


FORM OF ORDERSHEET

Court of _____

Case No. _____

729/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	31.03.2023	<p>As per direction of the Worthy Chairman the present appeal is fixed for preliminary hearing and decision on office objections before Single Bench at Peshawar on _____. Counsel for the appellant be informed accordingly.</p> <p style="text-align: right;">  REGISTRAR </p>

Respected Sir,

It is submitted that the present appeal was received on 16.03.2023, which was returned to the counsel for the appellant for removing objections (Flag-A). Today i.e. 30.03.2023 he re-filed the same without removing the objection no.1 & 2.

The appeal is now submitted to your honor under rules 7 (c) of the Khyber Pakhtunkhwa Service Tribunal rules 1974 for appropriate order please.

REGISTRAR *uw* 30/3/2023

Worthy Chairman

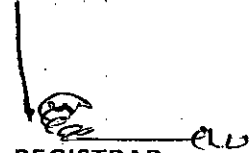
RAH + 070
31/3/23

The appeal of Mr. Hamid Ullah Khan CT GHS Gul Akram Sub Division Wazir Bannu received today i.e. on 16.03.2023 is incomplete on the following score which is returned to the co Counsel for the appellánt for completion and resubmission within 15 days.

- 1- Copy of complaint mentioned in para-2 of the memo of appeal is not attached with the appeal.
- 2- Annexures-B & C of the appeal are illegible which may be replaced by legible/better one.
- 3- Certificate be furnished that whether any appeal on the subject matter has earlier been filed in this Tribunal.

No. 979 /S.T,

Dt. 17/3 /2023



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Afrasiab Khan Wazir Adv.
High Court at Peshawar.

Sir,
Complaint complete report is already attached,
while Annexure "B" is legible and "C"
better copy is attached, certificate is
also furnished. Resubmitted 30/3/2023
Al r

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: Hamid Ullah Khan

v/s

Education Deptt:

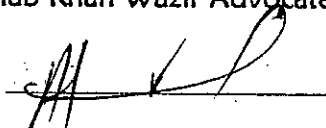
S#	CONTENTS	YES	NO
1	This Appeal has been presented by: Afrasiab Khan Wazir Advocate	✓	
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?		✓
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On	✓	
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On	✓	
26	Whether copies of comments/reply/rejoinder submitted? On	✓	
27	Whether copies of comments/reply/rejoinder provided to opposite party? On	✓	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: **Afrasiab Khan Wazir Advocate**

Signature:

Dated:



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. 729 /2023

HAMID ULLAH KHAN

VS

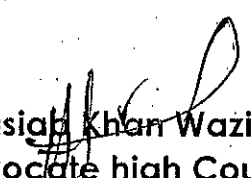
EDUCATION DEPTT:

INDEX

S. NO.	DOCUMENTS	ANNEXURE	PAGE
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3.	Merit list	A	4-5
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5.	complaint	C	8-11
6.	Appointment order dated 10.07.2021	D	12
7.	Departmental appeal	E	13
8.	Vakalatnama	14

APPELLANT

THROUGH:


Afrasiab Khan Wazir
Advocate high Court
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 729 /2023.

Mr. Hamid Ullah Khan, CT (BPS-15),
GHS Gul Akram Sub Division Wazir Bannu, District Bannu.

.....APPELLANT.

VERSUS

- 1- The Secretary Elementary & Secondary Education Department, Khyber Pakthunkhwa, Peshawar.
- 2- The Director Elementary & Secondary Education Department, Khyber Pakthunkhwa, Peshawar.
- 3- The District Education Officer, Sub Division Wazir Bannu, District Bannu.
- 4- The District Account Officer, District Bannu.

.....RESPONDENTS.

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST IMPUGNED APPOINTMENT ORDER DATED 10.07.2021 WHEREBY APPELLANT IS APPOINTED AS CT (BPS-15) WITH IMMEDIATE EFFECT BY THE RESPONDENTS INSTEAD w.e.f. i.e 17.08.2015 WHEREBY COLLEAGUES OF THE APPELLANT WERE APPOINTED AND AGAINST INACTION OF THE RESPONDENTS ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STIPULATED PERIOD OF NINETY DAYS.

PRAYER:

That on acceptance of this service appeal the impugned order dated 10.07.2021 may very kindly be modified to the extent of appellant and the respondents may further please be directed to grant back benefits w.e.f 17.08.2015 to the appellant whereby his colleagues were appointed on the post of CT (BPS-15). Any other remedy which this August Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief fact of appeal are as following:

- 1- That the respondent after filling all the codal formalities they circulated merit list of the candidates wherein appellant was placed at serial No.17. of the merit list with his other colleagues. (Copy of merit list is attached as annexure.....A)

2- That after aforementioned merit, respondents issued appointment order dated 17.08.2015 whereby they appointed colleagues of the appellant being in the above mentioned merit list while ignored the appellant deliberately.

(Copy of the appointment order dated 17.08.2015 is attached as annexure.....B)

3- That the appellant feeling aggrieved from the impugned appointment order dated 17.08.2015, filed complaint against the respondents in Provincial Ombudsman Secretariat Khyber Pakhtunkhwa, requested for his appointment as CT (BPS—15) being discriminated, thus findings were made in favor of the appellant after digging out the true facts of case vide dated 30.09.2019.

(Copy of the complaint is attached as annexure.....C)

4- That in light of the above complaint, respondents appointed appellant vide impugned order dated 10.07.2021 with immediate effect instead w.e.f the date of his colleagues appointment order dated i.e 17.08.2015.

(Copy of appointment order dated 10.07.2021 is attached as annexure.....D)

5- That the appellant further feeling aggrieved from the impugned appointment order dated 10.07.2021, he preferred departmental appeal which is still pending.

(Copy of departmental appeal is attached as annexure.....E)

6- That the appellant feeling aggrieved and having no other alternate and officious remedy but to file this instant appeal on the following grounds inter alia.

ON GROUNDS:

A-That the issuance of impugned appointment order dated 10.07.2021 by the respondents with immediate effects instead w.e.f the date of his colleagues appointed order dated 17.08.2015 is against law, rules and norms of natural justice thus liable to be modified to the extent of appellant.

B- That action of the respondents is violation of article 4 & 25 of the Constitution of Islamic republic Of-Pakistan 1973.

C-That the action of not granting back benefits w.e.f 17.08.2015 whereby his colleagues were appointed being in merit list with appellant is against the norms of natural justice.

D-That the action of the respondents is discriminatory in nature by appointing colleagues of the appellant vide order 17.08.2015 while appellant is appointed with immediate effect.

E- That the action of the respondents is arbitrary & malafide in nature by issuing impugned appointment order dated 10.07.2021 to the appellant with immediate effect instead w.e.f the date of colleagues appointment order dated 17.08.2015.

F- That the Provincial Ombudsman had pointed out in their recommendation terming maladministration of the department regarding appointment even of those who were not in merit list.

G-That the appellant seeks permission to advance any other grounds at the time of regular hearing.

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

Dated:

APPELLANT

Hamid Ullah Khan
HAMID ULLAH KHAN

Through:

Afrasiab Khan Wazir
Afrasiab Khan Wazir
Advocate High Court
Peshawar

Certificate:

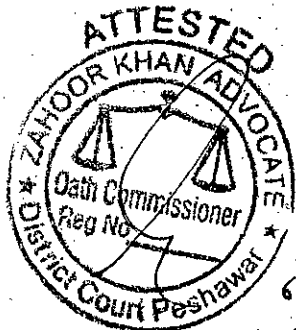
It is certified that no other appeal has been filed between the parties on the same issue.

Hamid Ullah Khan
Deponent

Affidavit:

I, Hamid Ullah Khan S/O Gul Salam Khan R/O Shah Hussain Kala, Zairaki Pirkahel, P/O Azim Kala Tehsil domail & District Bannu do hereby solemnly affirm and declare that the contents of this Instant Appeal is true and correct to the best of my knowledge and belief and nothing has been concealed from this august tribunal so far.

Hamid Ullah Khan
Deponent



15/03/23

OFFICE OF THE AGENCY EDUCATION OFFICER FR BANNU AT BANNU

Final Merit List of CT (Male) Local candidates 25 % on FR Bannu basis
Interview held on dated: 26/12/2012

Sl. No.	Interview #	Name	Father's name	Domicile	Domicile tribe	D.O birth	SSC Score (20)			HSSC Score (20)			BA/BSc Score (20)			CT/DIE Cert. Score (20)			MA/MSc/Ed/MA Edu Score (15)			M Phil/PhD Marks (5)	In case of Science Group Extra Marks for FSc, BSc, MSc each		Total Score	Remarks
							Marks Obt.	Total Marks	Score	Marks Obt.	Total Marks	Score	Marks Obt.	Total Marks	Score	Marks Obt.	Total Marks	Score	Marks Obt.	Total Marks	Score		Marks Obt.	Total Marks		
1	2	3		5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	25	27
1	95	Sherullah	Rahim Khan	FR Bannu	Ahmadzai	03/09/1984	584	850	13.74	743	1100	13.51	352	550	12.80	772	1200	12.87	1478	2050	10.81	5	MSc	15	83.73	
2	13	Alam Zeb Khan	Sheraz Khan	FR Bannu	Uthmanzai	01/04/1990	779	1050	14.84	727	1100	13.22	385	550	14.00	577	900	12.82	3.5	4	13.13		MSc	15	83.01	
3	262	Khalid Usman	Amir Sultan	FR Bannu	Ahmadzai	03/04/1985	543	850	12.78	783	1100	14.24	378	550	13.75	884	1200	14.73	641	1200	10.51		MSc	15	81.81	
4	15	Zainullah Khan	Noor Zahef Khan	FR Bannu	Ahmadzai	01/03/1984	533	850	12.54	673	1100	12.24	283	550	10.29	667	1200	14.45	2493	3450	10.87	5	MSc	15	80.39	
5	227	Inamullah Khan	Dil Kash Khan	FR Bannu	Ahmadzai	07/03/1983	584	850	13.67	678	1100	12.29	342	550	12.44	737	1200	12.28	1442	2400	9.01	5	MSc	15	79.69	M. Phil
6	199	Zahidullah Khan	Qadir Nawaz Khan	FR Bannu	Ahmadzai	06/02/1985	507	850	13.34	666	1100	12.11	358	550	13.02	873	1200	14.55	1801	2500	10.81		MSc	15	78.83	
7	70	Sultan Saeed	Zabar Khan	FR Bannu	Ahmadzai	10/03/1984	519	850	12.21	634	1100	11.53	366	550	13.38	932	1200	15.53	1546	2150	10.79		MSc	15	78.44	
8	76	Khan Ullah	Ilyas Khan	FR Bannu	Ahmadzai	03/09/1982	601	850	14.14	684	1100	12.44	338	550	12.29	685	1200	14.75	1491	2400	9.32		MSc	15	77.94	
9	263	Ashfaq Ahmed	Sher Ayaz	FR Bannu	Ahmadzai	04/04/1985	578	850	13.60	756	1100	13.75	348	550	12.65	541	900	12.02	1783	2500	10.70		MSc	15	77.72	
10	132	Muhammad Ismail	Muhammad Zaman	FR Bannu	Uthmanzai	04/02/1977	562	850	13.22	696	1100	12.65	340	550	12.36	472	900	10.49	1272	2400	7.95	5	MSc	15	76.67	Community Service
11	50	Arshad Ali	Khan Wali Khan	FR Bannu	Ahmadzai	22/04/1986	576	850	13.60	715	1100	13.00	330	550	12.00	563	900	12.51	1376	2000	10.32		MSc	15	76.43	
12	240	Zia-ur-Rehman	Wali Khan	FR Bannu	Ahmadzai	25/06/1982	539	850	12.68	654	1100	11.89	321	550	11.67	879	1200	14.65	1474	2150	10.28		MSc	15	76.17	In-service
13	162	Atta Ullah	Amir Azam Khan	FR Bannu	Ahmadzai	02/03/1986	539	850	12.68	582	1100	10.53	330	550	12.00	1220	1500	16.27	1290	2100	9.21		MSc	15	75.74	
14	141	Asifullah	Akhtar Khan	FR Bannu	Ahmadzai	10/10/1985	535	850	12.59	644	1100	11.71	378	550	13.75	755	1200	12.58	1609	2500	9.65		MSc	15	75.28	
15	16	Zeeshan Ahmad	Asim Ullah Khan	FR Bannu	Ahmadzai	01/01/1986	471	850	11.08	569	1100	10.35	344	550	12.51	539	900	11.98	1265	2050	9.26	5	MSc	15	75.18	

A-4

ATTESTED


Sl. No.	Inten. S/N	Name	Father's name	Domicile	Domicile tribe	D.O birth	SSC Score (20)			HSSC Score (20)			BA/BSc Score (20)			CT/DIE Cert. Score (20)			MA/MSc/M.Ed/MA Edu Score (15)			M. Phil/PhD Marks (5)	In case of Science Group 5 Extra Marks for FSc, BSc, MSc each		Total Score	Remarks
							Marks Obt.	Total Marks	Score	Marks Obt.	Total Marks	Score	Marks Obt.	Total Marks	Score	Marks Obt.	Total Marks	Score	Marks Obt.	Total Marks	Score		Marks Obt.	Total Marks		
16	191	Matjullah	Jalal-ud-Din	FR Bannu	Ahmadzai	08/02/1985	579	850	13.62	720	1100	13.09	263	550	9.55	601	900	13.36	1382	2100	9.87		MSc	15	74.50	
17	108	Hamid Ulfah Khan	Gul Aslam Khan	FR Bannu	Ahmadzai	01/05/1974	647	850	15.22	671	1100	12.20	343	550	12.47	615	1200	10.25	1406	2400	8.79		MSc	15	73.93	In-service
18	140	Raz Ali Khan	Gul Raip Khan	FR Bannu	Uthmanzai	11/05/1982	536	850	12.61	708	1100	12.87	311	550	11.31	751	1200	12.52	1548	2500	9.29		MSc	15	73.60	
19	210	Kiramat Ullah	Sher Daraz Khan	FR Bannu	Ahmadzai	16/02/1986	582	850	13.69	594	1100	10.80	374	550	13.60	519	900	11.53	710	1200	8.88		MSc	15	73.50	
20	273	Arad Ullah	Wresham Daq	FR Bannu	Ahmadzai	21/04/1986	586	850	13.79	709	1100	12.89	404	550	14.69	780	1200	13.00	853	1200	10.66		FSc	5	70.03	
21	119	Amir Hamzah	Baloor Khan	FR Bannu	Ahmadzai	14/04/1985	562	850	13.22	556	1100	10.11	330	550	12.00	565	900	13.00	1766	2400	11.04		BSc	10	69.37	
22	58	Muhammad Zahir S	Noor Khan	FR Bannu	Uthmanzai	16/09/1982	563	850	13.25	548	1100	9.36	291	550	10.58	750	1200	12.63	629	1200	7.86		MSc	15	69.28	In-service
23	225	Asmatullah	Saif-ur-Rehman	FR Bannu	Ahmadzai	01/01/1988	563	850	13.25	648	1100	11.78	1593	2300	13.85	671	900	12.69	1806	2200	12.31		FSc	5	68.88	
24	188	Jamshid Khan	Sar Anjam Khan	FR Bannu	Ahmadzai	17/09/1983	491	850	11.55	685	1100	12.40	346	550	12.58	577	900	12.82	732	1200	9.15		BSc	10	68.55	
25	191	Kiramat Ullah Khan	Bahar Gul	FR Bannu	Ahmadzai	04/03/1976	474	850	11.15	541	1100	9.84	290	550	10.55	525	900	12.11	1129	1900	8.91		MSc	15	67.56	In-service

A.A.E.O (Estab./U-Zai)
AEO office FR Bannu
(Member/Secretary)

Principal,
GHSS Nadir Bodin Khel FR Bannu
(Member)

Representative
Directorate of Edu. (FATA), Peshawar
(Member)

Representative
DCO/Political Agent FR Bannu
(Member)

A.A.E.O (Estab./A-Zai)
AEO office FR Bannu
(Member/Secretary)

Principal,
GHS Bakka Khel FR Bannu
(Member)

Agency Education Officer
FR Bannu (Chairman)

"B" - 6



Office of the

AGENCY EDUCATION OFFICER, FR BANNU

Near Bannu Township B6zen Khel road, Bannu
Ph: 0928-633265, Fax: 0928-633255

APPOINTMENT ORDER:

Consequent upon the Selection, by Departmental Selection Committee, for recruitment during 2012 as well as approval by the Director Education, FATA KPK Peshawar vide hjs No. 7966-67, dated: 6/8/2015, the following Male candidates of Open Merit/Tehsil Merit/Disable of FR Bannu are hereby appointed against the vacant GT posts, in the schools mentioned against each, in BPS-9 @ Rs. 8015-495-22865 plus usual allowances as admissible under the rules in the interest of public service with effect from 01/9/2015.

Note: Beside other terms and conditions given in this appointment order, this appointment will remain open for any kind of appeal against the appointee, and the appointee will submit an affidavit to the effect that if Institutions/Madrasahs from where he/she/they have been educated and received his/her/their Degrees/Certificates/Sanads, were found bogus OR Declared as Sub standard by any authorized Committee, Court, OR authority. He/she/they will face cancellation of his/her/their appointment happily and will deposit what has received as Salaries, in Govt. treasury.

Sr.	Name of candidate with Score	Father's name	Domicile of area	Open Merit/ Tehsil Merit/ Disable	Place of posting	Remarks	Vacant by
1	Zahid Ullah Khan	Qadir Nawaz Khan	Ahmadzai	Tehsil wise	GHS Muhammad Khel	Against vacant GT Post	Rohatullah ASEO
2	Sultan Saeed	Zabar Khan	Ahmadzai	do	GHS Zarwan	do	do
3	Abdullah	Ilyas Khan	Ahmadzai	do	GHS Muhammad Khel	do	do
4	Muhammad Zahir Shah	Noor Khan	Uthmanzai	Tehsil wise	GHS Jani Khel	do	Darier Khan ASEO
5	Hakimullah	Manda	Uthmanzai	do	GMS Malik Zai	do	do
6	Asmatullah	Mir Zakam	Uthmanzai	do	GHS Ghazi Killa	do	do
7	Alam Zeb Khan	Sheraz Khan	Uthmanzai	Open Merit	GMS Gulzai Bakka Khel	do	do
8	Arshad Ali	Muhammad Abbas Ali	Uthmanzai	Tehsil wise	GMS Amir Hamza	do	do
9	Abdus Samad	Alidus Salami	Uthmanzai	do	GMS Munir Baji Khel	do	do
10	Kalimullah Khan	Muhammad Amin Khan	Uthmanzai	do	GMS Wahida Jani Khel	do	do
11	Khalid Usman	Amir Sultan	Ahmadzai	Open Merit	GMS Dilawar Khan	do	do
12	Khalid Khan	Noor Zaman	Uthmanzai	Tehsil wise	GHS Nawab Nara Khel	do	do
13	Faridullah	Muhammad Sher Khan	Uthmanzai	do	GMS Daryul Ali Khel	do	do
14	Muhammad Jehangir Khan	Atta Muhammad Khan	Uthmanzai	do	GHS Sarwar Jan Bakka Khel	do	do
15	Zainullah Khan	Noor Zaeef Khan	Ahmadzai	Open Merit	GMS Akhya Jan Bakka Khel	do	do
16	Akbar Zaman	Gul Shehbaz Khan	Uthmanzai	Tehsil wise	GMS Akhya Jan Bakka Khel	do	do
17	Alam Noor	Qadir Jan	Uthmanzai	do	GMS Khawajada Khel	do	do
18	Tilawat Khan	Umar Din	Uthmanzai	do	GHS Jani Khel	do	do

ATTESTED
(Signature)

"C" - (8)

PROVINCIAL OMBUDSMAN SECRETARIAT
KHYBER PAKHTUNKHWA

So. No. Complaint/0163/02/2019/1603e-37

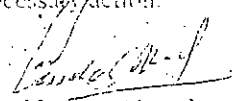
Dated: 30/09/2019

1. Secretary Higher Education Department, Peshawar.
2. Director, Directorate of Education Department, Peshawar.
3. Additional Director (NMD) Directorate of E&SE Peshawar.
4. District Education Officer Sub-Division Wazir Bannu.....(Agency)

Hamid Ullah Khan s/o Gul Islam Khan r/o
Village Shah Hussain Kala P.O Azeem
Kala District Bannu. (Contact # 03348680467)..... Complainant)

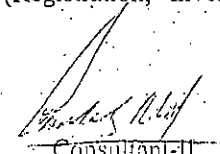
Subject: REQUEST FOR APPOINTMENT
(filed by Hamced Ullah r/o Bannu).

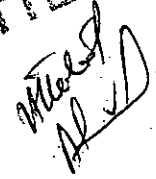
Copy of Findings dated 30/09/2019 issued by the Hon'ble Provincial Ombudsman Khyber Pakhtunkhwa in Complaint No. 0163/02/2019 filed by Hamid Ullah Khan r/o FR Bannu regarding the subject is enclosed herewith for information and necessary action.


Muntaz Ahmad
Consultant-II
Provincial Ombudsman Secretariat,
Khyber Pakhtunkhwa.

ENDST: EVEN NO & DATE:

Copy forwarded to the i/c Computer Section, Provincial Ombudsman Secretariat Khyber Pakhtunkhwa alongwith findings in duplicate for updating record under Regulation 19 of the Khyber Pakhtunkhwa Provincial Ombudsman Office (Registration, Investigation and Disposal of Complaints) Regulations, 2011.


Consultant-II
Provincial Ombudsman Secretariat,
Khyber Pakhtunkhwa

ATTESTED


PROVINCIAL OMBUDSMAN ACT, 2010
KHYBER PAKHTUNKHWA

9

PROVINCIAL OMBUDSMAN ACT, 2010

1	NAME OF THE AGENCY	Higher Education Department Peshawar
2	NAME OF THE AGENCY	Directorate of Education Department Peshawar
3	NAME OF THE AGENCY	District Education Officer Sub-Division Wazir Bannu
4	NAME OF THE INVESTIGATION OFFICER	Mumtaz Ahmad Consultant-II
5	SUBJECT OF COMPLAINT	Request for appointment
6	DATE OF REGISTRATION	18/02/2019
7	DATE OF FINDINGS	30/09/2019

THE COMPLAINT

Mr. Hamid ullah Khan instituted a complaint stating that he was permanent resident of FR Bannu. In FR Bannu, there were two tribes, namely Utmazai tribe and Ahmadzai tribe living side by side. He belonged to Ahmadzai. FR Bannu was one Tehsil and recruitment was made on the basis of Tehsil merit. He further contended that AEO FR Bannu advertised the posts of PET, A.T and CT in daily Mashriq. When final merit was prepared on Tehsil basis, the elders of Utmazai tribe approached the AEO to share posts among two tribes i.e one post for Ahmadzai and three posts for Utmazai out of four vacant posts of teachers. In 2013 some candidates had filed a writ petition challenging the distribution of posts among two tribes. But the writ petition was dismissed due to lack of jurisdiction. In 2015, AEO had filled in 24 posts of PST sharing 18 posts to Utmazai and 6 posts to Ahmadzai. He was at S.No. 17 out of 24 posts of merit list but was not appointed. The AEO FR Bannu again made appointment of PET and AT dividing the post at ration of 3:1 among candidates of both tribes. Three candidates belong to Ahmadzai agitated the matter of sharing before the Peshawar High Court Bannu, Bench. The Court in its judgment dated 26/11/2018 held that the posts must be filled in on the basis of Tehsil level instead of sharing among two tribes. It was mentioned in judgment dated: 26/11/2018 in Writ Petition No. 647/B/2017 as per policy letter dated: 11/07/2016 on the subject Recruitment Policy formula for appointment, for the purpose of framing merit list of the candidates, one frontier Region had been treated as one Tehsil. The said Judgment was applicable to all appointments as the criteria was set by the court.

REPORT OF THE AGENCY

Notice under Section 10(4) of the Khyber Pakhtunkhwa Provincial Ombudsman Act, 2010 were issued to the Additional Secretary (Education), FATA Secretariat Warsak Road Peshawar, Director, (Education), FATA Secretariat Warsak Road Peshawar and Agency Education Officer FR Bannu to meet the allegations and submit reply including rebuttal, if any. In response, District Education Officer Sub-Division, Wazir Bannu informed that the

Overseas Pakistanis Foundation Building, Phase -V, Hayatabad, Peshawar.
Office Phone: # 001-9219531-32, Office Fax # 091-9219526
Website: www.ombudsmanpk.gov.pk
Email: provincialombudsman@gmail.com

ATTESTED

Muhammad Ali

Better copy - (9)

1	Complaint No	No PO/Complaint
2	Name & address of the Complainant	Hamid Ullah Khan S/O Gul Islam Khan r/o village shah hussain kala P.O Azeem kala District Bannu Contact No.03348680467
3	Name of the agency complained against	1- Secretary Higher Education department Peshawar 2- Director directorate of education department Peshawar 3- Additional director NMD Directorate of E&SE Peshawar 4- District education officer Sub-division wazir bannu
4	Name of the investigation officer	Mumtaz ahmad consultant-11
5	Subject of complaint	Request for appointment
6	Date of registration	18/02/2019
7	Date and findings	30/09/2019

... of CT (Teacher) which has of 2012 were made in 2015 on the basis of 25% open ... of Ahmad Zai and Fuzail Circles of FR Bannu ... DM, ATE, PEI, TT were also made on the same ... elaborated by FATA Secretariat which stated that one FR ... one merit. The complainant was at S.No15 of merit of the ... of Ahmad Zai and only 05 posts of CT were given to Ahmad Zai. He should have ... for redressal of his grievance.

REJOINDER

The reply of DEO Bannu was shared with complainant for his rejoinder/feedback. In response, he submitted that DEO Bannu concealed the facts and had not followed the policy of recruitment that FR Bannu to be considered one Tehsil and one open merit. This policy was endorsed by Peshawar High Court. He was at S.No. 17 of merit and 24 posts of CT were filled in FR Bannu ignoring him. His action was not covered under the recruitment policy.

HEARING

Due to divergent pleadings, the case was fixed for hearing on 11/07/2019, 24/07/2019, 22/08/2019, and 26/09/2019. The complaint appeared for hearing on each date of hearing. The DEO FR Bannu did not appear on any date of hearing. Assistant Director, Directorate of E&SED appeared but could not explain the position as the case related to the office of DEO FR Bannu who intentionally avoided to attend the hearings. As such, the case was proceeded ex-parte and the defence of the Agency was struck up. The complainant had pointed that DEO recruited the CT teachers on his own choice ignoring the recruitment policy. 24 CT Teachers were recruited ignoring him who was at S.No. 17 of merit (DEO mentioned him at S.No.15). Besides, he pointed out that the following persons were not listed in final merit but were appointed as CT Teacher vide appointment order No. 1987-95, dated: 17/08/2015.

S.No	Name	S.No	Name
6	Mr. Asmatullah	14	Mr. Muhammad Jehangir Khan
9	Mr. Abdus Samad	16	Mr. Akbar Zaman
10	Mr. Kalimullah Khan	17	Mr. Alam Noor
12	Mr. Khalid Khan	18	Mr. Taimour Khan
		20	Mr. Aziz ur Rehman

FINDINGS

The DEO Bannu District, Sub-Division intentionally failed to attend the hearings. The complainant who attended the hearings and came from Bannu spent lot of money on conveyance and stayed in Peshawar, therefore, in order to award the cost and compensation a show cause is being issued to DEO Bannu as to why compensation be not awarded to an aggrieved person for

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[Handwritten Signature]

The respondent, a T.T. teacher, as he was wrongly ignored from recruitment which was a clear kind of maladministration as recruitments were made in contravention of recruitment policy which treated FR Bannu as one Tehsil and one merit.

The Education Directorate may conduct investigation to the effect that as how the DEO had recruited the persons who were not in final merit list.

Take disciplinary action for disregarding the order of Provincial Ombudsman not attending the hearings on four occasions.

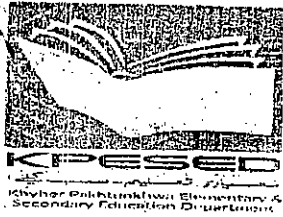
These recommendations shall be implemented within one month from the date of communication of these findings.

Aqal Badshah
AQAL BADSHAH
PROVINCIAL OMBUDSMAN.

30/9
19

ATTACHED
Mirza
M.A.S.

'D' (12)



Office of the
DISTRICT EDUCATION OFFICER, SUB DIVISION WAZIR BANNU

Near Bannu Township Bezen Khel road, Bannu

Ph: 0928-633255, Fax: 0928-633255

APPOINTMENT ORDER:

Consequent upon the judgment of Provincial Ombudsman Khyber Pakhtunkhwa in Complaint No 163/2019 dated 30/09/2019 and subsequent Directorate of Education (E&SE) KPK Peshawar letter No. 269 Dated 11/01/2021 the following male candidate of 2012 CT merit list on open/tehsil merit basis is hereby appointed against the vacant CT post in the school mentioned against his name in BPS-15 (16120-1330-56020)-PM plus usual allowances admissible under the rules in the interest of public services with immediate effect.

Note: Beside other term and condition given in this appointment order this appointment will remain open for any kind of appeal against the appointee.

S#	Name of candidate	Father's name	Merit position	Place of posting	remarks	Vacancy verified by
1	Hamid Ullah Khan	Gul Aslam Khan	Open merit	GHS Gul Akram SDW Bannu	Against vacant CT post	Telawat KHan ASDEO

TERMS AND CONDITIONS:

- (1) This appointments have been made purely according to the government policy/ rules according 2012 and are subjected to the term and condition framed by the government time to time .moreover this/these appointment can be withdrawn and is liable to termination without any notice, if any legal ,clerical or other kind of mistake arise their
- (2) if he wishes to resign from their services he/she/they will give one month prior notice OR one month's full pay will be forfeited in the lieu thereof
- (3) He will produce their health and age certificate from medical superintendent D.H.Q hospital/agency surgeon concerned.
- (4) He will not be handed over charge if his age is below OR the prescribed age limit for new appointees.
- (5) if he fails to resume charge within 15 days after issuing order his appointments order will be concenter as cancelled
- (6) His domicile /documents/certificates will also be verified from the quarter's concerned and if found bogus his appointments will be stand as cancelled.
- (7) The appointee will submit an affidavit to the effect that if an institution/ madrassas from where he have been educated and recovered his degree/certificate/sands were fond bogus OR declare substandard; by any authorized committee, curt OR authority. He will face cancellation of his appointment happily and will deposit what has received a salaries, in GOVT: treasury
- 8 The candidate will submitted affidavit to the effect that he do not possess any kind of services in any GOVT:/semi GOVT: departmental/district nizam/tehsil nizam/councillor OR any elected representation.
- 9 His pay will not be drawn till the verification of his all documents.
- 10 if Any technical/legal flaw is pointed out, appointment of the concerned appointee/ appointee will stand as cancelled.
- 11 charge reports should be submitted as duplicated to all concerned


(Dr. Abdul Malik Afridi)
District Education Officer
Sub Division Wazir Bannu

Endst. No. 114-20

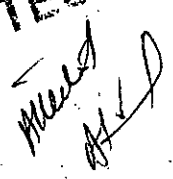
Dated: 10/07/2021

Copies forwarded for information to the:

1. Director Education ((E&SE) KPK, Peshawar
2. Deputy Commissioner Bannu.
3. Assistant commissioner SDW Bannu.
4. District Account Officer Bannu.
5. ASDEO area concerned SDW Bannu.
6. Head of Institution concerned.
7. Accountant local office./office record
8. Candidate concerned.


District Education Officer
Sub Division Wazir Bannu

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08/06/2022
08/06/2022

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M. H. H. H.

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بعدالت

ICP Service Institute
Perth-awest

2 منجانب

بنام

Hamidullah Khan

VI

Education Dept

مورخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکہ

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

آن مقام سندھ کے لیے ICP Service Institute

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دینے 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 بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی 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 مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ 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 سند ہے۔

2023

03

ماہ

18

المرقوم

العہدہ گواہ العہدہ

کے لئے منظور ہے۔

AP

Hamid Khan
Hamidullah Khan