

S.No	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
	25.08.2016	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>PESHAWAR.</u></p> <p style="text-align: center;">APPEAL NO. 835 of 2015</p> <p style="text-align: center;">(Mohammad Ayub Khan-vs- Agency Education Officer, Khyber Agency at Jamrud and others).</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>PIR BAKHSH SHAH , MEMBER:</u></p> <p>Counsel for the appellant (Mr. Saadullah Khan Marwat and Mr. Arbab Saif-ul-Kamal, Advocates) and Mr. Daud Jan, Supdt alongwith Mr. Usman Ghani, Sr.GP for respondents present.</p> <p>2. The appellant Mohammad Ayub Khanb, a (Primary School Teacher), alleged was dismissed from service for his misconduct on the basis of forged documents vide impugned order dated 30.12.2014 and as his departmental representation/appeal dated 26.03.2015 was not responded, hence this appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.</p> <p>3. Arguments heard and record perused.</p> <p>4. Learned counsel for the appellant stated that appointed as PTC Teacher vide order dated 19.09.1998, Educational testimonial of the appellant had been then duly checked and allegation that his documents were faked is incorrect. He also argued that the issue of the fake documents</p>

cropped up as a result of some anonymous letter which issue was also probed into by the Anticorruption Establishment and it was found in the said enquiry that the allegation is baseless. He submitted that without any notice by the respondent-department the appellant was dismissed from service which action of the respondents is in violation of the rules and law. He submitted that this appeal may be allowed and the appellant may be reinstated into service with all back benefits.

5. The appeal was resisted by learned GP who stated that to probe into the issue of the genuineness or fakeness of the appellant's documents, the respondent-department directed time and again instructed the appellant to produce his original documents but he failed to produce the same. That the department constituted an enquiry committee comprising of Mr. Lal Zada (Chairman) and Mr. Saleem Khan (Member) to probe into the matter but again the appellant did not produce his original documents before this committee also. The department thus rightly concluded that the documents of the appellant were fake and thus rightly dismissed him from service. He submitted that the appeal may be dismissed.

6. Departmental appeal/representation of the appellant has not yet been decided by the respondent-department. The controversy is that of factual nature and the issue involved is whether educational testimonials of the appellant are genuine or fake?. According to the respondent-department since the appellant failed to produce the original documents either to the office of the Agency Education Officer, Khyber Agency at Jamrud, or before the above said enquiry committee, therefore, the appellant failed to prove that his testimonials are genuine. During the course of arguments, one of the plea of learned counsel for the appellant was that the appellant did not receive any such notice to produce his original documents. In these

circumstances, the Tribunal is of the considered view that the matter may be referred to the respondent-department with the direction to decide departmental appeal/representation of the appellant within a period of two months after receipt of this judgment. The appellant is directed to assist the Departmental Authority by producing his original testimonial etc before them. The appeal is disposed of in the above terms. Parties are left to bear their own cost. File be consigned to the record room.

  
(ABDUL LATIF)  
MEMBER

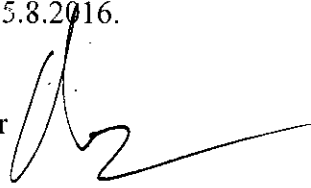
  
(PIR BAKHSH SHAH)  
MEMBER

ANNOUNCED  
25.08.2016

16.05.2016

Counsel for the appellant and Mr. Muhammad Jan, GP for respondents present. Rejoinder submitted on behalf of the appellant copy of which is placed on file. To come up for arguments on 25.8.2016.

Member



Member



29.07.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was appointed as PTC Teacher in the year 1998 and removed from service vide impugned order dated 30.12.2014 communicated to the appellant on 24.3.2015 on the allegations of fake and forged appointment documents regarding which he preferred departmental appeal on 26.3.2015 which was not responded and hence the instant service appeal on 16.7.2015.

That the departmental inquiry was conducted on the back of the appellant and, moreover, the antecedents of the appellant are neither fake nor forged.

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 27.10.2015 before S.B.

  
Chairman

27.10.2015

Appellant with counsel and Mr. Daud Jan, Supdt. alongwith Addl. A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 10.02.2016 before S.B.

  
Chairman

10.02.2016




Counsel for the appellant, M/S Daud Jan, Supdt. and Muhammad Yasin, Legal Representative alongwith Addl. A.G for respondents present. Written statement submitted. The appeal is assigned to D.B for rejoinder and final hearing for 16.5.2016.

  
Chairman

Form- A  
FORM OF ORDER SHEET

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

Case No. 835/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	24.07.2015	<p>The appeal of Mr. Muhammad Ayub Khan presented today by Mr. Saadullah Khan Marwat Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	28-7-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>29-7-15</u></p> <p style="text-align: right;"> CHAIRMAN</p> 

The appeal of Mr. Muhammad Ayub Khan son of Mirbat Khan Ex-PTC GPS Sur Kas No.4 Shah Hussain Killi Bara Khyber Agency received to-day i.e. on 16.07.2015 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Law under which appeal is filed is not mentioned.
- 2- Annexures-B, C and E of the appeal are illegible which may be replaced by legible/better one.

No. 1092 /S.T,

Dt. 16/7 /2015

*AmeTells*  
REGISTRAR  
SERVICE TRIBUNAL  
for KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Saadullah Khan Marwat Adv. Pesh.

*Jiv*

*Re-submitted after completion*

*Mr. Marwat*

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

Service Appeal No. 835 /2015

Mohammad Ayub Khan.....**Appellant**

**VERSUS**

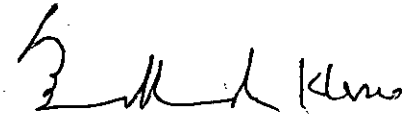
Agency Education Officer & others.....**Respondents**

**I N D E X**

S.No	Description of Documents	Annex	Pages
1.	Meme of Appeal		1-4
2.	Certificate	A	5-7
3.	Appointment Order dated 19.09.98	B	8-9
4.	Dismissal Order 30.12.2014	C	10
5.	Verification of certificates dated 18.03.2015 by ACE	D	11
6.	Application for action 18.03.2015	E	12-13
7.	Representation dated 26.03.2015	F	14-15
8.	Wakalatnama		17

  
Appellant

Through



**Saad Ullah Khan**  
Advocate High Court

Dated 15.07.2015



1

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

Service Appeal No. 835 /2015

**N.W.F. Province**  
**Service Tribunal**

Slary No. 866

Dated 16-7-2015

Mohammad Ayub Khan S/o Mirbat Khan  
Resident of Village Mandi Kas Bara, Khyber Agency,  
Ex-PTC, Govt. Primary School, Sur Kas No.4,  
Shah Hussain Killi Bara Khyber Agency.....**Appellant**

**V E R S U S**

1. Agency Education Officer,  
Khyber Agency at Jamrud
2. Director Education FATA,  
Warsak Road, Peshawar
3. Secretary Education FATA,  
(Secretary Social Sector)  
Warsak Road, Peshawar
4. Additional Chief Secretary FATA,  
Governor Secretariat, Warsak Road, Peshawar  
.....**Respondents**

~~U.S. of KPK Service Tribunal Act 1974.~~  
**APPEAL AGAINST OFFICE ORDER**  
**No.10520 DATED 30.12.2014 OF**  
**RESPONDENT NO.1 WHEREBY SERVICE**  
**OF APPELLANT WERE DISMISSED FOR NO**  
**LEGAL REASON.**

**Respectfully Sheweth:-**

Short facts giving rise to the present appeal are  
as under:

re-submitted to-day  
and filed.

Registrar

24/7/15

1. That having the requisite educational qualifications for the post of P.T.C teacher. The appellant was appointed as PTC teacher after observing the due codal formalities on the recommendation of Departmental Selection vide order dated 19.09.1998. Annexure A + B.
2. That in the order of appointment, condition of verification was given to the effect that no one shall be paid salary till the verification of the document of the appointees. Certificates of the appellant were verified and found the same genuine and thereafter salaries were used to pay till the date of dismissal of the appellant.
3. That a conspiracy was hatched against the appellant by submitting anonymous application by some one tainting certificates as bogus, so appellant was dismissed from service on 30.12.2014 Annexure-C.
4. That the Certificates of the appellant were verified by the Director Anti Corruption Establishment, Khyber Pakhtunkhwa and on 18.03.2015, a letter was issued to the Director of Education FATA whereby all the certificates were found genuine and the complaints as baseless. Annexure-D


5. That on 18.03.2015, the appellant handed over the said letter of Anti Corruption to respondent No.1, but no action was taken, rather directed him to file service appeal. (Copy attached as annexure "E").
6. That on 24.03.2015, appellant got order of dismissal from service from the office of AEO, Khyber (Respondent No.1) and thereafter on 26.03.2015, representation was submitted before respondent No.2 for reinstatement in service which met dead response till date. Hence appeal on the following grounds. (Copy attached as annexure "F").

**GROUND:-**


- a. That appellant served the department for more than 17 years with devotion and with clean record.
- b. That in the impugned order, notice to appellant for appearance and enquiry was shown, but due to the law and order situation of the area, such notice was neither served upon nor the same was be received by him.
- c. That during the aforesaid period, appellant was made I.D.P and even not available at his home station.

- d. That no proper enquiry as mandated by law was conducted, nor the appellant was associated with the same.
- e. That when documents of appellant were found genuine by the Establishment of Ant Corruption, then there was no justification to dismiss him from service.
- f. That in the stated circumstances, order of dismissal from the service of appellant was not justified, but was based on malafide

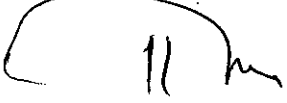
It is, therefore, most humbly prayed that on acceptance of this appeal, the impugned order dated 30.12.2014 of respondent No.1 be set aside and appellant be reinstated in service with all back benefits and with such other relief as may be deemed proper & just in circumstances of the case.



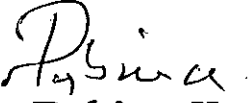
Appellant

Through 

**Saad Ullah Khan Marwat**



**Arbab Saiful Kanal**

& 

**Miss Robina Naz**  
Advocates High Court

Dated 15.07.2015

A

5

sNo 633862

Roll No. 2709



**BOARD OF INTERMEDIATE AND SECONDARY EDUCATION**

Peshawar N.W.F.P. Pakistan  
 Secondary School Certificate Examination  
 SESSION SUPPLEMENTARY 1988

THIS IS TO CERTIFY THAT M. Anwar Khan  
 Son/Daughter of Mir Bat Khan  
 and a resident of Swabi District

has passed the *Secondary School Certificate Examination*  
 of the Board of Intermediate & Secondary Education, Peshawar held in October 1988 as  
 a *Private Candidate*. He/She obtained 396 Marks out of 850  
 and has been placed in Grade D Representing Fair

The Candidate passed in the following subjects:

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

Date of birth according to admission form is Twenty Eighth April  
 one thousand nine hundred and Seventy Four (28-4-1974)

*[Signature]*  
 Asstt. Secretary  
 20th January 1989

*[Signature]*  
 Secretary

*This certificate is invalid without attestation of stamp*

*[Large handwritten signature]*

S. No. 317915




Roll No. 175721

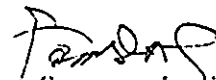
**BOARD OF INTERMEDIATE AND SECONDARY EDUCATION**

Peshawar N.W.F.P. Pakistan  
**INTERMEDIATE EXAMINATION**  
 Humanities Group  
**SESSION 1996 (ANNUAL)**

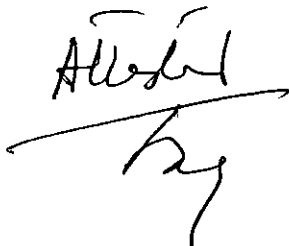


THIS IS TO CERTIFY THAT M. Ayub Khan  
 Son/Daughter of Mir Bat Khan  
 and a resident of Khyber Agency  
 Registered No. SC20-B/P-96 has passed the *Intermediate Examination* of the  
 Board of Intermediate and Secondary Education, Peshawar held in May/June 1996  
 as a *Private candidate*. He/She obtained 452 Marks out of 1100  
 and has been placed in Grade D Representing Fair  
 the Examination was taken as a whole/in parts.

  
 Asstt. Secretary

  
 Secretary

This certificate is invalid without attestation of the signatory



DIRECTORATE OF CURRICULUM & TEACHERS EDUCATION, KHYBER PAKHTUNKHWA, PESHAWAR

PRIMARY TEACHING CERTIFICATE (PTC)

(ORIGINAL CERTIFICATE)

Serial No. 9579 Session 1995  
Roll No. 6554 C14 No 1558/03 Marks Obtained 830 1210  
Division 12nd

Certified that Mr./Mrs. Miss M. Ayub Khan  
Son/Daughter of Mir Sat Khan is a student of  
Private Khyber Agency

having passed the prescribed P.T.C. Examination held in 1995

at Peshawar under the supervision of the Director, Examination Department.

Prepared by [Signature]

Checked by [Signature]

Date of Issue 1/1/2015

Director (Examination),  
Khyber Pakhtunkhwa, Peshawar

*Handwritten signature:*  
Ayub Khan

1558/03

OFFICE OF THE AGENCY EDUCATION OFFICER KHYBER AGENCY AT JAMRUD?

APPOINTMENT.

Consequent upon the Selection of the Departmental selectio Committee, the following trained local Male candidates are temporarily appointed against the P.T.C. in BPS-07 (Rs; 1480-31-2695) plase usual allowances as admissible under the rules with effect from the date of their taking over charge in the school noted against each in the interest of public services.

S.No.	Name of Candidates/ Father's Name	School where appointed	Remarks
01.	Dilber Khan S/O Umer Shah.	TEHSIL LANDI KOTAL GFS, Char, Bagh LKL.	Against vacant post.
02.	Shal Akber S/O Ali Akber.	Loi-Shilman No.2	-do-
03.	Malal Khan S/O Lachi Gul.	Haleem Killi. EKL.	-do-
04.	S.Sadullah S/O S.Haji Shah	Amir Khan Killi LKL	-do-
05.	Abdul Wakil S/O Abdul Wali.	Zar Jan Killi LKL.	-do-
06.	Nasar Khan S/O Rauf Ullah.	GMPS, Landy Narray LKL.	-do-
07.	Ghulam Saddique S/O Ghulam Sakhi.	GFS, Shin Pokh No.2 LKL	-do-
08.	Minhaj-ud-Din S/O Yar Baz Khan.	TEHSIL BARA Sanzal Khel Bara.	-do-
09.	Mohammad Farooq S/O Khan Haider.	Gul Miran (Sama Garhi) Bara.	Against newly created post.
10.	Noor Rahim S/O Hakeem Khan.	Amin Talab Bara.	Against vacant post.
11.	Khan Akber S/O Shahzad Gul.	Malik Handustan Killi Bara.	Against newly created post.
12.	Rais Khan S/O Joher Gul.	Sandali Killi Bara	Against vacant post.
13.	Mohammad Idress S/O Joher Gul.	Sher. Bahadar Killi Bara.	Against newly created post.
14.	S. Anab Khan. S/O S.Ahmad Shah.	Stori Khel Bara. (Almas Khel)	Ado-
15.	Minadar S/O Gul Awan.	Malik Handustan Killi Bara.	-do-
16.	Abdul Karim S/O Khdil Madar.	Gandow Bara.	Against vacant post.
17.	Rafat Ullah S/O Wadan Gul.	GMPS, Toor Khel Bara.	-do-
18.	Mohammad Farooq S/O Yar Akber.	GFS, Gagga Chara Bara.	-do-
19.	Khurshid Khan S/O Zain Gul.	Sarkai Kamar Bara.	-do-
20.	Mohammad Irfan S/O Zardad Khan.	Gandawo Bara.	-do-
21.	Lal Faqir S/O Mohammad Ridiq.	Khuna Ziarat Bara.	-do-
22.	Shakir Ullah S/O Hatim Khan.	GMPS, Mohammad Akber Killi Bara.	-do-
23.	Mohammad Ayub Khan S/O Mir Bat Khan.	GFS, Sur Kass No.04	-do-
24.	Varis Khan S/O Habib-ur-Rehman.	Madghali Attari Bara.	-do-

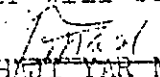
Attested



25.	Munawar Khan S/O Niaz Din.	GPS, Sarkai Kamar Bara.	Against vacant post.
26.	Bhdshah Khan S/O Hhzrat Khan.	Sher Bahadar Killi Bara.	Against newly created post.
27.	Khewa Jan. S/O Gul Jan.	Barbar Khel Bara.	Against vacant post.
28.	Shah Jehan S/O Khair Badshah.	Tamash Killi Bara.	Against newly created post.
( TEHSIL JAMRUD )			
29.	Sammen Jan S/O Karim Shah.	GMPS, Quatrat Shah Jamrud.	Against vacant post.
30.	Lal Akber S/O Noor Shah.	Sardar Mir Jamrud.	-do-
31.	Haider Khan S/O Niaz Gul.	GPS, Sardar Mir Killi Jamrud.	Against newly created post.
32.	Farman Ullah S/O Noor Mohammad.	GMS, Tar Khel Jamrud.	Against vacant post.
33.	Mbeen-ud-Din Khan S/O Riaz Khan.	GPS, Murad Dhand Jamrud	-dc-
34.	Noor Rehman S/O Mushra Gul.	Main Jaffer Shah Jamrud.	-do-
35.	Abdul Wali S/O Abdullah Khan.	GMS, Jabba Jamrud.	-do-
36.	Sher Yazdan S/O Haji Gul Jamal.	GPS, Shin Tang Jamrud.	-do-
37.	Atiq-ur-Rehman S/O Ali Rehman.	Walo Mala Jamrud.	-do-
38.	Zarman Khan S/O H. Zarmash Khan.	Gudar No. I Jamrud.	-do-

NOTE


- 1;- Charge reports should be submitted in duplicate to all concerned.
- 2;- The appointment of the candidates are being made purely on temporary basis and are liable to termination at any time without assigning any reason. In case if any one wishes to resign his post he shall have to give one month prior notice or forfeit one month pay to the Govt; in lieu thereof.
- 3;- Their original academic certificates, date of birth, domicile certificates and National Identity card should be checked and ~~zka~~ verified from the concerned, otherwise their pay should not be drawn.
- 4;- They should produce Health and Age certificate from the Medical Supdt: Iandi Kotal Khyber Agency.
- 5;- ~~They should~~ ~~report~~ ~~with~~ ~~in~~ ~~15~~ ~~days~~ ~~the~~ ~~order~~ ~~will~~ ~~be~~ ~~treated~~ ~~as~~ ~~conceded~~.

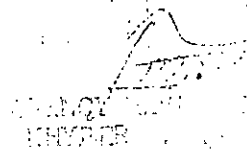
  
 ( HAJI YAR MAST KHAN )  
 AGENCY EDUCATION OFFICER  
 KHYBER AGENCY AT JAMRUD

Endst; No. 5598-5615 / STC/Male/Khy; DATED JAMRUD THE 19/9 / 20

Copy of the above is forwarded for information and necessary action to the;-

- 1;- Director of Education (FATA) NWFP, Peshawar.
- 2;- Regional Director of Education (FATA) Peshawar.
- 3;- Agency Accounts Officer Khyber Agency at Peshawar.
- 4;- Pay Clerk Khyber.
- 5;- Candidate concerned.

Attested  


  
 AGENCY EDUCATION OFFICER  
 KHYBER AGENCY AT JAMRUD

C                      10

**NOTIFICATION**

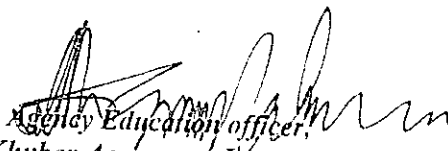
1. **WHEREAS** an agency had reported to Agency Education Officer Khyber that all the academic and professional certificates of Mr Mohammad Ayoub PST GPS Sur kass No.4 Shah Hussain killi Bara are fake and that he had been hired in the system directly.
2. **AND WHEREAS** Mr Mohammad Ayoub PST GPS Sur kass No.4 Shah Hussain killi Bara was called vide No.8373-78 dated 28/10/2014 to appear before the Agency Education Officer along with original service documents but he failed.
3. **AND WHEREAS** an enquiry was conducted, vide Endst No.9720-21 dated 18/11/2014 through a committee consisting of Mr Lalzada Princial GHSS Jamrud and Mr Salim Khan Wazir HM GHS Jamrud who submitted a report, the recommendations of which categorically reported that Mr Mohammad Ayoub PST GPS Sur kass No.4 Shah Hussain killi Bara is reluctant to submit the record on one hand, and has failed to appear before the Agency Education Officer for personal hearing, on the other hand.
4. **AND WHEREAS** Mr Mohammad Ayoub PST GPS Sur kass No.4 Shah Hussain killi Bara was charge sheeted vide this office No. 9951 dt:-01/12/2014 for this very charge of forgery but in spite of that Mr Mohammad Ayoub PST GPS Sur kass No.4 Shah Hussain killi Bara failed to appear for personal hearing.
5. **AND WHEREAS** final notice was again issued to Mr Mohammad Ayoub PST GPS Sur kass No.4 Shah Hussain killi Bara vide Endstt No.10172dated 12/12/2014 but again failed to appear, along with his original academic and professional certificates, before the Agency Education officer Khyber.
6. **AND WHEREAS** Mr Mohammad Ayoub PST GPS Sur kass No.4 Shah Hussain killi Bara Khyber Agency was proceeded against under Khyber Pakhtunkhwa Govt: Servant (Efficiency & Discipline) Rules 2011, for the charge of "misconduct/forgery" as mentioned in the enquiry report submitted to this office
7. **AND WHEARAS** the competent authority, the Agency Education officer Khyber, after having considered the charges, evidence on record, enquiry report, and facts of the case, is of the view that the charge of "misconduct/forgery" against the accused official has been proved and that the recruitment of Mr Mohammad Ayoub PST GPS Sur kass No.4 Shah Hussain killi Bara is totally fake and bogus.
8. **NOW THEREFORE**, In exercise of the Powers conferred under Rules-4 (b) iv of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, the competent Authority, the Agency Education Officer khyber, is pleased to impose major penalty of "dismissal from service" upon Mr Mohammad Ayoub PST GPS Sur kass No.4 Shah Hussain killi Bara with immediate effect for his misconduct and reported forgery.

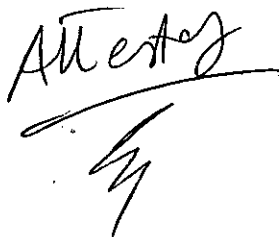
(Atiq-ur-Rahman)  
Agency Education officer,  
Khyber Agency at Jamrud.

Endst: No.10520-26 Dated Jamrud the 30/12/2014

Copy forwarded to the:-

1. Additional Chief Secretary FATA Secretariat Peshawar.
2. Secretary to Governor Khyber Pakhtunkhwa.
3. Secretary social Sector Department FATA Secretariat Peshawar
4. Director Education FATA
5. Political Agent Khyber at Jamrud
6. Agency Account officer Khyber Agency at Jamrud.
7. Official Concerned.

  
Agency Education officer,  
Khyber Agency at Jamrud.



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11

18-3-15



DIRECTORATE OF ANTI-CORRUPTION ESTABLISHMENT, KHYBER PAKHTUNKHWA, PESHAWAR.

No. 2702 /ACE, Dated 18/03/2015.

نسخہ  
3

To:

The Director,  
Education (FATA),  
Khyber Pakhtunkhwa,  
Warsak Road Peshawar.

Subject:- COMPLAINT AGAINST MR. AYUB KHAN S/O MIRBAT KHAN, PTC, BARAH, KHYBER PAKHTUNKHWA.

The case was enquired at the level of this Department and was found baseless the enquiry has been filed. Further disposal may be done at your level.

Director,  
Anti-Corruption Establishment,  
Khyber Pakhtunkhwa,  
Peshawar.

No. /ACE. Dated 13/2015.

Copy forwarded to Mr. Ayub Khan s/o Mirbat Khan PTC Barah, Khyber Agency for information.

Director,  
Anti-Corruption Establishment,  
Khyber Pakhtunkhwa,  
Peshawar.

Attested

نمبر 4  
تعداد 4

کاغذ پر صواب A.E. سب خیر الخیر محمد دلال امجد

درخواست برقرار (Reinstatement) اور وائزری تنخواہ  
بجالی وائزری

صداقتاً۔ بدتر سے بدتر ہونے پر جو کلام دائری انکوائری  
مقررہ کے تحت ہی جس کے نتیجے میں سب سے بدتر ہو گیا تنخواہ  
کڑی آئی۔ انکوائری ڈائری میں انہیں اسٹیٹس دی گئی  
کے دفتر میں مکمل ہو گیا ہے۔ مندرجہ بالا تمام شکایات  
تایید ہو چکی ہیں۔ انکوائری کے خط لکھ کر  
2۔ براہ کرم مندرجہ تنخواہ وائزری کے بل لیا جائے تاکہ  
M.A. کے تحت وائزری کے ذریعے

Comptroller  
write to  
Director  
for further process  
in the Comptroller  
and  
M.A.

Handwritten signature



# IDP REGISTRATION FORM



REG NO **9007697** CNIC No **2120127895035** Displacement Date **2014**

Update Date **2014-12-05**

**District**  **SubDivision**

**Tehsil**  **Village/Town**

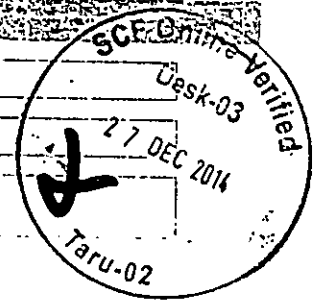
**Tribe**  **Family TreeNo**

**Province**  **District**

**Sub Division**  **Tehsil**

**Village/Town**  **Accomodation Type**

**Phone No**



SNo	Name	Relationship	Age	Gender	Vulnerability	Education	Occupation
1	m. ayub khan	Head Of House Hold	40	Male	None	Primary	Employee
2	sadiqa bibi	Spouse	30	Female	None	None	None
3	rehan	Child	6	Male	None	Primary	None
4	maria ayub	Child	15	Female	None	High(upto 10th)	None
5	fayad hassan	Child	8	Male	None	Primary	None
6	sadra muntaha	Child	9	Female	None	Primary	None
7	shahzad	Child	11	Male	None	Primary	None

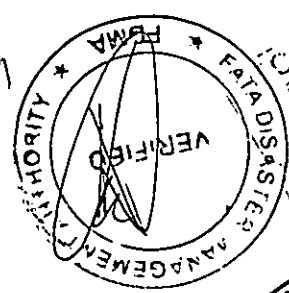
**Listing Officer**

**Implementing Partner**

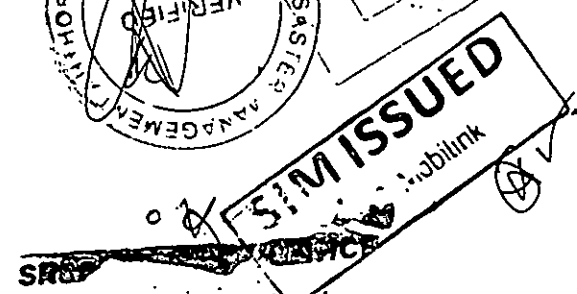
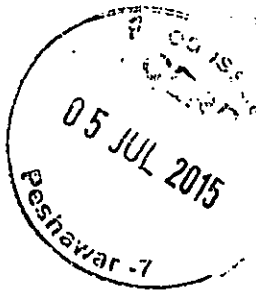
**Print Date**

**Sign And Stamp**

*Handwritten signature and date: 23/12/14*



*Handwritten date: 24 JAN 2015*



**CRI Kit Received**  
Date: *Handwritten date*

*Handwritten signature: Attested*

ADD(E)

① لفسرہ (4)

بھنور جناب ڈائریکٹر صاحب، محکمہ تعلیم (فاٹا) خیبر پختونخواہ ورسک روڈ پشاور  
 30-12-2014 مورخہ 10520 کے نمبر 10520 مورخہ 30-12-2014 (لف شدہ نمبر) جس

اپیل بنام: A.E.O خیبر ایجنسی بہ سلسلہ ان کے نمبر 10520 مورخہ 30-12-2014 (لف شدہ نمبر) جس

کی بنا پر بندہ ایم۔ ایوب خان P.T.C ولد حاجی میر بت خان کونو کری سے درخواست کیا گیا۔

اپیل کنندہ: ایم۔ ایوب خان P.T.C گورنمنٹ پرائمری سکول سورکاس نمبر 4 شاہ حسین کلباڑہ خیبر ایجنسی۔

گراونڈز:

۱۔ یہ کہ بندہ کو بغیر شواہد و تحقیقات کے یک طرفہ طور پر بغیر شنوائی و قانونی تقاضے پورے کئے نوکری سے نکال دیا۔ جو بے انصافی ہے۔

۲۔ بندہ کے جملہ تعلیمی و تربیتی سندت اور تائزات درست ہیں۔ جو بغیر وجہ خاص کے ماننے سے انکاری ہے۔

۳۔ بندہ کے خلاف سازش ہوئی ہے۔ اور نہایت بدینتی کے ساتھ بندہ کے خلاف کارروائی کی گئی ہے۔ نہ تو بندہ کے

تعلیمی و تربیتی دستاویزات موجودہ وغیرہ کے دوبارہ چیکنگ کروائی گئی اور نہ بندہ کو سہی طریقے سے اطلاع دیا گیا کی گئی ہے۔ نہ اشتہار چھپوایا گیا اور نہ ڈاک خانے کے ذریعے اطلاع دیا گیا۔

۴۔ بندہ کے خلاف ایک گناہ ڈائری پر کی گئی ہے۔ جس کی حوالہ، A.E.O کے حکم زیر اپیل (لف شدہ نمبر) میں دیا گیا

ہے۔ تاکہ بندہ کی بے گناہی کی صورت میں اسکے خلاف قانونی چارہ جوئی کی جاسکے۔

واقعات:

۱۔ یہ کہ بندہ A.E.O جمرو خیبر ایجنسی کے تحت گورنمنٹ پرائمری سکول سورکاس نمبر 4 باڑہ میں بحیثیت P.T.C ملازم ہے۔ اور تا حکم زیر اپیل بے داغ نوکری کر رہا تھا۔

۲۔ یہ کہ A.E.O کے حکم تعیناتی نمبر 5598-5615/PTC مورخہ 19/9/1998 کے مطابق بندہ کی تقرری ہوئی

دیگر 38 عدد P.T.C اساتذہ کے ساتھ عمل میں لائی گئی ہے۔ حکم تعیناتی لف شدہ نمبر ۲ ہے۔ مذکورہ حکم تعیناتی لف شدہ

نمبر ۲ کے نوٹ کے مطابق بندہ کے جملہ سندت کی تحقیقات و چھان بین ہو چکنے کے بعد بندہ کو ماتہ وار تنخواہ کی ادائیگی

ہوتی رہی ہے۔ جو تا حکم زیر اپیل لف شدہ نمبر جاری رہا ہے۔

یہ کہ باوجودیکہ A.E.O بندہ کے ریکارڈ کا آئین ہے اور وہاں پر بندہ کے سارے سندات موجود تھے۔ لیکن کاغذات / سندات کو متعلقہ اداروں سے چیک کئے بغیر بندہ کو Agency کی سازشی رپورٹ پر یک طرفہ طرز پر برخاست کیا۔ چونکہ ان دنوں بندہ IDP ہونے کی وجہ سے رہنے گاؤں سے بے دخل ہو چکا تھا۔ اس لئے بندہ کے خلاف غیر حاضری کا بہانہ لگا کر بندہ کو شنوائی کا موقع دیئے بغیر برخاست کیا۔ نہ کاغذات / سندات تعلیمی وغیرہ کے تحقیق گوارہ کی اور نہ اخبار میں بندہ کی حاضری کا اشتہار چھپوایا۔ بندہ کے I.D.P کا ثبوت لف شدہ نمبر ۵ ہے۔

یہ بندہ کے خلاف سترہ سال تک کسی قسم کی انکواری یا تادیبی کارروائی سرزد نہیں۔ سوائے حکم زیر اپیل۔ بندہ کا ریکارڈ صاف رہا ہے۔

جب میں تنخواہ کی بندش کے سلسلے میں A.E.O کو شکایت کرنا تھا تو جواب دینا کہ ٹھہر کریں۔ میری مجبوری ہے۔ میں بچھ مجاز آفیسر کسی بھی وقت تنخواہ دلوا سکتا ہوں۔ تنگ دود میں پتہ چلا کہ بندہ کے خلاف ایک گمنام شکایت پر ڈائریکٹرانٹی کرپشن نے بھی بندہ کے خلاف انکواری شروع کر رکھی ہے۔ جس پر بندہ نے ڈائریکٹرانٹی کرپشن کو اپنا بیان ریکارڈ کروایا۔ اور جملہ متعلقہ سندات و معلومات فراہم کئے۔ جن پر تحقیقات ہو کر ڈائریکٹرانٹی کرپشن نے اپنی چھٹی نمبر 2702./AC.E مورخہ 18/3/2015 میں مطلع کیا کہ من بندہ کے خلاف جملہ شکایات بے بنیاد ہیں۔ نقل لف شدہ نمبر 3 ہے۔

یہ کہ مورخہ 19/3/2015 کو A.E.O کے پاس ڈائریکٹرانٹی کرپشن کی چھٹی کی نقل پہنچائی اور درخواست دی کہ بندہ کی تنخواہ جاری کریں۔ جس پر A.E.O صاحب اپنی تاثرات ریکارڈ کر کاپی دلا کر کہا کہ اپیل کریں لف شدہ نمبر ۴ اور ساتھ ہی حکم برخاستگی لف شدہ نمبر ۱ کی کاپی دی۔ لیکن نہ تو گزشتہ تادیبی کارروائی و اشتہارات کی نقول دیئے اور نہ بندہ کو سندات تعلیمی وغیرہ Verification روپورٹ وغیرہ کی نقول دیئے۔

بندہ اپنے جملہ سندات کی کاپیاں لف شدہ نمبر 5-A (۳ عدد) A.E.O کو بتادیں۔ لیکن دیکھنا بھی گوارہ نہ کیا۔ پس اپیل گزارہ کی ضرورت پیش آئی۔ استدعا ہے کہ اپیل سماعت کیلئے جلد منظور کر کے شنوائی کا موقع فراہم کریں اور بے گناہی پر بندہ کو جلد از جلد ریلیف فراہم کیا جائے۔

بندہ ایک غریب IPTC استاد ہے۔ اور آبائی گاؤں سے بے دخل ہے۔ (IDP) ہے۔ واقع مذکورہ بندہ کے ساتھ ظلم ہوتا ہے۔ جس کی وجہ سے بندہ بڑی ذہنی کوفت ملی ہے۔ براہ کرم بندہ کی اپیل منظور کر کے بندہ کو سابقہ جملہ مراعات کے تھنوکری پر بحال کرنے کا حکم صادر فرمائیں۔ بندہ تاحیات دعا گورہے گا۔

سائل ایم۔ ایوب خان PTC گورنمنٹ پرائمری سکول سورکاس نمبر 4 باڑہ خیبر ایجنسی برقمبرخیل  
 حال پتہ: مکان نمبر 171 گلی نمبر 7 سیکٹر نمبر 4-H فیز- II حیات آباد پشاور

تاریخ: 26/03/2015

موبائل نمبر: 0345-9098399

0333-9169267

لکھ شدہ سند (1) تعلیمی - میٹرک - P.T.C. FA  
 (2) حکم تعیناتی سند P.T.C.  
 (3) سند IDP لید خانی / علامہ  
 (4) حکم AEO خیر سرائے / فاسٹم 1  
 (5) انسٹی کرپشن رپورٹ جس میں ایم ایوب کو  
 سرکاری الزام لگایا گیا ہے

محمد علی  
 27



بالات جناب سرسٹریٹ پرنٹ سوپر سروس پشاور

منجانب ایسٹرنٹ

محرر احوال بنام AEO وغیرہ

دعویٰ اصل

### باعثِ تحریر اینکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پشاور کیلئے سعید امداد خان مراد سے ایڈووکیٹ ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور عرضی دعویٰ اور درخواست بر قسم کی تصدیق اور اس پر دستخط کرانے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی سے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا و دوران مقدمہ میں جو خرچہ و ہرجانہ التواء مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب موصوف ہوں گے نیز بقایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔

لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم 15/7/15

العبد

العبد

العبد

Syed Amjad Khan Marad  
 سعید امداد خان مراد  
 ایڈووکیٹ

M. Marad

محمد زبیر رحمان

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

SERVICE APPEAL NO.835/2015

Mohammad Ayub Khan .....Appellant

Versus

Agency Education Officer & others.....Respondents

**Para wise reply on behalf of respondents.**

Respectfully Sheweth,

Preliminary Objections:

1. That the appellant has got no cause of action /locus standi to file the instant appeal.
2. That the appeal is not maintainable.
3. That the appellant has not come to this Tribunal with clean hands.
4. That the appellant has been estopped by his own conduct to file the appeal.
5. That the instant appeal is time barred.

**Objection on facts.**

1. Incorrect, the appellant was appointed on fake documents. The appellant was called in person vide letter No. 8373-78 dated 28/10/2014 to appear in person before the AEO Khyber along with original record but he failed to do so. Than an inquiry was ordered against the appellant vide letter no. 9720-21 dated 18/11/2014. The appellant was again and again called in to appear but failed to do so. The inquiry committee on the available record found him accountable and recommended the appellant to be dismissed from service.

**(Inquiry report annexed as Annexure A)**

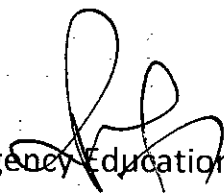
2. Incorrect, the appellant has got his appointment on fake documents and all salaries withdrawn <sup>by him</sup> are illegal.
3. Incorrect, an inquiry was conducted against the appellant, where in he is found guilty; therefore he is dismissed from service.
4. Incorrect, the verified letter was issued after his dismissal.
5. Incorrect, the appellant was rightly dismissed from service as he was appointed on fake documents.
6. ~~Pertains~~ to record, however. ( Copy of Departmental representation reveals that the alleged Departmental appeal has been made after 3 months of the issuance of the impugned order.

**GROUNDS:**


- a) Incorrect, the appellant has got appointment on fake documents and was rightly dismissed from service.
- b) Incorrect, the appellant willfully did not appear before the Inquiry committee and therefore was rightly dismissed from service.
- c) Incorrect, he has withdrawn his salary regularly but willfully absented himself from inquiry.
- d) Incorrect, the inquiry was conducted under the rules and no violation was made.
- e) Incorrect, it was the sole power of the inquiry committee to investigate the appellant documents and the inquiry committee has found his P.T.C certificate fake, therefore he was recommended for dismissal from service.
- f) Incorrect, the appellant was rightly dismissed from service due to his fake documents.

It is, therefore, humbly prayed the appeal of the appellant may be dismissed with cost.

Respondent No.1

  
Agency Education Officer  
Khyber agency at Jamrud.


Respondent No.2

  
Director of Education FATA  
Warsak Road, Peshawar.

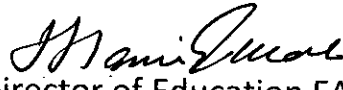
**Affidavit:**

We the respondents No.1 and 2 solemnly affirm and declare that the contents of the para wise reply are correct to the best of our knowledge and belief and nothing has concealed from this Hon`ble Service Tribunal.

Respondent No.1

  
Agency Education Officer  
Khyber agency at Jamrud.

Respondent No.2

  
Director of Education FATA  
Warsak Road, Peshawar.

"A"

29



**Agency Education Office  
Khyber Agency at Jamrud**

PHONE. 091-5820265 FAX 091-5820023

Ref: 9720-21

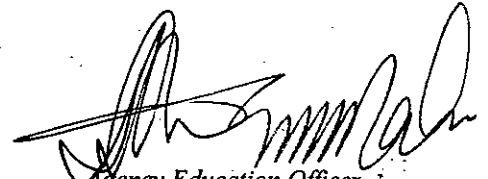
Date: 18/11/2014

**ENQUIRY**

An enquiry committee comprising of Mr Lalzada (B-19) Principal GHSS Jamrud Khyber Agency and Mr Salim Khan Head Master GHS Hashim Abad Jamrud is hereby constituted to:-

1. Verify all the academic and professional documents of Mr Ayoub GPS Surkass No.4 Shah Hussain Killi Bara who is reported to have been appointed on fake documents.
2. Recommend further course of legal action to be devised by the Agency Education officer Khyber in the light of rules and regulations in vogue

so that the case could be disposed off at an early date please

  
Agency Education Officer,  
Khyber Agency at Jamrud.

To

The Agency Education Officer,  
Khyber Agency at Jamrud.

**SUBJECT: - Enquiry in r/o Mr Mohammad Ayoub PST GPS Sur Kass No.4 Shah Hussain Killi Bara**

Memo

Reference your Endst No.9720-21 date 18/11/2014. We the enquiry committee consisting of Mr Lalzada Princiial GHSS Jamrud and Mr Salim Khan Wazir HM GHS Jamrud do hereby submit the report on the above letter as follow.

**BACK GROUND HISTORY.**

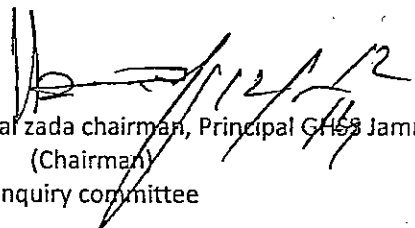
The Agency Education officer was approached by some agent/ agency that all the credentials in r/o Mr Mohammad Ayoub PST GPS Sur Kass No.4 Shah Hussain Killi Bara were bogus and his appointment is also bogus

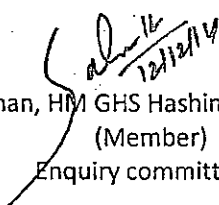
**PROCEDURE ADOPTED FOR THIS ENQUIRY.**

After getting this enquiry order, we the committee members tried to contact the said teacher to provide his service record but he did not respond. The concerned AAO was also called to provide the relevant record, but he also did not respond. The AAO has already called his explanation but he did not respond to that explanation. The AAO afterwards served him with a show cause notice but the said teacher did not heed to that and did not turn up for personal hearing on the charge sheet served upon him thereby reflecting that his antecedents are bogus.

**RECOMMENDATION AND PROPOSALS.**

1. The pay of the teachers should be stopped forthwith till the provision of the record
2. His dismissal is strongly recommended after observing all codal formalities

  
Lalzada chairman, Principal GHSS Jamrud  
(Chairman)  
Enquiry committee

  
Salim Khan, HM GHS Hashim Abad Jamrud  
(Member)  
Enquiry committee



" B "

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*Agency Education Office Ref:-9951*  
*Khyber Agency at Jamrud dt:-01/12/2014*  
PHONE. 091-5820265 FAX 091-5820023

### CHARGE SHEET.

1. I, Atiq-ur-Rahman, the Agency Education Officer Khyber, as competent authority under Khyber Pakhtunkhwa Government servants (Efficiency and Discipline) Rules, 2011, do hereby charge you, Mr Mohammad Ayoub PST GPS Sur kass No.4 Shah Hussain killi Bara P#3407114, as follow:-

a) That you, Mr Mohammad Ayoub PST GPS Sur kass No.4 Shah Hussain killi Bara had been directly hired in the system afterwards you managed to produce fake documents for your service book. You were called to come with original documents vide the explanation called of you vide No.8373-78 dated 28/10/2014 but you failed to submit your reply.

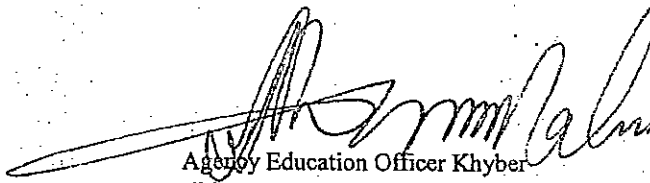
2. By reason of the above, you are guilty of acts of omissions and commission under section (b) of rules 3 of the said rules and have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules cited.

3. You are therefore required to submit your written defence within seven days of the receipt of this charge sheet to the undersigned.

4. Your written defence, if any, should reach the undersigned within 7 days not more than 15 days failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.

5. Intimate whether you desire to be heard in person.

6. Statement of allegations as stated in Para 1 at Serial No. a) above.

  
Agency Education Officer Khyber  
(The Competent Authority)

**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR**

S.A. No. 835/2015

Muhammad Ayub Khan                      Versus                      A.E.O & others

**REPLICATION**

**Respectfully Sheweth,**

**PRELIMINARY OBJECTION.**

All the 5 preliminary objections are illegal and incorrect. No reason in support of the same is ever given as to why appellant has no cause of action/locus standi, appeal is not maintainable, he has not come to this Tribunal with clean hands, is estopped by his own conduct to file the appeal and the instant appeal is time barred.

**ON FACTS**

1. Not correct. The educational qualifications of appellant are quite genuine and still hold field. For the satisfaction of the hon'ble Tribunal, the qualifications were again verified from the Board OR if this hon'ble Tribunal has any reservation about the same, it can be verified again from the Board. (Copies attached)

As far as enquiry report attached with the reply is concerned, the same is also not per the mandate of law. During this period, appellant was made IDPs and was not available at his home address.

Moreso, it was the sacred duty of the Inquiry Committee to check all the record of the Board and then to form his opinion and not to prepare the same with closed eyes.

2. Not correct. Reply has been given in preceding para, above.
3. Not correct. For rest of the reply, peruse the preceding paras.
4. Not correct. Respondents were legally bound to wait for verification by the Establishment of Anti Corruption.
5. Not correct. No dismissal order of departmental appeal was ever conveyed to appellant nor the same is attached with the reply.
6. Not correct. The para of the appeal is correct regarding submission of appeal/representation to the authority well within time.

**GRUNDS:**

- a. Not correct. The documents of the appellant are quite genuine and can be re-verified from the Board, if need be. During this period all the inhabitants of the agencies were expelled from their homes, villages and were made IDPs. The Inquiry Committee, as is evident from so called Inquiry Report, did not bother to verify the antecedents of appellant from the Board minutely but such efforts were not made for ulterior motive.
- b. Not correct. The para is replied as above.
- c. Not correct. The ground of the appeal is correct regarding drawn of salary.
- d. Not correct. Enquiry was not conducted as per the mandate of law nor any proclamation was made in the News Paper and that too in 2 leading News Papers.
- e. Not correct. Enquiry was not conducted as per the mandate of law. It is not known that how the Inquiry Committee made genuine certificates as fake when the same were found genuine by the Anti Corruption Establishment.



of. Not correct. The ground of the appeal is correct.

It is, therefore, most humbly requested that the appeal be accepted as prayed for.

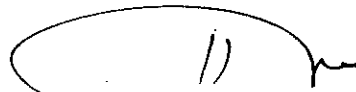
Through

Appellant




Saadullah Khan Marwat

Dated: 16.05.2016



Arbab Saif Ul Kamal



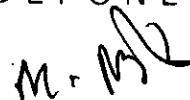
Miss Rubina Naz  
Advocates,

### **AFFIDAVIT**

I, Muhammad Ayub Khan S/o Mir Bat Khan, Appellant, do hereby solemnly affirm and declare that contents of the **Appeal & Replication** are true and correct to the best of my knowledge and belief and that of the reply are illegal and incorrect.

I reaffirm the same on oath once again to be true and correct as per the available record.

DEPONENT



**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

No. 1475 /ST

Dated 8 / 9 / 2016


To

The Director Education,  
FATA Secretariat Warsak Road Peshawar.

Subject: - **JUDGMENT**

I am directed to forward herewith a certified copy of Judgement dated 25.8.2016 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL,  
PESHAWAR.

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

No. 1476 /ST

Dated 8 / 9 / 2016


To

The Agency Education Officer,  
Khyber Agency at Jumrud.

Subject: - **JUDGMENT**

I am directed to forward herewith a certified copy of Judgement dated 25.8.2016 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL,  
PESHAWAR.