

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No.1120/2018

Date of Institution ... 07.09.2018

Date of Decision ... 05.04.2019

Zarsa Gul son of Darya Khan, C.T Teacher, Government High School,
Garyum District North Waziristan. ... (Appellant)

VERSUS

District Education Officer, Miran Shah North Waziristan and two others.
... (Respondents)

Present.

Syed Wilayat Ali Shah Bukhari,
Advocate. ... For appellant

Mr. Muhammad Riaz Khan Paindakhel,
Asstt. Advocate General ... For respondents.

MR. HAMID FAROOQ DURRANI, ... CHAIRMAN
MR. HUSSAIN SHAH, ... MEMBER

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-

1. The appellant is aggrieved of orders passed by respondent No. 1 on 30.01.2018 and 30.08.2018, whereby respectively, the service of appellant was dispensed with and his pay was stopped. It is also the grievance of appellant that his departmental appeal was not responded to by the competent authority.

2. The facts, as gatherable from memorandum of appeal are that the appellant applied for the post of C.T against an advertisement published by respondent No. 1 in the year 2013. He qualified the requisite test and secured position at S.No. 1 of the merit list. However, he was not issued the appointment order. In the year 2016, respondent No. 1 again advertised various vacancies for teachers and the appellant applied for the post of C.T. He appeared in the N.T.S test and qualified the same. He was issued the requisite appointment order as C.T (BPS- 15) on 17.10.2017 and on the same day took charge of the post at Government High School, Garyum. The appellant received a letter dated 30.01.2018 issued by respondent No. 1, whereby, his service was dispensed with without any cogent reason. Consequently, the appellant submitted departmental appeal before the Director of Education FATA followed by reminder which remained un-responded. Pertinently, the appellant was not stopped to perform his duty after 30.01.2018 and continued as such till 30.08.2018 when the District Education Officer, North Waziristan required the Headmaster GHS Garyum, North Waziristan to stop his salary.

3. We have heard learned counsel for the appellant, learned Assistant Advocate General on behalf of the respondents and have also gone through the available record.

Learned counsel for the appellant straight away referred to order dated 30.01.2018 passed by respondent No. 1, wherein, it was noted that service of appellant was being dispensed with for the reason that the post was not mentioned in the NTS advertisement. Learned counsel thereafter took us to the copy of advertisement published in Daily "Mashriq" on 22.1.2016 and pointed out that at S.No. 4 of the advertisement the post of C.T was duly noted. He also contended that after his appointment, the appellant duly took charge on 17.10.2017 and started performing his duty. Similarly, his salary in the said capacity was started. In case there was any irregularity in the appointment of appellant and/or others, only the appointing authority was to be blamed, it was added. The learned counsel relied on judgments reported as 2006-SCMR-678, PLD 2013 Supreme Court 195 and 2011-PLC(CS)331. He also stated that the appellant was never provided with any opportunity to defend himself nor any proceedings were ever taken against him in accordance with law.

Learned Asstt. A.G, on the other hand, contended that an enquiry was duly conducted against the officers who were instrumental in making dubious appointments including that of the appellant. He took us to the relevant advertisement and contended that for the post of CT the candidates were required to be from Tehsil in which the post was vacant. As there was no vacant post of C.T in Tehsil Garyum the appellant was wrongly appointed. In his view, the service of appellant was rightly dispensed with in the circumstances of the case.

4. We have attended to the available record including the parawise comments submitted by respondents No. 1 & 2. In the said comments it was, inter-alia, noted that the advertisement made in the year 2013 where-against the appellant applied in the first instance, the whole recruitment process was declared null & void due to malpractice committed by the then Agency Education Officer, North Waziristan Agency. It was also made part of the reply that although the appellant was one of the successful qualified candidates for the post of C.T there was no vacant declared/mentioned post of C.T in Tehsil of Garyum, therefore, the appellant was wrongly appointed on 17.10.2017. It was also admitted that although the appointment of appellant was against the rules/policy despite his salary was regularly being released till respondent No. 1 issued another office order and reminded the Headmaster GHS Garyum regarding the termination of service of appellant. The respondents, in the circumstances, had clearly admitted the appointment of appellant against the post of C.T, to have been made in accordance with his merits score. The availability of post was, however, disputed.

5. We have also considered the terms and conditions contained in the relevant advertisement, wherein, at S.No. 1 it was required that all the candidates must possess their domicile certificates and NIC with permanent residence of concerned Agency while for the PST post

(underlining is applied), the candidates must belong to Tehsil in which the post was available. In view of the said condition the argument of learned AAG appears to be misconceived as the second part of the condition was not made applicable to the candidates applying against the C.T post and undoubtedly, the appellant was one of those. The said condition, therefore, could not be stretched to apply to the candidates against C.T posts.

6. We have also attended to the appointment order dated 17.10.2017, wherein, it was clearly noted that ensuing the recommendations of N.T.S and minutes of D.S.C meeting the appellant was appointed as C.T in GHS Garyum at Tehsil Garyum. On the other hand, the revised final merit list prepared in the office of Agency Education Officer North Waziristan Agency, Miran Shah on 10.08.2016 and signed by the Chairman as well as six members though contained the name of appellant at S.No. 1, it provided a foot note in terms that there was no vacant C.T post in Tehsil Garyum. Despite, the appointment order of appellant was issued. In the circumstances, when clear order was issued in favour of the appellant and consequently he started performing his duty against payment of salary, the appellant could not have legally been dislodged from his employment, purportedly, on the count of some technicality or non-availability of post at the relevant time. In fact, the appointing authority and the officers involved in the process were required to be dealt with in accordance with law for their irresponsible



act. Pertinently, the order dated 30.01.2018 is liable for setting aside on account of its contents alone.

7. For what has been discussed above, we allow the appeal in hand as prayed for in its memorandum. Consequently, the impugned orders dated 30.01.2018 and 30.08.2018 are hereby set aside.

Parties are left to bear their respective costs. File be consigned to the record.





(HUSSAIN SHAH)
MEMBER



(HAMID FAROOQ DURRANI)
CHAIRMAN

ANNOUNCED
05.04.2019

1120/2018


S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	05.4.2019	<p><u>Present.</u></p> <p>Syed Wilayat Ali Shah Bukhari, .. For appellant Advocate</p> <p>Mr. Muhammad Riaz Khan Paindakhel, ... For respondents Asth. Advocate General</p> <p>Vide our detailed judgment, we allow the appeal in hand as prayed for in its memorandum. Consequently, the impugned orders dated 30.01.2018 and 30.08.2018 are hereby set aside.</p> <p>Parties are left to bear their respective costs. File be consigned to the record room.</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  Member </div> <div style="text-align: center;">  Chairman </div> </div> <p><u>ANNOUNCED</u> 05.4.2019</p>

20.02.2019

Appellant with counsel and Mr. Muhammad Jan learned DDA alongwith Muhammad Shareef AADEO for the respondents present. Learned counsel for the appellant requests for adjournment. Adjourned To come up for arguments on 05.04.2019 before D.B



Member



Chairman

13.09.2018

Syed Wilayat Ali Shah, Advocate counsel for the appellant present heard in limine.

Contends that the appellant was appointed in accordance with the law but later on his services was dispense with without adopting legal procedure and affording him opportunity of hearing.

Points raised need consideration. The appeal is admitted to full hearing, subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 08.11.2018 before S.B. Notice of stay application be also issued for the date fixed.

Appellant Deposited
Security & Process Fee

08.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 26.12.2018. Written reply received on behalf of respondent No.1 by Mr. Naseem Mehmood AAEO and placed on file.


Chairman


READER

26.12.2018

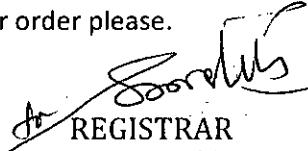

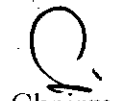
Learned counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General alongwith Naseem Mehmood AAEO present and submitted written reply on behalf of respondents No.1 & 2. Learned AAG stated that respondent No.3 relies upon the same. Adjourn. To come up for rejoinder if any and arguments 20.02.2019 before D.B. 11


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1120/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/09/2018 7-9-18	The appeal of Mr. Zarsa Gul presented today by Syed Wilayat Ali Shah Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.  REGISTRAR
2-		This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>12-9-18</u> .  MEMBER
	11.09.2018	Syed Wilayat Ali, Shah, Advocate present and submitted an application for fixation of the instant appeal on 13.09.2018 instead of 12.09.2018. Application is allowed and the case is fixed on 13.09.2018 for preliminary hearing before S.B.  Chairman

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

Service Appeal No. 1120 /2018

Zarsa GulAppellant/petitioner

VERSUS

District Education Officer & othersRespondents

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7.	Copy of the result	D	16
8.	Copy of appointment order is attached as annexure E	E	17
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Appellant
(Zarsa Gul)

Through

Syed Wilayat Ali Shah Bukhari
Advocate, Peshawar

Date: 06-September-2018

Supreme Court of Pakistan

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

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 1120 /2018

Diary No. 1404

Dated 07/9/2018

Zarsa Gul S/o Darya Khan, C.T Teacher, Government
High School Garyum, District North Waziristan

.....Appellant

VERSUS

- ✓ 1. District Education Officer, Miran Shah, North
Warisitan,
2. Director of Education, FATA Khyber Pakhtunkhwa,
Peshawar
3. Secretary to the Government of Khyber
Pakhtunkhwa, Elementary and secondary
Education, Civil Secretariat, Peshawar.

.....Respondents

**APPEAL U/S 4 OF THE SERVICE
TRIBUNAL ACT, 1974, AGAINST THE
ORDERS OF THE RESPONDENT NO. 1
DATED 30/01/2018 AND THE ORDER
DATED 30/08/2018, WHEREBY THE
SERVICE OF THE APPELLANT WAS
DISPENSED AND HIS PAY WAS
STOPPED WITHOUT ANY LAWFUL
AUTHORITY.**

Filed to
Registrar
07/09/18

Prayer in appeal:-

Setting aside the impugned orders dated 30/01/2018 and 30/08/2018, the Appellant may kindly be allowed to continue his service as C.T Teacher at Government High School Garyum and continue to draw his salary.

Sheweth:-

The Appellant respectfully submits as under:

1. That the Appellant for the first time applied for the post of C.T Teacher in 2013, with the qualification of MSc Chemistry/C.T certificate, as per advertisement of the Respondent No. 1. **(Copy of the advertisement and copy of the shortlist is annexed as Annexure A & B).** The Appellant appears at serial No. 1 of the said list. It is sorrowful to note here that inspite of higher qualifications and experience the Appellant was not appointed as C.T.
2. That 2016, the Respondent No. 1 advertised various vacancies of teachers including C.T teachers. **(Copy of advertisement is annexed C)**

3. That the Appellant applied for the post of C.T and appeared in the NTS Test under Roll No. 38400413, and passed the test and stood 1st. **(Copy of the result is annexed as D)**
4. That on account of qualifying the test as mentioned above, the Appellant was appointed as C.T Teacher in BPS 15, vide Order No. 6823-45 dated 17/10/2017. **(Copy of appointment order is annexed as E)**. The Appellant took the charge of his post on the same day i.e. 17/10/2017 at Government High School Garyum. **(Copy of charge assumption report is annexed F)**
5. That all of sudden the Appellant received a letter from the Respondent No. 1, bearing No. 524-30/NTS/CT/AEO/NWA dated 30/01/2018, whereby the service of the Appellant were dispensed without any cogent reason. **(Copy of the impugned order is annexed as G)**
6. That the Appellant was deeply shocked by the impugned order dated 30/01/2018, which was received by him as a bolt from the blue. However, the Appellant filed a departmental appeal before the Director of Education FATA (Now Director of Elementary & Secondary Education KPK) on

14/02/2018). **(Copy of the department appeal is annexed as H)**

7. That due to merger of FATA into the Province of Khyber Pakhtunkhwa, the Appellant submitted a Reminder to the Respondents with a copy of departmental appeal on 26/07/2018 for the decision of his departmental appeal. **(Copy of reminder annexed as I)**
8. That on 05/09/2018, the Appellant submitted an other reminder to the Respondents for the decision of his case. **(Copy of the 2nd reminder annexed as G)**
9. That as the impugned order dated 30/01/2018, was an illegal order, therefore, the office of the Respondent No. 1, allowed the Appellant to continue his service at Government High School Garyum. Therefore, the Appellant has been working efficiently and effectively in place of his duty.
10. That the Appellant while working as C.T Teacher at Government High School Garyum, now received a very strange and incredible letter from the Respondent No. 1, for the stoppage of Appellant's pay. **(Copy of the Impugned Letter/order dated 30/08/2018 is annexed as K)**

11. That the impugned order/letter dated 30/08/2018 is the result of annoyance caused by the departmental appeal and subsequent reminders of the Appellant which have fully exposed the irregularities and guilt of the office of the Respondent No. 1.
12. That so far the departmental appeal has not been decided by the competent authority, therefore, the Appellant has no other option open to him but to file the instant Appeal before this Honourable Tribunal for the redress of his grievances on the following amongst the other grounds:

G R O U N D S :-

- A. That the Impugned Order dated 30/01/2018 and 30/08/2018 are illegal, void, arbitrary, malafide and as such without lawful authority.
- B. That both the Impugned Orders have been passed in the colourful exercise of power for collateral purposes without contemplated by law and as such of no consequences what so ever being malafide out and out.
- C. That the Appellant is much more qualified then that of the prescribed qualification of C.T. post. **(Copies of degrees and experience certificates are annexed as annexure L).** He was fully fit for

appointment in 2013, but he was not appointed. Again in 2018, his services were dispensed with after his appointment. All these irregularities represent maladministration on the part of the Respondents, especially the Respondent No. 1.

- D. That sensing the ineffectiveness of the Impugned Order dated 30/01/2018, the office of the Respondent No. 1 allowed the Appellant to continue his service. As such the operation of the impugned order was stopped by the Respondent No. 1 himself. The Appellant has been working as C.T Teacher at Government High School Garyum till date.
- E. That the Impugned Order dated 30/08/2018, whereby the pay of the Appellant has been stopped is evident of the fact that the earlier impugned order dated 30/01/2018 being malafide was not implemented by the concerned authority (Respondent No. 1)
- F. That the case of the Appellant comes under the purview of the locus poententioe. The vacancies of teachers were advertised by the Respondent No. 1 ,and the Appellant qualified the NTS test for the post of C.T. (the said post was upgraded by the Government from BPS-9 to BPS-15) and as such the Appellant on account of qualifying the NTS test was appointed as C.T in BPS-15. It was all legal process.

Therefore, the impugned orders dated 30/01/2018 and 30/08/2018 are the negation and violation of a legal process under which the Appellant had been appointed as C.T Teacher. The Appellant was regularly appointed as C.T. Teacher and he has been drawing his salaries through the Audit office Miran Shah. **(Copy of Pay roll annexed as M)**

- G. That non decision on the departmental appeal represents inefficiency of the office of the competent authority.
- H. That both the Impugned Orders are against all the laws and ethics and not sustainable in the eye of law, therefore, these orders are liable to be set aside.

It is, therefore, most humbly prayed that setting aside both the Impugned Orders dated 30/01/2018 and 30/08/2018, the Appellant may kindly be allowed to continue his service and draw his pay as per rules and this appeal may please be accepted in favour of the Appellant and against the Respondents with costs.


Appellant
(Zarsa Gul)

Through


Syed Wilayat Ali Shah Bukhari
Advocate, Peshawar

Date: 06-September-2018

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

C.M No. _____/2018

In

Service Appeal No. _____/2018

Zarsa GulAppellant/petitioner

VERSUS

District Education Officer & othersRespondents

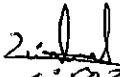
**APPLICATION FOR SUSPENSION OF
THE OPERATION OF IMPUGNED
ORDERS DATED 30/01/2018 &
30/08/2018 OF THE RESPONDENTS,
TILL THE FINAL DECISION OF THE
SERVICE APPEAL.**

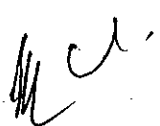
Respectfully Sheweth:

1. That the above noted service appeal is being filed before this Hon'ble Service Tribunal, in which no date of hearing has yet been fixed.
2. That the Appellant has got a good prima facie case in his favour, and is sanguine about its success.

3. That the balance of convenience also lies in favour of the Appellant.
4. That if the orders dated 30/01/2018 & 30/08/2018 not suspended, the Appellant will suffer irreparable loss.
5. That the facts and grounds of the service appeal may kindly be read as an integral part of this application.

It is, therefore, respectfully prayed that on acceptance of this application, the impugned orders mentioned above may kindly be suspended, till the final decision of the service appeal.


21503-7094126-9
Appellant
(Zarsa Gul)

Through 

Syed Wilayat Ali Shah Bukhari
Advocate, Peshawar

Date: 06-September-2018

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

C.M No. _____/2018
In
Service Appeal No. _____/2018

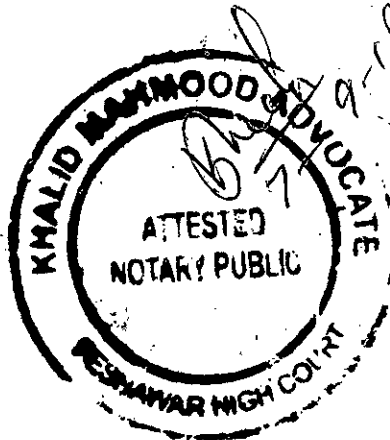
Zarsa Gul **Appellant/petitioner**

VERSUS

District Education Officer & others **Respondents**

AFFIDAVIT

I, Zarsa Gul S/o Darya Khan, C.T Teacher, Government High School Garyum, District North Waziristan, do hereby solemnly affirm and declare on oath that the contents of the accompanying Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



DEPONENT

Zarsa Gul

21SD3-7094126-9

2



BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____/2018

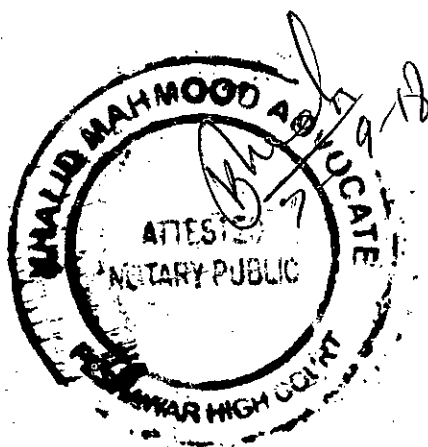
Zarsa Gul **Appellant/petitioner**

VERSUS

District Education Officer & others **Respondents**

AFFIDAVIT

I, Zarsa Gul S/o Darya Khan, C.T Teacher, Government High School Garyum, District North Waziristan, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



DEPONENT

Zarsa Gul

81503-7094126-9

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

Service Appeal No. _____/2018

Zarsa Gul **Appellant/petitioner**

VERSUS

District Education Officer & others **Respondents**

ADDRESSES OF PARTIES

APPELLANT

Zarsa Gul S/o Darya Khan, C.T Teacher, Government
High School Garyum, District North Waziristan

RESPONDENTS

1. District Education Officer, Miran Shah, North
Warisitan,
2. Director of Education, FATA Khyber Pakhtunkhwa,
Peshawar
3. Secretary to the Government of Khyber
Pakhtunkhwa, Elementary and secondary Education,
Civil Secretariat, Peshawar.

Appellant
(Zarsa Gul)

Through



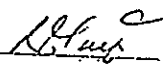
Syed Wilayat Ali Shah Bukhari
Advocate, Peshawar

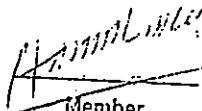
Date: 06-September-2018

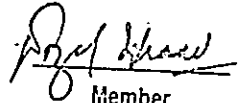
(B) (14)


OFFICE OF THE AGENCY EDUCATION OFFICER NORTH WAZIRISTAN AGENCY MIRANSHAH
SHORT LIST OF TRAINED MALE CT (Tehsil Garyum)

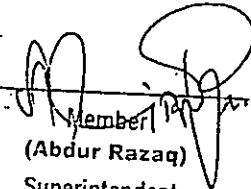
Name	F/Name	DOB	SSC			FA/F.Sc			BA/B.Sc			MA/M.Sc			CT			Service	Science	Total Score	Remarks
			Total Marks	Ob/ Marks	Score	Total Marks	Ob/ Marks	Score	Total Marks	Ob/ Marks	Score	Total Marks	Ob/ Marks	Score	Total Marks	Ob/ Marks	Score				
1 Zarsa Gul	Darya Khan	25/2/1986	850	604	14.21	1100	691	12.56	550	369	13.42	1200	742	9.28	1500	1146	15.28		15	79.75	
2 Sher Ullah ✓	Ardullah	9/3/1990	1050	766	14.59	1100	647	11.76	550	361	13.13	1100	625	8.52	1500	1233	16.44		10	74.44	



Member
(Habib Ullah Jan)
AAEO, NWA



Member
(Hamid Ullah Jan)
Headmaster, GHS
Miranshah


Member
(Fazal Ghani)
Superintendent, AEO NWA


Member
(Akhtar Niaz)
Accountant, AEO NWA


Member
(Abdur Razaq)
Superintendent,
PA Office


Chairman
(Muhammad Zaveel Wazir)
Agency Education Officer
North Waziristan Agency

Attest
ATTESTED


Public Service Commission (Sheh Jaf Hussain) Secretary (Hyber Pakhtunkhwa)



NOTE: The candidates who apply for the posts are advised to make sure that they are eligible for the post in all respects because eligibility of the candidates will be determined strictly according to the terms after conduct of all essential tests.

SPECIFIED BRANCHES OF THE NATIONAL BANK OF PAKISTAN

Branches of: Peshawar, Mardan, Swabi, Muzaffargarh, Shikohpur, Chitral, Thakur, Dargah, Dera Ismail Khan, Kohat, Hangu, Lakki Marwat, Abbottabad, Islamabad, Rawalpindi, Faisalabad, Multan, Hyderabad, Karachi, Lahore, Sukkur, Hyderabad, Bangalore, Chennai, Kolkata, Mumbai, New Delhi, London, Hong Kong, Singapore, Tokyo, Osaka, Manila, Cebu, Singapore, Kuala Lumpur, Medan, Jakarta, Singapore, Perth, Sydney, Melbourne, Auckland, Christchurch, Wellington, Dunedin, Auckland, Sydney, Melbourne, Perth, Wellington, Auckland, Christchurch, Wellington, Dunedin.

GENERAL CONDITIONS

1. It is for information for all concerned that the one post of Chief Inspector of Factories (IFS-12) in Labour Department advertised in the Commission's A.P.C. (1000/2015, Sr. No.16, has been withdrawn by the Department through the Establishment Department.

INDUSTRIES & COMMERCE DEPARTMENTS
ALLOCATION: Merit
AGE LIMIT: 18 to 30 years. PAY SCALE: PS-12 EUGIBILITY: Female
TECHNOLOGY (T/PT/OT) POST OF OFFICE ASSISTANT IN INFORMATION TECHNOLOGY
Degree from a recognized university with one year Diploma in Information Technology

HEALTH DEPARTMENT
ONE (01) POST OF ASSISTANT PROFESSOR (CLINICAL SUBJECTS) DENTISTRY
ONE (01) POST OF ASSISTANT PROFESSOR (CLINICAL SUBJECTS) DENTISTRY
ONE (01) POST OF ASSISTANT PROFESSOR (CLINICAL SUBJECTS) DENTISTRY
ONE (01) POST OF ASSISTANT PROFESSOR (CLINICAL SUBJECTS) DENTISTRY

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(D) (16)

OFFICE OF THE AGENCY EDUCATION OFFICER NORTH WAZIRISTAN AGENCY MIRANSHAH
 REVISED FINAL MERIT LIST BEFORE VERIFICATION OF MALE "CT" TEHSIL GARYUM 10/8/2016

Sl. No.	Name	Date of Birth	M.A.T.S.			M.A.T.S.			M.A.T.S.			Total	Rank	Remarks							
			1	2	3	4	5	6	7	8	9										
1	Zarsa gul	25.2.1986	850	604	14.21	1100	691	12.56	550	369	13.42	1200	742	9.28	1500	1146	15.28	0	15	79.75	
2	Sherullah	9.3.1990	1050	766	14.59	1100	647	11.78	550	361	13.13	1100	625	8.52	1500	1233	16.44	0	10	74.44	

Chairman
 1- MUHAMMAD NABI AEO NWA
 AEO N.W-Agency

Member
 2. Muhammad Saleem Wazir
 HM Hasham Abad Khyber Agency

Member
 3. Abdul Manan
 SO (Education) FATA

Member
 4. Mr. Fazal Wadood
 Political Tehsildar MRN

Member
 5. Mr. Samiullah
 V/Principal GHSS Eidak NWA

Member
 6. Mr. Noorallah Jan
 AEO NWA

Member
 7. Mst. Taj Meena
 AEO NWA

Note: There is no Vacant CT Post in Tehsil Garyum

Attest

OFFICE OF THE AGENCY EDUCATION OFFICER NORTH WAZIRISTAN AGENCY

APPOINTMENT ORDER

(E)

(17)

Consiquent upon the recommendation of NTS and Minutes of the Departmental Selection Committee, the following local candidates are hereby appointed against vacant posts of CT BPS No-15 @ Rs: (16120-1330-56020) per month plus usual allowances as admissibile under the rules with effect from the date of their taking over charge in the school noted against their names in the interest of Public services.

S.No	Name	Father Name	Posts	Name of Schools	Remarks	
					75% Tehsil	25% Open
1	Khaliq Noor	Fazal Khan	CT	GMS Payo Jan Shewa		Open Merit
2	Syed Naeem Ullah	Syed Khunam Din	CT	GMS Chashma Khadder Khel		Open Merit
3	Anwar Ullah	Fazal Qader	CT	GMS Bobali Khaisoor		Open Merit
4	Wali Ullah	Mir Ajam Khan	CT	GHS Spulga	M/Shah	
5	Jamil Ahmad Khan	Ali Muhammad Khan	CT	GMS Khair Killa	M/Shah	
6	Sami Ullah	Abdur Rahim	CT	GHS Raghzi Killa	M/Shah	
7	Rezwān Ullah	Noor Khan	CT	GMS Pipali Picket	Shewa	
8	Shah Azim	Behram Khan	CT	GMS Pipali Picket	Shewa	
9	Usman	Madar Khan	CT	GMS Land Char Khel	Datta Khel	
10	Raza Ullah	Muqabil Khan	CT	GMS Boya	Datta Khel	
11	Zahoor Ullah	Ayaz Khan	CT	GMS Idal Khel	Datta Khel	
12	Muqadas Khan	Muhammad Ayub	CT	GHS Paryat	Dosalli	
13	Kabir Ullah	Bagh Dad Khan	CT	GMS Gardi Rougha	Dosalli	
14	Sijad Rasool	Sheroz Khan	CT	GMS Tamray Oba	Dosalli	
15	Zarsa Gul	Darya Khan	CT	GHS Garyum	Garyum	

NOTE: 1- S.No-2 & 3 newly appointees are directed to take over charge at GAAPS Hurmaz.
 2- S.No 5 newly appointee is directed to take over charge at GAAPS Miran Shah.

TERMS & CONDITIONS

- 1- Charge Report should be submitted to all concerned.
- 2- Appointment of the candidates is made purly on Temporary Basis and is Liable to terminate at any time without any notice.
- 3- If the candidates wish to resign their post they will be give one month prior notice or their pay for one month will be forfeited in lieu thereof.
- 4- Their Documents, Date of Birth, CNIC & Domicile Certificate should be checked before handed over charge of the post and attested thereof may be kept on record of the school.
- 5- They should produce their Health & Age Certificate from the Medical Superintendent AHQ Hospital Miran Shah North Waziristan Agency.
- 6- They may not be handed over charge if they are below 18-years or above 35-years.
- 7- If they fails to report their arrival with in 15-days of the issue of this appointment order then it will be treated as cancelled.
- 8- No salary will be drawn before the verification of all the Academic/Professional & testimunials from the Quarter concerned.
- 9- If any tachtinical legal flaw is pointed out, the appointment will stand as cancelled.

AGENCY EDUCATION OFFICER
NORTH WAZIRISTAN AGENCY

Endstt: No. 6823-45 /NTS-Appt/CT/ (Male File)/AEO/NWA/dated 17 /10/2017

- 1- Director Education FATA, Warsak Road Khyber Pakhtunkhwa Peshawar.
- 2- Political Agent North Waziristan Agency at Miran Shah.
- 3- Addl: Political Agent North Waziristan Agency.
- 4- Agency Accounts Officer (NWA) Miran Shah.
- 5- Principal/Head Master Concerned.
- 6- AAEO Circle Concerned.
- 7- Official Concerned.
- 8- Pay Clerk concerned.

(Handwritten signature and initials)

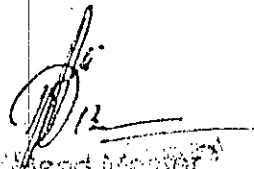
AGENCY EDUCATION OFFICER
NORTH WAZIRISTAN AGENCY

CHARGE REPORT

(F)

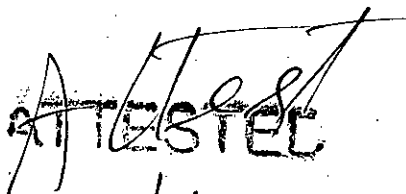

(18)

Certified that Zarsa Gul has taken over charge of C.T BPS-15 at GHS Garyum North Waziristan Agency Appointed vide Agency Education Officer order No-6823-45 dated: 17/10/2017 today on 17/10/2017.


Head Master
GHS Garyum

Copy to the .

1. Director of Education FATA KPK Peshawar.
2. Agency Accounts Officer North Waziristan Agency Miranshah.
3. Agency Education Officer North Waziristan Agency Miranshah.
4. Office Record.


ATTESTED


OFFICE OF THE AGENCY EDUCATION OFFICER
NORTH WAZIRISTAN AGENCY.



DISPENSING OF SERVICE:

As per direction by Directorate of Education FATA regarding implementation of inquiry report vide No 703 dated 10/01/2018, the service of Mr. Faraz Gul S/O Darya Khan CT Teacher GHS Ganyum NWA, appointed vide this office No: 6870-42 dated 17/10/2017, at : trial No: 12 is hereby dispensed with the reason that the post is not mentioned in NTS advertisement with immediate effect.

Note: Necessary entry should be made in his Service Documents.

Agency Education Officer,
North Waziristan Agency

Dated: 30/01/2018

Enst No: 524-30NTSCTVAEONWA

Copy to the:

1. The Director Education FATA (DPE) Peshawar.
2. The Political Agent North Waziristan Agency Miranshar.
3. The Agency Account Office NWA Miranshar.
4. Head Master GHS Ganyum NWA.
5. AAO Circle Concerned.
6. KPO of this office.

Agency Education Officer,
North Waziristan Agency

ATTESTED
WJ

Director Education FATA, Secretariat Peshawar

BEFORE THE HON'BLE AGENCY EDUCATION OFFICER
NORTH WAZIRISTAN AGENCY MIRAN SHAH.

DEPARTMENTAL APPEAL AGAINST THE
ORDER DATED 30/01/2018 NO.524-
30/NTS/CT/NORTH WAZIRISTAN AGENCY
VIDE WHICH THE SERVICES OF APPELLANT
MR. ZARSA GUL SON OF DARYA KHAN R/O
TEHSIL GARYUM NORTH WAZIRISTAN
AGENCY AS CT TEACHER AT 'GOVT' HIGH
SCHOOL GARYUM NORTH WAZIRISTAN
AGENCY WERE DISPENSED WITH.

Prayer in Appeal:

On acceptance of departmental appeal in hand order of dispensing with services of appellant may kindly be set aside and the appellant may kindly be allowed to carryout his duties as CT Teacher at Govt High School Garyum North Waziristan Agency.

Respectfully Sheweth:

The appellant submits as follows:

- 1- That I belong to Sham Kaka Khel Tribe of Tehsil Garyum North Waziristan Agency.
- 2- That following are my educational Qualification;
 - a) That I passed MSc chemistry from University of Peshawar in First Division.
 - b) That I passed B.Ed, CT, P.ST, relevant professional Degree.

[Handwritten Signature]
kk

- c) As I was interested in Teaching profession, hence I served as Science Teacher in Cadet College Razmak for two years.
- d) That I served as Lecturer in BPS-17 on Adhoc Basis for one year in Govt Degree College Mir Ali North Waziristan Agency.
- e) That I served in National Internship Program at Islamia College Peshawar for one year.
- f) That on 28/04/2013 an advertisement was published in Daily news papers Aaj vide which applications were asked for Education Deptt: for the post of CT, PET, TT etc in North Waziristan Agency were required to be submitted. Merits list was issued and I stood First but I was not considered and I was not posted on one pretext of the other.
- 3- That the candidates belonging to different areas were appointed and thereafter transferred to their home Tehsil.
- 4- That on merit list of 2013 the decision of Hon'ble Peshawar High Court, Peshawar directions were made to appoint candidates on the basis of merit.
- 5- That on 22/01/2016 an advertisement in Daily News papers was made through National Testing Service of Pakistan by Secretary Education Tribal Areas FATA Secretariat Peshawar wherein applications for different categories of teaching staff were published and NTS Test was conducted and I similarly

Attest
ATTESTED
[Signature]

appeared in NTS Test with Roll No.38400413 and I stood first.

- 6- That as I was not being provided with services, hence on the recommendation of the MNA North Waziristan Mr. Muhammad ^{Nazim} Aziz the Director of Education Deptt: directed the concerned officials to adjust the appellant on the vacant post of CT if any.
- 7- That vide Letter No. Endstt: No.6823-45 dated 17/10/2017 on the recommendation NTS and Minutes of Departmental Selection Committee as I was posted on vacant post of CT BPS-15, my name appeared on Serial No. 15 of the appointment order.
- 8- That I took charge as CT Teacher Govt High School Garyum North Waziristan Agency and from ¹⁰ 17/08/2017 till 30/01/2018 I served in the School concerned with great zeal to the best of my abilities and received three months pay and allowances as provided by law and rules.
- 9- That on 30/01/2018 vide Endst: No.524-30/NTS/CT/AEO North Waziristan the services of the appellant were "dispensed with".

ATTESTED

kk

10-That I am highly aggrieved from dispensing of service order and request to set aside the order on the following mentioned grounds in departmental appeal:

GROUND:

- i- That it is proved beyond any shadow of the doubt I have a very bright academic record throughout my educational career and I obtained first Divisions.
- ii- That in the impugned dispensing of service order is not transparent rather it is a vague order.
- iii- That the impugned dispensing order was so hurriedly made that the wrong appointment Order Number has been mentioned i.e. 6830-45 instead of No.6823-45 is mentioned in the dispensing order.
- ✓ iv- That dispensing order is not in accordance with facts of the case because in the advertisement dated 22/01/2016 applications were sought for CT Teachers post and I appeared in NTS Test and stood first.
- v- That the order dated 30/01/2018 is against the dictates of law and statutes of services matter and rules because in service Law of Pakistan there is no term of "dispensing of services" is mentioned, hence the impugned order cannot be termed as a speaking one.

Attest
ATTESTED
hh

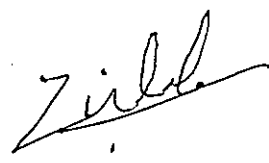
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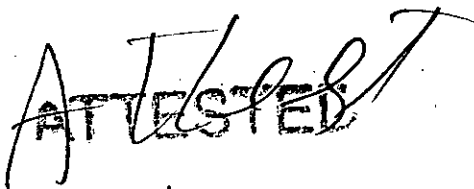

- vi- That the impugned order dated 30/01/2018 is liable to be set at naught.
- vii- That the plea of the department that the CT Posts were not mentioned in the NTS Advertisement is also not correct because of superficial perusal of the advertisement dated 22/01/2016 will show that the advertisement did ^{not} mention the CT Posts.

It is, therefore, humbly prayed that on acceptance of this departmental appeal in hand order of dispensing with services of appellant may kindly be set aside and the appellant may kindly be allowed to carryout his duties as CT Teacher at Govt High School Garyum North Waziristan Agency.

Dated 14/02/2018

Appellant

Zarsa Gul 
S/o Darya Khan
R/o Sham Kaka Khel Tribe of
Tehsil Garyum North
Waziristan Agency.
CNIC # 21503-7094126-9
Cell # 0333-1426300


ATTESTED


(I) (25)

To
The Director Education (FATA)
Now Director Elementary & Secondary Education,
KPK, GT Road, Peshawar

Subject:- REMINDER FOR DECISION OF DEPARTMENTAL APPEAL
ON EARLY DATE.

Respected Sir!

That the appellant has preferred a departmental appeal on 14/02/2018 against the dispensation of his services vide departmental order dated 30/01/2018. (Copy of appeal is annexed for ready reference).

As FATA has merged into the province of Khyber Pakhtunkhwa, therefore, now the cases of Ex-FATA Office would be decided by your goodself as competent authority of Education Department through the departmental appeal of the appellant dated 14/02/2018 has not been decided till date, therefore, the same may

No. 942

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

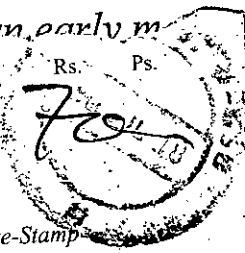
Received a registered addressed to _____ Date-Stamp _____

Initials of Receiving Officer _____

Insured for Rs. (in figures) _____ (in words) _____

If insured. Insurance fee Rs. _____ Ps. _____ Weight (in words) _____ Kilo Grams _____

Name and address of sender _____



Appellant Zaidul
Zar Sa Gul
S/o Daraya Khan
R/o Sham Kaka Khel Tribe
Tehsil Garyum District North
Wazirsirtan
CNIC No:- 21503-7094126-9
Cell No:- 0333-1426300

to the Secretary to the Govt. of KPK Elementary & Secondary Education Department Civil Secretariat, Peshawar for information and necessary action to avoid the aggrieved appellant of further hardships as mentioned in his departmental appeal.

Zaidul

Attested
ATTESTED
h h

(J)

(28)

To

The Director Education (FATA)
Now Director Elementary & Secondary Education,
KPK, GT Road, Peshawar.

Subject:-

SECOND REMINDER FOR DECISION OF DEPARTMENTAL
APPEAL ON EARLY DATE

Respected Sir!

That the appellant has preferred a departmental appeal on 14/02/2018 against the dispensation of his services vide departmental order dated 30/01/2018. (Copy of appeal is annexed for ready reference).

As FATA has merged into the province of Khyber Pakhtunkhwa, therefore, now the cases Ex-FATA Office would be decided by your goodself as competent authority of Education Department through the departmental appeal of the appellant dated 14/02/2018 has not been decided till date.

That on 26/07/2018, a reminder for decision of departmental appeal on early date was served to your goodself vide Registered A.D, but yet no positive step in deciding the departmental appeal has been taken so far.

Therefore, the same may kindly be decided as an early date.

Dated:- 05/09/2018

Appellant

Zar Sa Gul
S/o Daraya Khan
R/o Sham Kakakhel Tribe Tehsil
Garyum District North
Wazirsirtan.
CNIC No:- 21503-7094126-9
Cell No:- 0333-1426300

Note:-

Copy of the above alongwith copy of departmental appeal to the Secretary to the Govt: of KPK Elementary & Secondary Education Department Civil Secretariat, Peshawar for information and necessary action to avoid the aggrieved appellant of further hardships as mentioned in his departmental appeal.

ATTESTED

4/11

Zar Sa Gul



OFFICE OF THE AGENCY EDUCATION OFFICER
NORTH WAZIRISTAN TRIBAL DISTRICT.



No. 5598 AEO /NWTD,
Dated 30 / 8 /2018.

(K) (27)

To
Head Master,
GHS Garyum NW. ✓

Subject: DISPENSING OF SERVICE.
Memo:

As per direction by the Directorate of Education FATA KPK Peshawar regarding implementation of inquiry report No: 708 dated: 10/01/2018 and this office Endst: No: 524-30/NTS/CT dated: 30/01/2018, on the subject cited above.

The Service of Mr. Zarsa Gul S/O Dary Khan CT GHS Garyum appointed by this office No: 6830-45 dated: 17/10/2017 at Serial No: 15 is hereby dispensed with the reason that the Post is not mentioned in NTS 2017 advertisement with immediate effect.

A complaint has been lodged by Lūqman Hakeem that Mr. Zarsa Gul S/O Darya Khan CT GHS Garyum is getting pay regularly, although his service is being dispensed (Pay Slip attached).

In the laps of 07 months the accused has been drawn their salary regularly which is against the rules and regulation.

Therefore, you are once again directed to stop the pay of the concerned under intimation to this office immediately. *and recovery may be made.*

[Signature]
DISTRICT EDUCATION OFFICER
NORTH WAZIRISTAN TRIBAL DISTRICT
16.8.18

Endst No: AEO/NWA

Dated: /08/2018

Copy to the:

1. The Director Education FATA KPK Peshawar.
2. The Political Agent North Waziristan Agency Miranshah.
3. The Agency Account Office NWA Miranshah.
4. ADEO Circle Concerned.
5. KPO of this office.

[Signature]
DISTRICT EDUCATION OFFICER
NORTH WAZIRISTAN TRIBAL DISTRICT

A. C. [Signature]

ATTESTED
[Signature]

(L)

(28)

TRIBAL DOMICILE CERTIFICATE

Waziristan

North



Agency

Certified that Mr. / Miss ZARSA GUL

Son / Daughter of DARYAKHAN

Tribe WAZIR Sub Tribe KAKAKHEL TORIKH

Village KAKAKHEL Tehsil GARYUM

Sub-Division RAZMAK is bonafide resident of

North Waziristan Agency.

Photo



A. M. Lal
Political Naib Tehsildar

(Name in Block Letters)

ALIMOT D.
Political Tehsildar

GARYUM
Tehsil

25/6/2001

ATTESTED

M. Muhammad Javed Marwat

Assistant Political Officer / Agent

(Name in Block Letters)

MR. MUHAMMAD JAVED MARWAT

Assistant Political Agent.

General Secretariat, Razmak.

No 514/28/6/2001

5/11/2001

Date with seal

ACCEPT
ye

ATTESTED

Countersigned

[Signature]

Political Agent

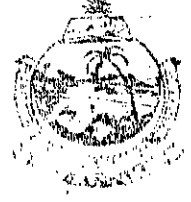


29

BOARD OF INTERMEDIATE & SECONDARY EDUCATION, BANNU

SG. No. 102568

DETAILED MARKS CERTIFICATE
SECONDARY SCHOOL EXAMINATION
(SCIENCE GROUP)



Session 2001 (Annual / Supplementary)

Name Zaira Gul

Father's Name Darya Khan Roll No. 58206

SUBJECT	Total Number of Marks Allotted	MARKS OBTAINED			
		Theory	Practical	Total	In Words
1. English	150			116	
2. Urdu	150			79	
3. Islamiyat Comp.	75			54	
4. Pakistan Studies	75			42	
5. Mathematics	100			79	
6. Physics	100	60	20	80	
7. Chemistry	100	53	20	73	
8. Biology	100	60	21	81	
Total	850		604	A	Six-H

Note: This certificate is issued errors and omissions excepted.

Prepared by M. Shah

Checked by [Signature]

[Signature]
Controller of Examinations
Board of Intermediate and
Secondary Education, Bannu

ACCEPT

ATTESTED

[Signature]

[Signature]

S.NO.

00659

Roll No: 58206



Board of Intermediate and Secondary Education

BANNU N.W.F.P. (PAKISTAN)
SECONDARY SCHOOL CERTIFICATE EXAMINATION
SESSION ANNUAL 2001

THIS IS TO CERTIFY THAT ZARSA GUL

Son/Daughter of DARYA KHAN

and a student of GOVT. HIGHER SECONDARY SCHOOL HURMAZ MIR ALI, (N.W.AGENCY).

has passed the **Secondary School Certificate Examination** of the Board of Intermediate and Secondary Education, Bannu. as a **REGULAR** candidate. He / She obtained 604 Marks out of 850

and has been placed in Grade A Representing EXCELLENT

The candidate passed in the following subjects:

- | | | | |
|------------|---------------------|----------------|--------------|
| 1. ENGLISH | 3. ISLAMIYAT | 5. MATHEMATICS | 7. CHEMISTRY |
| 2. URDU | 4. PAKISTAN STUDIES | 6. PHYSICS | 8. BIOLOGY |

Date of Birth according to admission form is TWENTYFIFTH FEBRUARY,

one thousand nine hundred and EIGHTY SIX. (25/02/1986)

ATTESTED

[Signature]
Asst. Secretary

This certificate is issued without alteration or erasure

[Signature]
SECRETARY

30

S.No. 0106

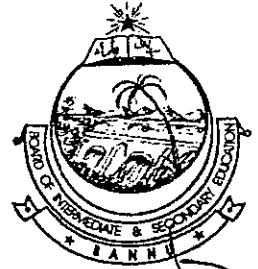
Marks Improved

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Roll No. 14718



Board of Intermediate and Secondary Education
Bannu N-W.F.P., (Pakistan)



INTERMEDIATE EXAMINATION

SESSION 2004 (Annual)
Pre-Medical Group

31

This is to Certify that ZARSA GUL

Son of DARYA KHAN

Student of NORTH WAZIRISTAN AGENCY

Registration No. 2110252910509 has passed the Intermediate Examination of the Board of Intermediate & Secondary Education, Bannu held in MAY, 2004 as a PRIVATE candidate.

He obtained 651 marks out of 1100 and has been placed in Grade B Representing VERY GOOD.

Date of declaration of Result: 21-07-2004

Prepared on: AUGUST 5, 2006

Assistant Secretary

SECRETARY

ATTESSED

ALCST

WU

32

S.No: 17139

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION, BANNU

Detailed Marks Certificate
Intermediate Examination Part-I & II



Name: Zara Gul
Father's Name: Darya Khan
Group: PRE-MEDICAL

Session: 2004 (Annual)
Roll No: 14718

Subjects:	Marks	Marks Obtained				Total	Marks In Words
		Part-I		Part-II			
		Theory	Pract	Theory	Pract		
ENGLISH	200	38		54		92	Ninety-Two
URDU	200	63		60		123	One Hundred Twenty-Three
ISLAMIC EDUCATION	50	31	-	-	-	31	Thirty-One
PAKISTAN STUDIES	50	-	-	32	-	32	Thirty-Two
PHYSICS	200	56	17	44	17	134	One Hundred Thirty-Four
CHEMISTRY	200	47	20	55	22	144	One Hundred Forty-Four
ZOOLOGY	200	55	20	37	23	135	One Hundred Thirty-Five

Total: 1100

691-B Six Hundred Ninety-One Only

M:

Remarks:

[Handwritten signatures]

Date: 28-July-2004

Notes: Errors/omissions are accepted
only on receipt of the certificate

[Handwritten signature]
Controller of Examinations
Board of Intermediate & Secondary Education
BANNU

ALL EST
ATTESTED
[Handwritten signature]

33

Serial No. GU 005535

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

GOMAL UNIVERSITY

DERA ISMAIL KHAN

(N.W.F.P) PAKISTAN



(Session 2006)
ANNUAL

ZARSA GUL. SON of DARYA KHAN. and
a student of GOVT. COLLEGE, MIRAN SHAH (N.W.A.)

having passed the prescribed examination in JUNE/JULY 2006,

is this day admitted by the GOMAL UNIVERSITY to the DEGREE of

BACHELOR OF SCIENCE

in the FIRST Division HE Passed also in as an

~~Additional Optional Subject~~ Pakistan Studies and Islamiyat as Compulsory Subjects.

The Examination was taken as a whole/~~in parts~~.

Registered No. 2852-MCS-05

Roll No. 1914

ATTESTED

Result declared on SEPTEMBER 13, 2006

Countersigned

34

COMPAUL UNIVERSITY



DERA ISMAIL KHAN
(N.W.F.P. PAKISTAN)

DETAILED MARKS CERTIFICATE

B.Sc. EXAMINATION PART II

Held in June-July 2006

Session 2006/Annual

Roll No: 1914
Name: Zarsa Gul

The Candidate secured the following marks & has been placed in 1st Division

SUBJECT	Total No of Marks Allotted	MARKS OBTAINED	
		In Figure	In Words
English	75	-	-
History	75	57	Fifty Seven
Botany	75	-	-
Physics	75	-	-
Chemistry	75	50	Fifty
Computer Science	75	-	-
Zoology	75	42	Forty Two
A Course of Maths	75	-	-
B Course of Maths	75	-	-
Statistics	75	-	-
Geography	75	-	-
Economics	75	-	-
Pak Studies	40	26	Twenty Six
Aggregate Part-I	385	194	One Hundred and Ninety Four
Aggregate Part-II	550	369	Three Hundred and Sixty Nine
Total Marks	550	369	Three Hundred and Sixty Nine

The Examination was taken as a Whole/In Parts

Result Declaration Date 19/09/06
Result Declaration Date 19/09/06

Additional Controller of Examinations
City Campus, Compaul University,
Dera Ismail Khan.

ATTESTED

Handwritten signature

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

University of Peshawar

(Pakistan)

Session ANNUAL 2008

ATTESTED

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35

ZAF SA SUL

Son/Daughter of

DARYA KHAN

and

Student /private candidate of DEPTT: OF CHEMISTRY, UNIVERSITY OF PESHAWAR

having passed the prescribed examination held in August, 2008

is this day admitted by the University of Peshawar to the Degree

Master of Science

In

FIRST

Division

The Subject of examination being

CHEMISTRY

The Examination was taken as a whole /in parts

Serial No 0016538

Registration No. 2006-U-1433

Roll No. 5499

Result declared on 17TH MARCH, 2009



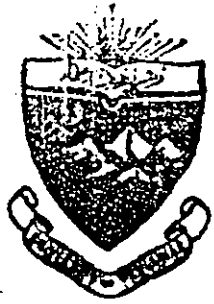
Registrar -
Handwritten signature

Countersign

Vice-Chancellor
Handwritten signature

No: 743077

University of Peshawar



Pakistan
Detailed Marks Certificate
Master of Science in Chemistry
Final



Annual Examination 2008
Department of Chemistry, University of Peshawar.

Name: ZAR SA GUL

Gender: Male

Roll No: 5499

Regular

Father's Name: DARYA KHAN

Registration No: 2006-U-1433

Division: 1st

Papers	Max Marks	Marks Obtained	
		In Figures	In Words
Environmental Chemistry	75	45	Forty Five
Biochemistry of Macromolecules & Techn	100	68	Sixty Eight
Nutrition/Physiological Chemistry (Bio)	100	58	Fifty Eight
Microbiology & Immunology (Bio)	100	44	Forty Four
Environmental Chemistry Practicals	25	17	Seventeen
Instrumental Methods of Chemical Analys	100	78	Seventy Eight
Advanced Biochemistry Laboratory	100	78	Seventy Eight
Previous	600	354	Three Hundred and Fifty Four
Final	1200	742	Seven Hundred and Forty Two

Errors & omissions are subject to subsequent rectification

Chances Availed: 1

The Examination was taken As a Whole

Examination held From 09-Aug-2008 to 13-Sep-2008

Result Declared on Tuesday, March 17, 2009

Issue Date: 21-Mar-2009

11:44 am

ATTACHED

(Dr. Mohammad Shafi)

ADDITIONAL CONTROLLER OF EXAMINATIONS
UNIVERSITY OF PESHAWAR

367

Serial No. $\frac{GU}{2}$ 015748

GOMAL UNIVERSITY



DERA ISMAIL KHAN
(N.W.F.P. PAKISTAN)

DETAILED MARKS CERTIFICATE

B.Ed 2ND TERM

Examination Held in **October 2009** / Annual

Session: **2008-2009**

Roll No: **5226**

Name: **Zarsa Gul**

The candidate secured the following marks & has been placed in **First Division**

SUBJECTS	Total Number of Marks Allotted	MARKS OBTAINED	
		In figures	In words
Perspective of Edu: & Contemporary Social Issues	100	63	Sixty Three only
Curriculum and Instruction	100	52	Fifty Two only
Eduactional Technology	100	69	Sixty Nine only
Teaching of Chemistry	100	62	Sixty Two only
Individual Project	50	46	Forty Six only
Practical Skills	200	164	One Hundred and Sixty Four only
Aggregate of 1st Term	450	266	Two Hundred and Sixty Six only
Total Marks	1100	722	Seven Hundred and Twenty Two only

Result declaration date: **18 / 01 / 2010**

ATTACHED

Handwritten signature

Handwritten signature 18/1/10
Controller of Examinations
Gomal University D.I.Khan.

No. 1907.....ACS

Dated 25/3/2009

INSTITUTE OF CHEMICAL SCIENCES



UNIVERSITY OF PESHAWAR

Provisional Certificate

This is to certify that

Mr.

Zar Sa Gul

Son of Mr.

Dar Ya Khan

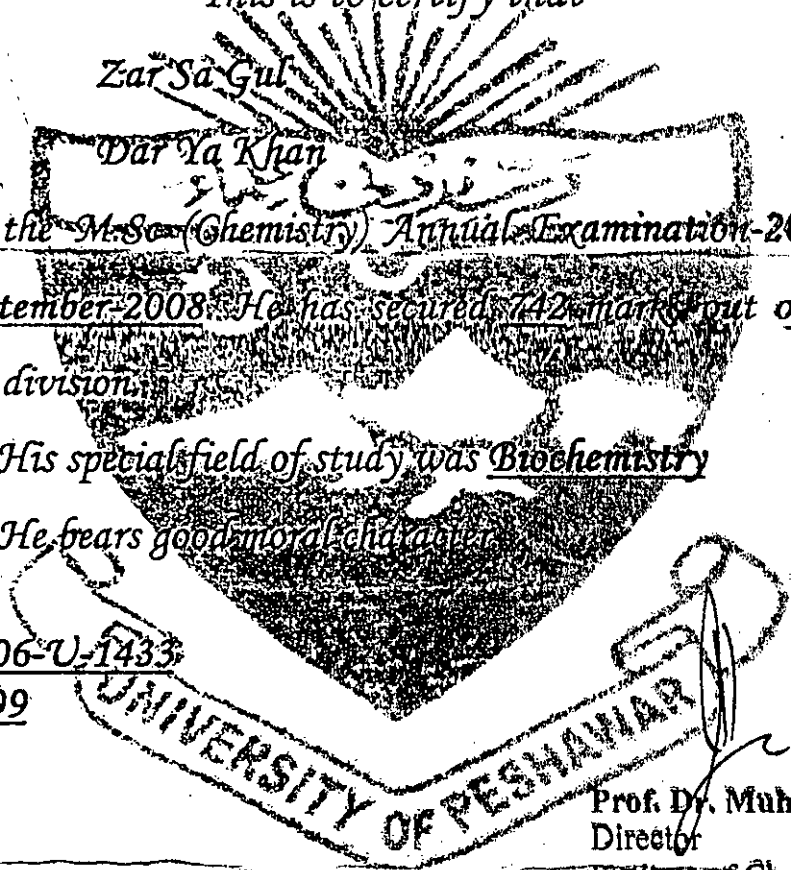
has passed the M.Sc. (Chemistry) Annual Examination-2008 held in August/September-2008. He has secured 742 marks out of 1200 and obtained 1st division.

His special field of study was Biochemistry

He bears good moral character

Reg. No 2006-U-1433

Roll No. 5499



ATTESTED

Prof. Dr. Muhammad Nisar
Director
Institute of Chemical Sciences
University of Peshawar

1/4

38

Serial No. GU
I 002469



GOMAL UNIVERSITY
DERA ISMAIL KHAN
N.W.F.P PAKISTAN

Registration No: 2862-M/CS-05

Roll No: 5226

Session: 2008-2009

Provisional Certificate

This is certify that ZARSA GUL

Son / Daughter of DARYA KHAN

of the Department / Institute of EDUCATION AND RESEARCH

has passed B.Ed: Examination held in OCTOBER,2009

in the subject of BACHELOR OF EDUCATION

He / She was placed in FIRST division.

Securing 722 marks out of 1100

The Examination was taken as Whole

ATTESTED

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22/3/10
✓ CONTROLLER OF EXAMINATIONS
GOMAL UNIVERSITY D. I. KHAN

Result Declaration Date 18-01-2010

22/3/10

39

Serial No 81412
Allama Iqbal Open University
Islamabad



Certified that *Mr/Ms* ZARSA GUL
Son/Daughter of DARYA KHAN
Registration No 04 ANW 0064 Roll No O 687510
Semester AUTUMN 2004 having met all the requirements
under the semester system is this day awarded the

Certificate of Teaching

He/She has secured 61 % marks
and has been placed in B grade

ATTESTED



Result declared on: November 21, 2005
November 21, 2005

Controller of Examinations

Date of issue: February 20, 2007
February 20, 2007



**CADET COLLEGE RAZMAK
ISLAMIA COLLEGE, PESHAWAR**

Tel. 091-5843118, Fax. 5843151

No. CCR/P/ 1918 /Adm

27 May 2011

TO WHOM IT MAY CONCERN

This is to certify that Mr. Zarsa Gul S/O Mr. Darya Khan has served in this College as Lecturer in Chemistry (BPS-17) as temporary teacher since May 2009 to May 2011.

He is a hardworking teacher and bears good moral character.

I wish him success.

Principal
Manzoor Hussain Qureshi

Principal
Cadet College Razmak

ATTESTED

41



DEPARTMENT OF CHEMISTRY
THE ISLAMIA COLLEGE PESHAWAR
(CHARTERED UNIVERSITY)
Ph: # 091-9216513-17 (Ext: 3038) Fax: # 9216688

EXPERIENCE CERTIFICATE

It is my pleasure to write this letter in favour of **Mr. Zarsa Gul S/O Darya Khan** who has worked as lecturer in department of chemistry Islamia College Peshawar (Chartered University) under National Internship Programme (NIP) since 27th May 2010 to 26th May 2011. He served as Chemistry Lecturer and lab instructor at F.Sc level.

During his stay in this institution, I found him very punctual and hardworking teacher and have good command over his subject. He has sound moral character.

Beside that he has got good communication skills and can express himself effectively. He is sociable and adoptable to new environment.

Based on his sound academic record, I strongly recommend **Mr. Zarsa Gul** for teaching and higher studies in any College.

ATTESTED

Handwritten initials

Handwritten signature
28/5/2011
Dr. Muhammad Subhan
Professor and Chairman

Chairman
Chemistry Department
Islamia College (C U) Peshawar.

42

Govt Degree College Mir Ali
North Waziristan Agency
Khyber Pukhtoon Khawa

Experience Certificate

It is my pleasure to write this letter in favour of Mr.Zarsa Gul s/o Darya Khan
Who has worked as lecturer in chemistry under corrigendum order bearing No F.S/E-11/1-
17/adhoc lecturer (male) 15286-97 dated 06/10/2011.

He served as a chemistry lecturer and lab instructor at F.Sc and B.Sc level.

During his stay in this institution, I found him very punctual and hard working teacher
and have good command over his subject. He has sound moral character.

Beside that he has got good communication skill and can express himself effectively.
He is sociable and adoptable to new environment.

Based on his sound academic record, I strongly recommend Mr.Zarsa Gul teaching and
higher studies in any college.



Principal
Govt: Degree College
Mir Ali N.W Agency
Govt Degree College Mir Ali

NWA

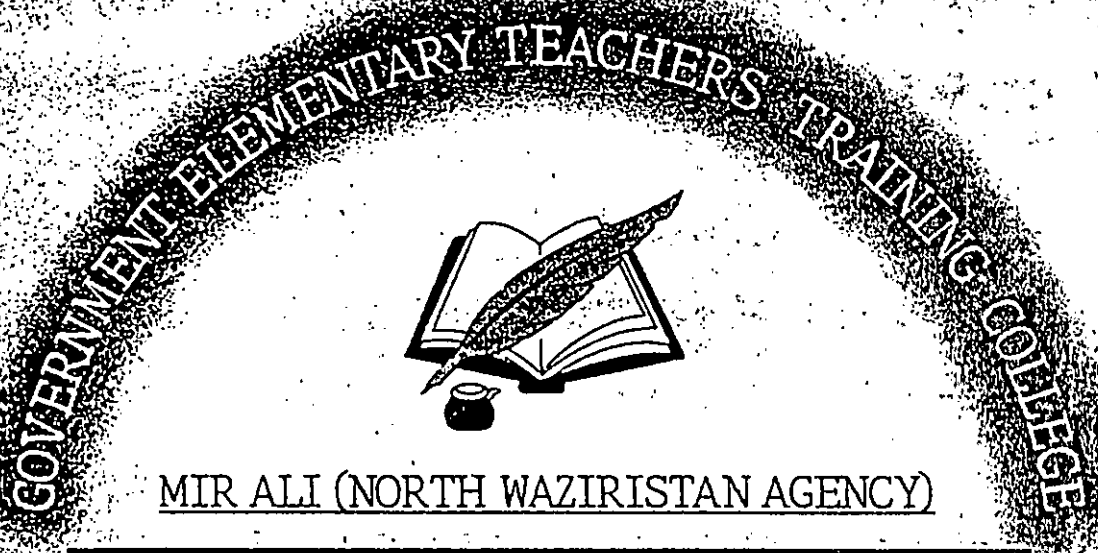
ATTESTED



(43)

S.No. 615

Roll No. 379



PROVISIONAL CERTIFICATE

Adm. No. 13

Session 2010-11

Certified that Mr. Zarsa Gul s/o Darya Khan
 of N.W. Agency was declared passed in the CT/PTC/CM Examination held
 by the Registrar Departmental Examinations N.W.F.P., Peshawar on July, 2011
 Under Roll No. 379 Obtaining 1146 Marks out of 1500
 and was placed in the 1st Division.

The Examination was taken as a whole/in parts.

His conduct during the session was Good

Date of declaration of
 Result 23-12-011
 Date of issue 5-1-012
 Prepared by _____
 Checked by _____

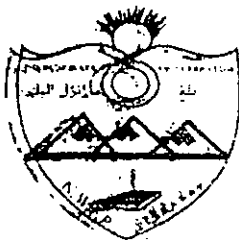
ATTESTED

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 PRINCIPAL
 Government Elementary College
 Mir Ali (N. Waziristan Agency)
 Govt. Elementary College
 Mirali N.W.A.

44

S.No. _____

DIRECTORATE OF CURRICULUM & TEACHERS EDUCATION, KHYBER PAKHTUN KHWA, ABBOTTABAD

DETAIL MARKS CERTIFICATE
DIPLOMA IN EDUCATION (2ND TERM)

NAME: - Zarsa Gul

SESSION: - 2010-11

FATHER'S NAME: - Derya Khan

ROLL NO: - 379

Subjects: -	Maximum Marks	Marks Obtained		
		Internal	External	Total
1. Currioulum and Instructions	100	35	46	81
2. School Organization & Management	100	39	37	76
3. Testing, Evaluation & Basic Research	100	35	33	68
4. Teaching of Computer Science	100	34	43	77
5. Teaching of English	100	37	30	67
6. Teaching of Calligraphy/Art & Craft/Industrial Arts/ Agriculture/Home Economics/Phy. Education.	100	34	46	80
7. Teaching Practice	150	80	55	135
Total 2 nd Term Marks: -	750			584
Total 1 st Term Marks:	750			562
G. Total Marks: -	1500			1146

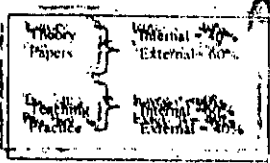
Note: Errors/Omission excepted.

Failed/Passed: - Passed Division: - 1st

Prepared By _____

Checked By _____

Date of Declaration of Result - 23-12-2011



ATTESTED

Assistant Director
(Examinations)
K.P.K. Peshawar

(M) (45)

Miran Shah-N.W.

S#:21895

P Sec:001 Month:August 201
MW0065 -Head Master GHS Garth
Min. of K.A & N.A & S.

Pers #: 50380435 Buckle:

Name: ZARSA GUL
C.T TEACHER

CNIC No. 2150370941269

NTN:
GPF #:
Old #:

GPF Interest Free
15 Active Permanent

MW0065 -

PAYS AND ALLOWANCES:

0001-Basic Pay	16,120.00
1000-House Rent Allowance	2,349.00
1300-Medical Allowance	1,500.00
1528-Unattractive Area Allow	1,500.00
2148-15% Adhoc Relief All-2013	425.00
2199-Adhoc Relief Allow @10%	274.00
2211-Adhoc Relief All 2016 10%	1,098.00
2224-Adhoc Relief All 2017 10%	1,612.00
2247-Adhoc Relief All 2018 10%	1,612.00
Gross Pay and Allowances	26,490.00

DEDUCTIONS:

GPF Balance	23,120.00	Subrc:	2,890.00
3701-Benevolent Fund(Exchange)			180.00
3704-Group Insurance(Exchange)			100.00
3705-R. Ben & Death Comp(Exch)			600.00

ATTESTED

44

Total Deductions

3,770.00

22,720.00

D.O.B
25.02.1986

LFP Quota: 4
HABIB BANK LIMITED
18067900254203

MIR ALI N.W.AGENCY

00 Years 10 Months 016 Days



Miran Shah-N.W.

SN:12483

P Sec:001 Month:February 2018

46

MW0065 -Head MAsterGHS Garium

Pers #: 50380435 Buckle: Min. Of K.A & N.A & S.F.R

Name: ZARSA GUL NTN:

C.T TEACHER GPF #:

CNIC No.2150370941269 Old #:

GPF Interest Free

15 Active Permanent

MW0065

PAYS AND ALLOWANCES:

0001-Basic Pay	16,120.00
1000-House Rent Allowance	1,566.00
1210-Convey Allowance 2005	2,856.00
1300-Medical Allowance	1,500.00
1528-Unattractive Area Allow	1,500.00
2148-15% Adhoc Relief All-2013	425.00
2199-Adhoc Relief Allow @10%	274.00
2211-Adhoc Relief All 2016 10%	1,098.00
2224-Adhoc Relief All 2017 10%	1,612.00
Gross Pay and Allowances	26,951.00

DEDUCTIONS:

GPF Balance 5,780.00	Subrc: 2,890.00
3701-Benevolent Fund(Exchange)	180.00
3704-Group Insurance(Exchange)	100.00
3705-R. Ben & Death Comp(Exch)	600.00

Total Deductions 3,770.00

23,181.00

D.O.B LFP Quota: 4

25.02.1986 Payment through DDO.

00 Years 04 Months 013 Days

ATTESTED

GA

47

Miran Shah-N.W.

S#:22595

P Sec:001 Month:March 2018

MW0065 -Head MAsterGHS Garlum

Pers #: 50380435

Buckle:

Min. Of K.A & N.A & S.F.R

Name: ZARSA GUL

NTN:

C.TTEACHER

GPF #:

CNIC No.2150370941269

Old #:

GPF Interest Free

15 Active Permanent

MW0065 -

PAYS AND ALLOWANCES:

0001-Basic Pay	16,120.00
1000-House Rent Allowance	1,566.00
1210-Convey Allowance 2005	2,856.00
1300-Medical Allowance	1,500.00
1528-Unattractive Area Allow	1,500.00
2148-15% Adhoc Relief All-2013	425.00
2199-Adhoc Relief Allow @10%	274.00
2211-Adhoc Relief All 2016 10%	1,098.00
2224-Adhoc Relief All 2017 10%	1,612.00
Gross Pay and Allowances	26,951.00

DEDUCTIONS:

GPF Balance	8,670.00	Subrc:	2,890.00
3701-Benevolent Fund(Exchange)			180.00
3704-Group Insurance(Exchange)			100.00
3705-R. Ben & Death Comp(Exch)			600.00

Total Deductions 3,770.00

23,181.00

D.O.B LFP Quota: 4

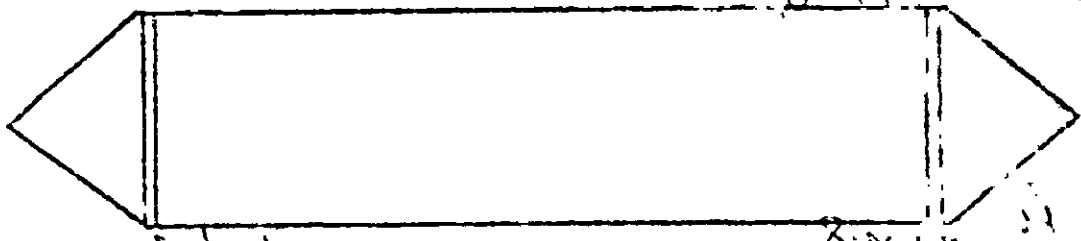
25.02.1986 HABIB BANK LIMITED MIR ALI N.W.AGENCY

00 Years 05 Months 016 Days 18067900254203

ATTESTED

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در بیان این که در این کتاب چه چیزها در آن است



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کتابخانه

مقتضی آن است که این کتاب در این کتابخانه است
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OFFICE OF THE PRINCIPLE/HEAD MASTER GHS GARYUM (N.W.AGENCY)

MONTHLY STAFF STATEMENT FOR THE MONTH OF *December*

Personal NO: AGPR	NAME	Designation	Father Name	Grade	NIC NO	D.O.B	Domicil e	Date of Appt	Date Chareg In this school	Mobile NO#
68518	DOST ALI KHAN	H.M	BASYA KHAN	17	21506-3109090-7	15/10/1975	N.W.A	09/01/2003	25/09/2014	03369109607
	Vacant	S.E.T								
75051	AZAM KHAN	S.E.T	Lal Madar Khan	17	21505-5723399-7	06/01/1963	N.W.A	20/01/1988	09/01/2003	03109009533
635	Mohd Aziz	S.E.T	Ghazu Khan	16	21507-8862329-1	2/04/19832	N.W.A	01/01/2009	12/01/2016	03435494776
	Vacant	S.E.T								
	Zarsa Gul	C.T	Darya Khan	15	21503-7094126-9	25/02/1986	N.W.A	17/10/2017	17/10/2017	03331426300
	Abdullah	C.T		15			N.W.A			
	Vacant	C.T								
	Vacant	C.T								
	Vacant	C.T								
75068	Noor Zali Khan	D.M	Abdullah Khan	15	21505-1628370-3	14/01/1967	N.W.A	22/09/1990	12/02/2007	03109937725
	Vacant	P.E.T								
75073	Khan Abas khan	A.T	Ali Abas Khan	9	21505-1395983-1	09/09/1959	N.W.A	29/01/1986	29/01/1986	03109850117
	Vacant	Qari								
75077	Noor Muhammad	L/Asst	Muhammad Noor	7	21507-1903422-7	04/07/1983	N.W.A	29/03/2007	29/03/2007	03339172896
75078	Asmat Ullah	J/C	Sherabat Khan	1	21502-9891212-7	07/01/1986	N.W.A	19/12/2012	19/12/2012	
75075	Haq Nawaz	T.T	Hukam Khan	9	21503-9955768-1	04/01/1974	N.W.A	26/11/2002	26/11/2002	03319212683
75079	Badi Noor Gul	Sweeper	Sadiq Khan	2	21505-8136372-3	15/08/1973	N.W.A	16/04/1995	16/04/1995	
75081	Ali Khan	Sweeper	Gul Ahmad Khan	1	21505-4750843-7	01/01/1992	N.W.A	15/12/2011	15/12/2011	
75083	Gul Mazi Din	Mali	Zar Ahmad Khan	2	21503-0843069-5	03/12/1981	N.W.A	25/10/2003	25/10/2003	
189306	Wali Janan	L/Att	Umar Khan	1	21503-8045749-5	01/01/1986	N.W.A	17/03/2009	17/03/2009	
198570	Gul Jaram Khan	Chowkider	Gango Khan	2	21503-4264856-7	13/08/1975	N.W.A	19/03/1995	19/03/1995	

ATTESTED


 Head Master
 GHS
 Garryum NWA
 30.12.2017

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

ESHAWAR.

Appeal No..... 1120/2018

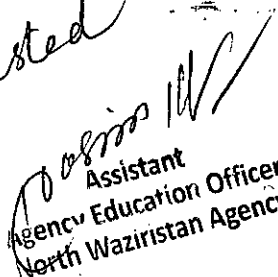
Zarsa Gul S/O Darya Khan, CT Teacher Government High School Garyum, District North Waziristan-----Appellant

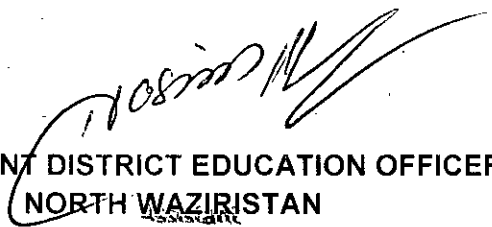
VERSUS

DEO, NWTD& Others-----Respondents

INDEX

S.NO	DISCRIPTION OF DOCUMENTS	ANNEXTURE	PAGES
1	Comments		1-3
2	Affidavit		4
3	Authority letter		5
4	Detail of vacant posts of CT in Garyum	Annexure -A	5
5	Detail of vacant posts of CT in NTS in Garyum	Annexure-B	7
6	Termination orders	Annexure-C	8-9

Attested

Assistant
Agency Education Officer
North Waziristan Agency


ASSISTANT DISTRICT EDUCATION OFFICER
NORTH WAZIRISTAN
Assistant
Agency Education Officer
North Waziristan Agency

1

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

Appeal No..... 1120/2018

Zarsa Gul S/O Darya Khan, CT Teacher Government High School Garyum, District North
Waziristan-----Appellant

VERSUS

1. District Education Officer, Miran Shah, North Waziristan.
2. Director of Education FATA, Khyber Pakhtunkhwa, Peshawar.
3. Secretary to the government of Khyber Pakhtunkhwa, elementary and Secondary Education, Civil Secretariat, Peshawar.

-----Respondents

Para wise comments on behalf of respondent No. 1

Respectfully Sheweth,

Preliminary Objections:

- a) The appellant has no cause of action, locus standi, to file this instant appeal.
- b) That the appellant has not come to this honorable Tribunal with clean hands.
- c) That the appellant has concealed material facts from this Honorable Tribunal.
- d) The appeal is not maintainable in this form.
- e) That the appellant has been stopped by his own conduct to file the appeal.
- f) That the appeal is badly time barred.

On facts:

1. Correct that the appellant applied for the post of CT advertised in 2013, but it is crystal clear that irregularities and mal-practices were committed by the then AEO, NWA. As a result the Political Agent, NWA had taken the record in his custody and declared the whole recruitment process null and void. Later the FATA Secretariat constituted a high level inquiry committee to probe the then recruitment. Consequently, the new AEO was directed to re-evaluate the application forms and educational credentials of all those candidates who had earlier applied for different posts. Subsequently, new merit lists were prepared and a detail of vacant posts for each Tehsil in NWA was issued as well. Similarly, the Peshawar high court issued judgment on the writ Petitions of different candidates, and directed the Education Officer NWA to issue appointment orders as per merit/policy/law/rules. Strict compliance was followed and about 200 male and female

Attest
Aslam
Assistant
Agency Education Officer
North Waziristan Agency

2

teachers of different categories have been issued appointment orders so far. So far as the appellant is concerned, he was one of successful qualified candidate for the post of CT but there was no vacant declared/ mentioned post of CT in the Tehsil of Garyum, the Home Tehsil of the Appellant. And so, he was not appointed. **(copy of the detail of vacant post is attached as Annexure-A)**

2. Correct that an advertisement for the appointment of teachers of different categories was published in 2016 in various national dailies.
3. Correct that the appellant appeared in the test organized by the NTS and he stood 1st in his Tehsil for the post of CT, but there was no declared/ mentioned post of CT in Tehsil Garyum **(copy of the vacant post in tehsil Garyum is attached as Annexure-B)** In spite of that, the appellant was issued appointment order wrongly on 17/10/2017.
4. Correct that the appellant was appointed wrongly against the post of CT on 17/10/2017.
5. Though the appointment of the appellant was against the rule/policy and law, but in spite of that the computerized salary of the appellant was regularly being released till the respondent No. 1 issued another office order and reminded the Head Master GHS Garyum the termination of the service of the appellant on the ground mentioned above and directed the Head Master GHS Garyum not only to stop the salary of the appellant but to make recovery from the appellant as well. **(Copy of the termination order is attached as Annexure-C).**
6. The respondent No. 1 has not received any departmental appeal yet.
7. As elucidated in Para-6.
8. As elucidated in para-6
9. The office order for termination of the appellant by the respondent No. 1 is legal.
10. Though the appellant had been getting his salary in spite of his termination from service, the respondent No.1 issued another order in which he directed the Head Master of GHS Garyum not only to stop the salary of the appellant but to recover salaries from the appellant issued in the past as well.
11. The office order of respondent No.1 issued on 10/01/2018 was not obeyed, as the appellant was getting salary simultaneously, the respondent No.1 issued another letter of 30/08/2018.
12. Therefore, the Honorable tribunal may kindly dismiss the instant appeal on the following ground.

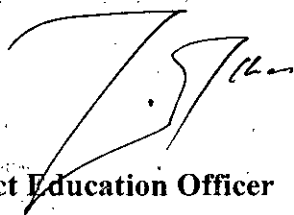
Attested
Assistant
Agency Education Officer
North Waziristan Agency

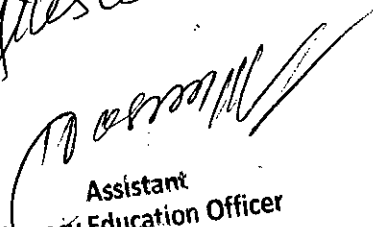
Grounds:

- A. That the appointment of the appellant was contrary to the law/rule/policy. As there was no mentioned post of CT in Tehsil Garyum.
- B. That the appointment order of the appellant was illegal so his service was dispense with and the quarter concerned was directed not only to stop the salary of the appellant but to recover the salaries issued previously.
- C. Though there was no mentioned post of CT in the home Tehsil of the appellant, therefore, he was not appointed under the advertisement of 2013 and, similarly, the appointment of the appellant was contrary to the rule and policy under the advertisement of 2016, where the tests were arranged by NTS, he was terminated from service as well.
- D. The respondent department has never allowed the appellant to continue his service once he has been issued termination order.
- E. The termination order of 10/01/2018 itself means the stoppage of his salary but when the respondent department came to know through some source that the appellant had been getting his computerized salary regularly in spite of his being terminated from service, the respondent department issued another letter to the Head Master GHS Garyum to stop his salary and recover his salaries, issued previously.

- F. Mere passing of NTS test for that purpose and mere educational qualification is not enough for the selection of any candidate. Under the tehsil wise recruitment policy, a candidate should have a vacant/mentioned post in his home tehsil.
- G. That the respondent seek permission of this Honorable tribunal to advance other points at the time of arguments.

Respondent No.1


District Education Officer
North Waziristan Tribale Distt:

Attested

Assistant
Agency Education Officer
North Waziristan Agency

(4)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Appeal No..... 1120/2018

Zarsa Gul S/O Darya Khan, CT Teacher Government High School Garyum, District North
Waziristan-----Appellant

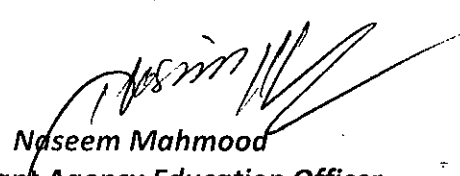
VERSUS

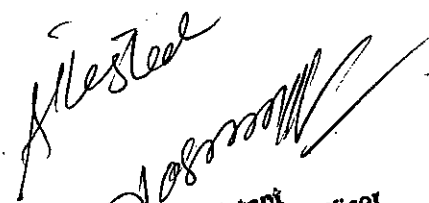
1. District Education Officer, Miran Shah, North Waziristan.
2. Director of Education FATA, Khyber Pakhtunkhwa, Peshawar.
3. Secretary to the government of Khyber Pakhtunkhwa, elementary and Secondary Education, Civil Secretariat, Peshawar.

-----Respondents

AFFIDAVIT

I Naseem Mahmood Assistant Agency education Officer North Waziristan Agency on behalf of the Respondent No.1, do hereby solemnly affirm and declare that the report of Respondent No.1 in R/O of Appeal. No,1120/2018 is true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable court.

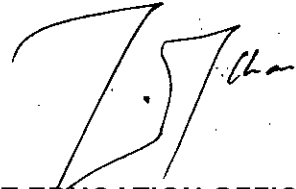

Naseem Mahmood
Assistant Agency Education Officer
North Waziristan agency


Assistant
Agency Education Officer
North Waziristan Agency

5

AUTHORITY LETTER

This office has the honor to state that Mr. Naseem Mahmood has been serving in the Agency Edu: Office as an AAEO. The undersigned has been given the authority to attend any kind of court case. So he may be considered as representative of the Agency Edu: officer, N.W.A



DISTRICT EDUCATION OFFICER
NORTH WAZIRISTAN

Naseem Mahmood
Naseem Mahmood
Assistant
Agency Education Officer
North Waziristan Agency

(6) -A-

OFFICE OF THE AGENCY EDUCATION OFFICER, NORTH WAZIRISTAN
AGENCY MIRANSHAH

Dated: 26th August, 2013

LIST OF VACANT MALE CT POSTS IN NWA

S#	TEHSIL	CT	RECRUITMENT		PROMOTION
			Tehsil wise 75%	Open merit 25%	
1.	Miranshah	09	04	01	04 ✓
2.	Mir Ali	04 ✓	02	00	02 ✓
3.	Spinwam	01	01	00	00
4.	Shewa	04	02 ✓	00	02
5.	Datta Khel	04	02	00	02
6.	Ghulam Khan	01	01	00	00
7.	Shawal	00	00	00	00
8.	Dossali	08	03	01	04
9.	Razmak	04	02	00	02
10.	Garyum	00	00	00	00
	TOTAL	35	17	02	16

CT = 19
 TT = 23
 AT = 12
 Don = 16
 PEZ = 12
 Qari = 04
 Lab Assi = 01
 Platoon = 02
 1st Lab. Hk. = 12
 Junior = 03
 39

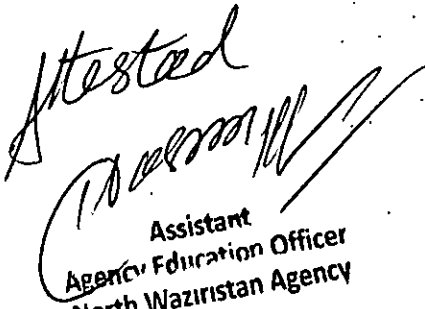
Attestee
 Agency Education Officer
 North Waziristan Agency
Assistant
 Assistant Agency Education Officer
 North Waziristan Agency

7

B

**Agency/FRs and Tehsil Wise Detail of Vacant Posts in
Directorate of Education, FATA Secretariat Peshawar.**

S.#	Name of Agency / FR	Name of Tehsil	SST				AT						CT			PET			Qari			PST			G.To	
			Male		Female		High			Middle			M	F	T	M	F	T	M	F	T	M	F	T		
			Bio/Chem	Phy/Maths	Bio/Chem	Phy/Maths	Total	M	F	T	M	F														T
6	North Waziristan Agency	Data, Khel	0	0	1	1	2	0	0	0	0	0	0	5	5	10	5	2	7	1	2	3	5	1	6	28
		Dossali	0	0	1	0	1	0	0	0	0	0	0	5	6	11	2	1	3	2	0	2	6	1	7	24
		Garyum	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		Miran Shah	0	0	3	3	6	4	0	4	1	5	6	5	16	21	2	5	7	1	3	4	10	2	12	66
		Ghulam Khan	0	0	0	0	0	0	0	0	0	0	0	1	1	2	2	1	3	0	0	0	1	0	1	6
		Razmak	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		Shawal	0	0	0	0	0	0	0	0	0	0	0	4	1	5	2	1	3	1	1	2	6	0	6	11
		Shewa	0	0	0	0	0	0	0	0	0	0	0	2	2	4	0	1	1	0	0	0	3	0	3	9
		Spinwam	0	0	1	0	1	0	0	0	0	0	0	4	12	16	1	4	5	1	1	2	6	2	8	31
		Mirali	0	0	2	2	4	0	0	0	0	0	0	2	0	2	0	0	0	1	0	1	3	0	3	7
7	South Waziristan Agency	Ladha	1	0	0	0	1	0	0	0	0	0	2	0	2	1	0	1	1	0	1	5	0	5	11	
		Sararogha	1	1	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	1
		Tiarzai	0	0	0	0	0	0	0	0	0	0	0	1	0	1	1	0	1	1	0	1	6	0	6	11
		Wana	1	1	1	1	4	0	0	0	0	0	0	1	0	1	1	0	1	1	0	1	0	0	0	1
		Makin	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		Sarwakai	1	2	0	0	3	0	0	0	0	0	0	1	2	3	0	1	1	0	1	0	0	1	0	1
		Toi Khulla	1	0	0	0	1	0	0	0	0	0	0	3	0	3	1	0	1	6	0	6	1	0	1	1
		Birmal	1	1	0	0	2	0	0	0	0	0	0	3	0	3	1	0	1	0	0	0	0	0	0	0
		Shakai	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8	Orakzai Agency	Lower	1	2	2	1	6	0	0	0	0	0	1	0	1	1	0	1	0	0	0	5	0	5	11	
		Central	1	1	0	1	3	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	4	0	4
		Upper	0	0	1	1	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0	4
		Ismailzai	1	1	1	0	3	0	0	0	0	0	0	1	0	1	1	0	1	0	0	0	3	0	3	


 Assistant Agency Education Officer
 North Waziristan Agency



OFFICE OF THE AGENCY EDUCATION OFFICER
NORTH WAZIRISTAN AGENCY.

DISPENSING OF SERVICE:

As per direction by Directorate of Education FATA regarding implementation of inquiry report vide No 708 dated 10/01/2018, the service of Mr. Zarsa Gul S/O Darya Khan CT Teacher GHS Garyum NWA, appointed vide this office No: 6830-45 dated 17/10/2017, at serial No: 15 is hereby dispensed with the reason that the post is not mentioned in NTS advertisement with immediate effect.

Note: Necessary entry should be made in his Service Documents.

Agency Education Officer,
North Waziristan Agency

Endst No: 524-30/NTS/CT/AEO/NWA

Dated: 30/01/2018

Copy to the:

1. The Director Education FATA KPK Peshawar.
2. The Political Agent North Waziristan Agency Miranshah.
3. The Agency Account Office NWA Miranshah.
4. Head Master GHS Garyum NWA.
5. AAEO Circle Concerned.
6. KPO of this office.

Attested
Assistant
Agency Education Officer
North Waziristan Agency

Agency Education Officer,
North Waziristan Agency



OFFICE OF THE AGENCY EDUCATION OFFICER
NORTH WAZIRISTAN TRIBAL DISTRICT.

9



No. 5598 AEO/NWTD,
Dated 30/8/2018.

To

Head Master,
GHS Garyum NW. ✓

(K) (27)

Subject: DISPENSING OF SERVICE.

Memo:

As per direction by the Directorate of Education FATA KPK Peshawar regarding implementation of inquiry report No: 708 dated: 10/01/2018 and this office Endst: No: 524-30/NTS/CT dated: 30/01/2018, on the subject cited above.

The Service of Mr. Zarsa Gul S/O Dary Khan CT GHS Garyum appointed by this office No: 6830-45 dated: 17/10/2017 at Serial No: 15 is hereby dispensed with the reason that the Post is not mentioned in NTS 2017 advertisement with immediate effect.

A complaint has been lodged by Luqman Hakeem that Mr. Zarsa Gul S/O Darya Khan CT GHS Garyum is getting pay regularly, although his service is being dispensed (Pay Slip attached).

In the laps of 07 months the accused has been drawn their salary regularly which is against the rules and regulation.

Therefore, you are once again directed to stop the pay of the concerned under intimation to this office immediately. *and recovery may be made.*

[Signature]
DISTRICT EDUCATION OFFICER
NORTH WAZIRISTAN TRIBAL DISTRICT
N. 16-8-18

Dated: ___/08/2018

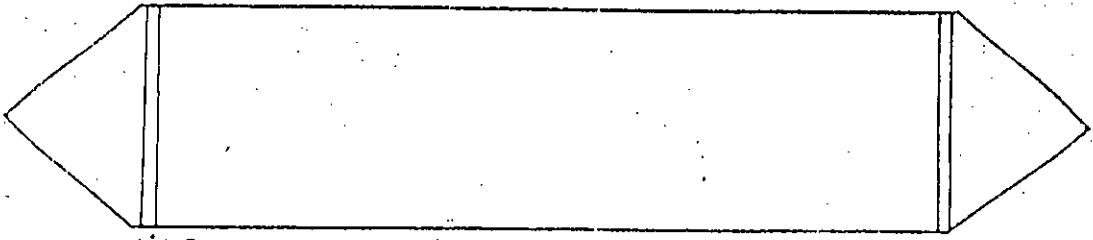
Endst No: ___ AEO/NWA

Copy to the:

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2. The Political Agent North Waziristan Agency Miranshah.
3. The Agency Account Office NWA Miranshah.
4. ADEO Circle Concerned.
5. KPO of this office.

[Signature]
DISTRICT EDUCATION OFFICER
NORTH WAZIRISTAN TRIBAL DISTRICT
Assistant
Agency Education Officer
North Waziristan Agency

بعد الت



2 منجانب
بنام

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آئینہ

مقدمہ مشدرجہ عنوان بالا میں اپنی طرف سے واسطے پیردی و جواب دہی وکل کاروائی متعلقہ

کیلئے

آن مقام

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
دکیل صاحب کو راضی نامہ کرنے و تقرر ثالتہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو کسی دہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ
پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام درہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیردی
مذکور کریں۔ لہذا وکالت نامہ لکھا یا کہ سندر ہے۔

المرقوم _____ ماہ _____ ۱۹۰۰ء

_____ گ _____ وان _____

کے لئے منظور ہے۔

بمقام

original

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Appeal No..... 1120/2018

Zarsa Gul S/O Darya Khan, CT Teacher Government High School Garyum, District North
Waziristan-----Appellant

VERSUS

DEO, NWTD & Others-----Respondents

INDEX

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2	Affidavit		4
3	Authority letter		5
4	Detail of vacant posts of CT in Garyum	Annexure -A	6
5	Detail of vacant posts of CT in NTS in Garyum	Annexure-B	7
6	Termination order	Annexure-C	8-9


ASSISTANT AGENCY EDUCATION OFFICER
NORTH WAZIRISTAN AGENCY

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

Appeal No..... 1120/2018

Zarsa Gul S/O Darya Khan, CT Teacher Government High School Garyum, District North
Waziristan-----Appellant

VERSUS

1. District Education Officer, Miran Shah, North Waziristan.
2. Director of Education FATA, Khyber Pakhtunkhwa, Peshawar.
3. Secretary to the government of Khyber Pakhtunkhwa, elementary and Secondary Education, Civil Secretariat, Peshawar.

-----Respondents

Para wise comments on behalf of respondent No. 1 & 2

Respectfully Sheweth,

Preliminary Objections:

- a) The appellant has no cause of action, locus standi, to file this instant appeal.
- b) That the appellant has not come to this honorable Tribunal with clean hands.
- c) That the appellant has concealed material facts from this Honorable Tribunal.
- d) The appeal is not maintainable in this form.
- e) That the appellant has been stopped by his own conduct to file the appeal.
- f) That the appeal is badly time barred.

On facts:

1. Incorrect. The appellant applied for the post of CT advertised in 2013, but it is crystal clear that irregularities and mal-practices were committed by the then AEO, NWA. As a result the Political Agent, NWA had taken the record in his custody and declared the whole recruitment process null and void. Later the FATA Secretariat constituted a high level inquiry committee to probe the then recruitment. Consequently, the new AEO was directed to re-evaluate the application forms and educational credentials of all those candidates who had earlier applied for different posts. Subsequently, new merit lists were prepared and a detail of vacant posts for each Tehsil in NWA was issued as well. Similarly, the Peshawar high court issued judgment on the writ Petitions of different candidates, and directed the Education Officer NWA to issue appointment orders as per merit/policy/law/rules. Strict compliance was followed and about 200 male and female

(2)

teachers of different categories have been issued appointment orders so far. So far as the appellant is concerned, he was one of successful qualified candidate for the post of CT but there was no vacant declared/ mentioned post of CT in the Tehsil of Garyum, the Home Tehsil of the Appellant. And so, he was not appointed. (copy of the detail of vacant post is attached as Annexure-A)

2. Correct that an advertisement for the appointment of teachers of different categories was published in 2016 in various national dailies.
3. Correct that the appellant appeared in the test organized by the NTS and he stood 1st in his Tehsil for the post of CT, but there was no declared/ mentioned post of CT in Tehsil Garyum (copy of the vacant post in tehsil Garyum is attached as Annexure-B) In spite of that, the appellant was issued appointment order wrongly on 17/10/2017.
4. Correct that the appellant was appointed wrongly against the post of CT on 17/10/2017.
5. Though the appointment of the appellant was against the rule/policy and law, but in spite of that the computerized salary of the appellant was regularly being released till the respondent No. 1 issued another office order and reminded the Head Master GHS Garyum the termination of the service of the appellant on the ground mentioned above and directed the Head Master GHS Garyum not only to stop the salary of the appellant but to make recovery from the appellant as well. (Copy of the termination order is attached as Annexure-C).
6. The respondent No. 1 has not received any departmental appeal yet.
7. As elucidated in Para-6.
8. As elucidated in para-6
9. The office order for termination of the appellant by the respondent No. 1 is legal.
10. Though the appellant had been getting his salary in spite of his termination from service, the respondent No.1 issued another order in which he directed the Head Master of GHS Garyum not only to stop the salary of the appellant but to recover salaries from the appellant issued in the past as well.
11. The office order of respondent No.1 issued on 10/01/2018 was not obeyed, as the appellant was getting salary simultaneously, the respondent No.1 issued another letter of 30/08/2018.
12. Therefore, the Honorable tribunal may kindly dismiss the instant appeal on the following ground.


Grounds:

- A. Incorrect. The appointment of the appellant was contrary to the law/rule/policy. As there was no mentioned post of CT in Tehsil Garyum.
- B. Incorrect. The appointment order of the appellant was illegal so his service was dispense with and the quarter concerned was directed not only to stop the salary of the appellant but to recover the salaries issued previously.
- C. Incorrect. Though there was no mentioned post of CT in the home Tehsil of the appellant, therefore, he was not appointed under the advertisement of 2013 and, similarly, the appointment of the appellant was contrary to the rule and policy under the advertisement of 2016, where the tests were arranged by NTS, he was terminated from service as well.
- D. Incorrect. The respondent department has never allowed the appellant to continue his service once he has been issued termination order.
- E. Incorrect. The termination order of 10/01/2018 itself means the stoppage of his salary but when the respondent department came to know through some source that the appellant had been getting his computerized salary regularly in spite of his being terminated from service, the respondent department issued another letter to the Head Master GHS Garyum to stop his salary and recover his salaries, issued previously.

(3)

- F. Incorrect. Mere passing of NTS test for that purpose and mere educational qualification is not enough for the selection of any candidate. Under the tehsil wise recruitment policy, a candidate should have a vacant/mentioned post in his home tehsil.
- G. That the appellant was treated as per rule. So the respondents seek permission of this Honorable tribunal to advance other points at the time of arguments.

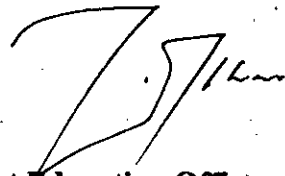
Respondent No.2



Director of Education
Newly merged Tribal districts, KPK

PC

Respondent No.1



District Education Officer
North Waziristan Tribal Distt:

DD

7

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Appeal No..... 1120/2018

Zarsa Gul S/O Darya Khan, CT Teacher Government High School Garyum, District North
Waziristan-----Appellant

VERSUS

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2. Director of Education FATA, Khyber Pakhtunkhwa, Peshawar.
3. Secretary to the government of Khyber Pakhtunkhwa, elementary and Secondary Education, Civil Secretariat, Peshawar.

-----Respondents

AFFIDAVIT

I Naseem Mahmood Assistant Agency education Officer North Waziristan Agency on behalf of the Respondent No.1, do hereby solemnly affirm and declare that the report of Respondent No.1 in R/O of Appeal. No,1120/2018 is true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable court.


Naseem Mahmood
Assistant Agency Education Officer
North Waziristan agency

5

AUTHORITY LETTER

This office has the honor to state that Mr. Naseem Mahmood has been serving in the Agency Edu: Office as an AAEO. The undersigned has been given the authority to attend any kind of court case. So he may be considered as representative of the Agency Edu: officer, N.W.A



**AGENCY EDUCATION OFFICER
NORTH WAZIRISTAN AGENCY**



(6)

OFFICE OF THE AGENCY EDUCATION OFFICER, NORTH WAZIRISTAN
AGENCY MIRANSHAH

Dated: 26th August, 2013

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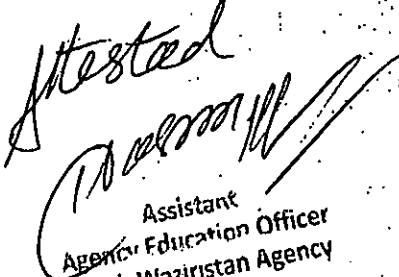
Attested
M. Hassan
 Assistant
 Agency Education Officer
 North Waziristan Agency

Agency Education Officer
 North Waziristan Agency

(7)

**Agency/FRs and Tehsil Wise Detail of Vacant Posts in
Directorate of Education, FATA Secretariat Peshawar.**

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		Garyum	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		Miran Shah	0	0	3	3	4	0	1	5	16	5	16	2	2	5	1	3	0	0	0	0	0	10	2	12	
		Ghulam Khan	0	0	0	0	0	0	0	0	0	0	0	1	1	2	2	1	0	0	0	0	0	7	0	7	
		Razmak	0	0	0	0	0	0	0	0	0	0	0	2	0	2	0	1	0	0	0	0	0	0	0	0	
		Shawal	0	0	0	0	0	0	0	0	0	0	0	4	1	5	2	1	1	1	0	0	6	0	6		
		Shewa	0	0	0	0	0	0	0	0	0	0	0	2	2	4	0	1	0	0	0	0	3	0	3		
		Spinwam	0	0	1	0	1	0	0	0	0	0	0	2	2	4	0	1	0	0	0	0	3	0	3		
		Mirali	0	0	2	2	4	0	0	0	0	0	0	4	12	16	1	4	1	1	1	0	0	6	2	8	
7	South Waziristan Agency	Ladha	1	0	0	0	1	0	0	0	0	0	2	0	2	1	0	1	0	0	0	0	5	0	5		
		Sararogha	1	1	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1		
		Tlarzal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
		Wana	1	1	1	1	4	0	0	0	0	0	0	1	0	1	1	0	1	0	0	0	6	0	6		
		Makin	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
		Sarwakai	1	2	0	0	3	0	0	0	0	0	1	2	3	0	1	0	0	0	0	0	1	0	1		
		Tol Khulla	1	0	0	0	1	0	0	0	0	0	0	3	0	3	1	0	0	0	0	6	1	0	7		
		Birmal	1	1	0	0	2	0	0	0	0	0	0	3	0	3	1	0	0	0	0	6	0	0	6		
Shakai	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
8	Orakzai Agency	Lower	1	2	2	1	6	0	0	0	0	0	1	0	1	1	0	0	0	0	0	5	0	5			
		Central	1	1	0	1	3	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	4	0	4		
		Upper	0	0	1	1	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	3		
		Ismailzal	1	1	1	0	3	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	3	0	3		


 Assistant
 Agency Education Officer
 North Waziristan Agency



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Endst No: 524-30/NTS/CT/AEO/NWA

Dated: 30/01/2018

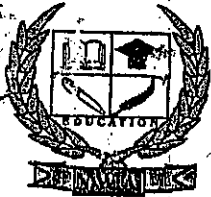
Copy to the:

1. The Director Education FATA KPK Peshawar.
2. The Political Agent North Waziristan Agency Miranshah.
3. The Agency Account Office NWA Miranshah.
4. Head Master GHS Garyum NWA.
5. AAEO Circle Concerned.
6. KPO of this office.

Attested

Assistant
Agency Education Officer
North Waziristan Agency

Agency Education Officer,
North Waziristan Agency



**OFFICE OF THE AGENCY EDUCATION OFFICER
NORTH WAZIRISTAN TRIBAL DISTRICT.**

9



No. 5598 AEO/NWTD,
Dated 30/1 8 /2018.

To

Head Master,
GHS Garyum NW. ✓

K 27

Subject: DISPENSING OF SERVICE.

Memo:

As per direction by the Directorate of Education FATA KPK Peshawar regarding implementation of inquiry report No: 708 dated: 10/01/2018 and this office Endst: No: 524-30/NTS/CT dated: 30/01/2018, on the subject cited above.

The Service of Mr. Zarsa Gul S/O Darya Khan CT GHS Garyum appointed by this office No: 6830-45 dated: 17/10/2017 at Serial No: 15 is hereby dispensed with the reason that the Post is not mentioned in NTS 2017 advertisement with immediate effect.

A complaint has been lodged by Luqman Hakeem that Mr. Zarsa Gul S/O Darya Khan CT GHS Garyum is getting pay regularly, although his service is being dispensed (Pay Slip attached).

In the laps of 07 months the accused has been drawn their salary regularly which is against the rules and regulation.

Therefore, you are once again directed to stop the pay of the concerned under intimation to this office immediately. *and recovery may be made.*

**DISTRICT EDUCATION OFFICER
NORTH WAZIRISTAN TRIBAL DISTRICT**
16-8-18

Endst No: AEO/NWA

Dated: /08/2018

Copy to the:

1. The Director Education FATA KPK Peshawar.
2. The Political Agent North Waziristan Agency Miranshah.
3. The Agency Account Office NWA Miranshah.
4. ADEO Circle Concerned.
5. KPO of this office.

Attested
Nasim
**DISTRICT EDUCATION OFFICER
NORTH WAZIRISTAN TRIBAL DISTRICT**
Assistant
Agency Education Officer
North Waziristan Agency

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Appeal No..... 1120/2018

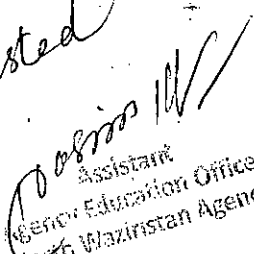
Zarsa Gul S/O Darya Khan, CT Teacher Government High School Garyum, District North
Waziristan-----Appellant

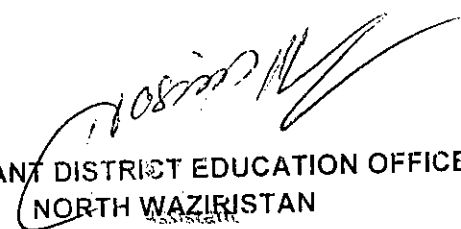
VERSUS

DEO, NWTD & Others-----Respondents

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6	Termination orders	Annexure-C	8-9

Attested

Assistant
District Education Officer
North Waziristan Agency


ASSISTANT DISTRICT EDUCATION OFFICER
NORTH WAZIRISTAN
Agency Education Officer
North Waziristan Agency

①

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

Appeal No..... 1120/2018

Zarsa Gul S/O Darya Khan, CT Teacher Government High School Garyum, District North
Waziristan-----Appellant

VERSUS

1. District Education Officer, Miran Shah, North Waziristan.
2. Director of Education FATA, Khyber Pakhtunkhwa, Peshawar.
3. Secretary to the government of Khyber Pakhtunkhwa, elementary and Secondary Education, Civil Secretariat, Peshawar.

-----Respondents

Para wise comments on behalf of respondent No. 1

Respectfully Sheweth,

Preliminary Objections:

- a) The appellant has no cause of action, locus standi, to file this instant appeal.
- b) That the appellant has not come to this honorable Tribunal with clean hands.
- c) That the appellant has concealed material facts from this Honorable Tribunal.
- d) The appeal is not maintainable in this form.
- e) That the appellant has been stopped by his own conduct to file the appeal.
- f) That the appeal is badly time barred.

On facts:

1. Correct that the appellant applied for the post of CT advertised in 2013, but it is crystal clear that irregularities and mal-practices were committed by the then AEO, NWA. As a result the Political Agent, NWA had taken the record in his custody and declared the whole recruitment process null and void. Later the FATA Secretariat constituted a high level inquiry committee to probe the then recruitment. Consequently, the new AEO was directed to re-evaluate the application forms and educational credentials of all those candidates who had earlier applied for different posts. Subsequently, new merit lists were prepared and a detail of vacant posts for each Tehsil in NWA was issued as well. Similarly, the Peshawar high court issued judgment on the writ Petitions of different candidates, and directed the Education Officer NWA to issue appointment orders as per merit/policy/law/rules. Strict compliance was followed and about 200 male and female

Attest
10/08/2018
Assistant
Agency Education Officer
North Waziristan Agency

2

teachers of different categories have been issued appointment orders so far. So far as the appellant is concerned, he was one of successful qualified candidate for the post of CT but there was no vacant declared/ mentioned post of CT in the Tehsil of Garyum, the Home Tehsil of the Appellant. And so, he was not appointed. **(copy of the detail of vacant post is attached as Annexure-A)**

2. Correct that an advertisement for the appointment of teachers of different categories was published in 2016 in various national dailies.
3. Correct that the appellant appeared in the test organized by the NTS and he stood 1st in his Tehsil for the post of CT, but there was no declared/ mentioned post of CT in Tehsil Garyum **(copy of the vacant post in tehsil Garyum is attached as Annexure-B)** In spite of that, the appellant was issued appointment order wrongly on 17/10/2017.
4. Correct that the appellant was appointed wrongly against the post of CT on 17/10/2017.
5. Though the appointment of the appellant was against the rule/policy and law, but in spite of that the computerized salary of the appellant was regularly being released till the respondent No. 1 issued another office order and reminded the Head Master GHS Garyum the termination of the service of the appellant on the ground mentioned above and directed the Head Master GHS Garyum not only to stop the salary of the appellant but to make recovery from the appellant as well. **(Copy of the termination order is attached as Annexure-C).**
6. The respondent No. 1 has not received any departmental appeal yet.
7. As elucidated in Para-6.
8. As elucidated in para-6
9. The office order for termination of the appellant by the respondent No. 1 is legal.
10. Though the appellant had been getting his salary in spite of his termination from service, the respondent No.1 issued another order in which he directed the Head Master of GHS Garyum not only to stop the salary of the appellant but to recover salaries from the appellant issued in the past as well.
11. The office order of respondent No.1 issued on 10/01/2018 was not obeyed, as the appellant was getting salary simultaneously, the respondent No.1 issued another letter of 30/08/2018.
12. Therefore, the Honorable tribunal may kindly dismiss the instant appeal on the following ground.

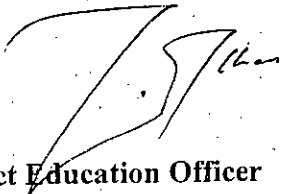
Attested
Assistant
Agency Education Officer
North Waziristan Agency

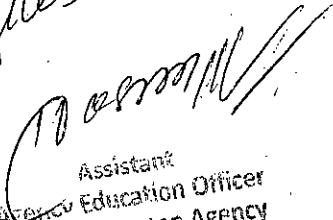
Grounds:

- A. That the appointment of the appellant was contrary to the law/rule/policy. As there was no mentioned post of CT in Tehsil Garyum.
- B. That the appointment order of the appellant was illegal so his service was dispense with and the quarter concerned was directed not only to stop the salary of the appellant but to recover the salaries issued previously.
- C. Though there was no mentioned post of CT in the home Tehsil of the appellant, therefore, he was not appointed under the advertisement of 2013 and, similarly, the appointment of the appellant was contrary to the rule and policy under the advertisement of 2016, where the tests were arranged by NTS, he was terminated from service as well.
- D. The respondent department has never allowed the appellant to continue his service once he has been issued termination order.
- E. The termination order of 10/01/2018 itself means the stoppage of his salary but when the respondent department came to know through some source that the appellant had been getting his computerized salary regularly in spite of his being terminated from service, the respondent department issued another letter to the Head Master GHS Garyum to stop his salary and recover his salaries, issued previously.

- F. Mere passing of NTS test for that purpose and mere educational qualification is not enough for the selection of any candidate. Under the tehsil wise recruitment policy, a candidate should have a vacant/mentioned post in his home tehsil.
- G. That the respondent seek permission of this Honorable tribunal to advance other points at the time of arguments.

Respondent No.1


District Education Officer
North Waziristan Tribale Distt:

Attested

Assistant
Agency Education Officer
North Waziristan Agency

(4)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Appeal No..... 1120/2018

Zarsa Gul S/O Darya Khan, CT Teacher Government High School Garyum, District North Waziristan-----Appellant

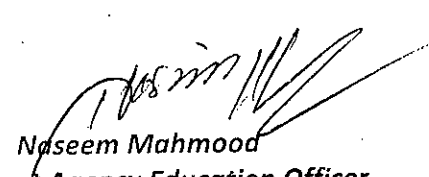
VERSUS

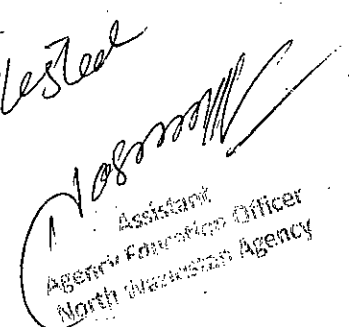
1. District Education Officer, Miran Shah, North Waziristan.
2. Director of Education FATA, Khyber Pakhtunkhwa, Peshawar.
3. Secretary to the government of Khyber Pakhtunkhwa, elementary and Secondary Education, Civil Secretariat, Peshawar.

-----Respondents

AFFIDAVIT

I Naseem Mahmood Assistant Agency education Officer North Waziristan Agency on behalf of the Respondent No.1, do hereby solemnly affirm and declare that the report of Respondent No.1 in R/O of Appeal. No,1120/2018 is true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable court.

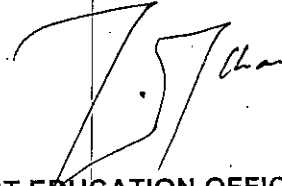

Naseem Mahmood
Assistant Agency Education Officer
North Waziristan agency

filed

Assistant
Agency Education Officer
North Waziristan Agency

5

AUTHORITY LETTER

This office has the honor to state that Mr. Naseem Mahmood has been serving in the Agency Edu: Office as an AAEO. The undersigned has been given the authority to attend any kind of court case. So he may be considered as representative of the Agency Edu: officer, N.W.A



DISTRICT EDUCATION OFFICER
NORTH WAZIRISTAN

Attestal
Naseem Mahmood
Assistant
Education Officer
North Waziristan Agency

(6)

OFFICE OF THE AGENCY EDUCATION OFFICER, NORTH WAZIRISTAN
AGENCY MIRANSHAH

Dated: 26th August, 2013

LIST OF VACANT HIGHER ST. POSTS IN NWA

S #	TEHSIL	CT	RECRUITMENT		PROMOTION
			Tehsil wise 75%	Open merit 25%	
1.	Miranshah	09	04	01	04 ✓
2.	Mir Ali	04 ✓	02	00	02 ✓
3.	Spinwam	01	01	00	00
4.	Shewa	04	02 ✓	00	02
5.	Data Khel	04	02	00	02
6.	Ghulsm Khan	01	01	00	00
7.	Shawal	00	00	00	00
8.	Dossali	08	03	01	04
9.	Razmak	04	02	00	02
10.	Garyum	00	00	00	00
	TOTAL	35	17	02	16

CT = 19

TT = 23

AT = 12

DD = 16

PE = 12

Qari = 04

Lab Assi = 01

D/Miner = 02

1st Lab. Assi = 12

Junior = 03

39

Attested

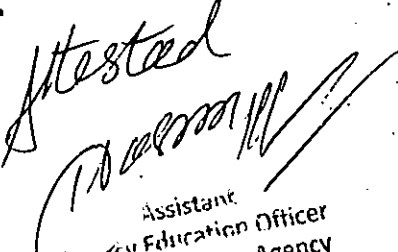
Naqam
Assistant
Agency Education Officer
North Waziristan Agency

[Signature]
Agency Education Officer
North Waziristan Agency

(7)

**Agency/FRs and Tehsil Wise Detail of Vacant Posts in
Directorate of Education, FATA Secretariat Peshawar.**

S.#	Name of Agency / FR	Name of Tehsil	SST				AT						CT			PET			Qari			PST			G.To				
			Male		Female		Total	High			Middle			M	F	T	M	F	T	M	F	T	M	F		T			
			Bio/Chem	Phy/Maths	Bio/Chem	Phy/Maths		M	F	T	M	F	T																
6	North Waziristan Agency	Data Khel	0	0	1	1	2	0	0	0	0	0	0	0	0	5	5	10	5	2	7	1	2	3	5	1	6	24	
		Dossali	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		Garyum	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		Miran Shah	0	0	3	3	6	4	0	4	1	5	6	5	16	21	2	5	7	1	3	4	10	2	12	6	0	0	0
		Ghulam Khan	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	2	2	1	3	0	0	0	1	0	1	6	
		Razmak	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		Shawal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		Shewa	0	0	0	0	0	0	0	0	0	0	0	0	0	4	1	5	2	1	3	1	1	2	6	0	6	11	
		Spinwar	0	0	1	0	1	0	0	0	0	0	0	0	0	2	2	4	0	1	1	0	0	0	3	0	3	9	
		Mirali	0	0	2	2	4	0	0	0	0	0	0	0	0	4	12	16	1	4	5	1	1	2	6	2	8	9	
		7	South Waziristan Agency	Ladha	1	0	0	0	1	0	0	0	0	0	0	0	2	0	2	1	0	1	1	0	1	5	0	5	1
Sararogha	1			1	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1		
Tlarzai	0			0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	1	0	1	1	0	1	6	0	6		
Wana	1			1	1	1	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
Makin	0			1	0	0	1	0	0	0	0	0	0	0	0	1	2	3	0	1	1	0	1	1	4	0	4		
Sarwakai	1			2	0	0	3	0	0	0	0	0	0	0	0	3	0	3	1	0	1	0	0	0	1	0	1		
Toi Khulla	1			0	0	0	1	0	0	0	0	0	0	0	0	3	0	3	1	0	1	6	0	6	1	0	1		
Birmal	1			1	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
Shakai	0			0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	1	0	1	0	0	0	14	0	14		
8	Orakzai Agency			Lower	1	2	2	1	6	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	5	0	5
		Central	1	1	0	1	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0	4	
		Upper	0	0	1	1	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	3	
		Ismailzai	1	1	1	0	3	0	0	0	0	0	0	0	0	1	0	1	1	0	1	0	0	0	3	0	3		


 Assistant
 Education Officer
 North Waziristan Agency



OFFICE OF THE AGENCY EDUCATION OFFICER
NORTH WAZIRISTAN AGENCY.

DISPENSING OF SERVICE:

As per direction by Directorate of Education FATA regarding implementation of inquiry report vide No 708 dated 10/01/2018, the service of Mr. Zarsa Gul S/O Darya Khan CT Teacher GHS Garyum NWA, appointed vide this office No: 6830-45 dated 17/10/2017, at serial No: 15 is hereby dispensed with the reason that the post is not mentioned in NTS advertisement with immediate effect.

Note: Necessary entry should be made in his Service Documents.

Agency Education Officer,
North Waziristan Agency

Endst No: 524-30/NTS/CT/AEO/NWA

Dated: 30/01/2018

Copy to the:

1. The Director Education FATA KPK Peshawar.
2. The Political Agent North Waziristan Agency Miranshah.
3. The Agency Account Office NWA Miranshah.
4. Head Master GHS Garyum NWA.
5. AAEO Circle Concerned.
6. KPO of this office.

Attested

[Signature]
Assistant
Agency Education Officer
North Waziristan Agency

[Signature]
Agency Education Officer,
North Waziristan Agency



**OFFICE OF THE AGENCY EDUCATION OFFICER
NORTH WAZIRISTAN TRIBAL DISTRICT.**



No. 5598 AEO/NWTD,
Dated 30/1/8 /2018.

To
Head Master,
GHS Garyum NW. ✓

(K) (27)

Subject: DISPENSING OF SERVICE.

Memo:

As per direction by the Directorate of Education FATA KPK Peshawar regarding implementation of inquiry report No: 708 dated: 10/01/2018 and this office Endst: No: 524-30/NTS/CT dated: 30/01/2018, on the subject cited above.

The Service of Mr. Zarsa Gul S/O Dary Khan CT GHS Garyum appointed by this office No: 6830-45 dated: 17/10/2017 at Serial No: 15 is hereby dispensed with the reason that the Post is not mentioned in NTS 2017 advertisement with immediate effect.

A complaint has been lodged by Luqman Hakeem that Mr. Zarsa Gul S/O Darya Khan CT GHS Garyum is getting pay regularly, although his service is being dispensed (Pay Slip attached).

In the laps of 07 months the accused has been drawn their salary regularly which is against the rules and regulation.

Therefore, you are once again directed to stop the pay of the concerned under intimation to this office immediately. *and recovery may be made.*

**DISTRICT EDUCATION OFFICER
NORTH WAZIRISTAN TRIBAL DISTRICT**

16.8.18

Endst No: AEO/NWA

Dated: /08/2018

Copy to the:

1. The Director Education FATA KPK Peshawar.
2. The Political Agent North Waziristan Agency Miranshah.
3. The Agency Account Office NWA Miranshah.
4. ADEO Circle Concerned.
5. KPO of this office.

Attested
Nasir
**DISTRICT EDUCATION OFFICER
NORTH WAZIRISTAN TRIBAL DISTRICT**
Assistant
Agency Administration Officer
North Waziristan Agency

Before the Khyber Pakhtunkhwa Service Tribunal, Peshawar

Service Appeal No. _____/2018.

Zarsa Gul S/O Darya Khan, C.T Teacher, Government High School Garyum, District
North Waziristan.

Appellant...

Versus

1. District Education Officer, Miran Shah, North Waziristan.
2. Director of Education, FATA Khyber Pakhtunkhwa Peshawar.
3. Secretary to the Government of Khyber Pakhtunkhwa, Elementary & Secondary Education, Civil Secretariat, Peshawar.

Respondents...

Rejoinder on behalf of the Appellant.

Sheweth,

The Rejoinder on behalf of the Appellant to the comments of the
Respondents No.1 & 2, is as under:-

Answers to the Preliminary Objection.

- a. Incorrect and false. The case of the Appellant is a prima facie case. He was properly appointed as C.T Teacher and posted at Government High School Garyum. He has been working in the same school till date. The Respondents, especially Respondent No.1, took illegal actions against the Appellant without any lawful authority. First the Respondents dispense with the service of the Appellant through Impugned Order dated 30.01.2018, and then the Respondents stopped the salary of the Appellant on 30.08.2018. The Appellant preferred the Departmental on 14.02.2018, which has not been decided till date. As the Impugned Order dated 30.01.2018 was a baseless order, therefore, the pay of the Appellant had not been stopped by the Respondents. When the Appellant filed the Departmental appeal which exposed the irregularities of the Respondents (Especially the Respondent No.1) the Respondents were annoyed and the Impugned Order of stoppage of pay was issued on 30.08.2018. Under the circumstances the Appellant had no other option open to him but to knock at the door of the Service Tribunal for the redress of his grievance. So the Appellant has cause of action. The Appellant was properly appointed as C.T after qualifying the NTS test. The Appellant has locus standi. His case is a prima facie case while the comments of the Respondents are baseless/incredible and full of pretexts. The Appellant has rightly challenged the Impugned Orders of the Respondents which are illegal, void, arbitrary, malafide and without lawful authority.

- b. Incorrect and false. The case of the Appellant is a prima facie case. The detail has been given in reply to the preliminary objection "a". The comments of the Respondents are self contradictory, ambiguous and dossier of lies. So the Respondents have not come to the Tribunal with clean hands while the Appellant has come to the Tribunal with clean hands. The case of the Appellant is based on facts and figures. It is further submitted that the Respondent No.3 (Secretary, Elementary & Secondary Education) has not given reply. Therefore, in the absence of his reply the case of the Respondent is totally damaged.
- c. Incorrect, false and malicious. The defence of the Respondents is baseless, mocking and full of lies. The comments of the Respondents represent maladministration on their part. It seems as if the entire Education Department is replete with inefficient employees who are not well versant with rules and regulations. They are following the policy of "fail is foul and foul is fair". The Appellant has brought all the facts and figures into the notice of the Honourable Tribunal while the Respondents have concealed the realities.
- d. Incorrect and false. The comments of the Respondents are not more than a concoction. One can easily guess the state of affairs prevailing in the Respondent Department. In order to conceal their inefficiency they have concocted a baseless, malicious and unlawful story. The Appeal of the Appellant is complete in all respect and maintainable in its present form. The comments of the Respondents are illegal, void, arbitrary, malafide and without lawful authority. Therefore, the comments of the Respondents are not maintainable in their present form. They are liable to be set aside.
- e. Incorrect and false. The Appellant has not been estopped by his conduct to bring this case before the Tribunal. The Appellant has been victimized unceremoniously. He was properly appointed as C.T teacher on the basis of his qualification and NTS test. If he had not been fit, he would have not appointed. As the Appellant has been victimized by the Respondents, therefore, he had to knock at the door of Tribunal. The Respondents are trying to conceal their guilt. So the Respondents are estopped by their conduct to file the comments.
- f. Incorrect and baseless. As the Impugned Order of dispense with service dated 30.01.2018 was an illegal and baseless order, therefore, the Appellant was allowed to continue his service. When the Appellant submitted the Departmental Appeal, the Respondents were annoyed and issued the order of stoppage of Appellant's salary on 30.08.2018. When the Appellant received the said impugned order he had to knock at the door of the Tribunal well in time for the redress of his grievance.

Rejoinder to the comments of the Respondents on facts,

1. Incorrect and false. The statement of the Respondents reflects inefficiency, ignorance and maladministration on the part of the Education Department which has become the house of corruption. The Respondents have fabricated a concoction to conceal their maladministration. The Appellant had properly applied for the post of C.T in 2013, with the qualification of MSc/C.T. Though he was fully fit for appointment but he was not appointed. Question arises why had the Respondents advertised the vacancies in which the criteria had been laid down for filing the applications? Why the Appellant had not been appointed who was fully fit on the basis of his qualification? All this clearly shows that the Respondents deceived the candidates to benefit their henchmen and not the fit persons.
2. The Respondents have admitted Para NO.2 as correct. Hence Para NO.2 of the Appeal is correct.
3. Reply/comments of the Respondents represent maladministration on their part, Question arises why had the Appellant been allowed to appear in the NTS test if he was not eligible for the post of C.T? On the one the Respondents admit that the Appellant was fully fit for appointment and on the other hand they state that there had been no vacancy to appoint him. Question arises if there had been no vacancies then why and how they appointed two other C.T candidates in his home Tehsil? The Appellant has continuously been victimized by the Respondents. In 2013, the Appellant was fully fit but he was not appointed and when in 2017 the Appellant was appointed on merit, his services were dispensed without any rhyme and reason.
4. Incorrect. The Appellant was rightly appointed on the basis of his qualification and NTS test. Therefore, dispense with his service and stoppage of his pay are the unlawful acts on the part of the Respondents who are inefficient and representatives of maladministration.
5. The statement of the Respondents is not a legal and valid statement. Question arises who had made the appointment order of the Appellant. The statements of the Respondents represent maladministration and overall corruption prevailing in Education Department. When the Service Tribunal issued the Notice to the Respondents for their comments, the Respondents restored the pay of the Appellant and he continued to draw his pay for four months. Now the Headmaster of the School draws his pay and keeps the same in his custody. The Appellant's pay has not been stopped by the concerned Account Office. Instead of making payment to the Appellant the pay of the Appellant is drawn by the Headmaster. The Appellant has been

working regularly but he is unpaid. So the logic of the Department is beyond comprehension. The Appellant is being victimized without any fault on his part.

6. Incorrect, false and baseless.
7. The statement of the Respondents is against all the laws and ethics. The detail has been given above in this rejoinder.
8. The statement of the Respondents is self contradictory and it represents maladministration on the part of the Respondents. The detail has been given in this rejoinder.
9. Incorrect, false and bogus. The Appellant was appointed on merit. If he was not eligible for the post of C.T why had the Respondents appointed him?. There are two Impugned Orders which represent inefficiency and maladministration on the part of Respondents. They have concocted a story to conceal their guilt. Therefore, the Impugned Orders issued by the Respondents represent irregularities on the part of the Respondents. The Appellant has exposed maladministration of the Respondents.
10. The statement of the Respondents represents self contradiction. The Appellant was properly appointed but his service was dispensed with without lawful authority. When the Service Tribunal issued the Notice to the Respondents for submission of their comments, they restored the pay of the Appellant but after four months he has been deprived of his salary. The Headmaster of the school has been drawing the Appellant's salary and keeping the Appellant unpaid. Such an unlawful practice has not been done in any other Department except the Education Department. The Appellant has continuously been performing his duty but he is unpaid. It is the worst example of maladministration on the part of Respondents.
11. The statement of the Respondents is self contradictory. They have fabricated a concoction which is full of deception and delusion.
12. In this regard it is submitted that the case of the Appellant is a prima facie case which is based on facts and figures and the Appellant is hopeful of his success on merit while the comments of the Respondents are wrong, absurd, malicious and totally bogus. So the defence of the Respondents is liable to be dismissed.

Rejoinder to the comments on Grounds

- A. Incorrect, false and baseless. The Respondents have given a very strange and unbelievable statement. The Appellant was appointed by them on merit. But now they state that their orders were wrong. It represents inefficiency and negation of rules and regulations on the part of Respondents. If there

was no vacancy in the school then why had the Respondents appointed the Appellant?

A.

- B. Incorrect. The statement of the Respondents represents maladministration. Their statement is nonsense and absurd. How is it possible to make recovery from a Government servant who has been working as C.T since 2017? The Appellant was appointed on account of fulfilling the requisite qualification and passing the NTS test. The statement of the Respondents reflects that all the affairs in Education Departments are done blindfold. It is further submitted how is it possible for a person to continue his service and draw his salary without permission of the competent authority? As the order of dispense with service was an illegal and baseless order, therefore, the Appellant was allowed to continue his service. The Appellant has been performing his duty till date. So all these facts and figures establish the fact that both the Impugned Orders are Illegal and invalid. They are nullity in the eye of law.
- C. Incorrect, false and baseless. The statement of the Respondents represents maladministration on the part of Respondents. The Respondents are trying to, conceal their inefficiency and guilt. It has been admitted by the Respondents. That the Appellant was fully fit in 2,0,13 and 2016 for the post of C.T on the basis of his qualification and NTS test and he also stood first in the NTS test. So, under this admission of fact, how the Respondents have declared the Appellant ineligible for the post of C.T? The statement of the Respondents is deceptive and full of lies. Because they appointed Mr. Abdul Jalal & Mr. Abdullah on 21/12/2016 and 24/07/2017 respectively.
- D. Incorrect and false. Question arises how a person can continuations his service after his termination? The Appellant is still an employee of Education Department and he has been performing his duty till date. The gap between the two Impugned Orders is evident' of irregularities and inefficiency on the part of the Respondent Department. It was Respondent Department who appointed the Appellant on the basis of his eligibility and then unlawfully issued the order of dispense with service. It represents mal practice on the part of Respondent Department.
- E. Incorrect and totally absurd. Question arises if the first Impugned Order dated 10.01.2018 was a valid Order then why the second Impugned Order had been issued? It is further added .that the concerned Accounts Office did not stop the salary of the Appellant as the Account Office had properly 'scrutinized the appointment orders of the Appellant which were legal and valid orders. The Respondents have now asked the Headmaster of the school to draw the salary of the Appellant and keep the Appellant deprived of his pay. It is an unlawful act on the part of the Respondents. How is it possible to make recovery of pay of an official who has been working continuously and performing his duties honestly and fairly?

F. Incorrect and wrong. It is an admitted fact that the Respondent Department appointed the Appellant after qualifying the NTS test. The Respondents are telling lie after lie. Their statement is totally bogus and absurd. They have exposed their inefficiency and corruption.

G. The entire defence of the Respondents is a bundle of lies. They have given false statement which represents maladministration on their part so their defence is liable to set aside.

It is humbly prayed that the Appeal of the Appellant may kindly be accepted as prayed for.

Dated: 19 / 2 / 2019

Appellant



Through: Syed Wilayat Ali Shah Bukhari
Advocate, Peshawar.

Before the Khyber Pakhtunkhwa Service Tribunal, Peshawar

Service Appeal No. /2018.

Zarsa Gul S/O Darya Khan, C.T Teacher, Government High School Garyum, District
North Waziristan.

Appellant...

Versus

1. District Education Officer, Miran Shah, North Waziristan.
2. Director of Education, FATA Khyber Pakhtunkhwa Peshawar.
3. Secretary to the Government of Khyber Pakhtunkhwa, Elementary & Secondary Education, Civil Secretariat, Peshawar.

Respondents...

Rejoinder on behalf of the Appellant.

Sheweth,

The Rejoinder on behalf of the Appellant to the comments of the
Respondents No.1 & 2, is as under:-

Answers to the Preliminary Objection.

- a. Incorrect and false. The case of the Appellant is a prima facie case. He was properly appointed as C.T Teacher and posted at Government High School Garyum. He has been working in the same school till date. The Respondents, especially Respondent No.1, took illegal actions against the Appellant without any lawful authority. First the Respondents dispense with the service of the Appellant through Impugned Order dated 30.01.2018, and then the Respondents stopped the salary of the Appellant on 30.08.2018. The Appellant preferred the Departmental on 14.02.2018, which has not been decided till date. As the Impugned Order dated 30.01.2018 was a baseless order, therefore, the pay of the Appellant had not been stopped by the Respondents. When the Appellant filed the Departmental appeal which exposed the irregularities of the Respondents (Especially the Respondent No.1) the Respondents were annoyed and the Impugned Order of stoppage of pay was issued on 30.08.2018. Under the circumstances the Appellant had no other option open to him but to knock at the door of the Service Tribunal for the redress of his grievance. So the Appellant has cause of action. The Appellant was properly appointed as C.T after qualifying the NTS test. The Appellant has locus standi. His case is a prima facie case while the comments of the Respondents are baseless/incredible and full of pretexts. The Appellant has rightly challenged the Impugned Orders of the Respondents which are illegal, void, arbitrary, malafide and without lawful authority.

- b. Incorrect and false. The case of the Appellant is a prima facie case. The detail has been given in reply to the preliminary objection "a". The comments of the Respondents are self contradictory, ambiguous and dossier of lies. So the Respondents have not come to the Tribunal with clean hands while the Appellant has come to the Tribunal with clean hands. The case of the Appellant is based on facts and figures. It is further submitted that the Respondent No.3 (Secretary, Elementary & Secondary Education) has not given reply. Therefore, in the absence of his reply the case of the Respondent is totally damaged.
- c. Incorrect, false and malicious. The defence of the Respondents is baseless, mocking and full of lies. The comments of the Respondents represent maladministration on their part. It seems as if the entire Education Department is replete with inefficient employees who are not well versant with rules and regulations. They are following the policy of "fail is foul and foul is fair". The Appellant has brought all the facts and figures into the notice of the Honourable Tribunal while the Respondents have concealed the realities.
- d. Incorrect and false. The comments of the Respondents are not more than a concoction. One can easily guess the state of affairs prevailing in the Respondent Department. In order to conceal their inefficiency they have concocted a baseless, malicious and unlawful story. The Appeal of the Appellant is complete in all respect and maintainable in its present form. The comments of the Respondents are illegal, void, arbitrary, malafide and without lawful authority. Therefore, the comments of the Respondents are not maintainable in their present form. They are liable to be set aside.
- e. Incorrect and false. The Appellant has not been estopped by his conduct to bring this case before the Tribunal. The Appellant has been victimized unceremoniously. He was properly appointed as C.T teacher on the basis of his qualification and NTS test. If he had not been fit, he would have not appointed. As the Appellant has been victimized by the Respondents, therefore, he had to knock at the door of Tribunal. The Respondents are trying to conceal their guilt. So the Respondents are estopped by their conduct to file the comments.
- f. Incorrect and baseless. As the Impugned Order of dispense with service dated 30.01.2018 was an illegal and baseless order, therefore, the Appellant was allowed to continue his service. When the Appellant submitted the Departmental Appeal, the Respondents were annoyed and issued the order of stoppage of Appellant's salary on 30.08.2018. When the Appellant received the said impugned order he had to knock at the door of the Tribunal well in time for the redress of his grievance.

Rejoinder to the comments of the Respondents on facts,

1. Incorrect and false. The statement of the Respondents reflects inefficiency, ignorance and maladministration on the part of the Education Department which has become the house of corruption. The Respondents have fabricated a concoction to conceal their maladministration. The Appellant had properly applied for the post of C.T in 2013, with the qualification of MSc/C.T. Though he was fully fit for appointment but he was not appointed. Question arises why had the Respondents advertised the vacancies in which the criteria had been laid down for filing the applications? Why the Appellant had not been appointed who was fully fit on the basis of his qualification? All this clearly shows that the Respondents deceived the candidates to benefit their henchmen and not the fit persons.
2. The Respondents have admitted Para NO.2 as correct. Hence Para NO.2 of the Appeal is correct.
3. Reply/comments of the Respondents represent maladministration on their part. Question arises why had the Appellant been allowed to appear in the NTS test if he was not eligible for the post of C.T? On the one the Respondents admit that the Appellant was fully fit for appointment and on the other hand they state that there had been no vacancy to appoint him. Question arises if there had been no vacancies then why and how they appointed two other C.T candidates in his home Tehsil? The Appellant has continuously been victimized by the Respondents. In 2013, the Appellant was fully fit but he was not appointed and when in 2017 the Appellant was appointed on merit, his services were dispensed without any rhyme and reason.
4. Incorrect. The Appellant was rightly appointed on the basis of his qualification and NTS test. Therefore, dispense with his service and stoppage of his pay are the unlawful acts on the part of the Respondents who are inefficient and representatives of maladministration.
5. The statement of the Respondents is not a legal and valid statement. Question arises who had made the appointment order of the Appellant. The statements of the Respondents represent maladministration and overall corruption prevailing in Education Department. When the Service Tribunal issued the Notice to the Respondents for their comments, the Respondents restored the pay of the Appellant and he continued to draw his pay for four months. Now the Headmaster of the School draws his pay and keeps the same in his custody. The Appellant's pay has not been stopped by the concerned Account Office. Instead of making payment to the Appellant the pay of the Appellant is drawn by the Headmaster. The Appellant has been

working regularly but he is unpaid. So the logic of the Department is beyond comprehension. The Appellant is being victimized without any fault on his part.

6. Incorrect, false and baseless.
7. The statement of the Respondents is against all the laws and ethics. The detail has been given above in this rejoinder.
8. The statement of the Respondents is self contradictory and it represents maladministration on the part of the Respondents. The detail has been given in this rejoinder.
9. Incorrect, false and bogus. The Appellant was appointed on merit. If he was not eligible for the post of C.T why had the Respondents appointed him? There are two Impugned Orders which represent inefficiency and maladministration on the part of Respondents. They have concocted a story to conceal their guilt. Therefore, the Impugned Orders issued by the Respondents represent irregularities on the part of the Respondents. The Appellant has exposed maladministration of the Respondents.
10. The statement of the Respondents represents self contradiction. The Appellant was properly appointed but his service was dispensed with without lawful authority. When the Service Tribunal issued the Notice to the Respondents for submission of their comments, they restored the pay of the Appellant but after four months he has been deprived of his salary. The Headmaster of the school has been drawing the Appellant's salary and keeping the Appellant unpaid. Such an unlawful practice has not been done in any other Department except the Education Department. The Appellant has continuously been performing his duty but he is unpaid. It is the worst example of maladministration on the part of Respondents.
11. The statement of the Respondents is self contradictory. They have fabricated a concoction which is full of deception and delusion.
12. In this regard it is submitted that the case of the Appellant is a prima facie case which is based on facts and figures and the Appellant is hopeful of his success on merit while the comments of the Respondents are wrong, absurd, malicious and totally bogus. So the defence of the Respondents is liable to be dismissed.

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was no vacancy in the school then why had the Respondents appointed the Appellant?

A.

B. Incorrect. The statement of the Respondents represents maladministration. Their statement is nonsense and absurd. How is it possible to make recovery from a Government servant who has been working as C.T since 2017? The Appellant was appointed on account of fulfilling the requisite qualification and passing the NTS test. The statement of the Respondents reflects that all the affairs in Education Departments are done blindfold. It is further submitted how is it possible for a person to continue his service and draw his salary without permission of the competent authority? As the order of dispense with service was an illegal and baseless order, therefore, the Appellant was allowed to continue his service. The Appellant has been performing his duty till date. So all these facts and figures establish the fact that both the Impugned Orders are Illegal and invalid. They are nullity in the eye of law.

C. Incorrect, false and baseless. The statement of the Respondents represents maladministration on the part of Respondents. The Respondents are trying to, conceal their inefficiency and guilt. It has been admitted by the Respondents. That the Appellant was fully fit in 2,0,13 and_ 2016 for the post of C.T on the basis of his qualification and NTS test and he also stood first in the NTS test. So under this admission of fact, how the Respondents have declared the Appellant ineligible for the post of C.T? The statement of the Respondents is deceptive and full of lies. Because they appointed Mr. Abdul Jalal & Mr. Abdullah on 21/12/2016 and 24/07/2017 respectively.

D. Incorrect and false. Question arises how a person can continuations his service after his termination? The Appellant is still an employee of Education Department and he has been performing his duty till date. The gap between the two Impugned Orders is evident' of irregularities and inefficiency on the part of the Respondent Department. It was Respondent Department who appointed the Appellant on the basis of his eligibility and then unlawfully issued the order of dispense with service. It represents mal practice on the part of Respondent Department.

E. Incorrect and totally absurd. Question arises if the first Impugned Order dated 10.01.2018 was a valid Order then why the second Impugned Order had been issued? It is further added .that the concerned Accounts Office did not stop the salary of the Appellant as the Account Office had properly 'scrutinized the appointment orders of the Appellant which were legal and valid orders. The Respondents have now asked the Headmaster of the school to draw the salary of the Appellant and keep the Appellant deprived of his pay. It is an unlawful act on the part of the Respondents. How is it possible to make recovery of pay of an official who has been working continuously and performing his duties honestly and fairly?

F. Incorrect and wrong. It is an admitted fact that the Respondent Department appointed the Appellant after qualifying the NTS test. The Respondents are telling lie after lie. Their statement is totally bogus and absurd. They have exposed their inefficiency and corruption.

G. The entire defence of the Respondents is a bundle of lies. They have given false statement which represents maladministration on their part so their defence is liable to set aside.

It is humbly prayed that the Appeal of the Appellant may kindly be accepted as prayed for.

Dated: 19 / 2 / 2019

Appellant



Through: Syed Wilayat Ali Shah Bukhari
Advocate, Peshawar.

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 846 /ST

Dated 29-4-2019


To,

The District Education Officer,
Miran Shah, North Waziristan.

SUBJECT: - ORDER IN APPEAL NO. 1120/2018, ZARSA GUL VS GOVT.

I am directed to forward herewith a certified copy of Order/Judgment dated 05.04.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHW
SERVICE TRIBUNAL
PESHAWAR