

Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	05.09.2018	<p style="text-align: center;"><b><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></b></p> <p style="text-align: center;"><b>Service Appeal No. 1373/2013</b></p> <p>Date of Institution ... 02.09.2013 Date of Decision ... 05.09.2018</p> <p>Syed Karim Ullah son of Syed Khalid Noor, resident of Village Musakki, Mir Ali, North Waziristan Agency. Presently House No.23, Street No.8, Phase-IV, Hayatabad.</p> <p style="text-align: right;"><b>Appellant</b></p> <p style="text-align: center;"><b>Versus</b></p> <ol style="list-style-type: none"> <li>1. The Government of Khyber Pakhtunkhwa through Secretary Health Services, Peshawar.</li> <li>2. The Director General, Health Services Khyber Pakhtunkhwa Peshawar.</li> <li>3. The Director Health Services FATA, Warsak Road Peshawar.</li> <li>4. The Agency Surgeon Miran Shah, North Waziristan Agency.</li> <li>5. Mr. Sail Rehman.</li> </ol> <p style="text-align: right;"><b>Respondents</b></p> <p><b>Mr. Muhammad Hamid Mughal</b>-----<b>Member</b> <b>Mr. Muhammad Amin Kundi</b>-----<b>Member</b></p> <p style="text-align: center;"><b><u>JUDGMENT</u></b></p> <p><b><u>MUHAMMAD HAMID MUGHAL, MEMBER:</u></b> -.Appellant with counsel present. Learned counsel for private respondent No.5 and Mr. Riaz Khan Paindakheil learned Assistant Advocate General for official respondents present.</p> <p>2. The appellant has filed the present appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 05.06.2013 whereby the appointment order dated 04.06.2013 in</p>

favor of the appellant as T.B Assistant was cancelled due to non-availability of clear vacant post of T.B Assistant.

3. Learned counsel for the appellant argued that Sail Rehman Cook (Respondent No.5) was illegally appointed as T.B Assistant by Dr. Jehan Mir Khan Agency Surgeon (respondent No.4) in the year 2013 while ignoring the appellant and resultantly the appellant approached the Hon'ble Peshawar High Court Peshawar by filing Writ Petition No.1276-P/2013 however due to the appointment of the appellant as T.B Assistant vide appointment order dated 04.06.2013 he was duped to withdraw his Writ Petition from the Peshawar High Court Peshawar but the appointment order dated 04.06.2013 was then cancelled by Dr. Jehan Mir Khan (respondent No.4) on 05.06.2013; that the departmental appeal of the appellant against the impugned order was not responded hence the present service appeal was filed. Further argued that the appellant withdrew his Writ Petition on 10.06.2013 while the impugned order was communicated to him on 12.06.2013. Further argued that Dr. Jehan Mir Khan Agency Surgeon (respondent No.4) in fact cheated the appellant by convincing him to withdraw the Writ Petition and when the appointment order in favor of the appellant was issued the appellant withdrew his Writ Petition. Further argued that the appellant was fully eligible and qualified for the post of T.B Assistant but he was ignored and in his stead Mr. Sail Rehman was appointed on the same post vide appointment order dated 09.04.2013. Learned counsel for the appellant stressed for

reinstatement of the appellant in service. In support of his case, learned counsel for the appellant referred to the judgments reported in 2004 PLC (C.S) page 270, 2004 SCMR page 56 and 2004 SCMR page 468.

4. As against that learned Assistant Advocate General assisted by learned counsel for private respondent No.5 argued that Mr. Sail Rehman (respondent No.5) was a qualified incumbent and as he was already in service therefore was given preference. Further argued that there was only one post of T.B Assistant which was occupied by another incumbent namely Sail Rehman and as such the appointment order was issued to the appellant due to clerical mistake. Learned Assistant Advocate General also submitted copy of letter/reply of respondent No.4 dated 02.10.2015, addressed to the Senior Government Pleader Khyber Pakhtunkhwa Service Tribunal and argued that according to the said letter/reply, he (respondent No.4) candidly admitted that neither advertisement process was adopted nor selection committee or interview were conducted even merit list was ignored before issuing the appointment orders of both the candidates Mr. Syed Karimullah and Mr. Sail Rehman and that the respondent No.3 further added in his reply that during their appointment only one post of T.B Assistant was vacant and both the candidates were appointed against the single post by the then Agency Surgeon.

5. Arguments heard. File perused.

6. On one hand the appellant could not demonstrate that the post


of T.B Assistant was advertised in the newspaper and any selection committee or test or interview was conducted to fill up the said post. On the other hand the respondent No.4 admitted in his letter/reply as mentioned above that neither advertisement process were adopted nor the selection committee or interview were conducted even merit list was also ignored before issuing the appointment orders of both the candidates Mr. Syed Karim Ullah and Mr. Sail Rehman.


7. There is also no dispute that there was only one (01) vacant of T.B Assistant (BPS-09) and both the candidates were appointed against the same post by the then Agency Surgeon Dr. Jehan Mir Khan. The respondent No.5 was already appointed against the post of T.B Assistant when the appointment order of appellant was issued against the same post.

8. In view of above the appellant has not been able to make out the case in his favor. Judgments referred to by the learned counsel for the appellant not found applicable to the facts and circumstances of the present case. Consequently the present appeal is dismissed. Before parting with the judgment it may be observed that not only the Writ Petition of the appellant bearing No.1276-P/2013, available on file, but the letter/reply of the Agency Surgeon (respondent No.4) mentioned above also depicts serious allegations against Dr. Jehan Mir Khan the then Agency Surgeon North Waziristan regarding his involvement in illegal appointments. As such the Chief Secretary Khyber Pakhtunkhwa and Additional Chief Secretary FATA should look into the matter and if deem

appropriate, initiate disciplinary action against Dr. Jehan Mir Khan the then Agency Surgeon North Waziristan, for his alleged illegal acts. Copy of this judgment/order be sent to the Chief Secretary Khyber Pakhtunkhwa and Additional Chief Secretary FATA along with copy of Writ Petition, and letter/reply of respondent No.4 dated 02.10.2015 for further necessary action if any.

9. Parties are left to bear their own costs. File be consigned to the record room.

  
(Muhammad Amin Kundi)  
Member


  
(Muhammad Hamid Mughal)  
Member

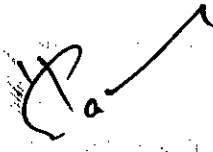
**ANNOUNCED**  
**05.09.2018**

05.09.2018

Appellant with counsel present. Learned counsel for private respondent No.5 and Mr. Riaz Khan Paindakheil learned Assistant Advocate General for official respondents also present.

Vide separate judgment of today of this Tribunal placed on file, the present appeal is dismissed. Before parting with the judgment it may be observed that not only the Writ Petition of the appellant bearing No.1276-P/2013, available on file, but the letter/reply of the Agency Surgeon (respondent No.4) mentioned above also depicts serious allegations against Dr. Jehan Mir Khan the then Agency Surgeon North Waziristan regarding his involvement in illegal appointments. As such the Chief Secretary Khyber Pakhtunkhwa and Additional Chief Secretary FATA should look into the matter and if deems appropriate, initiate disciplinary action against Dr. Jehan Mir Khan the then Agency Surgeon North Waziristan, for his alleged illegal acts. Copy of this judgment/order be sent to the Chief Secretary Khyber Pakhtunkhwa and Additional Chief Secretary FATA along with copy of Writ Petition, and letter/reply of respondent No.4 dated 02.10.2015 for further necessary action if any. Parties are left to bear their own costs. File be consigned to the record room.

  
(Muhammad Amin Kundi)  
Member


  
(Muhammad Hamid Mughal)  
Member

**ANNOUNCED**  
**05.09.2018**

03.07.2018


Junior counsel for the appellant, Mr. Sardar Shoukat Hayat, Additional AG for official respondents No. 1 to 4 and junior counsel for private respondent No. 5 present. Both the junior counsel requested for adjournment. Adjourned. To come up for arguments on 17.08.2018 before D.B.


  
(Ahmad Hassan)  
Member


  
(Muhammad Amin Kundi)  
Member

17.08.2018

Learned counsel for the appellant and Mr. Riaz Paindakheil learned Assistant Advocate General for official respondents present. Learned counsel for private respondent also present. Arguments heard. To come for order on 05.09 2018 before D.B.

  
(Muhammad Amin Kundi)  
Member

  
(Muhammad Hamid Mughal)  
Member



07.05.2018

Due to retirement of the worthy Chairman, the Tribunal is incomplete, therefore the case is adjourned. To come up for same on 22.06.2018 before D.B.

  
Reader

16.05.2018

Clerk to counsel for the appellant and Mr. Muhammad Jan, Learned Deputy District Attorney for private respondents present. Learned counsel for private respondent also present. Clerk to counsel for the appellant seeks adjournment as Learned counsel for the appellant is not available. The present case pertains to the year 2013, last opportunity is granted. Adjourn. To come up for arguments on 17.05.2018 before D.B.

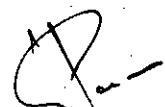
  
(Muhammad Amin Kundi)  
Member

  
(Muhammad Hamid Mughal)  
Member

17.05.2018

Appellant present. Learned counsel for the appellant is absent. However, junior to learned senior counsel for the appellant present and seeks adjournment. Mr. Kabirullah Khattak, Additional AG for official respondents and counsel for private respondents also present. Adjourned. To come up for arguments on 03.07.2018 before D.B.

  
(Muhammad Amin Khan Kundi)  
Member

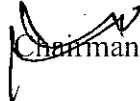
  
(Muhammad Hamid Mughal)  
Member



16.02.2018


Counsel for the appellant and Mr. Usman Ghani, District Attorney for the official respondents present. None present for the private respondents. To come up for arguments on 30.03.2018 before the D.B.

  
Member

  
Chairman

30.03.2018


Counsel for the appellant and Mr. Ziaullah, DDA for official respondents No. 1 to 4 and counsel for private respondent No. 5 present. Learned DDA informed the Tribunal that despite issuance of so many letters to the respondents regarding the appointment of the appellant and private respondent No. 5 which have not been produced. Notice be given to respondent No. 4 to appear personally with record on 09.04.2018 before the D.B.

  
Member

  
Chairman


09.04.2018


Counsel for the appellant and Mr. Ziaullah, DDA for the official respondents and private respondent No. 5 with counsel present. Due to incomplete Bench, arguments could not be heard. Notice was issued to respondent No. 4 for personal appearance alongwith record but he is not available today. Notice be again issued to him for his personal appearance on the next date along with record. To come up for arguments on 20.06.2018 before the D.B.

  
(M.Amin Khan Kundi)  
Member

26.10.2017


Counsel for the appellant and Addl. AG for the respondents present. Learned counsel for the appellant seeks adjournment. Granted. To come up for arguments on 19.12.2017 before the D.B.

  
Member

  
Chairman

19.12.2017

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the official respondents and Junior to counsel for private respondents present. Learned DDA seeks adjournment as the case was prepared by the learned Addl. AG. To come up for record and arguments on 12.1.2018 before the D.B.


  
Member

  
Chairman

12.01.2018

Junior to counsel for the appellant and Asst: AG for the respondents present. Junior to counsel for the counsel seeks adjournment as his senior counsel is not available. Adjourned. To come up for arguments on 16.02.2018 before D.B.

  
(Akbar) Hassan  
Member(E)

  
(M. Hamid Mughal)  
Member (J)


12.04.2017

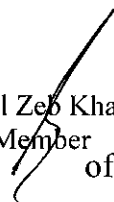
Counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional AG for official respondents No. 1 to 4 and counsel for private respondent No. 5 also present. Requisite record vide order sheets dated 04.09.2015 and 17.08.016 not produced by the respondent-department. The learned Additional AG is directed to produce all the relevant record of the appellant as well as private respondent No. 5 on or before the next date of hearing. To come up for record and arguments on 04.07.2017 before D.B.

  
(Ahmad Hassan)  
Member

  
(Muhammad Amin Khan Kundi)  
Member


25. 04.07.2017 Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondent present. ~~Inquiry report and other~~ relevant record mentioned in the previous order sheet dated 12.04.2017 was not produced by the respondents. Respondents department are strictly directed to produce all relevant record the same on the next date of hearing. To come up for such record and arguments on 28.09.2017 before D.B.

  
(Muhammad Hamid Mughal)  
Member

  
23.09.2017 Gul Zeb Khan)  
Member

Counsel for the appellant and Addl. AG for the official respondents and counsel for private respondent No. 5 present. Relevant record not produced. The learned Addl. AG seeks further time. Last opportunity is directed to produce all the relevant record. To come up for such record and arguments before the D.B on 26.10.2017.

  
Member

  
Chairman

26.10.2016

Clerk to counsel for the appellant and Mr. Ziaullah, GP for respondents present. Arguments could not be heard due to general strike of the Bar. To come up for arguments on 21.02.2017.



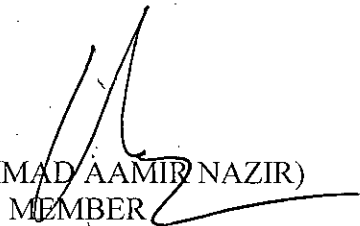
(PIR BAKHISH SHAH)  
MEMBER



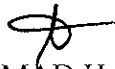
(ABDUL LATIF)  
MEMBER

21.02.2017

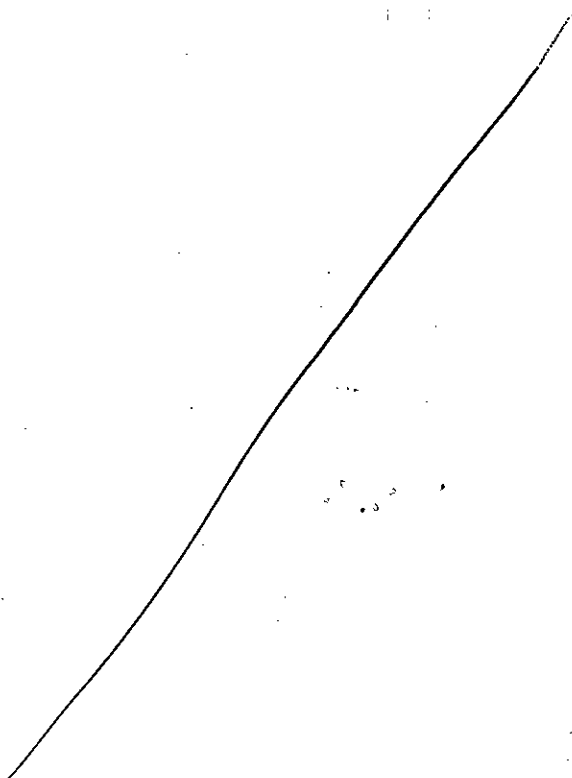
Clerk to counsel for the appellant and Addl: AG for respondents present. Clerk to counsel for the appellant requested for adjournment. Request accepted. To come up for arguments on 12.04.2017 before D.B.



(MUHAMMAD AAMIR NAZIR)  
MEMBER



(AHMAD HASSAN)  
MEMBER



11.03.2016

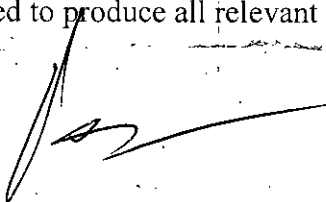
Clerk to counsel for the appellant and Mr. Muhammad Maaz Madni, Litigation Assistant alongwith Addl: AG for respondents for official respondents No. 1 to 5 present. Arguments could not be heard due to learned Member (Executive) is on leave. To come up for arguments on 11.05.2016 before D.B.

  
Member

11.05.2016

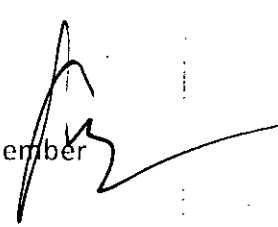
Counsel for the appellant and Mr. Usman Ghani, Sr. GP for respondents present. The relevant record as directed in order sheet dated 4.9.2015 has not been produced the respondent department once again directed to produce all relevant record on 17.8.2016.


Member

  
Member

17.08.2016

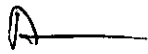
Counsel for the appellant, Mr. Ziaullah, GP for official respondents No. 1 to 4 and counsel for private respondent No. 5 present. Requisite record vide order sheet dated 04.09.2015 not produced by the respondent-department. It was submitted that Agency Surgeon, Miran Shah in person may be summoned alongwith with record. Since the record is necessary therefore Agency Surgeon, Miran Shah be summoned to appear in person before the Tribunal alongwith record. To come up for such record and arguments on *26-10-16* before D.B.

  
Member

  
Member

04.09.2015

Appellant with counsel, Mr. Ziaullah, GP for official respondents and counsel for private respondent No.5 present. It transpired that according to the appellant he was appointed vide order dated 04.06.2013. Later on the said order was cancelled on the ground that there was no vacant post. The private respondent No. 5 Sail-ur-Rehman contends that he had already been appointed as TB Assistant vide order dated 09.04.2013. Both the contenders claim that they were properly recommended by DSC. In order to reach the a correct conclusion, the Tribunal deems it necessary to requisition entire record including DSC minutes of both the appellant as well as private respondent No.5. To come up for such record and further arguments on 19-1-2016



Member



Member

19.01.2016

Clerk to counsel for the appellant, Addl: A.G for official respondents and counsel for private respondent No. 5 present. Due to non-availability of learned counsel for the appellant as well as incomplete Bench therefore, case is adjourned to 11.3.16 for arguments.



MEMBER

Serial No. of Order or Proceedings	Date of Order or Proceedings	Date of other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
<p>شوجا</p> <p>2004 PL (CS) 270</p> <p>2004 SCMR 56</p> <p>2004 " 468</p>	<p><u>10/6/2013</u></p> <p>1.0</p> <p>D.A.</p>	<p><u>T.B. Assl: (BS-5)</u></p> <ul style="list-style-type: none"> <li>- Ad: Not selected.</li> <li>- w.p: During pendency</li> <li>- App/Selected: 4.6.2013</li> <li>- P-16: Arrived report 5.6.2013</li> </ul> <p><u>5.1</u> ?</p> <p><u>12.6.2013</u></p> <p>27.6.2013 / This app</p> <ul style="list-style-type: none"> <li>- Cheated in withdrawing my w.p.</li> <li>- vulnerable rights and locus pohtentis</li> <li>- No ads of assembly?</li> </ul> <p>9.4.2013</p> <p>Authority: Director Health Services FATA</p>
<p>2010 SCMR 1484</p>		<p><u>Respect: S</u></p> <ul style="list-style-type: none"> <li>1) Appointment order.</li> <li>2) No Civil Service</li> </ul>

Serial No. of Order or Proceedings 1	Date of Order or Proceedings 2	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary 3



2.2.2015

Appellant with counsel, Mr. Muhammad Jan, GP with Muhammad Mahaz Madni, Litigation Assistant for the official respondents present. It was submitted on behalf of the respondent government that written reply has been submitted for the signature of Secretary, Health Department and requested that further time may be granted to submit written reply. In circumstance, last chance is given to the respondents for written reply on 27.2.2015.

  
MEMBER

27.02.2015

*Uzma*  
*21/3/15*

Appellant with counsel and Mr. Sabir Khan, Supdt. for respondents No. 1 to 3 alongwith Addl: A.G present. Written reply by respondents No. 1 to 3 submitted. Respondent No. 4 failed to submit written reply despite repeated chances including last chance, hence no further chance is extended to him. The case is assigned to D.B for rejoinder and final hearing for 4.9.2015.

  
Chairman

9.06.2015

Appellant with counsel and Sr. GP with Yar Gul, Assistant and Muhammad Maaz Madni, Litigation Assistant for the official respondents and private respondent No. 5 in person present. Rejoinder received on behalf of the appellant and copies handed over to opposite sides. To come up for arguments on 04.09.2015.

  
MEMBER

  
MEMBER

1373/13

17.10.2014

Counsel for the appellant and Mr. Muhammad Adeel Butt, AAG for the official respondents and counsel for private respondent No. 5 present. Written reply on behalf of respondent No. 5 received and placed on file. Copy handed over to the learned counsel for the appellant. The learned AAG requested for time to contact the respondents and assured submission of written reply on their behalf on the next date. On assurance of the learned AAG another chance is given to the official respondents and case is adjourned to 03.12.2014 for submission of their written reply.



MEMBER

3.12.2014

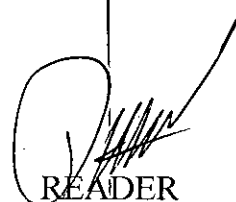
Clerk to counsel for the appellant, Mr. Muhammad Jan, GP with Muhammad Mahaz, Litigation Assistant for the official respondents and clerk to counsel for private respondent No. 5 present. The Tribunal is incomplete. To come up for the same on 05.1.2015.



READER

05.1.2015

Clerk to counsel for the appellant and Mr. Ziaullah, GP with Muhammad Mahaz, Litigation Assistant for the official respondents and junior to counsel for the private respondent No. 5 present. The Tribunal is incomplete. To come up for the same on 02.02.2015.



READER

14.07.2014

Appellant with counsel and Mr. Muhammad Jan, GP with Muhammad Mahaz, Litigation Assistant and Sheyar, Assistant for the official respondents present and requested for adjournment to sought some information from the Agency Surgeon to prepare written reply. None is available on behalf of private respondent No. 5. Fresh notice be issued to him/his counsel. To come up for written reply of all the respondents on 15.08.2014.

MEMBER

MEMBER

15.08.2014

Counsel for the appellant, Mr. Muhammad Jan, GP present. Arbab Saiful Kamal, Advocate/counsel for private respondent No. 5 present and Wakalatnama placed on file. The newly engaged counsel requested for adjournment. Fresh notices be issued to the official respondents and case to come up for written reply positively on 15.09.2014.

MEMBER

15.09.2014

Counsel for the appellant, Mr. Muhammad Adeel Butt, AAG with Muhammad Mahaz Madni, Asstt. For official respondents and private respondent No. 5 in person present. The learned Member (Judicial) is not working due to a recent order of the Hon'ble Peshawar High Court affecting his status as District & Sessions Judge. To come up as before on 17.10.2014.

MEMBER

1373/13

4.4.2014.

Clerk to counsel for the appellant, Mr. Muhammad Jan, GP with Sheryar, Assistant, Mukhtiar, Supdt for respondents No. 1 & 2 and Muhammad Maaz Madni, Assistant for respondents No. 3 and 4 present and requested for time. To come up for written reply on 9.5.2014.

(Note) Mr. Abdul Karim Masood, Advocate/counsel for Sailur Rahman Applicant present and submitted Wakalatnama alongwith application for impleadment. Copy to be handed over to opposite side for reply/arguments on the date fixed.

MEMBER

MEMBER

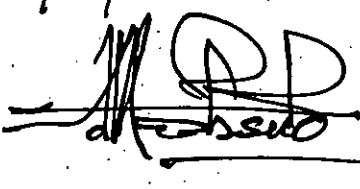
09.5.2014

Appellant with clerk to his counsel and AAG with Muhammad Maaz Madni, Sheryar, and Gulyar; Assistants for the official respondents present and requested for further time. Appellant also requested for time to file reply to application for impleadment of Sailur Rahman as respondent. To come up for written reply on main appeal of official respondents and reply/arguments on impleadment application of Mr. Sailur Rahman. Notice be issued to applicant Sailur Rahman and his counsel for the date fixed as none is available on his behalf to-day.

MEMBER

MEMBER

Noted for  
3/6/2014



03.6.2014

Counsel for the appellant and AAG with Muhammad Maas Madni, Assistant, Sheryar, Assistant and Yar Gul Assistant for the official respondents present and requested for further time. Applicant Sail Rahman in person present. Counsel for the appellant has no objection on impleadment of applicant Sail Rahman as respondent. Hence, applicant Sail Rahman is impleaded as respondent No. 5. Entry be made in the heading of appeal. To come up for written reply of all the respondents on 14.7.2014.

MEMBER

MEMBER

Appeal No. 1373/2013  
Counsel Muhammad Mahaz

3  
17.12.2013

Appellant with counsel present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the impugned order dated 05.06.2013, communicated on 12.06.2013, the appellant filed departmental appeal on 27.06.2013, which has not been responded within the statutory period of 90 days, hence the present appeal on 20.09.2013. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply on 04.03.2014.

Appellant deposited  
of Process fee & Security  
Rs. 2000/- Bank Receipt  
attached with file

Member

17.12.2013

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

Chairman

4.3.2014

Clerk to counsel for the appellant and Mr. Muhammad Jan, GP with Muhammad Mahaz, Assistant for respondent No.3 present and requested for time. Notices be issued to respondents No. 1, 2 and 4. To come up for written reply on 4.4.2014.



MEMBER

MEMBER

Form- A  
FORM OF ORDER SHEET

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

Case No. 1373/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	27/09/2013	<p>The appeal of Sayed Karimullah resubmitted today by Mr. Khaled Rehman Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	30-9-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>17-12-2013</u></p> <p style="text-align: right;"> CHAIRMAN</p>


This is an appeal filed by Sayed Karimullah today on 02/09/2013 against the impugned order dated 05-06-2013 against which he preferred a departmental appeal on 27.06.2013 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 appellant/counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action and also removing the following deficiency.


- 1- Annexure-G of the appeal is illegible which may be replaced legible/better one.

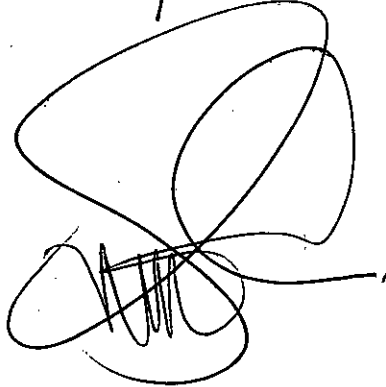
No. 1234 /ST,

Dt. 2/9 /2013

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Khaled Rehman Adv. Pesh.

  
Resubmitted after  
Completion'



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1373 /2013

Sayed Karimullah

.....Appellant

Versus

The Govt. of KPK and  
others

.....Respondents

INDEX

S.No.	Description of Documents	Date	Annexure	Pages
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2.	Copy of W.P. No.1276-P/2013		A	6-12
3.	Selection/appointment order of appellant	04.06.2013	B	0-13
4.	Order thereby writ petition was withdrawn	10.06.2013	C	14-15
5.	Arrival Report	05.06.2013	D	0-16
6.	Medical Certificate		E	0-17
7.	Extracts from Service Book		F	18-19
8.	Impugned order	05.06.2013	G	0-20
9.	Departmental appeal	27.06.2013	H	0-21
10.	Wakalat Nama			

Through

  
Appellant

**Khaled Rahman**  
Advocate, Peshawar

9-B, Haroon Mansion,  
Khyber Bazar, Peshawar.  
Cell # 0345-9337312

Dated: 31 / 08/ 2013



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1373 /2013

1306  
02-09-13

Sayed Karimullah S/o Sayed Khalid Noor,  
R/o Village Musakki, Mir Ali,  
North Waziristan Agency.  
Presently House No.23, Street No.8,  
Phase-IV, Hayatabad.....Appellant.

Versus

1. The Govt. of Khyber Pakhtunkhwa through  
Secretary Health Services,  
Civil Secretariat, Peshawar.
2. The Director General,  
Health Services,  
Khyber Pakhtunkhwa, Peshawar.
3. The Director Health Services FATA,  
Warsak Road, Peshawar.
4. The Agency Surgeon, 5 Sail ur Rehman  
Miran Shah,  
North-Waziristan Agency.....Respondents

*P*  
impleaded  
as Respondent  
NO-5-  
vide order sheet  
dated 03-06-14

*[Signature]*  
27/9/2013

SERVICE APPEAL UNDER SECTION 4 OF THE  
KHYBER PAKHTUNKHWA SERVICE TRIBUNALS  
ACT, 1974 AGAINST THE IMPUGNED ORDER  
DATED 05.06.2013 COMMUNICATED ON 12.06.2013  
WHEREBY THE APPOINTMENT ORDER OF THE  
APPELLANT DATED 04.06.2013 WAS UNLAWFULLY  
CANCELLED AGAINST WHICH APPELLANT FILED  
DEPARTMENTAL APPEAL BUT THE SAME WAS  
NOT DISPOSED OF WITHIN THE STATUTORY  
PERIOD OF 90 DAYS.

Re-submitted to ~~the~~  
and filed.

*[Signature]*  
27/9/13

**PRAYER:**

On acceptance of the instant appeal, the impugned order dated 05.06.2013 may graciously be set aside and appellant be reinstated into service by restoring the order dated 04.06.2013 with all back benefits.

---

Respectfully Sheweth,

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

1. That earlier appellant in pursuance of advertisement had applied for the disputed post of T.B. Assistant and after undergoing the selection process, he was ignored inspite of his higher qualification, therefore, a writ petition No.1276-P/2013 (*Annex:-A*) was filed before the Hon'ble Peshawar High Court, Peshawar and during the pendency of the writ petition vide order dated 04.06.2013 (*Annex:-B*) appellant was selected against the disputed post, therefore, the writ petition was withdrawn vide order dated 10.06.2013 (*Annex:-C*).
2. That in pursuance of the appointment order, appellant submitted his Arrival Report on 05.06.2013 (*Annex:-D*) and meanwhile appellant was medically examined by the authorized Medical Officer and was found fit vide Medical Certificate (*Annex:-E*). The Department has also prepared his Service Book wherein the relevant entries were effected (Extracts from Service Book *Annex:-F*).

3. That appellant performed duties till 12.06.2013 on which date he was handed over the impugned order dated 05.06.2013 (*Annex:-G*) allegedly issued on 05.06.2013 whereby the appointment order of appellant was cancelled.
4. That being aggrieved of the impugned order, appellant preferred departmental appeal on 27.06.2013 (*Annex:-H*) but the same was not disposed of within the statutory period of 90 days, hence this appeal inter-alia on the following grounds:-

**Grounds:**

- A. That Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully issued the impugned order, which is unjust, unfair and hence not sustainable in the eye of law.
- B. That appellant applied for the post, being eligible and qualified for the same, he went through the selection process and being graduate was entitled for appointment but he was ignored and one Mr. Sayel Khan a Cook was appointed on 09.04.2013 against the same post after resigning from the post of Cook on 08.04.2013. Since the order was illegal, therefore, appellant had challenged the same before the Hon'ble Peshawar High Court, Peshawar inas much as appellant was graduate

while the said Sayed Khan was simple Matriculate. During the pendency of writ petition appellant was selected but later on vide impugned order *ibid*, the appointment was unlawfully cancelled *malafide*.

- C. That Respondent No.4 in fact cheated the appellant by convincing him to withdraw the writ petition and when the appointment order was issued, appellant withdrew the writ petition whereafter the impugned order was *malafide* issued canceling the appointment order in violation of the law. The appointment order was in fact issued on 12.06.2013 but it has been antedated 05.06.2013 for *malafide* reasons.
- D. That the appointment order has been issued properly which has been acted upon and valuable rights have accrued to the appellant, therefore, the same could not be legally withdrawn under the principle of *locus poenitentiae*.
- E. That no Show Cause Notice has been issued to the appellant nor other codal formalities have been fulfilled before passing the impugned order, therefore, the same is void *ab-initio* against the principle of natural justice and therefore, not maintainable.
- F. That appellant would like to offer some other grounds during the course of arguments.

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

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

Through

  
Appellant

**Khaled Rahman,  
Advocate, Peshawar.**

Dated: 31 / 08 / 2013

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

6

ANNEX A

W.P. No. \_\_\_\_\_/2013

Syed Karim Ullah S/o Syed Khalid Noor  
R/o Village Mosk, Mirali, North Wazirsitan,  
Presently, House No.23, Street No.8, Phase-IV,  
Hayatabad, Peshawar.....Petitioner

Versus

1. Government of Khyber Pakhtunkhwa, through Secretary Health, Civil Secretariat, Peshawar
  2. Director Health Services, FAIA, KPK, Peshawar.
  3. Agency Surgeon, Agency Headquarter Hospital, Miranshah.
  4. Sail Khan (Sail Rehman), EPI Technician, AHQ Miranshah.
- .....Respondents..

WRIT PETITION UNDER ARTICLE 199 OF  
THE CONSTITUTION OF THE ISLAMIC  
REPUBLIC OF PAKISTAN, 1973.

*Respectfully Sheweth;*

- 1) That putting all the norms, rules aside, and in contumacious disregard of the declared law of the august Apex Court, a BS-17 Officer/ respondent No.3 has been posted as Agency Surgeon (BS-18) for no valid reason in presence of numerous well qualified, eligible and fit officers in BPS-18.
- 2) That the authority of the higher post so vested in an unlawful manner in a lower grade officer has been misused in such a

ATTESTED

careless and reckless manner that the whole administration of AHQH, is rendered paralysed and helpless. His generosity and cheerfulness can be comprehended from his conduct in appointments being made in the hospital e.g:-

7

- i. Respondent No.5, Sail Rehman was appointed as cook in the year 1995 when he was only 5 years old, having being born in 1991;
- ii. The same boy, Sail Rehman was appointed against the post of EPI Technical (BP-9) in 2009-10, a post requiring graduation, whereas the incumbent respondent No.4 is only matriculate.
- iii. In 2013 the same respondent No.4 has been appointed as TB Assistant (BS-9) without proper qualification;
- iv. Shockingly, respondent No.4 has been drawing salaries against both the posts cook and EPI Technician;
- v. In 2011, another Agency Surgeon, viz. Muhammad Rauf Wazir on assuming charge sought verification of 18 employees (Annex-A), most of whom were found bogus and relieved, but on re-appointment of respondent No.3 all got their duties resumed.
- vi. The Ms has been rendered helpless and all his administrative powers been usurped, so much so, that he addressed/ made a letter/ compliant (Annex "B") to respondent No.2 for instructing respondent No.3 to refrain from interfering in the administrative domain of the MS;
- vii. Including his (respondent No.3's) two sons, namely, Tahir Iqbal M&R Technician and Gohar Rehman Clerk/ Computer Operator, various unnecessary transfers have been

**ATTESTED**

made by him without consent of the MS, which are incompetent and are tantamount to uncalled for interference in the administrative affairs of the MS.

8

- 3) That the petitioner, being BA and fully qualified for the vacancy of TB Assistant (BS-9) had also applied, but he was left out and a simple matriculate (respondent No.5) who was not meeting the eligibility criteria and academic qualification, was appointed on the post. (Copies of application and testimonials of petitioner are appended herewith as Annexure "C" to "F")
- 4) That feeling aggrieved and having no other adequate and efficacious remedy the petitioner seeks indulgence of this august Court for redress, inter alia, on the following:-

GROUND:

- A. That the very posting of respondent No.3 a grade-17 officer, against grade-18 as Agency Surgeon and, for that matter, all the appointments and posting and transfers made by him are incompetent, illegal, coram non iudice and void ab initio, hence requiring interference by this august Court.
- B. That inspite of his eligibility and suitability for the post of EPI Technician, the petitioner was purposely overlooked and respondent No.5 was appointed despite his lack of qualification. Such a conduct on the part of respondent No.3 violently offends against merit policy, fair play and equal protection of law.
- C. That for the deeds committed and conduct demonstrated by respondent No.3, as referred to hereinabove, he was required to have been proceeded against under the Efficiency and

**ATTESTED**



Discipline Rules; but instead he has been rewarded and given premium of misusing authority by posting him on a higher post.

9

- D. That the petitioner has not been treated in accordance with as ordained in Article 4 of the Constitution rather been discriminated as against the provisions of Articles 25 and 27 thereof.
- E. That on one is above law and each an every person is answerable under the law. Similar is the case of respondent No.3, who should not be made feel free and be required to explain his position for his unlawful deeds, lest he should face the music.
- F. That petitioner seeks leave of the court to urge additional grounds, after the stance of the respondents becomes known to him.

In view of the foregoing facts, it is, therefore, prayed that on acceptance of this petition, this Hon'ble Court may be pleased:


- I. to require respondent No.3, a junior officer of BS-17 to show under what authority of law he claims to hold a higher office of BS-18 of the Agency Surgon at AHQH, Miranshah;
- II. to direct respondents No.1 & 2 initiate departmental proceedings against respondent No.3 and award him appropriate penalty according to law and rules on the subject for his misdeeds and indiscipline;

ATTESTED

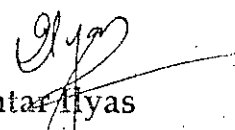
- III. to declare the appointment of respondent No. 4 formerly as cook and later by as EPI Technician and TB Assistant as illegal, without lawful authority and of no legal effect; and also to direct respondents NO.1 to 2 to recover the amount paid to him towards his salaries;
- IV. to direct the other official respondents to appoint the petitioner on the post of EPI Technician at AHQH, Miranshah, and;
- V. to grant any other remedy to which the petitioner is found fit in law, justice and equity.

10

Petitioner  
Through

  
Muhammad Isa Khan  
Advocate Supreme Court

&

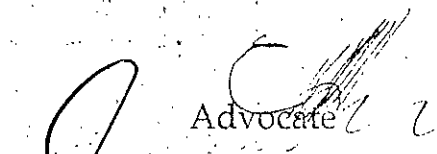
  
Akhtar Ilyas  
Advocate High Court

CERTIFICATE:

It is certified that no such petition on the subject matter has earlier been filed by the petitioner in this august Court.

LIST OF BOOKS:

- 1) Constitution of Pakistan, 1973.
- 2) E&D Rules.
- 3) Case law according to need.

  
Advocate

**ATTESTED**

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

PJ

W.P No. \_\_\_\_\_/2013

Syed Karim Ullah ..... Petitioner

Versus

Government of Khyber Pakhtunkhwa,  
through Secretary Health, and others..... Respondents

AFFIDAVIT

I, Syed Karim Ullah S/o Syed Khalid Noor R/o Village Mosk, Mirali, North Wazirsitan, Presently, House No.23, Street No.8, Phase-IV, Hayatabad, Peshawar, do hereby affirm and declare on Oath that the contents of the accompanying Writ Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this hon'ble court.

Identified by: •

*[Signature]*  
Deponent

NIC. 21505-7385280 1

*[Signature]*  
Muhammad Isa Khan  
Advocate, Supreme Court

11725

Subscribed on this \_\_\_\_\_ day of \_\_\_\_\_ 2003, by \_\_\_\_\_ s/o \_\_\_\_\_ who was identified by \_\_\_\_\_ Who is personally known to me:

*[Signature]*  
Oath Commissioner  
Peshawar High Court

ATTESTED

7

(12)

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

W.P No. \_\_\_\_\_/2013

Syed Karim Ullah ..... Petitioner

Versus

Government of Khyber Pakhtunkhwa,  
through Secretary Health, and others..... Respondents

ADDRESSES OF THE PARTIES

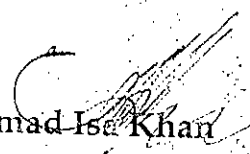
PETITIONER:

Syed Karim Ullah S/o Syed Khalid Noor  
R/o Village Mosk, Mirali, North Wazirsitan,  
Presently, House No.23, Street No.8, Phase-IV,  
Hayatabad, Peshawar

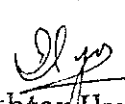
RESPONDENTS:

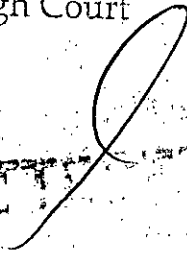
1. Government of Khyber Pakhtunkhwa, through Secretary Health, Civil Secretariat, Peshawar
2. Director Health Services, FATA, KPK, Peshawar.
3. Agency Surgeon, Agency Headquarter Hospital, Miranshah.
4. Sail Khan (Sail Rehman), EPI Technician, AHQ Miransha.

Petitioner  
Through

  
Muhammad Isa Khan  
Advocate, Supreme Court

&

  
Akhtar Ilyas  
Advocate, High Court



OFFICE OF THE AGENCY SURGEON  
NORTH WAZIRISTAN MIRANSHAH.  
PHONE & FAX: 0928-300788.

OFFICE ORDER:-

As recommended by the Departmental Selection Committee Mr. Syed Karim Ullah S/O Syed Khalid Noor resident of village Mausaki Tehsil Mir Ali North Waziristan Agency is hereby appointed as T.B. Assistant in BPS-09 (6200-330-17600) plus usual allowances as admissible under the rule against the existing vacant post in Agency Headquarter Hospital Miranshah in the best interest of public services with immediate effect.

His appointment shall be subject to the following terms and condition.

- 1- He is declared medically fit for this job.
- 2- His appointments will be purely on contract /temporary basis and are liable to be terminated at any time with out assigning any notice/reasons.
- 3- He will be governed by such rules and orders issued by the Government from time to time for the category of staff to which he belongs.
- 4- If he wish to resign the services a prior notice of 30 days will be submitted, otherwise one month pay should be deposited in Government treasury through proper challan.
- 5- If he accepts the offer on the above terms and condition he will have to report for duty to the Medical Superintendent Agency Headquarter Hospital Miranshah within 15 days of the receipt of this offer , otherwise the order will be considered as cancelled.
- 6- No. TA/DA will be admissible for joining the duties.

Sc:XXXXXX  
(Dr. Jehan Mir)  
Agency Surgeon  
North Waziristan Miranshah.

No. 2079-82 /Apptt: dated Miranshah the 24 /06/2013.

Copy forwarded to the:-

- 1-Director Health Services, FATA, Peshawar.
- 2-Agency Account officer North Waziristan Miranshah.
- 3-Medical Superintendent, AHQ Hospital Miranshah.
- 4-Officials concerned.

For information and necessary action.

**ATTESTED**

Agency Surgeon  
North Waziristan Miranshah

13

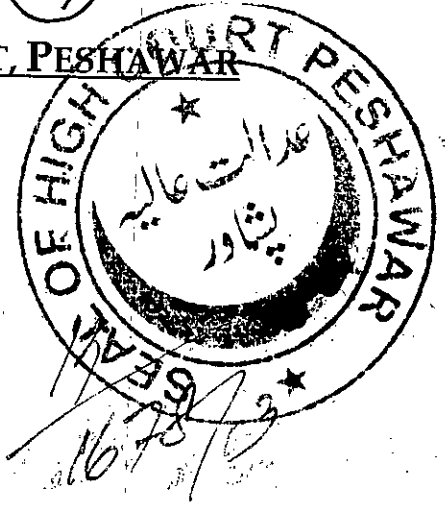
A. N. S. B.

ANNEX C

14 1 5

**BEFORE THE PESHAWAR HIGH COURT, PESHAWAR**

W.P. No. 1276P 2013



Syed Karim Ullah S/o Syed Khalid Noor  
R/o Village Mosk, Mirali, North Wazirsitan,  
Presently, House No.23, Street No.8, Phase-IV,  
Hayatabad, Peshawar.....Petitioner

Versus

1. Government of Khyber Pakhtunkhwa, through Secretary Health, Civil Secretariat, Peshawar
  2. Director Health Services, FATA, KPK, Peshawar.
  3. Agency Surgeon, Agency Headquarter Hospital, Miranshah.
  4. Sail Khan (Sail Rehman), EPI Technician, AHQ Miranshah.
- .....Respondents.

**WRIT PETITION UNDER ARTICLE 199 OF  
THE CONSTITUTION OF THE ISLAMIC  
REPUBLIC OF PAKISTAN, 1973.**

*Respectfully Sheweth;*

- 1) That putting all the norms, rules aside, and in contumacious disregard of the declared law of the august Apex Court, a BS-17 Officer/ respondent No.3 has been posted as Agency Surgeon (BS-18) for no valid reason in presence of numerous well qualified, eligible and fit officers in BPS-18.
- 2) That the authority of the higher post so vested in an unlawful manner in a lower grade officer has been misused in such a

FILED TODAY  
Deputy Registrar  
04 MAY 2013

**ATTESTED**

EXAMINER  
Peshawar High Court.

21

15

PESHAWAR HIGH COURT, PESHAWAR		
FROM 'A'		
FORM OF ORDER SHEET		
COURT OF ..... CASE NO.....		
SERIAL NO OF ORDER OR PROCEEDINGS	DATE OF ORDER OR PROCEEDINGS.	ORDER OR OTHER PROCEEDINGS WITH SIGNATURE OF JUDGE OR MAGISTRATE AND THAT OF PARTIES OR COUNSEL WHERE NECESSARY.
1	2	3
	10.06.2013.	<p><b>W.P. No. 1276-P/2013.</b></p> <p>Present: -</p> <p>Mr. Akhtar Ilyas, advocate on behalf of Mr. Muhammad Isa Khan, advocate for the petitioner.</p> <p style="text-align: center;">←*****→</p> <p><b>MALIK MANZOOR HUSSAIN J.</b> At the very out set learned counsel for the petitioner stated at the bar that he wants to withdraw the instant writ petition. Hence dismissed as withdrawn.</p>

Sd/- Malik Manzoor Hussain J

Sd/- Ikramullah Khan J

CERTIFIED TO BE TRUE COPY

**Announced**  
10.06.2013.

Examiner  
Peshawar High Court Peshawar  
Authorised Under Article 87 of  
The Qanun-e-Shahadat Order 1984

18815

22-6-13

Date of Presentation of Application 10-6-13

No of Pages 28

Copying fee /

Urgent Fee /

Total 4.00

Date of Preparation of Copy 22-6-13

Date Given For Delivery 22-6-13

Date of Delivery of Copy 24-6-13

Received By: [Signature]

Annex D

16

To,

The Medical Superintendent  
AHO Hospital Mianshah

Subject: - Arrival Report

With reference to the Ager Surgeon  
NWA Mianshah Letter No. 2079-82

Dated 04-6-2013

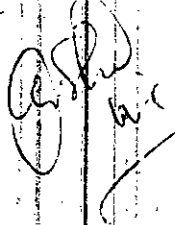
I have the honor to submit  
my arrival report for day to day  
in 05-06-2013 Forenoon.

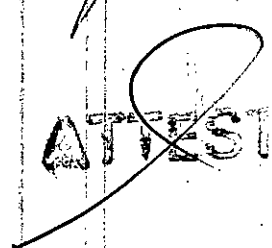
Thanks

Yours Obediently

~~Signature~~  
Mr. Syed Iqbal  
Syed Iqbal  
NWA AHO,  
Mianshah

Dated 05/06/2013

Seen  


  
ATTESTED



ANNEX<sup>17</sup> 17

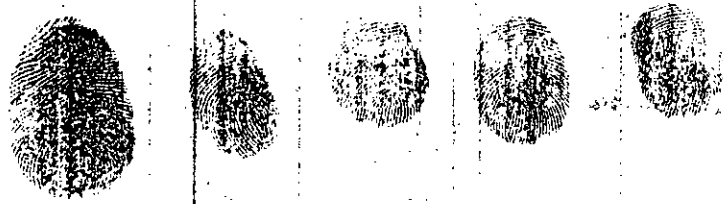
**MEDICAL CERTIFICATE**

Name of Official. Mr. Syed Karimullah  
 Caste or race. Muslim  
 Father's Name Mr. Khalid Noor  
 Residence. 7 Village Mussaki Tehsil  
Mir Ali N.W.A.  
 Date of birth. 17-02-1993  
 Exact height by measurement. 5-7  
 Personal Mark of Identification. Nil  
 Signature of the Official. [Signature]  
 Signature of head of Office. \_\_\_\_\_

Seal of Medical Superintendent  
Agency H.Q. Hospital  
MIRANSHAH

I do hereby certify that I have examined Mr./Miss. Syed Karimullah  
 candidate for employment in the Office of the Health Dept.  
 and can not discover that he/she had any disease communicable or other  
 constitutional effect ion or bodily infirmity except Nil

I do no consider this as disqualification for employment in the office of the  
Health Dept. (His/her age according to his own statement 20  
 Years and by appearance about 20 years.



LEFT HAND THUMB AND FINGER  
 IMPRESSIONS 07/6/2013

[Signature]  
 Medical Superintendent  
 HQ Hospital Miranshan.  
 Medical Superintendent  
 Agency H.Q. Hospital  
 MIRANSHAH

**ATTESTED**

- 1- Name (نام) Mr. Syed Kazim ulah
- 2- Nationality and Religion Muslim Armed F 18  
(قومیت اور مذہب)
- 3- Residence Village Mulla Ali Teh: Mulla Ali  
(مستقل رہائش) North Nazimistan Agency
- 4- Father's name and residence Mr. Syed Khalid  
(والد کا نام اور پتہ)
- 5- Date of birth by christian era as nearly as can be ascertained 17-02-1943  
(تاریخ پیدائش مطابق سن عیسوی)
- 6- Exact height by measurement 5-7  
(قد و قامت)
- 7- Personal mark of identification nil  
(آشانی نشانہ)

8. Left hand/right hand thumb and finger-impressions of (Non-gazetted officer)

(مرد کی صورت میں بائیں اور عورت کی صورت میں دائیں ہاتھ کی انگلیوں کے نشانات)

Little Finger  
(چھٹکلیا)

Ring Finger  
(چھٹکلی کے ساتھ کی انگلی)

Middle Finger  
(انگشت میانیہ)

Fore Finger  
(انگشت شہادت)

Thumb  
(انگوٹھا)

9. Signature of Govt. Servent  
(سرکاری ملازم کے دستخط)

10. Signature and designation of the Head of the Office or other Attesting officer

(تصدیق کنندہ افسر کے دستخط اور مہر)

Medical Superintendent  
Agency H.Q. Hospital  
Atreashah

ATTESTED

Note: The entries in this page should be renewed or re-attested at least every five years and the signatures in lines 9 and 10 should be dated. Finger prints need not be taken after every 5 years under this rule.

نوٹ: اس صفحہ پر درج کیے گئے تمام تفصیلات کو کم از کم ہر پانچ سال بعد تجدید یا دوبارہ تصدیق کرنا ضروری ہے اور اس کے ساتھ ہی دستخطوں کے تاریخ لکھنی چاہئے۔

انگشتوں کے نشانات کو ہر پانچ سال کے بعد تجدید یا ضرورت کی صورت میں



9 Signature and designation of the Head of the office or other attesting officer in attestation of column 1 to 8 دستخط افسر مجاز	10 Date of termination or appointment تاریخ انقطاع ملازمت	11 Reason of termination (such as promotion, transfer, dismissal) وجوہات انقطاع ملازمت ترقی تبادلہ یا برطرفی	12 Signature of the head of the office or other Attesting officer دستخط افسر مجاز	13 Nature and duration of leave taken رضخت کی نوعیت ومعیار	13 Allocation of period of leave of average pay up to four months (or earned leave net exceeding 120 days) to which leave salary is debitable to another Government چار ماہ تک کی رضخت کے لئے اوسط خواہ کا تین Period عرصہ Government to which debitable گورنمنٹ جسے رہا ملائی	14 Signature of the Head of the office or other attesting Officer دستخط افسر مجاز	15 Reference to any recorded punishment or censure, reward or praise of the Government servants سزا یا جزا غیر مناسب کارکردگی کا ریکارڈ
<p>Appointed as T.B. Assn against the vacant post of T.B. Assn in Agency Head Quarter Hospital Miran Shikoh vide Agency Order No. 209-82/1991 dt. 4/6/2013</p>							
<p><i>[Signature]</i> Medical Superintendent Agency H.Q. Hospital Miran Shikoh</p>	<p><i>[Signature]</i> Medical Superintendent Agency H.Q. Hospital Miran Shikoh</p>						

ATTESTED



ANNEX 9  
20

OFFICE OF THE AGENCY SURGEON  
NORTH WAZIRISTAN HOSPITAL  
PHONE & FAX NO. 0922-302788.

OFFICE ORDER.

The appointment order in respect of Mr. Syed  
Lahin Ullah S/O Syed Iqbal Iqbal issued vide this Office  
order bearing endorsement No. 2079-02/Agpt: dated 04/05/2013  
is hereby cancelled due to non-availability of clear  
vacant post of MD Assistant in the interest of public  
services with immediate effect.


MD/1 K K  
(Dr. Fozan Mir)  
Agency Surgeon,  
North Waziristan Miranshah.

No. 2101-4 /Agpt: Dated Miranshah the 5/6/2013

(Copy forwarded to:-

1. The Director Health Services, DHA, Peshawar.
2. The Agency Accounts Officer, North Waziristan Agency.
3. The Medical Superintendent, MD Hospital Miranshah.
4. The official concerned.

For information and necessary action.

  
Agency Surgeon,  
North Waziristan Miranshah.

*Seen  
Infor to applicant*

*Dr. S.H.  
MR*

*Received By Abdullahi wazir*

12-6-2013

~~ATTACHED~~

Better Copy

P-20

OFFICE OF THE AGENCY SURGEON  
NORTH WAZIRISTAN MIRANSHAH  
PHONE & FAX: 092 \_\_\_\_\_

OFFICE ORDER.

The appointment order in respect of Mr. Syed Karim Ullah S/O Syed Khalid Noor issued vide this office order bearing endorsement No.2079-82/Apptt: dated 04/06/2013 is hereby cancelled due to non-availability of Clear vacant post of TB Assistant in the interest of public service with immediate effect.

Sd/-  
(Dr. Jehan Mir)  
Agency Surgeon  
North Waziristan Miranshah

No.2101-4/Apptt:

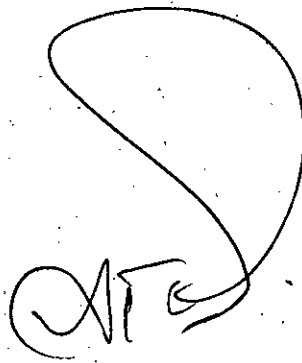
Dated Miranshah the 5/6/2013

Copy forwarded to:-

1. The Director Health Services, FATA, Peshawar.
2. The Agency Accounts Officer, North Waziristan Agency.
3. The Medical Superintendent, AHQ Hospital Miranshah.
4. The official concerned.

For information and necessary action.

Sd/-  
Agency Surgeon.  
North Waziristan Miranshah







WAKALAT NAMA

IN THE COURT OF

K-Pk Service Tribunal

Syed Karamullah Appellant(s)/Petitioner(s)

VERSUS

The Govt of P.K. etc

Respondent(s)

I/We \_\_\_\_\_ do hereby appoint  
**Mr. Khaled Rehman, Advocate** in the above mentioned case, to do all or  
any of the following acts, deeds and things.

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

AND hereby agree:-

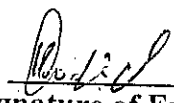
- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

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

Attested & Accepted by

  
**Khaled Rehman,**  
Advocate, Peshawar.

9-B, Haroon Mansion  
Khyber Bazar, Peshawar

  
Signature of Executants

**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR**

S.A No. 1373/2013

Syed Karim Ullah          Versus          Govt. & Others

**WITTEN STATEMENT ON BEHALF OF IMPLEADING  
RESPONDENT (SAIL REHMAN)**

**Respectfully Sheweth,**

**PRELIMINARY OBJECTION.**

1. That appellant has no cause of action against respondents.
2. That impleading respondent was appointed on 09.04.2013 while appellant was appointed as such on 05.06.2013, so the appeal is without any cause.
3. That there was only one post of T.B Assistant B-09 in the department and on one and the same post, double appointments cannot be made legally.
4. That prior in time is legally entitled to prior in right.
5. That writ petition of the appellant was twofold and neither in the appeal nor in the writ petition. Impleading respondent was made party.

**ON FACTS**

1. Para No. 1 does not relate to replying respondent.
2. In response to para No. 2 of the appeal, it is submitted that prior to the appointment of appellant, i.e 05.06.2013 impleading respondent was already appointed as such on 09.04.2013. As there was only one post of T.B Assistant B-

17/10/13

09, so in other incumbent cant not be appointed as such. Arrival Report, Medical Examination, Service Book etc has already taken place then of the appellant. (Copies as annex "R")

3. In response to this para, it is submitted that impleading respondent was already performing duties at the said post, so the subsequent appointment of appellant at the said post was not legally justified because only one can get monthly salary on a single post.
4. Needs no comments. However, on one and the same post two servants cannot perform duties.

**G R O U N D S:**

- a. Not correct. Respondent have treated appellant in accordance with law, rules and policy and never acted in violation of any law.
- b. Not correct. impleading respondent was already appointed as such after going through the prescribed procedure of selection and appointment. The appointment of appellant was not legally justified as on the said post, impleading respondent was already performing his official duties. The impugned order was per the mandate of law.
- c. Does not relate to impleading respondent.
- d. Not correct. No vacant post was available with the department, so the subsequent appointment was not legally justified in any manner as no post was exist.
- e. No notice was required to illegal appointment as the post was already occupied by impleading respondent appointed

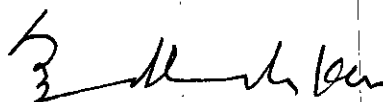
through prescribed manner before the appointment of appellant.

f. Allowed.

It is, therefore, most humbly requested that the appeal of appellant, being devoid of merit and without substance, be dismissed with cost.


Impleading Respondent

Through

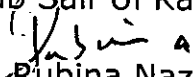


Saadullah Khan Marwat

Dated: .10.2014



Arbab Saif Ul Kamal



Miss Rubina Naz  
Advocate,

### COUNTER AFFIDAVIT

I, Sail Rehman S/o Zarbab Khan, do hereby solemnly affirm and declare that contents of Written Statement are true and correct to the best of my knowledge and belief while that of the appeal are illegal and incorrect.

I reaffirm the same on oath once again to be true and correct as per the available record.

DEPONENT

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

Service Appeal No. 1373/2013

Syed Karim Ullah.....(Appellant)

**VERSUS**

Govt of KPK and others.....(Respondents)

**APPLICATION FOR IMPLEADMENT OF**  
**MR. SAIL UR REHMAN IN THE PENAL OF**  
**RESPONDENTS.**

**Respectfully Sheweth:**

1. That the above captioned service appeal is subjudice before this Hon'ble Tribunal and fix for 04/04/2014.
2. That the petitioner is necessary party in the above noted appeal and not arrear as respondent in the above appeal.
3. That the appointment of the petitioner is more prior then the present appellant.

4. That the valuable rights of the petitioner are involved and if the petitioner is not arrear as a respondent he would occur in unsuitable loss.

It, is, therefore, most humbly prayed that on acceptance of this petition the petitioner may kindly be arrear in the penal of respondents in the interest of justice.

*Sail Rehman*  
Petitioner

Through

Dated: 04/04/2014

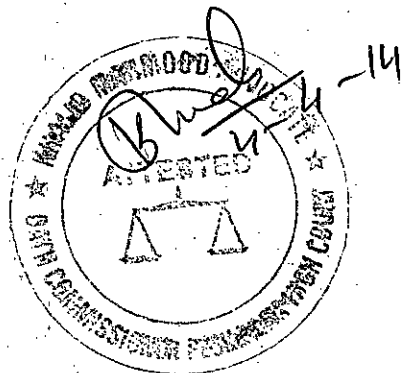
*AK*  
*Abdul Karim Mahsud*  
Abdul Karim Mahsud

&

*Yousaf Khan*  
Yousaf Khan  
Advocates, Peshawar.

**AFFIDAVIT:**

Stated on oath that the contents of this petition are true and correct to the best of my knowledge and nothing has kept canceled from this Hon'ble Tribunal.



*Sail Rehman*  
**DEPONENT**  
(NIC NO: 21506-4657081-3)

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

Appeal No. 1373/2013

Mr. Sayed Karim Ullah

..... Appellant

**Versus**

Govt. of KPK & Others

..... Respondents

**Para wise joints comments on behalf of respondent No. 1, 2 & 3.**

**Preliminary objections:**

1. That the appellant has no cause of action/locus standi to file the present appeal.
2. That the appellant is estopped by his own conduct to file the instant appeal.
3. That the instant appeal is bad for mis-joinder & non-joinder of parties.
4. That the present appeal is barred by law.
5. That the present appeal is bad in its present form, hence not maintainable and liable to be dismissed

**Respectfully Sheweth;**

**ON FACTS**

1. In reply to Para-1, it is submitted that the post was not vacant and was occupied by another incumbent and as such the appointment orders issued to the appellant was due to the clerical mistake and going through the record, the appellant was removed from the post on the next day.
2. Incorrect, the arrival report is usually submitted after medical fitness certificate which was done on 07-06-2013 and as such the service book attached with the appeal is also not prepared by the concerned clerk but signed from Medical Superintendent concerned fraudulently.
3. Incorrect, the order was handed over to the appellant actually on 05-06-2013 on the day of issuance and as such preparation of services book or Health & age certificate after issuance of the cancellation order is totally illegal.
4. Correct to the extent of Departmental Appeal, however, the same was submitted to Agency Surgeon North Waziristan Agency

07/12  
29/02/13

(2)

for comments but the Agency Surgeon failed to submit the same due to lack of communication and Law & Order situation.

**ON GROUNDS**

- A. Incorrect, the appellant was treated in accordance with law, rules & policy and as such not violated Article 4 of the Constitution of Pakistan 1973.
- B. Incorrect, Mr. Sayel Khan was a qualified incumbent as he was in service and was given preference on the post.
- C. Incorrect, the appellant was treated in accordance with law & no antedating has been made.
- D. Incorrect, as stated above it was a clerical mistake.
- E. Incorrect, there was no need of fulfilling codal formalities because the order was withdrawn soon after its issuance.
- F. That, respondents seeks permission to advance other grounds and proofs in support of the reply at the time of arguments.

It is therefore most humbly prayed that the appeal being devoid of merits/legal footing, may be dismissed with cost.

Respondent No. 03

  
**Director Health Services,**  
FATA Peshawar

Respondent No. 02

  
**Director General Health Services,**  
Khyber Pakhtunkhwa, Peshawar

Respondent No. 01

  
**Secretary (Health)**  
Khyber Pakhtunkhwa, Peshawar



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

Amended Appeal in

Service Appeal No. 628/2013

Khial Zamir ..... (Appellant)

VERSUS

Inspector General of Police & Others..... (Respondents)

Rejoinder on behalf of appellant to the reply on behalf of respondents

Rejoinder to preliminary objections:

1. Incorrect, the appellant has got a good cause of action to file the present appeal.
2. Incorrect, the appellant has come to this Hon'ble Tribunal with clean hands.
3. Incorrect, the appeal is quite maintainable in its present form.
4. Incorrect, the appeal is with in time otherwise the apex court has favored the cases to be decided on merits rather on technicalities including the limitation.
5. Incorrect, the titled appeal is not bad for misjoinder and non-joinder of necessary parties.

Rejoinder to facts.

1. Admitted, needs no rejoinder.
2. Admitted by the respondents in their reply that appellant was promoted to the rank of Sub Inspector, remaining para is incorrect.
3. In rejoinder to para 3 it is submitted that the respondent admit in their reply, remaining of the para is denied.

4. Incorrect, on 05/03/1970 the appellant submitted the authorities his matriculation certificate & entry to that effect was carried out in his service book. Matriculation certificate and CNIC of the appellant shows his DOB as 02/02/1954, advance increment was also granted to him on the basis of the said matric certificate issued by BISE Peshawar.
5. Needs no rejoinder as admitted by the respondents.
6. Incorrect, departmental appeal of the appellant was quite maintainable, this Hon'ble Tribunal has already allowed so many such like appeals as well as the Hon'ble Supreme Court of Pakistan has also favored the appellant's stance in its so many judgments.
7. Needs no reply
8. Needs no reply
9. Needs no reply
10. Incorrect, as stated in para 6 for the relief as prayed.

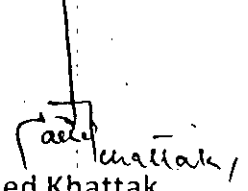
#### Rejoinder to Grounds

- A. Incorrect, such act/omission of the respondents is in violation of the precedents established by the Hon'ble Supreme Court of Pakistan in case law cited as 2008 SCMR 255 along with so many other judgments.
- B. In rejoinder to ground B it is submitted that respondents in their written reply admit the production of matriculation certificate by the appellant, also award of advance increment on its basis, but the act/omission of not correcting the entries in his service book according to his matriculation certificate is the wrong committed by the respondents for which the appellant is suffering.
- C. Incorrect, this Hon'ble tribunal in number of identical cases has directed the respondents to take exercise & correct/center the DOB

according to the date mentioned in matriculation certificate which has established legal weight & to written off the date on the presumption of the medical officer estimate without taking opinion of radiologist.

- D. In rejoinder to para D it is submitted that principle of fair play, equity & justice demands that that since employees, in their appeals have been granted relief by this Hon'ble forum, the case of the appellant being in same footing with those, therefore the same relief may also be granted to the appellant.
- E. As stated in memo of appeal
- F. As stated in memo of appeal.

It is therefore most humbly prayed that on acceptance of the instant rejoinder the written reply of the respondents may kindly be rejected, and appeal of the appellant may be allowed as per prayer.

Appellant  
 Through   
 Muhammad Saeed Khattak  
 Advocate. Peshawar.

The Governor,  
KPK, Pakistan.

Subject:- **COMPLAINT AGAINST AGENCY SURGEON N.W.A DR. JEHAN MIR.**

Sir,

With due respect, it is stated that formerly Agency Surgeon "The great man" Dr Azam Khan Wazir has advertised post of Pharmacy Technician, LHV, and posted according to the merit and also committee. These posts were advertised at 14 December 2012 and all these posts were filled by Dr. Azam Khan Wazir, the honest man.

Again new posts were given to NWA at 30 March and the present Agency Surgeon "The king of corruption" Dr Jehan Mir without any advertisement, posted the people against the vacant post of Pharmacy Technician, LHV, Senior Clerk and T.B Assistant. The cost for each post like Pharmacy is 4,00,000, Senior Clerk 7,00,000. The only post of T.B Assistant against which Mr. Khalid Khan has been appointed and serving for 20 years. Now Khalid has been promoted to grade 14 without any departure, Mr. Khalid has been removed from this post and Mr. Sail Khan has been appointed against this post, while Mr. Sail is not qualifying for this post b/c he is a fresh Matriculate.

The Mr. Sail Khan, the handsome body of Dr. Jehan Mir, Fuck him. He use Sail like his own wife. And Mr. Sail was appointed in 2009 against the vacant post of LHV and at that time Sail was not a matriculate. Mr. Sail is also a cook of Agency Headquarter Hospital, Miran Shah.

Therefore, it is, requested in your kind honour that enquiry should been done of it, for the sake of Waziristan to protect it from such corrupt people.

Copy

1. Governor.
2. Chief Minister.
3. Chief Justice.
4. ACS.
5. N.A.B.
6. Director Health FATA.
7. Secretary Health FATA.
8. P.A. N.W.A.
9. Commandant Army NWA.

A.C.S. (FATA)  
S/SSD

4573  
16-4-13

2070 SEMR 1484

T B Technin

Klatiga Full Namaz.

BPS 14 → BPS 14.

## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1373 2013

Syed Karimullah.....Appellant

Versus

The Govt. and others.....Respondents

---

**REJOINDER ON BEHALF OF APPELLANT IN RESPONSE  
TO REPLY FILED BY RESPONDENTS NO.1-3.**

---

Respectfully Sheweth,

**Preliminary Objections:**

Preliminary objections raised by answering respondents are erroneous and frivolous, the detailed replies thereof are as under:-

- I. That valuable rights of the appellant have been infringed through the impugned order which has been challenged through the instant appeal under the law, therefore, appellant has got a strong cause of action and for that matter locus standi to file the instant appeal.
- II. That appellant has challenged the impugned order within the meaning Section-4 of the Khyber Pakhtunkhwa Service Tribunal Acts, 1974. It is a settled principle that estoppel does not operate against the law.
- III. That all necessary and proper parties have been arrayed as Respondents in the instant appeal, hence the question of mis-joinder and non-joinder is misconceived.
- IV. That the appeal well within time.

- V. That all codal formalities as per the Khyber Pakhtunkhwa Service Tribunal Act, 1974 have been complied with and therefore the appeal is in its correct form and shape.

**Facts:**

1. Incorrect. The appointment order was issued against a clear vacancy. Pursuant to the order, appellant submitted his arrival report and thereafter was examined by the authorized Medical Officer and was found fit who issued proper Medical Certificate to the appellant and moreover proper Service Book was also prepared. In fact the appellant was duped in withdrawing the writ petition from the Hon'ble Court and no sooner did the writ petition was withdrawn, the appointment order was issued, the same was subsequently recalled for malafide reasons to adjust a favorite of Respondent No.4. The appointment order cannot be dubbed as a clerical mistake as it was issued by the competent authority in accordance with law.
2. Incorrect. All the codal formalities were fulfilled and later on, the order was malafide withdrawn vide the impugned order which is not sustainable under the law.
3. Incorrect. The impugned order was issued on 12.06.2013 when the writ petition was withdrawn from the Hon'ble Peshawar High Court, Peshawar on 10.06.2013 and it was shown to have been issued on 05.06.2013 malafide.
4. Being admitted needs no further clarification.

**Grounds:**

- A. Incorrect. The impugned order is against the law, malafide and therefore, is not sustainable in the eye of law.
- B. Incorrect. Mr. Siyal Khan being a Cook had not applied for the post yet he was appointed against the same post on 09.04.2013, who allegedly resigned from 08.04.2013. Since he was neither

eligible having the requisite qualification nor applied for the post but being a blue-eyed of Respondent No.4 was adjusted illegally, therefore, his appointment order was called in question before the Hon'ble Peshawar High Court, Peshawar but in the meanwhile, Respondent No.4, convinced the appellant by cheating to withdraw the writ petition and when the same was withdrawn subsequently the appointment order was also withdrawn.

- C. Incorrect. The appellant was not treated in accordance with law. The impugned order is malafide and was issued on 12.06.2013 but was antedated 05.06.2013.
- D. Incorrect hence vehemently denied. The appointment order was not a clerical mistake nor the same can be supposed as such.
- E. Incorrect hence denied.
- F. Needs no Reply.

It is, therefore, humbly prayed that the reply of answering Respondents No.1-3 may graciously be rejected and the appeal as prayed for may graciously be accepted with costs.

Through

Appellant

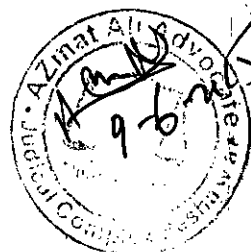
Khaled Rahman  
Advocate, Peshawar

Dated: 09/05/2015

Affidavit

I, Syed Karimullah S/o Khalid Noor, R/o Village Musaki, Mir Ali, NWA, do hereby affirm and declare on oath that the contents of this rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

ATTESTED



Deponent



Service Appeal No. 1373 2013

Syed Karimullah.....Appellant

Versus

The Govt. and others.....Respondents

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**REJOINDER ON BEHALF OF APPELLANT IN RESPONSE  
TO REPLY FILED BY RESPONDENT NO.5 (SAIL RAHMAN).**

---

Respectfully Sheweth,

**Preliminary Objections:**

Preliminary objections raised by answering respondents are erroneous and frivolous, the detailed replies thereof are as under:-

1. That valuable rights of the appellant have been infringed through the impugned order which has been challenged through the instant appeal under the law, therefore, appellant has got a strong cause of action to file the instant appeal.
2. That the answering Respondents neither applied for the post nor was eligible being simple Matriculate and moreover was serving as a Cook with Respondent No.4 but was adjusted out of blue against the post for which appellant had applied and was eligible. He was subsequently appointed on the recommendation of the Selection Committee when he knocked at the door of the Hon'ble Peshawar High Court, Peshawar.
3. That the answering Respondent was already holding the post of Cook and could not be against the disputed post.

4. That the answering Respondent is not qualified nor eligible for the post, therefore, the appellant was appointed against the said post in accordance with law.
5. That there was no need of impleading the answering Respondent.

**Facts:**

1. Being not replied hence admitted.
2. Incorrect. The answering Respondent was neither eligible nor qualified for the post. He was already serving as a Cook in the Department and being blue-eyed of Respondent No.4 was unlawfully adjusted against the post and as soon as the appellant approached the Hon'ble Peshawar High Court, Peshawar then the appointment order of the appellant was issued but after the withdrawal of the writ petition, the appointment order was unlawfully withdrawn for malafide reasons.
- 3&4. Incorrect hence vehemently denied.

**Grounds:**


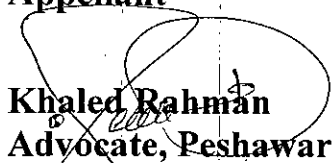
- A. Incorrect. The appellant was not treated in accordance with law, rules and policy on the subject matter.
- B. Incorrect. The answering Respondent being a Cook had not applied for the post yet he was appointed against the same post on 09.04.2013, who allegedly resigned from 08.04.2013. Since he was neither eligible having the requisite qualification nor applied for the post but being a blue-eyed of Respondent No.4 was adjusted illegally, therefore, his appointment order was called in question before the Hon'ble Peshawar High Court, Peshawar but in the meanwhile, Respondent No.4, convinced the appellant by cheating to withdraw the writ petition and

when the same was withdrawn subsequently the appointment order was also withdrawn.

- C. Being not replied hence admitted.
- D. Incorrect. The answering Respondent was not eligible for the post. Moreover, he was already holding the post of Cook.
- E. Incorrect hence denied.
- F. Needs no Reply.

It is, therefore, humbly prayed that the reply of answering Respondent No.5 may graciously be rejected and the appeal as prayed for may graciously be accepted with costs.

Through

  
Appellant  
  
Khaled Rahman  
Advocate, Peshawar

Dated: 09/05/2015

Affidavit

I, Syed Karimullah S/o Khalid Noor, R/o Village Musaki, Mir Ali, NWA, do hereby affirm and declare on oath that the contents of this rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

  
Deponent



OFFICE OF THE AGENCY SURGEON  
NORTH WAZIRISTAN AGENCY MIRANSHAH.

PHONE & FAX: 0928-309788

3966

Case No.

Dated

Miranshan

the 02/11/2015

Mr. Syed Karimullah  
Senior Government Officer  
Government of FATA, Peshawar

Subject: APPEAL NO.1373/13 TITLED MR.SYED KARIMULLAH VS HEALTH.

Sir,

Reference your letter No.(Sr:GF)E&AD/1-5/Lit/Appeal/2013.281-82 Dated 11/09/2013 on the subject noted above. I have the honour to state that neither Advertisement process were adopted nor Selection Committee or Interview were conducted, even merit list was also ignored before issuing the appointment orders of both the candidates (Mr.Syed Karimullah and Mr.Sayed Rehmar). It is further added that during their appointment only one post of TB Assistant BPS-09 was vacant and both the candidates were appointed against the single post by me then Agency Surgeon.

However the following documents of the appellant and respondent are submitted hereby before the honorable Tribunal as desired please.

1. Appoinment Order.
2. Arrival Report.
3. Health and Age Certificate.
4. Service Book.
5. CNIC.
6. Domicile
7. Educational Qualification.
8. Technical Qualification

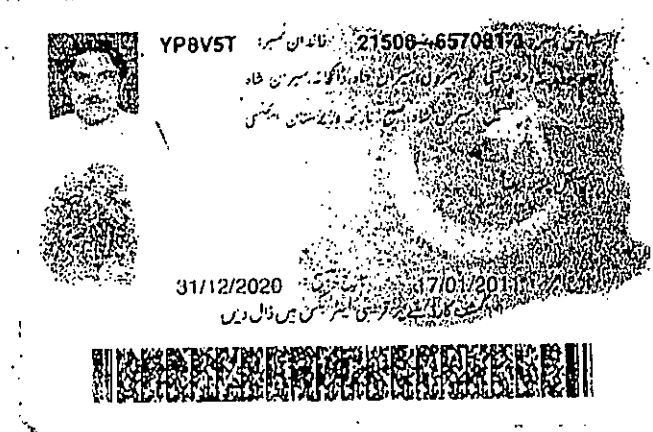
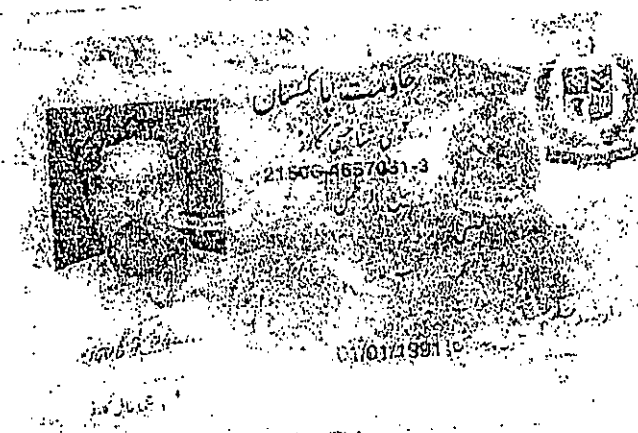
AGENCY SURGEON,  
NORTH WAZIRISTAN MIRANSHAH.

Yours faithfully,

Agency Surgeon (in-charge) Health Services, FATA, Peshawar

Enclosure

AGENCY SURGEON,  
NORTH WAZIRISTAN MIRANSHAH





BOARD OF INTERMEDIATE & SECONDARY EDUCATION, BANNU  
KHYBER PAKHTUNKHWA, PAKISTAN

143033

Secondary School Certificate Examination S. No.

Detailed Marks Certificate

Session (Annual 10th) 2012



Roll No: 45489

Group: Science

Registration No: 0013-BAKNW-1-10

Sail Rehman Son/Daughter of Zarbab Khan

appeared as Regular Student of Govt. High School Ali Khel, N.W. Agency

has secured the marks shown against each subject, in the Secondary School Certificate Examination, held in the month of March, 2012 The Examination was taken as a whole.

SUBJECTS	MAXIMUM MARKS				MARKS OBTAINED				Total	In Words
	9Th		10Th		9Th		10Th			
	Theory	Practical	Theory	Practical	Theory	Practical	Theory	Practical		
1. English	75		75		55	--	56	--	111	One Hundred Eleven
2. Urdu	75		75		49	--	60	--	109	One Hundred Nine
3. Islamiyat	75				52	--	--	--	52	Fifty-Two
4. Pakistan Studies			75		--	--	65	--	65	Sixty-Five
5. Mathematics	75		75		36	--	62	--	98	Ninety-Eight
6. Physics	65	10	65	10	46	7	46	10	109	One Hundred Nine
7. Chemistry	65	10	65	10	46	7	51	10	114	One Hundred Fourteen
8. Biology	65	10	65	10	46	7	51	10	114	One Hundred Fourteen

Total Marks: 1050

Marks Obtained:

772-A

Seven Hundred Seventy-Two Only

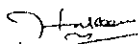
Remarks

Science

Date of Birth: 01-01-1991 (First January, Nineteen Ninety-One)

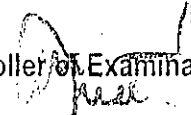
Date of declaration of Result: 12-06-2012

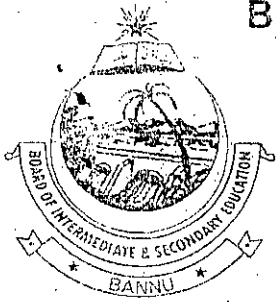
Prepared by: 

Checked by: 

Date of issue: 12-06-2012

Controller of Examinations





BOARD OF INTERMEDIATE & SECONDARY EDUCATION, BANNU  
KHYBER PAKHTUNKHWA, PAKISTAN

126973

S. No.

Secondary School Certificate Examination

Detailed Marks Certificate

Roll No 16665

Session 2011 (Annual 9th)

Group: Science

Registration No: 0013-BAKNW-1-10

Certificate No: 11116665



This is to certify that Sail Rehman

Son / Daughter of Zurbab Khan

and a student of Govt. High School Ali Khel, N.W. Agency

has secured the marks shown against each subject, in the Secondary School Certificate Examination of the Board of Intermediate & Secondary Education, Bannu, held in March, 2011 as Regular Candidate

SUBJECTS	9TH CLASS					
	Maximum Marks		Marks Obtained		Total	In Words
	Theory	Practical	Theory	Practical		
1. English	75		55		55	Fifty-Five
2. Urdu	75		49		49	Forty-Nine
3. Islamiyat	75		52		52	Fifty-Two
4. Mathematics	75		36		36	Thirty-Six
5. Physics	65	10	46	7	53	Fifty-Three
6. Chemistry	65	10	46	7	53	Fifty-Three
7. Biology	65	10	46	7	53	Fifty-Three

Total Marks: 525

Marks Obtained

351


Three Hundred Fifty-One Only

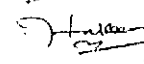
Remarks

Science

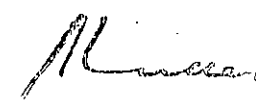
Date of Birth: 01-01-1991 (01 January, Nineteen Ninety-One)

Date of declaration of Result: 13-06-2011

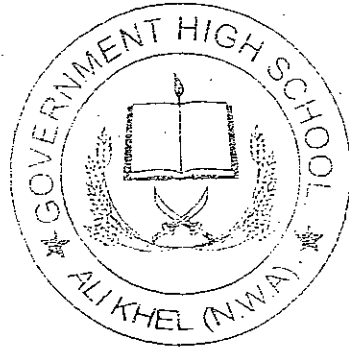
Prepared by: 

Checked by: 

Date of issue: 13-06-2011

  
Controller of Examinations

126973



GOVT HIGH SCHOOL

ALI KHEL (N.W.A)

S.No 9

PROVISIONAL CERTIFICATE

Secondary School certificate Examination, Session 2012 Annual/Supplementary

Roll No 25489

Adm. No 975

This is to certify that Mr. SAIL REHMAN.

S/o ZAREAB KHAN.

Registered No 0013-BAKNW-1-10 has passed Secondary School Certificate Examination of the Board of Intermediate & Secondary Education Bannu held in March, 2012 as a regular candidate. He has obtained 772 marks out of 1050 and has been placed in Grade A representing Excellent.

The Candidate Passed the following Subject.

- |            |             |               |                 |
|------------|-------------|---------------|-----------------|
| 1. English | 2. Urdu     | 3. Islamiyat  | 4. Pak. Studies |
| 5. Maths   | 6. Physics. | 7. Chemistry. | 8. Biology.     |

His date of Birth according to the School record is in figure 01-01-1991 in words 1st, January, N/H&Ninty One.

Prepared by: \_\_\_\_\_

Checked by: \_\_\_\_\_

Date of Issue: 13.6.2012

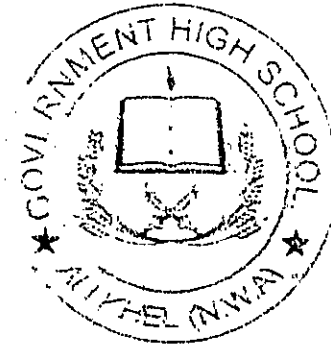
PRINCIPAL

Govt. High School

Ali Khel (N.W.A)



**GOVT HIGH SCHOOL**



**ALI KHEL (N.W.A)**

**CHARACTER CERTIFICATE**

Certified that Mr. SAMI REEMAN

Son of ZARHAB YEAN.

was a regular student of this school and bore good moral character during his stay at school.

Date: 17.6.2012

Checked by: [Signature]

*[Signature]*

PRINCIPAL  
Govt. High School  
Ali Khel (N.W.A)

# TRIBAL DOMICILE CERTIFICATE

Waziristan

North



Agency

Certified that Mr. / Miss SAUL AHMED

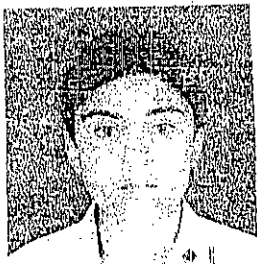
Son / Daughter of ZAKIAT KHAN

Tribe DAUR Sub Tribe HAZORI

Village KHAI KILLA Tehsil MIRANSHAH

Sub-Division MIRANSHAH is bonafide resident of

North Waziristan Agency.



Political Tehsildar  
Miran Shah 26/7

Political Naib Tehsildar  
(Name in Block Letters)

M. ABDUL GH. FOOR KHAN  
Tehsil MIRANSHAH

Political Tehsildar  
Miran Shah 12/9/06

**ATTESTED**

2076 *[Signature]*

Assistant Political Officer / Agent

(Name in Block Letters)

No. 6935/1/10/11 18/9/06

Countersigned

*[Signature]*  
Political Agent

North Waziristan Agency

# بیان ملاکان

ہم تصدیق کرتے ہیں کہ سنی خاندان کے ایک فرد نے ..... ولد .....  
..... تحصیل .....  
شمالی وزیرستان ایجنسی کا مستقل باشندہ ہے۔ قوم کے ساتھ نفع و نقصان میں برابر کا شریک ہے نیک چلن ہے۔  
حکومت کا وفادار ہے۔ نہ یہ تخریب کار ہے اور نہ منگرو ہے۔ غلط نامت ہونے پر مبلغ (2) دولاکھ روپے جرمانہ ادا کریں گے۔

مورخہ .....

العبد

21506-0618991-9

(1) ملک منور و ملک .....  
(2) ملک ..... و ملک .....

21506-0618991-9

ATTESTED

Political (N) Tehsildar  
Tehsil Miranshal  
Political Tehsildar  
Miranshal  
16/9/2016

OFFICE ORDER:-

As recommended by the Departmental Selection Committee Mr. Syed Karim Ullah S/O Syed Khalid Noor resident of village Mausaki Tehsil Mir Ali North Waziristan Agency is hereby appointed as T.B. Assistant in BPS-09 (6200-380-17600) plus usual allowances as admissible under the rule against the existing vacant post in Agency Headquarter Hospital Miran Shah in the best interest of public service with immediate effect.

His appointment shall be subject to the following terms and condition.

- 1- He is declared medically fit for this job.
- 2- His appointments will be purely on contract /temporary basis and are liable to be terminated at any time with out assigning any notice/reasons.
- 3- He will be governed by such rules and orders issued by the Government from time to time for the category of staff to which he belongs.
- 4- If he wish to resign the services a prior notice of 30 days will be submitted, otherwise one month pay should be deposited in Government treasury through proper challan.
- 5- If he accepts the offer on the above terms and condition he will have to report for duty to the Medical Superintendent Agency Headquarter Hospital Miran Shah within 15 days of the receipt of this offer, otherwise the order will be considered as cancelled.
- 6- No. TA/DA will be admissible for joining the duties.

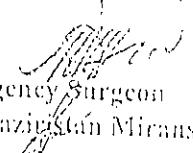
Sd:xxxxxx  
(Dr. Jehan Mir)  
Agency Surgeon  
North Waziristan Miran Shah

No. 2079-82 /Apptt: dated Miran Shah the 04 /06 /2013.

Copy forwarded to the:-

- 1-Director Health Services, FATA, Peshawar.
- 2-Agency Account officer North Waziristan Miran Shah.
- 3-Medical Superintendent, AHQ Hospital Miran Shah.
- 4-Officials concerned.

For information and necessary action.

  
Agency Surgeon  
North Waziristan Miran Shah

حکومت پاکستان  
 وفاقی شہرستان کارڈ  
 21505-7385280-1  
 امیناز ماجور  
 17/02/1993  
 ڈسٹرکٹ ہسپتال، کراچی

شناختی نمبر: 21505-7385280-1  
 Y8F32D  
 04/09/2024  
 04/09/2014  
 ڈسٹرکٹ ہسپتال، کراچی

To,

The Medical Sup  
A+ Hospital

Subject - Arrival Report

With reference to the Agent Sec  
NWA Form 348 Letter No 2079  
dated 04-6-2013

I have the honor to s  
my arrival report for duty to c  
on 05-06-2013 Forenoon.

Thanks

Dated 05/06/2013

Yours &c

See

*(Signature)*

Mr. Syed I  
Syed I  
Noor A  
Mian S

To,

The Medical Superintendent  
AHO Hospital Mysore

Subject: Arrival Report

With reference to the Agent Surgeon  
Mr. M. S. Manjunath Sullu No. 2079-82  
reported on 04-6-2013

I have the honor to submit  
my arrival report for duty to day  
on 05-06-2013 Forenoon.

Thanks

Dated 05/06/2013

Yours obediently

~~Signature~~

Mr. S. J. ...  
S. J. ...  
AHO,  
Mysore

Seen

Signature  
Date

- 1- Name (نام) Mr. Syed Iqbalullah
- 2- Nationality and Religion Muslim  
(قومیت اور مذہب)
- 3- Residence Village Musakki tea: Mr. Ali  
(مستقل رہائش)
- 4- Father's name and residence Mr. Syed Iqbal Hussain  
(والد کا نام اور پتہ)
- 5- Date of birth by christian era as 17-02-1993  
nearly as can be ascertained  
(تاریخ پیدائش مطابق سن عیسوی)
- 6- Exact height by measurement 5-7  
(قد و قامت)
- 7- Personal mark of identification Nil  
(شخصی نشانات)

8. Left hand/right hand thumb and finger-impressions of (Non-gazetted officer)  
(مرد کی صورت میں بائیں اور عورت کی صورت میں دائیں ہاتھ کی انگلیوں کے نشانات)

Little Finger  
(چھنگلیا)

Ring Finger  
(چھنگلیا کے ساتھ کی انگلی)

Middle Finger  
(انگشت میاں)

Fore Finger  
(انگشت شہادت)

Thumb  
(انگوٹھا)

9. Signature of Govt. Servent  
(سرکاری ملازم کے دستخط)

10. Signature and designation of the Head of the Office or other Attesting officer  
(تصدیق کنندہ افسر کے دستخط اور مہر)

Ashraf  
Medical Superintendent  
Agency H.Q. Hospital  
Bairanshah

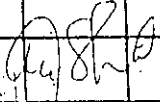
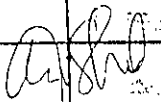
Note: The entries in this page should be renewed or re-attested at least every five years and the signatures in lines 9 and 10 should be dated. Finger prints need not be taken after every 5 years under this rule.

نوٹ: اس صفحہ پر درج کیے گئے تمام تفصیلات کو کم از کم ہر پانچ سال بعد تجدید یا دوبارہ تصدیق کرنا ضروری ہے اور نمبر 9 اور 10 میں درج کیے گئے تمام تفصیلات کو کم از کم ہر پانچ سال بعد تجدید یا دوبارہ تصدیق کرنا ضروری ہے۔







9	10	11	12	13		14	15	
Signature and designation of the Head of the office or other attesting officer in attestation of column 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal)	Signature of the head of the office or other Attesting officer	Nature and duration of leave taken	Allocation of period of leave of average pay up to four months (or earned leave net exceeding 120 days) to which leave salary is debitable to another Government		Signature of the Head of the office or other attesting Officer	Reference to any recorded punishment or censure, reward or praised of the Government servants
دستخط انسرجاز	تاریخ انقطاع ملازمت	وجوہات انقطاع ملازمت ترقی تبادلہ یا برطرفی	دستخط انسرجاز	رخصت کی نوعیت ومعیاد	Period عرصہ	Government to which debitable گورنمنٹ کے نام لکھیں	دستخط افسر مجاز	سزا یا جزا یا غیر مناسب کارکردگی کا ریکارڈ
				Appointed as T.B. Assn against the vacant post of T.B. Assn in Family Handquarter Hospital Miran Miran under Agency Order No. 279-52/APPD dt: 9/6/2013				
				 Medical Superintendent Agency H.Q. Hospital Miran Miran				
				 Medical Superintendent Agency H.Q. Hospital Miran Miran				

30  
Name

**MEDICAL CERTIFICATE**

Name of Official. Mr. Syed Kayumullah  
 Caste or race. Muslim  
 Father's Name Mr. Khalid Noor  
 Residence. 7 Village Miranshan Tehsil  
Miranshan  
 Date of birth. 17-02-1993  
 Exact height by measurement. 5-7  
 Personal Mark of Identification. AKU  
 Signature of the Official. [Signature]  
 Signature of head of Office. \_\_\_\_\_

Seal of Office [Signature]  
 Medical Superintendent  
 Agency Hospital  
 MIRANSHAH

I do hereby certify that I have examined Mr./Miss. Syed Kayumullah  
 candidate for employment in the Office of the Health Dept.  
 and can not discover that he/she had any disease communicable or other  
 constitutional effect ion or bodily infirmity except AKU

I do not consider this as disqualification for employment in the office of the  
Health Dept. His/her age according to his own statement 20  
 Years and by appearance about 20 years.



LEFT HAND THUMB AND FINGER  
 IMPRESSIONS 07/6/2013

[Signature]  
 Medical Superintendent  
 AHQ Hospital Miranshan  
 Medical Superintendent



BOARD OF INTERMEDIATE AND SECONDARY EDUCATION  
BANNU N-W.F.P. PAKISTAN

S. No. 519

Secondary School Certificate Examination

**Detailed Marks Certificate**

Roll No 38976

Session 2008 (Annual 10th)

Group: Science

Registration No: 0111-BHNW-1-06

Certificate No: 20838976



This is to certify that Syed Karim Ullah  
Son / Daughter of Syed Khalid Noor  
and a student of Govt. High School Hurmaz Mir Ali, N.W. Agency

has secured the marks shown against each subject, in the Secondary School Certificate Examination of the Board of Intermediate & Secondary Education, Bannu, held in April, 2008 as Regular Candidate

Subject	Marks	MARKS OBTAINED			
		10Th		Total	In Words
		Theory/Paper-A	Practical/Paper-B		
1. English	150	47	48	95	Ninety-Five
2. Urdu	150	66	58	124	One Hundred Twenty-Four
3. Islamiyat	75	67	--	67	Sixty-Seven
4. Pakistan Studies	75	56	--	56	Fifty-Six
5. Mathematics	150	42	55	97	Ninety-Seven
6. Physics	100	43	13	56	Fifty-Six
7. Chemistry	100	64	13	77	Seventy-Seven
8. Biology	100	52	13	65	Sixty-Five

Total 900

637-A

Six Hundred Thirty-Seven Only

Remarks

Science Group

Date of Birth according to Registration Record: 17-02-1993 (17 February, Nineteen Ninety-Three)

Date of declaration of Result: 15-07-2008

Prepared by: [Signature]

Checked by: [Signature]

Date of issue: 15-07-2008

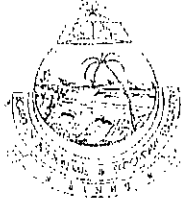
[Signature]  
Controller of Examinations  
Board of Intermediate and  
Secondary Education, Bannu

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

BU: S.No. 09541

Roll No. 38976

Board of Intermediate & Secondary Education  
BANNU (N-W.F.P.), PAKISTAN.



SECONDARY SCHOOL CERTIFICATE EXAMINATION

SESSION 2008 ANNUAL

This is to Certify that: Syed Karim Ullah

Son of: Syed Khalid Noor

Student of: Govt. High School Hurmaz Mir Ali, N.W. Agency

has passed the Secondary School Certificate Examination of the Board of Intermediate & Secondary Education, Bannu held in April, 2008 as a Regular candidate.

He obtained 637 marks out of 900 and has been placed in Grade A

Representing Excellent. The candidate passed in the following subjects:

1. English	2. Urdu	3. Islamiyat	4. Pakistan Studies
5. Mathematics	6. Physics	7. Chemistry	8. Biology

Date of birth: (17-02-1993) in words: 17 February, Nineteen Ninety-Three

Registration No: 0111-BHNW-1-06

Date of declaration of Results: 15-07-2008

Preparation: 13-03-2010

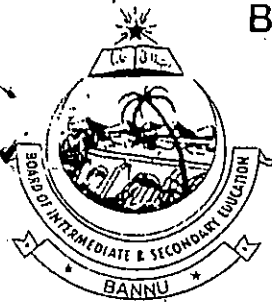
Cy  
Asstt. Secretary

This certificate is issued without alteration or erasure

Abdul  
SECRETARY

BOARD OF INTERMEDIATE & SECONDARY EDUCATION, B  
KHYBER PAKHTUNKHWA, PAKISTAN

156



Higher Secondary School Certificate Examination S. No.

Detailed Marks Certificate

Roll No: 30155 Session: 2010 (Annual Part-II)

Group: Pre-Engineering

Registration No: 0169-GCMIN-1-08

Certificate No: 21030155



This is to certify that Syed Karim Ullah  
Son / Daughter of Syed Khalid Noor  
and a student of Govt. Degree College Mirali N.W. Agency

has secured the marks shown against each subject, in the Higher Secondary School Certificate Examination of the Board of Intermediate & Secondary Education, Bannu, held in April, 2010 as Regular Candidate

SUBJECTS	MAXIMUM MARKS				MARKS OBTAINED				Total	In Words
	Part-I		Part-II		Part-I		Part-II			
	Theory	Practical	Theory	Practical	Theory	Practical	Theory	Practical		
1. English	100		100		51	--	52	--	103	One Hundred Three
2. Urdu	100		100		52	--	64	--	116	One Hundred Sixteen
3. Islamic Education	50				31	--	--	--	31	Thirty-One
4. Pakistan Studies			50		--	--	29	--	29	Twenty-Nine
5. Mathematics	100		100		40	--	51	--	91	Ninety-One
6. Physics	85	15	85	15	50	9	52	10	121	One Hundred Twenty-One
7. Chemistry	85	15	85	15	49	10	48	10	117	One Hundred Seventeen

Total Marks: 1100 Marks Obtained:

608-C Six Hundred Eight Only

Remarks

Date of declaration of Result: 21-07-2010

Prepared by: [Signature]

Checked by: [Signature]

Date of issue: 21-07-2010

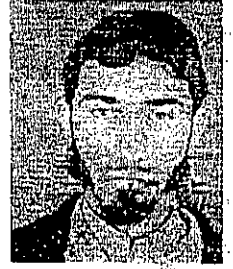
[Signature]  
Controller of Examinations

S.No. BU

04487

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

Roll No. 30155



Board of Intermediate and Secondary Education  
Bannu Khyber Pakhtunkhwa Pakistan

**HIGHER SECONDARY SCHOOL CERTIFICATE EXAMINATION**

**SESSION 2010 (ANNUAL)**

**PRE-ENGINEERING GROUP**

*This is to Certify that* Syed Karim Ullah

Son of

Syed Khalid Noor

Student of

Govt. Degree College Mirali N.W. Agency

has passed the **INTERMEDIATE EXAMINATION** of the Board of Intermediate & Secondary Education, Bannu held in April, 2010 as a Regular candidate.

He obtained 608 marks out of 1100 and has been placed in Grade

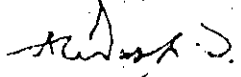
Representing: Good.

Registration No: 0169-GCMIN-1-08

Date of declaration of Result: 21-07-2010

Prepared on: 09-09-2011

  
Asstt. Secretary

  
Secretary

This certificate is issued without alteration or erasure.





# UNIVERSITY OF SCIENCE & TECHNOLOGY BANNU

Khyber Pakhtunkhwa PAKISTAN

S.No:138083

## DETAILED MARKS CERTIFICATE

Bachelor of Arts

Session: 2010-2012

Part-II Annual Examination Held in June, 2012



Name: Syed Karim Ullah Roll No: 31359

Father's Name: Syed Khalid Noor Reg No: 2010-UB-GCN-30788

Institute Name: Government Degree College of Mir Ali

The Candidate has secured the following Marks and is placed in 2nd Division.

No.	Subjects	Max Marks	MARKS OBTAINED				Remarks
			Theory	Practical	Total	In Words	
1	Part-I	285		---	171	ONE HUNDRED SEVENTY-ONE	
2	Health & Physical Education-New	75	23 + 26	8	57	FIFTY-SEVEN	
3	Islamic Studies (Elective)	75	42	---	42	FORTY-TWO	
4	English (Comp)	75	27	---	27	TWENTY-SEVEN	
5	Pakistan Studies (Comp)	40	22	---	22	TWENTY-TWO	
Total		550			319	THREE HUNDRED NINETEEN	

Note: Required Pass Percentage in each Subject (Written & Practical Separately) 33, Aggregate Pass Percentage 36

The Examination was taken as a Whole

Prepared by: [Signature]

Checked by: [Signature]

[Signature]  
Controller of Examinations  
University of Science & Technology, Bannu

Result Declaration Date	15-08-2012
Issue Date	15-08-2012



# GOVT DEGREE COLLEGE MIRALI



**N. W. A.**

## CHARACTER CERTIFICATE


Certified that Mr. Syed Karim Ullah  
Son of Mr. Syed Khalid Noor was / is bonafide  
Student of this College under CNo. \_\_\_\_\_  
In Class B A From 09/10 to 30/6/12  
(Session 2010-12)

His Conduct while he was / is the Student of this College.

Was / is Very Good

Mirali N.W.A.

Date 07/01/13

  
PRINCIPAL/principal  
Govt. Degree College Mir Ali  
Mirali N.W.A N.W.A

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1884-89 /ST

Dated 22 / 9 / 2018

To

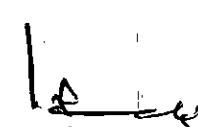
1. The Chief Secretary,  
Government of Khyber Pakhtunkhwa,  
Peshawar.
2. Additional Chief Secretary FATA,  
Government of Khyber Pakhtunkhwa,  
FATA Secretariat Warsak Road Peshawar.
3. Secretary, Health Services,  
Government of Khyber Pakhtunkhwa,  
Peshawar.
4. Director, Health Services,  
Government of Khyber Pakhtunkhwa,  
Peshawar.
5. Director, Health Services, FATA,  
Government of Khyber Pakhtunkhwa,  
FATA Secretariat Warsak Road Peshawar.
6. Agency Surgeon, Miran Shah,  
Government of Khyber Pakhtunkhwa,  
North Waziristan Agency.

Subject: - JUDGMENT IN APPEAL NO. 1373/2013, SYED KARIM ULLAH

I am directed to forward herewith a certified copy of Judgement dated 05.09.2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

o/c

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.