


23.12.2022


Appellant alongwith counsel present.

Naseer Ud Din Shah learned Assistant Advocate General for respondents present.

It was on 08.11.2022 when learned counsel for appellant submitted an application for summoning DEO (M) Khar, Bajaur and accordingly office was directed to issue process. Today learned counsel submitted an application seeking withdrawal of the earlier application which is allowed. To come up for arguments on 22.03.2023 before D.B.

SCANNED
KPST
Peshawar


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)


22.03.2023

Learned counsel for appellant present.

Mr. Fazal Shah Mohmand, Additional Advocate General for respondents present.

Learned Member Judicial (Mrs. Rozina Rehman) is on leave, therefore, case is adjourned to 07.06.2023 for arguments before D.B. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar


(Muhammad Akbar Khan)
Member (E)


16.11.2022


Appellant present in person.

Muhammad Riaz Khan Paindakhel learned Assistant Advocate General for respondents present.

At the very outset appellant submitted Wakalatnama on behalf of Noor Muhammad Khattak, Advocate with the request for adjournment as his counsel is busy before august Peshawar High Court Peshawar. On the preceding date he had submitted an application for summoning DEO (M) Khar Bajaur alongwith relevant record but he failed to deposit TCS charges for summoning DEO (M) Bajaur. Today he was asked to comply with the direction mentioned in the preceding order sheet, he simply requested for adjournment as his counsel is not available. To come up for arguments and further proceedings on 23.12.2022 before D.B.

SCANNED
KPST
Peshawar


(Fareeha Paul)
Member (E)



(Rozina Rehman)
Member (J)


08.11.2022

Appellant present through counsel.

Muhammad Adeel Butt learned Additional Advocate General for the respondents present.

At the very outset learned counsel for appellant submitted an application for summoning the District Education Officer, Khar Bajaur alongwith relevant record of one Gul Rehman S/o Haroon Khan alongwith the service record. In view of the available record coupled with the application of appellant respondent No. 4 be summoned through TCS for the date fixed. Learned AAG is directed to make sure the presence of respondents no. 4 on the date fixed. To come up for further proceedings on 16.11.2022 before D.B.


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

*Respondent No. 4
is out district,
the appellant didn't
contact us as to
send Notice to
Respondent 4.*

28.09.2022

Appellant alongwith counsel present.

Muhammad Jan, learned District Attorney for respondents present.

Fresh appointment order of the present appellant dated 10.12.2021 was produced and is placed on file. Learned counsel for appellant once again requested for adjournment in order to produce proper record with relevant case laws in order to assist this Bench properly. To come up for arguments on 01.11.2022 before D.B.



(Fareeha Paul)
Member (E)

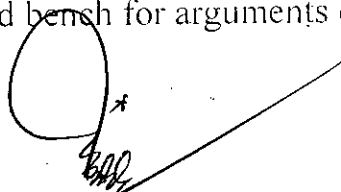


(Rozina Rehman)
Member (J)

01.11.2022

Appellant alongwith his counsel present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

On perusal of case file, it transpired that arguments in the instant appeal were heard by a bench comprising of learned Member (Judicial) Ms. Rozina Rehman and learned Member (Executive) Ms. Fareeha Paul and the appeal in hand was fixed for arguments/order. In this view of the matter, the appeal in hand be fixed before the concerned bench for arguments on 08.11.2022.



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

06.09.2022

Appellant alongwith counsel present.

Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

Case was fixed for orders but could not be announced as learned AAG requested for production of certain record in respect of appellant. He is strictly directed to make sure the production of relevant record alongwith personal appearance of an officer of respondents not below Grade-17 for clarification of the status of appellant. To come up for production of record/orders on 14.09.2022 before D.B.


(Fareeha Paul)
Member(E)


(Rozina Rehman)
Member(J)

14.09.2022

Appellant is absent.

Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General alongwith Latif SCT for respondents for respondents present.

At the very outset this Bench was apprised in respect of fresh appointment of the present appellant in the respondent Department. Appellant is not in the habit of personal attendance and his brother is very much here to attend the Tribunal on his behalf. In this view of the matter, learned counsel for appellant is directed to make sure the presence of appellant on the next date, failing which, his appeal will be dismissed for non-prosecution. At the same time, brother of appellant is warned to be careful in future. To come up for further proceedings/arguments/orders on 28.09.2022 before D.B.


(Fareeha Paul)
Member(E)


(Rozina Rehman)
Member(J)

28.06.2022

Learned counsel for appellant present.

Mr. Riaz Khan Paindakheil learned Assistant Advocate General for respondents present.

Arguments were heard in the instant case by the undersigned and Ms. Fareeha Paul Member (Executive). Today, the learned Member Executive is busy in other Bench, therefore, order could not be announced. To come up for order on 15.07.2022 before proper D.B.



(Rozina Rehman)
Member (J)

15.07.2022

Proper Bench is not available, therefore, case is adjourned to 26.07.2022 for the same as before.



Reader

26.07.2022

Appellant alongwith his counsel present.

Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

Order in the instant case could not be announced as Ms. Fareeha Paul learned Member (Executive) is on leave, therefore case is adjourned to 06.09.2022 for order before D.B.



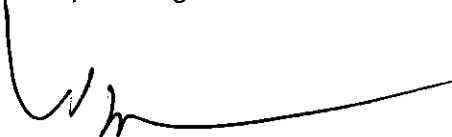
(Rozina Rehman)
Member (J)

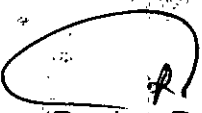
01.12.2021

Counsel for appellant present.

Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

Reply of respondents No.1, 2 & 4 is still awaited. Learned A.A.G made a request for time to submit reply; granted by way of last chance with direction to submit the same within 10 days positively. If the reply/comments are not submitted within stipulated time, right of respondents No.1, 2 & 4 for submission of reply shall be deemed as struck off. To come up for arguments on 24.02.2022 before D.B.


(Atiq ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

24-2-22

*Due to reduction of working hours,
the case is adjourned for the house.
at 1-6-22.*




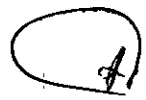
01.06.2022

Appellant alongwith his counsel present.

Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

Arguments heard. To come up for order on 28.06.2022 before D.B.


(Fareeha Paul)
Member(E)


(Rozina Rehman)
Member (J)

10
The 10th of June 1845
at the office of the
Surveyor General
of the Territory of
New Mexico

D

13.07.2021

Special Attorney for the appellant present and submitted Power of Attorney which is placed on file. Mr. Muhammad Fayaz Tehsildar for respondent No. 3 alongwith Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Respondent No. 3 has furnished reply/comments. Learned AAG is required to contact the remaining respondents for submission of written reply/comments in office within 10 days, positively. If written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 01.12.2021 before the D.B.

Stipulated period has passed and reply may not been submitted


Chairman

P.S

28.07.2021

Learned Addl. A.G be reminded about the omission and for submission of Reply/comments within extended time of 10 days.

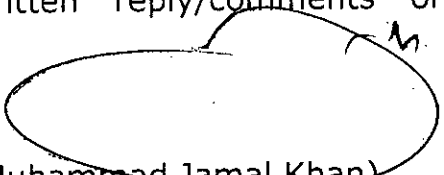

Chairman

M

15.02.2021

Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Muhammad Fayaz, Naib Tehsildar, for the respondents are also present.

Written reply on behalf of respondents not submitted. Representative of the department is seeking further time for submission of written reply/comments. Last chance is given to the respondents for filing of written reply/comments on 06.04.2021 before S.B.


(Muhammad Jamal Khan)
Member

~~06.04.2021~~

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 13.07.2021 for the same as before.


READER

03.09.2020

Counsel for the appellant present.

SCANNED
(PST
Peshawar

Subject to all just exceptions and on the strength of admitting note dated 24.09.2019 recorded in Service Appeal No. 949/2019, instant appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 02.11.2020 before S.B.

Appellant Deposited
Security & Process Fee

3/9/20

Chairman

02.11.2020

Nemo for appellant. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is present.

Written reply on behalf of respondents not submitted. Learned Additional AG request for further time to contact the respondents and furnish written reply/comments on the next date of hearing. Adjourned to 29.12.2020. File to come up for written reply/comments before S.B.

(Muhammad Jamal Khan)
Member (Judicial)

29.12.2020

Counsel for the appellant and Muhammad Rasheed DDA for respondents present.


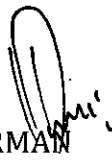

Learned DDA is required to contact the respondents and facilitate the submission of reply/comments on 15.01.2021 before S.B.

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

FORM OF ORDER SHEET

Court of _____

Case No. - 5370 /2020

1S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/06/2020	<p>The appeal of Mr. Muhammad Jan presented today by Mr. Hamad Hussain 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> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>29/06/20</u>.</p> <p style="text-align: right;">  CHAIRMAN </p>
2-	29.06.2020	<p>The Worthy Chairman is on leave, therefore, the case is adjourned. To come up on 03.09.2020 before S.B.</p> <p style="text-align: right;">  Reader </p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 5370 /2020

Muhammad Jan Qari BPS 12 GHS Ghazi Baba S/O Bakhti Jan R/o Ghazi Baba
Tehsil Utmankhe. Appellant

VERSUS

The Secretary to Government of Khyber Pakhtunkhwa Elementary & Secondary
Education Department Peshawar and others.

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6	Copy of Reply dated 31/03/2016	E	12
7	Copy of departmental appeal as	F	13-15
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Appellant

Dated: /06/2020

Through


Hamad Hussain

Advocates High court Peshawar
Mobile: 03120952763

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 5370/2020

Muhammad Jan Qari BPS 12 GHS Ghazi Baba S/O Bakhti Jan R/o Ghazi Baba
Tehsil Utmankhe.Appellant

VERSUS

1. The Secretary to Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department Peshawar.
2. The Director Elementary & Secondary Education Department KPK Peshawar.
3. The Deputy Commissioner/ the then Political Agent Tribal District Bajour at Khar.
4. The District Education Officer Bajour at Khar-----**Respondents**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 21/04/2016 PASSED BY THE POLITICAL AGENT BAJAUR , WHEREBY THE APPELLANT WAS AWARDED MAJOR PENALTY OF REMOVAL/ TERMINATE FROM SERVICE.

PRAYERS:

ON ACCEPTANCE OF THE INSTANT APPEAL, THE IMPUGNED Office ORDER DATED 21/04/2016 MAY GRACIOUSLY BE SET ASIDE AND APPELLANT May Kindly BE REINSTATE IN SERVICE WITH ALL BACK BENEFITS.

Respectfully Sheweth:-

1. That the appellant was initially appointed as a TT Teacher BPS 7 on contract basis in the education department on 15/11/2003 and then the applicant was appointed as a Qari BPS 12 post at GHS Ghazi Baba Arang Bajuar on 10/08/2009. And during his service the appellant performed his duty with great Zeal and Punctuality. (Copy of appointments orders as annex "A" & B).
2. That on 9/5/2015 the appellant was taken into illegally custody by the Law Enforcement agencies and was shifted to unknown place and illegally confinement.
3. That the appellant was kept into illegal custody by the Law Enforcement agencies till 10/02/2020. Thereafter appellant was released by the Law Enforcement agencies from his illegal custody after clearance the allegations levelled against the appellant.

(2)

4. That after released by the Law Enforcement agencies the appellant reached to the Govt High School, Ghazi Baba Tehsil Utmankhel, to resume his duty he was informed regarding his terminated from service.
5. That on 21/04/2016 the appellant was terminated from services by the then Political Agent, Bajaur Agency now Deputy Commissioner Bajaur during his illegal confinement. **(Copy of termination order as Annexure C)**
6. That on 24/03/2016 the then Political Agent, Bajaur Agency now the Deputy Commissioner Bajaur was requested through application to the Commandant, Bajaur Scouts at khar about the verification in the custody of the appellant and is Bother Ahmad Jan. **(Copy of the letter dated 24/03/2016 as Annexure D).**
7. That on 31/03/2016 Commandant, Bajaur Scouts in reply of the letter / application of the Political Agent, Bajaur Agency know Deputy Commissioner Bajaur the appellant is wanted to this HQ due to his suspicious activates with terrorists. Furthermore his brother Namely Ahmad Jan is held with this HQ and he is declared BLACK by JIT. **(Copy of Reply dated 31/03/2016 as Annexure E).**
8. That on 03/03/2020 the appellant filed departmental appeal before the respondents NO 2 which was not decided within the stipulated period, hence the instant service appeal before this Honourable Service Tribunal on the following grounds. **(Copy of departmental appeal as annexure F)**

Grounds

- A. That Respondents have not treated to the appellant in accordance with law, rules and policy on subjects and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully issued the impugned order, which are unjust, unfair and hence not sustainable in the eye of law.
- B. That the impugned office order are void -initio, against the facts, law and procedure, hence untenable being unjust and unfair.
- C. That the appellant was terminated from service by the then Political Agent Bajaur now DC Bajaur who was not a competent authority for the purpose, furthermore the appellant was terminated from service on the ground of absence from duty but no specific period of alleged absence was provided, while the appellant was not remained absence from duty wilfully but due to

3


illegal confinement of law enforcement agencies and later on the appellant was released after clarifications.

- D. That the appellant has never been involved in any type of anti-state activities neither the applicant was any linking / nexus with the anti-state organizations nor the political agent Bajaur or Law Enforcement agencies proved any nexus with the appellant to anti state organization .
- E. That the termination order of the appellant Dated 21/04/2016 is illegal, unlawful, void -ab- initio and against the judgments of august Supreme Court of Pakistan as well as judgments of the Honourable Khyber Pakhtunkhwa Service Tribunal Peshawar.
- F. That there is no charge sheet statement of allegations have been issued which is mandatory under (Efficiency and Discipline) Rules 2011.
- G. That no fact finding or regular inquiry has been conducted against the appellant hence the whole proceeding are void -initio and the impugned order is liable to be set aside on this ground alone as per judgments of the superiors courts
- H. That the right of fair trial is granted by Article 10 A of the constitution of Islamic republic of Pakistan 1973 but the same cannot be provided to the appellant. Furthermore there is no evidence against the appellant
- I. That no opportunity of personal hearing was afforded to the appellant, which are also the mandatory requirement of law as well as principle of natural justice. The appellant was condemned unheard and accordingly the impugned order is void, ab-initio, arbitrary and hence not sustainable.

It is, therefore, most humbly requested that the instant service appeal may kindly be accepted and the appellant kindly be re-instated in his service with all back benefits. Any others relief which this Honourable Tribunal deem fit if any may also be granted.

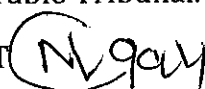

Appellant

Through


(HAMAD HUSSAIN)
Advocate High Court
Peshawar
Mobile 03329122812

Affidavit:-

I, Muhammad Jan Qari BPS 12 GHS Ghazi Baba S/O Bakhti Jan R/o Ghazi Baba Tehsil Utmanke hereby solemnly affirm that the contents of the instant Service Appeal are true correct with the best of my knowledge that no such like appeal has earlier been filed between the parties in this Honourable Tribunal.

DEPONENT 

(4)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____/2020

Muhammad Jan Qari BPS 12 GHS Ghazi Baba S/O Bakhti Jan R/o Ghazi Baba
Tehsil Utmankhe. **..... Appellant**

VERSUS

The Secretary to Government of Khyber Pakhtunkhwa Elementary & Secondary
Education Department Peshawar and others.

APPLICATION UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT
APPLICATION FOR CONDONATION OF DELAY

Respectfully Shewth:

1. That the appellant has filed service appeal under section 4 of the Service Tribunal Act Against the impugned office order on dated 21/04/2016 whereas the appellant was dismissed from the service.
2. That during that time the appellant was in custody behind the bar when the appellant was dismissed from service, therefore the appellant was not provided any opportunity of inquiry proceedings or personal hearing behind the bar nor the appellant was communicated charge sheet and show cause notice behind the bar/ judicial lockup and the same delay was in circumstances not intentionally and the appellant was came to knowledge about his dismissal when the appellant released from custody and appeared for duty.
3. That the appellant had submitted departmental appeal on dated 03/03/2020 to the respondent No 3, which was not decided, hence the present appeal filed stipulated period, but the impugned order is a void order and limitation could not run against void order as per judgments of this Honourable Tribunal as well as the August Supreme Court of Pakistan reported as 1985 SCMR, 1178.
4. That the appellant was kept into illegal custody by the Law Enforcement agencies till 10/02/2020. Thereafter appellant was released by the Law Enforcement agencies from his illegal custody after clearance the allegations levelled against the appellant whereas the appellant resumed his duty and he was informed regarding his dismissed from the services.

It is, therefore, humbly prayed that on acceptance of the condonation application as limitation could not run against void order as per judgments of this Honourable Tribunal as well as the August Supreme Court

Annex A

6

BETTER COPY

OFFICE OF THE AGENCY EDUCATION OFFICER BAJAUR AGENCY AT KHAR

Appointments / Adjustment

Consequent upon the result of interview held on 22/04/2003 and approved by political Agent Bajaur Agency .Muhammad Jan S/O Bakhti Jan of Bajaur Agency is hereby appointed against the vacant post at GPS DandokatGharShamozai BPS No 7 @ Rs 2220-120-5820 and BPS 9 Rs 2410-145-6760(for F.A/F.SC 2nd Division) P.M with usual Allowances as admissible under the rules (ON CONTRACT BASIS) from the date of their taking over charge in the interest of public service , Salimjan TT transferred.

TREMS/CONDITIONS

1. The period of contract will be one year.
2. The appointment of the candidate is being made purely on temporary and is liable to terminated at any time without assigning any reason. In case he wash to resign from their service he will give one month prior notice OR forfeit one month pay in lieu thereof.
3. His pay will not be submitted to the accounts officer concerned before verification of all certificate from the concerned institution Domicile certificate from the political agent concerned.
4. Charge report should be submitted in duplicated to this office.
5. He should produce his health and age Certificate from the Agency surgeon concerned.
6. He should produce his original Certificates before taking charge.
7. He should be handed over charge of the post if he below 18 yeas OR above 35 years of age.
8. If he does not take over charge within 15 days their order will treated as concerned.
9. No TA DA is allowed to the candidates.

(MR RAZI HUSSAIN BANGASH)
AGENCY EDUCATION OFFICER
BAJAUR AGENCY

ENDstNO 6; 6044-49/transfer /dated 15/11/2003

Copy to the

1. Director of Education FATA NWFP, Peshawar
2. Political Agent Bajaur Agency
3. Agency Accounts officer Bajaur Agency
4. AADO(Male/Female)
5. Principle/ Head Master Concerned /official Concerned
6. Accountant of the local officer.

AGENCY EDUCATION OFFICER
BAJAUR AGENCY

**OFFICE OF THE AGENCY EDUCATION OFFICER
BAJAUR AGENCY AT KHAR**

(7)

APPOINTMENTS/ADJUSTMENTS

Consequent upon the result of Interview held on 22/4/2003 and approved by Political Agent Bajaur Agency, Muhammad Jan S/O Bakhti Jan of Bajaur Agency is hereby appointed against the vacant TT post at GPS Dandokai Ghar Shamoza BPS No 7 (at Rs2220-120-5820 and BPS 9 BPS 2410-145-6760 (for F.A/F.Sc 2nd Division) P.M with usual Allowances as admissible under the rules (**ON CONTRACT BASIS**) from the date of their taking over charge in the interest of public service, Salim Jan TT Transferred.

TERMS/CONDITIONS

1. The period of **contract** will be **One Year..**
2. The appointment of the candidate is being made purely on temporary and is liable to termination at any time without assigning any reason. In case he want to resign from their service he will give one month prior notice OR forfeit one month pay in lieu thereof.
3. His pay will not be submitted to the Accounts officer concerned before verification of all certificates from the concerned Institution/Domicile Certificate from the Political Agent concerned.
4. Charge report should be submitted in duplicate to this office.
5. He should produce his health and age certificate from the Agency surgeon concerned.
6. He should produce his original Certificates before taking over charge.
7. He should not be handed over charge of the post if he below 18 years OR above 35 years of age.
8. If he does not take over charge within 15 days their order will be treated as cancelled.
9. No F.V.A is allowed to the candidate.

(Mr RAZI HUSSAIN BANGASH)
Agency Education Officer
Bajaur Agency

Indst No 6044-99 /Transfer/ Dated 15/11/2003

Copy to the:

1. Director of Education FATA N.W.F.P Peshawar
2. Political Agent Bajaur Agency
3. Agency Accounts Officer Bajaur Agency.
4. NAO (Male) Concerned
5. Principal/Head Master Concerned./Official Concerned.
6. Accountant of the local Office

Agency Education Officer
Bajaur Agency.

Answer B

8

BETTER COPY

OFFICE OF THE AGENCY EDUCATION OFFICER BAJAUR AGENCY AT KHAR

Appointment Order

Consequent upon the approval by the political Agent Bajaur and Departmental Selection Committee, the following Male candidate of Bajaur Agency are hereby appointed against Qari posts purely on temporary basis in BPS 12 plus usual Allowance as admissible under the rules / new policy notified by the Govt of NWFP vide SO(R-VI) E & AD/13-1/2005 dated 10/8/2005 and civil servants amendments act 2005 vide No PA/N.W.F.P/Legis -1,2005 -20440 dated 23/07/2005 with effect from the date of taking charge in the school noted against their names in the interest of public service.

S.No	Name of candidate	Father Name	Name of school where appointed	Remarks
1	Muhammad jan	Bakhti Jan	GHS Ghazi Baba	Against vacant post on 25% open Merit
2	GulRahaman	Haroon khan	GHS MattaQilla	Against vacant post on 75% tehsil wise
3	SamiulHaq	Kifayatullah	GHS Batwar	Against vacant post on 75% tehsil wise
4	IsrarulHaq	Ajmir khan	GHS Kamadara	Against vacant post on 75% tehsil wise

TERMS AND CONDITIONS:

1. The appointment of the candidate is being made purely on temporary and is liable to terminated at any time without assigning any reason.
2. They will not be entitle to get pension/gratuity benefits. However G p Fund & C P Fund will be deducted as per rules.
3. Charge report should be submitted in duplicated to this office.
4. All kinds of documents should be verified from the concerned institutions before the drawl of their Salaries.
5. Health and age Certificate should produce to this office to be obtained from the Agency surgeon concerned.
6. Their ages should be according to Govt policy.
7. If they failed to report of their arrival within 15 days their appointment order will automatically consider as cancelled.

(Haji Gul Rahman)
AGENCY EDUCATION OFFICER
BAJAUR AGENCY

ENDstNO 4855-61/Qari(M) dated 10/08/2009
Copy to the

1. Director of Education FATA NWFP, Peshawar
2. Political Agent Bajaur Agency
3. Agency Accounts officer Bajaur Agency
4. AADO(Male/Female)
5. Principle/ Head Master Concerned /official Concerned
6. Accountant of the local officer.

AGENCY EDUCATION OFFICER
BAJAUR AGENCY



(9)

**OFFICE OF THE AGENCY EDUCATION OFFICER
BAJAUR AGENCY AT KHAR**

APPOINTMENT ORDER:

Consequent upon the approval by the Political Agent Bajaur and Departmental Selection Committee, the following Male candidates of Bajaur Agency are hereby appointed Against Qari Posts purely on temporary basis in BPS-12 plus usual allowances as admissible under the rules/new policy notified by the Govt: of N.W.F.P vide SO (R-VI) E & AD/13-1/2005 dated 10/8/2005 and civil servants amendments act 2005 vide No. PA/N.W.F.P/Legis-1,2005-20440 dated 23/7/2005 with effect from the date of taking over charge in the schools noted against their names in the interest of public service.

S.No	Name of Candidate	Father Name	Name of School where appointed	Remarks
1	Muhammad Jan	Bakhti Jan	GHS Ghazi Baba	Against vacant Post on 25% Open Merit
2	Gul Rahman	Haroon Khan	GHS Matta Qilla	Against vacant Post on 75% Tehsil wise.
3	Samial Haq	Kifayatullah	GHS Batwar	Against vacant Post on 75% Tehsil wise.
4	Israrul Haq	Ajmir Khan	GHS Kamadara	Against vacant Post on 75% Tehsil wise.

TERM AND CONDITIONS:

1. The appointment of the candidates is being made purely on temporary basis & is liable to termination at any time without assigning any reason.
2. They will not be entitled to get pension/gratuity benefits, however GP Fund & CP Fund will be deducted as per rules.
3. Charge report should be submitted to all concerned in duplicate.
4. All kinds of documents should be verified from the concerned institution before the drawl of their salaries.
5. Health and Age certificate should be produced to this office to be obtained from the Agency surgeon concerned.
6. Their age should be according to Govt: Policy.
7. If they failed to report of their arrival with in 15 days, their appointment order will be automatically considered as cancelled.

(Signature)
(Haji Gul Rehman)
Agency Education Officer
Bajaur Agency

Endst: No: 4855-61/Qari (M) Dated 10/08/2009
Copy of the above is forwarded to the:-

1. Director of Education FATA N.W.F.P Peshawar
2. Political Agent Bajaur Agency.
3. Agency Accounts Officer Bajaur Agency
4. Head Master concerned.
5. AAEOs Concerned
6. Official Concerned
7. Accountant of the local Office.

(Signature)
Agency Education Officer
Bajaur Agency

OFFICE OF THE POLITICAL AGENT

IR.

No. 3009 /EC

Dated Khar the 21/04/2016.

OFFICE ORDER.

1. **WHEREAS;** In pursuance of the FATA Secretariat, Admn: Infrastructure & Coordination Department, Peshawar letter No. FS/SO(C-III)/1-16/Edu: & Health/2823-36 dated 02/10/2015 the process of Physical Verification of Govt: employees in Bajaur Agency was carried through the Additional Political Agent, Bajaur Agency:
2. **AND WHEREAS;** The Additional Political Agent, Bajaur vide his office letter No. 253 dated 21/01/2016 reported the following teachers absent from duty and recommended for disciplinary action against them:-
 1. Mr. Muhammad Jan Qari, BPS-12, GHS, Ghazi Baba Tehsil Utmankhel s/o Bakhti Jan r/o Ghazi Baba Tehsil Utamankhel.
 2. Ahmad Jan PST.BPS-12, Govt: Primary School, Walai Arang, Tehsil Utmankhel s/o Bakhti Jan r/o Ghazi Baba Tehsil Utamankhel.
3. **AND WHEREAS;** The undersigned being competent authority issued show cause notices to them vide this office letter No. 1309/EC dated 03/02/2016 and No. 1304/EC dated 03/02/2016 for attendance and showing cause of absence from duties.
4. **AND WHEREAS;** due to no response from both the above absent teachers the undersigned published a notice in their names dated in daily "Aaj" and "Nai Bat" 20/02/2016 and till date both the teachers nor attended their duty nor submitted any explanation.
5. **AND WHEREAS;** reportedly both the teachers remain involved in terrorist activities and wanted to the Law Enforcement Agencies for Anti State activities.

NOW THEREFORE, I Engineer Aamir Khattak the Political Agent, Bajaur Agency being competent Authority hereby pleased to impose major penalty of removal from service upon them, under Rules-4 (b) iii of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, and terminate them from service from the date of absence from duty.

POLITICAL AGENT, BAJAUR.

Dated Khar the 21/04/2016.

No. 3010-17 /EC

Copy forwarded to the:-

1. PS to Additional Chief Secretary FATA, FATA Secretariat Warsak Road, Peshawar.
2. PS to Secretary (AI & C) FATA Secretariat, Peshawar.
3. The Director Education FATA FATA Secretariat Warsak Road, Peshawar.
4. The Commandant Bajaur Scouts at Khar.
5. Additional Political Agent, Bajaur for information with reference to above
6. Agency Accounts Officer, Bajaur.
7. The Agency Education Officer, Bajaur.
8. Official concerned.

POLITICAL AGENT, BAJAUR.



OFFICE OF THE

POLITICAL AGENT, BAJAUR.

No. 2281 /EC Dt 24/03/2016.

To.

The Commandant,
Bajaur Scouts at Khar.

Subject: APPLICATION/VERIFICATION OF MUHAMMAD JAN QARI GHS, GHAZI BABA & AHMAD JAN PST, GPS, WALI ARANG TEHSIL UTMANKHEL.

Memo:-

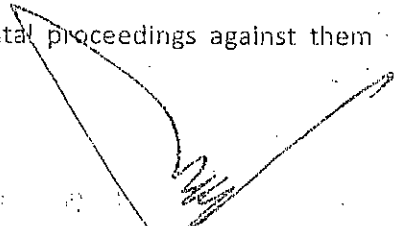
During the process of physical education the following teachers of education department were found absent from their duties. Show cause notices were issued to them through their schools addresses (copies enclose) as well as through Daily newspapers:-

1. Muhammad Jan Qari GHS Ghazi Baba Tehsil Utmankhel.
2. Ahmad Jan PST GPS Walai Arang Tehsil Utmankhel.

Now son/nephew of the above teachers submitted reply of show cause notices and stated that their father/uncle is in the custody of FC (Copies enclose).

You are, therefore, requested let this office know that actually the aforementioned teachers are in the custody of the Security Forces or otherwise. Your reply in the matter is required to complete departmental proceedings against them please.

No. 2282-85 /EC

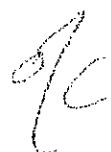

POLITICAL AGENT, BAJAUR.

Dated Khar the 24/03/2016.

Copy forwarded to the:-

1. PS to ACS FATA, Warsak Road, Peshawar.
2. PS to Secretary (AI & C) FATA Secretariat, Peshawar.
3. The Additional Political Agent, Bajaur.
4. The Agency Education Officer, Bajaur.

For information please.


POLITICAL AGENT, BAJAUR.

Ahmed

(12)

30

SECRET

HQ Bajaur Scouts
17th Scouts Corps
Khar
Tel - 0942-220893
No. 57/3/IC/ X X // Cell
31 March 2016

To: The Political Agent
Bajaur Agency, Khar

Subject: Application / Verification of Muhammad Jan Qari GHS, Ghazi Baba & Ahmad Jan PST, GPS, Wali Arang Tehsil Utmankhel

Reference your letter Number. 228/ /EC dated 24 March 2016.

Suspect Ahmed Jan son of Bakhti Jan was apprehended by this HQ on 06 Feb 2015 due to his involvement in terrorist activities. He is held with this HQ and has been declared "Black" by JIT. Moreover Muhammad Jan Qari son of Bakhti Jan is also wanted to this HQ due to his suspicious activities / contact with terrorists.

EC

PACB
31/3/16

POLITICAL AGENT OFFICE BAJAUR
Dairy No: 3177
Dated: 4/4/16
SECRET

Sohail Ahmad
Caption
for Commandant
(Sohail Ahmad)

Amended

13

To,

**The Director,
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar**

**Subject: DEPARTMENTAL APPEAL AGAINST THE ORDER DATED
21/04/2016 PASSED BY THE POLITICAL AGENT, BAJAUR,
WHEREBY THE APPELLANT WAS AWARDED MAJOR
PUNISHMENT OF TERMINATION FROM SERVICE.**

Respected Sir:

1. That the appellant was appointed as a TT Teacher BPS 7 on contract basis in the education department on 15/11/2003 and then the applicant was appointed as a Qari post at GHS Ghazi Baba Arang Bajuar on 10/08/2009 through propel channel and has rendered 13 years service with unblemished service recorded.
2. That on 9/5/2015 the appellant was taken into illegally custody by the Law Enforcement agencies and was shifted to unknown place and illegally confinement.
3. That the appellant was kept in illegal custody by the Law Enforcement agencies till 10/02/2020.
4. That on 10/02/2020 the appellant was released by the Law Enforcement agencies from illegal custody.
5. That after released by the Law Enforcement agencies the appellant reached to the Govt High School, Ghazi Baba Tehsil Utmankhel, to resume his duty he was informed regarding his terminated from service.

- (NW)
6. That on 21/04/2016 the appellant was terminated from services by the then Political Agent, Bajaur Agency know Deputy Commissioner Bajaur during his illegal confinement.
 7. That the appellant. was terminated from service by the political agent Bajaur who was not a competent authority for the purpose, further more the appellant was terminated from service on the ground of absence from duty but no specific period of alleged absence was provided .
 8. That the appellant. has never been involved an any type of anti state activities neither the applicant was any linking / nexus with the anti state organizations nor the political agent Bajaur or Law Enforcement agencies proved any nexus with the appellant to anti state organization
 9. That the termination order of the appellant Dated 21/04/2016 is illegal, unlawful, void –ab- initio and against the judgments of august Supreme Court of Pakistan as well as judgments of the Honourable Khyber Pakhtunkhwa Service Tribunal Peshawar.
 10. That there is no charge sheet statement of allegation has been issued which is mandatory under (Efficiency and Discipline) Rules 2011.
 11. That no fact finding or regular inquiry has been conducted against the appellant hence the whole proceeding are void –initio and the impugned order is liable to be set aside on this ground alone.
 12. That the right of fair trial is granted by Article 10 A of the constitution of Islamic republic of Pakistan 1973 but the same cannot be provided to the appellant. Furthermore there is no evidence against the appellant

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13. That no opportunity of personal hearing was afforded to the appellant, which are also the mandatory requirement of law as well as principle of natural justice. The appellant was condemned unheard and accordingly the impugned order is void, ab-initio, arbitrary and hence not sustainable.

It is, therefore, most humbly requested that the instant departmental appeal may kindly be accepted and the appellant kindly be re-instated in his service with all back benefits. Any others relief which this deem fit if any may also be granted.

Dated: 03/03/2020



Muhammad Jan Qari BPS 12
GHS Ghazi Baba Tehsil Utmankhel
Mobile NO 03171625148

وکالت نامہ

عدالت جناب سروس سربینیل خدیوہ سہ

محمد جان بنام ارجویشن

جناب سال تاریخ

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی بمقام سہ کے لیے ہے۔

حماد حسین ایڈوکیٹ ہائی کورٹ


کو بدیں شرط و کیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختیار خاص رو بروئے عدالت حاضر ہوتا رہوں گا اور ہونگی اور بوقت پکارے جانے مقدمہ و کیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا اگر پیشی پر من مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر من مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختیار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داختہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا اور صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجراء ڈگری و نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کار و پیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپرد ثالثی و راضی نامہ کو فیصلہ برخلاف کرنے، اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم اتناعی یا ترقی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادا ہوگی علیحدہ مختیار نامہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے کسی دوسرے وکیل یا بیرسٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں نیز ایسے مشیر قانون کو ہر امر میں وہی اور ایسے ہی اختیارات حاصل ہوں گے جیسے کہ صاحب موصوف کو حاصل ہیں اور پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا یہ مختیار نامہ لکھ دیا تاکہ سند رہے۔ مورخہ: 16/12/2016 مضمون مختیار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا اور منظور ہے۔

ATTESTED & ACCEPTED

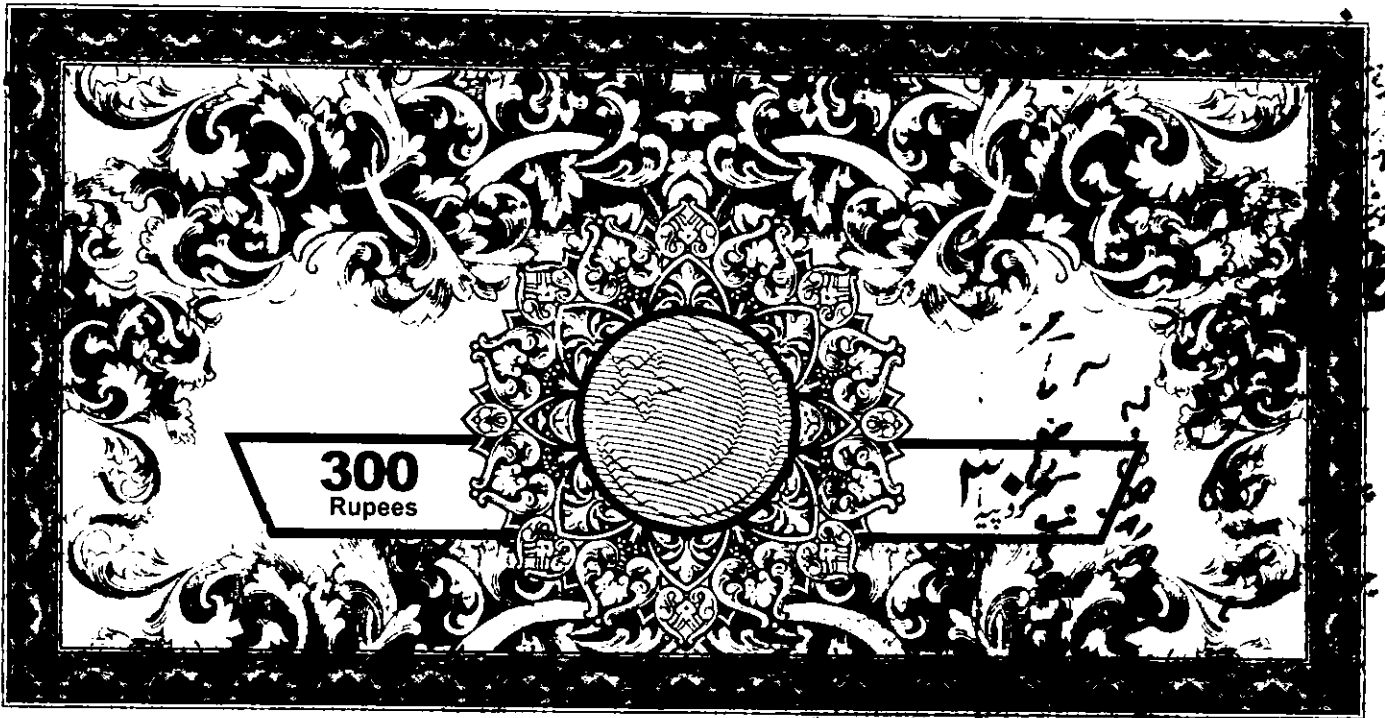


حماد حسین ایڈوکیٹ پشاور ہائی کورٹ پشاور

03120952763



محمد جان



محمد جان صاحب سرورس ٹریڈنگ کمپنی پشاور

محمد جان بنام حکومت صوبہ خیبر پختونخوا محکمہ ایجوکیشن وغیرہ

محمد جان سرورس ٹریڈنگ کمپنی

مختار نامہ خاص

میں قاری محمد جان ولد بختی جان سکند غازی بابا آرنگ تحصیل اتمان ضلع باجوڑ درین وقت بقائے ہوش و حواس اقرار کر کے لکھ دیتا ہوں کہ میں مقدمہ بالا میں عدالت حضور میں، بوجہ عدم الفرمیت اصالتاً پیش ہونے سے قاصر ہوں لہذا میں اپنی طرف سے مسکنی احمد جان ولد بختی جان سکند غازی بابا آرنگ تحصیل اتمان ضلع باجوڑ کو اپنا مختار خاص مقرر کر کے ذیل اختیارات سونپتا ہوں کہ وہ وکیل مقرر کرے، اپیل داخل کرے، تصدیق و دستخط کرے، گواہان طلب کرے، دستاویزات پیش کرے یا واپس لے، صلح نامہ اراضی نامہ ادستبرداری کرے، اجراء ڈگری کرے وغیرہ وغیرہ نظر ثانی انگریزی اپیل آرٹ پیٹیشن دائر کرے، کارروائی اجراء کرے۔ الغرض وہ جملہ اختیارات جو مجھے مقدمہ ہذا میں حاصل ہیں وہ سب کے سب مختار خاص کو تفویض کرتا ہوں کہ وہ عدالت حضور سے لیکر عدالت عظمیٰ تک مقدمہ ہذا میں پیروی کرے۔ جملہ ساختہ بردختہ مختار موصوف کے سل کردہ ذات خاص خود کے مجھے قبول و منظور ہوگا۔ پس

مختار نامہ خاص ہذا رو بروئے گواہان سنداً تحریر ہے۔ المرقوم:۔ 12/7/2021

محمد اسرار ولد بختی جان

گواہ شد

محمد اسرار ولد بختی جان

21107-0274311-3

جمال الدین

گواہ شد

جمال الدین ولد بختی جان

21107-1305552-7

احمد جالہ

گواہ شد

احمد جالہ (مختار خاص)

15304-1999485-5

محمد جان

گواہ شد

محمد جان

21107-2632638-7

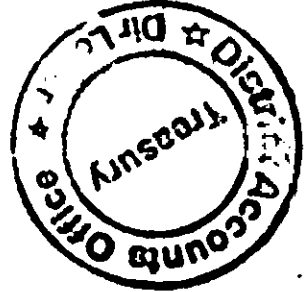


Reg No. 3379 / 12-7-2021

کے لئے مختار نامہ لکھی جانے والی ہے

15204-1999485-5

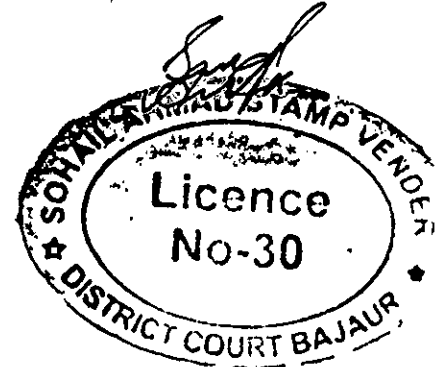
برائے مختار نامہ لکھی جانے والی ہے



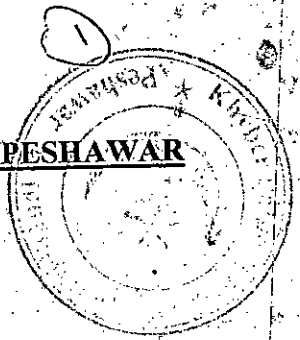
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR



Service Appeal No. 949 /2019

Ahmad Jan PST BPS 12; Govt Primary School, Walai Arang Tehsil Utmankhel S/O Bakhti Jan R/o Ghazi Baba Tehsil Utmankhel. -----Appellant

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1017

Dated 19/7/19

VERSUS

order sheet
26/11/19

1. ~~The Secretary law & order Merged Area Warsak Road Peshawar~~

2. The Director Elementary and Secondary Education kpk Peshawar.

3. The Deputy Commissioner/ the then (Political Agent) Tribal District Bajour at Khar.

4. ~~The Agencies Education Officer Bajour at Khar~~ ----- Respondents/

order sheet
24/11/19

4. District Education Officer Bajour at Khar

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 21/04/2016 WHEREBY THE APPELLANT WAS REMOVED/TERMINATED FROM SERVICE,

Filed to
Registrar
19/7/19

PRAYER:

ON ACCEPTANCE OF THE INSTANT APPEAL, THE IMPUGNED office ORDER DATED 21/04/2016 MAY GRACIOUSLY BE SET ASIDE AND APPELLANT BE REINSTATE IN SERVICE WITH ALL BACK BENEFITS.

ANY OTHER ADQUATE REMEDY WHICH IS NOT SPECIFICALLY ASKED FOR TO WHICH THE APPELLANT IS DEMEED FIT MAY ALSO BE GRANTED

REPECTFULLY SHEWETH,

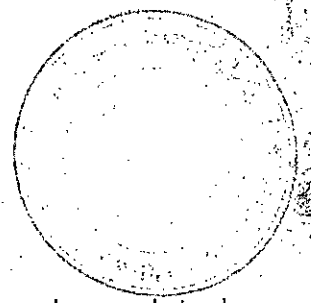
Fact giving rise to the present appeal are as under:-

- 1 That the appellant was appointed as P T C Teacher in Education department on dated 01/09/1999. And during his service the appellant performed his duty with great zeal and punctuality. (copy of appointment is annex "A")
- 2 That on 04/02/2015, the Government Agencies taken the appellant into custody and illegally confinement the appellant and later on the appellant was handed over to the Bajour Scout Authorities where the appellant was kept in illegal custody till

Certificate
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

24.09.2019

Counsel for the appellant present.



Contends that the impugned order dated 21.04.2016 imposing major penalty of removal from service upon the appellant was passed by Political Agent Bajaur who was not a competent authority for the purpose. Further states that the impugned punishment was imposed also on the ground of absence from duty, however, no specific period of alleged absence was provided. In the instant case, the appellant was in unlawful confinement of the security agency from 04.02.2015 and his release was effected on 07.03.2019 in pursuance to judgment/order of Honourable Peshawar High Court in Writ Petition No. 22-M/2019 passed on 27.02.2019. Absence attributable to the appellant was, therefore, beyond his control and was not willful, it was added.

In view of the arguments of learned counsel and available record, instant appeal is admitted for regular hearing. *The appellant is required to deposit security & process fee within 10 days.* Thereafter, notices be issued to the respondents.

To come up for written reply/comments on 26.11.2019 before S.B.

Appellant's deposited Security & Process Fee

24/9/19

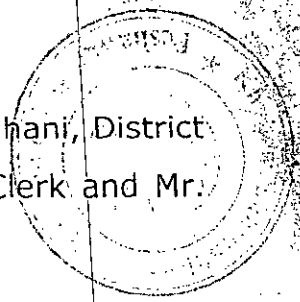
Certified to be true copy

KH. I. Khan
Service Tribunal,
Peshawar

SD/A
Chairman

26.11.2019

Appellant with counsel and Mr. Usman Ghani, District Attorney alongwith Mr. Nasir Rehman, Junior Clerk and Mr. Iltaf Ahmad, Assistant for respondents present.



The appellant has submitted an application for substitution of Secretary to Government of Khyber Pakhtunkhwa E&SE, Department and District Education Officer, Bajaur at Khar as respondent No.1 and 4 respectively, in place of Secretary to Government of Khyber Pakhtunkhwa Law and Order merged area and the Agency Education Officer, Bajaur. The application is allowed. The office is required to make the necessary changes in the calendar of respondents and issue them notices for submission of reply/comments.

Adjourned to 08.01.2020 before S.B.

S.B.
Chairman

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation	28-11-19
Number of Pages	14/200
Copying Fee	4/- 00
Original	18/- 00
Total	
Name of	
Date of	28-11-19
Date of	28-11-19

**THE ¹[KHYBER PAKHTUNKHWA]
EMPLOYEES (REGULARIZATION OF SERVICES) ACT, 2009.
(²[KHYBER PAKHTUNKHWA] ACT NO. XVI OF 2009)**

CONTENTS

PREAMBLE

SECTIONS

1. Short title and commencement.
2. Definitions.
3. Regularization of services of certain employees.
4. Determination of seniority.
- 4A. Overriding effect.
5. Repeal.

¹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

²Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

**THE ¹[KHYBER PAKHTUNKHWA]
EMPLOYEES (REGULARIZATION OF SERVICES) ACT, 2009.
(²[KHYBER PAKHTUNKHWA] ACT NO. XVI OF 2009)**

[First published after having received the assent of the Governor of the ³[Khyber Pakhtunkhwa] in the Gazette of ⁴[Khyber Pakhtunkhwa] (Extraordinary), dated the 24th October, 2009]

**AN
ACT**

to provide for the regularization of the services of certain employees appointed on adhoc or contract basis.

WHEREAS it is expedient to provide for the regularization of the services of certain employees appointed on adhoc or contract basis, in the public interest, for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement.---(1) This Act may be called the ⁵[Khyber Pakhtunkhwa] Employees (Regularization of Services) Act, 2009.

(2) It shall come into force at once.

2. Definitions.---(1) In this Act, unless the context otherwise requires, -

- (a) "Commission" means the ⁶[Khyber Pakhtunkhwa] Public Service Commission;
- (aa) "contract appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment;
- (b) "employee" means an adhoc or a contract employee appointed by Government on adhoc or contract basis or second shift/night shift but does not include the employees for project post or appointed on work charge basis or who are paid out of contingencies;

¹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

²Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

³Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁴Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁵Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁶Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

- (c) "Government" means the Government of the ¹[Khyber Pakhtunkhwa];
- (d) "Government Department" means any department constituted under rule 3 of the ²[Khyber Pakhtunkhwa] Government Rules of Business, 1985, and does not include any section of a Department or an organization which is federally funded;
- (e) "law or rule" means the law or rule for the time being in force governing the selection and appointment of civil servants; and
- (f) "post" means a post under Government or in connection with the affairs of Government to be filled in on the recommendation of the Commission.

(2) The expressions "ad hoc or contract appointment" and "civil servant" shall have the same meanings as respectively assigned to them in the ³[Khyber Pakhtunkhwa] Civil Servants Act, 1973 (⁴[Khyber Pakhtunkhwa] Act No. XVIII of 1973).

3. Regularization of services of certain employees.---All employees including recommendees of the High Court appointed on contract or ad hoc basis and holding that post on 31st December, 2008 or till the commencement of this Act shall be deemed to have been validly appointed on regular basis having the same qualification and experience for a regular post:

Provided that the service promotion quota of all service cadres shall not be affected.

4. Determination of seniority.---(1) The employees whose services are regularized under this Act or in the process of attaining service at the commencement of this Act shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.

(2) The seniority interse of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre:

¹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

²Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

³Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

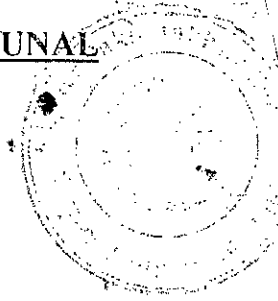
⁴Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

Provided that if the date of continuous officiation in the case of two or more employees is the same, the employee older in age shall rank senior to the younger one.

4A. **Overriding effect.**---Notwithstanding any thing to the contrary contained in any other law or rule for the time being in force, the provisions of this Act shall have an overriding effect and the provisions of any such law or rule to the extent of inconsistency to this Act shall cease to have effect.

5. **Repeal.**---The North-West Frontier Province Employees (Regularization of Services) Ordinance, 2009 (N.-W.F.P. Ordinance No. VII of 2009) is hereby repealed.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR



Service Appeal No. 331 /2020

Ahmad Bilour Ex Constable No 2186 District Police Office Mardam
..... APPELLANT

VERSUS

1. The Provincial Police Officer KPK Peshawar.
2. The Regional Police Officer Mardan Region.
3. The District Police Officer Mardan.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 346

Dated 13-01-2020

----- RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
ACT, 1974 AGAINST THE IMPUGNED ORDER DATED
5/6/2017 WHEREBY THE APPELLANT WAS
DISMISSED FROM HIS SERVICE,

PRAYER:

ON ACCEPTANCE OF THE INSTANT APPEAL, THE
IMPUGNED OFFICE ORDER DATED 05/06/2017 MAY
GRACIOUSLY BE SET ASIDE AND APPELLANT MAY
ALSO BE REINSTATED IN SERVICE WITH ALL BACK
BENEFITS.

Filed to-day
Registrar
13/01/2020

ANY OTHER ADQUATE REMEDY WHICH IS NOT
PRAYED BY THE APPELLANT IN FACTS / GOURNDS
DEMEED FIT MAY ALSO BE GRANTED

RECPECTFULLY SHEWETH,

FACTS:-

1. That appellatant was appointed as Constable in police department on dated 24/12/2016. And his service the appellatant performed his duty with great zeal and punctuality.

ATTESTED

Registrar
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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

Service Appeal No. 331/2020

Date of Institution ... 13.01.2020

Date of Decision ... 06.12.2021



Ahmad Bilour, Ex-Constable No. 2186 District Police Office Mardan.

... (Appellant)

VERSUS

The Provincial Police Officer Khyber Pakhtunkhwa Peshawar and two others.

... (Respondents)

Mr. HAMAD HUSSAIN,
Advocate

--- For appellant.

MR. ASIF MASOOD ALI SHAH,
Deputy District Attorney

--- For respondents.

MR. AHMAD SULTAN TAREEN
MR. SALAH-UD-DIN

--- CHAIRMAN
--- MEMBER (JUDICIAL)

JUDGMENT:

SALAH-UD-DIN, MEMBER:

Precise facts forming the background of the instant service appeal are that the appellant while serving as Constable, was proceeded against departmentally on the allegations of his absence from duty with effect from 03.03.2017 and on conclusion of the inquiry, he was dismissed from service vide impugned order dated 05.06.2017. The appellant preferred departmental appeal against the same, which was filed by Regional Police Officer Mardan vide order dated 02.05.2019. The appellant then preferred

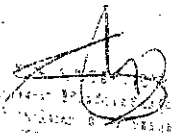
APPEALED

appeal/revision to the Inspector General of Police Khyber Pakhtunkhwa, however the same was not responded, hence the present service appeal.

2. Notices were issued to the respondents, who submitted their comments, wherein they denied the assertions made by the appellant in his appeal.

3. Learned counsel for the appellant has contended that the absence of the appellant was not willful, rather he was arrested by the Law Enforcement Agencies on 28.02.2017 and was ultimately released on 07.03.2019 upon the order dated 27.02.2019 passed by august Peshawar High Court, Mingora Bench (Dar-ul-Qaza) Swat in Writ Petition filed by the appellant; that whole of the proceedings were conducted at the back of the appellant and no opportunity of self defence was provided to the appellant; that the appellant was in custody of Law Enforcement Agencies and several applications were submitted to the Police Authorities for release of the appellant, however instead of making of any effort for release of the appellant, he was proceeded against departmentally and dismissed from service despite the fact that the competent Authority was well in the knowledge of the fact that the appellant was in custody of Law Enforcement Agencies; that the impugned order is void ab-initio and is not hit by law of limitation, however an application for condonation of delay has been filed as an abundant caution; that the impugned order being wrong and illegal is liable to be set-aside and the appellant is entitled to be reinstated in service with all back benefits. Reliance was placed on 1985 SCLR 1178 as well as judgment dated 05.07.2021 passed by this Tribunal in Service Appeal No. 949/2019.

4. On the other hand, learned Deputy District Attorney for the respondents has contended that the appellant had willfully remained absent from duty, therefore, he was proceeded against departmentally and was rightly dismissed from service; that all legal and codal formalities were complied with

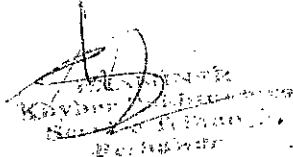

 Deputy District Attorney
 Peshawar

in the inquiry proceedings; that the departmental as well as service appeal of the appellant are time barred, therefore, the appeal in hand is liable to be dismissed with cost.

5. We have heard the arguments of learned counsel for the appellant as well as learned Deputy District Attorney for the respondents and have perused the record.

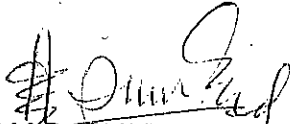
6. A perusal of the record would show that disciplinary action was taken against the appellant on account of his absence from duty with effect from 03.03.2017. The appellant has alleged that while travelling to his home from PTC Hangu on 28.02.2017, he was taken into custody by the Government Agencies and was then handed over to the Authorities of Bajur Scouts on 01.03.2017; that the appellant then preferred Writ Petition in the august Peshawar High Court, Mingora Bench (Dar-ul-Qaza) Swat, which was allowed vide judgment dated 27.02.2019 and the appellant was thus released from illegal custody. The contention so raised by the appellant is supported by copy of judgment dated 27.02.2019 passed by august Peshawar High Court, Mingora Bench (Dar-ul-Qaza) Swat as well as copies of other documents annexed with the appeal. It is also apparent from the record that the appellant's brother namely Rahim Dad Khan had filed applications to the ASP Takht Bhai District Mardan for release of the appellant from the custody of Government Agencies. All this would indicate that the appellant was in custody of Government Agencies, however the competent Authority initiated disciplinary action against him on the allegations that he remained absent from training without any leave/permission of the competent Authority. In the given circumstances, the absence of the appellant from duty cannot be considered as willful. The proceedings so taken by the competent Authority against the appellant are void ab-initio and the impugned order of dismissal of the appellant is nullity in the eye of law.


7. Consequently, the appeal in hand is allowed by setting-aside the impugned order and the appellant is

ATTESTED

 District Attorney


reinstated in service with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
06.12.2021


(AHMAD SULTAN TAREEN)
CHAIRMAN


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

Certified to be true copy


ZAHID
Key Officer
Service Tribunal
Peshawar

Date of Presentation of Petition 21/12/21
Number of Petition 2000
Copies 422/0
Urgent ad
Total ad
Date of Delivery of Copy 21/12/21
Date of Delivery of Copy 21/12/21

**OFFICE OF THE AGENCY EDUCATION OFFICER
BAJAUR AGENCY AT KILAR**

APPOINTMENTS


Consequent upon the result of Interview held on 19/4/2003 and approved by Political Agent Bajaur Agency, the following PTC (Male Trained) candidates of (Nawagai Sub Division) Bajaur Agency are hereby appointed against the vacant/newly created PTC posts in the schools noted below in BES No 7 @ Rs 2220-120-5820 and BF 9 Rs 2410-145-6760 (for those who are F.A/F.Sc (2nd Division) P.M with usual Allowances as admissible under the rules (ON CONTRACT BASIS) from the date of their taking over charge in the interest of public service.

<u>S.No</u>	<u>Name of Candidate with parentage</u>	<u>Name of School where appointed</u>	<u>Remarks</u>
1	Rizwanullah S/O Abdul Wahid	GPS Mujahideen	Vice Noor Wali PTC Transferred
2	Niaz Muhammad S/O Abdur Rauf	GPS Kohai Sar Barang	Vice Noor Hussain PTC Transferred
3	Lal Zada S/O Mashi Khan	GPS Balol Kili Chamarkand	Vice Hayatullah PTC Transferred
4	Hassan Khan S/O Muhammad Hazrat	GPS Miz Dara Chamarkand	vice Shah Rehman PTC Transferred
5	Abdul Qadus S/O Shamsur Rehman	GPS Hilal Khel No 2	Vice Muslim Khan PTC Transferred
6	Amanullah S/O Akbar Jan	GPS Khair Abad Nawagai	Vice Zamrud Khan PTC Transferred
7	Said Arab Khan S/O Ajmal Khan	GPS Mattak Charamang	Vice Khairullah PTC Transferred
8	Kifayatullah S/O Nazar Khan	GMPS Sharif Khana	Vice Bakht Zamin PTC Transferred
9	Fazli Rabi S/O Hazrat Badshah	GPS Sida Shah (Charamang)	Against Newly Created Post
10	Burhanudin S/O Kawoos Khan	GPS Matak Charamang	Vice Aqil Khan PTC Transferred
11	Noor Hakim S/O Khan Zarin	GPS Targhaw Ghar Shamoza	Vice Abdul Majeed PTC Transferred
12	✓ Taj Muhammad S/O Namus Khan	GPS GPS Nimakai Pinda Khel Targhaw	Against Newly Created Post
13	Fazli Rabi S/O Badshah Zada	GPS Solai Barang	Against Newly Created Post
14	Muhammad Shir S/O Kawoos	GPS Solai Barang	Against Newly Created Post
15	✓ Amanullah S/O Aurang Zeb	GPS Kohai Sar Barang	Vice Abdul Hamid PTC Transferred
16	Said Muhammad S/O Gul Muhammad	GPS Khan Solai Barang	Against Newly Created Post
17	Jehan Zeb Khan S/O Hazrat Nabi	GPS Saida Shah Charamang	Against Newly Created Post
18	Muhammad Zubair S/O Talhara	GPS GPS Sarkari Qilla	Vice Dawood Shah PTC Transferred
19	Mian Muhammad S/O Ghulam Muhammad	GPS Lar Kandu Ghar Shamoza	Against Newly Created Post
20	Muhammad Duyan S/O Biland	GPS Nimakai Pinda Khel Targhaw	Against Newly Created Post

21	Nawab Zada S/O Noor Rehman	GPS Hilal Khel No 2	Vice Gul Faraz PTC Transferred
22	Fazli Rahim S/O Badshah Mir Khan	GPS Dand Barang	Vice Fazli Hakim PTC Transferred
23	Muhammad S/O Muhammad Rahim	GPS Dand Barang	Vice Nisar Muhammad PTC Transferred
24	Abdul Wahid S/O Said Amin	GPS Bagh Ghar Shamoza	Vice Ismail PTC transferred

TERMS/CONDITIONS

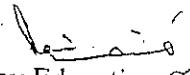
- 1 The period of contract will be One Year
- 2 The appointments of the candidates are being made purely on temporary and are liable to termination at any time without assigning any reason. In case they wish to resign from their service they will give one month prior notice OR forfeit one month pay in lieu thereof.
- 3 Their pay will not be submitted to the Accounts officer concerned before verification of all certificates from the concerned Institution/Domicile Certificate from the Political Agent concerned.
- 4 Charge report should be submitted in duplicate to this office.
- 5 The fresh candidates should produce their health and age certificate from the Agency surgeon concerned.
- 6 They should produce their original Certificates before taking over charge
- 7 They should not handed over charge of the post if they below 18 years OR above 35 years of age.
- 8 If they do not take over charge within 15 days their order will be treated as cancelled.
- 9 No TA DA is allowed to the candidates.


(Mr RAZI HUSSAIN BANGUISH)
Agency Education Officer
Bajaur Agency

Endst: No 4186-81 /Transfer/ Dated 30 /8/2003

Copy to the:

- 1 Director of Education FATA N.W.F.P Peshawar
- 2 Political Agent Bajaur Agency.
- 3 Agency Accounts Officer Bajaur Agency.
- 4 AAEO (Male) Concerned
- 5 Principal/Head Master Concerned./Official Concerned.
- 6 Accountant of the local Office


Agency Education Officer
Bajaur Agency.

28

LIST OF CONNECTED APPEALS



<u>S.No.</u>	<u>Appeal No.</u>	<u>Name of appellant</u>
1.	676/2010	Ahmad Rashid
2.	763/2010	Hazrat Rehman
3.	764/2010	Rahim Said
4.	811/2010	Esa Khan
5.	813/2010	Fatah-ul-Islam
6.	825/2010	Muhammad Nisar
7.	957/2010	Muhammad Alam
8.	958/2010	Maulana Muhammad Rehman
9.	959/2010	Habibullah
10.	961/2010	Ahmad Zeb
11.	963/2010	Qari Riaz Ahmad
12.	984/2010	Asfandyar
13.	986/2010	Hassan Zada
14.	987/2010	Muhammad Iqbal
15.	989/2010	Inam-ur-Rehman
16.	990/2010	Muhammad Jamal
17.	991/2010	Gul Farin
18.	992/2010	Muhammad Siraj
19.	993/2010	Muhammad Salah
20.	1009/2010	Saeedullah
21.	1074/2010	Afareen
22.	1075/2010	Saranzeb
23.	1096/2010	Ansar Ali
24.	1097/2010	Mujeeb-ur-Rehman
25.	1098/2010	Said Johar
26.	1099/2010	Shahab-ul-Islam
27.	1100/2010	Fazali Rehman
28.	1101/2010	Noor-ul-Amin
29.	1102/2010	Bashir Ahmad
30.	1103/2010	Gohar Rehman
31.	1104/2010	Nasrullah Jan
32.	1105/2010	Anwar-ul-Haq
33.	1106/2010	Siddiqullah
34.	1108/2010	Naeem Ahmad
35.	1141/2010	Ashraf Ali
36.	1271/2010	Anwar Zareen
37.	1297/2010	Muhammad Jamil
38.	1298/2010	Amanullah
39.	1299/2010	Badshah Gul
40.	1300/2010	Saranga Gul
41.	1301/2010	Abdul Fateh
42.	1302/2010	Gul Saeed
43.	1303/2010	Hazrat Sadiq
44.	1304/2010	Muhammad Khan
45.	1305/2010	Kifayatullah

HEAD OFFICE
GHS
Bajaur Agency

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

LIST OF CONNECTED APPEALS



<u>Name of appellants</u>	<u>Appeal No.</u>	<u>2/2</u>
Ahmad Rashid	676/2010	1
Hassan Rehman	763/2010	2
Rahim Zaid	764/2010	3
Esa Khan	811/2010	4
Faizul-Islam	813/2010	5
Muhammad Nisar	822/2010	6
Muhammad Alam	827/2010	7
Muhammad Rehan	828/2010	8
Habibullah	829/2010	9
Ahmad Zeb	861/2010	10
Gan Raz Ahmad	863/2010	11
Astindyar	884/2010	12
Hassan Zada	886/2010	13
Muhammad Iqbal	887/2010	14
Inam-u-Rehman	889/2010	15
Muhammad Jamal	890/2010	16
Gul Farid	891/2010	17
Muhammad Zaid	892/2010	18
Muhammad Zaid	893/2010	19
Zaeedullah	1003/2010	20
Ahmed	1074/2010	21
Sarwar	1075/2010	22
Ahmed Ali	1086/2010	23
Muhammad-u-Rehman	1087/2010	24
Sajid Johar	1088/2010	25
Shahid-ul-Islam	1089/2010	26
Saxali Rehman	1100/2010	27
Noor-ul-Amin	1101/2010	28
Bashir Ahmad	1102/2010	29
Gohar Rehman	1103/2010	30
Nasrullah Jan	1104/2010	31
Anwar-ul-Had	1105/2010	32
Zabidullah	1106/2010	33
Nasim Ahmad	1108/2010	34
Ashraf Ali	1141/2010	35
Anwar Saeed	1271/2010	36
Muhammad Jamil	1297/2010	37
Amanullah	1298/2010	38
Bashir Gul	1299/2010	39
Sahar Gul	1300/2010	40
Abdul Fakhir	1301/2010	41
Gul Saeed	1302/2010	42
Hazrat Saqib	1303/2010	43
Gan Raz Khan	1304/2010	44
Habibullah	1305/2010	45

GRS
Bajaur Agency

ATTESTED

D-46.	1306/2010	Muhammad Sattar
47.	1307/2010	Badshah Muhammad
48.	1308/2010	Lal Zada
49.	1309/2010	Lal Zarin
D-50.	1310/2010	Muhammad
51.	1311/2010	Fazli Hakim
52.	1312/2010	Saifoor Khan
53.	1313/2010	Rahim Shah
54.	1384/2010	Mian Sahibzada
55.	1462/2010	Muhammad Hassan
56.	1463/2010	Said Qasim
57.	1464/2010	Jan Zamin
58.	1465/2010	Abdul Ghafoor
59.	1466/2010	Muhammad Ismail
60.	1467/2010	Gul Nazir
61.	1468/2010	Jan Muhammad
62.	1469/2010	Muhammad Wazir
63.	1470/2010	Gul Hassan
64.	1471/2010	Muhammad Samiul Haq
D-65.	1472/2010	Taj Muhammad
66.	1473/2010	Ihsanullah
67.	1474/2010	Shah Zamin
68.	1475/2010	Izatullah
69.	1476/2010	Fazle Qadir
70.	1477/2010	Amanullah
71.	1478/2010	Amanullah

Certified to be true copy
 Headmaster
 Higher Secondary School
 Service Tribunal,
 Peshawar

Date of Presentation of Application 24-3-20
 Headmaster
 Copying Fee
 Urgent
 Total
 Name of Applicant
 HEADMASTER
 GHS Khan
 Bajaur Agency
 24-3-20
 24-3-20

RE INSTATEMENT ORDER

Consequent upon the decision taken by Service Tribunal Khyber Pukhtoon Khawa Peshawar on 16/3/2011 and letter issued by Directorate of Education FATA Peshawar No 113/E-6/Bajaur Agency Dated Peshawar the 25/3/2011, the services of the following Govt. Officials of various Educational Institutions in Bajaur Agency are hereby re-instated from the date of their dismissal i.e 27/3/2010 with consequential/back benefits:


S.No	Name of Teacher	Designation	Name of School
1	Muhammad Jamil	CT	GHS Shago Mamund
2	Safur Khan	PET	GHS Badan
3	Gul Saeed	CT	GHS Malangai
4	Muhammad Sattar	PTC	GPS Damadola
5	Fazal Hakim	PTC	GPS Inam Khawaro
6	Kifayatullah	PTC	GPS Dabar
7	Rahim Shah	PTC	GPS. Tangi No 2
8	Lal Zada	PTC	GPS Duri Mandal
9	Hazrat Sadiq	PTC	GPS Soor Dagi
10	Lal Zarin	PTC	GPS Dara
11	Yar Zamin Khan	PTC	GPS Shahazada Tangai
12	Badshah Muhammad	CT	GHS Nawagai
13	Abdul Fatah	CT	GHS Kotkai Charmang
14	Muhammad	PTC	GPS Chinar Charmang
15	Amanullah	PTC	GPS Dand
16	Stana Gul	PTC	GPS Nawai Kili
17	Badshah Gul	CT	GMS Tang Khata

sd/-
(HAJI GUL RAHMAN)
Agency Education Officer
Bajaur Agency

Endst: No 11463-69 Dated 26/3/2011

Copy to the:

- 1 Director of Education FATA K.P.K Peshawar with reference to his office No as cited above.
- 2 Political Agent Bajaur Agency.
- 3 Agency Accounts Officer Bajaur Agency.
- 4 Principal/Head Master GHS Shago, GHS Badan, GHS Malangai, GHS Kotkai Charmang, GHS Nawagai.
- 5 AAEO concerned
- 6 Official Concerned
- 7 Accountant of the local Office


Agency Education Officer
Bajaur Agency

RE INSTATEMENT ORDER

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13	Abdul Fatah	CT	GHS Kotkai Charmang
14	Muhammad	PTC	GPS Chinar Charmang
15	Amanullah	PTC	GPS Dand
16	Stana Gul	PTC	GPS Nawai Kili
17	Badshah Gul	CT	GMS Tang Khata

(HAJI GUL RAHMAN)

Agency Education Officer
Bajaur Agency

Endst: No 11463-69 Dated: 26/3/2011

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- 5 AAEO concerned
- 6 Official Concerned
- 7 Accountant of the local Office

Agency Education Officer
Bajaur Agency

(Handwritten signature/initials)

6

vide Govt. of finance Deptt. notifi-
 cation NO: 80 FATA 6-1/2001
 Contract policy dt. 16/3/2006.
 duly Endst. by DE FATA Post
 No 866-76/DMC/HS dated
 29/3/2006 - read with Govt.
 of NWFP estab. Admn Deptt.
 NO. 6 (E-8-AD) 1-13/2005 dt
 10/18/2005. The Contract
 policy employ are entitled
 all facility allowed under
 Civil Servant Act 1993
 amended Act 2005 except
 Pension and EPF and vide
 This office memo: No. 1897-
 1901 dt. 14/6/2006

(Handwritten signature)

30-6
2006

Allowed
BPS NO.
9

(Handwritten signature)

(Handwritten signature)

30-6
2006

Revised

(Handwritten signature)

(Handwritten signature)

30/11/06
11
2005

(Handwritten signature)

Agency Education Officer
Bajaur Agency.

(Handwritten signature)

30-6
2006

(Handwritten signature)

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30-6
2006

(Handwritten signature)

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2006

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30-6
2006

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30-6
2006

(Handwritten signature)

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30-6
2006

(Handwritten signature)

Allowed Awarded BPS NO: 9
 Passing FA 2nd Division we 3
 17/11/2003 vide AEO Bajaur
 Endst NO. 1208-10 dt 22/3/06

Amount of pay & allowances
 an amt of Allowed B-9
 amt. 1-12-05 to 30-6-06

Rs. 1865/- paid

5/12/07

(Handwritten signature)

(9)

Period

Government to which debitale

30/11/08

by

[Signature]

Appointed / adjusted against PTC post at GPS, Nais Aray Bijaur Agency vide AEO No

10/8/2009

[Signature]

[Signature]

Endst. No 2659-84 dt 12/4/08

[Signature]

[Signature]

Service verified up to 1-12-2007 to 30-8-2009 from office record.

[Signature]
Master
GHS Ghazi Baba
Bijaur Agency

30/11/2009

A) [Signature]

[Signature]
GHS Ghazi Baba
Bijaur Agency

Appointed / Adjusted against Qari post in BPS 12 (4355-310 13655) at GHS Ghazi Baba vide AEO Bijaur Endst No 4855-611 Qari (CM) dt 10/8/09

✓

[Faint handwritten notes]

[Signature]

Service verified up to 11/8/2009 to 30-11-2009 from the office record

GHS Ghazi Baba
Bijaur Agency

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

APPEAL NO: 5370 OF 2022

Muhammad Jan

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Deptt & others.

(RESPONDENT)
(DEFENDANT)

I/We (Appellant)

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

Dated. 16 / 11 / 2022



CLIENT

ACCEPTED

**NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT**

(BC-10-0853)

(15401-0705985-5)

UMAR FAROOQ MOHMAND


WALEED ADNAN


**MUHAMMAD AYUB
ADVOCATES**

&

OFFICE:

Flat No. (TF) 291*-292 3rd Floor,
Deans Trade Centre, Peshawar Cantt.
(0311-9314232)

Before the Khyber Pakhtunkhwa service Tribunal

service Appeal No. 5370/2020

Muhammed Jan vs Education Deptt.

Application for the Withdrawal of Earlier Application

Dated 10.11.2022.

Respectfully sheweth:

i) That the above titled case is fixed for adjudication today i.e. 23.12.2022.

ii) That earlier the appellant submitted an application on 10.11.2022 for summoning EDO Bajaur alongwith relevant record.

iii) That the application dated 10.11.2022 is no more necessary for deciding the case.

It is therefore, most humbly prayed that on acceptance of this application, the earlier application dated 10.11.2022 may kindly be withdrawn.

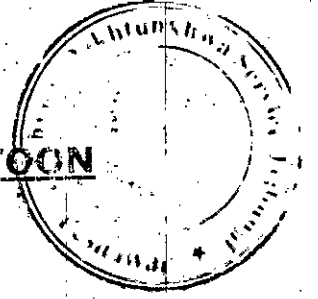
Appellant/Applicant

Muhammed Jan

M Jan

23/12/2022.

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTOON
KHAWA, PESHAWAR



Service Appeal No. 1298 /2010

1190
8/6/10

Amanullah (Ex-PTC)
GPS Dand Bajawar Agency.....Appellant

Versus

1. Government of Khyber Pukhtoon Khawa through Secretary Elementary & Secondary Education, Peshawar.
2. Director FATA Elementary & Secondary Education, Peshawar.
3. Agency Education Officer, Bajawar Agency.
4. Political Agent Bajawar Agency at Civil Colony Khar.

.....Respondents

Appeal u/s 4 of the NWFP Service Tribunal Act, 1974 against the order dated 27.03.2010, whereby the order of dismissal from service has been passed against the appellant.

Filed to-day

[Signature]
Registrar

8/6/10

Prayer:

On acceptance of this appeal the order dated 27.03.2010 passed by Respondent No. 3 may please be set-aside and the appellant be re-instated back to his service with all back benefits.

Filed to-day

[Signature]
Registrar

14/7/10

[Signature]
Certified to be true copy
Service Tribunal



16.3.2011

Counsel for the appellant (Mr.Nawab Ali, Advocate), Mr.Mashal Khan, L.O & Mr.Gul Rehman, AEO with AAG for respondents present. Arguments heard and record perused.

Vide detailed judgment/order of today, placed on connected appeal No. 1803/2010 titled 'Bakht Zamin-vs-Secretary(E&SE) Department Peshawar etc.', on the acceptance of the appeal, the impugned order is set aside and the appellant is reinstated in service with consequential/back benefits. However, if deemed appropriate in view of facts and circumstances of the case, the department may initiate denovo departmental proceedings, but strictly in accordance with law by also providing opportunity of defence and hearing to the appellant; and in that case the payment of consequential/back benefits would be subject to the out-come of departmental proceedings/inquiry. There shall, however, be no order as to costs.

ANNOUNCED

16.03.2011

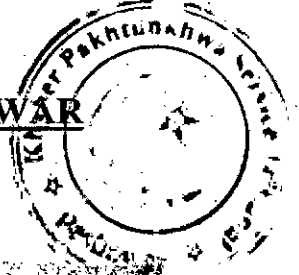
MEMBER

CHAIRMAN

Certified to be true copy

MANAGER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application	15/7/22
Number of Volumes	800
Copying Fee	4/-
Urgent	
Total	4/-
Name of Copyist	
Date of Completion of Copy	15/7/22
Date of Delivery of Copy	15/7/22

BEFORE THE NWFP SERVICE TRIBUNAL PESHAWAR

Appeal No. 803 /2010

850
21/4/10

Bakht. Zamin S/O. Zarif Khan, Village Baghrajai, P.O. Totakan,
District Malakand.

(Appellant)

VERSUS

1. Govt of NWFP through Secretary Elementary & Secondary Education department NWFP Peshawar.
2. Director Elementary & Secondary Education NWFP Peshawar.
3. Secretary Home and Tribal Affairs, NWFP Peshawar.
4. District Magistrate / Commandant Malakand Levies, Malakand.
5. Executive District Officer (Elementary & Secondary Education), Malakand.

(Respondents)

Appeal under Section 4 of the NWFP Service Tribunal Act, 1974 read with section 10 of the NWFP Removal from Service (Special Powers) Ordinance, 2000 against the Office order No. 733-40/LC dated 25.01.2010 whereby the appellant was awarded the major penalty of Removal From Service with immediate effect, against which the departmental appeal dated 06.02.2010 was not replied within 60 days.

Prayer in Appeal: -

On acceptance of this appeal the impugned order may please be set-aside and the appellant may please be reinstated in service with full back wages and benefits of service.

Respectfully Submitted:

1. That the appellant was appointed as CT Teacher BPS-9 on 06.05.1992, he was later on allowed BPS-15 on the basis of his higher qualification.

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

APPEAL NO. 803/2010

Date of institution ... 21.4.2010
Date of decision ... 16.3.2011



Bakht Zamin S/O Zarif Khan, Village Baghrajai, P.O. Totakan,
District Malakand. (Appellant)

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department, Peshawar.
 2. Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
 3. Secretary Home and Tribal Affairs, Khyber Pakhtunkhwa, Peshawar.
 4. District Magistrate/Commandant Malakand Levies, Malakand.
 5. Executive District Officer (Elementary & Secondary Education), Malakand.
- (Respondents)

APPEAL UNDER SECTION 4 OF THE NWFP SERVICE TRIBUNALS ACT, 1974 READ WITH SECTION 10 OF THE NWFP(KHYBER PAKHTUNKHWA) REMOVAL FROM SERVICE (SPECIAL POWERS) ORDINANCE, 2000 AGAINST THE OFFICE ORDER NO. 733-40/LC DATED 25.01.2010 WHEREBY THE APPELLANT WAS AWARDED THE MAJOR PENALTY OF REMOVAL FROM SERVICE WITH IMMEDIATE EFFECT, AGAINST WHICH THE DEPARTMENTAL APPEAL DATED 06.02.2010 WAS NOT REPLIED WITHIN 60 DAYS.

Mr. Ijaz Anwar, Advocate.
Mr. Sher Afgan Khattak, AAG

For appellant
For respondents

Mr. Qalandar Ali Khan
Syed Manzoor Ali Shah,

Chairman
Member

RECEIVED
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

JUDGMENT

QALANDAR ALI KHAN, CHAIRMAN:- This single judgment/

order in the appeal in hand will also dispose of 71 similar nature appeals mentioned in the list appended to the judgment/order, as common questions of law and facts are involved, requiring simultaneous disposal.

2. The appellant in the instant appeal and appellants in the connected appeals, listed separately, were Government servants and had rendered services for varying periods, mostly in the Education Department, before their services were dispensed with/terminated on the sole ground of their alleged involvement in the anti-state/subversive activities. They have assailed, through separate appeals, their removal/dismissal from service on the ground that though there was no evidence of their involvement in the alleged activities, they were subjected to the stern major penalty on mere allegations without adopting procedure prescribed by law, including service of charge sheet and statement of allegations or show cause notice and conducting proper inquiry

against them, and thereby providing them the opportunity of defence and hearing. They further alleged that their departmental appeals were also dealt with in an unjust manner either by not responding to them or by summarily disposing of the same by the Appellate Authority in violation of law.

3. In their written reply/comments, the respondents defended the impugned action against the appellants on the ground of their involvement in anti-state activities on the basis of information received by the department from relevant quarters. The respondents further contended that in view of the nature of the case, there was no need of inquiry or further proceedings, for which the authorities had ample powers to dispense with the requisite procedure.

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

5. It is not disputed, even by the respondents, that the appellants were Government servants and had rendered service for considerable period, and that their services were dispensed with/terminated abruptly on the sole charge of their involvement in anti-state/subversive activities on the basis of information emanating in almost all the cases from the Home Department, without any supporting document. It is also not disputed that the impugned action was taken under the NWFP (Khyber Pakhtunkhwa) Removal from Service (Special Powers) Ordinance, 2000 (hereinafter referred to as the Ordinance, 2000), but without complying with even mandatory provisions of the law, and without furnishing any reason, let alone justifiable reasons, to dispense with the service of show cause notice under section-3(2)(b)(ii) of the Ordinance 2000, and also not complying with the mandatory provision of inquiry in accordance with the provisions of section 5(4) of the Ordinance 2000. There is nothing on record to show that any evidence was available with the authority to dispense with the requisite inquiry proceedings. At least, the appellants should have been served with a show cause and provided with opportunity of defence and hearing against the proposed action before passing the impugned order against them. As such, the appellants have not been dealt with in accordance with law in violation of Article 4 of the Constitution of Pakistan, 1973. Likewise, the departmental appeals of the appellants have either not been responded to within the statutory period or rejected / filed summarily in violation of section 24-A(2) of the General Clauses Act, 1897.

6. It is, indeed, shocking to note that in some of the cases the appellants were cleared and given clean chit by the concerned agencies as well as by their departments after their arrest and interrogation not only once but a number of

BY AMIR
 Service Tribunal

times in several cases; but even then they were subjected to the harsh penalty of dismissal / removal from service on the basis of an unsubstantiated information by the Home Department; in most of the cases, through a single and joint order, in an indifferent and callous manner, without caring for the families of the appellants who were being deprived of their livelihood for no fault on their part, or for that matter, apparently, on the part of their bread earners.

7. There is also an element of discrimination as a number of similarly placed Government servants have been reinstated in service by their departments while taking into consideration the law and order situation prevailing in Malakand Region, particularly Swat, which made it next to impossible for the Government Servants to perform their duties. Besides; this Tribunal has also accepted appeals of Government servants who had confronted similar situation and were deprived of their service in the same circumstances. Needless to say that if the department was or is in possession of any evidence implicating the appellants in offences against State, there was and there is nothing to preclude them from making that a basis for proceedings against the appellants, but in accordance with law; as, to be dealt with in accordance with law is the inalienable constitutional right of every citizen, wherever he may be, and the Government servants, as such, are no exception.

8. As a sequel to the foregoing discussion, on the acceptance of the appeals, the impugned orders are set aside and the appellants are reinstated in service with consequential/back benefits. However, if deemed appropriate in view of facts and circumstances of the case, the department may initiate denovo departmental proceedings, but strictly in accordance with law by also providing opportunity of defence and hearing to the appellants; and in that case, the payment of consequential/back benefits would be subject to the outcome of departmental proceedings/inquiry. There shall, however, be no order as to costs.

ANNOUNCED

16.03.2011 (SYED MANZOOR ALI SHAH)

MEMBER

(QALANDAR ALI KHAN)

CHAIRMAN

MEMBER
Syed Manzoor Ali Shah
Service Tribunal
Peshawar

28

LIST OF CONNECTED APPEALS



S.No.	Appeal No.	Name of appellant
1.	676/2010	Ahmad Rashid
2.	763/2010	Hazrat Rehman
3.	764/2010	Rahim Said
4.	811/2010	Esa Khan
5.	813/2010	Fatah-ul-Islam
6.	825/2010	Muhammad Nisar
7.	957/2010	Muhammad Alam
8.	958/2010	Maulana Muhammad Rehman
9.	959/2010	Habibullah
10.	961/2010	Ahmad Zeb
11.	963/2010	Qari Riaz Ahmad
12.	984/2010	Asfandyar
13.	986/2010	Hassan Zada
14.	987/2010	Muhammad Iqbal
15.	989/2010	Inam-ur-Rehman
16.	990/2010	Muhammad Jamal
17.	991/2010	Gul Farin
18.	992/2010	Muhammad Siraj
19.	993/2010	Muhammad Salah
20.	1009/2010	Saeedullah
21.	1074/2010	Afareen
22.	1075/2010	Saranzeb
23.	1096/2010	Ansar Ali
24.	1097/2010	Mujeeb-ur-Rehman
25.	1098/2010	Said Johar
26.	1099/2010	Shahab-ul-Islam
27.	1100/2010	Fazali Rehman
28.	1101/2010	Noor-ul-Amin
29.	1102/2010	Bashir Ahmad
30.	1103/2010	Gohar Rehman
31.	1104/2010	Nasrullah Jan
32.	1105/2010	Anwar-ul-Haq
33.	1106/2010	Siddiqullah
34.	1108/2010	Naeem Ahmad
35.	1141/2010	Ashraf Ali
36.	1271/2010	Anwar Zareen
37.	1297/2010	Muhammad Jamil
38.	1298/2010	Amanullah
39.	1299/2010	Badshah Gul
40.	1300/2010	Safana Gul
41.	1301/2010	Abdul Fatch
42.	1302/2010	Gul Saeed
43.	1303/2010	Hazrat Sadiq
44.	1304/2010	Muhammad Zaman Khan
45.	1305/2010	Qasratullah

HEADQUARTERS
G.H.S. Khasra
Sajawal Agency

ATTESTED
K. AMINER
Khyber Pakhtunkhwa
Services Tribunal,
Peshawar

29-2-

46.	1306/2010	Muhammad Sattar
47.	1307/2010	Badshah Muhammad
48.	1308/2010	Lal Zada
49.	1309/2010	Lal Zarin
50.	1310/2010	Muhammad
51.	1311/2010	Fazli Hakim
52.	1312/2010	Saifoor Khan
53.	1313/2010	Rahim Shah
54.	1384/2010	Mian Sahibzada
55.	1462/2010	Muhammad Hassan
56.	1463/2010	Said Qasim
57.	1464/2010	Jan Zamin
58.	1465/2010	Abdul Ghafoor
59.	1466/2010	Muhammad Ismail
60.	1467/2010	Gul Nazir
61.	1468/2010	Jan Muhammad
62.	1469/2010	Muhammad Wazir
63.	1470/2010	Gul Hassan
64.	1471/2010	Muhammad Samiul Haq
65.	1472/2010	Taj Muhammad
66.	1473/2010	Ihsanullah
67.	1474/2010	Shah Zamin
68.	1475/2010	Izatullah
69.	1476/2010	Fazle Qadir
70.	1477/2010	Amanullah
71.	1478/2010	Amanullah

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Date of Presentation of Application 24-3-20
[Signature]
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Urgent [Signature]
Total [Signature]
[Signature]
[Signature]
[Signature]
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16.3.2011

Counsel for the appellant (Mr. Nawab Ali, Advocate), Mr. Mashal Khan, L.O & Mr. Gul Rehman, AEO with AAG for respondents present. Arguments heard and record perused.

Vide detailed judgment/order of today, placed on connected appeal No. 803/2010 titled 'Bakht Zamin-vs-Secretary(E&SE) Department Peshawar etc.', on the acceptance of the appeal, the impugned order is set aside and the appellant is reinstated in service with consequential/back benefits. However, if deemed appropriate in view of facts and circumstances of the case, the department may initiate denovo departmental proceedings, but strictly in accordance with law by also providing opportunity of defence and hearing to the appellant; and in that case the payment of consequential/back benefits would be subject to the out-come of departmental proceedings/inquiry. There shall, however, be no order as to costs.

ANNOUNCED

16.03.2011

MEMBER

CHAIRMAN

**OFFICE OF THE AGENCY EDUCATION OFFICER
BAJAUR AGENCY AT KILAR**

APPOINTMENTS

Consequent upon the result of Interview held on 19/4/2003 and approved by Political Agent Bajaur Agency, the following PTC (Male Trained) candidates of (Nawagai Sub Division) Bajaur Agency are hereby appointed against the vacant/newly created PTC posts in the schools noted below in BPS No 7 @ Rs 2220-120-5820 and 3PS 9 Rs 2410-145-6760 (for those who are F.A/F.Sc (2nd Division) P.M with usual Allowances as admissible under the rules (ON CONTRACT BASIS) from the date of their taking over charge in the interest of public service.

S.No	Name of Candidate with parentage	Name of School where appointed	Remarks
1	Rizwanullah S/O Abdul Wahid	GPS Mujahideen	Vice Noor Wali PTC Transferred
2	Niaz Muhammad S/O Abdur Rauf	GPS Kohai Sar Barang	Vice Noor Hussain PTC Transferred
3	Lal Zada S/O Mashi Khan	GPS Balol Kiti Chamarkand	Vice Hayatullah PTC Transferred
4	Hassan Khan S/O Muhammad Hazrat	GPS Miz Dara Chamarkand	vice Shah Rehman PTC Transferred
5	Abdul Qadus S/O Shamsur Rehman	GPS Hilal Khel No 2	Vice Muslim Khan PTC Transferred
6	Amanullah S/O Akbar Jan	GPS Khair Abad Nawagai	Vice Zamarud Khan PTC Transferred
7	Said Arab Khan S/O Ajmal Khan	GPS Mattak Charmang	Vice Khairullah PTC Transferred
8	Kifayatullah S/O Nazar Khan	GMPS Sharif Khana	Vice Bakht Zamin PTC Transferred
9	Fazli Rabi S/O Hazrat Badshah	GPS Sida Shah (Charmang)	Against Newly Created Post
10	Burhanudin S/O Kawoos Khan	GPS Matak Charmang	Vice Aqil Khan PTC Transferred
11	Noor Hakim S/O Khan Zarin	GPS Targhaw Ghar Shamoza	Vice Abdul Majeed PTC Transferred
12	Taj Muhammad S/O Namus Khan	GPS GPS Nimakai Pinda Khel Targhaw	Against Newly Created Post
13	Fazli Rabi S/O Badshah Zada	GPS Solai Barang	Against Newly Created Post
14	Muhammad Shir S/O Kawoos	GPS Solai Barang	Against Newly Created Post
15	Amanullah S/O Aurang Zeb	GPS Kohai Sar Barang	Vice Abdul Hamid PTC Transferred
16	Said Muhammad S/O Gul Muhammad	GPS Khan Salai Barang	Against Newly Created Post
17	Jehan Zeb khan S/O Hazrat Nabi	GPS Saida Shah Charmang	Against Newly Created Post
18	Muhammad Zubair S/O Talhata	GPS GPS Sarkari Qilla	Vice Dawood Shah PTC Transferred
19	Mian Muhammad S/O Ghulam Muhammad	GPS Lar Kandu Ghar Shamoza	Against Newly Created Post
20	Muhammad Dayan S/O Biland	GPS Nimakai Pinda Khel	Against Newly Created Post

(7) A

OFFICE OF THE AGENCY EDUCATION OFFICER BAJAUR AGENCY.

DISMISSAL ORDER

Consequent upon the letter issued by FATA Secretariat Peshawar addressed to Director of Education FATA vide No /FS/E/100-9/Enquiry/ 2827-30, dated 20/3/2010, the services of the following Govt. officials of various Educational Institutions in Bajaur Agency are hereby dismissed with immediate effect due to involvement in anti-state activities as conveyed by the competent authority.

S.No	Name of Teacher /official	Designation	Name of school
1	Abdul Wahab	PTC	GPS Wara Kharkai
2	Muhammad Jamil	CT	GHS Shago Mamund
3	Saifoor Khan	PTC	GHS Badan
4	Gul Saeed	CT	GHS Malangai
5	Muhammad Sattar	PTC	GPS Damadola
6	Fazl Hakim	PTC	GPS Inani Khwaro
7	Kilayatullah	PTC	GPS Dahar
8	Ayub Khan	CT	GHS Top Mandal
9	Muhammad Wazir	CT	GMS Mano
10	Habibullah	PTC	GPS Sahib Abad
11	Rahim shah	PTC	GPS Tangi No: 2
12	Lal Zada	PTC	GPS Dawri Mandal
13	Hazrat Sadiq	PTC	GPS Soor Dagai
14	Lal Zarin	PTC	GPS Dara
15	Muhammad Sher	PTC	GPS Dara
16	Yar Zaman Khan	PTC	GPS Shalzada Tangi
17	Badshah Muhammad	CT	GHS Nawagai
18	Abdul Fatah	CT	GHS Kotkai Charmang
19	Muhammad	PTC	GPS Chinar Charmang
20	Amanullah	PTC	GPS Dand
21	Stana Gul	PTC	GPS Nawa Killi
22	Shakirullah	CIV	GPS Baichina
23	Saeed ur Rahman	PTC	GPS Inzarai
24	Badshah Gul	CT	GPS Tang Khatta

AHO

Haji Gul Rahiman
Agency Education Officer
Bajaur Agency.

Entst No: 7052-55 Dated 27/3/2010

Copy of the above is forwarded to the:

1. Director of Education FATA Peshawar w/r to his remarks No: Nil, dated 25/3/2010 on the body of letter issued by Secretary Admn. & Coordination.
2. Political Agent Bajaur Agency.
3. Head Masters/ Principals of GHS Shago, GHS Badan, GHS Malangai, GHS Top Mandal, GHS Nawagai, GHS Kotkai Charmang for information and necessary action.
4. All concerned.

Agency Education Officer
Bajaur Agency.

RE INSTATEMENT ORDER

Consequent upon the decision taken by Service Tribunal Khyber Pukhtoon Khawa Peshawar on 16/3/2011 and letter issued by Directorate of Education FATA Peshawar No 113/E-6/Bajaur Agency Dated Peshawar the 25/3/2011, the services of the following Govt. Officials of various Educational Institutions in Bajaur Agency are hereby re-instated from the date of their dismissal i.e 27/3/2010 with consequential/back benefits.

S.No	Name of Teacher	Designation	Name of School
1	Muhammad Jamil	CT	GHS Shago Mamund
2	Safur Khan	PET	GHS Badan
3	Gul Saeed	CT	GHS Malangai
4	Muhamma Sattar	PTC	GPS Damadola
5	Fazal Hakim	PTC	GPS Inam Khawaro
6	Kifayatullah	PTC	GPS Dabar
7	Rahim Shah	PTC	GPS Tangi No 2
8	Lal Zada	PTC	GPS Duri Mandal
9	Hazrat Sadiq	PTC	GPS Soor Dagi
10	Lal Zaria	PTC	GPS Dara
11	Yar Zamin Khan	PTC	GPS Shahazada Tangai
12	Badshah Muhammad	CT	GHS Nawagai
13	Abdul Fatah	CT	GHS Kotkai Charmang
14	Muhammad	PTC	GPS Chinar Charmang
15	Amanullah	PTC	GPS Dand
16	Stana Gul	PTC	GPS Nawai Kili
17	Badshah Gul	CT	GMS Tang Khata

sd -
(HAJI GUL RAHMAN)
Agency Education Officer
Bajaur Agency

Endst: No *11463-69* Dated *26/3/2011*

Copy to the:

- 1 Director of Education FATA K.P.K Peshawar with reference to his office No as cited above.
- 2 Political Agent Bajaur Agency.
- 3 Agency Accounts Officer Bajaur Agency.
- 4 Principal/Head Master GHS Shago, GHS Badan, GHS Malangai, GHS Kotkai Charmang, GHS Nawagai.
- 5 AAEO concerned
- 6 Official Concerned
- 7 Accountant of the local Office

[Signature]
Agency Education Officer
Bajaur Agency

21.	Nawab Zada S/O Noor Rehman	GPS Hilal Khei No 2	Vice Gul Faraz PTC Transferred
22.	Fazli Rahim S/O Badshah Mir Khan	GPS Dand Barang	Vice Fazli Hakim PTC Transferred
23.	Muhammad S/O Muhammad Rahim	GPS Dand Barang	Vice Nisar Muhammad PTC Transferred
24.	Abdul Wahid S/O Said Amin	GPS Bagh Ghar Shamoza	Vice Ismail PTC transferred

TERMS/CONDITIONS

- 1 The period of **contract** will be **One Year**
- 2 The appointments of the candidates are being made purely on temporary and are liable to termination at any time without assigning any reason. In case they wish to resign from their service they will give one month prior notice OR forfeit one month pay in lieu there of.
- 3 Their pay will not be submitted to the Accounts officer concerned before verification of all certificates from the concerned Institution/Domicile Certificate from the Political Agent concerned.
- 4 Charge report should be submitted in duplicate to this office.
- 5 The fresh candidates should produce their health and age certificate from the Agency surgeon concerned.
- 6 They should produce their original Certificates before taking over charge
- 7 They should not handed over charge of the post if they below 13 years OR above 35 years of age.
- 8 If they do not take over charge within 15 days their order will be treated as cancelled.
- 9 No TA DA is allowed to the candidates.

(Mr RAZI HUSSAIN BANGUISH)
Agency Education Officer
Bajaur Agency

Endst: No 6186-81 /Transfer/ Dated 30 /8/2003.

Copy to the:

- 1 Director of Education FATA N.W.F.P Peshawar
- 2 Political Agent Bajaur Agency
- 3 Agency Accounts Officer Bajaur Agency.
- 4 AAEO (Male) Concerned
- 5 Principal/Head Master Concerned./Official Concerned.
- 6 Accountant of the local Office

Agency Education Officer
Bajaur Agency.

Date of termination of appointment	Signature of the holder of the office or other attesting officer	Duration of leave taken	upto four months for which leave salary is debitable to another Government		Period	Government to which debitable
			Period			

⑥
محمد جان سرور کیل

vide Govt. of finance Deptt. notification NO: 80 FATA 6-1/2001 Contract policy dt: 16/3/2006
 duty ends: by DE FATA Post NO 866-76/DmC/HS dated 29/3/2006 read with Govt. of NWFP estab: Admn Deptt. NO 6 (E-8-AD) 1-13/2005 dt 10/8/2005. The Contract policy employ are entitled all facility allowed under Civil Servant Act 1993 amended Act 2005 except Pension and PF fund vide This office Memo: No. 1897-1901 dt. 14/6/2006.

Allowed BPS NO: 9/11/2006

30-6-2006 Revised A.P.O. BAJOUR

30/11/06

30-11-2005

Agency Education Officer
 BAJOUR AGENCY

Allowed awarded BPS NO: 9-05
 A memo of pay & Allowance on the of Allowed A-9 w.e.f. 1-12-05 to 30-6-06
 Rs. 1865/- paid

Allowed awarded BPS NO: 9-05
 passing FA 2nd Division w.e.f. 17/11/2003 vide AEO Bajaur
 Ends dt NO-1208-10 dt 22/3/06

5/12/07 P.A. Transferred

Office of the Head of the Agency	Date of appointment or termination of (such as promotion, or transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	and duration of leave taken	Period which leave salary is debtible to another Government	Period which leave salary is debtible to Government	Appointed / Adjusted against PTC post at G.M.P.S. Arang Bajaur Agency, Vide AE O.B.J Endst No. 2859-64 dt 12/11/59
✓	30/11/59	[Signature]	[Blank]	[Blank]	[Blank]	[Blank]
✓	10/8/59	[Signature]	[Blank]	[Blank]	[Blank]	[Blank]
✓	10/8/59	[Signature]	[Blank]	[Blank]	[Blank]	[Blank]
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✓	10/8/59	[Signature]	[Blank]	[Blank]	[Blank]	[Blank]

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 5370 of 2020.


Mohammad Jan Qari BPS-12 GHS Ghazi Baba Tehsil Utmankhel. (Petitioner).

VERSUS

Secretary to Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department Peshawar and others.....(Respondents).

INDEX.

s. No.	Discretion	Pages
1.	Comments on behalf of respondents No. 03	Pages 1 & 2
2.	Affidavit	Page 3
3.	Authority letter	Page 4
4.	Annexure attached	8-pages Annexure-A to Annexure-H.


Respondent No. 03,
Deputy Commissioner,
Bajaur.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 5370 of 2020.

Mohammad Jan Qari BPS-12 GHS Ghazi Baba Tehsil Utmankhel.....(Petitioner).

Versus.

Secretary to Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department Peshawar & others.....(Respondent).

PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS NO. 03, DEPUTY COMMISSIONER BAJAUR.

Respectfully Sheweth,

PRELIMINARY OBJECTIONS.

1. That the appellant has no locus-stand and cause of action against the answering respondent No. 03 to file the instant appeal.
2. That the appeal is not maintainable/ entertain-able and is incompetent therefore, liable to be dismissed.
3. The factual controversies have been raised in the appeal which cannot be resolved/ settled in writ jurisdiction unless and until pro and contra evidences recorded.
4. That the appellant is stopped by his own conduct to bring the present appeal.
5. That no vested rights of the appellant have been infringed, thus the constitutional remedy is not available to the appellant in respect of respondent No. 03.
6. That the appellant have not come to the court with clean hands apart from other infirmities, therefore, he is not entitled for any relief at this forum.
7. The appeal is barred by time.

REPLIES TO THE FACTS.

1. No comments, as the para No. 1 pertains to record.
2. Record reveals that brother of appellant namely Ahmad Jan s/o Bakhti Jan was apprehended by LEAs in allegations of directly/indirectly involvement in miscreants activities in Bajaur. Record further reveals that he was interrogated by the LEAs and graded as (Black) for the subversive activities (Annexure-A) and was handed over to the then district Administration, Bajaur (Annexure-B) for awarding punishment of 21-years Imprisonment Under Action in Aid of Civil Power Regulation-2011 and FCR. VIDE S. No. K of the letter No. 57/3/1/1/Cell dated 3rd July 2018. Since FCR was repealed with IGR that was suspended by the honorable Peshawar High Court, Peshawar and Jirgas were declared as ultra virus by the honorable Supreme Court of Pakistan, hence trial delayed and Ahmad Jan was kept as Amanat of LEAs in the Lock-Up. Later on Ahmad Jan filed Writ Petition No. 22-M/2019 (annexure-C) in Peshawar High Court, Mingora Bench, Darul Uzza, Swat for release and the said learned Court passed a judgment dated 27.02.2019 (Annexure-D) the para-5 of which is reproduced "Over and above" the learned D.A.G and learned A.A.G present before the Court could not reasonably rebut the contention of learned counsel for the petitioner. So, in the light of the ibid referred judgment of this court this Writ Petition is allowed accordingly and the respondents are directed to release the petitioner/ detenué forthwith, if not required in any other case in obedience of the orders he was released on 05.03.2019 (Annexure-E) on the bail bond of 04-reliable sureties (Annexure-F) with surety bond of rupees four lacs each. The letter No.57/3/IC/XX/I/Cell dated 31st March 2016 of the HQ Bajaur Scouts (Annexure-G) is self-explanatory showing that appellant remained involved in terrorism, whereas, the removal order (Annexure-H) reveals that proper show-cause notices issued to the instant appellant and later on notice published.

against him in the Daily Aaj and Nai Bat but he/ appellant failed to attend the duty or to submit any explanation.

3. As replied in para-2 of the facts above.
4. The para pertains to record of the respondent No. 04.
5. The removal order No. 3009/EC dated 21.04.2016 (Annexure-H) is self-explanatory.
6. The letter under reference is self-explanatory.
7. The letter under reference is self-explanatory.
8. No comments.

REPLIES TO THE GROUNDS:

- A. Incorrect. The order of removal from service and correspondences with the LEAS are self-explanatory.
- B. Incorrect. The order is made in accordance with the procedure.
- C. As above.
- D. Incorrect. The letter No. 57/3/IC/XX/1/Cell dated 31st March 2016 (Annexure-G) of the HQ, Bajaur Scouts is self-explanatory.
- E. Incorrect. The order of removal from service (Annexure-H) is self-explanatory.
- F. As above.
- G. Incorrect. The order of removal from service is self-explanatory.
- H. Incorrect. Proper show-cause notices issued to the instant appellant and later on notice published against him in the Daily Aaj and Nai Bat but he failed to attend the duty or to submit any explanation.
- I. As above.

Keeping in view the above, the appeal being weightless maybe dismissed with cost to the extent of respondent No. 03, the then Political Agent, Bajaur.



Respondent No. 03,
Deputy Commissioner,
Bajaur.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 5370 of 2020.

Mohammad Jan Qari BPS-12 GHS Ghazi Baba Tehsil Utmankhel. (Petitioner).

VERSUS

Secretary to Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department Peshawar and others.....(Respondents).

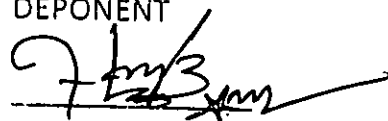
AFFIDAVIT.

I Mohammad Fayaz (Tehsildar Utmankhel) do solemnly affirm and declare on oath that the contents of accompanying comments on behalf of respondent No. 03 are true and correct on behalf of my knowledge and belief and that nothing has been concealed from this honorable court.

Identified by.

Advocate General
Khyber Pakhtunkhwa;
Peshawar.

DEPONENT



AUTHORITY LETTER.

Service Appeal No, 5370 of 2020.

Mohammad Jan Qari BPS-12 GHS Ghazi Baba Tehsil Utmankhel.
(Petitioner).

VERSUS

Secretary to Government of Khyber Pakhtunkhwa Elementary &
Secondary Education Department Peshawar and
others.....(Respondents).

Mr. Mohammad Fayaz Tehsildar Utmankhel is hereby
authorized to submit Para-wise comments before the Honorable Khyber
Pakhtunkhwa Service Tribunal, Peshawar on behalf of the undersigned
(Respondent No. 03) within fortnight and also attend the Court on the date
fixed i.e 13.07.2021 and on subsequent dates till the decision of the case.



Respondent No. 03,
Deputy Commissioner,
Bajaur.

PERSONAL CONFIDENTIAL

19/07/2018
MORRIS, G.S.
Pur / am.

03-07-18

AC 25
Proven as per order

HQ
17th
Khar
Tel - 0942-220898
Jo. 57X3/IC/ 1 //Cell
3 July 2018

Bajaur Scouts Corps

To: Deputy Commissioner Bajaur Agency

Subj: Handing Over of Detainees for Punishment

1. It is certified that competent auth have approved disposal of detainees which have been rewarded with punishment under FCR. Therefore, detainees are hereby hand over to your administration for recommended punishment. Details are as under:-

Ser	Name/ Father Name	Address	Recommended Punishment
a	Abdul Subhan s/o Fazal Elahi	Lara Banda Teh Khar, BA	07 Yrs punishment under actions in aid of civ power, 2011 and FCR.
b.	Luqman Khan s/o Bahraman Khan	VIII Anderi Charming Teh Nawagai, BA	28 Yrs punishment under multiple charges under actions in aid of civ power, 2011 and FCR.
c.	Rahim Jan s/o Umar Said	Afghanistan	14 Yrs punishment under multiple charges under actions in aid of civ power, 2011 and FCR.
d.	Muhammad Rafiq s/o Sher Afzal	Lara Banda Teh Khar BA	14 Yrs punishment under multiple charges under actions in aid of civ power, 2011 and FCR.
e.	Muhammad Shafiq s/o Sher Afzal	Lara Banda Teh Khar BA	07 Yrs punishment under actions in aid of civ power, 2011 and FCR.
f.	Imran s/o Mosil Khan	Tangkhata Teh Khar, BA	28 Yrs punishment under multiple charges under actions in aid of civ power, 2011 and FCR.
g.	Taj Muhammad s/o Sher zaman Khan	Balolai Teh Khar, BA	14 Yrs punishment under multiple charges under actions in aid of civ power
h.	Ashaq Khan s/o Lal Sher	Karkhail Charming Teh Nawagai, BA	28 Yrs punishment under multiple charges under actions in aid of civ power
i.	Irfan Ullah s/o Behraman	VIII Anderi Charming Teh Nawagai, BA	28 Yrs punishment under multiple charges under actions in aid of civ power
j.	Shakir Ullah s/o Naizmeen Khan	Tang Khata Teh Khar, BA	14 Yrs punishment under multiple charges under actions in aid of civ power
k.	Ahmed Jan s/o Bakht Jan	Ghazi Baba Teh Utman Khei, BA	21 Yrs punishment under multiple charges under actions in aid of civ power
l.	Ahmed Bilor s/o Hafiz Ibadat Khan	Asary Gadbarna Roud Mazdur Abad Technical College Teht Bhai, Disti Mardan	28 Yrs punishment under multiple charges under actions in aid of civ power
m.	Umer Khatib s/o Saz Gul	Ghazi Baba Teh Utman Khei, BA	14 Yrs punishment under multiple charges under actions in aid of civ power
n.	Ahmed Shah s/c Nawab Zada	VIII Arang Teh Utman Khei, BA	28 Yrs punishment under multiple charges under actions in aid of civ power

Handwritten notes and signatures on the left margin, including a large 'X' and some illegible text.

Handwritten numbers 91, 92, 93, 94, 95, 96, 97 on the right margin.

	Habib Ullah s/o Gul Haleem	Damano Shah Teh Khar, BA	14 Yrs punishment under multiple charges under actions in aid of civ power	
p.	Rahim Ullah s/o Shah Wazir	Damadola Teh Mamund, BA	28 Yrs punishment under multiple charges under actions in aid of civ power	
q.	Naimat Ullah Asmat s/o Muhib Ullah Jan (Salah Ud Din)	Lara Banda Teh Khar BA	21 Yrs punishment under multiple charges under actions in aid of civ power	98
r.	Muhammad Ismail s/o Said Ashraf	Inayat Qilla Teh Khar, BA	14 Yrs punishment under multiple charges under actions in aid of civ power	
s.	Sana Ullah s/o Fazal-e-Haq	Zari Teh Mamund Dist BA	21 Yrs punishment under multiple charges under actions in aid of civ power	
t.	Rahat Ullah s/o Said Wali	Inayat Killa Teh Khar BA	21 Yrs punishment under multiple charges under actions in aid of civ power	79
u.	Akhtar Said s/o Shah Said	Bar Chamarkand Teh Nawagai, BA	14 Yrs punishment under multiple charges under actions in aid of civ power	
v.	Farman Ullah s/o Sharif Khan	Inayat Killi Teh Khar, BA	14 Yrs punishment under multiple charges under actions in aid of civ power	90
w.	Jehanzeb s/o Rehmani Gul	Bara Kamangara Teh Nawagai, BA	07 Yrs punishment under actions in aid of civ power	

[Signature]
Maj
for Comdt
(Ex-Scouts)

CONFIDENTIAL

✓ VV. 15/11/19
22/11/19

ACU
22/11/19

23

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

Writ Petition No. _____/2018

Handwritten signature and date: 28/12

Ahmad Jan S/o Bakhti Jan,
Through Muhammad Israr.....Petitioner

VERSUS

Government of Pakistan
Through Secretary Defence & others.....Respondents

NOTICE

- 1. Government of Pakistan through Secretary Defence, Islamabad
- 2. Inspector General of Frontier Corps Qilla Balochisar Peshawar
- 3. Commandant Bajour Khar Bajour
- 4. Secretary Home & Tribal Affairs Khyber Pakhtunkhwa, Civil Secretariat, Peshawar
- 5. Commissioner Malakand Division at Saidu Sharif District Swat
- 6. Deputy Commissioner Tribal District Bajour at Khar

Subject: **NOTICE FOR FILING WRIT PETITION**

Please take notice that petitioner is filing Writ Petition before the Peshawar High Court, Peshawar and you are hereby informed regarding the filing of writ Petition.

NOTE

Copy of Ground of Petition alongwith annexure is enclosed herewith

Through:

Petitioner

Handwritten signature of Abdul Hafeez
Abdul Hafeez
Advocate High Court
Cell #: 0345-9190998

Handwritten initials and date: 30/12

Handwritten note: D.R. Bantawat Khay

Dated: 21.12.2018

Handwritten signature: D.C. Bajaur

Handwritten signature and date: At 22/12/18



IMMEDIATE
OUT BY FAX

MOST IMMEDIATE/COURT MATTER

GOVERNMENT OF KHYBER PAKHTUNKHWA,
HOME & TRIBAL AFFAIRS DEPARTMENT.
PHONE: 091-9210032 FAX # 9210201.

6
5

No. SO (Courts) HD/1-589/2018
Dated Peshawar, the 11th January, 2019

To

The Deputy Commissioner,
Bajaur At Khar.

Subject:

AHMAD JAN VERSUS GOVERNMENT OF PAKISTAN THROUGH
SECRETARY DEFENCE & OTHERS.

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of notice, regarding the subject matter, received from Mr. Abdul Hafeez, Advocate High Court, Peshawar, for information/necessary action, please.

Encl: As above.

Yours faithfully,

Section Officer (Courts)

Copy to:-

PS to Secretary Home, Khyber Pakhtunkhwa.

Letg. Asstt.

RAM

No. 471 / litigation

dated 22/1/19

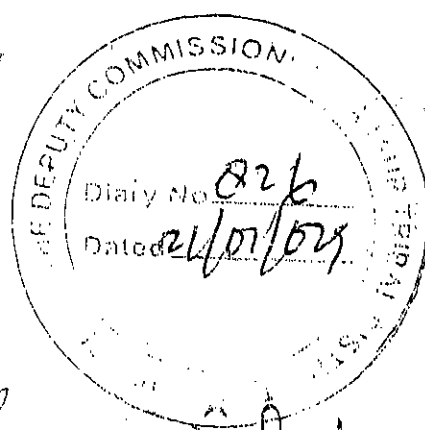
*Copy forwarded for
information & further
n/a p/a*

DC/B

17/01/19

Hand.

*DC. Bajaur,
22/1/19*



Reader

*Place on record for
future use*

Relinquish

*AC, Bajaur
22/1/19*

SECRET

INITIAL INTG REPORT

1.	Name	-	Ahmed Jan
2.	Alias	-	Nil
3.	Father Name	-	Bakhti Jan
4.	Nationality	-	Pakistani
5.	Age at the time of offence	-	39 yrs
6.	Age at the time of appr	-	39 yrs
7.	Age/ DOB	-	42 yrs (01-01-1976)
8.	ID Card No/ Passport No	-	15304-1999485-5
9.	Caste	-	Umar Khel
10.	Religion / Sect	-	Islam (Sunni)
11.	Affiliation	-	Nil
12.	Education	-	M,A /Med
13.	Marital Status	-	Married
14.	Brothers / Sisters:-		
	Sl	Name	Address
	a.	Muhammad Jan	VIII Ghazi Baba Dak Khana Gardai Teh Uthman Khel BA
	b.	Muhammad Iqbal	-do-
	c.	Muhammad Israr	-do-
	d.	Jamal Khan	-do-
	e.	Saliha Bibi	VIII Pori Shah Irang
	f.	Sultan Zari	VIII Rahim Abad Timargara
	g.	Bakht Fari	VIII Mardan
	h.	Bakh Zari	VIII Banj Irang
			Occupation
			Teacher
			Student
			-do-
			Teacher
			House Wife
			-do-
			House Wife
			House Wife
15.	Cell No/ Tel No		0345-9551978
16.	Profession		Teacher
17.	Address (Temp/ Perm)	Perm:	VIII Ghazi Baba Dak Khana Gardai Teh Uthman Khel BA
		Temp:	-do-
18.	Brief of Acct Apprehension:		Apprehended on 04 Feb 2015 by Pol Adm due to his suspicious links with Ts.
19.	Details of Items Rec		Nil
20.	Sallient of Intg (Joining Ts Orgs, Details if damages/ Killings):-		
	<p>• Detainee Ahmed Jan was apprehended by Bajaur scouts in Feb 15 due to suspicious links with miscreants. As per detailed interrogation and statement of other apprehended terrorist who was apprehended after his arrest, Ahmed Jan was a member of gp of known absconder msct commander Jan Wali Sheena of TTP. In 2013 he visited Afg.</p>		

SECRET

2.
SECRET

and stayed with miscreants for about 3 x months. Till his arrest, he was in contact with a group of terrorist which remained active in terrorist activities inside Bajaur Agency. In 2014 he participated in an IED explosion on a pro government local Mallk of Utmarkhel Bajaur Agency.

21.	Input from Own Sources	Nil
22.	Input/Ident Parade by Notables:	According to Malik/ Mushran of the area he is permanent r/o Bajaur Agency.
23.	Evidence Aval	
	a. Witness	Nil
	b. Documentary	Nil
	c. Audio / Video	Nil
	d. Misc	Nil
24.	Grading	Black
25.	Opinion of Intg Offr:-	Ahmed Jan was an active member/ facilitator of gp of known absconder msct commander Jan Wali sheena of TTP, Till his arrest he was in contact with a group of terrorist which remained active in terrorist activities inside Bajaur Agency.
25.	Recommendation	Suspect may be trialed under actions in aid of civ power regulations 2011/ FCR
27.	Signature of Intg Team	
28.	a.	Signature of BIC JCO/ NCO N/Sub Said Azam
	b.	Signature of FCIU JCO/ NCO Sub Hayat Khan
	c.	Signature of OC BIC Offr Maj Muhammad Sheraz Afsar

Ctr Sign

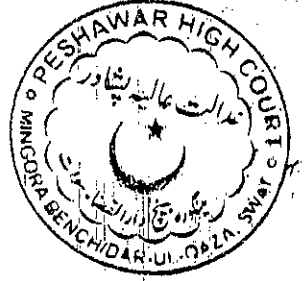

Rahman Kadir Khan
Comd

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

Writ Petition No. 22-M/2018

Ahmad Jan S/o Bakhti Jan,
R/o Ghazi Baba Arang Utmarkhel, District Bajour
Through Muhammad Israr S/o Bakhti Jan,
R/o Ghazi Baba Arang Utmarkhel District Bajour

.....Petitioner



VERSUS

1. Government of Pakistan through Secretary Defence, Islamabad
2. Inspector General of Frontier Corps Qilla Balahisar Peshawar
3. Commandant Bajour Khar Bajour
4. Secretary Home & Tribal Affairs Khyber Pakhtunkhwa, Civil Secretariat, Peshawar
5. Commissioner Malakand Division at Saidu Sharif District Swat
6. Deputy Commissioner Tribal District Bajour at Khar

.....Respondents

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

ATTESTED

Examiner
Peshawar High Court Bench
Mingora Dar-ul-Qaza, Swat.

Respectfully Sheweth:

MUHAMMAD ISRAR
24 DEC 2018



that his relatives moved several applications before different
 courts but all were dismissed. It is stated that after
 the promulgation of the Constitution, the petitioner along with
 others were arrested and kept in custody. On 14.11.2018 by the
 learned Judge, District Court, Mingora vide letter No. 11/11/18
 letter No. 37/3/IC/2/1 Cell dated 03.7.2018 for awarding
 recommended punishment in aid of Civil Power
 Regulation/FCR 2011 but since the Frontier Crimes

3. Arguments heard and record gone through.
 4. The contention of the present petitioner is that
 he is under illegal confinement of the respondents without
 any plausible reason regarding his involvement in any
 offence. The perusal of record shows that the matter in hand
 is alike to the matter earlier decided by this Court on
 15.10.2018 in W.P 3959-P/2018, wherein it was held that:

"Admittedly, the detainees were handed
 over to the office of Assistant
 Commissioner/Ajidi District
 Magistrate, Khar Bajaur Tribal District
 by the Commandant Bajaur Scouts
 Khar vide letter No.57/3/IC/2/1 Cell
 dated 03.7.2018 for award of
 recommended punishment in aid of Civil
 Power Regulation/FCR 2011 but since
 the Frontier Crimes ("FCR") has been
 repealed and replaced with PATA
 Interim Government Regulation 2018
 and the suspects/detainees could not be
 awarded the recommended punishment
 as mentioned in the letter
 No.6803/AC/ADM(K) dated 05.10.2018
 addressed to the Commandant Bajaur
 Scouts, 17th Scouts Corps Khar,
 produced by the learned A.A.G, placed

ATTESTED
 Examiner
 Peshawar High Court Bench
 Mingora Dar-ul-Qaza, Swat.

.....
 3.15

 3.11

128

On file, therefore, in the circumstances, this Court is left with no option but to order the release of the detainees. Even otherwise, there is nothing on record regarding detainees that they are charged in any offence or involved in any anti-state activities."

5. Over and above, the learned D.A.G and learned A.A.G present before the Court could not reasonably rebut the contention of learned counsel for the petitioner. So, in light of the *ibid* referred judgment of this Court, this writ petition is allowed accordingly and the respondents are directed to release the petitioner/detenué forthwith, if not required in any other case.

Announced
27.02.2019

~~JUDGE~~

Certified to be true copy

[Signature]
3-19
EXAMINER

Peshawar High Court, Mingora/Dar-ul-Qaza, Swat
Amended Under Article 27 of Quocoo-e-Shahadat Order 1994

S.No..... 29
Name of Applicant..... *Sahib Khan Bakhsh*
Date of Presentation of Applicant..... 1-3-19
Date of Completion of Copies..... 1-3-19
No of Copies..... 4-1
Urgent Fee.....
Fee Charged..... 3/-
Date of Delivery of Copies..... 1-3-19

AHC
2-19



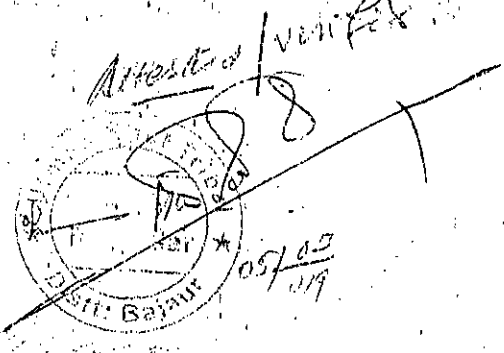
ضمانت نامہ

ہم مندرجہ ذیل ملکاتان علاقہ اتمان خیل قبائلی ضلع باجوڑ، مسی احمد جان ولد سختی جان سکند غازی بابا ارتگ تحصیل اتمان خیل کا بدینہ شرط ضمانت کرتے ہیں کہ وہ آئندہ کیلئے ہر لحاظ سے پرامن رہیگا کوئی نقص امن نہیں کریگا اور نہ وہ کسی کلعدم تنظیم میں حصہ لے گا اور نہ کوئی ایسا فعل کریگا جس سے نقص امن کا اندیشہ ہو۔ وہ حکومت کو عند الطلب حاضر ہوا کریگا (یعنی کہ وہ ہر صیغہ کے 15 تاریخ کو متعلقہ تحصیلدار کے دفتر میں حاضر ہوا کریگا اور تاریخ مقررہ کو سرکاری چھٹی ہونے کی صورت میں اگلے دن ضروری طور پر حاضر ہوا کریگا)، لیٹ و لٹل سے کام نہیں لیگا اور نہ امن ضامنان اسے بہر صورت حاضر کریں گے۔ نیز وہ اپنے علاقہ اگاؤں میں امن عامہ کے خاطر ذاتی طور کو شاں رہیگا اور حکومت کی عملداری کیلئے کسی بھی قربانی سے دریغ نہیں کریگا۔ ملک سے باہر جانے کی صورت میں متعلقہ حکام سے سرکاری طور پر اجازت لیگا بصورت دیگر ہم ضامنان حکومت کو مبلغ چار چار لاکھ روپے فردا فردا بطور بزمانہ ادا کریں گے لہذا کہ ہمارے منقولہ اور غیر منقولہ جائیداد میں سے وصول کیا جائیگا۔ اور ہمارا کوئی عذر قابل قبول نہ ہوگا۔ نیز ہم ملکاتان فردا فردا ذمہ دار ہوں گے۔

۱۔ العبد # 03422958853
 ۲۔ العبد # 03959017031 - Amal
 ۳۔ العبد # 03459731022
 ۴۔ العبد # 03959119279

۱۔ مسک ماہار خیل ولد مسک قریب اتمان خیل
 ۲۔ مسک احمد جان ولد مسک قریب اتمان خیل
 ۳۔ مسک احمد جان ولد مسک قریب اتمان خیل
 ۴۔ مسک احمد جان ولد مسک قریب اتمان خیل

21107 171450/6/5
 21107 7731235-3
 21107 05393977
 21107 5270576

Attestation of

 05/05/19

OFFICE OF THE ASSISTANT COMMISSIONER, KHAR, BAJAUR TRIBAL DISTRICT.

INFORMATION REPORT REGARDING THE RELEASE

14

of
Ahmad Jan son of Bakhti Jan resident of Ghazi Baba Arang, Tehsil Utmankhel, Tribal District Bajaur.

Whereas, Ahmad Jan son of Bakhti Jan resident of Ghazi Baba Arang, Tehsil Utmankhel, Tribal District Bajaur was apprehended by the authorities of Bajaur Scouts in the allegations of directly and indirectly involvement in miscreants activities in Bajaur. He was handed over to this Administration by the authority concerned vide S. No. k of the letter No. 57/3/IC/1/1/Cell dated 03rd July 2018 with recommendation of awarding him 21 years punishment under Action in-Aid of Civil Power Regulation 2011 and FCR.

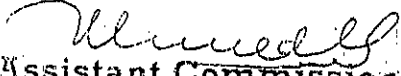
And whereas, the local elders were not ready to proceed and conduct Jirgas in suchlike cases and in the meantime the IGR was suspended by the Honourable Peshawar High Court Peshawar and the Jirgas declared as ultra vires by the honourable Supreme Court of Pakistan, hence, the trial of suspect and proceedings against him delayed and he was kept in the lock-up as "Amanat" of the Bajaur Scouts.

And whereas, the detainee concerned filed a Writ petition No. 22-M/2019, in the honourable Peshawar High Court Mingora Bench Darul Qaza Swat for the release and the said learned court passed a judgment dated 27-02-2019 in his case, the Para-5 of which is reproduced below:

"Over and above, the learned D.A.G and learned A.A. G present before the Court could not reasonably rebut the contention of learned counsel for the petitioner. So, in the light of the ibid referred judgment of this Court, this writ petition is allowed accordingly and the respondents are directed to release the petitioner/ detenué forthwith, if not required in any other case"

And whereas, the accused was ready to furnish the required bail bond and ultimately he produced the same with all required conditions in suchlike cases.

Now in scenario above, the decree holder Ahmad Jan son of Bakhti Jan resident of Ghazi Baba Arang, Tehsil Utmankhel, Tribal District Bajaur is released from the lock-up Khar today on 05-03-2019, upon production of reliable sureties and furnishing the required security bond, for remaining peaceful in future, as per precedents in vogue.

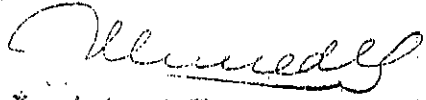

Assistant Commissioner,
Khar. 05-03-2019

No. 1242-6/AC (K).

Copy forwarded to:

1. The Secretary Law and Order, Secretariat of the Newly Merged Districts.
2. The Commissioner, Malakand Division.
3. The Addl. Registrar, Peshawar High Court Mingora Bench/ Darul Qaza Swat for information with reference to order dated 27-02-2019 in W.P No. 22-M/2019, please.
4. The Deputy Commissioner, Bajaur Tribal District.
5. The Tehsildar Utmankhel to obtain bail bond from the decree holder and to release him as ordered by the august court.
6. The Commandant Bajaur Scouts, for information with reference to S. No. k of letter No. 57/3/IC/1/1/Cell dated 03rd July 2018, please.

For information please.


Assistant Commissioner,
Khar. 05-03-2019.

سید سید علی

عبدالرحمن بن سید علی بن سید محمد

عبدالرحمن بن سید علی بن سید محمد

سید علی بن سید محمد

1. احمد شاہ

2. احمد شاہ

3. احمد شاہ

Ali Akbar

Ali Akbar

03/03/19

الحضور صاحب آسٹریٹسٹریٹ صاحب خالص باجوڑ مقام خاڑ کالونی

درخواست زیر دفعہ 241-A/Cr.P.C برائے عطا کیلئے مقدمہ نقل

حکم نمبر 6803/AC/ADM(K) مورخہ 10/2/18

جناب عالی!

سائل حسب ذیل عرض گزار ہے:-

- 1- یہ کہ سائل کے خلاف باجوڑ سٹارٹ ڈھانچے 21 سال قید غیر قانونی طور پر عداوت گزارا گیا اور سٹارٹ ڈھانچے کی نقل (مجموعہ 03-7-2018)
- 2- یہ کہ عدالت ہڈانہ مورخہ 05/10/2018 حکم جاری کیا کہ سائل کے خلاف کوئی ٹھوس اور قابل اعتناء شواہد ریکارڈ کر لیے گئے ہیں، اس لیے اسے سٹارٹ ڈھانچے سے سزا سنائی گئی ہے۔ عفو و بخشش کے حکم سے سزا سنبھالی گئی ہے۔
- 3- یہ کہ سائل کو مذکورہ حکم (6803/AC/ADM(K) مورخہ 10-10-2018) کی صورت میں اپیل میں جمع کیا گیا ہے جس کی بنیاد پر سٹارٹ ڈھانچے کی نقل کو باجوڑ سٹارٹ ڈھانچے سے سزا سنائی گئی ہے۔
- 4- یہ کہ نقل عطا کیلئے مقدمہ 241-A/Cr.P.C مورخہ 10-10-2018 کی صورت میں اپیل میں جمع کیا گیا ہے۔

Received
 Issued
 28/11/18

241-A
Cr.P.C

استدعا۔ لہذا اس لیے کہ منظور ہو درخواست سے سائل کو سزا سنائی جائے۔
 حکم نقل کی عطا کیلئے مقدمہ خاڑ کالونی

28/11/2018

عمر خان

سائل:- احمد جان ولد بچی جان ساکن خاڑ کالونی باجوڑ تحصیل عثمان خاڑ خالص باجوڑ
 15304-1999485-5

SECRET

HQ: Bajaur Scouts Corps
17th Scouts Corps
Khar
Tel: 0942-220698
No. 57/3/IC/... Cell
21 March 2016

To: The Political Agent
Bajaur Agency, Khar

Subject: Application / Verification of Muhammad Jan Qari GHS, Ghazi Babbar
Ahmad Jan PST, GPS, Waji Arang, Tehsil Utmankhel

Reference your letter Number. 228/ JEC dated 24 March 2016.

Suspect Ahmed Jan son of Bakht Jan was apprehended by this HQ on 09 Feb 2015 due to his involvement in terrorist activities. He is held with this HQ and has been declared "Black" by JIT. Moreover Muhammad Jan Qari son of Bakht Jan is also wanted to this HQ due to his suspicious activities, contact with terrorist.

EC

(Handwritten)
PACB
31/3/16

POLITICAL AGENT OFFICE BAJAUR
Dairy No: 3177
Dated: 4/4/16
SECRET

(Signature)
Captain
for Commandant
(Sohail Ahmad)

POLITICAL AGENT, BAJAUR,

OFFICE OF THE POLITICAL AGENT

No. 3009 /EC

IR.

10

Dated Khar the 27/04/2016.

OFFICE ORDER.

1. WHEREAS; In pursuance of the FATA Secretariat, Admin: Infrastructure & Coordination Department, Peshawar letter No. F5/SO(C-III)/1-16/Edu: & Health/2822-25 dated 02/10/2015 the process of Physical Verification of Govt: employees in Bajaur Agency was carried through the Additional Political Agent, Bajaur Agency.
2. AND WHEREAS; The Additional Political Agent, Bajaur vide his office letter No. 253 dated 21/01/2016 reported the following teachers absent from duty and recommended for disciplinary action against them:-
 1. Mr Mulyammad Jan Qari, BPS-12, GMS, Ghazi Baba Tehsil Utmankhel s/o Bakht Jan r/o Ghazi Baba Tehsil Utmankhel.
 2. Ahmad Jan PST BPS-12, Govt. Primary School, Walat Arang, Tehsil Utmankhel s/o Bakht Jan r/o Ghazi Baba Tehsil Utmankhel.
3. AND WHEREAS; The undersigned being competent authority issued show cause notices to them vide this office letter No. 1303/EC dated 02/02/2016 and No. 1304/EC dated 03/02/2016 for attendance and showing cause of absence from duties.
4. AND WHEREAS; due to no response from both the above absent teachers the undersigned published a notice in their names dated in daily "Aaj" and "Nai Bat" 29/02/2016 and vide the notice the teachers nor attended their duty nor submitted any explanation.
5. AND WHEREAS; reportedly both the teachers remain involved in terrorist activities and wanted to the Law Enforcement Agencies for Anti State activities.

NOW THEREFORE, I Engineer Amir Khattak the Political Agent, Bajaur Agency being competent Authority hereby pleased to impose major penalty of removal from service upon them, under Rules-4 (b) iii of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, and terminate them from service from the date of absence from duty.

POLITICAL AGENT, BAJAUR.
Dated Khar the 27/04/2016.

No. 3010 - 17 /EC

- Copy forwarded to the:-
1. PS to Additional Chief Secretary FATA, FATA Secretariat Warsak Road, Peshawar.
 2. PS to Secretary (AI & C) FATA Secretariat, Peshawar.
 3. The Director Education FATA FATA Secretariat Warsak Road, Peshawar.
 4. The Commandant Bajaur Scouts at Khar.
 5. Additional Political Agent, Bajaur for information with reference to above.
 6. Agency Accounts Officer, Bajaur.
 7. The Agency Education Officer, Bajaur.
 8. Official concerned.

POLITICAL AGENT, BAJAUR.



OFFICE OF THE
ADDITIONAL POLITICAL AGENT BAJAUR

Phone # 0942-220294
Fax # 0942-220587

No. 253 Dated 21/01/2016

To:
The political Agent,
Bajaur Agency.

Subject: Physical Verification of Education Employees Male/Female

Kindly refer to the subject cited above.

In this connection the following employees of Education Department are not able comes for verification to this office so far

S.No	Name	Designation	BPS	School	Tehsil
01	Muhammad Jan	Qari	12	GHS Ghazi Baba	UTK
02	Nasrat Mushtaq	PST	12	GPS JanKali	Salarzai
03	Wajida Bibi	Junior Teacher		Governor Model School	Khar
04	Ahmad Jan	PST	12	GPS Walai Arang	UTK

Furthermore covering letter was sent to AEO Bajaur Agency for taking disciplinary action against the defaulters but AEO replied that the Employee above BPS 10 are not laying in the jurisdiction of this office and request that the Political Agent may be ask to take disciplinary action as per E&D rules against them

Owing to above it is requested in your good self to take disciplinary action against the defaulters please under rules.

[Signature]
Additional Political Agent
Bajaur Agency

Copy of the above is forwarded to the:
1) The Agency Education Officer Bajaur.

[Handwritten initials]
A.C. E.C.
P.A. (B)
21/01

[Signature]
Additional Political Agent
Bajaur Agency

OFFICE OF THE
POLITICAL AGENT, BAJAUR.
No. 1328/EC Dt 03/02/2016.

To:

Muhammad Jan Qari BPS-12,
Govt. High School, Ghazi Bab, Tehsil Utmanikhel.

Subject:
Memo:-

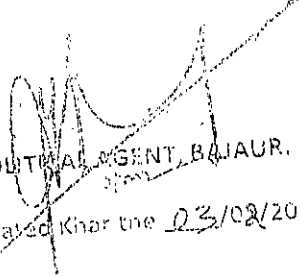
SHOW CAUSE NOTICE

Reference: Additional Political Agent, Bajaur letter No. 253 dated 21/01/2016 regarding physical verification of the Education Department Employees.

During the process of physical verification, you were found absent from your duties since long.

You are, therefore, directed to show cause that why disciplinary action should not be initiated against you under the ES: O Rules 2012.

You are further directed to insure your presence on duty within a week time after issuance of this Show Cause Notice.


POLITICAL AGENT, BAJAUR.

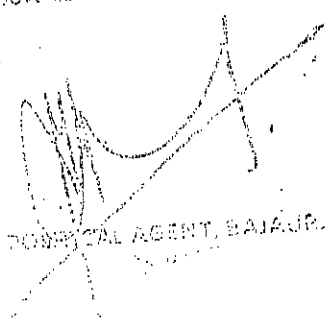
Dated Khar the 03/02/2016.

No. 1310-13/EC

Copy forwarded to the:-

1. PS to ACS, FATA, Warsak Road, Peshawar.
2. PS to Secretary (A I & C) FATA Secretariat, Peshawar.
3. Additional Political Agent, Bajaur with reference to above referred letter.
4. The Agency Education Officer, Bajaur.

For information please.


POLITICAL AGENT, BAJAUR.

اشتہار اظہار وجوہ غیر حاضری عمداً

- (1) محمد جان فاری BPS-12 گورنمنٹ ہائی سکول غازی بابا تحصیل اتمائیل
(2) احمد جان P.S.T BPS-12 گورنمنٹ پرائمری سکول دلی ارتگ تحصیل اتمائیل

عمرہ دراز سے آپ اپنی ڈیوٹیوں سے غیر حاضر ہیں جس کی بناء پر آپ دونوں کو آپ کے سکولوں کے ایڈریس پر علیحدہ علیحدہ نوٹس ارسال کئے گئے ہیں جن میں آپ دونوں کو ہدایت کی گئی تھی کہ آپ ایک ہفتہ کے اندر اندر اپنی ڈیوٹیوں پر حاضر ہو جائیں اور اپنی غیر حاضری کی وجوہات بتائیں۔ لیکن نہ آپ اپنے فرائض منصبی کی ادائیگی کیلئے اپنی ڈیوٹیوں پر حاضر ہو گئے اور نہ ہی کوئی معقول وجہ یا اطلاع دفتر ہذا آئی لہذا آخری بار بذریعہ اشتہار ہذا آپ کو مطلع کیا جاتا ہے کہ اس اشتہار کے اشاعت کے پندرہ دن کے اندر اندر زبردستی کے روبرو پیش ہو کر اظہار وجوہ عمداً غیر حاضری پیش کریں کہ کیوں نہ آپ کی خلاف تادیبی کارروائی کی جائے۔ بصورت دیگر آپ دونوں کے خلاف خیبر پختونخواہ کے سرکاری ملازمین کے انفینٹس اینڈ ڈسپلن (E&D) رولز 2011 کے تحت کارروائی عمل میں لائی جائے گی جس کے تحت آپ دونوں کی ملازمت سے برخواستگی بھی ہو سکتی ہے۔ جس کا تم خود مدعا رہو گے۔

انجنیر عامر خٹک
پولیسکل ایجنٹ باجوڑ ایجنسی۔

اس دفتر کا نوٹس کا جواب آپ کے خدمت میں عرض ہے کہ محمد جان

وہاں محمد جان کا گھر رحمان سبانی EDO کے ساتھ گورنمنٹ ہائی سکول

کو ریسٹورٹ دے کر ایک دفعہ گرفتار کیا گیا پھر 14 مہینے بعد رہا ہو گیا۔ اب

محمد جان نے 7/5/2015 کو ایک دفعہ بار پھر ریسٹورٹ دے کر لو آؤ

سیرا خام نہیں دے سکے۔ اور 10 مہینوں سے غائب ہے۔ آپ صاحبان

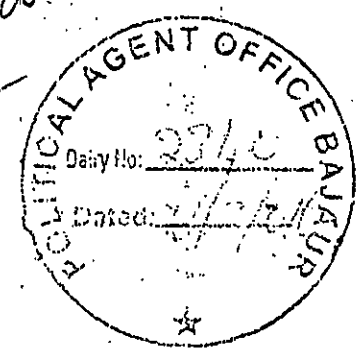
مہربانی کر کے اس کے بارے میں آڈی والوں کو درحراست کر میں کہ محمد

جان اپنے گھر پر آئے گا اور وہاں رہے گا۔

Edu Branch

Pratt
as per law

P.A.B
7/3/14



OFFICE OF THE
POLITICAL AGENT, BAJAUR.

No. 1309/EC Dt 03/02/2016.

To.

Muhammad Jan Qari BPS-12,
Govt. High School, Ghazi Bab, Tehsil Utmankhel.

Subject: SHOW CAUSE NOTICE.

Memo.

Reference: Additional Political Agent, Bajaur letter No. 253 dated 21/01/2016 regarding physical verification of the Education Department Employees.

During the process of physical verification, you were found absent from your duties since long.

You are, therefore, directed to show cause that why disciplinary action should not be initiated against you under the E& D Rules 2011.

You are further directed to insure your presence on duty within a week time after issuance of this Show Cause Notice.


POLITICAL AGENT, BAJAUR.

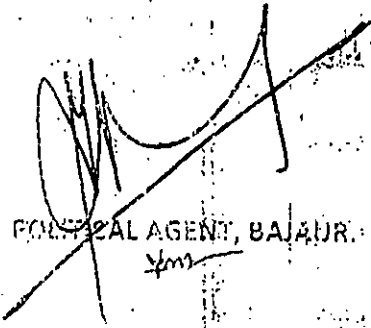
Dated Khar the 03/02/2016.

No. 1310-13/EC

Copy forwarded to the:

1. PS to ACS FATA, Warsak Road, Peshawar.
2. PS to Secretary (A. I & C) FATA Secretariat, Peshawar.
3. Additional Political Agent, Bajaur with reference to above referred letter.
4. The Agency Education Officer, Bajaur.

For information please.


POLITICAL AGENT, BAJAUR.

Ans. Baek Said.

19

OFFICE OF THE

POLITICAL AGENT, BAJAUR.

No. 2281/JEC Dt 24/03/2016.

To.

The Commandant,
Bajaur Scouts at Khar.

Subject: APPLICATION/VERIFICATION OF MUHAMMAD JAN QARI GHS, GHAZI BABA & AHMAD JAN PST, GPS, WALI ARANG TEHSIL UTMANKHEL.

Memo:-

During the process of physical education the following teachers of education department were found absent from their duties. Show cause notices were issued to them through their schools addresses (copies enclose) as well as through Daily newspapers:-

1. Muhammad Jan Qari GHS Ghazi Baba Tehsil Utmankhel.
2. Ahmad Jan PST GPS Wali Arang Tehsil Utmankhel.

Now son/nephew of the above teachers submitted reply of show cause notices and stated that their father/uncle is in the custody of FC (Copies enclose).

You are, therefore, requested let this office know that actually the aforementioned teachers are in the custody of the Security Forces or otherwise. Your reply in the matter is required to complete departmental proceedings against them please.

POLITICAL AGENT, BAJAUR.

Dated Khar the 24/03/2016.

No. 2282-85/JEC

Copy forwarded to the:-

1. PS to ACS PATA, Warsak Road, Peshawar.
2. PS to Secretary (AI & C) PATA Secretariat, Peshawar.
3. The Additional Political Agent, Bajaur.
4. The Agency Education Officer, Bajaur.

For information please.

POLITICAL AGENT, BAJAUR.

OF THE

شوات

SECRET

HQ Bajaur Scouts
17th Scouts Corps
Khar
Tel - 0942-220898
No.57/3/IC/ K X //Ce//
31 March 2016

To: The Political Agent
Bajaur Agency, Khar

Subject: Application / Verification of Muhammad Jan Qari GHS, Ghazi Baba & Ahmad Jan PST, GPS, Wali Arang Tehsil Utmankhel

Reference your letter Number. 228/ JEC dated 24 March 2016

Suspect Ahmed Jan son of Bakhti Jan was apprehended by this HQ on 06 Feb 2015 due to his involvement in terrorist activities. He is held with this HQ and has been declared "Black" by JUT. Moreover Muhammad Jan Qari son of Bakhti Jan is also wanted to this HQ due to his suspicious activities / contact with terrorists.

EC

~~PAZB~~
~~31/3/16~~

POLITICAL AGENT OFFICE BAJAUR
Daily No: 3177
Dated: 4/4/16
SECRET

Sohail Ahmad
Caption
for Commandant
(Sohail Ahmad)

OFFICE OF THE POLITICAL AGENT, BAJAUR.

No. 3009 /EC

OFFICE ORDER.

Dated Khar the 21/04/2016.

1. WHEREAS; in pursuance of the FATA Secretariat, Admn: Infrastructure & Coordination Department, Peshawar letter No. FS/SO(C-III)/1-16/Edu: & Health/2823-36 dated 02/10/2015 the process of Physical Verification of Govt: employees in Bajaur Agency was carried through the Additional Political Agent, Bajaur Agency.
 2. AND WHEREAS; The Additional Political Agent, Bajaur vide his office letter No. 253 dated 21/01/2016 reported the following teachers absent from duty and recommended for disciplinary action against them:
 1. Mr Muhammad Jan Qari, BPS-12, GHS, Ghazi Baba Tehsil Utmankhel s/o Bakhti Jan r/o Ghazi Baba Tehsil Utamankhel.
 2. Ahmad Jan PST BPS-12, Govt: Primary School, Walai Arang, Tehsil Utmankhel s/o Bakhti Jan r/o Ghazi Baba Tehsil Utamankhel.
 3. AND WHEREAS; The undersigned being competent authority issued show cause notices to them vide this office letter No. 1309/EC dated 03/02/2016 and No. 1304/EC dated 03/02/2016 for attendance and showing cause of absence from duties.
 4. AND WHEREAS; due to no response from both the above absent teachers the undersigned published a notice in their names dated in daily "Aaj" and "Nai Bat" 20/02/2016 and till date both the teachers nor attended their duty nor submitted any explanation.
 5. AND WHEREAS; Reportedly both the teachers remain involved in terrorist activities and wanted to the Law Enforcement Agencies for Anti State activities.
- NOW THEREFORE, I Engineer Aamir Khattak the Political Agent, Bajaur Agency being competent Authority hereby pleased to impose major penalty of removal from service upon them, under Rules-4 (b) iii of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, and terminate them from service from the date of absence from duty.

POLITICAL AGENT, BAJAUR.

Dated Khar the 21/04/2016.

No. 3010-17 /EC

Copy forwarded to the:-

1. PS to Additional Chief Secretary FATA, FATA Secretariat Warsak Road, Peshawar.
2. PS to Secretary (AI & C) FATA Secretariat, Peshawar.
3. The Director Education FATA, FATA Secretariat Warsak Road, Peshawar.
4. The Commandant Bajaur Scouts at Khar.
5. Additional Political Agent, Bajaur for information with reference to above.
6. Agency Accounts Officer, Bajaur.
7. The Agency Education Officer, Bajaur.
8. Official concerned.

POLITICAL AGENT, BAJAUR.

0942-30
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220400

www.dailyaj.com.pk

پشاور

بکستان

12

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11:20:16

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لوٹری کیل اجنٹ باجوڑ

تاریخ 26-02-01/16

رقم

تفصیل

5230

استحقاق روزنامہ آج پشاور

اظہار وجوہ نوشتی

POLITICAL AGENT OFFICE

Daily No: 2580

Date: 17/03/16

ٹول

Pat p

0302-5316952

استحقاق روزنامہ آج پشاور

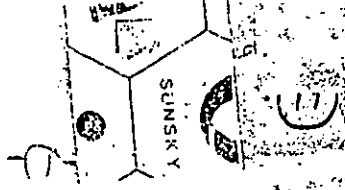
PS: 12

BPS: 12

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Adi Da

www.naiibaat.com



لاہور اور ہندوستان کے اخباروں کی پبلشرنگ اور ڈسٹری بیوٹن کمپنی

Daily Nai Baat

روزنامہ **نئی نئی** کتب

پبلشرنگ: محمد علی عثمان

تلفون: 2072019، 2016، 1437

www.naiibaat.com • e-mail: nt@naiibaat.com

استہوار مظاہرہ محمد عثمان عثمانی پورا

(1) پوسٹل رجسٹریشن نمبر: BPS-12/16/11

(2) پوسٹل رجسٹریشن نمبر: S.T. BPS-12/16/11

پتہ: لاہور، پاکستان

اس اخبار کے لئے ہرگز کوئی معاوضہ نہیں دیا جائے گا۔

اگر آپ کو یہ اخبار نہیں ملتا ہے تو براہ کرم اپنا پتہ اور پتہ پتہ لکھ کر ہمیں بتائیں۔

اگر آپ کو یہ اخبار نہیں ملتا ہے تو براہ کرم اپنا پتہ اور پتہ پتہ لکھ کر ہمیں بتائیں۔

اگر آپ کو یہ اخبار نہیں ملتا ہے تو براہ کرم اپنا پتہ اور پتہ پتہ لکھ کر ہمیں بتائیں۔

اگر آپ کو یہ اخبار نہیں ملتا ہے تو براہ کرم اپنا پتہ اور پتہ پتہ لکھ کر ہمیں بتائیں۔

اگر آپ کو یہ اخبار نہیں ملتا ہے تو براہ کرم اپنا پتہ اور پتہ پتہ لکھ کر ہمیں بتائیں۔

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ADD: D4 (B)

OFFICE OF THE AGENCY EDUCATION
OFFICER BAJAUR AGENCY AT KILAR

No: 2576 Dated 6/1/16

To

The Additional Political
Bajaur Agency

Subject: PHYSICAL VERIFICATION OF EDUCATION EMPLOYEES MALE / FEMALE

Memo:

Kindly refer to your office letter No. 346 / Education / A.G. B. dated 28/12/2015 regarding subject cited above.

The following employees (Male) posted from 1977 to 1997 who have not been verified during physical verification in your office are hereby resubmitted to your office with the remarks that their competent authority is the Political Agent to initiate disciplinary action as per E & D rules against them.

SR No	Ho in the verification list	Name	Design	BPS	School	Tehsil
1	✓	Saeedur Rahmana	CP	11	GHIS Zoor Bunkar	Khar
2	✓	Muhammad Jan	Qaji	11	GHIS Ghazi Baba	Umanakhel
3	✓	Naseer Mushaq	PS	11	GPS Jan Killa	Sularzai
4	✓	Wajida Bibi	Junior Teacher	11	Goverment Model School (G Girls Section)	Khar
5	✓	Shahid Gabar	PS	12	GGPS Dag Qilla	Khar

Shauk
Agency Education Officer
Bajaur Agency

Encl No: 2577-78 Dated 6/1/2016

- Copy of the above is submitted to the
1. Political Agent Bajaur Agency.
 2. Director of Education (A.A.) Peshawar.

Shauk
Agency Education Officer
Bajaur Agency

66 B 22

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
JUDICIAL COMPLEX (OLD), KHYBER ROAD
PESHAWAR.

No.

Rajid

Appeal No. 5370 of 2020

Muhammad Jan Qasri Appellant/Petitioner

Versus

Secy to Govt. of KPK F&SE Pesh Respondent

Respondent No. 3

Notice to:

The Deputy Commissioner/The Tahsil Officer
Agent Tribal Distt. Bajaur at Khar

WHEREAS an appeal/petition under the provision of the North West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration in the above case by the petitioner in this Court and notice has been ordered to issue. I hereby inform that the said appeal/petition is fixed for hearing before the Tribunal on 2/11/2020 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed, either in person or by authorized representative or by an Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement along with any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice or the address given in the appeal/petition will be deemed to be your correct address and service of notice posted to this address by registered post will be deemed sufficient for all purposes of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to relevant

office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this

Day of Dec 2020
03/11/2020
70/15

[Signature]
Registrar
Khyber Pakhtunkhwa Service Tribunal
Peshawar

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

4.11.020

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 370 /2020

Muhammad Jan Qari BPS 12 GHS Ghazi Baba S/O Bakhti Jan R/o Ghazi Baba
Tehsil Utmanke. Appellant

VERSUS

The Secretary to Government of Khyber Pakhtunkhwa Elementary & Secondary
Education Department Peshawar and others.

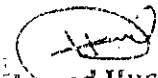
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5	Copy of the letter dated 24/03/2016	D	11
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9	Wakalat nama		16


Appellant

Dated: 10/06/2020

Through


Hamad Hussain

Advocates High court Peshawar
Mobile: 03120952763

Process Fee
22

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____/2020

Muhanimad Jan Qari BPS 12 GHS Ghazi Baba S/O Bakhti Jan R/o Ghazi Baba
Tehsil Utmankhe. _____Appellant

VERSUS

1. The Secretary to Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department Peshawar.
2. The Director Elementary & Secondary Education Department KPK Peshawar.
3. The Deputy Commissioner/ the then Political Agent Tribal District Bajour at Khar.
4. The District Education Officer Bajour at Khar-----Respondents

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 21/04/2016 PASSED BY THE POLITICAL AGENT BAJAUR , WHEREBY THE APPELLANT WAS AWARDED MAJOR PENALTY OF REMOVAL/ TERMINATE FROM SERVICE.

PRAYERS:

ON ACCEPTANCE OF THE INSTANT APPEAL, THE IMPUGNED Office ORDER DATED 21/04/2016 MAY GRACIOUSLY BE SET ASIDE AND APPELLANT May Kindly BE REINSTATE IN SERVICE WITH ALL BACK BENEFITS.

Respectfully Sheweth:-

1. That the appellant was initially appointed as a TT Teacher BPS 7 on contract basis in the education department on 15/11/2003 and then the applicant was appointed as a Qari BPS 12 post at GHS Ghazi Baba Arang Bajuar on 10/08/2009. And during his service the appellant performed his duty with great Zeal and Punctuality. (Copy of appointments orders as annex "A" & B).
2. That on 9/5/2015 the appellant was taken into illegally custody by the Law Enforcement agencies and was shifted to unknown place and illegally confinement.
3. That the appellant was kept into illegal custody by the Law Enforcement agencies till 10/02/2020. Thereafter appellant was released by the Law Enforcement agencies from his illegal custody after clearance the allegations

4. That after released by the Law Enforcement agencies the appellant reached to the Govt High School, Ghazi Baba Tehsil Utmanikhel, to resume his duty he was informed regarding his terminated from service.
5. That on 21/04/2016 the appellant was terminated from services by the then Political Agent, Bajaur Agency now Deputy Commissioner Bajaur during his illegal confinement. **(Copy of termination order as Annexure C)**
6. That on 24/03/2016 the then Political Agent, Bajaur Agency now the Deputy Commissioner Bajaur was requested through application to the Commandant, Bajaur Scouts at khar about the verification in the custody of the appellant and is Bother Ahmad Jan. **(Copy of the letter dated 24/03/2016 as Annexure D).**
7. That on 31/03/2016 Commandant, Bajaur Scouts in reply of the letter / application of the Political Agent, Bajaur Agency now Deputy Commissioner Bajaur the appellant is wanted to this HQ due to his suspicious activities with terrorists. Furthermore his brother Namely Ahmad Jan is held with this HQ and he is declared BLACK by JIT. **(Copy of Reply dated 31/03/2016 as Annexure E).**
8. That on 03/03/2020 the appellant filed departmental appeal before the respondents NO 2 which was not decided within the stipulated period, hence the instant service appeal before this Honourable Service Tribunal on the following grounds. **(Copy of departmental appeal as annexure F)**

Grounds

- A. That Respondents have not treated to the appellant in accordance with law, rules and policy on subjects and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully issued the impugned order, which are unjust, unfair and hence not sustainable in the eye of law.
- B. That the impugned office order are void -initio, against the facts, law and procedure, hence untenable being unjust and unfair.
- C. That the appellant was terminated from service by the then Political Agent Bajaur now DC Bajaur who was not a competent authority for the purpose, furthermore the appellant was terminated from service on the ground of absence from duty but no specific period of alleged absence was provided, while the appellant was not remained absence from duty wilfully but due to

(5)


illegal confinement of law enforcement agencies and later on the appellant was released after clarifications.

- D. That the appellant has never been involved in any type of anti-state activities neither the applicant was any linking / nexus with the anti-state organizations nor the political agent Bajaur or Law Enforcement agencies proved any nexus with the appellant to anti state organization .
- E. That the termination order of the appellant Dated 21/04/2016 is illegal, unlawful, void -ab- initio and against the judgments of august Supreme Court of Pakistan as well as judgments of the Honourable Khyber Pakhtankhwa Service Tribunal Peshawar.
- F. That there is no charge sheet statement of allegations have been issued which is mandatory under (Efficiency and Discipline) Rules 2011.
- G. That no fact finding or regular inquiry has been conducted against the appellant hence the whole proceeding are void -initio and the impugned order is liable to be set aside on this ground alone as per judgments of the superior courts
- H. That the right of fair trial is granted by Article 10 A of the constitution of Islamic republic of Pakistan 1973 but the same cannot be provided to the appellant. Furthermore there is no evidence against the appellant
- I. That no opportunity of personal hearing was afforded to the appellant, which are also the mandatory requirement of law as well as principle of natural justice. The appellant was condemned unheard and accordingly the impugned order is void, ab-initio, arbitrary and hence not sustainable.

It is, therefore, most humbly requested that the instant service appeal may kindly be accepted and the appellant kindly be re-instated in his service with all back benefits. Any others relief which this Honourable Tribunal deem fit if any may also be granted.


Appellant


Through


(HAMAD HUSSAIN)

Advocate High Court
Peshawar
Mobile 03329122812

Affidavit:-

I, Muhammad Jan Qari BPS 12 GHS Ghazi Baba S/O Bakhti Jan R/o Ghazi Baba Tehsil Utrankhe, hereby solemnly affirm that the contents of the instant Service Appeal are true correct with the best of my knowledge that no such like appeal has earlier been filed between the parties in this Honourable Tribunal.

DEPONENT 

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____/2020

Muhammad Jan Qari BPS 12 GHS Ghazi Baba S/O Bakhti Jan R/o Ghazi Baba
Tensil Utmankhe. Appellant

VERSUS

The Secretary to Government of Khyber Pakhtunkhwa Elementary & Secondary
Education Department Peshawar and others.

APPLICATION UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT
APPLICATION FOR CONDONATION OF DELAY

Respectfully Shewth:

1. That the appellant has filed service appeal under section 4 of the Service Tribunal Act Against the impugned office order on dated 21/04/2016 whereas the appellant was dismissed from the service.
2. That during that time the appellant was in custody behind the bar when the appellant was dismissed from service, therefore the appellant was not provided any opportunity of inquiry proceedings or personal hearing behind the bar nor the appellant was communicated charge sheet and show cause notice behind the bar/ judicial lockup and the same delay was in circumstances not intentionally and the appellant was came to knowledge about his dismissal when the appellant released from custody and appeared for duty.
3. That the appellant had submitted departmental appeal on dated 03/03/2020 to the respondent No 3, which was not decided, hence the present appeal filed stipulated period, but the impugned order is a void order and limitation could not run against void order as per judgments of this Honourable Tribunal as well as the August Supreme Court of Pakistan reported as 1985 SCMR, 1178.
4. That the appellant was kept into illegal custody, by the Law Enforcement agencies till 10/02/2020. Thereafter appellant was released by the Law Enforcement agencies from his illegal custody after clearance the allegations levelled against the appellant whereas the appellant resumed his duty and he was informed regarding his dismissed from the services.

It is, therefore, humbly prayed that on acceptance of the condonation application as limitation could not run against void order as per judgments of this Honourable Tribunal as well as the August Supreme Court


of Pakistan reported as 1985 SCMR, 1178 this Honourable Tribunal may please be to condone the delay.



Appellant

Dated: /0 /2020

Through


Hamad Hussain

Advocates High court Peshawar
Mobile: 03120952763

6

BETTER COPY

OFFICE OF THE AGENCY EDUCATION OFFICER BAJAUR AGENCY AT KHAR

Appointments / Adjustment

Consequent upon the result of interview held on 22/04/2003 and approved by political Agent Bajaur Agency Muhammad Jan S/O Bakhti Jan of Bajaur Agency is hereby appointed against the vacant post at GPS Dandokat Ghar Shamoza BPS No 7 @ Rs 2220-120-5820 and BPS 9 Rs 2410-145-6760 (for F.A / F.SC 2nd Division) P.M with usual Allowances as admissible under the rules (ON CONTRACT BASIS) from the date of their taking over charge in the Interest of public service, Salimjan TT transferred.

TERMS/CONDITIONS

1. The period of contract will be one year.
2. The appointment of the candidate is being made purely on temporary and is liable to be terminated at any time without assigning any reason. In case he wish to resign from their service he will give one month prior notice OR forfeit one month pay in lieu thereof.
3. His pay will not be submitted to the accounts officer concerned before verification of all certificate from the concerned institution Domicile certificate from the political agent concerned.
4. Charge report should be submitted in duplicated to this office.
5. He should produce his health and age Certificate from the Agency surgeon concerned.
6. He should produce his original Certificates before taking charge.
7. He should be handed over charge of the post if he below 18 years OR above 35 years of age.
8. If he does not take over charge within 15 days their order will treated as concerned.
9. No TA-DA is allowed to the candidates.

(MR RAZI HUSSAIN BANGASH)
AGENCY EDUCATION OFFICER
BAJAUR AGENCY

ENCLOSURE

G: 6044-49/transfer /dated 15/11/2003

Copy to the

1. Director of Education FATA NWFP, Peshawar
2. Political Agent Bajaur Agency
3. Agency Accounts officer Bajaur Agency
4. AADO (Male/Female)
5. Principle/ Head Master Concerned / official Concerned
6. Accountant of the local officer.

AGENCY EDUCATION OFFICER
BAJAUR AGENCY

BETTER COPY

OFFICE OF THE AGENCY EDUCATION OFFICER BAJAUR AGENCY AT KHAR

Appointment Order

Consequent upon the approval by the political Agent Bajaur and Departmental Selection Committee, the following Male candidate of Bajaur Agency are hereby appointed against Qari posts purely on temporary basis in BPS-12 plus usual Allowance as admissible under the rules / new policy notified by the Govt of NWFP vide SO(R-VI) E & AD/13-1/2005 dated 10/8/2005 and civil servants amendments act 2005 vide No PA/N.W.F.P/Legis -1,2005 -20440 dated 23/07/2005 with effect from the date of taking charge in the school noted against their names in the interest of public service.

S.No	Name of candidate	Father Name	Name of school where appointed	Remarks
1	Muhammad Jan	Bakhti Jan	GHS Ghazi Baba	Against vacant post on 25% open Merit
2	Gulrahman	Haroon Khan	GHS Matta Qilla	Against vacant post on 75% tehsil wise
3	Saniul Haq	Kifayatullah	GHS Batwar	Against vacant post on 75% tehsil wise
4	Israrul Haq	Ajmir Khan	GHS Kamedara	Against vacant post on 75% tehsil wise

TERMS AND CONDITIONS:

1. The appointment of the candidate is being made purely on temporary and is liable to be terminated at any time without assigning any reason.
2. They will not be entitled to get pension/gratuity benefits. However G p Fund & C P Fund will be deducted as per rules.
3. Charge report should be submitted in duplicated to this office.
4. All kinds of documents should be verified from the concerned institutions before the drawl of their Salaries.
5. Health and age Certificate should produce to this office to be obtained from the Agency surgeon concerned.
6. Their ages should be according to Govt policy.
7. If they failed to report of their arrival within 15 days their appointment order will automatically consider as cancelled.

(Haji Gul rahman)
AGENCY EDUCATION OFFICER
BAJAUR AGENCY

ENDstNO 4855-51/Qari(M) dated 10/08/2009

Copy to the

1. Director of Education FATA NWFP, Peshawar
2. Political Agent Bajaur Agency
3. Agency Accounts officer Bajaur Agency
4. AADO (Male/Female)
5. Principle/ Head Master Concerned /official Concerned
6. Accountant of the local officer.

AGENCY EDUCATION OFFICER
BAJAUR AGENCY



(9)

**OFFICE OF THE AGENCY EDUCATION OFFICER
BAJAUR AGENCY AT KHAR**

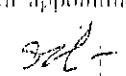
APPOINTMENT ORDER:

Consequent upon the approval by the Political Agent Bajaur and Departmental Selection Committee, the following Male candidates of Bajaur Agency are hereby appointed Against Qari Posts purely on temporary basis in BPS-12 plus usual allowances as admissible under the rules/new policy notified by the Govt. of N.W.F.P vide SO (R-VI) F & AD/13-1/2005 dated 10/8/2005 and civil servants amendments act 2005 vide No. PA/N.W.F.P/Legis-1,2005-20440 dated 23/7/2005 with effect from the date of taking over charge in the schools noted against their names in the interest of public service.

S.No	Name of Candidate	Father Name	Name of School where appointed	Remarks
1	Muhammad Jan	Bakhti Jan	GHS Ghazi Baba	Against vacant Post on 25% Open Merit
2	Gul Rahman	Harnon Khan	GHS Matla Qilla	Against vacant Post on 75% Tehsil wise.
3	Saimi Haq	Kibiyatullah	GHS Barwar	Against vacant Post on 75% Tehsil wise.
4	Israrul Haq	Ajair Khan	GHS Kamadara	Against vacant Post on 75% Tehsil wise.


TERM AND CONDITIONS:

1. The appointment of the candidates is being made purely on temporary basis & is liable to termination at any time without assigning any reason.
2. They will not be entitled to get pension/gratuity benefits, however GP Fund & CP Fund will be deducted as per rules.
3. Charge report should be submitted to all concerned in duplicate.
4. All kinds of documents should be verified from the concerned institution before the drawl of their salaries.
5. Health and Age certificate should be produced to this office to be obtained from the Agency surgeon concerned.
6. Their age should be according to Govt. Policy.
7. If they failed to report of their arrival within 15 days, their appointment order will be automatically considered as cancelled.


(Haji Gul Rehman)
Agency Education Officer
Bajaur Agency

Endst. No: 4855-61/Qari (M) Dated 10/08/2009
Copy of the above is forwarded to the:-

1. Director of Education FATA N.W.F.P Peshawar
2. Political Agent Bajaur Agency.
3. Agency Accounting Officer Bajaur Agency
4. Head Master concerned.
5. A.S.Os concerned
6. Officers concerned
7. Accountant of the local office.


Agency Education Officer
Bajaur Agency

OFFICE OF THE POLITICAL AGENT

IR.

No. 1309 /EC

Dated Khar the 21/04/2016.

OFFICE ORDER.

1. WHEREAS; In pursuance of the FATA Secretariat, Admin: Infrastructure & Coordination Department, Peshawar letter No. FS/SO(C-III)/1-16/Edu: & Health/2823-36 dated 02/10/2015 the process of Physical Verification of Govt: employees in Bajaur Agency was carried through the Additional Political Agent, Bajaur Agency.
2. AND WHEREAS; The Additional Political Agent, Bajaur vide his office letter No. 253 dated 21/01/2016 reported the following teachers absent from duty and recommended for disciplinary action against them:-
 1. Mr Muhammad Jarr Qari, BPS-12, GHS, Ghazi Baba Tehsil Utmankhel s/o Bakhti Jan r/o Ghazi Baba Tehsil Utmankhel.
 2. Ahmad Jan PST BPS-12, Govt: Primary School, Walai Arang, Tehsil Utmankhel s/o Bakhti Jan r/o Ghazi Baba Tehsil Utmankhel.
3. AND WHEREAS; The undersigned being competent authority issued show cause notices to them vide this office letter No. 1309/EC dated 03/02/2016 and No. 1304/EC dated 03/02/2016 for attendance and showing cause of absence from duties.
4. AND WHEREAS; due to no response from both the above absent teachers the undersigned published a notice in their names dated in daily "Aaj" and "Nai Bat" 20/02/2016 and till date both the teachers nor attended their duty nor submitted any explanation.
5. AND WHEREAS; reportedly both the teachers remain involved in terrorist activities and wanted to the Law Enforcement Agencies for Anti State activities.

NOW THEREFORE, I Engineer Amir Khattak the Political Agent, Bajaur Agency being competent Authority hereby pleased to impose major penalty of removal from service upon them, under Rules-4 (b) iii of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, and terminate them from service from the date of absence from duty.

POLITICAL AGENT, BAJAUR.

Dated Khar the 21/04/2016.

No. 3010-17 /EC

Copy forwarded to:-

1. PS to Additional Chief Secretary FATA, FATA Secretariat Warsak Road, Peshawar.
2. PS to Secretary (AI & C) FATA Secretariat, Peshawar.
3. The Director Education FATA FATA Secretariat Warsak Road, Peshawar.
4. The Commandant Bajaur Scouts at Khar.
5. Additional Political Agent, Bajaur for information with reference to above.
6. Agency Accounts Officer, Bajaur.
7. The Agency Education Officer, Bajaur.
8. Official concerned.

POLITICAL AGENT, BAJAUR.

Annex D



OFFICE OF THE

POLITICAL AGENT, BAJAUR.

No. 2281 /EC Dt 24/03/2016.

To:

The Commandant,
Bajaur Scouts at Khar.

Subject:

APPLICATION/VERIFICATION OF MUHAMMAD JAN QARI GHS, GHAZI BABA & AHMAD JAN PST, GPS, WALI ARANG TEHSIL UTMANKHEL.

Memo:

During the process of physical education the following teachers of education department were found absent from their duties. Show cause notices were issued to them through their schools addresses (copies enclose) as well as through Daily newspapers:-

1. Muhammad Jan Qari GHS Ghazi Baba Tehsil Utmankhel.
2. Ahmad Jan PST GPS Walai Arang Tehsil Utmankhel.

Now son/nephew of the above teachers submitted reply of show cause notices and stated that their father/uncle is in the custody of FC (Copies enclose).

You are, therefore, requested let this office know that actually the aforementioned teachers are in the custody of the Security Forces or otherwise. Your reply in the matter is required to complete departmental proceedings against them please.

No. 2282-85 /EC

POLITICAL AGENT, BAJAUR.

Dated Khar the 24 /03/2016.

Copy forwarded to the:-

1. PS to ACS FATA, Warsak Road, Peshawar.
2. PS to Secretary (AI & C) FATA Secretariat, Peshawar.
3. The Additional Political Agent, Bajaur.
4. The Agency Education Officer, Bajaur.

For information please.

POLITICAL AGENT, BAJAUR.

Amir u

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HQ. Bajaur Scouts
17th Scouts Corps
Khar
Tel: 0942-220893
No. 57/3/IC/A Cell
21 March 2016

To: The Political Agent
Bajaur Agency, Khar

Subject: Application / Verification of Muhammad Jan Qari GHS, Ghazi Baba & Ahmad Jan PST, GPS, Wali Arang Tehsil Utmankhel

Reference your letter Number. 228/EC dated 24 March 2016.

Suspect Ahmed Jan son of Bakht Jan was apprehended by this HQ on 08 Feb 2015 due to his involvement in terrorist activities. He is held with this HQ and has been declared "Black" by JIT. Moreover Muhammad Jan Qari son of Bakht Jan is also wanted to this HQ due to his suspicious activities / contact with terrorist.

EC

PAGE 1
31/3/16

POLITICAL AGENT OFFICE BAJAUR
Dairy No: 3177
Dated: 4/4/16
SECRET

Sohail
Caption
for Commandant
(Sohail Ahmad)

Amma (

13

To,

The Director,
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Subject: **DEPARTMENTAL APPEAL AGAINST THE ORDER DATED
21/04/2016 PASSED BY THE POLITICAL AGENT, BAJAUR,
WHEREBY THE APPELLANT WAS AWARDED MAJOR
PUNISHMENT OF TERMINATION FROM SERVICE.**

Respected Sir:

1. That the appellant was appointed as a TT Teacher BPS 7 on contract basis in the education department on 15/11/2003 and then the applicant was appointed as a Qari post at GHS Ghazi Baba Arang Bajuar on 10/08/2009 through propel channel and has rendered 13 years service with unblemished service recorded.
2. That on 9/5/2015 the appellant was taken into illegally custody by the Law Enforcement agencies and was shifted to unknown place and illegally confinement.
3. That the appellant was kept in illegal custody by the Law Enforcement agencies till 10/02/2020.
4. That on 10/02/2020 the appellant was released by the Law Enforcement agencies from illegal custody.
5. That after released by the Law Enforcement agencies the appellant reached to the Govt High School, Ghazi Baba Tehsil Utmankhel, to resume his duty he was informed regarding his terminated from service.

- (14)
6. That on 21/04/2016 the appellant was terminated from services by the then Political Agent, Bajaur Agency know Deputy Commissioner Bajaur during his illegal confinement.
 7. That the appellant. was terminated from service by the political agent Bajaur who was not a competent authority for the purpose, further more the appellant was terminated from service on the ground of absence from duty but no specific period of alleged absence was provided .
 8. That the appellant. has never been involved an any type of anti state activities neither the applicant was any linking / nexus with the anti state organizations nor the political agent Bajaur or Law Enforcement agencies proved any nexus with the appellant to anti state organization
 9. That the termination order of the appellant Dated 21/04/2016 is illegal, unlawful, void -ab- initio and against the judgments of august Supreme Court of Pakistan as well as judgments of the Honourable Khyber Pakhtunkhwa Service Tribunal Peshawar.
 10. That there is no charge sheet statement of allegation has been issued which is mandatory under (Efficiency and Discipline) Rules 2011.
 11. That no fact finding or regular inquiry has been conducted against the appellant hence the whole proceeding are void -initio and the impugned order is liable to be set aside on this ground alone.
 12. That the right of fair trial is granted by Article 10 A of the constitution of Islamic republic of Pakistan 1973 but the same cannot be provided to the appellant. Furthermore there is no evidence against the appellant

(15)

13. That no opportunity of personal hearing was afforded to the appellant, which are also the mandatory requirement of law as well as principle of natural justice. The appellant was condemned unheard and accordingly the impugned order is void, ab-initio, arbitrary and hence not sustainable.

It is, therefore, most humbly requested that the instant departmental appeal may kindly be accepted and the appellant kindly be re-instated in his service with back benefits. Any other relief which may be deemed fit if any may also be granted.

Dated: 03/03/2020



Muhammad Jan Qari BPS 12
GHS G. Baba Tehsil Utmanchel
Mol. No. 03171625148