

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

Service Appeal No. 5794/2021

BEFORE:   **MRS. ROZINA REHMAN**       ...       **MEMBER (J)**  
              **MISS. FAREEHA PAUL**       ...       **MEMBER(E)**

**Faizan Ullah S/O Muhib Ullah R/O Hamdard Manzil, House No. 1/39.C,  
Mohallah Johar Street, Peshawar Cantt.**

.... (*Appellant*)

Versus

1. **Deputy District Education Officer (M), Peshawar.**
2. **District Education Officer (M), Peshawar.**
3. **Director** Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
4. **Govt. of Khyber Pakhtunkhwa** through Secretary Education Civil Secretariat, Peshawar.
5. **Mohammad Kaleem Ullah S/o Abdul Manan, Cantonment General Hospital, Flat No. 5, Block-A/2, Peshawar.**

... (*Respondents*)

Mr. Muhammad Asif  
Advocate

...

For appellant

Syed Naseer Ud Din Shah  
Asstt. Advocate General

...

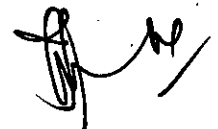
For respondents

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Date of Institution.....03.06.2021  
Date of Hearing.....23.06.2022  
Date of Decision.....23.06.2022

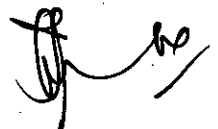
**JUDGEMENT**

**FAREEHA PAUL, MEMBER (E):** The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the impugned order dated 12.02.2021 with the prayer that it may be set aside and the appellant may be reinstated in service with all back benefits (pay and allowances) w.e.f 19.08.2020, the date of his appointment.



2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was a permanent resident of Hamdard Manzil, House No. 1/39.C, Mohallah Johar Street, Peshawar Cantt. After passing matriculation examination he obtained domicile certificate of Peshawar. The respondents advertised posts of PST with the conditions for applicants that they should have permanent domicile and CNIC of Peshawar and that they should be permanent residents of that Union Council. Appellant being qualified and permanent resident of Cantonment Board, Peshawar Union Council applied for that post. He appeared in the test and interview and qualified for the post and was posted at GPS Railway Quarter, Peshawar Cantt vide notification dated 19.08.2020. On 26.01.2020 he was given a notice through which he was asked for clarification of actual Union Council and correct permanent address to which he replied on 27.01.2021 alongwith all documentary proof that he was permanent resident of Hamdard Manzil, House No. 1/39.C, Mohallah Johar Street, Peshawar Cantt. and that he was living in Liaqat Bazaar for the last 21 years. He annexed the property papers showing ownership of his family since 1996. He also attached utility bills of that property showing it to be in Peshawar Cantt. He annexed certificate issued by Additional Deputy Commissioner Peshawar regarding confirmation of his domicile. In spite of that appointment order of the appellant was withdrawn vide notification dated 12.02.2021. He filed departmental appeal to respondent No. 3 on 23.02.2021 which was not responded. Hence the service appeal.

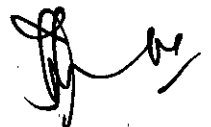
3. Respondents were put on notice who submitted written replies/ comments on the appeal. We have heard the learned counsel for the appellant as well as the learned Assistant Advocate General and perused the case file with connected documents in detail.




4. Learned counsel for the appellant presented all the documentary evidence of the appellant which was submitted before the respondents also indicating him a permanent resident of Cantonment Board Peshawar. The record included a map of Military Estates Officer also which indicated his house at Johar Street within the limits of Cantonment Board. He invited the attention to judgement of hon'ble Peshawar High in writ petition filed by Muhammad Kaleem ullah against the appellant in which he had challenged the domicile of the appellant Faizan Ullah by stating that he was not a resident of Peshawar Cantonment area. That writ petition was dismissed by Hon'ble Peshawar High Court being devoid of merits through its judgement dated 24.05.2022.

5. The learned Assistant Advocate General contended that appellant was not resident of Cantonment area Peshawar and relied on the letter of Cantonment Executive Officer, Peshawar dated 31.12.2020 which stated that Hamdard Manzil Mohallah Kotla Mohsin Khan was outside the limit of Cantonment area Peshawar whereas Hamdard Manzil at Johar Street was within the limits of Cantonment.

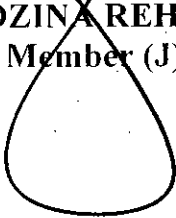
6. After going through the entire record available before us, it is clear that the appellant is a resident of Hamdard Manzil, 1/39.C, Mohallah Johar Street, Peshawar Cantt. and same has been certified by Military Estates Officer and Cantonment Executive Officer Peshawar also. Hence the appeal in hand is allowed and the order dated 12.02.2021 is set aside and respondents are directed to reinstate the appellant in service with all back benefits (pay and allowance) from the date of his appointment i.e 19.08.2020. Parties are left to bear their own costs. Consign.



7. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 23<sup>rd</sup> day of June, 2022.



(ROZINA REHMAN)  
Member (J)




(FARZEHA PAUL)  
Member (E)

**Service Appeal No. 5794/2021**

Mr. Muhammad Asif, Advocate for the appellant present. Mr. Syed Naseer Ud Din Shah, Assistant Advocate General for respondents present. Arguments heard and record perused.

2. Vide our detailed judgement containing 04 pages, it is clear that the appellant is a resident of Hamdard Manzil, 1/39.C, Mohallah Johar Street, Peshawar Cantt and same has been certified by Military Estates Officer and Cantonment Executive Officer Peshawar also. Hence the appeal in hand is allowed and the order dated 12.02.2021 is set aside and respondents are directed to reinstate the appellant in service with all back benefits (pay and allowance) from the date of his appointment i.e 19.08.2020. Parties are left to bear their own costs. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 23<sup>rd</sup> day of June, 2022.*

  
(ROZINA REHMAN)  
Member (J)

  
(FAREEHA PAUL)  
Member (E)

**BENCH - IV**

**MR. JUSTICE IJAZ UL AHSAN  
MR. JUSTICE MUNIB AKHTAR  
MRS. JUSTICE AYESHA A. MALIK**

**Wednesday, 02-Feb-2022**

1	C.R.P.105/2019 in H.R.M.A.831/2018 (U/A 184(3)) [+] Ijaz-ul-Ahsan, J+2	Rao Anwar Ahmed Khan v. Federation of Pakistan & others	Chaudhry Akhtar Ali, AOR (Rwp) (Enrl#94) Mr. Malik Naeem Iqbal, ASC (Kch) (Enrl#4678) Mr. Ahmed Nawaz Chaudhry, AOR (Enrl#243) Mr. Faisal Siddiqi, ASC (Enrl#4668)(Kch)
2	C.M.A.3548/2018 IN C.A.74-P/2016 (Application under section 12(2), CPC) (Ch.O.)	Bacha Hakeem v. Dolatmand	Mr. Muhammad Tariq Khan, AOR (Pesh) (Enrl#59) Mr. Muhammad Asif, ASC (Lhr) (Enrl#3108) Mr. Muhammad Ajmal Khan, AOR (Pesh) (Enrl#225) Mr. Tasleem Hussain, AOR (Pesh) (Enrl#187) Mr. Khalid Mehmood, ASC (Rwp) (Enrl#4608) Mr. Qazi Zaki-ud-din, ASC (Pesh) (Enrl#3790)
3	C.A.1028/2014 (Election-Provincial Assembly / Verification of Votes) (S.J.)	Haider Ali v. Abdul Qadoos Bizenjo & others	Syed Rifaqat Hussain Shah, AOR (Rwp) (Enrl#239) Mr. Wasim Sajjad, Sr. ASC (Lhr) (Enrl#242) R - Notice Sh. Mahmood Ahmad, AOR (Enrl#230) Syed Iftikhar Hussain Gilani, Sr. (Ibd) ASC (Enrl#250)
4	C.P.1942/2017 (Writ Petition / Illegal Dispossession) (3JJ) (D.B.) (C.O.)	Tanvir Arif Abbasi v. Additional Sessions Judge, Rawalpindi and others	Syed Rifaqat Hussain Shah, AOR (Rwp) (Enrl#239) Sardar Abdul Raziq Khan, ASC (Rwp) (Enrl#3223) Mr. Anis Muhammad Shahzad, AOR (Rwp) (Enrl#267) Mr. Basharatullah Khan -R, ASC (Rwp) (Enrl#3016)
5	C.P.1618-L/2018 (Election-2018 / Nomination Papers Dispute) (D.B.)	Muhammad Ilyas v. The Appellate Election Tribunal, etc	Mr. Mahmudul Islam (decd.), AOR (Lhr) (Enrl#177) Mian Muhammad Athar, ASC (Lhr) (Enrl#3120) Mr. Abdul Quddus Mughal, ASC (Lhr) (Enrl#4648) Mr. Shafqat Mahmood, ASC (Lhr) (Enrl#2972)

20.05.2022

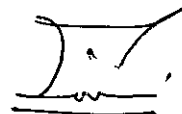
Appellant in person present.

Mr. Kabir Ullah Khattak learned Additional Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his counsel is out of station. Adjourned. To come up for arguments on 08.06.2022 before the D.B.



(Rozina Rehman)  
Member (J)



(Salah-Ud-Din)  
Member (J)

8.6.22 Paper D.B is on Tour therefore  
the case is adjourned to 23/6/2022  
for same  
Reader




01.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 01.03.2022 for the same as before.

  
Reader.

16.03.2022


Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 26.4.2022. for the same as before.

  
Reader.

26.04.2022

Junior of learned counsel for the appellant present. Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Supreme Court of Pakistan. Adjourned. To come up for arguments on 20.05.2022 before the D.B.

  
(Rozina Rehman)  
Member (J)

  
(Salah-ud-Din)  
Member (J)



28.01.2022

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

Due to paucity of time, arguments could not be heard. To come up for arguments on 02.02.2022 before the D.B.

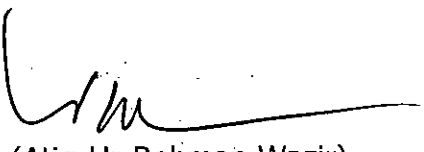
(Atiq-Ur-Rehman Wazir)  
Member (E)

  
Chairman

02.02.2022

Junior to counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG for respondents present.

Learned counsel for the appellant was stated to be busy before the august Supreme Court of Pakistan. In this respect he also produced cause list for today, which is placed on file. The appeal is, therefore, adjourned to 01.03.2022 before the D.B.

  
(Atiq-Ur-Rehman Wazir)  
Member (E)

  
Chairman

30-9-21

DB is on Tour case to come up  
For the same on Dated. 25-10-21

\$  
Rendix

25.10.2021

Clerk of learned counsel for the appellant present. Mr. Muhammad Riaz Khan Painsdakhel, Assistant Advocate General for respondents present.

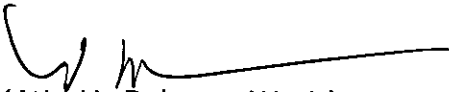
Arguments could not be heard due to learned judicial member (Salah-ud-Din) is on leave. Adjourned. To come up for arguments before the D.B on 20.01.2022.

  
(MIAN MUHAMMAD)  
MEMBER (E)

20.01.2022

Appellant in person present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

Appellant requested for adjournment on the ground that his counsel is not available today due to general strike of the bar. Adjourned. To come up for arguments before the D.B on 28.01.2022.

  
(Atiq-Ur-Rehman Wazir)  
Member (E)

  
Chairman

Appeal No. 5794/2021  
Farzanullah vs Govt

30.07.2021

Appellant alongwith counsel present. Preliminary

arguments heard.

According to contentions raised at this stage, the appellant was appointed as PST Teacher after having passed through the normal course of selection; where-after he assumed charge of the post and was performing his duties when his domicile with particular address was doubted and accordingly, his appointment order was withdrawn by the impugned order. Further contends that the impugned order is against the facts and law. Points raised need consideration. The appeal is admitted for full hearing subject to all just and 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 written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 01.09.2021 before the D.B.

Appellant Deposited  
Security & Process Fee

An application has been filed alongwith the Memorandum of appeal for interim relief of suspension of the impugned order dated 12.02.2021 till final disposal of the appeal. The operation of impugned order shall remain suspended till final disposal of the appeal unless earlier withdrawn. The parties shall be reverted to the position as existed before passing of the impugned order and shall maintain status quo.

Chairman



1-9-21

Due to summer vacations, the case is adjourned to 30.9.2021 for the same as before.

## FORM OF ORDER SHEET

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

Case No.- 5794 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	03/06/2021	<p>The appeal of Mr. Faizanullah presented today by Mr. Muhammad Asif 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>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>30/07/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

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

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

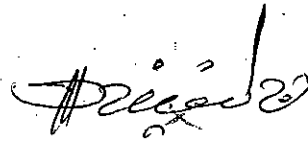
Faizan Ullah.....Appellant

Versus

Deputy District Education Officer,  
District Education Officer (M), Peshawar & others ...Respondents

**INDEX**

S.No.	Description of documents.	Annexure	Pages.
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4.	Copy of Domicile Certificate	B	11-12
5.	Copy of advertisement	C	13
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7.	Copy of charge report	E	20-21
8.	Copy of notice	F	22
9.	Copy of reply	G	23
10.	Copy of property documents	H	24-27
11.	Copy of certificate	I	28
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Appellant

Through

  
Muhammad Asif

Advocate Supreme Court

Off: 214 Syed Ahmad Ali Building  
near Taj Autos, Sunehri  
Masjid Road, Peshawar Cantt.

Cell: 0302-8885187

1

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

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 5874

Dated 03-6-2021

5794  
Service Appeal No. \_\_\_\_\_/2021

Faizan Ullah son of Mohib Ullah  
R/o Hamdard Manzil. House No.1/39-C,  
Mohallah Johar Street, Peshawar Cantt.

.....Appellant

**VERSUS**

- 1) Deputy District Education Officer, District Education Officer (M), Peshawar.
- 2) District Education Officer, District Education Officer (M), Peshawar.
- 3) Director Elementary & Secondary Education, Directorate of Elementary & Secondary Education, KPK, Peshawar. Adjacent to Govt. High School No.1, G.T Road, Peshawar.
- 4) Govt. of Khyber Pakhtunkhwa through Secretary Education, Civil Secretariat, Peshawar.
- 5) Mohammad Kaleem Ullah S/o Abdul Manan, Cantonment General Hospital, Flat No.5, Block-A/2, Peshawar Cantt.

..... Respondents

**APPEAL U/S 4 OF THE SERVICE  
TRIBUNAL ACT, 1974 AGAINST THE  
ORDER DATED 12.02.2021, WHEREBY  
APPOINTMENT ORDER DATED  
19.08.2020 OF APPELLANT HAS BEEN  
WITHDRAWN AND APPEAL FILED BY  
APPELLANT HAS NOT SINCE BEEN  
DECIDED INPSITE OF THE FACT THAT  
STATUTORY PERIOD OF 3 MONTHS  
HAVE BEEN EXPIRED.**

Filed to-day

Registrar

3/6/2021

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**PRAYER:**

***On acceptance of this appeal, the orders of respondents may kindly be set-aside and the appellant may kindly be reinstated in service with all back benefits including pay from taking of charge.***

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***Respectfully Sheweth;***

Appellant submits as under:-

- 1) That appellant was born and is permanent resident of Hamdard Munzil, House No.1/39-C, Johar Street, Peshawar Cantt.
- 2) That appellant after passing his matriculation examination obtained domicile certificate for taking admission in College. (Copy of Matric Certificate is Annex "A", while copy of Domicile Certificate is Annex "B")
- 3) That the respondents advertised some posts of PST and conditions for application were (i) permanent domicile and CNIC of District Peshawar (ii) for the post of PST candidate should be permanent resident of that Union Council (iii) If candidate of concerned Union Council is not available then"  
  
(Copy of advertisement is Annex "C")
- 4) That appellant being qualified and resident of Cantonment Board, Peshawar Union Council applied for

the post of PST vacant in Govt. Primary School, Railway Quarter, Peshawar Cantt.

- 5) That appellant appeared in the test and interview and qualified for the post and was appointment vide notification No.13216/13410 dated 19.08.2020. (Copy of appointment letter is Annex "D")
- 6) That appellant on 20.08.2020 took the charge of the post of PST and started teaching students daily regularly. (Copy of charge report is Annex "E")
- 7) That appellant was performing his duty of teaching the students without any complaint, that all of a sudden appellant received a notice dated 26.01.2021 in which it was asked from the appellant for clarification of his actual Union Council and correct permanent address. (Copy of notice is Annex "F")
- 8) That appellant filed reply on 27.01.2021 giving full detail regarding his permanent residence alongwith documentary proof. (Copy of reply is Annex "G" while property documents is Annex "H")
- 9) That appellant alongwith reply also annexed the certificate issued by Additional Deputy Commissioner, Peshawar regarding conformation of domicile issued in the year 2002. (Copy of certificate is Annex "I")
- 10) That appellant also obtained certificate from Cantonment Board Peshawar regarding permanent



resident and produced to respondents. (Copy of Cantonment Board Certificate is Annex "J")

- 11) That vide Notification No.1528-35 dated 12.02.2021, appointment order of appellant was illegally withdrawn. (Copy of the order is Annex "K")
- 12) That appellant on 23.02.2021 filed departmental appeal to respondent No.3, which is still pending. (Copy of departmental appeal is Annex "L")
- 13) That on the appeal filed by the appellant Assistant Director (Establishment) has asked for comments from respondent No.2 vide letter dated 10.03.2021. (Copy of letter is Annex "M")
- 14) That appellant use to visit the office of respondent No.3 for obtaining reply, but every time they informed the appellant that appeal has not been decided till yet.
- 15) That on the other hand statutory period of three months have elapsed and thus appellant has come before this hon'ble Tribunal on the following grounds amongst others:-

GROUNDS

A. That the order of withdrawal of appointment dated 12.02.2021 and not deciding the appeal within statutory period is against law and facts, hence untenable in the eyes of law.

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- B. That the respondents failed to appreciate the real point involved in the case in its perspective, hence have arrived at an incorrect conclusion.
- C. That the respondents failed to appreciate the fact that before calling for interview and issuing the appointment letter of appellant have verified the documents of appellant regarding education, permanent resident and domicile et and after verification appellant was summoned for test and interview.
- D. That appellant has taken the charge of the post and was regularly performing his duty daily by treating the students and thus once the appellant has taken the charge appellant comes within the definition of Govt. Servant.
- E. That respondents failed to appreciate the fact that for removing Govt. Official from the post there is a Mechanism and thus complying with the service laws and rules no official can be removed from service.
- F. That in the case of appellant, respondents have neither issued the show cause nor charge sheet or explanation and has withdrawn the appointment order of appellant which is not sustainable in the eyes of law.
- G. That in the case of appellant neither statement of allegation was issued nor proper inquiry was

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conducted by appointing authority and thus has exercised the powers not vested to them under the law.

- H. That withdrawing the appointment order when appellant was serving from the last 03 months and on producing the order of Hon'ble Peshawar High Court, Peshawar passed in writ petition filed by respondent No.5 .
- I. That respondents failed to appreciate the fact that in writ petition filed by the respondent No.5 no order for removing appellant was issued, but only comments were called from respondent No.2. (Photo copy of order is Annex "N")
- J. That respondents instead of filing the comments in writ petition pending in the hon'ble Peshawar High Court, Peshawar illegally withdrawn the appointment order.
- K. That by withdrawing the appointment order without any solid reason and proof respondents have exercised the jurisdiction not vested to them under the law.
- L. That by withdrawing the appointment order and appellant without complying the service laws and rules respondents have violated the fundamental rights of the appellant.
- M. That appellant has served the respondents department for more than 06 months but pay has not been released to appellant without any reason.

N. That the withdrawn order appellant issued by respondents illegally is perversant and against the settled principle of law and justice and as such is liable to be set-aside.

It is, therefore, requested that on acceptance of this appeal, the oral refusal of respondents of not deciding the departmental appeal and appointment withdrawal order of appellant dated 12.02.2021 may kindly be set-aside and the appellant may kindly be reinstated in service with all back benefits.

Any other relief, deemed appropriate may kindly also be granted in favour of appellant.

*[Handwritten signature]*

Appellant

Through

*[Handwritten signature]*

Muhammad Asif

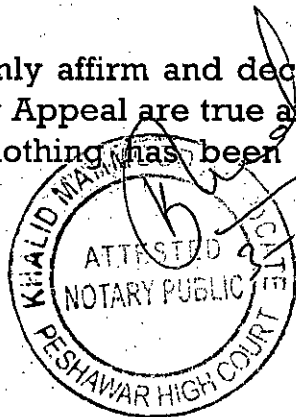
Advocate Supreme Court

Off: 214 Syed Ahmad Ali Building  
near Taj Autos, Sunehri  
Masjid Road, Peshawar Cantt.

Cell: 0302-8885187

AFFIDAVIT

I, do hereby solemnly affirm and declare on Oath that the contents of accompanying Appeal are true and correct to the best to my knowledge and nothing has been concealed from this hon'ble court.



DEPONENT

*[Handwritten signature]*

*[Handwritten signature]*

(8)

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

In re:  
Service Appeal No. \_\_\_\_\_/2021

Faizan Ullah.....Appellant

Versus

Deputy District Education Officer,  
District Education Officer (M), Peshawar & others ... Respondents

***APPLICATION FOR SUSPENSION OF  
ORDER DATED 12.02.2021 TILL THE  
FINAL DECISION OF APPEAL.***

**Respectfully Sheweth:**

- 1) That the above noted appeal has been instituted before this hon'ble Tribunal.
- 2) That prima-facie petitioner has a good case in his favour.
- 3) That appointment order dated 19.08.2020 was withdrawn illegally on 12.02.2021 without following the service laws and rules.
- 4) That in case the appointment withdrawn order dated 12.02.2021 is not suspended till the final decision, appellant would suffer an irreparable loss. (Affidavit is given to this affect)
- 5) That balance of convenience also in favour of the petitioner.

It is, therefore, requested that appointment withdrawal order dated 21.02.2021 may kindly be suspended till the final decision of appeal.

Appellant

Through

Muhammad Asif

Advocate Supreme Court

**AFFIDAVIT**

I, do hereby solemnly affirm and declare on Oath that the contents of accompanying Appeal are true and correct to the best to my knowledge and nothing has been concealed from this hon'ble court.



DEPONENT

Muhammad Asif

(9)

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

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

Faizan Ullah.....Appellant

Versus

Deputy District Education Officer,  
District Education Officer (M), Peshawar & others ... Respondents

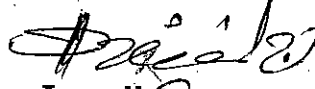
**ADDRESSES OF PARTIES**

**APPELLANT**

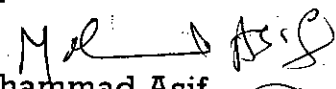
Faizan Ullah son of Mohib Ullah  
R/o Hamdard Manzil. House No.1/39-C,  
Mohallah Johar Street, Peshawar Cantt.

**RESPONDENTS**

- 1) Deputy District Education Officer, District Education Officer (M), Peshawar.
- 2) District Education Officer, District Education Officer (M), Peshawar.
- 3) Director Elementary & Secondary Education, Directorate of Elementary & Secondary Education, KPK, Peshawar. Adjacent to Govt. High School No.1, G.T Road, Peshawar.
- 4) Govt. of Khyber Pakhtunkhwa through Secretary Education, Civil Secretariat, Peshawar.
- 5) Mohammad Kaleem Ullah S/o Abdul Manan, Cantonment General Hospital, Flat No.5, Block-A/2, Peshawar Cantt.

  
Appellant

Through

  
Muhammad Asif

Advocate Supreme Court

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S.No.

Roll No. 67863

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

Annex A

REVISED

10



# Board of Intermediate and Secondary Education

## Peshawar

North West Frontier Province

### Secondary School Certificate Examination

SESSION 2005 ANNUAL

(Science Group)



This is to Certify that **Faizan Ullah** Son of **Mohib Ullah** and a student of **Peshawar Model School Boys-I Warsak Road Peshawar** has passed the Secondary School Certificate Examination of the Board of Intermediate and Secondary Education Peshawar held in **March, 2005** as a **Regular** candidate. He obtained **779** Marks out of **1050** and has been placed in **Grade A** Representing **Excellent**.

The Candidate passed in the following subjects:

- 1. English
- 2. Urdu
- 3. Islamiyat (Comp)
- 4. Pakistan Studies
- 5. Maths
- 6. Physics
- 7. Chemistry
- 8. Biology

Date of birth according to admission form: **October 25, 1992**

Asstt. Secretary

ATTESTED

Secretary

Issued in lieu of OC#: 42132 (A-05)

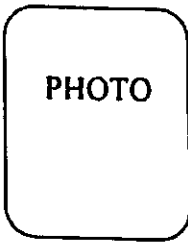
This certificate is issued without alteration or erasure

12

ANNEX B

Annex B

11



### Domicile Certificate

I declare that I was born of parents who are permanently domiciled in N.W.F.P having been born in this province

I was born at Mohallah / village. پشاور منیرل پشاور کینٹ.....

Tehsil ..... پشاور ..... District ..... پشاور.....

pursuance to the declaration dated .....

Faizan Ullah

Sign of Applicant

Filled by ..... فیضان اللہ .....

D. of ..... محمد اللہ .....

of Mohallah ..... پشاور کینٹ ..... Village ..... پشاور کینٹ .....

Domicile in N.W.F.P. It is hereby certified that his parents are permanent resident of the N.W.F.P. having born with in it.

I have satisfied myself from personal/my own knowledge/verification that the above declaration is true & certified accordingly. This day of 20th 2008.

13151

[Signature]  
District Officer  
Collector  
Peshawar  
Distt: Revenue Officer

[Signature]  
Asstt Distt. Revenue Officer  
Collector  
Peshawar

Shankat Stationary

ATTESTED



جناب عالی تصدیق کر جاتی ہے کہ

سی اساتذہ فیضان اللہ ولد محمد حبیب اللہ

محلہ اسکے پتھر در منزل 1/39 جو پتھر سہیل پور پشاور کینٹ کا مستقل پیدائشی باشندہ ہے اور اس کے آباؤ اجداد بھی یہاں کے مستقل پیدائشی باشندگان ہیں۔

*Amir*

AMIR (R) PESCHO URBAN  
CANIT PESHAWAR

جناب عالی

حسب تصدیق علاقہ ناظم، کونسلر، محلہ دار، نمبر دار کی تصدیق پر تصدیق کی جاتی ہے۔ کہ

سی اساتذہ فیضان اللہ ولد محمد حبیب اللہ

محلہ اسکے پتھر در منزل 1/39 جو پتھر سہیل پور پشاور کینٹ کا مستقل پیدائشی باشندہ ہے اور اس کے آباؤ اجداد بھی یہاں کے مستقل پیدائشی باشندگان ہیں۔

*A*

مہر و خط تصدیق کنندہ

7/ع

~~ATTESTED~~



**APPOINTMENT.**

Annex D

14

Consequent upon recommendations of the Departmental Selection Committee, appointment of the following candidates are hereby ordered against the post of PST (Primary School Teacher) School based in BPS-12 (13320-960-42120) @ Rs.13320/- fixed plus usual allowances as admissible under the rules on adhoc basis on Contract under the existing policy of the Provincial Government, in Teaching Cadre on the terms and conditions given below w.e.f the date of taking over charge:-

**Open Merit:**

S#	Name	Father Name	Date of Birth	CNIC	Total	Union	TO BE POSTED	DSC Remarks
					Score	Council		
1	3	4	5	6	9	10	11	12
1.	MUHAMM AD NASIR	QABIL SHAH	20-03-90	1730183594 679	122.38	Achini Bala	GPS Sangoo No. 1	Against Vacant post
2.	HADEED ULLAH	RIAZ KHAN	30-06-96	1730199029 123	122.21	Achini Bala	GPS Sangoo Landi Bala	Against Vacant post
3.	SAMI ULLAH	ASAD KHAN	15-02-96	1730146083 525	117.18	Achini Bala	GPS Sangoo Landi Bala	Against Vacant post
4.	HABIB UR REHMAN	ABDULLAH KHAN	01-02-93	1730121587 707	121.36	Ander Shaher	GPS Andher Sher	Against Vacant post
5.	ABDUL GHANI	SHAKIR ULLAH JAN	15-03-95	1730121288 821	124.76	Asia	GPS Asia Gate	Against Vacant post
6.	MUHAMM AD AWAIS SHABBIR	Shabbir Ahmed	20-10-91	1730159343 629	123.93	Asia	GPS NO. 2 Asia Park	Against Vacant post
7.	FARHAD HUSSAIN	ISRAR HUSSAIN	05-05-95	1730195017 079	125.68	Badaber Maryamza i	GPS Badaber No.1	Against Vacant post
8.	SYED SAFDAR ALI SHAH	SYED MUHAMMA D SHAFIQ	20-07-87	1730177847 567	127.93	CBP	GPS Peshawar Cantt	Against Vacant post
9.	MUHAMM AD EHSAN ULLAH	MUHAMMA D ZAHIR	01-03-93	1730123829 355	120.14	CBP	GPS Peshawar Cantt	Against Vacant post
[10]	FAIZAN ULLAH	MOHIB ULLAH	25-10-92	1730182816 737	114.9	CBP	GPS Railway Quarters	Against Vacant post
11	MANZAR HASSAN	MUHAMMA D NISAR	02-01-93	1730138174 129	109.62	CBP	GPS Bara Lane	Against Vacant post

**ATTESTED**



15

12	SAJAD KHAN	ABDUL RASHID KHAN	15-05-93	1730117186083	99.34	CBP	GPS Bara Lane	
13	SAIFULLAH JEHANGIR	JEHANGIR	01-01-99	1730160186701	95.74	CBP	GPS Jehangir Pura	Vaca
14	MUHAMMAD RAQEEM QURAISHI	MUHAMMAD SALIM QURAISHI	15-10-91	1730189877925	95.04	CBP	GPS Audit Colony	Against Vacant po
15	ABBAS ZULFIQAR	ZULFIQAR KHAN	21-07-89	1730115927443	107.43	Chamkani	GPS No. 2 Chamkani	Against Vacant po
16	MOHAMMAD ISMAIL	MOHAMMAD HAKEEM	11-09-92	1730136447877	124.95	Gulbahar	GPS No. 2 Gulbahar	Against Vacant po
17	JAVAIQ IQBAL	FIDA MUHAMMAD	01-04-87	1730146064289	123.41	Gulbahar	GPS No. 2 Gulbahar	Against Vacant po
18	SYED MUHAMMAD JAN BAD SHAH	SYED FAROOQ SHAH	01-03-83	1730112599265	125.73	Gul Bela	GPS Kochian Gul Bela	Against vacant po
19	SHAKIR ULLAH	MUHAMMAD SHOAB	10-03-94	1730118491015	118.87	Haryana Payan	GPS Nachapa Payan	Against Vacant po
20	NIJAZ MUHAMMAD	INAYAT ULLAH KHAN	01-04-92	1730145374283	112.6	HAZAR KHWANI II	GPS Dora Road Gharib Abad	Against Vacant po
21	Muhamma d Salman Sadozai	MOHAMMAD IQBAL SOUDUZAI	11-04-94	1730167738681	128.42	JEHANGIR PURA	GPS Jehangir Pura	Against Vacant po
22	MUHAMMAD UMAIR	INAYAT ULLAH	28-01-95	1730154141199	133.26	Kakshal I	GPS Kakshal No. 2	Against Vacant po
23	MUHAMMAD SALEEM	MUHAMMAD BAKHTIAR KHAN	01-12-96	1730184634653	121.17	Kakshal I	GPS Rasheed Garhi	Against Vacant po
24	HAROON IQBAL	MUHAMMAD DIN	10-04-88	1730124462519	120.68	Kakshal I	GPS Rasheed Garhi	Against Vacant po:
25	ZEESHAN AFZAL	NOOR AFZAL	02-01-95	1730181034973	119.43	Kakshal I	GPS Kakshal No. 2	Against Vacant pos

ATTESTED  
A.R.

26	MUHAMMAD AWAIS BARKAT	BARKAT ULLAH	08-11-94	1730157230361	121.36	KAKSHAL II	GPS Kakshal No. 1	Against Vacant post
27	FARHAN ULLAH	MALIK AMAN ULLAH KHAN	26-10-95	1730130680519	118.95	Kankola	GPS Kankola	Against Vacant post
28	MUHAMMAD NADEEM	KARIM BAKHSH	15-02-87	1730162741985	113.94	Kankola	GPS Daman Hindki	Against Vacant post
29	RASHID MAHMOOD	SAID UL AMIN	06-04-92	1730124172969	115.76	Khatki	GPS Niemi	Against Vacant post
30	ILTAH HUSSAIN	FAZAL NAWAB	17-06-91	1540149935479	115.77	Khazana	GPS Khazana Payan	Against Vacant post
31	MUHAMMAD SAJID	FAZAL HAQ	03-06-93	1730114612093	114.36	LANDI ARBAB	GPS Swati Gate	Against Vacant post
32	YASIR KHAN	RAZIM KHAN	12-02-1989	1730126557637	119.95	Lala	GPS Tarnab Deh	Against Vacant post
33	MANZOOR KHAN	FAZAL GUL	12-04-91	1730141889537	116.99	Masho Gagger	GPS Muhammad Ali Kili	Against Vacant post
34	TARIQ HUSSAIN	SADIQ HUSSAIN	13-02-95	1730182971389	130.06	Mathra	GPS Garhi Fazle Haq	Against Vacant post
35	FAISAL IQBAL	TAWAB GUL	22-04-92	1730188865055	129.74	Mattani	GPS Mera Mattani	Against Vacant post
36	SHER AFGAN	MUHAMMAD TARIQ JAVED	23-06-92	1730197341079	132.27	MEHEL TERAI II	GPS Dalazak Colony	Against Vacant post
37	ASFAND YAR KHAN	AYUB KHAN	01-05-88	1730119839385	115.7	MERA SURIZIA PAYAN	GPS Garhi Mian Sabir Shah	Against Vacant post
38	MUHAMMAD QAISER	MUHAMMAD IDRIS	17-9-95	1730164293903	128.33	NOTHIA QADEEM	GPS No. 3 Nouthia Qadeem	Against Vacant post
39	UMAIR ANJUM	NASEER JAN	24-10-91	1730171621133	113.43	Pakha Ghulam	GPS Pakht Ghulam No. 1	Against Vacant post
40	ASAD JAMAL	MUHAMMAD NABI JAMAL	15-04-96	1730164628753	112.47	Pakha Ghulam	GPS Pakht Ghulam No. 1	Against Vacant post

ATTESTED  
ASO

41	IZHAR ULLAH	MUHAMMA D SIRAJ	01-01-88	1730160478 477	121.97	PUSHTAKH ARA PAYAN	GPS Landi Akhoon Ahmad	
42	AHMAD JEHAN	JAMSHED KHAN	08-09-96	1730129085 631	119.81	PUSHTAKH ARA PAYAN	GPS Garhi Sikandar Khan	Ag Vacant
43	SHAHAB UDDIN	MUHIB ULLAH	09-06-84	1730160457 621	116.5	PUSHTAKH ARA PAYAN	GPS Garhi Sikandar Khan	Against Vacant post
44	MUHAMM AD IMRAN KHAN	SHAH JAHAN KHAN	05-03-95	1730128313 815	116.48	Sarband	GPS No.2 Sarband	Against Vacant post
45	TALI MAND	ZARIN KHAN	15-01-85	1730111519 135	114.77	Sarband	GPS No. 1 Sarband	Against Vacant post
46	NUSRAT HUSSAIN	SABIR HUSSAIN	02-07-88	1730186595 777	126.56	SHAHI BAGH	GPS No. 2 Dinbahar	Against Vacant post
47	MUHAMM AD AWAIS	IFTKHAR ALI	30-03-92	1730166617 225	124.25	SHAHI BAGH	GPS No. 1 Dinbahar	Against Vacant post
48	ASAD MEHMOOD	MUHAMMA D MUKHTAR	12-03-95	1730197135 349	118.45	Sherkira	GPS Bagh Mian Khel	Against Vacant post
49	AHMAD	ASEEL ZADA	15-04-92	1730176932 021	117.83	Sherkira	GPS Sherkira No. 1	Against Vacant post
50	ZIA UR REHMAN	Khial Mir	15-03-93	1730104015 073	116.86	Sherkira	GPS Adezai Sherkirs	Against Vacant post
51	ZAHID ULLAH	MADAR KHAN	15-10-85	1730118931 845	119.67	SMT II	GPS Shah Dhand	Against Vacant post
52	MUHAMA MD HARIS HAYAT	FAZAL HAYAT	06-09-91	1730127983 873	126.96	Surizai Bala	GPS Surizai Bala	Against Vacant post
53	ASAD ULLAH	NAFAR ALI	04-03-96	1730117953 933	123.16	Surizai Bala	GPS Telaband No. 3	Against Vacant post
54	NAVEED HUSSAIN	ROZI KHAN	08-05-89	1730157034 307	115.66	Urmar Payan	GPS Garhi Hakeem Khan	Against Vacant post
55	USMAN MUSHARRAF	MUSHARRA F DIN	01-06-96	1730163721 431	115.05	Wazir Bagh	GPS Zahid Abad	Against Vacant post
56	MUHAMM AD FAWAD	MUHAMMA D NISAR	27-03-92	1730160103 981	106.82	Wazir Bagh	GPS Khalid Town	Against Vacant post

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ATTESTED

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57	UBAID ULLAH SHAKIR	SHAKIRULLAH	04-04-94	1730163503489	99.95	Yakatoot I	GPS Wazir Bagh	Against Vacant post
58	MUHAMMAD NABI	SARDAR KHAN	04-03-92	1730182269979	124.23	Yakatoot II	GPS Zargar Abad	Against Vacant post
59	MUHAMMAD SALIMAN	WALI MUHAMMAD	14-08-94	1730163689803	123.03	Yakatoot II	GPS Zargar Abad	Against Vacant post
60	MUHAMMAD ADNAN KHAN	Zabta Khan	05-03-96	1730186350615	122.21	Yakatoot II	GPS Zargar Abad	Against Vacant post
61	IRFAN	SHAD MUHAMMAD KHAN	03-08-94	1730150264473	118.33	Yakatoot II	GPS Zargar Abad	Against Vacant post

**2% Disable Quota**

S.No.	Name	F/Name	D.O.B	CNIC	Total Score	UC	School Name	Remarks
1	FAIZ MUHAMMAD	ADAM KHAN	20-03-1984	1730161478037	101.11	Gulbela	GPS Ibrahim Abad	Against vacant post

**3% Minority Quota**

S#	Name	Father Name	Date of birth	CNIC	Total Score	Union Council	School Name	Remarks
5	ADEEL EMANUEL	EMANUEL MUNSHI	05-01-1990	1730169316699	94.04	Akhon Abad	GPS Rashid Garhi	Against vacant post

**TERMS & CONDITIONS.**

1. No TA/DA is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Appointment is purely on temporary & contract basis initially for one year i.e. till 18/08/2021(A.N).
4. Appointment is subject to the condition that the certificates/degrees must be verified from the concerned authorities by Office of the District Education Officer (Male) Peshawar. Any one found producing bogus Documents / Testimonials will be reported to the law enforcing agencies for further action.
5. Their services are liable to termination on one month notice from either side. In case of resignation without notice their one-month pay/allowances shall be forfeited to the Government.
6. Pay will not be drawn until and unless a certificate to this effect by Office of the District Education Officer (Male) Peshawar is issued that their certificates/degrees are verified
7. They should join their post within fifteen days from the issuance of this appointment order. In case of failure to join their post within fifteen days, their appointment will expire automatically and no subsequent appeal etc shall be entertained.

**ATTESTED**  
H.S.O.

19

8. Health and Age Certificate should be produced from the Medical Superintendent concerned before taking over charge.
9. Before handing over charge they will sign an agreement with the department, otherwise their order will not be valid.
10. They will be governed by such rules and regulations as may be issued from time to time by the Government.
11. They will get 09 months in service, mandatory professional induction training from PITE or RITE.
12. Their services shall be terminated at any time, in case their performance is found unsatisfactory during their contract period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
13. Their appointment is School based, they will have to serve at the place of posting, and their service is not transferable to any other station.
14. Before handing over charge once again their documents may be checked if they have not the required qualification, they may not be handed over charge.
15. He should not be handed overcharge if he exceeds thirty five (35) years or below nineteen (19) years of age.
16. If any meritorious candidate is deprived from appointment by this order and the competent authority accepted his appeal, the appointment order of the low merit candidate will be withdrawn and adjustment order will be reviewed/ revised according to merit.
17. Drawing & Disbursing Officer should personally verify this order from the Office of the DEO (M) Peshawar before handing over charge to the officials.

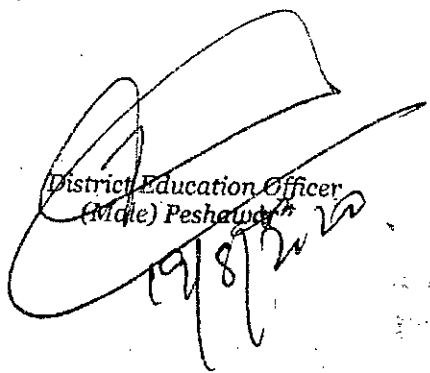
(MR. IRFAN ALI)  
 DISTRICT EDUCATION OFFICER  
 (MALE) PESHAWAR.

Endst: No. 13261-13410 Dated Peshawar the 19 / 08 / 2020.

- Copy forwarded for information and necessary action to:
1. Accountant General Khyber Pakhtunkhwa Peshawar.
  2. PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department.
  3. Deputy Commissioner, Peshawar
  4. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.
  5. District Monitoring Officer Peshawar
  6. SDEOs Town Concerned
  7. PA to District Education Officer (Male) Peshawar
  8. ADEO Primary Local Office
  9. ASDEO Circle Concerned
  10. Head Teacher/Officials concerned
  11. M/File

**ATTESTED**

District Education Officer  
 (Male) Peshawar





# CHARGE REPORT

Annex E (20)

Mr. Faizan Ullah S/O Mohib Ullah, Your appointment has been made vide DEO (Male) Peshawar Endst: No. 13261-13410 Dated: 19/08/2020 at GPS Railway Quarters Peshawar. (Reflected at Serial No. 10)

You are, therefore, given charge of your post today on 20/08/2020 (F/N) and advised to submit charge report to all concerned.



Head Master  
GPS Railway Quarters Peshawar

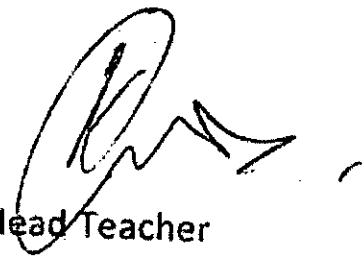
**HEAD MASTER**  
Govt. Primary School  
Railway Quarters Peshawar  
Cantt.

**ATTESTED**  
*[Signature]*

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DUTY CERTIFICATE

It is certified that Mr FAIZAN ULHAH s/o MOHIB ULHAH (NTS Teacher) having CNIC No; 17301-8281673-7 was appointed as Primary School teacher (PST) at GPS RAILWAY QUARTERS under Endst No: 13261-13410 issued on 19-08-2020. He took over his charge of duty on 20 AUGUST 2020 and performing his duty regularly.



Head Teacher

**HEAD MASTER**  
Govt; Primary School  
Railway Quarters Peshawar  
Cantt.

~~ATTESTED~~


**REMINDER**

**REGISTERED POST**

District Education Officer  
(Male) Peshawar.

No. 16401/1

Dated 26/1/2021

Annex E 

To,

Mr. Faizan Ullah s/o Muhib Ullah,  
r/o Hamdard Manzil P/O GPO, Mohallah Kotla Mohsin Khan,  
Peshawar Cantt: Peshawar.

Subject: - **NOTICE**

Memo:

You was appointed as PST teacher in Govt: Primary School Railway Quarters Peshawar vide this office order Endst: No.13261-13410 dated 19-08-2020 at Serial No.10 of the said order.

One Mr. Kaleem Ullah s/o Abdul Manan complained vide writ Petition No.5141-P/2020 filed in Peshawar High Court Peshawar that according to the CNIC, you are not the permanent resident of Union Council Cantonment Board Peshawar.

Therefore, your permanent addresses as mentioned in your CNIC and Domicile certificate were sent to the Cantonment Executive Officer, Peshawar for verification/clarification of your Union Council vide this office letter No.5838 dated 23-12-2020.

The Cantonment Executive Officer Peshawar vide his letter No. 21/206(Gen)/Lands/11882 dated 31-12-2020 replied as:

c. The address shown by candidate in CNIC i.e. "Hamdard Manzil P.O GPO Mohalla Totla Mohsin Khan Peshawar Cantt: falls outside Cantonments limits.

d. The address shown in Domicile i.e. Hamdard Manzil 1/39-C, Johar Street, Peshawar Cantt falls within the limits of Peshawar Cantt:

Keeping in view the above variation in your permanent addresses as shown in your CNIC and Domicile certificate, you are not falling within the ambit of Section-3 of Regularity Act,2011.

You are therefore, again, directed vide this **REMINDER** to clarify your position regarding your actual Union Council and you are also directed to attend the office of undersigned

on 01-02-2021 during the office hours along with all supporting documents.

Dy. District Education Officer  
(Male) Peshawar

Endst: No. \_\_\_\_\_ /Dated \_\_\_\_\_ /2021

Copy for intimation/information and necessary action to:-

1. SDEO (M) Town-III Peshawar for further necessary action.
2. ASDEO (M) Circle Concerned.
3. Office file.

**ATTESTED**

Education Officer  
Scanned with CamScanner

**REMINDER**  
**REGISTERED POST**

**BETTER COPY**

**District Education Officer**  
**(Male) Peshawar**  
**No- 16401**  
**Dated: 26 / 01 / 2021**

To

Mr. Faizan Ullah S/O Mohib Ullah  
R/o Hamdard Manzil P/O, GPO, Mohallah Kotla Mohsin Khan  
Peshawar Cantt, Peshawar

Annex F  
22

**Subject: NOTICE.**

Memo:

You was appointed as PST teacher in Govt: Primary School Railway Quarters Peshawar vide this office order Endstt No: 13261-13410 dated: 19-08-2020 at serial No. 10 of the said order.

One Mr. Kaleem Ullah S/o Abdul Manan complained vide writ Petition No.5141-P/2020 filed in Peshawar High Court Peshawar that according to the CNIC, You are not the permanent resident of Union Council Cantonment Board Peshawar.

Therefore, your permanent address as mentioned in your CNIC and domicile certificate were sent to the Cantonment Executive Officer Peshawar for verification / clarification of your Union Council vide this office Letter No. 5838 dated: 23/12/2020.

The Cantonment Executive Officer Peshawar vide his letter No. 21/206 (Gen)/Lands/11882 Dated: 31/12/2020 replied as:

- c. the address shown by candidate in CNIC i.e. " Hamdard Manzil P.O. GPO Mohallah Kotla Mohsin Khan Peshawar Cantt falls outside Cantonments limits."
- d. The address Shown in domicile i.e. Hamdard Manzil 1/39-C, Johar Street, Peshawar Cantt falls within the limits of Peshawar Cantt:

Keeping in view the above variation in your permanent addresses as shown in your CNIC and Domicile certificate, you are not falling within the ambit of section-3, of Regularity Act 2011.

You are therefore, again directed vide this **REMINDER** to clarify your position regarding your actual Union Council and you are also directed to attend the office of undersigned on 01/02/2021 during the office hours along with all supporting documents.

**Dy: District Education Officer**  
**(Male) Peshawar**

**Endst No. \_\_\_\_\_ Dated: \_\_\_/\_\_\_/2021**

Copy for intimation/ information and necessary action to:

1. SDEO (M) Town III Peshawar for further necessary action.
2. ASDEO (M) Circle Concerned.
3. Office File.

**Dy: District Education Officer**  
**(Male) Peshawar**

**ATTESTED**

Dated: 27/01/2021 ✓

To

The Dy. DEO (Male)

Peshawar.

Annex G  
23

Subject:

**REPLY OF NOTICE**

Sir,

Reference to your letter no. 9471. The said letter was not received by undersigned and Focal Person to ASDEO Cantt circle verbally told me on dated: 25/01/2021 that a reply may be submitted regarding your clarity of UC.

It is to bring into your kind noticed that I am permanent resident of Hamdard Manzil 1/39-C Johar Street, Peshawar Cantt. I am living in Liaqat Bazar Peshawar Cantt from last 21 years. The property papers since 1976 shows ownership of our family Copy attached (ANNEX A). The utility bills of property also attached along with this application.

My domicile issued to me by the competent authorities since 2002 which also shows the above cited address which falls within UC concern Copy attached (ANNEX B).

I already submitted my original cantonment residential certificate which is verified from Revenue Superintendent and Ward Incharge and duly signed by Cantonment Executive Officer Copy attached (ANNEX C).

Vide letter No. 9193 dated: 04/07/2020 verification of residence is done through official correspondence between District Education office and cantonment board which was verified my address Copy attached (ANNEX D).

It is also pertinent to mention here my father CNIC with the address of Johar Street 1/39-C Hamdard Manzil, Peshawar Cantt Copy attached (ANNEX E).

It is further added that the cantt residence card is attached, which is issue by the Core Head Quarter of 11<sup>th</sup> Core Peshawar cantt issue only to permanent resident of Cantonment Copy attached (ANNEX F).

It is stated that a petitioner Mr. Kaleem totally tell a lie. His father (Abdul Manan) is employ of Cantonment Board Peshawar as building inspector and make ambiguity in my address verification vide letter no. 5838 by malafide official influence in Cantonment board.

Mr. Kaleem Ullah is permanently belong to GPO Township Makhian Tehsil and District Haripur. And also having low merit position than me.

FAIZAN ULLAH S/O MOHIB ULLAH

PST, GPS, RAILWAY QUARTERS

Copy to.

1. SDEO(M) Town III, Peshawar
2. ASDEO (M) Circle Concerned.

ASD  
**ATTESTED**

843  
29/1/21

25

MUTATION

Existing Entries		Proposed Entries
<p>1. Detail and date of mutation.</p> <p>111. Mr. Shoukatullah S/O Haji Abdul Wahab vide Cantt Board Resolution No. 53 dated 15-7-1976. Originally on the death of Mr. Abdul Wahab, the property in question was inherited by the following:-</p> <ol style="list-style-type: none"> <li>1. Mr. Shoukatullah. Son.</li> <li>2. Mr. Gul Ahmad. Son.</li> <li>3. Abdul Hamid. Son.</li> <li>4. Madadullah. Son.</li> <li>5. Mohitullah. Son.</li> <li>6. Ibrahimullah. Son.</li> <li>7. Zahidullah. Son.</li> <li>8. Arifullah. Son.</li> <li>9. Mrs. Anwar Taj. Daughter.</li> <li>10. Mohajra. do..</li> <li>11. Mrs. Sarro Jan. Widow.</li> </ol> <p>The persons noted at S.No. 2 to 11 sold their share in favour of Mr. Shoukatullah vide Sale deed No. 1431, Bahi-I, Vol: 1253 page 193-197 dated 24-6-1976. P.No. 5/90(7).</p>		<p>An area measuring 187 Sft. i.e. 20.77 Sq. Yds. i.e. 17.37 Sq. Metres leased out to Mr. Shoukatullah Son of Haji Abdul Wahab in schedule IX-3 of GLA rules 1937 for Commercial Purpose vide Cantt Board letter No. _____ dated _____.</p>
2. Subsidiary Survey No.		
3. Volume and Page of Register.		
4. Area in Acres/Sq Feet.	187 Sft.	187 Sft. i.e. 17.37
5. Description.	Shop No. 177	Shop No. 177
6. Class.	B-5	B-5.
7. By Whom Managed.	Cantt Board.	Cantt B
8. Landlord.	Govt. of Pakistan.	Govt
9. Holder of occupancy rights.	Mr. Shoukatullah S/O Haji Abdul Wahab.	Mr. Shoukatullah S/O Haji Abdul Wahab.
10. Nature of Holder rights.	Old Grant.	Lease in Schedule IX-3 of GLA Rules 1937 for Commercial
11. Rent Payable. } To Cen. Govt. Per Annum. } To Cantt Board.	-	Rs. 100/- P.A.
12. Dated of expiry of lease.		
13. Remarks.	Govt. Proprietary rights in the land have admitted vide deed No. 1578, Bahi-I, Vol: 1262 Page 182 dated 9-7-1976.	

PESHAWAR CANTONMENT  
DATED 10/7/2003

**ATTESTED**

Cantonment Executive Officer,  
Peshawar

*[Signature]*  
09/7

25

Government to

BETTER COPY

THE GENERAL LAND REGISTRAR

Cantonment (Bazar Area)

		Existing Entries	Proposed Entries
Mutation	1. Details and date of mutation.	<p>III. Transferred t Mr. Shaukat Ullah S/O Abdul Wahab vide Cantt board Resolution No. 33 Dated 15-7-1976. Originally on the death of Mr. Abdul Wahab, the property in question was inherited by the following:-</p> <ol style="list-style-type: none"> <li>1. Mr. Shaukat Ullah Son</li> <li>2. Mr. Gul Ahmad Son</li> <li>3. Mr. Abdul Hamid Son</li> <li>4. Mr. Hadad Ullah Son</li> <li>5. Mr. Mohib Ullah Son</li> <li>6. Mr. Ikram Ulla h Son</li> <li>7. Mr. Zahid Ullah Son</li> <li>8. Mr. Arif Ullah Son</li> <li>9. Mst. Anwar Taj Daughter</li> <li>10. Mst. Mohajra Daughter</li> <li>11. Mst Zarro Jan Widow.</li> </ol> <p>The Person noted at S. No. 2 to 11 sold their share in vavour of Mr. Shaukat vide sale deed No. 1431, Bahi-I, Vol, 1263 page 193-197 dated: 24-6-1976. F. No.6/90(7).</p>	<p>An area measuring 107 sft, i.e. 20.77 sq.yds i.e. 17.37 Sq. meters leased out to Mr. Shaukat Ullah son of Haji Abdul Wahab in schedule IX of CLA Rules 1937 for commercial purpose vide MI Depptt Letter No.</p> <p>Dated: _____</p>
	2. Subsidiary Survey No:		
	3. Volume and Pages of Register.		
	4. Area in Acres/Sq Feet.	187 sft.	187 sft.i.e.17.3'
	5. Description.	Shop No. 1/7	Shop No. 1/7
	6. Class.	B-3	B-3
	7. By Whom Managed.	Cantt Board,	Cantt Board,
	8. Landlord.	Govt: of Pakistan,	Govt: of Pakistan,
	9. Holder of occupancy rights.	Mr. Shaukatullah s/o Haji Abdul Wahab.	Mr. Shaukatullah s/o Haji Abdul Wahab.
	10. Nature of Holder rights.	Old Grnt.	Lease in Schedule IX-C of CLA Rules 1937 for Commercial
	11. Rent Payable To Cen: Govt. Per Annum. To Cantt Board.	-	Rs. 100/-P.A.
	12. Date of expiry of lease.		
	13. Remarks.	Govt: Properitary rights in the land have admitted vide deed No. 1578, Bahi-J, Vol: 1262 Page 182 dated 9-7-1996.	

**ATTESTED**

~~APPROVED~~

Dated: \_\_\_\_\_ 20

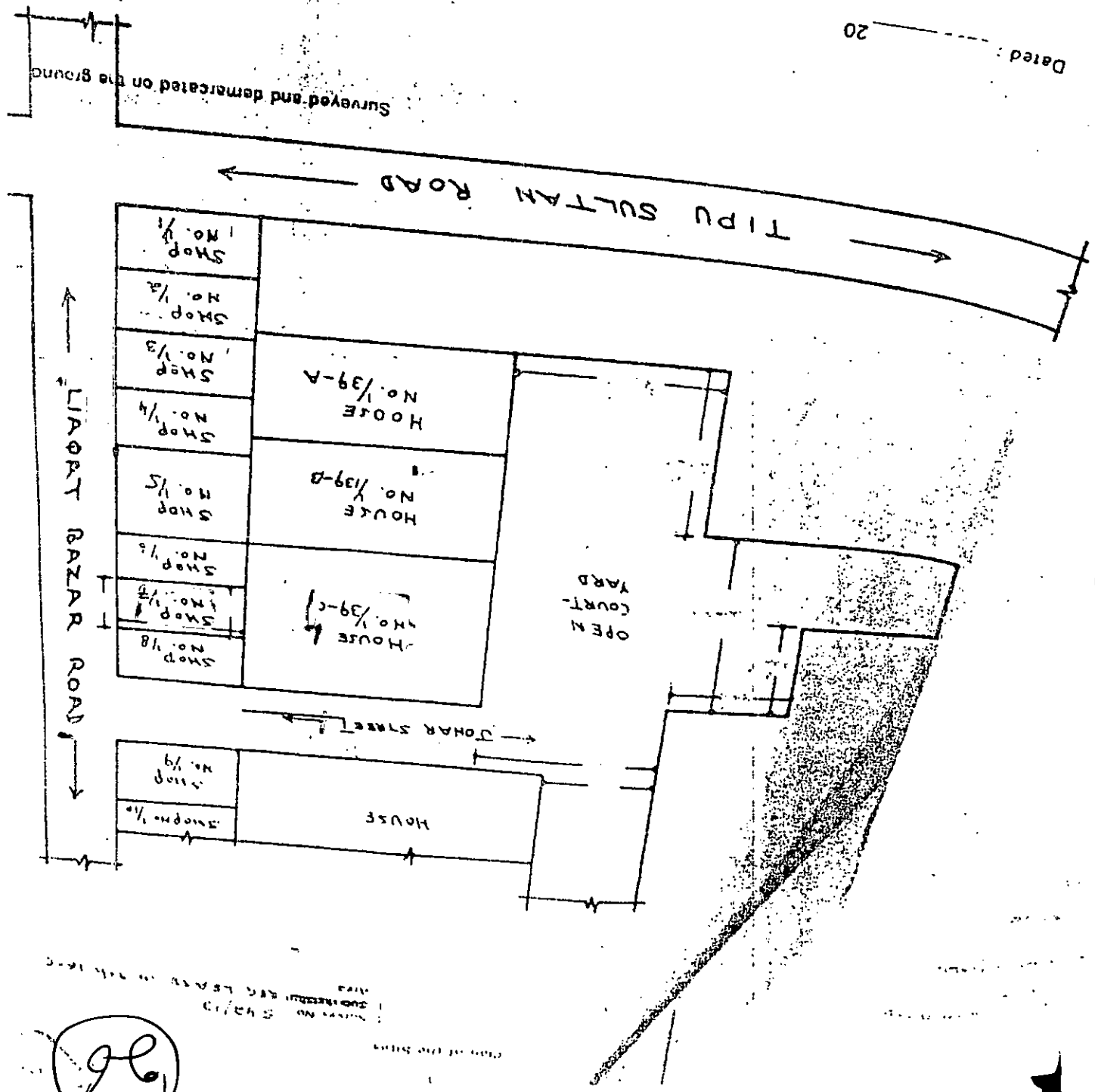
Military Estimator Officer

Certified that sub-division has been entered on the Survey of Pakistan map of the Cantonment and that appropriate entry has been made in the General Land Register.

Military Estimator Officer  
Executive Officer

Dated: \_\_\_\_\_ 20

Surveyed and demarcated on the ground



Scale of the plan  
 1 inch = 100 feet  
 1 centimeter = 1000 feet  
 1 meter = 1000 centimeters

26



27

S. DIV PESHAWAR CANTT		METER NO. 9213064		ELECTRICITY CONSUMER BILL (FOR CONNECTIONS UPTO 40 KW LOAD)			COMPANY PESCO		BILLING MONTH SEP				
REFERENCE NO.		TARIFF		LOAD		OLD A/C NO.		READING DATE		ISSUE DATE		DUE DATE	
LR 5151 06343000		A1		1		11613104493000		19 SEP 09		19 SEP 09		07 OCT 09	
NAME AND ADDRESS MR GHAFDOR S/O ABDUL WAHAB STANDARD HOUSE JONAR STREET, PESH						METER NO.		PREVIOUS		PRESENT		MF	
0000014570 2-PHASE						24806		24806		1		0	
TOTAL UNITS CONSUMED		TOTAL COST OF ELECTRICITY		METER RENT		SERVICE RENT		INCOME TAX WITHHELD		INSTALMENT		BALANCE	
0		79.00		7.50								115.00	
TV-FEE		G.S.T		UNPAID DEBT		DEFERRED AMOUNT		CURRENT BILL		GST SUBSIDY		AMOUNT PAYABLE WITHIN DUE DATE	
25		13						20		13		107/2 232	
NJS:		FLEDER		034617 SADDAR ROAD.		L.P. SURCHARGE		AMOUNT PAYABLE AFTER DUE DATE		114		233	
PESHAWAR CANTT.		DIVISION											

میں کی کا طریقہ پست پر

Handwritten signature and stamp: "RECEIVED" and "PESHAWAR CANTT."

REGISTERED



Annex 9

28

**THE DEPUTY COMMISSIONER, PESHAWAR**

Tel: 091-9212301-02, Fax: 091-9212303, DCPeshawar

No. 4137/ADC(DB)

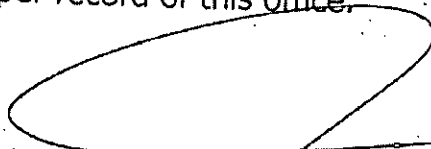
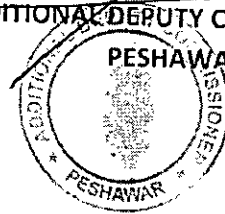
Dated: 08-03-2021

**TO WHOM IT MAY CONCERNED**

It is certified that the following Domicile certificate issued from this office is correct and genuine.

S.No	Name	Father Name	Domical No	Dated
1	Faizan Ullah	Mohib Ullah	13151	2002

The above name applicant belongs to District Peshawar and resident of Liaqat Bazar District Peshawar as per record of this office.

  
ADDITIONAL DEPUTY COMMISSIONER  
PESHAWAR. *ve*  


**ATTESTED**

Annex J  
29

# CANTONMENT BOARD PESHAWAR

5-Johi Road Peshawar Cantt Khyber Pakhtunkhwa  
UAN 111-123-CBP (227), Fax +92-91-9212799 Email info@cbp.gov.pk www.cbp.gov.pk

## APPLICATION FORM FOR CANTONMENT RESIDENT CERTIFICATE

To,

The Cantonment Executive Officer  
Peshawar Cantonment

FAIZAN ULLAH S/O/S JAWHAB ULLAH

Resident of property / House No. 1/39 (83) situated at  
JOHAR STREET Street / Road Peshawar Cantonment request for the

grant of /issuance of Cantonment Resident Certificate of Peshawar Cantt. As required for admission in education institutions situated in the Peshawar Cantt.

Signature of Father / Guardia

### FOR OFFICIAL USE (VERIFICATION BY REVENUE BRANCH)

It is certified that property / House No. 1/39 (83) situated at  
JOHAR STREET IIPAT BAZAR PESHAWAR Road Peshawar Cantonment stands in the  
name of Mr. / Mrs. ARIF ULLAH & OTHERS as per record of this office (Revenue  
Branch) and occupied by / rented out to Self

(Affidavit / Rent Agreement to be attached)

and the applicant is temporarily / permanently residing in the above mentioned property for  
the last \_\_\_\_\_ years. CB dues i.e House Tax Rs. 40000/- paid / outstanding  
Pipe Water Charges Rs. \_\_\_\_\_ paid/outstanding, conservancy Tax Rs. \_\_\_\_\_  
Paid/outstanding, & others (if any) \_\_\_\_\_ paid/outstanding, for the period ending  
30-06-2020, Copying Fee paid vide Challan No. 25867 dated 18/02/2020  
Vide Challan No. 105751 dt 17/02/2020.

Ward Incharge

Revenue Superintendent

By 106.33/14/RS/Res-Certificate/10650/20 dated 17/02/2020

## CANTONMENT RESIDENTIAL CERTIFICATE

(This shall not be treated / claimed as Domicile Certificate)

It is that the above applicant Mr. / Mrs. FAZAN ULLAH  
is resident of Peshawar Cantt in property / House No. 1/39 (83) (as  
temporary/ permanent / tenant) situated at JOHAR STREET Road, Peshawar  
Cantonment.

ATTESTED

Ward Member (Concerned)  
Cantt Board Peshawar  
Yad Ullah Khan Bangash  
Ward No. 3  
Cantt Board Peshawar

COUNTERSIGNATURE

Cantonment Executive Office  
Peshawar Cantonment

Vice President  
Cantt Board Peshawar  
MUNAWWAR WARIS AFRIDI  
Cantt Board  
Peshawar

**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PESHAWAR**

**NOTIFICATION**

Annex

K  
30

- WHEREAS you, Mr. Faizan Ullah s/o Muhib Ullah, r/o Hamdard Manzil P/O GPO, Mohalla Kotla Muhsin Khan, Peshawar Cantt: Peshawar was appointed against PST post GPS Railway Quarter vide this office Endst:13261-13410 dated 19-08-2020 at Serial No.10 of the said order.
- AND WHEREAS one Mr. Muhammad Kaleem Ullah S/o Abdul Manan filed Writ Petition 5141-P/2020 wherein you were made Respondent No.3 with the objection that you are not the permanent resident of Union Council Cantonment Board Peshawar.
- AND WHEREAS this office sent letter vide No.5838 dated 23-12-2020, that your CNIC & Domicile Certificate to the Cantonment Board Executive Officer Peshawar for confirmation of your Ward/Union Council.
- AND WHEREAS the Cantonment Board Executive Officer vide his letter No.21/206(Gen)/Lands/11882 dated 31-12-2020 replied "The address shown by candidate in CNIC i.e. Hamdard Manzil P.O. GPO Mohalla Kotla Mohsin Khan Peshawar Cantt: falls outside Cantonment limits".
- AND WHEREAS in light of the above said verification of the Cantonment Board Executive Officer, you were called for personal hearing vide this office letter No.9471 dated 15.01.2021, to justify your actual Union Council.
- AND WHEREAS you attended this office and submitted your reply to the Notice vide Dairy No. 990 dated 02-02-2021.
- AND WHEREAS keeping in view the permanent address as mentioned in your CNIC and the confirmation of your actual Union Council made by the Cantonment Board Executive Officer, there is contradiction in the permanent addresses as mentioned in your CNIC & Domicile Certificate, hence you are not falling within the ambit of Regularity Act, 2011, therefore, the competent authority is pleased to withdraw your appointment order.
- NOW THEREFORE, I am directed to inform you that the competent authority has withdrawn your appointment order Endst:13261-13410 dated 19-08-2020.

Deputy District Education Officer  
(Male) Peshawar

Endst: No. 1528-35 dated 12/02/2021

Copy forwarded for information to:

1. Khyber Pakhtunkhwa AG office Peshawar.
2. SDEO (M) Town III Peshawar.
3. ASDEO (M) Circle Cantt: Peshawar.
4. PSHT GPS Railway Quarter Peshawar.
5. Teacher concerned.
6. Office file.

**ATTESTED**

Deputy District Education Officer  
(Male) Peshawar

*M. Ali / Speak. urgent.*

Annex 2 ✓

31

To

Director Education  
Khyber Pakhtunkhwa

Subject: APPEAL AGAINST WITHDRAWN OF APPOINTMENT ORDER

Sir,

With due respect it is stated that I Faizan Ullah S/O Mohib Ullah R/O Johar Street Hamdard House 1/39-C Liaqat Bazaar Peshawar Cantt, applied for the post of PST against advertisement on dated 23/05/2019 within time. Roll number was allotted to me for the test appeared for the test and obtained 57 marks in written and then called for interview. After the interview and criteria of selection for the post my total aggregate was 114.9 and my name was on 3<sup>rd</sup> position in the merit list against the quota.

Furthermore, it is also pertinent to mentioned here that at the time of selection my documents scrutiny was done by the Education department from the Cantonment Board for residence and my educational documents from the concerned boards and was found correct and satisfactory. (Copies Attached)

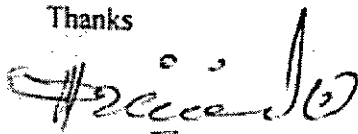
Mr. Kaleem Ullah filed a case in Peshawar High Court after seven months against my appointment that I am not eligible for the post of PST with the reason that my residency has not come in the jurisdiction of the Cantonment board Peshawar and on my merit.

In response of the above allegations, the department sent me a notice for the clarification of my residence. I came to the office of Deputy District Education Officer Peshawar personally and submitted a letter to concern in dairy section vide dairy No. 843 dated 29/1/2021 and 990 dated 2/2/2021 regarding my clarity of UC and residency. (Copy Attached)

I am deeply sorrow that my department never considered any reply in this regard and give me a letter of withdrawn of my appointment from Deputy District Education officer office vide Endst No. 1528-35 Dated 12/2/2021 despite that my case is in Peshawar High Court. (Copy Attached)

It is therefore requested that kindly accept my appeal against the withdrawn of my appointment till the decision of Honorable Peshawar High Court.

Thanks



Faizan Ullah S/O Mohib Ullah  
R/O Johar Street Hamdard House 1/39-C Liaqat Bazaar Peshawar Cantt  
Mobile No. 03359126662

Received

01  
25/00/21

ATTESTED

To

BETTER COPY

31

Director Education

Khyber Pakhtunkhwa

Subject: **APPEAL AGAINST WITHDRAWN OF APPOINTMENT ORDER**

Sir,

With due respect it is stated that I Faizan Ullah S/O Mohib Ullah R/O Johar Street Hamdard House 1/39-C Liaqat Bazaar Peshawar Cantt, applied for the post of PST against advertisement on dated **23/05/2019** within time. Roll number was allotted to me for the test appeared for the test and obtained **57** marks in written and then called for interview. After the interview and criteria of selection for the post my total aggregate was **114.9** and my name was on **3<sup>rd</sup>** position in the merit list against the quota.

Furthermore, it is also pertinent to mentioned here that at the time of selection my documents scrutiny was done by the Education department from the Cantonment Board for residence and my educational documents from the concerned boards and was found correct and satisfactory. (Copies Attached)

Mr. Kaleem Ullah filed a case in Peshawar High Court after seven months against my appointment that I am not eligible for the post of PST with the reason that my residency has not come in the jurisdiction of the Cantonment board Peshawar and on my merit.

In response of the above allegations, the department sent me a notice for the clarification of my residence. I came to the office of Deputy District Education Officer Peshawar personally and submitted a letter to concern in dairy section vide dairy No. **843 dated 29/1/2021** and **990 dated 2/2/2021** regarding my clarity of UC and residency. (Copy Attached)

I am deeply sorrow that my department never considered any reply in this regard and give me a letter of withdrawn of my appointment from Deputy District Education officer office vide **Endst No. 1528-35 Dated 12/2/2021** despite that my case is in Peshawar High Court. (Copy Attached)

It is therefore requested that kindly accept my appeal against the withdrawn of my appointment till the decision of Honorable Peshawar High Court.

Thanks

Faizan Ullah S/O Mohib Ullah  
R/O Johar Street Hamdard House 1/39-C Liaqat Bazaar Peshawar Cantt  
Mobile No. 03359126662

~~ARTISTED~~



**DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA PESHAWAR.**

*Annex M*

No. [15] of No. Appeal for Guidance  
PST appointment.  
Dated Peshawar the 10/3/2021.

32

To,  
The District Education Officer (M)  
Peshawar.

Subject: **APPEAL AGAINST WITHDRAWN OF APPOINTMENT**

Memo:-  
I am directed to refer to appeal on the subject cited above and to enclose herewith a copy of appeal in respect of Mr. Faizan Ullah S/O Mohib Ullah R/O Johar Street Handal House F-39, Chaugat Bazaar Peshawar Cantt. and to ask you to submit detail report/comments to this office within a week time.

*[Signature]*  
Assistant Director (Etabl)  
Elementary & Secondary Edu  
Khyber Pakhtunkhwa Peshawar.  
o/c  
for 09/3/2021

Enclst: No \_\_\_\_\_

Copy forwarded to the:-

- 1. P.A to Director Elementary and Secondary Education local office.

*[Signature]*  
Assistant Director (Etabl)  
Elementary & Secondary Edu  
Khyber Pakhtunkhwa Peshawar  
o/c  
for 09/3/2021

*[Signature]*  
**ATTACHED**

**DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION**

**KHYBER PAKHTUNKHAWA PESHAWAR**

32

To,

**Better Copy**

The District Education Officer (M)

Peshawar.

Subject:

**APPEAL AGAINST WITHDRAWN OF APPOINTMENT ORDER.**

Memo:

I am directed to refer to appeal on the subject cited above and to enclose here with a copy of appeal in respect of Mr Faizan Ullah S/O Mohib Ullah R/O Johar Street Hamdard House 1/39-C Liaqat bazar Peshawar Cantt, and to ask you to submit detail report comments to this office with in a week time.

Assistant Director (Estab)

Elementary & Secondary Education

Khyber Pakhtunkhwa Peshawar

Endst No. \_\_\_\_\_

Copy Forward to the:

1. P.A to director Elementary and Secondary Education Local Office.

Assistant Director (Estab)

Elementary & Secondary Education

Khyber Pakhtunkhwa Peshawar

**ATTESTED**



**PESHAWAR HIGH COURT, PESHAWAR.**

**FORM 'A'  
FORM OF ORDER SHEET**



Date of order.	Order or other proceedings with the order of Judge
<p>18.11.2020</p>	<p><u>WP No.5141-P/2020</u></p> <p><b>Present:-</b> Mr. Shakcel Khan Ahmad Khel, Advocate, for the petitioner.</p> <p>*****</p> <p>Comments of respondent No.2 be called so as to reach this court within a fortnight, positively.</p> <p>Adjourned to a date in office.</p> <p style="text-align: center;">JUDGE</p> <p style="text-align: center;">JUDGE</p>

21669

No. ....

Date of Presentation 07/11/2021

No of Pages 1

Copies of .....  
.....  
.....

Total.....

Date of Preparation 07/11/2021

Date of Delivery 07/11/2021

Received By [Signature]

*[Signature]*

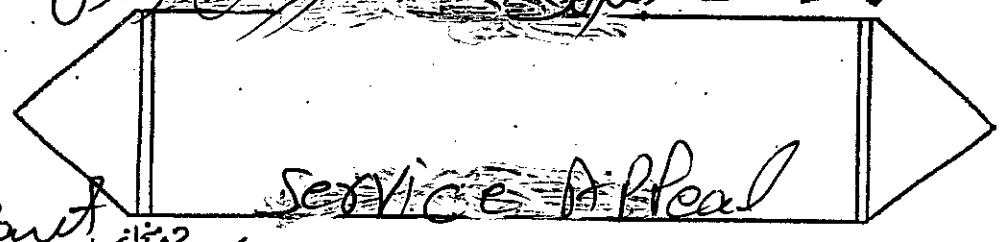
**CERTIFIED TO BE TRUE COPY**

EXAMINER  
Peshawar High Court, Peshawar  
Authorized by Law Article 87, 88  
of the Constitution of Pakistan 1973

07 JAN 2021

**ATTESTED**

بعدالت لہذا صلہ سیرہ سیرہ قبول KP کے نام سے



Appellant

مخاطب  
جام

Service Appeal

موزخہ  
مقدمہ  
دعویٰ  
جرم

ضمیمان اللہ بناگورکھنٹ

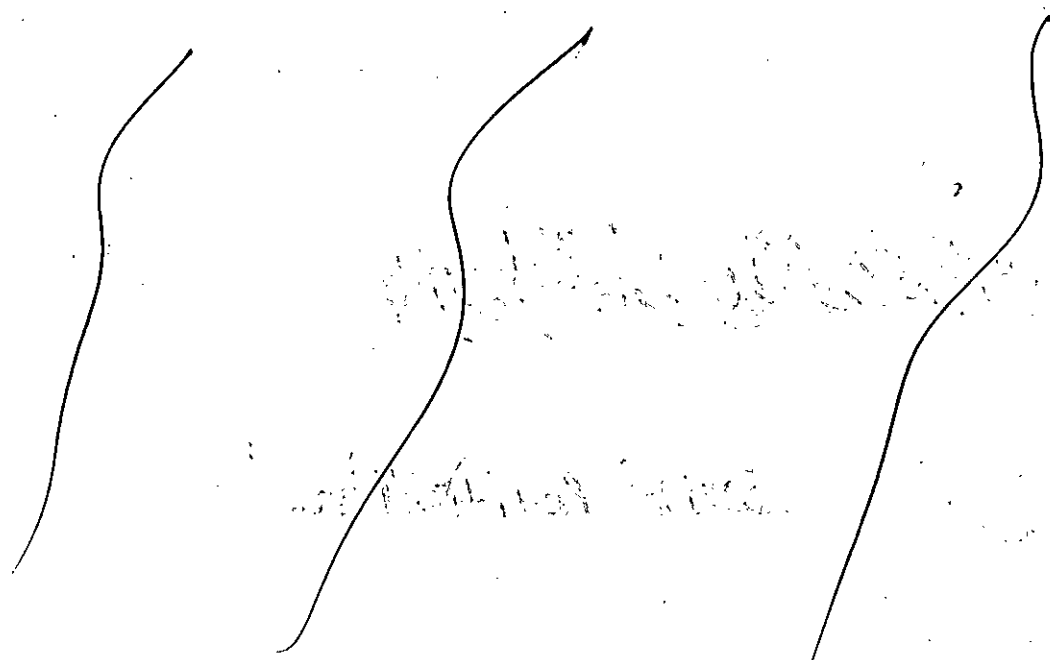
باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی اور جواب دہی وکل کارروائی متعلقہ  
 آج کے مقام پر پشاور کیلئے محمد رفیق الدوکی کے نام سے کورٹ 67  
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز پال  
 وکیل صاحب کو راضی نامہ کرنے و تقرر رسالت فیصلہ بر حلقہ دینے جواب دہی اور اقبال دعویٰ اور  
 بصورت ڈگری کرنے اجراء اور صولی چیک درو پیہار عرہی دعویٰ اور درخواست ہر قسم کی تصدیق  
 زرا میں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یا حکم نہ یا اپیل کی برادگی اور منسوخی  
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدمہ مذکور  
 کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے اجراء یا اپنے بجائے تقرر کا اختیار  
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ امور کو رہا اختیار حاصل ہوں گے اور اس کا ساختہ  
 پروا اختیار منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانشینانے مقدمہ کے سبب سے ہوگا۔  
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
 مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ مندر ہے۔

الرقوم 33 ماہ 20

BC 10-6936 کے لئے منظور ہے۔  
 CNIC 17301-2558125-9  
 Mob. 0302 8885187  
 0332 8885787

بمقام پشاور  
 محمد رفیق الدوکی



محمد صفا اللہ وکیٹ

پیریم کورٹ آف پاکستان

214 سید احمد علی بلڈنگ نژد تاج  
آؤز سیر می صہ روڈ ٹی ٹاور  
صدر

091-5279292

0302 8885187

0332 8885187

Dated: 27/01/2021

To

The Dy.DEO (Male)  
Peshawar

BETTER COPY



Subject: REPLY OF NOTICE.

Sir,

Reference to your letter no. 9471. The said letter was not received by undersigned and Focal Person to ASDEO Cantt circle verbally told me on dated: 25/01/2021 that a reply may be submitted regarding your clarity of UC.

It is to bring into your kind noticed that I am permanent resident of Hamdard Manzil 1/39-C Johar Street, Peshawar Cantt. I am living in Liaqat Bazar Peshawar Cantt from last 21 years. The property papers since 1976 shows ownership of our family Copy attached (ANNEX A). The utility bills of property also attached along with this application.

My domicile issued to me by the competent authorities since 2002 which also shows the above cited address which falls within UC concern Copy attached (ANNEX B).

I already submitted my original cantonment residential certificate which is verified from Revenue Superintendent and Ward Incharge and duly signed by Cantonment Executive Officer Copy attached (ANNEX C).

Vide letter No. 9193 dated: 04/07/2020 verification of residence is done through official correspondence between District Education office and cantonment board which was verified my address Copy attached (ANNEX D).

It is also pertinent to mention here my father CNIC with the address of Johar Street 1/39-C Hamdard Manzil, Peshawar Cantt Copy attached (ANNEX E).

It is further added that the cantt residence card is attached, which, is issue by the Core Head Quarter of 11<sup>th</sup> Core Peshawar cantt issue only to permanent resident of Cantonment Copy attached (ANNEX F).

It is stated that a petitioner Mr. Kaleem totally tell a lie. His father (Abdul Manan) is employ of Cantonment Board Peshawar as building inspector and make ambiguity in my address verification vide letter no.5838 by malafide official influence in Cantonment board.

Mr. Kaleem Ullah is permanently belong to GPO Township Makhan Tehsil and District Haripur .And also having low merit position than me.

FAIZAN ULLAH S/O MOHIB ULLAH

PST, GPS, RAILWAY QUARTERS

Copy to.

1. SDEO(M) Town III, Peshawar
2. ASDEO (M) Circle Concerned.

**ATTESTED**

SCHEDULE V 90  
(See Rule 17)

Military Estates Officer's Grant Register,  
Cantonment Board's  
(Building Sites.)

Form of application for a lease of land to be filled in by applicant

Survey No. **Annex H**

24

Area	
PERMITS	
CT	
A.S	

To  
**THE MILITARY ESTATES OFFICER**  
**THE EXECUTIVE OFFICER**  
Cantonment,

Date \_\_\_\_\_

Sir  
I have the honour to apply for the grant of a lease of \_\_\_\_\_ acres of land situated  
in \_\_\_\_\_ for the purpose of building a \_\_\_\_\_  
A site plan of the area applied for is attached.  
I hold the following lands in the said Cantonment:-

2663  
26-4-53

I am prepared to abide by such conditions regarding the disposal of the land as the Military Estates Officer may lay down, and to deposit the cost, if any of surveying and demarcating the land, on the understanding that if the land is eventually granted to any other person the amount of my deposit will be refunded to me.

I request that the land may be granted to me by private agreement without auction for the following reasons:-

I have the honour to be  
Sir  
Your most obedient servant,

**ATTESTED**

*[Signature]*

Note:- The grant of this application does not carry with it sanction to erect a building, that sanction has to be sought from the Cantonment Board in accordance with the provisions of the Cantonment Act and of any applicable bye-laws thereunder.  
Note:- If sanction is required by private treaty, the reasons must be fully stated.

*[Signature]*

SCHEDULE V

Survey No.

BETTER COPY

(See Rule 17)

Military Estates Officer's Grant Registrar,  
Cantonment Board's

(Building Sites)

24

(Form of application for a lease of Land to be filled to be applicant)

To

THE MILITARY ESTATES OFFICER

THE EXECUTIVE OFFICER

\_\_\_\_\_ Cantonment,

Date \_\_\_\_\_

Sir,

I have the honour to apply for the grant of lease of areas of land situated on \_\_\_\_\_ for the purposed of building a \_\_\_\_\_.

A site plan of the area applied for is attached.

I hold the following lands in the said cantonment:-

I am prepared in abide by such condition regarding the disposal of the land as the Military Estates Officer may lay down, and to deposit the cost, if any of surveying and demarcating the land, on the understanding that if the land is eventually granted to any other person the amount of my deposit will be refunded to me.

I request that the land may be granted to me by private agreement without auction for the following reasons: -

I have the honour to be

Sir

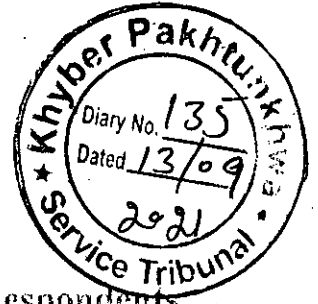
Your most obedient servants,

~~ATTESTED~~

Faizan Ullah.....Appellant

Vs

Deputy District Education Officer (Male) Peshawar & other.....Respondents



PARA WISE COMMENTS ON BEHALF OF RESPONDENT No.1-4.

Respectively Sheweth:

The Respondent submitted as under:

PRELIMINARY OBJECTIONS:

1. That the Appellant has got no cause of action /locus standi.
2. That the Appellant has concealed material facts from this Hon,ble Tribunal.
3. That the Appellant is estopped by his own conduct to file the instant appeal before this Hon'ble Tribunal.
4. That the instant Appeal is badly time barred.
5. That the instant Appeal is not maintainable in its present form.
6. That the instant Appeal is bed for mis- joinder and non- joinder of the necessary and proper partie.
7. That the Appellant has not come with clean hands to this Hon'ble Tribunal.
8. That the instant Appeal is barred by law.
9. That the subject post has allocated for respective union council and no outsider (permitted under law) can be appointed on such post.

REPLY ON FACTS.

1. That Para No.1 is incorrect, misleading and against the facts. The appellant is the permanent resident of Moza Kotla Mohsin Khan, Furthermore, regarding the CNIC address of the appellant Respondent No.1 sent letter No.3665 dated 5-12-2020 to Executive Officer cantonment Board Peshawar for verification. In response the cantonment Executive Officer letter No.21/206 (Gen)/lands/11882 dated 31 December 2020 Peshawar (a) shown that Mohalla Kotla Mohsin Khan falls outside cantonments limit.

(Copies of letters and CNIC are annexed as Annex: A, B & C)

2. That reply to Para No.2 has already been given in Para No.1 of the facts.
3. That in reply to Para No.3, it is submitted that According to Section.3 of the Khyber Pakhtunkhwa Appointment, Deputation, Posting and transfer of teachers, lecturers, instructors and doctors Regulatory Act of 2011, the vacancy of Primary school teacher shall be filled from the candidates belonging to the Union Council of their Permanent Residence mentioned in their computerized National Identity Card and Domicile on merit and if no eligible candidate in that Union Council is available where the school is,

situated, such appointment shall be made on merit from amongst eligible candidates belonging to the adjacent Union Councils.

(Copy of Regularity Act, 2011 is attached as Annex: D & Judgment of Supreme court)

4. That Para No.4 pertains to record however it is stated that as stated in Para No1 & 3 ibid appellant can't apply for the said post. According to section 3 of the Regularity Act 2011 as the appellant didn't fall within the ambit of Recruitment Policy.
5. That in reply to Para No.5, it is submitted that the appellant concealed the facts /Record and was wrongly appointed on the said post the Department sent the appellant address to for verification to Cantonment Board but the Executive Officer Cantonment Board did not verify the appellant's address.  
(The reply of Cantonment Board Executive officer has already been Annexure B)
6. That Para No.6 reply has been given in the above Paras.
7. That in reply to Para No.7, it is submitted that after receiving the letter of Cantonment Board Executive Officer Peshawar the Department issued notice to clarify his address but he did not satisfied the competent authority.  
(Copies of Notice and reply of the Notice is attached as Annex: E & F)
8. That in reply to Para No.8 the appellant did not satisfy the competent authority.
9. That in reply to Para No.9 has already been given in the above Para.
10. That Para No.10 is misleading and against the facts. The Cantonment Board Executive denied the stance of the appellant which has already been annexed as Annexure B of the reply.
11. That Para No.11 is incorrect, misleading and against the facts. The withdrawn Notification of the appellant is according to law and rules. Details reply has been given as above
12. That Para No.2 is pertains to record.
13. That Para No.13 also pertains to record.
14. That Para No.14 is incorrect, misleading and against the facts/record.
15. That the appellant has no cause of action to file the instant appeal in this Hon'ble Service Tribunal.

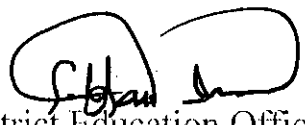
**REPLY ON GROUNDS:**

- A. That Ground-A is incorrect, misleading and against the facts. The withdrawal order of the appellant is according to law and rules.
- B. That Ground-B is incorrect, misleading and against the facts.
- C. That Ground-C is also incorrect, misleading and against the facts. The detail reply has been given in the above Para.
- D. That Ground-D is also incorrect because appellant did not fulfill the Recruitment Policy.
- E. That Ground-E is incorrect and misleading. Details reply has been given in facts
- F. That Ground-F is also incorrect and misleading. The appellant concealed martial facts.
- G. That Ground-G also incorrect, misleading and against the facts. The detail reply has been given in the details in fact above.
- H. That Ground-H is pertains to record.

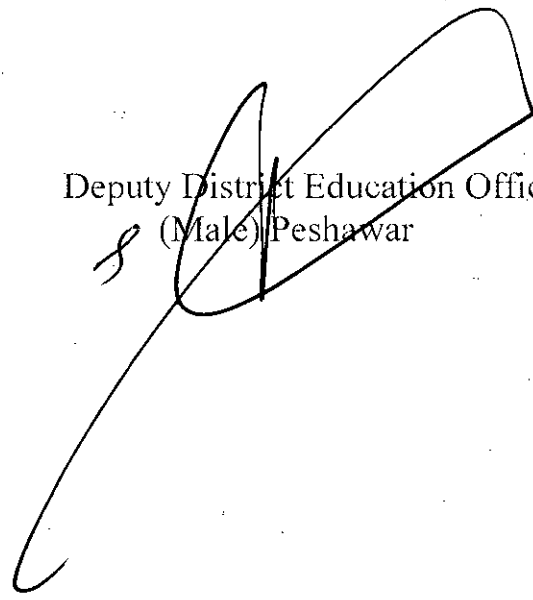


- Q. That Ground-I is pertain to record. however The Respondent Department proceed the appellat according to law.
- P. That Ground-J is incorrect, appointment order was withdrawn as per law.
- Q. That reply of Ground-K is incorrect.
- R. That Ground-L is incorrect, misleading and against the facts. The withdrawing the appointment order of the appellat is according to law and rules.
- S. As stated in Para No 1:3:5 of facts.
- T. Incorrect As stated in above paras.

It is therefore, very humbly prayed that on acceptance of this reply, the instant appeal may very kindly be dismissed with cost.



District Education Officer  
(Male) Peshawar



Deputy District Education Officer  
(Male) Peshawar

Answer - (A) 'B' (P) - 4

District Education Officer  
(Male) Peshawar

No. 3665

Dated 5/12/2020

To,

The Cantonment Executive Officer,  
Peshawar Cantonment,  
5 Jalil Road Peshawar Cantt:

Subject: - VERIFICATION OF ADDRESS.

Memo:-

I am directed to refer to the above subject and to request your good self that whether "Hamdard Manzal, Mohallah Kotla Mohsin Khan Peshawar Cantt: " falls in the Cantonment Board's jurisdiction or not.

Your early reply will be highly appreciated being a court matter pending before the Hon'ble Peshawar High Court Peshawar in Writ Petition No.5141-9/2020.

Endst No. 3666-67  
Copy of the above is forwarded to the:

1. Deputy Registrar (J) Peshawar High Court Peshawar w/r Writ Petition No.5141-9/2020 titled Muhammad Kalim Ullah vs Govt: of KP and others.
2. Office file.

Dy. District Education Officer  
(Male) Peshawar

Dy. District Education Officer  
(Male) Peshawar

Amir (B) P-5



CANTONMENT BOARD PESHAWAR  
5-JALIL ROAD PESHAWAR CANTT  
Phone No.(091)9212784-85 Fax no.+92-91-9212799  
www.cbp.gov.pk. E-Mail: info@cbp.gov.pk UAN: 111-123-CBP (227)

No. 21/206(Gen)/Lands/11882

Dated 31<sup>st</sup> Dec, 2020

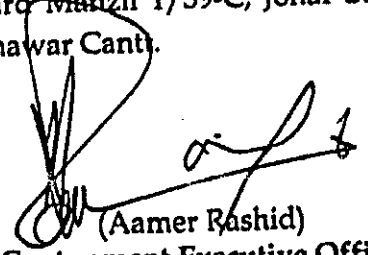
✓ The Dy: District Education Officer,  
(Male), Peshawar.

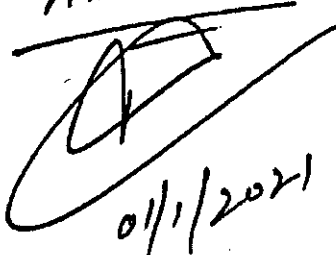
Subject:- VERIFICATION / CLARIFICATION OF UNION COUNCIL.

Ref:- Dy: DEO, (Male) Peshawar letter No. 5838, dated 23-12-2020.

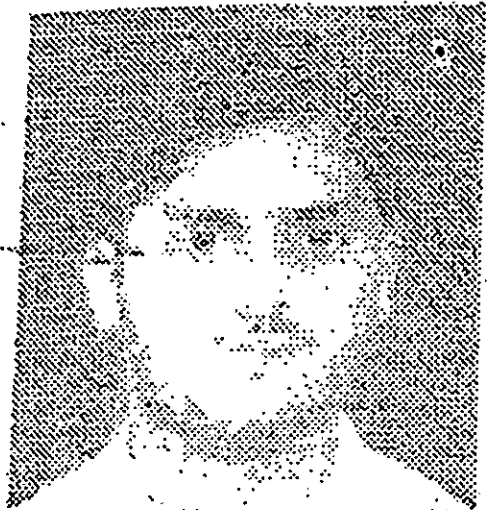
2. It is intimated that the requisite re-verification of enclosed documents as asked for vide letter under reference is as under please;

- a. The address shown by candidate in CNIC i.e. "Hamdard Manzil P.O GPO Mohalla Kotla Mohsin Khan Peshawar Cantt falls outside Cantonments limits.
- b. The address shown in Domicile i.e. Hamdard Manzil 1/39-C, Johar Street, Peshawar Cantt falls within the limits of Peshawar Cantt.

  
(Aamer Rashid)  
Cantonment Executive Officer  
Peshawar

29  
1/1/2021  
AD - Litigation  
01/01/2021  
ADO-II  
  
01/1/2021

Amriza (C) 1-6



حکومت پاکستان  
قومی شناختی کارڈ  
17301-8211673-7

نام : فیضان اللہ

جنس : مرد

والد کا نام : محب اللہ

شناختی علامت : کوئی نہیں

تاریخ پیدائش : 5/10/1992

مکی ارشد حلیم

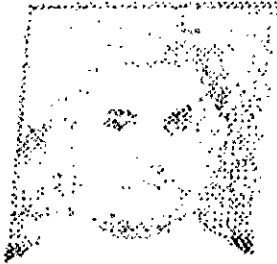
فیضان اللہ

دستخط حامل کارڈ

*(Handwritten signature and scribbles)*

**NETWORK ADMINISTRATOR  
HEALTH DEPARTMENT  
KHYBER PAKHTUNKHWA**

ve



شماره: 17301-8281673-7 خاندان نمبر: SV529L

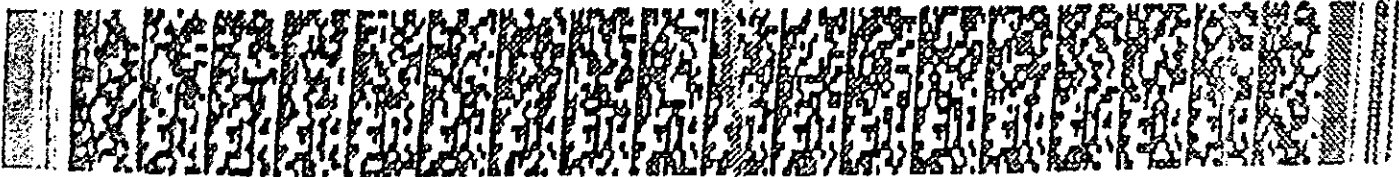
موجودہ پتہ: سرور سنٹرل ڈاکخانہ جی پی او محلہ کوٹلہ محسن خان، پشاور کینٹ

تعلقہ ضلع پشاور

سنگ پتہ: ایضاً

تاریخ: 08/12/2010 تاریخ: 30/11/2022

گمشدہ کارڈ ہے برقریبی لیٹر بس میں ڈال دیں



- Annex (D) P-7
- (b) "doctor" means a doctor serving in the health facility;
  - (c) "Government" means the Government of the Khyber Pakhtunkhwa;
  - (d) "health facilities" mean all health facilities established and managed by the Government to provide medical facilities to general public;
  - (e) "lecturer" and "instructor" respectively means a lecturer or an instructor serving in a Technical Institution as the case may be;
  - (f) "prescribed" means prescribed by rules made under this Act;
  - (g) "rules" mean the rules made under this Act;
  - (h) "school" means school in the public sector including primary, middle, secondary school, higher secondary school or an institution of equivalent level imparting education through any system or medium of instruction in the public sector;
  - (i) "teacher" means a teacher of primary, middle, secondary or higher secondary school; and
  - (j) "technical institution" means and includes a Commerce College or Government College of Management Sciences or Technical Institute or Technical and Vocational Training Center or Skill Development Center in the public sector imparting technical education to students leading to the award of a degree or a diploma or a certificate.

(2) Words and phrases used in this Act, but not defined, shall have the same meanings as respectively assigned to them under the relevant federal law or provincial law or any other statutory order or rules for the time being in force.

3. **Appointment, posting and transfer of primary school teachers.**---(1) The vacancy of primary school teacher shall be filled in from the candidates belonging to the Union Council of their permanent residence mentioned in their Computerized National Identity Card and domicile, on merit and if no eligible candidate in that Union Council is available where the school is situate, such appointment shall be made on merit from amongst eligible candidates belonging to the adjacent Union Councils:

17

18-8

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

8410

**PRESENT:**

Mr. Justice Asif Saeed Khan Khosa, CJ  
Mr. Justice Sardar Tariq Masood  
Mr. Justice Mazhar Alam Khan Miankhel

**Criminal Appeal No. 1-P of 2019, Civil Petitions No. 6-P, 7-P, 8-P, 54-P, 275-P, 288-P, 294-P, 295-P, 296-P, 301-P, 302-P, 435-P, 436-P & 443-P of 2017 and 47-P, 93-P, 110-P, 111-P, 179-P, 267-P, 281-P, 352-P, 385-P, 387-P, 420-P, 459-P, 532-P, 605-P & 666-P of 2018 and 367-P, 368-P, 369-P & 405-P of 2018 and Civil Miscellaneous Application No. 1423-P of 2018 in Civil Petition No. 47-P of 2018**

(Against the judgment/order dated 08.11.2018, 11.11.2016, 16.11.2016, 07.12.2017 & 13.02.2018, etc. passed by the Peshawar High Court, Peshawar in C.O.C. No. 279-P of 2018 in Writ Petition No. 3577-P of 2016, Writ Petitions No. 3253-P, 3055-P, 2122, 4587-P, 3224-P, 1985-P, 3187-P, 2035-P, 4769-P, 3805-P, 4796-P, 3341-P, 4853-P, 3514-P of 2016, 122-P, 1927-P, 3019-P, 3249-P, 2807-P, 3589-P, 2745-P, 2918-P, 116-P, 4087-P, 2648-P, 3309-P, 2716-P, 4129-P, 4194-P, 4746-P, 4752-P of 2017, 6440-P of 2018)

**Farid Khan Khattak, etc.** (in Cr. A. 1-P of 2019)  
**Government of Khyber Pakhtukhwa through Secretary Elementary & Secondary Education Peshawar, etc.**

(in C. Ps. 6-P, 7-P, 8-P, 295-P, 296-P, 301-P, 302-P, 436-P & 443-P of 2017, and 110-P, 111-P, 267-P, 387-P, 420-P, 459-P, 532-P & 666-P of 2018)

**District Education Officer (Female) Peshawar, etc.**

(in C. Ps. 54-P & 288-P of 2017 and 93-P of 2018)

**Secretary Elementary & Secondary Education, etc.**

(in C. Ps. 275-P of 2017 and 179-P of 2018)

**District Education Officers (Male) Peshawar, etc.**

(in C.Ps. 294-P & 435-P of 2017)

**Director Elementary & Secondary Education KP, etc.**

(in C. Ps. 47-P of 2018 and 405-P of 2019)

**Govt. of KP through Chief Secretary Peshawar, etc.**

(in C. Ps. 281-P, 352-P, 385-P & 605-P of 2018)

**Director Education FATA, KP Peshawar, etc.**

(in C.Ps. 367-P, 368-P & 369-P of 2019)

...Appellant/Petitioners

**ATTESTED**

Court Associate  
Supreme Court of Pakistan  
Islamabad

ORDER

Asif Saeed Khan Khosa, CJ.:

Civil Miscellaneous Application No. 1423-P of 2018 in Civil  
Petition No. 47-P of 2018

This miscellaneous application is allowed in the terms  
prayed for therein. Disposed of.

Civil Miscellaneous Applications No. 756-P, 758-P, 775-P of  
2017, 169-P, 205-P, 1260-P of 2018 and 859-P, 857-P, 863-P &  
969-P of 2019 in Civil Petitions No. 435-P, 436-P & 443-P of  
2017, 93-P, 111-P & 605-P of 2018 and 405-P, 367-P, 368-P &  
369-P of 2019

2. In view of some peculiarities of the main cases these  
miscellaneous applications are allowed in the interests of justice  
and the delay in filing of Civil Petitions No. 435-P, 436-P & 443-P  
of 2017, 93-P, 111-P & 605-P of 2018 and 405-P, 367-P, 368-P &  
369-P of 2019 is condoned. Disposed of.

Criminal Appeal No. 1-P of 2019, Civil Petitions No. 6-P, 7-P,  
8-P, 54-P, 275-P, 288-P, 294-P, 295-P, 296-P, 301-P, 302-P,  
435-P, 436-P & 443-P of 2017 and 47-P, 93-P, 110-P, 111-P,  
179-P, 267-P, 281-P, 352-P, 385-P, 387-P, 420-P, 459-P, 532-P,  
605-P & 666-P of 2018 and 367-P, 368-P, 369-P & 405-P of  
2018

3. In all these cases the matter in issue is appointment of the  
private respondents as Primary School Teachers in Union Council  
Hazar Khawani-I. The said respondents had initially approached  
the High Court through Writ Petitions and the said Writ Petitions  
had been disposed of by the High Court with a direction to get the  
domiciles of the respondents verified and then to consider the  
matter of appointment of the respondents as Primary School  
Teachers in the above mentioned Union Council. After verification  
of the respondents' domiciles by a Committee the  
appellants/petitioners had refused to appoint the respondents  
whereafter contempt petitions were filed before the High Court and  
resultantly a direction was issued by the High Court to appoint the

ATTESTED

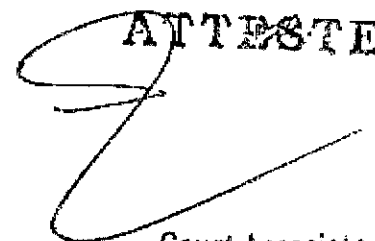
Court Associate



respondents or to consider the matter of the respondents' appointment. Hence, the present criminal appeal and the connected Civil Petitions before this Court.

4. We have gone through the report submitted by the Inquiry Committee deputed to get the domiciles of the respondents verified. We note that according to the report of the said Committee the domiciles did not appear to be genuine because they had been prepared after the closing date for applications for the advertised posts of Primary School Teachers and in many cases the addresses of the relevant persons were not those of the above mentioned Union Council. The said Committee had only verified from the office of the Deputy Commissioner that the domicile certificates had in fact been issued from that office and it had not been ascertained by the said Committee as to whether the said domiciles had been issued on the basis of correct information or not. Be that as it may, in majority of the present cases the High Court had issued a direction requiring the appellants/petitioners to consider the matter of appointment of the respondents as Primary School Teachers and in some of the present matters a direction had been issued to appoint the respondents as Primary School Teachers. It has been brought to our notice that according to section 3 of the Khyber Pakhtunkhwa (Appointment, Deputation, Posting and Transfer of Teachers, Lecturers, Instructors and Doctors) Regulatory Act, 2011 "The vacancy of primary school teacher shall be filled in from the candidates belonging to the Union Council of their permanent residence mentioned in their Computerized National Identity Card and domicile, on merit ...". The said statutory provision insists upon consideration of the permanent residence of a candidate on the basis of his Computerized National Identity Card as well as his domicile and, thus, any direction issued by the High Court regarding appointment or consideration of the respondents on the sole basis of his domicile certificate has been found by us to be militating against the express statutory provision mentioned above. In these circumstances we are constrained to observe that the

ATTESTE



Court Associate

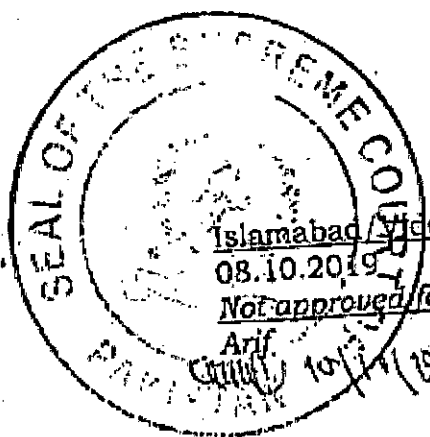
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12-11

impugned orders/judgments passed by the High Court in the present matters had been passed and issued while departing from the above mentioned statutory requirements. In this view of the matter this appeal and all these petitions are disposed of with a clarification that while considering the matter of appointment of the private respondents the appellants/petitioners shall adhere to the above mentioned statutory requirements and shall dispose of all the matters in accordance with the law. With these observations and clarification this appeal and these petitions are disposed of.

Criminal Miscellaneous Application No. 1-P of 2019 and Civil Miscellaneous Applications No. 9-P, 10-P, 11-P, 85-P, 509-P, 524-P, 538-P, 539-P, 540-P, 547-P, 548-P, 757-P, 759-P & 775 of 2017, 78-P, 169-P, 204-P, 206-P, 353-P, 526-P, 548-P, 693-P, 787-P, 790-P, 883-P, 953-P, 1104-P, 1261-P & 1457-P of 2018, 860-P, 857-P, 863-P and 979-P of 2019

5. As the main criminal appeal and the connected Civil Petitions have been disposed of by this Court today, therefore, these miscellaneous applications seeking interim relief have lost their relevance. Disposed of.



*Copy 5*  
*Copy 5*  
*Copy 5*  
Certified to be True Copy

Court Associate  
Supreme Court of Pakistan  
Islamabad

682-1/19

GR No: \_\_\_\_\_  
Date of: 10.10.19  
No of Words: \_\_\_\_\_  
No of Pages: \_\_\_\_\_  
Requisition Fee Rs: \_\_\_\_\_  
Copy Fee for: \_\_\_\_\_  
Court Fee Rs: 1130  
Date of Copy: 14-10-19  
Date of: 17-10-19  
Copy: \_\_\_\_\_  
Received: \_\_\_\_\_

Amir E

P-12

To,

Mr. Faizan Ullah s/o Muhib Ullah,  
c/o Hamdard Manzil P/O GPO, Mohallah Kotla Mohsin Khan,  
Peshawar Cantt. Peshawar.

Subject: - **NOTICE**  
Memo:

You was appointed as PST teacher in Govt. Primary School Railway Quarters Peshawar vide this office order Endst: No.13261-13410 dated 19-08-2020 at Serial No.10 of the said order.

One Mr. Kaleem Ullah s/o Abdul Manan complained vide writ Petition No.5141-P-2020 filed in Peshawar High Court Peshawar that according to the CNIC, you are not the permanent resident of Union Council Cantonment Board Peshawar.

Therefore, your permanent addresses as mentioned in your CNIC and Domicile certificate were sent to the Cantonment Executive Officer Peshawar for verification/clarification of your Union Council vide this office letter No.5838 dated 23-12-2020.

The Cantonment Executive Officer Peshawar vide his letter No. 21/206(Gen)/Lands/11882 dated 31-12-2020 replied as:

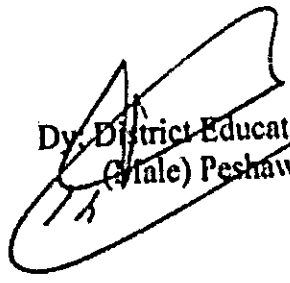
- a. The address shown by candidate in CNIC i.e. "Hamdard Manzil P.O GPO Mohalla Totla Mohsin Khan Peshawar Cantt: falls outside Cantonments limits.
- b. The address shown in Domicile i.e. Hamdard Manzil 1/39-C, Johar Street, Peshawar Cantt falls within the limits of Peshawar Cantt:

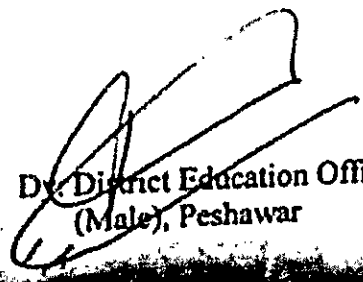
Keeping in view the above variation in your permanent addresses as shown in your CNIC and Domicile certificate, you are not falling within the ambit of Section-3 of Regularity Act,2011.

You are therefore, directed to clarify your position regarding your actual Union Council and you are also directed to attend the office of undersigned on 20-01-2021 during the office hours along with all supporting documents.

Endst: No. 9472-74 /Dated 15/1 /2021  
Copy for intimation/information and necessary action to:-

1. SDEO (M) Town-III Peshawar for further necessary action.
2. ASDEO (M) Circle Concerned.
3. Office file.

  
Dy. District Education Officer  
(Male) Peshawar

  
Dy. District Education Officer  
(Male), Peshawar

4/2

P-13

— Amen 'F'

Dated: 27/01/2021

Annex G  
23

To  
The Dy. DEO (Male)  
Peshawar.

Subject: REPLY OF NOTICE

Sir,

Reference to your letter no. 9471. The said letter was not received by undersigned and Focal Person to ASDEO Cantt circle verbally told me on dated: 25/01/2021 that a reply may be submitted regarding your clarity of UC.

It is to bring into your kind noticed that I am permanent resident of Hamdard Manzil 1/39-C Johar Street, Peshawar Cantt. I am living in Liaqat Bazar Peshawar Cantt from last 21 years. The property papers since 1976 shows ownership of our family Copy attached (ANNEX A). The utility bills of property also attached along with this application.

My domicile issued to me by the competent authorities since 2002 which also shows the above cited address which falls within UC concern Copy attached (ANNEX B).

I already submitted my original cantonment residential certificate which is verified from Revenue Superintendent and Ward Incharge and duly signed by Cantonment Executive Officer Copy attached (ANNEX C).

Vide letter No. 9193 dated: 04/07/2020 verification of residence is done through official correspondence between District Education office and cantonment board which was verified my address Copy attached (ANNEX D).

It is also pertinent to mention here my father CNIC with the address of Johar Street 1/39-C Hamdard Manzil, Peshawar Cantt Copy attached (ANNEX E).

It is further added that the cantt residence card is attached, which is issue by the Core Head Quarter of 11<sup>th</sup> Core Peshawar cantt issue only to permanent resident of Cantonment Copy attached (ANNEX F).

It is stated that a petitioner Mr. Kaleem totally tell a lie. His father (Abdul Manan) is employ of Cantonment Board Peshawar as building inspector and make ambiguity in my address verification vide letter no.5938 by malañide official influence in Cantonment board.

Mr. Kaleem Ullah is permanently belong to GPO Township Makhan Tehsil and District Haripur. And also having low merit position than me.

FAIZAN ULLAH S/O MOHIB ULLAH  
PST, GPS, RAILWAY QUARTERS

Copy to.

1. SDEO(M) Town III, Peshawar
2. ASDEO (M) Circle Concerned.

843  
28/1/21

**Before the Khyber Pakhtunkhwa Service Tribunal Peshawar**

**Appeal No. 5794/2021**

**Faizanullah .....(Appellant)**

**VS**

- 1. Deputy District Education Officer (M) Peshawar**
- 2. District Education Officer (M) Peshawar**
- 3. Director E&SE Khyber Pakhtunkhwa Peshawar**
- 4. Government of Khyber Pakhtunkhwa through Secretary Education, Civil Secretariat Peshawar**

**AFFIDAVIT**

I Irfan Ali Deputy District Education Officer (M) Peshawar hereby solemnly affirm on oath that the contents of the attached reply to service appeal 5794/2021 are true and correct to the best of my knowledge and believe and that nothing there in been concealed or withheld from this honourble court.

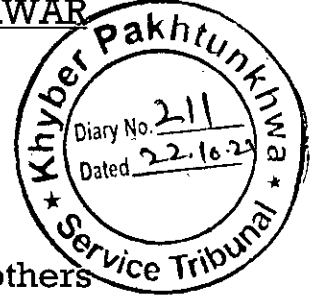
**Deputy District Education Officer  
(Male) Peshawar  
CNIC #. 17301-6559461-7**

**13 SEP 2021**



BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

S.A.No.5794/2021



put up to the court with  
relevant appmt.

Faizan Ullah.....Versus.....DEO and others

22/10/21

REJOINDER ON BEHALF OF APPELLANT

Respectfully Sheweth

Rejoinder on behalf of appellant is as under:-

PRELIMINARY OBJECTIONS

- 1) That appellant has got a cause of action/ locus standi.
- 2) That in reply to preliminary objection No.2, it is submitted that respondents have not pointed out the facts, which were concealed by appellant, hence objection No.2 is incorrect.
- 3) That appellant is not stopped by his own conduct to file the instant appeal.
- 4) That appeal is well within time.
- 5) That appeal is maintainable in its present form.
- 6) That Para-6 of the objection is incorrect.
- 7) That appellant has come to the Court with clean hands.
- 8) That appeal is not barred by law.
- 9) That Para-9 of the objection is correct, but from the record, it is, proved that appellant is resident of the said Union Council.

**REPLY ON FACTS:**

1. That reply to Para-1 of the appeal is incorrect, while that of appeal is correct. In fact respondents have written misleading address of appellant to the Executive Officer, which is very much clear from the letter dated 05.12.2020.

For verification of address, the respondents have mentioned the address of appellant, which is as under:-

*"Hamdard Manzil, Mohallah Mohsin Khan,  
Peshawar Cantt.*

It is, submitted that permanent address of appellant is:-

*"Hamdard Manzil, House No.1/39-C, Johar Street,  
Peshawar Cantt."*

This fact is very much clear from domicile certificate issued to appellant on 20.02.2002. (available at Pages 11 & 12 of appeal).

As the address mentioned in verification letter was wrong, therefore, Executive Officer has rightly written that Moza Kotla Mohsin falls outside Cantonment limits.

2. That Para-2 of the reply is incorrect. Detail reply has been given above in Para-1.
3. That Para-3 of the appeal as well as reply is correct. Appellant belongs to the said Union Council and was rightly appointed after due verification.
4. That Para-4 of the reply is incorrect, while para-4 of the appeal is correct.

5. That Para-5 of the reply is incorrect. Detail reply has been given in Para-1 above. Appellant alongwith application has provided all the relevant documents and proof of residence of the concerned Union Council alongwith application and the respondents after due verification, appointed the appellant on the said post.
6. That Para-6 of the appeal is correct, while reply is incorrect.
7. That Para-7 of the appeal is correct, while reply is incorrect.

Appellant received letter on 26.01.2021 and submitted reply on 27.01.2021 as admitted by respondents.

8. The reply to Para-8 of the appeal is incorrect. Appellant has provided all the relevant documents alongwith reply i.e. copy of domicile issued in the year 2002, original Cantonment Residence Certificate, family property ownership documents, Utility Bills, verification residence done through official correspondence between respondents and Cantonment Executive Officer, Father's CNIC, Cantt. Residence Card issued by core headquarter.

All the above noted documents are available on appeal file.

9. That Para-9 of the appeal is correct, while reply is incorrect. Detail reply has been given above.
10. That Para-10 of the appeal is correct, while that of reply is incorrect.



In fact, for verification letter the address of appellant was wrongly mentioned; therefore, Executive Officer has rightly mentioned that Kotla Mohsin Khan falls outside the limits of Cantonment Board.

11. That Para-11 of the appeal is correct, while that of reply is incorrect.
- 12-14 That Paras 12 to 14 of the appeal are correct, while that of reply are incorrect.
15. That Para-15 of the appeal is correct, while that of reply is incorrect. Appellant has a cause of action, because the appointment order was illegally withdrawn without following the service laws and rules.

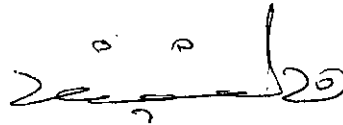
### **GROUND**

- A-C That Para "A to C" of the grounds are correct, while that of reply are incorrect.
- D That Para-d of the appeal is correct, while that of reply is incorrect. Appellant fulfilled the recruitment policy, which is proved from the record available with respondents as well as from the documents produced.
- E-G That Paras E to G of the appeal are correct, while that of reply are incorrect.
- H-J That Paras H to J of the appeal are correct, while that of reply are incorrect, because on producing the High Court order in which comments were called from respondents, respondents illegally withdraw the appointment order of the appellant.
- K That Para-K of the appeal is correct, while that of reply is incorrect.

L. That Para-K of the appeal is correct, while that of reply is incorrect.

M-N That Paras M & N of the appeal are correct, while that of reply are incorrect. As appellant after taking the charge was performing his duty, therefore, before taking any adverse action, respondents were bound to follow the service laws and rules.

It is, therefore, requested that on acceptance of this rejoinder, the appeal may kindly be accepted with cost throughout.



Appellant

Through



Muhammad Asif

Advocate

Supreme Court of Pakistan

Off: Sayed Ahmad Ali Building  
Near Taj Autos, Sonehri  
Muasjid Road Peshawar  
Cantt.

Cell: 0302-8885187/ 0332-8885187

### AFFIDAVIT

I, do hereby affirm and declare on oath that the contents of the accompanying Rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



Deponent



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

C.M NO. \_\_\_\_\_/2021

IN

APPEAL NO: 5794/2021



FAIZAN ULLAH

VS

EDUCATION DEPT

**APPLICATION FOR EARLY HEARING IN THE ABOVE MENTIONED**  
**APPEAL**

**R/SHEWETH:**

- 1- That the above mentioned appeal is pending adjudication before this Honorable Tribunal which is filed for hearing on 20.01.2022.
- 2- That appellant filed the above mentioned appeal against the impugned notification dated 12.02.2021.
- 3- That the above mentioned appeal was fixed for hearing 30.07.2021 before this august Tribunal and on the same date this august tribunal granted status quo in favor of the appellant vide order dated: 30.07.2021.
- 4- That the appeal which has been filed by the appellant is against the withdrawal of appointment order and the date which has been fixed for hearing on 20.01.2022 as too long which badly effect the legal rights of the appellant.
- 5- That the valuable rights of appellant is attached with the instant appeal therefore the date which is fixed is badly suffering appellant and his family because of the appellant miserable conditions suffering from 12.02.2021.
- 6- That the interest of justice demands that such like matters should be hear as early as possible to meet the ends of justice and also to meet the principle of access to justice.

It is therefore, most humbly prayed on acceptance of this application the aforementioned appeal may kindly be fixed for hearing on an earlier date.

Date: 28/10/2021

Appellant

Faizan Ullah

Put up to the worthy chair-man  
with relevant appeal.

rew  
2/11/2021

Reader

NFA  
02/11/2021

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR



W.P. No. \_\_\_\_\_/2020

Muhammad Kaleem Ullah S/o Abdul Manan R/o  
Cantonment General Hospital Flat No. 5, Block-A/2,  
Peshawar Cantt, Peshawar.....(Petitioner)

**V E R S U S**

1. Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education, Civil Secretariat, Peshawar.
2. District Education Officer (Male) Peshawar, Office Situated at G.T. Road, Near GHSS No. 1, Peshawar.
3. Faizan Ullah S/o Mohib Ullah R/o Kotla Mohsin Khan, Peshawar.
4. Saif Ullah Jahangir S/o Jahangir R/o GPS Jahangir Pura, Peshawar.
5. Muhammad Raqem Qureshi S/o Muhammad Salim Qureshi R/o GPS Audit Colony, Peshawar.....(Respondents)

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

Respectfully Sheweth:

The petitioner humbly submits as under:

That petitioner is permanent resident of Peshawar  
Cantt by birth and completed his master

WP5141P2020 MUHAMMAD KALEEM ULLAH VS GOVT OF PG31.pdf

**ATTESTED**  
EXAMINER  
Peshawar High Court

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qualification. (Cant Residence Certificate and CNIC and are attached as annexure "A" & "B" respectively).

2. That petitioner obtained his domicile in 2008 which also disclosed that he is permanent resident of Peshawar Cantt. (Copy of domicile certificate is attached as annexure "C").

3. That respondents advertised 10 posts of PST (BPS-12) on Union Council Based Policy for Peshawar Cantonment area through newspaper Daily Mashriq dated 23<sup>rd</sup> May 2019. (Copy of publication is attached as annexure "D").

4. That petitioner being master qualified applied for the said post and scored 101.534 marks in ETEA. The final merit list depicts that petitioner was on 5<sup>th</sup> position of final merit list. (Copy of final merit list is attached as annexure "E").

5. That petitioner being resident of Cantonment Peshawar applied for the post of PST (BPS-12) for

**ATTESTED**  
EXAMINER  
Peshawar High Court

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the Union Council (CBP) as petitioner is by birth resident of Peshawar Cantt.

That petitioner provided all the relevant documents to the official respondents, but was not appointed by them, without assigning any reason.

That respondent No. 3 was considered instead of petitioner who secured less marks than petitioner i.e. 99.34 besides respondent No. 3 is not resident of Peshawar Cantonment area.

That petitioner was verbally told that he is not permanent resident of Peshawar, in fact petitioner by birth is the permanent resident of Peshawar. (Copy of Birth Certificate is attached as annexure "G").

That respondents No. 4 and 5 were also appointed against the seats reserved for cantonment area who were from different union councils which is against the policy, while petitioner was ignored despite of the fact that petitioner is resident of Peshawar Cantt. just to accommodate their nearest one.

**ATTESTED**  
EXAMINER  
Peshawar High Court

10. That petitioner was high in the merit list from respondents No. 4 and 5 but was not appointed, therefore, having no other remedy, invoke the Writ Jurisdiction of this Hon'ble Court through this Constitutional Petition on the following grounds:

GROUNDS:

- A. That the act of the respondents is highly illegal and without lawful authority.
- B. That action against the petitioner has been taken with malafide intention in order to deprive the petitioner from his legal right being eligible for the post of PST (BPS-12).
- C. That vested rights have been created in favour of petitioner deprived of the same through such like illegal and malafide means as the petitioner has not been treated in accordance with law.
- D. That the act of the respondents is against the Articles 2-A, 4, 5, 9, 10-A and 25 of the Constitution

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of Islamic Republic of Pakistan 1973, therefore needs interference of this Hon'ble Court.

- E. That no law can be moduled in such a way to benefit the blue-eyed and deprive others for no reason.
- F. That the petitioner is entitled for the post of PST (BPS-12) but the impugned action has created a hurdle in his way despite the fact t hat petitioner is permanent resident by birth of petitioner cantonment.
- G. That the very act of respondents is against the Constitution, hence cannot be appreciated.
- H. That any other ground will be adduced during the course of arguments, with the kind permission of the Hon'ble Court.

It is, therefore, respectfully prayed that on acceptance of the instant Petition, the respondents be directed to appointed the petitioner against the post of PST (BPS-12) being eligible, in the best interest of justice.

**ATTESTED**  
**EXAMINED**  
Peshawar High Court



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**INTERIM RELIEF:**

By the way of interim relief the respondents may be directed to one post of PST (BPS-12) kept vacant, till the final disposal of the instant Writ Petition.

Petitioner

Through

Dated: 31/10/2020

*Shakeel Khan*  
**Shakeel Khan Ahmadkhel**  
Advocate High Court,  
Peshawar.

**CERTIFICATE:**

It is certified by no such like Writ Petition has early been filed by the petitioner in this Hon'ble Court. Further stated that being Writ Petition on the score that since there is no adequate and alternate remedy is available or previously avail or approach lower forum, thus this case may fixed before the Worthy Division Bench (D.B) of this Hon'ble Court.

*Shakeel Khan*  
**ADVOCATE**

**LIST OF BOOKS:**

1. Constitution of Islamic Republic of Pakistan, 1973
2. Any other law books according to need.

*Shakeel Khan*  
**ADVOCATE**

WP5141P2020 MUHAMMAD KALEEM ULLAH VS GOVT OF PG31, 2020  
**ATTESTED**  
EXAMINER  
Peshawar High Court

**BEFORE THE PESHAWAR HIGH COURT, PESHAWAR**

W.P. No. \_\_\_\_\_/2020

Muhammad Kaleem Ullah.....(Petitioner)

**V E R S U S**Government of Khyber Pakhtunkhwa through Secretary  
Elementary and Secondary Education and  
others.....(Respondents)**AFFIDAVIT**

I, Muhammad Kaleem Ullah S/o Abdul Manan R/o  
Cantonment General Hospital Flat No. 5, Block-A/2, Peshawar  
Cantt, Peshawar, do hereby solemnly affirm and declare on  
oath that the contents of the **Writ Petition** are true and  
correct to the best of my knowledge and belief and nothing has  
been concealed from this Hon'ble Court.

**DEPONENT**

CNIC: 17301-2490570-1

Cell No. 0301-8803895

**Identified by:***Shakeel Khan Ahmadkhel*

**Shakeel Khan Ahmadkhel**  
Advocate High Court,  
Peshawar.



DECLARED TO BE TRUE COPY

Examiner  
Peshawar High Court, Peshawar  
Authorized Under Article 87 of  
the Constitution of Pakistan 1973

30 MAY 2022

Judgment Sheet  
**PESHAWAR HIGH COURT, PESHAWAR**  
Judicial Department

WP No.5141-P/2020

Muhammad Kalimullah

Versus

The Govt of KP through Secretary Elementary &  
Secondary Education, Peshawar, and 04 others



**JUDGMENT**

**Date of hearing 24.5.2022**

Petitioner by: Mr. Shakeel Khan Ahmadkhel, Advocate  
Respondents by: M/s. Muhammad Riaz, AAG and  
Muhammad Asif, Advocate

\*\*\*\*\*

**ABDUL SHAKOOR, J:** - Through instant writ petition, the petitioner has challenged his non-appointment against the post of PST (BPS-12); duly advertised on 23.5.2019 by the respondent in daily "Mashriq" newspaper with a cut-off date 10.6.2019 despite the facts that he was the resident of Cantt area, having master qualification and secured higher marks in the test conducted by ETEA.

2. Pursuant to notice, the respondents No.2 & 3 filed their respective Para-wise comments wherein they resisted the issuance of the desired writ by raising certain legal and factual objections.

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~~EXAMINER~~  
EXAMINER  
Peshawar High Court

3. Arguments of learned counsel for the parties heard and record carefully gone through with their valuable assistance.

4. It was the bone of contention of the petitioner that he was the permanent resident of Peshawar Cantt by birth on the basis of his domicile, he had obtained in the year, 2008, and on the basis of his permanent residence, he applied for the post of PST, duly advertised by the respondent department in the year, 2019 with a cut-off date as 23.5.2019 and got higher marks (101.534) in the test conducted by the ETEA. The petitioner was, however, could not be so appointed for the reason that according to his CNIC, the expiry date of which was 16.12.2024, he was the permanent resident of "Mohallah Makhan District Haripur" while the post was to be filled of the candidates belonging to District Peshawar. In order to get verify the address of the petitioner, the respondent department made correspondence with NADRA wherefrom it was confirmed that the petitioner had changed his permanent address on 27.02.2020 from Haripur to Peshawar, and this change in address was made after cut-off date of the advertisement, which clearly shows that at the time of cutoff date, the petitioner not eligible for the said post and; therefore, he obtained amended

SP

~~EXAMINER~~  
EXAMINER  
Peshawar High Court

CNIC in order to make himself eligible for the said posts. It was clearly stipulated in the Advertisement that the candidates must have permanent address of District Peshawar in their Domiciles and in CNICs as well and; any subsequent amendment in the documents after the cutoff date would not be considered. An identical *WP No.2948-P/2018* titled "*Asia Begum vs. Director Education FATA Secretariat, Peshawar and others*" came up for hearing before this court on 02.12.2019, which was decided in the following manner: -

*"5. According to the old National Identity Card of petitioner his permanent address is Harichand, Tehsil Tangi, District Charsadda and this CNIC was prepared on 18.11.2016 but when she prepared her new CNIC she changed her permanent address to Ghalanai, Tehsil Haleemzai, District Mohmand. This exercise was done by the petitioner in order to manipulate her record and thereby fall within the eligibility criteria as laid down in the advertisement. The Selection Committee has noted the said fact and rightly dis-entitled her to be appointed on the subject post in question. The government has laid down policy for accommodating citizen of different areas in the government service, so that every citizen of the area gets equal opportunity for employment and, if any, candidate attempts to manipulate such process by any means, it would be dis-qualification instead of qualification.*

5. Besides, Section 3 of the Khyber Pakhtunkhwa  
 (Appointment, Deputation, Posting and Transfer of

SP

ATTESTED  
 EXAMINER  
 Peshawar High Court

Teachers, Lecturers, Instructors and Doctors)  
Regulatory Act, 2011 provides that;

"The Vacancy of PST shall be filled in from the candidates belonging to the Union Council of their permanent residence mentioned in their Computerized National Identity Card and domicile, on merit and if no eligible candidate in that Union Council is available where the school is situated, such appointment shall be made on merit from amongst eligible candidates belonging to the adjacent Union Councils.

6. The nutshell of the above discussion led this Court to an irresistible conclusion that the petitioner was not eligible for his appointment against the post of PST (BPS-12), therefore, was rightly not so appointed, which act of the respondents needs no interference by this court under its Constitutional Jurisdiction.

7. As sequel to the above discussion, instant writ petition is, dismissed being devoid of merits.

**Announced:**  
24.5.2022

*Jain*  
JUDGE  
*Sh*  
JUDGE  
*Shahid*

\*Nazir\* (D.B) Hon'ble Mr. Justice Lal Jan Khattak, J  
Hon'ble Mr. Justice Abdul Shakoor, J

DECLARED TO BE TRUE COPY

Examined  
Hon'war High Court, Peshawar  
Authorized Under Article 87 of  
the Quran-o-shahadat Ordinance

30 MAY 2022

38662  
Date of Presentation of Application *26/5/2022*  
No of Pages *11*  
Copying fee *NA*  
Total *NA*  
Date of Preparation of Copy *30/5/2022*  
Date of Delivery of Copy *30/5/2022*  
Received By *[Signature]*

VERSION : SPL 5.73.04 06-10-2014  
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