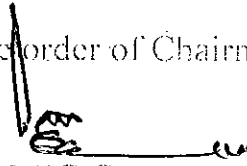


FORM OF ORDER SHEET

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

Case No. - \_\_\_\_\_

616/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/03/2023	<p>The appeal of Mr. Masood ur Rehman received today by registered post through Mr. Gultiaz Khan Marwat Advocate. It is fixed for preliminary hearing before touring Single Bench at D.I.Khan on _____. Notice be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

This is an appeal filed by Mr. Masood ur Rehman today on 17.02.2023 against the order dated 25.10.2022 against which he filed Writ Petition before the Hon'ble Peshawar High Court D.I.Khan Bench and the Hon'ble High Court vide its order dated 07.12.2022 treated the Writ Petition as departmental appeal/representation with direction to decide it within a period of two months but the department did not decide the departmental appeal, after expiry of two months the counsel for the appellant submitted the present appeal. The period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action.

No. 636 /ST,

DL 20/2 /2023.

REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Gul Tiaz Khan Adv.  
High Court D.I.Khan.

Sir,

Resubmitted with the remarks that the statutory period of 90 days has been expired on 07.03.2023 but the departmental appeal of Appellant has not been decided so far, therefore after the date of decision of honourable High Court dated 07.12.2022, on maturity of cause of action the appeal is being re-filed.

Dated

14.3.23

Mr. Gul Tiaz Khan Marwat  
Advocate High Court  
District Bar D.I.Khan

14.3.2023

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

Service Appeal NO. 616 2023

Masood-ur-Rehman

.....(Appellant)

**Versus**

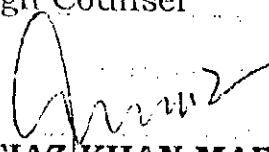
Secretary Home Department Government of KPK Civil Secretariat  
Peshawar and others. ....(Respondents)

**INDEX**

S No	Descriptions	Annex	Pages
1	Grounds of Appeal	-	1-7
2	CMA for interim relief	-	8-9
3	Copy of domicile certificate	A	10-11
4	Copy of F.A Certificate	B	12
5	Copies of interview call letter and appointment order dated 11.08.2022	C&D	13-15
6	Copy of order of regularization	E	16-17
7	Copy of impugned order dated 25.10.2022	F	18
8	Copies of Writ Petition, order of High Court dated 07.12.2022 and Application for implementation	G,H&J	19-26
9	Wakalat Nama	-	27

Dated: 11 / 02 / 2023

Your Humble Appellant,  
Through Counsel

  
**GUL TIAZ KHAN MARWAT,**  
Advocate High Court,

D.I.Khan

I

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

Service Appeal NO. 016 2023

Masood-ur-Rehman S/O Kabal Khan R/O Tajori Tehsil & District Tank  
Ex-Sweeper Khyber Pakhtunkhwa Emergency Rescue Service (Rescue-  
1122) FR Tank .....(Appellant)

**Versus**

1. Secretary Home Department Government of KPK Civil Secretariat Peshawar
2. Secretary Relief, Rehabilitation & Settlement Department KPK Peshawar.
3. Director General Directorate of Emergency Rescue Service (Rescue-1122) Govt. of KPK Peshawar.
4. Director Operation ERS (Rescue-1122) Govt. of KPK Peshawar.
5. Director Administration ERS (Rescue-1122) Govt. of KPK Peshawar.
6. Deputy Director (Admin) Directorate General of Emergency Rescue Service (Rescue-1122) Govt. of KPK Peshawar.
7. Assistant Director (Accounts) ERS (Rescue-1122) KPK Peshawar.
8. District Incharge ERS (Rescue-1122) FR Tank.

.....(Respondents)

**APPEAL U/S 4 OF KPK SERVICE TRIBUNAL ACT 1974  
AGAINST THE ORDER OF WITHHOLDING AND NON-DISPOSAL  
OF DEPARTMENTAL APPEAL OF THE APPELLANT BY  
RESPONDENT NO. 2 WITHIN THE STIPULATED PERIOD  
AGAINST THE ORDER BEARING NO 5850-61 DATED  
25.10.2022 ISSUED BY RESPONDENT NO. 3 VIDE WHICH  
APPELLANT HAS BEEN REMOVED FROM SERVICE FROM THE  
POST OF SWEEPER (BPS-03) WITHOUT ISSUANCE OF ANY  
CHARGE-SHEET, STATEMENT OF ALLEGATIONS OR SHOW  
CAUSE NOTICE AND WITHOUT CONDUCTING REGULAR  
INQUIRY AND WITHOUT PROVIDING ANY OPPORTUNITY OF  
HEARING.**

*Jan*

**Respected Sir,**

- (1) That the addresses of the parties given above are sufficient for the purpose of service of the parties.
- (2) That the appellant is a citizen of Islamic Republic of Pakistan and is a permanent resident of F.R Tank and being a citizen of the Country has the rights and obligation under the constitution. Copy of domicile certificate is enclosed as **Annexure - A.**
- (3) That the appellant is young man with good physique and has passed the inter examination. Copy of certificate is enclosed as **Annexure - B**
- (4) That Rescue-1122 KPK Peshawar advertised the post of sweeper (BPS-03) to be appointed in F.R Tank for which the Appellant applied and he was shortlisted and interview call was issued in which the appellant participated and finally the appellant was offered the appointment for the project post of sweeper in BPS-03 vide No. 1-1/DG-1122/Estt: 6834-6842 dated 11.08.2021. Copies of interview call and offered appointment are enclosed as **Annexure - C&D** respectively.
- (5) That after taking the charge of the post, the appellant was performing his duties to the entire satisfaction of his superiors and there was no complaint whatever against the appellant.

*Jan 2*

(6) That services of the appellant including large number of employees of the Rescue-1122 were regularized vide order dated 25.11.2022. Copy of relevant pages of the order is enclosed as **Annexure - E**.

(7) That it is very strange that on one hand an order of regularization of the services of the appellant has been issued on 25.11.2022 while on the other hand suddenly, silently and abruptly impugned office order bearing No. 1-1/office order/DG-1122/Estt:/5850-61 dated 25.10.2022 has been issued by the Directorate General ERS (Rescue-1122) Govt. of KPK Peshawar vide which appellant has been removed from the post of sweeper with immediate effect without issuance of any charge sheet, statement of allegations, show cause Notice, without conducting any inquiry and without providing any opportunity of personal hearing to the appellant. Copy of impugned order is enclosed as **Annexure-F**

(8) That it is pertinent to mention here that not only the appellant has been removed from service illegally without observing legal formalities but direction has also been issued for recovery of the salary already received by the appellant from the date of appointment i.e. 11.08.2021 which speaks about the ill will, mala fide and illegal actions of the hidden hands involved in the spoiling of career of the appellant.

*Grand*

(9) That feeling aggrieved from the impugned office order of

removal from service, the appellant knocked the door of the Honouable High Court under its constitutional Jurisdiction by filing Writ Petition No. 665-D/2022 which came up for hearing on 07.12.2022 and a Division Bench of the honourable High Court was pleased to treat the writ petition as representation on behalf of appellant and the same was sent to respondent No. 2 for its decision in accordance with law within a period of two months.

(10) That the order of the honourable High Court has already been communicated by the Additional Registrar of the High Court to respondent No. 2 and the appellant also communicated the order to the respondent No. 2 vide application dated 08.12.2022 but no action has so far been taken by the respondents in the matter. Copies of writ petition, order of High Court dated 07.12.2022 and application are enclosed as **Annexure - G,H&J** respectively.

(11) That feeling aggrieved from the impugned actions/ inactions of non-disposal of departmental appeal by respondent No. 2 within the stipulated period and having no other speedy remedy, the appellant seeks the indulgence of this Honourable Tribunal under its Appellate Jurisdiction inter alia on the following grounds.

**GROUND:**

- A. That the impugned office order of removal from service issued by Respondent No. 3 is against law, void ab-initio, malafide,

*Amr*

arbitrary, without jurisdiction and without lawful authority..  
and of no legal effect qua the rights of appellant.

- B. That the appellant has performed his duties without any break and that neither there is any departmental proceedings/ inquiry against the appellant during his service period nor the appellant remained absent from duty but the appellant has been removed from service and has thus been deprived of his monthly pay which is the only source of livelihood of the appellant and his other family members but respondents No. 3 has made an attempt to deprive him from the last piece of morsel and this action of removal from service of appellant is not only an unauthorized action of respondent No. 3 but is against the injunctions of HOLY QURAN and SUNNAH for which the appellant reserve his legal rights to sue respondent No. 3 for damages and compensation under the law of Civil Wrong and Tort causing physical pain, mental torture and agony to the appellant and his dependents.
- C. That the impugned office order of removal from service and order of recovery of salary received by the appellant in spite of performance of duties by the appellant in his respective office is totally illegal and without justification.
- D. That neither the appellant has been served any charge sheet or statement of allegations and nor the appellant has been served with any show cause notice and nor any inquiry has

*gms*



6

been conducted in which the appellant has been participated and nor any opportunity of personal hearing has been provided to the appellant and the impugned order of removal has been passed at the back of appellant silently.

- E. That the order of recovery of pays/salaries from the appellant which has been paid to the appellant in lieu of performance of duties is vested rights guaranteed under the fundamental rights of the constitution and it is not the bounty of state but respondent No. 3 has passed the impugned observation/order to recover the same from the appellant.
- F. That provisions of Article-4 of the constitution provide constitutional guarantee to the peoples/ citizens that the executive cannot take their right of life, liberty and property without legal justification but Appellant has been deprived by Respondents of his legal and vested fundamental rights of appointment.
- H. That this Honourable Tribunal has vast powers under the constitution and is the custodian of constitution and fundamental rights of the citizens of the country.
- J. That the appellant has not gainfully employed and is jobless since the date of removal from service.
- K. That Counsel for Appellant may please be allowed to raise additional grounds during the course of arguments.

In view of the submissions made above, it is, therefore, humbly prayed that on acceptance this Appeal, this Honourable

*Gm2*

Tribunal may very graciously be pleased to set aside the impugned office order of removal from service bearing No. 5850-61 dated 25.10.2022 issued by Respondent No. 3 and as a consequence of thereof to reinstate the appellant into service with all back benefits.

Any other relief deemed appropriate in the prevailing circumstances may also be granted.

Dated 11/02/2023

Your Humble Appellant,

*Masood*

**Masood-ur-Rehman**

Through Counsel

*Gul Tiaz Khan*

**Gul Tiaz Khan Marwat**

**Advocate High Court**

**D.I.Khan**

**CERTIFICATE:**

Certified that it is a first Appeal by the appellant against the impugned order before this Honourable Tribunal.

**Appellant**

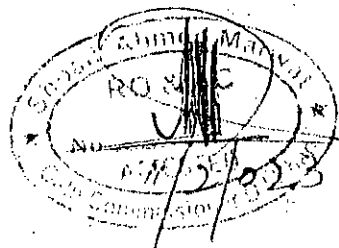
*Masood*

**AFFIDAVIT:**

I, Masood-ur-Rehman S/O Kabal Khan R/O Tajori Tehsil & District Tank, the Appellant do hereby solemnly affirm and declare on Oath that the contents of the Appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Tribunal.

*Masood*

**DEPONENT**



8

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

CMA No. \_\_\_\_\_/2023

in

Service Appeal NO. \_\_\_\_\_ 2023

Masood-ur-Rehman

.....(Petitioner)

Versus

Government of KPK through Secretary Home Department Civil Secretariat Peshawar and others. ....(Respondents)

**APPLICATION FOR INTERIM RELIEF CONTAINING THE REQUEST DIRECTING THE RESPONDENT NO. 7 NOT TO MAKE RECOVERY OF SALARIES FROM THE APPELLANT ALREADY RECEIVED BY HIM AND TO MAINTAIN STATUS QUO TILL FINAL DISPOSAL OF THE APPEAL.**

*Respected Sir,*

1. That the instant application may please be considered as integral part of Appeal.
2. That there exists a prima facie case in favour of appellant.
3. That balance of convenience also tilts in favour of appellant.
4. That not only the appellant has been removed from service illegally but an order of recovery of salaries received by him has also been passed by the Authority.
5. That in case of refusal of interim relief, the appellant will suffer irreparable loss.
6. That had interim relief is not granted by this Honourable Tribunal, then the object/purpose of the Appeal would become illogical and fruitless.

It is, therefore, prayed that on acceptance this petition,

*Qureshi*

9

this Honourable Tribunal may very graciously be pleased to pass an order directing the respondent No. 7 not to make recovery of salaries already received by the appellant and to maintain status quo till final disposal of the writ petition.

Dated: 11 /02/2023

Your Humble Appellant,

*Masood*

**Masood-ur-Rehman**  
Through Counsel

*Gul Tiaz Khan Marwat*

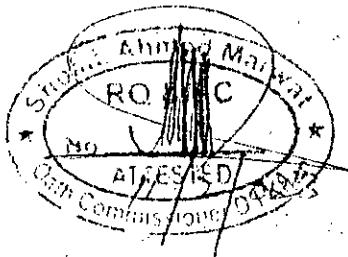
**GUL TIAZ KHAN MARWAT,**  
Advocate High Court, D.I.Khan

**AFFIDAVIT:**

I, Masood-ur-Rehman S/O Kabal Khan R/O Tajori Tehsil & District Tank, the Appellant do hereby solemnly affirm and declare on Oath that the contents of the petition are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Tribunal.

*Masood*

**DEPONENT**



**DECLARATION**

A

10

I, the undersigned, was born in the village of \_\_\_\_\_

\_\_\_\_\_ Taluqa \_\_\_\_\_ District \_\_\_\_\_

\_\_\_\_\_ District \_\_\_\_\_

Signature of the applicant

Thumb Impression

Pursuance to the declaration dated \_\_\_\_\_

\_\_\_\_\_ Taluqa \_\_\_\_\_ District \_\_\_\_\_

\_\_\_\_\_ Taluqa \_\_\_\_\_ District \_\_\_\_\_

I have believed myself from my personal knowledge that the above declaration is true and correct.

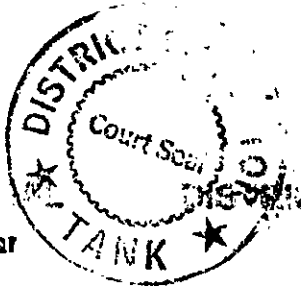
This \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

SEAL

DEPUTY DISTRICT REVENUE OFFICER



1617  
Tehsildar  
Tank



COUNTERSIGNER

NO. 839a Dated 10/7/8

**VERIFICATION**

عبدالکلام صاحب نے کہا ہے کہ سبھی سحوال زمین و لوہہ بل خان نامی زمین

سے تاجروں نے زمین و ضلع ٹانک کا دستخط کر رہے ہیں۔

Revenue Agencies

میں سے پتہ لاسو و سکوٹہ ہے

(i) Patwar Halqa

محمد علی

(ii) Gridawar Circle

16/7/08

محمد علی

(a) Tehsildar

16/7/08

(b) Nazim

محمد علی

Member of District Council

Naib Nazim, U.C. Pal

Member of Union Council

Police Station

محمد علی

(c) Nazim

محمد علی

(d) Nazim

(6) Naib Tehsildar Tank

(e) Nazim

Member of District Council

Member of Union Council

Police Station

B

12

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

DIK : S. No. 76469

Roll No: 38789

Group Humanities



# Board of Intermediate and Secondary Education

DERA ISMAIL KHAN (Khyber Pakhtunkhwa) PAKISTAN.

SECONDARY SCHOOL CERTIFICATE EXAMINATION  
SESSION 2009 (ANNUAL)

MASUD UR REHMAN SON/Daughter of KABAL KHAN

Appeared as Regular Student of Govt: High School Tajori D.I.Khan

has passed the Secondary School Certificate Examination held in March, 2009 The Examination was taken as a whole.


He/She obtained 492 marks out of 1050 and has been placed in grade "D" representing Fair.

The candidate has passed the following subjects:-

- |            |              |                     |                     |
|------------|--------------|---------------------|---------------------|
| 1. English | 2. Urdu      | 3. Islamiyat (Comp) | 4. Pakistan Studies |
| 5. Maths   | 6. G.Science | 7. I.Studies        | 8. AMD              |

Date of Birth according to admission form is 18-09-1992 in words (18<sup>th</sup> September, Nineteen Ninety Two)

Result Date 20-06-2009

Checked by 

Date of issue 12.07.2019

Assistant Secretary

  
Secretary

C 13



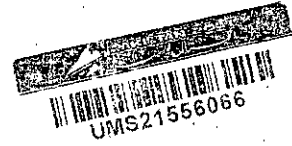
DIRECTORATE GENERAL OF  
EMERGENCY RESCUE SERVICE (RESCUE - 1122),  
GOVERNMENT OF KHYBER PAKHTUNKHWA



T: 091-9222422, F: 091-9222487

To,

S.No	1459
Mr. /Miss	Masud Ur Rehman
S/D/O	Kabal Khan
CNIC	1220107585051
Address	Village Tajori Teh And Dist Tank Post Office Guliman
Post Applied for:	Sweeper (BPS-03),
Cell #.	03025860257



**Subject: INTERVIEW CALL FOR MERGED AREA (TRIBAL & FR SUB-DIVISIONS)  
(PTS PROJECT ID 410)**

It is to inform you that being shortlisted for the post of Sweeper (BPS-03), you are directed to appear for interview on **30th July, 2021**. You are required to reach the Office of Khyber Pakhtunkhwa Emergency Rescue Service (Rescue 1122) Headquarter near Peshawar Press Club, Peshawar Cantt at **10:00:00 AM** Sharply.

Furthermore you are directed to ensure the following when appearing for interview.

1. You are hereby directed to bring original set of documents i.e CNIC, Education documents, Experience and training certificates (if any).
2. You should bring one attested copy of your educational Credential, Experience Certificate etc. along with 03 passport size latest pictures at the time of interview.
3. In light of pandemic of COVID-19 outbreak you are directed to observe following precautions in the premises of the Rescue 1122 Headquarters.
  - a. No. handshakes and hugs.
  - b. Maintain social distance of 06 feet between other.
  - c. wear full time surgical/medical masks

Note:

- i. TA/DA is not admissible for interview.

DEPUTY DIRECTOR (ADMIN)  
 Emergency Rescue Service (Rescue 1122)  
 Khyber Pakhtunkhwa.





D 14  
DIRECTORATE GENERAL OF  
**EMERGENCY RESCUE SERVICE (RESCUE - 1122),**  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
☎: 091-9222483-84, @: kprescuehq@gmail.com, 📠: 091-9222487



No.1-1/DG-1122/Estt: 6834-6842

Dated: 11<sup>th</sup> August, 2021

To

Mr. Masud Ur Rehman S/O Kabal Khan CNIC No. 1220197585051

Address: Village Tajori Teh And Dist Tank Post Office Guliman

Subject: OFFER OF APPOINTMENT AGAINST THE PROJECT POST OF SWEEPER (BPS-03).

The undersigned is pleased to inform you that the Selection Committee has recommended you for appointment against the Project Post of **Sweeper (BPS-03)**, in Khyber Pakhtunkhwa Emergency Rescue Service (Rescue 1122). Accordingly, the Competent Authority is hereby offering you appointment against said position on the following terms and conditions:

1. Your station of duty will be District **FR Tank**
2. Your terms of service will be governed by the Government of Khyber Pakhtunkhwa Project Policy 2008 amended from time to time read with terms and conditions specified in advertisement for this Project Post and those mentioned in the attached Contract Agreement.
3. This Project Post is purely temporary and will exist only during currency of the Project
4. No transfer/posting is permissible from this Project Post/Station of Duty
5. You will undergo Medical Fitness Examination at the Services Hospital, Civil Secretariat Peshawar and furnish your original Medical Fitness Report with your Arrival Report
6. You will obtain Police Clearance Certificate from your local Police Station and will furnish the same in original along with your Arrival Report
7. You will furnish verified copies of your Academic Degrees/Diplomas/Certificates and Experience Certificates along with your Arrival Report
8. You will furnish attested copies of your Domicile and CNIC in triplicate along with your Arrival Report
9. You will undergo, complete and pass the mandatory Basic Emergency Training followed by Hospital Attachment. Your appointment will be terminated in case of your inability to complete the Basic Emergency Training and you will be liable to reimburse the cost of training
10. In addition to your duty as **Sweeper (BPS-03)**, you may be assigned any additional duty without additional remuneration/benefit.
11. You will obtain Relieving Order from your employer (if applicable) in public or private sector and furnish the same with your Arrival Report
12. The documents submitted along with Arrival Report will be subject to scrutiny/verification at any stage. In case of a discrepancy found during verification, your service will be terminated forthwith and all salaries paid to you along with cost of training will be recovered from you
13. You will not undertake any part time gainful employment or voluntary work or studies during service in the Emergency Rescue Service.

15.


14. You will sign and get witnessed the Contract Agreement on a Stamp Paper worth Rupees 100 attested by Oath Commissioner affirming the terms and conditions mentioned therein and furnish the same in original with your Arrival Report. The sample of Contract Agreement is downloadable from official website of Rescue 1122 i.e. [www.rescue1122.gkp.pk](http://www.rescue1122.gkp.pk).
15. You will sign and get witnessed the attached Undertaking on a Stamp Paper worth Rupees 100 attested by Oath Commissioner affirming the terms and conditions mentioned therein and furnish the same in original with your Arrival Report. The sample of Undertaking is downloadable from official website of Rescue 1122 i.e. [www.rescue1122.gkp.pk](http://www.rescue1122.gkp.pk).
16. You must arrive and submit Arrival Report on given date failing which it will be presumed that you have not accepted this offer of appointment and following which this offer will be extended to another candidate in the Waiting List.
17. Your service will commence from date of training at Punjab Services Academy Lahore.

In case the above terms and conditions are acceptable to you then submit you Arrival Report along with required documents to the Khyber Pakhtunkhwa Emergency Rescue Service (Rescue 1122) Headquarter near Peshawar Press Club, Opp. Cantt Railway Station Peshawar Cantt. before 26/08/2021 following which your Appointment Notification will be issued.

-SD-  
(DIRECTOR GENERAL)

Copy forwarded to:

- 1- Accountant General, Government of Khyber Pakhtunkhwa.
- 2- Medical Superintendent, Police Services Hospital Peshawar, with the request to facilitate medical examination of the above mentioned appointee.
- 3- Concerned District Police Officer, for facilitating in issuance of Police Clearance Certificate.
- 4- PS to Secretary, RE&S Department, Govt. of Khyber Pakhtunkhwa.
- 5- PA to Director General, ERS (Rescue 1122) Khyber Pakhtunkhwa.
- 6- Accountant HQ, ERS (Rescue 1122), Khyber Pakhtunkhwa.
- 7- Official concerned.
- 8- Personal file

  
DEPUTY DIRECTOR (ADMIN)  
Emergency Rescue Service (Rescue 1122)  
Khyber Pakhtunkhwa, Peshawar.

E                      16



**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**RELIEF REHABILITATION & SETTLEMENT**  
**DEPARTMENT**

Dated Peshawar the 25<sup>th</sup> November, 2022

**NOTIFICATION**

**No. SO (Admn) RR&SD/2-36/2022** In pursuance of Section - 23A of the Khyber Pakhtunkhwa Emergency Rescue Service (Amendment) Act, 2022, Finance Department letter No. BO (NMD-III)/FD/4-1/SNE/2021 dated 15<sup>th</sup> November, 2022 and recommendations of the Scrutiny Committee, the Competent Authority (Secretary Relief, Rehabilitation & Settlement Department) is pleased to regularize the services of the following project employees of Emergency Rescue Service (Rescue-1122) of the projects of Newly Merged Districts and Sub Divisions on the posts as mentioned against each with effect from commencement of the Amendment Act, 2022:-

Sr. #	Name	Father Name	CNIC	Post
1.	Haider Hayat	Muhammad Dost Khan	21107-2300842-5	Station House Incharge (BPS-16)
2.	Abdul Jalil	Abdul Wakeel Khan	17102-2655461-3	Station House Incharge (BPS-16)
3.	Shah Nawaz Khan	Shakir Khan	17101-4670557-7	Station House Incharge (BPS-16)
4.	Syed Latif Jan	Syed Haider Ali Jan	16202-8697434-3	Station House Incharge (BPS-16)
5.	Shiraz Ali	Zahir Zaman	16202-4335976-1	Station House Incharge (BPS-16)
6.	Ali Marjan	Gul Marjan	21302-7403795-1	Station House Incharge (BPS-16)
7.	Abdul Hakeem	Abdul Manan	15101-4049062-5	Station House Incharge (BPS-16)
8.	Anwar Badshah	Abdul Samad	16102-1239375-7	Station House Incharge (BPS-16)
9.	Shahzad Khan	Parraiz Khan	16101-3772915-9	Station House Incharge (BPS-16)
10.	Faheem Ullah	Wali Khan	21505-1197493-1	Station House Incharge (BPS-16)
11.	Ikram Ullah Khan	Sartaj Khan	15101-3471487-3	Station House Incharge (BPS-16)
12.	Muhammad Yasir	Arif Maqsood	17101-9432593-9	Station House Incharge (BPS-16)
13.	Shakir Ullah	Ashraf Noor	14301-1372006-7	Station House Incharge (BPS-16)
14.	Laiq Rehman	Badshah Rehman	15402-7777016-3	Station House Incharge (BPS-16)
15.	Fida Ullah	Mir Zaman	11201-9126040-9	Station House Incharge (BPS-16)
16.	Nisar Ullah Khan	Ghulam Shah	11201-3410119-5	Station House Incharge (BPS-16)
17.	Iqbal Ud Din	Usman Ghani	21106-9355221-3	Office Assistant (BPS-16)



17

**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**RELIEF REHABILITATION & SETTLEMENT**  
**DEPARTMENT**

1226.	Muhammad Idrees	Rehmat Ullah	12201 7513692 9	Security Guard (BPS-03)
1227.	Mehboob Khan	Mira Jan	12201 0718237 3	Security Guard (BPS-03)
1228.	Shahzada Khan	Basher Khan	22101 9259606 5	Security Guard (BPS-03)
1229.	Sulaiman Khan	Gulab Khan	11201 3865349 5	Security Guard (BPS-03)
1230.	Tufail Ahmad	Sher Zaman	11201 3068280 7	Security Guard (BPS-03)
1231.	Rafi Ullah	Misal Khan	11201 9538372 3	Security Guard (BPS-03)
1232.	Muhib Ullah	Amir Jan	11201 5425434 9	Security Guard (BPS-03)
1233.	Sarzamin Khan	Ghani Ur Rahman	21102-0738358 5	Sweeper (BPS-03)
1234.	Bashir Khan	Bahadar Khan	21103-8898612 7	Sweeper (BPS-03)
1235.	Intzar Masih	Khazan Masih	21406 3126193 7	Sweeper (BPS-03)
1236.	Umar Khan	Khan Badshah	21402 3430463-1	Sweeper (BPS-03)
1237.	Umar Farooq	Syed Ur Rehman	21302 0936367 5	Sweeper (BPS-03)
1238.	Ziarat Shah	Mast Ali Shah	21604 5484077 5	Sweeper (BPS-03)
1239.	Rahman Ullah	Khiyal Afzal	21602 4287424 7	Sweeper (BPS-03)
1240.	Muhammad Zahid	Muhammad Noor	21703 2317026-1	Sweeper (BPS-03)
1241.	Amir Hamza	Zahir Shah	17301 2488166 9	Sweeper (BPS-03)
1242.	Gul Zada Shah	Jumna Shah	22301 8994882-7	Sweeper (BPS-03)
1243.	Abdullah Shah	Gulman Shah	22301 3546374 9	Sweeper (BPS-03)
1244.	Shahid Khan	Mashal Khan	22101 3791153 1	Sweeper (BPS-03)
1245.	Zeshan Hider	Tajir Hussain	21303 7765556 7	Sweeper (BPS-03)
1246.	Zafar N Ullah	Lal Zada	22501 0662374 1	Sweeper (BPS-03)
1247.	Masud Ur Rehman	Kabal Khan	12201 0758505 1	Sweeper (BPS-03)
1248.	Dil Faraz	Muhib Ullah Khan	22101 5010093 9	Sweeper (BPS-03)

2. The Officials shall be on probation for a period of one year extendable for another one year with specific orders of appointing authority within two months of the expiry of first year of probation period.
3. They shall be governed by the Khyber Pakhtunkhwa Emergency Rescue Service Act, 2012 and Rules/ Regulations made there under.
4. The Regularization is subject to the production of medical fitness certificate.
5. The inter-se-seniority and other terms and conditions of service of the officials concerned shall be determined in the prescribed manner.

--sd--  
Secretary  
RR&S Department

**Endst: No. & Date Even**

Copy forwarded for information to the:

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Director General, ERS (Rescue 1122).
3. PS to Secretary, RR&S Department.
4. Official concerned.
5. Master File, 2022.

Section Officer (Admin)  
401



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DIRECTORATE GENERAL OF  
EMERGENCY RESCUE SERVICE (RESCUE - 1122)  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
hel@kprscue11220@gmail.com www.rescue1122pk.com



No.11/Office Order/DC-1122/Estt

SRSO CA

Peshawar, 05/08/2022

**OFFICE ORDER**

Upon recommendation of the inquiry committee and subsequent approval of the Competent Authority (Director General), Mr. Masood Ur Rehman S/O Kabal Khan (Sweeper BPS-03) having CNIC#12201-0758505-1, Khyber Pakhtunkhwa Emergency Rescue Service (Rescue-1122) FR Tank is hereby removed from the post of Sweeper under para 43-44 of Khyber Pakhtunkhwa Emergency Rescue Service (Rescue-1122) Regulation, 2015 with immediate effect.

SD/-  
(DIRECTOR GENERAL, ERS-1122)

Endstt: No.1-1/Office Order/DC-1122/Estt

Copy forwarded to:-

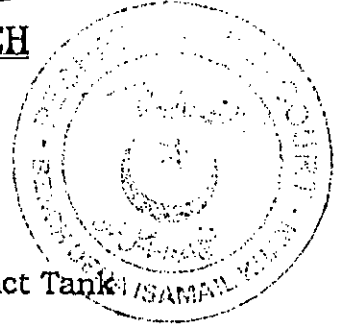
- 1- Accountant General Khyber Pakhtunkhwa.
- 2- Director Operations, ERS (Rescue-1122), Khyber Pakhtunkhwa.
- 3- Director Administration, ERS (Rescue-1122), Khyber Pakhtunkhwa.
- 4- District Incharge, ERS (Rescue-1122), FR Tank.
- 5- PS to Secretary RR&S Department Khyber Pakhtunkhwa.
- 6- Assistant Director (Acts), ERS (Rescue-1122), Khyber Pakhtunkhwa with the direction to recover the salary already paid to Mr. Masood Ur Rehman from the date of appointment i.e. 11-08-2021.
- 7- Assistant Director (Legal), ERS (Rescue-1122), Khyber Pakhtunkhwa.
- 8- P.A to Director General, ERS (Rescue-1122), Khyber Pakhtunkhwa.
- 9- Official Concerned.
- 10- Personal File of the concerned officer.
- 11- Office file.

DEPUTY DIRECTOR (ADMIN)

I 19 9

BEFORE THE PESHAWAR HIGH COURT D.I.KHAN BENCH

W P NO \_\_\_\_\_ 2022



Masood-ur-Rehman S/O Kabal Khan R/O Tajori Tehsil & District Tank  
Ex-Sweeper Khyber Pakhtunkhwa Emergency Rescue Service (Rescue-  
1122) FR Tank  
**(Petitioner)**

Versus

- 1 Government of KPK through Chief Secretary Civil Secretariat Peshawar
- 2 Secretary Home Department Government of KPK Civil Secretariat Peshawar
- 3 The Accountant General KPK Peshawar
- 4 Secretary RR&S Department KPK Peshawar
- 5 Director General Directorate of Emergency Rescue Service (Rescue-1122) Govt of KPK Peshawar
- 6 Director Operation ERS (Rescue-1122) Govt of KPK Peshawar
- 7 Director Administration ERS (Rescue-1122) Govt of KPK Peshawar
- 8 Deputy Director (Admin) Directorate General of Emergency Rescue Service (Rescue-1122) Govt of KPK Peshawar
- 9 Assistant Director (Accounts) ERS (Rescue-1122) KPK Peshawar
- 10 District Incharge ERS (Rescue-1122) FR Tank

Filed today 19/11/22  
Addl Registrar

**(Respondents)**

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

**Respectfully Sheweth:**

- (1) That the addresses of the parties given above are sufficient for the purpose of service of the parties
- (2) That the petitioner is a citizen of Islamic Republic of Pakistan

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19/11/22  
11/11/22

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and is a permanent resident of F R Tank and being a citizen of the Country has the rights and obligation under the constitution Copy of domicile certificate is enclosed as **Annexure - A.**

(3) That the petitioner is young man with good physique and has passed the inter examination Copy of certificate is enclosed as **Annexure - B**

Filed today  
Adul Registrar  
19/11/22

(4) That Rescue-1122 KPK Peshawar advertised the post of sweeper (BPS-03) to be appointed in F R Tank for which the Petitioner applied and he was shortlisted and interview call was issued in which the petitioner participated and finally the petitioner was offered the appointment for the project post of sweeper in BPS-03 vide No 1-1/DG-1122/Estt 6834-6842 dated 11 08 2021 Copies of interview call and appointment are enclosed as **Annexure - C&D** respectively

order of

(5) That after taking the charge of the post, the petitioner was performing his duties to the entire satisfaction of his superiors and there was no complaint whatever against the petitioner

(6) That suddenly, silently and abruptly impugned office order bearing No 1-1/office order/DG-1122/Estt /5850-61 dated 25 10 2022 has been issued by the Directorate General ERS (Rescue-122) Govt of KPK Peshawar vide which petitioner has been removed from the post of sweeper with immediate

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11.2.2023

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effect without issuance of any charge sheet, statement of allegations, show cause Notice, without conducting any inquiry and without providing any opportunity of personal hearing to the petitioner Copy of impugned order is enclosed as Annexure - E.

(7) That it is pertinent to mention here that not only the petitioner has been removed from service illegally without observing legal formalities but direction has also been issued for recovery of the salary already received by the petitioner from the date of appointment i.e 11 08 2021 which speaks about the ill will, mala fide and illegal actions of the hidden hands involved in the spoiling of career of the petitioner

(8) That the petitioner preferred representation/ departmental appeal to the Secretary Rescuc-1122 KPK Peshawar on 11 11 2022 Copy of representation is enclosed as Annexure - F.

(9) That feeling aggrieved from the impugned office order of removal from service and having no other speedy remedy, is obliged to knock the door of this Honourable Court under its constitutional Jurisdiction inter alia on the following grounds

GROUND:

A That the impugned office order of removal from service issued by Respondent No 5 is against law, void ab-initio, malafide,

*Just*

Filed today 18/11/22  
Addl Registrar

EXAMINOR  
Peshawar High Court Bench,  
Dera Ismail Khan



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arbitrary, without jurisdiction and without lawful authority and of no legal effect qua the rights of petitioner

B That the petitioner has performed his duties without any break and that neither there is any departmental proceedings/ inquiry against the petitioner during his service period nor the petitioner remained absent from duty but the petitioner has been removed from service and has thus been deprived of his monthly pay which is the only source of livelihood of the petitioner and his other family members but respondents No 5 has made an attempt to deprive him from the last piece of morsel and this action of removal from service of petitioner is not only an unauthorized action of respondent No, 5 but is against the injunctions of HOLY QURAN and SUNNAH for which the petitioner reserve his legal rights to sue respondent No 5 for damages and compensation under the law of Civil Wrong and Tort causing physical pain, mental torture and agony to the petitioner and his dependents.

Filed today 5/8/21  
 Addl Registrar  
 19/11/21

C That the impugned office order of removal from service and order of recovery of salary received by the petitioner in spite of performance of duties by the petitioner in his respective office is totally illegal and without justification

D That neither the petitioner has been served any charge sheet or statement of allegations and nor the petitioner has been served with any show cause notice and nor any inquiry has

*Grand*

*[Signature]*  
 Addl Registrar  
 19/11/21

been conducted in which the petitioner has been participated and nor any opportunity of personal hearing has been provided to the petitioner and the impugned order of removal has been passed at the back of petitioner silently

E That the order of recovery of pays/salaries from the petitioner which has been paid to the petitioner in lieu of performance of duties is vested rights guaranteed under the fundamental rights of the constitution and it is not the bounty of state but respondent No 5 has passed the impugned observation/ order to recover the same from the petitioner

Filed today  
Addl Registrar  
19/11/22

F That provisions of Article-4 of the constitution provide constitutional guarantee to the peoples/ citizens that the executive cannot take their right of life, liberty and property without legal justification but Petitioner has been deprived by Respondents of his legal and vested fundamental rights of appointment

H That this Honourable Court has vast powers under the constitution and is the custodian of constitution and fundamental rights of the citizens of the country

J That Counsel for Petitioner may please be allowed to raise additional grounds during the course of arguments

In view of the submissions made above, it is, therefore, humbly prayed that on acceptance this Writ Petition, this Honourable Court may very graciously be pleased to issue Writ declaring the impugned office order of removal from service bearing

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*[Handwritten signature]*  
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No 5850-61 dated 25 10 2022 issued by Respondent No 5 to be void ab-initio, malafide, arbitrary, without jurisdiction and without lawful authority and of no legal effect qua the rights of petitioner and as a consequence of thereof to issue a writ directing the Respondent No 5 to reinstate the petitioner with all back benefits

Any other relief deemed appropriate in the prevailing circumstances may also be granted

Dated 19/11/2022

Your Humble Petitioner,  
*Masood*  
Masood-ur-Rehman  
Through Counsel

*Gul Tiaz Khan Marwat*  
Gul Tiaz Khan Marwat  
Advocate High Court dn  
D.I.Khan

Filed today 19/11/22  
Addl Registrar  
19/11/22

**CERTIFICATE:**

Certified that it is a first petition on the subject before this Honourable Court

*Masood*  
Petitioner

**LIST OF BOOKS:**

- 1 Constitution of Pakistan
- 2 General Clauses Act
- 3 KPK Govt Servant Appointment and Promotions Rules-1989

**AFFIDAVIT.**

I, Masood-ur-Rehman S/O Kabal Khan R/O Tajor Tehsil & District Tank, the Petitioner do hereby solemnly affirm and declare on Oath that the contents of the writ petition are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court

*Masood*  
DEPONENT

12 2010 - 758505 - 1

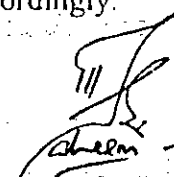
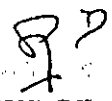
Identified by.

*Gul Tiaz Khan Marwat*  
Gul Tiaz Khan Marwat  
Advocate High Court  
D.I.Khan

11.2.023  
MNGR  
District Registrar  
D.I.Khan

H 25  
PESHAWAR HIGH COURT, D.I.KHAN BENCH

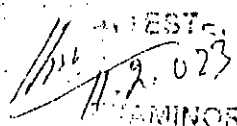
FORM OF ORDER SHEET

Date of Order or Proceedings	Order or other proceedings with signature of Judge(s)
(1)	(2)
07.12.2022	<p><u>W.P.No.665-D/2022 with C.M.No.813-D/2022.</u></p> <p><u>Present:</u> Mr. Gul Tiaz Khan Marwat, Advocate for the petitioner.</p> <p style="text-align: center;">***</p> <p><u>SHAHID KHAN, J.-</u> The learned counsel for the petitioner, at the very outset, stated at the bar that the petitioner would be satisfied if the instant petition is treated as a representation and sent to respondent No.4 for its disposal in accordance with law.</p> <p>2. In view of above, we treat this petition as a representation on behalf of petitioner and send it to respondent No.4 for its decision in accordance with law within a period of two months.</p> <p>3. The petition stands disposed of accordingly.</p> <p><u>Announced.</u>  <u>Dt. 07.12.2022.</u></p> <div style="text-align: right;">   <u>JUDGE</u> </div> <div style="text-align: right; margin-top: 20px;">   <u>JUDGE</u> </div>

Mica  
 08/12

Habily\*

(DB)  
 Hon'ble Mr. Justice Muhammad Faheem Wali  
 Hon'ble Mr. Justice Shahid Khan

  
 07.12.2022  
 CLERK  
 Peshawar High Court Bench,  
 D.I. Khan

To,

J 26

The Secretary RR&S (Rescue-1122)  
KPK Peshawar

Subject: **REQUEST FOR IMPLEMENTATION OF ORDER  
DATED 07.12.2022 OF PESHAWAR HIGH COURT  
PESHAWAR PASSED IN WRIT PETITION NO.  
665-D/2022.**

Sir,

The Applicant submits the following few lines  
for your sympathetic consideration please:-

1. That the Applicant filed the subject cited writ petition before the honourable Peshawar High Court D.I.Khn Bench against the order of Removal from service.
2. That the petition came up for hearing before a Division Bench on 07.12.2022 and the honour Court was please to treat the writ petition as a representation to be decided by your good self in accordance with law within a period of two months. Copies of order alongwith writ petition are enclosed for kind perusal.

In view of the above submission, it is therefore, humbly prayed that the order of honourable High Court may please be implemented and the representation of Applicant may please be decided within the stipulate period of two months as directed by the honourable High Court.

-Your Humble Applicant

Dated: 08/12/2022

*Masood*

**Masood-ur-Rehman**  
S/O Kabal Khan  
R/O Tajori Teh: & Distt: Tank  
(Ex-Sweeper Rescue-1122)  
F.R Tank



KHYBER PAKHTUNKHWA  
BAR COUNCIL

ADVOCATE HIGH COURT

GUL TIAZ KHAN

Advocate  
bc-11-2787  
Date of Issue: June 2023  
Valid upto: June 2023



Secretary  
KP Bar Council

Father's Name: MUHAMMAD NAWAZ KHAN  
 Address: E-27, COMMISSIONERS COLONY NORTH, CIRCULAR ROAD D.I. KHAN  
 Contact No:  
 Enrolment Date L.C.07-July-2008  
 Enrolment Date H.C.08-November-2010  
 Place of Practice: D.I. KHAN  
 Date of Birth: 01-November-1961  
 Blood Group: B+VE  
 C.NIC No: 12101-5311190-1

KHYBER PAKHTUNKHWA BAR COUNCIL  
 Bar Council Building, Khyber Road, Peshawar. Ph: 099-2011672, 2011673, 2011674, 2011675, 2011676, 2011677, 2011678, 2011679, 2011680, 2011681, 2011682, 2011683, 2011684, 2011685, 2011686, 2011687, 2011688, 2011689, 2011690, 2011691, 2011692, 2011693, 2011694, 2011695, 2011696, 2011697, 2011698, 2011699, 2011700. Fax: 099-2011671  
 E-mail: support@kpbarcouncil.com, www.kpbarcouncil.com

## VAKALATNAMA

IN THE COURT OF KPK Service Tribunal Peshawar  
Masood-ur-Rehman VERSUS Secretary Home Deptt  
 Title Service Appeal  
 I/Masood-ur-Rehman

The above named Appellant hereby appoint Gul Tiaz Khan Marwat Advocate High Court D.I.Khan, in the above mentioned case to all or any of the following acts, deeds and things.

- To appear, act and plead for me/us in the above mentioned case in this court/tribunal in which the same may be tried or heard or any other proceedings out of our connected therewith.
  - To sign and verify and file or withdraw all proceedings, petitions, appeals, affidavits, and applications for compromise or withdrawal, or for the submission to arbitration of the said case or any other documents, may be deemed necessary or advisable by them by the conduct, prosecution or defense of the said case at all its stages.
  - To receive payments of and issue receipts for all moneys that may be or become due and payable to us during the course on conclusion of the proceeding.  
 To do all other acts and things, which may deemed necessary or advisable during the course of proceedings.
- AND hereby agree:
- To ratify whatever advocates may do the proceedings.
  - Not to hold the advocates responsible if the said case be proceed ex-parte or dismissed in default in consequence of their absence from the court when it is called for hearing.
  - That the advocates shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains un-paid.
  - That advocates may be permitted to argue any other point at the time of arguments.

In witness whereof I/we have signed this vakalatnama here under the contents of which have been read/explained to me/us which is fully understood by me/us.

Date: 11/2/2023

Masood

Signature of Executants (s)

Attested & Accepted:  
Gul Tiaz Khan  
 Gul Tiaz Khan Marwat  
 Advocate High Court D.I.Kh an (KPK)  
 Cell No. 0300-9092488 / 0345- 9853488.

Masood-ur-Rehman  
 (03025860257)