BEFORE THE HONOURABLE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 1657/2022

Rana Fahim Akhtar **VS** **Government of KPK**

Index

SNo.	Description of documents	Annexure	Page No.
01	Para wise comments		01-06
02	Affidavit & Authority		07,08
03	Recommendations of the scrutiny committee	A	09-12
04	Termination order dated 08.02.2012	B	13-15
05	EP No. 34/2012	C	16-18
06	Supreme Court Judgment dated 27.06.2012	D	19-20
07	Service Tribunal Judgment dated 14.03.2018	E	21-39
08	Supreme Court Judgment dated 19.09.2018	F	40-42

Deponent
Dr. Khalid Saeed Akbar
12101-0899674-5
0343-903-3399

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 1657/2022

Rana Fahim Akhtar VS Government of KPK

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

Respectfully Sheweth

1) That the services of the appellant were terminated along with 1613 terminated teachers by the then DCO DIKhan dated 04.09.2009.
2) That the Service Appeal No. 2188/2010 of the appellant was dismissed by the Honourable Service Tribunal KPK Peshawar.
3) That the services of all the illegally appointed teachers (period 01.01.2007 to 30.06.2008) were terminated. The appointment of the appellant falls in this period.
4) That all the appointments in the period of 01.01.2007 to 30.06.2008 were termination in the light of Service Tribunal Judgment dated 27.10.2011.
5) That the Secretary Education has constituted a scrutiny committee in the light of Service Tribunal Judgment dated 27.10.2011.
6) That under the direction of Service Tribunal Judgment dated 27.10.2011, a scrutiny committee was formed. All the appointees from 01.01.2007 to 30.06.2008 were informed through advertisement in the daily Mashriq for personal hearing, appellant in the light of advertisement appeared before the committee so formed and committee found that the appointment of the appellant's were illegal, without DSC, without Advertisement. Hence committee recommended that the services of the appellant may be terminated. (recommendations of scrutiny committee are annexed as **Annexure A**)
7) That in the light of recommendations made by the security committee the then EDO DIKhan has terminated the services of the appellant on 08.02.2012. The name of appellant's reflecting at S No. 96 in the termination order list. (termination order is annexed as **Annexure B**)
8) That the present service appeal of the appellant is barred by law of limitations.
9) That in the year 2007 no quota was reserved for the promotion from PST to CT, hence appellant has got illegal appointment as CT teacher.
10) That the service appeal of the appellant is not maintainable due to Doctrine of leaches.
11) That the service appeal is not maintainable due to mis-joinder and non-joinder of necessary parties.
12) That the appellant has got no cause of action / locus standi.
13) That the appellant has not come to Honorable Tribunal with clean hands.
14) That the appellant has filed the petition on malafide objectives.
15) That the instant appeal is against the prevailing law and rule.
16) That the instant appeal is illegal and against the facts and on grounds circumstances.
17) That the Honorable Tribunal has no jurisdiction to entertain such like service appeal.
18) That the appellant does not come to this Tribunal with clean hands.

Objections on Facts

1) The 1st part of this para is related to the services of appellant in the Post Office Department. The appellant did not array the Post Office Department as respondent in the present service appeal. Hence the present service appeal is not maintainable due to mis-joinder and non-joinder of the necessary parties. The 2nd part of this Para is correct to the extent that the respondent department advertised different teaching cadre post hence no comments.

2) This para need verification from the Post Office Department but in the present service appeal Post Office Department is not arrayed as necessary party. Hence the present service appeal is not maintainable due to mis-joinder and non-joinder of necessary parties.

3) That the appellant was appointed as PST teacher in the respondent department vide No. 12655-973 dated 02.07.2007. As per term and condition No. 04 the services of appellant were on one year probation, it is further submitted that as per term and condition No. 07 the services of appellant's were on temporary basis. Hence appellant have no right to claim the benefits of a regular employee.

4) Incorrect / not admitted. Appellant was temporary appointed as PST teacher for one year probation period. Appellant took over the charge of PST post at GPS No. 10 DIKhan and worked for one month (September 2007 only) and received salary for the month of September 2007. Appellant did not complete his probation period as per term and condition No. 04 of the appointment's order, it is further submitted that the appellant did not get confirmation of his services as PST teacher. This material fact has been concealed from this Honourable Tribunal.

5) Incorrect / not admitted. In the light of Honourable Service Tribunal Judgment dated 27.10.2011 a scrutiny committee was constituted. The committee personally heard the appellant and given recommendations that the appointment of appellant is illegal, without merit, without DSC and without procedure. The appointment of CT teacher was illegal and irregular in term of prescribed method of recruitment; neither any advertisement was made to fill the vacancies nor any test and interview was held. No merit list was prepared.

6) That the appellant received one month salary on the basis of temporary appointment as PST teacher. The minimum probation period for the any post in Civil Department is one year extendable to another year. Appellant did not complete his probation period for the post of PST. As per term and condition No. 04 the services of appellant were on one year probation and as per term and condition No. 07 the services of appellant's were on temporary basis.

7) Incorrect / not admitted. Appellant did not complete his probation period as per term and condition of the appointment order and he only served as PST for one month only (September 2007) and then through illegal appointment order appellant got appointment as CT teacher in the respondent department. It is to clarify that at the relevant time there was no promotion quota of PST to CT, so the appointment of appellant as CT is considered to be fresh appointment. No DSC meeting was held in the month of September 2007 for PST to CT promotion.

8) Incorrect / not admitted. On the basis of illegal appointment appellant draw his monthly salary. The appellant drawn salary on the basis of illegal appointment order and this salary may be recovered from the appellant.

9) Incorrect / not admitted. The services of the appellant were terminated along with other 1613 terminated teachers under the direction of Honorable Service Tribunal judgment dated 27.10.2011, a Scrutiny Committee was formed. All the appointees from 01.01.2007 to 30.06.2008 were informed through advertisement in the daily Mashriq. The appellant in the light of advertisement appeared before the committee so formed, for self defense and this material fact has been concealed from this Honorable Tribunal. Committee recommended the termination of the appellant as the appointment of the appellant was illegal, without DSC, without advertisement, without merit list and recruitment policy.

10) Incorrect not admitted. As the appellant was not regular / permanent employee as PST of the Education Department. Appellant has not completed his probationary period on the post of PST as per term and condition of the appointment order. Therefore, appellant cannot claim any right as regular teacher/employee of Education Department.

11) Incorrect / not admitted. The appellant filed representations (time barred) to the then EDO DIKhan, the claim sought by the appellant in his representation was against the spirit of the Honourable Service Tribunal Judgment dated 27.10.2011. The respondent department implemented the judgment of this Honourable Tribunal with letter and spirit, in this regard Execution Petition No. 34/2012 was also dismissed by this Honourable Tribunal vide order dated 14.03.2012. The Honourable Supreme Court of Pakistan had also upheld the order of this Honourable Tribunal dated 14.03.2012 vide Judgment dated 27.06.2012. (**Annexure C&D**)

12) Strongly denied. The services of the appellant were terminated on 08.02.2012 in the light of Honourable Service Tribunal Judgment dated 27.10.2011. In the year 2015 appellant approached to the Honourable High Court in WP No. 843-D/2015 with pray;

"It is, therefore, humbly prayed the respondents may be directed to act in accordance with law, rule and polices of the government, the directions of the Service Tribunal and Standing Committee and to reinstate the petitioner on the post of CT/PST being appointed on merit and also released the pay of the petitioner with all back benefits. Any other relief as deemed appropriate on the circumstances of the case not specifically asked for may also be granted to the petitioner"

The writ petition of the petitioner was dismissed on the ground of Article 212 of the Constitution of the Islamic Republic of Pakistan. Then appellant approached to this Honourable Tribunal in Service Appeal No. 227/2019. Now appellant once again approach to this Honourable Tribunal, hence it is requested to this Honourable Tribunal to dismiss the service appeal of the appellant being devoid of merit.

13) Incorrect / not admitted. The matter of representation dated 15.10.2018 was discussed in the judgment of this Honourable Tribunal in Service Appeal No. 227/2019. The appeal of the appellant was declined by the appellate authority and same had been conveyed to the appellant. This Honourable Tribunal was pleased to dismissed 190 appeals vide Judgment dated 14.03.2018. (**Annexure E**)

14) No comments

15) Incorrect / not admitted. The present appellant is not an aggrieved person. It is, therefore, humbly requested to this Honorable Tribunal to dismiss the service appeal of the appellant being devoid of merit. Further proceeding in this regard would bear no fruit.

Objections on Grounds

1. Incorrect / not admitted. Strongly denied. The appointment of the appellant was proved illegal, without DSC and without proper procedure. Therefore, the services of the appellant were terminated along with 1613 teachers on 08.02.2012. The appellant took CT teacher appointment order illegally by its own means, furthermore, the appointment order of the appellant reflects that the appellant took fresh appointment order as CT teacher; appellant was not promoted to the post of CT teacher. There is no rule to promote at teacher to the next higher grade after performing one month job.

2. Incorrect / not admitted. As the appellant has not completed the probationary period for the post of PST, therefore appellant cannot claim the benefits of PST post. Appellant has not got promotion to the post of CT but he got illegal appointment order of CT post. How it can possible that a candidate can get promotion from PST to CT within one month? Therefore the Notification dated 30.09.2022 is justified in eye of law.

3. Strongly denied. The name of appellant reflects at **SNo. 96** of the termination order dated 08.02.2012. The claim of the appellant is only a riving and the service appeal of appellant is in-fructuous due to his false and frivolous claim. The appellant did not complete his probationary period as PST in the respondent department, after one month appellant illegally get appointment of CT.

4. Incorrect / not admitted. The appellant and others were terminated on the ground of illegal appointment, appellant did not get promotion to the post of CT and appellant took appointment by his own means without DSC, without merit list, without observing the codal formalities. This fact also admitted by the Honourable Supreme Court of Pakistan vide judgment dated 19.09.2018. (**Annexure F**)

5. Incorrect / not admitted. Strongly denied. Appellant is terminated on 08.02.2012. No discrimination has been made with appellant. Appellant was treated according to law. The services of the appellant were terminated in the light of recommendations of the scrutiny committee. The appellant was well aware of his termination order which clearly reflects from the pray of his writ petition of the year 2015 and different appeals/representations annexed with present service appeal.

6. Incorrect / not admitted. Strongly denied. Appellant never requested to the respondent department regarding his repatriation to the parent department. The representations annexed with the present service appeal do not reflect this stance of the appellant. It is further submitted that the present service appeal of the appellant is not maintainable due to mis-joinder and non-joinder of the necessary parties. The Pakistan Post Office will be in the batter position to inform this Tribunal regarding lien of the appellant.

7. Incorrect / not admitted. The regular employee of the respondents department have got promotion to the higher post, they were reverted back to their original post. The present petitioner did not get promotion from PST to CT post, hence the claim of the appellant is against the law, rule and polices of the Government. In the year 2007 as there was no quota reserved for promotion from PST to CT. Now there is 40% quota reserved for promotion from PST to CT, and this promotion is given under the recommendations of the DSC.

8. As discussed above

9. No comments

10. The Counsel for the respondents may be allowed to raise additional grounds at the time of arguments.

Pray

It is, therefore, requested to this Honorable Tribunal to dismiss the service appeal of the appellant because the service appeal of the appellant is devoid of merit, further proceeding in this regard would bear no fruit.

Secretary to the Government of Khyber Pakhtunkhwa
Elementary & Secondary Education Department Peshawar

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

District Education Officer
(Male) DIKhan

07

BEFORE THE HONOURABLE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 1657/2022

Rana Fahim Akhtar **VS** **Government of KPK**

Affidavit

I, Dr. Khalid Saeed Akbar representative of respondents do hereby solemnly affirm and declared on oath that the contents of para wise comments of above mentioned service appeal are correct to the best of my knowledge and nothing has been concealed from this Honourable Tribunal.

ATTESTED
Gul Daraz Khan
Oath Commissioner
Advocate High Court Peshawar

Deponent
Dr. Khalid Saeed Akbar
12101-0899674-5
0343-903-3399

08

BEFORE THE HONOURABLE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 1657/2022

Rana Fahim Akhtar **VS** **Government of KPK**

Authority

I District Education Officer (M) DIKhan Respondent No. 3 do hereby authorized Dr. Khalid Saeed Akbar Representative to attend this Honourable Service Tribunal KP Peshawar on behalf of respondents in connection with submission of Para wise comments and till the decision of service appeal.

Respondent No.3

District Education Officer
(Male) Dera Ismail Khan

16	105	Zaffar Hussain	Allah Bakhsh	GMS Hafiz Abad	12670-74	02.07.2007	nil	21.09.2005	Trained
17	2908/10	Attullah	Inayatullah	GHS No.1 Paharpur	13116-160	02.07.2007	30.04.2010	21.11.2005	Un-Trained
18	1704/10	Muhammad Shahid Nadeem	Muhammad Ramzan	GMS Jhoke Gumla/Wanda Hisam	12421-25	02.07.2007	30.04.2010	14.07.2007	Un-Trained

2. *As per recruitment rules, Policy and procedure in practice in 2007 were to be filled 25% from open Merit and 75% on the basis of batchwise/yearwise merit.*
3. *Their appointments are illegal and irregular in term of prescribed method of recruitment.*
4. *No Merit list was prepared in the cases of the appellants. Codal formalities for appointments were flagrantly violated.*
5. *The Executive District Officer (E&SE) D I Khan issued individual separate appointment orders to each and every appellant. NWFP (now Khyber Pakhtunkhwa) Civil Servants (Appointment, Promotion and Transfer Rules 1989 is violated.*
6. *Decision of the Standing Committee No.26 duly adopted by the Provincial Assembly was implemented. A high Level Enquiry was conducted in their cases. A competent authority terminated them after adoption of Proper procedure. Peshawar High Court D I Khan Bench has also directed for the implementation of the decision of the Standing Committee No.26.*
7. *The appointments of the appellants were illegal and irregular under Rule 10(2) of the Khyber Pakhtunkhwa civil servant (Appointment Promotion and Transfer Rules 1989 which is reproduced below.*
   "Initial recruitment to the posts which do not fall within the purview of the commission shall be made on the recommendations of the departmental Selection Committee after the vacancies have been advertised in the newspapers"
8. *In case of appointment of the applicants the vacancies were advertised but not recommended by Departmental Selection Committee for the appointment.*
9. *Appeals being merit less deserve to be dismissed.*

11. CT (M) CATEGORY III.

1. *55 CT posts were sanctioned on 29.09.2007 by the Government of Khyber Pakhtunkhwa Finance department vide No BOV/FD/2-38/2006-07 dated 29.09.2007* ***(Annexure-H)*** *against which the following candidates were appointed as CT with out advertisement and observing recruitment process, Merit list, DSC and other procedure.*

S.No	Appeal No/year	Name of appellant	Fathers Name	School	Appt: order No	Date	Paid Upto	Year of Passing CT Exams	Whether trained or untrained

1	1806/10	Tahir Abdullah	Hidayatullah	GMS Jhoke Mozam	20540-45	01.09.2007	30.04.2010	31.03.1998	Trained
2	1964/10	Muhammad Hassnain	Khadim Hussain	GMS No.2 Paharpur/Kot Jai	20311-15	01.10.2007	30.04.2010	13.05.1997	Trained
3	1969/10	Abdul Rauf	Muhammad Amir	GMS Rajan Pur	20385-89	01.10.2007	30.04.2010	20.12.1995	Trained
4	1959/10	Muhammad Rustam	Muhammad Ramzan	GMS No.2 Paharpur DIKhan/GHS Kot Jai	13116-160	01.10.2007	30.04.2010	20.03.2007	Trained
5	1537/10	Abdul Aziz	Ghulam Murtaza	GMS Dost Ali	20380-83	01.10.2007	30.04.2010	31.07.1999	Trained
6	1535/10	Lal Khan	Fazal Illahi	GMS Rang Pur	20360-64	01.10.2007	30.04.2010	31.03.2002	Trained
7	1971/10	Munir Ahmad	Malak Hakim	GHSS Dhakki	20375-79	01.10.2007	30.04.2010	09.01.1995	Trained
8	1731	Ali Raza	Abdul Kari,	GHS Rehmani Khel	1235-55	01.10.2007	30.04.2010	20.12.2000	Trained
9	2195/10	Muhammad Nadeem	Ahmad Nawaz	GMS Shah Due/Shore Kot	20325-29	01.10.2007	30.04.2010	08.07.2006	Trained
10	1738/10	SamiUllah	Abdul Haleem	GMS WandaKali	20005-09	01.10.2007	30.04.2010	20.03.2007	Trained
11	1730/10	Abdul Jalil	Noor Muhammad	GHS Katta Khal	13116-20	01.10.2007	30.04.2010	20.03.2001	Trained
12		Inayat Ullah	Fateh Sher	GMS Kala Gurh	20372-76	01.10.2007	Pay not activated	30.09.1999	Trained
13		Zafar Iqbal	Allah Bakhsh	GMS Mir Alam	20216-20	01.10.2007	Pay not activated	28.12.2004	Trained
14	122/11	Nigah Hussain	Riaz Hussain	GMS WandaNadar Shah	20280-84	01.10.2007	Pay not activated	21.11.2005	Trained
15	1643/10	Muhammad Saeed	Ghulam Yaseen	GMS Wanda Nadar Shah	13116-160	01.10.2007	30.04.2010	05.05.2003	Trained
16	2167/10	Muhammad Adil	Malik Abdullah	GHSS Muryali	20275-79	01.10.2007	30.04.2010	20.03.2007	Trained
17	2343/10	Asmatullah	Ghulam Siddique	GHS Rahmani Khel/No.1 Paharpur	20265-69	01.10.2007	30.04.2010	28.12.2006	Trained
18	2481/10	Muhammad Tufail	Muhammad Aslam	GMS Wanda Gandar	20385-89	01.10.2007	30.04.2010	28.12.2006	Trained
19	2501/10	Hafiz Daud Ahmed	Hafiz Burhan ud din	GHS Himat	20385-89	01.10.2007	30.04.2010	20.03.2007	Trained
20	1706/10	Ubaidullah	Hafiz Ghulam Rasool	GHS Himat/Chehkan	20540-44	01.10.2007	30.04.2010	20.03.2007	Trained
21	2487/10	Bismillah Jan	Gulistan	GHS Chowdhwan	20305-09	01.10.2007	30.04.2010	20.03.2007	Trained
22	2503/10	Salim Javed	Jan Muhammad	GMS Zaffar Abad Colony	20316-20	01.10.2007	30.04.2010	27.02.1998	Trained
23	2160/10	Rabnawaz	Muhammad Nawaz	GHSS Ramak/GHSS Paroa	21471-75	01.10.2007	30.04.2010	31.03.2001	Trained
24	1423/10	Ghayas-ud-Din	Akbar Shah	GHSS Daraban Kalan	20496-500	01.10.2007	30.04.2010	04.06.2004	Trained
25	2484/10	Abdul Latif	Ghulam Siddique	GHSS Ramak/GHS Mahra	20471-550	01.10.2007	30.04.2010	20.03.2007	Trained
26	1740/10	Sami Ullah	Sher Khan	GMS Wanda Umer Khan	20205-08	01.10.2007	30.04.2010	28.12.2006	Trained
27	2477/10	Samiullah	Amanullah	GHS Kacha Mali Khel	20561-65	01.10.2007	30.04.2010	28.12.2006	Trained
28	2307/10	Muhammad Faheem	Khuda Bax	GMS Wanda Dost Ali	12639-43	01.10.2007	30.04.2010	31.12.1996	Trained
29	2032/10	Ihsanullah	Haq Nawaz	GMS Jhoke Obyaha	20511-15	01.10.2007	30.04.2010	28.12.2004	Trained
30	2483/10	Waqar Ahmed Saqib	Muhammad Ibrahim	GHS Mandhran Kalan	20216-20	01.10.2007	30.04.2010	21.11.2005	Trained
31	1741/10	Muhammad Tahir	Qutbud Din	GHS Bahadri	20430-34	01.10.2007	30.04.2010	20.03.2007	Trained
32	2165/10	Mudassar Nadeem	Abdul Latif	GMS Rind	20365-69	01.10.2007	30.04.2010	03.02.2003	Trained
33	2886/10	Syed Qamar Sultan Shah	Syed Fazal Hussain Shah	GMS Teer Garh/GHSS Kath Garh	20410-14	01.10.2007	30.04.2010	31.03.2002	Trained
34	2476/10	Latifullah	Ahmed Khan	GMS Wanda Kali	20471-550	01.10.2007	30.04.2010	20.03.2007	Trained
35	2498/10	Muhammad Afzal	Alam Khan	GHS Kacha Mali Khel	20570-75	01.10.2007	30.04.2010	30.11.1999	Trained
36	2735/10	Muhammad Javaid Ahmed	Fazal Rahman	GMS Jhoke Dabari/GHS Maddi	24430-34	01.10.2007	30.04.2010	21.11.2005	Trained
37	2290/10	Muhammad Ismail	Ghulam hussain	GMS W.Dost Ali/Tir Garh	19901-05	01.10.2007	30.04.2010	31.03.2002	Trained
38	2300/10	Muhammad Zubair	Muhammad Akram	GHS No.1 Paharpur	13116-160	01.10.2007	30.04.2010	05.05.1996	Trained
39	2507/10	Muhammad Imran	Bashir Ahmed	GHS Athog/GHS Rangpur Shumali	13116-160	01.10.2007	30.04.2010	06.05.2004	Trained

(11)

40	2302/10	Muhammad Sadique	Muhammad Ramzan	GMS Paharpur	13452-56	01.10.2007	30.04.2010	30.11.1999	Trained
41	1734/10	Noor Aslam	Badshah Khan	GHS Himat/Yarik/GMS Wanda Kali	20355-59	01.10.2007	30.04.2010	31.12.1996	Trained
42	1732/10	Saleem Ullah	Ghulam Akber	GHS Athog/GMS Wanda Umari	20150-54	01.10.2007	30.04.2010	21.11.2005	Trained
43	2161/10	Muhammad Sajeel	Muhammad Rafiq	GHS Paroa/GMS Jhoke Rind/GHSS Ramak	20471-75	01.10.2007	30.04.2010	25.03.2001	Trained
44	1534/10	Ghulam Yasin	Zaffran	GHS Dhakki/GHS Umer Khel Shargi	20225-29	01.10.2007	30.04.2010	30.11.1999	Trained
45	2581/10	Ahmed Jan	Hassan Khan	GHS Himat	20270-75	01.10.2007	30.04.2010	25.04.2000	Trained
46	1702/10	Mazhar Usman Jehanzeb	Sadiq Muhammad Awan	GHS Mandhran Kalan	20470-75	01.10.2007	30.04.2010	31.03.1998	Trained
47	1970/10	Muhammad Hussain	Mohram Ali	GMS Jhoke Dabari/GHS Bilot Sharif	20571-75	01.10.2007	30.04.2010	21.11.2005	Trained
48	1968/10	Abdul Hafeez	Abdul Hamid	GMS Mandhran Saidan/GHSS Kath Garh	19906-10	01.10.2007	30.04.2010	13.05.1997	Trained
49	1533/10	Muhammad Riaz	Allah Nawaz	GMS Fatha Ali	20436-40	01.10.2007	30.04.2010	21.11.2005	Trained
50		Azmatullah	Mazullah	GMS Wnada Kiram	20180-84	01.10.2007	30.04.2010	25.05.1996	Trained
51		Muhammad Saleem Akhter	Ghulam Haider	GHS Dhallah/GMS Saggu Shumali	20545-49	01.10.2007	31.05.2010	30.09.1999	Trained
52	2206/10	Imran Muhammad	Raza Muhammad	GMS Budh	20120-25	01.10.2007	30.04.2010	25.04.2000	Trained
53	2485/10	Abid Haroon	Hamidullah	GHS Bhadari	20290-94	01.10.2007	30.04.2010	13.05.1997	Trained
54	2186/10	Muhammad Farooq Nawaz	Imam Bakhsh	GMS Basti Ali	20329-34	01.10.2007	30.04.2010	07.06.2004	Trained
55	1735/10	Aziz Ullah	Abdullah Khan	GHS Rahmani Khel/Paniala	20405-10	01.10.2007	30.04.2010	20.03.2007	Trained
56	2190/10	Syed Ali Raza Shah	Ghulam Qasim Shah	GMS Shah Dau/GMS Sheikh Yousaf	20175-80	01.10.2007	30.04.2010	07.06.2004	Trained
57	1810/10	Muhammad Abid	Dost Muhammad	GHS Haji Mora/GMS Nawab	20260-64	01.10.2007	30.04.2010	20.12.1995	Trained
58	1743/10	Ameer Jan	Muhammad Shah	GHS Rahmani Khel/GHSS Katta Khel	12609-13	01.10.2007	30.04.2010	31.03.1998	Trained
59	2188/10	Rana Faheem Akhtar	Rana Salim Akhtar	GMS Wanda Nadir Shah/GHS Yarik/GMS Drabri	20476-80	01.10.2007	30.04.2010	28.12.2004	Trained
60	1840/10	Gul Nawaz	Abdul Manan	GHS Katta Khel/Wanda Shero	13161-210	01.10.2007	30.04.2010	29.05.1994	Trained
61	2612/10	Muhammad Irfan	Bashir Ahmed	GHS Umer Khel	13120-160	01.10.2007	Pay not activated	21.11.2005	Trained
62	1860/10	Fazal ur Rahim	Abdul Rahim	GMS Wanda Karim	20440-44	01.10.2007	Pay not activated	15.12.2007	Trained
63	3085/10	Asmatullah	Muhammad Sagig	GMS No.2 Daraban Kalan	20461-65	01.10.2007	Pay not activated	06.05.2004	Trained
64	21/11	Jan Muhammad	Khuday Nazar	GMS Rangpur Shumali	20471-550	01.10.2007	Pay not activated	21.11.2005	Trained
65	Nil	Abdul Latif	Muhammad Sharif	GMS Jhoke Dabari/GHS Kiri Khaisoor	19936-40	01.10.2007	Pay not activated	20.03.2007	Trained
66	1854/10	Malak Saadullah	Malak Hamidullah	GMS Ganju	20420-25	01.10.2007	Pay not activated	25.04.2000	Trained
67	1654/10	Muhammad Ilyas Khan	Sabz Ali Khan	GHS Wanda Moazam/GMS Thoya Fazil	20390-92	01.10.2007	30.04.2010	15.12.2007	Un-Trained
68	2294/10	Asmatullah	Haji Ghulam Siddique	GMS Paharpur/GHS No.2 Paharpur	13320-24	01.10.2007	30.04.2010	21.11.2005	Un-Trained
69	1965/10	Syed Shakilur Rehman	Habibur Rehman	GHSS Dhakki	20245-59	01.10.2007	30.04.2010		Un-Trained
70	547/11	Muhammad Arshad Umer Farooq	Meherban Khan	GMS Chah Malwana	20375-79	01.10.2007	NA	15.12.2007	Un-Trained
71	Nil	Muhammad Saeed	Abdul Aziz	GHS W.Moazam	20250-54	04.10.2007	nil	15.12.2007	Trained

Attested

12

2. *As per recruitment rules, Policy and procedure in practice in 2007 .The posts were to be advertised and were to be filled 25% from open Merit and 75% on the basis of Batchwise/Yearwise merit.*
3. *The above 71 appointments of CT are illegal and irregular in term of prescribed method of recruitment; neither any advertisement was made to fill the vacancies nor anyTest & interview was held.*
4. *No Merit list was prepared in the cases of the appellants. Codal formalities for appointments were flagrantly violated.*
5. *The Executive District Officer (E&SE) D I Khan issued individual separate appointment orders to each and every appellant. NWFP (now Khyber Pakhtunkhwa) Civil Servants (Appointment, Promotion and Transfer Rules 1989 is violated.*
6. *Decision of the Standing Committee No.26 duly adopted by the Provincial Assembly was implemented. A high Level Enquiry was conducted in their cases. Peshawar High Court D I Khan Bench has also directed for the implementation of the decision of the Standing Committee No.26. Proper procedure was adopted for their termination but they were not terminated by competent authority ,which was Executive District Officer Elementary and Secondary Education D I Khan but by the DCO D I Khan, thus irregular, The Honourable Serevice Tribunal set aside the trimination order on technical ground and their cases remanded back to Secretary .*
7. *The appointments of the appellants were illegal and irregular under Rule 10(2) of the Khyber Pakhtunkhwa civil servant (Appointment Promotion and Transfer Rules 1989 which is reproduced below..*
   "Initial recruitment to the posts which do not fall within the purview of the commission shall be made on the recommendations of the departmental Selection Committee after the vacancies have been advertised in the newspapers"
8. *In case of appointment of the applicants the vacancies were not advertised besides Departmental Selection Committee has not recommended the applicants for the appointment.*
9. *Appeals being merit less deserve to be dismissed on the analogy of the decision of the Khyber Pakhtunkhwa Services Tribunal decision under Para-9 (i) read with Para-8(b).*

12.CT (M) CATEGORY IV.

1. *9 CT posts were lying vacant out of the sanctioned post, on 29.09.2007 , by the Government of Khyber Pakhtunkhwa Finance department vide No BOV/FD/2-38/2006-07 dated 29.09.2007* ***(Annexure-H)*** *against which the following candidates were appointed as CT with out advertisement and observing recruitment process, Merit list, DSC and other procedure.*

13

OFFICE THE EXECUTIVE DISTRICT OFFICER (E&SE) D.I.Khan

ORDER:

In pursuance of order dated 27-10-2011 of the KPK Service Tribunal in service Appeal No. 1407/2010 and other connected appeals, committee headed by the Secretary to Govt. of Khyber Pakhtunkhwa (E&SE) Department considered the cases of the appellants and similar placed persons and came to the conclusion that the appointment of the following CTs (Male) was illegal, irregular and void ab-initio in terms of rule 10(2) of the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules 1989 and prescribed method of recruitment. On the recommendation of the committee contained at page 103-104 of the enquiry report, their so called services are hereby terminated.

S. No	Appeal No/Year	Name of appellant	Father's Name	School
1	2496/10	Muhammad Ashraf	Hussain Bax	GMS Budh
2	2474/10	Muhammad Raees Azam	Muhammad Ishaq	GHS Diyal
3	2310/10	Muhammad Saleem	Allah Ditta	GMS Draban Kalan
4	1744/10	Muhammad Nawaz Khan	Shahbaz Khan	GMS Wanda Shero /GHS Wanda
5	1739/10	Abdul Majid	Mohibullah	GMS Wanda Mer Dil
6	2500/10	Munir Ahmed	Muhammad Ismail	GMS Gara Rashid/Sagu Shumali/Sardaray Wala/Darabri
7	2553/10	Saiful Moanam	Saifullah Khan	GHSS Ramak
8	2166/10	Mushtaq Ahmed	Juma Khan	GHS Babbar Kacha/Jatta
9	1844/10	Muhammad Shakeel	Muhammad Nawaz	GMS Mir Bazi/No.2 Paroa/GHS Dhallah
10	1973/10	Muhammad Qaisar Iqbal	Muhammad Iqbal Khan	GMS Jhoke Darabri/Sadialain
11	2482/10	Muhammad Amjed	Abdul Wahab	GMS Awan/Jhoke Dabari
12	1771/10	Aziz ur Rehman	Muhammad Nawaz	GMS Toba/Wanda Gandhair/ Wand a Karim/GHS Paniala
13	2493/10	Javed Iqbal	Qaiser Parveez Khan	GHS Mandhran Kalan
14	2509/10	Muhammad Tariq	Haji Ahmad Din	GMS Gara Rashid
15	35/11	Muhammad Hanif	Karim Bakhsh	GMS Chah Roshan
16	2488/10	Ajab Khan	Haji Tila Khan	GMS Sheikh Yousaf
17	2502/10	Mazhar Abass	Ghulam Shabir	GHSS Muryali/GHS Babar Kacha
18	2164/10	Samiullah Khan	Gul Hassan Khan	GHSS Ramak/GHSS Paroa
19	1811/10	Syed Shamsul Arif	Syed Arif Shah	GMS Wanda Karim/GHS Kachi Paind Khan/GMS

attested

80	2161/10	Muhammad Sajeel	Muhammad Rafiq	GHS Paroa/GMS Jhoke Rind/GHSS Ramak
81	1534/10	Ghulam Yasin	Zafran	GHS Dhakki/GHS Umer Khel Sharqi
82	2581/10	Ahmed Jan	Hassan Khan	GHS Himat
83	1702/10	Mazhar Usman Jehanzeb	Sadiq Muhammad Awan	GHS Mandhran Kalan
84	1970/10	Muhammad Hussain	Mohram Ali	GMS Jhoke Dabari/GHS Bilot Sharif
85	1968/10	Abdul Hafeez	Abdul Hamid	GMS Mandhran Saidan/GHSS Kath Garh
86	1533/10	Muhammad Riaz	Allah Nawaz	GMS Fatha Ali
87		Azmatullah	Mazullah	GMS Wnada Kiram
88		Muhammad Saleem Akhter	Ghulam Haider	GHS Dhallah/GMS Saggu Shumali
89	2206/10	Imran Muhammad	Raza Muhammad	GMS Budh
90	2485/10	Abid Haroon	Hamidullah	GHS Bhadari
91	2186/10	Muhammad Farooq Nawaz	Imam Bakhsh	GMS Basti Ali
92	1735/10	Aziz Ullah	Abdullah Khan	GHS Rahmani Khel/Paniala
93	2190/10	Syed Ali Raza Shah	Ghulam Qasim Shah	GMS Shah Daw/GMS Sheikh Yousaf
94	181 0/10	Muhammad Abid	Dost Muhammad	GHS Haji Mora/GMS Nawab
95	1743/10	Ameer Jan	Muhammad Shah	GHS Rahmani Khel/GHSS Katta Khel
96	2188/10	Rana Faheem Akhtar	Rana Salim Akhtar	GMS Wanda Nadir Shah/GHS Yarik/GMS Drabri
97	1840/10	Gul Nawaz	Abdul Manan	GHS Katta Khel/Wanda Shero
98	2612/10	Muhammad Irfan	Bashir Ahmed	GHS Umer Khel
99	1860/10	Fazal ur Rahim	Abdul Rahim	GMS Wanda Karim
100	3085/10	Asmatullah	Muhammad Saqiq	GMS No .2 Daraban Kalan
101	21/11	Jan Muhammad	Khuday Nazar	GMS Rangpur Shumali
102	Nil	Abdul Latif	Muhammad Sharif	GMS Jhoke Dabari/GHS Kiri Khaisoor
103	1854/10	Malak Saadullah	Malak Hamidullah	GMS Ganju
104	1654/10	Muhammad Ilyas Khan	Sabz Ali Khan	GHS Wanda Moazam/GMS Thoya Fazil

attested

10 5	2294/10	Asmatullah	Haji Ghulam Siddique	GMS Paharpur/GHS No.2 Paharpur
10 6	1965/10	Syed Shakilur Rehman	Habibur Rehman	GHSS Dhakki
10 7	547/11	Muhammad Arshad Umer Farooq	Meherban Khan	GMS Chah Malwana
10 8	Nil	Muhammad Saeed	Abdul Aziz	GHS W.Moazam
10 9	1809/10	Muhammad Tariq Nadeem	Manzoor Hussain	GHS Dhallah/GMS Hafiz Abad
1 10	Nil	Syed Zia Hussain Shah	Syed Fida Hussain Shah	GHS Bilot Sharif
1 1	Nil	Salim Nawaz	Abdur Rashid	GMS Basti Ali
1 2	Nil	Imran Khan	Mosam Khan	GMS Kot Kundian/Khutti
1 3	Nil	Muhammad Ayub	muhammad Ramzan	GMS Kot Kundia
1 4	2490/10	Ijaz Hussain	Faiz Muhammad	GMS Kech/Haji Mora
1 5	1808/10	Muhammad Zubair	Ghulam Shabir	GHS Umer Khel Sharqi/Dinpur
1 6	1536/10	Khalil Ahmed	Malik Muhammad Ashraf	GHS Yarik/GMS Awan
1 7	2020/10	Abida Sultan	Amanullah	GMS Adal Sipra

EXECUTIVE DISTRICT OFFICER
(E&SE) D.I.Khan

No. 714-8341 Dated D.I.Khan the 08/2/2012

Copy for information to:

1. P.S to Secretary (E&SE) KPK.
2. P.A to Director (E&SE) Peshawar.
3. District Coordination Officer D.I.Khan.
4. District Officer (E&SE) (M/F) D.I.Khan
5. All concerned.

Attested

EXECUTIVE DISTRICT OFFICER
(E&SE) D.I.Khan

E-28

16

S.No.of Order or proceedings	Date of Order or proceeding	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary.
1	2	3
		Execution Petition No.34/12 Muhammad Hassan Khan etc..... (Petitioners) Versus Secretary, E&SE Department, KPK,etc. (Respondents)
	14.03.2012	Counsel for the petitioners, Mr.Muhammad Rafique-Khattak, Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar and Syed Feroz Hussain-Shah, EDO(E&SE) D.I.Khan in person alongwith Mashal Khan, L.O and Muhammad Nawaz, ADO on behalf of the respondents with AAG present. The respondents have already provided implementation report, which has been perused in the light of judgment of the Tribunal. The implementation report would show that after providing opportunity of hearing to the petitioners and appellants in the connected appeals, and scrutinizing record on case to case basis, the Committee made certain recommendations including issuance of termination/ removal orders of those found illegally appointed and reversion to lower posts of those who were appointed on hipher posts in other categories, and also releasing activating pay of those PSTs (Male) and (Female) who were found validly appointed on merit. The Director (E&SE) KPK and EDO (E&SE) D.I.Khan stated at the Bar that they have already implemented recommendations of the Committee and issued the orders/letters accordingly, in accordance with the recommendations and letter and spirit of the judgment of the Tribunal dated 27.10.2011 in Service Appeal No. 1407/2010 titled "Abdul Salam-vs-Province of KPK through Secretary, Elementary & Secondary Education, Peshawar etc." Be that as it may, the fact remains that in accordance with the above-

M.ANWAR AWAN
Advocate

(17) 29

mentioned judgment of the Tribunal, the respondent-department not only widely publicized hearing of cases of the petitioners and other appellants through publication in the newspapers but have also prepared list of those who appeared before the Committee in response to the publication and obtained their signatures on the list. The learned counsel for the petitioners also confirmed holding of meeting by the Committee at D.I.Khan and participation of the petitioners and other connected persons in the proceedings of the Committee. The implementation report also shows that each and every case has been examined by the Committee after providing opportunity of hearing to the petitioners/appellants, and in pursuance of such proceedings, recommendations have been made by the Committee which are being implemented by the respondent-department. In short, in accordance with the judgment dated 27.10.2011 of the Tribunal, the Secretary, E&SE, KPK, Peshawar (Respondent No.1) constituted a Committee, headed by him, and comprising five other officers of the Education Department including Director, E&SE, KPK, Peshawar and EDO(E&SE) D.I.Khan, conducted proceedings at D.I.Khan after widely publicizing the same through newspapers and thereby ensuring participation of the petitioners and other appellants and providing opportunity of hearing to them and also scrutinizing cases of the petitioners and other appellants on case to case basis and thereafter making certain recommendations which are being implemented through issuance of appropriate orders. As such, the judgment of the Tribunal stands implemented in its letter and spirit.

The learned counsel for the petitioners, however, raised

M. ANWAR AWAN
Advocate

(18) 30

objections regarding the proceedings conducted by the Committee; but he was unable to augment his contentions in this regard with support of law, as fresh order as per outcome of the proceedings and recommendations of the Committee would accrue a fresh cause of action for appeal or any other remedy prescribed by the law, which is, certainly, beyond the scope of the implementation execution proceedings. The misgivings, probably, emanate from lack of knowledge about proceedings of the Committee, which have been provided to the Tribunal in the shape of a book, but not available either with the counsel for the petitioners or petitioners and other appellants. Therefore, the respondents are directed to place the report on the website of the department so that the petitioners, appellants and all concerned should get knowledge of the proceedings and recommendations and chalk out future course of action in accordance with law. The respondents are further directed to ensure compliance with the recommendations of the Committee forthwith, without further wastage of time, so that the aggrieved persons can seek remedy available to them under the law.

In view of the above, the implementation execution petition is disposed of as having served the purpose. File be consigned to the record.

ANNOUNCED
14.03.2012

MEMBER CHAIRMAN

Date of Presentation of Application 15-3-12
Number of Words 1200
Copying Fee 8-00
Urgent 8-00
Total 20-3-12
Name of Copyist
Date of Completion of Copy 20-3-12
Date of Delivery of Copy 20-3-12

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

M.ANWAR AWAN
Advocate

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

(19)

Present:
Mr. Justice Iftikhar Muhammad Chaudhry, HCJ.
Mr. Justice Jawwad S. Khawaja
Mr. Justice Khilji Arif Hussain

Civil Petitions No.1007, 1024, 1025, 1066 to 1069 AND 1075 of 2012
Against order dated 14.03.2012 of Federal Service Tribunal, Islamabad, passed in Execution Petitions No.34, 33, 42, 38, 43 & 36 of 2012.

Muhammad Hassan Khan	**Petitioner***(in CP#1007/12)*
Kaleem Ullah, etc	**Petitioner***(in CP#1024/12)*
Muhammad Altaf, etc	**Petitioner***(in CP#1025/12)*
Jan Muhammad Niazi, etc	**Petitioners***(in CP#1066/12)*
Saif-ur-Rehman	**Petitioner***(in CP#1067/12)*
Shahid Nawaz & others	**Petitioner***(in CP#1068/12)*
Rab Nawaz & others	**Petitioner***(in CP#1069/12)*
Muhammad Ali & others	**Petitioner***(in CP#1075/12)*

VERSUS

Secretary, Govt. of KPK, Elementary & Secondary Education, Civil Secretariat, Peshawar etc — **Respondents** *(in all cases)*

For the Petitioners : Mr. M. Shoaib Shaheen, ASC *(in CP#1007, 1066-1069 & 1075/12)*

Syed Iqbal Hussain Gillani, ASC *(in CP#1024 & 1025/12)*

For the Respondents : N.R.

Date of Hearing: 27.06.2012

ORDER

Iftikhar Muhammad Chaudhry, CJ-. The grievance put forward in the instant petitions by the learned counsel on behalf of the petitioners is that on remand of the cases, the judgment of the Service Tribunal, dated 27.10.2011, passed in different appeals, has not been implemented in letter and spirit. As such, an application

ATTESTED

Court Associate
Supreme Court of Pakistan
Islamabad

seeking implementation of the said judgment was moved before the Service Tribunal, which on having taken into consideration the material so brought before it, concluded that the judgment has been fully implemented, however, the petitioners, if intend to agitate the outcome of the Committee constituted for implementation of the judgment on a fresh cause of action, they should seek remedy according to law.

2. The learned counsel for the petitioners insisted that the earlier judgment of the Service Tribunal, dated 27.10.2011, has not been implemented. We are not in agreement with the learned counsel in view of the finding so recorded by the Service Tribunal in the impugned order, dated 14.03.2012. Thus, we are of the opinion that the Service Tribunal has rightly declined to grant relief to the petitioners, as the judgment already stood implemented, leaving the parties to avail the legal remedy, if fresh cause of action is available to them for redressal of their grievance.

3. Accordingly, the listed petitions are dismissed.

Sd/- Iftikhar Muhammad Chaudhry, C.J
Sd/- Jawwad S. Khawaja, J
Sd/- Khilji Arif Hussain, J

Certified to be True Copy

SEAL OF THE SUPREME COURT OF PAKISTAN
ISLAMABAD
20.06.2012

Court Associate
Supreme Court of Pakistan
Islamabad

(21)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUAL, PESHAWAR CAMP COURT DI KHAN

Appeal No. 943/2012

Date of Institution ... 08.08.2012

Date of Decision ... 14.03.2018

Mst. Mehnaz Begum son of Haji Gul Daraz Ex-PST, GPS Band Kulai, D.I.Khan. ... (Appellant)

VERSUS

1. The Government of Khyber Pakhtunkhwa through Secretary, Elementary & Secondary Education Department, Peshawar and two others. ... (Respondents)

Mr. Khalid Rahman, Advocate,
Mr. Sanaullah Ranazai,
Mr. Muhammad Anwar Awan, Advocate,
Mr. Gul Tiaz Khan, Advocate,
Mr. Muhammad Arif Baloch, Advocate ... For appellants

Mr. Ziaullah,
Deputy District Attorney, ... For respondents.

MR. NIAZ MUHAMMAD KHAN, ... CHAIRMAN
MR. AHMED HASSAN, MEMBER

ATTESTED

EXAMINER
Khyber Pakhtunkhwa

22

JUDGMENT

NIAZ MUIHAMMAD KHAN, CHAIRMAN.- This judgment shall also dispose of the following service appeals as in all the appeals common questions of law and facts are involved:

1. Appeal No. 926/2012, Amjad Ali,
2. Appeal No. 927/2012, Ala-ud-Din,
3. Appeal No. 928/2012, Abdul Qadir,
4. Appeal No. 929/2012, Ghazi Marjan,
5. Appeal No. 930/2012, Mst. Mehreen Begum,
6. Appeal No. 931/2012, Zaheerullah,
7. Appeal No. 932/2012 Mst. Fozia Malik,
8. Appeal No. 934/2012, Samiullah Khan,
9. Appeal No. 936/2012, Abdul Jalil,
10. Appeal No. 937/2012, Muhammad Arif,
11. Appeal No. 938/2012, Muhammad Hassan Khan,
12. Appeal No. 939/2012, Muhammad Arif,
13. Appeal No. 940/2012, Muhammad Tahir,
14. Appeal No. 941/2012, Irshadullah Khan,
15. Appeal No. 942/2012, Muhammad,
16. Appeal No. 944/2012, Mst. Bibi Ayesha,
17. Appeal No. 945/2012, Muhammad Imran,
18. Appeal No. 946/2012, Barkatullah,
19. Appeal No. 947/2012, Hidayatullah,
20. Appeal No. 948/2012 Altaf Khan,
21. Appeal No. 949/2012 Aziz-ur-Rahman,

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

(23)

22. Appeal No. 950/2012, Noor Aslam,
23. Appeal No. 951/2012, Azizur Rahman,
24. Appeal No. 952/2012 Shafiullah,
25. Appeal No. 953/2012 Saleemullah,
26. Appeal No. 954/2012, Ghulam-ud-Din,
27. Appeal No. 955/2012, Imranullah,
28. Appeal No. 956/2012 Hafiz Abdul Rahman,
29. Appeal No. 957/2012, Samiullah,
30. Appeal No. 958/2012, Iftikhar Ahmad,
31. Appeal No. 959/2012 Bismillah Jan,
32. Appeal No. 960/2012, Mst. Mussarrat Shaheen,
33. **Appeal No. 557/2015, Shahid Nawaz,**
34. Appeal No. 558/2015, Tahir Bashir,
35. Appeal No. 559/2015, Muhammad Ramzan,
36. Appeal No. 560/2015, Abdul Ghaffar,
37. Appeal No. 561/2015, Muhammad Ali Abbas
38. Appeal No. 562/2015, Muhammad Iqbal Khan
39. Appeal No. 563/2015 Qaisar Abbas,
40. Appeal No. 564/2015, Mumtaz Bibi,
41. Appeal No. 565/2015, Naeema Sadia,
42. Appeal No. 566/2015, Nasim Bibi,
43. Appeal No. 567/2015, Humaira Rehman,
44. Appeal No. 568/2015, Rehana Andaleeb,
45. Appeal No. 569/2015, Muhammad Sohail,
46. Appeal No. 570/2015, Muhammad Azhar,
47. Appeal No. 571/2015, Mst. Shazia Malik,
48. Appeal No. 572/2015 Mst. Attia Naz,

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal

24

49. Appeal No. 573/2015 Mst. Razia Sultana,
50. Appeal No. 574/2015 Muhammad Asif Rizwan,
51. Appeal No. 622/2015 Mst. Nosheen Faiz,
52. Appeal No. 1091/2015, Rahmatullah,
53. Appeal No. 1092/2015 Muhammad Sahid,
54. Appeal No. 1093/2015, Mst. Tehmina,
55. Appeal No. 1094/2015, Abdul Haleem,
56. Appeal No. 1095/2015 Kifayatullah,
57. Appeal No. 1096/2015 Allah Ditta,
58. Appeal No. 1107/2015, Sibtul Hassan Shah,
59. Appeal No. 1108/2015, Rukhsana Gul,
60. Appeal No. 1109/2015 Muhammad Iqbal,
61. Appeal No. 1110/2015, Muhammad Ibrahim,
62. Appeal No. 1111/2015 Inayatullah,
63. Appeal No. 1112/2015 Mutiullah,
64. Appeal No. 1116/2015 Muhammad Sajid,
65. Appeal No. 1117/2015 Naseem Akhtar,
66. Appeal No. 1118/2015 Muhammad Ilyas,
67. Appeal No. 1119/2015, Arif Hussain,
68. Appeal No. 1120/2015 M. Ismail,
69. Appeal No. 1121/2015 Syed Abne Hassan,
70. Appeal No. 1122/2015 Mst. Safooran,
71. Appeal No. 1123/2015 M. Farooq,
72. Appeal No. 1124/2015, Riaz Hussain,
73. Appeal No. 1125/2015, Murid Hassan,
74. Appeal No. 1126/2015, M. Iqbal,
75. Appeal No. 1127/2015 M. Nawaz,

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

(25)

76. Appeal No. 1128/2015 Samiullah,
77. Appeal No. 1129/2015 Khan Zaman,
78. Appeal No. 1130/2015 Hamidullah,
79. Appeal No. 1131/2015 Ulfat Sumaira,
80. Appeal No. 1132/2015 Rehmat Ullah,
81. Appeal No. 1133/2015, Shaken Akhtar,
82. Appeal No. 1134/2015, Muhammad Safdar,
83. Appeal No. 1135/2015, Rustam Khan,
84. Appeal No. 1136/2015 Muhammad Hasnain,
85. Appeal No. 1137/2015 Allah Nawaz,
86. Appeal No. 1138/2015, Ghulam Abbas,
87. Appeal No. 1139/2015 Mst. Safina Bibi
88. Appeal No. 1140/2015 Nasrullah,
89. Appeal No. 1141/2015 Amanullah,
90. Appeal No. 1142/2015 Hafiz Ullah,
91. Appeal No. 1143/2015 Ulfat Ali,
92. Appeal No. 1144/2015, Shah Jahan,
93. Appeal No. 1145/2015 Hafsa Bibi,
94. Appeal No. 1146/2015 M. Salim,
95. Appeal No. 1147/2015 Qazim Ali,
96. Appeal No. 1148/2015, Gohar Iqbal,
97. Appeal No. 1149/2015 Kashmir Khan,
98. Appeal No. 1150/2015 Syed Touqeer Hussain,
99. Appeal No. 1151/2015 Aziz Fatima,
100. Appeal No. 1152/2015, Muhammad Usman,
101. Appeal No. 1153/2015, Shaista Bibi,
102. Appeal No. 1154/2015 Sana Ullah,

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,

(26)

103. Appeal No. 1155/2015 M. Tahir
104. Appeal No. 1247/2015 Malik Mushtaq Hussain,
105. Appeal No. 1248/2015 Muhammad Ramzan,
106. Appeal No. 1249/2015, Ikramullah,
107. Appeal No. 1250/2015 Haji Muhammad,
108. Appeal No. 1251/2015 Niaz Din,
109. Appeal No. 1252/2015 Abdul Majeed,
110. Appeal No. 1253/2015, Hafeez Ullah,
111. Appeal No. 1254/2015 Nabeela Ambreen,
112. Appeal No. 1255/2015 Muhammad Suliman,
113. **Appeal No. 907/2012, Kalimullah,**
114. Appeal No. 908/2012 Ghulam Abbas Shah,
115. Appeal No. 909/2012, Nomera Shahen,
116. Appeal No. 912/2012, Ehsan Ullah,
117. Appeal No. 913/2012 Samman Gull,
118. Appeal No. 914/2012, Muhammad Faheem,
119. Appeal No. 915/2012, Muhammad Altaf,
120. Appeal No. 916/2012, Muhammad Amjad,
121. Appeal No. 917/2012, Mst. Razia Bibi
122. Appeal No. 921/2012 Ehsan Ullah,
123. Appeal No. 922/2012 Malik Sad Ullah,
124. Appeal No. 923/2012, Muhammad Aslam,
125. Appeal No. 924/2012 Mst. Amna Bibi,
126. Appeal No. 925/2012, Ghulam Sarwar,
127. Appeal No. 978/2012, Rehmatullah,
128. **Appeal No. 1187/2012, Rakhan Din,**
129. Appeal No. 1004/2012, Fazal Rahman,

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

130. Appeal No. 1188/2012, Mst. Fouzia,
131. Appeal No. 1189/2012, Aqal Khan,
132. Appeal No. 1190/2012, Ulfatullah,
133. Appeal No. 1191/2012 Azmatullah,
134. Appeal No. 1193/2012, Najeeb Ullah,
135. Appeal No. 1194/2012, Abdul Haq,
136. Appeal No. 1195/2012, Abdul Mateen,
137. Appeal No. 1196/2012, Misbah-ur-Rehman,
138. Appeal No. 1197/2012 Muhammad Azeem,
139. Appeal No. 1198/2012, Ahmad Ali,
140. Appeal No. 1200/2012, Abdul Majeed,
141. Appeal No. 1201/2012, Muhammad Idrees,
142. Appeal No. 1202/2012, Waheed Ullah,
143. Appeal No. 1203/2012, Farman Ullah,
144. Appeal No. 1204/2012, Hizbullah,
145. Appeal No. 1205/2012, Mst. Irshad Begum,
146. Appeal No. 1206/2012, Furqan Ullah,
147. Appeal No. 1207/2012, Samiullah,
148. Appeal No. 1208/2012, Mst. Asma Gul,
149. Appeal No. 1210/2012, Inam Ullah,
150. Appeal No. 1211/2012, Latifullah,
151. Appeal No. 1213/2012, Haji Noor Ahmad,
152. Appeal No. 1214/2012, Asmatullah,
153. Appeal No. 1215/2012, Mumtaz Ahmad,
154. Appeal No. 1224/2014, Irfan Ali,
155. **Appeal No. 744/2016, Mst. Irum Bibi**
156. Appeal No. 743/2016 Shahnaz Bibi,

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

157. Appeal No. 745/2016, Ulfat Bibi,
158. Appeal No. 746/2015 M. Shakeel,
159. Appeal No. 747/2016, Ameer Nawaz,
160. **Appeal No. 1187/2015, Muhammad Nawaz,**
161. Appeal No. 1188/2015, Rashid Ashraf,
162. Appeal No. 1189/2015, Syed Qamar Sultan,
163. Appeal No. 1190/2015, Ghulam Fareed,
164. Appeal No. 1191/2015, Muhammad Imran Hussain,
165. Appeal No. 1192/2015, Muhammad Taqi Shah,
166. Appeal No. 1193/2015, Riaz Hussain,
167. Appeal No. 1194/2015, Ghulam Rabani,
168. Appeal No. 1195/2015, Rehmatullah,
169. Appeal No. 1196/2015, Saifullah Khan,
170. Appeal No. 1197/2015 Muhammad Ali,
171. Appeal No.1198/2015, Muhammad Saleem,
172. Appeal No. 1199/2015 Lal Khan,
173. Appeal No. 1200/2015, Syed Muhammad Bakhsh Shah,
174. Appeal No. 1201/2015 Syed Tajamel Hussain Shah,
175. Appeal No. 1202/2015, Saifullah Khan,
176. Appeal No. 1203/2015 Ghulam Akhtar,
177. Appeal No. 1204/2015 Jafar Hussain,
178. Appeal No. 1205/2015 Abdul Rasheed Khan,
179. Appeal No. 1206/2015, Amina Bibi,
180. Appeal No. 1290/2015, Fazal Abbas,
181. Appeal No. 1291/2015 Muhammad Jamshed,
182. Appeal No. 1292/2015 Najma Bibi,
183. Appeal No. 1293/2015, Ghulam Yaseen,

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

(28)

184. Appeal No. 1294/2015 Khairat Hussain,
185. Appeal No. 1295/2015 Amir Hussain Shah
186. Appeal No. 2743/Neem/2010, Riazul Hassan,
187. Appeal No. 344/2014 Naeemullah,
188. Appeal No. 1080/2014, Shah Nawaz,
189. Appeal No. 22/2015, Kifayatullah
190. Appeal No. 283/2016, Inayatullah,

Arguments of the learned counsel for the parties heard and record perused. In 27 appeals from 128 to 154 the special attorney of appellants submitted an application that arguments made by other counsel may be treated arguments in their appeals as well.

TESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

FACTS

2. Since common question of laws and facts are involved in all these appeals hence decided together. The brief resume of all these appeals is that some appointments were made in the respondent department in the year 2007. These appointments were declared illegal by the concerned authority. Against the said cancellation this Tribunal was approached and finally this Tribunal vide judgment dated 27.10.11 decided the issue through a judgment in Service Appeal No 1407/2010 (For brevity "the judgment"). Through the judgment the appeals were

(30)

remanded to respondent no 1 with a direction for the reinstatement of those appellants who were qualified in the light of certain observations made in the judgment (Para 9(iii). Those observations relevant for the purpose were given in para 8(d) of the judgment. In compliance the respondent no 1 constituted a committee for giving a report. After the report termination orders of present appellants were issued. The appellants then after seeking departmental remedy (though disputed as to limitation) filed the present appeals against these orders of termination.

ARGUMENTS.

3: The gist of the arguments of all the counsel for the appellants is as under:

i. That the appellants were not heard properly by the Authority or Committee and hence violated the direction of this Tribunal in the judgment.

ii. That the only direction in the judgment was to reinstate those who were qualified and there was no direction to enter into other illegalities/irregularities as those issues were already decided by the Tribunal in the judgment. But the Committee exceeded its mandate and framed TORs beyond that scope by entering into

all other illegalities/irregularities allegedly committed in the appointments.

iii. That all the appellants were duly qualified and hence their termination on other grounds was illegal.

iv. That no new specific reason was shown in the termination orders except a general reason of illegal/irregular appointments.

v. That some of the appellants were only communicated verbal orders of termination and they approached this Tribunal on the basis of verbal orders and those verbal orders have no legal value. Reliance was placed on a case entitled "*Muhammad Ahmed Tariq v District Education Officer*" reported as 2001 PLC(C.S) 109 and "*Abdul Hammed v Sindh Agriculture University and 5 others*" reported as 2006 PLC(C.S) 200.

vi. Some appellants like Riazul Hassan were appointed on the intervention of worthy Peshawar High Court and they could not be terminated on the ground of illegal/irregular appointment.

4. The gist of the arguments of the learned DDA is as under:

i. That the appeals are time barred as all the termination orders were issued in black & white on 8.2.2012 and the appellants either did not file departmental appeals within

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

(32)

time or they did not challenge the said orders in their service appeals.

ii. That the termination orders were issued on the basis of a report of a broad based committee and the termination orders shall be read with the recommendations of the committee for ascertaining the reasons.

iii. That the scope of Authority was not confined to qualification but to other observations mentioned in para 8(d) of the judgment.

iv. That the committee categorized the appointees in terms of commonality of illegalities/irregularities and gave separate findings for each category.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

CONCLUSION.

5. This Tribunal is first to decide the maintainability of these appeals qua the limitation and issuance of verbal order and their effect. Some of the appellants approached this Tribunal by alleging that they were issued verbal orders and some in writ jurisdiction to the Worthy Peshawar High Court for direction to department to issue written orders. On the said direction the written orders were communicated to

(33)

all the appellants which bear date of 8.2.2012. It means that written orders were issued but were not communicated to appellants. In such situation appeals cannot be dismissed on the ground of limitation. Other related objection is that the written orders were not challenged by some of the appellants. As the written orders were communicated on the direction of the Worthy High Court therefore, all the appeals filed prior to such communication cannot be dismissed on this technical ground. Now we are to see the legal status of verbal orders. As there were written orders which were not communicated hence it cannot be said that termination was on the basis of verbal orders. The rulings on the issue relied upon by appellants are irrelevant in the circumstances.

6. As to the association of the appellants in the proceedings this Tribunal has already decided this issue vide order dated 14-03-2012 in Execution Petition No 34/12 entitled "*Muhammad Hassan Khan v Secretary E&SE etc*" as upheld by the august Supreme Court of Pakistan on 27-06-2012. While filing execution petition against these termination orders this Tribunal categorically turned down the plea that the appellants were not associated in the proceedings.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

(34)

7. The appointments of some of the appellants like Riaz-ul Hassan etc. cannot be saved on the ground of their appointment on the intervention of the High Court as the issue before the Court was not of illegal appointment but that the petitioners were ignored despite being on the merit list. Secondly those writ petitions were not decided on merits.

8. Now we are to deal with the crucial question of the scope/TORs of the inquiry committee in the light of the judgment. The judgment is to be read holistically and pars 8(d) and 9(iii) need proper interpretation in order to reach the conclusion whether the Tribunal cleared the appellants from all alleged illegalities/irregularities and confined the Authority to qualification only. In par 8(d) of the judgment the Tribunal while giving some examples reached the conclusion that the assertion of the Department regarding no advertisement in all cases was not correct. Similarly some cases appeared showing constitution of committees for conducting test and interviews. Again there were some cases where merit list was framed and test and interviews conducted. And in some cases certificates/testimonials were also verified. These examples did not cover all the cases but just to strengthen the conclusion that all cases

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(35)

were different and in some cases some or more formalities were fulfilled. On the basis of these examples the Tribunal did not reinstate the appellants as these examples did not cover all the cases and need was felt to remand the appeals back to department to thrash out all necessary formalities on case to case basis and then decide the fate of the appellants. The wordings used in para 9(iii) regarding reinstatement of qualified appellants is to be read with observations made in foregoing paras of the judgment. This means that only those qualified appellants were to be reinstated if they pass the test of observations made in the judgment. Secondly the word "qualified" used in this para is not confined to "educational qualification" but qualification in terms of fulfilling all the procedural and substantive requirements including educational qualification. Another easy test for ascertaining this mandate can be by assuming that if in the judgment the committee was authorized to see qualification only then the result would be that those fulfilling qualification without advertisement would be deemed to be legal appointees. Such conclusion would be against the settled jurisprudence as developed through many precedents of superior courts and discussed in a judgment of larger bench of this Tribunal as mentioned below. The Tribunal, of course, did not intend to create

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,

(36)

such an anomaly and paradoxical outcome through the judgment (27.10.11).The scope of the Committee was, therefore, wider enough to cover all the areas including procedural and substantive requirements.

9. Now we are to discuss different termination orders of different categories passed on the basis of common illegalities/irregularities as formulated by the committee. The following are the categories PST-CT-PET-DM-AT-TT-QARI (MALE & FEMALE)

i. **C I.** No Advertisement. No merit list and no DSC.

ii. **C II.** (relevant for terminated employees only). No merit list and no DSC

iii. **C III.** (.relevant for terminated employees only). No merit list, no DSC and no sanctioned post.

iv. **C IV.** No Advertisement. No merit list and no DSC. Non observance of quota

10. The next question for determination is whether the illegalities/irregularities mentioned in each category justify the termination or these are those lapses which ought to be ignored and cannot be attributed to the fault of the appointees. In this regard we can seek guidance from a recent judgment of Larger Bench of this Tribunal

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

(37)

consisting of the Chairman and all the learned Members delivered in Appeal No 94/2015 entitled " *Shehr Yar Khan v Government of KPK and Others*" decided on 15-02-2018.In this judgment the issue of illegal appointments has been thoroughly discussed and many relevant judgments of the superior courts have been taken into account and thereafter a comprehensive guidelines have been laid down for deciding what orders are void or illegal and what are mere irregular and when an authority is justified in recalling such orders. The superior courts have held in so many judgments that when a civil servant cannot be blamed and when his appointment is to be nullified. A glimpse of such burden on appellants has also been discussed in the judgment (the judgment dated 27.10.11). Without further discussing the above mentioned judgment of larger bench this tribunal reaches the following conclusion qua the propriety of the termination orders in the light of those guidelines.

11.

i. **Category I.** No advertisement. No merit list and no DSC. Appointments are void without advertisement as categorically laid down in larger bench judgment. The merit list and DSC are discussed below.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

ii. **Category II.** No merit list and no DSC. In the judgment of the larger bench no specific decision was made on this aspect. But it was decided that it would be seen on case to case basis that who was instrumental in getting the appointment orders and if employee had any role in getting benefit then his appointment would be void. We are to see whether appointee can be termed as instrumental in such exercise. Non holding of DSC and not honoring merit list was definitely to give benefit to the employee for any consideration. No situation can be visualized where such illegalities were committed by the Appointing Authority on his own without the influence or involvement of the employee as the ultimate beneficiary is the employee. In such situation burden shifts to beneficiary to show that it was not his involvement by positive evidence.

iii. **Category III.** The same result as that of category II for DSC and merit list only. Regarding non sanction of posts the judgment (27.10.11) has cleared the employees from any burden.

iv. **Category IV.** Same result like category I and II for no advertisement and no DSC and merit list. Non observance of quota simplicitor cannot be attributed to employee if it was not

(38)

with malafide intention .However in the circumstances non observance of quota was deliberate and to give benefits to employees hence is fatal for appointment. Before parting with the judgment the objection of the appellant regarding no reasons in the orders of termination is also overruled as termination orders are to be read with reasons given against each category by the inquiry committee.

12. Consequently all the appeals are dismissed. Parties are left to bear their own costs. File be consigned to the record room.

Announced
14.03.2018

SD/- Niaz Muhammad Khan
Chairman
Camp Court D.I.Khan

SD/- Ahmad Hassan
Member

Certified to be ture copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application	03-04-18
Number of Words	7600
Copying Fee	40-0
Urgent	2-0
Total	42-0
Name of Copyist	
Date of Completion of Copy	03-04-18
Date of Delivery of Copy	03-04-18

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(40)

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:
MR. JUSTICE UMAR ATA BANDIAL
MR. JUSTICE IJAZ UL AHSAN

CIVIL PETITION NOs. 2238 OF 2018 TO 2263 OF 2018
AND 2499, 2682, 2778 TO 2781 OF 2018
AND 3505 OF 2018 TO 3514 OF 2018.

[On appeal from the judgment/order dated 14.03.2018 of the Khyber Pakhtunkhwa Service Tribunal, Peshawar Camp Court D.I. Khan passed in Appeal Nos.943/2012, 1107, 1112, 1092, 1110/2015, 1210/2012, 946/2012, 929/2012, 932/2012, 949/2012, 937/2012, 1197/2012, 947/2012, 938/2012, 927/2012, 950/2012, 957/2012, 944/2012, 943/2012, 955/2012, 953/2012, 934/2012, 928/2012, 954/2012, 936/2012, 1095/2015, 557/2015, 558/2015, 1190/2015, 1202/2015, 1205/2015, 283/2016, 573/2015, 559/2015, 560/2015, 562/2015, 565/2015, 566/2015, 568/2015, 569/2015, 571/2015, 1118/2015].

Rahmat Ullah	(in C.P. No.2238/2018)
Sibt-ul-Hassan Shah	(in C.P. No. 2239/2018)
Matiullah (in C.P. No.	(in C.P. No.2240/2018)
Muhammad Shahid	(in C.P. No. 2241/2018)
Muhammad Ibrahim	(in C.P. 2242/2018)
Inam Ullah	(in C.P. No. 2243/.2018)
Barkatullah	(in C.P. No.2244/2018)
Ghazi Marjan	(in C.P. No.2245/2018)
Mst. Fozia Malik	(in C.P. No.2246/2018)
Aziz-ur-Rehman	(in C.P. No.2247/2018)
Muhammad Arif	(in C.P. No.2248/2018)
Muhammad Azeem	(in C.P. No.2249/2018)
Hidayatullah	(in C.P. No.2250/2018)
Muhammad Hassan Khan	(in C.P. 2251/2018)
Ala-ud-Din	(in C.P. No.2252/2018)
Noor Aslam	(in C.P. No.2253/2018)
Samiullah	(in C.P. No.2254/2018)
Mst. Bibi Ayesha	(in C.P. No.2255/2018)
Mst. Mehnaz Begum	(in C.P. No.2256/2018)
Imranullah	(in C.P. No.2257/2018)
Saleemullah	(in C.P. No.2258/2018)
Samiullah	(in C.P. No.2259/2018)
Abdul Qadir	(in C.P. No.2260/2018)
Ghulam ud Din	(in C.P. No.2261/2018)
Abdul Jalil	(in C.P. No.2262/2018)
Kifayatullah	(in C.P. No.2263/2018)
Shahid Nawaz	(in C.P. No.2499/2018)
Tahir Bashir	(in C.P. No.2682/2018)
Ghulam Fareed	(in C.P. No.2778/2018)
Saifullah Khan	(in C.P. 2779/2018)
Abdul Rasheed Khan	(in C.P. No.2780/2018)
Inayat Ullah Khan	(in C.P. No.2781/2018)
Razia Sultana	(in C.P. No.3505/2018)
Muhammad Ramzan	(in C.P. No.3506/2018)
Abdul Ghaffar	(in C.P. No.3507/2018)
Muhammad Iqbal Khan	(in C.P. No.3508/2018)
Nacema Sadia	(in C.P. No.3509/2018)
Nasim Bibi	(in C.P. No.3510/2018)
Rehana Andaleeb	(in C.P. No.3511/2018)
Muhammad Sohail	(in C.P. No.3512/2018)
Shazia Malik	(in C.P. No.3513/2018)
Muhammad Ilyas	(in C.P. No.3514/2018).

...Petitioner(s)

ATTESTED

Court Associate
Supreme Court of Pakistan
Islamabad

VERSUS

Director, Elementary and Secondary Education Department, Peshawar and others
(in C.P. Nos. 2238 to 2242/2018)

The Government of KPK thr. its Secretary, Elementary and Secondary Education, Peshawar and others
(in C.P. Nos. 2243to 2262/2018

Director, Elementary and Secondary Education Department, Peshawar and others
(in C.P. Nos. 2263, 2499,2662/2018)

Ministry of Education thr. Secretary Elementary and Secondary Education, Peshawar and others
(in C.P. Nos. 2778-2780/2018)

Director Education (E & SE), KPK, Peshawar and others
(in C.P. No.2781/2018)

The Director, Elementary and Secondary Education Department, Peshawar and others
(in C.P. Nos. 3505-3514/2018)

...Respondent(s)

For the petitioner(s) (in all cases) Mian Abdul Rauf, ASC

For the respondent(s) (in all cases) N.R

Date of Hearing: 19.09.2018

ORDER

UMAR ATA BANDIAL, J.— The petitioners were terminated firstly in the year 2009 on account of legal defects in their appointments. By order of the Khyber Pakhtunkhwa Service Tribunal, Peshawar dated 27.10.2011 the petitioners underwent another inquiry by a Committee constituted by Provincial Government wherein the termination of services of the petitioners was affirmed on 08.2.2012. The appointments of the petitioners were determined to be in violation of the provisions of Rule 10(2) of the KPK Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, in that, either the advertisement was missing or the Departmental Selection Committee had not been appointed or a merit list of the candidates had not been prepared. The learned Tribunal by the impugned judgment dated 14.3.2018 has upheld the termination of service of the petitioners by holding that the said

defects constituted a failure to comply the mandatory requirement of law.

2. We do not find any ground to interfere with the view taken in the impugned judgment which is based on the record and the correct enunciation of law. For the foregoing reason, all these petitions are dismissed and leave to appeal is refused.

SEAL OF THE SUPREME COURT OF PAKISTAN

Islamabad
10.9.2018
Naseer

Not approved for reporting

Certified to be True Copy

Court Associate
Supreme Court of Pakistan
Islamabad

CR No: 2612 8/18 Civil/Criminal
Date of Presentation: 25.10.18
No of Words: 450
No of Folios: 9
Requisition Fee Rs: 5.00
Copy Fee in: 5.00
Court Fee Stamps: Rs. 05
Date of Completion of Copy: 26/10/18
Date of delivery of Copy: 5/11/18
Compared by/Prepared by:
Received by: