

E.P. No. 177/2020
Fazal Wahab vs Govt

16.03.2022

Due to retirement of the Hon'able Chairman, the Tribunal is defunct, therefore, the case is adjourned for the same before on 18.05.2022


Reader

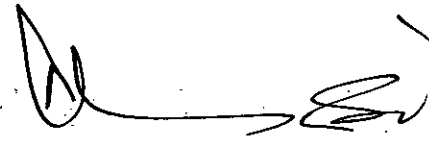
18.05 2022

Appellant in person present. Mr. Muhammad Riaz Khan Pindakhel, Assistant AG alongwith Mr. Bakhtzada, DEO, Battagram and Mr. Wali Rehman, ADEO for the respondents present.

The respondent produced a copy of office order bearing Endst:No. 2620-28/Establishment (P) dated 17.05.2022. Copy of the same is given to the learned counsel for petitioner. Learned counsel submits that he wants to assail this order. As regards the instant execution petition, it is being disposed of being not pressed. Consign

Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal this 18th day of May, 2022.



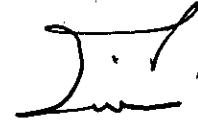


(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

20.01.2022

Petitioner in person present. Mr. Muhammad Ishfaq Khan Jadoon, DEO (Male) Battagram alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Mr. Muhammad Ishfaq Khan Jadoon, DEO (Male) Battagram stated at the bar that he will check the record and will apprise the Tribunal regarding the fate of de-novo inquiry on the next date. Adjourned. To come up for further proceedings on 16.03.2022 before the S.B at Camp Court Abbottabad.



(Safah-ud-Din)
Member (J)

Camp Court A/Abad

EP No. 177/2020

01.12.2021

Clerk of counsel for the petitioner and Mr. Muhammad Riaz Khan Painsakhel, Asstt. AG for the respondents present. Respondents No. 3, 4 and 5 in person present.

The petitioner having at his credit the judgment dated 12.04.2018, submitted the present execution with the underlying grievance against the denovo inquiry. According to operative part of the judgment, his appeal was accepted and he was reinstated in service with liberty to the department to hold denovo enquiry proceedings within a period of ninety days from the date of receipt of the judgment. The issue of back benefits etc was subject to the final outcome of denovo proceedings and rules on the subject.

According to the crux of the submissions made in the implementation petition, the petitioner seeks to take the respondents at task due to their pursuit in denovo enquiry, for his own reason, but the department was bound to hold the denovo inquiry within a period of ninety days from the date of receipt of judgment when liberty was given to it. What is the fate of denovo enquiry proceedings is not known as none is present on behalf of the department. Notice be given to the District Education Officer (M) Battagram for personal attendance on the next date to apprise the Tribunal about the outcome of the denovo enquiry. The petitioner has arrayed the official respondents by name which is not permissible. Therefore, the name of the incumbents Umer Zaman, Iftikharul Ghani be deleted from the panel of respondents and only the DEO (M) Bttagram will remain party by official nomenclature. The respondents No. 3, 4 and 5 have been made party unnecessarily in the garb of petition for initiating the contempt proceedings with reference to any law that how this Tribunal is competent to exercise jurisdiction in the contempt of court laws. Therefore, names of respondents No. 3, 4 and 5 namely Waliur Rehman, Najab Khan and Gul Muhammad are deleted from the panel of respondents. They are in attendance and are relieved from the proceedings. Case to come up on 20.01.2022 before S.B at camp court, Abbottabad.


Chairman

Camp Court, A/Abad

27.09.2021

Clerk of counsel for the petitioner present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Wali-ur-Rehman, ADEO, Mr. Gul Muhammad, Headmaster and Mr. Najib Khan, Headmaster for respondents

Clerk of counsel for the petitioner submitted an application for adjournment alongwith cause list of Peshawar High Court, Abbottabad Bench wherein learned counsel for the appellant was busy before the Peshawar High Court, Abbottabad Bench in other cases. Adjourned. To come up for further proceedings before the S.B on 02.11.2021.


(MIAN MUHAMMAD)
MEMBER (E)

02.11.2021

Counsel for the petitioner and Mr. Muhammad Adeel Butt, Addl. AG alongwith Najab Khan, Headmaster and Gul Muhammad, Headmaster for the respondents present.

An application has been submitted on behalf of the respondents for transfer of the Execution Petition to Camp Court Abbottabad. Request is accorded. Case to come up on 02.12.2021 before the S.B at camp court, Abbottabad.


Chairman

COC Petition No. 177/2020

07.07.2021

Petitioner alongwith counsel and Mr. Muhammad Adeel Butt, Addl. AG alongwith Waliur Rehman, ADEO, Najab Khan and Gul Muhammad, Headmasters for the respondents present.

Learned counsel for the petitioner seeks time to prepare arguments on the point of maintainability of instant Contempt of Court Petition. Adjourned to 23.08.2021 before S.B.


Chairman

23.08.2021

Petitioner present. Mr. Wali-ur-Rehman, ADEO, Najab Khan and Gul Muhammad, Headmasters alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.


Petitioner requested for adjournment on the ground that his counsel is ill. Adjourned. To come up for arguments on maintainability of the present petition on 27.09.2021 before the S.B.


(SALAH-UD-DIN)
MEMBER (J)

27.01.2021

Petitioner is present alongwith his counsel. Mr. Kabirullah Khattak, Additional Advocate General, and respondents No. 1 to 5 are also present in person.

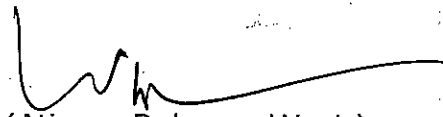
File to come up for reply on behalf of respondents on 29.03.2021 before S.B.


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

29.03.2021

Counsel for the petitioner and Addl. AG for the respondents present. Respondents No. 1 & 3 to 5 in person also present.

Respondent No. 1 has submitted separate parawise comments/reply while respondents No. 3 to 5 have furnished their joint parawise comments. Placed on record. Learned counsel for the appellant requested for time to go through the same. To come up for arguments on 01.06.2021 before S.B.


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

01.06.2021

Petitioner in person and Addl. A.G alongwith Waliur Rehman, ADO, Gul Muhammad and Najab Khan, Head Masters present for the respondents present.




Petitioner submitted an application for adjournment alongwith cause list which shows that learned counsel for the petitioner is busy before the Hon'ble Peshawar High Court, Abbottabad Bench today. To come up for arguments on 07.07.2021 before S.B.


Chairman

FORM OF ORDER SHEET

Court of _____

Execution Petition No. 177 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	18.12.2020	<p>The Execution Petition submitted by Mr. Fazal Wahab through Syed Waqas Naqvi Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR 18/12/2020</p>
2-	22.12.2020	<p>This Execution Petition be put up before S. Bench on <u>22/12/20</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Petitioner present through counsel.</p> <p>Respondents be put on notice for 27.01.2021 before S.B.</p> <p style="text-align: right;"> (Rozina Rehman) Member (J)</p>



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)

EMAIL: emisbattagram@gmail.com **BATTAGRAM** PHONE NO: 0997543540&539



OFFICE ORDER

WHEREAS you Mr. Fazal Wahab s/o Rahimullah R/O Rashang Tehsil Allai , District Battagram transferred against the post of PST at GPS Faqero Allai were proceeded for having inducted yourself in this (E&SE) Département through fabricated / fake and bogus appointment order not issued by the lawful authority and having no legal sanctity.

AND WHEREAS you filed Writ Petition No: 704-A/2016 in which the Honorable Peshawar High Court Abbottabad Bench has decided on 22-03-2018 which is reproduced as under:

"Perusal of the case record would show that the very appointment order of the petitioner has been declared fake and bogus by the respondents. When the petitioner's appointment is fake, then it makes no sense for him to pray this Court for directing the respondents to pay him the desired salaries. For what has been discussed above, this petition, being bereft of any merit is hereby dismissed."

AND WHEREAS you filed W.P No. 704-A/2016 in the year 2016 and decided on 22-03-2018 at Honorable Peshawar High Court Abbottabad Bench & Service appeal No: 572/2017 in the year 2017 and decided on 12-04-2018, both cases were running at the same time which is illegal, after dismissal of your W.P No. 704-A/2016 you were not eligible to peruse your same nature case in Service Tribunal because next higher Court is August Supreme Court of Pakistan.

AND WHEREAS after completion of due process under E&D Rules 2011 the then DEO (Male) Battagram declared your appointment order as "NULL AND VOID" under Endstt: No: 18899-18907 dated 09-12-2016 due to fake/bogus/fabricated / not issued by the lawful authority.

AND WHEREAS you filed appeal against the said order to the competent authority i.e Director E&SE KP Peshawar which was rejected vide order No: 833-34 dated 05-04-2017.

AND WHEREAS you filed appeal in Khyber Pakhtunkhwa Service Tribunal Peshawar under Civil Appeal No: 572/2017.

AND WHEREAS the Honorable Service Tribunal passed judgment dated 12-04-2018 with the direction to conduct denovo proceedings.

AND WHEREAS in the light of Judgment Re-Instatement order was issued vide No:5526-30 dated 28-05-2018 for the purpose of denovo inquiry.

AND WHEREAS denovo inquiry notification was issued vide Endstt: No: 5506-12 dated 28-05-2018.

AND WHEREAS the inquiry committee submitted report vide No: 517 dated 02-08-2018 with the recommendation in your favor.

AND WHEREAS however after revelation from office record as well as during NAB Inquiry on 05 & 06-Nov-2018 , the fist inquiry and denovo inquiry were conducted by the same officers with different / contradictory recommendations, the competent authority declared the denovo inquiry as defective and declared Release of Pay order as "NULL & VOID" vide No: 12945-50 dated 09-11-2018 and legal proceeding were started against the inquiry officers by Secretary E&SE KP Peshawar vide No: SO(SM)E&SED 1-1/2020/WP No.5892/Fazl Wahab dated 30-07-2020.

AND WHEREAS subsequently another notification for conducting fresh inquiry was issued vide No: 4681-85 dated 09-08-2019. The inquiry committee submitted report vide Diary No:1787 dated 30-06-2020 wherein they recommended to take legal disciplinary actions against fake and bogus PST i.e Mr. Fazal Wahab.

AND WHEREAS in the light of inquiry report the case has been sent to ACE Anticorruption Battagram due to huge loss occurred to Government exchequer / treasury vide letter No: 5401 – 06 dated 11-08-2020.

[Handwritten signature and date]
17/5/2022

AND WHEREAS Secretary E&SE Department KP Peshawar directed DEO (M) Battagram vide letter No: SO(SM)E&SED 1-1/2020/WP No.5892/Fazl Wahab dated 30-07-2020 to decide the case of fake appointment of Mr. Fazal Wahab in the light of enquiry report submitted on 30-06-2020.

AND WHEREAS you filed W.P No: 1002-A/2020 in Honorable Peshawar High Court Abbottabad Bench prayed for setting aside the impugned letter / order dated 11-08-2020 along with report of the enquiry committee dated 30-06-2020.

AND WHEREAS judgment was passed in Honorable Peshawar High Court Abbottabad Bench in W.P. No. 1002-A/2020 dated 24-11-2020 which is reproduced as under:

"Let the petitioner be paid his monthly salaries / arrears till he is proceeded under the efficiency and disciplinary Rules, to be followed by further order of the competent authority. The petitioner is, however, at liberty that, if all the outcome of the enquiry under the Efficiency & Disciplinary rules leads to his termination, he may prefer fresh petition, challenging his termination order in accordance with law."

AND WHEREAS in the light of the directions of Honorable High Court Abbottabad bench in W.P No. 1002-A/2020 dated 24-11-2020 which is reproduced in above para, the competent authority i.e DEO (Male) Battagram served Showcause notice upon you vide No: 8401-6 dated 26-11-2020.

AND WHEREAS your unsatisfactory reply was received on 03-12-2020 after that you were called for personal hearing on 17-12-2020 vide letter No: 8696-98 dated 07-12-2020 but you failed to appear before the competent authority.

NOW THEREFORE in the light of enquiry report submitted vide Diary No: 1787 dated 30-06-2020, findings & Proceedings initiated against you on the directions of Honorable Peshawar High Court Abbottabad Bench in W.P No. 1002-A/2020 dated 24-11-2020 & supporting documentary evidence / record placed on file is more than sufficient, hence the undersigned being Competent Authority is of the opinion that your fake / bogus / fabricated appointment order is once again declared as "NULL & VOID / VOID AB INITIO".

District Education Officer (M)
Battagram

Endstt: No: 2620-28 / Establishment (P) Dated 17/05/2022.

Copy forwarded to the:

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. Director Anticorruption Khyber Pakhtunkhwa Peshawar.
3. Registrar Peshawar High Court Abbottabad Bench.
4. Deputy Commissioner Battagram.
5. District Accounts Officer Battagram.
6. District Monitoring Officer EMA Battagram.
7. Sub Divisional Education Officer (M) Allai with the direction to serve & implement the order accordingly.
8. Fazal Wahab s/o Rahimullah R/O Rashang Tehsil Allai District Battagram.
9. Office copy.

District Education Officer (M)
Battagram

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

COC No. 177/20

Fazal Wahab **Versus** Umer Zaman & others

Contempt Petition

INDEX

S#	Description	Page No.	Annexure
1	Contempt Petition alongwith affidavit	1 to 13E1	
3	Copy of the Appointment letter and Service book	14-23	"A" & "A1"
4	Copies of show case notice dated 09-08-2016 and reply	24-27	"B" & "B1"
5	Copy of the office order dated 09-12-2016	28-29	"C"
6	Copies of departmental appeal and order dated 03-04-2017	30-32	"D" & "D1"
7	Copies of Service appeal and order dated 12-04-2018	33-41	"E" & "E1"
8	Copies of the inquiry report dated 02-08-2018 and reinstatement order dated 28-05-2018	42-45	"F" & "F1"
9	Copy of the list	46-47	"G"
10	Copy of letter 08-11-2018	48	"H"
11	Copy of writ petition and order dated 19-02-2020	49-66	"I"
11	Copies of the applications	67-71	"J"
12	Copy of the Source II	72-75	"K"
13	Copy of the Letter dated 11-08-2020 and inquiry report	76-91	"L" & "L1"
14	Attested copy of writ petition and order dated 24-11-2020	92-103	"M" & "M1"
15	Copy of show cause notice dated 26-11-2020	104	N
16	Wakalat Nama	105	

Dated: 17-12-2020

...Petitioner

Through
Syed Waqas Naqvi
Syed Waqas Naqvi

&

Syed Qurban Gillani
Advocates High Court
Abbottabad.

Syed Qurban Gillani

BEFORE THE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL, PESHAWAR

Fazal Wahab Versus Umer Zaman & others

COC No. 117/2020

Content Petition

INDEX

#	Description	Page No.	Annexure
1	Content Petition alongwith affidavit	1 to 13	
2	Copy of the Appointment letter and Service book	14-32	"A" & "A1"
3	Copies of show cause notice dated 09-08-2018 and reply	33-37	"B" & "B1"
4	Copy of the office order dated 09-12-2018	38-39	"C"
5	Copies of departmental appeal and order dated 03-04-2017	40-42	"D" & "D1"
6	Copies of Service appeal and order dated 12-04-2018	43-44	"E" & "E1"
7	Copies of the inquiry report dated 02-08-2018 and reinstatement order dated 28-02-2018	45-47	"F" & "F1"
8	Copy of the list	48-49	"G"
9	Copy of letter 08-11-2018	50	"H"
10	Copy of writ petition and order dated 10-02-2020	51-52	"I"
11	Copies of the applications	53-54	"J"
12	Copy of the Source II	55-56	"K"
13	Copy of the Letter dated 11-08-2020 and inquiry report	57-58	"L" & "L1"
14	Attested copy of writ petition and order dated 24-11-2020	59-60	"M" & "M1"
15	Copy of show cause notice dated 26-11-2020	61	"N"
16	Wakalat Nama	62	

Dated: 17-12-2020

...Petitioner

Through -
 Syed Wasim Nadeem
 &
 Syed Qur'an Gillani
 Advocates High Court
 Peshawar.



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)

EMAIL: emisbattagram@gmail.com **BATTAGRAM** PHONE NO: 0997543540&539



OFFICE ORDER

WHEREAS you Mr. Fazal Wahab s/o Rahimullah R/O Rashang Tehsil Allai , District Battagram transferred against the post of PST at GPS Faqero Allai were proceeded for having inducted yourself in this (E&SE) Department through fabricated / fake and bogus appointment order not issued by the lawful authority and having no legal sanctity.

AND WHEREAS you filed Writ Petition No: 704-A/2016 in which the Honorable Peshawar High Court Abbottabad Bench has decided on 22-03-2018 which is reproduced as under:

"Perusal of the case record would show that the very appointment order of the petitioner has been declared fake and bogus by the respondents. When the petitioner's appointment is fake, then it makes no sense for him to pray this Court for directing the respondents to pay him the desired salaries. For what has been discussed above, this petition, being bereft of any merit is hereby dismissed."

AND WHEREAS you filed W.P No. 704-A/2016 in the year 2016 and decided on 22-03-2018 at Honorable Peshawar High Court Abbottabad Bench & Service appeal No: 572/2017 in the year 2017 and decided on 12-04-2018, both cases were running at the same time which is illegal, after dismissal of your W.P No. 704-A/2016 you were not eligible to peruse your same nature case in Service Tribunal because next higher Court is August Supreme Court of Pakistan.

AND WHEREAS after completion of due process under E&D Rules 2011 the then DEO (Male) Battagram declared your appointment order as "NULL AND VOID" under Endstt: No: 18899-18907 dated 09-12-2016 due to fake/bogus/fabricated / not issued by the lawful authority.

AND WHEREAS you filed appeal against the said order to the competent authority i.e Director E&SE KP Peshawar which was rejected vide order No: 833-34 dated 05-04-2017.

AND WHEREAS you filed appeal in Khyber Pakhtunkhwa Service Tribunal Peshawar under Civil Appeal No: 572/2017.

AND WHEREAS the Honorable Service Tribunal passed judgment dated 12-04-2018 with the direction to conduct denovo proceedings.

AND WHEREAS in the light of Judgment Re-Instatement order was issued vide No:5526-30 dated 28-05-2018 for the purpose of denovo inquiry.

AND WHEREAS denovo inquiry notification was issued vide Endstt: No: 5506-12 dated 28-05-2018.

AND WHEREAS the inquiry committee submitted report vide No: 517 dated 02-08-2018 with the recommendation in your favor.

AND WHEREAS however after revelation from office record as well as during NAB Inquiry on 05 & 06-Nov-2018 , the fist inquiry and denovo inquiry were conducted by the same officers with different / contradictory recommendations, the competent authority declared the denovo inquiry as defective and declared Release of Pay order as "NULL & VOID" vide No: 12945-50 dated 09-11-2018 and legal proceeding were started against the inquiry officers by Secretary E&SE KP Peshawar vide No: SO(SM)E&SED 1-1/2020/WP No.5892/Fazl Wahab dated 30-07-2020.

AND WHEREAS subsequently another notification for conducting fresh inquiry was issued vide No: 4681-85 dated 09-08-2019. The inquiry committee submitted report vide Diary No:1787 dated 30-06-2020 wherein they recommended to take legal disciplinary actions against fake and bogus PST i.e Mr. Fazal Wahab.

AND WHEREAS in the light of inquiry report the case has been sent to ACE Anticorruption Battagram due to huge loss occurred to Government exchequer / treasury vide letter No: 5401 – 06 dated 11-08-2020.

[Handwritten signature and date]
17/5/2020

BEFORE THE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL, PESHAWAR

COC No. 177/20

Fazal Wahab S/o Rahimullah R/o Rashang, Tehsil & Alai, District
Battagram.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1068

Dated 18/12/2020

.....PETITIONER

Versus

- Deleted vide order dated Respondent No 2 etc.*
1. ✓ ~~Umer Zaman~~ District Education Officer (Male) Battagram
 2. ✓ Ifakhar ul Ghani Ex District Education Officer (Male) Battagram
 3. ✓ Wali-ur Rehman (Assistant District Education Officer Male, Battagram
 4. ✓ Najab Khan, Headmaster GHS Battagram, Battagram
 5. ✓ Gul Muhammad, Headmaster GHS Gijbori, Battagram

[Handwritten signatures]

.....RESPONDENTS/CONTEMNORS

PETITION FOR INITIATING CONTEMPT PROCEEDINGS
AGAINST THE RECONDENTS FOR DISOBEYING AND
DISREGARDING THE ORDER PASSED BY THIS HON'ABLE
SERVICE TRIBUNAL IN SERVICE APPEAL NO. 572/17 DATED
14-12-2018 AND IMPLEMENTATION OF ORDER.

RESPECTFULLY SHEWETH:

FACTS

1. That the petitioner was appointed as Primary School Teacher (PST) on 06-07-2008 in

BEFORE THE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL, PESHAWAR

COC No. _____

Fazal Wahid S/o Raimullah R/o Rasband, Tehsil & Aial District

Battagram

.....PETITIONER

Versus

1. Umar Zaman District Education Officer (Male) Battagram

2. Ifkhar ul Gani Ex District Education Officer (Male)

Battagram

3. Wali-ur-Rehman (Assistant District Education Officer

Male, Battagram

4. Najib Khan, Headmaster GHS Battagram, Battagram

5. Gul Muhammad, Headmaster GHS Gilloji, Battagram

6. District Education Officer (M) Battagram

.....RESPONDENTS/CONTENDERS

PETITION FOR INITIATING CONTEMPT PROCEEDINGS
AGAINST THE RESPONDENTS FOR DISOBEYING AND
DISREGARDING THE ORDER PASSED BY THIS HON'BLE
SERVICE TRIBUNAL IN SERVICE APPEAL NO. 5737 DATED
14-12-2018 AND IMPLEMENTATION OF ORDER.

RESPECTFULLY SHEWETH:

FACTS

1. That the petitioner was appointed as Primary School Teacher (PST) on 08-07-2008 in

education department at District Battagram. (Copy of the Appointment letter and Service book of the petitioner is annexed as Annexure "A" & "A1")

2. That after serving in the department for more than seven long years, petitioner was served with a show cause notice dated 09-08-2016 by the District Education Officer (Male) Battagram on the ground that his appointment order is fake and bogus, petitioner replied to the show cause notice dated 09-08-2016.

(Copies of show case notice dated 09-08-2016 and reply are annexed as Annexure "B" & "B1")

3. That vide office order dated 09-12-2016, the appointment order of the petitioner was declared as fake and bogus. **(Copy of the office order dated 09-12-2016 is annexed as Annexure "C".)**

4. That feeling aggrieved, petitioner filed departmental appeal before the appellate authority which was dismissed vide order dated 03-04-2017.

(Copies of departmental appeal and order dated 03-04-2017 are annexed as Annexure "D" & "D1".)

5. That the petitioner filed service appeal before the KPK Service Tribunal against the orders passed by respondent No.2 and 3 which was allowed

education department at District Battagram
(Copy of the Appointment letter and Service book
of the petitioner is annexed as Annexure "A" &
A1"

2. That after serving in the department for more
than seven long years, petitioner was served with
a show cause notice dated 09-08-2016 by the
District Education Officer (Male) Battagram on
the ground that his appointment order is fake and
 bogus, petitioner replied to the show cause
notice dated 09-08-2016
(Copies of show cause notice dated 09-08-2016
and reply are annexed as Annexure "B" &
"B1")

3. That vide office order dated 09-12-2016, the
appointment order of the petitioner was declared
as fake and bogus (Copy of the office order
dated 09-12-2016 is annexed as Annexure
"C").

4. That feeling aggrieved, petitioner filed
departmental appeal before the appellate
authority which was dismissed vide order dated
03-04-2017.
(Copies of departmental appeal and order dated
03-04-2017 are annexed as Annexure "D" &
"D1").

5. That the petitioner filed service appeal before the
KPK Service Tribunal against the orders passed
by respondent No 2 and 3 which was allowed

vide order dated 12-04-2018 with direction to the respondents No.2 and 3 qua denovo inquiry/proceedings within a period of ninety days.

(Copies of Service appeal and order dated 12-04-2018 are is annexed as Annexure "E" & "E1".)

6. That denovo inquiry was conducted by respondent No.2, as result of which, petitioner was exonerated from charges / allegation levelled against him and accordingly, was reinstated in service.

(Copies of the inquiry report dated 02-08-2018 and reinstatement order dated 28-05-2018 are is annexed as Annexure "F" & "F1".)

7. That it is also pertinent to mention here that in respect of the same allegations i.e of being "Ghost employee" of education department, a reference No. 07/2017 titled "Ayaz Qureshi & others Vs State is also pending adjudication before the Hon'able Accountability court II, Peshawar in which the petitioner is at serial No.8 of the list. After the order of worthy Service Tribunal Peshawar and exoneration in enquiry conducted by respondent No.2, petitioner moved an application under sec 265 K Cr.Pc for his acquittal before the accountability court thereafter, respondent No.3 was pressurised by the NAB authorities because of the reference pending before the accountability court.

(Copy of the list is annexed as Annexure "G".)

vide order dated 12-04-2018 with direction to the respondents No.2 and 3 and 3 days of ninety days.

(Copies of service appeal and order dated 12-04-2018 are annexed as Annexure "E" & "F".)

8. That debarment duty was conducted by respondent No.2, as result of which, petitioner was exonerated from charges & allegation levelled against him and accordingly, was reinstated in service.

(Copies of the inquiry report dated 02-08-2018 and reinstatement order dated 28-02-2018 are annexed as Annexure "F" & "G".)

7. That it is also pertinent to mention here that in respect of the same allegations as of being "Ghost employee" of education department, a reference No. 07/2017 titled Ayaaz Qureshi & others Vs State is also pending adjudication before the Hon'ble Accountability court. II. Petitioner in which the petitioner is at serial No 8 of the list. After the order of worthy Service Tribunal Petitioner and exoneration in inquiry conducted by respondent No.2, petitioner moved an application under sec 265 K CrPc for his reduttal before the accountability court thereafter respondent No 3 was reassured by the NAB authorities because of the reference pending before the accountability court.

(Copy of the list is annexed as Annexure "G".)

8. That upon the undue co-ercion, influence and pressure of the NAB officials against the mandate of rules, respondent No.3 vide letter dated 08-11-2018 stopped the salary/pay of the petitioner.

(Copy of letter 08-11-2018 is annexed as Annexure "H".)

9. That feeling aggrieved by the illegal act of the respondent No.2 and NAB officials, petitioner filed a writ petition before the Hon'able Peshawar High Court at Principle seat which was allowed vide order dated 19-02-2020 and the impugned order dated 08-11-2018 passed by D.E.O Male Battagram was declared illegal and as result of undue influence of NAB.

(Copy of writ petition and order dated 19-02-2020 is annexed as Annexure "I".)

10. That after the order of Hon'able Peshawar High Court, respondent No.2 again ordered for the release of pay of the petitioner vide order dated 29-04-2020.

(Copy of pay release order dated 29-04-2020 is annexed as Annexure "j 1")

11. That during the pendency of above mentioned writ petition before the Hon'able High Court, petitioner was regularly performing his duties at GPS Faqiro Allai but respondent No.7 illegally prohibited at behest of respondent No.3 the petitioner from discharging his duties without any written order upon which petitioner moved

8. That upon the undue co-ercion, influence and pressure of the NAB officials against the mandate of rules, respondent No.3 vide letter dated 08-11-2018 stopped the salary of the petitioner

(Copy of letter 08-11-2018 is annexed as Annexure "H".)

9. That being aggrieved by the illegal act of the respondent No.2 and NAB officials, petitioner filed a writ petition before the Hon'ble Peshwar High Court at Principle seat which was allowed vide order dated 19-02-2020 and the impugned order dated 08-11-2018 passed by D.E.O Male Balistan was declared illegal and as result of undue influence of NAB

(Copy of writ petition and order dated 19-02-2020 is annexed as Annexure "I".)

10. That after the order of Hon'ble Peshwar High Court respondent No.3 again ordered for the release of pay of the petitioner vide order dated 28-04-2020

(Copy of pay release order dated 28-04-2020 is annexed as Annexure "J".)

11. That during the pendency of above mentioned writ petition before the Hon'ble High Court petitioner was regularly performing his duties as G.P.S Fardio Allah but respondent No.2 illegally prohibited at best of respondent No.3 the petitioner from discharging his duties without any written order upon which petitioner moved

application to the Deputy Commissioner Battagram and District Monitoring Officer Battagram but no action had been taken upon the application of the petitioner.

(Copies of the applications are annexed as Annexure "J".)

12. That the respondent illegally withheld the salary of petitioner for the period of seven months i.e October 2019 to April 2020 without any legal justification.

(Copy of the Source II is annexed as Annexure "K")

13. That after the order of Hon'able Court dated 19-02-2020, respondent No.3 transferred the petitioner against the vacant post of SPST BPS-14 at GPS Dumrai, Allai while releasing his salary. Petitioner was regularly performing his duties at GPS Dumrai since his transfer when he came to know that respondent No.3 constituted another inquiry committee comprising of respondents No.4 to 6 for action against the petitioner as fake employee. The committee without any giving notice to the petitioner and without giving any proper opportunity of hearing and in contradiction of Efficiency and Discipline Rules finalized the report and submitted it to the respondent No.2 on 30-06-2020 whereafter respondent No.2 illegally referred the case to Anti Corruption establishment vide order dated 11-08-2020 to further probe and initiate inquiry against the petitioner and pay / salary of the petitioner was again stopped.

application to the Deputy Commissioner
Battaram and District Monitoring Officer
Battaram but no action had been taken upon

the application of the petitioner
(Copies of the applications are annexed as
Annexure "J").

12. That the respondent illegally withheld the salary
of petitioner for the period of seven months i.e.
October 2019 to April 2020 without any legal
justification.
(Copy of the source II is annexed as Annexure
"K")

13. That after the order of Hon'ble Court dated 19-
02-2020, respondent No.3 transferred the
petitioner against the vacant post of SPST BPS-
14 at GRS Durai. Allis while releasing his
salary Petitioner was regularly performing his
duties at GRS Durai since his transfer when he
came to know that respondent No.3 constituted
another inquiry committee comprising of
respondent No.4 to 6 for action against the
petitioner as take employee. The committee
without any giving notice to the petitioner and
without giving any proper opportunity of hearing
and in contradiction of Efficiency and Discipline
Rules finalized the report and submitted it to the
respondent No.2 on 30-06-2020 whereafter
respondent No.2 illegally referred the case to
Anti Corruption establishment vide order dated
11-08-2020 to further probe and initiate inquiry
against the petitioner and pay a salary of the
petitioner was again stopped

(Copy of the Letter dated 11-08-2020 is annexed as Annexure "L")

14. That feeling aggrieved of the aforementioned situation, the petitioner invoked the jurisdiction of the Hon'able Peshawar High Court Abbottabad Bench which was disposed off vide order dated 24-11-2020 and respondents were directed to pay all the arrears to the petitioner and to release the monthly salary and to proceed in accordance with Efficiency and Discipline Rules.

(Attested copy of writ petition and order dated 24-11-2020 is annexed as Annexure "M", "M1")

15. That again the petitioner was served with show cause notice by the respondent No.2 on the pretext of fake and bogus appointment which matter has already been decided by this Hon'able Tribunal vide order dated 12-04-2018 whereby on the basis of same allegations, petitioner was re-instated in service.

(Copy of show cause notice dated 26-11-2020 is annexed as Annexure "N")

16. That feeling aggrieved of the aforementioned situation, petitioner is left with no other option except to invoke the jurisdiction of this Hon'able Tribunal for initiating contempt proceedings against the respondents for disobeying, disregarding and acting in violation of the directions already passed by this Hon'able tribunal dated 12-04-2018 interalia on the strength of following grounds amongst others.

(Copy of the letter dated 11-08-2020 is annexed as Annexure "L")

14. That feeling aggrieved of the aforementioned situation, the petitioner invoked the jurisdiction of the Hon'ble Peshwar High Court Abbottabad Bench which was disposed off vide order dated 24-11-2020 and respondents were directed to pay all the arrears to the petitioner and to release the monthly salary and to proceed in accordance with Efficiency and Discipline Rules.

(Attested copy of writ petition and order dated 24-11-2020 is annexed as Annexure "M", "M1")

15. That again the petitioner was served with show cause notice by the respondent No.2 on the pretext of fake and bogus appointment which matter had already been decided by this Hon'ble Tribunal vide order dated 12-04-2018 whereby on the basis of same allegations, petitioner was re-instated in service.

(Copy of show cause notice dated 20-11-2020 is annexed as Annexure "N")

16. That feeling aggrieved of the aforementioned situation, petitioner is left with no other option except to invoke the jurisdiction of this Hon'ble Tribunal for initiating contempt proceedings against the respondents for disobeying directions already passed by this Hon'ble Tribunal dated 12-04-2018 inter alia on the strength of following grounds amongst others.

GROUNDS

- A.** That the act of the respondents to victimise the petitioner again and again on the pretext of fake and bogus appointment is illegal, unlawful, arbitrary, hence indulgence of this Hon'able Tribunal is sought to remedy the situation.

- B.** That the act of the respondents is perverse and against the guaranteed rights hence liable to turn down.

- C.** That the respondents have committed gross contempt of this Honourable Tribunal by not complying with the directions / order dated 12-04-2018. The conduct of the contemnors / respondents is highly contemptuous, contumacious and regrettable who despite clear cut orders of this Honourable Tribunal is again and again victimising the petitioner on the same allegation.

- D.** That the impugned illegal act of the respondents regarding the stoppage of pay and constitution of new inquiry committee vide notification No. 2280-82 dated 11-05-2020 is against the law, illegal, without lawful authority hence liable to be stuck down.

GROUNDS

A. That the act of the respondents to victimise the petitioner again and again on the pretext of fake and bogus appointment is illegal, unlawful, arbitrary, hence indugance of this Hon'ble Tribunal is sought to remedy the situation.

B. That the act of the respondents is perverse and against the guaranteed rights hence liable to run down.

C. That the respondents have committed gross contempt of this Honourable Tribunal by not complying with the directions / order dated 12-04-2018. The conduct of the respondents / respondents is highly contemptuous, contumacious and respectable who despite clear cut orders of this Honourable Tribunal is again and again victimising the petitioner on the same allegation.

D. That the impugned illegal act of the respondents regarding the stoppage of pay and constitution of new industry committee vide notification No 2280-82 dated 11-05-2020 is against the law, illegal without lawful authority hence liable to be struck down.

E. That the act of the respondents is against the article 4 & 10 A of constitution of Islamic Republic of Pakistan.

F. That it is also indispensable to submit that the order dated 11-08-2020 issued by the respondent No.2 does not hold any water because the petitioner has already been reinstated by the Hon'able Service Tribunal, Peshawar and upon the directions of the tribunal the denovo inquiry/ proceedings were conducted and the petitioner was exonerated from all the charges and was reinstated with all the back benefits. When a person is exonerated from charges and the order of Hon'able KPK Service Tribunal has attained the finality, the competent authority who issue the order becomes functus officio and he is unauthorise to take back such order but in the present case, the letter dated 11-08-2020 issued by the respondent No.2 and further the show cause notice on the basis of an illegal inquiry is against the mandate of the law and rules and sheer violation of the fundamental rights of the petitioner thus liable to be turned down.

G. That denovo inquiry was conducted upon the directions of the competent court i.e Service Tribunal which has not been challenged by the respondents thus it has attained finality. Respondents in the utter disregard of the order of the worthy Service Tribunal again issued impugned letter dated 11-08-2020 whereby Anti-Corruption Establishment was requested to initiate the inquiry against the petitioner and also

E. That the act of the respondents is against the article 4 & 10 A of constitution of Islamic Republic of Pakistan.

F. That it is also indispensable to submit that the order dated 17-08-2020 issued by the respondent No.2 does not hold any water because the petitioner has already been reinstated by the Hon'ble Service Tribunal Peshawar and upon the directions of the tribunal the de novo inquiry proceedings were conducted and the petitioner was exonerated from all the charges and was reinstated with all the back benefits. When a person is exonerated from charges and the order of Hon'ble KPK Service Tribunal has attained the finality, the competent authority who issues the order becomes functus officio and he is unauthorized to take back such order but in the present case, the letter dated 17-08-2020 issued by the respondent No.2 and further the show cause notice on the basis of an illegal inquiry is against the mandate of the law and rules and sheer violation of the fundamental rights of the petitioner thus liable to be turned down.

G. That de novo inquiry was conducted upon the directions of the competent court i.e. Service Tribunal which has not been challenged by the respondents thus it has attained finality. Respondents in the utter disregard of the order of the worthy Service Tribunal again issued impugned letter dated 17-08-2020 whereby Anti-Corruption Establishment was requested to initiate the inquiry against the petitioner and also

stopped the salary of the petitioner. Such act of the respondents being illegal is not sustainable in the eyes of law and by doing so the respondents have committed gross contempt of this Hon'able Tribunal

- H. That the petitioner is entitled for all the unpaid salary from October 2019 to April 2020 because the petitioner was unlawfully stopped by the respondent from coming to school and discharge his duties without any fault on his part.
- I. That the petitioner has always performed his duties with utmost devotion, dedications, zeal and zest and did not give any complaint to his superiors.
- J. That it is also pertinent to mention that already a reference regarding the same matter is pending before the accountability court Peshawar which is yet to be decided. But the respondent No.3 illegally constituted inquiry committee on the same pretext against the petitioner which falls under double jeopardy.
- K. That the Hon'able Peshawar High Court in writ petition No. 5893 P /2019 filed by the petitioner has already declared the act of respondent No.2 regarding the stoppage of the salary of the petitioner illegal, without lawful authority and as result of undue influence of NAB authorities.
- L. That the whole proceedings after the order dated 12-04-2018 carried out by the respondents are illegal, without lawful authority and in violation of

stopped the salary of the petitioner. Such act of the respondents being illegal is not sustainable in the eyes of law and by doing so the respondents have committed gross contempt of this Hon'ble

Tribunal

H. That the petitioner is entitled for all the unpaid salary from October 2019 to April 2020 because the petitioner was unlawfully stopped by the respondent from coming to school and discharge his duties without any fault on his part.

I. That the petitioner has always performed his duties with utmost devotion, dedication, zeal and zest and did not give any complaint to his superiors.

J. That it is also pertinent to mention that already a reference regarding the same matter is pending before the accountability court Peshawar which is yet to be decided. But the respondent No. 3 illegally constituted inquiry committee on the same pretext against the petitioner which falls under double jeopardy.

K. That the Hon'ble Peshawar High Court in writ petition No. 5893 P 12019 filed by the petitioner has already decided the act of respondent No. 3 regarding the stoppage of the salary of the petitioner illegal, without lawful authority and as result of undue influence of NAB authorities.

L. That the whole proceedings after the order dated 12-04-2018 carried out by the respondents are illegal without lawful authority and in violation of

rules on the subject. Hence not sustainable in the eyes of law. Neither charge sheet was framed and served upon the petitioner nor petitioner was afforded any fair opportunity of hearing. Thus the whole proceedings order is against the provisions of KPK efficiency and discipline rules, 2011.

M. That whole proceedings including the impugned show cause notice dated 26-11-2020 is against the law rules and policy on the subject and as a result of personal grudges of the respondents with the petitioner hence not tenable in the eyes of laws.

N. That the petitioner has unblemished service record and has served the department more than 11 years with utmost devotion which created vested rights in the favour of petitioner and cannot be taken away in harsh manner under the principle of the locus potentiae.

O. That the impugned illegal act of the respondents by again and again stopping the salary of the petitioner and holding fresh inquiries on the pretext of fake and bogus appointment is against the principles of natural justice and falls under double jeopardy which is not warranted by the Constitution of Islamic Republic of Pakistan.

P. That the impugned illegal act of the respondent No.3 is against the judgments passed by the superior courts on the subject.

rules on the subject. Hence not sustainable in the eyes of law. Neither charge sheet was framed and served upon the petitioner nor petitioner was afforded any fair opportunity of hearing. Thus the whole proceedings order is against the provisions of KPK efficiency and discipline rules. 2011.

M. That whose proceedings including the impugned show cause notice dated 26-11-2020 is against the law rules and policy on the subject and as a result of personal prejudices of the respondents with the petitioner hence not tenable in the eyes of laws.

N. That the petitioner has undiminished service record and has served the department more than 11 years with utmost devotion which created vested rights in the favour of petitioner and cannot be taken away in harsh manner under the principle of the locus potestatis

O. That the impugned illegal act of the respondents by again and again stopping the salary of the petitioner and holding fresh inquiries on the pretext of fake and bogus appointment is against the principles of natural justice and falls under double jeopardy which is not warranted by the Constitution of Islamic Republic of Pakistan.

P. That the impugned illegal act of the respondent No.3 is against the judgments passed by the superior courts on the subject

Q. That the petitioner craves gracious permission of this Honourable court to raise further points during the course of arguments.

PRAYER

It is, therefore, most respectfully prayed that on acceptance of the instant contempt petition,

1. Contempt proceedings may please be initiated against the respondents and exemplary punishment be awarded.
2. That the all the proceeding carried out by the respondents against the petitioner after the order dated 12-04-2018 passed by the Hon'able Service Tribunal and findings of denovo inquiry No.517 dated 02-08-2018 may please be declared illegal, unlawful, without lawful authority, void ab-initio, be set aside and further respondents be restrained to act upon it in any mode, manner and form and to restrain respondents to harass, victimise and to take any adverse action against the petitioner in future.
3. That the respondents be directed to immediately release the unpaid salary / arrears of the petitioner from October 2019 to April 2020 and further from August 2020 till present.

Q. That the petitioner craves gracious permission of this Honourable court to raise further points during the course of arguments

PRAYER

It is, therefore, most respectfully prayed that on acceptance of the instant contempt petition,

Contempt proceedings may please be initiated against the respondents and exemplary punishment be awarded

2. That the all the proceeding carried out by the respondents against the petitioner after the order dated 13-04-2018 passed by the Hon'ble Service Tribunal and findings of bono fide No 517 dated 02-08-2018 may please be declared illegal, unlawful, without lawful authority, void ab-initio, be set aside and further respondents be restrained to act upon it in any mode, manner and form and to restrain respondents to harass, victimise and to take any adverse action against the petitioner in future

3. That the respondents be directed to immediately release the unpaid salary arrears of the petitioner from October 2019 to April 2020 and further from August 2020 till present

Any other relief as deem fit and appropriate by this Honourable Tribunal may also be given.

INTERIM RELIEF:

It is most humbly prayed that operation of the impugned show cause notice dated 26-11-2020 and any other proceedings / actions subservient thereto may please be suspended and respondents may please be restrained from taking any adverse action till the final disposal of the contempt petition.

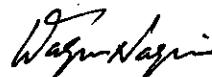
Dated: 17-12-2020



Fazal Wahab

...Petitioner

Through



Syed Waqas Naqvi

Syed Waqas Naqvi

Advocate High Court
Office 38, Ayub Tanoli Law
Plaza, Kutchery, Abbottabad

&

Syed Qurban Gillani

Advocates High Court

Abbottabad.



Any other relief as deemed fit and appropriate by
the Honorable Tribunal may also be given

INTERIM RELIEF:

It is most humbly prayed that operation
of the impugned show cause notice dated 26-11-
2020 and any other proceedings / actions
subsequent thereto may please be suspended
and respondents may please be restrained from
taking any adverse action till the final disposal of
the contempt petition.

Dated 17-12-2020

Fazal Waheed

...Petitioner

Through

Syed Waheed Nadeem
&
Syed Qurban Gillani
Advocates High Court
Abbottabad

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

COC No. _____

Fazal Wahab S/o Rahimullah R/o Rashang, Tehsil & Alai, District Battagram.

.....PETITIONER

Versus

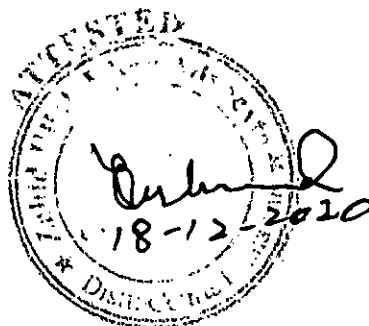
1. Umer Zaman District Education Officer (Male) Battagram
2. Iftakhar ul Ghani Ex District Education Officer (Male) Battagram
3. Wali-ur Rehman (Assistant District Education Officer Male, Battagram
4. Najab Khan, Headmaster GHS Battagram, Battagram
5. Gul Muhammad, Headmaster GHS Gijbori, Battagram

.....RESPONDENTS/CONTEMNORS

Contempt Petition

AFFIDAVIT

I Fazal Wahab S/o Rahimullah R/o Rashang, Tehsil & Alai, District Battagram, solemnly affirms and declare on oath that the contents of the titled contempt Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon' able court.



Deponent.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL, PESHAWAR

COC No. _____

Fazal Wahab S/o Ranaullah R/o Rashang Tehsil & Atar District
Battagram.

.....PETITIONER

Versus

1. Umer Zaman District Education Officer (Male) Battagram
2. Ifskhar ul Ghani Ex District Education Officer (Male)
Battagram
3. Wali-ur Rehman (Assistant District Education Officer
Male, Battagram
4. Najib Khan, Headmaster GHS Battagram, Battagram
5. Gul Muhammad, Headmaster GHS Gijhor, Battagram

.....RESPONDENTS/CONTENDERS

Content of Petition

AFFIDAVIT

I Fazal Wahab S/o Ranaullah R/o Rashang, Tehsil & Atar, District Battagram, solemnly affirm and declare on oath that the contents of the titled content of Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon.

able court.

[Handwritten signature]

13-A


AE

ADA 017644

Roll No. 17096

SSC: 16-1

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



Abbottabad N.W.F.P. Pakistan
Secondary School Certificate Examination
 SESSION ANNUAL 1996

THIS IS TO CERTIFY THAT FAZAL WAHAB.

Son/Daughter of RAHIM ULLAH.

and a student of GOVT: HIGHER SECONDARY SCHOOL BATTAL.

has passed the Secondary School Certificate Examination of the Board of Intermediate and Secondary Education, Abbottabad held in April 1996 as a *Regular/Private candidate*. He/She obtained 458 Marks out of 850 and has been placed in Grade C Representing GOOD

The Candidate passed in the following subjects.


- | | | | |
|------------|---------------------|------------|--------------|
| 1. English | 3. Islamiyat | 5. PHYSICS | 7. CHEMISTRY |
| 2. Urdu | 4. Pakistan Studies | 6. BIOLOGY | 8. MATHS, E |

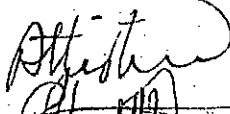
He/She has been awarded Grade B on the basis of internal assessment by the Institution concerned.

Date of birth according to admission form is FIRST JANUARY,
one thousand nine hundred and SEVENTY NINE (01-01-1979)


Asst. Secretary

This certificate is issued without alteration or erasure.


Secretary


 Abdul Wahid Khan
 Asstt. Sub Div. Edu. Officer
 Allai, Battal

ADS 053059

Roll No. 8809

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



Abbottabad N.W.F.P. Pakistan
INTERMEDIATE EXAMINATION

HUMANITIES Group

SESSION SUPPLEMENTARY 1999

THIS IS TO CERTIFY THAT FAZAL WAHAB

Son/Daughter of RAHEEM ULLAH

and a Candidate of BATTAGRAM

Registered No. _____ has passed the Intermediate Examination of the
Board of Intermediate and Secondary Education, Abbottabad held in November 1999.

as a *Private candidate*. He/She obtained 463 Marks out of 1100

and has been placed in Grade D Representing FAIR

The Examination was taken as a whole/in parts and the candidate passed the following subjects:

- | | | |
|------------|---|---------------|
| 1. English | 3. Islamic Education - Pakistan Studies | 5. PASHTO |
| 2. Urdu | 4. ECONOMICS | 6. STATISTICS |

Asst. Secretary

Secretary

This certificate is issued without alteration or erasure.

(Signature)
Asst. Sub Div. Edu. Officer
Abbottabad, Battagram

DETAIL MARKS CERTIFICATE

TRAINING CLASSES EXAMINATION P.T.C. 199

Roll No. 1554 Name Fazal Wahab Son/Daughter of Rahimullah

Serial No.	SUBJECT	Max Marks	Marks Obtained		TOTAL
			Interl:	Exterll	
1.	Principles of Edu. and Method of Teaching	100			45
2.	Child Decept: and Counselling	100			49
3.	School Org. and Class Room Management	100			52
4.	Lang. and Method of Teaching	100			50
5.	Mathematics and Method of Teaching	100			42
6.	Science and Method of Teaching	100			46
7.	Social Studies and Method of Teaching	100			45
8.	Islamiat and Method of Teaching	100			61
9.	Art and Craft, Art and Method of Teaching	100			59
10.	Health and Principle of Education	100			57
11.	Teaching Practice	200			163
Grand Total		1200			669

One Hundred and Sixty Nine

Passed/Failed

Division 11th Division

To Re-appear in

- 1. _____
- 2. _____
- 3. _____

Prepared by Asst. Sub Div. Edu Officer (M)
Atal, B. Program 5/6/2000

Checked...

VERIFIED
Asst. Registrar
 Deputy Registrar,
 Departmental Examination,
 Education Department N.W.F.P.
 PESHAWAR.

Date of declaration 25/4/2000

Roll Asst. Registrar
 Dy. Registrar,
 Departmental Examination,
 Education Department,
 N.W.F.P., Peshawar.

ر.ب. زدنی

Roll No. 1554

GOVT COLLEGE OF EDUCATION FOR ELEMENTARY TEACHERS (MALE)
MANSEHRA

PROVISIONAL CERTIFICATE.

This is to certify that Mr. Fazl' Wahab
S/O Rohimullah
passed the "PT. C.T. 2000" Examination 1999 under
Roll No. 1554 in M Division, obtained 66
marks out of 100 according to the result gazette notification issued
by the Registrar Departmental Examination Education Department N.W.F.P.
Peshawar.

His date of Birth according to college record is (in figures) 1-01-1979
(in words) 1st January 1979

Admission No. 169 The result was declared on 25.6.2000 via RD No. 16399

His conduct during his stay at this college was Good

Prepared by [Signature]

Checked by [Signature]

PRINCIPAL
GOVT. COLLEGE OF EDUCATION
FOR ELEMENTARY TEACHERS (M)
MANSEHRA.

[Circular Stamp: Registrar, Mansehra, N.W.F.P.]

13-D

DOMICILE CERTIFICATE

that I am born of parents who are permanently domiciled in N.W.F. Province

having been born in this Province.

Was born at RASHANG (CALIAT) Tehsil ALICAT

District BATTIGRAM

Passed Primary Examination from School RASHANG

Resident of VILLAGE RASHANG (CALIAT)

Tehsil ALICAT

District BATTIGRAM

Sd. Fazal Wahab Dated 18/7/96

Pursuance to the declaration dated

Filed by FAZAL WAHAB Son of RATEEM ULHAQ

Taluk YOUFAT KHATA Section NADA KHATA Sub Section FIADA KHATA

OR RASHANG Tehsil ALICAT District BATTIGRAM

to the effect that he had been born of parents who are permanently domiciled in N.W.F. Province having been born within to.

I have satisfied myself from personal/my own knowledge the above declaration is true and certify accordingly.

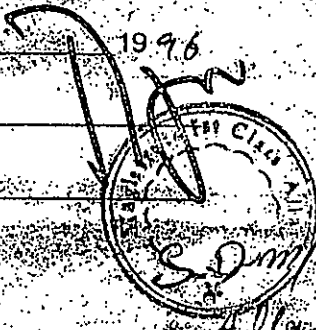
Given under my hand and the seal of Court this

18/7/96 day of July 1996

MAGISTRATE 1ST CLASS

Countersigned dated 22/7/96
DISTRICT MAGISTRATE

District No. Date



3/2/7

بسم الله الرحمن الرحيم

مترادف ہے کہ فضل و کرم - دلوں پر رحمت ہے جو ان کے دلوں میں
شیرینیت پر ان کا دل کی راہ ہے

بکرم و رحمت ہے

Head Teacher
Govt Primary School
Rashang

C 16-16

A 8-41

16-72

41.29

فرد کے لیے کہ فضل و کرم - دلوں پر رحمت ہے جو ان کے دلوں میں
شیرینیت پر ان کا دل کی راہ ہے

Abdul Salam
Chairman Area Zakat Committee
Rashang Alai Dist: Baktagram

بسم الله الرحمن الرحيم
مترادف ہے کہ فضل و کرم - دلوں پر رحمت ہے جو ان کے دلوں میں
شیرینیت پر ان کا دل کی راہ ہے

۲۱۰
۲۰۱

21-7-96

21/7/96

H.P.

Attested

21/7/96
Zakat Officer

14

ANNEXURE - "A"

Appoin
letter

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (SCHOOLS & LITERACY) BATTAGRAM.

APPOINTMENT.

Consequent upon the approval of the District Selection Board Battagram, Mr: Fazal Wahab S/O Rahim Ullah R/O Village Rashang Tehsil Allai District Battagram is hereby appointed against PST post at Govt: Primary School Nehrai against vacant post in B-7 plus usual allowances admissible to him under the rules @ 25% open Merit in the interest of public service with effect from his date of taking over charge on the following terms and conditions:-

TERMS AND CONDITIONS.

1. Charge report should be submitted to all concerned.
2. He is entitled to get all benefits as admissible under the rules in Civil servant Act except pension. He should however be entitled to receive such amount contributed by him towards the contributory Provident Fund & with contribution made by the Provincial Govt: to his account in the said funds in prescribed manner.
3. His service will be liable to termination on one month notice from either sides, in case of resignation without notice his one month pay shall be forfeited to the Govt: treasury.
4. The candidate required to produce Age & Health certificate from DRB Battagram.
5. The candidate should join his post within seven days of the issue of this order, otherwise appointed order will be cancelled.
6. The appointee will get salaries against sanctioned post in the budget.
7. He will paid salaries after verification of his documents from the concerned university/board/Institution on his own expenses by DDO concerned. Personally or by hand verification will not be acceptable.

sd-
(MUKHTAR AHMAD SWATI)
EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY BATTAGRAM.

Radst: No 3192-96 /EE/AR-II/P-Appnt:2007 Dated: 6-07-2008

Copy forwarded for information and necessary action to the:

1. District Coordination Officer Battagram.
2. Deputy District Education Officer (Male) S&L Battagram.
3. District Accounts Officer Battagram.
4. Candidate concerned.

[Signature]
DISTRICT OFFICER (MALE)
(SCHOOLS & LITERACY BATTAGRAM)

(For use in Police Department only).

Note: The ent

Passed the SSC Exam from BISE Abad Abad.
 Under roll No. 17096. Session 1996 mark. 458/850.

[Signature]
 Deputy District Officer
 (Male) Primary Battagram

1. Name: ..
2. Race: ..
3. Residen

Passed the FA Examination from BISE Abad Abad under
 Verification Roll No. 8809. Session 1998. mark. 463/1100 received back.

[Signature]
 Deputy District Officer
 (Male) Primary Battagram

4. Father
5. Date nearly

Passed the PFC Examination from R.D. Peshawar
 Under roll No. 1554. Session 1998. mark 659/1200

Left Thumb Impression

[Signature]
 Deputy District Officer
 (Male) Primary Battagram

6. Exac
7. Persc

Qualification	Date	Qualification	Date
English		First Arts	
Pushto		B.L. or B.A.	
Urdu		Pleadership examination	
Plan-drawing		Training School Final examination	
Finger Print		Other qualifications—	
Drill Instructing			
Court Duties			
Reserve Duties			

8. Left of (
9. Sig
10. Sig He Of

N.B. - Line to be drawn under the qualification possessed.

Note:- The entries on this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

Name: Fazal wahab

Race: Muslim

Residence: Alor Bategas



Father's name and residence: Rahimullah



Date of birth by Christian era as nearly as can be ascertained: (1-1-1979)
1st of January N.H. Seventy Nine.


Exact height by measurement: 5-5


Personal marks for identification:

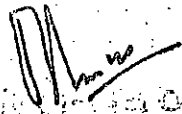
Left hand thumb and Finger impression of (Non-Gazetted) officer:

Little Finger:  Ring Finger: 

Middle Finger:  Fore Finger: 

Thumb: 

9. Signature of Government Servant: 

10. Signature and designation of the Head of the office, or other Attesting Officer: 
Attesting Officer

1	2	3	4	5	6	7	8	9
Name of Post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term "pay"	Date of Appointment	Signature of Government servant	Name and Designation of the officer attesting office attestation of columns 1 to 8
PST GDS. Nehru		G. 3530-190-9230-7.	3530/-			7 2/2008		Dr. D. D. E. (M) Bhatnagar
do			3720/-			12 1/08		Dr. D. D. E. (M) Bhatnagar
do			3910/-			12 1/09		Dr. D. D. E. (M) Bhatnagar
do			4100/-			12 1/10		Dr. D. D. E. (M) Bhatnagar
CAPS Nehru		G: 5800-320-15400-7	6760/-			7 1/2011		Dr. D. D. E. (M) Bhatnagar
do			7080/-			12 1/2011		Dr. D. D. E. (M) Bhatnagar
do		No: 7000-500-22000-12	7500/-		12	7 1/2012		Dr. D. D. E. (M) Bhatnagar
do			8000/-			12 1/2012		Dr. D. D. E. (M) Bhatnagar
- do		No: 8000-610-26300-12	8610/-	610 Pm		3 1/13		Dr. D. D. E. (M) Bhatnagar
GPF Chohan			9220/-			3 1/13		SDEC (M) Ra
- do			4830/-			12 1/13		SDE (M) Ra
- do			10440/-			12 1/14		SDE (M) Ra

9	10	11	12	13		14	15
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debit to another Government		
and Designation of the office attesting officer Registration of Mns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	Period	Government to which debit to	Signature of the head of the office or other attesting officer.	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
Dy. D.O. E&SE (M) Battagram	30/08	ant	Dy. D.O. E&SE (M) Battagram			<i>ORDER</i>	
Dy. D.O. E&SE (M) Battagram	30/09	ant	Dy. D.O. E&SE (M) Battagram			Appointed as APTC. at Nehra S.P.S. Dargah Naderi. against v. post. vide. E.O. (E&SE) Battagram. 15nd H NO. 3192-96-act. 6-7-2008.	
Dy. D.O. E&SE (M) Battagram	30/10	ant	Dy. D.O. E&SE (M) Battagram				
Dy. D.O. E&SE (M) Battagram	30/11	Retiree Hay.	Dy. D.O. E&SE (M) Battagram			Deputy District Officer (Male) Primary Battagram	
Dy. D.O. E&SE (M) Battagram	30/11	ant	Dy. D.O. E&SE (M) Battagram				Copies Verified w.e. 7-7-08 30-11-08 from the Attendance roll & other records kept in this office
Dy. D.O. E&SE (M) Battagram	30/12	admission RPS 12	Dy. D.O. E&SE (M) Battagram				Dy. D.O. (M) Pri. Battagram.
Dy. D.O. E&SE (M) Battagram	30/12	ant	Dy. D.O. E&SE (M) Battagram				
Dy. D.O. E&SE (M) Battagram	1/2013	alloted BPS 14	Dy. D.O. E&SE (M) Battagram				Copies Verified w.e. 1-12-08 30-11-09 from the Attendance roll & other records kept in this office
Dy. D.O. E&SE (M) Battagram	30/13	ant	Dy. D.O. E&SE (M) Battagram				Dy. D.O. (M) Pri. Battagram.
Dy. D.O. E&SE (M) Battagram	30/14	ant	Dy. D.O. E&SE (M) Battagram				Copies Verified w.e. 1-12-10 30-11-11 from the Attendance roll & other records kept in this office
Dy. D.O. E&SE (M) Battagram	2/07 2015	Transfer to RPF Faqiyo RPS	Dy. D.O. E&SE (M) Battagram				Dy. D.O. (M) Pri. Battagram.

1	2	3	4	5	6	7	8	9
Name of Post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term "pay"	Date of Appointment	Signature of Government servant	Signature and Designation of head of the office or attesting officer in attestation of columns 1 to 8
DET			8000-610-	26300				
GPI Faqiro			10440/-			03/07/2015	<i>[Signature]</i>	
								Office Andsi date
								Serv. vide 14/05/2015 Tribu 572/
								Re- The L with date
PSI B-14 BDS Faqiro			Rs. 10340-790-	34040				
	= DO		2 Rs. 13500/-			12/2015	<i>[Signature]</i>	SDE 22/12
DO	DO		2 Rs. 14290/-			12/2015	<i>[Signature]</i>	SDE 21/12
PSI B-14 BDS Faqiro			Rs. 12720-980-	42120				
BDS Faqiro NCC			Rs. 17620/-			12/2016	<i>[Signature]</i>	SDE 21/12

1 Name of Post	2 Whether substantive or officiating and whether permanent or temporary.	3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive post	5 Additional pay for officiating	6 Other emolument falling under the term "pay"	7 Date of Appointment	8 Signature of Government servant	9 Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8
SPSI B-14	B-14	Rs. 12720 - 980 - 42120				1/12/2016	<i>[Signature]</i>	SDE (M) Alai
SPSI B-14 Fogito Alla	-	Rs. 18800/-				1/12/2016	<i>[Signature]</i>	SDE (M) Alai
SPSI B-14	B-14	Rs. 15180 - 1170 - 50280				1/7/2017	<i>[Signature]</i>	SDE (M) Alai
SPSI B-14 Fogito Alla	-	Rs. 22200/-				1/7/2017	<i>[Signature]</i>	SDE (M) Alai
- Du	- Du	Rs. 23870/-				1/12/2017	<i>[Signature]</i>	SDE (M) Alai
- Du	- Du	Rs. 24560/-				1/12/2018	<i>[Signature]</i>	SDE (M) Alai
- Du	- Du	Rs. 25710/-				1/12/2019	<i>[Signature]</i>	SDE (M) Alai
- Du	- Du							SDE (M) Alai
- Du	- Du							SDE (M) Alai
- Du	- Du							SDE (M) Alai
SPSI B-14	B-14	Rs. 15180 - 1170 - 50280				30/4/2020	<i>[Signature]</i>	SDE (M) Alai
SPSI B-14 Deomal Alla	- Du	Rs. 25710/-				30/4/2020	<i>[Signature]</i>	SDE (M) Alai

S
G
the DE
PAY
Under
Post

9	10	11	12	13		14	15
Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Leave		Signature of the head of the office or other attesting officer.	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitabale to another Government		
					Period Government to which debitabla		
SDEO (M) Vairi	30/6/2017	RPS 2017	SDEO (M) Vairi		Release of Pay order upon the recommendation of Inquiry Committee constituted by DDO vide Endst. No 5508-12 dated 28/05/2018 when his salary was released by the DDO Male, Battagram vide 16-01-2015 up to date.		
SDEO (M) Vairi	12/2017	Annual merit	SDEO (M) Vairi		Pay Release Order		
SDEO (M) Vairi	30/11/2018	Annual merit	DDO		Pay Release Order		
DDO	30/11/2019	Annual merit	DDO		Pay Release Order		
DDO					18 No: 702	SDEO (M) Vairi	
					13-09-2018		
					Pay retires 9/2/18 BMBAS		
					31-08-2018	PS=1119279	
					DDO noted	action by	
					DDO	DDO Male	
					1664/17451		
					DDO		

Pay Release Order
 - Posted as SPSB. B-14 at
 GDS Dumbak Allee vide
 the DDO (Male) Battagram office
 PAY RELEASE ORDER issued
 Under the Endst. No. 2175-79/MSAB,
 Pst Dated 29/4/2020.

13-09-2018
 Pay retires 9/2/18 BMBAS
 31-08-2018 PS=1119279
 DD noted action by
 DD Male

1664/17451
 DD noted 5/2020
 25710/1

8	9	10	11	12	13			14	15
					Leave				
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government.			
Period	Government to which debitable								
Signature and Designation of head of the office or other attesting officer. In attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.					Reference to any recorded punishment or censure, or reward or praise of the Government Servant	

Drawn by a letter dated
11/8 to 30/9 Rs. 3984-38/4
169 dt 14/7

[Signature]

OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) BATTAGRAM

SHOW CAUSE NOTICE

"B"
Show C
Notic

I Muhammad Riaz Swati, District Education Officer (Male) Battagram as competent authority under the Khyber Pakhtunkhwa Government servants (Efficiency & Discipline) rules, 2011, do hereby serve you Mr. Fazal Wahab PST GPS Nehrai/Chohan presently working at GPS Faqero Tehsil Allai District Battagram as follows:

- a) As per findings of enquiry committee constituted vide this office order Endst. NO. 4752-54 dated 19/04/2016 your appointment order is fake and bogus as
- Your appointment order NO: 3192-96 dated 06/07/2008 does not match with the office dispatch record.
 - The two sanctioned posts were already occupied by Muhammad Saleem and Mukhtiar during the year 2008.
 - The sole/single order is suspicious as single order is rarely found in advertised posts.
 - No appointee of your name has been found in the staff attendance register.
 - The circle ASDEOs have given a written statement (both of Thakot & Kuza Banda) that neither you have performed duty nor your name is exist in the staff attendance register.
 - Your name has not been found even in the log-book of the school for annual inspection.
 - Reports of ASDEOs have been verified by SDEO (M) Battagram vide his office Endst. NO.200 dated 20/02/2016. He further stated that no entry has been found in the attendance register and no relevant record has been found and his office has not activated your pay, moreover your service book has not been properly maintained in his office.
- b) In exercise of the power conferred by the Khyber Pakhtunkhwa, Govt. servant (Efficiency & Discipline) rules, 2011, the Competent Authority is hereby pleased to serve you with the instant show cause notice regarding your fake and bogus appointment with the direction to submit your defence in writing within (07) Seven days of the issuance of this notice.
- c) In case you failed to submit your reply within the stipulated period, it will be presumed that you have no defence to offer and ex-parte decision will be taken against you.

COMPETENT AUTHORITY

Mr. Fazal Wahab PST GPS Nehrai
presently working at GPS Faqero
Tehsil Allai District Battagram

Endst: No. 8990-92 / 1

Dated Battagram, the 18 / 8 / 2016

Copy of the above is forwarded to:

1. PA to Director E&SE KPK Peshawar.
2. SDEO (M) Allai with the direction to serve the show cause upon the concerned official.
3. Mr. Fazal Wahab PST GPS Nehrai presently working at GPS Faqero Tehsil Allai District Battagram.

*He is a fake
ghost employee.*

District Education Officer (M)
Battagram

Annexure C
p-21

Reply (A1)

REPLY SHOW CAUSE NOTICEPRELIMINARY STATEMENT:

1. There exist an appointment letter in favor of under signed since 2008 and being an appointee till to date, as is even evident from the show cause notice itself, the under signed, is in no position personally either to declare the same as illegal or otherwise, however, the whole service record of the under signed is based on it which has duly been issued by an authority (may or may not be competent as the under signed can't declare him so in any capacity) acted upon which clearly has created vested rights in favor of the under signed thus at this juncture (without prejudice) the show cause notice under reply, a part from other legal defects, is directly in conflict with "Principle of Locus Poenitentiae" thus is liable to be withdrawn / cancelled / revoked
2. There might be "Show Cause" notices to appointing authority along with all the then staff, Account Officers through out the period, high-ups of the department under superintendence of whom services are being rendered regularly and continuously by the under signed, however no reference of the same notices / inquiry is found in show cause notice under reply, had the reference been there the instant answer would have been more elaborate and more comprehensive, even inquiry, under the law would have been on these lines and dimensions and any deviation by inquiry committee from these core aspects / issues / dimensions make the very inquiry report incomplete, unwarranted, dubious, capricious, flimsy which in no eventuality can be made basis for any further action.
3. The department can better judge the value of Show Cause Notice after receiving notices from KP Service Tribunal Peshawar and Peshawar High Court Circuit Bench Abbottabad and matter pending with NAB authorities.

PARAWISE STATEMENT:

Show cause notice is sent to Mr. Fazal Wahab SPST GPS Faqirio which ipso facto makes rest of the paras as redundant, ineffective and un-implement-able;

a. Action of inquiry committee has been dealt / answered in para-2 of *preliminary statement* supra and para (a) is vehemently denied.

i. The undersigned has got nothing to do with the appointment letter, inquiry might have been conducted against all the concerned officials who issued and acted the same, the undersigned simply is in regular service the order match with the record or otherwise is an act which can in no eventuality can be even remotely linked by the undersigned.

ii. The undersigned has got no concern with the para ii, this is an internal arrangement of the department to which the under signed can not be a party or privy, rather it is an internal fact which has got no relevancy with the undersigned, the undersigned has been appointed and that appointment is intact and cannot be undone at this stage. it is pertinent to mention here that (without prejudice) action may be taken against the wrong doers but the vested rights of the undersigned cannot be even disturbed at this stage.

- iii. That undersigned has got no concern with the para iii, detail answer is already in the preceding paras.
 - iv. This para is even against the contents of show cause notice under reply, moreover detail answer is already in the preceding paras.
 - v. The undersigned is neither custodian nor manager of the record, he is simply a teacher even performing his duty till to date, para v is not related to the undersigned.
 - vi. Detail answer is already in the preceding paras.
 - vii. Detail answer is already in the preceding paras
- b. The appointment of undersigned at the stage on account of discrepancies (if any) by others cannot be questioned, it is submitted to please withdraw / cancel / revoke the show cause notice accordingly.

Fzli
FAZAL WAHAB
SPST Teacher
Govt. Primary School Faqiro
Allai, District Battagram

Copy retained

Fzli

Annex - #

P-24

⑧
⑦

OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) BATTAGRAM

OFFICE ORDER

WHEREAS you Mr. Fazal Wahabi S/O Rahimullah R/O Rashang Tehsil Allai District Battagram transferred against the post of PST at GPS Faqero Allai were proceeded for having inducted yourself in this (E&SE) department through fabricated/fake and bogus appointment order not issued by the lawful authority and having no legal sanctity.

AND WHEREAS in result of your transfer order from GPS Chohan Battagram to GPS Faqero Allai issued vide this office Endstt. NO. 33-45-49 dated 02/07/2015 obtained by you through fraud.

AND WHEREAS SDEO(M) Allai submitted your Service Book to this office with the request to verify your service documents i.e Appointment Order/Merit List from official record vide his office NO. 1675/verification dated 01/02/2016.

AND WHEREAS SDEO(M) Battagram was directed vide this office letter NO. 1573 dated 08/02/2016 to confirm your Service Book/Charge Report/Medical Certificate/Performance of Duty and drawl of Salaries.

AND WHEREAS SDEO(M) Battagram submitted his detail report/ reply vide his office NO. 200 dated 20/02/2016 along with reports of ASDEOs Circle Kuza Banda and Thakot wherein he submitted that;

- i. You have not taken over charge in the schools (GPS Nehrai Circle Thakot and GPS Chohan Circle Kuza Banda).
- ii. your documents have not been verified/attested by ASDEOs Circle or Dealing Assistant.
- iii. No entry has been found in school attendance registers.
- iv. No relevant record has been found in his office.
- v. Your salary has not been activated by his office.
- vi. Your Service Book has not been maintained by his office.

AND WHEREAS an Enquiry was initiated against you vide this office order Endstt. NO. 4752-54 dated 19/04/2016 constituting a committee comprising of two principals of Grade-18.

AND WHEREAS Enquiry Committee submitted its report/indigs along with supporting documents vide Principal GHS Chapargram Office NO. 314 dated 03/06/2016 as;

- i. You belong to village Rashang Tehsil Allai and your appointment order's NO. 3192-96 dated 06/07/2008 does not match with office dispatch NO.
- ii. The two sanctioned posts of PST's at GPS Nehrai were already occupied by Muhammad Saleem and Mukhtiar.
- iii. No appointee of your name has been found in the staff attendance register.
- iv. ASDEOs of both circle (Thakot and Kuza Banda) have given written statement that neither you have performed duty nor your name is exist in staff attendance registers.
- v. your name has not been found even in Log Book for annual inspection.
- vi. Reports of ASDEOs have been verified by SDEO vide his office NO. 200 dated 20/02/2016.

The enquiry committee concluded that your appointment order is bogus and fake and recommended that your pay may be stopped and legal proceeding under service rules may be initiated against you.

AND WHEREAS in the light of enquiry report a Show Cause Notice was served upon you vide this office Endstt. NO. 8990-92 dated 09/08/2016

AND WHEREAS reply to the Show Cause Notice was received from you vide this office diary NO. 2691 dated 09/09/2016.

AND WHEREAS you were called for personal hearing vide this office NO. 12001 dated 14/10/2016.

AND WHEREAS you appeared on the fixed date but could not justify your appointment order. Whereas your case is under enquiry along with other ghost/fake employees before NAB.

NOW THEREFORE, in the light of findings of enquiry committee, reports submitted by SDEOs/ASEOs and proceeding initiated against you as well as supporting documentary evidence the undersigned being Competent Authority is of the opinion that your appointment order is fake/bogus/fabricated/not issued by the lawful authority, thus having no legal sanctity is declared as "NULL AND VOID".

- 30 -
DISTRICT EDUCATION OFFICER (M)
BATTAGRAM

Endst. No. 18899-18967 / List (P)

Dated Battagram, the 9 / 11 / 2016

Copy forwarded to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar with the request to initiate departmental proceeding against the officials/officers involved in such like mal practices.
2. Director Anticorruption KPK Peshawar with the request to initiate proceeding against all those officials/officers who are involved in such like mal practices and a cause of huge financial loss to the provincial exchequer.
3. Deputy Commissioner Battagram.
4. District Account Officer Battagram.
5. District Monitoring Officer Battagram.
6. Sub Divisional Education Officer (Male) Battagram with the directions to calculate the total amount unlawfully released to the concerned person as salaries and approach to Anticorruption department to lodge FIR under relevant section of law.
7. Sub Divisional Education Officer (Male) Allai.
8. Circle Officer Anticorruption Battagram.
9. Fazal Wahab S/O Rahimullah R/O Rashang Tehsil Allai District Battagram.

DISTRICT EDUCATION OFFICER (M)
BATTAGRAM

Received

[Signature]
17-12-2016

Annex-1
P-26

To

The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.

Subject: DEPARTMENTAL APPEAL UNDER RULE-3 OF THE
KHYBER PAKHTUNKHWA CIVIL SERVANTS
(~~APPEAL~~) RULES, 1986 AGAINST THE IMPUGNED
ORDER DATED 09-12-2016 THEREBY APPOINTMENT
ORDER OF APPELLANT WAS DECLARED ILLEGAL
BY THE DISTRICT EDUCATION OFFICER (MALE)
BATTAGRAM.

Respected Sir,

1. That I appellant was initially appointed as PST on 06-07-2008 being qualified and eligible in the terms of rules on subject and since then I was performing my duties regularly, efficiently and without any complaint and monthly salaries was also regularly paid to me. On 02-07-2015 by joint notification I was transferred as PST from Goyt. Primary School Chohan to GPS Faqiro Allai against vacant post and accordingly I assumed the charge of my duty there.
2. That all of sudden, a show cause notice was issued to me on 09-08-2016 therein intimated me that his appointment order was fake to which I submitted detail reply and denied the allegation as baseless.
3. That on 09-12-2016, the impugned order was issued to me by the District Education Officer (Male) Battagram thereby my appointment order as PST was declared fake and bogus.

Hence the Present departmental appeal is submitted
on the following grounds:-

P-27

- A. That my appointment was made by competent authority after observing the codal formalities and served the department for more than seven years continuously with excellent service record so at this belated stage the plea of fake appointment order has no legal justification and without lawful authority and tainted with mala fide intention which is not sustainable and liable to be set aside.
- B. That the impugned order was passed in arbitrary manner and in violation of rules on subject as neither charge sheet was framed and served on me nor proper inquiry was conducted in case or provided any fair opportunity to me to defend my position. Thus the impugned order is illegal and without lawful authority being violative of the principle of natural justice.
- C. That I served the department for more than seven years continuously which created vested rights in my favour which could not be taken away in harsh manner under the principle of locus poenitentiae.

It is, therefore, humbly requested that on acceptance of this departmental appeal, the impugned order may graciously be declared illegal, without lawful authority, mala fide, unfair and violative of principle of natural justice and my services may kindly be restored with all back benefits.

Yours faithfully



Fazal Wahab, PST

S/o

Rahim Ullah,

R/o

Rashang, Tehsil Allai,

District Battagram.

Dated: 21/12/2016

DIRECTORATE OF ELEMENTARY AND SECONDARY
KHYBER PAKHTUNKHWA.

NOTIFICATION.

1. WHEREAS, Mr. Fazal Wahab PST was proceeded under the Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules, 2011, for the charges of Fake Appointment dated 06.07.2008.
2. AND WHEREAS, The above named teacher neither took over charge as PST at GPS Nehrai or GPS Choochan nor performed duty there even for a signal day before obtaining transfer order from Choochan to GPS Faqiro through fraud.
3. AND WHEREAS, the DEO(M) Battagram being competent authority conducted enquiry through two Principals wherein his appointment order dated 06.07.2008 was declared fake and bogus and as per calendar July-2008 it was Sunday i.e. holiday on same day. No order/letter was issued on the same day and despatch No. of the said order also does not match with office record.
4. AND WHEREAS, the teacher concerned was served upon show cause notices and was called for personal hearing, after fulfilling all codal formalities the DEO(M) Battagram being competent authority declared his appointment order sanctity as "NUL AND VOID" vide office order Endst: NO.18899-18907 dated 09.12.2016.
5. AND WHEREAS, the aggrieved Teacher has filed appeal to the Director E&SE Khyber Pakhtunkhwa (appellate authority) against the aforesaid Notification issued by the DEO (M) Battagram.
6. AND WHEREAS, DEO(M) concerned submitted Para-wise comments in light of the appeal of the teacher concerned vide letter No.04.03.2017.
7. AND WHEREAS, the competent authority Director (Elementary and Secondary Education) Khyber Pakhtunkhwa after having considered the charges and evidence on record, is of the view that charges against accused teacher have been proved.
8. NOW, THEREFORE, in exercise of powers conferred under Khyber Pakhtunkhwa Servants (Efficiency & Discipline) Rules-2011 the appellate authority has decided to reject the appeal of Mr. Fazal Wahab PST on the above ground.

DIRECTOR

Endst: No. ³⁴ 2029 / F No.162/Vol:IV/Appeal of PST (M) Gen: Dated Peshawar the 3/4, 2017.

Copy forwarded for information and necessary action to the:-

1. District Education Officer (M) Battagram w/r to his No. 2029 dated 04.03.2017.
2. Gul Faraz PST GPS Nari Keri Abbottabad. *2. Mr. Fazal Wahab PST ISHAK...*
3. P/A to Director E&SE, Khyber Pakhtunkhwa, Peshawar.
4. Master File.

Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa.

3/4/2017

copying order
[Signature]
23/9/17

THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. S-22 /2017

Fazal Wahab S/o Rana Ullah,
Primary School Teacher,
R/o Rashang, Tehsil Attari,
District Battagram Appellant

Versus

- 1. The District Education Officer,
Elementary & Secondary Education Department,
District Battagram,
- 2. The Director,
Elementary & Secondary Education Department,
Khyber Pakhtunkhwa, Peshawar
- 3. The Secretary,
Govt. of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department,
Civil Secretariat, Peshawar..... Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER
 PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST
 THE IMPUGNED ORDER DATED 09-12-2016 THEREBY THE
 APPOINTMENT ORDER OF APPELLANT WAS DECLARED
 NULL AND VOID BY RESPONDENT NO.1 AGAINST WHICH
 HE FILED DEPARTMENTAL APPEAL ON 21-12-2016
 BEFORE THE RESPONDENT NO.2 WHICH WAS REJECTED
 ON 05-04-2017 BUT SINCE THE NAME AND ADDRESS WAS
 DIFFERENT DUE TO WHICH IT COULD NOT RECEIVE TO
 APPELLANT AND LATER ON, ON THE APPLICATION OF
 APPELLANT THE SAME WAS PROVIDED TO HIM ON

Sen
Trib

31.08.2017 UNDER THE SIGNATURE OF DEPUTY
DIRECTOR ESTABLISHMENT AFTER MAKING
CORRECTION IN THE NAME AND ADDRESS OF
APPELLANT.

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

1. That appellant having the prescribed qualifications (Annexed-A) for the post of Primary School Teacher (PST) so he applied for the said post and on the recommendation of District Selection Board, he was appointed as Primary School Teacher (PST) by an office order dated 06-07-2008 (Annexed-B) issued by Mr. Mukhtiar Ahmad Swati, the then Executive District Officer, Schools and Literacy Battagram.
2. That appellant assumed the charge of the post at Govt. Primary School Nehrai after observing codal formalities including Medical Fitness Certificate and since then he was performing his duties efficiently and regularly without any complaint and accordingly he was receiving monthly salaries. The office concerned has also maintained his service book therein necessary entries have been made from time to time. Copies of the extracts of service book and attendance Register are attached as (Annexed-C & D).

That on 02-07-2015 (Annexed-E) a notification was issued by Respondent No.1 whereby a number of PSITs and PSTs were transferred including appellant while his name was at serial No. 13 and transferred from GPS Nehrai/Chohan to GPS Basir.

35

That on 09-08-2016 (Annexed-I) an office order was issued to appellant therein he was blamed for the violation of his appointment order was fake and bogus therefore he submitted a detail reply (Annexed-G) which was totally ignored by the authority concerned.

5. That on 09-12-2016 (Annexed-H) an office order was issued by the Respondent No.1 and the appointment of appellant was declared null and void against which he filed departmental appeal before Respondent No.2 on 21-12-2016 (Annexed-I) which was rejected on 05-04-2017 (Annexed-J) but since the name and address of appellant were not recorded correctly by the office concerned therefore the letter was not received to appellant and when he came to know about the rejection of his departmental appeal so he submitted an application dated 10-05-2017 (Annexed-K) for getting its copy which was provided to him on 23-05-2017 under the signature of Deputy Director Establishment after due correction in name and address.

Hence the present appeal is submitted on the following amongst other grounds:-

Grounds:

- A. That the appointment of appellant was made by competent authority after observing the codal formalities and served the department for more than seven years continuously with excellent service record so at this belated stage the plea of fake appointment order has no legal justification and without lawful authority and tainted with mala fide intention which is not sustainable and liable to be set aside.


- B. That appellant was fully qualified for the post, which was done by him continuously with the entire satisfaction of the officer so vested right accrued in his favour which cannot be taken away under the principle of locus poenitentiae.
- C. That the impugned order is based on facts finding inquiry which was conducted at the back of appellant thus the impugned order has no legal sanctity, of no legal effect and inoperative against the rights of appellant and liable to be set aside.
- D. That Respondent No.1 has not followed the procedures as laid down in the Khyber Pakatunkhwa Govt. Servants (Efficiency and Disciplinary) Rules, 2011. Neither a charge sheet with statement of allegations was framed nor a proper opportunity of defence was provided to him and he was condemned unheard and the impugned order is unlawful being violative of the principle of natural justice.
- E. That the charges as leveled in the show cause notice are pertaining to factual controversies which could only be resolved through cogent evidence which is only possible in the regular inquiry which has not done in this case. Thus the Respondent No.1 acted in arbitrary manner and unlawfully declared the appointment order as fake and bogus.
- F. That appellant was not treated in accordance with law and rules on subject. In the impugned order, only his appointment order was declared null and void without imposing any penalty as laid down in the rules.
- G. That in this case neither the authority (Mr. Mukhtiar Ahmad Swati then EDO Battagram) who made and issued appellant's appointment order was examined nor the file

official officers were examined who made and verified the entries in his service book or recorded the statement of Head Teacher of the Govt. Primary School Nehru/Chohan. Thus in such circumstances the impugned order is illegal, unfair, unjust and liable to be set aside

11. That Respondent No 2 has acted in arbitrary manner and without ^{the} trashing out the case of appellant in view of grounds as taken in the departmental appeal dismissed the same which is not tenable and liable to be set aside.

It is, therefore, humbly prayed that on acceptance of this service appeal, the impugned orders dated 09-12-2016 and 05-04-2017 may graciously be declared illegal, without lawful authority, mala fide, unfair and violative of principle of natural justice and be set aside and the services of appellant may kindly be restored with all back benefits

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to appellant.

Through 
Appellant
Khush Dil Khan,
Advocate,
Supreme Court of Pakistan

Dated: 31.05.2017

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. 572/2017

Date of Institution ... 02.06.2017

Date of Decision ... 12.04.2018



Local Wahab son of Rahim Ullah Primary School Teacher, R/O Rashang, Tehsil
Alhai District Battagram. ... (Appellant)

VERSUS

1. The District Education Officer, Elementary & Secondary Education
Department, Peshawar and two others. ... (Respondents)

MR. KHUSHDIL KHAN,
Advocate

... For appellant.

MR. ZIAULLAH,
Deputy District Attorney,

... For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. MUHAMMAD AMIN KHAN KUNDI,

CHAIRMAN
MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN. - Arguments of the learned
counsel for the parties heard and record perused.

FACTS

The appellant was appointed as PST on 06.07.2008. He thereafter served
the department for almost 7 years. During this period, he was also upgraded on two
different occasions. Then he was transferred to a new school on 02.7.2015.
Thereafter, he was served with show cause notice on 09.08.2016 under the
disciplinary rules. Finally his appointment order was declared as fake and bogus
and null & void. Against this order, the appellant filed departmental appeal on

ATTESTED

Waqar Naqvi
Syed Waqas Naqvi
Advocate High Court
Office 38, Ayub Tanoli Lawyer's
Plaza, Kutchery, Abbottabad

ATTESTED

[Signature]

ARGUMENTS.

3. The learned counsel for the appellant argued that the appellant after appointment had been working in the department for almost 7 years. That his service book was prepared and he was allowed upgradation on two occasions. That his attendance was also marked in attendance register. That he was issued show cause notice under the Khyber Pakhtunkhwa Government Servants (P&D) Rules, 2011 but neither formal enquiry was conducted nor the same was dispensed with and finally the authority relied upon a so-called report of enquiry committee. That instead of awarding penalty, the authority declared the appointment letter as bogus. That when an enquiry committee was constituted it was incumbent upon the authority to have had issued the charge sheet to the appellant and appellant should have been afforded full opportunity of cross-examination of witnesses and also to defend himself in the light of the charge sheet. That the enquiry was also not dispensed with.

4. On the other hand, the learned Deputy District Attorney argued that the appellant was not a civil servant. That his appointment letter was bogus and fake and he could not be termed as civil servant. That it was proved by the enquiry committee that the appointment letter was bogus as it was issued on Sunday. That the attendance of the appellant in the attendance register was also bogus.

CONCLUSION.

5. Whatever has been argued by the learned Deputy District Attorney is based on the findings of the enquiry report and similarly the authority has based his findings on the basis of enquiry report which is itself a proof of the fact that the issue involved appreciation of factual controversy which could not be decided

ATTESTED
Waqas Naqvi
Syed Waqas Naqvi
Advocate High Court
Office 38, Ayub Tanoli Lawyer's
Plaza, Kutchery, Abbottabad

ATTESTED



regular enquiry nor dispensed with the formal enquiry. The authority further initiated the proceedings under the disciplinary rules by issuing show cause and then culminated the proceedings by not awarded the penalty under the disciplinary rules but declared the appointment letter as bogus. Such proceedings in the eyes of law cannot be sustained. The Authority should have been clear regarding the proceedings to be conducted under the disciplinary rules or should have withdrawn the appointment order in exercise of the powers on the basis of *locus poenitentiae*. In case the authority was to exercise his powers under the latter option then this Tribunal could decide the issue on the basis of the stage at which the same power was exercised. However in any event it was incumbent upon the authority to have given full opportunity to the appellant to participate in the enquiry proceedings by giving all rights of due process which has not been done.

ATTESTED

Syed Waqas Naqvi

Syed Waqas Naqvi
 Advocate High Court
 Office 38, Ayub Tanoli Lawyers
 Plaza, Kutchery, Abbottabad

6. As a sequel to the above discussion, the present appeal is accepted. The appellant is reinstated in service. However, the department is directed to hold, *denovo* proceedings within a period of ninety days from the date of receipt of this judgment. The issue of back benefits etc. shall be subject to the final outcome of *denovo* proceedings and rules on the subject. Parties are left to bear their own costs. File be consigned to the record room.

Sd/- Niaz Muhammad Khan,
 Chairman

Sd/- M. Amin Khan Kundi, (AN)
 Member

L.
 (MUHAMMAD)
 N

ANNOUNCEMENT
 12.04.2018

[Handwritten signature]

[Handwritten signature]

Verified to be true copy
 F. W. Khan
 Peshawar

41



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)
BATTAGRAM

No. 6078-79 /EB/Pry Dated Battagram 16/7 /2018.

To

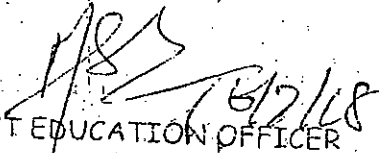
The Inquiry Committee.

1. Mr. Akmal Khan Principal
GHS: Chappargram.
2. Mr. Muhammad Shuaib Principal
GHSS: Kuza Banda.

Subject:- INQUIRY IN THE CASE OF MR. FAZAL WAHAB PST.

Memo:-

Reference your No. 514 Dated 30/06/2018 on the subject cited above, you are hereby directed to revisit this office letter No. 5506-12/EB dated 28/05/2018 & submit the report as per TORs within 07 days; the current report did not fulfill the TORs please.


DISTRICT EDUCATION OFFICER
(MALE) BATTAGRAM

OFFICE OF THE PRINCIPAL GOVT HIGH SCHOOL CHAPPARGRAM, BATTAGRAM

No. 517
Dated 02/08/2018.

To: The District Education Officer (M),
Battagram.

Subject: INQUIRY IN THE CASE OF Mr. FAZAL WATLAB PST.

1. Authority

The undersigned Committee has been empowered by the Honourable Service Tribunal KP in its Judgment in the WP No 572 Dated 12-04-2018 and subsequent letter of your office bearing Endorsement No 5506-12/EB-Pry Dated 28-05-2018 to do a Deo inquiry in the said case. So the inquiry has been done and the detailed report is hereby submitted for further necessary action and for information to the quarter concerned please.
With further reference to your office letter bearing no 6078-79/EB/Pry Dated Battagram 16-07-2018 the inquiry report is re-submitted keeping in view all the 5 TORs with some modifications.

2. Modus operandi

The following strategy was adopted to reach on the conclusions in a fair way.

1. The detail judgment of the Court was studied.
2. The concerned files and record was also taken into consideration.
3. The concerned schools were also approached whether to find the duty Status of the teacher.
4. Indirect investigation has also been done to reach on the facts.

2. TORs

1. Authenticity of the appointment order.
2. Arrival Report.
3. Medical Report/Fitness Certificate.
4. Charge Report.
5. Attendance/Duty Certificate.

3. Facts.

1. Although his appointment order does not match the Despatch, yet the order bears the signatures of competent authority and on this order the said teacher has rendered seven Years service to the department but the committee can't certify the Authenticity of the appointment order.
2. The court has given re-instatement order on the services rendered by the teacher.
3. The service book has been prepared and signed by the DDOs for the purpose of Pay activation as the service book bears the signatures.
4. The teacher has been found qualified for the post.
5. The teacher has been paid up to 15-01-2015 and he has been issued the personal nr by the District Accounts office Battagram.
6. Duty status: The teacher has rendered teaching services in his seven years career, he has been appointed in the department on 06-07-2008. The committee has personally inquired from the GPS Faqiro Aidi, from where it is very clear from the attendance registers and from the statements of the co-teachers that he has done his duties regularly, punctually and efficiently.
7. The teacher has been transferred from GPS Chohan to GPS Faqiro vide DEO Office No 3345-49 Dated 02-07-2015.

8. He surely might have presented charge report and Medical certificate from the MS concerned for activation of his pay to the DAO, as no pay is activated without these.

9. He has been upgraded two times during his seven years carrier.

10. The court has given him lenient view on his seven years service as there is no wrong from a teacher as a teacher does not know official complications and formalities.

Conclusions

Keeping in view the above Facts the committee Reaches on the following Conclusions.

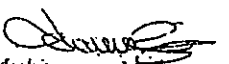
- 1. The impugned appointment order has been given legal status by the court.
- 2. Since the teacher has been found qualified for the post and he has rendered seven years service he is given the status of government servant.
- 3. The court has issued order for his re-Instatement and subsequently he has been re-instated vide your office no 5526-30/EB/Prj/Dated Battagram the 28-05-2018.

Recommendations


Since the said teacher has already been re-instated the committee recommends that

- 1. The said teacher should be paid all back benefits w.e.f. 16-01-2015 up to date, on humanitarian grounds so that he may earn bread and butter for his children and family.

Inquiry Committee


 Muhammad Shuaib Khan
 Principal
 GHSS Kuzabanda
 Battagram.

28/1/18


 Akmal Khan
 Principal
 GHS Chappargram
 Battagram.

28/1/18

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)
BATTAGRAM

RE-INSTATEMENT ORDER.

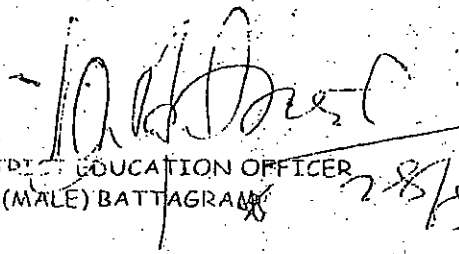
Consequent upon the judgment passed by Khyber Pakhtunkhwa Service Tribunal Peshawar Appeal No.572/2017 date of Decision 12/04/2018, Mr.Fazal Wahab SPST GPS:Faqiro Tehsil Allai District Battagram is hereby reinstated in service as per direction of Para 05 of court judgment.

- sd -
DISTRICT EDUCATION OFFICER
(MALE) BATTAGRAM

Endst:No. 5526-30 /EB/Pry/Dated Battagram the 28/5 /2018.

Copy for information to the:-

1. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. Director (E&SE) Khyber Pakhtunkhwa Peshawar.
3. District Accounts Officer Battagram.
4. SDEO(Male) Allai.
5. Mr.Fazal Wahab SPST GPS:Faqiro (Allai).


DISTRICT EDUCATION OFFICER
(MALE) BATTAGRAM 28/5



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)
BATTAGRAM

45

RELEASE OF PAY.

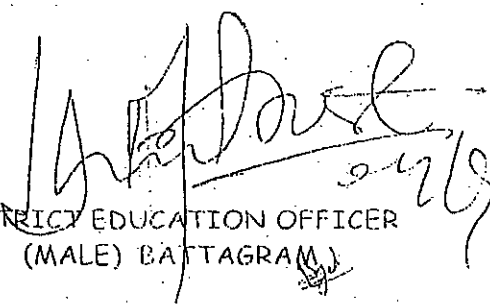
Consequent upon the recommendation of Inquiry Committee constituted by this office under Endst:No.5506-12 Dated 28/05/2018, and he has reinstated into Govt: Service vide office order issued under Endst:No.5526-30 Dated 28/05/2018, in the light of above decision the salary in respect of Mr.Fazal Wahab SPST GPS:Faqiro is hereby released with all back benefits WEF:16/01/2015.

sd -
DISTRICT EDUCATION OFFICER
(MALE)BATTAGRAM

Endst:No 9592-97 EB/AE-I(Pry) Dated Battagram the 4/19/2018.

Copy for information to the,

1. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar with reference Appeal No.572/2017.
2. District Accounts Officer Battagram.
3. SDEO(Male) Allai.
4. ASDEO Gilce.
5. Head Teacher GPS:Faqiro.
6. Office copy.


DISTRICT EDUCATION OFFICER
(MALE) BATTAGRAM

BEFORE THE ADMINISTRATIVE JUDGE ACCOUNTABILITY COURTS (KPK)PESHAWARReference No. 07 /2017

(14)

STATE

Versus

1. **Muhammad Ayaz Qureshi s/o Abdul Aziz**
Ex-District Accounts Officer, Battagram
R/o House # 15-5/J, Street No. 5, Muhalla Shah Zaman Colony, Kakol
Road, Abbottabad Cantt.
(CNIC No. 13101-5701852-9)
(On Bail)
2. **Tariq Mehmood s/o Mian Muhammad**
Ex-Assistant Treasury Officer, Battagram,
R/o Kanj Qadeem, Bukot, P/o Abbottabad, Tehsil & District Abbottabad.
(CNIC No. 13101-1006416-3)
(On Bail)
3. **Aurangzeb S/o Haider Zaman**
Ex-Senior Auditor, Battagram
R/o Palhra, Tehsil and District Mansehra
(CNIC No. 13503-7278056-7)
(On Bail)
4. **Muhammad Hamid Younis S/o Sardar Muhammad Younis**
Ex-Sub Accountant, Battagram
R/o Muhalla Gathi Mera, P/o PMA Kakol, Tehsil & District Abbottabad
(CNIC No. 13101-9826613-3)
(On Bail)
5. **Ali Rehman S/o Shah Zaman**
Ex-Junior Clerk, District Education Office, Battagram
R/o House# Mohalla Muftiabad, Dehri, Tehsil & District Battagram
(CNIC No. 13503-0640504-3)
(Absconder)
6. **Ismail Shah s/o Zarwar Khan**
R/o Muhalla Alizai, Kagawala, P/o Budhbair, Tehsil and District Peshawar
(CNIC No. 17301-4439073-1) (Beneficiary)
7. **Khyal Muhammad s/o Noran Shah**
R/o Rashung, Tehsil Ilai, District Battagram.
(CNIC No. 13201-1834491-9) (Beneficiary)
8. **Fazal Wahab S/o Rahimullah**
R/o Rashung, Tehsil Allai, District Battagram.
(CNIC No. 13201-1840418-1) Beneficiary)
9. **Sarfraz Khan S/o Umar Fad**
R/o Qalandar Kas, P/o Bunna, Tehsil Allai, District Battagram.
(CNIC No. 13201-1123163-3) (Beneficiary)
10. **Shahid s/o Gujar Khan**
R/o Muhalla Bela Bajuri, Baffa, Tehsil & District Mansehra
(CNIC No. 13503-0800981-9) (Beneficiary)
11. **Nazia Hassan d/o Taj Muhammad**
R/o Near Jammia Masjid, Kahoarri, Tehsil and District Mansehra.
(CNIC No. 13503-8770557-6) (Beneficiary)

[Handwritten signature]

- 47
- (15)
12. **Nelum d/o Haider Khan**
R/o Tangi road, Muhalla Paphra, Charsadda.
(CNIC No.17101-9799105-2) (Beneficiary)
 13. **Qazi Rashid Hussain s/o Qazi Muhammad Arshad**
R/o Labar Kot, Tehsil & District Mansehra
(CNIC No.13503-0587858-3) (Beneficiary)
 14. **Yasir Ameen s/o Abdul Aziz**
R/o Basandh, P/o Mansehra, Tehsil & Distt. Mansehra
(CNIC No.42501-0838761-9) (Beneficiary)
 15. **Jasarat Bibi d/o Karam Ilahi**
R/o Village Shamadharra, Tehsil Oghi, District Mansehra
(CNIC No.13504-8397185-6) (Beneficiary)
 16. **Wasim Nazir S/o Muhammad**
R/o Mohar Kalan, P/o Iassa Nawab, Tehsil & Distt. Mansehra
(CNIC No.13503-7627800-9) (Beneficiary)
 17. **Rahim Dad Khan s/o Mohib Gul**
R/o Muhalla Hidayatullah Shah, GT road, Peshawar.
(CNIC No.17301-3576938-3) (Beneficiary)
 18. **Anwar Zeb S/o Sher Rehman**
R/o Afridiabad, Kaga wali Alizai, P/o Badahber, Tehsil & Distt. Peshawar.
(CNIC No.17301-1522341-1) (Beneficiary)
 19. **Malik Hayat Khan s/o Munir Khan**
R/o Muhalla Khari Qila, Gari Baghban, P/o Musazai, Tehsil & District
Peshawar.
(CNIC No.17301-5823198-5) (Beneficiary)
 20. **Muhammad Asif S/o Muhammad Dil Pazeer**
R/o Muhalla Muftiabad, Upper Dehrey, Mansehra
(CNIC No.13503-0592967-5) (Beneficiary)

**REFERENCE UNDER SECTION 18(g) READ WITH SECTION 24 OF
THE NATIONAL ACCOUNTABILITY ORDINANCE, 1999**

Respectfully Sheweth:

1. That it was reported to NAB (KP), that accused No. 1 to 5, while in league with each other and with other accused beneficiaries, illegally withdrawn the salaries of ghost employees by creating bogus personnel numbers in District Accounts Office Battagram. The ghost employees have been shown to be employed in District Education Office Battagram. Resultantly, NAB took cognizance of the matter and an inquiry was authorized. Upon confirmation of allegations, inquiry was converted into investigation. During inquiry / investigation the IO collected evidence, oral as well as documentary and submitted his report.

12945 / Estab: Primary

The District Accounts Officer
Battagram

Subject: STOPPAGE OF PAY AND RECOVERY OF PAYMENT IN R/O MR. FAZAL
WAHAB PST GPS FAQEERO, ALLAI BATTAGRAM

Memo:

Reference to this office order bearing Endstt. No: 9592-97/EB/AE-I(Pry) dated Battagram 04-09-2018 regarding the release of pay and back benefits in favor of the above stated PST is hereby declared "NULL AND VOID" with the request to stop the salary of the concerned forthwith, stop payment of arrears if not paid, otherwise arrears may be recovered accordingly as his case along with other ghost employees is under trial in NAB Khyber Pakhtunkhwa, Peshawar.

[Handwritten Signature]
DISTRICT EDUCATION OFFICER (MALE)
BATTAGRAM

Endstt. No: _____ / Estab: Primary Dated: 8/11/2018

Copy for information to the -

1. Mr. Naeem Ullah Investigation Officer NAB Khyber Pakhtunkhwa Peshawar w/r to personal hearing dated 06-11-2018 at NAB headquarter Peshawar.
2. Director E&SE Khyber Pakhtunkhwa Peshawar.
3. Deputy District Education Officer (Male) Local Office.
4. SDEO (Male) Allai & Battagram for strict compliance and report.
5. Office file for record.

s-d
DISTRICT EDUCATION OFFICER (MALE)
BATTAGRAM

Important
Mr. Junaid SA
Report Payment of
Pay Allowances
AN: 660390

[Handwritten Signature]
12/11/18

BEFORE THE HONORABLE PESHAWAR HIGH COURT PESHAWAR

W.P No. _____ /2019

Fazal Wahab (SPST), Government Primary School Faqiro, Allai, District Battagram

VS

1. Chairman, National Accountability Bureau (NAB), Islamabad
2. Director General, National Accountability Bureau (NAB), Khyber Pakhtunkhwa
3. Naeemullah Mehsud (Investigation Officer), National Accountability Bureau (NAB) Khyber Pakhtunkhwa Peshawar.
4. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar
5. District Education Officer (DEO), District Battagram, Khyber Pakhtunkhwa

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

The petitioner is pleased to beseech before this Honorable Court as up

1. That Reference No. 07/2017 in pending adjudication in the Honorable Accountability Court-II Peshawar against one, "Ayaz Qureshi & Others" where the petitioner is at serial no. 08 of the list of accused/beneficiaries". The allegation against the petitioner is of being a "Ghost Employee" of the education department. (Copy of the Extracts of Relevant Part of the Reference is attached as F/A)
2. That being the employee of the education department, the petitioner was appointed on 06/08/2008 as "PST" in the

ATTESTED
 EXAMINER
 Peshawar High Court

- education sector in district "Battagram". It is also added that after serving for more than seven years, his appointment order was declared "Fake & Bogus" due to which the petitioner filed service appeal no. 572/2017 in the Worthy Service Tribunal Peshawar KP which was allowed vide dated: 12/04/2018 with the direction to the Respondent No. 04 & 05 qua de-novo inquiry. (Copy of the Null & Void Order, Service Appeal to the Worthy Tribunal and Judgment Dated: 12/04/2018 is attached as F/B)
3. That the Respondent No: 05 conducted the de-novo inquiry and the petitioner was exonerated from the allegation and was re-instated vide order dated: 04/09/2018 with all back-benefits. (Copies of the Inquiry Report & Re-Instatement Order is attached as F/C)
4. That after getting finality after the order passed by the Respondent no. 05, the petitioner started serving at "GPS Fajiro, Tehsil Allai & District Battagram" which is evident from the attendance register and workshop conducted by PITE (Provincial Institute of Teachers Education). (Copy of the Attendance Register & PITE Workshop Attendance is attached as F/D)
5. That the petitioner being a lawful civil servant, after proper exoneration in the enquiry conducted by the Respondent No. 05 on the direction of the Worthy Service Tribunal Peshawar, filed application u/s 265-K before the Learned Accountability Court-II Peshawar for his acquittal on 25/10/2018 but soon after, storm in the tea cup emerged when the Respondent no. 05 started harassing the petitioner on one pretext or the other by taking the plea that Respondent No. 03 is annoyed by the re-instatement order of the petitioner by saying that it was un-lawful because already, the reference is pending before the Learned Accountability Court.
6. That with the flow of time, the irony of fate faced by the petitioner when excess of jurisdiction with un-lawful authority exhibited by the Respondent No. 03 (Investigation Officer), (Naeemullah Mehsud is the Investigation Officer pertaining to the Reference No. 07/207), by summoning the Respondent No. 05 to

ATTESTED

EXAMINER
Peshawar High Court.

the NAB Office Peshawar on 05/11/2018 & 06/11/2018 and directed him to cancel the reinstatement order dated: 04/09/2018 pertaining to which an office order was issued on 08/11/2018. (Copy of the Office Order Dated: 08/11/2018 is attached as P/E)

7. That feeling aggrieved, the petitioner submitted applications and appeal to the Respondent No. 04 as well as the Deputy Commissioner, Battagram but no heed has been paid. (Copy of the Applications & Appeal is attached as F/F)
8. That feeling peeved and deeply aggrieved due to the un-lawful acts of the Respondents, the Petitioner approaches this Honorable Court on the following grounds inter-alia;

GROUND:

- A. That the act of the Respondent No. 03, 04 and 05 is un-lawful, excess of jurisdiction, of no legal effect and violation of the Article 04 of the Constitution of Islamic Republic of Pakistan 1973.
- B. That it is a probity that NAB does not have the mandate to intervene in the departmental proceedings and cannot force, compel and coerce any department as well as any departmental official to act in any particular way or issue any order or notification.
- C. That the NAB Ordinance, 1999 as well as any other statute does not provide un-bridled powers to the NAB authorities to act as the competent authority of any department or intervene in their business except in accordance with law. The preamble of the NAB Ordinance 1999 is very much clear about the functions and authorities of the Bureau which provides detection, investigation and prosecution. Reference can be made to 2013 PCrII 974.

ATTESTED

EXAMINER
Peshawar High Court

- 52
- (4)
- D. That in fact, as per the mandate of Rule 14 (6), KP (E&D) Rules, 2011, even the enquiry committee was directed to conduct inquiry afresh which was complied with and recommendations were submitted on 2/08/2018 on which the competent authority issued the reinstatement order resulted in finality of the issue in question but still under the suppression and coercion of Respondent No. 03, the order was again taken back which is nullity in the eye of law.
- E. That it is also indispensable to submit that the impugned order issued by the Respondent No. 05 on the direction of Respondent No. 03 does not hold any water, because once, the de-novo inquiry was directed by the competent court of law (Service Tribunal) to be conducted and after such de-novo conduction, when a person is exonerated and such gets finality, then the competent authority who issued such order becomes "Functus Officio" and he is un-authorized to take back such order but in this case, the impugned letter issued by the Respondent No. 05 is against the mandate of law and rules and sheer violation of the fundamental rights of the petitioner.
- F. That the de-novo inquiry was conducted on the direction of the competent court i.e. Service Tribunal which cannot be declared without lawful authority and un-lawful.
- G. That the impugned letter very conspicuously says about the un-lawful pressure and coercion poured over the Respondent No. 05 which cannot be covered by any law hence, tantamount to violation of the fundamental rights of the petitioner.
- H. That any other grounds can be raised at the time of arguments.

ATTESTED
EXAMINER
Peshawar High Court

PRAYER:

In light of the foregoing submissions, it is therefore, most convivially and humbly prayed that on acceptance of the instant writ petition, this Honorable Court may graciously be pleased to;

1. Declare the interference of the Respondent No. 03 (Investigation Officer, NAB) in the official work being stepping into the shoes of the Respondent No. 04 & 05 by pouring undue influence and coercion to restrain/stop the petitioner from the performance of his duties as "SPST (Senior Primary School Teacher) at Government Primary School, Faqir, Tehsil Allai & District Battagram" as un-lawful, void ab-initio, of no legal effect, Coram non judge, violation of the fundamental rights of the petitioner as well as against the spirit of the "National Accountability Ordinance, 1999"
2. Declare the impugned Office Order Dated 08/11/2018 issued by Respondent No. 05 based on the un-lawful coercion and influence used by the Respondent No. 03 as against the mandate of law, rules, of no legal effect, passed without lawful authority and having no legal protection and be set-aside

ATTESTED**EXAMINER**
Peshawar High Court

3. Direct the Respondent No. 04 & 05 to follow the mandate of law and rules and to comply with the re-instatement order issued vide dated: 04/09/2018 after conduction of regular inquiry as per the direction of the Worthy Khyber Pakhtunkhwa Service Tribunal keeping in view the fact that the Respondent No. 04 has become "Functus Officio" after issuance of the re-instatement order under the mandate of Rule 14(3) of the Khyber Pakhtunkhwa (Efficiency & Discipline) Rules, 2011
4. Direct the Respondent No. 01 & 02 to initiate departmental/disciplinary proceedings against the Respondent No. 03 for his un-professional attitude to use un-lawful coercion and undue influence by poking his nose into the official work and compelling the Respondent No. 04 & 05 to declare the re-instatement order of the petitioner as "null & void"
5. Any other relief may also be awarded in favor of the petitioner against the Respondents

ATTESTED

EXAMINER
Peshawar High Court

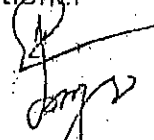
55

7

INTERIM RELIEF:

By the way of interim relief, the impugned Office Order Dated: 08/11/2018 may graciously be suspended till the final decision of the instant writ petition.

Petitioner



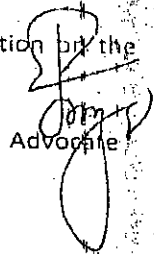
Through

(Mian Muhammad Imran)
Advocate High Court
BC-13-42-13
&

(Adnan Khan)
Advocate High Court
Office No. 05, Shan Plaza,
Sikandar Pura Chpwk, Haveli Nagar
Peshawar.....0333-8577170
0333-8274073

Certified:

Certified that this is the first writ petition on the subject matter.


Advocate

List of Books:

1. Constitution of Islamic Republic of Pakistan 1973
2. NAB Ordinance 1999
3. KP E&D Rules, 2011
4. Any other book as per need

ATTESTED

EXAMINER
Peshawar High Court

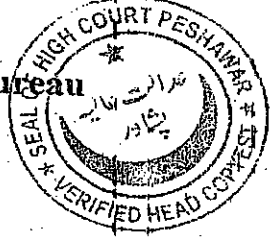
JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

W.P. No.5893-P/2019

Fazal Wahab

Vs.

Chairman, National Accountability Bureau
(NAB), Islamabad and 04 others



JUDGMENT

Date of hearing 19.02.2020

Mian Muhammad Imran, Advocate, for the petitioner.

Muhammad Riaz Mohmand, ADPG, for the respondent-NAB.

IJAZ ANWAR, J. Fazal Wahab,
petitioner herein, through the instant
Constitutional petition under Article 199
of the Constitution of Islamic Republic of
Pakistan, 1973, has prayed for the
following relief:-

*"1. Declare the interference of the
respondent No.03 (Investigation
Officer, NAB) in the official work
being stepping into the shoes of
the respondent No.04 and 05 by
pouring undue influence and
coercion to restrain/stop the
petitioner from the performance
of his duties as SPST (Senior*

TESTED
EXAMINER
Peshawar High Court

57

Primary School Teacher) at Government Primary School, Faqiro, Tehsil Allai and District Battagram" as unlawful, void ab-initio, of no legal effect, coram-non-judice, violation of the fundamental rights of the petitioner as well as against the spirit of the "National Accountability Ordinance, 1999.

2. Declare the impugned Office Order dated 08.11.2018 issued by the respondent No.05 based on the unlawful coercion and influence used by the respondent No.03 as against the mandate of law, rules, of no legal effect, passed without lawful authority and having no legal protection and be set-aside.

3. Direct the respondent No.04 and 05 to follow the mandate of law and rules and to comply with the re-instatement order issued vide dated 04.09.2018 after conduction of regular inquiry as per the direction of the worthy Khyber Pakhtunkhwa Services Tribunal keeping in view the fact, that the respondent No.04 has become "Functus Officio" after issuance of the reinstatement order under the mandate of Rule 14(3) of the Khyber Pakhtunkhwa

ATTESTED

EXAMINER
Peshawar High Court

(Efficiency & Disciplinary) Rules,
2011.

58

4. Direct the respondent No.01 and 02 to initiate departmental/ disciplinary proceedings against the respondent No.03 for his unprofessional attitude to use unlawful coercion and undue influence by poking his nose into the official work and compelling the respondent No.04 and 05 to declare the reinstatement order of the petitioner as "null and void".

5. Any other relief may also be awarded in favour of the petitioner against the respondents.

2. Facts, in brief, leading to the instant writ petition are that petitioner in the year, 2008 was appointed as Primary School Teacher in the respondent- Education Department. After serving for more than seven years, the petitioner's appointment order was cancelled by declaring it as fake and bogus vide Office Order dated 09.12.2016, issued by the District Education Officer (M), Battagram. Being aggrieved from the aforesaid order, petitioner called in

ATTESTED

EXAMINER
Peshawar High Court

question it in appeal before the Khyber Pakhtunkhwa Services Tribunal, Peshawar. The aforesaid appeal was allowed vide judgment and order dated 12.04.2018, with the direction to the respondents No.4 and 5 to conduct a de-novo inquiry within a period of ninety days. Accordingly, respondent No.5 conducted a de-novo inquiry, as a result of which, petitioner was exonerated from the charges/allegations leveled against him and accordingly, was reinstated in service. It has further been averred in the petition that a Reference bearing No.07/2017 has been filed by the NAB authorities in the learned Accountability Court-II, Peshawar against one "Ayaz Qureshi and others", wherein, petitioner has also been named as accused and same is pending adjudication before it. After his reinstatement, petitioner filed an application under Section 265-K before the learned Accountability Court, thereafter, respondent No.5 started



ATTESTED
 EXAMINER
 Peshawar High Court

harassing him by taking the plea that his re-instatement order is unlawful. At the same time, on 05.11.2018 and 06.11.2018, respondent No.5 summoned the respondent No.3 at the NAB Office, Peshawar and gave a direction to him to cancel the reinstatement order of the petitioner and accordingly, the reinstatement order was cancelled. Being aggrieved, petitioner filed applications and appeal to the respondent No.4 and as well to the Deputy Commissioner, Battagram for the redressal of his grievance, but all in vain. Hence, this writ petition.

3. In view of the averments made in the petition in hand, comments were called from the respondents No.1 to 3, who furnished the same accordingly. They, in their comments, submitted that petitioner is a ghost employee who connived with the main accused No.01 to 05 of Reference No.07/2017, pending before the learned Adcountability Court-

ATTESTED
EXAMINER
Peshawar High Court

II, Peshawar, by providing copies of their CNIC and bank accounts, thereby, enabling them to embezzle a huge amount in the garb of salaries of ghost employees and as such, committed the offence of corruption and corrupt practices as defined in Section 9(a)(iv)(xii) of National Accountability Ordinance, 1999. It is further averred that petitioner in connivance with accused Ali Rehman and others have frequently withdrawn salaries without genuine appointment orders and performing duties. His service book is also factitious. The concerned Department also conducted an inquiry in the matter and resultantly, petitioner was declared as ghost employee. It is further submitted that petitioner has never been selected/appointed by the Departmental Selection Committee as Primary School Teacher and his appointment order is fake and factitious as the diary and dispatch number does not tally with the

ATTESTED

EXAMINER
Peshawar High Court

appointment order. Thus, his reinstatement order has rightly been cancelled by the respondent-Education Department; as such, the instant writ petition, being meritless, deserves to be dismissed forthwith.

4. Arguments heard and record perused.

5. Perusal of the record reveals that petitioner has been charged by the respondent-NAB as ghost teacher and a NAB Reference is also pending trial before the learned Accountability Court at Peshawar against him. The record further transpires that petitioner was proceeded on the ground of obtaining appointment by committing fraud, as such, his appointment order was declared as null and void by the District Education Officer (M), Battagram vide Office Order dated 09.12.2016.

6. The petitioner filed an appeal before the Khyber Pakhtunkhwa Services Tribunal, Peshawar against the aforesaid

ATTESTED
EXAMINER
Peshawar High Court

be attested from the DDO concerned.

3. His service for various years should be re-verified.

7. The competent authority, while accepting the recommendations of the Inquiry Committee, reinstated the petitioner in service vide order dated 04.09.2018, with all back benefits. Interestingly, the NAB Authorities called upon the appointing authority at the office of NAB, Peshawar and upon their direction, the reinstatement order of the petitioner was cancelled vide Office Order dated 08.11.2018 by the District Education Officer (M), Battagram.



8. Learned counsel, representing the respondent-NAB, was asked to justify that under what authority, respondent-NAB can interfere with the departmental matters of the Education Department; however, no satisfactory response was given to this query of the Court.

9. There is no cavil with the proposition that the Departmental

ATTESTED

EXAMINER
Peshawar High Court

proceedings and criminal proceedings can go side by side, however, direct interference of the respondent-NAB Authorities in forcing the District Education Officer (M), Battagram for the removal of petitioner from service, in no way, could be appreciated or sustained. If there is any charges/allegations against the petitioner regarding his misconduct, he, being employee of the Education Department, can only be proceeded under the Khyber Pakhtunkhwa Efficiency & Disciplinary Rules, 2011; while, for the criminal charges, he can be tried before the learned Accountability Court, where the charges are to be proved or otherwise, as the case may be. In the instant case, petitioner has been proceeded Departmentally and already exonerated from the charges, leveled against him, as such, he was rightly reinstated in service by the Education Department. Thus, the direction of the NAB authorities to the Education

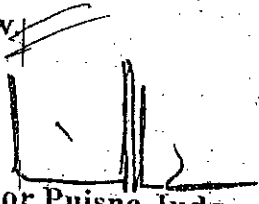


ATTESTED


EXAMINER

Department for cancellation of reinstatement order of the petitioner and recovery of his salaries is uncalled for and stands struck down.

10. For the reasons stated hereinabove, this writ petition is allowed. Consequently, the impugned order dated 08.11.2018 passed by the District Education Officer (M), Battagram is declared illegal, without lawful authority and a result of undue influence from the respondent-NAB, as such, is not sustainable under the law.

Announced
Dt:19.02.2020


Senior Puisne Judge


Judge

(DD) Hon'ble Mr. Justice Qaiser Rashid Khan and Hon'ble Mr. Justice Huz Ansari
-Muhammadullah-

CERTIFIED TO BE TRUE COPY
EXAMINED
Peshawar High Court, Peshawar
Authorized Under Article 57 of
The Constitution of Pakistan
26 FEB 2020

No. 26716
Date of Presentation of Application 19/2/20
No of Pages 12
Copying fee 77
Total 77
Date of Preparation 20/2/20
Date of Filing of Writ 20/2/20
Date of Filing of Writ 20/2/20

66

ANNEXURE "I1"



Office of The District Education Officer (Male) Battagram
Elementary & Secondary Education Department
Government of Khyber Pakhtunkhwa

Email: emisbattagram@gmail.com Tel: 0997-543540

PAY RELEASE ORDER

As per order of Honorable Peshawar High Court Peshawar in w.p No. 5893/2019 dated 19-02-2020, The pay of Mr. Fazal Wahab SPST GPS Faqiro Allai is hereby released with immediate effect, however arrears of salaries should be paid only for the period actually served.

Mr. Fazal Wahab will submit an affidavit on Judicial Stamp paper to SDEO (Male) Allai that he will refund the withdrawn amount into Government treasury in case of CPLA Judgment decided against him.

He will perform his duties against the vacant post of SPST BPS-14 at GPS Dumrai Allai.

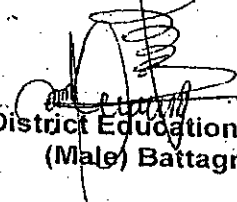
(Jaffar Mansoor Abbasi)
District Education Officer
(Male) Battagram

Dated: 29/04/2020

Endst: No. 2175-79 /Estb: Pry

Copy to the:

1. Registrar Peshawar High Court Peshawar.
2. District Accounts Officer Battagram.
3. SDEO (Male) Allai.
4. Teacher concerned.
5. Office Copy.


District Education Officer
(Male) Battagram

[Handwritten notes and scribbles]

بخدمت جناب سید اہلسہادی - ای - او - صاحب ریسٹن تحصیل اٹالی

جناب - عالی

گذشتہ سال میں میری سرکاری بطریقہ اور سہولتوں کے تحت 2175-79 اور 29/4

کو GPS فقیر سے GPS دھرائی ہو چکی ہے اور میں نے 30/4 2020

اپنے سر سے کاجو 2 سیکڑ بھر سے سنبھال لیا ہے اور کاجو 2 رپورٹ

دفتر نڈا کو ارسال خدمت ہے۔

السلامتہ

نعتیہ زبان SPST کو جمعیت پرانہ سکول دھرائی -

یہ سیکڑ GPS دھرائی

Handwritten signature

Handwritten signature
Head Teacher
GPS Dhamrai
Attai



پشاور ایبٹ آباد اور اسلام آباد سے بیک وقت شائع ہونے والا کثیر الاشاعت قومی روزنامہ

روزنامہ ایبٹ آباد اور اسلام آباد

روزنامہ

پشاور
پاکستان

مالی
عبدالواحد بیگنی

صفحات 12

جلد 31 ہفتہ 22 فروری 27-2020 جمادی الثانی 1441ھ - 20 - 20 فروری 46 شمارہ

حکومت الٰہی کی فیمنوں کی خاتونیں پھر کی تحقیقاتی کمیٹی

پشاور (نیوز رپورٹ) پشاور ہائی کورٹ نے برطرف ہونے والی پٹی کے خلاف انکوائری کرتی ہے کیس کی سماعت

ایس ٹی پٹی کو واپس بحال کرنے کے احکامات جاری
کریسٹین قیصر رشید نے زیمارکس دیئے کہ
کے وکیل نے عدالت کو بتایا کہ ان کے موکل کو
حکومت پٹی اور آٹا پر خاموش رہتے ہے اور پی ایس
2008 میں پی ایس (بانی صفحہ 10 بقدر نمبر 40)

جسٹس زیمارکس

40

پی پی پی کی سماعت کیا گیا تھا کی سال سرویس کے بعد
موکل کو گھوسٹ قرار دیا گیا اور انکوائری شروع کی گئی

بعد ازاں 2016 میں ٹورگی سے برطرف کیا گیا
2017 میں سرویس ٹریبونل نے اپیل پر مشروط طور پر
انکوائری جاری رکھتے ہوئے بحال کر دیا تاہم ٹریبونل نے
جب انکوائری شروع کی محکمہ تعلیم پر دباؤ ڈالا تو سرویس
سے پھر بنا دیا گیا جسٹس قیصر رشید نے زیمارکس دیئے
کہ پٹی اور آٹا پر حکومت خاموش نظر آئی ہے اور پی
ایس ٹی پٹی کے خلاف انکوائری کرتے ہیں حکومت
پٹی اور آٹا کے کی خبر لیں عدالت نے دلائل مکمل
ہونے کے بعد درخواست گزار کو پرائمری اسکول پٹی
پوسٹ پر بحال کرنے کے احکامات جاری کر دیئے۔

ANNEXURE - J ضلع شکرانہ صاحب

گزارش ہے کہ سال 2015 سے 9PS میٹرو میں بطور SPST اپنی ڈیوٹی سر انجام دے رہا ہے۔
 یہ کہ دوران سروس 2016 میں سائل کو ترقی سے درخواست کیا گیا جس کی خلاف مسا
 سروس ترقی سے رجوع کیا گیا۔ بعد نیکلے سائل کے حق میں پورا اور سائل کو
 بقایا حالت Deneva انکو ترقی کے بعد مل گئے اور سائل باقاعدہ طور پر اپنی ڈی
 شہر و ع کی جس کی حاضری لسٹ درخواست کے ساتھ مع عدالتی نیکلے منسلک ہے
 ضاب عالی اب سائل کو SDO ایجوکیشن اتھارٹی نے بغیر کسی written آرڈر کے ڈیوٹی کر
 سے روکا ہے۔ عدالتی معززین نے ہم اس کے ساتھ بات کی مگر اس نے کہا کہ ہے
 صاحب نے آرڈر کیا ہے ضاب عالی یہ سراسر ظلم اور غیر قانونی طریقہ ہے کہ کہ
 ملزم کو بغیر شوکار نوٹس دیا بلکہ وہ سکول ڈیوٹی سے منع کیا جائے جو کہ سکول
 کے بچوں کے ساتھ ہم ظلم ہے۔ ضاب عالی سائل کے چھوٹے چھوٹے بچے ہیں جو مختلف
 تعلیمی اداروں میں پڑھتے ہیں سائل کے ساتھ ان چھوٹے چھوٹے بچوں کا مستقبل کی ترقی
 ہونے کا خطرہ ہے۔

سائل ترقی کا واحد کفیل ہے اور انکو ذریعہ معاش نہیں ہر انے کرم میں ہالا کر کے سائل کو
 مذکورہ افسران کو اس غیر قانونی اقدام سے منع اور سائل کو انصاف کا حق فراہم
 کے لیے احکامات صادر فرما کر دعاؤں کا موقع دینے

کامیابی برائے الملک ا

- ① ڈائریکٹر ایجوکیشن ضلع شکرانہ شہاد
- ② PS سکریٹری ایجوکیشن شہاد
- ③ ایجوکیشن شکرانہ

العارض
 قضا صاحب - SPST
 جس کی میں غیر و قضا الائی
 5346 5556 449

Prof. M) Battagram
 To Report
 Attest

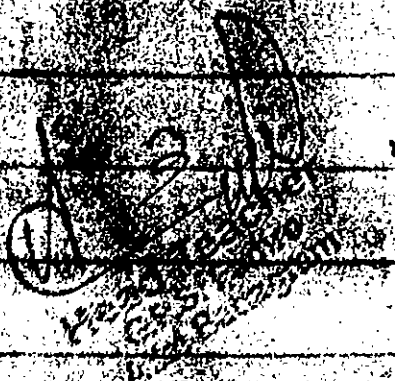
Considered that Mr. Faral
should not perform his

duty from 29⁵/₀₁₈ to 10¹⁰/₀₁₉ regularly

at Ops. Engrs. After that

he is prohibited from ^{him}

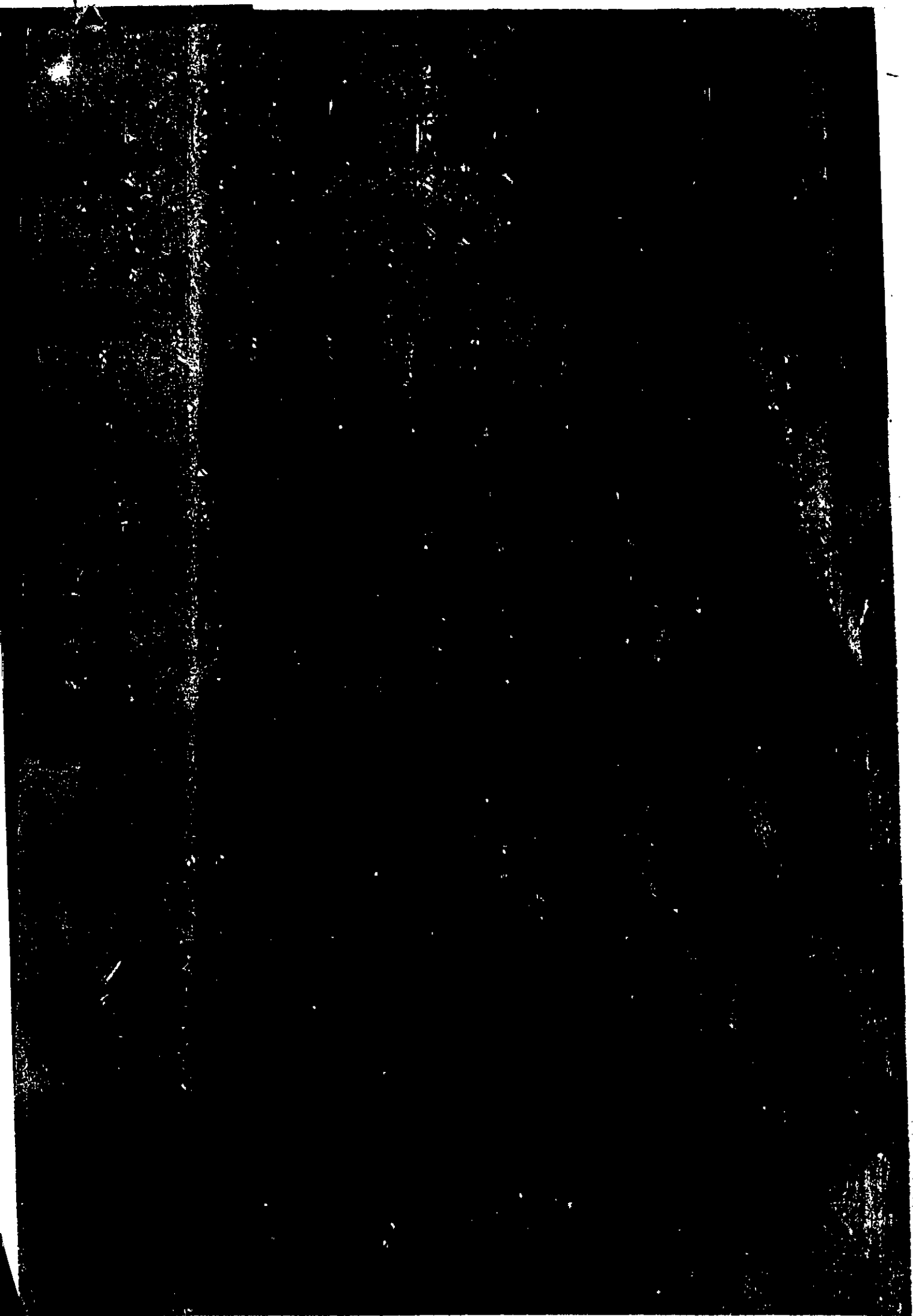
working for further order.

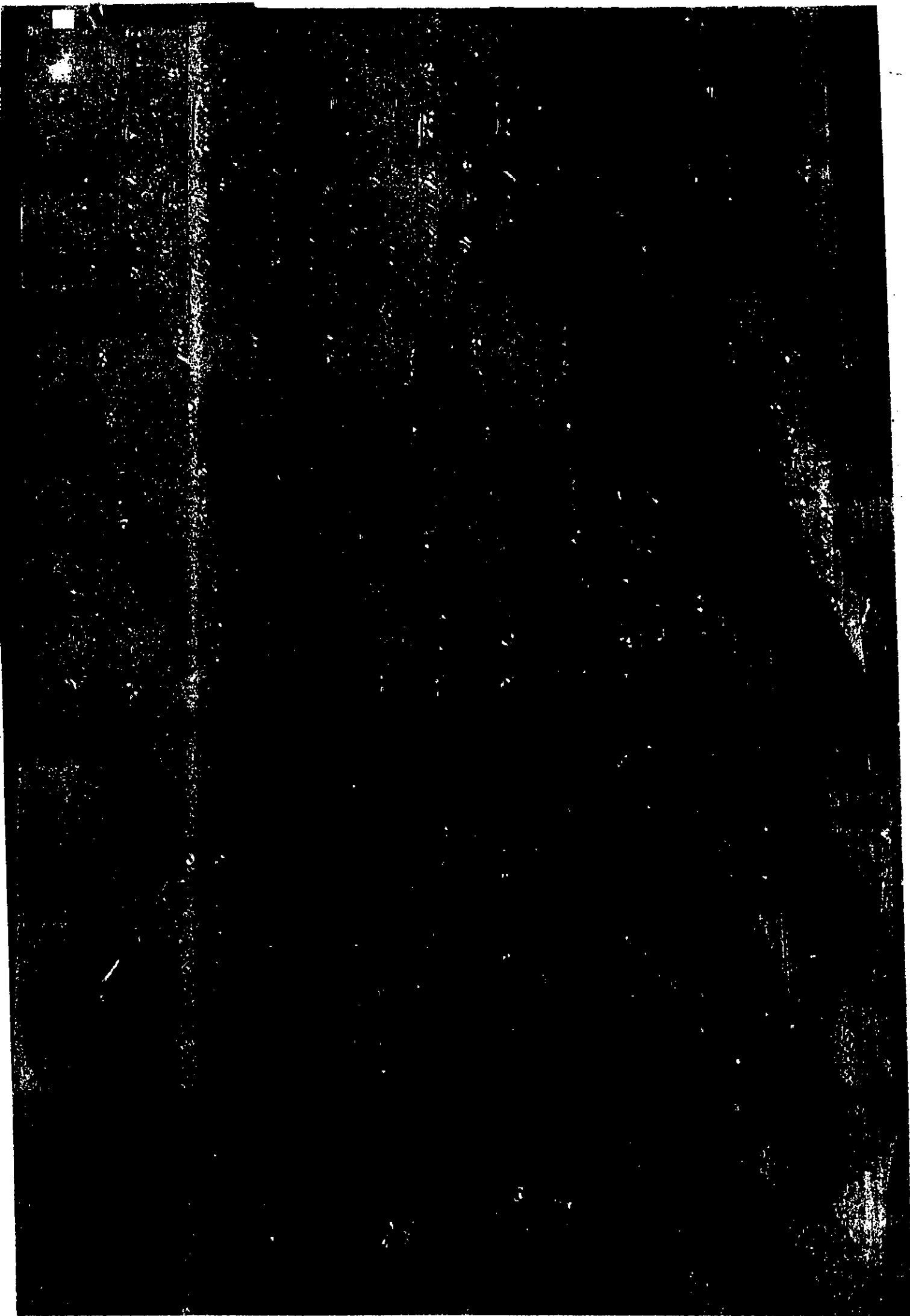


1-05-1959

التاريخ 19
الوقت
الساعة
العدد

59





PAYROLL SYSTEM
AMENDMENT FORM
SINGLE EMPLOYEE ENTRY

Organization: 306 District of Police, Feroz Khan
FOR THE MONTH OF 1250 Deco

DDO Code & (CCA) Center

B M G R S 4

Description

SDEO (Male) A.P.O. Battagram

Personnel Number

00 GG 03 90

Employee Name

Mrs Fozia Nisbah SPSi B-14

National ID Card No.

13201-1840419-1

Grade (Pay Scale Group)

14

GPS Durrani A.P.O. Battagram

Salary Status

Star Star

Info Type	Field ID	GENERAL DATA CHANGE New Contents	Wage Type	CHANGE IN PAYMENTS & DEDUCTIONS			Effective Date	Remarks
				Rs.	Paise	Ad.		
1	000	Basic Pay: Rs 2570-	5801	268770				Copied the Pay Release order received at SPSI B-14 of the D.O. (Mr. A. N. Khan) of the District of Police, Feroz Khan dated 29/12/2018.
2	1000	H.A. Rs 2224-	5002	24464				
3	1210	Convey. Allow. Rs 2856-	5011	31416				
4	1300	Medical Allow. Rs 1500-	5012	16500				
5	1923	C.A.A. Rs 1000-	5102	11000				
6	2148	AR-13 Rs 400-	5309	4400				
7	2198	AR-15 Rs 337-	5854	3707				
8	2211	AR-16 Rs 1860-	5875	20460				
9	2224	AR-17 Rs 2571-	5890	26877				
10	2247	AR-18 Rs 2571-	5322	26877				
11	2266	AR-19 Rs 2571-	5336	7362				
				441833				

DISTRICT ACCOUNTS OFFICER

BATTAGRAM

ASST. COMPTROLLER & CHIEF ACCOUNTANT

74



**PAYROLL SYSTEM
AMENDMENT FORM
SINGLE EMPLOYEE ENTRY**

GS & PD.NWFP 559--F S---3000 Pads of 100 L---16,12,2008---(25)

Form: Pay 02

Date _____

OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER (MALE) DISTRICT BATTAGRAM

Page No _____

FOR THE MONTH OF May 2020.

DDO CODE
(Cost Center)

B	M	6	2	5	4
---	---	---	---	---	---

Description
GPS (Male)

Sub-Divisional Education Officer (Male) Allai

Personal Number

0	0	6	6	0	3	9	0
---	---	---	---	---	---	---	---

Employee Name

Fazal Wahab

National ID

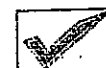
Card No.

Grade (Pay Scale Group)

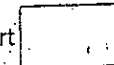
1	4
---	---

SPST GPS Dumrai

Salary Status



Start



Stop

GENERAL DATA CHANGE

CHANGE IN PAYMENTS/DEDUCTIONS

Info Type	Field ID	New Contents	Wage Type	Amount	Effective Date	Remarks
	0001	Basic Pay		25710	01-05-2020	Certified that pay release order & Posted as BPS -14 at GPS Dumrai Tehsil Allai issued by the DEO (Male) Battagram vide his office Endst: No.2475-79/ ES&b :Prv Dated 29-04-2020 copy of pay release order charge report along with S/Book are submitted to D A office Battagram Pay may please be made in his pay for the month of May 2020
	1000	House rent		2224		
	1210	C/A		2856		
	1300	MA		1500		
	1923	UAA		1000		
	2148	AR 2013		400		
	2199	AR2015		337		
	2211	AR 2016		1860		
	2224	AR 2017		2571		
	2247	AR 2018		2571		
	2264	AR 2019		2571		
				43600		
				Net Amount		39655
						3945

Prepared By
Ali Rehman (D.A Circle Thakot)

[Signature]
ASD
Education Officer (M)
Allai Battagram

Audited/Checked By

Entered/Verified By

[Signature]

Letter
11/8/2020

75

76

ANNEXURE "L"

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)
emisbattagram@gmail.com BATTAGRAM 0997543540

Dated: 11/08-2020

No: 5401 /Estb: Pry:

To

ACE
Thana Anticorruption Battagram

Subject: ACTION AGAINST MR. FAZAL WAHAB (FAKE EMPLOYEE)

"K" 7e
Source II

This office had constituted inquiry committee vide notification No: 2280-82 dated 11-05-2020 comprising the following officers:

1. Najab Khan Head Master GHS Battamori
2. Gul Muhammad Head Master GHS Gijbori
3. Wali Ur Rehman ADEO

The above committee submitted its report on 30-06-2020 diary No: 1787 dated 30-06-2020.

You are requested to probe further /initiate inquiry in the matter as huge loss occurred to Government exchequer / treasury.

Enclosures:

Copy of the inquiry report is attached.

Endst: No: 5402-06 /Estb: (P)
Copy for information and n/a to the:

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. Director Anticorruption Department Khyber Pakhtunkhwa Peshawar.
3. District Accounts Officer Battagram.
- ✓ 4. Sub Divisional Education Officer (Male) Allai with the direction to stop salary of Mr. Fazal Wahab immediately.
5. Office File.

District Education Officer (Male)
Battagram
Dated: 11/08/2020

District Education Officer (Male)
Battagram

خدمت ضابطہ ڈسٹرکٹ ایجوکیشن آفیسر (میل) صاحب
ضلع سگڑام -

درخواست برائے عطائلی انکوائری رپورٹ
تاریخ 30/6/2020ء برخلاف سائل مضمون و جواب
Right to Information Act

ضابطہ عالی!

یہ کہ سائل لکھور SPST گورنمنٹ برائے سکول دسراٹ والا
میں نوٹری کر رہا ہے۔

(2) یہ کہ سائل کو معلوم ہوا کہ سائل کے خلاف انکوائری ہوئی
ہے جو کہ انکوائری کمیٹی نے سائل کو کوئی نوٹس نہ دیا ہے
اور نہ ہی سائل کو انکوائری کمیٹی کے ساتھ آگاہی دینا
کرتے ہوئے دیا گیا ہے۔

(3) یہ کہ انکوائری کمیٹی نے کوئی رپورٹ مورخہ 30/6/2020ء کو
میل کرداں میں کے لکھور میں مورخہ 11/8/2020ء کو سائل
کی شہواہ شد کرنے کے احکامات جاری ہوئے اور اسٹی
کمیٹی کو سائل کے خلاف تحقیقات کا حکم دیا گیا۔

(4) یہ کہ سائل کو اس میں انکوائری رپورٹ کی کاپی ملنے
لگتا ہے لہذا اس کے ساتھ سائل کو انکوائری رپورٹ
مورخہ 30/6/2020ء کی کاپی عنایت فرمائی جاوے۔

الزام
17/8/2020

مضمون و جواب و لکھور میں اللہ سگڑام سٹیٹ مضمون و جواب
SPST Cell. 03465556449

78

30

P
33
Released
Para 5

JUDGMENT SHEET
PESHAWAR HIGH COURT, BANNU BENCH
JUDICIAL DEPARTMENT

Writ Petition No.24 -B/2015

Date of hearing.....21.01-2015.....

Petitioner(s): By Shahid Salim Khan Mina
Khel. Advocate.

Respondent(s): By Saifur Rehman Khattak.
Addl. AG

MUHAMMAD YOUNIS THAHEEM. J.- Mst.

Shumaila Latif, the petitioner, seeks constitutional jurisdiction of this Court praying:

"It is therefore, most humbly prayed that on acceptance of instant writ petition, the respondents may kindly be directed to release / pay the monthly salaries of the petitioner from her date of appointment i.e 23-04-2012 till date and petitioner may also be given present/ current and future salaries for her duties. Any other relief which deems fit and proper according to circumstances of the case may also be granted."

ATTESTED

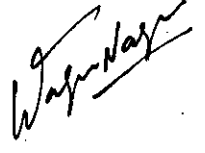
Syed Waqas Naqvi
Advocate High Court
Office 38, Ayub Tanoli Lawyer's
Plaza, Kutchery, Abbottabad

Syed Waqas Naqvi

2. Brief and essential facts of the case are that the petitioner applied for the post of PST and submitted an application to respondent No.3, District Education Officer, (Female) Bannu, being qualified for the post and after complying with codal formalities vide order Endst No.4058-4191/AE-1/Female PST/2012 dated 23-04-2012, the petitioner was appointed as PST at Govt. Girls Community Model School Nusrat Norani, Bannu against vacant post. After obtaining medical fitness certificate, medical certificate and verification of all the testimonials degree, she assumed the charge on 24-04-2012. She further averred in her petition that despite performing her duties, till date she was not given monthly salary, for which she was submitted several applications for releasing her salary, but in vain. She alleged that the respondents have not issued any letter regarding stoppage of her pay/salary nor there is any charge against her. The petitioner submitted that she being having no other remedy against this illegal act of respondents filed the instant petition.

ATTESTED

Syed Waqas Naqvi
 Advocate High Court
 Office 38, Ayub Tanoli Lawyer's
 Plaza, Kutchery, Abbottabad



3. Valuable arguments of learned counsel for petitioner and learned Asstt. A.G. for official respondents heard and available record perused.

✓ 4. Perusal of record reveals that appointment order dated 24-04-2012, bears signing officer's signature and stamp of Executive District Officer, Elementary & Secondary Education, Bannu. Perusal of the appointment reveals that it was issued in compliance with the directions of Hon'ble Peshawar High Court, D.I Khan Bench vide judgment dated 14-04-2011 and judgment of August Supreme Court of Pakistan in C.P No. 837 and on the recommendations of DPC/DSC committee in the meeting held on 14-04-2012. The appointment

ATTESTED

order further reveals that the name of petitioner,

Mst. Shumaila Latif is placed on serial No. 18 and

Syed Waqas Naqvi
Advocate High Court
Office 38, Ayub Tanoli Lawyori
Plaza, Kutchery, Abbottabad

appointed at Govt. Girls Community Model School

Nusrat Norani, Bannu against the vacant post. When

learned Asstt. A.G. was confronted with the situation

that the petitioner was appointed on the directions of

Court on the recommendations of DPC/DSC and

after obtaining medical fitness certificate and

verification of documents she assumed the charged.

Waqas Naqvi

her fundamental rights, the learned Asstt. A.G could not convince the Court and did not rebut the documents available on file. If the petitioner has acted in violation of the disciplinary rules, the petitioner being civil servant was liable to be dealt with under the relevant service laws and without showing any cause or issuing any notice of stoppage of her salary by passing the service laws, the very act of respondents is without lawful authority and liable to set aside.

In view of above situation, illegality, mala fide of respondents' department is palpable on the record. The pay of petitioner cannot be stopped in presence of the appointment order, charge report, performance of duties and attendance register, which facts have not denied by the respondents. In similar

ATTESTED

nature case titled "Mujeebur Rehman and 24 others vs Province of Sindh through Secretary

Syed Waqas Naqvi
Advocate High Court
Office 38, Ayub Tanoli Lawyer's
Plaza, Kutchery, Abbottabad

Education, Education Department, Government of Sindh and 3 others" (2012 PLC (C.S) 708, it was

Waqas Naqvi


held:

"We could not understand as to how a person in service can be stopped salary on the ground that he has been unauthorizedly appointed and

he is also allowed to work. As long as a person after appointment is working in the Department, his salary cannot be stopped. Law provides procedure for removal of a civil servant which the government should follow. We in the given circumstances, direct the respondents and the Finance department to release the salaries of the petitioners forthwith and they will continue to get their salaries as long as they are not removed from the Department in accordance with law. We may observe that such instruction of the finance department to withhold salaries of the petitioner, without their removal from service in accordance with law, is contrary to the Civil Servants law. We in future, if confronted with such an eventuality would take action against the finance department. Non compliance of any of the directives of this Court will expose the concerned official to contempt proceedings. Compliance to be made within 15 days."

ATTESTED

Syed Waqas Naqvi
 Advocate High Court
 Office 38, Ayub Tanoli Lawyers
 Plaza, Kutchery, Abbottabad



6. By now it has been settled that, if appointment order was made against established

procedure. appointing authority would be responsible for committing irregular appointments and as the petitioner was performing her duties then her salary cannot be stopped. as there exists no provision of stoppage of salary in service laws, hence, she is entitled for the same. If the employee is made to work without payment of salary it would be against the injunctions of Islam, which envisages payment of wages before sweat of toil is dried up. This act would also be violative of the principles of policy contained in Chapter 2 part-II of the constitution and also Article 3 of the Constitution, which cast duty on the state to eliminate all forms of exploitation. This issue has sufficiently been dilated in the recent judgment of this Court in case, "Abdul

ATTESTED

Syed Waqas Naqvi
Advocate High Court
Office 38, Ayub Tanoli Lawyer's
Plaza, Kutchery, Abbottabad

Syed Waqas Naqvi

Latif and others Vs Secretary C&W Department
Khyber Pakhtunkhwa, Peshawar and 5 others"
2014 PLC (C.S) 330, wherein it is held that:

"Their appointments are not questioned to have been made in violation of law. They are working since their appointment in January, 2013 without salaries, which is harsh in nature. The record is also silent about any query from the appointing

authority of the petitioners to the effect as to whether appointments were made in violation of law or without observing the legal and formal codal formalities, required for appointment. Though there appears no illegality in the appointment of the petitioners, even then, if any irregularity is alleged and based for non-issuance of NOC, the same could not be made as hurdle by the concerned authorities, as the appointment of an employee, if in any case made against the established procedure, would not burden him, rather the appointing authority would be responsible for committing misconduct by making irregular appointments. Reliance in this respect is placed on the case of Province of Punjab through Secretary Agriculture, government of Punjab and others V. Zulfiqar Ali (2006 SCMR 678)."

ATTESTED

Syed Waqas Naqvi
Advocate High Court
Office 38, Ayub Tanoli Lawyer's
Plaza, Kutchery, Abbottabad

Syed Waqas Naqvi

7. Admittedly, the payment of wages to a labourer is the duty of the employer and any labour without wages amounts to violation of fundamental rights enshrined in the Constitution of Islamic Republic of Pakistan, 1973. Reliance is placed on the honorable Supreme Court case "Larkana and

another Vs Ghulam Khan and 5 others" (2001

SCMR 1320), wherein it is held:

"In our considered opinion their salaries cannot be withheld on the ground that their appointment was illegal being made in violation of the relevant recruitment rules and in fact action should have been initiated against those who are sitting the helm of affairs for such irregularities. The respondents cannot be held responsible in any manner whatsoever"

8. For the reason discussed above and deriving guidance from the superior Courts, we accept this writ petition and declare impugned act of the respondents regarding stoppage of pay void ab initio and direct the respondents to release salary of Mst. Shumaila Latif, the petitioner forthwith from the date of stoppage of her pay/salary. No order as to costs.

Announced.
DI.21.1.2015.

JUDGE

JUDGE

Azam Khan

ATTESTED

Syed Waqas Naqvi
Advocate High Court
Office 38, Ayub Tanoli Lawyers
Plaza, Kutchery, Abbottabad

Syed Waqas Naqvi

OFFICE OF THE HEAD MASTER GHS BATTAMORI &
OFFICE OF THE ASSISTANT DISTRICT EDUCATION
OFFICER (MALE) BATTAGRAM

To,

The District Education Officer (M)
 Battagram.

SUBJECT: INQUIRY REPORT IN R/O MR: FAZAL WAHAB

MEMO,

Reference your office notification No:4681-85 dated 09-08-2019 and reminder letter having no.2280-82 dated:11-05-2020, the under signed visited various offices and institutions to find out the facts and collect the record.

After Scrutinizing the available documents and statements of the concerned officials / officers the detailed report as per TORs is as under.

01: **ADVERTISEMENT COPY.**

Advertisement copy is neither available in the DEO (M) Battagram nor in the SDEO (M) Battagram office.

02: **INTERVIEW / ATTENDANCE DATA RECORD.**

Interview / attendance data record is not available in the DEO (M) Battagram office.

03: **DSC COMMITTEE MEMBERS NAMES.**

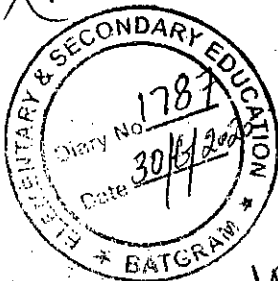
Detail of DSC Committee members is not available.

04: **MINUTES OF DSC .**

Minutes of DSC not available in the concerned office.

05: **APPOINTMENT ORDER ISSUED WITH REFERENCE TO PST.**

No record of the appointment order of Mr: Fazal Wahab is available in DEO (M) Battagram office. The appointment order bearing Endstt: NO 3192-96 does not match the dispatch register of the DEO.(M)



30/06/2020
 DEO (M)

13/07/2020
 Reviewed
 J. J. J.
 13/07/2020

del P-37

Battagram office copy of the appointment order dispatch register & report of establishment DEO(M) Battagram or annexed as A1, A2 & A3.

06: **VERIFICATION OF DDEOS AND SDEOS SIGNATURE**

Source copies are not found and there for verification of DDEOs and SDEOs are also not present .

07: **SOURCE OF PAY RELEASE FROM SDEO TO DAO.**

Copy of source I is not available in SDEO (M) Battagram office. To get the copy of the source we visited District accounts office Battagram but the record was not provided.

08: **COPY OF PAYROLL.**

Payroll of Mr. Fazal Wahab is neither available in the SDEO (M) Battagram nor in the SDEO (M) Allai Office.

09: **PERSONAL NUMBER.**

Personal number of Mr: Fazal Wahab is 00660390.

10: **ATTENDANCE RECORD PRIOR TO GPS FAQIRO IN 2015.**

There is no record of attendance of Mr: Fazal Wahab in the attendance registers of GPS Nehrai and GPS Chohan.

11: **STATEMENT OF THE HEAD TEACHER OF CONCERNED SCHOOLS.**

Head Teacher of GPS Nehrai and GPS Chohan have stated in their written statements that no teacher named Fazal Wahab has performed duty as PST in their concerned school with affect from 2008 to 2015. Statements of the Head Teachers of GPS Nehrai and GPS Chohan attached as annexure B1, and B2.

12: **VISIT REPORT / COMMENTS OF ASDEO CIRCLES.**

ASDEO Thakot circle Mr. Mir Samad and ASDEO Kuzabanda circle Wali ur Rehman have stated in their written statements that no teacher named Fazal Wahab has performed duty as PST at GPS Nehrai and GPS Chohan, Statements of both The ASDEOs attached as annexure C1, and C2.

Mir Samad

Wali ur Rehman

13: **STATEMENTS OF DDEOS AND ASDEOS.**

SDEOs (M) Battagram and Allai have stated in their written statements that no record regarding service / duty of Mr: Fazal Wahab is available in their respective offices. Statements of both the SDEOs attached as annexure D1, and D2.

14: **OBSERVANCE OF SHOWCAUSE / REPLIES / ACTION TAKEN IN THE MATTER.**

Showcase notice was served upon Mr: Fazal Wahab on 09-08-2016. (No:8990-92 Annexure E)

His reply to the showcase notice was not satisfactory (Annexure F)

He was called for personal hearing on 14-10-2016 but according to the available record He could not justify his appointment order.

In light of the above proceedings the appointment order of Mr: Fazal Wahab was declared "NULL AND VOID" vide DEO (M) Battagram order No:18899-18907 dated:09-12-2016. (Annexure G)

15: **AUTHENTICITY OF THE APPOINTMENT ORDER:**

The appointing authority has disowned the signature on the appointment order of Mr: Fazal Wahab (Annexure H)

16: **ARRIVAL REPORT / MEDICAL REPORT / FITNESS CERTIFICATE.**

Arrival report / Medical Report / fitness certificate is not available in the concerned offices.

17: **CHARGE REPOST.**

Charge report is not available in the concerned office.

18: **DUTY STATIONS:**

Duty stations are not confirm and verified because all the concerned authorities have denied his service / duty.

19: **Re. VERIFICATION OF SIGNATURE IN THE SERVICE BOOK.**




The signatories have retired from Govt: service therefore signatures in the service book cannot be verified.

20: **ANY OTHER INFORMATION DEEMED REQUIRED IN THE MATTER.**

A: The PHC Abbottabad bench has dismissed W.P NO 704 -A/2016 for release of pay in a judgment announced on 22-03-2018.

Copy annexed as annexure I.

B: His case is in NAB Peshawar having NO. 07/17 titled Ayaz Quereshi and others vs govt of KPK.

C: His name is in the ghost employ list having serial no 5. Copy attached as annexure J.

D: Mr. Fazal Wahab was terminated as a result of 1st inquiry by the Principal.

1. Mr. Muhammad Shoaib GHSS Kuzabanda

2. Mr. Akmal KHan GHS Chappagram

Copy attached as annexure K, in which they recommended actions against Mr. Fazal Wahab declaring him fake and bogus while the same persons later on did another denovo inquiry and submitted report declaring him innocent and recommended his reinstatement and back benefits copy attached as annexure, (L) so there is contradictions in both inquires by same persons against same person which is doubtful, impugned and cannot be justified by natural law and He cannot be called innocent and correct.

E: Mr: Fazal Wahab was appointed as a result of an impugned order on 6-7-2008 as PST BPS-07 while now he is working in BPS-14 which should be inquired that who and why promotion is given to a fake and bogus PST employee.

F: Salaries of Mr. Fazal Wahab was stopped lastly by DEO Mr. Shoukat Sb in a letter having no 12945 dated 8-11-2018 and declaring the release of pay order dated 4-9-2018 as null and void, copy attached as annexure M, when NAB Peshawar called Mr. Shoukat Sb to NAB Head Quarter

Shoukat Sb

[Signature]

Peshawar and clarified that there is contradiction in two inquiries by the same persons against same person which is not correct as per rule.

- G: Mr. Fazal Wahab is lastly once again favored by Peshawar High Court in one sided judgment dated 19-2-2020 in W.P No 5893-P/19 in which department is not informed and also comments and defense opportunity is not given. Copy attached as annexure (N).
- H: Court judgment dated: 19-02-2020 in w.p 5893-P/2019 is challenged in an application submitted in E&SE directorate having diary no. 357 dated: 12-03-2020 but due to lockdown final out comes still not received and presently his arrears are given conditionally in compliance of PHC judgment in a letter having no 2175-79 dated 29-04-2020 in response of judgment dated 19-02-2020 . Copy attached as annexure (O).
- I: Mr. Fazal Wahaab was offered/ served a questionnaire consisting of 23 questions on 26-09-2019 to clarify his position but he failed to give answers to the questions in the questionnaire for defense but he failed to answer even a single question or any other word in his defense. Copy of questionnaire is attached as annexure (P).

FACTS AND FINDINGS

1. By the evidences and documentary proofs attached, it is crystal clear that his appointment order is fake and bogus and so all things and favours given to him by some dishonest personals in the department cannot be called correct and justified.
2. His case is badly mishandled and complicated by some dishonest personals in Education & Account office and he is favored /facilitated illegally & without justification.
3. He was appointment unlawfully through an impugned order on 06-07-2008 as PST through back door channel and by unfair means but unfortunately he has got promotion and now he is SPST BPS-14 in GPS Faqero Allai as is cleared by a under Endst No.9592-97 dated:04-09-2018, Copy attached as annexure (Q).
4. He is also transferred for GPS Nerai/ Chohan to GPS Faqero in 2015.

CMW

[Handwritten signature]

D

421
58

- 5. He is a stranger and have got too much benefits / Rupees from national treasury illegally and without justification which is a beg national loss.
- 6. He is reinstated in service secondary to denovo inquiry by the same officers (detail is given in the previous paras who in their fist inquiry declared him fake and bogus while in second enquiry that declare him innocent and clear and give recommendations for reinstatement and back benefits, and thus there is contradiction in two inquiries conducted by the same persons against the same bogus and fake PST.
- 7. During all the period any FIR is not lodged by the relevant authorities and also any recovery is not don from the said bogus PST.

RECOMMENDATIONS:

- 1) It is strongly recommended to take legal disciplinary actions against fake and bogus PST teacher because by negligence dishonesty of any authority / persons /workers who mishandled the case of the said fake & bogus PST cannot be made innocent, correct & clean handed.

Najab Khan
Head Master
GHS Battamori

Gul Muhammad
Head Master
GHS Gijbori
**HEAD MASTER
GHS GIJBORI
BATTAGRAM**

Wali Ur Rehman
ADEO Local Office
DEO (M) Battagram

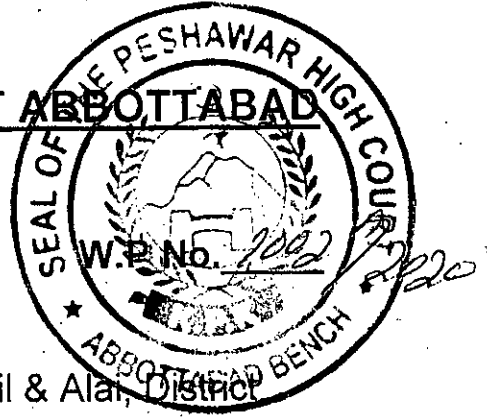
Wali Ur Rehman
District Office
Education Department Battagram
30/6/20

30/06/2020
30/06/2020

92

ANNEXURE - "M"

BEFORE THE PESHAWAR HIGH COURT ABBOTTABAD
BENCH, ABBOTTABAD



Fazal Wahab S/o Rahimullah R/o Rashang, Tehsil & Alai, District
Battagram.

.....PETITIONER

Versus

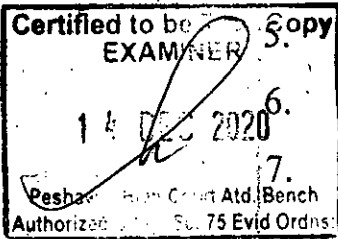
1. Govt. of KPK through Secretary Elementary & Secondary Education KPK, Peshawar.
2. Director Elementary & Secondary Education KPK, Peshawar.
3. District Education Officer (Male) Battagram
4. Wali-ur Rehman (Assistant District Education Officer Male, Battagram
5. Najab Khan, Headmaster GHS Battagram, Battagram
6. Gul Muhammad, Headmaster GHS Gijbori, Battagram
7. Sub Divisional Education Officer (Male) Allai, District Battagram
8. District Account Officer Battagram
9. Director Anti Corruption Department, KPK, Peshawar
10. SHO Anti Corruption Establishment, Battagram

.....RESPONDENTS

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

RESPECTFULLY SHEWETH:

1. That the petitioner was appointed as Primary School Teacher (PST) on 06.07.2008 in education department at



4334
No. 26.8.20

FILED TODAY
REGISTRAR
PESHAWAR HIGH COURT
26/12/20

District Battagram. (Copy of the Appointment letter and Service book of the petitioner is annexed as Annexure "A" & "A1")

2. That after serving in the department for more than seven long years, petitioner was served with a show cause notice dated 09-08-2016 by the District Education Officer (Male) Battagram on the ground that his appointment order is fake and bogus, petitioner replied to the show cause notice dated 09-08-2016.

(Copies of show case notice dated 09-08-2016 and reply are annexed as Annexure "B" & "B1")

3. That vide office order dated 09-12-2016, the appointment order of the petitioner was declared as fake and bogus. (Copy of the office order dated 09-12-2016 is annexed as Annexure "C".)

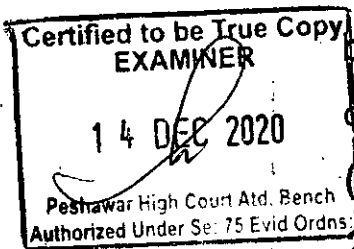
4. That feeling aggrieved, petitioner filed departmental appeal before the appellate authority which was dismissed vide order dated 03-04-2017.

(Copies of departmental appeal and order dated 03-04-2017 are annexed as Annexure "D" & "D1".)

5. That the petitioner filed service appeal before the KPK Service Tribunal against the orders passed by respondent No.2 and 3 which was allowed vide order dated 12-04-2018 with direction to the respondents No.2 and 3 qua denovo inquiry/proceedings within a period of ninety days.

(Copies of Service appeal and order dated 12-04-2018 are is annexed as Annexure "E" & "E1".)

6. That denovo inquiry was conducted by respondent No.2, as



FILED TODAY
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
A.T.D. BENCH
26/12/20

84

allegation levelled against him and accordingly, was reinstated in service.

(Copies of the inquiry report dated 02-08-2018 and reinstatement order dated 28-05-2018 are is annexed as Annexure "F" & "F1".)

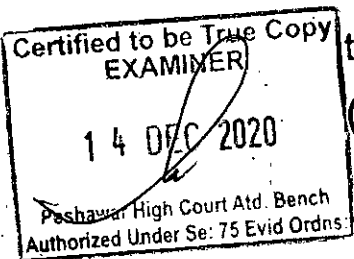
7. That it is also pertinent to mention here that in respect of the same allegations i.e of being "Ghost employee" of education department, a reference No. 07/2017 titled "Ayaz Qureshi & others Vs State is also pending adjudication before the Hon'able Accountability court II, Peshawar in which the petitioner is at serial No.8 of the list. After the order of worthy Service Tribunal Peshawar and exoneration in enquiry conducted by respondent No.2, petitioner moved an application under sec 265 K Cr.Pc for his acquittal before the accountability court thereafter, respondent No.3 was pressurised by the NAB authorities because of the reference pending before the accountability court.

(Copy of the list is annexed as Annexure "G".)

8. That upon the undue co-ercion, influence and pressure of the NAB officials against the mandate of rules, respondent No.3 vide letter dated 08-11-2018 stopped the salary/pay of the petitioner.

(Copy of letter 08-11-2018 is annexed as Annexure "H".)

9. That feeling aggrieved by the illegal act of the respondent No.2 and NAB officials, petitioner filed a writ petition before the Hon'able Peshawar High Court at Principle seat which was allowed vide order dated 19-02-2020 and the impugned order dated 08-11-2018 passed by D.E.O Male Battagram was declared illegal and as result of undue influence of NAB.



FILED TODAY
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
26/8/20

(Copy of writ petition and order dated 19-02-2020 is annexed as Annexure "I".)

10. That after the order of Hon'able Peshawar High Court, respondent No.2 again ordered for the release of pay of the petitioner vide order dated 29-04-2020.

(Copy of pay release order dated 29-04-2020 is annexed as Annexure "i 1")

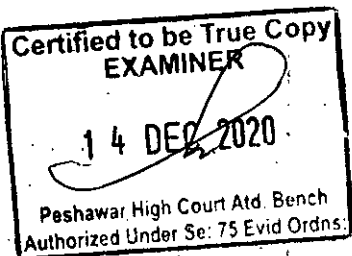
11. That during the pendency of above mentioned writ petition before the Hon'able High Court, petitioner was regularly performing his duties at GPS Faqiro Allai but respondent No.7 illegally prohibited at behest of respondent No.3 the petitioner from discharging his duties without any written order upon which petitioner moved application to the Deputy Commissioner Battagram and District Monitoring Officer Battagram but no action had been taken upon the application of the petitioner.

(Copies of the applications are annexed as Annexure "J".)

12. That the respondent illegally withheld the salary of petitioner for the period of seven months i.e October 2019 to April 2020 without any legal justification.

(Copy of the Source II is annexed as Annexure "K")

13. That after the order of Hon'able Court dated 19-02-2020, respondent No.3 transferred the petitioner against the vacant post of SPST BPS-14 at GPS Dumrai, Allai while releasing his salary. Petitioner was regularly performing his duties at GPS Dumrai since his transfer when he came to know that respondent No.3 constituted another inquiry committee comprising of respondents No.4 to 6 for action



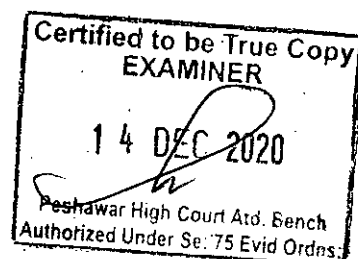
FILED TODAY
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ATD. BENCH
14 DEC 2020

96

without any giving notice to the petitioner and without giving any proper opportunity of hearing finalized the report and submitted it to the respondent No.3 on 30-06-2020 whereafter respondent No.3 illegally referred the case to Anti Corruption establishment vide order dated 11-08-2020 to further probe and initiate inquiry against the petitioner and pay / salary of the petitioner.

(Copy of the Letter dated 11-08-2020 is annexed as Annexure "L")

14. That feeling aggrieved of the aforementioned situation, the petitioner impugnes herein the illegal act of the respondent No.3 interalia on the strength of following grounds amongst others.



GROUND

- A. That the act of the respondents by stopping the salary of the petitioner is illegal, unlawful, arbitrary, hence liable to be set aside.
- B. That the act of the respondent No.3 is perverse principle against the guaranteed rights hence liable to turn down.
- C. That the impugned illegal act of the respondents regarding the stoppage of pay and constitution of new inquiry committee vide notification No. 2280-82 dated 11-05-2020 is against the law, illegal, without lawful authority hence liable to be stuck down.
- D. That the act of the respondents is against the article 4 & 10 A of constitution of Islamic Republic of Pakistan.
- E. That it is also indispensable to submit that the impugned

FILED TODAY
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
AD AD BENCH

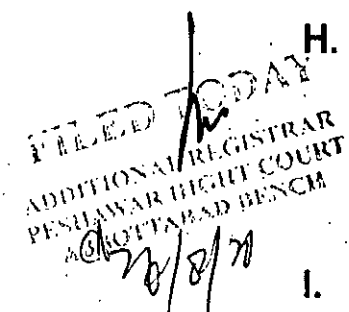
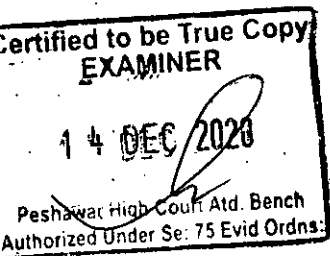
does not hold any water because the petitioner has already been reinstated by the Hon'able Service Tribunal, Peshawar and upon the directions of the tribunal the denovo inquiry/ proceedings were conducted and the petitioner was exonerated from all the charges and was reinstated with all the back benefits. When a person is exonerated from charges and the order of KPK Service Tribunal has attained the finality, the competent authority who issue the order becomes functus officio and he is unauthorise to take back such order but in the present case, the impugned letter dated 11-08-2020 issued by the respondent No.3 is against the mandate of the law and rules and sheer violation of the fundamental rights of the petitioner thus liable to be turned down.

F. That denovo inquiry was conducted upon the directions of the competent court i.e Service Tribunal which has not been challenged by the respondents thus it has attained finality. Respondent No.3 in the utter disregard of the order of the worthy Service Tribunal again issued impugned letter dated 11-08-2020 whereby Anti-Corruption Establishment was requested to initiate the inquiry against the petitioner and also stopped the salary of the petitioner. Such act of the respondent No.3 being illegal is not sustainable in the eyes of law.

G. That the petitioner is entitled for all the unpaid salary from October 2019 to April 2020 because the petitioner was unlawfully stopped by the respondent from coming to school and discharge his duties without any fault on his part.

H. That the petitioner has always performed his duties with utmost devotion, dedications, zeal and zest and did not give any complaint to his superiors.

I. That it is also pertinent to mention that already a reference



accountability court Peshawar which is yet to be decided. But the respondent No.3 illegally constituted inquiry committee on the same pretext against the petitioner which falls under double jeopardy, hence the impugned order is liable to be struck down.

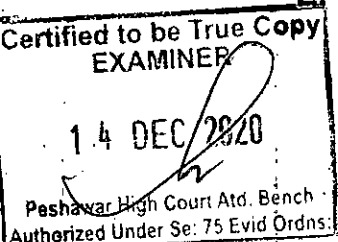
J. That the Hon'able Peshawar High Court in writ petition No. 5893 P /2019 filed by the petitioner has already declared the act of respondent No.2 regarding the stoppage of the salary of the petitioner illegal, without lawful authority and as result of undue influence of NAB authorities.

K. That impugned letter / order was passed in an arbitrary manner and in violation of rules on the subject. Neither charge sheet was framed and served upon the petitioner nor petitioner was afforded any fair opportunity of hearing. Thus the impugned order is against the provisions of KPK efficiency and discipline rules, 2011.

L. That the impugned letter / order dated 08-11-2019 is against the law rules and policy on the subject and as a result of personal grudges of the respondents with the petitioner hence not tenable in the eyes of laws.

M. That the petitioner has unblemished service record and has served the department more than 11 years with utmost devotion which created vested rights in the favour of petitioner and cannot be taken away in harsh manner under the principle of the locus potentiae.

N. That the impugned illegal act of the respondent No.3 by stopping the salary of the petitioner is against the principles of natural justice.



99
B

O. That the impugned illegal act of the respondent No.3 is against the judgments passed by the superior courts on the subject.

P. That no other efficacious, speedy and adequate remedy is available to the petitioner except the instant constitutional petition as the valuable rights of the petitioner are involved.

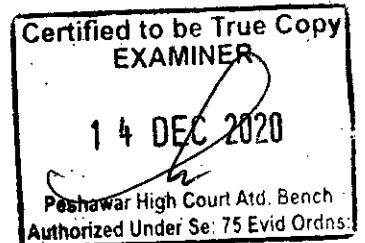
Q. That the petitioner craves gracious permission of this Honourable court to raise further points during the course of arguments.

R. That the notices of the instant writ petition has been sent to the respondents through registered AD.

(Copies of notice and receipts are annexed as Annexure "M")

S. That the Court fee stamp of Rs 500 is attached

PRAYER



It is, therefore, most respectfully prayed that on acceptance of the instant writ petition,

1. That the impugned letter / order dated 11-08-2020 and the report of the inquiry committee diary No. 1787 dated 30-06-2020 may please be declared illegal, unlawful, without lawful authority, void ab-initio, be set aside and further respondents be restrained to act upon it in any mode, manner and form.

2. That the respondents be directed to release the unpaid salary / arrears of the petitioner from October 2019 to April

FILED 10/11/2020
REGISTRAR
COURT

Any other relief as deem fit and appropriate by this Honourable Court may also be given.

INTERIM RELIEF:

It is most humbly prayed that the impugned letter / order No. 540 dated 11-08-2020 and any other proceedings / actions subservient thereto may please be suspended till the final disposal of the writ petitioner and the current salary of the petitioner may please be ordered to be released.

Dated: 24-08-2020

...Petitioner

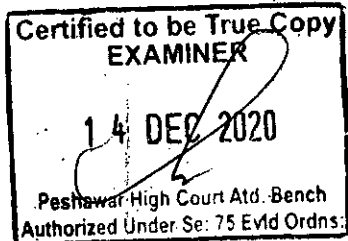
Through

Syed Waqas Naqvi
Syed Waqas Naqvi

&

Syed Qurban Gillani
Advocates High Court
Abbottabad.

Syed Qurban Gillani



FILED TODAY
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
20/08/20

BEFORE THE PESHAWAR HIGH COURT ABBOTTABAD
BENCH, ABBOTTABAD

W.P No. 1002 / 2020

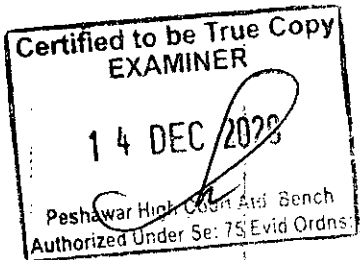
Fazal Wahab S/o Rahimullah R/o Rashang, Tehsil & Alai, District Battagram.

.....PETITIONER

Versus

Govt. of KPK through Secretary Elementary & Secondary & others

.....RESPONDENTS



Writ Petition

AFFIDAVIT

I Fazal Wahab S/o Rahimullah R/o Rashang, Tehsil & Alai, District Battagram, solemnly affirms and declare on oath that the contents of the titled Writ Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon' able court.

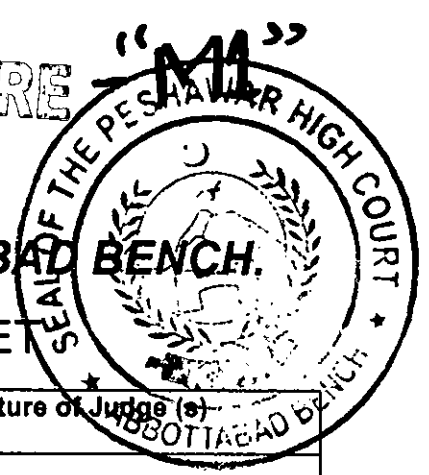
13201-18401R-1

S. 598/285 285
C.
at:
Fazal Wahab S/o Rahimullah
R/o Rashang, Tehsil & Alai, District Battagram
Do not in office

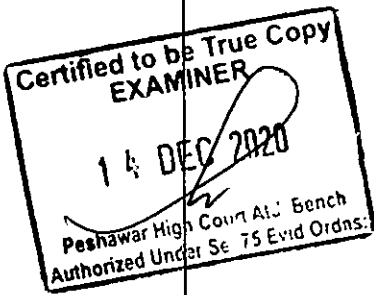
[Signature]
DEPONENT

PESHAWAR HIGH COURT, ABBOTTABAD BENCH.

FORM OF ORDER SHEET

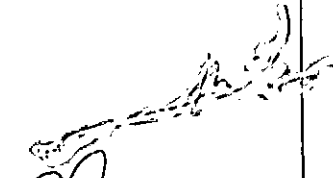



Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1	2
24.11.2020	<p><u>W.P.No. 1002-A/2020.</u></p> <p>Present: Syed Waqas Naqvi, Advocate, for the petitioner.</p> <p>Sardar Muhammad Asif, Assistant AG alongwith Muhammad Tanveer, Inspector ACE Battagram.</p> <p style="text-align: center;">***</p> <p><u>MOHAMMAD IBRAHIM KHAN, J.-</u> Through the instant petition filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 petitioner Fazal Wahab has prayed for setting aside the impugned letter / order dated 11.08.2020 alongwith report of the enquiry committee dated 30.06.2020, being without lawful authority, as well as for issuance of direction to the respondents not to act upon the so-called enquiry and further to release his unpaid salary / arrears from October, 2019 to April, 2020.</p> <p>2. Learned counsel for the petitioner and the learned Assistant Advocate General, appearing on behalf of the official respondents, are jointly unison to dispose of this petition in terms that let the petitioner be paid his monthly salaries / arrears till he is proceeded under the Efficiency & Disciplinary Rules, to be followed by further order of the competent authority. The petitioner is, however, at liberty that if at all the outcome of the enquiry under the</p>

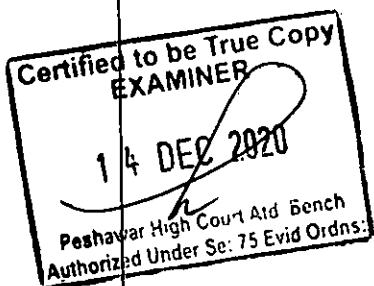


Efficiency & Disciplinary Rules leads to his termination, he may prefer fresh petition, challenging his termination order in accordance with law.

3. Petition stands disposed of accordingly.


JUDGE


JUDGE





OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) DISTRICT BATTAGRAM
PHONE & FAX NO. 0997543539-40
E.MAIL: emisbattagram@gmail.com

SHOW CAUSE NOTICE

I. Mr. Ifikhar Ul Ghani, District Education officer (M) Battagram, under the Khyber Pukhtunkhwa Government Servant (Efficiency & Disciplinary), Rules 2011, do hereby serve upon you, **Mr. Fazal Wahab PST, GPS Dumrai Tehsil Allai District Battagram**, this show cause notice as follow:-

1. That you inducted yourself into this department as PST teacher through fake and self-fabricated appointment order with the collusion and connivance of the then officers and officials of DEO and DAO offices.
2. That your bogus/fake appointment Order endorsement No. 3192-96 is also fake and more so, astonishingly the date of appointment i.e 6/7/2008 was Sunday, which not only vindicates that it is fake and bogus but also corroborates that a guilty conscience needs no accuser.
3. That the endorsement No.3192-96 and date do not match with the dispatch of this office which further justifies your appointment as fake, bogus and self-fabricated.
4. That the officer whose fake signature has been put on the appointment order was actually not posted as District officer in district Battagram at that time, rather he was District Officer in District Shangla.
5. That a formal inquiry was conducted by this office vide Notification No.4681-85/Est:Pry Dated 9/8/2019, comprising of Mr. Gul Mohammad, Head Master GHS Battagram No. 2, (Chairman), Mr. Najab Khan, Head Master GHS Battamori and Mr. Wali Ur Rahman ADEO (Lit.) office of the DEO (M) Battagram, who after conducting a comprehensive inquiry submitted on 30/6/2020, declared your appointment as "**Fake and Bogus**" with the following recommendation
" It is strongly recommended to take legal disciplinary actions against the said fake and bogus PST teacher, because by negligence and dishonesty of any authority, person, worker who mishandled the case of the said fake and bogus PST cannot be made innocent, correct and clean handed".

By reasons of the above, you appear to be guilty of inefficiency and misconduct under **Rules 3 (a) and (b) defined in Rules- 2 sub-rule-(i) sub-rule (vi)**, of the Khyber Pakhtunkhwa 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.

As a result thereof, I, as the competent authority, have tentatively decided to proceed against you under the above mentioned rules. You are, therefore, required to show cause as to why major penalty of "**Removal from service**" under **Rules 4 (b) (iii) of the Khyber Pukhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011**, should not be imposed upon you and also intimate whether you desire to be heard in person. If no reply to this office is received within 07 days of its delivery, it shall be presumed that you have no defense to put in and in that case Ex-parte action will be taken against you.


(IFTIKHAR UL GHANI)

DISTRICT EDUCATION OFFICER (M)
BATTAGRAM

Endst: No. 8401-6 / Dated 06/11/2020.

Copy forwarded to:-

- 1- The Director of Elementary and Secondary Education Khyber pukhtunKhwa, Peshawar.
- 2- DMO, EMA Battagram.
- 3- DAO Battagram.
- 4- SDEO (M) Allai/Battagram.
- 5- The Official Concerned.
- 6- Master File.


DISTRICT EDUCATION OFFICER (M)

کورٹ فیس

وکالت نامہ

بعدالت KPK سرسبز ٹریبیونل لٹاؤر

عنوان: فعل وحاب بنام عمر زمان ۵۵ بنگلام عینہ

منجانب:

دعوات۔
نوعیت مقدمہ: لٹاؤر

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے اسے پیروی و جواب دہی کل کاروائی متعلقہ آں مقام
سید وصاب لغوی ایڈووکیٹ ہائی کورٹ ایٹانہ

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پرداختہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر محتاج مقدمہ کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواستی پر اندر اسٹارٹیشن بھینچہ مفلسی کے دائرہ کرنے اور اس کے پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

Waqas

Syed Waqas Naqvi
Advocate High Court
Office 38, Ayub Tanoli Lawyers
Plaza, Kutchery, Abbottabad

بمقام:

المرقوم: ۱۶/۱۲/۲۰۲۰