


FORM OF ORDER SHEET

Court of _____

Case No. - 10913/2023 725/2023

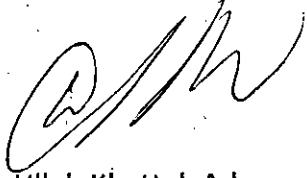
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	31/03/2023	<p style="text-align: right;">By the order of Chairman</p> <p>The appeal of Mr. Wassem Ullah Qureshi resubmitted today by Mr. Kabeer Ullah Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ .Parcha Peshi is given to appellant/counsel for the date fixed.</p> <p style="text-align: right;">By the order of Chairman</p> <p style="text-align: right;">  REGISTRAR </p>

The appeal of Mr. Wasëem Ullah Qureshi son of Muhammad Israil Qureshi r/o Kotka Molvi Muhammad Khalil Mandan District Bannu received today i.e. on 22.03.2023 is incomplete on the following score which is returned to the co Counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy o cancellation of appointment order mentioned in para-5 of the memo of appeal is not attached with the appeal which may be placed on it.
- 2- Page no. 15 & 22 of the appeal are illegible which may be replaced by legible/better one.

No. 1022 /S.T,

Dt. 28/03 /2023



Mr. Kabir Ullah Khattak Adv.
High Court at Peshawar.

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

The cancellation order
available on pag 22 whp
objectm No 2 has been
Removed

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

Appeal No. 725 of 2023

Waseem Ullah Qureshi S/o Muhammad Israil Qureshi R/o
Kotka Molvi Muhammad Khalil Mandan P.O Bada mir Abbas
Khan Tehsil and District Bannu

..... Appellant

VERSUS

- 1) Government of KPK through Secretary C&W KPK Peshawar,
- 2) Chief Engineer (Centre) C&W Department KPK Peshawar.
- 3) Superintendent Engineer C&W Division Bannu.
- 4) Executive Engineer C&W Division Bannu.

..... Respondents

INDEX

S.No.	Description of documents	Annexure	Pages
1.	Memo of Appeal		1-6
2.	Addresses of the parties		7
3.	Affidavit		8
4.	Condonation of delay		9-10
5.	Copy of academic record and domicile	A&B	11-14
6.	Copy of appointment order 07.03.2018 & retirement certificate	C&D	15-16
7.	Copy of Medical Certificate, arrival report and service book	E,F & G	17-21
8.	Copy of cancellation order and Writ Petition Judgment	H, I	22-30
9.	Copy of impugned order & order sheet	J&K	31-39
10.	Copy of Departmental Appeal	L	40-41
9.	Wakalat Nama		

Through

Kasim Ullah Khattak

Kasim Ullah Khattak

Advocates, High Court,
Peshawar.

①

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

Appeal No. 725 of 2023

Waseem Ullah Qureshi S/o Muhammad Israil Qureshi R/o Kotka
Molvi Muhammad Khalil Mandan P.O Bada mir Abbas Khan Tehsil
and District Bannu

..... Appellant

VERSUS

- 1) Government of KPK through Secretary C&W KPK Peshawar,
- 2) Chief Engineer (Centre) C&W Department KPK Peshawar.
- 3) Superintendent Engineer C&W Division Bannu.
- 4) Executive Engineer C&W Division Bannu.

..... Respondents

**APPEAL UNDER SECTION 4 OF THE KPK
SERVICE TRIBUNAL ACT, 1974, AGAINST THE
IMPUGNED ORDER DATED 05.04.2018
WHEREBY THE SERVICE OF THE APPELLANT
HAS BEEN CANCELED/WITHDRAWN
COMMUNICATED TO THE APPELLANT ON
01/06/2022 AGAINST WHICH THE APPELLANT
FILED DEPARTMENTAL ON 01/07/2022 WHICH
HAS NOT BEEN DECIDED WITHIN THE
STATUTORY PERIOD.**

Prayer:

On acceptance of the instant service appeal the impugned order dated 05.04.2018 may kindly be set aside and the appellant may kindly be reinstated on his service along with all back benefits.

Respectfully Sheweth:

FACTS

The appellant respectfully submits as under:

- 1) That the appellant is a bonafide resident of District Bannu and he has achieved a remarkable Education record. (Copy of academic record and domicile are attached as Annexure A & B).
- 2) That the appellant was appointment as painter on retired son quota in C&W Department Bannu vide office order No. 6289/7-P dated 07/03/2018 on the recommendation of District Department Selection Committee. (Copy of appointment order 07.03.2018 & retirement certificate are attached as Annexure C & D).
- 3) That after obtaining medical certificate the appellant submitted as arrival report and there after his service book was prepared by the respondent Department. (Copy of Medical Certificate, arrival report and service book are attached as Annexure E, F & G).
- 4) That after appointment the appellant performed his duty with full deviation and hard work and no complainant whatsoever has been made against the appellant.

- 5) That on 21.03.2018 a cancellation letter of regarding service of the appellant has been issued to respondent No 3 by the respondent No. 4 against which the appellant file Writ Petition No 950-P/2020 which has been disposed off on 13.10.2020 on the ground of lack of jurisdiction. (Copy of cancellation order and Writ Petition Judgment are Attached as Annexure H, I).
- 6) That the appellant filed Service Appeal No. 4801/2021 and during the pendency of that very Service Appeal the impugned order dated 05/4/2018 has been communicated to the appellant on 01.06.2022 with the parawise comments submitted by the respondent Department whereby the service of the appellant has been cancelled/withdrawn without any reason and without fulfilling the codal formalities and that's why that very Service Appeal has been withdrawn by the appellant. (Copy of impugned order & order sheet are attached as Annexure J & K).
- 7) That the appellant submitted a Departmental Appeal on 01.07.2022 against the impugned cancellation order dated 05/04/2018 which has not been decided within the statutory period. (Copy of Departmental Appeal is attached Annexure-L).
- 8) That feeling aggrieved the appellant prepares the instant Service Appeal before this Hon' able Tribunal inter alia on the following grounds.

①

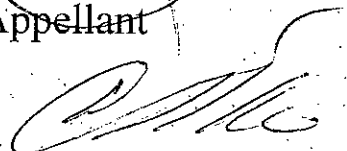

H) That any other will be raised at the time of arguments with the prior permission of this Hon' able court.

It is therefore most humbly prayed that on acceptance of the instant service appeal the impugned order dated 05.04.2018 may kindly be set aside and the appellant may kindly be reinstated on his service along with all back benefits..

Any other remedy which this august tribunal deems fit that may also onward granted in favor of appellant.


Appellant

Through


Kabir Ullah Khattak

Roeda Khan
Advocates, High Court,
Peshawar.

7

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

Appeal No. _____ of 2023

Waseem Ullah Qureshi S/o Muhammad Israil Qureshi R/o Kotka
Molvi Muhammad Khalil Mandan P.O Bada mir Abbas Khan Tehsil
and District Bannu

..... Appellant

VERSUS

- 1) Government of KPK through Secretary C&W KPK Peshawar,
- 2) Chief Engineer (Centre) C&W Department KPK Peshawar.
- 3) Superintendent Engineer C&W Division Bannu.
- 4) Executive Engineer C&W Division Bannu.

..... Respondents

ADDRESSES OF THE PARTIES

Appellant

Waseem Ullah Qureshi S/o Muhammad Israil Qureshi
R/o Kotka Molvi Muhammad Khalil Mandan P.O Bada
mir Abbas Khan Tehsil and District Bannu

Respondents

- 1) Inspector General of police KPK Peshawar.
- 2) Deputy Inspector General of Police KPK Peshawar.
- 3) District Police officer Kohat.
- 4) Regional Police Officer Kohat.

Appellant

Through

Kabir Ullah Khattak

Rooeda Khan

Advocates, High Court,
Peshawar.

8

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

Appeal No. _____ of 2023

Waseem Ullah Qureshi S/o Muhammad Israil Qureshi R/o Kotka
Molvi Muhammad Khalil Mandan P.O Bada mir Abbas Khan Tehsil
and District Bannu

..... Appellant

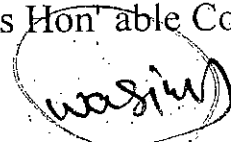
VERSUS

- 1) Government of KPK through Secretary C&W KPK Peshawar.
- 2) Chief Engineer (Centre) C&W Department KPK Peshawar.
- 3) Superintendent Engineer C&W Division Bannu.
- 4) Executive Engineer C&W Division Bannu.

..... Respondents

AFFIDAVIT

I, Waseem Ullah Qureshi S/o Muhammad Israil Qureshi R/o Kotka
Molvi Muhammad Khalil Mandan P.O Bada mir Abbas Khan Tehsil
and District Bannu do hereby solemnly and oath that the contents of
the instant appeal are true and correct to the best of my knowledge and
belief and nothing has been concealed from this Hon' able Court.


Deponent

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

Appeal No. _____ of 2023

Waseem Ullah Qureshi S/o Muhammad Israil Qureshi R/o
Kotka Molvi Muhammad Khalil Mandan P.O Bada mir Abbas
Khan Tehsil and District Bannu

**APPLICATION FOR CONDINATION OF DELAY IF
ANY**

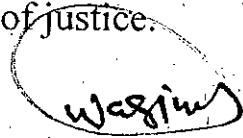
Respectfully Sheweth:

Petitioner submits as under:-

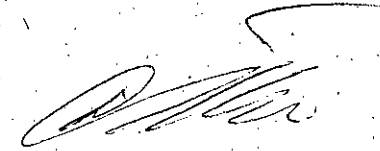
1. That the above mentioned appeal is filing before this Hon' able Court in which no date is fixed for fixed for hearing so far.
2. That the appellant filed Service Appeal No. 4801/2021 and during the pendency of that very Service Appeal the impugned order dated 05/4/2018 has been communicated to the appellant on 01.06.2022 with the parasite comments submitted by the respondent Department whereby the service of the appellant has been cancelled/withdrawn.
3. That the impugned order dated 05/04/2018 is comes under the definition of void orders because it has been passed without fulfilling the codal formalities.
4. That there is no number of precedents of the Supreme Court of Pakistan which provides that the cases shall be decided on merits rather than technicalities.

5. That there are many Judgment of the superior court as well as specific provision of service law that limitation has been counted from the date of communication/knowledge.

It is therefore, requested that the limitation period (if any) may kindly be condone in the interest of justice.


Appellant

Through


Kabir Ullah Khattak
&
Roeda Khan
Advocates High Court Peshawar

Registration No : 021-B-BMNB-1-04
Certificate No : 20606587

This is to certify that Waseem Ullah Khan
Son / Daughter of Muhammad Israil Qureshi
and a student of Govt. High School Mandan, Bannu

has secured the marks shown against each subject, in the Secondary School Certificate Examination of the Board of Intermediate & Secondary Education, Bannu, held in March, 2006 as Regular Candidate

Subject	Marks	MARKS OBTAINED					
		9Th		10Th		Total	In Words
		Theory	Practical	Theory	Practical		
1. English	75	47	-	44	-	91	Ninety-One
2. Urdu	75	47	-	49	-	96	Ninety-Six
3. Islamiyat	75	38	-	-	-	38	Thirty-Eight
4. Pakistan Studies	75	-	-	47	-	47	Forty-Seven
5. Mathematics	75	28	-	49	-	77	Seventy-Seven
6. Physics	75	30	8	31	13	82	Eighty-Two
7. Chemistry	75	37	7	38	12	94	Ninety-Four
8. Biology	75	34	8	32	11	85	Eighty-Five

Total 1050	610-C	Six Hundred Ten Only
Remarks	SC	


Date of Birth according to Registration Record: 21-06-1990 (21 June, Nineteen Ninety)

Date of Declaration of Result: 26-06-2006

Prepared by: 

Checked by: 

Date of Issue: 26-06-2006


Controller of Examinations
Board of Intermediate and
Secondary Education, Bannu

Note: Errors / Omissions are excepted. Any mistake in Name, Date of Birth and correction needed must be intimated within 30 days of the declaration of Result.

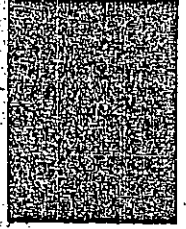
(Compiled by HNR Computer CELL, BISE, Bannu)

**BOARD OF INTERMEDIATE AND SECONDARY EDUCATION****BANNU N-W.F.P PAKISTAN**

S.No.A- 50510

SECONDARY SCHOOL CERTIFICATE EXAMINATION PART-I&II**RESULT CARD**Roll No : 6587Group : Science

Season: 2006 (Annual 10th)

Registration No : 021-B-RMNB-1-04Certificate No : 20606587

This is to certify that Waseem Ullah Khan
 Son / Daughter of Muhammad Israil Qureshi
 and a student of Govt. High School Mandan, Bannu

has secured the marks shown against each subject, in the Secondary School Certificate Examination of the Board of Intermediate & Secondary Education, Bannu, held in March, 2006 as Regular Candidate

Subject	Marks	MARKS OBTAINED					
		9Th		10Th		Total	In Words
		Theory	Practical	Theory	Practical		
1. English	75	47	-	44	-	91	Ninety-One
2. Urdu	75	47	-	49	-	96	Ninety-Six
3. Islamiyat	75	38	-	-	-	38	Thirty-Eight
4. Pakistan Studies	75	-	-	47	-	47	Forty-Seven
5. Mathematics	75	28	-	49	-	77	Seventy-Seven
6. Physics	75	30	8	31	13	82	Eighty-Two
7. Chemistry	75	37	7	38	12	94	Ninety-Four
8. Biology	75	34	8	32	11	85	Eighty-Five

Total 1050

610-C

Six Hundred Ten Only

Remarks

SC

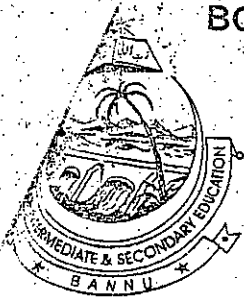
Date of Birth according to Registration Record: 21-06-1990 (21 June, Nineteen Ninety)Date of Declaration of Result: 26-06-2006

Prepared by:

Checked by:

Date of Issue: 26-06-2006

Controller of Examinations
 Board of Intermediate and
 Secondary Education, Bannu



BOARD OF INTERMEDIATE AND SECONDARY EDUCATION, BANNU
KHYBER PAKHTUNKHWA, PAKISTAN

Higher Secondary School Certificate Examination

S. No. 117174

Detailed Marks Certificate

Session: (Annual Part-II) 2013



Roll No: 29405

Group: Pre-Medical

Registration No: 0002-GDCK-1-09

Waseem Ullah Khan

Son/Daughter of Muhammad Israil Oureshi

appeared as Private candidate of Bannu

has secured the marks shown against each subject, in the Higher Secondary School Certificate Examination, held in the month of May The Examination was taken in parts.

SUBJECTS	MAXIMUM MARKS				MARKS OBTAINED				Total	In Words
	Part-I		Part-II		Part-I		Part-II			
	Theory	Practical	Theory	Practical	Theory	Practical	Theory	Practical		
1. English	100		100		48	-	43	-	91	Ninety-One
2. Urdu	100		100		74	-	73	-	147	One Hundred Forty-Seven
3. Islamic Education	50				29	-	-	-	29	Twenty-Nine
4. Pakistan Studies			50		-	-	19	-	19	Nineteen
5. Physics	85	15	85	15	40	8	38	8	94	Ninety-Four
6. Chemistry	85	15	85	15	33	12	31	15	91	Ninety-One
7. Biology	85	15	85	15	28	9	33	13	83	Eighty-Three

Total Marks: 1100 Marks Obtained: 554-C Five Hundred Fifty-Four Only

Remarks

Date of declaration of Result: 06-08-2013

Prepared by:

Checked by:

Date of issue: 06-08-2013

Controller of Examinations

Note: Error / Omission excepted.

(COMPILED BY COMPUTER CELL BISE, BANNU)

13
UNIVERSITY OF SCIENCE & TECHNOLOGY BANNU
Khyber Pakhtunkhwa PAKISTAN

S.No:306957

DETAILED MARKS CERTIFICATE

Bachelor of Arts

Session: 2013-2015

Part-II. Supplementary Examination Held in December, 2015



Name: Waseem Ullah Khan Roll No: 57067

Father's Name: Muhammad Israil Qureshi Reg No: 2013-UB-BP-62696

Institute Name: Private Candidate

The Candidate has secured the following Marks and is placed in 2nd Division.

No.	Subjects	Max Marks	MARKS OBTAINED				Remarks
			Theory	Practical	Total	In Words	
1	Part-I	285		—	143	ONE HUNDRED FORTY-THREE	
2	English (Comp)	75	25	—	25	TWENTY-FIVE	
3	Islamic Studies (Elective)	75	25	—	25	TWENTY-FIVE	
4	Pakistan Studies (Comp)	40	25	—	25	TWENTY-FIVE	
5	Arabic	75	30	—	30	THIRTY	
Total		550			248	TWO HUNDRED FORTY-EIGHT	

Note: Required Pass Percentage in each Subject (Written & Practical Separately) 33; Aggregate Pass Percentage 36
The Examination was taken as a Whole

Prepared by: [Signature]

Checked by: [Signature]

Controller of Examinations
University of Science & Technology, Bannu

Result Declaration Date	09-02-2016
Issue Date	09-02-2016



Roll No: 57067

Waseem Ullah Khan S/O Muhammad Israil Qureshi

Village Kotka molvi Muhammad khalil Mandan PO Bada Mir abass khan Tehsil Distt Bannu

Errors & omissions excepted, if any, are subject to subsequent rectification.

"A"-1 73 19

DOMICILE CERTIFICATE

DISTRICT BANNU N.W.F.P. PAKISTAN

I declare that I was born of parents who are permanently domiciled in N.W.F.P. having belonged to it by birth / settled in it.

I belong by birth to village/Mohallah Korika Mohi M. Khalil Mandan
Tehsil Bannu District Bannu

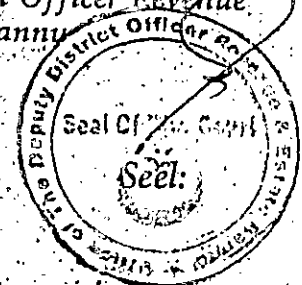
Wassem Ullah
Signature of the applicant.
Date 8.7.06

Pursuance to the declaration dated 8.7.2006 filed by Wassem Ullah Qureshi son / daughter / wife Muhammad Ismail Qureshi domiciled in the N.W.F.P. It is hereby certified that the said wassem Ullah Qureshi is born of parents who are permanent residents of the N.W.F.P. having belonged to it by birth settled in it.

I have satisfied myself from personal / my knowledge verification that the above declaration is true and certify:

This 8th day of July 2006.

[Signature]
Deputy District Officer Revenue
Bannu



No. 2217/

Dated 10/7/2006

COUNTERSIGNED

Seal:

[Signature]
DISTRICT OFFICER REVENUE & ESTATE / COLLECTOR
BANNU

CERTIFICATE

Anexure (D) 16

Certified that Mr. Muhammad Israill Qureshi was Provincial Government Servant and has been retired from service with effect from 31.12.84 A.N. as an Accounts Clerk.

Attested by
Jusaf Ali Bhatt

Superintending Engineer
C&W Circle Bannu

15/9/85
Sub Div: Eng. Bannu
BANNU

MEDICAL CERTIFICATE

Name of Official Masimullah Khan

Father Name: Muhammad Ibrahim Qureshi

Cast of race: Muslim

Residence: Katka Malui Muhammad Khalil Bangash Khel
Tehsil 1 District Bannu.

Date of Birth: 21-06-1990 (1101-3146331-5)

Exact height by measurement _____

personal mark of Identification: Scar on Rt Index finger

Signature of the Official: [Signature]

Reported on 08-3-2018

Signature of head of Office: _____

Seal Office: [Seal]

I do hereby certify that I have examined Mr Masimullah Khan A candidate
for Employment in the office of the XEN C & M Dullkhan Bannu
and can not discover that he had any disease communicable of other constitutional affection or bodily
infirmary except _____

I do not consider this as disqualification for re-employment in the office of the XEN C & M

Dullkhan Bannu His age according to his own statement (28) year and

appearance about Twenty Eight years.

Right Hand Thumb and Finger.

.....

ADDITIONAL HOSPITAL DIRECTOR
DHQ Teaching Hospital Bannu

[Signature]
08/3/2018
Additional Hospital Director
DHQ Teaching Hospital Bannu

To,

The Executive Engineer,
C&W Division Bannu.

Subject:- ARRIVAL REPORT


Sir,

On my appointment as Painter vide your office Order No. 6289/7-E dated 07.03.2018, I beg to submit my arrival report on 08.03.2018 (F.N) please.

Thanks.

Dated 08.03.2018

Your Obediently,


(Mr. Wasimullah Khan)
Painter

Amare (F) Amare
P. 18

(E)

(S)

Answer (H)

22

3472

Dated Bannu the 21/3/2018

The Superintending Engineer,
C&W Circle Bannu

Subject:-

REQUEST FOR CONSIDERATION OF DPC RECOMMENDATION
WITH REGARD TO THE APPOINTMENT OF MR. WASIMULLAH KHAN
S/O MUHAMMAD ISRAIL QUERSHI KOTKA MOLVI MUHAMMAD KHALIL
NEAR POLICE STATION MANDAN PO BADA MIR ABBAS KHAN TEHSIL
& DISTRICT BANNU AS PAINTER (BPS-05) AGAINST EMPLOYEE SONS
QUOTA.

It is submitted that a meeting of DPC was held on 05.03.2018 where as in the appointment of Mr. Wasimullah Khan S/O Muhammad Israil Qureshi as a Painter against retired Sons was considered by the committee.

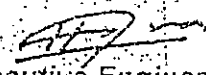
Now it has been observed that the father of Mr. Wasimullah Khan was retired as an Accounts Clerk (BPS-09) therefore the appointment of Mr. Wasimullah Khan S/O Muhammad Israil Qureshi is not in line of appointment, transfers and promotion rules 1989, hence the matter needs to be reconsidered in your good self, Being next higher authority in order to cancelled the appointment order.

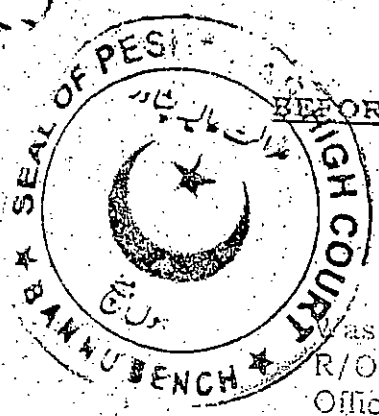
In view of the above it is requested that necessary approval may kindly be accorded to take appropriate action in the matter.

Executive Engineer,
C&W Division Bannu

Copy to the:-

1. Section Officer (Establishment) Govt. of KPK C&W Deptt. Peshawar for information please.
2. District Accounts Officer Bannu for information.
3. Mr. Wasimullah Khan S/O Muhammad Israil Qureshi Kotka Molvi Muhammad Khalil Near Police Station Mandan PO Bada Mir Abbas Khan Tehsil & District Bannu for information.


Executive Engineer,
C&W Division Bannu



BEFORE THE PESHAWAR HIGH COURT BANNU BENCH

Writ Petition No. 950 B /2020

Masim Ullah Qureshi S/O Muhammad Israil Qureshi
R/O Kotka Molvi Muhammad Khalil Mandan Post
Office Bada Mir Abbas Khan, Tehsil & District Bannu
-----(Petitioner)

VERSUS

- 1- Government of Khyber Pakhtunkhwa through Secretary C&W Khyber Pakhtunkhwa, Peshawar
- 2- Chief Engineer (Centre) C&W Department Khyber Pakhtunkhwa, Peshawar
- 3- Executive Engineer C&W Division Bannu
- 4- Superintendent Engineer, C&W Circle Bannu
-----(Respondents)

WRIT PETITION UNDER ARTICLE 199 OF
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN,
1973 UPTO DATE AMENDMENT

PRAYER:-

ON ACCEPTANCE OF THIS PETITION, AN APPROPRIATE WRIT MAY VERY KINDLY BE ISSUED AGAINST THE RESPONDENTS TO THE EFFECT THAT THE OFFICE ORDER NO.6472/7-E DATED 21-03-2018, IS ILLEGAL, UNLAWFUL, AGAINST THE PRINCIPLES OF NATURAL JUSTICE, MALAFIDE, WITHOUT JURISDICTION, THEREFORE, VOID AB INITIO AND INEFFECTIVE UPON RIGHTS OF THE PETITIONER, HENCE OF NO LEGAL EFFECT AT ALL, BE SET ASIDE AND RESPONDENTS MAY KINDLY BE DIRECTED TO RELEASE THE SALARIES OF PETITIONER FROM THE DATE OF APPOINTMENT OR ANY OTHER RELIEF DEEMS FIT AND

162

Filed Today
9 OCT 2020
Additional Registrar

ATTESTED

[Signature]
Bannu Bench

21

24

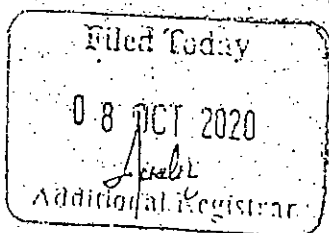
2

APPROPRIATE IN THE CIRCUMSTANCES OF THE
CASE, MAY GRACIOUSLY BE GRANTED IN
FAVOUR OF THE PETITIONER AGAINST THE
RESPONDENTS.

Respectfully Sheweth:-

BRIEF FACTS:-

1. That the petitioner is bonafide resident of District Bannu and he has achieved a remarkable education record. (Copies of testimonial are annexure "A")
2. That the petitioner was appointed as Painter on Employees Sons Quota in C&W Department Bannu vide office order No.6289/7-E dated 07-03-2018 on the recommendation of District Departmental Selection Committee. (Copy of Office Order No.6289/7-E dated 07-03-2018 is annexure "B")
3. That after obtaining Medical Certificate, petitioner submitted his Arrival Report and thereafter, his Service Book and Change Proforma was prepared. (Copies of Arrival Report, Service Book and Change Proforma are annexure "C", "D" & "E" respectively)
4. That thereafter, petitioner was performing his duty according to his ability.
5. That now without any prior notice, and against the principle of natural justice, vide impugned Office Order No.6472/7-E dated 21-03-2018, the



ATTESTED

EXAMINER
Peshawar High Court
Bannu Bench

(25)

(3)

respondent No.3 on the recommendation of Departmental Selection Committee considered the service of petitioner for cancellation due to mistake, which is obviously against the law. (Copy of the Office Order No.6472/7-E dated 21-03-2018 is annexure "F").

6. That petitioner was time and again approach to respondents but they neither withdrawn the impugned order nor they gave the salaries to him.

7. That feeling aggrieved of the same and having no other efficacious remedy the petitioner invokes extra ordinary writ jurisdiction of this Honourable Court, inter alia on the following grounds:-

1/8/20

GROUND S:-

1. That the impugned order (Annexure F) is glaring example of injustice, illegality, favoritism and is thus liable to be set aside.

2. That while making the order of petitioner, he was not informed and nor any kind of opportunity was given about the hearing.

3. That by passing the impugned order, the respondents have shattered the already well-established principles of procedure of existing Civil Service Laws and have committed grave in convenience and discrimination towards the petitioner, which is not tenable in the eyes of law.

Filed Today
08 OCT 2020
Amir
Additional Registrar

ATTESTED
[Signature]
EXAMINER
Peshawar High Court
Bannu Bench

- 4. That the act of the respondents is against the law and only humiliate and torture the petitioner.
- 5. That the impugned order is against the principles of "audi alteram partem" and seems to be based with malafide as the services of the petitioner has been terminated for the appointment of others, whereas the petitioner being functioning without any complaint against him, could not be terminated under the law.
- 6. That the petitioner was appointed by the Departmental Selection Committee after fulfillment of requirements according to law on the Employees Sons Quota but unfortunately without any prior notice, and against the principle of natural justice, vide impugned order, the respondents wants to withdraw the appointment order of petitioner, which is obviously against the law.
- 7. That without hearing the petitioner the fundamental right in respect of service has been violated.
- 8. That additional grounds will be taken at the time of arguments with the permission of this Honourable Court.

1/8/20

Filed Today
 08 OCT 2020
Apul
 Additional Registrar

It is, therefore, most humbly prayed that on acceptance of this petition, an appropriate writ may very kindly be issued against the respondents to the effect

ATTESTED
 EXAMINER
 Peshawar High Court
 Bannu Bench

(27)

(3)

that the office order No.6472/7-E dated 21-03-2018, is illegal, unlawful, against the principles of natural justice, mala fide, without jurisdiction, therefore, void ab initio and in-effective upon rights of the petitioner, hence of no legal effect at all, be set aside and respondents may kindly be directed to release the salaries of petitioner from the date of appointment or any other relief deems fit and appropriate in the circumstances of the case, may graciously be granted in favour of the petitioner against the respondents.

Dated: 8/10/2020

Petitioner
Through his counsel
Umar Zad Shah Bukhari
Umar Zad Shah Bukhari
Advocates High Court

Interim Relief:-

Interim relief in shape of suspension of impugned order No.6472/7-E dated 21-03-2018 as well as respondents may kindly be restrained from taking any action against the petitioner till final disposal of the Writ petition.

Umar Zad Shah Bukhari
Advocate

CERTIFICATE:-

This is to certify that no other such like petition is filed or pending disposal before any other forum or before this august court, except the instant petition, as per information conveyed by my Clients.

Umar Zad Shah Bukhari

LAW OF BOOKS:-

- I) Constitution of Islamic Republic of Pakistan, 1973.
- II) Other case law according to need

Filed Today
08 OCT 2020
Adil
Additional Registrar

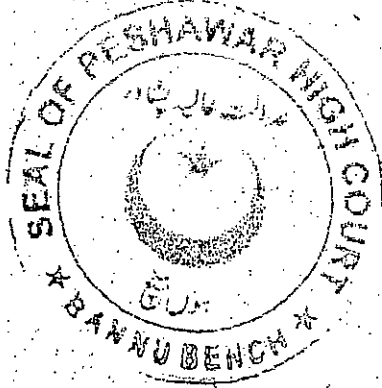
Umar Zad Shah Bukhari

ATTESTED
EXAMINER
Peshawar High Court
Bachchan Bench

28

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT, BANNU BENCH.
(Judicial Department)

W.P No.950-B/2020.
Wasim Ullah
Vs
Govt: of KPK etc.



JUDGMENT

Date of hearing _____ 13.10.2020.

Petitioner(s)by: *Mr. Umerzad Shah Bukhari Advocate.*

Respondent(s) by: (In motion).

MUSARRAT HILALI, J--- Through this constitutional petition filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioner seeks the following relief:-

"On acceptance of this petition, an appropriate writ may very kindly be issued against the respondents to the effect that the office order No.6472/7-E dated 21.3.2018, is illegal, unlawful, against the principles of natural justice, mala fide, without jurisdiction, therefore, void ab-initio and in-effective upon rights of the petitioner, hence of no legal effect at all, be set aside and respondents may kindly be directed to release the salaries of petitioner from the date of appointment or any other relief deems fit and appropriate in the circumstances of the case, may graciously

gmen

ATTESTED
EXAMINER
Peshawar High Court
Bannu Bench

29

be granted in favour of the petitioner against the respondents."

2. Brief facts of the case are that petitioner was appointed on the recommendation of District Departmental Selection Committee vide office order dated 07.3.2018. After obtaining medical certificate, the petitioner submitted his arrival report and thereafter his service book and change proforma was prepared. Now the respondents without any prior notice and against the principle of natural justice respondent No.3 on the recommendation of Departmental Selection Committee issued office order dated 21.3.2018 for cancellation the service of the petitioner. Hence, the instant writ petition.

3. Arguments heard, record perused.

4. The petitioner being civil servant has filed the instant writ petition to set aside the office order No.6472/7-E dated 21.3.2018, issued by respondent No.3 on the recommendation of Departmental Selection Committee to

ATTESTED
EXAMINER
Punjab High Court
Bansal Bench

30

consider the service of petitioner for cancellation and to release the salaries of the petitioner from the date of his appointment which relates to terms and condition of service.

The jurisdiction of this Court is explicitly barred under Article 212 of the Constitution in service matters and the proper forum available for redressal of grievance of the petitioner would be the service Tribunal. Thus this petition being not maintainable stands dismissed in *LIMINE*.

Announced
13.10.2020

CERTIFIED TO BE TRUE COPY

[Signature]
Peshawar High Court Sanno Bench
Authorised Under Article 87 of
The Qanun-e-Shahadat Ordinance 1984

Ihsan (D.O) Hon'ble Justice Musarrat Hilali and Hon'ble Justice Sahibzada Asaduliah

SCANNED

4 OCT 2020

[Signature]
Khalid Khan

[Signature]
14/10/2020

OFFICE ORDER

No. 6738 /7-E

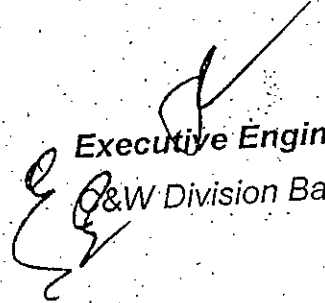
Dated Bannu

the 5/04/2018

(Annex: 3)

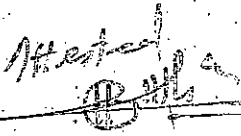
31

In Terms of Appointment, Promotion and Transfers rules and with the approval from Superintending Engineer C&W Circle Bannu being next higher Authority, the appointment Order of Mr. Wasimullah Khan S/O Muhammad Israil Qureshi as Painter (BPS-05) being not eligible under the existing quota, bearing No. 6289/7-E dated 07.03.2018 is hereby cancelled / withdrawn.


Executive Engineer,
C&W Division Bannu.

Copy to:-

1. The Superintending Engineer C&W Circle Bannu w/r to above for information please.
2. The Section Officer (Estabtt.) Govt. of KPK C&W Department Peshawar w/r to above for information please.
3. The District Accounts Officer Bannu for information.
4. The Divisional Accounts Officer (Local) for information.
5. Mr. Wasimullah Khan S/O Muhammad Israil Qureshi Kotka Molvi Muhammad Khalil Near Police Station Mandan PO Bada Mir Abbas Khan Tehsil & District Bannu for information.


Executive Engineer,
C&W Division Bannu

Executive Engineer,
C&W Division Bannu

Amara (K) 32

(1)

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR



Khyber Pakhtunkhwa
Service Tribunal

Diary No. 4533

Date: 02/4/2021

In Re S.A No. 4801 /2021

Waseem Ullah Qurishi S/o Muhammad Israil
Qureshi R/o Kotka Molvi Muhammad Khalil
Mandan Post Office Bada Mir Abbas Khan,
Tehsil & District Bannu.

Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary C&W Khyber Pakhtunkhwa Peshawar.
2. Chief Engineer (Centre) C&W Depatt. Khyber Pakhtunkhwa Peshawar.
3. Superintending Engineer C&W Division Bannu
4. Executive Engineer C&W Division Bannu

Filed-to-day

Respondents

104/2021

APPEAL U/S-4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL ACT
1974 AGAINST THE ORDER DATED 21/03/2018
WHEREBY THE SERVICE OF THE
APPELLANT HAS BEEN CANCELLED AGAINST
WHICH THE APPELLANT FILED
DEPARTMENTAL APPEAL ON 10/04/2018
WHICH HAS NOT BEEN DECIDED WITHIN
THE STATUTORY PERIOD OF 90 DAYS.

104/2021

REGISTERED

Prayer:-

ON ACCEPTANCE OF THIS APPEAL THE IMPUGNED ORDERS DATED 21/03/2018 MAY KINDLY BE SET ASIDE AND THE APPELLANT MAY KINDLY BE REINSTATED IN SERVICE ALONG WITH ALL BACK BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT THAT MAY ALSO BE ONWARD TRIBUNAL DEEMS FIT THAT MAY ALSO BE GRANTED IN FAVOUR APPELLANT.

Respectfully Sheweth,

1. That the appellant is bonafide resident of District Bannu and he has achieved a remarkable education record. (Copies of academic record & domicile are annexure "A & A1").
2. That the appellant was appointed as painter on Retired Sons Quota in C&W Department Bannu vide office order No. 6289/7-E dated 07.03.2018 on the recommendation of District Department Selection Committee. (Copy of office order No. 6289/7-E dated 07.03.2018 & retirement certificate is annexure "B & B1").
3. That after obtaining Medical Certificate, appellant submitted his Arrival Report and thereafter, his Service Book was prepared.

(Copies of Medical certificate, Arrival Report & Service Book are annexed as annexure "C", "D" & "E" respectively).

4. That after appointment the appellant performed his duty with full devotion and hard work and no complaint whatsoever has been made against the appellant.

5. That on 21.03.2018 without fulfilling the usual formalities the service of the appellant has been cancelled. (Copy of order is annexure "F").

6. That the appellant filed the departmental appeal on 10.04.2018 which has not been decided within the statutory period of 90 days. (Copy of departmental appeal is attached as annexure "G").

Secretary
Government

7. That against the cancellation order dated 21.03.2018 the appellant filed writ petition No. 950/B/2020 which has been disposed on 16.10.2020 on the ground of lack of jurisdiction. (Copy of writ petition is attached as annexure "H").

8. That feeling aggrieved the Appellant prefers the instant service appeal before

ATTENDED
[Signature]
Secretary
Service Commission

this Hon'ble Tribunal on the following grounds inter alia:-

GROUNDS:-

- A. That the impugned order 21/03/2018 is void and abinitio order because it has been passed without fulfilling codal formalities.
- B. That no charge sheet has been served or communicated to the appellant in this respect the appellant relied upon a judgment reported on 2009 SCMR page:615.
- C. That no regular inquiry has been conducted by the Respondent department and no chance of personal hearing has been provided to the appellant in this respect the appellant relied upon the judgment dated 2008 SCMR Page:1369.
- D. It is a well settled maxim no one can be condemned unheard because it is against the natural justice of law in this respect the appellant relied upon a judgment reported on 2008 SCMR page:678.
- E. That no show cause notice has been issued to the appellant and no opportunity of personal hearing has been provided to the appellant.
- F. That the appellant was appointed by the Departmental Selection committee after fulfillment of requirements according to law on the Retired Sons Quota but unfortunately without any prior notice, and against the principle of natural justice, vide impugned order, the respondents wants to withdraw the appointment order of petitioner, which is obviously against the law.

Filed to-day

Registrar

37

3

G. That any other ground not raised here may graciously be allowed to be raised at the time full of arguments on the instant service appeal.

It is therefore, most humbly prayed that on acceptance of this appeal the impugned orders dated 21/03/2018 may kindly be set aside and the appellant may kindly be reinstated in service along with all back benefits. any other remedy which this august tribunal deems fit that may also be onward tribunal deems fit that may also be granted in favour appellant

Any other relief not specifically asked for may also graciously be extended in favour of the Appellant in the circumstances of the case.

(Washim)
APPELLANT

Through

(Roeeda)
Roeeda Khan
Advocate, High Court
Peshawar.

Dated: 02/04/2021

NOTE:-

As per information furnished by my client, no such like appeal for the same petitioner, upon the same subject matter has earlier been filed, prior to the instant one, before this Hon'ble Tribunal.

(Roeeda)
Advocate.

filed today

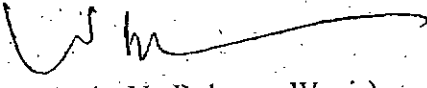
ar

1

REGISTERED
Service Tribunal
Peshawar

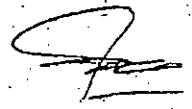
04.01.2022 Junior to counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for respondents present.

Reply/comments on behalf of official respondents are still awaited. Learned AAG sought time for submission of reply/comments. Last opportunity is granted to respondents to furnish reply/comments on or before next date, failing which their right to submit reply/comments shall be deemed as struck off by virtue of this order. To come up for arguments before the D.B on 24.02.2022.


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

24-2-22

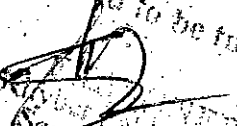
Due to retirement of worthy chairman, the case is adjourned to 1-6-22 for the same.




01.06.2022 Appellant present through counsel.

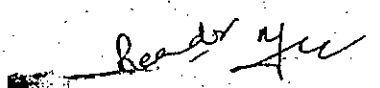
Muhammad Riaz Khan Paindakheil learned Assistant Advocate General alongwith Nowroz Khan SDEO for respondents present.

Representative of respondents submitted reply. Copy of the same was handed over to the learned counsel for appellant who requested for adjournment. Adjourned. To come up for remaining arguments on 09.08.2022 before D.B.

Certified to be true copy

Secretary
Peshawar


(Fareeha Paul)
Member(E)


(Rozina Rehman)
Member (J)

9-8-2022 Due to the Public holiday the case is adjourned to 9-11-2022


38

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal 4801/2021

Waseem Ullah Qureshi

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 3403

Date 6-2-2023

VERSUS

Secretary to Government of KPK and others.

**APPLICATION FOR WITHDRAWN OF THE
ABOVE TITLED SERVICE APEAL NO. 4801/2021**

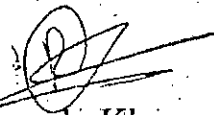
Respectfully Sheweth:

- 1) That the above mentioned Service Appeal is pending adjudication before this Hon' able Tribunal which is fixed for 26/04/2023.
- 2) That the Petitioner/appellant do not want to further proceed the instant Service Appeal.
- 3) That there is no legal bar for acceptance of the instant application.

It is, therefore, requested that by acceptance of the instant application the appeal may be kindly be withdrawn.


Petitioner

Through

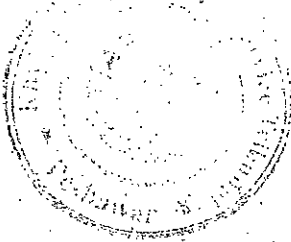

Roeeeda Khan

Advocate High Court Peshawar

39

16th Feb, 2023

Learned counsel for the appellant present and submitted an application for withdrawal of the service appeal No. 480/2021 through office vide diary No. 3403 dated 06.02.2023. The case was fixed for arguments before the D.B on 05.04.2023 but on the request of learned counsel for the appellant, case file was requisitioned for today.



2. Learned counsel for the appellant submitted that the appellant does not want to further pursue the case and she wants to withdraw the instant appeal. Application is placed on file. Dismissed accordingly. Consign.

3. Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 16th day of February, 2023.

(Salah Ud Din)
Member(J)

(Kalim Arshad Khan)
Chairman

Original to be filed copy
Service Tribunal
Peshawar

Date of Presentation of Application 21-3-23
Number of Pages 6
Copying Fee 30/-
Urgent 5/-
Total 35/-
Date of Completion 21-3-23
Date of Delivery of Copy 21-3-23

Amara (2)

(40)

To

The Secretary C&W Department.
KPK Peshawar

Subject: Departmental Appeal against the order dated 05.04.2018 communicated to the appellant on 01/06/2022 whereby the service of the appellant has been cancelled/withdrawn.

Respected Sir

1. That the appellant was appointment as painter on retired son quota in C&W Department Bannu vide office order No. 6289/7-P dated 07/03/2018 on the recommendation of District Department Selection Committee.
2. That after obtaining medical certificate the appellant submitted as arrival report and there after his service book was prepared by the respondent Department.
3. That after appointment the appellant performed his duty with full devotion and hard work and no complaint whatsoever has been made against the appellant.

41

4. That the service of the appellant has been canceled/withdrawn on 05/04/2018 without any reason and without falling the codal formality and the said order has been communicated to the appellant on 01/06/2022.

It is therefore most humbly prayed that on acceptance of instant Departmental Appeal the impugned order dated 05/04/2018 may kindly be set aside and the appellant may kindly be reinstated on his service alongwith all back benefits.

Dated 01.07.2022


Your Sincerely

Waseem Ullah Qureshi

بعدالت لیسٹس اور اسٹیٹمنٹ



2023ء منجانب اسٹیٹمنٹ

مورخہ

وہی اسٹیٹمنٹ نام ۲۳

مقدمہ

دعویٰ

جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ

آن مقام سہارے کیلئے لیسٹس اور اسٹیٹمنٹ، لیسٹس اور اسٹیٹمنٹ

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے ق تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا محتاج ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکور با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ ہوں گے سب سے دہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

2023ء

ماہ مارچ

22

المرقوم

العبد گ د گ العبد

مقام سہارے کے لئے منظور ہے۔