

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.18/2014.

Date of Institution ... 06.01.2014

Date of Decision ... 09.10.2020

Sher Daraz S/O Gul Nawaz, P.S.T GPS, Tather Khel, Lakki Marwat.

... (Appellant).

VERSUS

1. District Education Officer (Male), Elementary & Secondary Education Lakki Marwat, Ex-EDO, Lakki Marwat and (03) Others.

... (Respondents)

Arbab Saiful Kamal,
Advocate

... For appellant.

Kabirullah Khattak,
Additional Advocate General

... For respondents.

ROZINA REHMAN
ATIQU-UR-REHMAN WAZIR

... MEMBER (J)
... MEMBER (E)

JUDGMENT

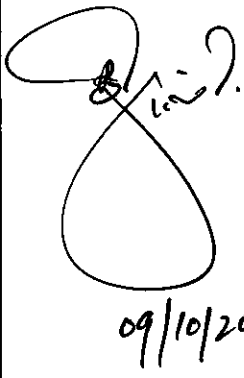
ROZINA REHMAN, MEMBER : Sher Daraz has filed the instant appeal U/S 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 30.11.2012 whereby his salaries were withheld.

09/10/20

2. Brief facts of the case are that appellant was appointed as Primary School Teacher (PST) vide order dated 17.01.2011 on the recommendation of Departmental Selection Committee and accordingly he assumed charge on 18.01.2011. He was performing his duties when in the meanwhile respondent No.4 was directed by respondent No.1 vide order dated 14.03.2011 to withhold salaries of appellant. He filed representation before the authority for release of his salaries but the same was not responded to. He then filed appeal No.149/2012 before this Tribunal for release of salaries which appeal was remanded to the then DCO Lakki Marwat to take decision on the representation of the appellant within 60 days. After remand, the then DCO decided appeals on 28.11.2012 to make payment of salaries to some of the teachers while some were put in hanging position and lastly salaries were released to the teachers including the appellant w.e.f February 2013. He submitted representation on 25.01.2013 for payment of salaries, which was not responded to hence the instant appeal.

3. Learned counsel for appellant argued that the appellant has been performing his duties since 17.01.2011; that PST teachers were appointed by the then EDOs over and above the sanction strength, therefore, issue arose by withholding salaries of teachers. He argued that salaries were released to those teachers who made payment to the authorities but were declined to those who did not fulfill their ill wishes and lastly he submitted that the appellant was appointed as per prescribed procedure, therefore, entitled to salaries withheld from 17.01.2011 till 30.01.2013.

4. Conversely, learned AAG submitted that the appointment letter in respect of appellant is fake and that he was never appointed as PST. He submitted that the Civil Suit filed by the present appellant was dismissed by



09/10/20

the learned Civil Judge Lakki Marwat and the appointment order on the strength of Civil Suit is fake because relief was declined to the appellant. He, therefore, requested this Tribunal to dismiss the appeal with cost.

5. It is worth to mention here that after hearing arguments, appellant submitted notification dated 25.05.2019 vide which appellant alongwith other teachers were promoted to the post of Senior Primary School Teacher (SPST) (BPS-14). In view of the production of this notification, wherein the name of the appellant is available at Serial No.54, the learned AAG alongwith representative of the department was directed to confirm the authenticity of the above mentioned promotion notification. Kashif Munir Litigation Officer on behalf of the respondents was present in court and in response to query by the Tribunal, he talked to one Muhammad Ilyas D.D.E.O. The Tribunal was informed that the promotion order in respect of the present appellant and other teachers is genuine and that they have rightly been promoted from BPS-12 to BPS-14. From the above, it is crystal clear that the appellant was appointed as PST and he rightly served in the respondents' department but his appointment order was denied while his promotion order was admitted by the respondents. They also denied the presence of GPS Dilawar Titter Khel but the notification in respect of the promotion produced today before the Tribunal clearly shows the name of present appellant at Serial No.54 wherein in Column No.4 of Table-A GPS Dilawar Titter Khel has been clearly mentioned. The appointment order of the present appellant available on file as Annexure-A Page-03 clearly shows that the appellant was appointed as Primary School Teacher vide appointment order dated 17.01.2011 and he assumed the charge on 18.01.2011. The appointment letter which was denied by the respondents, not only in their comments, but also in the arguments is a genuine appointment order because on the

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09/10/20

strength of this appointment order the appellant is still serving in the said department and has now been promoted which promotion is not denied by the respondents.

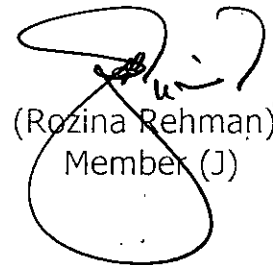
6. In view of the above, we are of the opinion that the appellant served in the department but his salaries were withheld from 17.01.2011 till 30.01.2013 without any cogent reason, therefore, the instant appeal stands accepted as prayed for. No order as to costs. File be consigned to the record room.

ANNOUNCED.

09.10.2020



(Attiq ur Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

09.10.2020

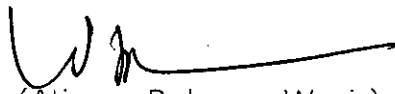
Appellant with counsel present.

Mr. Kabir Ullah Khattak learned Additional Advocate General
alongwith Kashif Munir Litigation Officer for respondents
present.

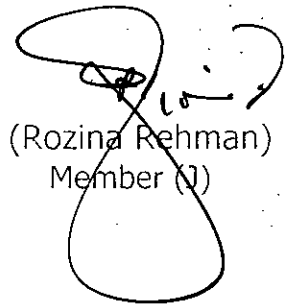
Arguments heard. Vide detailed judgment of today of this
Tribunal placed on file, the instant appeal stands accepted as
prayed for. No order as to costs. File be consigned to the record
room.

ANNOUNCED.

09.10.2020



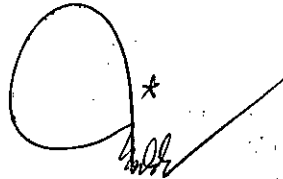
(Atiq-ur-Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

13.03.2020

Counsel for the appellant present. Mr. Muhammad Jan, DDA alongwith Mr. M. Ilyas, Dy: DEO for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 03.04.2020 before D.B.


Member


Member

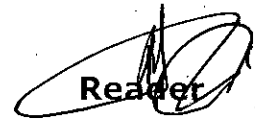
3.4.2020

Due to (COVID 19) the case is adjourned to 30.6.2020 for the same.



30.06.2020

Due to COVID-19, the case is adjourned to 25.08.2020 for the same.


Reader

25.08.2020

Due to summer vacation case to come up for the same on 09.10.2020 before D.B.


Reader

03.10.2019

Learned counsel for the appellant present. Mr. Kabir Ullah Khattak learned Additional Advocate General present. Learned counsel for the appellant requested that similar nature appeal has been fixed on 28.11.2019, therefore, the present case may be fixed for 28.11.2019. Request accepted. Adjourn. To come up for arguments on 28.11.2019 before D.B.


Member


Member

28.11.2019

Due to general strike of the Pakistan Bar Council, the case is adjourned. To come up on 24.01.2020 before D.B. Muhammad Akram B&AO representative of the respondent department present.

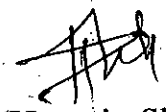

Member


Member

24.01.2020

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council learned counsel for the appellant is not available today. Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Adjourned to 13.03.2020 for further proceedings/arguments before D.B.


(M. Amin Khan Kundi)
Member


(Hussain Shah)
Member

07.08.2019

Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourn by way of last chance. To come up for arguments on 27.09.2019 before D.B.


Member


Member

27.09.2019

Appellant absent. Learned counsel for the appellant absent. However junior to counsel for the appellant present and seeks adjournment. Being an old case, last opportunity is granted for arguments. Adjourn. To come up for arguments on 03.10.2019 before D.B

Member

Member

27.09.2019

Junior to counsel for the appellant present. Learned Addl: AG for respondents present. Junior to counsel for the appellant seeks adjournment. Adjourn. Being an old case of 2015, last opportunity be granted. To come up for arguments on 03.10.2019 before D.B.


Member

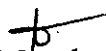

Member

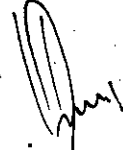
27.02.2019

Counsel for the appellant and Assistant A.G for the respondents present.

Request for adjournment is made due to engagement in many cases before the Honourable High Court today.

Adjourned to 16.05.2019 before D.B.


Member


Chairman

16.05.2019

Junior to counsel for the appellant and Addl. AG alongwith Mukhtiar Alam, ADEO for the respondents present.

Due to demise of his father, learned Member of the Bench (Mr. Hussain Shah) is on leave. Adjourned to 27.06.2019 for arguments before the D.B.


Chairman


27.06.2019


Counsel for the appellant and Muhammad Jan, DDA alongwith Mukhtiar Alam, ADEO for the respondents present. Due to incomplete bench case is adjourned to 07.08.2019 for arguments before the D.B.


Reader

06.08.2018


Learned counsel for the appellant and Mr. Zia Ullah, learned Deputy District Attorney alongwith Mr. Akram Superintendent for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 19.09.2018 before D.B.

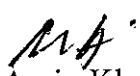

(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

19.09.2018

Miss. Uzma, junior counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Muhammad Akram, Superintendent for the respondents present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is not available today. Adjourned. To come up for arguments on 07.11.2018 before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

07.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 26.12.2018.


Reader

26.12.2018

Arbab Saiful Kamal, Advocate for appellant and Mr. Muhammad Riaz Pinda Khel, AAG alongwith Mukhtiar Alam, ADO for the respondents present.

Learned counsel for the appellant requests for time to further prepare the brief. Adjourned to 27.02.2019 for arguments before the D.B.


Member


Chairman

18/14

08.02.2018

Counsel for the appellant and Mr. Kabeerullah Khattak, Addl. AG alongwith Muhammad Akram, Superintendent for the respondents present. Learned AAG seeks adjournment as he is not in possession of the record of the service appeal. Adjourned. To come up for arguments on 12.04.2018 before the D.B.



Member


Chairman

12.04.2018

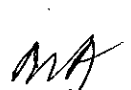
Junior to counsel for the appellant and Mr. Muhammad Jan, Learned Deputy District Attorney alongwith Muhammad Akram Superintendent for respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel is not available. Adjourn. To come up for arguments on 25.06.2018 before D.B.



(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

25.06.2018

Appellant in person present. Learned counsel for the appellant is absent. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Muhammad Akram, Superintendent for the respondents present. Appellant seeks adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 06.08.2018 before D.B.


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member


26.12.2016


Counsel for the appellant and Mr. Hameed ur Rehman, AD (Litigation) alongwith Mr. Ziaullah, GP for respondents present. Arguments could not be heard due to incomplete bench. Case adjourned to 27.04.2017 for arguments before D.B.


Chairman

27.04.2017

Junior to counsel for the appellant and Mr. Ziaullah, Government Pleader for the respondents present. Senior counsel for the appellant is stated busy before the Hon'ble Peshawar High Court. Seeks Adjournment..Adjourned for final hearing to 16.08.2017 before D.B.

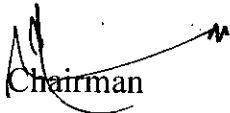

Member


Chairman

16.08.2017

Counsel for the appellant and Mr. Ziaullah, DDA for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 29.11.2017 before D.B.


Member


Chairman

29.11.2017

Appellant with counsel and Addl. AG alongwith Mr. Muhammad Akram, Supdt for the respondents present. Counsel for the appellant seeks adjournment. Granted. To come up for arguments on 08.02.2018 before the D.B.


Member


Chairman

29.02.2016

Appellant with counsel and Mr. Hameed-ur-Rehman, AD (lit.)
alongwith Addl: A.G for respondents present. Written reply not
submitted despite extension of last opportunity and cost of Rs. 2000/-.
Requested for further adjournment. Another last opportunity is
extended subject to payment of further cost of Rs. 1000/- which shall
be borne by the respondents from their own pockets. To come up for
written reply/comments and cost of Rs. 3000/- on 26.4.2016 before
S.B.


Member

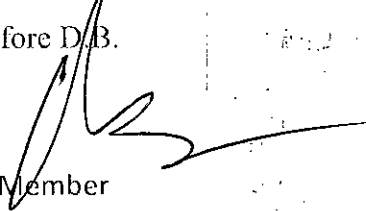
26.4.2016

Counsel for the appellant and Mr. Sharifullah,
ADO alongwith Addl: A.G for respondents present. Written
reply by the respondents submitted. Cost of Rs. 3000/- also paid and
receipt thereof obtained from the learned counsel for the appellant.
The appeal is assigned to D.B for rejoinder and final hearing for
17.8.2016.


Chairman

17.08.2016

Counsel for the appellant and Mr. Sharifullah, ADO
alongwith Additional AG for respondents present. Rejoinder on
behalf of the appellant submitted and requested for
adjournment. Request accepted. Copy of rejoinder also handed
over to learned Additional AG. To come up for arguments on
~~26-12-16~~ before D.B.


Member


Member

28.08.2015

Appellant with counsel, M/S Javed Ahmed, Supdt. and Khurshid Khan, SO alongwith Addl: A.G for respondents present. Written reply not submitted despite extension of last opportunity. Requested for further adjournment. Last opportunity is further extended subject to payment of cost of Rs. 1000/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments and cost on 10.11.2015 before S.B.


Chairman

10.11.2015

Appellant with counsel, M/S Khurshid Khan, SO and Sharifullah, ADO alongwith Addl: A.G for respondents present. Written reply not submitted despite extension of last opportunity. Cost of Rs. 1000/- paid and receipt thereof obtained. However, another request was made which is granted subject to payment of cost of Rs. 2000/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments and cost on 23.12.2015 before S.B.


Chairman

23.12.2015

Appellant with counsel and Mr. Adeel But, AAG for respondents present. Written reply not submitted. To come up for written reply, comments and cost of Rs.2000 which shall be borne by the respondents from their own pockets. To come up before S.B on 29.2.2016.


Member

09.03.2015

Counsel for the appellant and Mr. Amanullah, Supdt. for respondents No. 1 to 3 and Addl: A.G for all respondents present. Respondent No. 4 requested for adjournment. Last opportunity granted for written reply. To come up for written reply on 11.6.2015 before S.B.


Chairman

4

11.06.2015

Appellant with counsel, M/S S harifullah, ADO for respondent No. 1, Khurshid Khan, SO for respondent No. 3 and Muhabbat Khan, AAO for respondent No. 4 alongwith Addl: A.G for respondents present. Written reply not submitted despite last opportunity. Representative of respondent No. 1 submitted application for adjournment which is found misconceived. The same is rejected. The representative of respondent No. 1 is given stern warning to abide by the direction of the Tribunal in future otherwise he will be recommended for departmental proceedings. Last opportunity extended to 28.8.2015 before S.B for submission of written reply.


Chairman

27.06.2014

Counsel for the appellant and AAG with Khursheed Khan, SO and Sharifullah, ADEO for the respondents present and requested for time. To come up for written reply on 14.10.2014.

MEMBER

MEMBER

14.10.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Sharifullah, ADEO, Mosam Khan, AD and Khursheed Khan, SO for respondents No. 1 to 3 present and requested for further time. Fresh notice be issued to respondent No.4. To come up for written reply on 17.12.2014.

MEMBER

17.12.2014

Junior to counsel for the appellant and Mr. Muhaimmad Jan, GP with Mosam Khan, AD 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 9.3.2015.

READER

Appeal No. 18/2014
Mr. Sher Durrani.

15.04.2014

Appellant with counsel and Mr. Ziaullah, GP 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. The appellant file the instant appeal on 06.01.2014 against the order dated 30.11.2012 where the name of the appellant appeared at S.No. 1. The appellant has been performing her duty w.e.f 17.01.2011 regularly and he also filed application for condonation of delay. He requested that the impugned order dated 30.11.2012 of the appellant may be set aside and appellant may be allowed monthly salary w.e.f 17.01.2011 till 31.11.2013.

The learned Government Pleader while assisting the court was of the view that the appeal is badly time barred before the appellate authority as well as this Tribunal. The appellant was to file the instant appeal on 28.12.2012 instead of 06.01.2014. He while relying on judgment of the Hon'ble Supreme Court of Pakistan as reported on 2011 SCMR 676 (d) that if Departmental Appeal is time barred, the appeal before the Service Tribunal would not be competent; 2012 SCMR 195 that if a Departmental Appeal filed by a Civil Servant is barred by time, no relief can be granted to him even if the appeal before the Service Tribunal is on time and 2010 SCMR 1982 that question of limitation could not be taken lightly. 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 as well as reply/argument on application for condonation of delay on 27.06.2014.

Member

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

Chairman

15.04.2014

Appellant deposited
Process fee & Security
Rs. 200/- Bank Receipt
attached with file

15.04.2014

3.

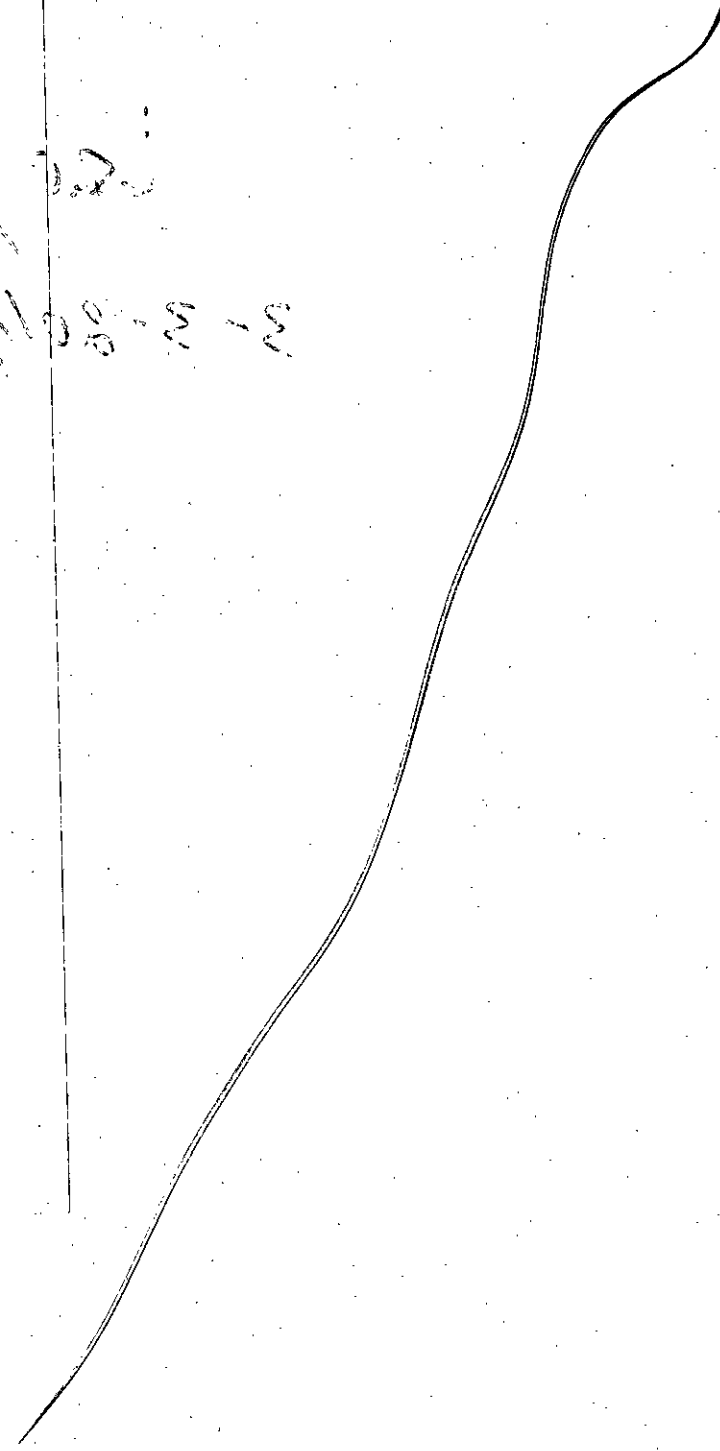
03.03.2014

Counsel for the appellant present. Preliminary arguments to some extent heard. Pre-admission notice be issued to the GP to assist the Tribunal for preliminary hearing on 15.04.2014.

Member

11/03/14
M M M

11/03/14





Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 18/2014

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. Sher Daraz presented today by Mr. Saadullah Khan Marwat 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	16-1-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>3-3-2014</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2		<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on _____</p>

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

S.A No. 18 /2014

Sher Daraz

Versus

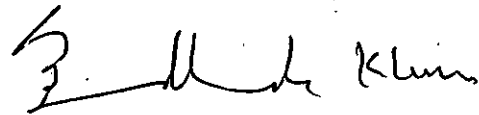
D.E.O & others

I N D E X

S.#	Description of Documents	Annex	Page
1.	Memo of Appeal		1-2
2.	Appointment Order, 17.01.2011	"A"	3
3.	Charge Report, 18.01.2011	"B"	4
4.	Order of the Letter dated, 14.03.2011	"C"	5
5.	Writ Appeal No. 149 / 2012	"D"	6-8
6.	Order of Tribunal, 16.08.2012	"E"	9-11
7.	Order of D.C.O, 28.11.2012	"F"	12-14
8.	Representation, 25.01.2013	"G"	15-16

Appellant

Through



Dated: 6.01.2014

(Saadullah Khan Marwat)
Advocate
21-A Nasir Mension,
Shoba Bazar, Peshawar.
Ph: 0300-5872676

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

S.A No. 18 /2014

Sher Daraz S/o Gul Nawaz,
P.S.T, GPS, Tather Khel,
Lakki Marwat Appellant

Versus

1. District Education Officer (Male), Elementary & Secondary Education, Lakki Marwat. Ex-EDO, Lakki Marwat.
2. Director of Education, Directorate of Elementary & Secondary Education, KPK, Peshawar.
3. Secretary, Government of KPK, Elementary & Secondary Education Department, Peshawar.
4. District Accounts Officer,
Lakki Marwat Respondents

~~18~~
18
06-01-2014

⇄<=>⇄<=>⇄<=>⇄<=>⇄<=>⇄

U-5-4 OF PCPK ACT 1974
**APPEAL AGAINST OFFICE ORDER DATED 30.11.2012, OF
RESPONDENT NO. 1, WHEREBY MONTHLY SALARIES OF
APPELLANT WERE WITHHELD WITH EFFECT FROM
17.01.2011 TO 30.01.2013 FOR NO LEGAL REASON.**

⇄<=>⇄<=>⇄<=>⇄<=>⇄

Respectfully Sheweth:

1. That having the requisite educational qualifications and on advertisement of the posts of Primary School Teachers (PST), appellant was appointed as such vide order dated 17.01.2011 on the recommendations of the Departmental Selection Committee and charge of the assignment in the school was assumed on the said date, i.e, 18.01.2011. (Copies as annex "A" & "B")
2. That appellant was performing her duties in the said school with devotion but respondent No. 1 directed respondent No. 4 through order / letter dated 14.03.2011 not to pay monthly salaries to appellant and if paid, he shall be responsible for the consequences, yet similarly placed teachers were paid salaries by respondent No. 1. (Copy as annex "C")
That representation was submitted before the authority for release of the monthly salaries but no response was given, so appellant filed Appeal No. 149 / 2012 before the Hon'ble Tribunal for release of the withheld monthly salaries which appeal came up for hearing on 16.08.2012 and the case was remanded to the then DCO, Lakki Marwat to take decision on the representation of appellant within 60 days. (Copies as annex "D" & "E")
4. That after the remand of the case, the then DCO, decided the appeals on 28.11.2012 to make payment of the monthly salaries to some of the teachers while some of the teachers were put in hanging position, yet since December, 2012, monthly salaries

~~6/1/14~~
6/1/14

were released to the teachers including appellant with effect from February / 2013. (Copy as annex "F")

5. That on 25.01.2013, appellant submitted representation before respondent No. 2 for payment of monthly salaries since 17.01.2011 till January 2013, on the ground that salaries have been released to teachers who were appointed after the appointment of appellant but the same met dead response till date. (Copy as annex "G")

Hence this appeal, inter alia, on the following grounds:-

GROUNDS:

- a. That since 17.01.2011, appellant was performing her official duties in the school to the best of her ability without any complaint.
- b. That the then EDOs appointed PST Teachers over and above than the sanctioned strength, so such issue took place by withholding monthly salaries of teachers.
- c. That from this fact all the concerned staff of the then EDOs and the teachers concerned are well aware that salaries of those teachers who made payment to the authorities and the then political figures were released but monthly salaries of those teachers who did not scumb to the ill wishes of the then EDOs were with held.
- d. That appellant was appointed as per the prescribed procedure but withholding of salaries was based on malafide as similarly and equally placed teachers even subsequently appointed were made payment but appellant was ignored for no legal reason, thus discriminated.

It is, therefore, most humbly prayed that on acceptance of the appeal, order dated 30.11.2012 of respondent No. 1 be set aside / modified and monthly salaries withheld since 17.01.2011 till 30.01.2013 be released to appellant, with such other relief as may be deemed proper and just in circumstances of the case.

Dated: 6 .01.2014

Shen Dary

Appellant

Through

Saadullah Khan Marwat

Saadullah Khan Marwat

Arbab Saif-ul-Kamal

Arbab Saif-ul-Kamal

&

Miss Robina Naz

Miss Robina Naz,
Advocates,

A 3 17-1-11

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&S) EDUCATION LAKKI MARWAT

APPOINTMENT ORDER:

In Compliance of decision of Honourable Court of Civil Judge Lakki, the appointment of the below named candidate is hereby ordered as Primary School Teacher BPS-07 (Rs 3530-190-9230) plus usual allowances as admissible under the rules on regular basis under the provision of Establishment and administration department circular bearing No. SOR-6 (E&AD) 13-01/2005 dated 10-08-2005 on the terms & conditions given below.

S.No	Name	Father Name	To be posted at	Remarks
1	Sher Daraz	Gul Nawaz	GPS Tetter Khel	Against vacant post(Cour Case)

TERMS AND CONDITIONS:

1. His appointment will be considered regular without pension or gratuity in terms of section 19 if NWFP Civil Servant Act 1973, as amended vide NWFP Civil Servant (Amendment) Act, 2005. They will be however be entitled to contributory provident fund in such a manner and at such rate as me be prescribed by the Govt.
2. His services will be liable to termination on one month notice from either side. In case of resignation with out notice two months pay/allowance shall be refunded to the Govt.
3. He would be on probation for a period of two years extendable for another one year and during this period they are not entitled to apply for any long leave etc.
4. His services will be governed by such rules and regulations as may be issued from time to time by the Govt.
5. His services can be terminated at any time in case their performance is found un satisfactory during probationary period, in case of misconduct they will be proceeded against the NWFP removal from service (special power) ordinance, 2000 and the rules framed from time to time.
6. Charge report should be submitted to all concerned.
7. No TA/DA is allowed to any one.
8. Drawing and Disbursing officer concerned is directed to check and verified the Certificates/ Degrees of the above candidates from the concerned Board/University before the drawl of their pay.
9. The appointment is liable to termination, if the appointee failed to take over charge with in (15) days of the commencement date.
10. The undersigned reserves the rights of amendment in this appointment order in case of any mistake.
11. He is required to produce his Health and Age Certificates from the Medical Supdt: DHQ Hospital (Tajazia) Lakki Marwat.

(NOOR HASSAN KHAN)

Executive District Officer

(E&S) Education Lakki Marwat

Endst: No 67-70 dated Lakki Marwat the 17-01-2011

Copy of the above is forwarded to the:

1. Director Schools & Literacy N W F P Peshawar.
2. District Co-ordination Officer Lakki Marwat
3. Deputy District Officer (M) local office
4. District Accounts Officer Lakki Marwat

Attest
[Signature]
Executive District Officer
(E & S) Education Lakki Marwat

B

چارچ رپورٹ:-

۶

آج مورخہ 18/01/2011 قبل از دوپہر مسی تیسیر دراز خان ولد
مل نواز خان سکندر تتر خیل نے کوالہ آرڈر نمبر 67-70
مورخہ 17.01.2011 EDO (ایڈیشنری اینڈ سٹینڈرڈ)
ایجوکیشن ضلع لکیروت GPS تتر خیل سے حیثیت PST
اپنی عہدہ کا چارج سنبھال لیا۔

لہذا رپورٹ عرض ہے۔

مورخہ 18.01.2011

چارچ گرنڈ

Shah Jang Khan
18/01/2011

چارچ دینڈہ

HEAD TEACHER
GPS Dilawar Khan
Taluka (Lakki Marwat)

No 650 Dated 18.01.2011

To DDO (M) Lakki

Attested

ky

C

5

14.3.11

D.Os/DDOs (M/F)

Dated 14.03.2011

"As you know that appointment orders of various categories have been issued and the appointees are trying to take over their charges in the schools.

A large nos. of verbal and written complaints have been received in this regard.

Hence, you are, directed to not consider these appointment orders and not submit the source proforms to the District Accounts Officer, Lakkī Marwat for starting their pay etc. prior the countersignature of the undersigned till further otherwise; you will personally be responsible for the consequences please.

Noted sir

sdb/-

Ayub Khan

D.O. (M)

14.3.11

sdb/-

Noorani Shah

Dy D.O. (M)

14.3.11

sdb/-

(Haji Abdul Malik)

EDO

sdb/-

Rugia Rahim

Dy D.O. (F)

14.3.11

Attestd
by

D

6

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 149 /2012

Sher Daraz Khan S/o Gul Nawaz, PST,
GPS, Dilawar Khan, Tatar khel, Lakki MarwatAppellant

Versus

1. Executive District Officer,
Elementary & Secondary Education,
Lakki Marwat.
2. Director, Elementary & Secondary
Education, Peshawar.
3. Secretary, Govt. of KPK, Elementary
& Secondary Education, Peshawar Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**APPEAL AGAINST OFFICE ORDER NO.
D.0s/DDOs, DATED 14.03.2011 OF
R.NO.1 WHEREBY DISTRICT
ACCOUNTS OFFICE WAS DIRECTED
NOT TO PAY MONTHLY SALARIES TO
THE APPELLANT FOR NO LEGAL
REASON.**

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Respectfully Sheweth:

1. That on 11.05.2010, R.No.3 flouted advertisement in Daily "AAJ" for appointment of PST/CT on merit. (Copy as annex "A")
2. That Test & Interview was conducted and thereafter tentative open merit list of the competing candidates was prepared and after going into the due process of appointment, order of

appointment of appellant was then issued vide order dated 17-1-11. (Copy as annex "B")

3. That after assumption of the charge of the post, appellant started function of performance of the official duties by making attendance in the Register at the school concerned. (Copy as annex "C")
4. That the then EDO was transferred and the successor started functions and then on 14.03.2011, he wrote letter to Accounts Office, Lakki Marwat, to not release monthly salaries of the newly appointed teacher, male and female and if released, he shall be responsible for the consequences. (Copy as annex "D")
5. That by keeping in view the aforesaid facts and circumstances of the case, appellant is though performing his/her official duties but the monthly salaries were stopped for no legal reason, yet some of the teachers have got salaries for some months.
6. That on 19-10-11, appellant submitted representation before the authorities mentioned therein but without any response till date. The impugned order was kept secret from the appellant and he on his own level received the same from the office on 20.09.2011. (Copy as annex "E")

Hence this appeal, inter alia, on the following grounds:-

GROUND S:-

- a. That after completion of the due codal formalities, advertisement, test and interview etc. appellant was appointed as such by the competent authority.
- b. That appellant assumed the charge of the said assignment and is performing his/her official duties till date. Some of the appellants got their salaries for 4/5 months.
- c. That appellant was neither served with any notice regarding complaints nor any inquiry was conducted nor he/her was associated with the same nor he/her was given

opportunity of self defence and chance of cross examination.

- d. That R.No.1 (Abdul Malik) is not vested with the power to wrote letter to Accounts Office to hold monthly salaries of appellatant.
- e. That appellatant is not responsible of any transaction, if any, between the two bigs as he/her has no concern with the same.
- f. That no law exists for stoppage of monthly salary of a servant but EDO, E & SE, mis-used his official status by writing letter dated 14.03.2011 to the Accounts Office.
- g. That at present appellatant is serving the department without monthly salaries.
- h. That R.No.1 has again advertised the said posts for recruitment and if such practice was carried out by appointing fresh candidates on the post of appellatants, the same will give rise to multiple litigations.
- i. That by stopping monthly salaries of appellatant, the action of the respondents is based on malafide.

It is, therefore, most humbly prayed that on acceptance of appeal, order dated 14.03.2011 of R.No.1 be set aside and respondents be directed to forth with release the monthly salaries from the date of its stoppage with all benefits, with such other relief as may be deemed proper and just in circumstances of the case.

Dated. .01.2012

Attested
by

Through

Shar.Davaz
Appellant

Saad Ullah Khan Marwat

Saad Ullah Khan Marwat

&

Arbab Saif Ul Kamal

Arbab Saif Ul Kamal

Advocates.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 130/2012

Nusrat Shaheen D/O Awal Khan, PST,
GGPS, Sheri Khel, Faqiraan, Lakki Marwat.



(Appellant)

VERSUS

1. Executive District Officer, Elementary & Secondary Education, Lakki Marwat.
 2. Director, Elementary & Secondary Education, Peshawar.
 3. Secretary, Government of Khyber Pakhtunkhwa, Elementary & Secondary Education, Peshawar.
- (Respondents)

S.No.	Date of hearing	Order/other proceedings with signature of Judge/Magistrate
1	2	3
	16.8.2012	<p>Counsel for the appellant and Mr. Arshad Alam, AGP with Mashai Khan, Litigation Officer and Mirzali Khan, ADO for the respondents present. Arguments heard and record perused.</p> <p>2. Counsel for the appellant argued that the appellant was properly appointed as PST (BPS-7). She has taken over charge of the post. The appellant has not been paid his monthly salary for no legal reasons. He further argued that there are similar nature of cases decided by this Tribunal but he could not produced proper record in this case. However, he filed copy of the judgment by the Hon'ble Civil Judge-IV Lakki Marwat dated 9.3.2012 and 20.3.2012 whereby Mr. Najeebullah and Mr. Azhar Shah respectively were allowed interim release of pay. He did not want to file rejoinder to the written comments filed by the respondents. He requested that the appeal may be accepted as prayed for.</p> <p>3. The respondents contested the appeal and submitted their written comments. The AGP argued that the appellant has no cause of action; that the appellant has not performed her duties, hence no pay; that the appeal is not maintainable in its present form; that the</p>

ATTESTED

EXAMINED
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Lakki Marwat.

6. Our this order will also dispose of cases of similar nature in connected Service Appeals No. 131/2012 Marwarida Bibi, No. 132/2012 Gul Marjan, No. 133/2012 Najma Irum, No. 134/2012, Abid Hussain, No. 135/2012 Islam Badshah, No. 136/2012, ^{Azhar Shah} No. 137/2012 Naimat Ullah, No. 138/2012 Mujeebullah Khan, No. 139/2012 Farhat Ullah, No. 140/2012 Farid Ullah Khan, No. 141/2012 Abdul Wahab, No. 143/2012 Ismat Kosar, No. 144/2012 Gulshan Bibi, No. 145/2012 Baseer Ullah, No. 147/2012 Nasir Mahmood, No. 148/2012 Noor Aslam Khan, No. 149/2012 Sher Daraz Khan, No. 150/2012, Javed Iqbal, No. 151/2012 Rahim Shah, and No. 259/2012 Ihsan Ullah.

ANNOUNCED
16.8.2012

(NOOR ALI KHAN)
MEMBER

(SULTAN MAHMOOD KHATTAK)
MEMBER

Certified to be true copy
MEMBER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Attested
4

Date of Presentation of Application
Number of Appeals
Copy of
10-8-2012
10-9-2012
14-9-2012

F

12

BEFORE THE APPELLATE AUTHORITY/DISTRICT COORDINATION OFFICER, LAKKI MARAT:

Mr. Sher Daraz, PST, GPS Dilawar Khan, Titter:Khel, Lakki Marwat..... Appellant.

Versus

Executive District Officer, E&S Education, Lakki Marwat..... Respondant.

Order.

This order will dispose of an appeal lodged by Mr. Sher Daraz working as PST, at Govt. Primary School Dilawar Khan, Titter Khel. The appellant requested for release of his monthly pay. His case was also remanded by the Khyber Pakhtunkhwa Service Tribunal, Peshawar in his Service Appeal No.149/2012. In his written appeal the appellant urged for payment of his salary stopped by the competent authority. He was appointed as PST vide order No. 67-70, dated 17.1.2011 issued by the Executive District Officer, E&S Education, Lakki Marwat.

The appellant is present and heard. He stated that he may be paid his salary for his services which he rendered regularly. He argued that the he should not be punished for a mistake of the Department.

Brief history of the case is that the then Executive District Officer, E&S Education, Lakki Marwat floated advertisement in Daily Newspapers inviting applications for recruitment of PSTs. The advertisement appeared in Daily "AAJ" dated 11.5.2010. After advertisement 69 PSTs were recruited.

The then EDO (E&S) Education Lakki Marwat ordered for stoppage of the salaries of the PSTs so recruited vide order dated 14.3.2011. Later on the Provincial Govt. in E&S Education, Khyber Pakhtunkhwa ordered for inquiry into the recruitment process so carried out. The Inquiry Committee submitted its report. The result is still pending.

Later on the salaries of 63 PSTs were released on the decisions of Courts etc. While salaries of 6 PSTs remained stopped including the appellant. Three PSTs went to the Khyber Pakhtunkhwa Service Tribunal, Peshawar and requested for release of their salaries namely M/S Saifud Din S/O Sirajud Din, Javed Iqbal S/O Akbar Khan and the appellant.

Three others namely M/S Mumtaz Khan S/O Akbar Ali Khan, Hikmatullah S/O Asmatullah, and Noor Majid S/O Mir Sada Khan came up stating that they have also been recruited as PSTs in 2011. The Department could not produce their appointment record. Hence rejected.

The Department floated 2nd advertisement in the Daily Newspapers. The advertisement appeared in Daily "AAJ" dated 20.10.2011. Consequently 68 PSTs were recruited.

The EDO, E&S Education, Lakki Marwat gave written statement to the Service Tribunal that posts for the PSTs recruited in pursuance to 1st advertisement dated 11.5.2010, have been reserved.

Mr. Mir Azam Khan, EDO, E&S Education Lakki Marwat is present and examined. He stated that the 2nd advertisement was made due to the reason that sufficient posts were available and that the Department was suffering due to lack of staff. He stated that one vacant post is available. The appellant can be adjusted against the said post. While rest 5 PSTs will be adjusted soon after availability of vacant posts. When asked he could not tell the exact No. of posts laid vacant at the time of first advertisement.

Findings

After going through the record and examination of the parties it has been construed;-

1. That the Department made appointments more than the available vacancies.
2. That the EDO (E&S) Education, Lakki Marwat was competent to appoint PSTs.
3. That the Provincial Govt. has carried out inquiry into the recruitments made in light of 1st advertisement dated 11.5.2010. The result is pending.
4. That the then EDO (E&S) Education, Lakki Marwat stopped salaries of the so appointed PSTs vide order 14.3.2011.
5. That the EDO (E&S) Education has given written statement to the Hon'able Khyber Pakhtunkhwa Service Tribunal, Peshawar on 2.7.2012 that posts have been reserved for the appointees of 1st advertisement. But only one post is now available in the Department.
6. That different Courts of Law have ordered for release of salaries of PSTs so appointed in pursuance to 1st Advertisement dated 11.5.2010.
7. That the Khyber Pakhtunkhwa Service Tribunal, Peshawar has also issued orders on 8.6.2012 for release of pay in case of Mst. Nelofar, PST, GGPS Billand Khel Lakki Marwat vide appeal No.1514/2011 appointed with others during the period.
8. That the Department has released pay to all the PSTs so recruited except 6 including the appellant. The Department has put them on the waiting list for adjustment/release of pay. Three cases are also pending in the Khyber Pakhtunkhwa Service Tribunal, Peshawar now remanded to this office for decision of Departmental Appeals.

After going through the available record and examination of both the parties, I am of the opinion that the Department may release pay of the appellant against the vacant post. Rest of the following PSTs may be released their pay as and when vacant posts occur in the Department. Their names are listed below along the appellant:-

14

S.No.	Name of PST	Father's Name	Name of GPS
1.	Sher Daraz.	Gul Nawaz	Dilawar Khan, Titter Khel.
2.	Javed Iqbal	Akbar Khan.	Allawal Khel.
3.	Saifud Din.	Siraj-ud-Din.	Dilawar Khel, Titter Khel.
4.	Hidayatullah.	Sherin Jan.	Alamsha Khel.
5.	Burhanullah.	Raza Khan.	Zaffar Abad.
6.	Matecullah Shah.	Noor Ali Khan.	Sheikh Mansoor No.2.

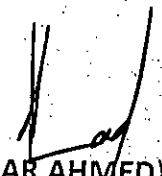
This order will also dispose of Departmental Appeals lodged by M/S Sher Daraz, Javed Iqbal, Saifud Din, Gul Marjan, Abid Hussain, Islam Badshah, Azhar Shah, Niamauallah, Najibullah, Farhatullah, Faridullah, Abdul Wahab, Basirullah, Nasir Mehmood, Noor Aslam, Rahim Shah, Ihsanullah and Hidayatullah, on the grounds that they are already enjoying their salaries. Their cases have been remanded by the Khyber Pakhtunkhwa Service Tribunal, Peshawar in service appeal No.149/2012, 150/2012, 683/2012, 132/2012, 134/2012, 135/2012, 136/2012, 137/2012, 138/2012, 139/2012, 140/2012, 141/2012, 145/2012, 147/2012, 148/2012, 151/2012, 259/2012 and 258/2012.

The pay of the un-adjusted PSTs will be released from the date of Occurrence/availability of the vacancies against which they are adjusted on the basis of seniority etc.

It is to be noted that the decision of this forum will in no way entitle the applicants to the right of appointment in any way whatsoever in case their appointments were found illegal / in violation of merit as a result of the outcome of the Enquiry already conducted by the Provincial Government.

Announced
30/11/2012

Ali
sy


(NISAR AHMED)
District Coordination Officer
Lakki Marwat.
(Appellate Authority)

9

خدمت جناب ڈائریکٹر صاحب ایلیمنٹری اینڈ سیکنڈری ایجوکیشن، K.P.K. پشاور
 اپیل، برخلاف حکم مورخہ 30/11/2012 جاری کردہ DCO صاحب ضلع مکی روت
 جن کی رو سے سائل کو ماہ اپور تنخواہ جات از تاریخ تقرری 17/01/2011 تا
 جنوری 2013ء سے شروع کیا گیا ہے۔

جناب عالی۔

(1) یہ کہ سائل کو مورخہ 17/01/2011 کو بحیثیت PST معتمد بھرتی کیا گیا تھا۔
 تاہم قانونی مراحل کی تکمیل کے بعد۔

(2) یہ کہ سائل نے 18/01/2011 کو اسامی مذکورہ کا چارج گورنمنٹ
 پرائمری سکول دلاور خان تترخیل، ضلع مکی روت میں لیا۔ اور آج
 تک فرائض منصبی سرانجام دیتا رہا ہے۔

(3) یہ کہ تنخواہ جات کی ادائیگی نہ ہونے پر اور فرائض منصبی کی سرانجام دہی
 پر سائل نے سروس ٹریبونل میں اپیل دائر کی۔ جو مورخہ 16/08/2012
 کو جناب DCO صاحب مکی روت کو رہا کر دیا گیا۔ تاکہ سائل
 کے حکمانہ اپیل پر 60 دنوں کے اندر فیصلہ صادر فرمائیں۔

(4) یہ کہ مورخہ 30/11/2012 کو DCO صاحب نے مختلف اقسام
 کے فیصلے سائل کے علاوہ دیگر معلمین کے باب میں کیے جس
 میں بہت سوں کی دادرسی ہوئی۔ جبکہ بہت سوں کو لڑکایا گیا۔
 جس میں سائل بھی شامل ہیں۔

تاہم فیصلے کی رو سے محکمے نے سائل کو ماہ فروری 2013ء
 کا ماہ اپور تنخواہ کا حکم کیا۔ جبکہ آگے کا معلوم نہیں، کہ کیا ہوگا۔

5) یہ کہ مذکورہ معاملہ حل نہ ہوا تھا کہ ای ڈی او صاحب نے بھرتی کیلئے دوسرا اشتہار جاری کیا اور درجنوں اساتذہ کو بھرتی کیا۔ ان سب کو ماہوار تنخواہ جات دے گئے، جبکہ سائل کو لٹکائے رکھا۔ حالانکہ وہ بھی متنازعہ تھے۔

6) یہ کہ مجوزہ طریقہ کار ایٹانے کے بعد سائل کو قانون کے مطابق بھرتی کیا گیا تھا۔ اور تاریخ تقرری سے لیکر آج تک فرائض منصبی بطریق احسن انجام دیتا رہا ہے۔

7) یہ کہ کسی کو ماہوار تنخواہ جات سے لوازنا اور کسی کو محروم رکھنا خلاف قانون و واقعات ہے۔ اور مبنی بر بد نیتی و امتیاز ہے۔

استدعا ہے، کہ سائل کو مورخہ 17/01/2011 سے لیکر

مورخہ 31/01/2013 تک کے ماہوار تنخواہ جات ادا کرنے کا حکم صادر فرمائیں۔ بندہ تازہ سیت دُعا گو رہے گا۔

مورخہ:- 25/01/2013

العارض

شیردراز خان ولد گل نواز PST . GPS دلاور خان تترخیل، بلی سروت

Sheer Dewaraj

Alhamdulillah
by

بیت الت جٹاپ سروس ٹریبونل صوبہ سرحد پشاور

مخانب اسٹیلٹ

فکے نعل

بنام

شردراز

دعوئی اصل

باعث شکریہ اینکہ

مقررہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پشاور کیسٹے سعید اڈاس خان سرودتے ایڈوکیٹ ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کابل اختیار ہوگا نیز وکیل صاحب کو کرنے رضی نامہ و تقرر ثالث و فیصلہ بر حلف دینے جواب دہی اور اقبال دعوئی اور بصورتہ ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور عرضی دعوئی اور درخواست ہر قسم کی تقدیق اور اس پر دستخط کرنے کا اختیار ہوگا نیز بصورتہ عدم پیروی یا ڈگری بکطرفہ یا اپیل کی برآمدگی اور نسیبہ نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورتہ ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی سے واسطے اور وکیل یا مشاور قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پر واختہ منظور قبول ہوگا و دوران مقدمہ میں جو خرچہ و ہرجانہ التواء مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب موصوف ہوں گے نیز بقایا خرچہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔

لہذا وکالت نامہ رکھ دیا کہ سند ہے۔

المترقوم

العبد

العبد

العبد

11
ارباب سٹیلٹ
ایڈوکیٹ

سعید اللہ خان مروت
ایڈوکیٹ

slor Data 37

Bina
من روپیہ تاز
ایڈوکیٹ

“A”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR. PH

No.

18

14

APPEAL No..... of 20

Sher Baraz

Appellant/Petitioner

Versus

D E O (Male) EBSE Lakki Marwat

RESPONDENT(S)

GP

Govt Pleader Service
Tribunal Peshawar

Notice to Appellant/Petitioner

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/courter affidavit/record/arguments/order before this Tribunal on 13-4-2014 at 8:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

Registrar,
Khyber Pakhtunkhwa Service Tribunal
Peshawar.

19-4-014

Before the Service Tribunal, Dept, Peshawar.

Sher Daraz vs DEO & others.

Application for Condonation of delay in filing of
Service Appeal in this honourable tribunal.

Respectfully Sheweth,

1. That the above mentioned appeal is pending adjudication in this honourable tribunal in which today is fixed for hearing.
2. That the matter in question pertains to pay which is a running cause and is not hit by limitation but if the honourable is of the view that the appeal is time barred then in that case, the applicant/Appellee through this application begs for condonation of delay if any in filing of the appeal before this honourable tribunal.

It is therefore most humbly prayed that on acceptance of this application the delay in filing of Service Appeal before this honourable tribunal may kindly be condoned in the interest of justice and the appeal may kindly be decided on merits.

Dt 15/4/14.

Applicant/Appellee
Through Agent S. J. Khan

Applicant :- Sher Daraz S/o Gul Nasser, Peshawar.

Applicant has this application in true and correct
Dependent

Before the Service Tribunal, UPK, Dehra

Sher Darg vs DEO & others

Application for Condonation of delay in filing of
Service appeal in this honourable tribunal.

Respectfully Sheweth,

1. That the above mentioned appeal is pending adjudication in this honourable tribunal in which today is fixed for hearing.
2. That the matter in question pertains to pay which is a running cause and is not hit by limitation but of the honourable is of the view that the appeal is time barred than in that case, the applicant/Appellante through this application begs for condonation of delay if any in filing of the appeal before the honourable tribunal.

It is therefore most humbly prayed that on acceptance of this application the delay in filing of service appeal before this honourable tribunal may kindly be condoned in the interest of justice and the appeal may kindly be decided on merits.

DT 15/4/14.

Applicant/Appellante
Through his Counsel

Applicant :- Sher Darg Sr. P. J. Narayn Advocate
affirms that this application is true and correct.
Dehra

held on 16-9-2003 also. This objection of the respondents does not carry any weight as the above recommendation for supersession of the appellants had not been approved by the competent authority i.e. the Minister of Pakistan. Moreover, the appellants had agitated the matter of their illegal supersession by the C.S.B. meeting held on 6-9-2002. The issue was primarily, the subject-matter of the appeals filed before this Tribunal. Hence, this objection of the respondents is dismissed, being devoid of merit.

46. In view of the foregoing discussion, we accept the contention of the appellants that they had been superseded in an arbitrary manner and that they had been subsequently promoted on more or less the same service record. By examining the Minutes and the Working Paper for the Central Selection Board meeting held on 6-9-2002, we find that the appellants had possessed better comparative merit as compared to some of the officers recommended for promotion. Even the Central Selection Board meeting held on 6-9-2002, as already pointed out elsewhere in this judgment, was also aware of this fact and had stated so in black and white that the appellants had higher quantification of A.C.Rs. than those officers recommended for promotion. It was indeed an arbitrary exercise of authority on the part of the Central Selection Board who had superseded the appellants for promotion without finding anything adverse in their service record and as pointed out by us in the preceding paragraphs, by failing to examine and evaluate that the appellants definitely enjoyed and possessed better comparative merit vis-a-vis some of the officers recommended for promotion when viewed in the context of quantification of marks achieved in the Overall Quantification of A.C.Rs. (Q.A.) as well as in the columns relating to "Quality and Output of Work" and "Integrity" (Moral as well as Intellectual). The Central Selection Board failed to appreciate that the appellants had scored much better grade in the mandatory promotion training at the Pakistan Administration Staff College as compared to some of the officers recommended by them for promotion. Under the circumstances, we find that the appellants had been superseded illegally and in violation of the promotion policy during the course of the Central Selection Board meeting held on 6-9-2002. Ordinarily, we would have set aside the proceedings of the Central Selection Board meeting held on 6-9-2002 due to the serious acts of omission and commission discussed above and let the gross lapse of respondent No.1 for their failure to ensure separate recording of minutes of the two C.S.B. meetings held on 9-8-2002 and 6-9-2002 (see details in para.18 ante). However, we are refraining from taking the said action as it would open up a Pandora's Box at this belated stage and create other serious administrative complications (discussed in detail in para.18 ante). But it does not mean that the wrong done to the appellants is not to be rectified and they are left to suffer due to it.

on their part. As such, we convert the appellants' supersession into a promotion from the same date i.e. 6-9-2002. The respondents are further directed to antedate the promotion of the appellants accordingly and to restore their original seniority as it existed prior to 6-9-2002. As a result of this action, the appellants would be entitled to all the benefits.

47. There shall be no order as to costs. Parties be informed.

H.B.T./28/FST

Appeals accepted.

2007 P L C (C.S.) 1267

[Punjab Service Tribunal]

Before E.B. Abid, Member-II

Mrs. NASREEN AKHTAR

versus

SECRETARY, HEALTH GOVERNMENT OF THE PUNJAB,
LAHORE and another

Appeal No.2055 of 2006, decided on 11th April, 2007.

Punjab Civil Servants Act (VIII of 1974)---

---S. 8---Punjab Service Tribunals Act (IX of 1974), S.4---Promotion---
Appeal to Service Tribunal---Appellant who was appointed in BS-14 as
Charge Nurse in 1981, due to her satisfactory performance was
promoted as Head Nurse, but despite being senior she was not
awarded BS-17, whereas her junior was granted said grade---Appellant
not only was appointed earlier to respondent, but was also promoted in
BS-16 prior to the respondent for her satisfactory performance---
Appellant being senior to respondent, was entitled to pro forma
promotion to BS-17 on the basis of seniority-cum-fitness---Claim of
appellant to pro forma promotion in BS-17, could not be rejected on the
ground that her request was time-barred, because in the matter of
promotion and pay, question of limitation was not applied---Case of
appellant for promotion in BS-17 was from date of promotion when her
next junior was promoted---Directions were given to the Authority to
consider case of appellant for promotion from the date her next junior
was promoted in BS-17---Date of promotion of appellant in BS-16,
would be the deciding factor along with well established formula of
seniority-cum-fitness at the relevant time. [p. 1269] A & B

2002 PLC (C.S.) 1388 ref.

held on 18-6-2003 also. This objection of the respondents does not carry any weight as the above recommendation for supersession of the two officers had not been approved by the competent authority i.e. the Prime Minister of Pakistan. Moreover, the appellants had agitated the matter of their illegal supersession by the C.S.B. meeting held on 6-9-2002 which issue was primarily, the subject-matter of the appeals filed by them before this Tribunal. Hence, this objection of the respondents is dismissed, being devoid of merit.

46. In view of the foregoing discussion, we accept the contention of the appellants that they had been superseded in an arbitrary manner and that they had been subsequently promoted on more or less the same service record. By examining the Minutes and the Working Paper for the Central Selection Board meeting held on 6-9-2002, we find that the appellants had possessed better comparative merit as compared to some of the officers recommended for promotion. Even the Central Selection Board meeting held on 6-9-2002, as already pointed out elsewhere in this judgment, was also aware of this fact and had stated so in black and white that the appellants had higher quantification of A.C.Rs. than those officers recommended for promotion. It was indeed an arbitrary exercise of authority on the part of the Central Selection Board who had superseded the appellants for promotion without finding anything adverse in their service record and as pointed out by us in the preceding paragraphs, by failing to examine and evaluate that the appellants definitely enjoyed and possessed better comparative merit vis-a-vis some of the officers recommended for promotion when viewed in the context of quantification of marks achieved in the Overall Quantification of A.C.Rs. (Q.A.) as well as in the columns relating to "Quality and Output of Work" and "Integrity" (Moral as well as Intellectual). The Central Selection Board failed to appreciate that the appellants had scored much better grades in the mandatory promotion training at the Pakistan Administration Staff College as compared to some of the officers recommended by them for promotion. Under the circumstances we find that the appellants had been superseded illegally and in violation of the promotion policy during the course of the Central Selection Board meeting held on 6-9-2002. Ordinarily, we would have set aside the proceedings of the Central Selection Board meeting held on 6-9-2002 due to the serious acts of omission and commission discussed above and to the gross lapse of respondent No.1 for their failure to ensure separate recording of minutes of the two C.S.B. meetings held on 9-8-2002 and 6-9-2002 (see details in para.18 ante). However, we are refraining from taking the said action as it would open up a Pandora's Box at this belated stage and create other serious administrative complications (discussed in detail in para.18 ante). But it does not mean that the wrong done to the appellants is not to be rectified and they are left to suffer due to no fault

on their part. As such we convert the appellants' supersession into deferment from the same date i.e. 6-9-2002. The respondents are further directed to antedate the promotion of the appellants accordingly and restore their original authority as it existed prior to 6-9-2002. As a result of this action, the appellants would be entitled to all the back-benefits.

47. There shall be no order as to costs. Parties be informed.

H.B.T./28/FST

Appeals accepted.

2007 P L C (C.S.) 1267

[Punjab Service Tribunal]

Before K.B. Abid, Member-II

Mrs. NASREEN AKHTAR

versus

SECRETARY, HEALTH GOVERNMENT OF THE PUNJAB,
LAHORE and another

Appeal No.2055 of 2006, decided on 11th April, 2007.

Punjab Civil Servants Act (VIII of 1974)---

---S. 8---Punjab Service Tribunals Act (IX of 1974), S.4---Promotion---
Appeal to Service Tribunal---Appellant who was appointed in BS-14 as
Charge Nurse in 1981, due to her satisfactory performance was
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not only was appointed earlier to respondent, but was also promoted in
BS-16 prior to the respondent for her satisfactory performance---
Appellant being senior to respondent, was entitled to pro forma
promotion to BS-17 on the basis of seniority-cum-fitness---Claim of
appellant to pro forma promotion in BS-17, could not be rejected on the
ground that her request was time-barred, because in the matter of
promotion and pay, question of limitation was not applied---Case of
appellant for promotion in BS-17 was from date of promotion when her
next junior was promoted---Directions were given to the Authority to
consider case of appellant for promotion from the date her next junior
was promoted in BS-17---Date of promotion of appellant in BS-16,
would be the deciding factor along with well established formula of
seniority-cum-fitness at the relevant time. [p. 1269] A & B

2002 PLC (C.S.) 1388 ref.

Before the Service Tribunal, UPK, Deohara.

Sher Daraz vs DEO & others.

Application for condonation of delay in filing of
Service Appeal in this honourable tribunal.

Respectfully Sheweth,

1- That the above mentioned appeal is pending
adjudication in this honourable tribunal in which
today is fixed for hearing.

2- That the matter in question pertains to pay which
is a running cause and is not hit by
limitation but if the honourable is of the
view that the appeal is time barred then in
that case, the applicant/Appellant through
this application begs for condonation of delay if
any in filing of the appeal before this
honourable tribunal.

It is therefore most humbly prayed that on
acceptance of this application the delay in filing of
Service Appeal before this honourable tribunal may
kindly be condon. in the interest of justice and
the appeal may kindly be decided on merits.

Dt 15/4/14

Applicant/Appellee
Through his Counsel

Applicant - J. Sher Daraz
affirms that this application is true and correct.
Dependent
Sh. R. J. Narain, Advocate

Before the Service Tribunal, KPK, Peshawar

Sher Daraz vs DEO & others

Application for Condonation of delay in filing of
Service Appeal in this honourable tribunal.

Respectfully Sheweth,

- 1- That the above mentioned appeal is pending adjudication in this honourable tribunal in which today is fixed for hearing.
- 2- That the matter in question pertains to pay which is a running cause and is not hit by limitation bar of the honourable is of the view that the appeal is time barred than in that case, the applicant/Appellant through this application begs for condonation of delay of any in filing of the appeal before the honourable tribunal.

It is therefore most humbly prayed that on acceptance of this application the delay in filing of service appeal before this honourable tribunal may kindly be condoned in the interest of justice and the appeal may kindly be decided on merits.

DT 15/4/14.

Applicant/Appellee
Thouqat Hussain

Applicant :- Sher Daraz S/o Haji Nazim deposed by
affirm that this application is true and correct
Depositor

Before the Service Tribunal, UPK, Peshawar

Sher Daraz vs DEO & others

Application for Condonation of delay in filing of
Service Appeal in this honourable tribunal.

Respectfully Sheweth,

- 1- That the above mentioned appeal is pending adjudication in this honourable tribunal in which today is fixed for hearing.
- 2- That the matter in question pertains to pay which is a running cause and is not hit by limitation but if the honourable is of the view that the appeal is time barred then in that case, the applicant/Appellant through this application begs for condonation of delay if any in filing of the appeal before the honourable tribunal.

It is therefore most humbly prayed that on acceptance of this application the delay in filing of Service Appeal before this honourable tribunal may kindly be condoned in the interest of justice and the appeal may kindly be decided on merits.

DT 15/4/14

Applicant/Appellee
Through Agent/Self

Attendant of Sher Daraz S/o Lt. Major, Dehra Doon
affirms that this application is true and correct
Dehra Doon

IN THE COURT OF CHAIRMAN SERVICES TRIBUNAL KPK PESHAWAR

Service appeal No.18/2014.

Sher Daraz.....VS.....D.E.O & Others

APPLICATION FOR ADJOURNMENT/GRANT OF ONE MORE
CHANCE TO SUBMIT REPLY BEFORE THIS HONOURABLE TRIBUNAL
XXXXX

Respectfully Sheweth:-

1. That the above titled case is pending adjudication before this honourable Tribunal and is fixed for hearing today i.e 11.6.2015.
2. That today 11.6.2015 has been given last opportunity for submission of reply/comments.
3. That due to status quo granted by the Peshawar Highcourt Bench in the instant case, therefore, we are unable to file reply due the above mentioned reasons well in time.
4. That one more chance is required to avail for submission reply before this Honourable Tribunal.

It is, therefore, humbly prayed that one more chance for submission of reply may very graciously be granted for submission of reply.

~~XXXXXXXXXX~~

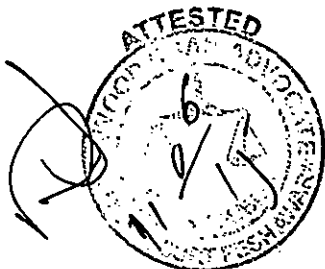
DATED:-11.6.15

Respondent No.1
District Education Officer
Lakki Marwat through Representative

(SHARIF ULLAH KHAN)
ADEO

Affidavit

Solemnly affirm and declare on oath that the contents of the above application are true and correct to the best of my knowledge and belief.



DEPONENT

Before the Service Tribunal, KPTC, Peshawar

Sher Daraz vs Education

Receipt of Rs 1000 (one thousand)

on account of Cost from the Respondent

Deptt today on 15/11/15.

DL 15/11/15

Asbab Saiful Karam
Counsel for appellat

Accepted
~~AC~~
10.11.15

BEFORE THE SERVICE TRIBUNAL GOVT: OF KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No 493/2014

Mr. Sher Daraz

Appellant

Versus

District Education Officer (Male) Lakki & Two Others

Respondent

Joint Para wise comments on behalf of respondent 1, 2 & 3

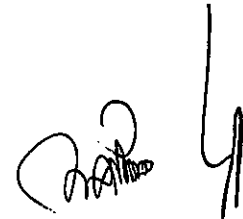
Respectfully Shewith:

PRELIMINARY OBJECTIONS:-

1. That the appellant has no cause of action and locus standi to bring the present appeal.
2. That the appeal of the appellant is not maintainable as the appellant is not a civil servant.
3. That the appellant has not come to the honourable service tribunal with clean hands as he conceals that his case was dismissed on the same cause of action by civil judge-I Lakki vide suit No 29/1 of 2010 judgment dated 15/07/2010.
4. That the appeal of the appellant is bad for mis-joinder and non-joinder of necessary parties.
5. That the appellant has come to the court with malafide intention because as per legal maxim "legal procedure can only be proceeded on valid documents" the documents so provided by the appellant are not verifiable.
6. That any departmental action against the appellant could not be taken by presenting fabricated/forged appointment letter as the appellant have involved the Deptt: in un-necessary litigation therefore due to sub justice nature no action has been taken.

FACTS:-

1. Incorrect being concocted, hence denied.
2. Incorrect, the Para where Respondent NO-1 wrote a letter on dated 14/03/2011 to District Accounts office for not paying salary without counter signature of the Respondent No-1 is correct; the rest of the Para is denied as every case has different nature from other.
3. Incorrect, concocted hence denied as learned court of CJ-I Lakki had dismissed his suit (Copy enclosed as Ref: "A"), no representation was made as provincial inspection team (PIT) inquiry regarding fake appointment order was in process (PIT inquiry is enclosed as Ref: "B").

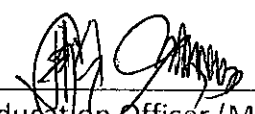



4. Correct to the extent that DCO had entertained applications of various individuals in this regard, but due to fade nature of appointments he linked all such cases with the final findings of the PIT inquiry.
5. Incorrect, his suit No 29/1 of 2010 was dismissed as per Ref: "A" by Civil judge-I Lakki through judgment dated 15/7/2010, his appointment order shows 17/01/2011 as issuance date with reference of court judgment of civil judge-I where there exist no such judgment, his appointment is fake/fabricated hence denied.

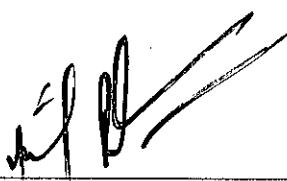
GROUNDS:-

- a. Incorrect. No duty what so ever has performed by him, the rest of the Para is denied as his appointment order is still in question and subject to operation of PIT inquiry.
- b. Incorrect. Some individuals including the appellant has made appointment order through fake signature of the appointing authority which created an embarrassing situation as discussed in Para No 5.
- c. Incorrect concocted, hence denied as per Para No 4 of the preliminary objections
- d. As per Para No 5.

It is therefore humbly prayed that on acceptance of these Para wise comments this Honourable Service Tribunal may very graciously be pleased to dismiss the instant appeal with costs throughout.


 District Education Officer (Male)
 District Lakki Marwat
 (Respondent NO-1)


 Director E & SE KPK
 (Respondent No-2)


 Secretary E & SED KPK
 (Respondent No-3)

Affidavit

I Mr Sharifullah Khan ADEO of DEDOMI Lakki Solemnly affirm and declare on oath that the contents of instant reply is true and nothing has been concealed from this court

عدالت جناب ڈسٹرکٹ جج صاحب پکرت

شیردراخان ولد گل، لارخان سہیل، تریخیل، صلح پکرت۔ ایسٹ

نام

1 حکومت صدر ضلع پکرت خواہ بدوہ سیکٹری تعلیم سکول اینڈ ایڈمنسٹریٹو ضلع پکرت

2 ایگزیکٹو ڈسٹرکٹ ایڈمنسٹریٹو سکول اینڈ ٹیوٹریل ایسٹریٹ ایڈمنسٹریٹو ایگزیوٹو جج پکرت

3 ڈسٹرکٹ ایگزیوٹو ایسٹریٹ ایڈمنسٹریٹو سکول اینڈ ایڈمنسٹریٹو ایگزیوٹو جج پکرت

4 ڈسٹرکٹ ایگزیوٹو ایسٹریٹ ایڈمنسٹریٹو سکول اینڈ ایڈمنسٹریٹو ایگزیوٹو جج پکرت

5 ڈسٹرکٹ لارڈز ایسٹریٹ ایڈمنسٹریٹو ڈیو ڈیو پکرت

اپیل ناراضگی حکم نمبر ڈگری مقدمہ 29/1 نیلم 15/7/2010 جسکی رو سے عدالت سول جج پکرت نے دعویٰ دی ایسٹریٹ خارج کیا ہے

استدعا اپیل منظور اپیل حکم نمبر ڈگری عدالت سول جج پکرت 29/1 نیلم 15/7/2010 بدوہ 29/1 نیلم خارج دعویٰ دی ایسٹریٹ ڈگری بنا جائے

حجرت اپیل ذیل ہے

یہ عدالت سول جج پکرت نے دعویٰ دی ایسٹریٹ مقدمہ 29/1 نیلم شیردراخان نام حکومت صدر بدوہ بدوہ 29/1 نیلم 15/7/2010 خارج کیا ہے۔ عدالت نے عرضی حکم نمبر ڈگری عدالت ماتحت لگا ہے۔

یہ حکم نمبر ڈگری عدالت ماتحت عدالت صحت قانون و خلاف ماتحت ہے۔

(۳) یہ عدالت ماتحت نے شہادتیں فیملہ کرتے وقت شہادت موجود برٹشل کوٹوں
اہمیت ضروری طور پر قانونی غلطی کی ہے۔ اس لیے حکم فیملہ عدالت ماتحت کوئی Speaking
Order میں ہے۔ اور قابل مسمومی ہے۔

(۴) یہ عدالت ماتحت نے شیخ و S کو مسمومی کرتے وقت اصل اوقات و نظر انداز کیا ہے۔
اور عدلی کے خلاف S Issue منسلک کرتے قانونی تقاضوں کا اہتمام نہیں رکھا ہے۔ کیونکہ منسلک برائے
کی نسبت PST کو بری Abi Amilo ^{Viol vide} دیا۔ کیونکہ اوقات اور نظر انداز کیا گیا۔ عدلیان نکتہ پر
تعمیرات تھا۔ اور عدلی نے اہ حاصل کرتا ہے۔ اور اس سے عدلی کی درخواست پر اہتمامی بری
اور منسلک بریوں کے خلاف تمام ایسی ٹرائل میں FIR درج ہوا۔ اس کا نتیجہ ایس سے جان چھڑایا
اور اس نے حاصل کردہ شہادوں میں وارن حاصل کیا

(۵) یہ عدالت ماتحت نے سید الطیر سے سید الطیر سے سید الطیر سے سید الطیر سے سید الطیر سے
PST متعلقہ پوسٹ میں آ جا سکتا ہے۔ عدلی نے تعلیم سے عدلی/ایڈووکیٹ اور PST متعلقہ کرنے کے
اور عدلی کی نظر option میں لیا۔ اور عدلی کی نظر PST متعلقہ ترقیوں میں عدلی سے عدلی سے
Advertic کردہ 24 سائوں

(۶) یہ عدالت ماتحت نے اس طرف سے بری کر کے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے
PST کیس میں عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے
Vacant برت کے باوجود تعینات میں
عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے
برایت کی ہے۔ عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے
عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے

(۷) یہ عدالت ماتحت نے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے
عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے
عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے
عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے
عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے

(۸) یہ عدالت ماتحت نے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے
عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے
عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے
عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے
عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے عدلی سے

بندہ وکیل
Umair Farooq
Advocate

شیر داز خان
Shah Daz Khan

شیر داز خان ایڈووکیٹ
Shah Daz Khan

24/7/10

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IN THE COURT OF MRS. AQSA SAEED CIVIL JUDGE NO. 1, LAKKI

MARWAT.

CIVIL SUIT NO.....29/1 FOR THE YEAR 2010

Sher Daraz s/o Gul Nawaz Khan r/o Titer Khel Tehsil & District Lakki
Marwat.....(Plaintiff)

Versus

Government of NWFP Through Secretary Education Schools & Literacy NWFP
Peshawar & 04 others.....(Defendants)

Date of institution of suit.....04-02-2010

Date of decision of suit.....15-07-2010

SUIT FOR DECLARATION cum PERPETUAL MANDATORY INJUNCTION.

JUDGMENT

Sher Daraz herein after called plaintiff has brought the instant declaratory suit against the Secretary Schools & Literacy Peshawar and 04 others herein after called defendants to the effect that being permanent resident of U/C Titer Khel as per government policy, being top candidate of the merit list of PST post which was advertised in the "Newspaper Daily Aaj " on 16-10-2008, he is entitled to be appointed as PST but placing plaintiff at serial No. 3 is wrong, illegal and against the policy. Along with declaration he is also seeking permanent mandatory injunction.

2/ Brief but relevant facts of the instant case as per averments of plaintiff contained in his plaint are that PST posts were advertised by the defendant No. 2, where plaintiff along with application and documents applied and appeared in test & interview on 10-12-2008; that defendants kept plaintiff in the merit list of U/C Titer Khel at serial No. 3 whereas Fazal Yazdan and Saeed Akhtar were at serial No. 1 and 2 respectively but the said Fazal Yazdan was also serving in Almizan Bank due to that inquiry was initiated against him after his appointment

Received
16/01/16

24/8/15
Examiner to
District & Sessions
Lakki

Copy

15/7/10
AQSA SAEED
CIVIL JUDGE NO. 1
LAKKI

as PST, where he resigned from the said post and as Saeed Akhtar at serial No. 2 was confirmed as SET post so that plaintiff who was after the said two persons came at top on the merit list of U/C Titer Khel and when the post is vacant he is entitled to be appointed against the said vacant post of PST; the defendants were asked time and again to appoint plaintiff being top candidate but they refused to do so, hence the suit in hand.


3/ Defendants were summoned; they appeared and contested the suit of plaintiff by filing their written statement on 02-03-2010. The following issues were framed on 26-03-2010.

ISSUES

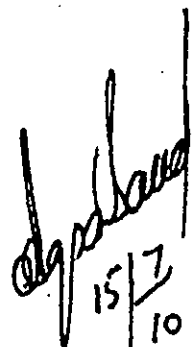
- 1 Whether plaintiff has got the cause of action and locus standi? OPP
 - 2 Whether this court has got the jurisdiction to entertain the instant suit? OPP
 - 3 Whether plaintiff was at serial No. 3 on the merit list of U/C Titer Khel, where the Fazal Yazdan and Saeed Akhtar were at serial No. 1 and 2? OPP
 - 4 Whether after appointment against PST Fazal Yazdan resigned and Saeed Akhtar was appointed as SET and the post in question remained vacant and plaintiff being top candidate is entitled to get his appointment against the same? OPP
 - 5 When Fazal Yazdan resigned from the in question post and whether after that there was any period of waiting list was remaining for the appointment of the next candidate against the vacant post? OPP
- Whether plaintiff is entitled to be appointed against the vacant post on the basis of existing / previous merit list? OPP
- Relief?

4/ The parties were directed to produce evidence of their choice in support of their respective claims after submitting their list of witnesses. Plaintiff produced

ATTESTED


Examiner
District & Sessions
Lahore

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Mrs. Aqsa Saeed
Judge / Judicial Magistrate
Lahore

Senior Clerk EDO Office as PW-1 and he himself recorded his statement as PW-2, where after closed his evidence on 20-05-2010. In rebuttal Akram Marwat Assistant EDO Lakki Marwat appeared in the witness box as DW-1 and EDO Noor Hassan as DW-2. Evidence session was closed on 25-06-2010.

5/ The learned counsel for the parties argued over the case. I heard their arguments at length and perused the record on file with their valuable assistance. Now, I am going to discuss each and every issue in the light of the evidence of the parties and arguments advanced by their respective counsel.

ATTESTED

Issue No. 2

Examiner to
District & Session Judge
Lakki Marwat

Plaintiff is not a civil servant and he filed the instant suit for declaration cum permanent mandatory injunction for seeking his appointment being successful top candidate of merit list of U/C Titer Khel for the post of PST. Plaintiff has rightly knocked the door of civil court because U/S 9 of Civil Procedure Code, civil court has vast power to entertain the matters pertinent to civil nature. Issue is answered in positive.

Issue No. 3, 4 & 5:

These issues are interlinked and interconnected, therefore, taken together for convenient disposal. Plaintiff produced PW-1 Senior Clerk EDO Office who produced and exhibited his office record, advertisement dated 16-10-2008, for the in question post is available on file as EXPW 1/1 and on the basis of the same plaintiff applied through an application along with documents which are available on file as EXPW 1/2 to EXPW 1/13. PW-1 has specifically mentioned that as per procedure and rules 25 % appointments are made on the basis of open merit, whereas 75 % appointments are made on the basis of union council. He exhibited final merit list dated 16-12-2008, as EXPW 1/14, while mentioning that plaintiff Sher Daraz Khan being resident of U/C Titer Khel is at serial No. 3 whereas Fazal Yazdan and Saeed Akhtar were at serial No. 1 and 2 respectively.

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Mera Akram
Judge / Judicial Magistrate
Lakki Marwat

and through appointment order dated 06-03-2009 EXPW. 1/15 being top candidate Fazal Yazdan was appointed against the said post but later on he resigned from the said post and through letter dated 30-1-2010, of EDO his resignation was considered from 01-12-2009. According to PW-1 as per EXPW 1/16 Saeed Akhtar who are at serial No. 2 has appointed as SST on 11-12-2009 and who himself in his own writing requested that he has no objection over the appointment of the next candidate at serial No. 3 i.e. plaintiff.

During cross examination he has specifically mentioned that after resignation the specified period for the appointment of the said post has lapsed so that the next candidate of merit list could not be appointed. He exhibited letter dated 02-03-2008, 05-01-2009, 01-10-2005, 31-12-2008 and 12-10-1993 as EXPW 1/D1 while deposing that the concept / policy / law of waiting list for the period of six months after appointment is no more in field / existence on the basis of the said letters / policies and now after appointment remaining candidates cannot be appointed if the said field post is vacant. He further produced record about conducting inquiry against Fazal Yazdan who was serving against the two posts at the same time, but the said fact is not relevant to discuss here and the relevant matter and fact is that when after his appointment against the in questioned post his resignation letter was considered which from the exhibited office record of EDO is clear that from 01-12-2009 the in question post was again vacant, whereas the date of appointment of the Fazal Yazdan was 06-03-2009.

In the light of the above mentioned discussion it is clear that as per merit list being top candidate Fazal Yazdan was appointed as PST in U/C Titer Khel on 06-03-2009 but later on he resigned on 01-12-2009 and as per standing policy / letter EXPW 1/D1 now the concept of waiting list is no more in field specially when the in question post was vacant after 09 months from the appointment order. No doubt plaintiff was at serial No. 3 at the merit list of U/C Titer Khel but candidate at serial No. 1 being deserving candidate was appointed but later on it was surfaced that the said appointed person is already at job where inquiry was

ATTESTED

Examiner to
District & Session Judge
Lahore

24/8/15

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Para Aqam Saeed
Magistrate / Judicial Magistrate
Lahore

initiated. but he himself resigned on 01-12-2009 and the second cand himself gave his consent in favour of plaintiff because he was already appoi as SET. But when the in question post was vacant after passing the 09 month initial appointment then appointment of plaintiff on that merit list does not se correct at all because period of more then 09 months was passed and the sa vacant post cannot be filled on the basis of 09 months back merit list and during the said period defendants / Education Department Authorities appointe some other candidates against the advertised post while violating of their owr policy even then the said, wrong act does not create right and entitle plaintiff. Any how when the vacant post is re-advertised then plaintiff on humanitarian ground is considered on priority basis due to the said past event. Issue No. 3 is decided in positive and Issue No. 4 & 5 are decided accordingly.

ATTACHED

Examiner to District & Sessions Judge, Lakhimpur

24/8/17

Issue No. 1 & 6

In the light of my discussion on foregoing issues it is clear that the in question post was vacant after 09 months and plaintiff who was at serial No. 3 in the merit list but after the resignation of appointed person and appointment of the second one candidate as SET he came at top but on the basis of 09 months back merit list claiming of appointment is not correct at all and as per procedure and rules the said vacant post must be re-advertised and plaintiff can apply for the same where he is given preference as DW-2 EDO is ready for his appointment even on the previous merit list but claiming his appointment on the basis of previous merit list is not correct and he has got no cause of action on the basis of the same and not entitled to get the decree. Therefore both the issues are decided in negative.

[Signature]
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Actg. Asstt. Secy
Civil Judge / Judicial Magistrate
Lakhimpur

Relief?

The crux of the above discussion is that plaintiff is not entitled to claim his appointment against the vacant in question post on the basis of

Therefore suit of plaintiff is hereby dismissed. Any how when the vacant post re-
advertise then the case of plaintiff is considered on priority basis due to suffering
from the last event. No order as to cost.

ANNOUNCED:
15-07-2010

Aqsa Saeed 15/07/10
Mrs. Aqsa Saeed
Civil Judge No-1, Lakki Marwat
~~Mrs Aqsa Saeed~~
~~Civil Judge / Judicial Magistrate~~
Lakki Marwat

CERTIFICATE.

Certified, that the instant judgment of mine consists of 06 pages each has
been read over corrected and signed by me after its necessary correction
wherever necessary.

Aqsa Saeed 15/07/10
Mrs. Aqsa Saeed
Civil Judge, Lakki Marwat.
~~Mrs Aqsa Saeed~~
~~Civil Judge / Judicial Magistrate~~
Lakki Marwat

Application NO. 4108
Application received on 24-8-10
Copying fee Deposited on 24/8/10
No. Date of Delivery of Copies 24/8/10
Fees received for copying 78000
Stamp fee _____
Court fee _____
Search fee _____
Urgent fee _____
Name of copyist Axo
Copy completed on 24-8-10
Copy delivered on 24-8-10
Signature of examiner *[Signature]*

ATTESTED
[Signature]
Examiner to
District Session Judge
Lakki Marwat.

(90)

CONFIDENTIAL



Provincial Inspection Team K.P

Block No. 15, Attached Department Complex,
Khyber Road, Peshawar Cantt.

Tele: 9210956-9212270

No. 241/INSP/By Name Inq/PIT/2013/

Dated: March 01, 2013

To

The Secretary to
Govt. of Khyber Pakhtunkhwa
Elementary & Secondary Education,
Peshawar.

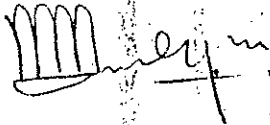
Attention: Section Officer (Schools/Male)

Subject: Inquiry Regarding Irregular Appointments in Different
Cadres in EDO (E&SE) Office Lakki Marwat.

Memo:

I have honour to refer your Notification No.SO(S/M)
E&SE/4-17/2012/Noor Hassan Khan, Ex-EDO Lakki dated 31.12.2012
on the subject cited above to forward herewith a copy of inquiry report
regarding irregular appointments in different cadres made by Mr.Noor
Hassan Khan, Ex-EDO Lakki Marwat containing (Twenty Two) pages
alongwith (39) Annexures in two volume for further necessary action at
your end.

2. Kindly acknowledge.


1-3-13

**Muhammad Humayun
Chairman, PIT.**

Encl: Report 1 to 22 pages
Annex: A to AM

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SUBJECT:- INQUIRY REGARDING IRREGULAR APPOINTMENTS IN DIFFERENT CADRES IN EDO (E&SE) OFFICE LAKKI MARWAT

According to the Elementary & Secondary Education Department Notification No SO(S/M) E&SE/4-17/2012/Noor Hassan Khan, Ex EDO, Lakki Marwat, dated 31.12.2012, the Chief Minister KPK was pleased to appointment the undersigned as Inquiry Officer to conduct inquiry regarding irregular appointments in different cadres and other irregularities mentioned in the Charge Sheets and submit report within one month (**Annexure-A**). Letter in question was received on 08.01.2013. All the accused were asked through registered letter for submission of written replies within seven days failing which it shall be presumed that they had no defence to put in & in that case ex-parte decision shall be taken (**Annexure-B**). The Elementary & Secondary Education Department nominated Mr. Mujeeb-ur-Rehman, Section Officer (Schools/Male) as departmental representative to assist and appear before the committee along with relevant record (**Annexure-C**).

A) MR. NOOR HASSAN KHAN;

Mr. Noor Hassan Khan was appointed as EDO (E&SE) Lakki Marwat with effect from 14-03-2009. He served as EDO till 28-02-2011. Subsequently he was posted as Principal, GHSS Khaweshgi, District Nowshera. According to his date of birth he stood retired from service with effect from 17-10 2012. In the light of FR 54-A no action can be taken against a retired civil servant after retirement from service. However department has to register an FIR with local police for recovery of loss caused to Provincial exchequer (**Annexure-D**). Since a number of Officials are involved therefore it is decided to conduct inquiry and submit report. Loss caused by the Ex-EDO to public exchequer may be recovered from him by registering an FIR with local police.

According to Charge Sheet Mr. Noor Hassan Khan, Ex-EDO (E&SE) Lakki Marwat now Principal GHSS Khaweshgi Payan District Nowshera has been charged as under:-

"Committed irregularity of illegal appointments in different cadres in violation of merit, Government policy and procedures in the office of EDO (E&SE) Lakki Marwat"

He in his written reply dated 17-1-2013 stated that he joined Education Department in October, 1973 as SV Teacher. He served in various capacities (**Annex- E**). He added that all the orders have been issued in accordance with rules, regulations & policy of the Government. All the codal formalities were fulfilled before filling vacancies. He always followed rules and regulations therefore he may be exonerated. During the month of May, 2010 applications were invited for various posts through daily "Aaj" dated 11-05-2010 (**Annexure-F**). A large number of candidates applied for various posts. According to selection

criteria 100 marks have been distributed as per detail given below:-

Academic qualification	= 100 marks*
Academic qualification	
SSC or equivalent	marks obtainedx30/total marks
HSSC or equivalent	marks obtainedx20/total marks
PTC	marks obtainedx30/total marks
Additional qualification	
BA/BSc or equivalent	marks obtainedx10/total marks
MA/MSc or equivalent	marks obtainedx5/total marks
Experience	marks obtainedx5/total marks

Total marks	= 100

During checking of record it was noticed that the posts of TT, AT (Females) and PST (Male) were kept vacant for the reasons that Peshawar High Court, DI Khan Bench has issued stay order (**Annex-G**). However appointments have been made against the posts of TT (Female) & PST (Male) in violation of court orders.

2) **Mr. Muhammad Ayub Khan, District Officer(M) Lakki/Marwat**

Muhammad Ayub Khan is working as District Officer (Male) Lakki Marwat with effect from 24-4-2008. He was charged as follow:-

"Being member of DSC committee committed irregularity by signing fictitious and fake merit list and approved some illegal quotas in violation of merit, Government policy and procedures and supporting the Ex-EDC(E&SE) Lakki Marwat in making illegal appointment"

His written reply was received on 17-1-2013 (**Annex-H**). He claimed that appointment orders of TT(Male), Qari (Male), DM(Male), PST(Male), Lab Assistant and Driver were issued by the Ex- EDO. He neither took part in the meeting of DSC nor signed merit lists. He signed merit lists of CT (Male), CT (Female) and PST (Female) prepared by dealing Assistant. It is possible that some candidates have submitted fake documents with their application. Before issuance of appointment orders verification of documents was required. He requested the EX-EDO for verification of documents before issuing appointment orders which was not honoured. On the direction of Ex-EDO tests & interviews were conducted by the Principal/Headmaster of the school concerned and ministerial staff. He was not member of test/interview committees. He only matched the final merit list with interview list. No discrepancy was noticed. At the time of interview original documents were checked by the interviewing committee. At the time of signing final merit list original documents were not available. Only interview list was provided. He never intentionally signed illegal quota in violation of merit.

3) **Mr. Noorani Shah, Dy Distt Officer (M/F)**

Mr. Noorani Shah, worked as Deputy District Officer (M/F) with effect from 2.11.2009 to 11.10.2011. He was charged as under:-

"Drawing and Disbursing Officer of PST (Male) committed gross negligence and made irregular payment causing huge loss to the public exchequer"

Mr. Noorani Shah the then DDO Lakki Marwat now Headmaster, Government High School Baist Khel, Lakki Marwat in his reply claimed that it is sole responsibility of Selection Committee to appoint suitable candidates against available vacancies (**Annex-I**). The composition of the District Selection Committee notified by the E&AD vide Notification No.SOR-V(E&AD)2-7/2003 dated 1-11-2006 is as under (**Annex-J**):

- a) EDO Education (E&SE) Chairman
- b) Nominee of DCO Member
- c) One nominee of Administrative Deptt: Member
- d) District Officer concerned Member

Mr. Noor Hassan Khan, Ex-EDO constituted District Selection Committee of his choice composition of which is as under:-

S.No	Name	Designation	
1	Mr. Noor Hassan Khan	Ex EDO, Lakki Marwat	Chairman
2	Mr. Muhammed Ayub Khan,	District Officer(M) Lakki Marwat	Member
3	Mr. Shafiullah, PS to DCO	Representative of DCO	Member
4	Mr. Amanullah,	Head Clerk, EDO, Lakki Marwat.	Member
	Mr. Bahadar Zaman	Senior Clerk, EDO, Lakki Marwat.	
	Mr Haroon Badshah (For respective cadets)	Junior Clerk, EDO, Lakki Marwat shown as Assistant	

Since he was not member of the selection committee therefore he was never consulted in the selection process. Appointees were directed to report the concerned headmaster of the school after having medical examination. After completion of these documents by the concerned school, cases were forwarded to DDO. The DDO scrutinized documents for release of salaries. This procedure is in practice since long. Accordingly I forwarded names of appointees for payment of salaries after fulfilling all legal requirements. On 28.2.2011 Mr. Abdul Malik took over the charge of EDO. He decided that salaries may be

(86)

stopped. His order was implemented with letter and spirit.

4) Mr. Amanullah, Head Clerk, EDO, Lakki Marwat

Mr. Amanullah is working as Head Clerk (BPS-14) in the office of the DDO (M) E&SE Lakki Marwat with effect from 23-5-2004 till date. He was charged as follow:-

"Committed gross negligence, supporting and assisting the Ex-EDO in making illegal appointment in violation of merit, Government policy and procedures in the office of EDO (E&SE) Lakki Marwat"

His written reply was received on 15-01-2013 by post (Annex-K). In his reply he claimed that he has no concern with appointment orders during the tenure of Mr. Noor Hassan Khan therefore he committed no irregularity or illegality. He never assisted or supported the EDO in illegal appointments, in violation of merit, Government Policy and procedure in practice. Files dealt with were of routine manners & being no authority, he has no concern with appointments, under the quoted laws; being defective. He is neither guilty nor liable to any penalty specified in the rules. He has signed CT (Female) DSC minutes dated 24-2-2011 which negates his statement.

5 Mr. Bahadar Zaman, Senior Clerk, EDO, Lakki Marwat

Mr. Bahadar Zaman, worked as Junior Clerk at Govt High School Tajori District Lakki Marwat with effect from 30-4-1995 to 15-2-2010. On his promotion as Senior Clerk he was transferred to EDO office, Lakki Marwat on 16-2-2010. He has been charged as follows:-

"Committed gross negligence, supporting and assisting the Ex-EDO in making illegal appointment in violation of merit, Government policy and procedures in the office of EDO (E&SE) Lakki Marwat"

His written reply was received on 16-01-2013 by post which is within given time. In his reply he claimed that he has no concern with appointment orders during the tenure of Mr. Noor Hassan Khan therefore he committed no irregularity or illegality (Annex-L). He never assisted or supported the EDO in illegal appointments, in violation of merit, Government Policy and procedure in practice. Files dealt with were in routine manners & being no authority, he has no concern with appointments. Under the quote laws, being defective he is neither guilty nor liable to any penalty specified in the rules. Checking of record revealed that he has signed CT (Female) DSC minutes dated 24-2-2011.

6 Mr. Haroon Badshah, Junior Clerk, EDO, Lakki Marwat

Mr. Haroon Badshah is working as Junior Clerk, in the office of Deputy District Officer (Female) Lakki Marwat with effect from 22-4-2006 till date. Following charges were leveled against him:-

"Committed gross negligence, supporting and assisting the Ex-EDO in making

(85)

illegal appointment in violation of merit, Government policy and procedures in the office of EDO (E&SE) Lakki Marwat"

His written reply was received on 15-01-2013 by post which is within given time. In his reply he claimed that he has no concern with appointment orders during the tenure of Mr. Noor Hassan Khan therefore he committed no irregularity or illegality (Annex-M). He never assisted or supported the EDO in illegal appointments, in violation of merit, Government Policy and procedure in practice. Files dealt with were in routine manners & being no authority, he has no concern with appointments. Under the quoted laws, being defective he is neither guilty nor liable to any penalty specified in the rules.

He admitted that he distributed and collected application forms. Due to death of his father on 27-1-2011 he handed over data as well as other documents to Ex-EDO. He has also signed PST (Female) DSC minutes dated 24-2-2011.

OBSERVATIONS

The composition of the District Selection Committee notified by the Provincial Government is as under:

- | | |
|---|----------|
| a) EDO Education (E&SE) | Chairman |
| b) Nominee of DCO | Member |
| c) One nominee of Administrative Deptt: | Member |
| d) District Officer concerned | Member |

District Selection Committee notified by Mr. Noor Hassan Khan, Ex-EDO is as under:-

S.No	Name	Designation	
1	Mr. Noor Hassan Khan	Ex EDO, Lakki Marwat	Chairman
2	Mr. Muhammad Ayub Khan,	District Officer(M) Lakki Marwat	Member
3	Mr. Shafiullah, PS to DCO	Representative of DCO	Member
4	Mr. Amanullah,	Head Clerk, EDO, Lakki Marwat	Member
	Mr. Bahadar Zaman	Senior Clerk, EDO, Lakki Marwat,	
	Mr Haroon Badshah (For respective cadres)	Junior Clerk, EDO, Lakki Marwat shown as Assistant	

Since composition of the DSC is not in accordance with notification of the Provincial Government therefore it by itself is irregular. Ex-EDO E&SE Lakki Marwat intentionally avoided to associate representative of the Administrative Department.

(84)

PST (Male):-

Mr Noor Hassan Khan, Ex-EDO invited applications for various posts through daily Aaj dated 11-5-2010. A number of applications were received for the post of PST (Male). A number of PST (M) were appointed without preparation of merit lists and convening meeting of DSC. Test and interview were conducted however due to stay granted by the PHC Bench D.I.Khan vide letter No. 3022/judl/AR dated 23-9-2010 further action was kept pending. DO (Male) in his statement confirmed the same. Mr. Noor Hassan Khan, Ex-EDO issued fifty one (51) appointment orders as per details given below. Copies of appointment orders are attached (Annexure-N).

STATEMENT SHOWING THE DETAILS OF APPOINTMENTS PST (MALE)

SNo.	NAME	FATHER'S NAME	ORDER NO.	DATE	CATEGORY / QUOTA	REMARKS
1	Rustam Khan	Qasim Khan	201-5	08-02-2011	- 1999 AIOU	
2	Said Nawaz	Mir Ali Khan	10937-41	04-10-2011	Class-IV Quota	No such quota exists at the moment.
3	Qayyum Khan	Pir Ghulam Khan	11714-19	25-10-2010	Class-IV Quota	No such quota exists at the moment.
4	Muhammad Anwar	Hayatullah	8344-49	22-01-2011	Class-IV Quota	No such quota exists at the moment.
5	Niamatullah	Sheikh Rasool	10001-6	8-09-2010	Court Case	Court orders not produced. Appointed as 1999 denied candidate
6	Azhar Shah	Mehmood Shah	11772-77	25-10-2010	Court Case	Court orders not produced. Appointed as 1999 denied candidate
7	Sayed Wali	Sarfraz Khan	11795-801	26-10-2010	Court Case	Court orders not produced. Appointed as 1999 denied candidate
8	Saif ur Rahman	Abdul Raheem Khan	1203-40	01-11-2010	Court Case	Court orders not produced
9	Hidayatullah	Zafar Khan	11391-96	05-11-2010	Court Case	Court orders not produced
10	Amanullah	Mir Qadar Khan	11917-22	25-11-2010	Court Case	Court orders not produced
11	Damsaz Khan	Saday Khan	1690-95	01-01-2011	Court Case	Court orders not produced. Appointed as 1999 denied candidate
12	Rahim Shah	Zarban Shah	1400-07	01-01-2011	Court Case	Court orders not produced
13	Sher Daraz	Gul Nawaz	67-70	17-01-2011	Court Case	Court orders not produced
14	Hidayatullah	Maman Baksh	8355-62	24-01-2011	Court Case	Court orders not produced
15	Raham Dil Khan	Mani Khan	135-38	01-02-2011	Court Case	Court orders not produced

(83)

SNo.	NAME	FATHER'S NAME	ORDER NO.	DATE	CATEGORY / QUOTA	REMARKS
16	Sher Bahadur	Syed Badshah	1315-20	09-02-2011	Court Case	Court orders not produced
17	Noor Aslam	Muhammad Yousaf	1391-97	10-02-2011	Court Case	Court orders not produced
18	Munawar Khan	Ayoub Khan	1615-1620	19-02-2011	Court Case	Court orders not produced. Appointed as 1999 denied candidate
19	Najeeb Ullah	Gul Rehan	1878-80	22-02-2011	Court Case	Court orders not produced
20	Abdul Wahab	Arzoman Khan	278-81	22-02-2011	Court Case	Court orders not produced
21	Gul Mar Jan	Wazir Khan	298-302	22-02-2011	Court Case	Court orders not produced
22	Islam Badshah ✓	Abdul Habib	2108-12	25-02-2011	Court Case	Court orders not produced
23	Abid Hussain	Noor Qalam Khan	2108-12	25-02-2011	Court Case	Court orders not produced
24	Momin Khan	Mir Abbas	2108-12	25-02-2011	Court Case	Court orders not produced. Appointed as 1999 denied candidate
25	Niamatullah Khan	Amir Nawaz Khan	1441-46	16-2-2010	Court Case	Court orders not produced. Appointed as 1999 denied candidate
26	Samiullah	Ajab Khan	1427-33	16-2-2010	Court Case	Court orders not produced. Appointed as 1999 denied candidate
27	Shah Wali Khan	Hameedullah Khan	2340-46	11-3-2010	Court Case	Court orders not produced. Appointed as 1999 denied candidate
28	Momin Khan	Mahboob Khan	4672-78	23-4-2010	Court Case	Court orders not produced
29	Inamullah Khan	Muhammad Khan	12516-21	21-12-2010	Deceased Son	
30	Farhatullah	Akbar Jan	1288-92	22-12-2010	Deceased Son	Documents be produced
31	Abdul Hamid	Rahim Jan	725-30	18-01-2011	Deceased Son	Documents be produced
32	Attaullah Khan	Taj ali Khan	1647-52	21-02-2011	Deceased Son	Documents be produced
33	Shafqat Ullah ✓	Inayatullah Khan (Late)	1840-44	22-02-2011	Deceased Son	Documents be produced
34	Ihsanullah ✓	Abdul Ghani	1860-65	22-02-2011	Deceased Son	Documents be produced
35	Mashal Khan	Abdul Jalil	1434-40	16-2-2010	Disable	No of disable persons & total number of employees not known.
36	Arnjadullah Khan	Abdul Sattar Khan	9285-91	29-07-2010	Disable	No of disable persons & total number of employees not known.

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SNo.	NAME	FATHER'S NAME	ORDER NO.	DATE	CATEGORY / QUOTA	REMARKS
37	Kaleem Ullah	Muhammad Aslam Khan	1684-89	30-12-2010	Disable	No of disable persons & total number of employees not known.
38	Nasir Mahmood	Muhammad Subhan	1690-95	30-12-2010	Disable	No of disable persons & total number of employees not known.
39	Munawar Khan	Abdul Sattar	144-47	01-02-2011	Disable	No of disable persons & total number of employees not known.
40	Javed Iqbal	Akbar Khan	303-06	23-02-2011	Disable	No of disable persons & total number of employees not known.
41	Faridullah	Abdul Manan	95-98	21-01-2011	Ex-Service Man Son Quota	No such quota exists at the moment.
42	Zafar Ullah Shah	Saifullah Khan	3651-56	27-3-2010	Merit	No meeting of DSC held
43	Farmanullah	Hayatullah Jan	4185-87	09-4-2010	Merit	No meeting of DSC held
44	Abdul Qadir Khan	Habibullah Khan	11802-05	26-10-2010	Merit	No meeting of DSC held
45	Niamatullah Khan	Inayatullah Khan	29-32	01-01-2011	Merit	No meeting of DSC held
46	Khalid Usman	Amir Nawaz	1106-11	29-01-2011	Merit	No meeting of DSC held
47	Bashirullah	Muzaffar Khan	224-27	10-02-2011	Merit	No meeting of DSC held
48	Fahimullah	Mashal Khan	2001-05	24-02-2011	Merit	No meeting of DSC held
49	Asim Jan	Hakam Jan	1821-26	5-11-2010	Rtd. Employee Son Quota	No such quota exists at the moment
50	Wahid Ullah	Saifullah	11778-84	25-10-2010	Shaheed Brother's Quota	No such quota exists at the moment
51	Iftexhar Ahmad Khan	Sher Ali Khan	201-5	08-02-2011	Teacher Son	No such quota exists at the moment

WP No. 451 with CM 441 of 2010, WP 222/2008 & WP No22 of 2010 PHC DI Khan Bench remanded cases to EDO to decide the same 15 days & 60 days respectively (Annex-O). No specific orders with regard to the appointment of petitioners were passed. The Ex-EDO misinterpreted the judgments of the courts in his own way. It is astonishing to note that only seven persons were appointed on merit. Three candidates were appointed against class-IV quota which does not exist. Twenty four appointment orders were issue under the shelter of court cases. One candidate was appointed as PST being 1999 qualified from Allama Iqbal Open University. Six candidates were appointed against deceased son quota. Similarly six were appointed against disable quota. Actual number of posts falling to

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the share of disable has not been indicated. Mr. Farid ullah s/o Abdul Manan was appointed being ex-serviceman. No such quota exists at the moment. One person was employed being teacher's son. One person was appointed being brother of Shaheed and one person being son of retired employee. Ex-EDO failed to produce merit list and minutes of the DSC. Thus all the appointments can be termed as irregular. Ex-EDO Lakki Marwat issued appointment orders in piecemeal just to conceal his illegal acts. Details of piecemeal appointments are as under:

SNo.	Number of persons appointed	Date of appointment	Dispatch Number
1.	One	29-07-2010	9285-91
2.	One	8-09-2010	10001-06
3.	Three	25-10-2010	11772-77, 11778-84, 11714-19
4.	One	26-10-2010	11795-801
5.	One	1-11-2010	12035-40
6.	Two	5-11-2010	1821-26, 11391
7.	One	25-11-2010	11917-22
8.	One	21-12-2010	12516-21
9.	One	22-12-2010	1288-92
10.	Two	30-12-2010	1684-89, 1690-95
11.	One	1-1-2011	1690-95
12.	One	17-1-2011	67-70
13.	One	18-1-2011	725-30
14.	One	21-1-2011	95-98
15.	One	22-1-2011	8344-49
16.	One	24-1-2011	8355-62
17.	One	29-1-2011	1106-11
18.	One	1-2-2011	144-47
19.	One	9-2-2011	1315-20
20.	One	10-2-2011	1391-97
21.	One	19-2-2011	1615-20
22.	One	21-2-2011	1647-52
23.	Four	22-2-2011	1840-44, 1860-65, 1878-80, 278-81
24.	Two	23-2-2011	298-302, 303-06
25.	One	24-2-2011	2001-05
26.	One	08-2-2011	201-5
27.	One	4-10-2010	10937-41
28.	One	1-2-2011	135-38

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29.	Three	25-2-2011	2103-12
30.	One	16-2-2010	1441-46
31.	One	16-2-2010	1427-33
32.	One	11-3-2010	2340-46
33.	One	23-4-2010	4672-78
34.	One	16-2-2010	1434-40
35.	One	1-2-2011	144-47
36.	One	27-3-2010	3651-56
37.	One	9-4-2010	4185-87
38.	One	1-1-2011	29-32
39.	One	8-2-2011	201-5
40.	One	1-1-2011	1400-07
41.	One	26-10-2010	11802-05
42.	One	10-2-2011	224-27
43.	Fifty one (51)		

Six (6) persons were appointed against deceased son quota on 21-12-2010, 18-01-2011, 21-2-2011, 22-2-2011, 5-2-2011 & 22-12-2010 which are justified. Neither meeting of DSC was convened nor was final merit list prepared. Two (?) appointment orders of Mr. Gul Marjan s/o Wazir Khan, GPS Guli Khel Battani and appointment of Ismat kausar D/o Shah Muhammad, Masha Mansoor, GGPS Azim Killa (Masha Mansoor) have been allotted same dispatch number i.e 298-302 dated 23-2-2011 (Annex-P). Similarly appointment orders of Mr. Damsaz Khan s/o Saday Khan, GPS Kotka Gul, Karam Sra Darga and appointment of Nasir Mehmood S/o Muhammad Subhan, GPS Pirana Manji wala have allotted same dispatch number i.e 1690-95 dated 30-12-2010 (Annex-C). Thus all the appointments are irregular. Mr. Noor Hassan Khan, Ex-EDO is personally responsible for the same. Members of the DSC can't be held accountable for this irregularity.

PST(Female):-

About 1134 applications were received for the post of PST(F). According to DDO (Female) only nineteen (19) vacancies were available. Ex-EDO issued seventy nine (79) appointment orders. Thirty nine appointment orders were issued vide notification No. 2074-79/PST(F) dated 25-2-2011 duly approved by the DSC (Annex-R). Remaining forty (40) orders have been issued on 16-2-2010, 5-11-2010, 4-1-2011, 13-1-2011, 10-2-2011, 24-1-2011, 23-2-2011, and 25-2-2011 that too without obtaining approval of DSC. Appointment order of two persons against deceased son quota seems justified. Remaining appointment orders are irregular. Three appointment orders were issued prior to advertisement dated 11-5-2011. Miss Bibi Zainab d/o Munawar Khan was appointed at GGPS Langer Khel as PST against deceased son quota. Reportedly her father is alive.

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Cr. No.	Name of Candidate	Father's Name	Name of School	Date of Issue Order	Pay Status	Service Status	Name of Court	Remarks
1	Asma Bibi	Saheb Gul	GGPS Saifullah Mash Mastikhani	18-10-10	Stopped	Terminated	Reasons	Fake appointment order
2	Zarin Taj	Zari Jan	GGPS Saifullah Mash Mastikhani	18-10-10	Stopped	Terminated	Reasons	Fake appointment order
3	Bibi Sadiqa	Haibat Khan	GGPS Kotka Zarwali Khan (Naurang)	28-01-11	Stopped	Terminated	Reasons	Fake appointment order
4	Rukia Bibi	Wali Jan	GGPS Wanda Mashmasti Khani	22-02-11	Stopped	Terminated	Reasons	Fake appointment order
5	Shakila Bibi	Najibullah	GGPS Mir Azam Michin Khel	22-02-11	Stopped	Terminated	Reasons	Fake appointment order
6	Shamshad Bibi	Rahim Yar Khan	GGPS Ghati Michin Khel	22-02-11	Stopped	Terminated	Reasons	Fake appointment order
7	<u>RUKHSANA HAYAT</u>	Hayatullah	GGPS Textile Mills Sera-e-Naurang	25-02-11	Stopped	Terminated	DSC Approval	Duly approved by DSC. PTC Marks 563. Not 653 as recorded in the merit lists. Service terminated due to fake documents.
8	<u>NUSRAT SHAHEEN</u>	Awal Khan	GGPS Sheri Khel Faqiran	25-02-11	Stopped	Terminated	DSC Approval	Duly approved by DSC. Passed FA 2009. Marks for experience not correct. Service terminated due to fake documents.
9	<u>JAMSHID BIBI</u>	Ghulam Nabi	GGPS Hamid Abad Lakki	25-02-11	Stopped	Terminated	DSC Approval	Duly approved by DSC. SSC found Fake. Service terminated due to fake documents.
10	<u>FEHMIDA BIBI</u>	Amin Khan	GGPS Toti Abad Lakki	25-02-11	Stopped	Terminated	DSC Approval	Duly approved by DSC. Service terminated due to fake documents.
11	<u>NAUREEN NIAZI</u>	Abdul Ghaffar	GGPS Wanda Khara	25-02-11	Stopped	Terminated	DSC Approval	Duly approved by DSC. Service terminated due to fake documents.
12	<u>SHAMIM BEGUM</u>	Ahmad Jan	GGPS Khushal Adamzai	25-02-11	Released	Terminated	DSC Approval	Duly approved by DSC. Passed F.A in July 2010. Not eligible. Service terminated due to fake documents.
13	<u>RIFAT RANI</u>	Feroz Khan	GGPS Jhang Khel No. 2	25-02-11	Stopped	Terminated	DSC Approval	Duly approved by DSC. Only two vacancies in the U.C. She is at S. No. 28 in U.C merit list. On the orders of the PHC her appointment was terminated and Miss Sonia Aman was appointed.
14	Ruqia Bibi	Muhammad Khan	GGPS Kechi Qamar	25-02-11	Stopped	Terminated		
15	Abda Moin	Moeenuallah	GGPS Khan Khel Mastaran	21-12-10	Pay Stop	Regular Case pending in Service Tribunal K.P		
16	Afshan Bibi	Azim Khan	GGPS Wanda Faqiran (Sheri Khel)	21-02-11	Pay Stop	Regular Case pending in Service Tribunal K.P		
17	Ismat Kausar	Shah Muhammad	GGPS Azim Kala Mashmansoor	23-02-11	Pay Stop	Regular Case pending in Service Tribunal K.P		
18	<u>MARWARIDA BIBI</u>	Saheb Jan	GGPS Ghazi Khel	25-02-11	Pay Stop	Regular Case pending in Service Tribunal K.P	DSC Approval	Duly approved by the DSC. She is at S# 45 of U.C merit list. No Court Order available.

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19	<u>SHAZIA NAURIN</u>	Muhammad Afzal	GGPS Rehamdil/ Qureshi Adamzai	25-02-11	Stopped	Regular Case pending in Service Tribunal K.P	DSC Approval	Duly approved by the DSC.
20	Farhada Matin	Rais Khan	GGPS Hafiz Mala Khel	24-10-10	Released			According to existing service rules no quota is reserved for ex servicemen at the moment.
21	Rukhsana Bibi	Sahab Khan	GGPS Hafiz Mala Khel	24-10-10	Released			
22	Kulsoom Bibi	Habibullah	GGPS No. 3 Mela Mandra Khel	11-05-10	Released			No Court Order available.
23	Ishrat Rehana		GGPS Hafiz Mala Khel	01-03-11	Released		Reverted CT to PST	
24	Bibi Zainab	Munawat Khan	GGPS Langer Khel Hinda	01-04-11	Released			Her Father still alive. Her Husband was a Sailor in Pak Navy. Provl. Govt. is not supposed to provide her job.
25	Miss Musarat Bibi	Nasrullah Khan	ggps Sharbi Khel	13-01-11	Released			Does not appears in the final merit list. No vacancy is available in the U.C.
26	Farhat Bibi	Tahir Shah	GGPS Sargrah Muhammad Khan	24-01-11	Released			
27	Madaha Asmat	Asmatullah	GGPS Akhtojan Baitani	02-10-11	Released			Appointed against Deceased Son quota. Unattested. DSC approval not available.
28	Zainab Nooreen	Banauddin	GGPS Akhtojan Baitani	22-02-11	Released			
29	Sabra Bibi	Ali Jan	GGPS Kotka Zarwali Khan (Naurang)	22-02-11	Released			
30	Farida Begum	Mirzali Khan	GGPS Zarjano	24-02-11	Released			
31	<u>SHEHLA MEHMOOD</u>	Mehmood Hashim	GGPS Khushdil Adamzai	25-02-11	Released		DSC Approval	Duly approved by the DSC. She was a regular student Govt. College Lakki. Experience marks not allowed.
32	<u>NAJMA NOOREEN</u>	Muhammadullah	GGPS Wanda Khan Doran	25-02-11	Released		DSC Approval	Duly approved by the DSC. She did BSc from Bannu Univ. hence not eligible for exp. marks.
33	<u>HUSAN PARI</u>	Nawaz Khan	GGPS Azal Mir Baitani	25-02-11	Released		DSC Approval	Duly approved by the DSC.
34	<u>HAMIDA GUL</u>	Dilawar Khan	GGPS Ghandi Qamar Zaman	25-02-11	Released		DSC Approval	Duly approved by the DSC.
35	<u>KANWAL UROOJ</u>	Muhammad Ramzan	GGPS Wanda Khan Doran	25-02-11	Released		DSC Approval	Duly approved by the DSC. She passed PTC in 2009. No eligible for teaching experience.
36	<u>GAMAR TALAT</u>	Hamidullah	GGPS Amina Jabo Khel	25-02-11	Released		DSC Approval	Duly approved by the DSC. She passed PTC in Sept. 2010. Thus ineligible.
37	<u>ZUBAIDA</u>	Guinawaz Khan	GGPS Harama Tala Wakil	25-02-11	Released		DSC Approval	Duly approved by the DSC. No vacancy in U/C.
38	<u>FAHMEDA</u>	Inayatullah Khan	GGPS Zarjano	25-02-11	Released		DSC Approval	Duly approved by the DSC. She was a regular student of Govt. College Lakki. Not entitled for experience marks.
39	<u>GULSHAN BIBI</u>	Jan Gul	GGPS Khan Khel Mandazai	25-02-11	Released		DSC Approval	Duly approved by the DSC. No vacancy available in U/C. Experience marks irregular.

						DSC Approval	Duly approved by the DSC. D: sable
10	<u>SHAKIBA</u>	Ali Khan	GGPS Harama Tala Wakil	25-02-11	Released		
41	Shakila Bibi	Mir Sardar	GGPS Gulbaz Dehqan	25-02-11	Released		No vacancy in U/C. She is at S# 3. No approval of DSC. She passed PTC in 2009. Not entitled for experience marks.
42	Sameen Ara	Mir Ajab Khan	GGPS Wada Kuttana	25-02-11	Released		No vacancy in U/C. DSC approval not available.
43	Farida Yasmin	Abdul Manan	GGPS Dulatmir Lawang Khel	25-02-11	Released		No vacancy in U/C. Poor merit.
44	Nadia Noreen	Rehmatullah	GGPS Tarkha Bazi Khel No. 2	25-02-11	Released		No vacancy in U/C.
45	Razia Nooreen	Mujib Rasool	GGPS Landiwa Mazullah	25-02-11	Released		
46	Iram Naveed	Nobat Khan	GGPS Muhammad Nawaz Tajzai	25-02-11	Released		No post available in U/C. Experience marks wrongly awarded.
47	Gul Rabbani	Azad Khan	GGPS Akhtojan Baitani	25-02-11	Released		No post available in U/C. Experience marks wrongly awarded.
48	Tania Aman	Amanullah.	GGPS Jhang Khel No. 2	03-06-12	Released	In place of Rifaq Rani	
49	Asma Dilawar	Dilawar Khan	GGPS No. 3 Mela Mandra Khel	05-11-12	Released		
50	Mehtab Gul	Momin Khan	GGPS Gul Akhtar Ghazni Khel		Released		
51	Asia Baro	Yousaf Khan	GGPS M. Ayaz Bakhmal Ahmadzai	23-02-11	Stopped		
52	<u>HASINA LATIF</u>	Latifullah	GGPS Hafiz Maia Khel	25-02-11	Stopped	DSC Approval	Duly approved by the DSC. Regular Student of Jinnal College Peshawar. Not eligible for experience marks.
53	<u>SHAKILA QAYUM</u>	Abdul Qayum	GGPS Mash Habibullah	25-02-11	Stopped	DSC Approval	Duly approved by the DSC.
54	<u>ROMANA GUL</u>	Saifur Rehman Shah	GGPS Qeemat Manjiwala	25-02-11	Stopped	DSC Approval	Duly approved by the DSC. She passed BSc. from Univ. of Bannu. Not entitled for experience marks.
55	<u>SOBIA GUL</u>	Gul Badshah	GGPS Shamoni Khattak Maazullah	25-02-11	Stopped	DSC Approval	Duly approved by the DSC.
56	<u>ROBINA SHAHEEN</u>	Falak Naz	GGPS Langer Khel Hindal	25-02-11	Stopped	DSC Approval	Duly approved by the DSC.
57	<u>SUMIA RAHIM QURESHI</u>	Abdul Raheem	GGPS Sarga Khero Khel	25-02-11	Stopped	DSC Approval	Duly approved by the DSC.
58	<u>SHEHLA SHAHEEN</u>	Mirzali Khan	GGPS Wanda Kalan	25-02-11	Stopped	DSC Approval	Duly approved by the DSC.
59	<u>FARHAT NISA</u>	Watan Khan	GGPS Wanda Lughman	25-02-11	Stopped	DSC Approval	Duly approved by the DSC. She passed PTC in 30-3-2010. Regular student Govt. College. Not entitled for experience marks.
60	<u>NIGHAT SULTANA</u>	Muhammad Bashir	GGPS Shakh Quli Khan No. 2	25-02-11	Stopped	DSC Approval	Duly approved by the DSC. She passed PTC in 2009. Not entitled for experience marks.
61	<u>MUSARAT SHAHEEN</u>	Muhammed Nazir Khan	GGPS Sherjan Abad	25-02-11	Stopped	DSC Approval	Duly approved by the DSC.

62	<u>ZAHEEN BEGUM</u>	Nasib Ali Shah	GGPS Kotka Medat	25-02-11	Stopped		DSC Approval	Duly approved by the DSC. Regular student of Bannu Univ. in 2007.
63	<u>FARIDA BIBI</u>	Muhammad ghulam	GGPS Jhang Khel No. 2	25-02-11	Stopped		DSC Approval	Duly approved by the DSC. PTC documents not available.
64	<u>HAJRA MUSARAT</u>	Muhammad Ibrahim	GGPS Biland Khel	25-02-11	Stopped		DSC Approval	Duly approved by the DSC. She was a regular student of B.Sc. Not entitled for experience marks.
65	<u>NADIA PERVEEN</u>	Ataf Khan	GGPS Nar Gul Hassan Shah	25-02-11	Stopped		DSC Approval	Duly approved by the DSC. No vacancy in U/C. Regular student of Bannu Univ. Not entitled for experience marks.
66	<u>ROMANA SOHRAB</u>	Sohrab Khan	GGPS Kotka Zarwali Khan (Naurang)	25-02-11	Stopped		DSC Approval	Duly approved by the DSC.
67	<u>SADIA KHAN</u>	Kalu Khan (Ghazni Khel)	GGPS Bai Khan	25-02-11	Stopped		DSC Approval	Duly approved by the DSC. No vacancy available in U/C.
68	<u>NAJMA IRAM</u>	Amanullah Khan	GGPS Illawal Khel	25-02-11	Stopped	Case pending in Service Tribunal K.P	DSC Approval	Duly approved by the DSC.
69	<u>SAKINA GUL</u>	Shah Alam Khan	GGPS Tabi Murad	25-02-11	Stopped		DSC Approval	Duly approved by the DSC. No vacancy available in U/C.
70	<u>SHAGUFTA BIBI</u>	Yunas Khan	GGPS Wanda Banochi	25-02-11	Stopped		DSC Approval	Duly approved by the DSC. No quota is reserved for ex-civilians at the moment.
71	<u>ZAITOON BIBI</u>	Umer Khan	GGPS Wanda Aurangzeb	25-02-11	Stopped		DSC Approval	Duly approved by the DSC. Overage. No vacancy in U/C. Merit position 72. If candidates within age limit are available then relaxation cannot be accorded.
72	Abida Perveen	Abdul Aziz	GGPS Langer Khel Hindal	25-02-11	Stopped		Appoint. Order not Available	
73	Rukhsana Bibi	Syed Ahmad.	GGPS Aghza Quzha	25-02-11	Stopped			Passed F.A on 21.7.2010.
74	Naila Hassan	Noor Hassan	GGPS Tari Khel No. 2	25-02-11	Stopped			D/O of Noor Hassan Ex-EDO Lakk Marwar
75	Anmera Bibi	Gul Muhammad	GGPS Sargarha Mehmud Khan	25-02-11	Stopped			
76	Safina Bibi	Muhammad Shafi	GGPS Ghulam Ali Simti	25-02-11	Stopped			Only three seats in the U.C. Merit position is 72.
77	Fatima Bibi	Babrai Khan Renar	GGPS Mirsha Baitan	25-02-11	Stopped			S.No.7 in U/C. Not approved by DSC. Only matriculate.
78	Mehnaz Bibi	Amanullah Khan	GGPS Wanda Arsala	25-02-11	Stopped			No vacancy in U/C. Not approved by DSC. S.No.2
79	Bakht Nama	Farooz Khan	GGPS Kotka Muhammad Nawaz	10-02-11	Stopped		Appoint. Order not Available	

Applications for the post of PST (F) were invited through daily Aaj Peshawar dated 16-10-2008. Last date for submission of application was 31-10-2008. According to office order No 10449-53 dated 31-8-2009 Miss Rabia Kalsoom D/O Muhammad Sajid has been appointed as PST (Female). At the time submitting application she was matriculate. She passed Primary Teaching Certificate from Allama Iqbal Open University on 14-3-2009. Similarly she passed F.A. examination from BISE Bannu on 26-7-2009. She was not eligible for the post of PTC. It is astonishing to know how she was awarded marks and selected against open merit quota. Dispatch No 10449-53 dated 31-8-2009 tally with dispatch register. It may be pointed out that after passing FA/FSc a candidate becomes eligible to appear in the PTC course. In the instant case she claims to pass PTC examination first in then appeared in FA. His

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appointed is irregular. His husband is working as KPO in EDO office who used unfair means for her appointment as PST(Annex-S).

Later on, documents were got verified by the sitting EDO which revealed that following six female PST appointed vide office order No 2074-79/PST(F) dated 25-2-11 presented fake documents.

S.No	Name	Father's name	Place of appointment
1	Shamim Begum	Ahmad Jan	GGPS Khushdil Adamzai
2	Jamshed Bibi	Ghulam Nabi	GGPS, Hameed Abad, lakki
3	Rukhsana Hayat	Hayatullah	GGPS Textile Mills
4	Fahmida Bibi	Amin Khan	GGPS Tooti Abad
5	Nusrat Shaheen	Awal Khan	GGPS Sheri Khel Faqiran
6	Naureen Niazi	Abdul Ghafoor Niazi	GGPS Wanda Khara

Their services have been terminated vide office order No.5800-806 dated 27-07-2012 but no criminal proceedings have been initiated against them (Annex-T). Cases should be registered with Anti Corruption Establishment for producing fake certificates and forgery otherwise this practice will continue in future. He appointed Miss Bibi Zainab d/o Munawar Khan at GGPS Langer Khel as PST against deceased son quota vide office order No. 1611-17 Dated 4-1-2011(Annex-U). Reportedly her father is alive.

CT(Male)

After inviting applications through advertisement dated 11-5-2010 recruitment process was completed. Minutes were approved by the DSC (Annexure-V). Appointment orders of nine CT (Male) were issued through a consolidated notification No. 2119-24/CT(M) dated 25-2-2011 (Annex-W). Mr. Ihsanullah s/o Watan Khan, Dallo Khel; Mr. Munir Khan S/O Atlas Khan Lakki Michan Khel, Fakhru Islam s/o Muhib Ullah Mr. Abdur Rehman s/o Abdul Qayyum and Mr. Atiq ur Rehman s/o Abdul Qayyum were appointed as CT Teacher against retired son quota which does not exist at the moment. Four candidates were appointed on 31-5-2010, 4-11-2010, 23-11-2010 without observing codal formalities. Three appointment orders were issued without preparation of merit list and approval of DSC. Mr. Gohar Rehman s/o Muhammad Ayub, District Officer was appointed CT teacher vide office order no. 11874-78 dated 30-11-2010 against quota reserved for Disable person special meeting of the DSC was held on 20-11-2010 for his appointment. All the appointments are illegal.

OPEN MERIT

S.No	Name ✓	Father name & address	Posted at	Remarks
1.	Laiq Shah	Nabi Shah R/O Gandhi	GHS No.1	Against a Vacant post.

2.	Naqibullah Khan ✓	Khan Khel Muhammad Zaman R/O Umer Abad	Jajori GHS No.1 Tajori	Against a Vacant post. Teaching experience in private institution not countable. Experience marks wrongly awarded
3.	Muhammad Iqbal ✓	Zar Gul Khan ✕		No codal formalities i.e advertisement, test, interview, preparation of merit list & approval of DSC have been observed.

SESSION WISE MERIT (OPEN MERIT)

Remarks

S.No.	Name	Father name & address	Posted at.	Remarks
1.	Dilawar Khan ✓	Mehr Jan R/O Langer Khel Hindal	GMS Satar Bhattani	Against a Vacant Post.
2.	Abdul Majid Khan ✓	Abdul Karim R/O Wanda Lughman Baist Khel	GHS Khan Khel Mandozai	Against a Vacant Post..
3.	Hidayatullah	Saadullah R/O Umer Titter Khel	GHS No.1 Taori	Against a Vacant Post.
4.	Abdul Wahab	Muhammad Yousaf Mina Khel	GHS Wanda Aurangzeb	Against a Vacant Post.
5.	Sifatullah ✓	Asmat Ullah R/O Asmat Abad	GHSS Landiwah	Against a Vacant Post.
6.	Wahid Ullah 9	Hameed ullah Jan	GHS Daraka, Aziz Khan	He is at S.No. 126 in the session wise merit list

RETIRED GOVT SON

S.No.	Name	Father name & address	Posted at	Remarks
1. ✓	Ihsanullah	Watan Khan R/O Dallo Khel	GHS No.2 Tajori	Retired son quota. does not exist at the moment
2. ✓	Munir Khan	Atlas Khan R/O Lakki Michan	GHS Abdul Khei	Ex-Service men Quota. Does not

	Abdur Rehman	Khel Abdul Qayyum		exist at the moment He applied for the post of CT on 7-10-2010 i.e 4.5 months later after the last date
4.	Fakhrul Islam	Mohibullah Khan		Retired son quota. does not exist at the moment
5.	Mr. Ateeq ur Rehman	Abdul Qayyum	GHS Wanda Baru	He was appointed against retired employees son quota which does not exist. Approval of DSC not obtained

COURT CASE

S.No.	Name	Father name & address	Posted at	Remarks
1.	Muhammad Jamil	Abdullah Jan		Record not available
2.	Fakhar Zaib	Abdul Aziz		No court decision and other records are available in the office.
3.	Inamullah	Nasir Jan		Record is not available in the office. He is working against CT post at GHS Jang Khel & drawing his monthly salary under personal No.499376. The H/M concerned failed to provide his record in spite of proper correspondence of the EDO vide his letter No.7592-97 dated 10.05.2011.
4	Gohar Rehman	Muhammad Ayub	GMS Samandi	He was appointed against Disable quota. Approval of DSC not obtained

CT(Female)

According to dealing Assistant eighteen (18) posts of CT (Female) were lying vacant (Annex-X). Against the post of CT (Female) Ex-EDO issued twenty two (22) appointment orders.

		Khel		exist at the moment
3.	Abdur Rehman	Abdul Qayyum		He applied for the post of CT on 7-10-2010 i.e 4.5 months later after the last date
4.	Fakhrul Islam	Mohibullah Khan		Retired son quota. does not exist at the moment
5.	Mr. Ateeq ur Rehman	Abdul Qayyum	GHS Wanda Baru	He was appointed against retired employees son quota which does not exist. Approval of DSC not obtained

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According to dealing Assistant eighteen (18) posts of CT (Female) were lying vacant (Annex-X). Against the post of CT (Female) Ex-EDO issued twenty two (22) appointment orders.

(12)

Twenty appointment orders duly approved by DSC were notified vide office order Nos. 1976-78 dated 25.2.2011, 2125-28 dated 25.2.2011 and 2143-48 dated 25.2.2011 in three consolidated lists (Annexure-Y). Appointment order of Nargus Naureen is not traceable. Two appointment orders were issued in piecemeal and without obtaining approval of DSC. A number of anomalies were noticed in the appointments of twelve teachers. Miss Fareeda Khanum D/O Bahadar Shah who secured second position in the merit list was dropped for unknown reasons. Similarly Miss Nargus Naureen D/O Khan Badshah & Miss Rehana Gull D/O Muhammad Qasim (disable Quota) recommended by DSC for appointment was ignored for unknown reasons.

Sr. No.	Name of Candidate	Father's Name	Name of School	Date of Issue Order	Service Status	Remarks
1	Rukhsana Gul	Gul Marjan	GGMS Mash Habibullah	25.2.2011		
2	Nasim Akhtar	Rasool Khan	GGMS Jhang Khel	25.2.2011		SSC DMC not available. B.A degree and CT certificate seem fake. Being fresh candidate not entitled for experience marks. She possess the lowest merit BA Degree fake. CT certificate is also doubtful. All the documents are unattested.
3	Hameeda Bano	Zainud Din	GGMS Naqibullah Tajori	25.2.2011		
4	Maimoona Rehman (PST)	Gul Rehman	GGMS Wanda Shahab Khel	25.2.2011		
5	Rizwana Gul	Muhammad Qasim	GGMS Bharat. Khel Landiwah.	25.2.2011		Applied as fresh candidate but awarded two extra marks for experience.
6	Shabnum Bibi	Izat Khan	GGMS Kotka Ayaz Khan Bakhtal Ahmadzai	25.2.2011		All the certificates are fake. All the documents are unattested.
7	Faiqa Bashir	Bashir Hussain	GGMS Abdul Khel	25.2.2011		She was appointed against retired employee ward quota, which does not exist. She was at S.No. 48 in the session-wise merit list. She applied for the post of CT in May 2010 while her Mother retired in October 2010.
8	Samin Bibi	Muhammad Nawaz	GGMS Tajori.	25.2.2011		She was appointed against retired employee ward quota, which does not exist. She applied for the CT post on 12.2.2011 i.e. 6 months after the last date of submission of application. She never appeared in the interview but appointed.
9	Rehana Shaheen	Zulfiqar Ahmed	GGMS Umer Daraz Tajori.	25.2.2011		Overage by 3 years 8 months. All the documents are unattested.
10	Rizwana Kokab	Abdul Hadi	GGMS Abdul Khel	25.2.2011		CT certificate not available. Hence, session is unknown. CNIC (Bannu) differs from domicile certificates (Lakki Marwat).
11	Hameeda Bibi PST	Ibrahim Khalil	GGMS Tabi Murad.	25.2.2011		
12	Adila Tariq PST	Muhammad Tariq	GGMS Jhang Khel	25.2.2011		
13	Nargas Yasmin	Juma Khan	GGMS Mandan Majiwala.	25.2.2011		
14	Razai Begum	Karim Khan	GGMS Kheru Khel Pacca	25.2.2011		
15	Nazia Gul	Syed Muntaz Af	GGMS Naqibullah Tajori	25.2.2011		
16	Bibi Ruqia PST	Nabiullah Jan	GGMS Landiwa.	25.2.2011		

(71)

17	Kaisoorn Bibi	Habibur Rehman	GGMS Bachkwa Ahmadzai	25.2.2011		
18	Saima Malik Nazir	Momin Khan	GGMS Ghazi Khel	25.2.2011		She passed CT examination in 2004. In the session-wise merit list 2002 has been reflected which is incorrect. From the merit list of 2009 it is evident that no candidate of 2003 session comes in the session-wise merit.
19	Akhtar Bibi PST	Alamdad Khan	GGMS Khwaja Khel	25.2.2011		
20	Khurshid Talat PST	Juma Khan	GGMS Kotka Ahmad Khan	25.2.2011		CT certificate not available. Hence, session is unknown.

TT(Female)

DCO Lakkhi Marwat floated an advertisement dated 11-6-2010 in the newspapers in which it was clearly mentioned that no one shall apply under disable quota for the reasons that no vacant post is available in the said quota (Annex-Z). Moreover due to stay order issued by the PHC Bench DI Khan further process was kept pending. Neither meeting of DSC was held nor any merit list was approved but appointment orders were issued by the Ex-EDO. During checking of record it was noticed that Miss Gulshan Bibi D/O Abdul Manan was appointed as Theology Teacher by the DCO against disable quota, in violation of court orders (Annex-AA). Since case was initiated by Ex-EDO therefore he is equally responsible. Similarly Miss Shehzadi Ambareen D/O Muhammad Yousaf was also appointed as TT (Female) and adjusted/appointed at GGMS Tajori Lakkhi Marwat. It may be pointed out her name was not in the list of candidates who appeared for Test & Interview.

Qari(Male)

Lt Col 40th Battalion, FF Regiment, Kohat recommended that Mr. Salim Dil Khan brother of Sepoy Khushdil Khan (Shaheed) may be appointed as Junior Clerk. No vacant post of Junior Clerk was available therefore he was appointed as Qari vide office order No. 4/19-24 dated 7-4-2010 without advertisement of post, preparation of merit list and convening meeting of DSC (Annex-AB). It may be pointed out that according to Mr. Salim Dil Khan s/o Rhan Dil Khan he is Matriculate, hence even not qualified for the post of Qari. Appointment of Mr Salim Dil can be termed as irregular. For army shaheeds GHQ maintains waiting list and provides jobs. Since Sepoy Khushdil Khan (Shaheed) was an employee of Army therefore army authorities are supposed to provide job to his family members. Provincial Government is provides job to bereaved family members of its own employees who die/expire during service. Such cases shall be initiated by the Department in which deceased was employed.

Lab Assistant

Ex-EDO appointed Mst Najma Bibi D/O Haq Nawaz as Lab Assistant (BPS-7) vide Notification No 2368-73 12-3-2010 at GGHS Shishbaz Khel without advertising the post. No test and interview was conducted. She has taken over the charge & is drawing her salary. Her appointment is also irregular (Annex-AC).

DM (Male)

Applications were invited by the EDO (E&SE) for the post of DM (Male) in the daily "Aaj" dated 11-10-2008. After conducting test and interview final merit list was prepared and approved by the DSC. Appointment orders of three DM (Male) i.e. Rahil Azam S/O Khair Muhammad, Bad-e-Alam S/O Mir Abbas Khan and Mushtaq AHMAD S/O Imam Muhammad were issued in a consolidated merit list on 6-3-2009 (**Annex-AD**). Later on, Mr. Noor Hassan Khan, Ex-EDO, appointed Mr. Feroz Khan who had not even applied for the post (**Annex-**

AE). Another candidate Mr. Farmanullah S/O Wali Khan having the lowest merit was appointed under court reference. Candidates with better merit were ignored. Record is not available in the office.

Driver

The post of Driver was advertised in the daily "Aaj" dated 11-5-2010. According to selection criteria candidates having SSC and LTV are eligible. Ninety candidates applied for the post of driver. Motor Vehicle Examiner recommended three candidates for appointment. Mr. Sohail Ahmad S/O Abul Hassan having not yet passed SSC was ineligible. He was placed on the top of the merit list. According to his CNIC his date of birth is 01-01-1991. On the last day of submission of applications his age was hardly twenty years. Ten years experience has been shown at his credit which is unbelievable. On the basis of his experience he has awarded 8/10 marks (**Annex-AF**). From the statement of MVE Bannu/Lakki Marwat it is evident that some-one-else having ten years experience appeared in the test (**Annex-AG**). He has been appointed by the EX-EDO vide office order No. 11573-78 dated 19-10-2010 in violation of recruitment policy (**Annex-AH**).

According to office order No 911-16 dated 15-5-2009 Mr Jamshed Ahmed S/O Noor Hassan Khan son of Ex-EDO was appointed as Naib Qasid at GMS Mina Khel (**Annexure-AI**). According to terms and conditions of his appointment order he would be on probation for a period of two years extendable for another one year and during this period he shall not be entitled for long leave. Mr Noor Hassan Khan, Ex-EDO appointed Mr Jamshed Ahmed S/O Noor Hassan Khan, resident of Tari Khel as Junior Clerk at GHS Amir Wali vide office order No 2585-89 dated 17-3-2010 against deceased son quota/Class-IV quota (**Annexure-AJ**). It may be pointed out that neither Mr Jamshed Ahmed completed probation period nor he was the senior most in the list of Class-IV officials having SSC. It is also astonishing to note that Mr Noor Hassan Khan is still alive then how he appointed his own son against deceased son quota. Mr Jamshed Ahmed is still performing his duties at GHS Amir Wali. Dispatch No 2585-89 dated 17-3-2010 was compared with Dispatch Register and found correct.

According to E&A Department letter No SO(R-VI)/E&AD/Misc/Updation/09 dated 13-1-2009 the Provincial Government has reserved two percent quota for disable candidates, ten

percent quota for females in all the Provincial Services (except to cadres exclusively reserved for females) and 0.5 percent for minorities (Annexure-AK). Contrary to these written instructions Ex-EDO recruited candidates against retired government son quota which does not exist at the moment. Provincial Government is bound to provide jobs to son/daughter of deceased government servants. Similarly Federal Govt and Army authorities are bound to provide jobs to the children of their deceased employees. Mr. Noor Hassan Khan, provided jobs to Mr. Salim Dil Khan Brother of Sepoy Khushdil Khan (Shaheed). He also appointed his own son Mr. Jamshed Ahmed, resident of Tari Khel as Junior Clerk at GHS Amir Wali vide office order No 2585-89 dated 17-3-2010 against deceased son quota.

RECOMMENDATIONS

- 1) Charge of illegal and irregular appointments leveled against Mr. Noor Hassan Khan, Ex-EDO Lakki Marwat stands proved without any doubt. Not only eligible and qualified candidates were deprived of their due rights but it also created liabilities for the Provincial Government. His illegal action led to litigation and caused huge loss to Provincial exchequer. He appointed a large number of candidates without approval of the DSC. Mr. Noor Hassan Khan, Ex-EDO (E&SE) Lakki Marwat is personally responsible. Since he stands retired from service therefore in the light of FR 54-A disciplinary action cannot be taken at this stage therefore either an FIR may be registered with local police for recovery of losses caused to Provincial Exchequer or his case may be referred to NAB.
- 2) Members of DSC Mr. Muhammad Ayub Khan, DO (Male) and Mr. Shafiullah Khan, HRDO (Representative of DCO) signed merit lists, they are equally responsible. Mr. Muhammad Ayub, District Officer appointed his own son against quota reserved for Disable person. Both the officers may be reverted to lower post.
- 3) Mr. Amanullah, Head Clerk, Mr. Bahadar Zaman, Senior Clerk, and Mr. Haroon Badshah, Junior Clerk, EDO office, Lakki Marwat are responsible for preparation of merit lists, marking and maintenance of office record. They failed to perform their duties honestly. They also facilitated/supported the Ex-EDO in the illegal appointments. Stoppage of two increments for period of two years is recommended. They may also be transferred from the EDO Office immediately.
- 4) Mr. Noorani Shah, DDO in violation of court orders made payments. He may be reverted to lower pay scale.
- 6) Action may also be taken against Mr. Muhammad Akram Marwat dealing Assistant who processed appointment of Miss. Gulsan Bibi D/O Abdu Manan despite the fact in the advertisement it was clearly mentioned that quota reserved for disable does not exist therefore no one shall apply the same. The case of Gulshan Bibi was got approved.


General Observations

- 1) According to the E&AD letter No. SO(R-II)(S&GAD)5-2/80 dated 27-10-1981 in

(62)

pursuance of the policy decision of the Federal Government, the question of reemployment of Armed Forces Personal in Civil posts was considered in Provincial Cabinet in its meeting held on 23-9-1981 and it was decided that ten percent of all vacancies to be filled in by initial recruitment are to be reserved for Ex-Servicemen at all levels. Amendments to be made in all the service rules keeping in view the interest of Ex-Servicemen. No exception is to be allowed at any department (Annex-AL). In the light of above all the departments including E&SE Department may amend the service rules particularly pertaining to teaching cadres to avoid litigations and court cases.

- 2) All the clerical staff working in the EDO offices who have completed their tenure must be transferred to other offices.
- 3) At the time of inviting applications computer printed forms were issued at a cost of rupees twenty (Rs 20/-) per candidate (Annex-AM). Amount collected by the Ex-EDO on account of cost of application has not been deposited in the treasury but unlawfully utilized which may also be recovered.
- 4) In order to discourage production of fake documents the EDO must register cases with local police or Anti Corruption Establishment against those whose appointment orders have been terminated on account of production of fake certificates/degrees or produced fake appointment orders.
- 5) Services of all the persons appointed without advertisement of post, preparation of merit list and approval of DSC may be terminated after serving them with show cause notices.


1-3-13
MUHAMMAD HUMAYUN
INQUIRY OFFICER.

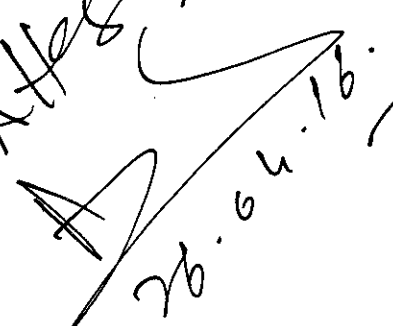
Receipt

I have received Rs. 3000/- in appeal
of Mr. Sher Daraz vs Education in
appeal No. 18/2014 Today dated 26.4.2016

Counsel

~~Uzma~~
UZMA SYED

26-4-2016

Attest

26.04.16

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A No. 149/2012

Sher Daraz Khan

Versus

EDO & Others

REJOINDER

Respectfully Sheweth,

PRELIMINARY OBJECTION.

All the 05 preliminary objections are illegal and incorrect. No reason in support of the same is ever given as to why appellant has not come to the Hon'ble Court with clean hands, concealment of important facts, has no cause of action, appeal is not maintainable and time barred.

ON FACTS

- 1-4. Not commented upon by the respondents, so the paras of the appeal are admitted correct by them.
5. Not correct. Appellant was appointed as PST in the prescribed manner and enquiry, if any, was perhaps initiated against the authority and appellant has no concern with the same. The representation was not meted out as per law, rules and policy.

G R O U N D S:

All the grounds of the appeal are correct and legal while that of the reply are incorrect and illegal. Appellant is performing his official duties in the school since 17.01.2011 without any complaint.

Similarly appointed teachers were awarded with monthly salaries by tainting objections like complaint

against appellant but those similar teachers whose succumbed in to the ill wishes of the then EDO/DEO were made payment of salaries and those who refused like appellant were compelled to litigation. Appellant has no concern with any enquiry because no adverse action was done by him. No rules exists to stop monthly salary of a servant who is performing duties and was appointed as per the prescribed manner.

It is, therefore, most humbly prayed that the appeal be accepted as prayed for.

Through

Dated: 18.08.2016

Sher Daraz
Appellant.
Saadullah Khan Marwat
Saadullah Khan Marwat
Arbab Saif Ul Kamal
Arbab Saif Ul Kamal
Miss Rubina Naz
Miss Rubina Naz
Advocates,

AFFIDAVIT

I, Sher Daraz Khan, Appellant do hereby solemnly affirm and declare that contents of the **Appeal & replication** are true and correct to the best of my knowledge and belief while that of the reply of the respondents are illegal and incorrect.

I reaffirm the same on oath once again to be true and correct as per the available record.

ATTESTED
Oath Commissioner
Zafoor Khan Advocate
Distt: Court Peshawar

17 ⁸/₂₀₁₆

Sher Daraz
DEPONENT

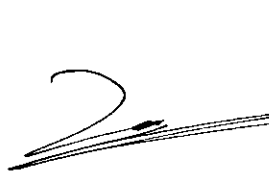
CERTIFICATE


It is certified that the following Govt Primary Schools exists in Village/Union Council Titter Khel w.e.f January 2011.

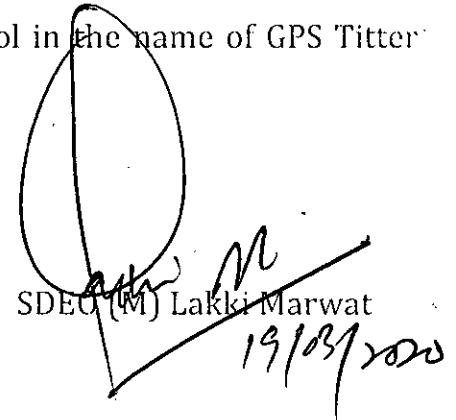
S. No.	EMIS Code	School Name	Year of Establishment
1	25649	GPS No. 1, Titter Khel	1925
2	25650	GPS No. 2, Titter Khel	1970
3	25651	GPS No. 3, Titter Khel	1987
4	25652	GPS No. 4, Titter Khel	1993
5	25365	GPS Chur Khel Titter Khel	1990
6	25754	GPS Dilawar Titter Khel	1994

It is further certified that no Govt Primary School in the name of GPS Titter Khel exists w.e.f January 2011.


EMIS/CO


ASDEO (Circle)


ADEO (P&D) 19/3/2020


SDEO (M) Lakki Marwat
19/03/2020

Countersigned

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 3051 /ST Dated 23 /10 / 2020


To

The District Education Officer Male,
Government of Khyber Pakhtunkhwa,
Lakki Marwat.

Subject: - **JUDGMENT IN APPEAL NO. 18/2014, MR. SHER DARAZ.**

I am directed to forward herewith a certified copy of Judgement dated 09.10.2020 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR,
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.



Office of the
Accountant General

Khyber Pakhtunkhwa Peshawar

Phone: 091 9211250-53

No. HAD-24(80)/Bannu/Vol-III/2015-16/3003

Dated: 10.05.2016

To

The District Accounts Officer,

Bannu.

Subject: **STOPPAGE OF IRREGULAR RECOVERY/FIXATION OF PAY.**

Enclosed please find herewith copy of application presented by Ahmad Nawaz SSI General on the subject.

After scrutiny of the case it is ~~observed that~~ observed that completed more than 03 years service, so is entitled for next stage plus premature increment under rule 10 of the pay revision rules 1978. On his second promotion he has not completed 03 years of his service so he is entitled only to next stage & admissibility of premature increment will be subject to FR-22 (b) relaxation by the concerned Deptt.

It is requested that pay of the concerned may be revised accordingly under intimation to this office.

[Signature]
ACCOUNTS OFFICER (HAD)

Copy forwarded to:-

The Accounts Officer, Pay Fixation Party Campus Office at Distt:Accounts Office Mardan for information and necessary action.

[Signature]
ACCOUNTS OFFICER (HAD)



74x1-

GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

NO. FD (SOSR-1) 12-2/ 2013
Dated Peshawar the: 19-11-2013

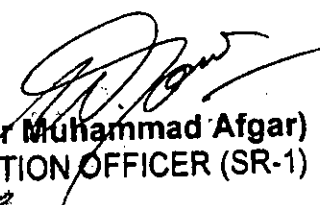
To: The Accountant General, Khyber Pakhtunkhwa,
Peshawar.

Subject: - GUIDANCE REGARDING FIXATION OF PAY IN REGARD DIFFERENCE CATEGORIES OF TEACHERS.

Dear Sir,

I am directed to refer to your letter No.H-24(414)/Edu: ~~Corrp/2013-14/1991~~ dated 12-09-2013 on the subject noted above and to state that the view point of AG Office is hereby confirmed / endorsed for further necessary action as desired.

Yours Faithfully,


(Wazir Muhammad Afgar)
SECTION OFFICER (SR-1)



Accountant General Khyber Pakhtunkhwa Peshawar
Phone: 091 9211250-54

No: H-24(113)/Edu: Master/2012-13/ 2067
Copy forwarded for information and compliance to:

DATED 28/11-2013

1. All DAOs/AAOs in Khyber Pakhtunkhwa.
2. HR Lab .
3. Pay Roll 2, 8 & 3 Section (L).
4. CIA Cell
5. Accounts Officer (Pay Fixation Party)


28/11/13
ACCOUNTS OFFICER (HAD) 28/11



Office of the
Accountant General
Khyber Pakhtunkhwa Peshawar
Phone: 091 9211250-53

No.H-24(414)/Edu:Corrp/2013-14/ 1991

Dated:02.09.2013

To,

The Secretary,
To Govt: of Khyber Pakhtunkhwa,
Finance Deptt:Peshawar.

Subject: **GUIDANCE REGARDING FIXATION OF PAY IN REGARD
DIFFERENT CATEGORIES OF TEACHERS.**

Memo:

Kindly refer to the Elementary & Secondary Education Deptt:
Notification No.SO(B&A)/1-18/E&SE/2012 dated 11.7.2012 duly endorsed by
the Finance Deptt: vide NO.SO(FR)/FD/10-22(E)/2010 dated 16.7.2012
regarding up-gradation/re-designation of posts of different categories of
teachers.

2. It is added in the above cited notification that "the posts will be
filled in the manner as may be prescribed by the Elementary & Secondary
Education Deptt: by making necessary services rules or amending the existing
service rules, if any, for the post". Later on the Elementary & Secondary
Education Deptt: framed the rules and circulated amongst all concerned
teacher cadre vide Notification No.SO(PF)4-5/SSR/Meeting/2012 dated
13.11.2012 for filling the post.(copy enclosed for ready reference).

3. According to the said rules the Distts: Education Officers granted
BPS-12 to the existing PTC teachers & re-designated as PST teachers. Some of
them promoted from BPS-12 to BPS-14 having 05 years service re-designated
as Sr:PST. While certain of them promoted from BPS-14 to BPS-15 on same day
and re-designated as Primary School Head teacher having 10 years service. An
example of fixation made by the DEOs is given below:-

Mr.A----- pay on 6.1.2013 as PST (BPS-12) Rs.14500/- PM
Promoted as Sr.PST on 7.1.2013 to BPS-14 RS.15320/-PM (Next stage
+Premature).
Then from promoted as PSHT on 7.1.2013 to BPS-15 Rs.16200/-PM
(Next stage + premature).

147/c

173/c

This office is of the view that the pay on promotion from BPS-14 to BPS-15 is contrary to the instruction issued by the Finance Deptt: letter No.FD(SR-I)1-8/76-II dated 15.12.1981 as there incumbents not rendered service in BPS-14 for 3 years and therefore, their pay has to be fixed directly from BPS-12 to BPS-15 and granted them next stage +prematue in BPS-15 instead of BPS-12 to BPS-14 and then from BPS-14 & BPS-15.

5. In view of above if the mode of fixation stated in para 4 above is correct may kindly be confirmed or advised for future processing of the subject issue as the fixation of these employees lying pending in the DAOs.

Encl: As above.

[Signature]
Dy:Accountant General (HAD)

Copy forwarded for information to:-

1. The Secretary to Govt: of Khyber Pakhtunkhwa, Elementary & Secondary Education Deptt: Peshawar with the request also to examine the issue and directed all DEOs not to submit the cases to Audit Offices before confirmation of the view of this office is clarified by the Finance Deptt:.
2. All DAOs/AAOs in Khyber Pakhtunkhwa.
3. The Distt:Accounts Officer Swabi with reference to their letter dated 29.7.2013.

[Handwritten mark]

[Signature]
Dy:Accountant General (HAD)
[Signature] 3/13

MINUTES OF THE DPC MEETING.

S.No 106

dated 13-02-2013

S.No. 106
S# 1164

Meeting of the Departmental Promotion Committee was held in the office of the District Education Officer (Male) Swabi on 07.02.2013 at 10.00 hours to discuss the agenda items. The following attended the meeting.

1. Abdus Salam, DEO(M) Swabi. Chairman
2. Islam Bahader, DDEO (M) Swabi. Member
3. Ghulam Mustafa Dy: Director(Estab), Representative of the Director (E&SE) Khyber Pakhtunkhwa, Peshawar Member
4. 7 (Seven) Scrutiny Committees as per 3 members each consisting on Principals/SDEOs/ASDEOs & Superintendents


The meeting started with recitation from the Holy Quran, the following 564 cases of PST B-12 (for adjustment/replacement of 564 Senior PST teachers upgraded to Head Teachers B-15) were placed before the committee for scrutiny and consideration in the light of existing rules and notification No. SO (B&A)/1-18/E&SE/2012 dated Peshawar the 11.07.2012 & Separate notification for eligibility reproduced as under vide No. SO (PE)4-5/SSRC/Meeting/2012/Teaching Cadre dated 13.11.2012 issued by Govt:of Khyber Pakhtunkhwa Elementary & Secondary Education Department.


5. Primary School Head Teacher (BPS-15) By promotion on the basis of seniority cum fitness, from amongst Senior Primary School teachers with at least 10 years service and having qualification prescribed for initial recruitment of primary school teachers.
6. Senior Primary School Teacher (BPS-14) By promotion, on the basis of seniority cum fitness, from amongst primary school teachers.


S#	SL#	Name of Teacher	Father name	Name of School	Exis ting BPS	BPS Award ed	Remarks
1.	1058	Illimas Khan	Ziarat Khan	GPS No.2 Shahmansoor	12	14	Rec: as SPST B-14
2.	1059	Muhammad jamil	Fazle Wahid	GPS Khalil	12	14	Rec: as SPST B-14
3.	1061	Mumtaz Ahmad	Gulzar Ahad	GPS Thand Koi No.3	12	14	Rec: as SPST B-14
4.	1062	Sher Akbar	Ali Akbar	Gps Wakeel Abad	12	14	Rec: as SPST B-14
5.	1063	Gul Badshah	Shah Gul	GPS Kot Gabai	12	14	Rec: as SPST B-14
6.	1064	Muhammad Arif	Nisar Muhammad	GPS Bachai Dagal	12	14	Rec: as SPST B-14
7.	1065	Ajmal Khan	Hakim Khan	GPS Thand Koi No.1	12	14	Rec: as SPST B-14
8.	1066	Nisar Muhammad	Zahir Shah	GPS Saproona	12	14	Rec: as SPST B-14
9.	1067	Abdul Raziq	Sher Hassan	GPS No 2 Maneri Bala	12	14	Rec: as SPST B-14
10.	1068	Muhammad Altaf	Ali Jan	GPS No.2 Panjpir	12	14	Rec: as SPST B-14
11.	1069	Mohd Shariq	Saeed Ullah	GPS No.6 Jalbai	12	14	Rec: as SPST B-14
12.	1070	Akhtar Ali	Muntazir Khan	GPS Shaheeda Qadim	12	14	Rec: as SPST B-14
13.	1071	Noorul Qamar	Noorul Hadi	GPS Marghuz	12	14	Rec: as SPST B-14
14.	1072	Zia Ullah	Muhammad Hamayun	GPS Gango Dher	12	14	Rec: as SPST B-14
15.	1073	Afsar Ali Shah	Dilawar Shah	GPS No. 2 S.Jana	12	14	Rec: as SPST B-14
16.	1074	Maqbool Hussain	Ali Gouhar	GPS # 1 Kalu Khan	12	14	Rec: as SPST B-14
17.	1075	Ghulam Jelani	Abdul Wahab	Gps Islamia Lahor	12	14	Rec: as SPST B-14
18.	1076	Sardar Said	Syed Mashal	GPS No 1 Maneri Bala	12	14	Rec: as SPST B-14
19.	1077	Saidul Hadi	Said Nazir	Gps No 2 Kunda	12	14	Rec: as SPST B-14
20.	1078	Noor Zaman	Nadir Shah	GPS No. 1 S.Jana	12	14	Rec: as SPST B-14
21.	1079	Zar Nawas Khan	Mir Nawas Khan	GPS.No.2 Shagai	12	14	Rec: as SPST B-14
22.	1080	Muhammad Amin	Muhammad Sher	GPS No 2 Maini	12	14	Rec: as SPST B-14
23.	1081	Khalid Khan	Zafer Khan	GPS Serla	12	14	Rec: as SPST B-14
24.	1082	Najmul Hassan	Awal Sher	GPS Saproona	12	14	Rec: as SPST B-14
25.	1083	Gohar Ali	Shamshad Khan	Gps NO2 HARYAN	12	14	Rec: as SPST B-14
26.	1084	Mohd Ali	Sardar Ali	GPS No.1 JHR	12	14	Rec: as SPST B-14
27.	1085	Riaz Mohd	Mohd hayat	Gps Lahor Gharbi	12	14	Rec: as SPST B-14
28.	1086	Sabir Ahmad	Muhammad Wali	GPS No.1 Topi	12	14	Rec: as SPST B-14
29.	1088	Tila Muhammad	Muhammad Azam	GPS Kalu Dher	12	14	Rec: as SPST B-14

91.	1167	Ihsan Ullah	Aman Ullah Khan	GPS Sher Ali Banda	12	14	Rec: as SPST B-14
92.	1168	Ajmal Khan	Gohar Ali	GPS # 1 Ghullaman	12	14	Rec: as SPST B-14
93.	1169	Alam Zeb	Ghufran Ullah	GPS No.3 TDR	12	14	Rec: as SPST B-14
94.	1170	Fazle Rab	Fazle Mula	GPS No.1 Kalabat	12	14	Rec: as SPST B-14
95.	1171	Javid Iqbal	Sahib Gul	GPS Managl	12	14	Rec: as SPST B-14
96.	1172	Inayat Ullah	M. Shafqur Rahman	GPS Sher Ali Banda	12	14	Rec: as SPST B-14
97.	1173	Ayaz Muhammad	Wisal Muhammad	GPS # 2 Shewa	12	14	Rec: as SPST B-14
98.	1174	Sajid Khan	Gul Zada	GPS Shahbaz JHR	12	14	Rec: as SPST B-14
99.	1176	Fazal Ullah	Ghulam Sarwar	GPS Dodhar	12	14	Rec: as SPST B-14
100.	1177	Bilal Ahmad	Mohd Ghulam	Gps Gujrano Dhok Nabi	12	14	Rec: as SPST B-14
101.	1178	Khan Zaib	Serfaraz	GPS No.3 Swabi	12	14	Rec: as SPST B-14
102.	1179	Muhammad Rehman	Abdul Hamid	GPS Shalmani	12	14	Rec: as SPST B-14
103.	1180	M.Shauaib	M.Zaman	GPS Pkranl	12	14	Rec: as SPST B-14
104.	1181	Jehan Zeb	Muzafer Shah	GPS A. Bala	12	14	Rec: as SPST B-14
105.	1183	Imtiaz Ahmad	Abdul Wadood	GPS No. 1 S. Jana	12	14	Rec: as SPST B-14
106.	1184	Mohd Siddique	Ahmad	GPS No.1 TDR	12	14	Rec: as SPST B-14
107.	1185	Muhammad Ashfaq	Muhammad Qasim	GPS NO1 TOPi	12	14	Rec: as SPST B-14
108.	1186	IRSHAD ULLAH	Haji Warid Khan	GPS No.3 BAMKHEL	12	14	Rec: as SPST B-14
109.	1187	Muhammad farooq	Amir Muhammad	GPS # 2 Kalu Khan	12	14	Rec: as SPST B-14
110.	1188	Amir Sher	Ali Sher	GPS No. 1 Bala	12	14	Rec: as SPST B-14
111.	1189	Fazil Illahi	Nisar Muhammad	GPS PALODAD PAYAN	12	14	Rec: as SPST B-14
112.	1190	SARDAR HUSSAIN	SHER ALI KHAN	GPS No. 1 BAMKHEL	12	14	Rec: as SPST B-14
113.	1191	Abdul Hameed Khan	Ahmad Gul	GPS SERI	12	14	Rec: as SPST B-14
114.	1192	Syed Ijaz Ali Shah	Syed Rahim Shah	GPS Jamal Abad KSK	12	14	Rec: as SPST B-14
115.	1193	Mehtaj ud Din	Ibhaj ud Din	GPS Seray	12	14	Rec: as SPST B-14
116.	1194	Abdul Halim	Zaffir Gul	GPS Ismaila	12	14	Rec: as SPST B-14
117.	1195	Farman Ali	Noor Hassan	GPS Kalu Dher	12	14	Rec: as SPST B-14
118.	1196	Munir Khan	Raidul Khan	GPS Miskin Abad Y.H	12	14	Rec: as SPST B-14
119.	1197	M.Asghar Khan	Fida M Khan	GPS.No.2 Khoro	12	14	Rec: as SPST B-14
120.	1198	Faizan ur Rehman	Gul Rehan	Gps No 1 bazar	12	14	Rec: as SPST B-14
121.	1199	Imran Ali	Gul Dad Khan	GPS Payo Dher Lar	12	14	Rec: as SPST B-14
122.	1200	Siyar Khan	Ajab Khan	GPS Marghuz	12	14	Rec: as SPST B-14
123.	1201	Aamir Sohail	Salat Khan	GPS No 4 Maneri Bala	12	14	Rec: as SPST B-14
124.	1202	Mohd Hussain	Mohd Yaqoob	GPS No.2 TDR	12	14	Rec: as SPST B-14
125.	1203	Riaz Ahmad	Mohd Ullah	GPS NO3 SWABI	12	14	Rec: as SPST B-14
126.	1204	Nisar Muhammad	Haji Muhammad	GPS # 3 Shewa	12	14	Rec: as SPST B-14
127.	1205	Niaz Muhammad	Momin Khan	GPS Major Banda	12	14	Rec: as SPST B-14
128.	1206	Imtiaz Muhammad	Taj Muhammad	GPS No.2 Shahmansoor	12	14	Rec: as SPST B-14
129.	1207	Shah Rehman	Shah Randan	GPS GULSHAN ABAD	12	14	Rec: as SPST B-14
130.	1208	Pir Zaman Khan	Taj M.Khan	GPS Akori	12	14	Rec: as SPST B-14
131.	1209	Riaz	Faqir	GPS Kajeer	12	14	Rec: as SPST B-14
132.	1211	Inam-Ullah Khan	Abdullah Khan	GPS.No.2 Kalabat	12	14	Rec: as SPST B-14
133.	1212	Sher Ghani	Sher Bahadar	GPS Shagai Turlanki	12	14	Rec: as SPST B-14
134.	1213	Muhammad Israr	Rahim Ullah	GPS Mehmood Abad	12	14	Rec: as SPST B-14
135.	1214	Tariq Muhammad	Faujdar Khan Shah Nazar Khan	GPS Pir Tab Banda	12	14	Rec: as SPST B-14
136.	1215	Gul Amin		GPS.No.6 Topi E	12	14	Rec: as SPST B-14
137.	1216	Gohar Rehman	Abdur Rehman	GPS No3 JHR	12	14	Rec: as SPST B-14
138.	1217	Akber Khan	Wali Muhammad	GPS Bacha Banda	12	14	Rec: as SPST B-14
139.	1218	Zainullah khan	Murtaza khan	GPS fazal Abad	12	14	Rec: as SPST B-14
140.	1219	Muhammad Ibrahim	Zar Farosh	GPS # 1 Shewa	12	14	Rec: as SPST B-14
141.	1220	Gulzada	Sultan Shah	GPS S.B.Banda	12	14	Rec: as SPST B-14
142.	1221	Zuhra Ali	Shah Umar	GPS-1 Y.H	12	14	Rec: as SPST B-14
143.	1222	Amir Hussain	M.Hussain	GPS.No.1 Bhalti	12	14	Rec: as SPST B-14
144.	1223	Abdul Munim KHAN	Abdul Wahid KHAN	GPS NO1 BAJA	12	14	Rec: as SPST B-14
145.	1224	Muhammad Arif	Waheed Ullah	GPS No 4 Kotha	12	14	Rec: as SPST B-14
146.	1225	Ayaz Muhammad	Sabit Khan	GPS No.2 Baja	12	14	Rec: as SPST B-14
147.	1226	Abdur Rehman	Nisar Muhammad	GPS No.1 Zalda	12	14	Rec: as SPST B-14
148.	1227	Muhammad Nisar	Muhammad shahmim	GPS Sokili	12	14	Rec: as SPST B-14

11.	1330	Rehman Wali	Ali Bor Khan	Gps Wakeel Abad	CT not PTC
12.	1338	Mazhar	Musarat Shah	GPS No.2 JHR	On study Leave
13.	1444	Zulfiqar Hussain	Ziarat Gul	GPS No.1 TDR	Proceded on long leave
14.	1476	Zarwali Shah	Amin ul Haq	Gps No 1 Tano	Proceded on long leave
15.	1477	Abdur Rashid	Khurshaid Khan	GPS MUGHUL KOT	File not produced
16.	1485	Sarwar Khan	Mir Alam	GPS Sher Ali Banda	Suspended from service
17.	1515	Nawab Ali Khan	Aman Khan	GPS Sher Ali Banda	Suspended from service
18.	1574	Tanveer All	Niaz Muhammad	GPS No.5 Sheikh Jana	Proceded on long leave
19.	1579	Muhammad Idrees	Abdul Hadi	GPS M.Changan No1	Proceded on long leave
20.	1844	Nasim Ullah	Azim Ullah	GPS No.1 Shahmansoor	File not produced


Islam Bahader
DDEO.(M) Swabi.
Member



(GHULAM MUSTAFA)
Dy: Director (Estab)
Representative of Director (E&SE) KP
Member


(Abdus Salam)
DEO(Male) Swabi
Chairman

Endst:No. 471-G / Dated Swabi the 13/02/2013.

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

1. Secretary to Government Elementary & Secondary Education Department Khyber Pakhtunkhwa.
2. Director Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.
3. Deputy Commissioner Swabi.
4. All Members Departmental Promotion Committee.
5. All SDEOs (Male) District Swabi.
6. All concerned schools.
7. Superintendent local office.
8. ADEO (Primary) Local Office.


DY: DISTRICT EDUCATION OFFICER
(MALE) SWABI