

06.06.2022

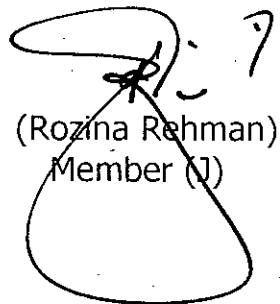
Petitioner in person present.

Muhammad Adeel Butt, learned Additional Advocate General alongwith Bakht Zada ADEO and Wali Ur Rehman ADEO for respondents present.

From the record it is evident that vide judgment of this Tribunal dated 07.09.2021, the matter had been remitted to the Department with direction to conduct proper inquiry into the matter within a period of 90 days from date of receipt of copy of judgment. Today, proper office order dated 04.06.2022 was produced vide which appointment order of the appellant was declared as bogus.

In this view of the matter, the present execution proceedings stand consigned. No order as to costs.

Announced
06.06.2022



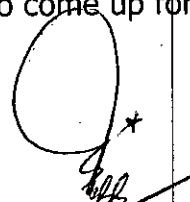


(Rozina Rehman)
Member (J)

60

Form- A
FORM OF ORDER SHEET

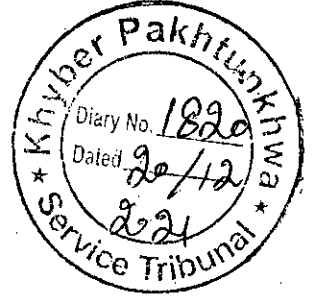
Court of _____

Execution Petition No. 384/2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	20.12.2021	<p>The execution petition of Mr. Anwar Zeb submitted today by Mr. Yasir Saleem 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>This execution petition be put up before S. Bench at Peshawar on <u>21/01/22</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	21.01.2022	<p>Clerk of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.</p> <p>Notices be issued to the respondents for submission of implementation report on the next date positively. To come up for further proceedings on 09.03.2022 before S.B.</p> <p style="text-align: right;"> (Mian Muhammad) Member(E)</p>
09.03.2022		<p>Due to retirement of the Hon'able Chairman, the case is adjourned to 06.06.2022 for the same as before.</p> <p style="text-align: right;"> Reader</p>

BEFORE THE KHYBER PAKHTUNKWA
SERVICE TRIBUNAL PESHAWAR

Execution Petition no 384/2021



In the matter of
Appeal No.155/2018
Decided on 07.09.2021

Anwar Zeb S/o Sher Rehman, DM BPS-15 Ghs Hotal Batkool Batagram R/o Afridi Abad Village Kaga Wala Alizai P/O Badhbher, Tehsil & District Peshawar.

(Applicant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male), Battagram.
4. District Accounts Officer, Batagram.

(Respondents)


**APPLICATION FOR THE IMPLEMENTATION OF
THE JUDGMENT AND ORDER DATED 07.09.2021
OF THIS HONOURABLE TRIBUNAL.**

Respectfully Submitted:

1. That the above noted service appeal was pending adjudication in this Honourable Tribunal and was decided vide judgment and order dated 07.09.2021. (Copy of the judgment and Order is attached as Annexure A)
2. That vide judgment and order dated 07.09.2021, this Honourable Tribunal while accepting the appeal of the applicant, directed the respondents to conduct proper inquiry within a period of 90 days.
3. That after judgment and order of this Honourable Tribunal, the applicant continuously approached the respondents for the implementation of the judgment, however they are reluctant to implement the judgment of this Honorable Court.

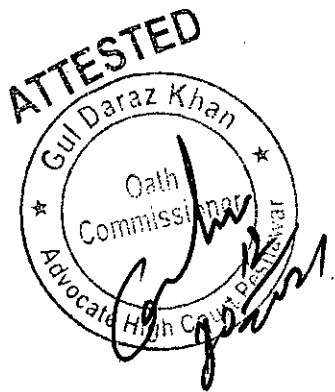
4. That the respondents are legally bound to implement the judgment of this Honourable Tribunal in its true letter and spirit without any further delay.

It is, therefore, prayed that on acceptance of this application the judgment and order dated 07.09.2021 of this Honourable Tribunal be implemented in its true letter and spirit or otherwise directed the respondents to release the salary of the appellant from the date of stoppage.

Through: Applicant

YASIR SALEEM
 Advocate High Court

AFFIDAVIT

I do hereby solemnly affirm and declare on oath that the contents of the above application are true and correct and that nothing has been kept back or concealed from this Honourable Tribunal.




DEPONENT



**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Khyber Pakhtunkhwa
Service Tribunal

Appeal No. 155 /2018

Diary No. 37

Dated: 12-01-2018

**Anwar Zeb S/O Sher rehman, DM BPS-15 Ghs Hatal Batkool
Batagram R/O Afridi abad village kaga wala ali zai P/O badbher
Tehsil & District Peshawar. (Appellant)**

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male) Batagram.
- ✓ 4. District Accounts Officer, Batagram.

(Respondents)

Service Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, for directing the respondents to release salary of the appellant w.e.f November 2013 till date, against which the departmental appeal dated 06.02.2016 despite the lapse of 90 days statutory period.

Prayer in appeal

Filed to-day
12/1/18
Registrar

On acceptance of this appeal the respondents may kindly be directed to release the salary of the appellant w.e.f November 2013 till date and onwards with all arrears and back benefits.

Respectfully submitted,

1. That upon the recommendation of the Departmental District Selection Committee, the appellant was initially appointed as drawing master BPS-15 vide order dated 16.04.2013 against vacant post at GHS Hatal Batkool. *(Copy of the appointment order dated 16.04.2013, is attached as Annexure A)*

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Re-submitted to-day
and filed.

RECEIVED
11/1/18

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

Service Appeal No. 155/2018

Date of Institution ... 12.01.2018

Date of Decision ... 07.09.2021



Anwar Zeb S/o Sher Rehman, D.M (BPS-15) GHS Hatal Batkool
Battagram, R/o Afridi Abad Village Kaga Wala Ali Zai P/O Badbher
Tehsil & District Peshawar.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary
Elementary & Secondary Education, Khyber Pakhtunkhwa,
Peshawar and two others.

... (Respondents)

MR. YASIR SALEEM,
Advocate

--- For appellant.

MR. KABIRULLAH KHATTAK,
Additional Advocate General

--- For respondents.

MR. SALAH-UD-DIN
MR. ATIQU-UR-REHMAN WAZIR


--- MEMBER (JUDICIAL)
--- MEMBER (EXECUTIVE)

JUDGMENT:

SALAH-UD-DIN, MEMBER:- The appellant has preferred the instant service appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, challenging the stoppage of his pay with effect from November 2013 till date.

2. Precise facts as alleged in the appeal are that upon the recommendation of District Selection Committee, the appellant was appointed as Drawing Master (BPS-15) vide order dated 16.04.2013 against the vacant post at GHS Hatal Batkool, who is performing his duty with zeal and zest; that the appellant

ATTESTED


The undersigned
Secretary
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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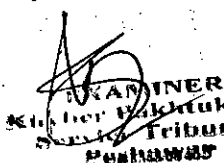
was paid his salary till the month of October 2013, however his salary was thereafter stopped, despite the facts that the appellant is regularly performing his duty; that the appellant approached august Peshawar High Court, Peshawar through filing of Writ Petition for the release of his salary, however the same was dismissed on the ground of maintainability however, it was ordered that the appellant may approach the Khyber Pakhtunkhwa Service Tribunal, if he was so advised; that the appellant filed departmental appeal, however the same was not responded within the statutory period of 90 days, hence the instant service appeal.

3. Notice was issued to the respondents, who submitted their comments, wherein they mainly alleged that the very appointment letter of the appellant is fake and bogus.

4. Learned counsel for the appellant has contended that the appellant was appointed as Drawing Master (BPS-15) by the competent Authority, after observing of all codal formalities; that the service book of the appellant was prepared and he was being paid salary for some of the months by issuing him personal number; that the appellant is regularly performing his duty, therefore, the stoppage of his salary is wrong and illegal; that the stoppage of salary of the appellant is in violation of section-4 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 as well as violation of Article-4 of the Constitution of Islamic Republic of Pakistan; that neither any disciplinary action has been taken against the appellant nor his services has been terminated, therefore, the respondents are not justified in stoppage of salary of the appellant.

5. On the other hand, learned Additional Advocate General for the respondents while opposing the arguments of learned counsel for the appellant has contended that the appellant has not at all been appointed by the competent Authority and the appointment order so annexed by the appellant with his appeal is fake/bogus and fabricated; that the appellant has neither assumed charge in Government High School Hatal Batkool Battagram nor he has performed any duty in the said

ATTESTED



EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

school; that the appellant belong to District Peshawar, therefore, it was not possible that he could be posted against District Cadre post in District Battagram; that the appellant is not at all a civil servant, therefore, he has got no *locus standi* to file the instant appeal; that the appellant was not appointed as civil servant, therefore, there could not arise any question of issuing him charge sheet or show-cause notice; that the appellant has not been appointed by the competent Authority, therefore, he is not entitled to payment of any salary. Reliance was placed on 2007 PLC 715 [Supreme Court of Pakistan], Judgment dated 28.01.2019 passed by this Tribunal in Service Appeal bearing No. 540/2014 titled "Mst. Shehnaz Bibi Versus The Secretary Education (E&SE) Khyber Pakhtunkhwa Peshawar and three others" as well as judgment dated 17.10.2018 passed by this Tribunal in Service Appeal bearing No. 479/2013 titled "Mr. Abid Khan Versus Government of Khyber Pakhtunkhwa the Chief Secretary Khyber Pakhtunkhwa Peshawar and four others".

6. We have heard the arguments of learned counsel for the parties and have perused the record.

7. The appellant has filed the appeal in hand seeking release of his salary with effect from November 2013 till date by alleging that the appellant was regularly appointed as Drawing Master (BPS-15) vide appointment order dated 16.04.2013 and is regularly performing his duty, however the respondents have illegally stopped his salary. In support of his contention, the appellant has annexed pay slips pertaining to the months of January 2013 and August 2014 as well as copies of his appointment order and service book. On the other hand, the respondents have alleged that the very appointment order of the appellant is fake and bogus. A perusal of the record would show that the departmental appeal of the appellant was forwarded by the office of the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar to the District Education Officer (Male) Battagram vide letter dated 30.07.2015 for inquiry into the matter,

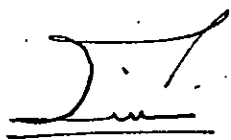
ATTESTED

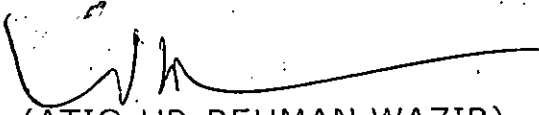

 KHYBER PAKHTUNKHWA
 SERVICE TRIBUNAL
 PESHAWAR


however the respondents have not produced any record, wherefrom the fate of departmental appeal of the appellant could be ascertained. The aforementioned fact indicates that the District Education Officer (male) Battagram did not bother to conduct any inquiry into the matter. In view of divergent contentions of the parties regarding the appointment order of the appellant a full-fledged inquiry is necessary in the matter for ascertaining as to whether the appointment order of the appellant is genuine or otherwise.

8. Consequently, the matter is remitted back to the respondents with the directions to conduct proper inquiry into the same within a period of 90 days from the receipt of copy of this judgment. The appellant shall be associated with the inquiry proceedings by providing him fair opportunity of defending himself. In view of peculiar facts and circumstances of the case, no order for release of salary of the appellant could be passed at this stage, which of course would be subject to outcome of inquiry. The appeal in hand is disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
07.09.2021


(SALAH-UD-DIN)
MEMBER (JUDICIAL)


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

Certified to be true copy

F.A. MINNER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 16/9/21
Number of Words 2000
Copying Fee 22/-
Urgent 4/-
Total 26/-
Name of Applicant _____
Date of Production of Copy 16/9/21
Date of Delivery of Copy 16/9/21

POWER OF ATTORNEY

In the Court of Service Tribunal Peshawar

Anwar Zeb implemation } For
} Plaintiff
} Appellant
} Petitioner
} Complainant

VERSUS

Govt of KPK } Defendant
} Respondent
} Accused
}

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____
Fixed for _____


I/We, the undersigned/ _____ do hereby nominate and appoint **YASIR SALEEM ADVOCATE HIGH COURT**, my true and lawful attorney, for me in my same and on my behalf to appear at _____ to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits, Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or sub-poena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so. any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at _____
the _____ day to _____ the year _____
Executant/Executants _____
Accepted subject to the terms regarding fee _____


YASIR SALEEM
Advocate High Court
ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT
FR- 4, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt
Mobile-0331-8892589. E-Mail: yasirsaleemadvocate@gmail.com

BEFORE THE KHYBER PAKHTUNKWA
SERVICE TRIBUNAL PESHAWAR

In the matter of
Appeal No.155/2018
Decided on 07.09.2021

E.P.No 384/2021

Anwar Zeb S/o Sher Rehman, DM BPS-15 Ghs Hatal Batkool Batagram R/o Afridi Abad Village Kaga Wala Alizai P/O Badhbher, Tehsil & District Peshawar.

(Applicant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male), Battagram.
4. District Accounts Officer, Batagram.

(Respondents)

**APPLICATION FOR THE IMPLEMENTATION OF
THE JUDGMENT AND ORDER DATED 07.09.2021
OF THIS HONOURABLE TRIBUNAL.**

Respectfully Submitted:

1. That the above noted service appeal was pending adjudication in this Honourable Tribunal and was decided vide judgment and order dated 07.09.2021. **(Copy of the judgment and Order is attached as Annexure A)**
2. That vide judgment and order dated 07.09.2021, this Honourable Tribunal while accepting the appeal of the applicant, directed the respondents to conduct proper inquiry within a period of 90 days.
3. That after judgment and order of this Honourable Tribunal, the applicant continuously approached the respondents for the implementation of the judgment, however they are reluctant to implement the judgment of this Honorable Court.

4. That the respondents are legally bound to implement the judgment of this Honourable Tribunal in its true letter and spirit without any further delay.

It is, therefore, prayed that on acceptance of this application the judgment and order dated 07.09.2021 of this Honourable Tribunal be implemented in its true letter and spirit or otherwise directed the respondents to release the salary of the appellant from the date of stoppage.

Through: Applicant

YASIR SALEEM
Advocate High Court

AFFIDAVIT

I do hereby solemnly affirm and declare on oath that the contents of the above application are true and correct and that nothing has been kept back or concealed from this Honourable Tribunal.

DEPONENT



**BEFORE THE KHYBER PAKHTUNKWA
SERVICE TRIBUNAL PESHAWAR**

Khyber Pakhtunkhwa
Service Tribunal

Appeal No. 155 /2018.

Case No. 37
Dated 12-01-2018

**Anwar Zeb S/O Sher rehman, DM BPS-15 Ghs Hatal Batkool
Batagram R/O Afridi abad village kaga wala ali zai P/O badbher
Tehsil & District Peshawar. (Appellant)**

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male) Batagram.
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(Respondents)

Service Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, for directing the respondents to release salary of the appellant w.e.f November 2013 till date, against which the departmental appeal dated 06.02.2016 despite the lapse of 90 days statutory period.

Prayer in appeal

Filed on 12/1/18
Registrar

On acceptance of this appeal the respondents may kindly be directed to release the salary of the appellant w.e.f November 2013 till date and onwards with all arrears and back benefits.

Respectfully submitted,

1. That upon the recommendation of the Departmental District Selection Committee, the appellant was initially appointed as drawing master BPS-15 vide order dated 16.04.2013 against vacant post at GHS Hatal Batkool. (Copy of the appointment order dated 16.04.2013, is attached as Annexure A)

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Resubmitted to - day
and Chd. ...

11-1-18

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

Service Appeal No. 155/2018

Date of Institution ... 12.01.2018

Date of Decision ... 07.09.2021



Anwar Zeb S/o Sher Rehman, D.M (BPS-15) GHS Hatal Batkool
Battagram, R/o Afridi Abad Village Kaga Wala Ali Zai P/O Badbher
Tehsil & District Peshawar.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary
Elementary & Secondary Education, Khyber Pakhtunkhwa,
Peshawar and two others.

... (Respondents)

MR. YASIR SALEEM,
Advocate

--- For appellant.

MR. KABIRULLAH KHATTAK,
Additional Advocate General

--- For respondents.

MR. SALAH-UD-DIN
MR. ATIQ-UR-REHMAN WAZIR

--- MEMBER (JUDICIAL)
--- MEMBER (EXECUTIVE)

JUDGMENT:

SALAH-UD-DIN, MEMBER:- The appellant has preferred the instant service appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, challenging the stoppage of his pay with effect from November 2013 till date.

2. Precise facts as alleged in the appeal are that upon the recommendation of District Selection Committee, the appellant was appointed as Drawing Master (BPS-15) vide order dated 16.04.2013 against the vacant post at GHS Hatal Batkool, who is performing his duty with zeal and zest; that the appellant

ATTESTED

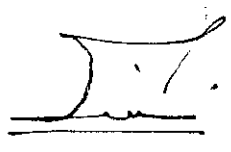

ATTESTING OFFICER
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

was paid his salary till the month of October 2013, however his salary was thereafter stopped, despite the facts that the appellant is regularly performing his duty; that the appellant approached august Peshawar High Court, Peshawar through filing of Writ Petition for the release of his salary, however the same was dismissed on the ground of maintainability however, it was ordered that the appellant may approach the Khyber Pakhtunkhwa Service Tribunal, if he was so advised; that the appellant filed departmental appeal, however the same was not responded within the statutory period of 90 days, hence the instant service appeal.

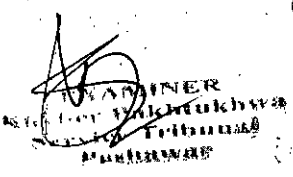
3. Notice was issued to the respondents, who submitted their comments, wherein they mainly alleged that the very appointment letter of the appellant is fake and bogus.

4. Learned counsel for the appellant has contended that the appellant was appointed as Drawing Master (BPS-15) by the competent Authority, after observing of all codal formalities; that the service book of the appellant was prepared and he was being paid salary for some of the months by issuing him personal number; that the appellant is regularly performing his duty, therefore, the stoppage of his salary is wrong and illegal; that the stoppage of salary of the appellant is in violation of section-4 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 as well as violation of Article-4 of the Constitution of Islamic Republic of Pakistan; that neither any disciplinary action has been taken against the appellant nor his services has been terminated, therefore, the respondents are not justified in stoppage of salary of the appellant.

5. On the other hand, learned Additional Advocate General for the respondents while opposing the arguments of learned counsel for the appellant has contended that the appellant has not at all been appointed by the competent Authority and the appointment order so annexed by the appellant with his appeal is fake/bogus and fabricated; that the appellant has neither assumed charge in Government High School Hatal Batkool Battagram nor he has performed any duty in the said



ATTESTED




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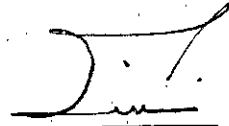

 ATTESTED
 KHYBER PAKHTUNKHWA
 SERVICE TRIBUNAL
 PESHAWAR

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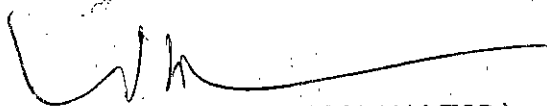
8. Consequently, the matter is remitted back to the respondents with the directions to conduct proper inquiry into the same within a period of 90 days from the receipt of copy of this judgment. The appellant shall be associated with the inquiry proceedings by providing him fair opportunity of defending himself. In view of peculiar facts and circumstances of the case, no order for release of salary of the appellant could be passed at this stage, which of course would be subject to outcome of inquiry. The appeal in hand is disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

07.09.2021



(SALAH-UD-DIN)
MEMBER (JUDICIAL)



(ATIQU-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 16/9/21

Number of Words 2000

Copying Fee 22/-

Urgent 4/-

Total 26/-

Name of Applicant _____

Date of Submission of Copy 16/9/21

Date of Delivery of Copy 16/9/21

POWER OF ATTORNEY

In the Court of Service Tribunal Peshawar

Anwar Zeb

} For
} Plaintiff
} Appellant
} Petitioner
} Complainant

VERSUS

Govt of KPK

} Defendant
} Respondent
} Accused

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____
Fixed for _____

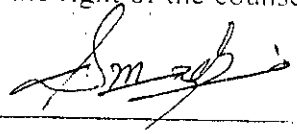
I/We, the undersigned/ _____ do hereby nominate and appoint **YASIR SALEEM ADVOCATE HIGH COURT**, my true and lawful attorney, for me in my same and on my behalf to appear at _____ to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions, An appeal, statements, accounts, exhibits, Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or sub-poena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at _____
the _____ day to _____ the year _____
Executant/Executants _____
Accepted subject to the terms regarding fee _____



YASIR SALEEM

Advocate High Court

ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT
FR- 4, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt
Mobile-0331-8892589, E-Mail: yasirsaleemadvocate@gmail.com



OFFICE OF THE DISTRICT EDUCATION OFFICER(MALE)

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



OFFICE ORDER

WHEREAS you **Mr. Anwar Zeb s/o Sher Rehman R/O Afridi Abad Village Kaga Wala Ali Zai P/O Badbher Tehsil & District Peshawar** 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: 344-P/2017 which was dismissed by Honorable Peshawar High Court Peshawar on 24-10-2017.

AND WHEREAS the Head Master GHS Hatal Batkool confirmed vide letter No: 203 dated 22-02-2017 that you you are fake , bogus and there was no source of induction.

AND WHEREAS the then DEO (Male) Battagram has sent letter to Head Master GHS Hatal Batkool vide No: 3122 dated 28-03-2017 regarding calculation of amount released to you and approach to Anti Corruption Department to lodge FIR.

AND WHEREAS you filed **Service Appeal No. 155/2018** in Khyber Pakhtunkhwa Service Tribunal Peshawar.

AND WHEREAS the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar passed judgement in Service appeal No. 155/2018 which is reproduced as under:

"the matter is remitted back to the respondents with the directions to conduct proper inquiry into the same within a period of 90 days from the receipt of copy of this judgment. The appellant shall be associated with the inquiry proceedings by providing him fair opportunity of defending himself. In view of peculiar facts and circumstances of the case, no order for release of salary of the appellant could be passed at this stage, which of course would be subject to outcome of inquiry. The appeal in hand is disposed of accordingly. Parties are left to bear their own costs"

AND WHEREAS inquiry notification was issued vide Endstt: No: 6256-58 dated 06-10-2021.

AND WHEREAS the inquiry committee submitted report vide No: 368 dated 6-12-2021. Recommendations of the committee are as under:

" It is quite evident from all the above mentioned findings that Mr. Anwar Zaib has neither been appointed by the DEO (Male) Battagram nor he performed duty at any school. The mentioned facts also proved that Mr. Anwar Zaib is just trying to deceive the department and mislead the Honorable Court."

AND WHEREAS the inquiry report was sent to the Registrar KP Service Tribunal Peshawar vide letter No: 8368 dated 23-12-2021 vide Post Office Registry No. RGL58137435 dated 24-12-2021.

AND WHEREAS you filed E.P No. 384/2021 which was received on 10-02-2022 and date for hearing was fixed 09-03-2022 but due to the retirement of Honorable Chairman the Tribunal was defunct and now date of hearing is 06-06-2022.

NOW THEREFORE in the light of enquiry report submitted Vide No: 368 dated 06-12-2021, findings & Proceedings initiated against you on the directions of Honorable Service Tribunal Peshawar in Service Appeal No.155/2018 dated 07-09-2021 & 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 declared as

"NULL & VOID / VOID AB INITIO".

**District Education Officer (M)
Battagram**

Endstt: No: 3084-90 /Establishment (P) Dated 05/06/2022.

Copy forwarded to the:

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. Registrar KP Service Tribunal Peshawar.
3. Deputy Commissioner Battagram.
4. District Accounts Officer Battagram.
5. Head Master GHS Hatal Batkool.
6. Mr. Anwar Zeb s/o Sher Rehman R/O Afridi Abad Village Kaga Wala Ali Zai P/O Badbher Tehsil & District Peshawar
7. Office copy.

**District Education Officer (M)
Battagram**