as Planning Officer in the University of Engineering & Technology, Peshawar was repatriated and accordingly posted vice the appellant while appellant was posted at GMS Murdara, Bajaur Agency.
4. That Respondent No.4 submitted an application (*Annex:-C*) for his retirement from service because he had joined the service of FDA as Agency Coordination Officer. The application was processed and accepted and vide Notification dated



13.03.2010 (*Annex:-D*), Respondent No.4 was retired from service after completion of 25 years qualifying service. The relevant entries to this effect were made in his Service Book vide Extracts (*Annex:-E*).

5. That since appellant was already serving against the post of Agency Physical Supervisor, therefore, his case for adjustment against the same post was processed as is evident from the letter dated 19.03.2010 (*Annex:-F*) upon which Respondent No.2 endorsed to Respondent No.3 that *please make internal adjustment at your own level in the interest of public service as Mr. Behramand is an Agency Cadre employee*. In pursuance of the directions *ibid*, vide adjustment order dated 14.04.2010 (*Annex:-G*) appellant was adjusted against the post of Agency Physical Supervisor with immediate effect.
6. That after his adjustment, appellant has served against the subject post regularly but vide letter dated 14.04.2011 (*Annex:-H*) after a period of almost one year appellant was informed to hand over the charge to Respondent No.4 as appellant had allegedly been transferred to the School on 10.03.2010.
7. That appellant challenged the above direction before the departmental authority in the first instance and then preferred Service Appeal No.1581/2011 (*Annex:-I*) before this Hon'ble Tribunal wherein appellant challenged the adjustment of Respondent No.4 as unlawful on the ground that he had been retired from service. The appeal was admitted for regular hearing and notices were issued to the Respondents who submitted their Replies (*Annex:-J*) wherein

Respondent No.4 produced an order dated 25.04.2010 (*Annex:-K*) whereby his retirement was allegedly cancelled. The order dated 25.04.2010 *ibid* was admittedly fake as is evident from the Calendar of 2010 (*Annex:-L*) wherein 25.04.2010 was Sunday and moreover, the endorsement No.6991-3 was also issued on 19.03.2010 to Deputy Director (P&M) vide Extracts of the Diary (*Annex:-M*).

8. That in the meanwhile vide order dated 14.06.2012 (*Annex:-N*) appellant was re-adjusted against the post of Agency Physical Supervisor and Respondent No.4 himself informed this Hon'ble Tribunal regarding the redressal of the grievance of the appellant in pursuance of which appellant withdrew the appeal vide order dated 01.08.2013 (*Annex:-O*) as Respondent No.4 knew the fate of his case and went to Malaysia. It is pertinent to mention here that on the day of the last hearing of the appeal the Hon'ble Tribunal took serious notice of the conduct of the Department because retirement once finalized could not be cancelled and the same concern was conveyed to the Department in pursuance of which the Respondent No.2 vide letter dated 03.10.2013 (*Annex:-P*) conveyed the decision of the Tribunal to Respondent No.3.
9. That Respondent No.2 inspite of all that once again issued the impugned cancellation of adjustment order dated 11.11.2013 (*Annex:-Q*) of the appellant even being not competent under the Rules (*Annex:-R*) whereby the adjustment order of the appellant was cancelled and Respondent No.4 was once again transferred against the post of Agency Physical Supervisor knowing well that he

was a retired employee.

10. That appellant being aggrieved of the impugned order *ibid*, preferred a departmental Representation on 18.11.2013 (*Annex:-S*) to Respondent No.1 who instead of deciding the same illegally referred the same back to Respondent No.2 vide endorsement on the Departmental Representation and Respondent No.2 thereafter regretted the same vide impugned appellate order dated 17.12.2013 (*Annex:-T*) on the ground that no post of Agency Physical Supervisor at the moment was lying vacant. Hence this appeal *inter-alia* on the following grounds:-

**Grounds:**

- A. That Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully issued the impugned orders, which are unjust, unfair and hence not sustainable in the eye of law.
- B. That once Respondent No.4 applied for retirement which was finalized by issuing his retirement Notification then under what authority of law he was adjusted against the post of Agency Physical Supervisor by issuing the impugned orders. Thus the impugned transfer order of Respondent No.4 is *coram-non-judice*, void *ab-initio* and hence his transfer order is also nullity in the eye of law.
- C. That the appellant has been adjusted against the disputed post after observing all the codal formalities and has been performing his duties on the same post till date to the entire satisfaction of

the high-ups, therefore, the impugned order whereby appellant was transferred from the same post is arbitrary and as such not maintainable.

- D. That Respondent No.2 is not competent to issue the transfer order in respect of the Agency Cadre employees including the appellant and Respondent No.4 for which Respondent No.3 is the competent authority under the rules. The adjustment order of the appellant was issued by Respondent No.3 whereas that of Respondent No.4 was directly issued by Respondent No.2 which speaks for itself that the transfer order of Respondent No.4 is malafide and based on ulterior motives.
- E. That the impugned transfer order is also against the tenure policy inas much as appellant was lastly adjusted against the disputed post on 14.06.2013 and was transferred on 11.11.2013 within less than six months whereas the normal tenure is three years as per the transfer/posting policy.
- F. That the impugned order is neither in the public interest nor in exigency of service but the same is patently issued under the administrative pressure of Respondent No.2, therefore, the same is illegal and not tenable under the Policy of the Government.
- G. That earlier the appellant approached this Hon'ble Tribunal and the transfer order was withdrawn due to which the appeal was also withdrawn but malafide soon the impugned order was issued whereby once again appellant was transferred and thus the earlier transfer order was an attempt to frustrate the earlier appeal filed by the appellant

before the Hon'ble Tribunal.

- H. That Respondent No.1 was required to have decided the Department Representation of the appellant himself being the appellate authority in the matter but unfortunately he himself sent the appeal back to Respondent No.2 against whose order the same was preferred. Thus Respondent failed to exercise his power which has resulted in serious miscarriage of justice and the same is also against the law.
- I. That the appellant would like to offer some other ground during the course of arguments.

It is, therefore, humbly prayed that the instant appeal may graciously be accepted as prayed for above.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to appellant.

Through

  
Appellant

Khaled Rahman,  
Advocate, Peshawar.

Dated: 6 / 01/2014

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR****Service Appeal No. \_\_\_\_\_/2014**

Behramand Khan.....Applicant

Versus

The Secretary Education FATA etc.....Respondents

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**Application for suspending the operation of the impugned orders dated 11.11.2013 and 17.12.2013 till the final disposal of the instant appeal.**

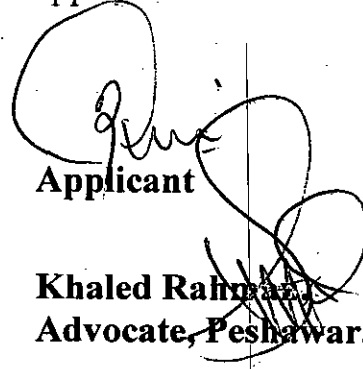
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Respectfully Sheweth,

1. That the above titled service appeal is being filed today which is yet to be fixed for hearing.
2. That the facts alleged and grounds taken in the body of main appeal may kindly be as an integral part of this application, which make out an excellent prima facie case in favour of the appellant.
3. That the balance of convenience also lies in favour of appellant and in case the impugned orders are not suspended the appellant will suffer irreparable loss.

It is, therefore, humbly prayed that on acceptance of this application, the operation of the impugned orders

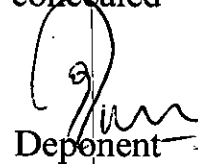
dated 11.11.2013 and 17.12.2013 may graciously be suspended till the final disposal of the appeal.

  
Applicant  
Through  
Khaled Rahman  
Advocate, Peshawar.

Dated: 6 / 01/ 2014

Affidavit

I, Behramand Khan, Agency Physical Supervisor, Office of the Agency Education Officer, Bajaur Agency, do hereby affirm and declare on oath that the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

  
Deponent



DIRECTORATE OF EDUCATION FATA  
AD (PE&S)/ General PET

No.

Dated the Peshawar 05/05/2006.

TRANSFER/POSTING

(10)

Dr. Abdur Rauf

Mr. Behramand PET of Govt: High School Ghaszi Baba, Bajaur Agency is transferred in his own pay & Scale and posted on agency physical Supervisor Bajaur Agency against vacant Agency Physical supervisor post w.e.f. the date of his taking over charge.

(Dr. Abdur Rauf)  
Director Education FATA

Endst: No. 4940-43 /PET. G. File Dated the 05/5 /2006.

Copy forwarded to the:-

1. Agency Education officer with reference to his Endstt: No. 218 dated 15/02/206.
2. Headmaster, GHS Ghazi Baba, Bajaur Agency.
3. Agency Account Office Bajaur Agency at Khar.
4. Official concern.

*Dr. Abdur Rauf*  
Deputy Director of Education  
FATA, NWFP, Peshawar.

05/05/06

*Dr. Abdur Rauf*

*Dr. Abdur Rauf*



Amir B<sup>3</sup> (11)

DEPARTMENT OF EDUCATION (FATA) NWFP PESHAWAR

ADJUSTMENT

Consequent upon the repatriation of Mr. Muhammad Gul APS working as Planning Officer P&D NWFP University of Engineering & Technology Peshawar vide Registrar NWFP University of Engineering & Technology Peshawar Notification No. 1141-1148/1st IV/PE dated 01.01.2010, the following adjustment/transfer are hereby ordered in their own pay & scale in the interest of public service:

(1)

S/II	Name/Designation	Posted at	Remarks
1	Mr. Muhammad Gul APS (BPS-15)	AEO Office, Bajour Agency	Vice 5/No. 2
2	Bahre Mand PET working against APS post at AEO Office, Bajour Agency	GMS More Dara, Bajour Agency	Against a vacant PET post

- 1 Charge report should be submitted to all concerned.
- 2 TA/DA etc is not allowed.

(FAZLI MANAN)  
DIRECTOR EDUCATION  
FATA NWFP PESHAWAR

Indst: No. 1553-57

Dated Peshawar the 10/3/2010

Copy forwarded for information to the:-

- 1 Registrar NWFP University of Engineering & Technology Peshawar w/r to his Notification referred to above.
- 2 Agency Education Officer, Bajour Agency at Khar
- 3 Agency Accounts Officer, Bajour Agency at Khar
- 4 P.A to D.E FATA
- 5 P/File

*[Signature]*  
DY: DIRECTOR EDUCATION  
FATA NWFP PESHAWAR 10/3/10

*ASSISTANT*  
*[Signature]*  
*11/3*

*[Signature]*

12

Annex C

3

To

The Agency Education Officer,  
Bajaur Agency at khar.

Subject: RETIREMENT.

Sir,

With due regards it is submitted that I have served as Agency Physical Supervisor in Education Department FATA and I have completed 25 years service. Now I am proceeding on retirement due to my domestic affairs and cannot continue my service more.

It is requested that my retirement order may kindly be issued w.e.f. 13.03.2010 please.

Hh.

-Sincerely Yours,

*Muhammad Gul*

Muhammad Gul  
Agency Physical supervisor  
Bjaur Agency at khar

*ASST:*  
*Issue retirement order*  
*as per his own*  
*request -*  
*13/3/2010*

19-11-1984  
25

*[Signature]*

C



OFFICE OF THE AGENCY EDUCATION OFFICER  
BAJAUR AGENCY AT KHAR

*Amir D* (13)

(4)

**NOTIFICATION**

*End*  
Mr. Muhammad S/O Muhammad Zali (APS) Agency Education Office Bajaur Agency is hereby allowed to retire from service with effect 13/03/2010, (AN) on his own request after the completion of 25 years qualifying service.

*[Signature]*  
(Haji G M Rehman)  
Agency Education Officer  
Bajaur Agency

Endst: No 6902-4 Dated 13/03/2010

Copy of the above is forwarded to the:

- 1 Agency Accounts Officer Bajaur Agency.
- 2 Director of Education FATA Peshawar
- 3 Secretary FATA DA Peshawar.
- 4 Registrar NWFP UET Peshawar with the remarks that the LPC, Service Book, Pension Contribution and GP Fund etc may kindly be submitted to this office earlier please.
- 5 Official-concerned.

*[Signature]*  
Agency Education Officer  
Bajaur Agency

*[Handwritten signature]*

D

Signature and position of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting Officer	Leave		Signature of the head of the office or other attesting officer	Reference to recorded punishment or censure, or praise of Government
				Name and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
				Period	Government to which debitable		
				Grant of extra ordinary leave			
				Grant of extra ordinary leave with an pay vide Director of Sdco (CENTR) Peshawar Indst. No. 5067 Dated 14/4/2010 with effect from 31/01/2010 to 9/3/2010.			
<i>[Signature]</i> Bajaur Agency	30/11/2005	Grave	<i>[Signature]</i> Bajaur Agency			<i>[Signature]</i> AGENCY OFFICER BAJAUR AGENCY KHAR	
<i>[Signature]</i> Bajaur Agency				Adjustment/transfer order issued vide DB (CENTR) Peshawar Indst. No. 1553-57 Dated Peshawar the 12/3/2010.			
	30/11/2006	Grave	<i>[Signature]</i> Bajaur Agency			<i>[Signature]</i> AGENCY OFFICER BAJAUR AGENCY KHAR	
<i>[Signature]</i> Bajaur Agency	30/6/2007	pay revised	<i>[Signature]</i> Bajaur Agency			<i>[Signature]</i> AGENCY OFFICER BAJAUR AGENCY KHAR	
				Notification			
<i>[Signature]</i> Bajaur Agency	30/11/2007	Appel Award.	<i>[Signature]</i> Bajaur Agency	Returned without notification vide A.O. Bajaur Agency at - Khar Indst. No. 6900-4 Dated 13/3/2010 with effect from 13/3/2010.			
<i>[Signature]</i> Bajaur Agency	30/6/2008	pay revised	<i>[Signature]</i> Bajaur Agency			<i>[Signature]</i> AGENCY OFFICER BAJAUR AGENCY KHAR	
<i>[Signature]</i> Bajaur Agency	30/11/2008	Grave	<i>[Signature]</i> Bajaur Agency				
<i>[Signature]</i> Bajaur Agency	30/11/2009	Grave	<i>[Signature]</i> Bajaur Agency				
<i>[Signature]</i> Bajaur Agency	10/3/2010	Adjusted as APS.	<i>[Signature]</i> Bajaur Agency				
<i>[Signature]</i> Bajaur Agency	3/13/2010	Retired from service	<i>[Signature]</i> Bajaur Agency				

*[Handwritten signature]*



No. 4121  
220395 dated 13/3/2010  
Phone: 220395 Fax: 220395  
Email: educationbaj@yahoo.com

69,809

To

The Director of Education  
FATA Peshawar

*Amir F.*

15

5

Subject:

RE-ADJUSTMENT OF BAHRAMAND KHAN AS PHYSICAL SUPERVISOR AGAINST APS POST

Memo

Mr. Bahramand khan is strongly recommended to be re-adjusted against Agency Physical Supervisor post at AEO office Bajaur Agency vacated by Mr. Muhammad Gul due to his retirement order issued vide this office memo No. 6900-4, dated 13/3/2010.

Agency Education Officer  
Bajaur Agency

*AEO Bajaur  
Pl. make internal  
adjustment - at your  
own level in the  
interest of public service  
as Mr. Bahramand is  
an Agency cadre  
employee*

*2/4/10*  
Director of Education  
FATA Peshawar

*Assist  
To Dir  
Peshawar*

*12/4/2010*

*(Signature)*



Annex 9<sup>21</sup> (16)

**OFFICE OF THE AGENCY EDUCATION OFFICER**  
**BAJAUR AGENCY AT KHAR**

**TRANSFER/ADJUSTMENT**

Consequent upon the directives by the Director of Education FATA Peshawar on the body of this office letter No: 6989, dated 19/3/2010, on 9/4/2010, Mr. Bahramand Khan PET GMS Mordara Barang Bajaur Agency is hereby transferred/ adjusted on the vacant Agency Physical Supervisor post at the office of the Agency Education officer Bajaur Agency on his own pay and scale in the interest of public service with immediate effect.

Note:

1. Charge report should be submitted to this office.
2. No TA/DA is allowed.

*sd-*  
Haji Gul Rahman  
Agency Education Officer  
Bajaur Agency.

Endst: No 7299-9302 Dated 14/4/2010-

Copy to the:

1. Director of Education FATA Peshawar w/r to his remarks No: nil, dated 9/4/2010 on the body of letter of this office as mentioned above.
2. Political Agent Bajaur Agency.
3. Accountant of the local office.
4. Official concerned.

*sd-*  
Agency Education Officer  
Bajaur Agency.



OFFICE OF THE AGENCY EDUCATION OFFICER  
BAJAUR AGENCY AT KHAR

To

Mr. Behramand (PET)  
GMS Moreudara Barang.

Subject:

ASSUMPTION OF DUTY

It has come to the notice of the undersigned that you were locally adjusted at the office of AEO Bajaur to work against the post of APS during the leave period of Agency physical supervisor. Mr. Muhammad Gul has assumed his duty at AEO office Bajaur after availing of his hajj leave.

You are therefore directed to obey the orders vide Directorate of Education FATA No 1553-57 dated 10/3/2010 and resume your duty at your original school with out any further delay.

Moreover, the students of the same school had come and protested on 14.12.2010 before the Agency Education Officer office Civil Colony Khar, against the absent PET.

It is therefore, directed you to hand over the charge along with complete record to the incumbent Supervisor and ensure your presence in the same school to redress the grievances of the students and local elders immediately.

Agency Education Officer  
Bajaur Agency

Endst. No 11893-98 /Estab. Dated Khar the 14/12 /2011

Copy of the above is forwarded to the:

1. Director of Education FATA Peshawar.
2. Additional Political Agent Bajaur.
3. Major Zulfiqar 25 Brigade Pak Army.
4. Managing Director WFP Peshawar.
5. Head Master GMS Murdara/Cluster Incharge.
6. Supervisor AEO Office Bajaur.

Agency Education Officer  
Bajaur Agency

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

Appeal No. \_\_\_\_\_/2011

Mr. Behramand, Agency Physical Supervisor,  
Agency Education officer, Bajaur Agency.

**APPELLANT**

VERSUS

1. The Director Education (FATA), Warsak Road, Peshawar.
2. The Agency Education Officer, Bajaur Agency.
3. Mr. Muhammad Gul, PET, Agency Education Office, Bajaur Agency.

**RESPONDENTS**

.....

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 14.4.2011 WHEREBY THE APPELLANT HAS BEEN DIRECTED TO LEAVE THE POST OF APS TO PRIVATE RESPONDENT WHO ALREADY STOOD RETIRED ON 13.3.2010 AND AGAINST NOT TAKING ACTION ON THE DEPARTMENT APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS.

.....

**PRAYER:**

THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 14.4.2011 MAY BE SET ASIDE BEING ILLEGAL WITHOUT LAWFUL AUTHORITY AND ARBITRARY. THE RESPONDENTS FURTHER PLEASE BE DIRECTED NOT TO TRANSFER THE APPELLANT PREMATURELY AT THE COST OF PRIVATE RESPONDENT NO.3 WHO ALREADY STOOD RETIRED ON 13.3.2010. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND PROPER THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

*[Handwritten signature]*

*[Handwritten signature]*  
18



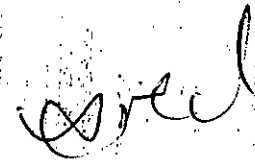
19

**RESPECTFULLY SHEWETH:**

1. That the appellant is senior most Physical Education Teacher in the Bajaur Agency. The appellant has been performing his duty upto the entire satisfaction of his superior and there are no complaints against the appellant.
2. That the private respondent No.3 applied for retirement on the completion of 25 years service. The private respondent retirement order was passed on 13.3.2010 in which the private respondent stood retired with effect from 13.3.2010. Copy of Application and Retirement Order is attached as Annexure-A and B.
3. That being senior most PET in the Agency, the appellant was posted as Agency Physical Supervisor on 14.4.2010 and has performed his duty upto the entire satisfaction of his superior. Copy of Order is attached as Annexure-C.
4. That on 14.4.2011 an order was issued to the appellant wherein the appellant was directed to hand over charge of the post of APS to private respondent who already stood retired on 13.3.2010. The appellant preferred Appeal to the respondent No.1 and waited for 90 dyes but in vain because no reply has been received to the appellant within statutory period of 90 days, hence the present appeal on the following grounds amongst the others: Copy of Order and Appeal are attached as Annexure-D and E.

**GROUNDS:**

- A) That the order dated 14.4.2011 and not taking any action on the Departmental Appeal of the appellant is against the law and rules and norms of justice, therefore, not tenable.
- B) That the appellant has not completed his tenure and the impugned order has not based on exigency of service or public interest.
- C) That the impugned order has been passed to accommodate the blue eyed person who already stood retired on 13.3.2010 thus the impugned order has been passed on mala fide basis.
- D) That the respondents have violated the law and rules at the cost of appellant to favour the respondent NO.3 which is not permissible in the eyes of law.



20

E)

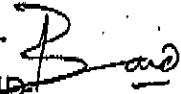
That the appellant has not been treated according to law and rules.

F)

That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

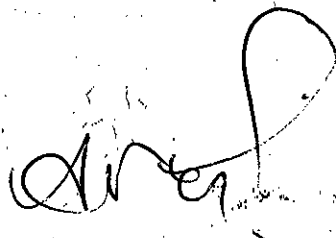
It is, therefore, most humbly prayed that the appeal of the appellant maybe accepted as prayed for.

APPELLANT  
BEHRAMAND



THROUGH:

( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR.



BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.1581/2011.

Mr.Behramand Agency Physical Supervisor

Agency Education Office Bajaur..... Appellant..

.....VS.....

1.Director Education (FATA) Khyber Pakhtoon Khwa Peshawar.

2. Agency Education Officer Bajaur Agency

3.Mr.Muhammad Gul PET Agency Education Office Bajaur..... Respondents..

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 material facts from this honorable tribunal
4. That the appellant is estopped by his own conduct to bring the present appeal.
5. That the appeal is not maintainable.
6. That the appeal is bad due to non-joinder and mis-joinder of necessary parties.

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.1 AND 2 IN APPEAL NO.1581/2011.

1. Incorrect. Pertain to record.
2. Incorrect. Pertain to record.
3. No comments to be made on behalf of Agency.
4. Incorrect. The competent authority has issued the retirement order on the request of the respondent No.3 according to rules on the completion of 25 years service. The competent authority has not taken any action on the departmental appeal as the respondent No.3 has requested for the withdrawal of his retirement application. Therefore, the appellant has been adjusted at Govt. Middle School Moredera Barang Bajaur as the respondent No.3 has assumed his duty at Agency Education Office Bajaur.

GROUND:

- A. Incorrect. As there was no any vacant post at the Office of the Agency Education Office Bajaur therefore the competent authority adjusted the appellant at Govt. Middle School Moredera Barang Bajaur.
- B. Incorrect. As explained above in Para-A.
- C. Incorrect. Pertain to record.
- D. Incorrect. Pertain to record.
- E. Incorrect. The competent authority has not taken any action which is against the rules/Law. The appellant case will also be dealt according to rules in vogue in Education Department.
- F. This office also seeks permission to advance other grounds and proofs at the time of arguments

Letter  
7/11

21

Amir J

Amir J

In the light of above facts it is humbly requested to please dismiss the appeal having legal grounds.

*[Signature]*  
Director Education (FATA)  
Peshawar R.No. 1

22

*[Signature]*  
Agency Education Officer,  
Bajaur Respondent No. 2.

AFFIDAVIT

We the above respondents do hereby declare 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

*[Signature]*  
Director Education,  
(FATA) Peshawar  
Respondent No. 1

*[Signature]*  
Agency Education Officer,  
Bajaur Respondent No. 2.

*[Signature]*

VCIT No. 7/8  
SHERARGAN KHATTAK  
Adv. Advocate General  
Khyber Pakhtunkhwa  
Service Tribunal

BEFORE THE KHYBER PUKHTOON KHWA SERVICE TRIBUNAL  
Peshawar.

Appeal No.1581/2011.

Mr. Behramand PET GMS Murdar (Petitioner.)

V/s

1. Director of Education (FATA) Peshawar.
  2. Agency Education Officer Bajaur.
  3. Muhammad Gul Agency Physical Supervisor Bajaur.
- ( Respondents)

Respectfully sheweth:

Para-wise comments on behalf of respondent No.3

Preliminary objections.

1. That the appeal is not maintainable.
2. That appellant is estopped to file the appeal in hand.
3. That the departmental appeal as well as the instant appeal is hopelessly time- barred.
4. That the appellant has no locus-standi or cause of action to file the appeal in hand.
5. That appellant has not come to this honourable tribunal with clean hands.
6. That the appellant has concealed material facts from this honourable court hence deserve no leniency.

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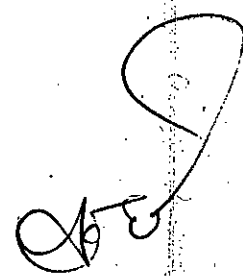
7. That appellant has not impugned the notification No.6991-3 dated 25.04.2010 and No.1553-57 dated 10/3/2010 & No.5546/A-12 dated 23/4/2011, regarding the with-drawl of retirement and leave sanction of respondent No.3, therefore the appeal in hand is nullity in the eyes of law

8. That the appellant is working as PET but strange enough that he has mentioned his designation as APS and has committed misconduct before this honourable Tribunal.

9. That as is evident from the so-called departmental appeal, the appellant has attempted to Politically pressurize the Govt: Officials by approaching the Minister for elementary Education and therefore has violated section 19 & 29 of Govt: servant ( conduct rules 1964.

#### ON FACTS

1. Not Correct. The appellant is not the senior most in the cadre of PET as there are many PETs who are senior to the appellant. As for as the performance of the appellant is concerned, he is legally and morally bound to perform his duties with full devotion and zeal. In this portion the appellant has categorically admitted that his post is of PET but in the heading of appeal he has mentioned his designation as APS.
2. Correct to the extent that the respondent No.3 was retired from service but as the AEO was not competent to issue such order, therefore the same was withdrawn and the appellant was transferred/ adjusted as PET which was neither challenged by the appellant nor any appeal/ representation was filed by the appellant.



3. Not correct. The appellant is not the Senior Most as there are many other Physical Education Teachers who are senior to the appellant. The posting of the appellant to the post of Agency Physical Supervisor was just a stop gap arrangement and was not a promotion. Therefore, the appellant don't have any right to claim his permanent posting the post of APS,

4. In response to para -4 of the appeal, it is clarified that bear reading of the letter dated 14/4/2011 speaks itself that it is just a reminder to the appellant, directing him to obey the earlier order dated 10/03/2010 of the competent authority against which not appeal or representation was filed by the appellant. Therefore the appeal in hand is not maintainable.

**GROUND:**

a. Not correct. No appeal or representation has been filed against the transfer/adjustment order.

b. AS stated earlier, the posting of appellant was just a stop gap arrangement and after the arrival of respondent No.3, the appellant was transferred/ adjusted to his <sup>own</sup> post.

c. Not correct. The appellant has not impugned the withdrawal of retirement order of the respondent No.3.

d. Not correct. Nullity is there in the whole process.

e. Not correct. Not a single right of the appellant has been violated, rather the appellant belongs to teaching cadre while the Post of APS belongs to <sup>management</sup> cadre.

4  
26  
f. The respondents be allowed to present any other ground at the time of arguments.

It is therefore, prayed that the appeal in hand may graciously be dismissed while imposing heavy costs upon the appellant.

Mh-u-ml  
Muhammad Gul  
APS AEO Office Bajaur.

Affidavit

Stated on oath that the above contents are true + correct to the best of my knowledge + belief.

Mh-u-ml

ATTESTED



11/10  
012.

A large, stylized handwritten signature or mark, possibly a date or initials, written in dark ink.





Annex B

OFFICE OF THE AGENCY EDUCATION OFFICER BAJAUR.

(6)

(27)

CANCELLATION.

The retirement notification in respect Mr. Muhammud Gul APS Agency Education Office Bajaur, issued vide this office emdat No. 6900-1 dated 13/3/2010, is hereby cancelled/ withdrawn from the date of issue.

Annex K

Agency Education Officer  
Bajaur Agency

Endst; NO. 6991-3 / dated 25/4 /2010

Copy of the above is forwarded to the:

1. Director of Education FATA Peshawar vide his letter No. 5546/A-12/M.Gul APS dated Peshawar the 23.4.2010.
2. Agency Accounts Officer Bajaur Agency.
3. M.Gul APS vide his application dated 24.03.2010

Agency Education Officer  
Bajaur Agency

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K

# Calendar 2010

JANUARY						
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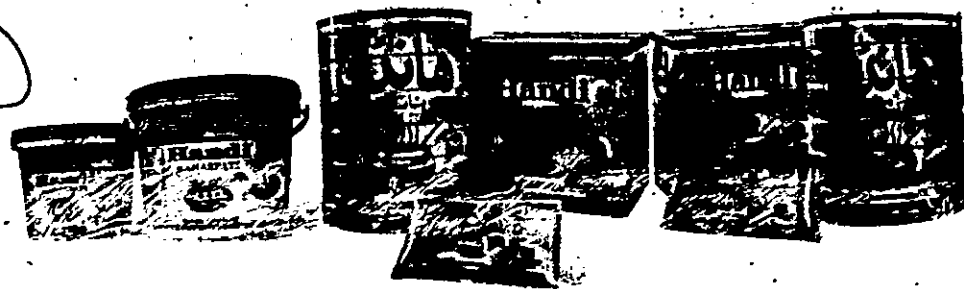
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Web: www.hom.com.pk

Handwritten signature and date: 28/11/10

# DIARY

(G.S. & P.D.) NWFP 793 F.S. 500 N. of 2001.9.10.94(11)AD-1

B

Diary Serial No.	No. and Date of document received	From whom received	File	Special Instructions
1	2	3	4	5
6989	13/3/2010	DE FATA.		
6990	"	" "		
(6991)	" "	Dy. Director (PAM)		
6992	" "	XEN Buildings		
6993-94	"	All concerned	physical	Infrastructure
6995	"	DE FATA	"	"
6996	"	COR ARDU	Cost of	Infrastructure / FATA
6997	20/3/2010	Add. P. 17. B.		Infrastructure
6998	20/3/2010	All concerned		Report of
6999	22/3/2010	Additional - PA		D.P. Malakalah
7000	24/3/2010	B.M.		Infrastructure Survey
7001	"	AAO Bajaur/A		Issue clearance certificate
7002	"	"		G.P. Tax p/ payment
7003-6	24/3/2010	All concerned		penetration Abul Mujeeb
7007	"	AAO, Bajaur.		Notification Retirement
7008	"	PA, Bajaur		
7009	24/3/2010	F.M.S. ASC. Bajaur		school Bajaur
7010	"	AAO, Bajaur	DE FATA	
7011-	"	All concerned		complaints SST
7012	"	DE (PAM) Pesh		
7013	26/3/2010	PA, Bajaur	2nd list	AAO Office
7014	26/3/2010	AP-A (L-2)		opening courts in 'ai'
7015-16	"	All concerned		Agriculture Centers 2010
7017	26/3/2010	AAO (R)		-do-
7018-23	"	All concerned		Review of study
7024	22/03/10	DE (PAM) Pesh		-do-
7025	"	DDP		Surveillance 15-3-10
7026	27/3/2010	AAO Buj.		
7027-31	"	All concerned		Resignation, 2/1/10

Note:— Date of receipt in Branch is to be written across centre to page at beginning of each day's receipt. Column 5 is to be left blank unless special instructions are given to be contrary.



(30)

Amm N

**OFFICE OF THE AGENCY EDUCATION  
OFFICER BAJAUR AGENCY AT KHAR**  
Phone: 220395 Fax: 220395.  
Email. [educationbaj@yahoo.com](mailto:educationbaj@yahoo.com)

**TRANSFER/ADJUSMENT.**

Consequent upon the approval of the worthy Political Agent Bajaur Agency on 31/5/2013,

Mr. Bahramand Khan PET GMS Mordara Barang Bajaur Agency is hereby transferred/adjusted on Agency Physical Supervisor post in the office of the Agency Education office Bajaur on his own pay and scale and the services of Mr. Muhammad Gul Agency Physical Supervisor on the disposal of the Director of Education FATA Peshawar for adjustment anywhere with the interest of public services.

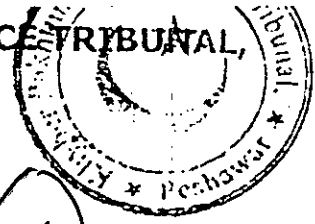
(Khrasta Rahman)  
**Agency Education Officer  
Bajaur Agency.**

Endst: No 4838-43 Dated 14/06/2013  
Copy to the:

- 1 Director of Education FATA Peshawar
- 2 Political Agent Bajaur Agency
- 3 Agency Account Officer Bajaur Agency
- 4 Accountant of the Local office
- 5 Officials concerned.

  
**Agency Education Officer  
Bajaur Agency.**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.



Appeal No. 1581 /2011 31

*Amx 0*

1556  
14-9-11

Mr. Behramand, Agency Physical Supervisor,  
Agency Education officer, Bajaur Agency.

APPELLANT

VERSUS

1. The Director Education (FATA), Warsak Road, Peshawar.
2. The Agency Education Officer, Bajaur Agency.
3. Mr. Muhammad Gul, PET, Agency Education Office, Bajaur Agency.

RESPONDENTS

.....

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 14.4.2011 WHEREBY THE APPELLANT HAS BEEN DIRECTED TO LEAVE THE POST OF APS TO PRIVATE RESPONDENT WHO ALREADY STOOD RETIRED ON 13.3.2010 AND AGAINST NOT TAKING ACTION ON THE DEPARTMENT APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS.

Certified to be true copy  
18.8.2013  
Ex: M. M. Khan  
Chairman, Tribunal

Appellant with counsel, Mr. Muhammad Jan, GP and counsel for the private respondent present. Counsel for the private respondent stated that grievance of the appellant has been redressed by the respondent department. It was also confirmed from the appellant/his counsel and requested for withdrawal of the appeal. Signature of the appellant also obtained

in the margin of order sheet. As such the appeal in hand is dismissed as withdrawn. File be consigned to the record.

ANNOUNCED

01.8.2013

*Signature* — *Signature*  
Members

No. 18786

Date Peshawar 3/10/2013

To

The Agency Education Officer,  
Bajaur at Khar.

32

SUBJECT:- COURT DECISION  
Memo:-

Amx P

I am directed to inform you that the honorable Service Tribunal has decided the appeal bearing No. 1581/2011 lodged by Mr. Behramand Agency Physical Supervisor Agency Education Officer Bajaur as the grievances of the appellants have been redressed.

It is further pointed out that Mr. Behramand has been transferred on the basis of withdrawal of retirement order of Mr. Muhammad Gul Agency Physical Supervisor. The honorable Service Tribunal has taken a serious view about this practice as according to notification issued by the Finance Department Govt. of NWFP vide No. SOSR - III/4-92/81 dated: Peshawar 1-10-1981.

{Such an intimation once submitted shall be final  
And shall not be allowed to be modified OR withdrawn}

You are therefore directed to be careful in future and avoid such irregular action and any officer/Official may not be disturbed on the basis of withdrawal of retirement order. Strictly follow the rules and regulations.

*[Signature]*  
Addl: Director (Estab.)

Endst: NO. \_\_\_\_\_

Copy forwarded to :-

1. P.A to Director Education FATA Warsak Road Peshawar.

*[Signature]*  
Addl: Director (Etab.)

*[Signature]*



**DIRECTORATE OF EDUCATION  
(FATA), FATA SECRETARIAT**  
Phone No. 091-9210166 Fax No. 091-9210216

**CANCELLATION OF ADJUSTMENT ORDER**

*Amir Q* <sup>no. 1</sup> **33**

The transfer / adjustment order in respect of Mr. Bahramand Khan PET Govt. Middle School Mordara Barang Bajaur Agency to Agency Education Office Bajaur Agency as Agency physical Supervisor and placement of services in respect of Muhammad Gul at the disposal of this Directorate issued vide AEO Bajaur Agency Endst No. 4838-43 dated 14-06-2013 and No. 151-55 dated 12-07-2013 are hereby withdrawn and the following transfer / adjustment are hereby ordered with immediate effect in the public interest.

S. No.	Name with Designation	From	To	Remarks
1	Mr. Bahramand Khan PET	AEO Bajaur Agency	GMS Mordara Barang Bajaur Agency	Vice S. No. 2
2	Mr. Muhammad Gul APS	GMS Mordara Barang Bajaur Agency	AEO Bajaur Agency	Vice S. No. 1

(Muhammad Islam Bangash)  
Director Education FATA

Endst No. 20120-23 11/11/13

Copy forwarded to the:

1. Agency Education Officer Bajaur Agency
2. Accountant General Sub Office Khyber Pakhtunkhwa Peshawar
3. Agency Accounts Officer Bajaur Agency
4. PA to Director Education FATA

*[Signature]*  
Additional Director (Estab:)

*[Signature]*

Q

GOVERNMENT OF NWFP  
ELEMENTARY & SECONDARY  
EDUCATION DEPARTMENT  
Dated Peshawar the, 29-10-2008

34

NOTIFICATION

NO.SO(PE)2-7/FATA/Rec.B-15 & below/08. In partial modification of this department notification No. SO(FATA)Edu/2-14/98 dated 10-8-2000, the Governor NWFP in his capacity as agent to the President for Federally Administered Tribal areas under article 145 of the constitution of Islamic Republic of Pakistan has been pleased to delegate the powers of appointment in the Agency Cadre for the posts in B-15 and below with immediate effect for the Authorities specified as under :-

Amir R

AMENDMENT

- a. The Political Agents shall exercise the powers of the appointing authority in respect of officials in Basic Pay Scale-11 to 15 in Elementary & Secondary Education Department.
- b. The Agency Education Officers shall exercise the powers of appointing authority in respect of officials in Basic Pay Scale 1 to 10 in Elementary & Secondary Education Department.

This issues with the approval of Governor NWFP.

SECRETARY TO GOVT OF NWFP  
ELEMENTARY & SECONDARY  
EDUCATION DEPARTMENT

Endst. NO.SO(PE)2-7/FATA/Rec/B-15&below Dated Peshawar, 29-10-2008.

Copy forwarded to the:-

1. Additional Chief Secretary FATA (FATA Secretariat) Wazirabad, Peshawar.
2. Secretary to Governor NWFP Peshawar.
3. Principal Secretary to Chief Minister NWFP.
4. All Administrative Secretaries in NWFP.
5. All District Coordination Officers in NWFP.
6. Director Elementary & Secondary Education NWFP Peshawar.
7. Director of Education FATA NWFP Peshawar.
8. All Agency Education Officers in FATA.
9. All Political Agents in FATA.
10. P.S. to Chief Secretary, NWFP.
11. P.S. to Minister Elementary & Secondary Education Peshawar.
12. P.S. to Secretary Elementary & Secondary Education Dept. Peshawar.

J 11/11/08

DDE

Pl. circulate to all concerned

12/11/08

(322-50)

SECRETARY TO GOVT OF NWFP  
ELEMENTARY & SECONDARY  
EDUCATION DEPARTMENT

*(Signature)*

R



محضور جناب سیکرٹری صاحب محکمہ تعلیم فائنا پشاور

ہمدرد انٹرنیشنل

Amna S

جناب عالی

35

مودبان گزارش ہے۔ کہ ندوی نے کوئٹہ، ڈیرہ ذہد، فیئر ٹیکس ایجوکیشن، سٹیڈی ڈیڈ، فیئر ٹیکس ایجوکیشن اور MSC فیئر ٹیکس ایجوکیشن کیا ہے۔ ندوی  
3/7/1991 سے شخصیت سرکاری ملازم اپنی ذمہ داری ایسا انداز سے سرانجام دے رہا ہے۔ چونکہ ندوی ایجنسی میں سیکرٹری اور کالینا سیکرٹری تھا اس وجہ سے ندوی کی تقریر  
5/5/2006 کو شخصیت ایجنسی فیئر ٹیکس ایجوکیشن پر دائر ہوئی تھی۔

جناب والا

10/3/2010 کو فیئر ٹیکس طریقے سے ندوی کا تادم ایک ٹیل سکول کیا گیا۔

اسی طریقے توئی طریقے سے آئے ہوئے ٹیل نے 12/3/2010 کو ریٹرنسٹ کیلئے درخواست دی۔

تقریر کی ریٹرنسٹ منظور کر کے ریٹرنسٹ ڈیپارٹمنٹ جاری کر دی گئی۔

ٹیل کی ریٹرنسٹ کی سرورس ایجنسی سے اس وقت تک نہیں ہوتی۔

ٹیل نے ریٹرنسٹ کے بعد سرورس 15/3/2010 کو ندوی کو دوبارہ اپنی پوسٹ پر بحال کرنے کیلئے ڈائریکٹر ایجوکیشن فائنا کو خط ارسال کیا تھا۔ جس پر

ڈائریکٹر ایجوکیشن نے پوسٹ سہارا خود لکھا ہے۔ کہ گریڈ 115 ایجنسی کی پوسٹ ہے۔ اسے اس کا تادم کیا جائے۔

ڈائریکٹر صاحب کے الفاظ کے روشنی میں ندوی کا تادم سرورس 14/4/2010 کو ٹیل میں لائی گئی۔

سرورس 15/5/2011 ندوی کو ایک خط لکھا جس میں لکھا گیا تھا کہ آپ کا تادم سرورس 10/3/2010 کو ٹیل سکول سرورس ہوئی ہے۔ جس پر ندوی نے

ڈائریکٹر صاحب کو اپیل کی کہ ندوی کیس کا تادم انصاف کیا جائے لیکن ندوی کی فریاد پر کوئی ٹیل نہیں ہوئی۔ اس وجہ سے ندوی نے عدالت میں اپیل دائر کی جبکہ اسی دوران ندوی کا

تادم واپس ایجنسی ایجوکیشن آفس اپنی جگہ کر دی گئی تھی۔ اور ٹیل اور اس کے ٹیکل نے خود عدالت میں آ کر کہا کہ ندوی کو اپنی جگہ پر بحال ہوا ہے اور ٹیل پاکستان سے

اپر ملا پشاور جا رہا ہے۔

عدالتی کارروائی کی روشنی میں ڈائریکٹر فائنا محکمہ تعلیم نے سرورس 30.04.2013 کو صاف الفاظ میں لکھ دیا کہ آئندہ کے لئے کسی بھی ریٹرنسٹ کو ڈیوٹی کے لئے نہ لایا جائے۔

کیونکہ قانون کے مطابق ریٹرنسٹ میں واپس یا سبڈیوٹی نہیں کی جاسکتی۔

لہذا آپ صاحبان مہربانی کر کے ندوی کو واپس اپنی پوسٹ پر بحال کرنے کے احکامات صادر فرمایا جائے ندوی کی حیات و کاروبار۔

نوٹ:- تمام سرورس کا تادم اپیل کے ساتھ مل کر ہیں۔

الغرض  
13/11/2013

آپ کا بعد از سرورس مندرجہ بالا ایجنسی فیئر ٹیکس ایجوکیشن پر دائر باجوڑ ایجنسی

D.E. FATA

Spk on 19/11/13.  
at 0930 hrs  
positively regarding  
this case in support  
of rules and  
regulations.

Recy. S.S.D.

18/11/13.

DE  
What's up  
on the above?

7.5/12



FATA SECRETARIAT  
DIRECTORATE OF EDUCATION

WARSAK ROAD PESHAWAR, PAKISTAN  
PHONE: 091-9210166 FAX 091-9210210

NO. 29070 / A-127 MOHD GUL APS

DATED 12/12/13

To

The Agency Education Officer  
Bajour Agency at Khar

Subject: TRANSFER

I am directed to ask you to inform Mr. Behramand PET GMS Mordara Barang that in presence of a Agency Physical Supervisor he cannot be transferred to Agency Education Office against Agency Physical Supervisor post and can only be adjusted if there is no Agency Physical Supervisor available in the Agency.

Annex 1 (36)

B. Halaan

ADDL: DIRECTOR(ESTAB)

(Signature)

WAKALAT NAMA

IN THE COURT OF

K.P.K. Service  
Tribunal

Behram

Appellant(s)/Petitioner(s)

VERSUS

Govt

Respondent(s)

I/We \_\_\_\_\_ do hereby appoint  
**Mr. Khaled Rehman, Advocate** in the above mentioned case, to do all or  
any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.

AND hereby agree:-

- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this \_\_\_\_\_

Attested & Accepted by

Khaled Rehman,  
Advocate, Peshawar.

9-B, Haroon Mansion  
Khyber Bazar, Peshawar

[Signature]  
Signature of Executants