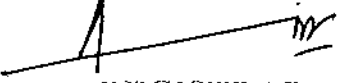


FORM OF ORDER SHEET

Court of _____

Case No.- 124/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	13/1/2023	<p>The appeal of Mr. Shad Ayaz Khan resubmitted today by Mr. Bashir Khan Wazir Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ Parcha Peshi is given to appellant/counsel.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

Sir


The objections of this office and reply of counsel for the appellant is submitted for appropriate order, please.

Hon'ble chair-an.
Be fixed
the court

Yours



13/11/23



09/01/2023

The appeal of Mr. Shad Ayaz Khan son of Muhammad Abdul Naz Ali Shah r/o Kot Mehtar Dakhli Nauza Ghoriwala Bannu received today i.e. on 30.12.2022 is incomplete on the following score, which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of impugned order is not attached with the appeal.
- 2- Copy of proper rejection order of departmental appeal is not attached with the appeal.

No. 61 /S.T.

Dt. 5/1 /2023.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Bashir Khan Wazir Adv. Pesh.

Sir -

- copy of impugned order was not issued rather the appellant restrained from duty and deemed to be terminated. Therefore no such order is in field.
- It was the duty of competent authority to issue separate/proper rejection order. The appellant requested for issuance of such order, but they refused. Hence the appeal may be fixed before the bench.

 9/1/23



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

Service Appeal No 124 /2022

**Shad Ayaz KhanAppellant
VERSUS
DEO (Male) District Bannu & others.....Respondents**

I N D E X

S NO	DESCRIPTION OF DOCUMENTS	ANNEX	PAGES
1.	Service Appeal	-	1-3
2.	Affidavit	-	4
3.	Copies of Academic Documents	A	5-11
4.	Copy of the Appointment Order	B	12-22
5.	Copy of Civil Suit, Appeal, Civil Revision and Order dated 28.11.2022	"C"	23-55
6.	Copy of Departmental Appeal	"D"	56
7.	Wakalat Nama		57

Through: 
Appellant

(BASHIR KHAN WAZIR)
Advocate,
High Court, Peshawar

Dated:- 29.12.2022

1

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

Service Appeal No 124 /2023

Shad Ayaz Khan S/o Muhammad Abdul Naz Ali Shah R/o Kot Mehtar
Dakhli Nauza Ghoriwala, Tehsil & District Bannu.

.....Appellant

VERSUS

1. District Education Officer (Male) District Bannu.
2. District Account Officer District Bannu.

.....Respondents

**SERVICE APPEAL UNDER SECTION 4 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST
THE IMPUGNED VERBAL ORDER OF THE RESPONDENTS,
WHEREBY THE APPOINTMENT OF THE APPELLANT HAS
BEEN CONSIDERED CANCEL / WITHDRAWN AND
CONSEQUENTLY THE SALARIES OF THE APPELLANT HAS
BEEN STOPPED / WITHHOLD AGAINST WHICH THE
DEPARTMENTAL APPEAL WAS FILED, WHICH WAS
REJECTED BY THE RESPONDENTS VIDE IMPUGNED
ORDER DATED 30.11.2022.**

Prayer in Appeal:

On acceptance of the instant Appeal, the Impugned Verbal Order, which was communicated to the Appellant issued by the Respondents on the basis of which the Appointment of the Appellant being considered cancelled / withdrawn and withholding of salaries of the Appellant may kindly be set aside and consequently the Appellant may kindly be reinstated / restored into his service with all back benefits.

Respectfully Sheweth:-

The Appellant humbly submits as under:-

1. That the Appellant is peaceful and law abiding citizen of Pakistan and is entitled for all the rights guaranteed by the Constitution of Islamic Republic of Pakistan, 1973..
2. That briefly stated the fact relevant for the purpose of this Appeal are that, the Respondents had advertised number of posts, which were laying vacant in respondents department, the Appellant was being qualified and eligible candidate applied for the post of PST as per his qualifications. **(Copies of Academic Documents are attached as annexure A)**
3. That after fulfillment of all codal formalities, the appellant was appointed as PST as letter No. 8477-80 dated 24.02.2011 and thereafter the Appellant submitted his arrival report and joined his duties as PST in Govt Primary School Asad Khojari No 1 Bannu. **(Copy of the Appointment Order is attached as annexure B)**
4. That since the appointment of the Appellant, he was performing his duties with great zeal and zest and no complaint whatsoever has been made against the Appellant.

That the respondent No 1 had illegally, unlawfully and without issuing any show case notice cancelled the appointment of the Appellant and withhold the salaries of the Appellant. That against which the appellant initially filed Civil Suit against the respondents and submitted all his relevant documents, which was later on dismissed after hearing the arguments, the Appellant then filed Civil Appeal before the learned Appellate Court, which too was dismissed, thereafter the Appellant filed Civil Revision petition against both the impugned orders of the learned Trial Courts, in which after hearing the arguments, the Hon'ble Peshawar High Court Peshawar disposed of the Civil Revision Petition while issuing directions to the Appellant to approach proper forum of Service Tribunal or filed Departmental Appeal vide Order dated 28.11.2022. (Copy of Civil Suit, Appeal, Civil Revision and Order dated 28.11.2022 are attached as annexure C)

7. That thereafter the Appellant filed Departmental Appeal before the respondent No 2, which was duly received by the respondents and the same has been rejected vide Impugned Order dated 30.11.2022. (Copy of Departmental Appeal is attached as annexure D)

8. That feeling aggrieved from the act of Respondents, having no other adequate and efficacious remedy, approaches this Honourable Tribunal on the following grounds inter-alia:-

GRUNDS:-

- A) That the Appellant is peaceful and law abiding citizen of Islamic Republic of Pakistan and is fully entitled to all the basic and fundamental rights as enshrined in the fundamental law of the state, interpreted and guaranteed by the law of the land.
- B) That even the impugned Order has been issued without given personal hearing opportunity to the Appellant, the same act of the Authority is illegal, unlawful and without lawful authority.
- C) That no show cause notice was issued to the Appellant and due to the malafide intention of the Respondents the impugned order was issued just to deprive the Appellant from his valuable service.
- D) That the acts of the Respondents of not following the same criteria which has been safeguarded by the law and rules and guidelines provided by the apex courts that when the employee serving on respective posts the competent authority should have in retaliation to delivered remuneration to the employee as accordance his service, while in the instant case the respondents have not yet been considered the case of the Appellant, is illegal, unlawful, unnatural, ab-initio, null and void in the eye of law, hence liable to be declared so.
- E) That the fundamental rights of the Appellants has blatantly violated by the Respondents and the Appellants has been discriminated and has been denied his due rights under the Constitution of Islamic Republic of Pakistan, 1973.
- F) That the Appellants is appointed according to rules and on adopted procedure but the respondents and after his appointments he has never ever given an opportunity of any complaint to the respondents and performed his duties with full devotions, the Appellants being eligible for releasing of

1
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outstanding salaries which was illegally been retained by the respondents is illegal and violation of natural justice, because of the fundamental rights/entitlement of the Appellants has been denied to them by the Respondents.

- G) That according to the articles 23 & 24 (1) of the constitution of Pakistan the property of every citizens of the Pakistan have been protected and no one could be deprived from their due rights and property, hence the entire due salaries being the fundamental right of the Appellants and the respondents is liable to be directed for releasing of the entire due salaries of the Appellants.
- H) That once the Appellant was duly appointed/posted and was allowed to join the service, after thorough verifications entries was also made in his service books, since then he is performing his duties, and after having performed his duties, he is certainly entitled to be paid his salaries, but all of sudden the respondents have been stopped the salaries of the Appellants, these acts of the respondents are illegal unlawful and liable to be declared so.
- I) That any other ground not raised here specifically may graciously be allowed to be raised at the time of arguments.

PRAYER:-

It is, therefore, most humbly prayed that, On acceptance of the instant Appeal, the Impugned Verbal Order, which was communicated to the Appellant issued by the Respondents on the basis of which the Appointment of the Appellant being considered cancelled / withdrawn and withholding of salaries of the Appellant may kindly be set aside and consequently the Appellant may kindly be reinstated / restored into his service with all back benefits.

Any other relief, not specifically asked for may also graciously be extended in favour of the Appellant in the circumstances of the case.

Shah

Appellant

Through:

Bashir Khan Wazir

(BASHIR KHAN WAZIR)

Advocate,

High Court, Peshawar

Dated:- 29.12.2022

CERTIFICATE:

It is certified that no such like Appeal has earlier been filed before this Hon'ble Tribunal.

Shah

DEPONENT

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

Service Appeal No _____/2022

**Shad Ayaz KhanAppellant
VERSUS
DEO (Male) District Bannu & others.....Respondents**

AFFIDAVIT

I, Shad Ayaz Khan S/o Muhammad Abdul Naz Ali Shah R/o Kot Mehtar Dakhli Nauza Ghoriwala, Tehsil & District Bannu, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Shaz
DEPONENT

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(3)

ANX-A

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4-5-15

FARMAN ULLAH
Civil Judge

College of Education For Elementary Teachers (Female)
Ghoriwala (Bannu)

Provisional Certificate

Roll No. 746 Adm. No. 90 Session 1995-96
This is to Certify that Mr. SHAD AYAZ KHAN s/o. MUHAMMAD ABDUL NAZ ALI SHAH
and a resident of BANNU Who appeared from this college

in the P.T.C. Departmental Examination held in Jan 1996
has according to the result supplied by the Registrar, Departmental Examination, Education Department, N.W.F.P. Peshawar been declared successful in the said examination.

Note: This Certificate is given only with the object of enrolling the student to get appointment and is not to be held equal to the certificate to be given to him by the Registrar, Departmental Examinations, Education Department, N.W.F.P. Peshawar.

Date of Declaration of Result 30-8-1996

N.W.F.P. Peshawar

Witnessed by

ATTEST
[Signature]

Principal
Govt. College of Education
FOR Elementary Teachers (M)
Ghoriwala (Bannu)

[Signature]
Principal
G.C.E. (M) Ghoriwala, Bannu.

FARMANULLAH
DEPT. of Bannu

WVFP: 2202 Dir of Edu 10090 F:—21-6-35—52

DEPARTMENTAL MARKS CERTIFICATE:

TRAINING CLASSES EXAMINATED, P.T.C. 199

Name: *Shahida Begum* daughter of *Muhammad Nadeem Naji*

746

SUBJECT	Marks Obtained		TOTAL
	Inter:	Exter:	
Principles of Education and Method of Teaching			64
Child Development and Learning			64
School Org. and Class Room Management			64
Lang. and Method of Teaching			63
Mathematics and Method of Teaching			58
Science and Method of Teaching			52
Social Studies and Method of Teaching			55
Islamiat and Method of Teaching			68
Art and Craft, Art and Method of Teaching			52
Health and Physical Education			69
Teaching Practice			99
Grand Total			703

Division

Passed Failed

Prepared by

Date of declaration

Checked by

ATTESTED

18 DEC 2019

Copying Agency
Lower Court Bannu

Deputy Registrar,
Bannu District Examination
N.W.F.P. Peshawar

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012
5713
FAPRI/UN/AM

BN. No. 001101

Roll No. 2928

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



Bannu N.W.F.P. Pakistan
Secondary School Certificate Examination
SESSION (SUPPLEMENTARY) 1993

THIS IS TO CERTIFY THAT Shoa Ayaz Khan
Son/Daughter of Muhammad Abdul Maz Ali Khan
and a student of Bannu Distt.

has passed the Secondary School Certificate Examination
of the Board of Intermediate and Secondary Education, Bannu,
as a Private candidate. He/She obtained 436 Marks out of 350
and has been placed in grade C Representing None

The Candidate passed in the following subjects.

- 1. English
- 2. Urdu
- 3. Islamiyat
- 4. Pakistan Studies
- 5. Gen. Maths
- 6. Gen. Science
- 7. Isl. Studies
- 8. Arabic

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

Date of birth according to admission form is Second October,
one thousand nine hundred and Seventy Seven (02/10/1977)

[Signature]
Asst. Secretary

[Signature]
Secretary

This certificate is issued without alteration or abridgement.

ATTESTED

18 DEC 2010

Copying Agency
(Lower Court Bannu)

39

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4-5-15

FARUK

No. 048571



BOARD OF INTERMEDIATE & SECONDARY EDUCATION, BANNU.
DETAILED MARKS CERTIFICATE

Secondary School Certificate Examination
(GENERAL GROUP)

Session 1973 (Annual / Supplementary)

Name

Shahid Ali

Father's Name

Muhammad Aslam

Roll No.

2926

SUBJECTS	Total Marks	Marks	MARKS OBTAINED	
			Written	Orals
1. English	150	41		
2. Urdu	150	79		
3. Islamiyat Comp.	75	56		
4. Pakistan Studies	75	42		
5. Gen. Mathematics	100	53		
6. General Science	100	65		
7. / S	100	57		
8. / A	100	33		
Total	850	436	Four hundred thirty six	

NOTE:- This certificate shows marks and omissions excepted.

Prepared by

Checked by

Date

Controller of Examinations
Board of Intermediate & Secondary Education
BANNU.

ATTESTED

18 DEC 2019

Copying Agency
Lower Court, Bannu

N.W.F.P. BOY SCOUTS ASSOCIATION
BASIC UNIT LEADER COURSE



J.D.
10-5-50

40

(B)

12

6

THIS IS TO CERTIFY THAT *Paul Anthony Mann*
SON OF *Paul & Mary Mann*
HAS ATTENDED THE BASIC UNIT LEADER TRAINING COURSE

SHAWNEE/BOY SCOUTS/RYER SCOUT SECTION
HELD AT TAKY *Abbott* FROM *1/2/50* 1950
TO *7/2/50* 1950.

HE WAS DECLARED SUCCESSFUL.

No. BULC *24127* *Abbott* / *Boy Scout*
DATED *7/2/50* *Abbott* / *Boy Scout*
COURSE LEADER

SEARCHED
SERIALIZED
INDEXED
FILED

17

10

000213

Roll No.



Board of Intermediate & Secondary Education
 BAHUWAL N.W.F.P. Pakistan
INTERMEDIATE EXAMINATION
 Humanities Group
 SESSION 1997 (SUPPLEMENTARY)

THIS IS TO CERTIFY THAT MR. AYAZ KHAN
 Son/Daughter of MUSAWWID ABDUL RAZZAK AHMED
 and a student of BANNU
 Registered No. 267-DE/3-84 has passed the
 Intermediate Examination of the Board of Intermediate &
 Secondary Education, Bannu
 as a Private candidate. He/She obtained 497 Marks out of 1100
 and has been placed in Grade B Representing FAIR
 He/She has been awarded Grade B on the basis of
 Internal assessment by the institution concerned.

Asstt. Secretary [Signature]
11-2-96

[Signature]
 Secretary

This certificate is valid only on production of original or erasure.

ATTESTED

18 DEC 2019

Copying Agency
 Lower Court Bannu

248760

BOARD OF INTERMEDIATE & SECONDARY EDUCATION
BANNU

DETAILED MARKS CERTIFICATE
Intermediate Examination (Humanities Group)
Part I & II

Session '97 (Annual / Supplementary)

Name Sher Ali Khan Roll No. 53171
Father's Name Muhammad Habibullah

FARMANULLAH
Civil Judge-2, Bannu

SUBJECTS	Total Marks	PARTS		MARKS OBTAINED	
		Part - I	Part - II	Figures	Total In Words
1. English	200			68	
2. Urdu	200			71	
3. Islamic Education	50			45	
4. Pakistan Studies	50			108	
5. AB	200			108	
6. IS	200			97	
7. HPE					
Total	1100			497	D

Note: - In final examination

Prepared by _____
Checked by _____
Date _____

Controller of Examination
Board of Intermediate & Secondary Education
BANNU.

ATTESTED

18 DEC 2019

Copying Agency
Lower Court Bannu

ANX B

OFFICE OF THE EXECUTIVE DISTRICT OFFICER, ELEMENTARY & SECONDARY EDUCATION BANNU

APPOINTMENT ORDER:

In compliance to the High Court D.J.Khan judgment the dated 13/11/2008 in W.P. No 284/2008 and consequent upon the recommendation of the department Recruitment Committee and obtaining age relaxation from the competent authority here by appointed against the vacant post of PST w.e.f 10/02/2011 in the interest of public service subject to the terms and condition given below.

S.No	Name of Candidate	Father Name	Address	Denied	BPS	Place of posting	Remark
01	Shad Ayaz Khan	Muhammad Abdul Naz Ali Shah	Kot Mehtar Bannu	1999	07	G.P.S, Asaf Khujari No.1 Bannu	V P

TERMS & CONDITIONS:

- Their services will be considered regular but with out pension and gratuity in term Section-19 of NWFP, Civil Servant Act, 1973 as amended, vide NWFP, Civil Servant (Amendment) Act, 2005. They will however be entitled to contribute provident fund in such a manner and at such rates as may be prescribed by the Government.
- Their services will be liable to termination on one months notice from either side, in case of resignation without notice their two months pay/allowance will be forfeited to Govt.
- The appointee should submit their charge report to all concerned.
- Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct they will be proceeded against under the NWFP, removal from service Special Power Ordinance 2000 and the rules framed form time to time.
- The candidate should join their post with in 15 days of the issuance of this order. The Head of the Institution concerned should furnish a certificate to the effect that the appointees have joined the post or otherwise, after 15 days of the issuance of this order, failing which, their order will be Treated as cancelled.
- The appointees are directed to perform their duties in their respective schools noted against their names for a minimum period of three and they will not apply for transfer from school where appointed.
- In case of Fake Certificate and Degree detected late on the undersigned reserve the right of concerned before taking over charge.
- They are required to produce Health & Fitness Certificate from the Medical Superintendent concerned before taking over charge.
- Their original certificate/Degree should be verified from the Concerned Board/University/ Institution on his own expenses before the release of their pay.
- No TA/DA etc is allowed.

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5-12

ARMAN N...
Civil...

(Handwritten signature)

Sd/-
(BAKHTULLAH SHAH)
EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDARY
EDUCATION, BANNU

Endst. 8477-80 AE-DO (M) PEC/PST/Appnt: Dated Bannu 24-2-2011

Copy for information & necessary action to the:

- Director of Elementary & Secondary Education, NWFP, Peshawar.
- Commissioner Bannu Division Bannu.
- District Coordination Officer, Bannu.
- District Accounts Officer, Bannu.
- Medical Superintendent, HQ Bannu with the remarks that Health & Fitness certificate may not be honored with out the authority issued the above named officer.
- Regional Director Information, Bannu.
- Candidate Concerned.

ATTESTED

18 DEC 2019

Copying Agency
Lower Court Bannu

(Handwritten signature)
EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDARY
EDUCATION, BANNU

Annual Report / سالانہ رپورٹ

Annexure

13

تعداداً چھ وارڈوں کے لئے سالانہ رپورٹیں

پست دفتر (PST) قلم (EISE) E.D.O. میں بحال آرڈر نمبر

80-8477 تاریخ 24.2.2011 اور 25.2.2011

محمد رفیق

تعداداً چھ وارڈوں کے لئے سالانہ رپورٹیں

پست دفتر (PST) قلم (EISE) E.D.O. میں بحال آرڈر نمبر

محمد رفیق

Attested
[Signature]

Copy to -

- 1. - E.D.O (Ed-SE) Bannu
- 2. - Dy. D.O (Personary) Bannu
- 3. - A.D.O (Circ.)
- 4. - Office file

محمد رفیق
Shamz

محمد رفیق

HEAD TEACHER,
P.S. Assad Khujari
No. Bannu
11012458087

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MEDICAL CERTIFICATE

29

Name of Official Shad Ayaz Khan

Caste or race (Muslim)

Father Name Muhammad Abdul Noz Ali Shah

Residence Kat Mander P/O Ghoswala
Tehsil Distt. Barak.

Date of Birth 02-10-1977 Acc No 1101501071-7

Exact height by measurement 5-6

Personal mark of Identification Nil

Signature of the Official Shad Ayaz

Signature of head of Office _____

Seal of office _____

0-2
4-505

FARMAN
Civil Judge

XX

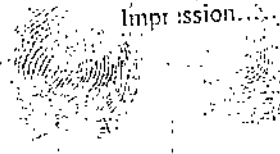
I do hereby certify that I have examined Mr Shad Ayaz Khan a candidate
for employment in the office of the Education Deptt. Barak Pst.

And can not discover that he had any disqualification of other constitutional effect or bodily
infirmitly except Nil

I do not consider this as disqualification for reemployment in the office of the Education Deptt.

at PST his age according to his own statement 34 years and
by appearance about Thirty Four years.

Left Right Hand Thumb and Finger
Impression



Shad Ayaz Khan
Medical Superintendent
DHO, Teaching Hospital
Barak

Medical Superintendent,
District Headquarter Teaching Hospital,
Barak.

25-2-2011

EX PW 2/3
GWH

CJ 6 Barak
10/1/2018

ATTESTED

18 DEC 2010

Copying Agency
Lower Court Barak

کتابخانه عمومی شهرداری مشهد

15 20

کتاب: ... شماره قفسه: 23384

شیخ طاهر مدرسین

کتابخانه عمومی شهرداری مشهد

ردیف	تاریخ آمد	کتابخانه			کتابخانه		
		استخفا	روانگی	آمد	استخفا	روانگی	آمد
1	8.30	عزیز	1.55	P	P		
2	8.30	عزیز	1.85	P	P		
2	8.30	عزیز	1.55	P	P		
2	8.30	عزیز	11.40	P	P		
5				P	P		
6				P	P		
6	8.30	عزیز	1.55	P	P		
8	8.30	عزیز	1.55	P	P		
9	8.30	عزیز	1.55	P	P		
10	8.30	عزیز	1.55	P	P		
11	8.30	عزیز	11.40	P	P		
12	8.30	عزیز	1.55	P	P		
13				P	P		
13	8.30	عزیز	1.55	P	P		
15	8.30	عزیز	1.55	P	P		
14	8.30	عزیز	1.55	P	P		
14	8.30	عزیز	1.55	P	P		
18	8.30	عزیز	11.40	P	P		
14	8.30	عزیز	1.55	P	P		
21	8.30	عزیز	1.55	P	P		
22	8.30	عزیز	1.55	P	P		
23	8.30	عزیز	1.55	P	P		
24	8.30	عزیز	1.55	P	P		
25	8.30	عزیز	11.40	P	P		
26	8.30	عزیز	1.55	P	P		
28	8.30	عزیز	1.55	P	P		

Ex 10/11/12/13/14/15/16/17/18/19/20/21/22/23/24/25/26/27/28/29/30/31

ردیف	تاریخ آمد	کتابخانه	کتابخانه
31			
32			
33			
34			
35			

ABTS ... دستفروش

رستخیز جعفری مدرسین کمیٹی ایسے ایسڈ شوہر علی لہری

۲۰۱۱

ماہیت ماہ مارچ

تاریخ	گورنمنٹ			پ.سی.آ			نام مدرسین	تعداد
	دستخط	روانگی	آمد	دستخط	روانگی	آمد		
۱	/	/	/	P	P	۱۰۰۰	گورنمنٹ	۱
۲	/	/	/	P	P	۱۰۰۰	گورنمنٹ	۲
۳	/	/	/	P	P	۱۰۰۰	گورنمنٹ	۳
۴	/	/	/	P	P	۱۱۰۰	گورنمنٹ	۴
۵	/	/	/	P	P	۱۰۰۰	گورنمنٹ	۵
۶	/	/	/	P	P	۱۰۰۰	گورنمنٹ	۶
۷	/	/	/	P	P	۱۰۰۰	گورنمنٹ	۷
۸	/	/	/	P	P	۱۰۰۰	گورنمنٹ	۸
۹	/	/	/	P	P	۱۰۰۰	گورنمنٹ	۹
۱۰	/	/	/	P	P	۱۰۰۰	گورنمنٹ	۱۰
۱۱	/	/	/	P	P	۱۱۰۰	گورنمنٹ	۱۱
۱۲	/	/	/	P	P	۱۰۰۰	گورنمنٹ	۱۲
۱۳	/	/	/	P	P	۱۰۰۰	گورنمنٹ	۱۳
۱۴	/	/	/	P	P	۱۰۰۰	گورنمنٹ	۱۴
۱۵	/	/	/	P	P	۱۰۰۰	گورنمنٹ	۱۵
۱۶	/	/	/	P	P	۱۰۰۰	گورنمنٹ	۱۶
۱۷	/	/	/	P	P	۱۰۰۰	گورنمنٹ	۱۷
۱۸	/	/	/	P	P	۱۱۰۰	گورنمنٹ	۱۸
۱۹	/	/	/	P	P	۱۰۰۰	گورنمنٹ	۱۹
۲۰	/	/	/	P	P	۱۰۰۰	گورنمنٹ	۲۰
۲۱	/	/	/	P	P	۱۰۰۰	گورنمنٹ	۲۱
۲۲	/	/	/	P	P	۱۰۰۰	گورنمنٹ	۲۲
۲۳	/	/	/	P	P	۱۰۰۰	گورنمنٹ	۲۳
۲۴	/	/	/	P	P	۱۱۰۰	گورنمنٹ	۲۴
۲۵	/	/	/	P	P	۱۰۰۰	گورنمنٹ	۲۵
۲۶	/	/	/	P	P	۱۰۰۰	گورنمنٹ	۲۶
۲۷	/	/	/	P	P	۱۰۰۰	گورنمنٹ	۲۷
۲۸	/	/	/	P	P	۱۰۰۰	گورنمنٹ	۲۸
۲۹	/	/	/	P	P	۱۰۰۰	گورنمنٹ	۲۹
۳۰	/	/	/	P	P	۱۰۰۰	گورنمنٹ	۳۰
۳۱	/	/	/	P	P	۱۰۰۰	گورنمنٹ	۳۱

ATTESTED

18 Dec 2019

Copying Agency Lower Court Banku

قسم خدمت	حالیہ	سابقہ	میزان	حالیہ	سابقہ	میزان	حالیہ	سابقہ	میزان
اتفاقیہ									
استحقاق									
بیماری									
میزان									

دستخط سربراہ ناظم

رجسٹری حاضری مدرسین

جی بی ایس ایس ڈی فورم ایف بی اے
بابت ماہ اپریل 2011

تاریخ آمد	دستخط		آمد	دستخط		آمد	دستخط		آمد	دستخط		تاریخ آمد
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ATTESTED

18 DECEMBER 2011

(Copying Agency Lower Court Bahawalpur)

میزان	حالت	میزان	حالت	میزان	حالت	میزان	حالت	میزان	حالت	میزان	حالت

18/12/11

دستخط

تعمیر فرست
التعمیر
استحقاقی
بیماری
بیماری

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18

جستجوی ماهی در پهن رودخانه و آلودگی آب

بابت ماه

بابت ماه

جست

نام ماهی

عدد

تاریخ آمد

آلودگی

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تسمه حضرت
آلودگی
بیماری
میزان

دستگاه سنجش آلودگی آب

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کونسل پبلک اسٹیشن ہریانہ 155 اور دیگر ایکٹوں کے تحت شمارہ 23324 جس کے تحت

رجسٹر افسر کی مدد سے

بابت ماہ جنوری

1980ء

شاخہ برائے
P.S.T

برائے انحصار

خود زمان
P.S.T

تمام برائے انحصار
P.S.T

تاریخ	آہ	دستخط	روانگی	دستخط	آہ	دستخط	روانگی	دستخط	آہ	دستخط	روانگی	دستخط	آہ	دستخط	روانگی	دستخط	آہ	دستخط	روانگی	
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FARMAN ULLAH

Chd

ATTESTED

1-8 DEC 2019

Copyling Agency
Lower Court Bannu

دستخط...

استحقاق

بیماری

بیماری

جسٹریٹری مدین

بابت ماہ مارچ

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شادی و نکاح		تعمیرات		تعمیرات		تعمیرات		تعمیرات		تعمیرات	
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30	8:30	8:30	P	8:30	P	8:30	P	8:30	P	8:30	P

ATTESTED

18 DEC 2019

Copying Agency
Cover Court Bannu

حاضرہ مدین

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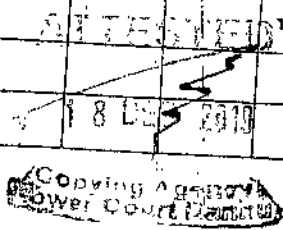
بابت ماہ

GPS

گورنمنٹ ہسپتال

پست

نام		پست		گورنمنٹ		پست		گورنمنٹ	
آئیڈ	دستخط	آئیڈ	دستخط	آئیڈ	دستخط	آئیڈ	دستخط	آئیڈ	دستخط
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دستخط سربراہ ناظم

Copying Agency Power Court Islamabad

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ANX "C"

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BEFORE THE PESHAWAR HIGH COURT BANNU BENCH

Civil Revision Petition No. 65-P /2020

Shad Ayaz Khan S/O Muhammad Abdul Naz Ali Shah
R/O Kot Mehtar Dakhli Mauza Ghoriwala, Tehsil &
District Bannu.....(Petitioner/Plaintiff)

V E R S U S

1. District Education officer (Male Section) District Bannu
2. District Account Officer District Bannu
.....(Respondents/Defendants)

AD/AD

CIVIL REVISION PETITION UNDER SECTION 115 CPC
 AGAINST THE JUDGMENT AND DECREE DATED 30-11-
 2019 OF THE LEARNED DISTRICT JUDGE, BANNU
 PASSED IN CIVIL APPEAL NO.01/13 OF 2019
 WHEREBY THE CIVIL APPEAL OF THE
 PETITIONER/PLAINTIFF HAS BEEN DISMISSED BY
 UPHOLDING THE JUDGMENT AND DECREE DATED 30-
 11-2018 OF LEARNED CIVIL JUDGE-VI, BANNU
 WHEREBY THE SUIT OF THE PETITIONER/
 APPELLANT WAS DISMISSED.

P R A Y E R:-

ON ACCEPTANCE OF THIS REVISION PETITION,
 THE IMPUGNED JUDGMENTS AND DECREE
 DATED 30-11-2019 OF THE LEARNED DISTRICT

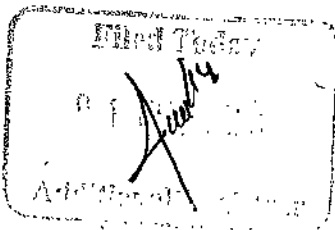
Filed Today
[Signature]
 Ad. No. 01/13/2019

JUDGE, BANNU AND JUDGMENT AND DECREE DATED 30-11-2018 OF LEARNED CIVIL JUDGE-VI, BANNU MAY VERY KINDLY BE SET ASIDE BY DECREERING THE SUIT OF THE PETITIONER/ PLAINTIFF AS PER PLAINT WITH COST THROUGHOUT.

Respectfully Sheweth:-

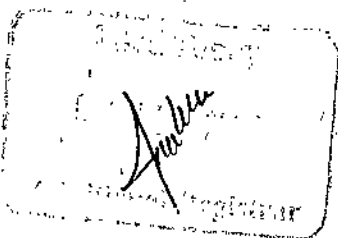
BRIEF FACTS:-

1. **That** the petitioner/plaintiff instituted a Civil Suit No.54/1-Neem of 2015 against the respondents/ defendants for declaration cum perpetual and mandatory injunctions before the learned trial court. (Attested copy of plaint of petitioner /plaintiff is annexure "A")
2. **That** the defendants/respondents were summoned, out of which respondent No.1 appeared before the learned trial court and contested the suit of the plaintiff /petitioner by submitted his written statement whereas respondent No.2 did not appear despite service; hence, proceeded ex-parte. (Attested copy of the written statement of respondent No.1 is annexure "B").
3. **That** after framing of issues, both the parties produce their respective evidence in support of



their claim. (Attested copies of issues, PWs and DWs are annexure "C", "D" & "E" respectively)

4. **That** after hearing the arguments of both the counsels of the parties, the learned Civil Judge-VI, Bannu dismissed the suit of petitioner/plaintiff vide judgment and decree dated 30-11-2018. (Attested copy of the judgment and decree dated 30-11-2018 of learned CJ-VI, Bannu is annexure "F")
5. **That** while feeling aggrieved from the impugned Judgment and decree of the learned trial court, the petitioner filed Regular First Appeal (RFA) No.01/13, of 2019 before the court of learned District Judge, Bannu but after hearing the arguments of both the counsels for the parties, the said appeal was dismissed vide judgment and decree dated 30-11-2019 by maintaining the judgment and decree of learned trial court. (Attested copies of the appeal of petitioner and the impugned judgment and decree dated 30-11-2019 of learned District Judge, Bannu are annexure "G" & "H" respectively)
6. **That** now the petitioner has got no other choice but to knock at the door of this Honourable court for indulgence into the matter, for the redressal of

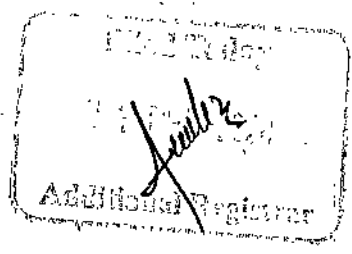


their grievance, inter alia on the following grounds:-

GR O U N D S:-

- 1. **That** judgments and decrees of the learned courts below are wrong, against law, perverse and not sustainable in the eyes of law.
- 2. **That** the learned appellate court has deviated from the well settled principles, judicial dictums and law on the subject matter, hence, not maintainable.
- 3. **That** learned courts below have not properly appreciated the evidence available on file and cause un-justice to the petitioner.
- 4. **That** the petitioner/plaintiff has proved his case through cogent and documentary evidence:
- 5. **That** the decision of learned trial court on issue No.4, 5, 6 was wrong and against the law because the attendance of petitioner/ appellant was marked his attendance in the relevant register, which is also exhibit as EX:PW-1/PX-1 and PW-1, who is Head Master also admitted that petitioner /plaintiff was teacher and who also marked his attendance in Attendance Register.
- 6. **That** the learned trial court also give reason for dismissal of suit that DW-1 Riaz Khan ADEO disclosed that the endorsement number of the

11/11/13
AD



 Additional Registrar

appointment letter of petitioner/plaintiff was the number of transfer letter of one Chowkidar while neither produce the said Chowkidar as DW nor produced the copy of said transfer letter.

- 7. **That** after appointment of petitioner he assumed the charge and regularly marked his attendance in the relevant register and performed his duties with zeal and zest but without any reason he was dropped from service.
- 8. **That** the learned lower courts have not appreciate the evidence available on file, which is the result of non-reading and misreading of evidence
- 9. **That** the impugned judgments of the learned courts below are arbitrary, cursory, whimsical, based on surmises and conjectures, the same, therefore, need to be interfered with this honourable court.
- 10. **That** the learned District Judge has wrongly dismissed the Civil Appeal of the petitioner and even did not discuss the important aspect of the case and without applying its own prudent mind and upheld the judgment and order of the learned Civil Judge.
- 11. **That** decision of learned courts below are suffering from illegality or irregularity which cause injustice to the petitioner.

Handwritten signature/initials

Filed Today
Amir
 Registrar

12. **That** the grounds taken in Civil Appeal before the learned District Judge, Bannu may be considered as integral part and parcel of instant petition.
13. **That** additional ground will be taken at the time of arguments with the permission of this Honourable Court.

It is therefore graciously prayed that on acceptance of this Civil Revision Petition, the impugned judgment and order dated 30-11-2019 of the learned District Judge, Bannu and judgment /decree dated 30-11-2018 of learned Civil Judge-VI, Bannu may very kindly be set aside by decreeing the suit of the petitioner/plaintiff as prayed for in the plaint with cost throughout.

Dated 31/11/2020

Petitioner
Through his counsel

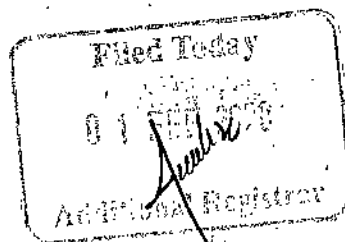
Khush Amir Khattak & Umarzad Shah Bhakhoze
Advocate High Court

CERTIFICATE:-

This is to certify that no other such like petition is filed or pending disposal before any other forum or before this august court, except the instant petition, as per information conveyed by my Clients.

LAW OF BOOKS:-

- I) Constitution of Islamic Republic of Pakistan, 1973.
- II) Other case law according to need



"A"

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لعدالت صواب بشکر سول ج صاحب صلہ بنوں
تسم 208 رجوع 15-5-2011

نشاد آریاز خان ولد محمد عبدالناز علی شاہ سکشن ٹوٹ پیٹر صلہ بنوں (مدعی)

نام

I - ڈسٹرکٹ ایجوکیشن آفیسر "Male" صلہ بنوں

II - ڈسٹرکٹ اکاؤنٹ آفیسر صلہ بنوں

(مدعا علیہ)

ATTESTED

18 DEC 2019

Copying Agency
Lower Court Bahawalpur

مدالت دعویٰ ملنے ڈگری اسٹقرار یہ بدلیں صلہ بنوں کہ میں مدعی کو ال

"Appointment" لیسر نمبر 80-8477 فورم 2011 بجرتی یوکر گورنمنٹ

"Servant" بنوں میں مدعی کے "Recruitment" کے عملہ لوازمات تبدیل

ومیرہ حسب ضابطہ پورے کر کے Appointment لیسر مذکورہ کی بنیاد پر فورم

2011 RS گورنمنٹ پرائمری سکول آسہ جو جرتی پر آفصلہ بنوں اپنے مفید سے

کا چارج سنبھال کر فروری 2011 تا مئی 2011 تک حسب ضابطہ

اپنی ڈیوٹی سرانجام دی۔ لیکن مدعا علیہ نے مدعی سے بر بدستی اور ذاتی

مقتضا مدعا حاصل نہ ہو سکی وجہ سے میں مدعی کو بلا نوٹس لو کری سے ڈراپ

کیا۔ مدعا علیہ کا یہ فعل سراسر غلط ہے، زیادہ خلاف قانون، خلاف

واقعات بنی بر بدستی اور حقوق مدعی پر غیر فوٹو والعدم ہے۔ اور

مدعا علیہ نے میں مدعی کو دوبارہ ملازمت کا حقدار قرار دے کر ترقیات

کرنے کا پابند ہے۔ اسی طرح مدعا علیہ میں مدعی کو فروری 2011 تا

سے 2011 تک ونا آئندہ One benefits ادا کرنے کا پابند ہے۔

پابند فرمایا جاوے۔ ڈگری حق مدعی پر خلاف مدعا علیہ مقدمہ مقدم

Contd Next P. 2

دوب۔ دعویٰ فی حکم امتناعی دواہی و نا لیدی بدین معنون کہ مدعا علیہ کو حکم دیا جاوے۔ کہ دن من دعویٰ کی جملہ تصنیاتی رکھیا رڈ و دیگر منعلقہ دستاویزات تم و ضائع نہ کریں۔ ڈگری بحق مدعی پر خلاف مدعا علیہ لکھ کر صوبہ و مقدمہ

15/12/2011

مالیت مقدمہ بفرقہ کورٹ فیس	مالیت مقدمہ بفرقہ اختیار سماعت
مدالت مبلغ -/ 15 روپیہ	مدالت مبلغ -/ 200 روپیہ
دوب مبلغ -/ 200 روپیہ	دوب مبلغ -/ 200 روپیہ

حساب عالی! دعویٰ مدعی ذیل ہے۔

I۔ یہ کہ من دعویٰ نے F.A تک تعلیم یافتہ۔ میں اور حسب ضابطہ P.S.T کورس 1995-96 میں حاصل کیا ہے۔ نقل تعلیمی رکھیا رڈ لٹ ہے۔

2۔ یہ کہ من دعویٰ کو Appointment لیٹر نمبر 80 - 81477 مورخہ 24/2/2011 حسب ضابطہ بفرقی ہو کر گورنمنٹ Servant یوں۔ من دعویٰ نے Recruitment کے جملہ لوازمات میڈیکل وغیرہ حسب ضابطہ پورے کر کے Appointment لیٹر مذکورہ کی بنیاد پر مورخہ 25/2/2011 نو رٹیفکٹ پراپری سکول آفس فوٹو پھر آفیسر بنوں اپنے عہدے کا چارج سنبھال کر فروری 2011 آگیا صرف 2011 تک حسب ضابطہ اپنی ڈیوٹی سر انجام دی (نقل Appointment لیٹر، میڈیکل وغیرہ، چارج رپورٹ، رجسٹرڈ حاضری مدرسین لغاتین)

یہ کہ مدعی نے مدعا علیہ پھر I کو اپنی فریاد پیش کی۔ لیکن کوئی عمل درآمد نہ ہوئی۔ مزید عرض ہے کہ مدعی ہمراہ محمد منیر بادشاہ ولد پیر بادشاہ کو بھی مدعا علیہ پھر I نے منگ ویر اسٹاٹ لیا۔ بلا اختیار اور بلا جوار اعتراضات لغاتین۔ اس لیے سبھی محمد منیر بادشاہ ولد پیر بادشاہ

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۱۔ مدعا علیہ کے خلاف مقدمہ نمبر 127/1 رجسٹرڈ 2013 - 6 - 17 فیصلہ 25/10/2013
لہذا اللت جناب سول جج صاحب ہیرا دائر کیا۔ اور مقدمہ مذکورہ مدعی محمد
میر بادشاہ کے حق میں ڈگری کرنے کا حکم صادر ہوا۔ رٹل حکم بمسرحہ ڈگری لیا ہے

۲۔ یہ کہ مدعا علیہ ہیرا نے اپنی ہر بدینی اور ذاتی عقائد حاصل نہ ہونے کی وجہ سے
من مدعی کو بلا نوٹس نوکری سے ڈراپ کیا۔ مدعا علیہ ہیرا کا یہ فعل سراسر
غلط، بے بنیاد، خلاف قانون، خلاف واقعات بنی ہر بدینی اور حقوق مدعی
پر غیر موثر و کالعدم ہے۔ اور مدعا علیہ ہیرا من مدعی کو دوبارہ ملازمت
کا حقدار قرار دے کر تعینات کرنے کا پابند ہے۔ اس طرح مدعا علیہ من
مدعی کو فروری 2011ء تا مئی 2011ء تک "Due benefits"
ادا کرنے کا پابند ہے۔ پابند فرمایا جاوے۔

۳۔ یہ کہ مدعا علیہ کو متعدد بار کیا گیا۔ کہ وہ من مدعی کو دوبارہ ملازمت
کا حقدار قرار دے کر تعینات کریں۔ اور فروری 2011ء تا مئی 2011ء
تک "Due benefits" از خود ادا کریں۔ لیکن مدعا علیہ نے
اعت و فعل کرتے رہیں۔ اور آخر کار ادا صاف انکاری ہوئے ہیں۔ بدین وجہ
دعویٰ حذا دائر کرنے کی ضرورت لاحق ہوئی۔

۶۔ یہ کہ بنائے دعویٰ من مدعی کو عمر 2 ماہ قبل صاف انکار دینے
مخالفیت از ایک نعتہ قبل صاف انکار مدعا علیہ اندر حدود قلم
بنوں پیدا ہوئی۔ جس کے سہارے اس کا اعتبار عدالت دیوان قلم
بنوں کو حاصل ہے۔

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7۔ یہ کہ مالیت مقدمہ لکھنؤ ٹورنٹینس ڈاکیمنٹس سماعت عدالت درج نمونہ
معرض دعویٰ ہے

لینڈ اسٹیمپ ہے۔ نہ ڈگری، نہ سند، نہ عینہ حساب، نہ نقل، نہ جراثیم

نمونہ لکھنؤ دعویٰ بحق مدعی بر خلاف مدعا علم لکھنؤ مرجع و مقدمہ
صادر فرمائی جاوے

Date 4-5-2015

العامہ

شہاد آیاز خان (مدعی)

Shah

لکھنؤ سماعت مقام نمونہ

تاریخ 4-5-2015

با اقرار صلح لکھنؤ کی حالت ہے
کہ جملہ صورت لکھنؤ دعویٰ میں نے علم و یقین
کے درست و صحیح ہے۔ اور کوئی امر عدالت
آجمناب سے مخفی میں نہ رکھا ہے

شہاد آیاز خان (مدعی)

Shah

1- Registration No. 11632

2- Date of Presentation of Application 9-12-15

3- Name of Plaintiff of the file 1812-15

4- Date of Preparation of copy 18-12-15

5- Date of Delivery of copy 18-12-15

6- No. of copies / words 4/12/15

7- Ordinary Fee 8/-

8- Urgent Fee 8/-

9- Total Fee 8/-

Signature of Copyist [Signature]

18 DEC 2015

Stamp of the court or office

گنڈاپور سیشن جج صاحب محترم

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سٹیشنری اور پاپر ڈپارٹمنٹ، سٹیشنری اور پاپر ڈپارٹمنٹ، سٹیشنری اور پاپر ڈپارٹمنٹ

دعویٰ استغدادیہ نمبر 0-12 (13-3-2011)

13- دعویٰ میں سب سے پہلے یہ ہے

Jan

Muhammad Sher Ali Khan
Civil Judge-X, Bannu

صاحب عالی

3- دعویٰ میں سب سے پہلے یہ ہے

عذرات تمہدی = 1- دعویٰ کو کوئی نیا نئے دعویٰ حاصل ہے

2- دعویٰ کو کوئی locus standi حاصل ہے

3- دعویٰ عداوت ایسا ہے کہ عداوت کے حقوق یا فرائض میں آہٹ ہے

4- یہ دعویٰ ہی زیر اوردرد میں "معاذ دیوانہ قبیل اہل اہل"

5- یہ دعویٰ کے قبول اور نفع میں کوئی نقصان ہے

6- یہ دعویٰ میں زائد الیہ ہے میں نے قبیل اہل اہل ہے

7- یہ کہ عداوت ایسا ہے کہ عداوت کے حقوق حاصل ہے

8- یہ کہ میں نے Appointment order مکمل طور پر برقرار ہے

اور یہ کہ در لیکچر کے مطابق ایس ڈی نمبر 8477-80

فول 24² 2011 میں سٹیٹ سیکرٹری کے نام پر درخواستیں

اور یہ کہ عدالت نے اسے تسلیم کیا ہے

9- یہ کہ میں نے قبیل اہل اہل ہے

10- یہ کہ میں نے قبیل اہل اہل ہے

11- یہ کہ میں نے قبیل اہل اہل ہے

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واقعات :- فقوہ نیا کا تعلق عدوی کے ریکارڈ سے ہے

1. فقوہ بد 2 غلط ہے۔ مدعا علیہ نیا کے ریکارڈ کے مطابق بخوار لکھنؤ 80-77-77
عدوی کے مطابق عدوی کو بی نے مہی سیمان خان کا ٹرانسفر اڈور
دیجے ہے۔ اور پھر ریکارڈ کے مطابق عدوی کے کسی قسم کا ریکارڈ
موجود ہے۔ اور اس کا اڈور کا ہی مکمل طور پر ٹوٹی ہے۔

Imad Sher Ali Khan
Judge X. Bannu

ثبوت کیلئے لکھنؤ مذکورہ کی فوٹو پائی لف ہے

3. فقوہ بد 2 غلط ہے۔ عدوی کا کوئی ریکارڈ مدعا علیہ ذرائع دفتر میں موجود نہ
ہو سکتا ہے اور مدعا علیہ عدوی کے کسی قسم کی کوئی بھی کوئی بھی

4. فقوہ بد 4 غلط ہے۔ عدوی کے یہ نوٹ نہیں ہے۔ تو اس کو نوٹ کے
ذریعہ اور اجزہ benefits ادارے کے سوال سے پتہ نہیں چلتا

5. فقوہ بد 5 غلط ہے فقوہ بد 5 تفصیل جو ہے۔ یہ عدوی کو
کوئی ثبوت عدوی حاصل ہے

6. فقوہ بد 6 غلط ہے عدوی کو ثبوت عدوی حاصل ہے اور نہ ہی
عدالت راجا۔ کو ثبوت عدوی حاصل ہے

7. فقوہ بد 7 غلط ہے

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لکھنؤ عدوی کے آدھوں عدوی نمبر 131/21/2017
معدا علیہ نیا کے ریکارڈ کے مطابق بخوار لکھنؤ 80-77-77

131/21/2017

131/21/2017

Through Government Pleader Bannu

لکھنؤ عدوی کے آدھوں عدوی نمبر 131/21/2017
معدا علیہ نیا کے ریکارڈ کے مطابق بخوار لکھنؤ 80-77-77

لکھنؤ عدوی کے آدھوں عدوی نمبر 131/21/2017
معدا علیہ نیا کے ریکارڈ کے مطابق بخوار لکھنؤ 80-77-77

131/21/2017

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**IN THE COURT OF SHARIF ULLAH
CIVIL JUDGE-VI, BANNU.**

Suit No. 54/1Nim of 2015

Date of Institution:- 04-05-2015

Date of Decision :- 30-11-2018

Shad Ayaz Khan S/O Muhammad Abdulnar Ali Shah R/O Kot Mehtar Tehsil and District Bannu.....(plaintiff)

Vs

1. District Education officer (Male) 2. Bannu and District Account officer District Bannu.....(defendants)

JUDGMENT
30-11-2018

Plaintiff has brought the present suit for Declaration and perpetual injunction in mandatory form against the defendants.

It is alleged in the plaint that plaintiff was appointed vide letter No.8477-80 dated 24-02-2011 and after fulfillment of the prescribed requirements for recruitment he assumed charge at GPS Asad Khujari No.1 Bannu on 25-02-2011. He performed duty from February 2011 to May 2011, however defendant No.1, mala fide and without notice dropped the plaintiff from the job, which is wrong, baseless, against rules/law and ineffective upon the rights of the plaintiffs. That defendant No.1 is bound to reinstate the plaintiff and he is also bound to pay the benefits from February 2011 to May 2011 and onwards benefits to the plaintiff.

In Para "Bay" of the plaint, the plaintiff has sought injunction in mandatory form to the extent that defendants be restrained from disposing the appointment and other relevant record. That, the defendants were asked time and again to reinstate the plaintiff and pay his dues, but they refused, hence the instant suit.

Defendants were summoned; among which defendants No.1 appeared, submitted written statement who objected suit of the plaintiff, on various legal and factual grounds. Defendant No.2 was proceeded Ex-parte due to his non-appearance. Out the divergent pleadings of the parties, the following issues were framed.

ISSUES

1. Whether plaintiff has got cause of action?
2. Whether suit of the plaintiff is within time?

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3. Whether this court has got jurisdiction?
4. Whether plaintiff has been illegally dropped from his job without any prior notice?
5. Whether appointment order of plaintiff is totally fake and bogus?
6. Whether plaintiff is entitled to his due benefits since February 2011 till May 2011 and onwards?
7. Whether plaintiff is entitled to the decree as prayed for?

Relief

After framing of issues both the parties were directed to produce their evidence, which they adduced as per their choice. After the conclusion of evidence, arguments of the parties heard and record was gone through. With the valuable assistance of counsels, evidence and available record, my issue wise findings are as under:-

Issue No.2:-

Onus to prove this issue lies upon the defendants.

From the averment of plaint it is clear that plaintiff has brought his suit for declaration and as per law suit for declaration must be filed within six years from the date on which the cause of action accrues. As plaintiff is claiming that he was dropped from the service in the year 2011 and he filed the instant suit in 2015, therefore suit of the plaintiff is well within time.

Thus the issue is decided in accordingly.

Issue No.3:-

Defendants have objected suit of the plaintiff on the ground of jurisdiction of the court. In this regard they failed to produce anything on record.

Moreover, the averment in plaint shows that this court has got the jurisdiction to entertain the suit in hand

Issue decided accordingly.

Issue No. 4; 5 & 6:-

These issues are interlinked, hence taken together for discussion.

Plaintiff is claiming that he was dropped from the service without giving him notice, and he is entitled to the benefits since February 2011 till May 2011 and

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Civil Judge-VI
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onwards, while defendant No.1 has denied the same, by objecting the appointment order of plaintiff being fake and bogus.

Firstly we must see the appointment order/letter of plaintiff that whether it is fake and bogus or otherwise.

To prove his stance plaintiff produced three witnesses. Plaintiff, himself appeared as PW-3 and deposed that in the year 2011, PTC posts were advertised, for which he applied, passed the test and interview and was appointed vide letter No.8477-80. Plaintiff further deposed that on dated 25-02-2011 he assumed the charge and performed duty from FEB 2011 to MAY 2011; however defendants removed him from the service. He produced appointment letter, Charge report, and medical certificate as EXPW-3/1 to EXPW-3/3.

In support of plaintiff version, Luqman appeared as PW-2 and stated that he was school teacher in March, 2011 at GPS Asad Khujari, met with plaintiff there, who was on duty (at GPS Asad Khujari). Plaintiff also produced Muhammad Jamil as PW-1 who produced copies of the attendance register of teacher as ExpW-1/1 and ExpW-1/1 does not bear the name of plaintiff as a teacher to have put his attendance therein.

Counsel for the plaintiff moved an application for cross examination of PW-1, which was allowed. PW-1 was again summoned, crossed and exhibited copies of teacher attendance Register as EXPW-1/PX-1, in which the name of plaintiff is entered bearing his signature (Showing his attendance at GPS Asad Khujari No.1). To clarify the matter further, Aziz Khan former head master and Jamil Khan present head Master were summoned. The statement of Jamil was already recorded; however Aziz Khan was examined as a court witness CW-1. Aziz Khan CW-1 stated that, neither, he gave the charge to the plaintiff nor the plaintiff put his attendance and produced register of attendance of Teachers as ExCW-1/1. CW-1/1 is the record of the attendance of teachers at GPS Asad Khujari No.1 from January 2011 to September 2011, which does not bare any attendance of plaintiff. Though ExpW-1/Px-1 bears the name and signature of plaintiff, but the same does not bears the signature of the head Master. Moreover, though it is exhibited but mere exhibition of a document does not mean to be admissible in evidence.

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Sharif Ullah
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On the other hand, in rebuttal defendant produced Riaz Khan ADEO as DW-

1, who denied the stance of the plaintiff and stated that:

The alleged appointment order dated 24-02-2011, available on file bears the

Name of plaintiff. First four sentences of the order are of much importance, which are

reproduced as under:

"In compliance to the High Court D.I.Khan judgment the dated 13-11-2008 in

W.P No.284/2008 and consequent upon the recommendation of the department

recruitment committee and obtaining age relation from the competent authority here

by appointed against the vacant post of PST w.e.f 10/02/2011 in the interest of public

service subject to the terms and condition given below "

Statement of plaintiff as PW-3 that post of PST were advertised, he applied,

and passed the test/interview with flying colors and was appointed vide letter

No.8477-80 and the wordings of his alleged appointment letter are contradictory.

Moreover the alleged appointment order dated 24-02-2011, is given endorsed

No.8477-80, however in rebuttal, DW-1 produced register of letters dispatched as

EXDW-1/1 and stated that vide this endorsement number one of the class-IV servant

namely Suleman was transferred and perusal of EXDW-1/1 reveals that vide

endorsement No.8477-80 one namely Suleman was transferred.

The arrival report/charge report EXPW-3/2 bears the signature of plaintiff.

however there is no signature of the Head of school. During the course of arguments,

the plaintiff and his counsel admitted at the bar that he was given charge by the

"Chowkidar" of the school. It does not appeal to prudent mind that a "Chowkidar"

can be an authority to give charge to those who are higher in rank than he.

If a person is appointed he is paid and record is properly maintained in the

account office, however in the instant case, though plaintiff is claiming his

appointment, but no such record exists in favour of plaintiff. This fact is admitted by

plaintiff in his examination in chief that he has received no salary. Similarly

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Shahid Ullah
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Bannu

30-11-2013
(Signature)

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account office, however in the instant case, though plaintiff is claiming his
appointment, but no such record exists in favour of plaintiff. This fact is admitted by
plaintiff in his examination in chief that he has received no salary. Similarly

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defendant's witness DW-1 also stated in his examination in chief that no pay was released to plaintiff.

From the above discussion it is held, that the alleged appointment order is fake and bogus. When there was no order against which the plaintiff was appointed, then the plaintiff's claim of illegal dropping is baseless. Similarly, plaintiff is not entitled to any benefit since February 2011 till May 2011 and onwards.

The issues are decided accordingly.

Issues No.1 & 7 :-

Onus to prove this issue lies on the plaintiff.

In the light of available record, placed on file and my detail findings on the above issues, it is held that plaintiff has not proved his case through cogent and reliable evidence. Therefore, neither plaintiff has got a cause of action, nor is he entitled to the decree as prayed for.

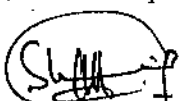
Both the above issues are decided in negative.

Relief:-

As sequel to the above discourse, plaintiff has failed to prove his case through cogent and reliable evidence; therefore, suit of the plaintiff is hereby dismissed, with no order as to cost.

File be consigned to RR after necessary completion and compilation.


Announced:-
30-11-2018


SHARIF ULLAH
Civil Judge-VI, Bannu.
Sharif Ullah
Civil Judge VI
Bannu

CERTIFICATE

Certified that this judgment consist of five (05) pages. Every page has been checked and signed after making necessary correction.

- 1- Registration No. 11632
- 2- Date of Presentation of Application 9-12-18
- 3- Date of Receipt of the file 18-12-18
- 4- Date of Preparation of copy 19-12-18
- 5- Date of Delivery of copy 18-12-18
- 6- No. of copies / words 5/1
- 7- Ordinary Fee 10/-
- 8- Urgent Fee 15/-
- 9- Total Fee 25/-
- 10- Signature of Copyist [Signature]


SHARIF ULLAH
Civil Judge-VI, Bannu.

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The following information is being provided for the benefit of the staff of the Department of Health, Government of Punjab, regarding the recruitment process for the post of Medical Officer (MO) in the year 2011. The recruitment process was conducted through the Punjab Public Service Commission (PPSC) and the results were announced on 18/12/2011. The successful candidates are listed below:

1. Mr. [Name] - Rank 1
 2. Mr. [Name] - Rank 2
 3. Mr. [Name] - Rank 3
 4. Mr. [Name] - Rank 4
 5. Mr. [Name] - Rank 5

The recruitment process was conducted in accordance with the Punjab Public Service Commission (PPSC) rules and regulations. The successful candidates are hereby notified to report to the Department of Health, Government of Punjab, for the purpose of joining the service.

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2 - [Name]
 3 - [Name]
 4 - [Name]

For the Director, Health, Punjab

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 14-5-15
 14-2-18
 14-2-18

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Parties present

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Vide my detailed judgment consisting of (05) pages plaintiff has failed to prove his case through cogent and reliable evidence; therefore, suit of the plaintiff is hereby dismissed, with no order as to cost.

File be consigned to RR after necessary completion and

خرچہ نمائش

روپیہ	پیسہ	خرچہ مد علیہم	روپیہ	پیسہ	خرچہ مدعی
		اشامپ عرضی دعوی			اشامپ عرضی دعوی
		اشامپ مختیار نامہ			اشامپ مختیار نامہ
		اشامپ وکالت نامہ			اشامپ وکالت نامہ
		خرچہ گواہان			خرچہ گواہان
		متفرق			متفرق
		میزان			میزان

آزاد تارخ 30-11-2018 کو ثبت میرے دستخط اور مہر عدالت کے جاری کیا گیا ہے۔


Civil Judge-VI
Bannu



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18 DEC 2019

Copying Agency
(Lower Court, Bannu)

Registration No: 11632
1- Date of Presentation of Application 9-12-18
2- Date of Receipt of the file 18-12-18
3- Date of Preparation of copy 18-12-18
4- Date of Delivery of copy 18-12-18
5- No. of copies / words 8
6- Ordinary Fee 6/-
7- Urgent Fee
8- Total Fee 6/-
9- Signature of Copyist

1055
19

"9"

91

42

ضابط عدالت ڈسٹرکٹ جج صاحبہ بیون
13/11/19 روبرو 19-11-19

شہاد آریاز خان ولد محمد عبدالناز علیہ سکنہ کوٹ جیٹر دافنی موہم

غورالوالہ علیہ بیون ایسٹرن ایمری

VERSUS

District Judge Baran

1- ڈسٹرکٹ ایجوکیشن افسر (Male Section) بیون

2- ڈسٹرکٹ اگڈنٹ افسر بیون

اپیل بنیاد پر حکم برقرار چکا، ایڈووکیٹ شریف اللہ صاحب
بیون جج نے 11/11/19 بیون جسٹس روٹہ میں بیون ایسٹرن

کا دعویٰ مقدمہ نمبر 5411/19 بیون 11/18 30 خارج ہو گیا

شہاد آریاز خان

عبدالغوری اپیل حقرا و بیون جج نے 11/11/19 بیون جسٹس
و ڈگری فرماتے ہیں دعویٰ بیون ایسٹرن
بیون مقدمہ نمبر 5411/19

ATTESTED

13 JAN 2020

Copying Agency
Lower Courts Baran

1- یہ کہ فائیل عدالت کاتے بیون کا فیصلہ

بیون مقدمہ نمبر 5411/19 بیون، واقعات

و روٹہ جج نے

100 11-17

یہ کہ قابل عدالت جاوے توں کا ایڈیشن کیسٹ 6.5.6

مصلحتاً بطور مطالب قانون نہ ہے مصلحت سرکاری اور
جلد بازی میں ہمارے فرما دی گئی ہے۔

District Judge Bannu

کہ گواہ Ex PW/Px نے سرکاری ایڈیشن کے ریکارڈ میں

کے دو طور پر Attendance لگائی ہے اور Exhibits

کو بیکر نظر انداز کیا ہے۔

تعمیراتی کام ہے کہ سرکاری واقعہ پتہ تھا۔ اسے تباہ

رہے جہلیں میں پتہ نہیں لگائی ہے۔

۱۔ یہ کہ قابل عدالت جانے 6.5.6 توں نے ایک غیر متعلقہ

شخص غیر متعلقہ، SW پر مختصر کر کے وہاں

کو مقدمہ سرکاری جانے میں کیلئے کافی وارد کیا ہے جو کہ

قطعاً مطالب قانون نہ ہے۔

۲۔ یہ کہ قابل عدالت جاوے توں کا مزید Remarks

باجتہ مقدمہ افرانجی کہ عدالت نے صرف ایک گواہ

راہی تھی ADEO رپورٹ DW میں کیا ہے اسے سرکاری

کہ لکھی رپورٹ آڈیو میں اندر سے لکھی ہو سکتی ہے

مٹرائس آرڈر بنایا تھا کہ پوسٹل اور نہ اس کے ٹرانس

لکیر کا ہی رپورٹ بنوت پیش کیا ہے جو کہ یہ اقدام بھی

قابل ادخال شہادت نہ ہے۔

ATTESTED

13 JAN 2020

Deputy Magistrate
Bannu District

لکیر سرکاری کہ مقدمہ عنوان قابل ذکر کا حق لیکن عدالت

کی جانب سے کوئی ایکارڈ پیش نہیں کی گئی ہے۔

اور عدالت "دیہہ دانستہ" میں ایک کارڈ ملزم کے

پتہ کی جانب سے رپورٹ DW میں ایک ریکارڈ پیش کی

یہ صرف اسے پیش کیا بطور پتہ اور پتہ کی طرف سے نہیں موجود ہے
 مطلب یہ کہ دعایہ اور DE کی ایک کاپی کی جانب سے 3 عدد
 ایکٹو عملیں پیش کیے ہیں فرسٹ ایکٹو عملیں جو کہ
 پتہ جاننے خود اپنے پاس ہیں Exhibits کیا ہے وہ
 جیسا کہ حقیقت ہے اور اس میں سے کچھ کچھ جمع نہیں
 مذکورہ کی جانب سے موجود ہے اور اس میں سے
 نے بطور پتہ پیش کیا ہے اس کے ساتھ ساتھ اس کی
 لیکن اسے باوجود جمع نہیں ہوئی ہے ،
 خارج فرمایا فرمایا الصاف ہے

اس کے ساتھ ساتھ کہ Lower Court فونڈنگ
 خارج دفعہ فرمایا کہ ہمدردی / اس میں
 کہ حق میں اس کے ساتھ ساتھ فرمایا جاوے

22-12-2018

شاد آغا
 Shad Ayaz

بدر لودیکل

[Signature]
 Anshari
 Anshari

ATTESTED

13 JAN 2020

Copying Agency
 Lower Courts Bannu

1- Registration No: 199
 2- Date of Presentation of Application: 11-1-2020
 3- Date of Receipt of the file: 12-1-2020
 4- Date of Preparation of copy: 13-1-2020
 5- Date of Delivery of copy: 13-1-2020
 6- No. of copies / words: 3 /
 7- Ordinary Fee: 6 /
 8- Urgent Res: 6 /
 9- Total Fee: 6 /
 10- Signature of Copyist: /

ORDER-II
30.11.2019

Handwritten notes in Urdu at the top of the page, including "DRO" and "130".

45

Handwritten notes on the left margin: "1055" and "19".

1. The appellant in person alongwith his counsel and representative of respondent No.1 alongwith Assistant District Attorney present.
2. For expeditious disposal of the present *lis* under Order 9-A Rule 1 CPC, the appeal was fixed for scheduling & conferencing and proforma 'A' was issued accordingly for today.
3. In view of Case Management and scheduling conference for expeditious disposal of instant appeal within the meaning of Order 9 Rule 1 (i) CPC, both the counsel have agreed to argue the case and thus, their arguments were heard and file was gone through their valuable legal assistance.
4. Vide my detailed judgment of even date consisting of 06 pages, appeal in hand is meritless. The same is dismissed with costs.
5. Requisitioned record be sent back with a copy of the judgment / order to the quarter concerned. File be consigned to record room after completion & compilation.

Announced
30.11.2019

Handwritten signature in Urdu.

MUNAWAR KHAN
District Judge, Bannu

Handwritten signature and "District Judge Bannu".

ATTESTED

10 DEC 2019

Copying Agency

11625

Registration No: _____

2- Date of Presentation of Application: 9-12-15

3- Date of receipt of the file: 10-12-15

4- Date of Preparation of copy: 10-12-15

5- Date of Delivery of copy: 10-12-15

6- No. of copies / words: _____

7- Ordinary Fee: _____

8- Urgent Fee: _____

"H" 45

**THE COURT OF MUNAWAR KHAN, DISTRICT JUDGE,
BANNU**

46

Civil Appeal No. 01 / 13 of 2019.
Date of Institution: 02-01-2019
Date of Decision: 30-11-2019

Shad Ayaz Khan s/o Muhammad Abdul Naz Ali Shah r/o Kot Mehtar
Dakhli Moza Ghoriwala, District Bannu (Appellant)

VERSUS

District Education Officer (Male), Bannu & 01 another (Respondents)

JUDGMENT

1. The appellant Shad Ayaz Khan through this appeal has impugned the judgment & decree dated 30.11.2018 of the learned Civil Judge-VI, Bannu whereby his suit for declaration cum perpetual prohibitory & mandatory injunctions against the respondents / defendants was dismissed.

2. The appellant / plaintiff instituted a civil suit for declaration cum perpetual prohibitory & mandatory injunctions to the effect that after fulfilling of all the legal requirements, he was appointed vide letter No. 8477-80 dated 24.02.2011. That on the basis of said appointment letter, he assumed charge at GPS Asad Khojari No.1, Bannu on 25.02.2011. That he performed duties from February, 2011 to May, 2011, however, the respondent / defendant No.1 malafidely dropped him from service without notice, which act on his part was

*Shad Ayaz Khan Vs DEO (Male) Bannu & another
(Civil Appeal No. 01 / 13 of 2019)*

ATTESTED

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District Judge Bannu

30/11/19

Signature

1055
19

AB 47
wrong, baseless, against law & facts, based on mala fide and ineffective upon his rights. In his plaint, the appellant / plaintiff has also sought re-appointment with back benefits of the month of February, 2011 to May, 2011. Permanent / perpetual injunctions were also sought for restraining the respondents / defendants from destruction of his service record.

3. The learned trial court summoned the defendants. Defendant No.2 did not appear and was thus placed ex parte vide order dated 09.06.2015, whereas, defendant No.1 appeared and contested the suit by filing written statement, wherein he raised various legal & factual objections. In his written statement, the defendant No.1 also raised objection on jurisdiction of the court, therefore, the case was fixed for arguments on the point of jurisdiction for 31.10.2015, however, the appellant / plaintiff did not appear, as such, his suit was dismissed in default. Later on, the appellant / plaintiff submitted an application for restoration of his suit, which application was allowed and his suit was restored vide order dated 18.04.2016.

4. Out of divergent pleadings of the parties, the learned trial court framed the following issues:

- i. Whether plaintiff has got cause of action?
- ii. Whether suit of the plaintiff is within time?
- iii. Whether this court has got jurisdiction?
- iv. Whether plaintiff has been illegally dropped from his job without any prior notice?
- v. Whether appointment order of plaintiff is totally fake and bogus?
- vi. Whether plaintiff is entitled to his due benefits since February 2011 till May 2011 and onwards?
- vii. Whether plaintiff is entitled to the decree as prayed for?
- viii. Relief.

Shad Ayaz Khan Vs DEO (Male) Bannu & another
(Civil Appeal No. 01 / 13 of 2019)

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Page 2 of 6

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30/11/19

Opponent

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5. After recording pro & contra evidence and hearing arguments of learned counsel for the parties, the learned trial court passed the impugned judgment & decree dated 30.11.2018, holding that the appellant / plaintiff failed to prove his case, as such, his suit was dismissed accordingly. Hence, the appeal in hand.

6. On appearance of respondent No.1, scheduling conference was held, in which they could not reach to a settlement and requested for disposal of the appeal on merits.

7. Arguments heard. Record perused.

8. Learned counsel for the appellant / plaintiff argued that the impugned order / judgment dated 30.11.2018 is against law, facts & material available on the record. That the respondent / defendant No.1 has appointed the appellant / plaintiff through letter dated 24.02.2011, pursuant to which, he assumed charge at GPS Asad Khujari No.1, Bannu on 25.02.2011. That the appellant / plaintiff performed duties from February to May, 2011, but the respondent / defendant No.1 dropped him from service without adopting the prescribed procedure, therefore, such act on the part of respondent No.1 is against the due process of law, as such, ineffective upon rights of the appellant / plaintiff, hence, the appellant / plaintiff deserves to be reinstated in service with back benefits. He requested for acceptance of the appeal in hand, setting aside the impugned judgment & decree dated 30.11.2018 and decreeing the suit of the appellant / plaintiff as prayed for.

District Judge Bannu

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Shad Ayaz Khan Vs DEO (Male) Bannu & another
(Civil Appeal No. 01 / 13 of 2019)

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Lower Courts Bannu

9. Learned Assistant District Attorney on the other hand argued that the appointment letter dated 24.02.2011 is fake, forged & fictitious. That neither charge has been given to the appellant / plaintiff nor his name has ever been mentioned in the attendance register of GPS Asad Khujari No.1, Bannu. That the arrival / charge report so produced by the appellant / plaintiff is also forged and fraudulently prepared by the appellant / plaintiff, which has neither been endorsed nor signed by the concerned headmaster, therefore, the same is of no legal effect. That the endorsement number so mentioned in the alleged appointment letter dated 24.02.2011 i.e. No.8477-80, is of transfer order whereby a Class-IV employee was transferred. That even otherwise, the appellant / plaintiff purporting himself to be a civil servant, so on account of bar contained under Article 212 of the Constitution of the Islamic Republic of Pakistan, 1973, the jurisdiction of civil court has specifically been barred, and on this score too, the suit of the appellant / plaintiff was not maintainable. He requested for dismissal of the appeal in hand.

10. Perusal of record would reveal that the appellant / plaintiff has based his claim on a letter No. 8477-80 dated 24.02.2011 claiming himself to be appointed as Teacher and, as such, he assumed the charge of his duty in the GPS Asad Khojari No.1, Bannu on 25.02.2011. In support of his claim, he produced Muhammad Jameel Head Teacher of GPS Asad Khojari No.1, Bannu as PW-01, who placed on file the extract from the attendance register of the said school as ExPW-1/1. In the said extract from attendance register

District Judge Bannu

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Shad Ayaz Khan Vs DEO (Male) Bannu & another
(Civil Appeal No. 01 / 13 of 2019)

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ExPW-1/1, no attendance of the appellant / plaintiff is marked. During cross-examination, Muhammad Jameel Head Teacher also admitted that in the said document, attendance of the appellant / plaintiff was not marked. The said witness again appeared for cross-examination on 10.10.2017 and in the said cross-examination, learned counsel for the appellant / plaintiff exhibited another extract from attendance register of GPS Asad Khojari No.1, Bannu as ExPW-1/PX1. The appellant / plaintiff is claiming that according to this document, he marked his attendance in the school. The extract of attendance register ExPW-1/1 bear signatures of head master of the school, while the next document ExPW-1/PX1 bear no signature of the head master of the school. So, it can safely be said that the document ExPW-1/PX1 has fraudulently been prepared by the appellant / plaintiff and he has committed forgery. While appearing as PW-2, the appellant / plaintiff produced and placed on file the copy of alleged appointment letter No.8477-80 dated 24.02.2011 as ExPW-2/1. The said document bears no signature of the EDO Elementary & Secondary Education Bannu, however, the next space for signature has been fraudulently signed by the appellant / plaintiff.

11. The respondents / defendants produced Riaz Khan ADEO, Education Office Bannu as DW-01, who in his cross-examination, told that the letter / order bearing No. 8477-80 dated 24.02.2011 is regarding the transfer of one Class-IV employee namely Suleman.

12. The learned trial court considering the above mentioned facts & circumstances of the case and noting the fraud & forgery committed

Shad Ayaz Khan Vs DEO (Male) Bannu & another
(Civil Appeal No. 01/13 of 2019)

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District Judge Bannu

30/11/19

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by the appellant / plaintiff has discussed in detail the evidence available on record while deciding issues No.4, 5 & 6 jointly. Issues No.2, 3, 1 & 7 has also legally & rightly been decided by the learned trial court. Learned counsel for the appellant / plaintiff is unable to point out any illegality, material irregularity or misreading / nonreading in the impugned judgment & decree of the learned trial court. Moreover, in the heading of the plaint, the appellant / plaintiff has claimed himself as a government servant / civil servant. A person claiming to be a civil servant cannot legally bring a claim regarding the terms & conditions of his service to the civil courts, as jurisdiction of all courts in such matters is barred by Article 212 of the Constitution of the Islamic Republic of Pakistan, 1973.

13. Keeping in view the above noted discussion, this court is convinced that the impugned judgment & decree is based on sound reasons and correct appreciation of evidence available on record. Appeal in hand is meritless. The same is dismissed with costs.

14. Requisitioned record be sent back with a copy of this judgment to the quarter concerned. File of this court be consigned to record room after completion & compilation.

Announced
30.11.2019

[Signature]
MUNAWAR KHAN
District Judge, Bannu
District Judge Bannu

CERTIFICATE

Certified that this judgment consists of Six (06) pages. Each page has been read, checked, corrected wherever necessary and signed by me.

[Signature]
MUNAWAR KHAN
District Judge, Bannu
District Judge Bannu

ATTESTED

10 DEC 2019

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Lower Court Bannu

- 1- Registration No: 11625
- 2- Date of Presentation of Application: 9-12-19
- 3- Date of filing of the file: 10-12-19
- 4- Date of Preparation of copy: 10-12-19
- 5- Date of Delivery of copy: 10-12-19
- 6- No. of copies / words: 10725
- 7- Ordinary Fee: 61
- 8- Urgent Fee: 37
- 9- Total Fee: 127

دست لایحه

بهاله جا - فتور خلاصه
13/12/19 2019

شماره آریاز ضامن و له محمد عبدالرازق علیہ السلام
غور لوالہ صلح بنوں

VERSUS

- 1- شرکت ایجنسی (Male Section) صلح بنوں
- 2- شرکت ایجنسی صلح بنوں

اپیل شمارہ نمبر 5411/18
کا دعویٰ مقدمہ نمبر 5411/18
نمبر 30 خارج ہوا ہے

شمارہ آریاز

معدومہ آریاز صلح بنوں
و دیگر فریقین کے درمیان صلح بنوں
کا مقدمہ نمبر 5411/18

[Signature]

District Judge Bannu

ATTESTED

10 DEC 2019

Copying Agency Lower Court Bannu

ORDER-11
30.11.2019

1. The appellant in person alongwith his counsel and representative of respondent No.1 alongwith Assistant District Attorney present.

2. For expeditious disposal of the present /is under Order 9-A Rule 1 CPC, the appeal was fixed for scheduling & conferencing and proforma 'A' was issued accordingly for today.

3. In view of Case Management and scheduling conference for expeditious disposal of instant appeal within the meaning of Order 9 Rule 1 (i) CPC, both the counsel have agreed to argue the case and thus, their arguments were heard and file was gone through their valuable legal assistance.

4. Vide my detailed judgment of even date consisting of 06 pages, appeal in hand is meritless. The same is dismissed with costs.

5. Requisitioned record be sent back with a copy of the judgment / order to the quarter concerned. File be consigned to record room after completion & completion.

Announced
30.11.2019

[Signature]
JUDGE

ATTESTED

10 DEC 2019

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Lower Court Baran

(13)

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53

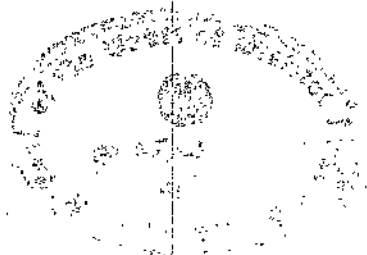
ریسپانڈنٹ

ایڈوائس

نمبر شمار	تفصیل	خرچہ	نمبر شمار	تفصیل
	اسٹامپ اپیل			اسٹامپ اپیل
	مختارہ وکیل			مختارہ وکیل
	خرچہ گواہان			خرچہ گواہان
	فیش کمیشن			فیش کمیشن
	فیش اشتہار			فیش اشتہار
	کورت فیس			کورت فیس
	دیگر	28/-		دیگر
	میزان	28/-		میزان

تاریخ جاری 30/11/19 کو بہت مہر عدالت اور یہ دستخط جاری کیا گیا۔

[Signature]
District Judge Bannu



ATTESTED

10 DEC 2019

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Lower Court Bannu

- 1- Registration No: 11625
- 2- Date of Presentation of Application 9/12/19
- 3- ~~Subject~~ - Part of the file 10/12/19
- 4- Date of Preparation of copy 10/12/19
- 5- Date of Delivery of copy 10/12/19
- 6- No. of copies / words 10/12/19
- 7- Ordinary Fee 3/-
- 8- Urgent Fee 6/-
- 9- Total Fee 6/-
- 10- Signature of Courtist

54

PESHAWAR HIGH COURT,
BANNU BENCH.

FORM 'A'

FORM OF ORDER SHEET

Date of order or proceedings	Order or other proceedings with signature of Judge (s).
(1)	(2)
28.11.2022	<p><u>C.R No.65-B/2020.</u> Present:</p> <p>Mr. Umarzad Shah Bukhari Advocate for petitioner.</p> <p>Mr. Qudrat Ullah Khan Gandapur, Asstt: AG for respondent.</p> <p>***</p> <p><u>MUHAMMAD FAHEEM WALI, J.---</u> AT the very outset the learned counsel for petitioner stated at the bar that since both the courts below have categorically held that the petitioner has throughout himself claimed to be a civil servant and that there is a bar under Article 212 of the Constitution, where jurisdiction of all the courts to entertain matters relating to the terms and conditions of service are expressly and impliedly barred, therefore, no Court, including civil Court shall entertain any dispute which comes exclusively in domain of the respective Service Tribunal.</p>

55

In such view of the matter, learned counsel for petitioner stated at the bar that the petitioner should have been given an opportunity to seek his remedy before the competent forum which happened to be the departmental remedy or proceedings before the Service Tribunal, the request seems to be genuine, therefore, this petition is returned to the petitioner to seek his remedy before the proper forum. This petition is disposed of in the above terms. Office is directed to retain copy of the memo of this petition for the purpose of record and return the original to the petitioner.

Announced.
28.11.2022.

[Handwritten Signature]
JUDGE

[Handwritten Signature]
28/11/2022
29 NOV 2022
[Handwritten Signature]

محکمہ تعلیم و کونسلنگ ڈسٹرکٹ ملتان
درخواست برائے بجائی بطور PST
65-B
2022

صواب علی: مسائل عرض کرتا ہے۔

1 یہ بھی مسائل کو بطور PST تیسرے ترقیاتی کیا گیا

2 یہ بھی مسائل تیسرے ترقیاتی طور پر دیوں دے دیا گیا

3 یہ بھی مسائل کو بعد میں ملازمت سے بیرفاس کیا گیا

4 یہ بھی مسائل نے سول گورنمنٹ میں قدمہ دیا گیا
جو کہ خارج کیا گیا

5 یہ بھی مسائل نے ملازمت حاصل کی
65-B
2020

شاہد آرزو بنام صوبائی فونڈ ڈسٹرکٹ ملتان
نے یہ مسائل کی ڈیپارٹمنٹل اپیل کرنے کا حکم دیا

لیڈ اسسٹنٹ ماسٹر سے کہ جس مسائل کو بجائی کے
ڈسٹرکٹ ملتان کے حکم صادر فرمائیں

30-11-22
شاہد آرزو خان ولد محمد عبد الناز ملتان

Rejected and file

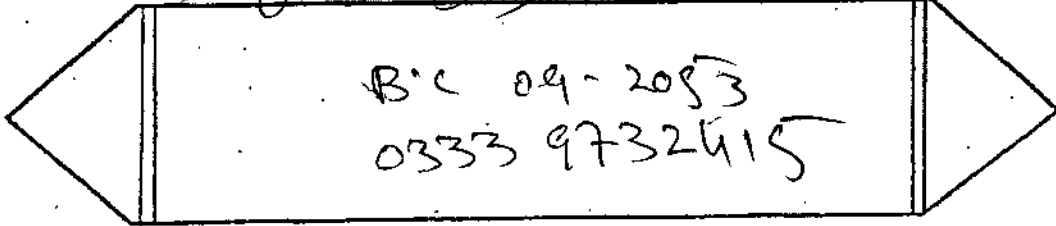
PST
آفسر ڈسٹرکٹ ملتان

shad Ayoob

District Education Officer
(Male) Banna

30/11

بعدالت جناب سندس لٹریٹوٹیل کے تحت



2023ء منجانب

مشاہد یار خان بنام معوصت

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام لڈی حد کیلئے لڈی حد وزیر اعلیٰ اور لڈی حد

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور صولی چیک دروپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق

ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرفہ یا اپیل کی برآمدگی اور منسوخی

نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور

کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار

ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور اس کا ساختہ

پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔

ATTESTED

کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی

Accepted by

مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سند ہے۔

2023
AW

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المرقوم

واہ العی

کے لئے منظور ہے۔

Handwritten signature

بمقام

مشاہد یار خان ولرحد عبدالوہاب زبلی