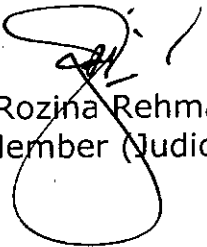


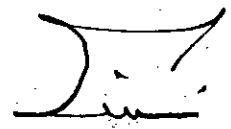
O R D E R  
26.04.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, placed on file of Service Appeal bearing No. 108/2019 titled "Zar Lal Versus Deputy Commissioner District Mohmand at Ghalanai and two others", the appeal in hand stands dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
26.04.2022

  
(Rozina Rehman)  
Member (Judicial)

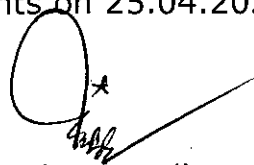
  
(Salah-ud-Din)  
Member (Judicial)

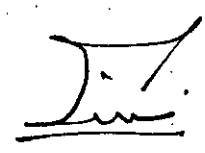
14.04.2022

Mr. Taimur Ali Khan, Advocate as proxy for learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Proxy of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Peshawar.

A perusal of the record would show that the instant appeal was partially heard by D.B in which Ms. Rozina Rehman learned Member Judicial was also one of the Member, therefore, the same be fixed before the D.B which has partially heard the instant appeal. Office is directed to place the same before the D.B which has partially heard the instant appeal and to come up for arguments on 25.04.2022 before the D.B.

  
(Mian Muhammad)  
Member (E)

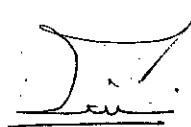
  
(Salah-ud-Din)  
Member (J)

25.04.2022

Mr. Taimur Ali Khan Advocate as proxy for learned counsel for the appellant present. Mr. Muhammad Adeel Butt, learned Additional Advocate General for the respondents present.

Mr. Taimur Ali Khan Advocate stated <sup>him</sup> at the bar that learned counsel for the appellant has informed telephonically that he has proceeded to his home due to some domestic engagements, therefore, an adjournment may be granted. Adjourned. To come up for remaining arguments on 26.04.2022 before the D.B.


(Rozina Rehman)  
Member (J)

  
(Salah-Ud-Din)  
Member (J)

31.03.2022

Learned counsel for the appellant present. Mr. Noor Muhammad Rasheed learned District Attorney for the respondents present.

Partial arguments heard. To come up for remaining arguments on 01.04.2022 before the D.B.



(Rozina Rehman)  
Member (J)



(Salah-Ud-Din)  
Member (J)

01.04.2022

Mr. Taimur Ali Khan Advocate present as proxy for learned counsel for the appellant. Mr. Muhammad Rasheed learned Deputy District Attorney for the respondents present.

Mr. Taimur Ali Khan Advocate requested for adjournment on the ground that learned counsel for the appellant is not available today. Adjourned. To come up for remaining arguments on 14.04.2022 before the D.B.



(Rozina Rehman)  
Member (J)



(Salah-Ud-Din)  
Member (J)

26.07.2021

Appellant present through counsel.

Muhammad Adeel Butt learned A.A.G alongwith for respondents present.

Former made a request for adjournment. Request is accorded.  
To come up for arguments on 14.12.2021 before D.B.

  
(Rozina Rehman)  
Member (J)

  
Chairman

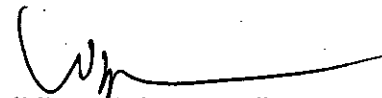
14-12-21

DB is on Tour case to come up  
For the same on Dated. 31-3-22

  
Member

14.01.2021 Counsel for the appellant and Addl. AG for the respondents present.


Learned counsel for the appellant requests for adjournment due to engagement in various cases before the Hon'ble High Court today. Adjourned to 10.02.2021 for further arguments before this D.B.

  
(Mian Muhammad)  
Member(E)

  
Chairman

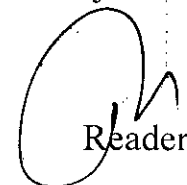
10.02.2021 Junior to counsel and Asstt. AG for the respondents present.

Former states that instant matter was not noted in his diary for today, therefore, he is without the brief. Requests for adjournment. Adjourned to 13.04.2021 for hearing before the D.B.

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

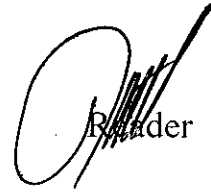
  
Chairman

13.04.2021 Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 26.07.2021 for the same as before.

  
Reader

31.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 22.06.2020 before D.B.



Reader

22.06.2020

Due to public holiday on account of COVID-19 the case is adjourned for the same on 09.09.2020 before D.B.

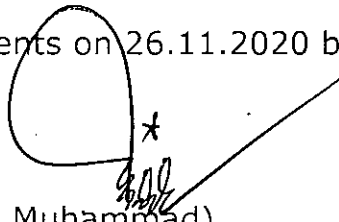


Reader

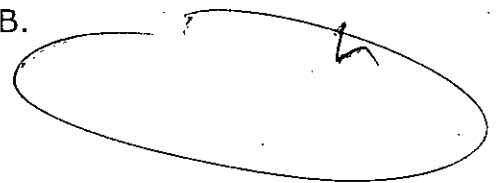
09.09.2020

Mr. Gul Zaman son of Hajji Adam on behalf of Nihayat Bibi is present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present.

Son of the appellant is seeking time as learned counsel for the appellant is reportedly busy in his domestic affairs and is not present today. Adjournment is granted. Son of the appellant is directed to obtain Power of Attorney from his mother if not submitted earlier. File to come up for arguments on 26.11.2020 before D.B.



(Mian Muhammad)  
Member (Executive)

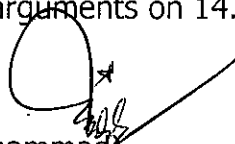


(Muhammad Jamal Khan)  
Member (Judicial)

26.11.2020

Counsel for the appellant and Addl. AG for the respondents present.

Learned counsel partially argued the matter. To come up for further arguments on 14.01.2021 before this D.B.



(Mian Muhammad)  
Member(E)



Chairman

16.10.2019

Junior to counsel for the appellant and Addl. AG  
alongwith Rafiq, Sub Engineer for respondents No. 1 & 2  
present.

Representative of respondent No. 1 & 2 seeks further  
time. Last opportunity is granted to respondents No. 1 &  
2 for submission of requisite reply/comments on  
20.11.2019 before S.B.

  
Chairman

20.11.2019

Junior to counsel for the appellant and Addl. AG  
alongwith Muhammad Rafiq, Sub Engineer for respondents  
No. 1 and 2 present.

Respondents No. 1 & 2 have not furnished the requisite  
reply/comments despite last opportunity. Respondent No. 3  
has already furnished comments which are available on  
record. The appeal is, therefore, posted for arguments before  
a D.B on 29.01.2020. The appellant may submit rejoinder to  
the comments of respondent No. 3, within a fortnight, if so  
advised.

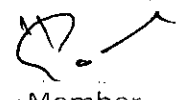
  
Chairman

29.01.2020

Junior to counsel for the appellant and Addl. AG for the  
respondents present.

Former requests for adjournment due to general strike  
of the Bar. Adjourned to 31.03.2020 for arguments before  
the D.B.

  
Member

  
Member

28.05.2019

Counsel for the appellant and Addl. AG for the respondents present.

Learned AAG states that the respondents will be required through letter for submission of requisite reply positively on the next date of hearing.

Adjourned to 04.07.2019 for submission of written reply/comments before S.B.



Chairman

04.07.2019

Appellant in person and Addl. AG alongwith Javed Khan, CT for the respondents present.

Representative of the respondents requested for time. To come up for written reply/comments on 30.08.2019 before S.B.



Member

30.08.2019

Counsel for the appellant and Addl. AG for the respondents present.

Comments on behalf of respondent No. 3 submitted which are placed on record. Learned AAG requests for adjournment to contact the remaining respondents for submission of their written reply.

Adjourned to 16.10.2019 for submission of requisite reply/comments before S.B.



Chairman



09.04.2019

Counsel for the appellant present.

Contends, inter-alia that the appellant was appointed as Caller on 11.07.1989. Her service was terminated on 19.07.2010 alongwith many other Class-IV employees. The appellant submitted an appeal to the Commissioner Peshawar Division which was sent to the competent authority with the directions to dispose-of the matter in light of rules relevant for the purpose. Consequent to order of Commissioner, correspondence started between the officers of Agency Education Office, Mohmand Agency at Ghalanai however the matter was not taken to its logical end till date. In his view, the valuable service rights of appellant were adversely affected while on the other hand, so many similarly placed officials/employees were reinstated into service after elimination of insurgency in the then Tribal Areas.

In view of submissions of learned counsel, instant appeal is admitted for regular hearing. 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 28.05.2019 before S.B.

Appellant Deposited  
Security & Process Fee






Chairman

Form- A  
FORM OF ORDER SHEET

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

Case No. 109/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/1/2019	<p>The appeal of Mst. Nihayat Bibi resubmitted today by Mr. Muhammad Saeed Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 23/1/19</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>5-3-19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
05	03.2019	<p>Learned counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 10.04.2019 before S.B</p> <p style="text-align: right;"> (Muhammad Hamid Mughal) Member</p>

The appeal of ~~Mr~~ Nihayat Bibi d/o Said Ali Khan Ex- Caller GGPS Kamal Khel District Upper Mohmond received today i.e. on 17.12.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- ① Memorandum of appeal may be got signed by the appellant.
- ② Copy of impugned termination order mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- ③ Copy of departmental appeal is not attached with the appeal which may be placed on it.
- 4- Annexures B, C, D and E of the appeal are illegible which may be replaced by legible/better one.

No. 2406 /S.T,

Dt. 18-12- /2018.

~~to~~ *Saeed Khattak*  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Muhammad Saeed Khattak Adv. Pesh.

*R/sir,*

*Resubmitted, after furnishing all the available documents with the appellant. Furthermore better copies of all impossible and necessary documents have been furnished, please be placed before the bench.*

*aut*  
*shahid*

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

Service Appeal No. 109/2018


Nihayat Bibi.....(Appellant)

**VERSUS**

Deputy Commissioner District Mohmand at Ghalanai and  
others.....(Respondents)

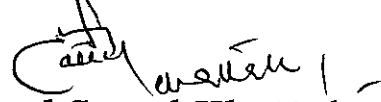
**I N D E X**

<b>S.No.</b>	<b>Description of Documents</b>	<b>Annex</b>	<b>Pages</b>
1.	Service Appeal		1-7
2.	Application for condonation of delay		8-9
3.	Copy of Service Book	A	10-14
4.	The letter No. 2908-11/Reader	B	15-
5.	Copy of Office Letter No. 825/APA (UM)	C	16-19
6.	Copies of the orders	D	20-25
7.	Copies of appeal and the report and recommendations of the Assistant Commissioner/ Tehsildar and DEO	E	26-36
8.	Copy of the judgment dated 29/11/2018	F	37-41
9.	Wakalat Nama		42

  
Applicant/Appellant

Through

Dated: 14/12/2018

  
**Muhammad Saeed Khattak**  
Advocate High Court,  
Peshawar.  
Cell No. 0333-6272753

C

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

Service Appeal No. 109/2018

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1759

Dated 17-12-2018

Nihayat Bibi D/o Said Ali Khan Ex-Caller, Government Girls  
Primary School Kamal Khel, Tehsil Upper Mohmand, District  
Mohmand.....(Appellant)

**VERSUS**

1. Deputy Commissioner District Mohmand at Ghalanai.
2. Assistant Commissioner (Upper) District Mohmand.
3. District Education Officer, District Mohmand at  
Ghalanai.....(Respondents)

**APPEAL U/S 4 OF THE KHYBER**  
**PAKHTUNKHWA SERVICE TRIBUNAL ACT**  
**1974, AGAINST THE INACTION OF THE**  
**RESPONDENT CONCERNED TO:**

- i. **REINSTATE THE PETITIONER WITH**  
**RETROSPECTIVE EFFECTS LIKE OTHER**  
**SIMILARLY PLACED EMPLOYEES WITH ALL**  
**BACK BENEFITS.**
- ii. **RELEASE OF SALARIES AND ARREARS OF**  
**THE APPELLANT.**

**Prayer:**

On acceptance of this Service Appeal, the  
respondent concerned may very graciously be  
directed to re-instate to appellant on the post

Filed to  
Registrar  
D/M

(2)

retrospectively like other employees and her salaries/ arrears may kindly be ordered to release.

**Respectfully Sheweth:**

1. That the appellant was appointed as Caller on 11/07/1989 at Government Girls Primary School, Kamal Khel, Mohmand, Agency (now District (now District Mohmand) by a Competent Authority as per established prescribed rules. (Copy of Service Book is attached as annexure "A").
2. That, unfortunately due to worse law and order situation and militancy in the tribal area besides other damages made the building of GGPS Malik Salam Khan Qandahar, Tehsil Safi was also destroyed by the militants, the residents of the area migrated to other settled district of the province. It is pertinent to mention that most of government schools in the district met the same fate.
3. That the respondent No. 1 issued a Letter No. 2908-11/Reader to the Director of Education FATA, Peshawar, the Principal Government College,

Lakari; The DEO Mohmand Agency, Ghalanai and the Agency Surgeon Mohmand on 26/06/2010 for termination of all Class-IV employees and asked them to take notice of it. (The letter No. 2908-11/Reader is attached as annexure "B").

4. That the Assistant Political Agent (Now the Assistant Commissioner) Upper Mohmand Ghalanai on 20/06/2010 issued letter No. 825/APA (UM) and recommended the termination Class-IV employees of those Malik/ Elders who were mentioned in the report of PT Safi for failing to protect Government Buildings and unfulfilling their territorial responsibilities and in the end of Class-IV Employees Working in the area were terminated from services. The order of the termination has not yet been communicated to the appellant. (Copy of Office Letter No. 825/APA (UM) is attached as annexure "C").
5. That afterwards the others terminated employees were reinstated retrospectively. (Copies of the orders are attached as annexure "D").

6. That the appellant filed an appeal to the Commissioner Peshawar for treating her similar like other similarly placed employees of the District who referred to the appeal vide letter No. 5554/Reader FCR, dated 11/05/2016 to the concerned for disposal as per rules. The concerned in full detail supported the view point of the appellant and recommended to the District Commissioner Mohmand for reinstatement of the appellant. (Copies of appeal and the report and recommendations of the Assistant Commissioner/Tehsildar and DEO are attached as annexure "E").
  
7. That the respondents concerned are reluctant to reinstate the appellant retrospectively for the reason best known to its good office, on the others hand all other employees of the same district have been reinstated.
  
8. That the appellant is working in the school, the building in now constructed but the non-issuance of the re-instatement order/salaries till today is a



grievance of the appellant as he is not getting salaries.

9. That being aggrieved the appellant filed a Writ Petition numbered as Writ Petition No. 5419/2018, which was dismissed vide judgment dated 29/11/2018 for the reason that the matter pertains to the Tribunal. (Copy of the judgment dated 29/11/2018 is attached as annexure "F").
  
10. That being aggrieved of the same the appellant prefers the instant service Appeal, inter-alia on the following amongst others:

**GROUND:**

- A. That the appellant has not been treated in accordance with law nor equal protection of law has been extended to her.
  
- B. That whole proceedings taken prior to the issuance of termination orders are against the procedure given in the law governing the subject matter,

against all the norms of justice. Therefore nullity in the eyes of law and liable to be set aside.

- C. That non issuance of the reinstatement order of the appellant retrospectively, whereas all the similarly placed employees are reinstated is arbitrary, discriminatory, illegal against the law.
- D. That the case of the appellant and others who are/were reinstated is the same the mode of termination, the order and the authority who terminated it is the same and even the reason so mentioned in one notification is the same. Hence reinstatement in one notification is the same. Hence reinstating them and bearing the appellant is discriminatory and against the principal of equity.
- E. That the concerned subordinate respondents have recommended the case of appellant for reinstatement like others and have mentioned that the school has started functioning and the appellant is on duty.

F. That Article 4, 5 and 25 of the Constitution support the case of the appellant and in the existing circumstances this Hon'ble Tribunal is the last hope of the appellant to interfere and remove the grievances of the appellant.

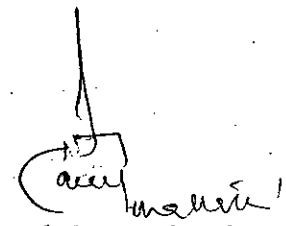
G. That some other grounds may be adduced during the course of arguments.

It is, therefore, humbly prayed that on acceptance of this Service Appeal, the respondent concerned may very graciously be directed to reinstate to appellant on the post retrospectively like other employees and her salaries/ arrears may kindly be ordered to release.

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

Appellant

Through



**Muhammad Saeed Khattak**  
Advocate High Court,  
Peshawar.

Dated: 14/12/2018

(8)

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

C.M. No. \_\_\_\_/2018

In

Service Appeal No. \_\_\_\_/2018

Nihayat Bibi.....(Appellant)

**VERSUS**

Deputy Commissioner District Mohmand at Ghalanai and  
others.....(Respondents)

**APPLICATION FOR CONDONATION OF**  
**DELAY. IF ANY.**

**Respectfully Sheweth:**

1. That the applicant/ appellant has been filed today  
in which no date has yet been fixed for hearing.
2. That the facts, grounds mentioned in the main  
appeal may kindly also be taken as part and parcel  
of the instant application.
3. That the whole proceedings taken against the  
appellant is in violation of law governing the subject

matter and the impugned orders have been passed by incompetent authority.

- 4. That the law favours the cases to be decided on merits rather on technicalities including the limitation. Furthermore, the apex Courts have ignored the limitation where there is more chances of success in favour of the applicant/ appellant.
- 5. That the applicant is still serving the department in the hope of reinstatement and release of salaries.
- 6. That some other grounds may be adduced during the course of arguments.

It is, therefore, most humbly prayed that on acceptance of the instant application, the delay, if any may very graciously be condoned.

Applicant/Appellant

Through

*Handwritten signature*

Dated: 14/12/2018

**Muhammad Saeed Khattak**  
Advocate High Court,  
Peshawar.

max-A.1  
10

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

1. Name: NIMAYAT BIBI Dullicell

2. Race: Afghan Pakistani

3. Residence: village Kamal Chel p/o Jousaf Chel  
Mohmand Agency

4. Father's name and residence: SAID ALI KHAN (AS above)

5. Date of birth by Christian era as nearly as can be ascertained: 22 years on 12/7/89

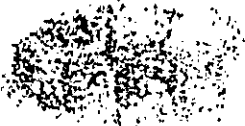
6. Exact height by measurement: 5-6"


7. Personal marks for Identification: Black mole near the RT nostril

8. Left hand thumb and Finger Impression of (Non-Gazetted) Officer.

Little Finger  Ring Finger 

Middle Finger  Fore Finger 

Thumb 

Signature of Government Servant 

Signature and Designation of the Head of the Office, or other Attesting Officer: [Signature]  
Agency Education Officer  
Mohmand Agency.

CTC  
[Signature]

11

1	2	3	4	5	6	7	8
Name of Post	Whether substantive or officiating and whether permanent or temporary	If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
Caller			BPS NO			13-860	
BPS Manual Clerk	Temp	Rs	600/P.M			12-7-89	
do.	do	Rs	607/P.M			1-12-90	
Revised BPS NO 1 @ 920-26-1310							
do.	do	Rs	1024/P.M			1-6-91	
do.	do.	Rs	1050/P.M			1-12-91	
do.	do.	Rs	1076/P.M			1-12-92	
do.	do	Rs	1102/P.M			1-12-93	
Revised BPS NO 1 1245-35-1770							
do.	do.	Rs	1490/P.M			1-6-94	
do.	do	Rs	1525/P.M			1-12-95	
do.	do.	Rs	1560/P.M			1-12-95	
do.	do.	Rs	1595/P.M			1-12-96	

Signature of  
 Officer in  
 Charge of  
 Government Servants  
 Column 8

B.O. C  
 MANE  
 NCY  
 B.O. S  
 MANE  
 BNCY  
 B.O. C  
 MANE  
 NCY

CTC

8 Signature of Government Servant	9 Signature and designation of the head of the office or other attesting officer in attestation of Columns 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting Officer	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure or reward or praise of the Government Servant	
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
						Period			Government to which debitable
	A. B. O. MOHMAND AGENCY.	30.11.90	Inc.	A. B. O. MOHMAND AGENCY.				Appointed against Collected	
	A. B. O. MOHMAND AGENCY.	31.5.91	Pay	A. B. O. MOHMAND AGENCY.				vide ABO Mohmand Agency dated 11.7.89	
	A. B. O. MOHMAND AGENCY.	30.11.91	Inc.	A. B. O. MOHMAND AGENCY.				Agency Education Officer Mohmand Agency	
	A. B. O. MOHMAND AGENCY.	31.11.92	Inc.	A. B. O. MOHMAND AGENCY.				Service Verified From 27 to 30.78 From the Record of this Office	
	A. B. O. MOHMAND AGENCY.	30.11.93	Inc.	A. B. O. MOHMAND AGENCY.					
	A. B. O. MOHMAND AGENCY.	3.5.94	Pay	A. B. O. MOHMAND AGENCY.					
-1770	A. B. O. MOHMAND AGENCY.	30.11.94	Inc.	A. B. O. MOHMAND AGENCY.				duplicate copy has been filed	
	A. B. O. MOHMAND AGENCY.	30.11.95	Inc.	A. B. O. MOHMAND AGENCY.					
	A. B. O. MOHMAND AGENCY.	30.11.96	Inc.	A. B. O. MOHMAND AGENCY.					
	A. B. O. MOHMAND AGENCY.	30.11.97	Inc.	A. B. O. MOHMAND AGENCY.					

etc



1	2	3	4	5	6	7	8
Name of Post	Whether substantive or officiating and whether permanent or temporary	If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government
Call S.P.S. Samuel K. K. K.	S.P.S.	S.P.S.	Rs 1245/-	35/-	1770		
			Rs 1630/-			1/12/97	
			Rs 1665/-			1/12/98	
			Rs 1700/-			1/12/99	
			Rs 1735/-			1/12/2000	
			Rs 1770/-			1/12/01	
Relief from S.P.S. No. 1 @ 1870-55-3520							
			Rs 2695/-			1/12/2001	
			Rs 2785/-			1-12-02	
			Rs 2805/-			1/12/2003	
			Rs 2860/-			1/12/04	

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8	9	10	11	12	13		14	15	
Signature of Government Servant	Signature and name of the head of the office or other attesting officer in columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting Officer	Nature and duration of leave taken	Leave		Signature of the head of the office or other attesting officer	Reference to recorded punishment or censure, or reprimand or praise of the Government Servant
						Allocation of period of leave on average pay upto four months for which leave salary is debitabale to another Government			
						Period	Government to which debitabale		
<del>A.E.O.</del>	<del>M. Agency</del>	30/11/98	(A) incp	<del>A.E.O.</del> <del>M. Agency</del>					
<del>A.E.O.</del>	<del>M. Agency</del>	30/11/99	(A) incp	<del>A.E.O.</del> <del>M. Agency</del>					
<del>A.E.O.</del>	<del>M. Agency</del>	30/11/2000	(A) incp	<del>A.E.O.</del> <del>M. Agency</del>					
<del>A.E.O.</del>	<del>M. Agency</del>	30/11/2001	(A) incp	<del>A.E.O.</del> <del>M. Agency</del>					
<del>A.E.O.</del>	<del>M. Agency</del>	30/11/02	(A) incp	<del>A.E.O.</del> <del>M. Agency</del>					
<del>A.E.O.</del>	<del>M. Agency</del>	30/11/04	Religion	<del>A.E.O.</del> <del>M. Agency</del>					
<del>A.E.O.</del>	<del>M. Agency</del>	30/11/02	incp	<del>A.E.O.</del> <del>M. Agency</del>					Diect on 3/12/04
<del>A.E.O.</del>	<del>M. Agency</del>	30/11/03		<del>A.E.O.</del> <del>M. Agency</del>					
				<i>D. N. K. Khan</i>					
				<i>I. Ahmed</i>					

*M. J. A.*  
Agency Education Officer  
Mohamand Agency at Ghalana

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① ①

No 2908-11/Reader

Dated Ballanai the 24/06/10

From: - The Political Agent Mohmand  
Ghallaani

To: - 1. The Director of Education (PATA)  
Peshawar.

⑫

2) The Principle Government Degree  
College Lakarai.

3) The D.E.O Mohmand Agency

4) The Agency Sargoon Mohmand Agency  
Ghallaani

Subject: Termination of Class iv

Letter

Enclosed please find herewith a copy of the Assistant Political Agent  
Upper Mohmand letter No. 821/PA(UM) dated 20/6/2010 along with a copy of its  
enclosure for necessary action.

Please look into the matter and take necessary action for the termination of  
Class iv employees if the institutions mentioned in Political Tehsildar Safi letter  
No. 503/PT Safi dated 14-6-2010.

No 2908-11/Reader

Political Agent Mohmand  
Ghallaani 20/6

Copy forwarded to:-

Assistant Political Agent Upper Mohmand, for information with reference to his  
letter No. 821/PA(UM) dated 20-06-2010.

Attested  
Mogri

Political Agent Mohmand  
Ghallaani 20/6

C/C  
17/8/10

Better copy

(15)

No. 2908 /Reader

Dated Ghalanai the 24.06.2010

From;

The political agent Mahmonnd  
Ghalanai

To;

1. The Director Education (FATA), Peshawar
2. The Principal Government Degree College Lakarai
3. The AEO Mohmand agency.
4. The Agency Surgeon Mohmand Agency Ghalanai

SUBJECT: - Termination of Class IV

Enclosed please find herewith a copy of the Assistant Political Agent Upper Mahmonnd letter No. 821/APA (UM) dated 20/6/2010 along with a copy of its enclosure for necessary action.

Please look into the matter and the necessary action for the termination of Class IV employees in the institutions mentioned in Political Tehsildar Safi letter No. 503/PT Safi dated 14/6/2010

Political Agent mahmond  
Ghalanai

No. 2908 11/Reader

Copy for information

Assistant Political agent Upper Mahmond for information with reference to its letter No. .... dated 20.06.2010.

Political Agent Mahmond  
Ghalanai

**Attested**

*[Handwritten signature]*

No. - 821

APA (UM)

Dated Ghallanai the 20/06/2010.

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Amrullah  
C

From: The Assistant Political Agent,  
Upper Mohmand at Ghallanai  
To: The Political Agent,  
Mohmand at Ghallanai.  
Subject: TERMINATION OF CLASS -IV  
Memorandum

Enclosed please find herewith a copy of letter No 50/PT Safi dated 18-5-2010 received from Political Tehsildar, Safi.

The Elders / Maliks mentioned in the report of PT Safi have failed to protect Govt buildings and fulfill their territorial responsibilities therefore, it is requested that their class iv employees may be terminated from service with immediate effect.

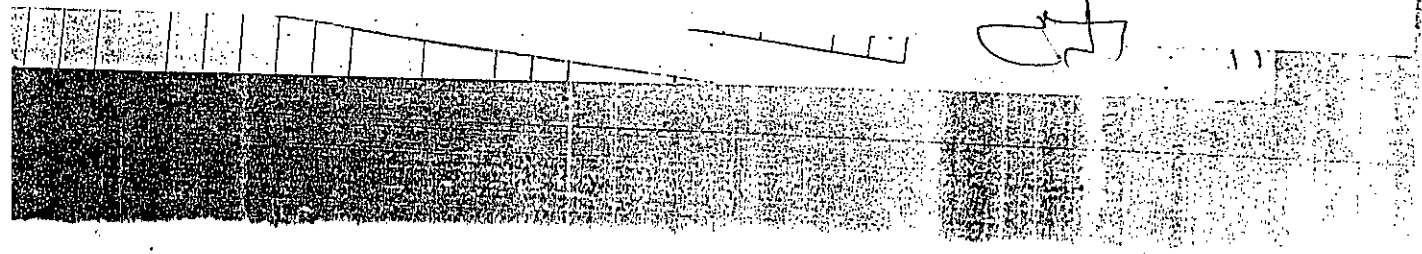
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ACC  
Assistant Political Agent,  
Upper Mohmand at Ghallanai.  
20/6

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Better copy. (16)

NO. 821/ APA (UM)

Dated Ghalanai the 20/06/2010

From; The Assistant Political Agent.  
Upper Mohmond at Ghalanai

To; The Political Agent  
Mohmand at Ghalanai

**SUBJECT: - TERMINATION OF CLASS IV**

Memorandum

Enclosed please find herewith a copy of letter No. 50/PT Safi dated 11/./2010 received from political Tehsildar safi.

The Elders/Maliks mentioned in the report of PT Safi have failed to protect Govt buildings and fulfill their territorial responsibilities therefore, it is requested that their Class IV employees be terminated from services with immediate effect.

Assistant Political Agent  
Upper Mohmand at Ghalanai

**Attested**

Handwritten signature/initials

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## LIST OF NON COOPERATIVE ELDERS OF TEHSIL SAFI WITH PRIVILEGES.

S. No	Name of Malik	Tribe	Monthly Kharacha	Mawajib /Lungi	Schemes	No. Khassadar
1.	Malik Rovedar	QANDAHARI	Rs. 1000/-	Rs. 120/-	Nil	01
2.	Malik Haji Gulandar	-do-	Rs. 2000/-	Rs. 17150/-	Irrigation GPS	03
3.	Mulana Gul Said Jan	-do-	Rs. 2000/-	-	-	-
4.	Malik Haji Habib	-do-	Rs. 700/-	Rs. 250/- =60	Irrigation	-
5.	Malik Lal Said	-do-	Rs. 500/-	-	PTCL Exchange	01
6.	Malik Askar	-do-	Rs. 1000/-	-	GMS & DWSS	04
7.	Malik Zardali	-do-	-	-	Tube Well	01
8.	Malik Abdul Qayum	-do-	-	-	GMS	01
9.	Malik Inam	-do-	-	-	-	-
10.	Malik Sultan	-do-	-	-	-	-
11.	Malik Hazrat Khan	-do-	-	-	-	01
12.	Malik Abdullah Jan	-do-	Rs. 1000/-	-	-	-
13.	Malik Rahim Gul	-do-	-	-	-	-
14.	Malik Shamsu Rehman	-do-	-	-	FCS	01
15.	Malik Aslam	-do-	-	-	FCS	-
16.	Malik Itbar Khan	-do-	-	-	GGPS	-
17.	Malik Tawas	-do-	-	-	-	-
18.	Malik Sardar	-do-	-	-	GGPS	-
19.	Malik Abdur Rehman	-do-	-	-	GGPS	-
20.	Malik Rehkhmin	-do-	-	-	GMS	-
21.	Hafiz Mohd. Hayat (Father of Abdul Wali Ameer TTM)	-do-	-	-	GPS	-
21.					GPS	-
22.	Malik Ghulam	-do-	-	-	GPS	-
					GPS	-

*Admitted*

*Admitted*

17

3

NO 523

J. Saji dt 18-1-2010

(4) 22  
18  
(10)

From: J. Saji

To: The A.P.A. Upper Mohenwad  
at Ghatkesari.

Sub: TERMINATION OF CLAS EN.

Meaning: As already reported that miscellaneous have  
blasted govt. buildings of the following institutions  
in Masod, Gurug, Shinwari and Qandahari area  
Saji.

- 1- G.H.S. Shewa Farah Malik Haji Sabidar Masod.
- 2- G.H.S. Qarnar Din Kor Malik Fajawal Qandahari.
- 3- G.H.S. Lalari Malik Lal Din Gurug.
- 4- Govt. Jyone College Lalari Malik Rehman Gulbudy.
- 5- G.H.S. Jy Pand Malik Jabar Mala Masod.
- 6- G.H.S. Jarnai Kor Malik Maloom Said Qandahari.
- 7- G.H.S. Aliyyar Malik Khazada Shinwari.
- 8- G.H.S. Saji Malik Arabar Gul
- 9- G.H.S. Malik Adnan Haji Qandahari.

Attest  
Saji

CTC  
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No 523 PT Saji dated 18- - 2010

From :- PT Saji

To :- The APA upper Mshmand  
at Ghalinai

Sub:- TERMINATION OF CLASS-IV

Memo:-

As already reported that miscreants have  
blasted govt; buildings of the following  
in Masood, Gurbaz, Shinwari and Pandahari area  
Tehsil Saji

1. GMS Shawa Farsh Malik Haji Sajdar Masood
2. GMS Qamar Din Kor Malik Tajjumul
3. GMS Lakarai Malik Lal Din Gurbaz
4. Govt; Degree College Lakarai Malik Rehman Gul
5. GMS Kogofund Malik Jabbar Mulla Masood
6. GMS Amrai Kor Malik Maloom Said Pandahari
7. GMS Alimgar Malik Khanzade Shinwari
8. GMS Sagar Malik Anbar Gul Shinwari
9. GPS Malik Adam Haji Pandahari
10. GPS Ghont Jawar Shinwari
- 11.
- 12.

Attested

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- (4) (5) (13) (19)
12. GPs Ganga Jehan Shimwari
  13. GPs Malik Abdul Muhammad Qandhari.
  14. GPs Malik Bashir Shimwari.
  15. GPs Malik Machkool/Sadoun Masood.
  16. GPs Malik Rabican Gul Qurqay.
  17. BHU Mahmood Ghat Masood.
  18. CHC Bar sagi Malik Sher Jacha Shimwari.
  19. BHU Chama Kanch Malik Faraz
  20. BHU Malik Ward. Joun Qandhari.
  21. BHU Jandala Malik Talib Masood.
  22. BHU Sheikh Baba Malik Chasi Sheikh Shimwari.

Notices were given to all the owners of public institutions in Suji Tehsil to the effect that they are responsible for the protection of their hospitals and other govt. buildings in their respective area.

Since they have failed to protect their building and assets, their territoriality, all cases IV of the above mentioned hospitals may please be terminated from Suji Tehsil.

Attchd

Aggr

[Signature]

- 13:- G.P.S Malik Abdul Muhammad Pandahari.
- 14:- G.P.S Malik Bashir Shinwari.
- 15:- G.P.S Malik Kashkot Masood.
- 16:- G.P.S Malik Rahim Gul Shinwari.
17. B.H.U Muhammad Ghafar Masood.
18. C.H.U Bar Sagi Malik Sher Farshad Shinwari.
19. B.H.U Kand Malik Farooq Shinwari.
20. B.H.U Malik Mian Jan Pandahari.
21. B.H.U Jambah Malik Talib Masood.
22. B.H.U Sheikh Baba Malik Chassi Sheikh Shinwari.

Notices were given to all the owners of govt; institutions in Sargi Tehsil to the effect that they are responsible for the protection of their schools, hospitals and other govt; buildings in their respective area.

Since they have failed to protect govt building and fulfill their territorial responsibility, therefore all class-IV of the above in the mentioned schools and hospitals may please be terminated.

Attested

*[Signature]*

Annexure (20)  
D  
11

OFFICE OF THE POLITICAL AGENT MOHMAND AGENCY AT GHALLANAI  
ORDER

As per direction of the Commissioner Peshawar Division Peshawar vide his letter No. 5/1 (DEV)/1905 dated 26.02.2013 pay of Class-IV of GGPS Malak Human Kuchlatal n/o Sheva Farsh Lakani Tehsil Safi, Mohmand Agency is hereby restored with retrospective effect:-

*[Signature]*  
Political Agent Mohmand  
Agency Ghallanai

No. 5/1/2013 /Reader

Dated Ghallanai the 06 /03/2013

Copy of the above forwarded to:-

1. The Agency Education Officer Mohmand at Ghallanai.
2. The Assistant to Commissioner Peshawar Division Peshawar.
3. The Assistant Political Agent Upper Mohmand at Ghallanai.

*Prof. Hussain J. W. n/a*

*[Signature]*  
5/3/2013

*[Signature]*  
Political Agent Mohmand  
Agency Ghallanai

*Atkhat  
Mojib*

1. Gul Rahman *[Signature]*
2. Gul Tahir *callu [Signature]*

*[Signature]*

Better copy 20

**THE POLITICAL AGENT OFFICE OF MOHMAND AGENCY AT GHALLANAI ORDER;**

After decision of the Commissioner Peshawar Division, Peshawar vide his letter No. 5/1  
(DEV/Dated 20.02.2013 pay of Class IV of GGPS Malak Hassan ..... Shawa  
Farsh Zaakarai Tehsil Safi Mohmand Agency is hereby restored with retrospective effect.

Political Agent Mohmand

Agency Ghallanai

No. 5880-82/Reader

Dated Ghallanai the 04.03.2013

**Attested**

CTC  
CTC

OF THE POLITICAL AGENT MOHMAND AT GHALLANAI

OFFICE ORDER

As approved by the Commissioner Peshawar Division Peshawar vide his order No. 5/1 (DEV)/V/8886 dated 29.11.2012 the services of the following Class-IV employees of GMS Amrai Kor Qandahari Tehsil Salaisi hereby restored with retrospective effect:-

- 1. Class-IV Maloom Said
- 2. Class-IV Masam Khan
- 3. Class-IV Said Rehman
- 4. Class-IV Dilawar

1/12/2013

18

Political Agent Mohmand Ghallanai

No 3/1/1/Reader

Dated Ghallanai the 31/12/2012

Copy of the above forwarded to:-

- 1. The Agency Education Officer Mohmand at Ghallanai for necessary action please
- 2. The Assistant Political Agent Upper Mohmand at Ghallanai for information please
- 3. Office copy

Political Agent Mohmand Ghallanai

- ① Said Rahman. Peon.
- ② Maloom Said. chow.
- ③ Dilawar. chow.
- ④ Masam Khan. ch.

Stop! al waf 1/7/2010

Attended

etc

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OFFICE OF THE POLITICAL AGENT MOHMAND AGENCY AT GHALLANAI OFFICE ORDER

As approved by the Commissioner Peshawar Division, Peshawar vide his order No. 5/1 (DEV) V/8886 dated 29.11.2012, the services of the following Class IV employees of GMS Amrai Kot Qandahari Tehsil Safi are hereby restored with retrospective effect.

1. Class IV Maloom Said
2. Class IV Masam Khan
3. Class IV Said Rehman
4. Class IV Dilar

Political Agent Mohmand  
Ghallanai

No. 3421-24/Reader

Dated Ghallanai the 31/12/2012

**Attested**

CTC  
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4220 Reader

Dated Ghallanai the 20/06/2012.

U

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From, The Political Agent,  
Mohmand at Ghallanai.

To, The Agency Education Officer,  
Mohmand at Ghallanai.

*Reinstated*

9/20/12

19

Subject, RE-INSTATEMENT OF CLASS IV OF GPS GARIBA GURBAZ

Memorandum.

Enclosed please find herewith a copy of letter No 462 dated 11/05/2012 received from APA (UM) for necessary action.

As recommended, by Assistant Political Agent Upper Mohmand vide above cited letter that Class IV of GPS Gariba Gurbaz Malik Rahim Gul may please be re-instated with retrospective effect please under intimation to this office.

*One discussion for  
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not if  
permitted  
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02/06/2012*

*[Signature]*  
Political Agent  
Mohmand at Ghallanai  
19-6-2012

*57/2012  
1chan wala  
P/NO - 103398  
11/7/2010*

*Attended  
Aggr  
272  
[Signature]*



Better Copy 22

No. 4220 /Reader

Dated Ghallanai the 20.06.2012

From;

The Political Agent,  
Mohmand at Ghallanai

To;

The Agency Education Officer,  
Mohmand at Ghallanai

Subject;

REINSTATEMENT OF CLASS IV OF GPPS GARIBA GURBAZ

Memorandum;

Enclosed please find herewith a copy of letter No. 462 dated Ghallanai the 11/05/2012 received from APA (UM) for necessary action.

As recommended by the Assistant Political Agent Upper Mohmand vide above cited letter that Class IV of GPS Gariba Gurbaz Malak Rhim Gul May please be reinstated with retrospective effect. Please under intimate to this office.

Political Agent  
Mohmand at Ghallanai

**Attested**



OFFICE OF THE POLITICAL AGENT MOHMAND AGENCY

OFFICE ORDER

Consequent upon Commissioner Peshawar Division Peshawar Order No. 3267/Reader FCR dated 20.03.2014, services of class-IVs of GMS Chinari Tehsil Safi, terminated vide this office order No.2927-30/Reader dated 24.06.2010 is hereby restored.

*Re-instated*  
*3*  
*23*  
*(Signature)*

*GMS Chinari*

Political Agent  
Mohmand Agency

*21/04/2014*

No 3117-20/Reader

Dated 20/04/2013

Copy to:

1. Commissioner Peshawar Division Peshawar w/r to his Order No. 3267/Reader FCR dated 20.03.2014 for information please
2. Agency Education Officer Mohmand Agency at Ghallanai for information.
3. Agency Account Officer Mohmand Agency at Ghallanai for n/action please.
4. Assistant Political Agent Upper Mohmand for information w/r to his letter No.44/ APA (UM) dated 09.01.2014.

Political Agent  
Mohmand Agency

*21/04/2014*

1. Jehan Zeb
2. Aslam Khan
3. AS al Khan

*Attested*  
*(Signature)*

*(Signature)*

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5056/Reader  
From: The Political Agent,  
Mohmand at Ghallanai.

Dated Ghallanai the 5/08/2012

To: The Agency Education Officer  
Mohmand Agency at Ghallanai.

Subject: RE-INSTATEMENT / RELEASE OF PAY OF CLASS-IV OF GHS  
LAKARO

NO. 3839/11  
3839/11  
3839/11  
3839/11

21

Memorandum.

According to the report of Assistant Political Agent Upper Mohmand the services of class-IVs of GHS Lakaro Malik Lal Din Gurbaz were dismissed on the recommendation of APA UM on account of non co-operation. Now the Assistant Political Agent Upper Mohmand has reported that the school is functional and owner of the school is co-operating.

15/8/2012

It is requested that the services of class-IVs of GHS Lakaro Malik Lal Din Gurbaz may be restored with retrospective effect.

*[Signature]*  
Political Agent, Mohmand  
Ghallanai

5067/Reader

Dated Ghallanai the 5/08/2012

Copy of the above forwarded to the Assistant Political Agent Upper Mohmand for information w/r to his letter cited above.

*[Handwritten signature]*

*[Handwritten signature]*

**Better Copy 24**

No. 5066/Reader

Dated Ghallanai the 15.08.2018

From; The Political Agent  
Mohmand at Ghallanai

To; The Agency Education Officer  
Mohmand Agency at Ghallanai

Subject; REINSTATEMNT / RELEASE OF PAY OF CLASS IV OF GHS LAKARO

Memorandum;

According to the report of Assistant Political Agent Upper Mohmand the services of class IV of GHS Lakaro Malak LAL Din Gurbaz were dismissed on the recommendation of APA UM on account of non cooperation. Now the Assistant Political Agent Upper Mohmand has reported that the school is functional and the owner of the school is cooperating.

It is requested that the services of class IV of GHS Lakaro Malak Lal Din Gurbaz be restored with retrospective effect.

Political Agent Mohmand  
Ghallanai

**Attested**

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OFFICE OF THE POLITICAL AGENT MOHMAND AGENCY AT GHALLANAI

OFFICE ORDER

Consequent upon the order dated 07.08.2014 in the Appeal No. 91/2013 of Commissioner, Peshawar Division Peshawar, the services of class-IV of Govt: Middle School Alingar (Malak Juina Khan Killi Tehsil Safi Mohmand Agency is re-instated with retrospective effect as per precedent and after provision of due opportunity of hearing to the appellants in the court of undersigned.

(25)

*Qims Alingar*

*29/10/2014*

*[Signature]*

Political Agent  
Mohmand Agency

*28/10/2014*

No. *118-20* /Reader

Dated Ghallanai the *27* /10/2014.

Copy to:-

1. Commissioner Peshawar Division Peshawar w/r to the order cited above.
2. Agency Education Officer Mohmand Agency at Ghallanai for information.
3. Agency Account Officer Mohmand Agency at Ghallanai for n/action please.
4. Assistant Political Agent, Upper Mohmand w/r to his letter No. 282/APA (UM), dated 03.03.2012.

*[Signature]*

Political Agent  
Mohmand Agency

*28/10/2014*

1. Ashad Ali
2. Shoukat "
3. Aslam "
4. Ichan Gul "

*Ahmed Naji*

*[Signature]*

26  
11

BEFORE THE COMMISSIONER FOR PESHAWAR DIVISION  
PESHAWAR

*Annexure*  
*(E)*

APPEAL NO. \_\_\_\_\_/2016

*(B)*

- 1) Zar Lal S/o Zar wali, (Chowkidar)
- 2) Nehayat Bibi Wife of Adam Khan (Caller) Government Girls primary School Adam, Koor Tehsil Safi Qandari Mohmand Agency, ----- { Appellants }

**VERSUS**

*Attended*  
*Mezje*

- 1) Political Agent Mohmand Agency at Ghallanai
- 2) Assistant Political Agent Upper Mohmand Ghallanai
- 3) Agency Education officer Ghallanai
- 4) Agency Account office Ghallanai Mohmand Agency (Respondents)

APPEAL AGAINST THE IMPUGNED ORDER/  
JUDGMENT NO.2318-11 DATED 24.06.2010  
PASSED BY LEARNED POLITICAL AGENT  
MOHMAND AGENCY & ORDER DATED 19.7.2010  
PASSED BY AGENCY EDUCATION OFFICER  
GHALLANAI WHEREIN THE SERVICES OF THE  
APPELLANTS WERE CANCELLED/TERMINATED  
WITH IMMEDIATE EFFECT WITH OUT ANY PROPER  
PROCEEDING.

Prayer in Appeal:

*OC*

ON ACCEPTANCE OF THIS APPEAL THE ABOVE MENTIONED ORDER/  
ORDER/ JUDGMENT MAY GRACIOUSLY BE SET ASIDE/REVOKED AND  
CONSEQUENTLY THE APPELLANTS MAY BE REINSTATED IN  
THEIR SERVICE WITH ALL BENEFITS.

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BEFOR THE COMMISSIONER FCR PESHAWAR DIVISION PESHAWAR

APPEAL NO. .... /2016

- 1) Zar Lal S/O Zar Wali (Chowkidar)
- 2) Nehayat Bibi wife of Adam Khan (Caller) Government Girls primary School Adam Kor Tehsil Safi Qandari Mohmand Agency. .... (Appellants)

VERSUS

- 1) Political Agent Mohmand Agency at Ghalanai.
- 2) Assistant political Agent Upper Mohmand Ghalanai.
- 3) Agency Education Officer Ghalanai.
- 4) Agency Account Officer Ghalanai Mohmand Agency..... (Respondents)

APPEAL AGAINST THE IMUGNED ORDER/ JUDGMENT NO. 2908 -11 DATED 24.06.2010 PASSED BY LEARNED POLITICAL AGENT MOHMAND AGENCY & ORDER DATED 19.07.2010 PASSED BY THE AGENCY EDUCATION OFFICER GHALANAI WHEREIN THE SERVICES OF THE APPELLANTS WERE CANCELLED/ TERMINATED WITH IMMEDIATE EFFECT WITHOUT ANY PROPER PROCEEDING

Prayer in Appeal

ON ACCEPTANCE OF THE INSTANT THE ABOVE MENTIONED OFFICE ORDER/ JUDGMENT DATED 24.6. 2010 MAY GRACIOUSLY BE SET AASIDE/RECALLED AND CONSEQUENTLY THE APPELLANT MAY KINDLY BE REINSTATED ON SERVICE WITH ALL BACK BENEFITS.

ANY OTHER RELIEF DEMAND JUST AND PROPER BY THIS HONORABLE COURT NOT SPECIFICALLY ASKED FOR MAY ALSO BE GRANTED IN FAVOUR OF APPELLANT.

Respectfully sheweth,

1. That the Appellants belong to Tehsil Safi Qandari MOHAND Agency and were serving as Class IV employees in Government Girls Primary School Adaam Kor Tehsil Safi Mohmand Agency.
2. That on 24.6.2010 the respondent no. 1 directed to the respondent no 3 for termination of services of the appellants under section 21 FCR, as per direction of the respondent no 1, the respondent no 3 on dated 19/7/2010 the petitioners were terminated from the above mentioned

Attested

CTF  
CTF

Respectfully Shauwath

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19-7-2010

- 1 That the Appellants belong to Tehsil Safi Qandari Mohmand Agency and were serving as Class IV employees in Government Girls primary Ariam koor Tehsil Safi Mohmand Agency.
- 2 That on 24.6.2010 the Respondent no 1 directed to the respondent no 3 for termination of services of the appellants under section 21 FCR, as per direction of the respondents no 1, the respondent no 3 on dated 19/7/2010 the petitioners were terminated from the above mentioned service with out any reason and proper proceeding by the Political Agent Mohmand Agency and Agency education officer (Copies of the Order are attached as annexure A, B)
- 3 That the petitioners were regular servants and never committed Any irregularity during the service and imposition of major penalty is illegal void abinitia
- 4 That During the operation in the area all the inhabitants of the area were directed by the Armed force to vacate the Area for the said reason the petitioner family also vacate their House and shifted to IDP camp. In this regard the learned Political Agent Terminated the petitioners from his Service through the Above mentioned Order.
- 5 That When the petitioner came to know that the learned political Agent terminated them from Service with out due course of law and at that time husband of the petitioner no 2 was killed by the terrorist in his house.
- 6 That the appellant considered Him Self as aggrieved from the impugned order/judgment dated 24.06.2010 & 19/7/2010 filing the instant appeal on the following grounds inter alia

REASONS

- a) That the order/judgment of the lower court is against the law and against the record, hence not tenable in the eyes of law.
- b) Because the judgment order dated 24.06.2010 & 19/7/2010 is superficial and not supported by the law and Services policy thus the impugned order is liable to be set aside.

*Abdul Reza*  
CTF  
CTF



service without any reason and proper proceeding by the political Agent Mohmand Agency and Agency education officer. (Copies of the order are attached as annexure A.B)

3. That the petitioners were regular servants and never committed any irregularity during the service and imposition of major penalty is illegal void abinnitio.
4. That during the operation in the area all the inhabitants of the area were directed by the Armed Forces to vacate the area for said reason the petitioner family also vacate the house and shifted to IDp camp in this regard the learned political Agent terminated the petitioners from his service through the above mentioned order.
5. That when the petitioner came to know that the learned political Agent terminated them from service without due course of law and at that time husband of petitioner no. 2 was killed by the terrorists in the house.
6. That the appellants considered himself as aggrieved from the impugned order/judgment dated 24.06.2010 & 19.07.2010 filing the instant appeal on the following grounds inter ali

**GROUNDS:**

- A. That the order/ judgment of the lower forum are against the law and therefore are untenable in the eye of law.
- B. Because the judgment/ order dated 24.06.2010 & 19.07.2010 is superficial and not supported by any law and policy, therefore impugned orders is liable to be set aside.
- C. That the appellants have never been issued and served with any show cause notice regarding the allegation contend in this office order appealed against.
- D. Because the impugned judgment, order the result of miss-reading and non-reading of the record as well as of the relevant law.

**Attested**

CFC  
[Signature]

3

28 13  
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- c) That the Appellant have never been issued and served with any show cause notice regarding the allegation contend in this office order appealed against.
- d) Because the impugned judgment, order the result of miss-reading and non-reading of the record as well as of the relevant law.
- e) That the appellant have always remained in sincere cooperation with the political administration and could not even think about acting in derogation to the orders of the political administration
- f) That it was because of the military operation carried out by the Army in the area due to which appellant and other were forced to leave the area for securing their lives.
- g) Because the findings of the learned court below are arbitrary, fanciful, illegal and against the well settled principle of law, hence the impugned judgment, order is rendered as nullity in the eyes of law, need interference by this August Authority.
- h) That majority of the people are reinstated with all back benefits upon the direction of this Honorable court. (Copy of the previous orders are annexure C)
- i) Because the appellant seek leave of this Honorable Court to raise additional grounds at the time of arguments.

Adhesit  
Raj

THAT ON ACCEPTANCE OF THIS APPEAL THE ABOVE MENTIONED OFFICE ORDER/ JUDGMENT DATED 24.6.2010 MAY GRACIOUSLY BE SET ASIDE/RECALLED AND CONSEQUENTLY THE APPELLANT MAY KINDLY BE REINSTATED ON SERVICE WITH ALL BACK BENEFITS.

ANY OTHER RELIEF DEMAND JUST AND PROPER BY THIS HONOURABLE COURT, NOT SPECIFICALLY ASKED FOR MAY ALSO BE GRANTED IN FAVOUR OF THE APPELLANT.

Appellant

Through

Raza Khan Safi

Advocate, High court Peshawar

&  
Averdad Shah advocate Peshawar.

VERIFICATION

In the presence of my client

signed and admitted that contents of this petition are true and correct.

CTA  
2/1

- E. That the appellants have always remained in sincere cooperation with the political administration and could not even think about acting in derogation to the orders of the political administration.
- F. That it was because of the military operation carried out by the Army in the area due to which the appellants and other were forced to leave the area for securing their lives.
- G. Because the findings of the learned court below are arbitrary, fanciful, illegal and against the well settled principle of law, hence the impugned order is rendered a nullity in the eyes of law. Need interference by this August Authority.
- H. That majority of the people are reinstated with all back benefits upon the direction of the Honorable court. (Copy of the previous orders are attached as annexure C)
- I. Because the appellant seek leave of this Honorable Court to raise additional grounds at the time of arguments.

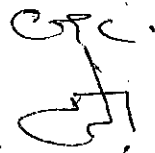
THAT ON ACCEPTANCE OF THIS APPEAL THE ABOVE MENTIONED OFFICE ORDER/ JUDGMENT DATED 24.6.2010 MAY GRACIOUSLY BE SET ASIDE AND CONSEQUENTLY THE APPELLANT MAY KINDLY BE REINSTATED ON SERVICE WITH ALL BACK BENEFITS.

ANY OTHER RELIEF DEMAND JUST AND PROPER BY THIS HONORABLE COURT NOT SPECIFICALLY ASKED FOR MAY ALSO BE GRANTED IN FAVOUR OF APPELLANT.

**Attested**

Appellant

Through





OFFICE OF THE ASSISTANT POLITICAL AGENT  
 UPPER MOHMAND SUB DIVISION  
 Tel: No#0924-290004 Email:apauppermohmand@gmail.com

29  
 Amey  
 (Signature)  
 (Signature)  
 28

No. 2011/ APA (UM)

Dated 13 Oct, 2016

To : Political Agent,  
 Mohmand Agency

Subject: Re-instatement of Class-IVs GGPS Qandahari  
Memorandum:

It has been reported by Political Tehsildar Safi that during militancy Government Girls Primary School Malik Adam Khan Qandahari Tehsil Safi was destroyed by the militants and the Class-IVs along with their other family members migrated to down districts. The owner of School Malik Haji Adam was also killed by miscreants due to his pro-government stance. Later-on 02 Class-IVs (Chowkidar Zar Lal and Caller Nihayat Bibi) of the same GGPS were terminated from their services.

Later-on the Applicant approached the Court of Worthy Commissioner Peshawar Division Peshawar for re-instatement of their Class IVs services wherein the Commissioner Peshawar Division Peshawar vide letter No. 5554/Reader FCR, Dated 11.05.2016, directed that being a service matter, the same may be disposed-off as per rules.

Keeping above in view, it is therefore recommended that Agency Education Officer may please be directed to consider the case of aforementioned Class IVs as per rules and regulation please.

Attested  
 (Signature)

(Signature)  
 Assistant Political Agent  
 Upper Mohmand Sub-Division

(Signature)  
 (Signature)

No. 8693 Reader Dtd-10/1/2017  
 Copy to "AEO" for  
 Comments as per rules pls.

25/12/16

(Signature)  
 POLITICAL AGENT  
 MOHMAND AGENCY

CTA  
 CPT

02/01/2017

Reference attached.

(27)

The attached applications of Zorzal and Nihayat Bibi class-IV of G.P.S. Dandahari Adam War is returned herewith with the report that during military operation, the school was damaged, and class-IV along with their family had left their village and migrated to down districts. The owner of the school Malid Haji Adam was also killed by miscreants. The above class-VI were also terminated for that season. Now the applicants requests for re-instatement of their services. Therefor forwarded for further n/a. please.

AP/UM ... .. Service Rule, ... ..

Attested  
Mujir

CC  
CC

کونسل کے اجلاس کے فیصلے کے مطابق مندرجہ ذیل

لہذا عالی

جو بائبل کونسل کے فیصلے کے مطابق مندرجہ ذیل  
ممبران کے متعلق فیصلے اور اجلاس کے فیصلے کے مطابق  
ممبران کے متعلق فیصلے اور اجلاس کے فیصلے کے مطابق  
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ممبران کے متعلق فیصلے اور اجلاس کے فیصلے کے مطابق

الغرض

ممبران کے متعلق فیصلے اور اجلاس کے فیصلے کے مطابق

General Khel Moh. Agency

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Handwritten initials

32



**OFFICE OF THE ASSISTANT POLITICAL AGENT  
UPPER MOHMAND SUB DIVISION**

Tel: No#0924-290004 Email:apauppermohmand@gmail.com

29  
1  
4

No. 2398 /APA (UM)

Dated 07 - August, 2017

To : Political Agent,  
Mohmand Agency

Subject : RE-INSTATEMENT OF CLASS-IV GGPS QANDAHARI  
Memorandum:

Please refer to your letter No. 7412/Reader, dated 31/07/2017 on the above noted subject.

It has been reported by Political Tehsildar Safi that construction of GGPS Qandahari Malak Haji Adam is under process and will be completed shortly. In this connection report was already been sent. Besides the family members of Malak Haji Adam is cooperative to Administration.

Therefore, his request for re-instatement of Class-iv of GGPS Qandahari Malak Haji Adam is recommended for consideration as per rules please.

Assistant Political Agent  
Upper Mohmand Sub-Division

Attended  
Rgr

CTC  
Rgr

AEO  
Agency Education Officer  
SPK  
18/8/17



AGENCY EDUCATION OFFICER  
MOHMAND AGENCY AT GHALLANAI

Ph.#.0924-290180/Fax.#.0924-290180

No. (AAEO (M&E) 29931) Dated/30 /01/2017

33

To

The Political Agent  
Mohmand Agency.

30

Subject: RE-INSTATEMENT OF CLASS IVs GGPS QANDARAI

Memo:

Reference to your Endst No. 8693/Reader, on dated 02/01/2012 for comments as per rules is hereby submitted as detail report.

1. 02 Class IV (Zar Lal Chowkidar & Nihayat Bibi Caller) GGPS Adam (Kamal Khel) was terminated on your recommendation vide Your No. 2908/Reader, dated 14/06/2010, due to not full filling their territorial responsibilities assigned to them, Govt; building of school of their posting was blasted and destroyed, in result of which their service had been terminated vide this office Endst; No. 9805-10 dated 29/07/2010
2. The class IVs admits appeal before the commissioner FCR Peshawar Division Peshawar in 2016 for re-instatement.
3. The commissioner Peshawar Division Peshawar has returned the appeal with the remarks that they may be disposed of as per rules regulation on the subject through the relevant competent forum.

So the case is forwarded for further in to the matter please.

Agency Education Officer  
Mohmand Agency

Endst No. 29932  
Copy to the:-

Dated: 30/01/2017

PS to Secretary SSD FATA Secretariat.

*[Signature]*  
Agency Education Officer,  
Mohmand Agency

*[Handwritten signature]*

593  
Dir No. 594 (Cum)

*[Handwritten initials]*



No. 1217 1873 Dated. 2/18 1897

From Mr. P. T. Saifi.

(21)

To The Asst. Political Agent  
Upper Mohmand.

Subject: Re-instatement of class-IV  
of G.S. Qanlahari.

Memo:

Reference attached.

In this connection the enclosed report was already sent to your good self, which is based on facts. Beside this the school is also under construction as well as in progress. Which will be completed shortly.

R

Being a co-operative family members, it is requested that their case for re-instatement of class-IV may kindly be considered favourably.

3/8/17

Attended  
Saifi

P. T. Saifi  
20/18

CF  
CF



AGENCY EDUCATION OFFICER  
MOHMAND AGENCY AT GHALLANAI

PH.#.0924-290180/FAX.#.0924-290180  
No. 49895 (AAEO (M&E) Dated/11/12/2017)

235

To

The Additional Political Agent,  
Mohmand Agency.

325

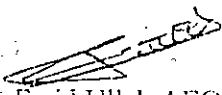
**Subject:** RE-INSTAEMENT OF CLASS IVs GCPS QANDARI (MALAK ADAM)

Reference to your diary no.3160/S on dated 16/11/2017 on the body of the application for submission of report and record. The following points are hereby submitted for your kind prusal please.

1. Whereas nearly 46 employees of education department were terminated by ex-political administration for not performing their duties in their respective schools. (Copy attached)
2. Whereas nearly most of them are recommended for re-instatement by ex-political Agent and nearly all of them were restored/re-instated.(copy attached).
3. Whereas the applicant's request/appeal for restoration/re-instatement is based on genuine facts and of same nature.
4. Whereas the applicant is performing his duty regularly and guarding/protecting the institution honestly for the last several months.
5. Whereas due to militancy and bad condition his father was also martyred by terrorists.
6. Whereas the applicant requested/appealed for re-instatement again & again but all in vain.

Keeping the above facts/points in view the undersigned recommended the case for favourable consideration please.

Attended  
by

  
Farid Ullah AEO  
Ghallanai Mohmand Agency

Attended  
by

Attended  
by

Rep A - 3160/s

D No 3160/s

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73

درخواست برای تسویه حساب و ادا کردن بدهی  
SSPS در مورد قرارداد شماره 2

D.J. PA  
Re: [unclear]  
[unclear]

Re-insist with  
retrospective effect

تجدید نظر در قرارداد شماره 2  
در مورد تسویه حساب و ادا کردن بدهی

ABEO  
submit report  
with report  
& discuss  
19/07/2017  
[unclear]

تجدید نظر در قرارداد شماره 2  
در مورد تسویه حساب و ادا کردن بدهی

D No 627/F&P  
Date 17/11/2017

[unclear]

Annex-(F)

In the Peshawar High Court, Peshawar.

Writ Petition 5419 /2018



37

1. Zar Lal S/O'Zar Wali (Chowkidar)
2. Nehayat Bibi W/O Adam Khan ( Caller)  
(Government Girls Primary School Adam Koor Tehsil Safi Qandari,  
District Mohmand.

( Petitioners)

Versus

1. Deputy Commissioner, District Mohmand at Ghalanai.
2. Assistant Commissioner ( Upper) , District Mohmand .
3. District Education Officer Ghalanai.

( Respondents)

*Writ Petition under Article 199 of the Constitution of Islamic Republic of Pakistan.*

*Prayer:*

*On acceptance of this Writ Petition a writ may be issued*

1. *Directing the Respondent No 1 to re-instate the Petitioner with retrospective effects like other similarly Placed with all back benefits.*
2. *Release the salary and arrears of the Petitioners without any further delay.*

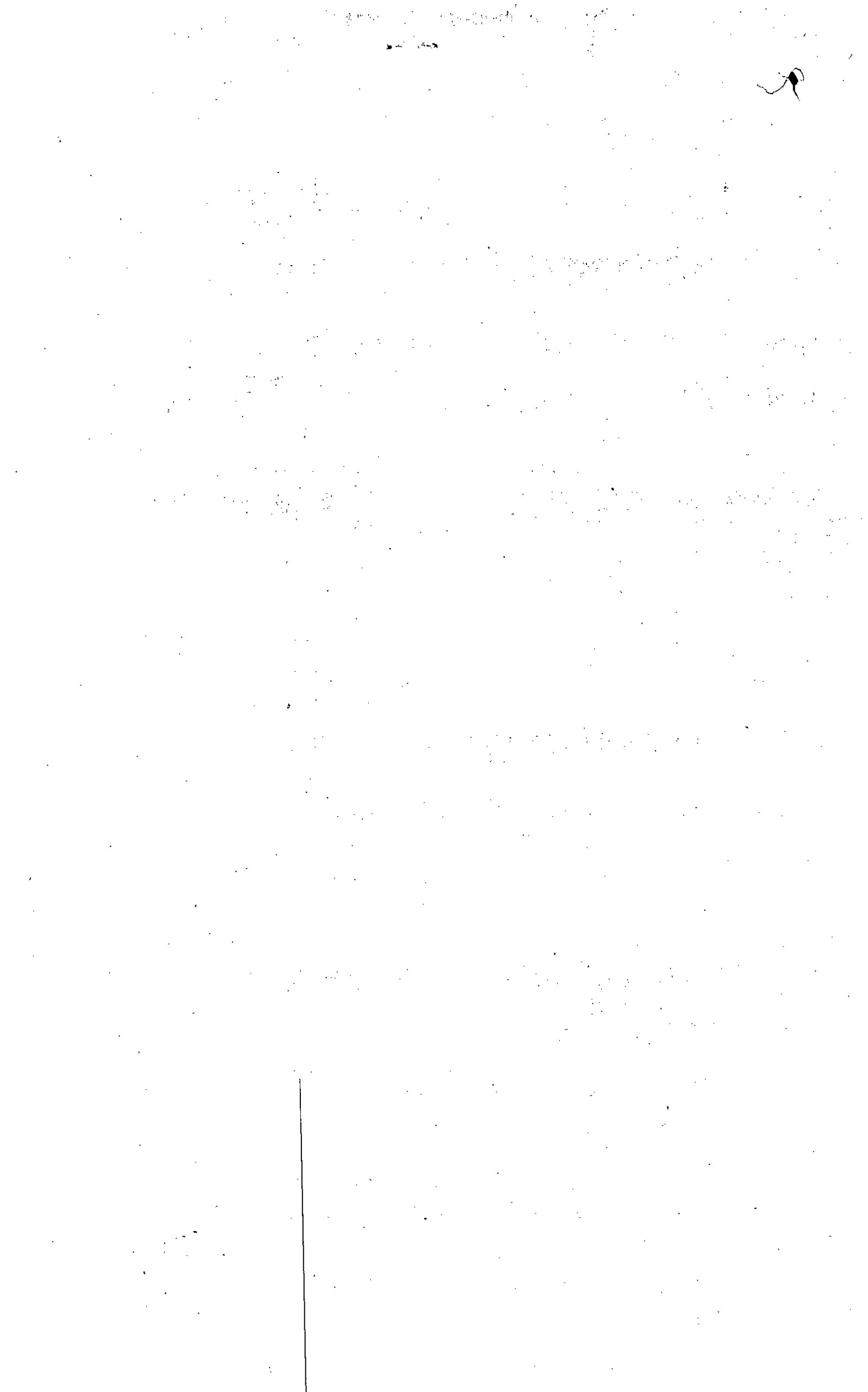
Respectfully Sheweth: - The need for the instant Writ Petition arises due to the following facts:-

1. That the Petitioners were appointed on 19.7.1989 by a competent Authority as per established prescribed rules under the FATA administration at that time and being resident of

wp5419 2018 zar lal vs Dc USB 30 pags

**ATTESTED**  
**EXAMINER**  
Peshawar High Court  
U 4 DEC 2018

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**PESHAWAR HIGH COURT, PESHAWAR.**

**FORM 'A'  
FORM OF ORDER SHEET**



Date of order.	Order or other proceedings with the order of the Judge
29.11.2018	<p><b><u>W.P.No.5419-P of 2018.</u></b></p> <p><b>Present:</b> Mr.Nazir Ahmad, advocate for the petitioners.</p> <p>Syed Qaisar Ali Shah, AAG for the respondents.</p> <p>-----</p> <p><b><u>MUHAMMAD AYUB KHAN, J.-</u></b> This petition is with the prayer directing respondent No.1 to reinstate the petitioners with retrospective effect like other similarly placed persons with all back benefits and to release their salaries without any further delay.</p> <p>2. As per writ petition, petitioners were appointed as Chowkidar and Caller, respectively on 19.07.1999 by a competent authority as per the prescribed rules under the FATA administration and were posted at Government Girls Primary School Kamal Khel Qandahari District Mohmand. Unfortunately, militancy started in the Khyber Pakhtunkhwa and in the tribal areas, which also hit District Mohmand, the then Agency. During militancy, Government Girls Primary School Malik Adam Khan Qandahari, Tehsil Safi was destroyed by the militants and the Class-IV employees and their families migrated to other Districts of Khyber Pakhtunkhwa. The Political Agent Mohmand at Ghalanai/respondent No.1 issued a letter No.2908/Reader to the Director of Education FATA, Peshawar, the Principal Government College Lakari, the</p>

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**ATTESTED**  
EXAMINER  
Peshawar High Court

04 DEC 2018

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DEO Mohmand Agency, Ghalanai and the Agency Surgeon Mohmand on 24.06.2010 for termination of all Class-IV employees and asked them to take notice of it. The Assistant Political Agent (now the Assistant Commissioner), Upper Mohmand Ghalanai on 20.06.2010 issued letter No.825/APA (UM) and recommended the termination of Class-IV employees of those Malik/Elders, who were mentioned in the report of PT Safi for failing to protect Government Buildings and fulfill their territorial responsibilities. In the end, the Class-IV employees of such Maliks were terminated. No such order of termination is communicated to the petitioners. According to the petitioners, one Malik Adam is killed by the militant during this time, hence the question of his non-fulfillment of responsibilities does not arise. It is stated that with the time such terminated employees were reinstated retrospectively one by one and their termination order is automatically withdrawn. Petitioners filed appeal to the Commissioner, Peshawar for treating them similarly like other alike Class-IV employees of the District. The ibid appeal was referred vide letter No.5554/Reader FCR dated 11.05.2016 to the concerned authority for disposal as per rules. In turn, the concerned authority supported the view point of the petitioners and recommended to the District Commissioner Mohmand for their reinstatement. It is averred that respondent No.1 is not issuing the reinstatement order of the petitioners with retrospective effect for unknown reasons whereas the employees of

Amir  
Saf

**ATTESTED**  
EXAMINER  
Peshawar High Court  
04 DEC 2018

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other government building are reinstated. According to petitioners, they are working in the School, the building is now reconstructed but the non-issuance of the order till today is their grievance as they are not getting salaries, hence this petition.

3. Preliminary arguments heard and available record gone through.

4. Admittedly, the services of the petitioners were dispensed with on the basis of letter dated 24.06.2010 addressed to Director of Education FATA, Peshawar, the Principal Government College Lakari, the DEO Mohmand Agency, Ghalanai and the Agency Surgeon Mohmand. Record reveals that other such like terminated employees have been reinstated into service during the years 2012 to 2014. However, despite knowing the reinstatement of their colleagues, the petitioners have come to this court in the year, 2018 after elapse of four long years. There is famous maxim 'that law favours the vigilant and not the indolent'. Thus, the petitioners ought to have approached the appropriate forum/court soon after knowing the reinstatement of their colleagues but they kept mum and did not take step for redressal of their grievance. Besides, petitioners are seeking reinstatement in service, which is a matter falling within the exclusive jurisdiction of Service Tribunal and under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the jurisdiction of this court is specifically barred. On this count too, the petitioners have no case at all for the

Amir

**ATTESTED**  
**EXAMINER**  
Peshawar High Court

2013

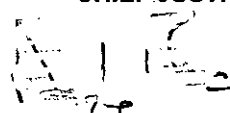
CJC



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desired relief.

5. For what has been discussed above, this petition being hit by laches, is hereby dismissed in limine.

  
**CHIEF JUSTICE**  
  
**JUDGE**

No. 16809

Date of Presentation of Application 4.12.18

No of Pages 5

Copying Fee

Urgent Fee

Total 20

Date of Preparation of Copy 4.12.18

Date of Delivery of Copy 4.12.18

Received by [Signature]

**CERTIFIED TO BE TRUE COPY**

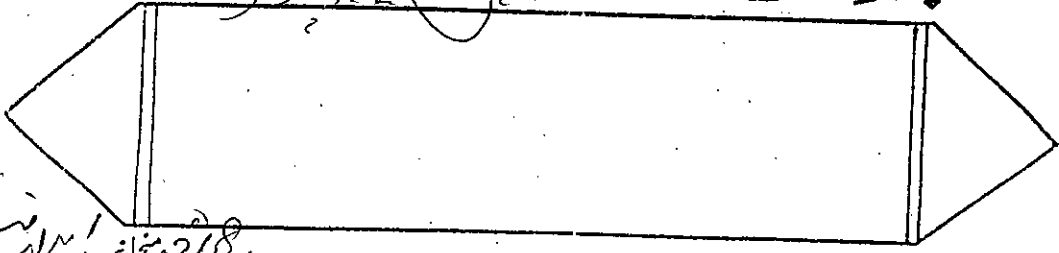
**EXAMINER**  
Peshawar High Court, Peshawar  
Authorized Under Article 87 of  
The Constitution of 1973

**04 DEC 2018**

[Signature]

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بعد الت سول سول حسبر کتو کوان



2018ء منجانب اسلڈ

بنام ڈی پی کسٹم

نہایت سی

موزخہ  
مقدمہ  
دعویٰ  
جرم

### باعث تحریر آنک

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
آن مقام کے لئے کیے محمد سعید حسن  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر حالتہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور صولی چیک در و پیہار عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ  
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکور کریں۔ لہذا اوکالت نامہ لکھدیا کہ سندر ہے۔

المرقوم 17 ماہ 2018ء

واہ العیہ  
بمقام  
کے لئے منظور ہے۔  
accepte  
accepte

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL No.109/2019

NIHAYAT BIBI R/O GGPS ADAM KOR Tehsil SAFI District Mohmand

..... (APPELLANT)

Versus

Deputy Commissioner District Mohmand and others

..... Respondents

INDEX

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1	Para wise comments	.....	1-3
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3	Letter 821/APA UM	A	5-6
4	the letter No.2908 dated 24-6-2010	B	7
5	the termination order No 9805-10/10 dated 19-07-2010 is	C	8,9
6	copies of some of the orders	D	10-11,12,13
7	Judgment of Peshawar High Court	E	14-18

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL No.109/2019

13

NIHAYAT BIBI R/O GGPS ADAM KOR TEHSIL SAFI DISTRICT MOHMAND

..... (APPELLANT)

Versus

Deputy Commissioner District Mohmand and others

.....RESPONDENTS

Comments on behalf of respondent No.3

Respectfully sheweth:

**Preliminary Objection:**

- That the Appellant has got no cause of action to file the instant Appeal
- That the appeal is barred by law and no departmental appeal is made to the competent authority against the impugned order
- That the Appellant has concealed all the material facts from this Hon'ble Tribunal
- That the Appellant has not come to this Tribunal with clean hands
- That the Appellant is estopped by his own conduct to bring the instant Appeal

**ON FACTS**

1. Subject to record
2. Subject to record
3. Incorrect. That the respondent No.2 in reference of the letter of Political Tehsildar SAFI, issued a letter No.821/APA UM Dated 20-06-2010 mentioned that the Elders/Maliks failed to protect Govt Buildings including Schools and BHUs, and therefore requested to terminate the class IV employees of the said Govt: Buildings. **(Copy of the Letter 821/APA UM is attached as Annexure A)**

In pursuance of the above letter the then Political Agent i.e Deputy Commissioner Mohmand, forwarded a letter No.2908 dated 24-6-2010, to the Respondent No. 3(District Education officer Mohmand) stated that necessary action be taken for the termination of the Class IV employees of the mentioned institutions.**(Copy of the letter No.2908 dated 24-6-2010 is attached as Annexure B).** Keeping in view the above correspondence the respondent No 3. Issued termination orders on 19-07-2010, of the employees including the appellant. **(Copy of the termination order No 9805-10/10 dated 19-07-2010 is attached as Annexure C).**

4. The first part of the para is correct while the second para is incorrect and hence denied. The appellant were aware of the fact that they were terminated from the service, hence they brought a writ petition no.5419/2018 Before the Peshawar High Court which was dismissed on the grounds that the case is hit by laches and being service matter is in the jurisdiction of service tribunal. So, the plea of the appellant that he was not aware about his termination is baseless. It is also pertinent to mentioned that the appellant did not impugned the order of his termination within the prescribed time of departmental appeal and after six years in 2016, approached to the Commissioner FCR Peshawar Division for reinstatement.
5. Incorrect to the extent that other employees were reinstated after the decision made by the Worthy Commissioner Peshawar during 2012 and 2013.**(copies of some of the orders are attached as annexure D)**
6. As elucidated in para 3 above.
7. As elucidated in para 3, 4 and 5 above.
8. Incorrect.The appellant was terminated in 2010, so, being bound by law and as per rules of the government salary cannot be paid to the terminated employees.
9. Incorrect to the extent that the judgment of the Peshawar high court clearly mentioned that the appellant petition was hit by the principle of laches, hence dismissed. **(copy of the Judgment is attached as annexure E)**
10. No.comments

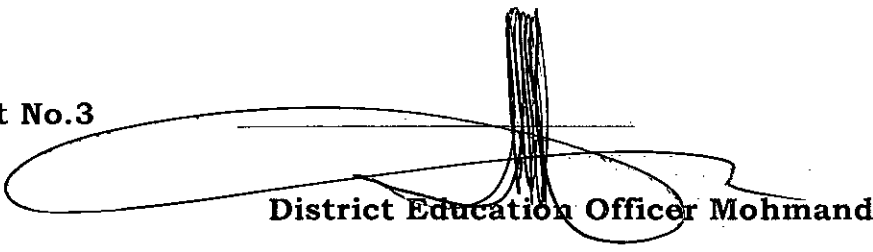
**On Grounds**

- A. Incorrect. Hence denied. The appellant was treated in accordance with law and while doing so extended equal protection of law to the appellant.
- B. Incorrect. As explained in Para 3 above.
- C. Incorrect. As elucidated in para 3 above.
- D. Incorrect. The reinstatement of other colleagues of the appellant was made after the decision of worthy Commissioner Peshawar division and pursuance of that letters from the then Political Agent Mohmand. Similarly, the appellant didn't approach the relevant forum within the prescribed time as expressed in the Judgment of Peshawar high court. So, therefore the same effect of reinstatement cannot be extended to the appellant.
- E. See para 3,4 and 5 above.
- F. That the respondent department being bound by law, acted in accordance with law and while doing so no discrimination has been committed.
- G. That the respondent department may seek permission to present other grounds at the time of arguments of the appeal.

**Pray**

In light of the above factual and legal position, it is humbly prayed that the appeal in hand may very kindly be dismissed.

**Respondent No.3**



**District Education Officer Mohmand**

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

**APPEAL No.109/2019**

**NIHAYAT BIBI R/O GGPS ADAM KOR Tehsil SAFI District Mohmand**

..... (APPELANT)

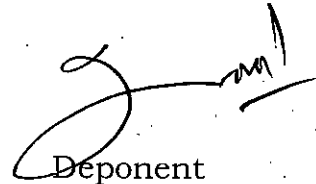
**Versus**

**Deputy Commissioner District Mohmand and others**

.....**Respondents**

Affidavit

I Javed Khan , Focal Person Litigation on behalf of District Education officer Mohmand, is hereby solemnly affirm and declare that the contents of Para wise comments submitted by the respondent No 3 are correct to the best of my knowledge and belief and nothing has been concealed.



Deponent

21408-0264754-3

Identified by

Advocate General,

Khyber Pakhtunkhwa

Ammen - (A) (5)

No. 821

UPA (UM)

Dated Ghallamai the 20/06/2010

From: The Assistant Political Agent,  
Upper Mohmand at Ghallamai

To: The Political Agent,  
Mohmand at Ghallamai.

Subject: TERMINATION OF CLASS-IV  
Memorandum

Enclosed please find herewith a copy of letter No 507/PT-Safi dated 18-1-2010 received from Political Tehsildar, Safi.

The Elders / Maliks mentioned in the report of PT Safi have failed to protect Govt buildings and fulfill their territorial responsibilities therefore, it is requested that their class iv employees may be terminated from service with immediate effect.

R  
P

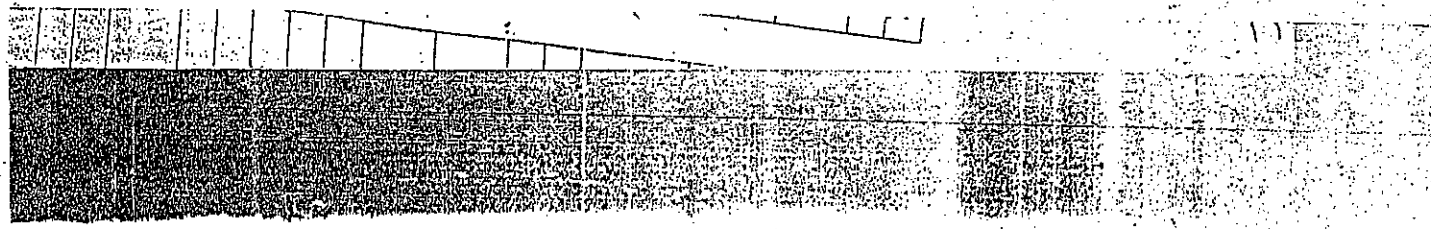
Assistant Political Agent,  
Upper Mohmand at Ghallamai.  
20/6

P  
21/6

D.O. 1503/s  
20.6.10

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page

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A





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NO. 821/ APA (UM)

Dated Ghalanai the 20/06/2010

6

From; The Assistant Political Agent  
Upper Mohmond at Ghalanai

To; The Political Agent  
Mohmand at Ghalanai

SUBJECT: - TERMINATION OF CLASS IV

Memorandum

Enclosed please find herewith a copy of letter No. 50/PT Safi dated 11/.. /2010 received from political Tehsildar safi.

The Elders/Maliks mentioned in the report of PT.Safi have failed to protect Govt buildings and fulfill their territorial responsibilities therefore, it is requested that their Class IV employees be terminated from services with immediate effect.

Assistant Political Agent  
Uppér Mohmannd at Ghalanai

259  
T

Annex

(B)

(S) (7)

No 2908-11/Reader

Dated Ghallanai the 24/06/2010

From: The Political Agent Mohmand Ghallanai

TO: 1) The Director of Education (FATA) Peshawar.

2) The Principle Government Degree College Lakarai.

✓ 3) The AEO Mohmand Agency

4) The Agency Surgeon Mohmand Agency Ghallanai

Subject: Termination of Class iv ✓

Memo-

Enclosed please find herewith a copy of the Assistant Political Agent Upper Mohmand letter No.821/APA(UM) dated 20/6/2010 along with a copy of its enclosure for necessary action.

Please look into the matter and take necessary action for the termination of Class iv employees of the institution mentioned in Political Tehsildar Safi letter No.503/PT Safi dated 18-6-2010.

Political Agent Mohmand Ghallanai 24/6

No 2908-11/Reader

Copy forwarded to:-

Assistant Political Agent Upper Mohmand for information with reference to his letter No.822/APA(UM) dated 20-06-2010.

Political Agent Mohmand Ghallanai 24/6



AEO  
Termination  
order  
And:  
And:

Annex

(C)

(8)

OFFICE OF THE AGENCY EDUCATION OFFICER,  
MOHMAND AGENCY AT GHALLANAI.  
Phone No.0924290100 Fax No:0924290100  
No. \_\_\_\_\_  
Dated Ghallanai the \_\_\_\_\_/2010

TERMINATION OF CLASS IV.

Memo:

Consequent upon the instruction issued by worthy Political Agent Mohmand Agency vide No.2908/Reader dated 24-06-2010, following Class IV of Govt: schools are hereby terminated with immediate effect, due to not fulfilling their territorial responsibilities assigned to them and as a result of which Govt: buildings of schools of their posting were blasted and destroyed.

S.No	Name	School
1	Zari Lal Chow	GGPS Adam Kor
2	Nehayat Bibi Caller	GGPS Adam Kor
3	Gul Rahman Chow:	GGPS Mohammad Hassan Malik Kachkool
4	Gul Taja Caller	GGPS Mohammad Hassan Malik Kachkool
5	Razia Caller	GGMS Dag Mula Abdul-Jabbar.
6	Maseehullah C/IV	GGMS Dag Mula Abdul Jabbar
7	Rafiullah C/IV	GGMS Dag Mula Abdul Jabbar
8	Shah Wali Chow	GPS Sepah Qandari
9	Said Rahman Peon	GMS Amrai Kor
10	Maloom Said Chow	GMS Amrai Kor
11	Dilawar Chow	GMS Amrai Kor
12	Mosam Khan C/IV	GMS Amrai Kor
13	Saeed khan Chow: ✓	GHS Qamar Din
14	Misal khan Mali ✓	GHS Qamar Din
15	Suliman L/Atd: ✓	GHS Qamar Din
16	Ihsan ullah Sweeper	GHS Qamar Din
17	Khanawada Peon	GHS Qamar Din
18	Gul Zada Chow ✓	GHS Qamar Din
19	Jehangir khan Mali	GGHS Shawa Farsh
20	Abdul Samad L/Atd:	GGHS Shawa Farsh
21	Sajid ullah Sweeper	GGHS Shawa Farsh
22	Mumtaz Chow	GGHS Shawa Farsh
23	Laila Beguin Caller	GGHS Shawa Farsh
24	Farhat Khan Chow	GPS Gongat Din

25	Hayat Sher Chow	GPS Akram Beg
26	Afsar Khan Chow	GPS Chamarkand Sardari
27	Basher Mohammad	GPS Chamarkand No:1
28	Mohammad Rasan Chow	GPS Amrai No: 2
29	Khan Wada Chow:	GPS Ghariba Gorbaz
30	Arshad Khan Sweep	GMS Alingar
31	Shaukat Khan Chow	GMS Alingar
32	Aslam C/IV	GMS Alingar
33	Khan Gul C/IV	GMS Alingar
34	Inayat ur Rahman Chow	GMS Sagi
35	Momin Khan Sweep	GMS Sagi
36	Gul Zada Chow	GMS Sagi
37	Mohammad Ayub	GMS Sagi
38	Maseeh Gul Sweeper	GHS Lakkarai
39	Laiq Jan Chow:	GHS Lakkarai
40	Mohammad Chow	GHS Lakkarai
41	Niamat Gul Behshti	GHS Lakkarai
42	Rahmat Wali L/A	GHS Lakkarai
43	Saz Wali Wali Mali	GHS Lakkarai
44	Mujahid N/Qasid	GHS Lakkarai

9

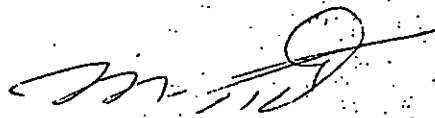
21/12/2010  
 Peshawar  
 11/12/2010  
 P. A. Mohmand  
 No. 5866/Recd  
 dt. 15/8/2010

(SAID MOHAMMAD KHAN)  
 Agency Education Officer,  
 Mohmand Agency at Ghallanai

Endst: No. 9805-10 / Dated. 19/7/2010

Copy to:-

1. Director of Education (FATA) NWFP, Peshawar.
2. Political Agent Mohmand Agency at Ghallanai.
3. Assistant Political Agent Mohmand Agency at Ghallanai.
4. Agency Accounts Officer Mohmand Agency at Ghallanai.
5. Head Masters/Head Mistress concerned.
6. Accountant local office.



Agency Education Officer,  
 Mohmand Agency at Ghallanai.

Annex 'D'

16

OF THE POLITICAL AGENT MOHMAND AT GHALLANAI

OFFICE ORDER

As approved by the Commissioner Peshawar Division Peshawar vide his order No. 5/1 (DEV)/V/8886 dated 29.11.2012 the services of the following Class-IV employees of GMS Amrai Kor Qandahari Tehsil Safi Kisri hereby restored with retrospective effect:-

- 1. Class-IV Maloom Said
- 2. Class-IV Masam Khan
- 3. Class-IV Said Rehman
- 4. Class-IV Dilawar

1/2/2013

*M. Amman*  
Political Agent Mohmand  
Ghallaanai

No 3/11-1/Reader

Dated Ghallaanai the 31/12/2012

Copy of the above forwarded to:-

- 1. The Agency Education Officer Mohmand at Ghallaanai for necessary action please
- 2. The Assistant Political Agent Upper Mohmand at Ghallaanai for information please
- 3. Office copy

*M. Amman*  
Political Agent Mohmand  
Ghallaanai

- ① Peshawar Said Rahman, Peon chuo
- ② Peshawar Maloom Said chuo
- ③ Kohat Dilawar chuo
- ④ Muzaffargarh Maloom Khan chuo

Stopical with 1/7/2010

*Attended  
Muz*

CTC

(11)

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OFFICE OF THE POLITICAL AGENT MOHMAND AGENCY AT GHALLANAI OFFICE ORDER

As approved by the Commissioner Peshawar Division, Peshawar vide his order No. 5/1 (DEV) V/8886 dated 29.11.2012, the services of the following Class IV employees of GMS Amrai Kot Qandahari Tehsil Safi are hereby restored with retrospective effect.

- |             |             |
|-------------|-------------|
| 1. Class IV | Maloom Said |
| 2. Class IV | Masam Khan  |
| 3. Class IV | Said Rehman |
| 4. Class IV | Dilar       |

Political Agent Mohmand  
Ghallanai

No. 3421-24/Reader

Dated Ghallanai the 31/12/2012

CTC  
CTC

4220 Reader

Dated Ghallanai the 20/06/2012.

①

①2

From: The Political Agent,  
Mohmand at Ghallanai.

To: The Agency Education Officer,  
Mohmand at Ghallanai.

*Reinstated*

9/20/12

*[Handwritten mark]*

*[Handwritten mark]*

Subject: RE-INSTANTMENT OF CLASS IV OF GPS GARIBA GURBAZ

Memorandum.

Enclosed please find herewith a copy of letter No 462 dated 11/05/2012 received from APA (UM) for necessary action.

As recommended by Assistant Political Agent Upper Mohmand vide above cited letter that Class IV of GPS Gariba Gurbaz Malik Rahim Gul may please be re-instated with retrospective effect please under intimation to this office.

*Eme Amman  
on 1st July  
notified  
for  
19-6-2012*

*[Signature]*  
Political Agent  
Mohmand at Ghallanai.  
19-6-2012

*57/2012  
1chant wala  
P/NO - 103398  
11/7/2010*

*OTR*

*Attendant  
[Signature]*

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13

No. 4220 /Reader

Dated Ghallanai the 20.06.2012

From;

The Political Agent,  
Mohmand at Ghallanai

To;

The Agency Education Officer,  
Mohmand at Ghallanai

Subject;

REINSTATEMENT OF CLASS IV OF GPPS GARIBA GURBAZ

Memorandum;

Enclosed please find herewith a copy of letter No. 462 dated Ghallanai the 11/05/2012 received from APA (UM) for necessary action.

As recommended by the Assistant Political Agent Upper Mohmand vide above cited letter that Class IV of GPS Gariba Gurbaz Malak Rhim Gul May please be reinstated with retrospective effect. Please under intimate to this office.

Political Agent  
Mohmand at Ghallanai

CTC  
CTC



14

Annex - (E)

In the Peshawar High Court, Peshawar.

Writ Petition: 5419 /2018



1. Zar Lal S/O Zar Wali (Chowkidar)
2. Nehayat Bibi W/O Adam Khan ( Caller)  
(Government Girls Primary School Adam Koor Tehsil Safi Qandari,  
District Mohmand.

( Petitioners)

Versus

1. Deputy Commissioner, District Mohmand at Ghalanai.
2. Assistant Commissioner ( Upper) , District Mohmand .
3. District Education Officer Ghalanai.

( Respondents)

*Writ Petition under Article 199 of the Constitution of Islamic Republic of Pakistan.*

*Prayer:-*

*On acceptance of this Writ Petition a writ may be issued*

1. *Directing the Respondent No 1 to re-instate the Petitioner with retrospective effects like other similarly Placed with all back benefits.*
2. *Release the salary and arrears of the Petitioners without any further delay.*

Respectfully Sheweth:- The need for the instant Writ Petition arises due to the following facts:-

1. That the Petitioners were appointed on 19.7.1989 by a competent Authority as per established prescribed rules under the FATA administration at that time and being resident of

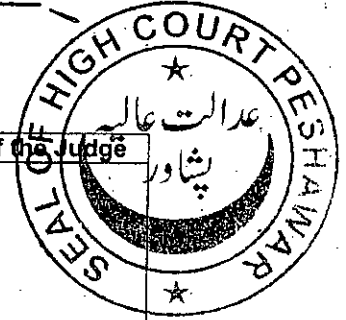
wp5419 2018 zar lal vs Dc USB 30 pags

**ATTESTED**  
**EXAMINER**  
Peshawar High Court  
U 4 DEC 2018

15  
38

**PESHAWAR HIGH COURT, PESHAWAR.**

**FORM 'A'  
FORM OF ORDER SHEET**



Date of order.	Order or other proceedings with the order of the Judge
29.11.2018	<p><b><u>W.P.No.5419-P of 2018.</u></b></p> <p><b>Present:</b> Mr.Nazir Ahmad, advocate for the petitioners.</p> <p>Syed Qaisar Ali Shah, AAG for the respondents.</p> <p>-----</p> <p><b><u>MUHAMMAD AYUB KHAN, J.-</u></b> This petition is with the prayer directing respondent No.1 to reinstate the petitioners with retrospective effect like other similarly placed persons with all back benefits and to release their salaries without any further delay.</p> <p>2. As per writ petition, petitioners were appointed as Chowkidar and Caller, respectively on 19.07.1999 by a competent authority as per the prescribed rules under the FATA administration and were posted at Government Girls Primary School Kamal Khel Qandahari District Mohmand. Unfortunately, militancy started in the Khyber Pakhtunkhwa and in the tribal areas, which also hit District Mohmand, the then Agency. During militancy, Government Girls Primary School Malik Adam Khan Qandahari, Tehsil Safi was destroyed by the militants and the Class-IV employees and their families migrated to other Districts of Khyber Pakhtunkhwa. The Political Agent Mohmand at Ghalanai/respondent No.1 issued a letter No.2908/Reader to the Director of Education FATA, Peshawar, the Principal Government College Lakari, the</p>

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**ATTESTED**  
EXAMINER  
Peshawar High Court  
04 DEC 2018

(16) 3A

DEO Mohmand Agency, Ghalanai and the Agency Surgeon Mohmand on 24.06.2010 for termination of all Class-IV employees and asked them to take notice of it. The Assistant Political Agent (now the Assistant Commissioner), Upper Mohmand Ghalanai on 20.06.2010 issued letter No.825/APA (UM) and recommended the termination of Class-IV employees of those Malik/Elders, who were mentioned in the report of PT Safi for failing to protect Government Buildings and fulfill their territorial responsibilities. In the end, the Class-IV employees of such Maliks were terminated. No such order of termination is communicated to the petitioners. According to the petitioners, one Malik Adam is killed by the militant during this time, hence the question of his non-fulfillment of responsibilities does not arise. It is stated that with the time such terminated employees were reinstated retrospectively one by one and their termination order is automatically withdrawn. Petitioners filed appeal to the Commissioner, Peshawar for treating them similarly like other alike Class-IV employees of the District. The ibid appeal was referred vide letter No.5554/Reader FCR dated 11.05.2016 to the concerned authority for disposal as per rules. In turn, the concerned authority supported the view point of the petitioners and recommended to the District Commissioner Mohmand for their reinstatement. It is averred that respondent No.1 is not issuing the reinstatement order of the petitioners with retrospective effect for unknown reasons whereas the employees of

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ATTESTED  
EXAMINER  
Peshawar High Court

04 DEC 2018

17

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other government building are reinstated. According to petitioners, they are working in the School, the building is now reconstructed but the non-issuance of the order till today is their grievance as they are not getting salaries, hence this petition.

3. Preliminary arguments heard and available record gone through.

4. Admittedly, the services of the petitioners were dispensed with on the basis of letter dated 24.06.2010 addressed to Director of Education FATA, Peshawar, the Principal Government College Lakari, the DEO Mohmand Agency, Ghalanai and the Agency Surgeon Mohmand. Record reveals that other such like terminated employees have been reinstated into service during the years 2012 to 2014. However, despite knowing the reinstatement of their colleagues, the petitioners have come to this court in the year, 2018 after elapse of four long years. There is famous maxim "that law favours the vigilant and not the indolent". Thus, the petitioners ought to have approached the appropriate forum/court soon after knowing the reinstatement of their colleagues but they kept mum and did not take step for redressal of their grievance. Besides, petitioners are seeking reinstatement in service, which is a matter falling within the exclusive jurisdiction of Service Tribunal and under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the jurisdiction of this court is specifically barred. On this count too, the petitioners have no case at all for the

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**ATTESTED**  
**EXAMINER**  
Peshawar High Court

2018

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desired relief.

5. For what has been discussed above, this petition being hit by laches, is hereby dismissed in limine.

CHIEF JUSTICE

JUDGE

No. 16809

Date of Presentation of App. 4/12/18

No of Pages 5

Copying Fee \_\_\_\_\_

Urgent Fee \_\_\_\_\_

Total 20

Date of Preparation of C. 4/12/18

Date of Delivery of C. 4/12/18

Received by [Signature]

**CERTIFIED TO BE TRUE COPY**

EXAMINER  
Peshawar High Court, Peshawar  
Authorized Under Article 27 of  
The Constitution of Pakistan 1973

**04 DEC 2018**

[Signature]

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

Appeal NO 109/2019

**NIHAYAT BIBI r/o Tehsil SAFI District Mohmand**

..... (APPELLANT)

**Versus**

**Deputy Commissioner District Mohmand and others**

..... Respondents

**Comments on behalf of respondent No. 2**

Respectfully sheweth:

**Preliminary Objection:**

- That the Appellant has got no cause of action to file the instant Appeal
- That the Appellant has concealed all the material facts from this Hon'ble Tribunal
- That the Appellant has not come to this Tribunal with clean hands
- That the Appellant is estopped by his own conduct to bring the instant Appeal

**ON FACTS**

1. No comments.
2. That the land owner of GGPS Malik Salam Khan Qandhari as well as others in the said areas/Tehsil Safi had bravely faced the militants but the militants managed to damage the said schools. Due to their courage and support it was need of that hour to boost the moral of land owners, so as to motivate other tribesmen in the areas. All school land owners had not left the area but they have managed to shift their families to some other safe places in the country.
3. Correct. All the delinquent elders Class-IV had been recommended for termination on account of their non fulfillment of territorial responsibilities. The petitioner was well aware of the facts and left the area without informing the district administration due to his negligence, the militants blown the primary school resulting huge loss to the Government.
4. Correct. As reiterated in para No. 3, the petitioner was well aware of the facts as his service already terminated but he kept himself deaf ear as he not received his salary.
5. No comments.
6. Correct. The petitioner was recommended by assistant commissioner upper Mohmand as he promised to protect the said school in future.
7. No comments
8. No comments
9. No comments

**Grounds**

- A. Ample opportunity was provided to the petitioner to shoulder his prime responsibility and now on this appeal he may be directed to protect the said school in future without any hindrance.
- B. No comments
- C. No comments
- D. No comments
- E. No comments
- F. No comments
- G. That the respondent department may seek permission to present other grounds at the time of arguments of the appeal.

**Pray**

In light of the above factual and legal position, it is humbly prayed that the appeal in hand may very kindly be dismissed.

**Respondent No.2**

\_\_\_\_\_  
**Assistant Commissioner Upper Mohmand**  
18/11/19

Limitation... condonation of delay...  
dismissed as time barred.

Zar Lal + Nihayat Bibi vs Govt

**SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**PRESENT:**

Mr. Justice Gulzar Ahmed, CJ  
Mr. Justice Mazhar Alam Khan Miankhel

Deputy District Attorney  
Khyber Pakhtunkhwa  
Service Tribunal Peshawar

**CIVIL PETITION NO.381-P OF 2020**

[Against the judgment dated 06.05.2020, passed by the  
Peshawar High Court, Peshawar in Writ Petition No.2363-P of  
2013]

**Government of Khyber Pakhtunkhwa  
through Secretary Home & Tribal Affairs  
Department, Civil Secretariat, Peshawar  
and others.**

...Petitioner(s)

**Versus**

**Amjad Khan and others.**

...Respondent(s)

For the Petitioner(s) : Mr. Khalid Rehman, Additional  
Advocate General, KP  
(via video link from Peshawar)

Respondent(s) :

Date of Hearing : 15.11.2021

**ORDER**

**GULZAR AHMED, CJ.-** This petition is barred by 33

days. An application for condonation of delay has been filed.

Learned Additional Advocate General, KP (the AAG) for the  
petitioners-Department contends that delay has occurred

because of the lengthy process for obtaining approval of the  
Constituted Law Committee for filing of the CPLA before this

Court and late supply of documents and completion of attested

copies of the judgment of the Peshawar High Court, Peshawar

(the High Court). Though such reasons are asserted by the

learned AAG for the petitioners but he is unable to show that

ATTESTED

Senior Court Associate  
Supreme Court of Pakistan  
Islamabad



and submission is supported by any law. It is to be noted that this ground has not been accepted by the Court as a sufficient cause for condoning of delay and no reason has been assigned as to why such ground should be accepted now. The affidavit whatsoever has been filed by the officials of the petitioners to support the ground taken in the application and the application, apparently, has been made without applying mind to it and by omitting to give all relevant reasons with specific dates during which the delay has been caused. Even each day's delay has not been explained by the learned AAO for the petitioners, which is the requirement of law. The application, on the face of it, appears to be wholly not maintainable and, therefore, dismissed. The petition is also

dismissed as being barred.

2. Learned AAO for the petitioners contends that as the case pertains to the out of turn promotion of the police officials, who by judgment of this Court have been referred to their original post, thus, the judgment of the Supreme Court has not been complied with. If that be the case, the people, who are responsible for not complying with the judgment of this Court and delaying the filing of the petition before this Court, ought to be proceeded under Contempt of Court Ordinance, 2003. Let notice be issued to the petitioners as to why contempt

proceedings should not be initiated against them.

Needless to observe that in the matter has not been

decided on merits, the impugned judgment shall not be treated

ATTESTED

Secretary  
 Court of Sessions  
 District

as a precedents, in any proceeding which may be pending before any Court of law.

4. The Chief Secretary, Government of KPK shall take notice of the fact that the cases of the Government of KPK are being filed before this Court with delay and the applications, which are filed for condonation of delay, do not even provide for any ground and the filing of the petition before this Court is treated as just a formality. Proper action shall be taken against those officials, who are responsible for filing of the delayed petitions before this Court and also the persons, who are responsible in making of application for condonation of delay, for that, in routine stereo type applications are filed without at all applying mind to the facts and circumstances of the case, which are just meaningless and are not supported by any material whatsoever. The Chief Secretary shall ensure that the action is taken against the officials, because there seems to be a scam, where the government matters are deliberately delayed to favour the opposite party. A report shall be submitted by the Chief Secretary, Government of KP to this Court within a period of one month, showing compliance of the Courts' order.



Sd/-HCJ

Sd/-J

CR No: 10025/21 Civil/Criminal

Date of Presentation: 15-11-21

No of Words: 900

No of Pages: 07

Registration Fee: 500

Bench: Islamabad

Copy Fee Int: 558

15.11.2021

NOT APPROVED FOR REPORTING 16-11-21

Rabbani/Delivery of Copy: 17/11/2021

Compared by/Prepared by: [Signature]

Certified to be True Copy

Senior Court Associate  
Supreme Court of Pakistan  
Islamabad