

19th July 2022

1. None for the petitioner present. Mr. Noor Zaman Khattak, District Attorney for respondents present.

2. On 14.06.2022 the petitioner and his counsel had noted the case, but today nobody has turned up on behalf of the petitioner, therefore, this execution petition is dismissed for non-prosecution. Consign.

3. *Pronounced in open court in Camp Court Abbottabad and given under my hand and seal of the Tribunal on this 19th day of July, 2022.*



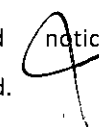


(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. 327/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	03.06.2022	<p>The execution petition of Mr. Fazal Wahab submitted today by Syed Waqas Naqvi Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	<p>14-6-2022</p> <p style="text-align: right;"> 14/6/22</p>	<p>This execution petition be put up before touring Single Bench at A.Abad on <u>19-7-2022</u>. Original file be requisitioned. AAG has noted the next date. The respondents be issued notices to submit compliance/implementation report on the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE SERVICE TRIBUNAL KHYBERPAKHTUNKHWA

PESHAWAR

E. Petition no. 327/22 E.P No. ___ -A/2022

Fazal Wahab

Versus

Govt of KPK & others

Execution Petition

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Dated: 03-06-2022

...Petitioner

Through

Waqas Naqvi
Syed Waqas Naqvi
Advocate High Court
Abbottabad.
Syed Waqas Naqvi
Advocate High Court
Office 32, Ayub Tanoli Lawyer's
Plaza Kutchery, Abbottabad
0345-9550055

①

BEFORE THE SERVICE TRIBUNAL KHYBERPAKHTUNKHWA
PESHAWAR

E. Petition No. 327/2022 E.P No. ___/2022

Fazal Wahab S/o Rahimullah R/o Rashang, Tehsil & Alai, District Battagram.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 146

Dated 3/6/2022

.....PETITIONER

Versus

1. Govt. of KPK through Secretary Elementary & Secondary Education KPK, Peshawar.
2. Director Elementary & Secondary Education KPK, Peshawar.
3. District Education Officer (Male) Battagram

.....RESPONDENTS

PETITION UNDER SECTION 7 OF SERVICE TRIBUNAL ACT 1974
FOR THE IMPLEMENTATION/EXECUTION OF ORDER DATED
12/04/2018 PASSED BY THE HONOURABLE SERVICE TRIBUNAL
IN SERVICE APPEAL NO 572/2017.

RESPECTFULLY SHEWETH:

1. That the petitioner was appointed as Primary School Teacher (PST) on 06-07-2008 in education department at District Battagram.

(Copy of the Appointment letter and Service book of the petitioner is annexed as Annexure "A" & "A1")

2. That after serving in the department for more than seven long years, petitioner was served with a show cause notice dated 09-08-2016 by the District Education Officer (Male) Battagram on the ground that his appointment order is fake and bogus, petitioner replied to the show cause notice dated 09-08-2016.

(Copies of show cause notice dated 09-08-2016 and reply are annexed as Annexure "B" & "B1")

3. That vide office order dated 09-12-2016, the appointment order of the petitioner was declared as fake and bogus. **(Copy of the office order dated 09-12-2016 is annexed as Annexure "C").**

4. That feeling aggrieved, petitioner filed departmental appeal before the appellate authority which was dismissed vide order dated 03-04-2017.

(Copies of departmental appeal and order dated 03-04-2017 are annexed as Annexure "D" & "D1").

5. That the petitioner filed service appeal before the KPK Service Tribunal against the orders passed by respondent No.2 and 3 which was allowed vide order dated 12-04-2018 with direction to the respondents No.2 and 3 qua denovo inquiry/proceedings within a period of ninety days.

(Copies of order dated 12-04-2018 is annexed as Annexure "E").

6. That denovo inquiry was conducted by respondent No.2, as result of which, petitioner was exonerated from charges / allegation levelled against him and accordingly, was reinstated in service.

(Copies of the inquiry report dated 02-08-2018 and reinstatement order dated 28-05-2018 are annexed as Annexure "F" & "F1").

7. That it is also pertinent to mention here that in respect of the same allegations i.e of being "Ghost employee" of education department, a reference No. 07/2017 titled "Ayaz Qureshi & others Vs State is also pending adjudication before the Hon'able Accountability court II, Peshawar in which the petitioner is at serial No.8 of the list.

(Copy of the list is annexed as Annexure "G").

8. That on 8/11/2018, respondents again stopped the salary of the petitioner illegally and malafidely. Consequently petitioner again filed writ petition before the Hon'able Peshawar High Court at Principle seat which was allowed vide order dated 19-02-2020 and the impugned order dated 08-11-2018 passed by D.E.O Male Battagram was declared illegal and as result of undue influence of NAB.

(Copy of order dated 19-02-2020 is annexed as Annexure "I".)

9. That after the order of Hon'able Peshawar High Court, respondent No.2 again ordered for the release of pay of the petitioner vide order dated 29-04-2020.

(Copy of pay release order dated 29-04-2020 is annexed as Annexure "i 1")

10. That after the order of Hon'able Court dated 19-02-2020, respondent No.3 transferred the petitioner against the vacant post of SPST (BPS-14) at GPS Dumrai, Allai while releasing his salary. Petitioner was regularly performing his duties at GPS Dumrai since his transfer when he came to know that respondent No.3 constituted another inquiry committee for action against the petitioner as fake employee. The committee without any giving notice to the petitioner and without giving any proper opportunity of hearing finalized the report and submitted it to the respondent No.3 on 30-06-2020 whereafter respondent No.3 illegally referred the case to Anti Corruption establishment vide order dated 11-08-2020 to further probe and initiate inquiry against the petitioner and once again stopped the pay / salary of the petitioner.

(Copy of the Letter dated 11-08-2020 is annexed as Annexure "J")

11. That feeling aggrieved of the aforementioned situation, the petitioner again file writ petition before this Honourable Bench which was disposed off while directing the respondents to release all the salary/arrears to the others.

(Copy of the order dated 24/11/2020 is annexed as Annexure K)

12. That on 26/11/2020, respondents again served a show cause notice to the petitioner on the basis of the previous illegal inquiry which was duly replied and finally the respondent no 3 illegally and unlawfully again passed office order dated 17/05/2022 and declared the appointment order of the petitioner as null and void.

(Copy of office order dated 17/05/2022 is annexed as Annexure L)

That feeling aggrieved of the aforesaid situation and order dated 17/05/2022, petitioner has invoked the jurisdiction of this Honourable tribunal inter alia, on the strength of following grounds amongst others.

GROUND

A. That the impugned order dated 17/05/2022 passed by respondent no 3 is illegal, unlawful, arbitrary, hence liable to be struck down.

B. That the impugned order of the respondent No.3 is perverse, fanciful, without lawful authority against the guaranteed rights of the petitioner hence liable to be struck down.

C. That the act of the respondents is against the article 4 & 10 A of constitution of Islamic Republic of Pakistan hence not tenable in the eyes of law.

D. That it is also indispensable to submit that the impugned order dated 17/05/2022 issued by the respondent No.3 does not hold any water because the petitioner has already been reinstated by the Hon'ble Service Tribunal, Peshawar and upon the directions of the tribunal the denovo inquiry/ proceedings were conducted and the petitioner was exonerated from all the charges and was reinstated with all the back benefits. When a person is exonerated from charges and the order of KPK Service Tribunal has attained the finality, the competent authority who issue the order becomes functus officio and he is unauthorised to take back such order but in the present case, the impugned letter dated 17/05/2022 issued by the respondent No.3 is against the mandate of the law and rules and sheer violation of the fundamental rights of the petitioner thus liable to be struck down.

E. That denovo inquiry was conducted upon the directions of the competent forum i.e. Service Tribunal which has not been challenged by the respondents thus it has attained finality but the Respondents in the utter disregard of the order of the worthy Service Tribunal are again and again exploiting the petitioner due to their personal grudges, ill will and ulterior motives which is blatant disregard of the fundamental rights guaranteed by the constitution. Such actions on the part of respondents. 3 being illegal is not sustainable in the eyes of law.

F. That the petitioner has always performed his duties with utmost devotion, dedications, zeal and zest and did not give any complaint to his superiors. Despite this fact petitioner is being continuously victimised at the hands of respondents so gracious indulgence of this Honourable tribunal is sought to remedy the situation.

G. That it is also pertinent to mention that already a reference regarding the same matter is pending before the accountability court Peshawar which is yet to be decided. But the respondent

No.3 illegally constituted inquiry committee on the same pretext against the petitioner which falls under double jeopardy, hence the impugned order is liable to be struck down.

- H. That impugned order was passed in an arbitrary manner and in violation of rules on the subject. Neither charge sheet was framed and served upon the petitioner nor was petitioner afforded any fair opportunity of hearing. Thus the impugned order is against the provisions of KPK efficiency and discipline rules, 2011.
- I. That the impugned letter / order dated 17/05/2022, is against the law rules and policy on the subject and as a result of personal grudges of the respondents with the petitioner hence not tenable in the eyes of laws.
- J. That the petitioner has unblemished service record and has served the department more than 11 years with utmost devotion which created vested rights in the favour of petitioner and cannot be taken away in harsh manner under the principle of the locus potentiate.
- K. That the impugned illegal act and order dated 17/05/2022 is against the principles of natural justice.
- L. That the impugned illegal act of the respondent No.3 is against the judgments passed by the superior courts on the subject.
- M. That order of the worthy service tribunal has attained finality and vested rights have been created in favour of the petitioner because the said order has not been challenged by the respondents before the Apex Court and has been acted upon by respondents which attracts the principles of Locus Potentia in the instant case so victimisation of the petitioner by the respondents is never warranted under the law and they cannot declare the petitioner as fake employee again and again hence the instant execution petition.

N. That no other efficacious, speedy and adequate remedy is available to the petitioner except the instant execution petition as the valuable rights of the petitioner are involved.

O. That the petitioner craves gracious permission of this Honourable tribunal to raise further points during the course of arguments.

PRAYER

It is, therefore, most respectfully prayed that on acceptance of the instant execution petition.

A. The order dated 12/04/2018 passed by the Honourable service tribunal may please be executed in letter and spirit.

B. The impugned illegal acts of the respondents and in pursuance thereof, the order dated 17/05/2022 passed by the respondent no 3 may please be declared illegal, unlawful, without lawful authority, void ab-initio and be set aside and further respondents be restrained to act upon it in any mode, manner and form and the service of the petitioner may please be restored in the best interest of justice

Any other relief as deem fit and appropriate by this Honourable Tribunal may also be given.

Dated: 24-05-2022

...Petitioner

Through



Syed Waqas Naqvi
Advocate High Court
Abbottabad.

Syed Waqas Naqvi
Advocate High Court
Office 38, Ayub Tanoli Lawyer's
Plaza, Kutchery, Abbottabad

BEFORE THE SERVICE TRIBUNAL KHYBERPAKHTUNKHWA

PESHAWAR

E.P No. ___/2022

Fazal Wahab S/o Rahimullah R/o Rashang, Tehsil & Alai, District Battagram.

.....PETITIONER

Versus

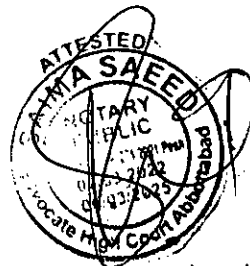
Govt. of KPK through Secretary Elementary & Secondary & others

.....RESPONDENTS

Petition

AFFIDAVIT

I Fazal Wahab S/o Rahimullah R/o Rashang, Tehsil & Alai, District Battagram, solemnly affirms and declare on oath that the contents of the titled execution Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon' able court.



[Signature]
DEPONENT

02/06/22

9

BEFORE THE SERVICE TRIBUNAL KHYBERPAKHTUNKHWA
PESHAWAR

Fazal Wahab S/o Rahimullah R/o Rashang, Tehsil & Alai, District
Battagram.

.....PETITIONER

Versus

1. Govt. of KPK through Secretary Elementary & Secondary Education KPK, Peshawar.
2. Director Elementary & Secondary Education KPK, Peshawar.
3. District Education Officer (Male) Battagram

.....RESPONDENTS

EXECUTION PETITION

APPLICATION FOR SUSPENSION OF ORDER
DATED 17/05/2022 PASSED BY DISTRICT
EDUCATION OFFICER (MALE) BATTAGRAM.

Respectfully Sheweth;-

1. That the instant application is being filed Before this Honorable Tribunal.
2. That the petition has got a good prima facie case and balance of inconvenience also tilts in his favour.
3. That if the order dated 17/05/2022, is not suspended, petitioner will suffer irreparable loss.

It is, therefore, humbly prayer that the order dated 17/05/2022 DEO (Male) Battagram may please suspended till the final disposal of instant execution petition.

...PETITIONER

Through;

Dated: 03/06/2022

Waqas Naqvi
(Syed Waqas Naqvi)
Advocate High Court,
Abbottabad
Syed Waqas Naqvi
Advocate High Court
Office 38, Ayub Tanoli Lawyer's
Plaza, Kutchery, Abbottabad

AFFIDAVIT

I **Fazal Wahab S/o Rahimullah R/o Rashang, Tehsil & Alai, District Battagram**, solemnly affirms and declare on oath that the contents of the titled application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon' able court.

[Signature]
DEPONENT

ATTESTED
SAIMA SAEED
NOTARY PUBLIC
03/06/22
02/06/22

ANNEXURE - A

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (SCHOOLS & EDUCATION) BATTAGRAM.

APPOINTMENT

Consequent upon the approval of the District Selection Board Battagram, Mr. Fazal Wahab S/O Rahim Ullah R/O Village Rashang Tehsil Allai District Battagram is hereby appointed against PST post at Govt. Primary School Mehrai against vacant post in B-7 plus usual allowances admissible to him under the rules @ 25% open merit in the interest of public service with effect from his date of taking over charge on the following terms and conditions:-

TERMS AND CONDITIONS.

1. Charge report should be submitted to all concerned.
2. He is entitled to get all benefits as admissible under the rules in Civil servant not except pension. He should however be entitled to receive such amount contributed by him towards the contributory Provident Fund & with contribution made by the Provincial Govt. to his account in the said fund in proportioned manner.
3. His service will be liable to termination on one month notice from either sides, in case of resignation without notice his one month pay shall be forfeited to the Govt. treasury.
4. The candidate required to produce Age & Health certificate from DHO Battagram.
5. The candidate should join his post within seven days of the issue of this order, otherwise appointed order will be cancelled.
6. The appointee will get salaries against sanctioned post in the budget.
7. He will be paid salaries after verification of his documents from the concerned university/board/Institution on his own expense by DDO concerned. Personally or by hand verification will not be acceptable.

ed
(MUKHTAR AHMAD SWATI)
EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY BATTAGRAM.

Edst: No 3192-96 /EB/RE-TI/F-Appnt:2007 Dated: 6-07-2008

Copy forwarded for information and necessary action to the:

1. District Coordination Officer Battagram.
2. Deputy District Education Officer (Male) S&L Battagram.
3. District Accounts Officer Battagram.
4. Candidate concerned.

[Signature]
DISTRICT OFFICER (MALE)
(SCHOOLS & LITERACY BATTAGRAM)

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ANNEXURE - "A1"

12

The entries on this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

Name: Fazal Wahab

Race: Jousafzai Mad'a Khail

Residence: Allai Batogram.


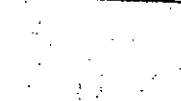
Father's name and residence: Rahimullah



Date of birth by Christian era as nearly as can be ascertained: (1-1-1979)
1st of January N.H. Seventy Nine.

Exact height by measurement: 5-5

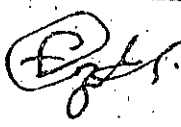
Personal marks for identification:

Left hand thumb and Finger impression of (Non-Gazetted) officer:

Little Finger:  Ring Finger: 

Middle Finger:  Fore Finger: 

Thumb: 

Signature of Government Servant: 

Signature and designation of the Head of the office, or other Attesting Officer: 
Head of the office
Attesting Officer

ATTESTED

ATTESTED

9 Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination or appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer.	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitabale to another Government		
	30.6.2017	RPS 2017					Release of pay order upon the recommendation of the Grievance Committee constituted by DDO vide B.O. No. 5506-12 dated 28/05/2018. Then his salary was released by the DDO Male, Battagram vide B.O. No. 16-01-2015 upto date. Pay Release order of the B.O. No. 9592-97103 dated 4/9/2018.
	12/2017	Annual Rest					
	30.11.2018	Annual Rest					
	30.11.2019	Annual Rest					
							13 No: 702 13-09-2018 Pay retine 9/2/18 B.M. 254 2. draw 29/2/18 W.Y. 01-03-2015 to 31-08-2018 Rs = 1119279 20 noted addition by Govt & DDO Male
							Pay Release order - posted as SPSS B-14 at G.D's Derasa. Allevi vide the DDO (Male), Battagram office. PAY RELEASE ORDER issued under the B.O. No. 2175-79103/16. Pay Dated 29/4/2020.
							1664 17/10/20 10/10/20 25/10/20 7/10

ATTESTED

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OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) BATTAGRAM

SHOW CAUSE NOTICE

"B"
Show Cause
Notice

I, Muhammad Riaz Swati, District Education Officer (Male) Battagram as competent authority under the Khyber Pakhtunkhwa Government servants (Efficiency & Discipline) rules, 2011, do hereby serve you Mr. Fazal Wahab PST GPS Nehrai/Chohan presently working at GPS Faqero Tehsil Allai District Battagram as follows:

- a) As per findings of enquiry committee constituted vide this office order Endstl. NO. 4752-59 dated 19/04/2016 your appointment order is fake and bogus as
i. Your appointment order NO. 3192-96 dated 06/07/2008 does not match with the office dispatch record.
ii. The two sanctioned posts were already occupied by Muhammad Saleem and Mukhtiar during the year 2008.
iii. The sole/single order is suspicious as single order is rarely found in advertised posts.
iv. No appointee of your name has been found in the staff attendance register.
v. The circle ASDEOs have given a written statement (both of Thakot & Kuzi Banda) that neither you have performed duty nor your name is exist in the staff attendance register.
vi. Your name has not been found even in the log book of the school for annual inspection.
vii. Reports of ASDEOs have been verified by SDEO (M) Battagram vide his office Endstl. NO.200 dated 20/02/2016. He further stated that no entry has been found in the attendance register and no relevant record has been found and his office has not credited your pay, moreover your service book has not been properly maintained in his office.
- b) In exercise of the power conferred by the Khyber Pakhtunkhwa, Govt. Servant (Efficiency & Discipline) rules, 2011, the Competent Authority is hereby pleased to serve you with the instant show cause notice regarding your fake and bogus appointment with the direction to submit your defence in writing within (07) Seven days of the issuance of this notice.
- c) In case you failed to submit your reply within the stipulated period, it will be presumed that you have no defence to offer and ex-parte decision will be taken against you.

COMPETENT AUTHORITY

Mr. Fazal Wahab PST GPS Nehrai
presently working at GPS Faqero
Tehsil Allai District Battagram

Endstl. No. 8990-92-1
Copy of the above is forwarded to:

Dated Battagram, the 9 / 8 / 2016

1. PA to Director E&SE KPK Peshawar.
2. SDEO (M) Allai with the direction to serve the show cause upon the concerned official.
3. Mr. Fazal Wahab PST GPS Nehrai presently working at GPS Faqero Tehsil Allai District Battagram.

*This is a fake
ghost employee*

[Signature]
District Education Officer (M)
Battagram

ws
ATTESTED

ATTACHED

Annexure C

Rejoinder AD

P-21

REPLY SHOW CAUSE NOTICE

PRELIMINARY STATEMENT:

There exist an appointment letter in favor of under signed since 2008 and being an appointee till to date, as is even evident from the show cause notice itself, the under signed, is in no position personally either to declare the same as illegal or otherwise, however, the whole service record of the under signed is based on it which has duly been issued by an authority (may or may not be competent as the under signed can't declare him so in any capacity) acted upon which clearly has created vested rights in favor of the under signed thus at this juncture (without prejudice) the show cause notice under reply, a part from other legal defects, is directly in conflict with "Principle of Locus Poenitentiae" thus is liable to be withdrawn / cancelled / revoked.

2. There might be "Show Cause" notices to appointing authority along with all the then staff, Account Officers through out the period, high-ups of the department under superintendence of whom services are being rendered regularly and continuously by the under signed, however no reference of the same notices / inquiry is found in show cause notice under reply, had the reference been there the instant answer would have been more elaborate and more comprehensive, even inquiry, under the law would have been on these lines and dimensions and any deviation by inquiry committee from these core aspects / issues / dimensions make the very inquiry report incomplete, unwarranted, dubious, capricious, flimsy which in no eventuality can be made basis for any further action.

3. The department can better judge the value of Show Cause Notice after receiving notices from KP Service Tribunal Peshawar and Peshawar High Court Circuit Bench Abbottabad and matter pending with NAB authorities.

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ATTESTED

is
ATTESTED

P-22

PARAWISE STATEMENT:

Show cause notice is sent to Mr. Fazal Wahab SPST GPS Faqirio which ipso facto makes rest of the paras as redundant, ineffective and un-implement-able:

a. Action of inquiry committee has been dealt / answered in para-2 of *preliminary statement* supra and para (a) is vehemently denied.

i. The undersigned has got nothing to do with the appointment letter, inquiry might have been conducted against all the concerned officials who issued and acted the same, the undersigned simply is in regular service the order match with the record or otherwise is an act which can in no eventuality can be even remotely linked by the undersigned.

ii. The undersigned has got no concern with the para ii, this is an internal arrangement of the department to which the under signed can not be a party or privy, rather it is an internal fact which has got no relevancy with the undersigned, the undersigned has been appointed and that appointment is intact and cannot be undone at this stage, it is pertinent to mention here that (without prejudice) action may be taken against the wrong doers but the vested rights of the undersigned cannot be even disturbed at this stage.

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Wz
ATTESTED

P-23

- iii. That undersigned has got no concern with the para iii, detail answer is already in the preceding paras.
- iv. This para is even against the contents of show cause notice under reply, moreover detail answer is already in the preceding paras.
- v. The undersigned is neither custodian nor manager of the record, he is simply a teacher even performing his duty till to date, para v is not related to the undersigned.
- vi. Detail answer is already in the preceding paras.
- vii. Detail answer is already in the preceding paras.
- b. The appointment of undersigned at the stage on account of discrepancies (if any) by others cannot be questioned, it is submitted to please withdraw / cancel / revoke the show cause notice accordingly.

Fzli
 FAZAL WAHAB
 SPST Teacher
 Govt. Primary School Faqiro
 Allai, District Battagram

Copy retained *Fzli*

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ATTESTED

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ATTESTED



OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) BATTAGRAM

Annex - 1st P-24

OFFICE ORDER

WHEREAS you Mr. Fazal Wahab S/O Rabimullah R/O Rashang Tehsil Allai District Battagram transferred against the post of PST at GPS Faqero Allai were proceeded for having induced yourself in this (E&SE) department through fabricated/fake and bogus appointment order not issued by the lawful authority and having no legal sanctity.

AND WHEREAS in result of your transfer order from GPS Chohan Battagram to GPS Faqero Allai issued vide this office Endstl. NO. 3345-49 dated 02/07/2015 obtained by you through fraud.

AND WHEREAS SDEO(M) Allai submitted your Service Book to this office with the request to verify your service documents i.e. Appointment Order/Merit List from official record vide his office NO. 1675 verification dated 01/02/2016.

AND WHEREAS SDEO(M) Battagram was directed vide this office letter NO. 1573 dated 08/02/2016 to confirm your Service Book/Charge Report/Medical Certificate/Performance of Duty and draw of Salaries.

AND WHEREAS SDEO(M) Battagram submitted his detail report/reply vide his office NO. 200 dated 20/02/2016 along with reports of ASDEOs Circles Kuza Banda and Thakot wherein he submitted that:

- i. You have not taken over charge in the schools (GPS Nehrai Circle Thakot and GPS Chohan Circle Kuza Banda).
- ii. Your documents have not been verified/attested by ASDEOs Circle or Dealing Assistant.
- iii. No entry has been found in school attendance registers.
- iv. No relevant record has been found in his office.
- v. Your salary has not been activated by his office.
- vi. Your Service Book has not been maintained by his office.

AND WHEREAS an Enquiry was initiated against you vide this office order Endstl. NO. 4752-54 dated 19/04/2016 constituting a committee comprising of two principals of Grade-18.

AND WHEREAS Enquiry Committee submitted its report/findings along with supporting documents vide Principal GHS Chapargram Office NO. 319 dated 03/06/2016 as:

- i. You belong to village Rashang Tehsil Allai and your appointment order NO. 3192-96 dated 06/07/2008 does not match with office dispatch NO.
- ii. The two sanctioned posts of PSTs at GPS Nehrai were already occupied by Muhammad Saleem and Mukhtiar.
- iii. No appointment of your name has been found in the staff attendance register.
- iv. ASDEOs of both circle (Thakot and Kuza Banda) have given written statement that neither you have performed duty nor your name is exist in staff attendance registers.
- v. Your name has not been found even in Log Book for annual inspection.
- vi. Reports of ASDEOs have been verified by SDEO vide his office NO. 200 dated 20/02/2016.

The enquiry committee concluded that your appointment order is bogus and fake and recommended that your pay may be stopped and legal proceeding under services rules may be initiated against you.

AND WHEREAS in the light of enquiry report a Show Cause Notice was served upon you vide this office Endstl. NO. 8990-92 dated 08/08/2016.

AND WHEREAS reply to the Show Cause Notice was received from you vide this office diary NO. 2691 dated 09/09/2016.

AND WHEREAS you were called for personal hearing vide this office NO. 12001 dated 14/10/2016.

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P-257

AND WHEREAS you appeared on the fixed date but could not justify your appointment order. Whereas your case is under enquiry along with other ghost/fake employees before NAB.

NOW THEREFORE, in the light of findings of enquiry committee, reports submitted by SDEOs/ASEOs and proceeding initiated against you as well as supporting documentary evidence the undersigned being Competent Authority is of the opinion that your appointment order is fake/bogus/fabricated/not issued by the lawful authority, thus having no legal sanctity, is declared as "NULL AND VOID".

DISTRICT EDUCATION OFFICER (M)
BATTAGRAM

Endst: No. 18899-18967 / Est(P)
Copy forwarded to the:-

Dated Battagram, the 9 / 12 / 2016

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar with the request to initiate departmental proceeding against the officials/officers involved in such like mal practices.
2. Director Anticorruption KPK Peshawar with the request to initiate proceeding against all those officials/officers who are involved in such like mal practices and a cause of huge financial loss to the provincial exchequer.
3. Deputy Commissioner Battagram.
4. District Account Officer Battagram.
5. District Monitoring Officer Battagram.
6. Sub Divisional Education Officer (Male) Battagram with the directions to calculate the total amount unlawfully released to the concerned person as salaries and approach to Anticorruption department to lodge FIR under relevant section of law.
7. Sub Divisional Education Officer (Male) Allai.
8. Circle Officer Anticorruption Battagram.
9. Fazal Wahab S/O Rahimullah R/O Rashang Tehsil Allai District Battagram.

DISTRICT EDUCATION OFFICER (M)
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ANNEXURE - "DI"

21

Annex-1
p-26

To

The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.

Subject: DEPARTMENTAL APPEAL UNDER RULE-3 OF THE
KHYBER PAKHTUNKHWA CIVIL SERVANTS
(APPEAL) RULES, 1986 AGAINST THE IMPUGNED
ORDER DATED 09-12-2016 THEREBY APPOINTMENT
ORDER OF APPELLANT WAS DECLARED ILLEGAL
BY THE DISTRICT EDUCATION OFFICER (MALE)
BATTAGRAM.

Respected Sir,

1. That I appellant was initially appointed as PST on 06-07-2008 being qualified and eligible in the terms of rules on subject and since then I was performing my duties regularly, efficiently and without any complaint and monthly salaries was also regularly paid to me. On 02-07-2015 by joint notification I was transferred as PST from Goyt. Primary School Chohan to GPS Faqiro Allai against vacant post and accordingly I assumed the charge of my duty there.
2. That all of sudden, a show cause notice was issued to me on 09-08-2016 therein intimated me that his appointment order was fake to which I submitted detail reply and denied the allegation as baseless.
3. That on 09-12-2016, the impugned order was issued to me by the District Education Officer (Male) Battagram thereby my appointment order as PST was declared fake and bogus.

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Hence the Present departmental appeal is submitted on the following grounds:-

- A. That my appointment was made by competent authority after observing the codal formalities and served the department for more than seven years continuously with excellent service record so at this belated stage the plea of fake appointment order has no legal justification and without lawful authority and tainted with mala fide intention which is not sustainable and liable to be set aside.
- B. That the impugned order was passed in arbitrary manner and in violation of rules on subject as neither charge sheet was framed and served on me nor proper inquiry was conducted in case or provided any fair opportunity to me to defend my position. Thus the impugned order is illegal and without lawful authority being violative of the principle of natural justice.
- C. That I served the department for more than seven years continuously which created vested rights in my favour which could not be taken away in harsh manner under the principle of locus poenitentiae.

It is, therefore, humbly requested that on acceptance of this departmental appeal, the impugned order may graciously be declared illegal, without lawful authority, mala fide, unfair and violative of principle of natural justice and my services may kindly be restored with all back benefits.

Yours faithfully

Fazal Wahab

Fazal Wahab, PST,

S/o

Rahim Ullah,

R/o

Rashang, Tehsil Allai,

District Battagram.

Dated: 21/12/2016

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DIRECTORATE OF ELEMENTARY AND SECONDARY
KHYBER PAKHTUNKHWA.

NOTIFICATION.

1. WHEREAS, Mr. Fazal Wahab PST was proceeded under the Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules, 2011, for the charges of Fake Appointment dated 06.07.2008.
2. AND WHEREAS, The above named teacher neither took over charge as PST at GPS Nehrai or GPS Choochan nor performed duty there even for a signal day before obtaining transfer order from Choochan to GPS Faqiro through fraud.
3. AND WHEREAS, the DEO(M) Battagram being competent authority conducted enquiry through two Principals wherein his appointment order dated 06.07.2008 was declared fake and bogus and as per calendar July-2008 it was Sunday i.e. holiday on same day. No order/letter was issued on the same day and despatch No. of the said order also does not match with office record.
4. AND WHEREAS, the teacher concerned was served upon show cause notices and was called for personal hearing, after fulfilling all codal formalities the DEO(M) Battagram being competent authority declared his appointment order sanctity as "NUL AND VOID" vide office order Endst: NO.18899-18907 dated 09.12.2016.
5. AND WHEREAS, the aggrieved Teacher has filed appeal to the Director E&SE Khyber Pakhtunkhwa (appellate authority) against the aforesaid Notification issued by the DEO (M) Battagram.
6. AND WHEREAS, DEO(M) concerned submitted Para-wise comments in light of the **appeal** of the teacher concerned vide letter No.04.03.2017.
7. AND WHEREAS, the competent authority Director (Elementary and Secondary Education) Khyber Pakhtunkhwa after having considered the charges and evidence on record, is of the view that charges against accused teacher have been proved.
8. NOW, THEREFORE, in exercise of powers conferred under Khyber Pakhtunkhwa Servants (Efficiency & Discipline) Rules-2011 the appellate authority has decided to reject the appeal of Mr. Fazal Wahab PST on the above ground.

DIRECTOR

Endst: No. ³⁴ 7-3 / F No.162/Vol:IV/Appeal of PST (M) Gen: Dated Peshawar the 3/4, 2017.

Copy forwarded for information and necessary action to the:-

1. District Education Officer (M) Battagram w/r to his No. 2029 dated 04.03.2017.
2. Col. Faraz PST-GPS Nari Keri Abbottabad. 2. 1.11.16. 1.11.16. 1.11.16. 1.11.16. 1.11.16.
3. P/A to Director E&SE, Khyber Pakhtunkhwa, Peshawar.
4. Master File.

(Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa.

3/4/2017

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ANNEXURE - "E"

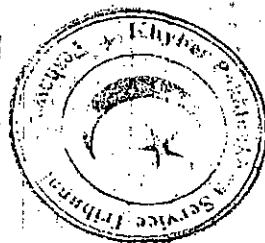
24

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. 572/2017

Date of Institution 02.06.2017

Date of Decision 12.04.2018



Fazal Wahab Son of Rahim Ullah Primary School Teacher, R/O Rashang, Tehsil
Allai District Battagram.
... (Appellant)

VERSUS

1. The District Education Officer, Elementary & Secondary Education
Department, Peshawar and two others.
... (Respondents)

MR. KHUSHDIL KHAN
Advocate

For appellant

MR. ZIAULLAH,
Deputy District Attorney.

For respondents

MR. NLA / MUHAMMAD KHAN.
MR. MUHAMMAD AMIN KHAN KUNDI.

CHAIRMAN
MEMBER

JUDGMENT

NLAZ MUHAMMADI KHAN CHAIRMAN

Arguments of the learned

counsel for the parties heard and records perused.

FACTS

The appellant was appointed as PST on 06.07.2008. He thereafter served the department for almost 7 years. During this period, he was also upgraded on two different occasions. Then he was transferred to a new school on 02.7.2015. Thereafter, he was served with show cause notice on 09.08.2016 under the disciplinary rules. Finally his appointment order was declared as fake and bogus and null & void. Against this order, the appellant filed departmental appeal on

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Syed Waqas Naqvi
Syed Waqas Naqvi
Advocate High Court
Office 38, Ayub Tanoli Lawyer's
Plaza, Kutchery, Abbottabad

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23.5.2017. Thereafter, he filed the present service appeal on 02.06.2017.

ARGUMENTS

3. The learned counsel for the appellant argued that the appellant after appointment had been working in the department for almost 7 years. That his service book was prepared and he was allowed upgradation on two occasions. That his attendance was also marked in attendance register. That he was issued show cause notice under the Khyber Pakhtunkhwa Government Servants (E&D) Rules 2011 but neither formal enquiry was conducted nor the same was dispensed with and finally the authority relied upon a so-called report of enquiry committee. That instead of awarding penalty, the authority declared the appointment letter as bogus. That when an enquiry committee was constituted it was incumbent upon the authority to have had issued the charge sheet to the appellant and appellant should have been afforded full opportunity of cross-examination of witnesses and also to defend himself in the light of the charge sheet. That the enquiry was also not dispensed with.

4. On the other hand, the learned Deputy District Attorney argued that the appellant was not a civil servant. That his appointment letter was bogus and fake and he could not be termed as civil servant. That it was proved by the enquiry committee that the appointment letter was bogus as it was issued on Sunday. That the attendance of the appellant in the attendance register was also bogus.

CONCLUSION.

5. Whatever has been argued by the learned Deputy District Attorney is based on the findings of the enquiry report and similarly the authority has based his findings on the basis of enquiry report which is itself a proof of the fact that the issue involved appreciation of factual controversy which could not be decided

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Syed Waqas Naqvi
Advocate High Court
Office 38, Ayub Tanoli Lawyer's
Plaza, Kutchery, Abbottabad

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regular enquiry nor dispensed with the formal enquiry. The authority further initiated the proceedings under the disciplinary rules by issuing show cause and then culminated the proceedings by not awarded the penalty under the disciplinary rules but declared the appointment letter as bogus. Such proceedings in the eyes of law cannot be sustained. The Authority should have been clear regarding the proceedings to be conducted under the disciplinary rules or should have withdrawn the appointment order in exercise of the powers on the basis of *locus-potentiae*. In case the authority was to exercise his powers under the latter option then this Tribunal could decide the issue on the basis of the stage at which the same power was exercised. However in any event it was incumbent upon the authority to have given full opportunity to the appellant to participate in the enquiry proceedings by giving all rights of due process which has not been done.

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Waqas Naqvi
Syed Waqas Naqvi
Advocate High Court
Office 24, Ayub Tanoli Lawyer's
Plaza, Kitchery, Abbottabad

6. As a sequel to the above discussion the present appeal is accepted. The appellant is reinstated in service. However, the department is directed to hold *denovo* proceedings within a period of ninety days from the date of receipt of this judgment. The issue of back benefits etc. shall be subject to the final outcome of *denovo* proceedings and rules on the subject. Parties are left to bear their own costs. File be consigned to the record room.

Sd/- Miraz Muhammad Khan
Chairman
Sd/- M. Arif Khan Kundi (AN)
Member

(MUHAMMAD)

ANNOUNCE
12.04.2018

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Secretary
Peshawar

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OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)
BATTAGRAM

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No. 6078-79 /EB/Prd Dated Battagram 16/7/2018.

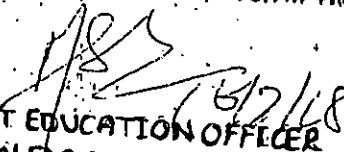
To

The Inquiry Committee.

1. Mr. Akmal Khan Principal
GHS: Chappargram.
2. Mr. Muhammad Shuaib Principal
GHS: Kuzi Banda.

Subject:- INQUIRY IN THE CASE OF MR. FAZAL WAHAB PST.
Memo:-

Reference your No. 514 Dated 30/06/2018 on the subject cited above, you are hereby directed to revisit this office letter No. 5506-12/EB dated 28/05/2018 & submit the report as per TORs with in 07 days; the current report did not fulfill the TORs please.


DISTRICT EDUCATION OFFICER
(MALE) BATTAGRAM


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ANNEXURE "F"

28

OFFICE OF THE PRINCIPAL GOVT HIGH SCHOOL CHAPPARGRAM (BATTAGRAM)

No. 817
Dated 02/08/2018.

To,
The District Education Officer (M),
Battagram.

Subject: INQUIRY IN THE CASE OF Mr. FAZAL WAHAB PST.

"F"
Inquiry

1. Authority

The undersigned Committee has been empowered by the Honourable Service Tribunal KP in its Judgment in the WP No 572 Dated 12-04-2018 and subsequent letter of your office bearing Endorsement No 5506-12/EB-Pry Dated 28-05-2018 to do a Devo inquiry in the said case. So the inquiry has been done and the detailed report is hereby submitted for further necessary action and for information to the quarter concerned please.
with further reference to your office letter bearing no 6078-79/EB/Pry Dated Battagram 16-07-2018 the inquiry report is re-submitted keeping in view all the 5 TORs with some modifications.

2. Modus operandi

The following strategy was adapted to reach on the conclusions in a fair way.


1. The detail judgment of the Court was studied,
2. The concerned files and record was also taken into consideration.
3. The concerned schools were also approached whether to find the duty status of the teacher.
4. Indirect investigation has also been done to reach on the facts.

2. TORs

1. Authenticity of the appointment order.
2. Arrival Report.
3. Medical Report/Fitness Certificate.
4. Charge Report.
5. Attendance/Duty Certificate.

3. Facts.

1. Although his appointment order does not match the Despatch, yet the order bears the signatures of competent authority and on this order the said teacher has rendered seven years service to the department but the committee can't certify the Authenticity of the appointment order.
2. The court has given re-instatement order on the services rendered by the teacher.
3. The service book has been prepared and signed by the DDOs for the purpose of Puy activation at the service book bears the signatures.
4. The teacher has been found qualified for the post.
5. The teacher has been paid up to 15-01-2015 and he has been issued the personal no by the district Accounts office Battagram.
6. Duty status. The teacher has rendered teaching services in his seven years career, he has been appointed in the department on 06-07-2008. The committee has personally inquired from the GPS Faqiro Akbar, from where it is very clear from the attendance registers and from the statements of the co-teachers that he has done his duties regularly, punctually and efficiently.
7. The teacher has been transferred from GPS Chohan to GPS Faqiro vide DEO Office No 9345-49 Dated 02-07-2015.


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8. He surely might have presented charge report and Medical certificate from the MS concerned for activation of his pay to the DAQ, as no pay is activated without these.

9. He has been upgraded two times during his seven years carrier. --
10. The court has given him lenient view on his seven years service as there is no wrong from a teacher as a teacher does not know official complications and formalities.

Conclusions

Keeping in view the above Facts the committee Reaches on the following Conclusions.

- 1. The impugned appointment order has been given legal status by the court.
- 2. Since the teacher has been found qualified for the post and he has rendered seven years service he is given the status of government servant.
- 3. The court has issued order for his re-Instatement and subsequently he has been re-instated vide your office no 5526-30/EB/P/11/Dated Battagram the 28-05-2018.

Recommendations

Since the said teacher has already been re-instated the committee recommends that

- 1. The said teacher should be paid all back benefits w.e.f 16-01-2015 up to date on humanitarian grounds so that he may earn bread and butter for his children and family.

Inquiry Committee

Muhammed Shuaib Khan 2/8/2018
 Muhammed Shuaib Khan
 Principal
 GHSS Kuzabanda
 Battagram.

Akmal Khan 2/8/18
 Akmal Khan
 Principal
 GHS Chappargram
 Battagram.

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ANNEXURE

"PI"
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OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) BATTAGRAM

RE-INSTATEMENT ORDER

Consequent upon the judgment passed by Khyber Pakhtunkhwa Service Tribunal Peshawar Appeal No 572/2017 date of Decision 12/04/2018 Mr. Fazal Wahab SPST GPS: Faqiro Tehsil Allai District Battagram is hereby reinstated in service as per direction of Para 05 of court judgment.

Sd/-
DISTRICT EDUCATION OFFICER
(MALE) BATTAGRAM

Endst: No. 5526-30 /EB/Pry/Dated Battagram the 28/5 /2018

Copy for information to the:-

1. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. Director (E&SE) Khyber Pakhtunkhwa Peshawar.
3. District Accounts Officer Battagram.
4. SDEO (Male) Allai.
5. Mr. Fazal Wahab SPST GPS: Faqiro (Allai).

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DISTRICT EDUCATION OFFICER
(MALE) BATTAGRAM *28/5*

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OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)
BATTAGRAM

31

RELEASE OF PAY.

Consequent upon the recommendation of Inquiry Committee constituted by this office under Endst:No:5506-12 Dated 28/05/2018, and he has reinstated into Govt. Service vide office order issued under Endst:No:5526-30 Dated 28/05/2018, in the light of above decision, the salary in respect of Mr.Fazal Wahab SPST GPS:Faqiro is hereby released with all back benefits WEF:16/01/2015.

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DISTRICT EDUCATION OFFICER
(MALE) BATTAGRAM

Endst:No 9592-97 EB/AE-I(Pry) Dated Battagram the 4/9/2018.

Copy for information to the,

1. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar with reference Appeal No.572/2017.
2. District Accounts Officer Battagram.
3. SDEO(Male) Allai.
4. ASDEO Circle.
5. Head Teacher GPS:Faqiro.
6. Office copy.

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 DISTRICT EDUCATION OFFICER
 (MALE) BATTAGRAM

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ANNEXURE - "G"

32

BEFORE THE ADMINISTRATIVE JUDGE ACCOUNTABILITY COURTS (KPK)

PESHAWAR

Reference No. 07 /2017

14

STATE

Versus

1. **Muhammad Ayaz Qureshi s/o Abdul Aziz**
Ex-District Accounts Officer, Battagram
R/o House # 15-5/J, Street No. 5, Muhalla Shah Zaman Colony, Kakol
Road, Abbottabad Cantt.
(CNIC No. 13101-5701852-9)
(On Bail)
2. **Tariq Mehmood s/o Mian Muhammad**
Ex-Assistant Treasury Officer, Battagram,
R/o Kanj Qadeem, Bukot, P/o Abbottabad, Tehsil & District Abbottabad.
(CNIC No. 13101-1006416-3)
(On Bail)
3. **Aurangzeb S/o Haider Zaman**
Ex-Senior Auditor, Battagram
R/o Palhura, Tehsil and District Mansehra
(CNIC No. 13503-7278056-7)
(On Bail)
4. **Muhammad Hamid Younis S/o Sardar Muhammad Younis**
Ex-Sub Accountant, Battagram
R/o Muhalla Gathi Mera, P/o PMA Kakol, Tehsil & District Abbottabad
(CNIC No. 13101-9826613-3)
(On Bail)
5. **Ali Rehman S/o Shah Zaman**
Ex-Junior Clerk, District Education Office, Battagram
R/o House# Mohalla Multiabad, Dehri, Tehsil & District Battagram
(CNIC No. 13503-0640504-3)
(Absconder)
6. **Ismail Shah s/o Zarwar Khan**
R/o Muhalla Alizai, Kagawala, P/o Budhbair, Tehsil and District Peshawar
(CNIC No. 17301-4439073-1) (Beneficiary)
7. **Khyal Muhammad s/o Noran Shah**
R/o Rashung, Tehsil Ilai, District Battagram.
(CNIC No. 13201-1834491-9) (Beneficiary)
8. **Fazal Wahab S/o Rahimullah**
R/o Rashung, Tehsil Allai, District Battagram.
(CNIC No. 13201-1840418-1) Beneficiary)
9. **Sarfraz Khan S/o Umar Fad**
R/o Qalandar Kus, P/o Hunna, Tehsil Allai, District Battagram.
(CNIC No. 13201-1123163-3) (Beneficiary)
10. **Shahid s/o Gujar Khan**
R/o Muhalla Bela Bajuri, Baffa, Tehsil & District Mansehra
(CNIC No. 13503-0800981-9) (Beneficiary)
11. **Nazia Hassan d/o Taj Muhammad**
R/o Near Jammia Masjid, Kahoarri, Tehsil and District Mansehra.
(CNIC No. 13503-8770557-6) (Beneficiary)

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12. Nelum d/o Haider Khan
R/o Tangi road, Muhalla Paphra, Charsadda.
(CNIC No.17101-9799105-2) (Beneficiary)
13. Qazi Rashid Hussain s/o Qazi Muhammad Arshad
R/o Labar Kot, Tehsil & District Mansehra
(CNIC No.13503-0587858-3) (Beneficiary)
14. Yasir Ameen s/o Abdul Aziz
R/o Basandh, P/o Mansehra, Tehsil & Distt. Mansehra
(CNIC No.42501-0838761-9) (Beneficiary)
15. Jasarat Bibi d/o Karam Ilahi
R/o Village Shamadharra, Tehsil Oghi, District Mansehra.
(CNIC No.13504-8397185-6) (Beneficiary)
16. Wasim Nazir S/o Muhammad
R/o Mohar Kalar, P/o Iassa Nawab, Tehsil & Distt. Mansehra
(CNIC No.13503-7627800-9) (Beneficiary)
17. Rahim Dad Khan s/o Mohib Gul
R/o Muhalla Hidayatullah Shah, GT road, Peshawar.
(CNIC No.17301-3576938-3) (Beneficiary)
18. Anwar Zeb S/o Sher Rehman
R/o Afridiabad, Kaga wali Alizai, P/o Badahber, Tehsil & Distt. Peshawar.
(CNIC No.17301-1522341-1) (Beneficiary)
19. Malik Hayat-Khan s/o Munir Khan
R/o Muhalla Khari Qila, Gari Baghban, P/o Musazai, Tehsil & District
Peshawar.
(CNIC No.17301-5823198-5) (Beneficiary)
20. Muhammad Asif S/o Muhammad Dil Pazeer
R/o Muhalla Muftiabad, Upper Dehrey, Mansehra
(CNIC No.13503-0592967-5) (Beneficiary)

REFERENCE UNDER SECTION 18(g) READ WITH SECTION 24 OF
THE NATIONAL ACCOUNTABILITY ORDINANCE, 1999

Respectfully Sheweth:

1. That it was reported to NAB (KI), that accused No. 1 to 5, while in league with each other and with other accused beneficiaries, illegally withdrawn the salaries of ghost employees by creating bogus personnel numbers in District Accounts Office Battagram. The ghost employees have been shown to be employed in District Education Office Battagram. Resultantly, NAB took cognizance of the matter and an inquiry was authorized. Upon confirmation of allegations, inquiry was converted into investigation. During inquiry / investigation the IO collected evidence, oral as well as documentary and submitted his report.

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ANNEXURE - 41

34

BEFORE THE HONORABLE PESHAWAR HIGH COURT PESHAWAR

W.P No. _____ /2019

Fazal Wahab (SPST), Government Primary School Faqiro, Allai, District Battagram

VS

1. Chairman, National Accountability Bureau (NAB), Islamabad
2. Director General, National Accountability Bureau, Khyber Pakhtunkhwa
3. Naeemullah Mehsud (Investigation Officer), National Accountability Bureau (NAB) Khyber Pakhtunkhwa Peshawar
4. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar
5. District Education Officer (DEO), District Battagram, Khyber Pakhtunkhwa



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

The petitioner is pleased to beseech before this Honorable Court as up:

1. That Reference No. 07/2017 in pending adjudication in the Honorable Accountability Court-II Peshawar against one, "Avaz Qureshi & Others" where the petitioner is at serial no. 08 of the list of accused/beneficiaries". The allegation against the petitioner is of being a "Ghost Employee" of the education department. (Copy of the Extracts of Relevant Part of the Reference is attached as P/A)
2. That being the employee of the education department, the petitioner was appointed, on 06/08/2008 as "PST" in, the

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EXAMINER
Peshawar High Court

wp5893 2019 Fazal Wahab vs Chairman NAB full USB 84 PG

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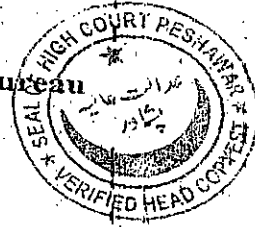
JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

W.P. No.5893-P/2019

Fazal Wahab

Vs.

Chairman, National Accountability Bureau
(NAB), Islamabad and 04 others



JUDGMENT

Date of hearing **19.02.2020**

Mian Muhammad Imran, Advocate, for the petitioner.

Muhammad Riaz Mohmand, ADPG, for the respondent-NAB.

IAZ ANWAR, J. Fazal Wahab, petitioner herein, through the instant Constitutional petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, has prayed for the following relief:-

"1. Declare the interference of the respondent No.03 (Investigation Officer, NAB) in the official work being stepping into the shoes of the respondent No.04 and 05 by pouring undue influence and coercion to restrain/stop the petitioner from the performance of his duties as SPST (Senior

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EXAMINER
Peshawar High Court

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Primary School Teacher) at Government Primary School, Faqiro, Tehsil Allai and District Battagram" as unlawful, void ab-initio, of no legal effect, coram-non-justice, violation of the fundamental rights of the petitioner as well as against the spirit of the "National Accountability Ordinance, 1999.

2. Declare the impugned Office Order dated 08.11.2018 issued by the respondent No.05 based on the unlawful coercion and influence used by the respondent No.03 as against the mandate of law, rules, of no legal effect, passed without lawful authority and having no legal protection and be set-aside.

3. Direct the respondent No.04 and 05 to follow the mandate of law and rules and to comply with the re-instatement order issued vide dated 04.09.2018 after conduction of regular inquiry as per the direction of the worthy Khyber Pakhtunkhwa Services Tribunal keeping in view the fact, that the respondent No.04 has become "Functus Officio" after issuance of the reinstatement order under the mandate of Rule 14(3) of the Khyber Pakhtunkhwa

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EXAMINER
Khyber Pakhtunkhwa High Court

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(Efficiency & Disciplinary) Rules, 2011.

4. Direct the respondent No.01 and 02 to initiate departmental/disciplinary proceedings against the respondent No.03 for his unprofessional attitude to use unlawful coercion and undue influence by poking his nose into the official work and compelling the respondent No.04 and 05 to declare the reinstatement order of the petitioner as "null and void".

5. Any other relief may also be awarded in favour of the petitioner against the respondents.

2. Facts, in brief, leading to the instant writ petition are that petitioner in the year, 2008 was appointed as Primary School Teacher in the respondent-Education Department. After serving for more than seven years, the petitioner's appointment order was cancelled by declaring it as fake and bogus vide Office Order dated 09.12.2016, issued by the District Education Officer (M), Battagram. Being aggrieved from the aforesaid order, petitioner called in

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EXAMINER
Peshawar High Court

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question it in appeal before the Khyber Pakhtunkhwa Services Tribunal, Peshawar. The aforesaid appeal was allowed vide judgment and order dated 12.04.2018, with the direction to the respondents No.4 and 5 to conduct a de-novo inquiry within a period of ninety days. Accordingly, respondent No.5 conducted a de-novo inquiry, as a result of which, petitioner was exonerated from the charges/allegations leveled against him and accordingly, was reinstated in service. It has further been averred in the petition that a Reference bearing No.07/2017 has been filed by the NAB authorities in the learned Accountability Court-II, Peshawar against one "Ayaz Qureshi and others", wherein, petitioner has also been named as accused and same is pending adjudication before it. After his reinstatement, petitioner filed an application under Section 265-K before the learned Accountability Court, thereafter, respondent No.5 started

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EXAMINER
Peshawar High Court

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harassing him by taking the plea that his re-instatement order is unlawful. At the same time, on 05.11.2018 and 06.11.2018, respondent No.5 summoned the respondent No.3 at the NAB Office, Peshawar and gave a direction to him to cancel the reinstatement order of the petitioner and accordingly, the reinstatement order was cancelled. Being aggrieved, petitioner filed applications and appeal to the respondent No.4 and as well to the Deputy Commissioner, Battagram for the redressal of his grievance, but all in vain. Hence, this writ petition.

3. In view of the averments made in the petition in hand, comments were called from the respondents No.1 to 3, who furnished the same accordingly. They, in their comments, submitted that petitioner is a ghost employee who connived with the main accused No.01 to 05 of Reference No.07/2017, pending before the learned Accountability Court-

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EXAMINER
Peshawar High Court

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be attested from the DDO concerned.

3. His service for various years should be re-verified.

7. The competent authority, while accepting the recommendations of the Inquiry Committee, reinstated the petitioner in service vide order dated 04.09.2018, with all back benefits.

Interestingly, the NAB Authorities called upon the appointing authority at the office of NAB, Peshawar and upon their direction, the reinstatement order of the petitioner was cancelled vide Office Order dated 08.11.2018 by the District Education Officer (M), Battagram.

8. Learned counsel, representing the respondent-NAB, was asked to justify that under what authority, respondent-NAB can interfere with the departmental matters of the Education Department; however, no satisfactory response was given to this query of the Court.

9. There is no cavil with the proposition that the Departmental

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EXAMINER
Peshawar High Court

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proceedings and criminal proceedings can go side by side, however, direct interference of the respondent-NAB Authorities in forming the District Education Officer (M), Battagram for the removal of petitioner from service, in no way, could be appreciated or sustained. If there is any charges/allegations against the petitioner regarding his misconduct, he, being employee of the Education Department, can only be proceeded under the Khyber Pakhtunkhwa Efficiency & Disciplinary Rules, 2011; while, for the criminal charges, he can be tried before the learned Accountability Court, where the charges are to be proved or otherwise, as the case may be. In the instant case, petitioner has been proceeded Departmentally and already exonerated from the charges, leveled against him, as such, he was rightly reinstated in service by the Education Department. Thus, the direction of the NAB authorities to the Education

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Department for cancellation of reinstatement order of the petitioner and recovery of his salaries is uncalled for and stands struck down.

10. For the reasons stated hereinabove, this writ petition is allowed. Consequently, the impugned order dated 08.11.2018 passed by the District Education Officer (M), Battagram is declared illegal, without lawful authority and a result of undue influence from the respondent-NAB, as such, is not sustainable under the law.

Announced
Dt: 19.02.2020


Senior Puisne Judge


Judge

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W
Mr. Justice Qasim Raza Khan and Hon'ble Mr. Justice Ijaz Ahmad

CERTIFIED TO BE TRUE COPY
Peshawar EXAMINER
Authorized Sign Court Peshawar
Under Article 57 of
The Constitution of Pakistan
26 FEB 2020

No. 26716
Date of Presentation of Application 19/2/20
No of Pages 12
Copying fee 27
Total 27
Date of Preparation of Copy 26/2/20
Date of Issuance of Copy 26/2/20
Signature Fazal

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ANNEXURE - I

43



Office of The District Education Officer (Male) Battagram
Elementary & Secondary Education Department
Government of Khyber Pakhtunkhwa
Email: emisbattagram@gmail.com Tel: 0997-543540

PAY RELEASE ORDER

As per order of Honorable Peshawar High Court Peshawar in w.p No. 5893/2019 dated 19-02-2020, The pay of Mr. Fazal Wahab SPST GPS Faqiro Allai is hereby released with immediate effect, however arrears of salaries should be paid only for the period actually served.

Mr. Fazal Wahab will submit an affidavit on Judicial Stamp paper to SDEO (Male) Allai that he will refund the withdrawn amount into Government treasury in case of CPLA Judgment decided against him.

He will perform his duties against the vacant post of SPST BPS-14 at GPS Dumrai Allai.

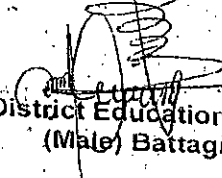
(Jaffar Mansoor Abbasi)
District Education Officer
(Male) Battagram

Dated: 29/04/2020

Endst: No. 3175-79 / Estb: Pry

Copy to the:

1. Registrar Peshawar High Court Peshawar.
2. District Accounts Officer Battagram.
3. SDEO (Male) Allai.
4. Teacher concerned.
5. Office Copy.


District Education Officer
(Male) Battagram

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OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)
emisbattagram@gmail.com BATTAGRAM 0997543540

41

No: 5401 /Estb: Pry:

Dated: 11/08-2020

To

ACE
Thana Anticorruption Batagram

Subject: ACTION AGAINST MR. FAZAL WAHAB (FAKE EMPLOYEE)

K...
Source II

This office had constituted inquiry committee vide notification No: 2280-82 dated 11-05-2020 comprising the following officers:

1. Najab Khan Head Master GHS Battamori
2. Gul Muhammad Head Master GHS Gijbori
3. Wafi Ur Rehman ADEO

The above committee submitted its report on 30-06-2020 diary No: 1787 dated 30-06-2020.

You are requested to probe further /initiate inquiry in the matter as huge loss occurred to Government exchequer / treasury.

Enclosures:

Copy of the inquiry report is attached.

[Large handwritten scribble]

District Education Officer (Male)
Battagram
Dated: 11/08/2020

District Education Officer (Male)
Battagram

Endstt: No: 5402-06 /Estb: (P)
Copy for information and n/a to the:

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. Director Anticorruption Department Khyber Pakhtunkhwa Peshawar.
3. District Accounts Officer Battagram.
- ✓ 4. Sub Divisional Education Officer (Male) Allai with the direction to stop salary of Mr. Fazal Wahab immediately.
5. Office File.

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ANNEXURE

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12945 / Estab: Primary

The District Accounts Officer
Battagram

Subject: **STOPPAGE OF PAY AND RECOVERY OF PAYMENT IN R/O MR. FAZAL WAHAB PST GPS FAQEERO, ALLAI BATTAGRAM**

Memo:

Reference to this office order bearing Endstt: No: 9592-97/EB/AE-I(Pry) dated Battagram 04-09-2018 regarding the release of pay and back benefits in favor of the above stated PST is hereby declared "**NULL AND VOID**" with the request to stop the salary of the concerned forthwith, stop payment of **arrests** if not paid, otherwise arrears may be recovered accordingly, as his case along with other ghost employees is under trial in NAB Khyber Pakhtunkhwa, Peshawar.

[Signature]
DISTRICT EDUCATION OFFICER (MALE)
BATTAGRAM

Endstt: No: _____ / Estab: Primary

Dated: 8/11/2018

Copy for information to the:-

1. Mr. Naeem Ullah Investigation Officer NAB Khyber Pakhtunkhwa Peshawar w/r to personal hearing dated 06-11-2018 at NAB headquarter Peshawar.
2. Director **E&SE** Khyber Pakhtunkhwa Peshawar.
3. Deputy **District** Education Officer (Male) Local Office.
4. SDEO **(Male)** Allai & Battagram for strict compliance and report.
5. Office file for record.

S-d
DISTRICT EDUCATION OFFICER (MALE)
BATTAGRAM

Mr. Junaid SA
Report Payment of
Pay Allowances
PN: 660390

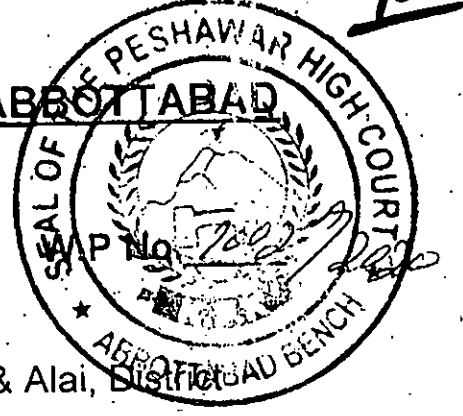
[Signature]
12/11/18

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BEFORE THE PESHAWAR HIGH COURT ABBOTTABAD
BENCH, ABBOTTABAD

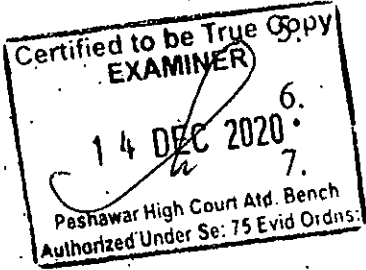


Fazal Wahab S/o Rahimullah R/o Rashang, Tehsil & Alai, District
Battagram.

.....PETITIONER

Versus

1. Govt. of KPK through Secretary Elementary & Secondary Education KPK, Peshawar.
2. Director Elementary & Secondary Education KPK, Peshawar.
3. District Education Officer (Male) Battagram
4. Wali-ur Rehman (Assistant District Education Officer Male, Battagram
5. Najab Khan, Headmaster GHS Battagram, Battagram
6. Gul Muhammad, Headmaster GHS Gijbori, Battagram
7. Sub Divisional Education Officer (Male) Allai, District Battagram
8. District Account Officer Battagram
9. Director Anti Corruption Department, KPK, Peshawar
10. SHO Anti Corruption Establishment, Battagram



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.....RESPONDENTS

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

FILED TODAY
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
14/12/20

RESPECTFULLY SHEWETH:

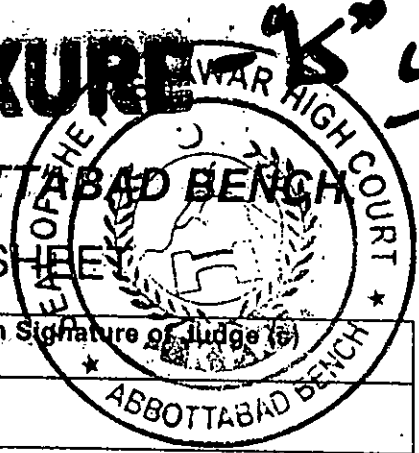
1. That the petitioner was appointed as Primary School

ANNEXURE

47

PESHAWAR HIGH COURT, ABBOTTABAD BENCH

FORM OF ORDER SHEET



Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1	2
24.11.2020	<p><u>W.P.No. 1002-A/2020.</u></p> <p>Present: Syed Waqas Naqvi, Advocate, for the petitioner.</p> <p>Sardar Muhammad Asif, Assistant AG alongwith Muhammad Tanveer, Inspector ACE Battagram.</p> <p>***</p> <p><u>MOHAMMAD IBRAHIM KHAN, J.-</u> Through the instant petition filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 petitioner. Fazal Wahab has prayed for setting aside the impugned letter / order dated 11.08.2020 alongwith report of the enquiry committee dated 30.06.2020, being without lawful authority, as well as for issuance of direction to the respondents not to act upon the so-called enquiry and further to release his unpaid salary / arrears from October, 2019 to April, 2020.</p> <p>2. Learned counsel for the petitioner and the learned Assistant Advocate General, appearing on behalf of the official respondents, are jointly unison to dispose of this petition, in terms that let the petitioner be paid his monthly salaries / arrears till he is proceeded under the Efficiency & Disciplinary Rules, to be followed by further order of the competent authority. The petitioner is, however, at liberty that if at all the outcome of the enquiry under the</p>

Certified to be True Copy
EXAMINER
14 DEC 2020
Peshawar High Court Aid Bench
Authorized Under Sec: 75 Evid Ordins:

ATTESTED

Efficiency & Disciplinary Rules leads to his termination, he may prefer fresh petition, challenging his termination order in accordance with law:

3. Petition stands disposed of accordingly.

[Signature]
JUDGE

[Signature]
JUDGE

[Signature]
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Certified to be True Copy
EXAMINER
14 DEC 2020
Peshawar Court Aid. Bench
Authorised No: 75 Evid Ordns



OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) DISTRICT BATTAGRAM
PHONE & FAX NO. 0997543539-40
E.MAIL: emisbattagram@gmail.com

SHOW CAUSE NOTICE

I. Mr. Iftikhar Ul Ghani, District Education officer (M) Battagram, under the Khyber Pukhtunkhwa Government Servant (Efficiency & Disciplinary), Rules 2011, do hereby serve upon you, Mr. Fazal Wahab PST, GPS Dumrai Tehsil Allai District Battagram, this show cause notice as follow:-

1. That you inducted yourself into this department as PST teacher through fake and self-fabricated appointment order with the collusion and connivance of the then officers and officials of DEO and DAO offices.
2. That your bogus/fake appointment Order endorsement No. 3192-96 is also fake and more so, astonishingly the date of appointment i.e 6/7/2008 was Sunday, which not only vindicates that it is fake and bogus but also corroborates that a guilty conscience needs no accuser.
3. That the endorsement No.3192-96 and date do not match with the dispatch of this office which further justifies your appointment as fake, bogus and self-fabricated.
4. That the officer whose fake signature has been put on the appointment order was actually not posted as District officer in district Battagram at that time, rather he was District Officer in District Shangla.
5. That a formal inquiry was conducted by this office vide Notification No.4681-85/Est:Pry Dated 9/8/2019, comprising of Mr. Gul Mohammad, Head Master GHS Battagram No. 2, (Chairman), Mr. Najab Khan, Head Master GHS Battamori and Mr. Wali Ur Rahman ADEO (Lit.) office of the DEO (M) Battagram, who after conducting a comprehensive inquiry submitted on 30/6/2020, declared your appointment as "Fake and Bogus" with the following recommendation

"It is strongly recommended to take legal disciplinary actions against the said fake and bogus PST teacher, because by negligence and dishonesty of any authority, person, worker who mishandled the case of the said fake and bogus PST cannot be made innocent, correct and clean handed".

By reasons of the above, you appear to be guilty of inefficiency and misconduct under Rules 3 (a) and (b) defined in Rules- 2 sub-rule-(i) sub-rule (vi), of the Khyber Pakhtunkhwa Servants (Efficiency and Discipline) Rules 2011. and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Rules ibid.

As a result thereof, I, as the competent authority, have tentatively decided to proceed against you under the above mentioned rules. You are, therefore, required to show cause as to why major penalty of "Removal from service" under Rules 4 (b) (iii) of the Khyber Pukhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, should not be imposed upon you and also intimate whether you desire to be heard in person. If no reply to this office is received within 07 days of its delivery, it shall be presumed that you have no defense to put in and in that case Ex-parte action will be taken against you.

(IFTIKHAR UL GHANI)
DISTRICT EDUCATION OFFICER (M)
BATTAGRAM

Endst: No. 8401-6 / Dated 06/11/2020.

ATTESTED

Copy forwarded to:-

- 1- The Director of Elementary and Secondary Education Khyber pukhtunKhwa, Peshawar.
- 2- DMO, EMA Battagram.
- 3- DAO Battagram.
- 4- SDEO (M) Allai/Battagram.
- 5- The Official Concerned.
- 6- Master File.

ATTESTED
DISTRICT EDL BATTAGRAM OFFICER (M)



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)

EMAIL: emisbattagram@gmail.com **BATTAGRAM** PHONE NO: 0997543540&539



OFFICE ORDER

WHEREAS you Mr. Fazal Wahab s/o Rahimullah R/O Rashang Tehsil Allai, District Battagram transferred against the post of PST at GPS Faqero Allai were proceeded for having inducted yourself in this (E&SE) Department through fabricated / fake and bogus appointment order not issued by the lawful authority and having no legal sanctity.

AND WHEREAS you filed Writ Petition No: 704-A/2016 in which the Honorable Peshawar High Court Abbottabad Bench has decided on 22-03-2018 which is reproduced as under:

"Perusal of the case record would show that the very appointment order of the petitioner has been declared fake and bogus by the respondents. When the petitioner's appointment is fake, then it makes no sense for him to pray this Court for directing the respondents to pay him the desired salaries. For what has been discussed above, this petition, being bereft of any merit is hereby dismissed."

AND WHEREAS you filed W.P No. 704-A/2016 in the year 2016 and decided on 22-03-2018 at Honorable Peshawar High Court Abbottabad Bench & Service appeal No: 572/2017 in the year 2017 and decided on 12-04-2018, both cases were running at the same time which is illegal, after dismissal of your W.P No. 704-A/2016 you were not eligible to peruse your same nature case in Service Tribunal because next higher Court is August Supreme Court of Pakistan.

AND WHEREAS after completion of due process under E&D Rules 2011 the then DEO (Male) Battagram declared your appointment order as "NULL AND VOID" under Endstt: No: 18899/18907 dated 09-12-2016 due to fake/bogus/fabricated / not issued by the lawful authority.

AND WHEREAS you filed appeal against the said order to the competent authority i.e Director E&SE KP Peshawar which was rejected vide order No: 833-34 dated 05-04-2017.

AND WHEREAS you filed appeal in Khyber Pakhtunkhwa Service Tribunal Peshawar under Civil Appeal No: 572/2017.

AND WHEREAS the Honorable Service Tribunal passed judgment dated 12-04-2018 with the direction to conduct denovo proceedings.

AND WHEREAS in the light of Judgment Re-Instatement order was issued vide No: 5526-30 dated 28-05-2018 for the purpose of denovo inquiry.

AND WHEREAS denovo inquiry notification was issued vide Endstt: No: 5506-12 dated 28-05-2018.

AND WHEREAS the inquiry committee submitted report vide No: 517 dated 02-08-2018 with the recommendation in your favor.

AND WHEREAS however after revelation from office record as well as during NAB Inquiry on 06-Nov-2018, the first inquiry and denovo inquiry were conducted by the same officers with different / contradictory recommendations, the competent authority declared the denovo inquiry as defective and declared Release of Pay order as "NULL & VOID" vide No: 12945-50 dated 09-11-2018 and disciplinary proceedings were started against the inquiry officers by Secretary E&SE KP Peshawar vide No: SO(SM)E&SED 1-1/2020/WP No.5892/Fazl Wahab dated 30-07-2020.

AND WHEREAS subsequently another notification for conducting fresh inquiry was issued vide No: 4681-85 dated 09-08-2019. The inquiry committee submitted report vide Diary No: 1787 dated 09-06-2020 wherein they recommended to take legal disciplinary actions against fake and bogus PST Mr. Fazal Wahab.

AND WHEREAS in the light of inquiry report the case has been sent to ACE Anticorruption Battagram due to huge loss occurred to Government exchequer / treasury vide letter No: 5401 - 06 dated 11-08-2020.

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WHEREAS Secretary, E&SE Department KP Peshawar directed DEO (M) Battagram vide letter No: SO(SM)E&SED 1-1/2020/WP No: 5892/Fazl.Wahab dated 30-07-2020 to decide the case of fake appointment of Mr. Fazal Wahab in the light of enquiry report submitted on 30-06-2020.

AND WHEREAS you filed W.P No: 1002-A/2020 in Honorable Peshawar High Court Abbottabad Bench prayed for setting aside the impugned letter / order dated 11-08-2020 along with report of the enquiry committee dated 30-06-2020.

AND WHEREAS judgment was passed in Honorable Peshawar High Court Abbottabad Bench in W.P. No. 1002-A/2020 dated 24-11-2020 which is reproduced as under:
"Let the petitioner be paid his monthly salaries / arrears till he is proceeded under the efficiency and disciplinary Rules, to be followed by further order of the competent authority. The petitioner is, however, at liberty that, if all the outcome of the enquiry under the Efficiency & Disciplinary rules leads to his termination, he may prefer fresh petition, challenging his termination order in accordance with law."

AND WHEREAS in the light of the directions of Honorable High Court Abbottabad bench in W.P No. 1002-A/2020 dated 24-11-2020 which is reproduced in above para, the competent authority i.e DEO (Male) Battagram served Showcause notice upon you vide No: 8401-6 dated 26-11-2020.

AND WHEREAS your unsatisfactory reply was received on 03-12-2020 after that you were called for personal hearing on 17-12-2020 vide letter No: 8696-98 dated 07-12-2020 but you failed to appear before the competent authority.

NOW THEREFORE in the light of enquiry report submitted vide Diary No: 1787 dated 30-06-2020, findings & Proceedings initiated against you on the directions of Honorable Peshawar High Court Abbottabad Bench in W.P No. 1002-A/2020 dated 24-11-2020 & supporting documentary evidence / record placed on file is more than sufficient, hence the undersigned being Competent Authority is of the opinion that your fake / bogus / fabricated appointment order is once again declared as "NULL & VOID / VOID AB INITIO".

District Education Officer (M)
Battagram

Endstt: No: 2620-28 / Establishment (P) Dated 17/05/2022

Copy forwarded to the:

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. Director Anticorruption Khyber Pakhtunkhwa Peshawar.
3. Registrar Peshawar High Court Abbottabad Bench.
4. Deputy Commissioner Battagram.
5. District Accounts Officer Battagram.
6. District Monitoring Officer EMA Battagram.
7. Sub Divisional Education Officer (M) Allai / with the direction to serve & implement the order accordingly.
8. Fazal Wahab s/o Rahimullah R/O Rashang Tehsil Allai District Battagram.
9. Office copy.

District Education Officer (M)
Battagram

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ATTESTED

وکالت نامہ

کورٹ فیس

بعد ازاں جناب سردار شری محمد نیل لہستان اور

عنوان: جنرل و پاب بنام حکومت خیر محنتوں خواہ

منجانب: سائل / شہنشاہ

نوعیت مقدمہ:

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسے پیروی و جواب دہی کل کاروائی متعلقہ آں مقام

سید محمد علی لہستان اور شری محمد نیل لہستان

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ بر حلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پر داخستہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد استجارت ناش بصدیقہ مفلسی کے دائرہ کرنے اور اس کے پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المقوم: 03/06/2022

بمقام:

Accepted
 Attested
 Syed Waqas
 Advocate High Court
 Office 32, Ayub Tanoli Lawyer's
 Plaza, Kutchery, Abbottabad