

24.10.2022

Appellant in person present.

Kabir Ullah Khattak, learned Additional Advocate General  
alongwith Kamran ADEO for respondents present.

Reply on behalf of respondents No.1 to 3 is still awaited.  
Representative of respondents requested for time to submit  
reply/comments. Last chance is given. To come up for  
reply/comments 22.11.2022 before S.B at Camp Court, D.I.Khan.



(Rozina Rehman)  
Member (J)  
Camp Court, D.I.Khan

22.08.2022

Due to summer vacation, the case is adjourned for the same on 26.09.2022.



Reader

26<sup>th</sup> Sept 2022

Appellant in person present. Mr. Asif Masood Ali Shah, Deputy District Attorney for respondents present.

Written reply/comments on behalf of respondents not submitted. Respondents are directed to submit written reply/comments on the next date. Last opportunity granted. To come up for written reply/comments on 24.10.2022 before S.B at Camp Court, D.I. Khan.



(Kalim Arshad Khan)  
Chairman  
Camp Court D.I.Khan

**Late Diary**

26<sup>th</sup> Sept 2022

Mr. Muhammad Imran Shah, Litigation Officer put appearance and submitted written reply on behalf of respondent No.4 which is placed on file. To come up for written reply/comments of respondents No. 1 to 3 for the date fixed before S.B at Camp Court, D.I. Khan.



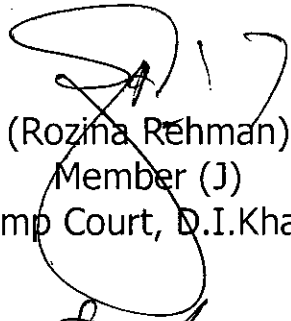
(Kalim Arshad Khan)  
Chairman  
Camp Court D.I.Khan

15.12.2021

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

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of reply/comments. To come up for reply/comments on 22.02.2022 before S.B at Camp Court, D.I.Khan.

Appellant Deposited  
Security & Process Fee

  
(Rozina Rehman)  
Member (J)  
Camp Court, D.I.Khan

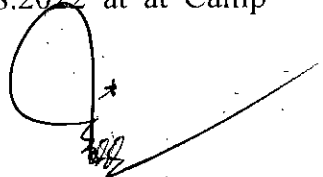
22/2/2022

Due to retirement of the Honorable Chairman to come up for the same as before on 30/6/2022

30.06.2022

Mr. Malik Muhammad Asif, Advocate present and submitted Wakalatnaman on behalf of the appellant which is placed on file. Mr. Farhaj Sikandar, District Attorney, alongwith Mr. Kamran ADEO for respondent present.

Written reply/comments on behalf of respondents not submitted. Representative of respondents requested that <sup>time/chance</sup> may be granted to him for submission of reply/comments. Granted. To come up for reply/comments before the S.B on 22.08.2022 at at Camp Court. D.I. Khan.



  
(Mian Muhammad)  
Member (E)  
Camp Court, D.I.Khan

Form- A

FORM OF ORDER SHEET

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

Case No.- 7619 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge		
1	2	3		
1-	20/10/2021	<p>The appeal of Mr. Waseem Akram resubmitted today by Mr. Jamal Abdul Nasir Awan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p>		<p>This case is entrusted to Touring S. Bench at D.I.Khan. Notices be issued to appellant/counsel for preliminary hearing to be put up there on <u>12/12/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>


The appeal of Mr. Waseem Akram S/O Malik Rab Nawaz R/O Thoya Siyal, P/O Sadar Bazar, Tehsil and District Dera Ismail Khan received today i.e. on 04.10.2021 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- Appeal has not been flagged/marked with annexures marks.
- 3- Annexures of the appeal may be attested.
- 4- Affidavit may be got attested by the Oath Commissioner.
- 5- Approved file cover is not used.
- 6- Annexure-A of the appeal is illegible which may be replaced by legible/better one.
- 7- Address of learned counsel is not given in the appeal.
- 8- Four more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1977 /S.T,


Dt. 06/10 /2021

  
Mr. Jamal Abdul Nasir Awan Adv.

  
REGISTRAR,  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Respected Sir/

objections has been  
removed

  
Jamal Abdul Nasir  
Awan  
16/10/21  
Advocate High court  
D-S. Khan.

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

Case Title: \_\_\_\_\_ vs \_\_\_\_\_

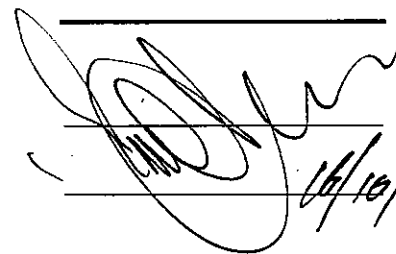
S.#	Contents	Yes	No
1.	This appeal has been presented by: _____	✓	
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under 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: \_\_\_\_\_

Signature: \_\_\_\_\_

Dated: \_\_\_\_\_

  
 16/10/2

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

In service Appeal No. 7619 /2021

**Waseem Akram  
(Appellant)**

**VERSUS**

**Govt. of KPK etc  
(Respondents)**

**I N D E X**

S.No.	Description of documents	Annexure	Pages
1.	Memorandum of Appeal and affidavit	--	1 - 8
2.	Copy of CNIC of appellant	--	9 - 10
3.	Copy of appointment order	A	11
4.	Copy of charge report	B	12 - 13
5.	Copy of the order No. 4467-70 dated 22/05/2014	C	14
6.	Copy of pay slip	D	15 - 16
7.	Copies of applications	E	17 - 18
8.	Copies of the writ petition No. 532-D/2017, comments and the impugned office order dated 05/06/2017	F, G & H. I	19 - 25
9.	Copy of the writ petition No. 422-D/2021 and order dated 14/09/2021	J & K	26 - 31
10.	Vakalatnama	--	32

Dated: \_\_\_/09/2021

Your humble appellant

*Waseem*  
**Wasim Akram**

Through counsel

*Jamal Abdul Nasir Awan*  
**Jamal Abdul Nasir Awan**  
Advocate High Court,

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR CAMP COURT DERA ISMAIL KHAN**

Service Appeal No. \_\_\_\_\_/2021

**Wasim Akram** son of Malik Rab Nawaz r/o Thoya Siyal  
 Post Office Sadar Bazar Tehsil & District Dera Ismail Khan.

**(Appellant)**

**VERSUS**

1. Govt. of Khyber Pakhtunkhwa through Secretary Education Department Peshawar.
2. Director Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (Male) Dera Ismail Khan.
4. District Education Officer (Female) Dera Ismail Khan.

..... **(RESPONDENTS)**

**APPEAL UNDER SECTION 4 OF THE KPK SERVICES TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED ORDER NO. 6896-6101 DATED 05/06/2017 ISSUED BY THE RESPONDENT#4 VIDE WHICH THE SERVICE OF APPELLANT DECLARED NULL & VOID WITHOUT ASSIGNING ANY COGENT REASONS.**

**Note:** Addresses given above shall suffice the object of service. All necessary and proper parties have been arrayed in the panel of respondents.





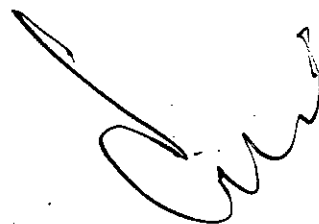
**Respectfully Sheweth;**

1. That the appellant was appointed as Chowkidar (BPS-1) by the respondents and served the Education department at GCMS Wanda Balochanwala, Dera Ismail Khan. Copies of the appointment order is annexed as **Annexure-A**.
2. That after the appointment the petitioner submitted charge report to the high-ups and after getting Medical Fitness Certificate took charge as Chowkidar on 22/05/2014 at GGCMS Wanda Balochanwala, Dera Ismail Khan and also got NOC from the Deputy Commissioner Dera Ismail Khan on 14/07/2014 and had served the Education Department with due diligence and full devotion utmost care till 2016. Copy of charge report is annexed as **Annexure-B**.
3. That thereafter the post of appellant was changed from Chowkidar to Naib Qasid vide order No. 4467-70 dated 22/05/2014 (Corrigendum). Copy of the order No. 4467-70 dated 22/05/2014 is annexed as **Annexure-C**.
4. That the appellant had performed his duties with zeal and zest and regularly received his monthly salaries till 2016, but for unknown reasons from 28/01/2017 the respondents refused to accept the attendance of appellant on the attendance register for the employees and also stopped the monthly salaries of the appellant. Copy of pay slip is annexed as **Annexure-D**.
5. That appellant made repeated requests and submitted several applications to the respondents to accept the attendance/service of the appellant and release the monthly salaries of appellant but the respondents turned deaf ear towards the repeated requests of appellant. Copies of applications are jointly annexed as **Annexure-E**.
6. That being aggrieved by the acts & omissions on the part of respondents the petitioner filed a writ petition No. 532-D/2017 before the Honourable Peshawar High Court Bench Dera Ismail



Khan for acceptance of attendance and releasing of his salaries. The respondents appeared before the Honourable High Court and submitted comments before the court in which the respondents also submitted the impugned office order 6896-6101 DATED 05/06/2017 vide which service of the appellant declared null & void from the date of taking over charge. Copies of the writ petition No. 532-D/2017, comments and the impugned office order dated 05/06/2017 are annexed as **Annexure-F, G & H.**

7. That the respondents without adopting any proper procedure provided under the law to proceed against any employee who suspected and proved guilty of any illegal act declared the services of appellant null & void and deprived the appellant from his service without any cogent reasons, mere on the basis of mala-fide bias and favoritism.
8. That thereafter the writ petition No. 532-D/2017 was withdrawn by the appellant to file afresh to impugn the order dated 05/06/2017. The petitioner filed a fresh writ petition No. 422-D/2021 in which the impugned office order 6896-6101 DATED 05/06/2017 was challenged. Copy of the writ petition No. 422-D/2021 is annexed as **Annexure-I.** During the course of writ petition the same was withdrawn by the appellant to approach the proper forum as per directions of Honourable High Court vide order dated 14/09/2021. Copy of the order dated 14/09/2021 is annexed as **Annexure-J.**
9. That in light of above mentioned circumstances the writ petition No. 422-D/2021 may graciously be considered as departmental appeal of the appellant.
10. That, the appellant left with no other remedy, the appellant approaches this honourable tribunal for setting aside impugned order on gracious acceptance of the instant appeal on grounds hereinafter preferred.



## GROUNDS

- a. That the orders passed by the respondents, impugned hereby are arbitrary, discriminatory, legally and factually incorrect, ultra virus, void ab initio and militate against principle of natural justice, thus, are liable to be set aside and malafide.
- b. That the appellant is innocent and has been subjected to the penalty for no fault on his part. The respondents failed to follow the prescribed procedure and conducted hasty proceedings and also failed to regulate the departmental inquiry in accordance with law and procedures described for the purpose and as such erred at the very outset of the proceedings, thus, causing grave miscarriage of justice as well as prejudice to the appellant in making his defence.
- c. That it is a matter of record that appellant has been vexed in clear defiance of law and principle laid by the superior courts as well as the tribunals as could be gathered from the facts and circumstances of the case.
- d. That no show-cause notice, no charge sheet and no inquiry against the appellant has been conducted by the concerned authorities and nor the order declaring the appellant services null & void was duly communicated/served the appellant through proper channel.
- e. That appellant has been discriminated by the rude behavior and favoritism of the respondents by which they refused to accept the service of appellant like other appointees even though the appellant served the department honestly and from 2017 the appellant persistently struggling for releasing of the monthly salaries but respondents for unknown reasons have deprived the



appellant and his family from the livelihoods and bread and butter.

- f. That the appellant belongs to a poor family, he is the sole earner of his family.
- g. That the impugned order of respondents having no legal value because, baseless and is the result of bias and nepotism and misuse of powers/authority which have no binding effect upon the legal valid rights of the appellant.
- h. That this honourable Tribunal is competent and has ample powers to adjudge the matter under reference/appeal.
- i. That counsel for the appellant may graciously be allowed to raise additional grounds at the time of arguments.

**It is therefore, humbly prayed that the instant service appeal may kindly be accepted by directing the respondents to cancel the impugned office order 6896-6101 DATED 05/06/2017 and service of the appellant may kindly be reinstated with all back benefits.**

Any other relief deemed appropriate in circumstances of the case may also be allowed in favour of appellant in the large interest of justice.

Dated: \_\_\_/09/2021

Your humble appellant



**Wasim Akram**

Through counsel



**Jamal Abdul Nasir Awan**  
Advocate High Court,

7

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

In service Appeal No. \_\_\_\_\_/2021

**Waseem Akram**  
**(Appellant)**

**VERSUS**

**Govt. of KPK etc**  
**(Respondents)**

**CERTIFICATE**

Certified that appellant have not filed an appeal regarding the subject controversy, earlier in this august Tribunal.

Dated \_\_\_/09/2021

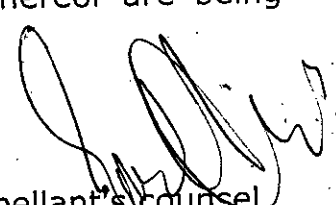


Appellant

**NOTE**

Appeal with annexure along-with required sets thereof are being presented in separate file covers.

Dated \_\_\_/09/2021



Appellant's counsel

8

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

In service Appeal No. \_\_\_\_\_/2021

**Waseem Akram**  
**(Appellant)**

**VERSUS**

**Govt. of KPK etc**  
**(Respondents)**

**AFFIDAVIT**

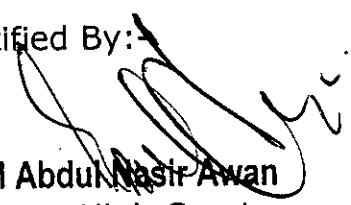
I, **Waseem Akram**, appellant herein, do hereby solemnly affirm on oath:-

1. That the accompanying appeal has been drafted by counsel following our instructions;
2. That all para-wise contents of the appeal are true and correct to the best of my knowledge, belief and information;
3. That nothing has been deliberately concealed from this Honourable Court, nor anything contained therein, based on exaggeration or distortion of facts.

Dated \_\_\_/09/2021

  
**DEPONENT**

Identified By:

  
**Jamal Abdul Nasir Awan**  
Advocate High Court,

PAKISTAN National Identity Card

ISLAMIC REPUBLIC OF PAKISTAN




Name: Waseem Akram

Gender: M Country of Stay: Pakistan

Identity Number: 121015322476-7 Date of Birth: 01/01/1993

Date of Issue: 02/03/2014 Date of Expiry: 02/03/2021

Holder's Signature



9

80473

10

12101-5322426-7

اسرار علی خان

101931018316

Registrar General of Pakistan

گشده کارڈ ملے پر قریبی لیڈیکس میں ڈال دیں



DISTRICT EDUCATION OFFICER (FEMALE) DERA ISMAIL KHAN

Annexure - (A)

118

APPOINTMENT ORDER

Mr. Wasim Akram S/o. Malik Rab Nawaz resident Thoya Sihal Dikhan is hereby appointed as Chowkidar against the vacant post at GCMS, Wanda, Balochkhan Wala in BPS- (Ks. 4800-150-9300) plus usual allowances admissible under the rules and in the interest of public service with immediate effect on the following terms & conditions.

TERMS & CONDITIONS.

1. His service will be considered as regular but without pension / gratuity in the terms of section 19 of the Khyber Pakhtunkhwa civil servants act 1973 amended in 2005.
2. He will contribute to CPF @ Rs.10 % of the minimum of pay and 10% contribution will be made by the Govt.
3. He will be Governed by such rules and regulations as may be prescribed by the Govt from time to time for the category to which She belongs.
4. His appointment made purely temporary & liable to termination at any time without assigning any reason.
5. One month pay will be forfeited to Govt in case of resignation with out prior notice. The period of giving Notice in one month before the date of resignation.
6. His original certificates/ degrees will be got verified by this office. All expenses will be born by the candidate.
7. He is required to join the post within 15 days failing which the appointment order will stand cancel automatically.
8. The appointment is made subject to the condition that the candidate is permanent Domiciled of District Dikhan.
9. He is required to produce health & age certificate from the medical superintendent Dikhan.
10. Charge report should be submitted to all concerned.
11. No TA/DA etc is allowed.

SD/-  
DISTRICT EDUCATION OFFICER  
(FEMALE) DIKHAN.

Dated Dikhan the 25/05/201

Endst.No. 444/201

Copy of the above is forwarded to the:-

1. District Accounts Officer Dikhan.
2. Head Mistress GCMS, Wanda Balochkhan Wala Dikhan.
3. Official concerned.

DISTRICT EDUCATION OFFICER  
(FEMALE) DIKHAN.

Annexure - B

18

# چارج رپورٹ

~~Annexure~~

میں کسی \_\_\_\_\_ (دست نام) \_\_\_\_\_ کی

سے جو کہ آج مورخہ \_\_\_\_\_ 25 \_\_\_\_\_ 2014  
قبل ہمساز درجہ پر بموجب حکم نمبری \_\_\_\_\_

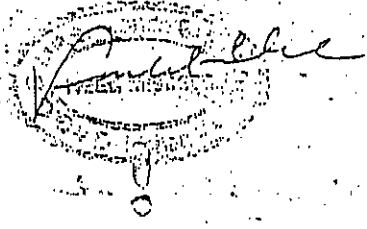
آمدہ از دفتر سید احمد ایس 4444 نمبر 44444444

تبدیل ہوا ہے \_\_\_\_\_ چارج رپورٹ سنبھال لیا ہے۔

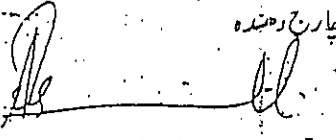
مقام \_\_\_\_\_ ڈسٹرکٹ ایجوکیشن آفیسر \_\_\_\_\_

مورخہ 22/25/2014

چارج گرنہندہ

H. M. 

چارج رکنہندہ

  
District Education Officer  
Dera Ismail Khan

ic Rab  
BPS-1)  
if the  
Khyber  
ONER  
AN

IMPRESSIONS

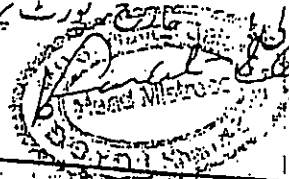
mail Khan

# در اشياء بقايا (بذمه چارج و بندہ)

بر شمار	نام اشياء	تعداد اشياء	مکل قیمت	بوسيدہ	گشده	کيفت

مقام گورنمنٹ  
چارج دہندہ  
نمبر  
سورج  
چارج گر ہندہ  
سورج

جناب عالی  
H:M  
District Education Officer  
FEDERAL GOVT PUNJAB  
2966-733981  
رہنم کے ایکویشن ڈیپارٹمنٹ کے تمام فارم اور دستاویزات، سرکس کیلے عشوت آرٹ پریس، دستیاب ہے 2966-733981



DISTRICT EDUCATION OFFICER (FEMALE)  
DERA ISMAIL KHAN.

Annexure - C

13

CORRIGENDUM:-

Please read the post Naib-Qasid instead of Chowkidar in r/o Waseem Akram S/o  
Malik Rab Nawaz GGCMPS: Wanda Balochan Wala DIKhan.

Note:- Necessary correction may be done in his S/Book.

Sd/-  
District Education Officer  
(Female) Dera Ismail Khan

Dated DIKhan the 22-05/2014

Encls: No 4467-701

Copy of the above is forward for information to:-

1. District Accounts Officer DIKhan.
2. SDEO's (Female) DIKhan.
3. Headmistress GGCMPS: Wanda Balochan Wala DIKhan.
4. Official Concerned.

District Education Officer  
(Female) Dera Ismail Khan

51

~~Annexure~~

Annexure-1

D. I. Khan

#:  
Pers #. 00721533 Buckle.  
Name: WASIM AKRAM  
Dsg.: NAIB GASID  
CNIC No. 1210153224267  
GPF Interest Applied  
01 Active Temporary

P Sec:002 Month:April 2015  
DI7044 Deputy District Officer (T)  
M.T. Education Schools  
NTN:  
GPF #: 00721533  
Old #:

DI7044

PAYS AND ALLOWANCES:

0001-Basic Pay	4,800.00
1000-House Rent Allowance	891.00
1210-Carvey Allowance 2005	1,795.00
1514-Dress/Uniform Allowance	100.00
1567-Washing Allowance	100.00
1971-Adhoc Allowance 2011@ 15%	445.00
1973-Adhoc Allowance 2011@ 50%	1,485.00
2118-Adhoc Relief Allow (2012)	980.00
2148-15% Adhoc Relief All-2013	720.00
Gross Pay and Allowances	11,766.00

DEDUCTIONS:

GPF Balance	1,584.00	Subtr:	212.00
3501-Benevolent Fund			120.00
3511-Addl Group Insurance			3.00
3604-Group Insurance			58.00
3990-Emp. Edu. Fund KPK			50.00

Total Deductions

443.00  
11,323.00

D. O. B 01.01.1993 LFP Quota: 4  
00 Years 11 Months 010 Days N. B. P CIRCULAR ROAD N. B. P CIRCULAR ROAD  
CA 5151-5

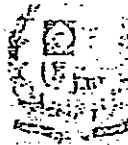
*[Handwritten signature]*

PAYROLL SYSTEM  
AMENDMENT FORM  
SINGLE EMPLOYEE ENTRY

FORM PAY02

Date: \_\_\_\_\_

Page No: \_\_\_\_\_



OFFICE OF THE SDEO (F) Sultan  
FOR THE MONTH OF 10 1 2015

DDO Code (Cost Center) 012044 Description \_\_\_\_\_

Personnel Number 00721533 Employee Name Assem Akram (Akram)

National ID, Card Number \_\_\_\_\_

Grade (Pay Scale Group) 01

15/12 NO

Salary Status  Start  Stop

GENERAL DATA CHANGE			CHANGE IN PAYMENTS / DEDUCTIONS			Effective Date	Remarks
Info Type	Field ID	New Contents	Wage Type	Rupees	Amount		
		✓	117		Ack	01.10.2015	Return from Leave
		ID NO: 50041710:					

Prepared By: \_\_\_\_\_

Audited/Checked: \_\_\_\_\_

Frank  
PA Div. Ec. Officer  
(Female) D.K.M.

Entered/Verified By: \_\_\_\_\_

18

بخدمت جنابہ ایس۔ ڈی۔ ای۔ او (زنانشہ) ضلع ڈیرہ اسماعیل خان

جناب عالیہ!

گزارش ہے کہ سائل مورخہ 21/5/2014ء سے گورنمنٹ گرلز کیونٹی ماڈل سکول وانڈہ بلوچاں نمبر 2 میں بطور نائب قاصد ڈیوٹی سرانجام دے رہا ہے۔ اور دوران ملازمت آفسران بالا یا عوام کی طرف سے سائل کی کوئی بھی شکایت نہیں ہوئی۔ اب مورخہ 28/1/2017ء سے جنابہ ہیڈ مسٹریس گورنمنٹ گرلز کیونٹی ماڈل سکول وانڈہ بلوچاں نمبر 2 سے سائل کو رجسٹر حاضری پر دستخط نہیں کرنے دیتی۔ سائل روزانہ اپنے وقت پر سکول جاتا ہے۔ اور سکول میں ڈیوٹی سرانجام دے رہا ہے۔ چھٹی ہونے پر گھر چلا جاتا ہے۔ مگر حاضری رجسٹر پر دستخط نہیں کر سکتا۔ ہیڈ مسٹریس سے پوچھا گیا کہ آپ سائل کو حاضری رجسٹر پر حاضری کیوں نہیں لگانے دیتی تو معلوم ہوا کہ دفتر سے حکم آیا ہے کہ سائل کو حاضری نہ لگانے دی جائے۔ اور سائل کی تنخواہ بھی بند کر دی گئی ہے۔

جناب عالیہ!

اس ضمن میں آنجنابہ کی خدمت میں گزارش کرتا ہوں کہ مجھے کس جرم کی سزا دی جا رہی ہے۔ کونسا قصور کیا جسکی پاداش میں یہ تنخواہ مل رہی ہے اور نہ حاضری رجسٹر پر دستخط یا حاضری لگائی جاتی ہے۔ سائل دردمندانہ التماس کرتا ہے کہ ہیڈ مسٹریس کو ہدایت کی جائے سائل کو حاضری رجسٹر پر دستخط کرنے دے اور سائل کی تنخواہ بھی Release کی جائے بطور دیگر اپنے حق کے حصول کے لئے عدالتی چارہ جوئی کا حق محفوظ رکھتا ہوں اور ایسی صورت میں اس پر اٹھنے والے تمام تر اخراجات آنجنابہ اور ہیڈ مسٹریس صاحبہ کی جیب خاص جائیں گے۔

ارض

WAS-CPD

نائب قاصد وسیم اکرم ولد ملک رب نواز گورنمنٹ گرلز کیونٹی ماڈل سکول وانڈہ بلوچاں نمبر 2 ضلع ڈیرہ اسماعیل خان  
نقل برائے اطلاع و مناسب کارروائی:-

1۔ جنابہ ڈی۔ ای۔ او۔ صاحبہ (زنانشہ) ضلع ڈیرہ اسماعیل خان

2۔ ہیڈ مسٹریس گورنمنٹ گرلز کیونٹی ماڈل سکول وانڈہ بلوچاں نمبر 2 ضلع ڈیرہ اسماعیل خان

25/2/17

بخدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر (زنانہ) ڈیرہ اسماعیل خان  
جناب عالیہ!

گزارش ہے کہ سائل مورخہ 21-05-2014 سے گورنمنٹ گرلز کیونٹی ماڈل سکول وانڈہ بلوچاں نمبر 2 میں بطور نائب قاصد ڈیوٹی سر انجام دے رہا ہے اور دوران ملازمت آضران بالا یا عوام کی طرف سے سائل کی کوئی بھی شکایت نہیں ہوئی اب مورخہ 28-01-2017 سے جناب ہیڈ مسٹریں گورنمنٹ گرلز کیونٹی ماڈل سکول وانڈہ بلوچاں نمبر 2-28-01-2017 سے سائل کو رجسٹر حاضری پر دستخط نہیں کرنے دیتی سائل روزانہ اپنے وقت پر سکول جاتا ہے اور سکول میں ڈیوٹی سر انجام دے رہا ہے چھٹی ہونے پر گھر چلا جاتا ہے مگر حاضری رجسٹر پر دستخط نہیں کر سکتا۔ ہیڈ مسٹریں سے پوچھا گیا کہ آپ سائل کو حاضری رجسٹر پر حاضری کیوں نہیں لگانے دیتی تو معلوم ہوا کہ دفتر سے حکم آیا ہے کہ سائل کو حاضری نہ لگانے دی جائے جس کا کوئی تحریری ثبوت نہیں اور سائل کی تنخواہ بھی بند کر دی گئی ہے سائل اپنی ڈیوٹی سر انجام دے رہا ہے

جناب عالیہ!

اس ضمن میں آنجناب کی خدمت میں گزارش کرتا ہوں کہ مجھے کس جرم کی سزا دی جا رہی ہے کونسا قصور کیا جسکی یاداش میں نہ تنخواہ مل رہی ہے اور نہ حاضری رجسٹر پر حاضری لگائی جاتی ہے۔

سائل دردمندانہ التماس کرتا ہے کہ ہیڈ مسٹریں کو ہدایت کی جائے سائل کو حاضری رجسٹر پر دستخط کرنے دے اور سائل کی تنخواہ بھی ریلیز کی جائے بطور دیگر اپنے حصول کے لیے عدالتی چارہ جوئی کا حق رکھتا ہے۔

مہربانی فرما کر سات دن کے اندر اندر اس کا جواب دیا جائے۔

نوٹ: جناب عالیہ یہ درخواست ہم نے پہلے 25-02-2017 کو SDO کے آفس میں جمع کرائی تھی جس کا ابھی تک ہمیں کوئی جواب موصول نہیں ہوا اور یہ درخواست دوبارہ جمع کر رہے ہیں

العارض

نائب قاصد و سیم اکرم ولد ملک رب نواز گورنمنٹ گرلز کیونٹی ماڈل سکول وانڈہ بلوچاں نمبر 2 ڈیرہ اسماعیل خان  
نقل برائے اطلاع و مناسب کارروائی:-

1- جناب ایس۔ ڈی۔ ای۔ او۔ صاحبہ (زنانہ) ضلع ڈیرہ اسماعیل خان  
2- ہیڈ مسٹریں گورنمنٹ گرلز کیونٹی ماڈل سکول وانڈہ بلوچاں نمبر 2 ضلع ڈیرہ اسماعیل خان

3- ڈائریکٹر ایلمنٹری اینڈ سیکنڈری ایجوکیشن پشاور

4- سیکرٹری ایجوکیشن پشاور

25/5/17



Annexure F-G-H

(1)

(19)

**BEFORE THE PESHAWAR HIGH COURT, D.I.KHAN  
BENCH**

Write Petition No. 532-D / 2017

Waseem Akram S/o Malik Rab Nawaz R/o Thoya Sial, P/o Sadder Bazaar,  
Tehsil & District D.I.Khan.

(Petitioner)



Filed today 3223

**VERSUS**

Filed Registrar

10/06/2017

1. Govt. of Khyber Pakhtunkhwa through Secretary Education Department, Khyber Pakhtunkhwa, Peshawar.
2. Director School & Literacy Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female), D.I.Khan.
4. Executive District Officer E & S Education, D.I.Khan
5. District Education Officer (Male), D.I.Khan.
6. Head Mistress GGCMS, Wanda Balochan Wala, D.I.Khan.

(Respondents)

**WRITE PETITION UNDER ARTICLE 199 OF  
THE CONSTITUTION OF ISLAMIC  
REPUBLIC OF PAKISTAN 1973.**

(Note: Addresses given above are sufficient for the purpose of service of parties.)

**RESPECTFULLY SHEWETH:**

**BRIEF FACTS**

1. That the Petitioner was appointed as Chowkidar in BPS-I in the Education Department by Respondent No.04 vide order dated 21/05/2014 at GCMS Wanda Balochan Wala D.I.Khan. Copy of appointment order is enclosed as Annexure A.
2. That the Petitioner submitted his Charge Report at his respective place of posting after getting medical certificate from the Medical Superintendent, D.I.Khan, and took the charge of Chowkidar on 22/05/2014 at GGCMS Wanda Balochan Wala D.I.Khan and after that NOC from Deputy Commissioner was also issued on 14/07/2014. Copy of Charge Report is enclosed as Annexure B.

*[Handwritten signature]*

ATTESTED  
EXAMINOR  
Peshawar High Court Bench  
22/6/2017

- (2) (20)
3. That vide order No. 4467-70 dated 22-05-2014 (Corrigendum) post of petitioner was changed from Chowkidar to Naib Qasid by respondent No. 03. Copy of order Dated 22/05/14 is enclosed as Annexure C.
  4. That in the meanwhile the petitioner has performed his duties and received the salary but from 28-01-2017 the Respondent No. 6 refused the attendance of the petitioner on attendance Register and also stop the salary of the petitioner. Copy of Salary Slip is enclosed as Annexure D.
  5. That on 25/02/2017 & 25/05/17 the Petitioner submitted application to Respondent No. 3 to get the attendance of the petitioner and also to release the salary but remained fruit less till dates. Copies of the applications are enclosed as Annexure E & F.
  6. That since 28-01-2017 the Petitioner has been made rolling stone as nether he is being paid his monthly salary nor he has been allowed to sign on the attendance register.

Filed today

3223

Attd: Registrar

10/06/17

Being aggrieved and having no other remedy, the Petitioner approaches this Honorable Court for the redressals of his grievances inter alia on the following grounds.

**GROUND:**

1. That the Petitioner has been appointed strictly in accordance with law, policy and rules and now he has earned certain rights regarding the post, he is working on, but not allowing the petitioner his attendance and the denial of monthly salaries to the petitioner by respondents clearly indicates the malafide on their part and in a way refusal to perform his duty in accordance with the law.
2. That the act of the respondent without any written order of not allowing the attendance or not releasing the salary is totally against law, malafide and without jurisdiction and against the constitution.
3. That without any written adverse order against the petitioner has left with no other remedy but invoke the constitutional jurisdiction
4. That the counsel for the petitioner may kindly be allowed to raise additional grounds at the time of arguments.

IN WAKE OF THE ABOVE SUBMISSIONS, IT IS RESPECTFULLY PRAYED, THAT ON ACCEPTANCE OF THIS WRITE PETITION, THIS HON'BLE COURT MAY KINDLY BE PLEASED TO DIRECT THE RESPONDENTS TO ACT IN ACCORDANCE WITH LAW, POLICY, RULES AND PRINCIPLE OF EQUITY.

ATTESTED

EXAMINING

Uttarakhand High Court Benaras  
Date: 22/6/17

(1) (2)

AND PAY THE SALARY TO THE PETITIONER AND TO  
ALLOW THE PETITIONER TO SIGN THE  
ATTENDANCE REGISTERED AT THE RELEVANT  
PLACE OF HIS POSTING OR ANY OTHER RELIEF AS  
DEEMED APPROPRIATE IN THE CIRCUMSTANCES  
OF CASE NOT SPECIFICALLY ASKED FOR MAY  
ALSO BE GRANTED TO PETITIONERS.

Your Humble Petitioners

*Waseem*  
WASEEM AKRAM  
Through Counsel

*S. Abid Hussain Bukhari*  
S. Abid Hussain Bukhari  
(Advocate Supreme Court of Pakistan)

Filed today 3223

*JA*  
Add: Registrar  
10/06/17

Dated: 10/06/2017

CERTIFICATE

Certified that the Petitioner has not filed any Writ Petition on  
the subject in this Honorable Court.

Dated: 10/06/2017

*Waseem*  
WASEEM AKRAM  
(Petitioner)

BOOKS REFERENCES

1. Constitution of Islamic Republic of Pakistan 1973.
2. Service Laws
3. Reported Judgment on the subject matter.

ATTESTED

*22/6/17*  
EXAMINOR  
Dera Ismail Khan  
Dera Ismail Khan

Annexure - "H"

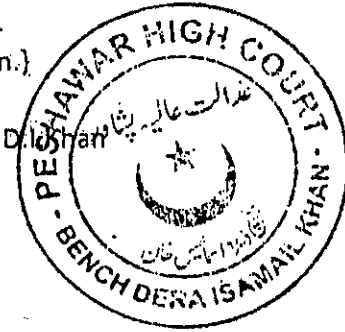
22

**BEFORE THE HONORABLE PESHAWAR HIGH COURT, D. I. KHAN BENCH**

Writ Petition No 532-D/2017

Wasim Akram Son of : Malik Rab Nawaz  
Ex-Chowkidar : GGCMS Wanda Balochan (SDEO (F), D.I.Khan.)

VS Government of Khyber Pakhtunkhwa, District Education Officer (F) D.I.Khan



**COMMENTS ON BEHALF OF RESPONDENTS**

**Preliminary Objections:**

1. That the petition is barred by Article 212 of the Constitution of Islamic Republic of Pakistan to file this instant Writ Petition due to the final order of termination has already been passed vide this office Order No. 6896-6901, dated: 5.6.2017. This Writ Petition may kindly be dismissed, being infructuous. **(Termination Order: Annexure A)**
2. The PETITIONER got his appointment at GGCMS Wanda Balochan, D.I.Khan, without recommendation of the DSC, vide piece meal order No.4444-46, dated 21.05.2014; following discrepancies have been observed, which is clearly against the natural law of justice and merit policy of the Government of Khyber Pakhtunkhwa.
  - a. Petitioner has been appointed WITHOUT vacant post at the said school.
  - b. Petitioner has been appointed WITHOUT recommendation of the DSC.
  - c. Petitioner has been appointed vide PIECE MEAL ORDER.
  - d. The Petitioner did not show his presence for duty even for a single day.
  - e. That the said school comes under the sole jurisdiction of SDEO, yet she did not even endorse the appointment order nor did she sign the source form for release of his salary. Although GGCMS Wanda Balochan falls under the Sub-Division of SDEO (F), D.I.Khan.
  - f. That the concerned SDEO (F) did not make a single entry of his service book rather all the entries have been made bogus, with mala fide intent, in impersonation of the DEO (F), though, not competent for service book record keeping of the civil servants who fall in the jurisdiction of SDEO.
  - g. That salary of the petitioner was not released by the competent authority, The SDEO (F), D.I.Khan and all the procedure adopted for his appointment and salary opening was fake and bogus.
3. That the petitioner has got no cause of action/ Locus Standi.
4. That the Writ Petition may kindly be dismissed because the petitioner has concealed the material facts of being terminated.
5. That the petitioner has filed the instant petition just to pressurize the respondents.
6. That the petitioner was not aggrieved in light of the Article 199 of the Constitution of Islamic Republic of Pakistan; hence writ petition finds no grounds to be litigated in this Honorable High Court and may be dismissed with cost.

Page 1 of 3

ATTESTED  
EXAMINOR  
Peshawar High Court Bench,  
Dera Ismail Khan  
22/6/2017

Objections on Facts:

1. That the petition is barred by Article 212 of the Constitution of Islamic Republic of Pakistan to file this instant Writ Petition due to the final order of termination has already been passed vide this office Order No. 6896-6901, dated: 5.6.2017; This Writ Petition, may kindly be dismissed, being infructuous. (Termination Order: Annexure A)

1. The PETITIONER got his appointment at GGCMS Wanda Balochan, D.I.Khan, without recommendation of the DSC, vide piece meal order No.4444-46, dated: 21.05.2014; following discrepancies have been observed, which is clearly against the natural law of justice and merit policy of the Government of Khyber Pakhtunkhwa.

- a. The Petitioner has been appointed WITHOUT vacant post at the said school.
- b. The Petitioner has been appointed WITHOUT recommendation of the DSC.
- c. The Petitioner has been appointed vide PIECE MEAL ORDER.
- d. The Petitioner did not show his attendance for duty even for a single day after his first appointment.
- e. That the said school comes under the sole jurisdiction of SDEO, yet she did not even endorse the appointment order nor did she sign the source form for release of his salary. Although GGCMS Wanda Balochan falls under the Sub-Division of SDEO (F), D.I.Khan.
- f. That the concerned SDEO (F) did not make a single entry of his service book rather all the entries have been made bogus, with mala fide intent, in impersonation of the DEO (F), though, not competent for service book record keeping of the civil servants who fall in the jurisdiction of SDEO.
- g. That salary of the petitioner was not opened by the competent authority. The SDEO (F), D.I.Khan and all the procedure adopted for his appointment and salary opening was fake and bogus.

2. Strictly denied. That the petitioner did not take charge of the post of his first appointment as Chowkidar, GGCMS Wanda Balochan, (termed as actualization). The question of corrigendum even does not rise.

3. Strictly Denied. That the petitioner was caught habitually ABSENT, red-handed, and that there has been found No Application for Leave on behalf of the Petitioner in the office records of Diary No. register.

4. Strictly Denied. That the petitioner never arrived at this office rather had been a ghost employee, who usurped salaries from Government Ex-checker without performing duty anywhere.

5. Strictly Denied. As mentioned above in Para-5 of grounds. That the petitioner has been properly treated under the E&D Rules, 2011.

Objections on Grounds:

1. Strictly denied. The petitioner got his appointment at GGCMS Wanda Balochan, D.I.Khan, without recommendation of the DSC, vide piece meal order No.4444-46, dated: 21.05.2014; following discrepancies have been observed, which is clearly against the natural law of justice and merit policy of the Government of Khyber Pakhtunkhwa.

ATTESTED

EXAMINOR

Dera Ismail Khan High Court Bench,  
Dera Ismail Khan

22/6/2017

- a. Petitioner has been appointed WITHOUT vacant post at the said school.
- b. Petitioner has been appointed WITHOUT recommendation of the DSC.
- c. Petitioner has been appointed vide PIECE MEAL ORDER.
- d. The Petitioner did not show his attendance for duty even for a single day after his first appointment.
- e. That the said school comes under the sole jurisdiction of SDEO, yet she did not even endorse the appointment order nor did she sign the source form for release of his salary. Although GGCMS Wanda-Balochan falls under the Sub-Division of SDEO (F), D.I.Khan.
- f. That the concerned SDEO (F) did not make a single entry of his service book rather all the entries have been made bogus, with mala fide intent, in impersonation of the DEO (F), though, not competent for service book record keeping of the civil servants who fall in the jurisdiction of SDEO.
- g. That salary of the petitioner was not opened by the competent authority. The SDEO (F), D.I.Khan and all the procedure adopted for his appointment and salary opening was fake and bogus.

2. **Strictly Denied.** That the petitioner has been properly terminated vide this office Order No. 6896-6901, dated: 5.6.2017; and that the petitioner has been properly treated under the E&D Rules, 2011.

3. **Strictly Denied.** As mentioned above in Para-2 of grounds. A

4. That the Learned Counsel for the Respondent may graciously be allowed to raise further grounds during the course of arguments.

*It is therefore, humbly prayed that the Writ Petition may be dismissed and the Removal from Service Order No. 6896-6901, dated D.I.Khan the 5.6.2017 may be allowed stay in field.*

  
 DISTRICT EDUCATION OFFICER  
 (FEMALE) DERA ISMAIL KHAN

ATTESTEL  
 EXAMINOR  
 Mesnawar High Court Bench,  
 Dera Ismail Khan.  
 22/6/2017



*Annexure - I* (25)

## OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) DERA ISMAIL KHAN

### ORDER:

1. WHEREAS Mr. Waseem Akram Chowkidar appointed vide order No; 4444-46 dated; 21-05-2014.
2. WHEREAS during scrutiny of service book it was sort out that you were appointed at GGCMS Wanda Balochan in Sub-Division DIKhan.
3. WHEREAS his service book, Source form-I and Charge report was signed by DEO (F), which is illegal.
4. WHEREAS there is no sanctioned post at GGCMS Wanda Balocha and the post were already filled.
5. WHEREAS SDEO endorse all appointment order under her jurisdiction.
6. WHEREAS you know all entries are made by competent authority SDEO.
7. WHEREAS service verification is the whole responsibility of SDEO.
8. WHEREAS SDEO has to endorsed /verified your service in service book.
9. WHEREAS SDEO is DDO of SDEO (F) Office and pay and drawl are make through SDEO.
10. WHEREAS there is no competency of District Education officer to signed service book, Source form-I and charge report which shows that all service record signed by yourself not by competent forum i.e SDEO(F) DIKhan.
11. WHEREAS your all entries in service book is beyond the authority.
12. WHEREAS you passed through doubtful process and adopted irregular procedure that in contrary to law.
13. WHEREAS you committed Fraud /bogusity.
14. WHEREAS I Parveen khatak being competent authority and satisfied that you have the committed the acts/omissions and proved yourself as Guilty of corruption and fraudulent.
15. Hence Services of Mr. Waseem Akram, is hereby null and void from the date of taking over charge.

Endst; No. 6896-6901

Copy of the above is forwarded for information to the:-

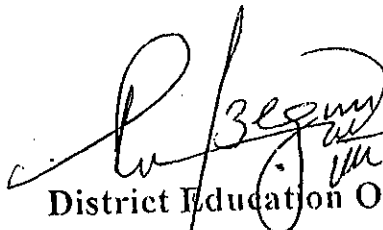
1. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. District Accounts officer DI Khan.
3. Deputy Commissioner DI Khan.
4. SDEO (F) Pry DIKhan.
5. Assistant Director Anti-Corruption DIKhan.
6. Official Concerned.

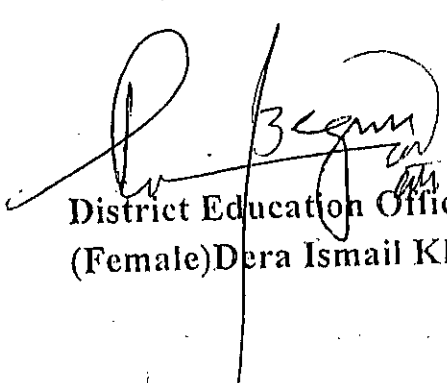
OFFICE OF THE S.D.E.O (F) D.I. KHAN

Endst; No: 623-261 Dated 12-06-2017

Copy of the above is forwarded to

- 1). Distt: Education officer (F) DIKhan
- 2). A.S.D.E. Circle.
- 3). Headmistress GGCMS, W/Balouchan
- 4). Waseem Akram Chowkidar -d-

  
District Education Officer  
(Female) Dera Ismail Khan  
Dated DI Khan the 5/6 /2017

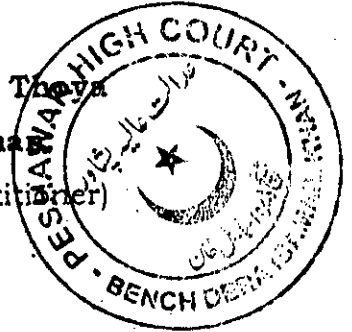
  
District Education Officer  
(Female) Dera Ismail Khan

BEFORE THE HONOURABLE PESHAWAR HIGH COURT  
BENCH DERA ISMAIL KHAN

Writ petition No \_\_\_\_\_ D / 2021

Waseem Akram Son of Malik Rab Nawaz, Resident of Theya  
Siyal Post Office Sadar Bazar, Tehsil And District, D.I.Khan

(Petitioner)



VERSUS

1. Government of Khyber Pakhtunkhwa through Sectary Education Department, Peshawar.
2. Director School and Literacy Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female), D.I.Khan.
4. Exective District Officer Elementary & Secondary Education, D.I.Khan.
5. District Education Officer (Male) D.I.khan.
6. Head Mistress GGCS, Wanda Balochan Wala, D.I.Khan.

(Respondents)

Filed for pay  
23029  
2021

WRIT PETITION UNDER ARTICLE  
199 OF CONSTITUTION OF  
ISLAMIC REPUBLIC OF PAKISTAN,  
1973 AMENDED UP TO DATE, TO  
DIRECT THE RESPONDENTS TO  
CANCEL/SET ASIDE THE OFFICE  
ORDER DATED 05.06.2017 VIDE  
WHICH SERVICES OF THE  
PETITIONER DECLARED NULL AND  
VOID AND ACCEPT THE SERVICES  
OF THE PETITIONER AND RELEASE  
THE MONTHLY SALARY OF THE  
PETITIONER.

Car

Respectfully Sheweth,

**Note:-** That the address of the Parties given above are sufficient for the purpose of service.

ATTEST

EXAMINOR

Peshawar High Court Bench,  
Dera Ismail Khan

WP No.422-D of 2021 (Grounds)

25/9/21



**BRIEF FACTS:-**

1. That the Petitioner was appointed as Chowkidar (BPS-1) by the Respondent No.04 and served the Education department at GCMS Wanda Balochan Wala, D.I.Khan. Copies of the Appointment Order and CNIC of the Petitioner are enclosed as **Annexure "A & B"**.
2. That after his appointment the Petitioner submitted his charge report to the high-ups and after getting Medical Fitness Certificate from Medical Superintendent D.I.khan took charge as Chowkidar on 22.05.2014 at GGCMS Wanda Balochan Wala, D.I.khan and also got NOC from the deputy Commissioner D.I.khan on 14.07.2014 and has been serving /performing his official duties with due diligence and full devotion utmost care till 2016. Copy of Charge report is enclosed as **Annexure "C"**.
3. That vide order No.4467-70 dated 27.05.2014(Corrigendum) post of the Petitioner was changed Chowkidar to Naib Qasid by the Respondent No.3. Copy of order dated; 27 .05.2014 is enclosed as **Annexure "D"**.
4. That the Petitioner has been performing his official duties smoothly in the concerned Department and regularly received his monthly salary till 2016, but for unknown reasons from 28.01.2017 the Respondent No.6 refused to accept the attendance of the Petitioner on the attendance Register for the employees and also stopped the monthly salary of the Petitioner. Copy of pay slip is enclosed as **Annexure "E"**.
5. That the Petitioner made repeated requests and submitted several applications to the Respondent No.3 to accept the attendance / service of the Petitioner and release the monthly salary of the Petitioner but they turned deaf ears towards the repeated requests of the Petitioner. Copies of Applications are enclosed as **Annexure "F"**.
6. That the Petitioner is poor Class -IV Naib Qasid discharged his official duties with very regularly with full satisfaction of his superiors but for unknown reasons he has been discriminated by the Respondents, they were not ready to accept the service

Filed today 28/05/2019  
 Adl. Registrar

ATTESTED

EXAMINOR

Peshawar High Court Bench,  
Dera Ismail Khan

WP No.422-D of 2021 (Grounds)

25/8/2021

of the Petitioner like other appointees nor releasing the monthly salary of the Petitioner,

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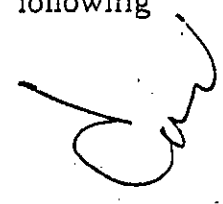
7. That being aggrieved with the acts of omission on the part of the Respondents the Petitioner filed Writ Petition No.532-D/2017 before this Honorable High Court wherein the Petitioner sought " in the walk of above submissions, on acceptance of this Writ Petition this Honorable Court may kindly be pleased to direct the Respondents to accept the attendance of the Petitioner and release the monthly salary of the Petitioner", while during the proceedings of the said Writ Petition the Respondents along with Comments submitted before this Honorable Court an impugned office order dated 5.06.2017 vide which services of the Petitioner declared null and void from the date of taking over the charge. Copies of Writ Petition No.532-D/2017, Comments and Office order dated 05.06.2017 are enclosed as **Annexure "G,H&I" respectively.**

8. That the Respondents without adopting any proper procedure provided under the law to proceed against any employee who suspected and proved guilty of any illegal act declared the services of the Petitioner null and void and deprived the Petitioner from his service without any cogent/justified reasons, mere on the basis of malafide, bias and favoritism. This illegal act of the Respondents having no binding effect upon the rights of the Petitioner.

9. That no show cause notice, no charge sheet and no inquiry against the Petitioner has been conducted by the concerned authorities and nor the order declaring the Petitioner services null and vide was duly communicated/served the Petitioner through proper channel but submitted before the Honorable high Court during the proceedings of the previous Writ Petition of the Petitioner.

10. That being aggrieved with the acts of omission on the part of the Respondents the Petitioner having no other efficacious and inexpensive remedy but to invoke this Constitutional jurisdiction of this Honorable Court amongst , the following grounds.

Filed today 8.02.21  
20/02/21  
20/02/21



ATTESTED

WP No.422-D of 2021 (Grounds)

EXAMINOR  
Deenawar High Court Bench,  
Dera Ismail Khan

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GRUNDS:-

- I. That the impugned office order dated 05.06.2017 issued by the Respondents vide which the services of the Petitioner declared null and void is whimsical, outcome of melafide, political victimization, against Law without jurisdiction abuse of Procedure without Law full authority and having binding effect upon the rights of Petitioner.
- II. That without any cavil from Respondents regarding the service of the Petitioner from the date of the Petitioner appointment to till date is thus approval from Respondents and the element of estoppel is there, and consent cures the defect. But now suddenly Respondents revealed the fact before the Honorable Court during the proceedings of the Petitioner previous Writ Petition No.532-D/2017 vide office order dated 05.06.2017 the Petitioner is no more in service since 2017 .this impugned act of the Respondents has no legal sanctity and having no binding effects upon the rights of Petitioner.
- III. That the impugned Office order dated 05.06.2017 vide which the services of the Petitioner declared null and void was not communicated to the Petitioner by the Respondents.
- IV. That the Petitioner has been discriminated by the rude behavior and favoritism of the Respondents by which they refused to accept the services of the Petitioner like other appointees even though the Petitioner is being serving the department continuously after his appointment till 2016 and from 2017 the Petitioner persistently struggling for releasing of the monthly salary but Respondents for unknown reasons have deprived the Petitioner and his family from the livelihoods and bread and butter.
- V. That the Petitioner belongs from poor family he is the sole earning hand of his family. He is efficient, dutiful, hard worker and punctual as is apparent from his Service record, the Respondents without lawful authority have not accepted the service of the Petitioner. This impugned act of the Respondents having no legal value because, baseless and is the result of bias and nepotism

File today 23/09/2021  
 Adil: Petitioner  
 28/09/21

WP No.422-D of 2021 (Grounds)

ATTESTED

EXAMINOR  
 Pesnawar High Court Bench,  
 Dara Ismail Khan

25/9/2021

and misuse of powers/authority which have no binding effect upon the legal valid rights of the Petitioner.

VI. That the Counsel for the Petitioner may be allowed to argue further grounds at the time of hearing.

**Prayer:-**

it is, therefore humbly prayed that on acceptance of this present writ petition, and by issuance of an appropriate writ, the Respondents may kindly be directed to cancel/set aside the impugned office order dated 05.06.2017 vide which services of the Petitioner declared null and void and the Petitioner services may kindly be regularized and on regular basis from the date of his appointment and monthly salary of the Petitioner may also be released along-with its all back benefits to prevent the miscarriage of justice.

OR

If any other efficacious relief which this august Court may deem proper/appropriate in the interest of justice may also be granted to the Petitioner.

**INTERIM RELIEF:**

It is therefore requested that the operation of the impugned office order dated 05.06.2017 may kindly be suspended till the decision of main Writ Petition.

Dated: 28 /06/2021

YOURS HUMBLE PETITIONER

*Waseem Akram*  
Waseem Akram  
(Through Counsels)

JAMAL ABDUL NASIR  
ADVOCATE HIGH COURT, D.I. KHAN

ATTEST

WP No.422-D of 2021 (Grounds)

EXAMINER  
Peshawar High Court Bench,  
Dera Ismail Khan

25/8/21


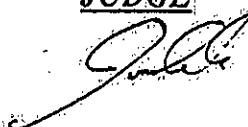
Filed today 30/6/21  
JAMAL ABDUL NASIR  
Advocate Registrar

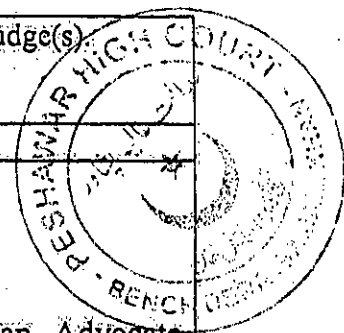
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**PESHAWAR HIGH COURT, D.I.KHAN BENCH**

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**FORM OF ORDER SHEET**

Date of Order or proceedings (1)	Order or other proceedings with signature of Judge(s) (2)
14.9.2021	<p><u>W.P No.422-D/2021 with Interim Relief.</u></p> <p><b>Present:</b> Mr. Jamal Abdul Nasir Awan, Advocate for the petitioner. ***</p> <p><u>Sahibzada Asadullah, J.-</u> After arguing the case at some length, learned counsel for the petitioner requested for withdrawal of the present petition and wants to approach the competent authority for the redressal of the grievances of the petitioner. Further, learned counsel for the petitioner does not want to press this petition and stated that he would agitate and argue all these points before appropriate forum.</p> <p>2. In view thereof, the instant petition is disposed of accordingly, however, the petitioner is at liberty to approach proper forum, if he is so advised.</p> <p>Announced Dt: 14.9.2021</p> <p align="right">   <b>JUDGE</b>    <b>JUDGE</b> </p> <p>(D.B)                      Hon'ble Mr. Justice Abdul Shakoor                      Hon'ble Mr. Justice Sahibzada Asadullah                 </p>



*Handwritten notes:*  
 15/9  
 Hasnain\*

ATTESTED  
 EXAMINER  
 Peshawar High Court Bench,  
 D.I. Khan  
 Ismail Khan

25/9/2021



ADVOCATE HIGH COURT

JAMAL ABDUL NASIR AWAN

Advocate  
Bc-09-0916

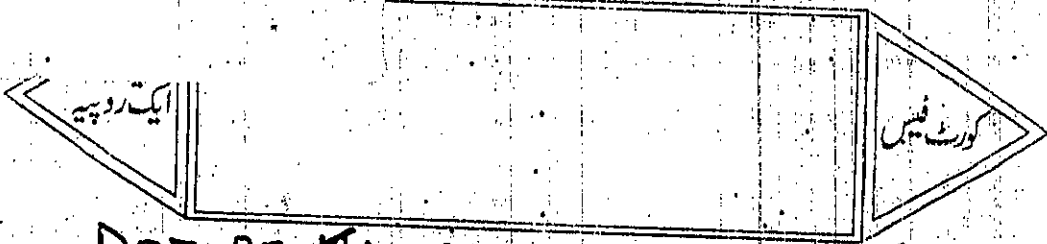
Date of Issue: August 2021  
Valid upto: August 2023



Secretary  
KP Bar Council

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# وکالت نامہ



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
WASEEM AKRAM <sup>مستجاب</sup> VERSUS Govt. of KPK etc

APPEAL

دعویٰ یا جرم  
تفصیل دعویٰ یا جرم

باعث تحریر آنگہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے اسٹیبلشمنٹ کے سربراہی اور آرڈری کے پیشگی باقصد مقدمہ بمقام  
JAMAL ABDUL NASIR AWAN ADVOCATE HIGH COURT

کو حسب ذیل شرائط پر تسلیم و قبول کیا ہے کہ میں ہر پیشگی پرچہ، پٹری، اختیار، خاص رو برو عدالت حاضر ہونا یا رو بروں کا۔ اور ہر وقت پکارے جانے مقدمہ تکیل صاحب  
موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر پیشگی پر منظر حاضر نہ ہوں اور مقدمہ پٹری غیر معافی کی وجہ سے کسی طور پر پٹری کے برخلاف ہو گیا۔ تو صاحب موصوف  
اسکی کسی طرح سے اطلاع دے دوں گا، نیز کمال صاحب موصوف سے در مقام پٹری کے علاوہ کسی جگہ یا پٹری کے اوقات سے پہلے یا پٹری کے بعد روز تعطیل ہی رو کر کے  
ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف سے در مقام پٹری کے علاوہ کسی جگہ یا پٹری کے اوقات سے پہلے یا پٹری کے بعد روز تعطیل ہی رو کر کے ذمہ دار نہ  
ہوں گے۔ اور مقدمہ سمندر پٹری کے علاوہ اور جگہ سماعت کے لئے ایمر، تعطیل یا پٹری کے اوقات کے لئے، چھپے نہیں ہونے پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ  
دار یا اس کے واسطے کسی مجاوضہ کے ادا کرنے یا عطا نہ دیکر کرنے سے کسی موصوف ذمہ دار نہ ہوں گے۔ یہ کمال صاحب موصوف سے در مقام پٹری کے علاوہ اور جگہ سماعت کے لئے  
ذمہ دار نہ ہوں گے۔ اور صاحب موصوف کو پیشگی روٹی، اجازت، اجرائے آفری و نظر عالی اپیل گرائی اور جرم درخواست پر دخل و تصدیق کر لینے کا  
ہی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے ادا کرنے اور جرم کا روپیہ وصول کرنے اور جرم کے عین دہن اور اس پر غامی یا غامی نامہ وصول کر  
حالت کرنے، اقبال روٹی کا بھی اختیار ہوگا اور بصورت مقرر اور۔ نے تاریخ پیشی مقدمہ مذکورہ پیر واہ از پٹری سمندر پٹری مقدمہ مذکورہ نظر عالی اپیل گرائی و برآمدگی  
مقدمہ یا پیشگی ڈگری یا طرف یا درخواست حکم انتہائی یا ترقی یا گرفتاری آبل از فیصلہ اجراء سے ڈگری کسی صاحب موصوف کو پیشگی یا اور جگہ سماعت کے لئے ایمر، تعطیل یا پٹری کے اوقات کے لئے  
اور تمام ساختہ پروا ذمہ صاحب موصوف سے در وقت خود منظور و قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکی کسی چیز  
کی کارروائی یا بصورت درخواست نظر عالی اپیل یا گرائی یا دیگر معاملہ مقدمہ مذکورہ کسی دوسرے وکیل یا پٹری سے جمانے یا اپنے امر او مقرر کریں۔ اور ایسے مشیر قانون کو  
بھی ہر امر میں وہی اور ایسے اختیارات حاصل ہوں گے جو ذمہ صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر ماہانہ الخواہ پڑاگا، وہ صاحب  
موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پٹری نہیں تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پٹری نہ کریں اور اپنی  
مسرت میں ہر کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہ کریں اور اپنی

30 9 2021

مضمون وکالت نامہ من لیا ہے۔ اور اچھی طرح سمجھا لیا ہے اور منظور ہے۔

Handwritten signatures and names

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