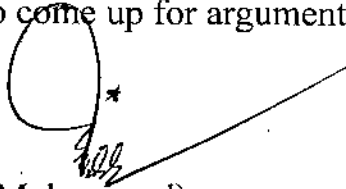


20.12.2022

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

Learned counsel for the appellant again sought adjournment on the ground that he has not made preparation for arguments. The appeal in hand time and again adjourned on the request of learned counsel for the appellant, therefore, last opportunity granted. To come up for arguments on 16.03.2023 before D.B.

SCANNED  
by  
T  
rewar



(Mian Muhammad)  
Member (E)

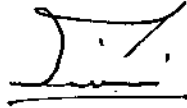


(Salah-ud-Din)  
Member (J)

25<sup>th</sup> July 2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned counsel for the appellant seeks adjournment in order to properly assist the Court. Adjourned. To come up for arguments on 20.10.2022 before the D.B.



(Salah-Ud-Din)  
Member (J)



(Kalim Arshad Khan)  
Chairman

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

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the case. To come up for arguments on 20.12.2022 before D.B.



(Fareeha Paul)  
Member(Executive)



(Kalim Arshad Khan)  
Chairman



18.01.2022

Learned counsel for the appellant present. Mr. Riaz Khan Paindakheil, Assistant AG alongwith Mr. Jehanzeb Superintendent for respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not gone through the record. Adjourned. To come up for arguments before the D.B on 10.05.2022.



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



Chairman

10.05.2022

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment in order to assist the Tribunal. Last opportunity is granted. To come up for arguments before the D.B on 25.07.2022.



(Fareeha Paul)  
Member (E)



Chairman

17.09.2021

Junior to counsel for appellant present.

Muhammad Rasheed learned D.D.A for the respondents present.

Former made a request for adjournment as senior counsel is busy before the D.B-II; granted. To come up for arguments on 18.01.2022 before D.B.



(Rozina Rehman)  
Member (J)



Chairman

18.01.2022

~~I learned senior counsel for the appellant present Mr. Rizwan  
Khan, Baluchkhan, Assistant AG, along with Mr. Jehanzeb  
Superintendent, respondent, present.~~

~~Learned counsel for the appellant is directed to  
submit abandoned appeal on 12.07.2022. To come  
up for arguments before the D.D on 12.07.2022.~~

~~(Mr. Jehanzeb Wazir)  
Member (J)~~

~~Chairman~~

07.12.2020

Due to COVID-19 the case is adjourned for the same on  
26.02.2021 before D.B.

  
READER

26.02.2021

Due to Pandemic of Covid-19, the case is adjourned to  
02.06.2021 for the same.


  
Reader

02.06.2021

Junior to counsel for appellant present.

Muhammad Rasheed learned Deputy District Attorney  
for respondents present.

Former made a request for adjournment as senior  
counsel is busy before Hon'ble Peshawar High Court  
Peshawar. In this regard, application was also submitted  
which is placed on file. Case is adjourned. To come up for  
arguments on 17.09.2021 before D.B.

  
(Rozina Rehman)  
Member (J)

  
Chairman

23.07.2020

Appellant is absent. Mr. Kabirullah Khattak, Additional AG is present.

Written reply/comments on behalf of respondents have not been submitted so far despite last chance given in the previous order sheet dated 15.06.2020. Last opportunity is extended subject to payment of cost of Rs. 1000/- which shall be borne by the respondents from their own pockets. Notices be also issued to the respondents for submission of written reply/comment for 21.09.2020 before S.B. Appellant and his counsel be also put on notice for the date fixed.

(MUHAMMAD JAMAL-KHAN)  
MEMBER

21.09.2020

Counsel for the appellant and Addl. AG alongwith Jehanzeb Awan, Superintendent for respondents No. 1, 2 & 3 present.

Representative of the respondents No. 1, 2 & 3 has furnished Parawise comments on behalf of the said respondent. Respondents No. 4 & 5 have not furnished the requisite reply/comments. Cost received from the said representative of official respondents has been paid to learned counsel for the appellant and receipt whereof obtained and placed on record. The matter is posted to D.B for arguments on 07.12.2020 before S.B. The appellant may furnish rejoinder to the written reply of respondents No. 1 to 3, within one month, if so advised.


Chairman

Noted Per 21.9.2020  
Cost received  
Rs 1000/-  
21/9/2020

1107/2019  
06.02.2020


Counsel for the appellant and Addl. AG for the respondents present.

Learned AAG seeks time to contact the respondents and submit the requisite reply/comments. Adjourned to 24.03.2020 on which date reply/comments shall positively be furnished.

  
(Ahmad Hassan)  
Member

24.03.2020

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

  
Reader

15.06.2020

Junior counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Qazi Ayaz, Litigation Officer for the respondents present. Written reply on behalf of respondents not submitted. Representative of the department seeks further time to furnish written reply/comments. Last chance is given to the respondents to furnish written reply/comments. To come up for written reply/comments on 23.07.2020 before S.B.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

23.10.2019

Counsel for appellant present.

Contends that respondent No.5 was regularized as Junior Clerk on 01.07.2007, while the date of regularization of appellant, as such, is also the same. However, the said respondent was promoted to the post of Senior Clerk (BPS-14) and subsequently as Assistant (BPS-16), while the appellant was ignored for the purpose. Resultantly, the appellant is still performing duty as Junior Clerk.

The appeal in hand is admitted for regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/ comments on 24.12.2019 before S.B.

App. Security Fee  
23/10/19

  
Chairman

24.12.2019

Counsel for the appellant present. Addl: AG for respondents present. Learned AAG seeks time to submit written reply/comments. Adjourned. To come up for written reply/comments on 06.02.2020 before S.B.

  
Member

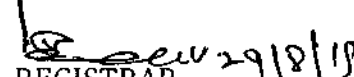




Form- A

FORM OF ORDER SHEET

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

Case No.- 1107/2019

| S.No. | Date of order proceedings                              | Order or other proceedings with signature of judge   |
|-------|--|--|
| 1     | 2  | 3  |
| 1-    | 29/08/2019<br><br><b>SCANNED<br/>KPBT<br/>Peshawar</b> | <p>The appeal of Mr. Muhammad Zada resubmitted today by Mr. Noor Muhammad Khattak 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;"><br/>REGISTRAR</p>   |
| 2-    | 02/09/19.  | <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>15/10/19.</u></p> <p style="text-align: right;"><br/>CHAIRMAN</p>   |
|       | 15.10.2019   | <p>Counsel for the appellant present.</p> <p>Learned counsel requests for adjournment of instant matter to 23.10.2019 on which date another appeal of the appellant pertaining to seniority is already posted for hearing.</p> <p>Adjourned to 23.10.2019 before S.B.</p> <p style="text-align: right;"><br/>Chairman</p> |

The appeal of Mr. Muhammad Zada Junior Clerk GDC Barkhalozai District Bajaur at Khar received today i.e. on 27.08.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Memorandum of appeal may be got signed by the appellant.

No. 1519 /S.T.

Dt. 28-8- /2019.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.

*Sir,*

*objection has been removed,  
hence re-submitted today dated 29/8/2019.*

*29/8/2019.*

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

**APPEAL NO. 1107 /2019**

**MUHAMMAD ZADA**

**VS**

**H/EDUCATION DEPTT:**

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|--------------|-----------------------------|-----------------|-------------|
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| <b>2.</b>    | Appointment order           | <b>A</b>        | 4.          |
| <b>4.</b>    | Order dated 4.7.2009        | <b>B</b>        | 5.          |
| <b>5.</b>    | Regularization order        | <b>C</b>        | 6.          |
| <b>6.</b>    | Order of private respondent | <b>D</b>        | 7.          |
| <b>7.</b>    | Impugned order              | <b>E</b>        | 8.          |
| <b>8.</b>    | Departmental appeal         | <b>F</b>        | 9.          |
| <b>9.</b>    | Vakalatnama                 | .....           | 10.         |

**APPELLANT**

**THROUGH:**

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

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

APPEAL NO. 1107 /2019

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 12107

Dated 27-8-2019

Mr. Muhammad Zada, Junior Clerk (BPS-11),  
Government Degree College, Barkhalozai, District Bajaur at Khar.

..... APPELLANT

**VERSUS**

- ✓1- The Government of Khyber Pakhtunkhwa through Secretary Higher Education Department, Civil Secretariat, Peshawar.
- ✓2- The Director Higher Education Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director of Education (Merged Area), Merged Area Secretariat, Warsak Road, Peshawar.
- 4- The District Education Officer, District Bajaur at Khar.
- 5- Mr. Gauhar Ali, Assistant (BPS-16), Government Girls Degree College, Ekka Ghund, District Mohmand.

..... RESPONDENTS

<sup>24-12</sup>  
**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 14.3.2016 COMMUNICATED TO THE APPELLANT ON 9.5.2019 AND AGAINST THE INACTION OF THE RESPONDENTS BY NOT CONSIDERING THE APPELLANT FOR PROMOTION TO THE POST OF SENIOR CLERK (BPS-14) & SUBSEQUENT PROMOTION TO THE POST OF ASSISTANT (BPS-16) AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS**

**PRAYER:**

That on acceptance of this appeal the impugned order dated 14.3.2016 communicated to the appellant on 9.5.2019 may very kindly be set aside to the extent of private respondent No.5 and the respondents may be directed to consider the appellant for promotion to the posts of Senior Clerk (BPS-14) and Assistant (BPS-16) from the date when respondent No.5 was promoted to the posts of Senior Clerk and Assistant with all monetary benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

**Brief facts giving rise to the present appeal are as under:-**

Filed to-day  
Registrar  
27/8/19  
Re-submitted to-day  
Registrar  
29/8/19

- 1- That appellant is the employee of the respondent Department and was initially appointed as Junior Clerk on Temporary & fix Pay basis of Rs. 3000/- per month after proper recommendation of Departmental Selection Committee and fulfilling all the codal formalities required for the post vide order dated 02/10/2003. Copy of the appointment order is attached as annexure ..... **A.**
- 2- That the appellant after receiving the order dated 02/10/2003 submitted his arrival report and started performing his duty. That where after the appellant was reappointed on temporary basis in BPS-07 vide order dated 04/07/2009 by the respondent no. 4. Copy of the order is attached as annexure ..... **B.**
- 3- That the appellant was regularized by the Respondent no. 4 and the project service of the appellant was converted into regular service with effect from 01-07-2007 instead of issuance of the order dated 04-07-2009 vide order dated 23-12-2014. Copy of the regularization order dated 23-12-2014 is attached as annexure ..... **C.**
- 4- That astonishingly the appellant came to know that most of the colleague who have been regularized from the same day i.e. 01/07/2007 have been given promotions to the next higher posts of Senior Clerk and then Assistant (BPS-16) and the appellant is still working in the same scale since from the date of regular appointment. Copy regularization of respondent No.5 & impugned order are attached as annexure ..... **D and E.**
- 5- That appellant time and again visited the concerned quarter for copies of those orders whereby private respondent was promoted to the next higher scales but the respondents only delivered the impugned order dated 14.3.2016 to the appellant on 9.5.2019 whereby the private respondent No.5 was promoted to the post of Assistant (BPS-16). **Copy of the impugned order is already attached.**
- 6- That, the appellant feeling aggrieved from the impugned order dated 14.3.2016 communicated to the appellant on 9.5.2019 filed Departmental Appeal before the competent authority but no reply has been received so far. Copy of Departmental Appeal is attached as annexure ..... **F.**
- 7- That appellant feeling aggrieved and having no other remedy filed the instant service appeal on the following grounds amongst the others.

**GROUND:**

- A- That the inaction of the respondents by not promoting the appellant to the next higher scales of Senior Clerk and Assistant is against the

law, facts, norms of natural justice and materials on the record hence.

- B- That the appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the impugned order dated 14.3.2016 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- D- That the inaction of the respondents by not promoting the appellant to the next higher scales is violative of Section 9 of the Civil servant Act, 1973.
- E- That the respondents discriminated the appellant on the subject by not promoting the appellant to the next higher scales of Senior clerk and Assistant w.e.f. from the date when the private respondent was promoted.
- F- That the respondents acted in arbitrary and malafide intentions by not promoting the appellant to the next higher scales.
- G- That the respondents violated Article 38(e) of the Constitution of Pakistan, 1973 by not promoting the appellant to the next higher scales.
- H- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 18-08-2019

**APPELLANT**



**MUHAMMAD ZADA**

**THROUGH:**



**NOOR MOHAMMAD KHATTAK  
ADVOCATE**

**TEMPORARY APPOINTMENT**

Consequent upon the Recommendation of the recruitment Committee as per established procedure of advertisements, screening test & typing test, one Mr. Muhammad Zada S/O Gul Muneer ( Bajaur) a qualified candidate is hereby appointed temporarily as Junior Clerk @ Rs. 3000/- PM fixed at Govt: College (W) Barkhalozai ( Bajaur Agency) purely for the project period and in line with the approved PC-1 of the scheme.

His adjustment is neither on contract nor on regular basis as creation of regular positions is awaited and the present posting is made on fixed emoluments for project life ending June 2006 extendable to further period subsequent to approval of the competent forum.

The adjustment cannot be termed as appointment unless regular posts are sanctioned and his services are regularized by the competent authority.

TA/DA is not allowed.

Charge Reports should be submitted to all concerned.

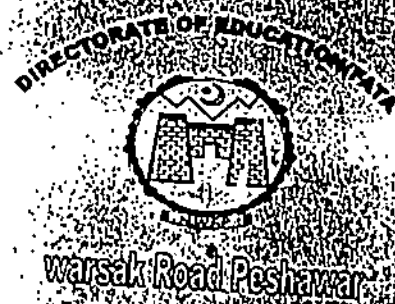
Endst: No. 1749-53/Apptt:/

dated Peshawar the 02.10.2003

**ATTESTED**

*af*

(A) A-4



TEMPORARY APPOINTMENT

Consequent Upon the Recommendation of The Recruitment Committee as per established procedure of Advertisements, Screening Test & Typing Test, One Mr. Muhammad Zada S/O Gul Muncer (Bajaur) a qualified candidate is hereby appointed temporarily as Junior Clerk @ Rs 3000/- P.M fixed at Govt. College (W) Barkhalozai (Bajaur Agency) purely for the project period and in line with the approved PC-1 of the scheme.

His adjustment is neither on contract nor on regular basis as creation of regular positions is awaited and the present posting is made on fixed emoluments for project life ending June 2006 extendable to further period subsequent to approval of the competent forum.

The adjustment cannot be termed as appointment unless regular posts are sanctioned and his services are regularized by the competent authority.

- TA/DA is not allowed.
- Charge Reports Should be submitted to all Concerned.

(Prof. Dr. Abdur Rauf)  
Director of Education  
(FATA), NWFP, Peshawar

Endst No. 1749-53 Appnt/Trans/PRD dt Pesh the 02-10-2003

Copies to:-

1. Additional Account General (PR) Peshawar
2. Agency Accounts Officer Bajaur Agency at Khar.
3. Principal Govt. College (W) Barkhalozai Bajaur Agency.
4. Asstt. Director (Colleges) local Directorate.
5. Candidate Concerned

**ATTESTED**

*[Signature]*  
Director of Education  
(FATA), NWFP, Peshawar

*[Signatures]*

*[Signature]*





(2) B-5

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

**APPOINTMENT ORDER:**

Consequent upon the approval by the Departmental Selection Committee, the following Male candidates of Bajaur Agency are hereby appointed Against Junior Clerk Post purely on temporary basis in BPS-7 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    | Khan Zad Gul      | Khaista Gul  | GHS Kama dara                  | Against Vacant Post Vice Jan Badshah transferred |
| 2    | Fazal Munir       | Abdul Haleem | GHS Badan                      | Against Vacant Post                              |
| 3    | Muhammad Zada     | Gul Munir    | GHSS Gardai                    | Against Vacant Post                              |

**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 institutions before the drawl of their salaries.
5. Health and Age certificate should be produced to the Principal Head Master 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.

sd/-  
(Haji Gul Rahman)  
Agency Education Officer  
Bajaur Agency

Endst No: 4279-84 Date: 2/7/2009

- Copy of the above is forwarded to the:-
1. Director of Education FATA N.W.F.P Peshawar
  2. Agency Accounts Officer Bajaur Agency
  3. Head Master concerned.
  4. AAEO concerned
  5. Official concerned
  6. Accountant of the local Office

**ATTESTED**  
*[Signature]*  
Agency Education Officer  
Bajaur Agency



OFFICE OF THE AGENCY EDUCATION OFFICER BAJAUR AGENCY.

C-6

B4 (B)

ADJUSTMENT / CORREGENDUM ORDER.

The appointment order issued vide Director Education FATA Peshawar Endost: No. 1749-53 apptt: dated Peshawar the 02-10-2003 in respect of Muhammad Zada Junior clerk s/o Gul Munir Govt: Degree College Barkhalozai Bajaur Agency and in the line with the approved PC-I of the scheme is here by set aside and his service is converted into regular basis with effect from 01-07-2007 and the appointment order issued vide this office Endost:No. 4279-84 dated 4/7/2009 may please be read w.e.f 1/7/2007 instead of 4/7/2009 for the above mentioned one.

Note: Necessary entry should be made in his service book.

(Saeed Gul)  
Agency Education Officer  
Bajaur Agency.

Endost: 6662-65 Dated. 23 /12/2014.

Copy for information to the:

1. Director of Education FATA Peshawar.
2. Principal GHSS Gardai-Bajaur Agency.
3. Agency Accounts Officer Bajaur Agency.
4. Official Concerned.

**ATTESTED**

*[Handwritten signature]*

*[Handwritten signature]*  
Agency Education Officer  
Bajaur Agency.

BETTER COPY

page - ④

OFFICE OF THE AGENCY EDUCATION OFFICER MOHMAND  
AGENCY AT GHALLANAI

**CORRIGENDUM.**

The regularization/adjustment order in respect of Mr. Gauhar Ali S/O Laiqat Ali J.Clerk Govt: Girls Degree College Ekka Ghund Mohmand Agency issued vide this office Endst: No. 6956-59 dated 26.6.2007, may pleased be read w.e.f. 1.07.2007 instead of 01.07.2006.

(HAJI HASHAM KHAN)  
Agency Education Officer  
Mohmand Agency at Ghallanai

Endst No. 8119

Dated 11.08.2007

**ATTESTED**



D-7

CORRECTIONAL

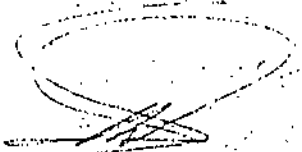
The regularization/adjustment order in respect of Mr. Gaibar Ali S/O Farhat Ali  
J.C. Clerk Govt. Girls Degree College Ekka Ghund Mohmand Agency issued vide this office  
Lndst.No.6956-59 dated 26.6.2007, may please be read w.e.f 1.7.2007, instead of 1.7.2006.

(HAJ HASHAM KHAN)  
Agency Education Officer,  
Mohmand Agency at Ghallanai.

Lndst.No. 8122/07 Dated 11.8.2007.

Copy of the above is forwarded to the

- 1. Director of Education (FATA) NWFP, Peshawar.
- 2. Political Agent Mohmand Agency at Ghallanai.
- 3. Agency Accounts Officer Mohmand Agency at Ghallanai.
- 4. Principal Govt. Education Mohmand Agency.
- 5. Official concerned.

  
Agency Education Officer,  
Mohmand Agency at Ghallanai.

Attested  


Khalid Saeed  
Supdt.(E) Education  
(Fata) Peshawar

ATTESTED





**ADJUSTMENT ORDER**

E-8

Consequent upon the recommendation of the Departmental Promotion Committee and Director Higher Education Khyber Pakhtunkhwa Notification bearing Endorsement No. 3828-81 dated 01.02.2016, the following officials are hereby adjusted against the vacant posts of Assistant upon their promotion from Senior Clerk to Assistant.

| S#  | Name of Official with Designation  | Station / Adjusted at                   | Remarks                                    |
|-----|--|---|--|
| 01. | Mr. Shah Khan Senior Clerk GDC Landi Kotal Khyber Agency   | GDC Landi Kotal, Khyber Agency          | Adjusted against vacant post of Assistant. |
| 02  | Mr. Yahya Jan Senior Clerk GDC Darra Adam Khel FR Kohat.   | GDC Darra Adam FR Kohat                 | Adjusted against vacant post of Assistant. |
| 03. | Mr. Hujat Ullah Senior Clerk GDC Ekka Ghund, Mohmand Agency.   | GDC Barkhalozai, Bajaur Agency          | Adjusted against vacant post of Assistant. |
| 04. | Mr. Shakir Ullah Senior Clerk GGDC Darra Adam Khel FR Kohat presently working at GDC Kohi Sher Haider Khyber Agency against Assistant post | GDC Kohi Sher Haider Bara Khyber Agency | Adjusted against vacant post of Assistant. |
| 05  | Mr. Irfan Ullah Senior Clerk GGDC Ekka Ghund, Mohmand Agency.  | GDC Nawagai, Bajaur Agency              | Adjusted against vacant post of Assistant. |
| 06  | Mr. Salim Khan Senior Clerk GDC Miranshah, North Waziristan Agency.  | GDC Sam, South Waziristan Agency        | Adjusted against vacant post of Assistant. |
| 07  | Mr. Azmat Ayaz Senior Clerk GDC Mir Ali, North Waziristan Agency.  | GGDC Wana, South Waziristan Agency      | Adjusted against vacant post of Assistant. |

**ADJUSTMENT**

|     |  |                                     |              |
|-----|--|-------------------------------------|--------------|
| 08  | Mr. Shakir Ullah Senior Clerk GDC Landi Kotal presently working at GDC Landi Kotal Khyber Agency Against Assistant Post. | GDC Landi Kotal Khyber Agency       | V. S. No. 01 |
| 09. | Mr. Ihsan Ullah Senior Clerk GDC Darra Adam Khel presently working at GDC Darra Adam Khel Against Assistant Post.        | GDC Darra Adam Khel FR Kohat        | V. S. No. 02 |
| 10  | Mr. Saadat Ullah Senior Clerk GDC Wana South Waziristan Agency   | GDC Mir Ali North Waziristan Agency | V.S. No. 07  |
| 11  | Mr. Gauhar Ali Senior Clerk GGDC Jamrud, Khyber Agency   | GGDC Ekka Ghund, Mohmand Agency     | V.S. No. 05  |
| 12. | Mr. Wahid Gul Senior Clerk GDC Jandola, FR Tank  | GDC Ekka Ghund Mohmand Agency       | V.S. No. 03  |

Note: - 1 Charge reports should be submitted to all concerned.

Director Education FATA

Endst: No 3083-58 /E4/C/g: Side /MS/PROM/File Dated 14/13/2016

Copy to the:-

1. Director Higher Education Khyber Pakhtunkhwa with reference to his Notification as quoted above.
2. All Principal GDC/GGDC/GPGC concerned
3. All Agencies / FRs Accounts Officer / District Officers concerned.

**ATTACHED**  
*[Signature]*

محکمہ صیانت و تعمیرات (صنعتی اصلاح) درنگ روڈ لیٹاور

درخواست برائے جاری کرنے آؤڈر برائے ترقی (9) - F

جنا عالی!

مؤدبانہ گزارش کی جاتی ہے کہ سائل کی برقی آڈیٹ زیر  
سایہ بطور جوئیئر فلکٹوری میں بنیادوں پر مخصوص سٹراہ جسٹس - 30007  
رہے مہوار پر جوئیئر فلکٹوری جو کہ بعد میں 06/07/05 سے 2014ء میں  
مستقل ہوئی۔ سائل کو ٹھیک برقی تاروں اپنی جوئیئر فلکٹوری احسن  
طریقے سے انجام دیا ہے۔ سائل کو معلوم ہوا ہے کہ سینڈیٹری جاری  
ہوئی ہے اور سائل کے دیگر سائل جوئیئر فلکٹوری پر ترقی یا  
تعمیرات ہیں۔ سائل پر اسرار برائے سائل اور اب بھی 2019ء  
میں ان کے ترقی کے متعلق معلوم ہوا ہے کہ ان  
کی ترقی 2016ء میں ہوئی ہے۔

اسلئے آپ صاحبان سے التماس کی جاتی ہے کہ سائل کو  
بھی 2016ء سے جوئیئر فلکٹوری پر ترقی دی جائے۔  
اور سائل کو 2016ء دورانہ ترقی کی سہولتیں جائے۔ سائل کو  
تعمیرات کا سکرار دیا جائے۔

العارضین

آپ کا نام لیا، Muzda

المقوم 6 مئی 2019ء

محمد زاہد  
جوئیئر فلکٹوری  
BPS-11

**VAKALATNAMA**

Before the KP Service Tribunal, Peshawar

OF 2019

Muhammad Zada

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Higher Education Deptt.

(RESPONDENT)  
(DEFENDANT)

I/We Muhammad Zada

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

Dated. \_\_\_/\_\_\_/2019



**CLIENT**

**ACCEPTED**

**NOOR MOHAMMAD KHATTAK**

**SHAHZULLAH YOUSAFZAI**

**&**

**MIR ZAMAN SAFI**  
**ADVOCATES**

OFFICE:

Flat No.3, Upper Floor,  
Islamia Club Building, Khyber Bazar,  
Peshawar City.

Mobile No.0345-9383141

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

S.A # 1107/2019

Muhammad Zada .....Appellant

**Versus**

Govt. of Khyber Pakhtunkhwa

Through Secretary, Higher Education Peshawar & Others..... Respondents

**INDEX**

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| 2.           | Affidavit.                         |                 | 3               |
| 3.           | Appointment order dated: 04-7-2009 | A               | 4               |
| 4.           | Notification dated: 12-11-2007     | B               | 5               |
| 5.           | Transfer order dated: 14-3-2018    | C               | 6               |
| 6.           | Adjustment order dated: 14-3-2016  | D               | 7               |

Respondent



①  
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**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR**

S.A # 1107/2019

Muhammad Zada .....Appellant

**Versus**

Govt. of Khyber Pakhtunkhwa

Through Secretary, Higher Education Peshawar & Others..... Respondents

**SUBJECT: PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1, 2 & 3**

**Respectfully Sheweth: -**

**Preliminary Objections:-**

1. That the appellant has got no cause of action/locus standi to file the instant Service appeal as the order he has impugned is transfer/adjustment order of Respondent No. 5.
2. That the appellant has not come to this Honourable Tribunal with clean hands and is trying to conceal material facts.
3. That the instant service appeal is hit by doctrine of laches.
4. That the appellant is estopped by his own conduct to file the instant service appeal.

**Facts: -**

- 1) Denied. That the appellant is not employee of Higher Education Department. Rest of the para pertains to the record.
- 2) That the appellant was appointed by the Agency Education Officer, Bajaur vide order dated 04.07.2009 (**Annex-A**) after the bifurcation of the Elementary & Secondary Education Department and Higher Education Department and was posted at Govt. Higher Secondary School, Gardai, therefore, the appellant belongs to School cadre.
- 3) Pertains to record. But it is worth to mention here that meeting was held under the Chairmanship of Secretary, Schools & Literacy Department on 03.07.2007 regarding seniority of the ministerial staff and it was decided that seniority list of the officials in BPS-05-15 working in settled districts and FATA shall be maintained by the Director, Higher Education and the seniority list of ministerial staff BPS-05 to BPS-15 on school side will be maintained by Director, School & Literacy (**Annex-B**). That astonishingly the appellant was transferred from Govt. Higher Secondary School, Bajaur to Govt. Degree College, Barkhalozai, Bajaur by the Agency Education Officer vide letter dated 14.03.2018 (**Annex-C**).
- 4) Incorrect. That at the time of bifurcation Respondent No. 5 was working on college side and thus his service was maintained by Higher Education Department and was promoted to the post of Senior Clerk. Moreover the seniority list is prepared/updated every year but the appellant never objected or filed any appeal.

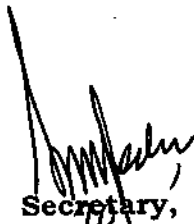
- 28/ (9)
- 5) Incorrect. That the plea of the appellant is misleading. That the appellant never approached to respondent No. 1 and 2 in this regard. It is pertinent to mention here that the respondent No. 5 was not promoted to the post of Assistant vide order dated 14.03.2016; he was only adjusted/transferred against the vacant post of Senior Clerk at Govt. Girls Degree College, Ekka Ghund, Mohmand District, which was vacated by the promotee (**Annex-D**).
  - 6) Incorrect. That the appellant has not filed any appeal before respondent No. 1 and 2.
  - 7) Needs no comments.


**Grounds: -**

- A. Incorrect. That the appellant belongs to School cadre.
- B. Incorrect. That the respondents have not violated any law/rules as already explained.
- C. Incorrect. That the appellant is trying to mislead the Hon'ble Tribunal and the order dated 14.03.2010 is in accordance with law.
- D. Incorrect. As already explained in preceding paras.
- E. Incorrect. That at the time of bifurcation the private respondent No. 5 was working on college side and thus his seniority was maintained by the Higher Education Department.
- F. Incorrect. As already explained in preceding paras.
- G. Incorrect. As already explained in preceding paras.
- H. That the respondents seek permission to raise additional grounds at the time of arguments.

**Prayers: -**

It is, therefore, humbly prayed that the instant case is based on misconception/misstatement, hence may graciously be dismissed with appropriate costs.

  
**Secretary,**  
Higher Education Department  
Respondent No. 1

  
**Director,**  
Directorate of Higher Education  
Respondent No. 2 & 3

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

S.A # 1107/2019  
Muhammad Zada .....Appellant


**Versus**

Govt. of Khyber Pakhtunkhwa  
Through Secretary, Higher Education Peshawar & Others..... Respondents

**AFFIDAVIT**

I, Jehanzeb Awan, Superintendent (Litigation), Higher Education Department do hereby declare and affirm on oath that the contents of Para Wise Comments are correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court.

Identified by:

  
Deponent  
**Superintendent**  
Directorate of Higher Education  
Khyber Pakhtunkhwa Peshawar

Annex - A

32



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

**APPOINTMENT ORDER:**

Consequent upon the approval by the Departmental Selection Committee, the following Male candidates of Bajaur Agency are hereby appointed Against Junior Clerk Post purely on temporary basis in BPS-7 plus usual allowances as admissible under the rules/new policy notified by the Govt. of N.W.F.P vide EO (R-VI) E & AD/13-J/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    | Khan Zad Gul      | Khaista Gul  | GHS kama dara                  | Against Vacant Post Vice Jan Badshah transferred |
| 2    | Fazal Munir       | Abdul Haleem | GHS Badan                      | Against Vacant Post                              |
| 3    | Muhammad Zada     | Gul Munir    | GHS Gardai                     | Against Vacant Post                              |

**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 CP 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 institutions before the drawl of their salaries
5. Health and Age certificate should be produced to the Principal / Head Master 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.

*sdi -* **ATTESTED**  
(Haji Gul Rahman)  
Agency Education Officer  
Bajaur Agency

Endst. No: 4279-84 Date: 2/7/2009

Copy of the above is forwarded to the:-

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

**Superintendent**  
Directorate of Higher Education  
FATA / Fyber Pakhtunkhwa Pes...

*a*  
Agency Education Officer  
Bajaur Agency

Annex-B

GOVERNMENT OF NWFP  
SCHOOLS & LITERACY DEPTT.  
Date Peshawar the, 12-11-2007.

33  
33  
33

NOTIFICATION.

NO.50(PF)2-6/05/VOL.II/Seniority/Ministerial Staff. In pursuance of the minutes of the meeting held under the Chairmanship of the Secretary Schools & Literacy Department NWFP on 03-07-2007, the following decisions regarding Seniority of ministerial staff working in the Directorate of Schools & Literacy, Directorate of Curriculum & Teachers Education, PITE & RITE, Directorate of Higher Education, Directorate of Education FATA and ministerial staff working in offices of the Executive District Officers Schools & Literacy under the District Govt. are hereby notified as under:-

- i. The Seniority list of ministerial staff (B-5 to B-15) on school side in settled Districts, FATA, and the officials in the Directorate of Schools & Literacy, Directorate of Curriculum & Teachers Education, PITE & RITEs shall be maintained by the Director School & Literacy NWFP on joint seniority basis.
- ii. Seniority list of the officials in BPS-5 to BPS-15 working on college side in settled Districts and FATA shall be maintained by the Director Higher Education NWFP.
- iii. Seniority of the ministerial staff working in the Districts Govt. as well as in the Directorates in para-8(1) above shall be maintained by the Director School & Literacy NWFP for the purpose of promotion to BPS-16.
- iv. The seniority list of the ministerial staff (BPS-5 to BPS-15) in districts shall be maintained by the Executive District Officers S&L in their respective Districts.
- v. A sub-committee consisting of the Deputy Director (Establishment) Directorate of School & Literacy, Deputy Director Directorate of Education FATA, Deputy Director Directorate of Higher Education and Deputy Director Directorate of Curriculum & Teachers Education including representative of the ministerial staff is also hereby constituted under the Chairmanship of the Additional Secretary School & Literacy Department (in case of his non-availability) under the Special Secretary School & Literacy to examine/scrutinize the seniority case/lists with the following terms of reference:-

TOR.

1. Examine/scrutinize and finalize the seniority list of all officials in BPS-5 to 15 in the concerned Directorates & District Governments.

Encl. No. & Date as above.

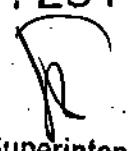
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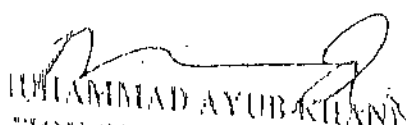
- 1- The Secretary Higher Education Department
- 2- The Secretary Governor's Secretariat FATA
- 3- The Director School & Literacy NWFP Peshawar
- 4- The Director Higher Education NWFP Peshawar
- 5- The Director Curriculum & Teachers Education NWFP Peshawar
- 6- The Director PITE NWFP Peshawar
- 7- All Executive District Officers School & Literacy
- 8- P.S to Secretary School & Literacy Department
- 9- P.S to Special Secretary School & Literacy Department
- 10- P.A to Additional Secretary School & Literacy Department
- 11- P.A to Deputy Secretary School & Literacy Department

NWFP Peshawar,  
NWFP Peshawar,  
Peshawar,  
Peshawar,  
in Abbottabad,  
Department,  
Department,  
Department.

SECRETARY.

**ATTESTED**

  
**Superintendent**  
Directorate of Higher Education  
Khyber Pakhtunkhwa Peshawar

  
**MUHAMMAD AYUB KHAN**  
OFFICER (PRIMARY)

Annex-c

34 (6)

OFFICE OF THE AGENCY EDUCATION OFFICER BAJAUR AGENCY AT KHAR  
No. \_\_\_\_\_ Dated: \_\_\_\_\_

**TRANSFER ORDER**

Mr. Muhammad Zada Junior Clerk Govt: Higher Secondary School Gardai Bajaur is hereby transferred to Govt: Degree college Barkhalozai Bajaur against vacant post of Junior clerk, on his own pay and scale in the interest of public service.

Note: No TA/DA is allowed.

(AMIRULLAH)  
Agency Education Officer  
Bajaur Agency

No. 1629-33 Dated: 14-03-2018

- by forwarded for information to the:
- Director Education FATA
- Agency Accounts Officer Bajaur.
- Principal GDC Barkhalozai Bajaur.
- Principal GHSS Gardai Bajaur
- Official concerned.

**ATTESTED**

*[Signature]*  
Superintendent  
Directorate of Higher Education  
Khyber Pakhtunkhwa Peshawar

*[Signature]*  
Agency Education Officer  
Bajaur Agency

0308-8474934

S>6  
GGDC Jandol Dir (C)  
 Muhammad Zada  
 J/c



Annex-D

1

35  
E-8

**ADJUSTMENT ORDER**

Consequent upon the recommendation of the Departmental Promotion Committee and Director Higher Education Khyber Pakhtunkhwa Notification bearing Endorsement No. 3828-81 dated 01.02.2016; the following officials are hereby adjusted against the vacant posts of Assistant upon their promotion from Senior Clerk to Assistant.

| S# | Name of Official with Designation   | Station / Adjusted at                   | Remarks                                    |
|----|---|---|--|
| 01 | Mr. Shah Khan Senior Clerk GDC Landi Kotal, Khyber Agency   | GDC Landi Kotal, Khyber Agency          | Adjusted against vacant post of Assistant. |
| 02 | Mr. Yahya Jan Senior Clerk GDC Darra Adam Khel FR Kohat   | GDC Darra Adam FR Kohat                 | Adjusted against vacant post of Assistant. |
| 03 | Mr. Hujat Ullah Senior Clerk GDC Ekka Ghund, Mohmand Agency.  | GDC Barkhalozai, Bajaur Agency          | Adjusted against vacant post of Assistant. |
| 04 | Mr. Shakir Ullah Senior Clerk GGDC Darra Adam Khel FR Kohat presently working at GDC Kohi Sher Haider Khyber Agency against Assistant post. | GDC Kohi Sher Haider Bara Khyber Agency | Adjusted against vacant post of Assistant. |
| 05 | Mr. Irfan Ullah Senior Clerk GGDC Ekka Ghund, Mohmand Agency.   | GDC Nawagai, Bajaur Agency              | Adjusted against vacant post of Assistant. |
| 06 | Mr. Salim Khan Senior Clerk GDC Miranshah, North Waziristan Agency.   | GDC Sam, South Waziristan Agency        | Adjusted against vacant post of Assistant. |
| 07 | Mr. Azmat Ayaz Senior Clerk GDC Mir Ali, North Waziristan Agency.   | GGDC Wana, South Waziristan Agency      | Adjusted against vacant post of Assistant. |

**ADJUSTMENT**

|     |  |                                     |              |
|-----|--|-------------------------------------|--------------|
| 08. | Mr. Shakir Ullah Senior Clerk GDC Landi Kotal presently working at GDC Landi Kotal Khyber Agency Against Assistant Post. | GDC Landi Kotal Khyber Agency       | V. S. No. 01 |
| 09. | Mr. Ihsan Ullah Senior Clerk GDC Darra Adam Khel presently working at GDC Darra Adam Khel Against Assistant Post.        | GDC Darra Adam Khel FR Kohat        | V. S. No. 02 |
| 10  | Mr. Saadat Ullah Senior Clerk GDC Wana South Waziristan Agency   | GDC Mir Ali North Waziristan Agency | V.S No. 07   |
| 11. | Mr. Gauhar Ali Senior Clerk GGDC Jamrud, Khyber Agency   | GGDC Ekka Ghund, Mohmand Agency     | V S. No. 05  |
| 12. | Mr. Wahid Gul Senior Clerk GDC Jandola, FR Tank  | GDC Ekka Ghund Mohmand Agency       | V S No. 03   |

Note. - 1 Charge reports should be submitted to all concerned

Director Education FATA

Endst: No 3083-8 /E4/Clg: Side /MS/PROM/File Dated 16/3/2016

Copy to the.-

1. Director Higher Education Khyber Pakhtunkhwa with reference to his Notification as quoted above.
2. All Principal GDC/GGDC/GPGC concerned.
3. All Agencies / FRs Accounts Officer / District Officers concerned.

**ATTESTED**

Superintendent  
Directorate of Higher Education  
Khyber Pakhtunkhwa Peshawar

MOTION CASES

- |  |  |   |
|--|--|---|
| 16. W.P 969-P/2021<br>With IR()<br>117117  | Abdur Rehman<br>V/s<br>Govt of KP & Others   | <del>Noor Muhammad Khattak</del><br>Kamran Ullah, Writ Petition<br>Branch AG Office, Salman Khar<br>5259 (Focal Person IGP)                 |
| 17. W.P 1134-P/2021<br>With IR()<br>117117 | Hashmat Ali & other<br>V/s<br>Govt of KP     | Malik Mohtasham Bangash (Koh<br>Shakeel Ashghar, Malik Sajjad /<br>Khan, Sadaqat Ullah, Writ Petition<br>Branch AG Office, Dr Amer<br>Hamid |
| 18. W.P 1306-P/2021()<br>117117            | Fatima<br>V/s<br>Chairman NADRA & others     | Sabit Ullah Khan<br>Muhammad Mubarak, Writ Petition<br>Branch AG Office Muhammad<br>Mubarak Jan   |
| 19. W.P 1354-P/2021()<br>117117            | Taimur Khan<br>V/s<br>Govt of KP & others    | M Zahid Aman (DPC Entesab<br>Commission)<br>Manzoor Ahmad, Writ Petition<br>Branch AG Office, Miss Ahsan                                    |
| 20. W.P 1431-P/2021()<br>117117            | Muhammad Shafiq<br>V/s<br>Govt of KP         | Noor Muhammad Khattak:<br>Sadaqat Ullah, Muhammad Arif<br>Khan Barvi, Writ Petition Branch<br>AG Office                                     |
| 21. W.P 1456-P/2021<br>With IR()<br>117117 | Umar Farooq & another<br>V/s<br>DPO & others | Abdul Latif Afridi<br>Munir Ahmad, Muhammad Arif<br>Khan Barvi, Writ Petition Branch<br>AG Office, Gulab Hussain                            |





BEFORE -

JUSTICE MS. MUSARRAT HILALI &  
MR. JUSTICE SYED ARSHAD ALI

Court No. 4

NOTICE CASES

- |  |  |   |
|--|--|---|
| 16. W.P 2109-P/2020<br>With IR()<br>15864  | Sameen Gul<br>Vs<br>Government of KPK            | Talmur Halder Khan<br><hr/> Amjad Ali (Mardan), Alamzeb Khan, Saifullah Khan Khalil, Mirzali Khan, Abdul Raul, Writ Petition Branch AG Office |
| 17. W.P 2455-P/2020<br>With IR with<br>cm.1094-p/20<br>(N),1630-p/20 (M)<br>with CM<br>668/2021()<br>15806 | Waqas Ahmad Khan<br>Vs<br>Secretary LG,RDD       | Muhammad Usman Khan<br>(Nowshera)<br><hr/> Mirzali Khan, Abdul Raul, Sadiq Ali Mohmand, Writ Petition Bran AG Office                          |
| 18. W.P 3757-P/2020<br>With IR(violation<br>of PEMRA<br>Ordinanco)<br>15857                                | Umair Yasir<br>Vs<br>Fed Govt                    | Fazle Wahid Khan<br><hr/> Muhammad Haider Imtiaz, Ume Rehman, DAG PAK, Zakaulah Khan, Asadullah, Barister Rahe Ahmad                          |
| 19. W.P 4314-P/2020<br>With IR()<br>168540   | Maryam Faheem<br>Vs<br>VC,shaheed Benazir Bhutto | Zartaj Anwar Khan<br><hr/> Waseemuddin Khattak  |
| 20. W.P 5290-P/2020<br>With IR()<br>168553   | Junaid Abbas<br>Vs<br>Govt of KPK                | <u>Noor Muhammad Khattak</u><br><hr/> Mirzali Khan, Abdul Raul, Writ Petition Branch AG Office, Amja Ali                                      |

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MOTION CASES

- |  |  |  |
|--|--|--|
| 6. W.P 6337-P/2019(<br>182298)   | Muhammed Ilyas<br>V/s<br>Secretary Local Council Board<br>Peshawar | Arbab Shabir Ahmed<br><hr/> Sabshud Din Khattak, Mirzali<br>Khan, Abdul Raul, Writ Petition<br>Branch AG Office                    |
| 7. W.P 510-P/2020<br>With CM 1824-<br>p/20(M)(Hajj) &<br>Umra<br>matters/Religious<br>182343 | Mst. Tasnoom Kousar<br>V/s<br>Shaheen Atr Lines                    | Muhammed Ziaullah, Mubasher<br>Hussain, Mubasher Manzoor<br><hr/> Deputy Attorney General  |
| 8. W.P 2116-P/2020(<br>182343)   | Farida Batool<br>V/s<br>DG PFI                                     | Shehab Khattak:<br><hr/> Deputy Attorney General, Writ<br>Petition Branch AG Office, Pesh<br>All                                   |
| 9. W.P 3034-P/2020<br>With IR()<br>182343  | Hazrat Bilal<br>V/s<br>Govt of KPK etc                             | <del>Neel, Mohammad Jassal</del><br><hr/> Hidayatullah (Focal Person),<br>Muhammad Khawd Mallen, Writ<br>Petition Branch AG Office |
| 10. W.P 3751-<br>P/2020(seeks<br>proforma<br>promotion)<br>182343                            | Dr Muhammad Imran<br>V/s<br>Govt Of Kpk                            | Amin ur Rehman Yousafzai<br><hr/> Sadaqat Ullah, Writ Petition<br>Branch AG Office, Dr. Amer<br>Hamid                              |
| W.P 4479/2020  | Dr. Syed Spah<br>V/s<br>Govt of KPK                                | Amin ur Rehman Yusafzai<br><hr/> Sadaqat Ullah, Writ Petition<br>Branch AG Office, Dr. Amer<br>Hamid                               |

REPORT

JUSTICE MS. MUSARRAT HILALI &  
MR. JUSTICE SYED ARSHAD ALI

Court No. 4

MOTION CASES

- |   |   |   |
|---|---|---|
| 17. W.P 1148-P/2021(<br>174224                    | Jan Sabir<br>V/s<br>IGP   | Mian Asif Arman<br><hr/> Kamran Ullah, Writ Petition<br>Branch AG Office, Salmaan Khaz<br>5259 (Focal Person IGP)               |
| 18. W.P 1286-P/2021(<br>174224                    | Basmeena Bibi<br>V/s<br>DEO Male Kohat & others                                 | Muhammad Aman Khattak, Lachi<br><hr/> Hidayatullah (Focal Person),<br>Muhammad Khalid Mutton, Writ<br>Petition Branch AG Office |
| 19. W.P 1333-P/2021(<br>174224                    | Niaz Muhammad & others<br>V/s<br>Chief Secy Govt of KP<br>Peshawar & others     | Fayaz Ahmad<br><hr/> Sadaqat Ullah, Writ Petition<br>Branch AG Office, Qalat Khan   |
| 20. W.P 1362-P/2021<br>With IR(<br>174223         | General Manager SNGPL &<br>others<br>V/s<br>PIr Meher Muhammad & one<br>another | Asad Jan<br><hr/> Civil Appeal Branch AG Office   |
| 21. W.P 1363-P/2021<br>With IR(matters)<br>174224 | Sui Northern Gas Pipeline<br>SNGPL<br>V/s<br>M/S Asim Match Factory &<br>others | Asad Jan<br><hr/> Civil Appeal Branch AG Office   |
| 22. W.P 1460-P/2021(<br>174224                    | Bakhtiar Khan<br>V/s<br>Govt of KP & othes                                      | <del>ASAD JAN</del> 54/68<br><hr/> Manzoor Ahmad, Writ Petition<br>Branch AG Office, Qalat Khan                                 |

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PESHAWAR HIGH COURT, PESHAWAR  
DAILY LIST FOR WEDNESDAY 02 JUNE 2021

JUSTICE MS. MUSARRAT HILALI &  
MR. JUSTICE SYED ARSHAD ALI

Court No 4

REF: P/2021

MOTION CASES

- |  |  |  |
|--|--|--|
| 1. Cr.R 3-P/2021<br>With<br>IR(Enhancement)  | Mst. Shahnaz Bibi<br>V/s<br>Abdul Wahab & Others                                   | Shahab Khan Bangash (Fakhr)<br><hr/> Cr Appeal Branch AG Office  |
| 2. W.P 1695-<br>P/2018(Public<br>Safety<br>Commission Act)                               | Arbab Muhammad Usman Khan<br>V/s<br>Govt of KPK                                    | Khalid Mehtabood<br><hr/> AG KPK, DAG PAK  |
| W P 2582/2018 with<br>CM 789/2021  | Sardar Abdur Raul Khan,<br>Govt of KPK   | Khalid Ammar Afridi, Sardar Abd.<br>Raul Khan<br><hr/> AG KPK, DAG PAK   |
| 3. W.P 6361-P/2018(<br>134318)   | Fazal Subhan<br>V/s<br>Government of KPK   | Noor Mohammad Khattak,<br><hr/> Writ Petition Branch AG Office   |
| W P 27/2018  | Said Baoshah<br>V/s<br>Government of KPK   | Noor Mohammad Khattak /<br><hr/> Writ Petition Branch AG Office  |
| 4. W.P 1920-P/2019(<br>1162168)  | Imran<br>V/s<br>Govt of KPK  | Arbab Fa'iz-e-Atam<br><hr/> Noor Wazir Khan, Writ Petition<br>Branch AG Office   |
| 5. W.P 6005-P/2019<br>With Rev.Poll.<br>No.170-<br>p/20(M)(Sale<br>Tax matters)<br>11473 | Kohat Cement Factory Limited<br>V/s<br>Law Parliamentary Affairs &<br>Human Rights | Muhammad Yasir Khattak, ...<br>Asmat ulah Khan Jadoon<br>(Islamabad)<br><hr/> Attaullah, Shakeel Ashghar, Maj<br>Sajjad Ali Khan, Muhammad Ibr<br>Writ Petition Branch AG Office |

PESHAWAR HIGH COURT, PESHAWAR

DAILY LIST FOR WEDNESDAY, 02 JUNE, 2021

JUDGE: MS. MUSARRAT HUSSAIN



BEFORE

MR. JUSTICE QAISER RASHID KHAN, CHIEF JUSTICE, &  
MR. JUSTICE S.M. ATTIQUE SILAH

Court No. 1

NOTICE CASES

- |   |   |   |
|---|---|---|
| 3. W.P 971-P/2021<br>with IR with CM<br>596,1008/2021(PH<br>by HCJ,XI) Senior<br>Part)) | Rafi Ullah & Others<br>V/s (Date By Court)<br>Govt of KP & Others | Amin ur Rehman Yousafzai<br><hr/> Fazal Shah Mohmand, Gul<br>Rehman Mohmand, Saqib Raza<br>Tahir Haidar Khan, Mumtaz<br>Akber Khan, Qaiser Hussain,<br>Faisal Riaz Balg, Kamran Ullah,<br>Writ Petition Branch AG Office,<br>Muhammad Naeem Yousafzai<br>Muhammad Farooq Malik    |
| W.P 1000/2021   | Fahad Ullah Gul<br>VC KMU & others                                | <hr/> Abdul Munem Khan, Naveed<br>Ajhtar, Oazi Muhammad Anwar<br>Mazhar Ali Shah (Peshawar),<br>Deputy Attorney General,<br>Jahanzab Mahsud, Saqib Raza,<br>Qaiser Hussain, Noor Moham,<br>Khatik, Waqar Khalil (Peshawar)<br>Faisal Riaz Balg, Writ Petition<br>Branch AG Office |
| W.P 1006/2021   | Mushaq Ahmad<br>Govt of KP  | <hr/> Muhammad Faizan Khan<br><del>Abdul Munem Khan, Naveed</del><br>Faisal Riaz Balg, Saadqat Ullah, Writ<br>Petition Branch AG Office   |
| 4. COC 410-<br>P/2019(In wp<br>3732-<br>P/2014(Against<br>order HJ-<br>N,Exjudge))      | Sher Zada<br>V/s (Date By Court)<br>Government of KPK             | <hr/> Muhammad Ziaullah, Mubasher<br>Hussain<br><hr/> Hidayatullah (Focal Person),<br>Muhammad Khalid Maitan, Writ<br>Petition Branch AG Office, Asif<br>Naz, Barrister Ibrahim Khan Atri   |
| 5. COC 426-<br>P/2019(In COC<br>69/2018 In wp 300<br>P/2017(Against<br>order HCJ,XI))   | District Nazim Peshawar<br>V/s<br>Asif Khan                       | <hr/> Sabahuddin Khatik<br><hr/> Jehangir Khan Mohmand, AG KI   |

BEFORE  
MR. JUSTICE QAISER RASHID KHAN, CHIEF JUSTICE &  
MR. JUSTICE S.M. ATTIQUE SHAH

Court No. 1

MOTION CASES

- |  |  |   |
|--|--|---|
| 17. W.P 750-P/2021()<br>174179                         | Fazle Rehman<br>V/s<br>Govt of KP & others                                 | <u>Noor Muhammad Khattak</u><br>Mirzali Khan, Abdul Raul, Writ<br>Petition Branch AG Office |
| 18. W.P 1050-<br>P/2021(Criminal<br>matters)<br>174179 | Fazal Mehmood<br>V/s<br>Director General Federal<br>Investigation Agency   | <u>Muhammad Muazzam Butt</u><br>Deputy Attorney General, Ayaz<br>Haq                        |
| 19. W.P 1243-P/2021()<br>174179                        | Mst. Shabina Bibi<br>V/s<br>Secy-I Board of Revenue Govt<br>of KP & Others | <u>Muhammad Zahoor Zaki</u><br>Attaullah, Writ Petition Branch A<br>Office                  |
| 20. W.P 1346-P/2021()<br>174179                        | Numan Arshad<br>V/s<br>Govt of KP & others                                 | <u>Syed Sultan Ahmad Shah</u><br>Khush Muhammad Khan, Writ<br>Petition Branch AG Office     |
| 21. W.P 1437-P/2021<br>With IR()<br>174179             | Muhammad Hassan Ullah<br>V/s<br>Post Master General KP                     | <u>Muhammad Arif Jan</u><br>Deputy Attorney General, Writ<br>Petition Branch AG Office      |
| 22. W.P 1523-P/2021<br>With IR()<br>174179             | Hakeem Khan<br>V/s<br>Mst. Iqra Alam                                       | <u>Muhammad Abbas Khan</u><br>Writ Petition Branch AG Office                                |

Before The K.P Service Tribunal, Peshawar

General adjournment on behalf of  
Noor Muhammad Khattak Advocate  
on account of engagement before  
The Hon'ble Peshawar High Court.

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Respect fully sheweth:

1) That Hon'ble Senior Council  
Noor Muhammad Khattak is  
busy before Peshawar High  
Court, Peshawar and he  
cannot attend any case  
before this Hon'ble Service  
Tribunal. (Copy of the  
Case list of Peshawar High Court is  
attached.

It is therefore requested that  
by accepting this application general  
adjournment in all the cases of Noor M.  
Khattak may please be granted.

Dated: 2/6/21.

Applicant

Associate of Noor M.  
Khattak

Kamran Khan Adv