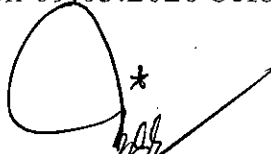


20.02.2020

Appellant with counsel present. Mr. Kabir Ullah Khattak learned Additional Advocate General present. Legal Advisor alongwith Arshid Javid Inspector for the respondents present. Arguments heard. To come up for order on 09.03.2020 before D.B.

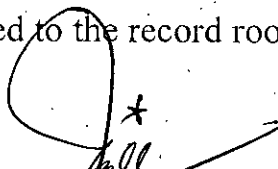

Member

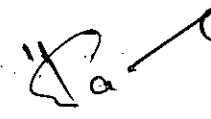

Member

09.03.2020

Appellant present. Mr. Kabir Ullah Khattak learned Additional Advocate General present.

Vide our separate/common judgment of today of this Tribunal placed on file ^{of appeal No 909/2018} the impugned order regarding dismissal of the appellant from service is maintained, however the further order to the extent of recovery of salaries already paid to the appellant, is set-aside. The present service appeal is disposed of in the above noted terms. Parties are left to bear their own costs. File be consigned to the record room.



(Mian Muhammad)
Member


(Muhammad Hamid Mughal)
Member

ANNOUNCED.
09.03.2020

05.08.2019

Appellant in person present. Mr. Muhammad Jan learned Deputy District Attorney present. Appellant submitted rejoinder which is placed on file and seeks adjournment as his counsel is not in attendance. Adjourn. To come up for arguments on 29.10.2019 before D.B.


Member


Member

29.10.2019

Due to incomplete bench the case is adjourned. To come up for the same on 06.01.2020 before D.B.


Reader

06.01.2020

Counsel for the appellant present. Addl: AG alongwith Legal advisor for respondent no.1 present. Adjournment requested. Adjourn. To come up for arguments alongwith identical nature service appeal on 20.02.2020 before D.B.


Member


Member

25.03.2019

Appellant in person present. Written reply not submitted. Noman Inspector representative of the respondent department absent. He be summoned with the direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 24.04.2019 before S.B


Member

24.04.2019

Counsel for the appellant present. Adll: AG alongwith Mr. Hizbullah, Stenographer for respondents present. Written reply not submitted. Requested for adjournment. Adjourned. Case to come up for written reply on 13.06.2019 before S.B.


(Ahmad Hassan)
Member

13.06.2019

Counsel for the appellant and Addl. AG alongwith Naeem Khan, Inspector for the respondents present.

The representative of respondents has submitted Parawise comments of the respondents No. 1 & 2 which are placed on record. To come up for arguments before the D.B on 05.08.2019. The appellant may submit rejoinder, within a fortnight, if so advised.



Chairman

08.02.2019

Counsel for the appellant present.

Contends, inter-alia, that in the impugned order dated 16.04.2015 it was noted that a show cause notice was issued to the appellant on 30.03.2015 and sent through registered post. It was also noted in the order that the deadline given in the show cause notice expired on 14.04.2015 while the appellant failed to put-forth his defence within the stipulated period. On the other than, the appellant was on training at Scouts Training Academy Warsak Camp from 16.02.2015 to 10.04.2015. In the said regard he referred to a certificate issued by the Commandant of Camp and copy available on record. Learned counsel further contended that the departmental appeal of appellant was decided on 20.11.2018 whereafter the appeal in hand was submitted on 10.01.2019 upon receipt of copy of the appellate order. He also relied on 2013-SCMR1053 and 1995-SCMR-950.

In view of the averments made at the bar and the record appended with the memorandum of appeal, instant appeal is admitted for regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 25.03.2019 before S.B.

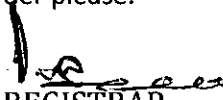
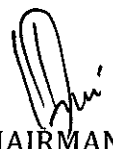

Amount Deposited
Security & Process Fee


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 37/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/1/2019	<p style="text-align: center;">The appeal of Mr. Zubair Khan presented today by Hafiz Noor Muhammad 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 -</p>
2-	16-1-19	<p style="text-align: center;">This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>08-02-2019</u></p> <p style="text-align: right;"> CHAIRMAN</p>

IN THE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL,

PESHAWAR

Appeal No. 37 /19

Ex.Cmt: Zubair Khan

VS

The DG, Excise & Taxation, KPK etc

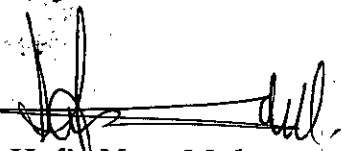
SERVICE APPEAL

INDEX

Sr. No.	Description of Documents	Dated	Annexure	Pages
1.	Appeal with affidavit			1-7
2.	Impugned Order	16-04-2016	A	8
3.	Appellate Order	20-11-2018	A-1	9
4.	Departmental Appeal	14-05-2015	B	10-11
5.	Course Certificate		C	12
6.	Show cause Notice	30-03-2015	D	13
7.	Wakalatnama			14

Through

APPELLANT


Hafiz Noor Muhammad
Advocate High Court,
Cell: 0331-5533123
CC No.50798

HAFIZ NOOR MUHAMMAD
MA. LL.M.
ADVOCATE HIGH COURT
ISLAMABAD
C.C # 50798

IN THE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL,
PESHAWAR

Appeal No. 37 /19

Ex-Constable Zubair Khan S/o Tila Nazeer, R/o Mohalla Azeemabad,
Khesghi Payan, Tehsil & District Nowshera. **Appellant**

**Khyber Pakhtunkhwa
Service Tribunal**

VERSUS

Diary No. 45

Dated 10-1-2019

1. The Director General; Excise & Taxation, Government of KPK, Auqaf Complex, Shami Road, Peshawar Cantt.
2. The Secretary Excise, Taxation & Narcotics Control Department, Government of KPK, KPK Secretariat, Peshawar. **Respondents**

APPEAL UNDER SECTION-4 OF THE KPK SERVICE TRIBUNAL ACT-1974 AGAINST THE ORDER DATED 16.04.2015 PASSED BY THE RESPONDENT NO.01 DISMISSING THE APPELLANT FROM SERVICE AND APPELLATE ORDER DATED 20.11.2018 (ANNEX-A/I) COPY RECEIVED ON 17.12.2018 REJECTING THE DEPARTMENTAL APPEAL DATED 14.05.2015 (ANNEX-B).

Respectfully Sheweth:

FACTS:

1. That the appellant after qualifying Matric (Technical) from Sindh Board of Technical Education , applied and was appointed as Constable in Excise & Taxation Department, Government of KPK Peshawar, vide order dated 30.03.2009. The appellant assumed his duty on 04.04.2009 and in August 2013 was posted to Nowshera.
2. That the appellant performed his duties as Constable in various stations of KPK and during his service, he has qualified the various courses.

Filed to-day
Registrar
10/1/19.

[Signature]

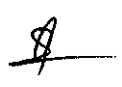
3. That during his service, the performance of the appellant remained outstanding. The appellant performed his duties with honesty, efficiency, professionalism and punctuality etc, therefore, awarded commendation certificates. Further, there is no stigma/ bad entry in his service record for his entire career.
4. That the appellant was deputed for recruit course commenced from 16.02.2015 and ended on 10.04.2015 (**Annex-C**). During undergoing the said course at Scouts Training Academy Warsak Camp of Frontier Corps Peshawar, the respondent No.1 issued Show Cause Notice dated 30.03.2015 (**Annex-D**). The said Show Cause Notice is neither addressed to the appellant nor sent to the Training Academy where the appellant was undergoing training nor received nor replied by the appellant. Even then, the appellant was dismissed from service vide Order dated 16.04.2015 (**Annex-A**) passed by the respondent No.01 against which the appellant filed Departmental Appeal dated 14.05.2015 (**Annex-B**) which remained pending with the respondent No.02 and has been decided on 20.11.2018 (**Annex-A/I**) copy of which has been received through post by the appellant on 17.12.2018, hence this Appeal inter alia on the following grounds: -

5. **GROUND:**

- A. That both the original and appellate orders are against Law, facts, materials on record, based on mala fide, non-speaking and non est, hence not sustainable in the eyes of law, therefore, may very kindly be set aside.
- B. That neither departmental inquiry was conducted nor any witness was examined in presence of the appellant nor cross examined by the


appellant nor any record produced. Therefore, the Orders are not sustainable in the eyes of law.

- C. That neither the Show Cause Notice is received by the appellant nor replied nor the same is addressed to the appellant nor the same was sent to the Training Academy where the appellant was undergoing training. Therefore, both the orders need to be set aside.
- D. That neither the opportunity of personal hearing was awarded by the respondent No.01 at the time of passing the impugned orders nor the Appellate Authority afforded the said opportunity of personal hearing before passing the appellate order. Thus, the respondents have violated all the norms of justice including the Principles of Natural Justice making both the orders illegal, void ab initio and of no legal effect.
- E. That neither any inquiry was conducted nor copy of any inquiry report is provided to the appellant. Thus the respondents have violated the law declared by the Hon' able Supreme Court of Pakistan in Mir Muhammad's case, which, makes the orders illegal and void ab initio.
- F. That the appellant has rendered valuable service with heartily, devotion, dedication and honestly. His integrity of work, conduct and performance in his official duty has continuously been appreciated and lauded by his superior officers and his entire service remained excellent and more than satisfactory.
- G. That since the appellant's initial appointment against the post of Constable, was fully in accordance with rules and the appellant fulfilled the laid down recruitment criteria for the post of Constable, therefore, on the principle of legitimate expectancy and locus poenitentiae, the appellant has got legal right to serve the respondents



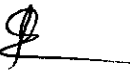
against the post of Constable in view of the law laid down by the Superior Courts.

- H. That the imposition of major penalty of dismissal is too harsh and has indeed deprived the petitioner of his livelihood and earning which is against the fundamental rights available to him under the Constitution.
- I. That the respondents acted illegally and with material irregularity in proceedings against the appellant on the basis of alleged charges of "misconduct" in as much as the appellant never committed any such act which could warrant disciplinary proceedings against him.
- J. That the respondents have failed to give meaningful hearing to the appellant. The malafides of the respondents are apparent from the face of the record. It is thus crystal clear that the respondents did not apply their judicious and independent mind before the issuance of dismissal order and rejecting of the Departmental Appeal.
- K. That the impugned orders are in negation with the express provisions of law laid down by this Hon' able Court, superior courts of the country including that of Supreme Court of Pakistan in which it has been ruled unequivocally that in case a major penalty is proposed to be inflicted upon the civil servants then concrete evidence is necessary and regular inquiry is to be held. In the instant case, neither any evidence is available nor any inquiry is conducted.
- L. That the impugned orders are without jurisdiction and in conflict with Rule-5, 7, 10 & 11 of the KPK (E & D) Rules-2011 in as much as the respondent No.1 is not vested with the authority to pass an order of dismissal from service in the instant case and the whole action taken



against the appellant is therefore, Coram non-judice and of no legal effect.

- M. That the respondent No.01 even otherwise while proceedings against the appellant under KPK (E & D) Rules-2011, has failed to adhere to mandatory requirements of rule-5, 7, 10 & 11 of the aforesaid rules by not holding the regular inquiry in the matter, in negation of the rules referred above. Thus, all the proceedings conducted were in the nature of sham proceedings not approved by law. The non-holding of regular Departmental Inquiry in accordance with law, in the instant case is apparently against the settled procedure which Omission and Commission goes to the root of the case and renders the impugned order as void ab initio and of no legal effect. The appellant was denied a fair chance of defense as neither any witness was examined in his presence nor he cross examined any prosecution witness. Thus, actions of the respondents are not only against the law but also violates Article-10-A of the Constitution of Islamic Republic of Pakistan-1973 as well, hence untenable.
- N. That the respondent No. 1 has passed the impugned order dated 16-04-2015 with retrospective effect for which he was not competent under the law. Hence the order needs to be set aside.
- O. That the impugned orders are otherwise erroneous and not sustainable in law and need to be set aside.
- P. That the appellant seeks the permission of this Hon' able Tribunal to some urge some more grounds at the time arguments.



6 -


PRAYERS:

It is, therefore, most humbly prayed that the impugned original and appellate order dated 16.04.2015 (Annex-A) and 20.11.2018 (Annex-A-1) (copy received on 17.12.2018) may very kindly be set aside and the appellant be re-instated into service from the date of dismissal, with all back and consequential benefits.

Any other relief which this Hon' able Tribunal, may deem appropriate therein and in circumstances, may also be awarded in the interest of justice.


APPELLANT

Through


Hafiz Noor Muhammad
Advocate High Court,
Cell: 0331-5533123
CC No.50798

HAFIZ NOOR MUHAMMAD
MA. LL.M.
ADVOCATE HIGH COURT
ISLAMABAD
C.C # 50798


IN THE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL,
PESHAWAR

Appeal No. _____ /19

Zubair Khan VS The DG, Excise & Taxation, KPK etc

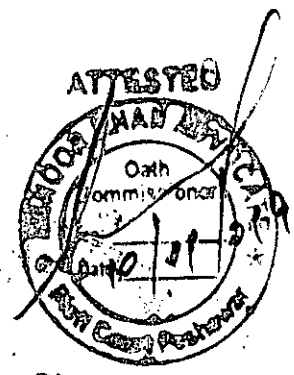
AFFIDAVIT

I, the appellant, in the aforesaid Appeal, do hereby solemnly affirm and declare that contents of the attached Appeal are true and correct to the best of our knowledge and belief and that nothing has been concealed/ withheld in this behalf.

Identified by

del

HAFIZ NOOR MUHAMMAD
MA. LL.M.
ADVOCATE HIGH COURT
ISLAMABAD
C.C # 50798

~~7~~
~~DEFONENT~~





- 8 -

DIRECTORATE GENERAL, EXCISE & TAXATION,

Annex A

KHYBER PAKHTUNKHWA.

Augaf Complex, Shami Road, Peshawar Cantt.

Phone Nos. 091-9212260-9211209.

Peshawar dated the 16/04/2015.

ORDER.

No. 11106- /Estb/XXXV-D-82 P.File. Whereas, in compliance with the instructions received from the Administrative Department, the matriculation certificate purported to have been issued by the Board of Intermediate & Secondary Education, Peshawar under S. No. PBP-104644 (Roll79990) produced at the time of appointment as Excise and Taxation Constable by Mr. Zubair Khan s/o Tila Nazeer, Office of the Excise and Taxation Officer, Nowshera, was sent for verification to the Board of Intermediate & Secondary Education Peshawar has been declared to be fake and bogus by the Assistant Secretary (Certificate) Board of Intermediate and Secondary Education, Peshawar vide his letter No. 2074/SSC/Cert/BISE, dated. 16.03.2015.

And whereas under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, a show cause notice bearing Endst: No. 10762/Estb/P.File, dated. 30.03.2015 was sent on registered post requiring the said Mr. Zubair Khan to show cause within a period of seven(07) days or not more than fifteen(15) as to why the major penalty of dismissal from service may not be imposed upon him beside registration of an F.I.R. as well as recovery of all the service benefits fetched by him since the date of his appointment.

And whereas, despite the lapse of the deadline that expired on 14.04.2015, he failed to put forth any defense against the said show cause notice, thereby rendering it necessary to order his dismissal from service under Rule 4(1)(b)(iv) of the ibid Rules, being void *ab-initio*.

Accordingly, he is dismissed from service with immediate effect and the salaries as well as all the service benefits, if any fetched by the official with effect from 30.03.2009 are declared illegal and recoverable.

[Signature]
DIRECTOR GENERAL
EXCISE & TAXATION,
KHYBERPAKHTUNKHWA,
PESHAWAR. 16/4/15

No. 11107-15 /Estb/XXXV-D-82.

Copy forwarded for information to:-

- 1- PS to Secretary to Government of Khyber Pakhtunkhwa, Excise and Taxation Department, Civil Secretariat Peshawar.
- 2- Accountant General, Fort Road, Khyber Pakhtunkhwa, Peshawar.
- 3- District Accounts Officer, Nowshera.
- 4- Deputy Director Excise and Taxation Peshawar Region with the direction to lodge an F.I.R. against Mr. Zubair Khan s/o Tila Nazeer r/o Mohallah Azeem Abad, Khweshgi Payan, Tehsil and District Nowshera under the relevant provisions of Pakistan Penal Code in the concerned Police Station and initiate process for the recovery of all service benefits derived by him during the Government service under intimation to this Directorate.
- 5- Excise and Taxation Officer, Nowshera.
- 6- Assistant Director Accounts, Excise & Taxation Khyber Pakhtunkhwa Peshawar.
- 7- System Analyst, Excise and Taxation, Khyber Pakhtunkhwa, Peshawar.
- ✓ 8- Mr. Zubair Khan s/o Tila Nazeer r/o Mohallah Azeem Abad, Khweshgi Payan, Tehsil and District Nowshera.
- 9- Personal file.

[Signature]
DIRECTOR GENERAL
EXCISE & TAXATION,
KHYBER PAKHTUNKHWA,
PESHAWAR. 16/4/15

-9-

Annex A-I



GOVERNMENT OF KHYBER PAKHTUNKHWA
EXCISE, TAXATION AND NARCOTICS CONTROL
DEPARTMENT

No. SO (Lit:)/E&T/4-343/2015/ M. Zubair/294
Dated Peshawar the, 20.11.2018

To

Mr. Muhammad Zubair (Constable),
s/o Tila Nazeer r/o Kheshqi Payan,
Peshawar

Subject: - **APPLICATION FOR EARLY DISPOSAL OF APPEAL**

I am directed to refer to the subject noted above and to inform you that your departmental appeal dated 14.05.2015 was processed and filed by the competent authority being devoid of merit.

Yours faithfully,

(ABDUS SALAM)

Section Officer (Litigation)

091-9223599

Endst. No. & Date Even.

Copy is forwarded to the:-

1. PS to Secretary, Excise, Taxation and Narcotics Control Department, Khyber Pakhtunkhwa, Peshawar.
2. PS to Director General Excise & Taxation Khyber Pakhtunkhwa.

c 7c
J

Section Officer (Litigation)

BEFOR THE SECRETORY EXCISE AND TAXATION PESHAWAR KPK

Subject: DEPARTMENTAL APPEAL AGAINST THE ORDER OF DIRECTOR GENERAL EXCISE AND TAXATION VIDE ORDER DATED 16-04-2015 WHEREBY HE DISMISSED THE SERVICES OF THE PETITIONER.

Respected Sir,

It is submitted as under:

1. That the petitioner was appointed as constable in BPS-05 in excise and taxation department Peshawar KPK vide order dated 30-03-2009/ No. 8492/Estb/XXXV-D-82. (Copy of order is attached)
2. That the petitioner assumed his duty on 04-04-2009. (Copy of assumption order is attached)
3. That the petitioner remained as constable in various station of KPK and during his services he completed his courses. (Copy of courses certificates are attached)
4. That the petitioner served the department honestly and punctually and there is no stigma on his service during his whole career. (Copy of service book is attached)
5. That the petitioner was called for basic training for recruits/constable (Batch-1) on 03-02-2015 which was commences on 16-02-2015 for two months, which was extended upto one week due to passing out parade which was ended on 15-04-2015. (Copy of order and certificate is attached)
6. That after the completion of basic training course when the petitioner came back to his home he came to know that the department has issued a show cause notice to him which was not personally delivered to him instead of sending the same show notice to him at the training centre Swat Scout Training Academy Warsak it was purposely communicated on his home address and kept the petitioner in dark. (Copy of show cause notice is attached)
7. That similarly the services of the petitioner were also terminated without communication of proper show cause notice, charge sheet

072
A

and was condemn unheard which was against the themes of the service law and rules. (Termination letter is attached)

8. That it was wrongly held by the authority in the termination order of the petitioner that the certificate of matric of the petitioner to be fake and bogus which is not properly verified and on previous stage the same certificate of the petitioner were twicly verified from the concerned quarter and on 12-09-2013 it was confirmed by the Assistant Secretary Certificate BISE Peshawar.
9. That the certificate is guanine and properly issued by the authorities. (Copy of certificate and verified overleaf is attached)
10. That the order of Director General Excise and Taxation Peshawar KPK is illegal , against the norms of justice and without affording opportunity being heard, hence untenable.
11. That neither the D.G Excise and Taxation charge sheeted the petitioner, nor any inquiry officer appointed as required by the efficiency and disciplinary rules 2011 which is mandatory.
12. That the dismissal order of the petitioner is against equity and justice, when the petitioner put in unbreakable services of six years so the dismissal order is bad in the eyes of law.

It is therefore requested that on acceptance of this departmental representation the order of the dismissal of petitioner may kindly be set-aside and he be reinstated with all back benefits.

Petitioner

Zubair Khan

Constable Excise and Taxation

KPK.

Dated: 14-05-2015

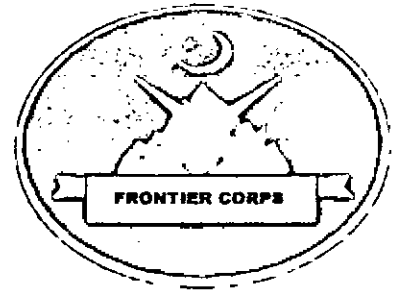
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File

Annece

-12-

Scouts Training Academy Warsak Camp



CERTIFICATE OF BASIC MILITARY TRAINING RECRUITS / CONSTABLE (BATCH-1)

720

This Document certified that Constable Zubair Khan of Excise and Taxation Department (KP) has successfully Completed Basic Training of Recruits / Constable (Batch-1) at Scouts Training Academy Warsak, KP From 16 February to 10 Apr 2015 (08 Weeks).

Major
Chief Instructor
(Attiq Ur Rehman)



Colonel
Commandant
(Muhammad Kamran)

No. 10761

-13-

Annex D

SHOW CAUSE NOTICE

Dated: 30-03-2015

I, Javed Marwat, Director General, Excise & Taxation, as Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. Zubair Khan, Excise & Taxation Constable (BPS-05) office of Excise & Taxation Officer, Nowshera as follows:

2. That the Assistant Secretary (Certificate) Board of Intermediate & Secondary Education, Peshawar, vide his letter No. 2074/SSC/Cert/BISE, Peshawar, dated. 16.03.2015, has declared the matriculation certificate produced by you at the time of your appointment as Constable in the Excise and Taxation Department, Khyber Pakhtunkhwa, to be fake and bogus.

I am satisfied that you have committed the following acts/omission specified in Rule 3 of the said rules:

(a) Guilty of misconduct;

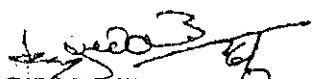
3. As a result thereof, I, as the Competent Authority, have tentatively decided to initiate departmental proceedings for imposition of Major penalty upon you including dismissal from service, registration of an F.I.R. as well as recovery of all the benefits received by you since your appointment.

4. You are, therefore, required to show cause as to why the aforesaid penalties should not be imposed upon you and also intimate whether you desire to be heard in person.

5. If no reply to this notice is received within seven (07) days or not more than fifteen (15) days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

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10762


DIRECTOR GENERAL,
EXCISE & TAXATION,
KHYBER PAKHTUNKHWA
PESHAWAR

Endst: No. _____/Estb/P.File

Dated Peshawar the 30/03/2015

A copy of the above is forwarded for information to the Excise and Taxation Officer, Nowshera.


DIRECTOR GENERAL

WAKALATNAMA

BEFORE THE KPK SERVICE TRIBUNAL,

PESHAWAR

Ex-Cmt: Zubair Khan

VERSUS

Dr DG Bhatti KPK etc

Zubair Khan

_____ hereby appoint Hafiz Noor

Muhammad Advocate in the above mentioned case, to do all or any of the following acts, deeds and things: -

- 3. To appear, act and plead for me/ us in the above mentioned case in the Court/ Tribunal in which the same may be tried or heard, and any other proceedings arising out of or connected herewith.
- 4. To sign, verify and file appeals, petitions, suits, affidavits and applications etc for compromise or withdrawal or for referring to arbitration of the said case as may be deemed necessary or advisable by him for the conduct, prosecution or defense of the said case at all its stages.

AND hereby agree: -

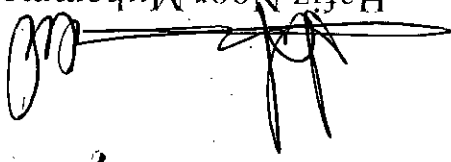
- b. That the advocate shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remained unpaid.

In witness whereof I/ we have signed this Wakalatnama hereunder, the contents of which have been read/ explained to me/ us and fully understood by me/ us.

Signature of executant _____

Accepted by:

Hafiz Noor Muhammad



Advocate High Court, Islamabad.

CC: 50798

Cell: 0331-5533123

HAFIZ NOOR MUHAMMAD
MA, LL.M.
ADVOCATE HIGH COURT
ISLAMABAD
C.C # 50798

2013 S C M R 1053

[Supreme Court of Pakistan]

Present: Iftikhar Muhammad Chaudhry, C.J.,
Tassaduq Hussain Jilani, Amir Hani Muslim,
Gulzar Ahmed and Sh. Azmat Saeed, JJ

MIR AJAB KHAN and another---Appellants

versus

DEPUTY POSTMASTER-GENERAL, SRP,
DERA ISMAIL KHAN and others---Respondents

Civil Appeals Nos.512 of 2011 and 447 of 2012, decided on 23rd
April, 2013.

(a) Service Tribunal Act (LXX of 1973)---

---S. 4(1)---Appeal before Service Tribunal, filing of---~~Limitation~~
~~Departmental authority not communicating its decision to civil~~
~~servant within 90 days---Effect---Where within the stipulated period of~~
~~(90 days) decision of departmental authority was not communicated to~~
~~the civil servant, he had an option to either file appeal (before the~~
~~Service Tribunal) within the next 30 days without waiting for decision~~
~~of departmental authority, or he could wait till the date of~~
~~communication of decision of departmental authority and from said~~
~~date he could file appeal within the next 30 days. [p. 1058] A~~

Chief Engineer (North) and another v. Saifullah Khan Khalid
1995 SCMR 776 and Taj Muhammad Afridi v. Principal Secretary to the
President Secretariat and others 2011 SCMR 1111 ref.

(b) Punjab Employees Efficiency, Discipline and
Accountability Act (XII of 2006)---

---S. 19---Appeal before (Punjab) Service Tribunal, filing of---
~~Limitation---Decision on departmental appeal or review petition not~~
~~received within a period of 60 days---Effect---Where civil servant had~~
~~availed opportunity of departmental appeal or review and decision of~~
~~the same was not received by civil servant within 60 days, then on the~~
~~expiry of such period he could prefer appeal before the (Punjab)~~
~~Service Tribunal within the next 30 days, notwithstanding, as to~~
~~whether departmental appeal had been decided or not. [p. 1058] B~~

Chief Engineer (North) and another v. Saifullah Khan Khalid
1995 SCMR 776 and Taj Muhammad Afridi v. Principal Secretary to the
President Secretariat and others 2011 SCMR 1111 ref.

distinction the relief claimed in the suit filed by Mst. Mehbooba is
reproduced:--

"...for recovery of Rs.1,62,600, detailed as under:--

- (1)
- (2) Rs.25,000 the value of the golden ornaments exclusively given
to her by her husband at the time of her marriage as given in
para. 9 of the plaint; and
- (3) Rs.87,000 the market value of the golden ornaments belonging
to the plaintiff, given to her by her parents mentioned in para.10
of the plaint."

The Court thus held that the petitioner before it was entitled to the
market value of the gold ornaments decreed in her favour in accordance
with the price fixed by her as "no decree for delivery of ornaments had
been passed." The petitioner was granted a simple money decree. In the
present case not only the relief claimed was for the recovery of gold
ornaments or in the alternative its market value but the decree so granted
was for the recovery of the gold ornaments. The case of Mst. Mehbooba
v. Abdul Jalil turned on its own facts and does not in any way lay down
a general rule that in all cases where the decree for recovery of gold is
granted its value shall be determined at the market price prevailing on
the date of grant of decree or filing of the suit. Where decree for
delivery of gold or its market value is granted the value shall be
determined with reference to the date of payment. As only then the
decree can become fully satisfied. Neither the High Court nor the
First Appellate Court had focused on the afore-stated distinction. In
the case of Mst. Humaira Majeed v. Habib Ahmad cited in the
leave granted order the Lahore High Court had also drawn the said
distinction and had rightly held that the provisions of Order XX,
Rule 10, C.P.C. will not be applicable strictly to the execution of a
decree by the Family Court in view of section 17 of the West Pakistan
Family Courts Act, 1964.

3. In view of the above, we hold that the appellant is
entitled to the recovery of 17 tolas of gold ornaments or in the
alternative its current market value. Consequently, the appeal is
allowed. The impugned judgments of the High Court as well as
the First Appellate Court are set aside and that of the Executing Court
dated 12-1-2011 is restored.

(c) Removal from Service (Special Powers) Ordinance (XVII of 2000) [since repealed]---

---S. 10---Appeal before Service Tribunal, filing of---Limitation--- Decision on representation or review petition filed before competent authority not received within a period of 60 days---Effect---Where civil servant had availed opportunity of representation or review before competent authority and decision of the same was not received by civil servant within 60 days, then on the expiry of such period he could prefer appeal before the Service Tribunal within the next 30 days, notwithstanding, as to whether representation or review had been decided or not. [p. 1058] B, C & D

(d) Removal from Service (Special Powers) Ordinance (XVII of 2000) [since repealed]---

---S. 10---Appeal before Service Tribunal, filing of---Limitation--- Representation or review not available under the rules of the competent authority---Civil servant, in such circumstances, would file appeal before the Service Tribunal within 90 days. [p. 1058] C

(e) Removal from Service (Special Powers) Ordinance (XVII of 2000) [since repealed]---

---Ss. 9 & 10---Appeal before Service Tribunal, filing of---Limitation--- Decision on representation or review petition filed before competent authority not received within a period of 60 days---Effect---Where an appeal had been filed under S.9 of Removal from Service (Special Powers) Ordinance, 2000 within a period of 15 days, the aggrieved (civil servant) should wait for 60 days and on the expiry of such period he would have an option either to approach the Service Tribunal within 30 days or wait till the decision of competent authority and on the communication of the same, he could file appeal within 30 days. [p. 1058] D

Muhammad Shoaib Shaheen, Advocate Supreme Court and Ch. Akhtar Ali, Advocate-on-Record for Appellants (in C.A. No. 512 of 2011).

Muhammad Asif, Advocate Supreme Court and S.M. Khattak, Advocate-on-Record for Appellants (in C.A. No. 447 of 2012).

Jawad Hassan, Additional A.-G. Punjab, Raja Maqsood Hussain, Suptd. Excise and Malik Shahzad Hussain, Senior E.T.O. for Respondents (in C.A. No. 447 of 2012).

2013] Mir Ajab Khan v. Deputy Postmaster-General, SRP (Iftikhar Muhammad Chaudhry, CJ) 1055.

M.S. Khattak, Advocate-on-Record for Respondents (in C.A. No. 512 of 2011).

Date of hearing: 23rd April, 2012.

ORDER

IFTIKHAR MUHAMMAD CHAUDHRY, C.J.---In instant cases leave to appeals was granted vide orders dated 19-4-2012 and 7-5-2012. Marshaling the facts of both the cases is not necessary except noting that Mir Ajab Khan (appellant in C.A. 152 of 2011) while in the employment of Federal Government was dismissed from service. Through this appeal he questions the period of limitation in filing appeal under section 4 of the Service Tribunal Act 1973, interpretation of which has been recorded in the case of Chief Engineer (North) and another v. Saifullah Khan Khalid (1995 SCMR 776). Asad Tora (appellant in C.A. No. 447 of 2012) was in the employment of the government of Punjab and has questioned the period of limitation in filing appeal under section 19 of the Punjab Employees Efficiency, Discipline and Accountability Act 2006 (hereinafter referred to as the Act 2006), interpretation of the same has also been recorded by this Court in the case of Taj Muhammad Afridi v. Principal Secretary to the President Secretariat and others (2011 SCMR 1111).

2. It is to be noted that in this case we have already interpreted the question relating to period of limitation in filing of appeal under section 10 of the Removal From Service Special Powers Ordinance, 2000. It would be appropriate to reproduce the same hereunder:--

"Notwithstanding anything contained in any other law for the time being in force, any person aggrieved by any final order under section 9 may, within thirty days of the order, prefer an appeal in the Federal Service Tribunal established under the Service Tribunals Act, 1973.

Provided that if a decision on a representation, or review petition under section 9 is not received within a period of sixty days, the affected person may file an appeal under this section within a period of thirty days of the expiry of the aforementioned period".

3. At this juncture comparison of section 10 of the Removal from Service (Special Powers) Ordinance 2000 (hereinafter referred to as the Ordinance 2000), section 19 of the Act 2006 is necessary because both these laws have substituted some of the provisions governing the period of limitation for filing appeals under these instruments. The object of both the instruments was good governance in the civil service. However,

we have already compared section 4 of the Service Tribunal Act, 1973 and section 10 of the Ordinance, 2000, which is identical to section 19 of Act 2006, in the judgment of Taj Muhammad Afridi (ibid), contents wherefrom are reproduced herein below:--

"(9) In terms of the second eventuality, after a lapse of 90 days of filling of the appeal of review or representation he can file the appeal. But there is no specific cutoff period for filing the same. However, the appellant was proceeded against under a special law i.e. the Removal from Service (Special Powers) Ordinance No. XVII of 2000, section 9 of which provides cutoff date/period of limitation for various remedies available to a civil servant. A person on whom a penalty is imposed, may within 15 days from the date of communication of the order prefer a representation to the Prime Minister or such authority as the latter may designate in case the order has been passed by the Prime Minister, person concerned may within the afore-referred period submit representation to the President. Section 10 of the Ordinance stipulates that a person aggrieved of the order passed under section 9 referred to above, may prefer appeal to the Federal Service Tribunal within 30 days. The proviso, however, spells out that if no decision has been received by or communicated to the person so aggrieved (who has filed representation in terms of section 9 of the Ordinance) he may within a period of 60 days of its submission (representation) to the prescribed authority prefer an appeal to the Service Tribunal within 30 days of the expiry of the aforesaid period. Unlike the proviso to section 4 under the Service Tribunals Act, this proviso lays down a cut off period within which he has to file appeal to the Tribunal i.e., "within a period of sixty days of its submission to the prescribed authority, he may prefer appeal to the Service Tribunal within thirty days of the expiry of the aforesaid period".

(10) The two provisions are distinct and have to be construed accordingly. The appellant had to file appeal within the period prescribed under the proviso to section 10 of the Removal from Service (Special Powers) Ordinance, failing which the appeal was time-barred. The argument of the learned counsel for the appellant that a civil servant can file appeal within 30 days of the communication of the final order passed on appeal or representation is not tenable. The judgments to which reference has been made by the learned counsel were cases of appeals under the Service Tribunals Act and not the Removal from Service (Special Powers) Ordinance. Under the latter law, a

(11) We have gone through the judgments relied upon by the appellant's learned counsel and find that those are of no avail to him because in both these cases appeals were filed under the Service Tribunals Act and not under the Removal From Service (Special Powers) Ordinance.

(12) In terms of the special law under which appellant was proceeded against and under which he availed the remedy of appeal, cannot be made open ended to mean that till the outcome of the representation is communicated to him, he may not file appeal before the Service Tribunal. This would defeat the very purpose of the law. In Tanveer Hussain v. Divisional Superintendent, Pakistan Railways (supra) the Court was called upon to interfere the same issue that we are seized of i.e., the question of limitation under section 10 of the Removal from Service (Special Powers) Ordinance, the Court held as follow:-

"10. It was thus incumbent for the petitioner to have approached the Tribunal within 90 days from 26-3-2002, the date on which he filed submitted his representation, which was decided on 23-10-2002 by which time the period of 90 days provided in section 10 of the Ordinance had already expired. The appeal of the petitioner before the Service Tribunal was clearly time barred. The contention advance by the petitioner for condonation of delay even if taken to be true would not be of any assistance to him in explaining and overcoming the delay in filing the appeal before the Tribunal."

4. Ratio of the judgment in the case finds mentioned in paragraphs Nos. 9 to 12. It is equally important to note that in this case the effect of the judgment as reported in the case of Chief Engineer (North) (ibid) is considered, as it is evidence from the judgment.

5. On having gone through both the judgments, we are of the opinion that there is no conflict between the judgments in the case of Chief Engineer (North) (ibid) as well as in the case of Taj Muhammad Afridi (ibid). It may not be out of context to mention that section 19 of the Act 2006, had also clarified that the employees had to file an appeal in the Punjab Service Tribunal within a period of 30 days of the expiry of period of 60 days whereafter the authority with whom the departmental appeal is pending shall not take any further action. It is clearly provided in this section that the departmental authority would have no power to give any decision after the expiry of 60 days, whereas the Tribunal Act, 1973 as well as in the Ordinance 2000, no

It would be appropriate if the respective legislative bodies consider incorporating such provisions in their laws to avoid any confusion which occurs to an employee, in filing of the appeal. Thus we held as follows:--

- (a) Where a departmental appeal has been filed within prescribed period, if provided, the affectee or Civil Servant had to wait for 90 days in case of filing appeal under section 4 of the Service Tribunal Act 1973;
- (b) If within the stipulated period the affectee or Civil Servant is not communicated the decision of the competent authority, he had an option to file appeal within next 30 days without waiting the decision of the departmental authority;

OR

- (c) He can wait till the time of communication of the decision by the departmental authority and from the said date he could file appeal within next 30 days. As far as the Ordinance 2000 and the Act 2006 are concerned, the affectee/employee had to avail an opportunity of departmental appeal, review or representation, if available after a period of 60 days and on the expiry of such period within next 30 days he would prefer appeal before the Tribunal, notwithstanding, as to whether the departmental appeal has been decided or not.
- (2) If no appeal/representation or review is available under the relevant rules of the department, the aggrieved person would file appeal in the Tribunal within 90 days under the Ordinance,
- (3) In the case of Ordinance, 2000, if an appeal has been filed under section 9 within a period of 15 days, the aggrieved person shall wait for 60 days and on the expiry of the same he would have an option either to approach the Service Tribunal within 30 days or wait till the decision of the departmental authority and on the communication of the same within next 30 days appeal shall be filed.

7. As we have observed hereinabove that there is no conflict in both the judgments referred to herein above, as such no interference by this Bench is called for in the case and the cases shall be decided by the respective Benches accordingly.

MWA/M-31/SC

Order accordingly.

2013 S C M R 1059

[Supreme Court of Pakistan]

Present: Anwar Zaheer Jamali,
Ijaz Ahmed Chaudhry and Muhammad Ather Saeed, JJ

AMIR MASIH---Petitioner

versus

The STATE and another---Respondents

Criminal Petition No.345-L of 2013, decided on 3rd May, 2013.

(On appeal from the order dated 8-3-2013 in Criminal Miscellaneous No.1042-B of 2013, passed by the Lahore High Court, Lahore.)

(a) *Criminal Procedure Code (V of 1898)---*

---S. 497---First bail application dismissed as withdrawn---Second bail application, filing of---Fresh grounds---Scope---Grounds which were available at the time of withdrawal of earlier (bail) application should be deemed to have been considered and dealt with and the second (bail) application could only be filed on fresh ground(s). [p. 1061] A

The State through Advocate-General, N.-W.F.P. v. Zubair and 4 others PLD 1986 SC 173 rel.

(b) *Criminal Procedure Code (V of 1898)---*

---S. 497---First bail application dismissed as withdrawn---Second bail application, filing of---Fresh grounds---Scope---Where earlier (first) bail application was dismissed as withdrawn, the second bail application could only be filed on any fresh ground and not on the same grounds which were available at the time of disposal of earlier bail application. [p. 1062] B

Muhammad Siddique v. The State (Criminal Petition No.896-L of 2012) rel.

Ali Hassan v. The State 2001 SCMR 1047 and Muhammad Riaz v. The State 2002 SCMR 184 distinguished.

(c) *Criminal Procedure Code (V of 1898)---*

---S. 497---Penal Code (XLV of 1860), Ss. 302 & 34---Constitution of Pakistan, Art. 185(3)---Qatl-e-amd, common intention---Bail, refusal

present in the Court, agree that there is no need of retaining the record as paper books are ready and documents can be added, hence we direct that record be sent to the Service Tribunal. Secondly, the counsel for the party request that the whole appeal can be taken up for hearing out of turn. Order accordingly. In the result this application is dismissed as being infructuous.

A.A./I216

Order according

1995 S C M R 950

[Supreme Court of Pakistan]

*Present: Ajmal Mian, Zia Mahmood Mirza and
Muhammad Munir Khan, JJ*

ANWAR MUHAMMAD---Appellant

versus

GENERAL MANAGER, PAKISTAN RAILWAYS, LAHORE
and another---Respondents

Civil Appeal No. 415 of 1992, decided on 30th November, 1994.

(On appeal from the judgment dated 1-9-1991 of the Federal Service Tribunal, Islamabad, passed in Appeal No. 96(L)/1991).

(a) Constitution of Pakistan (1973)---

---Art. 212(3)---Adverse remarks---Departmental appeal against adverse remarks although was not dismissed on point of limitation, yet appeal before Service Tribunal was dismissed on point of limitation---Validity---Leave appeal was granted to consider whether Service Tribunal was justified to dismiss appeal on ground of limitation when Competent Authority did not dismiss the same on said ground but dismissed the same on merits. [p. 951] A

A Guide to Performance Evaluation, para. 3.39 ref.

(b) Civil service---

---Constitution of Pakistan (1973), Art. 212---Departmental Authority had not dismissed departmental appeal on ground of limitation but on merits---No objection having been raised before Departmental Authority relating to limitation, Authority would be deemed to have condoned the delay---Service Tribunal should, thus, have decided the same on merits and not on ground of limitation---Case was remanded to Service Tribunal for decision afresh on merits. [p. 952] B

S.M. Masood, Advocate Supreme Court and Sh. Masood Akhtar
Advocate-on-Record for Appellant.

SCA/92

Ch. Fazle Hussain, Advocate Supreme Court and Ch. Muhammad
Islam, Advocate-on-Record for Respondents.

Date of hearing: 30th November, 1994.

JUDGMENT

AJMAL MIAN, J.---This is an appeal with the leave of this Court against the judgment dated 1-9-1991 passed by the Federal Service Tribunal, Islamabad, hereinafter referred to as the Tribunal, in Appeal No. 96(L) of 1991, filed by the appellant against the order dated 9-4-1991 of respondent No. 2, dismissing his representation treated as an appeal against the adverse remarks recorded in his A.C.R. for the period ending on 31-12-1983 under column (2)(F) 'Ability to work under stress and strain', "Below average", dismissing the same on the ground that the appellant's above representation/appeal was hopelessly time-barred. Leave to appeal was granted to consider the question, whether the Tribunal was justified to dismiss the above appeal on the ground of limitation when the competent authority did not dismiss the same on the above ground but dismissed it on merits.

2. The brief facts are that the appellant received intimation about the above adverse remarks through the department's letter dated 15-5-1984. The appellant filed a representation/appeal before the Divisional Superintendent instead of filing the same before the General Manager, Pakistan Railways. In response to the above representation, the appellant received Divisional Office, Rawalpindi's Letter dated 2-9-1984 for Divisional Superintendent, P.R. Rawalpindi, intimating to him that the appeal against the adverse remarks had been rejected by the competent Authority. It appears that after the lapse of several years, the appellant made a representation dated 8-1-1991 to the General Manager. The appellant received a letter dated 9-4-1991 for General Manager intimating him that his representation dated 8-1-1991 against the adverse remarks recorded in his A.C.R. for the period from 31-5-1983 to 31-12-1983 had been considered and rejected by the competent Authority. Against the above order, the appellant filed the aforesaid service appeal, which was declined for the above reason. Thereupon, the appellant filed a petition for leave to appeal, which was granted to consider the above question.

3. In support of the above appeal, Mr. S.M. Masood, learned Advocate Supreme Court appearing for the appellant, has submitted that the representation made by the appellant to the Divisional Superintendent was incompetent as the latter was in fact the Countersigning Officer on the A.C.R. and, therefore, in terms of Para. 3.39 of "A Guide to Performance Evaluation", the competent Authority was the General Manager and, hence, the appellant's earlier representation dated 15-5-1984 and the order passed thereon by the Divisional Superintendent were without jurisdiction. His further submission was that though the period for filing of a representation in terms of Para. 3.31

is thirty days but as the General Manager had not rejected his representation dated 8-1-1991 on the ground of limitation and had declined the same on merits, the Tribunal could not have dismissed the above service appeal on the ground that the appellant's representation dated 8-1-1991 to the General Manager was time-barred.

Ch. Fazle Hussain, learned Advocate Supreme Court appearing for the respondents, is unable to contradict the fact that the Divisional Superintendent was in fact the Countersigning Officer and, therefore para. 3.39 which reads as follows:-

"3.39 The words 'competent authority' in the last sentence of Para 3.39 mean an authority next higher than the Countersigning Officer. All decisions on the representations against adverse entries in confidential reports should be taken by such an authority."

is attracted to in the case in hand.

4. Since the representation dated 15-5-1984 was incompetent and so also the order passed thereon by the Divisional Superintendent, it was open to the General Manager to have dismissed the appellant's above representation dated 8-1-1991 on the ground of limitation but since no objection was raised in respect of the limitation and the same was decided on merits, the General Manager in fact impliedly condoned the delay. In this view of the matter, the Tribunal should have decided the appellant's service appeal on merits. We would, therefore, allow the above appeal with no order as to costs and would remand the case to the Tribunal to decide the above service appeal on merits after notice to the parties.

A.A./A-1221

Appeal accepted

1995 S C M R 952

[Supreme Court of Pakistan]

*Present: Saad Saood Jan, Zia Mahmood Mirza and
Irshad Hassan Khan, JJ*

Raja MUHAMMAD IOBAL and 6 others---Petitioners.

versus

MUHAMMAD HAMIDULLAH SHEIKH and 2 others---Respondents

Civil Petition for Leave to Appeal No. 440 of 1994, decided on 2nd November 1994.

(From the judgment/order of Punjab Service Tribunal, Lahore, Camp at Bahawalpur, dated 7-8-1994 in Appeal No. 78 of 1993).

SCMR.

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IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 37/2019

Ex Constable Zubair Khan

..... (Appellant)

V E R S U S

D.G Excise, Taxation & Narcotics Control
Deptt., K.P & Other

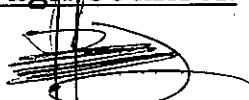
..... (Respondents)

I N D E X

Sr.#	Description	Anx	Page #
1.	Para-wise comments		1-6
2.	Affidavit		7
3.	Letter No. 8532/Estb dated 08.01.2015 for Verification	A	8
4.	Reply No. 2074/SSC/CERT/BISE Peshawar dated 16.03.2015	B	9-10
5.	SSC Certificate stamped as fake & bogus	C	11
6.	Show Cause Notice vide No. 10761 dated 30.03.2015	D	12
7.	Receipt of Registered Post	E	13
8.	Dismissal Order dated 16.04.2015	F	14
9.	Letter No. SO(LIT)/E&T/4/343/2015/ M. Zubair/294 dated 20.11.2018 is attached as Anx 'X'	G	15

Dated: 02-04-2019

**The Respondents No. 1 to 4
through Counsel:**


**S. Hamad Ali Shah
(Advocate)
Supreme Court of Pakistan
Nowshera.**

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 37/2019

Ex Constable Zubair Khan (Appellant)

V E R S U S

D.G Excise, Taxation & Narcotics Control
Deptt., K.P & Other (Respondents)

PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 & 2

Respectfully sheweth:

The Respondents submit as under:-

PRELIMINARY OBJECTIONS:

- (1) That, the Appellant has no locus standi to file the instant appeal.
- (2) That, the Appellant is estopped by his conduct to file the appeal-in-hand.
- (3) That, the instant appeal is not maintainable in the eyes of law.
- (4) That, the Appellant has come to court with unclean hands and the instant appeal is aimed at to retain the ill-gotten employment on the basis of "Fake & Bogus" matric certificate, and such act is highly condemnable and accountable in the eyes of law.

- (5) That, the appeal-in-hand is badly time barred.
- (6) That, the instant appeal is based on mala fide intentions, therefore, the same is liable to be dismissed with costs.

FACTS:

- (1) Para-1. Absolutely incorrect. He was appointed as constable on the basis of Secondary School Certificate of Board of Intermediate & Secondary Education, Peshawar which, on verification was found fake and bogus. Resultantly, a show cause notice was served on him on 30.03.2015 which could not be responded by the Appellant satisfactorily, rather he avoided to submit reply for want of no justification, therefore he was dismissed from service on 16.04.2015. It is to be noted that the show cause notice was duly sent through Registered Post on his residential address, duly submitted by the Appellant himself in the record of Respondent authority.

(Copies of Letter sent for Verification, Reply received and SSC Certificate stamped as fake & bogus, Show Cause Notice vide No. 10761 dated 30.03.2015, Receipt of Registered Post and Dismissal Order dated 16.04.2015 are attached as Anx 'A', 'B', 'C', 'D', 'E' & 'F' respectively)

- (2) Para-2 is correct, being a matter of record.
- (3) Para-3 is correct. However, the Appellant was dismissed from service due to submission of fake & bogus matriculation certificate at the time of appointment, in view of which the whole process of appointment was void-ab-initio as the Appellant had played fraud upon the authority of Respondents. The said fact suggests that the dismissal of Appellant is not on the basis of his poor performance or any bad entry in the service record.
- (4) In reply to Para-4, it is submitted that the Appellant was duly informed about the committed fraud by serving show cause notice and he was duly aware about the consequence of submitting fake & bogus matric certificate at the time of appointment. The allegation of having no knowledge about the show cause notice etc. is totally baseless and devoid of any logical reason.

Since the appeal of Appellant before competent authority was without any lawful and factual justification, therefore the same was also not considered.

(Copy of Letter No. SO(LIT)/E&T/4/343/2015/M. Zubair/ 294 dated 20.11.2018 is attached as Anx 'G')

GROUND:

- (A) Incorrect. The Appellant is trying to mislead this hon'ble Court by fabricated facts. Even in his appeal to the Appellate Authority, he at no point mentioned that he did his matriculation from the Sindh Board of Technical Education, rather in his service appeal Para 8, he himself admits that his SSC Certificate was verified twice from the BISE Peshawar. This speaks loud of his lies and he is estopped by his own statement to dispute or contend his dismissal case. The department believes that enough is enough and he has already unlawfully consumed resources of the department as well as wasted precious time of the department and this hon'ble Court as such. His appeal is neither maintainable nor worth further wastage of time.
- (B) Incorrect. In view of the narrated facts, there was no need of conducting a formal inquiry as this was a clear case of cheating and fabrication.
- (C) The show cause notice as sent by registered post and receipt of Registered post is available in record. It is again an attempt to mislead this hon'ble Court. The Appellant deliberately avoided reply. Even taken his plea as correct what effect would have been casted as he had no defence to put forth for his bogus and

fake SSC Certificate.

- (D) It is incorrect. He had enough time to bring forth any material that could negate his fake and bogus SSC Certificate, but again he had nothing to offer.
- (E) As stated in Para 8, there was no need of conducting an inquiry. The Appellant is just playing with the words and wasting precious time of the hon'ble Court by referring to irrelevant precedents.
- (F) Need no comments.
- (G) Incorrect. The very foundation on which the building of his service was erected was fake and bogus so how can the Appellant claim legitimacy?
- (H) Incorrect. The imposition of major penalty was the result of his own conduct and he was rightfully dismissed from service. The Constitution does not protect the wrong doers. Rather he has deprived a deserving candidate, who might have been appointed in case he didn't perform the cheating.
- (I) In view of the foregoing, the Appellant deserved even stern punishment and the Respondents while not acting against him would have invited action against him for not taking cognizance.
- (J) Incorrect. When the case of fake and bogus SSC Certificate stood proved what other meaningful

justice demanded action; and action was performed.

- (K) Incorrect. The Appellant himself has provided reply to this para, that concrete evidence is necessary which is readily available.
- (L) Incorrect. The Director General, being competent authority for BPS-07 has acted in accordance with his competency and disputing his competency will directly question his appointment. It is childish to claim that the Director General was not competent to pass the order of his dismissal from service.
- (M) Incorrect. The point is that he was appointed on the basis of bogus and fake educational credentials and that demanded action which was duly taken.
- (N) The dismissal was carried out from the date of his appointment for recovery of the salaries that he received, though in reality nothing has been recovered from him till date.
- (O) His dismissal order was issued because sufficient material existed and it was not erroneous.
- (P) The Appellant has nothing but the crafty words to mislead the Court. Still he is invited to bring forth whatever he has.

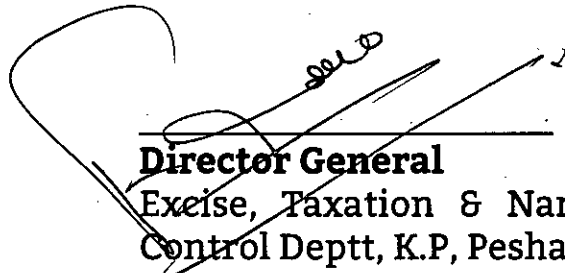
PRAYER:

In view of aforesaid facts, it is, therefore, most humbly prayed that the appeal-in-hand of Appellant may kindly be dismissed with heavy compensatory costs, as the same is meritless, devoid of any force of law and is concocted and out of mala fide.

Any other relief deemed fit in the circumstances of the case may also be granted in favour of Respondents and against Appellant.

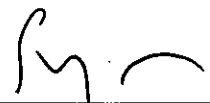
Dated: 02-04-2019

The Respondent No. 1

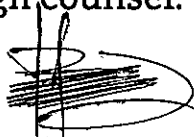


Director General
Excise, Taxation & Narcotics
Control Deptt, K.P, Peshawar.

The Respondent No. 2



Secretary
Excise, Taxation & Narcotics
Control Deptt, K.P, Peshawar.
Through counsel:



S. Hamad Ali Shah
(Advocate)
Supreme Court of Pakistan
Nowshera.
Legal Advisor:
Excise, Taxation & Narcotics
Control Deptt, K.P Peshawar.

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 37/2019

Ex Constable Zubair Khan

..... (Appellant)

VERSUS


D.G Excise, Taxation & Narcotics Control
Deptt., K.P & Other

..... (Respondents)

AFFIDAVIT

I, Fayaz Ali Shah, Director General, Excise, Taxation & Narcotics Control Department, Khyber Pakhtunkhwa, Peshawar, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Para-wise comments** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Identified by:


S. Hamad Ali Shah
Advocate
Supreme Court of Pakistan
Legal Advisor:
Excise, Taxation & Narcotics
Control Department,
Khyber Pakhtunkhwa.

Deponent: 

CNIC # _____

Cell # _____



**DIRECTORATE GENERAL, EXCISE & TAXATION
KHYBER PAKHTUNKHWA.**

Anqaf Complex, Shami Road, Peshawar Cantt. Phone Nos. 091-9212260-9211209.

CONFIDENTIAL

No. **8532** /Estab: _____ Dated _____ Peshawar the **8/10/2015**

To: _____
The Secretary,
Board of Intermediate & Secondary Education,
Peshawar.

Subject: **VERIFICATION OF MATRIC/INTERMEDIATE CERTIFICATES/DMCs.**

Enclosed please find herewith photo-copies of Matric/Intermediate Certificates/DMCs in respect of the following Excise and Taxation Constables appointed during 2008-12 in the Excise and Taxation Department Khyber Pakhtunkhwa, for verification at your earliest.

Sl	Name	Rel. category	Qualification	Date of Birth
1	Mr. Hayat Khan	Mohammad Shafiq		11/04/1982
2	Mr. Faran Nisar	Mr. Farhan Khan		01/02/1977
3	Mr. Niaz Ali	Haji N. Wan Ali		03/03/1980
4	Mr. Umar Niaz Khan	Mr. Umar Niaz		08/02/1987
5	Mohammad Tahir Khan	Mohammad Alam Khan		20/07/1971
6	Mr. Raees Ali	Mr. Raees Ali		14/03/1975
7	Mr. Raees Ali	Mr. Raees Ali		01/11/1975
8	Mr. Saifullah	Mr. Saifullah		20/03/1977
9	Mr. Saifullah	Mr. Saifullah		18/03/1977
10	Mr. Saifullah	Mr. Saifullah		01/02/1977
11	Mr. Abdan Ghani	Mr. Ghani Ghani Jan		10/03/1978
12	Mr. Mushtaq Khan	Mr. Hassan Khan		03/02/1977
13	Mr. Keram Ullah	Mr. Abdan Ghani		12/07/1983
14	Mohammad Zaheer Khan	Mr. Hakim Khan	Matric DMC	07/04/1989
15	Mr. Saeed Ullah	Mr. Saifullah		18/02/1985
16	Mr. Faheem Ahmad	Mr. Zaheer Ahmad	Matric DMC	05/12/1977
17	Mr. Saifullah Khan	Mr. Saifullah Khan		06/02/1979
18	Mr. Saifullah	Mr. Saifullah	W.A Provisional Certificate	05/12/1977
19	Mr. Saifullah Khan	Mr. Saifullah Khan	Matric DMC	14/02/1987
20	Mohammad Zaheer	Mr. Saifullah Ahmad	Matric DMC	

Note: A Bill of the verification fee may also be provided which will be paid through a Cheque or as may be preferred.

[Signature]
**DIRECTOR GENERAL,
EXCISE & TAXATION,
KHYBER PAKHTUNKHWA,
PESHAWAR**

No. **8533-36** /Estab: _____

- Copy forwarded for information to:-
1. PSO to Chief Secretary, Khyber Pakhtunkhwa.
 2. PS to Director General, Ehtesab Commission, Peshawar.
 3. PS to Minister for Excise & Taxation, Khyber Pakhtunkhwa, Peshawar.
 4. PS to Secretary to Government of Khyber Pakhtunkhwa, Excise and Taxation Department, Peshawar. File No. 307/2015 dated 20.11.2014.

[Signature]
DIRECTOR GENERAL,

(19)



BOARD OF INTERMEDIATE & SECONDARY EDUCATION-PESHAWAR

No. 2074 /SSC/Cert/BISE, Peshawar

Dated: 16/3/2015

To,

Director General Excise and TAXATION
Khyber Pakhtunkhwa Peshawar

Subject: -

VERIFICATION OF MATRICULATION (SSC) CERTIFICATE

Memo:

Reference your No. 8539 -

Dated 8-1-2015 -

Enclosed please find herewith (1) Photostat copy 1

Copies of Original Certificates of SSC Examination in respect of the candidates mentioned in your letter with the remarks noted against each:

Roll No. & Session	Name & Parentage	Remarks
--------------------	------------------	---------

<u>(1) - 79990 - 0/2001 -</u>	<u>Zubair Khan - s/o Tila Nazees -</u>	<u>(Bogus)</u>
-------------------------------	--	----------------

CHECKED & FOUND
TRUE & BOGUS

CHECKED & FOUND
TRUE & BOGUS

CHECKED & FOUND
TRUE & BOGUS

A. Samad

Assistant Secretary (Certificate)
Board of Intermediate & Secondary

S. No. PBP- 104644

Roll No. 79990

CHECKED & FOUND
FAKE & BOGUS

CHECKED & FOUND
FAKE & BOGUS

CHECKED & FOUND
FAKE & BOGUS

CHECKED & FOUND
FAKE & BOGUS

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



Peshawar N.W.F.P. Pakistan

Secondary School Certificate Examination

SESSION 2001 (ANNUAL)
(HUMANITIES GROUP)

THIS IS TO CERTIFY THAT ZUBAIR KHAN

Son / Daughter of TILA NASEER

and a student of GOVT. HIGH SCHOOL, NO. 1 NOWSHERA

has passed the *Secondary School Certificate Examination* 2001
of the Board of Intermediate and Secondary Education, Peshawar held in April 2001
as a *Regular candidate* He / She obtained 344 Marks out of 850

and has been placed in Grade D Representing P

The Candidate passed in the following subjects:

- 1. English
- 2. Urdu
- 3. Islamiyat
- 4. Pakistan Studies
- 5. Gen. Science
- 6. Gen. Mathematics
- 7. I / Studies
- 8. Tasbeeh

Date of birth according to admission form is 14th APRIL

one thousand nine hundred and thirty five (1935)

[Signature]
Asstt. Secretary

10th Jul

CHECKED & FOUND
FAKE & BOGUS

[Signature]
Secretary

This certificate is issued without alteration or erasure.

No. 10761

Dated: 30-03-2015

SHOW CAUSE NOTICE

20

1. Javed Marwat, Director General, Excise & Taxation, as Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. Zubair Khan, Excise & Taxation Constable (BPS-05) office of Excise & Taxation Officer, Nowshera as follows:

2. That the Assistant Secretary (Certificate) Board of Intermediate & Secondary Education, Peshawar, vide his letter No. 2074/SSC/Cert/BISE, Peshawar, dated. 16.03.2015, has declared the matriculation certificate produced by you at the time of your appointment as Constable in the Excise and Taxation Department, Khyber Pakhtunkhwa, to be fake and bogus.

I am satisfied that you have committed the following acts/omission specified in Rule 3 of the said rules:

(a) Guilty of misconduct;

3. As a result thereof, I, as the Competent Authority, have tentatively decided to initiate departmental proceedings for imposition of Major penalty upon you including dismissal from service, registration of an F.I.R. as well as recovery of all the benefits received by you since your appointment.

4. You are, therefore, required to show cause as to why the aforesaid penalties should not be imposed upon you and also intimate whether you desire to be heard in person.

5. If no reply to this notice is received within seven (07) days or not more than fifteen (15) days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

[Signature]
DIRECTOR GENERAL,
EXCISE & TAXATION,
KHYBER PAKHTUNKHWA
PESHAWAR

Dated Peshawar the 30/03/2015

10762
Endst: No. _____/Estb/P.File

A copy of the above is forwarded for information to the Excise and Taxation Officer, Nowshera.

[Signature]
DIRECTOR GENERAL,
EXCISE & TAXATION,
KHYBER PAKHTUNKHWA

No. 1266

For Insurance Notices see reverse.
Stamps affixed except in case of
uninsured letters of not more than
the initial weight prescribed in the
Post Office Guide or on which no
acknowledgement is due.

Rs. Ps.

28

Received a registered
addressed to

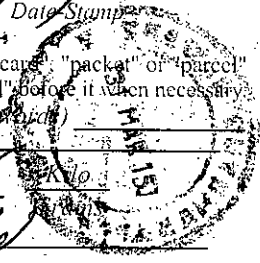
Date Stamp

Initials of Receiving Officer *Write here "letter", "postcard", "packet" or "parcel"
with the word "insured" before it when necessary.

Insured for Rs. (in figures) Weight

Insurance fee Rs. Ps. (in words)

Name and
address
of sender





DIRECTORATE GENERAL, EXCISE & TAXATION,

KHYBER PAKHTUNKHWA.

Auqaf Complex, Shami Road, Peshawar Cantt.

Phone Nos. 091-9212260-9211209.

22

Peshawar dated the 16/04/2015.

ORDER.

No. 11106- /Estb/XXXV-D-82 P.File. Whereas, in compliance with the instructions received from the Administrative Department, the matriculation certificate purported to have been issued by the Board of Intermediate & Secondary Education, Peshawar under S. No. PBP-104644 (Roll79990) produced at the time of appointment as Excise and Taxation Constable by Mr. Zubair Khan s/o Tila Nazeer, Office of the Excise and Taxation Officer, Nowshera, was sent for verification to the Board of Intermediate & Secondary Education Peshawar has been declared to be fake and bogus by the Assistant Secretary (Certificate) Board of Intermediate and Secondary Education, Peshawar vide his letter No. 2074/SSC/Cert/BISE, dated. 16.03.2015.

And whereas under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, a show cause notice bearing Endst: No. 10762/Estb/P.File, dated. 30.03.2015 was sent on registered post requiring the said Mr. Zubair Khan to show cause within a period of seven(07) days or not more than fifteen(15) as to why the major penalty of dismissal from service may not be imposed upon him beside registration of an F.I.R. as well as recovery of all the service benefits fetched by him since the date of his appointment.

And whereas, despite the lapse of the deadline that expired on 14.04.2015, he failed to put forth any defense against the said show cause notice, thereby rendering it necessary to order his dismissal from service under Rule 4(1)(b)(iv) of the ibid Rules, being void *ab-initio*.

Accordingly, he is dismissed from service with immediate effect and the salaries as well as all the service benefits, if any fetched by the official with effect from 30.03.2009 are declared illegal and recoverable.

[Signature]
DIRECTOR GENERAL
EXCISE & TAXATION,
KHYBERPAKHTUNKHWA,
PESHAWAR.

No. 11107-15 /Estb/XXXV-D-82.

Copy forwarded for information to:-

- 1- PS to Secretary to Government of Khyber Pakhtunkhwa, Excise and Taxation Department, Civil Secretariat Peshawar.
- 2- Accountant General, Fort Road, Khyber Pakhtunkhwa, Peshawar.
- 3- District Accounts Officer, Nowshera.
- 4- Deputy Director Excise and Taxation Peshawar Region with the direction to lodge an F.I.R. against Mr. Zubair Khan s/o Tila Nazeer r/o Mohallah Azeem Abad, Khweshgi Payan, Tehsil and District Nowshera under the relevant provisions of Pakistan Penal Code in the concerned Police Station and initiate process for the recovery of all service benefits derived by him during the Government service under intimation to this Directorate.
- 5- Excise and Taxation Officer, Nowshera.
- 6- Assistant Director Accounts, Excise & Taxation Khyber Pakhtunkhwa Peshawar.
- 7- System Analyst, Excise and Taxation, Khyber Pakhtunkhwa, Peshawar.
- 8- Mr. Zubair Khan s/o Tila Nazeer r/o Mohallah Azeem Abad, Khweshgi Payan, Tehsil and District Nowshera.
- 9- Personal file.

[Signature]
DIRECTOR GENERAL,
EXCISE & TAXATION,
KHYBER PAKHTUNKHWA,
PESHAWAR.



GOVERNMENT OF KHYBER PAKHTUNKHWA
EXCISE, TAXATION AND NARCOTICS CONTROL
DEPARTMENT

No. SO (Lit:)/E&T/4-343/2015/ M. Zubair/29/4-
Dated Peshawar the, 20.11.2018

To

Mr. Muhammad Zubair (Constable),
s/o Tila Nazeer r/o Khesqj Payan,
Peshawar

Subject: - **APPLICATION FOR EARLY DISPOSAL OF APPEAL**

I am directed to refer to the subject noted above and to inform you that your departmental appeal dated 14.05.2015 was processed and filed by the competent authority being devoid of merit.

Yours faithfully,

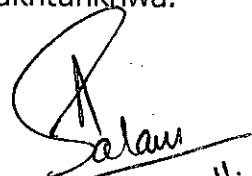
(ABDUS SALAM)
Section Officer (Litigation)
091-9223599


Endst. No. & Date Even.

Copy is forwarded to the:-

1. PS to Secretary, Excise, Taxation and Narcotics Control Department, Khyber Pakhtunkhwa, Peshawar.
2. PS to Director General Excise & Taxation Khyber Pakhtunkhwa.

1134
22-11-18


20.11.18
Section Officer (Litigation)

DIRECTOR (ADMN)		DIRECTOR (REV)
DY DIR (ADMN)		DY DIR (PESH)
DY DIR (LIT)		DY DIR (REGST)
SYSTEM ANALYST		AD (ACCTS)
DIRECTOR GENERAL EXCISE TAXATION		

-1 -

IN THE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL,
PESHAWAR

Appeal No. 37 /19

Ex-Constable Zubair Khan VS The Director General, Excise & Taxation etc

REPLICATION TO PARAWISE COMMENTS.

Respectfully Sheweth:

Preliminary Objections:

- 1-4. 1 to 4 is formal, have no nexus with the Service Appeal. The statutory right of appeal, under the law, is available to the appellant. There is no estoppel in the way of appellant and no reasons have been advanced that why the appeal is not maintainable? All the preliminary objections (01 to 06) may be relevant to extra ordinary jurisdiction of Courts, but not to the proceedings of appeals.
5. Incorrect. Under the various judgments of superior Courts the appeal is within time.
6. Easy to impute malafide but difficult to prove. This objection may be otherwise, and the malafide of the respondents is not only evident from the department^{al} proceedings, but also from the comments as well.

FACTS:

1. The contents of parawise comments are denied. The appellant submitted the Matric Certificate of Sindh Board of Technical Education (**Annex-R/I**) and has nothing to do with the certificate attached with comments. So far, the Show Cause Notice is concerned, the appellant was duly deputed to Training at Peshawar by the respondents and they were well aware of that the appellant was not available, at home. Even then, as per version of the

respondents in parawise comments, they sent the Show cause Notice on home address which is not understandable.

- 2-3. Admitted correct by the respondents.
- 4. Incorrect and misleading reply. Para of the appeal is correct. Further, the respondents admitted that the Departmental Appeal of the appelland was deliberately not considered, meaning thereby that the respondents were avoiding to fulfill their legal duty cast upon them by law. This also shows the delinquency of respondents on one hand and their malafide on the other.

GROUND:

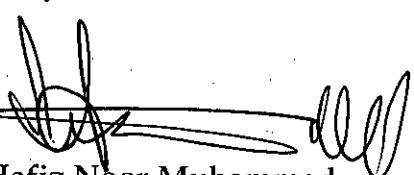
- A. The reply of this para is incorrect, the contents of appeal para are correct.
- B. Before the imposition of major penalty, formal inquiry is necessary in light of law on the subject.
- C-D. Replies are incorrect. Paras of appeal are correct.
- E. Incorrect. There is no para 8 in the instant Service Appeal.
- F. Admitted by the respondents.
- G-P. Replies of these paras are incorrect while those of the appeal are correct.

PRAYER:

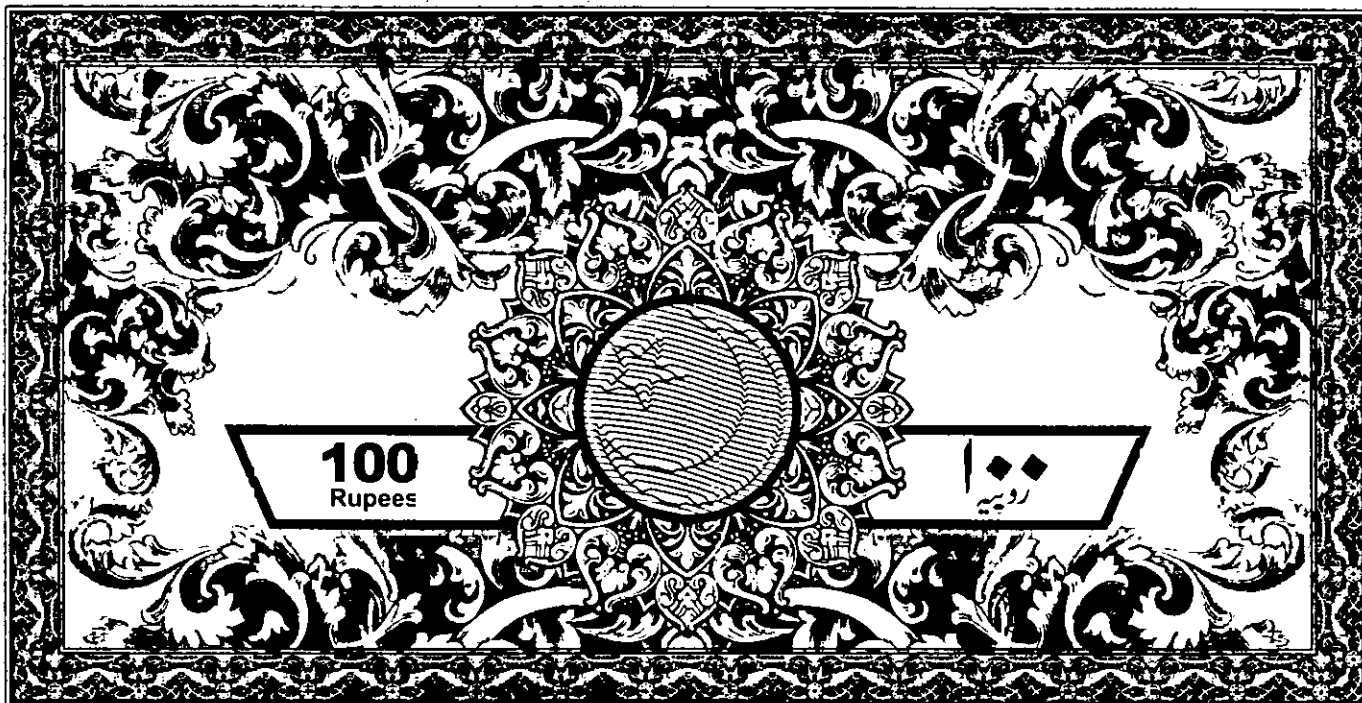
It is, therefore, prayed that the instant appeal may kindly be allowed, the appelland re-instated in service with all back and consequential benefits and the respondents by burdened with heavy cost for illegal dismissal of the appelland, depriving him of his life, dignity and reputation.

Through


~~APPELLANT~~



Hafiz Noor Muhammad
Advocate High Court,
Cell: 0331-5533123
CC No.50798



BEFORE THE KPK SERVICE TRIBUNAL
PESHAWAR

Appeal No. 37/2019

Zubair Khan.....(Petitioner)

VERSUS

D.G Excise.....(Respondent)



Replication

AFFIDAVIT

I, *Zubair Khan S/o Tila Nazir, Resident of Khashgi Payar Tehsil & Distt Nowshera*, do hereby affirm and declare on oath that the contents of the attached Application are true and correct to the best of my knowledge and belief and nothing has been concealed thereform.

DEPONENT


(ZUBAIR KHAN)
CNIC No: 17201-5771052-7

ATTESTED



STAMP OFFICE
10 JUL 2019
DISTRICT ACCOUNTS OFFICE
NOWSHERA

Zulfiqar Ali
Stamp Vendor L.No 7
Distt. Court Nowshera



دستور العمل کے تحت 10 جولائی 2019ء کو جاری کیا گیا ہے

SINDH BOARD OF TECHNICAL EDUCATION

KARACHI

012

BOOK NO. 16

ROLL NO. 1236

SERIAL NO. 1540

REG. NO. Tsc - 3098/1998
1999



PROVISIONAL CERTIFICATE

THIS IS TO CERTIFY THAT

Mr./Mrs./Miss Zubair Khan

son/daughter of M. La Nazir

passed the Technical School Certificate (TSC)

Annual/Supplementary Examination 2002 conducted by this Board

in the month of December 2002 from the Govt

Technical High School No. 2 Karachi

as a Regular Candidate

He/She secured 941 marks out of 1500

obtaining B Division/Grade.

Prepared by [Signature]
Checked by [Signature]

[Signature]
SCT
G.H.S.S. Kheshti Taluk
No. 1 Shera

[Signature]
Controller of Examinations



SINDH BOARD OF TECHNICAL EDUCATION

DETAIL MARKS CERTIFICATE

Technical School Certificate (Matric Technical) Part I N^o 00547
Annual/Supplementary Examination, 19-2007

Roll No. 7666

Name Zubair Khan

S/o Tilla Nazir

Institute Govt Technical High School No: 2 Trade Gen Electrician

COURSE	COMPONENT I			COMPONENT II				COMPONENT III		Grand Total	REMARKS
	English	Urdu/Sindhi/ Geography of Pakistan	Islamiat/ Civics	Chemistry		Mathematics	Technical Drawing	Trade Theory	Trade Practical		
				Theory	Practical						
Max. Marks	50	50	50	75	25	100	100	100	200	750	
Min. Pass Marks	17	17	17	25	08	33	50	33	100		
Marks Obtained	34	34	32	48	18	64	61	72	110	473	Pass

Prepared by _____

Checked by _____

Super Checked by _____

Date of issue 16.08.2007

NOTE : ERRORS & OMISSIONS EXCEPTED.

S.C.T.
G.H.S.S Khesgi Pajar
Nowshera

CONTROLLER OF EXAMINATIONS

1952
U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C.



SINDH BOARD OF TECHNICAL EDUCATION

DETAIL MARKS CERTIFICATE

Technical School Certificate (Matric Technical) Part II
Annual/Supplementary Examination, 19 2002

No. 009702

Roll No. 1236

Name Zubair Khan

S/o Tila Nazir

Institute Govt Technical High School NO:2 Trade Gen Electrician.

COURSE	COMPONENT I			COMPONENT II			COMPONENT III		Total of Part II	Marks Obtained in TSC Part I	Grand Total	GRADE	
	English II	Sales Urdu Sales Sindh Geography of Pakistan	Pakistan Studies	Physics		Mathematics II	Technical Drawing	Trade Theory					Trade Practical
				Theory	Practical								
Max. Marks	50	50	50	75	25	100	100	100	200	750	750	1500	
Min. Pass Marks	17	17	17	25	08	33	50	33	100				
Marks Obtained	31	35	31	52	16	63	58	64	118	468	473	941	

Remarks Pass

Date of issue 11-03-2003

(i) A Grade with distinction ...	80% or above
(ii) A Grade ...	70-79.9%
(iii) B Grade ...	60-69.9%
(iv) C Grade ...	50-59.9%
(v) D Grade ...	40-49.9%
(vi) E Grade ...	33-39.9%

Prepared by [Signature]

Checked by [Signature]

Super Checked by [Signature]

CONTROLLER OF EXAMINATIONS

NOTE: ERRORS & OMISSIONS EXCEPTED:

S.C.T.
G.H.S.S Khesgi Payar
Nowshera

-7-

RII

BOARD OF INTERMEDIATE & SECONDARY EDUCATION
KARACHI.

NO:ISE/ISE/IOC/Ed/5072/73-351/73,

dated:- 2-1-1973.

The Secretary,
Sindh Board of Technical Education,
167-A, Block-III, Sir Syed Road,
P.E.C.S. Karachi-29.

SUBJECT: EQUIVALENCE OF "TECHNICAL SCHOOL CERTIFICATE" EXAMINATION.

Dear Sir,

It is to inform you that the Board in its meeting held on 3rd January, 1973 has resolved that the Diploma of Sindh Board of Technical Education Karachi, i.e. "Technical School Certificate" Examination be treated as equivalent to the Secondary School Certificate Examination (Industrial Arts Group) of the Board of Intermediate & Secondary Education, Karachi.

Yours faithfully,

sd/-

(S. MASOOD AHMED)
ASSTT. INSPECTOR OF SCHOOLS
& COLLEGES
for Secretary.

Encl: No. SBTE/TSC/73-

Dated:-

Copy forwarded for information to:

1. All the Principals of Vocational Institutes, Sindh.
2. Director of Technical Education, Sindh, Karachi.
3. Section Officer (EST) Education Deptt. Govt. of Sindh, Karachi.
4. Deputy Director, Public Relation, Sindh, Karachi
with a request to give this Notivication wide publicity in Press as news items.

(A. G. ANSARI)
SECRETARY
SINDH BOARD OF TECHNICAL EDUCATION,
KARACHI.

cru



BOARD OF INTERMEDIATE & SECONDARY EDUCATION PESHAWAR

17

No. 2074 /SSC/Cert/BISE, Peshawar

Dated: 16/3/2015

To,

Director General Excise and TAXATION
Khyber Pakhtunkhwa Peshawar

Subject: - **VERIFICATION OF MATRICULATION (SSC) CERTIFICATE**

Memo:

Reference your No. 8537 - Dated 10-1-2015 -

Enclosed please find herewith ① Photostat copy /

Copies of Original Certificates of SSC Examination in respect of the candidates mentioned in your letter with the remarks noted against each:

Roll No. & Session	Name & Parentage	Remarks
--------------------	------------------	---------

① - 79990 - 0/2001 -	Zubair Khan - s/o Tila Nazeez -	(BOGUS)
----------------------	---------------------------------	---------

STAMP

CHECKED & FOUND
FAKE & BOGUS

CHECKED & FOUND
FAKE & BOGUS

(Large handwritten scribbles covering the table area)

A. Samad
Assistant Secretary (Certificate)
Board of Intermediate & Secondary
Education Peshawar

11/3/2015

S. No. PBP- 104644



Roll No 30990

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



Peshawar N.W.F.P Pakistan
Secondary School Certificate Examination
SESSION 2001 (ANNUAL)
(HUMANITIES GROUP)

THIS IS TO CERTIFY THAT

Son / Daughter of

and a student of

has passed the *Secondary School Certificate Examination*

of the Board of Intermediate and Secondary Education, Peshawar held in April

as a *Regular candidate* He / She obtained _____ Marks out of 600

and has been placed in *Grade*

Representing _____

The Candidate passed in the following subjects:

- | | | | |
|------------|---------------------|---------------------|------------|
| 1. English | 3. Islamiyat | 5. Gen: Science | 7. Urdu |
| 2. Urdu | 4. Pakistan Studies | 6. Gen: Mathematics | 8. English |

Date of birth according to admission form is _____

one thousand nine hundred and _____

Jamil
Asstt: Secretary

10th Jul

This certificate

is valid without alteration or erasure.

Secretary
Secretary