

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

**SERVICE APPEAL NO. 1334/2015**

Date of institution ... 30.11.2015  
Date of judgment ... 02.01.2017

Mohammad Idrees Rehman S/o Ghulam Mohammad,  
R/o Haji Khel, Derwezi Polsa, District Hangu,  
Ex-Naib Qasid, office of the Assistant Director Local Government &  
Rural Development Department, District Hangu.

... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Local Government & Rural Development Department, Peshawar.
2. Director General, Local Government & Rural Development Department, Phase-VII, Hayatabad, Peshawar.
3. Assistant Director Local Government & Rural Development Department, Hangu.

... (Respondents)

APPEAL UNDER SECTION-4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 (R/W ALL OTHER ENABLING RULES AND REGULATIONS GOVERNING APPEAL TO THE SERVICE TRIBUNAL) AGAINST ORDER DATED 28.07.2015 WHEREBY THE APPELLANT WAS TERMINATED FROM SERVICE.

Mr. Ghulam Mohy-ud-Din Malik, Advocate.  
Mr. Muhammad Jan, Government Pleader

.. For appellant.  
.. For respondents.

MR. ASHFAQUE TAJ  
MR. MUHAMMAD AAMIR NAZIR

.. MEMBER (JUDICIAL)  
.. MEMBER (JUDICIAL)

JUDGMENT

ASHFAQUE TAJ, MEMBER:- Appellant Mr. Mohammad Idrees Rehman S/o

Ghulam Mohammad has preferred appeal under Section-4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974 against order dated 28.07.2015 whereby the appellant was terminated from service.

2. Facts in brief are that appellant was appointed as Naib Qasid (BPS-1) in Local Government & Rural Development Department vide Notification dated 26.09.2014. Appellant joined the service after observing all the legal formalities i.e medical report and arrival report etc. That he has served as Naib Qasid up to 28.07.2015. That after ten months of service, respondent No. 3 terminated his service vide office order dated 28.07.2015 on the ground of dubious nationality. That appellant feeling aggrieved preferred departmental appeal to Director General Local Government & Rural Development Department on 03.08.2015. That CNIC of the appellant was blocked by the NADRA Authority but later-on on the direction of the Hon'ble Peshawar High Court vide judgment dated 01.06.2015 in Writ Petition No. 1258 of 2014, directions were issued to NADRA to release the CNIC of the appellant and his other cast-fellows. Departmental appeal was moved on 03.08.2015 against termination order, which no reply was given by the respondents and hence the instant appeal was filed within the stipulated time period.

3. Learned counsel for the appellant contended that the impugned order dated 28.07.2015 vide which the appellant Mohammad Idrees Rehman was terminated from service was issued without any proper inquiry and only on the ground that the CNIC of the appellant was blocked by NADRA. That the judgment of Hon'ble Peshawar High Court dated 01.06.2015 was limpid to the effect that the NADRA was directed to release the CNIC of the petitioner with further direction of getting solid proof and evidence regarding non-Pakistani status of the appellant and others. The learned counsel further enunciated that this order of termination was issued without proper inquiry and the cause of dubious nature on which the order was issued had been removed by the Hon'ble Peshawar High Court in detail judgment, so, appellant may be reinstated into service with all back benefits.

4. On the other hand learned Government Pleader resisted the arguments by submitting that the appellant when was terminated, he was under probation and in probation period there was no requirement of inquiry and show-cause notice. That the judgment of Hon'ble Peshawar High Court was not to the effect that he was citizen of

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2.1.17

Pakistan but it was only with the direction to release the CNIC of the appellant. Hence requested that the appeal had no force and may be dismissed.

5. At the very outset we would like to reproduce the concluding para of judgment of Hon'ble Peshawar High Court dated 01.06.2015 passed in Writ Petition No. 1258-P/2014:-

“In view of the above discussion, instant and the connected writ petitions mentioned above are allowed. Respondents/NADRA are directed to immediately release the National Identity Cards of Petitioners. However, on getting solid proof and evidence regarding non-Pakistani status of any of the petitioners, the respondents may proceed him/her/them under section 18 of the National Database and Registration Authority Ordinance, 2000.”

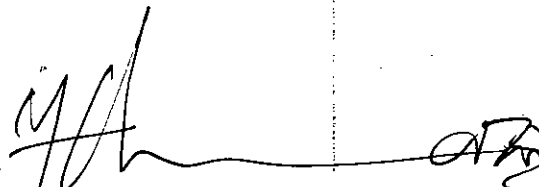
The CNIC of appellant alongwith his other cast-fellows was directed to be released by the Hon'ble Peshawar High Court with further direction to proceed against the appellant and other on getting solid proof and evidence regarding non-Pakistani status according to law. There is nothing on file to connote that any evidence in this respect was collected by NADRA.

6. There is another letter which was also referred by learned counsel for appellant marked as annexure-I wherein Deputy Director Admin addressed to Assistant Director Local Government & Rural Development Department to the effect that services of appellant was terminated on the basis of dubious nationality. It was also mentioned in that terminated official Naib Qasid is mentally retorted and not fit for service. This letter simply connote that advise was made to the competent authority to proceed as per provision of relevant rules and law but that advise has not been followed. The appellant was terminated from service on the ground that he had dubious nationality. That termination from service was without any proper inquiry and affording an opportunity to appellant to represent his case before the competent authority. That neither any show-cause notice was issued to the appellant nor any departmental inquiry was conducted. That after the judgment of Hon'ble Peshawar High Court dated 01.06.2015 the ground of dubious nationality for the time being

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stands removed. So for what has been stated above the appeal in hand stands accepted. The appellant is reinstated into service. However, respondents would be at liberty to confirm the nationality of appellant and to conduct de-novo inquiry within the period of sixty days if desired and advised so, and all back benefits will be subject to denouement of de-novo inquiry. In case of no de-novo inquiry all back benefits shall stand restored after lapse of sixty days. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
02.01.2017

  
(MUHAMMAD AAMIR NAZIR)  
MEMBER

  
(ASHFAQUE TAJ)  
MEMBER

17.10.2016

Counsel for the appellant and Mr. Mujahid Khan, Progress Officer alongwith Mr. Ziaullah, GP for respondents present. Learned counsel for the appellant stated that he does not want to file rejoinder and requested that the appeal may be fixed for arguments. To come up for arguments on

2-1-17 before D.B.



(ABDUL LATIF)  
MEMBER



(PIR BAKHSH SHAH)  
MEMBER

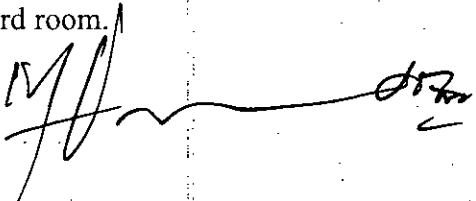
02.01.2017

Counsel for appellant and Mr. Muhammad Jan, Government Pleader for respondents present. Arguments heard and case file perused.

Vide our detailed judgment of today consisting of four pages placed on file, the appeal in hand stands accepted. The appellant is reinstated into service. However, respondents would be at liberty to confirm the nationality of appellant and to conduct de-novo inquiry within the period of sixty days if desired and advised so, and all back benefits will be subject to denouement of de-novo inquiry. In case of no de-novo inquiry all back benefits shall stand restored after lapse of sixty days. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

02.01.2017



(MUHAMMAD AAMIR NAZIR)  
MEMBER

  
(ASHFAQUE TAJ)  
MEMBER

24.03.2016

Counsel for the appellant and Mr. Mujahid Khan, Progress Officer alongwith Assistant AG for respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 27.4.2016 before S.B. The restraint order shall continue.

  
Chairman

27.4.2016

Agent of counsel for the appellant and Mr. Mujahid Shah, Progress Officer alongwith Addl: A.G for respondents present. Written reply not submitted despite last opportunity. Requested for further adjournment. Last opportunity extended subject to payment of cost of Rs. 1000/- which shall be borne by the respondents from their own pockets. To come up for written reply/comment and cost on ~~21.07.2016~~ before S.B.

  
Chairman

21.07.2016

Appellant in person and Mr. Mujahid Khan, Progress Officer alongwith Additional AG for the respondents present. Written reply submitted. The appeal may be placed before D.B for rejoinder and final hearing for 17.10.2016. The Chairman may assign the appeal to appropriate D.B.

  
MEMBER

29.12.2015

Counsel for the appellant present. He argued that the appellant was appointed as Naib Qasid (BPS-1) on 26.9.2014 in the respondent department. He submitted his arrival report and started duty but he was terminated from service on the ground of dubious nationality. It was further submitted that the question of Nationality was raised by the appellant before the Hon'ble Peshawar High Court in Writ Petition No 1258 of 2014 which was decided in favour of the appellant vide judgment dated 1.6.2015. The learned counsel stressed that despite this judgment in favour of the appellant, the same was not considered even in his departmental appeal on mala fide intentions to deprive the appellant from his service. He also submitted that the appeal of the appellant is within time.


Appellant Deposited  
Security & Process Fee

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 29.2.2016 before S.B. Notice of stay application be also issued for the date fixed. Till then the said vacancy shall not be filled in.

  
Member

29.02.2016

Appellant in person and Addl: A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 24.3.2016 before S.B. The restraint order shall continue.

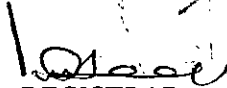


  
Member

Form- A

FORM OF ORDER SHEET

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

Case No. 1334/2015

| S.No. | Date of order Proceedings | Order or other proceedings with signature of judge or Magistrate   |
|-------|---------------------------|--|
| 1     | 2                         | 3  |
| 1     | 30.11.2015                | <p>The appeal of Mr. Muhammad Adrees Rehman presented today by Mr. Ghulam Mohy-ud-Din Malik Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p><br/>REGISTRAR</p> |
| 2     | 1-12-15                   | <p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>02-12-2015</u></p> <p><br/>CHAIRMAN</p>   |
|       | 02.12.2015                | <p>None present for appellant. The appeal be relisted for preliminary hearing for 29.12.2015 before S.B.</p> <p><br/>Chairman</p>   |



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

Appeal No. 1334 /2015

Mohammad Idrees Rehman ..... Appellant:

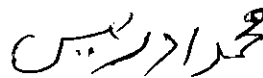
**VERSUS**

Government of Khyber Pakhtunkhwa etc..... Respondents

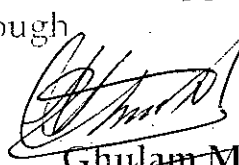
**I N D E X**

| S.No. | Description of documents   | Annex   | Page No |
|-------|--|---------|---------|
| 1.    | Grounds of Appeal with Affidavit   |         | 1-5     |
| 2.    | Application for suspension with Affidavit                                  |         | 6-8     |
| 3.    | Addresses of Parties   |         | 9       |
| 4.    | Copy of Domicile   | A       | 10      |
| 5.    | Copy of School Certificate   | B       | 11      |
| 6.    | Copy of Application & appointment order dated 26.09.2014                   | C & D   | 12-13   |
| 7.    | Copy of Medical Certificate  | E       | 14      |
| 8.    | Copy of Arrival Report   | E/1     | 15      |
| 9.    | Copy of Employee Registration Card   | E/2     | 16      |
| 10.   | Copy of impugned order dated 28.07.2015                                    | F       | 17      |
| 11.   | Copy of Departmental Appeal  | G       | 18      |
| 12.   | Copy of Writ Petition & Judgement of Peshawar High Court dated 01.06.2015. | H & H/1 | 19-40   |
| 13.   | Copy of letter dated 16 <sup>th</sup> September, 2015                      | I       | 41      |
| 14.   | Copy of letter dated 04.08.2015  | J       | 42      |
| 15.   | Wakalatnama  |         | 43      |

Dated: 28 .11.2015

  
Appellant

Through

  
Ghulam Mohy-ud-Din Malik,  
Advocate,  
Supreme Court of Pakistan.

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR.

Appeal No. 1334 /2015


N.W.F. Province  
Service Tribunal  
Diary No. 1394  
Dated 30/11/2015

Mohammad Idrees Rehman s/o Ghulam Mohammad R/O Haji Khel,  
Derwezi Polsa, District Hangu, Ex- Naib Qasid, office of the Assistant  
Director Local Government & Rural Development Department, District  
Hangu.....Appellant.

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Local Government & Rural Development Department, Peshawar.
2. Director General, Local Government & Rural Development Department, Phase-VII, Hayatabad, Peshawar.
3. Assistant Director Local Government & Rural Development Department, Hangu.....Respondents.

APPEAL U/S 4 NWFP SERVICE TRIBUNAL ACT 1974 (R/W ALL  
OTHER ENABLING RULES AND REGULATIONS  
GOVERNING APPEAL TO THE SERVICE TRIBUNAL)  
AGAINST ORDER DATED 28.07.2015 WHEREBY THE  
APPELLANT WAS TERMINATED FROM SERVICE.

30/11/15  


Respectfully Sheweth,

1. That Appellant is Pakistani national. He is educated up to the level of Middle and residing in District Hangu since his forefathers. (Copies of Domicile and School Certificates are attached as Annexure-A & B at page 10-11 )

2. That the appellant applied to the post of Naib Qasid in the office of Local Government & Rural Development Department and consequently appointed as Naib Qasid (BPS-1) by the Assistant Director, Local Government & Rural Development Department (Respondent No.3) vide Notification dated 26.09.2014. (Copies of Application and Appointment order are attached as Annexure-C & D at page 12-13 )
3. That thereafter the appellant underwent through Medical Examination and after declaring fit for the government job, he joined the duty on 29.09.2014. (Copy of Medical Certificate, Arrival Report and Employment Registration Card are attached as Annexure-E, E/1 & E/2 at page 14-16 )
4. That the appellant served as Naib Qasid up to 28.07.2015 i.e. for about ten months, and all of a sudden Respondent No.3 terminated the services of the appellant vide Office Order dated 28.07.2015, on the plea of dubious nationality. (Copy of order is attached as Annexure-F at page 17 )
5. That the appellant aggrieved by the order of termination, filed departmental appeal/representation before the competent authority but the same has not been decided so far. (Copy of Departmental Appeal/Representation is attached as Annexure-G at page 18 )
6. That it is worthwhile to mention that earlier the CNIC of the petitioner was blocked by the NADRA Authorities but later-on the Hon'ble Peshawar High Court vide its judgement dated 01.06.2015 found the appellant and many other his cast-fellow to be citizens of Pakistan and consequently directed the NADRA to release their CNICs including that of the appellant. (Copy of grounds of writ

petition and judgement are attached as Annexure-H & H-1 at page 19-40 )

7. That the representation of the appellant has not been decided by the departmental authority after passing of the statutory period of three month, therefore, the instant appeal is being filed.
8. That the grounds of appeal are as under:-
  - A. That the impugned order is based on mala fide, ulterior motive and against natural justice.
  - B. That the impugned action of respondents is detrimental to the interest and fundamental legal rights of the petitioners which is liable to be set at naught.
  - C. That the principle of natural justice i.e. "Audi Alterem Partem" was blatantly violated. The appellant should have been afforded reasonable opportunity of hearing before taking any action detrimental to his interest.
  - D. That neither show-cause notice was issued to the appellant nor departmental enquiry has been conducted in case of the appellant and thus the appellant has been condemned unheard.
  - E. That the issue of dubious nationality has since been resolved by the Hon'ble Peshawar High Court vide judgement dated 01.06.2015 wherein the appellant & others have been declared to be Pakistani.
  - F. That comments are contradictory, against the record and fallacious on the point of dubious nationality.
  - G. That the petitioner is Pakistani National on the basis of official and unofficial record.

It is, therefore, prayed that on acceptance of this appeal, the act of respondents may be declared illegal, unlawful, without lawful authority and of no legal effect and consequently the appellant may graciously be re-instated to his post with all back benefits.

محمد ادریس

Appellant

Through

Ghulam Mohy-ud-Din Malik,  
Advocate,  
Supreme Court of Pakistan.

&

Mohammad Farooq Malik,  
Advocate  
High Court Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR.

Service Appeal No. \_\_\_\_\_/2015

Mohammad Idrees Rehman .....Appellant.

**VERSUS**

Government of Khyber Pakhtunkhwa etc.....Respondents

AFFIDAVIT

I, Mohammad Idrees Rehman s/o Ghulam Mohammad R/O Haji Khel, Derwezi Polsa, District Hangu, Ex- Naib Qasid, office of the Assistant Director Local Government & Rural Development Department, Hangu (Appellant) do hereby solemnly declare that the accompanying Appeal is true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

*محمد ادریس*

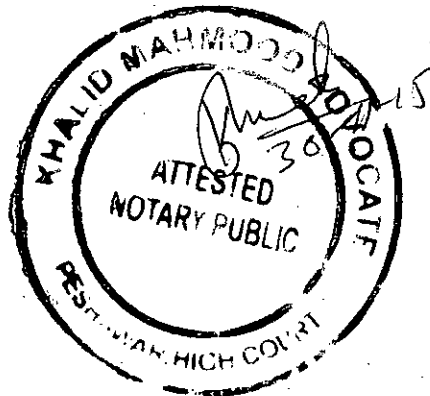
Deponent

CNIC # 14/01-4995913-3

Identified by

*Mohammad Farooq Malik*

Mohammad Farooq Malik,  
Advocate, Peshawar.



5

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

C.M No. \_\_\_\_\_ 2015  
IN

Service Appeal No. \_\_\_\_\_/2015

Mohammad Idrees Rehman .....Petitioner.

**VERSUS**

Government of Khyber Pakhtunkhwa etc.....Respondents

**APPLICATION FOR STATUS-QUO ORDER DIRECTING**  
**RESPONDENTS TO REFRAIN FROM FILLING UP THE POST OF**  
**NAIB QASID AGAINST WHICH PETITIONER WAS EARLIER**  
**APPOINTED.**

**Respectfully Sheweth,**

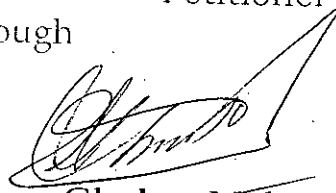
1. That the petitioner/appellant has filed Appeal against order dated 28/07/2015 in which no date of hearing has been fixed as yet.
2. That the appellant has got a good prima facie arguable case, the impugned order is without lawful authority and unsustainable in law.
3. That if the Respondents are not restrained from filling up the vacant post against which the petitioner was appointed, he will suffer irreparable loss and would be put into chain of endless litigation.

It is therefore prayed that pending decision on the main Appeal, the respondents be restrained from filling up the post of Naib Qasid, till final decision of appeal.

محمد ادریس

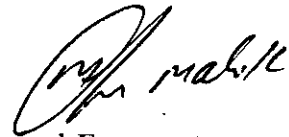
Petitioner

Through



Ghulam Mohy-ud-Din Malik,  
Advocate,  
Supreme Court of Pakistan.

&



Mohammad Farooq Malik,  
Advocate  
High Court Peshawar.



8

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

C.M No. \_\_\_\_\_/2015  
IN  
Service Appeal No. \_\_\_\_\_/2015

Mohammad Idrees Rehman .....Petitioner/Appellant.

**VERSUS**

Government of Khyber Pakhtunkhwa etc.....Respondents

**AFFIDAVIT**

I, Mohammad Idrees Rehman s/o Ghulam Mohammad R/O Haji Khel, Derwezi Polsa, District Hangu, Ex- Naib Qasid, office of the Assistant Director Local Government & Rural Development Department, Hangu (Petitioner/Appellant) do hereby solemnly declare that the accompanying **Application** is true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

*محمد ادریس*

Deponent

CNIC #

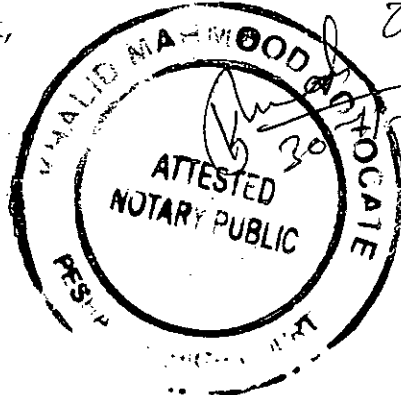
Identified by

*[Signature]*

*محمد فاروق مالک*

Mohammad Farooq Malik,  
Advocate, Peshawar.

*ASC*



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR.

Appeal No. \_\_\_\_\_/2015

Mohammad Idrees Rehman ..... Appellant.

**VERSUS**

Government of Khyber Pakhtunkhwa etc..... Respondents

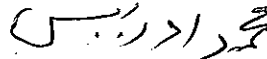
ADDRESSES OF PARTIES

Appellant

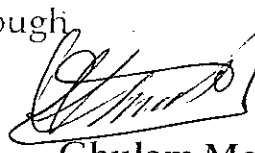
Mohammad Idrees Rehman s/o Ghulam Mohammad R/O Haji Khel,  
Derwezi Polsa, District Hangu, Ex- Naib Qasid, office of the Assistant  
Director Local Government & Rural Development Department, Hangu.

Respondents

1. Government of Khyber Pakhtunkhwa through Secretary Local Government & Rural Development Department, Peshawar.
2. Director General, Local Government & Rural Development Department, Phase-VII, Hayatabad, Peshawar.
3. Assistant Director Local Government & Rural Development Department, Hangu.

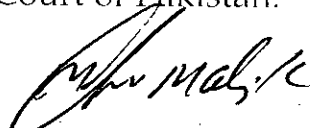
  
Appellant

Through



**Ghulam Mohy-ud-Din Malik,**  
Advocate,  
Supreme Court of Pakistan.

&



**Mohammad Farooq Malik,**  
Advocate  
High Court Peshawar.

تصدیق نامہ

جناب عالی!

تصدیق کی جاتی ہے کہ کسی اسماۃ

ولد / دختر / زوجہ

خلع

تحصیل

ساکن محلہ / گاؤں / شہر

صوبہ \_\_\_\_\_ کا / کی پیدائشی اور مستقل رہائشی باشندگان ہیں۔ اور میں ذاتی طور پر جانتا ہوں کہ اس کے والدین / شوہر بھی علاقہ مذکورہ کے پیدائشی باشندگان ہیں

ASMAT ULLAH  
Kissan Counciler  
U.C. Ganjano Kall  
تصدیق کنندہ کا نام

عہدہ / حیثیت

دستخط مہر اور تاریخ

جناب عالی!

تصدیق کی جاتی ہے کہ کسی اسماۃ

ولد / دختر / زوجہ

خلع

تحصیل

کا / کی پیدائشی اور مستقل رہائشی باشندگان ہیں۔

تصدیق کنندہ کا نام

دستخط مہر اور تاریخ

11/10/80-353-9-14

ah Khan

Kalay Hangu

63449-1

21/7/83



# DOMICILE



I declare that I am born of parents who are Permanently domiciled in N.W.F.P and having been born in this province

ACED 7  
Kissa  
U.C. Ganj...

Mr. / Miss. / Mrs. \_\_\_\_\_ S/O, D/O, W/O \_\_\_\_\_  
Was born at Distt. \_\_\_\_\_ Tehsil \_\_\_\_\_  
Village / Mohallah \_\_\_\_\_

Date 1/8/09 Sign / Thumb Imp: \_\_\_\_\_

In the pursuance to the above declaration Dated 1/8/09 filed by Idrees Rehman

I have been satisfied through verification Over-Leaf that the said is born of parents who are permanent residents of  
Distt: 1. Hangu Tehsil Hangu N.W.F.P and having been born within it.

~~It is hereby certified accordingly that the above Declaration is true~~

Deputy  
District Officer  
Revenues & Estate

Day \_\_\_\_\_ Month \_\_\_\_\_ Year \_\_\_\_\_ No. \_\_\_\_\_ Date \_\_\_\_\_

*[Signature]*  
Countersigned  
District Officer  
Revenues & Estate

تصدیق نامہ

جناب عالی!

تصدیق کی جاتی ہے کہ کسی اسماۃ \_\_\_\_\_ ولد / دختر / زوجہ \_\_\_\_\_  
ساکن محلہ / گاؤں / شہر \_\_\_\_\_ تحصیل \_\_\_\_\_ ضلع \_\_\_\_\_  
موبہ \_\_\_\_\_ کا / کی پیدائش اور مستقل رہائش باشندگان ہیں۔ اور میں ذاتی طور پر جانتا ہوں کہ اس کے والدین / شوہر بھی علاقہ مذکورہ کے پیدائشی باشندگان ہیں اور یہ کہ اچھے شہری ہیں

ASMAT ULLAH  
Kissan Counciler  
U.C. Ganjano Kalke  
تصدیق کنندہ کا نام

عہدہ / حیثیت \_\_\_\_\_

دستخط، مہر اور تاریخ \_\_\_\_\_

جناب عالی!

حسب تہذیب از \_\_\_\_\_ رپورٹ عرض ہے کہ کسی اسماۃ \_\_\_\_\_  
\_\_\_\_\_ تحصیل \_\_\_\_\_ ضلع \_\_\_\_\_ کا / کی پیدائش اور مستقل رہائش باشندگان ہیں۔

Haji Amanullah Khan

U.C. Ganjano Kalay Hangu  
NIC. 14101-406849-1

دستخط، مہر اور تاریخ \_\_\_\_\_

14101-8021353-9

14101-8021353-9

سلطان پورہ ریجنٹل اسکول  
ضلع مدنیوہ

11

گورنمنٹ ہائی اسکول مدنیوہ

# ANNEXURE B

## مدنیوہ چھوڑنے کا سرٹیفکیٹ

نمبر 49

نام طالب علم: محمد ادریس الرحمان  
 تاریخ پیدائش: 13/06/1989  
 نمبر رجسٹرڈ داخلہ: 1367  
 تصدیق کیا جاتا ہے کہ محمد ادریس الرحمان صاحب نے 8th کلاس میں امتحان دیا اور اس کے ذمہ واجب الادا تیسویں اولک دی ہیں اور اسے تاریخ مندرجہ بالا پر اپنا نام خارج کرنے کی اجازت دی گئی ہے جماعت 8th میں۔  
 اس کا امتحان اسکول میں ہوا۔  
 اس کا نتیجہ میں ہے۔

*He passed the 8th class examination*

مضامین جس میں طالب علم فیصل ہوا۔  
 ان طلباء کی صورت میں جو مدرسے کے کسی حصے کی مقررہ پڑھائی کے انتظام پر نہ چھوڑیں۔  
 تصدیق کیا جاتا ہے کہ مندرجہ ذیل اندراج اس مدرسے کے رجسٹرڈ اور ان سارٹیفکیٹوں کے مطابق صحیح ہیں جو اس نے ان مدرسوں سے حاصل کیے ہیں۔ چھ ماہ اس تعلیمی سال میں اس سے پہلے تعلیم پائی ہے۔

*conduct Good*

| نمبر | درس    | داخل ہونے کی تاریخ |          | خارج ہونے کی تاریخ | سال مدرسہ میں چھری کی مدت |    | صورت میں چھری کی مدت | صورت میں چھری کی مدت | رخصت جو سال مدرسہ میں کی گئی |
|------|--------|--------------------|----------|--------------------|---------------------------|----|----------------------|----------------------|------------------------------|
|      |        | سکول میں           | درجہ میں |                    | اجازت میں                 | از |                      |                      |                              |
| 1    | مدنیوہ |                    |          |                    |                           |    |                      |                      |                              |
| 2    | مدنیوہ |                    |          |                    |                           |    |                      |                      |                              |
| 3    | مدنیوہ |                    |          |                    |                           |    |                      |                      |                              |
| 4    | مدنیوہ |                    |          |                    |                           |    |                      |                      |                              |

HEAD MASTER  
G.M.S. HANUWA

### صرف سکالر شپ پانے والوں کی صورت میں

قسم سکالر شپ: \_\_\_\_\_  
 کس سال کا تھا ہوا: \_\_\_\_\_  
 کون دیتا ہے: \_\_\_\_\_  
 1۔ فوٹو عام طور پر مدرسہ چھوڑنے کے سرٹیفکیٹ کے لئے درخواست مدرسے سے طلبہ ہونے کے ایک ماہ کے اندر ہونی چاہئے بصورت ان طلباء کے جنہوں نے ڈیڑھ سال کا امتحان دیا ہو۔ ایک ماہ سے پہلے کی تاریخ سے گنتا جائے۔  
 2۔ بعد گزرنے ایک ماہ کے مدرسہ چھوڑنے کے سرٹیفکیٹ کے لئے مولائی آٹھ ماہ سے فیس چارج ہوگی۔  
 3۔ اگر مدرسہ چھوڑنے کا سرٹیفکیٹ کم ہو جائے اور اسے سرٹیفکیٹ کے لئے درخواست دی جائے تو اسے سرٹیفکیٹ کیلئے مولائی آٹھ ماہ سے وصول کیے جائیں۔

تصدیق کیا جاتا ہے \_\_\_\_\_ ولد \_\_\_\_\_ طالب علم \_\_\_\_\_ جماعت \_\_\_\_\_ تو \_\_\_\_\_  
 مورخہ \_\_\_\_\_ سکول \_\_\_\_\_ ضلع \_\_\_\_\_ سے مدنیوہ چھوڑنے کا سرٹیفکیٹ \_\_\_\_\_ جماعت میں داخل ہو گیا ہے۔  
 اس کی تاریخ پیدائش \_\_\_\_\_ سکول \_\_\_\_\_ ضلع \_\_\_\_\_ ہے۔

ANNEXURE 12

محکمہ صحت و صیانت، حکومت پاکستان، اسلام آباد

ضابطہ

موجودہ نئے گزارش کی جاتی ہے کہ میں ایک نیا ایک فریب  
آدھی ہیں۔ یہ تم باقیہ ہیں اور بے روزگار ہیں  
اس سے میں یونین کو تبدیل کوٹلی کے نائب صدر کا بیٹ  
ضابطہ ہے جس پر صدر تقرری کر کے مشکوٰۃ فرمائیں

عین وزارت ہوگی

25759  
2014

نقطہ آداب

انجمن امداد اور ساری سہ ماہیہ روڈ ضلع سوات

03359532918



**OFFICE OF THE  
ASSISTANT DIRECTOR,  
LOCAL GOVERNMENT & RURAL  
DEVELOPMENT DEPARTMENT  
HANGU**

No. 312-15 /AD/LG&RDD (H)  
Dated: 26/09 /2014

**ORDER:**

Consequent upon application submitted by Mr. Mohammad Idress Rehman S/O Ghulam Mohammad R/O Haji Khel Derwezi Palsa Hangu, is hereby appointed as "Nāib Qasid" in Union Council Mohammad Khawaja BPS-1 as per following terms and conditions with immediate effect:-

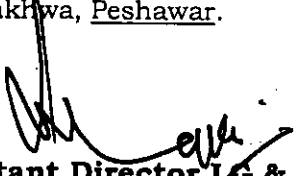
1. The probation period shall be for the period of **01 year**, from the date of assuming duties/ charge against the prescribed post.
2. The Services will be terminable on 15 days notice on either side or payment of 15 days salaries in lieu thereof.
4. The Services will be governed by all rules and regulations of Govt: of Khyber Pakhtunkhwa, Civil Servants Act relating to Leave, T.A, D.A, Medical Attendance etc as may be prescribed for such categories of employees, as per rules.
5. The Services will be allowed on Basic Pay in BPS-1 plus other allowances.
6. The appointment is being processed in good faith relying on the record produced by you. In case of any defect in documents or other credentials, or mis-statement and mis-representation is noticed on your part on any stage, the appointment order will be deemed cancelled/ withdrawn on your risk and responsibility and will be an offense on your part.
7. The assumption of charge will be subject to Medical/ Fitness Certificate from the Medical Superintendent, District Headquarter Hospital, Hangu and Character Certificate from Local Police **within 03 days**.
8. The Services will be governed under all rules, regulations and benefits (if any) & disciplinary proceedings issued by the Government from time to time for the contract employees thereto.
9. The Services will be kept continued after probation period of **01 year** subject to excellent and satisfactory performance in the job for which you have been appointed/ recruited.

  
**Assistant Director LG & RDD,  
Administrator U.Cs (1-19),  
Hangu.**

**Even No. & Date.**

Copy for information & necessary action to:

1. Director General Local Government & Rural Development Department, Khyber Pakhtunkhwa, Peshawar.
2. District Accounts Officer, Hangu.
3. P.S to Secretary, LG & RDD, Khyber Pakhtunkhwa, Peshawar.
4. Record File.
5. Official Concerned please.

  
**Assistant Director LG & RDD,  
Administrator U.Cs (1-19),  
Hangu.**





SUPERINTENDENT  
Shauheed Farid Khan Hospital  
Hangu

# ANNEXURE "E"

GS&PD--NWFP--27 FS--2000 P of 100--29 19--(16)

14

## MEDICAL CERTIFICATE

Official: (M. Idrees Rehman)  
 Caste or race: (Shimwari)  
 Father's name: Ghulam Muhammad  
 Residence: Samana Road, Makh Hayi Abad  
 P.O. P.S.: and Dist.: Hangu  
 Date of birth: (1985)  
 Exact height by measurement: 5-8"  
 Personal mark of identification: Black mole on R side of neck  
 Signature of the Official: [Signature]  
 Signature of head of office: [Signature]

Seal of Office

I do hereby certify that I have examined Mr. M. Idrees Rehman a candidate for  
 employment in the Office of the Ad. L.G. P. R.O.  
 and cannot discover that he had any disease communicable or other constitutional  
 affection or bodily infirmity except

I do not consider this as disqualification for employment in the office of the  
Ad. L.G. P. R.O. His age according to his own statement 29 year and by  
 appearance about 29 years.

LEFT HAND THUMB AND FINGER IMPRESSIONS



[Signature]  
 Medical Superintendent  
 Shauheed Farid Khan Hospital  
 Hangu

27-9-2014

ANNEXURE E/1 (15)

To,

The Assistant Director,  
Lg and RDD, Distt Hangu.

Subject,

Annual Report:

In Compliance with The office order  
No. 310-15/A.D/Lg and RDD(H) Dated- 26/09/11  
of A.D (H) is here by Mr. Muhammad Adrees Re  
S/o Ghulam Mohammad assumed the change of  
post of N/Q BPS-1 in A.D(H) office today on  
dated 29/09/14 (noon)

Dated 29/09/14.

3 ادریس

Seen

Assistant Director  
Lg & RDD - Hangu

29/09/14

ایکس ایو آر) ۶۲

ایمپلائمنٹ رجسٹریشن کارڈ

O.P.S.S

ضروری

جن امیدواروں کے پاس تعارفی کارڈ ۳- (X) موجود نہ ہوں

ان کو ایمپلائمنٹ ایکس چینج کا نامزد کردہ تصور نہ کیا جائے

رجسٹریشن نمبر 420/14 اکویشن کوڈ نمبر 47-99-S

محمد ادریس رحمن ولد غلام محمد

پتہ سماندر روڈ محلہ حاجی آباد بسکو

تاریخ 2/9/2014

رستخیز

Manager

Employment Exchange

Kohat

1/3/2014

ضروری اطلاع

جب آپ کو ملازمت مل جائے تو فوراً منسلک جرابی کارڈ ایکس چینج کو مطلع

کریں۔ اس کارڈ پر لکے ہوئے کی ضرورت نہیں

منیجر

انتظامیہ کارڈ کو

SERVICE  
UN.PAID

بخدمت جناب منیجر صاحب

ایمپلائمنٹ ایکس چینج

کوہاٹ

لازمیاتی ہے۔

(تاریخ موصولہ ۲۴/۱۰/۱۹۷۲ء)

صفحہ تاریخ

۵-۹۹-۹۲-۷۲ (اوپر) اور ۷۲-۹۹-۵

۸-۹-۱۶ تاریخ ۱۶/۱۱/۷۵

خجائی راز

استوار اور تے پڑا آت

۱۔ ہر چیز کی صورت میں آت کا جزو نہیں ہوتا

۲۔ ہوا کا ہے

۳۔ آت میں آتش ہے جس میں ہوا کا جزو ہے

۴۔ آت میں آتش ہے جس میں ہوا کا جزو ہے

۵۔ ہوا کا ہے

۶۔ آت میں آتش ہے جس میں ہوا کا جزو ہے

۷۔ ہوا کا ہے

۸۔ آت میں آتش ہے جس میں ہوا کا جزو ہے

خجائی راز

# ANNEXURE <sup>v</sup>F<sup>"</sup>

17



**OFFICE OF THE ASSISTANT DIRECTOR,  
LOCAL GOVERNMENT & RURAL  
DEVELOPMENT DEPARTMENT, HANGU.**

No. 1443-48/AD/LG&RDD (H)

Dated. 28/07/2015.

## OFFICE ORDER

Keeping in view of dubious Nationality and various inquiries in various departments and Para No. "6" in the appointment Order Mr. **Mohamamd Idress Rehman S/O Ghulam Mohammad R/O Haji Khel Darwizi Palosa, District Hangu "Naib Qasid" BPS-01 Ward Mohammad Khawaja (Formerly UC Mohammad Khawaja)** is hereby terminated with immediate effect.

**Assistant Director, LG & RDD,  
Hangu.**

### Even No. & Date.

Copy for information to the:

1. Director General, Local Government & Rural Development Department Khyber Pakhtunkhwa, Peshawar.
2. Deputy Commissioner, Hangu.
3. District Police Officer, Hangu.
4. District Accounts Officer, Hangu.
5. Ex-Official Concerned.

**Assistant Director, LG & RDD,  
Hangu.**

ANNEXURE

G

101

To

The Director General,  
Local Govt and Rural Development Department,  
Khyber Pakhtunkhwa Peshawar.

Subject: Restoration of Services a Naib Qasid Union Council Mohammad Khawaja District Hangu

Respected Sir,

I have the honour to invite your kind attention towards the Assistant Director LG & RDD Hangu letter No.1443-48/AD/LG&RDD (H) dated 28-07-2015 wherein service of the petitioner have been terminated on the plea of dubious nationality.

It is humbly prayed that the petitioner is permanent resident of Haji Abad Derwizi Palosa, District Hangu and was appointed as 'Naib Qasid' BPS-01 ward Mohammad Khwaja (UC Mohammad Khwaja) District Hangu.

It is further requested you that the blame of dubious Nationality is baseless. The Honourable Peshawar High Court Peshawar has also passed orders/decision is also in favour of the petitioner. Copies of the Court Judgement/Orders also attached with this application for favour of consideration.

The above in view it is humbly requested to issue orders regarding restoration of services of the petitioner against the post of Naib Qasid Union Council Mohammad Khwaja District Hangu.

I shall be very thankful to you for this kindness.

Dated 03/08/2015

Yours Obediently,

DLG/DD(A):  
Ar 3/8/15  
for comments

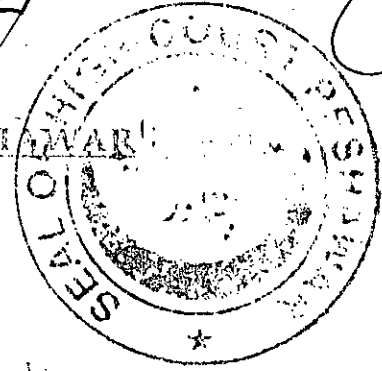
Idrees Rahman s/o Ghulam Muhammad  
Naib Qasid Union Council Mohammad Khwaja, Distt Hangu.

Idrees Rahman  
u.s.

**ANNEXURE** "H"

19

IN THE PESHAWAR HIGH COURT, PESHAWAR



W.P No. 1258 / 2014

1. Ghulam Muhammad Khan S/o Gul Muhammad
  2. Asif Khan
  3. Yaqoob Khan
  4. Idrees-ur-Rehman sons of Ghulam Muhammad
  5. Ghulam Nabi S/o Gul Muhammad
  6. Fazal Subhan S/o Ghulam Nabi
  7. Ishaq-ur-Rehman S/o Ghulam Nabi
- All residents of Samana, Road, Haji Abad,  
Tehsil and District, Hangu..... Petitioners

**V E R S U S**

1. Govt of Pakistan  
Through Secretary Interior Ministry,  
Islamabad
2. National Database & Registration Authority (NADRA)  
Through its Chairman, Islamabad
3. Director General, NADRA, Islamabad
4. Regional Director NADRA,  
EOBI Building, Phase-V, Hayatabad, Peshawar
5. Director General,  
Immigration & Passport, Islamabad
6. Incharge,  
NADRA Office, Kohat..... Respondents

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

FILED TODAY

ATTESTED

Registrar  
15-12-2014

5 5 JUN 2015

2

20

Respectfully Sheweth:

1. That the parents of petitioners are citizens of Pakistan having been settled in Hangu in late 1950 and now residing at the address above, grandfather, father, brothers, father-in-law etc are also residing at Hangu and have been duly granted their passports and national I.D.Cards and have visited other countries at the said old and new passports issued by the Govt of Pakistan in 1973. The petitioners were also issued Rashañ Cards in 1971. (Copies of old and new passports, CNIC and Rashañ Card alongwith other old Arm Licenses of the father of petitioner No.1, the Arm License, domicile and domicile of petitioner No.3 are also attached as Annexure "A" to A/4").
2. That the petitioners were issued old CNIC and after that they were issued computerized CNIC, then after the expiry, the petitioners applied for renewal then the NADRA issued few of them while blocked rest of them. One of the brother of petitioner No.1 namely Ghulam Sakhi and his family cards are open except lonely son namely Ishaq-ur-Rehman to whom the respondent is not relucted to issue card. (Copies are attached as Annexure "B" to "B/4").
3. That the petitioner No.2 is government servant in DCO office and petitioner No.3 is in Dubai with Pakistani Passport while petitioner No.6 having Pakistani

Deputy Registrar  
25 APR 2014

ATTORNEY  
EXAMINER  
Pakistani High Court  
08 JUN 2015



3      21

domicile and passport is at Oman. (Copies of appointment letter of petitioner No.2 and service card and passport of petitioners No.3 and 6 are attached as Annexure "C" to "C/2").

4. That the petitioners visited the Islamabad office of Chairman NADRA and also the office of respondents No.4 and 6 and file application before them and verification was done the letter, but after that repeated visited, they were snubbed and inhumanly treated by the concerned offices besides refusing grant and extension of CNIC, till date petitioners received no reply despite the fact that the petitioners are the citizens of Pakistan and having bills of electricity on their names. (Copies of verification letters are attached as Annexure "D").
5. That the petitioners were also enrolled in the voter list issued by the Election Commission in this respect, the previous and present members of Provincial & National Assemblies of District Hangu have presented affidavits to the NADRA Verification Board, which are also attached as Annexure "E".
6. That the petitioners feeling highly aggrieved from refusal of respondents for issuance of National ID Cards, having no other remedy, seek indulgence of this Honourable Court by exercising the jurisdiction, on the following grounds:

FILED TODAY  
Deputy Registrar  
25 APR 2014

ATTESTED  
EXCISE  
08 JUN 2015

4 22

GRUNDS:

- A. That the law does not clothes respondents to act whimsically or capriciously in violation of well settled norms of justice, treat a citizens of the country as an alien, their acts are detrimental to the interest of justice and are legally required to treat the petitioner in accordance with law.
  
- B. That the law is not meant to start a series of teasing and ridiculing respectable persons of the locality but to develop a sophisticated database management system at national level for use by authorized government agencies thus computerizing major functions of Federal and Provincial Governments with effect from June, 2001. Nevertheless, by continuous discrimination of petitioner, the said functions are likely to abridged, it can be safe to include that petitioners have not been treated in accordance with law. Violation of Article 4 of the Constitution of Islamic Republic of Pakistan read with Article 25 abridges fundamental rights.
  
- C. That in 1969 P.Cr.L.J 975 Honourable Court while interpreting Section 21 of General Clauses Act, held that power to add to, amend, vary or rescind does not include the power to take away a validly acquired right that has accrued after decisive steps.

RECEIVED TODAY  
Deputy Registrar  
25 APR 2014

EXAMINED  
08 JUN 2015

(S) 23

have been taken. The power to change the registration policy could not be exercised in the present case as the petitioners have acquired rights and that too, long before the commencement of the process for new registration, thus, their inaction is without jurisdiction and without lawful authority.

- D. That the petitioner No.2 is government servant in DCO Office Hangu and the petitioners no.3 and 6 having visa of Dubai and Oman, so, blocking of their CNIC by the respondents is not understandable such an action of respondents is the result of mis-use of their power while the female member of the petitioners' family CNIC are open. (Copy attached as Annexure "F").
- E. That Pakistan Citizenship Act, 1951, and its rules regulate rights of citizenship, grant of citizenship certificate, petitioners own considerable property and undertake different kinds of business, which requires travel abroad, Pakistan Passport duly granted are still used for travel abroad and not objected to by any country, petitioners would be utterly discriminated against incase their rights as citizens are curtailed.
- F. That the action of respondents to block the CNIC is misuse of authority with malafide intention by

**ATTESTED**

**EXAMINER**  
Peshawar High Court

08 JUN 2015

Registrar  
PR 2014

(A)

(24)

respondents which has rendered the law applicable redundant in view of Article 04 of the Constitution, every citizen has a right to be treated in accordance with law.

- G. That despite of lapse of required period, the CNIC have been withheld even property scrutinizing the genuineness of credentials of petitioners.
- H. That any other ground may be taken at the time of arguments, with the kind permission of this Honourable Court.

For the aforesaid reasons, it is, therefore, humbly prayed that on acceptance of this petition;

- i. Action of respondent unlawfully interfering in the proceedings of renewal/ verification of CNIC of petitioners may be declared as without jurisdiction and without lawful authority;
- ii. An order directing the respondents not to treat the petitioners as foreigners or alien as the case, may but as lawful citizens of Islamic Republic of Pakistan.
- iii. Directing the respondents to release their withheld CNIC and may also be directed not to treat the petitioner as alien Afghan Refugee.
- iv. Any other remedy which deems fit by this Honourable Court in the interest of justice, may also be granted in favour of petitioners.

ATTESTED  
EXAMINER  
Peshawar High Court

08 JUN 2015

7

25

**INTERIM RELIEF:**

As petitioners have got good prima facie case, but official respondents have refused to the renewal/ clearing of CNIC Cards, petitioners would be left high and dry and would be more <sup>vulnerable</sup> ~~vulnerable~~ to be taken into custody by security agencies, as the petitioners used to come from Hangu to Peshawar and other part of country for business and for earning livelihood and keeping in view and the present situation of the country, the need of CNIC is very much necessary thus the petitioners would suffer irreparable loss.

Any adverse action against the petitioners of being subjected to any interrogative actions and cancellation of computerizing CNIC may graciously be suspended, till decision of the main writ petition.

Through Petitioners  
*Adnan Khattak*  
**Adnan Khattak**  
Advocate, Peshawar

Date: \_\_\_/\_\_\_/2014

**CERTIFICATE:**

Certified on instructions of my client that petitioners have not previously moved this Hon'ble Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 regarding the instant matter.

*Adnan Khattak*  
**ADVOCATE**

**LIST OF BOOKS:**

- 1. Constitution of Islamic Republic of Pakistan, 1973
- 2. Any other law books according to need

*Adnan Khattak*  
**ADVOCATE**

**EXAMINER**  
Peshawar High Court  
08 JUN 2015

*[Handwritten signature]*

26

IN THE PESHAWAR HIGH COURT, PESHAWAR

W.P No. 1258 / 2014

Ghulam Muhammad Khan and others.....Petitioners

**VERSUS**

Govt of Pakistan and others.....Respondents

AFFIDAVIT

I, **Adnan Khattak Advocate** (counsel for petitioner) as per instructions of my client, do hereby solemnly affirm and declare that the contents of the **Writ Petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

*Adnan Khattak*

DEPONENT

Subscribed and sworn to before me on this 18th day of April 2014 at Adn who was identified by Adnan Khattak Adv who is personally known to me.

*[Signature]*  
Oath Commissioner  
Peshawar High Court Peshawar

FILED TODAY  
Deputy Registrar  
25 APR 2014

~~RECEIVED~~  
~~CLERK~~  
~~High Court~~  
25 JUN 2015

# ANNEXURE

H/1

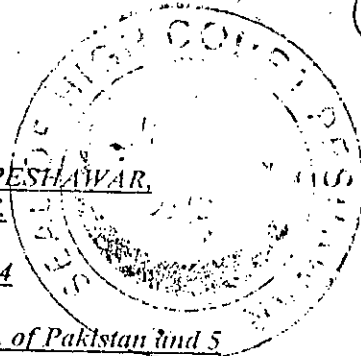
27

Judgment Sheet

IN THE PESHAWAR HIGH COURT, PESHAWAR,  
JUDICIAL DEPARTMENT.

Writ Petition No. 1258-P/2014

Ghulam Muhammad and 6 others...VS...Govt. of Pakistan and 5  
others.



## JUDGMENT

Date of announcement... 01-06-2015

Date of hearing... 23-04-2015

Petitioner(s) by M/S. Ghulam Nabi, et al. and Adnan Khattak & Associates

Respondent (s) by Malik Muhammad Raza standing for Mr. Hassan U.K. Afridi & Co. (Pvt.) Ltd.  
\*\*\*\*\*

ROOH-UL-AMIN KHAN, J:-

This single

judgment shall decide the instant as well 13 connected writ petitions, detailed below, as identical facts and controversy is involved in the same.

- i. Writ petition No. 1259-P/2014, titled Nabi Ullah... Vs... Government of Pakistan and 05 others.
- ii. Writ Petition No. 1260-P/2014, titled Nawab Khan & 3 others... VS... Government of Pakistan & 5 others.
- iii. Writ Petition No. 1261-P/2014, titled Jungle Khan... VS... Government of Pakistan & 5 others.
- iv. Writ Petition No. 1262-P/2014, titled Gharib Khan and 2 others... VS... Government of Pakistan & 5 others.

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EXAMINER  
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- v. Writ Petition No. 1263-P/2014, titled Nasrullah Khan and other... VS... Government of Pakistan & 5 others.
- vi. Writ Petition No. 1264-P/2014, titled Jan Muhammad & 3 others... VS... Government of Pakistan & 5 others.
- vii. Writ Petition No. 1265-P/2014, titled Shah Wali & 2 others... VS... Government of Pakistan & 5 others.
- viii. Writ Petition No. 1266-P/2014, titled Karar Khan & other... VS... Government of Pakistan & 5 others.
- ix. Writ Petition No. 1267-P/2014, titled Sheen Gul & 4 others... VS... Government of Pakistan & 5 others.
- x. Writ Petition No. 1268-P/2014, titled Muhammad Khalid... VS... Government of Pakistan & 5 others.
- xi. Writ Petition No. 1269-P/2014, titled Dost Muhammad Khan & other... VS... Government of Pakistan & 5 others.
- xii. Writ Petition No. 1270-P/2014, titled Muhammad Salih and other... VS... Government of Pakistan & 5 others.

2. Petitioners have approached this Court through the constitutional petition under Article-199 of the Constitution of Islamic Republic of Pakistan, 1973, with the prayer that the action of respondents, whereby the National Identity Cards have been blocked on the allegation of their non Pakistani citizenship status is without lawful authority, without jurisdiction and of no legal effect, thus liable to be set aside and

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the NADRA authorities be directed to release the computerized National Identity Cards to the petitioners.

3. As per averments of the writ petitions the petitioners are citizen of Pakistan and permanent inhabitants of District Hangu residing at village Samana since their forefathers. All the petitioners except petitioner No.7 in the instant petition and petitioner No.3 in writ petition No. 1265, have been issued National Identity Cards by the then registration authority and so renewed by NADRA. In pursuance of their NIC, some of them have been issued Pakistani National Passports by the respondent No.1 and they are serving abroad. Likewise some of petitioners are serving the Provincial as well as Federal Government as Civil servants in different departments. Some of them are owners and in possession of immovable agricultural properties as well all most of them are enlisted in the voters list, issued by the Election Commission of Pakistan. Above all the member of Provincial and National Assembly, hailing from District Hangu have submitted sworn affidavits before the NADRA authorities and verification board to the effect that petitioners are Pakistani national and residing at their respective places of domicile since their forefathers. The respondent/department, unilaterally on the back of petitioners have blocked NICs of petitioners on suspicion, hence, this petition.

4. In Writ Petition No. 1259-P/2014, the petitioner alleged that being Pakistani Citizen and permanent resident of

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village Samana District Hangu since his forefathers. He and his family members have been issued National Identity Cards (old) and thereafter computerized National Identity Cards by the NADRA. Likewise they are recipients of Banzir Income Support Program Certificate, and ration cards etc. On expiry of computerized National Identity Cards, they applied for its renewal but they were informed that their National Identity cards have been blocked on suspicion.

5. In Writ Petition No. 1260-P/2014, petitioners claimed to be citizen of Pakistan by birth, settled in District Hangu, were issued Old National Identity Cards, Pakistani Passports as well as Rahan Card to the father of petitioners No. 1 and 2, in 1971. They were issued computerized NICs and on expiry, they applied to the respondents/department for its renewal but were refused on pretext of blocked on suspicion, despite the fact that the CNICs of son of petitioner No.1 namely Noor Ahmad Khan and Faizullah have been released.

6. In Writ Petition No. 1261-P/2014, petitioner asserts that being Pakistan citizen obtained old NIC and passport. Later on was issued computerized NIC to him and to his entire family, but despite the petitioner having been enrolled in the voters list and having electric bills in his name, his National Identity Cards has been blocked.

7. In Writ Petition No. 1262-P/2014, petitioners averred that, being citizen of Pakistan have been issued NIC (Old) thereafter computerized NICs. They, after expiry got it...

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renewed but later on were blocked, despite the fact that brothers of petitioner No.1 and 2 namely Yousuf Khan and Saqib have been cleared by the respondents.

8. In Writ Petition No. 1263-P/2014, petitioners state that being permanent residents of District Hangu, since their forefathers, were issued NICs and passports by the Government of Pakistan on the basis of which petitioner No.2 has repeatedly travelled to Dubai in connected of earning his livelihood, however on expiry of CNICs, when petitioners applied for its renewal, the NADRA authorities issued CNICs to the female members while that of petitioners were blocked.

9. In Writ Petition No. 1264-P/2014, petitioners submit that being Pakistani Citizen, since their forefathers are residing at District Hangu, were issued NICs as well as computerized NICs and passports which were got renewed on expiry, but later on were blocked despite the fact that rest of their family members are in possession of CNICs.

10. In Writ petition No. 1265-P/2014, petitioners claimed that they are residents of District Hangu by birth and settled there since their forefathers, were issued NICs, Passports as well as Rahan Card to petitioner No.1. Thereafter they were issued computerized NICs. Then on expiry, they applied to NADRA for its renewal, but were blocked while it has been allowed to the sons of petitioner No.1, namely Amjad, Liaqat and Qismat.

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11. In Writ Petition No. 1266-P/2014, it was alleged that petitioners alongwith entire family, being citizen of Pakistan, are settled and residing in District Hangu, were issued National Identity Cards, passports, Arms Licenses and Rashaan Cards etc. and on expiry, when they applied for renewal of CNICs, the NADRA authorities issued it to few of them, while blocked the CNICs of petitioners, despite the fact that nephew of petitioners is serving in Police Department as police constable.
12. In Writ Petition No. 1267-P/2014, petitioners contended that, they are permanent resident of District Hangu alongwith entire family since their ancestors and have been duly issued National Identity Cards as well Passports in the year 1977, arms licences and form Bay of petitioner No.1 and thereafter computerized CNICs and on expiry of the same, they applied for renewal but were blocked by NADRA authorities.
13. In Writ Petition No. 1268-P/2014, petitioner claimed to be Pakistan Citizen, residing alongwith his family at District Hangu by birth, who were issued National Identity Cards, then computerized NICs, and on expiry they applied for renewal, but few of them were renewed and issued while that of petitioner was blocked.
14. In Writ petition No. 1269-P/2014, petitioners alleged that having Pakistan citizenship, permanently domiciled at District Hangu, were issued National Identity Cards and passports in the year 1973, thereafter computerized NICs and

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on expiry they approached the NADRA authorities for its renewal but was blocked despite the fact that petitioner No.2 is serving in Frontier Constabulary since 2008.

15. In Writ Petition No. 1270-P/2014, it was asserted that petitioners being Pakistan citizen, are settled alongwith entire family in District Hangu have been issued NICs and passport and lateron were issued computerized NICs and on expiry of the same, they applied for renewal of the same, but were blocked.

16. Initially comments were called from the NADRA authorities, wherein it was admitted that the NICs of petitioners have been blocked but on the sources report of FIA, to the effect that the petitioners are not Pakistani citizens and falling in the confirmed alien category, a verification board has been constituted for the purpose wherein petitioner No. 2 to 6 appeared and the board has marked their case to Joint verification Committee, Special Branch, Khyber Pakhtunkhwa, for ascertainment of their national status but the reply is still awaited. The rest of petitioners are required to appear before the verification board for the clearance of their national status.

17. Having heard, learned counsel for the parties, perusal of record would reveal that the petitioners have annexed overvaluing evidence / record, comprising their old NICs, mostly issued in the initial days of creation of the registration department, Form Bay, Domicile certificates, testimonial documents, passports, arms and ammunition licences,

ATTESTED  
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employment orders, service cards, which in presence of learned counsel and representative of the NADRA were scrutinized and apparently seemed genuine. The NIC, Form Bay and Passports issued by respondent No.1 were found to have been issued in the year 1973 to 75. None of the documents relied upon by the petitioners, being spread over several years, have been refuted or alleged to be forged or fake, by the respondents. The letter issued by the Deputy Director FIA crime circle, Peshawar dated 16.3.2012, addressed to General Manager NADRA, Headquarter Peshawar, being based for blocking of NICs of petitioners, has been placed on file by respondents which read as:

"To,

The General Manager,  
NADRA HQ, Peshawar.

**Subject: PROVISION OF RECORD / INFORMATION  
REGARDING ISSUANCE OF CNIC TO AFGHAN  
NATIONALS.**

Enclosed herewith a list of 47 CNIC's of Afghan Nationals received from the Govt. of Khyber Pakhtunkhwa Home and T.As Department Peshawar ( Afghan Management Repatriation Strategy) Peshawar vide letter No. 4957/CHE/HD/AMRS CELL/2012 dated 18.2.2012, who reportedly obtained Pakistani CNIC's through fraudulently means for probe into the matter.

It is therefore requested that complete particulars of the CNIC holder scan images and attesters detail may please be provided to this agency at the earliest. The matter may be treated as MOST URGENT.

This issue with the approval of Director FIA Khyber Pakhtunkhwa."

**TESTED**  
**EXAMINER**  
Peshawar High Court

18. Perusal of the above quoted letter would reveal that it has been issued in March, 2012 with a request to the

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General Manager NADRA, HQ Peshawar to provide the complete particulars of the persons mentioned in the attached list, but a shred of evidence is not available on record to suggest that afterward the NADRA authorities have moved an inch ahead for providing the requisite information to Federal Investigating agencies, rather blocked the NICs of petitioners. The FIA authorities have only sought the details of the CNICs holders and their scanned images and have never asked the NADRA authorities to block the CNICs of petitioners. The respondent's department have not controverted their status as citizen of Pakistan, nor refuted the plethora of documents annexed with the writ petitions. Similarly the respondents, including the Interior ministry of Pakistan, have not denied the issuance of old National Identity Cards and computerized National Identity Cards and passports respectively to the petitioners. It is also admitted fact that at the time of cancellation of the old manual National Identity Cards, the computerize National Identity Cards have been issued after conducting thorough scrutiny and verification regarding antecedents of petitioners from the concerned relevant authorities. Since 2012, till date none amongst the verifiers/ attesters of the registration Form (Alif) has been examined by respondents or verification board/committee for ascertainment of the national status of petitioners. Record divulged that the petitioners have repeatedly visited the NADRA office but to no avail, so much so, during arguments before the Court, the

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learned counsel and representative of the NADRA failed to provide any rational reason for withholding and not issuing the National Identity Cards to the petitioners. However, learned counsel for respondents stated that their office is in correspondence with the law enforcing agencies and for the purpose a proper verification board has been established which has referred the cases of some of petitioners to the joint verification committee, comprising officials of Special Branch and Police, Khyber Pakhtunkhwa for ascertainment of national status of petitioners. Besides, the petitioners have appended the duly sworn affidavits of eminent and respectable inhabitant of District Hangu, duly verified by Shah Faisal Khan, Member Provincial Assembly, PK-42 Hangu, Attiq Ur Rehman, M.P.A, Hangu and Pir Haider Ali Shah Parliamentary Secretary Government of Pakistan, M/c Industries & Production Islamabad, to the effect that the petitioners are Pakistani nationals by birth and residing in District Hangu since their forefathers. The petitioners have also produced plethora of revenue record regarding their personal immovable agricultural properties and residential houses in District Hangu which is sufficient for determination of status of a person. The statements of elders of the locality followed by verification from eminent, whose status as Member provincial Assembly, Parliamentary Secretary, Government of Pakistan is neither disputed nor doubted shall not be over sighted or brushed aside rather, being political, social and respectable leaders of the area,

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may be approved and honour. We do not expect that persons of above mentioned caliber would verify an affidavit in favour of non national entities, merely for political reason, however, in case of any hanky panky or mis statement, the deponents and verifier of the above referred sworn affidavits would be the best responsible securities and guarantors. We have also observed that some of petitioners have been issued national passports by the Interior Ministry, on the basis of which they are earning livelihood abroad. On expiry of their visa, in absence of Computerized National Identity Cards, they would not be able to renew it or to go abroad which shall cause irreparable loss to them.

19. The contention of learned counsel for respondents that the impugned action has been taken in pursuance of section 18 of the National Database and Registration Authority Ordinance, 2000, is unpersuasive and against the provisions of the Ordinance *ibid*. For ready reference section 18 of the Ordinance *ibid* is transcribed below:

“18. Power to cancel, impound or confiscate cards.—(1) A card issued under this Ordinance shall be the property of the Federal Government and may, by an order in writing under the seal of the Authority or an officer authorized by it in this behalf, be required to be returned and shall also be liable to be cancelled, impounded or confiscated by a like order:

Provided that no order shall be made unless such person has been given notice

*Look at*

~~Signature~~  
S. Y. M. JALALI  
Deputy High Comm

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in writing calling upon him to show cause why the order should not be made.

(2) An order under sub-section (1) cancelling, impounding or confiscating a card may be made only if there is reason to believe that-

(a) the card has been obtained by a person who is not eligible to hold such card, by posing himself as eligible;

(b) more than one cards have been obtained by the same person on the same eligibility criteria;

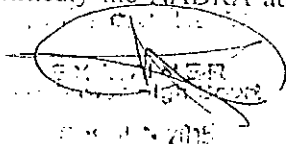
(c) the particulars shown on the card have been obliterated or tampered with; or

(d) the card is forged.

(3) Any person in respect of whose card an order under sub-section (1) has been made may, within thirty days of the order, appeal to the Federal Government against the order and the decision of the Federal Government in appeal shall be final:

Provided that no order on such appeal shall be passed unless the appellant has been given an opportunity of being heard."

Bare reading of the above quoted section would divulge that NICs issued by the NADRA can be cancelled, impounded or confiscated by the Federal Government, after the issuance of a show cause notice in writing to the holder of such NIC. on the ground if the card has been obtained by an ineligible person or the particulars on the card have been tampered or the card is forged or one person has obtained more than one card. The word "Block" is alien to the provisions of Ordinance, 2000 *ibid*. Admittedly the NADRA authorities has

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 FEDERAL GOVERNMENT  
 ISLAMABAD  
 2015

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not been invested with the powers to declare any person as a citizen, national or non-national of Pakistan as it is the job of the Federal Government. Similarly the NADRA authorities is not invested with the power to block the NIC of any person. However, it is equally true and there is no denial to the fact that in every country of the world there has been a system for maintaining proper record of emigration regarding incoming and outgoing of the foreigners but unfortunately in this country such practice has not been adopted at the initial stage of starting war in the neighbor country, therefore the war affectee of neighbor country by taking refuge and other foreigner donors from the entire world entered the country, mostly without permit and visa. At the time of entry of large number of war affectees, it was obligatory duty of the Government to restrain their movement upto the permissible area selected for them, which would of course have been helpful in their smooth and fair rehabilitation and estimable return to their destination after settling down the dust of war, but unfortunately, heed was not paid to the intrinsicness nature of the matter, which resulted into their spreading-over the entire country and amalgamation amongst the national inhabitants of the country which has not only disturbed the internal security of the country but has become a great havoc for the law enforcing agencies, as they are facing great hardship in locating and deporting the illegal immigrants.

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 HONORARY HIGH COURT

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20. We are conscious of the fact that a large number of Afghan refugees are living in the urban and rural areas of the country and some of them have succeeded to obtain the NICs but mere blocking their National Identity Cards is not the viable solution. It is incumbent upon the Federal Government to sift the grain from the chaff as early as possible and to proceed with the cases of individual on war-footing basis either to declare them Pakistani National or illegal emigrants. Those who are non national shall immediately be deported, however the peaceful citizen shall not be deprived from the use of their already issued National Identity Cards.

21. In wake of the above discussion, instant and the connected writ petitions mentioned above are allowed. Respondents/NADRA are directed to immediately release the National Identity Cards of petitioners. However, on getting solid proof and evidence regarding non- Pakistani status of any of the petitioners, the respondents may proceed him/her /them under section 18 of the National Database and Registration

Authority Ordinance, 2000/

Sd/Rooh-ul-Amin Khan  
Sd/Syed A. Jass Shah

JUDGE  
JUDGE

06/06/15

Announced on;

01-06-2015

\*Zarshad\*

DECLINED TO BE SIGNED

EX-1085  
Pasban, Peshawar  
The District Court, Peshawar

08 JUN 2015



**ANNEXURE "I" +**  
**OFFICE OF THE DIRECTOR GENERAL**  
**LOCAL GOVERNMENT & RURAL DEVELOPMENT**  
**DEPARTMENT KHYBER PAKHTUNKHWA**

No. Director (LG) 3-1/Establishment/2013/3752  
Dated Peshawar, the 16<sup>th</sup> Sep. 2015

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To


The Assistant Director  
LG&RDD, Hangu,

Subject: - **RESTORATION OF SERVICE OF NAIB QASID UNION COUNCIL**  
**MOHAMMAD KHWAJA DISTRICT HANGU.**

I am directed to refer to your letter No.1617-18/AD/LG&RDD(H) dated 27/08/2015 on the subject noted above and to inform that the appellant namely Mr. Muhammad Idress Rehman s/o Ghulam Mohammad resident of Union Council Muhammad Khwaja was appointed vide office order No. 310-15/AD/LG&RDD(H) dated 26/09/2014. Later on his services were terminated vide order dated 28/07/2015 on the basis of dubious nationality. The said termination order was followed by an appeal by the concerned Naib Qasid UC, to the Director General LG&RD, dated 03/08/2015, which was forwarded to your good office for comments accordingly.


In your comments it has been mentioned that the terminated official (Naib Qasid) is mentally retorted and not fit for service.

Being the appointing authority/ competent authority in the instant case, you are advised to processed as per provision of relevant rules and law so that the department may not face litigation or legal complication in future.

  
Deputy Director (Admin)  
DG: LG&RDD

Cc:

1. PA to Director General, LG&RDD, Khyber Pakhtunkhwa.
2. Muhammad Idress Rehman s/o Ghulam Mohammad resident of Union Council Muhammad Khwaja.

  
Deputy Director (Admin)  
DG: LG&RDD



OFFICE OF THE DIRECTOR GENERAL  
LOCAL GOVERNMENT & RURAL DEVELOPMENT  
DEPARTMENT KHYBER PAKHTUNKHWA

No. Director (LG) 3-1/Establishment/2013  
Dated Peshawar, the 04<sup>th</sup> Aug, 2015

ANNEXURE

J  
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To

✓ The Assistant Director,  
LG&RDD Hangu.

Subject: RESTORATION OF SERVICES A NAIB QASID UNION COUNCIL  
MOHAMMAD KHAWAJA DISTRICT HANGU.

I am directed to refer to the subject noted above and to enclose herewith application received from Idress Rahman s/o Ghulam Muhammad Naib Qasid Union Council Mohammad Khwaja district Hangu for your views/comments.

Deputy Director (Admin)  
DG: LG&RDD

Cc:

1. PA to Director General, LG&RDD, Khyber Pakhtunkhwa.

Deputy Director (Admin)  
DG: LG&RDD

وکالت نامہ

بعدالت سرسین ٹریڈ سول کورٹ  
محمد احسن رحمان بنام صوبائی حکومت و عدالت

منجانب ریپیدرنٹ دعویٰ اجرم سرسین ریسول

تھانہ ایف آئی آر تاریخ

باعث تحریر آنکہ

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

غلام محی الدین ملک ایڈوکیٹ سپریم کورٹ آف پاکستان

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

غلام محی

ATTESTED & ACCEPTED:

Ghulam Mohy-ud-Din Malik  
Advocate  
Supreme Court of Pakistan.

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

**REPLY OF SERVICE APPEAL NO. 1334/2015.**

Mohammad Idrees Rehman

Versus

1. Secretary, Local Government and Rural Development Department, Khyber Pakhtunkhwa Peshawar.
2. Director General, Local Government and Rural Development Department, Khyber Pakhtunkhwa Peshawar.
3. Assistant Director, Local Government and Rural Development Department, Hangu.

**Respectfully Sheweth:-**

The Para-wise replies in the subject Service Appeal are as under:-

**PRELIMINARY OBJECTIONS.**

1. that the appellant has no cause of action in locus stand .
2. that the appellant has not come to this Honorable tribunal with clean hands .
3. that the appellant has been stopped by his own conduct to file the appeal.
4. that the appeal is not maintainable under section 4 of service tribunal act.
5. that appeal is badly time barred.

**FACTS.**

1. Subject to proof however his nationality is dubious.
2. Pertain to record.
3. **Correct.** The Medical Superintendent of Shaheed Farid Khan Hospital Hangu was issued Medical Fitness Certificate on 27/09/2014. And submitted arrival report dated 29/09/2014.
4. **Correct to the extent that** The appellant has served upto 28/07/2015, and the services of the appellant has been terminated by the AD LG&RDD, Hangu Vide Order No.1443-48/AD/LG&RDD(H) dated 28/07/2015.
5. Pertains to record.
6. Pertains to court record.
7. Pertains to record.

21/7/15



8.

**REPLY OF THE GROUNDS ARE AS UNDER:-**

- A. The termination order have been issued on the basis of Dubious Nationality which is in accordance with Law.
- B. The impugned action have been taken by the AD LG&RDD on the basis of record according to Law.
- C. All Codal formalities have been fulfilled.
- D. The case has been processed according to rules/policy.
- E. **Incorrect.** the Judgement did not contains such things.
- F. **Incorrect.** there is no contradiction.
- G. **Incorrect.** Appellant has dubious Nationality.

It is therefore, requested that the appeal may kindly be dismissed with cost.

1. Secretary,

Local Government and Rural Development Department, Khyber Pakhtunkhwa Peshawar, **(SECRETARY)**  
**Govt. of Peshawar, Khyber Pakhtunkhwa**  
**Local Govt. Elections & Rural Dev.**  
**Department**

2. Director General,

Local Government and Rural Development Department, Khyber Pakhtunkhwa Peshawar.  
**DIRECTOR GENERAL,**  
**LOCAL GOVT. & RURAL DEVELOPMENT**  
**DEPARTMENT, PESHAWAR.**

3. Assistant Director,

Local Government and Rural Development Department, Hangu.  
**Assistant Director**  
**LG&RD, Hangu**

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

**REPLY OF SERVICE APPEAL NO. 1334/2015.**

Mohammad Idrees Rehman  
Versus

1. Secretary, Local Government and Rural Development Department, Khyber Pakhtunkhwa Peshawar.
2. Director General, Local Government and Rural Development Department, Khyber Pakhtunkhwa Peshawar.
3. Assistant Director, Local Government and Rural Development Department, Hangu.

**Respectfully Sheweth:-**

The Para-wise replies in the subject Service Appeal are as under:-

- preliminary objections P.T.O. subject to proof However eye to the P.T.O. his nationality is dubious.*
1. In this regard, the detail judgement of Honorable Peshawar High Court Peshawar, dated 01-06-2015, has already been attached is as (Annexure "H") in the Petitioner appeal. *FACTS*
  2. ~~Correct.~~ The appellant was appointed as Naib Qasid Union Council Muhammad Khawaja BPS-01 Vide Order No. 310-15/AD/LG&RDD(H) dated 26/09/2014. *his nationality is dubious and various ~~miscellaneous~~ ~~points~~* *Pertain to Record.*
  3. ~~Correct.~~ The Medical Superintendent of Shaheed Farid Khan Hospital Hangu was issued Medical Fitness Certificate on 27/09/2014. And submitted arrival report dated 29/09/2014.
  4. ~~Correct.~~ *to the extent that* The appellant has served upto 28/07/2015, and the services of the appellant has been terminated by the AD LG&RDD, Hangu Vide Order No.1443-48/AD/LG&RDD(H) dated 28/07/2015. ~~Without any explanation, No. ~~show cause notice~~ ~~on the~~ ~~grounds~~ ~~of~~ ~~dubious~~ ~~nationality~~ ~~on~~ ~~his~~ ~~part~~~~
  5. ~~Correct.~~ The applicant has submitted an appeal before the competent forum which is ~~still~~ ~~under~~ ~~consideration~~. *Pertain to Record.*
  6. ~~No Comments, Related to NADRA.~~ *Pertain to Court Record.*
  7. ~~Correct.~~ The departmental appeal have not yet been decided therefore the applicant submitted this appeal in the service tribunal. *Pertain to Record.*

*8- Reply on the grounds are as under-*

Preliminary objections

- ① That the Appellant has no cause of action and locus standi.
- ② That the Appellant has not come to this Hon'ble Tribunal with clean hands.
- ③ That the Appellant has been estopped by his own conduct to file the Appeal.
- ④ That the Appeal is not maintainable u/s 4 of service Tribunal Act.
- ⑤ That Appeal is badly time barred.

GROUNDS.

- A. The termination order have been issued on the basis of Dubious Nationality *which is in accordance with the law*
- B. The impugned action have been taken by the AD LG&RDD on the basis of record *according to law.*
- C. All Codal formalities have been completed *accordingly. fulfilled.*
- D. The case has been processed according to rules/policy.
- E. *incorrect. The Judgment did not contain such things.*  
The appellant along with his other family members *has since been residing in Hangu City*  
(Pakistan). And also produce the CNIC.
- F. ~~The PARA has been cleared by the Deputy Director, Admin LG&RDD, Khyber Pakhtunkhwa,~~ *incorrect. There*  
~~Peshawar Vide letter No. Director (LG)3-1/Establishment 2013/3782 dated 16/09/2015. ( Copy~~ *is no contractive*  
~~Attached).~~
- G. The appellant have CNIC of Pakistani Nationality.

*incorrect Appellant has dubious Nationality.*  
 Submitted for consideration, please.  
 it is therefore requested that the Appeal may kindly be  
 dismissed with cost.

*[Signature]*  
 Assistant Director  
 LG&RDD, Hangu  
 (Respondent No. 03)

(Attorney Holder Respdt No.01 & 02)

GPE  
 PL. net.

*[Signature]* 27/4/16

*related subject to correction, Annexing Affidavits  
 and AA G APPROVED.*

*[Signature]*  
 27.4.16

APPROVED.

*[Signature]* 27/4/16  
 Senior Govt. Pleader  
 Khyber Pakhtoon Khwa  
 Service Tribunal Peshawar

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 61 /ST

Dated 9 / 1 / 2017

To


The Assistant Director,  
Local Government & Rural Development Department  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: -

JUDGMENT

I am directed to forward herewith a certified copy of Judgement dated 2.1.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.