


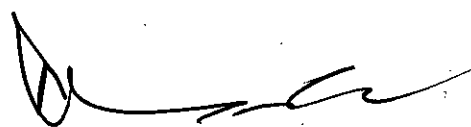
04<sup>th</sup> Oct, 2022

1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for respondents present.

2. After hearing arguments of learned counsel for the appellant and Deputy District Attorney for respondents both were confronted with the inquiry report on the basis of which impugned order was passed. Finding-B refers to some school record. We are afraid that school record does never contain any record after the SSC examination result etc as after passage of SSC the students goes to College and University. Therefore, there was no occasion that school record must contain at least, B.A degree with it. Similarly there is reference to the record of EDO, Mardan wherein it is shown that the appellant had passed B.A in the year 2004 from the Peshawar University and as against that it is alleged that the appellant had passed his BA examination from Malakand University. The enquiry report is silent regarding the fact whether the document retained in the office of the EDO Mardan were those, which were presented by the appellant at the time of appointment and similarly whether the documents referred to as school record were also annexed with the application for appointment by the appellant or not? Likewise the report is not disclosing the facts by annexing any merit list as to what benefits and how that was got by the appellant because of the alleged fake documents, the learned counsel for the appellant as well as Deputy District Attorney were unanimous to agree that let this matter be remitted to the department for conducting detailed enquiry covering all the facts and/ or at least the above points and then the department may proceed in accordance with law. The appellant is reinstated for the purpose of enquiry. The enquiry shall be completed within sixty days after receipt of this order. Copy of the enquiry report be transmitted to the Registrar of this Tribunal. Similarly date of acknowledgement of the order be also communicated to the Registrar of this Tribunal. The instant execution appeal is disposed off in the above terms. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 04<sup>th</sup> day of October, 2022.*

  
(Farzha Paul)  
Member(E)

  
(Kalim Arshad Khan)  
Chairman

16.03.2022


Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 23.5.2022. for the same as before.

  
Reader.

23<sup>rd</sup> May, 2022

Appellant present in person. Mr. Naseer ud Din Shah, Assistant Advocate General for the respondents present.

Appellant seeks adjournment. Last chance is given to the appellant to argue the case. To come up for argument on 07.06.2022 before the DB.


  
(Fareeha Paul)  
Member (E)

  
Chairman

07.06.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments on 10.08.2022 before the D.B.

  
(Fareeha Paul)  
Member (E)

  
(Salah-ud-Din)  
Member (J)

10.8.2022

Proper DB not available the case is adjourned to 4/10/22  
p. 13

16.06.2021

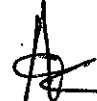
Junior to counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General alongwith Sajid ADEO for respondents present.

Former made a request for adjournment as senior counsel is not available today. Adjourned. To come up for arguments on 18.10.2021 before D.B.



(Rozina Rehman)  
Member(J)



Chairman

18.10.2021

Clerk of counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG alongwith Sajid, ADEO for the respondents present.

Due to general strike of the bar, learned counsel for the appellant is not in attendance. Case to come up for arguments on 31.01.2022 before the D.B.



(Salah-ud-Din)  
Member(J)



Chairman

31.01.2022,

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not prepared the brief. Adjourned. To come up for arguments before the D.B on 16.03.2022.



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



Chairman

574/2014

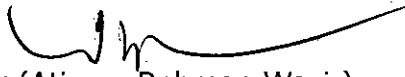
26.01.2021

Appellant with counsel and Mr. Muhammad Rashid, DDA alongwith Sajid ADO (Litigation) and Abdul Wahid, Litigation Officer for the respondents present.

Representatives of the respondents request for more time to submit the requisite record as detailed in order dated 11.01.2021.

The respondents shall positively do the needful on or before next date of hearing. Else, the matter will be proceeded with in the light of available record.

Adjourned to 10.03.2021 before the D.B.



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



Chairman

10.3.2021

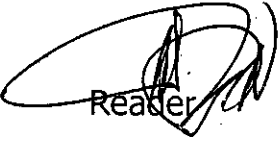
The Worthy Chairman is on leave, therefore, the bench is incomplete. To come up for hearing on 16.06.2021 before the D.B.



Reader

26.08.2020

Due to summer vacation case to come up for the same on 02.11.2020 before D.B.

  
Reader

02.11.2020

Appellant in person and Addl. AG for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 11.01.2021 for hearing before the D.B.

  
(Mian Muhammad)  
Member

  
Chairman

11.01.2021

Counsel for the appellant and Mr. Muhammad Rashid, DDA for the respondents present.

Learned counsel for the appellant as well as learned DDA concluded their respective arguments. Learned DDA, however, requests for time to produce some record including legible copy of advertisement, policy in vogue for appointment of Qari, merit list and initial application of appellant in pursuance to the advertisement.

Learned counsel for the appellant does not seriously grudge the request but with reservation of right of appellant to raise objection thereon in accordance with law.

Adjourned to 26.01.2021 for arguments before the D.B.

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

  
Chairman

27.01.2020

Junior to counsel for the appellant and Mr. Muhammad Riaz Khan Paindakhel, Asstt. A.G for the respondents present.

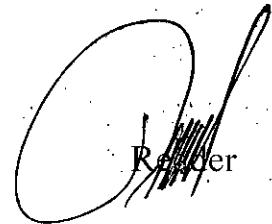
Due to general strike on the call of K.P Bar Council, instant appeal is adjourned to 28.03.2020 for arguments before the D.B.

  
Member

  
Member

31.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 15.06.2020 before D.B.

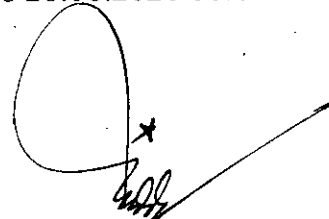
  
Member

15.06.2020

Counsel for the appellant and Additional Advocate General for respondents present.

Former requests for adjournment in order to further prepare the brief.

Adjourned to 26.08.2020 before D.B.

  
MEMBER

  
CHAIRMAN

30.08.2019

Junior to counsel for the appellant present. Mr. Ziaullah, DDA for respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel was busy before the Peshawar High Court, Peshawar. Being an old case of 2014 adjourned on cost of Rs. 2000/- to be paid on behalf of the appellant to the respondents. To come up for arguments on 01.10.2019 before D.B.



Member



Member

01.10.2019

Junior to counsel for the appellant present. Mr. Usman Ghani learned District Attorney present. Junior to counsel for the appellant seeks adjournment on the ground that learned counsel for the appellant is not in attendance. Being an old case of the year 2014, adjourned by way of last chance. To come up for arguments on 25.11.2019 before D.B.



Member



Member

25.11.2019

Due to general strike of the bar, the case is adjourned. To come up on 27.01.2020 before D.B.



Member



Member

474/2014

28.1.2019

Counsel for the appellant and Mr. Muhammad Riaz Painda Khel, Asstt. AG for the respondents present.

Learned counsel for the appellant states that contact with appellant could not be made, therefore, requests for adjournment. Adjourned to 10.04.2019 before the D.B.



Member



Chairman

10.04.2019

Learned counsel for the appellant and Mr. Riaz Paindakhel learned Assistant Advocate General for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 27.06.2019 before D.B.



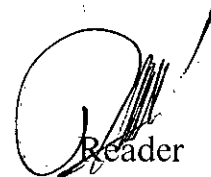
Member



Member

27.06.2019

Counsel for the appellant and Addl. AG for the respondents present. Due to incomplete bench case is adjourned to 30.08.2019 for arguments before the D.B.



Reader



17.07.2018

Junior to counsel for the appellant and Mr. Sardar Shaukat Hayat learned Additional Advocate General alongwith Mr. Sajid EDO for the respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel is not in attendance. Adjourned. To come up for arguments on 07.09.2018 before D.B

(Ahmad Hassan)  
Member

(Muhammad Hamid Mughal)  
Member

07.09.2018

Junior counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Sajid, ADO for the respondents present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is busy before the Hon'ble Peshawar High Court. Adjourned. To come up for arguments on 24.10.2018 before D.B.

(Shah Hussain)  
Member

(Muhammad Amin Khan Kundi)  
Member

24.10.2018

Due to retirement of Hon'ble Chairman, the Tribunal is incomplete. Therefore, the case is adjourned. To come up for the same on 12.12.2018.

Reader

12.12.2018

Nemo for appellant. Mr. Muhammad Riaz Pinda Khel, Asstt. A.G alongwith Sajid Khan ADO (Legal) for the respondents present.


Representative of the respondents has produced copies of some record which is placed on file. On the last date the matter was adjourned through a Reader note.

Adjourned to 28.01.2019 for hearing before the D.B. Fresh notices be issued to appellant/counsel.

Member

Chairman

Noted for 28/01/2019

Counsel.   
01/01/19

25.10.2017

Junior to counsel for the appellant and Ziaullah, DDA alongwith Sajid Litigation Officer for the respondents present. Request made for adjournment on behalf of learned counsel for the appellant. Granted. To come up for arguments on 12.01.2018 before the D.B.

  
Member

  
Chairman

12.01.2018


Counsel for the appellant present and Mr. Zia Ullah, DDA for the respondents present. Counsel for the appellant seeks adjournment. Granted. To come up for arguments on 15.03.2018 before D.B.


  
Member

  
Chairman

15.03.2018


Junior to counsel for the appellant and Learned Assistant Advocate General for the respondents present. Junior to counsel for the appellant seeks adjournment as learned counsel for the appellant is not available. Adjourn. To come up for arguments on 16.05.2018 before D.B.

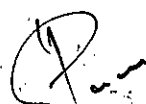
  
(Muhammad Amin Kundi)  
Member

  
(Muhammad Hamid Mughal)  
Member

16.05.2018


Learned counsel for the appellant and Mr. Riaz Painsakheil, learned Assistant Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 17.07.2018 before D.B.

  
(Muhammad Amin Kundi)  
Member

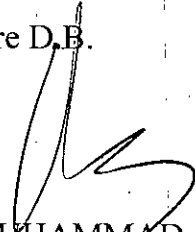
  
(Muhammad Hamid Mughal)  
Member

15.03.2017

Clerk to counsel for the appellant and Addl: AG for respondents present. Clerk to counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 03.07.2017 before D.B.



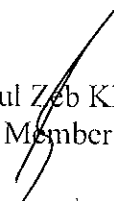
(ASHFAQUE TAJ)  
MEMBER



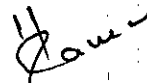
(MUHAMMAD AAMIR NAZIR)  
MEMBER

03.07.2017

Counsel for the appellant and Mr. Zia Ullah, Deputy District Attorney for the respondents present. Counsel for the appellant seeks for adjournment. Adjourned. To come up for arguments on 25.10.2017 before D.B.



(Gul Zeb Khan)  
Member



(Muhammad Hamid Mughal)  
Member

25.03.2016

Appellant in person and Mr. Ziaullah, GP for respondents present. Arguments could not be heard due to shortage of time. Therefore, the case is adjourned to 08.06.2016 for arguments.



MEMBER



MEMBER

08.06.2016

Agent of counsel for the appellant and Mr. Ziaullah, GP for respondents present. Clerk to counsel for the appellant requested for adjournment as learned counsel for the appellant is ill and unable to attend the court today. Adjourned for arguments to

~~8-11-16~~ before D.B.



MEMBER



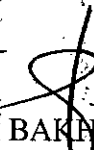
MEMBER

08.11.2016

Clerk to Counsel for the appellant and Mr. Ziaullah, GP for respondents present. Rejoinder submitted. To come up for arguments on 15.03.2017.



(MUHAMMAD AAMIR NAZIR)  
MEMBER



(PIR BAKHSH SHAH)  
MEMBER

5  
26.03.2015

Agent of counsel for the appellant, M/S Khurshid Khan, SO for respondent No. 1, Mosam Khan, AD for respondent No. 2 and Fazal Wahid, PST for respondent No. 3 alongwith Addl: A.G present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 29.4.2015 before S.B.

  
Chairman

6 29.04.2015

None present for appellant. Mr. Naeem Akhtar, Legal Representative alongwith Addl: A.G for respondents present. Para-wise comments submitted. The appeal is assigned to D.B for rejoinder and final hearing for 27.10.2015.

  
Chairman

27.10.2015

Counsel for the appellant and Mr. Hamid-ur-Rehman, ADO (lit) alongwith Addl: AG for respondents present. Arguments could not be heard due to learned Member (Judicial) is on official tour to D.I. Khan. Therefore, the case is adjourned to 25/3/16 for arguments.

  
Member

3. 30.06.2014

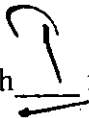
Counsel for the appellant present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the impugned order dated 31.03.2010, he filed departmental appeal on 28.08.2013, which has not been responded within the statutory period of 90 days, hence the present appeal on 24.04.2014. Counsel for the appellant also filed an application for condonation of delay. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents. To come up for written reply/comments on main appeal as well as reply/arguments on application for condonation of delay on 18.09.2014.

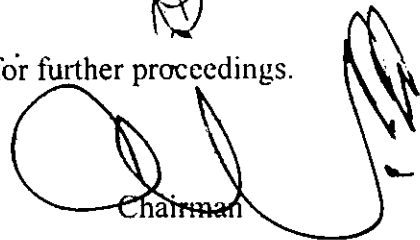
Appellant Deposited  
Security & Process Fee  
Rs.....1800.....Bank  
Receipt is Attached with File.



Member

4. 30.06.2014

This case be put before the Final Bench  for further proceedings.

  
Chairman

18.09.2014

The Hon'ble Bench is on tour. Therefore, case adjourned to 09.12.2014.



Reader

09.12.2014

No one is present on behalf of the appellant. Mr. Wisal Muhammad, ADO on behalf of respondent No. 3 with Mr. Muhammad Adeel Butt, AAG for the respondents present. The Tribunal is incomplete. To come up for further proceedings on 26.03.2015.





Reader.

Form- A  
FORM OF ORDER SHEET

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

Case No. 574/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	24/04/2014	<p>The appeal of Mr. Umar Nabi presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	8-5-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>20-6-2014</u></p> <p style="text-align: right;"> CHAIRMAN</p>

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

APPEAL NO. 574 /2014

**Umar Nabi**

**VS**

**Edu: Department**

**INDEX**

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5.	Appointment order	<b>C</b>	12.
6.	Medical certificate	<b>D</b>	13.
7.	Charge report	<b>E</b>	14.
8.	Service book	<b>F</b>	15- 18.
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10.	Pay roll	<b>H</b>	20.
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**APPELLANT**

**THROUGH:**

**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**



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

APPEAL NO. 574 /2014

Mr. Qari Umar Nabi S/O Mohammad Zaman,  
R/O Village Lund Khwar, Tehsil Takht Bhai, District Mardan

**D.W.S. Peshawar**  
**617**  
**24/4/14**

..... **Appellant**

**VERSUS**

- 1- The Government of Khyber Pakhtunkhwa through Secretary E&SE Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director of (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (Male) District Mardan.

..... **Respondents**

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 31.03.2010 WHEREBY THE APPELLANT WAS REMOVED FROM SERVICE UNDER RSO 2000 AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD**

**PRAYER:**

That on acceptance of this appeal the impugned order dated 31.10.2010 may very kindly be set aside and the respondents may be directed to re-instate the appellant with all back benefits. Any other remedy which this august tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**

**Qari Umar Nabi**  
**24/4/14**

1- That the appellant was appointed as Qari (BPS-07) in the respondent Department on the recommendations of proper Departmental Selection Committee vide order dated 29.09.2007. That in compliance the appellant submitted his medical certificate and took over the charge on the said post vide dated 09.10.2007. Copies of the advertisement, academic record, appointment order, medical certificate and charge report are attached as annexure ..... **A, B, C, D & E.**

2- That after appointment the appellant started performing his duty quite efficiently and up to the entire satisfaction of his superiors. Copies of the service book, verification letter and pay roll are attached as annexure ..... **F, G & H.**

- 3- That appellant while working as Qari in the respondent Department an FIR was lodged against the appellant under section 419/420/468/471 PPC and 5(2) of PC act on having fak documents. That on the basis of that FIR the respondent Department withdrawn the appointment order of the appellant. That the appellant challenged the said order before this august service tribunal in appeal No. 609/2009. That this august service tribunal while disposing the appeal of appellant directed the respondent Department to re-instate the appellant with all back benefits and to conduct denovo inquiry in the matter. Copies of the FIR, service tribunal judgment and re-instatement order are attached as annexure ..... **I, J & K.**
- 4- That vide order dated 31.03.2010 the appellant was again removed from service under RSO 2000 on the same allegation. That the appellant assailed/challenged the judgment of Learned Judge Anti-Corruption Peshawar dated 22.01.2013 in CR.A No.48-P/2013 before the Hon'ble Peshawar High Court Peshawar. That the Peshawar High Court Peshawar allowed the appeal of appellant and the convection and the sentence awarded to the appellant by the judge Special Court Anti Corruption Peshawar vide impugned judgment dated 22.1.2013 was set aside and the appellant was acquitted of all the charges leveled against him vide judgment dated 24.6.2013. Copies of the impugned order and judgment are attached as annexure ..... **L & M.**
- 5- That appellant after acquittal from the said charges filed Departmental appeal before the respondent No.2 for his re-instatement but no response has been received so for. Hence the present appeal on the following grounds amongst the others. Copy of the Departmental appeal is attached as annexure ..... **N.**

**GROUND:**

- A- That the impugned order dated 31.03.2010 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That the appellant has not been treated by the respondent in accordance with law and rules on the subject noted above and as such the respondent Department violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.

- C- That no regular enquiry has been conducted by the respondent Department nor opportunity of personal defense/hearing has been given to the appellant before issuing the impugned order dated 31.03.2010.
- D- The respondent Department acted in arbitrary and malafide manner before issuing the impugned order dated 31.3.2010.
- E- That inspite of the judgment of Hon'ble Peshawar High Court Peshawar issued on 24.06.2013 the respondent Department is still not willing to re-instate the appellant into service which shows clear malafide on the part of respondent Department.
- F- That the education Department acted in uneducated manner by not re-instating appellant into service inspite of clear directions given by the Hon'ble Peshawar High Court Peshawar.
- G- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

**APPELLANT**

  
**UMAR NABI**

**THROUGH:**

  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**

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

APPEAL NO. 574 /2014

**Umar Nabi**

**VS**

**Edu: Department**

**APPLICATION FOR CONDONATION OF**  
**DELAY IN FILING THE ABOVE NOTED**  
**APPEAL**

**R.SHEWETH:**

- 1- That the appellant has filed an appeal along with this application in which no date has been fixed so far.
- 2- That the appellant prays for the condonation of delay in filing the above noted appeal inter alia on the following grounds:

**GROUND OF APPLICATION:**

- A- That valuable rights of the appellant are involved in the case hence the appeal deserve to decide on merit.
- B- That it has been the consistent view of the Superior Courts that cases should be decided on merit rather on technicalities including the limitation. The same is reported in 2004 PLC (CS) 1014 and 2003 PLC (CS) 76.

It is therefore prayed that on acceptance of this application the delay in filing the above noted appeal may please be condoned.

**APPELLANT**

  
**UMAR NABI**

**THROUGH:**

  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**

7/5/2018

پندرہویں درجہ کی اساتذہ کی فہرست

Table with columns for Roll No., Name, Qualification, and Marks. It lists candidates for the 15th grade teacher recruitment exam.

نوٹ: اس فہرست میں درج نامی تمام اساتذہ کی فہرست ہے۔ ان کی فہرست میں شامل ہونے کے لیے ان کی تصاویر اور دیگر ضروری دستاویزات جمع کروانے کی ضرورت ہے۔

Table showing the results of the written test for various subjects like Mathematics, Arabic, and English, with columns for Total, Experience, and Marks.

Table showing the results of the practical test (Typing) for candidates, with columns for Total, Experience, and Marks.

ATTESTED

Handwritten signature or mark.

B-6

S.No. PB No 120214

Board of Intermediate & Secondary Education  
PESHAWAR

DETAILED MARKS CERTIFICATE  
Secondary School Certificate Examination  
(SCIENCE GROUP)

Session 19 2000 (Annual/Supplementary)

Name Umer Nabi

Father's Name Mohammad Zaman Roll No. 38354

SUBJECT	Total Number of marks allotted	MARKS OBTAINED			
		Theory	Practical	In Figure	In Words
1. English	150			103	/
2. Urdu	150			95	
3. Islamiyat	75			60	
4. Pakistan Studies	75			34	
5. Mathematics	100			62	
6. Physics	100	62	19	81	
7. Chemistry	100	33	19	52	
8. Biology	100	39	18	57	
<b>Total</b>	<b>850</b>			<b>544</b>	Five hundred & forty four

Note: Errors/Omissions excepted  
F: Failed in the paper (s)

Prepared by: [Signature]

Checked by: \_\_\_\_\_

Date \_\_\_\_\_ 19

2000

[Signature]  
Controller of Examinations  
Board of Intermediate & Secondary Education  
PESHAWAR

ATTESTED

[Signature]

Board Of Intermediate & Secondary Education  
SAIDU SHARIF, SWAT.

S.No. Sw. 7827

DETAILED MARKS CERTIFICATE  
Intermediate Examination (Pre-Engineering Group)  
Session 2002 (Annual/Supplementary)



PART-II

Name Umar nabi  
Father's Name Muhammed Toman Roll No. 216179

SUBJECTS	Marks Alloted				Marks Obtained				
	Part-I	Part-II			Part-I		Part-II		
		Theory	Practical	Total Marks	Theory	Practical	Theory	Practical	Total in Figures
1. English	100	100		200					91
2. Urdu	100	100		200					110
3. Islamic Education	50			50					62
4. Pakistan Studies		50		50					89
5. Mathematics	100	100		200					103
6. Physics	100	75	25	200	41	17	37	08	77
7. Chemistry	100	75	25	200	34	09	22	12	77
Total	550	500	50	1100					532-D

Total Marks in words Five Hundred Thirty two

Errors/omissions excepted

Date \_\_\_\_\_  
Prepared by \_\_\_\_\_  
Checked by \_\_\_\_\_

[Signature]  
Controller of Examinations  
Board of intermediate & Secondary Education  
Saidu Sharif, Swat.

ATTESTED

[Signature]

# UNIVERSITY OF MALAKAND

PAKISTAN

18524  
S.No. \_\_\_\_\_



G.D.C Dargai Malakand Agency

DETAILED MARKS CERTIFICATE

B.A Part-II Annual(Compant),2005

Name **UMAR NABI**

Father's Name **MUHAMMAD ZAMAN**

Registration No **2002540043**

Roll Number **381595**

Subject Code	Subject Name	Total Marks	Marks Obtained	REMARKS
BA001	POLITICAL SCIENCE	75	35	PASSED
BA002	ISLAMIC STUDIES(E)	75	38	PASSED
BA010	English(C)	75	25	PASSED
G0003	PAK. STUDY	40	17	PASSED
ZBA003	BA PART-I MARKS	285	141	PASSED
		550	256	

Errors and Omissions are subject to subsequent rectification

Examination Held in *July-August, 2005*

Examination was taken as a whole/in parts

## ATTESTED

Result Declared on **15-Oct-2005**

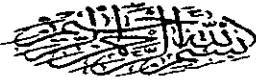
Date of Issue **18-Oct-2005**

Controller of Examinations  
University of Malakand



S.No. 125483

Roll No. 38354



# Board of Intermediate and Secondary Education Peshawar X.M.B.P. Pakistan

## Secondary School Certificate Examination

SESSION 2000 – ANNUAL

(Science Group)

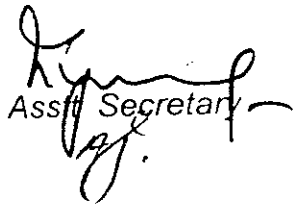
This is to Certify that Umar Nabi Son / Daughter of Muhammad Zaman  
and a student of Govt. High School, Lund Khawar, Mardan has passed the Secondary School Certificate  
Examination of the Board of Intermediate and Secondary Education, Peshawar held in March/April, 2000 as a Regular  
candidate. He / She obtained 544 Marks out of 850 and has been placed in Grade B Representing Very Good

The Candidate passed in the following subjects:

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

He / She has been awarded Grade C on the basis of internal assessment by the Institution concerned.

Date of birth according to admission form March 1, 1983

  
Asst. Secretary

**ATTESTED**

  
Secretary

This certificate is issued without alteration or erasure.

10

S. No. 09142



Roll No. 216179

# BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



Saidu Sharif Swat N.W.F.P. Pakistan

INTERMEDIATE EXAMINATION

PRE: ENGINEERING

SESSION 2002 (ANNUAL / SUPPLEMENTARY)

THIS IS TO CERTIFY THAT UMAR HABI

Son / Daughter of MUHAMMAD ZAMAN

and a student of GOVT: DEGREE COLLEGE DARGAI M.D. AGENCY

Registered No. 124-2/Drg-1-2000 has passed the Intermediate Examination of

the Board of Intermediate & Secondary Education, Saidu Sharif, Swat held in

2002 as a *Regular private candidate*. He / She obtained 532

Marks out of 1100 and has been placed in Grade D Representing FAIR

Internal Grade

The Examination was taken as a whole / in parts.

Asstt / supdt

Asstt. Secretary

Secretary

This certificate is issued without alteration or erasure.

**ATTESTED**

11



# UNIVERSITY OF MALAKAND PAKISTAN

Serial No BA/RG/0794

*This Degree of  
Bachelor of Arts  
Is Awarded to*

*Mr/Ms* UMAR NABI *Son/Daughter of* MUHAMMAD ZAMAN

*Student/Private candidate of* GOVT. DEGREE COLLEGE DARGAI MALAKAND AGENCY

*Having passed the prescribed examination held in* JULY-AUGUST, 2005

*Session* 2002-2004 *Registration No* 2002540043 *Roll No* 381595

*Division* SECOND

*Examination was taken ~~as a whole~~/in parts*

*Issuance Date* JANUARY 15, 2009

**ATTESTED**

*Controller of Examinations*

*Registrar*

*Countersigned*

*M. Rasool Khan*

*Vice Chancellor*

C-12

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (SCHOOLS & LITERACY) MARDAN

NOTIFICATION:

9.4.2007

Consequent upon the advertisement published in the daily "Mashriq Peshawar" dated: 03/04/2007 and interview held on 26/04/2007 by the District recruitment selection committee and approval given by the district selection / promotion committee in its meeting held on 28/09/2007, the undersigned being competent authority is pleased to appoint the following Qari (Male) candidates in BPS-07 (Rs. 2940-165-7740) plus usual allowances as admissible to them under the contract policy 2005 against the vacant Qari posts at the schools noted against each with effect from the date of their taking over charge in the interest of public service subject to the following existence terms and conditions:

S#	Name	Father's Name	Residence	School where Appointed	Remarks
1	Habib Gul	Mehmood Gul	Pir Abdul Haq Koroona Kot Road Takht Bhai	GHS Khadi Killi	Against Vacant Qari Post
2	Umar Nabi	Muhammad Zaman	Zarin Abad PO Lund Khwar Takht Bhai	GHS Qutab Garh	Against Vacant Qari Post
3	Hamid Ur Rahman	Habib Ur Rahman	Vill: Khwaja Rashaka Nisata Foad Mardan	GHS Pati Kalan	Against Vacant Qari Post
4	H. Abdul Ali Khan	Musafar Khan	Moh: Adda Rustam	GHS Naseer Killi	Against Vacant Qari Post
5	Muhammad Ayub	Muhammad Yaqoob	VPO Qasmi Mardan	GHSS Kohi Bamol	Against Vacant Qari Post
6	Ihsan Ullah	Amir Ullah	VPO Ato	GHS Mian Khan	Against Vacant Qari Post
7	Muhammad Hayat	Khair Ullah	Vill: Islam Gul Koroona PO Ikram Pur Takht Bhai	GHS Kati Garhi	Against Vacant Qari Post
8	Hafiz Muhammad Farooq	Taufur Khan	Moh: Sahib Zada Baba Bakhshali Mardan	GHS Bakhshali	Vice Muhammad Ibrahim AT Post
9	Muhammad Shah	Shah Zareen	Bagh Colony Chato Chowk Street# 3 Shamol Road	GHS Shamshad Abad	Against Vacant Qari Post
10	Said Hassan	Shamsher Khan	VPO Tori Moh, Mirzagan Mardan	GHS Noduh Toru	Against Vacant Qari Post
11	Liaqat Ali	Abdul Ghaffar	Vill: K. D Zai Moh: Pakistan Koroona Garhi Kapura	GHS Qasim Toru	Against Vacant Qari Post
12	Asad Ullah	Hamdullah Shah	VPO Gumbat Mardan	GHS Dhakki Gumbat	Against Vacant Qari Post
13	Fazal Sher	Zarif Khan	H# 9 Street# 1 Block "B" Canal Road Islam Bagh	GHS Pir Abad	Against Vacant Qari Post
14	Muhammad Fazeel	Sameer Ur Rahman	VPO Gumbat	GHSS Pirsaddi	Against Vacant Qari Post
15	Iftikhar Hussain	Faqeer Hussain	Madina Colony Khat Killi Par Hoti Mardan PST GPS Pani Alladad Kheil	GHS Badar Banda	Against Vacant Qari Post

Attested  
M. M. Mardan  
Executive District Officer

TERMS AND CONDITIONS:

- Their appointments are made purely on contract policy 2005 and will not be entitled for pension / Gratuity as per policy and are liable to termination at any time without any notice or reason. Moreover in-service candidates will also be governed by the contract policy 2005.

**ATTESTED**

*[Signature]*

Attested from the concerned Officer

- 3- They are not allowed to take over charge if their age is less than 18 years and above 33 years, however the candidates who obtained age relaxation certificate from the competent authority are entitled to take overcharge
- 4- Their educational/professional certificates/degree should be verified from the concerned Board/University before draw of their pay and pay should not be released till the comparison of their score with merit list maintained in this office after verification.
- 5- No TA/DA is allowed.
- 6- They will be governed by contract policy 2005 and other policy/rules released by the Govt. from time to time.
- 7- They are entitled for annual increment on completion of one year service.
- 8- They will take over charge of the post within 15 days.
- 9- In case of resignation they will give one month prior notice to the Department of Posts one month's salary in Government treasury.
- 10- In case of duplication of post the appointment order of junior most candidate will be withdrawn automatically.
- 11- If in case there certificate / degrees are found fake there appointment order will be withdrawn from the date of issue and the FIR will be register against the concerned

(MIAN WALI MUHAMMAD)  
EXECUTIVE DISTRICT OFFICER  
(SCHOOLS & LITERACY), MARDAN

Endst: No. 31201/6 / Appt: Qari/10-2007 Dated Mardan the 29/9 2007.

Copy forwarded for information and necessary action to:-

- 1- Director Schools and Literacy NW FP Peshawar.
- 2- District Nazim Mardan.
- 3- District Coordination Officer Mardan.
- 4- District Accounts Officer Mardan.
- 5- District Officer (S & L) Male Mardan.
- 6- Principal / Head Master Concerned.
- 7- Supdt: local office.
- 8- ADO (Estt :) Local Office.
- 9- Candidate Concerned.

  
EXECUTIVE DISTRICT OFFICER  
SCHOOLS & LITERACY MARDAN

29/9/07

MEDICAL CERTIFICATE.

Name of Official..... Mr Umas Nabi ✓  
 Caste or race..... Muslim  
 Father's name..... Muhammad Zaman  
 Residence..... Vill. Zarin Abad. P.O. Lund, Khawar  
Teh. Takhat Bhai Dist. Mardan  
 Date of birth..... : 01-3-1983  
 Exact height by measurement... 5-7  
 Personal mark of identification..... ~~not~~ A black mole near left eye  
 Signature of the Official.....  
 Signature of head of office.....

Seal of Office.....

I do hereby certify that I have examined Mr. Umas Nabi a candidate for employment in the Office of the E. D.O. (Schools & Literacy) Mardan and can not discover that he had any disease communicable or other constitutional affection or bodily infirmity except..... N/A

I do not consider this as disqualification for employment in the office of the above as..... Qass..... His age according to his own statement 24 year and by appearance about 24 year.

ATTESTED

*[Handwritten signature]*

LEFT HAND THUMB AND FINGER IMPRESSIONS.....

Medical Superintendent,  
Civil Hospital.....

جارج رپورٹ

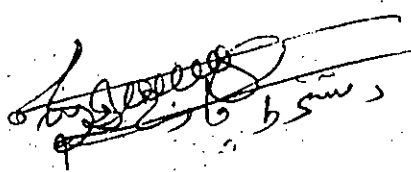
من فستی عمری نے قاری پولیس پراجیکٹ سمورہ 9/10  
2007

قبل از دوپہر بسطابق ای ڈی او صاحبہ سکولہ ایبٹ

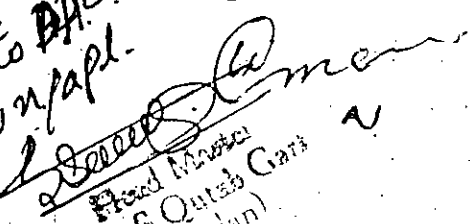
لیڈ بی (مردان) اور ڈو ایئر تا - 1120 گورنمنٹ ہائی سکول  
09-9-07

قویا گروہ مردان میں اپنے عہدے کا چارج ازاں پیدہ ماٹ

صاحبہ گورنمنٹ ہائی سکول قویا گروہ پیدہ کا مشورے کیا

  
دستخط چارج

Head Master  
G.H.S Qutab Garh  
(Mardan)

فارچ دستخط گروہ مذکورہ  
Forwarded to BAO.  
Mardan for n/ppl.  
No. 857  
9/10/07  
  
Head Master  
G.H.S Qutab Garh  
(Mardan)

**ATTESTED**



(For use in Police Department only).

1. Passed S.S.C. Exam; Under Roll No. 38354 in The First Div. from The B.I.S.E. Peshawar in Session 2000 (A). obtaining marks 544/850.

Head Master  
W.H.S. Quab Camp  
(Mardan)

Verification Roll No.

dated

received back

2. Passed F.Sc Exam: under R. No. 216179 obtaining 532/1100 and was placed in grade (D) from B.I.S.E. Saidee Sharif Swat in Session 2002 (A).

Left Thumb Impression

Head Master  
W.H.S. Quab Camp  
(Mardan)

3. Passed Qirat Examination under R. No. 98 obtaining Marks 469/500 in grade 'A' from Jamia Hafizul Quran wa Tajweed Peshawar in session 2004. A.

Head Master  
W.H.S. Quab Camp  
(Mardan)

English

First Arts

Verification of Documents

Pushto

All documents of Umer Nab B.L. B. Mohamed Zaman

Urdu

Academic/Professional) have been verified from concerned Madrassa/Board/University/Regel/Reagist and correct.

Plan-drawing

Training School Final examination

Head Master

Finger Print

Other qualifications

Head Master  
W.H.S. Quab Camp  
(Mardan)

Drill Instructing

ATTESTED

Court Duties

[Signature]

Reserve Duties



Note:— The entries in this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

1. Name: UMAR-NABI.

2. Race: AFGHAN.

3. Residence: Zarin-Abad-P.O. Lund-Khwar Distt. Nandana

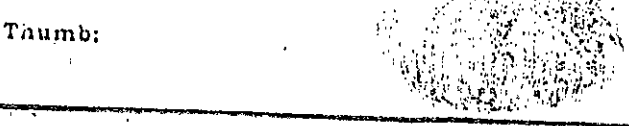
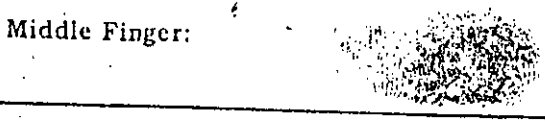
4. Father's name and residence: MUHAMMAD-ZAMAN.

5. Date of birth by Christian era as nearly as can be ascertained: 01-03-1983.

6. Exact height by measurement: 5-7

7. Personal marks for identification: A black mole near Left Eye.

8. Left hand thumb and Finger impression of (Non-Gazetted) officer:



9. Signature of Government Servant: *[Signature]*

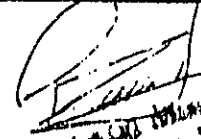
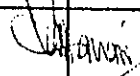
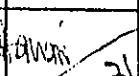

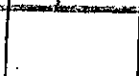

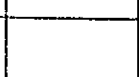
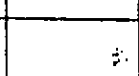
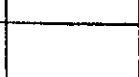
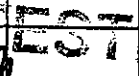
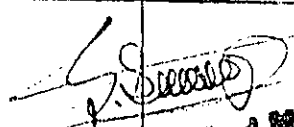

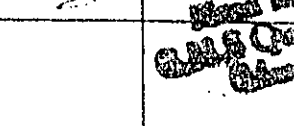
10. Signature and designation of the Head of the Office, or other Attesting Officer

**ATTESTED**

*[Signature]*

*[Signature]*  
District Magistrate  
S.P.S. Quila, Gurdaspur



9	10	11	12	13		14	15
Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as Promotion, transfer, dismissal, etc)	Signature of the head of the office or other attesting officer.	Leave		Signature of the head of the office, or other attesting officer	Reference to any relevant punishment or award or order of the Government or court
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
 Member Q.A.S. Quab Court				Appointed against	Overt Part in	Overt Part in	
MF 24 3/5/08.	Pay for 9.10.07 to 31.10.07			Allots.	as admissible under the	Rules, under Contract Policy	
P.S. 2940/03 + HRA - Med. All.	B. 23851/03			28-09-2007.	2005 vide E.D.O.S & L.	Under Endst: No 11201-04	
 Member Q.A.S. Quab Court				All the Qualifications	certificates has been	verified from the	
 Member Q.A.S. Quab Court				institutions concerned	and found correct.		
 Member Q.A.S. Quab Court				I Mr Umar Nabin	of	Mohamed Zaman	
 Member Q.A.S. Quab Court				Qutab Garh is hereby undertake	that if any over payment is made	to me in appt/ fixation of pay	
 Member Q.A.S. Quab Court				the same will be deducted from	my pay/pension/ gratuity etc		
 Member Q.A.S. Quab Court				Attested		Sig. (Umar Nabin)	
 Member Q.A.S. Quab Court						Name (Umar Nabin)	
 Member Q.A.S. Quab Court						Post. Qari	
 Member Q.A.S. Quab Court				H. M. Nabin		 Member Q.A.S. Quab Court	
 Member Q.A.S. Quab Court						 Member Q.A.S. Quab Court	

ATTESTED

19.

Q.A.S. Quab Court

H-20

G-19

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (S & L) MARDAN.

OFFICE ORDER.

Consequent upon the documents verification made by the Headmaster, GHS, Qutab Garh Mardan in respect of Mr. Umar Nabi Qari of his school vide his office Endst: No.24 dated 26.3.08 and score checked with the merit list and found correct. The pay of the above named Qari is hereby released with effect from 9.10.2007.

Necessary entry to this effect should be made in his service book.

(Amir Bahadar Khan)  
Executive District Officer  
Schools & Literacy Mardan

6871/6

Endst: No. 6871/6 /E-V/PF Umar Nabi Qari/Dated Mardan the 31/3 /08

Copy for information to the:-

1. Headmaster, GHS, Qutab Garh Mardan w/t to his NO. & date as cited above.
2. D.A.O. Mardan.

Executive District officer  
Schools & Lit. Mardan,

31/3

**ATTESTED**

69

روز پندرہ مارچ ۱۹۵۲ء

نام نمبر ۲۲-۵۱ (۱)

سپیکر جنرل پریس صدر ہند نام نمبر ۴۲

# ابتدائی اطلاعی رپورٹ

قابل ابتدائی اطلاع کی صورت میں قابل اطلاع ہونے والے افراد کی فہرست

تھانہ ACE مردان  
نمبر 47 سلاہ 108

تاریخ وقت وقوعہ درجہ 29/2/52 دفتری اوقات

10/6/52 دفتری اوقات چائیکرگی پور پور  
شاہ جی جی انڈیا ۵۵ مردان

P. A. C. (2) 419, 420, 468, 471, 510  
109

ڈاکٹر ۵۵ صاحب ایجوکیشن مردان بقا صلیم خانبہ صاحبہ 2 ہلو میر  
۱۵ سیم ہیل سلاہ ۸۵ سال SGT HS ۱۵ باری خیمہ  
۱۵ سالہ قاری لڑائی (۱۵ سالہ قاری جیسے عمل قائم ایجوکیشن مردان  
پورالہ 7189 خانبہ DAC صاحب ہر صول ہونے پر جج پورالہ گائیڈ  
25/8/52

بہریشیل ڈاک

تاریخ و وقت رپورٹ
نام و سکونت الاٹاٹ و پندرہ سٹیٹ
مختصر کیفیت ہر صول ہونے پر حال اگر کوہ لیا گیا ہو
جاتے وقت قابل تھانہ سے اور صحت
نام و کورٹ کلمہ
کاروان جو پیش کی گئی ہے اطلاع دینے پر وقت ملازم بیان کرے
تھانہ سے روانگی کی تاریخ و وقت

## ابتدائی اطلاع نیچے درج کرو دستخط ندرج خانہ نمبر 2 نو دستخیز ڈائری سے اطلاع

۱۔ لڑکھتہ سال قیام تعلیم سید احمد اساتذہ دینیہ لکھنؤ اور جیسے گل جہادی لوسٹ ہر جہلی اسناد  
پور جہلی پور الیکٹران قلعہ قلعہ دل بھکت اور سناز باز سے جہلی خزانے کو تنخواہ کی حد میں  
تھانہ پھانے کے علاوہ دیگر اہل ایجوکیشن کی حق تلفی کر رہے ہیں اس رپورٹ پر جناب  
DAC صاحب نے پورالہ نمبر 5683 درجہ 18/6 کو آڈین انکوائری نمبر 42/59 پر خلاف الیکٹران  
ایجوکیشن کی اجازت دے کر دوران انکوائری پورالہ نمبر 72/5 درجہ 25/6 قلعہ تعلیم سے جہلی  
ریکارڈ حاصل کر کے معاملے کی نسبت حسب آئین جناب DAC صاحب نیشنل آڈیٹر شاہ جی جی جی  
نے مکمل آڈیٹ کر کے پورالہ نمبر 54-6951 درجہ 12/8 آڈیٹ رپورٹ ہر صول ہونے پر جن میں  
قاری جہلی کے فے مبلغ 57482 روپے اور قاری جیسے گل کے فے مبلغ 56904 روپے  
موجود تھا 9/10/52 تنخواہ کی حد میں مل مبلغ 114386 روپے جہلی خزانے کو  
نقصان پہنچانا تحریر کیا گیا اور جہلی اسناد کی جہلی ثابت ہونے پر H.S. وکٹریٹھ  
اور H.S. قاری کے متعلقہ ڈیپٹی ماٹریٹھ جی جی جی کے خلاف حکمانہ کارروائی صورت  
کی لکھا پورالہ نمبر 1184/1059 لکھنؤ آف آئیڈنٹیشن ایسٹور نے قاری جہلی اور  
قاری جیسے گل (BA/MA) کے جہلی اسناد ہونے اور جہلی تعلیم پورالہ دوران انکوائری  
جہلی ریکارڈ کے متعلق سے پتہ چلا کہ سید عظیم سابق AD 5 کو پورالہ نمبر

ATTESTED

19/9

4500/GJ 21.4.07  
EDo مردان جو کہ سیکشن کیس کے خارجہ مقرر ہوئے جو کہ

درمان سیکشن مائنٹریو جملہ اسناد اور ریکارڈ کی یہاں سے لے کر ماہر اور پائپر تھا۔  
کے دلی نقلت سے اور اعانت سے جاری ہوئی اور جس کے عمل کو میٹرک دست  
اور سیکشن میں ان ہی کے جعلی اسناد کو خود آسانی کے لئے لکھ لیا گیا ہے  
کو بنیاد بنا کر دوسرے اہل اقداروں کو بائی پاس کرتے ہوئے کرانے  
میں دردی 2 لکڑا لکڑا ہے ADL1 صابت حسب الحکم جہاں  
DAC صابت کو الگ کرنا ہے 1189/18 صابت کے برخلاف اگلے زمان

سے عظیم سابق AD0 - جاری عمر جو 25.5.2009 لکڑا لکڑا ہے جاری جس کے ملہ محدود  
سلسلہ میں مقام الدین کو ڈوٹ تحت تعیناتی کے خلاف بلکہ بالہ درج  
رہ کر لیا جاتا ہے۔ اگر دوران تعیناتی فائیل میں پورٹ میں مذکور من  
یا دیگر سرکاری اہلکاران سے وہی باعیت لکڑا لکڑا ہے تو اسے خلاف  
سچی قانونی کارروائی حسب ضابطہ عمل میں لائی جائے گی۔ کیس فیڈ اپ  
میں دیگر کاغذات بھی لکڑا لکڑا ہے لکڑا لکڑا ہے۔ میں دیکھ رہا  
تفیش ہوں۔ رپورٹ گزارش ہے

CO. ACE. Morakau  
28.8.2009

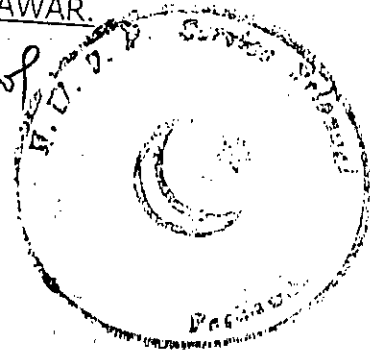
دستخط  
تاریخ

اطلاع کیے بغیر اطلاع دینا کہ ہر بیان کو یہ بیان ہے اور اسے لکڑا لکڑا ہے۔ ابتدائی اطلاع کا دستخط بطور تصدیق ہوگا۔  
سرخ روشنائی سے بالمتقابل نام پر ایک کلمہ یا مشہورہ لکڑا لکڑا ہے واسطہ باشد۔ گان ملا ڈیڑھ یا وسط ایشیا یا افریقہ ان جہاں موزوں ہوں

BEFORE THE NWFP SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 609/2009

609/2009



Date of Institution .. 01.04.2009

Date of Decision .. 02.11.2009

Qari Umar Nabi S/O Muhammad Zaman,  
Ex-Qari, Government High School, Qutab Gari,  
District, Mardan.

(Appellant).

VERSUS

- 1. Executive District Officer (Elementary & Secondary) Education, Mardan.
- 2. Director (Elementary & Secondary Edu:), Peshawar. (Respondents)

APPEAL UNDER SECTION 4 OF THE NWFP SERVICE TRIBUNALS ACT, 1974 (READ WITH SECTION 10 OF THE NWFP REMOVAL FROM SERVICE (SPECIAL POWERS) ORDINANCE, 2000 AGAINST THE NOTIFICATION ENDST. NO. 7187-89, DATED 31.12.2008 WHEREBY THE APPOINTMENT ORDER DATED 29.9.2007 OF THE APPELLANT WAS WITHDRAWN AND ORDERED FOR THE RECOVERY OF SALARIES DRAWN BY THE APPELLANT AGAINST WHICH THE APPELLANT PREFERRED DEPARTMENTAL APPEAL DATED 03.1.2009 WHICH WAS NOT RESPONDED DESPITE THE LAPSE OF 60 DAYS.

MR. MUMTAZ AHMAD,  
Advocate

For appellant.

MR. ZAHID KARIM KHALIL,  
Addl. Government Pleader,

For respondents.

MR. SULTAN MAHMOOD KHATTAK,  
SYED MANZOOR ALI SHAH,

MEMBER  
MEMBER

JUDGMENT

SULTAN MAHMOOD KHATTAK, MEMBER:- This appeal has been filed against the order dated 31.12.2008, whereby the appointment order dated 29.9.2007 of the appellant was withdrawn.

2. Brief facts of the case are that the Education Department, Mardan advertised some vacant posts including the post of Qari (BPS-7). The appellant submitted his application for the post of Qari having the prescribed

ATTESTED

NWFP SERVICE TRIBUNAL  
 PESHAWAR  
 EXAMINER  
 ATTESTED

qualification of Matric with Sanad-ul-Faragh from a recognized Madrassa. His name come on the merit list and on the recommendations of the Departmental Selection Committee, he was appointed as Qari (BPS-7), vide order dated 29.9.2007. The appellant took-over the charge of his post, his service book was prepared and started performing his duties. Vide impugned order dated 31.12.2008, his appointment order was withdrawn and recovery of salaries received by him was also ordered. Feeling aggrieved, he submitted departmental appeal on 03.1.2009, which elicited no response within the statutory period. Hence the present appeal on 01.4.2009.

3. Notices were issued to the respondents. They filed their joint written reply and contested the appeal. No replication was filed in rebuttal.

4. Arguments heard and record perused.

5. Counsel for the appellant contended that the appellant was appointed by the competent Authority, after observing all the codal formalities. He served on the post for some time and valuable rights have been accrued to him, on the principles of locus-poenitentiae which cannot be taken back from him without holding regular enquiry. He further contended that the appointment order was withdrawn with retrospective effect and the word "withdrawn" is nowhere exist in the panel of punishments. Counsel for the appellant stated that if there was any flaw in the appointment order, it was the responsibility of the respondents, for which the appellant could not be suffered. To conclude, he stated that the appellant was not dealt with in accordance with law and prescribed procedure. This has been admitted by the respondents in para-6 and ground-C of their joint written reply.

6. The A.G.P, on the other hand argued that the appellant submitted fake documents and on the basis of which he come on merit and was appointed. He further contended that the appellant was served with a notice to provide his documents for verification but he failed to do so, therefore, his appointment order was withdrawn vide order dated 31.12.2008. He stated that the appointment of the appellant was illegal and ill-gotten appointment cannot be protected by any court or forum. He also

**ATTESTED**

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referred to Section 21 of the General Clause Act, that the Competent Authority can withdraw an illegal order at any stage/time.

7. The Tribunal observes that the appellant was appointed on 29.7.2007 by the competent Authority after observing all the usual formalities. He served on the post for some time and valuable rights have been accrued to him which could not be taken back from him without adopting proper procedure. His appointment order was withdrawn on 31.12.2008 but the respondents had not followed the proper procedure. If there was some illegality in the appointment order of the appellant the respondents should have adopted proper procedure and should have conducted regular enquiry through an enquiry officer/committee but no such enquiry had been conducted in the matter and no fair chance had been provided to the appellant to defend himself. As such the impugned order is nothing but a nullity in the eyes of law.

8. In view of the above, the appeal is accepted, the impugned order dated 31.12.2008 is set aside and the appellant is reinstated into service with all back benefits. The respondents may conduct a denovo enquiry in the matter and to provide fair chance to the appellant to defend himself at all stages of the enquiry proceedings, which shall be completed within two months from the receipt of this judgment.

9. This order will also dispose of another connected Appeal No. 610/2009, titled "Qari Habib Gul Versus E.D.O (E&S) Education Mardan etc." as in both the appeals similar questions of law and facts are involved.

10. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED  
02.11.2009

(S. MANZOOR ALI SHAH)  
MEMBER

(SULTAN MAHMOOD KHATTAK)  
MEMBER

**ATTESTED**

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E & S.E.)

OFFICE ORDER

Consequent upon the decision of the NAFB Service Tribunal, Faisalabad dated 2.11.2009 in appeal No.009/09 and appeal No.670/09 titled 'Qari Umar Nabi & Qari Habib Gul Vs Govt of NAFB & others. This office order No.7187-89 dated 31.12.2008 is set aside and Qari Umar Nabi QHA, Qatab Garh and Qari Habib Gul ex-Qari Gh, Khadi Killi are hereby re-instated in to service in the same schools against vacant posts with all back benefits.

However, Mr. Muhammad Aslam, Principal, QHA, Takkur Teh: Takht Shai is hereby appointed as enquiry officer to conduct de novo enquiry in the matter and to provide fair chance to the appellant depend on self at all stages of enquiry proceeding, which shall be completed within two weeks.

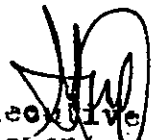
(Muhammad Aslam)

Executive District Officer  
Elementary & Secondary Education

For info: 10-V/11. Qari Umar Nabi ex-Qari / dated 1/1/2010

Copy of the above is forwarded to the:-

1. Principal, QHA, Takkur Teh: Takht Shai.
2. Headmaster, QHA, Qatab Garh 1. Shai.
3. Headmaster, QHA, Khadi Killi 1. Shai.
4. S.O. Faisalabad.
5. Series concerned.

  
Executive District Officer  
Elementary & Secondary Education, Faisalabad.

ATTESTED



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1/11/80

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*[Handwritten Signature]*

... ..

ATTACHED

IN THE PESHAWAR HIGH COURT,  
PESHAWAR  
(Judicial Department)

L-26

Directorate of Elementary & Secondary  
Education Khyber Pakhtunkhwa

NOTIFICATION

1. WHEREAS, Qari Umar Nabi GHS Qutab Garh Tehsil Takht Bai Mardan was proceeded against under the NWFP, Removal from service (Special Powers) Ordinance, 2000 for the charges mentioned in the statement of allegations.
2. AND WHEREAS, Mr. Khan Sher Principal GHS No.1 Yar Hussain Swabi was appointed as Enquiry officer to conduct a formal enquiry against the accused teacher, for the charges levelled against him.
3. AND WHEREAS the Enquiry Committee after having examined the charges, evidence on record has submitted the report vide No.907 dated 6-2-2010.
4. AND WHEREAS a show cause notice was served upon the accused teacher vide letter No. 4539 dated 3-5-2010.
5. AND WHEREAS the accused teacher was heard in person by the Competent authority on 25-10-2010
6. AND WHEREAS the authority, after having considered the charge, evidence on the record, explanation of the accused teacher, is of the view that the charges against the teacher concerned have been proved.
7. NOW, THEREFORE, in exercise of powers conferred by the NWFP, Removal from service (Special Powers) Ordinance, 2000, the Competent Authority (Directress Elementary & Secondary Education Khyber Pakhtunkhwa) is pleased to impose major penalty of Removal from service upon Qari Umar Nabi GHS Qutab Garh Tehsil Takht Bai Mardan.

DIRECTRESS  
ELEMENTARY & SECONDARY  
EDUCATION KHYBER PAKHTUNKHWA,  
PESHAWAR

Endst:No. 4582-86 /F.No.16/SET(M) Dated Peshawar the 31-3 /2010.

Copy forwarded to the:-

1. Executive District Officer (E&SE) Mardan.
2. District Account Officer Mardan.
3. Headmaster GHS GHS Qutab Garh Tehsil Takht Bai Mardan
4. Teacher concerned.
5. PA to the Directress E&SE Khyber Pakhtunkhwa, Peshawar

Deputy Director (Establishment)  
E&SE Khyber Pakhtunkhwa, Peshawar

**ATTESTED**

2/11/2009  
M. J. J. J. J.  
S.T.

- 3. Under section 468 PPC, three years R.I with a fine of Rs. 50000/- each or in default thereof to undergo six months S.I each.
- 4. Under section 471 PPC, three years R.I with a fine of Rs. 50000/- each or in default thereof to undergo six months S.I each.
- 5. Under section 5 (2) PC. Act, three years R.I with a fine of Rs. 50000/- each or in default thereof to undergo six months S.I each.
- 6. Under section 109 PPC, acquitted.

2. The appellants have questioned their conviction & sentences on various grounds.

3. Brief but relevant facts of the case are that post of Qari in Education Department was advertised and maximum qualification therefor was fixed FA/ F.Sc or equivalent 'Sanad' from the recognized religious institution duly affiliated with Higher Education Commission and 'Wafaq-ul-Madaris', however, it has been alleged that both the appellants annexed their B.A and M.A qualification alongwith the required one and in this way extra marks were

**ATTESTED**  
*[Signature]*

granted to them and they successfully made entry into service, however, when ACE got secret information, it

**ATTESTED**  
 EXAMINER  
 Madrasa High Court

probed into the matter and detected that the extra qualification shown by the appellants i.e. BA and MA were bogus including the DMC which were denied by the Controller of Examination University of Peshawar to have been issued by the University, hence, they were booked for causing loss to the public exchequer.

29  
31

4. It is not denied that the maximum qualification for the post was FA/ F.Sc or equivalent religious 'Sanad' from the recognized 'Madrassa'.

5. It is not clear from the evidence brought on record that how much extra marks were granted to them viz a viz other candidates and whether it was on the strength of extra marks or otherwise they were appointed.

6. Both the appellants, present on bail in the court, stated that they are ready to take special oath that neither the application form was signed by one of them, Qari Habib Gul, while the other stated that his BA qualification was absolutely correct and genuine and no plausible evidence has been brought on record to prove that the same was forged or bogus. Both of them stated that they have not claimed nor

**ATTESTED**



ATTESTED  
[Signature]

they would claim any back benefits which is more than One lac rupees in each case and that they were ignorant of the fact, particularly Qari Habib Gul, that who has signed the form and who has annexed the BA Degree on which he never relied at any stage and even during service he has rendered for 14 months as Qari Teacher.

34

7. Even the head of the institution did not make a complaint to the departmental authority that the appellants were unable to deliver or they were incompetent to teach their pupils effectively and properly as required of a well versed teacher rather they successfully completed the fourteen months service without any complaint from the department side and when one of them has a genuine BA degree and the other has shown ignorance about it and because evidence on this point, adduced by the prosecution, is susceptible to more than two interpretations and appreciation then, benefit of doubt shall go to the accused being cardinal principle of criminal justice.

Accordingly, while extending benefit of doubt to both the appellants, their appeal is allowed. Conviction &

ATTESTED

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*[Handwritten signature]*

sentences awarded to the appellants by the Judge Special  
Court Anti-Corruption Peshawar vide impugned judgment  
dated 22.1.2013 are set aside and they are acquitted of all the  
charges leveled against them, however, they shall not be  
entitled to claim back benefits nor the department shall pay  
them any such benefits and copy of this judgment be sent to  
the competent / appointing authority of the appellants. The  
appellants are on bail and their sureties are discharged from  
the liability of bail bonds.

31

Announced:  
24.06.2013.

*Sd/- Dost Muhammad Khan - g*

\*Quseem\*

Ch.

904  
Date of Presentation of Application: 12-7-13  
No of Pages: 14P  
Copying fee: /  
Urgent fee: /  
Total: 28.00  
Date of Preparation of Copy: 16-7-13  
Date Given For Delivery: 16-7-13  
Date of Delivery of Copy: 31-7-13  
Done By: Jm 894

VERIFIED TO BE TRUE COPY

Examiner of  
Peshawar High Court Peshawar  
Autho under Article 87 of  
The Qausee Shikada Order 1994

16-7-13

ATTESTED

*g.*

ed



N- (32)

28/8/2013

To,

The Directress,  
Elementary & Secondary  
Education KPK, Civil Secretariat,  
Peshawar.

**REPRESENTATION / DEPARTMENTAL APPEAL AGAINST THE  
ORDER No. 4582-86 DATED 03-03-2010 WHEREBY APPELLANT IS  
DISMISSED FROM SERVICE UNDER REMOVAL FROM SERVICE  
ORDINANCE ON THE BASIS OF LODGING OF FIR BY ANTI-  
CORRUPTION WHEREIN APPELLANT HAS BEEN HUMBLY  
AQUITED OF THE SAME AS PER DECISION DATED 24-06-2013. THUS  
THE ORDER OF DISMISSAL IN VIEW JUDGMENT OF PESHAWAR  
HIGH COURT PESHAWAR IS ILLEGAL, AGAINST LAW & FACTS.**

Dear Sir,

Appellant humbly submits as under:

1. That appellant is appointed as Qari vide order dated 29-09-2007.
2. That appellant performed his duty to the entire satisfaction of his superiors and was paid salaries.  
(Copy of Appointment Order is attached as Annexure "A")
3. That appellant is charged vide FIR No. 8 dated 28-08-2009 by Anti-Corruption staff U/S 419 / 420 / 468 / 471 / 109 PPC.  
(Copy of FIR is attached as Annexure "B")
4. That prior to FIR service book of appellant was prepared.  
(Copy of Service Book is attached as Annexure "C")
5. That appellant is medically found fit.  
(Copy of Medical Certificate is attached as Annexure "D")
6. That appellant is charge sheeted on the basis of lodging of FIR by Anti-Corruption and reception of Salary is illegal money.  
(Copy of Charge Sheet is attached as Annexure "E")
7. That appellant replied to the charge sheet.  
(Copy of Reply is attached as Annexure "F")

ATTESTED



8. That show cause notice was given, which was properly replied.  
(Copy of Show Cause Notice is attached as Annexure "G" & Copy of Reply to Show Cause Notice is attached as Annexure "H")
9. That appellant is dismissed from service vide order dated 03-03-2010, which is illegal, against law & facts on following grounds.  
(Copy of Dismissal Order is attached as Annexure "I")

**GROUND:**

- A. Because appellant is innocent and falsely charged.
- B. Because from the same FIR appellant is acquitted and found innocent. This finding of Court is superior to finding of inquiry officer.  
(Copy of Judgment of Peshawar High Court dated 24-06-2013 is attached as Annexure "J")
- C. Because appellant received impugned Dismissal order dated 03-03-2010 today i.e. on 28-09-2013.
- D. Because the Honourable High Court has held that they be reinstated in service but without back benefits and copy has been sent to competent authority.

It is therefore humbly requested that dismissal order dated 03-03-2010 may please be set aside and appellant may please be reinstated in service with all back benefits.

Dated: 28-8-2013

Appellant

*S.M.*  
Qari Umar Nabi  
S/o Muhammad Zaman,  
R/o Village Lund Khawar,  
Tehsil Takht Bhai, District Mardan.  
Personal No. 00397628

**ATTESTED**

*AS*  
*19*

VAKALATNAMA

IN THE COURT OF KPK Service Tribunal Peshawar.

OF 2014

Umar Nabi

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

VERSUS

Education Department

(RESPONDENT)  
(DEFENDANT)

I/We Umar Nabi

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_\_/\_\_\_\_/2014

Umar Nabi  
CLIENT

Noor Mohammad Khattak  
ACCEPTED

NOOR MOHAMMAD KHATTAK  
(ADVOCATE)

OFFICE:

Room No.1, Upper Floor,  
Islamia Club Building, Khyber Bazar,  
Peshawar City.

Phone: 091-2211391

Mobile No.0345-9383141

# BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 574/2014

Qari Umar Nabi S/O Muhammad Zaman R/O Village Lund Khwar, Tehsil Takht  
Bhai District Mardan ..... (Appellant)

## **VERSUS**

Govt of KPK Through Secretary Education .....(Respondents)

### PARAWISE COMMENTS ON BEHALF OF RESPONDENTS No. 1 to 3

RESPECTFULLY SHEWETH,

#### PRELIMINARY OBJECTIONS:-

1. That the appellant has got no cause of action and locus standi to file the instant appeal.
2. That the present appeal is bad in its present form and incompetent, hence liable to be dismissed
3. That the appellant has not come to this Honourable Tribunal with clean hands.
4. That the instant appeal is badly time barred.
5. That the instant appeal is not maintainable in the eye of law.
6. That the instant appeal is liable to be dismissed due to non-joinder of necessary parties and mis-joinder of unnecessary parties.

#### ON FACTS

1. Correct, however his appointment was subject to the condition of verification of his documents/certificates/degrees etc. (Appointment order Item No.11 Annexure C of instant appeal)
2. Pertains to record and subject to proof.
3. Incorrect, the appointment order was withdrawn on the verification of BA and MA Degree which were declared fake by the concerned universities. The verification of academic documents attached as Annexure-A according to item No.11 of appellant is appointment order, however the appellant was reinstated vide No. dated 01-01-2010 in compliance of the judgment of this August Service Tribunal.
4. Incorrect the appellant was again removed on the basis of denovo enquiry which was conducted in compliance of the judgment dated 02-11-2009. Enquiry report is attached Annexure B
5. Para 5 pertains to record. However the representation of the appellant was meritless hence filed accordingly.

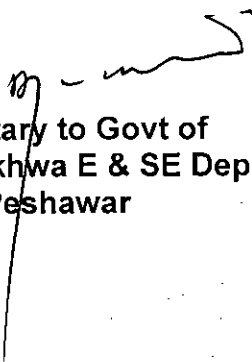
## GROUNDS

- A. Incorrect, the order is based on facts, law, norms of justice and material on the record and liable to be maintained.
- B. Incorrect, appellant has been treated in accordance with law and rules and no violation has been made.
- C. Incorrect, regular enquiry was conducted and the appellant was given opportunity of personal hearing/defence before the issuance of the said order.
- D. Incorrect. The respondent acted in accordance with law & rules.
- E. Para E is incorrect baseless, against law & facts the appellant is not deserving hence the answering department denied to reinstate the appellant.
- F. Incorrect, all the codal formalities were fulfilled by the department.
- G. The respondents seek permission to advance other grounds at the time of hearing.

In the light of above facts & grounds, it is humbly prayed that the instant appeal may be dismissed with cost.

  
District Education Officer  
(Male) Mardan

  
Director E & SE  
Peshawar

  
Secretary to Govt of  
Khyber Pakhtunkhwa E & SE Department  
Peshawar

(Adj) Whole copy  
72  
1537 F.No. Enquiry/Verification.

Dated 30/9/09.

From,

The Dy: Distt: Officer (M)  
Education Takht Bhai.

To,

The Executive District Officer  
Elementry & Secy: Edu: Mardan.

Subject:- ENQUIRY/VERIFICATION.

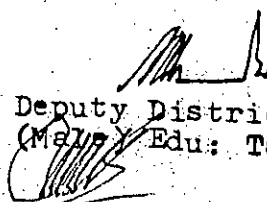
Memo:

Refer your Endst: No. 335-40 dated 2.1.2009 and in continuation to this office No. 1432 dated 24.8.2009. The B.A and M.A degrees of Mr. Habib Gul S/O Mr. Muhammad Gul and Mr. Umar Nabi S/O Mr. Muhammad Zamin Ex-Qaries verified and found bougas/Fake.

S.No.	Robl No.	Exam:	Name/F.Name	Remarks
1.	261731	B.A 2004	Umar Nabi S/O Muhammad Zamin	Checked and found Bogus/Fake.
2.	20166	M.A 2006	---do---	---do---
3.	21345	B.A 1997	Habib Gul S/O Muhammad Gul	---do---
4.	18233	M.A 1998	---do---	---do---

The verified degrees are enclosed in original for ready reference. The pay with drawn may be recovered from them, FIR may be registered against them.

Encls: AS above.

  
Deputy District Officer  
(M.A) Edu: Takht Bhai.

Taj

6188  
30/9/09

AB-V  
30/9



(Aii)

**CONTROLLER OF EXAMINATIONS  
UNIVERSITY OF PESHAWAR.  
NWFP, PAKISTAN.**

Phone: 091-9216721  
Exchange: 091-9216701-20  
Ext: 3013, 3017  
E-Mail: controller@upesh.edu  
Website: www.upesh.edu

No 1299 /Degrees

Dated 28/9/2009

To

Executive District Officer,  
(E & S.E) Mardan,

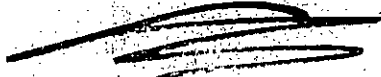
Subject: **VERIFICATION OF ACADEMIC DOCUMENTS:**

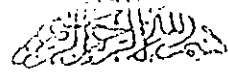
Memo:

With reference to your letter No. 338-40/ E-PF Habib Gul Qari dated 02.01.2009 (received on 20.08.2009) on the subject cited above, the Academic document(s) as referred to this office has/have been checked with the relevant records and the report thereof is of given as below:

S No	Roll No	Exam / Session	Name & Father's Name	STATUS
1.	261731 /	BA/ 2004	Umer Nabi S/O Muhammad Zaman	CHECKED AND FOUND FAKE
2.	20166 /	MA/2006 151	Umer Nabi S/O Muhammad Zaman	CHECKED AND FOUND FAKE
3.	21345 /	BA/ 1997	Habib Gul S/O Mehmood Gul	CHECKED AND FOUND FAKE

For the frauds/Forgeries committed by the person's concerned legal action under the relevant provision of law may also be initiated under intimation to this office.

  
**Controller of Examinations  
University of Peshawar.**



RNO: 06 U, 0

# University of Peshawar

(Pakistan)

Session ANNUAL 2006

UMER NABI SON of MUHAMMAD ZAMAN and a student

of DISTRICT MARDAN having passed the prescribed examination

held in AUGUST, 2006 is this day admitted by the University of Peshawar

to the Degree of  
**Master of Arts**

In the FIRST Division

The Subject of examination being ISLAMIYAT

The Examination was taken as a whole / ~~in parts~~

**INDEPENDENT  
Examination Section,  
University of Peshawar.  
FOUND FAKE  
ON VERIFICATION**

**CONTROLLER OF EXAMINATIONS  
UNIVERSITY OF PESHAWAR**

Serial No. 056543

Registered No. 04-FC-3652

Roll No. 20165

Result declared on DECEMBER 09, 2006

*Admitted*  
*Asst. District Officer*  
*(E) P.S. School & L.I.*



*M. Saad Khan*  
Registrar

Counter signed  
*[Signature]*  
Registrar

*(Aiii)*



University of Peshawar  
(Pakistan)

Session ANNUAL 2004

UNDER NABI

SON

of

MUHAMMAD ZAMAN

and a student

of DISTRICT MARDAN

having passed the prescribed Examination

held in AUGUST, 2004

is this day admitted by the University of Peshawar,  
to the Degree of

Bachelor of Arts

in the

FIRST

Division

The Examination was taken as a whole / in parts

SUPERINTENDENT  
Examination Section  
University of Peshawar  
**FOUND FAKE**  
ON VERIFICATION

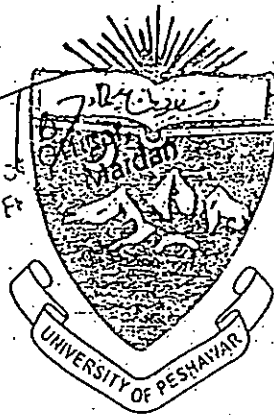
Serial No. 032516

Registered No. 02-FC-317

Roll No. 261731

Result Declared on DECEMBER 09, 2004

Asstt. District  
Pry. School Fr



M. Javed Khan  
Registrar

Controller

Vice-Chancellor

CONTROLLER OF EXAMINATIONS  
UNIVERSITY OF PESHAWAR

Examinations

(AN)

RNO 86

(B:)

**OFFICE OF THE PRINCIPAL GHSS CHAMTAR, MARDAN**

Enquiry report about:-

1. Mr. Habib Gul Qari GHs Khadi Killi.
2. Mr. Umar Nabi Qari GHs Qatab Ghar.

(Venue) GHS Khadi Killi.

Date of Institution: 23.2.2010

Date of Completion: 26.2.2010

Sources and tools of Inquiry:

1. Final merit list.
2. Application forms of the accused.
3. Statement of the accused. ✓

Procedure:

(a) Vide EDO (E&SE) Mardan letter No.1104 dated 8.2.2010. I was appointed as Inquiry officer in the above captioned Inquiry. I was ensured and informed that a well conversant representative of the EDO office would assist me for this purpose. I informed all the relevant persons through letter No.368-69 dated 20.2.2010.

I also forwarded a copy to the EDO Mardan for assistance. The date for inquiry was fixed ie 24.2.2010 9.AM.

(b) Purpose of inquiry:

The purpose of inquiry was that whether the accused had really submitted fake documents to EDO Mardan office through which they came on merit and were appointed. And in the light of whole scene, just to state and decide recommendation.

Brief summary of the case.

The accused were appointed against Qari posts at GHS Khadi Killi and GHS Qatab Gha, respectively vide EDO Mardan No. \_\_\_\_\_ dated 27.9.07 at S.No.1 and S.No.2. Their appointment orders were withdrawn vide EDO Mardan No.187-89 dated 31.12.2007 as their certificates and degrees were found fake. Both the accused approached to NWFP Service Tribunal and submitted an appeal on 1.4.2009. They stated in their appeal that they had not been dealt with in accordance with prescribed procedure. In response to that the Department arguments was that the appellantes had submitted fake certificates and degrees for their appointments and on the basis of which they came on merit. Both of them were served with a notice to provide documents for verification, but failed to do. Therefore their appointment order was with drawn as it (order) proved to be illegal due to fake documents.

But as the Tribunal observed that the respondent had not followed the proper procedure for the with drawl of appointment order. Therefore the order was set aside and the appellants were reinstated into service with all back benefits with the directives that the respondent might conduct a denove ingoing in the matter.

Process.

The undersigned ( as inquiry officer) visited the venue (GHS Khadi Killi) on 24.2.2010. Through a letter for assistance was sent to EDO Mardan, but no representative attended the station. Both the head masteey of the school and the accused were present. Different questions regarding the certificates and degrees were asked from both the accused. They did not provide any positive proof in their favor.

(A) Statement of Habib Gul Qari GHS Khadi Killi.



(B ii)

He said that:

- (1) He submitted with his application forms only SSC and HSSC certificates.
- (2) He passed his SSC Ex from BISE Peshawar under roll No.20423 receiving 425 marks in 1988.
- (3) He passed his HSSC (Ex) from Saidu Sharif (Swat) under roll No.20708 in 1998 receiving 456 marks.
- (4) He is not BA.
- (5) He has not got a degree of MA from any university.
- (6) He has not attached BA and MA degrees with his application.
- (7) The attachment of BA and MA degree with his application is a fraud on the part of selection committee.

(B) Statement of Umar Nabi Qari.GHS QutabGhar.  
According to the statement of Qari Umar Nabi:

- (1) He submitted his application form in EDO Office along with SSC, HSSC and BA degree
- (2) He passed his SSC (A) Exam; 2000 from BISE Peshawar securing 544/850 marks.
- (3) He passed his FSc in 2002 from BISE Saidu Sharif Swat securing 532/1100.
- (4) Passed his BA Exam; from MKD University in 2005 securing 256/550.
- (5) He is not MA.
- (6) EDO (E&SE) Mardan had sent his BA degree to Peshawar university for verification while he has passed his BA from MKD university.

**FINDINGS:A**


After checking the school record regarding Habib Gul, the following facts came to hand.

- (1) According to his personal file received from the head master GHS Kahdi Killi his qualification table is as under:-

S.No.	Exam; passed	Roll No.	Board/ University	Marks obtained	Total Marks
1.	SSC (A) 1988	20483	BISE Peshawar	425	850
2.	FA (A) 1994	21932	BISE Peshawar	865	1100
3.	BA (A) 1997	21345	Peshawar University	414	550
4.	MA	-	-	-	-

- (2) as per statement of the accused he passed his FA Exam; from BISE Saidu Sharif Swat in 1998 securing 456/1100 while the above table (prepared from school record) shows that he has passed FA from Peshawar Board.
- (3) According to the statement of the accused he is not BA and MA, while from the personal file (lying at the office of the Head Master), it is evident that he is BA (certificates were found)
- (4) As per EDO Mardan record, his submitted documents show his qualification as under:-

S.No.	Exam; Passed	Board/University	Roll No.	Marks obtained	Total Marks
1	SSC (A) 1988	Peshawar Board	20483	425	850
2	FA (A) 1994	-do-	21932	805	1100

  
 District Officer  
 SECYEDU, District Secretariat  
 Mardan

3	BA (A) 1997	Peshawar University	21345	550	247
4	MA (A) 1998	-do-	18233	1100	2856
5	Qari sanad 2004				2467

(Biii)

- (5) The merit list also shows his qualification as per the above school the EDO (prepared table) goes in the favor of the accused.
- (6) With reference to Peshawar Board Asstt; Secretary letter No. 8887/20.8.09 his FA under Roll No. 21932 is fake and Bogus.
- (7) His BA and MA from Peshawar University are also fake as per the additional controller of examination peshawar university letter No. dated 29.9.2009.

**FINDING: B** Finding regarding Umar Gul Qari GHS Qutab Ghar Roll No. 86

- (1) According to the school record his academic qualification is as under:-

S.No.	Exam; Passed	Board/University	Roll No.	Total Marks	Obtained Marks
1.	SSC (A) 2000	Peshawar Board	38354	850	544
2	FSc (A) 2002	BISE Saidu	216179	1100	532
2	BA 2005	MKD University	381595	550	256

- (2) As per record of EDO Mardan his academic qualification as under:-

**EDO (E&SE) Mardan Table.**

S.No.	Exam; Passed	Board/University	Roll No.	Total Marks	Marks Obtained	Score in merit list
1.	SSC (A) 2000	BISE Peshawar	38354	850	544	16.00
2.	FSc 2002	BISE Saidu	216179	1100	532	9.67
3.	BA 2004	Peshawar University	261731	550	375	6.82
4.	MA 2006	-do-	20166	1100	830	7.55
5.	Qari sanad 2004	-	-	500	469	28.14
Total Score:-						68.18

- (3) According to the statement of the accused he is not MA while in EDO Mardan records shows that he is MA.
- (4) The EDO Mardan record shows that he is BA from Peshawar University while the accused says that he has done his BA from MKD University.
- (5) In his application for the post his marks in BA are 375 while his marks in the light of school record are 256.
- (6) Two contradiction came as a result.
- (i) One is that he is not MA while in the EDO record has been shown MA and as a result of that he has been benefited with 7.55 score.
  - (ii) His BA marks are 256 rather than 375. So in the light of 375 his calculated score is 6.82, which would have been, less than that score if his 256 marks in BA had been calculated.
  - (iii) And as a result his score would have been dropped down from 68.18 to 58.20 (S.No.26 of merit list)
- (7) His BA under R.No.261731 and MA under R.No.20166 are bogus as per controller of Examination Peshawar University letter No.49927 dated 29.9.2009.


District Office  
 District Education Officer  
 District Office  
 District Education Officer  
 Mardan

**CONCLUSION:**

- (i) After the detail study of the case it came to know that both Qaries (Qari Habib Gul GHS Khadi Killi and Qari Umar Nabi GHS Qutab Ghar) submitted fake and bogus degrees with their application due to which they came on merit at S.No. 1 and 2 in the light of their original certificate Qari Umar Nabi would have been at S.No.26 or below and Qari Habib Gul would have held position in the merit list.
- (ii) They both deceived the Deptt; by submitting bogus degrees and snatched a high merit in the list.
- (iii) They both disturbed the merit list and killed the right of those candidates occurring at S.No.16 to 17. Hence both are guilty.

**RECOMMENDATIONS:-**

As both committed a fraud, so they should be removed from their service as their appointments are ill gotten and the pay drawn in their favor (ie Rs 56904 from Habib Gul (9.10.07 to 31.8.08) and 57482 from Umar Nabi (9.10.07 to 31.8.08) may be recovered from them (as instructed in with drawl order) and be deposited in Govt; treasury and this chapter be closed.

  
NOOR AYAZ  
INQUIRY OFFICER,  
GHSS CHAMTAR, MARDAN

  
District Officer,  
SECYEDU, Transitional Secretariat,  
Mardan

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

**APPEAL NO. 574/2014**

**UMAR NABI**

**VS**

**EDUCATION DEPTT:**

**REJOINDER ON BEHALF OF APPELLANT IN RESPONSE**  
**TO THE REPLY SUBMITTED BY THE RESPONDENTS**

**R/SHEWETH:**

**PRELIMINARY OBJECTIONS:**

**(1 To 5):**

All the preliminary objections raised by the respondents are incorrect, baseless and not in accordance with law and rules rather the respondents are estopped due to their own conduct to raise any objection at this stage of the case.

**ON FACTS:**

**1 TO 4:**

- 1- Admitted correct by the respondents hence need no comments.
- 2- Admitted correct hence need no comments.
- 3- Incorrect and replied accordingly. That the appointment order has been withdrawn on the basis of which is lodged against the appellant under section 419/420/468/471 PPC and 5(2) of PC act on having fake documents. That on the basis of the said FIR the appointment order of the appellant has been withdrawn by the respondents. That appellant challenged the said order before this august tribunal in appeal No. 609/2009 in the this august service tribunal directed the respondent Department to re-instate the appellant with all back benefits and to conduct denovo inquiry in the matter.
- 4- Incorrect and not replied accordingly. That appellant was again removed from service under RSO 2000 on the same allegation.
- 5- Incorrect and not replied accordingly hence denied.

**GROUND:**

**(A TO H):**

All the grounds of main writ petition of the petitioner are correct and in accordance with law and prevailing rules and that of the respondents are incorrect and baseless. That no regular inquiry has been conducted by the respondent Department nor opportunity of personal defense/hearing has been given to the appellant before issuing the impugned order dated 31.3.2010. That the respondent Department acted in arbitrary and malafide manner by issuing the impugned order dated 31.3.2010.

It is therefore most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may very kindly be accepted in favor of the appellant.

**APPELLANT**

*Umar Nabi*

**UMAR NABI**

**THROUGH:**

*Noor Mohammad Khattak*  
**NOOR MOHAMMAD KHATTAK  
ADVOCATE**

Annex # V

OFFICE OF THE EXECUTIVE DISTRICT OFFICER SCHOOLS & LITERACY MARDAN  
 FINAL MERIT LIST OF MALE CANDIDATES (Q A R I) INTERVIEW HELD AT GHS NO.3 MARDAN ON 03/05/2007

R.#	Name	Father Name	Date of Birth	Professional Qualification			Academic Qualification												Exp. Service	Score	Remarks
				Total	Obtd.	Score	SSC			F.A / F.Sc			B.A / B.Sc			M.A / M.Sc					
							Total	Obtd.	Score	Total	Obtd.	Score	Total	Obtd.	Score	Total	Obtd.	Score			
205	HABIB GUL	MEHMOOD GUL	08/06/1972	500	467	28.02	850	425	12.50	1100	865	15.73	550	414	7.53	1100	856	7.78	0	71.56	PRO
85	UMAR NABI	MUHAMMAD ZAMAN	01/03/1983	500	469	28.14	850	544	16.00	1100	532	9.67	550	375	6.82	1100	836	7.55	0	68.18	
22	HAMID UR. RAHMAN	HABIBUR RAHMAN	01/04/1983	100	95	28.50	850	541	15.91	1100	627	11.40	550	305	5.55	1100	680	6.18	0	67.54	
182	H.ABDUL ALI KHAN	MUSAFAR KHAN	03/02/1986	100	89	26.70	850	686	20.18	1100	772	14.04	550	336	6.11	1100	0	0.00	0	67.02	
104	MUHAMMAD AYUB	MUHAMMAD YAQOUB	03/04/1984	300	285	28.50	850	510	15.00	1100	591	10.75	550	331	6.02	1100	699	6.35	0	66.62	
119	IHSAN ULLAH	AMIR ULLAH	10/11/1983	600	541	27.05	850	515	15.15	1100	511	11.11	550	335	6.09	1100	644	5.85	0	65.25	
29	ALANGIR	SAID QAMAR	10/11/1981	100	95	28.50	850	516	15.18	1100	534	9.71	550	299	5.44	1100	703	6.39	0	65.21	Selected AT
30	BASHIR AHMAD	SHAMSUL QAMAR	08/08/1980	100	95	28.50	850	482	14.18	1100	579	10.53	550	299	5.44	1100	710	6.45	0	65.09	Selected AT
151	MUHAMMAD HAYAT	KHAIR ULLAH	10/01/1979	100	98	29.40	850	401	13.56	1100	554	10.07	550	259	4.71	1100	674	6.13	0	63.87	Selected AT
13	RASHID AHMAD	SHAMSUL QAMAR	22/03/1982	400	320	24.00	850	517	16.97	1100	582	10.58	550	288	5.24	1100	686	6.24	0	63.03	Selected AT
115	HAFIZ MUHAMMAD FAROOQ	TAIFOOR KHAN	15/01/1975	300	290	29.00	850	414	12.18	1100	605	11.05	550	247	4.49	1100	597	5.43	0	62.15	
06	MUHAMMAD SHAH	SHAH ZAREEN	04/03/1979	300	275	27.50	850	426	12.53	1100	550	10.01	550	320	5.82	1200	749	6.24	0	62.09	
206	SAID HASSAN	SHAMSHER KHAN	07/05/1970	300	298	29.80	850	472	13.88	1100	521	9.47	550	247	4.49	1100	432	3.93	0	61.57	
96	LIQAT ALI	ABDUL GHAFFAR	17/02/1982	500	434	26.04	850	472	13.88	1100	521	9.47	550	288	5.24	1100	713	6.48	0	61.11	
176	ASAD ULLAH	HAMD ULLAH SHAH	23/04/1979	300	280	28.00	850	471	13.85	1450	645	8.87	550	293	5.33	1100	554	5.04	0	61.09	
135	ZIUL HAQ	GHULAM ANBAR	09/04/1981	100	90	27.00	850	551	16.21	1100	603	11.35	700	477	6.81	1100	0	0.00	0	61.07	Selected AT
125	FAZAL SHER	ZAKIR KHAN	01/04/1988	100	98	29.40	850	598	17.59	1100	751	13.55	550	0	0.00	1100	0	0.00	0	60.64	

DISTRICT EDUCATION OFFICER  
 (MALE) MARDAN

Muzaffar Khan

2/2/11



Annex IV

Submission list

Name	Father Name	Date of Birth	Academic Qualification															Exp.	Service	Score	Remarks													
			Professional Qualification			SSC			F.A / F.Sc			B.A / B.Sc			M.A / M.Sc																			
			Total	Obtd.	Score	Total	Obtd.	Score	Total	Obtd.	Score	Total	Obtd.	Score	Total	Obtd.	Score																	
192 AFIZ INAMUL HAQ						850	0	0	1100	0	0	550	0	0	1100	0	0	0	0	0	0	0	0		0	0	0	0	0	0	0	0		
193 AFIZ ZAHID GUL	JAN GUL	01/07/1986	200	120		850	537	0	1100	724	0	250	120	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0	0	0			
194 WAQAR HUSSAIN	AZIZUR RAHMAN	03/09/1989	300	282	4/4	1050	402																											
195 ROZI SHAH	YOUSAF SHAH	20/04/1983	400	287		850	445		1100	602																								
196 LAIQ MUHAMMAD	GUL MUHAMAMD	03/01/1984	100	88		850	407		1100	610		550	257																					
197 ABRAR BADSHAH	FAQIR BACHA	08/04/1983	100	100		850	487		1100	535																								
195 MUAMBAR SHAH	NOOR HAMAD SHAH	11/03/1983	900	350		850	476		1100	658																								
196 TAHIR RAHMAN	HABIBUR RAHMAN	19/03/1977	200	291		850	448		1100	539																								
197 SHAH SAUD	ROOHUL AMIN	03/02/1986	400	287		850	477																											
198 MUHAMMAD BILAL	HUSSAIN GUL	13/04/1987	100	100		850	489	0.00	1100	557	0.00	0	0	0.00	0	0	0.00	0	0	0.00	0	0	0.00	0	0	0.00	0	0	0.00	0	0	0.00	0	0
199 FIDA HUSSAIN	KHADIM HUSSAIN	10/03/1987	100	90		850	481	0.00	1100	589	0.00	0	0	0.00	0	0	0.00	0	0	0.00	0	0	0.00	0	0	0.00	0	0	0.00	0	0	0.00	0	0
200 FARHAN	MOHAMMAD JAVED	01/03/1985	400	100		850	564	0.00	1100	462	0.00	0	0	0.00	0	0	0.00	0	0	0.00	0	0	0.00	0	0	0.00	0	0	0.00	0	0	0.00	0	0
201 MURAD KHAN	ZARIN SHAH	16/12/1979				850	553	0.00	1100	627	0.00	0	0	0.00	0	0	0.00	0	0	0.00	0	0	0.00	0	0	0.00	0	0	0.00	0	0	0.00	0	0
202 SAEED JAN	MUHAMMAD AMIN JAN	15/12/1983				850	431	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
203 IFTHIKHAR HUSSAIN	FAQIR HUSSAIN	24-3-73	100	90		850	482		1100	459		550	230		1100	681																		
204 AKHTAR AMIN	FAIZU LHADI	03/02/1980	100	85		850	510		1100	527		550	414		1100	836																		
205 HABIB GUL	MUHAMMAD GUL	08/06/1972	500	467		850	425		1100	456		550	247		1100	432																		
206 SAID HASSAN	SHAMSHER KHAN	07/05/1970				850	472		1100	521		550	247		1100	432																		
207			200	190		850	473		1100	496																								

207 Mst Arshad

Shamin ulha

2024-82 200 190

850 473

1100 496

DISTRICT EDUCATION OFFICER  
IMAJET/MDAN

Said Arshad  
ADD (C.P.P.)  
Local office of  
EDD (C.S.R.S)  
7/1/10

MAJID ALLI IMAK