

Appeal No. 338/2013
Allah Nawaz vs Govt

23.05.2016

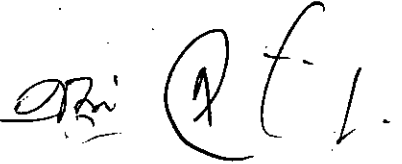
Counsel for the appellant and Mr. Farhaj Sikandar, Government Pleader for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today in connected service appeal No. 339/2013 titled "Gul Sher-vs-Government of Khyber Pakhtunkhwa through Secretary Education (S & L) Peshawar and others", this appeal is also disposed of as per detailed judgment. Parties are, however, left to bear their own costs. File be consigned to the record room.

ANNOUNCED
23.05.2016



MEMBER



MEMBER
Camp Court D.I.Khan

29.12.2015

Since tour to D.I.Khan for the month of December, 2015 has been cancelled, therefore, case is adjourned to


28.7.16 for the same.


Reader

28.03.2016

Counsel for the appellants and Mr. Farhaj Sikandar, GP for respondents present. Counsel for the appellants requested for adjournment. To come up for arguments on 23-5-16 at campcourt D.I Khan.


Member


MEMBER
Camp Court D.I Khan.


25.05.2015

Appellant in person and Mr. Farhaj Sikandar, GP for the respondents present. Rejoinder not submitted. To come for rejoinder & arguments on 28.7.2015 at camp court, D.I.Khan.


MEMBER
Camp Court, D.I.Khan

28.07.2015

Appellant in person and Farhaj Sikandar, GP for the respondents present. The Bench is incomplete, therefore, case to come up for arguments on 29-09-2015 at camp court, D.I.Khan.


MEMBER
Camp court, D.I.Khan

29.09.2015

Clerk of counsel for the appellant and Mr. Farhaj Sikandar, GP for the respondents present. The Bench is incomplete, therefore, case is adjourned to 29-12-15 for arguments at camp court, D.I.Khan.


MEMBER
Camp court, D.I.Khan

29-10-14.

Appellant in person and G.P. for respondent
no. 4 and respondent no. 5 in person present.
Rejoinder not filed. To come up for rejoinder
on 29-12-14 at camp court, D.I.K.

Le. J. J.
Registrar
Camp Court, D.I.K.

29-12-14

Counsel for the appellant and
private respondent no. 5 in person present.
Rejoinder not received due to incomplete bench.
Case adjourned to 27-1-2015 for rejoinder at
Camp Court, D.I.K.

Le. J. J.
Registrar
Camp Court, D.I.K.

27-1-15

Appellant in person and G.P. for respondents
no. 1 to 4 and private respondent no. 5 in person present.
Rejoinder not received. To come up for rejoinder on
23-2-2015 at Camp Court, D.I.K.

§
Member
Camp Court, D.I.K.

23-2-15

Present as before i.e. - 27-1-15 with Mahd Nawaz,
A.D.O. for respondents no. 1 to 4. Rejoinder not filed. To
come up for rejoinder on 25-5-2015 at camp court,
D.I.K.

§
Member
Camp Court, D.I.K.

24-2-2014 -

Appellant in person present. Muhammad Nawaz, A.D.O. for respondents no. 1 to 3 moved application for setting aside ex parte order against respondents no. 1 to 3 along with 4 copies of written reply, copy whereof is handed over to appellant for rejoinder if any. Ex parte against respondents no. 1 to 3 is set aside. To come up for rejoinder, if any, on 24-3-2014 at Camp Court, D.I. Khan.

Member
Camp Court, D.I. Khan

24-3-14.

Counsel for the appellant and Muhammad Nawaz A.D.O. with G.P. for respondents no. 1 to 4 and private respondent in person present. Rejoinder not received. To come up for rejoinder on 26-5-2014 at Camp Court, D.I. Khan.

Member
Camp Court, D.I.K.

26-5-2014

Appellant in person and Muhammad Nawaz, A.D.O. for respondents no. 1 to 3 present. Respondent no. in person present. Rejoinder not received. To come up for rejoinder on 29-9-2014 at Camp Court, D.I.K.

Member
Camp Court, D.I.K.

29-9-2014.

Present as before, on 26-5-2014, Rejoinder not received. To come up for rejoinder on 27-10-14 at Camp Court, D.I. Khan.

Member
Registrar

24-6-2013

Present as before on 24-6-2013. The b/Bench could not tour to D.I. Khan, owing to promulgation of KPK Ordinance No. 11 of 2013. Case adjourned to 23-9-2013 for written reply at Camp Court, D.I. Khan.

Justice
Registrar
Camp Court, D.I. Khan

23-9-13

Appellant in person, G.P. and respondent No. 5 present. Mr. Naveel Zafar for respondent No. 4 present. Reply of R. No. 5 not received. To come up for reply on 28-10-2013 at Camp Court, D.I. Khan.

Member

Camp Court, D.I. Khan.

28-10-13

Appellant in person, Naveel Zafar for respondent No. 4 with G.P. and respondent No. 5 in person present. Rejoinder against reply of R. No. 4 received, copy whereof is handed over to G.P. To come up for reply of private respondent No. 5 on 30-12-13 at Camp Court, D.I. Khan.

Member
Camp Court, D.I. Khan.

2-1-2014

Appellant in person, G.P. and respondent No. 5 with Counsel present. Written reply on behalf respondent No. 5 received, copy whereof is handed over to appellant for rejoinder, if any. To come up for rejoinder on 24-2-2014 at Camp Court, D.I. Khan.

Member
Camp Court, D.I. Khan.

26-3-2013 - Appellant in person & Mubd Nawaz, A.D.O. with Court, Pleader for respondents no. 1 to 3, Nawaz Zafar, A.A.O. for respondent no. 4 and respondent no. 5 in person present, written ^{reply} receipt. To come up for written reply on 23-4-2013 at Camp Court, D.I. Khan.

Member
Camp Court, D.I. Khan

23-4-13.

Appellant in person, Nawaz Zafar, A.A.O. for respondent no. 4 and private respondent no. 5 also in person present - no one is present on behalf respondents no. 1 to 3; proceeded against ex parte. To come up for written reply of respondent no. 5 on 28-5-13 by way of last chance at Camp Court, D.I. Khan. Reply of R. No. 4 received, copy where of is handed over to appellant.

Member
Camp Court D.I. Khan

28-5-2013.

Appellant in person, Nawaz Zafar, A.A.O. for respondents no. 4 and respondent no. 5 in person present. The Bench could not proceed owing to promulgation of K.P.K. ordinance, No. 11 of 2013. Case adjourned to 24-6-2013 at Camp Court, D.I. Khan for submission of written reply.

Member
Registrar
Camp Court, D.I. Khan

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 338/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	04/02/2013	<p>The appeal of Mr.Allah Nawaz presented today by Mr. Muhammad Waqar Alam Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p align="right"><i>[Signature]</i> REGISTRAR</p>
2	7-2-2013	<p>This case is entrusted to Touring Bench D.I.Khan for preliminary hearing to be put up there on <u>26-2-13</u></p> <p align="right"><i>[Signature]</i> CHAIRMAN</p>
<p>26.02.2013.</p> <p><i>Appellant deposited Security & Process fee Rs 220/- Bank receipt with file is attached</i></p> <p><i>Ull</i></p>		<p>Appellant with counsel present and heard. The learned counsel for the appellant contended that the appellant was appointed as Bearer by the competent authority according to law after observing all codal formalities but cancelled twice with malafide intentions which also amounts to discrimination. The appellant has not been treated in accordance with the law. Points raised need consideration. The appeal is admitted for regular hearing. <i>ST to all just legal objections</i> Process fee and security be deposited within 10 days. Thereafter notices be issued to the respondents for submission of written reply on 26.3.2013 at camp court, D.I.Khan.</p> <p align="right"><i>[Signature]</i> MEMBER Camp Court, D.I.Khan</p>

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, CAMP COURT D.I.KHAN.**

Service Appeal No. 338/2013

Allah Nawaz

VERSUS

Govt: of KPK & Others

INDEX

S.No	Description of Documents	Annexure	Page
1.	Service Appeal alongwith Grounds		1-4
2.	Copy of Appointment letter	"A"	5
3.	Copy of Charge report & salary slip	"B & D"	6-9
4.	Copy of NOC	"F"	10
5.	Copy of E.D.O Order dated 15/08/12	"G"	11
6.	Copy of Writ Petition & Order	"H & I"	12-16
7.	Copy of Termination order	"J"	17-18
8.	Copy of C.O.C & Order dated 23/01/2013	"K"	19-22
9.	Wakalatnama		23

Yours Humble Appellant

(Allah Nawaz)

Through Counsel

Dated: 01/02/2013

Mohammad Waqar Alam
MOHAMMAD WAQAR ALAM
Advocate High Court,
Dera Ismail Khan.

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

Service Appeal No. 338 of 2013

376
4/2/13

1- **Allah Nawaz** S/o Allah Dad R/o Shero Kohna District
D.I.Khan (Bearer BPS-I at G.H.S Shero Kohna)
(Appellant)

VERSUS

- R. no. 1 to 3
are proceed
against exparte
vide order dt.
23-4-13-
only
1. Government of KPK through Secretary Education (S & L) Peshawar.
 2. Director of Education (S & L) Peshawar.
 3. Executive District Officer (S & L) D.I.Khan.
 4. District Account Office D.I.Khan.
 5. Ishfaq Ahmad Faiz S/o Fiazullah R/o Shero Kohna D.I.Khan.
(Ex Naib Qasid GGHS No2 DIKHAN Presently at Shero kohna
DIKhan.
- exparte against
R. no. 1 to 3 set
aside vide order
sheet dt. 24-2-14
only

(Respondents)

NOTE: Addresses given above shall suffice the object of Service.

Service Appeal under Section 4 of KPK Services Tribunal Act 1974 against the illegal malafide cancellation/termination of appellant appointment vide order No 15987 of respondent No 3 dated: 23.10.2012 vide which the appellant was terminated from his legal service.

Prayer:

On acceptance of instant appeal both the impugned two orders No: 11086-91 dated: 15.08.12 and No

1 July
9/2/13

15987 dated: 23.10.12 of EDO Education D I Khan is requested to be set aside/ cancelled ab-initio and the appellant may please be reinstated in service with all back benefits.

Respectfully Sheweth:-

The Appellant humbly submitted as under:-

Brief Facts:-

- 1- That the Appellant is respectable citizen of Pakistan and is serving in Department of Education and permanent resident of D.I.Khan.
- 2- That the appellant was appointed against the vacant post by E.D.O (S & L) / respondent No.3 D.I.Khan in education department against the vacant post of "bearer" vide order dated: 09.06.12. Copy of appointment order is enclosed as **Annexure "A"**.
- 3- That the appellant is performing his respective duties since his appointment and is getting his salary from the accounts office D.I.Khan. Copies of, charge report and salary slip of the appellant are enclosed as **Annexure "C, D"** respectively.
- 4- That No Objection Certificate was also issued by the District Co-ordination Officer which is enclosed as **Annexure "F"**.
- 5- That on 15/08/2012, respondent No.3 E.D.O (S & L) through impugned order dated same cancelled the appointment order of the appellant and appointed respondent No.5 on the appellant's post. Copy of impugned order dated 15/08/2012 is enclosed as **Annexure "G"**.

- 6- That against sheer violation of prescribed rules the appellant invoked the constitutional jurisdiction of the August Peshawar High Court D I Khan Bench through a writ petition whereby the August Court forwarded writ of the appellant to the respondents to treat it as a representation/appeal and to dispose it of within period of one month. Copies of Writ Petition and order thereon are enclosed as **Annexure "H" & "I"**.
- 7- That on 23/01/2013 the respondent No 3 handed over the impugned termination order to the appellants counsel in the August High Court Bench DIKhan in the matter of Contempt of Court Proceedings. Copies of impugned termination order and Order of High Court are enclosed as Annexure J & K respectively.
- 8- That appellant has no other remedy but to prefer the instant appeal before the worthy tribunal enter alia on the following grounds:-

GROUNDS

- 1- That both the impugned orders of respondent No.3 are against law, facts and circumstances of the case.
- 2- That the appointment order of the appellant was made by the competent authority and according to law after observing all the codal formalities, but were twicely cancelled with malafide intention which also amounts to discrimination.
- 3- That public servants once appointed have to be dealt with according to law and cancellation of appointments order is alien to that law specially when codal formalities are duly completed.

- 4- That the act of respondent No.3 is illegal and void ab-initio and also against the settled norms of justice.
- 5- That respondent No 5 was Naib Qasid prior to reappointment on PST in the year 2007 and after the order of August Service Tribunal in famous Education 2007 Case in D I Khan, they should have been adjusted against their previous positions but in present circumstances the respondent No 3 make Haste and order for adjustment of respondents No 5 against his previous position and readjusted them as Bearer ~~through~~ illegal manners.
- 6- That the appellants have no expeditious remedy except invoking the appellate jurisdiction of this Honorable tribunal to get the impugned order declared as ineffective against the right of the appellant.
- 7- That counsel for the appellants may graciously be allowed to raise additional grounds at the time of arguments.

Therefore, in wake of submissions made above this Honourable Tribunal is respectfully requested to declare both the impugned orders of respondent No 3 as against law and ineffective upon the rights of the appellant. Any other relief which this Honourable tribunal deem fit in circumstance of the case may kindly be granted.

Yours Humble Appellants

1: Allah Nawaz

Through Counsel

Dated: 01.02.2013

MUHAMMAD WAQAR ALAM
Advocate High Court,
Dera Ismail Khan.

OFFICE OF THE EXECUTIVE DISTRICT OFFICER, (E&SE) D.I.KHAN
APPOINTMENT ORDER:-

Mr. Allah Nawaz S/O Allah Dad resident of Sheru Kohna is hereby appointed against the vacant post of Class-IV Servant as Bearer at GHS. SHERU KOHNA D.I.KHAN in BPS-1 (2970-90-5670) plus usual allowances in the interest of public service with immediate effect on the following terms & conditions.

TERMS & CONDITIONS

1. His service will be considered as regular but without pension/ gratuity in the terms of section 19 of the Khyber Pakhtoon khawa civil servants act 1973 amended in 2005.
2. He will contribute to CPF & Rs. 10% of the minimum of pay and 10% contribution will be made by the Govt:
3. He will be Governed by such rules and regulations as may be prescribed by the Govt: from time to time for the category to which he belongs.
4. His appointment made purely temporary & liable to termination at any time without assigning any reason.
5. One month pay will be forfeited to Govt: in case of resignation without prior notice. The period of giving Notice in one month before the date of resignation.
6. His original certificates/ degrees will be got verified by this office. All expenses will be born by the candidate.
7. He is required to join the post within 15 days failing which the appointment order will stand cancel automatically.
8. The appointment is made subject to the condition that the candidate is candidate is permanent domiciles of District D.I.Khan.
9. He is required to produce health & age certificate from the Medical Superintendent D.I.Khan.
10. Charge report should be submitted to all concerned.
11. No TA/DA etc is allowed.
12. Order will be implemented w.e. from 01.07.2012.

Sd//

EXECUTIVE DISTRICT OFFICER,
E&S EDUCATION D.I.KHAN

Endst: No. 0266-231 Dated DIKhan the 09/06/2012

Copy of the above is forwarded to the:-

1. District Co-Ordination Officer, D.I.Khan.
2. Head Master, GHS. Sheru Kohna D.I.Khan.
3. District Accounts Officer, D.I.Khan.
4. Official concerned.

Change has taken
on 25/06/12
[Signature]

[Signature]
EXECUTIVE DISTRICT OFFICER,
E&S EDUCATION D.I.KHAN

TESTED
[Signature]

چارچہ رپورٹ

(Bearer)

H/M GHS Shero Kohra ~~Altaf Nawaz~~

25/6/2012
8/37-37

EDD/FYS D/Khan 25/6/2012

Bearer

GHS S.I. Kohra

25/6/12

No 121



Master
G.H.S Shero Kohra
D.I. Khan

[Handwritten signature]

"D"

(2)

(17)

W.F.P.—2239 P.S. 4030 P. of 100 each 12-6-58—(213)

CERTIFICATE OF TRANSFER OF CHARGE.

1. Certified that we have on the fore/afternoon of this day respectively made over and received charge of the Office of the
H/Asst. Comm. Shree Kalwar Vile. EDC. (E.S) Dist. No 8137-37
AC 8-16/2012
2. Particulars of cash and important secret and confidential documents handed over are noted on the reverse:—

Signature of relieved Government servant *V. Anant Patil*

Station. *H/Asst. Comm. Shree Kalwar* Designation *Beaver*

Signature of relieving Government servant *A. K. N. N. N.*

Date. *25/6/2012* Designation *Beaver*

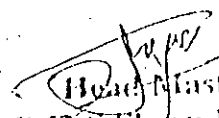
Forwarded to the.....

N.W.F.P. Acctt. Try. No. 42

[Handwritten signature]

No. 120 / Dated 25/12⁶

1. The EDO (E.S. D.C.)
2. The Distt Account Officer
3. Office copy.


Head Master
G.H.S. Shrivastava
D.I. Khan

BETTER COPY...

8

CERTIFICATE OF TRANSFER OF CHARGE:

I Certified that we have on the fore/afternoon of this day respectively made over and received charge of the office of the H/M GHS Shero Kohna vide EDO Letter No 8132-37 dated 08/06/2012.

ii. Particular of cash and important secret and confidential documents handed over noted on the reverse.

Sig.....

Govt: Servant

Desg:  Beary.

Dated 25/6/12

9

S.H.
 Fers #: 00686929 Buckle:
 Name: ALLAH NAHAZ
 Dsg: BEARER / COOK

F. Ser 2002 Month: August 2012
 DI6066 - H.M. G H S SHRO KAHNA D
 Min: Education Schools
 NTN:
 CIF #:
 Old #:

NIC No: 1210179014781
 CAPS Interest Applied
 OF Regular / Contract

DEPTT CODE
 DI6066

PAYS AND ALLOWANCES:		
0001-Basic Pay		4,809.00
1000-House Rent Allowance		871.00
1210-Convey Allowance 2005		1,500.00
1300-Medical Allowance		1,000.00
1971-Adhoc Allowance 2011@ 15%		445.00
1973-Adhoc Allowance 2011@ 50%		1,485.00
2110-Adhoc Relief Allow (2012)		960.00
Gross Pay and Allowances		11,081.00
DEDUCTIONS:		
CPF Balance	624.00	
3501-Renevolent Fund		312.00
3511-Addl Group Insurance		120.00
3604-Group Insurance		3.00
3663-EEF NWFP Fund		58.00
		10.00
Total Deductions		1,127.00
	NET AMOUNT PAYABLE	9,954.00

QUALIFYING SERVICE ...
 YRS MON D.O.B
 00 Years 02 Months 008 Days 01.07.1971
 Government Contribution To CPF

LFP Quota:
 NBI, FARQA ROAD D. I. FARQA ROAD D. I. KH
 3885-2
 312.00

No. 3074 /DCO(NOC-I) Dated DiKhan the 16/07.2012.

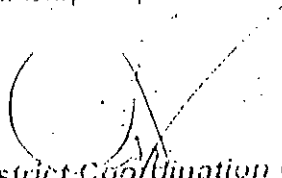
To

The Executive District Officer,
Elementary & Secondary Education, DiKhan

Subject: NO OBJECTION CERTIFICATE.

Refer to your appointment order No 8132-37, dated 08.06.2012 & No. 8266-73/ dated 09.06.2012 wherein Mr. Gulsher s/o Amansher i/o Sheru Kohna against the vacant post of Cook & Allah Nawaz s/o Allah Dad i/o Sheru Kohna appointed as Beaten) in your office has already been recruited.

This office has no objection on the above mentioned appointment as such no suitable candidate is available in District Surplus pool


District Coordination Officer,
Dera Ismail Khan.

BETTER COPY

OFFICE OF THE DISTRICT CO-ORDINATION OFFICER DIKHAN.

No-3874/DCO(NOC-1)Dated 16/7/12

To

The Executive district officer
(E&S)Education DIKhan.

SUB:

NO OBJECTION CERTIFICATE.

Refer to your appointment orders No.8132-31 dated 8/6/12 and No. 826673/dated 9/6/12 wherein Mr. Gulsher s/o Alamsher r/o sheru kohna appointed against the vacant post of (COOK) and Allah Nawaz s/o Allah Dad r/o Sheru Kohna appointed as bearer in your office has already be^{en} recruited.

This office has no objection on the above mentioned appointments as such no suitable candidate is available in district surplus pool.

Sig:

DCO

DIKhan



EXECUTIVE DISTRICT OFFICER
(ELEMENTARY & SECONDARY) EDUCATION
DERA ISMAIL KHAN

Annex: "G"



ORDER:

Consequent upon report / findings / recommendations of the committee with reference to Secretary to Govt. of KPK Elementary & Secondary Education Department, notification No. SO (Litigation)/E&SE/1-3/2011/D.I.Khan, dated 29-11-2011 in pursuance of Khyber Pakhtunkhwa Service Tribunal order dated 27-10-2011 on service appeal no. 1407/2010 and other connected appeals, the following appellants are hereby adjusted with immediate effect to the posts noted against their names in the schools given below:

S.No	Name of Appellant with Address	Post	School	Remarks
1	Ishfaq Ahmed Faiz S/O Faizullah, Ex-PST GPS Ratta Kulachi	Bearer	GHS Shero Kohna	Against Vacant Post
2	Ghulam Farid S/O Fatch Khan Ex-PST, GPS No.2 Dhallah	Sweeper	GHS Takwara	Against Vacant Post
3	Ahmed Hussain S/O Ghulam Raza, Ex-PST GPS Riaz Abad (Paharpur)	Chowkidar	GPS Buchri	Against Vacant Post
4	Gul Nawaz S/O Imam Bakhsh, Ex-CT,	Chowkidar	GGPS Chah Lal Wala	Against Vacant Post
5	Ghulam Bahoo S/O Ghulam Hussain, Ex-PST, GPS Wanda Shesha	Cook	GHS Shero Kohna	Against Vacant Post
6	Nazir Ahmed S/O Allah Bakhsh, Ex-PST, GPS Kundi Abad	Bahishti	GHS Paroa	Against Vacant Post

Note:

1. Charge report should be submitted to all concerned.
2. No TA/DA is allowed to any one.
3. Previous appointment order against the above said vacancies is deemed as cancelled ab initio, if any.

[Handwritten signature]

Sd/-
Executive District Officer
(E&SE) D.I.Khan

Ends No: 11086-911

Dated D.I.Khan the 15/12/2012

Copy to the:

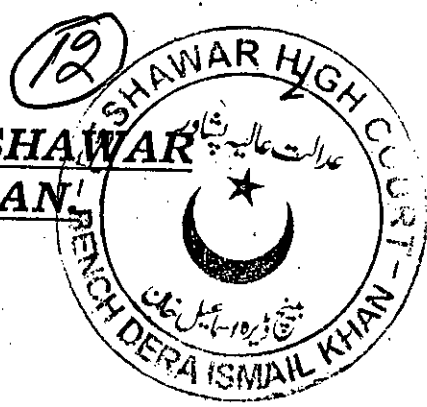
1. Director (E & S) Education Khyber Pakhtunkhwa Peshawar.
2. District Coordination Officer D.I.Khan.
3. District Officer (M/F) E&SE D.I.Khan
4. District Accounts Officer D.I.Khan
5. Principal / Headmaster / Dy. DO (M/F) concerned along with original service book.
6. Official concerned.

Received on date 15/12/12

[Handwritten signature]
Executive District Officer
(E&SE) D.I.Khan

BEFORE THE HONOURABLE PESHAWAR HIGH COURT BENCH D.I.KHAN

Writ Petition No. 376-D of 2012



- 1- **Alla Nawaz** S/o Allah Dad R/o Shero Kohna District D.I.Khan
(Bearer BPS-I at G.H.S Shero Kohna)
- 2- **Gul Sher** S/o Alam Sher R/o Shero Kohna District D.I.Khan
(Cook at G.H.S Shero Kohna)

(Petitioners)

VERSUS

1. Government of KPK through Secretary Education (S & L) Peshawar.
2. Director of Education (S & L) Peshawar.
3. Executive District Officer (S & L) D.I.Khan.
4. District Account Office D.I.Khan.
5. Ishfaq Ahmad Faiz S/o Fiazullah R/o Shero Kohna D.I.Khan.
6. Ghulam Bahoo S/o Ghulam Hussain R/o Shero Kohna D.I.Khan.

(Respondents)

18/9/22
9/11
WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN 1973.

Respectfully Sheweth:-

The Petitioner humbly submitted as under:-

Brief Facts:-

- 1- That the petitioners is respectable citizens of Pakistan and is serving in Department of Education and permanent resident of D.I.Khan.

ATTESTED
EXAMINOR
Peshawar High Court
D.I. Khan Bench 22/9

- 2- That the petitioners were appointed by E.D.O (S & L) / respondent No.3 D.I.Khan in education department against the vacant posts of "bearer" and "cook". Copies of appointment orders are enclosed as Annexure "A & B" respectively.
- 3- That the petitioners are performing their respective duties since their appointment and are getting their salaries from the accounts office D.I.Khan. Copies of medical reports, charge reports and salary slip of the petitioner are enclosed as Annexure "C, D & E" respectively.
- 4- That no objection certificate were also issued by the District Co-ordination Officer which is enclosed as Annexure "F".
- 5- That on 15/08/2012, respondent No.3 E.D.O (S & L) through impugned order dated same cancelled the appointment orders of the petitioners and appointed respondent No.5 & 6 on the petitioners posts. Copy of impugned order dated 15/08/2012 is enclosed as Annexure "G".
- 6- That instead of issuing any termination letter respondent No.3 cancelled the petitioner's appointment orders in a "NOTE" given at the end of impugned order which is also the appointment letter of respondent No.5 and 6.
- 7- That petitioners have no other remedy but to invoke the constitutional jurisdiction of this Honourable Court enter alia on the following grounds:-

GROUNDS

- 1- That the impugned order of respondent No.3 is against law, facts and circumstances of the case.

ATTESTED
 JUDGE
 D.I.Khan Bench
 2/9

- 2- That the appointment orders of the petitioners were made by the competent authority and according to law after observing all the codal formalities, but were cancelled with mala fide intention which also amounts to discrimination.
- 3- That public servants once appointed have to be dealt with according to law and cancellation of appointments order is alien to that law specially when codal formalities are duly completed.
- 4- That the act of respondent No.3 is illegal and void abinitio and also against the settled norms of justice.
- 5- That the petitioners have no expeditious remedy except invoking the constitutional jurisdiction of this Honourable Court to get the impugned order declared as ineffective against the right of the petitioners.
- 6- That counsel for the petitioners may graciously be allowed to raise additional grounds at the time of arguments.

Therefore, in wake of submissions made above this Honourable Court is respectfully requested to declare the impugned order dated 15/08/2012 as against law and ineffective upon the rights of the petitioners. Any other relief which this Honourable Court deem fit in circumstance of the case may kindly be granted.

Yours Humble, Petitioners

(Allah Nawaz etc)
Through Counsel

SYED MUHAMMAD WAQAR ALAM
Advocate, Dera Ismail Khan.

TESTED
EXAMINOR
Peshawar High Court
D I Khan Bench

Dated: 18/09/2012

Sy.

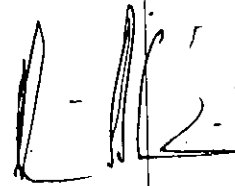

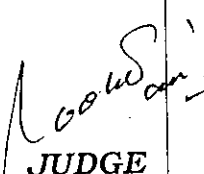
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18/9/12

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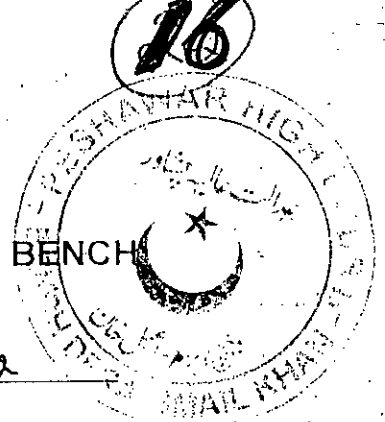
PESHAWAR HIGH COURT, D.I.KHAN BENCH

FORM OF ORDER SHEET

Date of order or proceedings (1)	Order or other proceedings with signature of Judge(s) (2)
20.9.2012.	<p><u>W.P.No.376-D/2012.</u></p> <p>Present: Muhammad Waqar Alam, Advocate for the petitioners. ***</p> <p>Comments be called from respondent No.3 so as to reach this Court within a fortnight.</p> <p><u>C.M.No.340-D/2012.</u></p> <p>Notice for 18.10.2012. Till then the impugned order dated 15.8.2010 to the extent of Ishfaq Ahmad and Ghulam Bahoo appearing at serial Nos.1 and 5 shall remain suspended.</p> <p style="text-align: right;"> JUDGE</p> <p style="text-align: center;">ATTESTE,</p> <p style="text-align: center;">EXAMINED Peshawar High Court D.I.Khan Bench</p> <p style="text-align: center;"> 20/10/12</p> <p style="text-align: right;"> JUDGE</p>

20/9

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT, D.I.KHAN BENCH
(Judicial Department)



CWP No. 376 of 2012
with C.M. 34-12
JUDGMENT

Date of hearing 18-10-2012

Appellant-petitioner Allah Nawaz) by Mr. Muhammad Waqar Alam
Advocate.

Respondent Govt. of K.P.K.) by Mr. Khan Wahi Khan Mahsood
Addl. A.G.

QAISER RASHID KHAN, J.- On 20.9.2012 comments were called from the respondent No.3 which have been submitted wherein specific plea of jurisdiction has been taken by the respondent. When the same was pointed out to the learned counsel for the petitioner that jurisdiction of this Court is barred under Article 212 of the Constitution of Islamic Republic of Paksitan, 1973, he stated that he would not press the present petition. However, he requested that the same may be treated as representation.

2. In view of the above, we treat the writ petition as representation on behalf of the petitioner and send the same to the respondents for its decision within a period of one month according to law/rules and Government policy, whereafter the petitioner may seek his remedy before the proper forum, if so advised.

Announced.
Dt: 18.10.2012.

ATTESTED

JUDGE

EXAMINED
Peshawar Ho
D.I. Khan Bench

20/10/12

JUDGE

19/10/12

1961

Application received on 9.6.10/11
 Copy sent to [unclear]
 Copy sent to [unclear]
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20/10/11

High Court Bench 11
 [unclear]
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OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&SE)
D.I.KHAN

17

Subject: WRIT PETITION # 376-D of 2012 (ALLAH NAWAZ & OTHERS Vs GOVT. OF KPK etc.

The petitioner filed the above captioned writ petition before the Honorable Peshawar High Court D.I.Khan Bench. The Honorable Court was pleased to treat the writ petition as representation on behalf of the petitioners and send the same to respondents for its decision within one month according to the rules/law, and Govt. policy, hence the representation.

Brief facts as narrated in the representation are that they were serving as cook and bearer in GHS Shero Kohna District D.I.Khan. Instead of issuance termination letter EDO cancelled their appointment orders and appointed respondent no. 5 & 6 on the petitioner's posts, therefore they are aggrieved of.

But the statement of the petitioner is contrary to fact, circumstances and law. The petitioners have no cause of action and locus standi.

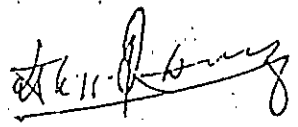
It is evident from the terms and conditions of their appointment orders that their appointment was made on purely temporary basis and liable to termination at any time without assigning any reasons. Since they have accepted all the terms and conditions of their appointment order. The petitioner has only one and half month service. Therefore their appointment orders have been rightly cancelled and they have no grounds to aggrieve of in view of terms and conditions of their appointment order.

According to terms and conditions appointment order they were bound to join the post within 15 days failing which the appointment order stand cancelled automatically. But the petitioner did not join the duty within stipulated period.

Representation is also time barred. Because the petitioners are aggrieved of order dated 15-08-2012 of the EDO (E&SE) D.T.Khan and filed the instant representation in the Honorable court on 18-09-2012.

On the other hand, the private respondents were class-IV servants having more than 15 years service. They were appointed/promoted PST teachers in the year 2007. Their appointment was declared illegal. In pursuance of the order dated 27-10-2011, of the Honorable Service Tribunal in service appeal no. 1407/2010 and connected appeals, committee headed by the Secretary (E&SE) department of KPK recommended for their reversion to lower posts. Therefore in compliance of the recommendations of committee they were reverted and adjusted against the posts vacated by the petitioners.

In view of above stated facts, instant representation is devoid of any merits and dismissed.


EXECUTIVE DISTRICT OFFICER
(E&SE) D.I.Khan

23/1/2013

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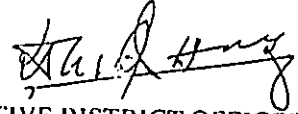
18

Endst No. 15987-93.1

Dated D.I.Khan, the 23/10/2012

Copy for information to:

1. District Officer (M) E&SE D.I.Khan.
2. Headmaster GHS Shero Kohna.
3. Allah Nawaz S/o Allah Dad R/o Shero Kohna D.I.Khan.
4. Gul Sher S/o Alam Sher R/o Shero Kohna D.I.Khan.
5. Ghulam Bahoo Cook, GHS Shero Kohna D.I.Khan.
6. Ishfaq Ahmad Faiz Bearer, GHS Shero Kohna D.I.Khan.
7. SO (Litigation) (E&SE) KPK Peshawar with reference to his No. SO(LIT)E&SE/1-1/2012, dated 01-10-2012.



EXECUTIVE DISTRICT OFFICER
(E&SE) D.I.Khan

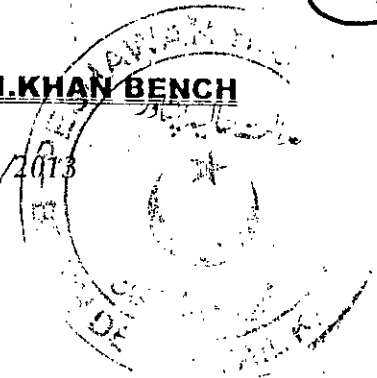
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BEFORE THE HON'BLE PESHAWAR HIGH COURT D.I.KHAN BENCH

Contempt Petition No. _____/2013

in

C.O.C No. 376-D/2012



1. Allah Nawaz s/o Allah Dad r/o Sheru Kohna District D.I.Khan (bearer) BPS01 at GHS, Sheru Kohna, D.I.Khan.
2. Gul Sher S/o Alam Sher R/o Sheru Kohna District D.I.Khan (cook) at GHS, Sheru Kohna, D.I.Khan.

..... (PETITIONERS)

VERSUS

1. The Government of KPK through Secretary Education (S & L), Peshawar, (Muhammad Mushtaq Jaddon)
2. Director of Education (S&L) Peshawar (Muhammad Rafiq Khattak).
3. Executive District Officer Education, Syed Ferooz Hussain Shah, D.I.Khan.
4. District Accounts Officer, D.I.Khan, (Syed Akbar).
5. Ishaq Ahmad s/o Faizullah R/o Sheru Kohna, D.I.Khan (Ex-Naib Qasid GGHS No.2 D.I.Khan) presently at GHS Sheru Kohna, D.I.Khan.
6. Ghulam Baho s/o Ghulam Hussain (Ex-Lab Attendant, at GHS Kath Garh, D.I.Khan) presently at GHS, Sheru Kohna, D.I.Khan.

..... (RESPONDENTS)

PETITION FOR INITIATION OF CONTEMPT
PROCEEDINGS UNDER ARTICLE 204 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN,
1973 AGAINST THE RESPONDENT FOR VIOLATING THE
ORDER OF THIS HON'BLE COURT DATED 18.10.2012 AND
WILLFULLY DISOBEYING AND DISRESPECTING THE

ATTESTE LAWFUL ORDERS OF THIS HON'BLE COURT.

EXAMINER

[Handwritten signature]
8/11/13

Respectfully Sheweth,

The Petitioner humbly submits as under:-

1. That on 18.10.2012 Writ Petition No.376-D/2012 filed by the Petitioners was disposed off by this Hon'ble Court. Copy of writ petition and order are enclosed as **ANNEXURE "A & B"** respectively.

2. That on 20.10.2012 the Respondent No.3 passed an order where in order, he confirmed and declared infact his:(EDO) order dated 15.08.2012 the said order 20.10.2012 was addressed to Head Master G.H.S Sheru Kohna, D.I.Khan as a result of which the Headmaster G.H.S Sheru Kohna stopped the Petitioners from the performance of the their legal duties. Copy of order dated 20.10.2012 is enclosed as **ANNEXURE "C"**

3. That on 01.11.2012 the Petitioners filed appeals before Service Tribunal which was fixed for preliminary arguments on 27.12.2012. Copies of the appeal's and cause list of Service Tribunal dated 27.12.2012 are enclosed as **ANNEXURE "C & D"** respectively.

4. That during arguments the arguments the Hon'ble member of Service Tribunal Peshawar said that the E.D.O's/Respondent No. 3 order dated 20.10.2012 was not addressed to the Petitioners so the same could not be made basis of the appeal and the Appellants/Petitioners should move contempt petition before this Hon'ble Court withdrawing the appeals made to Service Tribunal, Peshawar.

5. That the Respondents has not complied the orders of this Hon'ble Court dated 18.10.2012 and has deliberately violated the law for dismissing/terminating the Services of the Petitioner without any termination/suspension latter and has also stopped, through Headmaster G.H.S Shero Kohna, the Petitioner from the performance of their legal duties.

ATTEST

EXAMINOR
Peshawar High Court
D.I. Khan Bench

8/11/13
SR
SR
SR

6. That this Hon'ble Court had directed/ordered the Respondents to solve the matter of the Petitioner within one month which the Respondents did not bother to comply which is a clear cut violation of the orders of this Hon'ble Court.

It is, therefore, respectfully submitted that on acceptance of this petition, the Respondent may please be proceeded against for the contempt of court and may please be awarded exemplary punishment for willfully disregarding and disobeying the lawful orders of this Hon'ble Court and may please be directed to obey the order of this Hon'ble Court in its true spirit and the Respondent No. 3 be also directed to reinstate the Petitioners with all back benefits.

[Handwritten signature]
8/1/13

Your humble Petitioner

1. Allah Nawaz

2. Gul Sher

Through Counsel

MUHAMMAD WAQAR ALAM
Advocate, High Court
Dera Ismail Khan

[Handwritten signature]
7/1/12

Dated. 07.01.2013

AFFIDAVIT

I, Muhammad Waqar Alam Advocate, D.I.Khan, counsel for Applicant under the instructions of my client do here by solemnly affirm and declare on oath that all the contents of above contempt application are true and correct to the best of my knowledge and nothing has been concealed from this Hon'ble Court.

[Handwritten signature]
Muhammad Waqar Alam
Advocate

Deponent

[Handwritten signature]
7/1/12

ATTESTED

EXAMINOR
Peshawar High Court
D.I Khan Bench

[Handwritten signature]
7/1/13

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26/1/13

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13

(22)

PESHAWAR HIGH COURT, D.I.KHAN BENCH
FORM OF ORDER SHEET.

Order or other Proceedings with signature of Judge

S.No.	Date of Proceedings	Order or other Proceedings with signature of Judge
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1	2	
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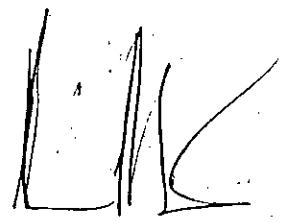
23-1-2013

CM No. 37-D/2013.

Present: Mr. Muhammad Waqar Alam advocate for the petitioner and Syed Feroz Shah EDO Schools and Literacy D.I.Khan in person.

QAISER RASHID KHAN J.-The former states that the orders of this court dated 18-10-2012 in WP No.376/2012 have not been complied till today, but the latter produced compliance report bearing No.15987-93 dated 23-10-2012 to which the former totally expressed ignorance. However, copy of the said letter was handed over to the learned counsel for the petitioner in court, whereafter he opted not to press this petition.

Disposed off accordingly.


JUDGE


JUDGE

ATTESTED

EXAMINOR

Peshawar High Court
 D.I.Khan Bench

26/1/13

G.R No 174
Application received on 26-1-13
Copying Fee
No of Papers 4
Copying fee
Print Fee
Total Fee
Copy ready for 26-1-13
Copy date and at 26-1-13
Signature of Examiner
26/1/13

Certified to be true copy

Peshawar High Court
Authorized Chief Clerk
Cantonment Shikohabad

EXAMINER

26/1/13

**BEFORE THE HONOURABLE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR AT D.I.KHAN CAMP**

SERVICE APPEAL NO 338 OF 2013

Allah Nawaz

Vs

District Accounts Officer D.I.Khan (Respondent No.04)

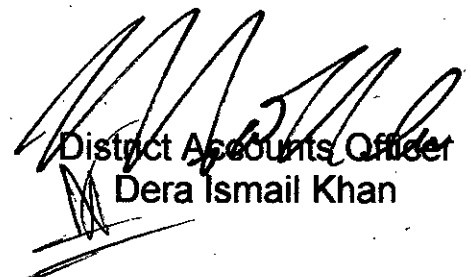
Respectfully Sheweth:

1. Administrative matter
2. As above
3. As above
4. As above
5. Relates to Administrative Department
6. Not relates to respondent No. 04
7. Administrative matter
8. As above

Grounds:

1. Administrative matter
2. As above
3. As above
4. Not relates to respondent No. 04
5. Administrative matter
6. As above
7. As above

It is therefore, humbly prayed that the name of respondent No. 04 may kindly be deleted from the list of respondents.


District Accounts Officer
Dera Ismail Khan

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR AT D.I.KHAN CAMP**

Service Appeal No. 338 of 2013

Allah Nawaz

Versus

Govt. of KPK and others

Respondent

**Subject: REPLY ON APPLICATION SUBMITTED BY RESPONDENT NO. 4 BY
THE APPELLANT**

Respectfully Sheweth:-

That appellant humbly replied as under:-

1. That respondent No. 4 district account officer D.I.Khan is a necessary party in the appeal and application for deletion of his name from the appeal is baseless and against the interest of appellant.
2. That para No. 2 of the application is incorrect hence denied.
3. That para No. 3 of the application is also incorrect hence denied.
4. That para No. 4 of the application is also incorrect hence denied.
5. That para No. 5 of the application is also incorrect hence denied.
6. That para No. 6 of the application is also incorrect hence denied.
7. That para No. 7 of the application is also incorrect hence denied.
8. That para No. 8 of the application is also incorrect hence denied, the subjected matter in appeal is not administrative matter rather it is a pure question of law and violation of rules by the respondents.

Grounds Reply:-

- A. That para A of the application of respondent No. 4 is incorrect hence denied, the respondent No. 4 is a necessary party in appellant's appeal.
- B. That para B of the application of respondent No. 4 is incorrect hence denied, the respondent No. 4 is a necessary party in appellant's appeal.
- C. That para C of the application of respondent No. 4 is incorrect hence denied, the respondent No. 4 is a necessary party in appellant's appeal.
- D. Incorrect.
- E. That para E of the application of respondent No. 4 is incorrect hence denied, the respondent No. 4 is a necessary party in appellant's appeal.
- F. That para F of the application of respondent No. 4 is incorrect hence denied, the respondent No. 4 is a necessary party in appellant's appeal.
- G. That para G of the application of respondent No. 4 is incorrect hence denied, the respondent No. 4 is a necessary party in appellant's appeal.

It is therefore, humbly requested by the appellant that application of the respondent No. 4 is baseless without merit and based on *malafide*, hence liable to be dismissed with costs.

Humble Appellant

Allah Nawaz

Through Counsel

Muhammad Waqar Alam
Advocate D.I.Khan

Dated: 28-10-2013

Muhammad Waqar Alam
28/10

BEFORE THE HON'BLE SERVICE TRIBUNAL K.P.K. PESHAWAR
CAMP D.I. KHAN.

S.T.A No.

Allah Nawaz V/S Govt of K.P.K. etc.

2 (1) / 14

REPLY TO THE APPEAL OF APPELLANT ON BEHALF OF
OF RESPONDENT NO.5(ISHFAQ AHMAD FAIZ) NAIB
QASID GOVT :GIRLS HIGH SCHOOL SHERO KOHNA.

Respectfully Sheweth,

Preliminary Notes.

1. That the Appellant have questioned the order of this Hon'ble Court dated.27.10.2011 vide which the Respondent No.5 Ishfaq Ahmad Faiz have been been adjusted on the said post . Thus the Appeal of the Appellant is not maintainable and is liable to be dismissed.
2. That the Appeal of the Appellant is hopelessly time barred
3. That the Appellant. has no locus standii against the Private respondent

REPLY TO FACTS.

1. Needs no reply.
2. That Para No.2. is incorrect. It is submitted that Respondent No.5 (Ishfaq Ahmad Faiz) was working on the said post and he has challenged the orders in the Court and this Hon'ble Court accepted the appeal of the Respondent No.5 .
3. As above. -

*It is
Ans.*

4. That the para No.4 of the Appellant needs no reply
This is relates to the Respondent authorities that
how they appointed the Appellant wherein the Post
was still not vacant.
5. In regard to Para No.5 it is submitted that the
Respondent No.5 (Ishfaq Ahmad Faiz has been adjusted/
posted on the same post correctly & the Appellant
has been removed correctly by the order of this
Hon'ble Court.
6. That the Hon'ble Peshawar High Court Bench D.I.Khan
has already turned down the Writ Petition of the
Appellant .The Appellant has neither submitted
Deptt:Appeal nor order of this Hon'ble Court.
Hon'ble Peshawar High Court Decision /order 151
7. That the Appellant has rightly and correctly removed
from Services on 23.01.2013. After his removal he
neither submitted Departmental appeal not applied
for restoration his services.This Appeal of the
Appellant is hopelessly timebarred.
8. That the appellant is not entitled to file appeal
before this Hon'ble Tribunal, the Appellant is not
entitled to challenge the order of this Hon'ble
Court .

Reply to Grounds.

1. Para No,1 is incorrect denied.
2. Para No.2 is incorrect denied.
3. That para relates to the respondent authorities
which may be replied.
4. That the Respondent authorities has rightly adjusted
the Respondent No.5 (Ishfaq Ahmad Faiz) on his

previous post as Cook.


6. Para 6 is incorrect .

It is , therefore humbly prayed that the Appeal
of the Appellant may kindly dismissed.

Yours Humble Respondent No.5


Ishfaq Ahmad Faiz

Through Counsel.

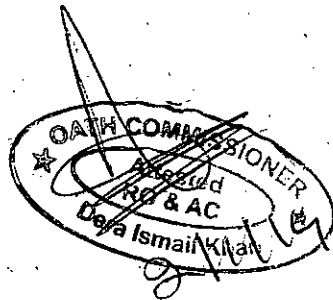

(Shaikh Iftikharul Haq)
Advocate High Court..

Dated.28.10.2013.

Affidavit.

I, Shaikh Iftikharul Haq Advocate Counsel for the
Respondent No.5 Ishfaq Ahmad Faiz do hereby solemnly
affirm and declare on oath that the contents of the
reply to Appeal is true and correct to the best of
of my knowledge and belief and that nothing has been
concealed from this Hon'ble Court.


Deponent.



حکومت خاندان حیدر خاں حیدر خان اور صاحبزادہ

اللہ نواز بیگ حکومت خیرپور

خاندان
خود پادشاہی

1. پروسیس اسٹیشن ہندوستان پانڈیٹ صاحب اور تاریخ پتہ

Rejoinder 23⁹/₁₃ تاریخ

2. تاریخ 23⁹/₁₃ کو ناٹک حکم سے پروسیس اسٹیشن پانڈیٹ صاحب

3. یہ کہ اسٹیشن ہندوستان پانڈیٹ صاحب تاریخ 23⁹/₁₃ کو پانڈیٹ صاحب اور پانڈیٹ صاحب

4. یہ کہ اس وقت کے پانڈیٹ صاحب خان پانڈیٹ صاحب

2013 23⁴/₂₀₁₃ کو پانڈیٹ صاحب نے پانڈیٹ صاحب سے تاریخ پتہ

5. یہ کہ پانڈیٹ صاحب خان پانڈیٹ صاحب

6. یہ کہ پانڈیٹ صاحب خان پانڈیٹ صاحب

پانڈیٹ صاحب خان پانڈیٹ صاحب

24²/₁₄ پانڈیٹ صاحب

پانڈیٹ صاحب

پانڈیٹ صاحب خان پانڈیٹ صاحب

پانڈیٹ صاحب خان پانڈیٹ صاحب

پانڈیٹ صاحب

original

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

Service Appeal No. 338/2013

Allah Nawaz.....Appellant

VERSUS


Govt. of KPK & othersRespondents

Written reply/ Para wise Comments for & on behalf of Respondents

Preliminary Objections

1. That the appellant has got no cause of action.
2. That the appellant have concealed material facts from this Honorable Tribunal.
3. That the appointment of the appellant was on temporary basis and liable to be terminated at any time without assigning any reason.
4. That the appellant has not completed his probation period and under section 11 of the Khyber Pakhtunkhwa civil servants Act 1973, services of the civil servant may be terminated without notice during the initial or extended period of probation.
5. The appellant is aggrieved of order dated 15-08-2012 of the EDO (E&SE) D.I.Khan. He filed the writ petition before Peshawar High Court D.I.Khan Bench on 18-09-2012. Writ petition was converted into representation and EDO (E&SE) D.I.Khan decided the representation on 23-10-2012. Whereas the petitioner preferred the instant appeal on 01-02-2013. Hence the appeal of the appellant is badly time barred and liable to be dismissed on this score.

Objections on Facts

1. Correct to the extent that appellant is permanent resident of District D.I.Khan and citizen of Pakistan. Remaining para is incorrect and not admitted. Service of the appellant has been terminated.
2. Correct.
3. Incorrect and not admitted. Service of the appellant has been terminated. Neither he is performing duties not getting any salary.
4. Correct that no objection certificate was granted by District Coordination Officer. But subsequently he made adjustment of the officials from surplus pool against the vacancy occupied by the appellant vide his adjustment order No. 283 dated 14-6-2012. (*As Annexure-A*)
5. Correct to the extent that appointment order of the appellant was cancelled. Remaining para is in correct and not admitted. Respondent No.5 has many years service as Lab Attendant in education department. He was appointed as PST in the year 2007. His service as PST was terminated with effect from 01-05-2010. An inquiry committee under the Chairmanship of Secretary to Govt. of Khyber Pakhtunkhwa, Elementary & Secondary Department recommended for the reversion of the official to their original/lower posts, who were appointed from lower to higher posts. Therefore respondent No. 5 was reverted to lower post. Due to non availability of the vacancy the respondent no.5 was adjusted against the post occupied by the appellant. The appointment of the appellant was cancelled for the reason that he was junior  in the service.

6. Pertains to record of the Honorable High Court. Hence no comments.
7. Incorrect and not admitted. As per directions of the Honorable High Court, representation was decided by the EDO and appellant was informed accordingly vide endst no. 15987-93 dated 23-10-2012. Copy of the decision is available at page 16 of the file.

Subsequently appellant preferred service appeal before this Honorable Tribunal, the service appeal was dismissed in limine. Afterward the appellant filed C.O.C petition before the Honorable High Court D.I.Khan Bench which was disposed of on 23-01-2013 and now the second service appeal on the same cause of action with the same prayer.

8. Incorrect and not admitted. 1st appeal of the appellant has been dismissed and it is second appeal of the appellant is the same subject matter. Which is also timed barred. Therefore it is not maintainable.

Objections on Grounds

1. Incorrect and not admitted. Orders passed by the respondent no.3 are in accordance with the law, rules, facts and circumstances of the case.
2. Incorrect and not admitted. The authorities who have power to issue appointment orders have also power to cancel the appointment orders. The appointment orders of the appellant was cancelled for the reason that the appellant was junior most in the service and there was no vacant post of class-IV servant to adjust the respondent no.5 who have many years of service as class-IV servant and reverted to original/lower post under the recommendations of the inquiry committee.
3. Incorrect and not admitted. The appellant was appointed on temporary basis. He has not completed his probation period and service of the probationer can be terminated at any time without notice and assigning any reasons. The appellant has accepted this terms and conditions of his appointment order. Therefore he has no grounds to challenge the cancellation of his appointment order.
4. Incorrect and not admitted. The act of the respondent is lawful.
5. Incorrect and not admitted. Respondent no.5 was a regular/confirmed civil servant. Under section 10 of the Khyber Pakhtunkhwa civil servants Act 1973, every civil servant is liable to serve any where with in or out side the province in any post. Therefore adjustment of the respondent no.5 against the post of cook is legal.
6. Incorrect and not admitted. First appeal of the appellant was dismissed before the service tribunal. Therefore he has no right to prefer second appeal on the same subject matter.
7. That the counsel for respondents also seeks permission of this Honorable Tribunal to raise addition grounds during the course of hearing the case.

In view of the above submission it is humbly prayed that on acceptance of the written reply, instant appeal of the appellant may graciously be dismissed with cost.

Secretary
(E&SE) Department
KPK, Peshawar

District Education Officer
(M) E&SE D.I.Khan

Director
(E&SE) Department
KPK, Peshawar

THE DISTRICT COORDINATION OFFICER DIKhan.

ACCO/HRDO/Surplus Pool Dated DIKhan the 14/06/2012

ORDER


In pursuance to the adjustment decision issued by the Director (FMIU) Department Govt of Khyber Pakhtunkhwa vide letter No.FMIU/FD/4-Surplus Pool dated 21-05-2012 and Govt of Khyber Pakhtunkhwa, Establishment & Administration Department (Regulation Wing) Peshawar letter No.SOI-1(S&GAD)-00/98/Vol-I, dated 13-08-2001, the following surplus employees of District DIKhan are hereby adjusted w.e.f 01-07-2012 against the vacant / newly created posts with immediate effect as under :-

S.No.	Name of Official with Designation	ADJUSTED AS	Office/ Department	Remarks
1.	Muhammad Aslam, Dozer Greaser (BPS-02) Agriculture Engg. DIKhan.	Chowkidar (BPS-01)	Animal Husbandry/DO LS&DD, DIKhan	With pay protection as per Govt policy.
2.	Gul Nawaz, Dozer Greaser (BPS-02) Agriculture Engineering DIKhan	Chowkidar (BPS-01)	-do-	-do-
3.	Asmatullah, Dozer Greaser (BPS-02) Agriculture Engineering DIKhan	Chowkidar (BPS-01)	-do-	-do-
4.	Ikram ullah, Truck Driver (BPS-05) Agriculture Engineering DIKhan	Driver (BPS-04)	Assistant Director LG&RDD DIKhan	-do-
5.	Abdul Fatif, Truck Driver (BPS-05) Agriculture Engineering DIKhan	Naib Qasid (BPS-01)	-do-	-do-
6.	Samiullah, Dozer Greaser (BPS-02) Agri Engg. DIKhan	Chowkidar (BPS-01) J/Clerk	-do-	-do-
7.	Abdul Ghaffar, Junior Clerk (B-07) Ex DC Office, DIKhan.	Chowkidar (BPS-01)	C&W Highways Divn. DIKhan	-do-
8.	Muhammad Naeem, electrician (B-05), Agriculture Engg. DIKhan	Chowkidar (BPS-01)	Civil Dispensary Amanullah Kot UC Ketch, DIK.	With pay protection as per Govt policy.
9.	Shaheen Bibi, Dai (BPS-03) Health Department DIKhan.	Dai (BPS-02)	-do-	-do-
10.	Khan Sherin, Fitter (BPS-03), Agriculture Engineering DIKhan	Ward Ordely (BPS-02)	-do-	-do-
11.	Arshad Mehmood, Behisti (BPS-2) Health Deptt. DIKhan.	Behishti / Sweeper (BPS-01)	-do-	-do-
12.	Akbar Hayat, Dozer Greaser (BPS-02) Agriculture Engineering DIKhan	Ward Ordely (BPS-02)	Civil Dispensary Diyal, DIKhan	-do-
13.	Mr. Ghulam Ahmed, Sub-Inspector, (BPS-05) Cooperative Society, DIKhan	Chowkidar (BPS-01)	Civil Dispensary Dost Muhammad Khan Kot, UC DIKhan	-do-
14.	Reshida Asmat, Dai (BPS-03) Health Deptt DIK.	Dai (BPS-02)	-do-	-do-
15.	Muhammad Anwar, Dozer Greaser (BPS-02) Agriculture Engg. DIKhan	Ward Ordely (BPS-02)	-do-	-do-
16.	Jahan Zaib Behishti (BPS-2) Health Deptt. DIKhan.	Behishti / Swgeper (BPS-01)	Civil Dispensary Dost Muhammad Khan Kot, DIK	With pay protection as per Govt policy.

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		Ward Ordly (BPS-02)	Civil Dispensary Khurshid Kot. UC DIKhan	With pay protection as per Govt policy.
8.	Mr. Nasrullah, Sub-Inspector. (BPS-05) Cooperative Society, DIK. Javed Iqbal, Helper (BPS-02) Agriculture Engineering DIKhan	Chowkidar (BPS-01)	-do-	-do-
19.	Bashir Ahmad, Behishti (BPS-2) Health Deptt. DIKhan.	Behishti / Sweeper (BPS-01)	-do-	-do-
20.	Mr. Saghar Ali, Sub Inspector. (BPS-05) Cooperative Society, DIKhan	Chowkidar (BPS-01)	Civil Dispensary Village Rehman, DIKhan	-do-
21.	Inayat ullah, Dozer Greaser (BPS-02) Agriculture Engineering DIKhan	Ward Ordely (BPS-02)	-do-	-do-
22.	Muhammad Hyas, Behishti (BPS-02), Health Deptt. DIKhan.	Behishti / Sweeper (BPS-01)	-do-	-do-
23.	Amjina Bibi, Dai (BPS-03) Health Department DIKhan.	Dai (BPS-02)	-do-	-do-
24.	Muhammad Ramzan, Dozer Greaser (BPS-02) Agriculture Engg. DIKhan	Ward Ordely (BPS-02)	Civil Dispensary Wanda Solan, Girsal DIKhan.	-do-
25.	Mehtab Ahmad, Sweeper (BPS-02) Health Deptt. DIKhan.	Behishti / Sweeper (BPS-01)	-do-	With pay protection as per Govt policy.
26.	Muhammad Naem, Daftri (BPS-05), E&SE DIKhan	Chowkidar (BPS-01)	-do-	-do-
27.	Mr. Tasleem Nawaz, Mechanic (B-07) Agriculture Engineering DIKhan	Chowkidar (BPS-01)	DHQ Teaching Hospital (TIHQ Hospital) DIKhan	-do-
28.	Liaqat ullah, Senior Store Keeper (B-06) Agriculture Engineering DIKhan	Store Keeper (BPS-06)	-do-	-do-
29.	Muhammad Asad Qureshi, Tractor Driver (BPS-05) Agriculture Engg. DIKhan	Driver (BPS-04)	-do-	With pay protection as per Govt policy.
30.	Abdur Rehman, Dozer Greaser (BPS-02) Agriculture Engg. DIKhan	Ward Attendant (B-1)	-do-	-do-
31.	Jamal Abdul Nasir, Dozer Greaser (BPS-02) Agriculture Engg. DIKhan	Ward Attendant (BPS-01)	-do-	-do-
32.	Fakher Zaman, Dozer Greaser (BPS-02) Agriculture Engg. DIKhan	Ward Attendant (BPS-01)	-do-	-do-
33.	Alamgeer, Sweeper (BPS-02) Health Deptt. DIKhan.	Sweeper (BPS-01)	District Officer Livestock & Dairy Dev. DIKhan.	-do-
34.	Muhammad Najeeb, Fitter (B-05) Agriculture Engineering DIKhan	Rod Man (BPS-01)	On Farm Water Management, EDO, Agri:DIK	-do-
35.	Aziz ur Rehman, Welder (B-05) Agriculture Engineering DIKhan	Rod Man (BPS-01)	-do-	With pay protection as per Govt policy.
36.	Sheikh Muhammad Younis, Junior Clerk (B-07) Ex DC Office, DIKhan	Assistant Store Keeper. (B-07)	Education Deptt DIKhan	-do-

38.	Saifullah Ahmad Raza, Mechanic (B-07) Agriculture Engineering DIKhan Muhammad Niaz Mechanic (B-07) Agriculture Engineering DIKhan	Chowkidar (BPS-01) Naib Qasid (B-01)	Excise & Taxation Office DIKhan Excise & Taxation Office DIKhan	With pay protection as per Govt policy. -do-
39.	Sanaullah, Junior Store Keeper (BPS-05) Agri. Engg. DIKhan	Adjusted by the Director Agriculture Engineering, KPK, vide order No.1456-61/DAE/Acctt./3/232 dated 04/06/2012		
40.	Munir Ahmad, Truck Driver (BPS-05) Agriculture Engineering DIKhan	Driver (B-04)	Excise & Taxation Office / DIKhan	-do-
41.	Zafar Mahmood, Mechanic (B-07) Agriculture Engineering DIKhan	Chowkidar (BPS-01)	GGHS Sherazi DIKhan	-do-
42.	Meharban, Sweeper (BPS-02) Health Dept. DIKhan.	Sweeper (BPS-01)	G.G.H.S. Sherazi, DIKhan	-do-
43.	Fateh Shah, Truck Driver (BPS-05) Agriculture Engineering DIKhan	Adjusted by the Director Agriculture Engineering, KPK, vide order No.1447-52/DAE/Acctt./3/232 dated 04/06/2012		
44.	Saifur Rehman, Dozer Greaser (BPS-02) Agri Engg. DIKhan.	Lab. Attendant (BPS-04)	Govt Girls High School Babar Paeca, DIKhan.	-do-
45.	Aziz U Rehman, Fractor Driver (BPS-05) Agriculture Engineering DIKhan	Chowkidar (BPS-01)	GGHS Haji Mora DIKhan	-do-
46.	Mumtaz Ahmad Khan, Sweeper (BPS-02) Health Dept. DIKhan.	Sweeper (BPS-01)	HM GHS Hatbala DIKhan.	-do-
47.	Amidun Saddique, Dozer Greaser (BPS-02) Agriculture Engg. DIKhan	Bearer (BPS-01)	HM GHS Shero Kohna DIKhan	-do-
48.	Imam Bekhsh, Dozer Greaser (BPS-02) Agriculture Engg. DIKhan	Cook (BPS-01)	HM GHS Shero Kohna DIKhan	-do-
49.	Gohar Zaman, Dozer Greaser (BPS-02) Agriculture Engineering DIKhan	Chowkidar (BPS-01)	Industrial Development Office, DIKhan.	-do-
50.	Abdullah Khan Daller Helper (BPS-02) Agriculture Engineering DIKhan	Naib Qasid (BPS-01)	-do-	-do-
51.	Haji Nawaz, Helper (BPS-02) Agriculture Engineering DIKhan	Chowkidar BPS-01.	MCH Centre, Surat Kot UC Kech, DIKhan	-do-
52.	Muhammad Kamran, Sweeper (BPS-02) Health Dept. DIKhan.	Behishti Sweeper(B-1)	-do-	-do-
53.	Abdullah Khan Dozer Greaser (BPS-02) Agriculture Engg. DIKhan	Operator-cum Chowkidar (BPS-01)	Public Health Engineering Division DIKhan	-do-
54.	Muhammad Hussain, Mechanic (B-07) Agriculture Engineering DIKhan:	Chowkidar (BPS-01)	Social Welfare & Special Education Deptt: DIKhan	-do-


 District Coordination Officer
 Dera Ismail Khan.


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& date even:

Copy forwarded to the:-

1. Secretary to Govt of Khyber Pakhtunkhwa, Establishment & Administration Department, Peshawar.
2. Secretary to Govt of Khyber Pakhtunkhwa, Finance Department, Peshawar.
3. Secretary to Govt of Khyber Pakhtunkhwa, LG&RD Department, Peshawar.
4. Director (FMIU), Govt of Khyber Pakhtunkhwa, Finance Department, Peshawar w/r to his letter No.FMIU/FD/4-1/2012/Surplus Pool dated 21/05/2012.
5. Accountant General, Khyber Pakhtunkhwa, Peshawar.
6. Section Officer (E-V), Establishment Department, Peshawar.
7. Section Officer (Surplus Pools), Establishment Department, Peshawar.
8. Budget Officer (PEC-II) Finance Department, Peshawar.
9. Budget Officer (IV) Finance Department, Peshawar.
10. Executive District Officer, Finance & Planning, DIKhan.
11. Executive District Officer, Elementary & Secondary Education, DIKhan.
12. Executive District Officer, Health, DIKhan.
13. Executive District Officers, Agriculture, DIKhan.
14. Superintending Engineer, Public Health Engineer Circle DIKhan.
15. Superintending Engineer, C&W Circle, DIKhan.
16. Medical Superintending DIIQ Teaching Hospital DIKhan.
17. District Officer, Revenue & Estate/Collector, DIKhan.
18. Excise & Taxation Officer, DIKhan.
19. District Officer, Livestock & Dairy Development DIKhan.
20. Industrial Development Officer, DIKhan.
21. Assistant Registrar/District Officer, Cooperative Societies, DIKhan.
22. District Accounts Officer, DIKhan.
23. Officials concerned for compliance.
24. All concerned.


District Coordination Officer
Dera Ismail Khan.

وکالت نامہ

قیثی ایک روپیہ		کورٹ فیس
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بجودالت
سید محمد علی احمد صاحب کورٹ ڈیوٹی اور اسماعیل خان

مخانب
اللہ وارز
نام
محمد علی احمد

دعوی یا جرم

سروس اصل

تفصیل دعوی یا جرم

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیرونی وجواب دہی برائے پیشی یا تصفیہ مقدمہ عوام
سید محمد علی احمد صاحب کورٹ ڈیوٹی اور اسماعیل خان

کلیے

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا بڑا بذریعہ رو برو عدالت حاضر ہوتا رہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر پکھری کے علاوہ اور جگہ ساعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے یا پیچھے پیش ہونے پر مظہر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا عمت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو کل ساختہ پر واختہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا اور صاحب موصوف کو عرض دعوی یا جواب دعوی یا درخواست اجراء اسمائے ذکری نظر ثانی اپیل گمرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر ثالثی یا راضی نامہ و فیصلہ پر حلف کرنے اقبال دگر کا بھی اختیار ہوگا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مقرر بیرون از پکھری صدر بیرونی مقدمہ مقرر نظر ثانی اپیل گمرانی و درآمدگی مقدمہ یا منسوخی ذکری یک طرفہ یا درخواست حکم اختتامی یا قرآنہ یا گرفتاری قبل از فیصلہ اجراء ذکری صاحب موصوف کو بشرط ادا سنگی علیحدہ محتامہ دی کا اقتدار ہوگا اور تمام ساختہ پر واختہ صاحب موصوف مثل کردہ از خود منظور قبول ہوگا اور یہ بت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ میں اس کے کسی جزو کی کاروائی یا بصورت درخواست نظر ثانی اپیل گمرانی یا دیگر معاملہ و مقررہ کوہہ کسی دوسرے وکیل یا ہیئرٹز کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور یہ مشیر قانون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دونوں میں جو کچھ ہر جہان الخواء پڑے گا وہ صاحب موصوف کا حق ہوگا مگر صاحب موصوف کو اپنی فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی بیرونی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ رہا ہے تاکہ سند رہے
مورخہ 01 ماہ فروری 2013

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

اللہ وارز ... اسد

Accepted
714812
حسن کاہنہ سینٹر اندرون کین زرماریٹ ڈیرہ اسماعیل خان فون نمبر