

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

BEFORE: KALIM ARSHAD KHAN --- CHAIRMAN
FAREEHA PAUL --- MEMBER(E)

Service Appeal No.1161/2014

**Kaleem Ullah S/O Amed Jan, R/O Kotka Shah Sallem, Gandi, Khan
Khel PST, GMPS, Kotka Khali Khel.**

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

Versus

1. **District Education Officer (Male), Elementary & Secondary Education, Lakki Marwat.**
2. **Director of Education, Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.**
3. **Secretary, Government of Khyber Pakhtunkhwa, Elementary & Secondary Education Department, Peshawar.**

.....(***Respondents***)


Present:

Arbab Saif Ul Kamal,
Advocate.....For appellant.

Mr. Muhammad Adeel Butt,
Additional Advocate GeneralFor respondents.

Date of Institution.....22.09.2014
Dates of Hearing.....14.07.2022
Date of Decision.....14.07.2022

**APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST
OFFICE ORDER NO.713-17, DATED 14.02.2014 OF
RESPONDENT NO.1, WHEREBY ORDER OF APPOINTMENT
DATED 24.10.2012 WAS WITHDRAWN FOR NO LEGAL
REASON.**

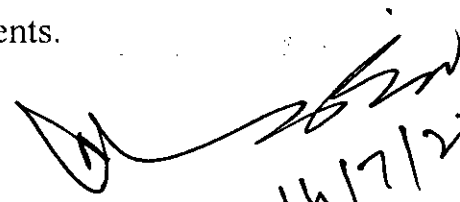


JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: According to the averments made in the memo and grounds of appeal, the appellant was appointed as PST (BPS-05) as prescribed procedure having the requisite qualification vide order dated 24.10.2012; that the appellant assumed the charge of the said post on 25.10.2012; that since the date of appointment, appellant was performing his official duties in the school with devotion till date but his monthly salaries were withheld by the department, so he filed appeal No. 294/2014 before this Tribunal for release of his monthly salaries which was pending adjudication when on 14.02.2014 order of appointment of appellant was withdrawn from the date of issuance by respondent No.1; that the appellant preferred departmental appeal on 03.06.2014, which was not responded within the statutory period compelling him to file this service appeal on 22.09.2014.

2. On receipt of the appeal and its admission to full hearing, the respondents were summoned, who, on putting appearance, contested the appeal by filing written reply raising therein numerous legal and factual objections. The defence setup was a total denial of the claim of the appellant.

3. We have heard the learned counsel for the appellant and learned Additional Advocate General for the respondents.


14/7/22

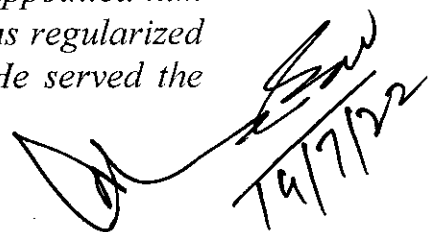
4. The Learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned AAG controverted the same by supporting the impugned order(s).

5. The appointment of the appellant has not been disputed by the respondents. It is contended in the reply by the respondents that the appellant had tempered the date of death of his father during his service. It is also contended that basic minimum qualification for PST post was F.A with PST certificate while the appellant was simply matric with PST certificate, therefore, his appointment was totally illegal and against the government policy. It was further contended that after verification of the documents of the appellant, those were found tempered, therefore, appointment order of the appellant was withdrawn after enquiry report. It is in this respect observed that we do not find any document on this file regarding verification of the documents of the appellant. Yes there is an enquiry report annexed with the reply. In the enquiry report it was found that the father of the appellant had not died during service rather he died after his retirement. In paragraph-5 of the enquiry report it is stated that the Ex-EDO appointed the appellant against the post of PST in GMPS Khali Khel U/C Gandi Khan Khel. It was further stated that he had assumed the charge on 25.10.2012 and was performing his duties since then. His attendance was marked in the attendance register and performance


14/7/22

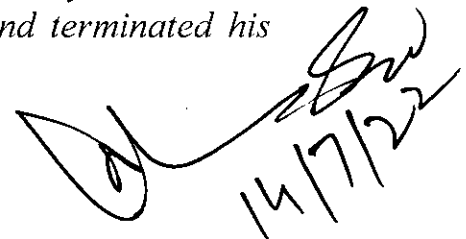
was also recorded and countersigned by the Head Teacher of the school concerned. It is astonishing to note that in each department a merit list of the children of the deceased employees, who die during service, is maintained for the aspirants of seeking job against the deceased's son quota but the contention of the respondents that the appellant had tempered the documents by showing that his father (employee of the department) had died during service, is totally incomprehensible and not acceptable because it is the department which has to maintain the list of the children of the deceased employees for the purpose of appointment from the deceased employee son quota and when the department had itself retired the father of the appellant then this fact must be in their knowledge whereas despite such a situation appointment order was once issued and after appointment of the appellant, he performed duties for about two years, therefore, under the doctrine *locus-poenitentiae* too the authority did not have the power to rescind its early order for the reason that after appointment order not only that had been acted upon but benefits were also gotten by the appellant. The august Supreme Court of Pakistan reported as 2006 SCMR 678 Titled "Province of Punjab through Secretary, Agriculture, Government of Punjab and others-vs- Zulfiqar Ali", the august Supreme Court of Pakistan was pleased to hold as under in paragraphs No. 7,8 and 9:

7. *We are afraid that the contention so raised by him is not correct as the Director Agriculture appointed him on 10.11.1990 and thereafter his service was regularized w.e.f the same date in the year of 1993. He served the*


19/7/22

department for about 11 years as a regular employee and during course whereof, there was not complaint of whatsoever nature against him, calling for action under the Punjab Civil Servants (Efficiency and Discipline) Rules, 1975. It may be noted that these rules contemplate an action against an employee who is guilty for the breach of good service order, indiscipline, misconduct etc. but it does not, contain any provision on the basis of which appointment of an employee can be cancelled on the ground that it has been made illegally. In other words in such-like situation instead of taking action against an appointee it is appropriate if an action is taken against the Appointing Authority who apparently committed a misconduct by making such appointment, as it has been observed by this Court in the case of Abdul Hafeez Abbasi and other v. Managing Director, Pakistan International Airlines Corporation, Karachi and others 2002 SCMR 1034. Relevant para. therefrom is reproduced herein below for convenience:-

"(15) We have noted in number of cases that Departmental Authorities do show haste at the time of making such appointments when directives are issued to them by the persons who are in the helm of affairs without daring to point out to them that the directions are not implementable being contrary to law as well prevalent Rules and Regulations. In fact such obedience is demonstrated by the concerned officers of the Department to please the Authorities governing the country just to earn their time being pleasures but on the change of regime they do show speed in undoing illegal actions which they themselves have accomplished in the previous regime and due to their such illegal actions the employees who were appointed suffer badly without any fault on their part and then even nobody bothers for their future career. Therefore, we are of the opinion that in such situation besides proceedings against the beneficiaries of so-called illegal appointments the officers who were responsible for implementing illegal directives should also be held equally responsible and severe action should be taken against them so in future it may serve as a deterrent for other likeminded persons. This Court in an identical case declined to grant leave to appeal in the case of Secretary to Government of N.W.F.P.(1996 SCMR 413) and observed that it is disturbing to note that in this case petitioner No.2 had himself been guilty of making irregular appointment on which has been described "purely temporary basis". The petitioners have now turned around and terminated his

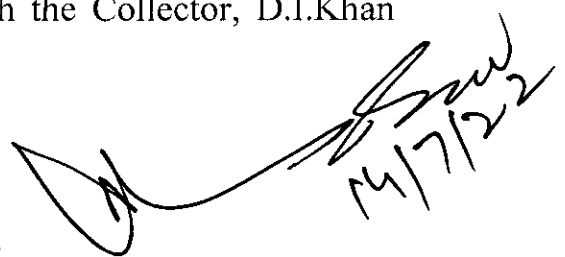

14/7/22

service due to irregularity and violation of rule 10(2) (ibid). The premise, to say the least, is utterly untenable. The case of the petitioners was not that the respondent lacked requisite qualification. The petitioners themselves appointed him on temporary basis in violation of the rules for reasons best known to them. Now they cannot be allowed to take benefit of their lapses in order to terminate the services of the respondent merely because they have themselves committed irregularity in violating the procedure governing the appointments".

8. *Keeping in view the observation made in the above judgment which has been authored by one of us (Justice Iftikhar Muhammad Chaudhry) qua the facts and circumstances of the case in hand, we are constrained to note with concern that it was Bashir Ahmed Sabir, Director Agriculture who appointed respondent as Junior Clerk as back on 10th November, 1990 and because he was the Senior officer holding the post of Director, therefore, presumably the rules and regulations should have been on his sleeves at the time of appointment of respondent if he was of the opinion after 11 years that he had committed violations of rules and regulation in making respondents appointment as Junior Clerk then instead of terminating his service, he should have blamed himself and should have decided whether he is capable to remain in service or otherwise morally and legally instead of claiming premium of his own wrongs. Thus, the competent Authority of Provincial Government i.e Chief Secretary had a legal burden upon his shoulders to take action against Director of Agriculture (Bashir Ahmed Sabir) not only for making alleged illegal appointment as per his own admission, without prejudice to the case of respondent but also engaging the Provincial Government in litigation upto this Court at the cost of Public exchequer.*

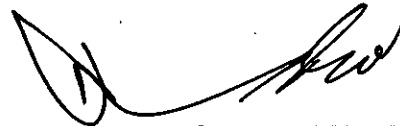
9. *A perusal of record so made available before us indicates that Director of Agriculture i.e Bashir Ahmed Sabir had contemplated action of termination of service against respondent perhaps for some differences with the uncle of respondent who is also serving in the same department. If it is so, it is unfair on his part as well as against the principles of good governance, justice, equity and law.*

6. Similarly in 2005 SCMR 85 titled "Muhammad Shoaib and 2 others-vs- Government of N.W.F.P through the Collector, D.I.Khan


14/7/22

and others" the impugned action was declared void as well as violation of the principle of natural justice when no show cause notice was issued. Similarly is the case in hand in which too admittedly no show cause notice was issued before passage of impugned order nor was the appellant heard before cancellation/withdrawal of his appointment order. Therefore, we allow this appeal, set aside the impugned order dated 14.02.2014 and reinstate the appellant in service. The intervening period shall be treated as leave of the kind due. Costs shall follow the event. Consign.

7. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 14th day of July, 2022.*



(KALIM ARSHAD KHAN)
Chairman



(FAREEHA PAUL)
Member Executive


ORDER

14th July, 2022

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

2. Vide our detailed judgement of today placed on file (containing 07 pages), we allow this appeal, set aside the impugned order dated 14.02.2014 and reinstate the appellant in service. The intervening period shall be treated as leave of the kind due. Costs shall follow the event. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 14th day of July, 2022.*


(KALIM ARSHAD KHAN)
CHAIRMAN.


(FAREEHA PAUL)
MEMBER(E)

23.11.2021 Proper D.B is not available, therefore, case is adjourned to 11/2/2022 for the same as before.



Reader

Due to retirement of the honorable Chairman the case is adjourned to come up for the same as before on 8/6/22




08.06.2022 Appellant in person present. Mr. Kashif Munir, Librarian alongwith Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his counsel is not available today due to strike of lawyers. Adjourned. To come up arguments on 14.07.2022 before the D.B.



(Fareeha Paul)
Member (E)



(Salah-ud-Din)
Member (J)

4/6/14

No. 145

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Rs. Ps.

22

Received a registered* addressed to

Date-Stamp

*Write here "letter", "postcard", "packet" or "parcel"

Officials of Receiving Officer with the word "insured" before it when necessary

Insured for Rs. (in figures) 250 (in words) Two hundred and fifty

Weight Kilo Grams

Insurance fee Rs. Ps. (in words)

Name and address of sender

Debi Ghosh

Departmental Appeal against dismissal

3/6/14

2nd Appeal

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) LAKKI MARWAT.

OFFICE ORDER

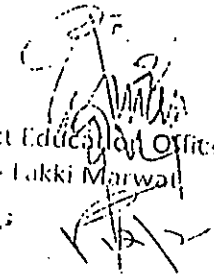
Consequent upon the recommendation of the enquiry committee, under the chairmanship of Principal GCMHS No.1 Lakki Marwat, the appointment order bearing No. 9310-15 dated. 24-10-2012, in respect of Kalim Ullah S/O Ahmad Jan as PST in GPS kotka Khali Khel (Against deceased son quota), being void ab initio, therefore, the aforesaid appointment order in respect of the said incumbent is hereby withdrawn from the date of issuance, under the prevailing rules and policy.

(NAZIR KHAN)
District Education Officer
(Male) Lakki Marwat.

Order No. 713-17 Dated. 04-02-2014

Copy to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Honorable Civil Judge No-IV Lakki Marwat.
3. Sub-Divisional Education Officer, (Male) Local Office.
4. ASDEO (Circle) concerned.
5. PA to DEO (Male) Local Office.


District Education Officer
(Male) Lakki Marwat

withdrawn from date
Retrospective
illegal

2nd appeal
without informing
the appellat
at his back

To

The Director,
Elementary and Secondary Education
K P, Peshawar.

Subject: Appeal Against office order No 713-17, Dt- 14/2/2014
of the DEO (M) Lakki Marwat whereby
Appointment order Dt- 24/10/2012 of Applicant/Appellant
was canceled from the date of Initial Appointment

Respected Sir,

1. That Applicant/Appellant was appointed as PSI B-5 through prescribed manner vide order Dt- 24/10/12 and assumed the charge of the post on 25/10/12.
2. That on one hand, Applicant/Appellant is performing his official duties in GPS Kotka Khati Khel while on the other hand, he was not paying monthly salaries and for the said purpose, he filed, Appeal No 297/2014 and on hearing of the said case, preadmission notice was issued to department to clarify the position.
3. That applicant visited the office of the DEO (male) wherein order Dt- 14/2/14 was supplied to him, hence this appeal on the following grounds.

GROUND'S.

- A. That no copy of the Impugn order was dispatched to applicant as is evident from the same.
- B. That applicant was appointed through prescribed manner by the then EDO, E & SE Lakki Marwā.
- C. That order of appointment was implemented, acted upon and got finality, so can not be rescinded at a single stroke of a pen.
- D. That no notice was ever served upon the Applicant/Appellant nor any inquiry was conducted in this respect.
- E. That since the date of appointment, i.e. 7/3/2014 Appellant performed his official duties for more than sixteen months but he was not paid monthly salaries.
- F. That the Impugn order is ab initia void, with out legal procedure, so is based on mala fide. In fact, the said order is concluded to defeat the cause of applicant.

It is therefore most humbly requested that on acceptance of this Appeal, the Impugn order Dt- 14/2/14 of DEO(m) of Lakki Marwā be set aside and applicant be reinstated in service with all back benefits.

Date 3.8.14

2nd Appeal

intentional
Kaleem ulah
S/O Ahmad Jan
R/O Kotla Ghul Sher
Em. PST, GMP, Kotla K/L
Lakki Marwā

Withdrawal order Dt- 14/02/14.

Departmental appeal. 4/6/14.

Post office high court-

Peshawar. Diny nos (145)



OFFICE OF THE DISTRICT EDUCATION OFFICER

(MALE) LAKKI MARWAT

Phone No: 0969-709234 - Fax No: 0969-538291

DETAIL REPORT REGARDING APPOINTMENT OF KALIMULLAH AS A PST.

The above named person has been appointed as a PST vide order No. 9310-15 dated. 24-10-2012 out of deceased son quota.

AS PER RECORD.

- (1) His father was retired from service on 09-04-2005, due to completion of 60 years age. Retirement sanction granted by DCO Lakki Marwat vide order No.1171-73 dated. 09-04-2005.
- (2) The Principal GHSS, Kot Kashmir has issued L PC paid upto and for 09-04-2005 due to retirement.
- (3) This department has also forwarded pension case of Ahmad Jan (Father of Kaleem Ullah) CT, to the District Accounts Officer, Lakki Marwat vide No. 14818 dated. 30-11-2005.
- (4) The Ex-CT (Ahmad Jan) died on 05-11-2005, as per evidence letter No. 16 dated. 21-11-2005, of the Principal GHSS, Kot Kashmir affidavit of his widow namely (Khyal Bibi) and death certificate of the Union Council concerned.
- (5) The appointee has provided a fake death certificate at the time of appointment under the fake signature of Deputy District Education Officer (Male) Lakki Marwat which is reproduced below:-

Certificate.

Certified that Malak Ahmad Jan S/O Malak Ayub khan working as a CT at GHSS Kot Kashmir Union Council is died on 2006 natural death.

Deputy Director Officer
(Male) Lakki Marwat.

- (6) The undersigned conducted an inquiry regarding the above mentioned appointment and in the light of findings of the inquiry, fake appointment order of the above named person namely kalim Ullah has been withdrawn vide this office No. 713-17 dated. 14-2-2014.

All the documentary proof are attached.

it is also worth mentioning here that the Ex-EDO Mir Azam Khan has signed his S/Book Performa regarding his pay instead of Deputy District Education Officer (Male) , which has not been hounred by the district Accounts Officer as already mentioned in the para 3 of the inquiry report.

It is further added that the above named person has been appointed in BPS-5 as having qualification of SSC (Metric) instead of B-12, while the required qualification for PST is FA/FSC and basic pay scale is B-12. The Basic pay scale is 12. The candidate was matriculate under qualified and not fit for appointment as a PST.

Hence, detail history is submitted as directed, as he has filed a service appeal before the Khyber Pakhtunkhwa Service Tribunal Peshawar.

Endst:No 77 Dated. 03-02-2015

Copy to the:-

1. Advocate General Khyber Pakhtunkhwa Service Tribunal Peshawar.

District Education Officer
(Male) Lakki Marwat.

25.06.2021

Mr. Arbab Saif-ul-Kamal, Advocate, for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for respondents present.

Learned counsel for the appellant requested for adjournment being not prepared for arguments today. Adjourned. To come up for arguments before the D.B on 15.09.2021.



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



(SALAH-UD-DIN)
MEMBER (JUDICIAL)


15.09.2021

Mr. Arbab Saif-ul-Kamal, Advocate, for the appellant present. Mr. Kashif Munir, Librarian alongwith Mr. Riaz Ahmed Paidakheil, Assistant Advocate General for the respondents present.

Learned counsel for the appellant sought adjournment on the ground that he has not met preparation for arguments. Adjourned. To come up for arguments before the D.B on 23.11.2021.



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



(SALAH-UD-DIN)
MEMBER (JUDICIAL)


28.12.2020 Due to summer vacation, case is adjourned to
30.03.2021 for the same as before.



Reader

30.03.2021 Nemo for appellant.

Kabir Ullah Khattak learned Additional Advocate
General alongwith Kashif Munir Librarian for
respondents present.

Preceding date was adjourned on a Reader's note,
therefore, notice be issued to appellant/counsel for
25/06/2021 for arguments, before D.B.


(Atiq ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

Noted


Service Appeal No.1161/2014

24.06.2020

Junior to counsel for the appellant and Mr. Kabirullah Khattak learned Addl. AG alongwith Mr. Kashif Munir Litigation Officer for the respondents present.

The representative of respondents has submitted copy of inquiry report dated 07.01.2014 which is placed on record. A request for adjournment is however, made on behalf of the appellant due to non availability of his senior counsel.

The record suggests that instant matter has been adjourned on various occasions upon the requests on behalf of the appellant. As a last chance hearing in instant appeal is adjourned to 17.08.2020 before D.B.



Member



Chairman

17.08.2020

Due to summer vacations, the case is adjourned to 19.10.2020 for the same.

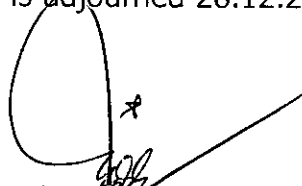


Reader

19.10.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

The Bar is observing general strike today, therefore, the matter is adjourned ^{to} 28.12.2020 for hearing before the D.B.

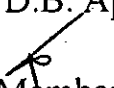



(Mian Muhammad)
Member



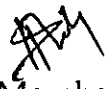
Chairman


31.01.2020 Appellant absent. However junior to counsel for the appellant present and seeks adjournment. Mr. Kabir Ullah Khattak learned Additional Advocate General for respondents present. Adjourn. To come up for arguments on 26.02.2020 before D.B. Appellant be put to notice.


Member


Member

26.02.2020 Learned counsel for the appellant and Mr. Riaz Khan Paindakheil learned Assistant Advocate General alongwith Muhammad Riaz DEO present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 01.04.2020 before D.B.


Member


Member

01.04.2020 Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 24.06.2020 before D.B.


Reader

18.10.2019

Appellant with counsel present. Mr. Kabir Ullah Khattak learned Additional Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 30.10.2019 before D.B.


Member


Member

30.10.2019

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 13.12.2019 before D.B.

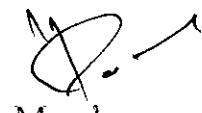

Member


Member

13.12.2019

Lawyers are on strike as per the decision of All Pakistan Joint Lawyers Action Committee. Adjourn. To come up for further proceedings/arguments on 31.01.2020 before D.B


Member


Member

27.05.2019

Due to general strike of the bar, the case is adjourned. To come up for arguments on 08.07.2019 before D.B.


Member


Member

08.07.2019

Junior to counsel for the appellant and Addl: AG alongwith Mr. M. Akram, Supdt for respondents present. Junior to counsel for the appellant seeks adjournment. Granted. Case to come up for arguments on 23.09.2019 before D.B.



Member


Member

23.09.2019


Due to general strike on the call of Khyber Pakhtunkhwa Bar Council learned counsel for the appellant is not in attendance. Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Adjourned. To come up for arguments on 18.10.2019 before D.B.



(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

04.12.2018


Counsel for the appellant present. Mr. Akram Marwat, Supdt
alongwith Mr. Muhammad Jan, DDA for respondents present.
Counsel for the appellant seeks adjournment. Granted. To come up
for arguments on 22.01.2019 before D.B.



(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

22.01.2019

Learned counsel for the appellant and Mr. Kabirullah
Khattak learned Additional Advocate General alongwith
Mr. Naseer Ahmad ADEO for the respondents present.
Learned counsel for the appellant seeks adjournment.
Adjourned. To come up for arguments on 28.02.2019 before
D.B


(Hussain Shah)
Member



(Muhammad Amin Khan Kundi)
Member

28.02.2019

Clerk to counsel for the applicant, Addl. AG
for the respondents present.

Due to general strike on the call of Bar
Association instant matter is adjourned to 27.05.2019
before the D.B.


Member


Chairman

25.04.2018


Counsel for the appellant and Addl: AG alongwith Mr. Akram, Supdt for respondents present. Due to retirement of the worthy Chairman, the Tribunal is incomplete, therefore the case is adjourned. To come up for arguments on 10.07.2018 before D.B


Reader

10.07.2018

Counsel for the appellant present. Mr. Akram, Supdt alongwith Mr. Sardar Shoukat Hayat, Addl: AG for respondents present. Counsel for the appellant made a request for adjournment. Granted. To come up for arguments on 30.08.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

30.08.2018

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 19.10.2018 before D.B.



(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

19.10.2018

Counsel for the appellant present. Mr. M. Akram, Supdt alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present. Counsel for the appellant seeks adjournment. Adjourned. Case to come up for arguments on 04.12.2018 before D.B.


(Hussain Shah)
Member


(Ahmad Hassan)
Member

1161/2014

23.05.2017

Counsel for the appellant present. Mr. Kabirullah Khattak, Assistant AG for the respondents also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 18.09.2017 before D.B.



(GUL ZEB KHAN)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

18.09.2017

Junior to counsel for the appellant present. Learned Deputy District Attorney for the respondents present. Junior to counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 13.12.2017 before D.B.


Member
(Executive)


Member
(Judicial)

13.12.2017


Learned counsel for the appellant present. Learned AAG along with Mr. Mukhtiar SST for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 20.02.2018 before D.B.


(Gul Zeb Khan)
MEMBER


(Muhammad Hamid Mughal)
MEMBER

20.02.2018

Due to non availability of D.B. Adjourned. To come up on 25.04.2018 before D.B.


(Gul Zeb Khan)
Member

18.5.2016

Junior to counsel for the appellant and Mr. Muhammad Jan, GP for respondents present. Junior to counsel for the appellant requested for adjournment. Adjourned for arguments to 5.10.2016.

Member

Member

05.10.2016

Junior to counsel for the appellant and Mr. Usman Ghani, Sr. GP for respondents present. Junior to counsel for the appellant requested for adjournment as senior counsel for the appellant was busy at camp court Swat. Adjournment granted. To come up for arguments on 13.02.2017.

(M. AAMIR NAZIR)
(MEMBER)

(PIR BAKHASH SHAH)
MEMBER

13.02.2017

Counsel for appellant and Mr. Kabirullah Khattak, Assistant AG for respondents present. Learned counsel for appellant requested for adjournment. Adjournment granted. To come up for arguments on 23.05.2017 before D.B.

(AHMAD HASSAN)
MEMBER

(ASHFAQUDDIN)
MEMBER

6

15.05.2015

Counsel for the appellant and Mr. Muhammad Akram, Supdt. alongwith Addl: A.G for respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply on 12.8.2015 before S.B.


Chairman

7

12.08.2015

Counsel for the appellant, M/S Javed Ahmed, Supdt. and Khurshid Khan, SO alongwith Assistant A.G for respondents present. Written reply not submitted. Requested for adjournment further adjournment. Last opportunity granted. To come up for written reply/comments on 14.10.2015 before S.B.


Chairman

14.10.2015

Counsel for the appellant, M/S Muhammad Akram, Supdt., Hameed-ur-Rehman, AD (lit.) and Khurshid Khan, SO alongwith Assistant A.G for respondents present. Written statement submitted. The appeal is assigned to D.B for rejoinder and final hearing for 10.02.2016.


Chairman

10.02.2016

Counsel for the appellant and Asst: AG for respondents present. Rejoinder submitted on behalf of the appellant which is placed on file. To come up for arguments on 18.5.16.


MEMBER


MEMBER

3,
Reader Note:

10.12.2014

Junior to counsel for the appellant present. Since the Tribunal is incomplete, therefore, case is adjourned to 29.01.2015 for the same.

[Signature]
Reader

29.01.2015

Counsel for the appellant present. Preliminary arguments partly heard. Since the matter required further clarification, therefore, pre-admission notice be issued to the AAG to assist the Tribunal. To come up for preliminary hearing on 13.02.2015.

[Signature]
Member

13.02.2015

Counsel for the appellant present. Contends that the appellant was appointed as PST (BPS-5) vide order dated 24.10.2012 and that on the strength of the said order he assumed the charge on 25.10.2012. That the appellant was not paid salary and was constrained to prefer appeal before this Tribunal. That the appointment order of the appellant was withdrawn on 14.2.2014 which was communicated to the appellant on 30.5.2014 against which representation was preferred on 3.6.2014 which was not responded and hence the present appeal on 22.9.2014.

*Appellant deposite of security fee
Sec. 8 Provision*

That neither any inquiry was conducted nor the appointment of the appellant was void and hence the office order dated 14.2.2014 is of no consequence.



Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days notices be issued to the respondents for written reply/comments on 15.5.2015.

[Signature]
Chairman.

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1161 /2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	22/09/2014	<p>The appeal of Mr. Kaleemullah presented today by Mr. Saadullah Khan Marwat Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;">  REGISTRAR </p>
2	29-9-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>10-12-2014</u>.</p> <p style="text-align: right;">  CHAIRMAN </p>

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

S.A No. 1161 /2014

Kaleem Ullah

Versus


D.E.O & others

I N D E X

S.#	Description of Documents	Annex	Page
1.	Memo of Appeal		1-3
2.	Appointment Order, 24.10.2012	"A"	4
3.	Charge Report, 25.10.2012	"B"	5
4.	Service Appeal No.	"C"	6-7
5.	Withdrawal Order, 14.02.2014	"D"	8
6.	Representation, 03.06.2014	"E"	9-10

Appellant

Through



Dated: 22.09.2014

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

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A No. 1161 /2014

Kaleem Ullah S/o Ahmed Jan, R/o Kotka
Shah Sallem, Gandhi, Khan Khel PST,
GMPS, Kotka Khali Khel Appellant

Versus

1. District Education Officer (Male),
Elementary & Secondary Education,
Lakki Marwat.
2. Director of Education, Directorate of
Elementary & Secondary Education, KP,
Peshawar.
3. Secretary, Government of KP, Elementary &
Secondary Education Department, Peshawar. Respondents

1198
22/9/2014

⇔<=>⇔<=>⇔<=>⇔<=>⇔
**APPEAL U/S 4 OF THE SERVICE TRIBUNAL
ACT, 1974 AGAINST OFFICE ORDER NO. 713-
17, DATED 14.02.2014 OF R. NO. 1,
WHEREBY ORDER OF APPOINTMENT DATED
24.10.2012 WAS WITHDRAWN FOR NO
LEGAL REASON.**

22/9/14

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Respectfully Sheweth:

1. That appellant was appointed as PST, BPS-05 as per prescribed procedure having the requisite qualifications vide order dated 24.10.2012. (Copy as annex "A")
2. That on 25.10.2012, appellant assumed the charge of the said appointment. (Copy as annex "B")

3. That since the date of appointment, appellant is performing his official duties in the school with devotion till date but his monthly salaries were withheld by the department, so he filed appeal No. 294/2014 before the Hon'ble Tribunal for release of his monthly salaries which is pending disposal till date. (Copy as annex "C")
4. That on 14.02.2014, order of appointment of appellant was withdrawn from the date of issuance by R. No. 1, yet the said order was never dispatched to appellant. (Copy as annex "D")
5. That the aforesaid order was got from the office by appellant on 30.05.2014, so on 03.06.2014, he submitted representation before R. No. 2 which met dead response till date. (Copy as annex "E")

Hence this appeal, inter alia, on the following grounds:-

GROUNDS:

- a. That since the date of appointment, appellant is performing his official duties in the school without any complaint.
- b. That no copy of the impugned order was dispatched to appellant as is evident from the same.
- c. That appellant was appointed through prescribed manner by the authority.
- d. That no notice was ever served upon the appellant nor any inquiry was conducted in this respect...
- e. That since the date of appointment, till 07.03.2014 appellant performed his official duties for more than sixteen months but he was not paid monthly salaries.

- f. That the impugned order is ab-initio void, without legal procedure, so is based on malafide. Infact, the said order is backdated to defect the case of appellatant.

It is, therefore, most humbly prayed that on acceptance of the appeal, order dated 14.02.2014 of R. No. 1 be set aside and appellatant be reinstated in service with all back benefits, with such other relief as may be deemed proper and just in circumstances of the case.

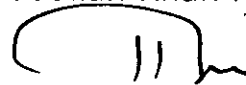


Appellant

Through

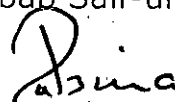


Saadullah Khan Marwat



Arbab Saif-ul-Kamal

&



Miss Robina Naz,
Advocates.

Dated: 22.09.2014

A

4

24-10-12

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELE: & SEC. EDUCATION LAKKI MARWAT
APPOINTMENT ORDER

Consequent upon the approval of the competent authority the appointment of Below named candidate is hereby ordered as Primary School Teacher in BPS 5 (5400-260-13200) plus usual allowances as admissible under the rules on regular basis, being Deceased Son under the provision of Establishment and Administration Department circular bearing No. SOR-6 (E&AD) 13-01/2005 on the terms & conditions given below in the interest of public service from the date of taking over charge.

S No	Name	Father name & Address	Union Council	To be posted at	Remarks
1	Kaleemullah	Ahmad Jan R/O Kotka Shah Saleem Gandhi Khan Khel	Gandhi Khan Khel	GMPS Kotka Khali Khel	Against the vacant post

Terms & Conditions:

1. His appointment will be considered regular without pension and gratuity in terms of section 19 of NWFP, Civil servant Act 1973, as amended vides NWFP Civil Servant (Amendment) Act, 2005. He will however be entitled to contributory Provident fund in such a manner and at such a rate as may be prescribed by the Govt.
2. His services will be liable to termination on one month notice from either side. In case of resignation with out notice tow months pay/allowances will be refunded to the Govt.
3. His services will be governed by such rules as the Govt may issue regulations as from time to time.
4. His services can be terminated at any time in case his performance is found unsatisfactory during probationary period, in case of misconduct he will be proceeded against the NWFP removal from service (special power) ordinance, 2000 and the rules framed from time to time.
5. Charge reports should be submitted to all concerned
6. No TA/DA is allowed
7. The undersigned will check and verify the certificates/degrees of the above name candidate from the concerned board/university before the drawl of pay.
8. The appointment is liable to termination if the appointee failed to take over charge with in fifteen days of the commencement date.
9. The undersigned reserves the right of amendment in the appointment order in case of an mistake.
10. He is required to produce his health and age certificate from the medical superintendent DHQ Hospital Lakki Marwat

(Mir Azam Khan)
 Executive District Officer
 Ele: & Sec: Education Lakki Marwat

Dated 24-10-2012

Endst No. 9310-15

Copy to the

1. Director E&S Education Department Khyber Pukhtunkhwa, Peshawar
2. District Co-ordination Officer Lakki Marwat
3. District Accounts Officer Lakki Marwat
4. Deputy District Officer male local office
5. Head teacher school concerned
6. Candidate concerned

(Signature)
 Executive District Officer
 Ele: & Sec: Education Lakki Marwat

(Signature)

(Signature)

25-10-12

چارٹرڈ رپورٹ

محوالہ آرڈر نمبر 15-9310 حکم ایگزیکٹو ڈسٹرکٹ آفسیئر صاحب
 ایگزیکٹو ایڈمنسٹریٹو سیکنڈری سکولز منیجمنٹ کمیٹی کے سربراہان
 کی تقریبی حیثیت پر ایگزیکٹو سکول ٹیچر (P.S.) گورنمنٹ سکول
 ایگزیکٹو سکول کوئٹہ داخلہ میں پیش کیا گیا ہے۔

لہذا آج 25-10-12ء کو ایگزیکٹو سکول ٹیچر صاحب
 کوئٹہ سکول ٹیچر ایگزیکٹو سکول کوئٹہ داخلہ میں چارج
 سنبھال لیا ہے۔ رپورٹ کے عرض ہے۔

چارچ ڈائری
 چارج ڈائری

چارچ ڈائری


100 Shali
 Head Teacher
 G.M.S. Kotka Khali Khaj
 Takkli Marwat

Attested



AD Officer
 (P.S.) Education
 (M) P.S. Larki Marwat

13-11-2012

Attested


C

6

25-2-14

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A No. 297 /2014

Kaleem Ullah S/o Ahmed Jan,
R/o Kotka Shah Sallem, Gandi, Khan Khel
PST, GMPS, Kotka Khali Khel Appellant

Versus:

1. District Education Officer (Male),
Elementary & Secondary Education, Lakki
Marwat.
2. Director of Education, Directorate of
Elementary & Secondary Education, KP,
Peshawar.
3. Secretary, Government of KP, Elementary &
Secondary Education Department,
Peshawar.
4. District Accounts Officer, Lakki Marwat. Respondents

⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄

**APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT,
1974 WHEREBY MONTHLY SALARIES OF
APPELLANT WERE NOT PAID SINCE 24.10.2012
TILL DATE FOR NO LEGAL REASON.**

⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄

Respectfully Sheweth:

1. That appellant was appointed as PST, BPS-05 as per the requirement having the requisite qualification vide order dated 24.10.2012. (Copy as annex "A")
2. That on 25.10.2012, appellant assumed the charge of the said appointment. (Copy as annex "B")
3. That since the date of appointment, appellant is performing his official duties in the school with devotion. (Copy as annex "C")
4. That though appellant was appointed as such on 24.10.2012, but his monthly salaries were withheld, so he filed Civil Suit / representation before the court of Civil Judge, Lakki Marwat on 03.07.2013 for release of the monthly salaries so withheld. (Copy as annex "D")



- 5. That Written Statement was submitted on 08.01.2014 before the said court, meaning thereby that the claim regarding payment of the monthly salaries of the appellant was not honoured. (Copy as annex "E")
- 6. That appellant was issued duty certificate by the Head Teacher of GPS, Khall Khel, Gandl Khan Khel on 30.01.2014. (Copy as annex "F")
- 7. That on 17.02.2014, the suit of the appellant was returned to him having no jurisdiction in the matter with the Civil Court, with further direction to approach before the proper forum.(Copy as annex "G")

Hence this appeal, inter alia, on the following grounds:-

GR OUNDS:

- a. That since the date of appointment, appellant is performing his official duties in the school without any complaint:
- b. That as is evident from the certificate of the Head Teacher of the school, appellant is performing duties in the school as such but without any monthly salaries till date.
- c. That where there is duty, there shall be pay but appellant is not awarding monthly salaries for no legal reason but with malafide.

It is, therefore, most humbly prayed that on acceptance of the appeal, respondents be directed to release forthwith monthly salaries of appellant and onward too, with such other relief as may be deemed proper and just in circumstances of the case.

Dated: 25.02.2014

Attested by

Appellant
 Through *Saadullah Khan Marwat*
 Saadullah Khan Marwat
Arbab Saif-ul-Kamal
 Arbab Saif-ul-Kamal
 & *Miss Robina Naz*
 Miss Robina Naz,
 Advocates.

Attested by

D

8

14-2-14

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) LAKKI MARWAT.**OFFICE ORDER**

Consequent upon the recommendation of the Inquiry Committee, under the Chairmanship of Principal GCMHS No. 1, Lakki Marwat, the appointment order bearing No. 9310-15, dated 24.10.2012 in respect of Kalim Ullah S/O Ahmed Jan as PST in GPS kotka khali khel (Against deceased son quota), being void ab initio, therefore, the aforesaid appointment order in respect of the said incumbent is hereby withdrawn from the date of issuance, under the prevailing rules and policy.

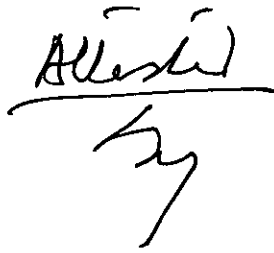
Sd/-
(Nazir Khan)
District Education Officer
(Male) Lakki Marwat.

Ends: No 713-17

Dated: 14.02.2014

Copy to the:

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Hon'ble Civil Judge No.-IV Lakki Marwat.
3. Sub-Divisional Education Officer, (Male) Local Office.
4. PA to DEO (Male) Local Office.



Sd/-
District Education Officer
(Male) Lakki Marwat

E

9

3-6-14

The Director,
Elementary & Secondary Education
KP, Peshawar.

SUBJECT:- APPEAL AGAINST OFFICE ORDER NO. 713-17, DATED 14.02.2014 OF THE DEO (M) LAKKI MARWAT WHEREBY APPOINTMENT ORDER DATED 24.10.2012 OF APPLICANT/APPELLANT WAS CANCELED FROM THE DATE OF INITIAL APPOINTMENT.

Respected Sir,

1. That applicant/appellant was appointed as PST, B-05 through prescribed manner vide order dated 24.10.2012 and assumed the charge of the post on 25.10.2012.
2. That on one hand, applicant/appellant is performing his official duties in GPS Kotka Khali Khel while on the other hand, he was not paying monthly salaries and for the said purpose, he filed, appeal No. 297/2014 and on hearing of the said case, pre admission notice was issued to department to clarify the position.
3. That applicant visited the office of the DEO (Male) wherein order dated 14.02.2014 was supplied to him, hence this appeal on the following grounds.

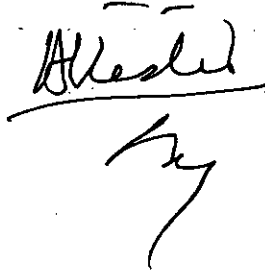
GR OUN D S:-

- a. That no copy of the impugned order was dispatched to applicant as is evident from the same.
- b. That applicant was appointed through prescribed manner by the then EDO, E&SE Lakki Marwat.
- c. That order of appointment was implemented, acted upon and got finality, so cannot be rescinded at a single stroke of a pen.
- d. That no notice was ever served upon the applicant/appellant nor any enquiry was conducted in this respect.

- e. That since the date of appointment till 7.03.2014, appellant performed his official duties for more than sixteen months but he was not paid monthly salaries.
- f. That the impugned order is ab initio void, without legal procedure, so is based on mala fide. Infact, the said order is backdated to defect the cause of applicant.

It is, therefore, most humbly requested that on acceptance of this appeal, the impugned order dated 14.02.2014 of DEO (M), Lakki Marwat be set aside and applicant be reinstated in service with all back benefits.

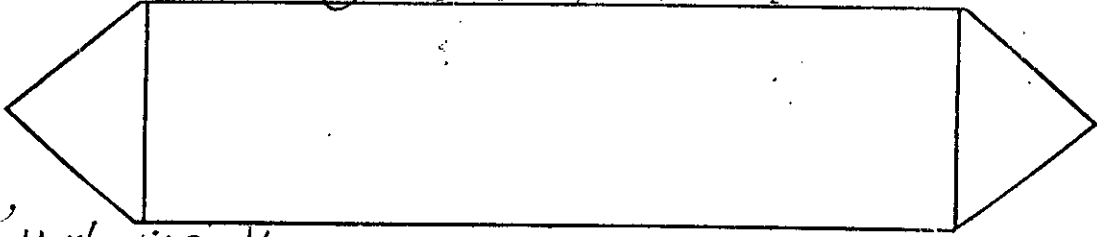
Dated:- 03.06.2014



Sd/-
Kaleem Ullah
S/o Ahmed Jan
R/o Kotka Shah Saleem,
Ex-PST, GMPS, Kotka Khali Khel,
Lakki Marwat.

Sd/-
Kaleem Ullah
S/o Ahmed Jan
R/o Kotka Shah Saleem,
Ex-PST, GMPS, Kotka Khali Khel,
Lakki Marwat.

بعدالت جواب سرس پیر پیونل کے



2014ء پنجاب اسلامک

سکیم اللہ بنام محمد تسلیح

مورخہ
مقدمہ
دعویٰ
جملہ

باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام کے لیے سید اللہ خان مہر / آرتا سید / اس روئے ہمار

توجہ سے مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زر این پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے دہوگا۔
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 لکھد یا کہ سندر ہے۔

المرقوم _____ ماہ _____ 2014ء

_____ واہ الع

کے لئے منظور ہے۔

بمقام

U. Khan
Advocate

U. Khan
Advocate

Paia
Advocate

کاملاً منظور ہے

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

S.A 1161/2014

Kaleem Ullah S/o Ahmad Jan R/o Kotka Shah Saleem Gandhi Khan Khel PST GMPS Kotka
Khali Khel

(Appellant)

Versus

1. District Education Officer (Male) Elementary & Secondary Education Lakki Marwat.
2. Director of Education Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Secretary Govt: of Khyber Pakhtunkhwa Elementary & Secondary Education Department Peshawar.

(Respondents)

Respectfully Sheweth:

Respondent humbly submits the Parawise comments as under.

Preliminary Objects:

1. The appellant has not come to the honorable tribunal with clean hands and deliberately concealed the real facts.
2. That the appellant has got no cause of action.
3. That the appellant has not impleaded the necessary parties.
4. That the appeal in hands is not maintainable in the present form.
5. The appellant was illegally appointed as PST out of Deceased son quota because the appellant's father was died after retirement not during service.
6. That basic qualification for PST post is FA with PST certificate while the appellant is simple Matric with PST certificate, this is 2nd illegality in the appointment.
7. That the appellant's order was withdrawn after inquiry report.

Facts:

1. That Para (1) is incorrect. The appellant tempered the date of retirement of his father and show his death during the service. Basic minimum qualification for PST post is FA with PST certificate while the appellant is simple Matric with PST certificate, therefore the appointment of the appellant is totally illegal and against the Govt: Policy. (Copy of retirement order of Ahmad Jan, SSC and PST certificate are Annexed as "A", "B", "C")
2. That Para (2) is incorrect. The appellant assumed the charge on illegal appointment.
3. That Para (3) is incorrect. After verification of documents, the documents of the appellant were found tempered. Therefore, the appellant, appointment order is withdrawn after enquiry report. (Copy of Enquiry report & withdraw order is annexed as "D", "E")

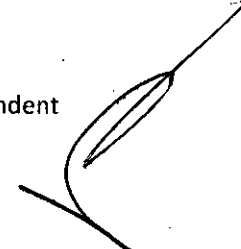
4. That Para (4) is also incorrect. The withdrawal order of appellant was handed over to the appellant. 17
5. That Para (5) is incorrect. The appellant has not submitted any representation to respondent No-02, withdrawal order. *after*


Grounds:


- (a) That Para (a) is incorrect. The appellant deceived the Department by tempering in the retirement order of his father. The appellant was not eligible for appointment on fake documents but He got the appointment order on fake documents therefore, his duty is also illegal.
- (b) That Para (b) is incorrect. The withdrawal order was handed over to the appellant in the office.
- (c) That Para (C) is incorrect. The appellant has got appointment order on fake and tempered documents.
- (d) That Para (d) is also incorrect. The appellant was summoned by the enquiry officer through notice. The appellant was given an opportunity for defence but the appellant could not satisfy the enquiry officer. (Copy of notice is annexed as "F")
- (e) That Para (e) is incorrect. The appellant got appointment order on fake documents which have proved by enquiry officer which is already annexed as "D".
- (f) That Para (f) is incorrect. The appellant got appointment order on fake & tempered documents therefore his withdrawal order is issued in the light of enquiry report.

It is therefore humbly requested that in the light of above Para wise comments the appeal in hands may graciously be dismissed.


District Education Officer
(Male) Lakki Marwat

Respondent 


Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar


Secretary
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

S.A 1161/2014

Kaleem Ullah S/o Ahmad Jan R/o Kotka Shah Saleem Gandhi Khan Khel PST GMPS Kotka
Khali Khel

(Appellant)

Versus

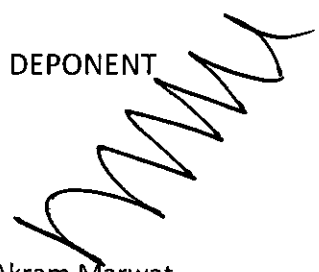
1. District Education Officer (Male) Elementary & Secondary Education Lakki Marwat.
2. Director of Education Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Secretary Govt: of Khyber Pakhtunkhwa Elementary & Secondary Education Department Peshawar.

(Respondents)

Affidavit

I Mr. Akram Marwat Superintendent BPS-17 Office of the District Education Officer (Male) Lakki Marwat is hereby solemnly declare that the contents of Parawise comments is true to the best my knowledge and belief and nothing has been concealed from this Honourable court.

DEPONENT



Akram Marwat
Superintendent District Education Officer
BPS-17
(Male) Lakki Marwat

(6) (4)

OFFICE OF THE DISTRICT COORDINATION OFFICER LAKKI MARWAT

No. _____ /DCO/LM

Dated _____ /2005

OFFICE ORDER

Consequent upon reaching the age of superannuation of 60 years in CT Govt. High School Kot Kashmir Lakki Marwat is hereby allowed to service w.e. from 09-04-2005 afternoon.

He will also be entitled to encashment of leave equal to 180 days under rules 1981.

Set
District Coordination Officer,
Lakki Marwat.

No. 1171-733 /DCO /LM

Dated 28/4/05 /2005

Copy to:

1. Executive District Officer School & Literacy Lakki Marwat.
2. District Accounts Officer, Lakki Marwat.
3. District Officer (M) Secondary Edu. Lakki Marwat Service Book of the Official concerned is returned herewith.

Amir
Shah
Amir Abdulllah Shah
HEAD MASTER
G.H.S. Kot Kashmir (Lakki)

S. I. C. O.
Assistant Coordination Officer,
Lakki Marwat.

95

Executive District Officer
School & Literacy Lakki Marwat

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(6) (34)

OFFICE OF THE DISTRICT COORDINATION OFFICER LAKKI MARWAT

No. _____ /DCO/LM

Dated _____ /2005

OFFICE ORDER

Consequent upon reaching the age of superannuation of 60 years Mr. Ahmad
Ismail CT Govt: High School Kot Kashmir Lakki Marwat is hereby allowed to retire from
service w.e. from 09-04-2005 afternoon.

He will also be entitled to encashment of leave equal to 180 days under the
revised rules 1981.

[Signature]
District Coordination Officer,
Lakki Marwat.

Dated 28/4 /2005

No. 1171-73 /DCO /LM

Copy to:

1. Executive District Officer School & Literacy Lakki Marwat.
2. District Accounts Officer, Lakki Marwat.
3. District Officer (M) Secondary Edu: Lakki Marwat Service Book of the Official concerned is returned herewith.

[Signature]
Assistant Coordination Officer,
Lakki Marwat.

[Signature]
Amir Abdullah Shah
HEAD MASTER
G.H.S. Kot Kashmir (Lakki)

95

[Signature]
District Officer
School & Literacy Lakki Marwat

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(12) (28) 15

Executive District Officer
Schools & Literacy Lakki..

No. 14818

Dated. 30/11/2005.

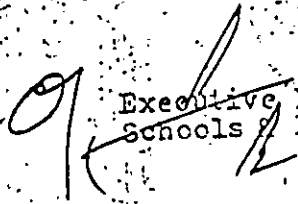
TO.

The District Accounts Officer
Lakki Marwat.

Subject:- PENSION CLAIM.

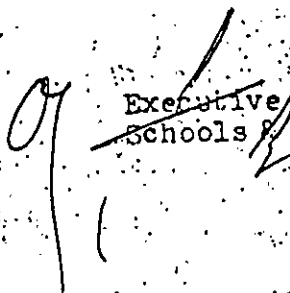
Memo:-

The Pension papers alongwith original service book and other connected papers duly countersigned by the authority concerned in respect of Mr, Ahmad Jan "CT" Govt: High School Kot Kashmir Distt: Lakki Marwat is sent herewith for favour of further n/action.


Executive District Officer
Schools & Literacy Lakki..

Endst: No. 14819/1.

Copy to the Headmaster GHS Kot Kashmir for information.


Executive District Officer
Schools & Literacy Lakki..

(11) (29) / 14

LAST PAY CERTIFICATE

Last Pay Certificate of Ahmad, Jan - CP

of the G.H.S. Kot Kashmir Lakki Marwat.

proceeding to RETIRED - 9.04.2005 (A.F.)

He has been paid upto 19/04/2005

Particulars	CLASSIFICATION
Substantive Pay	AO1151 P/Asstb: 7620/-
Officiating Pay	AO1202 HRA : 407/-
Exchange Compensation Allowance	AO1217 HIA 210/-
	AO1209 SAA 548/-
	AO1262 SRA 1143/-
	AO1214 AR 1143/-
	G. TOTAL:- 11071/-

Deductions
 IT: EDU: 18849/css Go6103GPF 455/- Go6214BF.35/- Go6408 WF 75/-
 12223: ET 6/-

He made over charge of the Office of CP

on the 9/04/2005 (A.F.) noon of _____

Recoveries are to be made from the pay of the Government servant as detailed on the reverse.

He has been paid leave salary as detailed below. Deductions have been made as noted on reverse.

From _____ to _____ at Rs. _____ a month

From _____ to _____ at Rs. _____ a month

From _____ to _____ at Rs. _____ a month

He is entitled to draw the following: _____

He is also entitled to joining time for _____ days.

The details to the Income Tax recovered from _____ up to the date from the beginning of the current year are noted on the reverse.

Ahmad
CP
 S.E.T.
 G.H.S. Mama Khal Marwat
 (Lakki Marwat)

M. Abbas
 Road No. 100
 Kot Kashmir
 Lakki Marwat

M. Abbas
 District Officer
 Kot Kashmir

Signature: *M. Abbas*
 Designation: PRINCIPAL
 G.H.S. Kot Kashmir
 (Lakki Marwat)

Dated at _____ 19

Note.—The entries in this page should be renewed or re-attested at least every five years, and the lines 9 and 10 should be dated.

1. Name... *Amirul Jinn* ✓

2. Race... *Pakhan*

3. Residence... *village Katiya Shah Saleem P.O. N. H. S. Fardes*

Dist: Bannu

4. Father's name and residence *M.S. Ayub Khan Katiya Shah Saleem P.O. N. H. S. Fardes (Bannu)*

5. Date of birth by Christian era nearly as can be ascertained *10th April N.H.S Fardes June (10.4.1945)*

6. Exact height by measurement *5' 4"*

7. Personal marks for identification *mark of healed wound on the right arm near elbow.*

8. Left hand thumb and finger impression of (non-gazetted) officer

Little Finger.

Ring Finger.

Middle Finger

Fore Finger.

Thumb.

Re-attested
Head Master
G.H.S.K. Kashmir

Left
Right
Cutting attested
Head Master
G.H.S. Kot Tachmit
Lakki Marwat

9. Signature of Government servant *Amirul Jinn Fardes*

10. Signature and designation of the Head of the Office or other Attesting Officer

1/12/2003

Re-attested
Head Master
Govt. High School
Kashmir Lakki

Re-attested
Head Master
G.H.S. Kot Tachmit
Lakki Marwat

Head Master
Govt. High School
Lakki (Dist. Bannu)
30/6/07

Re-attested
Head Master
Govt. High School
Lakki

Note.—The entries in this page should be renewed or re-attested at least every five years, and the signature in lines 9 and 10 should be dated.

1. Name... *Ahmad Khan* ✓

2. Race *Pakhan*

3. Residence *village Kotra Shah Saleem P.O. Nor Puzoffa Distt: Bannu*

4. Father's name and residence *M.S. Piyush Khan village Kotra Shah Saleem P.O. Nor Puzoffa (Bannu)*

5. Date of birth by Christian era nearly as can be ascertained *April N.H. 3 Forty Five (10.4.1945)*

6. Exact height by measurement *5-4*

7. Personal marks for identification *mark of healed wound on the left arm near elbow.*

8. Left hand thumb and finger impression of (non-gazetted) officer

Little Finger.

Ring Finger.

Middle Finger

Fore Finger.

Thumb.

9. Signature of Government servant *Re-attested Ahmad Khan F.A.S. 20*

10. Signature and designation of the Head of the Office or other Attesting Officer

1/12/2003

Re-attested Ahmad Khan Head Master Govt. High School Lakki

Re-attested Ahmad Khan Head Master Govt. High School Lakki (Distt. Bannu) 30/6/03

Left hand thumb and finger impression of (non-gazetted) officer
cutting attested
Head Master Govt. High School Lakki Bannu

3437

DATED 07/04/2006

The Executive District Officer,
Schools & Lit: Lakki Marwat.

The District Accounts Officer,
Lakki Marwat.



Subject:-

PENSION CLAIM!

Memo:-

Reference your letter No. DAO/LMT/Pension/
2005106/1996 dated 01/4/2006.

The pension case in respect of Mr. Ahmad Jan
~~Ex-CT of GHS Kot Kashmir~~ is re-submitted herewith with the
remarks that the teacher concerned was basically appointed
in BPS-9 for which the undersigned is own competent to sign
his pension papers as already discussed.

However his family pension case is also been
prepared duly signed by the concerned Principal and countersigned
by this office is attached herewith with the pension case as
desired vide your office letter No. & date referred to above.

of?
ju.
EXECUTIVE DISTRICT OFFICER
SCHOOLS & LIT: LAKKI MARWAT

Endst: No. 3438

Copy of the above is forwarded to the Principal
GHSS Kot Kashmir Lakki Marwat.

of?
ju.
EXECUTIVE DISTRICT OFFICER,
SCHOOLS & LIT: LAKKI MARWAT.

(9)

ANNEXURE-3

رجسٹر اہوائے

یونین کونسل لڈا کا کل تحصیل کے اہل ضلع ملی ہوا

نمبر رجسٹر سالانہ	متوفی کا نام بمعہ شناختی کارڈ نمبر	جائے موت متوفی	جنس		پیشہ و قوم و مذہب متوفی	عمر متوفی	والد/خاوند کا شناختی کارڈ نمبر	تاریخ وفات	موت درج ہونے کی تاریخ	باعث موت	مدت عیالیت	ڈاکٹر/حکیم کا نام اور پتہ جس سے متوفی کا آخری علاج کیا	اطلاع کرنے والے کا مکمل نام بمعہ شناختی کارڈ نمبر
			مرد	عورت									
359	احمد بان	کوٹلی	مرد	-	ریٹائرڈ ملٹرمن	10/1942	الوفان	11/5 دن	11/15 دن	وینڈر ٹھکانہ	موت	-	30-نزدیک

یقیناً یہ ساری سے نقل ہے اور یہ ساری سے اور یہ ساری سے

Principal G.H.S. Kot Kashmir (Lakmi Harwal)

(31) 16

(10) 18
Handwritten notes and signatures at the top right of the page.

No (15)

Dated Kot Kashmir, the 21/11/2005

From
The Headmaster CHS Kot Kashmir
District Lakk Marwat

To
The Manager ✓
Group and Pension Division
State life Insurance
State Life building P.C box No. 312
N.W.F.P Peshawa Cant

Subject GROUP INSURANCE DEATH CLAIM IN RESPECT OF LATE AHMAD JAN EX-CT TEACHER GHS KOT KASHMIR DISTRICT LAKKI MARWAT

Memo:
It is stated for your kind information late Ahmad Jan Ex-CT Teacher (Retired on 09-04-2005) Govt: High School Kot Kashmir, Lakki Marwat ~~(died on 05-11-2005)~~ service book, photo copy of the N.I.C of the teacher concerned and his widow Mst Khyal Bibi are sent herewith for further necessary action.

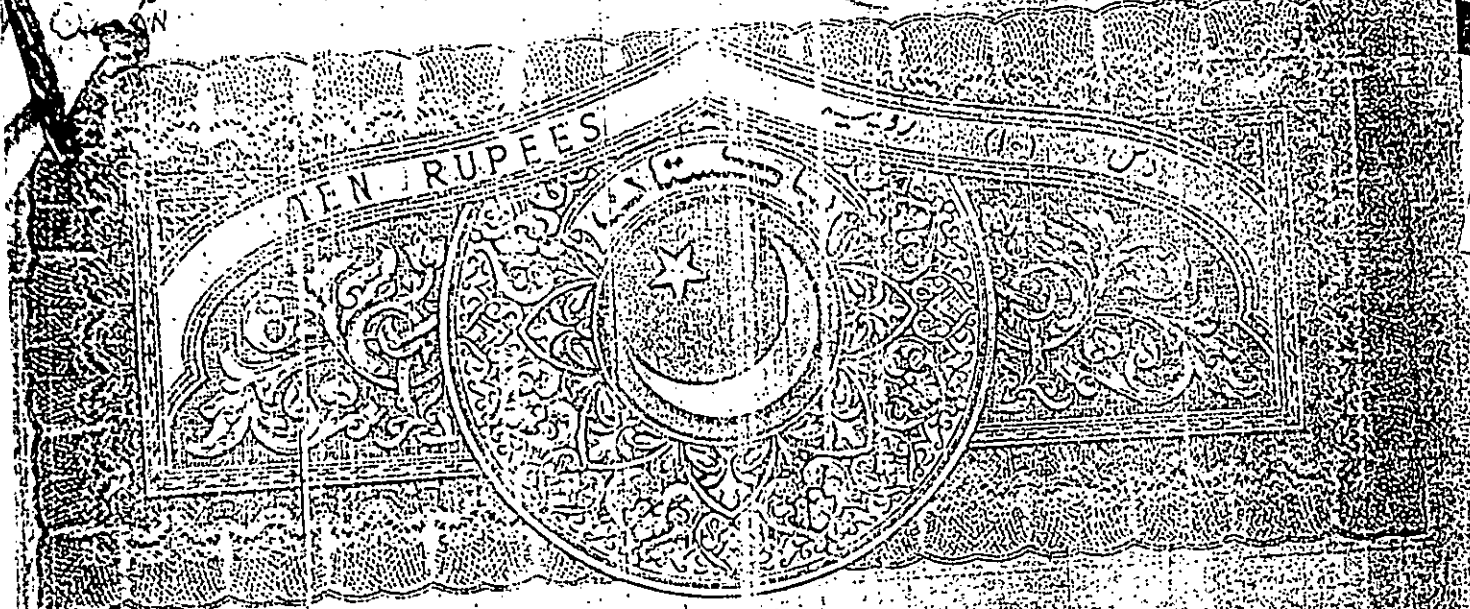
Hence it is requested that the cheque for Rs 240000/- (two lac forty thousand) may be issued in the name of Mst Khyal-Bibi widow of late Ahmad Jan Ex-CT Teacher (Retired after 01-07-2004) village kotka Shah Slaim P/O Serai Gambila, Lakki Marwat.

*Retired on 09-04-2005
died on 05-11-2005*
Headmaster
GHS Kot Kashmir, Lakki Marwat

Endst No. (16)

Copy for information to Mst Khyal Bibi widow of Late Ahmad Jan ex-CT Teacher Village Kotka Shah-Salim, District Lakki Marwat.

Head Master
GHS Kot Kashmir, Lakki Marwat
Stamp: GHS Kot Kashmir, Lakki Marwat



بیان عطفی

سنہ ۱۹۸۱ء میں لائی گئی (۱۹۸۱ء) میں لائی گئی۔ اس وقت کے سرکار ہندوستان
 کے ایک حکمران اور کارکنوں کے ہونے کی بنا پر اس کے تحت ایک کمیٹی کا قیام کیا گیا۔
 اس کمیٹی کے رپورٹ کے تحت ایک اسکیم کی منظوری دی گئی۔ اس اسکیم کے تحت
 ایک اسکول کا قیام کیا گیا۔ اس اسکول کے نام سے ایک اسکول کا قیام کیا گیا۔
 اس اسکول کے قیام کے بعد اس کے تحت ایک اسکول کا قیام کیا گیا۔
 اس اسکول کے قیام کے بعد اس کے تحت ایک اسکول کا قیام کیا گیا۔
 اس اسکول کے قیام کے بعد اس کے تحت ایک اسکول کا قیام کیا گیا۔
 اس اسکول کے قیام کے بعد اس کے تحت ایک اسکول کا قیام کیا گیا۔
 اس اسکول کے قیام کے بعد اس کے تحت ایک اسکول کا قیام کیا گیا۔

۱۸/۱۱/۸۱

۵۲۶۲۶۳۳-۴

سنہ ۱۹۸۱ء میں لائی گئی

Abdul

PRINCIPAL
 G.S.S. Kot Keshmir
 (Lalji Margwa)



District Office
 Literacy
 Lalji Margwa

R.F.M.
 05

131

(45)

s No. J771628

Roll No. 56953

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

Mrs. Tanla Pashtmi
Civil Judge-V Lakh Marwat

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



Peshawar N.W.F.P. Pakistan
Secondary School Certificate Examination
SESSION 1990 (ANNUAL)

THIS IS TO CERTIFY THAT Kalimullah Khan

Son/Daughter of Ahmad Jan

and a student of Govt: High School, Kot Kashmir, Bannu

has passed the *Secondary School Certificate Examination* of the Board of Intermediate & Secondary Education, Peshawar held in March 1990 as a *Regular candidate*. He/She obtained 547 Marks out of 850 and has been placed in *Grade* B representing Very Good

The Candidate passed in the following subjects:

- 1. English
- 2. Urdu
- 3. Islamiyat
- 4. Pakistan Studies
- 5. Gen: Science
- 6. I.L: Studies
- 7. Gen: Mathematics
- 8. Arabic

He/She has been awarded *Grade* D on the basis of internal assessment by the Institution concerned.

Date of birth according to admission form is Thirty First March

one thousand nine hundred and Seventy Five (31-3-1975)

[Signature]
Asstt. Secretary
11th August 1990

This certificate is issued without alteration or erasure.

[Signature]
Secretary

30-9-2012
31-3-1975
1-6-37

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OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELE: & SEC: EDUCATION LAKKI MARWAT
APPOINTMENT ORDER

Consequent upon the approval of the competent authority the appointment of below named candidate is hereby ordered as Primary School Teacher in BPS-5 (5400-260-13200) plus usual allowances as admissible under the rules on regular basis, being Deceased Son of the provision of Establishment and Administration Department circular bearing No. SOR-67E&AD/13-01/2005 on the terms & conditions given below in the interest of public service from the date of taking over charge.

S No	Name	Father name & Address	Union Council	To be posted at	Remarks
1	Kaleemullah	Ahmad Jan R/O Kotka Shah Saleem Gandhi Khan Khel	Gandhi Khan Khel	GMPS Kotka Khali Khel	Against the vacant post

Terms & Conditions:

1. His appointment will be considered regular without pension and gratuity in terms of section 19 of NWFP, Civil servant Act 1973, as amended vides NWFP Civil Servant (Amendment) Act, 2005. He will however be entitled to contributory Provident fund in such a manner and at such a rate as may be prescribed by the Govt.
2. His services will be liable to termination on one month notice from either side. In case of resignation with out notice tow months pay/allowances will be refunded to the Govt.
3. His services will be governed by such rules as the Govt may issue regulations as from time to time.
4. His services can be terminated at any time in case his performance is found unsatisfactory during probationary period, in case of misconduct he will be proceeded against the NWFP removal from service (special power) ordinance, 2000 and the rules framed from time to time.
5. Charge reports should be submitted to all concerned
6. No TA/DA is allowed
7. The undersigned will check and verify the certificates/degrees of the above name candidate from the concerned board/university before the drawl of pay.
8. The appointment is liable to termination if the appointee failed to take over charge with in fifteen days of the commencement date.
9. The undersigned reserves the right of amendment in the appointment order in case of an mistake.
10. He is required to produce his health and age certificate from the medical superintendent DHQ Hospital Lakki Marwat

(Mir Azam khan)
 Executive District Officer
 Ele: & Sec: Education Lakki Marwat

Dated 24-10-2012

Endst No. 4310-15
 Copy to the

1. Director E&S Education Department Khyber Pukhtunkhwa, Peshawar
2. District Co-ordination Officer Lakki Marwat
3. District Accounts Officer Lakki Marwat
4. Deputy District Officer male local office
5. Head teacher school concerned
6. Candidate concerned

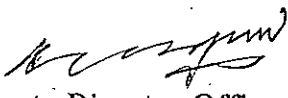
Executive District Officer
 Ele: & Sec: Education Lakki Marwat

(11)

19

DEATH CERTIFICATE E

Certified that Mr. Malik Ahmad Jan S/O Malik Ayoub Khan working as a CT at GHSS Kotkashmir U/O Kot Kashmir. Is died on 2006 natural death.


Deputy Director Officer (M)
Education (Lakki Marwat).

(51)

DETAILED REPORT BY THE INQUIRY COMMITTEE REGARDING APPOINTMENT OF
KALEEMULLAH S/O AHMAD JAN AS DECEASED SON QUOTA

INTRODUCTION:

One Kaleemullah S/O Ahmad Jan was appointed as PST in BPS-05 by the Ex-EDO (E&SE) Lakki Marwat under deceased son quota. The above named appointee has filed a case with Civil Judge No.5 Lakki Marwat for release of pay.

PROCEEDING:

We all the members of the inquiry committee visited the concerned office of the DEO (M) Lakki Marwat on 18-12-013 and discussed the case. Some of the relevant record/file was scrutinized and discussed verbally, as also attached from page 01 to page 24.

- i) Mr. Kaleemullah was issued letter to appear before the committee.
- ii) Mir Azam Ex-EDO was also issued letter to appear and attend the committee.

INVESTIGATIONS:

The record/documents regarding to the appointment of Kaleemullah under deceased son quota was scrutinized as under:

Mr. Kaleemullah S/O Ahmad Jan was appointed as PST in BPS-05 vide DEO (M) office order No. 9310-15 dated 24-10-2012 out of deceased son quota. Now the question is whether the appointment is done on sound and legal grounds or otherwise?

1. First of all the question is that whether the appointee is entitle for deceased son quota right or not?
The record available was scrutinized and we came to the conclusion that the father of the appointee was a C.T. teacher, who took retirement after completion of 60 years age and on this ground he was granted retirement by DCO Lakki Marwat vide order No. 1171-73 dated 28-04-205. (Copy attached).
- a) Further after a few months (about 07 months) the father of the appointee died on 05-11-2005 which is shown by the Death Certificate issued by Secretary Union Council Gandi Khan Khel and the statement of the widow (Khyal Bibi) who applied for transfer of pension to herself which is on the record. (Copy attached)
- b) The principal concerned has also issued him LPC in which the employee was shown payment upto 09-04-2005. (Copy attached).
- c) Further the date of birth of Mr. Ahmad Jan the father of appointee is also shown on the first page of Service Book as 10-04-1945 which was provided by Ex-DEO (M) Mir Azam Lakki Marwat during personal appearance before the committee. (Copy attached).
- d) The above documents have been signed/countersigned by the same EDO namely Mir Azam Khan, who appointed the son of the employee.
- e) Moreover, when Kaleemullah was asked that whether his father has died after retirement or during service. He showed ignorance in this respect.
- f) In the light of the above discussion it is proved that Mr. Ahmad Jan father of the appointee died not during service but after retirement and so his son is not entitle to get service out of deceased son quota.
- g) Note: The deceased son quota right is fixed for those whose father/mother has died during service. But in present case the position is vice versa.

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Examine & process
07/01/2014

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07/01/2014

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2. He has been appointed as PST in BPS-05 on matriculation instead of BPS-12 requiring FA/F.Sc. As per policy the basic qualification for PST is FA/F.Sc. and the basic scale is BPS-12. The candidate is matriculate, underqualified and so not suit to be appointed as PST. The candidate is not qualified and so the appointment is illegal.

Note: The deceased son should be appointed if his father died during the service and he/she has the required basic qualification for the post. As the appointment does not fulfill this condition. So the appointment is not legal.

3. Ex-EDO Mir Azam Khan has signed the Service Book, Pay bills etc which are required to be signed by Dy: DO (E&SE), being the Drawing and Disbursing Officer of the appointee. Thus he misused his power and surpassed the powers of the Dy: DO. On the ground the bills were not honoured by the A/C Office, because the bills were not signed by the proper officer. If the EDO being the competent authority then he shown too much negligence in respect of drawing the pay of appointee.

4. It is also to be noted please that the appointment file of Kaleemullah is also not available in the office of the DEO which was reported by responsible officer/official that no record of appointment of Kaleemullah is available. It means that Ex-EDO (E&SE) Mir Azam Khan did not follow/fulfill the codal formalities i.e. application by the candidate duly signed by him, preparing the Merit list, the DSC meeting or to pursue note sheet. He directly appointed him without observing the codal formalities. He thus surpassed his powers. The cause is unknown. As per record available, he is neither entitle under deceased son quota right, not qualified which requires FA/F.Sc. and PTC certificate for the post, but.

5. Yet inspite of all the above discussion, the Ex-EDO appointed him against the post of PST at GMPS Khali Khel U/C Gandhi Khan Khel. He properly took over charge on 25-10-2012 and still that time has been performing his duty. The teacher's attendance register showing the performance of duty are duly signed by the appointee and countersigned by the Head teacher of the school is on the record. (Copy attached).

FINDINGS AND RECOMMENDATION:

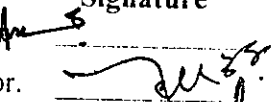
1. As stated before, the appointee Kaleemullah is unable to prove himself entitle for availing the deceased son quota right.
2. The appointing authority i.e. Ex-EDO also could not convinced the committee about the legality of appointment.
3. Now it is clear that the appointment is totally illegal and the august office EDO will be in a better position to decide it fairly and as per policy in view of the satisfaction and proceedings of the honourable court of Civil Judge No.05 Lakki Marwat.

Enclosures = Page 1-24.

Members of Committee

1. Khalid Wahab Dy: DEO (M) Lakki Marwat.
2. Muhammad Umar Khan Pricipal GHSS Masha Mansoor.
3. Saleh Badshah ASDEO Circle Gandhi Khan Khel.

Signature


Muzammil Khan,
Chairman,
Principal,
GCMHS No.1,
Lakki Marwat.
07/01/2014

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) LAKKI MARWAT.

OFFICE ORDER

Consequent upon the recommendation of the enquiry committee, under the chairmanship of Principal GCMHS No.1 Lakki Marwat, the appointment order bearing No. 9310-15 dated. 24-10-2012, in respect of Kalim Ullah S/O Ahmad Jan as PST in GPS kotka Khali Khel (Against deceased son quota), being void ab initio, therefore, the aforesaid appointment order in respect of the said incumbent is hereby ~~with-drawn from the date of issuance, under the prevailing rules and policy.~~

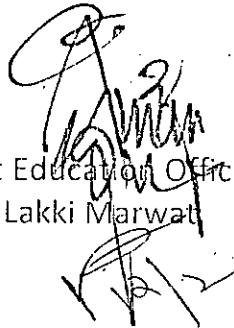
(NAZIR KHAN)

District Education Officer
(Male) Lakki Marwat.

Endst:No 713-17 Dated. 14-02-2014

Copy to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Hon;able Civil Judge No-IV Lakki Marwat.
3. Sub-Divisional Education Officer, (Male) Local Office.
4. ASDEO (Circle) concerned.
5. PA to DEO (Male) Local Office.


District Education Officer
(Male) Lakki Marwat

(25)

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) LAKKI MARWAT

NOTIFICATION:

The following committee is hereby constituted to inquire, regarding appointed order of Kalimullah S/o Ahmad Jan R/o Kotka Shah Saleem Gandhi Khan Khel (Deceased son quota).

The committee is required to check all the relevant record and submit their detail report and findings for taking within 3 days for further necessary action into the matter.

- | | | |
|------------------|------------------------------|------------|
| 1. Muzamil Khan | Principal GCMHS No.1 Lakki | (Chairman) |
| 2. Khalid Wahab | Dy;D. E. O (M)Lakki | (Member) |
| 3. Muhammad Umar | Principal GHSS Masha Mansoor | (Member) |
| 4. Saleh Badshah | ASDEO Circle Gandhi | (Member) |

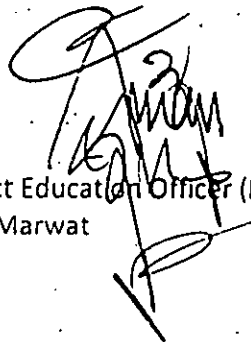
District Education Officer (M)
Lakki Marwat

Endst No. 288-90

Dated 12-12-2013

Copy to the:

1. Secretary to Govt. of Khyber Pakhtunkhwa with reference his No. So(lit-II)/E&SD/Kalimullah Dated 06-08-2013.
2. Honourable Civil Judge-IV Lakki Marwat
3. Chairman/Members of the committee


District Education Officer (M)
Lakki Marwat

(24)

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) LAKKI MARWAT

Detail history regarding Appointment Order of Kalimullah appointed as PST out of deceased son quota:

1. Appointed as PST vide Order No.9310-15 Dated 24-10-2012, out of Deceased son quota.
2. His father was retired from service on 09-04-2005 due to completion of 60 years age.
Retirement sanction granted by DCO Lakki Marwat vide No.1171-73 dated 09-04-2005.
3. The Principal GHSS Kot Kashmir has issued LPC for paid up to and for 09-04-2005 due to retirement.
4. This Department has forwarded pension case of Ahmad Jan CT to District Accounts Officer Lakki Marwat vide No.14818 dated 30-11-2005.
5. The Ex-CT has died on 05-11-2005 as per evidence letter No.16 dated 21/11/2005 of the Principal GHSS Kot Kashmir, Affidavit of his widow (Namely Khayal Bibi) and death certificate of the Union Council concerned.
6. The appointee has also provided a certificate which is re-produced death as abid.

Certified that Malik Ahmad Jan S/o Malik Ayub Khan Working as a CT at GHSS Kot Kashmir Union Council Kot Kashmir is died on 2006 natural death.

Deputy Director Officer (M)
Lakki Marwat

7. The certificate as mentioned in Para 6 is totally fake signs and these have tried for signature of the Ex-Sub Divisional Education Officer (M) (Haji Dilawar Khan)

District Education Officer (M)
Lakki Marwat

(14)

(43)

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1. Name (نام) Ms. Kalimullah Khan
2. Nationality and Religion Pakistan / Islam
3. Residence Kotla Shah claim Teh. S. Rawang Uchawal
(مستقل رہائش) Dist. Laska Marwat
4. Father's name and residence Mr. Ahmad Jan
(والد نام و رہائش)
5. Date of birth by christian era as nearly as can be ascertained 31-03-1975
(تاریخ پیدائش عیسوی) Thu 5th March 1975 Sunday
6. Exact height by measurement 5' 7"
(قد قیاس)
7. Personal mark of identification Scar on left hand
(نشانی نشانی)

8. Left hand/right hand thumb and finger impressions of (Non-gazetted officer)
(بزد کی صورت میں بائیں اور صورت میں دائیں ہاتھ کی انگلیوں کے نشانات)

Little Finger (چھنگلی)	Ring Finger (گھنگلی)	Middle Finger (سان)
Fore Finger (اٹھت شہارت)		Thumb (انگوٹھی)

9. Signature of Govt. Servant
(سرکاری ملازم کے دستخط)

کلم اللہ خان

10. Signature and designation of the Head of the Office or other Attesting officer
(تصدیق کنندہ افسر کے دستخط اور مہر)

[Signature]
Deputy D.O (A)
(E.S.) Ed: Laska Marwat

Note: The entries in this page should be renewed or re-attested at least every five years and the signatures in lines 9 and 10 should be dated. Finger prints need not be taken after every 5 years under this rule.

یہ صفحہ مندرجہ ذیل کم از کم پانچ سال بعد تصدیق ہونا ضروری ہے اور نمبر 9 اور 10 میں دستخطوں کے لیے تاریخ لکھنی چاہیے۔
انگوٹھوں کے نشانات کے لئے ہر پانچ سال کے بعد تصدیق کی ضرورت نہیں۔

9	10	11	12	13	13		14	15
Signature and designation of the Head of the office or other attesting officer in attestation of column 10	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal)	Signature of the head of the office or other attesting officer	Nature and duration of leave taken	Allocation of period of leave of average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debitable to another Government	Period	Signature of the Head of the office or other attesting Officer	Reference to any recorded punishment or censure, reward or praise of the Government servants
<p>Mrs. Tanis Hashmi <i>(Signature)</i> District Judge - Lakh Merwat 3/1/96</p>	<p>3/1/96 3/1/96 3/1/96</p>	<p>ازبات اخصار ملازمت ترقی پانہ پانہ</p>	<p><i>(Signature)</i> دفتر پانہ</p>	<p>بھت کی نوعیت دو مہینہ</p>	<p>پانہ کی بھت کے لئے اسی گروہ میں</p>	<p>6 مہ</p>	<p><i>(Signature)</i> پانہ</p>	<p>17/1/96 3/1/96 3/1/96</p>
					<p>Passed PTC exams</p>			
					<p>from G.E.C. Shariwala</p>			
					<p>Bannu under</p>			
					<p>R.No: 757, Session 1995-96</p>			
					<p>obtained 70/120 marks</p>			
					<p>placed in Div - II</p>			
					<p>and result declared</p>			
					<p>on 30-8-1996.</p>			
					<p><i>(Signature)</i></p>			
					<p>Executive Dist. Officer</p>			
					<p>3/1/96</p>			

9	10	11	12		13	14	15
Signature and designation of the Head of the office or other attesting officer in attestation of column 1 to 5	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal)	Signature of the head of the office or other Attesting officer	Nature and duration of leave taken	Allocation of period of leave of average pay up to four months (or earned leave net exceeding 120 days) to which leave salary is debitable to another Government	Signature of the Head of the office or other attesting Officer	Reference to punishment or award or used of the Government servants.
Period					Government to which debitable		
Mrs. Tania Hashmi Civil Judge - V Lakki Marwat	[Signature]	زیر مات انتقالاً ملازمت ترقی تدارک بہ طریق	[Signature]	رخصت کی نوعیت و معیار	پارہ 20 کی رخصت کے تحتیماً حکومت Period	[Signature]	سر ایچ ایچ غیر متاسب دار بوقت ریکارڈ
[Signature]	Deputy D.O (M) (E.S.) Lakki Marwat					[Signature]	appointed against BSL
						[Signature]	Department of Education
						[Signature]	on vacant post vide
						[Signature]	E/S D/L/L/L/L/L/L/L/L/L/L
						[Signature]	Office Order No: 9310
						[Signature]	15 dated 24-10-2002
						[Signature]	Deputy D.O (M)
						[Signature]	PASSAD SSC (A) exam
						[Signature]	from BISE Peshawar
						[Signature]	under R.No. 56953
						[Signature]	Session 1990, obtained
						[Signature]	547/85 marks placed
						[Signature]	in Grade "B" and
						[Signature]	request declared
						[Signature]	on 11-08-1990
						[Signature]	Deputy D.O (M)
						[Signature]	(E.S.) Lakki Marwat

(22)

No. A-1

Dated 18/12/2013 31

From

Principal
GCMHS No.1 Lakki Marwat

To

Kalim Ullah S/o Ahmad Jan PST

Subject: ATTENDANCE

Memo;

It is stated that vide order No.288-90 dated 12-12-2013, the undersigned has appointment as enquiry officer against you. Hence you are advised to visit District Education Officer (M) Office on 20-12-2013 at 09:00 A.M personally along with complete qualification, ~~apptt; order; service book and Father~~ in service death certificate, to clarify your ~~appointment; before the enquiry~~ committee.



Principal
GCMHS No.1 Lakki/
Chairman Enquiry

SE
Deenad
for recd

18/12

To

(23)

33

The DEO (Male)

Lakki Maswat.

Subject: Appointment of Kaleem Ullah

You are requested to please provide appointment file of Kaleem Ullah s/o Ahmad Jan as PST vide order No 9310-15 dated 24-10-2012 (As deceased son quota) on or before 20-12-2013 as the next date for enquiry is fixed 20-12-2013

Your co operation will highly be appreciated in this regard.

~~Dated 18-12-2013~~

Amanullah Khan
Suptt CF

Produce the record
for the purpose of
inquiry on
urgent basis.

19/12

Muzamil Khan
Principal
G.C.M.I.T.S No 1
Lakki Maswat/
Enquiry officer

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWARS.A No. 1161/2014

Kaleem Ullah

Versus

D.E.O & Others

REJOINDER**Respectfully Sheweth,****PRELIMINARY OBJECTION.**

All the (07) Seven preliminary objections are illegal and incorrect. No reason in support of the same is ever given as to why appellant has not come to the Hon'ble Tribunal with clean hands, he has got cause of action, all the necessary parties were impleaded, the appeal is quite maintainable, appellant was legally appointed as PST on the recommendation of Departmental Selection Committee, appellant fulfils the criteria and he was never associated with any enquiry.

ON FACTS

1. Not correct. The father of the appellant was retired from service on 09.04.2005 vide order dated 28.04.2005 at page 6 of the comments. Appellant was appointed as per prescribed manner on 24.10.2012 as PST BPS-05 against a vacant post.
2. Not correct. The para. of the appeal is correct regarding assumption of charge of the post on 25.10.2012.
3. Not correct. None of the document was tempered by the appellant but the respondents with office staff tempered the same to appoint other teachers in lieu of consideration as such practice was carried out by the respondents in dozens of cases. If the Hon'ble Tribunal has any reservation about the documents of appellant, the same can be verified from the concerned quarters at this stage too.
4. Not correct. The withdrawal order of appellant was without recouring to law i.e. service of show cause notice and enquiry, yet the para is not replied to the contents to the para of the appeal.

5. As above. When written statement was filed by not admitting the claim of appellant, it means that representation in shape of suit was rejected.
- 6-7. Not replied by the respondents.

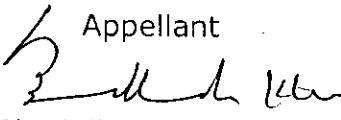
GR OUNDS:

- a. Not correct. No tempering was made in the record.
- b. Not correct. The ground of the appeal is correct.
- c. As above, yet no fake and tempered document was produced by the appellant.
- d-f. These are not the grounds of appellant in appeal, so the same are of no avail to respondents.

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

Through

Dated: .02.2016

Appellant

 Saadullah Khan Marwat


 Arbab Saif Ul Kamal


 Miss Rubina Naz
 Advocates

AFFIDAVIT

I, Kaleem Ullah, Appellant do hereby solemnly affirm and declare that contents of **Appeal & Rejoinder** are true and correct to the best of my knowledge and belief while that of the reply of respondents are illegal and incorrect.

I reaffirm the same on oath once again to be true and correct as per the available record.

DEPONENT

DETAILED REPORT BY THE INQUIRY COMMITTEE REGARDING APPOINTMENT OF
KALEEMULLAH S/O AHMAD JAN AS DECEASED SON QUOTA

PRODUCTION:

One Kaleemullah S/O Ahmad Jan was appointed as PST in BPS-05 by the Ex-EDO (E&SE) Lakki Marwat under deceased son quota. The above named appointee has filed a case with Civil Judge No.5 Lakki Marwat for release of pay.

PROCEEDING:

We all the members of the inquiry committee visited the concerned office of the DEO (M) Lakki Marwat on 18-12-013 and discussed the case. Some of the relevant record/file was scrutinized and discussed verbally, as also attached from page 01 to page 24.

- i) Mr. Kaleemullah was issued letter to appear before the committee.
- ii) Mir Azam Ex-EDO was also issued letter to appear and attend the committee.

INVESTIGATIONS:

The record/documents regarding to the appointment of Kaleemullah under deceased son quota was scrutinized as under:

Mr. Kaleemullah S/O Ahmad Jan was appointed as PST in BPS-05 vide DEO (M) office order No. 9310-15 dated 24-10-2012 out of deceased son quota. Now the question is whether the appointment is done on sound and legal grounds or otherwise?

1. First of all the question is that whether the appointee is entitle for deceased son quota right or not?
The record available was scrutinized and we came to the conclusion that the father of the appointee was a C.T. teacher, who took retirement after completion of 60 years age and on this ground he was granted retirement by DCO Lakki Marwat vide order No. 1171-73 dated 28-04-205. (Copy attached).
- a) Further after a few months (about 07 months) the father of the appointee died on 05-11-2005 which is shown by the Death Certificate issued by Secretary Union Council Gandi Khan Khel and the statement of the widow (Khiyal Bibi) who applied for transfer of pension to herself which is on the record. (Copy attached)
- b) The principal concerned has also issued him LPC in which the employee was shown payment upto 09-04-2005. (Copy attached).
- c) Further the date of birth of Mr. Ahmad Jan the father of appointee is also shown on the first page of Service Book as 10-04-1945 which was provided by Ex-DEO (M) Mir Azam Lakki Marwat during personal appearance before the committee. (Copy attached).
- d) The above documents have been signed/countersigned by the same EDO namely Mir Azam Khan, who appointed the son of the employee.
- e) Moreover, when Kaleemullah was asked that whether his father has died after retirement or during service. He showed ignorance in this respect.
- f) In the light of the above discussion it is proved that Mr. Ahmad Jan father of the appointee died not during service but after retirement and so his son is not entitle to get service out of deceased son quota.
- g) Note: The deceased son quota right is fixed for those whose father/mother has died during service. But in present case the position is vice versa.

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07/01/2014

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2. He has been appointed as PST in BPS-05 on matriculation instead of BPS-12 requiring FA/F.Sc. As per policy the basic qualification for PST is FA/F.Sc. and the basic scale is BPS-12. The candidate is matriculate, underqualified and so not suit to be appointed as PST. The candidate is not qualified and so the appointment is illegal.
Note: The deceased son should be appointed if his father died during the service and he/she has the required basic qualification for the post. As the appointment does not fulfill this condition. So the appointment is not legal.
3. Ex-EDO Mir Azam Khan has signed the Service Book, Pay bills etc which are required to be signed by Dy: DO (E&SE), being the Drawing and Disbursing Officer of the appointee. Thus he misused his power and surpassed the powers of the Dy: DO. On the ground the bills were not honoured by the A/C Office, because the bills were not signed by the proper officer. If the EDO being the competent authority then he shown too much negligence in respect of drawing the pay of appointee.
4. It is also to be noted please that the appointment file of Kaleemullah is also not available in the office of the DEO which was reported by responsible officer/official that no record of appointment of Kaleemullah is available. It means that Ex-EDO (E&SE) Mir Azam Khan did not follow/fulfill the codal formalities i.e. application by the candidate duly signed by him, preparing the Merit list, the DSC meeting or to pursue note sheet. He directly appointed him without observing the codal formalities. He thus surpassed his powers. The cause is unknown. As per record available, he is neither entitle under deceased son quota right, not qualified which requires FA/F.Sc. and PTC certificate for the post, but.
5. Yet inspite of all the above discussion, the Ex-EDO appointed him against the post of PST at GMPS Khali Khel U/C Gandhi Khan Khel. He properly took over charge on 25-10-2012 and still that time has been performing his duty. The teacher's attendance register showing the performance of duty are duly signed by the appointee and countersigned by the Head teacher of the school is on the record. (Copy attached).


FINDINGS AND RECOMMENDATION:


1. As stated before, the appointee Kaleemullah is unable to prove himself entitle for availing the deceased son quota right.
2. The appointing authority i.e. Ex-EDO also could not convinced the committee about the legality of appointment.
3. Now it is clear that the appointment is totally illegal and the august office EDO will be in a better position to decide it fairly and as per policy in view of the satisfaction and proceedings of the honourable court of Civil Judge No.05 Lakki Marwat.

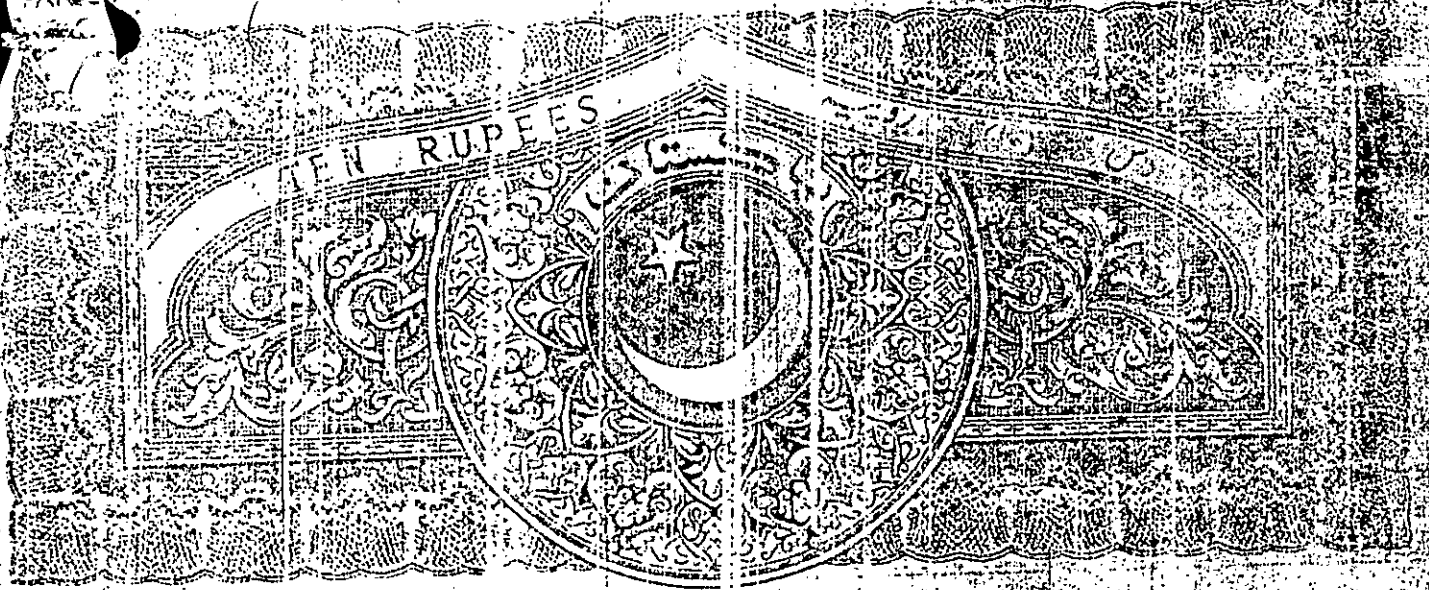
Enclosures = Page 1-24.

Members of Committee

1. Khalid Wahab Dy: DEO (M) Lakki Marwat.
2. Muhammad Umar Khan Pricipal GHSS Masha Mansoor.
3. Saleh Badshah ASDEO Circle Gandhi Khan Khel.

Signature



Muzammil Khan,
Chairman,
Principal,
GCMHSNo.1,
Lakki Marwat. 07/01/2014



بیان عطفی

مذکورہ ذیل (بیوہ) صاحبہ نے اپنے شوہر کی جائیداد میں سے ایک حصہ بطور عطفی
 حصہ بطور عطفی کے طور پر فی ہاں کر دیا ہے جس کی بنا پر اس حصہ کا فائدہ صرف صاحبہ
 کو ملے گا۔ اس حصہ کا پتہ 55/55 کوٹلیہ ایف ڈی ایف ہے۔ سواہر صاحبہ
 کو اس حصہ کا فائدہ ملے گا۔ اس حصہ کے بارے میں اس کی بیوی نے
 کوئی اعتراض نہیں کیا ہے۔ اس حصہ کا فائدہ اس کی بیوی کو
 ملے گا۔ اس حصہ کا فائدہ اس کی بیوی کو ملے گا۔ اس حصہ کا فائدہ
 اس کی بیوی کو ملے گا۔ اس حصہ کا فائدہ اس کی بیوی کو ملے گا۔
 اس حصہ کا فائدہ اس کی بیوی کو ملے گا۔ اس حصہ کا فائدہ اس کی بیوی کو
 ملے گا۔ اس حصہ کا فائدہ اس کی بیوی کو ملے گا۔ اس حصہ کا فائدہ
 اس کی بیوی کو ملے گا۔ اس حصہ کا فائدہ اس کی بیوی کو ملے گا۔

مذکورہ بیان کو تسلیم کیا گیا ہے۔

18/11/25

433-26-201

سید فضل علی (بیوہ)

Alhmd

PRINCIPAL
 C.M.S. Kot Kashmir
 (Lahore)



Handwritten signature and text:
 Dated 18/11/25
 (M.A.) Lakh Nawat

R.H.
 Handwritten signature and text:
 18/11/25

ANNEXURE 3

رجسٹر اموات

یونین کونسل لڈھا کا قلم تحصیل بلی اور ضلع بلی لہور

نمبر رجسٹر سالانہ	متوفی کا نام بمعہ شناختی کارڈ نمبر	جائے موت متوفی	جنس		پیشہ و قوم و مذہب متوفی	عمر متوفی	والد/خاوند کا شناختی کارڈ نمبر	تاریخ وفات	موت درج ہونے کی تاریخ	باعث موت	مدت عیالیت	ڈاکٹر/حکیم کا نام اور پتہ جس سے متوفی کا بخری علاج کیا	اطلاع کرنے والے کا مکمل نام معہ شناختی کارڈ نمبر
			مرد	عورت									
359	احمد طاب	کوٹہ ڈیرہ			ریٹائرڈ صدر کمیشن	6/10/1945	الوطن	15/11/55	15/11/55	وینڈل	موت	-	30/11/55
		کوٹہ ڈیرہ			ڈاکٹر								

تعمیر کی گئی ہے اور یہ نقل سے تعلق رکھتا ہے اور اس کی کاپی اور اصل درج ذیل ہے

Principal
G.H.S. Kot Kashmir
(Lahri (Jarwat))

16/11/55

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