

20.01.2021

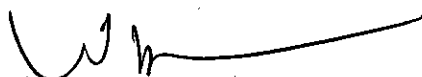
Appellant present through counsel.

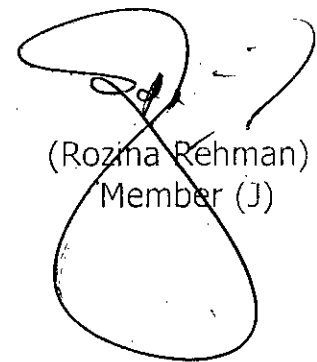
Kabir Ullah Khattak learned Additional Advocate General alongwith Hamid Salim Law Officer, Hayat Khan Assistant Director and Abdul Wahid ADEO for respondents present.

Vide detailed judgment of today of this Tribunal placed on file of connected service appeal No.1014/2019 tilted Mst. Ishrat Vs. Education Department, the impugned orders stand set aside and the appellant is reinstated in service with direction to the Department to conduct proper inquiry. They shall investigate the issue through a proper inquiry reaching to a logical conclusion to find out the real culprits who maneuvered to make it possible and thereafter, the fate of appellant be decided in the light of the said inquiry. The respondents shall conclude the proceedings within 90 days after receipt of this judgment. The issue of back benefits shall be subject to the outcome of inquiry. With no order as to costs. File be consigned to the record room.

Announced.

20.01.2021


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


(Rozina Rehman)
Member (J)

09.12.2020

Appellant present through counsel.

Muhammad Jan, learned Deputy District Attorney alongwith Hamid Salim Law Officer, Fahim Ullah Law Officer and Murtaza Superintendent for respondents present.

File to come up alongwith connected appeal No.1014/2019, on 12.01.2021 for before D.B.



(Atiq ur Rehman Wazir)
Member (E)




(Rozina Rehman)
Member (J)

12.01.2021

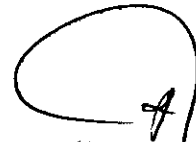
Appellant present through counsel.

Kabir Ullah Khattak learned Additional Advocate General alongwith Hamid Salim Law Officer for respondents present.

File to come up alongwith connected appeal No.1014/2019 on 20.01.2021 before D.B.



(Atiq ur Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

12.08.2020


Due to summer vacations case to come up for the same on
~~25.08~~ 2020 before D.B.

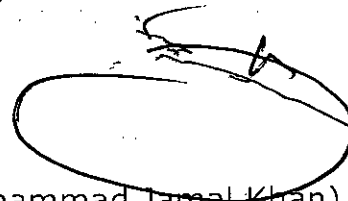

Reader

15.10.2020

Mr. Khalid Khan Mohmand, Advocate, for appellant is present. Mr. Muhammad Jan, Deputy District Attorney alongwith representative of the department Mr. Hazrat Shah, Section Officer, are also present.

Learned counsel submitted that his senior has proceeded to Dar-ul-Qaza Mingora bench of the Hon'ble Peshawar High Court, Peshawar, and cannot attend the Tribunal today. Requested for adjournment. Adjourned to 17.11.2020 on which to come up for arguments before D.B.


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



(Muhammad Jamal Khan)
Member (Judicial)


17.11.2020

Appellant present through counsel.

Muhammad Jan, learned Deputy District Attorney alongwith Hamid Saleem Law Officer for respondents present.

To come up alongwith connected file No.1014/2019, on 09.12.2020 before D.B.


(Atiq ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

31.03.2020

Due to public holiday on account of COVID-19, the case is adjourned to 23.06.2020 for the same. To come up for the same as before S.B.


Reader

23.06.2020

Counsel for the appellant present. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Mr. Muhammad Irfan Assistant, representative of respondents No.1 & 2 present and submitted reply on behalf of the said respondents.

Muhsin Hassan Khan present and submitted authority letter on behalf of respondent No.3 with a request for another adjournment; adjourned but on cost of Rs.2000/-. To come up for written reply/comments of respondent No.3, on 22.07.2020 before S.B


Member

22.07.2020

Appellant himself is present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Mohsin, Litigation Officer on behalf of respondent No. 3 are also present.

Joint para-wise comments on behalf of respondents No. 1 & 2 have already been submitted while representative of respondent No. 3 submitted written reply today which is placed on record. Representative of respondent No. 3 also paid Rs. 2000/- as per previous order sheet dated 23.06.2020 which is handed over to appellant and receipt thereof also obtained from the appellant, which is placed on record. File to come up for arguments on 12.08.2020 before D.B. The appellant may submit rejoinder within a fortnight, if so advised.


(MUHAMMAD JAMAL KHAN)
MEMBER

10.02.2020

Learned counsel for the appellant present. Written reply not submitted. M/S Irfan Ali Assistant (for respondents No.1 & 2) and Mehtab Gul Law Officer (for respondent No.3) present. Representatives of respondents requested for a short adjournment to furnish reply. Granted. To come up for written reply/comments on 24.02.2020 before S.B.



Member

24.02.2020

Junior to counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG alongwith Hayat Khan, AD and Mehtab Gul, Law Officer for the respondents present. Respondents still seek time to submit reply/comments. Last chance is granted. To come up for written reply/comments on 12.03.2020.



(Hussain Shah)

Member

12.03.2020

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith M/S Hayat, Assistant Director and Iftikhar Bangash on behalf of respondent No. 3 present. Written reply on behalf of respondents not submitted despite last chance. Both the representatives of the department seek further time to furnish written reply/comments. Last chance is extended to 31.03.2020 for written reply/comments before S.B.



(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

19.12.2019

Junior to counsel for the appellant and Addl. AG alongwith Hayat Khan, A.D for the respondents present.


Representative of respondents seeks further time to furnish reply/comments. Adjourned to 08.01.2020 on which date the requisite reply/comments shall positively be submitted.


Chairman

08.01.2020

Junior to counsel for the appellant and Addl. AG alongwith Irfanullah, Assistant for respondents No. 1 & 2 present. Nemo for respondent No. 3.

Representative of respondents No. 1 & 2 seeks time. Fresh notice be issued to respondent No. 3. To come up for written reply/comments on 24.01.2020 before S.B.


Chairman

24.01.2020

Junior to counsel for the appellant and Addl. AG alongwith Hayat Khan, A.D for the respondents present.

Representative of the respondents seeks short adjournment for submission of reply/comments. Adjourned to 10.02.2020 on which date the requisite reply/comments shall positively be furnished.


Chairman

06.09.2019

Counsel for the appellant present.

Contends that through notification dated 04.04.2019 the respondent No. 2/Director Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar "disowned" the appointment/adjustment notification of the appellant ostensibly on the ground that at the time of initial appointment the appellant had provided fake/bogus documents. Even the appointment order itself was not genuine. It was argued that while dispensing with the service of appellant the respondents did not resort to mandatory departmental proceedings and the appellant was not provided with any opportunity of putting forth his defence. The respondents did not care to issue any show cause notice nor a proper/regular enquiry was conducted before issuing of impugned notification.

In view of available record and arguments of learned counsel, instant appeal is admitted for regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 18.11.2019 before S.B.

Appellant Deposited
Security & Process Fee


Chairman

18.11.2019

Junior to counsel for the appellant and Addl. AG alongwith Hamid Saleem Law Officer for the respondents present.

Representative of the respondents seeks time to furnish written reply/comments. Adjourned to 19.12.2019 on which date the requisite reply/comments shall positively be submitted.

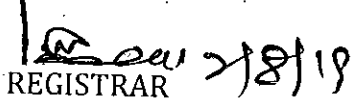


Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1012/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	02/08/2019	<p>The appeal of Mr. Muhammad Iqbal presented today by Mr. Amin-ur-Rehman Yousafzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>06/09/19</u></p> <p> CHAIRMAN</p>

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

Service Appeal No. 1012/2019

Muhammad IqbalAppellant

....VERSUS....

Govt of Khyber Pakhtunkhwa & 02 othersRespondents

I N D E X

S.No.	Description of documents	Annex	Pages
1.	Service Appeal		1-4
2.	Application for Grant of Status Quo alongwith Affidavit		5-6
3.	Addresses of the parties		7
4.	CNIC	"A"	8
5.	CV	"B"	9
6.	Educational Testimonials	"C"	10-12
7.	Notification dated: 16.09.2008 alongwith Charge Report dated: 17.09.2008	"D"	13-15
8.	Service Regularization Notification dated: 11.02.2010	"E"	16
9.	Impugned Notification dated: 04.04.2019	"F"	17
10.	Departmental Appeal dated: 16.04.2019 alongwith diary/dispatch number	"G"	18-19
11.	Wakalatnama		20


Appellant
Through

Amin ur Rehman Yusufza


Sajjad Mehsud

&


Khalid Khan

Advocates, Peshawar,
3-A, Park Avenue, Bhattani Plaza,
University Town, Peshawar

Cell No.0321-9022964, 0333-9981464

Dated: 29.07.2019

①

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

Service Appeal No. 1012/2019

Muhammad Iqbal S/o Khan Bahadur Khan, Ex-SST (Gen),
R/O Village Madi Baba, Tehsil Takht Bhai, District Mardan

Khyber Pakhtunkhwa
Service Tribunal

Appellant

....VERSUS....

Diary No. 1124

Dated 02/8/2019

1. Govt of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Civil Secretariat Peshawar.
2. Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. Khyber Pakhtunkhwa Public Service Commission through Chairman, Fort Road, Peshawar Cantt. Respondents

**SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL ACT, 1974, READ WITH ALL ENABLING
PROVISIONS OF LAW, GOVERNING THE SUBJECT, AGAINST:**

NOTIFICATION ENDORSEMENT NO.5641-46, DATED:
04.04.2019 OF RESPONDENT NO.2, VIDE WHICH
APPOINTMENT/REGULARIZATION NOTIFICATION DATED:
11.02.2010, OF THE APPELLANT, HAS UNILATERALLY BEEN
DISOWNED.

PRAYER-IN-APPEAL:

On Acceptance of Instant Appeal, the Impugned Notification dated 04.04.2019 of Respondent No.2 alongwith Pre & Post Proceedings thereto, may be declared as Illegal, Unlawful, without Lawful Authority, void-ab-initio and of no legal effect, Hence, be set at naught and appellant may be reinstated in service with all back benefits, in the best interest of justice and equity.

Filed to-day
@ ew
Registrar
2/8/19

Respectfully Sheweth:

1. That appellant is law abiding peaceful citizen of Pakistan and permanent resident of District Mardan.
(Copy of CNIC, is attached as Annexure "A")
2. That appellant obtained Master Degree, in the year 2000, from University of Peshawar and having passed C.T & B.Ed Degree Course from University of Peshawar.
(Copies of CV and Educational Testimonials, are attached as Annexure "B" & "C", respectively)
3. That appellant was appointed by the competent authority, as SST (BPS-16), on contract basis, for a period of one year, vide Notification Endorsement No.5139-5197/A-14/SST/M&F/Contract One year, dated: 16.09.2008.
(Copy of Notification dated: 16.09.2008 alongwith Charge Report dated: 17.09.2008, is attached as Annexure "D")

4. That appellant was regularized in service, by the competent authority, with effect from 01.01.2009, under the KP Employees (Regularization of Services) Act, 2009, vide Notification Endorsement No.2221-27/A-14/SET(M) Regularization SST Contract, dated: 11.02.2010.
(Copy of Service Regularization Notification dated: 11.02.2010, is attached as Annexure "E")
5. That appellant was performing duty with zeal, devotion and outmost satisfaction of the superiors, however he has unilaterally been shunt-out from service, vide impugned Notification dated: 04.04.2019 by respondent No.2, without due process and following the law/rules governing the subject.
(Copies of Impugned Notification dated: 04.04.2019, is attached as Annexure "F")
6. That appellant preferred departmental appeal dated: 16.04.2019 to respondent No.1 which was received vide Diary No. 1001 dated: 16.04.2019, though the statutory period of 03 months has been elapsed, but the authority did not consider the same, one way or the other.
(Copies of Departmental Appeal dated: 16.04.2019 alongwith diary/dispatch number, is attached as Annexure "G")
7. That appellant, being aggrieved of impugned notification dated: 04.04.2019 and not considering his departmental appeal by respondent No.1, approaches this Hon'ble Tribunal, inter-alia, on the following grounds:

GROUND S:

- A. That impugned Notification dated: 04.04.2019 of respondent No.2 is against the law and facts available on file, hence, untenable.
- B. That the appellant has neither been treated in accordance with law nor he has been provided equal protection of law, rather he has not been provided fair opportunity to defend himself, as enshrined in Article-10A of the Constitution of Islamic Republic of Pakistan 1973, hence the respondent department acted without jurisdiction.
- C. That neither regular enquiry was conducted into the guilt of the appellant nor he has been served with mandatory Show Cause Notice, hence, condemned unheard, which attracts doctrine of audi-alterm-partem.
- D. That appellant being qualified was appointed after due process of law and fulfilment of all legal/codal formalities, however shunt-out from service with a single stroke of pen, without care and caution of its legal consequences, which has caused grave miscarriage of justice.

E. That appellant has served the department with zeal, devotion and to the best of his abilities, without affording a single opportunity of complaint, either to the students or their parents or to the superiors, regarding performance of official duties, therefore, the following amongst plethora of Judgments of the apex Court will be attracted.

I. 2011 SCMR 1581

“Appointment order found to be bogus/fake/irregular Validity Such charge was vague, nonspecific and did not show any lapse on part of employee or commission of any fraud by him or non-possession of requisite qualification by him or his appointment to be made by an incompetent officer Department had not found performance of employee to be unsatisfactory Impugned order was set aside in circumstances”

II. 2004 SCMR 303

“Appointment of Civil Servants were made by Competent Authority. If prescribed procedure was not followed by the Concerned Authority the Civil Servants could not be blamed for what was to be performed and done by the Competent Authority. Supreme Court noted it with concern that in case the Civil Servants were to be removed then the same would amount to hitting them hard creating problems for the society at large considering each of the Civil Servants being the bread earner of his family. Appointing authorities had been acting mechanically without application of mind, therefore, the Civil Servant could not be made to suffer for whimsical and mechanical acts of the authorities.”

III. 2016 SCMR 1299

“The solution we have come out is simple, let them continue, if they besides the certificates or diplomas, issued by the council, possess the requisite or equivalent qualification. Let them all also continue who improve their qualification even thereafter. Those who could not improve their qualification up till now should improve it within a period of one year, which could be reckoned from the date of commencement of the next available academic session of the respective program.”

IV. 2010 PLD SC 483

“Principle of Audi-alterm-Partem was always deemed to be imbedded in the statute and even if there was no such express provision, it would be deemed to be one of the parts of the statute, because no adverse action can be taken against a person without providing right of hearing to him”

F. That any other grounds, with the permission of this Hon'ble Tribunal, will be taken at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of Instant Appeal, the Impugned Notification dated 04.04.2019 of respondent No.2 alongwith Pre and Post proceedings thereto, may be declared as Illegal, Unlawful, without Lawful Authority, void-ab-initio and of no legal effect, hence be set at naught and appellant

may be reinstated in service with all back benefits, in the best interest of justice and equity.

Any other relief, not specifically prayed for and deemed appropriate by this Honourable Tribunal in circumstances of the case may also be granted.


Appellant

Through

Amin ur Rehman Yusufzai



Sajjad Mehsud

&



Khalid Khan

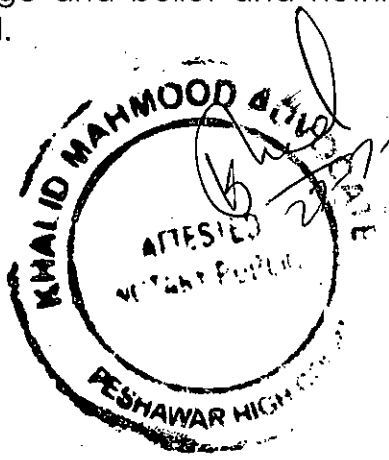
Advocates, Peshawar,
3-A, Park Avenue, Bhattani Plaza,
University Town, Peshawar

Cell No.0321-9022964, 0333-9981464

Dated: 29.07.2019

VERIFICATION:

Verified on oath that the content of the instant Service Appeal is true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Tribunal.




Deponent

5

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

C.M No._____/2019
In
Service Appeal No._____/2019

Muhammad Iqbal **Appellant**

....VERSUS....

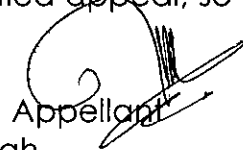
Govt of Khyber Pakhtunkhwa & 02 others **Respondents**

**APPLICATION FOR STATUS-QUO TILL FINAL DECISION OF THE
TITLED SERVICE APPEAL**

Respectfully Sheweth:-

1. That the titled appeal has been filed today wherein no date has yet been fixed for hearing.
2. That facts and grounds of the titled appeal may please be considered as integral part and parcel of instant applicant.
3. That valuable rights of applicant are involved into the matter and if the subject relief has not been granted he will suffer irreparable loss.
4. That applicant has got good prima facie case in his favour and is very much sanguine of its success. Moreover, balance of convenience also lies in his favor.
5. That there is no legal bar to grant the subject relief, rather grant of status quo will prevent miscarriage of justice to be occasioned.

It is therefore, most humbly prayed that on acceptance of instant application, Status-quo may please be ordered to be maintained till final decision of the titled appeal, so as to secure the ends of justice.


Appellant

Through

Amin ur Rehman Yusufzai

Sajjad Mehsud

&

Khalid Khan

Advocates, Peshawar,
3-A, Park Avenue, Bhattani Plaza,
University Town, Peshawar
Cell No.0321-9022964, 0333-9981464

Dated: 29.07.2019

6

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

C.M No.____/2019
In
Service Appeal No.____/2019


Muhammad Iqbal.....Appellant
.....VERSUS.....

Govt of Khyber Pakhtukhwa & 02 others.....Respondents

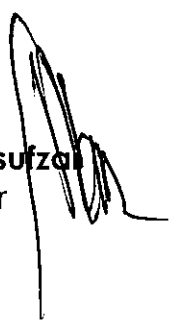
AFFIDAVIT

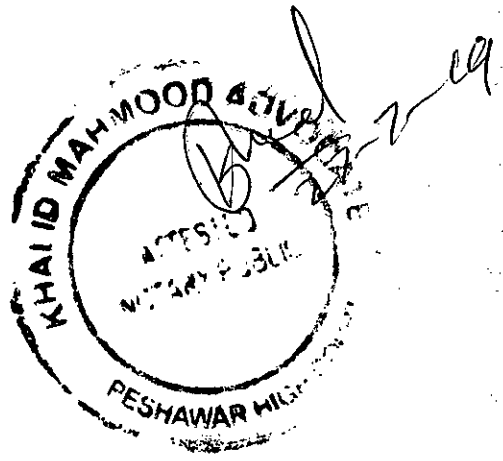
I, Muhammad Iqbal S/o Khan Bahadur Khan, Ex-SST (Gen), R/O Village Madi Baba, Tehsil Takht Bhai, District Mardan, do hereby solemnly affirm declare on oath that the contents of the accompanying '**Petition**' are true and correct to the best of my knowledge and belief, and that nothing has been kept concealed from this Hon'ble Tribunal.

Identified By:


DEPONENT
CNIC #: 16102-7310916-9

Amin-ur-Rehman Yusufzai
Advocate, Peshawar





⑦

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

Service Appeal No. ____/2019

Muhammad Iqbal..... **Appellant**

....**V E R S U S**....

Govt of Khyber Pakhtunkhwa & 02 others **Respondents**

ADDRESSES OF THE PARTIES

APPELLANT:

Muhammad Iqbal S/o Khan Bahadur Khan, Ex-SST (Gen),
R/O Village Madi Bab, Tehsil Takht Bhai, District Mardan.

RESPONDENTS:

1. Govt of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Civil Secretariat Peshawar.
2. Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. Khyber Pakhtunkhwa Public Service Commission through Chairman, Fort Road, Peshawar Cantt

Appellant
Through

Amin ur Rehman Yusufzai

Sajjad Mehsood

&

Khalid Khan

Advocates, Peshawar,
3-A, Park Avenue, Bhattani Plaza,
University Town, Peshawar

Cell No.0321-9022964, 0333-9981464

Dated: 29.07.2019

Annex 137
8

حکومت پاکستان
 قومی شناختی کارڈ
 16102-7310916-9
 عثمان یوسف حسین
 تاریخ پیدائش: 16/04/1976
 دستخط شدہ: عثمان یوسف حسین
 دستخط شدہ: عثمان یوسف حسین

شناختی کارڈ نمبر: 16102-7310916-9
 فائنانس نمبر: T5N0G8
 تاریخ: 21/10/2015
 تاریخ: 21/10/2025
 12973078070

ATTESTED

CURRICULUM VITAE

MUHAMMAD IQBAL

ANNEX B
9

Address: Village Madi babb, Tehsil Takht bhai, Distt: Mardan
Contact: Cell#0302-8331357

Personal Information:

Father Name: Khan Bahadar khan
Date of Birth: 15-04-1975
Gender: Male
Nationality: Pakistani
Marital Status: Married
CNIC: 16102-7310916-9
Personal No: 50158684
Religion: Islam
Domicile: Mohmand



Academic Qualification:

Qualification.	Board/University	Year	Division
SSc	BISE Peshawar	1991	2 nd
F.Sc	BISE Peshawar	1993	-do-
B.A	University Of Peshawar	1997	-do-
M.A (Pashto)	University of Peshawar	2000	-do-

Professional Qualification:

Qualification.	Board/University	Year	Division
C.T	E&SE Collage Jamrod	1999	1 st
B.Ed	University of Peshawar	2002	2 nd

Service Experience:

- Ten (10) years practical work experience as SST(G) teacher in Govt Higher Secondary School Angoori Tribble Distt: Kurram
- Nine (9) years practical work experience as General teacher in Danish School and collage Gujer Ghari

ATTESTED

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

University of Peshawar (Pakistan)

Session ANNUAL 2002

MUHAMMAD IQBAL

SON of KHAN RAHADAR

and a student*/ Private Candidate of DISTRICT MARDAN

having passed the prescribed Examination held in JULY 2002 is this day

admitted by the University of Peshawar to the Degree of

Bachelor of Education

In SECOND Division in Theory

In SECOND Division in Teaching practice

In SECOND Division in Aggregate

He/She Passed also in FOUNDATION OF EDUCATION as an ELECTIVE subject

The Examination was taken as a whole/in parts

Serial No. 0021025

Registration No. 94-M-11130

Roll No. 1716

Result declared on DECEMBER 19, 2002



Registrar

Countersigned

Vice-Chancellor

REGISTERED

ANNEX
10

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

University of Peshawar (Pakistan)

SESSION ANNUAL 1999

MUHAMMAD IQBAL

Son/Daughter of

KHAN BAHADAR

and a student/ private candidate of

DISTRICT MARDAN

having passed the prescribed examination held in

JANUARY, 2000

is this day admitted by the University of Peshawar to the Degree of

Master of Arts

In

PASHTO

In

SECOND

Division

The Examination was taken as a whole / in parts

Serial No. 0061013

Registration No. 94-M-11130

Roll No. 23890

Result Declared on 05TH JUNE, 2000



Registrar

Countersigned

Vice-Chancellor

ATTESTED

12

پشاور یونیورسٹی

University of Peshawar (Pakistan)

Session ANNUAL 1996

MUHAMMAD IQBAL

SON

of

KHAN BAHADUR

and a Student

of GOVERNMENT POST GRADUATE COLLEGE MARDAN

having passed the prescribed

Examination held in AUGUST 1996 is this day admitted by the University

of Peshawar to the Degree of
Bachelor of Arts

in the SECOND Division

The examination was taken as a whole / ~~in~~ parts.

ATTESTED

Serial No 066017

Registration No. 94-M-11130

Roll No. 28756

Result declared on 14TH MARCH, 1997



M. Iqbal Khan
Registrar

Countersigned
Z. Iqbal
Vice-Chancellor

ANNEX P.D.
13

OFFICE OF THE DIRECTOR ELEMENTARY & SECONDARY EDUCATION NWFP, PESHAWAR

NOTIFICATION

In pursuance of the powers conferred under section 25 of the NWFP Civil Servant Act, 1973 the competent authority is pleased to re-appoint the following Male/Female SST (B-16) on contract basis as a stop-gap arrangements for a period of one year w.e.f. the date of assumption of charge or till the availability of selectees of the NWFP Public Service Commission / Departmental Selection Committee whichever is earlier:-

Sr	Name	Father Name	Subject	Place of Posting
1	Manzoor Khan	Mumtaz Khan	General	GHS, Surjal
2	Shams Ul Arifeen	Khurshid Khan	General	GMS Sari Khan Kalan
3	Muhammad Umar Khan	Ghulam Rabbani	Science	GHS Hadora Banda
4	Gohar Ali	Khaista Muahmmad	Science	GHS Kalam
5	Ashfaq Ahmad	Fazli Raziq	General	GHS Angori Kurram Agency
6	Muhammad Iqbal	Khan Bahadur	General	GHS Angori Kurram Agency
7	Ishtiaq Ahmad	Rahman Shah	General	GHS Baza Kurram Agency
8	Abdur Rasheed	Lal Muhammad	Science	GHS Darmalak Kohat
9	Zeeshan Akbar	Muhammad Akbar	Science	GHS Shakoor Charsadda
10	Hazrat Wali	Ghulam Hazrat	Science	GHS Udigram Dir Upper
11	Nazim Ullah	Kareem Ullah	General	GHS Chapor Chitral
12	Mahmood Alam Khan	Nazir Gul	General	GHS Kochi Kurram Agency
13	Muhammad Sohail	Ghuncha Khan	Science	GMS Suran Dara Mohmand Agency
14	Inayat Ur Rahman	Abdul Rahman	General	GHS Kalaya Orakzai Agency
15	Muhammad Ashraf	Shahzad Khan	Science	GHS Bagan
16	Hamayun Rashid	Abdur Rashid	General	GGHS Baghan
17	Sharafat Ali	Muhammad Sulleman	General	GHS Khaira Gali
18	Jawad Ali	Muhammad Banaris	General	GHS Nagri Tutail
19	Murad Ali	Hakam Khan	General	GMS Suma Karaga
20	Ghulam Mustafa	Ihsanul Haq	Science	GHS Chamiali
21	Muhammad Umar Khan	Ghulam Rubbani	Science	GHS Hadora Banda
22	Bakht Nabi	Karim Shah	General	GMS Battian
23	Muhammad Ijaz	Zarwali Khan	General	GHS Kafoor Dheri
24	Abdul Karim	Jehangir Khan	General	GHS Shahi Bala
25	Feroz Khan	Abdur Rashid	Science	GHS Charpariza
26	Zafar Iqbal	Nazar Gul	Science	GHS Zahir Abad
27	Momin Khan	Zarin Khan	Science	GHS H.M Noor Killi
28	Alamzeb	Fazal Rahim	Science	GHS Utroor
29	Muhammad Tahir	S.Gaffar Shah	General	GHS Jehangira
30	Zahoor Khan	Sameen Khan	General	GHS Jalsaj
31	Bakht Zamin Khan	Muhammad Sher	General	GHS No.2 Tordher

ATTESTED

Terms and Conditions

1. The appointment of the above candidates will be on contract basis for the period of one year from the date of assumption of charge till the arrival of the selectees of the NWFP Public Service Commission/Departmental Selection Committee, whichever is earlier.
2. They will draw Pay in BPS-16.
3. No TA/DA is allowed.
4. If they want to resign from the service before expiry of the contract, they will have to serve one month notice in advance failing which they will have to deposit prior notice to the appointing authority one month pay in lieu of such notice, in the Government Treasury.
5. Their appointments have been made for specific schools, so shall not make any request for transfer from the School where they are posted. In case in case of such occurrence, their service shall stand terminated.
6. They should join their posts within 15-days of the issue of this notification. The Executive District Officer, Elementary & Secondary Education concerned, should furnish certificate to the effect that the candidates have joined the post or otherwise within 15-days of the issue of this Notification.
7. They shall execute an agreement with the Government before taking over charge, signed by the concerned EDOs Elementary & Secondary Education NWFP, on behalf of the Government/Director (E&SE).
8. They will not be entitled for any pension or gratuity for the service rendered by them on contract basis and shall not claim regularization for their contract service.
9. Charge report in duplicate should be submitted to all concerned.
10. Their service shall be terminated if they violate any provision of the terms and conditions specified in the agreement Bond/Dead.
11. They shall not be entitled to perform any examination duty of the BISEs/University/RDE, NWFP, during the current contract period.

Director
Elementary & Secondary
Education, NWFP, Peshawar

Dated : 16/09/2008

Endst No.5139 – 5197/A-14/SST/M&F/Contract One Year/

Copy of the above is forwarded to..

1. Accountant General, NWFP Peshawar
2. Director of Education, FATA, NWFP Peshawar
3. Distt: Accounts Officers concerned
4. Director Elementary & Secondary Education NWFP, Peshawar
5. Executive District Officers (E&SE) concerned
6. Principals/Head Masters/Head Mistress concerned
7. SST concerned
8. PS to the Minister for Education NWFP
9. PS to Secretary to Govt: of NWFP
10. All Chairman BISE/Registrars of University in NWFP, with the request to comply with the above condition as at S.No
11. PA to Director (E&SE) Local Office
12. Master File

Deerces
Deputy Director (Estab:)
Elementary & Secondary
Education, NWFP, Peshawar

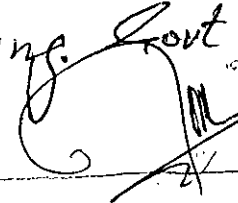
ATTESTED

CHARGE REPORT

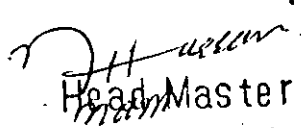
Certified that I Mr. Muhammad Iqbal
S/o Khan Bahadar have this day 17-09-2008
(F.N) taken over charge of this office
of the Govt High School Angori
Central Kurram Agency as SST (G)
with reference to Endst No-5139-5197/A-14
/ SST / M & F / Contract one year /
dated 17-09-2008.


Station

G.H.S Angori C.K.A

Name: Muhammad Iqbal
Sign of receiving Govt
Servant.  17-9-2008

Attested


Head Master
GHS Angori
Kurram


ATTESTED

ANNEX E³ 16

OFFICE OF THE DIRECTOR ELEMENTARY & SECONDRY EDUCATION NWFP PESHAWAR

NOTIFICATION

The competent authority has been pleased to regularize the services of the following Adhoc/contract employee against the post of SST (M) (BPS-16) with effect from 01-01-2009, under the NWFP. Employees (Regularization of Services) Act, 2009 on the terms and conditions give at the end of this Notification:-

S.No	Name of SST	Father's Name	School address	No. & date of the current contract apptt: order
1	Ashfaq Ahmad	Fazli Raziq	GHS Angori Kurram Agency	No.5139-5197 dated 16-9-2008
2	Muhammad Iqbal	Khan Bahadur	GHS Angori Kurram Agency	No.5139-5197 dated 16-9-2008
3	Ishtiaq Ahmad	Rehman Shah	GHS Baza Kurram Agency	No.5139-5197 dated 16-9-2008
4	Abdur Rashid	Lal Muhammad	GHS Darmalak Kohat	No.5139-5197 dated 16-9-2008
5	Zeeshan Akbar	Muhammad Akbar	GHS Shakoor Charsadda	No.5139-5197 dated 16-9-2008
6	Hazrat Wali	Ghulam Hazrat	GHS Odigram Dir Upper	No.5139-5197 dated 16-9-2008
7	Nazim Ullah	Karim Ullah	GHS Chapor Chitral	No.5139-5197 dated 16-9-2008
8	Mahmood Alam Khan	Nazir Gul	GHS Kochi Kurram Agency	No.5139-5197 dated 16-9-2008
9	Muhammad Sohail	Ghuncha Khan	GMS Suran dara Mohmand Agency	No.5139-5197 dated 16-9-2008
10	Inayat Ur Rahman	Abdul Rahman	GHS Kalaya Orakzai Agency	No.5139-5197 dated 16-9-2008

Terms and Condition of their appointment

1. His services will be considered as regular but without pension & gratuity in terms of section -19 of NWFP. Civil Servants Act, 1973 as amended vide NWFP, Civil Servants (Amendment) Act, 2005. he will. However be entitled to contributory Provident Fund in such manner and at such rates as prescribed by the Government.
2. The seniority will be determined according to Section-4 of the NWFP. Employees (Regularization of Services) Act, 2009.
3. He will be required to furnish copies of all there certificates / degrees along with original receipts and Photostat copies there of, pertaining to the verification fee of the concerned Examining body (board & University) to the Executive Distt: Officer (E&SE) concerned.
4. The Executive Distt: Officer (E&SE) concerned is directed not to release their pay until the verification of their documents.

Director
Elementary & Secondary
Education NWFP, Peshawar

Endost: No 2221-27 / A-14/SET (M) Regularization SST Contract Dated Pesh: the 11-02-2010

1. Accountant General NWFP, Peshawar.
2. Director of Education (FATA) NWFP, Peshawar
3. All Executive Distt: Officers (E&SE) concerned.
4. All Agency Education Officers concerned.
5. Agency Accounts Officers concerned.
6. All Distt: Accounts Officers concerned.
7. All Principals/ Headmasters concerned.
8. Teacher concerned.
9. PS to the Minister for E&SE NWFP, Peshawar.
10. PS to the Secretary to Govt: of NWFP, E&SE Deptt:
11. PA to the Director E&SE NWFP, Peshawar

Deputy Director (Establishment)
E&SE NWFP, Peshawar

ATTESTED



Annex F

DIRECTORATE OF ELEMENTARY &
SECONDARY EDUCATION KHYBER
PAKHTUNKHWA
PHONE: 091-9240000, 9240001
9240002, 9240003, 9240004
FAX 091-9240000

NO. _____ / DATED _____

15

NOTIFICATION

1. WHERE AS: one Mr. Muhammad Iqbal S/O Khan Bahadar who himself appointed/adjusted as SST (G) in GHSS Angori District Kurram vide Notification No. 2221-27 dated 11/02/2010 upon the production of fake/bogus appointment/adjustment order not issued by the Directorate of Education erstwhile FATA Nor by the Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa.
2. AND WHERE AS, the competent authority has directed the above said accused SST to produce authentic and verified service record from the concerned authorities, but he failed to comply with the legitimate directions of high ups regarding production of requisite authentic documents/record.
3. AND WHERE AS, further an inquiry committee was constituted by the competent authority vide Notification No. 8154-63 dated 04/8/2016 who have gone through the entire case record and it has been proved that the said appointment/adjustment order for the aforesaid post advertised by Public Service Commission Khyber Pakhtunkhwa was turned out fake/bogus.
4. AND WHERE AS, it has come to the notice of the competent authority that Mr. Muhammad Iqbal S/O Khan Bahadar, having no legal status of the said appointment/adjustment order.
5. NOW THEREFORE, under the mandatory provision and power conferred under Section-20 & 21 for General clauses Act-1897 as amended in 1956 and in pursuance of the scrutiny of selection/appointment record in r/o the above mentioned SST which was found fake/bogus, thus his appointment/adjustment Notification No. 2221-27 dated 11/02/2010 is hereby "DISOWNED" ab initio and with the direction to District Education Officer (concerned) to recover salaries and other allied benefits drawn by Mr. Muhammad Iqbal S/O Khan Bahadar in the interest of Public Service.

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

5641-46
Endst. No. _____ dated 4/4 2019
Copy forwarded to the:-

1. Deputy Commissioner, District Kurram with the request to take legal action.
2. District Education Officer District Kurram with the direction to take necessary steps for the recovery of outstanding amount against fake/bogus SST concerned.
- ✓ 3. District Account Officer District Kurram to co-operate in the matter.
4. Principal GHSS Angori District Kurram
5. PS to Secretary Elementary and Secondary Education Khyber Pakhtunkhwa.
6. PA to Director Elementary and Secondary Education Khyber Pakhtunkhwa.

ATTESTED

Deputy Director (Estab)
Merged Districts

ANNEX 6
بھنور جناب سیکرٹری E&SE ڈیپارٹمنٹ KP پشاور (18)

محکمہ اہل برخلاف نوٹیفیکیشن محررہ 4-4-2019 جس کی رو سے ڈائریکٹر صاحب KP پشاور نے اپیلنٹ (Appellant) کے بھرتی کے احکامات بحیثیت SST بطور ایک سالہ کنٹریکٹ پر محررہ 16-04-2008 اور بعد از ارڈر مستقل محررہ 11-02-2010 کو یکطرفہ طور پر جعلی و فرضی تھلا کر اپیلنٹ (Appellant) کو ملازم ماننے سے انکار کر دیا۔

استدعا: نوٹیفیکیشن محررہ 4-4-2019 مجاز یہ جناب ڈائریکٹر صاحب E&SE ڈیپارٹمنٹ KP پشاور کو کالعدم کر کے اپیلنٹ (Appellant) کو ملازمت پر تمام مراعات کے ساتھ بحال کیا جائے۔

جناب عالی!

۱۔ یہ کہ Appellant M.A, B.Ed تک تعلیم یافتہ ہے۔

۲۔ یہ کہ محکمہ E&SE ڈیپارٹمنٹ KP پشاور نے بزرگیہ اشتہار محررہ 2008 کو online مجاز یہ نے صوبہ سرحد اب KPK کے اہل امیدواروں سے SST کی پوسٹوں کے لئے درخواستیں طلب کئے۔ چونکہ Appellant تمام شرائط پر پورا اتر رہا تھا۔ اس لیے بزرگیہ online اپلائی کی۔

۳۔ یہ کہ بھرتی کے مروجہ طریقہ کار سے نکلنے ہوئے Appellant میرٹ لسٹ میں جگہ بنانے میں کامیاب ہوا۔

۴۔ یہ کہ Appellant کو باقاعدہ طور پر E&SE ڈیپارٹمنٹ NWFP پشاور نے منظور کیا۔ جو کہ محکمہ نے بزرگیہ نوٹیفیکیشن محررہ

16-09-2008 کنٹریکٹ بنیادوں پر تعیناتی کے احکامات جاری کر کے Against Vacatn Post گورنمنٹ ہائی سکول انگوری سنٹرل کرم ایجنسی میں تعینات کیا۔ جو کہ بعد از محررہ 11-02-2010 کو مستقل کر دیا گیا۔ تب سے لے کر متنازعہ نوٹیفیکیشن جاری ہونے تک Appellant باقاعدگی سے اپنی ڈیوٹی سرانجام دیتا رہا۔

۵۔ یہ کہ بغیر چارج شیٹ اور شوکا نوٹس و پرنٹل ہیرنگ اور ریگولر انکوٹری کے Appellant کو یکطرفہ احکامات محررہ 04-04-2019 کی رو سے نوکری سے برخاست کیا گیا۔ بلکہ بھرتی احکامات کو جعلی و فرضی گردانہ گیا جو کہ ظلم اور نا انصافی کا منہ بولتا ثبوت ہے۔ اس لیے قابل منسوخی ہے۔

۶۔ یہ کہ Appellant کے 10 سال سے زیادہ عرصہ ملازمت کو بہ یک جنبش قلم ختم کر کے نہ صرف گھربھیج دیا بلکہ دور ملازمت تمام تنخواہیں واپس لی جانے کے احکامات جاری کیے گئے جو کہ آئین اور قانون کے منافی ہے۔

لہذا التماس ہے بمظور کی درخواست بذانہ نوٹیفیکیشن محررہ 4-4-2019 کو کالعدم کر کے Appellant کو ملازمت پر بحال کیا جائے۔

ATTESTED

آپ کا مخلص محمد اقبال (ایس ایس ٹی)
جی ایچ ایس ایس انگوری ٹرائیبل ڈسٹرکٹ کرم

16152-7315916-9

- 1- (1) اسحاق احمد ولد محمد علی احمد ۹۲۱۵
- 2- (2) بارخان ولد علی رحمان ۹۲۱۶
- 3- (3) عبدالرحمن ولد محمد طیب ۹۲۱۷
- 4- (4) محمد سید ولد علی محمد ۹۲۱۸
- 5- (5) محمد فاروق ولد محمد یوسف ۹۲۱۹
- 6- (6) محمد طارق ولد شمس الدین ۹۲۲۰
- 7- (7) امیر عظیم ولد نور الدین ۹۲۲۱
- 8- (8) محمد قاسم ولد محمد شاہ ۹۲۲۲
- 9- (9) نور محمد ولد محمد علی ۹۲۲۳
- 10- (10) محمد نعیم ولد نعیم ۹۲۲۴
- 11- (11) عطاء اللہ ولد محمد عیسیٰ ۹۲۲۵
- 12- (12) شہزادہ عطاء اللہ ولد محمد عیسیٰ ۹۲۲۶
- 13- (13) سید محمد ۹۲۲۷
- 14- (14) شہباز خان ولد محمد عیسیٰ ۹۲۲۸

- 15- (15) شہزادہ ولی اللہ احمد ۹۲۲۹
- 16- (16) کفایت اللہ ولد محمد عیسیٰ ۹۲۳۰
- 17- (17) عبدالعزیز ولد محمد علی ۹۲۳۱
- 18- (18) اشفاق احمد ولد فضل رازق ۹۲۳۲
- 19- (19) انجم محمد اقبال ولد خان بہادر ۹۲۳۳
- 20- (20) اشفاق احمد ولد محمد شاہ ۹۲۳۴
- 21- (21) فضل رازق ولد فضل رازی ۹۲۳۵



ATTESTED

[Handwritten signature]

وکالت نامہ

بعدالت حکم راجہ شوکت خانم کو روٹی کے بارے میں درخواست

مگر وصال بنام گورنمنٹ

منجانب راجہ شوکت خانم دعویٰ اجرم سے روٹی

تھانہ ایف آئی آر تاریخ

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی بمقام

امین الرحمن یوسفزئی ایڈووکیٹ ہائی کورٹ، فیڈرل شریعت کورٹ آف پاکستان اینڈ سجاد احمد محسود ایڈووکیٹ ہائی کورٹ،

کو بدین شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا اگر پیشی پر من مظہر حاضر نہ ہوں اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پشہری کے کسی اور جگہ یا پشہری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ اگر مقدمہ علاوہ صدر مقام پشہری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا پشہری کے اوقات کے آگے پیچھے پیش ہونے پر من مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ برداشت صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجراء ذگری و نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ذگری کے اجراء کرانے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپرد تالی و راضی نامہ کو فیصلہ برخلاف کرنے، اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ذگری یکطرفہ درخواست حکم امتناعی یا قرقی یا گرفتاری قبل از اجراء ذگری بھی موصوف کو بشرط ادائیگی علیحدہ مختار نامہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزو کی کارروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے کسی دوسرے وکیل یا پیر سز کو بجائے اپنے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو ہر امر میں وہی اور ویسے ہی اختیارات حاصل ہوں گے۔ جیسے کہ صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا۔ وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا یہ مختار نامہ لکھ دیا کہ سند رہے مورخہ _____ مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

ATTESTED & ACCEPTED:

Amin ur Rehman Yousafzai
Advocate High Court,
& Federal Shariat Court
of Pakistan.

Sajjad Ahmad Mehsud
Advocate High Court
Peshawar

Khaliq Khan
Advocate

BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No:1012/2019

Muhammad Iqbal Ex SST (G) B-16 District MardanAppellant.

VERSUS

Secretary (E&SE) Department, Khyber Pakhtunkhwa & others.Respondents

INDEX

S/#	Description of document	Annexure	Page No.
1			
2			
3			
4			

Asstt: Director (Lit: II)
E&SE Department, Khyber
Pakhtunkhwa, Peshawar.

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No: 1012/2019

Muhammad Iqbal Ex SST (G) B-16 District Mardan.....Appellant.

VERSUS

Secretary (E&SE) Department, Khyber Pakhtunkhwa & others.....Respondents.

JOINT PARAWISE COMMENTS ON & FOR BEHALF OF RESPONDENTS No:1-2.

Respectfully Sheweth:-

The Respondents submit as under:-

Preliminary Objections.

- 1 That the Appellant has got no cause of action/locus standi.
- 2 That the instant Service Appeal is badly time barred.
- 3 That the Appellant has concealed material facts from this Honorable Tribunal in the instant service appeal.
- 4 That the instant Service Appeal is based on mala-fide intentions.
- 5 That the Appellant has not come to this Honorable Tribunal with clean hands.
- 6 That the Appellant is not entitled for the relief he has sought from this Honorable Tribunal.
- 7 That the instant Service Appeal is against the prevailing law & rules.
- 8 That the instant Appeal is based on mala fide intentions just to put extra pressure on the Respondents for gaining illegal service benefits.
- 9 That the instant Service Appeal is not maintainable in its present form.
- 10 That the instant Service Appeal is bad for mis-joinder & non-joinder of the necessary parties.
- 11 That the instant Service Appeal is barred by law.

- 12 That the Appellant is not competent to file the instant appeal against the Respondents.
- 13 That the impugned Notification dated 4/4/2019 of the Respondent Department is legally competent & liable to be maintained in favor of the Respondents.
- 14 That no Departmental Appeal has been filed by the appellant to the Respondent Department against the impugned Notification dated 4/4/2019.
- 15 That the appointment letter of the appellant has been declared as fake and bogus by the Respondent Department.
- 16 That the Notification dated 4/4/2019 has correctly been issued by the Respondent Department after observing all the codal formalities.

ON FACTS.

- 1 That Para-1 needs no comments, being pertains to the Service Record of the Appellant against the SST (G) B-16 post which has been declared fake & bogus and even disowned by the Respondent Department vide Notification dated 4/4/2019. In view of the recommendations of the inquiry committee which was constituted vide Notification No. 8154-63 dated 4/8/2016, who submitted its report that the afore said order & Appointment Notification dated 11/2/2010 of the appellant is fake & bogus with no cogent record in the Respondents No.2 & 3 offices.
2. That Para-2 also needs no comments being pertains to the academic & professional qualification of the appellant.
- 3 That Para-3 is correct, hence, needs no comments.
- 4 That para-4 is correct to the extent of Advertisement dated 26/01/2009 by the Respondent No.03, wherein, the appellant did not apply for the said post nor appeared in the interview before the Respondent No.3 for the appointment against SST (G) Male B-16 post, hence, the claim of the appellant regarding his appointment vide Notification dated 11/2/2010 is baseless & liable to be rejected in favor of the Respondents. **(Copy of the Ad; dated 26/01/2009 is Annexure-A).**
- 5 That Para-5 is incorrect & denied on the grounds that no cogent proof & legal justification has been annexed by the appellant in support of his stand regarding his recommendations against the SST (G) B-16 post by the KPK PSC & his further adjustment vide Notification dated 11/2/2010 against the said post in the Respondent Department are fake & bogus as the entire service record of the appellant has been found fake & bogus, hence, his services against the SST (G) B-16 post has been disowned & even null & void ab-initio having no legal effect in the eyes of law & rules vide Notification dated 04/04/2019 by the competent authority **(Copy of the said Notification dated 04/04/2019 is Annexure-B).**

- 6 That Para-6 is incorrect & denied on the grounds that the services of the appellant against the SST (G) B-16 post have been disowned vide Notification dated 4/4/2019 by the Respondent No.2 after observing all legal formalities under the rules & where against, no departmental has been filed by the appellant, hence the notification dated 4/4/2019 has got final under the rules against the appellant.
- 7 That Para-7 is incorrect & denied on the grounds that the services of the appellant against the SST (G) B-16 post have been disowned vide Notification dated 4/4/2019 by the Respondent No.2 after observing all legal formalities under the rules & where against, no departmental has been filed by the appellant, hence the notification dated 4/4/2019 has got final under the rules against the appellant is also fake & Bogus, hence, disowned by the Respondent Department by the competent authority.
- 8 That para-8 needs no comments , however, the Respondents further submit on the following grounds inter alia

ON GROUNDS.

- A **Incorrect & not admitted.** The appellant has been treated as per law, rules & policy vide the above said Notification dated 4/4/2019 by the Respondent Department in the instant case, hence, the stance of the appellant is baseless & liable to be rejected.
- B **Incorrect & not admitted.** The appellant has been treated as per law, rules & policy vide the above said Notification dated 4/4/2019 by the Respondent Department in the instant case having no question of violation of Article 10-A of the constitution of 1973, hence, the stance of the appellant is baseless & liable to be rejected.
- C **Incorrect & not admitted.** The statement of the appellant is without any cogent reason & justification on the grounds as agitated in the foregoing paras of the present reply by the Respondents as regular inquiry has been conducted vide Notification bearing endst; No.8154-63 dated 4/8/2019 by the competent authority who declared the documents & 1st appointment as fake & bogus, hence, the plea of the appellant is without any justification.
- D **Incorrect & not admitted.** The stand of the appellant is without any cogent reason & legal justification on the grounds that his 1st appointment Notification dated 11/2/2010 of the appellant have been found fake & bogus by the Respondent Department, hence, his services against the SST (G) B-16 post has been disowned by the competent authority vide Notification date 4/4/2019 under the relevant provisions of law & rules.
- E **Incorrect & not admitted.** The plea of the appellant is without legal justification & liable to be rejected & the mentioned judgments of the apex courts of law do not apply upon the case of the appellant in the given circumstances of the case.

F **Legal.** However, the Respondents also seek leave of this Honorable Tribunal to submit additional grounds, record & case law at the time of arguments on the date fixed.

In view of the above made submissions, it is most humbly requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant Service Appeal in favor of the Respondents in the interest of justice.

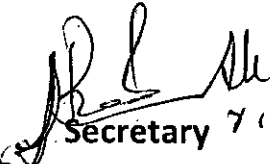
Dated ___/___/2020



Director

E&SE Department Khyber
Pakhtunkhwa, Peshawar.

(Respondent No: 2)



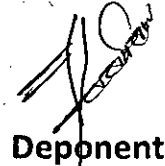
Secretary

E&SE Department Khyber
Pakhtunkhwa, Peshawar.

(Respondent No: 1)

AFFIDAVIT

I, **Hayat Khan Asstt: Director (Litigation-II)** E&SE Department Khyber Pakhtunkhwa, do hereby solemnly affirm & declare on oath that the contents of the instant Parawise Comments are true & correct to the best of my knowledge & belief.



Deponent

NWFP PUBLIC SERVICE COMMISSION

2- Fort Road Peshawar Cantt:

Website: www.nwfppsc.gov.pk

Dated: 26-01-2009

ADVERTISEMENT No. 01 / 2009.

(A)

Applications are invited for the following posts from Pakistani citizens of N.W.F.P./F.A.T.A domicile by 26-02-2009 (13-03-2009 for candidates from abroad). Incomplete applications and applications without supporting documents required to prove the claim of the candidates shall also be rejected without intimation to the candidates.

AGRICULTURE LIVESTOCK & CO-OPERATIVE DEPTT:

(S.No. 01) One (01) Post of assistant Botanist. In Livestock Research & Dev: Deptt:

QUALIFICATION: M.Sc Agriculture or B.Sc (Hons) Agriculture (Obtained) after "4" Years Instructions after F.Sc) from a recognized University under research programme in the subject relating to the subject groups as specified in schedule -I to which the Vacancy occurs..

AGE LIMIT: 21 to 33 years. PAY SCALE: BPS-17. ELIGIBILITY: Both Sexes. ALLOCATION: Merit.

(S.No. 02) Two (2) Posts of Research officers Fodder. In L&DD Deptt:

QUALIFICATION: M.Sc Agriculture or B.Sc (Hons) Agriculture (Obtained) after "4" Years Instructions after F.Sc) from a recognized University under research programme in the subject relating to the subject groups as specified in schedule -I to which the Vacancy occurs..

AGE LIMIT: 21 to 33 years. PAY SCALE: BPS-17. ELIGIBILITY: Male. ALLOCATION:

Merit	Zone-1
01	01

CHIEF ENGINEER WORKS & SERVICE DEPARTMENT.

(S.No. 03) Five (05) Posts of Data Entry Operators:

QUALIFICATION: (i) 2nd Division FA/FSc with one year Diploma in Computer Science from the recognized Institute (ii) Speed of Ten thousand key depression per hour for punching/data entry/verification.

AGE LIMIT: 18 to 30 years. PAY SCALE: BPS-11. ELIGIBILITY: Both Sexes.

ALLOCATION:

Zone-1	Zone-2	Zone-3	Zone-4	Zone-5
01	01	01	01	01

DIRECTORATE OF INDUSTRIES COMMERCE MINERAL DEV: LABOUR & TECHNICAL EDUCATION DEPARTMENT.

(S.No. 04) One (01) Post of Male Inspector Mines

QUALIFICATION: (i) Bachelor Degree in Mining Engineering from recognized University and (ii) 1st Class Mines Manager's certificate of Competency granted under the provision of Mines Act, 1923 and (iii) Two years experience in Govt. or Semi Government Mining Industries registered under the Mines Act, 1923.

AGE LIMIT: 21 to 33 years. PAY SCALE: BPS-17. ELIGIBILITY: Male.

ESTED

provisions of the rules for the time being in force.

NOTE: For History-cum-Civics: The candidates must possess Master's Degree either in History or Political Science provided the other required subjects has studied at B.A level. The other requirement of teaching degree will, however, remain intact.

For Biology: 2nd Class Master Degree in Botany or Zoology provided that other subject have been studied at graduate level.

AGE LIMIT: 25 to 40 years **PAY SCALE:** BPS-17 **ELIGIBILITY:** Female.

ALLOCATION:

No	Subject	No. of Posts	Allocation
5.	Islamiyat	02	Merit Quota
6.	Pak: Study	03	Merit Quota
7.	History-Cum-Civics	02	Merit Quota
8.	Economics	02	Merit Quota
9.	English	02	Merit Quota
10.	Statistics	02	Merit Quota
11.	Maths	02	Merit Quota
12.	Biology	02	Merit Quota
13.	Chemistry	02	Merit Quota
14.	Physics	02	Merit Quota

(S.No. 52) Sixteen Hundred Eighty One (1681) Posts of Male SETs. /S.S.Ts (Both Science & Arts) (with out graduaty and pension).

QUALIFICATION: For Secondary School Teacher (General) (i) B.A Second Division from a recognized University and (ii) B.Ed or Equivalent Qualification from a recognized University.

For Secondary School Teacher (Science) (i) BSc Second Division with at least Two of the Subjects of Physic, Chemistry, Zoology, Botany, and Mathematics -A or Mathematics-B and (ii) B.Ed or Equivalent Qualification from a recognized University.

AGE LIMIT: 21 to 35 years **PAY SCALE:** BPS-16 **ELIGIBILITY:** Male.

ALLOCATION:

Merit	Zone-1	Zone-2	Zone-3	Zone-4	Zone-5
420	280	281	280	210	210

(S.No. 53) Thirty Four (34) Posts of Male Disabled SETs. /S.S.Ts (Both Science & Arts) (with out graduaty and pension).

QUALIFICATION: For Secondary School Teacher (General) (i) B.A Second Division from a recognized University and (ii) B.Ed or Equivalent Qualification from a recognized University.

For Secondary School Teacher (Science) (i) BSc Second Division with at least Two of the Subjects of Physic, Chemistry, Zoology, Botany, and Mathematics -A or Mathematics-B and (ii) B.Ed or Equivalent Qualification from a recognized University.

AGE LIMIT: 21 to 35 years **PAY SCALE:** BPS-16 **ELIGIBILITY:** Male.

ALLOCATION: Merit.

(S.No. 54) Ninty Two (92) Posts of Male SETs. /S.S.Ts For Earth Quake Quota (I.E) Battagram, Mansehra, Shangla, Kohistan, Abbottabad. (Both Science & Arts) (with out graduaty and pension).

QUALIFICATION: For Secondary School Teacher (General) (i) B.A Second Division from a recognized University and (ii) B.Ed or Equivalent Qualification from a recognized University.

For Secondary School Teacher (Science) (i) BSc Second Division with at least Two of the Subjects of Physic, Chemistry, Zoology, Botany, and Mathematics -A or Mathematics-B and (ii) B.Ed or Equivalent Qualification from a recognized University.

AGE LIMIT: 21 to 35 years **PAY SCALE:** BPS-16 **ELIGIBILITY:** Male.

ALLOCATION: Merit.

ESTED

16

S.No. 55) Nine Hundred and Seventy Three (973) Posts of Female SETs. /S.S.Ts (Both Science & Arts) (with out graduaty and pension).

QUALIFICATION: For Secondary School Teacher (General) (i) B.A Second Division from a recognized University and (ii) B.Ed or Equivalent Qualification from a recognized University.

For Secondary School Teacher (Science) (i) BSc Second Division with at least Two of the Subjects of Physic, Chemistry, Zoology, Botany, and Mathematics -A or Mathematics-B and (ii) B.Ed or Equivalent Qualification from a recognized University.

AGE LIMIT: 21 to 40 years. PAY SCALE: BPS-16. ELIGIBILITY: Female.

ALLOCATION:

Merit	Zone-1	Zone-2	Zone-3	Zone-4	Zone-5
243	162	162	162	122	122

S.No. 56) Twenty One (21) Posts of Female SETs. /S.S.Ts Disabled (with out graduaty and pension).

QUALIFICATION: For Secondary School Teacher (General) (i) B.A Second Division from a recognized University and (ii) B.Ed or Equivalent Qualification from a recognized University.

For Secondary School Teacher (Science) (i) BSc Second Division with at least Two of the Subjects of Physic, Chemistry, Zoology, Botany, and Mathematics -A or Mathematics-B and (ii) B.Ed or Equivalent Qualification from a recognized University.

AGE LIMIT: 21 to 40 years. years (10 years age relaxation)

PAY SCALE: BPS-16 ELIGIBILITY: Female.

ALLOCATION: Merit.

S.No. 57) Fifty One (51) Posts of Female SETs. /S.S.Ts For Earth Quake Quota (I.E) Battagram, Manshira, Shangla, Kohistan, Abbottabad, (with out graduaty and pension).

QUALIFICATION: For Secondary School Teacher (General) (i) B.A Second Division from a recognized University and (ii) B.Ed or Equivalent Qualification from a recognized University.

For Secondary School Teacher (Science) (i) BSc Second Division with at least Two of the Subjects of Physic, Chemistry, Zoology, Bofany, and Mathematics -A or Mathematics-B and (ii) B.Ed or Equivalent Qualification from a recognized University.

AGE LIMIT: 21 to 40 years. PAY SCALE: BPS-16 ELIGIBILITY: Female.

ALLOCATION: Merit.

TECHNICAL EDUATION AND MAN POWER TRAINING DEPARTMENT.

S.No. 58) Two (02) Posts of Assistant Professor Commerce in Govt: Colleges of Commercial/Govt: Commercial Training Institutes.

QUALIFICATION: (i) Ph. D in the relevant subject from a recognized University with three year teaching experience in recognized college / Govt: Commercial Institutes/ Govt: Commercial Institutes/ Govt: Commerce College ass Instructor/ Lecturer.

OR (ii) Master's Degree from a recognized University in the relevant subject with Five Years experience of teaching as Lecturer / Junior Instructor in a recognized college / Govt: Commercial Institute/ Govt: Commerce College.

AGE LIMIT: 25 to 40 years. PAY SCALE: BPS-18. ELIGIBILITY: Male.

ALLOCATION: Merit.

TESTED

S.No. 59) Two (02) Posts of Assistant Professor in Computer Engineering in Govt: College of Technology & Govt: Polytechnic Institure.

QUALIFICATION: (a) Ph. D in Engineering from a recognized University / Institute with one years's teaching/ professional experience in the relevant subject as such OR (b) Master's Degree in Engineering from a recognized University/ Institute with five years teaching/ professional experience in the relevant subject as such. OR (c)

///

17

(S.No. 66) Ten (10) Posts of Male office Assistant.

QUALIFICATION: Bachelor degree from recognized University.
AGE LIMIT: 18 to 30 years. PAY SCALE: BPS-14. ELIGIBILITY: Male.
ALLOCATION:

Zone-1	Zone-2	Zone-3	Zone-4	Zone-5
02	02	02	02	02

(S.No. 67) One (01) Post of Female office Assistant.

QUALIFICATION: Bachelor degree from recognized University.
AGE LIMIT: 18 to 30 years. PAY SCALE: BPS-14. ELIGIBILITY: Female.
ALLOCATION: Merit.

CORRIGENDUM

- The Post of Research Officer for Earth Quake Quota appearing at S.No.2 Advt: No.07/2007 may be read as 02 Post for Chemistry and one for cereal Crops.
- The Post of Reader Advertised in Advt: No. 07/2008 S.No. 39 may be read as one post instead of Two Posts.

GENERAL CONDITIONS

- Age, qualification and experience etc shall be reckoned on 26-02-2009 Maximum age limit as prescribed in the recruitment rules shall be relaxed upto 10 years for Govt Servants who have completed 2 years continuous service, upto 10 years for disabled persons and upto 3 years for candidates belonging to backward areas of Zone-1, Zone-3, Merged Areas of Hazara and Mardan Divisions and upper Tanawal, Districts of Swat, Upper Dir, Lower Dir, Chitral, Buner, Kala Dhaka Area, Kohistan District, Shangla, Gadoon Area in Swabi, Backward areas of Mansehra and Batagram, backward areas of Haripur District i.e., Kalanjar Field Kanungo Circle of Tehsil Haripur and Amazai Field Kanungo Circle of Tehsil Ghazi. However, a candidate shall be allowed relaxation in age in one of the above categories provided that the candidates from backward areas, in addition to automatic relaxation of three years shall be entitled to one of the relaxations available to Govt Servants, general or disabled candidates, whichever is relevant and applicable to them.
- Degrees / Diploma / Experience Certificates / Testimonials of unrecognized Institution are not accepted. Only original Degrees / Certificates are accepted. However, the candidates can apply on provisional certificate signed by the Controller of Examination of the respective Institution but candidates shall produce original degrees / certificates before their selection. Detail Marks Certificate for all the examination shall necessarily be required and these should be attached with the application forms.
- ALLOCATION of vacancies in BPS-17 and below shall be strictly in accordance with the Zonal ALLOCATION as indicated against each post(s). The applications of the candidates other than the specified zone(s) shall be ignored except for posts reserved for Merit quota. No zonal reservation stands for posts allocated to disabled quota and also for the posts in BPS-18 and above. All such posts shall be filled in on Open Merit.
- The candidates applying against disabled posts must attach with their application forms of disability certificate from the Provincial Council for Rehabilitation of Disabled Persons as well as disability certificate from the respective Medical Superintendent / Medical Board showing therein the specific disability.

ATTESTED

11

- (18)
- (v) Ex-armed Forces Personnel must send copy of Discharge Certificate with their applications. Govt. / Semi Govt. / Autonomous / Semi Autonomous Bodies employees may apply direct but their Departmental Permission Certificates should reach within 30 days of the closing date.
- (vi) Applications should be on the prescribed application form obtainable from the listed below branches of the NATIONAL BANK. Application Fee is Rs. 285/- (Rupees Two Hundred Eight Five only) for all the candidates. In addition to the application fee, the candidates will have to pay Rs. 15/- (rupees fifteen only) on account of Bank Charges. Separate application form will be required for each advertised category of posts. Application forms obtained other than the specified branches of the National Bank will be considered invalid and such applications will not be entertained. The applications on plain paper or Photostat shall not be accepted. Incomplete and late applications shall also be ignored.
- (vii) Application must be submitted within time as no extra time is allowed for postal transit. The applications if submitted on the last date for receipt of applications must reach the Commission's office by the closing hours.
- (viii) Applicants married to Foreigners are considered only on production of the Govt. Relaxation Orders:
- (ix) No applicant shall be considered in absentia on paper qualifications unless, he/she possesses exceptionally higher qualifications than the minimum prescribed qualification for a particular post(s).
- (x) Govt. reserves the right not to fill any or fill more or less than the advertised post(s).
- (xi) Candidates who have already availed three chances by physical appearance before the Commission and have failed for the post(s) having one and the same qualifications and scale of pay shall be ineligible.
- (xii) Experience wherever prescribed shall be counted after the minimum qualifications for the post(s), if not specifically provided otherwise against the advertised post(s).
- (xiii) In cases where the number of applications received for post(s) are disproportionately higher than the number of available vacancies, shortlisting of the candidates may be done in any one of the following manner:
- Written Test in the Subject.
 - General Knowledge or Psychological General Ability Test.
 - Academic and / or Professional record as the Commission may decide.

SPECIFIED BRANCHES OF THE NATIONAL BANK OF PAKISTAN.

Main Branches of:

- Parachinar, Mardan, Swabi, Malakand, Shangla, Chitral, Timargara, Daggar, D.I.Khan, Bannu, Karak, Kohat, Hangu, Lakki Marwat, Abbottabad, Haripur, and Mansehra.
- Saddar Road Branch, Tehkal Payan Branch, and G.T Road (Nishtar Abad) Branch Peshawar.
- Tehsil Bazar Branch Charsadda, Nowshera Cantt: Branch, Bank Square Branch Mingora and city Branch Tank.

ATTESTED

(Atta Ur Rehman)

Secretary

NWFP Public Service Commission
2-Fort Road Peshawar Cantt: Ph: 9212962

ATTESTED



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA

PHONE: 0992-3200111 FAX: 0992-3200111

NO. _____ / DATED _____

ANNEX G

23

(B)

NOTIFICATION

WHEREAS one Mr. Zafar Iqbal S/O Gul Rehman who himself appointed/adjusted as SST (G) in GMS Maazullah Khwazai District Mohmand vide Notification No. 955-59/ File No 2/A-14/SST(M)/PSC/Appnt: dated 05/03/2012 and No. 3187-3200 A1/PSC (G) 2012 dated 07/03/2012 upon the production of fake/bogus appointment/adjustment order not issued by the Directorate of Education erstwhile FATA Nor by the Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa.

AND WHEREAS, the competent authority has directed the above said accused SST to produce authentic and verified service record from the concerned authorities, but he failed to comply with the legitimate directions of high ups regarding production of requisite authentic documents/record.

3 AND WHEREAS, further an inquiry committee was constituted by the competent authority vide Notification No. 8154-63 dated 04/8/2016 who have gone through the entire case record and it has been proved that the said appointment/adjustment order for the aforesaid post advertised by Public Service Commission Khyber Pakhtunkhwa was turned out fake/bogus.

4 AND WHEREAS, it has come to the notice of the competent authority that Mr. Zafar Iqbal S/O Gul Rehman, having no legal status of the said appointment/adjustment order.

5 NOW/THEREFORE, under the mandatory provision and power conferred under Section-20 & 21 for General clauses Act-1897 as amended in 1956 and in pursuance of the scrutiny of selection/appointment record in r/o the above mentioned SST which was found fake/bogus, thus his appointment/adjustment Notification No.955-59/ File No 2/A-14/SST(M)/PSC/Appnt: dated 05/03/2012 and No. 3187-3200 A1/PSC (G) 2012 dated 07/03/2012 is hereby "DISOWNED" ab initio and with the direction to District Education Officer (concerned) to recover salaries and other allied benefits drawn by Mr. Zafar Iqbal S/O Gul Rehman in the interest of Public Service.

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

5647-51

Endst. No. _____ dated 4/4 2019
Copy forwarded to the:-

1. Deputy Commissioner, District Mohmand with the request to take legal action.
2. District Education Officer District Mohmand with the direction to take necessary steps for the recovery of outstanding amount against fake/bogus SST concerned.
3. District Account Officer District Mohmand to co-operate in the matter.
4. PS to Secretary Elementary and Secondary Education Khyber Pakhtunkhwa.
5. PA to Director Elementary and Secondary Education Khyber Pakhtunkhwa.

Deputy Director (Estab)
Merged Districts

ATTESTED

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1012/2019

Muhammad Iqbal.....Appellant

VERSUS

Government of Khyber Pakhtunkhwa & others.....Respondents

INDEX

S.NO.	PARTICULARS	ANNEXURE	PAGE NO
1.	Application for deletion of the (Respondent No. 03)		1
2.	Affidavit		2



Senior Law Officer
Khyber Pakhtunkhwa
Public Service Commission Peshawar

UMS88642618

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1012/2019

Muhammad Iqbal.....Appellant

VERSUS


Government of Khyber Pakhtunkhwa & others.....Respondents

APPLICATION FOR DELETION OF THE (RESPONDENT NO. 03)
FROM THE PANEL OF RESPONDENTS.

RESPECTFULLY SHEWETH:

1. That the above mentioned appeal is pending before this Honorable Tribunal.
2. That the appellant has malafidely dragged Khyber Pakhtunkhwa Public Service Commission and the instant service appeal suffers mis-joinder of parties.
3. That the appellant was appointed on contract basis, later on regularized through an act of legislature. So the respondent No. 03 has no concern with the instant appeal, also no relief has been sought against it by the appellant.
4. That respondent No. 03 being linked to the instant appeal neither as necessary, nor proper party, seeks deletion from the panel of respondents.

It is, therefore, requested that on acceptance of this application respondent No. 03 may kindly be deleted from the panel of respondents.


CHAIRMAN
KHYBER PAKHTUNKHWA
PUBLIC SERVICE COMMISSION
PESHAWAR
(RESPONDENT NO.03)

2

AFFIDAVIT

stated on oath that the contents of this application are true and correct & nothing has been concealed from this Honorable tribunal.

DEPONENT

R. Tareed
CHAIRMAN
KHYBER PAKHTUNKHWA
PUBLIC SERVICE COMMISSION
PESHAWAR
(RESPONDENT NO.03)


Receipt

Title M. Garbal vs Govt of KP

Appeal No 1012/2019

I have received Rs 2000/-
from the KPPSC Representative as
per court order

Name M. Garbal

Signature 

Dated - 22/7/2020