

19th Oct., 2022

Nemo for the appellant. Mr. Kabirullah Khattak, Addl. AG
for the respondents present.

Written reply/comments on behalf of the respondents have not been submitted. Learned AAG seeks further time to contact the respondents and submit reply/comments on the next date. Granted. This case pertains to Abbottabad and because of cancellation of tour the matter was fixed on 19.10.2022 at the Principal Seat. Appellant and his learned counsel did not appear. Notice be issued to appellant and his counsel for the next date. To come up for written reply/comments and preliminary hearing on 18.11.2022 before S.B.


(Fareeha Paul)
Member (E)

16.06.2022

Appellant present through counsel.

Noor Zaman Khan Khattak, learned District Attorney alongwith Farhan ASO for respondents present.

Reply on behalf of respondents is still awaited. Representative of respondents requested for time to submit reply/comments. Opportunity is granted. To come up for reply/preliminary hearing on 17.08.2022 before S.B at Camp Court, Abbottabad.

(Rozina Rehman)
Member (J)
Camp Court, A/Abad

Q

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Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 118/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	26/01/2022	<p>The appeal of Mr. Nehmat Ullah resubmitted today by Mr. Muhammad Shafiq Awan Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to touring S. Bench at Abbottabad for preliminary hearing to be put up there on <u>22-04-2022</u></p> <p> CHAIRMAN</p>
	19.04.2022	<p>Appellant present through counsel. This case was fixed for 22.04.2022 but on the request of learned counsel for the appellant, case file was requisitioned for today.</p> <p>Let pre-admission notice be issued to respondents for reply. To come up for reply/preliminary hearing on 16.06.2022 before S.B at Camp Court, Abbottabad.</p> <p> (Rozina Rehman) Member (J) Camp Court, A/Abad</p>

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST**

Case Title: Nehmat Ullah vs Govt. of KPK

S.#	Contents	Yes	No
1.	This appeal has been presented by: _____		
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A.G?	✓	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?	✓	
16.	Whether appeal contains cuttings/overwriting?	✗	✓
17.	Whether list of books has been provided at the end of the appeal?	✓	
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?		
22.	Whether index filed?		
23.	Whether index is correct?		
24.	Whether Security and Process Fee deposited? on _____		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on _____		
26.	Whether copies of comments/reply/rejoinder submitted? on _____		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on _____		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:

M. Shafiq Awan

Signature:

Dated:


26/07/2022

The appeal of Mr. Nehmatullah son of Ghulam Muhammad office of the XEN PHE Division Battagram received today i.e. on 13.01.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Check list is not attached with the appeal.
- 2- Annexures of the appeal may be attested.
- 3- Appeal has not been flagged/marked with annexures marks.
- 4- Addresses of respondent no. 3&4 are incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 5- Law under which appeal is filed is not mentioned.
- 6- In the memo of appeal places have been left blank which may be filled up.
- 7- Annexure-H of the appeal is illegible which may be replaced by legible/better one.
- 8- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 99 /S.T,

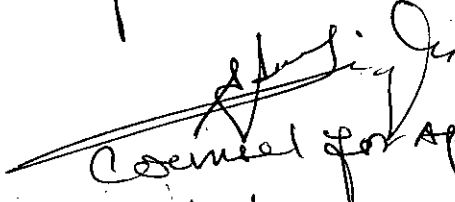
Dt. 14/01 /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Muhammad Sahfiq Awan Adv.
High Court Abbottabad.

Sir,

The needful has been done please
& is resubmitted please.


Counsel for App.
24/01
22

BEFORE THE HONOURABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR

Appeal No. 118 /2022

Nehmat Ullah son of Ghulam Muhammad resident of Village Banna, Tehsil Allahi District Battagram presently Office of the Executive Engineer Public Health Engineering Division Battagram.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

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S.#	Description	Page Nos.	Annexures
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2.	Addresses of the parties	13	
3.	Copies of documents issued by District Account Office Battagram	14 to 15A	"A"
4.	Copies of applications	16 to 20	"B"
5.	Copy of Employment Registration Card	21 - 22	"C"
6.	Copy of letter	23	"D"
7.	Copy of minutes of the meeting	24	"E"
8.	Copy of writ petition	25 to 37	"F"
9.	Copy of comments filed by the respondents	38 to 43	"G"
10.	Copy of details of appointments made by respondents and produced in the court	44	"H"
11.	Copy of order passed by Hon'ble High Court dated 06-11-2019	45 - 46	"I"
12.	Copy of Review Petition	47 to 52	"J"
13.	Copy of, order of Hon'ble High Court dated 10-02-2021	53	"K"
14.	Copy of Application of Contempt of Court	54 to 59	"K-1"
15.	Copy of the detail of Vacant Posts.	60	"L"
16.	Copy of order of appointment of the appellant	61	"M"
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18.	Copy of post office receipt	66	"O"
19.	Copy of application	67	"P"
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Dated: 10-01/2022

Through:

(MUHAMMAD SHAFIQ AWAN)
Advocate High Court, Abbottabad

APPELLANT

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

Appeal No. _____/2022

Nehmat Ullah son of Ghulam Muhammad resident of Village Banna, Tehsil Allahi District Battagram presently Office of the Executive Engineer Public Health Engineering Division Battagram.

...APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar.
2. Superintending Engineer, Public Health Engineering Department, Circle Mansehra.
3. Appellate Authority of Grade-III (of the appellant)/ Superintending Engineer, Public Health Engineering Department, Circle Mansehra.
4. Chairman Departmental Selection Committee, Public Health Engineering Division Battagram.
5. Executive Engineer, Public Health Engineering Division Battagram.

...RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF K.P SERVICE TRIBUNAL ACT, 1974 AGAINST ORDER NO. 01-E-4 DATED 28-06-2021 PASSED BY RESPONDENT NO. 5 APPARENTLY PASSED WITH CONNIVANCE OR WITH CONSENT OF THE RESPONDENT NO. 4, BUT DUE TO MALAFIDE AND WHILE EXERCISING POWER ILLEGALLY MADE THE APPOINTMENT OF THE APPELLANT AS SWEEPER INSTEAD OF APPOINTMENT OF THE APPELLANT ON THE VACANT POST OF WALVEMAN ON THE

STRENGTH OF EMPLOYEE SON QUOTA DUE TO RETIREMENT OF FATHER OF THE APPELLANT ON 01-07-2005 FROM THE POST OF VALVE MAN AND THE APPOINTMENT IS GIVEN EFFECT FROM 28-06-2021, AND, PRAYING THAT ON ACCEPTANCE OF THE INSTANT APPEAL THE APPOINTMENT ORDER DATED 28-06-2021 MAY KINDLY BE MODIFIED AND THE RESPONDENTS MAY KINDLY BE DIRECTED TO ADJUST THE APPELLANT ON THE VACANT POST OF WALVEMAN W.E.F THE DATE WHEN FIRSTLY THE POST OF WALVEMAN AND QUESTION WAS AVAILABLE WITH THE RESPONDENTS AND INSTEAD OF APPELLANT THE OTHER BLUE EYED PEOPLE WERE APPOINTMENT IN LEGALLY BY THE RESPONDENTS BY COMPLETELY IGNORING THE JUDGMENTS OF THE SUPERIOR COURTS OF PAKISTAN AND SUCH LIKE CASES AND ANY OTHER RELIEF TO WHICH THE APPELLANT IS FOUND ENTITLED BY THIS HONOURABLE COURT MAY KINDLY BE GRANTED TO THE APPELLANT IN THE BEST INTEREST OF JUSTICE AND LAW.

Respectfully Sheweth;-

1. That the father of appellant namely Ghulam Muhammad retired from the post of Valve Man from the Public Health Engineering, Tehsil Allai, District Battagram, on 01-07-2005. Copies of documents issued by District Account Office Battagram are annexed as Annexure "A".
2. That according to Government Policy, appellant submitted various applications for his appointment on retired employee son quota on the vacant post of valve man. Copies of applications are annexed as annexure "B" and copy of Employment Registration Card is annexed as annexure "C".
3. That the appellant alongwith two others were called for interview vide letter No. 3/E-4 dated 12-07-2012 by the respondent No. 5. Copy of letter is annexed as Annexure "D".
4. That due to malafide, connivance, discrimination, and by exercising illegal power by respondents No. 4 & 5 and by violating the Govt. Policy as well as principle laid down by the superior court of Pakistan, instead of appointment of appellant,

others were appointed, and the said unlawful order was passed by the respondent No. 4 on 15-02-2013. Moreover, by the said order appointments of those persons were made whose fathers were retired after retirement of appellant's father and these appointments were made in consideration of land grant policy by ignoring the decisions of the Hon'ble Supreme Court of Pakistan. Copy of minutes of the meeting is attached as Annexure "E".

5. That the appellant being aggrieved of the malafide and unlawful exercise of powers by the respondents No. 4 & 5 and said unlawful order having no other alternate remedy, filed writ petition No. 481-A/2013. The respondents with malafide intensions prolong the proceedings on one pretext or on the other and even during that period the respondents unlawfully, illegally, with malafide intention and to frustrate any expected order of the Honourable High Court may appointments of those persons whose father's were retired much after the retirement of the appellants fathers. Copy of writ petition is attached as Annexure "F", copy of comments filed by the

respondents are attached as Annexure "G" and copy of details of appointment made by respondents and produced in the court are attached as Annexure "H".

6. That on 06-11-2019, the said Writ petition was mistakenly decided on the ground that if the department made appointment of appellant as per law, upon such decision counsel for the appellant will have no objection. Copy of order passed by Hon'ble High Court dated 06-11-2019 is annexed as Annexure "I"

7. That appellant filed Review Petition No. 28-A/2019 for the correction of the said order passed by the Honourable High Court mistakenly, however, during the hearing of the said Review Petition on 10-02-2021, Hon'ble High Court directed/permitted appellant to withdraw said Review Petition and file Contempt of Court petition against the respondent. Copy of Review Petition is annexed as Annexure "J", order of Hon'ble High Court dated 10-02-2021 is annexed as Annexure "K" and Copy of Application of Contempt of Court is annexed as Annexure "K-1".

8. That the matter was continuously prolonged by the respondents. The Honourable High Court on 10-03-2020 directed the respondent No. 5 to submit the record of appointments of Retired Employee's Son's, despite of the direction when respondent No. 5 failed to produced the record, the Hon'ble High Court directed the respondent No. 5 to produced the record through SHO Battagram, so, the respondent No. 5 produced the record in the Honourable High Court. Copy of record is annexed as Annexure "H".
9. That the Honourable High Court directed respondent No. 5 to furnish the details of vacant post of Valve Man, in the court, so, the detail was produced in the court. Copy of the detail is attached as Annexure "L".
10. That the respondents No. 4 & 5 in order to avoid the consequences of their illegal as well as unlawful & acts against the principle laid down by the Honourable Superior Court of Pakistan issued appointment letter of the appellant No. 01-F-4

dated 28.06.2021 and instead of appointing the appellant to the post of Valve Man on the available vacant post as shown in Annexure "L", in order to take revenge from the appellant and father of the appellant, appointed the appellant as Sweeper though the appellant belong to respectable family and is father retired from the post of Valve Man and the posts of Valve Man were lying vacant with the respondents and never ever any member of the family of the appellant served to the post of Sweeper or the family of appellant belongs to such type of family, thus, the appellant filed appeal to the departmental appellate authority on 06.08.2021. The appellant submitted application for issuance of copy of minutes of respondent No. 4 but due to malafides the copy is not provided to the appellant. Copy of order of appointment of the appellant is attached as Annexure "M", copy of departmental appeal is attached as Annexure "N" & copy of post office receipt is attached as Annexure "O", copy of application is attached as Annexure "P".

11. That the appellate authority have not yet intimated the result of the appeal to the appellant though a period of more then 90 days has been expired after the filing of the departmental appeal, thus, the appellant is filing the present appeal before this Honourable Court besides other grounds on the following grounds and praying that on acceptance of the instant appeal the appointment order dated 28-06-2021 may kindly be modified and the respondents may kindly be directed to adjust the appellant on the vacant post of Valve Man w.e.f the date when firstly the post of Valve Man in question was available with the respondents and instead of appellant the other blue eyed people were appointment illegally by the respondents by completely ignoring the judgments of the superior courts of Pakistan in such like cases and caused financial loss to the appellant by not appointing the appellant when the first post of Valve Man on the employee son quota fell vacant and any other relief to which the appellant is found entitled by this Honourable court may kindly be granted to the appellant in the best interest of justice and law;

GROUND:-

- a. That impugned order dated 28/06/2021 against the law and fact, hence, is liable to be modified as prayed for in the heading of the appeal.
- b. That the respondents have issued the impugned order on the basis of malafide in order to take revenge from the appellant as well as from the father of the appellant as to why the appellant has knocked the doors of justice for his rights by filing writ petition as well as contempt of court petition against the respondents before the Honourable High Court and in this way they totally not only violated the law, the policy of the Govt. as well as the principles laid down by the Honourable Superior Courts of Pakistan including of this Honourable Court, thus, the impugned order is liable to be modified as prayed for.
- c. That the respondent by their illegal acts, deprived the appellant from his

constitutionally guaranteed rights to be treated in accordance with law and without any reason and backing of law with held the appointment of the appellant even when the vacancies were lying vacant with the respondents and in this way they deprived illegally the appellant from the benefits which he could have received if appointed at the proper time, and no fault of the appellant, thus, the impugned order is liable to be modified even to the extent that the respondents may kindly be directed to give effect to the date of appointment of the appellant from the date when the vacancy of Valve Man fell vacant on the basis of employee son quota.

- d. That if any adverse order is to be passed in future by the appellate authority against the appellant, the appellant request the Honourable Court to set aside/ modified that order of the appellate authority to the extent of its adverse effects against the appellant.

Under the circumstances, it is respectfully prayed

that on acceptance of the instant appeal the impugned appointment order dated 28-06-2021 may kindly be modified and the respondents may kindly be directed to adjust the appellant on the vacant post of Valve Man w.e.f the date when firstly the post of Valve Man in question was available with the respondents and instead of appellant the other blue eyed people were appointment illegally by the respondents by completely ignoring the judgments of the superior courts, of Pakistan in such like cases and caused financial loss to the appellant by not appointing the appellant when the first post of Valve Man on the employee son quota fell vacant and any other relief to which the appellant is found entitled by this Honourable court may kindly be granted to the appellant in the best interest of justice and law and it is also prayed that during the pendency of titled appeal if any adverse order is passed by the appellate authority, the order of the appellate authority to that extent may also be set aside/ modified to the extent of adverse effects against the

appellant.

...APPELLANT

Through:

Dated: 10-01/2022

(MUHAMMAD SHARIQ AWAN)

Advocate High Court, Abbottabad



VERIFICATION:-

Verified on oath that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Tribunal.

...APPELLANT

BEFORE THE HONOURABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR

Appeal No. _____ /2022

Nehmat Ullah son of Ghulam Muhammad resident of Village Banna, Tehsil Allahi District Battagram presently Office of the Executive Engineer Public Health Engineering Division Battagram.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

AFFIDAVIT OF

Nehmat Ullah son of Ghulam Muhammad resident of Village Banna, Tehsil Allahi District Battagram presently Office of the Executive Engineer Public Health Engineering Division Battagram.

I, the deponent named above, do hereby declare on oath that the contents of foregoing appeal are true and correct to the best of my knowledge, information and belief and nothing has been suppressed from this Honourable Tribunal.




 DEPONENT

BEFORE THE HONOURABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR

Appeal No. _____ /2022

Nehmat Ullah son of Ghulam Muhammad resident of Village Banna, Tehsil Allahi District Battagram presently Office of the Executive Engineer Public Health Engineering Division Battagram.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

ADDRESSES OF THE PARTIES

Nehmat Ullah son of Ghulam Muhammad resident of Village Banna, Tehsil Allahi District Battagram presently Office of the Executive Engineer Public Health Engineering Division Battagram.

...APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar.
2. Superintending Engineer, Public Health Engineering Department, Circle Mansehra.
3. Chairman Departmental Selection Committee, Public Health Engineering Division Battagram.
4. Executive Engineer, Public Health Engineering Division Battagram.

...RESPONDENTS

...APPELLANT

Dated: 10-01 /2022

Through :-


(MUHAMMAD SHAFIQ AWAN)
 Advocate High Court, Abbottabad

OFFICE OF THE DISTRICT ACCOUNT OFFICER

The Dy District Officer (NSWS)
Work & Service, Battagram.

Ledger No: 1RR-V-II
Page: 188

Subject: Final Payment of G.P.FUND in respect of Mr. Chuldem Mohamud & / or Sul Mohamud
V.C.F. 13201-1167622-3 under Account No. 11-1RR-ATD-1695-00

Memorandum:
With reference to your memo No. NSG/190 dated 31-1-2015 kindly arrange for the payment of Rs. = 51188/-
(Rupees Fifty One thousand One Hundred and eighty eight only)
To Ex. Value man, Mr. Chuldem Mohamud as soon as possible by presenting a bill at the Pre-Audit counter of this office.

The amount of Rs. = 51188/- Rupees: Fifty One thousand One Hundred and Eighty eight only represent as available / residual balance deposit in General Provident Fund under Account No. 11-1RR-ATD-1695-00. The payee should be informed that he has to accept the amount when tendered and that no interest is to be allowed hereafter.

The payment may be made after getting an undertaking to the effect that the excess payment will be recovered from his pay / pension.

The Disbursement Certificate may also be furnished to this office when the amount is paid.

Recovery of Zakat (at 2.5%) viz Rs. 1280/- Rupees One thousand two hundred and eighty only i.e. to be made from the bill of the subscriber and may be shown as deduction and suitable schedule to the effect appended with the bill.

The bill may be classified under heads:
G Liabilities
G-06 Trust Account-Fund
G-061 Provident Fund
G-06103 General Provident Fund-Civil

Note: {Original authority may be attached with the claim.}

Classification of Authority:
Gross Amount: 51188/-
Zakat @ 2.5%: 1280/-
Net Amount: 49908/-

ATTESTED
Muhammad Shafiq Awan
Advocate High Court
Abbottabad.
15-06-13

District Account Officer
Battagram

ATTESTED
Muhammad Shafiq Awan
Advocate High Court
Abbottabad

OFFICE OF THE DISTRICT ACCOUNTS OFFICER BATTAGRAM

C.A/ G.P.O No. 712/87

P.P.O No. 406-BM

Subject: **COMMUTATION / GRATUITY PAYMENT ORDER**

Please pay a sum of Rs: 972.51 (Rupees Nine hundred and fifty one)
Being the commuted value of pension / gratuity in lieu of _____ or 1/4th portion of
Mr. / Mst / Mrs. Ghulam Muhammad son / daughter / widow / wife
of Gul Muhammad resident of Vill. 4-PO
Banara Alai Battagram after proper identification /
verification. The details are as under:

Gross Pension.....	Rs:	<u>1637-53</u>
Commutation.....	Rs:	<u>655-01</u>
Net Pension (w.e.f.) <u>1/25</u>	Rs:	<u>983/-</u>

RECOVERIES:

U.O No/Pen(DAO-BM) 200 -200 No. _____
Dated Battagram _____

Accountant Treasury Battagram
For payment purpose

District Accounts Officer
Battagram

Copy forwarded to:
Mr./Mst./Mrs. Ghulam Muhammad son / wife / daughter / widow
of Gul Muhammad resident of Vill. Banara Alai Battagram
for information with the request to collect his / her P.P.O. etc, from the Accountant
Battagram Treasury on any working day during transaction hours.

ATTESTED
Muhammad Shafiq Awan
Advocate High Court
Abbottabad.
15-06-13

District Accounts Officer
Battagram

DEPUTY DISTRICT OFFICER
(WORKS & SERVICES) DEPTT
BATTAGRAM

ATTESTED
Muhammad Shafiq Awan
Advocate High Court
Abbottabad

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Sub:
Mr. Gul Khan
S/O P.A. Bhatnagar
135/505081307

ATTESTED

Muhammad Shafiq Awan
Advocate High Court
Abbottabad

Received Payment

[Signature]

Mr. Ghulam Mohammad
S/O Gul Ahmad
S/O Banna Allah
S/C No: 132011767622

[Vertical handwritten note:]
S. O. Gul Khan
S/O P.A. Bhatnagar
135/505081307

CENTRAL / PROVINCIAL

Form No. 10 Date 27/7/05
The Manager,
National Bank of Pakistan, Islamabad

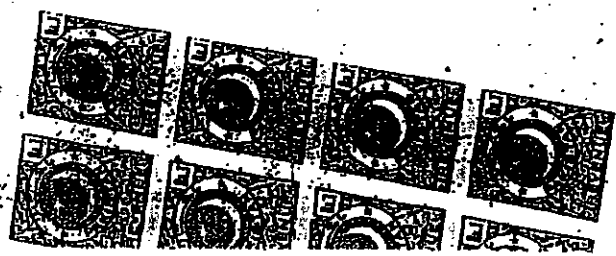
Pay No. 97245

Rupees *[Handwritten amount]*
District Account Officer
Abbottabad

ATTESTED

Muhammad Shafiq Awan
Advocate High Court
Abbottabad

15-6-13



Annexure "B"

حضرت صاحب اہلسنیہ... (Handwritten header text)

گزارش... (Main handwritten body text)

ATTESTED 15-6-13 Muhammad Shafiq Awan Advocate High Court Abbottabad.

عسین نواز... (Handwritten text below attestation)

Handwritten notes on the left side.

Eshan Hussain Khattar M.P.A. NWFP-42

EDO W&S/DD (W&S) B for W&S and Report

Signature of District Coordination Officer

ATTESTED Muhammad Shafiq Awan Advocate High Court Abbottabad

N.W.F.P. Provincial Assembly

Handwritten initials/signature on the right margin.

کرمت صبا - آپسین ہا

(11)

(38)

صبا عالی

عزیزان درویش راے کورہ ضلع کورہ تحصیل اترہ الہ آباد

صبا عالی

مردانہ زاریں صبا عالی واپس سید سیم لکھڑی
 در تحصیل اترہ الہ آباد سے خیر خواہ لکھڑی صاحبہ کے
 - رہنمائی فرمائی ہے اور ان کے خالی
 لئے انگریزی کر کے لکھنا شروع کیا ہے
 اس سلسلے میں کئی جگہ - لکھنا شروع کیا ہے
 یہاں پر رہنمائی فرمائی ہے

ATTESTED
 Muhammad Shafiq Awan
 Advocate High Court
 Abbottabad.
 15-6-13

عین تذاویں لکھڑی

Recommended for
 Mayor appointed of
 as desired by H.C.M.
 Political Secretary to
 Chief Minister of P.W.P.

Shah Hussain Khan
 Member Provincial Assembly
 N.W.F.P.

لکھنا شروع کیا ہے
 سب سے پہلے
 تحصیل اترہ الہ آباد

ATTESTED
 BATAGRAM

Muhammad Shafiq Awan
 Advocate High Court
 Abbottabad



SHAH HUSSAIN KHAN ALLAI

Member Provincial Assembly

18

Ref. No. _____

Date 07/09/05

مترجم - ایڈیشنل سیکرٹری، سٹیٹ ایئر لائنز

ایڈیشنل سیکرٹری، سٹیٹ ایئر لائنز

محکمہ ایئر ٹرانسپورٹ، سٹیٹ ایئر لائنز، اسلام آباد

محکمہ ایئر ٹرانسپورٹ، سٹیٹ ایئر لائنز، اسلام آباد

ایئر لائنز، سٹیٹ ایئر لائنز، اسلام آباد

ایئر لائنز، سٹیٹ ایئر لائنز، اسلام آباد

07/09/05

ATTESTED
Muhammad Shafiq Awan
Advocate High Court
Abbottabad
15-6-13

Ph: ALLAI 0997 319009
0997-319001
Mob: 0300-9118233
0345-6002686

ATTESTED
Muhammad Shafiq Awan
Advocate High Court
Abbottabad

15

بخدمت جناب ایڈووکیٹ جنرل ایچ۔ ایم۔ ای۔ ڈی۔ سید

عنوان درخواست برائے تفریق والہ میں پوسٹ ڈائریکٹوریٹ کے حکم آراہی

(جناب عالی)

مردمانہ گڈاؤنٹس ہونے سے سائل کے خلاف آراہی منسوخ ہونے کے سبب متعلقہ بائیس ہونے سے

اب اس میں تفریق کے بارے میں تعلق رکھتا ہے۔ سائل کا والد صاحب ملکیت وال

سائل کو سالہ میں ریٹائر ہو چکا ہے جس کی وجہ سے سائل کی تنخواہ ہمارے پورے گھرانے کا

ذریعہ معاش بن گیا۔ اب چونکہ سائل جوان الیم ہے اور بے روزگار ہے

سائل والد کے سہولتی حکم کے کام میں کاغذات تکمیل پر توجہ دینی چاہیے

اس لیے استدعا ہے کہ سائل کو کسی قابل آسائش اور تعینات

مقام پر تفریق پروری کا ثبوت دیں۔ جناب کی بڑی ہیریاں ہوں

ATTESTED
Muhammad Shafiq Awan
Advocate High Court
Abbottabad.
15-6-13

عسین لغزیشن ہوگی

میرزا سائل لغت الہیہ ولد غلام محمد ریٹائر وال میں کھنڈر آراہی منسوخ ہونے کے سبب

Strongly Recommended please

SHAH HUSSAIN KHAN ALLAI
MEMBER PROVINCIAL ASSEMBLY
Khyber Pukhtoon Kh.

11-10-2011

ATTESTED
Muhammad Shafiq Awan
Advocate High Court
Abbottabad

مدرسہ جامعہ اسلامیہ پشاور PHD سائنس

صاحب عالی

مدرسہ جامعہ اسلامیہ پشاور میں داخلہ کے لئے
کہ کئی فرمیں گرانٹ سے تعلق رکھتی ہیں۔ اور وہ ہم مسائل پر
توجہ دینا چاہتے ہیں۔ یہ ضرور درج سے مقرر ہے کہ صاحب عالی
سیکشن پر تصدیق درکار ہے جس کی بنا پر مسائل اس کے حل میں
کئی فرمیں مسائل و امور اسلامیہ سیکشن میں پر مقرر کا کام انجام دے
کتے ہیں۔ لہذا استدعا ہے کہ اس کے لئے ضروری کارروائی سے مستور فرما دیں

سائل تا حیات دعا کرتا ہوں

نور محمد صاحب کا وکیل

پشاور

مدرسہ جامعہ اسلامیہ پشاور میں داخلہ کے لئے

W-SS Batehah To Dumray

4/13

ATTESTED
Muhammad Shafiq Awan
Advocate High Court
Abbottabad.
15-06-13

ATTESTED
Muhammad Shafiq Awan
Advocate High Court
Abbottabad

Annexure
"C"

(21)

ایکس 10 پر (آر) 62

O.P.S.S

ایجنٹا گمنٹ رجسٹریشن کارڈ

Service
UN-Paid

ضروری
جن امیدواروں کے پاس شمارہ کارڈ (X) موجود
شہوں میں ان کو ایجنٹا گمنٹ ایکس چینج کا نامزد کردہ
تصویب کیا جائے۔

بخدمت جناب منیر صاحب
ایجنٹا گمنٹ ایکس چینج

رجسٹریشن نمبر: 401/1998/20/12/11-99-11
تاریخ: 04-07-2012
MANAGER
Employment Exchange
Manshra
تاریخ: 04-07-2012
04/07/2012

ATTESTED

Muhammad Shafiq Awan
Advocate High Court
Abbottabad
15-06-13

ضروری اطلاع

حیثیت کو مدنظر رکھ کر ضروری اطلاع
مطلوبہ کارڈوں کے لئے کی ضرورت ہے۔

تاریخ: 17/07/2013

ATTESTED

Muhammad Shafiq Awan
Advocate High Court
Abbottabad

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OFFICE OF THE EXECUTIVE ENGINEER
PUBLIC HEALTH ENGINEERING DIVISION BATTAGRAM

NO. 3/B-4 Dated Battagram the 12/07/2012.

Annexure
"D"

To, The Superintending Engineer
PHE Circle Abbottabad.

Subject:- INTERVIEW / PHYSICAL TEST OF OPERATIONAL STAFF
FOR APPOINTMENT AS VALVE MAN IN TEHSIL ALLAI
DISTRICT BATTAGRAM.

The documents for the appointment of the following persons in tehsil
Allai are submitted. The persons may please be called on 17-07-2012 if convenient.

- 1- Niamatullah S/O Ghulam Muhammad Village Banna
- 2- Fayaz Muhammad S/O Taj Muhammad Village Cheeran
- 3- Ziaullah

ATTESTED
Muhammad Shafiq Awan
Advocate High Court
Abbottabad.
15-06-13

[Signature]
Executive Engineer
Public Health Engg. Division
Battagram

ATTESTED
Muhammad Shafiq Awan
Advocate High Court
Abbottabad

Abbottabad

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Annexure "E"

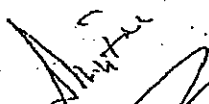
OF THE DEPARTMENTAL SELECTION COMMITTEE MEETING.

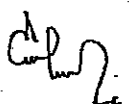
A meeting of Departmental Selection Committee held on 15-01-2013 at 10.00 hours in the office of Superintending Engineer, PHE Circle, Abbottabad to decide the appointment cases of Class-IV/ Operational staff for various water supply schemes falling under the jurisdiction of PHE Division Battagram. The following attended the meeting.


1. Mr. Abdul Latif Khan
Superintending Engineer
PHE Circle Abbottabad
Chairman.
2. Mr. Shaukat Rehman,
Executive Engineer,
PHE Division Battagram
Member.
3. Mr. Amanullah Saeed
DDOR, Representative of
District Coordination Officer, Battagram
Member.

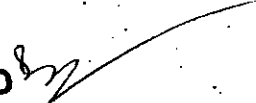
Fifty (50) Nos. Applications were received through Executive Engineer, PHE Division Battagram after publishing an Advertisement in the Newspapers for appointment against the vacant posts. After scrutiny of their documents and taking interview, the committee unanimously recommended the following candidates for appointment against the posts mentioned against each.

S. #	Name of Scheme	Name of Post	Detail of nominee	Remarks.
1.	WSS Shereen Khwar to Banna	Valveman Cum Chowkidar (BPS-01)	Zia-ur-Rehman S/O Hastam Khan	Recommended against the vacant post
2.	WSS Cheeran	Valveman Cum Chowkidar (BPS-01)	Fayaz Mohammad S/O Taj Zareen resident of Cheeran District Battagram	Recommended against the post vacated by Taj-Zareen on retirement.
3.	WSS Battela to Domarai	Valveman Cum Chowkidar (BPS-01)	Zia-ul-Islam S/O Haji Hastam Khan resident of Ghzann Banda Ropakni Battagram	Recommended against the post vacated by Ghulam Muhammad on retirement.


Executive Engineer,
Public Health Engg. Division,
Battagram


Amanullah Saeed
Representative
District Coordination Officer,
Battagram

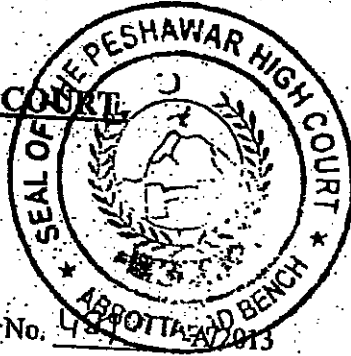

Superintending Engineer,
Public Health Engg. Circle,
Abbottabad

ATTESTED

Muhammad Shafiq Awan
Advocate High Court
Abbottabad

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Annexure
"F"

**BEFORE THE PESHAWAR HIGH COURT
ABBOTTABAD BENCH**



W.P.No. 484/2013

In Re;

Niamatullah son of Ghulam Muhammad, resident of Village Banna, Tehsil Allai,
District Battagram

....PETITIONER

VERSUS

1. Govt. of KPK through Secretary Public Health Engineering Department, Peshawar, Peshawar.
2. Secretary Public Health Engineering Department, KPK, Peshawar.
3. Superintending Engineer, Public Health Engineering Department, Circle, Abbottabad.
4. Executive Engineer, Public Health Engineering Division, Battagram.
5. Fayyaz Muhammad son of Taj Muhammad (Taj Zareen) resident of village Cheeran, Tehsil Allai, District Battagram.
6. Zia Ullah son of name unknown resident of Roop Kanni Tehsil Allai, District Battagram.
7. Siraj Muhammad son of Sultan Muhammad resident of Noogran, Tehsil Allai District Battagram
8. Saif ur Rehman son of Mir Hatim resident of Noogran, Tehsil Allai District Battagram.

....RESPONDENTS

ATTESTED
Muhammad Shafiq Awan
Advocate High Court
Abbottabad

FILED TODAY

Additional Registrar
Peshawar High Court
Abbottabad Bench

WRIT PETITION:

UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC
OF PAKISTAN, 1973, SOLICITING

No 1866
15/6/13

Certified to be True Copy
EXAMINER
1 APR 2013

DECLARATION TO THE EFFECT THAT
ORDERS OF APPOINTMENTS OF
RESPONDENTS NO. 5 TO 8 AND ANY
OTHER PERSON MADE BY RESPONDENT
NO. 3 & 4 ON EMPLOYEE SON RESERVED
QUOTA ARE RESULT OF ILLEGAL
EXERCISE OF POWERS BY RESPONDENT
NO. 3 & 4, AGAINST THE POLICY OF THE
GOVERNMENT LAID DOWN IN LETTER NO.
SOR-I (S&GAD)4-1/80 (VOL. III) DATED
23/05/2000 FOR THE APPOINTMENTS ON
25% RESERVED SEATS OF THE RETIRED
EMPLOYEES SON QUOTA AND DIRECTIONS
ISSUED BY THE SUPERIOR COURTS OF THE
COUNTRY INCLUDING THIS HONOURABLE
COURT FOR FILLING UP THE VACANCIES
ON SUCH POSTS, ARE MALAFIDE,
VIOLATIVE OF THE FUNDAMENTAL
RIGHTS GUARANTEED BY THE
CONSTITUTION, DISCRIMINATORY
TREATMENT TO THE PETITIONERS BY THE
RESPONDENTS NOS. 3 AND 4, WITHOUT
LAWFUL AUTHORITY AND OF NO LEGAL
EFFECTS ON THE RIGHTS OF THE

FILED TODAY

*Additional Registrar
Peshawar High Court
Abbottabad Bench
13/6/13*

ATTESTED
Muhammad Shafiq A. V.
Advocate High Court
Abbottabad

Certified to be True Copy
EXAMINER
16 FEB 2021
Peshawar High Court, Abbottabad Bench
Authorized Under Sec: 75 Evid Ordns.

PETITIONER TO BE APPOINTED ON THE RESERVED QUOTA FOR RETIRED EMPLOYEES SON BEING SON OF AN EMPLOYEE OF CLASS-IV NAMELY GHULAM MUHAMMAD RETIRED WITH EFFECT FROM 01/07/2005, AND, PRAYING THAT ON ACCEPTANCE OF THE INSTANT WRIT PETITION, THE APPOINTMENT ORDERS ISSUED BY RESPONDENT NO. 3 & 4 IN RESPECT OF RESPONDENTS NO. 4 TO 8 MAY KINDLY BE SET-ASIDE AND RESPONDENTS NOS. 3 & 4 MAY KINDLY BE DIRECTED TO FILL UP THE VACANCIES AS PER POLICY OF THE GOVERNMENT AND IN ACCORDANCE WITH ORDERS ISSUED BY THIS HONOURABLE COURT FROM TIME TO TIME AND ISSUE APPOINTMENT LETTERS OF PETITIONER BEING ELIGIBLE FOR THE APPOINTMENT ON RETIRED EMPLOYEE SON QUOTA AND ANY OTHER RELIEF WHICH THIS COURT MAY DEEM FIT IN THE INTEREST OF

FILED TODAY

Additional Registrar
Peshawar High Court
Abbottabad Bench
15/2/13

ATTESTED
Muhammad Sharif Awan
Advocate High Court
Abbottabad

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EXAMINER
18 FEB 2021
Peshawar High Court-Rtd. Bench
Authorized Under Sec: 75 Evid Ordns.

JUSTICE AND LAW MAY KINDLY BE
GRANTED TO HIM.

Respectfully Sheweth: -

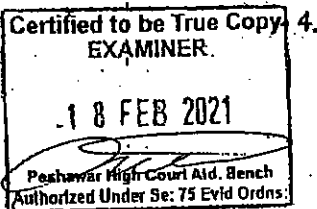
1. That the petitioner is resident of village Banna Tehsil Allai District Battagram and also is domiciled from the same area. Copy of ID Card and domicile certificate are attached as Annexures "A" & "B".
2. That the petitioner has passed his SSC examination from the Board of Intermediate and Secondary Education Abbottabad in the Annual Session of 2010. Copy of DMC is attached as Annexure "C".
3. That the father of the petitioner was an employee of Class-IV in Public Health Engineering Department Battagram at Tehsil Allai and retired from service with effect from 01/07/2005. Copy of Government Provident Fund Account Slip and payment order of commutation / gratuity of father of the petitioner are attached as Annexures "D" & "E".
4. That as per policy of the Provincial Government, 25% quota is reserved in initial appointments of retired person's sons as per letter issued by Govt. of KPK

ATTESTED

Muhammad Shafiq Awat
Advocate High Court
Abbottabad

FI ED TODAY

Additional Registrar
Peshawar High Court
Abbottabad Bench



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bearing No. SOR-I(S&GAD) 4-I/80(Vol. III) dated 23/05/2000. Copy of the letter is attached as Annexure "F".

5. That even this Honourable Court is very pleased to issue directions many a times for regularizing the appointments of retired persons' sons by preparing a year wise / date wise list according to the period / date of retirement of the retired persons and their sons.

6. That the petitioner being also eligible for the appointment on retired employees' son quota in class-IV filed many applications to respondent No. 4 but of no avail. Copies of such applications are attached as Annexure "G".

7. That in the year 2012, again the petitioner came to know of filling of vacancies by the respondents Nos. 3 and 4, again filed application alongwith employment exchange card. Copy of card is attached as Annexure "H".

8. That the respondent No. 4 vide letter No. 3/E-4 dated 12/07/2012 sent the papers to respondent No. 3 for appointment, however, without assigning any reason and without publishing any merit list and waiting list,

ATTESTED

Muhammad Shafiq Awan
Advocate High Court
Abbottabad

FI ED TODAY

Additional Registrar
Peshawar High Court
Abbottabad Bench

1576/13

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EXAMINER
18 FEB 2021
Peshawar High Court Atd. Bench
Authorized Under Sec: 75 Evid Ordna.

the respondent No. 4 appointed respondents Nos. 5 and 6. The respondent No. 5 is appointed on retired employee son quota whose father as per information of the petitioner was retired in the year 2010, however, respondent No. 6 is not son of a retired employee as per information of the petitioner. Earlier the respondents Nos. 7 & 8 have been appointed by the respondents Nos. 3 and 4 on retired employee son quota as per information of the petitioner whose fathers as per information of the petitioner retired in the year 2009 i.e. much after the retirement of the father of the petitioner, thus, the petitioner is ignored by the respondents Nos. 3 and 4 all the times because of having no worldly approach for such appointment. Copy of the letter is attached as Annexure "P".

9. That the respondents Nos. 3 and 4 even did not issue the merit / waiting list of the retired employee sons quota as per directions issued by this Honourable Court from time to time in such like cases and also has refused to give the copies of the appointment letters of the respondents Nos. 5 to 8 and others who have been employee on retired son employee quota.

ATTESTED

Muhammad Shafiq Awan
Advocate High Court
Abbottabad

10. That the petitioner being aggrieved of the illegal orders of the respondents Nos. 3 and 4, discriminatory

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Peshawar High Court
Abbottabad Bench

1576/13

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Peshawar High Court A.O. Bench
Authorized Under Sec: 75 Evid Ordna

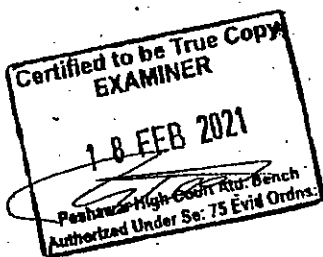
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treatment given to the petitioner and illegal exercise of powers by the respondents Nos. 3 and 4 with malafide intentions and making appointments against the policy of the government as well as the orders passed by this Honourable Court from time to time in such like cases having no other alternate, efficacious and speedy remedy available now moves this Honourable Court soliciting declaration to the effect that orders of appointments of respondents Nos. 5 to 8 and any other person made by respondent No. 3 & 4 on employee son reserve quota are result of illegal exercise of powers by respondent No. 3 & 4, against the policy of the Government laid down in letter No. SOR-I (S&GAD)4-1/80 (Vol. III) dated 23/05/2000 for the appointments on 25% reserved seats of the retired employees son quota and directions issued by the superior courts of the country including this Honourable Court for filling up the vacancies on such posts, are malafide, violative of the fundamental rights guaranteed by the constitution, discriminatory treatment to the petitioners by the respondents Nos. 3 and 4, without lawful authority and of no legal effects on the rights of the petitioner to be appointed on the reserved quota for retired employees son being son of an employee of Class-IV namely Ghulam Muhammad retired with effect from 01/07/2005, and, praying that

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Additional Registrar
Peshawar High Court
Abbottabad Bench



ATTESTED

Muhammad Shafiq Awan
Advocate High Court
Abbottabad

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on acceptance of the instant writ petition, the appointment orders issued by respondent No. 3 & 4 in respect of respondents No. 4 to 8 may kindly be set aside and respondents Nos. 3 & 4 may kindly be directed to fill up the vacancies as per policy of the government and in accordance with orders issued by this Honourable Court from time to time and issue appointment letters of petitioner being eligible for the appointment on retired employee son quota, inter-alia, on the following:-

GROUNDS:-

ATTESTED
Muhammad Shafiq Awan
Advocate High Court
Abbottabad

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Peshawar High Court
Abbottabad Bench
15/2/21

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18 FEB 2021
Peshawar High Court, Ald. Bench
Authorized Under Sec. 75 Evid Ordns.

a. That the respondent No. 3 & 4 made the appointments of respondent No. 5 to 8 and other persons in utter disregard of policy of the Govt. as cited above by exercise their power illegally and malafidely, thus, the impugned appointments are liable to be struck down by this Honourable Court.

b. That it is inalienable a right of petitioner to be treated in accordance with law and the such right of the petitioner is guaranteed under the Constitution of Islamic Republic of Pakistan

and respondents No. 3 & 4 were and are bound to act in accordance with the command of constitution but they acted otherwise with mala fide intention in order to accommodate their blue eyed people, thus, the impugned appointments being violative of the provision of the constitution are liable to be struck down by this Honourable Court.

c. That the respondents No. 3 & 4 did not care to publish merit /waiting list of the retired employee son's quota as ordered by this Honourable Court from time to time in many cases came before this Honourable Court and it amounts to willful contempt of the orders of this Honourable Court requires judicial notice by this Honourable Court and appropriate orders against the respondents No. 3 & 4 on one hand and sticking down the appointments made by the respondents No. 3 & 4 on the other hand will be in the best interest of justice and law and to maintain the majesty of law and orders passed by the Honourable Courts and to curb the such like malpractices of the officials. It is further pertinent to mention that respondent No. 3 & 4 in order to keep the appointment secret

ATTESTED
Muhammad Sharif
Advocate High Court
Abottabad

FILED TODAY

Additional Registrar
Peshawar High Court
Abottabad Bench

15/6/13

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18 FEB 2021
Peshawar High Court Atd. Bench
Authorized Under Sec: 75 Evid Ordns.

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never published the merit list of the persons appointed and even refused to provide copies to the petitioner though approach many times, which speaks of the under hand deals by the respondents No. 3 & 4 and such actions of the respondents No. 3 & 4 can safely be termed as without lawful authority and of no legal effects against the rights of the petitioner to be appointed on the basis of retired son's employee quota as reserved by the Govt.

- d. That the impugned orders of appointment are result of discriminatory treatment by the respondent No. 3 & 4, thus, are liable to be set-aside.
- e. That the respondent No. 3 & 4 have failed to exercise powers in accordance with law and the constitution, thus, the impugned orders of appointment are liable to be set-aside by this Honourable Court.
- f. That court fee stamp paper worth of Rs. 500/- is attached herewith.

FILED TODAY

Additional Registrar
Peshawar High Court
Abbottabad Bench

15/6/21

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18 FEB 2021
Peshawar High Court Ad. Bench
Authorized Under Sec: 75 Evid Ordns

ATTESTED

Muhammad Shafiq Awan
Advocate High Court
Abbottabad

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Under the circumstances, it is respectfully prayed that on acceptance of the instant writ petition, the appointment orders issued by respondent No. 3 & 4 in respect of respondents No. 4 to 8 and in favour of any other person may kindly be declared as illegal, without lawful authority, mala fide, result of illegal exercise of powers by respondent No. 3 & 4, discriminatory and against the guaranteed constitutional rights of the petitioner and be graciously set aside and respondent Nos. 3 & 4 may kindly be directed to fill up the vacancies as per policy of the government and in accordance with orders issued by this Honourable Court from time to time and issue appointment letter of petitioner being eligible for the appointment on retired employee son quota and any other relief which this court may deem fit may kindly be granted to the petitioner.

ATTESTED

Muhammad Shafiq Awan
Advocate High Court
Abbottabad

FILED TODAY

Additional Registrar
Peshawar High Court
Abbottabad Bench
15/6/21

INTERIM RELIEF:

That there is every likelihood of the success of the titled writ petition as the petitioner has a good prima facie case and balance of convenience also lies in his favour. That it will be highly in the interest of justice and law to suspend the operation of appointment orders of the respondents No. 5 to 8 and the respondents No. 3 & 4 may also kindly be directed not to fill up any other post on the retired employee son's quota until the final disposal of the titled writ petition,

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EXAMINER
13 FEB 2021
Peshawar High Court Ad. Bench
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otherwise it will give rise the multiplicity of the proceedings
and complications in the matters.

...PETITIONER

Dated: 15/06/2013

Through;

(Muhammad Shafiq Awan)
Advocate High Court, Abbottabad

VERIFICATION:

Verified on oath, that the contents of foregoing writ petition are true and
correct to the best of my knowledge and belief and that nothing material has been
suppressed from this Honourable Court.

...PETITIONER

ATTESTED
Muhammad Shafiq Awan
Advocate High Court
Abbottabad

FILED TODAY

Additional Registrar
Peshawar High Court
Abbottabad Bench

15/6/13

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EXAMINER
18 FEB 2021
Peshawar High Court Atd. Bench
Authorized Under Sec: 75 Evid Ordns.

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13

**BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH**

W.P No. 481 -A/2013

In Re;

Niamatullah son of Ghulam Muhammad, resident of Village Banna, Tehsil Allai, District Battagram.

....PETITIONER

VERSUS

Govt. of KPK through Secretary Public Health Engineering Department, Peshawar, Peshawar & others.

....RESPONDENTS

FILED TODAY

WRIT PETITION

AFFIDAVIT OF

ATTESTED

Additional Registrar
Peshawar High Court
Abbottabad Bench
15/6/13

Muhammad Shafiq Awan
Advocate High Court
Abbottabad

Niamatullah son of Ghulam Muhammad, resident of Village Banna, Tehsil Allai, District Battagram.

I, the deponent above named, do hereby affirm and declare on oath, that the contents of foregoing writ petition are true and correct to the best of my knowledge and belief and that nothing material has been suppressed from this Honourable Court. 13201-1821398-9

AFFIDAVIT

S.No: 2224/157 Receipt No: 157

DEPONENT

Certified that the above was verified on Solemn affirmation 15/6/13 before me on this

15 day of June 2013, by

Niamatullah son of Ghulam Muhammad

residing at Village Banna, Tehsil Allai, District Battagram

Allai

Oath Commissioner
Additional Registrar
Peshawar High Court (Elreuli) Bench
Abbottabad

15/6

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EXAMINER
18 FEB 2021
Peshawar High Court Ad. Bench
Authorized Under Sec: 75 Evid Ord.

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Annexure
"G"

BEFORE THE PESHAWAR HIGH COURT ABBOTTABAD BENCH.

WP No.481-A/13.

Namatullah

Petitioner.

Versus

Govt of KPK etc:

Respondents.

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3.	Working paper	B	7 - 9
4.	Minutes of Meeting	C	10
5.	Merit list/waiting list	D	11
6.	Application with property papers	E	12 -19


Adil: Advocate General,
Abbottabad

ATTESTED 

Muhammad Shafiq Awan
Advocate High Court
Abbottabad

39

BEFORE PESHAWAR HIGH COURT CIRCUIT,
ABBOTTABAD BENCH.

W.P No 481-A/2013

In Re:

Niamatullah son of Ghulam Muhammad, resident of village Banna, Tehsil Allai District
Battagram.

.....Petitioners

VERSUS

Government of Khyber Pakhtunkhwa thorough Secretary Public Health
Engineering Department Peshawar and & others.

Para wise comments on behalf of respondent No.3 & 4.

Respectfully showeth:-

Preliminary objections:-

- 1) The petitioner has got no cause of action nor locus standi to file the instant petition.
- 2) The petitioner has not come to this court with clean hands.
- 3) The petition is not maintainable in its present form.
- 4) The petition is time barred.

ATTESTED

Muhammad Shafiq Awan
Advocate High Court
Abbottabad

40

ON FACT:-

- 1) No comments
- 2) No comments
- 3) Correct to the extent that the father of petitioner was retired from services on 01-07-2005.
- 4) Correct to the extent that 25% quota is reserved for retired employees son.
- 5) No comments. The petitioner had applied for some post but was not recommended by the departmental selection committee.
- 6) Not correct.
- 7) The application of petitioner was received and considered by the departmental selection committee but was not recommended for appointment.
- 8) Not correct. Respondent No.5 was appointed on employee's son quota, as his father retired from the post of valveman of same scheme. Respondent No.6 is not appointed by the answering respondents and respondent No.7 & 8 were also employed on employee's son quota but the appointments of respondent No.7 & 8 were not challenged by the petitioner before any forum at that time.
- 9) Not correct. The Merit/waiting list of all retired employee's is placed in the office of executive engineer Battagram by the directions of Honorable High Court Abbottabad and the petitioner didn't applied for receiving copies of the appointments letters of respondent No.5 to 8.

10) Not correct. Detail of post for which interview was conducted are as follows.

Name of scheme.	Name of post	Remarks
WSS shereen khwar to banna	valveman cum chowkidar	newly created post
WSS shaheed kandao to cheran	-do-	vacated by Mr.Taj zareen oh his retirement
WSS Batela to Dumarai	-do-	vacated by Mr.Shamsher wahab on his retirement.
SDO Allai office	sweeper	newly created post.
SDO Allai office	Office chowkidar	newly created post.

Following criteria is mostly adopted for appointments:

Newly created post on water supply scheme

Land owner of source (if not)

Land owner of surface tank (if not)

ATTESTED

Muhammad Shafiq Awan
Advocate High Court
Abbottabad

41

Vacated due to retirement of somebody Suitable candidate from that village/moza son of retired person (if not) Suitable candidate from that village/moza

Office posts All candidates belonging office jurisdiction/locals.

Selection committee to decide the appointments cases.

Superintending Engineer (PHE Circle)	Chairman
Person nominated by DCO of the District	Member
Executive Engineer of that Division	Member

Posts were widely published in the news paper (Annexure A)

46 applications were received in response to advertisement and the candidates appeared before selection committee for interview on 15-01-2013. (list of participants attached as Annexure B).

Minutes of the meeting were properly recorded (Annexure C)

Proper merit list of all candidates are eligible for son quota is placed on the notice board as per directions of honorable high court Abbottabad. (Annexure D)

The following persons were employed by the departmental selection committee.

- ✓ 1) Mr.Zia-ur-Rahman S/O Hastam Khan resident of Ghuzanu Banda Tehsil Allai was recommended for appointment against newly created post of WSS Shereen Khwar to Banna because they provide the land (source of water) free of cost. Undertaking along with the papers of Revenue department proving his ownership of land is attached as Annexure E. Department usually prefers the source owner for this post for the smooth operation of the scheme in the best interest of public.
- ✓ 2) Mr.Fayaz Muhammad S/O Taj Zareen resident of Cheran tehsil allai was recommended for appointment against the post vacated by his father on retirement on employee son's quota. Usually department favours the employee's son for appointment.
- ✓ 3) Mr.Zia-ul-Islam S/O Hastam Khan Tehsil Allai was recommended on merit on the post vacated by Mr.Shamsher Wahab on his retirement on Water Supply Scheme

ATTESTED

Muhammad Shafiq Awan
Advocate High Court
Abbottabad

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Batela to Dumarai. No application was received from the son of Mr. Shamsheer Wahab.

Public Health Engineering Department is currently running more than 92 schemes in district Battagram. Only one post of Valveman cum chowkidar is created for a scheme for its operation. Usually a person who has donated the source of water or a piece of land (free of cost) for construction of water tank is preferred on that seat. On retirement of that person, his son (if available at the moment) is appointed on his seat.

Since the seats are not located in the central office and scattered in the whole district on different water supply schemes so sometimes it is not possible to observe the government instructions to follow the 25% quota reserved for employees son / recruitment on newly created seats. For instance if a seat is created on certain scheme in Tehsil Battagram, it is not practically possible for a person from Tehsil Allai who is on the waiting list for appointment can run the water supply scheme on daily basis. Department has observed the 25% quota for employee's son.

GROUNDS:-

- a. Not correct. Since 2001, The department has observed the Government policy for employee's son quota of 25% recruitment.
- b. Not correct. All the persons are employed by the selection committee on merit.
- c. Not correct.
- d. Not correct. The appointments made by respondent No.3 & 4 are on merit.
- e. Not correct. The appointments are according to law and merit.
- f. No comments.

B-

It is humbly prayed that on acceptance of above reply the petition of petitioner may graciously be dismissed with costs.



Executive engineer
Public Health Engineering Department
Battagram

ATTESTED

Muhammad Shafiq Awan
Advocate High Court
Abbottabad

43

BEFORE PESHAWAR HIGH COURT CIRCUIT,
ABBOTTABAD BENCH.

W.P No 481-A/2013

In Re:

Niamatullah son of Ghulam Muhammad, resident of village Banna, Tehsil Allai District Battagram.

.....Petitioners

VERSUS

Government of Khyber Pakhtunkhwa thorough Secretary Public Health Engineering Department Peshawar and & others.

AFFIDAVIT

I, Mr. Ikram Ullah Shah Sub Divisional officer Public Health Engineering Sub Division Allai do hereby affirm and declare, that the contents of foregoing para wise comments are true and correct to the best of my knowledge and office record and that nothing has been suppressed from this Honorable Court.

Deputy Advocate General
Khyber Pakhtunkhwa
Abbottabad Bench

DEPONENT

13202-4001896-5

AFFIDAVIT

S.No. 2629/260 Receipt No. 290

Certified that the above was verified on Solemn affirmation before me on this

26 day of Nov. 2001, by
I, Ikram Ullah Shah, Sub Divisional Officer, Public Health Engineering Department, Allai, who was identified by Mr. Dr. H. [Name] personally know is me.

Oath Commissioner
Additional Registrar
Peshawar High Court (Circuit) Bench
Abbottabad

26/11

ATTESTED

Muhammad Shafiq Awan
Advocate High Court
Abbottabad

2-IV EMPLOYEES FROM 2001 TO 31-05-2020 IN RESPECT OF THE SUB-DIVISION ALLAI

44

Annexure
"H"

Employee	Date of retired	Name of Schemes	Son quota	Merit Appointment	Date of appointment	Tehsil
q	30-06-2005	WSS Behari	Nil	Furhad Khan	20-06-2006	Allai
Muhammed	30-06-2005	WSS Farag	Nil	Darwood Khan	14-09-2007	Allai
hammad	30-06-2006	WSS Natay to Battangi	Nil	Ruhof Islam	22-02-2007	Allai
hammad	30-06-2009	WSS Laghari	Nil	Khair Muhammad	31-12-2009	Allai
hammad	30-06-2010	WSS Tailous	Siraj Muhammad	Nil	23-11-2010	Allai
1	30-06-2010	WSS Tailous	Rahmullah	Nil	23-11-2010	Allai
bedin	30-06-2010	WSS Kucha to Toba	Nil	Asghar Khan	15-08-2011	Allai
Wahab	30-06-2011	WSS Bateela to Domaray	Nil	Zia-Ul-Islam	23-04-2013	Allai
1	30-06-2011	WSS Checran	Fayaz Muhammad (deceased son quota)	Nil	23-04-2013	Allai
	30-06-2012	WSS Karghashi	Niz-ul-Haq	Nil	07-08-2014	Allai
	11-11-2012	WSS Kareen	Badar Iqbal (deceased son quota)	Nil	07-08-2014	Allai
mad	28-02-2014	WSS Sijbehar	Nil	Shahid ul islam	07-08-2014	Allai
	14-05-2014	Office Chowkidar	Nawab Khan (deceased son quota)	Nil	13-02-2015	Allai
	31-01-2015	WSS kucha to Baray	Zia-ur-Rahman	Nil	10-03-2016	Allai
	07-05-2016	WSS Behari	Ashraf Ali (deceased son quota)	Nil	31-03-2017	Allai
nwar	29/05/2020	WSS Banna	Zahir ullah (deceased son quota)	Nil	10-11-2020	Allai

ATTESTED

Muhammad Shafiq Awan
Advocate High Court
Abbottabad

J. J. J.
Executive Engineer
Sub-Division Pattagram

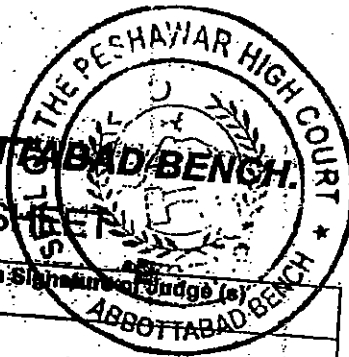
CLASS-IV EMPLOYEES FROM 2001 TO 03.05.2021 IN RESPECT OF PUBLIC HEALTH DIVISION ALLAI

<i>Employee</i>	<i>Date of retired</i>	<i>Name of Scheme</i>	<i>Son quota</i>	<i>Merit Appointment</i>	<i>Date of Appointment</i>	<i>Tehsil</i>
Mr. Abdul Haq	30.06.2005	WSS Behari	Nil	Furhad Khan	20.06.2006	Allai
Mr. Ghulam Muhammad	30.06.2005	WSS Karag	Nil	Dawood Khan	14.09.2007	Allai
Mr. Sultan Muhammad	30.06.2006	WSS Natay to Battangi	Nil	Ruhul Islam	22.02.2007	Allai
Mr. Khair Muhammad	30.06.2009	WSS Laghari	Nil	Khalil Muhammad	31.12.2009	Allai
Sultan Muhammad	30.06.2010	WSS Tailous	Siraj Muhammad	Nil	23.11.2010	Allai
Mir Hatim Khan	30.06.2010	WSS Tailous	Rahmullah	Nil	23.11.2010	Allai
Zain ul Abideen	30.06.2010	WSS Kuha to Toba	Nil	Asghar Khan	15.08.2011	Allai
Mr. Shamsheer Wahab	30.06.2011	WSS Bateela to Domaray	Nil	Zial-ul-Islam	23.04.2013	Allai
Taj Zarin	30.06.2011	WSS Cheeran	Fayaz Muhammad (deceased son quota)	Nil	23.04.2013	Allai
Mr. Saro Zarin	30.06.2012	WSS Kargashi	Niaz-ul-Haq	Nil	07.08.2014	Allai
Hazrat Noman	11.11.2012	WSS Kareen	Badar Iqbal (deceased son quota)	Nil	07.08.2014	Allai
Wazir Muhammad	28.02.2014	WSS Sijbehar	Nil	Shahid ul Islam	07.08.2014	Allai
Zafran	14.05.2014	Office Chowkidar	Nawab Khan (deceased son quota)	Nil	13.02.2015	Allai
Fazal Mula	31.01.2015	WSS Kucha to Baray	Zia-ur-Rehman	Nil	10.03.2016	Allai
Fazal Ghaffar	07.05.2016	WSS Behari	Ashraf Ali (deceased son quota)	Nil	31.03.2017	Allai
Muhammad Anwar	29.05.2020	WSS Banna	Zahir Ullah (deceased son quota)	Nil	10.11.2020	Allai

**Executive Engineer
PHE Division, Battagram**

(45)

Annexure
"I"



PESHAWAR HIGH COURT, ABBOTTABAD BENCH.

FORM OF ORDER SHEET

Date of Order of Proceedings	Order of other Proceedings with Signature of Judge (s)
1	2
06.11.2019	<p><u>W.P.No. 481-A/2013.</u></p> <p>Present: Mr. Muhammad Shafiq Awan, Advocate, for the petitioner.</p> <p>Sardar Muhammad Asif, Assistant A.G alongwith Ikramullah Shah, XEN and Allah-ud-Din Khan, SDO, PHED, Battagram.</p> <p>Mr. Amrullah Khan Salik, Advocate, for rest of the respondents.</p> <p>SHAKEEL AHMAD, J.- Petitioner through this petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, has prayed for issuance of a writ declaring the appointments of respondents No.4 to 8 as illegal and without lawful authority. He further prayed for his appointment as Class-IV on the basis of retired employees sons' quota.</p> <p>2. Learned counsel for the petitioner, at the very outset of the proceedings, stated before the court that the petitioner would be satisfied if directions are issued to the respondents to consider him for his appointment in accordance with law, to which the learned Assistant Advocate General readily agreed.</p> <p>3. In view of the above, we dispose of this petition by directing the respondents No.3 & 4 to consider</p>

Certified to be True Copy
EXAMINER
18 FEB 2021
Peshawar High Court, Abbottabad Bench
Authorized Under Sec. 77 Evid Ordns

ATTESTED
Muhammad Shafiq Awan
Advocate High Court
Abbottabad

47

Annexure
"J"

BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD

Review Petition No. ___/2019
IN
Writ Petition No. 481-A/2013

Naimatullah son of Ghulam Muhammad, resident of Village Banna, Tehsil
Allai, District Battagram.

...PETITIONER

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Public Health
Engineering Department, Peshawar & others.

... RESPONDENTS

REVIEW PETITION

ATTESTED

Muhammad Shafiq Awan
Advocate High Court
Abbottabad

INDEX

S.#	Description	Page Nos.	Annexures
1.	Revision petition with affidavit	1 to 5	
2.	Addresses of the parties	6	
3.	Copy of the writ petition No. 481-A/2013	7 to 20	"A"
4.	Copy of order of this Honourable Court dated 06/11/2019	21 to 22	"B"
5.	Copy of record of appointments made by the respondent No. 4	23 to 26	"C"
6.	Wakalatanama Application & challan of Security deposit are attached.	27 - 29	

...PETITIONER

Dated: 26/11/2019

Through,

(MUHAMMAD SHAFIQ AWAN)
Advocate High Court, Abbottabad

21/11/19

48

BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD

Review Petition No. ____/2019

IN

Writ Petition No. 481-A/2013

Naimatullah son of Ghulam Muhammad, resident of Village Banna, Tehsil Allai, District Battagram.


...PETITIONER

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Public Health Engineering Department, Peshawar.
2. Secretary Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar.
3. Superintendent Engineer, Public Health Engineer Department Circle, Abbottabad.
4. Executive Engineer, Public Health Engineering Division, Battagram.
5. Fayyaz Muhammad son of Taj Muhammad (Taj Zareen) resident of Village Chareen, Tehsil Allai, District Battagram.
6. Zia Ullah son of Name unknown resident of Roop Kanni, Tehsil Allai, District Battagram.
7. Siraj Muhammad son of Sultan Muhammad, resident of Noogran, Tehsil Allai, District Battagram.
8. Saif ur Rehman son of Mir Hatim, resident of Noogran, Tehsil Allai, District Battagram.

... RESPONDENTS

ATTESTED


Muhammad Shafiq Awan
Judge High Court
Abbottabad

PETITION; FOR REVIEW OF ORDER/ JUDGMENT DATED
06/11/2019 IN WRIT PETITION NO.
481-A/2013 TITLED NAIMATULLAH VS. GOVT. OF
KPK & OTHERS.

PRAYER; SOLICITING, ON ACCEPTANCE OF INSTANT
REVIEW PETITION THE IMPUGNED JUDGMENT
DATED 06/11/2019 MAY KINDLY BE REVIEWED
AND THE TITLED WRIT PETITION MAY KINDLY
BE ACCEPTED IN THE BEST INTEREST OF
JUSTICE AND LAW IN ORDER TO CURB THE
ILLEGAL ACTS AS WELL AS ACTS BASED ON
CORRUPTION OF THE RESPONDENTS.

SHEWETH;-

1. That the petitioner filed the cited writ petition before this Honourable Court which remained pending for about 06 years due to malafide acts of the respondents in order to safe themselves from the ultimate possible action against them due to their illegal acts based on corruption and finally the said writ petition is disposed off by this Honourable Court vide order dated 06/11/2019.

ATTESTED 

Muhammad Shafiq Awan
Advocate High Court
Akbarsabad

(50)

Copy of the writ petition is annexed as Annexure "A" and copy of order of this Honourable Court is annexed as Annexure "B".

2. That when the copy of the aforesaid order of this Honourable Court is obtained it transpired that perhaps due to mixing of facts with some other writ petition, the order is passed by observing that the counsel for the petitioner "stated before the court that the petitioner would be satisfied if directions are issued to the respondents to consider him for his appointment in accordance with law to which the learned Assistant Advocate General readily agreed", though the counsel for the petitioner on going through the record of the appointments made by respondent No. 4 on the quota of retired employees son, humbly submitted before this Honourable Court that the illegality as well as corruption of respondent No. 4 to 8 and others who have been appointed during the pendency of the writ petition is proved, so, the writ petition is liable to be accepted, although the learned AAG offered that the petitioner will be appointed as an when a post is available but the

ATTESTED

Muhammad Shafiq Awan
Advocate High Court
Lahore

counsel for the petitioner did not agree to this generous offer of the learned AAG as the counsel for the petitioner will be the last person who will accept the corruption of the Govt. officials by violating their official authority depriving the simple citizen from their guaranteed constitutional rights especially when the respondent No. 4 made every effort to avoid the consequences of their illegal acts based on corruption. Copy of record of appointments made by the respondent No. 4 and produced in the court is annexed as Annexure "C".

under the circumstances, It is, respectfully prayed that on acceptance of the instant review petition the order dated 06/11/2019 may graciously be reviewed and the writ petition may kindly be accepted as prayed for in view of illegal acts of respondents No. 4 to 8 based on corruption.

Muhammad Shafiq Awan

...PETITIONER

Through;

Dated: 26/11/2019

Muhammad Shafiq Awan
(MUHAMMAD SHAFIQ AWAN)
Advocates High Court, Abbottabad

VERIFICATION:

Verified on oath that the contents of foregoing revision petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Muhammad Shafiq Awan

...PETITIONER

ATTESTED

Muhammad Shafiq Awan
Muhammad Shafiq Awan
Advocate High Court
Abbottabad

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5

BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD

Review Petition No. ____/2019
IN
Writ Petition No. 481-A/2013

Naimatullah son of Ghulam Muhammad, resident of Village Banna, Tehsil Allai, District Battagram.

...PETITIONER

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Public Health Engineering Department, Peshawar & others.

... RESPONDENTS

REVIEW PETITION

ATTESTED
[Signature]
Muhammad Shafiq Awan
Advocate High Court
Abbottabad

AFFIDAVIT OF:

Muhammad Shafiq Awan Advocate High court, Counsel for petitioner and Naimatullah son of Ghulam Muhammad, resident of Village Banna, Tehsil Allai, District Battagram;

We, deponent above named, do hereby declare and affirm on oath that the contents of foregoing review petition are true and correct to the best of our knowledge and belief and nothing has been suppressed from this Honourable Court.

13201-1821398-9

17988/537

537

*Naimatullah son of Ghulam Muhammad
Village Banna Allai Dist Battagram*

DEPONENTS

[Handwritten mark]

11

(53)

Annexure
"K"

14

PESHAWAR HIGH COURT, ABBOTTABAD BENCH

FORM OF ORDER SHEET



Court of

Case No:

Date of Order of Proceedings	Order of other Proceedings with Signature of Judge (s)
1	2
10.02.2021.	<p><u>Review Petition No-28-A/2019.</u></p> <p>Present: Mr. Muhammad Shafique Awan, Advocate for petitioner.</p> <p>***</p> <p><u>MOHAMMAD IBRAHIM KHAN, J.</u> At the very outset, learned counsel for petitioner requested for withdrawal of the instant review petition in order to file contempt of court petition. Order accordingly.</p> <p style="text-align: right;">JUDGE</p> <p style="text-align: right;">JUDGE</p> <p style="text-align: right;">ATTESTED</p> <p style="text-align: right;">Muhammad Shafiq Awan Advocate High Court Abbottabad</p>

Certified to be True Copy
EXAMINER
19 FEB 2021
Peshawar High Court Ald. Bench
Authorized Under Sec: 75 Evid Ordns.

Table PS:

Hon. Mr. Justice Mohammad Ibrahim Khan and Hon. Mr. Justice Shafiq Akbar

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Annexure
"K-1"

BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

C.O.C No. _____ -A/2021

IN

Writ Petition No. 481-A/2013

Naimatullah son of Ghulam Muhammad, resident of Village Banna, Tehsil Allai,
District Battagram.

PETITIONER

VERSUS

1. Bairullah Khan, Superintendent Engineer, Public Health Engineering
Department Circle Abbottabad.
2. Iftikhar AHmed Executive Engineer Public Health Engineering Department
Battagram.

....RESPONDENTS/ CONTEMNORS

PETITION; SOLICITING INITIATING CONTEMPT
PROCEEDINGS AGAINST THE RESPONDENTS
AND AWARDING PUNISHMENT FOR NOT
COMPLYING THE ORDER OF THIS
HONOURABLE COURT DATED 06.11.2019 IN
W.P NO. 481-A/2013 BY NOT CONSIDERING THE
PETITIONER FOR HIS APPOINTMENT AGAINST
THE EMPLOYEE SON'S QUOTA AND ANY
OTHER RELIEF WHICH THIS HONOURABLE
COURT MAY DEEM FIT MAY KINDLY BE
GRANTED TO THE PETITIONER.

ATTESTED

Muhammad Shafiq Awan
Advocate High Court
Abbottabad

Sheweth:-

1. That the father of petitioner was an employee of Class-IV in Public Health Engineering Department Battagram at Tehsil Allai and retired from service w.e.f 01.07.2005.
2. That the respondents in utter disregard of policy of the government and directions issued from time to time by this Honourable Court made appointments against employees son's quota by making appointment of the son's of employees who retired much after the retirement of the father of the petitioner, so, the petitioner was forced to file Writ Petition No. 481-A/2013 before this Honourable Court. Copy of the writ petition is attached as Annexure "A".
3. That the afore-said petition of the petitioner remained pending for six long years due to malafide tactics of the respondents and finally on 06.11.2019 the respondents were directed to consider the petitioner for his appointment in accordance with law to which the AAG agreed and with the directions as above the said writ petition was disposed off. Copy of the order of the Honourable Court is attached as Annexure "B".

ATTESTED
Muhammad Shafiq Awan
Advocate High Court
Abbottabad

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3

4. That the respondents by making their own interpretation of the said order malafidely did not consider the petitioner for his appointment, so, the petitioner filed review petition No. 28/2019. Copy of the review petition is attached as Annexure "C".
5. That on the directions of the Honourable Court dated 10.03.2020, the respondent No. 2 filed a list showing appointment of employees son's quota from 2001 to 2019 from which it transpired that the respondent No. 3 made appointment even during the pendency of the above said writ petition of the son's of the employees who retired from 2011 to 2017 and the last appointment was made on 28.12.2018. Copy of the list is attached as Annexure "D".
6. That on 10.02.2021 at the time of hearing this fact was brought into the notice of the Honourable Court and this Honourable Court verbally observed that this court can take notice of subsequent events, so, the petitioner withdrawn the review petition for filing the contempt petition against respondents. Copy of the order of this Honourable Court dated 10.02.2020 is annexed as Annexure "E".

ATTESTED


Muhammad Shafiq Awan
Advocate High Court
Lahore

57

4

7. That the perusal of the list provided by respondent No. 2 during the review petition would show that in order to defeat the possible result of the writ petition and to deprive the petitioner from his constitutional guaranteed right made appointments in utter disregard of policy as well as directions issued by this Honourable Court and even after disposal of the writ petition the respondents did not show any response to consider the petitioner for his appointment on the basis of employees son's quo whose father retired much prior to the retirement of the employees whose sons have been appointed by the respondents even during the pendency of the writ petition which amounts to grave contempt of this Honourable Court order passed in the above said writ petition as well as directions issued previously in so many cases.

8. That the conduct of the respondents amounts to grave contempt of this Honourable Court's orders which requires initiation of proceedings against the respondents as prayed for in the titled of the present petition.

ATTESTED 
Muhammad Shafiq Awan
Advocate High Court
Abbottabad

3

7
5

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In view of the above, it is respectfully prayed that the contempt proceedings may kindly be initiated against the respondents and may kindly be punished in accordance with law and any other and any other relief which this Honourable Court may deem fit may kindly be granted to the petitioner.

Dated: 08/03/2021

Through;

...PETITIONER

(Muhammad Shafiq Awan)
Advocate High Court, Abbottabad

VERIFICATION;

Verified that the contents of foregoing contempt of court petition are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honourable Court.

...PETITIONER

ATTESTED

Muhammad Shafiq Awan
Advocate High Court
Abbottabad

59

BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

C.O.C No. _____ -A/2021

IN

Writ Petition No. 481-A/2013

Naimatullah son of Ghulam Muhammad, resident of Village Banna, Tehsil Allai, District Battagram.

PETITIONER

VERSUS

1. Superintendent Engineer, Public Health Engineering Department Circle Abbottabad.
2. Executive Engineer Public Health Engineering Department Abbottabad.

....RESPONDENTS/ CONTEMNORS

CONTEMPT OF COURT PETITION

AFFIDAVIT OF:

ATTESTED

Muhammad Shafiq Awan
Advocate High Court
Abbottabad

Naimatullah son of Ghulam Muhammad, resident of Village Banna, Tehsil Allai, District Battagram,

I, the deponent above named, affirm on oath that the contents of foregoing contempt of court petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

13201-182B98-9
176

25/5/176

*Naimatullah son of Ghulam Muhammad
res. of Village Banna
Tehsil Allai District Battagram*

DEPONENT

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Annexure
"L"

**DETAIL OF CLASS-IV VACANT POSTS
IN RESPECT OF PUBLIC HEALTH ENGINEERING SUB DIVISION ALLAL.**

S. N.	Name of Scheme	Vacant Post	Remarks.
1.	WSS Sakarghah	01 Vacant	Retired on 30-06-2019
2.	WSS Burgai Dabbar to Sheher	01 Vacant	Died on 22-04-2021
3.	WSS Deyar Bala & Deyar Puyeen	01 Vacant	Newly created post
4.	WSS Sufyana Sar	01 Vacant	Newly created post
TOTAL:-		04 Nos Vacant posts	

Justice
EXECUTIVE ENGINEER

ATTESTED

[Signature]
Muhammad Shafiq Awan
Advocate High Court
Abbottabad



OFFICE OF THE EXECUTIVE ENGINEER,
PUBLIC HEALTH ENGG: DIVISION BATTAGRAM

0997-310766 email xenphedbatagram@gmail.com

No. 01 /E-4

Dated Battagram the, 28/06/2021.

(61)

Annexure
"M"

To,

Mr. Niamatullah S/O Ghulam Muhammad
Village & P/O Banna
Tehsil Allai District Battagram.

Subject:

APPOINTMENT AN OFFICE SWEEPER (BPS-3) AGAINST SON QUOTA.

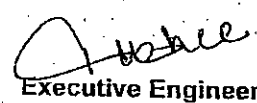
In consultation with Departmental Selection Committee and as well as
In consultation with Departmental Selection Committee and as well as

recommendation during its meeting dated 22-06-2021 you are hereby offered a temporary post of
Office Sweeper BPS-3 (9610-390-21310), in Public Health Engineering Department Sub Division
Allai under the following terms and conditions.

1. You will get pay at the minimum of BPS-3 (9610-390-21310) including usual allowances as admissible under the rules. You are also entitled to annual increment as per existing policy.
2. Your service will be liable to termination with or without any reason on one month notice from either side. In case of termination without notice by the employer or from the employee, one month pay and allowances shall be paid by the Government or refunded by the employee as the case may be.
3. Your appointment will be purely temporary.
4. You will be allowed conveyance, medical, house rent allowance, leave and TA/DA as admissible under the rules.
5. You shall produce a medical certificate of fitness from Medical Superintendent, DHQ Hospital Battagram before reporting yourself for duty as required under the rules.
6. You will be initially on probation for a period of one year extendable upto 2 years.
7. You will have to furnish an affidavit that neither you were dismissed/ debarred by Government nor any other agency nor you are an employee of any Government, Semi Government, Organization / Institution / Department.

If you accept the post on these conditions, you should report for duty to the Executive Engineer, PHE Division Battagram within 14 days failing which the order shall stand cancelled automatically.

ATTESTED


Executive Engineer,
Public Health Engg: Division
Battagram.

Muhammad Shafiq Awan
Advocate High Court
Aabottabad

Copy forwarded to:-

1. The Superintending Engineer PHE Circle Mansehra for information please.
2. The Section Officer (Establishment), PHE Department Peshawar for information please.
3. The District Accounts Officer, Battagram for information please.
4. The Manager Employment Exchange Mansehra for information with reference to his letter No. MA/EE/ESTB-04/1183(1-3) dated 16-06-2021 please.
5. The Sub Divisional Officer PHE Sub Division Allai for information.
6. The Divisional Accounts Officer (Local) for information.

Executive Engineer,
Public Health Engg: Division
Battagram.

جناب ایبلیٹ اتھارٹی (BPS-03) پبلک ہیلتھ انجینئرنگ ڈیپارٹمنٹ سرکل مانسہرہ۔

بذریعہ:- ایگزیکٹو انجینئر، پبلک ہیلتھ انجینئرنگ ڈویژن بنگرام۔

اپیل:-
برخلاف حکم نمبر 01/E-4 مجاریہ 28/06/2021 اذال ایگزیکٹو انجینئر، پبلک ہیلتھ انجینئرنگ ڈویژن بنگرام جو کہ محکمہ کی سلیکشن کمیٹی کی مشاورت اور مٹی برید مٹی سفارش تعیناتی ایپلانٹ کی بجائے ریٹائر ملازم بطور والوین کی بنیاد پر خالی آسامی والوین کی بجائے سویپر کی پوسٹ پر مورخہ 28/06/2021 کو کی گئی "استدعا ہے کہ منظور ری اپیل ہذا ایپلانٹ کی تعیناتی والوین کی خالی پوسٹ ہائے میں سے کسی ایک پوسٹ پر بطور والوین کرنے کا حکم صادر فرمایا جائے اور مذکورہ حکم تعیناتی دفتر سویپر میں اس حد تک ترمیم کی جائے نیز تعیناتی اس تاریخ سے کی جائے جب مسائل کے والد غلام محمد کی ریٹائرمنٹ سال 2005ء کے بعد مذکورہ آسامی خالی ہوئی۔" نیز دیگر جس وادری کا ایپلانٹ جناب کی دانست میں انصاف و قانون و آئین پاکستان کی روشنی میں حقدار قرار پائے دلائی جائے۔

جناب عالی! مضمون اپیل ذیل ہے۔

- 1- یہ کہ ایپلانٹ کا والد غلام محمد محکمہ پبلک ہیلتھ انجینئرنگ تحصیل آلائی ضلع بنگرام سے مورخہ 01/07/2005 کو بطور والوین ریٹائر ہوا۔ نقول کاغذات بحاریہ ڈسٹرکٹ اکاؤنٹ آفس بنگرام شامل اپیل بطور منسلک "A" ہیں۔
- 2- یہ کہ حکومت کی پالیسی کے تحت ایپلانٹ نے ریٹائر ملازم کے بیٹا ہونے کی حیثیت سے محکمہ کو متعدد درخواست ہائے دیں۔ تائید میں نقول درخواست ہائے منسلک بطور "B" اور نقل ایپلانٹ رجسٹریشن کارڈ لف بطور منسلک "C" ہیں۔
- 3- یہ کہ ایپلانٹ اور ایپلانٹ کے ساتھ دو دیگر افراد کو خط نمبر 4/E-3 مجاریہ 12/07/2012 دفتر ایگزیکٹو انجینئرنگ، پبلک ہیلتھ ڈویژن بنگرام کے ذریعے انٹرویو کیلئے بلایا گیا۔ نقل چھٹی لف بطور منسلک "D" ہے۔
- 4- یہ کہ ایپلانٹ کے ساتھ بددیانتی کی بنیاد پر نا انصافی کرتے ہوئے اور حکومت کی پالیسی کے خلاف ایپلانٹ کو بھرتی کرنے کی بجائے دیگر افراد کو بھرتی کیا گیا اور محکمہ کی سلیکشن کمیٹی منعقدہ 15/02/2013 میں اس کا غیر قانونی فیصلہ کیا گیا اور ایپلانٹ سے بعد میں ریٹائر ہونے والے اور زمین کے عوض ملازمت خریدنے والے افراد کو عدالت عظمیٰ پاکستان و عدالت عالیہ پشاور کے فیصلوں کے خلاف بھرتی کیا گیا۔ تائید میں نقل منٹس منسلک بطور "E" ہیں جو ایپلانٹ کی طرف سے دائر کردہ رٹ نمبر 481-A/2013 میں محکمہ کی طرف سے پیش کی گئی۔

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Muhammad Shafiq Awan
Advocate High Court
Abbottabad

5- یہ کہ اپیلانٹ نے اس نا انصافی کے خلاف عدالت عالیہ پشاور بیچ ایپٹ آباد میں رٹ نمبری 481-A/2013 دائر کی جس میں محکمہ کی طرف سے بدینتی سے معاملہ کو طول دیا گیا۔ اور اس دوران اپیلانٹ کے ساتھ بدینتی نا انصافیوں کی انتہا کرتے ہوئے اپیلانٹ کے والد کی ریٹائرمنٹ کے بعد ریٹائر ہونے والے افراد کو بھرتی کیا جاتا رہا۔ تائید میں نقل رٹ پٹیشن لف بطور "F" و گمنٹس منجانب محکمہ حکومت لف بطور منسلک "G" و تفصیل تعیناتی پیش کردہ محکمہ لف بطور منسلک "H" ہیں۔

6- یہ کہ مذکورہ بالا رٹ بظاہر سہو اس بنیاد پر مورخہ 06/11/2019 کو فیصلہ کی گئی کہ اپیلانٹ کو اگر محکمہ قانون کے مطابق تعینات کرے تو اس پر رٹ کا فیصلہ ہو جانے پر وکیل اپیلانٹ کو کوئی عذر نہیں ہوگا۔ تائید میں نقل حکم عدالت عالیہ مصدرہ 06/11/2019 لف بطور منسلک "I" ہے۔

7- یہ کہ اپیلانٹ نے اس سہو کی درستگی کیلئے نظر ثانی کی درخواست نمبر 28-A/2019 دائر کی جس کی سماعت کے دوران عدالت عالیہ نے مورخہ 10/02/2021 کو نظر ثانی کی درخواست واپس کرنے اور توہین عدالت کی درخواست محکمہ کے خلاف دائر کرنے کی اجازت دی۔ تائید میں نقل درخواست نظر ثانی بطور منسلک "J" و نقل حکم عدالت عالیہ مصدرہ 10/02/2021 لف بطور منسلک "K" ہے۔ اپیلانٹ نے درخواست توہین عدالت دائر کی نقل "K-1" ہے۔

8- یہ کہ محکمہ کی طرف سے معاملہ کو پھر بھی بدینتی سے لٹکایا گیا اور 10/03/2020 کو عدالت عالیہ نے محکمہ کو حکم دیا کہ وہ ریٹائر ملازمین کے بیٹوں کی تعیناتی کا ریکارڈ پیش کرے، مگر اس کے باوجود جب ریکارڈ پیش نہ کیا گیا تو بذریعہ SHO بلگرام حکم صادر کیا گیا کہ ریکارڈ پیش کریں جس پر مجبوراً محکمہ نے ریکارڈ پیش کیا جو بطور "H" منسلک ہے۔

9- یہ کہ عدالت عالیہ نے محکمہ کو حکم فرمایا کہ والوین کی خالی آسامیوں کی تفصیل عدالت میں پیش کرے جو عدالت میں پیش کی گئیں۔ نقل لف بطور منسلک "L" ہے۔

10- یہ کہ عدالت عالیہ کے احکامات کی مجبوراً آوری کرتے ہوئے محکمہ کی سلیکشن کمیٹی نے انتہائی بدینتی اور لا قانونیت کا مظاہرہ کرتے ہوئے والوین کی خالی پوسٹ میں سے کسی پوسٹ پر تعیناتی کرنے کی بجائے اپیلانٹ کی تعیناتی بطور آفس سوپر کرڈی۔ تائید میں خط تعیناتی نمبری 01/E-4 مجاریہ 28/06/2021 لف بطور منسلک "M" ہے۔ جبکہ محکمہ کی سلیکشن کمیٹی کے منٹس کی نقل اپیلانٹ کی طرف سے درخواست دینے کے باوجود اپیلانٹ کو مہیا نہیں کی گئی۔ نقل درخواست محررہ 07/07/2021 لف بطور منسلک "N" ہے۔

11- یہ کہ مذکورہ تعیناتی (بی) مورخہ 28/06/2021 سے کی گئی حالانکہ اپیلانٹ اپنے والد کی ریٹائرمنٹ کے بعد محکمہ کو بار بار درخواستیں دیتا رہا، جو بدینتی سے منظور نہیں کی گئیں۔ نقول پہلے سے شامل ہیں۔

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Muhammad Shafiq Awan
Advocate High Court
Abbottabad

12- یہ کہ مذکورہ بالا حالات کی روشنی میں اب ایپلائٹ جناب کے سامنے دیگر وجوہات کے علاوہ ذیل وجوہات کی بناء پر اپیل ہذا دائر کرتے ہوئے "استدعا کرتا ہے کہ بمظہوری اپیل ہذا ایپلائٹ کی تعیناتی والو مین کی خالی پوسٹ ہائے میں سے کسی ایک پوسٹ پر بطور والو مین کرنے کا حکم صادر فرمایا جائے اور مذکورہ حکم تعیناتی دفتر سوپیر میں اس حد تک ترمیم کی جائے نیز تعیناتی اس تاریخ سے کی جائے جب ایپلائٹ کے والد غلام محمد کی ریٹائرمنٹ سال 2005ء کے بعد مذکورہ آسامی خالی ہوئی۔" نیز دیگر جس دادرسی کا ایپلائٹ جناب کی دانست میں انصاف و قانون و آئین پاکستان کی روشنی میں حقدار قرار پائے دلائی جائے۔

”وجوہات اپیل“

1- یہ کہ سلیکشن کمیٹی کی سفارش جو انہوں نے اپنی میٹنگ منعقدہ 22/06/2021 میں کی کہ ایپلائٹ کو آفس سوپیر کے طور پر مورخہ 28/06/2021 سے تعینات کیا جائے وہ سراسر غلط و مٹی بر بدیہتی و خلاف قانون و خلاف انصاف ہونے کی بناء پر اس حد تک قابل ترمیم ہے اور ایپلائٹ کو بطور والو مین خالی پوسٹ ہائے جن کی تفصیل خود محکمہ نے عدالت عالیہ ہائے میں جمع کروائی میں سے کسی ایک پوسٹ پر تعینات کیا جانا تقاضہ انصاف و قانون ہے۔

2- یہ کہ تعیناتی کا خط جاری کرنے والی مجاز اتھارٹی چونکہ محکمہ کی سلیکشن کمیٹی کی سفارش پر تعیناتی کرنے پر پابند ہے۔ اور چونکہ محکمہ کی سلیکشن کمیٹی کی جملہ کارروائی بابت سفارش تعیناتی ایپلائٹ بطور آفس سوپیر بجائے والو مین خالی پوسٹ مٹی بر بدیہتی و مٹی برنا انصافی و خلاف قانون ہے اس لیے اس حد تک تعیناتی کا حکم مجاریہ 28/06/2021 بھی قابل ترمیم ہے۔

3- یہ کہ محکمہ کی سلیکشن کمیٹی کی کارروائی بظاہر انتقامی کارروائی نظر آتی ہے۔ جو اس بناء پر ایپلائٹ کو والو مین کی خالی پوسٹ موجود ہونے کے باوجود آفس سوپیر پر تعینات کرنے کی سفارش کی گئی کہ ایپلائٹ نے محکمہ کی سابقہ مٹی بر بدیہتی و غیر قانونی و مٹی برنا انصافی عدم تعیناتی ایپلائٹ کو فاضل عدالت عالیہ میں چیلنج کیا۔ ایپلائٹ کے خاندان میں کوئی بھی نہ تو سوپیر ہے اور نہ ہی ایپلائٹ کے خاندان کا سوپروں کے خاندان سے کوئی تعلق ہے اور نہ ہی ایپلائٹ کا والد سوپیر ریٹائر ہوا ہے۔ اس لیے اس حد تک حکم زیر اپیل قابل ترمیم ہے۔ اور ایپلائٹ کی تعیناتی بجائے آفس سوپیر کے والو مین میں تبدیل کی جانی تقاضہ انصاف و قانون ہے۔ اور آفس سوپیر پر تعیناتی محض عدالت عالیہ پشاور کی ممکنہ کارروائی سے بچنے کی خاطر بدیہتی سے کی گئی تاکہ ایپلائٹ مجبور ہو کر اپنے حق سے دستبردار ہو جائے اور خود ہی آفس سوپیر کی پوسٹ کو چھوڑ کر چلا جائے۔

4- یہ کہ ایپلائٹ کی تعیناتی ایپلائٹ کے والد کی تاریخ ریٹائرمنٹ سے کرنے کی بجائے 28/06/2021 سے کی جانے بھی سراسر غلط و خلاف قانون و خلاف انصاف ہے۔ کیونکہ ایپلائٹ نے بروقت محکمہ کو مطابق قانون ریٹائر ملازم کے بیٹے کی حیثیت سے تعیناتی کیلئے درخواست ہائے دیں، حکومت بدیہتی سے اور محکمہ کے

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Muhammad Shafiq Awan
Advocate High Court
Abbottabad

اسفران نے اپنے منظور نظر افراد کو نوازنے کیلئے نظر انداز کیا جس میں ایپلائنٹ کا کوئی قصور نہیں ہے۔ اس لیے اس حد تک بھی خط تعیناتی ایپلائنٹ مذکورہ بالا میں ترمیم کی جانی اور بجائے 28/06/2021 کے تاریخ ریٹائر ہونے والی ایپلائنٹ یا اس کے بعد جو بھی پہلی پوسٹ خالی ہوئی اس سے ایپلائنٹ کو تعینات کیا جانا تقاضہ انصاف و قانون ہے اور اعلیٰ عدالتی فیصلوں بشمول عدالت عظمیٰ پاکستان و عدالت عالیہ پشاور کے فیصلہ جات کی روشنی میں یہ مسلمہ اصول ہے کہ کوئی بھی فریق اپنے فراڈ یا اپنی مٹی بر بدیتی کاروائیوں یا اپنی کوتاہی کا فائدہ نہیں لے سکتا۔

5- یہ کہ اپیل ہذا تعیناتی کے خط سے 30 یوم کی مقررہ میعاد سے 07 یوم کی تاخیر سے اس لیے دائر کی جارہی ہے کہ سلیکشن کمیٹی کی میٹنگ کے منٹس کی نقل کی درخواست مورخہ 07/07/2021 کو دی گئی تھی، مگر اسکے باوجود آج دن تک ایپلائنٹ کو نقل فراہم نہیں کی گئی جو اس بناء پر تاخیر تصور نہیں ہوتی تاہم اگر ہے تو قابل معافی ہے۔ کیونکہ اس میں ایپلائنٹ کا کوئی قصور نہ ہے اور تحریر طور پر ایپلائنٹ کو مطلع بھی نہیں کیا گیا ہے۔

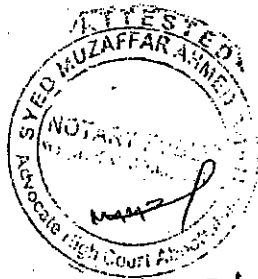
اندریں حالات استدعا ہے کہ بمنظوری اپیل ہذا حسب تشریح عنوان حکم صادر فرمایا جاوے۔

المرقوم: 06/08/2021 ایبٹ آباد

نعت اللہ ولد غلام محمد ساکن بندہ تحصیل آلائی ضلع بگلرام حال دفتر ایگزیکٹو انجینئر، پبلک ہیلتھ انجینئرنگ ڈویژن، بگلرام
نعت اللہ

بیان حلفی:-

حلفاً بیان کیا جاتا ہے کہ جملہ مراتب
اپیل ہذا تا حد علم و یقین میرے صحیح و درست ہیں اور
کوئی امر عدالت ہذا سے مخفی یا پوشیدہ نہ رکھا گیا ہے۔
المرقوم: 06/08/2021 ایبٹ آباد



06/05/2021

نعت اللہ ولد غلام محمد ----- (ایپلائنٹ)
نعت اللہ

ATTESTED
Muhammad Shafiq Awan
Advocate High Court
Abbottabad

کمزور پن XEN سے ملنے والے ایک کثیر نفی کارڈ
11/5 ام

67

Annexure
"P"

درج ذیل کثیر نفی کارڈ کی Minutes of Meeting - نمبر 22/21
ڈیپارٹمنٹ آف ایمریشنز کے ایک کثیر نفی کارڈ سے اس کی کاپی لیا گیا

فیس کی رقم کو سونپنے کے لئے 22/21

منشی کی دفتر کا نوٹ

گنہگاروں کی فہرست کے لئے نوٹ

درج ذیل نمبروں کے لئے

7/7 (21)

گنہگاروں کی فہرست کے لئے نوٹ

کثیر نفی کارڈ

گنہگاروں کی فہرست کے لئے نوٹ

بسم اللہ

ATTESTED

Muhammad Shafiq Awan
Advocate High Court
Abbottabad

"B"

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

No.

TB AIA Abad

Appeal No. 118 of 20 22

Nimat Ullah Appellant/Petitioner

Versus

Secy, PHE Peshawar Respondent

Respondent No. 1

SECY PHEL
Dairy No.
Dated

Notice to:

Govt of KPIC Through Secretary

25/5/22 Public Health Engineering Peshawar

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.....at 8.00 A.M. If you wish to urge anything against the appellat/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 23.....

Day of.....5.....20 22

at camp court
AIA Abad.

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.

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Mount Allen

10/2/55

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RECYCLED

Public Health Engineering Department
Govt of Madhya Pradesh

12-6-55

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of Camp (cont)

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

kegg
No.

Appeal No. 118 of 2022

Nehmat Ullah Appellant/Petitioner

Secy: PHE ^{Versus} Real Respondent

Respondent No. 3

Notice to: Appellate Authority of Grade III
of the appellant Superintendent Engg. PHE Deptt
Circle Manshera

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 15-6-22 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 23.....

Day of 5 22

of our Court
A. H. H. H.

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.

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

No. *legd*

TR A/A

Appeal No. *118* of 20 *22*

Nehmat Ullah Appellant/Petitioner

Secy: PHE Pesh Respondent

Respondent No. *3*

Notice to: *Appellate Authority of Grade III of the appellant Superintending Engr: PHE Deptt circle Mansehra*

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 *15-6-22* 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.

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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 *23*

Day of *5* 20*22*

*At Court
A/A Head*

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.

Recd
 No.

TB ALAbed

Appeal No..... 118 of 20 22

Nehmat Ullah Appellant/Petitioner

Versus

Secy, PHE Pesh Respondent

Respondent No..... 2

Notice to: - Superintendent Engineer Public Health Dept
 Circle Miansehra

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..... 15-6-22 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..... 22

Day of..... 5-20 22

at court
 ALAbed.

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 Gazotted Holidays.
 2. Always quote Case No. While making any correspondence.

“B”

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

Recd
 No.

TB AtAbad

Appeal No. *118* of 20 *22*

Nehmat ullah Appellant/Petitioner

Versus

Secy. PHE Pesh Respondent

Respondent No. *2*

Notice to: *Superintendent Engineer Public Health Deptt*
Circle Manshehra

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 *15-6-22* at 8.00 A.M. If you wish to urge anything against the appellants/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 *23*.....

Day of..... *5* 20 *22*

at camp Court
At Abad,

[Signature]
 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.

No. *Razvi*

TB AIA

Appeal No. *113* of 20 *22*

Nahmat Ullah Appellant/Petitioner

Versus

Sgt. PHE Respondent

Respondent No. *4*

Notice to: — *Chairman Departmental Selection Committee*
PHE Division Battagram

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 *15-6-22* 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 *23*.....

Day of..... *5-2022*

at camp court
AIAbad.

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.

No. *Recd*

TB AIA

Appeal No. *118* of 20 *22*

Nemat Ullah Appellant/Petitioner

Versus

Secy. PHE Respondent

Respondent No. *4*

Notice to: — *Chairman Departmental Selection Committee*
PHE Division Battagram

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 *15-6-22* at 8.00 A.M. If you wish to urge anything against the appellatant/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 *23*.....

Day of..... *5* 20 *22*

at camp court
A. A. A. A.

[Signature]
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.