None present on behalf of the appellant. Mr. Usman Ghani, District Attorney for the respondents present. To come up for arguments on 14.12.2017 before D.B.

Member

Chairman

14.12.2017

None is preset on behalf of the appellant. Addl. AG for the respondents present. On previous date also none was available on behalf of the appellant.

In view of the above, the present appeal is dismissed for want of prosecution. File be consigned to the record room.

Muhammad Amin Member

ANNOUNCED 14.12.2017 18.10.2016

Clerk to counsel for the appellant and Mr. Usman Ghani, Sr.GP for respondents present. Clerk to counsel for the appellant requested for adjournment. Adjournment granted. To come up for arguments on 15.02.2017.

(PIR BAKHSH SHAH) MEMBER

(ABDUL LATIF) MEMBER

15.02.2017

Agent to counsel for the appellant and Asst: AG for respondents present. Agent to counsel for the appellant requested for adjournment as counsel for the appellant was busy before the Peshawar High Court, Peshawar. Request accepted. To come up for arguments on 20.06.2017 before D.B.

(AHMAD HASSAN) MEMBER (ASHFAQUE TAJ) MEMBER

20.06.2017

Agent to counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Agent to counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 23.10.2017 before D.B.

(Muhammad Amin Khan Kundi) Member

(Gul Zeb Khan) Member 02.10.2015

Clerk to counsel for the appellant and Asst: AG for respondents present. Rejoinder received on behalf of the appellant copy of which placed on file. Arguments could not be heard due to general strike of the Bar. To come up for arguments on 28-3-16

Member

Menyber

29.03.2016

Counsel for the appellant and Mr. Daud Jan, Supdt: alongwith Mr. Muhammad Jan, GP for respondents present. Arguments could not be heard due to non-availability of D.B. Therefore, the case is adjourned to 17.06.2016 for arguments.

barrman

17.06.2016

Clerk to counsel for the appellant and Mr. Muhammad Jan, GP for respondents present. Clerk to counsel for the appellant requested for adjournment. To come up for arguments on 18.10.2016.

Member

Maniber Maniber 28.4.2014

Counsel for the appellant, M/S Daud Jan, Supdt. for respondents No. 1 and 3 and Khurshid Khan, SO for respondents No. 2 and 4 with AAG present. Written reply has not been received, request for further time made on behalf of the respondents. Another chance is given for written reply/comments on 7.8.2014.

Member

07.08.2014

Clerk of counsel for the appellant and Mr. Khursheed Khan, SO for respondent No.2 with Mr. Ziaullah, GP for the respondents present. Written reply has not been received despite another chance given for the purpose on the previous date. A last chance is given for written reply/comments on 04.12.2014.

-Chairman

04.12.2014

No one is present on behalf of the appellant. Mr. Muhammad Adeel Butt, AAG for the respondents present. The Tribunal is incomplete. To come up for written reply/comments on 24.03.2015.

Reader

24.03.2015

Appellant with counsel and Mr. Mosam Khan, AD for respondents alongwith Addl: A.G present. Written statement submitted. The appeal is assigned to D.B for rejoinder and final hearing for 02.10.2015.

Chairman

01.10.2013

Clerk of counsel for the appellant present and requested for

adjournment. To come up for preliminary hearing on 08.11.2013.

Member

08.11.2013

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Counsel for the appellant present and heard on preliminary. Contended that the appellant has not been treated in accordance with law/rules. Against the order dated 10.09.2012 he filed departmental appeal on 16.09.2012 which has not been responded within statutory period of 90 days, hence the present appeal on 4.7.2013. Points raised at the Bar 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 for submission of written reply on 16.01.201. Apppellant also filed an application for condonation of delay. Notice of application should also be issued to the respondents for reply/argumments on the date fixed.

Member

08.11.2013

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

16.01.2014

Pir Iman-ud-Din, Advocate on behalf of counsel for the appellant, M/S Daud Jan, Supdt. for respondents No.1 & 3, Khurshid Khan, S.O for respondent No.2 and Mosam Khan, A.D for respondent No.4 with AAG present. Written reply has not been received. To come up for written reply/comments on 28.4.2014.

Chairman

Form- A FORM OF ORDER SHEET

Court of					
· · .	40E4 (0040			٠.	 ;
Case No	 <u> 1071 /2013</u>	<u> </u>	,		

Date of order Proceedings Order or other proceedings with signature of judge or Magistrate 1 2 3 10/07/2013 The appeal of Mr. Muhammad Farooq resubmitted today by Mr. Noor Muhammad Khattak Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing. This case is entrusted to Primary Bench for preliminary hearing to be put up there on CHAIRMAN CHAIRMAN
The appeal of Mr. Muhammad Farooq resubmitted today by Mr. Noor Muhammad Khattak Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing. This case is entrusted to Primary Bench for preliminary
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The appeal of Mr. Muhammad Farooq Ex.SET received today i.e. on 04.07.2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- The authority whose order is challenged has not been arrayed/made a party.
- 2- Address of respondent No.3 is incorrect which may be completed according to Khyber Pakhtunkhwa Service Tribunal rules 1974.

No. 482 /S.T,

Dt. 4/7 /2013.

REGISTRAR SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Noor Muhammad Khattak Adv. Pesh.

Note

Sir,

All objections has been Removed hence be Submitted to along hence be Submitted to along dated 10/7/2013.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL	NO	1071	/2013
			<i></i>

MUHAMMAD FAROOQ

VS

EDUCATION DEPTT:

INDEX

S.NO	DOCUMENT	ANNEXURE	PAGES
1-	Memo of appeal		1-3.
2-	Condonation of delay	**********	4.
3-	Appointment order copy	Α. Α	5.
4-	Applications	B,C & D	6- 8.
5-	Removal order	E	9.
6-	Departmental appeal	F	10.
7 - · ·	Vakalat Nama		11.

APPELLANT

MUHAMMAD FAROOQ

THROUGH:

NOOR MUHAMMAD KHATTAK

&

PIR IMAMUDDIN ADVOCATE PESHAWAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No	_/2013
Mr: Muhammad Farooq, Ex: SET (BPS-16),	1090
GHS Alazai, Lower Kurram Agency	(ADDELLANT)

VERSUS

- 1- The Additional Chief Secretary FATA, FATTA Secretariat, warsak road, Khyber Pakhtunkhwa Peshawar.
- 2- The Secretary (E&SE) Department Khyber Pakhtunkhwa, Peshawar.
- 3- The Director of (E&SE) Department FATA, FATA Secretariat, warsak road, Khyber Pakhtunkhwa Peshawar.

4- The Director of (EESE) Dept., Khy ber Pakhlunkhwa Peshawar. (RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974
AGAINST THE ORDER DATED 10.9.2012 WHEREBY THE APPELLANT WAS REMOVED FROM HIS SERVICE AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINTY DAYS

PRAYER:

That on acceptance of this appeal the impugned order dated 10-9-2012 may very kindly be set aside and the respondent may be directed to re-instate the appellant with all back benefits. Any other remedy which this august tribunal deems fit that may also be awarded in favour of appellant.

R/SHEWATH:

That the appellant was appointed as SET (BPS-16) in the respondent Department on the recommendation of

- 3- That astonishingly when the appellant visited the concerned office for arrival/joining of his duty the appellant was handed over his removal order dated 10-9-2012. Copy of the removal order is attached as annexure E.

GROUNDS:

A- That The impugned order dated 10-9-2012 is against the law, facts, norms of natural justice and material on record hence not tenable and liable to be set aside.

B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.

- C- That no charge sheet and statement of allegation has been served on the appellant by the respondent Department while issuing the impugned order dated 10-9-2012.
- D- That no show cause notice has been served on the appellant while issuing the impugned order 10-9-2012.
- E- That no chance of personal hearing/personal defense has been given to the appellant which is mandatory under the law and existing rules.
- F- That no regular enquiry has been conducted in the matter which is as per Supreme Court judgment is mandatory.
- G- That rules 8-A of the efficiency & Disciplinary rules 2011 has not been followed by the respondent Department while issuing the impugned order dated 10-9-2012.
 - G- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore humbly prayed that the appeal of appellant may be accepted as prayed for.

APPELLANT

MUHAMMAD FAROOQ

THROUGH:

NOOR MUHAMMAD KHATTAK

PIR IMAMUDDIN ADVOCATES PESHAWAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

ADDEAL NO

- ALLEVE II	···			
Mohammad Faroog	VS	Educat	tion Dontto	
· ·onanimaa i arooq	¥ 3	Euuca	tion Deptt:	

APPLICATION FOR CONDONATION OF DELAY IN FILING THE ABOVE NOTED APPEAL

R.SHEWETH:

- 1- That the appellant has filed an appeal along with this application in which no date has been fixed so for.
- 2- That the appellant prays for the condonation of delay in filing the above noted appeal inter alia on the following grounds:

GROUNDS OF APPLICATION:

- A- That valuable rights of the appellant are involved in the case hence the appeal deserve to decide on merit.
- B- That it has been the consistent view of the Superior Courts that causes should be decided on merit rather on technicalities including the limitation. The same is reported in 2004 PLC (CS) 10142003 PLC (CS) 76.

It is therefore prayed that on acceptance of this application the delay in filing the above noted appeal may please be condoned.

APPELLANT

Mohammad Farooq

THROUGH:

NOOR MOHAMMAD KHATTAK ADVOCATE

		•
14.	Spranai Datta Khe (NWA).	GHS, Miranshah. Alrady accupied.
15*	Akbar Khan S/o Muhammad Younas C/o Rehmat- Ullah Store Shabgadar	FHS, Angori (Kurram).Against vancat post.
161	Tehseenullah S/o Ajoon Khan Village Hazarat Abad Charsadda).	GHS, Sra Mela (O. Ag:)do
(17	Hidayatullah S/O Mahabat Khan Villg: Landi Jalander (Bannu).	GHS, Ahmad Wam (SWA)do
₹8.	Muntaz Ali S/o Khushdil Khan Village Dandi (Bannu).	GHS, Said Khan Kot (SWA)do
19.	Muhammad Islam S/o Shamsul Iselam GHS, Top Mandal Bajour.	GHS, Manz Gargi(O.Ag:)do
20.	Hakimamullah S/o Asmatullah shah Hussain Disstt:Bannu.	GHS, Zadrana (SWA)do
21.	Ismail Khan S/o Haji Hakim Khan C/O Fazal Hussain Medical Store, Shabqdar.	GHS;Ghiljo (Orakzai Agency).
22.	Muhammad Tayyab S/O Luqman Shah,	GHS, Sakhi Ahmad Shah (Kurram).

Mehrab Hussain S/O Afzal Hussain, Kurram. NOTES:

2000

23.

24.

- Charge reports should be submitted in duplicate to all concerned. (1)
- (2)TN/DA is not allowed.

Latif Hussain S/O Ghulam Mehdi, Kurra-m.

PO No. 498, GPO, Peshavar.

(3)Consequent upon the finalization of the judicial judgement in respect of the selectees of Zinc-5, their seniority vis-a-vis of the appointees of other Zones, will be fixed in accordance with the merit assigned to them by the Selection Committee.

> (PROF: DR. SHER ALAM KHAN) DIRECTOR OF EDUCATION. FATA, N.W.F.P., PESHAWAR.

GHS; Sadda (Kurram Agency).

GHS, Bilyamin (Kurram Agency).

22331-50 Endst: NO

/A-1/SET (N) Dated Peshawar the 12-7-

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

- Director of Education (Secondary) NWFP, Peshawar with reference to his No as quoted above.
- 2. All Regional Directors of Education FATA.
- Accountant General NWFP, Peshawar. 3. Principals, Head Mistresses GHSS/GHS, concerned.

Agency Education Officers concerned.

Candidates concerned. DILBTT: ACCOUNTS OFFICER,

Agency Accounts Officer conce

DY DIRECTOR OF PUCATION, FATA, N. W. F. P. PESHAWAR.

NOTIFICATION.

TERMS & CONDITIONS.

1. They will be governed by such rules and regulations as may be prescribed from tive to time by the Govt: for the category for of the Govt: servants to which they belong.

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- 2. Their services will be liable to termination on one month's notice from either side. In case of resignation with out notice one month pay will be forefieted
- 3. They should uoin the post with in one from the issuance of these orders.
- 4. Their inter-se-semioity will be determined in accordance with the merit fixed by the Departmental Selection Committee.
- 5 They shall be on probation for a period of Two years.
- 6. They shall be required to furnish copies of all their certificates/degrees alongwith the original receipts and photocopies there of pertaining to the verification Fee of the concerned examining body (Board/University) to the DEOS/ADOS concerned. The latter shall arrange verification of all the certificates/degrees of the appointers of their respective District/Agencies and will issue a clearance certificate to each appointee for the release of his/her pay.
- Fresh candidates are required to produce Health & age of mtificate Medical Authority concerned before taking over charge. The service Book of the inservice teachers must be checked by the Heads of Institution before handing over charge to them.
- 8. Complete information on the prescribed proforma be submitted to this Directorate within a month.
- 9. Prescribed age limit for Fresh condidates in 21-35 years.

<u>S.No</u> .	Name/Designation./Address.	Posted at .	Remarks.
1.	Muhammad Gul S/o Sher Akbar Umerzai Charsadda.	GHS, Kamshelman Khyber Agency.	Against vacan
2.	Ayub Khan S/o Nawab Khan PTC GPS Usman Banda Perkho Dheri Mardan.	GHS, Chapper Mishti). (Orakzai Agency).	do
3.	Rahimullah S/o Saifullah Zerakai Kikanshak Mir Ali (NWA).	GHS, Janatta (SWA)	,,,,do
14.	Shoukat Hussain S/o Muhammad Ayub (Kurram).	GHS, Ali Zai (Kur	do
5.	Muhammad Zahir S/o Shahzada Villg:Panirak Charsadda.	GHS, Kurez (O.Ag:)	do:
6.	Jamshid Khan S/o Mula Noor (FR.Kohat).	GHS Ara Khel (FR " -	(-)do
7.	Muhammad Ismail S/o Muhammad Din Villg: Panirak Charsadda.	GHS, And Khel (C	
8.	Faridullah S/o Mir Badshah Vill:Landi Jalander (Bunnu).	GMS, Khezana (Kurr	do
9.	Mujahid S/o Umer Din Harichand (Charsadda).	GHS; Bagan (Kurram).	do
10.	Muhammad Nisar S/o Multan Khan Pop: Consus Dev: Peshawar.	GHS, Makhezai(Kurram)	
A1	Muhammad Farooq S/o Gulzar Khan (Kurram).	GHS ALi Zai (Kurram'	do
	Noor Zada S/O Sher Nawaz Khurgai Domel Bunnu.	GHS, Spin (SWA).	,do
13.	Bajour. Next: Page-2.	GHS, Chapper Mish (Orakzai Agency).	do

Jo,

The Director of Education, FATA, Knyber Pakhtun Khwa Peshawak

Subject: Request for grant of Extra-Ordinary Leave These years without Pay 01-05-2010 To 20-04-2014

Respected Six,

Will due regard it is brought into your motive that I have been performing my duty as SET Science in Education Department Since July 13 1999. At Present I am teaching at Govt High School Alizai Lower Kneeden.

Since I have been Jacing Some domestic troblems due to which I find it hard to perform my duty with the best way of teaching.

Therefore, it is requested, that I may kindly be granted three years extra-ordinary heave without of Pary to handle my domestic problems well intime Please.

I shall be very thankful to you.

Dated. April 19,2010.

D.E, FATA, Si,

Forwarded of Rec that the applicant already Muhammad Farosay. had been transferred to 6.48. Sakhi SET, GHK AliZai Lower Ahmad Shah vide DE FATA Ordro 7576-81 Known Agency. dated 315-09 permanantly. But he had not relieved himself while his substituate Mr waris Ali has taken over charge here. 9

May no abjection on his leave. 11

Forwarded to DB PATA for

AL PHINCIPAL

30/5/16 C.H.S. Ali Zai

Kurram Agency

n/a please.

The Director of Education, FATA, Knyber Pakhtun Kherer feehansak.

Request the grant of Extra ordinary Leave These years Without Pay :01-05-2011 To 30-04-2014

Respected Six,

with due regard it is brought into your notice that I have been performing my duty as SEI science in Education Department Since July 13, 1999. At Present I am teaching at Govt High School Alizai Lower Kurram.

Since I have been Jacing Some domethic troblems due to which I find it had to Perform my duty with the best way of teaching. Merefore, K. is requested, that I may kindle be granted These years extra-ordinary heave without of Pay to handle my domestic problems well intime flease.

I shall be very trankful to you.

Dated. Apr. 4 19,2011

D.E, FATA, Sis,

your obediently Forwarded of Rec that the applicant already Muhammad Farisage had been transferred to 6-43. Sakhi SET, GHS Alizai Louce Ahmad Sheh vide DE FATA Ordero 7576-81 Kroken Agency dated 515-09 parmanantly. But he had not not relieved himself while his substituate ATTESTI Mr waris Ali has Laken over charge live. 9 have now abjection on his leave. Al guncle

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Copy To A.E.O. WAS DIRECTOR 1. FATA HEAT MIASTAR ALIZAM Side Signa A.S. T Con Le Signa ATTESTED

<u>NOTIFICATION</u>

 $q_{\mu_1}^{\mu_2}$

- WHEREAS, Muhammad Farooq SET GHS Alizai Kurram Agency was granted 90 days Ex-Pakistan leave with effect from 5-3-208 or from the date of availing 1. on full pay vide sanction No. FS/E/100-(Leave) Vol-8/1434-38 dated 13-2-2008
- WHEREAS, on the expiry of leave, he did not report for duty & remained absent from duty without leave sanction. According to Rule-8-A of the NWFP Govt: 2. Servants (Efficiency & Disciplinary) Rules 1973, a notice was issued to him by the Agency Education Officer Kurram Agency vide letter No.614-17 dated 29-4-2010, but he did not report for duty. The Principal concerned has reported that he has gone abroad. Hence a notice was issued to him on his home address by the Deputy Director (Establishment) Education (FATA) Warsak Road Peshawar (vide letter No. 4117 dated 22-3-2011) with the direction to resume duty within a week time explain the reason of willful absence.
- WHEREAS, later on, another notice was published in two leading news papers (i.e. Daily Times dated 14-6-2011 and Daily Paghamat dated 14-6-2011) with the 3. direction to resume his duty within seven days of the publication of that notice, failing which an ex-parte decision will be taken against him, but the teacher concerned failed to resume duty.
- WHEREAS, a Final notice was issued to him on his home address by the Additional Director (Establishment) Education (FATA) Warsak Road Peshawar vide 4. letter No. Endst: No. 3840-43 dated 16-3-2012), but no reply has been received from him end so far as reported by the Director of Education (FATA) Warsak Road Peshawar vide his letter No.10690 dated 26-7-2012.
- NOW, THERFORE, in exercise of powers conferred under the Govt: of Khyber Pakhtunkhwa Government Servant (Efficiency & Disciplinary) Rules 2011 read 5. with Rule-8-A of the NWFP Govt: Servants (E & D) Rules 1973, major penalty of removal from service is imposed upon Muhammad Farooq SET GHS Alizai Kurram Agency from the date of his absence from duty.

DIRECTOR 59/64 ELEMENTARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA, PESHAWAR

/File No. 359/SET (M) dated Peshawar the 2012
Copy forwarded for information and necessary action to the:-Endst: No.

1. Director of Education (FATA) Warsak Road Peshawar with reference to his office letter No. No.10690 dated 26-7-2012.

2. Agency Education Officer Kurram Agency

3. Agency Accounts Officer Kurram Agency

4. Principal GHS Alizai Kurram Agency

5. Principal GHS Sakhi Ahmad Shah Kurram Agency

6. Teacher concerned

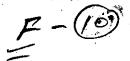
Deputy Director (Establishment)

Elementary & Secondary Education

Khyber Pakhtunkhwa Peshawar. Elementary & Secondary Education

W 5/9/12

TOPPO



The Honourable Additional Chief Secretary FATA Secretariat Peshawar.

Subject: - APPEAL

Dated 16 19 12012

Honorable sir,

Please refer to the notification issued by Deputy
Director(Establishment) Elementary & Secondary Education KPK Peshawar
Notification regarding my removal from service issued under Endst.No.659-64
dated 10.9.2012.

Most respectfully I beg to say that I was working as SET at GHS Alizai (Kurram Agency) regularly. Due to some domestic problems I applied for Extra Ordinary Leave without pay with effect from 01.5.2011 to 30.4.2014.

Sir, I have not received any notice/explanation from the Department on the school's address as well as on home address. The plenty imposed upon me on account of removal my service is not based on fact.

It is, therefore, requested either accord my leave or allow me to perform my duties.

Yours obediently

(Mohammad Farooq)SET GHS Alizai (Kurram Agency)

Copy forwarded to the Director of Education FATA Secretariat Peshawar.

(Niohammad Farooq)SET G-IS Alizai (Kurram Agency)

ATTESTED

VAKALATNAMA

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KHATTAK, Advoca	ate, Peshawar to	appear, plea	id, act,
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engage/appoint any	other Advocate Cour	nsel on my/o	ur cost
I/we authorize the	said Advocate to de	posit, withdra	aw and
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1		HAMMAD KH. ADVOCATE)	ATTAK
		ADVOCATE	
OFFICE:			
Room No.1, Upper Fl			
Islamia Club Building Peshawar City.	, knyber Bazaar,		
Phone: 091-2211391			
Mobile No.0345-9383	and the second s		

EFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

SERVICE APPEAL No: 1071/2013

Muhammad Farooq Ex-SET GHS Alizai(Lower Kurram Agency) Appellant

VERSUS

Secretary Elementary & Secondary Education Government of Khyber Pakhtun khwa & others.Respondents

PARAWISE COMMENTS FOR & ON BEHALF OF THE RESPONDENTS No:1, to 4.

Respectfully Sheweth:-

The respondents No: 1-4 submit as under :-

Preliminary objections

- 1 The appellant has no cause of action/locus standi.
- 2 The instant appeal is badly time barred.
- 3 The appellant has concealed the material facts from this Hon! able Tribunal, hence liable to be dismissed.
- 4 The appellant has not come to this Hon! able Tribunal with clean hands.
- 5 The instant appeal is against the prevailing law & rules.
- 6 The appellant is estopped by his own conduct to file in present appeal.
- 7 The instant appeal is not maintainable in the present form & also in the present circumstances of the issue.
- 10 That order dated 10.9.2012 is legally competent.
- 11 That the appellant has found guilty by the respondent department.
- 12 That the appellant is not entitled for the grant of relief he has sought.

ON FACTS

- 1 That para-1 needs no comments being pertains to the service record of the appellant.
- That para-2 is correct to the extent that the appellant was granted Ex-Pakistan leave wef 05.3.2008 to 04.3.2009 vide order dated 13.2.2004 & on the expiry of the said leave he should have been reported for duty against the said post, but he did not resume his official duty & remained absent from his official duty, the department in response to his willful absence from duty served a notice dated 29.4.2010 & an other notice dated 23.3.2011 issued by the Deputy Director (Estab:) FATA Warsak Road, Peshawar but again he failed to comply the order of the competent authority, hence a show cause notice dated 14.6.2011 was also published in the two leading newspapers for the resumption of his official duty but he failed to do so. The respondent department has served a final notice dated 16.3. 2012 was served upon the appellant on his postal address but no response has bee received from the appellant, hence he was removed from service vide order dated 10.9.2014 against SET post by the respondent No: 4. (copies of the mentioned notices are attached) for ready reference.
- That para-3 is correct to the extent that the appellant has been removed from service vide order dated 10/9/2012 by the competent authority in the light of facts & circumstances as mentioned in Para-2.
- That para-4 is incorrect & misleading, hence no further comments.

ÖN GROUNDS

- That ground-A is incorrect & denied, the appellant has been treated as per rules & policy prior to the issuance of removal from services order dated 10.9.2012 by the respondent 4.
- That ground-B is incorrect & denied, detail reply has been given in the above mentioned В paras, hence no further comments.
- That ground-C is incorrect & misleading detail reply has been given in the above paras. C
- D That ground-D is also incorrect & denied, the appellant has been treated as per law rules & policy in the instant case by observing all the codal formalities.
- That ground-E is also incorrect & denied, detail reply has been given, in para 2, hence no Е further comments.
- F That ground-F is also incorrect & denied, the appellant has been treated as per law, rules & policy in the instant case prior to the issuance of order dated 10.9.2012 by the respondents.
- G That ground-G is incorrect & misleading, hence no comments.
- Н That ground H, is legal, however the respondents seek permission of this Hon! able Tribunal to advance & submit Additional grounds in case law at the time of arguments.

It is therefore, prayed that on the acceptance of this reply, the appeal in hand may kindly be dismissed in favour of the respondents.

(E&SE) Department Khyber Pakhtunkhwa Peshawar.

Secretary

(E&SE) Department Govt: of Khyber Pakhtunkhwa Peshawar

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KHYBER PAKHFUNKHWA, PESHAWAR.

File.No. 14/359/SET(M)Gen/FAT

No /23

Dated Pesha

ated Peshawar the 7/3 /2011

To

The Director Education, FATA.
FATA Seceretariat, Warsak Road, Peshawar.

Subject:

6,1

D-28

Absent from duty.

I am directed to refer to the Section Officer (Estt) letter No. FS/E/100-80(V-1324-25, dated 3.2.2011on the subject noted above and to ask you to take action against Muhan Farooq SET GHS Alizai Kurram Agency and a Notice may be issued to him on his home ad and then a Notice may be published in two leading Newspapers and recommend him for ren from service.

Deputy Director (II (E&SE) Khyber Pl Peshawar.

1877

SH-107/2013

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1071/2013

MUHAMMAD FAROOQUE VS

EDUCATION DEPTT

REJOINDER ON BEHALF OF APPELLANT IN RESPONSE TO THE REPLY SUBMITTED BY THE RESPONDENTS

R/ SHEWETH:

PRELIMINARY OBJECTIONS: (1 TO 12):

All the preliminary objections raised by the respondents are incorrect and baseless and not in accordance with law and rules rather the respondents are estopped due to their own conduct to raise any objection at this stage of the appeal.

ON FACTS:

- 1- Admitted correct, hence need no comments.
- 2- Incorrect and not replied accordingly. That after expiry of said leave due miserable law and order situation in the Kurram Agency all the area of the appellant native village became under fire, therefore the appellant filed application for the extension of his leave but no response was received from the concerned quarter.
- 3- Incorrect and not replied accordingly. That the appellant visited the concerned office for his arrival/joining duty, astonishingly the appellant was handed over his removal order dated 10-09-2012.
- 4- Incorrect and not replied accordingly. That feeling aggrieved the appellant filed Departmental appeal against the impugned order dated 10-09-2012 before the competent authority but no reply has been received so far.

GROUNDS:

(A TO H):

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondents are

incorrect and baseless hence denied. That the action of the respondents is against the law, facts and norms of natural justice. That no charge sheet and statement of allegation has been served on the appellant by the respondent Department while issuing the impugned order dated 10-09-2012. That no show cause Notice, No chance of personal hearing/defense and no regular enquiry has been conducted in the matter which is as per Supreme Court Judgment is mandatory. That rules 8-A of the efficiency & Disciplinary rules 2011 has not been followed by the respondent Department while issuing the impugned order dated 10-09-2012.

It is therefore most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may be accepted as prayed for.

APPELLANT

MUHAMMAD FAROOQUE

THROUGH:

NOOR MUHAMMAD KHATTAK ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

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It is therefore most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may be accepted as prayed for.

APPELLANT

MUHAMMAD FAROOQUE

THROUGH:

NOOR MUHAMMAD KHATTAK ADVOCATE

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KHYBER PAKHTUNKHWA, PESHAWAR.

File.No. 14/359/SET(M)Gen/FAT

No. <u>(23</u>) Dated Peshawar the <u>7/3</u>

To

The Director Education, FATA, FATA Seceretariat, Warsak Road, Peshawar.

Subject:

Absent from duty.

P-28

I am directed to refer to the Section Officer (Estt) letter No. FS/E/100-80(V-1324-25, dated 3.2.2011on the subject noted above and to ask you to take action against Muhan Farooq SET GHS Alizai Kurram Agency and a Notice may be issued to him on his home ad and then a Notice may be published in two leading Newspapers and recommend him for ren from service. .

129

<u>DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION,</u> <u>KHYBER PAKHTUNKHWA, PESHAWAR.</u>

File.No.A-14/SET(M)359/Gen/Leave/FATA

No. 2644

Dated Poshawar the 20/5/201

То

The Director of Education, FATA, Warsak Road, Peshawar

Subject:

Absent from Duty.

I am directed to refer to your letter No. <u>5549</u>, dated 23.4.2011 on the subject note above and to state that you have already been requested vide this office letter No. <u>623</u>, date 7.3.2011 that notice may be issued to Muhammad Farooq SET GHS Ali Zai Kurram Agency on hi home address. If he fails to report for duty a notice may be published in two leading Newspaper and recommend him for removal from service under Rule-8-A but you have again sent incomplet case to this directorate.

I am therefore directed to ask you to publish a notice to the teacher concerned in two leading news papers & after stipulated period the case may be referred to the authority i.e. Directres E&SE with the recommendations for the removal from service of the teacher concerned.

Encl. As there.

Deputy Director
(E&SE) Klaybe

(E&SE) Khyber Pakhtunkhwa

Peshawaz

3/2/11

CH ZARIN

107/2019

hatter had been the house and g, suspension of Elication was not and parties staged and did not return during the rest of dings.:-Online ace inconvenience, 132 station on june from 8 AM to 12 sultantly the consumers Shakardara,Chamba Lachi, Mandori feeders face inconvenience. er supply will remain ended from132 KV awar D I Khan grid cndcd on on 15th June from 6 10 AM, resultantly the sumers of 11 kv City-ler will face inconve-

levelactivities an occasion to (r(int) 2)no ciate andackne المقال وفي الدخري والمنافقة صربان بجت كرمنال عن والله Sucrifice of گهرموج و و حالات <u>می</u> ام مشنين قانول ين جا General rel burnt by はアびとポエング people: 11 11 == ABBOTTABA al record room was burnt by people for their

cst.
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mentsrecord.

بنول ، مختيار يوسف

7اضلاع میں

1-2011 كران

متوازن ادرعوام دوسر

وز بر ف است ایک بیان

لزائم کا ایک خاکہ ہے کے کئے ہم بحر پوراندایا

كها كه آئنده الي سال

ک زندگی پرشبت

خیبر پختونخواکے وزیراعلیٰ کی ایک علیٰ سطحی اجلاس کی صدارت

بٹادر(کی رپورٹر) خیبر پھوتو اکے دزر اعلی ا مرحیدر خان مولی نے میر کے روز ایے ونتر میں اعلی تھی اجلاس کی معدارت کی جس میں سرکاری میں میں میں اور کے معاملات برغور کیا گیا۔ اجابی ع شركاه من موبال سكرزي المنشريق حنظ الرفس، ك ايند وليو، بلك ميلتو الجيئر لك، بلديات . إ حکام اور لی لی ایم می کے ایکسین شائل تھے۔ اس موقع پر سرکاری محکول کو دفاتر سیا کرنے کیلئے کی ايك تجأويز زبرغورآ ئي

اورقابل ستائش القدام ب،ارزم خان چادر(جزل ربيرز)م ماحوليات واجدعلى خان د محر لچیلنجوں کے آباد جور فلاح و بببور می سنجیدو مالانه ترتیاتی پرونگرا^م

كاظم حسين شاه چرال سول كيس پشاور ميں سپیشل مجسنریث ایس این جی پی ایل تعیینات

پٹادر(آلی این لی) نیبر بختو نوا دیے میں انی عکورت نے ککم فرانہ کے کریڈستر و کے آفیرسیہ کا فلم مسین شاہ چرال کو تبدیل کرے وائی نادرن میس یا ئیسلائی کمینیڈ ہرائ اہد کی ارتصاف کا ادارات کی بی الی تعینات بشاور میں بیش مجسفر برن الیں این می بی الی قعینات کرویا ہے چیف میکرٹرن خیرم بختو تو اگی جانب سے جاری کردہ ایک اطلام ہے کے مطابق ککر تزوانے کے آفسر سید کاظم میں شاہ چڑوالی کا خد مات ایس این می لیا ایل کے حوالے کردی کی ہیں

بلگرام، منشات فروشوں کے خلاف

بڑے پانے پرکریک ڈاؤن شرع الرام (اے لی لی) انگرام ٹی پولیس نے مشات فروشوں کے خلاف بڑے مانے برکر ک ڈاؤن شرك كرويات مك مك الميات فرونت كرف والعانون ك الملي ش أك ماو مريس شري آ پریش شرور ایتدائی طور پر بدنام زمانه نشات نروش نین اورائے ساتمی کر فآران سے سات سو كرام چى برآ ماك ظاف نائن ى كابر يدرج

بنگرام، بینک الفلاح بنگرام برانج کا اے ٹی ایم سنٹرعوام کیلئے در دسر بن گیا بْگُرام(آگی این کی) بینک الفلاح بنگرام برانج کا اے فی ایم سنروام کے لئے درد سرین میا ہے روزانه کی بنیاد برسقای لوگول کواے ٹی ایم سنرخراب مونے کی دجے پریشانی کا سامنا کر این اے فرری طور پرنونس لیا جائے عوا ی حلتے ان خیالات کا اظہار بنگرام کے معروف ساتی رہنما دلاور خان ، تی بارفیرانی کام تمرے فردع کردیا واسے گانبول اططان، اور دیگر نے مشرک طور پر میڈیا کے

مركاري ملازيين كوكنوينس الادنس دينامستحسن

ہرک بور(اے کی ٹی) آل بحیرزایسوی ایش کے بی کے شکے صوبا کی جزل سکرٹری ارزم خان جدون نے كما ب كد مور جر ك مركارى المازين أو كويس الاونس ويناك لى كحكومت كاستحس اورقايل ستائش اندام ہے ہری پور پریس کلب کے سافیوں سے خصوص کفت کو کرتے ہوئے ارزم مان نے کہا کہ كوين الاونس جو ملے سرف بیثادر كي سركاري لاز مِن كُومام ل قاتاً ثَمُ ماليه بحث من كَ لِي كَ بَيْنَ كُرِتْ وَ وَ اللَّهِ اللَّهِ حكومت في اسكا والروكار كي في يح في تام مركادى لماز عن يك برحاكرايس به الازفر دية والي بال عن موال au health of injured SP Cant والمستناف

م تعیناتی کیفلاف مقای لوگوں نے پولیوم کے بایکاٹ کا علان کیا تھا رہ تھوسی) المیان تجوزی نے پلوٹیوں کے ساتھ عدم تعاون کا اعلان کرد کھا تھا ول كى تعيالى كى يقين و بالى ير الميان تجوزى كے احتاج اور انداد يو ليومم ك ك ايكات كا نعله والى ك ايكات كى إدكت بيف يكرزى نير بخون فواغلام بی ذاکم ول کی عدم تعیناتی کے عظیر کے سوکاری افسران کے ساتھ ہونے والے انے آج سے انسداد یو لیومیم کے اجلاس میں مجی سنائی دی جب ای ذی او میلتے ذاکر و المحتاطي تطرع نها في اور الكناز في جايا كا احتجاج كي اوجود سيال كما ب

کے عوام کو اندھیروں میں دھکیلنے کی سازش ہے،سرعلی

موسی) جاعت اسلای کے مللی سے اس مولع پر جماعت اسلای کے مللی میکرٹری ان فرید ف کی مروت شیم تک آل اطلاعات محد جران منان اور الخدست فا ویزیش کرد بران منان اور الخدست فا ویزیش کرد بر این برخ مروک پرتشویش کا مشامی صدر میدانندا فریادی اور کیار دی ایات مل نان با ب کریدگی مروت کرمام کو مجمی مروود تقریر فل نے کہا کہ کی شہر کے ساتھ دیدہ ک سازت ب جو کی صورت وانت و تل ان کا ساسلوک کیا جا تا ب شرکو بکل میا ن بائ ك دوريا يا المنتن كرف والى بالى الني البيال كروراد باسده إلى الد لُ كَ وَفُودَ مِنْ إِلَيْنَ كُرُوبِ ﴿ لَإِنْ وَهِ بِهِ بِهِ وَأَنْتَ أَيْنَ كُرُنَاتِينَ

اطور پرجالو کیا جائے ، چیف سیکرٹری خیبر پختونخواغلام دستگیر مومى) چيف سيرنري فحير افعران ادباب شاه رخي حبيب عي غلام بعبي الجرخان لع کی مروت کے میں اوں اور سیشن کا غربوں پر مکیڈئر انسل بھی موجود سے قبل ت تک ذاکروں کی جام خال از میں ڈی کی اوٹھر آیاز مندوخیل نے اس والیان کی ایت کرتے ہوئے کہا ہے کہ مورخال اور طاقائی سیال پر تفسیل پر بعثک دی رہے کرتے ہوئے کہا ہے کہ ما کام کی نبیں جن میں سروی نه ہوڈی ایج کیوسپتال کومکسل بریخل بولیس آنیسر بنول افغارخان نے بنایا کہ جانے خل کی تغیرے کے دی کنال اوائی مامل کر ل کی دماکے سے متاثر وٹی سیتال

فى كما كدوم ك على جاء موف والى تعاد منذان كى فما تندول مع تعتكوك موع كيا ل جائے کہ اس میں عوام کو کر بنیادی سر میرات محیل کے قریب ہے جبکہ قیانہ بکاخیل کی ارز كميكس بجرزل من المارت به 4 فيد كام اوا بيكرزن المية منرا مظم ین طاقہ سے خطاب کرد ہے نے بتایا کہ جولائی کے آخریک الیم باک بناروں پر پانگی بال مکموں کے سکرٹریز دو مگر سروا کر زفیمیات کردیے باسمی کے

نس غير حاضري

مرزي اليس-ان- في گورنمنٹ بائي سکول بلي زئي كرم اليمنسي /5/03 تا 4/06/2008 تک چینی پر تھے جبکہ چینی ختم فيرك وجه بتائ آج تك ويون المفير عاضرين جه اشتبار بذا مطلع کیا جاتا ہے کہ اس اشتبار کی اشاعت ئے اندواندر ڈیوٹی پر حاضر ہوکرایٹی غیر حاضری کی ہیں ک خلاف ای۔اینڈ پے ڈی رولز۳۲۱۹۷ ورآ ریے الیمن یہ او ت كيه طرف كاروا كُومُل مِين لا فَي جِينَ كَي حِس مِين آب لم فی بھی بنوسکتی ہے۔

> ___ زائر يكثرمخكمه تعليمات قبائلى علاقه جات پشارر

روران برواما

LHC transfers 34 judicial officers

High Court on Mondayissued transfer and posting orders of four additional districtand sessions judges (AD&SJ), 25 senior civil judges and fivecivil judges-eum-judicial magis-According to a notifi-issued by LHC Registrar, Sohail Asghar, the AD&SIs who were transferred include Muhammad Kaleem from Okara Rawalpindi, Asim Mansonrfrom Lodhran to Layyah, Muhammad Yasin Shaheen from Sahiwal to Arifwala and Khalid Arshad from Lahore to Nankana Sahib. The senior civil judges who were transferred includeJamil Ahmad Shahzad Bahawalpur to Rajanpur, Ch.Umar Hayat from Narowal to Attock Ms. Abher Gul Khan from the alabad to Faisalabad,

Muhammad Aslam Bhatti from Talagang to Sialkot.Sardar Muhammad Iqbal Dogar from Chichawatni

T.T.Singh, Muhammad Ashraf from Kallurkot to Okara, Muhammad Azam Ranafrom Rawalpindi to Rawalpindi, Muhammad Arshad Anjum fromLahore to R.Y.Khan, Jaleel Ahmad from Lahore toKhanewal, Muhammad Ali from Pindi Bhattian to Hafizabad,Shahzad Raza from Jhang to Jhang, Nadcem Tahir from Sahiwal to Sahiwal, Muhammad Atta Rabbani from Lahore to Lahore, Irfan Haider from Lahore to Ihelum, Munsif from Lahore to Jhelum, Munstl Khan from Arifwala to Pakpattan Sharif, Rafaqat Ali Qamar from Lahore to Kasur, Ahmad Nawaz Khan from Talagang to Vehari, Muhammad Farrukh Hameed from faragang to M R Din from Ferozewala to M.B.Din,

Ms.Kaneez fromGujrat to Nankana Sahib. Syed Nasir Ali Bokhari from NankanaSahib to Lodhran, Abid Ali from Sheikhupura to Bhawalpur, Safdar Ali from Bhakkar Bhakkar to Lahore, Muhammad Kashir from Bahawlapur to Lahore as OSD Lahore High Court. Rafaqat AliGondal from Faisalabad to Bhakkar, Mahmood Haroon Khan fromIslamabad to Islamabad.

The civil judges-cum-judicial magistrates who were-transferred include Asad Hafeez from Khushab to Talagang

Tariq Mahmood from Kharian to Talgang, Sajid Mehmoodfrom T.T.Singh to Gojra, Ms.Saima Riasat form Lahore toNarowal and Ms. Nadia Siddique from Lahore to Jalapur Pirwala, APP

andsecurity Pakistan.

Out of th mendations pr Senate onFinance, Economic Affa approved 60

tions unanimor The Senate the governmen cal deficit and challenges of a ing that will review the exist policy and tack, of inflation.

The House taxation laws invoked inGil-FATA and PATA discrimination be ent parts of t which in turn we the taxbase lead tax rates.

It was sugges ernment may re tice anddiscrimin taxation system s able resources i mized.:-APP

KPK fighting war against terrorism as front line

province: Iftikhar Peshawar:-Khyber Pakhtoonkhwa, information minister Mian Iftikhar Hussain Monday said that KPK was acting as a front line province against the terrotism and paying its cost more than any other Addressing to post budget press conference here, Mian frikhar said that the province was engaged in war for sur-vival of Pakhtoons and had been suffering the most, added that the provincial gov-ernment would utilize all possible sources to win this war, He said any province could not win the war alone and reiterated to fight against ter-rorism till last breath. Referring to all the blood and gore of terrorism in Province, the Provincial information minister said that government had taken all necessary steps for security of masses. Citing many instances where government had managed to contain many acts of terrorism in time, he reiterated govern-ment's resolve to provide maximum security for masses at all possible times. He said Pakistan, United States and Afghanistan have to agree upon one strategy to win this war but each country looking forward for its own inter-CSIS.:-ONLINE

PAF, Army at top in 1st Beach Kabaddi tourn

ISLAMABAD-: Pakistan Air Force (PAF) won two matches apiece to place themselves at points table on the first day of 1st Internatio Kabaddi Tournament here at Pakistan Sports

The PAF boys crushed Sindh 58-15 in their fit while in the second match they defeated WAPI after an interesting contest.

Pakistan Army in their first match registered : itative win against Police by defeating them 56-15 their second encounter they crushed Navy by 39-7

ن محد فاروق اليس _اى _ في حور منت بان سكول على ز في كرم اليجنسي 4/06/2008 ت چين پر نجي کيمن تم ك بعد بغير من وجه بتائ آج تك و يونى سے غير حاضر إلى -پ کو بذریعی اشتبار بدامطلع کیا جاتا ہے کہ اس اشتبار کی اشاعت ات دن کے اندر اندر ڈیوٹی پر حاضر ہوکر اپنی غیر احاضری کی دجہ رون آپ کے خلاف ای ایند - ذی رواز ۱۹۷۳ ورآر - ایس - او 2، من تحق ميك طرفه كارواني على مين الأني جائ ي جس مين آپ اری ہے برطرنی بھی ہوسکتی ہے۔ _____ أاز كَمْرُكُلُهُ تَعَلَيمات

قبائلي علاقه جات پشارر

Doilly Taine 14 2011

1071/2013

