

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 2770/2021

Date of Institution ... 22.11.2021

Date of Decision ... 01.02.2022

Sajjad ur Rehman S/O Haji Yaqoob Jan R/O House No. 973, Street No. 28, Sector E-5, Phase 7 Hayatabad Peshawar.

... (Appellant)

**VERSUS**

Government of Khyber Pakhtunkhwa through Chief Secretary Civil Secretariat Peshawar and others.

... (Respondents)

Zartaj Anwar,  
Advocate

... For Appellant

Noor Zaman Khattak,  
District Attorney

... For respondents

**AHMAD SULTAN TAREEN**  
**ATIQU-UR-REHMAN WAZIR**

...  
...

**CHAIRMAN**  
**MEMBER (EXECUTIVE)**

**JUDGMENT**

**ATIQU-UR-REHMAN WAZIR MEMBER (E):-**

Brief facts of the

case are that the appellant, while serving as Registrar in Ex-FATA Tribunal, was proceeded against on the charges of misconduct and was ultimately dismissed from service vide order dated 10-09-2020. Feeling aggrieved, the appellant filed departmental appeal dated 25-09-2020, which was not responded within the statutory period, hence the instant service appeal with prayers that the impugned order dated 10-09-2020 may be set aside and the appellant may be re-instated in service with all back benefits.

02. Learned counsel for the appellant has contended that the appellant has not been treated in accordance with law, hence his rights secured under the

Constitution has badly been violated; that no proper procedure has been followed before awarding the major penalty of dismissal from service, the whole proceedings are thus nullity in the eye of law; that the appellant has not done any act or omission which can be termed as misconduct, thus the appellant cannot be punished for the irregularities, if so occurred in the recruitment process; that the allegation so leveled against the appellant regarding the non-production of recruitment record is baseless; that no proper inquiry has been conducted against the appellant, hence the appellant was deprived of the opportunity to defend his cause; that neither statement of any witnesses were recorded in presence of the appellant nor the appellant was afforded opportunity to cross-examine such witnesses; that the appellant has not been served with any showcause notice, thus the whole proceedings are defective in the eye of law; that the inquiry committee was under statutory obligation to highlight such evidence in the inquiry report on the basis of which the appellant was found guilty of allegations, moreover, there was not a single evidence to connect the appellant with the commission of allegation of misconduct; that mere verbal assertion without any cogent and reliable evidence is not sufficient to justify the stance of the department in respect of the so called allegations leveled against the appellant in the charge sheet/statement of allegation, hence the impugned order passed by the competent authority on the basis of such inquiry is against the spirit of law; that the competent authority was bound under the law to examine the record of inquiry in its true perspective and in accordance with law and then to apply his independent mind to the merit of the case, but he failed to do so and awarded major punishment of dismissal from service upon the appellant despite the fact that the allegations as contained in the charge sheet/statement of allegation has not been proved in the so called inquiry; that the appellant is neither involved in corruption nor embezzlement nor moral turpitude, therefore such harsh and extreme penalty of dismissal from service of the appellant does not commensurate with the nature of the guilt to deprive his family from livelihood;

that the competent authority has passed the impugned order in mechanical manner and the same is perfunctory as well as non-speaking and also against the basic principle of administration of justice, therefore the impugned order is not tenable under the law; that the appellant has not been afforded proper opportunity of personal hearing and was condemned unheard.

03. Learned District Attorney for the respondents has contended that the appellant while serving as registrar in Ex-FATA Tribunal, has been proceeded against on account of advertizing 23 posts without approval of the competent authority and appointed 24 candidates against these posts without recommendation of the departmental selection committee; that a proper inquiry was conducted and during the course of inquiry, all the allegations leveled against the appellant stood proved, consequently, after fulfillment of all the codal formalities and affording chance of personal hearing to the appellant, the penalty of removal from service was imposed upon the appellant vide order dated 10-09-2020; that proper charge sheet/statement of allegation was served upon the appellant as well as proper showcause notice was also served upon the appellant, but inspite of availing all such chances, the appellant failed to prove his innocence.

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

05. Record reveals that the appellant while serving as Registrar Ex-FATA Tribunal was proceeded against on the charges of advertisement of 23 number posts without approval of the competent authority and subsequent selection of candidates in an unlawful manner. Record would suggest that the Ex-FATA Tribunal had its own rules specifically made for Ex-FATA Tribunal, i.e. FATA TRIBUNAL ADMINISTRATIVE, SERVICES, FINANCIAL, ACCOUTS AND AUDIT RULES, 2015, where appointing authority for making appointments in Ex-FATA

Tribunal from BPS-1 to 14 is registrar, whereas for the posts from BPS-15 to 17 is Chairman of the Tribunal.

06. On the other hand, the inquiry report placed on record would suggest that before merger of Ex-FATA with the provincial government, Additional Chief Secretary FATA was the appointing authority in respect of Ex-FATA Tribunal and after merger, Home Secretary was the appointing authority for Ex-FATA Tribunal, but such stance of the inquiry officer is neither supported by any documentary proof nor anything is available on record to substantiate the stance of the inquiry officer. The inquiry officer only supported his stance with the contention that earlier process of recruitment was started in April 2015 by the ACS FATA, which could not be completed due to reckless approach of the FATA Secretariat towards the issue. In view of the situation and in presence of the Tribunal Rules, 2015, the Chairman and Registrar were the competent authority for filling in the vacant posts in Ex-FATA Tribunal, hence the first and main allegation regarding appointments made without approval of the competent authority has vanished away and it can be safely inferred that neither ACS FATA nor Home Secretary were competent authority for filling in vacant posts in Ex-FATA Tribunal. We have repeatedly asked the respondents to produce any such order/notification, which could show that appointing authority in respect of filling in post in Ex-FATA Tribunal was either ACS FATA or Home Secretary, but they were unable to produce such documentary proof. The inquiry officer mainly focused on the recruitment process and did not bother to prove that who was appointing authority for Ex-FATA Tribunal, rather the inquiry officer relied upon the practice in vogue in Ex-FATA Secretariat. Subsequent allegations leveled against the appellant are offshoot of the first allegation and once the first allegation was not proved, the subsequent allegations does not hold ground.

07. We have observed certain irregularities in the recruitment process, which were not so grave to propose major penalty of dismissal from service. Careless portrayed

by the appellant was not intentional, hence cannot be considered as an act of negligence which might not strictly fall within the ambit of misconduct but it was only a ground based on which the appellant was awarded major punishment. Element of bad faith and willfulness might bring an act of negligence within the purview of misconduct but lack of proper care and vigilance might not always be willful to make the same as a case of grave negligence inviting severe punishment. Philosophy of punishment was based on the concept of retribution, which might be either through the method of deterrence or reformation. Reliance is placed on 2006 SCMR 60.


08. We have observed that charge against the appellant was not so grave as to propose penalty of removal from service, such penalty appears to be harsh, which does not commensurate with nature of the charge. As a sequel to the above, the instant appeal is partially accepted. The appellant is re-instated into service and the impugned order is set aside to the extent that major penalty of dismissal from service is converted into minor penalty of stoppage of increment for one year. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

01.02.2022



(AHMAD SULTAN TAREEN)  
CHAIRMAN



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

ORDER

01.02.2022

Learned counsel for the appellant present. Mr. Noor Zaman Khattak, District Attorney for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the instant appeal is partially accepted. The appellant is re-instated into service and the impugned order is set aside to the extent that major penalty of dismissal from service is converted into minor penalty of stoppage of increment for one year. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

01.02.2022



(AHMAD SULTAN TAREEN)  
CHAIRMAN




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

27.01.2022

Appellant alongwith his counsel present. Mr. Naseer-ud-Din, Assistant Advocate General for respondents present.

Due to paucity of time, arguments could not be heard. To come up for arguments before the D.B on 28.01.2022.


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

  
Chairman

28.01.2022

Mr. Zartaj Anwar; Advocate for appellant present. Mr. Noor Zaman, District Attorney alongwith Mukarram Khan, SO for the respondents present.

Arguments partly heard. To come up for further arguments on 01.02.2022 before this D.B.

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

  
Chairman

Stipulated period passed reply not submitted.

15.09.2021

Learned Addl. A.G be reminded about the omission and for submission of reply/comments within extended time of 10 days.

  
Chairman

22.10.2021

Clerk of learned counsel for the appellant present. Mr. Shah Waliullah Khan, Section Officer (Litigation) alongwith Mr. Kabirullah Khattak,, Additional Advocate General for the respondents present and sought time for submission of reply/comments. Last opportunity given. To come up for reply/comments of respondents as well as arguments on 17.12.2021 before the D.B.

  
(MIAN MUHAMMAD)  
MEMBER (E)

  
(SALAH-UD-DIN)  
MEMBER (J)

17.12.2021

Appellant in person present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. M. Riaz, Supdt for respondents present.

Written reply/comments not submitted. Learned AAG requested for a short adjournment to contact the respondent-department for submission of written reply/comments on the next date. To come up for written reply/comments on 02.02.2022 before S.B.

  
(MIAN MUHAMMAD)  
MEMBER (E)



11.08.2021

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant states that Service Appeal No. 6567/21 having common questions of law and facts has already been admitted for full hearing and fixed before the D.B on 22.10.2021. Points raised need consideration. Subject to all just and legal objections including that of limitation to be determined during full hearing, this appeal is admitted for full hearing and is clubbed with the aforementioned Service Appeal. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 22.10.2021 before the D.B.

Appellant Deposited  
Security & Process Fee

23/8/21




  
Chairman

Form- A

# FORM OF ORDER SHEET

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

Case No.- 2770 /2021


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	12/02/2021	<p>The appeal of Mr. Sajjad-ur-Rehman resubmitted today by Mr. Zartaj Anwar Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR <sup>rew</sup> 12/2/2021</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>26/04/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>
26.04.2021		<p>Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 11.08.2021 for the same as before.</p> <p style="text-align: right;"> Reader</p>

The appeal of Mr. Sajjad-ur-Rehman son of Hji Yaqub Jan received today i.e. on 22/01/2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- 2- Copies of letter dated 01.06.2020 and advertisement mentioned in the memo of appeal are not attached with the appeal which may be placed on it.
- 3- Copies of departmental appeal and its rejection order mentioned in the memo of appeal are not attached with the appeal which may be placed on it.
- 4- Appeal has not been flagged/marked annexures' marks.
- 5- Annexures of the appeal may be attested.
- 6- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- 7- Five more copes/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 204 /S.T,

Dt. 28/01 /2021

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr.Zartaj Anwar Adv. Pesh.

\* Resubmitted after completion of following objection.

Parawise:-

- (1) That the charge sheet, statement of allegations, show cause notice, enquiry report and replies has been submitted and attached as annexure - D&E page 21 to 25.
- (2) That copy of Letter dated 1-6-2020 and advertisement are attached as annexure D&E page 21 to 25.
- (3) That departmental appeal and its rejection order are attached as annexure H on page 32-36.
- (4) properly flagged
- (5) The annexure are attested.
- (6) The annexure become in sequence.
- (7) Five extra copies are attached.

  
Adv. Zartaj Anwar

**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

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

Sajjad ur Rehman S/O Haji Yaqoob Jan R/O House No 973,  
Street No 28, Sector E-5, Phase 7 Hayatabad Peshawar  
.....(Appellant)

**VERSUS**

Govt. of Khyber Pakhtunkhwa through Chief Secretary Civil  
Secretariat Peshawar & Others.  
(Respondents)

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4	Copy of the show cause dated 07.5.2020 and letter dated 01.06.2020	D & E	21- 25
5	Copy of the reply	F	26- 30
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Through

*[Signature]*  
Appellant  
*[Signature]*  
**ZARTAJ ANWAR**  
Advocate High Court  
Office FR , 3 Forth  
Floor Bilour Plaza  
Peshawar Cantt.  
Cell: 0331-9399185

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**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

2770  
Appeal No. \_\_\_\_\_/2021

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1606

Dated 22/11/2021

Sajjad ur Rehman S/O Haji Yaqoob Jan R/O House No 973, Street  
No 28, Sector E-5, Phase 7 Hayatabad Peshawar.

(Appellant)

**VERSUS**

1. Govt. of Khyber Pakhtunkhwa through Chief Secretary Civil Secretariat Peshawar.
2. Govt. of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs department Civil Secretariat Peshawar.
3. Govt. of Khyber Pakhtunkhwa through Secretary Establishment Civil Secretariat Peshawar

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the impugned Order dated 10.09.2020 whereby the appellant has been awarded the major penalty of removal from service. and against which the departmental appeal dated 25.09.2020 was filed before the competent authority which is still not responded after laps of statutory period on 90 days.

Filed to-day

Registrar

22/11/2021

Re-submitted to-day  
and filed.

Prayer in Appeal: -

Registrar

12/2/2021

**ON ACCEPTANCE OF THIS APPEAL THE  
ORDER DATED 10.09.2020, MAY PLEASE  
BE SET ASIDE AND THE APPELLANT  
MAY KINDLY BE REINSTATED INTO  
SERVICE WITH ALL BACK BENEFITS.**

Respectfully Submitted:

1. That the appellant has served the department for more than 25 years and ever since my appointment I am performing my duties as assigned with zeal and devotion and have never given any chance of complaint whatsoever regarding my performance.
2. That while serving in the said capacity the appellant was served with a charge sheet along with statement of allegation dated NIL, containing certain false and baseless allegations.
  - I. *That you advertised 23 number vacant positions. (BPS-01 to 14) on 9<sup>th</sup> February 2019 for Ex-FATA Tribunal without the approval of the Competent Authority.*
  - II. *That you without any legal authority, notified scrutiny committee comprising of daily wages/contract employee namely Mr. Nadir Shah, Junior Clerk, Mr. Naveed ur Rehman, Junior Clerk and Mr. Arif Jan, Junior Clerk who were also candidates for the vacant posts advertised in press.*
  - III. *That you constituted a ghost Department Selection Committee vide letter No. R/11/2018-19/FT/R/11/995 dated 04.12.2019 (the date which has not yet come).*
  - IV. *That you issued appointment orders of 24 candidates against 23 posts and that also without recommendation of the Department Selection Committee.*
  - V. *That you failed to produce office record, rather you submitted freshly printed copies to the fact-finding inquiry Committee which were signed in front of members of the inquiry Committee during proceedings.*
  - VI. *That you appointed candidates who were overage at the time appointment without relaxing the upper age limit from the Competent Authority.*
3. That the appellant duly replied the false and baseless allegation by denying the entire allegation leveled against the appellant by replying in brief. **(Copy of charge sheet and reply are attached as annexure A & B)**
4. That thereafter so called inquiry has been conducted and it has been learnt by the appellant vide the subject show cause notice that the appellant has been recommended for major punishment of Removal from service, whereas till date the appellant has not been provided the detail inquiry report nor any of the witness or record been

summoned by the inquiry officer to probe into the matter, whereas the issue was regarding the recruitment.

5. That the appellant once again deny the allegations leveled against as false and baseless, the appellant has been falsely roped in the instant case, as replying is answered up to the extent of 23 No of vacant posts which were duly advertised in print media vide dated 9<sup>th</sup> of February 2019 in daily AAJ and Aeen with the approval of the Competent Authority vide office order dated 21.03.2016 and 23.06.2016 and after merger of FATA with the approval of the Chairman of Tribunal dated 24.07.2018. *(Copy of advertisement is attached as annexure C).*
6. That the respondent department advertise various posts for which thousands of application were received so placing all the document in a proper order for calling up the candidates for the posts in questions the Tribunal was not having the permanent employees as after merger the regular permanent employee were taken back by their parent department and left with contractual employees working in the Tribunal for more than decade, in order to scrutinize the process by fulfilling all the legal and codal formalities the candidates were called for screening test to short list them and when successful call for the interview, furthermore in such process no favoritism or nepotism was given to any of the candidate as all of them were eligible candidates and also gone through the rigors of selection process, even today their eligibility and suitability can be ascertained from their education testimonial and eligibility for the post against which they been appointed.
7. That the respondent department while alleging that there was no selection process taken place for appointment and only Ghost Selection Committee was there which is baseless because all the relevant information and documentation of the selection process was available when the partial inquiry was conducted and the inquiry officer himself holding / in position the relevant record of the departmental selection committee.
8. That the respondents also put a question mark on all the appointment during the tenure of the appellant regarding the number of posts as there are only 23 no of posts were advertised but the appointment order was issued of 24 candidates firstly at serial no 7 of the advertisement , which says the competent authority having the power to increase/ decrease vacancies or cancel the recruitment process, in

Para 8 of the advertisement it was also mentioned that errors and omission are subject to rectification , but here it is worth to mentioned that even in that case only 23 report for duty and the salaries drawn by 23 candidates only, it is also worth to mention here that 116 sanction positions are still vacant.

9. That the members of Tribunal attended the test and interview on the said date and all the committee members were agreed principally on the selection and recommendation of the selection committee and on such principle on the same date issued the appointment orders and the copy of the recommendation of selection committee was handed over to section officer for signature and further process and later on when inquired regarding the signatures the officials requested to await, on the same issued when the inquiry officer called upon the selected candidates they given on Oath the statement that they duly appeared before the selection committee which they now refusing to signed.
10. That in the initial inquiry committee called upon all the selected candidate and given Oath regarding the favoritism an nepotism if so made in favor of any of the candidate which they duly replied on oath that no such act of favoritism and nepotism were exist in the present selection process; furthermore none of the member of the selection were duly inquired in the matter as all the process was taken place in their presence nor any sort of evidence was taken on record which can proof any of the allegation leveled against me .
11. That the inquiry committee did not associate the appellat properly with the inquiry proceedings. Not a single witness has been examined during the enquiry in the presence of the appellat nor the appellat has been given opportunity to cross examine those who may have deposed anything against the appellat during the inquiry.
12. That the appellat has never committed any act or omission which could be termed as misconduct, the appellat duly performed his duties as assigned with full devotion, zeal and loyalty albeit the appellat has been roped in the instant false and baseless charges.
13. That the charges leveled against the appellat were neither proved during the inquiry proceedings, nor any independent and convincing proof/ evidence has been brought against me in the inquiry that could even remotely associate the appellat with the charges, as such the charges remained unproved during the inquiry and the inquiry officer



has thus rendered his findings on mere surmises and conjunctures regarding charges.

14. That the appellant has at his credit an unblemished and spotless service career, during entire service career, I have never given any chance of complaint whatsoever regarding the performance of the appellant. I always preferred the interests of the department over and above the personal interests of the appellant. The proposed penalty if imposed upon me, it would be too harsh and would stigmatized the bright and spotless service record of the appellant.
15. That the show cause notice issued on 7<sup>th</sup> of May received by accountant of the appellant on 20<sup>th</sup> of May upon which the appellant requested to high-up's for granting some extra time due to the current pandemic vide letter dated 01.06.2020. *(Copy of the show cause dated 07.5.2020 and letter dated 01.06.2020 are attached as annexure D & E).*
16. That the appellant has submitted the reply to show cause within time and denied all the allegation leveled against the appellant. *(Copy of the reply is attached as annexure F)*
17. That astonishingly the appellant was awarded major penalty of "Removal from Service" vide office order dated 10.09.2020, without taking into consideration the reply of the show cause in which the appellant denied all the allegations leveled against the appellant. *(Copy of the impugned order dated 10.09.2020 is attached as annexure G).*
18. That the feeling aggrieved from the order dated 10.09.2020, the appellant filed a departmental appeal before the competent authority on 25.09.2020, which still not responded even after laps of statutory period of 90 days. *(Copy of the departmental appeal is attached as annexure H).*
19. That being aggrieved from the illegal order dated 10.09.2020 the appellant has filed this appeal on the inter alia on following grounds

### GROUND OF SERVICE APPEAL

- A. That the appellant has not been treated in accordance with law hence the rights secured and guaranteed under the law and constitution is badly violated.
- B. That no proper procedure has been followed before awarding the major penalty of Removal from service, the whole proceedings are thus nullity in the eyes of law.
- C. That the appellant has not done any act or omission which can be termed as mis-conduct, thus the appellant cannot be punished for the irregularities if so occurred in the recruitment process.
- D. That the allegation so leveled against the appellant regarding the non-production of recruitment record it is also baseless as the fact, written reply of the appellant to the TORs was presented to the inquiry committee which was duly signed by the inquiry officer 31<sup>st</sup> July 2019 then after I have never met the inquiry committee till now, furthermore the inquiry officer was explained in its findings that the record was produced but attested at recent time.
- E. That the allegation regarding the overage candidate only one candidate namely Naveed ur Rahman was overage at the time selection but the same was the employee of the levy directorate since 2012 belong to merged area having qualification of MBA with 7 years' experience and also with the NOC granted by the FATA secretariat for the purpose.
- F. That no proper procedure has been followed before awarding the major penalty of ~~Dismissal~~ from service to the appellant. No proper inquiry has been conducted, the appellant has not been associated properly with the inquiry proceedings, statements of witnesses if any were never taken in his presence nor he has been allowed opportunity of cross examination, moreover he has not been served with any show cause notice, thus the whole proceedings are defective in the eyes of law.
- G. That the inquiry committee was under statutory obligation to highlight such evidence in the inquiry report on the basis of which they found the appellant guilty of the so-called allegations. But they failed to do so, moreover, there was no



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iota of evidence to connect the appellant with the commission of allegations of misconduct. Mere verbal assertion without any cogent and reliable evidence is not sufficient to justify the stance of the department in respect of so-called allegations leveled against the appellant in the charge sheet. Hence the impugned order passed by the competent authority on the basis of such inquiry is against the spirit of law.

- H. That the competent authority was bound under the law to examine the record of inquiry in its true perspective and in accordance with law and then to apply his independent mind to the merit of the case but he failed to do so and awarded major penalty of dismissal from service to the appellant despite the fact that the allegations as contained in the charge sheet had not been proved in the so-called inquiry.
- I. That the appellant was neither involved in corruption, nor embezzlement nor immoral turpitude. Therefore, such harsh and extreme penalty of dismissal from service of appellant was not commensurate with the nature of his so-called misconduct to deprive his family from livelihood.
- J. That the competent authority has passed the impugned order in mechanical manner and the same is perfunctory as well as non-speaking and also against the basic Principle of administration of justice. Therefore, the impugned order is not tenable under the law.
- K. That the appellant is a responsible, cautious employee of the department and cannot even think of the display of the charges leveled against the appellant.
- L. That the appellant has not been given proper opportunity of personal hearing before awarding the penalty, hence the appellant have been condemned unheard.
- M. That the charges were denied by the appellant had never admitted, nor there sufficient evidence available to held the appellant guilty of the charges.
- N. That the superior courts have a number of reported judgments held that in case of awarding major penalty of Removal from service regular procedure of holding inquiry

cannot be dispensed with that too when the charges are denied by the employee.

- O. That the appellant has never committed any act or omission which could be termed as misconduct the charges leveled against the appellant are false and baseless besides the same are neither proved nor proved albeit the appellant has illegally been removed from service.
- P. That the appellant at his credit a long unblemished and spotless service career, the penalty imposed upon the appellant is too harsh and is liable to be set aside.
- Q. That the appellant is jobless since his Removal from service.
- A. That the appellant also seeks permission of this honorable Tribunal to rely on additional grounds at the time of hearing of the appeal.

*It is, therefore, humbly prayed that on acceptance of this appeal the order dated 10.09.2020, may please be set aside and the appellant may kindly be reinstated into service with all back benefits.*

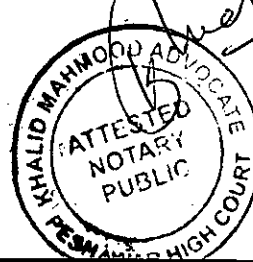
*[Signature]*  
Appellant

Through

*[Signature]*  
**ZARTAJ ANWAR**  
Advocate Peshawar  
*[Signature]*  
**IMRAN KHAN**  
Advocate Peshawar

**AFFIDAVIT**

I, Sajjad ur Rehman S/O Haji Yaqoob Jan R/O House No 973, Street No 28, Sector E-5, Phase 7 Hayatabad Peshawar, do hereby solemnly affirm and declare on oath that the contents of the above noted appeal are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.



*[Signature]*  
Deponent



Amir A 9

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT**

No. SOE-II(ED)2(9)/2010  
Dated Peshawar the **December 26, 2018**

To

Mr. Arshad Ali (PMS BS-18),  
Deputy Secretary,  
Finance Department.

Subject:- **INQUIRY AGAINST MR. SAJJAD UR REHMAN, REGISTRAR, EX-FATA TRIBUNAL, PESHAWAR.**

Dear Sir,

I am directed to refer to the captioned subject and to state that Chief Secretary, Khyber Pakhtunkhwa (Competent Authority) has approved to initiate an inquiry against Mr. Sajjad Ur Rehman, Ex-EAC/Illaqa Qazi (BS-17), Registrar, Ex-FATA Tribunal, Peshawar under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

Consequently, the Competent Authority has further been pleased to appoint you as Inquiry Officer to investigate the charges and conduct an inquiry under the provisions of the said Rules against the aforesaid officer in light of the attached Charge Sheet / Statement of Allegations.

I am, further directed to request that findings / reports may be submitted with a period of 30 days.

Yours faithfully,

(BEENISH IQBAL)  
SECTION OFFICER (E-II)  
Ph. 091-9210551

**Encl: As above.**

**ENDST: NO. & DATE EVEN.**

Copy forwarded to the: -

- i. Secretary to Govt. of Khyber Pakhtunkhwa, Home Department with the request to nominate a departmental representative well conversant with the facts of the case alongwith relevant records to assist the Inquiry Officer during Inquiry proceedings.
- ii. Officer concerned alongwith Charge Sheet and Statement of Allegation, with the direction to appear before the Inquiry Officer on the date, time and venue fixed by the Inquiry Officer for the purpose and submit reply within stipulated time.
- iii. PS to Secretary Establishment.

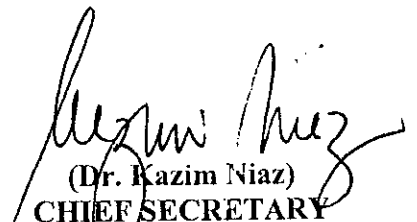
26/12/18  
SECTION OFFICER (E-II)

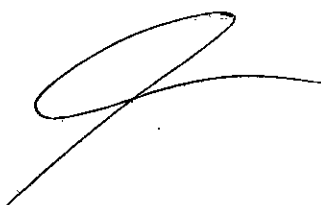
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**CHARGE SHEET**

I, Dr. Kazim Niaz, Chief Secretary, Khyber Pakhtunkhwa, as Competent Authority, hereby charge you, Mr. Sajjad ur Rehman, Ex-EAC/Illaqa Qazi (BS-17), Registrar, Ex-FATA Tribunal, Peshawar. That you while posted as Registrar, Ex-FATA Tribunal, Peshawar, committed the following irregularities:

- i. That you advertised 23 number vacant positions (BPS-01 to 14) on 9<sup>th</sup> February, 2019 for Ex-FATA Tribunal without the approval of the Competent Authority.
  - ii. That you without any legal authority, notified scrutiny committee comprising of daily wages / contract employees namely Mr. Nadir Shah, Junior Clerk, Mr. Naveed-ur-Rehman, Junior Clerk and Mr. Arif Jan, Junior Clerk who were also candidates for the vacant posts advertised in press.
  - iii. That you constituted a Ghost Departmental Selection Committee vide letter No. R/11/2018-19/FT/R/11/995 dated 04.12.2019 (the date which has not yet come).
  - iv. That you issued appointment orders of 24 candidates against 23 posts and that also without recommendation of the Departmental Selection Committee.
  - v. That you failed to produce office record, rather you submitted freshly printed copies to the fact-finding Inquiry Committee which were signed in front of the members of the Inquiry Committee during proceedings.
  - vi. That you appointed candidates who were overage at the time of appointment without relaxing the upper age limit from the Competent Authority.
2. By reason of the above, you appear to be guilty of misconduct under Rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule 4 of the rules *ibid*.
3. You are, therefore, required to submit your written defence within seven (07) days of the receipt of this Charge Sheet to the inquiry officer/ Committee, as the case may be.
4. Your written defence, if any, should reach the inquiry officer / inquiry committee within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.
5. Intimate whether you desire to be heard in person.
6. The Statement of allegations is enclosed.

  
(Dr. Kazim Niaz)  
CHIEF SECRETARY  
KHYBER PAKHTUNKHWA  
(COMPETENT AUTHORITY)



## DISCIPLINARY ACTION

I, Dr. Kazim Niaz, Chief Secretary, Khyber Pakhtunkhwa, as Competent Authority, am of the opinion that Mr. Sajjad ur Rehman, Ex-EAC/Illaqa Qazi (BS-17), Registrar, Ex-FATA Tribunal, Peshawar has rendered himself liable to be proceeded against, as he has committed the following act /omission within the meaning of Rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

### STATEMENT OF ALLEGATIONS

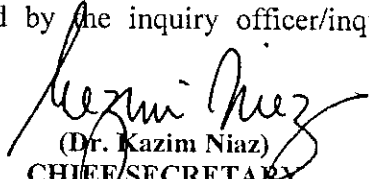
- i. That he advertised 23 number vacant positions (BPS-01 to 14) on 9<sup>th</sup> February, 2019 for Ex-FATA Tribunal without the approval of the Competent Authority.
- ii. That he without any legal authority, notified scrutiny committee comprising of daily wages / contract employees namely Mr. Nadir Shah, Junior Clerk, Mr. Naveed-ur-Rehman, Junior Clerk and Mr. Arif Jan, Junior Clerk who were also candidates for the vacant posts advertised in press.
- iii. That he constituted a Ghost Departmental Selection Committee vide letter No. R/11/2018-19/FT/R/11/995 dated 04.12.2019 (the date which has not yet come).
- iv. That he issued appointment orders of 24 candidates against 23 posts and that also without recommendation of the Departmental Selection Committee.
- v. That he failed to produce office record, rather you submitted freshly printed copies to the fact-finding Inquiry Committee which were signed in front of the members of the Inquiry Committee during proceedings.
- vi. That he appointed candidates who were overage at the time of appointment without relaxing the upper age limit from the Competent Authority.

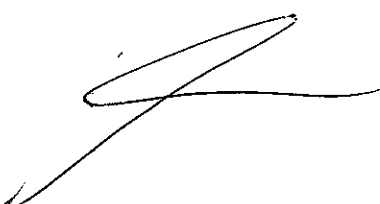
2. For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer/inquiry committee, consisting of the following, is constituted under rule 10 (1) (a) of the ibid rules:

1. Mr. Arshad Ali (PMS BS-18)
2. DS Finaamie

3. The inquiry officer/inquiry committee shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty days of the receipt of this order, recommendations as to the punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the Department shall join the proceedings on the date, time and place fixed by the inquiry officer/inquiry committee.

  
(Dr. Kazim Niaz)  
CHIEF SECRETARY  
KHYBER PAKHTUNKHWA  
(COMPETENT AUTHORITY)







12

GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

No.DS(B-I)FD/Inquiry Estt: Deptt:/2019  
Dated Peshawar, the 26/12/2019

To

Mr. Sajjad Ur Rehman  
Registrar Ex-FATA Tribunal  
Judicial Complex Phas, 7 Hayatabad  
Peshawar.

Subject: **INQUIRY AGAINST MR. SAJJAD UR REHMAN, REGISTRAR, EX-FATA TRIBUNAL, PESHAWAR.**

Reference Section Officer (E-II) Establishment Department letter No.SOE-II(ED)2(9)/2010 Dated December 26,2018 on the subject noted above. You are hereby advised to appear in the office of the undersigned on **31/12/2019** at **10:00AM** alongwith all the relevant documents.

(ARSHAD ALI)  
DEPUTY SECRETARY (B-I)/Enquiry Officer

Copy forwarded to the Secretary to Govt. of Khyber Pakhtunkhwa, Home Department with the request to nominate a departmental representative well conversant with the facts of the case alongwith relevant records to assist the Inquiry Officer during Inquiry proceedings.

/

DEPUTY SECRETARY (B-I)/Enquiry Officer

**ATTESTED**



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13

GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

No.DS(B-I)FD/Inquiry Estt: Deptt./2019  
Dated Peshawar, the 31/12/2019

To ✓

Mr. Sajjad Ur Rehman  
Registrar Ex-FATA Tribunal  
Judicial Complex Phas, 7 Hayatabad  
Peshawar.

Subject: INQUIRY AGAINST MR. SAJJAD UR REHMAN, REGISTRAR, EX-FATA TRIBUNAL, PESHAWAR.

In continuation of this office letter of even number dated 26-12-2019 on the subject noted above. You are hereby advised to appear in the office of the undersigned on **03/01/2020** at **10:00AM** alongwith all the relevant documents, in your defence.

(ARSHAD ALI)  
DEPUTY SECRETARY (B-I)/Enquiry Officer  
Ph. No.091-9213781

Copy forwarded to the Secretary to Govt. of Khyber Pakhtunkhwa, Home Department with the request to nominate a departmental representative well conversant with the facts of the case alongwith relevant records to assist the Inquiry Officer during Inquiry proceedings.

DEPUTY SECRETARY (B-I)/Enquiry Officer

ATTESTED

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**2<sup>nd</sup> Reminder**



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT**

No.DS(B-I)FD/Inquiry Estt: Deptt:/2019  
Dated Peshawar, the 13/01/2020

To

Mr. Sajjad Ur Rehman  
Registrar Ex-FATA Tribunal  
Judicial Complex Phas, 7 Hayatabad  
Peshawar.

Subject: **INQUIRY AGAINST MR. SAJJAD UR REHMAN, REGISTRAR, EX-FATA TRIBUNAL, PESHAWAR.**

In continuation of this office letter of even number dated 26-12-2019 and 31-12-2019 on the subject noted above. You are hereby once again advised to appear in the office of the undersigned on **14/01/2020** at **10:30AM** alongwith all the relevant documents, in your defence otherwise ex-parte action shall be taken against you.

(ARSHAD ALI)

DEPUTY SECRETARY (B-I)/Enquiry Officer  
Ph. No.091-9213781

Copy forwarded to Mr. Masood Afridi Section Officer (L&K) Home & TAs Department (Present EX-DG Health Office Khyber Road Peshawar) to provide all relevant record of the case.

DEPUTY SECRETARY (B-I)/Enquiry Officer

**ATTESTED**



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GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

No.DS(B-I)FD/Inquiry Estt: Deptt:/2019  
Dated Peshawar, the 20/01/2020

To

1. Mr. Naveed Ur Rehman s/o Muhammad Shah Afridi  
Assistant/Moharar
2. Mr. Arif jan s/o Afsar Jan  
Junior Clerk
3. Mr. Nadir Shah s/o Iqbal Shah  
Junior Clerk  
Judicial Complex Phas, 7 Hayatabad  
Peshawar.

Subject: **INQUIRY AGAINST MR. SAJJAD UR REHMAN, REGISTRAR, EX-FATA TRIBUNAL, PESHAWAR.**

In continuation of this office letter of even number dated 26-12-2019, 31-12-2019 and 03-01-2020 on the subject noted above. You are hereby advised to appear in the office of the undersigned on **21/01/2020** at **10:30AM** alongwith all the relevant record for recording of your statements.

(ARSHAD ALI)  
DEPUTY SECRETARY (B-I)/Enquiry Officer  
Ph. No.091-9213781

Copy to Mr. Masood Afridi Section Officer (L&K) Home & TAs Department  
(Present EX-DG Health Office Khyber Road Peshawar) to appear on the date and time.

DEPUTY SECRETARY (B-I)/Enquiry Officer

**ATTESTED**

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

No.DS(B-I)FD/Inquiry Estt: Deptt:/2019  
Dated Peshawar, the 21/01/2020

To

✓  
Mr. Sajjad Ur Rehman  
Registrar Ex-FATA Tribunal  
Judicial Complex Phas, 7 Hayatabad  
Peshawar.

Subject: INQUIRY AGAINST MR. SAJJAD UR REHMAN, REGISTRAR,  
EX-FATA TRIBUNAL, PESHAWAR.

In continuation of this office letter of even number dated 26-12-2019, 31-12-2019 and 03-01-2020 on the subject noted above. You are hereby advised to appear in the office of the undersigned on **22/01/2020** at **10:30AM**.

(ARSHAD ALI)

DEPUTY SECRETARY (B-I) Enquiry Officer  
Ph. No.091-9213781

Copy to Mr. Masood Afridi Section Officer (L&K) Home & TAs  
Department (Present EX-DG Health Office Khyber Road Peshawar) to appear on the  
date and time.

DEPUTY SECRETARY (B-I)/Enquiry Officer

**ATTESTED**

**Office of the Registrar**  
**FATA Tribunal, Peshawar**  
Federal Judicial Complex Sector, E-8, Phase-7,  
Hayatabad Peshawar.  
Ph: 091-9219608 Fax:091-9219609

ANNEX B  
17

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

Dated Peshawar, 15<sup>th</sup> January, 2020

To,

Mr. Arshad Ali, Deputy Secretary,  
Finance Department,  
Inquiry Officer.

Subject:

**REPLY TO THE STATEMENT OF ALLEGATIONS**

Dear Sir,

Sir that, undersigned hereby submits para-wise reply to the allegations,

- I. That reply is answered in affirmative up to the extent that 23 number of vacant posts/positions (BPS 01- 14) on 9<sup>th</sup> February, 2019 were advertised in print media widely published and circulated in daily "Aaj" and "Aeen" the proper approval of competent authority vide office order No. FS/L&O/B&A/55/2014-FS/L&O/ B&A/778 dated 21/03/2016 and FS/EO (Admin)9638 dated 23/06/2016 and after Merger of FATA proper approval of the Chairman of the Tribunal was granted on 24/07/2018 for proper process of fulfillment of these posts (annex A).
- II. At the time of scrutiny there were no permanent employees of the Tribunal existed, except these daily wages employees, thousands of applications were not possible to scrutinized without the help of these employees as per as selection of candidates are concerned, that were totally made through test interviews and after fulfillment of all relevant qualifications required for the said posts already advertised. No priority had been given to any of the mentioned employees nor benefited.

**ATTESTED**

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**Office of the Registrar**  
**FATA Tribunal, Peshawar**

Federal Judicial Complex Sector, E-8, Phase-7,  
Hayatabad Peshawar.

Ph: 091-9219608 Fax:091-9219609

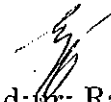
- III. This Para is totally wrong and rejected because the Inquiry Officer himself admitted in Para V that he (undersigned) failed to produce office record, then how it was possible that a Ghost Department Selection Committee Letter was handed over to the Inquiry Officer, (the date which was not yet come). The letter endorsed to FATA Secretariat for calling DSC was No. R/11/2018-19/FT 1108 dated 04/03/2019 (annex \_B).
- IV. The reply of this Para is answered in affirmative because in advertisement it was clearly mentioned, at serial No.07 that "The competent authority reserves the right to change the terms & conditions not to fill, increased/decrease vacancies or cancel recruitment process without any reason in Para 08 of the advertisement it was also mentioned that errors/omissions are subject to rectification", furthermore, 15 positons were filled by FATA Secretariat in 2014 and 116 posts/positions are still vacant (annex \_C)
- V. The Para is totally wrong not based on any fact because my written reply to the TORs was presented to the Inquiry Committee and copy of that was duly signed by the Inquiry Officer on 31<sup>st</sup> July,2019 at 5:00PM, (annex \_ D) then after I had never met the Inquiry Committee till now. As per as record is concern copies of the creation of the 156 Nos of posts, approval of the competent authority, FCR Rules 2013, notification to declare FATA Tribunal as "Special Institution", and other relevant documents since 2012 to up till now is annexed in my "Brief History" containg 120 pages. (annex- E)
- VI. The only one candidate namely Naveed ur Rahman s/o Muhamadi Shah (late) (ex- Superintendent FATA Secretariat) was overaged at the time of selection hence, FATA Secretariat had granted him NOC, because he was the employee of "Levy Directorate" since 2012 belongs to Merged FATA Area having qualification of MBA along with 07 years' experience, having domicile of Mergered FATA (annex \_F).

  
**ATTESTED**

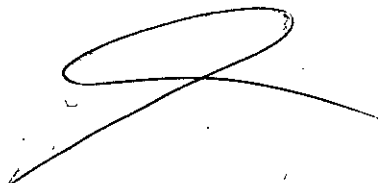
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**Office of the Registrar**  
**FATA Tribunal, Peshawar**  
Federal Judicial Complex Sector, E-8, Phase-7,  
Hayatabad Peshawar.  
Ph: 091-9219608 Fax:091-9219609

Moreover, two members attended this Tribunal for test and interviews on the said date and Committee was agreed upon the selected candidates and copy of the recommendations of selection Committee was handed over to Section Officer "B &D" for signature and further process, on the same day appointment letters were issued to successful candidates and copies were also handed over to Section Officer B&D for information and record. The second day he was asked for signed copy of the recommendation of the Departmental Selection Committee, but he requested for await. He was again and again advised to provide the signed copy, but in vain. As per Inquiry Officer statement all 24 candidates had mentioned in their written statements before the Inquiry Officers that they appeared before three members of Selection Committee, one was the Registrar of the Tribunal and two members from FATA Secretariat. The said Section Officer B&D was again asked for providing the said record and in reply, he said that their office has been shifted from Warsak Road Mergered FATA Secretariat ex building to Civil Secretariat, Health Department, therefore, time may be given for rolling out the said record. He may kindly be approached to provide the same. Furthermore, detailed list of the applicants/candidates, along with applications and shortlisted candidates, test's papers etc. are also available in the Tribunal.

  
Sajjad-ur-Rahman  
Registrar

**ATTESTED**





20 APR 2019 C

روزنامہ 3 فروری 2019ء پشاور

## "JOB OPPORTUNITIES"

Applications are invited from highly motivated candidates having domicile of Khyber Pakhtunkhwa and newly merged areas against the following vacant posts on regular basis.

S.No	Name of Post	BPS	No's of Post	Age	Qualification
1	Assistant Moharar/	14	04	18-32	BA/BSc/B.Com & Equivalent with 06 years experience.
2	Key Punch Operator	12	03	18-32	BA/BSc/B.Com & Equivalent
3	Stenographer	12	01	18-32	FA/FSc with Shorthand & typing Speed up to 40 WPM
4	Junior Clerk	07	04	18-32	FA/FSc or Equivalent with Typing Speed up to 40 WPM
5	Driver	04	04	18-40	Middle pass having "LTV" Driving License
6	Naib Qasid	01	04	18-40	Middle Pass
7	Chowkidar	01	03	18-40	-

### Term & Conditions:-

1. Age relaxation in deserving cases can be considered as per Government rules. 2. Only shortlisted candidates will be called for test/interview. 3. No TA/DA will be admissible for test/interview. 4. Application form alongwith attested copies of Testimonials, Experience Certificates, CNIC, Domicile Certificate and a recent photograph should reach on PO Box No. 131 within 15 days of advertisement. 5. Incomplete or applications received after closing date will not be entertained. 6. Government employee should apply through proper channel. 7. The competent authority reserves the right to change the terms & condition, not to fill, increase/decrease vacancies or cancel recruitment process without any reason. 8. Errors/omissions are subject to rectification.

  
**ATTESTED**

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ANNEX D

**MOST IMMEDIATE**  
**THROUGH REGISTERED A.D**



**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**ESTABLISHMENT DEPARTMENT**

NO.SOE-II(ED)2(9)2010  
Dated Peshawar, the **May 07, 2020**

To

Mr. Sajjad ur Rehman,  
Ex-EAC / Illaqa Qazi (BS-17),  
Registrar, Ex-FATA Tribunal,  
Peshawar.

Subject: **SHOW CAUSE NOTICE.**

I am directed to refer to the captioned subject and to forward herewith Show Cause Notice (**in original**) duly signed by the competent authority with the direction to submit written reply within 15 days of its receipt.

  
(SHAHBAZ KHATTAK)  
SECTION OFFICER (E-II)  
Ph. 091-9210551.

**Enclosed in original.**

  
**ATTESTED**

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

SHOW CAUSE NOTICE

I, **Mahmood Khan**, Chief Minister, Khyber Pakhtunkhwa as Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, Mr. Sajjad ur Rehman, Ex-EAC/ Illaqa Qazi (BS-17), Registrar Ex-FATA Tribunal as follows:-

1. (i) That consequent upon completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing vide communication letter No.SOE-II/ED/2(9)/2010 dated 26.12.2019; and
- (ii) On going through the findings and recommendations of the inquiry officer the material on record and other connected papers including your defence before the inquiry officer.

I am satisfied that you have committed the following acts/omissions specified in rule 3 of the said Rules:

- a) Inefficiency;
- b) Misconduct;

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of Removal from Service under rule 4 of the said Act.

3. You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

5. A copy of the findings of the inquiry committee is enclosed.

(COMPETENT AUHTORITY)

Mr. Sajjad ur Rehman,  
Ex-EAC/ Illaqa Qazi (BS-17),  
Registrar Ex-FATA Tribunal

ATTESTED

which cannot be accounted for and which are disproportionate to his known sources of income; or

- (v) maintaining a standard of living beyond known sources of income; or
- (vi) having a reputation of being corrupt;
- (h) "Governor" means the Governor of the Khyber Pakhtunkhwa;
- (i) "inefficiency" means failure to efficiently perform functions assigned to a Government servant in the discharge of his duties;
- (j) "inquiry committee" means a committee of two or more officers, headed by a convener, as may be appointed by the competent authority under these rules;
- (k) "inquiry officer" means an officer appointed by the competent authority under these rules;
- (l) "*misconduct*" includes-
  - (i) conduct prejudicial to good order or service discipline; or
  - (ii) conduct contrary to the Khyber Pakhtunkhwa Province Government Servants (Conduct) Rules, 1987, for the time being in force; or
  - (iii) conduct unbecoming of Government servant and a gentleman; or
  - (iv) involvement or participation for gains, directly or indirectly, in industry, trade, or speculative transactions by abuse or misuse of official position to gain undue advantage or assumption of such financial or other obligations in relation to private institutions or persons as may compromise the performance of official duties or functions; or
  - (v) any act to bring or attempt to bring outside influence, directly or indirectly, to bear on the Governor, the Chief Minister, a Minister or any other Government officer in respect of any matter relating to the appointment, promotion, transfer or other conditions of service; or
  - (vi) making appointment or having been appointed or promoted on extraneous grounds in violation of any law or rules; or
  - (vii) conviction for a moral offence by a court of law.
- (2) Words and expressions used but not defined in these rules shall have the same meanings as are assigned to them in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No XVIII of 1973) or any other statutory order or rules of Government for the time being in force.

3. **Grounds for proceedings.**—A Government servant shall be liable to be proceeded against under these rules, if he is-

- (a) inefficient or has ceased to be efficient for any reason; or
- (b) guilty of misconduct; or
- (c) guilty of corruption; or
- (d) guilty of habitually absenting himself from duty without prior approval of leave; or
- (e) engaged or is reasonably believed to be engaged in subversive activities, or is reasonably believed to be associated with others engaged in subversive activities, or is guilty of disclosure of official secrets to any un-authorized person, and his retention in service is prejudicial to national security; or
- (f) entered into plea bargaining under any law for the time being in force and has returned the assets or gains acquired through corruption or corrupt practices voluntarily.

**ATTESTED**

4. **Penalties.**—(1) The following are the minor and the major penalties, namely:

- (a) Minor penalties:
  - (i) censure;
  - (ii) withholding, for a specific period, promotion or increment subject

24

promotion or financial advancement, in accordance with the rules or orders pertaining to the service or post:

Provided that the penalty of withholding increments shall not be imposed on a Government servant who has reached the maximum of his pay scale:

(iii) recovery of the whole or any part of any pecuniary loss caused to Government by negligence or breach of order;

(b) Major penalties:

<sup>1</sup>[(i) reduction to a lower post or pay scale or to a lower stage in a time scale for a maximum period of five years:

Provided that on a restoration to original pay scale or post, the penalized Government servant will be placed below his erstwhile juniors promoted to higher posts during subsistence of the period of penalty;]

(ii) compulsory retirement;

(iii) removal from service; and

(iv) dismissal from service.

(2) Dismissal from service under these rules shall disqualify a Government servant from future employment under Government.

(3) Any penalty under these rules shall not absolve a Government servant from liability to any other punishment to which he may be liable for an offence, under any other law, committed by him while in service.

5. **Initiation of proceedings.**—(1) If on the basis of its own knowledge or information placed before it, the competent authority is of the opinion that there are sufficient grounds for initiating proceedings against a Government servant under these rules it shall either:-

(a) proceed itself against the accused by issuing a show cause notice under rule 7 and, for reasons to be recorded in writing, dispense with inquiry:

Provided that no opportunity of showing cause or personal hearing shall be given where-

(i) the competent authority is satisfied that in the interest of security of Pakistan or any part thereof, it is not expedient to give such an opportunity; or

(ii) a Government servant has entered into plea bargain under any law for the time being in force or has been convicted on the charges of corruption which have led to a sentence of fine or imprisonment; or

(iii) a Government servant is involved in subversive activities; or

(iv) it is not reasonably practicable to give such an opportunity to the accused; or

(b) get an inquiry conducted into the charge or charges against the accused, by appointing an inquiry officer or an inquiry committee, as the case may be, under rule 11:

Provided that the competent authority shall dispense with the inquiry where-

(i) a Government servant has been convicted of any offence other than corruption by a court of law under any law for the time being in force; or

(ii) a Government servant is or has been absent from duty without prior approval of leave:

Provided that the competent authority may dispense with the inquiry where it is in possession of sufficient documentary

**ATTESTED**

Office of the Registrar  
Judicial Complex,  
Phase #07, Hayatabad, Sector, E-08  
Fax No:9219609

ADMITTED: E  
25

No R No.11/1138  
dated: 01/06/2020

To

Shahbaz Khattak  
Section Officer (E-II)

Subject: **SHOWCAUSE NOTICE**

It is to inform that a copy of showcause notice reached to me through my accountant on 20 May 2020.

It is therefore, requested that due to Present Situation, Lockdown, Ramzan, Eid holy days & non availability of my legal advisor/Counsel the delay may kindly be accepted.

I will submit my replay within fortnight positively.

Sincerely your's  
Sajjad Ur Rehman  
Registrar FATA Tribunal  
0331-5001580

o/c

Received  
M.A.L.  
01/06/2020

  
**ATTESTED**

To,

Chief Minister,  
Khyber Pakhtunkhwa,  
Peshawar,

**Subject: Reply to the show cause notice dated 07.05.2020 received on 20.05.2020.**

Respected Sir,

I very humbly submit the following few lines for your kind and sympathetic consideration:-

1. That I have served the department for more than 25 years and ever since my appointment I am performing my duties as assigned with zeal and devotion and have never given any chance of complaint whatsoever regarding my performance.
2. That while serving in the said capacity I was served with a charge sheet along with statement of allegation dated NIL, containing certain false and baseless allegations.
  - I. That you advertised 23 number vacant positions (BPS-01 to 14) on 9<sup>th</sup> February 2019 for FATA Tribunal without the approval of the Competent Authority.
  - II. That you without any legal authority, notified scrutiny committee comprising of daily wages/contract employee namely Mr. Nadir Shah, Junior Clerk, Mr. Naveed ur Rehman, Junior Clerk and Mr. Arif Jan, Junior Clerk who were also candidates for the vacant posts advertised in press.
  - III. That you constituted a ghost Department Selection Committee vide letter No. R/11/2018-19/FT/R/11/995 dated 04.12.2019 (the date which has not yet come).
  - IV. That you issued appointment orders of 24 candidates against 23 posts and that also without recommendation of the Department Selection Committee.
  - V. That you failed to produce office record, rather you submitted freshly printed copies to the fact-finding inquiry Committee which were signed in front of members of the inquiry Committee during proceedings.

**ATTESTED**

VI. *That you appointed candidates who were overage at the time appointment without relaxing the upper age limit from the Competent Authority.*

3. That I duly replied the false and baseless allegation by denying all the allegation leveled against me by replying in brief.
4. That thereafter a partial inquiry has been conducted and it has been learnt by me vide the subject show cause notice that I have been recommended for major punishment of **Removal from service**.
5. That I once again deny the allegations leveled against me as false and baseless, the undersigned has been falsely roped in the instant case, as replying is answered up to the extent of 23 No of vacant posts were duly advertised in print media vide dated 9<sup>th</sup> of February 2019 in daily AAJ and Aeen with the approval of the Competent Authority vide office order dated 21.03.2016 and 23.06.2016 and after merger of FATA with the approval of the Chairman of Tribunal dated 24.07.2018.
6. That after advertisement thousands of application were received so placing all the document in a proper order for calling up the candidates for the posts in questions the Tribunal was not having the permanent employees as after merger the regular permanent employee were taken back by their parent department and left with contractual employees working in the Tribunal for more than decade, in order to scrutinize the process by fulfilling all the legal and codal formalities the candidates were called for test to short list them and when successful call for the interview, furthermore in such process no favoritism or nepotism was given to any of the candidate as all of them were eligible candidates and also gone through the rigors of selection process, even today their eligibility and suitability can be ascertained from their education testimonial and eligibility for the post against which they been appointed.
7. That the allegation of Ghost Selection Committee is also baseless because all the relevant information and documentation of the selection process was available when the partial inquiry was conducted and the inquiry officer himself holding / in position the relevant record of the departmental selection committee.

**ATTESTED**



8. That regarding the number of posts as there are only 23 no of posts were advertised but the appointment order was issued of 24 candidates firstly at serial no 7 of the advertisement , which says the competent authority having the power to increase/ decrease vacancies or cancel the recruitment process, in Para 8 of the advertisement it was also mentioned that errors and omission are subject to rectification , but here it is worth to mentioned that even in that case only 23 report for duty and the salaries drawn by 23 candidates only, it is also worth to mention here that 116 sanction positions are still vacant.
9. That the allegation so leveled against me regarding the non-production of recruitment record it is also baseless as the fact that my written reply to the TORs was presented to the inquiry committee which was duly signed by the inquiry officer 31<sup>st</sup> July 2019 then after I have never met the inquiry committee till now, furthermore the inquiry officer was explained in its findings that the record was produced but attested at recent time.
10. That the allegation regarding the overage candidate only one candidate namely Naveed ur Rahman was overage at the time selection but the same was the employee of the levy directorate since 2012 belong to merged area having qualification of MBA with 7 years' experience and also with the NOC granted by the FATA secretariat for the purpose.
11. That the members of Tribunal attended the test and interview on the said date and all the committee members were aggrieved principally on the selection and recommendation of the selection committee and on such principle on the same date issued the appointment orders and the copy of the recommendation of selection committee was handed over to section officer "B & D" for signature and further process and later on when inquired regarding the signatures the officials requested to await, on the same issued when the inquiry officer called upon the selected candidates they given on Oath the statement that they duly appeared before the selection committee which they now refusing to signed.
12. That the so-called inquiry committee called upon all the selected candidate and given Oath regarding the favoritism an nepotism if so made in favor of any of the candidate which they duly replied on oath that no such act of favoritism and nepotism were exist in the

~~ATTESTED~~


present selection process, furthermore none of the member of the selection were duly inquired in the matter as all the process was taken place in their presence nor any sort of evidence was taken on record which can proof any of the allegation leveled against me .

13. That the undersigned is a responsible, cautious employee of the department and cannot even think of the display of the charges leveled against me.
14. That the inquiry committee did not associate me properly with the inquiry proceedings. Not a single witness has been examined during the enquiry in my presence nor I have been given opportunity to cross examine those who may have deposed anything against me during the inquiry.
15. That the undersigned has never committed any act or omission which could be termed as misconduct, I duly performed my duties as assigned with full devotion, zeal and loyalty albeit I have been roped in the instant false and baseless charges.
16. That the charges leveled against me were neither proved during the inquiry proceedings, nor any independent and convincing proof/ evidence has been brought against me in the inquiry that could even remotely associate me with the charges, as such the charges remained unproved during the inquiry and the inquiry officer has thus rendered his findings on mere surmises and conjunctures regarding charges.
17. That the undersigned has at his credit an unblemished and spotless service career, during entire service career, I have never given any chance of complaint whatsoever regarding my performance. I always preferred the interests of the department over and above my personal interests. The proposed penalty if imposed upon me, it would be too harsh and would stigmatized the bright and spotless service record of the undersigned.
18. That I also desire to be heard in person.
19. That the show cause notice issued on 7<sup>th</sup> of May received by accountant of me on 20<sup>th</sup> of May upon which I requested to high-up's for granting me some extra time due to the current pandemic vide letter dated 01.06.2020.

**ATTESTED**

It is, therefore, humbly prayed that on acceptance of this reply the subject Show cause may kindly be dropped and I may be exonerated of the charges leveled against me.

Yours Faithfully,

  
**Sajjad ur Rahman**  
**Ex-EAC/Illaqa Qazi**  
**Registrar FATA Tribunal**  
**Peshawar.**

  
**ATTESTED**



Approved G 31  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

Dated Peshawar the September 10, 2020

**NOTIFICATION**

**NO.SOE-II(ED)2(9)2010:-** WHEREAS, Mr. Sajjad ur Rehman, Ex-EAC / Illaqa Qazi (BS-17), Registrar, Ex-FATA Tribunal, Peshawar was proceeded against under Rule-5 of Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the Charge Sheet & Statement of Allegations served upon him on 26.12.2019;

AND WHEREAS, Mr. Arshad Ali (PMS BS-18), Deputy Secretary, Finance Department was appointed as Inquiry Officer to conduct enquiry against the said officer;

AND WHEREAS, the Inquiry Officer after having examined the charges, evidence on record and explanation of the accused officer, submitted his report, whereby the charges levelled against the accused officer stand proved;

NOW THEREFORE, the competent authority (Chief Minister, Khyber Pakhtunkhwa) after having considered the charges, evidence on record, the explanation of the accused officer, findings of the inquiry officer and outcome of the personal hearing; while exercising his powers under rule-14(5)(ii) read with rule-3 of the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011 has been pleased to impose the major penalty of "Removal from Service" under rule 4(b)(iii) of ibid rules upon Mr. Sajjad ur Rehman, Ex-EAC / Illaqa Qazi (BS-17), Registrar, Ex-FATA Tribunal, Peshawar.

CHIEF SECRETARY  
KHYBER PAKHTUNKHWA

**ENDST: NO. & DATE EVEN.**

A copy is forwarded to the.-

1. Additional Chief Secretary, Merged Areas Secretariat, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Government of Khyber Pakhtunkhwa, Home and Tribal Affairs Department.
4. Accountant General, Khyber Pakhtunkhwa.
5. SO(Secret)/SO(Admn)/EO/Librarian, Establishment Department.
6. PS to Chief Secretary, Khyber Pakhtunkhwa.
7. Officer concerned.
8. PS to Secretary Establishment Department, Khyber Pakhtunkhwa.
9. PS to Special Secretary (Estt), Establishment Department, Khyber Pakhtunkhwa.
10. PA to Deputy Secretary (Estt), Establishment Department, Khyber Pakhtunkhwa.
11. Personal file.

*(10/9/20)*  
(SHAHBAZ KHATTAK)  
SECTION OFFICER  
(ESTABLISHMENT-II)

*(Signature)*  
**ATTESTED**

PSM D. No 957

Date 25/9/2020

✓ Reinstated  
Dm  
25/9/20

Particular H  
32

To,

The Honorable Chief Minister,  
Khyber Pakhtunkhwa, Peshawar.

Subject:

DEPARTMENTAL APPEAL, AGAINST THE  
ORDER DATED 10.09.2020, WHEREBY THE  
UNDERSIGNED HAS BEEN AWARDED  
THE MAJOR PENALTY OF REMOVAL  
FROM SERVICE.

Prayer in departmental appeal:

ON ACCEPTANCE OF THIS APPEAL THE  
ORDER DATED 10.09.2020, MAY PLEASE  
BE SET ASIDE AND THE UNDERSIGNED  
MAY KINDLY BE REINSTATED INTO  
SERVICE WITH ALL BACK BENEFITS.

Respected Sir,

The undersigned very humbly submits the following  
few lines for your kind and sympathetic consideration:

1. That the undersign has served the department for more than  
25 years and ever since my appointment I am performing my  
duties as assigned with zeal and devotion and have never  
given any chance of complaint whatsoever regarding my  
performance.
2. That while serving in the said capacity the undersign was  
served with a charge sheet along with statement of allegation  
dated NIL., containing certain false and baseless allegations.

- I. That you advertised 23 number vacant positions (BPS-  
01 to 14) on 9<sup>th</sup> February 2019 for Ex-FATA Tribunal  
without the approval of the Competent Authority.
- II. That you without any legal authority, notified scrutiny  
committee comprising of daily wages/contract  
employee namely Mr. Nadir Shah, Junior Clerk, Mr.  
Naveed ur Rehman, Junior Clerk and Mr. Arif Jau.

ATTESTED

*Junior Clerk who were also candidates for the vacant posts advertised in press.*

- III. *That you constituted a ghost Department Selection Committee vide letter No. R/11/2018-19/FT/R/11/995 dated 04.12.2019 (the date which has not yet come).*
  - IV. *That you issued appointment orders of 24 candidates against 23 posts and that also without recommendation of the Department Selection Committee.*
  - V. *That you failed to produce office record, rather you submitted freshly printed copies to the fact-finding inquiry Committee which were signed in front of members of the inquiry Committee during proceedings.*
  - VI. *That you appointed candidates who were overage at the time appointment without relaxing the upper age limit from the Competent Authority.*
3. That the undersign duly replied the false and baseless allegation by denying all the allegation leveled against the undersign by replying in brief.
  4. That thereafter a partial inquiry has been conducted and it has been learnt by the undersign vide the subject show cause notice that the undersign has been recommended for major punishment of **Removal from service**.
  5. That the undersign once again deny the allegations leveled against as false and baseless, the undersigned has been falsely roped in the instant case, as replying is answered up to the extent of 23 No of vacant posts were duly advertised in print media vide dated 9<sup>th</sup> of February 2019 in daily AAJ and Aeen with the approval of the Competent Authority vide office order dated 21.03.2016 and 23.06.2016 and after merger of FATA with the approval of the Chairman of Tribunal dated 24.07.2018.
  6. That after advertisement thousands of application were received so placing all the document in a proper order for calling up the candidates for the posts in questions the Tribunal was not having the permanent employees as after merger the regular permanent employee were taken back by

**ATTESTED**

**ATTESTED**

9. That the allegation so leveled against me regarding the non-production of recruitment record it is also baseless as the fact that my written reply to the TRCs was presented to the inquiry committee which was duly signed by the inquiry officer 31<sup>st</sup> July 2019 then after I have never met the inquiry committee till now, furthermore the inquiry officer was employed in the morning from the record seen throughout that attested at recent time.

8. That regarding the number of posts as there are only 23 no of posts were advertised but the appointment order was issued of 24 candidates firstly at serial no 7 of the advertisement, which says the competent authority having the power to increase/decrease vacancies or cancel the recruitment process, in Para 8 of the advertisement it was also mentioned that errors and omission are subject to rectification, but here it is worth to mention that even in that case only 23 report for duty and the salaries drawn by 23 candidates only, it is also worth to mention here that 116 sanction positions are still vacant.

7. That the allegation of Ghost Selection Committee is also baseless because all the relevant information and documentation of the selection process was available when the partial inquiry was conducted and the inquiry officer himself holding / in position the relevant record of the departmental selection committee.

their parent department and left with contractual employees working in the Tribunal for more than decade, in order to scrutinize the process by fulfilling all the legal and codal formalities the candidates were called for test to short list them and when successful call for the interview, furthermore in such process no favoritism or nepotism was given to any of the candidate as all of them were eligible candidates and also gone through the rigors of selection process, even today their eligibility and suitability can be ascertained from their education testimonial and eligibility for the post against which they have been appointed.

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~~ATTACHED~~

the inquiry.

14. That the inquiry committee did not associate the undersign  
properly with the inquiry proceedings. Not a single witness  
has been examined during the enquiry in my presence nor the  
undersign has been given opportunity to cross examine those  
who may have deposed anything relating to the underlying thing.

13. That the undersigned is a responsible, cautious employee of  
the department and cannot even think of the display of the  
charges leveled against the undersign.

12. That the so-called inquiry committee called upon all the  
selected candidate and given oath regarding the favoritism an  
nepotism if so made in favor of any of the candidate which  
they duly replied on oath that no such act of favoritism and  
nepotism were exist in the present selection process,  
furthermore none of the member of the selection were duly  
inquired in the matter as all the process was taken place in  
their presence nor any sort of evidence was taken on record  
which can prove any of the allegation leveled against me.

11. That the members of Tribunal attended the test and interview  
on the said date and all the committee members were  
agreed principally on the selection and recommendation  
of the selection committee and on such principle on the same  
date issued the appointment orders and the copy of the  
recommendation of selection committee was handed over to  
section officer "B & D" for signature and further process and  
later on when inquired regarding the signatures the officials  
requested to await, on the same issued when the inquiry  
officer called upon the selected candidates they given on  
oath the statement that they duly appeared before the  
selection committee which they now refusing to signed.

10. That the allegation regarding the overage candidate only one  
candidate namely Naved ur Rahman was overage at the time  
selection but the same was the employee of the levy  
director since 2012 belong to merged area having  
qualification of MBA with 7 years' experience and also with  
the NOC granted by the FATVA secretariat for the purpose.

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**ATTESTED**

Thereafter on the following grounds:

21. That the penalty so imposed upon the undersign is illegal and unfair against the law and facts hence liable to be set aside

20. That astonishingly the undersign was awarded major penalty of "Removal from Service" without taking into consideration the reply of the show cause in which the undersign denied all the allegations leveled against the undersign.

19. That the undersign has submitted the reply to show cause within time and denied all the allegation leveled against the undersign.

18. That the show cause notice issued on 7<sup>th</sup> of May received by undersign on 20<sup>th</sup> of May upon which the undersign requested to high-ups for granting some extra time due to the current pandemic vide letter dated 01.06.2020.

17. That the undersigned has at his credit an unblemished and spotless service career, during entire service career, I have never given any chance of complaint whatsoever regarding my performance. I always preferred the interests of the department over and above my personal interests. The proposed penalty if imposed upon me, it would be too harsh and would stigmatized the bright and spotless service record of the undersigned.

16. That the charges leveled against the undersign were neither proved during the inquiry proceedings, nor any independent and convincing proof/evidence has been brought against me in the inquiry that could even remotely associate me with the charges, as such the charges remained unproved during the inquiry and the inquiry officer has thus rendered his findings on mere surmises and conjectures regarding charges.

15. That the undersigned has never committed any act or omission which could be termed as misconduct, the undersign duly performed his duties as assigned with full devotion, zeal and loyalty albeit the undersign has been roped in the instant false and baseless charges.

36



~~ATTESTED~~

removed from service.

baseless besides the same are neither proved nor charges leveled against the undersign are false and omission which could be termed as misconduct the G. That the undersign has never committed any act or

charges are denied by the employee. inquiry cannot be dispensed with that too when the of removal from service regular procedure of holding judgments held that in case of awarding major penalty F. That the superior courts have in a number of reported

charges. available to held the undersigned guilty of the never admitted, nor there was sufficient evidence E. That the charges were denied by the undersigned had

unheard. penalty, hence the undersign have been condemned opportunity of personal hearing before awarding the D. That the undersign has not been given proper

so occurred in the recruitment process. undersign cannot be punished for the irregularities if C. That the undersign has not done any act or omission which can be termed as mis conduct, thus the

law. the whole proceedings are thus nullity in the eyes of awarding the major penalty of removal from service B. That no proper procedure has been followed before

violated. guaranteed under the law and constitution is badly A. That the undersigned has not been treated in accordance with law hence the rights secured and

GROUNDS OF DEPARTMENTAL APPEAL

37

100  
100

100  
100

**ATTESTED**

GROUNDS OF DEPARTMENTAL APPEAL

A. That the undersigned has not been treated in accordance with law hence the rights secured and guaranteed under the law and constitution is badly violated.

B. That no proper procedure has been followed before awarding the major penalty of removal from service the whole proceedings are thus nullity in the eyes of law.

C. That the undersign has not done any act or omission which can be termed as mis-conduct, thus the undersign cannot be punished for the irregularities if so occurred in the recruitment process.

D. That the undersign has not been given proper opportunity of personal hearing before awarding the penalty, hence the undersign have been condemned unheard.

E. That the charges were denied by the undersigned had never admitted, nor there was sufficient evidence available to held the undersigned guilty of the charges.

F. That the superior courts have in a number of reported judgments held that in case of awarding major penalty of removal from service regular procedure of holding inquiry cannot be dispensed with that too when the charges are denied by the employee.

G. That the undersign has never committed any act or omission which could be termed as misconduct the charges leveled against the undersign are false and baseless besides the same are neither proved nor removed from service.

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~~ATTACHED~~

Registrar EX-RATA Tribunal  
Peshawar.  
EX-RAO/Inqaz Qazi BS-18  
Sajjad ur Rahman

25/9/2020

Yours Obediently,

It is, therefore, humbly prayed that on acceptance of this appeal the order dated 10.09.2020, May please be set aside and the undersigned may kindly be reinstated into service with all back benefits.

- I. That the undersign at his credit a long unblemished and spotless service career, the penalty imposed upon the undersign is too harsh and is liable to be set aside.
- II. That the reply of show cause submitted may also be consider as integral part of the undersign departmental appeal as each and every alleged allegation was rebutted in detail as to probe the matter in question.
- III. That the undersign is jobless since his Removal from service.

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**FATA SECRETARIAT**  
**Finance Department**  
**Warsak Road Peshawar**

No.SO(B&A)/FD/FS/3-60  
 Dated Peshawar the 28<sup>th</sup> Dec

To

The Additional Accountant General,  
 (Pakistan Revenue) Sub Office,  
 Peshawar.

Subject:- **CREATION OF 156 TEMPORARY POSTS FOR AGENCY, APPELLATE COURTS AND FCR TRIBUNAL IN FATA**

I am directed to convey sanction of Finance Division, Government of Pakistan Islamabad for creation of 156 temporary posts at Agency/FR appellate (additional commissioners), and FCR Tribunal with the Public Attorney at Peshawar under amended 2011.

**I. F.C.R Tribunal at Peshawar**

S.NO.	Nomenclature of post	BPS	Number of posts
1	Chairman FCR Tribunal	Fix Pay of Rs.200,000 per month	1
2	Member FCR Tribunal	Fix Pay of Rs.150,000 per month, each	2
3	Registrar	18	1
4	Private Secretary	17	3
5	Reader	16	4
6	Moharrar/Assistant	14	4
7	Stenographer	12	1
8	Computer Operator	12	3
9	Moharrar/Senior Clerk	9	4
10	Moharrar/Junior Clerk	7	4
11	Record Keeper /Junior Clerk	7	1
12	Driver	4	4
13	Naib Qasid	1	4
14	Chowkidar		

**II. PUBLIC ATTORNEY FOR F.C.R Tribunal at Peshawar**

S.NO.	Nomenclature of post	BPS	Number of posts
1	Public Attorney	19	1
2	Stenographer	15	1
3	Assistant	14	1
4	Computer Operator	12	1
5	Senior Clerk	9	1
6	Junior Clerk	7	1
7	Driver	4	1
8	Naib Qasid	1	2

**III. APPELLATE COURTS (ADDITIONAL COMMISSIONERS 5-DIVISIONS) UNDER F.C.R. REGULATIONS.**

S.NO.	Nomenclature of post	BPS	Number of posts
1	Deputy Public Attorney	18	5
2	Computer Operator	12	5
3	Assistant	14	5
4	Junior Clerk	7	5
5	Naib Qasid	1	10

**ATTESTED**

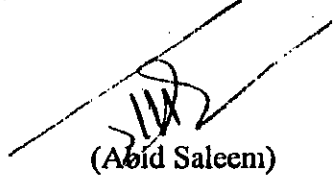
40


**IV. LITIGATION OFFICERS & AUXILIARY STAFF AT AGENCY/FR I**  
**UNDER F.C.R REGULATION.**

S.NO.	Nomenclature of post	BPS	Number of
1	Law Officer	17	13
2	Computer Operator	12	13
3	Junior Clerk/Reader	7	26
4	Naib Qasid	1	13
5	Chowkidar	1	13

2. The expenditure involved will be debitible to the major head 03-Public Or safety affairs 031-Law Courts 0311-Law Courts 031101-Courts/Justice within the San Budget Grant under Demand No.91-FATA in the current financial year 2011-12 sut observance of all codal formalities under intimation to the Finance Department FATA Sec and Additional Accountant General (PR) Sub Office Peshawar.

3. The creation of posts mentioned at para-1 above has been notified in pursu approval of Finance Secretary, Government of Pakistan, Islamabad conveyed vide Dai 3619/F dated 18.12.2011.

  
(Aaid Saleem)  
Section Officer (F-II)

Verified by  
  
(Muhammad Sulaiman Khan)  
DFA (FATA)

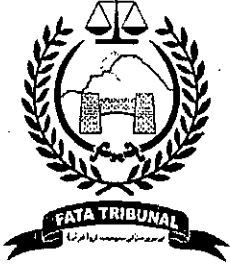
Endst. No. & date even:

Copy is forwarded to:-

1. Secretary, Finance Division, Government of Pakistan, Islamabad.
2. Secretary, SARON Division, Government of Pakistan, Islamabad.
3. Additional Finance Secretary (Exp), Finance Division, Govt. of Pakistan, Islamabad.
4. Accountant General (PR), Islamabad for information & necessary action.
5. Secretary, Law & Order Department, FATA Secretariat
6. Secretary, Admn & Coord Department, FATA Secretariat.
7. Deputy Secretary, SAFRON Division, Islamabad.
8. PS to Additional Chief Secretary [FATA].
9. All PAs & APAs in FATA.
10. All Agency Accounts Offices/ District Accounts Offices in FATA.

  
Section Officer (F-II)

**ATTESTED**



OFFICE OF THE  
REGISTRAR FATA TRIBUNAL,  
PESHAWAR

No. R/11/2018-19/FT 1108 .

Dated Peshawar the 04/03/2019.

To:-

1. The Deputy Secretary (Admn)/SO(E),  
AI&C Department,  
FATA Secretariat, Peshawar.
2. The Deputy Secretary (Finance) ,  
FATA Secretariat, Peshawar.
3. The Deputy Secretary (P&D),  
FATA Secretariat, Peshawar.
4. The Deputy Secretary (B&A),  
L&O Department  
FATA Secretariat, Peshawar.

Subject:- APPOINTMENT OF STAFF/DEPARTMENTAL SELECTION COMMITTEE.

It is to inform you that the shortlisted candidates applied for various posts advertised through printed media by FATA Tribunal will be interviewed, being committee members, you are therefore, requested to attend the office of the undersigned on 06.03.2019, at 10.00 AM, positively, so that codal formalities could be fulfilled, please.

 REGISTRAR  
FATA TRIBUNAL

 ATTESTED



Subject:-

**RECOMMENDATIONS OF DEPARTMENT SELECTION COMMITTEE**

47

After thoroughly scrutiny of candidates documents and Test Interview of the Applicants applied/appeared for the post of (1) Assistants, (2) Key Punch Operators, (3) Steno grapher (4) Junior Clerks (5) Drivers (6) Naib Qasids (7) Chowkidars interviewed on 06.03.2019, Therefore, after observing all codal formalities the following Candidates/personnel are found suitable for appointment against the posts mentioned below, therefore, the committee constituted for the purpose recommended the following 24 No.s candidates for various post mentioned below:-

<b>1- Assistants/Moharrar</b>			
<b>S.No</b>	<b>NAME</b>	<b>F/NAME</b>	<b>DOMICILE</b>
1.	Naveed Rehman	Mohammadi Shah	FR PESHAWAR
2.	Tahir Khan	Arsala Khan	PESHAWAR
3.	Mohammad Adnan	Tasbeehullah	PESHAWAR
4.	Kafeel Ahmad	Lal Badshah	PESHAWAR
<b>2- Key Punch Operator (KPO)</b>			
5.	Adnan	Wali Khan	CHARSADDA
6.	Mohd. Shoaib	Jehanzeb	PEHSAWAR
7.	Sami-ullah	Zalmai Khan	KURRAM
<b>3- Steno grapher</b>			
8.	Mohsin Nawaz	Shah Nawaz	Mansehra
<b>4- Junior Clerk</b>			
9.	Nadir Shah	Iqbal Shah	KHYBER
10.	Arif Jan	Afsar Jan	CHARSADDA
11.	Touseef	Zaman Shah	CHARSADDA
12.	Ikramullah	Rehmat Ali	BAJAUR
13.	Asad Iqbal	Riaz Iqbal	PESHAWAR
<b>5- Drivers</b>			
14.	Ziafat-ullah Khan	Niamatullah Khan	BANNU
15.	Sadiq Shah	Sher Zaman	KURRAM
16.	Yasin Khan	Feroz Din	CHARSADDA
<b>6- Naib Qasids</b>			
17.	Naveed Ahmad	Sameeul Haq	PESHAWAR
18.	Mohammad Shoaib	Arsala Khan	PESHAWAR
19.	Nasir Gul	Nadir Gul	PESHAWAR
20.	Ikramullah	ShahBaz Khan	KURRAM
21.	Khairul Bashar	Sahib Din	PESHAWAR
<b>7- Chowkidars</b>			
22.	Bahar Ali	Mehmood Khan	PESHAWAR
23.	Reedad Khan	Gul Dad Khan	PESHAWAR
24.	Zia-ur-Rehman	Sahib Din	PESHAWAR

**Section Officer (Estab),  
AI&C Department,  
FATA Secretariat Peshawar**

**Deputy Secretary (Finance)/  
Representative of Finance Department  
FATA Secretariat Peshawar**

**ATTESTED**

**Section Officer (B&A)  
Law & Order Department,  
FATA Secretariat Peshawar**

**Registrar  
FATA Tribunal  
Hayatabad Peshawar.**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
PLANNING & DEVELOPMENT DEPARTMENT

No. SO(E)P&D/Misc/MAs/2020.  
Dated Peshawar, February 26, 2020.

To

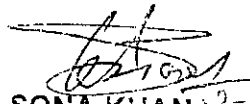
1. The Secretary to Govt: of Khyber Pakhtunkhwa, Establishment Department.
2. The Secretary to Govt: of Khyber Pakhtunkhwa, Finance Department.
3. The Secretary to Govt: of Khyber Pakhtunkhwa, Home & TAs Department.
4. The Secretary to Govt: of Khyber Pakhtunkhwa, Industries, Commerce & Technical Education Department.
5. The Secretary to Govt: of Khyber Pakhtunkhwa, Minerals Development Department.
6. The Secretary to Govt: of Khyber Pakhtunkhwa, Irrigation Department.

Subject: MINUTES OF THE MEETING TO DISCUSS CREATION OF POSTS OF DIFFERENT CATEGORIES IN THE DEPARTMENTS OF ERSTWHILE FATA SECRETARIAT.

Dear Sir,

I am directed to refer to the subject noted above and to forward herewith minutes of the meeting held on 20-02-2020 under the chairmanship of Additional Chief Secretary, P&D Department in the Committee Room of P&D Department for information and further necessary action, please.

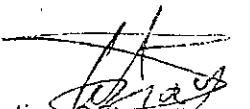
Yours faithfully,

  
(SONA KHAN) 26/2/2020  
Section Officer (Estt.)

Endst: Of even Number & Date.

Copy along-with a copy of the minutes is forwarded to the:

1. Additional Secretary-II, Finance Department.
2. Chief Coordination, P&D Department.
3. PS to Additional Chief Secretary, P&D Department.
4. PS to Secretary, P&D/ Chief Executive, ex-FDA.
5. PA to Additional Secretary-I, P&D Department.
6. PA to Deputy Secretary-II, P&D Department.

  
Section Officer (Estt.)  
26/2/2020

**ATTESTED**

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Subject: MINUTES OF THE MEETING REGARDING CREATION OF POSTS OF DIFFERENT CATEGORIES IN THE DEPARTMENTS OF ERSTWHILE FATA SECRETARIAT HELD ON 21/02/2020 AT P&D DEPARTMENT."

A meeting to discuss the subject matter was held on 21/02/2020 at 1030 Hours in the Committee Room of P&D Department under the Chairmanship of Additional Chief Secretary, P&D Department and the following attended the meeting:

- i. Secretary to Govt of Khyber Pakhtunkhwa, Establishment Department.
- ii. Secretary to Govt of Khyber Pakhtunkhwa, Secretary, P&D Department.
- iii. Muhammad Rehman, Additional Secretary, Industries Department.
- iv. Syed Mazhar Ali Shah, Deputy Secretary, Home & T.As Department.
- iv. Muhammad Sulaiman, Deputy Secretary (F), Finance Department.
- v. Mr. Jauhar Ali Shah, Director (Industries), Khyber Pakhtunkhwa.
- vi. Mr. Iqbal Nawaz Khan, Budget Officer-XV, Finance Department.
- vii. Mr. Wazir Zada, Section Officer (F-I), Finance Department, Merged Areas.

2. The Chairman welcomed the participants and informed that the objective of the meeting is to discuss the creation of posts of different categories in the Departments of erstwhile FATA Secretariat on restructuring of ex-FATA Secretariat. Secretary Establishment Department informed that a total of 103 posts of defunct FATA-DC working against various posts during assistance of erstwhile FATA Secretariat, have shifted to Provincial Government are the scheduled posts of PMS cadre and out of which, 45 alongwith incumbents have already been placed at the disposal of Home & T.As Department. The Chair clarified that terms and conditions of the defunct FATA-DC employees are different from the Provincial Government posts as these posts were created by Federal Government. Upon their retirement, they will receive gratuity instead of pension and these posts will be abolished after two years/near future. Hence, no need

  
**ATTESTED**

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to change the status of defunct FATA-DC employees. The chair further informed the participants that there is no issue of these posts.

3. The adjustment of FATA Tribunal staff was also discussed in detail. It was informed that the staff of FATA Tribunal neither has been placed at the disposal of Establishment Department nor at the disposal of Home & T.As Department. It was also informed that most of the employees of FATA Tribunal are in the BS-01 to 16 and their further adjustment may be made in accordance to their respective domicile Districts.

4. After detailed discussion, the following decisions were made:

- i. The posts of defunct-FATA DC 103 numbers may be excluded from the schedule of PMS Cadre as on retirement, the incumbent will receive gratuity in light of the Supreme Court decision and the post automatically will stand abolished.
- ii. The employees of FATA Tribunal may be adjusted/ placed at the disposal of their respective districts of their domicile.
- iii. Regular staff of the Provincial Government in ex-FATA Secretariat, FDA and FATA Tribunal will report to their respective Administrative Departments.

5. The meeting ended with vote of thanks from and to the chair.



  
**ATTESTED**

**NOTIFICATION** No. FS/L&O/40-FCR/2710-80/ In order to consolidate and amend the Frontier Crimes Regulation Rules, the Governor Khyber Pakhtunkhwa, in exercise of the power under Section 62 of Frontier Crimes Regulation 1901, is pleased to make the following Rules:

**FRONTIER CRIMES REGULATION RULES 2013<sup>1</sup>**

- 1- These Rules may be called Frontier Crimes Regulation Rules 2013.
- 2- In these rules unless there is anything repugnant in the subject or context:
  - a) "Chairman" means the Chairman of the Tribunal;
  - b) "Council of Elders" means the Council of Elders constituted under Section 8 or 11 of the Regulation and Rule 5 (a) to whom a Civil or Criminal case has been referred for award"
  - c) "Investigation Officer" means an officer appointed under Rule 4(ii)
  - d) "Member" means a member of the Tribunal and includes the Chairman;
  - e) "Petition" includes Revision/Review or any other application to Tribunal under the Regulation;
  - f) "Registrar" means the Registrar of the Tribunal and includes any other person authorized by the Tribunal to perform the functions of the Registrar under these rules;
  - g) "Regulation" means the Frontier Crimes Regulation, 1901(Regulation No.III of 1901) as amended up to date;
  - h) "Subordinate Forum" means any court established under the Regulation except the Tribunal;<sup>2</sup>
  - i) "Tribunal" means a Tribunal established under Section 55 (A) of the Regulation;
- 3- Words and expressions used but not defined in these Rules shall have the same meaning as are assigned to them in the Regulation.
- 4-
  - i) Whenever an offence as per second schedule to the Regulation is committed in the Federally Administered Tribal Areas, the Political Agent/Deputy Commissioner having jurisdiction in such area get such case immediately registered in the form as Annexure-A<sup>3</sup>.
  - ii) A case registered under sub-rule i) may be entrusted to an Investigation Officer by the Political Agent/Deputy Commissioner for investigation and resubmission of the file to the Political Agent/Deputy Commissioner at the earliest.
  - iii) On receipt of the report of Investigation Officer the Political Agent/Deputy Commissioner shall refer the case to a Council of Elders with proper order of reference containing the issues. Such Political Agent/Deputy Commissioner shall ensure that Council of Elders submits its award within a period not exceeding three months.
  - iv) A civil case instituted in the court of the Political Agent/Deputy Commissioner shall be entered in a register as in Annexure-B. After

<sup>1</sup> As notified vide FATA Secretariat Notification No. FS/L&O/40-FCR/2710-20 dated June 2012 and amended vide FATA Secretariat Notification No. FS/L&O/40-FT/872-81 dated 22-02-2013.

<sup>2</sup> Section 55 A (4).

<sup>3</sup> Section 11 FCR.

**ATTESTED**

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getting reply from the respondent the Deputy Commissioner/Political Agent shall frame proper issues and under an order of reference refer the case to a Council of Elders within 15 days and ensure that the Council of Elders/ Jirga records proper evidence as adduced by the parties and make local inquires and then submit their award within 3 months.

- 5- <sup>4</sup>a) Before passing a decree under Section 8, of the Regulation, the Political Deputy Commissioner should ensure from the Jirga whether in their o defendant possesses sufficient property to satisfy the decree.
- b) At the time of the passing of the decree, the Political Agent Commissioner should enquire from the plaintiff whether he wishes the debtor to be arrested, if he fails then and there or within a reasonable ti Political Agent/ Deputy Commissioner may decide, to provide sufficier for the satisfaction of the decree within a specified period. This cours under Section 8, of the Regulation, and Order XXI, Section II(I) of Schedule attached to the Civil Procedure Code.
- c) It often happens that when an application is made under Section 8 Crimes Regulation, the plaintiff or defendant files a razinama. If ther defendant fails to satisfy the plaintiff, he cannot be compelled to do so the absence of a decree under Section 8, Frontier Crimes Regulation razinama is filed, it should be referred to a proforma Jirga of three person their finding a decree should be passed.
- d) In cases of contumacy where a judgment-debtor defies the order passer be detained in jail under the ordinary civil law.
- e) A register for this purpose should be kept up, but not submitted reg will be sent for occasionally to the Tribunal/Commissioner or examined on tour.
- f) A decree under Section 8, of the Regulation, must be executed in the manner as a decree of Civil Court of ultimate resort. The spirit of regarding the execution of ordinary Civil Courts decrees should be follo not the exact letter. Technicalities, in such proceedings, and cause for un delay should be avoided and prevented;
- 6- The Political Agent/Deputy Commissioner shall maintain date wise oq from the beginning to the end of each civil/criminal case entertained by h the Regulation.
- 7- a) Council of Elders has the main/pivotal role in dispensation of Justice under the FCR. As such persons of social status, integrity and educational qualification etc. shall be selected by the Political Agent/Deputy Commissioner and a list thereof be prepared by him and published. The said list be yearly updated, deservings be retained, others replaced. Suitable remuneration be paid to the members of such council and they should be provided with proper place of sitting and secretariat service preferably in the office of Tehsildar/Assistant Political Agent concerned.
- b) The Council of Elders to which a case has been referred shall record properly its proceedings, record evidence if any adduced by the parties, local inquires or administration of oath. Award of the Council of Elders shall stand on such evidence/reasons.
- c)<sup>5</sup> i) In the event of a member of a Council of Elders being absent at the time of the enquiry, either by reason of illness or other sufficient cause or having been present at the enquiry and subsequently failing to join in

<sup>4</sup> Notification No. 11824 G dated 11.12.1925

<sup>5</sup> Notification No. 502 dated 28.7.1902

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the finding of the Council, it shall be open to the Political Agent/Deputy Commissioner either to appoint a substitute in his place, or to accept the finding of other members of the Council as that of the whole Council; provided that if by reason of the absence of any member the number of members on the Council falls below the minimum prescribed by law, a substitute shall be appointed; provided further that if a substitute is appointed, any objection to him made by either party be disposed off in the manner directed in this Regulation.

- ii) The finding of the Council shall be in writing, and shall be attested by each member thereof, and if the members are not unanimous in their opinion the dissentients may record a separate opinion. The Political Agent/Deputy Commissioner shall satisfy himself that the parties have been heard by the Council, and shall himself hear the parties before passing an order. He shall also satisfy himself that the file contains full particulars as to the constitution of the Council and also as to evidence which the parties wished to produce on their behalf, and whether this evidence was duly heard by the Council.
- iii) A copy of the finding of the Council and order passed thereupon by the Political Agent/Deputy Commissioner shall, when applied for, invariably be given free of charge, to the parties concerned.

8- Fines recovered by the Political Agent/Deputy Commissioner shall be dealt with as under:-

- i- Cash Book shall be maintained.
- ii- Each and every fine received shall be entered in the Cash Book with reference report received in this regard.
- iii- Payments made out of funds shall be supported by details/vouchers as far as possible.
- iv- Payments may be made through cross cheques wherever possible.

- 9- a)<sup>6</sup> The Tribunal or any member of it shall inspect the subordinate courts and also give instructions to such courts so as to ensure proper implementation of the FCR.
- b) The Commissioner shall inspect courts of the Political Agent, Deputy Commissioner and Assistant Political Agent regularly and submit report thereof to the Tribunal.

- 10- i) The permanent seat of the Tribunal shall be at Peshawar.
- ii) The Tribunal may hold its sittings at any other place within its jurisdiction if in its opinion the holding of sitting at such other place(s), as the case may be will be convenient to the parties to the proceedings before it.

11-<sup>7</sup> The Tribunal shall ordinarily observe the same hours as observed by other offices of the Government.

- 12- i) A petition to the Tribunal may be sent to the Registrar by registered post acknowledgement due or presented to him during office hours either by the petitioner personally or through his advocate/representative.

<sup>6</sup> Governor's Secretariat letter No.SOI/1/GS/2012/10667-8 dated 9.5.2012

<sup>7</sup> Rule 11 to 24 notified vide FATA Secretariat No.FS/L&O/40 FCR/2710-20 dated June 2012

**ATTESTED**

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ii) Petition presented to or received by any member shall be deemed to be properly presented or received under this Rule:

13- Every Petition shall:

- a. Be legibly, correctly and concisely written, type written or printed;
- b. Divided into paragraphs numbered consecutively, each paragraph containing as nearly as may be a separate assertion or averment;
- c. Contain the full names, and addresses of the parties thereto;
- d. Clearly set out the relief claimed;
- e. Be accompanied by
  - (i) A copy of the impugned order, copy of the trial court order, award of the council of elders etc;
  - (ii) Copies of rules, orders, case law, and other documents on which the Petitioner relies in support of his claim;
  - (iii) Be signed or thumb impressed by the petitioner; and be prepared in proper paper book and in quadruplicate.

14- In every petition the appellate authority against whose orders it is preferred and any other party to the dispute shall be shown as respondent.

15- Where a Petition is presented, after the period of limitation prescribed in the Regulation, it shall be supported by an affidavit setting forth the cause of delay.

16- No Court fee shall be payable for preferring a Petition to the Tribunal.

17- The Registrar shall scrutinize every Petition:

- a- If it is not drawn up in accordance with the provisions of Rule 11, 12, 13 and 14 return it to the petitioner for amendment/correction, within a time to be specified in an order to be recorded by him on the memorandum of Petition, which shall in no case, be less than fourteen days pointing out the deficiency.
- b- If the Petition is not resubmitted within the period specified under sub-rule (a) it shall stand dismissed in default.

18- i. Daily Cause list shall be prepared under the order of the Registrar, which be affixed on the notice board of the Courtroom of the Tribunal.  
ii. Except as otherwise directed by the Tribunal, cases shall be set down in the Cause order of the date of admission.

19- Registrar of the Tribunal shall maintain the following Registers:

- i. Register for entry of petitions giving details like No. of the petition, Names/addresses of the parties, Date of institution, Disposal and gist of the decision of the Tribunal.
- ii. Daily dairy of the cases fixed for hearing.
- iii. Dispatch.
- iv. Diary.
- v. Daily attendances register of the staff.

20- a. The Tribunal may after hearing the petitioner or his advocate, dismiss the petition in limine.

  
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b. If the Petition is not dismissed in limine, notice of admission of Petition and of the date fixed for its hearing shall be served on the Respondent(s) and on such other persons as the Tribunal may deem proper.

21- i. The Process under Rule 17 b shall be in such a form as may be drawn by the Tribunal and may be served by the Political Agent/Deputy Commissioner or through Registered Post or in any other manner, including publication in one or more daily newspaper, as the Tribunal may direct;

ii. Service of notice in accordance with the provision of this rule shall be deemed to be the due notice, and it shall not be necessary to prove that a party has actually received the notice.

22- i. A respondent on whom a notice of the Petition has been served under the preceding Rule may send his objections to the Petition by registered post acknowledgement due to the Registrar to reach him or deliver the same to the Registrar either personally or through his advocate or authorized representative on or before the date fixed.

ii. The objection, if any, shall be legibly, correctly and concisely written type written or printed and shall be signed by the respondent or by a person authorized by him in that behalf and shall be accompanied by a copy of every document on which the respondent wish to rely in support of objections.

iii. The written objections if any shall be in quadruplicate complete in all respects, for use by the members of the Tribunal and the petitioner.

23- i. If on the date fixed for the hearing of a Petition, or on any other date to which the hearing may have been adjourned, the Petitioner or his Representative/advocate is not before the Tribunal, the Tribunal may dismiss the Petition or if, it thinks fit, may proceed to hear the present party and decide the Petition.

ii. If on the date fixed for the hearing of a Petition or on any subsequent date to which the hearing may have been adjourned, the respondent or more of the respondents if they are more than one or his or their advocates are not present before the Tribunal it may hear the Petition ex parte against all or any of the respondents who, or whose advocates/representative are so absent.

iii. Order by which a Petition has been dismissed or ex parte proceedings have been ordered by the Tribunal under Sub Rule ii, the tribunal may, on such order as to costs as it may deem fit, restore petition or, as the case may be set aside the ex parte order and allow the defaulting party to rejoin the proceedings.

24- The Tribunal may make such order as to costs of proceedings before it as deem fit and such costs shall be paid by the defaulting party.

25-<sup>8</sup> An order made by the Tribunal on any petition shall be enforced by the F Agent or Deputy Commissioner, as the case may be, as a final order of a ultimate jurisdiction.

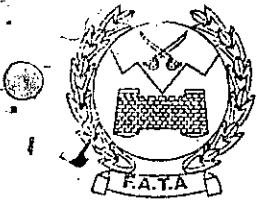
<sup>8</sup> Rules 25 to 27 notified vide FATA Secretariat letter No.FS/L&O/40 FCR/872-81, dated 22/2/2013

**ATTESTED**

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- 26- (1) If the Tribunal is unable to arrive at a unanimous decision, on any case or point before it, the decision shall be expressed in terms of the views of the majority.
- (2) In case of difference of opinion between two members where two members hear a case, the opinion of the Chairman shall prevail and if the Chairman is not present the case shall be referred to him for decision, whenever he becomes available.
- 27- If any member, for any reason is unable to take part in the proceedings of the Tribunal, the other members may hear or continue to hear the case and dispose off finally.

~~ATTESTED~~



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**FATA SECRETARIAT**  
(Law & Order Department)  
**PESHAWAR.**

**Notification** No. FS/L&O/40-FT/963-77      † Dated 12.03.2014

In exercise of the power(s) conferred upon him under Section 55 A and 55 AA of the Frontier Crimes (Amendment) Regulation, 2011 and in continuation of FATA Secretariat, Law & Order Department Notification NO.FS/L&O/40 FCR/433-49 dated 26.01.2012, the Governor, Khyber Pakhtunkhwa is pleased to declare FATA Tribunal as "Special Institution" under the administrative control of Additional Chief Secretary (FATA). In FATA Secretariat Rules of Business, 2012, the following new entries shall be inserted in Schedule-I;

Special Institution	FATA Tribunal
---------------------	---------------

- i. In part "A" read with Rule 2 after "Subordinate Office" Special Institution means institution mentioned in Schedule-I.

Sd/  
Additional Chief Secretary (FATA)

**No.FS/L&O/40-FT/**

Dated Peshawar 12<sup>th</sup> March, 2014

**Copy forwarded to:-**

- ✓ 1) Principal Secretary to the President, President Secretariat, Islamabad.
- ✓ 2) Secretary, SAFRON, SAFRON Division, Govt; of Pakistan, Islamabad.
- ✓ 3) Principal Secretary to Governor, Khyber Pakhtunkhwa Peshawar.
- ✓ 4) Secretary Establishment, Khyber Pakhtunkhwa Peshawar.
- ✓ 5) Secretary Home, Khyber Pakhtunkhwa Peshawar.
- 6) Chairman FATA Tribunal.
- ✓ 7) All Divisional Commissioners (except Mardan & Hazara).
- ✓ 8) Accountant General (PR) Sub Office Khyber Pakhtunkhwa, Peshawar.
- ✓ 9) Military Secretary to Governor Khyber Pakhtunkhwa, Peshawar.
- 10) Director General Media, FATA Secretariat, Peshawar.
- ✓ 11) All Political Agents.
- ✓ 12) All Deputy Commissioners (FRs)
- ✓ 13) PSO to Chief Secretary, Khyber Pakhtunkhwa Peshawar.
- 14) PS to Additional Chief Secretary (FATA), FATA Secretariat, Peshawar.
- 15) PS to Secretary, Law & Order Department, FATA Secretariat, Peshawar.

**ATTESTED**

Most Immediate

GOVERNMENT OF PAKISTAN  
CABINET SECRETARIAT  
ESTABLISHMENT DIVISION  
◁◁◁◁◁◁

No.53/1/2013-SP:

Islamabad, the 06<sup>th</sup> February, 2014.OFFICE MEMORANDUM


Subject: - BAN ON RECRUITMENT PROCESS IN FEDERAL MINISTRIES / DIVISIONS / AUTONOMOUS BODIES / CORPORATIONS.

In continuation of this Division (Regulation Wing)'s O.M.No.4/1/93-R-I dated 20-06.2013 on the above noted subject (copy enclosed).

2. It is further clarified that ban on recruitment process imposed by Federal Government on the directions of Prime Minister's Office, shall also be applicable on the following categories of appointments: -

1. Appointment of contingent paid staff and its further extension.
2. Appointment of Civil Armed Forces Personnel i.e. Frontier Corps.
3. Appointment by Transfer /Induction.
4. Extension in contract appointment of already recruited contractual employees.

3. All Ministries / Divisions are requested to bring the above decision to the notice of the departments/organizations under their administrative control for strict compliance.

  
(Muhammad Ayaz)  
Section Officer (SP)  
051-9203200

All Ministries / Divisions  
Islamabad / Rawalpindi.

  
**ATTESTED**



Additional Secretary  
Tele: 051-9212150  
Fax: 051-9218520

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No. 53/1/2013-SP

Government of Pakistan  
Cabinet Secretariat  
Establishment Division  
Islamabad

April 7, 2014

Subject: RELAXATION OF BAN ON RECRUITMENT PROCESS IN FEDERAL MINISTRIES/DIVISIONS/AUTONOMOUS BODIES/CORPORATIONS.

Dear Mr. Secretary,

On the direction of the Prime Minister Office ban was imposed, inter alia, on appointment of contingent paid staff and its further extension vide O.M.No.53/1/2013-SP, dated the 06<sup>th</sup> February, 2014.

2. The Prime Minister has now been pleased to relax the ban on recruitment of Contingent Paid Staff in the Federal Ministries / Divisions / Departments / Attached Department / Subordinate Offices / Autonomous Bodies / Semi-Autonomous Bodies / Corporations / Companies / Programs / Commissions / Authorities / Foundations / Trusts with immediate effect. However, appointment of such contingent paid staff shall not be converted into contract or permanent appointment / employment under any condition or pretext whatsoever.

3. In view of fore-going you are requested to bring the above decision to the notice of all department/organizations under your administrative control for their information and further necessary action.

With regards

Yours Sincerely

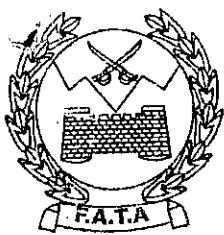
(Amjad Mahmood)

All Secretaries/Additional Secretaries (Incharge)  
Islamabad/Rawalpindi

07/04/14

ATTESTED

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**FATA SECRETARIAT**  
Law & Order Department  
**PESHAWAR**

No. FS/L&O/B&A/55/2014  
Dated: 13-10-2014

To:

The Chairman,  
FATA Tribunal  
FATA Secretariat

Subject:-

**BAN ON RECRUITMENT PROCESS IN FEDERAL MINISTRIES/  
DIVISION/AUTONOMOUS BODIES/CORPORATION**

I am directed to refer to the subject noted above and to state that the Federal Government has lifted the ban on recruitments vide Section Officer (R-1), Cabinet Secretariat, Establishment Division, Islamabad letter No. 4/1/93-R.1 dated 25-09-2014 (copy enclosed).

In view of the above, you are requested to please carry out the necessary recruitment process of your authorized sanction strength after fulfilling the codal formalities, so that our staff working at present in your office may be relieved to this office.

Section Officer (B&A)

Copy to:

1. PS to ACS FATA.
2. PS to Secretary Law & Order

  
Section Officer (B&A)  
**ATTESTED**

550

**THE NORTH-WEST FRONTIER PROVINCE INITIAL APPOINTMENT TO  
CIVIL POSTS (RELAXATION OF UPPER AGE LIMIT) RULES, 2008**

*PART - I -*  
GENERAL

1. (1) These rules may be called the Initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 2008.

(2) These shall come into force with immediate effect.

\*2(1) Nothing in these rules shall apply to the appointment in BS-17 and the posts of Civil Judge-cum-Judicial Magistrate/Illaqa Qazi, BPS-18 to be filled through the competitive examination of the Public Service Commission, in which case two years' optimum relaxation shall be allowed to;

- (a) Government servants with a minimum of 2 years' continuous service;
- (b) Disabled persons; and
- (c) Candidates from backward areas.

\*2(2) For appointment to the post of Civil Judge-Cum-Judicial Magistrate/Illaqa Qazi, the period which a Barrister or an Advocate of the High Court and /or the Courts subordinate thereto or a Pleader has practiced in the Bar, shall be excluded for the purpose of upper age limit subject to a maximum period of two years from his/her age.

*PART - II -*  
GENERAL RELAXATION

3. Maximum age limit as prescribed in the recruitment rules shall be relaxed in respect of the candidates mentioned in column 2 to the extent mentioned against each in column No.3 of the Table below:-

Sl. No.	Category of candidates	Age relaxation admissible
1	2	3
i.	Government Servants who have completed 2 years' continuous service	Upto ten years automatic relaxation
ii.	Candidates belonging to backward areas as specified in the Appendix attached herewith.	Three years automatic relaxation
iii.	General candidates	Upto two years by the appointing authority and exceeding two years upto five years by the Establishment Department

\*Added vide Notification No. SOE-III/E&AD/2-1/2007, dated 03<sup>rd</sup> March, 2008

  
**TESTED**

iv.	Widow or son or daughter of a deceased civil servant who died during service and **son /brother in case of a Shaheed of Police Department; and	Discretion of the appointing authority
v.	Disabled persons/**divorced women/ widow.	Ten years automatic relaxation
***vi.	(i)(a) Employees or ex-employees of development projects of the Government of Khyber Pakhtunkhwa; and  (b) Employees or ex-employees of development projects of the Federal Government under the administrative control of the Government of Khyber Pakhtunkhwa.	Equal to the period served in the projects, subject to a maximum limit of ten years.

“Provided that the age relaxation at serial No.vi above shall not be availed in conjunction with any other provisions of these rules”.

(ii) In case of divorced woman or widow, the following certificates shall be produced by the applicant at the time of applying for age relaxation;

- (a) In case of widow, death certificate of husband.
- (b) In case of divorced woman, divorce certificate from the District Coordination Officer of the District concerned.
- (c) Certificate from the District Coordination Officer of the District concerned to the fact that the applicant whether divorced or widow has not remarried at the time of submitting application.

4. A candidate shall only be allowed relaxation in age in one of the categories specified in rule 3;

Provided that the candidates from backward areas, in addition to automatic relaxation of three years under category (ii) specified in rule 3, shall be entitled to one of the relaxations available to Government servants, general or disabled candidates, whichever is relevant and applicable to them.

5. The age relaxation under category (iii) specified in rule 3, shall be subject to: (a) full justification in support of the proposal; and (b) a certificate to the effect that no eligible candidates within the prescribed age limits are/were available. The certificate shall be provided by the concerned Departments.

\*\*Amended vide Notification No.SOE-III(E&AD)2-1/2007, dated 09<sup>th</sup> December, 2010

\*\*\*Added vide Notification No. No.SOE-III(E&AD)2-1/2007, dated 29<sup>th</sup> January, 2011

**ATTESTED**



6. Age relaxation in respect of overage candidates shall be sought prior to their appointment.
7. For the purposes of these rules, age of a candidate shall be calculated from the closing date of submission of applications for a particular post.
8. The cases of age relaxations, beyond the competence of Administrative Departments, shall be sent to the Establishment Department through the Administrative Department concerned.
9. All existing instructions, relating to age relaxation, issued from time to time shall stand superseded.

**APPENDIX**

[ See Rule 3(ii) ]

- (i) Khyber Agency
- (ii) Kurram Agency
- (iii) Orakzai Agency
- (iv) Mohmand Agency
- (v) North Waziristan Agency.
- (vi) South Waziristan Agency.
- (vii) Malakand Agency including protected areas (Swat Ranizai and Sam-Ranizai) and Bajaur.
- (viii) Tribal Areas attached to Peshawar, Kohat and Hazara Division
- (ix) Tribal Areas attached to D.I. Khan and Bannu Districts.
- (x) Shirani Area.
- (xi) Merged Areas of Hazara and Mardan Division and upper Tanawal.
- (xii) Swat District
- (xiii) Upper Dir District.
- (xiv) Lower Dir District.
- (xv) Chitral District.
- (xvi) Buner District.
- (xvii) Kala Dhaka Area.
- (xviii) Kohistan District.
- (xix) Shangla District.
- (xx) Gadoon Area in Swabi District.
- (xxi) Backward areas of Mansehra and District Battgram.
- (xxii) Backward areas of Haripur District, i.e. Kalanjar Field Kanungo Circle of Tehsil Haripur and Amazai Field Kanungo Circle of Tehsil Ghazi.

(Authority No. SOE-III(E&AD)2-1/2007, Dated 1<sup>st</sup> March, 2008)

**ATTESTED**



58

Home & Tribal Affairs Department,  
Khyber Pakhtunkhwa  
(Levy & Khassadars Wing)  
Merged Areas Secretariat, Warsak Road

PESHAWAR

Ph: (091) 9210960

Fax # (091) 9210578


No. CS(F)/L&K/ 2019

Dated: July 30, 2019

- 119
1. Mr. Tahir Khan Assistant
  2. Mr. Naveed Rehman Assistant
  3. Mr. Kafeel Ahmed Assistant
  4. Mr. Muhammad Adnan Assistant
  5. Mr. Adnan Key Punch Operator
  6. Mr. Muhammad Shoib KPO
  7. Mr. Sami Ullah KPO
  8. Mr. Nadir Shah Junior Clerk
  9. Mr. Arif Jan Junior Clerk
  10. Mr. Ikramullah Junior Clerk
  11. Mr. Muhammad Tauseef Khan Junior Clerk
  12. Mr. Muhammad Yaseen Driver
  13. Mr. Muhammad Owais Driver
  14. Mr. Sadiq Shah Driver
  15. Mr. Zeyafatullah Driver
  16. Mr. Muhammad Shoib Naib Qasid
  17. Mr. Faheem Shehzad Naib Qasid
  18. Mr. Nasir Gul Naib Qasid
  19. Mr. Kher-ul-Bashar Naib Qasid
  20. Mr. Ikramullah Naib Qasid
  21. Mr. Navid Ahmad Naib Qasid
  22. Mr. Ridad Khan Chowkidar
  23. Mr. Bahar Ali Chowkidar
  24. Mr. Zia-ur-Rehman Chowkidar

Subject: ENQUIRY


You are hereby directed to attend office of the undersigned tomorrow on 31<sup>st</sup> July, 2019 at 9:00 AM, positively, for recording your statements in the subject matter.

  
Enquiry Officer/ Deputy Secretary  
(Levy & Khassadars)

No. & date even.

CC to:

1. Registrar FATA Tribunal, Judicial Complex Hayatabad Phase-7 with the request to direct the abovenamed employees to attend the office of the undersigned on the scheduled date & time.
2. PS to Secretary Home & TAs Department, Khyber Pakhtunkhwa
3. PS to Special Secretary, Law & Order, Home Department, Khyber Pakhtunkhwa
4. Master File

  
Enquiry Officer/ Deputy Secretary  
(Levy & Khassadars)

  
**ATTESTED**



Home & Tribal Affairs Department,  
Khyber Pakhtunkhwa  
(Levy & Khassadars Wing)  
Merged Areas Secretariat, Warsak Road  
**PESHAWAR**

Ph: (091) 9210960

Fax # (091) 9210578

No. CS(F)/L&K/ 2019


Dated: July 30, 2019

1. Mr. Tahir Khan Assistant
2. Mr. Naveed Rehman Assistant
3. Mr. Kafeel Ahmed Assistant
4. Mr. Muhammad Adnan Assistant
5. Mr. Adnan Key Punch Operator
6. Mr. Muhammad Shoib KPO
7. Mr. Sami Ullah KPO
8. Mr. Nadir Shah Junior Clerk
9. Mr. Arif Jan Junior Clerk
10. Mr. Ikramullah Junior Clerk
11. Mr. Muhammad Tauseef Khan Junior Clerk
12. Mr. Muhammad Yaseen Driver
13. Mr. Muhammad Owais Driver
14. Mr. Sadiq Shah Driver
15. Mr. Zeyafatullah Driver
16. Mr. Muhammad Shoib Naib Qasid
17. Mr. Faheem Shehzad Naib Qasid
18. Mr. Nasir Gul Naib Qasid
19. Mr. Kher-ul-Bashar Naib Qasid
20. Mr. Ikramullah Naib Qasid
21. Mr. Navid Ahmad Naib Qasid
22. Mr. Ridad Khan Chowkidar
23. Mr. Bahar Ali Chowkidar
24. Mr. Zia-ur-Rehman Chowkidar

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Subject: ENQUIRY

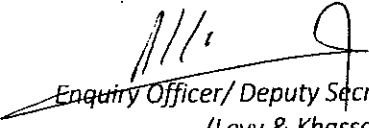
You are hereby directed to attend office of the undersigned tomorrow on 31<sup>st</sup> July, 2019 at 9:00 AM, positively, for recording your statements in the subject matter.

  
Enquiry Officer/ Deputy Secretary  
(Levy & Khassadars)

No. & date even.

CC to:

1. Registrar FATA Tribunal, Judicial Complex Hayatabad Phase-7 with the request to direct the abovenamed employees to attend the office of the undersigned on the scheduled date & time.
2. PS to Secretary Home & TAs Department, Khyber Pakhtunkhwa
3. PS to Special Secretary, Law & Order, Home Department, Khyber Pakhtunkhwa
4. Master File

  
Enquiry Officer/ Deputy Secretary  
(Levy & Khassadars)

  
**ATTESTED**

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Home & Tribal Affairs Department,  
Khyber Pakhtunkhwa  
(Levy & Khassadars Wing)  
Merged Areas Secretariat, Warsak Road

PESHAWAR

Ph: (091) 9210960

Fax # (091) 9210578

No. CS(F)/L&K/ 2-2019

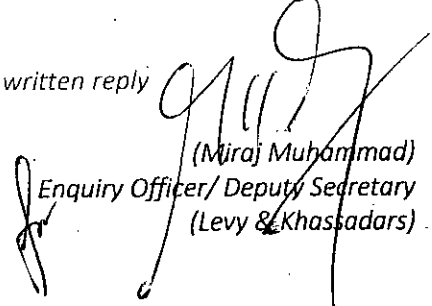
Dated: July 31, 2019

Registrar,  
FATA Tribunal, Judicial Complex,  
Phase-VII Hayatabad.

Subject: ENQUIRY

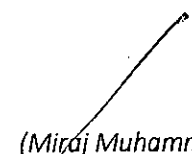
With reference to your written reply dated July 31, 2019, it is advised to provide the following documents by today for an early completion of the enquiry proceedings:

1. Notification regarding constitution of Selection Committee
2. Recommendations/ Minutes of the Selection Committee
3. Attendance Sheet of the Selection Committee
4. Candidates attendance sheets for written test and interview
5. Test papers and result sheet
6. Letters quoted in your above referred written reply

  
(Miraj Muhammad)  
Enquiry Officer/ Deputy Secretary  
(Levy & Khassadars)

No. & date even.  
CC to:

1. PS to Secretary Home & TAs Department, Khyber Pakhtunkhwa
2. PS to Special Secretary, Law & Order, Home & TAs Department, Khyber Pakhtunkhwa
3. Master File

  
(Miraj Muhammad)  
Enquiry Officer/ Deputy Secretary  
(Levy & Khassadars)

~~ATTESTED~~



**MERGED AREAS SECRETARIAT  
LAW AND ORDER DEPARTMENT  
WARSAK ROAD PESHAWAR**

61

Tele phone No. 091-9214017

Fax No. 091-9210578

**TO WHOME IT MAY CONCERN**

It is certified that Mr. Naveed Rehman Junior Clerk BPS-11 is working in the Project titled "Levy Training Center at Shakas Khyber Agency" Law & Order Department FATA Secretariat with effect from 15-12-2011 to 27/02/2019 (Continue).

During his stay in the office, he is performing his duty very punctually. We found him to be hard working and having a good moral character.

We wish him a bright future and success.

Section Officer

(Budget & Account Section)

Law & Order Department

15/12/2011  
27/02/2019  
Naveed Rehman

**TESTED**



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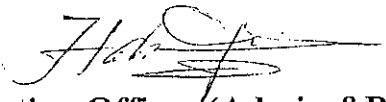
**FATA SECRETARIAT**  
**LAW & ORDER DEPARTMENT**  
**PESHAWAR**

FS/L&O/B&A/30/2019  
Dated: 28/02/2019

**NO OBJECTION CERTIFICATE**

I hereby certify that Mr. Naveed Rehman S/o Muhammadi Shah is working as Junior Clerk (BPS-11) in Project titled "Levy Training Center at Shakas Khyber Agency" in this Department. This office has got no objection on his joining the post of Assistant (BPS-16) in the Federal Government Department advertised through P.O Box No. 131.

I wish him all the best for his future endeavor.

  
**Section Officer (Admin & Budget)**  
**Law & Order Department**  
**FATA Secretariat Peshawar.**

**ATTESTED**

**ATTENDANCE SHEET OF SHORTLISTED CANDIDATES FOR THE POST OF ASSISTANT**

S.NO	NAME	F/NAME	DOMICILE	QUALIFI:	SIGNATURE
1	ABDUL BASIT	GUL NAWAZ KHAN	PESHAWAR	MA	
2	SHOAIB KHAN	JAMSHAD KHAN	MOHMAND	MA	
3	ADNAN SHAH	FAROZ SHAH	PESHAWAR	BA	
4	SHAH ZAMAN	MUHD HASHIM KHAN	PESHAWAR	MSC	
5	KAFEEL AHMAD	LAL BADSHAH	Peshawar	BA	
6	BILAL AHMAD	ZAR KHAN ZAHEER	PESHAWAR	MA	
7	NASRAT SHAH	GUL AHMAD KHAN	KHYBER	MA	
8	SYED RAFI ULLAH SHAH	SYED M. ASHRAF SHAH	KHYBER	MSC	
9	SAEED AHMAD	GUL FARAZ KHA	KOHAT	MA	
10	ISHFAQ AHMAD	ABDUL MANAN	LUKKI	MSC	
11	MUHAMMAD ADNAN	TASBEEH ULLAH	PESHAWAR	MBA	
12	MUHAMMAD KASHIF	MUHAMMAD MUSA	KOHAT	MA	
13	MUHAMMAD SALMAN SULTAN	SULTAN MUHAMMAD	PESHAWAR	MCS	
14	NAVEED SHEHZAD	SHERZADA	CHARSADA	MA	
15	NAVEED KHAN	ALAM KHAN	PESHAWAR	BA	
16	SALMAN KHAN	ADALAT KHAN	SHANGLA	MSC	
17	ABID SHAH	AQAL KHAN	PESHAWAR	BA	
18	ATTAULLAH	KIFAYATULLAH	KHYBER	MBA	
19	ATIF JAN	NUROZ KHAN	CHARSADA	MSC	
20	BAKHT MUHAMMAD	JAN MUHAMMAD KHAN	NOWSHERA	MSC	
21	MUHAMMAD HAMID	JANVED KHAN	NOWSHERA	MA	
22	MUHAMMAD YOUSAF	FATIH KHAN	MARDAN	MA	
23	TAHIR KHAN	ARSALA KHAN	PESHAWAR	BA	
24	NAVEED UR REHAMAN	MOHAMMADI SHAH	FR-PESHAWAR	MBA	

Registrar

**ATT- STED**

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SHORT LIST CANDIDATES FOR THE POST OF ASSISTANTS

NAME	F/NAME	DOMICILE	Qualification	Experience Marks 2.5 per years total marks (15)	Interview marks Total marks (08)	Total Marks (23)	Remarks
	GUL NAWAZ KHAN	PESHAWAR	MA	05	02	07	07
	JAMSHAD KHAN	MOHMAND	MA	04	03	07	07
	KAMRAN SOHAIL	KOHAT	MA	05	04	09	09
	MUHD HASHIM KHAN	PESHAWAR	MSC	03	05	08	08
	LAL BADSHAH	PESHAWAR	BA	04	07	11	11
	ZAR KHAN ZAHEER	PESHAWAR	MA	05	02	07	07
	GUL AHMAD KHAN	KHYBER	MA	06	03	09	09
	SYED RAFI ULLAH SHAH	KHYBER	MSC	03	03	06	06
	GUL FARAZ KHA	KOHAT	MA	03	04	07	07
	ABDUL MANAN	LUKKI	MSC	04	03	07	07
	TASBEEHULLAH	PESHAWAR	MBA	06	07	13	13
	MUHAMMAD MUSA	KOHAT	MA	06	02	08	08
	SHERZADA	CHARSADA	MA	05	01	06	06
	ALAM KHAN	PESHAWAR	MA	04	03	07	07
	ADALAT KHAN	SHANGLA	MSC	03	02	05	05
	AQAL SHAH	PESHAWAR	BA	02	03	05	05
	KIFAYAT-ULLAH	KHYBER	MBA	04	02	06	06
	NOOROZ KHAN	CHARSADDA	MSC	06	02	08	08
	JAN MUHAMMAD	NOWSHERA	MSC	04	02	06	06
	JAVED KHAN	NOWSHERA	MA	04	03	07	07
	FATEH KHAN	MARDAN	MA	03	04	07	07
	ARSALA KHAN	PESHAWAR	BA	03	04	07	07
	MOHAMMADI SHAH	FR PESHAWAR	MBA	05	02	07	07
				12	07	05	11
					05	11	11
						17	17

**ATTESTED**



SHORT LISTED CANDIDATES FOR THE POST OF JUNIOR CLERK

S.NO	NAME	F/NAME	DOMICILE	QUALI	SIGNATURE
1.	HASNAIN AZIZ	TARIQ AZIZ	PESHAWAR	MA	
2.	NASIR HUSSAIN	SHAFAT HUSSAIN	HANGU	FSC	
3.	IKRAMULLAH	REHMAT ALI	BAJAUR	FA	
4.	YASIR AHMAD	NAZAR ISLAM	KOHAT	BA	
5.	MASOOD AKHTER	NOOR UD DIN	ABBOTTABAD	FA	
6.	MUHAMMAD GHANZAFAR	GUL ZAR ALI SHAH	KOHAT	BSCS	
7.	MUHAMMAD IHTISHAM	MUHAMMAD YASIN	KARAK	BS	
8.	MHD.TOUSEEF KHAN	ZAMAN SHAH	CHARSADDA	BA	
9.	FAWAD ALI	ZULFIQAR ALI	PESHAWAR	BA	
10.	MUHAMAMD MUDASIR	MUHAMMAD YASIN	KARAK	FSC	
11.	ZIA UR RAHMAN	MUHAMMAD AZAM	PESHAWAR	BA	
12.	HAMMAD ANWAR	ANWAR ALI	PESHAWAR	FSC	
13.	SHAH ZAMAN	MUHAMMAD HASHIM KHAN	PESHAWAR	MSC	
14.	MUHAMMAD YOUNAS	JAFFAR KHAN	PESHAWAR	MA	
15.	ARIF JAN	AFSAR JAN	CHARSADDA	BA	
16.	ABDUL WAHID	ABDUR RAHMAN	PESHAWAR	BA	
17.	SALMAN AHMAD	JAN MUHAMMAD	PESHAWAR	BA	
18.	WAQAS AHMAD	ABDUL AKBAR	PESHAWAR	BS	
19.	TAHIR NIQASH	MALANG KHAN	PESHAWAR	BBA	
20.	NADIR SHAH	IQBAL SHAH	KHYBER	MA	
21.	AMIR KHAN	MUKHTIAR SHAH	MARDAN	DAE	
22.	HAZRAT ALI	MUMTAZ ALI	PESHAWAR	BSC	
23.	UBAID UR RAHMAN	SHUJA UR RAHMAN	PESHAWAR	BA	
24.	MUHAMMAD ABBAS	ABDUL WAHEED	PESHAWAR	BSC	
25.	ABDUL WAKIL	KHAIR UR RAHMAN	PESHAWAR	BSC	
26.	SALMAN MURTAZA	MURTAZA KHAN	CHARSADDA	BS	

ATT-TESTED

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NO	NAME	F/NAME	DOMICILE	QUALI:	SIGNATURE
27	HILAL KHAN	RIZWAN KHAN	NOWSHEHRA	MCOM	<i>Hilal Khan</i>
28	SYED RAFI ULLAH SHAH	S.M. ASHRAF SHAH	KHYBER	MSC	<i>S Rafiq Ullah</i>
29	HASBUN ULLAH	MUJEEB UR REHMAN	PESHAWAR	BA	<i>Hasban Ullah</i>
30	ASAD IQBAL	RIAZ IQBAL	PESHAWAR	BA	<i>Asad Iqbal</i>

REGISTRAR  
FATA TRIBUNAL

*[Signature]*  
**ATTESTED**

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**SHORT LIST CANDIDATES FOR THE POST OF JUNIOR CLERKS**

S.NO	NAME	F/NAME	DOMICILE	Qualification	Interview marks Total marks (08)	Remarks
1	HASNAIN AZIZ	TARIQ AZIZ	PESHAWAR	MA	05	05
2	NASIR HUSSAIN	SHAFAT HUSSAIN	HANGU	FSC	05	05
3	IKRAMULLAH	REHMAT ALI	BAJAUR	FA	02	02
4	YASIR AHMAD	NAZAR ISLAM	KOHAT	BA	03	03
5	MASOOD AKHTER	NOOR UD DIN	ABBOTTABAD	FA	03	03
6	MUHD GHANZAFAR	GUL ZAR ALI SHAH	KOHAT	BSCS	04	04
7	MUHAMMAD IHTISHAM	MUHAMMAD YASIN	KARAK	BS	04	04
8	M. TAUSIF KHAN	ZAMAN	CHARSADDA	BA	08	08
9	FAWAD ALI	ZULFIQAR ALI	PESHAWAR	BA	01	01
10	MUHAMMAD MUDASIR	MUHAMMAD YASIN	KARAK	FSC	01	01
11	ZIA UR RAHMAN	MUHAMMAD AZAM	PESHAWAR	BA	02	02
12	HAMMAD ANWAR	ANWAR ALI	PESHAWAR	FSC	03	03
13	SHAH ZAMAN	MUHD HASHIM	PESHAWAR	MSC	03	03
14	M. YOUNIS	JAFFAR KHAN	PESHAWAR	MA	04	04
15	ARIF JAN	AFSAR JAN	CHARSADDA	BA	08	08
16	ABDUL WAHID	ABDUR RAHMAN	PESHAWAR	BA	02	02
17	SALMAN AHMAD	JAN MUHAMMAD	PESHAWAR	BA	02	02
18	WAQAS AHMAD	ABDUL AKBAR	PESHAWAR	BS	02	02
19	TAHIR NIQASH	MALANG KHAN	PESHAWAR	BBA	03	03
20	NADIR SHAH	IQBAL SHAH	KHYBER	MA	08	08
21	AMIR KHAN	MUKHTIAR SHAH	MARDAN	DEA	04	04
22	HAZRAT ALI	MUMTAZ ALI	PESHAWAR	BSC	04	04
23	UBAID UR REHMAN	SHUJA UR REHMAN	PESHAWAR	BSC	04	04

TESTED

o/c

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24	MUHAMMAD ABBAS	ABDUL WAHEED	PESHAWAR	BSC	03	03
25	ABDUL WAKIL	KHAIR UR RAHMAN	PESHAWAR	BSC	03	03
26	SALMAN MURTAZA	MURTAZA KHAN	CHARSADDA	BS	04	04
27	HILAL KHAN	RIZWAN KHAN	NOWSHEHRA	MCOM	04	04
28	SYED RAFI ULLAH SHAH	S.M. ASHRAF SHAH	KHYBER	MSC	02	02
29	HASBUN ULLAH	MUJEEB UR REHMAN	PESHAWAR	BA	02	02
30	ASAD IQBAL	RIAZ IQBAL	PESHAWAR	BA	08	08

~~ATTESTED~~

SHORT LISTED CANDIDATES FOR THE POST OF KPO

S.NO	NAME	F/NAME	DOMICILE	QUALIFI:	REMARKS
1.	ABDUL SHAKOOR	HASAN ZAMAN	PESHAWAR	MA	
2.	SAMEE-ULLAH	ZALMAI KHAN	KURRAM	MBA	
3.	MUHAMMAD YOUNAS	JAFFAR KHAN	PESHAWAR	MA	
4.	TAIMUR JAN	ABDUL RASHID	PESHAWAR	BA	
5.	ABDUL WAHID	ABDUR RAHMAN	PESHAWAR	BA	
6.	MOHSIN IHSAN	IHSAN ULLAH DANISH	PESHAWAR	MA	
7.	MUHAMMAD SAGHEER	ALI ASGHAR KHAN	NOWSHERA	MA	
8.	MOHD. SHOAIB	JEHANZEB	PESHAWAR	BA	
9.	NAJIB ULLAH	AMIR ZADA	MALAKAND	MA	
10.	MUHAMMAD SAQLAIN	ABDUL GHANI	ABOTTABAD	MA	
11.	TAIMUR KHAN	ANIAZ ALI KHAN	CHARSADDA	MA	
12.	ADNAN	WALI KHAN	CHARSADDA	BA	
13.	MUHAMMAD SHAID IQBAL	IQBAL HUSSAIN	PESHAWAR	MA	
14.	AKHTER KHAN	SIDA KHAN	KHYBER	MSC	
15.	MUHAMMAD YOUSAF	FATIH KHAN	MARDAN	MA	
16.	HAMAYUN KHAN	MUSAMAR KHAN	PESHAWAR	MASTER	
17.	SADAM KAMAL	AMIR KAMAL	MARDAN	MA	

**ATTESTED**

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## SHORT LIST CANDIDATES FOR THE POST OF KEY PUNCH OPERATOR

S.NO	NAME	F/NAME	DOMICILE	Qualification	Interview marks Total marks (08)	Remarks
1.	ABDUL SHAKOOR	HASAN ZAMAN	PESHAWAR	MA		
2.	SAMEE-ULLAH	ZALMAI KHAN	KURRAM	MBA	07	
3.	MUHAMMAD YOUNAS	JAFFAR KHAN	PESHAWAR	MA	02	
4.	TAIMUR JAN	ABDUL RASHID	PESHAWAR	BA	03	
5.	ABDUL WAHID	ABDUR RAHMAN	PESHAWAR	BA	04	
6.	MOHSIN IHSAN	IHSAN ULLAH DANISH	PESHAWAR	MA	02	
7.	MUHAMMAD SAGHEER	ALI ASGHAR KHAN	NOWSHERA	MA		
8.	MOHD. SHOAIB	JEHANZEB	PESHAWAR	BA	06	
9.	NAJIB ULLAH	AMIR ZADA	MALAKAND	MA	05	
10.	MUHAMMAD SAQLAIN	ABDUL GHANI	ABOTTABAD	MA	09	
11.	TAIMUR KHAN	NIAZ ALI KHAN	CHARSADDA	MA	03	
12.	ADNAN	WALI KHAN	CHARSADDA	BA	07	
13.	MUHD SHAID IQABAL	IQBAL HUSSAIN	PESHAWAR	MA	04	
14.	AKHTAR KHAN	SAIDA KHAN	KHYBER	MSC	02	
15.	MUHAMMAD YOUSAF	FATEH KHAN	MARDAN	MA	04	
16.	HAMAYUN KHAN	MUSAMAR KHAN	PESHAWAR	MA	03	
17.	SADDAM KAMAL	AMIR KAMAL	MARDAN	MA	04	

**ATTESTED**

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**SHORT LIST CANDIDATES FOR THE POST OF DRIVERS**

S.NO	NAME	F/NAME	DOMICILE	Interview marks Total marks (08)	Remarks
1.	IBRAR HUSSAIN	BAKHT REHMAN	SWAT	04	04
2.	FAWAD ALI	ZULFIQAR ALI	PESHAWAR	03	03
3.	SHAFIQ ZADA	LAL KAMAL	MOHMAND	03	03
4.	SADIQ SHAH	SHER ZAMAN	KURRAM	07	07
5.	JASIM ULLAH	FAREED KHAN	BANNU		
6.	ZIAFAT ULLAH KHAN	NIAMAT ULLAH KHAN	BANNU	06	06
7.	M. AWAIS	NASEER AHMAD	PESHAWAR	06	06
8.	YASEEN	FAROZ DIN	PESHAWAR	06	06

ATTESTED

*O/c*

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SHORT LIST CANDIDATES FOR THE POST OF NAIB QASIDS

S.NO	NAME	F/NAME	DOMICILE	Interview marks	Remarks
1.	FAHEEM SHEHZAD	HIDAYATULLAH	PESHAWAR	07	07
2.	NAVEED AHMAD	SAMEEUL HAQ	PESHAWAR	07	07
3.	MOHAMMAD SHOAIB	ARSALA KHAN	PESHAWAR	07	07
4.	NASIR GUL	NADIR GUL	KURRAM	07	07
5.	KHAIRUL BASHAR	SAHIB DIN	PESHAWAR	07	07
6.	MUHAMMAD ALTAF	ABDUL RAZAQ	DIKHNA	07	07
7.	SOHAIL ANJUM	KIFAYAT ULLAH ANJUM	HARSADDA	03	03
8.	JALAL KHAN	NIZAM UD DIN	PESHAWAR	04	04
9.	TAWHEED JALAL	SULTAN MUHAMMAD	KHYBER	02	02
10.	DAWOOD JAN	MUSLIM KHAN	CHARSADDA	01	01
11.	SHAFIQ ZADA	LAL KAMAL	MOHMAND	05	05
12.	NOMAN ZAFAR	ZAFAR IQBAL	PESHAWAR	03	03
13.	SHOEB AHMAND	AHMAD KHAN	PESHAWAR	01	01
14.	MUHAMMAD ATIQ	MUHAMMAD SHAREEF	D.I KHAN	02	02
15.	ABDUL BASIT	GUL NAWAZ KHAN	PESHAWAR	04	04
16.	MUHAMMAD FARHAN	MUHAMMAD YOUSIF	D.I KHAN	03	03
17.	HAZRAT ALI	MUMTAZ ALI	PESHAWAR	02	02

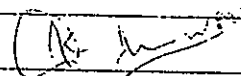
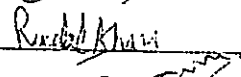
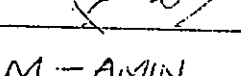
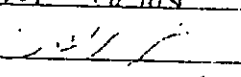
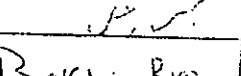
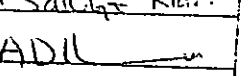
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~~ATTESTED~~



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**ATTENDANCE LIST FOR THE POST OF CHOWKIDAR**

S.NO	NAME	F/NAME	DOMICILE	SIGNATURE
1.	KASHIF	ANWAR ULLAH	CHARSADDA	
2.	REEDAD KHAN	GUL DAD KHAN	PESHAWAR	
3.	FARHAN KHAN	ZAKIR KHAN	KHYBER	
4.	MUHAMMAD AMIN	NOOR ELAHI	PESHAWAR	
5.	AZIZ UR REHMAN	SAIF UR REHMAN	PESHAWAR	M - AMIN
6.	BAHAR ALI	MEHMOOD KHAN	PESHAWAR	
7.	BAKHT RIAZ	JUMA KHAN	BAJAUR	
8.	MUHAMMAD ADIL	WAZAR MUHAMMAD	KHYBER	Bakht Riaz
9.	KALEEM ULLAH	ABDULLAH JAN	NOWSHEHRA	ADIL
10.	MHD. ADIL	MIR ALAM KHAN	PESHAWAR	KALEEM
11.	SHEHZAD	ATTA ULLAH	CHARSADDA	Shehzad

REGISTRAR  
FATA TRIBUNAL

**ATTESTED**

76

ATTENDANCE FOR THE POST OF CHOWKIDAR

S.NO	NAME	F/NAME	DOMICILE	SIGNATURE	Interview marks Total marks (08)	Remarks
1	KASHIF	ANWAR ULLAH	CHARSADDA		03	03
2	REEDAD KHAN	GUL DAD KHAN	PESHAWAR		07	07
3	FARHAN KHAN	ZAKIR KHAN	KHYBER		02	02
4	MUHAMMAD AMIN	NOOR ELAHI	PESHAWAR		04	04
5	AZIZ UR REHMAN	SAIF UR REHMAN	PESHAWAR		05	05
6	BAHAR ALI	MEHMOOD KHAN	PESHAWAR		07	07
7	BAKHT RIAZ	JUMA KHAN	BAJAUR		03	03
8	MUHAMMAD ADIL	WAZAR MUHAMMAD	KHYBER		02	02
9	KALEEM ULLAH	ABDULLAH JAN	NOWSHEHRA		01	01
10	ZIA UR REHMAN	SAHIB DIN	PESHAWAR		07	07
11	SHEHZAD	ATTA ULLAH	CHARSADDA			

ATTESTED

o/c

77

UNIT HAYATABAD MEDICAL COMPLEX PESHAWAR

DEATH SUMMARY

NAME Husam Zari Sajjad Rehman ✓  
ADDRESS Phase-7 Peshawar - Hayatabad

ADMISSION NO. 01542618 SEX F AGE 75 Yrs  
DATE OF ADMISSION 30-6-2019 DATE OF EXP 4-7-2019 TIME OF EXP 1:15 PM  
SHORT HISTORY DM, HTN, CKD, was on dialysis.

DIAGNOSIS DM, HTN, CKD  
TREATMENT GIVEN Norpine, Adrenaline, Atropine, Solocortef, Hypertonic.

CAUSE OF DEATH Cardio-respiratory arrest.

COMMENTS OF UNIT INCHARGE

SIGNATURE OF REGISTRAR UNITS  
NAME AND DESIGNATION (IN BLOCK LETTERS)  
MBBS, MRCP, FRCP (Ireland)  
Head of Department of Medicine  
Hayatabad Medical Complex Peshawar  
Date & Time 27/10/20 at 10AM

TESTED



**AD ZONE**  
ADVERTISING

78

Office-08, 2nd Floor,  
Hamala Complex  
Opposite TVC main Gulbahar  
Road, Peshawar. Ph:091-2606388  
Email: adzone1972@gmail.com

## INVOICE

Bill To: Director Finance

Registrar

Inv. No: 8379

Caption: Job Oppertunities

NTN no: 1730161571325

Publication	Ins. Date	Size	Position	Rate	Net Amount
Daily Aaj	9-Feb-19	12x3	P.3	600	21,600
Daily Aain	9-Feb-19	12x3	P.2	400	14,400
Thirty Six Thousand Only-				Total	36,000

*Arzoo Javed*  
Prepared By

**Special Instruction:**

- In the event of there being any objection the bill should be returned within seven days of its receipt, otherwise it will be taken for granted that the bill is in order.
- All cheques should be crossed "account payee only" in favor of AD ZONE
- Please quote this invoice number and date while making payment.
- For further detail call to Director Syed Tasawar Shah Cell no:0300-5907833  
CNIC no: 17301-6157132-5 NTN no: 1730161571325

THE NEWS



**ATTESTED**

**POWER OF ATTORNEY**

In the Court of Khyber Pakhtun Khwa Special Tribunal

Sajjad Us Rehman

} For Reshus  
} Plaintiff  
} Appellant  
} Petitioner  
} Complainant

**VERSUS**

Govt of KPK and others

} Defendant  
} Respondent  
} Accused  
}

Appeal/Revision/Suit/Application/Petition/Case No. \_\_\_\_\_ of \_\_\_\_\_  
Fixed for \_\_\_\_\_

I/W, the undersigned, do hereby nominate and appoint

**ZARAJ ANWAR & IMRAN KHAN ADVOCATES**, my true and lawful attorney, for me in my same and on my behalf to appear at Reshus to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or sub-pocna and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

**AND** to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

**AND** I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

**PROVIDED** always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

**IN WITNESS** whereof I/we have hereto signed at \_\_\_\_\_  
the \_\_\_\_\_ day to \_\_\_\_\_ the year \_\_\_\_\_  
Executant/Executants \_\_\_\_\_  
Accepted subject to the terms regarding fee \_\_\_\_\_

Imran Khan  
**IMRAN KHAN**  
Advocate High Court  
Mob: 0345-9090648

Zaraj Anwar  
**ZARAJ ANWAR**  
Advocate High Courts  
ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT  
FR-3, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt  
Mobile-0331-9399185  
BC-10-9851  
CNIC: 17301-1610454-5



**KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR**

No. 1087 /ST

Dated: 18/05 /2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281  
Fax:- 091-9213262


To

The Secretary Establishment Department,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: JUDGMENT IN APPEAL NO. 2770/2021 MR. SAJJAD UR RAHMAN.

I am directed to forward herewith a certified copy of Judgement dated 01.02.2022 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR

FEDERALLY ADMINISTERED TRIBAL AREAS TRIBUNAL.

1. Administrative, Services, Financial, Accounts and  
Audit Rules, 2015

2. Pension, Contributory Provident (CPF)  
and Gratuity Rules. 2015.

Prepared by:-  
ORIENTAL ASSOCIATES,  
22/98 FF DEANS TRADE CENTER,  
PESHAWAR CANTT;  
Phone:- 091-5603191.  
Cell:- 0302-5551880/0302-5551882

## FEDRALLY ADMINISTERED TRIBAL AREAS TRIBUNAL

1. Administrative, services, financial, Accounts and Audit Rules, 2015.
2. Pension, CPF and Gratuity Rules, 2015.

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Prepared by:-  
 ORIENTAL ASSOCIATES,  
 22/98 FF DEANS TRADE CENTER,  
 PESHAWAR CANTT;  
 Phone :- 091-56031-91  
 Cell:- 0302-5551880/0302-5551882



## FEDRALLY ADMINISTERED TRIBAL AREAS TRIBUNAL

### RULES 2015

**Preamble:**

Whereas it is expedient to prescribe the administrative, services, financial, account and audit rules to govern the affairs of the FATA Tribunal and bring them in line with the rules governing other public services in the province, the following rules are hereby prescribed in terms of section 62 of the Frontier Crimes Regulations as amended by the Frontier Crimes (amendment) Regulations, 2011, the Governor of Khyber Pakhtunkhwa is pleased to make the following Rules, namely:-

### FATA TRIBUNAL ADMINISTRATIVE, SERVICES, FINANCIAL, ACCOUNTS AND AUDIT RULES, 2015

#### PART- 1

#### Chapter-1

#### (Preliminary)

1. **Title, Application and Commencement:**

- (i) These rules may be called "The FATA Tribunal Administrative, Services, Financial, Account and Audit Rules, 2015".
- (ii) These Rules shall apply to all persons in the service of the FATA Tribunal except:
  - (a) An employee of the Tribunal on contract;
  - (b) A person serving in the Tribunal on deputation with deputation allowance;
  - (c) The staff paid out of contingencies or on work-charged basis or persons employed occasionally, part-time or on daily wage basis whose appointments are governed by the letters of their appointment or contract agreement, as the case may be.
  - (d) The deputationists to Tribunal shall be governed by the rules pertaining to their parent cadre.
- (iii) These Rules shall come into force at once.

## 2. Definitions:

In these Rules unless the context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them as under:

- a) "Chairman" means the Chairman of the FATA Tribunal;
- b) "Competent Authority" means the authority designated as such by these Rules;
- c) "Employee" means a person who holds a post in the Tribunal and who is paid from the Tribunal's funds;
- d) "Finance Department" means the Finance Department of FATA Secretariat;
- (e) "Foreign Service" means the service in which an employee of the Tribunal receives his substantive pay with the consent of the Tribunal and a source other than the Tribunal's Funds;
- e) "Government" means the Government of Khyber Pakhtunkhwa.
- f) "Initial recruitment" means appointment made otherwise than by promotion or transfer;
- g) "Management Council" means the council constituted under Rule-6 (a) of these Rules;
- h) "Pay" means the amount drawn monthly by an employee of the Tribunal and include special pay, technical pay, personal pay, overseas pay or an allowance of any other description termed as pay;
- i) "Permanent post" means a post sanctioned without limit of time;
- j) "Prescribed" means prescribed by these Rules;
- k) "Presumptive pay" means the pay of a post to which an employee of the Tribunal would have been entitled, if he held that post in a substantive capacity and had been performing its duties;
- l) "Regular appointment" means an appointment made in accordance with the prescribed procedure against a clear vacancy;
- m) "Selection Committee" means the committee constituted under Rules- 6(b) of these Rules;
- (n) "Substantive Pay" means the pay other than special pay, personal pay or emoluments classed as pay to which an employee of the Tribunal entitled on account of holding a post substantively or by virtue of his substantive position in a cadre;
- o) "Temporary post" means a post other than a permanent post which has been created for a limited period of time;
- p) "Tribunal" means the FATA Tribunal established under section 55-A of the Frontier Crimes Regulations, 1901 as amended by Frontier Crimes (amendment) Regulations, 2011.

Throughout these rules whenever the context admits words implying masculine gender shall include the feminine gender and singular shall include plural.

All other terms and expressions shall have the same meanings as assigned to the under the FCR.

**CHAPTER — 2****(TERMS AND CONDITIONS OF SERVICE)**

3. The terms and conditions of service of an employee of the Tribunal shall be as provided under these Rules or any such orders or instructions to be issued by the Governor, Khyber Pakhtunkhwa or the Chairman of the Tribunal from time to time.

4. **METHOD OF APPOINTMENT:-** (1) Appointment to a post shall be made:-

- (a) By promotion or transfer in accordance with the provisions contained in the relevant recruitment rules;
- (b) By initial recruitment in accordance with the provisions contained in the said rules.

Provided that all persons serving in connection with the affairs of Tribunal to whom these Rules apply shall continue to hold their respective posts and serve the Tribunal till they are absorbed in the service of Tribunal or attain the age of superannuation.

Provided further that as and when a vacancy occurs in the Tribunal as a result of retirement, death or otherwise, the competent authority may, in the prescribed manner, fill such vacancy.

5. **APPOINTING AUTHORITY:**

The following shall be the authorities competent to make appointment by initial recruitment, promotion or appointment by transfer to the posts specified against each on the recommendations of appropriate Selection Committees or Management Council as the case may be:-

S.No	Post/Pay Scale	Competent Authority
1.	For post 1 to 14	Registrar
2.	For post in B-15 to 17	Chairman
3.	For posts in B-18 and above.	Governor

6. **MANAGEMENT COUNCIL/SELECTION COMMITTEE:-**

There shall be a Management Council for initial recruitment, promotion and appointment by transfer to posts in B-17 and above and a Selection Committee for initial recruitment, promotion and appointment by transfer to posts in B-16 and below. The composition of the Management Council and Selection Committees shall be as under:-

7. **Management Council:-**

- |      |  |           |
|------|--|-----------|
| i.   | Chairman:-   | Convener. |
| ii.  | Secretary Admin. & Coordination,<br>FATA Secretariat or his rep; | Member.   |
| iii. | Secretary Finance of FATA Secretariat or his rep;                | Member    |

- |     |   |                  |
|-----|---|------------------|
| iv. | A member of the Tribunal to be nominated by the Chairman; | Member           |
| v.  | Registrar of the Tribunal;                                | Member/Secretary |

**8. Selection Committee;**

- |      |   |                  |
|------|---|------------------|
| i.   | Chairman of the Tribunal;                                       | Incharge         |
| ii.  | A member of the Tribunal to be nominated by the Chairman;       | Member           |
| iii. | Secretary Admin & Co-ordination<br>FATA Secretariat or his rep; | Member           |
| iv.  | Registrar of the Tribunal;                                      | Member/Secretary |

**9. Selection Committee;**

- |      |                              |
|------|------------------------------|
| i.   | Registrar                    |
| ii.  | Deputy Secretary Law & Order |
| iii. | Deputy Secretary Admin       |
| iv.  | Section Officer Finance      |

**10. APPOINTMENT TO POSTS;**

**(a) BY Initial recruitment**

- (1) On the vacation, creation or re-designation of a post in the Tribunal, the office of Registrar with the approval of the chairman shall advertise it for information of all concerned if the same falls within the quota of initial recruitment;
- (2) The advertisement shall be made in at least two leading news papers (one Urdu and one English) as well as hoisting on the web-site of the Tribunal.
- (3) At least two weeks time shall be given to the candidates to apply for the Posts on the prescribed form (if applicable).
- (4) The applications submitted by the candidates should be supported with Bio-Data/C.V of the applicants and all relevant testimonials relating to the qualifications and experience of the applicants duly certified by a gazetted officer.
- (5) The office of the Registrar shall prepare a list of the short listed candidates in order of merit and place it before the Management Council or the Selection Committees as the case

may be, for scrutiny and recommendations of the suitable candidate(s) for selection;

- (6) The Management Council/Selection Committee will interview, scrutinize and assess the suitability of the candidates on the basis of merit by evaluating their comparative eligibility, efficiency, their capabilities and the relevancy of their qualifications and experience to the post(s) in question and length of service/experience required for the post under these Rules.
- (7) The method of appointment, qualification and other conditions applicable to a post shall be such as laid down in the recruitment Rules (Appendix-A). selection for direct recruitment shall be made on merit in accordance with the criteria evolved by the Govt. from time to time for recruitment of civil servants in B-17 and above (Appendix-B) and for posts in B-16 and below (Appendix-C).
- (8) Recommendations of the Management Council/Selection Committee to this effect shall be placed before the Governor or Chairman of the Tribunal, as the case may be, for approval;

Provided that the posts fall within the purview of the Public Service Commission shall be made on contract basis for a period of one year or availability of regular selectee of the commission whichever is earlier. In case of non availability of selectee of the commission in one year the tenure of such contract appointment can be extended for a further period of one year or availability of the selectee of the commission whichever is earlier.

Provided further that the before making contractual appointment against the post, a requisition is required to be placed on the commission. If no such requisition has already been placed, the same may be placed within two months after making contractual appointment on those posts.

Provided further that the appointment by initial recruitment against the post not fall within the purview of the commission shall be made on regular basis.

b. **By Promotion or by transfer:**

For the purpose of recommendations regarding promotion, the secretary of the Management Council or the Selection committee, as the case may be, shall prepare a working paper according to the prescribed rules which will be duly authenticated by the Registrar of the Tribunal. The Management Council or

Selection Committee, as the case may be, shall consider the working paper placed before it according to the prescribed procedure and shall make recommendations as to the suitability or otherwise of the employee for the proposed promotion, and for that matter, the criteria prescribed by the Govt. from time to time shall be followed.

11. **MISCELLANEOUS PROVISIONS:** (1) No person may be substantively appointed to a post in the Tribunal without a medical certificate of health. The certificate be attached to his first pay bill and the audit section shall return the same after seeing it so that it is placed in the personal file of the employee concerned for official record.
- (2) Two or more employees cannot be appointed substantively to the same permanent post at the same time.
- (3) An employee cannot be appointed except as a temporary measure, to two or more permanent posts at the same time.
- (4) An employee cannot be appointed substantively to a post on which another employee holds a lien. However, an employee can officiate against such a post if the permanent incumbent has vacated the post temporarily on any of the following grounds:-
- (a) he has proceeded on long leave.
  - (b) he has been posted against another tenure post.
  - (c) he is on deputation to any other department, institution of Govt. or any autonomous / corporate body.
  - (d) he has been appointed to another post regularly but has not so far confirmed against that post.

13. **Special Provision:**

- (1) Tenure based appointment by transfer shall only be made from equivalent post holding by the employee substantively.
- (2) No promotion/upward elevation is allowed to ex-cadre post in the higher pay scales i.e.) the posts other than the cadre posts of the employees concerned.
- (3) On posting of an employee against ex-cadre post, the cadre post of the employee concerned shall be treated as vacant and the same may be filled in by way of promotion on acting charge basis or initial recruitment on contract basis, as the case may be, as prescribed in the relevant recruitment rules.
- (4) On repatriation of the original incumbent of the post, the junior most acting charge appointee shall be reverted to the lower post to make room for adjustment of the original incumbent so repatriated. In case, however, if the post had been filled on contract basis through initial recruitment, the services of the junior most contractual employee in the cadre shall be dispensed with.
- (5) No horizontal posting of an employee of a particular cadre shall be allowed against an ex-cadre post if the officer/official of the said cadre in the lower tier is qualified and eligible for promotion/upward elevation so that the blockade of

9. **Powers of the Management Council**

The Management Council shall exercise the following powers in addition to the powers conferred upon it under the delegation of powers as per appendix-D to these rules:-

- (i) Approve all the developmental projects for submission to the P&D Department for inclusion in the FATA ADP.
- (ii) Recommending creation of temporary posts for inclusion in the SNE of the next financial year or as soon as possible by the SAFRON Division through F.A organization in that Division.
- (iii) Recommendation for conversion of temporary posts into permanent posts in consultation with the Finance Department.
- (iv) Relaxation up to one year time limit where the family of transferred employee of the Tribunal could not join him due to shortage of accommodation, education of children or on medical compassionate grounds.
- (v) Power to allow incurring of expenditure on ceremonial functions and state entertainments.
- (vi) All the un-specified/ residuary powers shall vest on it.

10. **Chairman**

The Chairman shall be the Chief Executive of the Tribunal and shall exercise the following functions apart from the powers delegated to him in the delegation of powers as per **appendix-D** :-

- (i) To approve agenda of the Management Council meetings.
- (ii) To preside the meetings of the Management Council.
- (iii) To authorize, in anticipation of the approval of the Management Council, expenditure from the Tribunal fund when the budget of the year is under process and yet to approve by the Management Council.
- (iv) To take such action in emergency, which in his opinion requires immediate action, as he may consider necessary and shall subsequently, report his action to the Management Council or other body, which in the ordinary course would have dealt with the matter.
- (v) All such other functions as assigned to him under the FCR, 1901, as amended by the FC(amendment) Regulations, 2011 and the rules made there- under.

11. **REGISTRAR:-**

- (1) The Registrar shall be the overall administrative head of the Tribunal and its subordinate offices.
- (2) In the capacity of member and secretary of the Management Council, he shall perform the functions assigned to him under the delegation of powers as per appendix-D and rule-12 below.

- (3) He shall perform such other functions as prescribed in these rules or assigned to him by the Management Council or the Chairman, as the case may be, from time to time.

12. **DRAWING & DISBURSEMNT OFFICER (DDO):**

- a. Subject to supervision and administrative control of the Chairman, the Registrar shall perform the duty as DDO and shall manage the finances of Tribunal. He shall be responsible to ensure that the funds of the Tribunal are spent for the purpose for which these are allocated or granted. For the purpose he may, with the approval of the competent authority, arrange such checks of stocks and stores, records and books as may be necessary in the offices and sections, of the Tribunal.
- b. Powers to make payments within the sanctioned limits allowed by the competent authority.
- c. He shall be responsible for providing regularly to the Chairman and Management council information on all financial matters and shall bring to the notice of the Chairman any violation of the financial rules or decision(s) of the Management Council.
- d. The DDO, with the approval of the Chairman or Management Council, as the case may be, shall have the power to open bank accounts with any commercial bank or banks for the management of Tribunal funds. He shall have the powers to invest the funds of the Tribunal in investment schemes and term deposits in any bank with the approval of the Chairman on the recommendation of the Management Council.
- e. He shall have the powers to sanction the incurrence of the expenditure and allow payment within the powers delegated to him under these rules as per **Appendix-D** "delegation of financial powers".
- f. He shall arrange the procurement, storage and issue of office stationery, chemicals and glassware, items of hardware and sanitary goods, electrical and gas materials and appliances, wood/timber and furniture, machinery and equipment, computers and all other supplies of stock and non stock articles as per the requirement of the Tribunal's offices on the recommendations of procurement committee and approval of the competent authority.
- g. He shall sign all contracts made on behalf of the Tribunal duly approved by the Chairman or by the Management Council, as the case may be.
- h. Subject to the control of the Chairman, he shall be responsible to the Management Council as the case may be for devising a procedure on all financial matters, which are prescribed by these rules.



- i. He shall conduct official correspondence of the Tribunal on all financial matters.
- j. He shall have the power to sanction and allow payment of dues and utility bills payable to Govt. departments and attached organizations such as telephone bills, taxes, electricity and gas charges etc;.
- k. He shall perform such other duties and exercise such financial powers as may be assigned and delegated to him from time to time by the Management Council or the Chairman in addition to those delegated under these Rules.
- l. He shall act as member / secretary of the Management Council.
- m. He shall be member and secretary of the Procurement Committee.

13. **Audit and Accounts: -**

The Audit and Accounts branch shall be responsible for such functions and duties as may be assigned to it under these rules.

14. **Procurements of Goods, Works & Services:**

- (1) All procurements of goods, works and services shall be within the budgetary allocation and after administrative approval of the competent authority.
- (2) All procurements shall be made strictly in accordance with the Public Procurement Regulatory Authority Act, 2012 and Rules, 2014 and subsequent amendments from time to time.
- (3) The Procurement Committee of the Tribunal shall be as under:-
 

(i) Chairman:-	Convener.
(ii) A member of the Tribunal to be nominated by the Chairman:-	Member.
(iii) A rep; of Principal Secretary to the Governor:-	Member.
(iv) A rep; of Finance Deptt; of FATA Secretariat:-	Member.
(v) Registrar:-	Member/ Secretary

15. **Finance and Accounts;**

- (1) The Finance and Accounts Section shall be responsible for:-
  - (a) Preparation of detailed budget; estimates (Revenue & Capitals Items) of the Tribunal.
  - (b) Monitoring & control of budgetary allocations in various Heads of Accounts.

Before the KPK Service Tribunal Peshawar

Appeal No 1144/2019

Alif Gul s/o Farid Gul Ex Driver --- Appellant  
versus

Govt of KPK through Secretary Agriculture, Livestock &  
Cooperative Deptt Peshawar & others.


Application for providing of attested copy of  
appeal, written statement and rejoinder  
and judgment dated 17-1-2022.

Respectfully Sheweth:

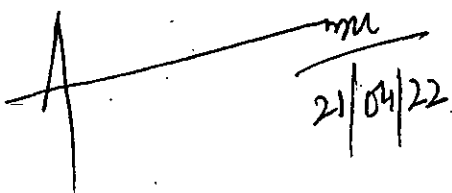
1. That -The above titled appeal has been decided on  
17-1-2022 and -the attested copy of appeal, reply,  
rejoinder and judgment - dated 17-1-2022 are  
required for filing of appeal in Supreme  
Court of Pakistan.

It is, therefore, prayed that on acceptance  
of this application, the above inted  
documents may be provided to me for  
immediate requirement.

Date 21-4-2022.

  
Rezaqul Khan s/o  
Late Alif Gul.

Allowed as per rules.

  
21/04/22

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

AA

C.M No. \_\_\_\_\_/2021

In

Service Appeal No.2770/2021

Sajjad ur Rehman.....**Petitioner**

**V E R S U S**

Government of Khyber Pakhtunkhwa through Chief Secretary & others.....**Respondents**

**APPLICATION FOR FIXATION OF EARLY DATE  
OF HEARING IN THE ABOVE CAPTIONED  
SERVICE APPEAL.**

*Fix in 2nd week  
14/1/2022*

*Put up with  
Appeal on 03/01/2022  
at Peshawar  
30/12/2021*

*27/01*

**Respectfully Sheweth:**


1. That the captioned Service Appeal is pending adjuration before this Hon'ble Tribunal which is fixed for 02.02.2022
2. That the appellant is jobless since his removal from service and appellant is the sole bread earner of his family and must likely that his appeal be allowed in his favour.

It is, therefore, humbly prayed that on acceptance of this application the date given be expedited and be fixed at the earliest in the best interest of justice.

Appellant

Through

Dated: 22.12.2021

  
**Zarfaj Anwar**  
Advocate High Court

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

C.M No. \_\_\_\_\_/2021

In

Service Appeal No.2770/2021

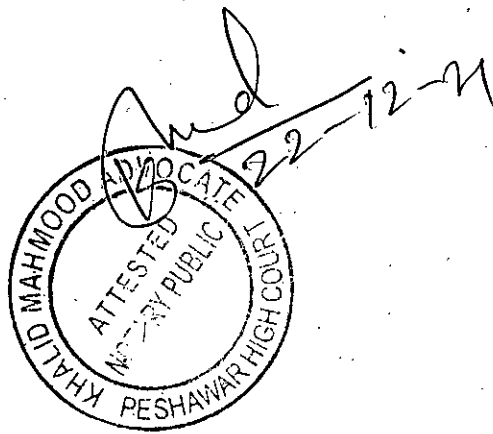
Sajjad ur Rehman.....**Petitioner**

**VERSUS**

Government of Khyber Pakhtunkhwa through Chief  
Secretary & others.....**Respondents**

**AFFIDAVIT**

I, Sajjad ur Rheman Son of Haji Yaqoob Jan R/o house  
No.973, Street No.28, Sector E-5, Phase-7 hayatabad,  
Peshawar , do hereby solemnly affirm and declare on oath  
that the contents of the accompanying **Application** are true  
and correct to the best of my knowledge and belief and  
nothing has been concealed from this Hon'ble Court.



*Sajjad ur Rehman*  
DEPONENT

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

C.M No. \_\_\_\_\_/2021

In

Service Appeal No.2770/2021

Sajjad ur Rehman.....**Petitioner**

**V E R S U S**

Government of Khyber Pakhtunkhwa through Chief  
Secretary & others.....**Respondents**

**APPLICATION FOR FIXATION OF EARLY DATE  
OF HEARING IN THE ABOVE CAPTIONED  
SERVICE APPEAL.**

---

**Respectfully Sheweth:**

1. That the captioned Service Appeal is pending adjuration before this Hon'ble Tribunal which is fixed for 02.02.2022
2. That the appellant is jobless since his removal from service and appellant is the sole bread earner of his family and must likely that his appeal be allowed in his favour.

It is, therefore, humbly prayed that on acceptance of this application the date given be expedited and be fixed at the earliest in the best interest of justice.

Appellant  
Through

Dated: 22.12.2021

  
**Zartaj Anwar**

Advocate High Court

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

C.M No. \_\_\_\_\_/2021

In

Service Appeal No.2770/2021

Sajjad ur Rehman.....**Petitioner**

**VERSUS**

Government of Khyber Pakhtunkhwa through Chief  
Secretary & others.....**Respondents**

**AFFIDAVIT**

I, Sajjad ur Rheman Son of Haji Yaqoob Jan R/o house  
No.973, Street No.28, Sector E-5, Phase-7 hayatabad,  
Peshawar , do hereby solemnly affirm and declare on oath  
that the contents of the accompanying **Application** are true  
and correct to the best of my knowledge and belief and  
nothing has been concealed from this Hon'ble Court.

DEPONENT

17/12

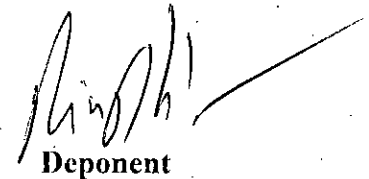
**BEFORE THE KHYBER PAKHTUNKHWA,  
SERVICE TRIBUNAL, PESHAWAR**

02/02/22

Service Appeals No: 2770/2021

Mr. Sajjad Ur Rehman ..... **Appellant****VERSUS**Chief Secretary, Khyber Pakhtunkhwa & Others ..... **Respondents****INDEX**

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Dated: **07.01.2022**

**Deponent**

CNIC No: 17301-6272682-3

Mobile: 0315-5737137

2

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

**Service Appeal No. 2770/2021**

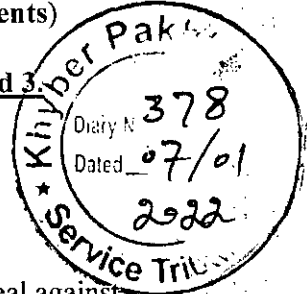
Sajjad ur Rehman S/O Haji Yaqoob Jan R/O House No. 973, Street No.28 Sector E-5, Phase-7  
Hayatabad Peshawar. .... (Appellant)

**Versus**

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber  
Pakhtunkhwa, Peshawar & Others.....(Respondents)

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.1 and 3.**

Respectfully Sheweth,



**PRELIMINARY OBJECTIONS:**

1. That the appellant has got no cause of action/locus standi to file the instant appeal against the respondents.
2. That the appeal is not maintainable.
3. That the appellant has presented the facts in manipulated form which disentitles him for any relief whatsoever.
4. That the appeal is barred by law and limitation.
5. That the appellant has suppressed material facts from the Tribunal.
6. That the appellant has not come to the Court with clean hands.
7. That the appellant is estopped to file the instant appeal due to his own conduct.
8. That the appeal is bad for non-joinder of necessary parties and mis-joinder of unnecessary parties.

**REPLY ON FACTS:**

1. **Incorrect.** In the year 1994, Sharai Nizam-e-Adl Regulation was promulgated in Malakand Division (**Annex-A**). For its implementation eleven (11) EACS / Illaqa Qazis having qualification of Islamic Shariah Law were appointed initially for a period of one year through an elaborate process of recruitment (**Annex-B**). Since their induction, contracts of their service have repeatedly been extended and till year 2003, their contracts were renewed on annual basis, whereas, in year 2003 and 2006, extension was granted for period of three years (**Annex-C**). Their last contract was extended vide Notifications dated 19.5.2011 w.e.f 22.7.2010 till further orders (**Annex-D**). Later on, in pursuance of Khyber Pakhtunkhwa Extra-Assistant-Commissioners-cum-Illaqa Qazi (Regularization of Services) Act, 2012, the competent authority appointed eight (08) Illaqa Qazi /EACs (BS-17) on regular basis w.e.f 17-03-2012 on 29-05-2012 (**Annex-E**).
2. **Incorrect.** The appellant while serving as Registrar, Ex-FATA Tribunal has been proceeded against under Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011 on account of advertising 23 vacant posts without approval of the Competent Authority (**Annex-F**) and appointing 24 candidates against these posts without recommendation of the Departmental Selection Committee (**Annex-G**). During inquiry proceedings (**Annex-H**), all the allegations levelled, stood proved against him. Consequently, after fulfilment of all codal formalities and affording chance to be heard in person, penalty of "Removal from service" was imposed upon him on 10-09-2020.
3. **Correct** to the extent that during inquiry proceedings, the appellant was afforded opportunity to present his stance through Reply to Charge Sheet / Show Cause Notice



and defend himself in personal hearing. But despite of availing all these chances under the rules *ibid*, got failed in convincing the inquiry officer (**Annex-I**).

4. **Incorrect.** The department has ensured proper procedure of inquiry and has fulfilled all the codal formalities under Rule-10 of Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011. The inquiry report labelled him as accused on which grounds Competent Authority served upon him the Show Cause Notice wherein major penalty of "Removal from Service" (**Annex-J**) was tentatively imposed upon him with the option of personal hearing so as to afford the chance of self defence before imposition of penalty. However, his reservations against the inquiry officer, holds no grounds because the report received contains comprehensive details of the inquiry proceedings including statements of concerned Section officer and departmental representatives.
5. **Incorrect.** It is of apt pointation that recruitment against permanent / a contract post requires approval of the competent authority to advertise the case as may be. Contrary to claims, the appellant, despite of being aware about pending and incomplete process of the recruitment, re-advertised the 23 number of vacant positions (BS-01-14) on 09-02-2019 for Ex-FATA Tribunal without approval of the Competent Authority. Several letters presented by the appellant before inquiry officer, in support of his stance, were for communication purpose on different matters with Registrar FATA Tribunal office with other offices of the Ex-Secretariat for different purposes having no relevancy with the instant case. Moreover, claim of the appellant for not availing services of any testing agency to save Government money and assuming Chairman FATA as competent authority instead of ACS, FATA (after merger FATA); itself is an act of defying prescribed rules / policies (Record already annexed in Para 2 *ibid*).
6. **Incorrect.** As explained in above paras. It is added here that the Selection Committee was also constituted by the appellant without any lawful authority. Previously, a shortlisting committee was notified by Secretary Law & Order FATA. However, after merger, the appellant instead of soliciting clarification from regarding validity of former committee or constitution of a new committee from Home & TA Department (being new parent department).The self-constituted committee by the appellant comprised of temporary employees of tribunal who themselves were candidates against the advertised posts. The committee with nil knowledge of rules / polices regarding shortlisting, assigning weightages to academic grading, experience and higher qualification; accepted and rejected the candidates at their own whims with the biased criteria as well as surety of their own selection.
7. **Incorrect.** The appellant has referred the inquiry officer for holding the facts but the matter of fact is that all particulars have been examined during inquiry proceedings and it has been revealed that there exist no attendance sheet, minutes of the meeting and even the letters issued have also been found ambiguous (**Annex-K**). In fact the documents provided were irrelevant to recruitment process. Rest of the details regarding recruitment are explained in above paras.
8. **Incorrect.** The appellant unlawfully increased the number of posts from 23 to 24 and then illegally issued 24 appointments without the recommendation of Departmental Selection Committee. Detail reply already given above.
9. **Incorrect.** Contrary to the claims mentioned, the appellant has been failed in proving that the Departmental Selection Committee has actually been convened, consequently, obscured the status of appointment orders issued through approval of the same committee.
10. **Incorrect.** There exists no proper record of various lists compiled in the recruitment process. Discrepancies and mismatch were found in the number of candidates mentioned in various lists thus rising ambiguities.

- 4
11. **Incorrect.** The appellant is hiding the facts as he has been provided a chance of hearing during inquiry proceedings before the inquiry officer to explain his stance but he failed to do so.
  12. **Incorrect.** The government departments have responsibility to ensure implementation of rules / policies prescribed by the Provincial Government in true letter and spirit. There exist no malafide intentions of any department to rope the employees in baseless charges. In this connection the employees being guilty are preceded under Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules, 2011 which undeniably ensures to afford enough chances of explaining ones' stance alongwith documental proof.
  13. **Incorrect and denied.** In pursuance of the rules *ibid*, inquiry officer after thorough examination of the facts, record in hand, cross examination of the statements of the accused officers / officials, submitted inquiry report. During inquiry the appellant has been provided chances to defend himself but he failed in providing documental evidences in support of his stance thus rendering him guilty of misconduct.
  14. **Pertains to record**, however, detail reply already explained above.
  15. **Incorrect.** No such request has been received from the appellant. However, not more than 15 days of its delivery are already prescribed in the Show Cause notice vide para-4.
  16. **Correct.** The appellant had submitted reply to Show Cause Notice wherein, while repeating his stance of inquiry proceedings; denied all the allegations levelled against him without any proof and evidences due to which major penalty of "**Removal from service** " was confirmed upon him.
  17. As explained in above paras.
  18. **Correct** to the extent that the departmental appeal was received requesting therein to cancel the removal order and for reinstatement in service with all back benefits. The same was processed and denied being not covered under the rules.
  19. **Incorrect.** The appellant has no cause of action and locus standi to file the instant appeal.

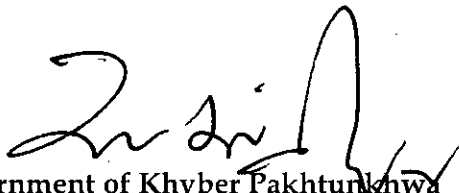
#### REPLY ON GROUNDS:


- A. **Incorrect.** The appellant has been treated as per law & rules and no article of the constitution has been violated.
- B. **Incorrect.** The Inquiry had been initiated with the approval of the Competent Authority under Khyber Pakhtunkhwa, Govt. Servant (Efficiency & Discipline) Rules, 2011 wherein all codal formalities have been fulfilled alongwith affording chance of defence / personal hearing to accused officer. Afterwards, in the light of personal hearing and recommendations of inquiry report, major penalty of removal from service has been confirmed upon the accused.
- C. **Incorrect.** Detail reply already given in reply on facts.
- D. **Incorrect.** The recruitment record provided was not in accordance to documents required for enquiry purpose. Instead of recruitment record comprising approval of Competent Authority for advertisement of posts, approval of increasing number of posts, authentic list of shortlisted candidates, notified composition of Departmental Selection Committee, attendance sheet of members of the committee and its recommendations; irrelevant documents were provided. Thus, lack of authentication / approval served as cogent reason against the accused.
- E. **Incorrect, hence denied.** Contrary to claim of the appellant, the overage candidate, Mr. Naveed-Ur-Rehman S/O Muhammad Shah, has been appointed without approval of

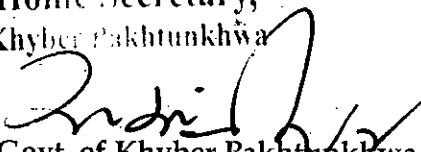
Competent Authority regarding provision of age relaxation or any NOC granted to him in this regard.

- F. **Incorrect.** Proper inquiry has been conducted in accordance with rules. Detail reply has been given above.
- G. **Incorrect.** Detail reply already explained.
- H. **Incorrect.** The appellant is unnecessarily blaming the respondents as the whole proceeding has been carried in accordance to rules / policies.
- I. **Incorrect.** The penalty has been imposed upon the accused officer after proving allegations levelled against him.
- J to Q. **Incorrect.** As stated does not elaborate the real facts, hence denied. It is submitted that the appellants have been awarded punishment after fulfilment of entire codal formalities in accordance with prevailing law/ rules. Detail reply has already been given in reply on facts with record.
- A. That the respondents also seek permission of this Honourable Tribunal to agitate further points at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of these Parawise comments, the instant appeal may very graciously be dismissed with cost.

  
 Government of Khyber Pakhtunkhwa  
 Through Chief Secretary, Khyber Pakhtunkhwa,  
 Peshawar.  
 (Respondent No.1)

  
 Secretary to Govt. of Khyber Pakhtunkhwa  
 Home & Tribal Affairs Department  
 (Respondent No.2)  
 Home Secretary,  
 Khyber Pakhtunkhwa

  
 Secretary to Govt. of Khyber Pakhtunkhwa  
 Establishment Department  
 (Respondent No.3)

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

Service Appeal No: 2770/2021

Mr. Sajjad-Ur-Rehman .....

**Appellant**

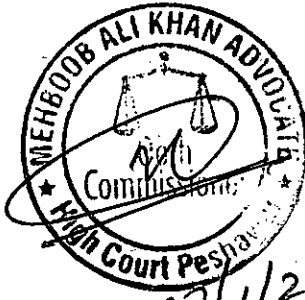
**VERSUS**

Govt. of Khyber Pakhtunkhwa through Chief Secretary, KP..... **Respondents**

**AFFIDAVIT**

I, Riaz Khan, Superintendent (Litigation-III Section) Establishment Department do hereby solemnly affirm and declare that the contents of the accompanying parawise comments is true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Court.

**ATTESTED**



Identified by

67/1/2022

  
**DEPONENT**

1 7 3 0 1 - 6 2 7 2 6 8 2 - 3

Additional Advocate General,  
Khyber Pakhtunkhwa, Service Tribunal, Abbottabad Bench.

**Shariah Laws**

Sl. No. 15

N.W.F.P. REGULATION II OF 1994

**PROVINCIALY ADMINISTERED TRIBAL AREAS  
(NIFAZ-E-NIZAM-E-SHARIAH)  
REGULATION, 1994**

A Regulation to provide for Nifaz-e-Nizam-e-Shariah through Courts in Provincially Administered Tribal Areas of Malakand Division [and Kohistan District] of the North-West Frontier Province.

[Gazette of N.W.F.P., Extraordinary, November 14, 1994]

**No. Legis.6(3)/74/Vol.III.**---The following Regulation made by the Governor of the North-West Frontier Province with the approval of the President, is hereby published for general information:

**Preamble.**---Whereas it is expedient to provide for Nifaz-e-Nizam-e-Shariah through Courts in the Provincially Administered Tribal Areas of Malakand Division [and Kohistan District] of the North-West Frontier Province;

And whereas in order to achieve the object aforesaid, it is necessary that those laws, which are in accordance with the injunctions of Islam or which are essential for proper enforcement of Nizam-e-Shariah, but have not so far been applied to the areas concerned, may be applied there, besides providing for matters ancillary or incidental thereto;

And whereas clause (3) of Article 247 of the Constitution of the Islamic Republic of Pakistan, provides that no Act of Majlis-e-Shoora (Parliament) or a Provincial Assembly shall apply to a Provincially Administered Tribal Area, or any part thereof, unless the Governor of the Province in which the Tribal Area is situated, with the approval of the President, so direct, and in giving such direction with respect to any law, the Governor may direct that the law shall, in its application to a Tribal Area, or to a specified part thereof, have effect subject to such exceptions and modifications as may be specified in the direction;

And whereas clause (4) of the Article 247 of the Constitution of the Islamic Republic of Pakistan provides that the Governor of a Province, with the prior approval of the President, may, with respect to any matter within the legislative competence of the Provincial Assembly, make a Regulation for a Provincially Administered Tribal Area or any part thereof;

Now, therefore, in exercise of the powers aforesaid, the Governor of the North-West Frontier Province, with the approval of the President, is pleased to direct that the laws specified in Schedule I shall apply to the Provincially Administered Tribal Areas of Malakand Division [and Kohistan District], and to make the following Regulation:---

In the long title and the Preamble, after the words "Malakand Division", wherever occurring, the words "and Kohistan District" inserted by N.W.F.P. Regulation No. 1 of 1995.

1. **Short title, extent and commencement.**—(1) This Regulation may be called the Provincially Administered Tribal Areas (Nifaz-e-Nizam-e-Shariah) Regulation, 1994.

(2) It shall extend to the whole of Provincially Administered Tribal Areas of Malakand Division, consisting of Chitral, Dir, Swat (Which includes Kalam), <sup>2</sup>[Buner, Malakand Protected Area and the Tribal Area of Kohistan District], hereinafter referred to as the said area;

(3) It shall come into force at once.

2. **Definitions.**—In this Regulation, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:—

- (a) "Court" means a Court of law of competent jurisdiction constituted under any law for the time being in force in Malakand Division <sup>3</sup>[and Kohistan District];
- (b) "Government" means the Government of the North-West Frontier Province;
- (c) "Judicial Officer" means an Officer duly appointed to preside over a Court and designated in column 3 of the Schedule II;
- (d) "Muavineen-e-Qazi" means the persons whose names appear on the current panel of Muavineen-e-Qazi drawn under section 6 to assist the Court;
- (e) "Prescribed" means prescribed by rules made under this Regulation;
- (f) "Schedule" means the Schedule appended to this Regulation;
- (g) "Section" means a section of this Regulation; and
- (h) "Shariah" means the injunctions of Islam as laid down in the Holy Qur'an and Sunnah.

3. **Application of certain laws to Malakand Division.**—(1) The laws specified in column 2 of Schedule I, as in force in the North-West Frontier Province immediately before the commencement of this Regulation, and so far as may be, all rules, notifications and orders made or issued thereunder, shall apply to the said area.

(2) All the laws applicable to the said area, including the laws mentioned in subsection (1), shall so apply subject to such exceptions and modifications as specified in this Regulation.

2. In section 1, subsection (2), for the words "Buner and Malakand Protected Area", the words and comma "Buner, Malakand Protected Area and the Tribal Area of Kohistan District" substituted by N.W.F.P. Regulation No. I of 1995.

3. In section 2, in clause (a), after the words "Malakand Division", the words "and Kohistan District" added by N.W.F.P. Regulation No. I of 1995.

Amendment  
Nizam-e-Ramzan Ordinance, 1981 (Or

4. **Certain laws to cease to operate.**—If, immediately before the commencement of this Regulation, there was in force in the said area any instrument, custom or usage having the force of law corresponding to the provisions of any of the laws applied to the said area by this Regulation, such instrument, custom or usage shall, upon such commencement, cease to have effect in the said area.

5. **Courts, Judicial Officers and their powers and functions.**—(1) For the implementation of laws, the judicial Officers of the Courts in the said area shall be designated as specified in column 3 of Schedule II.

(2) In relation to proceeding with and conducting the criminal or civil cases, all powers, functions and duties conferred, assigned or imposed on judicial Officers in the North-West Frontier Province under any law for the time being in force, shall be exercised, performed or discharged by the Officers so designated as mentioned above.

6. **Muavineen-e-Qazi**—(1) Government may, by notification in the Official Gazette, specify the class of cases in which a Court may call upon one or more of Muavineen-e-Qazi to associate with it for the assistance of the Court.

(2) For the purpose of subsection (1), Government shall, from time to time, draw up for each District or area a panel of names of up to thirty persons of Known integrity and good character to be known as Muavineen-e-Qazi.

7. **Power to appoint mediator.**—Where the parties to a dispute triable under this Regulation agree, the Court may refer it to one or more mediators appointed by mutual consent of the parties for its resolution in accordance with the Shariah.

8. **Conduct of Judicial Officers.**—(1) The conduct of Judicial Officers specified in the Schedule II shall be in accordance with the Islamic principles.

(2) Government may, from time to time, take such measures for the purposes of subsection (1) as it may deem necessary.

9. **Language of the Court and of its record.**—All the processes and proceedings of the Court, including the pleadings, evidence, order, arguments and Judgements shall be recorded and conducted in Urdu, and the record of the Court shall be maintained in the said language instead of English.

10. **Powers to make rules.**—Government may make rules for carrying out the purposes of this Regulation.

11. **Repeal.**—(1) The Provincially Administered Tribal Areas Criminal Law (Special Provisions) Regulation, 1975 (N.W.F.P. Regulation I of 1975), and the Provincially Administered Tribal Areas Civil Procedure (Special Provisions) Regulation, 1975 (N.W.F.P.

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**ATTENDANCE SHEET FOR THE POST OF DRIVER**

S.NO	NAME	F/NAME	DOMICILE	SIGNATURE
1.	IBRAR HUSSAIN	BAKHT RAHMAN	SWAT	<i>[Signature]</i>
2.	FAWAD ALI	ZULFIQAR ALI	PESHAWAR	<i>[Signature]</i>
3.	SHAFIQ ZADA	LAL KAMAL	MOHMAND	<i>[Signature]</i>
4.	SADIQ SHAH	SHER ZAMAN	KURRAM	<i>[Signature]</i>
5.	JAZIM ULLAH	FARID KHAN	BANNU	<i>[Signature]</i>
6.	ZIAFAT-ULLAH KHAN	NIAMATULLAH KHAN	BANNU	<i>[Signature]</i>
7.	MOHD AWAIS	NASEER AHMAD	PESHAWAR	<i>[Signature]</i>
8.	YASIN	FEROZ DIN	PESHAWAR	<i>[Signature]</i>

REGISTRAR  
FATA TRIBUNAL

**ATTESTED**