

20.01.2021


Appellant present through counsel.

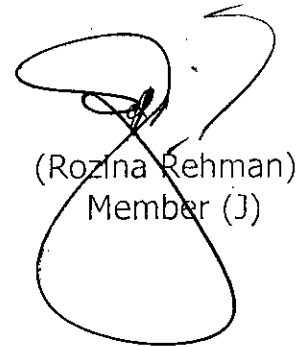
Kabir-Ullah Khattak learned Additional Advocate General alongwith Hamid Salim Law Officer, Hayat Khan Assistant Director and Abdul Wahid ADEO for respondents present.

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)

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 on behalf of respondents No. 1 & 2 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

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.

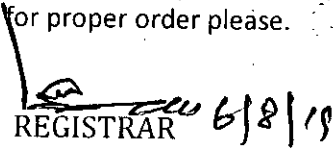

Representative of the respondents seeks time to furnish written reply/comments. Adjourned to 19.12.2019 on which date the requisite reply/comments shall positively be submitted.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- 1024/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/08/2019	<p>The appeal of Mr. Muhammad sohail 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 6/8/19</p> <p>2-</p> <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. 1024/2019

Muhammad SohailAppellant

....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"	10-14
7.	Notification dated: 16.09.2008	"D"	15-16
8.	Service Regularization Notification dated: 11.02.2010 alongwith Charge report dated: 12.02.2010 and Medical Certificate dated: 03.01.2013	"E"	17-19
9.	Impugned Notification dated: 04.04.2019	"F"	20
10.	Departmental Appeal dated: 16.04.2019 alongwith diary/dispatch number	"G"	21-22
11.	Wakalatnama		23


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: 05.08.2019

1

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

Service Appeal No. 1024/2019

Muhammad Sohail S/o Ghuncha Khan, Ex-SST (Gen),
R/O Nisatta Road, Hassan Abad, Tehsil & District Mardan, Khyber Pakhtunkhwa

Khyber Pakhtunkhwa
Service Tribunal

Appellant

....VERSUS....

Diary No. 1149

Dated 06/08/2019

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.5674-78, 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
Registrar
6/8/19

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 2012, from Abdul Wali Khan University, Mardan and having passed B.Ed Degree Course from Al-Khair University.
(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, 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 alongwith Charge report dated: 12.02.2010 and Medical Certificate dated: 03.01.2013, 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-possessing 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, possesses 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.

[Signature]

Appellant

Through

Amin ur Rehman Yusufzai

[Signature]

Sajjad Mehsud

&

[Signature]

Khalid Khan

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

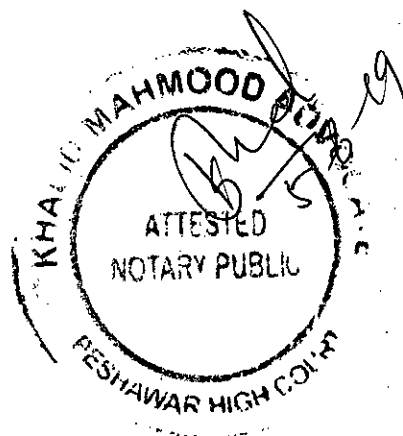
Dated: 05.08.2019

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.

[Signature]

Deponent



5

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

C.M No.____/2019

In

Service Appeal No.____/2019

Muhammad Sohail **Appellant**

....VERSUS....

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

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

Respectfully Sheweths-

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 Mehsum

&


Khalid Khan

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

Cell No.0321-9022964, 0333-9981464

Dated: 05.08.2019

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

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

Muhammad SohailAppellant
.....**V E R S U S**.....

Govt of Khyber Pakhtukhwa & 02 others**R e s p o n d e n t s**

A F F I D A V I T

I, Muhammad Sohail S/o Ghuncha Khan, Ex-SST (Gen), R/O Nisatta Road, Hassan Abad, Tehsil & District Mardan, do hereby solemnly affirm declare on oath that the contents of the accompanying '**P e t i t i o n**' 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:

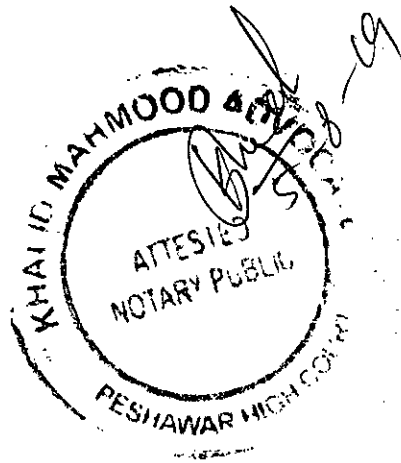
[Handwritten Signature]

DEPONENT

CNIC #: 16/01-1871335-9

Amin-ur-Rehman Yusufzai
Advocate, Peshawar

[Handwritten Signature]



①

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

Service Appeal No.____/2019

Muhammad Sohail **Appellant**

....VERSUS....

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

ADDRESSES OF THE PARTIES

APPELLANT:

Muhammad Sohail S/o Ghuncha Khan, Ex-SST (Gen),
R/O Nisatta Road, Hassan Abad, Tehsil & 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 Mehsud

&

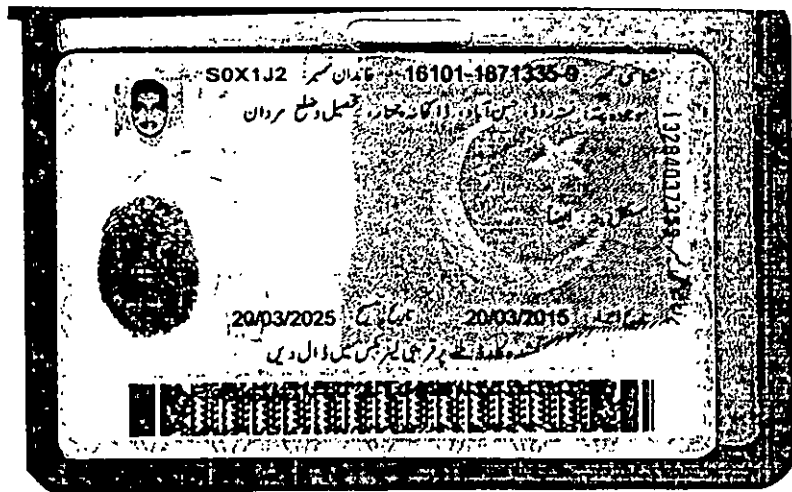

Khalid Khan

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

Cell No.0321-9022964, 0333-9981464

Dated: 05.08.2019

ANNEX A
8



ATTESTED

MUHAMMAD SOHAIL

ANNEX "B"

9

Mobile number: +923086648539

Address: Nisatta Road HASAN ABAD

TEH/DISTT: MARDAN, P.O KANDHERI

PERSONAL INFORMATION

FATHER NAME	GHUNCHA KHAN
D.O.B	12/10/1984
CNIC NO	16101-1871335-9
MARITAL STATUS	MARRIED
DOMICILE DISTRICT	MOHMAND AGENCY
STATE	FATA (KPK)
NATIONALITY	PAKISTANI
RELIGION	ISLAM
OCCUPATION	TEACHER
POSITION	SST (GENERAL) BPS(16) Science
PERSONAL NO	50172756

EDUCATION

DEGREE TITLE	GROUP	OBTAINED MARKS	TOTAL MARKS	BOARD	PASSING YEAR
SSC	SCIENCE	590	850	BISEP	2000
HSSC	PRE-MEDICAL	627	1100	BISEP	2002
BACHELOR	BIO-CHEMISTRY	627	1100	UOP	2005
B.ED	EDUCATION	680	1100	BISEP At-Khair	2007
M.A	P.S	310	500	AWKUM	2012

LANGUAGE

Urdu

English

Pashto

ATTESTED

11

پشاور یونیورسٹی

University of Peshawar

(Pakistan)

Session 1974-75

_____ and a student
 of _____ having passed the prescribed
 examination held in _____ is this day admitted by the
 University of Peshawar to the Degree of
Bachelor of Science
 in _____ Division

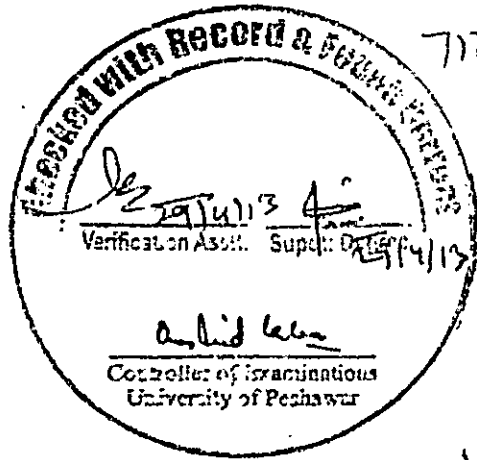
The Examination was taken as a whole / in parts

Serial No. 1034577

Registration No. _____

Roll No. _____

Mark declared on _____



[Signature]
 Registrar

Countersigned
[Signature]
 Vice-Chancellor

ATTESTED

REGISTRATION
 SECTION
 UNIVERSITY OF PESHAWAR

Book No. 97Serial No. 0970012

AL-KHAIR UNIVERSITY (AJK)



DETAILED MARKS CERTIFICATE

This is to certify that Muhammad Sohail
 Son/Daughter of Ghuncha Khan
 Registration No. AUSWT(E) 1182-2006 Roll No. 1758
 has passed Bachelor of Education Annual/Supplementary Examination
 held in August 2007 in 1st Division and obtained 680 marks.

The Marks obtained in each subject are given below:-

Papers	SUBJECTS	Marks Obtained	Maximum Marks
Compulsory Subjects			
I	Philosophy & History of Education	42	100
II	Educational Psychology	55	100
III	School Administration	100	100
IV	Islamiat in Pakistan iii. Kashmir	58	100
V	English Language & Literature (i. Urdu Language & Literature)	45	100
Elective Subjects			
VI-VI	Teaching of Islamic Studies	105	200
VI-VII	Teaching of Pak Studies	200	200
	Practical Skills in Teaching (Part-II)	170	200
TOTAL:		680	1100

Note: This Certificate is issued in full and omissions excepted, as a NOTICE only. An entry appearing in this certificate in itself confer any right or privilege independently to the grant of a proper certificate or degree which will be issued under the Regulations in due course.

Muzaffargarh, the 15th December, 2007.

Prepared by: [Signature]

Checked by: [Signature]

Naveed Aqdas
 DY. CONTROLLER OF EXAMINATIONS
 for
 CONTROLLER OF EXAMINATIONS

ATTESTED

13

00975

S. No.

Roll No. 21688

Group. Pre-Medical



Board of Intermediate and Secondary Education

Mardan P.W.F.P. Pakistan

VERIFIED & FOUND CORRECT

INTERMEDIATE EXAMINATION

SESSION 2002-ANNUAL

Superintendent
(CERTIFICATES)
BISE, Mardan

Assistant Secretary
(CERTIFICATES)
BISE, Mardan

Recd

11/04/13

This is to certify that Muhammad Sohail son of Ghancha Khan
 and a student of Govt. Higher Secondary School Kheshti Payan Nowshera Registered No 01-BIGHKP-2000
 has passed the Intermediate Examination of the Board of Intermediate & Secondary Education,
 Mardan held in May/June-2002 as a Regular candidate. He obtained 527 Marks out
 of 1100 and has been placed in Grade C Representing Good. The Examination was
 taken as a whole

[Signature]
Asstt. Secretary

[Signature]
Secretary

ATTACHED

This certificate is issued without alteration or erasure.

S.No. 108374

Roll No. 26938

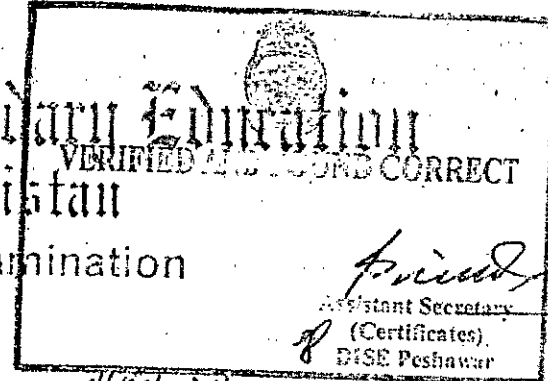


Board of Intermediate and Secondary Education
Peshawar N.W.F.P. Pakistan

Secondary School Certificate Examination

SESSION 2000 - ANNUAL

(Science Group)



This is to Certify that Muhammad Sohail Son / Daughter of Ghuncha Khan
and a student of Govt. Higher Secondary School, Khesghi Pavan, Nowshera has passed the Secondary School Certificate
Examination of the Board of Intermediate and Secondary Education, Peshawar held in March/April, 2000 as a Regular
candidate. He / She obtained 590 Marks out of 850 and has been placed in Grade B Representing Very Good

The Candidate passed in the following subjects:

- | | | | |
|------------|---------------------|----------------|--------------|
| 1. English | 3. Islamiyat | 5. Mathematics | 7. Chemistry |
| 2. Urdu | 4. Pakistan Studies | 6. Physics | 8. Biology |

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

Date of birth according to admission form April 10, 1984

Assit Secretary

Secretary

ATTESTED

ANNEX 'D'

15

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 Shakoore 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 Jalsai
31	Bakht Zamin Khan	Muhammad Sher	General	GHS No.2 Tordher

ATTESTED

[Signature]

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

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

Dated : 16/09/2008

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

Shereen
Deputy Director (Estab.)
Elementary & Secondary
Education, NWFP, Peshawar

ATTESTED

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 appt: 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 Shakoora Charsadda	No.5139-5197 dated 16-9-2008
6	Hazrat Wafi	Ghulam Hazrat	GHS Odigram Dir Upper	No.5139-5197 dated 16-9-2008
7	Nazim Ullah	Karim Ullah	GHS Chapora Chitral	No.5139-5197 dated 16-9-2008
8	Mahnood 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

- 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.
- The seniority will be determined according to Section-4 of the NWFP. Employees (Regularization of Services) Act, 2009.
- He will be required to furnish copies of all their certificates / degrees along with original receipts and Photostat copies thereof, pertaining to the verification fee of the concerned Examining body (board & University) to the Executive Distt. Officer (E&SE) concerned.
- 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

- Accountant General NWFP, Peshawar.
- Director of Education (FATA) NWFP, Peshawar
- All Executive Distt. Officers (E&SE) concerned.
- All Agency Education Officers concerned.
- Agency Accounts Officers concerned.
- All Distt. Accounts Officers concerned.
- All Principals/ Headmasters concerned.
- Teacher concerned.
- PS to the Minister for E&SE NWFP, Peshawar.
- PS to the Secretary to Govt. of NWFP, E&SE Deptt.
- PA to the Director E&SE NWFP, Peshawar

Deputy Director (Establishment)
E&SE NWFP, Peshawar

ATTESTED

[Signature] 11/02/2010

Charge Report

I MR Mohammad Sohail s/o Ghuncha Khan has took over charge as SST (G) on 12/02/2010 7/11 at GMS

Susan Dara ^(Co. Agency) vide Director of Edu. E&S NWFP Peshawar under Sndstt No 2221-27 dated 11/2/2010

[Signature]
Signature of Relieving
officer
(Mohammed Sohail)

VACANT
Signature of Relieved
officer

[Signature]
Headmaster
GMS Susan Dara
Headmaster
Co. Agency
GMS Mazikor Susan Dara
Mohammad Agency

[Signature]
12/2/2010

[Signature]
ATTESTED

19

MEDICAL CERTIFICATE

Name of Official Mohammad Sohail

Caste or race Mohammad

Father's name Ghancha Khan

Residence Mehla Malkyan Khawzardi
Dayan Dist Nowshera

Date of birth 10-4-1984

Exact height by measurement 5-6"

Personal mark of identification NIL

Signature of the Official [Signature]

Signature of head office

Seal of Office

I do hereby certify that I have examined Mr. Mohammad Sohail candidate for
 employment in the Office of the Education Deptt S.S.T (BSCU)
 and can not discover that he had any disease communicable or other constitutional affection or bodily
 infirmity except NIL

I do not consider this as disqualification for employment in the office of the

His age according to his own statement 30 year and by
 appearance about (Trusty) years.

[Signature]
 Secretary
 Standing Medical Board
 Police/Service Hospital
 Peshawar.

[Signature]
 MEDICAL SUPERINTENDENT 3-1-2013
 Standing Medical Board
 Police/Service Hospital
 Peshawar
 Civil Hospital

ATTESTED

LEFT HAND THUMB AND FINGER

IMPRESSION

[Signature]
 Physician
 Standing Medical Board
 Police/Service Hospital
 Peshawar



NOTIFICATION

1. WHERE AS: one Mr. Muhammad Sohail S/O Ghuricha Gul who himself appointed/adjusted as SST (G) in GMS Suran Dara District Mohmand vide E&SE 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 Sohail S/O Ghuncha Gul, 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 E&SE 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 Sohail S/O Ghuncha Gul in the interest of Public Service.

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

S674-78
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.

ATTESTED

[Signature]
Deputy Director (Estab)
Merged Districts

4/4/19

گورنمنٹ ہسپتال سول سروس East SE ڈیپارٹمنٹ KP

حکمانہ اسل بر حلف نوٹیفکیشن فرم 4-4-2019 سے ڈیپارٹمنٹ KP
KP اور APPLICANT کے احکامات بحسب آئی سی 2010-2-11 اور بعد
اپڈیٹ آرڈر کو یکطرفہ طور پر جعلی و فرضی بتلا کر ایپلنٹ کو ملزم ماننے
سے انکار کر دیا۔

استدعا: نوٹیفکیشن فرم 4-4-2019 مجازہ چھاپا ڈائریکٹر ہسپتال East SE ڈیپارٹمنٹ
KP اور گورنمنٹ آف ایپلنٹ کو ملزم مت پر تمام مدارعات کے ساتھ بحال کیا گیا
چھاپا عالی!

- 1- یہ کہ APPLICANT کا دو مسائل مندرجہ ذیل سے ہے۔
- 2- یہ کہ APPLICANT M.A. Bed APPLICANT کے تعلق یافتہ ہے۔
- 3- یہ کہ حکم East SE ڈیپارٹمنٹ KP اور نے نذر علیہ ایشیا فرم
2009 مجازہ KPPSC کے صوبہ سرحد کے اسل ایس ڈی آئی کے کونسل کے لئے
درخواست طلب لئے۔ چونکہ APPLICANT تمام شرائط پوری کر رہا تھا۔ اسلے اسلے
4- یہ کہ ہجرتی کے مروجہ طریقہ کار سے نکلنے سے APPLICANT کے ساتھ صلح بنائی۔
- 5- یہ کہ APPLICANT کو KPPSC کے باقاعدہ East SE ڈیپارٹمنٹ KP اور کو منظور
کردہ حکم نے نذر علیہ نوٹیفکیشن 2010-2-11 تعیناتی کے احکامات جاری کر کے
گورنمنٹ ہسپتال سول سروس مندرجہ ذیل سے اپڈیٹ کیا گیا۔
یہ کہ بغیر جان شرط اور شریک کار نوٹس و ٹریننگ سہولت اور انگوٹھ انٹرویو کو
APPLICANT کو یکطرفہ احکامات فرم 4-4-2019 سے ڈیپارٹمنٹ KP اور سے جعلی مانا گیا۔
یعنی احکامات کو جعلی و فرضی کر دیا گیا جو حکم و نا انصافی کا منہ بولتا ہے۔
APPLICANT کے 10 سالہ زیادہ عرصہ ملازمت کو یکہ جنٹیشن عرصہ کے
کو گورنمنٹ ہسپتال سول سروس کے احکامات جاری کی۔ جو کہ اس کے لئے
ذرا انصاف ہے۔ منظور کی درخواست خدا نوٹیفکیشن فرم 4-4-2019 کو ماننے
APPLICANT پر بحال کیا گیا۔

پاکستان
محمد امین آئی سی گورنمنٹ ہسپتال سول سروس مہمند

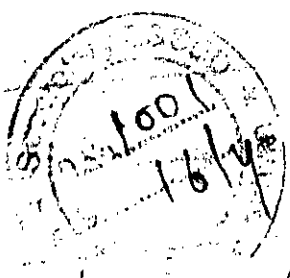
ATTESTED

اسماء گھرانہ

- 1- شادی کے لئے...
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- 18- شادی کے لئے...
- 19- شادی کے لئے...
- 20- شادی کے لئے...



ATTESTED

وکالت نامہ

بعدالت محکم دلائل سے مزین و متنوع ومنفرد موضوعات پر مشتمل مفت آن لائن مکتبہ

محمد سہیل بنام گورنمنٹ

منجانب ریٹائرمنٹ دعویٰ اجرم سروس ایپل

تھانہ _____ ایف آئی آر _____ تاریخ _____

باعث تحریر آنکہ

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

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 کچہری کے کسی اور جگہ یا کچہری کے مقررہ اوقات سے پہلے یا پیچھے یا بزور تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ اگر مقدمہ علاوہ صدر مقام کچہری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا کچہری 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 پرداخت صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجرائے ڈگری و نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجرا کرانے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپرد ثالثی و راضی نامہ کو فیصلہ برخلاف کرنے، اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و درآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا قرتی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادا ہنگی علیحدہ مختار نامہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو کبھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے کسی دوسرے وکیل یا بیرسٹر 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.

Adv. Khalid Khan
BC-18-1115
Khalid

Sajjad Ahmad Mehsud
Advocate High Court
Peshawar

BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No:1024/2019

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

VERSUS

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

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

BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No: 1024/2019

Muhammad Sohail 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 11/02/2010 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 11/02/2010 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 11/02/2010 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 11/02/2010 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



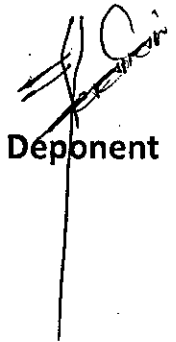
Secretary
E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondent No: 1)



Director
E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondent No: 2)

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:
	<u>QUALIFICATION:</u> 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 -II to which the Vacancy occurs.
	<u>AGE LIMIT:</u> 21 to 33 years. <u>PAY SCALE:</u> BPS-17. <u>ELIGIBILITY:</u> Both Sexes. <u>ALLOCATION:</u> Merit.

(S.No. 02)	Two (2) Posts of Research officers Fodder. In L&DD Deptt:
	<u>QUALIFICATION:</u> 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 -II to which the Vacancy occurs.
	<u>AGE LIMIT:</u> 21 to 33 years. <u>PAY SCALE:</u> BPS-17. <u>ELIGIBILITY:</u> Male. <u>ALLOCATION:</u>

Merit	Zone-1
01	01

CHIEF ENGINEER WORKS & SERVICE DEPARTMENT.

(S.No. 03)	Five (05) Posts of Data Entry Operators:
	<u>QUALIFICATION:</u> (i) 2 nd 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.
	<u>AGE LIMIT:</u> 18 to 30 years. <u>PAY SCALE:</u> BPS-11. <u>ELIGIBILITY:</u> Both Sexes. <u>ALLOCATION:</u>

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
	<u>QUALIFICATION:</u> (i) Bachelor Degree in Mining Engineering from recognized University and (ii) 1 st 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.
	<u>AGE LIMIT:</u> 21 to 33 years. <u>PAY SCALE:</u> BPS-17. <u>ELIGIBILITY:</u> Male.

ATTESTED

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, Mansehra, 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, 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.

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.

ATTESTED

(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)

1/1

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:										
	<table border="1"><thead><tr><th>Zone-1</th><th>Zone-2</th><th>Zone-3</th><th>Zone-4</th><th>Zone-5</th></tr></thead><tbody><tr><td>02</td><td>02</td><td>02</td><td>02</td><td>02</td></tr></tbody></table>	Zone-1	Zone-2	Zone-3	Zone-4	Zone-5	02	02	02	02	02
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

1. 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.
2. 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.

- (i) 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 Manshehra 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.
- (ii) 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.
- (iii) 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.
- (iv) 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

1 / 1

- (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:
- (a) Written Test in the Subject.
- (b) General Knowledge or Psychological General Ability Test.
- (c) Academic and / or Professional record as the Commission may decide.

SPECIFIED BRANCHES OF THE NATIONAL BANK OF PAKISTAN.

Main Branches of:

- (i) Parachinar, Mardan, Swabi, Malakand, Shangla, Chitral, Timargara, Daggar, D.I.Khan, Bannu, Karak, Kohat, Hangu, Lakk Marvat, Abbottabad, Haripur, and Mansehra.
- (ii) Saddar Road Branch, Tehkal Payan Branch, and G.T Road (Nishtar Abad) Branch Peshawar.
- (iii) 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-Port Road Peshawar Cantt: Ph: 9212962

ATTESTED



ANNEX G¹ 93

DIRECTORATE OF ELEMENTARY &
SECONDARY EDUCATION KHYBER
PAKHTUNKHWA

NOTIFICATION

1. 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/Apptt. 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.
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. 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/Apptt. 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
Encls. 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 (Establishment)
Merged Districts

ATTESTED

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 favour of the Respondents in the interest of justice.

Dated ___ / ___ /2019



Secretary

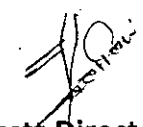
E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondent No: 1)



Director
E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondent No: 2)

Note:-

It is submitted that service appeals No. 959 to 975, 1009 to 1018, 1924 to 1041 & 1111/2019 under case titled Bashir Ahmad Ex; SST District Mardan etc; VS Govt; of KPK & others are identical on both question of law & facts, hence, may be vetted with the instant case please.



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

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

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1024/2019

Muhammad Sohail.....Appellant

VERSUS

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

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2.	Affidavit		2



Senior Law Officer
Khyber Pakhtunkhwa
Public Service Commission Peshawar

UMS88642619

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1024/2019

Muhammad Sohail.....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)**

J

AFFIDAVIT

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

DEPONENT

R. J. J.
CHAIRMAN

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

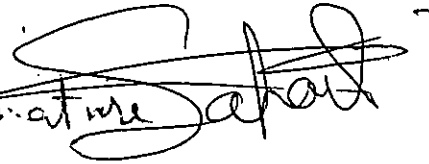
Receipt

Title M. Sohail vs Govt of KP

Appeal No 1024/2019

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

Name. M. Sohail.

Signature 

Dated. 22/7/2020