

15.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 15.6.2022. for the same as before.



Reader.

15th June, 2022

Counsel for the appellant present.

Last chance is given to the learned counsel Miss. Roeda Khan, Advocate who says that ~~he~~ she is freshly engaged and filed Wakalatnama on behalf of the appellant. To come up preliminary hearing on 03.08.2022 before S.B.



(Kalim Arshad Khan)
Chairman

03.08.2022

Counsel for the petitioner present and requested for adjournment on the ground that she has not prepared the brief in order to properly assist the court. Request accepted by way of last chance. To come up for preliminary hearing on 14.09.2022 before S.B.



(Kalim Arshad Khan)
Chairman

07.10.2021

Nemo for the appellant. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel and to come up for reply/comments as well as preliminary hearing before the S.B on 07.12.2021.

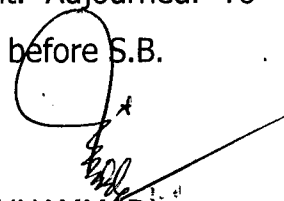


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

07.12.2021

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Jehanzeb, Supdt for respondents present.

Written reply/comments submitted on behalf of the respondents which is placed on file. A copy of the same is handed over to the learned counsel for the appellant. Adjourned. To come up for preliminary hearing on 21.01. 2022 before S.B.

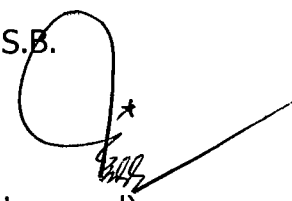


(MIAN MUHAMMAD)
MEMBER (E)

21.01.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Learned counsel for the appellant seeks adjournment. To come up for preliminary hearing on 15.03.2022 before S.B.



(Mian Muhammad)
Member(E)

20.01.2021

Counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General alongwith Jehanzeb Superintendent for respondents present.

Written reply of respondents is still awaited. Representative of respondents made a request for time to furnish reply; granted. To come up for reply and preliminary arguments on 21.04.2021 before S.B.



(Rozina Rehman)
Member (J)

21.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 10.08.2021 for the same as before.



Reader

10.08.2021

Since 10.08.2021 has been declared public holiday on account of Ist Muharram, therefore, case to come up for the same on 07.10.2021 before S.B.



Reader

04.09.2020

Mr. Muhammad Amin Ayub, Advocate, for appellant is present. Preliminary arguments addressed to some extent heard, amongst the issues involved, is an issue with regard to the question of jurisdiction as to whether a civil servant who joins a service of a University which is an autonomous body having its own rules regulation and a statute could approach a Service Tribunal or his remedy lies elsewhere in any other forum particularly when his services has been terminated by the official of University. Assistance on the point referred to as well as other allied issues involved is required, therefore, it is deemed appropriate in the circumstances to issue pre-admission notice to the respondents for 04.11.2020. File to come up before S.B.

(Muhammad Jamal Khan)
Member (Judicial)

04.11.2020

Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present.

Since the Members of the High Court as well as of the District Bar Association, Peshawar, are observing strike today, therefore, learned counsel for appellant is not available today. Adjourned to 20.01.2021 on which date to come up for preliminary hearing before S.B.



(Muhammad Jamal Khan)
Member (Judicial)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7961 /2020

1S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	16/07/2020	<p>The appeal of Mr. Roman Ali Shah resubmitted today by Mr. Khaled Rehman 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</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>04/09/2020</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

The appeal of Mr. Roman Ali Shah Ex-Library Clerk GDC Lund Khwar Mardan received today i.e. on 09.07.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- Annexures of the appeal may be flagged.
- 3- Pages 7, 8 and 9 of the appeal are illegible which may be replaced by legible/better one.
- 4- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1636 /S.T,

Dt. 10-07 /2020.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Khaled Rehman Adv. Pesh.

Sir;

*Resubmitted after removing
illegible pages No 7-9 and
Please put up before
Court.*

*Yours
—*

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 2961 /2020

Roman Ali Shah Appellant

Versus

The Govt. of KPK and others.....Respondents

INDEX

S.No.	Description of Documents	Date	Annexure	Pages
1.	Memo of Appeal			1-6
2.	Appointment order of appellant as Library Junior Clerk	27.08.1999	A	7
3.	Advertisement		B	8-9
4.	Letter/NOC	22.08.2016	C	10
5.	Application for retention of lien	07.12.2016	D	11
6.	Appointment order of appellant as Office Assistant	17.11.2016	E	12
7.	Relieving order	30.11.2016	F	13
8.	Notification of termination of appellant from the post of Office Assistant (BPS-16)	29.06.2018	G	14
9.	Judgment of the Apex Court	21.03.2019	H	15-31
10.	Tentative Seniority List of Library Clerk for the year 2019 & 2020		I	32-33
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12.	Impugned Appellate Order <i>+ Misc etc</i>	09.06.2020	K	36-49
13.	Wakalat Nama			
14.				

Through

Appellant

[Signature]
 Khaleed Rahman
 Advocate,
 Supreme Court of Pakistan

&

[Signature]
 Muhammad Amin Ayub
 Advocate, High Court

4-B, Haroon Mansion
 Khyber Bazar, Peshawar
 Off: Tel: 091-2592458
 Cell # 0345-9337312

Dated: 09/07/2020

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____/2020

Khyber Pakhtunkhwa
Service TribunalDiary No. 6544Dated 9/7/2020Roman Ali Shah

Ex-Library Clerk,

Govt. Degree College, Lund Khwar, Mardan Appellant

Versus

1. The Govt. of Khyber Pakhtunkhwa
through Secretary,
Higher Education Department,
Civil Secretariat, Peshawar.
2. The Director,
Higher Education Department,
Civil Secretariat, Peshawar.
3. The Principal,
Govt. Degree College, Lund Khwar,
Mardan..... Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED APPELLATE ORDER DATED 09.06.2020 OF RESPONDENT NO.2 WHEREBY DEPARTMENTAL REPRESENTATION OF THE APPELLANT WAS REGRETTEED BY NOT ALLOWING HIM TO REJOIN HIS PARENT DEPARTMENT AGAINST THE POST OF LIBRARY CLERK.

Filed to-day

Registrar

PRAYER:

9/7/20

On acceptance of the instant appeal, the impugned appellate order may kindly be set aside by allowing appellant to rejoin his parent Department as Library Clerk with all back benefits or alternatively allow pensionary benefits to appellant with any other remedy which this Hon'ble Tribunal deems fit, may also be awarded in favour of the appellant.

Respectfully Sheweth,

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

1. That initially appellant was inducted in the office of Respondent No.3 as a Library Junior Clerk on 27.08.1999 (*Annex:-A*), after meeting all the mandatory requirements, where he performed his duty to the entire satisfaction of the high-ups. It is significant to aver that during that period he was never departmentally proceeded against, thus rendered meritorious service spreading over more 17 years.
2. That an advertisement (*Annex:-B*) floated by the Abdul Wali Khan University, Mardan caters for appointment against the multiple posts including that of Office Assistant (BPS-16). Appellant in order to compete the selection process applied Respondents through proper channel which was duly accorded in favour of the appellant as is evident from the letter dated 22.08.2016 (NOC *Annex:-C*). It is important to add here that on 07.12.2016 (*Annex:-D*) appellant moved an application for retention of his lien. Thereafter, the appellant went through the selection process and successfully qualified the same, resultantly was offered appointment against the subject post vide appointment order dated 17.11.2016 (*Annex:-E*).
3. That pursuant to the order *ibid*, the Parent Department properly relieved appellant on 30.11.2016 (*Annex:-F*) to take his new assignment at the office of Respondent No.4 where appellant started performing his duties.
4. That appellant while discharging his duty against the said post by means of Notification dated 29.06.2018 (*Annex:-G*), the services of the appellant against the post of Office Assistant (BPS-16) stood terminated during probation period. It is apprised that appellant alongwith others being dissatisfied, approached the Hon'ble Peshawar High Court, Peshawar by way of filing Writ Petitions, which was dismissed and the Judgment was upheld by the Hon'ble Apex Court vide order dated 21.03.2019 (*Annex:-H*). As a matter of fact the appellant is still on the roll of the Parent Department as is evident from the Tentative Seniority List of Library Clerk for the year 2019 & 2020 (Tentative Seniority Lists *Annex:-I*)
5. That appellant being endured to continue his struggle visited the office of the Respondent No.3/Parent Department for rejoining his duty against the

post of Library Clerk because he had transmitted an application for retention of lien and his services were dispensed with during course of his probation against the post of Office Assistant (BPS-16) but no heed was paid, therefore, appellant by availing the remedy of Rule-3 of the Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986 preferred Departmental Representation (*Annex:-J*) to Respondent No.2 for rejoining his duty against the subject post but vide impugned appellate order dated 09.06.2020 (*Annex:-K*) the Departmental Representation of the appellant was unlawfully regretted, while at the same time resignation of the appellant was also retrospectively accepted vide the same appellate order.

6. That appellant, being aggrieved of the acts and actions of Respondents and impugned appellate order dated 09.06.2020, having no other adequate and efficacious remedy, files this appeal inter-alia on the following grounds:-

Grounds:

- A. That Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully issued the impugned appellate order dated 09.06.2020 whereby Departmental Representation of the appellant was unlawfully regretted, which is unjust, unfair and hence not sustainable in the eye of law.
- B. That clear violation of Section-11 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 has been made which is reproduced herein below for ready reference:-

"11. Termination of Service:-

(1) The service of the civil servant may be terminated without notice –

(i) During the initial or extended period of his probation

Provided that, where such civil servant is appointed by promotion on probation or, as the case may be, is transferred from one service, cadre or post to another service, cadre or post, his service shall not be so terminated so long as he holds a lien against the former post in such service or cadre, but he shall be reverted to his former service, cadre or post, as the

case may be."

Therefore, appellant had to be allowed to rejoin his duty against the post of Library Clerk but the same was unlawfully denied to him which is a clear violation of law and rules thus the same is not sustainable in the eye of law.

- C. That the lien of a civil servant accrues when he is appointed substantively against a permanent post. Substantive appointment means confirmation. The confirmation of a Government servant in a cadre can be made against a permanent post as defined in FR-9(22), and temporary post in FR-9 (30). Apart from this definition from practical point of view all posts on SNE are temporary posts. In terms of Rule-16 of the Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer) Rules, 1989, reach with Section-7(3) of Civil Servants Act, 1973, after successful completion of probation, confirmation of servant can be made but against a permanent post. Therefore, appellant was on probation when he was subjected to termination of his service hence, he had to be allowed to re-join his duties in the parent department.
- D. That as has already been averred that appellant was duly permitted by the Parent Department to compete the selection process in the Abdul Wali Khan University, Mardan, thereby appellant had also moved an application for retention of his lien but the same was not taken into consideration by the Respondents despite the fact that appellant was on probation in the new organization wherein his services were dispensed with, therefore, it is settled legal principle of law that a person who has not been confirmed against the new assignment he having the right of lien in his Parent Department, therefore, the impugned appellate order is not sustainable in the eye of law.
- E. That it is a settled legal proposition laid by Superior Courts that lien of a permanent civil servant could not be terminated even with his consent unless he had been confirmed against some other permanent post, hence, appellant was yet to be confirmed against the post of Office Assistant (BPS-16) in Abdul Wali Khan University, Mardan, therefore, he is/was entitled to be allowed to rejoin his duties in his Parent Department against the post of Library Clerk but appellant was unlawfully was not allowed

vide the same impugned appellate office order dated 09.06.2020 which is not only against the vested right of the appellant but also against the principle of natural justice.

- F. **That** a clear violation of F.R. 14A has been committed by the parent Department because appellant is/was fully entitled for rejoining of the post of Library Clerk in his parent Department. It is further averred that appellant has a rich experience against the subject post spreading over more than long 17 years, hence in such circumstance the impugned appellate order is liable to be brushed aside.
- G. **That** as per mandate of Section-16 of Khyber Pakhtunkhwa Civil Servants Act, 1973 which mandates that a civil servant shall be liable to prescribed disciplinary action and penalties in accordance with the prescribed procedure. As such Department has imposed a major penalty on appellant by issuing the impugned appellate order dated 09.06.2020 that too without providing an opportunity of personal hearing to the appellant and fulfilling other mandatory requirements under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, thus appellant was condemned unheard, hence in this context, the impugned appellate office order dated 09.06.2020 is outright illegal and liable to be set aside.
- H. **That** appellant fulfilled all the requisite requirements for joining his new assignment at the Abdul Wali Khan University, Mardan and thereafter appellant was properly relieved by the Parent Department to join his new assignment, thereon, appellant had also moved application for retention of his lien against the post of Library Clerk at the office of Respondent No.3, therefore, the very aspect of the matter was not taken into consideration by the Respondents and in a perfunctory and casual manner issued the impugned appellate order dated 09.06.2020.
- I. **That** by means of impugned order the resignation of the appellant was accepted from retrospective effect, therefore, the same is void-ab-initio and liable to be brushed aside.

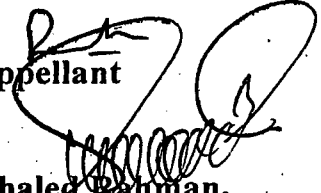
J. That appellant would like to offer some other grounds during the course of arguments.

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

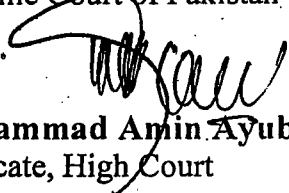
Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to appellant.

Through

Appellant


Khaled Khanman,
Advocate,
Supreme Court of Pakistan

&


Muhammad Amin Ayub
Advocate, High Court

Dated: 09 /07/2020

Shah, A' - 7

OFFICE OF THE PRINCIPAL, GOVT. DEGREE COLLEGE LUND KHWAR, MARDAN
OFFICE ORDER

CONSEQUENT upon the advertisement published in the Daily "Mashriq" and "Azadi" Swat dated 30-6-1999 and 26-6-1999 respectively, interview held on 16-8-1999 by the Departmental Selection Committee and Merit List drawn according to the Govt. Rules & Law, Mr. Roman Ali Shah S/O Mr. Sultan Shah, resident of Village Dundia (Lund Khwar) Mardan is hereby appointed against the vacant post of Library Junior Clerk in BPS-5 of Rs.1400/- PM (Rs.1400-66-2390) plus usual allowances and fringe benefits admissible to Government servants as per prescribed rules in the interest of public service with effect from the date of his taking over charge of the post subject to the following terms and conditions:-

TERMS AND CONDITIONS

1. His appointment is purely temporary and liable to termination at any time without assigning any reason thereof.
2. In case of resignation he will have to submit one month's prior notice to the Department or forfeit one month's pay in lieu thereof to the Government of N.W.F.P.
3. His age should not exceed 25 years.
4. He is liable to be posted/transferred anywhere in N.W.F.P and should not be transferred from his present place of posting before maturation of tenure of three years continuous and satisfactory service.
5. He will have to submit the following documents for the record of this office.
 - (i) Health and age certificates from the Medical Superintendent District Head Quarter Hospital, Mardan.
 - (ii) Charge Report/Arrival Report.

(S. GUL BADSHAH BUKHARI)
PRINCIPAL
GOVERNMENT DEGREE COLLEGE, LUND KHWAR
(MARDAN)

Endst: No.3051-54/J/C Apptt: 1999

Dated 27/8/1999

Copy forwarded to the:

1. Director of Education (Colleges), N.W.F.P Govt. Peshawar.
2. Director of Education Secondary, N.W.F.P Govt. Peshawar.
3. District Accounts Officer, Mardan.
4. Candidate concerned.

Sd/-
Principal
Government Degree College, Lund Khwar
(Mardan)



OFFICE ORDER

ANNEX A' - 7-

CONSEQUENT upon the advertisement published in the Daily "Mashriq" and "Azadi" Swat dated 30-6-1999 and 26-6-1999 respectively, interview held on 16-8-1999 by the Departmental Selection Committee and Merit List drawn according to the Govt: Rules & Law, Mr Reman Ali Shan S/O Mr Sultan Shah, resident of Village Dundia (Lund Khwar) Mardan is hereby appointed against the vacant post of Library Junior Clerk in BPS-5 at Rs 1400/- PM (Rs 1400-66-2390) plus usual allowances and fringe benefits admissible to Government Servants as per prescribed rules in the interest of Public Service with effect from the date of his taking over charge of the post subject to the following terms and conditions:-

TERMS AND CONDITIONS

1. His appointment is purely temporary and liable to termination at any time without assigning any reason thereof.
2. In case of resignation he will have to submit one month's prior notice to the Department or forfeit one month's pay in lieu thereof to the Government of N.W.F.P.
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(i)----- Health and age certificates from the Medical Superintendent District Head Quarter Hospital, Mardan.

(ii)----- Charge Report/Arrival Report.

(S. GUL BADSHAH BUKHARI)
PRINCIPAL,
GOVERNMENT DEGREE COLLEGE, LUND KHWAR
(M A R D A N)

Dated 27/8 1999.

Endatt: No: 3051-54/J/C Apptv: 1999

Copy forwarded to the.

1. Director of Education (Colleges), N.W.F.P GOVT, Peshawar.
2. Director of Education, Secondary, N.W.F.P. GOVT, Peshawar.
3. District Accounts Officer, Mardan.
4. ~~Muzikarxxx~~ Candidate concerned.

Principal,
Government Degree College, Lund Khwar
(Mardan)

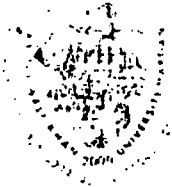
Answer B-8

ABDUL WALI KHAN UNIVERSITY MARDAN Advertisement No. (48) 2015	
VACANCIES ANNOUNCED	
Applications are invited for the following support staff on regular basis for various campuses of the University.	
S# Position	Required Qualification & Experience
1. Demonstrator (BPS-16)	Second Class Master Degree from recognized University with atleast 03 years teaching experience.
2. Officer Assistant (BPS- 16)	Second Class Graduate with 03 years relevant experience in BPS-11 and having 01 year Computer Certificate from an institution recognized by B.T.E
3. UDC (BPS-14)	Second Class Graduate with Certificate in Computer Skills with 05 years experience as Junior Clerk.
4. KPO (BPS-11)	Second Division Graduate with 01 years Computer Certificate from a B.T.E recognized Institution and having 03 years relevant experience.
5. LDC (BPS-11)	2 nd Class Graduate with a Certificate in Computer Skills.
6. Lab Assistant (BPS-7)	Second Division F.Sc with 03 years relevant experience with BS-05.

For further details and eligibility criteria please visit AWKUM's website: www.awkum.edu.com
Terms and Conditions for apply

1. Applicants must clearly indicate the post, specialization and campus applying for particularly for the campuses of Timergara, Chitral and Buner.
2. The applicants desiring to apply for more than one position are required to submit separate application form.
3. The applicants serving in Government Semi Government and Autonomous Bodies should route their applications Through Proper Channels.
4. The selected candidates will be governed by rules/regulation of Abdul Wali Khan University Mardan.
5. Only Short listed eligible applicants will be called for test/interview.

(Signature)



ABDUL WALI KHAN UNIVERSITY MARDAN
Advertisement No. (48) 2015
VACANCIES ANNOUNCED

Awney B-8-

Applications are invited for the following support staff on regular basis for various campuses of the university:

S#	Position	Required Qualification & Experience
1.	Demonstrator (BPS-16)	Second Class Master Degree from recognized University with at least 03 years teaching experience.
2.	Office Assistant (BPS-16)	Second Class Graduate with 03 years' relevant experience in BPS-11 and having 01 year Computer Certificate from an Institution recognized by B.T.E.
3.	UDC (BPS-14)	Second Class Graduate with Certificate in Computer Skills with 05 years' experience as Junior Clerk.
4.	KPO (BPS-11)	Second Division Graduate with 01 years Computer Certificate from a B.T.E. recognized Institution and having 03 years relevant experience.
5.	LDC (BPS-11)	2nd Class Graduate with a Certificate in Computer Skills.
6.	Lab Assistant (BPS-7)	Second Division F.Sc with 03 years' relevant experience in BS-05

For further details and eligibility criteria please visit AWKUM's website: www.awkum.edu.pk

Terms & Conditions for apply

1. Applicants must clearly indicate the post, specialization and campus applying for, particularly for the campuses of Turgara, Chitral and Huner.
2. The applicants desiring to apply for more than one position are required to submit separate application form
3. The applicants serving in Government, Semi Government and Autonomous Bodies should route their applications Through Proper Channels.
4. The selected candidates will be governed by rules regulation of Abdul Wali Khan University Mardan.
5. Only Short listed eligible applicants will be called for test/interview.

6. The applicants must be within the age limit of 18-35 years Relaxation in upper age limit will be as per Statutes of the University.
7. The University reserves the right to increase or decrease the number of post (s) or not to fill any post or reject any application.
8. Applicants should apply only on the prescribed form, available at the Facilitation Center Garden Campus and on the university webpage <http://www.awkum.edu.pk/>
9. Original receipt of online payment/ Demand Draft of Rs. 500/- in favor of Treasurer, Abdul Wali Khan University Mardan or online payment to Allied Bank limited Cantt Branch Mardan Account Number 0273-0116700078 must be attached with application form.
10. Attested photocopies of all DMCs, Degrees, Certificates, Experience Certificates Appointment Letters, CNIC and three (3) recent passport size photographs must be attached with the Application Form. Any claim of experience shall be supported by Experience certificates and Appointment letters.
11. Candidates applying for the post of Professor & Associate Professor must submit four copies of their application form along with complete set of publications, attested documents and bio-data.
12. Less than 3.00/4.00 CGPA will be considered Second Division.
13. Eligibility in all respects shall be reckoned upon closing date of advertisement.
14. Landline number, mobile postal and email addresses must be written on the Application form Changes in contact number or postal address, if any, must be intimated in writing to the office of Registrar immediately.
15. All applications must reach to the office of the undersigned latest by September, 25, 2015 incomplete & applications received after due date will not be considered.

Note: Errors and Omission are liable to rectification by the University authorities.

Sher Alam Khan, Registrar
Phone: 0937-843356: Fax: 0937-843357
Registrar@awkum.edu.pk



-9-

6. The applicants must be within the age limit of 18-35 years. Relaxation in upper age limit will be as per Statutes of the university.
6. The University reserves the right to increase or decrease the number of post(s) or not to fill any post or reject any application.
7. Applicants should apply only on the prescribed form, available at the Facilitation Center, Garden Campus and on the university webpage <http://www.awkum.edu.pk>
8. Original receipt of online payment Demand Draft of Rs. /500/- in favor of Treasurer, Abdul Wali Khan University Mardan or online payment to Allied Bank Limited Cantt Branch Mardan Account Number 0273-0116700078 must be attached with application form.
9. Attested photocopies of all DMC's, Degrees, Certificates, Experience Certificates, Appointment Letters, CNIC, and three (3) recent passport size photographs must be attached with the Application Form. Any claim of experience shall be supported by Experience certificates and Appointment letters.
10. Candidates applying for the post of Professor & Associate Professor must submit four copies of their application forms along with complete set of publications, attested documents and bio-data.
11. Less than 3.00-4.00 CGPA will be considered Second division.
12. Eligibility in all aspects shall be reckoned upon closing date of advertisement.
13. Landline number, mobile number, postal and email addresses must be written on the Application form. Changes in contact number or postal address, if any, must be intimated in writing to the office of Registrar immediately.
14. All applications must reach to the office of the undersigned latest by September 25, 2015. Incomplete & applications received after due date will not be considered.

Note: Errors and Omission are liable to rectification by the University authorities.

Sher Alam Khan, Registrar
Phone: 0937-843356; Fax: 0937-843357
registrar@awkum.edu.pk



**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA,
KHYBER ROAD PESHAWAR**

Phone # 091-9210242, 9211025/Fax # 9210215

No. _____ /CA-I.Esst.Branch A-12/ Dated Peshawar the 22/8/2016

To

The Registrar,
Abdul Wali Khan, University, Mardan.

ANNEX C -10-

Subject: - DEPARTMENTAL PERMISSION/NOC.

Memo:-

I am directed to refer to the subject noted above and to enclose herewith an application in respect of Mr. Roman Ali Shah, Library Clerk, GDC, Lund Khawar (Mardan) and to state that this Directorate has no objection on his applying to the post of Assistant for further necessary action, please.

Note:

NOC has been issued to the official concerned subject to the condition ^{that} in case of selection of the official concerned against the post applied for, he will have to resign from the present post and his lien will not be retained in this Department.

Endst.No 22202

DY: DIRECTOR (ESTABLISHMENT)

Copy of the above is forwarded to the:-

1. Principal GDC, Lund Khawar (Mardan) w/r to his endst.No.789 dated 20.09.2015.

n. Bahi
DY: DIRECTOR (ESTABLISHMENT)

To

The Director Higher Education
Govt. of Khyber Pakhtunkhwa.

THROUGH: PROPER CHANNEL

SUBJECT: RETENTION OF LIEN.

Sir,

I have been working as library clerk in the Higher Education Department at GDC Lundkhwar, Mardan since 27/08/1999, on permanent/regular basis. (photo copy of service book attached).

2. I had applied for the post of office assistant through proper channel and requested for NOC vide Govt. Degree College Lundkhwar, Mardan Endst No. 789 dated 20/09/2015.


3. Now I have been selected against the said post vide AWKUM letter No. F.No. 1(8)Reg-1/AWKUM/2016/17498 at 17/11/2016.

As I have rendered my services as library clerk for a period of 17 years with full devotion and dedication at GDC Lundkhwar up to the entire satisfaction of my superiors.

Keeping in view my services length and devotion at GDC Lundkhwar, I request for lien as library clerk as permissible under the existing service rules.

Obediently Yours
Roman Ali Shah Library Clerk
GDC Lundkhwar, Mardan

Endst No. 38 dated 30/11/2016
Recommended and forwarded for favorable
consideration for retention of lien at this college if
admissible under rules


PRINCIPAL
GDC Lundkhwar, Mardan



ABDUL WALI KHAN UNIVERSITY MARDAN

Khyber Pakhtunkhwa, Pakistan

Phone No. 0937-843356, Fax No. 0937-843357

Website: www.awkum.edu.pk

Email: registrar@awkum.edu.pk

F. No. 1(8)-Reg-1/AWKUM/2016/17498

November 17, 2016

Mr. Roman Ali Shah
S/O Sultan Shah
Irum Colony Street No. 3, Railway Station Mardan

Subject: Appointment as Office Assistant (BS-16) on regular basis

Consequent upon the recommendations of the Selection & Promotion Committee, the Competent Authority has been pleased to appoint you as Office Assistant (BS-16) on regular basis, with effect from the date of your joining/taking over the charge of the post, on the terms & conditions as stated below:

Terms & Conditions:

1. That your appointment shall be initially on probation for a period of one year, extendable for further one year. The Appointing Authority, after completion of the period of probation, may confirm your appointment as per provisions contained in Abdul Wali Khan University Mardan Service Statutes-2013.
2. That your service shall be governed by the terms and conditions as provided under the Statutes that are in vogue or amended from time to time and also by such rules and regulation as may be notified by the Competent Authorities from time to time.
3. That You will have to provide the following:
 - i. Resignation/relieving from your parent department, if already employed at any Government Department/Semi Government/Autonomous Organization.
 - ii. Undertaking to serve Abdul Wali Khan University Mardan for at least 3 years.
 - iii. Medical Fitness Certificate from an authorized Medical Officer of the university or Medical Superintendent or Civil Surgeon of Govt. Civil Hospital as may be prescribed by the university. The Certificate shall be placed on record after being duly scrutinized by the Audit Officer of the university.
 - iv. Police Clearance Certificate from the office of the District Police Officer of your home district.
 - v. Declaration on stamp paper, duly countersigned by a Magistrate, of non-affiliation with any political party and non-involvement in any kind of politics and that you shall abstain from all such activities, as long as you remain in the service of the University.
 - vi. Declaration of assets and liabilities (moveable and immovable) held by you or your dependents and will continue to provide the same on annual basis.
 - vii. Verification of credentials/degrees from the respective issuing authority.
4. If your credentials/degrees are proved fake/tempered/bogus, at any subsequent stage, your service shall be liable to termination without notice.
5. Your resignation from the service at Abdul Wali Khan University Mardan shall be dealt as per provisions contained in section 13 (1-5) of Abdul Wali Khan University Mardan Service Statutes-2013 or the statutes that are in vogue at the time.
6. If the offer is acceptable to you on the terms & conditions as given above, you are required to report, in person, for duty to the undersigned within 15 days after issuance of this order.


Registrar

Distributions:

1. PS to Vice Chancellor
2. Treasurer
3. Additional Registrar
4. R.A.D (Audit)
5. Pay Officer
6. Superintendent (Estt.)
7. Personal file
8. Relevant file

OFFICE OF THE PRINCIPAL
GOVERNMENT DEGREE COLLEGE (BOY)
LUND KHWAR MARDAN KPK
PHONE NO 0937850450




DATED 30 /11/2016

RELIEVING

13-
Jawid F

Consequent upon the appointment of Mr. Roman Ali Shah library clerk of this college at Abdul Wali Khan University Mardan vide Order No. 2016/17498 Na.1(S) Reg-1/AWKUM/ dt 17/11/2016 as Assist BS-16, he is hereby relived of his duties in this office on 30-11-2016 (AN) with the direction to report to the quarter concerned for him new post.

The official concerned has rendered his services as library clerk in HED KPK at GC Lund Khwar, Mardan w.e.f 27-08-1999 to 30-11-2016 (FN) NOC has been obtained for his new post vide DHE No. 92202 dt 22/8/2016


Principal
GDC Lund Khwar Mardan.
PRINCIPAL
Govt: Degree College
Lund Khwar (Mardan)



ABDUL WALI KHAN UNIVERSITY MARDAN

Khyber Pakhtunkhwa, Pakistan

Phone No. 0937-843356, Fax No. 0937-843357

Website: www.awkum.edu.pk

Email: registrar@awkum.edu.pk

F.No. 1(2)-Reg-1/AWKUM/2018/ 52852

June 29, 2018

NOTIFICATION

Consequent upon the recommendations of the Inquiry Committee constituted by the Syndicate in its 25th (Emergency) meeting held on February 26, 2018, notified vide notification 1(1)-Reg-1/AWKUM/2018/21758 dated March 09, 2018 to inquire into the illegal appointments made in the university & subsequent approval by the Syndicate in its 26th meeting held on June 28, 2018, wherein, the Syndicate unanimously endorsed and approved the recommendations of the Inquiry Committee and decided that since there were no sanction budgeted posts available at that time, hence, all the appointments made in response to Advertisement No. 48 are declared illegal, without lawful authority and of no legal effect as cited in judgment of Honorable Supreme Court of Pakistan in Writ Petition No. 6 of 2011, C.M.A. No. 5216 of 2012 and H.R.C. No. 49012-P of 2010 dated March 17, 2014 regarding "illegal appointments and corruptions in EOBI".

Accordingly, the Services of Mr. Roman Ali Shah S/O Sultan Shah, Office Assistant, BPS-16 stand terminated forthwith during probationary period as per AWKUM Statutes.

J. J. 29/6/18
REGISTRAR

Copy to:

1. PS to Vice Chancellor
2. All members of the Syndicate
3. Treasurer
4. R.A.D
5. Pay Officer
6. Concerned Department/Section
7. Official concerned
8. Personal File
9. Relevant File

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Gulzar Ahmed
Mr. Justice Qazi Faiz Isa
Mr. Justice Ijaz ul Ahsan

(1) CIVIL PETITION NO. 808-P/2018

(Mst. Shabana Ali v. Abdul Wali Khan University, Mardan through its Vice Chancellor & others)

And

CIVIL PETITION NO. 818-P/2018

(Abdul Wajid v. The Vice Chancellor Abdul Wali Khan University Mardan & others)

And

CIVIL PETITION NO. 819-P/2018

(Hassan Rehman v. The Vice Chancellor Abdul Wali Khan University Mardan & others)

And

CIVIL PETITION NO. 820-P/2018

(Zahoor Rehman v. The Vice Chancellor Abdul Wali Khan University Mardan & others)

And

CIVIL PETITION NO. 821-P/2018

(Jasim Sber v. The Vice Chancellor Abdul Wali Khan University Mardan & others)

And

CIVIL PETITION NO. 822-P/2018

(Muhammad Arshad v. The Vice Chancellor Abdul Wali Khan University Mardan & others)

And

CIVIL PETITION NO. 4208/2018

(Taj Nabi Khan v. Abdul Wali Khan University, Mardan thr. its Registrar & others)

And

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Supreme Court of Pakistan
Islamabad

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And

CIVIL PETITION NO. 4912/2018
(Mr. Humaira Naz and others v. The Abdul Wali Khan University, Mardan thr. its Vice Chancellor & others)

And

CIVIL PETITION NO. 4718/2018
(Asghar & others v. Abdul Wali Khan University, Mardan thr. its Vice Chancellor & others)

And

CIVIL PETITION NO. 4678/2018
(Dr. Nazam-ud-Din v. Vice Chancellor, Abdul Wali Khan University, Mardan & another)

And

CIVIL PETITION NO. 4674/2018
(Jawaria v. The Abdul Wali Khan University, Mardan thr. its Vice Chancellor & others)

And

CIVIL PETITION NO. 4646/2018
(Ms. Kamal Gul & others v. Abdul Wali Khan University, Mardan thr. its Vice Chancellor & others)

And

CIVIL PETITION NO. 4645/2018
(Sana Meqadar & others v. Abdul Wali Khan University, Mardan thr. its Vice Chancellor & others)

And

CIVIL PETITION NO. 4609/2018
(Naila Anjum & others v. Abdul Wali Khan University, Mardan thr. its Vice Chancellor & others)

And

CIVIL PETITION NO. 4608/2018
(Muhammad Abbas & others v. Abdul Wali Khan University, Mardan thr. its Vice Chancellor & others)

And

CIVIL PETITION NO. 4607/2018
(Mst. Kalsoom Begum & others v. Abdul Wali Khan University, Mardan thr. its Vice Chancellor & others)

CIVIL PETITION NO. 4913/2018
(Ms. Shabnum Zaid and another v. The Abdul Wali Khan University, Mardan thr. its Vice Chancellor & others)

And

CIVIL PETITION NO. 4914/2018
(Zia ul-Islam and others v. The Abdul Wali Khan University, Mardan thr. its Registrar & others)

And

CIVIL PETITION NO. 4915/2018
(Daud Jan and others v. The Abdul Wali Khan University, Mardan thr. its Vice Chancellor & others)

And

CIVIL PETITION NO. 4997/2018
(Badshah Rehman v. Abdul Wali Khan University, Mardan thr. its Vice Chancellor & others)

And

CIVIL PETITION NO. 756-P/2018
(Gul Muhammad v. The Chancellor Abdul Wali Khan University, Mardan and others)

And

CIVIL PETITION NO. 757-P/2018
(Muhammad Ayaz v. The Chancellor Abdul Wali Khan University, Mardan and others)

And

CIVIL PETITION NO. 4325/2018
(Fahim-ud-Din v. The Chancellor Abdul Wali Khan University, Mardan and others)

And

CIVIL PETITION NO. 4474/2018
(Mohibullah v. The Chancellor Abdul Wali Khan University, Mardan and others)

And

CIVIL PETITION NO. 4616/2018
(Syed Nawab Ali Shah v. The Chancellor Abdul Wali Khan University, Mardan and others)

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And

CIVIL PETITION NO. 4658/2018
(Hag Nawaz v. The Chancellor Abdul Wali Khan University, Mardan and others)

And

CIVIL PETITION NO. 4659/2018
(Intisar Ahmad v. The Chancellor Abdul Wali Khan University, Mardan and others)

And

CIVIL PETITION NO. 4660/2018
(Ayaz-ud-Din v. The Chancellor Abdul Wali Khan University, Mardan and others)

And

CIVIL PETITION NO. 4661/2018
(Jayad Ali v. The Chancellor Abdul Wali Khan University, Mardan and others)

And

CIVIL PETITION NO. 4682/2018
(Ijaz Ahmad v. The Chancellor Abdul Wali Khan University, Mardan and others)

And

CIVIL PETITION NO. 4692/2018
(Anwar Shabaz v. The Chancellor Abdul Wali Khan University, Mardan and others)

And

CIVIL PETITION NO. 4693/2018
(Noor Islam v. The Chancellor Abdul Wali Khan University, Mardan and others)

And

CIVIL PETITION NO. 4694/2018
(Awas Sabir Kamel v. The Chancellor Abdul Wali Khan University, Mardan and others)

And

CIVIL PETITION NO. 4695/2018
(Sohail Khan v. The Chancellor Abdul Wali Khan University, Mardan and others)

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And

CIVIL PETITION NO. 4696/2018

(Diyar Khan. v. The Chancellor Abdul Wali Khan University,
Mardan and others)

And

CIVIL PETITION NO. 4697/2018

(Mushtaq Ahmad. v. The Chancellor Abdul Wali Khan University,
Mardan and others)

And

CIVIL PETITION NO. 4698/2018

(Sufaid Gul. v. The Chancellor Abdul Wali Khan University,
Mardan and others)

And

CIVIL PETITION NO. 4699/2018

(Nawaz Sharif. v. The Chancellor Abdul Wali Khan University,
Mardan and others)

And

CIVIL PETITION NO. 4700/2018

(Muhammad Ishaq. v. The Chancellor Abdul Wali Khan University,
Mardan and others)

And

CIVIL PETITION NO. 4701/2018

(Arif Shahzad. v. The Chancellor Abdul Wali Khan University,
Mardan and others)

And

CIVIL PETITION NO. 4705/2018

(Muhammad Abbas. v. The Chancellor Abdul Wali Khan University,
Mardan and others)

And

CIVIL PETITION NO. 4706/2018

(Murad Gul. v. The Chancellor Abdul Wali Khan University,
Mardan and others)

And

CIVIL PETITION NO. 4732/2018

(Zulfiqar Ali. v. The Chancellor Abdul Wali Khan University,
Mardan and others)

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Supreme Court of Pakistan
Islamabad

And

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CIVIL PETITION NO. 4837/2018

(Sohail Qaisar. v. The Chancellor Abdul Wali Khan University, Mardan and others).

(Against the judgment dated 18.10.2018 passed by the Peshawar High Court, Peshawar in Writ Petitions No. 619-P, 620-P, 1517-P, 4220-P, 4718-P, 4739-P, 4874-P, 4794-P, 4795-P, 4885-P and 5268-P of 2017 and Writ Petitions No. 652-P, 1011-P, 1499-P, 1527-P, 1638-P, 1696-P, 1754-P, 1756-P, 2270-P to 2300-P, 2377-P, 2396-P, 2397-P, 2398-P, 2476-P, 2477-P, 2478-P, 2479-P, 2480-P, 2482-P, 2483-P, 2574-P, 2670-P, 2766-P, 2873-P, 3383-P to 3387-P, 3489-P, 3490-P, 3492-P, 3493-P, 3494-P, 3495-P, 3535-P, 3536-P, 3537-P, 3653-P, 3687-P, 3916-P, 3917-P, 3919-P, 3922-P of 2018)

For the Petitioner(s): Mr. Muhammad Ijaz Khan Sabi, ASC.
Mr. Muhammad Tariq Khan, AOR (absent)
Mir Adam Khan, AOR (absent)
(in CPs.808-P, 4912-4915 & 4997/18).

Mr. Abdul Ahad, ASC:
Mr. Muhammad Tariq Khan, AOR (absent)
(in CPs.818-P to 822-P/18)

In person
(in CPs.4208 and 4696/18)

Mr. Muhammad Akram Sheikh, Sr. ASC
Syed Rifaqat Hussain Shah, AOR
(in CPs.4607-4609, 4645-4646, 4674, 4678 and 4718/18).

Mr. Zia ur Rehman Tajik, ASC.
Syed Rifaqat Hussain Shah, AOR.
(in CP.4325/18)

Mr. Muhammad Asif Yousafzai, ASC.
Mr. M. S. Khattak, AOR.
(in CP.4474/18)

Mr. Misbah Ullah Khan, ASC
Mr. Ahmed Nawaz Ch., AOR (absent)
(in CP.4837/18)

Nemo.
(in CPs.756-P, 757-P, 4616, 4658-4661, 4682, 4692-4695, 4697-4701, 4705-4706 and 4732 of 2018)

For the Respondent(s): Mr. Afnan Karim Kundi, ASC.
Mr. Muzammil Shah, Supdt.
(in all cases)

Date of Hearing: 21st March, 2019

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Islamabad

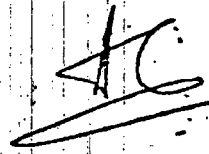
JUDGMENT

Oswi Faaz Iqbal, J. These petitions assail the judgments dated 18th October, 2018 of the learned Division Bench of the Peshawar High Court, Peshawar whereby the writ petitions filed by the petitioners were dismissed. These cases pertain to the employment of the petitioners with The Abdul Wali Khan University, Mardan ("the University") some of whom were given regular appointment and others were appointed on contract. The petitioner in one case (Civil Petition No. 4208/2018) alleges that the appointments made were illegal and that he should have been appointed.

2. As regards the regular appointments the University had, through an advertisement published on 11th September, 2015 ("the Advertisement"), invited applications for appointment of support staff for its different campuses. Applications were required to be submitted by 25th September, 2015, which date was later extended to 5th October, 2015. The positions that were sought to be filled were of Demonstrators (BPS-16), Office Assistants (BPS-16), Upper Division Clerks - UDCs (BPS-14), Key Punch Operators - KPOs (BPS-11), Lower Division Clerks - LDCs (BPS-11) and Lab Assistants (BPS-7). The required qualification and experience for each of these positions (as per the Advertisement) were as under:

S#	Position	Required Qualification & Experience
1	Demonstrator (BPS-16)	Second Class Master Degree from recognized University with at least 03 years teaching experience.
2	Office Assistant (BPS-16)	Second Class Graduate with 03 years relevant experience in BPS-11 and having 01 year Computer Certificate from an Institution recognized by B.T.E.
3	UDC (BPS-14)	Second Class Graduate with Certificate in Computer Skills with 05 years experience as Junior Clerk.
4	KPO (BPS-11)	Second Division Graduate with 01 years Computer Certificate from a B.T.E. recognized Institution and having 03 years relevant experience.

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Islamabad

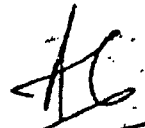
5	LDC (BPS-11)	2 nd Class Graduate with a Certificate in Computer Skills.
6	Lab Assistant (BPS-7)	Second Division, F.Sc. with 03 years' relevant experience.

The Advertisement also stipulated the following terms and conditions:

1	Applicants must clearly indicate the post, specialization and campus applying for, particularly for the campuses of Chitral, Timergara and Buner.
2	The applicants desiring to apply for more than one position are required to submit separate application form.
3	The applicants serving in Government, Semi Government and Autonomous Bodies should route their applications Through Proper Channel.
4	The selected candidates will be governed by rules/regulation of Abdul Wali Khan University Mardan.
5	Only Short listed applicants will be called for test/interview.
6	The applicants must be within the age limit of 18-35 years. Relaxation in upper age limit will be as per Statutes of the university.
7	The University reserves the right to increase or decrease the number of post(s) or not to fill any post or reject any application.
8	Applicants should apply only on the prescribed form, available at the Facilitation Center, Garden Campus and on the university webpage http://www.awkum.edu.pk/
9	Original receipt of online payment/Demand Draft of Ra.500/- in favor of Treasurer, Abdul Wali Khan University Mardan or online payment to Allied Bank Limited Cantt Branch Mardan Account Number 0273-0116700078 must be attached with application form.
10	Attested photocopies of all DMCs, Degrees, Certificates, Experience Certificates, Appointment Letters, CNIC, and three (3) recent passport size photographs must be attached with the Application Form.
11	Any claim of experience shall be supported by Experience certificates and Appointment letters.
12	Less than 3.00/4.00 CGPA will be considered Second Division.
13	Eligibility in all aspects shall be reckoned upon closing date of advertisement.
14	Landline number, mobile number, postal and email addresses must be written on the Application form. Changes in contact number or postal address, if any, must be intimated in writing to the office of Registrar immediately.
15	All applications must reach to the office of the undersigned latest by September 25, 2015 incomplete & applications received after due date will not be considered.

3: The petitioners were appointed pursuant to the Advertisement on a regular basis, however, those who were

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appointed on contract were appointed without the positions being advertised; these appointments were made from June 2016 till December 2017. However, as there were misgivings about these appointments the University's Syndicate in its 25th (Emergency) Meeting (held on 26th February, 2018) constituted a twelve member Inquiry Committee, "to probe the appointments made in response to the Advertisement-48 [the Advertisement] and contract appointments" for the aforesaid period. Subsequently, a notification dated 10th April, 2018 was issued by the University constituting the Inquiry Committee comprising the following members:

- | | | |
|-------|---|------------------|
| i. | Dean, Faculty of Social Sciences. | Member |
| ii. | Dean, Faculty of Chemical and Life Sciences. | Member |
| iii. | Dean, Faculty of Business and Economics. | Member |
| iv. | Dean, Faculty of Physical and Numerical Sciences. | Member |
| v. | Dean, Faculty of Arts and Humanities. | Member |
| vi. | Nominee of the Higher Education Department, Government of KP. | Member |
| vii. | Nominee of the Establishment Department, Government of KP. | Member |
| viii. | Nominee of the Finance Department, Government of KP | Member |
| ix. | Dr. Sajjad Ahmad Khan, Associate Professor Member Syndicate/Chairperson, Department of Statistics | Member |
| x. | Dr. Ayaz Ahmad, Assistant Professor, Member Syndicate, Department of Biotechnology. | Member |
| xi. | Dr. Ejaz Ahmed, Director Admissions | Member |
| xii. | Registrar, AWKUM | Member Secretary |

4. The Inquiry Committee unanimously found that the appointments made pursuant to the Advertisement were illegal for the following reasons:

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- (i) Those who were appointed "exceeded the available sanctioned positions and in most of the cases appointments were made against no sanctioned posts".
- (ii) There was no record available to determine, "how many candidates applied for the above positions" and that the appointments under the guise of the Advertisement "continued till August, 2017".
- (iii) The personal files of those who had been appointed revealed that, "almost 90 percent of the candidates finally selected were found ineligible" and amongst them thirteen were overage and a hundred and fifty nine had not submitted a bank receipt showing that the requisite payment of five hundred rupees was made.
- (iv) "No attendance lists are available to ascertain as to how many candidates went through the Test. Test results of 104 of the 271 selected candidates are not available in their individual files. It means that a considerable number of candidates were not available in the Test".
- (v) The Statutes of the University stipulate that the appointments in BPS-1 to 16 will be made by the Vice Chancellor on the recommendation of a selection committee comprising; the Registrar, a member of the Syndicate, the Director Academics, the head of the concerned department/section, the Treasurer, the Director Administration, the Provost, the Director P & D and the Deputy Registrar Establishment, however, the member of the Syndicate and head of the concerned department/section were not made part of the selection committee.

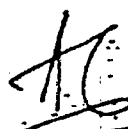
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Supreme Court of Pakistan
Islamabad**

of clause (2) of statute 9 as none of them had served the maximum period of two years probation as provided in statute 8. With regard to the contractual employees the learned counsel contends that amongst the petitioners in this category are those who had either served out the contract period and their contract was not renewed therefore they had no cause or there were those whose contract was cancelled/terminated who were paid one month's salary in lieu of the notice. The relationship of the University with contract employees was one of master and servant and a petition under Article 199 of the Constitution of the Islamic Republic of Pakistan ("the Constitution") could not be filed with regard to such a relationship; reliance is placed upon the case of *Shafiq Ahmed Khan v NESCOM* (PLD 2016 Supreme Court 377). The learned counsel also cited the case of *Mubashir Raza Jaffri v Employees Old-Age Benefits Institution (EOBI)* (2014 SCMR 949) as a precedent in support of the proposition that those who are illegally appointed can be terminated forthwith from service. Attending to the allegation of *mala fide* the learned counsel states that no particulars to support the allegations were mentioned and without asserting this there was no question of establishing *mala fide*. He further states that it was a twelve member Inquiry Committee and no allegation was made against even a single member of the Inquiry Committee or against any member of the Syndicate which had accepted the recommendations of the Inquiry Committee. On the contrary both the Inquiry Committee and the Syndicate acted completely above board, made no attempt to save any individual and recommended that action be taken against the personnel of the University who were involved in making illegal appointments.

9. We have heard the learned counsel for the parties, the petitioners who represented themselves and with their assistance examined the referred to documents, the provisions of the Act and the Statutes. There are three categories of petitioners before us; firstly, those who were appointed pursuant to the Advertisement, secondly, those who were appointed on contract and, thirdly, those who had challenged the appointments made and had asserted that

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they ought to have been appointed. It is clear that the referred to provisions of the Act and the Statutes were not followed in the appointment process. Quite a number of illegalities were noted by the Inquiry Committee and these have not been rebutted in a meaningful way either before the learned Judges of the High Court or before us. There is also nothing to sustain the wild and fleeting allegations of *mala fide* made against the members of the Inquiry Committee and against the members of the Syndicate who had accepted the recommendations of the Inquiry Committee. It is regrettable that such allegations were made merely to hang on to the fruits of illegal actions and all the more so when they were not even arrayed as respondents. Allegations of *mala fide* and/or ulterior motives have to be precisely formulated and pleaded and the persons against whom they are made must have an opportunity to controvert them and to vindicate themselves.

10. The Inquiry Committee had comprehensively attended to the matter and there was no challenge to the factual determination made by the Inquiry Committee. The recommendations of the Inquiry Committee were then unanimously accepted by the Syndicate whereafter the aforesaid notifications were issued. There are a number of judgments of this Court which have maintained that the matters pertaining to education institutions are rarely interfered with and interference is made only when either the applicable law has been violated or a case of *mala fide* or ulterior motives is made out. In this regard reference may be made to the case of *Muhammad Ilyas v Bahauddin Zakariya University* (2005 SCMR 961, 963A), *Secretary Economic Affairs Division, Islamabad v Anwarul Haq Ahmed* (2013 SCMR 1687, 1699) and *Government College University, Lahore v Fiza Abbas* (2015 SCMR 445, 451-452). The learned counsel for the petitioners and the petitioners whose services were dispensed with could not show that the action taken against them were covered by any of the noted exceptions whereunder the Courts have interfered in matters determined by educational institutions.

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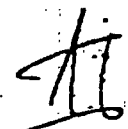
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11. Those petitioners who were appointed pursuant to the Advertisement on a regular basis had not been confirmed in service in terms of statute 9 (1) of the Statute nor were they deemed to have been confirmed in terms of statute 9 (2) of the Statutes and all of them were terminated from service within two years of the period of probation. The termination notifications also did not make any allegation against them which could be categorised as stigmatising them. In such circumstances the services of those on probation can be dispensed with without the issuance of a show cause notice and without providing an opportunity of a hearing. In this regard reference may also be made to the following precedents, *Abdul Karim v West Pakistan Province* (PLD 1956 Supreme Court 298), *Muhammad Sidriq Javaid Chaudhry v Government of West Pakistan* (PLD 1974 Supreme Court 393) and *Abdul Razzak v Province of Punjab* (1980 SCMR 876).

12. Those who were appointed on contract fall into two categories. With regard to those whose contracts had expired by efflux of time they had no grievance to air as their contract had come to an end. With regard to those whose contracts were cancelled/terminated their relationship with the University was one of master and servant and not one in respect of which a petition under Article 199 of the Constitution could be filed. In respect of such contractual employees the High Court could also not exercise its writ jurisdiction under Article 199 of the Constitution.

13. As regards the petitioner in Civil Petition No. 4208/2018, who alleges that illegal appointments were made, his contention was vindicated as the University itself came to the same conclusion. However, as all appointments that had been made were set aside amongst others on the ground that they were not made in accordance with the law and were made by persons who were not competent to do so, so by the same token the petitioner could also not have been appointed. Therefore, his petition too was rightly dismissed by the High Court.

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Supreme Court of Pakistan
Islamabad

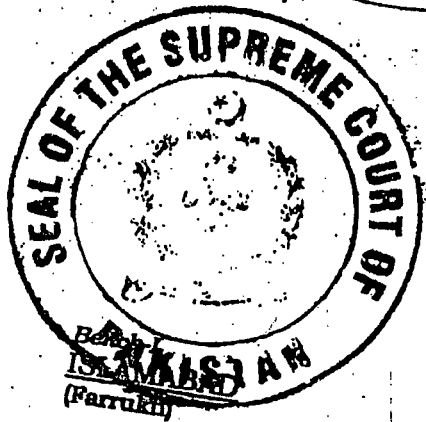
small employee



C. P. No. 808-P/2018, etc.

31-

14. For the reasons mentioned above, leave to appeal is declined and consequently all the petitions are dismissed, but with no order as to costs.



Rel. J
Rel. J
Rel. J
Certified to be True Copy

AC
Court Associate
Supreme Court of Pakistan
Islamabad
04/4/19

Announced in open Court at Islamabad on 2nd April, 2019

Q-2
03/4/19

Not Approved for Reporting

8877/9

GR No: _____ Civil/Criminal
Date of Presentation: 2.4.19
No of Words: _____
No of Folios: _____
Requisition Fee Rs: _____
Copy Fee m: _____
Court Fee: _____
Date of Completion of Copy: 04/4/19
Date of delivery of Copy: 04/4/19
Compared by/Prepared by: _____
Received by: _____

32
Anwar

TENTATIVE SENIORITY LIST OF LIBRARY CLERK (BPS-07) (MALE & FEMALE) UNDER THE CONTROL OF

DIRECTORATE HIGHER EDUCATION KHYBER PAKHTUNKHWA CORRECTED UPTO 22.01.2019

S. No.	Name	Qualification	Date of Birth	Domicile	Date of first entry into Govt. Service	Date of Apptt. in the present scale	Designation	Address
1	Miss Farzana Naz	SSC	10/04/1968	D.I.Khan	01/03/1987	01/03/1987	Library Clerk	GGC, No.1 D.I.Khan
2	Roman Ali Shah	FA	20/02/1978	Mardan	15/06/1999	27/08/1999	Library Clerk	GDC, Lund Khwar

Bank
20/1/19
DEPUTY DIRECTOR (Establishment)

33-

DIRECTORATE HIGHER EDUCATION KHYBER PAKHTUNKHWA

TENTATIVE SENIORITY LIST OF LIBRARY CLERK (BPS-07) (MALE & FEMALE) CORRECTED UPTO 24.02.2020

S.#	Name	Qualification	Date of Birth	Domicile	Date of first entry into Govt. Service	Date of Apptt. in the present scale	Designation	Address
1	Miss Farzana Naz	SSC	10/04/1968	D.I.Khan	01/03/1987	01/03/1987	Library Clerk	GGC, No.1 D.I.Khan
2	Roman Ali Shah	FA	20/02/1978	Mardan	15/06/1999	27/08/1999	Library Clerk	GDC, Lund Khwar
3	Naveed Akhtar	FA	18.04.1965	Swabi	11.08.2016	11.08.2016	Library Clerk	GPGC, Swabi
4	Farhan Ullah	F.SC	12.04.1998	Charsadda	17.09.2016	17.09.2016	Library Clerk	GPGC, Charsadda

TENTATIVE SENIORITY LIST OF STORE KEEPR/HOUSE KEEPER (BPS-07) (MALE & FEMALE) CORRECTED UPTO 24.02.2020

S.#	Name	Qualification	Date of Birth	Domicile	Date of first entry into Govt. Service	Date of Apptt. in the present scale	Designation	Address
1	Miss Shaista Nasreen	BA	15/06/1968	Peshawar	14/06/1988	14/06/1988	House Keeper	GFC(W), Peshawar
2	Muhammad Arif	BA	02/01/1969	Charsadda	15/01/1996	15/01/1996	Store Keeper	GGPGC, Mardan

[Signature]
ADMINISTRATIVE OFFICER
DIRECTORATE OF HIGHER EDUCATION

To,

The Director,
Higher Education Department,
Khyber Pakhtunkhwa Peshawar.

-34-
ANNEX J

Subject: APPLICATION FOR RE-INSTATEMENT IN SERVICES AS
LIBRARY JUNIOR CLERK w.e.f 29-06-2018

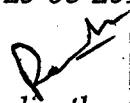
Respectfully Sheweth,

The petitioner humbly submits as under:-

1. That the petitioner is a bonafide and permanent resident of District Mardan and citizen of Pakistan. Being qualified for the post of Junior and initially appointed as library junior clerk at GDC Lund Khwar on 27-08-1999. (Copy of the CNIC and appointment letter are attached as Annex-A).
2. That the petitioner served honestly and hardworking for a period of about 17 years and six months tills 30.11.2016.
3. That Abdul Wali Khan University Mardan announced certain posts including the post of Office Assistant BPS-16. (copy of the advertisement is attached as Annex-B).
4. That the petitioner applied for the post of Office Assistant through proper channel with prior permission of the authorities / Higher Education department. (copy of the prior permission etc are attached as Annex-C).
5. That the petitioner succeeded and finally appointed as office Assistant BPS-16. (copy of the appointment letter is attached as Annex-D).
6. That the petitioner joined the same post and performed his duty honestly, devotedly and hardworking. The appellant has excellent service record, wherein, no complaint has been received. (copy of the joining report is attached as Annex-E)
7. That the education minister / syndicate had terminated the petitioner in the group of other regular employees. (copy of the notification is attached as Annex-F).
8. That all the affected employees challenged the said impugned notification in the High court Peshawar and after word in August Supreme Court of Pakistan but invain.
9. That being regular employee for a period of 17 years and six months as library Junior Clerk and being an applicant through proper channel with the prior permission (NOC) by the Higher Education department, the petitioner deems

himself eligible for the previous post i.e Library Junior Clerk because after removal from BPS-16, it would be wise to revert to the post whence the employee came.

10. That as per service laws the service of a civil servant may be terminated without notice during the initial or extended period of his probation, except, that, where such civil servant is appointed by promotion on probation or, as the case may be, is transferred from one service, cadre or post to another service, cadre or post, his service shall not be so terminated so long as he holds a lien against his former post in such service or cadre, but he shall be reverted to his former service, cadre or post, as the case may be.
11. That the applicant applied for the post through proper channel but also filed an application for Lien and that's why the applicant is the most senior official in his parent department and eligible for promotion too. Keeping in view the acute unemployment in the country in general and in KPK in particular it has been decided to give right of reversion initially for two years extendable by a further period of one year if a request in this behalf is received from those employees who are selected for appointment under Federal and other Provincial Governments provided they have served on regular basis for at least two years or who have completed the extended period of probation but could not be confirmed for obvious reasons.
12. That the applicant applied for the lien and till date his lien is intact and Lien of permanent civil servant could not be terminated even with his consent and same could be terminated only when civil servant has confirmed against some other permanent post.
13. That in the light of the above mentioned facts the petitioner hereby humbly request for the Re-Instatement of his services w.e.f 29-06-2018.


Yours Obediently

Roman Ali S/O Sultan Shah
R/O Mohallah Dundia (Lund Khwar)
Contact: 0311-0952666
CNIC No: 16102-4274060-1
Personal No: 00124334

CC.

1. Secretary Higher Education Khyber Pakhtunkhwa.

OFFICE ORDER

WHEREAS, Mr. Roman Ali Shah, Ex Library Clerk at Government Degree College, Lundkhuwar (Mardan) was granted NOC for applying to the post of Assistant at Abdul Wali Khan, University (Mardan) subject to the condition that in case of selection against the post applied for, he will have to resign from the post & No Lien will be retained in this Department.

AND WHEREAS, the concerned official was appointed against the post of Assistant at the said university vide letter No. (8)-REG-I/AWKUM/2016/17498 dated 17-11-2016 and relieved from college vide letter No. 34 dated 24-11-2016 with the directives to tender resignation from the post of Library Clerk at Government Degree College, Lundkhuwar (Mardan).

AND WHEREAS, Mr. Roman Ali Shah tendered resignation from the post of Library Clerk and the Principal forwarded the resignation in original to this Directorate vide letter No. 134 dated 25-05-2017.

AND WHEREAS, Mr. Roman Ali Shah was directed by the Principal, Government Degree College, Lundkhuwar (Mardan) vide letter No. 138 dated 23-06-2017 to deposit one-month salary to the Government Treasury and the said amount was deposited on 30-08-2017.

AND WHEREAS, Upon the termination from the post of Assistant in Abdul Wali Khan, University (Mardan), Mr. Roman Ali Shah made an appeal for reinstatement as Library Clerk w.e.f 29-06-2018.

NOW, the Competent Authority in pursuance of the recommendations made in meeting held on 12-03-2020 by the committee constituted to decide the appeal for reinstatement in the service of Mr. Roman Ali Shah as a Library Clerk, hereby regrets and retrospectively accepts the resignation tendered by Mr. Roman Ali Shah w.e.f 30-11-2016 (A/N) as Library Clerk BPS-08 Government Degree College, Lundkhuwar (Mardan).

DIRECTOR, HIGHER EDUCATION

Endst; No. 8604-7 / Govt; Degree College, Lundkhuwar (Mardan)

Copy of the above is forwarded to:

1. The Principal, Govt; Degree College, Lundkhuwar (Mardan).
2. District Account Officer, Mardan.
3. Superintendent, Promotion Cell, Local Directorate.
4. Official Concerned.

o/c
ni
9/6/2020
(Muhammad Yousaf)
DEPUTY DIRECTOR



Dated: - 18.08.1997

[Handwritten signature]
MEDICAL SUPERVISOR
D. H. O. SULTAN
MADHAWAN

Medical Officer - Road work on road

in the case of [unclear] is a disabled person
S. H. O. D. D. (unclear) District Madhav on 18.08.1997
certified that [unclear] is a disabled person

[Handwritten signature]

OFFICE OF THE MEDICAL SUPERVISOR, D. H. O. SULTAN, MADHAWAN

48

(For use in Police Department only)

Name — Passed S.S.C Examination, Session 1994
 from B.I.S.E Peshawar under Roll No: 33208
 1. obtaining 455/850 marks and has
 2. been placed in grade "C".
 3. *[Signature]*

PRINCIPAL

Govt Degree College
 Received back Kardan
Verification Roll No. _____ **dated** _____

passed intermediate examination 1996 (S)
 from B.I.S.E Peshawar securing 518/1100 marks
 and placed in grade "B"

Left Thumb-Impression

PRINCIPAL

Govt Degree College
 Govt Lawar District

Passed CT (General) Exam *[Signature]* 1997

Qualifications	Date	Qualifications	Date
From RDE Peshawar Secured 666/1100 marks		under Roll No 2918 & has been placed	
English in 2nd Division		First Arts	
Push-to	<i>[Signature]</i> PRINCIPAL	B.L. or B.A.	
Urdu	Govt Degree College Govt Lawar District	Pledership Examination	
Plan-Drawing		Training School Final Examination	
Finger Print		Other Qualifications:—	
Drill Instructing	Passed BA Annual examination 2004		
Court Duties	from University of Peshawar under Roll No 25924 Secured 247/550 Marks and placed in 2nd division		
Reserve Duties			

PRINCIPAL

Govt Degree College

N.B.— Line to be drawn under the qualification possessed.

Note:— The entries in this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

39-

1. Name: Roman Ali Shah

2. Race: Afghan

3. Residence village Dundiā (Lund Khwar)
Tehsil Takht Bhai District Mardan

4. Father's name and residence Sultan Shah

5. Date of birth by Christian era as nearly as can be ascertained 20. 2. 1978
Twentyth February N.H. Seventy Eight

6. Exact height by measurement. 5-7

7. Personal marks for identification Scarce on the bridge of nose

8. Left hand thumb and Finger Impressions of (Non-Gazetted) Officer.

Little Finger

Ring Finger

Middle Finger

Fore Finger

Thumb

9. Signature of Government Servant Rom

10. Signature and Designation of the Head of the Office, or other Attesting Officer.

[Signature]

PRINCIPAL
Govt. Degree College
Lund Khwar Mardan

[Signature]

9940
3208

924

of post	attesting officer in attestation of columns 1 to 8	of appointment	promotion, transfer, dismissal, etc.	office of attesting Officer	date of leave taken	leave salary is payable to another Government		office or other attesting officer	of post of Government Ser	
						Period	Government to which payable			
	<i>(Signature)</i> PRINCIPAL Govt: Degree College Lund Khwar (Mardan)	9/99	Awarded two advance increments on passing FA	<i>(Signature)</i> PRINCIPAL Govt: Degree College Lund Khwar (Mardan)				<i>(Signature)</i> PRINCIPAL Govt: Degree College Lund Khwar (Mardan)	Appointed as Library Junior Clerk in BPS NOS-RS (11400-66-2390) plus usual allowances at Govt: Degree College Lund Khwar (Mardan) vide Principal Govt: Degree College Lund Khwar (Mardan) No 3051-54/JC Pptt-1999	
	<i>(Signature)</i> Principal G.D.C. L. Khwar	30/11/2001	Annual Increment	<i>(Signature)</i> Principal G.D.C. L. Khwar				<i>(Signature)</i> PRINCIPAL Govt: Degree College Lund Khwar (Mardan)	Revised No 3051-54/JC Pptt-1999 dated 27/8/99. Took over on 1.9.99	
	<i>(Signature)</i> PRINCIPAL Govt: Degree College Lund Khwar (Mardan)			<i>(Signature)</i> PRINCIPAL Govt: Degree College Lund Khwar (Mardan)				<i>(Signature)</i> PRINCIPAL Govt: Degree College Lund Khwar (Mardan)		
	<i>(Signature)</i> PRINCIPAL Govt: Degree College Lund Khwar (Mardan)			<i>(Signature)</i> PRINCIPAL Govt: Degree College Lund Khwar (Mardan)				<i>(Signature)</i> PRINCIPAL Govt: Degree College Lund Khwar (Mardan)	Awarded two advance increments on passing F.A. vide this office Sp. O.S. No 3055-57 dated 1-9-99 w.e.f. 1-9-99.	
	<i>(Signature)</i> PRINCIPAL Govt: Degree College Lund Khwar (Mardan)			<i>(Signature)</i> PRINCIPAL Govt: Degree College Lund Khwar (Mardan)				<i>(Signature)</i> PRINCIPAL Govt: Degree College Lund Khwar (Mardan)		
OFFICE OF THE ACCOUNTANT GENERAL PAY FIXED IN REVISIONED BASIC PAY SCALES 2001		OF RS. 2100..... AT RS. 2500..... Will need increment on 1-12-2002			30/11/05		30/11/2002		Service verified w.e.f. 01-5-2000 to 30-11-2001 From Accounts Roll & other records of this office.	
	<i>(Signature)</i> PRINCIPAL Govt: Degree College Lund Khwar (Mardan)			<i>(Signature)</i> PRINCIPAL Govt: Degree College Lund Khwar (Mardan)				<i>(Signature)</i> PRINCIPAL Govt: Degree College Lund Khwar (Mardan)		
	<i>(Signature)</i> PRINCIPAL Govt: Degree College Lund Khwar (Mardan)			<i>(Signature)</i> PRINCIPAL Govt: Degree College Lund Khwar (Mardan)				<i>(Signature)</i> PRINCIPAL Govt: Degree College Lund Khwar (Mardan)		
	<i>(Signature)</i> PRINCIPAL Govt: Degree College Lund Khwar (Mardan)			<i>(Signature)</i> PRINCIPAL Govt: Degree College Lund Khwar (Mardan)				<i>(Signature)</i> PRINCIPAL Govt: Degree College Lund Khwar (Mardan)		
	<i>(Signature)</i> PRINCIPAL Govt: Degree College Lund Khwar (Mardan)			<i>(Signature)</i> PRINCIPAL Govt: Degree College Lund Khwar (Mardan)				<i>(Signature)</i> PRINCIPAL Govt: Degree College Lund Khwar (Mardan)		
	<i>(Signature)</i> PRINCIPAL Govt: Degree College Lund Khwar (Mardan)			<i>(Signature)</i> PRINCIPAL Govt: Degree College Lund Khwar (Mardan)				<i>(Signature)</i> PRINCIPAL Govt: Degree College Lund Khwar (Mardan)		

9 Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting Officer	Nature and duration of leave taken	Service Verified w.e.f. 30-11-2003 to 30-11-2003 From the Acquittance Roll & other Record of this office.	Signature of the head of the office or other attesting officer	Reference to be recorded, published or censured, or for or praise of Government Service
<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar (Mardan)	30/11/06	Annual Dmce!	<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar (Mardan)	w.e.f. 1-12-2004 to 2-7-2005	Service Verified w.e.f. 1-12-2003 to 30-11-2003 From the Acquittance Roll & other Record of this office.	<i>[Signature]</i>	Reference to be recorded, published or censured, or for or praise of Government Service
<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar (Mardan)			<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar (Mardan)		Service Verified w.e.f. 1-12-2003 to 30-11-2003 From the Acquittance Roll & other Record of this office.	<i>[Signature]</i>	
<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar (Mardan)			<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar (Mardan)		Service Verified w.e.f. 3/7/2005 to 3/10/2005 From the Acquittance Roll & other Record of this office.	<i>[Signature]</i>	
<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan	30/6/2007	Promotion	<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan		Service Verified w.e.f. 1-2-2005 to 31-12-2004 From the Acquittance Roll & other Record of this office.	<i>[Signature]</i>	
<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan	30/11/2007	Promotion	<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan		Service Verified w.e.f. 01/01/2007 to 31/03/2008 From the Acquittance Roll and other Record of this office.	<i>[Signature]</i>	
<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan			<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan		Service Verified w.e.f. 01/01/2007 to 31/03/2008 From the Acquittance Roll and other Record of this office.	<i>[Signature]</i>	
<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan			<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan		Service Verified w.e.f. 01/01/2007 to 31/03/2008 From the Acquittance Roll and other Record of this office.	<i>[Signature]</i>	
<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan			<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan		Service Verified w.e.f. 01/01/2007 to 31/03/2008 From the Acquittance Roll and other Record of this office.	<i>[Signature]</i>	

Signature and position of the head of office or other authorizing officer in attestation of columns 1 to 8	Date of termination of appoint- ment	Reason of termination (such as promotion, transfer, dismissal)	Signature of the head of the office or other authorizing Officer	Name and posi- tion of leave taker	LEAVE	Signature of the head of the office or other authorizing Officer	Reference to any recorded punishment or censure, or reprimand or praise of the Government Service
					Allocation of period of leave on average pay upto four months for which leave salary is payable to another Government Service		

Allowed one advance spl. Incessant ...
 1-7-2007, with the left ...
 Deptt: Physical Education No: FD/S&P (R) 7-2/2007
 dated 28/12/07 & EX(SR-I) 2-4/2008 dated 4/2/09.

-45-

			M. Iqbal	PRINCIPAL Govt: Degree College Lund Khwar Mardan			
			M. Iqbal	PRINCIPAL Govt: Degree College Lund Khwar Mardan			
			M. Iqbal	PRINCIPAL Govt: Degree College Lund Khwar Mardan			
			M. Iqbal	PRINCIPAL Govt: Degree College Lund Khwar Mardan			
			M. Iqbal	PRINCIPAL Govt: Degree College Lund Khwar Mardan			
			M. Iqbal	PRINCIPAL Govt: Degree College Lund Khwar Mardan			
			M. Iqbal	PRINCIPAL Govt: Degree College Lund Khwar Mardan			

I give an undertaking to
 effect date of any over payment
 or under payment as a result of
 misreporting of actual service
 by the Financial Officer
 Deptt: Physical Education No: FD/S&P (R)
 7-2/2007 with EX(SR-I) 2-4/2008
 dated 4/2/09 would be recovered
 from my salary/bonus/ gratuity

Signature: M. Iqbal
 Dated: 16/3/09

			M. Iqbal	PRINCIPAL Govt: Degree College Lund Khwar Mardan			
			M. Iqbal	PRINCIPAL Govt: Degree College Lund Khwar Mardan			

Request for payment of arrears ...
 allow one special increment of 1%
 6518 0042200-4600/ 653800-4220/

2008
 OFFICE OF THE ACCOUNTANT GENERAL
 PESHAWAR
 PAY FIXED BY THE REVISED BASIC
 PAY SCALES I

OF RS 3530-190-9230
 AT RS 5240 PM W.E.P. 1-07-2008
 With Next Increment 1-12-2008

Addl. Distt. Accounts Officer
 MARDAN

[Signature]
 Accounts Officer
 Peshawar

1	2	3	4	5	6	7	8
Name of Post	Whether officiating or appointment, or whether temporary	If (officiating, (i) substantive or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantially of Post	Additional officiating pay for officiating	(other emolument under the term "pay")	Date of Appointment	Signature of Government Servant
			Rs. 9640/p.m.			1/2	
			Rs. 9660/p.m.			1/2	
			Rs. 10280/p.m.			1/2	
			Rs. 10600/p.m.			1/2	
			Rs. 10000/p.m.			1/2	
						1/2	
						1/2	
						1/2	
						1/2	
						1/2	
						1/2	
						1/2	
						1/2	

Rs. 15030/-

Rs. 14180/-

Rs. 14525/-

Rs. 15030/-

BPS No. 8 (7750-455-21490)

BPS No. 02 (7480-415-19940)

Library Clerk

Handwritten notes and stamps at the top of the page, including dates like '19/11' and '14/12/2011', and a large number '56421'.

46-

Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting Officer	Nature and duration of leave taken	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, if any or praise of the Government Serv
					Allocation of period of leave on average pay upto four months for which leave salary is debitab	Government to which debitab		
<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan	30/11/2011 Annual	Annual Int.	<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan				47 Service verified w.e.f. 01/04/2008	
<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan	30/11/2012 Annual	Annual Int.	<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan				to 30/11/2008 from acquaintance roll and other record of this office	
<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan	30/11/2013 Annual	Annual Int.	<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan				Service verified w.e.f. 01/12/2008	
<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan	30/11/2014 Annual	Annual Int.	<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan				to 30/11/2009 from acquaintance roll and other record of this office.	
<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan	30/11/2015 Annual	Annual Int.	<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan				Service verified w.e.f. 01/12/2009	
<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan	30/11/2016 Annual	Annual Int.	<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan				to 30/11/2010 from acquaintance roll and other record of this office.	
<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan	30/11/2017 Annual	Annual Int.	<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan				Service verified w.e.f. 01/12/2010	
<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan	30/11/2018 Annual	Annual Int.	<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan				to 30/11/2011 from acquaintance roll and other record of this office.	
<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan	30/11/2019 Annual	Annual Int.	<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan				Service verified w.e.f. 01/12/2011	
<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan	30/11/2020 Annual	Annual Int.	<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan				to 30/11/2012 from acquaintance roll and other record of this office.	
<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan	30/11/2021 Annual	Annual Int.	<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan				Service verified w.e.f. 01/12/2012	
<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan	30/11/2022 Annual	Annual Int.	<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan				to 30/11/2013 from acquaintance roll and other record of this office.	
<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan	30/11/2023 Annual	Annual Int.	<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan				Service verified w.e.f. 01/12/2013	
<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan	30/11/2024 Annual	Annual Int.	<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan				to 30/11/2014 from acquaintance roll and other record of this office.	
<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan	30/11/2025 Annual	Annual Int.	<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan				Service verified w.e.f. 01/12/2014	
<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan	30/11/2026 Annual	Annual Int.	<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan				to 30/11/2015 from acquaintance roll and other record of this office.	
<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan	30/11/2027 Annual	Annual Int.	<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan				Service verified w.e.f. 01/12/2015	
<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan	30/11/2028 Annual	Annual Int.	<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan				to 30/11/2016 from acquaintance roll and other record of this office.	
<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan	30/11/2029 Annual	Annual Int.	<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan				Service verified w.e.f. 01/12/2016	
<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan	30/11/2030 Annual	Annual Int.	<i>[Signature]</i> PRINCIPAL Govt. Degree College Lund Khwar Mardan				to 30/11/2017 from acquaintance roll and other record of this office.	

Govt. Degree College
Lund Khwar Mardan

Signature and designation of the head of the office or other attesting officer in columns 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting Officer	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant
				Nature and duration of leave taken	Allocation of period of leave on average pay upto 12 months for which leave salary is debitable to another Government		
					Period		
						48	
						applied	
						<p>Mr. Roman Ali Shah Lib/clock do having left to the effect that one Ray Roshan up grade may be allowed w.e.f. 02/12/2015.</p>	
						<p>PRINCIPAL Govt Degree College Lund Khwar Marjan</p>	
						<p>Final payment Draw Rs. 157206/- as GP fund Final payment vide Mr. M. - 02/11/17</p>	
						<p>ASAO 20/9/17</p>	

Gov: - Khyber PakhtAct Off: - Mardan
 Name: ROMAN ALI SHAH
 Desgn: JUNIOR CLERK
 Per. No.: 00124334 / GPF Num: EDU. 012628
 Payroll Section: 003

2015 - 2016
 Hiring Date: 01.09.1999
 DDE: MR4065- PRINCIPAL GOVT. COLLEGE LUNDKHWAR
 Min/Dep: B0003337 - GOVERNMENT DEGREE COLLEGE
 BPS Grade: 08

PAYROLL MONTHS	MONTHLY SUBS	ADJUSTMENT AMOUNTS	TEMPORARY ADVANCE	RECOVERY OF TEMP ADV	PERMANENT ADVANCE	PROGRESSIVE BALANCE
						124,465.00
July	530.00	0.00	0.00	0.00	0.00	124,995.00
August	530.00	0.00	0.00	0.00	0.00	125,525.00
September	530.00	0.00	0.00	0.00	0.00	126,055.00
October	686.00	0.00	0.00	0.00	0.00	126,741.00
November	686.00	0.00	0.00	0.00	0.00	127,427.00
December	729.00	0.00	0.00	0.00	0.00	128,156.00
January	729.00	0.00	0.00	0.00	0.00	128,885.00
February	729.00	0.00	0.00	0.00	0.00	129,614.00
March	729.00	0.00	0.00	0.00	0.00	130,343.00
April	729.00	0.00	0.00	0.00	0.00	131,072.00
May	729.00	0.00	0.00	0.00	0.00	131,801.00
June	729.00	0.00	0.00	0.00	0.00	132,530.00
TOTAL	8,065.00	0.00	0.00	0.00	0.00	1,536,784.00
						123,935.00
						8,065.00
						14,215.00
						0.00
						146,215.00
						0.00
						146,215.00

WAKALAT NAMA

IN THE COURT OF

K. P. K. Soomro Tribunal

Roman Ali Shah

Appellant(s)/Petitioner(s)

She Govt etc **VERSUS**

Respondent(s)

I/We _____ do hereby appoint
**Mr. Khaled Rehman, Advocate, Supreme Court & Mr. Muhammad
Amin Ayub, Advocate High Court** in the above mentioned case, to do all
or any of the following acts, deeds and things.

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

AND hereby agree:-

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

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

Attested & Accepted by

Khaled Rehman,
Advocate,
Supreme Court of Pakistan

&

Muhammad Amin Ayub
Advocate, High Court

Signature of Executants

4-B, Haroon Mansion
Khyber Bazar, Peshawar
Off: Tel: 091-2592458

WAKALAT NAMA

IN THE COURT OF

Peshawar High Court Peshawar

Roman Ali Shah

Appellant(s)/Petitioner(s)

The Govt of

VERSUS

Respondent(s)

I/We Roman Ali Shah do hereby appoint
Mr. Khaled Rehman, Advocate, Supreme Court & Mr. Muhammad
Amin Ayub, Advocate High Court in the above mentioned case, to do all
or any of the following acts, deeds and things.

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

AND hereby agree:-

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

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

Attested & Accepted by

Khaled Rahman,
Advocate,
Supreme Court of Pakistan

&

Muhammad Amin Ayub
Advocate, High Court

4-B, Haroon Mansion
Khyber Bazar, Peshawar
Off: Tel: 091-2592458

Roman
Signature of Executants

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

S.A 7961/2020

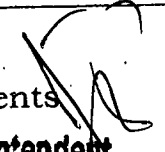
Mr. Roman Ali Shah..... Appellant

Versus

Govt. of Khyber Pakhtunkhwa
Through Secretary, Higher Education Department,
Peshawar & Others Respondents

INDEX

S.No	Description of documents	Annexure	Page No.
1.	Parawise comments		1-2
2.	Affidavit		3
3.	Office Order dated: 27-08-1999	A	4
4.	NOC dated: 22-8-2016	B	5
5.	Resignation Application 29-05-2017	C	6
6.	Letter: 23-06-2017	D	7
7.	Challan	E	8
8.	Lien Rules	F	9-11
9.	Meeting Decision	G	12

Respondents

Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

BEFORE THE HONOURABLE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL,
PESHAWAR

SA # 7961/20

Roman Ali Shah.....Appellant

Versus

Govt. of Khyber Pakhtunkhwa
Through Secretary, Higher Education
& others.....

Respondents

SUBJECT: PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 to 3

Respectfully Sheweth:-

Preliminary Objections:-

1. That, the appellant has neither got cause of action nor locus standi to file the instant Service Appeal.
2. That the appellant has not come to the Honourable Tribunal with clean hands.
3. That the appellant is estopped by his own conduct to file the instant Service Appeal.
4. That, the instant Service Appeal is hit by doctrine of laches.
5. That the instant Service Appeal is badly time-barred.

Facts: -

- 1- Correct to the extent that the appellant was initially appointed as Library Clerk (**Annex-A**) rest of the Para is incorrect.
- 2- Correct to the extent that NOC was granted vide letter dated: 22-08-2016, wherein a note is given that "NOC has been issued to the official concerned subject to the condition that in the case of selection of the official concerned against the post applied for he will have to resign from the present post and his lien will not be retained in this Department (**Annex-B**) rest of the Para pertains to the record of Abdul Wali Khan University, Mardan.
- 3- Incorrect. That the appellant submitted his resignation (**Annex-C**) but left the department before acceptance of resignation and he was also directed to submit one month salary as per rules (**Annex-D**) and he accordingly submitted the salary through Challan. (**Annex-E**)
- 4- Para No. 4 is correct to the extent that the appellant was appointed as Office Assistant (**BPS-16**) in Abdul Wali Khan University who was later on terminated during probation period. In this regard the appellant approached to the superior courts of the country but his petition was dismissed and upheld by August Supreme Court; further the appellant was given resignation from Junior Clerk post in his parent department and as per relevant Law and rules once an employee tendered resignation which is accepted by competent authority the said employee has no right to review/recall the same resignation. As far as tentative seniority list is concerned it is not final seniority list.

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- 5- Incorrect. As already explained NOC was granted to him with the condition that he will resign from the post and he did accordingly. As per rules, Lien cannot be granted in case the Government servant is appointed in autonomous/semi-autonomous body and he has to resign (**Annex-F**) and the appellant did accordingly. Moreover, when he submitted application for re-instatement a committee was constituted to decide the same and after thread bare discussion and as per rules his application was regretted. (**Annex-G**)
- 6- Needs no Comments.


Grounds: -


- A. Incorrect. That the appellant has been treated in accordance with Law.
- B. Incorrect. As already explained, respondents have not violated any rules/law and the appellant is treated as per lien rules.
- C. Incorrect. As already explained Lien is only granted on appointment in Govt. Department and not autonomous and semi-autonomous body.
- D. Incorrect. As already explained in preceding paras.
- E. Incorrect. As already explained in preceding paras.
- F. Incorrect. As already explained in preceding paras.
- G. Incorrect. That the appellant is trying to mislead the Hon'ble Court. The appellant was not removed from service nor any penalty was imposed upon him. Upon selection as office Assistant at Abdul Wali Khan University, he tendered his resignation from the post of Library Clerk and accordingly his resignation is accepted.
- H. Incorrect. As already explained in preceding paras.
- I. That the respondent may be allowed to raise additional grounds at the time of arguments.

Prayers:-

It is, therefore, humbly prayed that the instant Service Appeal is based on misconception/mis-statement, hence may graciously be dismissed with appropriate cost.


Secretary,
Higher Education, Archives
& Library Department
Respondent No. 01


Director,
Higher Education, Khyber Pakhtunkhwa
Respondent No. 02


Principal,
Govt. Degree College, Lund Khwar,
Mardan
Respondent No. 3

PRINCIPAL
GDC LUND KHWAR
MARDAN

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ANNEX A' - 7-

OFFICE OF THE PRINCIPAL GOVT: DEGREE COLLEGE LUND KHWAR (M A R D A N)

OFFICE ORDER

CONSEQUENT upon the advertisement published in the Daily "Nashri" and "Azadi Swat" dated 30-6-1999 and 26-6-1999 respectively, interview held on 16-8-1999 by the Departmental Selection Committee and Merit List drawn according to the Govt: Rules & Law, Mr. Raman Ali Shah S/O Mr. Sultan Shah, resident of Village Dundia (Lund Khwar) Mardan is hereby appointed against the vacant post of Library Junior Clerk in EPS-5 at Rs 1400/-PM (Rs 1400-66-2390) plus usual allowances and fringe benefits admissible to Government Servants as per prescribed rules in the interest of Public Service with effect from the date of his taking over charge of the post subject to the following terms and conditions:-

TERMS AND CONDITIONS

1. His appointment is purely temporary and liable to termination at any time without assigning any reason thereof.
2. In case of resignation he will have to submit one month's prior notice to the Department or forfeit one month's pay in lieu thereof to the Government of N.W.F.P.
3. His age should not exceed 25 years.
4. He is liable to be posted/transferred any where in N.W.F.P, and should not be transferred from his present place of posting before maturation of tenure of three years continuous and satisfactory service.
5. He will have to submit the following documents for the records of this office.

- (i)----- Health and age certificates from the Medical Superintendent District Head Quarter Hospital, Mardan.
- (ii)----- Charge Report/Arrival Report.

(S. GUL BASHAH BUKHARI)
PRINCIPAL,
GOVERNMENT DEGREE COLLEGE, LUND KHWAR
(M A R D A N)

Endst: No: 3051-54/J/C Apptt: 1999

Dated 27/8 1999.

Copy forwarded to the.

1. Director of Education (Colleges), N.W.F.P. GOVT, Peshawar.
2. Director of Education, Secondary, N.W.F.P. GOVT, Peshawar.
3. District Accounts Officer, Mardan.
4. Magistrate's Candidate concerned.

ATTACHED

Principal,
Government Degree College, Lund Khwar
(Mardan)

Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

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P. 1



**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA,
KHYBER ROAD PESHAWAR**

Phone # 091-9210242, 9211025/Fax # 9210215

No. _____ /CA-I.Estt.Branch A-12/

Dated Peshawar the 22/8/2016

To

The Registrar,
Abdul Wali Khan, University, Mardan.

Subject: - DEPARTMENTAL PERMISSION/NOC.

Memo:-

I am directed to refer to the subject noted above and to enclose herewith an application in respect of Mr. Roman Ali Shah, Library Clerk, GDC, Lund Khawar (Mardan) and to state that this Directorate has no objection on his applying to the post of Assistant for further necessary action, please.

Note:

NOC has been issued to the official concerned subject to the condition ^{that} in case of selection of the official concerned against the post applied for, he will have to resign from the present post and his lien will not be retained in this Department.

Endst.No 22202

BY: DIRECTOR (ESTABLISHMENT)

Copy of the above is forwarded to the:-

1. Principal GDC, Lund Khawar (Mardan) w/r to his endst.No. 789 dated 20.09.2015.

ATTESTED

Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

BY: DIRECTOR (ESTABLISHMENT)

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P213

To
The Director Higher Education
Khyber Pakhtunkhwa Peshawar.

Sub: Resignation from service.

Ref your NOC issued vide No. 22202 dt
22/8/2016 and consequent upon my appoint-
ment as office Asst (B-16) at ANKUMardan
(Copy attached), I do hereby tender my
resignation from service as library clerk
(B-8) at QDC Lund Khwar w.e.f 30/11/2016 (A.P.)

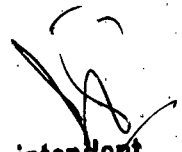
Submitted.

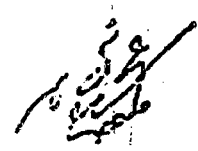
^{Signature}
Roman Ali Shah
Library Clerk
QDC Lund Khwar, Mardan

134
No. ~~134~~ Dated 29/05/2017

Forwarded in original Resignation from service
application in the name of Roman Ali Shah Library Clerk
to the Director Higher Education Khyber Pakhtunkhwa
Peshawar for necessary action please.

ATTESTED


Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar



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FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE

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U.S. DEPARTMENT OF JUSTICE



OFFICE OF THE PRINCIPAL
GOVT. DEGREE COLLEGE LUNDKHWAR, MARDAN
PHONE & FAX. 0937-850450



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No. 128 Dated: 23/06/2017

To


Mr. Roman Ali Shah
Asstt: At AWKU Mardan.


SUBJECT: REFUND OF ONE MONTH SALARY.

Memo:

It is to inform you that your resignation letter received by you and have already been submitted to the Director Higher Education KP Peshawar vide this office letter No. 134 Dated 29/05/2017. In this connection therefore you are directed to deposit one month pay positively as admissible under the rules please.

ATTESTED


Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar


PRINCIPAL
Govt. Degree College

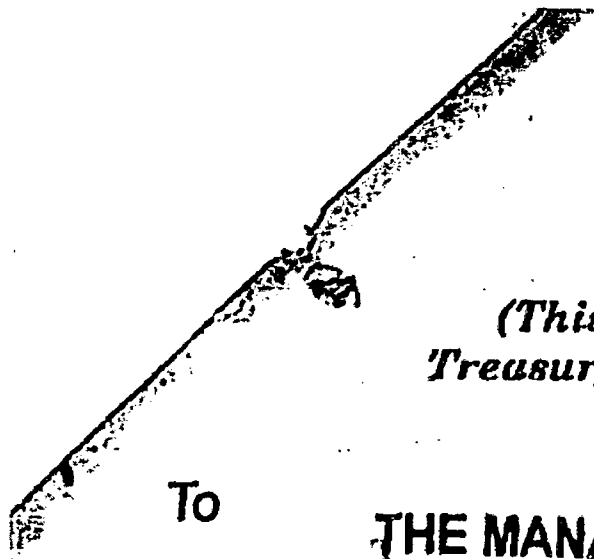
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G:

-Form Store-1000 Pads 100L-18.10.2011/Form Store Jobs/NWFP A&T 200

(This portion to be transmitted by the Bank Agent to the Treasury Officer in support of the credit in his daily account.)



To

National
THE MANAGER, STATE BANK OF PAKISTAN

A/C-I

Main Branch Mardan

MR 4065

Dated the *Lund khori* of *30th Aug* 2007

74

ATTESTED

Received from the bearer the sum of Rs. *27734/-* = *Twenty Seven*

Thousand Seven hundred & Thirty four only

to be credited to Government account under the head *62514 Rp*

on account of *Recovery of Pay from Rosim Ali Shah*

Ex-Library clerk.

[Signature]
Computer of Accounts
Mardan

Signature and full official designation of the officer ordering the money to be paid in.

*Lineal
Khyber*

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could not be withheld even when their work and conduct during the probationary period had been unsatisfactory. Government are gravely perturbed over this situation and have decided to make it obligatory on the Administrative Departments/ Appointing Authorities to pass an order on the completion of the initial probationary period, either (i) confirming the probationer; or (ii) extending the period of probation or (iii) dispensing with his services, if he was appointed by initial recruitment or (iv) reverting him to his former post, if he was appointed otherwise and if there is no such post dispensing with his services. In case the period of probation is extended, it would be binding on the Administrative Department/ appointing authorities to issue another order before the expiry of the extended period of probation, either confirming the officer or reverting him.

2. I am to add that Government would take serious notice of non observance of these instructions and would take disciplinary action against the officers found responsible for not complying with them.

3. This letter will take effect from 1st January, 1968. In the meantime in all pending cases of the past appropriate orders may be passed.

(Authority:- S&GAD's letter No.SOXII(S&GAD)2-133/63, dated 7.10.67)

Retention of Lien

Under the existing rules, lien of a civil servant can only be retained if he is a confirmed employee and is working against a permanent post. Despite completing the extended period of probation, the Government servants are not being confirmed for obvious reasons for no fault of theirs. As a matter of principle a regular Government servant who has completed his prescribed period of probation inclusive of the extended period of probation has a right to be confirmed.

2. It has been brought to the notice of this Department that a large number of unconfirmed employees on their selection for different jobs in Government and Autonomous Organizations ask for retention of lien and right of reversion to their parent Departments which is not permissible presently. Resultantly such employees hesitate to join the service elsewhere.

3. Keeping in view the acute un-employment in the country in general and in NWFP in particular it has been decided to give right of reversion initially for two years extendable by a further period of one year if a request in this behalf is received from those employees who are selected for appointment under Federal and other Provincial Governments provided they have served on regular basis for at least two years or who have completed the extended period of probation but could not be confirmed for obvious reasons.

(Authority:-S&GAD's letter No.SORI(S&GAD)1-62/80, dated 17.4.1989)

Confirmation of Lien

I am directed to refer to the subject noted above and to state that the lien of a civil servant accrues when he is appointed substantively against a permanent post. Substantive appointment means confirmation. The confirmation of a Government servant in a cadre can

ATTESTED

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be made against a permanent post. The definition of permanent post is given in FR-9 (22) and temporary post in FR-9 (30). Apart from this definition from practical point of view all posts on SNE are temporary posts and all posts converted into permanent in Revenue Budget are permanent posts. In terms of Rule 16 of the APT Rules, 1989 read with Section-7 (3) of Civil Servants Act, 1973, after successful completion of probation, confirmation of servant can be made but against a permanent post held by him substantively whereas temporary can be filled regularly but not substantively. As such Government servant after successful completion of probation period after his direct recruitment or promotion become a regular employee against that post but not confirmed unless permanent vacancy becomes available to him.

2. On availability of a permanent vacancy in a cadre, confirmation shall be made there against on the basis of seniority-cum-fitness. It may be mentioned that if that post when converted into permanent and becomes available for confirmation, not the existing incumbent of that permanent post but the senior most in the cadre is confirmed against it irrespective of the fact whether he is holding the charge of that post or not. Even if an officer or official retires before his confirmation in service and after his retirement it comes to knowledge that some vacancies were available for their confirmation while in service, so in terms of section 7(4) of the Civil Servants Act, 1973 they should be confirmed first w.e.f. the dates of availability of the vacancies in their favour. These vacancies will be treated available again for confirmation of others w.e.f., the dates of retirement or death of the employees who were confirmed as such there against.

3. All the Departments are therefore advised to be guided by the relevant rules as explained above and carry out the exercise for confirmation of their employees in the aforesaid manner.

(Authority: Letter No.SOR.VI(E&AD)1-11/2003 Dated 2nd September 2003)

Retention of lien by the civil servants/ acceptance of resignation on ex-post facto basis.

I am directed to refer to the subject noted above and to state that instructions have been issued time and again that a Civil Servant, if selected for appointment in autonomous/semi-autonomous bodies remains no more a Civil Servant. Consequently, right of lien cannot be granted to such employees. Appointment of civil servants in the autonomous/ semi-autonomous bodies is considered as fresh/ direct appointment, therefore they have to tender resignation before joining the autonomous/semi-autonomous bodies.

2. The Provincial Government has noticed that civil servants are still making requests for retention of lien, which are being entertained by Administrative Departments. In certain cases, officers/officials have even been relieved on the condition of prior resignation from civil service. Such civil servants do not tender resignation in the hope of getting right of lien. Subsequently, they apply for acceptance of resignation from civil service. Such civil servants do not tender resignation in the hope of getting right of lien. Subsequently, they apply for acceptance of resignation from retrospective effect after considerable time.

3. In view of the above all concerned are advised to note that Civil Servants selected for appointment in autonomous/semi-autonomous bodies shall tender their resignation prior to joining posts in the autonomous/semi-autonomous bodies and no one shall be relieved

ATTESTED


Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

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conditionally. Officers held responsible should be proceeded against under the Removal from Service (Special Powers) Ordinance, 2000.

4. Furthermore, before issuing NOCs to the Civil Servants while applying against the posts in autonomous and semi autonomous bodies, it should clearly be mentioned that in case of selection, the applicant shall have to tender resignation and shall have no right of lien.

(Authority; Letter No.SOR.VI(E&AD)1-11/2003, Dated 29TH July, 2006)

ATTESTED

Supervisor
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

Attendance Sheet For the meeting

Regarding the Reinstatement of
 Mr. Roman Ali Shah Ex-Library clerk
 CDC Lund Khwar Mardan 12/3/2020

100
 100
 9

S.No	Name / Designation	Signature
1	ABDUL WITTHAR	
2	Zahoorulhaq Addis (E)	
3	Gul Hussain Principal CDC Lund Khwar	 12-3-2020
5	M. IFTIKHAR DD (A)	 12/3/2020
6	Mohd. Bashir, Addis (E)	 12/3/2020

ATTENDED

Decision:

The Committee consisted of the above participants/officers unanimously decided/ the appeal of Mr Roman Ali Shah, by regretting his appeal for reinstatement in Service as Library clerk, w.e-f 30-11-2016, and retrospectively accepted his resignation.