

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

**SERVICE APPEAL NO. 505/2013**

Date of institution ... 30.01.2013  
Date of judgment ... 26.02.2020

Minhaj-ud-Din S/o Ghias-ud-Din, Caste Awan  
R/o Kot Attal Sharif, Tehsil and District D.I.Khan.

... (Appellant)

**VERSUS**

1. Government of Khyber Pakhtunkhwa through Secretary Education (Elementary & Secondary) Khyber Pakhtunkhwa Peshawar.
  2. Director Education (Elementary & Secondary) Khyber Pakhtunkhwa Peshawar.
  3. Executive District Officer Education School and literacy D.I.Khan.
  4. Muhammad Ramzan S/o Qasim Caste Mohana R/o Kot Attal Sharif post officer Attal Sharif Tehsil Kulachi and District D.I.Khan.
- ... (Respondents)

SERVICE APPEAL UNDER SECTION-4 OF SERVICE TRIBUNAL ACT FOR SETTING-ASIDE OFFICE ORDER NO. 4982-86 DATED 20.04.2012 AND RESTORATION OF OFFICE NO. 17203-06 DATED 19.12.2011 AND REINSTATEMENT IN SERVICE WITH ALL BACK BENEFITS.

\_\_\_\_\_

Mr. Mohammad Iqbal Kundi, Advocate.	..	For appellant.
Mr. Usman Ghani, District Attorney	..	For official respondents.
Mr. M. Imran Khan Gundapur	..	For private respondent.

\_\_\_\_\_

Mr. MUHAMMAD AMIN KHAN KUNDI	..	MEMBER (JUDICIAL)
MR. MIAN MOHAMMAD	..	MEMBER (EXECUTIVE)

**JUDGMENT**

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Appellant  
alongwith his counsel present. Mr. Usman Ghani, District Attorney for official respondents No. 1 to 3 and private respondent No. 4 alongwith his counsel present. Arguments heard and record perused.

2. Brief facts of the case as per present appeal are that the appellant was appointed as Lab Attendant in Education Department by the competent authority vide order dated 19.12.2011. He assumed the charge after medical fitness certificate and was performing his duty, however, the respondent-department withdrawn/cancelled the appointment order of the appellant with immediate effect vide order dated 22.04.2012 on the allegation that at the time of appointment, the name of the appellant was not included in the approval accorded by the Secretary to Government of Khyber Pakhtunkhwa Elementary & Secondary Department vide No. SOG(E&SED)31/2011 dated 13.12.2011. Feeling aggrieved, the appellant filed Writ Petition on 11.06.2012 before the Worthy High Court, the Writ Petition was disposed of and the same was treated as representation and sent to respondent No. 5 for decision within a month as per law, rules and government policy, where after the petitioner may seek his remedy before the proper forum, if so advised vide order dated 24.10.2012. The appellant also filed separate departmental appeal on 05.11.2012 but the same was also not decided within the stipulated period, therefore, the appellant filed the present service appeal on 30.01.2013. It is also pertinent to mention that after the withdrawal of appointment order of the appellant on 22.04.2012, the respondent-department also appointed the private respondent No. 4 Mr. Muhammad Ramzan as Lab Attendant at his place vide order dated 29.05.2012.

*M. Ramzan*  
26.2.2020

3. Respondents were summoned who contested the appeal by filing written reply/comments.

4. Learned counsel for the appellant contended that the appellant was appointed by the competent authority as Lab Attendant after fulfilling all the codal formalities. It was further contended that the appellant was performing his duty regularly. It was further contended that the respondent-department withdrawn his appointment order on the ~~conscience~~ <sup>conscience</sup> of private respondent No. 4. It was further contended that neither any charge sheet, statement of allegation was framed or served upon the appellant nor proper inquiry was conducted nor any final show-cause notice was issued to the appellant, therefore, the appellant was condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside and prayed for acceptance of appeal.

5. On the other hand, learned District Attorney assisted by learned counsel for private respondent No. 4 opposed the contention of learned counsel for the appellant and contended that the appellant was appointed as Lab Attendant by the competent authority vide order dated 19.12.2011. It was further contended that at the time of his appointment, his name was not included in the approval accorded by the Secretary to Government of Khyber Pakhtunkhwa Elementary & Secondary Department vide No. SOG(E&SED)31/2011 dated 13.12.2011. It was further contended that the appointment order of the appellant also reveals that the same order

*M. Amin*  
26.12.2020

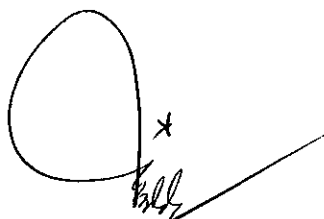
contained two parts and the first part (consequent upon the approval of Secy:E&SED, Pesh: vide letter No. SOG(E&SED)31/2011 dated 13.12.2011) has been added later on by someone through type writer whereas the second part of the appointment order has been typed on computer, therefore, due to non-approval of the appellant by the Secretary his appointment order was withdrawn by the competent authority. It was further contended that the departmental appeal and service appeal of the appellant are also time barred. It was further contended that since the appointment order of the appellant was passed without the approval of Secretary Elementary and Secondary Education Department, therefore, the same was rightly withdrawn by the respondent-department and prayed for dismissal of appeal.

6. Perusal of the record reveals that the appellant was appointed as Lab Attendant vide order dated 19.11.2012, after obtaining medical fitness certificate, he assumed the charge and was performing his duty. However, vide order dated 24.04.2012, the respondent-department withdrawn his appointment order mainly on the ground that the name of the appellant was not included in the approval accorded by the Secretary to Government of Khyber Pakhtunkhwa Elementary & Secondary Department vide No. SOG(E&SED)31/2011 dated 13.12.2011 and just after withdrawal of his appointment order, the respondent-department appointed the private respondent No. 4 at his place on 29.05.2012. Admittedly, after the appointment of the appellant, the appellant had assumed the


*M. Amin*  
26.2.2020

charge after obtaining medical fitness certificate and was performing his duty regularly and the respondent-department has withdrawn his appointment order on the aforesaid allegation but neither any charge sheet, statement of allegation was served nor proper inquiry was conducted nor any final show-cause notice was issued to the appellant, meaning thereby, that the appellant was condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside. As such, we partially accept the appeal, set-aside the impugned order with the direction to respondent-department to conduct regular inquiry including charge sheet, statement of allegation, association of appellant in inquiry proceeding, opportunity of cross examination and issuing of final show-cause notice alongwith copy of inquiry report to the appellant and thereafter pass appropriate order within a period of three months from the date of receipt of copy of this judgment. However, the reinstatement of the appellant will be subject to the outcome of regular inquiry and our this judgment will not affect the appointment order of private respondent No. 4 he will perform his duty regularly till the outcome of regular inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
26.02.2020



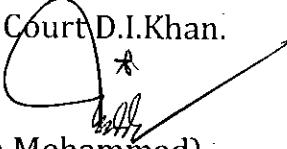
(MIAN MOHAMMAD)  
MEMBER  
CAMP COURT D.I.KHAN

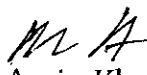


(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER  
CAMP COURT D.I.KHAN

24.02.2020

Appellant alongwith his counsel and Mr. Ziaullah, Deputy District Attorney for official respondents No. 1 to 3 and private respondent No. 4 in person present. Arguments heard. To come up for order on 26.02.2020 before D.B at Camp Court D.I.Khan.

  
(Mian Mohammad)  
Member  
Camp Court D.I.Khan

  
(M. Amin Khan Kundi)  
Member  
Camp Court D.I.Khan

26.02.2020

Appellant alongwith his counsel present. Mr. Usman Ghani, District Attorney for official respondents No. 1 to 3 and private respondent No. 4 alongwith his counsel present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of five pages placed on file, we partially accept the appeal, set-aside the impugned order with the direction to respondent-department to conduct regular inquiry including charge sheet, statement of allegation, association of appellant in inquiry proceeding, opportunity of cross examination and issuing of final show-cause notice alongwith copy of inquiry report to the appellant and thereafter pass appropriate order within a period of three months from the date of receipt of copy of this judgment. However, the reinstatement of the appellant will be subject to the outcome of regular inquiry and our this judgment will not affect the appointment order of private respondent No. 4 he will perform his duty regularly till the outcome of regular inquiry. Parties are left to bear their own costs. File be consigned to the record room.

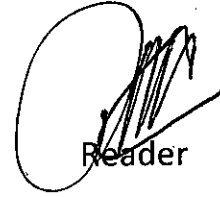
ANNOUNCED  
26.02.2020

  
(MIAN MOHAMMAD)  
MEMBER  
CAMP COURT D.I.KHAN

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER  
CAMP COURT D.I.KHAN


21/10/2019


Since tour to D.I.Khan has been cancelled .To come for the same on 25/11/2019.

  
Reader

25.11.2019

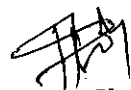
Appellant in person present. Mr. Ziaullah, Deputy District Attorney for official respondents No. 1 to 3 and private respondent No. 4 in person present. Appellant seeks adjournment on the ground that his counsel is not available today due to general strike of Khyber Pakhtunkhwa Bar Council. Adjourned to 27.01.2020 for arguments before D.B at Camp Court D.I.Khan.

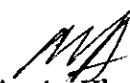
  
(Hussain Shah)  
Member  
Camp Court D.I.Khan

  
(M. Amin Khan Kundi)  
Member  
Camp Court D.I.Khan

27.01.2020

Due to strike of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Usman Ghani, District Attorney alongwith Mr. Muhammad Kamran, ADO for official respondents No. 1 to 3 and private respondent No. 4 in person present. Adjourned to 24.02.2020 for arguments before D.B at Camp Court D.I.Khan.

  
(Hussain Shah)  
Member  
Camp Court D.I.Khan


  
(M. Amin Khan Kundi)  
Member  
Camp Court D.I.Khan


25.06.2019

Mr. Shoukat Ullah Khan Advocate on behalf of learned counsel for the appellant Mr. Muhammad Iqbal Kundi present and requested for adjournment. Mr. Farhaj Sikandar, District Attorney for official respondents No. 1 to 3 and private respondent No. 5 in person present. Case to come up for arguments on 27.08.2019 before D.B at Camp Court D.I.Khan. ~~therefore, notice is issued to~~  
~~respondent No. 4 to appear in person or through his representative in~~  
~~person.~~ (Hussain Shah) ~~and~~ (Muhammad Amin Khan Kundi) Member Camp Court D.I.Khan Member Camp Court D.I.Khan  
~~of respondent No. 4.~~

27.08.2019

Appellant alongwith his counsel present. Mr. Farhaj Sikandar, District Attorney for official respondents No. 1 to 3 and private respondent No. 4 in person present. Private respondent No. 4 requested for adjournment on the ground that his counsel is not available today. He is strictly directed to produce his counsel on the next date. Adjourned to 24.09.2019 for arguments before D.B at Camp Court D.I.Khan.

  
(Hussain Shah)  
Member  
Camp Court D.I.Khan

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court D.I.Khan

24.09.2019

Learned counsel for the appellant present. Mr. Farhaj Sikandar learned Deputy District Attorney for official respondents present. Private respondent No.4 in person present and submitted application for adjournment. Adjourn. To come up for arguments on 21.10.2019 before D.B at Camp Court, D.I.Khan.

  
Member

  
Member  
Camp Court, D.I.Khan.



505/2013


25.03.2019

Appellant in person and Mr. Farhaj Sikandar, District Attorney for the official respondents and private respondent No. 4 in person present.

Appellant requests for adjournment as his learned counsel has proceeded to perform Umra.


Adjourned to 23.04.2019 before the D.B at camp court, D.I.Khan. It is evident from the record that on previous so many dates of hearing adjournment was sought by the appellant/counsel, therefore, in case of absence of learned counsel for the appellant on the next date of hearing instant matter would be decided on the basis of available record.


  
Member

  
Chairman  
Camp Court, D.I.Khan

23.04.2019

Appellant in person and Mr. Farhaj Sikandar, District Attorney for official respondents No. 1 to 3 and private respondent No. 4 in person present. Due to strike of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Adjourn. To come up for arguments on 25.06.2019 before D.B at Camp Court D.I.Khan.

  
(M. Amin Khan Kundi)  
Member  
Camp Court D.I.Khan

  
(M. Hamid Mughal)  
Member  
Camp Court D.I.Khan

17.12.2018

As per direction of the worthy Chairman Khyber Pakhtunkhwa Service Tribunal, D.I.Khan tour dated 17.12.2018 has been rescheduled and the case is re-fixed for 26.12.2018.

  
Reader

26.12.2018

Counsel for the appellant present. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Muhammad Kamran, ADO for official respondents No. 1 to 3 and private respondent No. 4 in person present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 22.01.2019 before D.B at Camp Court D.I.Khan.

  
(Hussain Shah)

Member  
Camp Court D.I.Khan

  
(Muhammad Amin Khan Kundi)


Member  
Camp Court D.I.Khan

22.01.2019

Appellant in person and Mr. Farkhaj Sikandar, District Attorney for respondents present.

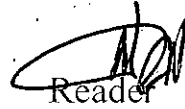
Appellant states that his learned counsel is engaged before the High Court, D.I.Khan Bench in a number of cases today and made a request for adjournment. Adjourned to 25.03.2019 for arguments before D.B at camp court D.I.Khan.

  
Member

  
Chairman  
Camp Court, D.I.Khan

31.08.2018

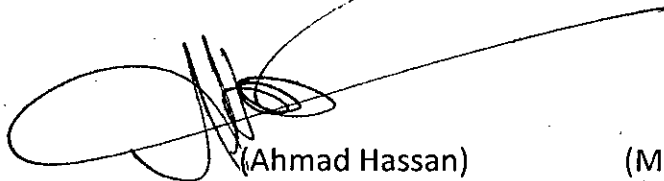
Learned counsel for the appellant and Mr. Usman Ghani learned District Attorney present. Tour program has been cancelled therefore the case is adjourned. To come up for the same on 11.09.2018 before D.B at Camp Court D.I.Khan.



Reader  
Camp Court, D.I.Khan

11.09.2018

Appellant in person present. Mr. Ziaullah, Deputy District Attorney alongwith Mr. Muhammad Kamran, ADO for official respondents No. 1 to 3 and private respondent No. 4 in person present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 24.10.2018 before D.B at Camp Court D.I.Khan.



(Ahmad Hassan)  
Member  
Camp Court D.I.Khan



(Muhammad Amin Khan Kundi)  
Member  
Camp Court D.I.Khan


24-10-2018

Tour is hereby cancelled. Therefore the case is adjourned. To come up on 17-12-2018 at Camp Court D.I.Khan



14.03.2018

Counsel for the appellant and Addl. AG alongwith Muhammad Kamran, ADO for the respondents present. Counsel for the appellant seeks adjournment. To come up for arguments on 24/4/2018 before the D.B at camp court, D.I.Khan.

  
Member

  
Chairman  
Camp court, D.I.Khan

25.05.2018


Due to retirement of the worthy Chairman, the Tribunal is non-functional. To come up for the same on 21-6-18. Notices be issued to the parties accordingly.

  
Member

21.06.2018

Appellant Minhajud Din alongwith his counsel Mr. Muhammad Iqbal Kundi Advocate present. Contesting respondent Muhammad Ramzan in person present. Mr. Muhammad Kamran, ADO (Litigation) alongwith Mr. Usman Ghani, District Attorney for the respondents present.

Private respondent made a request for adjournment that his counsel is out of station. Granted. To come up for arguments on 27.07.2018 before the D.B at camp court, D.I.Khan.

  
Member

  
Chairman  
Camp Court, D.I.Khan

2-7-18

*Two programs is rescheduled, therefore the case is adjourned on 31-7-18 for the same.*

  
Member

19.02.2018

Counsel for the appellant present. Mr. Usman Ghani, District Attorney alongwith Mr. Muhammad Kamran, ADO for official respondents No. 1 to 3 and private respondent No. 4 in person also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 14.03.2018 before D.B at Camp Court D.I.Khan.

14.03.2018

(Ahmad Hassan) (Muhammad Amin Khan Kundi)  
Member Counsel for the appellant and Addl. AG alongwith  
Muhammad Kamran, ADO for the respondents present. Counsel for  
the appellant seeks adjournment. To come up for arguments on  
24.4.2018 before the D.B at camp court, D.I.Khan.

Member

Chairman  
Camp court, D.I.Khan

14.03.2018

Counsel for the appellant present. Mr. Usman Ghani, District Attorney alongwith Mr. Muhammad Kamran, ADO for official respondents No. 1 to 3 and private respondent No. 4 in person also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 14.03.2018 before D.B at Camp Court D.I.Khan.

Member

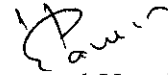
Chairman  
Camp court, D.I.Khan

27.12.2017

Appellant in person present. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Muhammad Kamran, ADO for official respondents and counsel for private respondents present. Appellant requested for adjournment. Adjourned. To come up for arguments on 24.01.2018 before D.B at Camp Court D.I.Khan.



(Muhammad Amin Khan Kundi)  
Member  
Camp Court D.I. Khan



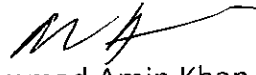
(Muhammad Hamid Mughal)  
Member  
Camp Court D.I.Khan

24.01.2018

Counsel for the appellant present. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Muhammad Kamran, ADO for official respondents No. 1 to 3 and private respondent No. 4 in person also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 19.02.2018 before D.B at Camp Court D.I.Khan.



(Ahmad Hassan)  
Member  
Camp Court D.I.Khan



(Muhammad Amin Khan Kundi)  
Member  
Camp Court D.I.Khan

23.10.2017


Bench incomplete. Adjourned. To come up on 24.10.2017 before D.B at camp Court D.I.Khan.

  
Reader

24.10.2017

Counsel for the appellant and Mr. Farkhaj Sikandar, District Attorney alongwith Mr. Muhammad Kamran, ADO (Lit) for respondents present. Counsel for the appellant requested for time to prepare the case on the point of limitation. Adjourned. To come up for arguments on 28.11.2017 before D.B at camp Court D.I.Khan.


  
Member  
(Executive)

  
Member  
(Judicial)  
Camp Court D.I.Khan

28.11.2017

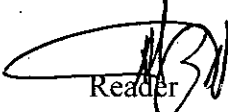
Counsel for the appellant present. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Muhammad Kamran, ADO for official respondent present. Counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 27.12.2017 before D.B at Camp Court D.I.Khan.

  
(Gul Zeb Khan)  
Member

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court D.I.Khan

23.01.2017

Appellant in person, Mr. Muammad Kamran, ADO alongwith Mr. Farhaj Sikander, Government Pleader for official respondents No. 1 to 3 and private respondent No. 4 in person present. Due to non-availability of D.B appeal is adjourned to 28.03.2017 for same as before.

  
Reader

28.03.2017


Since tour is hereby cancelled, therefore, the case is adjourned for the same on 25.07.2017.

  
Reader

25.07.2017

Counsel for the appellant present. Mr. Muhammad Kamran, ADO alongwith Mr. Farhaj Sikandar, District Attorney for official respondents No. 1 to 3 also and counsel for private respondent No. 4 also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 23.10.2017 before D.B at Camp Court D.I.Khan.

  
(Gul Zeb Khan)  
Member

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court D.I. Khan



26.01.2016

Counsel for the appellant and Mr. Farhaj Sikandar, GP with Khalid Saeed Akhtar, ADO for the official respondents present. Fresh notice be issued to private respondent No. 4 and case to come up for written reply of private respondent No. 4 on 26.4.16 at camp court, D.I.Khan.

  
MEMBER  
Camp Court, D.I.Khan

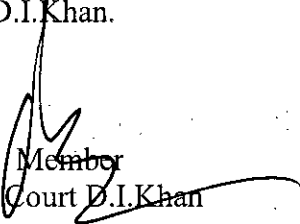
26.04.2016

Counsel for the appellant, Mr. Farhaj Sikandar, GP for respondents present. Written reply of respondent No.4 submitted, copy of which is placed on file. To come up for rejoinder on 27.09.2016 at camp court D.I. Khan.

  
Member  
Camp Court D.I. Khan

27.09.2016

Appellant in person, Mr. Muhammad Kamran, ADO alongwith Mr. Farhaj Sikander, Government Pleader for the official respondents No. 1 to 3 and counsel for private respondents No. 4 present. Appellant submitted rejoinder, copy whereof handed over to learned Government Pleader for official respondents and counsel for private respondents No. To come up for arguments on 23.01.2017 before D.B at Camp Court D.I.Khan.

  
Member  
Camp Court D.I.Khan

28.4.2015

Appellant in person, Mr. Farhaj Sikandar, GP for the official respondents and private respondent No. 4 with counsel present and requested for time. To come written reply at camp court D.I.Khan on 28.09.2015 without fail.

  
MEMBER  
Camp Court, D.I.Khan

28.09.2015

Counsel for the appellant, Mr. Farhaj Sikandar, GP with Khalid Saeed Akbar, ADO for the official respondents and private respondent No. 4 with counsel present. Respondents requested for adjournment. Respondents are directed to file written reply positively on the next date. To come up for the same on 24/1/15 at camp court, D.I.Khan.

  
MEMBER  
Camp court, D.I.Khan

24.11.2015

Counsel for the appellant and Mr. Farhaj Sikandar, GP with Khalid Saeed Akhtar, ADO for the official respondents present and reply filed. Copy handed over to counsel for the appellant. Counsel for private respondent No. 4 present and requested for time. To come up for written reply of private respondent No. 4 on 26-1-16 at camp court, D.I.Khan.

  
MEMBER  
Camp Court, D.I.Khan

24-6-14,

Appellant in person and G.P. for  
respondents No. 1 to 3 present. Respondent  
No. 4 in person present. Reply not received.  
To come up for written reply on 27-10-14  
at Camp Court, D.I. Khan.

Member  
Camp Court, D.I. Khan.

27-10-14.

Present as before on 24-6-14 with Mubhd Nawaz  
A.D.O. reply not filed. To come up for reply on  
25-11-14 at Camp Court, D.I. Khan.

Member  
Registrar  
Camp Court, D.I. Khan.

25-11-2014.

Present as before on 24-6-14. Since the  
Petition is in complete, therefore, this case is  
adjourned to 24-2-2015 for written reply at  
Camp Court, D.I. Khan.

Member  
Registrar  
Camp Court, D.I. Khan.

24-2-15

Appellant in person and Mubhd Nawaz, A.D.O.  
for respondents present. Reply not received. To come up  
for reply on 28-4-15 at Camp Court, D.I. Khan.

Member  
Camp Court, D.I. Khan.

27-1-2014. Appellant with counsel and G.P. present  
Counsel for private respondent No. 4 submitted  
an application for setting aside ex parte order  
passed against respondent No. 4 on 28-10-2013.  
Application allowed. Ex parte against respondent  
No. 4 is set aside. To come up for written  
reply of respondent No. 4 on 24-3-2014 at  
Camp Court, D.I. Khan.

Member  
Camp Court, D.I. Khan

24-3-2014. Counsel for the appellant and private  
respondent No. 4 with counsel present. Written  
reply not received. To come up for written  
reply of R. No. 4 on 26-5-2014 at Camp  
Court, D.I. Khan.

Member  
Camp Court, D.I. Khan

26-5-14

Appellant with counsel and respondent No. 4 in  
person present. Mubd Nawaz, ADO for respondents No. 1 to 3  
with G.P. present and moved application for setting  
aside ex parte order against respondents No. 1 to 3. Counsel  
for the appellant also submitted reply of no objection on  
restoration/setting aside ex parte order against respondents  
No. 1 to 3. Application allowed. Ex parte order set aside.  
Respondents are directed to submit written reply  
on 24-6-2014 at Camp Court, D.I. Khan.

Member  
Camp Court, D.I. Khan

27-5-2013.

Appellant in person, Mahd Nawaz, A.D.O.  
for respondents no. 1 to 3 and respondent no. 4 in  
person present. The L/Bench could not proceed  
to D.I. Khan owing to promulgation of KPK ordinance  
no. 11 of 2013. Case adjourned to 24-6-2013  
for written reply at camp court, D.I. Khan.

Legal  
Registrar  
Camp Court, D.I. Khan

24-6-2013.

Appellant in person, Shakeel Ahmed, A.D.O. with  
Govt. Pleader for respondents no. 1 to 3 and respondent  
no. 4 also in person present. The L/Bench could not  
proceed to D.I. Khan owing to promulgation of KPK  
ordinance no. 11 of 2013. Case adjourned to 23-9-13  
for written reply at camp court, D.I. Khan.

Legal  
Registrar  
Camp Court, D.I. Khan

23-9-2013

Appellant in person, Muhammad Nawaz, A.D.O. with  
Govt. pleader for respondents no. 1 to 3 and respondent  
no. 4 in person present. The representative of respondents  
requested for adjournment to file reply. To come up  
for written reply on 28-10-2013 at Camp Court, D.I. Khan.

Member  
Camp Court, D.I. Khan

28-10-13.

Appellant with counsel and G.P. present.  
No one is present on behalf of respondents.  
Proceeded against ex parte. To come up for  
ex parte arguments on 27-1-2014 at camp court,  
D.I. Khan.

Member  
Camp Court, D.I. Khan

22-4-13.

Appellant with counsel present and heard. The L/counsel contended that appellant has not been treated in accordance with Law. The appellant was appointed as laboratory attendant BPS-1 and assumed the charge on 23-12-2011 after observing all code formalities, as such. All of a sudden the respondent no. 3 withdrew his appointment order w-e- from 22-4-2012 on the ground that his name was not included in the approval accorded by respondent no. 1 vide order dated 13-12-2011 and appointed Muhammad Ramazan respondent no 4 in his place.

Appellant deposited  
process fee & security  
receipt is attached with  
file

JM

Points raised, need consideration.

Admit subject to all just exceptions, including limitations. Process fee and security be deposited within 10 days thereafter, notices be issued to the respondents for submission of written reply on 27-5-2013 at Camp Court, D. Khan.

Member  
Camp Court, D. Khan.

Form- A  
FORM OF ORDER SHEET

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

Case No. 505/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	28/02/2013	<p>The appeal of Mr. Minhajuddin resubmitted today by Mr. Muhammad Iqbal Kundi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>
2	22-3-2013	<p>This case is entrusted to Touring Bench D.I.Khan for preliminary hearing to be put up there on <del>25-3-2013</del></p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p> <p>No one is present on behalf of appellant. Notice be issued to appellant/counsel for preliminary hearing on 22-4-13 at Camp Court, D.I. Khan.</p> <p style="text-align: right;"><i>[Signature]</i> Member Camp Court, D.I. Khan</p>
	25-3-2013	

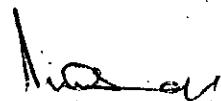
This is an appeal filed by Mr. Minhajuddin today on 30/01/2013 against the order dated 20.04.2012 against which he preferred a departmental appeal on 05.11.2012 which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellants/counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action, with also removing the following deficiencies.

- 1- Annexures of the appeal may be attested.
- 2- Address of respondent No.4 is incomplete which may be completed according to Khyber Pakhtunkhwa Service Tribunal rules 1974.

No. 233 /ST,

Dt. 31/1 /2013

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

MR. MUHAMMAD IQBAL KUNDI ADV.  
HIGH COURT DERA ISMAIL KHAN

Respected sir,

*Subject: Minhajuddin v/s Govt K.P.K Kotler*  
Resubmission of service appeal.

Reference is made to your query /letter No.233/ST dated. 31.1.2013 and state as under.

That Appellant had preferred Departmental Appeal on 5.11.2012 against the order dated.22.4.2012 of Respondents and stipulated period of 90 days has now been expired on 5.2.2013 and service appeal returned by you is now being resubmitted and deficiencies pointed out by you has also been removed .Serialwise Reply is as under :-

- 1) All the annexure attached with appeal have now been attested.
- 2) That addressess of Respondent No.4 is as under.

Residential Addressess.

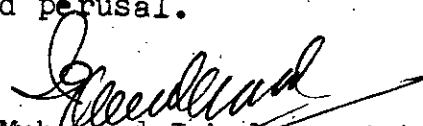
Muhammad Ramzan S/O Qasim  
Caste Mohana R/O of Kot Attal Sharif  
Post Office Kot Attal Sharif  
Police Station Kulachi  
Tehsil Kulachi Distt:D.I.Khan

Province :Khyber Pakhtunkhwa .

Office Address.

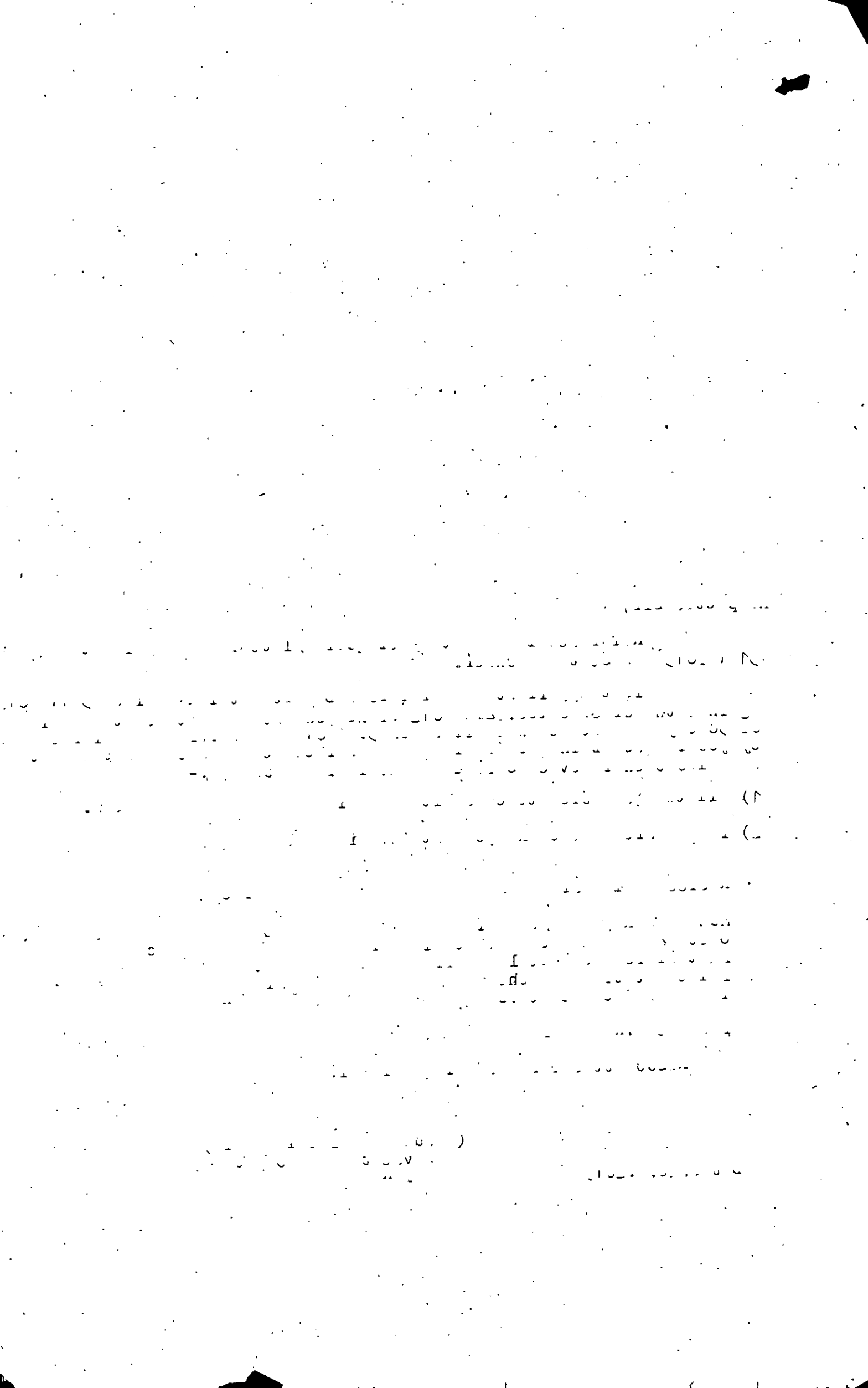
C/O Laboratory Attendant  
Govt High School  
Attal Sharif  
Tehsil Kulachi Distt:  
D.I.Khan.

Resubmitted for your kind perusal.

  
( Muhammad Iqbal Kundi )  
Advocate High Court  
D.I.Khan.

Dated.26.2.2013.





BEFORE THE K.P.K SERVICE TRIBUNAL PESHAWAR.

Appeal no 508/2013

Minhajuddin V/ Govt of K.P.K. etc.

Index.

S.No.	Particulars of documents.	Annexure	Pages.
1.	memo and grounds of Service Tribunal		
2.	Condonation Application.		
3.	Stay Application.		
4.	Copy of order dated.19.12.2011.	A	
5.	Copy of Charge Report and medical fitness certificate	B & C	
6.	Copy of order dated.22.11.2012 and order dated.29.5.2012	D & E	
7.	Copy of Writ Petition and order dated.20.10.2012 and letter dated. 2.11.2012	F G & H	
8.	Copy of Departmental Appeal	I	
9.	Wakalatnama.		

Yours Humble Appellant.

منہاج الدین  
Minhajuddin

through Counsel.

*(Signature)*  
(Muhammad Iqbal Kundi)  
Advocate High Court.

Dated.28.1.2013.

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 505 2013

A.W.F. Peshawar  
Case No. 315  
Dated 30/1/2013

Minhajuddin S/O Ghiasuddin,  
Caste Awan R/O Kot Attal Sharif,  
Tehsil and Distt: D.I. Khan.

Appellant.

V/S

Respondents are  
proceeded against  
ex parte vide order  
sheet dated 28-10-13

Ex parte order  
against respondent  
no. 4 set aside  
dt 27-1-2014

Ex parte order against  
R. No. 1 to 3 set aside  
vide order dt 26-5-14

1. Govt of Khyber Pakhtunkhwa  
Through Secretary Education (Ele&Secon)  
K.P.K. Peshawar.
2. Director Education (Ele :& Secon:)  
K.P.K. Peshawar.
3. Executive Distt: Officer Education  
School and Literacy  
D.I. Khan.
4. Muhammad Ramzan S/O Qasim ✓  
Caste Mohana R/O Kot Attal Sharif Post office Attal Sharif  
Tehsil <sup>Kulachi</sup> and Distt: D.I. Khan.

Respondents.

~~30/1/13~~  
~~30/1/13~~  
30/1/13

Service Appeal under Section 4 of Service Tribunal  
Act for setting aside office order No.4982-86 dated  
20.4.2012 and restoration of office No.17203-06  
dated.19.12.2011 and re-instatement in service  
with all back benefits.

re-submitted to  
and filed.

30/1/2013

Respected Sir,

The Appellant respectfully submits as under :-

1. That Appellant was appointed on the Post of  
Laboratory Attendent in BPS -1 at Govt High School

Attal Sharif by Respondent No.3 vide order bearing No.1703-06 dated.19.12.2011 after obtaining approval of Respondent No.1 vide his approval order bearing No. SuG(E & SED)51/2011 dated.13.12.2011 .

Copy of the order dated.19.12.2011 is enclosed as Annexure A.

2. That appellant reported for duty and resumed it on 23.12.2011 after completing all the code formalities such as medical fitness from Medical Superintendent .Distt: Quarter Hospital D.I.Khan on 22.12.2012.

Copies of the charge report and medical fitness are enclosed as Annexure B & C

3. That Appellant was performing his duties smoothly to the entire satisfaction of his superiors when all of sudden he received an order bearing endorsement No.4982-86 dated 22.4.2012 issued by Respondent No.3 whereby appellant's appointment dated.19.12.2011 was withdrawn /annulled on the false and fabricated pretext that his name was not included in the approval accorded by Respondent No.1 vide order dated.19.12.2011. Soon after the issuance of impugned order dated.22.4.2012 Respondent No.3 appointed Mr.Muhammad Ramzan (Respondent No.4 ) vide order bearing No.7746-49 dated.20.5.2012

Copy of the order dated.22.4.2012 and order dated.29.5.2012 for appointment of Mohammad Ramzan are enclosed and marked as Annexure D & E

4. That after withdrawal of Appellant's appointment letter by Respondent No.3 he approached to the Hon'ble Peshawar High Court through writ Petition No.259-D/2012 for redressal of his grievances .The Hon'ble Peshawar

High Court was pleased to convert the aforesaid Writ Petition into representation vide order dated.24.10.2012 and was sent to the Respondent No.3 by Additional Registrar vide letter No.1556/Jud1/AR dated.2.11.2011.

Copies of writ Petition, order dated.24.10.2012 and Addl.Registrar letter dated.2.11.2012 are enclosed and marked as Annexure F G & H.

5. That after converting the Writ Petition into Representation appellant also filed departmental appeal to Respondent No.1 on 5.11.2012 for redressal of his grievances but uptill now representation as well as departmental appeal has been kept unattended by Respondents.

Copy of the departmental appeal is enclosed and marked as Annexure -I

6. That after expiry of stipulated period of 90 days Appellant is now filing instant service appeal Before this Hon'ble Tribunal inter alia on the following grounds.

Grounds.

1. That impugned order dated.22.4.2012 is void , against law ,, without lawfull authority even same is not effective upon the rights of Appellant thus the same is liable to beset aside .

2. That neither show cause notice has been issued to the Appellant nor any enquiry was conducted by Respondent No.3 while withdrawing appointment order dated.19.12.2011 of Appellant.

3. That it stands established from the contents of the earlier appointment order bearing Endorsement No. 17203-06 dated.19.12.2011 issued by the Executive District Officer (E&S) Education D.I.Khan that the appointment of the Appellant as Laboratory Attendant in GHS Attal Sharif was made in pursuance of the approval of the Secretary (E & SED) Peshawar vide his letter No.SOG (S&SED) Peshawar vide his letter No.SOG(E&SED) 31/2011 dated.13.12.2011. As such the appointment of the Appellant was strictly <sup>in accordance with law/rules and policy</sup> of the Govt and was not made arbitrarily.

4. That the perusal of the record would reveal that the Appellant just after receipt of his appointment order dated.19.12.2011 had appeared before the Medical Supdt: District HQ Hospital D.I.Khan and has obtained a Medical Fitness Certificate required for the purpose on 22.12.2011.

5. That the perusal of the record would show that the Appellant on 23.12.2011 had takenover the charge of the post of Laboratory Attendant in GHS Kot Attal Sharif duly <sup>ad</sup> handover to him by the Headmaster of the said School. and since then the Petitioner is contineously serving as such to the entire satisfaction of his superiors.

6. That the malafide on the part of the EDO (E&SED) D.I.Khan can safely be adjudged from the fact that after issuance of the earlier appointment order dated.19.12.2011 he remained quite mum for a considerable long period of more than four months and never bothered to notice that it was issued <sup>without</sup> ~~over~~ the proper approval of the concerned authority. The stance taken by him in his impugned order dated. 22.4.2012 is very much ridiculous, fanciful and unbelievable.

5

7. That just after issuance of the impugned order dated.22.4.2012, the E.D.O (E&SED) D.I.Khan as per information of the Petitioner has appointed one Muhammad Ramzan Respondent No.6 as Laboratory attendant in place of the Petitioner on 29.5.2012 , which in the attending circumstances was not possible, and it was bit difficult for him to obtain the approval of the Secretary (E&SED) so quickly .It otherwise speaks volumes.

In wake of the above submissions it is respectfully prayed that on acceptance of this Appeal the impugned order dated.22.4.2012 , issued by the EDO E & SED) D.I.Khan regarding the termination of the Petitioner from his service as Laboratory Attendant BPS-1 in GHS Kot Attal Sharif D.I.Khan may graciously be set aside and the earlier order dated.19.12.2011 , issued by the EDO (S&SED) D.I.Khan for appointment of the Appellant as such may please be restored and the order dated.29.5.2012 , issued by the EDO (E&SED) D.I.Khan regarding the appointment order of Muhammad Ramzan Respondent No.6 in place of the Appellant may please be cancelled and the EDO(E&SED) D.I.Khan be directed to pay all back benefits to the Appellant to meet the ends of justice.

Yours Humble Appellant.

*M. Minhajuddin*

Minhajuddin

through Counsel.

*Muhammad Iqbal Kundi*  
(Muhammad Iqbal Kundi)  
Advocate High Court.

Dated.28.1.2013.

6

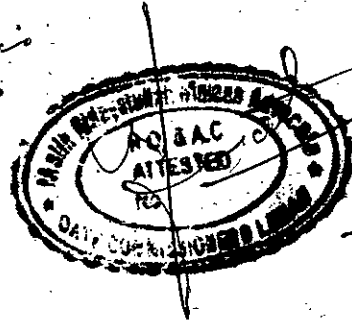
BEFORE THE K.P.K. SERVICE TRIBUNAL PESHAWAR.

Minhajuddin V/s Govt of K.P.K etc.

Affidavit.

I, Minhajuddin S/O Ghamsuddin R/O Kot Attal Sharif D.I.Khan do hereby solemnly affirm and declare on oath that the contents of the appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

*M. Elia*  
Deponent.

  
A. d. 10  
28-1-13



7

BEFORE THE K.P.K.A.R SERVICE TRIBUNAL Peshawar.

C.M. No. \_\_\_\_\_ 2013

in Service Appeal No.

  
Minhajuddin

V/S

Govt of K.P.K.

Application for Condonation of Delay in Submission  
of Appeal.

Respectfully Sheweth,

That the above titled Service appeal is being submitted alongwith the Condonation Application which may be treated as part of the main appeal.

That the Appellant had filed a Writ Petition against his termination order 4982-86 dated.20.4.2012. before the Hon'ble Peshawar High Court Bench D.I.Khan and this Hon'ble Court was pleased to convert the same into representation. The learned Additional Registrar vide order dated.2.11.2012 sent the representation to the EDO D.I.Khan.

That the Appellant had also filed a Departmental appeal but no response has so far been received after expiry of 90 days. Thus the Appeal is within time. However this Hon'ble Tribunal has got vast power to condone the delay in submission of Appeal occurred due to above mentioned situation.

In wake of submissions made above it is humbly prayed that the delay if occurred may kindly be condoned.

Yours Humble Appellant.

Minhajuddin

Through Counsel.

Muhammad Iqbal Kundi  
Advocate High Court.

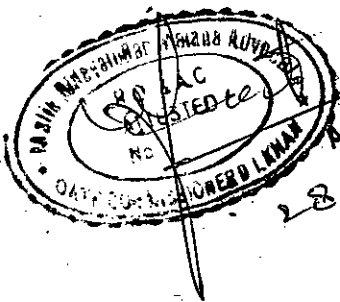
Dated. 28.1.2013.

Affidavit.

I , Minhajuddin S/O Ghiasuddin R/O D.I.Khan do hereby solemnly affirm and declare on oath that the contents of the Appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.

Deponent.

Minhajuddin



BEFORE THE SERVICE TRIBUNAL E.P.K. PESHAWAR.

C.M. No. \_\_\_\_\_ 2013

Minajuddin V/S Govt of K.P.K etc

Application for Suspension of further proceedings on the impugned Office order No.4982-86 dated. 20.4.2012 till final disposal of the instant Service Appeal.

Respectfully Sheweth,

That the above titled C.M. is being submitted alongwith the Service Appeal which may be treated as part parcel of each other.

That the Appellant have challenged the termination order before your honour and the Appellant is hopeful that his appeal will be decided in his favour as all the ingredient required for stay ~~are~~ tilts in favour of the Appellant.

That the Appellant has got good preme facia case , balance of convenience lies in favour of the Appellant.

*Minajuddin*

If the Stay/status quo has not been maintained and the Appellant have kept removed from services the very pupces of the Appeal of the Appellant will become infructuous and the Appellant will suffer irreparable loss.

In wake of submissions made above it is humbly prayed that stay order may kindly be granted to Appellant prohibiting the Respondent from interfering <sup>in</sup> the Services of the Appellant till final disposal of the main Appeal.

Yours Humble Appellant.

M. I. Z. Lio  
Minhajuddin

through Counsel.

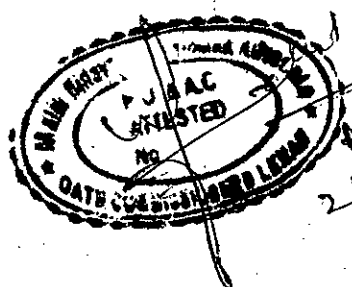
*Muhammad Iqbal Kundi*  
(Muhammad Iqbal Kundi)

Advocate High Court.

Dated. 28.1.2013.

Affidavit.

I, Minhajuddin S/O Ghiasuddin R/O Kot Attal Snarif D.I. Khan do hereby solemnly affirm and declare on oath that the contents of the stay application are true and correct to the best of my knowledge and and belief and that nothing has been concealed.



Deponent: M. I. Z. Lio

(11) ANN-14  
C-13 (5)

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&SE) D.I.KHAN

APPOINTMENT ORDER. Consequent upon the approval of Secy: E&SED, Fesh: vide letter No. SOG(E&SED)31/2011 dt: 13/12/2011.

Mr: Minhaj Ud Din S/O Ghiyas Ud Din resident of Kot Attal Shraif Tehsil Kulachi is hereby appointed Newly Created Post of Class IV Servant (as Lab. Attendent) at CHS, Kot Attal Sharif in BPS-I (2970-90-5670) plus usual allowances in the interest of public service with immediate effect on the following terms & conditions.

TERMS & CONDITIONS.

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

*attested*  
*M. Iqbal Khan*  
*Advocate with comb*  
*D.I. Khan*

Sd/-  
EXECUTIVE DISTRICT OFFICER  
E&S EDUCATION D.I.KHAN

Endost No. 17203-06

Dated DIKhan the 19/12/2011

Copy of the above is forwarded to the:-

1. District Coordination officer D.I.Khan
2. Principal / Headmaster / Headmistress / Dy: DO (M&F) Concerned.
3. District Accounts Officer D.I.Khan.
4. Official Concerned.

(14)

*Store - D. Khan*  
EXECUTIVE DISTRICT OFFICER  
E&S EDUCATION D.I.KHAN  
17/12/11

# چارچ رپورٹ

E 15

Newly created post  
Class IV servant

نئی بنائی گئی پوسٹ  
کلاس IV سہولت کار

(1-8Ps)

قبل کی پوزیشن پر بحال کرنا

11-03

23-12-2011

11-03

Dated 17-12-2011

11-03

Appoint

11-03

مقام

11-03

مورخہ

چارچ گیر منہ  
صباح الدان

چارچ دہندہ

*Attested*  
*Attested*  
M. Syed Kamal  
Secretary with Comm  
D. I. Khan

# تفصیل اشیاء بقایا (بذمہ چارج دہشتہ)

تاریخ	نام اشیاء	تعداد اشیاء	محل قیمت	پوسیدہ	گشتہ	کیفیت

مقام گورنمنٹ مل لائبریری سکول کوروا کولہ بھون  
 چارج گیری منساج الہ بون  
 مورخہ ۱۱-۱۲-۱۳۵۸  
 جناب عالی: چارج رپورٹ مورخہ ۱۴/۴/۳۱ برت بخدمت عالیہ برائے منساج الہ بون  
 ارسال ہے۔

پیدیا سکر گورنمنٹ مل لائبریری سکول کوروا کولہ بھون  
 مورخہ ۱۱/۴  
 ۲۱

Le Allieat  
 Le Allieat

Handwritten signature and notes in Urdu script.

MEDICAL CERTIFICATE

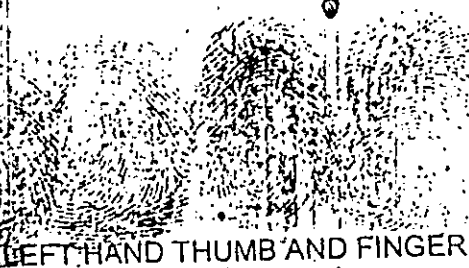
AMC  
13  
14  
15

Name of Official..... Mr. Minhaj-ud-Din  
Coast..... Awan  
Father's Name..... Ghayas-ud-Din  
Resident..... Kot. Atar, Tehsil Kurachi  
District Dera Ismael Khan  
Date of Birth..... 24/11/1989 (12.02-0632837-7)  
Exact height by measurement..... (5'-6")  
Mark of Identification..... Scar mark on the chest  
Signature of Official.....  
Signature of Head of Official.....

*Witnessed*  
*Specialist*  
*M. Iqbal Khan*  
*Advocate High Court*  
*D. I. Khan*

Seal of Office.....

I do hereby certify that I have examined Mr. Minhaj-ud-Din a candidate for employment in the office of the Education and cannot discover that he had any disease communicable or other constitutional efficient or bodily infirmity except *ph.C* I do not consider this as disqualification for employment in the office of the Education his age according to his own statement 22 <sup>01</sup>/<sub>12</sub> years and by appearance about 22 <sup>4</sup>/<sub>12</sub> years.



LEFT HAND THUMB AND FINGER

IMPRESSIONS. 22/12/2011

Medical Superintendent

Civil Hospital D.I. Khan  
D.I. Khan Hospital

*Witnessed*  
*Specialist*  
*M. Iqbal Khan*  
*Advocate High Court*  
*D. I. Khan*

15



OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY & SECONDARY EDUCATION D.I.KHAN

ORDER:-

14

Reference to appointment order No.17203-G Dated 19/12/2011 regarding Appointment Mr. Minhaj Ud Din S/O Ghiyas Ud Din, Lab Attendant GHS Kot Attal Sharif, the name of the above cited person/official was not included in the approval accorded by the Secretary to Government Khyber Pakhtunkhwa Elementary & Secondary Department vide his NO. SOG(E&SE) 31/2011 Dated : 13/12/11:

But due to clerical mistake the appointment was made. Therefore appointment Order in r/o above name Lab attendant is hereby with drawn / cancelled with immediate effect.

-sd/-  
Executive District Officer  
(E&SE) D.I.KHAN.

Endst NO. 4982-86 Dated D.I.Khan the : 22 / 4 /2012.

Copy to the :-

1. Secretary Elementary & Secondary K.P.K Peshawar.
2. D.C.O, D.I.Khan.
3. Principal /H/M Concerned.
4. Account Officer D.I.Khan.
5. Official Concerned.

*Attested  
Proceeded  
M. Iqbal Khan  
Advocate with work  
D.I. Khan*

*[Signature]*  
Executive District Officer  
(E&SE) D.I.KHAN.

17

18

ANN (E)  
(15)

**OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&S)**  
**D.I.KHAN**

**APPOINTMENT ORDER.**

Consequent upon the directives of Secy: to Govt: of Khyber Pakhtunkhwa Peshawar issued vide his letter No. SO - I - CMS / KPK / 3-5-2011 dated Peshawar 10-05-2012.

Mr: Muhammad Ramzan S/O Qasim resident of Kot Attal Sharif Tehsil Kulachi is hereby appointed vacant Post of Class IV Servant (as Lab

HS Kot Attal Sharif in newly created post BPS-1 (2970-90-5670) plus usual allowances in the interest of public service with immediate effect on the following terms & conditions.

**TERMS & CONDITIONS.**

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

Sd/-  
**EXECUTIVE DISTRICT OFFICER**  
**E&S EDUCATION D.I.KHAN**

Endost No. 7746-49

Dated DIKhan the 29/05/2012

Copy of the above is forwarded to the:-

1. District Coordination officer D.I.Khan
2. Principal /Headmaster/Headmistress/Dy: DO (M.&F) Concerned.
3. District Accounts Officer D.I.Khan.
4. Official Concerned.

*Accepted*  
*M. Sybil Khundi*  
*Advocate with work*  
*D.I. Khan*

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

ANN-F  
4

16

IN THE PESHAWAR HIGH COURT, BENCH, D.I. KHAN.

Writ Petition No. 259-D / of 2012.

Minhaj-ud-Din son of Ghiyas-ud-Din ;  
Caste Awan Resident of Kot Attal Sharif  
Tehsil-Kulachi, District D.I. Khan.  
... Petitioner.

Versus

1. Government of Khyber Pakhtunkhawa through Secretary Education, Government of Khyber Pakhtunkhawa, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhawa, Education, Department, Peshawar. (Elementary & Secondary).
3. Director Education, Khyber Pakhtunkhawa, Peshawar.
4. District Coordination Officer, D.I. Khan.
5. Executive District Officer, Elementary and Secondary Education, Dera Ismail Khan.
6. Muhammad Ramzan son of Qasim caste Mohana Resident of Kot Attal Sharif Tehsil Kulachi District D.I. Khan.  
... Respondents.

Writ Petition under Article 199  
of the Constitution of Islamic Republic  
of Pakistan, 1973.

*Attested  
M. Iqbal Khan  
Advocate High Court  
D.I. Khan*

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Respectfully Sheweth:-

1. That the addresses of the parties as given above are correct and sufficient for the purposes of service.

2. That the Petitioner is permanent resident of village Kot Attal Sharif Tehsil Kulachi District Dera Ismail Khan and is educated upto Middle standard. The copies of the domicile certificate and the School leaving certificate are enclosed as

Annexure-A&B

Annexures-A&B respectively.

3. That in pursuance of the approval of the Secretary, E&SED, Peshawar vide his letter No.SOG (E&SED)31/2011, dated 13/12/2011, the Petitioner was appointed Class-IV Servant (as Laboratory Attendant) against the newly created post at GHS, Kot Attal Sharif, Tehsil Kulachi District D.I.Khan in BPS-1 (2970-90-5670) plus usual allowance, by the Executive District Officer E&S Education, D.I.Khan vide his office order No.17203-06, dated 19/12/2011. The copy of the order is enclosed as Annexure-C.

Annexure-C.

4. That the Petitioner appeared before the Medical Superintendent, District Headquarters Hospital, D.I.Khan on 22/12/2011 and obtained Medical Fitness Certificate. The copy of which is enclosed as Annexure-D.

Annexure-D.

5. That after obtaining the Medical Fitness Certificate from the Medical Superintendent District Headquarters Hospital, D.I.Khan, the Petitioner took over the charge

Attested  
M. Sghal Kundi  
Advocate High Court  
D. I. Khan

18 (6)

of the post of Laboratory Attendant in the Government High School, Kot Attal Sharif Tehsil Kulachi District D.I.Khan, on 23/12/2011, forenoon as per charge report issued to him under the signatures of the Head Master, Government High School, Kot Attal Sharif Tehsil Kulachi District D.I.Khan. The copy

Annexure-E.

of the charge report is enclosed as Annexure-E.  
6. That the Petitioner was serving

very smoothly to the entire satisfaction of his superiors when he all of a sudden received an order bearing endorsement No.4982-86 dated 22/4/2012; issued by the Executive District Officer (E&SE) D.I.Khan whereby the earlier order regarding the appointment of the Petitioner as Laboratory Attendant BPS-1, in the Government High School, Kot Attal Sharif Tehsil Kulachi District D.I.Khan bearing No.17203-6 dated 19/12/2011, issued by him was withdrawn/cancelled on the false and fabricated pretext that his name was not included in the approval accorded by the Secretary to Government Khyber Pakhtunkhawa Elementary & Secondary Department vide his No.SOG(E&SED)31/2011, dated 13/12/2011. The copy of which is enclosed as Annexure-F.

7. That just after issuance of the aforesaid order No.4982-86, dated 22/4/2012, the Executive District Officer (E&SE) D.I.Khan through his another office order dated 24/5/2012, has appointed Muhammad Ramzan s/o Qasim a co-villager of the Petitioner in place of the Petitioner as Laboratory Attendant Government High School, Kot Attal

*Amended  
Iqbal Ahmad  
Advocate High Court  
D.I. Khan*

(19) (7)

Sharif Tehsil Kulachi District D.I.Khan as per information of the Petitioner but its copy has not so far been delivered to the Petitioner nor it has been procured by the Petitioner through his hectic efforts. Therefore the same has not been annexed with the instant writ petition.

8. That the Petitioner is left with no other adequate remedy but to invoke the extra ordinary constitutional jurisdiction of this Honourable Court by way of present writ petition to declare the impugned order No.4982-86 dated 22/4/2012, issued by the Executive District Officer (E&SE) D.I.Khan as illegal, void ab-initio, arbitrary, perverse, unwarranted and against the rights of the Petitioner and after setting the same aside to restore the service of the Petitioner as Laboratory Attendant BPS-1, in Government High School, Kot Attal Sharif Tehsil Kulachi District D.I.Khan and to remove Muhammad Ramzan, Respondent No.6 from his service by cancelling his so-called appointment orders as Laboratory Attendant, GHS Kot Attal Sharif Tehsil Kulachi District DIKhan allegedly issued by the EDO (E&SE) D.I.Khan and to pay all back benefits to the Petitioner, on inter alia, the following grounds:-

*Called  
Glealee  
M. Iqbal Kundi  
Advocate High Court  
D.I. Khan*

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GROUNDS.

i. That the impugned order No.4982-86, dated 22/4/2012, issued by the Executive District Officer (E&AE) D.I.Khan, is against law, facts and the material available on record and is therefore liable to be set aside.

ii. That it stands established from the contents of the earlier appointment order bearing Endorsement No.17203-06 dated 19/12/2011, issued by the Executive District Officer, (E&S) Education, D.I.Khan that the appointment of the Petitioner as Laboratory Attendant in GHS, Kot Attal Sharif Tehsil Kulachi District D.I.Khan was made in pursuance of the approval of the Secretary (E&SED) Peshawar vide his letter No.SOG(E&SED)31/2011 dated 13/12/2011. As such the appointment of the Petitioner was strictly in accordance with the law/rules and the policy of the Government and was not made arbitrarily.

iii. That the perusal of the record would reveal that the Petitioner just after receipt of his appointment order dated 19/12/2011 had appeared before the Medical Superintendent District HQrs Hospital, D.I.Khan and has obtained a Medical Fitness Certificate required for the purpose, on 22/12/2011.

iv. That the perusal of the record would show that the Petitioner on 23/12/2011 had takenover the charge of the post of Laboratory Attendant in GHS Kot Attal Sharif Tehsil Kulachi District D.I.Khan duly handedover to him by the Headmaster of the said School, and since then the Petitioner is continuously serving as such to the entire satisfaction of his superiors.

*Attested  
M. Iqbal Khan  
District Officer  
D.I.Khan*

(21) (18) (8)

v. That the malafide on the part of the EDO (E&SED) DIKhan can safely be adjudged from the fact that after issuance of the earlier appointment order dated 19/12/2011, he remained quite mum for a considerable long period of more than 4 months and never bothered to notice that it was issued without the prior approval of the Secretary (E&SED) Peshawar (though it was issued after the proper approval of the concerned authority). The stance taken by him in his impugned order dated 22/4/2012, is very much ridiculous, fanciful and unbelievable.

vi. That just after issuance of the impugned order dated 22/4/2012, the EDO (E&SED) DIKhan as per information of the Petitioner has appointed one Muhammad Ramzan Respondent No.6 as Laboratory Attendant in place of the Petitioner on 29/5/2012, which in the attending circumstances was not possible, and it was bit difficult for him to obtain the approval of the Secretary (E&SED) Peshawar so quickly. It otherwise speaks volumes.

In wake of the above submissions, it is respectfully prayed that on acceptance of this writ petition, the impugned order dated 22/4/2012, issued by the EDO(E&SED) DIKhan regarding the termination of the Petitioner from his service as Laboratory Attendant BPS-1, in GHS Kot Attal Sharif Tehsil Kulachi District DIKhan may graciously be set aside and the earlier order dated 19/12/2011, issued by the EDO(E&SED) DIKhan for appointment of the Petitioner as such

*Attended*  
*Q. A. Khan*  
*M. Iqbal Khan*  
*Advocate High Court*  
*P. I. Khan*



22 (B) (9)

may please be restored and the order dated 20/5/2012, issued by the EDO(E&SED) DIKhan regarding the appointment of Muhammad Hamzan Respondent No.6, in place of the Petitioner may please be cancelled and the EDO(E&SED) DIKhan be directed to pay all back benefits to the Petitioner to meet the ends of justice.

Your humble Petitioner

*Minhaj-ud-Din*  
(Minhaj-ud-Din)  
Petitioner

Through Counsel.

*Muhammad Saleem Khan Marwat*  
(Muhammad Saleem Khan Marwat)  
Advocate, High Court, DIKhan

D/-11.6.2012.

CERTIFICATE

Certified that no other writ petition on the subject has earlier been filed by the Petitioner in this Honourable Court.

D/-14.6.2012.

*Minhaj-ud-Din*  
Petitioner

BOOKS

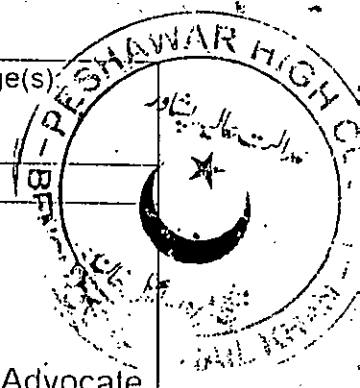
1. Constitution of Islamic Republic of Pakistan, 1973.

*Interested  
Muhammad  
M. Iqbal Kundi  
Advocate High Court  
D. I. Khan*

ANN-16  
 23  
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PESHAWAR HIGH COURT, D.I.KHAN BENCH

FORM OF ORDER SHEET



Date of order or proceedings	Order or other proceedings with signature of Judge(s)
(1)	(2)
<p>24.10.2012.</p>	<p><u>W.P.No.259-D/2012 with C.M.No.23-D/2012.</u></p> <p><u>Present:</u> Muhammad Salim Marwat, Advocate for the petitioner.</p> <p>***</p> <p><u>QAISER RASHID KHAN, J.-</u> After arguing the petition at certain length, when it was pointed to the learned counsel for the petitioner that in view of the bar contained under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, this Court has no jurisdiction to entertain the matter, he requested that the same may be treated as representation.</p> <p>2. In view of the above request, the instant petition is treated as representation and sent to respondent No.5 for decision within a month as per law, rules and government policy, whereafter the petitioner may seek his remedy before the proper forum, if so advised.</p> <p><u>Announced.</u>  <u>DI:24.10.2012.</u></p> <p style="text-align: right;"><u>JUDGE</u></p> <p style="text-align: right;"><u>JUDGE</u></p>

*M. Jafar Khan  
 Advocate High Court  
 P.I. Khan*

ATTESTEL

EXAMINOR  
 Peshawar High Court  
 D.I. Khan Bench

*25/11/13*

*25/11*

EDD  
 D/K

76  
G.R No .....  
Application Received on 05-1-13  
Copying Fee deposited Rs .....  
No of Papers .....  
Copying Fee .....  
Urgent Fee .....  
Total Fee .....  
Copy ready for delivery 05-1-13  
Copy delivered on .....  
Signature of Examiner 05-1-13

Certified to be true copy

DASHAWATI High Court  
Under section  
of the Gujarat Act

EXAMINER

05/1/13

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ANN - (H)

**PESHAWAR HIGH COURT, D.I.KHAN BENCH**

From: The Additional Registrar,  
Peshawar High Court,  
D.I.Khan Bench.

To: The Executive District Officer, Elementary  
& Secondary Education, D.I.Khan.

No. 1558 /Judl/AR

Dated D.I.Khan the 02-11 /2011

Subject: **W.P.NO.259-D/2012 Minhajud Din Vs KPK**

Memo:

I am directed to forward herewith a copy of order dated 24.10.2012 in subject writ petition passed by Hon'ble Division Bench of this Court alongwith original writ petition and its annexures for compliance within month positively as the same has <sup>been</sup> treated as representation.

*I attested  
M. Iqbal Khan  
Advocate High Court  
D.I. Khan*

*[Signature]*  
**ADDITIONAL REGISTRAR**  
*3/11/11*

11 ANN-J 25  
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To:

The Secretary,  
Elementary & Secondary Education  
Govt of Khyber Pakhtunkhwa  
Peshawar.

Dated. 5.11.2012

Subject: DEPARTMENTAL APPEAL AGAINST THE ORDER NO.4982-86  
DATED.22.4.2012 VIDE WHICH APPOINTMENT OF APPELLANT  
WAS WITHDRAWN .

Respected Sir,

The Appellant respectfully submits his Departmental Appeal against impugned/alleged order No.4982-86 dated.22.4.2012 of Ex-Distt Officer (E&SE) D.I.Khan vide which his appointment on the post of Laboratory Attendant was withdrawn, on the following facts and grounds while while converting the Writ Petition No.259-D/2012 of Appellant into Departmental Appeal by Hon'ble High Court vide order dated.24.10.2012 :-

The Appellant was appointed as Class IV Civil Servant on the post of Laboratory Attendant vide E.D.O (E&S) Education D.I.Khan order No.17203-06 dated.19.12.2011 after obtaining a approval from your honour office letter No.SOG(E&SED)31/2011 dated.13.12.2011 .

That after completing all the Codal formalities Appellant took the charge on 23.12.2011 at Govt High School Kot Attal Sharif Tehsil Kulachi Distt;D.I.Khan .

The Appellant had been serving on the post of laboratory Attendent to the entire satisfaction of his superiors when all of sudden he received order No.4982-86 dated.20.4.2012 from the office of E.D.O (E&SE) D.I.Khan vide which his appointment order dated.19.12.2011 was withdrawn on the alleged pretext that his name was not included in approval accorded by your good office i.e. SOG(E&SED) 31/2011

*I attested  
M. I. Khan  
2.1.12*

dated.13.12.2011 and just after issuance of order dated.20.4.2012 one Muhammad Kamran was appointed in his place vide order No.7746-49 dated .29.5.2012 by E.D.O (E&SED) /Edu D.I.Khan.

That Appellant filed writ Petition No.259-D/2012 against the alleged order 20.4.2012 in Peshawar High Court Bench at D.I.Khan which was converted into Departmental Appeal by the Hon'ble High Court vide order dated.25.10.2012 which was sent to you by the Addl:Registrar Peshawar High Court Bench D.I.Khan vide his letter No.1556/Judge/AR dated 2.11.2012 to treat it into Representation.

Copy of the writ order dated.25.10.2012 and letter dated.2.11.2012 of Additional Registrar are enclosed as Annexure A,B+C

That Appellant is also filing this departmental appeal on the following grounds. :

1. That alleged order dated.20.4.2012 is illegal void, without lawful authority and ineffective upon the rights of Appellant.
2. That Appellant was serving the Education Department to the entire satisfaction of his superiors whereas on very flimsy , frivolous and fabricated pretext his services were withdrawn by Executive District Officer (E&SED) Education D.I.Khan.

That neither any show cause notice has been given to appellant while issuing order dated.20.4.2012 about withdrawl of his appointment order dated. 19.12.2011 by E.D.O (E & SED) Edu D.I.Khan.

*Submitted  
M. Iqbal Khan  
Advocate High Court  
D.I.Khan*

27

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- 4. That no chance of personal hearing was afforded to the Appellant withdrawing his appointment.
- 5. That no any plausible ground has been given in the alleged order dated.20.4.2012 while withdrawing his appointment letter.
- 6. That there is no any complaint against the Appellant and during performance of his duties his services remained clean and unblemished.
- 7. That the Appellant being poor person is having no any source of income and he is jobless since withdrawal of his service /appointment.
- 8. That alleged order dated 20.4.2012 is not tenable under the law and is liable to be recalled and cancelled.

In view of the submissions made above it is humbly prayed that impugned order dated.20.4.2012 about withdrawal of his appointment letter may be recalled/cancelled and earlier order dated.19.12.2011 of his appointment be kept intact and he may be re-instated/posted on the existing post of Laboratory Attendant at Govt High School Attal Sharif Tehsil Kulachi Distt:D.I.Khan with all back benefits

Remain sir.

Yours Humble Appellant.

*Minhajuddin*

Minhajuddin S/O Ghiasuddin Awan  
 R/O Kot Attal Sharif Tehsil Kulachi  
 Distt D.I.Khan

Dated:5.11.2012.

*Accepted*  
*Cancelled*  
*M. Ghulam*  
*Admission desk*  
*Distt. D.I.Khan*

## وکالت نامہ

کوٹ فیس	قیمتی ایک روپیہ
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بعد ازاں سرسبز سنٹرل ایجوکیشنل سوسائٹی (پرائیویٹ) ڈیرہ اسماعیل خان

مخاطب: منجانب: K.P.K بنا

دعویٰ یا جرم: Service Appeal

تفصیل دعویٰ یا جرم: باعث تحریر آنک

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے اس کے بیرونی وجوہات کے لئے پیش کیے گئے مقدمہ بنا

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا اپنا بذریعہ دو برو عدالت حاضر ہوتا رہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر منظر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا بیچے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر پکھری کے علاوہ اور جگہ ساعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے یا پیچھے پیش ہونے پر منظر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا محنت نہ دہاں کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو کل ساختہ پر وادخ صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اسلئے ڈگری نظر ثانی اپیل گمرانی دہرسم درخواست ہرسم کے بیان دینے اور پر چائی یا راضی نامہ و فیصلہ بر حلف کرنے اقبال دعویٰ کا بھی اختیار ہوگا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مزکور بیرون از پکھری صدر بیرونی مقدمہ مذکور نظر ثانی اپیل گمرانی ویرآمدگی مقدمہ یا منسوخی ڈگری یک طرفہ یا درخواست عم اتناہی یا قرآنی یا گرفتاری قبل از فیصلہ اجراء سے ڈگری بھی صاحب موصوف کو بشرط ادا کی گئی علیحدہ علیحدہ بیرونی کا اختیار ہوگا اور تمام ساختہ پر وادخ صاحب موصوف مثل کردہ از خود منظور قبول ہوگا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مزکورہ یا اس کے کسی جزو کی کاروائی یا بصورت درخواست نظر ثانی اپیل گمرانی یا دیگر معاملہ و مقدمہ مذکورہ کسی دوسرے وکیل یا بیرونی کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جہات التواء پڑے گا وہ صاحب موصوف کا حق ہوگا مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی بیرونی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے

28/1/2013

بورو

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

Accepted  
Muhammad  
Muhammad  
28-1-2013

منجانب الدین



Minhaj Ud Din V/S Govt of K.P.K etc.

SERVICE APPEAL.

874  
5-11-13


APPLICATION FOR SETTING ASIDE EXPARTE ORDER DATED.  
28.10.2013 AGAINST RESPONDENT NO.4 AND GIVE PERMISSIONS  
TO RESPONDENT NO.4 TO DEFEND HIS CASE.

Respectfully Sheweth,

1. That the above titled case fixed before your honour on 28.10.2013 and now fixed on 27.01.2014. Wherein the Respondent No.4 has been declared exparte on the same day, due to non appearance.
2. That the Respondent No.4 was present in the Court on 28.10.2013 but at the time of calling of the case Respondent No.4 entered in the Court but remained silent at the time of attendance before your honour.
3. That this all happened /occured due to illiteracy of the Respondent No.4 and non awareness of the procedure of the Court .In this Connection affidavit is enclosed.
4. That the Application for setting aside the exparte order dated.28.10.2013 is well within time and this Hon'ble Tribunal has got vast jurisdiction to set aside the exparte order and gave a chance to the Respondent for defence of his rights according to law.

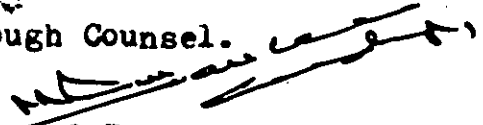
It is therefore, humbly prayed that the Exparte order dated, 28.10.2013 may kindly be set aside and Respondent No.4 may kindly be allowed to defend the case .

Yours Humble Respondent No.4

  
Muhammad Ramzan

through Counsel.

Dated.29.10.2013.

  
(Muhammad Imran Khan Gandapur )  
Advocate High Court.

Affidavit.

I, Muhammad Ramzan S/O Qasim R/O Kot Attal Sharif D.I.Khan do hereby solemnly affirm and declare on oath that the contents of the Application are true and correct. I also state on oath that I had present on the date 28.10.2013 but due to illeteracy and unawareness of the procedure I remained silent.

  
Deponent.



# وکالت نامہ

قیثی ایک روپیہ		کورٹ فیس
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بعد ازاں صاحب مسرور علی کبر بھوشی نے اپنے وکیل کی طرف سے اس کے لئے ایک روپیہ کی رقم جمع کروائی ہے۔

مخائب: محمد سعید خان، محمد سعید خان، محمد سعید خان

نام: محمد سعید خان، محمد سعید خان، محمد سعید خان

دعویٰ یا جرم: دعویٰ یا جرم

تفصیل دعویٰ یا جرم: تفصیل دعویٰ یا جرم

## باعث تحریر آئندہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیرونی وجہ سے پیش یا تعلقہ مقدمہ تمام حوالہ سے اس کے لئے کیے گئے

محمد سعید خان کابزہ کو اس کے لئے بیرونی وجہ سے پیش یا تعلقہ مقدمہ تمام حوالہ سے اس کے لئے کیے گئے۔ کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا بذریعہ رو برو عدالت حاضر ہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر منظر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام بکھری کے علاوہ یا بکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر مقام بکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا بکھری کے اوقات کے آگے یا پیچھے پیش ہونے پر منظر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا سخت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو کل ساختہ پر داخست صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اسمائے ذکر کی نظر ثانی اپیل نگرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر تاشی یا راضی نامہ و فیصلہ بر حلف کرنے اقبال دعویٰ کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مقرر بیرون از بکھری صدر بیرونی مقدمہ مقرر نظر ثانی اپیل و نگرانی و برآمدگی مقدمہ یا منسوخی ذکر کی یک طرفہ یا درخواست حکم اتنا ہی یا قرتی یا گرفتاری قبل از فیصلہ اجراء سے ذکر کی بھی صاحب موصوف کو بشرط ادا ہنگی علیحدہ مختصم بیرونی کا اختیار ہو گا اور تمام ساختہ پر داخست صاحب موصوف مثل کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مقررہ یا اس کے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی اپیل نگرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا بیر مشرک اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں دینی اور دینیے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر چاند التواء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند ہے  
مورخہ: 29 مارچ 2018ء

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

محمد سعید خان  
محمد سعید خان

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

Minhaj Ud Din V/S Govt of K.P.K etc.

SERVICE APPEAL.

APPLICATION FOR SETTING ASIDE EXPARTE ORDER DATED.  
28.10.2013 AGAINST RESPONDENT NO.4 AND GIVE PERMISSIONS  
TO RESPONDENT NO.4 TO DEFEND HIS CASE.

Respectfully Sheweth,

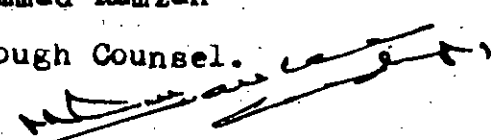
1. That the above titled case fixed before your honour on 28.10.2013 and now fixed on 27.01.2014. Wherein the Respondent No.4 has been declared exparte on the same day, due to non appearance.
2. That the Respondent No.4 was present in the Court on 28.10.2013 but at the time of calling of the case Respondent No.4 entered in the Court but remained silent at the time of attendance before your honour.
3. That this all happened /occured due to illiteracy of the Respondent No.4 and non awareness of the procedure of the Court .In this Connection affidavit is enclosed.
4. That the Application for setting aside the exparte order dated.28.10.2013 is well within time and this Hon'ble Tribunal/as got vast jurisdiction to set aside the exparte order and gave a chance to the Respondent for defence of his rights according to law.

It is therefore, humbly prayed that the Exparte order dated, 28.10.2013 may kindly be set aside and Respondent No.4 may kindly be allowed to defend the case.

Yours Humble Respondent No.4

Muhammad Ramzan

through Counsel.

  
(Muhammad Imran Khan Gandapur )  
Advocate High Court.

Dated. 29.10.2013.

Affidavit.

I, Muhammad Ramzan S/O Qasim R/O Kot Attal Sharif D.I.Khan do hereby solemnly affirm and declare on oath that the contents of the Application are true and correct. I also state on oath that I had present on the date 28.10.2013 but due to illiteracy and unawareness of the procedure I remained silent.

  
Deponent.



خودت خوب عیب میں صاحب خیر و برکت خواہی اور کسی ٹریبونل پر تیار ہونا

سیاح ادبوں سے منگ حکومت خیر و برکت خواہی

وہاں تیار ہونا یہ کہ تیار ہونے کے بعد یہ نمائندہ

رہیائے نیشنل بہت پیشی میں حاضر ہونے کے اور

ایک مسنون ہونے کے بعد رہیائے نیشنل کی تیار ہونے کے

حرف *expansion* کے لئے

براہ حق رہیائے نیشنل کے حرف *expansion*

کا دورہ فتح زمانہ کا

عس تیار ہونے کے لئے  
26/5/2014

خودت خوب عیب میں صاحب خیر و برکت خواہی اور کسی ٹریبونل پر تیار ہونا

2014

Before Khyber Pakhtunkhwa Service Tribunal  
Peshawar Camp Office D. 1. Urban

Mirhajuddin vs Khyber Pakhtunkhwa  
20/12

Application to application for  
setting aside exparte decree

R/sir

The appellant submits,

That appellant has no objection  
if the exparte proceeding in the  
title case is set aside.

It is therefore that prayed that  
respondent's application in respect  
of setting aside exparte proceeding  
may be accepted

DT. 16/07/2014

Appellant-  
Mirhajuddin  
through counsel  
Rahman Gul  
Kand  
Advocate

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR**

**S. A. No. 505-13**

Minhaj Ud Din

VS

Government of KPK

**JOINT COMMENTS ON BEHALF OF RESPONDENTS NO 1,2,3**

**Preliminary Objections**

- 1 That the appeal is not maintainable and incompetent in the eyes of law in its present form.
- 2 That the appellant is estopped by his own conduct to file this appeal.
- 3 That the appellant has got no cause of action / locus standi to file the instant appeal.
- 4 That the appellant has not come to the Honourable Tribunal with clean hands and has suppressed all relevant facts.
- 5 That the appeal is bad on account of misjoinder / non joinder of necessary parties.
- 6 That the appellant has concealed material facts from the Honourable Tribunal.
- 7 That the Honourable Service Tribunal has no jurisdiction to entertain the instant appeal in present form.

**Objection on Facts**

1. Correct to the extent that appellant was appointed Laboratory Attendant. But this appointment was not made through District Employment Exchange in accordance with the law.
2. Incorrect and not admitted. Codal formalities for appointment were not completed. As there was surplus pool in DIKhan District. Therefore District Coordination Officer did not issue No Objection Certificate for the appellant. The appointment of the appellant was made in violation of rules / law. Salary of the appellant was not released.
3. Incorrect and not admitted. Appointment order of the appellant was withdrawn for the reason that NOC for appointment of the appellant. The respondent No 4 was appointed against the vacant post in accordance with law.
4. Pertains to the record of Honourable High Court. Hence no comments.
5. Incorrect and not admitted. Appellant is aggrieved of order dated 22/04/2012 of the respondent No 3 but he filed writ petition in the High Court on 14/06/2012. The Honourable High Court treated the writ petition as presentation and sent to EDO for the decision within a month as per rules, law and policy of the Government. Where after the petitioner may seek remedy before proper forum if so advised vide order dated 24/10/12. Representation was time barred therefore it was failed. The appellant did not prefer departmental appeal to appellate authority.
6. Incorrect and not admitted. Representation / departmental appeal was time barred. Therefore instant service appeal is also time barred and liable to be dismissed.

*Seal*



## Objection on Ground

1. Incorrect and not admitted. Appointment order has been withdrawn in accordance with rules and law.
2. Incorrect and not admitted. Appointment of the appellant was not legal. Therefore there was no need of show cause notice and enquiry.
3. Incorrect and not admitted. Appellant was appointed without observing requisite codal formalities of appointment.
4. Incorrect and not admitted. Codal formalities and No Objection Certificate from the DCO was necessary for appointment instead of medical certificate.
5. Incorrect and not admitted. Charge report does not confer any rights if appointment is illegal. Appellant did not perform duty. Therefore he did not produce any documentary proof in this regard.
6. Incorrect and not admitted. Respondent No 3 was competent to withdraw his orders. No rights can be claimed on the basis of illegal and void orders.
7. Incorrect and not admitted. Respondent No 4 is appointed in the interest of the public service in accordance with the law.

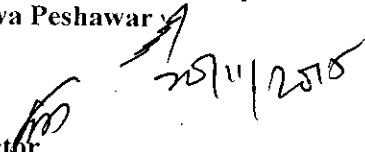
That the Learned Counsel for the respondents may kindly be allowed to raise some additional grounds at the time of hearing.

In view of above submission it is humbly prayed that service appeal of appellant may kindly be dismissed with cost.



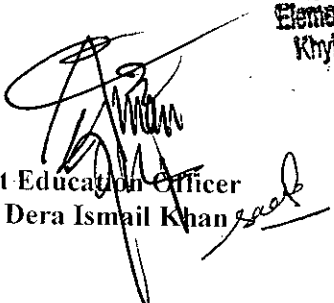
Secretary

Elementary & Secondary Education Department  
Khyber Pakhtunkhwa Peshawar



Director

Elementary & Secondary Education Department  
Khyber Pakhtunkhwa Peshawar



District Education Officer  
(Male) Dera Ismail Khan

Vetted  
Govt. Pleader  
KPK Services Tribunal  
Camp Court D.I.Khan

**BEFORE THE HONOURABLE SERVICE TRIBUNAL DIKHAN BENCH**

**Service Appeal No 505-D/2013**

Minhaj ud din

VS

Government of KPK and others

**Affidavit**

I District Education Officer (M) Dera Ismail Khan do hereby solemnly affirm and declare on oath that content and written reply of the of the above mentioned service appeal are correct to the best of my knowledge and nothing has been concealed from this Honourable Court.

  
Deponent

**BEFORE THE HONOURABLE SERVICE TRIBUNAL DIKHAN BENCH**

**Service Appeal No 505-D/2013**

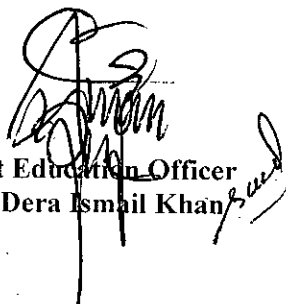
Minhaj ud din

VS

Government of KPK and others

**Authority**

I District Education Officer (M) do hereby authorized Mr Khalid Saeed Akbar ADEO(M) Dera Ismail Khan to attend the Honourable Service Tribunal Dera Ismail Khan Bench on our behalf in connection with submission of para wise comments till the decision of the service appeal.

  
District Education Officer  
(Male) Dera Ismail Khan

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

Service Appeal No. \_\_\_\_\_ 505 \_\_\_\_\_ /2013

Minhaj ud Din Vs. Govt of K.P.K. etc

**WRITTEN REPLY ON BEHALF OF RESPONDENT NO.4**

**PRILIMINARY OBJECTIONS:-**

1. That the appellat has got no cause of action.
2. That the appeal is not maintainable in its present form.
3. That appeal is badly time barred.
4. That the appeal is against facts, law and circumstances.
5. That appellat has not come to the court with clean hands.

**OBJECTIONS ON FACTS:-**

1. It is not related to respondent no.4.
2. It is not related to respondent no.4
3. That it is not related to respondent no.4, while the competent authority appoint the respondent no.4 according to law, and policy invogue.
4. That it is not related to respondent no.4.
5. That it is not related to respondent no.4.


6. That it is incorrect and not admitted . the departmental appeal was time barred therefore the instant service appeal is also time barred and liable to be dismissed.

**OBJECTIONS ON GROUNDS:-**

- 1) Incorrect and not admitted.
- 2) Incorrect and not admitted, Appointment of the appellant was not legal. Therefore there was no need of show cause notice and inquiry.
- 3) Incorrect and not admitted. Appellant was appointed without observing requisite codal formalities of appointment.
- 4) Incorrect and not admitted.
- 5) Incorrect and not admitted , detail reply has given by the department and rest of the answer is pertains to record.
- 6) Incorrect and not admitted. Respondent no.3 was competent to with draw his orders. No rights can be claimed on the basis of illegal and void orders.
- 7) Incorrect and not admitted. The competent authority appoints the respondent no.4 in accordance with law and in the interest of public service.

8) That counsel for respondent no.4 seeks permission of this honourable court to raise additional grounds during the course of hearing.

Yours Humble Respondent no.4

  
(Muhammad Ramzan)  
THROUGH COUNSEL

Dt.26/04/2016

  
Muhammad Imran Khan Gandapur  
Advocate High Court, D.I.Khan.

**CERTIFICATE:**

I, Muhammad Ramzan respondent no.4, certified that , all the contents of this written reply are true and correct to the best of my knowledge and belief, and nothing has been concealed from this honourable court.

**Deponent**

  
**Muhammad Ramzan**

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

S.A No. 505/2013

Minhaj Ud Din

**VERSUS**

Govt; of K.P.K & Others

**REJOINDER TO THE COMMENTS  
OF RESPONDENTS NO. 1, 2 & 3.**

Respectfully Sheweth:-

**REPLY TO THE PRELIMINARY OBJECTIONS.**

Objection No. 1 is incorrect service appeal of appellant is maintainable and competent in the eyes of prevailing service laws in the province.

- 1-** Objection No. 2 is incorrect.
- 2-** Objection No. 3 is incorrect. Appellant has got cause of action / locus standi when his appointment letter dated 19/12/2011 was withdrawn by respondents on 22/04/2012.
- 3-** Objection No. 4 is incorrect and baseless.
- 4-** Objection No. 5 is incorrect.
- 5-** Objection No. 6 is incorrect. Nothing has been concealed by appellant while filing title appeal.
- 6-** Objection No. 7 is incorrect this Honourable Tribunal has the jurisdiction to entertain title service appeal of appellant.

**REJOINDER TO THE OBJECTIONS OF FACTS.**

- A.** Objection No. 1 on fact No. 1 is incorrect. Hence denied.
- B.** Objection No. 2 on fact No. 2 is incorrect. All the codal formalities were completed N.O.C. from District Coordination Officer D.I.Khan was not necessary as he was not appointing authority. Hence, vehemently denied. It is pertinent to mention that approval was obtained from respondent No. 1 by respondent No. 3 before issuing appointment letter dated 19/12/2011 of

the appellant. Hence objection No. 2 of respondents are denied.

**C.** Incorrect, in the terms and condition of service, mentioned in the appointment letter, there was no such condition in respect of obtaining N.O.C from the D.C.O D.I.Khan. It is pertinent to mention that in the impugned letter dated 22/04/2012 it was mentioned by respondent No. 3 that appellant appointment letter dated 19/12/2011 was withdrawn on the ground that appellant name is not included in the approval accorded by the respondent No. 1 and not on the ground of N.O.C from D.C.O Dera Ismail Khan. Apart from that respondents have not attached the approval of respondent No. 1 with their comments. Hence, objection No. 3 on the fact No. 3 is baseless void and frivolous, therefore vehemently denied. It is further submitted that respondent No. 4 was not appointed on the vacant post whereas he was appointed on the same post of laboratory attendant on which appellant was earlier appointed and then his appointment was withdrawn. The objection No. 3 is vehemently categorically denied.

**D.** That fact No. 4 has not been objected by respondents therefore needs no reply.

**E.** That objection No. 5 is incorrect. As the writ petition of the appellant was converted into representation, therefore respondents were required either to approve or reject the same. Whereas it was not responded by respondents. While not obtaining any reply from respondents departmental appeal was filed by appellant. Even then respondents did not respond the same. Therefore, thereafter instant appeal was filed within stipulated period. Thus neither departmental appeal nor service appeal of appellant is time barred. Hence objection on fact No. 5 is not admitted therefore denied.

**F.** Objection No. 6 is incorrect. Departmental appeal as well as instant service appeal of the appellant is not time barred. In the light of the judgment dated 24/10/2012 passed by the Honourable High Court while converting his Writ Petition into representation and directing the respondents to decide the same within one month as per rule and in accordance with Government Policy. After expiry of one month appellant was also allowed to seek remedy from proper forum i.e this



Honourable Tribunal. Apart from that appellant has also filed application for condonation of delay. Hence objection on Para No. 6 is denied and not admitted.

**REJOINDER TO THE OBJECTIONS ON GROUNDS:**

- 1.** Objection on ground No. 1 is incorrect. Appointment letter of appellant has been withdrawn without lawful authority by respondent No. 3. Appellant retreats on the contents of ground No. 1 of the appeal. Hence objection is not admitted hence denied.
- 2.** Objection on ground No. 2 is incorrect, baseless and void. Appointment of the appellant was proper and legal in the light of approval granted by respondent No. 1. Appellant retreats on the contents of ground No. 2 of the appeal. Hence objection of respondents is not admitted hence denied.
- 3.** Objection on ground No. 3 is incorrect. Appellant was appointed by respondent No. 3 after approval accorded by respondent No. 1 meaning thereby that requisite codal formalities for appointment were observed before appointing the appellant by respondent No. 3. Hence objection of respondent is not admitted. Therefore appellant retreats on the contents of the ground No. 4 of the appeal.
- 4.** Objection on ground No. 4 is incorrect and baseless. Thus not admitted. All the codal formalities mentioned in the terms and condition of appointment letter dated 19/12/2011 were completed by appellant. As long as N.O.C from D.C.O is concerned it was not needed because D.C.O D.I.Khan was neither appointing authority nor obtaining of N.O.C from D.C.O was mentioned in the terms and conditions of appointment letter dated 19/12/2011. Appellant retreats on the contents of ground No. 4 of the appeal.
- 5.** Objection on the ground No. 5 is incorrect and baseless therefore not admitted. According to prevailing laws of service in the province no one can be shunted from service without issuing charge sheet and show cause notice after submitting arrival / charge report. Appellant was performing his duties regularly. If respondents would have any complaint in respect of non performance of duty then he was to be charge sheeted or were required to annexe the complaint with the comments, if any. Appellant therefore

retreats on the contents of ground No. 5 of the appeal.

**6.** Objection on the ground No. 6 is incorrect hence not admitted. Respondent No. 3 is not competent to withdraw the appointment of appellant without cogent reasons. As long as appointment letter dated 19/12/2011 is concerned it is neither illegal nor void. It was issued by respondent No. 3 being the competent authority after approval accorded by respondent No. 1. Appellant therefore retreats other contents of ground No. 6 of the appeal.


**7.** Objection on ground No. 7 is incorrect. Thus denied. Respondent No. 4 was appointed without lawful authority due to political pressure. Appellant retreats on the contents of grounds No. 7 of the appeal.

***In view of the submissions made above, it is humbly prayed that service appeal of the appellant may be accepted and appellant may be reinstated in service with all back benefits in the interest of justice and appointment letter dated 29/05/2012 of respondent No. 4 may be cancelled.***

Your Humble Appellant

Dated: 23 /01/2017

Through counsel

  
**MOHAMMAD IQBAL KUNDI**  
Advocate High Court,  
D.I.Khan.

**VERIFICATION:-**

Verified that contents of rejoinder are correct and nothing has been concealed from this Honourable Court.

  
**Deponent**

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

S.A No. 505/2013

Minhaj Ud Din

**VERSUS**

Govt; of K.P.K & Others

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- 4-** Objection No. 5 is incorrect.
- 5-** Objection No. 6 is incorrect. Nothing has been concealed by appellant while filing title appeal.
- 6-** Objection No. 7 is incorrect this Honourable Tribunal has the jurisdiction to entertain title service appeal of appellant.

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- A.** Objection No. 1 on fact No. 1 is incorrect. Hence denied.
- B.** Objection No. 2 on fact No. 2 is incorrect. All the codal formalities were completed N.O.C from District Coordination Officer D.I.Khan was not necessary as he was not appointing authority. Hence, vehemently denied. It is pertinent to mention that approval was obtained from respondent No. 1 by respondent No. 3 before issuing appointment letter dated 19/12/2011 of

the appellant. Hence objection No. 2 of respondents are denied.

C. Incorrect, in the terms and condition of service, mentioned in the appointment letter, there was no such condition in respect of obtaining N.O.C from the D.C.O D.I.Khan. It is pertinent to mention that in the impugned letter dated 22/04/2012 it was mentioned by respondent No. 3 that appellant appointment letter dated 19/12/2011 was withdrawn on the ground that appellant name is not included in the approval accorded by the respondent No. 1 and not on the ground of N.O.C from D.C.O Dera Ismail Khan. Apart from that respondents have not attached the approval of respondent No. 1 with their comments. Hence, objection No. 3 on the fact No. 3 is baseless void and frivolous, therefore vehemently denied. It is further submitted that respondent No. 4 was not appointed on the vacant post whereas he was appointed on the same post of laboratory attendant on which appellant was earlier appointed and then his appointment was withdrawn. The objection No. 3 is vehemently categorically denied.

D. That fact No. 4 has not been objected by respondents therefore needs no reply.

E. That objection No. 5 is incorrect. As the writ petition of the appellant was converted into representation, therefore respondents were required either to approve or reject the same. Whereas it was not responded by respondents. While not obtaining any reply from respondents departmental appeal was filed by appellant. Even then respondents did not respond the same. Therefore, thereafter instant appeal was filed within stipulated period. Thus neither departmental appeal nor service appeal of appellant is time barred. Hence objection on fact No. 5 is not admitted therefore denied.

F. Objection No. 6 is incorrect. Departmental appeal as well as instant service appeal of the appellant is not time barred. In the light of the judgment dated 24/10/2012 passed by the Honourable High Court while converting his Writ Petition into representation and directing the respondents to decide the same within one month as per rule and in accordance with Government Policy. After expiry of one month appellant was also allowed to seek remedy from proper forum i.e. this

Honourable Tribunal. Apart from that appellant has also filed application for condonation of delay. Hence objection on Para No. 6 is denied and not admitted.

**REJOINDER TO THE OBJECTIONS ON GROUNDS:**

- 1.** Objection on ground No. 1 is incorrect. Appointment letter of appellant has been withdrawn without lawful authority by respondent No. 3. Appellant retreats on the contents of ground No. 1 of the appeal. Hence objection is not admitted hence denied.
- 2.** Objection on ground No. 2 is incorrect, baseless and void. Appointment of the appellant was proper and legal in the light of approval granted by respondent No. 1. Appellant retreats on the contents of ground No. 2 of the appeal. Hence objection of respondents is not admitted hence denied.
- 3.** Objection on ground No. 3 is incorrect. Appellant was appointed by respondent No. 3 after approval accorded by respondent No. 1 meaning thereby that requisite codal formalities for appointment were observed before appointing the appellant by respondent No. 3. Hence objection of respondent is not admitted. Therefore appellant retreats on the contents of the ground No. 4 of the appeal.
- 4.** Objection on ground No. 4 is incorrect and baseless. Thus not admitted. All the codal formalities mentioned in the terms and condition of appointment letter dated 19/12/2011 were completed by appellant. As long as N.O.C from D.C.O is concerned it was not needed because D.C.O D.I.Khan was neither appointing authority nor obtaining of N.O.C from D.C.O was mentioned in the terms and conditions of appointment letter dated 19/12/2011. Appellant retreats on the contents of ground No. 4 of the appeal.
- 5.** Objection on the ground No. 5 is incorrect and baseless therefore not admitted. According to prevailing laws of service in the province no one can be shunted from service without issuing charge sheet and show cause notice after submitting arrival / charge report. Appellant was performing his duties regularly. If respondents would have any complaint in respect of non performance of duty then he was to be charge sheeted or were required to annexe the complaint with the comments, if any. Appellant therefore

retreats on the contents of ground No. 5 of the appeal.


6. Objection on the ground No. 6 is incorrect hence not admitted. Respondent No. 3 is not competent to withdraw the appointment of appellant without cogent reasons. As long as appointment letter dated 19/12/2011 is concerned it is neither illegal nor void. It was issued by respondent No. 3 being the competent authority after approval accorded by respondent No. 1. Appellant therefore retreats other contents of ground No. 6 of the appeal.
7. Objection on ground No. 7 is incorrect. Thus denied. Respondent No. 4 was appointed without lawful authority due to political pressure. Appellant retreats on the contents of grounds No. 7 of the appeal.

*In view of the submissions made above, it is humbly prayed that service appeal of the appellant may be accepted and appellant may be reinstated in service with all back benefits in the interest of justice and appointment letter dated 29/05/2012 of respondent No. 4 may be cancelled.*

Your Humble Appellant

Dated: 23 /01/2017

Through counsel

  
**MOHAMMAD IQBAL KUNDI**  
Advocate High Court,  
D.I.Khan.

**VERIFICATION:-**

Verified that contents of rejoinder are correct and nothing has been concealed from this Honourable Court.

  
**Deponent**

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 989 /ST

Dated 20-03 / 2020

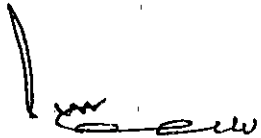
To

The District Education Officer,  
Government of Khyber Pakhtunkhwa,  
D.I. Khan.

Subject: - JUDGMENT IN APPEAL NO. 505 /2013, MR. MINHAJ UD DIN.

I am directed to forward herewith a certified copy of Judgement dated 26.02.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR

PESHAWAR.