


11.10.2022

Petitioner alongwith his counsel present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Behramand Khan, Deputy Director for respondents present.

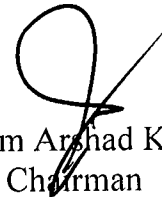
Implementation report not submitted. Learned Additional AG sought time for submission implementation report on the date fixed. Adjourned. To come up for implementation report on 31.10.2022 before S.B.


(Fareeha Paul)
Member (E)

4th July, 2022

Counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Learned counsel for the petitioner informed that the petitioner had died. He submitted list of legal heirs of the petitioner alongwith power of attorney of Mr. Sher Ajam Khan on behalf of the petitioner which is placed on file. Respondents are directed to submit implementation report on the next date positively, releasing the benefits (for which the deceased petitioner was legally entitled) to the legal heirs of the petitioner subject to verification of the legal heirs and production of succession certificate by the legal heirs. Learned counsel for the petitioner shall also submit succession certificate on the next date. To come up for implementation report on 05.09.2022 before S.B.



(Kalim Arshad Khan)
Chairman

05.09.2022

Counsel for the petitioner present. Mr. Kabir Ullah Khattak, Additional Advocate General alongwith Behramand Khan, Deputy Director for respondents present.

Representative of the respondent department sought time for submission of implementation report. To come up for implementation report on 11.10.2022 before S.B. MA

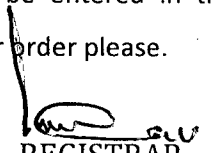
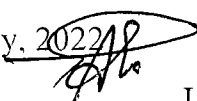




(Fareeha Paul)
Member (E)

Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. _____ 164/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	29.03.2022	<p>The execution petition of Mr. Naeem Khan submitted today by Mr. Gohar Ali Khwashi Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p> REGISTRAR</p>
2-	<p>noted</p> <p>27th May, 2022  6/4/2022</p>	<p>This execution petition be put up before to Single Bench at Peshawar on <u>27-05-2022</u>. Original file be requisite. Notices to the appellant and his counsel be also issued for the date fixed.</p> <p></p> <p>Clerk of counsel for the appellant present Mr. Kabir Ullah Khattak, AAG for respondents present.</p> <p>Due to general strike of the bar. Case is adjourned. To come up for the same on 04.07.2022 before S.B.</p> <p> (Kalim Arshad Khan) Chairman</p>

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Execution No. 164 /2022

In

Service Appeal No. 118/2019.

Naeem Khan

VERSUS

Mutasim Billah *DEO & others*

INDEX

S#	Description of Documents	Annex	Pages
1.	Grounds of Execution Petition		1-3
2.	Judgment of the Service Tribunal	"A"	4-9
3.	Application for Implementation to Respondent	"B"	10
4.	Wakalatnama		11

Naeem Khan
PETITIONER

Through

Gohar Ali Khweshgi
Gohar Ali Khweshgi

Advocate High Court Peshawar.

1

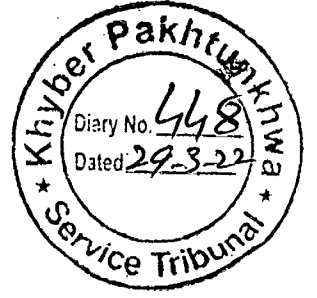
BEFORE THE SERVICE TRIBUNAL, KHYBER

PAKHTUNKHWA, PESHAWAR

Execution No. 164 /2022

In

Service Appeal No. 118/2019.



Naeem Khan S/o. Zahir Shah R/o. Qulikhel, Tehsil and District Bannu. Ex SET Teacher, Science Teacher of Govt. was posted at Govt. High School, Habibuallah, FR Bannu.

.....*PETITIONER*

VERSUS

1. District Education officer, (Ex-Agency Education Officer), FR Bannu.
2. Additional Director of Education, (Ex-Director of Education) Tribal Secretariat, Warsak Road, Peshawar.
3. Director Education, Khyber Pakhtunkhwa, G.T Road, Peshawar.
4. The Principal / Headmaster, Govt. Higher Secondary School, Habibullah, FR Bannu.
5. The Govt. of Khyber Pakhtunkhwa through Secretary Education, Civil Secretariat, Peshawar.

.....*RESPONDENTS*

**PETITION FOR EXECUTION FOR
PROCEEDING AGAINST THE RESPONDENT,
WHO REFUSED THE ORDER OF THE
SERVICE TRIBUNAL FOR
IMPLEMENTATION UNDER APPEAL NO.**

118-P/2019 DATED 07/01/2022. (COPY ATTACHED AS ANNEXURE "A").

RESPECTFULLY SHEWETH,

The petitioner submits as under;

1. That petitioner submitted service appeal before the Service Tribunal, which was decided in favour of the petitioner dated 07/01/2022 as Annexure "A".
2. That on dated 26/01/2022, petitioner attended the office of the respondent alongwith an application coupled with judgment of the service tribunal for implementation but respondent refused to implement but advised to go back to the service tribunal for COC. (Copy of the application is Annexed as Annexure "B").
3. That respondent has not challenged the order of this Honorable Tribunal before the upper court and not suspended has got finality.
4. That petitioner is a poor person passing through starvation, waiting for service to feed his old mother, father and hunger kids.
5. That respondent is abusing the law, rules regulations and order of this Honorable Tribunal if this practice is continued on the

part of respondent, this would create agony and bad impression in general public.

6. That petitioner has no source to get the sympathy of the respondent except to knock the door of the tribunal once again.

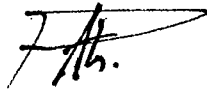
It is, therefore, requested to direct the respondent to implement the judgment of this Honorable Tribunal with letter and spirit to reinstate, the petitioner with all back benefits, please.

Dated: 09/03/2022



PETITIONER

Through

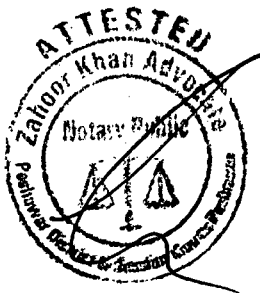


Gohar Ali Khweshgi

Advocate High Court Peshawar.

AFFIDAVIT

I, *Naeem Khan S/o. Zahir Shah R/o. Qulikhel, Tehsil and District Bannu*, do hereby solemnly affirm and declare on oath that all the contents of above application are true and correct to the best of my knowledge and belief and nothing has been misstated or concealed from this Hon'ble Court.




DEPONENT

P/A 4

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 118 /2019

Diary No. 109
Dated 25/1/2019

Naeem Khan S/o Zahir Shah R/o Quli Khel, Tehsil and District Bannu, Ex-SET Teacher (Science Teacher) Government High School Habibullah FR Bannu...(Appellant)



V E R S U S

- ✓ 1. District Education Officer, (Ex-Agency Education Officer) FR Bannu.
- ✓ 2. Additional Director of Education (Ex-Director of Education) Tribal Secretariat, Warsak Road, Peshawar.
- ✓ 3. Director Education Khyber Pakhtunkhwa, G.T. Road, Peshawar.
4. The Principal/Headmaster Government Higher, Secondary School, Habibullah, FR Bannu.
5. The Government of Khyber Pakhtunkhwa through Secretary Education, Civil Secretariat, Peshawar.....(Respondents)

APPEAL U/S 4 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL,
1974, FOR REINSTATEMENT OF THE
APPELLANT IN SERVICE WITH ALL BACK
BENEFITS AGAINST THE IMPUGNED
ORDER OF THE RESPONDENT NO. 1.

ATTESTED


KHYBER PAKHTUNKHWA
Service Tribunal

X S

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 118/2019

Date of Institution ... 25.01.2019

Date of Decision ... 07.01.2022



Naeem Khan S/o Zahir Shah R/o Quli Khel, Tehsil and District Bannu, Ex-SET
Teacher (Science Teacher) Government High School Habibullah FR Bannu.
... (Appellant)

VERSUS

District Education Officer, (Ex-Agency Education Officer) FR Bannu.
... (Respondents)

Taimur Ali Khan & Gohar Ali Khesghi,
Advocate ... For Appellant

Muhammad Rasheed,
Deputy District Attorney ... For respondents

AHMAD SULTAN TAREEN ... **CHAIRMAN**
ATIQU-UR-REHMAN WAZIR ... **MEMBER (EXECUTIVE)**

JUDGMENT

ATIQU-UR-REHMAN WAZIR MEMBER (E):- Brief facts of the

case are that the appellant was appointed as Senior English Teacher (SET) in education department vide order dated 02-10-1989. During the course of his service, the appellant was charged in FIR Dated 28-01-1998 U/Ss 302/324/34 PPC. Simultaneously the appellant was also proceeded against departmentally and was ultimately terminated from service vide order dated 14-05-1998. The appellant remained fugitive from law for quite some time but finally surrendered himself before the court of law and after conducting trial by the competent court of law, the appellant was acquitted of the charges vide judgment dated 31-05-2018, thereafter the appellant filed departmental appeal dated 22-06-2018, which was not responded within the statutory period, hence the instant service appeal

ATTESTED

ATTESTED
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

with prayers that the impugned order dated 14-05-1998 may be set aside and the appellant may be re-instated in service with all back benefits.

02. Learned counsel for the appellant has contended that the appellant has not been treated in accordance with law and his rights secured under constitution has badly been violated; that the respondents initiated ex-parte proceedings against the appellant and the appellant was not associated with disciplinary proceedings; that the appellant was acquitted of the charges, hence there remains no reason to penalize the appellant anymore; that the appellant was terminated from service, whereas the word termination does not exist in law, hence the impugned order is void and no limitation runs against void order; that the impugned order was issued with retrospective effect and on this score too, the impugned order is void and is liable to be set aside; that the appellant was discriminated, as one of the co-accused who was also teacher and was charged in the same FIR with the appellant but the respondents re-instated him with all back benefits after acquittal from the criminal charges, whereas acquittal of the appellant was not taken into consideration, who shows malafide on part of the respondents.

03. Learned Deputy District Attorney for the respondents has contended that the appellant was charged in FIR Dated 28-01-1998 U/Ss 302/324/34 PPC, due to which the appellant went in hiding for longer; that superintendent of Police vide his letter dated 02-02-1998 informed respondent No. 1 regarding registration of FIR against the appellant; that the respondent waited for the appellant to attend to his duty, but the appellant failed to join duty, hence he was terminated from service vide order dated 14-05-1998; that the appellant was terminated from service due to his long absence and such absence was due to his involvement in an FIR, due to which he remained fugitive from law for longer; that departmental appeal of the appellant is badly time barred, as the appellant preferred such

ATTESTED



EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

appeal after acquittal from the charges in 31-05-2018, whereas the impugned order was passed on 14-05-1998.

04. We have heard learned counsel for the parties and have perused the record.

05. Record reveals that the appellant was charged in an FIR, therefore the appellant was held back from performance of duty. Respondent No 1 was well aware of the fact that a criminal case was registered against the appellant and it was not possible for him to attend to his duty, inspite he was terminated from service without affording appropriate opportunity of defense to the appellant and without observing the required formalities prescribed in law. In such a situation, the respondents were required to keep the appellant under suspension until conclusion of the criminal case, as is provided in section 194 of Civil Service Regulations, but the respondents malafiedly proceeded him on the charges of absence from duty and simply terminated his services. The appellant remained absent for certain period but his absence was neither deliberate nor willful, rather circumstances were beyond control of the appellant and non-reply of the appellant to the respondents was not due to his negligent conduct. The principle of natural justice demands that no one should be condemned unheard during departmental proceedings, but the appellant was condemned unheard, hence the impugned order is not sustainable in circumstances. Reliance is placed on 2018 PLC (CS) 67. Dealing with the question of delay in submission of departmental appeal, it is observed that the same is not to be extended much weightage, as the impugned order provided for penalty to the appellant in terms of termination from service, which as rightly argued by the learned counsel for the appellant is not included in the list of penalties provided in the rules applied on the appellant.

The order, therefore, having been passed in blatant disregard of law can only be termed as void and no limitation runs against void order. Reliance is placed on 2019 SCMR 648 and 2011 PLC (CS) 1079. Moreover, the Supreme Court of

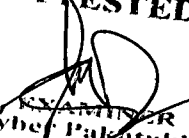
ATTESTED

EXAMINERS
Wahyee Pathak
Service Tribunal
Peshawar

Pakistan its judgment reported as PLD 2010 SC 695 has held that it would have been a futile attempt on part of civil servant to challenge his removal from service before earning acquittal in the relevant criminal case. It was unjust and oppressive to penalize civil servant for not filing his departmental appeal before earning his acquittal in criminal case, which had formed the foundation for his removal from service. Same is the case with the appellant that he preferred departmental appeal after earning acquittal from the charges. Besides, it is a well settled legal proposition that decision of cases on merit is always encouraged instead of non-suiting litigants on technical reason including ground of limitation. Reliance is placed on 2004 PLC (CS) 1014 and 1999 SCMR 880. The appellant was acquitted of the charges by the competent court of law vide judgment dated 31-05-2019 and the appellant was released from jail. It is also settled law that dismissal of civil servant from service due to pendency of criminal case against him would be bad unless such official was found guilty by competent court of law.

1/11 Contents of FIR would remain unsubstantiated allegations, and based on the same, maximum penalty could not be imposed upon a civil servant. Reliance is placed on PLJ 2015 Tr.C. (Services) 197, PLJ 2015 Tr.C. (Services) 208 and PLJ 2015 Tr.C. (Services) 152.

06. As is evident from their comments, the respondents were well aware that the appellant was involved in a criminal case and that his absence was not willful, the respondents proceeded the appellant in haste and did not afford appropriate opportunity of defense as was required under the provisions of the said rules, rather conducted no proceedings and the appellant was simply terminated without any notice and without any inquiry and in such situation, the whole proceedings can be termed as illegal and without any lawful authority. In 2012 PLC (CS) 502, it has been held that if a person is acquitted of a charge, the presumption would be that he was innocent. Moreover, after acquittal of the appellant in the criminal case, there was no material available with the authorities

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar


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to take action and impose major penalty. Reliance is placed on 2003 SCMR 207 and 2002 SCMR 57, 1993 PLC (CS) 460.

07. The appellant was very clearly discriminated, as the co-accused Mr. Sher Ajam who was also a teacher and was nominated in the same FIR, was re-instated in service after his acquittal from the criminal charges. The re-instatement order dated 20-07-2019 in respect of Mr. Sher Ajam would show that he had been re-instated in service with back benefits from the date of his arrest, but the appellant was not re-instated inspite of the fact that he was also granted acquittal by the competent court of law, which however was not warranted. We are of the considered opinion that the appellant has not been treated in accordance with law and he was illegally removed from service without proper application of law. In view of the situation, the instant appeal is accepted. The impugned order dated 14-05-1998 is set aside and the appellant is re-instated in service. The absconsion period is treated as leave without pay. The appellant is held entitled to back benefits from the date of his arrest i.e. 08-05-2016. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
07.01.2022


(AHMAD SULTAN TAREEN)
CHAIRMAN


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

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 25/01/22
Number of Words 2400
Copying Fee 26/-
Urgent 4/-
Total 30/-
Name of Copyist _____
Date of Completion of Copy 25/01/22
Date of Delivery of Copy 25/01/22

B
P- 10

The Secretary to Govt. of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department,
Peshawar

Subject: - **RE-INSTATEMENT IN SERVICE**

Dear Sir,

Please refer to the subject captioned above, I was terminated from service on 14.05.1998, when I was working as S.E.T at Government High School Kotka Habibullah F.R Bannu. I appealed against my termination in Khyber Pakhtunkhwa Service Tribunal on 25.01.2019, which was accepted being genuine and re-instated me in my service from 08.05.2016.

Copy of the Service Tribunal decision is herewith attached for further necessary action at your end please.

Yours faithfully,



(NAEEM KHAN)

S/O Zahir Shah,
Ex- SET (Science Teacher)
G.H.SS Habibullah FR Bannu

0335-5155633

0333-9361671

Dated: 26-01-2022

Copy is forwarded for information to the:

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

S O (G+II)

Please take up with
Director ESSED for

(NAEEM KHAN)




26-1-22

No-902
Dated 26/1/2022

318
26/1/22

Assistant
S/O
Gohar Ali Khushki
adrocak

11

قیمت 50 روپے	115126	  
Gonar Ali Peshgi Advocate High Court Peshawar		
ایڈوکیٹ: گو سہ علی حیات بار کونسل / ایسوسی ایشن نمبر: 10-7448 رابطہ نمبر: 03369055345		پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: سرسبز ٹریبونل خیبر پختونخواہ کے لیے

 <p>منجانب: منشی نسیمن مستعصم باللہ خیبر پختونخواہ</p>	دعوی:
	علت نمبر:
	موضوعہ:
	جرم:
	تھانہ:

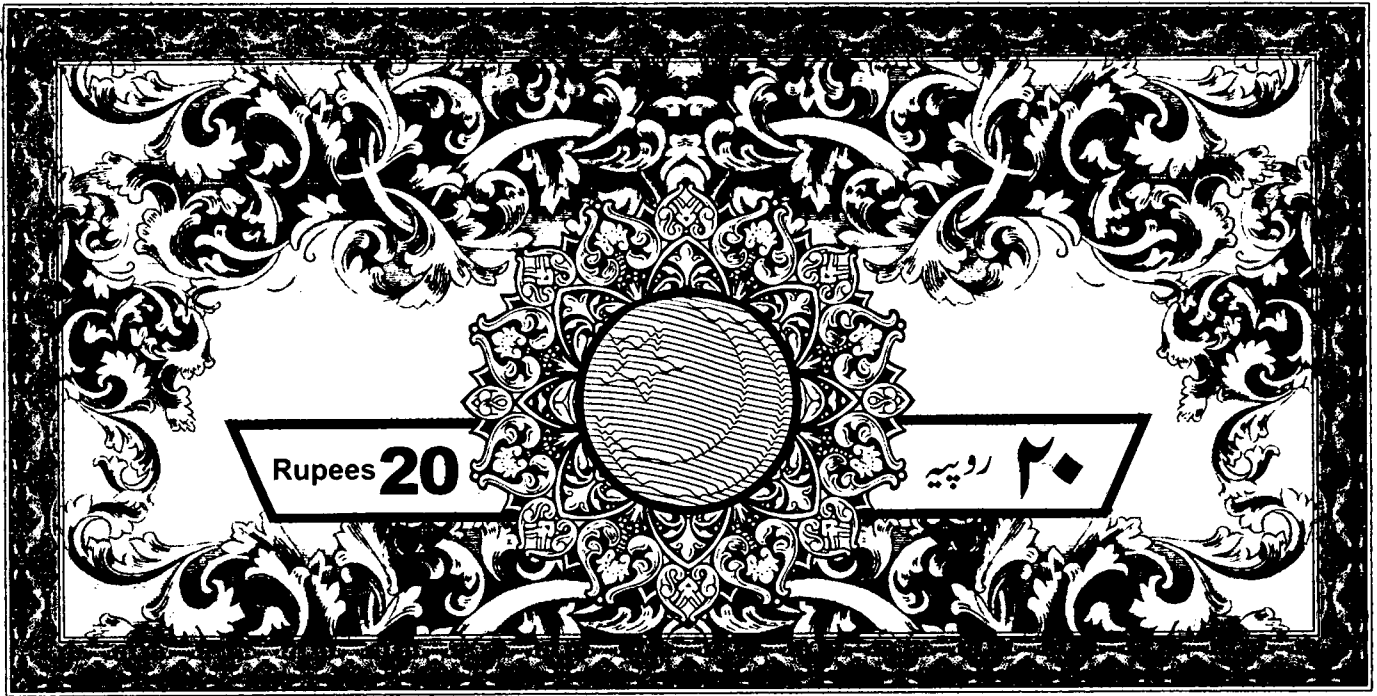
باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ
 آن مقام کے لیے درج ذیل گورنر علی حیات کو وکیل مقرر
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقریر ثالث و فیصلہ بر حلف دینے جو اب دعویٰ اقبال دعویٰ اور درخواست از پر قسم کی تصدیق
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یا یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل انگریزی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کارروائی کے واسطے اور وکیل یا مختار قانونی ادا کرنے کے لیے ہر ماہ اپنے گھر کا اختیار ہوگا اور صاحب
 مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخلہ منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جانب اتوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 8 مارچ 2022ء
 PESHAWAR BAR ASSOCIATION
 ADVOCATES GENERAL
 PESHAWAR

مقام کے لیے منظور ہے۔
 Attestd & accepted
 Gonar Ali Peshgi
 Advocate High Court
 Peshawar

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔



NON -MARRIAGE CERTIFICATE

(TO WHOM IT MAY CONCERN)

This is to certify that Mrs Hasan Pari S/O, D/O, W/O Naeem Khan

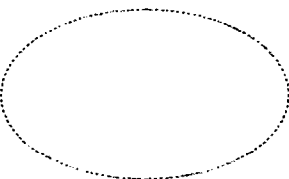
Holder of PPO No. _____ CNIC No. 11102-0596716-4

Residing of Village Quli Khel P/O Domel

Tehsil Domel District Bannu.

Whose specimen signature / thumb impression and address are appended below has not remarried after the death of her husband to date. _____

Name: HASAN PARI

_____/ 


Signature / thumb impression

Witness-1

Name:- Kifayat Ullah

CNIC No. 11102-0357236-1

Mobil No. 03361901073

_____/ 


Signature / thumb impression

Witness-2

Name:- Rafi Ullah

CNIC No. 11101-0587013-7

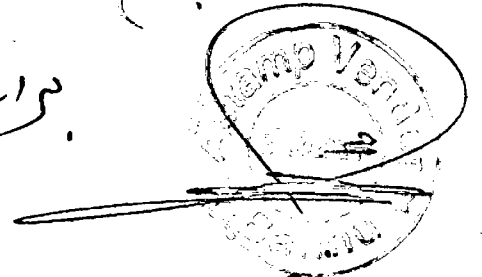
Mobil No. 03360011704

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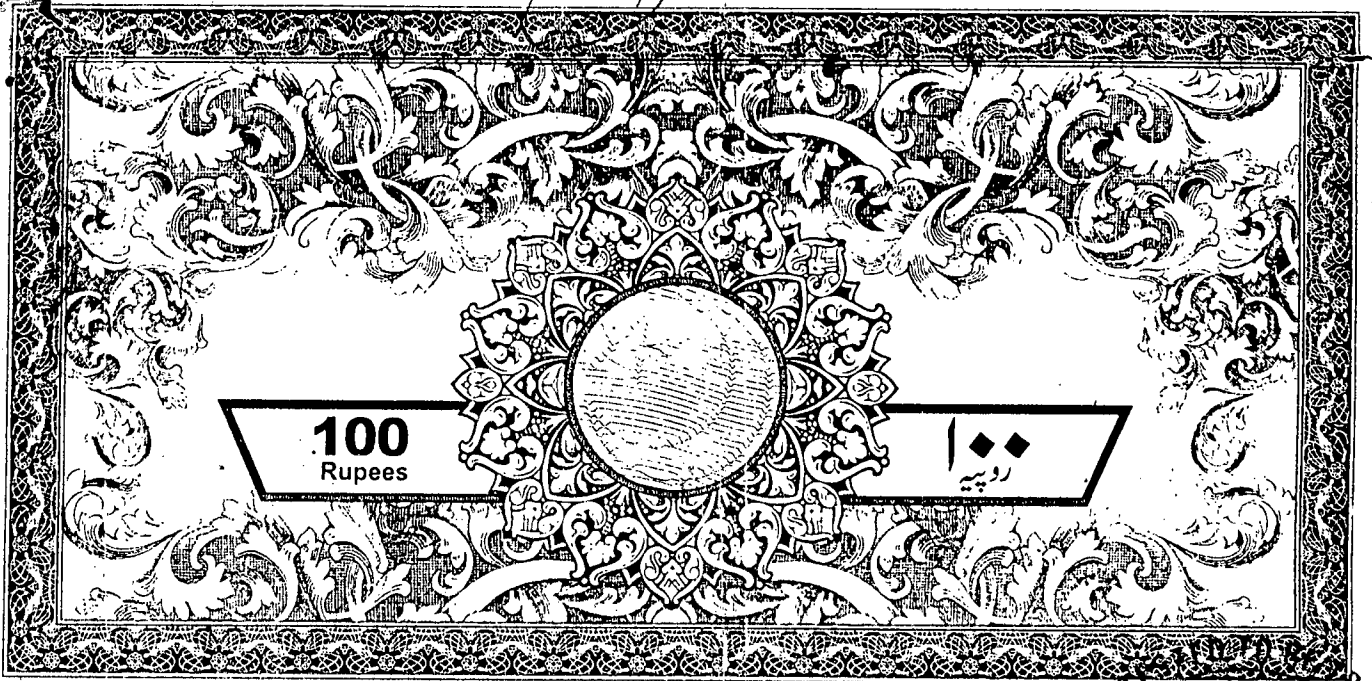
Signature / thumb impression


IFTEKHAR AHMAD
 Advocate
 Oath Commissioner

بیمارستان مرکزی
برائے طلبہ کمال سہیل
کراچی

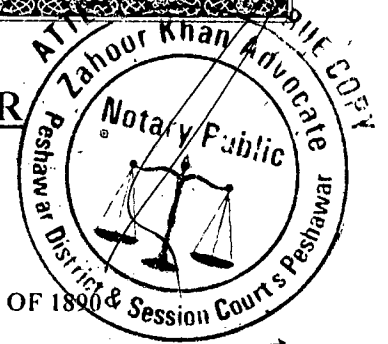


02 08
2022



THE COURT OF MUHAMMAD ASGHAR
SENIOR CIVIL JUDGE/GUARDIAN JUDGE, BANNU

Guardianship Petition No...	113/2
Date of Institution	29.07.2022
Date of Decision	03.09.2022



GUARDIANSHIP CERTIFICATE UNDER SECTION-7 OF ACT NO. VIII OF 1890
(GUARDIAN & WARDS ACT, 1890)

To,

Mst. Husan Pari w/o Naeem Khan r/o Quli Khel, Tehsil Domel & District,
Bannu..... **PETIONER**

Whereas, this Court has, under the provision of Section 7 of Act No.VIII of 1890, been pleased to appoint you, Mst. Husan Pari (real Mother of the minor/s (to be) guardian of *(the person and property)* of the minor/s listed below, during their minority, to wit, till the date of their respective date of majority, subject to the provisions contained in the Act and the rules framed thereunder and particularly those provisions contained in Sections 26, 27, 28, 29, 32, 33, 35, 36, 39, 44 and 45 of the Act aforesaid (which are printed-on the back of this certificate) you are hereby authorized to take charge of the property of the minor/s in trust, collect and pay all just debts, claims and liabilities due to or by the estate of the minor/s, to institute or defend suits connected with that estate and generally to do and perform all acts which may be necessary to the due discharge of the trust vested in you, provided always that you shall not mortgage, or charge, or transfer by sale, gift exchange or otherwise, any part of the immovable property of your ward, or lease any part of that property for a term exceeding five years, or for any term extending more than one year beyond the date on which your ward will cease to be a minor/s; without the express sanction of this Court previously obtained; and that you shall keep regular accounts of your receipts and disbursements, with all vouchers and other documents necessary to establish their correctness, and shall carry out all orders issued to you by this Court under the aforesaid Act.

S. No.	Name of Minor/s	Relationship	Age/Date of Birth	Date of Majority
1	Muhammad Naveed	Son	13.03.2007	13.03.2025
2	Sania Bibi	Daughter	03.04.2012	03.04.2030
3	Maria	Daughter	08.03.2013	08.03.2031
4	Muhammad Naqem	Son	15.03.2015	15.03.2033

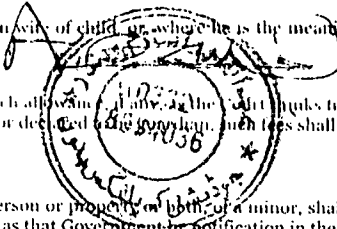
Given under my hand and the seal of the Court, this 03rd day of Sep, 2022.



Muhammad Asghar
03/09/22
MUHAMMAD ASGHAR
SCJ/Guardian Judge,
Bannu.

Senior Civil Judge,
BANNU

Handwritten notes and signatures at the top of the page, including "B", "U.S.", and a signature "S. J. ...".



21. Capacity of minors to act as guardians.

A minor is incompetent to act as guardian of any minor except his own, or where he is the meaning member of an undivided family, the wife or child of another minor member of that family.

22. Remuneration of guardians.

(1) A guardian appointed or declared by the Court shall be entitled to such allowance as the Court thinks fit for his care and pains in the execution of his duties.
(2) When an officer of the Government, as such officer, is so appointed or declared by the Court, such fees shall be paid to the Government out of the property of the ward as the Provincial Government, by general or special Order, directs.

23. Control of Collector as guardians.

A Collector appointed or declared by the Court to be guardian, of the person or property of a minor, shall, in all matters connected with the guardianship of his ward, subject to the control of the Provincial Government or of such authority as that Government by notification in the Official Gazette, appoints in this behalf.

24. Duties of guardians of the person.

A guardian of the person of a ward is charged with the custody of the ward and must look to his support, health and education, and such other matters as the law to which the ward is subject requires.

25. Title of guardian to custody of Ward.

(1) If a ward leaves or is removed from the custody of a guardian of his person, the Court, if it is of opinion that it will be for the welfare of the ward to return to the custody of the guardian, may make an Order for his return, and for the purpose of enforcing the Order may cause the ward to be arrested and to be delivered into the custody of the guardian.
(2) For the purpose of arresting the ward, the Court may exercise the power conferred on a Magistrate of the First Class by Section 100 of the Code of Criminal Procedure.
(3) The residence of a ward against the will of his guardian with a person who is not his guardian does not of itself terminate the guardianship.

26. Removal of ward from jurisdiction.

(1) A guardian of the person appointed or declared by the Court, unless he is the Collector or is a guardian appointed by will or other instrument, shall not without the leave of the Court by which he was appointed or declared, remove the ward from the limits of its jurisdiction except for such purposes as may be prescribed.
(2) The leave granted by the Court under sub-section (1) may be special or general and may be denied by the order granting it.

27. Duties of guardian of property. A guardian of the property of a ward is bound to deal therewith as carefully as a man of ordinary prudence would deal with it if it were his own, and, subject to the provisions of this Chapter, he may do all acts which are reasonable and proper for the realization, protection or benefit of the property.

28. Power of testamentary guardian. Where a guardian has been appointed by will or other instrument, his power to mortgage or charge or transfer by sale, gift, exchange or otherwise, immovable property belonging to his ward is subject to any restriction which may be imposed by the instrument, unless he has under this Act been declared guardian and the Court which made the declaration permits him by an order in writing notwithstanding the restriction, to dispose of any immovable property specified in the order in a manner permitted by the order.

29. Limitation of powers of guardian of property appointed or declared by the Court. Where a person other than a Collector, or other than a guardian appointed by will or other instrument, has been appointed or declared by the Court to be guardian of the property of a ward, he shall not, without the previous permission of the Court:

- (a) mortgage, or charge or transfer by sale, gift, exchange or otherwise any part of the immovable property of his ward; or
- (b) lease any part of that property for a term exceeding five years or for any term extending more than one year beyond the date on which the ward will cease to be a minor.

32. Variation of powers of guardian of property appointed or declared by the Court. Where a guardian of property of a ward has been appointed or declared by the Court and such guardian is not the Collector, the Court may, from time to time by order, define, restrict or extend his powers with respect to the property of the ward in such manner and to such extent as it may consider to be for the advantage of the ward and consistent with the law to which the ward is subject.

33. Right of guardian so appointed or declared to apply to the Court for opinion in management of property of ward.

(1) A guardian appointed or declared by the Court may apply by petition to the Court which appointed or declared him for its opinion, advice or direction on any present question respecting the management or administration of the property of his ward.
(2) If the Court considers the question to be proper for summary disposal, it shall cause a copy of the petition to be served on, and the hearing thereof may be attended by, such persons intended in the application as the Court thinks fit.
(3) The guardian stating in good faith the facts in the petition and acting upon the opinion, advice or direction given by the Court shall be deemed, so far as regards his responsibility, to have performed his duty as guardian in the subject-matter of the application.

35. Suit against guardian where administration bond was taken. Where a guardian appointed or declared by the Court has given a bond duly to account for what may receive in respect of the property of his ward, the Court may, on application made by petition and on being satisfied that the engagement of the bond has not been kept, a person upon such terms as to security or providing that any money received be paid into the Court, or otherwise as the Court thinks fit assign the bond to some proper person, who shall thereupon be entitled to sue on the bond in his own name as if the bond has been originally given to him instead of to the Judge of the Court, and shall be entitled to recover thereon as trustee for the ward, in respect of any breach thereof.

36. Suit against guardians where administration bond was not taken.

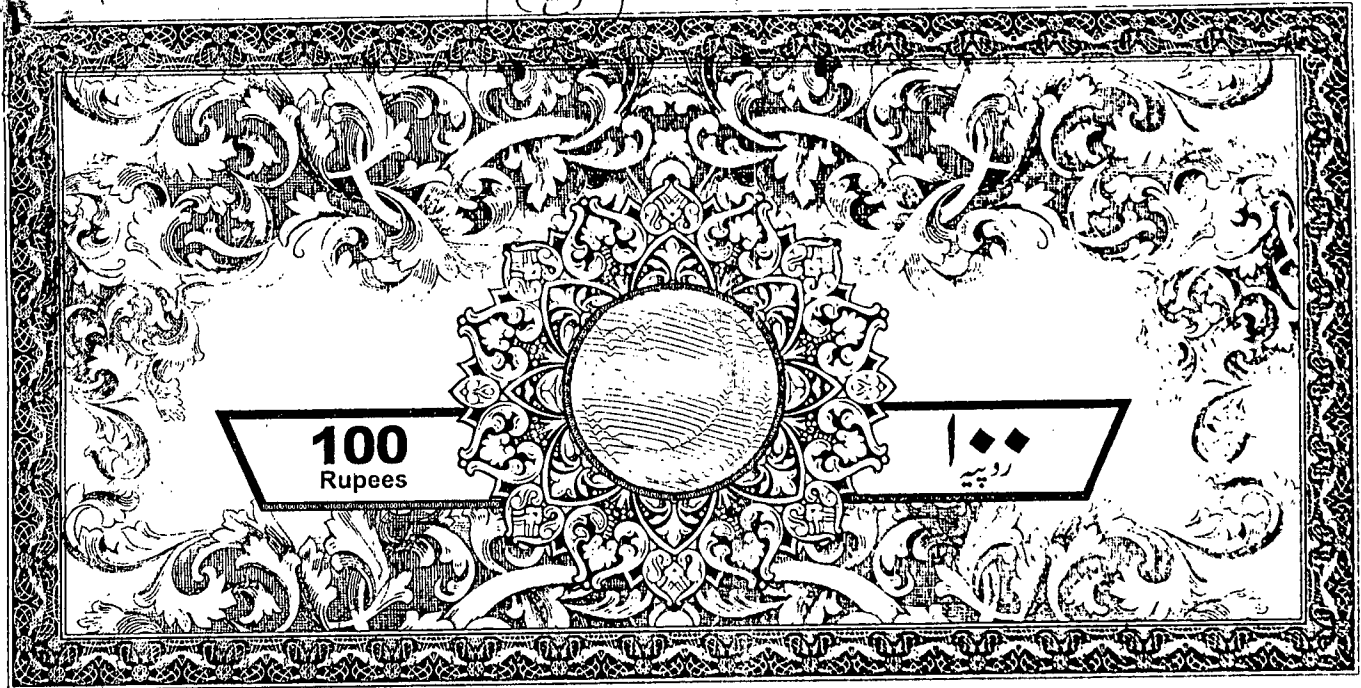
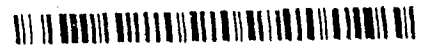
(1) Where a guardian appointed or declared by the Court has not given a bond as aforesaid, any person with the leave of the Court, may ask, next friend, at any time during the continuance of the minority of the ward, and upon such terms as aforesaid, institute a suit against the guardian, or, in case of his death, against his representative, for an account of what the guardian has received in respect of the property of the ward, and may recover in the suit as trustee for the ward, such amount as may be found to be payable by the guardian or his representative, as the case may be.
(2) The provisions of sub-section (1) shall, so far as they relate to a suit against a guardian, be subject to the provisions of section 440 of the Code of Civil Procedure as amended by this Act.

39. Removal of guardian. The Court may on the application of any person interested, or of its own motion, remove a guardian appointed or declared by the Court, or a guardian appointed by will or other instrument, for any of the following causes, namely :- (a) for abuse of his trust; (b) for continued failure to perform the duties of his trust; (c) for incapacity to perform the duties of his trust; (d) for ill-treatment, or neglect to take proper care, of his ward; (e) for contumacious disregard of any provision of his Act or any order of the Court; (f) for conviction of an offence implying, in the opinion of the Court, defect of character which unfits him to be the guardian of his ward; (g) for having an interest adverse to the faithful performance of his duties; (h) for ceasing to reside within the local limits of the jurisdiction of the Court; (i) in the case of a guardian of the property for bankruptcy or insolvency; (j) by reason of the guardianship of the guardian ceasing, or being liable to cease, under the law to which the minor is subject: Provided that a guardian appointed by will or other instrument, whether he has been declared under this Act or not shall not be removed- (a) for the cause mentioned in clause (g) unless the adverse interest accrued after the death of the person who appointed him, or it is shown that person made and maintained the appointment in ignorance of the adverse interest; or (b) for the cause mentioned in clause (h) unless such guardian has taken up such a residence as in the opinion of the Court, renders it impracticable for him to discharge the functions of guardian.

44. Penalty for removal of ward from jurisdiction. If, for the purpose or with the effect of preventing the Court from exercising its authority with respect to a ward appointed or declared by the Court removes the ward from the limits of the jurisdiction of the Court in contravention of the provisions of Section 6, he shall be liable, by order of the Court to fine not exceeding one thousand rupees, or to imprisonment in the civil jail for a term which may extend to six months.

45. Penalty for contumacy. (1) In the following cases, namely :- (a) if a person having the custody of a minor fails to produce him or cause him to be produced in compliance with a direction under Section 12, sub-section (1), or to do his utmost to compel the minor to return to the custody of his guardian in obedience to an order under Section 25, sub-section (1); or (b) if a guardian appointed or declared by the Court fails to deliver to the Court, within the time allowed by or under clause (b) of Section 34, a statement required under that clause, or to exhibit accounts in compliance with the requisition under clause (c) of that section, or to pay into the Court the balance due from him on those accounts in compliance with a requisition under clause (d) of that section; or (c) if a person who has ceased to be a guardian, or the representative of such a person, fails to deliver a property or accounts in compliance with a requisition under Section 41, sub-section (2), the person, guardian or representative, as the case may be, shall be liable, by order of the Court, to fine not exceeding one hundred rupees, and in case of recalcitrancy to further time not exceeding ten rupees for each day after the first during which default continues, a not exceeding five hundred rupees in the aggregate, and to detention in the civil jail until he undertakes to produce the minor or cause him to be produced, or to compel the return, or to deliver the statement or to exhibit the accounts, or to pay the balance, or to deliver the property or accounts, as the case may be. (2) If a person who has been released from detention on giving an undertaking under sub-section (1) fails to carry out the undertaking within the time allowed by the Court, the Court may cause him to be arrested and re-committed to the civil jail.

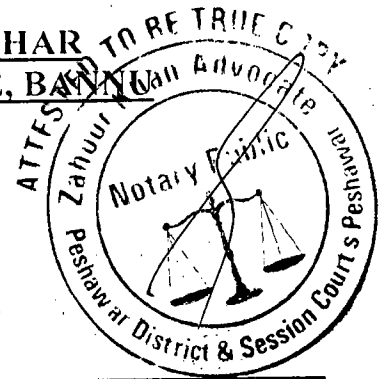
DISTRICT JUDGE, DHANU
29.10.2022



IN THE COURT OF MUHAMMAD ASGHAR
SENIOR CIVIL JUDGE/GUARDIAN JUDGE, BANNU

SUCCESSION CERTIFICATE

Succession Petition No.	156/5
Date of Institution	29.07.2022
Date of Decision	05.09.2022



PARTIES	
PETITIONER/S	RESPONDENT/S
Mst. Husan Pari & other legal heirs of deceased, Naeem Khan s/o Zahir Shah r/o Quli Khel, Tehsil Domel & District, Bannu.	1. Public at large
VS	

WHEREAS you the petitioner/s applied for a Certificate under part X of the Succession Act, 1925, in respect of movable legacy of the above-mentioned deceased with the following description:-

S.No	Name of Debtor	Details of debt including interest on date of application for certificate.	Description and date of instruments If any by which the account/ amount is secured.
1	Education Department/ Quarter concerned.	Outstanding pension, transfer of monthly pension and other grants of department.	As per rules of the department/ organization or other entity or body.

Apt to mention that succession certificate contains names of all the legal heirs of deceased, however, it is the sole domain of the department to proceed with the pension of deceased and its transfer in the name of legal heirs of deceased, in accordance with law/pension rules

After holding a preliminary inquiry and on the basis of your evidence, this Certificate is accordingly granted to you i.e. the legal heirs of deceased. It empowers you to collect

Muhammad Asghar
Senior Civil Judge (Judicial)

Bannu 05 SEP 2022

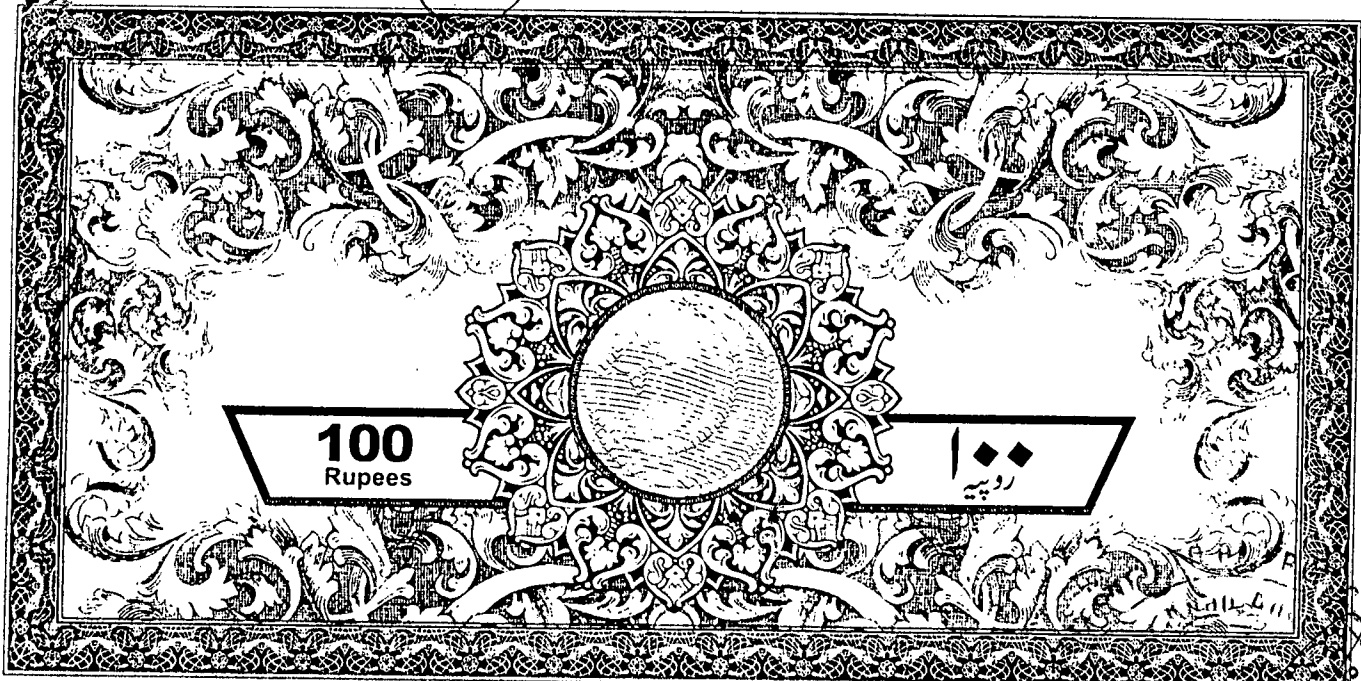
41 OCT 2022

11/11/22
Unit 105
5700 C 2678
9/1/22

~~Adm~~



DISTRICT TREASURY
29 JUL 2022
EAMU



those debts alongwith interest (if any) in person from Quarters Concerned/Bank Branch as mentioned-above.

DETAIL OF SHARES

S.No.	Name of Legal Heir	Relationship with Deceased	Share
1	Mst. Husan Pari	Widow	27/216
2	Muhammad Naveed (Minor)	Son	34/216
3	Sania Bibi (Minor)	Daughter	17/216
4	Maria (Minor)	Daughter	17/216
5	Muhammad Nageem (Minor)	Son	34/216
6	Mst. Halima	Daughter	17/216
7	Muhammad Nadeem	Son	34/216
8	Zahir Shah	Father	36/216

Note: The shares of minor/s (if any) are directed to be deposited with Civil Nazir of this Court who shall invest the same in the name of minor/s in a profitable account/scheme of any schedule bank of Pakistan/National Saving Center. No one is allowed to withdraw these shares without further Orders of this Court.

Law & Rules of the Department shall be followed.

Given under my hand and the seal of the Court, this 05th day of Sep, 2022



Muhammad Asghar
 05/09/22
 MUHAMMAD ASGHAR
 SCJ/Guardian Judge,
 Muhammad Asghar
 Senior Civil Judge(Judicial)
 Bannu

05 SEP 2022

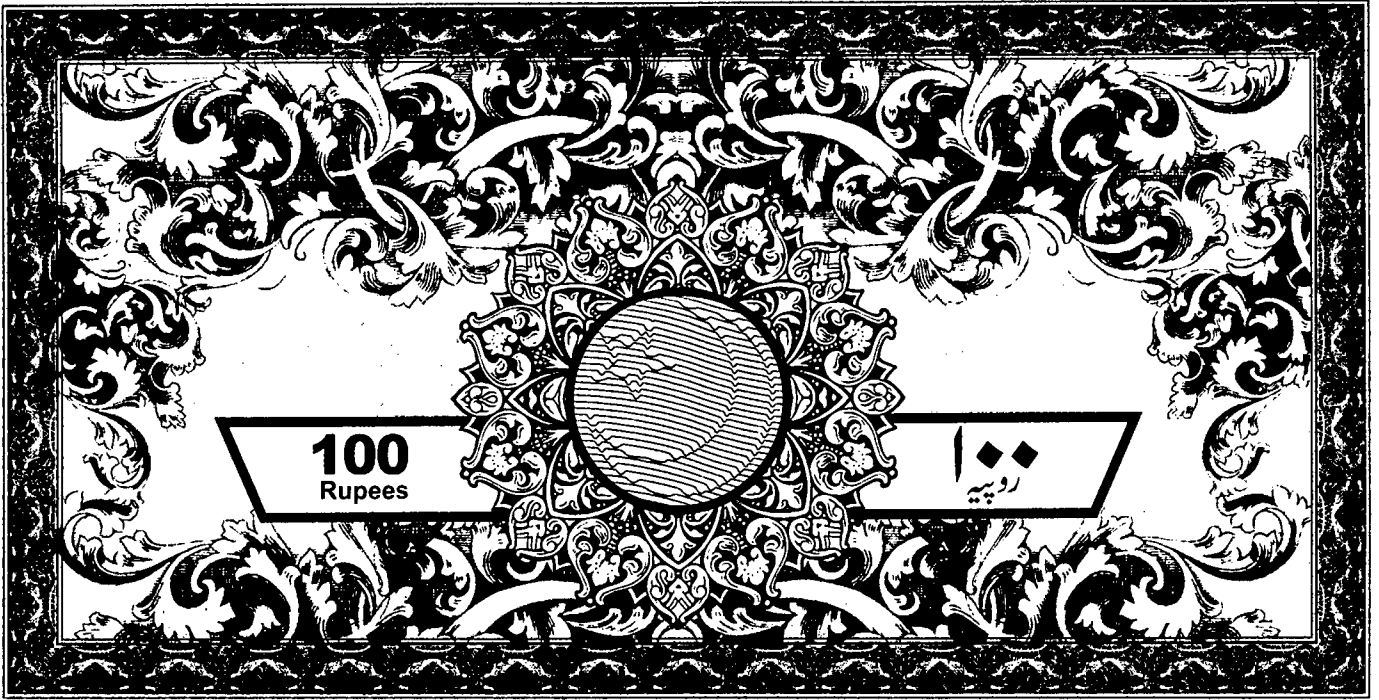
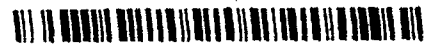
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2678
5/9/22

(Signature)



DISTRICT TREASURY
29 JUL 2022
COMPLY



اختیار دہندہ گانت

11102-0596716-4

1- حسنہ پری (بہو)

2- سہا علیہ (دختر)

11102-0394978-9

3- محمد ندیم (بہو)

4- محمد نوید (بہو)

5- سہانہ (دختر)

6- ماریہ (دختر/نابالغ)

7- محمد نسیم (بہو/نابالغ)

اختیار دہندہ

11101-4459432-5

شیر عجم خاندان ولد ظاہر شاہ

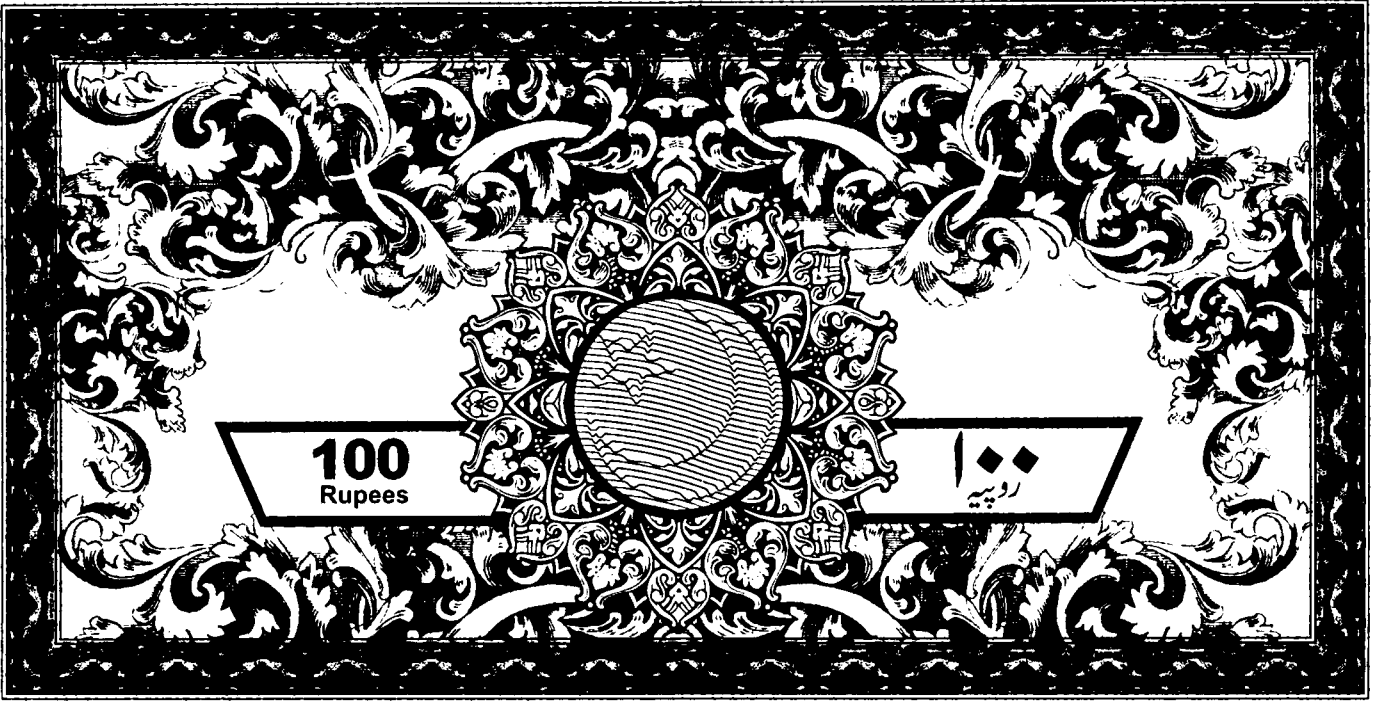
Skuffjam

گواہ سہیل
زردا یوب خان ولد نواز محمد خان
11101-0759628-9



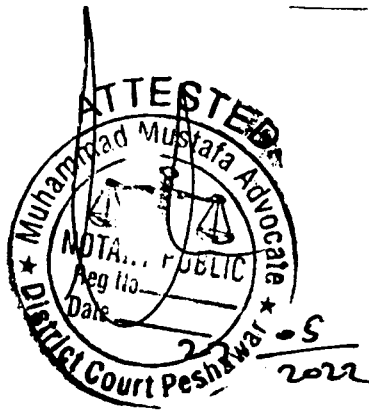
گواہ سہیل
یحییٰ خان ولد ظاہر شاہ
11101-9272298-3

27 MAY 2022



عینتاً برائے شمولیت

رفیق خاں بنام ایجوکیشن ڈیپارٹمنٹ



27 MAY 2022

Before the Service Tribunal Khyber Pukhtoon Khwaha Peds.
Execution no. 164/2022
in Appeal no - 118/2019.

Naeem Khan

- Vs.

education & educational
officer FR. Bannu &
other.

List of LRs of the petitioner
dece to death / killing of petitioner dt. 3/5/2022

R/ sheweth: the list of legal heirs of the petitioner
submission due ~~due~~ to expiry / death of the petitioner:

- 1 - Most. Haleema D/o Naeem Khan dt of birth. 3/2/2002. 22
- 2 - Mohd Nadeem s/o Naeem Khan " 20/3/2004. 26
- 3 - Mohd. Naveed s/o " " 17/3/2007 26
- 4 - Samia D/o " " 5/2/2009 "
- 5 - Maria " (Minor) " 3/3/2012. "
- 6 - Mohd Najeem s/o " (Minor) " 5/4/2015 "
- 7 - Hassan pari w/o " " 1/12/1980. "

No. 2

Necessary documents attached herewith. NC AD

Through Gohar Ali Khweshi
advocate, Peshawar

Petitioner Through
Nadeem s/o Naeem Khan.
petitioner.
CNIC #. 111020394978-9.
Ph. #. 03365951065

Before the Service Tribunal Khyber Pakhtoon Khwa & Fedl
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in Appeal no- 118/2019.

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- vs.

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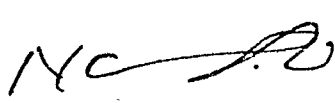
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Execution no. 164/2022
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Naeem Khan

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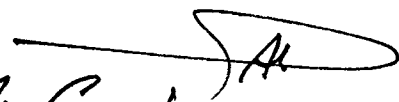
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Necessary documents attached here with. ~~NC~~ NC


Through Gohar Ali Khanspaji
advocate pesh

Petitioner Through
Nadeem s/o Naeem Khan
petitioner.
CNIC #. 111020394978-9.
Ph.#. 03365951065

Death Registration Certificate

Form No: W13445472

دفتر اندراج: یونین کونسل ڈومیل

Track No: 1650000210016820

CRMS No: D500002-22-10455

OLD/M REG #:

Deceased Person's Details

متوفی کے کوائف

Name: NAEEM KHAN
Nationality: Pakistani
CNIC No: 11101-4656958-7
Date of Birth: 01-January-1959
Gender: Male Religion: ISLAM
Sickness Period:
Date of Death: 03-May-2022
Date of Burial/Last rite: 03-May-2022
Place of Death: QULI KHEL
Reason of Death: Natural Nature of Death: Normal
Buried/Last rite at:

نام: نعیم خان
قومیت: پاکستانی
شناختی کارڈ نمبر: 11101-4656958-7
تاریخ پیدائش: 01-January-1959
جنس: مرد مذہب: اسلام
مدت علالت:
تاریخ وفات: 03-May-2022
تاریخ تدفین آخری رسومات: 03-May-2022
جائے وفات: قلی خیل
دور وفات: طبی کیفیت وفات: نارمل
جگہ تدفین آخری رسومات:

Parental Information

والدین کی معلومات

Father's Name: ZAHIR SHAH
CNIC No: 11101-2071901-3
Mother's Name: HAYAT BIBI
CNIC No:

والد کا نام: ظہیر شاہ
شناختی کارڈ نمبر: 11101-2071901-3
والدہ کا نام: حیات بی بی
شناختی کارڈ نمبر:

Address

Address: quli khel, Village ARAL TARF DOEM

Tehsil: DOMEL

District: BANNU

پتہ: قلی خیل، گاؤں ارال طرف ڈومیل

تعمیر: ڈومیل

ضلع: بونوں

Applicant's Details

درخواست گزار کے کوائف

Name: HASAN PARI
CNIC No: 11102-0596716-4
Relation with Deceased: WIFE

نام: حسن پری
شناختی کارڈ نمبر: 11102-0596716-4
متوفی سے رشتہ: بیوی

Information of Burial/Last rite by

تدفین آخری رسومات کنندہ کی معلومات

Name: SHER AJAM KHAN
CNIC No: 11101-4459432-5
Relation with Deceased: OTHER
Entry Date: 07-May-2022
Issue Date: 07-May-2022
Entry Status: Normal
Additional Information:

نام: شیراجم خان
شناختی کارڈ نمبر: 11101-4459432-5
متوفی سے رشتہ: دیگر
تاریخ اندراج: 07-May-2022
تاریخ اجراء: 07-May-2022
اندراج اسٹیٹس: نارمل
اضافی معلومات:

دستخط و سرسکرٹری
یونین کونسل ڈومیل



W13445472

This Certificate can be verified at <https://crms.nadra.gov.pk/verify>

Handwritten signature: A. H. Khan

11102-0596716-4

ذرا احتیاط سے دیکھنا کہ شناختی کارڈ نمبر

حسن پری

پروفیشنل ڈیٹا بیس اور رجسٹریشن نمبر

نمبر شمار	بچے کا نام اور رجسٹریشن نمبر	والدین نام اور شناختی کارڈ نمبر	والدین نام اور شناختی کارڈ نمبر	جنس اور رشتہ	پیدائش کا تاریخ و جگہ	معدہ وری
1	محمد نور 11102-0407580-9	نعیم خان 11101-4656958-7	حسن پری 11102-0596716-4	لڑکا	دوسریلہ بیٹوں	کوئی نہیں 2007-03-13
2	علی زوی 11102-0641587-8	نعیم خان 11101-4656958-7	حسن پری 11102-0596716-4	لڑکی	دوسریلہ بیٹوں	کوئی نہیں 2012-04-03
3	باریہ 11102-0641587-4	نعیم خان 11101-4656958-7	حسن پری 11102-0596716-4	لڑکی	دوسریلہ بیٹوں	کوئی نہیں 2013-03-08
4	محمد نعیم 11102-0407580-3	نعیم خان 11101-4656958-7	حسن پری 11102-0596716-4	لڑکا	دوسریلہ بیٹوں	کوئی نہیں 2015-03-15

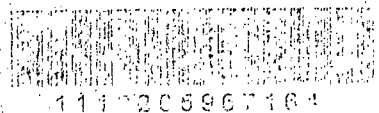
(نام ب)

- 1- جنم کی تاریخوں کا اٹھارہ سال سے کم ہے۔
- 2- بچے کی شناختی کارڈ نمبر کے ساتھ ساتھ والدین کے شناختی کارڈ نمبر بھی درج ہیں۔
- 3- والدین کے شناختی کارڈ نمبر کے ساتھ ساتھ بچوں کے شناختی کارڈ نمبر بھی درج ہیں۔
- 4- والدین کے شناختی کارڈ نمبر کے ساتھ ساتھ بچوں کے شناختی کارڈ نمبر بھی درج ہیں۔
- 5- کوئی بھی نامی صورت میں تیار شدہ سرٹیفکیٹ عمل میں نہیں آئے گا۔

محمد طارق بلوچ
 دستخط و رجسٹر ارجنٹل
 تاریخ اجراء 2022-05-23



قلمی نمبر، ایک خاص ڈومین، اور ان طرف سے دو گھنٹوں کے اندر داخل ہونا ضروری ہے۔



1110205967164

یہ شناختی کارڈ نمبر اور رجسٹریشن نمبر کے ساتھ ساتھ والدین کے شناختی کارڈ نمبر بھی درج ہیں۔

ٹوکن نمبر

5012



ٹریکنگ آئی ڈی 509941055552

حلیہ

درخواست برائے : حصول نیا شناختی کارڈ

درخواست کی ترجیح : نارسل

شناختی کارڈ نمبر :

تاریخ : 24-06-2022

وقت : 10:26:54 am

طریقہ ادائیگی : cash

درخواست فیس : 0.00

سروس فیس : 0.00

کل رقم (روپیہ) - 0.00

معزز صارفین : نادرا سٹاف کے رویے کی شکایات کی صورت میں

مندرجہ ذیل ویب سائٹ پر رجوع کریں۔

www.nadra.gov.pk/complaint

اپنی درخواست کی موجودہ صورتحال جاننے کیلئے ٹریکنگ آئی ڈی

8400 پر ایس ایم ایس کریں۔ (چارجرز 2 روپے + ٹیکس) مزید

معلومات کیلئے ہیلپ لائن نمبر 100-786-111-051 یا

1777 پر رابطہ کریں

4-5
2002

نادرہ رجسٹریشن