

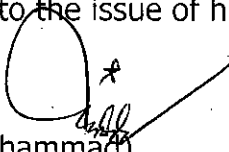
1374/2018

26.11.2020

Counsel for the appellant and Zara Tajwar, DDA for the respondents present.

Learned counsel states that he is under instructions to request for withdrawal of instant appeal. Requests accordingly. Dismissed as withdrawn.

The instant disposal of the appeal may not be considered as hurdle for appellant in pursuing his legal right ancillary to the issue of his promotion.

  
(Mian Muhammad)  
Member(E)

  
Chairman

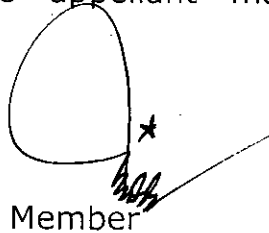
ANNOUNCED  
26.11.2020

19.06.2020

Learned counsel for the appellant present. Mr. Muhammad Jan learned DDA for the official respondent No.1 to 3 and counsel for private respondent No.4 present.

Learned counsel for the appellant requests for time to furnish rejoinder to the comment/reply submitted by respondents. Learned counsel for private respondent No.4 does not object to the request of the learned counsel for the appellant.

Adjourned to 08.09.2020 for arguments before D.B. The appellant may submit rejoinder within a fortnight.



Member



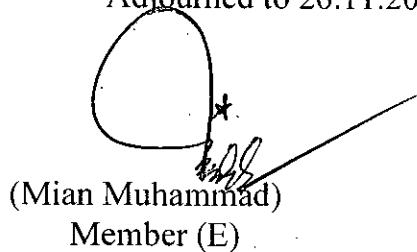
Chairman

08.09.2020

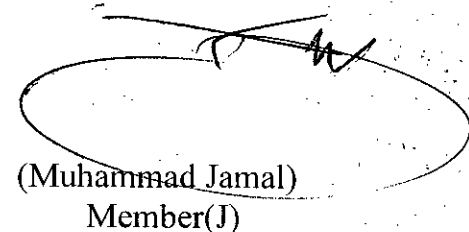
Mr. Yasir Usman, Advocate, junior to learned counsel for the appellant Mr. Akhunzada Muhammad Saeed is present. Mr. Kabirullah Khattak, Additional Advocate General for respondents present.

According to learned counsel his senior counsel is engaged in a case pending in Daar-UI-Qaza, Swat. In confirmation of the above, he submitted cause list highlighting serial No.18 wherein he has been shown to be the counsel of Mst. Amina Bibi. Requests for adjournment.

Adjourned to 26.11.2020 for arguments before D.B.



(Mian Muhammad)  
Member (E)



(Muhammad Jamal)  
Member(J)

26.11.2020

Appellant in person present. Zara Tajwar, DDA for respondents present.

Former requests for adjournment due to his engagement before the Hon'able High Court, Peshawar today in some cases.

Adjourned to 16.02.2021 for arguments before D.B.

(Mian Muhammad)  
Member (E)

Chairman

**PESHAWAR HIGH COURT, MINGORA BENCH/ DAR-UL-QAZA, SWAT**

**D.B CAUSE LIST FOR TUESDAY, THE 8<sup>th</sup> SEPTEMBER, 2020**

**BEFORE Mr. JUSTICE ISHTIAQ IBRAHIM**

**Mr. JUSTICE WIQAR AHMAD**

**MOTION CASES**

1. C.M 901-M/2020  
In W.P 417/2020  
{Early Hearing}      Ishfaq Alam  
(Adil Khan Tahirkhaili)      Vs District Education Officer(M)  
Swat & others
2. C.M 946-M/2020  
In W.P 739/2020  
{Early Hearing}      Ishfaq & Company  
Importer/Exporter Pvt Ltd.  
(Safeer Qaiser Malik & Afaq Anwar)      Vs Federation of Pakistan through  
Secy. Cabinet Division & others
3. C.M 956-M/2020  
In W.P 1026/2018  
{Early Hearing}      Abdul Haq  
(Hafiq Ashfaq Ahmad)      VS SHO P.S Besham & others
4. C.M 963-M/2020  
In C.M 12(2) 25/2018  
In W.P 259/2012  
{Early Hearing}      Mst. Musarrat Noreen & others      Vs Muhammad Imran & others  
(Adil Khan Tahir Khaili)
5. C.M 983-M/2020  
In W.P 877/2019  
{Early Hearing}      Abdul Qadar & 1 other  
(Aziz ur Rahman)      Vs Govt. of Khyber Pakhtunkhwa,  
through Secy. E&SE & others
6. C.M 1082-M/2020  
In W.P 3855/2019  
{Early Hearing}      Muhammad Abdullah & others  
(A.A.G)      Vs Senior Member Board of Reven  
Khyber Pakhtunkhwa, Peshawa  
& others
7. Cr.A 514-M/2019  
(Against Acquittal)  
{u/s 302, 201, 202, 109,  
34-PPC}      The State  
(A.A.G)      Vs Noor Rahman
8. Cr.A 520-M/2019  
(Against Acquittal)  
{u/s 302/324/337-A(i)

18. **W.P 362-M/2019**  
With Interim Relief  
{Allotment of Govt.  
Accommodation }
- Mst. Amina Bibi**  
{Akhunzada Ahmad Saeed}
- Vs **Director Education, NMTD &  
Others**  
{Ikram Muhammad Durrani & A.A.G}
- {Date By Co
19. **W.P 985-M/2019**  
With Interim Relief  
{Service/Regularization}
- Haseena & others**  
{Muhammad Wisal}
- Vs **Federation of Pakistan through  
Secy. Planning & Development  
& others**  
{A.A.G}
20. **W.P 1059-M/2019**  
With Interim Relief  
{Service/Appointment}
- Dr. Haidar Ali & 1 other**  
{Sabir Shah}
- Vs **Govt. of Khyber Pakhtunkhwa,  
through Secy. Higher Education  
& others**  
{Abdul Haleem Khan & A.A.G}
21. **W.P 1276-M/2019**  
With Interim Relief  
{Service/Appointment}
- Ashfaq Ali Khan**  
{Amir Gulab Khan & Fayaz M. Qazi}
- Vs **Govt. of Khyber Pakhtunkhwa,  
through Secy. Local Govt. & other.**  
{A.A.G}
22. **W.P 3674-P/2019**  
With Interim Relief  
{Pension/After  
Retirement Benefits}
- Muhammad Ayub & others**  
{Asad Nabi & Babar Hayat Khan}
- Vs **Secy. Public Health Engineering  
& others**  
{A.A.G}
23. **W.P 7-C/2020**  
With Interim Relief  
{Declaration Suit etc}
- Bahader Khan & others**  
{Zafar Hayat}
- Vs **Residents of Lawi through  
Representatives & others**  
{through Video Li
24. **W.P 467-M/2020**  
With Interim Relief  
{Grant of Pre-  
qualification Certificate}
- M/S Asia Engineering  
Construction Company  
through CEO**  
{Javed Iqbal Gulbela}
- Vs **Govt. of Pakistan through Secy.  
PPWD & others**
25. **W.P 475-M/2020**  
{Grant of Pre-  
Qualification Certificate}
- M/S Malik Siraj ul Haq & Sons  
through Inamullah**  
{Javed Iqbal Gulbela}
- Vs **Govt. of Pakistan through Secy.  
PPWD & others**
26. **W.P 476-M/2020**  
With Interim Relief  
{Grant of Pre-  
Qualification Certificate}
- M/S Javed Yousafzai & Co.  
Through CEO**  
{Javed Iqbal Gulbela}
- Vs **Govt. of Pakistan through Secy.  
PPWD & others**

27.11.2019 Counsel for the appellant present. Asst: AG for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 30.01.2020 before D.B.

  
Member

  
Member

30.01.2020

Appellant in person present. Mr. Ziaullah, DDA for respondents present. Due to General Strike of the bar on the call of Khyber Pakhtunkhwa Bar Council, the instant case is adjourned. To come up for further proceedings/arguments on 30.03.2020 before D.B.

  
Member

  
Member

30.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 19.06.2020 before D.B.

  
Reader

25.06.2019

Counsel for the appellant and Addl: AG alongwith Mr. Behramand Khan, ADEO and Mr. Daud Jan, Supdt for respondents present. Written reply not submitted. Requested for further adjournment. Further adjournment extended subject to payment of cost of Rs. 1000/- which shall be borne by respondents from their own pockets. Case to further proceedings on ~~20~~ 20.08.2019 before S.B.



(Ahmad Hassan)  
Member

20.08.2019

Counsel for the appellant present. Nemo for the official respondents No. 1 to 3. Counsel for private respondent No. 4 present.

Respondents have failed to submit their respective parawise comments despite last opportunity was granted to them on previous date. The matter is, therefore, posted to D.B for arguments on 12.11.2019.



Chairman

12.11.2019

Learned counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney for official respondents present. Learned counsel for private respondent No.4 present and submitted written reply/comments. Learned counsel for the appellant seeks adjournment. Adjourn. None present on behalf of official respondents. Fawad Senior Clerk representative of respondent department absent. He be summoned for the date fixed. Adjourn. To come up for arguments on 27.11.2019 before D.B.



Member



Member

03.04.2019

Counsel for the appellant and Addl. AG for official respondents and counsel for private respondent no. 4 present.

03.05.2019

Counsel for the appellant and Addl. AG alongwith Daud Jan, Superintendent for the respondents present. Written reply not submitted. Requested for adjournment. Last

opportunity granted. Notice be also issued to the official Representative of respondents states that the requisite respondents no.1 to 3. Case to come up for written reply was prepared and dispatched through messenger for reply/comments on 03.05.2019 before S.B.

filing today. The said messenger/representative could not reach Peshawar due to closure of road owing to strike.

Learned AAG is required to expedite the ~~submission of~~ requisite reply on next date of hearing. Adjourned to 25.06.2019 before S.B.

03.05.2019

Counsel for the appellant and Addl. AG alongwith Daud Jan, Superintendent for the respondents present.

Representative of respondents states that the requisite reply was prepared and dispatched through messenger for filing today. The said messenger/representative could not reach Peshawar due to closure of road owing to strike.

Learned AAG is required to expedite the submission of requisite reply on next date of hearing. Adjourned to 25.06.2019 before S.B.

Chairman 



28.01.2019

Counsel for the appellant present and requested for time to deposit security and process fee. Request is accepted. Learned counsel for the appellant is directed to deposit the same within three days. Thereafter, notice be issued to the respondents for written reply/comments for 12.03.2019 before S.B.

Appellant Deposited  
Security & Process Fee

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

12.03.2019

Clerk to counsel for the appellant present. Written reply not submitted. Mr. Hayat Assistant Director representative of the respondent department absent. He be summoned with the direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 26.03.2019 before S.B

  
Member

26.03.2019

Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Daud Jan Superintendent for official respondents present. Hashim Khan Advocate appeared and submitted walakalat nama in favor of private respondent No.4. Written reply not submitted. Representative of official respondents as well as learned counsel for private respondent No.4 requested for time to furnish written reply/comments. Granted. To come up for written reply/comments on 03.04.2019 before S.B

  
Member

04.12.2018

Counsel for the appellant present.

Contends that the appellant was promoted on 10.02.2017 as Senior D.M and had served as such for about one year. That, upon a departmental appeal submitted by private respondent No. 4, his promotion order was withdrawn on 18.01.2018. That, the said order was communicated to the appellant on 23.5.2018 which was appealed against on 20.06.2018. The departmental appeal remained undecided hence the appeal in hand, having been lodged on 22.10.2018.

He further contends that the enquiry conducted on 18.08.2017, in pursuance to departmental appeal of respondent No. 4, nowhere mentioned the occurrence of alleged clerical mistake in order of promotion of appellant to BPS- 16. Despite that the appellant was not provided an opportunity of defending himself before the departmental authorities.

An application for condonation of delay has also been brought with instant appeal.

In the light of submissions of learned counsel the instant appeal is admitted to regular hearing subject to all just exceptions including the delay, if any. The appellant is directed to deposit security and process fee within 10 days. Notices be issued to the respondents for submission of written reply/comments on 28.01.2019 before S.B.



There is an application for suspending the operation of impugned order dated 28.01.2018. Notice of application be also given to the respondents for the date fixed.

  
Chairman

Form- A  
FORM OF ORDER SHEET

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

Case No. 1374/2018


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/11/2018	<p>The appeal of Mr. Fazli Qadir presented today by Mr. Akhunzada Ahmad Saeed Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 07/11/18</p>
2-	17-11-2018	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>4-12-18</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Fazli Qadir son of Fali Habib r/o Qazi Dhry Distt. Bajour received today i.e. on 22.10.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- ✓ ① Memorandum of appeal may be got signed by the appellant.
- ✓ 2- Annexures of the appeal may be attested.
- ✓ 3- Annexures of the appeal may be flagged.
- ✓ ④ Address of respondent no. 4 is incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- ✓ 5- Copy of impugned notification/order dated 18.10.2018 mentioned in para-3 of the memo of appeal is not attached with the appeal which may be placed on it.
- ✓ 6- Copy of departmental appeal is not attached with the appeal.

No. 2158 /S.T.

Dt. 25/10 /2018.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Akhunzada Ahmad Saeed Adv. Pesh.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

Service Appeal No. 1374 /2018

Fazli Qadir.....Appellant

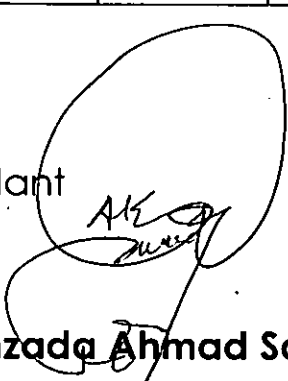
**V E R S U S**

Director Education newly emerged Tribal Districts, FATA  
Secretariat, Warsak Road & others.....Respondents

**I N D E X**

S#	Description of Documents	Annex	Pages
1.	Service Appeal		1-6
2.	Affidavit		7
3.	Addresses of parties		8
4.	Application for condonation of delay		9-10
5.	Copy of the Notification	A	11-13
6.	Copy of the enquiry report & Notification	B & C	14-15
7.	Copy of the Departmental Appeal /Representation	D	16
8.	Wakalatnama		17

Through Appellant

  
**Akhuzada Ahmad Saeed**  
Advocate High Court  
15-B, Haroon Mansion,  
Khyber Bazar, Peshawar  
Cell No.0333-2902529

Dated 20.10.2018

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

Service Appeal No. 1374 /2018

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1545

Dated 29/10/2018

Fazli Qadir S/o Fazli Habib,  
R/o Qazi Dhry, Tehsil Khar, District Bajour.....**Appellant**

**V E R S U S**

1. Director Education newly emerged Tribal Districts, FATA Secretariat, Warsak Road, Peshawar
2. District Education Officer, District Bajour
3. Additional Chief Secretary, FATA Secretariat, Warsak Road, Peshawar
4. Zaheer ud Din S/o Wahid Khan, R/o Charmange, Sarkari Qila, District Bajour .....**Respondents**  
(OR) C<sub>7</sub> HS, Sarkari Qilla, District Bajour

**SERVICE APPEAL U/S 4 OF THE KHYBER  
PAKHTUNKHWA SERVICES TRIBUNAL ACT,  
1974, AGAINST THE IMPUGNED ORDER OF  
RESPONDENT NO.1 DATED 18.01.2018  
WHEREBY THE PROMOTION ORDER IN  
REPECT OF THE APPELLANT FROM DM (M)  
BPS-15 TO THE POST OF SENIOR DM (M)  
BPS-16 WAS WITHDRAWN AND THE  
IMPUGNED ORDER OF RESPONDENT NO.1  
DATED NIL WHEREBY HE DID NOT DECIDE  
THE SERVICE APPEAL OF THE APPELLANT  
WITHIN A STIPULATED PERIOD OF NINETY  
DAYS.**

Filed to -day  
*[Signature]*  
Registrar  
22/10/18

Re-submitted to -day  
and filed.

*[Signature]*  
Registrar  
2/11/18

## Prayer

It is, therefore most humbly prayed that by accepting this appeal,

- a) The impugned order of respondent No.1 vide Endst No.1369-72 dated 18.01.2018 whereby the promotion order in respect of the appellant from DM (M) BPS-15 to the post of Senior DM (M) BPS-16 was withdrawn and
- b) The impugned order of respondent No.1 dated nil whereby he did not decide the service appeal of the appellant may please be set aside.
- c) And consequently the promotion order in respect of the appellant from DM (M) BPS-15 to the post of Senior DM (M) BPS-16 vide order Endst No.2131-60 dated 10.02.2017 may please be restored.
- d) Any other relief deems fit and appropriate in the circumstances of the instant case may please be passed.

---

Respectfully Sheweth:

1. That the appellant was appointed in the year 1992 and has been performing his duty with full commitment, devotion and punctuality since 1992.
2. That as per notification vide order Endst. No.2131/60 dated 10.02.2017, the appellant was promoted from the post of DM(M) BPS-15 to the post of Senior DM (M) BPS-16 with effect from 20.02.2013.

It is pertinent to mention here that those Drawing Masters, who were holding degree of Bachelor of Arts, were promoted to Senior DM (M) BPS-16, therefore, the appellant was also promoted however, Respondent No.4 was not promoted because of not having degree of BA on the due date. (Copy of the Notification is attached as annexure "A").

3. That respondent No.4 filed departmental appeal w.r.t. his deprivation from promotion to the Senior DM(M), therefore, respondent No.1 constituted enquiry committee to probe into the matter. The enquiry committee gave its recommendations by deserving respondent No.4 for promotion to the post of Senior DM.



It is pertinent to mention here that in the light of the said of said enquiry committee the promotion order of the appellant to the Senior DM (M) BPS-16 was withdrawn vide Endst No.1369-72, dated 18.10.2018 but in fact there was nothing available in the enquiry report in respect of appellant about any adverse remarks or anything else. (Copy of the enquiry report & notification is attached as annexure "B & C" respectively).

4. That notification regarding withdrawal of Appellant's promotion order was communicated to the appellant on 23.05.2018, therefore, the appellant filed departmental appeal/representation on 20.06.2018 but the same was not decided within a stipulated period of ninety days. (Copy of the Departmental Appeal /Representation is attached as annexure "D").
5. That the appellant now prefers this Service Appeal for the following amongst other grounds;

**G R O U N D S :-**

- A. That the impugned order of respondent No.1 whereby promotion order in respect of appellant to the post of Senior DM (M) was withdrawn is prima facie, illegal, unlawful and void ab-intio.

- B. That nothing was available in the enquiry report in respect of appellant about any adverse remarks or anything else and even then the impugned order was passed without any reasonable justification.
- C. That no Show Cause Notice was issued nor was afforded an opportunity of hearing to the appellant, such impugned order is liable to be declared as void and coram non-judice
- D. That any other ground not specifically mentioned, may be raised at the time of arguments, with the prior permission of this Hon'ble Tribunal.

**It is, therefore most humbly prayed that by accepting this appeal,**

- e) The impugned order of respondent No.1 vide Endst No.1369-72 dated 18.01.2018 whereby the promotion order in respect of the appellant from DM (M) BPS-15 to the post of Senior DM (M) BPS-16 was withdrawn and**
- f) The impugned order of respondent No.1 dated nil whereby he did not decide the service appeal of the appellant may please be set aside.**

- c) And consequently the promotion order in respect of the appellant from DM (M) BPS-15 to the post of Senior DM (M) BPS-16 vide Order Endst No.2131-60 dated 10.02.2017 may please be restored.
- d) Any other relief deems fit and appropriate in the circumstances of the instant case may please be passed.

Through

  
Appellant

  
AK  
Saeed  
16/

**Akhuzada Ahmad Saeed**  
Advocate High Court

Dated 20.10.2018

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

Service Appeal No. \_\_\_\_\_/2018

Fazli Qadir.....**Appellant**

**VERSUS**

Director Education newly emerged Tribal Districts, FATA Secretariat, Warsak Road & others.....**Respondents**

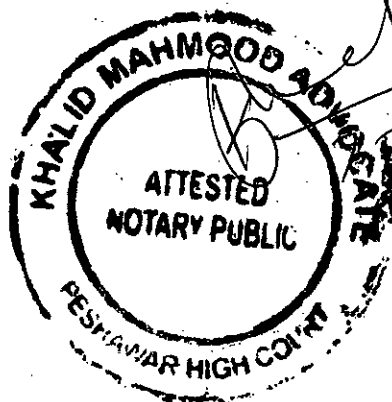
**AFFIDAVIT**

I, Fazli Qadir S/o Fazli Habib, R/o Qazi Dhry, Tehsil Khar, District Bajour, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Identified by *Akh*  
*Saeed*  
**Akhunzada Ahmad Saeed**  
Advocate High Court

*Fazli*

DEPONENT  
CNIC#: 21103 - 2304889-1





**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

Service Appeal No. \_\_\_\_\_/2018

Fazli Qadir.....**Appellant**

**V E R S U S**

Director Education newly emerged Tribal Districts, FATA Secretariat, Warsak Road & others.....**Respondents**

**ADDRESSES OF PARTIES**

**APPELLANT:**

Fazli Qadir S/o Fazli Habib,  
R/o Qazi Dhry, Tehsil Khar, District Bajour

**R E S P O N D E N T S**

1. Director Education newly emerged Tribal Districts, FATA Secretariat, Warsak Road, Peshawar
2. District Education Officer, District Bajour
3. Additional Chief Secretary, FATA Secretariat, Warsak Road, Peshawar
4. Zaheer ud Din S/o Wahid Khan, R/o Charmange, Sarkari Qila, District Bajour

Appellant

Through

**Akhunzada Ahmad Saeed**  
Advocate High Court

Dated 20.10.2018

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

Service Appeal No. \_\_\_\_\_/2018

Fazli Qadir.....**Appellant**

**V E R S U S**

Director Education newly emerged Tribal Districts, FATA  
Secretariat, Warsak Road & others.....**Respondents**

**APPLICATION FOR CONDONATION OF**  
**DELAY IN FILING THE INSTANT SERVICE**  
**APPEAL**

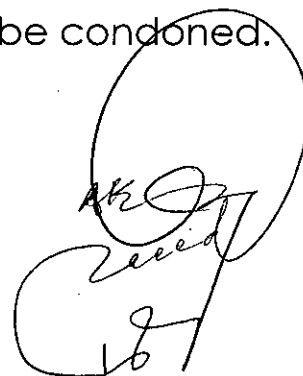
**Respectfully Sheweth:**

1. That the instant service appeal is being filed before this Hon'ble Tribunal which is yet to be fixed for its hearing.
2. That the father of the appellant had pass away after a months \_ long battle with cancer and the appellant was also not in knowledge of law of limitation, therefore he could not approached this Hon'ble Tribunal with the prescribed period of time.
3. That the delay in filing the instant appeal was neither intentional nor willful but due to aforesaid reason.

4. That the law favours adjudication on merit rather non-suited the litigant on technicalities.
5. That it is just, fair and in the large interest of justice that the delay in filing instant appeal be condoned.

It is, therefore, most humbly prayed that by accepting this application, the delay in filing the instant service appeal may please be condoned.

Appellant  
Through

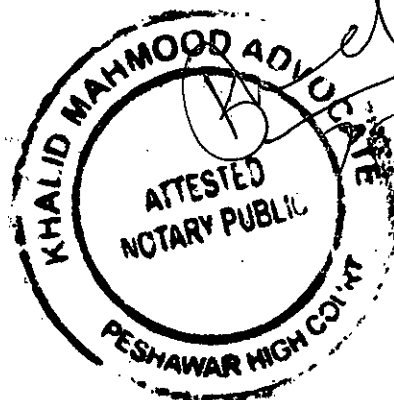


**Akhuzada Ahmad Saeed**  
Advocate High Court

Dated 20.10.2018

### AFFIDAVIT

It is stated that the contents of the **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



*Khalid Mahmood*  
DEPONENT







DM(M)

# FATA SECRETARIAT

## Directorate of Education

Warsak Road Peshawar, Pakistan  
Phone. 091-9210166 Fax 091-9210216

No. \_\_\_\_\_/


dated \_\_\_\_/\_\_\_\_/2017

Annex

Notification:

Consequent upon the recommendation of the Departmental Promotion Committee and in pursuance of the Govt. of Pakistan Finance Division (Regulation No. 1(32)R-1/2015-582/2016 dated 25.7.2016 Islamabad, SO (Edu) Notification No.FS/SO(Edu)/SSD/Up-Gradation/2882-94 dated 22.6.2016 and duly Endorsed by Directorate of Education FATA vide No.8233-60 dated 8.8.2016, the following DM (M) B-15 are hereby promoted to the post of Sr.DM (M) B-16 (Rs.15880-1280-54280) plus usual allowances as admissible under the rules on regular basis on terms and conditions given below with effect from **20.2.2013** and further they will be posted in the Govt. Higher Secondary / High Schools by the Agency Education Officer concerned against the newly upgraded Sr.DM BPS-16 posts.

Total No. of DM (M) Posts duly verified by the AAO	59
1/3 share of Senior DM Posts	20
Share of promotion 100%	20
Already promoted to B-16 SDM	Nil
No. of Senior DM Posts available for promotion	20
Recommended for promotion to Sr. DM	20

Attested  
  
 No. 10/2/17

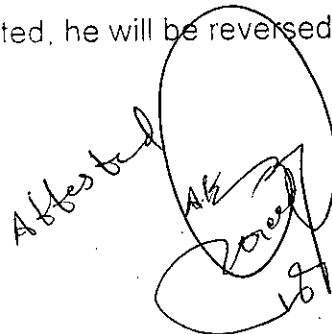
S. No	Sen No	Name of Teacher	Present school of posting	Date of Birth	Date of declaration as regular DM	Remarks
1	3	Gul Zaman Khan	GMS Darbano	02-Sep-65	10-Sep-85	Services placed at the disposal of AEO Bajaur for further posting.
2	4	Muhammad Zada	GHS Banadagai	07-May-66	17-Sep-88	Services placed at the disposal of AEO Bajaur for further posting.
3	5	Noor Rahman	GHS Raghagan	25-Apr-66	26-Aug-89	Services placed at the disposal of AEO Bajaur for further posting.
4	7	Shah Khan	GMS Shinkot	10-Nov-68	18-Jan-90	Services placed at the disposal of AEO Bajaur for further posting.
5	8	Gul Badshah	GHS Ghani Adai	01-Jan-61	14-Nov-90	Services placed at the disposal of AEO Bajaur for further posting.
6	9	Rasool Muhammad	GHS Mata Qilla	20-Jun-63	14-Nov-90	Services placed at the disposal of AEO Bajaur for further posting.
7	10	Shahkir Ullah	GHS Malangai	03-Jul-68	14-Nov-90	Services placed at the disposal of AEO Bajaur for further posting.
8	11	Bakhtiar Said	GMS Turkho	09-Jul-65	14-Nov-90	Services placed at the disposal of AEO Bajaur for further posting.

11/10/2017

9	12	Habib Jamal	GHS Barkhalozo	02-Aug-65	14-Nov-90	Services placed at the disposal of AEO Bajaur for further posting.
10	13	Niaz Muhammad	GMS Tangkhta	09-Jun-67	14-Nov-90	Services placed at the disposal of AEO Bajaur for further posting.
11	14	Abdur Rahim	GHS Loisam	20-Feb-68	14-Nov-90	Services placed at the disposal of AEO Bajaur for further posting.
12	15	Habib Ullah	GHS Khar	01-Jan-67	22-Oct-91	Services placed at the disposal of AEO Bajaur for further posting.
13	16	Musa Khan	GHS Kama Dara	07-Sep-63	22-Oct-91	Services placed at the disposal of AEO Bajaur for further posting.
14	19	Gran Muhammad	GHS Pashat	01-Sep-63	10-Feb-92	Services placed at the disposal of AEO Bajaur for further posting.
15	20	Habib ur Rahman	GHS Inayat Killi	06-Oct-68	08-Mar-92	Services placed at the disposal of AEO Bajaur for further posting.
16	22	Inayatullah	GHS Shago	19-Sep-66	01-Apr-92	Services placed at the disposal of AEO Bajaur for further posting.
17	23	Zarif Khan	GHS Batwar	12-Aug-67	01-Apr-92	Services placed at the disposal of AEO Bajaur for further posting.
18	24	Shah Zaman	GHS Lagharai	15-Jan-69	01-Apr-92	Services placed at the disposal of AEO Bajaur for further posting.
19	25	Tajur Rahman	GHS Badan	1.2.1966	18.4.1992	Services placed at the disposal of AEO Bajaur for further posting.
20	26	Fazle Qadir	GMS Chinagai	2.3.1967	22.11.1992	Services placed at the disposal of AEO Bajaur for further posting.

Terms & Conditions:

1. They would be on probation for a period of one year, extendible for another one year.
2. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
3. Their services can be terminated at any time in case their performance is found unsatisfactory during probationary period. In case of misconduct, he shall be proceeded under the rules framed from time to time.
4. Charge report should be submitted to all concerned.
5. Their Inter-Se-Seniority on the lower post will remain intact.
6. No TA/DA is allowed for joining him/her duty.
7. They will give an undertaking to be recorded in their Service Book to the effect that any over payment is made to him in the light this order will be recovered and if he is wrongly promoted, he will be reversed.

Attested  
  
 10/12

(Hashim Khan)  
 Director Education FATA

Endst: No. 231-60 /File No.1/Promotion Senior CT B-16 dated 10/12/2017

Copy for information and necessary action is forwarded to the:

1. Accountant General (PR) Sub Office, Peshawar.
2. Agency Education Officer, Bajaur Agency at Khar.
3. Agency Accounts Officer, Bajaur Agency.
4. PS to Additional Chief Secretary FATA
5. PS to Secretary SSD, FATA.
6. PS to secretary Finance.
7. PA Director Education, local Directorate.
8. Official concerned:
9. Master File.

11  
10/12/17  
Addl: Director (Estab)  
Directorate of Education, FATA  
JR

Attested

Signature  
10/12/17

TO

The Director of Education  
FATA, Peshawar.

Subject: Enquiry against Deprivation from Promotion of Mr. Zaheer uddin, DM Bajaur Agency

Memo:

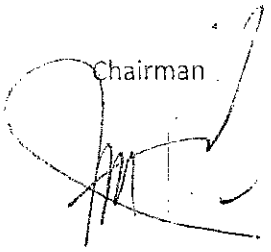
An enquiry committee constituted by the Director of Education, FATA, Peshawar to probe into the matter of deprivation from promotion as Sr. DM of Mr. Zaheer uddin DM, GHS Sarkaree Kala, Bajaur Agency. The committee thoroughly investigated into the matter and reached on the following conclusions:


1. Mr. Zaheer uddin, DM GHS Sarkaree Kala Bajaur Agency still stands in the seniority list of DMs.
2. He was deprived from promotion to the Sr. DM on the basis of PST promotion date which is 01-07-2012 but in fact the date for promotion for CT, DM and PET is 20-02-2013.
3. He got his B.A degree on 15-08-2012 and fulfills all the conditions for promotion as Sr. DMs.

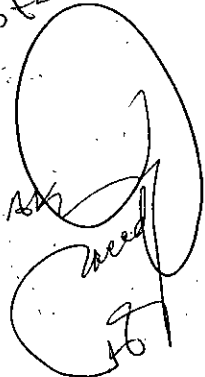
Recommendations:

1. He deserves to be promoted to the post of Sr. DM.
2. His seniority will remain intact as Sr. DM in the seniority list.
3. His basic pay plus other usual allowances are admissible under the rules on regular basis will be fixed from 20-02-2013.
4. He may be posted as Sr. DM at any vacant post in Govt Higher Secondary/ Govt High school in Bajaur Agency.

Dated: 18-08-2017

Chairman  
  
 Sultan Muhammad  
 Principal  
 GHSS Ghallanai  
 M/Agency

Member  
  
 Wadan Shah  
 Head Master  
 GHS Shahalam Salai  
 M/Agency

Attested  




15

11

C

FATA SECRETARIAT  
DIRECTORATE OF EDUCATION  
WARSAK ROAD PESHAWAR, PAKISTAN  
PHONE. 091-9210166 FAX 091-9210216

No. / Date Pesh: the / / /2018.

Annex

E-6/Up-grdation/Bajaur Agency.

**NOTIFICATION.**

Consequent upon the acceptance of appeal filled by Mr. Zaheer-ud-din Sr.DM GHS Sarkari Qilla Bajaur Agency, the promotion order in respect of Mr. Fazli Qadir Sr. DM, who was wrongly promoted as Sr. DM, due to clerical mistake made by AEO Office vide order Endst: No. 2131-60 dated 10/02/2017 issued by this office is hereby withdrawn w.e.f. the date of issue according to the terms and conditions mentioned in the promotion order at S. No.7.

**Note :-**

1. Necessary entry should be made in his service record.
2. Charge report should be submitted to all concerned.
3. No TA/DA is allowed.

DIRECTOR EDUCATION FATA

Endst: No. 1369-72/-

Dated 18/11 /2018.

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

1. AEO Bajour Agency with the remarks that Mr. Fazle Qadir, Sr. DM (Ex-DM GMS Chingai) Bajaur Agency may be adjusted in Bajaur Agency at any vacant post of DM.
2. Agency Accounts Officer, Bajaur Agency.
3. Teacher concerned. -
4. PA to Director Education FATA.

Deputy Director (Estab)

*[Signature]*  
17/11/18

Attested  
*[Signature]*  
16/11

✓  
Received  
on 23/5/2018

✓ Adiv

~~23/5/2018~~  
AFO (B)

16  
 حضور جناب ڈائریکٹر ایجوکیشن صاحب فانا ڈائریکٹریٹ پشاور  
 (ہمدردانہ اپیل برائے بحال پروہوشن 16-BPS15)  
 منسوخ آرڈر نمبر 72-1369 مورخہ 18/1/18  
 اینڈ فراہمی عدل و انصاف

"D"

Annex  
 جناب عالی! گزارش ہے کہ بندہ کا ڈیڑھ سال پہلے آرڈر نمبر 60-2131 کے ذریعے مورخہ 10/2/17 کو گریڈ 16 میں پروہوشن ہوا ہے اور ڈیڑھ سال سے گریڈ 16 میں اپنے فرائض سرانجام دے رہا ہے۔ پروہوشن کے ڈیڑھ سال بعد ظہیر الدین DM GHS Sattkavi Qilla نے بندہ کے پروہوشن کو ریورس کر کے اپنا آرڈر لے آیا ہے۔  
 کیس کی تفصیل درج ذیل ہے:

① 19/1/17 اور ریگولیشن کے مطابق 10 فروری 2017 کو آرڈر نمبر 60-2131 کے ذریعے گریڈ 15 کے ان 20 ملازمین کو گریڈ 16 میں ترقی دے دی گئی جنہوں نے ہفتہ تاریخ تک BA پاس کیا ہو۔ بندہ نے ہفتہ تاریخ تک BA پاس کیا تھا جبکہ ظہیر الدین نے ہفتہ تاریخ تک BA پاس نہیں کیا تھا جس کی بناء پر بندہ کو گریڈ 16 میں ترقی دے دی گئی۔

② ظہیر الدین کے اعتراض پر جناب ڈائریکٹر صاحب نے ایک انکوائری کمیٹی تشکیل دی۔ کمیٹی نے فائل جانچ پڑتال کے بعد بندہ کے خلاف کسی قسم کی کارروائی کو بلا حوالہ قرار دیتے ہوئے اپنی رپورٹ ڈائریکٹریٹ میں جمع کرا دی۔

③ انکوائری کمیٹی کی رپورٹ کے بعد سے بندہ ڈیڑھ سال سے گریڈ 16 میں اپنے فرائض سرانجام دے رہا ہے۔

④ ڈیڑھ سال کے بعد ظہیر الدین ڈائریکٹریٹ سے اپنا آرڈر بائی سینڈ لے آیا ہے حالانکہ ظہیر الدین کا نام گریڈ 16 میں پروہوشن کی نئی لسٹ میں بھی شامل ہے۔

⑤ آرڈر کی اطلاع بندہ کو 23/5/18 کو دے دی گئی جبکہ آرڈر میں تاریخ 18/1/18 درج ہے جو اس بات کا ثبوت ہے کہ آرڈر ہیجے کے چھینے میں ہی جاری کیا گیا ہے لیکن ایک سوچے سمجھے منصوبے کے تحت اس میں تاریخ جنوری 2018 درج کیا گیا ہے۔

اب اس لیے آپ صاحبان سے ہمدردانہ درخواست ہے کہ بندہ کو BPS 16 میں ترقی دینے کے احکامات صادر فرمائیں اور بندہ کو اپنی جگہ پر تعینات فرما کر موجودہ آرڈر نمبر 72-1369 کو منسوخ کر کے مشکور فرمائیں۔

العارض

فخر قادر

SDM GHS Dehakai

با جوڑ ایجنسی

Date 20/6/2018

Handwritten signatures and stamps, including a circular stamp with the word "Absented" and a signature "AKZ".



قیمت  
50 روپے

ایڈوکیٹ: \_\_\_\_\_  
بار کونسل ایسوسی ایشن نمبر: 66-11-1885  
رابطہ نمبر: 0333-2902529



پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: \_\_\_\_\_ خیبر پختونخواہ سروس ٹریڈینگز، پشاور

مخائب: اپیلانٹ	دعویٰ: سروس اپیل
Fazli Qadir	علت نمبر: _____
بنام	مورخہ: _____
Director & others	جرم: _____
	تھانہ: _____

### باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ

آن مقام پشاور کیلئے اچھ لادہ اکلہ سیدلا کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

20-10-2018

المرقوم:

المقام پشاور

کے لیے منظور ہے۔

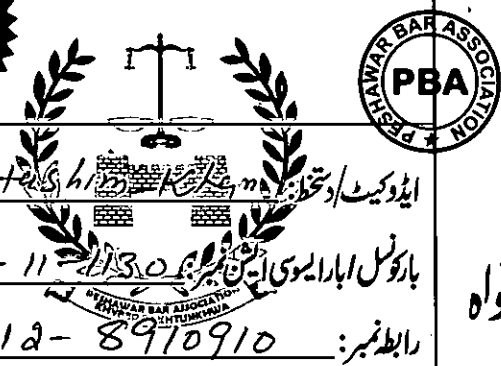
نوٹ: اس وکالت نامہ کی فونو کاپی ناقابل قبول ہوگی۔

Attested  
& accepted

پشاور

فصلی قاجار ولد فضل حسین

قیمت  
10 روپے



53277

ایڈووکیٹ / محکمہ  
بارکول ابار ایسوسی ایشن  
رابطہ نمبر: 0312-8910910

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: جسٹس محترم خزانہ سروس ٹریبونل

منجانب: رسیانہ منڈی 4 طبرالدين	دعویٰ:
حضور صاحب	علت نمبر:
	موردہ:
	جرم:
	تھانہ:

بابت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ  
آن مقام لئے درج ذیل ہے۔  
1۔ صاحب محترم خزانہ سروس ٹریبونل کو وکیل مقرر  
کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو  
راضی نامہ کرنے و تقریر جان و فیصلہ برطنت دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق  
زریں بدستخط کرنے کا اختیار ہوگا، نیز ضرورت میں پیروی یا باڈی کی طرف یا اپیل کی یا آمندگی اور منسوخی، نیز  
دائر کرنے اپیل نگرانی و نظر جانی و پیروی کرنے کا اختیار ہوگا اور ضرورت میں مقدمہ مذکورہ کے کل یا جزوی  
کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے مجھے تقرر کا اختیار ہو گا اور صاحب  
مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا مبالغہ برداشت منظور و قبول ہوگا اور ان مقدمہ  
میں جو خرچہ ہر جانب اتوائے مقدمہ کے سبب سے ہوگا وہ وکیل موصوف و متول کے لئے کا مختار ہوگا کوئی تاریخ پیشی مقام  
دور یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی یا آمندگی کے لئے ہند اوکالت نامہ لکھ دیا تاکہ مندر ہے۔  
المرقوم: 22/3/19

بد ..... واہ شد ..... بد

مقام لئے درج ذیل کے لئے منظور ہے۔

استقبال و Acceptance  
طبرالدين و لم و اہل حقین بکن  
رشد، تصور رسیانہ منڈی 4  
22/3

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 2019 /ST

Dated 19 / 11 / 2019

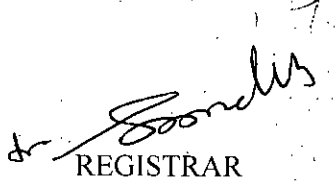
To

Mr. Fawad, Senior Clerk, Representative of the Office of Director E&SE,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

SUBJECT: - ORDER APPEAL NO. 1374/2018, MR. FAZLI QADIR.

I am directed to forward herewith a certified copy of order dated 12.11.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.



V. That the conduct of appellant estopped himself to bring the instant appeal.

Facts:-

1. No comments pertains to record.
2. incorrect; the appellant was wrongly promoted to the post of senior drawing master due to clerical mistake while Mr. Zaheer-ud-din was senior then the appellant, and on report of inquiry committee constituted by the Director of education, probe the matter of deprivation from promotion Respondent No. 4. the committee thoroughly investigated the matter and file report on 18/08/2017 for which respondent No. 4 was declared senior from petitioner and on report of committee, petitioner promotion order vide order Endst No. 136472 was rightly withdrawn. (copy is on file)
3. Incorrect. Descriptive reply given in above paras.


4. Incorrect, petitioner well aware all the proceeding.
5. No comments pertain to record.

Grounds:-

- A. Incorrect. Petitioner is junior than respondent No. 4 as per seniority list, then he is not entitled to be promote on petitioner.
- B. Incorrect. It is crystal clear that the appellant is junior then the respondent No. 4.
- C. Incorrect. No comments pertains to record.
- D. Respondents are also seek permission to advance other grounds and proofs at the time of arguments.

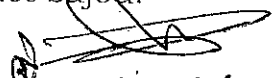
**In light of the above stated facts it is requested that the case of the appellant may be order dismissed.**

Dated:- 07-Nov-19

  
Respondent No. 4

Zahir ud Din S/o Wahid Khan  
R/o Charmange Sarkari Qilla  
District bajour

Through

  
A. Hashim Khan  
Advocate, Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

Appeal No. 1374/2018

Fazli Qadr..... Petitioner

**Versus**

Director Education Newly emerged tribal District FATA  
Secretariat Warsak Road, & others.....Respondents

**AFFIDAVIT:**

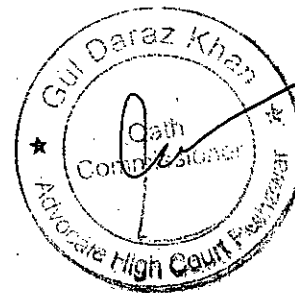
*I, Zahir ud Din S/o Wahid Khan R/o Charmange Sarkari Qilla District bajour do hereby solemnly affirm and declare on oath, that the contents of he accompanied reply of appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.*

*Date 21/11/2019*

*Zr*

DEPONENT

21105-1994210-5







2. Para No. 2 subject to prove, however ignorance of law is no excuse.
3. Para No. 3 is incorrect. No <sup>pl</sup> usable reason available on file to show that delay was caused beside this petitioner will are of the proceeding.
4. Para No. 4 incorrect law aid the diligent not the indolent.
5. Para No. 5, incorrect appeal is not maintainable due to delay and as per seniority list petitioner is entitled to be promote from the petitioner.


**In light of the above stated facts it is requested that the case of the appellant may be order dismissed.**

Dated:- 07-Nov-19

  
Respondent No. 4

Zahir ud Din S/o Wahid Khan  
R/o Charmange Sarkari Qilla  
District bajour

Through

  
A. Hashim Khan  
Advocate, Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

Appeal No. 1374/2018

Fazli Qadr..... Petitioner

**Versus**

Director Education Newly emerged tribal District FATA  
Secretariat Warsak Road, & others.....Respondents

**AFFIDAVIT:**

*I, Zahir ud Din S/o Wahid Khan R/o Charmange Sarkari Qilla District bajour do hereby solemnly affirm and declare on oath, that the contents of he accompanied reply of appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.*

Date 07/11/19



DEPONENT

2145-1999210-8

