

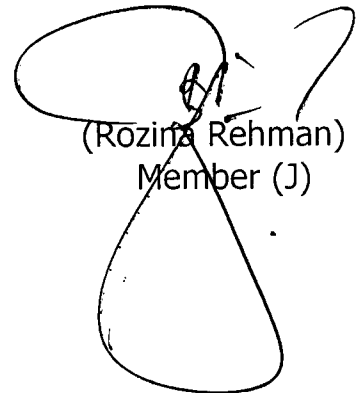
12.05.2022

Appellant present through counsel. Preliminary arguments heard. Record perused.

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections with direction to appellant to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for reply/comments. To come up for written reply/comments on 19.07.2022 before S.B.

Rs-400/-  
Appellant Deposited  
Security & Process Fee

A. J. with  
12/5/22

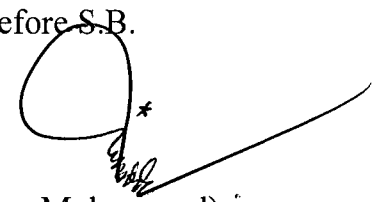


(Rozina Rehman)  
Member (J)

19.07.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Reply/comments on behalf of respondents not submitted. Learned Additional Advocate General seeks time to contact the respondents for submission of reply/comments. Adjourned. To come up for reply/comments on 20.10.2022 before S.B.





(Mian Muhammad)  
Member (E)

Form- A  
FORM OF ORDER SHEET

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

Case No. 220/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	23/02/2022	<p>The present appellant initially went in Writ Petition before the Hon'ble Peshawar High Court Peshawar and the Hon'ble High Court vide its order dated 16.02.2022 while treating the Writ Petition into an appeal and has sent the same to this Tribunal for decision in accordance with law. The same may be entered in the Institution register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>12-05-2022</u></p> <p><i>Notice be issued to the appellant and his counsel for the date fixed</i></p> <p style="text-align: right;"> CHAIRMAN</p>
2-	<p><i>Secretary</i></p> <p><i>[Signature]</i></p>	

**JUDGMENT SHEET**  
**PESHAWAR HIGH COURT, PESHAWAR**  
**JUDICIAL DEPARTMENT**

**Writ Petition No.5652-P/2019.**

**Wakeel Khan**

**Vs.**

**District & Sessions Judge, Mohmand and another**

**Date of hearing** **16.02.2022**

**Petitioner by:** **Mr. Saadullah Khan Marwat, Advocate.**

**Respondents by:** **Mr. Rab Nawaz Khan, A.A.G.**

\*\*\*\*\*

**JUDGMENT**

\*\*\*\*\*

**IJAZ ANWAR, J.** For the reasons mentioned in Writ Petition No.1658-P of 2019 titled Noor Shah Ali Versus District & Sessions Judge, Charsadda and others, this writ petition is sent to the Khyber Pakhtunkhwa Service Tribunal, Peshawar for its decision in accordance with law. Parties are directed to appear before the Tribunal on **24.02.2022.**

**Announced**  
**16.02.2022**

  
**JUDGE**

  
**JUDGE**



**OFFICE OF ADVOCATE-GENERAL, KHYBER PAKHTUNKHWA, PESHAWAR**

No 13419-21/AG

dated 04-11 /2020

Address: High Court Building, Peshawar.  
Tel. No.091-9210119

Exchange No 9213833  
Fax No. 091-9210270

To

1. The Secretary Forestry,  
Environment and Wildlife Department,  
Khyber Pakhtunkhwa, Peshawar.
2. The Secretary to Govt. of Khyber Pakhtunkhwa,  
Establishment Department, Peshawar.

**Subject: WP NO. 5692/2019 IN WP NO.1816/2020 DR. MOHSIN FAROOQ  
& OTHERS VS GOVERNMENT OF KHYBER PAKHTUNKHWA.**

Sir,

The captioned case came up for hearing on 04/11/2020, before the Hon'ble Peshawar High Court, Peshawar. The Hon'ble High Court was gracious enough to adjourn the case with the directions that above named respondents should file **comments** by annexing all relevant record in the instant case within a fortnight positively.

It is, therefore, desired that the Hon'ble Court's direction be complied before the date fixed.

( **Moin-ud-Din Humayun** )  
Additional Advocate General,  
Khyber Pakhtunkhwa,  
Peshawar

Endst: No. 13419-21/AG,

Copy is forwarded to the Additional Registrar (Judicial) Peshawar High Court, Peshawar.

*Moin-ud-Din Humayun*  
Additional Advocate General  
Khyber Pakhtunkhwa,  
Peshawar

20/11/20  
2/  
4/11/20

**IN THE PESHAWAR HIGH COURT, PESHAWAR**

C.M. No. /2021

IN

*Service Appeal no. 229/2022* WP. No. 5652-P/2019

Wakeel Khan

versus

District Judge & Another

**I N D E X**

S.#	Description of Documents	Annex	Page
1.	Memo of Application		1
2.	Affidavit		2
3.	Order Sheet dated 26-11-2020	'A'	3
4.	WP. No. 4596-P/17 & order dated 18-11-2020	'B'	4-16
5.	Judgment of the apex court	'C'	17-23

FILED TODAY  
Deputy Registrar  
03 FEB 2021

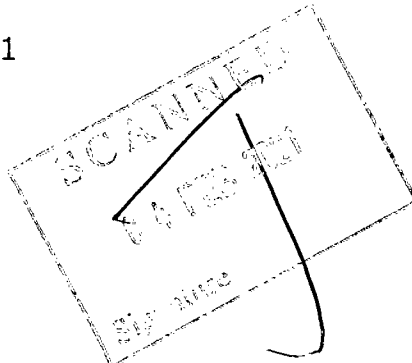
Applicant

Through

*Saadullah Khan Marwat*

Saadullah Khan Marwat  
Advocate,  
21-A Nasir Mension,  
Shoba Bazar, Peshawar  
Ph: 0300-5872676

Dated 29-01-2021



**IN THE PESHAWAR HIGH COURT, PESHAWAR**

C.M. No. /2021

IN

WP. No. 5652-P/2019

Wakeel Khan

versus

District Judge &amp; Another

**APPLICATION FOR PLACING ON RECORD COPY OF  
WP. NO. 4596-P/2017, TITLED M. KABIR SHAH VS  
SESSION JUDGE & OTHERS AND JUDGMENTS OF THE  
APEX COURT:****Respectfully Sheweth,**

1. That the subject Writ Petition is pending disposal before the hon'ble court and is fixed for hearing on 11-02-2021.
2. That the said Writ Petition came up for hearing on 26-11-2020 before the hon'ble Bench and after some deliberation, counsel for petitioner was directed to place on record copy of Writ Petition 4596-P/17 of M. Kabir Shah and judgments of the apex court. (Copy order sheet dated 26-11-2020, W.P and judgments as annex "A", "B" & "C")

It is, therefore, most humbly requested that the application be accepted as prayed for.

Applicant

Through

  
Saad Ullah Khan Marwat

Advocate

Date: 29-01-2021

**FILED TODAY**  
  
**Deputy Registrar****03 FEB 2021**

**IN THE PESHAWAR HIGH COURT, PESHAWAR**

C.M. No. /2021  
IN  
WP. No. 5652-P/2019

Wakeel Khan versus District Judge & Another

**AFFIDAVIT**

I, Amjad Nawaz Advocate, Peshawar High Court, Peshawar counsel for petitioner do hereby solemnly affirm and declare that the contents of the **Application** are true and correct to the best of my knowledge and belief.



DEPONENT

CNIC-17301-6199616-3

18801

Feb  
Adv

21

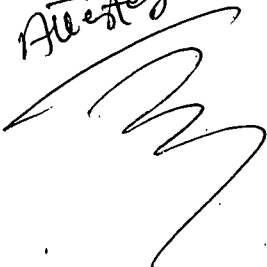
subscribed solemnly  
02  
Amjad Nawaz  
Peshawar  
self

02/02/2021

FILED TODAY  
Deputy Registrar  
03 FEB 2021

A 3

**PESHAWAR HIGH COURT, PESHAWAR  
FORM OF ORDER SHEET**

Date of Order of Proceedings	Order of other Proceedings with Signature of Judge.
1	2
26.11.2020	<p><b><u>WP No. 5652-P of 2019</u></b></p> <p><b>Present:</b> Mr. Saadullah Khan Marwat, advocate, for the petitioner.</p> <p>*****</p> <p>Seeks time to file some additional documents. Allowed. May do so within a fortnight.</p> <p><b>ACTING CHIEF JUSTICE</b></p> <p><b>JUDGE</b></p> <p><i>Attestes</i></p> 

"younas"

(DB) Hon'ble Mr. Justice Qaiser Rashid Khan, ACJ  
Hon'ble Mr. Justice Muhammad Nasir Mahfooz, J.



**IN THE PESHAWAR HIGH COURT, PESHAWAR**

W. P. No. 4596/2017

Muhammad Kabir Shah S/O Hakeem Shah,  
R/O Tarkha, Nowshera, Ex. Bailiff, Office of  
Senior Civil Judge, Nowshera . . . . . Petitioner

**VERSUS**

1. District & Session Judge, Nowshera.
2. Registrar, Peshawar High Court, Peshawar.
3. Senior Civil Judge, Nowshera : . . . . . Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

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

⇔<=>⇔<=>⇔<=>⇔<=>⇔=

**Respectfully Sheweth:**

1. That petitioner was appointed as Naib Qasid on 02-07-1995 and was posted as such in the Peshawar High Court, Peshawar. Later on was transferred to District Courts Nowshera. He was further promoted to the post of Bailiff.
2. That one Shamsheer Ali, resident of Aza Khel Payan filed Civil Suit before the court of R. No. 03 against the Collector & others for grant of decree, and to restrain the contractor from construction of BHU. Status quo was also maintained. (Copy as Annex "A")
3. That on 24-04-2017, Plaintiffs submitted application to the court for inspection of the disputed place through Bailiff. The said application was marked:-

*Arshad*  

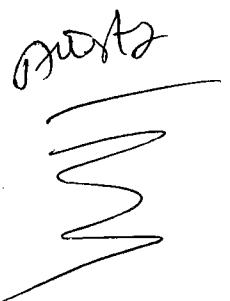

"P.O.F. Notices to respondents. In the mean while Bailiff to visit the spot and submit his report within 07 days.

Sd/PO  
24-04-2017

(Copy as Annex "B")

4. That on 25-04-2017, petitioner submitted report to the court. (Copy as Annex "C")
5. That on 29-04-2017, plaintiff Shamsheer Ali submitted complaint before the court of District & Session Judge, Nowshera for proceeding against petitioner for taking Rs. 600/- from him and Rs. 1000/- from Contractor. (Copy as Annex "D")
6. That on 06-05-2017, petitioner submitted reply to the complaint by denying the allegations, followed by subsequent reply dated 22-05-2017, compelling him by District & Session Judge to admit the allegations. Thereafter, he shall be exonerated from the charges. (Copies as Annex "E" & "F")
7. That on 29-05-2017, petitioner was straight away served with Final Show Cause Notice into the allegations without re-coursing to Law, Rules and to conduct proper and regular enquiry in the matter which was replied by the him on 05-06-2017 by denying the allegations. (Copies as Annex "G" & "H")
8. That on the said date i.e. 05-06-2017, complainant submitted affidavit before R. No. 01 that he has no grievance against petitioner, followed by subsequent affidavit dated 08-06-2017 by Mian Rasool Shah. (Copies as Annex "I" & "J")
9. That on 06-06-2017, R. No. 01 awarded major penalty under Rule 4-b (III) of KP, Government Servants (Efficiency and Discipline), Rules, 2011 and was removed from service with immediate effect. (Copy as Annex "K")

Here it would be not out of place to mention that the enactment under which petitioner was dealt with, does not apply to the case in hand.

*Qureshi*  


10. That on 21-06-2017, petitioner submitted departmental appeal before R. No. 02 for setting aside of the impugned order of R. No. 01 and to reinstate him in service with all back benefits having 22 years spotless service into his credit. (Copy as Annex "L")
11. That again on 13-10-2017, S.C.J (M Asim) directed Bailiff, Rawid Khan to inspect the disputed place of the parties along with Halqa Patwari to submit detail report to the Court on 23-10-2017. (Copy as Annex "M")
12. That Patwari, Amir Khan and Girdawar Amjad Ali was not accompanying the Bailiff to inspect the spot, so Additional Assistant Commissioner, Nowshera directed them on 18-10-2017 to do the needful. (Copy as Annex "N")
13. That on 18-10-2017, Bailiff Rawid Khan submitted report to the Court of S.C.J, Nowshera stating therein that construction work is not taking place in disputed Khasra No. 2666 but in other Khasras which report was also signed by Patwari and Girdawar of the Halqa. (Copy as Annex "O")
14. That the said departmental appeal came up for hearing on 20-10-2017 before R. No. 02 which was rejected / dismissed for no legal reason. (Copy as Annex "P" & "Q")

Hence this Writ Petition, Inter alia, on the following grounds:-

**GROUND S:**

- a. That petitioner was awarded with major punishment of Removal from service but no regular enquiry into the allegations, being mandatory was conducted.
- b. That on one hand, petitioner was served with Show Cause Notice by R. No. 01 while on the other hand, he himself imposed major penalty upon him. Thus he became prosecutor as well as judge of his own cause at one and the same time.



- c. That it was mandatory for R. No. 01 to appoint Inquiry Officer in the matter and to probe the same as per the mandate of Law but short-cut procedure was adopted which is in total dis-regard of Law & Rules.
- d. That in first reply to the complaint, petitioner denied the allegations but he was forced by R. No. 01 to admit his guilt and thereafter, he shall be exonerated from the charges but he resiled to honor his commitment.
- e. That when charge is denied, witness(s) were not examined in presence of accused, opportunity of cross examination was not afforded, enquiry report was not supplied to accused, then all such allegations and acts becomes null and void in the eyes of Law.
- f. That petitioner has 22 years' service in his credit but no benefit of the same was extended to him, so the whole family was deprived from his earnings.
- g. That when SCJ deputed Bailiff, Ravaid Khan, patwari Halqa, Amir Khan and Girdawar, Amjad Ali for inspection of the disputed place, they submit report to the court which supports the contention of petitioner that disputed Khasra was 2670 and not Khasra No. 2666, despite this fact too, petitioner was awarded major punishment.
- h. That appellate order is neither supported by reasons, nor is per the mandate of Law, Rules and record, so has no legal value.
- i. That the enactment does not apply to the case in hand.

It is, therefore, most humbly prayed that on acceptance of the Writ Petition, in exercise of the extraordinary constitutional jurisdiction, this hon'ble Court may graciously be pleased to:-

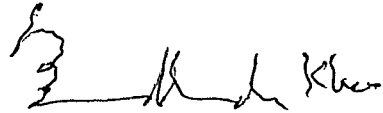
- a. Declare order dated 06-06-2017 and 20-10-2017 of the respondents to be illegal, improper, unjust, against the mandate of Law, Rules, without lawful authority and of no legal effect;



- b. Direct the authority to reinstate petitioner in service with all back benefits ; and/or
- c. Any other writ/order/direction deem proper and just in the circumstances of the case, be also issued/ordered/given.

Petitioner

Through



Saadullah Khan Marwat



Arbab Saif-ul-Kamal  
Advocates

Dated 08-11-2017


**LIST OF BOOKS:**

- 1. Constitution.
- 2. 2016 SCMR 1206
- 3. 2008 PLC (CS) 609

4. 2017 S.C. 864

**CERTIFICATE:**

Certified that as per instruction of petitioner, no such petition was filed before this Hon'ble court. (D.B Case)



Advocate



**PESHAWAR HIGH COURT, PESHAWAR.****FORM 'A'**  
**FORM OF ORDER SHEET**

Date of order.	Order or other proceedings with the order of the Judge
18.11.2020	<p data-bbox="635 407 880 443"><u>W.P.No.4595-P of 2017.</u></p> <p data-bbox="635 458 1216 520"><b>Present:</b> Mr.Saadullah Khan Marwat, advocate for the petitioner.</p> <p data-bbox="756 535 1216 597">Syed Qaisar Ali Shah, AAG for the Provincial Government.</p> <p data-bbox="756 613 1136 674">Mr.Khaled Rehman, advocate for the respondent No.2.</p> <p data-bbox="826 680 865 690">-----</p> <p data-bbox="692 726 1216 1076"><b><u>LAL JAN KHATTAK, J.-</u></b> On second thought learned counsel for the petitioner stated at the bar that in view of the judgment reported in <b>PLD 1994 SC 539</b> he would be satisfied if this petition is sent to the Khyber Pakhtunkhwa Services Tribunal, Peshawar for its disposal in accordance with law to which the latter got no objection.</p> <p data-bbox="644 1102 1216 1344">2. In view of the above, we send the instant petition to the Khyber Pakhtunkhwa Service Tribunal, Peshawar in original to be treated as appeal, which shall be decided according to law. Office shall retain photocopy of each such document for record.</p> <p data-bbox="1139 1411 1225 1447" style="text-align: right;">JUDGE-</p> <p data-bbox="1139 1550 1225 1586" style="text-align: right;">JUDGE</p>

Sadq Shah, CS (DB) (Hon'ble Mr. Justice Lal Jan Khattak &amp; Hon'ble Mr. Justice Syed Muhammad Attique Shah)



**IN THE PESHAWAR HIGH COURT, PESHAWAR**W. P. No. 4261-P / 2018

Ghulam Ishaq, S/o Ghulam Nabi  
 R/o H.No. 6A, Kamran Street,  
 Chairman Town, Gulbahar No. 4,  
 Peshawar, Ex, Junior Clerk,  
 Office of Muhammad Asghar Ali,  
 Judicial Magistrate IX, Peshawar . . . . . Petitioner

**VERSUS**

1. District & Sessions Judge, Peshawar.
2. Registrar, Peshawar High Court, Peshawar.
3. Departmental Selection Committee,  
 Through R. No. 01 . . . . . Respondent(s)

⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄

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

⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄

**Respectively Sheweth:**

1. That petitioner has in his credit the educational qualification of BS Commerce equivalent to M.Com degree. (Copies as annex "A")
2. That the department advertised numerous posts of Junior Clerks and petitioner along with others applied to the same for appointment as such. (Copy as annex "B")
3. That NTS test was taken from all the candidates and perhaps the

**ATTESTED**

**EXAMINER**  
 Peshawar High Court

4. That interview was scheduled for the purpose and after going through the pros and cons of the matter, petitioner was appointed as Junior Clerk B-11 on the recommendation of Departmental Selection Committee vide order dated 22-11-2017 along with others by R. No. 01, figuring his name at S. No. 18. On the said date, charge of the assignment was assumed and was posted with the Court of Civil Judge-XXXII, Peshawar. (Copy as annex "C")
5. That petitioner became astonished when he received Show Cause Notice from R. No. 01 on 28-04-2018, leveling allegation that he was not possessing the minimum speed of 30 words per minute but such allegation was totally false and absolutely incorrect as such allegation should have been seen by the Selection Committee before issuing of order of appointment of appellant. (Copy as annex "D")
6. That on 30-04-2018, Show Cause Notice was replied by the petitioner and denied the allegation in toto. (Copy as annex "E")
7. That regular enquiry was must in the matter but without conducting regular enquiry, recording statements of Prosecution, Selection Committee and other relevant, order of termination was cancelled and services of petitioner were terminated and he was relieved from duties vide order dated 02-05-2018 issued by R. No. 01. Thus service / career of petitioner was stigmatized as stated in the impugned office order for no legal reason. (Copy as annex "F")
8. That on 07-05-2018, petitioner submitted representation before R. No. 02 for reinstatement in service which met dead response till date. (Copy as annex "G")

Hence this Writ Petition, inter alia, on the following grounds:

**GROUND:**

- a. That petitioner was appointed as Junior Clerk in B-11 after observing the due codal formalities enunciated in the Rules.
- b. That the allegation of low speed in typing was totally false and illegal as order of appointment of petitioner was not issued with closed eyes but

**ATTESTED**  
  
**EXAMINER**  
Peshawar High Court



- c. That service of petitioner was stigmatized which requires regular probe as per the mandate of Law and Rules.
- d. That no enquiry, what so ever, was conducted in the matter as per Law and Rules, while on the other hand, major penalty of removal from service was imposed by him for no legal and just reason.
- e. That order of appointment was issued by the competent authority gave vested rights to petitioner which cannot be taken at a single stroke of pen.
- f. That petitioner served the department for about five months but no salary of the said period was paid to him.
- g. That neither in Show Cause Notice nor in order of termination, any enactment is mentioned to ascertain position.
- h. That when R. No. 01 issued order of appointment of petitioner as such, R. No. 01 shall not travel beyond its mandate, earlier given in the matter. The impugned order is based on malafide.

It is, therefore, most humbly prayed that on acceptance of the Writ Petition, in exercise of the extraordinary constitutional jurisdiction, this Hon'ble Court be pleased to:

- a. Declare order dated 02-05-2018 of R. No. 01 to be illegal, improper, unjust, malafide, discriminatory, without lawful authority and of no legal effect.
- b. Direct the authority to reinstate petitioner in service with all service benefits;

**AND / OR**

- c. Any other writ / order /- direction deemed proper and just in the circumstances of the case may also be issued / order / given.

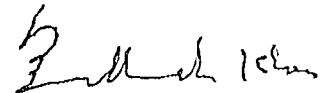
**ATTESTED**  
**EXAMINER**  
Peshawar High Court

13**Interim Relief:**

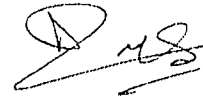
By keeping in view the aforesaid facts and circumstances of the case, respondents be directed to not fill up the post till the decision of the case.

Petitioner(s)

Through



Saadullah Khan Marwat


Amjad Nawaz  
Advocates

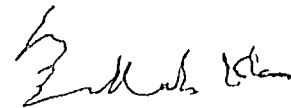
Dated 28-08-2018

**LIST OF BOOKS:**

1. Constitution.
2. 2016 SCMR 1206
3. 2008 PLC (CS) 609

**CERTIFICATES:**

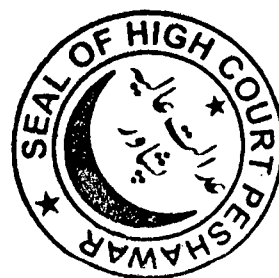
As per instructions of my client, certified that no such like Writ Petition was earlier filed by the petitioner before this Honorable Court.  
(D.B Case)



Advocate

**ATTESTED****EXAMINER  
Peshawar High Court**

PESHAWAR HIGH COURT, PESHAWAR  
FORM "A"  
FORM OF ORDER SHEET.



Court of .....  
Case No. ....

Serial No of order or proceeding	Date of Order or Proceeding	Order or other proceedings with Signature of judge or Magistrate and that of parties or counsel where necessary
1	2	3
	11.6.2019.	<p><u>WP No.4261-P/2018.</u></p> <p><u>Present:-</u></p> <p>Mr. Saadullah Marwat Advocate, for the petitioner.</p> <p>Mr. Khalid Rehman Advocate, for respondents.</p> <p>=====</p> <p><b><u>IKRAMULLAH KHAN, J:-</u></b>Through the instant petition under Article 199 of the Constitution of Islamic Republic of Pakistan 1973, petitioner has prayed for the following relief:-</p> <p><b><i>“that on acceptance of the writ petition in exercise of the extraordinary constitutional jurisdiction, this hon’ble Court be pleased to:</i></b></p> <p>a. <b><i>Declare order dated 2.5.2018 of R. No.1 to be illegal, improper, unjust, malafide, discriminatory, without lawful authority and of no legal effect.</i></b></p> <p>b. <b><i>Direct the authority to reinstate petitioner in service with all service benefits.</i></b></p> <p>c. <b><i>Any other writ/ order/ direction deemed</i></b></p>

**ATTESTED**

**EXAMINER**  
Peshawar High Court

*proper and just in the circumstances of the case may also be issued/ order/ given."*

2. In essence, petitioner and many others were appointed by respondent No.1 District & Sessions Judge, vide consolidated order dated 22.11.2017 as Junior Clerk (BPS-11), however, the said selection process were complained by some other candidates, who were not appointed although claiming to be deserving candidates for appointment. The then Honourable Chief Justice of this Court, constituted a team to inquire the matter of appointment made by the then District & Sessions Judge, namely "Anwar Ali Khan" now retired.

3. The Committee found that the selection was not fair and many candidates, who were not eligible to be appointed, were allegedly appointed. According to the report of Inquiry Committee, petitioner was declared failed in the required aptitude test held by "NTS" but even then he was appointed. As such, in view of the report of Inquiry Committee, proper show cause notices were

**ATTESTED**

**EXAMINER**  
Peshawar High Court

issued to petitioner and others, and after proper procedure, petitioner was duly terminated.

4. As the appointment of petitioner was void ab initio, illegal and result of other consideration therefore, he has no right to be re-instated. No one shall be awarded credit of its ill-gotten gain. Therefore, this writ petition being meritless is dismissed accordingly.

Announced.  
11.6.2019.

  
JUDGE

  
JUDGE

**CERTIFIED TO BE TRUE COPY**

**EXAMINER**  
Peshawar High Court, Peshawar  
Authorised Under Article 8.7 of  
The Qanun-e-Shahadat Order 1984

**08 JUN 2020**

"A.Qayum PA"

(DB)

Hon'ble Mr. Justice Ikramullah Khan & Hon'ble Justice Ms. Musarrat Hilali.

**ATTESTED**  
  
**EXAMINER**  
Peshawar High Court

C<sup>m</sup> 17

2016 S C M R 1206

[Supreme Court of Pakistan]

Present: Gulzar Ahmed, Dost Muhammad Khan and Tariq Parvez, JJ

KHAN TOTI and others---Petitioners

Versus

GOVERNMENT OF NWFP through Secretary Finance and others---Respondents

Civil Petition No.2167 of 2014, decided on 16th March, 2016.

(On appeal from the judgment dated 22-9-2014 passed by the Peshawar High Court, Mingora Bench (Dar-ul-Qaza), Swat in C.R. No.1141-P of 2007)

(a) Khyber Pakhtunkhwa Subordinate Judiciary Service Tribunal Act (VIII of 1991)---

----S. 3(2)---Khyber Pakhtunkhwa Service Tribunals Act (I of 1974), Ss. 2(a) & 3(2)---Staff of District judiciary---Moharars, Readers and Examiners---Not "civil servants"---Not amenable to jurisdiction of the Provincial Service Tribunal---Ministerial or menial staff of the District Judiciary could not be made subject to jurisdiction of the Provincial Service Tribunal, holding them civil servants as the same would amount to reverse all the efforts made so far in securing independence and separation of the judiciary from the executive.

(b) Khyber Pakhtunkhwa Subordinate Judiciary Service Tribunal Act (VIII of 1991)---

----Preamble---Constitution of Pakistan, Art. 25---Staff of District judiciary---Moharars, Readers and Examiners---Discrimination---Notification issued by Provincial Government extending financial and other benefits of service to all the employees/civil servants in BPS-5, 6, 7 and 9---Provincial Finance department also extending same financial benefits to Moharars, Readers and Examiners attached to district judiciary---Objection by Accountant General---Validity---Moharars, Readers and Examiners attached to the District Judiciary were holding similar grades/BPS scales like senior and junior clerks serving in the executive department, therefore they were entitled to the same benefit like others---Objection of the Accountant General in such circumstances was thus of no legal effect as it would be hit by the prohibition (against discrimination) contained in Art. 25 of the Constitution - Appeal was allowed accordingly with the direction that all benefits accrued to the staff of district judiciary shall be returned to them within two months.

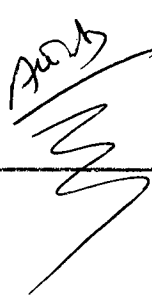
Syed Safdar Hussain, Advocate Supreme Court for Petitioners.

Waqar Ahmed Khan, Additional A.-G. Khyber Pakhtunkhwa.

Syed Nayyab Hassan Gardezi, Advocate Supreme Court Standing Counsel for Attorney General for the Federation.

Date of hearing: 16th March, 2016.

JUDGMENT



**DOST MUHAMMAD KHAN, J.**---Petitioner Khan Toti along with 17 others and proforma respondents Nos.8 and 9 have questioned the legality, propriety and legitimacy of the judgment of learned Single Judge of the Peshawar High Court, Mingora Bench, Swat in C.R. No.1141-P/07. Leave to appeal is sought against the impugned judgment dated 22.09.2014 by the petitioners on various grounds.

We have heard Syed Safdar Hussain, learned ASC for the petitioners, Mr. Waqar Ahmed Khan, learned Addl. A.G. KPK and Syed Nayyab Hussain Gardezi, learned ASC, Standing Counsel for the Federation and have carefully gone through the record as well as the law, rules and regulations, applicable to the subject matter.

2. The epitome of the controversy relates to the issuance of notification by respondents Nos.1 to 4, officials of Government of NWFP (KPK) dated 22.7.1987 to extend financial and other benefits of service to all the employees/civil servants in BPS-5, 6, 7 and 9. The employees of BPS-5 were given @33% Selection Grade in BPS-7 and employees of BPS-6 were allowed Selection Grade in BPS-7 and 33% posts were placed in Selection Grade BPS-9. Similarly, the notification thus issued, has extended further benefit of two advance increments to those employees who had passed FA examination while to those who had got Bachelor Degree were allowed three advance increments.

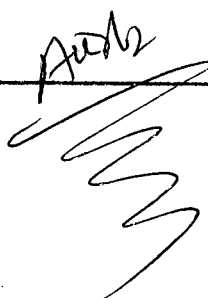
3. The Executive/Administrative authorities, not well conversant with the judicial branch of the District Judiciary, could not clarify the nomenclatures of the Readers, Moharars, Examiners and other alike, who in fact are Senior or Junior Clerks in the above grades. However, through a letter dated 27.07.1989, issued by the Finance Department, the petitioners and proforma respondents were extended the benefits, therefore, that controversy, although was put at rest but still agitated by the respondent government.

4. The learned ASC for the official respondents raised preliminary objection that the Civil Court was having no jurisdiction to entertain the subject matter as the petitioners and proforma respondents, being civil servants and the matter relates to the terms and conditions of their service thus, the impugned judgment of the Peshawar High Court is not open to any exception.

On the other hand, learned ASC for the petitioners vehemently contended that it is a classic case of discrimination, which is squarely prohibited by Article 25 of the Constitution and that, once such amount was paid to the petitioners and proforma respondents in light of the clarification of the Finance Department's letter dated 27.07.1989 then, the official respondents were stopped to make a retrace or to turn volta-face and that, after separation of Judiciary from the Executive, right from the lower tier, the petitioners and proforma respondents were servants of the Province but keeping in view the scheme of the Constitution and the law on the subject after complete separation of Judiciary from the Executive limb of the State, the petitioners could not be termed in strict legal sense as civil servants in the affairs of the Provinces to make them amenable to the jurisdiction of the Provincial Services Tribunal. The learned Judge in the High Court committed legal and jurisdictional error, accepting such objection of the official respondents who were petitioners before the High Court because of the above legal and constitutional position, the learned ASC further added.

5. In view of the Objectives Resolution, which is now integral part of the Constitution by way of Article 2A thereof and the command contained in Sub-Article (3) of Article 175 of the Constitution clearly providing without any exception that the Judiciary shall be separated progressively from the Executive within a period of three years from the commencing day. However the same was extended to five years by the Constitution (Fifth Amendment) Act, 1976 and then to 14 years through 'Presidential Order'.

6. Although no successive government made any effort to comply with the commanding language of the above Article, completely separating or securing the independence of Judiciary at all



levels and tiers, however, it was in Sharaf Faridi's case when the Sindh High Court gave an authoritative judgment which was then challenged by the Government of Sindh and others through Chief Secretary before the Supreme Court of Pakistan. A larger Bench of five Hon'ble Judges, including the then Hon'ble Chief Justice while dealing with the issue of separation of judiciary at all tiers and to secure its independence in all spheres including financial independence, after the Federal Government and all the four Provincial Governments conceded to the constitutional requirements, gave authoritative judgment in the case of Govt. of Sindh v. Sharaf Faridi (PLD 1994 SC 105) by laying down exhaustive and comprehensive guidelines to that effect. The Court also elaborated on Law Reforms Ordinance 1972 (XII of 1972) provided for the securing of complete separation of judiciary from the Executive.

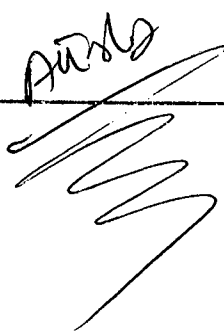
7. Necessary directions were issued to all the Governments to amend the Civil Servants Acts of the Provinces and the Federal one and the Appointment, Promotion/Transfer Rules and also E&D Rules framed thereunder to establish the authority of the Chief Justices of the High Courts and that of the Supreme Court of Pakistan with regard to the subordinate Judiciary of the High Courts and its para legal staff and also of the High Courts Ministerial Establishment to draw a clear demarcation line between the Executive and the Judiciary. The latter one was to fall within the exclusive domain of the Supreme Court and the High Courts, All those directions were given effect in due course.

8. The Governors of the Provinces, particularly of NWFP (KPK) delegated all their powers to the Chief Justices of the High Courts to deal with the Judicial officers subordinate to the High Courts and the paralegal staff with further powers to further delegate their powers to any other authority within the High Courts or the District Judiciary.

9. For the redressal of grievance in the matter of Terms and Conditions of Service, Subordinate Judiciary Service Tribunal Act was enacted with the object that the Provincial Service Tribunal was ceased to exercise any jurisdiction with regard to the terms and conditions of the Judges of the Courts subordinate to the respective High Courts.

10. On the other hand, the Finance Division of the Federal Government and the Finance Departments of all the Provincial Governments delegated extensive powers under the Financial Rules to the Chief Justice of Pakistan and Chief Justices of the High Courts as a competent authority to deal with all financial matters including the powers to create or abolish any post, upgrade or down grade or increase the number of posts in the establishment of the Supreme Court, High Courts and District Judiciary with the only exception that the expenditure is to be met within the budget, separately allocated to the Supreme Court and the Four High Courts. Keeping in view the above constitutional and legal position the Judiciary stood separated for all purposes and intents from the Executive.

11. If the paralegal staff of the District Judiciary is construed to be a civil servant, amenable to the jurisdiction of the Provincial Service Tribunal, which is ordinarily presided over by a District and Sessions Judge, nominated by the Chief Justices of the respective High Court on the request of the provincial governments while rest of all the members belong to the executive limb of the State in the Provinces then, a serious inexplicable situation may be emerged because certain posts of the paralegal staff of the District Judiciary has now been up-graded to BPS-17 and above to take action for breach of discipline or to impose punishment, the Chief Justice of the High Court alone is the competent authority while in other cases the District and Sessions Judges for the employees from grade 1 to 15 are the competent authorities and appeal against their decisions shall lie to the Chief Justice thus, the Chief Justice or to say the High Court and the District and Sessions Judges would be arrayed as respondents in appeal before the Provincial Service Tribunal, rendering them answerable to such Tribunals and to defend themselves before the different benches of the Service Tribunal headed by members from the Executive Authority, except the Chairman who too is subordinate to the Chief Justice and his nominee.





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12. Even otherwise under Article 175(3) of the Constitution the Chapter is prefaced with the nomenclature "the Judicator". The scheme of the Constitution and the law on the subject clearly envisages that the Judiciary is the one and a single ladder where different rungs are working therein right from the District Judiciary, its ministerial staff or menial staff, the High Court establishment staff and the Supreme Court Establishment Staff. Therefore, throwing back the ministerial or menial staff of the District Judiciary at the mercy of the Provincial Service Tribunal, holding them civil servants would amount to reverse all the efforts made so far in securing independence and separation of the judiciary from the executive and the landmark judgment in Sharaf Faridi case would become of no judicial efficacy rather would be rendered ineffective.

13. Even in the British era, rules were framed by the Judicial Commissioner under section 27(3) of the North-West Frontier Province (KPK) Courts Regulation, 1 of 1931 for the subordinate services attached to the civil courts (District Judiciary) other than the Judicial Commissioner's Court. In clause (ix), although the NWFP Civil Services (Punishment and appeal) Rules, 1943 were made applicable where against inflicting a penalty on any member of paralegal staff by the subordinate Judge under clause (1) of Rules (IX-A) appeal shall lie to the senior subordinate Judge and in the case of order passed by the senior subordinate Judge under Rule A, the appeal shall lie to the District Judge. However, any penalty imposed by the District Judge in original jurisdiction under clauses (b) and (c) of rule 8, the appeal was to lie to the Judicial Commissioner and further appeal under rule 10 of the Punishment and Appeal Rules had to lie before the Governor of the Province.

14. We have extensively studied the Civil Servants Appointment, Promotion and Transfer Rules of 1975 and the NWFP Civil Servants Appointment, Promotion and Transfer Rules 1981 but could not find any provision specifically or by necessary implication repealing the rules of 1937, framed by the Judicial Commissioner with the approval of; the Governor of the NWFP.

15. Leaving aside that aspect of the matter for a moment, a similar proposition came up before this Court in the case of I.A. Sharwani and others v. Government of Pakistan through Secretary Finance Division, Islamabad and others (1991 SCMR 1041). The larger Bench of five Hon'ble Judges made exhaustive scrutiny of Article 212 of the Constitution and sections 4 and 3 of the Service Tribunals Act, (LXX) of 1973. In this case the controversy was with respect to granting of pensionary benefits to a class of retired employees of Executive Branch, who had retired within a particular period while the same was denied to another class of employees similarly placed, who had retired in another period. The then learned Attorney General raised preliminary objection that the Constitution Petitions before the High Court and then before this Court under Article 212 thereof were clearly barred and the same were liable to be dismissed on that ground alone. The Hon'ble Larger Bench after construing the provisions of Article 212 of the Constitution and section 4 of the Federal Service Tribunal Act, 1973 held that right of appeal is only accrued to a civil servant, if he is aggrieved by any final order, whether original or appellate, made by the departmental authority in respect of any of the terms and conditions of the services where the Service Tribunal has the jurisdiction to the exclusion of other courts under subsection (1) thereof. It was further held that it must follow that the Service Tribunal does not have jurisdiction to adjudicate upon a particular type of grievance, thus, the jurisdiction of the Court remained intact. It was further pointed out that the Tribunal was having jurisdiction against the final order whether original or appellate passed by the departmental authority relating to the terms and conditions of the service. This Court further held that the question, therefore, arises whether the notification containing the provisions for payment of enhanced pension to one class of retired employees which had been denied to the petitioners, can be treated as a final order, original or appellate, passed by the departmental authority in respect of any term and condition of service. Reliance was placed by the then Attorney General on the cases of M.A. Yamin Qureshi v. Islamic Republic of Pakistan and others (PLD 1980 SC 22), (ii) Iqan Ahmed Khurram v. Govt. of Pakistan and others (PLD 1980 SC 153), (iii) The Controller, Central Excise and Land Customs and others v. Aslam Ali Shah (PLD 1985 SC 82), (iv) The Superintendent of

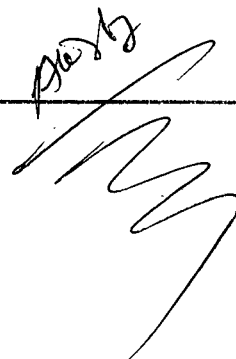
Police, Headquarters Lahore and 2 others v. Muhammad Latif (PLD 1988 SC 387) and (v) Abdul Wahab Khan v. Govt. of the Punjab and 3 others (PLD 1989 SC 508).

The view taken therein was also not dissented from, rather followed however it was further held that the petitioners' case is solely founded on the ground of discriminatory treatment in violation of Article 25 of the Constitution and not because of breach of any provision of Civil Servants Act or the rules framed thereunder. It was further held that the question involved is of public importance as it affects all the present and future pensioners and, therefore, falls within the compass of clause (3) of Article 184 of the Constitution however, it was clarified that a civil servant cannot by-pass the jurisdiction of the Service Tribunal by adding a ground of violation of the fundamental rights. The Service Tribunal will have jurisdiction in a case which is founded on the terms and conditions of the service even it involves the question of violation of the fundamental rights. The contention of the learned Attorney General, who then was, repelled and it was further held in para-12 of the judgment at page 1064, which reads as follows:

"The plain language of Article 184(3) shows that it is open-ended. The Article does not say as to who shall have the right to move the Supreme Court nor does it say by what proceedings the Supreme Court may be so" moved or whether it is confined to the enforcement of the Fundamental Rights of an individual which are infringed or extends to the enforcement of the rights of a group or a class of persons whose rights are violated. In this context the question arises whether apart from the non-incorporation of sub-Articles 1(a) and 1(c) of Article 199, the rigid notion of an "aggrieved person" is implicit in Article 184(3) as because of the traditional litigation which, of course, is of an adversary character where there is a lis between the two contending parties, one claiming relief against the other resisting the claim. This rule of standing is an essential outgrowth of Anglo-Saxon jurisprudence in which only the person wronged can initiate proceedings of a judicial nature for redress against the wrong-doer. However, in contrast to it, this procedure is not followed in the civil law system in vogue in some countries. The rationale of this procedure is to limit it to the parties concerned and to make the rule of law selective to give protection to the affluent or to serve in aid for maintaining the status quo of the vested interests. This is destructive of the rule of law which is so worded in Article 4 of the Constitution as to give protection to all citizens. The inquiry into law and life cannot, be confined to the narrow limits of the rule of law in the context of constitutionalism which makes a greater demand on judicial functions. Therefore, while construing Article 184(3), the interpretative approach should not be ceremonious observance of the rules or usages of interpretation, but regard should be had to the object and the purpose for which this Article is enacted, that is, this interpretative approach must receive inspiration from the triad of provisions which saturate and invigorate the entire Constitution, namely, the Objectives Resolution (Article 2-A), the Fundamental Rights and the Directive Principles of State policy so as to achieve democracy, tolerance, equality and social justice according to Islam."

In para 13 of the judgment it was further held that even otherwise, the above proceedings are in the nature of public interest litigation and, therefore, in order to advance the cause of justice and public good, the power conferred on this Court under clause (3) of Article 184 of the Constitution is to be exercised liberally unfettered with technicalities. In this regard, reference may be made to the case of D.S. Nakara and others v. Union of India (AIR 1983 SC 130), on which Mr. Samdani has heavily relied upon in support of his case on merits and in which inter alia the following observations have been made which read as follows:-

"64. Locus standi of third petitioner was questioned. Petitioner No.3 is a Society registered under the Societies Registration Act of 1860. It is a non-political non-profit and voluntary organization. Its members consist of public spirited citizens who have taken up the cause of ventilating legitimate public problems. This Society received a large number of



representations from old pensioners, individually unable to undertake the journey through labyrinths of legal judicial proceeds, costly and protracted and, therefore, approached petitioner No.3 which espoused their cause. Objects for which the third petitioner-Society was formed were not questioned. The majority decision of this Court in *S.P. Gupta v. Union of India*, 1981 (Supp) SCC 87 (AIR 1982 SC 149) at p.194, rules that any member of the public having sufficient interest can maintain an action for judicial redress for public injury arising from breach of public duty or from violation of some provisions of the Constitution or the law and seek enforcement of such public duty and observance of such constitutional or legal provision. Third petitioner seeks to enforce rights that may be available to a large number of old infirm retirees. Therefore, its locus standi is unquestionable."

16. The learned Bench further held that the upward revision of pay and pension by the government was in recognition of rising costs of living and escalating inflationary tendency in the economy and also decrease in the economic value of rupee and, therefore, the same consideration should apply to all the pensioners irrespective of their dates of retirement.

In the ultimate end the petition was allowed while invoking the jurisdiction of this Court under Article 184 (3) of the Constitution and the notification/enactment of the government denying increase of pension to a particular class of pensioners who had retired from a particular date and giving the same to the other class of pensioners who had retired from another particular date being discriminatory and violative of Article 25 of the Constitution and the prayed relief was thus, granted.

17. In the present case too, the Moharars, Readers and Examiners are holding similar grades/BPS scales like Senior and Junior Clerks serving in the executive department. We deem it essential to clarify that post and grade are two different nomenclatures. Realizing the mistake committed by the Finance Department, the same was clarified vide letter dated 27.07.1989 holding the petitioners working as Readers, Moharars, Examiners etc. attached to the District Judiciary entitled to the same benefit like others therefore, the objection of the Accountant General or anybody else would be of no legal effect as it would be hit by the prohibition contained in Article 25 of the Constitution. Under Article 5 of the Constitution it is the imperative obligation of the functionaries of the State to abide by the Constitution and the law because it has been held inviolable obligation of every citizen wherever he may be and of every other person for the time being within Pakistan.

18. Now we are confronted with another situation because while exercising limited revisional jurisdiction the learned Judge of the Peshawar High Court, Mingora Bench Swat after setting aside the judgment and decree of the Civil Court remanded the case to it with further directions to return the plaint to the petitioners-plaintiffs to approach the Provincial Service Tribunal. In this regard while placing reliance on the dicta laid down by this Court in the case of *I. A. Sherwani (supra)* it would be highly painful and tiring-some for the petitioners plaintiffs if the case is remanded to the High Court, to be re-decided in light of the above proposition of law and Constitution because they would again incur heavy expenses on the fresh litigation before the High Court, engaging services of lawyers besides it will be time consuming factor as well, while on the other hand they have been given highly discriminatory treatment for no plausible reason whatsoever and deduction is being made from their monthly salaries or the pensionary benefits, thus, they would suffer agony of a substantial nature.

19. Accordingly, while following the principle of law enunciated in *I.A. Sherwani's case (ibid)*, and in view of the peculiar facts and circumstances of the present case while invoking the jurisdiction conferred upon this Court under Article 184(3) of the Constitution we hereby declare the impugned action/orders of the official respondents No.1 to 4 to be in violation of strict and prohibitory command contained in Article 25 of the Constitution because the petitioners and proforma respondents/plaintiffs have been treated with sheer discrimination which cannot be approved on any premises whatsoever, therefore, this petition is converted into appeal and the same


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is allowed.

All the deductions so far made from the monthly salaries/ pensionary benefits of the petitioners, proforma respondents/plaintiffs and other alike shall be paid to them back within a period of two months by the official respondents and they are further restrained from deducting the same from the monthly salary/pension of the petitioners/proforma respondents, plaintiffs and other alike and all benefits being accrued to them shall be returned by the official respondents in lump-sum within two months at the most.

MWA/K-3/SC

Appeal allowed.



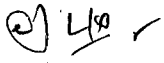
#####  
08-February-2020




Adjournment by

Petitioner	Respondent
0	0

W.P 5652/2019 (MOTION CASES) (Provincial-Civil Services-Termination), Adjourned by the court from 06-Feb-2020 and fixed before H.D.B on 20-Mar-2020. Inform Petitioner and his Counsel.



  
Deputy Registrar

#####  
21-March-2020

Adjournment by

Petitioner	Respondent
0	0

W.P 5652/2019 (MOTION CASES) (Provincial-Civil Services-Termination), Left over by the court from 20-Mar-2020 and fixed before H.D.B on 14-May-2020. Inform Petitioner and his Counsel.



  
Deputy Registrar

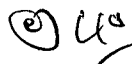
*Agreed -  
Proceed  
21/4/2020*

#####  
30-May-2020

Adjournment by

Petitioner	Respondent
0	0

W.P 5652/2019 (MOTION CASES) (Provincial-Civil Services-Termination), Deleted from 14-May-2020 and fixed before H.D.B on 23-Oct-2020. Inform Petitioner and his Counsel.



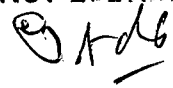
  
Deputy Registrar

#####  
27-October-2020

Adjournment by

Petitioner	Respondent
0	0

W.P 5652/2019 (MOTION CASES) (Provincial-Civil Services-Termination), Left over by the court from 23-Oct-2020 and fixed before H.D.B on 26-Nov-2020. Inform Petitioner and his Counsel.



  
Deputy Registrar

**IN THE PESHAWAR HIGH COURT PESHAWAR**

Inst # 40329

Writ Petitions No. **5652-P/2019** <sup>5001</sup> ~~With IR~~  
In (Suzanne Mallya) (R - Government of Punjab)

**Wakel Khan V /s District & Session Judge District Mohmand**

Presented by Saadullah Khan Marwat  
on behalf of appellat/petitioner.  
Entered in the relevant register.

Be laid Before DB for orders on 20-NOV-19  
*(Signature)*

150790

*(Signature)*  
Reader

**Dated 23 OCT 2019**

**Dated 23 OCT 2019**

Countersigned

**Dated 23 OCT 2019**

*(Large handwritten signature)*  
Deputy Registrar

1  
23-November-2019

*(Signature)*

Adjournment by

Petitioner	Respondent
0	0

**W.P 5652/2019 (MOTION CASES) (Provincial-Civil Services-Termination),**  
Adjourned by the court from 20-Nov-2019 and fixed before H.D.B on  
**06-Feb-2020. Inform Petitioner and his Counsel.**

*(Signature)*

*(Signature)*  
**Deputy Registrar**



Writ Br <phc.writbranch@gmail.com>

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**Wp No. 5652/19 For submission of comments.**

2 messages

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Writ Br <phc.writbranch@gmail.com>

Thu, Nov 21, 2019 at 3:03 PM

To: AG <hamza.ayaz1974@gmail.com>, DAG <dagphc161@gmail.com>, KHALED RAHMAN <khaledrahmanasc@gmail.com>, Khaled Rahman <khaledrahman.advocate@gmail.com>, adnankhanphc@gmail.com

*Dear Sir/Madam,*

السَّلَامُ عَلَيْكُمْ ،

## URGENT COURT MATTER


*Case file alongwith Order of this Honourable Court, is transmitted for information & necessary compliance at the earliest.*


*please acknowledge receipt of this Email.*

WRIT BRANCH (NOTICE SECTION)  
PESHAWAR HIGH COURT, PESHAWAR

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2 attachments

 wp 5652-2019 (20.11.2019).pdf  
28K

 wp5652 2019 Wakeel Khan vs Registrar full USB 27 PG.pdf  
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Writ Br <phc.writbranch@gmail.com>

Thu, Nov 21, 2019 at 3:03 PM


To: dsjmohmand@gmail.com


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28K

 wp5652 2019 Wakeel Khan vs Registrar full USB 27 PG.pdf  
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**Before the Peshawar High Court Peshawar**

**CHECK LIST.**

	Case Title: <u>Masood Khan</u> .....Versus..... <u>Reg: Atmas &amp; Anals</u>		
1.	Case is duly signed.	YES	NO
2.	The law under which the case is preferred has been mentioned.	YES	NO
3.	Approved file cover is used.	YES	NO
4.	Affidavit is duly attested and appended.	YES	NO
5.	Case and annexure are properly paged/ numbered according to index.	YES	NO
6.	Copies of annexure are legible and attested. If not, then better copies duly attested have been annexed.	YES	NO
7.	Certified copies of all the requisite documents have been filed.	YES	NO
8.	Certificate specifying that no case on similar grounds was earlier submitted in this court, filed.	YES	NO
9.	Case is within time.	YES	NO
10.	The value for the purpose of court fee and jurisdiction has been mentioned in the relevant column.	YES	NO
11.	Court fee in shape of stamp paper is affixed. (for writ Rs.500, for other was required).	YES	NO
12.	Power of attorney is in proper form.	YES	NO
13.	Memo of addresses filed.	YES	NO
14.	List of books mentioned in the petition.	YES	NO
15.	The requisite number of spare copied attached. (Writ Petition-3 Nos, Civil Appeal (SB-1, DB-2) Civil Revision (SB-1, DB-2).	YES	NO
16.	Case (Revision/appeal/petition etc.) is filed on the prescribed form.	YES	NO
17.	Power of attorney is attested by jail authority (for jail prisoner only).	YES	NO

It is certified that formalities/documents as requires in column 2 to 18 above, have been fulfilled.

Signature: Masood Khan

Saeedullah Khan Masood  
Advocate Peshawar.

Date: 23/10/2019

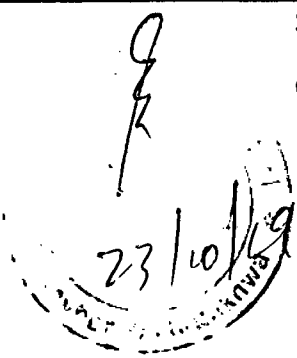
For office use only.

Case No. \_\_\_\_\_  
Case received: \_\_\_\_\_  
Complete in all respect; Yes/No (if No the grounds) \_\_\_\_\_

Date in court: \_\_\_\_\_

Date: \_\_\_\_\_  
(Deputy Registrar)

Signature: \_\_\_\_\_  
(Reader)  
Countersigned \_\_\_\_\_





**IN THE PESHAWAR HIGH COURT, PESHAWAR**

W.P. No. 5652P / 2019  
*Service Appeal No. 220/2022*

Wakeel Khan

versus

Registrar & Another

**I N D E X**

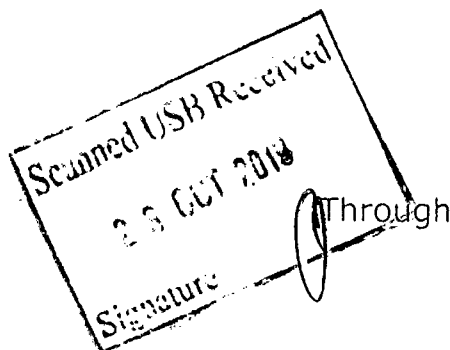
S.#	Description of Documents	Annex	Page
1.	Opening Sheet		"A"
2.	Memo of Writ Petition		1-4
3.	Affidavit		5
4.	Addresses of parties		6
5.	Domicile Certificate of brother, 02-09-1996	"A"	7-8
6.	Domicile Certificate of Petitioner, 29-04-18	"B"	9-10
7.	Advertisement	"C"	11
8.	Appointment order dated 14-06-2019	"D"	12-14
9.	Police Clearance Certificate dated 13-03-19	"E"	15
10.	Resignation application dated 29-08-2019	"F"	16
11.	Reliving order dated 30-08-2019	"G"	17
12.	Domicile certificate of Petitioner 16-09-2019	"H"	18-19
13.	Applications for legal action against Constable Noman	"I"	20-21
14.	Representation dated 08-10-2019	"J"	22- <del>24</del>
15.	Court Fee Rs. 500/-		
16.	Wakalatnama		

FILED TODAY

Deputy Registrar

23 OCT 2019

Dated: 10-10-2019



Petitioner(s)

*3*  
*Wakeel Khan*  
Saadullah Khan Marwat  
Advocate,  
21-A Nasir Mension,  
Shoba Bazar, Peshawar  
Ph: 0300-5872676

A

**IN THE PESHAWAR HIGH COURT, PESHAWAR  
OPENING SHEET FOR WRIT BRANCH**

Date of Filing: 21.10.2019

District:

Case Type; Writ Petition

Nature of Original Proceedings:

Category Code 

5	0	7	1	2	
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(Categories & Sub categories are given at the back of the opening sheet)

Review/ Contempt of Court in respect of:

Writ of: 

<b>Heabus Corpus</b>	<b>Prohibition</b>	<b>Mandamus</b> ✓	<b>Qua Warranto</b>	<b>Certiorari</b>
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If Certiorari:

Forum	Date	Interlocutory/ Final Order	Case Pertains to
			<input type="checkbox"/> SB
			<input checked="" type="checkbox"/> DB

Petitioner Name: Wakeel Khan  
Mobile No.: 0301-8887028  
Address: Hadi Khel, Tehsil Khewezai, District Mohmand.  
CNIC No.: 17101-1292680-5  
Email Address:

Counsel for Petitioner(s): Saadullah Khan Marwat  
Mobile No.: 0300-5872676 0333-9107737  
Address: Office: 21-A Nasir Mansion, Shoba Bazar, Peshawar.  
CNIC No.: 17301-5715943-7  
Email Address: handsome9946@gmail.com

Respondents: 1. District & Session Judge, District Mohmand.  
2. Registrar, Peshawar High Court, Peshawar.  
Address: As Per Writ Petition.

**ORIGINAL ORDER/ ACTION/ INACTION COMPLAINED OF:**  
To declare order dated 30-08-2019 of R. No. 01 to be illegal.

**PRAYER**  
Respondents be directed to reinstate petitioner in service with all consequential benefits.

**LAW/ RULES/ GOVERNING THE ORIGINAL PROCEEDINGS/ ACTION/ LOCATION**  
Constitution of Pakistan , 1973,

Signature Wakeel Khan

Note: Any suggestion to improve the pre-format will be appreciated.

FILED TODAY  
Deputy Registrar  
23 OCT 2019

**IN THE PESHAWAR HIGH COURT, PESHAWAR**

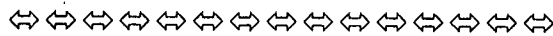
W. P. No. 5652P/2019

*Service Appeal No. 220/2022*

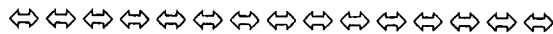
Wakeel Khan S/O Sawab Gul,  
R/O Hadi Khel, Tehsil Khewezai,  
District Mohmand,  
Ex-Driver of Court of Additional  
Session Judge District Mohmand . . . . . Petitioner

**VERSUS**

1. District & Sessions Judge,  
District Mohmand.
2. Registrar, Peshawar High  
Court, Peshawar. . . . . Respondent



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



**Respectively Sheweth:**

1. That on 02-09-1996, Domicile Certificate was issued to the brother of petitioner namely Mohammad Rehman S/O Sawab Gul by the then Assistant Political Agent, Mohmand Agency at Ghalani. (Copy as annex "A")
2. That on 29-04-2018, petitioner was also issued Domicile Certificate of the said cast. (Copy annex "B")
3. That R. No. 01 advertised numerous posts of various categories including ten (10) posts of Drivers at S. No. 01. (Copy annex "C")

**FILED TODAY**  
Deputy Registrar  
**23 OCT 2019.**

4. That after observing the due codel formalities, petitioner was appointed as Driver at S. No. 02 of the appointment order on the recommendation of Departmental Selection Committee vide order dated 14-06-2019 by R. No. 01. (Copy annex "D")
5. That on 13-03-2019, the Police Department clarified the status of petitioner to be true and correct of the aforesaid case, area, etc. (Copy annex "E")
6. That Domicile Certificate of petitioner was sent for verification to the office concerned, but record of the same was not available in the office of the then APA, Mohmand Agency at Ghalani and the District & Session Judge, Mohmand compelled him to submit resignation application from the post to save him from criminal liability and as a consequence, appellant submitted application to him on 29-08-2019. (Copy annex "F")
7. That on 30-08-2019, R. No. 01 issued office order wherein appellant was relieved from his post / duty which copy was received from the office Superintendent on 05-10-2019. (Copy annex "G")
8. That on 16-09-2019, petitioner was issued original Domicile Certificate by Assistant Commissioner, Mohmand Tribal District, Office of Deputy Commissioner Mohmand Tribal District at Ghalani on the aforesaid pattern. (Copy annex "H")
9. That as stated earlier, record of Domicile Certificate dated 29-04-2018 of petitioner was not available in the said office, so he submitted application before Assistant Commissioner Mohmand Tribal District to initiate legal action against Noman S/O Kamel R/O Prang Ghar, Utman khel Mohmand followed by subsequent application before District Police Officer, District Mohmand at Ghalani the then Levy Constable now Police Constable for the said purpose by handing over to him the said Certificate. Noman Constable was / is performing duty in the said office. (Copy annex "I")
10. That on 08-10-2019, petitioner submitted representation before R. No. 02, but without any response till date. (Copy as annex "J")

**FILED TODAY**  
Deputy Registrar  
**23 OCT 2019**

Hence this Writ Petition, inter alia, on the following grounds:

**IN THE PESHAWAR HIGH COURT, PESHAWAR**

W.P. No. 5652-P / 2019

Wakeel Khan

versus

Registrar & Another

**AFFIDAVIT**

I, Wakeel Khan S/O Sawab Gul, R/O Hadi Khel, Tehsil Khewezai, District Mohmand, EX-Driver of Court of Additional Session Judge, District Mohmand, do hereby solemnly affirm and declare that the contents of the **Writ Petition** are true and correct to the best of my knowledge and belief.

Identified By:




**Saad Ullah Khan**

Advocate



DEPONENT, 1292680-5  
CNIC#: 17101-

Cell No. 0301-8887028

No:.....10084.....
Certified that the above was verified on solemnly affirmation before me in office, this.....10.....
day of.....Oct.....29 by.....Wakeel Khan.....
s/o.....Sawab Gul.....r/o.....Hadi Khel.....
who was identified by.....Saad Ullah.....
Who is personally known to me.....
 Cath. Copy of Affidavit Peshawar High Court, Peshawar

**FILED TODAY**  
 Deputy Registrar  
 23 OCT 2019

**IN THE PESHAWAR HIGH COURT, PESHAWAR**

W.P. No. 5652P 2019

Wakeel Khan

versus

Registrar & Another

**ADDRESSES OF PARTIES**

**Petitioner:**

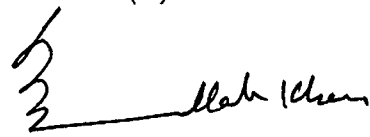
Wakeel Khan S/O Sawab Gul,  
R/O Hadi Khel, Tehsil Khewezai,  
District Mohmand,  
Ex-Driver of Court of Additional  
Session Judge District Mohmand.

**Respondents:**

1. District & Sessions Judge,  
District Mohmand.
2. Registrar, Peshawar High  
Court, Peshawar.

Petitioner(s)

Through

  
Saadullah Khan Marwat  
Advocate

Date: 10-10-2019

**FILED TODAY**  
Deputy Registrar  
**23 OCT 2019**

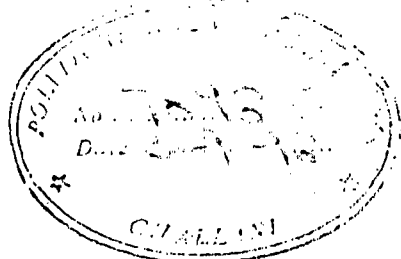
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OFFICE OF THE  
POLITICAL AGENT MOHMAND AGENCY  
Domicile Certificate

Certified that Mr / Miss Mohammad Rehman  
Son / Daughter of Sawala Gul belongs to  
recognised tribe of Mohmand Section 10th Bm and his / her  
father is a permanent bonafide resident of the tribal areas of Mohmand  
Agency sub Section 10th Bm village Sam Ghel Khan and  
he / she is an eligible candidate to avail himself / herself of the seats  
reserved for the special Areas ( Division Peshawar backward Areas  
Mohmand Agency ).  
Category 2 Bm



Countersigned

Political Naib Tehsildar  
*[Signature]*

No. 669 dated 1/1/96

*[Signature]*  
Political Agent Mohmand  
Political Agent  
Ghallani

*[Signature]*  
Assistant Political Agent  
Mohmand Agency  
Upper Mohmand, GHALLANI  
No. 506 Dated 2/9/96

Attested  
*[Signature]*

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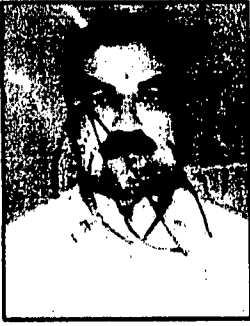


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Handwritten notes in Amster script.



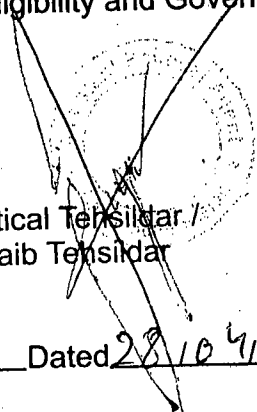
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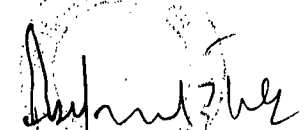
# OFFICE OF THE POLITICAL AGENT MOHMAND AGENCY Domicile Certificate



Certified that Mr. / Miss Wakeel Khan  
 Son/Daughter/Wife of Saniab Gull  
 Resident of Village Khadi Khe Tehsil Khewerai Mohmand Agency  
 belongs to recognized tribe section Khewerai sub section Sani Gully  
 His / her father / spouse is a permanent bonafide resident of the tribal areas of Mohmand  
 Agency in Category A. He / She is entitled to any privilege extended to FATA  
 subject to eligibility and Government policies.

  
 Political Tensildar /  
 Naib Tensildar

No. 101 Dated 28/04/2018

  
 Assistant Political Agent  
 Mohmand Agency

No. 15 Dated 29/04/2018

Countersigned

  
 Political Agent  
 Mohmand Agency

No. 6058 Dated 30/4/2018

Awates  


### بیان حلفی

میں مسی اسماء مسلمہ ولد بنت ازوجہ خواجہ محمد حلفیہ اقرار کرتا ہوں کہ میں مہمند  
ایجنسی کے قبیلہ مہمند سکند دوسری تحصیل تحصیل سے تعلق رکھتا رکھتی ہوں  
سائل اساتذہ: بھی تک کسی اور ایجنسی یا ضلع کا ڈومیسائل حاصل نہیں کیا ہے۔

### بیان ملکان قوم

- (1) سائل اساتذہ کا مواجب ملک مادہ کے ساتھ برابر کا کی شریک ہے۔
- (2) سائل اساتذہ مستقل طور پر ایجنسی کے علاقہ مادہ میں رہائش پذیر ہے۔
- (3) سائل اساتذہ دو کورہ ہے اور دوسرا گھر علاقہ سرکار ایل کورہ میں واقع ہے۔  
سائل اساتذہ نے کوئی دوسرا ڈومیسائل سرٹیفیکیٹ حاصل نہیں کیا ہے۔
- (4) سائل اساتذہ ایجنسی کے ہر نفع اور نقصان میں برابر کا کی شریک ہے۔
- (5) اگر مزکورہ بالا بیان میں کوئی غلطی پائی گئی تو ہم جملہ ملکان حکومت کو پانچ لاکھ (5,00,000) روپے بطور جرمانہ ادا کریں گے۔  
من کر درست تسلیم کیا۔

(1) ملک مادہ (2) ملک مادہ  
شناختی کارڈ نمبر 11711611-92796020 شناختی کارڈ نمبر 142-3304609-8  
بیاد مادہ  
(3) ملک مادہ (4) ملک مادہ  
شناختی کارڈ نمبر 01466-67285215 شناختی کارڈ نمبر 21906-17722389

ATTESTED

PT / PNT

Attested  
M

# اطلاع عام

ضلعی عدلیہ مہمند کے مشترکہ مختلف آسامیوں کے امیدواروں کو اطلاع دی جاتی ہے کہ فہرست امیدواران عدالتی احاطے کے مرکزی دروازے پر چسپاں کئے گئے ہیں اور مندرجہ ذیل تفصیل کے مطابق ٹیسٹ و انٹرویو صبح 8:00 بجے بمقام FC قلعہ واقع شہر شہقند کے محکمہ کے جائیں گے۔

نمبر شمار	تفصیل آسامی	تاریخ وقت ٹیسٹ و انٹرویو
1	نائب قاصد اچوکیدار امالی ادائز کیرئیر سوپرا ڈرائیور برائے ڈسٹرکٹ اینڈ سیشن جج اور سینئر سول جج مہمند	10.06.2019
2	کمپیوٹر آپریٹر اینڈ سینئر سیکریٹری سٹیٹو گرانڈ	11.06.2019
3	اسٹنٹ ایڈاکاؤنٹ اسٹنٹ	12.06.2019
4	جوینئر کلرک / کاپی کلرک / کلاہیت	13.06.2019
5	پرائیس سرور	14.06.2019

**نوٹ:** امیدواران اپنے ہمراہ اصل قومی شناختی کارڈ اور اصل دستاویزات لائیں۔ شناختی کارڈ کے بغیر کسی امیدوار کو امتحانی ہال میں داخلے کی اجازت نہیں ہوگی جبکہ امیدواران اپنے ساتھ کسی بھی قسم کا موبائل فون و دیگر الیکٹرانک اشیاء نہ لائیں۔

از عدالت جناب ڈسٹرکٹ اینڈ سیشن جج ضلع مہمند (بمقام شہقند)  
از عدالت جناب سینئر سول جج ضلع مہمند (بمقام شہقند)

Say No to Corruption/Drugs [www.khyberpakhtunkhwa.gov.pk](http://www.khyberpakhtunkhwa.gov.pk)

INF(P)2404/19

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**Office of the  
District & Sessions Judge,  
Mohmand**

Phone Office: 091-6281111, Email: dsjmohmand@gmail.com

No. 312 /DSJ, Mohmand Dated: 14.06.2019

**APPOINTMENT ORDER OF DRIVERS (BPS-06)**

On the recommendations of the Departmental Selection Committee, the Competent Authority is pleased to order the appointment on temporary basis of the following candidates on the posts mentioned against their names with effect from the date of assumption of charge of the post, subject to medical fitness and verification of antecedents / testimonials through quarter concerned:

S#	NAME OF CANDIDATE	FATHER'S NAME	CNIC No.	POST
1	Noor Taj	Noor Muhammad	21402-8494158-5 D.O.B: 12.01.1982	Driver BPS-06
2	Wakil Khan	Sawab Gul	17101-1292680-5 D.O.B: 10.03.1982	Driver BPS-06
3	Saz Muhammad	Minadar	21406-2405583-9 D.O.B: 20.10.1982	Driver BPS-06
4	Sajid	Sher Afzal	171017-297572-3 D.O.B: 01.01.1983	Driver BPS-06
5	Muhammad Khan	Hakeem Khan	17301-1245643-3 D.O.B: 12.12.1983	Driver BPS-06
6	Majid Khan	Zahir Rahman	214022-655530-3 D.O.B: 12.02.1984	Driver BPS-06
7	Shezali Khan	Lal Muhammad	21402-9220188-3 D.O.B: 02.03.1984	Driver BPS-06
8	Shahid Ali	Shah Rehman	214027-536690-3 D.O.B: 12.04.1987	Driver BPS-06
9	Aman Ullah	Shehzada	21405-9631722-1 D.O.B: 01.01.1988	Driver BPS-06
10	Amir Shah	Zangal Shah	21407-9334036-1 D.O.B: 27.03.1988	Driver BPS-06

2. Their appointments to the service shall be subject to the following terms and conditions:

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- i. They will be governed by the Khyber Pakhtunkhwa Civil Servants Act, 1973 and Khyber Pakhtunkhwa Government Servants (Appointment, Promotion & Transfer) Rules, 1989.
- ii. They will be allowed the minimum pay of the scale in which they are appointed plus other allowances as admissible under the rules. The employee who is already in Government Service and whose pay is more than the minimum of the scale in which he is appointed will be allowed to draw pay he has drawn last before his appointment, subject to permission by the Competent Authority and his pay shall be fixed accordingly.
- iii. They shall be governed by such rules and instructions relating to leave, traveling allowance and Medical attendance as may be prescribed from time to time.
- iv. They shall be on probation initially for a period of one year extendable up-to two years.
- v. They will be eligible for continuance and eventual confirmation in the post on satisfactory completion of their probationary period, and the completion of prescribed training, if any.
- vi. Their services shall be liable to be dispensed with at any time without notice and assigning any reason during their probation period, if their work or conduct during this period is unsatisfactory. In the event of termination from service, fourteen days' notice or equivalent pay in lieu thereof will be paid by the Government. In case of resignation, they will give a notice one month in advance to the Competent Authority otherwise, their one month pay will be forfeited to the Government. The

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resignation shall, however, be subject to the acceptance by the Competent Authority.

vii. They will be governed by the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and the Khyber Pakhtunkhwa, Government Servants Conduct Rules, 1987 and any other instructions which may be issued by the Competent Authority from time to time.

3. If the above terms and conditions of appointment are acceptable, they may report for duty to the undersigned immediately. The offer of appointment shall be deemed to have been cancelled if they fail to report for duty to the undersigned within fifteen (15) days from the date of issue of this order and the vacancies will be filled up from the waiting list.

4. They shall join duty at their own expenses.

*Sd-*

**District & Sessions Judge,  
Mohmand**

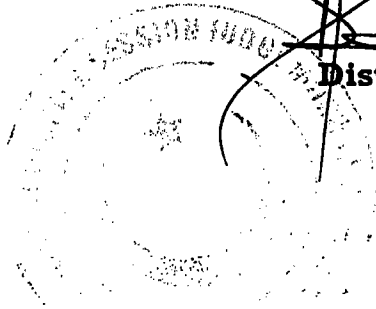
No. 312 /DSJ, Mohmand

Dated: 14.06.2019

Copy of the above is forwarded to:

1. The Registrar, Peshawar High Court, Peshawar.
2. All the Members of DSC.
3. The District Accounts Officer, Mohmand.
4. The Medical Superintendent, District Mohmand.
5. The Candidates concerned by name.
6. Office Record.

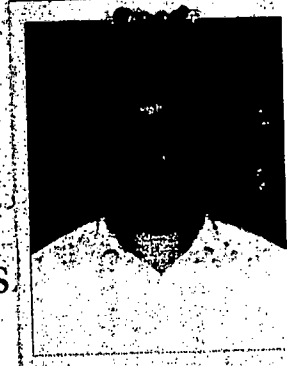
*[Handwritten signature]*  
**District & Sessions Judge,  
 Mohmand**  
*A. A. A.*



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141-6-8082  
13-3-19



دیا جائے گا۔ کسی بھی شکایت کی صورت میں 0314-3031931 پر SMS کریں۔

POLICE ASSISTANCE LINES CHARS

# POLICE CHARACTER/CLEARANCE CERTIFICATE

NAME Malik W/O Abdullah  
ADDRESS Quetta

- Do hereby solemnly affirm and declare on oath:
1. That I am peace loving citizen & well behaved person.
  2. That I am not member of any political party of the country.
  3. That I have never been involved in any criminal / terrorist activities of any manner.
  4. That there is nothing adverse me on the record which may be preclude me to seek Employment either in country or abroad.
  5. That I am law abiding citizen and I am not wanted by any court of law anywhere in Pakistan.
  6. My name is not include in the exit control list.
  7. I have no criminal record, I
  8. I have no relation nor member of any banned organization.
  9. My name does not exist in the KKK Scheduled IV.

In the light of the above I request that a police character and clearance certificate may kindly be issued to me. The above contents are true and correct to the the best of my knowledge and belief and nothing has been concealed.

Passport No \_\_\_\_\_ Signature W/O Khan  
 CNIC No 17161-1292680-5 DEPONENT  
 Valid up to \_\_\_\_\_ Mobile Number 0301-8887028  
 Date of birth 10-03-1982

دستاویزات لف کریں۔

دنی ملک کلیرنس۔ دو عدد تصاویر (سفید پرہ)، ہمدرد قومی شناختی کارڈ کاپی۔

دنی ملک کلیرنس۔ دو عدد تصاویر (سفید پرہ)، ہمدرد قومی شناختی کارڈ کاپی اور پاسپورٹ کاپی۔

نوٹ: یہ فارم ہر دنی ملک میں تقسیم افراد کے لئے قابل استعمال نہیں ہے۔ اس فارم سے (PAL) سے رابطہ کریں۔

S/O/SOR  
 For verification  
 and report  
 Superintendent of Police  
 Shabandar  
 19/3/19

Arif  
 3

بھنو و جناب ڈسٹرکٹ اینڈ سیشن جج صاحب فلاح بہینہ

دفعہ اولت بمبرود منظوریں استغفر

جناب عالی! سائرسب ذیل عرضاں ہے۔

یہ کہ من سائرسب عدالت کے فلاح بہینہ میں کمیٹی ڈرائیور خدمات کو انجام دے رہے ہیں۔ اور من سائرسب ناگزیر گھریلو وجوہات کے بناء پر سرکاری خدمات مزید جاری رکھنے سے قاصر ہیں۔ اور اپنے سرکاری ملازمت سے اپنے رضا مندی سے استغفر دینا چاہتے ہیں۔

لینڈ اسٹاپ ہے۔ کہ بھنو اور دفعہ اولت صفحہ 1 من سائرسب استغفر منظور فرمایا جائے۔ مجھے کسی قسم کا کوئی اعتراض نہ ہوگا۔

29/8/2019

\_\_\_\_\_

سائرسب ڈیکلریشن و ملازمت کے سائن فارما خیل فونڈ فلاح بہینہ



ولید خان

Attest  
\_\_\_\_\_



G 17

اعمالو هو اقرب بقوى



Office of the

District & Sessions Judge, Mohmand

Ph: 0924-290133

Fax: 0924-290133

Email: dsjmohmand@gmail.com

No. 586 /DSJ, Mohmand

Dated: 30/08 '2019

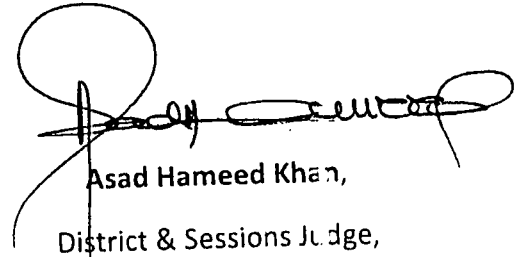
**Office Order:**

Mr. Wakil Khan Driver BPS-06 was appointed by this office vide letter No. 312 Dated 14/6/2019. The official has moved an application to this office with a request for his relinquishment from service and made personal request for resignation as well on the grounds of personal matters.

After obtaining office report, the application for resignation by official is allowed and he is relieved from the post.

As notice of resignation was not tendered to this office one month in advance. Hence the accountant is directed to forfeit the salary to the Govt. under the rules and office to make necessary entries in the service book and other official record.

Entire record may be placed before the authority so as to make necessary arrangements in line with direction contained vide letter No. 14090-14150 dated 10/07/2019 by the Peshawar High Court, Peshawar.

  
Asad Hameed Khan,  
District & Sessions Judge,

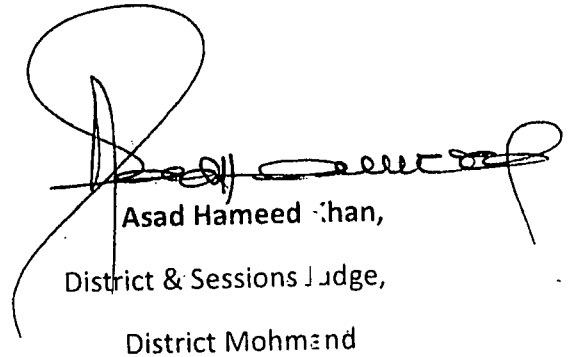
District Mohmand

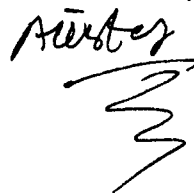
Dated: 30/08/2019

No. 587-88 DSJ, Mohmand

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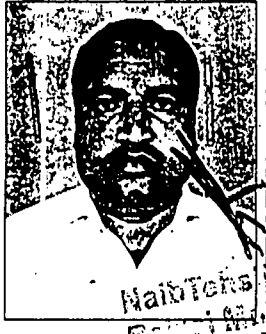
1. Wakil Khan
2. Office Copy

  
Asad Hameed Khan,  
District & Sessions Judge,  
District Mohmand



H 18

Deputy Commissioner  
Mohmand Tribal District



OFFICE OF THE  
DEPUTY COMMISSIONER  
MOHMAND TRIBAL DISTRICT

Domicile Certificate



Certified that Mr. / Miss Wakeel Khan  
Son/Daughter/Wife of Sawab Gul  
Resident of Village Khadi Khel Tehsil Khewezai Mohmand Tribal  
District belongs to recognized tribe section Khewezai sub section Samghaky  
His / her father / spouse is a permanent bonafide resident of the tribal areas of Mohmand  
Tribal District in Category "B"

Tehsildar  
Naib Tehsildar

Assistant Commissioner  
Mohmand Tribal District  
Balzan Mohmand Tribal District

No. 265 Dated 16/09/2019

No. 1009 Dated 16/09/2019

Countersigned

Deputy Commissioner  
Mohmand Tribal District  
Commissioner  
Mohmand Tribal District

No. 4674 Dated 17/9/2019

Attestor

## بیان حلفی

میں مسی اسماة وکیل خان ولدہ بنت ازوجہ نواب گل حلفیہ اقرار کرتا کرتی ہوں کہ میں مہند قبائلی ضلع کے قبیلہ سمخانے سکھ خادی خیل تحصیل خویسنی سے تعلق رکھتا رکھتی ہوں۔  
سائل اسانکھ نے ابھی تک کسی اور ضلع کا ڈومیسائل حاصل نہیں کیا ہے۔

## بیان ملکان قوم

- (1) سائل اسانکھ کا موجب ملک کچول کے ساتھ برابر کا کی شریک ہے۔
- (2) سائل اسانکھ مستقل طور پر مہند قبائلی ضلع کے علاقہ حویسنی میں رہائش پذیر ہے۔
- (3) سائل اسانکھ دو کورہ ہے اور دوسرا گھر علاقہ سرکار ضلع چارسدہ میں واقع ہے۔

سن کر درست تسلیم کیا۔

- (1) ملک کچول کے موجب ملک بیادر بھادر شناختی کارڈ نمبر 21406-37441451 شناختی کارڈ نمبر 21406-73645951
- (2) ملک کچول کے موجب ملک بیادر بھادر شناختی کارڈ نمبر 21406-92236005
- (3) ملک کچول کے موجب ملک حسین خان حسین شناختی کارڈ نمبر 21406-92236005

ملک امیر نواز خان  
21.106-3070700.1

ATTESTED

T/NT

طبرستان - ۸۶ - بمبئی میں جمعہ

دو فرسٹ کلاس ٹکٹوں پر کارروائی ہوئی ہے  
نہان ولد حاصل ساکن ٹم انڈیا ڈائری میں جمعہ  
دو فرسٹ کلاس ٹکٹوں پر کارروائی ہوئی ہے  
نہان ولد حاصل ساکن ٹم انڈیا ڈائری میں جمعہ

۱۹۹۶ میں نے دو فرسٹ کلاس ٹکٹوں پر کارروائی کی ہے  
نہان ولد حاصل ساکن ٹم انڈیا ڈائری میں جمعہ

نہان ولد حاصل ساکن ٹم انڈیا ڈائری میں جمعہ  
دو فرسٹ کلاس ٹکٹوں پر کارروائی ہوئی ہے

۱۹۹۶ میں نے دو فرسٹ کلاس ٹکٹوں پر کارروائی کی ہے

دو فرسٹ کلاس ٹکٹوں پر کارروائی ہوئی ہے

۱۹۹۶ میں نے دو فرسٹ کلاس ٹکٹوں پر کارروائی کی ہے

نہان ولد حاصل ساکن ٹم انڈیا ڈائری میں جمعہ  
دو فرسٹ کلاس ٹکٹوں پر کارروائی ہوئی ہے

۱۹۹۶ میں نے دو فرسٹ کلاس ٹکٹوں پر کارروائی کی ہے

نہان ولد حاصل ساکن ٹم انڈیا ڈائری میں جمعہ  
دو فرسٹ کلاس ٹکٹوں پر کارروائی ہوئی ہے

نہان ولد حاصل ساکن ٹم انڈیا ڈائری میں جمعہ

خدمت قیام ۵۰۰۰۰ روپے مبلغ عسکر علی

درخواست پُرک جلی ڈوسیاں  
کے خلاف ووٹ بنام  
گناہ دار عامل سائنڈ ٹیکسٹائل  
کمیونٹی مبلغ چار سو روپے

ضابطہ  
 جو بائٹم نرائس کے ساتھ و مذکورہ بالا مبلغ ۱۰,۰۰۰ روپے  
 (دس ہزار) روپے ڈوسیاں بنایا گیا۔ بین وہ ڈوسیاں جلی گند اور  
 جس جلی ڈوسیاں پر جو کوسے ٹوٹتی ہیں، گند ڈوسیاں  
 تیار کی گئی ہیں۔ بین اس کے گند ٹیکسٹائل دیا۔ کہ میں یہ ڈوسیاں  
 تیار کر رہا تھا۔ جب میں نے ڈوسیاں تیار کیں تو وہی  
 پیش کیا تو وہ جلی گند اور جب ٹوٹتی ہیں جلی ڈوسیاں پر  
 ہے۔ میرے ساتھ تمام ڈاؤنٹین موجود ہیں۔ میں اسکو بار بار  
 لیا اور اس کے گند پریاٹ ہیں۔ کہ میں نے بہت توٹوں کو  
 ڈوسیاں بنائے ہیں۔ میں غریب آدمی ہوں۔ اور اس کے اس جلی  
 ڈوسیاں کے ساتھ میں نے ٹوٹتی ہیں۔ جو ڈوسیاں مذکورہ  
 بنائی گئی تھیں۔ یہ سائنڈ ٹیکسٹائل  
 پہلے ہی۔ یہ سائنڈ ٹیکسٹائل اسٹریٹ کے پہلے  
 گناہ داروں نے گورنر بالا کے اس جلی ڈوسیاں اور ٹوٹتی ہیں  
 قانون کے تحت اس کے حکم صادر نہیں۔ مذکورہ پولیس کے خلاف  
 اور کوسے کے ساتھ دھرم اور نراؤ ٹیکسٹائل اور تمام پولیس بنام کہ میں

ایک ٹیکسٹائل وکیل کے لئے وڈ ڈاؤنٹین کے لئے کسی بھی چیز کو منسوخ

Attest  


J

22

To,

The Registrar,  
Peshawar High Court,  
Peshawar.

**Subject:**

**APPEAL AGAINST OFFICE ORDER NO. 586 / DSJ /  
MOHMAND DATED 30-08-2019 OF THE DISTRICT &  
SESSION JUDGE DISTRICT MOHMAND, WHEREBY  
APPELLANT WAS RELIEVED FROM SERVICE FROM  
THE POST OF DRIVER:**

**Respectfully sir,**

1. That on 02-09-1996, Domicile Certificate was issued to the brother of appellant namely Mohammad Rehman S/O Sawab Gul by the then Assistant Political Agent, Mohmand Agency at Ghalani. (Copy as annex "A")
2. That on 29-04-2018, appellant was also issued Domicile Certificate of the said cast. (Copy annex "B")
3. That the District & Session Judge, District Mohmand at Shabqadar advertised numerous posts of various categories including ten (10) posts of Drivers at S. No. 01. (Copy annex "C")
4. That after observing the due codel formalities, appellant was appointed as Driver at S. No. 02 of the appointment order on the recommendation of Departmental Selection Committee vide order dated 14-06-2019 by District & Session Judge, Mohmand at Shabqadar. (Copy annex "D")
5. That on 13-03-2019, the Police Department clarified the status of appellant to be true and correct of the aforesaid case, area, etc. (Copy annex "E")

*Arrested*  


6. That Domicile Certificate of appellant was sent for verification to the office concerned, but record of the same was not available in the office of the then APA, Mohmand Agency at Ghalani and the District & Session Judge, Mohmand compelled him to submit resignation application from the post to save him from criminal liability and as a consequence, appellant submitted application to him on 29-08-2019. (Copy annex "F")
7. That on 30-08-2019, the District & Session Judge, Mohmand issued office order wherein appellant was relieved from his post / duty which copy was received from the office Superintendent on 05-10-2019. (Copy annex "G")
8. That on 16-09-2019, appellant was issued original Domicile by Assistant Commissioner, Mohmand Tribal District, Office of Deputy Commissioner Mohmand Tribal District at Ghalani on the aforesaid pattern. (Copy annex "H")
9. That as stated earlier, record of Domicile Certificate dated 29-04-2018 of appellant was not available in the said office, so he submitted application before Assistant Commissioner Mohmand Tribal District to initiate legal action against Noman S/O Kamel R/O Prang Ghar, Utrman khel Mohmand followed by subsequent application before District Police Officer, District Mohmand at Ghalani the then Levy Constable now Police Constable for the said purpose by issuing him the said Certificate. Noman Constable was / is performing duty in the said office. (Copy annex "I")
10. That in the Domicile Certificate dated 29-04-2018 and 16-09-2019, there exists no difference but both are of Village Khadi Khel, Tehsil Khewezai, subsection Samghakhy.
11. That appellant has passed up to 8<sup>th</sup> Class and was not in knowledge as to whether the record of Domicile Certificate dated 29-04-2018 was not available in the said office.
12. That appellant never tendered resignation from service at his own free and sweet will, but he was threatened by the Session Judge District Mohmand to resign from the office, otherwise he will be booked for criminal liability.

Attest  


13. That appellant submitted representations to the authority to book Constable Noman for criminal liability which is pending disposal till date.
14. That appellant served the department for 2 ½ months without any complaint from the officers.

It is, therefore, most humbly requested that order dated 30-08-2019 of the Learned District & Session Judge be set aside and appellant be reinstated in service with all back benefits.

Appellant

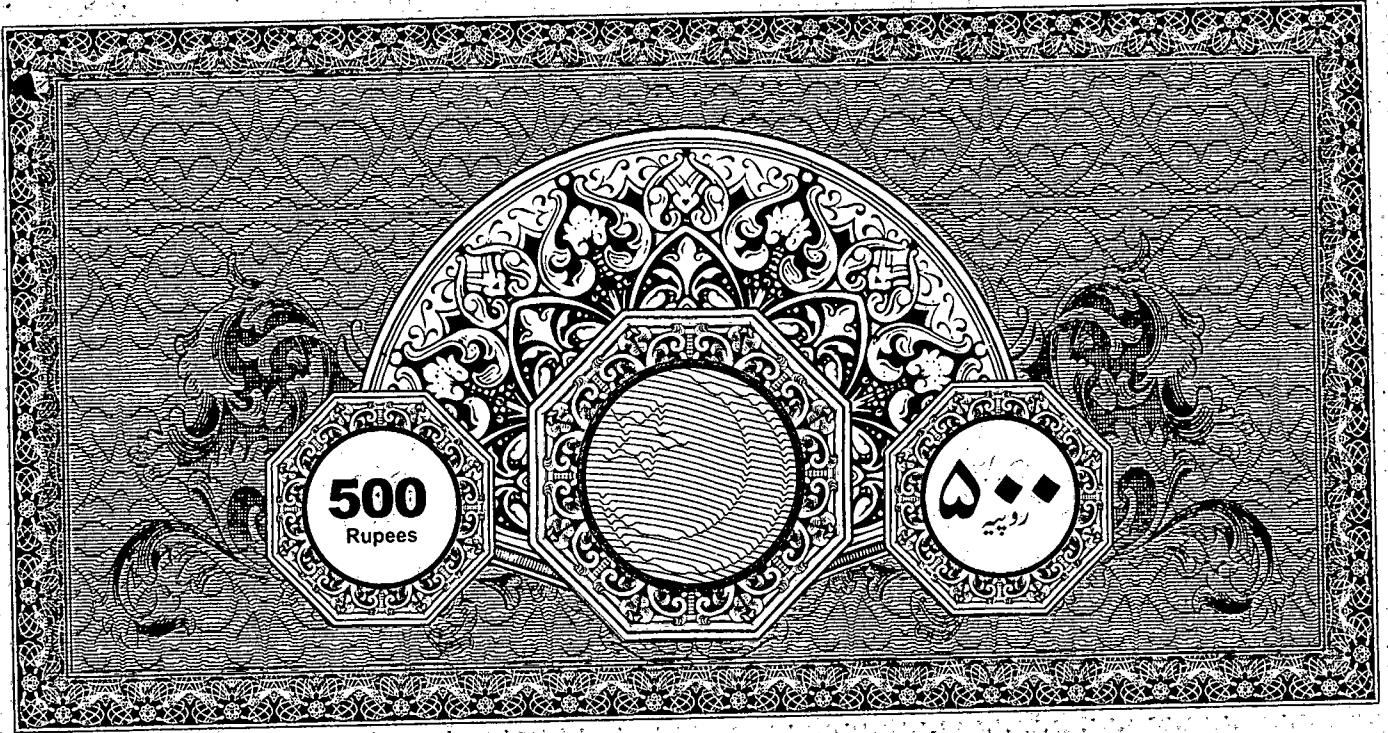
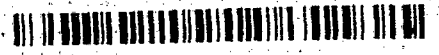


Dated.08-10-2019

Wakeel Khan S/O Sawab Gul,  
R/O Hadi Khel, Tehsil Khewezai,  
District Mohmand, Ex-Driver of  
Court of Additional Session Judge,  
District Mohmand.







PAKISTAN COURT FEE

In the Peshawar High Court, Peshawar.

N. P. — 2019.

Wakeel Ishaq

~~CANCELLATION~~

vs

Registration & Auditor.

Date: .....

~~CANCELLATION~~

FILED TODAY  
Deputy Registrar  
23 OCT 2019

Through

3 Ishaq Ishaq

Saeed Ullah Khan Marwat  
Associate

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83/119

District Comptroller of Accounts  
FEB 17 2018  
Treasury Wing/ Peshawar

CURATOR STAFF VENDOR  
REGISTRATION NO. 43 Date 01-09-2018  
Peshawar

Muhammad Khan

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FILED TODAY  
23 OCT 2019  
DAILY REGISTRY

19-10-2019

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IN THE PESHAWAR HIGH COURT, PESHAWAR.  
OBJECTION SLIP

No. 47993

Wakeel Khan V/S District & Session Judge Mohmand

Comments

- 5 Petition/annexures are not properly paged, <sup>attested.</sup>
- 6 Copies of annexures \_\_\_\_\_ are not ~~certified~~ <sup>certified</sup>.
- 8 Copies of annexures ~~Page no. 8~~ <sup>is</sup> are not legible/attested.
9. index is incomplete, as documents annexed, at the end, ~~have~~ <sup>have</sup> not been mentioned in index, nor page numbers have been given. READER


Returned with above mentioned objections for removal to be re-submitted on or before \_\_\_\_\_

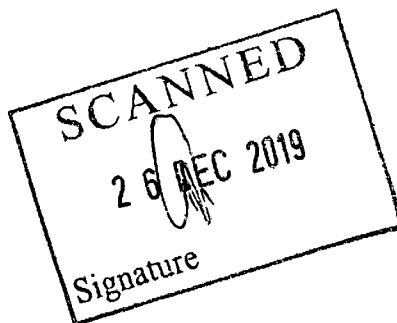
11 December 2019

  
Deputy Registrar  
Peshawar High Court, Peshawa

Sir,

Re-submitted after Compliance.  
Page-8 of the Comments has replaced,  
the remaining documents are properly  
attached, while the documents annexed  
at the end were mistakenly attached  
at the time of Submission, hence  
they are not relevant and removed,

  
24.12.19



**BEFORE THE PESHAWAR HIGH COURT PESHAWAR**

Writ Petition No. 5652-P/2019

Mr. Wakeel khan -----(Petitioner)

Versus

~~District & Sessions Judge, Mohmand~~ & Other

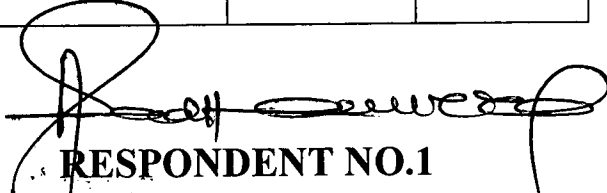
----- (Respondents)

**INDEX**

Sr.No	Description of documents	Annexure	Page No
1.	Para wise comments of Writ Petition.		1-5
2.	Affidavit		6-6-A
3.	Copy of advertisement.	A	7-8
4.	Copy of application alongwith documents and domicile certificate of the Petitioner.	B	9-15
5.	Copy of appointment order, minutes of meeting and working paper.	C	16-23
6.	Copy of verification letter of domicile certificate dated 17/07/2019.	D	24-25
7.	Copy of application of the Petitioner for resignation dated 29/08/2019.	E	26
8.	Copy of office order No. 586/DSJ Mohmand alongwith office report dated 30/08/2019.	F	27-28
9.	Copy of verification report/letter No. 3925/EC dated 08/10/2019.	G	29
10.	Copy of letter No. 589-/DSJ dated 05/09/2019 for filling up the vacant post of driver.	H	30
11.	Copy of letter No. SDJ/PHC/HR&W/Admn/19055 dated 18/09/2019 regarding approval of filling up the vacant post of driver.	I	31
12.	Copy of office order No. 664-67/DSJ dated 28/09/2019 of recruitment committee.	J	32
13.	Copy of letter No. 704/DSJ dated 08/10/2019 for nomination of representative.	K	33
14.	Copy of letter No. 20571/Admn dated 12/10/2019 regarding nomination of representative.	L	34
15.	Copy of minutes of meeting No. 733/DSJ dated 14/10/2019 of newly recruited driver.	M	35-37
16.	Copy of appointment order dated 14/10/2019 of newly recruited driver.	N	38-40

RE-FILED TODAY  
Deputy Registrar  
24 DEC 2019  
Dated 30/11/2019

FILED TODAY  
Deputy Registrar  
11 DEC 2019

  
RESPONDENT NO.1  
District & Sessions Judge, Mohmand.

**BEFORE THE PESHAWAR HIGH COURT PESHAWAR**

Writ Petition No. 5652-P/2019

**Mr. Wakeel khan** -----(Petitioner)

**Versus**

**District & Sessions Judge, Mohmand & Other**

----- (Respondents)

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

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**Respectfully Sheweth,**

Para wise comments on behalf of Respondent No.1 is as under:

**Preliminary objection:**

- i. That Writ Petition of the Petitioner is not maintainable in its present form hence liable to be dismissed.
- ii. That the Petitioner had not come to the court with clean hands rather concealed the true facts from this Honorable Court therefore is not entitle for discretionary relief.
- iii. That Writ Petition of the Petitioner is based on malafide intention and ulterior motive hence liable to be dismissed.
- iv. That the Petitioner himself with his free well and consent submitted an application before the Respondent No.1 for resignation from the post of driver, which was personally verified by the Respondent No.1 from the Petitioner and thereafter issued office order No. 586/DSJ, Mohmand dated 30/08/2019 by allowing the application of the Petitioner for resignation, Deputy Registrar hence no illegality and irregularity has been committed by the Respondent No.1.
- v. That domicile certificate dated 30/04/2018 of the Petitioner on basis of which he applied for the post of driver (BPS-06) has been declared fake and bogus

**FILED TODAY**

**11 DEC 2019**

by the local administration/competent Authority during the process of verification, therefore, the subsequent domicile certificate dated 16/09/2019 if at all issued by any authority cannot be considered of retaining the post and may a manipulated move on his part for which the Petitioner is liable to be proceeded under criminal liability.

- vi. Writ petition of the Petitioner is pre mature in nature, hence liable to be dismissed.
- vii. That this Honorable Court has gone no jurisdiction as the matter in dispute comes within the terms and condition of service hence Writ Petition of the Petitioner is liable to be dismissed on this score alone.

**Reply of Facts:**

1. Para 1 of the Petition needs no reply.
2. Para 2 of the Petition also needs no reply. However, it is to be mentioned here that the Petitioner has applied for the post of driver (BPS-06) before the Respondent No.1 on the basis of domicile certificate dated 30/04/2018 which was declared fake and bogus by the local administration/competent authority.
3. Para 3 of the Petition is correct.
4. Para 4 of the Petition is also correct.
5. Para 5 of the Petition needs no reply having no concern with the Respondent No.1.
6. Para 6 of the Petition is partially correct to the extent of verification and voluntarily, willingly submission of application by the Petitioner for resignation from the post of driver while the remaining para is incorrect and based on concocted story. It is pertinent to mention here that after the establishment of District Courts at Mohmand, the Respondent No.1 advertised numerous posts of various categories including 10 posts of drivers, wherein the Petitioner also applied for the post of driver and submitted his required documents alongwith domicile certificate dated 30/04/2018 on which he applied for the stated post. After due process of recruitment, the Petitioner alongwith others were selected by the Departmental Selection Committee through Bowl policy and accordingly appointment order of the Petitioner alongwith others were issued vide office order No. 312/DSJ, Mohmand dated 14/06/2019. Thereafter the Respondent No.1 sent the domicile certificates of the appointees alongwith domicile

certificate of the Petitioner to the Deputy Commissioner, Mohmand for verification through letter No. 499/DSJ, Mohmand dated 17/07/2019. During the process of verification, when the Petitioner sensing that the local administration is going to declare his domicile certificate dated 30/04/2018 fake/bogus, therefore, on 29/08/2019, the Petitioner himself with his freewill /consent submitted an application for resignation from his post of driver for the reason of unavoidable domestic problems before the Respondent No.1. The Respondent No.1 sought report from the office, verified from the Petitioner personally and thereafter issued office order No. 586/DSJ, Mohmand dated 30/08/2019 by allowing the application of the Petitioner for resignation, hence no illegality and irregularity has been committed by the Respondent No.1. Furthermore, the local administration/Deputy Commissioner, Mohmand in reference to the verification of domicile certificates communicated to this office vide letter No. 3925/EC dated 08/10/2019 declared domicile certificate dated 30/04/2018 of the Petitioner as fake and bogus which was submitted before the Respondent No.1 at the time of applying for the said post. **(Copy of advertisement, application alongwith documents and domicile certificate of the appellant, appointment order, minutes of meeting and working paper, verification letter of domicile certificate dated 17/07/2019, application of the appellant for resignation dated 29/08/2019, office order No. 586/DSJ Mohmand alongwith office report dated 30/08/2019 and verification report/letter No. 3925/EC dated 08/10/2019 are attached as Annexures "A,B,C,D,E,F & G")**

7. Para 7 of the Petition needs no reply as the detail reply has been given in para 6 of the comments. Furthermore, after resignation of the Petitioner from his post of driver the Respondent No.1 wrote a letter No. 589/DSJ dated 05/09/2019 to Respondent No.2 with the request to kindly give directions either to hire a candidate from the waiting list through bowl policy or re-advertise the vacant post. In response to the said letter permission was granted to the Respondent No.1 to fill up the said vacancy from the waiting list candidate through bowl policy. Thereafter the Respondent No.1 constituted the committee for the purpose of recruitment vide office order No. 664-67/DSJ dated 28/09/2019 and after due process of law filled the said vacant post of driver by appointing a candidate namely Muhammad Sohail khan from the waiting list vide



appointment order No. 734/DSJ dated 14/10/2019, hence at present no post of driver is vacant at the office of Respondent No.1. (Copy of letter No. 589/DSJ dated 05/09/2019 for filling of the vacant post of driver, letter No. SDJ/PHC/HR & W/Admn/19055 dated 18/09/2019 regarding approval of filling up the vacant post of driver, office order No. 664-67/DSJ dated 28/09/2019 of recruitment committee, letter No. 704/DSJ dated 08/10/2019 for nomination of representative, letter No. 20571/Admn dated 12/10/2019 regarding nomination of representative, minutes of meeting No. 733/DSJ dated 14/10/2019 of newly recruited driver and appointment order dated 14/10/2019 of newly recruited driver are attached as Annexure "H,I,J,K,L,M & N")

8. Para 8 of the Petition is having no concern with the Respondent No.1. However, it is to be mentioned here that the Petitioner has applied for the post of driver before the Respondent No.1 on the basis of domicile certificate issued on 30/04/2018 which was declared by the local administration/competent authority as bogus and fake in the process of verification, therefore, if at all the Petitioner was subsequently issued another domicile certificate dated 16/09/2019, the Respondent No.1 has no concern with the same and the subsequent domicile certificate cannot be considered for retaining the post and may a manipulated move on his part.
9. Para 9 of the Petition having no concern with the Respondent No.1 therefore needs no reply.
10. Para 10 of the Petition needs no reply having no concern with the Respondent No.1. However, it is to be mentioned here that the Respondent No.2 sought comments from the Respondent No.1 in connection with representation of the Petitioner which was duly submitted by the Respondent No.1 but rather to wait for the decision of same the Petitioner filed the instant writ petition which is premature in nature hence writ petition of the Petitioner is liable to be dismissed.

#### **REPLY OF GROUNDS:**

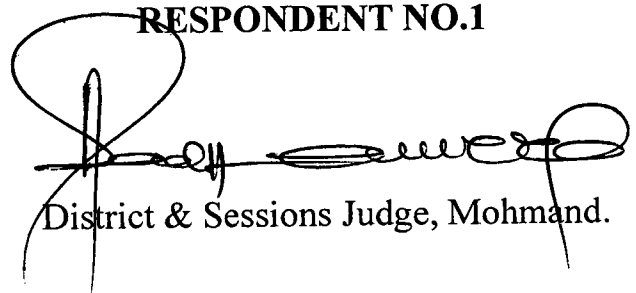
1. Ground No.1 of the petition is incorrect and misconceived as the Petitioner has applied for the post of driver (BPS-06) before the Respondent No.1 on the basis

of domicile certificate issued on 30/04/2018 which was declared by the local administration/competent authority as bogus and fake in the process of verification, therefore, if at all the Petitioner was subsequently issued another domicile certificate dated 16/09/2019, the Respondent No.1 has no concern with the same and the same would not made him entitled to the post. Moreover, the subsequent domicile certificate cannot be considered for retaining the post and may a manipulated move on his part for which the Petitioner is liable to be proceed under criminal law.

2. Ground 2 of the Petition needs no reply.
3. Ground 3 of the Petition is totally incorrect, baseless. The Petitioner himself with his free will and consent submitted an application for resignation from the post of driver before the Respondent No.1 which was personally verified/confirmed by the Respondent No.1 from the Petitioner hence the allegation leveled against the Respondent No.1 in the instant para is incorrect, concocted and based on malafide intension and ulterior motive.
4. Ground 4 of the petition needs no reply having no concern with the Respondent No.1.
5. Ground 5 of the petition also needs no reply as the conduct of the Petitioner is quite visible and it can clearly show his malafide.

It is therefore requested that on acceptance of this para wise comments, Writ Petition of the Petitioner may kindly be dismissed.

**RESPONDENT NO.1**



District & Sessions Judge, Mohmand.

Dated 30/11/2019

**FILED TODAY**  
Deputy Registrar  
19 DEC 2019

**BEFORE THE PESHAWAR HIGH COURT PESHAWAR**

Writ Petition No. 5652-P/2019

**Mr. Wakeel khan** -----(Petitioner)

**Versus**

**District & Sessions Judge, Mohmand & Other**  
----- (Respondents)

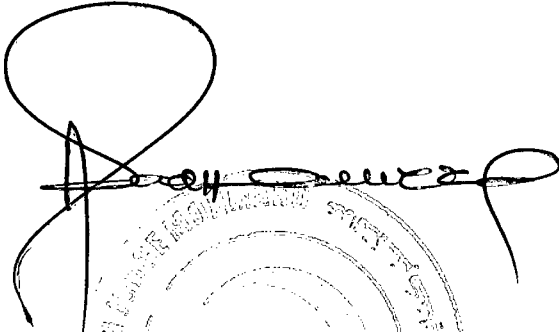

**AFFIDAVIT**

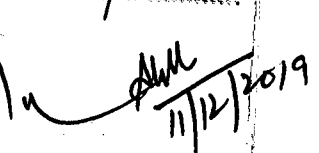
I **Mr. Muhammad Tayyab Assistant (BPS-16)** duly authorized representative of Respondent No. 1 do hereby solemnly affirm and declare on oath that the contents of accompanying **para wise comments** on behalf of Respondent No.1 are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.


**DEPONENT** 

**CNIC: 21402-3762887-9**  
0345-9410950

**Identified by**

No. 16076.....  
I certify that the above was verified on solemnly  
affirmation before me on the date of Dec 19 19  
Mohd Tayyab  
Assistant  
Mohmand  
Sk 7  
  
11/12/2019

**FILED TODAY**  
  
**Deputy Registrar**  
11 DEC 2019



Office of the

District & Sessions Judge, Mohmand

Ph: 0924-290133  
Fax: 0924-290133  
Email: dsjmohmand@gmail.com

6-A

No. 779-82DSJ, Mohmand.

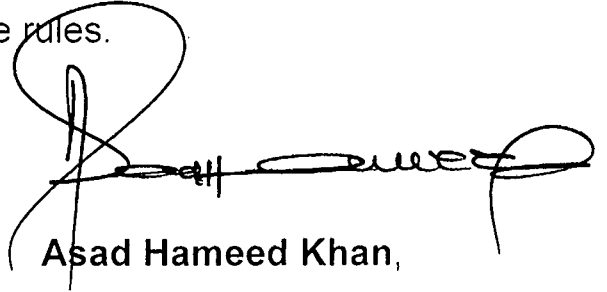
Dated: 07/12/2019

**Office Order:**

Reference to letter No. 18707-51/Admin dated 07/09/2019 of the august Peshawar High Court, Peshawar in response to letter No. PHC/Streamlining Litigation Procedure dated 03/09/2019, Mr. Muhammad Tayyab, Assistant (BPS-16), District Courts, Mohmand is nominated and authorized on behalf of this office to pursue case titled "*Wakeel Khan Verses Registrar Peshawar High Court, Peshawar and other*" vide writ petition No. 5652-P/2019 dated 20/11/2019. He shall also so pursue all other similar cases in future in the Khyber Pakhtunkhwa Services Tribunal as well as Honorable High Court, Peshawar at Principal seat as well as other Benches. He shall prepare comments/reply, case history and Affidavit, whenever required.

The official would be entitled to TA-DA and any other emoluments as per his entitlement under the rules.



  
Asad Hameed Khan,

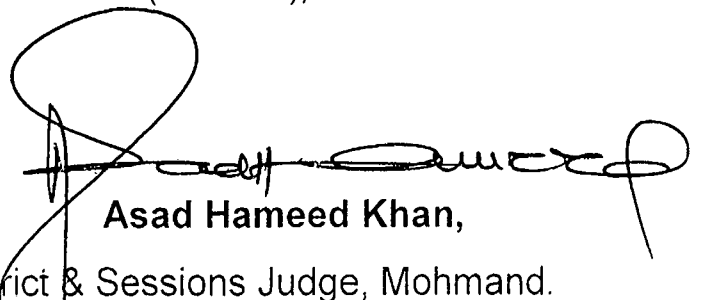
District & Sessions Judge, Mohmand.

No. 779-82DSJ, Mohmand.

Dated: 07/12/2019

Copy to:

1. The Worthy Registrar, Peshawar High Court, Peshawar.
2. Additional Registrar Admin, Peshawar High Court, Peshawar.
3. Official Mr. Muhammad Tayyab, Assistant (BPS-16), District Courts. Mohmand.
4. Office Copy.

  
Asad Hameed Khan,  
District & Sessions Judge, Mohmand.

## درخواستیں مطلوب ہیں

ضلع مہمند کو درج ذیل آسامیوں پر تعیناتی کیلئے ضلع مہمند کے سکونٹی رڈ ویسٹ رکھنے والے امیدواروں سے مورخہ 6 مئی 2019 تک درخواستیں مطلوب ہیں۔

نمبر شمار	نام آسامی	بہادری پے سکیل	تعلیمی معیار تجربہ	عمر کی حد
1	اسٹنٹ	16	بیچلر ڈگری	30±18 سال
2	سینئر سکیل سینئر گرافر	16	بیچلر ڈگری بمعہ شارٹ ہینڈ 100 الفاظ فی منٹ، انگلش ٹائپنگ سپیڈ 40 الفاظ فی منٹ MS Office کا علم رکھنے والوں کو ترجیح دی جائے گی	30±18 سال
3	بجٹ اینڈ اکاؤنٹ اسٹنٹ	16	بیچلر ڈگری۔ ترجیح ان امیدواروں کو دی جائے گی جنہوں نے (i) کامرس۔ (ii) اکنامکس یا (iii) ریاضی ریشاریات میں سے کوئی مضمون پڑھا ہو	30±18 سال
4	کمپیوٹر آپریٹر	16	B.S/BSc (i) کمپیوٹر سائنس۔ (ii) A minimum speed of ten thousand key operations per hour for punching data entry/verification	30±18 سال
5	جونیئر سکیل سٹیوٹنٹ	14	انٹرمیڈیٹ بمعہ شارٹ ہینڈ 50 الفاظ فی منٹ، انگلش ٹائپنگ سپیڈ 35 الفاظ فی منٹ MS Office کا علم رکھنے والوں کو ترجیح دی جائے گی	30±18 سال
6	جونیئر کلرک	11	میٹرک بمعہ ٹائپنگ 30 الفاظ فی منٹ	30±18 سال
7	کالی کلرک	11	میٹرک بمعہ ٹائپنگ 30 الفاظ فی منٹ	30±18 سال
8	کابینٹ	11	میٹرک بمعہ ٹائپنگ 30 الفاظ فی منٹ	30±18 سال
9	نائب قاصد	03	ترجما خواندہ	40±18 سال
10	چوکیدار	03	ترجما خواندہ	40±25 سال
11	ڈرائیور	06	مل پاس لازمی ہے۔ LTV/HTV لائسنس بمعہ پانچ سالہ ڈرائیونگ تجربہ لازمی ہے۔ نیز Automatic اور Manual دونوں قسم کی گاڑیاں چالانے میں ماہر ہو	45±30 سال
12	مالی	03	ترجما خواندہ	40±18 سال
13	سوہیر	03	ترجما خواندہ	40±18 سال
14	وائٹ کیریئر	03	ترجما خواندہ	40±18 سال

شرائط و ضوابط:- 1- خواہشمند امیدواران درخواست سادہ کاغذ پر دفتر لہذا بمقام بہادری تلکھ شہنڈ ردفنری اوقات کے دوران تاریخ مقررہ (6 مئی 2019) تک پیش کریں۔ 2- درخواست کے ہمراہ تین عدد پاسپورٹ سائز تصاویر، معدقہ نقولات قومی شناختی کارڈ، تعلیمی اسناد ڈوہیٹائل سرٹیفکیٹ اور دو معزز شہریوں سے character سرٹیفکیٹ جو درخواست دہندہ کے رشتہ دار نہ ہوں اور ان کے اخلاق و عادات چال چلن سے بخوبی واقف ہوں منسلک کرنا ہوں گے۔ 3- جعلی اسناد پیش کرنے والوں کے خلاف سخت قانونی کارروائی کی جائے گی۔ بوقت نمائش رائٹرو پوائسل اسناد پیش کرنا لازمی ہوگا۔ 4- عمر کی حد درخواست جمع کرنے کی آخری تاریخ تک شمار ہوگی۔ 5- عمر کی حد میں رعایت قواعد و ضوابط کے مطابق دی جائے گی۔ 6- نامکمل اور تاخیر سے جمع کی گئی درخواستوں کو ذریعہ غور نہیں لایا جائے گا۔ 7- اسناد پیش کرنے والوں کو اسناد پیش کرنے کے وقت ساتھ ساتھ درخواستوں کو ذریعہ غور نہیں لایا جائے گا۔ 8- نمائش اور اسناد پیش کرنے کے وقت ساتھ ساتھ درخواستوں کو ذریعہ غور نہیں لایا جائے گا۔ 9- معذور افراد کیلئے 2 فیصد، خواتین کیلئے 10 فیصد، جیکو تعلیمی برادری کیلئے 1 فیصد کوٹیشن ہے۔ 10- کلاس فو (Class-IV) آسامیوں پر تعیناتی بذریعہ ہاول پالیسی (قرعہ اندازی) کی جائے گی۔ 11- تمام تقرریاں حتمی مہادوں پر عدالت عالیہ و صوبائی حکومت کی جانب سے جاری کردہ موجود قواعد و ضوابط کے تحت کی جائیں گی۔ 12- تنخواہ و دیگر الاؤنسز قانون اور قواعد کے مطابق کیے جائیں گے۔ 13- مجاز امتحانی حکومت کی پالیسی کے مطابق اشتہار میں تبدیلی ریزیم یا اسے منسوخ کرنے یا آسامیوں کی تعداد میں کمی پیشی کرنے کا اختیار رکھتی ہے۔ 14- سرکار پاکستان اپنے عہدے کی وساطت سے درخواست ارسال کریں۔

نمبر شمار	نمائش رائٹرو پوائسل	تاریخ	وقت	مقام
1	ڈرائیور و وائٹ کیریئر، چوکیدار، مالی نائب قاصد، سوہیر، کالی کلرک، کابینٹ	13.05.2019	صبح 8 بجے	ایف۔ سی۔ فورٹ (FC) فورٹ بہتلم شہنڈ ردفنری ضلع چارسدہ
2	سینئر سکیل، سینئر گرافر، اسٹنٹ، کمپیوٹر آپریٹر، جونیئر کلرک	14.5.2019	صبح 8 بجے	ایف۔ سی۔ فورٹ (FC) فورٹ بہتلم شہنڈ ردفنری ضلع چارسدہ

المشہور۔ اسد حمید خان

ڈسٹرکٹ اینڈ سیشن جج ضلع مہمند بمقام شیفتھر

پشاور سیشن آفیسر II پشاور

INF(P) 2444/19

ظاہر نام

فلسی عدلیہ بمعد کی مشترکہ طلب آسامیوں کے امیدواروں کو اطلاع دی جاتی ہے کہ فہرست امیدواران  
مقامی اعلیٰ کے مرکزی دروازے پر پمپاں کی گئی ہے اور وہ جیڈ پی ٹی کے مطابق نیٹ دائرہ وقت  
08:00 بجے مقام C آگے آئے اور دستخط کے جائیں گے

نمبر شمار	تفصیل آسامی	تاریخ وقت نیٹ دائرہ وقت
1	ایڈیٹور مدراء کیڈر ایلی او ایڈیٹور ایڈیٹور ایڈیٹور	10-06-2019
2	ایڈیٹور ایڈیٹور ایڈیٹور ایڈیٹور ایڈیٹور	11-06-2019
3	اسٹنٹ ایڈیٹور ایڈیٹور اسٹنٹ	12-06-2019
4	جونیئر ٹیکسٹ ایڈیٹور ایڈیٹور	13-06-2019
5	پرائیمری ایڈیٹور	14-06-2019

نوٹ: امیدواران اپنے مہراہ اول ڈی شافی کارڈ اور اصل دستاویزات لائیں۔ شافی کارڈ کے بغیر کسی  
امیدوار کو دستیابی ہائی اعلیٰ کی اجازت نہیں ہوگی جبکہ امیدواران اپنے ساتھ کسی بھی قسم کا سہاگل ٹون و  
دیگر ایڈیشن کی اشیاء نہ لائیں۔

از عدالت جناب ایڈیٹور ایڈیٹور ایڈیٹور (مقام شہدور)

از عدالت جناب ایڈیٹور ایڈیٹور ایڈیٹور (مقام شہدور)

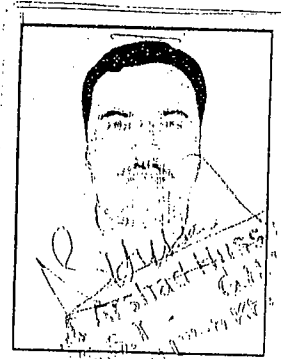
INF(P) 2444/19

*Alles*

*Signature*

GOVERNMENT OF PUNJAB  
COURT OF DISTRICT & SESSIONS JALANDHAR  
ضلع جالندھر سیشن کورٹ

64



10

10

To

The

سر: اسد جمید خان

ڈسٹرکٹ اینڈ سیشن جج ضلع مہمند بمقام شب قدر

Subject: Application for the post of Driver (BPS-06)

Respected Sir,

It is submitted that I have come to know through Advertisement published in daily Mashriq dated 14-04-2019 that some subject posts are laying vacant in your esteemed organization. I offer my services for one of the same. My Bio Data and attested photo copies of my documents are in closed here with for consideration please.

Name	Wakeel Khan
F/Name	Sawab Gul
Marital status	Married
Domicile	Mohmand
Qualification	Middle & (Driving licence HTV & LTV)

Permeant Address: Khadi Khel P/O Ghallanai Tehsil Khwezai District Mohmand.

It is further added that I belong to a poor family having no other source of income if a chance is given to me to serve your esteemed organization. I shall try my best to satisfy the superior with best performance

Keeping in view, it is requested that kindly consider my application for the post of Sympathetic ground, I shall be thankful to this act of Kindness

وہ  
/Your obediently

Wakeel Khan

CNIC No: 17101-1292680-5

Cell No: 0301-8887028

3/11/19  
9/1/19  
Attested  
[Signature]  
[Circular Stamp: DISTRICT AND SESSION JUDGE, MAMUNDI, DISTRICT MOHMAND]

# CHARACTER CERTIFICATE

Certify that Mr. Wakeel khan S/O Sawab Gul CNIC 17101-1292680-5 resident of Khadi Khel P/O Ghallanai Tehsil khwezai District Mohmand.

He is a permanent resident of the said village by birth.

Mr. Wakeel Khan bears excellent moral character and having good reputation in the locality. He has never been found engaged in any political or criminal activities, and there is nothing adverse against him in the government record.

Date: 2-5-2019.

Name: Akhtar Javeed

Designation: S.E.T

Signature: [Handwritten Signature]

Office Stamp: Senior English Teacher  
G. H. S.  
Shabqadar Fort (Ch...

[Large Handwritten Signature]

Name: M. Arshad Hussain

Designation: S.S.T

Signature: [Handwritten Signature]

Office Stamp: M. Arshad Hussain  
S.S.T - G.H.S.S  
Rahmat Khan



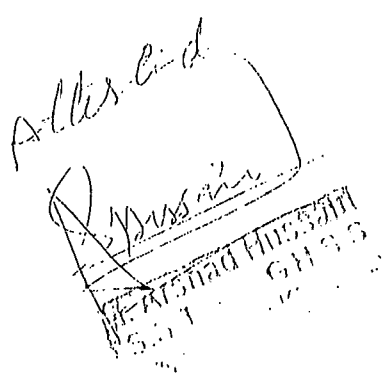
*Wakeel Khan*

**OBJECTIVES**

I am seeking a challenging career that utilizes my skills and abilities and provide an opportunity to work in a professional environment. I solemnly believe in hard work and devotion and hence, offer my services to the best of my capabilities.

**PERSONAL INFORMATION**

Name: WAKEEL KHAN  
 Father Name: SAWAB GUL  
 Date of Birth: 10-03-1982  
 Gender: Male  
 Religion: Islam  
 Domicile: Mohmand Agency  
 Marital Status: Married  
 Nationality: Pakistani  
 CNIC No. 17101-1292680-5  
 Contact No: +92-301 8887028 & 0331-8887028  
 Permanent Address: Village Depu Koroono Near Shell Pump, P/O & Tehsil Shabqadar District Charsadda Khyber Pakhtunkhwa Pakistan.  
 Present Address: Village Khadi Khel Sam Ghahi Khawaize District Mohmand

*Attest. Eid*  


**EDUCATION PROFILE**

Degree / Certificate	Institution / Board
Middle	GHS Kangra

**LICENCE:**

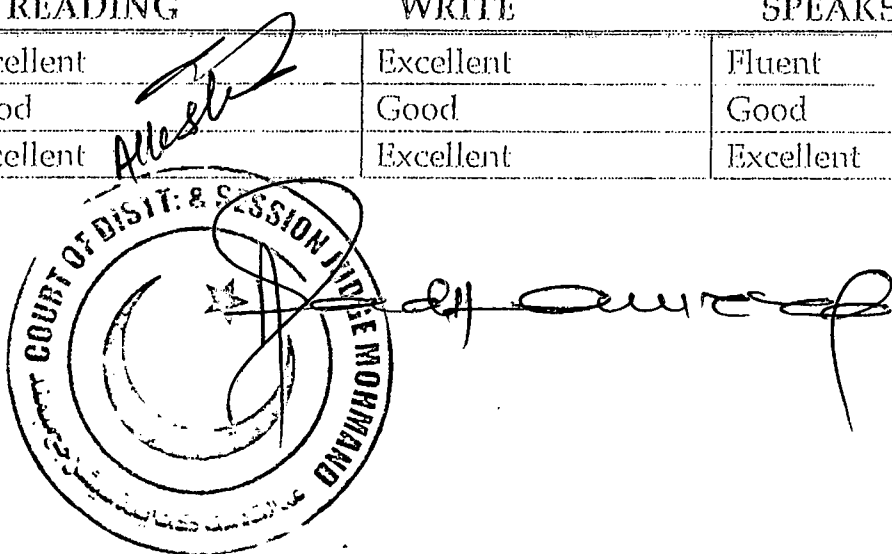
- LTV & HTV Driving Licence.

**EXPERIENCE:**

- 03 Years' Experience as a Driver for CRYSTAL LINE DRINKING WATER COMPANY Karachi.
- 07 Years' Experience as a Tanker Driver form Shell Company Peshawar.
- 03 Years' Experience as a Driver in GUL AHMAD TEXTILE MILLS Karachi.

**COMMUNICATION**

LANGUAGE	READING	WRITE	SPEAKS
Pashto	Excellent	Excellent	Fluent
English	Good	Good	Good
Urdu	Excellent	Excellent	Excellent

*Attest*  




# OFFICE OF THE POLITICAL AGENT MOHMAND AGENCY Domicile Certificate



Certified that Mr. / Miss Wakeel Khan  
 Son/Daughter/Wife of Sawab Gull  
 Resident of Village Khaali Kela Tehsil Khewajai Mohmand Agency  
 belongs to recognized tribe section Khewajai sub section Saw Ghaly  
 His / her father / spouse is a permanent bonafide resident of the tribal areas of Mohmand  
 Agency in Category A. He / She is entitled to any privilege extended to FATA  
 subject to eligibility and Government policies.

Political Tehsil Officer  
 Naib Tehsil Officer

Assistant Political Agent  
 Mohmand Agency

No. 101 Dated 28/04/2018

No. 15 Dated 29/04/2018

Countersigned  
 Political Agent  
 Mohmand Agency

Political Agent  
 Mohmand Agency

Attested

Attested  
 Political Agent  
 Mohmand Agency

No. 6018 Dated 30/4/2018

Attested

### بیان حلفی

میں کسی اسماٹہ (2) ولد بنت ازوجہ (خواہے شہل) حلفیہ اقرار کرتا کرتی ہوں کہ میں ہمہند  
 ایجنسی کے قبیلہ (20) سکند (2) تحصیل (2) سے تعلق رکھتا رکھتی ہوں  
 سائل اسماٹہ نے بھی تک کسی اور ایجنسی یا ضلع کا ڈومیسائل حاصل نہیں کیا ہے۔

### بیان مکان قوم

- (1) سائل اسماٹہ کا مواجب ملک (2) کے ساتھ برابر کا کی شریک ہے۔
  - (2) سائل اسماٹہ مستقل طور پر ایجنسی کے علاقہ میں رہائش پذیر ہے۔
  - (3) سائل اسماٹہ دو گورہ ہے اور دوسرا گھر علاقہ سرکار (2) میں واقع ہے۔
  - (4) سائل اسماٹہ نے کوئی دوسرا ڈومیسائل سرٹیفکیٹ حاصل نہیں کیا ہے۔
  - (5) سائل اسماٹہ ایجنسی کے ہر نفع اور نقصان میں برابر کا کی شریک ہے۔
- آزاد گورہ بالا بیان میں کوئی غلطی پائی گئی تو ہم جملہ مکان حکومت کو پانچ لاکھ (5,00,000) روپے بطور جرمانہ ادا کریں گے۔  
 سن کر درست تسلیم کیا۔

(1) ملک (2) کے ساتھ برابر کا کی شریک ہے۔  
 شناختی کارڈ نمبر: 1121611-12345678  
 یاد دہانی

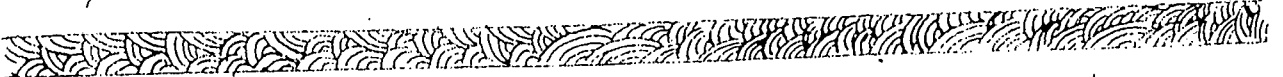
(3) ملک (4) کے ساتھ برابر کا کی شریک ہے۔  
 شناختی کارڈ نمبر: 2145678-12345678  
 یاد دہانی

ATTESTED

PT / PNT

*(Handwritten Signature)*

Handwritten notes at the top of the page, including the name 'M. S. Khan' and other illegible text.



Handwritten notes in the middle section, starting with 'The following...' and containing several lines of text.

Handwritten notes and a stamp. The stamp is from 'M. S. Khan' and includes the text 'M. S. Khan' and 'M. S. Khan'.

Sl. No.	Name	Address	Occupation	Signature	Date
1	M. S. Khan	M. S. Khan	M. S. Khan	M. S. Khan	1988
2	M. S. Khan	M. S. Khan	M. S. Khan	M. S. Khan	1988
3	M. S. Khan	M. S. Khan	M. S. Khan	M. S. Khan	1988
4	M. S. Khan	M. S. Khan	M. S. Khan	M. S. Khan	1988
5	M. S. Khan	M. S. Khan	M. S. Khan	M. S. Khan	1988

Handwritten notes and a large circular stamp. The stamp is from 'M. S. Khan' and includes the text 'M. S. Khan' and 'M. S. Khan'.

Handwritten notes and a large signature. The signature is 'M. S. Khan' and is written in a stylized, cursive script.

Handwritten notes at the bottom of the page, including the number '14' in a circle and '1988'.

**SHABQADAR**

**FILLING STATION**

Peshawar Road Shabqadar.

Date: 1-1-2003



**SHELL**

شہزادہ شہزادہ اسٹیشن

پشاور روڈ شہزادہ

فون: 091-6281539

Experience certificate for Driver

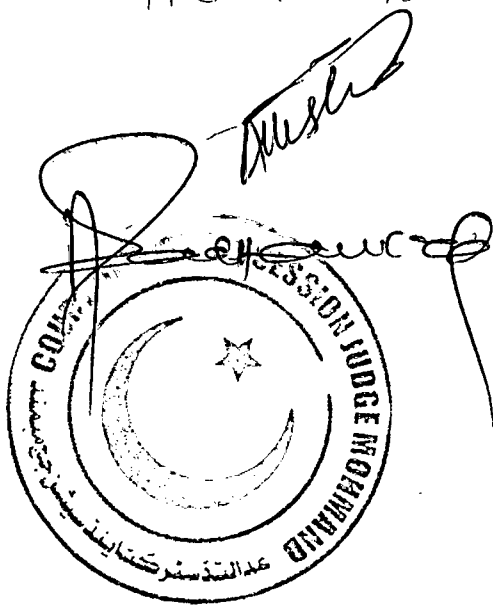
Dear Sir,

(19)

It is certified that Mr. Wakeel Khan  
S/o Sawab Gul is a Driver of  
oil Tanker in Shell Shabqadar Filling station  
from January 2003 to still.

He can also drive other LTV, and HTV  
Vehicle also.

He is honest, punctual and dutyfull man



SHABQADAR FILLING STATION  
LEADER SHEEL PAK. LTD.  
A/C 81469  
Shabqadar Dist. Charsadda

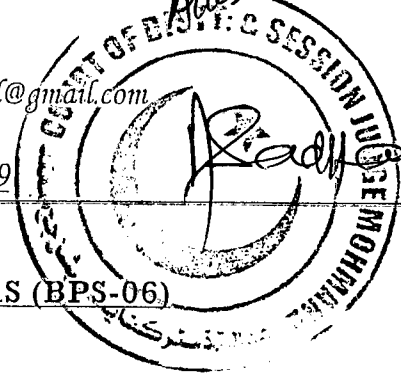
آصف اقبال منیر



Office of the  
**District & Sessions Judge,**  
**Mohmand**

Phone: Office: 091-6281111, Email: dsjmohmand@gmail.com

No. 312 /DSJ, Mohmand Dated: 14.06.2019



**APPOINTMENT ORDER OF DRIVERS (BPS-06)**

On the recommendations of the Departmental Selection Committee, the Competent Authority is pleased to order the appointment on temporary basis of the following candidates on the posts mentioned against their names with effect from the date of assumption of charge of the post, subject to medical fitness and verification of antecedents / testimonials through quarter concerned:

S#	NAME OF CANDIDATE	FATHER'S NAME	CNIC No.	POST
1	Noor Taj	Noor Muhammad	21402-8494158-5 D.O.B: 12.01.1982	Driver BPS-06
2	Wakil Khan	Sawab Gul	17101-1292680-5 D.O.B: 10.03.1982	Driver BPS-06
3	Saz Muhammad	Minadar	21406-2405583-9 D.O.B: 20.10.1982	Driver BPS-06
4	Sajid	Sher Afzal	171017-297572-3 D.O.B: 01.01.1983	Driver BPS-06
5	Muhammad Khan	Hakeem Khan	17301-1245643-3 D.O.B: 12.12.1983	Driver BPS-06
6	Majid Khan	Zahir Rahman	214022-655530-3 D.O.B: 12.02.1984	Driver BPS-06
7	Shezali Khan	Lal Muhammad	21402-9220188-3 D.O.B: 02.03.1984	Driver BPS-06
8	Shahid Ali	Shah Rehman	214027-536690-3 D.O.B: 12.04.1987	Driver BPS-06
9	Aman Ullah	Shehzada	21405-9631722-1 D.O.B: 01.01.1988	Driver BPS-06
10	Amir Shah	Zangal Shah	21407-9334036-1 D.O.B: 27.03.1988	Driver BPS-06

2. Their appointments to the service shall be subject to the following terms and conditions:

- (12)
- i. They will be governed by the Khyber Pakhtunkhwa Civil Servants Act, 1973 and Khyber Pakhtunkhwa Government Servants (Appointment, Promotion & Transfer) Rules, 1989.
  - ii. They will be allowed the minimum pay of the scale in which they are appointed plus other allowances as admissible under the rules. The employee who is already in Government Service and whose pay is more than the minimum of the scale in which he is appointed will be allowed to draw pay he has drawn last before his appointment, subject to permission by the Competent Authority and his pay shall be fixed accordingly.
  - iii. They shall be governed by such rules and instructions relating to leave, traveling allowance and Medical attendance as may be prescribed from time to time.
  - iv. They shall be on probation initially for a period of one year extendable up-to two years.
  - v. They will be eligible for continuance and eventual confirmation in the post on satisfactory completion of their probationary period, and the completion of prescribed training, if any.
  - vi. Their services shall be liable to be dispensed with at any time without notice and assigning any reason during their probation period, if their work or conduct during this period is unsatisfactory. In the event of termination from service, fourteen days' notice or equivalent pay in lieu thereof will be paid by the Government. In case of resignation, they will give a notice one month in advance to the Competent Authority otherwise, their one month pay will be forfeited to the Government. The

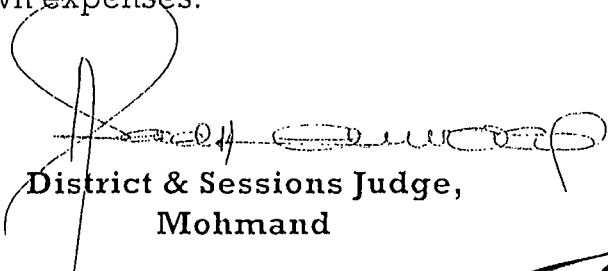
Mushtaq

Permanee

(18)

resignation shall, however, be subject to the acceptance by the Competent Authority.

- vii. They will be governed by the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and the Khyber Pakhtunkhwa, Government Servants Conduct Rules, 1987 and any other instructions which may be issued by the Competent Authority from time to time.
3. If the above terms and conditions of appointment are acceptable, they may report for duty to the undersigned immediately. The offer of appointment shall be deemed to have been cancelled if they fail to report for duty to the undersigned within fifteen (15) days from the date of issue of this order and the vacancies will be filled up from the waiting list.
4. They shall join duty at their own expenses.

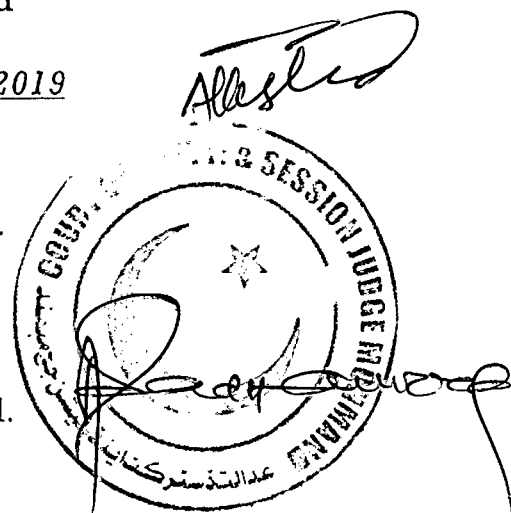
  
District & Sessions Judge,  
Mohmand

No. 312 /DSJ, Mohmand

Dated: 14.06.2019

Copy of the above is forwarded to:

1. The Registrar, Peshawar High Court, Peshawar.
2. All the Members of DSC.
3. The District Accounts Officer, Mohmand.
4. The Medical Superintendent, District Mohmand.
5. The Candidates concerned by name.
6. Office Record.



  
District & Sessions Judge,  
Mohmand





1

(19)

*Office of the*  
**District & Sessions Judge,**  
**Mohmand**

Phone Office: 091-6281111, Email: dsjmohmand@gmail.com

No. 317 / DSJ, Mohmand

Dated: 14.06.2019

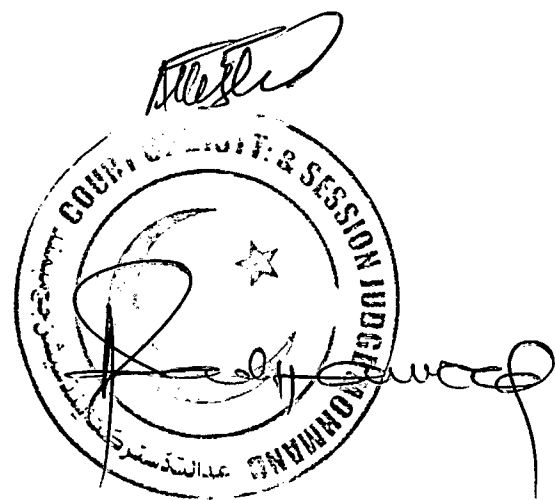
**MINUTES OF THE MEETING OF DEPARTMENTAL  
SELECTION COMMITTEE MEETING (DSC FOR  
ESTABLISHMENT OF DISTRICT & SESSIONS JUDGE)  
DISTRICT, MOHMAND**

Two meetings of the Departmental Selection Committee of the establishment of District & Sessions Judge, Mohmand were held on 10<sup>th</sup> & 14<sup>th</sup> June, 2019 respectively in the Frontier Constabulary Fort, Shabqadar, relating to the establishment of District Judiciary, Mohmand for filling up vacancies as per detail given below.

S.No.	Name of the Post	BPS	Number of posts / vacancies	Establishment
1	Drivers	BPS-06	10	District & Sessions Judge, Mohmand

The following attended the meetings:

1. **Asad Hameed Khan,**  
District & Sessions Judge,  
District Mohmand (Chairman)
2. **Wali Muhammad Khan,**  
Additional District & Sessions Judge-I,  
District Mohmand (Member)
3. **Mohib Jan,**  
Additional District & Sessions Judge-II,  
District Mohmand (Member)
4. **Ubaid Ullah,**  
Senior Civil Judge,  
District Mohmand (Member)
5. **Zaeem Ahmad,**  
Director HR & W, Peshawar High Court, Peshawar  
(Nominee of Peshawar High Court, Peshawar)



The agenda of the meeting was to fill the above mentioned ten (10) vacancies of drivers BPS-06 through initial appointment, by observing the guidelines as communicated by august Peshawar High Court, Peshawar and required quota policy as well but no quota was applicable. Applications have already been invited by way of publication/ advertisement through newspapers. 150 applications were received out of which 102 applications were rejected while 48 applications were valid. The Chairman constituted the technical committee comprising of Senior Civil Judge, Mohmand and Yaseen Iqbal Constable, technical / driving expert as its members assisted by Constables Israr Khan and Mukhtar Alam (Traffic Incharge Shabqadar). The eligible candidates were referred to Technical Committee for skill assessment. The Technical Committee after adopting the procedure short listed following 14 candidates:-

S#	NAME OF CANDIDATE	FATHER'S NAME
1	Noor Taj	Noor Muhammad
2	Saz Muhammad	Minadar
3	Ilyas Khan	Banaras Khan
4	Wakil Khan	Sawab Gul
5	Muhammad Sohail	Noor Shad
6	Irfan Khan	Badshah
7	Shahid Ali	Shah Rehman
8	Amir Shah	Zangal Shah
9	Sajid	Sher Afzal
10	Majid	Zahir Rahman
11	Muhammad Khan	Makem Khan
12	Amir Khan	Taseer Khan
13	Shezali	Lal Muhammad
14	Aman Ullah	Shehzada

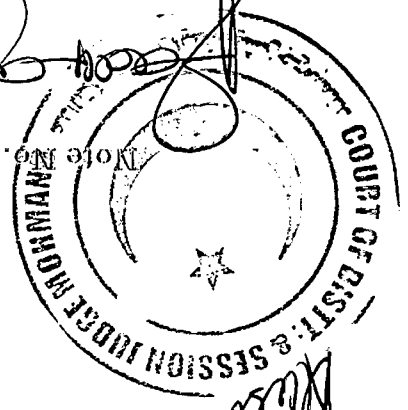
All the 14 recommended candidates were interviewed by the committed out of which 12 candidates were again short listed for draw. 02 candidates were dropped due to their awkward behaviour. Draw policy was conducted by placing their original driving license in a basket (bowl) in their presence. The chair asked turn by turn one of the candidates for picking the driving license. Thus the following candidates were selected in the bowl policy per table below:-

S#	NAME OF CANDIDATE	EXISTING'S NAME
1	Noor Taj	Noor Muhammad
2	Wakil Khan	Sawab Gul
3	Saz Muhammad	Muawad
4	Sajid	Shor Akmal
5	Muhammad Khan	Hakeem Khan
6	Majid Khan	Zahir Rehman
7	Shezali Khan	Taj Muhammad
8	Shahid Ali	Shah Rehman
9	Amam Ullah	Shehzada
10	Amir Shah	Zangal Shah

Thus, they were unanimously recommended by the committee for the appointment while the left over 02 candidates in bowl policy were kept in waiting list. They will be called for a mutual draw if any of above vacancies fell vacant due to any reason.

Note No.1:- Mr. Jameel Faqir, Civil Judge-I, Shabqadar District Charsadda (nominee of the Senior Civil Judge, Mohmand for filling the posts of vacancies in the establishment of Senior Civil Judge, Mohmand were also included in the process.

Note No. 2:- The entire record pertaining to recruitment process has been sealed and placed in safe custody.



Wali Muhammad Khan,  
AD&SJ-I, Mohmand  
(Member)

Ubad Ullah,  
Senior Civil Judge, Mohmand  
(Member)

Mohib Jan,  
AD&SJ-II, Mohmand  
(Member)

Zaeem Ahmad,  
Director ITR & VW,  
Nominer of Worthy Peshawar  
High Court, Peshawar

Muhammad Hameed Khan,  
District & Sessions Judge,  
Mohmand  
(Chairman)

(21)

22

No 312 DSJ, Mohmand

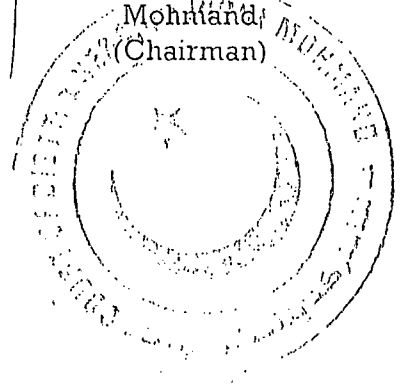
Dated: 14.06.2019

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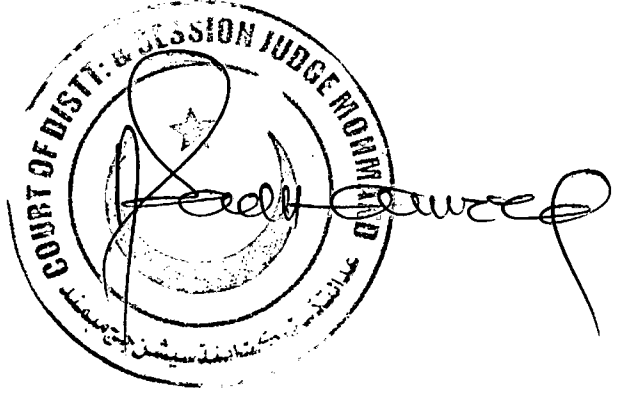
- 1. The worthy Registrar Peshawar High Court, Peshawar.
- 2. Members of the Committee
- 3. Office copy.

*Asad Hameed Khan*

Asad Hameed Khan,  
 District & Sessions Judge,  
 Mohmand,  
 (Chairman)



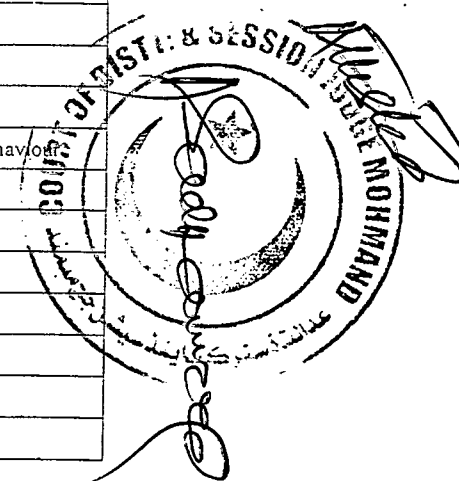
*Attested*

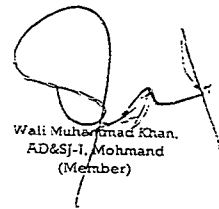


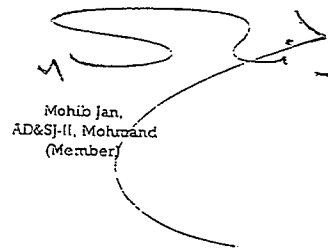
## Working Paper

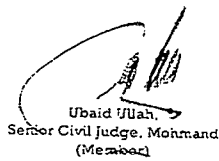
Working paper for initial recruitment

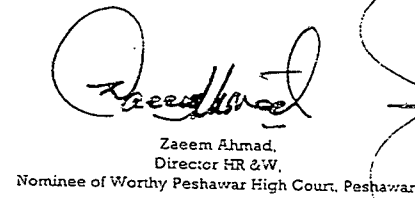
District & Sessions Judge, Mohmand									
Name of Establishment	Post and Scale	Driver (BPS-6)	Number of Vacancies			10 (ten)			
S.No.	Name	Father's Name	Domicile	Date of birth / age till closing of application	Whether within required age limit		Educational qualification	Experience in Relevant Field, if any	Remarks of the Committee
					Yes	No			
1	Noor Taj	Noor Mohammad	Mohmand	37	Yes		Middle Pass	5 Years	
2	Saz Mohammad	Minadar	Mohmand	37	Yes		SSC	5 Years	
3	Ilyas Khan	Banaras Khan	Mohmand	34	Yes		Middle Pass	5 Years	Ackward behaviour
4	Amanullah	Shahzada	Mohmand	31	Yes		Middle Pass	5 Years	
5	Wakil Khan	Sawab Gul	Mohmand	37	Yes		Middle Pass	5 Years	
6	Mohammad Sohail	Norshad Khan	Mohmand	32	Yes		F.A	5 Years	
7	Irfan Khan	Badshah	Mohmand	37	Yes		Middle Pass	5 Years	Ackward behaviour
8	Shahid Ali	Shah Rehman	Mohmand	31	Yes		Middle Pass	5 Years	
9	Amir Shah	Zangal Shah	Mohmand	31	Yes		SSC	5 Years	
10	Sajid	Sher Afzal	Mohmand	36	Yes		Middle Pass	5 Years	
11	Majid Khan	Zahir Rehman	Mohmand	35	Yes		Middle Pass	5 Years	
12	Muhammad Khan	Hakim Khan	Mohmand	34	Yes		Middle Pass	5 Years	
13	Amir Khan	Taseer Khan	Mohmand	33	Yes		Middle Pass	5 Years	
14	Shezali	Lal Muhammad	Mohmand	35	Yes		Middle Pass	5 Years	

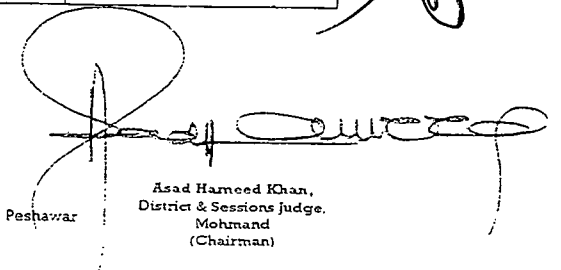

  
 DISTRICT & SESSIONS JUDGE, MOHMAND

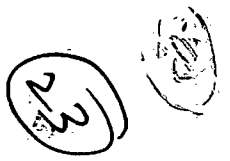

  
 Wali Muhammad Khan,  
 AD&SJ-I, Mohmand  
 (Member)


  
 Mohid Jan,  
 AD&SJ-II, Mohmand  
 (Member)


  
 Ubaid Ullah,  
 Senior Civil Judge, Mohmand  
 (Member)


  
 Zaeem Ahmad,  
 Director HR & W,  
 Nominee of Worthy Peshawar High Court, Peshawar


  
 Asad Hameed Khan,  
 District & Sessions Judge,  
 Mohmand  
 (Chairman)





Office of the  
District & Sessions Judge, Mohmand

No. 499/DSJ, MohmandDated: 17/07/2019

To

Deputy Commissioner,  
District Mohmand at Ghallanai.

Subject:

VERIFICATION OF DOMICILE CERTIFICATES

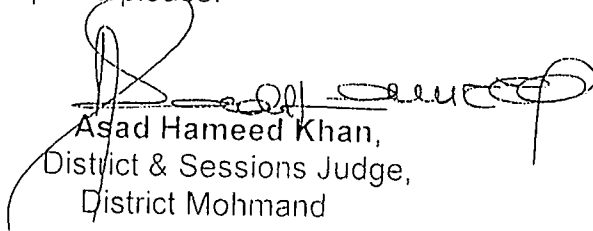
Dear Sir,

Please refer to the captioned subject and to state that staff is recruited in the newly established district judiciary Mohmand having domicile of district Mohmand. The domiciles of the staff need to be verified and detail report be submitted to this office on urgent basis. Copies of domicile certificates are annexed. The list of staff detail is given below:-

S. No	Name	F/Name	CNIC No.
01	Muhammad Tayyab	Muhammad Azcem	21402-3762887-9
02	Jamal Shah	Abdul Jabbar	21402-6062690-3
03	Muqcem Shah	Qialis Khan	21403-6281421-9
04	Manzar Khan	Akbar Khan	21403-2662267-7
05	Tariq Jamal	Asal khan	17101-2969437-9
06	Taeab Ahmad	Amil Dad	21402-7464343-9
07	Alamzeb khan	Jehanzeb khan	17102-4770009-7
08	Safi Ullah	Sardar Khan	21403-9937755-7
09	Muhammad Musa	Aziz khan	17301-5232680-7
10	Suliman khan	Abdul Qayyum	21407-0469626-5
11	Muhammad Raziq	Shahzada khan	17301-9666885-7
11	Fakhre Alam khan	Mir Alam khan	17301-4131269-1
13	Muhammad Ishaq	Gul Munir	21407-3314579-1
14	Fazal Hadi	Kaki Jan	17301-4561857-3
15	Akhtar Munir	Abdul Malik	21402-6845719-7
16	Abid Ali	Yar Rahman	21402-9624217-9
17	Mehnaz	Alam Din	21402-8324454-8
18	Muhammad Ikram	Muhammad Rokhan	21407-2987580-7
19	Nazam Ud Din	Sanobar khan	21402-44445865-1
20	Aftab	Sawab khan	21402-4661079-9
21	Kalim ullah khan	Atta ullah	17101-7360506-7
22	Navid khan	Abdul Wahab	21402-6370074-1
23	Saddam khan	Minadar	21406-2086450-1
24	Tahir khan	Saida khan	21402-0295450-7
25	Haroon Mahmood	Shah Zar khan	21407-3844389-5
26	Ayub Jan	Mian Jan	17102-3493021-9
27	Noor Taj	Noor Muhammad	21402-8494158-5
28	Wakil khan	Sawab Gul	17101-1292680-5
29	Saz Muhammad	Minadar	21406-2405583-9
30	Sajid	Sher Afzal	17101-7297572-3
31	Muhammad Khan	Hakeem Khan	17301-1245643-3

32	Majid khan	Zahir Rahman	21402-2655530-3
33	Sherzali Khan	Lal Muhammad	21402-9220188-3
34	Shahid Ali	Shah Rehman	21402-7536690-3
35	Aman ullah	Shehzada	21405-9631722-1
36	Amir Shah	Zangal Shah	21407-9334036-1
37	Muhammad Ali	Akhtar Gul	21402-2996670-1
38	Shafi Ullah	Haikal Said	42201-6437985-3
39	Nascer Ahmad	Khan Bahadar	21402-0231269-3
40	Hikmat Shah	Muhammad Gul	21402-9298740-9
41	Alamgir	Muhammad Rasool	21407-5666325-1
42	Hameed Ullah	Maz Ullah	21405-5955177-7
43	Irfan Ullah	Rofan Khan	21402-5347772-3
44	Saddam Hussain	Gul Muhammad	21403-3285902-1
45	Ahmad Shah	Abdur Rahman	21403-8664350-9
46	Kashif Ur Rehman	Faiz Ur Rehman	21402-4966816-5
47	Muhammad Ali	Ajmal Khan	21402-5717431-1
48	Subhan Ullah	Fazal Wahid	21402-3716450-3
49	Akhtar Gul	Noor Said	21403-0254793-1
50	Amir Ullah	Muhammad Yaseen	17103-0364392-3
51	Munsif Khan	Mera Gul	21402-3819756-5
52	Israj Ali	Laiq Jan	21405-3859679-9

Quick action on your part is anticipated please.

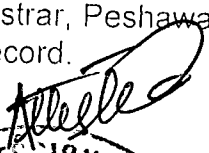
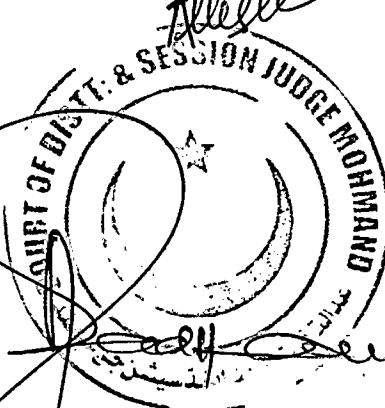
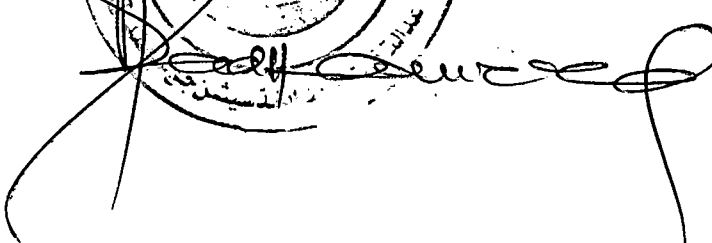
  
Asad Hameed Khan,  
District & Sessions Judge,  
District Mohmand

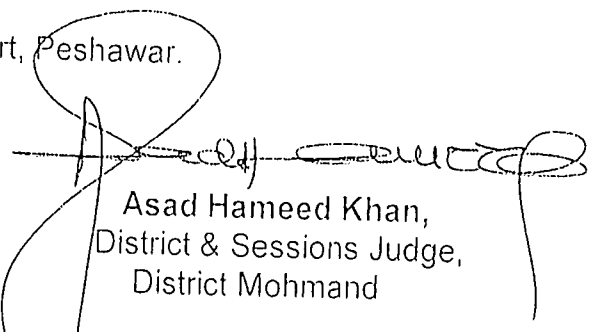
No. 500-01 /DSJ, Mohmand

Dated: 17/07 /2019

Copy to:

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2. Office Record.

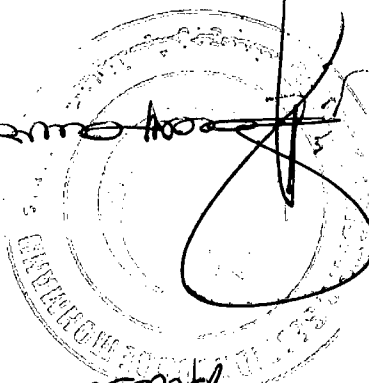
  
  


  
Asad Hameed Khan,  
District & Sessions Judge,  
District Mohmand

Office to report  
30/8/2019

وہاں

تہذیبی و تعلیمی امور کے لیے  
مختص اداروں کو مطلع کیا گیا ہے کہ  
ان اداروں کو اپنی ذمہ داریاں ادا کرنے  
کی ضرورت ہے۔



29/8/2019

مختص اداروں کو مطلع کیا گیا ہے کہ  
ان اداروں کو اپنی ذمہ داریاں ادا کرنے  
کی ضرورت ہے۔

حکومت پنجاب

تہذیبی و تعلیمی امور کے لیے

26



Annexure "F"

اعمالو هو اقرب لتقوى



Office of the

District & Sessions Judge, Mohmand

Ph: 0924-290133

Fax: 0924-290133

Email: dsjmohmand@gmail.com

22

No. 586 /DSJ, Mohmand

Dated: 30/08 /2019

**Office Order:**

Mr. Wakil Khan Driver BPS-06 was appointed by this office vide letter No. 312 Dated 14/6/2019. The official has moved an application to this office with a request for his relinquishment from service and made personal request for resignation as well on the grounds of personal matters.

After obtaining office report, the application for resignation by official is allowed and he is relieved from the post.

As notice of resignation was not tendered to this office one month in advance. Hence the accountant is directed to forfeit the salary to the Govt. under the rules and office to make necessary entries in the service book and other official record.

Entire record may be placed before the authority so as to make necessary arrangements in line with direction contained vide letter No. 14090-14150 dated 10/07/2019 by the Peshawar High Court, Peshawar.

Asad Hameed Khan,

District & Sessions Judge,

District Mohmand

No. 587-27 /DSJ, Mohmand

Dated: 30/08 /2019

Copy to:

1. Wakil Khan
2. Office Copy

Asad Hameed Khan,

District & Sessions Judge,

District Mohmand

اعمالو هو اقرب لتقوى



Office of the

District & Sessions Judge, Mohmand

Ph: 0924-290133

Fax: 0924-290133

Email: dsjmohmand@gmail.com

28

Dated: 30/08/2019

**Memo:**

Mr. Wakil Khan as Driver has resigned from his duty on 29.08.2019 and submitted his resignation (copy enclosed) to this office.

As per the appointment order of office of the District & Sessions Judge Mohmand having No. 312/dsj dated 14.06.2019 for the post of Driver (BPS-06) para VI. "In case of resignation, they will give a notice one month in advance to the competent authority otherwise, their one month pay will be forfeited to the Government".

He failed to meet the requirements/rules mentioned above in para VI.

The budget & Accounts Assistant is directed to take necessary action and report to the concerned departments on time.

Superintendent,

District & Sessions Judge, Mohmand.



DEPUTY COMMISSIONER  
MOHMAND TRIBAL DISTRICT

Phone No. 0924-290001 Fax No. 0924-290075 Email: pamohmand@gmail.com

No. 3925 /EC,

Dated 8 /10/2019.

To: -

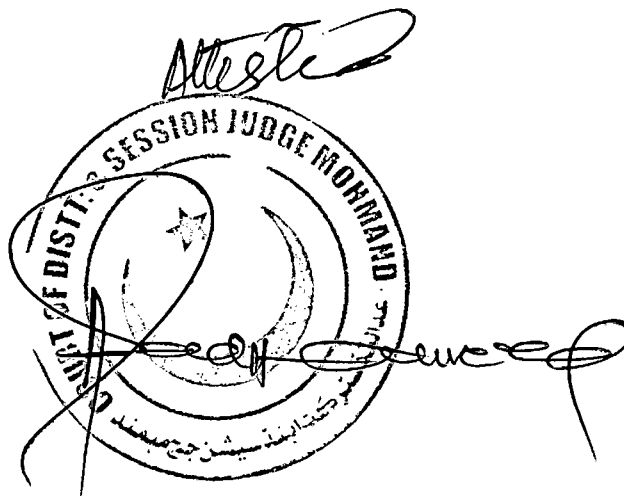
Senior Civil Judge  
Mohmand Tribal District

Subject: - VERIFICATION OF DOMICILE.  
Memorandum: -

Reference your letter No. 325-328/SCJ Mohmand dated 25/07/2019 on the subject cited above.

As verified by Assistant Commissioner Baizai vide his letter No. 1011/AC/B dated 26/09/2019, Domicile Certificates in respect of the following persons is correct/genuine.

S/No.	Name /Father Name	CNIC No.	Tehsil/Tribe
1.	Sohail Anjumd/o Azam Khan	17101-1047913-0	Khewezai Esak Kor
2.	Rahim Dad Khan Dawa Khan	21406-3654007-9	Baizai Khuga Khel
3.	Hameed Ullah s/o Jamsheer	21406-3129082-5	Baizai Koda Khel
4.	Ahmad Umar s/o Dost Muhamamad	37405-8987028-3	Baizai Musa Khel
5.	While the Domicile Certificate of Mr. Wakeel Khan s/o Sawab Gul is fake/bogus (record not found).		



Deputy Commissioner  
Mohmand Tribal District

اعبادو هو اقرب لتقوى



Office of the  
District & Sessions Judge, Mohmand

Ph: 0924-290133  
Fax: 0924-290133  
Email: dsjmohmand@gmail.com

30

No. 589/DSJDated: 05/09/2019

To

The Worthy Registrar,  
Peshawar High Court, Peshawar.

From

Asad Hameed Khan,  
District & Sessions Judge,  
District Mohmand.

Subject: Filling up the Vacant Post of Driver (BPS-06)

Reference to letter No. 14090-14150 dated 10.07.2019 of  
Peshawar High Court, Peshawar.

Dear Sir,

It is stated that a post of driver (BPS-06) is lying vacant in District Judiciary Mohmand due to resignation by the employee namely Wakil Khan appointed as driver in (BPS-06) vide this office letter No. 312 dated June 14, 2019. The resignation of the said employee was allowed and he was relieved vide office order No. 586-88 dated August 30, 2019. There are two candidates in waiting list of drivers which is valid up to September 14, 2019.

Your good self is requested to kindly give us directions either to hire a candidate from the waiting list through bowl policy or re-advertise the vacant post.

Asad Hameed Khan,  
District & Sessions Judge,  
District Mohmand

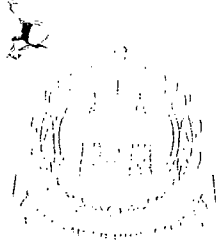
No. 590-90/DSJ, MohmandDated: 05/09/2019

Copy to:

1. Additional Registrar, Peshawar High Court, Peshawar.
2. PSO, Peshawar High Court, Peshawar.
3. Office Copy

Asad Hameed Khan,  
District & Sessions Judge,  
District Mohmand

23



The  
PESHAWAR HIGH COURT  
Peshawar

All communications should be addressed to the Registrar Peshawar High Court, Peshawar and not to any official by name.

Exch: 9210149-58  
Off: 9210135  
Fax: 9210170

www.peshawarhighcourt.gov.pk  
info@peshawarhighcourt.gov.pk  
phcpsh@gmail.com

No. SDJ/PHC/HR&W/Admn/ 19055

Dated Peshawar, the 18-9- /2019

To

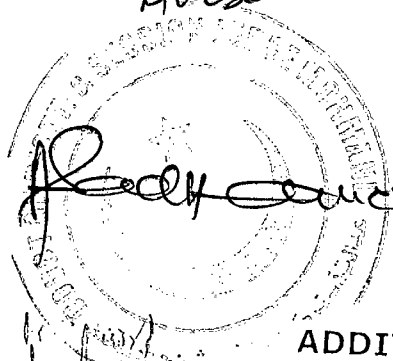
The District & Sessions Judge,  
Mohmand.

SUBJECT: FILLING UP THE VACANT POST OF DRIVER (BPS-06).

Dear Sir,

Reference to your letter No.589/DSJ, dated 05.09.2019 on the subject cited above and to say that you are allowed to appoint a candidate from waiting list, if properly maintained, as proposed in your letter.

*Attested*



Sincerely Yours

*[Handwritten signature]*

ADDITIONAL REGISTRAR (ADMIN)  
FOR REGISTRAR

*Scan  
Office to  
on 25/9/2019*

*[Handwritten signature]*  
17.9.19



Office of the  
District & Sessions Judge, Mohmand

Ph: 0924-290133  
Fax: 0924-290133  
Email: dsjmohmand@gmail.com

No. 664-67/DSJ

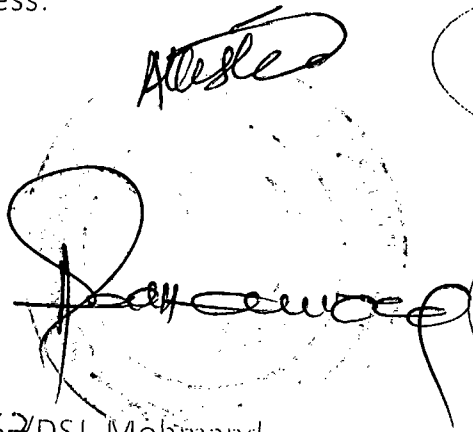
Dated: 28/09/2019

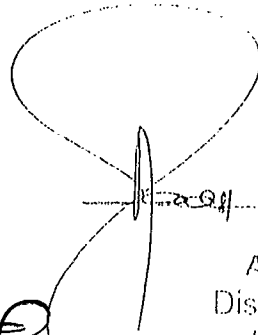
**Office Order:**

Recruitment of paralegal staff is to be made for the newly established District Mohmand. In order to streamline the process of recruitment, the following committee is constituted:-

- |  |          |
|--|----------|
| 1. Mr. Asad Hameed Khan,<br>District & Sessions Judge, Mohmand.          | Chariman |
| 2. Mr. Wali Muhammad Khan,<br>Add: District & Sessions Judge-I, Mohmand. | Member   |
| 3. Mr. Mohib Jan<br>Add: District & Sessions Judge-II, Mohmand.          | Member   |
| 4. Mr. Ubaid Ullah<br>Senior Civil Judge, Mohmand.                       | Member   |

The Committee shall frequently convene meetings for supervision of the process.

*Attested*  




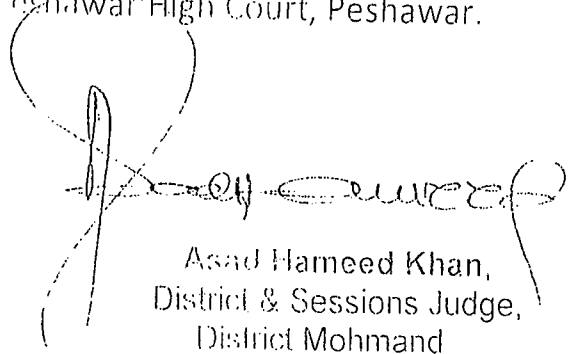
Asad Hameed Khan,  
District & Sessions Judge,  
District Mohmand

No. 664-67/DSJ, Mohmand

Dated: 28/09/2019

**Copy to:**

1. Registrar, Peshawar High Court, Peshawar.
2. PSO, Honorable the Chief Justice, Peshawar High Court, Peshawar.
3. Members of the Committee.
4. Office Copy.

  
Asad Hameed Khan,  
District & Sessions Judge,  
District Mohmand

اعبادو هو اقرب لتقو



Office of the  
District & Sessions Judge, Mohmand

Ph: 0924-290133  
Fax: 0924-290133  
Email: dsjmohmand@gmail.com

33

No. 704 /DSJ

Dated: 8/10 /2019

To

The Worthy Registrar,  
Peshawar High Court, Peshawar.

From

Asad Hameed Khan,  
District & Sessions Judge,  
District Mohmand.

Subject:

Nomination of Representative for Recruitment of Driver (BPS-06)  
Through Bowl Policy.

Reference to your letter No. SDJ/PHC/HR&W/Admin/19055 dated 18.09.2019 for recruitment/Selection of vacant post of Driver (BPS-06).

Dear Sir,

It is submitted that 14.10.2019 has been fixed selection of driver (BPS-06) from the waiting list through "Bowl Policy".

It is, therefore, requested that a representative/nominee of the worthy Peshawar High Court Peshawar may please be nominated for the subject process so that the process of recruitment/selection through "Bowl Policy" as per directives of Peshawar High Court Peshawar may be carried out at the earliest please.

No. 705-06 /DSJ, Mohmand

Asad Hameed Khan,  
District & Sessions Judge,  
District Mohmand

Dated: 8/10 /2019

Copy to:

1. Additional Registrar, Peshawar High Court, Peshawar.
2. Office Copy

Asad Hameed Khan,  
District & Sessions Judge,  
District Mohmand



The  
PESHAWAR HIGH COURT  
Peshawar

All communications should be addressed to the Registrar Peshawar High Court, Peshawar and not to any official by name.

Exch: 9210149-58  
Off: 9210135  
Fax: 9210120

www.peshawarhighcourt.gov.pk  
info@peshawarhighcourt.gov.pk  
phcphs@gmail.com

34

No. 20571 /Admn:

Dated Pesh the 12 / 10 /2019

To:

✓ The District & Sessions Judge,  
District Mohmand.

Subject: **NOMINATION OF REPRESENTATIVE FOR RECRUITMENT OF DRIVER (BPS-06) THROUGH BOWL POLICY.**

Dear Sir,

I am directed to refer to your letter No. 704/D&SJ dated: 08.10.2019 on the subject noted above and to say that Mr. Naseer Ahmad, Senior Civil Judge (Admin), Charsadda is nominated as nominee of this Court for subject meeting scheduled to be held on 14.10.2019.

Sincerely yours,

**ADDITIONAL REGISTRAR (ADMIN)**  
**FOR REGISTRAR**

12.10.19

No. \_\_\_\_\_ /Admn:

Dated Pesh the \_\_\_\_ / \_\_\_\_ /2019

Copy forwarded for information and necessary action to:

1. The District & Sessions Judge, Charsadda.
2. Officer concerned by name.

**ADDITIONAL REGISTRAR (ADMIN)**  
**FOR REGISTRAR**



اعمالو هو اقرب لتقوى



Office of the  
District & Sessions Judge, Mohmand

Ph: 0924-290133  
Fax: 0924-290133  
Email: dsjmohmand@gmail.com

No. 733 /DSJDated: 14/10 /2019

**MINUTES OF THE MEETING OF DEPARTMENTAL SELECTION**  
**COMMITTEE (DSC) DISTRICT, MOHMAND**

The meeting of the Departmental Selection Committee (DSC) of District Judiciary, Mohmand was held today i.e. 14<sup>th</sup> October, 2019 in the office of District & Sessions Judge, Mohmand for filling up of vacancy as per detail given below.

S.No.	Name of the Post	BPS	Number of posts / vacancies	Establishment
1	Driver	BPS-06	01	District & Sessions Judge, Mohmand

The following Committee members and Nominee of Peshawar High Court attended the meetings.

1. **Mr. Asad Hameed Khan,**  
District & Sessions Judge,  
District Mohmand (Chairman).
2. **Mr. Wali Muhammad Khan,**  
Additional District & Sessions Judge-I,  
District Mohmand (Member).
3. **Mr. Mohib Jan,**  
Additional District & Sessions Judge-II,  
District Mohmand (Member).
4. **Mr. Ubaid Ullah,**  
Senior Civil Judge,  
District Mohmand (Member).
5. **Mr. Naseer Ahmad,**  
Senior Civil Judge (Admin), Charsadda,  
(Nominee of Peshawar High Court, Peshawar).

The agenda of the meeting was to fill up the above mentioned One (01) vacancy of driver (BPS-06) through initial appointment. The post fell vacant due to resignation by driver namely Wakil Khan. The waiting list of drivers had been maintained vide minutes of meeting of DSC No. 312/DSJ, Mohmand dated

36

14<sup>th</sup> June, 2019. Two candidates in bowl policy were kept in waiting list having equal status. Peshawar High Court, Peshawar allowed this office to appoint a candidate from waiting list vide letter no. SDJ/PHC/HR&W/Admin/19055 dated 18<sup>th</sup> September, 2019 and the following two candidates in waiting list were called for further process of selection.


S#	NAME OF CANDIDATE	FATHER'S NAME
1	Muhammad Sohail Khan	Noor Shad Khan
2	Amir Khan	Tafseer Khan


Draw/Bowl policy was conducted by placing their original driving licenses in a basket (bowl) in their presence. The chair asked to withdraw one driving license. Thus the following candidate was selected in the bowl policy:-


S#	NAME OF CANDIDATE	FATHER'S NAME
1	Muhammad Sohail Khan	Noor Shad Khan


Thus, he was unanimously recommended by the committee for appointment against the post as per bowl policy. The left out candidate will be considered, if the successful candidate failed to report or otherwise. The event has been captured via video and photographs have also been taken.

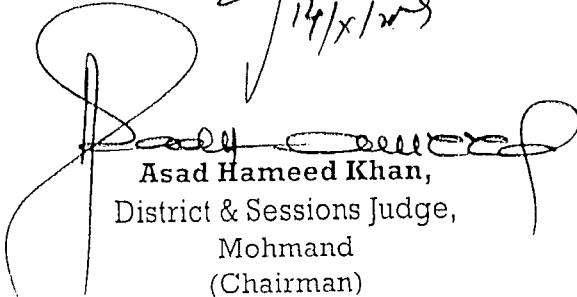
**Note No.1:-** The entire record pertaining to recruitment process has been sealed and placed in safe custody.

  
Wali Muhammad Khan,  
AD&SJ-I, Mohmand  
(Member)

  
Mohib Jan,  
AD&SJ-II, Mohmand  
(Member)

  
Ubaid Ullah,  
Senior Civil Judge, Mohmand  
(Member)

  
Naseer Ahmad,  
Senior Civil Judge  
(Amin), Charsadda  
14/9/2019

  
Asad Hameed Khan,  
District & Sessions Judge,  
Mohmand  
(Chairman)

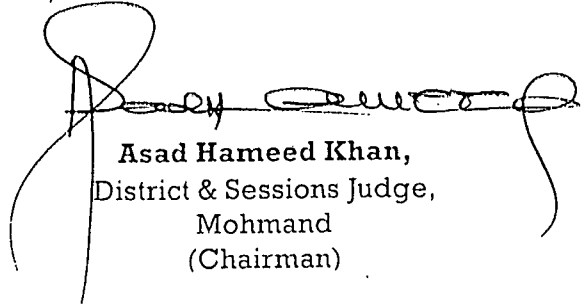
No 733 DSJ, Mohmand



Dated: 14.10.2019

(37)

**Copy forwarded for information to:**

1. The worthy Registrar Peshawar High Court, Peshawar.
2. Members of the Committee.
3. Office copy.

  
Asad Hameed Khan,  
District & Sessions Judge,  
Mohmand  
(Chairman)

1  
38

إعدالو هو اقرب إتقوى



Office of the  
District & Sessions Judge, Mohmand

Ph: 0924-290133  
Fax: 0924-290133  
Email: dsjmohmand@gmail.com

No. 734 /DSJDated: 14/10 /2019**APPOINTMENT ORDER OF DRIVER (BPS-06)**

On the recommendations of the Departmental Selection Committee, the Competent Authority is pleased to order the appointment on temporary basis of the following candidate on the post mentioned against his name with effect from the date of assumption of charge of the post, subject to medical fitness and verification of antecedents / testimonials through quarter concerned:

S#	NAME OF CANDIDATE	FATHER'S NAME	CNIC No.	POST
1	Muhammad Sohail Khan	Noor Shad Khan	17301-4698879-5 D.O.B: 23.04.1987	Driver BPS-06

2. His appointment to the service shall be subject to the following terms and conditions:

i. He will be governed by the Khyber Pakhtunkhwa Civil Servants Act, 1973 and Khyber Pakhtunkhwa Government Servants (Appointment, Promotion & Transfer) Rules, 1989.

ii. He will be allowed the minimum pay of the scale in which they are appointed plus other allowances as admissible under the rules. The employee who is already in Government Service and whose pay is more than the minimum of the scale in which he is appointed will be allowed to draw pay he has drawn last before his appointment, subject

*Alkhalid*

*Rodhawa*

to permission by the Competent Authority and his pay shall be fixed accordingly.

- iii. He shall be governed by such rules and instructions relating to leave, traveling allowance and Medical attendance as may be prescribed from time to time.
  - iv. He shall be on probation initially for a period of one year extendable up-to two years.
  - v. He will be eligible for continuance and eventual confirmation in the post on satisfactory completion of his probationary period, and the completion of prescribed training, if any.
  - vi. His services shall be liable to be dispensed with at any time without notice and assigning any reason during their probation period, if his work or conduct during this period is unsatisfactory. In the event of termination from service, fourteen days' notice or equivalent pay in lieu thereof will be paid by the Government. In case of resignation, he will give a notice one month in advance to the Competent Authority otherwise, his one month pay will be forfeited to the Government. The resignation shall, however, be subject to the acceptance by the Competent Authority.
  - vii. He will be governed by the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and the Khyber Pakhtunkhwa, Government Servants Conduct Rules, 1987 and any other instructions which may be issued by the Competent Authority from time to time.
3. If the above terms and conditions of appointment are acceptable, he may report for duty to the undersigned immediately. The offer of appointment shall be deemed to have been cancelled if he fail to report

39



for duty to the undersigned within fifteen (15) days from the date of issue of this order and the vacancy will be filled up from the waiting list.

4. He shall join duty at their own expenses.

— sd —

District & Sessions Judge,  
Mohmand

No. 735-40 /DSJ, Mohmand

Dated: 14.10.2019

Copy of the above is forwarded to:

1. The Registrar, Peshawar High Court, Peshawar.
2. All the Members of DSC.
3. The District Accounts Officer, Mohmand.
4. The Medical Superintendent, District Mohmand.
5. The Candidates concerned by name.
6. Office Record.

*Attested*

*Radyance*  
District & Sessions Judge,  
Mohmand

*Radyance*

4

**IN THE PESHAWAR HIGH COURT, PESHAWAR**

W.P No. 5652-P/2019

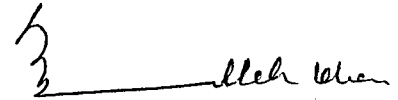
Wakeel Khan                      versus              District Judge & Another

**I N D E X**

<b>S.#</b>	<b>Description of Documents</b>	<b>Annex</b>	<b>Page</b>
1.	Memo of Rejoinder		1-2
2.	Affidavit		3
3.	Domicile Certificate of brother	"R"	4-7
4.	Statement of Noman Khan Constable	"R/1"	8

Petitioner

Through



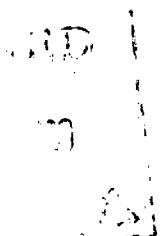
Saadullah Khan Marwat  
Advocate,  
21-A Nasir Mension,  
Shoba Bazar, Peshawar  
Ph: 0300-5872676

Dated 13-03-2020

  
**FILED TODAY**  
Deputy Registrar

14 MAR 2020





Bv

**IN THE PESHAWAR HIGH COURT, PESHAWAR**

W.P No. 5652-P/2019

Wakeel Khan

versus

District Judge & Another

**REJOINDER**

**Respectfully Sheweth,**

**Answer to Preliminary Objections:**

1. Not correct. Writ petition is quite maintainable.
2. Not correct. Petitioner has come to the hon'ble court with clean hands. No material facts were ever concealed.
3. Not correct. No malafide exists.
4. Not correct. No resignation with free consent was given by the petitioner but the same was the result of coercive action / reaction R. No. 01.

**ON FACTS:**

- 1-5. Admitted correct by the respondents regarding Domicile Certificate, advertisement, observation of due codel formalities, verification of status as correct.
5. In response to para No. 06 of the reply it is submitted that petitioner never submitted application for resignation from the post of driver voluntarily but was compelled by R. No. 01 to do so, otherwise he will be compelled for coercive measures and if the resignation was with free will then there was no need to agitate the matter, meaning thereby that resignation from the post was not voluntarily but was the result of dire consequences.

Petitioner, thereafter, got subsequent Domicile Certificate which was of the aforesaid nature and no difference between the two Domicile Certificates ever exists even the Domicile Certificates of the other family too. (Copies as annex "R")

**FILED TODAY**

**Deputy Registrar**

**1 & MAR 2020**



6. Not correct. The position has been explained in the preceding para and as for as subsequent appointment of M. Sohail Khan is concerned, the department was will within knowledge that the subject matter is subjudice before the court. Waiting List is valid for 180 days. The appointment of petitioner was made on 14-06-2019, while appointment of M. Sohail Khan was made on 14-10-2019.
7. Not correct. The para of the petition is correct regarding issuance of subsequent Domicile Certificate as per the aforesaid manner on the same address, Tribe, etc.
8. Not correct. The para of the petition has great nexuses with subject matter regarding complaint against Noman Khan Constable is serving in the said office at Ghalani. (Copy as annex "R/1")
9. Needs no comments regarding submission of representation.


**GROUND S:**

- a. Not correct. There exists no difference in the domicile dated 29-04-2018 (old) and 16-09-2019 (fresh).
- b. Admitted correct regarding 8<sup>th</sup> class education.
- c. Not correct. The para of the petition is correct. No resignation with free will was ever tendered.
- d. Needs no reply regarding criminal action against Noman Constable.
- e. Not correct. Mandatory requirement were not observed.

It is, therefore, most humbly requested that the Writ Petition be accepted as prayed for.

Petitioner

Through



Dated: 13-03-2020

Saadullah Khan Marwat  
Advocate

**FILED TODAY**  
**Deputy Registrar**  
14 MAR 2020

**IN THE PESHAWAR HIGH COURT, PESHAWAR**

W.P No. 5652-P/2019

Wakeel Khan                      versus                      District Judge & Another

**AFFIDAVIT**

I, Wakeel Khan S/O Sawab Gul, R/O Hadi Khel, Tehsil Khewezai, District Mohmand, EX-Driver of Court of Additional Session Judge, District Mohmand, do hereby solemnly affirm and declare that the contents of the **Rejoinder** are true and correct to the best of my knowledge and belief.

Identified By:

*[Signature]*  
Saad Ullah Khan

**Saad Ullah Khan**  
Advocate

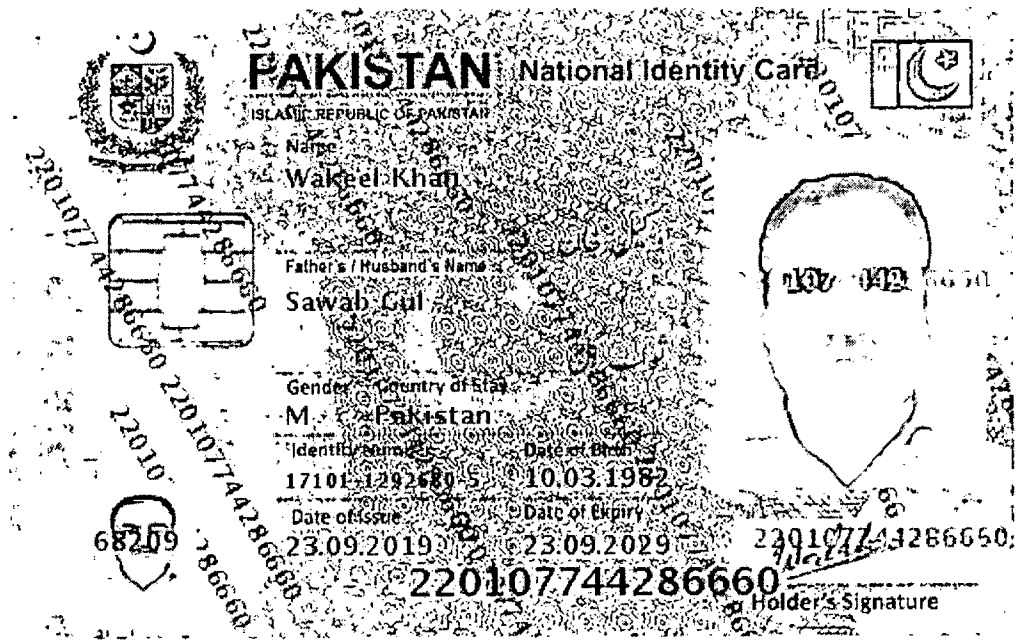
*[Signature]*

DEPONENT 1292680-5  
CNIC#: 17101-~~12345678~~  
Cell No. 0301-8887028

**FILED TODAY**  
**Deputy Registrar**  
13 MAR 2020

25000  
March  
Sawab Gul  
13  
20 Wakeel Khan  
Mohammad  
Saad Ullah  
13/3/20

Na dra verified



Census 1998 Database [ x]

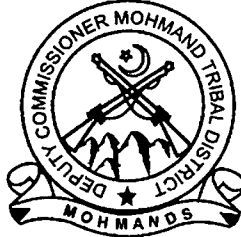
**There is no record** for this individual in the census database. Either no census data was registered, or lacks necessary identity information that could be used for linking the record with this individual.

Other Information that does not appear on card [ x]

Place of Birth شہب قدر چارسدہ  
Religion Islam



OFFICE OF THE  
DEPUTY COMMISSIONER  
MOHMAND TRIBAL DISTRICT  
Domicile Certificate



148-210  
~~148~~ 22/10/19

Certified that Mr. / Miss ARAB GUL  
Son/Daughter/Wife of SAWAB GUL  
Resident of Village SARDGHANI Tehsil UPPER M Mohmand Tribal  
District belongs to recognized tribe section KHAWAZAI sub section KHAWAZI KHAI  
His / her father / spouse is a permanent bonafide resident of the tribal areas of Mohmand  
Tribal District in Category 11 B d

Tehsil Dar  
Naib Tehsil Dar  
[Signature]

Assistant Commissioner  
Mohmand Tribal District  
[Signature]

No. 288 Dated 22/10/2019

No. 1163 Dated 22/10/2019

**Countersigned**

Deputy Commissioner  
Mohmand Tribal District

No. 5407 Dated 6/11/2019

ATTESTED TO BE  
TRUE COPY

## بیان حلفی

میں مسی اسکاہ سے ~~میں~~ ولد اہنت ازوجہ ~~میں~~ حلیفہ اقرار کرتا کرتی ہوں کہ میں ہمند قبائلی ضلع کے قبیلہ ~~خوینہ بنام خاندان~~ ~~میں~~ سے تعلق رکھتا رکھتی ہوں ساٹل اسانکھ نے ابھی تک کسی اور ضلع کا ڈومینائل حاصل نہیں کیا ہے۔

## بیان ملکان قوم

- (1) ساٹل اسانکھ کا مواجب ملک ~~میں~~ کے ساتھ برابر کا ایک شریک ہے۔
- (2) ساٹل اسانکھ مستقل طور پر ہمند قبائلی ضلع کے علاقہ ~~خوینہ بنام خاندان~~ ~~میں~~ رہائش پذیر ہے۔
- (3) ساٹل اسانکھ دو کورہ ہے اور دوسرا گھر علاقہ ~~میں~~ میں واقع ہے۔ ساٹل اسانکھ نے کوئی دوسرا ڈومینائل سرٹیفیکیٹ حاصل نہیں کیا ہے۔

سن کرد دست تسلیم کیا۔

~~میں~~ ~~میں~~

11

ملک (2)

ملک (1)

214067364595-1

شناختی کارڈ نمبر

214063744145-1

شناختی کارڈ نمبر

~~میں~~

ملک (4)

ملک (3)

214067400833-3

شناختی کارڈ نمبر

214069227600-5

شناختی کارڈ نمبر

میں

میں

ATTIESTED

T/NF

ATTESTED TO BE TRUE COPY

OFFICE OF THE  
DEPUTY COMMISSIONER  
MOHMAND TRIBAL DISTRICT  
Domicile Certificate



Naib Tehsildar  
Baizai  
Mohmand Tribal District



148-112  
22/10/2019

Certified that Mr. / Miss NADEEM AHMAD  
Son/Daughter/Wife of SAWAR GUL  
Resident of Village SAM GHAKHI Tehsil UPPER Mohmand Tribal  
District belongs to recognized tribe section KHAWAZA sub section KHADI KHAI  
His / her father / spouse is a permanent bonafide resident of the tribal areas of Mohmand  
Tribal District in Category C B 2

Tehsildar/  
Naib Tehsildar  
Baizai  
Mohmand Tribal District

No. 289 Dated 22/10/2019

Assistant Commissioner  
Mohmand Tribal District

No. 1162 Dated 28/10/2019

Attested  
F. Rabi Jan  
B.P.S. 17  
G.H.S. Attaki Charsdd

Countersigned  
Deputy Commissioner  
Mohmand Tribal District

No. 5408 Dated 16/11/2019

ATTESTED TO BE  
TRUE COPY

## بیان حلفی

پس مسی اسماعہ نوریہ احمد ولد اہنت ازوجہ خوب نظر حلفیہ اقرار کرتا ہوں کہ میں مہند قبائلی ضلع کے قبیلہ خوینہا خاوند خاوند خاوند سے تعلق رکھتا ہوں اور قبائلی ضلع کے قبیلہ خوینہا خاوند خاوند خاوند سے تعلق رکھتا ہوں۔  
سائل اسانکہ نے ابھی تک کسی اور ضلع کا ڈومیسائل حاصل نہیں کیا ہے۔

## بیان مکان قوم

- (1) سائل اسانکہ کا موجب ملک حصول کے ساتھ برابر کا کی شریک ہے۔
- (2) سائل اسانکہ مستقل طور پر مہند قبائلی ضلع کے علاقہ خوینہا خاوند خاوند خاوند میں رہائش پذیر ہے۔
- (3) سائل اسانکہ دو کورہ ہے اور دوسرا گھر علاقہ سرکار میں واقع ہے۔  
سائل اسانکہ نے کوئی دوسرا ڈومیسائل سرٹیفکیٹ حاصل نہیں کیا ہے۔

سن کر درست تسلیم کیا۔  
BADER  
 بھادر خوب نظر ملک (2) خوب نظر ملک (1)  
 شناختی کارڈ نمبر 214067364595-1 شناختی کارڈ نمبر 214063744145-1  
حسب خالی ملک (4) حسب خالی ملک (3)  
 شناختی کارڈ نمبر 214067406833-3 شناختی کارڈ نمبر 214069223600-5  
صاف خوب نظر

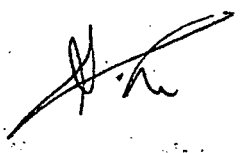
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بیان ازالہ نجان خان و والدہ العوب شاہ

میں نجیان خان و والدہ العوب شاہ کو حق امتیاز رقم 25 مارچ 2019ء کو  
 کماؤ پر غلطی کی حالت میں گندھری ٹھکانہ دارانہ کے برابر  
 بیان کیا۔ کہ ماہ رمضان 2019ء میں مجھے حق حسابانہ  
 حقہ لیا گیا۔ دس ہجرتوں نے تھے۔ کہ ایک ڈرو مسائل  
 بنوائے۔ کہ آج کے مسائل آج کے مسائل بنوائے۔ کہ آج کے مسائل  
 تاہم لڑکے سے بات کہہ جاتے کہ آج کے مسائل آج کے مسائل  
 مایہ 10 ہزار روپے بنوائے کہ آج کے مسائل آج کے مسائل  
 نے رقم حوالہ کر کے مسائل آج کے مسائل آج کے مسائل  
 حسابانہ کی رقم لے کر آج کے مسائل آج کے مسائل  
 ہوں۔ کہ آج کے مسائل آج کے مسائل آج کے مسائل  
 کو لے کر آج کے مسائل آج کے مسائل آج کے مسائل  
 لے کر آج کے مسائل آج کے مسائل آج کے مسائل  
 تھی۔ کہ آج کے مسائل آج کے مسائل آج کے مسائل  
 میں لے کر آج کے مسائل آج کے مسائل آج کے مسائل  
 میں لے کر آج کے مسائل آج کے مسائل آج کے مسائل  
 کیا۔ اصل ہے۔ دیگر مسائل آج کے مسائل آج کے مسائل  
 لے کر آج کے مسائل آج کے مسائل آج کے مسائل  
 لے کر آج کے مسائل آج کے مسائل آج کے مسائل

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 Mob- 0308-5969032



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**"B"**

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.  
 JUDICIAL COMPLEX (OLD), KHYBER ROAD, S.B  
 PESHAWAR.

No.

Appeal No.....220..... of 20 22

Muhammad Kabir Shah.....Appellant/Petitioner

*Regd*  
 Distt. & Session <sup>Versus</sup> Judge Nowshera.....Respondent

Respondent No.....3.....

Notice to: — Senior civil Judge Nowshera,

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on.....19/7/2022.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No.....dated.....~~

Given under my hand and the seal of this Court, at Peshawar this.....10<sup>th</sup>.....

Day of.....June 20 22.....

for Reply

Registrar,  
 Khyber Pakhtunkhwa Service Tribunal,  
 Peshawar.

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
  2. Always quote Case No. While making any correspondence.

**“B”**

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.  
 JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR. S.B

No.

Appeal No.....220..... of 20 22

Muhammad Kabir Shah.....Appellant/Petitioner

Versus

Distt. & Session Judge Nowshera.....Respondent

Respondent No....3.....

Regd

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office Notice No.....dated.....

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Day of.....June.....2022

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**“B”**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
**JUDICIAL COMPLEX (OLD), KHYBER ROAD, S.B**  
**PESHAWAR.**

No.

Appeal No. 220 of 20 22

Muhammad Kabir Shah Appellant/Petitioner

Distt: & Session Judge Nowshera. Respondent

Respondent No. 1

Distt: & Session Judge Nowshera.

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Day of June 20 22

*for Reply*

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 Khyber Pakhtunkhwa Service Tribunal,  
 Peshawar.

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**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
**JUDICIAL COMPLEX (OLD), KHYBER ROAD,**  
**PESHAWAR.** SB

No.

Appeal No. 220 of 20 22

Muhammad Kabir Shah Appellant/Petitioner

Versus

Distt. & Session Judge Nowshera Respondent

Respondent No. 1

Notice to: —

Distt. & Session Judge Nowshera

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cc

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Handwritten text, possibly a date or location, appearing to be '1888'.

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