

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR
AT CAMP COURT D.I.KHAN

Service Appeal No. 1048/2016

Date of Institution ... 08.09.2016

Date of Decision... 21.03.2023

Muhammad Bilal S/O Bashir Ahmad. R/O Mohallah Maddi Khel, Musa Zai Shareef, Tehsil Daraban, District Dera Ismail Khan.

... (Appellant)

VERSUS

Province of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar and 06 others.

... (Respondents)

MR. MUHAMMAD ANWAR AWAN,
Advocate

--- For appellant.

MR. MUHAMMAD JAN,
District Attorney

--- For official respondents.

MR. AAMIR FARID SADDOZAI,
Advocate

--- For private respondent.

MR. KALIM ARSHAD KHAN
MR. SALAH-UD-DIN

--- CHAIRMAN
--- MEMBER (JUDICIAL)

JUDGMENT:

SALAH-UD-DIN, MEMBER:- Brief facts surrounding the instant service appeal are that the appellant's father was serving as Laboratory Attendant (BPS-1) in Government High School Musa Zai Sharif D.I.Khan, who retired from service on 08.11.2013. On the same date, father of the appellant moved an application to the District Education Officer (Male) D.I.Khan through Headmaster Government High School (Male) Musa Zai Sharif D.I.Khan requesting therein for appointment of the appellant on the post



vacated due to retirement of father of the appellant. Vide appointment order bearing endorsement No. 530-33 dated 30.11.2013, Headmaster Government High School Musa Zai Sharif D.I.Khan appointed the appellant as Laboratory Attendant (BPS-1). The appellant started performing his duty and was waiting for no objection certificate to be issued by the District Coordination Officer, which was required for release of salary of the appellant. However in the meanwhile, respondent No. 7 namely Adnan S/O Muhammad Ramzan was appointed vide office order bearing endorsement No. 4729-43 DEO(M) Class-IV dated 21.04.2014 on the basis of deceased son quota on the post on which the appellant was already appointed. The appellant filed Writ Petition No. 622-D of 2015 in the august Peshawar High Court, Dera Ismail Khan Bench, however the same was dismissed vide order dated 07.06.2016 with the observations that as the petitioner has been terminated from service so the writ petition had become infructuous. The appellant then preferred departmental appeal, however the same was not responded, hence the instant appeal.

2. On admission of the appeal for regular hearing, notices were issued to the respondents, who contested the appeal by way of filing replies/comments, wherein they refuted the assertion raised by the appellant in his appeal.

3. Learned counsel for the appellant has addressed his arguments supporting the grounds agitated by the appellant in his service appeal. On the other hand, learned District Attorney for official

respondents as well as learned counsel for private respondent No. 7 have controverted the arguments of learned counsel for the appellant and supported the comments submitted by the respondents.

4. Arguments of learned counsel for the parties heard and record perused.

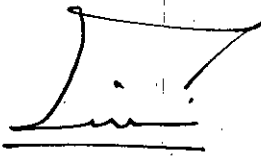
5. A perusal of the record would show that the appellant was appointed as Laboratory Attendant by Headmaster Government High School Musa Zai Sharif D.I.Khan vide appointment order bearing endorsement No. 530-33 dated 30.11.2013. The crucial question which requires determination is that as to whether on the relevant, the Headmaster Government High School Musa Zai Sharif D.I.Khan was having the capacity to make such appointments or not? Available on the record is copy of letter bearing endorsement No. 3442-45/Estab dated 24.02.2014 issued from the office of Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar, which would show that the powers regarding appointment of class-IV employees were delegated to the Principals/Headmasters/Headmistress/SDEOs vide office memo F.NO A-23/MS/Distt DPC Meeting/2013/DD F&A/No.2027-77 dated 12.12.2013. In this view of the matter, Headmaster Government High School Musa Zai Sharif D.I.Khan was not at all clothed with any power of appointment of Class-IV employee on 30.11.2013 i.e the date on which the appellant was appointed. The appointment order of the appellant was thus passed by an

incompetent Authority, therefore, he could not claim any legal right on the basis of such appointment order.

6. In view of the above, the appeal in hand being devoid of any merit stands dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
21.03.2023


(KALIM ARSHAD KHAN)
CHAIRMAN
CAMP COURT D.I.KHAN



(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT D.I.KHAN

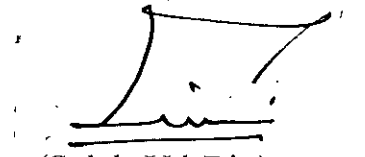
ORDER
21.03.2023

Learned counsel for the appellant present. Mr. Muhammad Kamran, ADEO alongwith Mr. Muhammad Jan, District Attorney for official respondents No. 1 to 6 present. Learned counsel for private respondent No. 7 also present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal in hand being devoid of any merit stands dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
21.03.2023



(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan



(Salah-Ud-Din)
Member (Judicial)
Camp Court D.I.Khan

13th Feb, 2023

Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for respondents present.

Learned counsel for the appellant seeks adjournment on the ground that learned senior counsel is busy before the Hon'ble High Court, D.I.Khan Bench. Last is given to the appellant to ensure the presence of his counsel and argue the case failing which the case will be decided on the available record without the arguments. To come up on 14.02.2023 before D.B at camp court D.I.Khan. P.P given to the parties.



(Muhammad Akbar Khan)
Member(E)



(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan

14th Feb, 2023

Junior of learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy before Hon'ble Peshawar High Court, D.I. Khan Bench. Adjourned. To come up for arguments on 21.03.2023 before D.B at camp court D.I. Khan.


(Muhammad Akbar Khan)
Member (E)


(Kalim Arshad Khan)
Chairman
Camp Court D.I. Khan

SCANNED
KPST
Peshawar.

26th Oct 2022

Appellant in person present. Mr. Kabir Ullah Khattak,
Additional Advocate General for respondents present.

Lawyers are on strike today. To come up for arguments on
21.11.2022 before D.B at Camp Court, D.I Khan. P.P given to the
parties.

SCANNED
KPST
Peshawar



(Rozina Rehman)
Member (J)
Camp Court, D.I Khan



(Kalim Arshad Khan)
Chairman
Camp Court, D.I Khan

21.11.2023

Tour to camp court D.I Khan has been cancelled therefore, to
come up for the same on 16.01.2023.



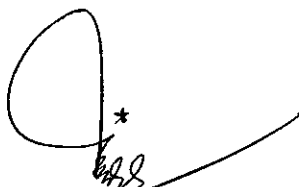
READER

16.01.2023

Junior of learned counsel for the appellant present. Mr.
Muhammad Riaz Khan Paindakhel, Assistant Advocate General
for the respondents present.

Junior of learned counsel for the appellant requested for
adjournment on the ground that learned counsel for the appellant
is busy before Hon'ble Peshawar High Court. Adjourned. To
come up for arguments on 13.02.2023 before D.B at camp court
D.I Khan.

SCANNED
KPST
Peshawar



(Mian Muhammad)
Member (E)



(Kalim Arshad Khan)
Chairman
Camp Court, D.I Khan

27th September, 2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents present.

Learned counsel for the appellant seeks adjournment on the ground that he has not made preparation for arguments today. Adjourned. To come up for arguments on 24.10.2022 before the D.B at Camp Court D.I.Khan.



(Salah Ud Din)
Member (Judicial)
Camp Court D.I.Khan



(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan

24.10.2022

Junior to counsel for appellant present.

Kabir Ullah Khattak, learned Additional Advocate General for respondents present.

Bench is incomplete and lawyers are on strike, therefore, case is adjourned to 26.10.2022 for arguments before D.B at Camp Court, D.I.Khan.



(Rozina Rehman)
Member (J)
Camp Court, D.I.Khan

26.01.2022

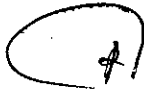
Tour is Cancelled, therefore, case is adjourned to 25.05.2022 for the same as before.


Reader.

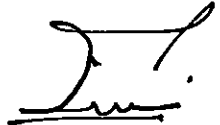
25.05.2022

Learned counsel for the appellant present. Mr. Farhaj Sikandar, District Attorney for official respondents No. 1 to 6 present. None present on behalf of private respondent No. 7.

Previous date was changed on Reader Note, therefore, notice be issued to private respondent No. 7 as well as his counsel through registered post and to come up for arguments on 25.07.2022 before the D.B at Camp Court D.I.Khan.



(Rozina Rehman)
Member (J)
Camp Court D.I.Khan



(Salah-ud-Din)
Member (J)
Camp Court D.I.Khan

25-7-22

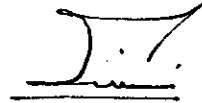
Due to summer vacation the case is adjourned to 26-9-22 for the same.



24.11.2021

Nemo for the appellant. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Muhammad Kamran, ADO (Litigation) for the respondents present.

Notice for prosecution of the appeal be issued to the appellant as well as private respondent and their respective counsel through registered post and to come up for arguments before the D.B on 26.01.2022 at Camp Court D.I.Khan.



(Salah-ud-Din)
Member (J)
Camp Court D.I.Khan




Chairman
Camp Court D.I.Khan


24.02.2021

Nemo for parties.

Riaz Khan Paindakheil learned A.A.G for respondents present.

Preceding date was adjourned on a Reader's note, therefore, notice be issued to both the parties for 25.05.2021 for arguments before D.B at Camp Court D.I. Khan


(Atiq ur Rehman Wazir)
Member (E)
Camp Court, D.I.Khan


(Rozina Rehman)
Member (J)
Camp Court, D.I.Khan


*Due to COVID-19 therefore
to come up for the same on 28/9/21*


*On
Reader*

28.09.2021

Nemo for the appellant, Mr. Muhammad Kamran, ADO (Litigation) alongwith Mr. Usman Ghani, District Attorney for official respondents No. 1 to 6 present.

Previous date was changed on Reader Note, therefore, notice be issued to the appellant as well as private respondent and their respective counsel and to come up for arguments before the D.B on 24.11.2021 at Camp Court D.I.Khan.

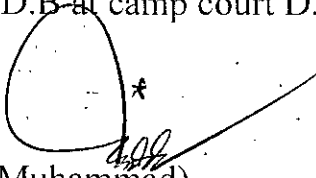

(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)
CAMP COURT D.I.KHAN

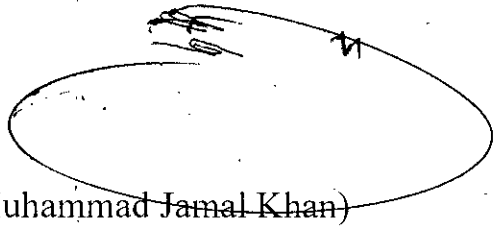

(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT D.I.KHAN

26.10.2020

Appellant is present in person. Mr. Usman Ghani,
District Attorney for respondents is present.

Since the Members of the High Court as well as of the
District Bar Association D.I.Khan are observing strike today,
therefore, the case is adjourned to 24.11.2020 for arguments
before D.B at camp court D.I.Khan.


(Mian Muhammad)
Member(E)



(Muhammad Jamal Khan)
Member(J)
Camp Court D.I Khan


24.11.2020

Appellant present through counsel.

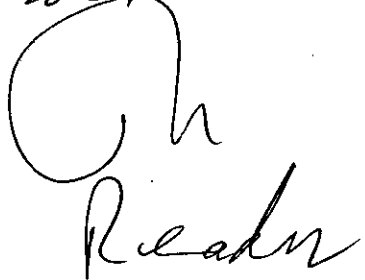
Muhammad Jan learned Deputy District Attorney for
respondents present.

Former made a request for adjournment. Adjourned. To
come up for arguments on 26.01.2021 before D.B at Camp
Court DI.Khan.


(Atiq-ur-Rehman Wazir)
Member (E)
Camp Court, D.I Khan


(Rozina Rehman)
Member (J)
Camp Court, D.I Khan

Due to covid, 19 case is
adjourned to 24-02-2021


On Reahn

24.3 .2020

Due to COVID19, the case is adjourned to

20/4 /2020 for the same as before.

Reader

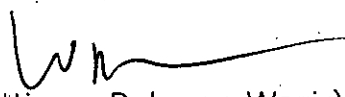
20.4.2020 Due to COVID 19, the case is adjourned to 21-9-2020 for the same.


21.09.2020

Nemo for appellant.

Mr. Muhammad Jan, learned Deputy District Attorney alongwith Muhammad Kamran, ADO for respondents present.

The preceding two dates were adjourned on a reader's note, therefore, notice be issued to the appellant and his counsel for arguments on 26.10.2020 before D.B at Camp Court, D.I Khan.


(Attiq-ur-Rehman Wazir)
Member
Camp Court, D.I Khan


(Rozina Rehman)
Member
Camp Court, D.I Khan

25.11.2019

Appellant in person and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Muhammad Kamran, ADO (Litigation) for the respondents present. Appellant seeks adjournment on the ground that his counsel is not available today due to general strike of Khyber Pakhtunkhwa Bar Council. Adjourned to 27.01.2020 for arguments before D.B at Camp Court D.I.Khan.



(Hussain Shah)
Member
Camp Court D.I.Khan



(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan

27.01.2020

Due to strike of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Usman Ghani, District Attorney for official respondents and private respondent No. 7 in person present. Adjourned to 24.02.2020 for arguments before D.B at Camp Court D.I.Khan.



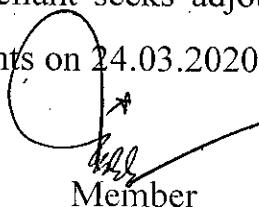
(Hussain Shah)
Member
Camp Court D.I.Khan



(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan

24.02.2020

Counsel for the appellant present. Mr. Usman Ghani, District Attorney for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 24.03.2020 before D.B at camp court D.I.Khan.



Member

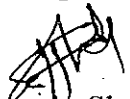



Member
Camp Court D.I.Khan

Service Appeal No. 1048/2016

25.06.2019

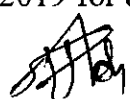
Junior counsel for the appellant and Mr. Farhaj Sikandar, District Attorney for official respondents No. 1 to 6 present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is not available today. Adjourned to 26.08.2019 for arguments before D.B at Camp Court D.I.Khan.



(Hussain Shah)
Member
Camp Court D.I.Khan


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

26.08.2019

Appellant in person and Mr. Farhaj Sikandar, District Attorney for official respondents No. 1 to 6 present. Due to general strike on the call of Pakistan Bar Council, learned counsel for the appellant is not in attendance today. Adjourned to 21.10.2019 for arguments before D.B at Camp Court D.I.Khan.


(Hussain Shah)
Member
Camp Court D.I.Khan


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan


21/10/2019

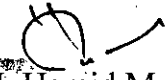
Since tour to D.I.Khan has been cancelled. To come for the same on 25/11/2019.


Reader

26.02.2019


Appellant in person present. Mr. Anwar Awan learned counsel for the appellant absent. Mr. Farhaj Sikandar, District Attorney for official respondents No. 1 to 6 and private respondent No. 7 in person present. Adjourn. To come up for arguments on 22.04.2019 before D.B at Camp Court D.I.Khan.



(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan


(M. Hamid Mughal)
Member
Camp Court D.I.Khan

22.04.2019


Counsel for the appellant, Mr. Farhaj Sikandar, District Attorney for official respondents No. 1 to 6 and counsel for private respondent No. 7 present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 23.04.2019 before D.B at Camp Court D.I.Khan.

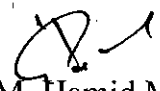

(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan


(M. Hamid Mughal)
Member
Camp Court D.I.Khan

23.04.2019

Due to strike of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Farhaj Sikandar, District Attorney for the respondents present. Adjourn. To come up for arguments on 25.06.2019 before D.B at Camp Court D.I.Khan.



(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan


(M. Hamid Mughal)
Member
Camp Court D.I.Khan

27.11.2018

Counsel for the appellant present. Mr. Muhammad Kamran, ADO alongwith Mr. Usman Ghani, District Attorney for respondents present. Counsel for private respondent no. 6 is not present. Notice be issued to the private respondent no.6 and his counsel. Adjourned to 18.12.2018 for arguments before D.B at camp court D.I.Khan.


(Ahmad Hassan)
Member


(M.Amin Khan Kundi)
Member
Camp Court D.I.Khan

18.12.2018


As per direction of the worthy Chairman Khyber Pakhtunkhwa Service Tribunal, D.I.Khan tour dated 18.12.2018 has been rescheduled and the case is re-fixed for 27.12.2018.

Reader

27.12.2018

Counsel for the appellant present. Mr. Farhaj Sikandar, District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment for arguments. Adjourned. To come up for arguments on 26.02.2019 before D.B at Camp Court D.I.Khan.


(Hussain Shah)
Member
Camp Court D.I.Khan


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

25.05.2018

Due to retirement of the worthy Chairman, the Tribunal is non-functional. To come up for the same on 21-6-18. Notices be issued to the parties accordingly.


Member

21.06.2018

Mr. Muhammad Anwar Awan Advocate counsel for the appellant present. Mr. Muhammad Kamran, ADO (Litigation) alongwith Mr. Usman Ghani District Attorney on behalf of the respondents present. Learned counsel for the appellant made a request for adjournment. Granted. To come up for arguments on 29.08.2018 before the D.B at camp court, D.I.Khan.


Member


Chairman
Camp Court, D.I.Khan

29.08.2018

Clerk to counsel for the appellant present
Mr. Kamran, ADO for the respondents present.
Court is hereby cancelled, therefore the case is adjourned for the same on 22.10.18 at the camp court D.I Khan.


Member

22-10-18

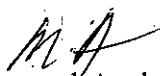
Court is hereby cancelled, therefore, the case is adjourned for the same 27-11-18 at camp court D.I. Khan.


Member

Service Appeal No. 1048/2016


30.11.2017

Appellant in person present. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Muhammad Kamran, ADO (litigation) for official respondents No. 1 to 6 and private respondent No. 7 in person also present. Written reply on behalf of private respondent No. 7 submitted. Written reply on behalf of official respondents not submitted. Learned District Attorney requested for further adjournment. Adjourned. To come up for written reply/comments on behalf of official respondents on 25.01.2018 before S.B at Camp Court D.I.Khan.


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I. Khan

25.01.2018

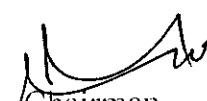
Appellant in person present. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Muhammad Kamran, ADO (litigation) for the respondents also present. Written reply on behalf of respondents submitted. Adjourned. To come up for rejoinder and arguments on 13.03.2018 before D.B at Camp Court D.I.Khan.


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I. Khan

13.03.2018

Appellant in person and Addl: AG for the respondents present. Appellant seeks adjournment as his counsel is not in attendance. Granted. To come up for arguments on 24.04.2018 before D.B at camp court, D.I.Khan.


Member



Chairman
Camp court, D.I.Khan

22.02.2017

Appellant through Mr. Muhammad Anwar Awan, Advocate present. He submitted that the termination order of appellant was never communicated to appellant and that in Writ Petition No. 622-P of 2015 the termination order was placed before august High Court on which the writ petition was disposed of. Upon which they preferred departmental appeal. That no proper procedure was adopted in removal of appellant from service which was the constitutionally protected right of the appellant.


Appellant Deposited
Security & Process Fee

Point raised needs consideration, the appeal is admitted for regular hearing. The appellant is directed to deposit the security and process fee within 10 days there-after notices be issued to the respondents for written reply/comments for 26.07.2017 before S.B at Camp Court D.I.Khan.


(ASHFAQUE TAJ)
MEMBER
Camp Court D.I.Khan

26.07.2017

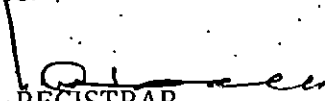


Counsel for the appellant present. Mr. Muhammad Kamran, ADO and Mr. Muhammad Azam, Assistant Accounts Officer alongwith Mr. Farhaj Sikandar, District Attorney for official respondents No. 1 to 6 also present. Written reply by respondents not submitted and requested for adjournment. Adjourned. To come up for written reply/comments on 29.11.2017 before S.B at Camp Court D.I.Khan.


(Muhammad/Amin Khan Kundi)
Member
Camp Court D.I. Khan

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1048/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	07/10/2016	<p style="text-align: center;">The appeal of Mr. Muhammad Bilal resubmitted today by post through Mr. Muhammad Anwar Awan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	08/11/2016	<p style="text-align: center;">This case is entrusted to Touring S. Bench at D.I.Khan for preliminary hearing to be put up there on <u>28.11.16</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p style="text-align: center;">Since D.I.Khan tour dated 28.11.2016 has been cancelled, therefore, case to come up for preliminary hearing on 22.02.2017 before S.B at Camp Court D.I.Khan.</p> <p style="text-align: right;"> Reader</p>

This is an appeal filed by Mr. Muhammad Bilal through registered Post today on 08/09/2016 against the order dated 07/6/2016 against which he preferred/made departmental appeal/representation on 27.06.2016 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority reported as 2005-SCMR-890.

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

- 1 - Address of respondent No. 7 is incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2 - Copy of termination order is not attached with the appeal which may be placed on it.

No. 479/ST.
Dt. 9/9/2016

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Muhammad Anwar Awan adv.
Supreme Court of Pakistan D.I. Khan

Respected Sir,

Address of Respondent No 7 is completed while it

was verbally informed the appellant during proceeding in

will pethon regarding its termination, so no written termination

order is communicated.

Anwar

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

Appeal no...1048.. of 2016.

Muhammad Bilal

VERSUS

Govt; Of KPK and others

INDEX

SCANNED
KPST
Peshawar

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Your humble Petitioner

Muhammad Bilal

Muhammad Bilal
Through Counsel

Dated; 08-09-2016.

Anwar Adv

Mohammad Anwar Awan
Advocate Supreme Court.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR
CAMP COURT AT D.I.KHAN.

Appeal no. 1048... of 2016.

SCANNED
KPSI
Peshawar

Muhammad Bilal S/O Bashir Ahmad R/O Mohallah Maddi
Khel, Musa zai Shareef, Tehsil Daraban, District D.I.Khan.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 979

Dated 08-9-2016

VERSUS

1. Province Of Khyber Pakhtunkhwa through secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
2. Secretary to the government of Khyber Pakhtunkhwa Elementary and Secondary Education Deptt: Peshawar.
3. Director Elementary and Secondary Education Deptt: Khyber Pakhtunkhwa, Peshawar.
4. Deputy Director Elementary and Secondary Education Deptt: Khyber Pakhtunkhwa, Peshawar.
5. District Education Officer (Male) Education Deptt. D.I.Khan
6. Head Master, Government High School Musa Zai Shareef, Dera Ismail Khan.
7. Adnan S/O Muhammad Ramzan R/O Musa Zai Shareef D.I.Khan. *lab attendant GHS Musa Zai sharif D.I.Khan.*

APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL
ACT AGAINST ILLEGAL AND MALAFIDE TERMINATION
ORDER DATED; 07-06-2016.

That the brief facts of the case are as under:

- 1) That the father of Appellant was serving as Laboratory Attendant in the Government High School Musa Zai Shareef D.I.Khan and retired on 08-11-2013. On the same date Appellant's father moved an application to the respondent No.5 through the respondent No.6 for the appointment of Appellant. Copies of CNIC and Application dated; 08-11-2013 are Annexure A & B.
- 2) That respondent No.6, being the head of government High School Musa Zai Shareef, was having the authority to appoint class-IV in his institution/school. The said powers remained vested in the respondent No.6 till 23-02-2014, however, on 24-02-2014 these powers are withdrawn by respondent No.4 vide letter No. 3391-3441/Estab dated; 24-04-2014. Copy of letter is Annexure C.

Re-submitted to-day
and filed.

Filed to-day

Registrar
Peshawar

Registrar
Peshawar

- 3) That on the basis of powers delegated to Headmaster etc for the appointment of class IV, the respondent No.6 appointed the Appellant as Laboratory Attendant (BPS-1) on the basis of retired class-IV Employee son vide appointment letter bearing Endst No. 530-33 dated; 30-11-2013. Copy of appointment letter is Annexure D.
- 4) That appellant, started to perform his official duties regularly and in this regard copies of attendance register are Annexure E.
- 5) That as in the year 2013 for the purpose of release of salaries, No Objection Certificates from the concerned district coordination Officer was necessary, therefore, the respondent No.6 vide letter No.534 dated 16-12-2013 requested the respondent No.5 for submission of case to quarter concerned for grant of NOC to appellant. Copy of letter is Annexure F.
- 6) That the appellant remained in waiting of NOC from DCO but in the meanwhile respondent No.5 appointed respondent No.7 as Laboratory Attendant at Government High School Musa Zai Shareef on the basis of deceased son vide letter No.4729-43/DEO (M)/Class IV dated; 21-04-2014 despite the fact that the Appellant was already serving on the said post. Copy of letter is Annexure G.
- 7) That due to the appointment of respondent No.7, Appellant was stopped to perform his duties without issuing any termination letter. Thus feeling aggrieved from the illegal acts of respondents, appellant filed writ petition before the Hon'ble Peshawar High Court Dera Ismail Khan Bench in which AAG along with department representation informed the court that appellant is terminated from service without providing copy of termination order. Copy of Writ along with order is Annexure H.
- 8) That feeling aggrieved the appellant filed departmental appeal on 27-06-2016 against termination order which was communicated on 07-06-2016 which is still undecided by the respondents. The copy of departmental appeal along with postal receipt is Annexure I.
- 9) That feeling aggrieved from above said action petitioner is constrained to approaches this honorable court on the following amongst other:

GROUNDS;

1. That the appellant is not treated in accordance with law and the actions of the respondents are malafide, favoritism and political victimization, illegal, without jurisdiction, without lawful authority.

That the respondent No.6 legally and lawfully appointed the Appellant as Laboratory attendant in Government High School Musa Zai Shareef vide appointment letter dated 31-11-2013 and these powers of appointment of class IV in the school were delegated to the respondent No.6 and were in field till issuance of letter No.3391-2441 dated; 24-02-2014 by the respondent No.4 vide which said powers were withdrawn from principals/Headmasters etc. thus the post of lab Attendant was not vacated for the appointment of respondent No.7 but for the benefit of respondent No.7, rights of appellant have been infringed due to malafide and on the basis of favoritism. Hence a great injustice has been done to the appellant.

3. That from the appointment of appellant, appellant has not been treated in accordance with law and has been condemned unheard. No show cause is given to the appellant nor was any charge sheet issued. No inquiry was conducted regarding the matter but without assigning any reason in open court it was informed that appellant's services is terminated.

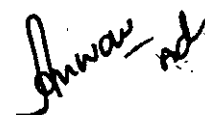
In view of the above, it is, therefore, most respectfully prayed that on acceptance this appeal this honorable court may please set aside the verbal termination order dated; 07-06-2016 and may kindly reinstated the appellant with all back benefits and may kindly declare the appointment order dated; 21-04-2014 being illegal, void and without lawful authority.

YOUR HUMBLE APPELLANT



Muhammad Bilal
Through Counsel

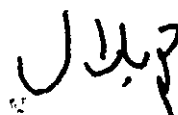
Dated; 08-09-2016.



Mohammad Anwar Awan
Advocate Supreme Court

AFFIDAVIT

Muhammad Bilal do hereby solemnly affirm and declare on OATH that the contents of the same are true and correct to the best of my knowledge and belief and that nothing has been concealed from this honorable court.



Deponent!

گورنمنٹ ہائی اسکول (مردانہ) ضلع ڈیرہ اسماعیل خان
(درجہ نائن) دربارہ تعویذی دلائل درجہ چہارم (L/A)
لوساطت جناب ہیڈ اسٹریٹن گورنمنٹ ہائی سکول (مردانہ) موسیٰ زئی شریف

جناب عالی

گزارش ہے کہ میں سائل بشیر احمد موسیٰ زئی شریف، ضلع ڈیرہ اسماعیل خان
مستقل کاوتی دبا شدہ ہوں۔ بندہ نے گورنمنٹ ہائی سکول (مردانہ) موسیٰ زئی شریف
میں بحیثیت لیبارٹری اسٹینڈنٹ ۱۵/۱۶ این ایچ کمانڈ ڈیوٹی بطریق احسن سرانجام دی
ات جبکہ مورخہ ۱۱/۰۲/۲۰۱۳ء کو سائنس ڈیپارٹمنٹ پر روت ملازمت ختم ہو رہی
لیجائے! بناء بریں نہایت مؤدبانہ انداز سے میری خدمات اور حقوق کو ملحوظ
خاطر رکھ کر میری جگہ پر تیرے تحت جگہ محمد بلال ولد بشیر احمد
کو تعینات فرما کر مشکور فرمادیں۔ تاثریت دعا گو رہوں گا۔

بشیر احمد
ضلع گزار

L/A

گورنمنٹ ہائی سکول (مردانہ) موسیٰ زئی شریف،
ضلع ڈیرہ اسماعیل خان

Submitted in original with remarks that applicant is
Proceeding on superannuation retirement w.e.f 8.11.13.
He had only son who is dependent upon him, and
has obtained the age of 65.
I strongly recommend that he very kindly be
appointed against the post vacated by his father.
He is local one and will be fruitful for School.

No 526 Dated 08/11/13

M. Anwar Awan
Advocate

M. ANWAR AWAN
Advocate

Am B
7



**Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar**

PH No. 091-9210389, 9210938,
9210437, 9210957, 9210468

Fax 091-9210936 080033357

E-mail rafiq_kk851@yahoo.com

No. 3391-3441/Estab

Dated Peshawar the 24/02/2014

To:

All the District Education Officers.
(Male & Female) in Khyber Pakhtunkhwa.

Subject: Appointment of Class-IV Servants.

I am directed to refer to the subject cited above and it to inform you that the powers regarding appointment of Class-IV earlier delegated to the Principals/Headmasters/Headmistress/SDEOs across the province vide this office Memo R.No A-23/MS/Dist DFC Meeting/2013/DD F&A/ No.2027-77 dated 12.12.2013 are hereby withdrawn forthwith.

I am further directed to inform you that in a capacity of the Head of the attached Department, the Director Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar is pleased to declare District Education Officer as "Appointing Authority" also for the Employment on EPS 1-4 in the respective District. The Class-IV Servants may be appointed by District Education Officer Concerned in the Primary Middle, High and Higher Secondary Schools after observing all legal formalities. The appointments will not be made by the SDEOs/Head of the institutions as the following reserved Quota are badly affecting by decentralization of appointment at school /S.D. Division level.

1. 25% quota reserved for Retired Employees Sons;
2. 3% quota reserved for Minorities.
3. 2% quota reserved for Disable.
4. Deceased Sons/Daughters/Wives

I am, therefore, directed to ask you to inform all heads of institutions /SDEOs in this regards and direct them further to observe all the quotas reserved for Deceased Sons/Daughters/Wives, 25% quota reserved for Retired Employees Sons, 3% quota reserved for Minorities, 2% quota reserved for Disable persons. All the appointments shall be made on the recommendation of the Departmental Selection Committee.

ma 24/2/14
Dy: Director, (F&A)

Directorate of Elementary and Secondary
Education Khyber Pakhtunkhwa Peshawar.

Dist. No. 3442-15/Estab

Dated Peshawar the 24/02/2014

Copy of the above is forwarded for information to the:

1. Director IMS Shami Road Peshawar.
2. IS to Honourable Minister for E&SE Khyber Pakhtunkhwa Peshawar.
3. IS to Secretary E&SE Khyber Pakhtunkhwa Peshawar.
4. IA to Director E&SE Khyber Pakhtunkhwa Peshawar.

Suptd (S/R)

Dy: Director, (F&A)

Directorate of Elementary and Secondary
Education Khyber Pakhtunkhwa Peshawar.

23/2/14
Dist. Officer
1456
28-2-14

M. ANWAR
Advocate

Approved
[Signature]

OFFICE THE HEAD MASTER GOVERNMENT HIGH SCHOOL MUSA ZAI SHARIF

D.I.KHAN

Appointment Order:-

(31) Annexure
(12)

Mr. Muhammad Bilal S/O Bashir Ahmad R/O

Under the provision of rules *(12)* of the NWFP Civil Servant *Appnt. of retired Govt. Servant* Mr. Muhammad Bilal S/O Bashir Ahmad R/O Musazai Sharif Tehsil Daraban Kalan District D.I.Khan whose father named above. Ex-Laboratory attendant Govt. High School Musazai Sharif. Who have been retired from Service from this school on 08-11-2013 is hereby appointed against vacant post of Laboratory Attendant at G.H.S. Musazai Sharif in D.I.Khan BPS-1 (Rs. 4800-150-9000) pulse usual allowances on regular basis, in the interest of public services with immediate effect on the following terms and conditions.

Terms & Condition:

1. His services will be considered as regular in the terms of Govt. of Khyber Pakhunkhwa Finance Department (Regulation wing) No. SOSR-III/FD-12-1/2005, dated: 27-02-2013.
2. He will be governed by such rules and regulation as may be prescribed by the Govt. from time to time for the category to which he belongs.
3. His appointment is made purely temporary and liable to termination all at time without assigning any reasons.
4. One month pay will be forfeited to Govt, in case of resignation without prior notice; the period of giving notice is one month before the date of resignation.
5. His original certificates/degree will be Govt. verified by this office. All expenses will be borne by the candidates.
6. He is required to join the post within 15 days, failing which the appointment order will stand cancel, automatically.
7. The appointment is made subject to the condition that the candidate is permanent domiciled of District D.I.Khan.
8. He is required to produce health and age certificate from the medical superintendent of DHQ D.I.Khan.
9. Charge Reports should be sent all the concerned.
10. No TA/DA is allowed.

-SD-

WAZIR AHMAD KHAN (Mainkhel)
Head Master
Govt. High School Musazai Sharif
D.I.Khan

Sl. No. *53033*

Dated: *30/11/2013*

Copy to the:
Director Schools & Literacy KPK, Peshawar.
District Education Officer (M) D.I.Khan.
District Account Office D.I.Khan.
Candidate Concerned.

[Signature]
Head Master
GHS Musazai Sharif
D.I.Khan.

[Signature]
M. ANWAR AWAN
Advocate

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Amal E. Q.

Amal E. Q.

رجسٹر حاضری مدرسہ بین قاریین درہ قیوم

2014

ابتداء فروری

روز		دستخط		آمد		دستخط		آمد		دستخط		آمد		دستخط		آمد	
تاریخ	روز	آمد	دستخط	روز	آمد	دستخط	روز	آمد	دستخط	روز	آمد	دستخط	روز	آمد	دستخط	روز	آمد
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سابقہ	سابقہ	سابقہ	سابقہ	سابقہ	سابقہ	سابقہ	سابقہ	سابقہ	سابقہ	سابقہ	سابقہ	سابقہ	سابقہ	سابقہ	سابقہ	سابقہ	سابقہ
میزان	میزان	میزان	میزان	میزان	میزان	میزان	میزان	میزان	میزان	میزان	میزان	میزان	میزان	میزان	میزان	میزان	میزان

MANWAR AWAN
Advocate

Date		Particulars		Debit		Credit	
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18	1						

(Total)

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No. 534 /

Dated: Musazai Sharif the 16/12/2013

~~Amir F~~
Amir F
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- 12 -

From: The Headmaster
GHS Musazia Sharif,
D.I.Khan

To: The District Education Officer
(Male) D.I.Khan.

Subject: NO OBJECTION CERTIFICATE

Memo:

It is submitted that a post of Lab Attd: is lying vacant due to retirement of Mr. Bashir Ahmad w.e.f 08/11/2013, his real son Mr. Muhammad Bilal has applied for the appointment against the said post.

Due to the urgency the appointment of the applicant is a dire need of the school. The applicant is also claiming his appointment under retired son Quota.

It is therefore, requested that the case may be submitted to the quarter concerned for grant of necessary N.O.C please.

Anwar
M. ANWAR AWAN
Advocate

Anwar
Headmaster
GHS Musazia Sharif
Dera Ismail Khan

ICE ORDER:

Under the provision of rule-10 (d), Part (III) of the NWFP Civil Servants (Appointment, Promotion and Transfer) rules, 1989 duly amended vide Establishment Department notification No. SOR-VI (E&AD)F-3/2011/7 Vol-III, dated 31-08-2012, The following candidates are hereby appointed (DECEASED) against vacant post of Class IV in BPS-01 (Rs.4800-150-9300) plus usual allowances, as admissible under the rules in the school mentioned against each in the interest of public service, from the date of taking over charge on the following terms and conditions:-

S.No.	Name of Candidate with Father's Name	Post	School where posted	Remarks
1	Muhammad Saleem S/O Fazal ur Rehman Res: Chowdwan DIK	Chowkidar	GHS Gara Rashid	Against vacant post
2	Shakeel Ahmad S/O Bashir Ahmad R/O Hassa DIKhan	Chowkidar	GHSS KPK	Against vacant post
3	Muhammad Waqas S/O Malik Sher R/O Moh:Gorbala Fiqiri Gato	Sweeper	GHS Behari Colony	Against vacant post
4	Habib Ur rehman S/O Faral ur Rehman R/O Mallana DIKhan	Sweeper	GHS Malana	Against Vacant post
5	Muhammad Tanq S/O Amin Jan R/O Maddi DIKhan	Cook	GHSS DIKalan	Against Vacant post
6	A bdul Ghafar S/O Malik Ranjhu R/O Combob Sharif Lar DIKhan	Lab. Attend	GHSS Dhakki	Against Vacant post
7	Hidayat Ullah S/O Alta Ullah R/O Naivela DIKhan	Lab. Attend	GHS Gara Rashid	Against Vacant post
8	Zahir Rehman S/O Ghulam Sadiq R/O Gara Hayat DIKhan	Nr/Oasid	GHSS Kurat	Against Vacant post
9	Adnan S/O Muhammad Ramzan R/O Musazai Sharif DIKhan	Lab. Attens	GHS Musa Zai	Against vacant post
10	Malik Waqas S/O Malik Ghulam Jafar R/O Chah Malik Wala DIK	Chokidar	GPS.T/W Rashid	Against Vacant Post

TERMS AND CONDITIONS:

- 1) Their service will be considered as regular in terms of Section-19 of the NWFP, Civil Servants Act, 1973, amended in 2013 issued vide Govt. of Khyber Pakhtunkhwa, Finance Department (Regulation Wing) No.SOSR-111/ED/12-1-2005, dated 27-02-2013.
- 2) They will be governed by such rules and regulations as may be prescribed by the Govt. from time to time for the category to which they belongs.
- 3) Their appointment is made purely temporary and liable to termination at any time without assigning any reasons.
- 4) One month pay will be forfeited to Govt. in case of resignation without prior notice. The period of giving notice is one month before the date of resignation.
- 5) They are required to join the post within 15 days; failing which the appointment order will stand cancel automatically.
- 6) The appointment is made subject to the condition that the candidate is permanent domiciled of District D.I.Khan.
- 7) They are required to produce health and age certificate from the Medical Superintendent D.I.Khan.
- 8) Charge reports should be sent to all concerned.
- 9) No LA/DA is allowed.

District Education Officer
(Male) DIKhan

Dated D.I.Khan the 21/04/2014

4729-43 DEO(M) Class-IV

Copies of the above is forwarded to:-

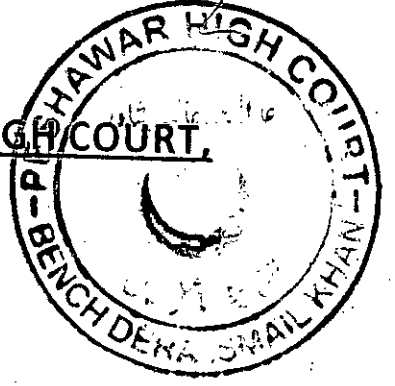
- 1- The Director, E&SED, Khyber Pakhtunkhwa, Peshawar
- 2- The District Accounts Officer, D.I.Khan.
- 3- The Principals/ Head Masters / SDEOs, concerned.
- 4- EMIS Local Office DIKhan.
- 5- The Official concerned.

[Handwritten Signature]
21/04/2014

[Handwritten Signature]
M. ANWAR AWAN
Advocate

- 14 -

**BEFORE THE HONOURABLE PESHAWAR HIGH COURT,
DERA ISMAIL KHAN BENCH.**



Writ Petition No. 622 -D of 2015

Muhammad Bilal son of Bashir Ahmad, resident of Mohallah Maddi Khel,
Musai Zai Shareef, Tehsil Daraban, District D.I.Khan.

Filed today 2809

PETITIONER

Addl: Registrar.

VERSUS

17/9/2015

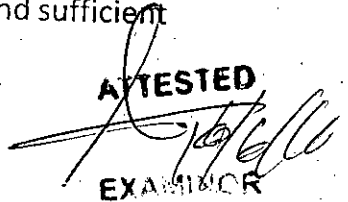
1. Government of Khyber Pakhtunkhwa, through Secretary, Elementary & Secondary Education Department, Khyber Pakhtunkhwa Peshawar.
2. Secretary to the Govt. of K.P.K. Elementary & Secondary Education Department Peshawar.
3. Director, Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
- ✓ 4. Deputy Director, Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
- ✓ 5. District Education Officer (Male), Education Department, D.I.Khan.
6. Headmaster, Government High School Musa Zai Shareef, D.I.Khan.
7. Adnan son of Muhammad Ramzan, resident of Musa Zai Sharif, D.I.Khan, care of respondent No.5.

RESPONDENTS

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

RESPECTFULLY SHEWETH,


1. That the addresses of parties as given above, are correct and sufficient for the purpose of service:

ATTESTED

EXAMINER
Peshawar High Court
D.I.Khan Bench

2. That the the father of petitioner was serving as Laboratory Attendant in the Govt. High School Musa Zai Shareef, D.I.Khan, and retired on 08/11/2013 and he on the same day i.e. 08/11/2013 moved an application to the respondent No.5 through the respondent No.6 for appointment of his son. Copies of the CNIC and the application dated 08/11/2012 are enclosed as Annexure A & B.

3. That the respondent No.6 being the Head of institution i.e. Govt. High School Musa Zai Shareef, D.I.Khan, was having the authority under the law to appoint Class-IV in his institution/school. The said powers remained vested in the respondent No.6 till 23/02/2014; however, on 24/02/2014 vide letter No.3391-3441/Estab dated 24/02/2014 powers earlier delegated to the Principals/ Headmasters/ Headmistresses were withdrawn by the respondent No.4. Copy of the letter bearing No.3391-3441/Estab dated 24/02/2014 is enclosed as Annexure C.

4. That on the basis of powers delegated to Headmasters etc for the appointment of Class-IV, the respondent No.6 appointed the petitioner as Laboratory Attendant (BPS-1) on the basis of retired Class-IV Employee Son vide appointment letter bearing Endst. No.530-33 dated 30/11/2013. Copy of the appointment letter bearing Endst. No.530-33 dated 30/11/2013 is enclosed as Annexure D.

ATTESTED

 EXAMINOR
 Peshawar High Court
 D.I.Khan Bench

Filed today
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 Addl. Registrar
 17/9/2015

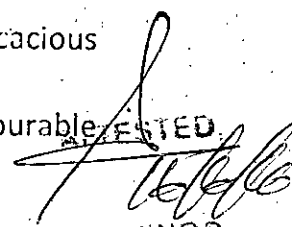
Ali

5. That petitioner, thereafter, started to perform his official duties regularly and in this regard copies of attendance register are enclosed as Annexure E.
6. That as in the year 2013, for the purpose of release of salaries, No Objection Certificate from the concerned District Co-ordination Officer was necessary; therefore, respondent No.6 vide letter No.534 dated 16/12/2013 requested the respondent No.5 for submission of case to quarter concerned for the grant of No Objection Certificate to petitioner. Copy of the letter No.534 dated 16/12/2013 of the respondent No.6 is enclosed as Annexure F.
7. That thereafter petitioner remained in waiting of 'NOC' from DCO but in the meanwhile respondent No.5 appointed respondent No.7 as Laboratory Attendant at Govt. High School Musa Zai Shareef on the basis of deceased son vide letter No.4729-43/DEO(M)/Class-IV dated 21/04/2014 (Annexure G) despite the fact that petitioner was already serving on the said post.
8. That due to the appointment of respondent No.7, the petitioner was stopped to perform his official duties without issuing any termination letter. Thus aggrieved of the appointment of respondent No.7 as well as acts and deeds of respondents No. 1 to 6 by which they have stopped the petitioner from performance of his official duties and also not paid his salaries, the petitioner has been left with no efficacious remedy but to invoke constitutional jurisdiction of this Honourable

Filed today 2809

Addl: Registrar.

17/9/15



EXAMINOR

Peshawar High Court
D.I.Khan Bench

- 17 -

Court seeking issuance of direction to respondents to allow the petitioner to perform his official duties on, inter alia, the following grounds:

Filed today 28/09
Addl: Registrar
17/9/2015

GROUNDS:

- Ally*
- i. That the appointment of respondent No.7 as well as acts and deeds of respondents No. 1 to 6 by which they have stopped the petitioner from performance of his official duties and also not paid his salaries, are based on malafide, favouritism and political victimization, illegal, unlawful, without jurisdiction, without lawful authority and having no binding effect upon rights of petitioner accrued to him by dint of his appointment by the respondent No.6.
 - ii. That the respondent No.6 legally and lawfully appointed the petitioner as Laboratory Attendant (BPS-1) in Govt. High School Musa Zai Sharif vide appointment letter dated 31/11/2013 and these power to appointment class-IV in the School were delegated to the respondent No.6 and were in field till issuance of letter No.3391-2441 dated 24/02/2014 by the respondent No.4 vide which said powers were withdrawn from principals/headmasters etc. Thus, the post of Lab. Attendant was not vacant for the appointment of respondent No.7 but for the benefit of respondent No.7 rights of the petitioner have been infringed due to malafide and on the basis of favouritism. Hence, a great injustice has been done to the petitioner.

ATTESTED
[Signature]
EXAMINOR
Peshawar High Court
D.J.Khan Bench

iii. That the petitioner has validly and rightly been appointed and therefore, petitioner also performed his official duties. Respondents have neither terminated the petitioner nor adjusted him at any other place/school rather forcibly stopped the petitioner from performing his official duties and also not paid his salaries.

iv. That no lawful authority is vested in the respondents No.5 & 6 to stop the petitioner from performance of his official duties or to refuse payment of his salaries.

v. That the appointment of petitioner, the petitioner has not been treated in accordance with law and also the petitioner has been condemned unheard.

vi. That the counsel for petitioner may be allowed to argue additional grounds at the time of arguments.

It is, therefore, humbly prayed that on acceptance of the present Writ Petition and by issuance of an appropriate writ, the appointment of respondent No.7 at Govt. High School Musa Zai may please be cancelled by declaring it as null & void; and the respondents No. 1 to 6 may please be directed to allow the petitioner to perform his official duties at Govt. High School Musa Zai and also to pay his outstanding and future salaries.

Any other appropriate relief which this Honourable Court, in the given

ATTESTED

EXAMINOR

Peshawar High Court
D.I.Khan Bench

Filed today 28/9
Addl. Registrar
17/9/2015

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16/6/16

circumstances, may deem proper in the best interest of justice, may also be granted to the petitioner.

Yours Humble Petitioner

Filed today 2809

Add: Registrar.

17/9/2015

17 September 09, 2015.

محمد بلال

(Muhammad Bilal)
THROUGH COUNSEL

Abid

Zain-ul-Abideen Afridi
Advocate High Court, D.I.Khan.

BOOKS REFERRED:

1. The Constitution of Islamic Republic of Pakistan, 1973

CERTIFICATE

I, Muhammad Bilal son of Bashir Ahmad, resident of Mohallah Maddi Khel, Musai Zai Shareef, Tehsil Daraban, District D.I.Khan, petitioner, do hereby certify that it is the first petition on the subject matter and no such petition has earlier been filed.

محمد بلال

Petitioner

AFFIDAVIT

I, Muhammad Bilal son of Bashir Ahmad, resident of Mohallah Maddi Khel, Musai Zai Shareef, Tehsil Daraban, District D.I.Khan, petitioner, do hereby solemnly affirm and declare on oath that all the Para-wise contents of above **Writ Petition** are true & correct to the best of my knowledge, belief and information so provided to me; and that, nothing has been deliberately concealed from this Honourable Court.

Abid

Identified by Counsel:
Zain-ul-Abideen Afridi,
Advocate High Court, D.I.Khan.

محمد بلال

Deponent

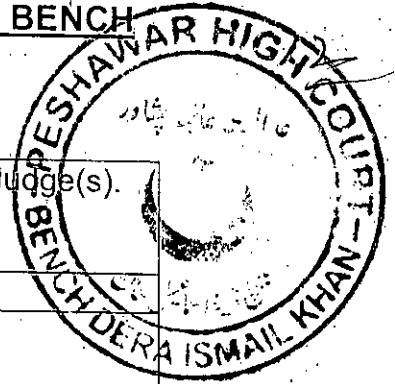
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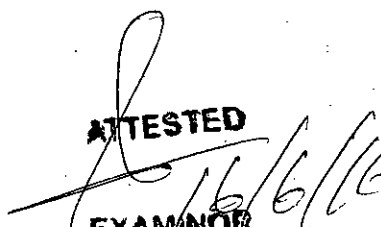
EXAMINOR

Peshawar High Court
D.I.Khan Bench

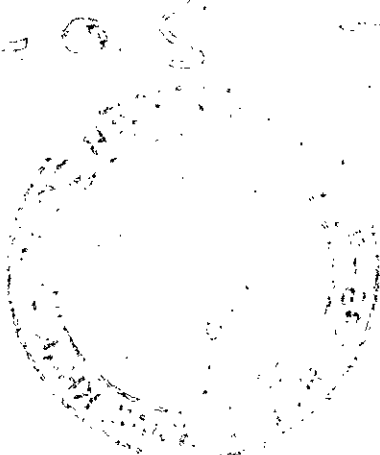
IN THE PESHAWAR HIGH COURT, D.I.KHAN BENCH

FORM OF ORDER SHEET



Date of order or proceedings	Order or other proceedings with signature of Judge(s).
(1)	(2)
07.06.2016	<p><u>W.P.No.622-D/2015.</u></p> <p><u>Present:-</u> Mr. Zain ul Abdin Afridi, Advocate for petitioners.</p> <p>A.A.G for official respondents alongwith representative of respondent No.5.</p> <p align="center">*****</p> <p><u>MUHAMMAD GHAZANFAR KHAN J:-</u> Since the petitioner has been terminated from service by respondents, so the instant writ petition has become infructuous, therefore, dismissed as such.</p> <p><u>Announced.</u> 07.06.2016.</p> <p align="right">JUDGE </p> <p align="right">JUDGE </p> <p align="right">ATTESTED  EXAMINOR Peshawar High Court D.I.Khan Bench</p>

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G.R.No. 1803.
 Applied on 14.6.16
 Copies 07 Pages
 No. of Rs.
 Computed Rs.
 Urgent 22
 Total Fee 12/80
 Copy 16-6-16
 Copy date 16-6-16
 Signature of Examiner

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16/6/16

Certified to be true Copy
EXAMINOR
 Peshawar High Court Branch D FKP
 Authorized Under Section 97 of
 Qanun-e-Shahadat Act

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16/6/16

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The Director Education
Peshawar.

- 22 -

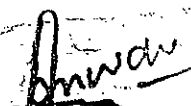
Subject :- Departmental Appeal.

Respected Sirs,

That appellant father was laboratory Attendant in Gout High School Musa Zai shareef and retired on 8-11-2013. The appellant was appointed as class IV on Son's quota vide order dated 30-11-2013.

That EDO education vide order dated 21-4-2014 appointed Adnan as laboratory attendant at GHS Mousa Zai shareef on the same post on which appellant is appointed in 2013 without terminating the appellant. Feeling aggrieved appellant file writ petition before honorable High Court in which AAG along with department representative informed the court that appellant is terminated from service without providing copy of termination order. Copy Enclosed.

That petitioner is legally appointed after observation


M. ANWAR AWAN
Advocate

22
all legal/codal formalities. Appellant performed his duties to the utmost satisfaction of his high-ups.

The appellant was condemned unheard. No showcause is given to the appellant. Nor any charge sheet was issued. During the period of appointment of appellant, the headmaster has power to appoint class IV Employees.

It is therefore requested that termination order dt 7-6-2016 may kindly be declared as void, illegal and appellant may kindly be re-instated with all back benefits.

Dated: - 27-6-2016.

Yours Sincerely.
محمد بیلال

Muhammad Bilal s/o

Bashir Ahmad R/o

Mohallah Madi khil

Mousa Zai Shareef

Laboratory attendant
GHS Mousa Zai.

وکالت نامہ

کورت فیس		قیمت ایک روپیہ
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بعدالت جناب **KPK** سروس سٹورس لٹاؤریٹس ڈیولپمنٹ اینڈ انویسٹمنٹس پرائیویٹ لمیٹڈ
 منجانب _____
 نام **KPK**
 دعویٰ یا جرم **حمہ بدلال**
 تفصیل دعویٰ یا جرم _____

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے پیروی وجود بد بھلا برائے پیشی یا تصفیہ مقدمہ بمقام **ڈی ایچ جی** کیلئے
حمہ بدلال اور **ایم پی سی** کے درمیان **مس اعلیٰ ایجوکیشن**
 کو جب ذیل شرائط پر وکیل مقرر کیا ہے، کہ میں ہر پیشی پر خود بذریعہ اختیار خاص رو برو عدالت حاضر ہوتا ہوں گا۔ اور ہر وقت پکارے جانے مقدمہ وکیل صاحب
 موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر پیشی پر مظہر حاضر نہ ہوں اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا۔ تو صاحب موصوف
 اسکے کسی طرح ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے
 ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ
 ہوں گے۔ اور مقدمہ صدر پکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ
 دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا عتقانہ واپس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پروا خط صاحب موصوف مل کر وہ
 ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ یا جواب دعویٰ یا درخواست اجراءے ڈگری و نظر جانی اپیل و جرائی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا
 بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کرانے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر عائلی یا راضی نامہ و فیصلہ بر
 حلف کرنے، اقبال دعویٰ کا بھی اختیار ہوگا۔ اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ بیرون از پکھری صدر پیروی مقدمہ مذکورہ نظر جانی و اپیل و جرائی و درآمدگی
 مقدمہ یا مستوفی ڈگری یا طرف یا درخواست حکم انتہائی یا قریبی یا گرفتاری قبل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ عتقانہ پیروی کا اختیار ہوگا
 اور تمام ساختہ پروا خط صاحب موصوف مل کر وہ ذات خود منظور و قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزو
 کی کارروائی یا بصورت درخواست نظر جانی اپیل یا جرائی یا دیگر معاملہ مقدمہ مذکورہ کسی دوسرے وکیل یا ایئر سٹراکوائے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو
 بھی ہر امر میں وہی اور ایسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ ہر جائزہ التواء پڑے گا، وہ صاحب
 موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی
 صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

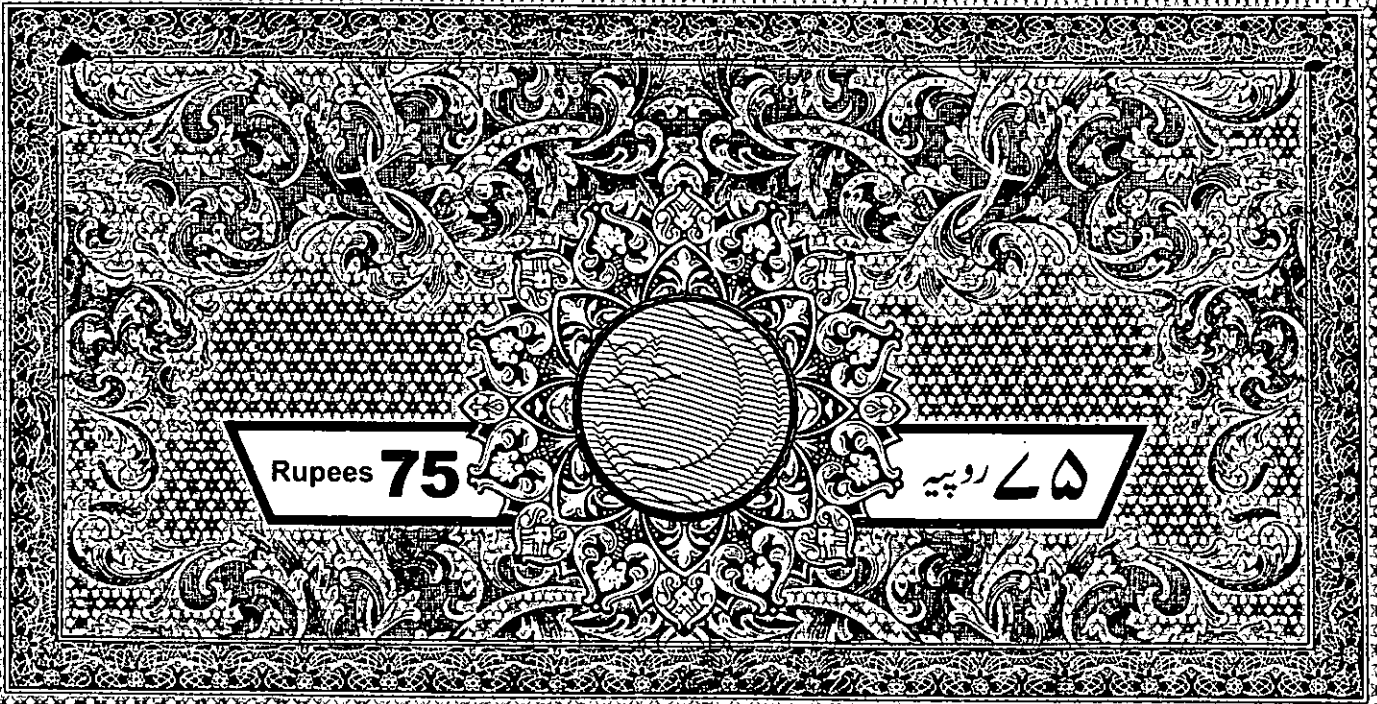
لہذا وکالت نامہ لکھ دیا ہے۔ تاکہ مستند ہے
 مورخہ **07** ستمبر **2016**

مضمون وکالت نامہ سن لیا ہے۔ اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Shirwan Adn

Adn

حمہ بدلال
 03465562152



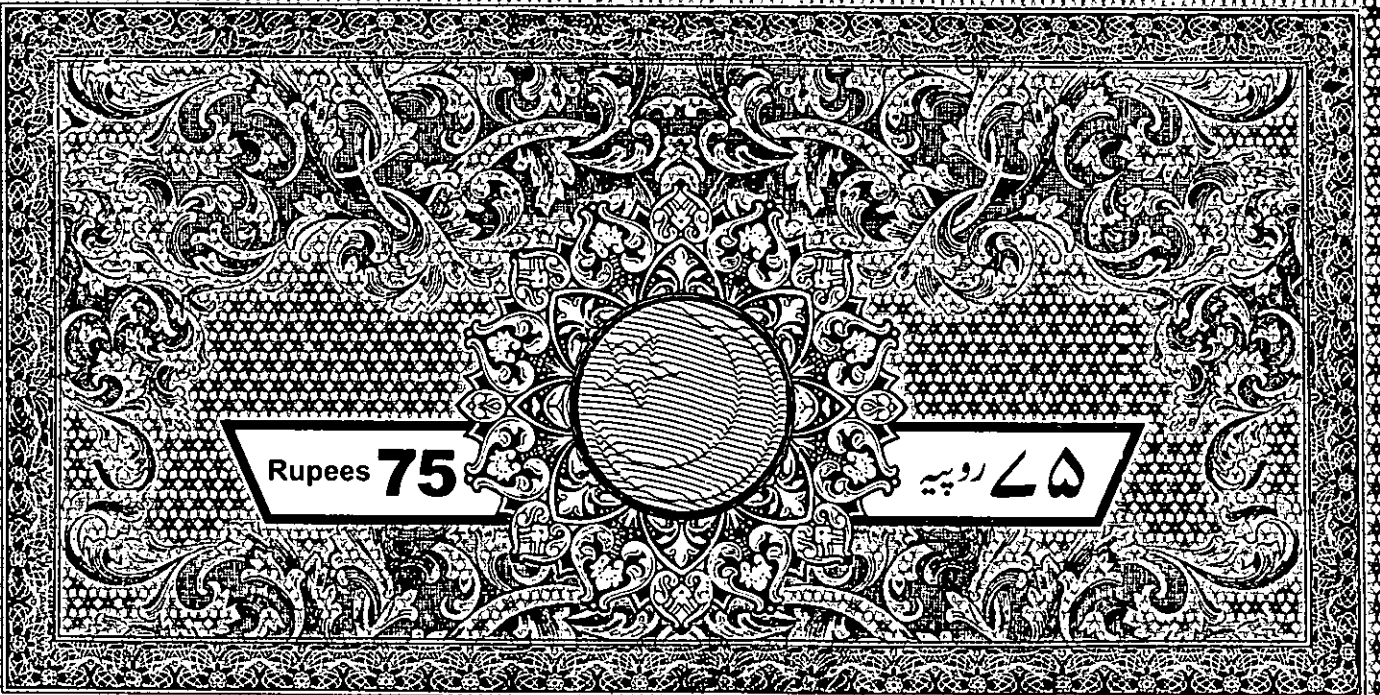
Rupees 75

۷۵ روپیہ

جس دن صدقہ دیا اور اسی دن جو تار خاں نور
 رکھ کر اسی دن دینا میں کہ ارضیتا در تہیں میں
 کس قدر فقیر ہو گیا اور اب یہ تار خاں نور
 کو دیکھ کر اسی دن میں تار خاں نور
 صحت میں رہ کر تار خاں نور میں صحت میں تار خاں نور
 بن کر تار خاں نور میں تار خاں نور
 کس قدر تار خاں نور میں تار خاں نور
 جو تار خاں نور میں تار خاں نور

* Mohammad Yaqub Khan Advocate
 R.O. & A.C.
 AT 335150
 No. 111/13
 Date 21/11/17
 Lic # DC/J-0333
 R.D. 25-1-2015
 2018-1-2018
 Honary Public D.I. Khan

213/17



Rupees 75

۷۵ روپیہ

مہربان درخشاں شاہ صاحبہ کی طرف سے جاری کی گئی ہے اور اس کی تصدیق ہے۔

حاصل کیا گیا ہے۔

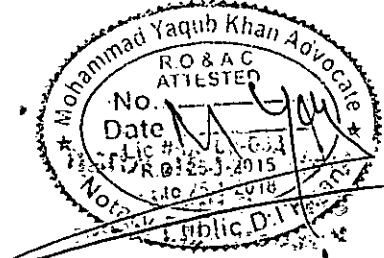
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تو اس کی تصدیق ہے اور اس کی تصدیق ہے۔

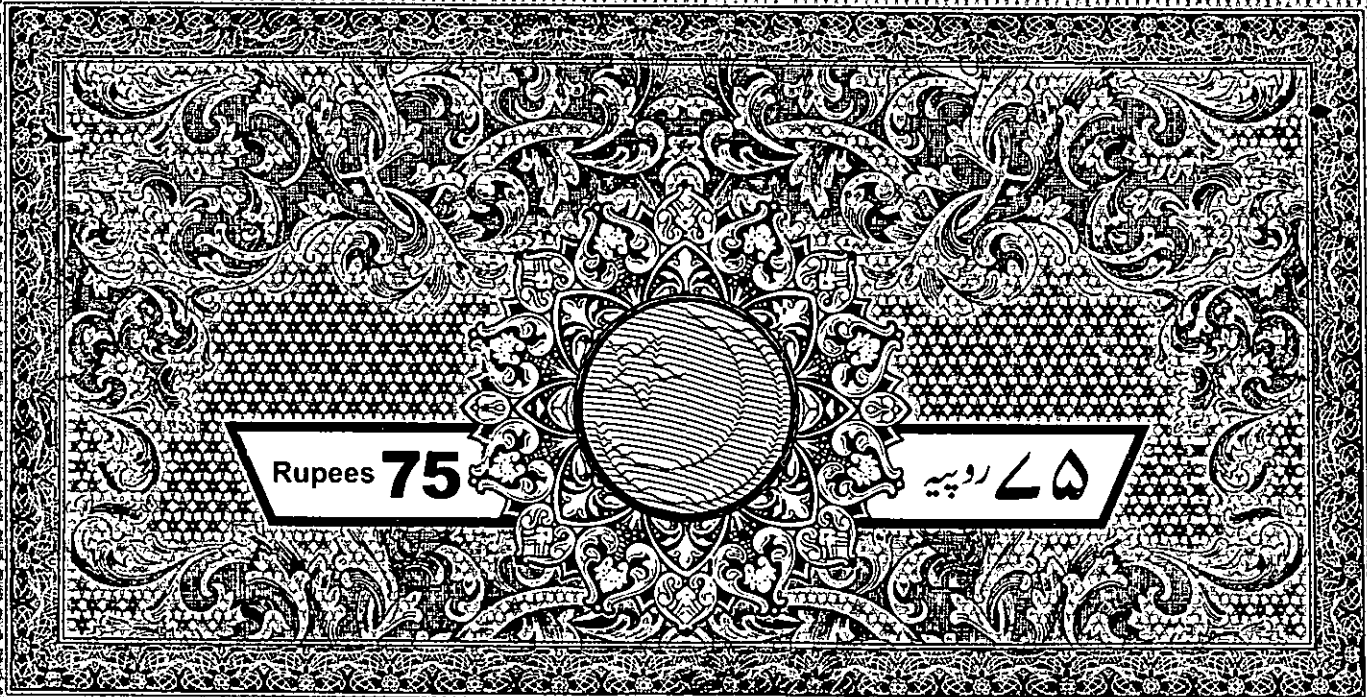
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22/3/17



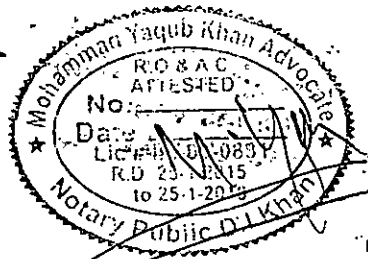
Rupees 75

۷۵ روپیہ

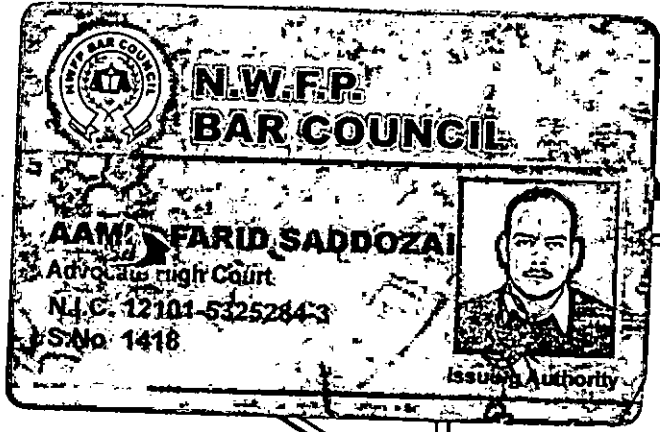
سید عالم دیوبند شمس العلماء صاحبہ در خدمت
 میں آج رومہ فوٹو ریکارڈنگ فوٹو آرٹسٹ صاحبہ کو
 منجور و قبول ہوگا۔ سند فنانس اور اسٹیٹس
 فیکٹر لکھنؤ در دست مہتمم کے پاس موجود ہے۔
 حالت صحیح ہے۔ سند ۲۲/۱/۲۰۱۱

۱۲۱۵۲-۲۱۵۳۱۱-۵-۵ ۷۰-۲۶۵۸۲-۳ ۱۲۱۵۴-۷۵۴۹۲۴۳-۳ ۱۲۱۵۱-۲۳۷۳۵۳۳-۵

محمد رفیق رور علی شہید	محمد عثمان	محمد رفیق رور علی شہید	محمد عثمان
سند مہتمم صاحبہ	رضیہ صاحبہ	رضیہ صاحبہ	رضیہ صاحبہ
محمد رفیق رور	محمد عثمان	محمد رفیق رور	محمد عثمان



۲۲/۱/۲۰۱۱



وکالت نامہ

کورٹ
فیس

عدالت جناب سرسبز نیشنل جیٹو کھیتو خواہ راجہ مارہ

منجانب ریسٹریوٹڈ نمبر 7

نام حکومت پاکستان کا ریٹرن

محمد سراج

دعویٰ یا جرم

سرسبز نیشنل

تفصیل دعویٰ یا جرم

باعث تحریر آئندہ

کلیے سید

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیرونی وجوہات برائے پیشی یا تصفیہ مقدمہ بنام

Aamir Farid Saddorai Advocate

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا ہذا بذریعہ رو برد عدالت حاضر ہوتا رہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا چھپے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر مقام پکھری کے علاوہ اور جگہ ساعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے یا چھپے پیش ہونے پر مظہر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا عمت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو کل ساختہ پر داخست صاحب موصوف مش کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اسمائے ذمیری نظر ثانی اپیل گمرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر مابقی یا راضی نامہ و فیصلہ برطرف کرنے اقبال دعویٰ کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مقرر بیرون از پکھری صدر بیرونی مقدمہ مقرر نظر ثانی اپیل گمرانی و ہر آدگی مقدمہ یا منسوخی ذمیری یک طرف یا درخواست حکم انتہائی یا قرتی یا گرفتاری قبل از فیصلہ اجراء ذمیری بھی صاحب موصوف کو بشرط ادا مابقی علیحدہ مختصم بیرونی کا اختیار ہو گا اور تمام ساختہ پر داخست صاحب موصوف مش کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی یا بصورت درخواست نظر ثانی اپیل گمرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا ہیر منر کو اپنے ہمسائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جائز التواء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پردی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے

_____ ماہ _____ مورخہ

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Accepted

محمد سراج
بذریعہ محنتِ رفاہ

حسن کا پیر سمنٹر اندرون سین زرار کیت بالقابل جائز ہوئی ذریعہ اسامیل خان

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

M-bilal

Service Appeal No. ~~207/13~~

1048-16.

VS

Government of KPK

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

SCANNED
KPST
Peshawar

Preliminary Objections

1. That the Service Appeal is not maintainable and incompetent in the eyes of law in its present form.
2. That the appellant is estopped by his own unwholesome conduct as Public Servant to file this appeal.
3. That the appellant has got no cause of action or locus standi to file the instant appeal, when there is provision for Review under Rule 3 of Appeal Rules, 1986.
4. That the appellant has not come to this Honourable Court with clean hands and has suppressed all relevant facts.
5. That the appellant has concealed the material facts and ground realities from this Honourable Tribunal.
6. That the appeal is bad due to mis-joinder / non-joinder of necessary parties.
7. That the appellant has not come to Honourable Court with clean hands.
8. That the KPK Service Tribunal has no jurisdiction to entertain the instant petition in its present form.
9. That the appeal has been mis-oriented, mis-constructed and mistakenly drawn and is incompetent in its present frame and context, and is liable for Rejection.
10. That the appeal is weak having no force, fabricated, fictitious, based on ill will, malafide motives and having no legal footings in the eyes of law.
11. That the present service appeal is not maintainable in its present form and jurisdiction of this **Honourable Service Tribunal** is barred by the **Section 23 of Khyber Pakhtunkhwa Rules 1974** "According to which no Tribunal shall entertain any appeal in which the matter directly or substantially has already been finally decided by a Court / Tribunal of competent jurisdiction".
12. That the recommendations of the Committee constituted in light of direction of this Honourable Tribunal were implemented and terminated all the illegal teachers and provided them termination orders. Hence the appeal is badly time barred as well as barred by leeches.
13. That the proceeding with the instant appeal would be a futile exercise and just wastage of the precious time of this honourable Tribunal.
14. That as stated in the objections supra, the appeal is bereft of cause of action and is liable for dismissal.

Objection on Facts

1. Para pertains to the address of parties hence need no comments.
2. Incorrect / not admitted. Vehemently denied. The EDO (S&L) advertised vacant post of PST, CT and other cadres on **07.04.2007**. After completion of codal formalities 309 male PSTs was appointed on merit under joint appointment order No. 12655-973 dated 02.07.2007. The name of appellant does not reflect in the said appointment order.
 - i. The appellant is one of the 1613 illegal terminated teachers. His services along with **1613 teachers were terminated by the then DCO DIKhan** vide order dated 04.09.2009. (**annexure A**).
 - ii. Termination orders dated 04.09.2009 were challenged before the **Honourable Peshawar High Court DIKhan Bench** and Honourable High Court suspended

- the operation of termination orders dated 04.09.2009 till the decision of writ petitions (**annexure B**).
- iii. On 29.04.2010 writ petitions were returned to the petitioners and termination orders dated 04.09.2009 was implemented with effect from 01.05.2010 (**annexure C**).
 - iv. That the appellant and others preferred service appeal for reinstatement of their services.
 - v. The **Honourable Service Tribunal vide judgment dated 27.10.2011 in Service Appeal No. 1407/2010** instead of outright reinstatement of appellant and others remanded / sent back case of the appellant and similar placed persons to the Secretary E&SE KPK Peshawar for reconsideration (**annexure D**).
 - vi. The High Level inquiry committee headed by the Secretary E&SE KPK Peshawar examined and considered the case of the appellant and others. The committee dismissed the appeals of all the appellants being devoid of merits as well as legal footings and submitted inquiry report to this Honourable Tribunal. The name of the appellant reflects in the findings of inquiry committee.
 - vii. In compliance with the recommendations of the inquiry committee, the then EDO DIKhan issued **termination order on 08.02.2012**. The name of appellant is present in the termination order list.
 - viii. After submission of inquiry report and termination orders some of the aggrieved affectees filed Execution Petitions for the implementation of the order dated 27.10.2011 of the Honourable Tribunal. The Honourable Tribunal disposed of Execution Petition on 14.03.2012. Subsequently order dated 14.03.2012 of the Honourable Tribunal was challenged in CPLA before Supreme Court of Pakistan. But the apex court declined leave to appeal and dismissed the petitions. Thus termination of the service of the appellant and others attained finality. (**annexure E, F**)
3. Incorrect / not admitted. This para pertains to the record.
 4. Incorrect/not admitted, strongly denied. The appellant was appointed as school teacher **without observing all the codal formalities**. The appointment of the appellant was illegal, out of turn without performing all the pre-requisites which are necessary and compulsory for the appointment of the school teacher as per existing rules. The act of the respondents is quite legal, justified, bonafide, based on real legal facts and in the interest of government and the public at large.
 5. Incorrect/not admitted, intensely denied. In year 2008 Mr. **IsrarUllah Khan Gandapur (Late) Ex MPA** has raised a question in provincial assembly regarding the illegal appointments and recruitments in the education department DIKhan. Hence the provincial Assembly constituted a committee No. 26 for Elementary and Secondary Education Department dated 20.08.2008. The standing committee No. 26 scrutinized all the appointments record of the year 2007-08 and concluded that all the illegal appointed teachers were terminated from service during the period of 01.01.2007 to 30.06.2008. (**Annexure G**) Therefore the appellant **has been terminated from service along with all the illegally appointed teachers in the year 2007 & 2008** on the direction of Provincial Government dated 04.09.2009. Then appellant and other terminated teachers approached the **Honourable High Court and Supreme Court of Pakistan, both the courts has dismissed the appeals of appellant**. Then appellant and others approach the Honourable

Service Tribunal and Service Tribunal remanded all the appeals to the Secretary E&SE KPK Peshawar vide judgment dated 27.10.2011 in Service Appeal No. 1407/2010. Therefore, the stance of the appellant is having no truth and is totally false and fictitious.

6. Incorrect / not admitted, vigorously denied. The Secretary Education has constituted a committee to probe the matter. **The committee concluded that the appointment of the appellant and other were illegal and irregular under Rule 10(2) of the Khyber Pakhtunkhwa Civil Servant Appointment Promotion and Transfer Rules 1989** which reproduce as, "initial recruitment to the posts which do not fall within the purview of the commission shall be made on the recommendations of the Departmental Selection Committee after the vacancies have been advertised in the News Papers". The termination order of the appellant has been made in good faith, bonafide and in the best interest of public at-large.
7. Incorrect / not admitted, fervently denied. The recommendations of the enquiry committee were implemented with letter and spirit. In the **Execution Petition No. 34/2012 the Director E&SE KPK Peshawar and EDO DIKhan stated at the bar** dated 14.03.2012 before the Service Tribunal that they have already implemented the recommendations of the committee and issued the termination orders / letter accordingly. Further appellants filed **writ petition No 481/2014** and the same was disposed of on 03.02.2015. This act of the respondents cannot be declared against the law on any ground whatsoever but the straight away rejection of appeal. **(Annexure H)**
8. Incorrect / not admitted. The appeal of appellant is badly time barred. According to Section 23 of Khyber Pakhtunkhwa Rules 1974 "No Tribunal shall entertain any appeal in which the matter directly or substantially has already been finally decided by a Court / Tribunal of competent jurisdiction".
9. Incorrect / not admitted. The Honourable Court has no jurisdiction to interfere in the administrative action of the authority in instant Service Appeal.

Objections on Ground

1. Incorrect/ not admitted, strongly denied. After fulfilling all the codal and legal formalities, besides the act of respondents was according to the law with legal justification and in the light of **Judgment on Service Tribunal in service appeal No. 1407/2010 decided on 27.10.2011**. There is no prepense malic in fact and malice in law against the appellant.
2. Incorrect / not admitted, vehemently refuted. The report of committee was comprehensive in all respect as per the direction of Honourable Service Tribunal Khyber Pakhtunkhwa Peshawar.
3. Incorrect / not admitted, forcefully denied. The committee was constituted on the direction of the Honourable Service Tribunal. After personal hearing of appellants


committee comes to the conclusion that the **appointments of the appellants were illegal and irregular in the light of Rule 10(2) of APT 1989 (annexure I).**

4. Incorrect / not admitted, hotly denied. The appellants were treated according to law and provided an **opportunity of hearing and defense** but the appellants failed to defend their illegal appointment orders. The termination orders were issued in the public interest by the Competent Authority after fulfilling all legal and codal formalities, therefore, the petitioner has got no cause of action or locus standi to file the writ petition for his grievances
5. Incorrect / not admitted heatedly denied. It is clear crystal from the **judgment dated 14.03.2012 in EP No. 34/2012 the termination orders were produced before the Honourable Service Tribunal and the same termination order were also presented before the Honourable High Court dated 03.02.2015.** The photocopy of the same was provided to the appellants. Hence the appeal of the appellant is badly time barred and in fruituous.

The respondents also seek leave of the Honourable Court to advance and urge additional as well as further grounds during the course of arguments.

PRAYER:

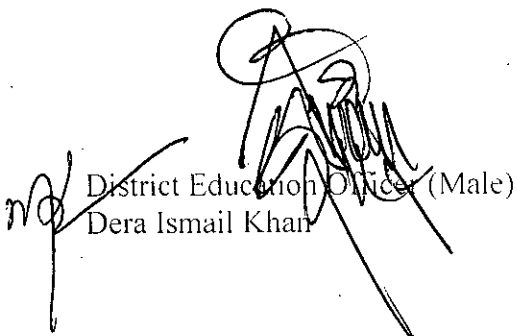
It is, therefore, most humbly prayed that on acceptance of these para-wise comments, the instant Service Appeal being devoid of legal footings and merits, may graciously be dismissed with cost.



Secretary
Elementary & Secondary Education Department
Khyber Pakhtunkhwa Peshawar



Director
Elementary & Secondary Education Department
Khyber Pakhtunkhwa Peshawar



District Education Officer (Male)
Dera Ismail Khan

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No.

1048-16

m. bilal .

VS

Government of KPK

Affidavit

I Mr. kamran Khan legal representative of District Education Officer (M) DIKhan do hereby solemnly affirm and declared on oath that content of the above mentioned service appeal are correct to the best of my knowledge and nothing has been concealed from this Honorable Service Tribunal.

M. Kamran
Deponent

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No.



1048-16.

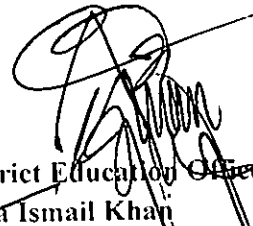
M. Bilal

 VS

Government of KPK

Authority

I Mr. Nazir Khan District Education Officer (M) DIKhan do hereby authorized Mr. Kamran Khan Legal representative of DEO (M) DIKhan to attend this Honourable Service Tribunal KPK Peshawar DIKhan Bench on my behalf in connection with submission of para wise comments and till the decision of the service appeal.


District Education Officer (M)
Dora Ismail Khan

BEFORE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
Appeal No.1048 Of 2016

Muhammad Bilal

Appellant

V E R S U S

Govt of KPK and others

Respondents

PARA WISE COMMENTS BY RESPONDENTS NO. 07.

Respectfully sheweth: -

PRELIMINARY OBJECTIONS

1. That the Appeal of the Appellant against the appointment order of the Respondent No. 07 is time bard.
2. That the Appellant has no locus standi to challenge the appointment order of the Respondent No. 07
3. That the Appeal of the Appellant is not maintainable in its present form.
4. That the Appellant has not come to this Hon'ble Court with clean hands.
5. That the appeal is not competent in its present form as well as due to non-joinder and mis-joinder of parties.
6. That the Appellant has no cause of action.
7. That the Appellant has suppressed the real facts from this Hon'ble court.
8. That the Appellant has no right for appointment against his father post because after 03 class four appointment, he according to waiting list could be appointed and in this way the appointment order of Appellant from very beginning was illegal, unlawful and without jurisdiction as at the time of appointment, Principal had no jurisdiction to make any appointment because the power delegated to the Respondent No. 6 were become invoke able on or after 12.12.2013 and not before as per Annexure "B". Hence the Appeal is not maintainable and liable to be dismissed.

REPLY REGARDING INITIAL PARA'S OF APPEAL

1. That regarding initial Para No. 01 of Appeal relates to the record. Hence not admitted.
2. That regarding initial Para No. 02 of Appeal, it is submitted that it has correctly mentioned that the Respondent No. 06 had the authority to appoint class-IV in his school till 24.02.2014 but actually these powers were delegated vide office Memo F.NO. A-23/MS/Distt DPC Meeting/2013/DD F&A/No. 2027-77 dated: 12.12.2013, but the Respondent No. 6 appointed the Appellant vide Order No. 530-33 dated: 30.11.2013 prior to the delegation of powers for such appointment. Hence the said order was quorum-non-judice, void-ab-inito, hence correctly cancelled. Hence not admitted.
3. That regarding initial Para No. 03 of Appeal it is submitted that detailed reply is given in the ibid Para, hence the contents of instant Para of appeal is incorrect. The appointment order of the Appellant was illegal.
4. That initial Para No. 04 of Appeal do not relates to the Respondent No. 04 needs no comments.
5. That initial Para No. 05 of Appeal is incorrect. When the appointment of the Appellant was illegal, then how the NOC could be issued. Hence Para No. 05 of appeal is not admitted.
6. That initial Para No. 06 of Appeal is incorrect. Hence Para No. 06 of appeal is not admitted.
7. That initial Para No. 07 of Appeal is incorrect. The Appellant has not annexed the impugned termination letter nor given the details of such termination nor applied for obtaining copy of such order. Hence due to the illegal appointment of the Appellant, he was terminated and the Respondent No. 07 has correctly been appointed on the basis of deceased son's quota. The Appellant had fully knowledge about his termination and initially his representation dated: 27.6.2016 is badly time barred and secondly instant appeal is also time barred. Hence Para No. 07 of appeal is not admitted.
8. That initial Para No. 08 of Appeal relates to the record and does not relate to the Respondent No. 07.
9. That Para No. 09 of appeal is not correct.

PARAWISE REPLY OF GROUNDS OF APPEAL

1. That Para No. 01 of grounds of appeal is incorrect. The appointment of the Appellant from very beginning, was illegal & unlawful because vide Govt of KPK Notification Memo F.NO. A-23/MS/Distt DPC Meeting/2013/DD F&A/No. 2027-77 dated: 12.12.2013 powers was delegated to Head Master/Principal/Head Mistress/SDO's across the province for class-IV appointments but vide Notification No. 3391-3441/Estab Dated: 24.2.2014 the same were withdrawn. In this way before entrustment and delegation of such powers, the Appellant was appointed on 30.11.2013 by the Respondent No. 06/Head Master Government High School Musazai Sharif D.I.khan. Hence in this way the Appellant has been correctly been terminated by the authority concerned.
2. That Para No. 02 of grounds of appeal is not correct. Detailed reply is given above.
3. That Para No. 03 of grounds of appeal is not correct. Detailed reply is given above.

In wake of the submissions made above it is respectfully prayed that the Appeal of the Appellant may graciously be dismissed with costs throughout.

That it is further prayed that the prayer of the Appellant regarding declaring the appointment order of Respondent No. 07 has not been solicited in the representation of the Appellant, hence the same may kindly be turned down with costs through out.

Respondent No. 07,

Muhammad Adnan

(Through Special Attorney ✓ *Juma Khan*)

Juma Khan S/O Mole dad.

(Through Counsel)

Dated: 29.11.2017

Aamir Farid Saddozai

Advocate High Court D.I.Khan.

Verification:

Juma Khan

I, *Juma Khan*, Special attorney for Respondent No. 07 do hereby verify that all the contents of instant reply are true and correct.

Deponent

Juma Khan

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 1048/2016

Muhammad Bilal

VS.

Government of KPK

JOINT COMMENTS ON BEHALF OF RESPONDENTS

Preliminary Objections

- 1 That the appeal is not maintainable and incompetent in the eyes of law in its present form.
- 2 That the appellant is stopped by his own conduct to file this appeal.
- 3 That the appellant has got no cause of action.
- 4 That the appellant has got no locus standi.
- 5 The appellant has not come to the Honourable Tribunal with clean hands and has suppressed all relevant facts.
- 6 That the appeal is barred by law of limitations.
- 7 That the appeal is bad on account of mis-joinder/ non-joinder of necessary parties.
- 8 That the appeal is bad in the eyes of law in its present form.
- 9 That the appellant has concealed the material facts from Tribunal.
- 10 The Honourable Service Tribunal has no jurisdiction to entertain the instant appeal.
- 11 That the appellant has given the under taking to the respondent No. 6 that not to file any legal petition or service appeal against the Education Department. (annexure A)

Objection on Facts

- 1 Para pertains to the retirement of appellant's father, hence, no comments.
- 2 Incorrect / not admitted. As the respondent No. 6 HM GHS Musa Zai Sharif has issued the appointment order of the appellant on 30.11.2013 whereas the HM was not a competent authority to issue the appointment order of the Class-IV. In the light of notification dated 30.10.2013 only the DEO(M/F) has been authorized to exercise the power to appoint the Class-IV employees. (Annexure B)
- 3 Incorrect / not admitted. In the light of Notification No. SOR-1(S&GAD)1-201/98 dated 07.09.1998 the provincial government authorized the DEOs to appoint the Class-IV in their respective district.
- 4 Incorrect / not admitted. As the appointment of appellant was not according to law, so the appellant has no legal right to put his signature on the school attendance register.
- 5 Incorrect / not admitted. Strongly denied. First of all the appellant was appointed on 30.11.2013 without NOC form DCO DIKhan. The appellant has applied for NOC after the appointment on 16.12.2013 so such appointment order has no legal footing. (Annexure C1, C2)
- 6 Incorrect / not admitted. Strongly denied. The order vide Notification No. 4729/43 DEO(M) dated 21.04.2014 IRO Respondent No. 7 was legal with lawful authority and based on deceased employee son quota (100%).

7. Incorrect / not admitted. The appellant was terminated from service on 14.02.2014. the name appellant will comes on S No. 59 in the waiting list of retired employee son quota for appointment of Class-IV. The appointment of respondent No. 7 was after the termination of the appellant. (Annexure D)
8. No comments.
9. Incorrect / not admitted. The appellant of the appellant is an exercise in futility and further proceeding in this regard will bear no fruit.

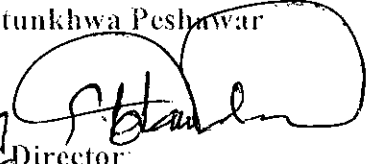
Objection on Ground

1. Incorrect / not admitted. The appellant was treated according to law, facts, rules and policy of the Government as discussed in para 2 of facts.
2. Incorrect hence denied. As the appointment of appellant was totally against the principles of natural justice and void ab-initio. So the respondent No. 6 has rightly withdrawn the appointment order of appellant dated 31.11.2013
3. Incorrect/ not admitted. Strongly denied. This para is not admitted. As the appellant was treated according to law and there is no need of departmental inquiry, show cause notice and charge sheet against the appellant.
4. That the Counsel of respondents may kindly be allowed to raise additional grounds during the course of hearing.

In view of above submission, it is humbly prayed that service appeal of appellant may kindly be dismissed with cost.


Secretary


Elementary & Secondary Education Department
Khyber Pakhtunkhwa Peshawar


Director

Elementary & Secondary Education Department
Khyber Pakhtunkhwa Peshawar


Deputy Director

Elementary & Secondary Education Department
Khyber Pakhtunkhwa Peshawar


District Education Officer (Male)
Dera Ismail Khan


Head Master
GHS Musa Zai Shrif D.I.Khan

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 1048/2016

Muhammad Bilal

VS

Government of KPK

JOINT COMMENTS ON BEHALF OF RESPONDENTS

Preliminary Objections

- 1 That the appellant has given the under taking to the respondent No. 6 that not to file any legal petition or service appeal against the Education Department. (annexure A)
- 2 That the appeal is not maintainable and incompetent in the eyes of law in its present form.
- 3 That the appellant is stopped by his own conduct to file this appeal.
- 4 That the appellant has got no cause of action.
- 5 That the appellant has got no locus standi.
- 6 The appellant has not come to the Honourable Tribunal with clean hands and has suppressed all relevant facts.
- 7 That the appeal is barred by law of limitations.
- 8 That the appeal is bad on account of mis-joinder/ non-joinder of necessary parties.
- 9 That the appeal is bad in ^{the} eyes of law *in its present form.*
- 10 That the appellant has concealed the material facts from Tribunal.
- 11 The Honourable Service Tribunal has no jurisdiction to entertain the instant appeal.

Objection on Facts

- 1 Para pertains to the retirement of appellant's father, hence no comments.
- 2 Incorrect / not admitted. as the respondent No. 6 HM GHS Musa Zai Sharif has issued the appointment order of the appellant on 30.11.2013 whereas the HM was ^{not} a competent authority to issue the appointment order of the Class-IV. In the light of notification dated 30.10.2013 only the DEO(M/F) ^{has been} were authorized to exercise the power to appoint the Class-IV employees. (Annexure B) *(where is annex - A)*
- 3 Incorrect / not admitted. In the light of notification No. SOR-1(S&GAD)1-201/98 dated 07.09.1998. the provincial government authorized the DEOs to appoint the Class-IV in their respective district. *(Annex -*
- 4 Incorrect / not admitted. as the appointment of appellant was not according to law, so the appellant has no legal right to put his signature on the school attendance register.
- 5 Incorrect / not admitted. Strongly denied. First of all the appellant was appointed on 30.11.2013 without NOC form DCO DIKhan. The appellant has applied for NOC after the appointment on 16.12.2013 so such appointment order has no legal footing. *(Annex —)*
- 6 Incorrect / not admitted. Strongly denied. The order vide Notification No. 4729-43 DEO(M) dated 21.04.2014 IRO Respondent No. 7 was legal with lawful authority and based on deceased employee son quota (100%).

Clearly mentioned the serial no in the waiting list of retired cases list in left of Behmatullah case

Incorrect / not admitted. The appellant was terminated from service on 14.02.2014 the appointment of respondent No:7 was after the termination of the appellant.

8 No comments.

9 Incorrect / not admitted. The appellant of the appellant is an exercise in futility and further proceeding in this regard will bear no fruit.

insert sec 23 of STA here.

Objection on Ground

- 1 Incorrect / not admitted. The appellant was treated according to law, facts, rules and policy of the Government as discussed in para 2 of facts.
- 2 Incorrect hence denied. As the appointment of appellant was totally against the principles of natural justice and void ab-initio. So the respondent No. 6 has rightly withdrawn the appointment order of appellant dated 31.11.2013
- 3 Incorrect/ not admitted. Strongly denied. This para is not admitted. As the appellant was treated according to law and there is no need of departmental inquiry, show cause notice and charge sheet against the appellant.
- 4 That the Counsel of respondents may kindly be allowed to raise additional grounds during the course of hearing.

In view of above submission, it is humbly prayed that service appeal of appellant may kindly be dismissed with cost.

Secretary
Elementary & Secondary Education Department
Khyber Pakhtunkhwa Peshawar

Director
Elementary & Secondary Education Department
Khyber Pakhtunkhwa Peshawar

Deputy Director
Elementary & Secondary Education Department
Khyber Pakhtunkhwa Peshawar

District Education Officer (Male)
Dera Ismail Khan

Head Master
GHS Musa Zai Sharif DIKhan

Vetted subject to corrections of attachment of identical nature case dismissed by the KP Service Tribunal D.I.Khan Bench in June/July

Deputy District Attorney
D.I.Khan

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 1048/2016

Muhammad Bilal

VS

Government of KPK

Affidavit

I Mr. Muhammad Kamran legal representative of District Education Officer (M) DIKhan do hereby solemnly affirm and declare on oath that contents of the written reply of the above mentioned service appeal are correct to the best of my knowledge and nothing has been concealed from this Honorable Tribunal.

M Kamran
District Education Officer
Department

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 1048/2016

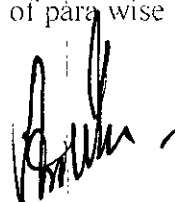
Muhammad Bilal

VS

Government of KPK

Authority

I District Education Officer (M) DIKhan do hereby authorized Mr Muhammad Kamran legal representative of the DEO(M) DIKhan to attend Honourable Service Tribunal KPK Peshawar DIKhan Bench on behalf of respondents in connection with submission of para wise comments and till the decision of the service appeal.



District Education Officer (Male)
Dera Ismail Khan

بیان حلفی (Undertaking)

من سہمی محمد بلال ولد بشیر احمد حلفاً لکھتا ہوں کہ کل حلال
کوٹری کی وجہ سے ڈیپارٹمنٹ (عملہ تعلیم) یا ادارہ کی طرف سے
دیہی تعلیمی کے ادارہ کو درخواست یا ختم کر دیا گیا اور مجھے کوٹری سے
بالکل ختم کر دیا گیا تو مجھے قبول ہو گا اور اس کے خلاف کسی کو
قسم کی قانونی چارہ چولی یا کسی دیگر ادارے سے رجوع نہیں کروں گا
مگر جب تک ڈیپارٹمنٹ (عملہ تعلیم) کی طرف سے مجھے C.O.C
نہیں دیا جائے گا اور میری عمر کا ہرگز مطالبہ نہیں کروں گا
مگر سندھ لکھدی سے نہ ملے ضرورت کے وقت کا ختم آئے گا اور اس
میں بشیر احمد ولد محمد بلال اس کی تائید و تصدیق کرتا ہوں

بشیر احمد تعلیم خود

بلال


Head Master
G.H.S Musazai / 5/12/2013
(D.I. Khan)

..... according to merit, law and recruitment policy. There is no other remedy for petitioner just to wait for his own turn according to the merit list.

8 The letter issued by the DEO to all the Heads / Principals was delivered late to the office of the Head Master GHS Musazai Sharif due to far flung area of the District DIKhan.

Open B

(4)

**Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar**



PH No. 091-9210389, 9210938,

9210437, 9210957, 9210468

Fax 091-9210936 08003385

E-mail rafiq_kk851@yahoo.com

No. 3391-3441/Estab

Dated Peshawar the 24/02/2014

To:

All the District Education Officers.
(Male & Female) in Khyber Pakhtunkhwa.

Subject: Appointment of Class-IV Servants.

I am directed to refer to the subject cited above and it to inform you that the powers regarding appointment of Class-IV earlier delegated to the Principals/Headmasters/Headmistress/SDEOs across the province vide this office Memo P.No A-23/MS/Dist DPC Meeting/2013/DD F&A/ No.2027-77 dated 12.11.2013 are hereby withdrawn forthwith.

I am further directed to inform you that in a capacity of the Head of the involved Department, the Director Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar is pleased to declare District Education Officer as "Appointing Authority" also for the Employment of EPS-4 in the respective District. The Class-IV Servants may be appointed by District Education Officer Concerned in the Primary Middle, High and Higher Secondary Schools after observing the social formalities the appointments will not be made by the SDEOs/Head of the institutions as the following reserved Quota are badly affecting by decentralization of appointment at school level.

1. 15% quota reserved for Retired Employees Sons;
2. 3% quota reserved for Minorities.
3. 2% quota reserved for Disable.
4. Deceased Sons/Daughters/Wives

I am, therefore, directed to ask you to inform all heads of institutions /SDEOs in this regards and direct them further to observe all the quotas reserved for Deceased Sons/Daughters/Wives, 25% quota reserved for Retired Employees Sons, 3% quota reserved for Minorities, 2% quota reserved for Disable persons. All the appointments shall be made on the recommendation of the Departmental Selection Committee.

Dy: Director, (F&A)

Directorate of Elementary and Secondary
Education Khyber Pakhtunkhwa Peshawar.

Encl. No. 3392-345/Estab

Dated Peshawar the 24/02/2014

Copy of the above is forwarded for information to the:

1. Director IMS Shami Road, Peshawar.
2. JS to Honorable Minister for E&SE Khyber Pakhtunkhwa Peshawar.
3. JS to Secretary E&SE Khyber Pakhtunkhwa Peshawar.
4. JA to Director E&SE Khyber Pakhtunkhwa Peshawar.

Copy to S/P

Dy: Director, (F&A)

Directorate of Elementary and Secondary
Education Khyber Pakhtunkhwa Peshawar.

Handwritten notes and stamps including "28/2/14" and "1456".

Handwritten signature and stamp.

OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) DERA ISMAIL KHAN

No.

Dated D.I.Khan the 28/12 /2013

(A) The Headmaster
GHS Musazai Sharif DIKhan

(B) The Headmaster
GHS Gang Hayat DIKhan

Subject: APPOINTMENT OF CLASS-IV

Memo:

In continuation of this office No. 9232-432 dated 26-1-2013.

You are once again reminded that no appointment of Class-IV may be made against vacant post without obtaining N.O.C from Establishment Department Khyber Pakhtunkhwa Peshawar.

However, order already issued may be cancelled on the instance of the N.O.C from the concerned department.

BY DISTRICT EDUCATION OFFICER
(MALE) DERA ISMAIL KHAN

Dated D.I.Khan the 28/12 /2013

Enlist No: 10823-9231

Copy to the:-

All the Sub Divisional Education Officers (Male), Principals, Headmasters
GHSS and GHS concerned.

BY DISTRICT EDUCATION OFFICER
(MALE) DERA ISMAIL KHAN

the merit list.

8 The letter issued by the DEO to all the Heads / Principals was delivered late to the office of the Head Master GHS Musazai Sharif due to far flung area of the District DIKhan.

Subject of Director Elementary & Secondary Education Letter No. 109/1546 dated 13-03-2013 addressed to District Education Officer (Male) D.I.Khan and copy of the same is being endorsed to all the District Education Officers in Khyber Pakhtunkhwa regarding authorization of powers.

Subject: NOTIFICATION

In pursuance of Khyber Pakhtunkhwa Local Govt. Act 2001 and Establishment & Administration Deptt. Notification No. SO(1-1)ES&AD/4-10/2012 dated 27-12-2012 the District set up of Elementary & Secondary Education has stood segregated from the Local Govt. instructions established under the Act of Khyber Pakhtunkhwa Local Govt. Act 2001 and aligned with the Elementary & Secondary Education Deptt. At Provincial level the DEOs (Male & Female) are authorized to exercise the powers of the Post notified vide Govt. of Khyber Pakhtunkhwa Notification No. SO(1)(S&G)1-15/78 dated 12-06-1978 and the SO(1)(S&GAD)1-201/98, dated 07-09-1998 (Both the copies are attached).

Encl: As above.

Deputy Director, Establishment
ES&A, Khyber Pakhtunkhwa Education

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) D.I.KHAN

Encl No. 2119/51

Dated D.I.Khan on 03/10/2013

Copy of the above is forwarded to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa.
2. District Accounts Officer D.I.Khan.
3. Budget and Accounts Officer Local Office.
4. All Principals/Headmasters/Head Teachers of GHS, GHS, GHS and GHS for implementation in letter and spirit.

District Education Officer
(Male) D.I.Khan

03/10/2013

... for his own turn according to merit, law and recruitment policy. There is no other remedy for petitioner just to wait for his own turn according to the merit list.

8 The letter issued by the DEO to all the Heads / Principals was delivered late to the office of the Head Master GHS Musazai Sharif due to far flung area of the District...

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) DEAR ISMAIL KHAN
 REVISED LIST OF RETIRED EMPLOYEE SON QUOTA APPLIED FOR APPOINTMENT AGAINST THE POST OF CLASS-IV CORRECTED VIDE S&GAD LETTER NO SOR-
 I(S&GAD) 4-1/89 (VOL-III) DATED 23/5/2000 AND DIRECTOR (E&SE) KPK PESHAWAR ENST. NO. 390-427 DATED 2/6/2000 UP TO 13/08/2016

S.No	Name of Retired Official	Designation	Office /School	Date of Retirement	Applied against 25% Quota	Name of Applicant	Address		Qualification	Post Applied for	Remarks
1	Ghulam Shabir	Bahishti	GHSS Daraban Khurd	26/07/2000	Yes	Muhammad Naveed	D/Khurad T. Parova	PK-66	Nil	Class IV	Appointed
2	Fazal Hussain Shah	Naib Qasid	Paharpur	30/10/2000	Yes	Naveed Shah	Rangpur Shumali	PK-68	Nil	Naib Qasid	Appointed
3	Haq Nawaz	Class-IV	GHS Hassa DIKhan	2000-2001	Yes	Muhammad Naveed	Gali Qurashian Wali	PK-64	Middle	Class-IV	Appointed
4	Abdul Majeed	Bahishti	GHS Penala Paharpur	31/07/2001	Yes	Shokat Ullah	Panala Paharpur	PK-68	Middle	Bahishti	Appointed
5	Shah Nawaz	Class-IV	GHS Hassa DIKhan	6/2/2003	Yes	Muhammad Farooq	Hassa DIKhan	PK-64	Nil	Class-IV	Appointed
6	Ibrahim Khalil	Chowkidar	GHS Abdul Khel	2003	Yes	Ihsan Ullah	Abdul Khel T. P/Pur	PK-68	Nil	Chowkidar	Appointed
7	Ghulam Qadir	Class-IV	GHSS No 1 Paharpur	2003	Yes	Barkat Ali	Pahar Pur	PK-68	B.A	Class-IV	Appointed
8	Umer Draz	Chowkidar	GPS Hayat Bochra	17/4/04	Yes	Sana ullah	Hayat Bochara	PK-66	Nil	Chowkidar	Appointed
9	Ghulam Shabir	Chowkidar	GPS Roda	4/9/2005	Yes	Riaz Khan	P/O Roda Daraban	PK-66	Nil	Chowkidar	Appointed
10	Musa Khan	Chowkidar	GPS Abbas Khalil Kata Khalil	5/11/2005	Yes	Ikram Ullah	Kata Khel	PK-68	Nil	Chowkidar	Appointed
11	Nazar Hussain	U/Att	R/Pur Shumali	5/18/2005	Yes	Muhammad Irshad	Budhan	PK-68	FA	Chowkidar	Appointed
12	Noor Muhammad	Chowkidar	GPS Basti Tareen	11/1/2005	Yes	Muhammad Farooq	Basti Ustarana Janubi	PK-64	F.A	Chowkidar	Appointed
13	Abdul Aziz	Mali	GHSS Yarik	12/31/2005	Yes	Munir Ahmad	Yarik	PK-55			Appointed
14	Abdul Sattar	Chowkidar	GPS Kach Mali Khel	4/5/2006	Yes	Muhammad Yaqoob	Kacha Mali Khel P/Pur	PK-68	Nil	Chowkidar	Appointed
15	Ahmad Khan	Class-IV	GPS Zawar Shumali	28/2/2007	Yes	Soba Khan	Zawar Shumali	PK-68	Nil	Class-IV	Over Age
16	Hamesh Gul	Class-IV	GHS Takwara	6/29/2007	Yes	Ishaq	Takwara	PK-67	Nil	Chowkidar	Appointed
17	Khuda Bakhsh	Sweeper	GHSS Lar	15/10/07	Yes	Muhammad Irshad	Lar	PK-68	SSC	Sweeper	
18	Khuda Bakhsh	Chowkidar	GPS Himmat Wala	19/12/2007	Yes	Khizer Hayat	Himmat Wala	PK-64	Nil	Bahishti	
19	Elahi Bakhsh	Chowkidar	GPS Jhoke Machi Sharqi	24/05/2008	Yes	Muhammad Bilal	Jhoke Machi Paroa	PK-66	Primary	Chowkidar	
20	Malik Sarfraz	N/Qasid	GHSS No3 DIKhan	17/7/08	Yes	Muhammad Mushtaq	Zakeria masjid DFIKhan	PK-64	Nil	N/Qasid	
21	Abdur Rahman	Chowkidar	GPS Zarkani Kulachi	2008	Yes	Kochwan	Zarkani Kuachi	PK-67	Nil	Chowkidar	
22	Muhammad Iqbal	Lab: Att:	GHSS No 4 DIKhan	14/01/2009	Yes	Muhammad Faisal Iqbal	Moh: Gari Ban DIK	PK-64	F.A	Lab: Att:	
23	Ameer Bakhsh	Chowkidar	GGPS Jhok Machi Mughsharqi	30/6/2009	Yes	Muhammad Nazeer	Jhok Machi Sharqi	PK-66	Nil	Chowkidar	Female Case
24	Abdul Rahman Qurashi	Chowkidar	GPS Shaikh Yousaf	8/1/2009	Yes	Hafiz Muhammad Rizwan	Shaikh Yousaf	PK-64	Nil	Chowkidar	
25	Imam Bakhsh	Sweeper	GHS Naivela	6/8/2009	Yes	Muhammad Imran	Basti Tarheli Shala Sharif	PK-66		Sweeper	
26	Sher Muhammad	Chowkidar	GPS Kikri Mala Khalil	19/9/2009	Yes	Raza Muhammad	Wanda Kikri Kulachi	PK-67	Nil	Class IV	
27	Muhammad Aslam	Chowkidar	GPS Basti Zangezan	27/9/2009	Yes	Muhammad Ishaq	Pir Haji Ilyes Laar	PK-68		Class IV	
28	Muhammad Amin	Bahishti	GHS Bahadari	2/12/2009	Yes	Muhammad Jawad	Bahadari	PK-			N
29	Fazal Hussain Shah	Chowkidar	Education Department	2/4/2010	Yes	Umer Farooq	Shironao	PK-65	Nil	Chowkidar	
30	Ghulam Hussain	Naib Qasid	GHSS Mandhra Kalan	2/9/2010	Yes	Safda: Ali	Mandhra Kalan	PK-65	Nil	Class IV	
31	Rab Nawaz	Chowkidar	GPS Jhok Moezam	30/06/2010	Yes	Furhan Khan	Hathala	PK-67	Nil	Class IV	
32	Ghulam Abbas	Naib Qasid	GPS Khutti	26/8/2010	Yes	Mulazim Hussain/ M. Bilal	Khutti DI Khan	PK-66			N

No	Name of Retired Official	Designation	Office /School	Date of Retirement	Applied against 25% Quota	Name of Applicant	Address		Qualification	Post Applied for	Remarks
33	Allah Nawaz	Chowkidar	GPS NO. 7 DIK	1/1/2011	Yes	Tanvir Nawaz	Moh: Ghosian Wala DIK	PK-64	Nil	Chowkidar	
34	Ghulam Shabir	Naib Qasid	GHS Kotla Syedan	2/9/2011	Yes	Qaib Abbas	Kotla Syedan Daraban	PK-65	SSC	Naib Qasid	
35	Ghulam Sadiq	Chowkidar	GMS No.2 DIKhan	31/3/11	Yes	Muhammad Ismail	DIKhan City	PK-64	BA	Chowkidar	
36	Muhammad Arif	Class-IV	GHS Takwara	30/06/2011	Yes	Adnan	Takwara	PK-68	Nil	Class-IV	
37	Afzal Din	Chowkidar	GPS Wand Lahani	11/2/2011	Yes	Mohi Ud Din	Wand Lohani	PK-68	Nil	Class IV	
38	Hameed Ullah	Naib Qasid	GMS Zandani	21/06/2012	Yes	Muhammad Islam	Zandani	PK-65	SSC	Naib Qasid	
39	Haji Ahmad Nawaz	Naib Qasid	GMS No.3 DIK	28/06/2012	Yes	Sohail Abbas	Zafar Abad Colony DIK	PK-64	F.A	Class IV	
40	Mehmood Khan	Chowkidar	GPS Wanda Shahbazi	8/1/2012	Yes	Muhammad Anjam	Wanda Shahbazi Paharpur	PK-68	SSC	Chowkidar	
41	Ghulam Jelani	Chowkidar	GPS Dhala	19/10/2012	Yes	Qasir Abbas	Muza: Muhammad Hussain	PK-68	B.A	Chokidar	
42	Muhammad Nawaz	Chowkidar	GPS Kot Kundyan	11/4/2013	No						
43	Abdul Aleem Khan	Chowkidar	GPS wanda Kali	22/02/2013	Yes	Abdul Wahib	Wanda Kali T: P/Pur	PK-63	Nil	Chowkidar	
44	Muhammad Hussain	Chowkidar	GPS J/Machian	3/4/2013	Yes	Rehmat Ullah	Jhok Machi Miran	PK-66			
45	Abdul Aziz	Chowkidar	GPS Faqir Abad	3/12/2013	Yes	Muhammad Imran	Erd Ghah Kalan DIK	PK-64	SSC	Chowkidar	
46	Bashir Ahmad	N/Q	GPS BASTI ALI	16/03/2013	Yes	Sharafat Ali	Basti Ali		Nil	Naib Qasid	
47	Zulfiqar	Class-IV	GPS2 Ganid Umer Khan	20/03/2013	Yes	Abdu Sattar	Gandi Umer Khan	PK-67	Nil	Naib Qasid	
48	Ghulam Shabir	Chowkidar	GPS Ghazan Pur	31/03/2013	Yes	Asad Abbas / Murid Mehdi	Ghazan Pr T: P/Pur	PK-68	F.A	Chokidar	3157239110
49	Ghulam Rasool	Chowkidar	GPS Gara Haidan	4/4/2013	No						
50	Haji Izat Khan	Naib Qasid	GMS Wanad Umer Khan	4/10/2013	Yes	Muhammad Hamayun	Wanda madar w.umar Khan	PK-68	SSC	Naib Qasid	
51	Shoukat Ali	Chowkidar	GPS Jhoke Mohana	18/4/13	No						
52	Abdul Ghafar	Chowkidar	GPS Kot Lahu	31/05/2013	No						
53	Hasti Khan	Sweeper	GHS Wanda Jamat	25/6/2013	Yes	Muhammad Asif	Wanda Jamat Paniala	PK-68	Nil	Sweeper	
54	Muhammad Iqbal	Chowkidar	GPS Jiwaya Shai DIK	30/06/2013	Yes	Liaqat Ali	Jiwaya Sahi Chahkan	PK-65	SSC	Chowkidar	
55	Miran Mai	Sweeper	GHS Daraban Khurd	30/06/2013	Yes	Javaid Ahmad	DIKKhurd T: Parova	PK-66	Nil	Sweeper	
56	Muhammad Farooq	Chowkidar	Gps T/w Rasheed Awan	7/11/2013	No						
57	Abdur Rehman	Cook	GHSS Daraban Kalan	7/12/2013	Yes	Muhammad Ramzan	Darban Kalan T: Kulachi	PK-67	Nil	Darban Kalan	
58	Aman ullah	Chowkidar	GPS Lachara	8/8/2013	No						
59	Bashir Ahmad	L/A	GHS Musa Zai	8/11/2013	Yes	Muhammad Bilal	Musas Zai T: Kulach	PK-67	Nil	L/A	
60	Rahmat Ullah	Naib Qasid	GHS Daraban Khurd	22/09/2013	Yes	Shafqat Ullah	Darab Khurd	PK-66	SSC	Naib Qasid	
61	Aman Ullah	Sweeper	GHS Malana	24/09/2013	Yes	Sami Ullah	Pacca Malana T: Parova	PK-66	Nil	sweeper	
62	Muhammad Ramzan	Chowkidar	GPS Bhukki	10/4/2013	Yes	Fakhr -Uz-Zaman	Bukki Chodwan	PK-67	Nil	Chowkidar	
63	Ikram ullah	Chowkidar	GPS No.5 DIKhan	29/10/13	No						
64	Haji Shah Nawaz Awan	Chowkidar	Gps T/w Rasheed Awan	20/11/2013	Yes	Abdul Rasheed	Awan Cottage North Circular Road	PK-65	SSC	Chowkidar	
65	Ghulam Yasin	Chowkidar	GPS Lunda Sharif	12/7/2013	No						
66	Dosto Khan	Chowkidar	GPS Miran	31/12/2013	No	Naimat Ullah	Miran T: Parova	PK-66	Nil		
67	Ghulam Jan	Chowkidar	GPS Aman Abad	1/7/2014	Yes	Muhammad Akram	Band Kurai DI Khan	PK-65			
68	Abdur Rahim	Chowkidar	GHS Rori	1/11/2014	Yes	Laj Mir Khan	Rori Kulachi	PK-67	SSC	Chowkidar	

S.No	Name of Retired Official	Designation	Office /School	Date of Retirement	Applied against 25% Quota	Name of Applicant	Address		Qualification	Post Applied for	Remarks
69	Iqbal	Chowkidar	GPS Khanu Khel No 1	2/7/2014	No						
70	Muhammad Hashim	Chowkidar	GHSS Kat Garh	24/03/2014	Yes	Tahir Ali	Kat Grah P/Pur	PK-68	SSC	Chowkidar	
71	Muhammad Hashim	Chowkidar	GPS Kat Shahani	19/04/2014	Yes	Ehsan Ullah	Jhoke Tari Malana Paroa	PK-66	M.A	Chowkidar	
72	Muhammad Jahangir	Chowkidar	GPS Bali Shumali	5/3/2014	Yes	Safdar Khan	Bali Shumali M/Kalan	PK-65	Nil	Chowkidar	
73	Mulazim Hussain	Chowkidar	GPS Basti Sheikhan Wali	29/5/14	No						
74	Ahmad Nawaz	Chowkidar	GPS Wand Ganwari	6/1/2014	No						
75	Munib Hussain	Chowkidar	GPS Kat Shahani	6/9/2014	No						
76	Amir Jan	Chowkidar	GPS Wazir Abad	30/06/2014	No						
77	Muhammad Noor	Chowkidar	GPS Fazal Abad	30/06/2014	No						
78	Rab Nawaz	Chowkidar	GPS Kot Rab Nawaz	30/06/2014	Yes	Asif ullah	Kot Rab Nawaz	PK-66	SSC	Chowkidar	
79	Muhammad Noor Khan	Chowkidar	GPS Fazal Abad	30/06/2014	Yes	Rehmat Ullah	Rata Kulachi	PK-64	Nil	Chowkidar	
80	Abdul Majeed	Chowkidar	GPS Haji Khel	8/1/2014	No						
81	Muhammad Amin	Chowkidar	GPS W/Karim Khan	6/8/2014	No	Muhammad Jawad	Bahadari				
82	Muhammad Iqbal	Chowkidar	GPS Sardari Wala	9/10/2014	No						
83	Munib Hussain Shah	Lab Att:	GPS Chandna Miran	7/9/2014	Yes	Syed Waseem Abbas Shan	Chandna Miran Parova	PK-66	SSC	Lab-Att:	Re-Adjusted
84	Karim Bakhsh	Chowkidar	GPS Ijaz abad Muryali	11/9/2014	No						
85	Rasheed Khan	Chowkidar	GPS Rehmani Khel	30/9/14	No						
86	Haji Muhammad	Chowkidar	GPS Zafar Abad Colony	10/10/2014	Yes	Muhammad Kamal	Zafar Abad Colony	PK-64	Nil	Chowkidar	
87	Saleem Abbas Shah	Chowkidar	GPS Land Khair Shah	16/10/14	No						
88	Ubaid Ullah	Naib Qasid	GHS Sydo Wali	13/11/2014	Yes	Muhammad Jamshad	Saidu Wali Pahar pur	PK-68	Middle	Naib Qasid	
89	Abdul Hamid	Chowkidar	GPS Wanda Shesha	30/11/2014		Ghulam Subhani	Umer Khel Pacca	PK-68	Nil	Chowkidar	Appointed
90	Imam Bakhsh	Chowkidar	GMS Mandhrah Saidain	31/12/2014	Yes	Ghulam Qadir	Mandhrah Sidain	PK-65	SSC	Chowkidar	
91	Allah Nawaz	Chowkidar	GPS Jhok Hayat	1/1/2015	Yes	Muhammad Ejaz	J/Hayat	PK-66	Nil	Chowkidar	
92	Makhdoom Khan	Chowkidar	GPS Wanda Ali	1/8/2015	Yes	Hussain Ahmad	W/Ali	PK-68	Nil	Chowkidar	
93	Hussain Bakhsh	Chowkidar	GPS Bahirki Di Khan	1/10/2015	Yes	Muhammad Khalid	Vill: Bhirki	PK-66	Nil	Class IV	
94	Haq Nawaz	Chowkidar	GPS Nourang Luk	1/12/2015	Yes	Irshad Hussain	Nourang Luk	PK-65	SSC	Chowkidar	
95	Ghulam Sarwar	Chowkidar	GPS Basti Malana	13/1/2015	Yes	Karami Elahi	Basti Malana	PK-66	FA	Chowkidar	
96	Shan Jehan	Mali	GHS No 5	30/04/2015	Yes	Umer Farooq	Gara Bakhsha Zafar Abad	PK-64			
97	Mirza Khan	Chowkidar	GPS Toba	5/5/2015	Yes	Muhammad Younis	Toba PaharPur	PK-68			
98	Siraj Ud Din	Behshti	GHS Gandi Umer Khan	8/5/2015	Yes	Rehmat Ullah	Gandi Umer Khan	PK-67			
99	Ghulam Dastagir	Chowkidar	GPS Taju Khel	23/05/2015	Yes	Munir Ahmad	Musa Zai Sharif	PK-67	Nil	Chowkidar	
100	Muhammad Nawaz	Chowkidar	GPS Dahotar Jadeed	24/05/2015	Yes	Hamid Raza	Dahotar Jadeed	PK-68			Appointed
101	Mirza Khan	Chowkidar	GPS Toba	5/6/2015	Yes	Muhammad Younis	Toba PaharPur	PK-68	Middle	Class IV	Appointed
102	Ghulam Hassan	Chowkidar	GPS Jhoke Khoja	30/06/2015	Yes	Muhammad Sajid	Jhoke Khoja Parova	PK-66			
103	Allan Nawaz	Chowkidar	GPS Jhoke Masoo	30/06/2015	Yes	Muhammad Latif	Jhoke Masoo	PK-64			Appointed
104	Allan Wasaya	Chowkidar	GPS Basti Ustrana	30/06/2015	Yes	Muhammad Ashraf	Basti Ustrana Shumali	PK-64			Appointed

Sl. No.	Name of Candidate	Category	Qualification	Date of Birth	Applied	Name of Applicant	Address	PK No.	Qualification	Post	Remarks
105	Shahid Janar	Chowkidar	GPS Teekan	30/06/2015	Yes	Muhammad Ashraf	(Basti) Ustwana Shumali	PK-64			Appointed
106	Shahid Janar	Chowkidar	GPS Teekan	30/06/2015	Yes	Muhammad Adnan	Teekan	PK-64			
107	Shahid Janar	Chowkidar	GPS Teekan	30/06/2015	Yes	Muhammad Adnan	Teekan	PK-64			
108	Shahid Janar	Chowkidar	GPS Teekan	30/06/2015	Yes	Muhammad Adnan	Teekan	PK-64			
109	Shahid Janar	Chowkidar	GPS Teekan	30/06/2015	Yes	Muhammad Adnan	Teekan	PK-64			
110	Shahid Janar	Chowkidar	GPS Teekan	30/06/2015	Yes	Muhammad Adnan	Teekan	PK-64			
111	Munir Ahmad	Lab Attent	GHS No 2 Panarou	16/11/2015	Yes	Ishtaq Ahmad	Pahar Pur	PK-66	Nil	Class IV	
112	Munir Ahmad	Lab Attent	GHS Daraban Khurd	7/12/2015	Yes	Karim Khan	Daraban Khurd	PK-66	Nil	Class IV	Appointed
113	Munir Ahmad	Lab Attent	GHS Daraban Khurd	7/12/2015	Yes	Karim Khan	Daraban Khurd	PK-66	Nil	Class IV	Appointed
114	Munir Ahmad	Lab Attent	GHS Daraban Khurd	7/12/2015	Yes	Karim Khan	Daraban Khurd	PK-66	Nil	Class IV	Appointed
115	Munir Ahmad	Lab Attent	GHS Daraban Khurd	7/12/2015	Yes	Karim Khan	Daraban Khurd	PK-66	Nil	Class IV	Appointed
116	Munir Ahmad	Lab Attent	GHS Daraban Khurd	7/12/2015	Yes	Karim Khan	Daraban Khurd	PK-66	Nil	Class IV	Appointed
117	Munir Ahmad	Lab Attent	GHS Daraban Khurd	7/12/2015	Yes	Karim Khan	Daraban Khurd	PK-66	Nil	Class IV	Appointed
118	Munir Ahmad	Lab Attent	GHS Daraban Khurd	7/12/2015	Yes	Karim Khan	Daraban Khurd	PK-66	Nil	Class IV	Appointed
119	Munir Ahmad	Lab Attent	GHS Daraban Khurd	7/12/2015	Yes	Karim Khan	Daraban Khurd	PK-66	Nil	Class IV	Appointed
120	Munir Ahmad	Lab Attent	GHS Daraban Khurd	7/12/2015	Yes	Karim Khan	Daraban Khurd	PK-66	Nil	Class IV	Appointed
121	Munir Ahmad	Lab Attent	GHS Daraban Khurd	7/12/2015	Yes	Karim Khan	Daraban Khurd	PK-66	Nil	Class IV	Appointed
122	Munir Ahmad	Lab Attent	GHS Daraban Khurd	7/12/2015	Yes	Karim Khan	Daraban Khurd	PK-66	Nil	Class IV	Appointed
123	Munir Ahmad	Lab Attent	GHS Daraban Khurd	7/12/2015	Yes	Karim Khan	Daraban Khurd	PK-66	Nil	Class IV	Appointed
124	Munir Ahmad	Lab Attent	GHS Daraban Khurd	7/12/2015	Yes	Karim Khan	Daraban Khurd	PK-66	Nil	Class IV	Appointed
125	Munir Ahmad	Lab Attent	GHS Daraban Khurd	7/12/2015	Yes	Karim Khan	Daraban Khurd	PK-66	Nil	Class IV	Appointed
126	Munir Ahmad	Lab Attent	GHS Daraban Khurd	7/12/2015	Yes	Karim Khan	Daraban Khurd	PK-66	Nil	Class IV	Appointed
127	Munir Ahmad	Lab Attent	GHS Daraban Khurd	7/12/2015	Yes	Karim Khan	Daraban Khurd	PK-66	Nil	Class IV	Appointed
128	Munir Ahmad	Lab Attent	GHS Daraban Khurd	7/12/2015	Yes	Karim Khan	Daraban Khurd	PK-66	Nil	Class IV	Appointed
129	Munir Ahmad	Lab Attent	GHS Daraban Khurd	7/12/2015	Yes	Karim Khan	Daraban Khurd	PK-66	Nil	Class IV	Appointed
130	Munir Ahmad	Lab Attent	GHS Daraban Khurd	7/12/2015	Yes	Karim Khan	Daraban Khurd	PK-66	Nil	Class IV	Appointed

Prepared by:

Checked by:

Verified By:

District Education Officer

(M)DIKhan

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT D.I.KHAN



SERVICE APPEAL NO. 1041/2014

Date of institution ... 13.08.2014
Date of judgment ... 24.07.2017

Muhammad Asif S/O Hasthi Khan.
R/O Wanda Jamal Tehsil and District D.I.Khan.
(Ex-Sweeper G.H.S Wanda Jamal) D.I.Khan.

... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Director Education (Elementary & Secondary) Peshawar.
2. District Executive Officer (Elementary & Secondary) Education D.I.Khan.
3. District Accounts Officer D.I.Khan.
4. Headmaster G.H.S Wanda Jamal D.I.Khan.

... (Respondents)

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER BEARING NO. 706 DATED 27.11.2013 VIDE WHICH THE APPELLANT APPOINTMENT ORDER WAS KEPT IN ABEYANCE AND ALSO QUA DEPARTMENTAL APPEAL DATED 15.04.2014 WAS NOT DECIDED BY THE APPELLATE AUTHORITY.

27 /
Mr. Shaikh Iftikhar-ul-Haq, Advocate.
Mr. Farhaj Sikandar, District Attorney

For appellant.
For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI
MR. GUL ZEB KHAN

MEMBER (JUDICIAL)
MEMBER (EXECUTIVE)

ATTESTED

JUDGMENT

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - This appeal has been filed against the order dated 27.11.2013 vide which the appointment order of the

appellant was held in abeyance. The appellant also challenged the same through departmental appeal on 15.04.2014 but the same was not responded..

2. Facts of the case are that the appellant was appointed as Sweeper (BPS-1) in Government High School Wanda Jamal D.I.Khan and was performing his duty. However, during service his appointment order dated 02.11.2013 passed by Headmaster

Government High School Wanda Jamal D.I.Khan was held in abeyance by the said Headmaster Government High School Wanda Jamal D.I.Khan on 27.11.2013. The appellant also challenged the same through departmental appeal on 15.04.2014 but the same was not responded, hence, the present service appeal on 13.08.2014.

3. Learned counsel for the appellant argued that the appellant was appointed as Sweeper (BPS-1) by the Headmaster Government High School Wanda Jamal D.I.Khan vide order dated 02.11.2013 but during service his appointment order was held in abeyance by the said Headmaster vide order dated 27.11.2013. It was further contended that the Headmaster is the head of the school, therefore, he was the competent authority, and the appointment order of the appellant was rightly passed by him and contended that the impugned order dated 27.11.2013 is illegal and liable to be set-aside and the appellant is entitled for reinstatement.

4. On the other hand learned District Attorney for the respondents opposed the contention of learned counsel for the appellant and contended that the Headmaster was not competent authority to pass the appointment order of the appellant rather respondent No. 2 i.e District Executive Officer Education was the competent authority for appointment of Sweeper, therefore, vide order dated 27.11.2013 the appointment order of the appellant has been rightly held in abeyance. It was further contended that the impugned order was passed on 27.11.2013 and the appellant was required to file departmental appeal within one month but the appellant has filed the departmental appeal on 15.04.2014 after more than four months, therefore, the departmental appeal of the appellant is also badly time barred and the present appeal is not maintainable and liable to be dismissed.

5. We have heard the arguments on both the sides and gone through the record available on file.

6. Perusal of the record reveals that the appointment order of the appellant was passed by the Headmaster Government High School Wanda Jamal D.I.Khan vide order dated 02.11.2013 and the said Headmaster passed the impugned order dated 27.11.2013 whereby the appointment order was held in abeyance. The record further reveals the appellant was

ATTESTED

EXAMINED
 District Attorney
 Service Tribunal
 Peshawar

required to challenge the impugned order dated 27.11.2013 within one month before the departmental authority but he has filed the departmental appeal on 15.04.2014 after a delay of more than four months. Moreover it is also proved from the written statement of the respondents including respondent No. 2 i.e. District Executive Officer Education that the competent authority for appointment of Class-IV employee was not Headmaster but the appointment authority of class-IV employee was District Education Officer, therefore, the appointment order of the appellant was passed by the incompetent authority. As such the impugned order vide which the appointment order was held in abeyance was rightly passed by the respondent, hence, the appeal has no force which is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
24.07.2017

Sd/- M. Amin Khan Kundli
Member
and const D.I. Khan

Sd/- Gulzar Khan
Member

Certified to be true copy
MEMBER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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