

Before the Khyber Pakhtunkhwa Service Tribunal

Peshawar

Service Appeal No. 286 /2017

**Arif Shah son of Maqbool Shah.....Appellant**

Versus

**The Additional Chief Secretary FATA and 3**

others.....Respondents

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Appellant  
Through Asadullah  
Counsels

①

Before the Khyber Pakhtunkhwa Service  
Tribunal Peshawar

Service Appeal No. 286 /2017

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 291

Dated 27-3-2017

Arif Shah son of Maqbool Shah

Ex-Junior Trade Instructor (BPS10) in Government  
Technical Institute, Ekkaghund under Director of IMTE  
FATA Secretariat, Warsak Road, Peshawar. Presently  
Residing in Village Nahaqi P.O. Daudzai Teh/Distt  
Peshawar.....Appellant

Versus

1. The Additional Chief Secretary FATA, FATA Secretariat, Warsak Road, Peshawar
2. The Director of Industries, Mineral and Technical Education FATA Secretariat, Warsak Road, Peshawar
3. The Deputy Director, Industries, Mineral and Technical Education FATA Secretariat, Warsak Road, Peshawar
4. The Principal Government Technical Institute Ekkaghund, Mohmand Agency....Respondents

Filed to-day  
Registrar

Service Appeal under Section 4 of the KPK Service Tribunal Act 1974 against the Rejection of Appellant's Department Appeal dated 12-6-2014 addressed to the Respondent-2 available in Earlier Service Appeal No.1131/2014 which Service Appeal was remitted and remanded by this Honourable Tribunal to the Departmental Appellate Authority for decision within stipulated period of one month, hence, on failure in stipulated period, Appellant after expiry of the time frame, filed Implementation Application vide No. <sup>109</sup>~~100~~/2016 on 27-6-2016, thereafter the Respondents rejected the Departmental Appeal delayed by more than 7 months and was enclosed with Compliance Report, which was disposed off by this Honourable Tribunal on 3-3-2017 in Implementation Petition No.109/2016. (Attested Copy of this Honourable Tribunal dated 3-3-2017 is available as Annexure-XII.

**Prayer in Appeal.** On acceptance of the instant fresh Service Appeal against the rejection of Departmental Appeal by Departmental Appellate Authority enclosed with Compliance Report on 16-12-2016 which was thereafter disposed off in Appellant Implementation Application No.109/2016 on **3-3-2017**. The Appellant's termination from Service verbally on 19-5-2014 coupled with rejection of Departmental Appeal, after rendering spotless Service for 22 months (31-5-2012 to 31-3-2014) being illegal, unlawful, unjustified. Besides without any Issuance of Show Cause Notice, Hence, termination on verbal basis was/is liable to be declared as unlawful, unjustified and illegal and Appellant be reinstated in Service with all back benefits of Pay and Service from 1st April 2014.

**Respectfully Sheweth,**

1. That the Appellant filed Service Appeal bearing No.1131/2014 in Oct 2014 for reinstatement in Service with all back benefits of Pay and Service against the verbal termination on 19-5-2014 by Respondent-4 from his Service as Junior Trade Instructor (Grade 10).

**Copy of the earlier Service Appeal No.1131/2014 at Annexure-I**

2. That the said Service Appeal bearing No.1131/2014 was admitted and noticed to the Respondents. After receipt of comments and Rejoinder, this Honourable Tribunal opted to remit/ remand the Appellant's Departmental Appeal dated 12-6-2014 (which was available in Service Appeal No.1131/2014) to the Departmental Appellate Authority on **6-5-2016** for decision within a period of one month. The concluding paragraph is reproduced below :-

“It is evident that the Department does not admit appointment order of the Appellant, hence agitating the issue of jurisdiction of this Tribunal which cannot be safely resolved on the basis of

insufficient materials before us. On the record, there is Departmental Appeal of the Appellant dated **12-6-2014** addressed to Director, Minerals and Technical Education FATA Secretariat, copy of which is available on file which has not been decided. Hence Tribunal is of the considered view that since the issue of jurisdiction of this Tribunal is also involved, therefore, it would be **quite opt and proper to remit the case to the Departmental Appellate Authority with the direction to decide the Departmental Appeal of the appellant within a period of one month** after receipt of this judgement. Appeal is disposed off accordingly”

3. That basically Appellant was appointed as Junior Trade Instructor in Grade 10 vide Responent-3 letter No.DIMTE/FATA 738 (1-3) dated 30-5-2012 and took over the charge with effect from 1-6-2012.

**Copy of Respondent-3 letter dated 30-5-2012 at Annexure-II**

4. That at the time of Appointment, age relaxation in Appellant appointment in the upper age relation limit to the extent of 1 year and 2 months and 14 days was also granted vide letter dated 30-5-2012.

**Copy of the Respondent-3 letter dated 30-5-2012 at Annexure-III**

5. That the Appellant, besides possessing SSC Qualification, has passed 2 years Certificate from Government Technical & Vocational Centre Peshawar in the year 2005-2006 under Roll No.8299 in Grade II. The Appellant has also obtained Certificate from Skill Development Council Peshawar in March 2005.

Copy of Certificate from Government Technical & Vocational Centre Peshawar at Annexure-IV

Copy of Certificate from Skill Development Council Peshawar at Annexure-V

Copy of SSC at Annexure-VI

6. That the Appellant discharged his duty as Junior Trade Instructor to the entire satisfaction of his seniors in the Respondent-4 College and got Monthly Salary from the Government Exchequer for 22 months i.e. 1-6-2012 to 31-3-2014.

**Copies of some Salary Slips are attached as Annexure-VII**

7. That Appellant's salary for the month of April 2014 (due as on 1st May 2014) which was expected to be paid in the 1st week of May 2014. On 19-5-2014, the Respondent-4 verbally informed the Appellant that his service had been terminated in absence of any explanation, show cause notice, charge sheet in writing or conducting Enquiry and without affording any opportunity of defense.

8. That Appellant had also filed his Departmental Appeal in the office of the Respondent-2 on 12-6-2014 which Departmental Appeal was also enclosed in earlier Service Appeal No.1131/2014

**Copy of the said Departmental Appeal dated 12-6-2014 as per direction of this honorable Tribunal dated 6-5-2016 is at Annexure-VIII**

9. That after disposal and remand of the Appellant's Service Appeal bearing No.1131/2014 on 6-5-2016, the Respondents failed to decide the same within stipulated period of one month, hence, after expiry of the stipulated period of one month, the Appellant filed Implementation Petition vide No.199/2016 on 27-6-2016 in this Honourable Tribunal which was noticed to the Respondents.

**Copy of the Appellant Implementation Petition at Annexure-IX**

**Copy of the Compliance Report with dated 16-12-2016 at Annexure-X** *and copy of rejection of appeal on 9/12/2016*

**Copy of the Objection on Compliance Report dated 3-3-2017 at Annexure-XI**

10. That the against the rejection of Departmental Appeal in the light of this Honourable Tribunal Authority filed by the Respondents with Compliance Report on 16-12-2016 which was duly **disposed off** by this Hon'able Tribunal in the said Implementation Petition No.109/2016 on 3-3-2017

**Attested Copy of the Order of this Honourable Tribunal dated 3-3-2017 at Annexure-XII**

11. That the Departmental Appellate Authority (Respondent-2) in utter violation/contravention of this Honourable Tribunal <sup>order</sup> dated 6-5-2016 failed to decide the Appellant's Departmental Appeal within the stipulated period of one month commencing from 6-5-2016, rather rejected the said which was filed and enclosed on 16-12-2016 alongwith Compliance Report which was disposed off by this Honourable Tribunal on 3-3-2017.

12. That aggrieved of the rejection of Departmental Appeal, coupled with 7 months delay in violation of this Honourable Tribunal Order dated 6-5-2016, the Appellant prefers the instant fresh Service Appeal on the following grounds, inter alia :=

**GROUND**

a) That the act of Respondents termination of the services of the Appellant **verbally, after rendering 22 months spotless Service and getting salaries through AG KPK**, in the absence of any Explanation, Charge Sheet, summary of allegations **in writing**, conducting no Departmental Enquiry in association of the Appellant, affording no opportunity of defense and no Show Cause Notice is against the service laws, hence not sustainable in the eyes of law.

b) That Respondents violated 24-A of the General Clauses Act 1897 as well as the well established principle of Audi Alterum Partem, besides the well known judgement of the Federal Shariat Court reported as PLD 2010 FSC 1, relevant page 5

- c) That as stated in para A above, verbal termination of Appellant's Service on 19-5-2014 w.e.f. 1-4-2014 is unknown to the service laws in force. The Respondents failed to decide the Appellant's Departmental Appeal within stipulated period of one month which is also violative of this Honourable Tribunal order dated 6-5-2016, as the Departmental Appeal was decided with delay of about 7 months delayed without furnishing any reasonable Rhyme and Reasons which depicts malafide intention of the Respondents.
- d) That the Appellant was appointed on the post of Junior Trade Instructor in grade 10 against which post he performed his duty, with full dedication, devotion and honestly in the Respondent No.4 Institute right from the date of appointment i.e. 1-6-2012 till verbal termination from service on 19-5-2014, hence, no law of the land, coupled with service laws permits to recover the salaries for duties actually performed for over 22 months.
- e) That the Appellant had categorically denied in Rejoinder of Service Appeal No.1131/2014 and he is still denying that no recovery of the amount was actually made from the Appellant.
- f) That the Appellant is jobless since the date of his verbal termination (on 19-5-2014 till filing of the instant Service Appeal) and is not engaged in any gainful/profitable service/business, in respect of which separate Affidvit is enclosed herewith.
- g) That the conduct and malafide intention of the of the Respondents evident from non-implementation of the judgement/order dated 6-5-2016 in its true spirit, coupled with failure in stipulated period of one month per direction of this Hon'able Tribunal.
- h) That in view of the facts and grounds, it is abundantly crystal clear that legal as well as the fundamental rights of the Appellant was infringed by the Respondents, hence on this sole ground he is to be reinstated in service with all back benefits of Pay and Service.

- i) That other legal grounds would be raised at the time of regular hearing of the Appeal with prior approval of this Honourable Tribunal.

**PRAYER:** It is, therefore, humbly prayed that on acceptance of the instant Service Appeal, the Appellant may graciously be reinstated in Service with effect from 1-4-2014 and the verbal orders dated 19-5-2014, coupled with rejection of Appellant's Departmental Appeal in the light of this Honourable Tribunal Order dated 6-5-2016 in Service Appeal No.1131/2016 coupled with order dated **3-3-2017** in Implementation Petition No. ~~109~~/2016 and act of the Respondents of Verbal Termination from service may graciously be declared as void ab initio, illegal, coram non judice and not sustainable in the eye of law of the land with heavy cost.

Arif Shah *Arif*  
Appellant

Through

*Anwar*  
Anwar Shah

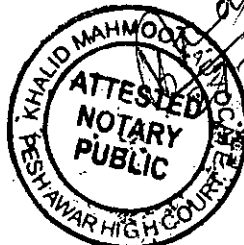
*Naqibullah*  
Naqibullah Khattak

Advocates High Court  
303-D, Janbaz Hotel,  
Khyber Bazar,  
Peshawar

AFFIDAVIT

I, Arif Shah son of Maqbool Shah (Appellant) solemnly affirm and declare on oath that the contents of the instant fresh Service Appeal are true and correct according to my knowledge and belief and that nothing has been concealed intentionally from this honourable Tribunal.

*Arif*  
Deponent



Dated 21-3-2017



Note : No such like Service Appeal has earlier been filed before this honourable Tribunal earlier except Service Appeal bearing No.1131/2014 which Appeal was remanded to the Departmental Appellate Authority on 6-5-2016 coupled with order in Implementation Petition No. ~~150~~<sup>109</sup>/2016 dated 3-3-2017

*27*

Appellant

Relied upon

- 1. Section 24-A of General Clauses Act 1897
- 2. PLD 2010 FSC 1 relevant page 5
- 3. Other statutory rules/precedents of the Senior Courts

Before the Khyber Pakhtunkhwa Service  
Tribunal Peshawar

Service Appeal No. \_\_\_\_\_/2017

Arif Shah

Versus

Add: Chief Secretary FATA and 3 others

Affidavit for un-employment

I, Arif Shah son of Maqbool Shah (Appellant) solemnly affirm and declare on oath that I (Appellant) is jobless since verbal termination from his service from 1-4-2014 (w.e.f. 19-5-2014) till date and has never been an Employee of any Government/Semi Government/Authority or engaged in any gainful business and the contents of the instant un-employment Certificate in Service Appeal are true and correct according to my knowledge and belief and that nothing has been concealed intentionally from this honourable Tribunal.

*Arif Shah*  
Deponent

Dated 21-3-2017



Before the Khyber Pakhtunkhwa Service  
Tribunal Peshawar

Service Appeal No. \_\_\_\_\_/2017

Arif Shah

Versus

Addl: Chief Secretary FATA and 3 others

Addresses of Parties

**Appellant**

**Arif Shah son of Maqbool Shah**

Ex-Junior Trade Instructor in Government Technical Institute, Ekkaghun under Director of IMTE FATA Secretariat, Warsak Road, Peshawar. Presently Residing in Village Nahaqi P.O. Daudzai Tehsil & District Peshawar

**Respondents**

1. The Additional Chief Secretary FATA,  
FATA Secretariat, Warsak Road,  
Peshawar
2. The Director of Industries,  
Mineral and Technical Education  
FATA Secretariat, Warsak Road,  
Peshawar
3. The Deputy Director, Industries,  
Mineral and Technical Education  
FATA Secretariat,  
Warsak Road, Peshawar
4. The Principal  
Government Technical Institute Ekkaghund,  
Mohmand Agency

Appellant

Annex I

(11)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Service Appeal No. \_\_\_\_\_/2014

With Application for Condonation of delay

Arif Shah son of Maqbool Shah

Ex-Junior Trade Instructor (Grade 10) in Government Technical Institute  
Ekkaghund, Directorate of IMTE FATA Secretariat Peshawar (Verbally informed  
on 19-5-2014 of termination of service), presently residing in Village Nahaqi P.O.  
Daudzai Tehsil & District Peshawar.....Appellant

Versus

1. Additional Chief Secretary FATA, FATA Secretariat, Warsak Road, Peshawar
2. The Director of Industries, Mineral and Technical Education, FATA  
Secretariat, Warsak Road, Peshawar
3. The Deputy Director of Industries, Mineral and Technical Education, FATA  
Secretariat, Warsak Road, Peshawar
4. The Principal Government Technical Institute Ekkaghund (Mohmand  
Agency).....Respondents

**SERVICE APPEAL** UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE TERMINATION OF SERVICES OF THE APPELLANT VERBALLY DIVULGED ON HIM ON 19-5-2014 IN THE ABSENCE OF ANY SHOW CAUSE NOTICE, CHARGE SHEET, INQUIRY AND SHOWING ANY REASON AND REASONS EVEN VERBALLY EFFECTIVE 1-4-2014 AGAINST WHICH PREFERRED DEPARTMENTAL APPEAL TO RESPONDENT NO.2 DATED 12-06-2014 IS UNACTIONED AS YET.

**PRAYER IN SERVICE APPEAL:** ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, THE APPELLANT MAY GRACIOUSLY BE REINSTATED IN SERVICE WITH EFFECT FROM 1-4-2014 WHICH FACT WAS DIVULGED BY RESPONDENT 4 ON 19-05-2014 WITH ALL BACK BENEFITS OF PAY AND SERVICE AS THE APPELLANT DISCHARGED HIS DUTIES TO THE RESPONDENTS AS SUCH FROM 1-6-2012 TO 19-05-2014.

Respectfully Sheweth.

Facts in brevity followed by ground giving rise to the instant Service Appeal are submitted herewith:-

1. That the Appellant, besides possessing SSC Qualification, has passed 2 years Certificate from Government Technical & Vocational Centre Peshawar in the year 2005-2006 under Roll No.8299 in Grade II. The Appellant has also obtained Certificate from Skill Development Council Peshawar in March 2005.

Copy of Certificate from Government Technical & Vocational Centre Peshawar at Annexure-I 10

Copy of Certificate from Skill Development Council Peshawar at Annexure-II 11

Copy of SSC at Annexure-III 12


2. That the Appellant was appointed as Junior Trade Instructor in BPS 10 to serve in Respondent-4 Institute i.e. Government Technical Institute Ekkaghund vide Respondent No.3 letter of Appointment No. DIMTE/FATA 738 (1-3) dated 30-5-2012 and took over the charge on 1-6-2012. 17

Copy of appointment letter dated 30-5-2012 at Annexure-IV 13

3. That at the time of Appointment, age relaxation in appellant appointment in the upper age limit to the extent of 01 year 02 months and 14 days was also granted vide letter dated 30-5-2012 at Annexure-V. 14

Copy of age relaxation letter dt 30-5-2012 at Annexure-V 15

4. That the Appellant discharged his duty as Junior Trade Instructor to the entire satisfaction of his seniors and was getting monthly salary from the Government Exchequer through the Respondents from 1-6-2012 till 01-4-2014 15-16-16 02/16



17

Photocopies of some Pay Slips of Appellant's salary are attached at Annexure-VI & VII respectively.

5. That the Appellant received his last Salary for the month of March 2014 as on 1st April 2014. While Appellant's salary for the month of April 2014 payable as on 1st May 2014 was stopped/blocked which was verbally conveyed to the Appellant as on 19-5-2014. It was disclosed by the Respondent No.4 to the Appellant on 19-5-2014 verbally that Appellant's salary was blocked/stopped due to termination of his Service, however nothing was conveyed in black and white till date, nor issued any Show Cause Notice, Charge Sheet, or summary of allegations or showing any Rhyme and Reasons for Appellant's termination from his service. It is added that the Appellant was not paid his salary for the month of April 2014 payable on 1st May 2014. (9)
6. That the Appellant approached the Respondents verbally on 19-5-2014 as to how his Pay for the month of April 2014 was not paid to him, on which, the Respondent 4 replied the Appellant's services had since long been terminated. The Respondent-4 was asked for as to why and how the Appellant's services were terminate and why the fact of his termination was not brought into his notice black and white but there is no reply. (5)
7. That as a last resort, the Appellant submitted his Departmental Appeal to Respondent No.2 on 12-6-2014 requesting therein to release reinstate him in service and arrange for the payment of salaries for the month of April and May 2014 as Junior Trade Instructor but sorry to submit that no reply whatsoever has yet been furnished till completion of stipulated period i.e. till 11-9-2014. (1)

Copy of Departmental Appeal at Annexure-VIII

17

8. That the Appellant was on way to file Service Appeal before this Hon'able Tribunal when all of a sudden, the Respondent No.4 vide letter dated 15-9-2014 through postal service which was received to the Appellant on 30 September 2014 asking therein to refund all previous salaries received by the Appellant right from the date of appointment i.e. 01-06-2012 to 01-04-2014 (22 months)

Photocopy of Respondent No.4 letter dated 15-9-2014, received to the Appellant through postal service on 30 September 2014 at Annexure-IX

9. That the Appellant aggrieved from the verbal termination order dated 19-05-2014 as stated above by the Respondent No.4 as well as non-response of Departmental Appeal referred to above, the Appellant approaches this Hon'able Tribunal for redressal of his grievances on the following grounds, inter alia:

GROUNDS

A) That the act o Respondents of termination of the services of th Appellant verbally without showing any Rhyme and Reasons and non-response by the Respondent No.2 of his departmental Appeal is against facts and law, hence not sustainable in th eye of law.

B) That neither any Show Cause Notice, Charge Sheet, summary of allegations, regular inquiry and personal hearings was conducted in the case of Appellant and the verbal termination of service divulged on the Appellant on 19-5-2014 is unknown to the service laws in force. The Respondents violated <sup>Section 24</sup> A of the General Clauses Act 1897 as well as the well established principle of Audi Alterum Partem, besides the well known judgement of the Federal Shariat Court reported as PLD 2010 FSC 1 relefant page 5.

(15)

C) That Appellant was appointed on the post of Junior Trade Instructor in grade 10 where he performed his duty, with full dedication, devotion and honesty in the Respondent No.4 Institute right from the date of appointment i.e. 1-6-2012 till verbal termination from service on 19-5-2014, hence, no law of the land, coupled with service laws permits to recover the salaries for duties actually worked for over 22 months.

D) That in view of the facts and grounds, it is abundantly crystal clear that legal as well as the fundamental rights of the Appellant was infringed by the Respondents, hence on this sole ground he is to be reinstated in service with all back benefits of pay and Service. It is pertinent to add here that right from the date of verbal information about termination of his services, he is jobless and no where engaged in any gainful business.

E) That <sup>no</sup> limitation runs against an <sup>void</sup> order.

F) That though the Appellant's appeal before this Honourable Tribunal is within time under the facts and circumstances stated above, yet the Appellant is filing an Application for Condonation of delay under Section 5 of the Limitation Act 1908.

G) That other legal grounds would be raised at the time of regular hearing of the Appeal with prior approval of this Honourable Tribunal.



PRAYER: It is, therefore, humbly prayed that on acceptance of the instant Service Appeal, the Appellant may graciously be reinstated in Service with effect from 1-4-2014 and the verbal orders dated 19-5-2014 of the Respondents respecting termination of his services may graciously be declared as void ab initio, illegal, coram non judice and not sustainable in the eye of law of the land with heavy cost in view of the legal position that the Respondents committed gross illegality in termination of his service and innocently subjected the Appellant to gross injustice.

*Arif*  
Arif Shah  
Appellant

Through

*mal*  
*Naqibullah*  
Anwar Shah  
Naqibullah Khattak

Advocate's High Court  
303-D, Janbaz Hotel,  
Khyber Bazar,  
Peshawar

#### AFFIDAVIT

I, Arif Shah son of Maqbool Shah (Appellant) solemnly affirm and declare on oath that the contents of the instant Service Appeal are true and correct according to my knowledge and belief and that nothing has been concealed intentionally from this honourable Tribunal.

Deponent

*Arif*

Dated 29-10-2014

*Attested*  
*Naqibullah*  
*Advocate PSR*

Note : No. such like Service Appeal has earlier been filed before this honourable Tribunal earlier except the instant one.

Appellant  
*at*

Relied upon

- 1. Section 24-A of General Clauses Act 1897
- 2. PLD 2010 FSC 1 relevant page 5
- 3. Other statutory rules/precedents of the Senior Courts
- 4. 2007 SCMR 1328

verbal order is alien to process of law

Appellant  
*at*

- 5. 2002 SCMR 1551
- APPEAL was time barred but order was void.

Attested  
Ahmedullah  
Advocate Peshawar

OFFICE ORDER

Consequent upon the recommendation of Departmental Selection Committee, Mr. Arif Shah S/O Maqbool Shah, Village & P.O. Nahaqi Teh: & Distt: Peshawar is hereby appointed as Junior Trade Instructor (BPS-10) at Govt. Technical Institute, Ekkaghund against the vacant post with immediate effect on the terms and conditions that:-

TERMS & CONDITIONS:

He/She will for all intents and purposes, be Civil Servants except of purposes of pension or gratuity. In lieu of pension and gratuity, he/she will be entitled to receive such amount contributed by him/her towards Contributory Provident Fund (C.P.F.) along with the contributions made by government to his/her account in the said fund, in the prescribed manner.

He/She will be governed by the NWFP Civil Servants Act 1973, all the laws applicable to the Civil Servants and Rules made there-under.

He/She will, initially, be on probation for a period of two years extendable up to three years.

He/She will have to produce a certificate of medical fitness from the Medical Superintendent/Agency Surgeon of the respective area within a week time of the assumption of charge.

His/Her services will be liable to termination at any time without assigning any reasons; therefore, before the expiry of the period of probation/extended period of probation, if his/her work during this period is not found satisfactory, in such an event, he/she will be given a month's notice of termination from service or one month's pay in lieu thereof. In case he/she wishes to resign at any time, a month's notice shall be necessary or in lieu thereof a month's pay shall be forfeited.

His/Her services shall be liable to termination during initial/extended period of probation without any notice.

He/She will not be entitled to any TA/DA on his/her first appointment.

If the above terms and conditions are acceptable to him/her, he/she should report for duty to the Principal concerned within 30 days of the issue of this order failing which the offer of appointment will automatically be cancelled.

DIRECTOR IMTE (FATA)

Endst:No.DIMTE/FATA 738(1-3)

Dated 30/5/2012

Copy forwarded for information and necessary action:-

- 1- The Agency Accounts Officer, Mohmand Agency, Ghallanai.
- 2- The Principal, Government Technical Institute, Ekka Ghund.
- 3- Official concerned on the above address

ASSISTANT DIRECTOR (TE).

Attested  
Razimullah  
Advocate Peshawar

Attested  
Razimullah  
Advocate Peshawar

S. No. 160

Roll No. 8299

# PROVISIONAL CERTIFICATE

GOVERNMENT TECHNICAL & VOCATIONAL CENTRE, PESHAWAR.



THIS IS TO CERTIFY THAT

Mr. Arif shah & Mr. Maqbool shah

has successfully completed Twenty Four months Intensive Training Course in accordance with the requirements of the National Occupational Skill Standard for grade Grade-11 level prescribed by the National Training Board, Government of Pakistan, in the Trade of

(Radio/TV)

The marks secured in the Final Trade Test conducted on 16th November 2005 by the Trade Testing Board N.T.V.C. Board of Technical Education, Peshawar are as under:

- |                          |           |   |
|--------------------------|-----------|---|
| 1. Practical Proficiency | <u>80</u> | % |
| 2. Theoretical Knowledge | <u>60</u> | % |

In recognition thereof this certificate is awarded on the 6th day of the month of February 20 06

*Attested*  
*Razimullah*  
*Adviser Peshawar*

Principal  
Technical & Vocational  
Centre Peshawar.

Annex V (29)

Reg. No...SDC/PTWT/8955

S. No.....005336

# SKILL DEVELOPMENT COUNCIL PESHAWAR

A Joint Project of National Training Bureau  
Govt. of Pakistan, ILO, World Bank & EFP.



*This is to certify that*

Mr/Mrs/Miss .....ARIF SHAH..... Son/Daughter of .....MAQBOOL SHAH.....

.....successfully completed a special training Course organized by the SDC Peshawar in the track of  
.....REFRIGERATION & AIR CONDITIONING.....

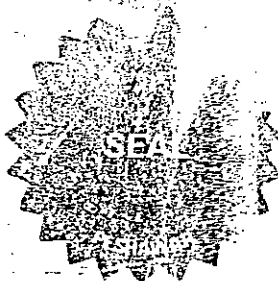
held at.....POPULAR TRAINING WORK SHOP OF TECHNOLOGY PESHAWAR.....

from .....15 - 12 - 2004.....to .....15 - 02 - 2005.....

In recognition thereof this certificate is issued

On .....2<sup>nd</sup>.....day of .....MARCH, 2005.....

PRINCIPAL



CHAIRMAN  
SDC PESHAWAR

HAJI  
MUHAMMAD JAVED

*Attested*  
*A. A. Zillullah*  
*Secretary Peshawar*

2190

Annex (11/2) (11/2)

22

Roll No: 82420

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION PESHAWAR



Peshawar N.W.E.P. Pakistan  
PROVISIONAL CERTIFICATE  
SECONDARY SCHOOL CERTIFICATE EXAMINATION  
SESSION 2002 (Annual)

THIS IS TO CERTIFY THAT Arif Shah

Son of Maqbool Shah

and resident of District Peshawar

has passed the *Secondary School Certificate Examination* of the Board of Intermediate and Secondary Education, Peshawar held in *March, 2002* as a *Private* candidate, securing 327 marks out of 850 marks, (Grade "E") in the following subjects:

- |              |               |                     |                     |
|--------------|---------------|---------------------|---------------------|
| 1. English   | 2. Urdu       | 3. Islamiyat (Comp) | 4. Pakistan Studies |
| 5. New Riazi | 6. G. Science | 7. Islamic Studies  | 8. Pushto           |

Date of birth according to admission form is 03-January-83

Date of Issue 29 June, 2002

  
Asstt: Secretary (Certificate)

*Attested*  
*Kamilullah*  
*Advocate Peshawar*

صوبت جناب ڈاکٹر صاحب سیکریٹری - ایئر سروسز اور ٹیکنیکل سروسز  
قائمہ سروسز ورکنگ رولز میں

اپیل برائے بحالی بر ملازمت بطور جوائنٹ ٹرینڈ انٹرنیشنل جمعہ تمام  
مراعات تمخواہات باب 1 پر 2014 تا حال

جناب عالی  
نیابت موجودہ ایئر سروسز میں بحالی کے لیے درخواستیں  
ٹیکنیکل سروسز کے لیے بحالی کے لیے درخواستیں  
جس میں (FATA/DIMT) 738(3) مورخہ 30 مئی 2012

بیمہ مندرجہ ذیل کے لیے درخواستیں بحالی کے لیے درخواستیں  
موروثیات و ماخذی اور فونڈ اسٹیبلشمنٹ کے لیے درخواستیں  
1-6-2012 سے 4-4-2014 تک  
سابقہ باقاعدگی سے تمخواہتیں  
اپنے پرنسپل کے لیے درخواستیں  
نہ دیا - آخر کار مورخہ 19-5-2014 کو  
درماندگی کیا - تو انہوں نے  
گئی ہیں - جس نے پرنسپل صاحب اپنی نوکریاں  
توانوں کو بحال کرنے کے لیے درخواستیں  
کیا۔

P.T.O.

ایئر سروسز اور ٹیکنیکل سروسز  
قائمہ سروسز ورکنگ رولز میں

سید محمد نور علی زبانی با غرضی طور پر کوئی وجہ نہ بتالی۔  
 آج کے ماحول سے پہلے کرنا ہوا کہ میں تو آج کے زلزلہ  
 متعلقہ دستاویزوں میں بطور جوئیہ کر کے رکھ کر کھڑی کیا تاریخ  
 کے لئے کیا متعلقہ ادارے۔ وہاں سے اس کے تمام و ساری۔ اور  
 میرے لئے "گورنر" 22 ماہ سے زیادہ توڑی کرنا لا بعد میری برخاستگی  
 زبانی طور پر کسی قسم کا حوالہ نہیں لگتا۔ جو اس سے زیادتی ہے۔

میں آج کے ماحول سے پہلے کرنا ہوا۔ کہ مجھے اپنی توڑی پر بحال کرنا تھا مگر  
 جاری فرمائی جاتی۔ شہر میں بھی اس کی تحویلی جوئیہ کیس 2014 میں ادائیگی  
 جاتی ہیں۔ یہی نہیں ملتی ہے۔ اور متعلقہ دستاویزوں میں بھی زبانی طور پر توڑی  
 سے برخاستگی کر کے موجود ہے۔ اور متعلقہ دستاویزوں میں بھی زبانی طور پر توڑی  
 نہ میری پہلے منظور کر کے مجھے توڑی پر بحال کیا جائے۔ اور اس کے بعد  
 اس حال تحویلی جاتی اور اس کے بعد حکم صادر فرمایا جائے۔

12/6/14  
 سید محمد نور علی زبانی

عارف شاہ ملک مقبول شاہ  
 سابقہ جوئیہ کر کے رکھ کر

Attest  
 Anwarul  
 Advocate No 2

2014



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Execution petition no-109/2016

Application No. \_\_\_\_\_/2016  
In Service Appeal No.1311/2014

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 502

Dated 27-6-16



Arif Shah son of Maqbool Shah

Ex-Junior Trade Instructor (Grade 10) in Government Technical Institute

Ekkaghund, Directorate of IMTE FATA Secretariat Peshawar

r/o Village Nahaqi, PO Daudzai Tehsil and District Peshawar.....Petitioner

VERSUS

1. Additional Chief Secretary, FATA Secretariat, Peshawar
2. The Director of Industries, Mineral and Technical Education, FATA Secretariat Peshawar
3. The Deputy Director of Industries, Mineral and Technical Education FATA Secretariat, Peshawar
4. The Principal Government Technical Institute Ekkaghund (Mohmand Agency).....Respondents

Application on behalf of Petitioner/Appellant for passing appropriate reinstatement order of the Petitioner/Appellant in Service Appeal No.1311/2014 in view of the fact that this Hon. Tribunal Judgement/Order dated 6<sup>th</sup> May 2016 has not so far been implemented/complied with.

Respectfully Sheweth

The Petitioner/Appellant humbly submits as under :-

1. That Petitioner's services were illegally and without any jurisdiction were verbally terminated by the Respondents as a result of which the Petitioner approached this Hon'able Tribunal for Re-instatement in Service with all back benefits vide Service Appeal No.1311/2014.
2. That this Honourable Tribunal was pleased to pass a Judgement/Order dated 6<sup>th</sup> May 2016 directing the Respondents to decide the Departmental Appeal of the Petitioner/Appellant dated 12-6-2014 addressed to the Director Industries, Mineral and Technical Education, FATA Secretariat, Peshawar(Respondent-2) but despite lapse of 53 days, no action has so far been taken.

Attested Copy of judgement/Order dated 6<sup>th</sup> May 2016 at Annexure-A

3. That the Petitioner is a young man and is becoming overage with the passage of time from Government/Semi-Government Department's services but the Respondents failed to conclude the departmental Appeal of the Petitioner within the stipulated period fixed by this honourable Tribunal.

ATTESTED

Khyber Pakhtunkhwa  
Service Tribunal

4. That malafide of the Respondents is admitted from the fact that the Order dated 6<sup>th</sup> May 2016 of this Honourable Tribunal have not so far been complied with which manifests that the Respondents have no reasonable ground for verbal termination of the Petitioner from service.

It is, therefore, humbly prayed that on acceptance of this Application, the Service Appeal No.1311/2014 of the Petitioner/Appellant may kindly be accepted with costs.

*Arif Shah*  
Petitioner  
Arif Shah

Through

*Naqibullah Khattak*

1. (Naqibullah Khattak)

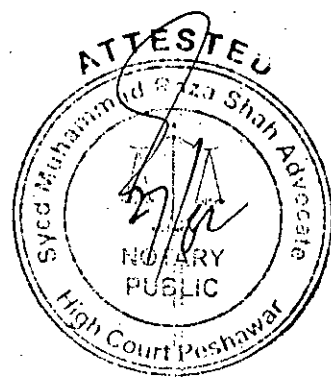
2. (Anwar Shah) *Shah* 27/6/2016

Advocates High Court  
Peshawar

**Affidavit**

I, Arif Shah son of Maqbool Shah solemnly affirm and declare on oath that the contents of the instant Application are true and correct according to my knowledge and belief and that nothing has been concealed intentionally from this Hon'able Court.

*Arif Shah*  
Deponent



Certified true copy  
E. A. ANWAR  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application 6-3-17  
Number of Words 500  
Copying Fee 6  
Urgent Yes  
Total 440  
Name of Copyholder Arif Shah  
Date of Completion 6-3-17  
Date of Delivery 6-3-17

Arif Shah

Arif Shah

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

SERVICE APPEAL NO. 1311/2014

Date of institution ... 05.11.2014

Date of judgment ... 06.05.2016



Arif Shah S/o Maqbool Shah,  
Ex-Junior Trade Instructor(Grade 10) in Government Technical Institute Ekkaghund,  
Directorate of IMTE FATA Secretariat Peshawar,  
R/O Village Nahaqi P.O Daudzai Tehsil & District Peshawar.

... (Appellant)

VERSUS

1. Additional Chief Secretary FATA, FATA Secretariat, Warsak Road, Peshawar.
2. The Director of Industries, Mineral and Technical Education, FATA Secretariat, Warsak Road, Peshawar.
3. The Deputy Director of Industries, Mineral and Technical Education, FATA Secretariat, Warsak Road, Peshawar.
4. The Principal Government Technical Institute Ekkaghund(Mohmand Agency).

... (Respondents)

APPEAL UNDER SECTION-4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE TERMINATION OF SERVICES OF THE APPELNT VERBALLY DIVULGED ON HIM ON 19.05.2015 IN THE ABSENCE OF ANY SHOW CAUSE NOTICE. CHARGE SHEET, INQUIRY AND SHOWING ANY RHYME AND REASONS EVEN VERBALLY EFFECTIVE 01.04.2014 AGAINST WHICH PREFERRED DEPARTMENTAL APPEAL TO RESPONDENT NO.2 DATED 12.06.2014 IS UN-ACTIONED AS YET.

Mr. Naqibullah Khattak, Advocate.  
Mr. Muhammad Jan, Government Pleader

.. For appellant.  
.. For respondents.

MR. PIR BAKHSH SHAH  
MR. ABDUL LATIF

.. MEMBER (JUDICIAL)  
.. MEMBER(EXECUTIVE)

ATTESTED  
  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

JUDGMENT

PIR BAKHASH SHAH, MEMBER: On certain application alleging that appointment of the appellant as Junior Trade Instructor (BPS-10) in Govt: Technical Institute Ekkaghund, Mohmand Agency, vide order dated 30.05.2012, was made through a bogus and fake appointment order, the fact finding enquiry conducted through Sardar Asad Haroon Deputy

Secretary Administration after finding substance in the allegations. recommended for action against those who were involved. According to the appellant, he received his last salary on 1<sup>st</sup> April, 2014 and when his salary was stopped /blocked, it was verbally disclosed to him that his salary was stopped/blocked due to termination of his service in the said scenario. Appellant filed this service appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 with the following prayer:-

“ It is, therefore, humbly prayed that on acceptance of the instant service appeal, the appellant may graciously be reinstated in service with effect from 01.04.2014 and the verbal orders dated 19.05.2014 of the respondents respecting termination of his service may graciously be declared as void ab-initio, illegal, coram-non-judice and not sustainable in the eye of law of the land with heavy cost in view of the legal position that the respondents committed gross illegality in termination of his service and innocently subjected the appellant to gross un-justice”.

We have heard arguments and perused the record.

3. Main contention of the learned counsel for the appellant is that the appellant could not be sacked without any charge sheet, regular enquiry and much less on the basis of only a verbal order. He further submitted that appellant was duly qualified for that appointment and who after his appointment also received his salary for sufficient long time. Conversely, it was contended by learned Government Pleader that since the appellant was never appointed by the department, much less in the prescribed manner, therefore, he was not a civil servant so that the department would have passed a regular order of termination of his service. He further contended that since appellant is not a civil servant therefore, this Tribunal has no jurisdiction to entertain this appeal.

APPEAL  
FILED  
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

4. After a careful perusal of the record, it was found that an anti-corruption case was also lodged against the appellant and others on the allegations of this fake and bogus appointment order and repayment of salary. The same has not yet been decided. Per contention of the respondent-department, recovery of the salaries has also been effected from the appellant for this unlawful and illegal receipt of salary from the Government exchequer. The record revealed that at the relevant time the appellant was overage and his age relaxation certificate and appointment letter both are of the one and same date. It is evident that the Department does not admit appointment order of the appellant, hence agitating the issue of jurisdiction of this Tribunal which cannot safely be resolved on the basis of insufficient materials before us. On the record, there is departmental appeal of the appellant dated 12.06.2014 addressed to Director Minerals Industries and Technical Education FATA Secretariat copy of which available on file which has not been decided. Hence the Tribunal is of the considered view that since the issue of jurisdiction of this Tribunal is also involved therefore, it would be quite apt and proper to remit the case to the departmental appellate authority with the direction to decide departmental appeal of the appellant within a period one month after receipt of this judgment. Appeal is disposed of accordingly. Parties are, however, left to bear their own costs. File be consigned to the record room.

line 9

Sd

ANNOUNCED  
05.05.2016.

Sd

(PIR BAKHSH SHAH)  
MEMBER

(ABDUL LATIF)  
MEMBER

Certified to be true copy  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Attested  
Muzaffarullah  
Advocate BR

Date of Birth \_\_\_\_\_  
 Number of \_\_\_\_\_  
 Copying Fee 8 1200 \_\_\_\_\_  
 Urgent \_\_\_\_\_  
 Total 8 \_\_\_\_\_  
 Name of \_\_\_\_\_  
 Date of \_\_\_\_\_ 09-05-2016  
 Date of \_\_\_\_\_ 16-05-2016

①

Annex X 32

**BEFORE THE KHYBERPAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

E.P No. 109/2016

In

Service Appeal No. 1311/2014

Arif Shah

Vs

Additional Chief Secretary FATA & Others



**APPLICATION FOR AND ON BEHALF OF RESPONDENTS TO PLACE ON RECORD COMPLIANCE REPORT dated 09/12/2016, ALONG WITH ALL THE RELEVANT RECORD**

**RESPECTFULLY SHEWETH:**

1. THAT the respondent Department has been given direction by this Honourable Tribunal vide order and judgment dated 26/5/2016 in the captioned service appeal to decide the representation of the appellant, and were also directed to file compliance report on the last date of hearing i.e 14/10/2016.
2. That the respondent department seeks to place on record the decision dated 09/12/2016 regarding application of the appellant for reinstatement in service along with all the relevant record in this respect.

(Copy of the compliance report dated 09/12/2016 is annexed herewith as Annexure "ZZZ")

3. That the Honourable Tribunal has got vast powers to entertain such application.

It is, therefore, requested that on acceptance of the present application, the respondent department be allowed to place on record the compliance report along with all relevant record relating to captioned case.

Appellant

Through

*Jalal Malik*  
Counsel

Certified to be true copy  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar



# FATA DEVELOPMENT AUTHORITY

Directorate of Technical Education  
46-A, Sector B-2 Phase-V Near RMI Hospital Hayatabad, Peshawar.

No.DTE/Admn/FATA-DA/16024-2)

Dated 9/12/2016

To

Mr. Arif Shah,  
S/o Maqbol Shah, Village & P.O Nahqi,  
Tehsil & District Peshawar.

**SUBJECT: RE-INSTATEMENT IN SERVICE WITH PAY BENEFIT SINCE APRIL 2014 IN THE MATTER REGARDING YOUR ILLEGAL APPOINTMENT**

Reference to your application for re-instatement in service, you were called to this office on 21.11.2016 to be heard in person but you failed. The record has thoroughly been checked as:

1. There is neither advertisement nor any selection committee record for recruitment in your case. Furthermore, FATA Directorate of Technical Education has no power of recruitment other than class-IV employee. All appointments are made according to the policy of Govt of Khyber Pakhtunkhwa.
2. The Dispatch number given on appointment order and age relaxation are fake and not found on record of Directorate of Technical Education FATA
3. The Ex-Assistant Director Technical Education Mr. Irfan Ali has denied his signature made on your appointment order and age relaxation order. The same signature have also been proved as scanned and not original. The Anti Corruption Judge has also held in its judgment that the signatures of Mr Irfan Ali are scanned (Copy of statement of Ex-Assistant Director (Irfan Ali) & Anti Corruption Court attached).
4. The fact finding enquiry carried out by Deputy Secretary Admn: FATA Secretariat have proved the order as fake (Copy attached). The matter is sub-judice before Anti Corruption Judge.
5. Your service have also been declared as null and void by Director Technical Education vide order Endst: No.DIMTE/FATA/Admn/3009(A)(1-4) dated 23.09.2014 (Copy attached).
6. FIR have also been lodged in the FIA Anti Corruption circle Peshawar and your pay amounting to Rs. 338232/- for the period from 01.06.2012 to 31.03.2014 has been recovered by FIA Anti Corruption wing Peshawar. (Copies of FIR & receipt of recovery amount attached ). The case is under trial in the court of Special Judge Central Anti Corruption Phase-7 Hayatabad Peshawar.

Keeping in view the above facts, your services were declared as null and void by the Department of Technical Education FATA. So you can not be reinstated in service.

Attested  
9/12/2016  
Advocate P.S.A

Endst: No.DTE/Admn/FATA-DA/16024-2)

Manager Skills/Director  
Technical Education FATA-DA

Dated 9/12/2016

Copy for information to: P.S to Chief Executive FATA-DA.

Manager Skills/Director  
Technical Education FATA-DA

Annex XI 34  
The original

Before the KPK Service Tribunal Peshawar

Objection No. \_\_\_\_\_/2017  
In Execution Petition No.109/2016

Arif Shah  
Versus

Date  
of hearing  
3-3-2017

Add: Chief Secretary FATA and others

Objection on behalf of DH/Applicant upon the Implementation Report submitted by the Respondents delayed by 7 months and 10 days instead of stipulated period of one month as mentioned in judgement of this Honourable Tribunal No.SA/1131/2014 dated 6-5-2016

Respectfully Sheweth,

1. That the Objector/Applicant humbly submits following Objections over the Implementation Report filed by the Respondents on 16-12-2016 which is delayed by over 7 months instead of 1 month stipulated period as mentioned in this Honourable Tribunal judgement/order dated 6-5-2016:-

A) That the Objector's main Service Appeal bearing No.1131/2014 was decided and disposed off by this Honourable Tribunal vide Judgement dated 6-5-2016 by remanding and issuance of direction to the Departmental Appellate Authority to decide the Departmental Appeal of Appellant within a period of one month from the receipt of the judgement. The operative portion of the said Judgement dated 6-5-2016 is reproduced below :-

"It is evident that the Department does not admit appointment order of the Appellant, hence agitating the issue of jurisdiction of this Tribunal which cannot be safely resolved on the basis of insufficient materials before us. On the record there is Departmental Appeal of the Appellant dated 12-06-2014 addressed to Director Minerals and Technical Education FATA Secretariat copy of which available on file which has not been decided. Hence Tribunal is of the considered view that since the issue of jurisdiction of this Tribunal is also involved, therefore. It would be quite apt and proper to remit the case to the Departmental Appellate Authority with the direction to decide the departmental Appeal of the



appellant within a period of one month after receipt of this Judgement. Appeal is disposed off accordingly”.

- B) That after expiry of stipulated period as mentioned in the Judgement dated 6-5-2016, the Objector/Applicant filed Execution (Implementation) Petition in this honourable Tribunal on 28-6-2016.
- C) That after numerous hearings in the Execution/Implementation Petition, the Respondents finally filed Implementation Report in this Honourable Tribunal on 16-12-2016 alongwith enclosures of Rejection of Departmental Appeal on 9-12-2016 which is apparently delayed by 7 months and 10 days and it was quite irrelevant. f
- D) That it is crystal clear that Respondents bitterly failed to implement the Order/Judgement dated 6-5-2016 within the stipulated of one month from the receipt of the judgement. It is on record that the judgement was sent by this Honourable Tribunal to the Respondents through postal services duly registered on 19/5/2016 and would have reached upto 22/5/2016. 2
- E) That the Respondents also failed to approach this Honourable Tribunal in seeking extension of further time over and above the stipulated period of one month which has not been done. 3
- F) That moreover, no powers vests with the Respondents to extend time of over 6 months at their own sweet will and choice, without obtaining/approaching this Honourable Tribunal which is clear cut violation of judgement/order dated 6-5-2016 of this Hon'able Tribunal. 4
- G) That upon failure of the Respondents in non-filing of Implementation Report within stipulated period of one month given by this Hon. Tribunal, it is clarified that there was no plausible and legal justification for verbal and illegal termination of Applicant from his service who rendered 22 months service. 5

H) That the Objector/Applicant is jobless since the date of his verbal termination from service i.e. 19-5-2014 and failure in filing of Implementation Report in time. Objector/Applicant was estopped for redressal of his legal remedies.

2. It is, therefore, humbly prayed that on acceptance of the Execution/Implementation Petition by taking into consideration the points in the instant Objection as well as non-implementation of the judgement/order dated 6-5-2016 within stipulated period of one month, the Applicant is entitled for reinstatement in service with all back benefits of Pay and Service in the circumstances explained above.

Arif Shah  
Objector/Applicant

Through

- 1. (Naqibullah Khattak)
  - 2. Anwar Shah
- Advocates High Court  
Peshawar

**AFFIDAVIT**

I, Arif Shah son of Maqbool Shah solemnly affirm and declare on oath that the contents of the instant Objection to Implementation Report are true and correct and that nothing has been concealed intentionally from this Hon. Tribunal.

*sh*  
Deponent.

*Attested*  
*Naqibullah*  
*Advocate for*

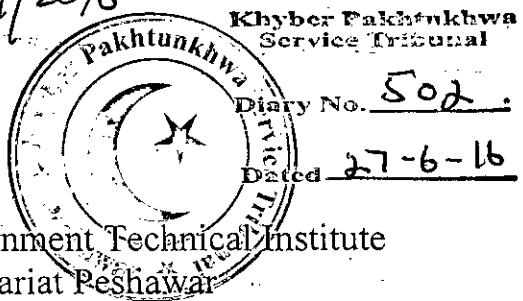
*[Faint, illegible text or stamp]*

(2) Annex XII 37

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Execution petition no. 109/2016

Application No. \_\_\_\_\_/2016  
In Service Appeal No. 1311/2014



**Arif Shah son of Maqbool Shah**  
Ex-Junior Trade Instructor (Grade 10) in Government Technical Institute  
Ekkaghund, Directorate of IMTE FATA Secretariat Peshawar  
r/o Village Nahaqi, PO Daudzai Tehsil and District Peshawar.....Petitioner

VERSUS

1. Additional Chief Secretary, FATA Secretariat, Peshawar
2. The Director of Industries, Mineral and Technical Education, FATA Secretariat Peshawar
3. The Deputy Director of Industries. Mineral and Technical Education FATA Secretariat, Peshawar
4. The Principal Government Technical Institute Ekkaghund (Mohmand Agency).....Respondents

Application on behalf of Petitioner/Appellant for passing appropriate reinstatement order of the Petitioner/Appellant in Service Appeal No.1311/2014 in view of the fact that this Hon. Tribunal Judgement/Order dated 6<sup>th</sup> May 2016 has not so far been implemented/complied with.

03.03.2017

Counsel for the petitioner, Zarghun Shah, AD alongwith Asstt. AG for the respondents present. Written reply submitted. Arguments on execution petition heard and record perused.

The judgment of the Tribunal has been implemented. Learned counsel for the petitioner has reservations over the implementation of the judgment as the decision was delayed by the respondents which was to be taken within a period of one month instead of 7 months.

Since the judgment of the Tribunal has been implemented as such the execution petition stand disposed off. The petitioner may agitate his grievances in the mode prescribed by rules if so advised. File be consigned to the record room.

Certified to be true copy  
Khyber Pakhtunkhwa Service Tribunal  
Peshawar

Chief  
Chairman

ANNOUNCED  
03.03.2017

Appeal No. 286/2017

38



74663

ایڈووکیٹ/دستخط: Nejibullah

بارکونسل ابار ایسوسی ایشن نمبر: 2662

رابطہ نمبر: 0343-9122233

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: سر جسٹس ہونبل کے بی کے پشاور

دعویٰ: <u>سروس ڈیل</u>	منجانب: <u>عارف شاہ</u>
علت نمبر:	<u>عارف شاہ</u>
مورخہ: <u>21-3-2017</u>	
جرم:	
تھانہ:	

بنام چیف جسٹس ہونبل کے بی کے پشاور

**بابت تحریر آنکہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ ریڈ وکٹس کے بارے میں  
ان مقام پر بیشمار کیلئے کھنڈ دستے سنگ انٹرنیشنل کو وکیل مقرر  
کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو  
راضی نامہ کرنے و تقرر حالت و فیصلہ برحمت دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق  
زریں ہر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اہیل کی برآمدگی اور منسوخی، نیز  
دائر کرنے اہیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی  
کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہو گا اور صاحب  
مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ  
میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا وہ وکیل موصوف وصول کرنے کا حقدار ہوگا کوئی تاریخ پیشی مقام  
دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ مندر ہے۔

المرقوم: 21-3-2017

بند واہ شد بند

مقام کشمیر کے لئے منظور ہے۔

نوٹ: اس وکالت نامے کو کوئی ناقابل قبول ہوگی

Nejibullah

Nejibullah  
Anwar Shah

Arif Shah

10

**BEFORE KHYBER PAKHTUN KHWA SERVICE  
TRIBUNAL, PESHAWAR.**

S.A No. 286/2017

ARIF SHAH

VERSUS

ADDITIONAL CHIEF SECRETARY, FATA AND OTHERS

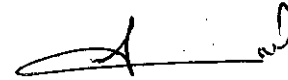
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Through

Dated: 06.06.2017

Respondents  
1-to-4.



**TAJDAR FAISAL KHAN  
MINA KHEL  
ADVOCATE HIGH COURT  
PESHAWAR.**

**BEFORE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL,  
PESHAWAR**

**ARIF SHAH**

**VERSUS**

**ADDITIONAL CHIEF SECRETARY, FATA AND OTHERS**

Written Reply for and on behalf of Respondents. 17/8/14.

**Respectfully Sheweath:**

**Preliminary Objections:**

- A. The appeal is wholly incompetent and untenable.
- B. The appellant has not come to the Hon'ble tribunal with clean hands.
- C. The appeal is filed by the petitioner with malafide intent.
- D. The appellant has no locus standi and cause of action as he has lost all his remedies in this respect. And it has been established that he procured his employment through illegal and fraudulent means i.e. by preparing false and bogus official letters.
- E. The present appeal is badly time-barred as evident from the record, so on this score alone, the appeal is not maintainable and liable to be dismissed/rejected.
- F. The Honourable Tribunal must take cognizance of the fact that the Appellant is filing repeated appeals before the Honourable Tribunal which under the law is not allowed.
- G. The appellant refunded the amount received by him as salaries in the government treasury, and by this way he admitted his guilt of forgery and fraud.

- H. The alleged appointment letter has been declared as bogus and fabricated one by the FSL during the course of inquiry conducted by the Anti-corruption establishment.
- I. The appellant has been declared as guilty of charge of fabrication by the inquiry officer and the findings of the inquiry officer, have been endorsed by the respondent No. 2 vide letter dated: 23-09-2014 and the appointment of the appellant has been declared as null and void. It would be appropriate to mention that the order dated: 23-09-2014 is not challenged by the appellant.

### REPLY ON FACTS:

1. Para No. 1 of the appeal needs no reply.
2. Para No.2 needs no comments.

However, to put the record the straight, it is submitted that after decision of the earlier service appeal No. 1131/2014 on 06-05-2014, the appellant was duly called by the competent authority for personal hearing vide letter dated: 14-11-2016 for 21-11-2016 but the appellant failed to appear and the competent authority vide order dated: 09-12-2016 was pleased to reject the department appeal of the appellant and the appellant was informed and the rejection order was also placed on judicial file on 16.12.2016.

{True copies of letter dated: 14-11-2016 along with receipt and letter dated: 09-12-2016 are attached, mark as **Annex:AA-1 to AA-3**}

3. Para No. 3 of the appeal is incorrect, wrong, false, fraudulent and result of mis-statement, hence expressly denied.

The appellant was neither appointed as Junior Trade Instructor nor any order in this respect was passed. The appellant procured false and bogus appointment order with the help and connivance of some officials/officers, and proper enquiry was conducted in this respect. The statement of one Irfan Ali, Ex-AD Technical Education FATA is the most relevant and the same has further been strengthened by the report of FSL when the anti-corruption establishment after registration of FIR No. 15 dated: 15-01-2015 sent the questioned appointment order to the Forensic lab. Here it would be relevant to mention that a criminal trial has been started in the said FIR No. 15 which

is pending adjudication in the court of Special Judge (Central) Peshawar and which is now fixed for 15-06-2017.

{True copy of FIR and FSL report are attached, mark as **Annex: BB1-BB2**}

4. Para No. 4 of the appeal is incorrect, hence expressly denied.

When it has been proved and established that no appointment order has been issued to the appellant, so on the strength of the said fact, no age relaxation has been given to him and the said document is also the result of fabrication.

5. Para No. 5 of the appeal is not relevant, however, the appellant is also put to strict proof to prove the said documents also.

6. In reply to Para No. 6 it is submitted that the appellant with the help and connivance of some officials/officers of the department succeeded in manipulating the record and also succeeded in getting salary but it would be appropriate to mention that after registration of FIR No. 15 dated: 15-01-2015, the appellant refunded the entire salary/amount received by him in the government treasury vide recovery memo and by this way the appellant admitted his guilt of forgery and fraud.

{True copy of recovery memo is attached, mark as **Annex; CC1**}

7. Para No. 7 of the appeal is incorrect, hence expressly denied.

After receiving of complaint of fake appointment in respect of appellant, the competent authority initiated proceedings to probe into the matter and in that behalf, the appellant was duly informed through Principal, Govt. Technical Institute, Ekka Ghund vide letter dated: 27-05-2014 and according to the said letter, the appellant was also informed telephonically to attend the office of Deputy Secretary, P & LDD, FATA. Moreover, proper inquiry committee was formed by the competent authority vide office order dated: 17-06-2014 and the inquiry officer, vide its report also found the appellant as guilty of fraud and upon receiving the inquiry report, the competent authority vide order dated: 23-09-2014 declared the appointment of appellant as null and void.

{True copy of inquiry report along with relevant record is attached, mark as **Annex; DD1**}



8. Para No. 8 to 11 are interlinked, hence replied jointly. After remand of the appeal by the Hon'ble Khyber Pakhtun Khwa Service Tribunal, Peshawar, the appellant was again informed by the competent authority to appear personal hearing and after the failure of the appellant to appear, the competent authority passed order dated: 09-12-2016 which order was duly communicated to the appellant and also placed on the record of judicial file. Moreover, the instant service appeal neither competent in law and is badly time-barred, and liable to be dismissed/rejected.

It would also be important to state that affidavit filed with appeal is not properly drafted and no solemn affirmation has been made of grounds of appeal because the same are fraudulent.

9. Para No. 12 is not relevant.

#### **REPLY ON GROUNDS:**

- a) Para a to h of the grounds are incorrect, wrong, false, exaggerated and unwarranted hence expressly denied.

The appellant was neither appointed as Junior Trade Instructor nor any order in this respect was passed. The appellant procured false and bogus appointment order with the help and connivance of some officials/officers. The appellant with the help and connivance of some officials/officers of the department succeeded in manipulating the record and also succeeded in getting salary but it would be appropriate to mention that after registration of FIR No. 15 dated: 15-01-2015, the appellant refunded the entire salary/amount received by him in the government treasury vide recovery memo and by this way the appellant admitted his guilt of forgery and fraud. It would be of axiomatic importance that the amount was refunded by the appellant with his free will without any duress or force or protest.

After receiving of complaint of fake appointment in respect of appellant, the competent authority initiated proceedings to probe into the matter and in that behalf, the appellant was duly informed through Principal, Govt. Technical Institute, Ekka Ghund vide letter dated: 27-05-2014 and according to the said letter, the appellant was also informed telephonically to attend the office of Deputy Secretary, P & LDD, FATA but he failed to

appear before the competent authority. Moreover, proper inquiry committee was formed by the competent authority vide office order dated: 17-06-2014 and the inquiry officer, vide its report also found the appellant as guilty of fraud and upon receiving the inquiry report, the competent authority vide order dated: 23-09-2014 declared the appointment of appellant as null and void.

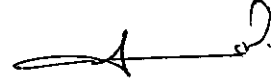
Here it would be relevant to mention that a criminal trial has been started in the said FIR No. 15 which is pending adjudication in the court of Special Judge (Central) Peshawar and which is now fixed for 15-06-2017

**It is, therefore, most respectfully prayed that the appeal of the appellant may kindly be dismissed with special compensatory costs coupled with expenses of litigation.**

Respondents *1-6-4*

Through

Dated: 06/06/2017



**TAJDAR FAISAL KHAN  
MINA KHEL  
ADVOCATE HIGH COURT  
PESHAWAR.**

BEFORE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL,  
PESHAWAR

ARIF SHAH

VERSUS

ADDITIONAL CHIEF SECRETARY, FATA AND OTHERS

**AFFIDAVIT**

I, Zarghun Shah, Assistant Director, Technical Education, FATA do hereby solemnly affirm and declare upon oath that the contents of the accompanied written reply are true and correct to the best of my knowledge and belief and nothing has been intentionally concealed from this Hon'ble Tribunal.

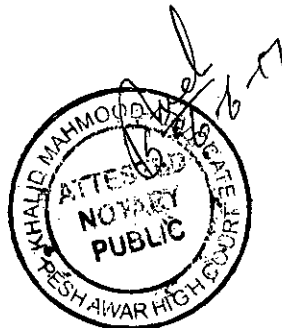
Identified By:

  
Tajdar Faisal Khan Mina Khel  
Advocate High Court.

Deponent

  
Zarghun Shah

11201-0400244-5





# FATA DEVELOPMENT AUTHORITY

## SKILLS DEVELOPMENT SECTOR

### Technical Education FATA

46-A, Sector B-2 Phase-V Near RMI Hospital Hayatabad, Peshawar.

Web site: [www.fatada.gov.pk](http://www.fatada.gov.pk)

*[Signature]*  
Regd.

No. DTE/AdminFATA-DA/1511/1-31  
To

Dated 14/11/2016.

Mr. Arif Shah S/O Maqbool Shah  
Village & P/O Nahaqi Tehsil & Distt Peshawar.

*Aunsa - AA 1*

Subject: APPEAL REGARDING REINSTATEMENT IN SERVICE EP-109/2016 IN SERVICE APPEAL NO. 1311/2014

I am directed to refer to your appeal for reinstatement in services under Service Appeal No. 1311/14 EP-109/2016 and order sheet of the Service Tribunal dated 14/10/2016.

You are therefore, directed to attend the office of Manager Skills/ Director Technical Education FATA Development Authority on 21-11-2016 so that you may be heard in person and your appeal can be decided.

Assistant Director  
Technical Education (FATA-DA)

Endst: No. DTE/AdminFATA-DA/1511/1-31

Dated 14/11/2016

Copy for information to:

1. Manager Skill/Director Technical Education FATA-DA
2. PS to Chief Executive FATA-DA.

*[Signature]*  
Assistant Director  
Technical Education (FATA-DA)

*[Handwritten signature]*

9

Annex-AA2

536

For insurance Notices see reverse. Rs. Ps.  
Stamps affixed except in case of  
uninsured letters of not more than  
the initial weight prescribed in the  
Post Office Guide or on which no  
acknowledgment is due.

38/55

Issued to M/s. M. J. J. J. Date Stamp Nov 18

Write here "letter", "postcard", "packet" or "parcel"  
with the word "insured" before it when necessary.

Insured for (in figures) 2/0 (in words) Two

Weight 1/2 Kilo Half  
Grams

Insurance fee Rs. \_\_\_\_\_ Ps. \_\_\_\_\_ (in words) \_\_\_\_\_

Name and address of sender M/s. P/O New Delhi

M. J. J. J.



# FATA DEVELOPMENT AUTHORITY

Directorate of Technical Education  
46-A, Sector B-2 Phase-V Near RMI Hospital Hayatabad, Peshawar.

10

No.DTE/Admn/FATA-DA/ 16024-2) Dated 9.12.2016

To

Mr. Arif Shah,  
S/o Maqbol Shah, Village & P.O Nahqi,  
Tehsil & District Peshawar.

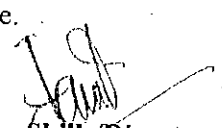
Annex - AA3

**SUBJECT: RE-INSTATEMENT IN SERVICE WITH PAY BENEFIT SINCE APRIL 2014 IN THE MATTER REGARDING YOUR ILLEGAL APPOINTMENT**

Reference to your application for re-instatement in service, you were called to this office on 21.11.2016 to be heard in person but you failed. The record has thoroughly been checked as:

1. There is neither advertisement nor any selection committee record for recruitment in your case. Furthermore, FATA Directorate of Technical Education has no power of recruitment other than class-IV employee. All appointments are made according to the policy of Govt of Khyber Pakhtunkhwa.
2. The Dispatch number given on appointment order and age relaxation are fake and not found on record of Directorate of Technical Education FATA
3. The Ex-Assistant Director Technical Education Mr. Irfan Ali has denied his signature made on your appointment order and age relaxation order. The same signature have also been proved as scanned and not original. The Anti Corruption Judge has also held in its judgment that the signatures of Mr Irfan Ali are scanned (Copy of statement of Ex-Assistant Director (Irfan Ali) & Anti Corruption Court attached).
4. The fact finding enquiry carried out by Deputy Secretary Admn: FATA Secretariat have proved the order as fake (Copy attached). The matter is sub-judice before Anti Corruption Judge.
5. Your service have also been declared as null and void by Director Technical Education vide order Endst: No.DIMTE/FATA/Admn/3009(A)(1-4) dated 23.09.2014 (Copy attached).
6. FIR have also been lodged in the FIA Anti Corruption circle Peshawar and your pay amounting to Rs. 338232/- for the period from 01.06.2012 to 31.03.2014 has been recovered by FIA Anti Corruption wing Peshawar. (Copies of FIR & receipt of recovery amount attached). The case is under trial in the court of Special Judge Central Anti-Corruption Phase-7 Hayatabad Peshawar.

Keeping in view the above facts, your services were declared as null and void by the Department of Technical Education FATA. So you can not be reinstated in service.

  
Manager Skills/Director  
Technical Education FATA-DA

Endst: No.DTE/Admn/FATA-DA/ 16024-2)

Dated 9.12.2016

Annex-BB1

No. 15/2015

Date and hour of occurrence 15-01-2015 at 09

1. Date and hour when reported.	15-01-2015 at 0900 HRS
2. Name and residence of informant and complaint.	مظہر خان ایجوکیشن فٹنگ فIA/ACC لاہور
3. Brief description of offence (with section) and of property carried off, if any.	109,419,420,468,471 PPC 5(2) PC Act 1947
4. Place of occurrence and distanced and direction from Police Station.	ٹیکسٹائل ایجوکیشن فٹنگ فٹنگ ورسنگ اوڈ لہور
5. Steps taken regarding investigation, explanation of delay in recording information.	ایجوکیشن فٹنگ 47/2014 نوامبر 28 <sup>10</sup> سے لے کر میں مقدمہ درج رجسٹر کیا جاتا ہے۔
6. Date and hour of despatch from Police Satation.	15-01-2015 at 0930 HRS

ایجوکیشن فٹنگ 47/2014 نوامبر 28<sup>10</sup> سے لے کر  
میں مقدمہ درج رجسٹر کیا جاتا ہے۔  
مظہر خان ایجوکیشن فٹنگ فٹنگ فIA/ACC لاہور  
ٹیکسٹائل ایجوکیشن فٹنگ فٹنگ  
ورسنگ اوڈ لہور  
ایجوکیشن فٹنگ 47/2014 نوامبر 28<sup>10</sup> سے لے کر  
میں مقدمہ درج رجسٹر کیا جاتا ہے۔  
ایجوکیشن فٹنگ 47/2014 نوامبر 28<sup>10</sup> سے لے کر  
میں مقدمہ درج رجسٹر کیا جاتا ہے۔

مظہر خان ایجوکیشن فٹنگ فIA/ACC لاہور  
15-01-2015

کامیابی کے لئے  
مظہر خان ایجوکیشن فٹنگ فIA/ACC لاہور

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LAB NO.37/2015  
OFFICE OF THE DIRECTOR TECHNICAL  
FEDERAL INVESTIGATION AGENCY  
HQRS G-9/4, ISLAMABAD.

12

No.57/TW/FIA/2015

Dated: 17.02.2015

Subject: CASE FIR NO.15/2015 DATED 15-01-2015 U/S 109/419/420/468/471, PPC 5(2) 47 PC ACT AGAINST IRFAN ALI ETC ANALYSIS OF SPECIMEN SIGNATURE ACCUSED IRFAN ALI PS FIA ACC PESHAWAR.

Reference: - No.FIA/KPK/ACC/PSR/C-15/2015/219 dated 03-02-2015, received from the Deputy Director FIA ACC, Peshawar.

Finding: - The examination of the documents in the above mentioned case with the help of VSC (Document Examination System) and Microscope has revealed the following.

1. The questioned signature (of Assistant Director), on the front side of disputed office order marked as Q (1), bears the characteristics of being scanned (printed on it by using printer) with respect to the provided corresponding specimen and routine signatures of Irfan Ali, marked as S-1 to S-3 and R-1 to R-10.

2. Letter No. (738(1-3)), date (30.5.2012) on the front side and writings on the back side of disputed office order marked as Q (1) bears the characteristics of being scanned (printed on it by using printer).

Scanned signature, letter No., date and writings.

Ends:No.DIMTE/FATA/

738(1-3)

Dated 30.5.2012

Copy forwarded for information and necessary action.

*Handwritten notes:*  
No. 1052 - EST. Dated 17-12-13  
DIMTE/FATA / Admin / 2014 / 2495  
24/11/2014

*Handwritten initials:*  
ABY  
mu

(SAIB AKIYAT SOHAIL)  
INSPECTOR

EXAMINER OF QUESTIONED DOCUMENTS  
FIA HQRS ISLAMABAD



فرد وقتو عمل

13

دوره دوران وکیل انترنشنل 47/ نور 28 10 2014  
QTD/EXG/14/42  
(4-21)

نور 15 8 2014  
پیش کرده عارف شاه در وصول شاه سنه لغز در کتای

دادورگی فصل و صلاح آن در حساب مبلغ 338232/ روپیہ پاکستان کے

اصول کسے کسے تاج - رقم مبلغ 338232/ روپیہ پاکستان کے حساب

67 عدد لاکھ 5000/ باغ تزارے اور 3 عدد لاکھ 1000/ روپیہ پاکستان کے

اور 232 صحت 100/100 کے 2 عدد لاکھ اور 32 روپیہ برائے حکومت پاکستان کے

کروان نقد وصول کرے زریعہ دوران دستخط شدت صورتی فردی نقل

*[Handwritten Signature]*

FIA/ACC  
دستخط فصل

لکھ

05-01-2015

FIA/ACC  
AS1

*[Handwritten Signature]*

دوران بیان  
مسلو  
عز دارشمان

*[Handwritten Signature]*

Annex-001

14

10



Establishment Section

**FATA SECRETARIAT**  
(ADMINISTRATION, INFRASTRUCTURE & COORDINATION DEPARTMENT)  
**WARSAK ROAD PESHAWAR**

**ORDER:-**

Sardar Asad Haroon (PMS BS-17) is appointed as Inquiry Officer to investigate and conduct a Facts Finding Enquiry into alleged fake appointment in the name of Arif Shah as Junior Trade Instructor in Govt Technical College Ekkaghund Mohmand Agency.

2- The Terms of Reference of Enquiry is as follows:-

1. To identify the person who processed the fake appointment order at Agency level for posting.
2. To point out the official of the Department/College who processed salary case with Agency Accounts Officer for withdrawal.
3. To compare the Diary/Dispatch No.738(1-3) dated 30-5-2012 with the dispatch register of Directorate.
4. To compare signature affixed on the fake appointment order with stamp of Assistant Director (TE) with officer on post at time.
5. Any other related point, the Inquiry Officer may like to consider to probe.

3- The Inquiry Officer may submit a report to AI&C Department FATA Secretariat within a period of **10 working days** on issuance of this order.

**SECRETARY (ADMN, INFRA: & COORD)**

No.FS/E/100-41/Enquiry/Arif Shah/8685-87

Dated 17/6/2014

Copy to:-

1. Deputy Secretary Production & Livelihood Department FATA.
2. Director General Technical Education & Manpower Khyber Pakhtunkhwa
3. Principal Technical College Institute Ekka Ghund Mohmand Agency
4. Director Ind: Min: & Technical Education FATA  
(for information)

1. Mr.Sardar Asad Haroon Deputy Secretary Admn (Inquiry Officer).  
Photocopies of the following documents are enclosed herewith:-

- i. Correspondence from page-1 to 18.
- ii. Paras-20 to 30 of Note Part containing background of the case.

*Handwritten signature*

*Handwritten signature*

**(JIBREEL RAZA)**  
Section Officer (Estab)

PA TO D:(MITE)FATA

D.No. 10370

DATE. 18/6/14

MD. Provide every possible help to outgoing official

*Handwritten signature*  
17/6/14  
18/6/14

*Handwritten initials*



Establishment Section

**Confidential**  
**FATA SECRETARIAT**  
(ADMINISTRATION, INFRASTRUCTURE & COORDINATION DEPARTMENT)  
**WARSAK ROAD PESHAWAR**

No.FS/E/100-41/Enquiry Arif Shah/1134-03  
Dated 22/7/2014

To

Director,  
Minerals, Ind: and Technical Education FATA

Subject:- INQUIRY

In continuation of this department letter No. FS/E/100-41/Enquiry Arif Shah/8695-99 dated 17-6-2014, I am directed to enclose herewith a copy of inquiry report of inquiry conducted by Sardar Asad Haroon Deputy Secretary (Admn) FATA Secretariat.

2- The competent authority has been pleased to approve the following further course of action:-

S #	Further action on Inquiry Report	Action to be taken by
1	If Arif Shah Junior Trade Instructor is still in service, he may be terminated and a case registered for fraud against him: by the Political Agent.	Director Minerals, Ind: & Technical Education FATA
2	Any pay drawn by the said person should be recovered from him	Principal of the Institute
3	Charge Sheet and Statement of Allegations may be drafted by the Directorate and must be sent to the Appointing Authority of Muhammad Zahid Assistant office of the Director General Technical Education Khyber Pakhtunkhwa regarding his involvement in the fake appointment Agency to his Appointing Authority.	Principal of the Insitute
4	Charge Sheet and Statement of Allegation for the then Principal Government Technical College Ekka Ghund Mohmand Agency to his appointing authority	Director Minerals, Ind: & Technical Education FATA

3- I am, therefore, to request that the case may kindly be pursued till logical conclusion under intimation to this department.

(JIBREEL RAZA)

Section Officer (Estab)

Copy to :-

1. Director General Technical Education Khyber Pakhtunkhwa
2. Principal Government Technical College Ekkaghund Mohmand Agency
3. Political Agent Mohmand Agency

Section Officer (Estab)

PA Director (INTE) FATA  
P No. 2197  
Date 22-7-2014

Adl  
M.O.  
Put up on file  
AD/IC  
Jahid  
4/8

23/7/2014

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✓

## Inquiry Report.

The undersigned was entrusted with the responsibility of probing into the allegedly fictitious appointment of Mr. Arif Shah as Junior Trade Instructor with the following TORs:-

- 1- To identify the person who processed the fake appointment order at Agency level for posting.
- 2- To point out the official of the Department/College who processed salary case with Agency Accounts Officer for withdrawal.
- 3- To compare the Diary/Dispatch No.738(1-3) dated 30-5-2012 with the dispatch register of Directorate.
- 4- To compare signature affixed on the fake appointment order with stamp of Assistant Director (TE) with officer on post at time.
- 5- Any other related point, the Inquiry Officer may like to consider to probe.

From perusal of the provided record (i.e. copies of the appointment order, statements of different officers/officials, inquiry reports as well as brief of Deputy Secretary (P&LDD), in the case of "Fake" appointment of one Mr. Arif Shah as Junior Trade Instructor at Government Technical Institute Ekkaghund, the following observations have surfaced:-

### Observations:

1. That Mr. Arif Shah got himself appointed as Junior Trade Instructor with the collusion of some officers/officials of the Department as per detail below:
    - a. The contradiction between the written statement of Mr. Zahid (Assistant, Office of the Director General Technical Education KPK) and his replies to the questionnaire, (delivered to him by the D.S P&LDD) clearly indicates his involvement in the "Fake" appointment.
- DD*  
*Arif*

(17) ✓  
~~56~~ 36

Furthermore his close relationship with Mr. Arif Shah, the "Fake" appointee is also a pivotal factor.

- b. The "then" principle of the institute's remarks "accepted" on the arrival report of Mr. Arif Shah clearly reflects his tacit approval/involvement in the case, as being head of the institute, he should have properly examined an appointment of BPS-10 made at his institute which without his concurrence (fulfilling codal formalities i.e. demand from his side, advertisement of the post, short listing of the candidates, test interview in his presence etc) would not have been possible.
2. Evidently the dealing Ministerial Staff (Head Clerk etc) of the institute seems involved in processing the salary case of "Fake" appointee, Mr. Arif Shah at Agency Accounts Office, however the dealing official at Agency Account Office should also be held responsible as without his involvement, withdrawal of salary was not possible.
3. From comparison of the diary/dispatch No.738(1-3) dated 30-5-2012 with the original diary/dispatch register, provided to the undersigned, it has been observed that the same is totally fictitious.
4. Comparison of the signature of Assistant Director (Technical Education), affixed on the appointment order with his original signature (on other official documents in the office) also reflects that these are fabricated.

#### "Recommendations"

- It is quite evident that, being close relative of the appointee, the main culprit behind the entire episode is Mr. Zahid Assistant, Office of Director General (Technical Education). It is recommended that Director General (Technical Education) be requested to initiate stern disciplinary proceedings against him for his deceptive role in the appointment and as such major penalty is proposed by the undersigned for his conspicuous involvement in the appointment.

*Handwritten signature*  
YU

18  
✓ 27

24

• The appointment would not have been possible without the collusion of the Assistant Director (Technical Education) and the principal of Institution. The then Assistant Director (Technical Education) resorted to negligence by allowing such fabrication to take place under his ambit of responsibility and should therefore be censured for his negligence.

Important

It is further recommended that the Principal of the Institution should be penalized by stoppage of one increment for his tacit approval of the fake appointment.

( Sardar Asad Haroon )  
Deputy Secretary (Admn)  
Inquiry Officer.

28/4  
2/11

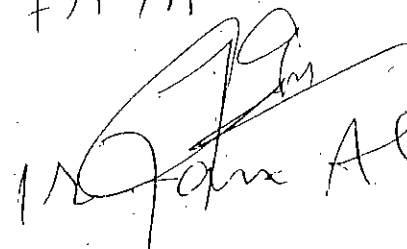
Statement

(19) 5

Respected Sir,

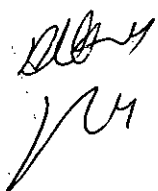
The appointment order in respect of Mr. Asif Shah is not issued under my signature. It is totally Fake and I have no concern with it.

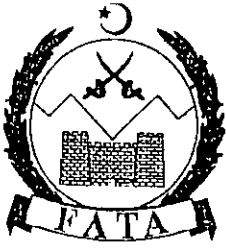
Furthermore the whole process was not in my notice during my tenure in FATA.

  
Inam Ali

Ex-AD (TE)  
FATA

Dated - 9/4/14





~~Amr~~ 9

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✓

**FATA SECRETARIAT**  
Directorate of Industries, Mineral & Technical  
Education FATA WARSAK ROAD, PESHAWAR

29

176

**OFFICE ORDER**

In pursuance of the Administration, Infrastructure & Coordination Department FATA Secretariat Peshawar letter No.FS/E/100-41/inquiry Arif Shah/11301-03 dated 22.07.2014 wherein competent authority has approved the recommendation of the enquiry officer in the enquiry against Mr. Arif Shah fake appointment case. The enquiry officer has confirmed that appointment of Mr. Arif Shah Junior Trade Instructor BPS-10 Govt Technical Institute Ekkghund Mohmand Agency is fake.

The order of appointment of Mr. Arif Shah which is fake, this Directorate (Dte:Tech:Edu: FATA) declare it null and void having no legal status.

- sd -  
**DIRECTOR**

(Technical Education FATA)

Dated 23/9 /2014

Endst: No.DIMTE/FATA/Admn/3009(A)(1-4)

Copy for information to:

1. The Section Officer Establishment FATA Secretariat Peshawar.
2. The Director General Technical Education Khyber Pakhtunkhwa Peshawar.
3. The Principal Govt Technical Institute Ekkaghund.
4. The Political Agent Mohmand Agency.

  
**DIRECTOR (TE)**

*Handwritten signature*







72981

ایڈووکیٹ/دستخط: W Ghaffar  
 بار کونسل ابار ایسوسی ایشن نمبر: bc-12-3456  
 رابطہ نمبر: 0345-9159148

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: خیبر پختونخواہ سروس ٹریڈیونگ کمپنی

دعویٰ:	منجانب: Respondent No. 1-4
علت نمبر:	
مورثہ:	عارف سہاہ بنام ایڈیشنل چیف
جرم:	سکریٹری فائنا
تھانہ:	

### باعت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ آن مقام کمپنیاں کیلئے جہاں نمبر مسودہ، ماجہ ارجنٹیل جو اس وقت تک مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر حالت و فیصلہ برحمت دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں ہر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہو گا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ اتوائے مقدمہ کے سبب سے ہوگا وہ وکیل موصوف وصول کرنے کا مختار ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ مندر ہے۔

المرقوم: 9/5/2017

مقام کمپنیاں  
 DIRECTOR  
 Technical Education  
 FATA Secretariat Peshawar

Assistant Director  
 Technical Education (FATA)  
 FATA Secretariat Peshawar

Accepted

Jalal Mulad  
 Advocate

W Ghaffar

نہ اس وکالت نامہ کی ذمہ داری اقبال قبول ہوگی

Jalal  
 Advocate

(11)

*original*

BEFORE THE KPK SERVICE TRIBUNAL  
PESHAWAR

REJOINDER IN  
SERVICE APPEAL NO. 286/2017 ✓

*date of hearing = 24-7-2017*

ARIF SHAH  
(APPELLANT)

VS ADDL:CHIEF SECRETARY  
FATA AND OTHERS  
(RESPONDENTS)

✓  
Rejoinder on behalf of the Appellant to the  
comments submitted by the Respondents

Respectfully Sheweth,

Rejoinder on behalf of the Appellant to the comments of Respondents is submitted hereunder :

*REPLY TO* PRELIMINARY OBJECTIONS

All the Preliminary Objections raised by the Respondents from serial No. A to L being incorrect, hence denied as the Appellant's Service Appeal is competent, the Appellant has not concealed any fact intentionally from this Honourable Tribunal, Appeal has not filed with malafide intention, he has Cause of Action, his Appointment was never illegal or fraudulent in his individual capacity, the instant fresh Service Appeal is within time, doctrine of locus poenitentiae is applicable in his case and he should not be condemned for mistake of others and the legal procedure was not followed in termination of his service as his stoppage of salary and termination was based on verbal basis by the Respondent-4 which caused gross miscarriage of justice to the Appellant. Procedures alien to service law was adopted by the Respondents. Moreover Appellant has never deposited the amount of salary received by him as erroneously held by the Respondents but instead some one other has deposited which fact is evident from the Treasury Challan which does not bear the signature of the Appellant as the Appellant denies the Recovery of the amount and even also denied in earlier Rejoinder in Service Appeal No.1131/2014 No departmental Enquiry was conducted in Appellant's association to prove his

appointment as illegal, thus, no opportunity of defense was afforded to the Appellant and action taken was in Appellant's absentia, which is/was a gross illegality committed by the Respondents. The Respondents, instead of decision on his Departmental Appeal within stipulated period of one month given by this Honourable Tribunal, treated into Personal hearing and conducted deno vo enquiry in violation of this Honourable Tribunal order as evident from letter dated 9-12-2016 which besides time barred, was in utter violation of the Enquiry Rules/Regulations, thus, highly defective one and bears no value in the eye of Service law. It is pertinent to add here that FSL Report regarding scanned signature cannot be believed as the same test was taken in Appellant's absentia.

### REPLY ON FACTS

- a. **Para No.1.** needs no rejoinder being admitted by the Respondents in view of furnishing no comments.
- b. **Para No.2** Since the Respondents expressed no comments duly admitted to Para No.2 of the Service Appeal.. However it is added that Respondents failed to comply the order dated 6-5-2016 within stipulated period of one month from the receipt of the order which in fact was for decision of his Departmental Appeal dated 12-6-2014 but the Respondents in utter violation and contravention of this Honourable Tribunal, treated Personal Hearing etc which is evident from letter dated 9-12-2016. From the above, it is crystal clear that the Respondents conveyed compliance report on 16-12-2016 delayed by almost 7 months against the stipulated period of one month i.e. upto 20-6-2017. Hence the Respondents plea in the instant para of the comments is incorrect while the Appellant's plea in the main Service Appeal is correct.
- c. **Para No.3.** Not correct as scribed, hence denied. Basically after appointment as Junior Trade Instructor, the Appellant worked for a period of 22 months from 1-6-2012 to 31<sup>st</sup> March 2014 and received proper Salaries on month to month basis from AG. It is

pertinent to mention here that Appellant was terminated verbally by the Respondent-4 on the letter of Asstt Director Technical Education FATA addressed to Respondent-4. Copy of letter addressed to Respondent-4 is enclosed herewith as Annexure-A. Moreover against the said verbal stoppage of Salary and termination, the Appellant had filed Service Appeal before this Honourable Tribunal in Oct/Nov 2014 while FIR against the Appellant was lodged in January 2015 in which the Appellant is on Bail and the Appellant is regularly attending the trial in the learned Court of FIA. Rest of the story is fabricated one as mentioned in this para of the comment while the plea raised in the main Service Appeal is correct.

d. Para No.4 Not correct as scribed, hence denied. Position has already been explained in the Para No.3 above. It is also added th at Age Relaxation is not prohibited under the relevant law which can be granted to persons on case to case basis who are over age which is permissible . Appellant being an outsider, has no knowledge of internal procedure of a department before appointment, Hence the plea of the Respondent is incorrect while the plea raised by the Appellant in the main para of the Service Appeal is correct.

e. Para No.5. Not correct as scribed. The Respondents admitted and confirmed that the Appellant was informed telephonically to attend the office of the Deputy Director FATA. It is confirmed that the Appellant was not associated in Enquiry Process as per Enquiry Rules/Procedure which is a gross illegality and negligence on their part, hence all action taken against the Appellant in absentia have no value in the eye of law. Moreover there is no lack of qualification both academically and professionally for which documentary proof necessary for the said post were duly annexed with the main Service Appeal. Hence the plea in comments of the Respondents are

incorrect while the plea raised in the main Service Appeal is correct.

- f. Para No.6 Not correct as scribed, hence denied. Basically after appointment, Appellant started his duties with Responent-4 College from the date of his appointment for a period of one year and 10 months and got his salaries through Government Exchequer i.e. AG KPK. Even in response to his good performance, the Respondent No.4 wrote his ACR with his excellent performance, copy of the said ACR is also enclosed herewith as Annexure B. It is also pertinent to mention here that no recovery was actually affected from the Appellant which was also denied in earlier Rejoinder in previous Service Appeal No.1131/2014 and even deny <sup>Annex C</sup> now as there is no signature of the Appellant existed/reflected upon the said Recovery Memo. It is also added that enquiry Report is not binding upon the Appellant as the entire proceedings were initiated in his absentia which has no legal affect upon the Appellant's right. Hence the plea taken in the comments by the Respondents are incorrect while the plea raised by the Appellant in the main Service Appeal are correct.

- g. Para No.7 Not correct as scribed, hence denied. In the instant para, the Respondents admitted that Appellant's stoppage of salary as well as service was terminated through Respondent-4 telephonically. It is also evident that prior to verbal termination, no procedure of issuance of Show Cause Notice, Charge Sheet etc was issued. Even Appellant was not informed in writing or associated in Enquiry process and all kind of action was taken in his absentia which is a gross injustice in violation of service law of the land. hence all the actions taken against the Appellant was in violation of prescribed law of service, principle of natural justice, besides judgement of the upper Courts that non should be condemned unheard which

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is nullity in the eyes of law. So the plea raised in the comments in the instant para by the Respondents is not correct while the plea raised in the main Service Appeal is correct.

- h. Replies to Para No.8 to 11. Not correct as scribed. hence denied. After remand by this Honourable Tribunal on 6-5-2016 a stipulated period of one month was given for decision of Appellant's Departmental Appeal by the Departmental Appellant Authority but the Respondents violated the said Order by delaying for about 7 months and also treated into Personal Hearing, which was against the direction of this Honourable Tribunal Order, Hence the Respondents deviated and failed to implement the said order in accordance with the Tribunal Order, therefore has no legal value and sanctity in the eye of law. Hence the remaining story of the Respondents is fabricated one and cannot be believed so it is evident that the plea raised in the comments of the Respondents are not correct while the plea raised in the main Service Appeal are correct. Moreover the Respondents rejected the Departmental Appeal on 16-12-2016 but was submitted as compliance report in this Appellant's Execution Petition No.109/2016 in this Honourable Tribunal which was disposed off on 3-3-2017, hence by counting time limitation from order of this Honourable Tribunal dated 3-3-2017, the Appellant's instant Service Appeal is within time.
12. Reply to Para No.12. Appellant was really aggrieved of the impugned rejection of Departmental Appeal by the Departmental Appellate Authority delayed by approx 7 months on 16-12-2016 coupled with this Honourable Tribunal order dated 3-3-2017 in violation of this Honourable Tribunal order dated 6-5-2016, hence is relevant for the Appellant.

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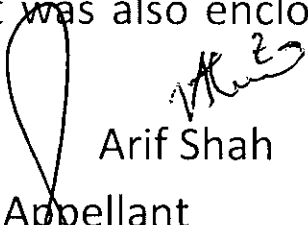
Reply to GROUNDS

A to H. Plea raised in grounds by the Respondents being incorrect, hence denied by the Appellant. While plea raised in the main Appellant groundwise A to H are correct . The main reasons are that Appellant rendered spotless service of 22 months from 1-6-2012 to 31-3-2014 with the Respondent-4 College and got proper salaries from the Government Exchequer also. For termination from service, the Respondents verbally stopped his salaries from 1-4-2014 and also verbally terminated the Appellant's service by the Respondent-4 on the telephonic information in absence of any Charge Sheet, Show Cause Notice and statement of allegation as well conducting of enquiry in absentia of the Appellant, which is not tenable in the eyes of law. Moreover the Respondents also violated the well established principle of Audi Alterum Partem which is also in violation of Section 24A of the General Clauses Act 1897 besides well known judgement of Federal Shariat Court reported as PLD 2010 FSC-1 relevant Page No.5. It is also incorrect that the Appellant had refunded the entire amount of salaries as the Appellant in rejoinder to earlier Service Appeal No.1131/2014 and in the instant Rejoinder denies the refund of any amount. The amount shown on Appellant on his behalf have no nexus at all which is also evident from the Recovery Memo having no signature of the Appellant. It is pertinent to mention here that the Appellant is on Bail in the said FIR and attending regularly on various dates in the learned FIA Court in trial too. Moreover Civil and Criminal cases can be run simultaneously which have no effect on decision of the Service Appeal on its own merits on the basis of verbal termination which is alien to service laws of the land. Appellant was not directly informed regarding conducting



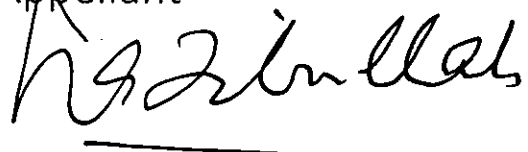
any Enquiry rather Appellant was allegedly tried to inform through another Accused telephonic process which has not value in Service law of the land.

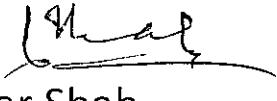
Prayer: It is, therefore humbly prayed that on acceptance of the instant Rejoinder, the comments of the Respondents may not be considered and the Appellant's main plea in the main Service Appeal may graciously be treated as Correct and Appellant may kindly be reinstated in service with all back benefit of Service and dues as the Appellant is still jobless in view of verbal termination for which separate Affidavit was also enclosed with the main Service Appeal.

  
Arif Shah

Appellant

Through

  
Naqibullh Khattak

  
Anwar Shah

Advocates High Court

Peshawar

### Affidavit

I, Arif Shah solemnly affirm and declare on oath that the contents of the instant Rejoinder are true and correct according to my knowledge and belief and that nothing has been concealed intentionally from this Honourable Tribunal. Moreover the Appellant is still unemployed and jobless from the date of his termination.

  
Deponent



8

Case laws relied upon

1. PLD 2010 FSC 1 Relevant 5
2. 2002 SCMR 1124
3. 3003 SCMR 1034
4. 2001 SCMR 1320
5. 2004 SCMR 1662
6. 2004 SCMR 1714
7. 2004 SCMR 203 and 630
8. 2006 PLC (CS) 216 or 1216
9. 2004 SCMR 316
10. 2002 SCMR 155
11. 2007 SCMR 1835
12. 2009 PLC (CS) 19 SC
13. PLD 1994 SC 222
14. 1993 SCMR 1873
15. 1999 SCMR 1873
16. PLD 1985 SC 134
17. 2005 SCMR 631
18. 2007 SCMR 1328
19. PLD 2005 SC 153
20. 1980 CLC 110 ( SC AJK)
21. 2000 CLC 638 plus 1374 void order – No  
Limitation
22. 1996 SCMR 1349



Amir  
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Amir A

**Directorate of Industries, Mineral  
Technical Education FATA Secretariat,  
Warsak Road, Peshawar.**

No.DIM&TE/FATA/Admn:/ 2701-(A)

Dated: 2/4 2014.

To

The Principal,  
Govt: Technical Institute,  
E/Ghund (Mohamand Agency).

Subject:- STOPPAGE OF SALARY.

I am directed to refer this office telephone message regarding stoppage of salary. you are directed to stop the pay Mr.Arif Shah, Junior Trade Instructor of your Institute with effect from 01.04.2014 under intimation to this office.

  
ASSISTANT DIRECTOR  
Technical Education (FATA)

Arif Shah  
Principal



OFFICE OF THE PRINCIPAL GOVERNMENT TECHNICAL INSTITUTE EKKA GHUND  
MOHMAND AGENCY

O.GTI/EKD/2014 1124 (1-2)

DATED:-27/5/2014

O,

Mr. Arif shah

Ex-jr Trade Inst GTI EKKA Ghund Mohmand Agency.

**Subject: - complaint Against Appointment of Mr.Arif shah.**

In compliance of Directed technical Education Fata letter No.DIMTE/Fata/Admin/2835-37  
dt.26/5/2014 on the above noted subject.

You are directed to attend the office of Deputy Secretary P&LDD Fata Secretariat Peshawar on  
28, 29/5/2014 in the current week along with a copy of your appointment order for further proceeding  
in the matter.

PRINCIPAL

Endst: No. GTI/EkG/2014 - 1124 (1-2)

Date:- 27/5/2014

COPY for information and with acknowledgement.

That Mr.Arif shah is informed telephonically to attend the office of Deputy Secretary P&LDD Fata  
Secretariat on 28, 29/5/2014 along with his appointment order positively.

Attested  
[Signature]

[Signature]  
PRINCIPAL 27/5/2014

GOVT; TECHNICAL INSTITUTE  
EKKA GHUND MOHMAND AG ENCY.

(12)

6

OFFICE OF THE PRINCIPAL GOVERNMENT TECHNICAL INSTITUTE EKKA GHUND  
MOHMAND AGENCY

O.GTI/EKD/2014 1124 (1-2)

DATED:-27/5/2014

O,

Mr. Arif Shah

Ex-jr Trade Inst GTI EKKA Ghund Mohmand Agency.

**Subject: - complaint Against Appointment of Mr.Arif Shah.**

In compliance of Directed technical Education Fata letter No.DIMTE/Fata/Admin/2835-37 dt.26/5/2014 on the above noted subject.

You are directed to attend the office of Deputy Secretary P&LDD Fata Secretariat Peshawar on 28, 29/5/2014 in the current week along with a copy of your appointment order for further proceeding in the matter.

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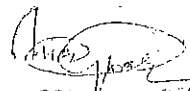
PRINCIPAL

Endst: No. GTI/EkG/2014-1124 (1-2)

Date:- 27/5/2014

COPY for information and with acknowledgement.

That Mr.Arif Shah is informed telephonically to attend the office of Deputy Secretary P&LDD Fata Secretariat on 28, 29/5/2014 along with his appointment order positively.

  
PRINCIPAL 27/5/2014  
GOVT. TECHNICAL INSTITUTE  
EKKA GHUND MOHMAND AGENCY.

*Arif Shah*  
*Arif Shah*

New (Left) The Deptt  
Average B

(13)

(CONFIDENTIAL REPORT)

TECHNICAL STAFF.

CONFIDENTIAL REPORT FOR THE YEAR ENDING 31ST DECEMBER 200 .

- 1. Name Arif Shah
- 2. Name of Service Junior Trade Instructor
- 3. Qualification Metrick
- 4. Total service on 31st December 01 Y 06 M
- 5. Scale of pay and present pay BPS-10 Rs. 6820/- P/M
- 6. Various posts held during the year with period 01 Y 06 M ( Jr. Trade Instructor)
- 7. Period of report 1-1-2013 31-12-2013

Particulars remarks on:—

- 1. Judgement and sense of proportion good
- 2. Initiative and drive good
- 3. Technical knowledge and application good
- 4. Supervision and control over students Average
- 5. Integrity good
- 6. Co-operation with staff good
- 7. Relation with public good
- 8. Suitability for promotion suitable for promotion
- 9. Knowledge of lanague Pushto, urdu, English

General Remarks:— He is a very honest and religious person. He does his duty very good

*(Signature)*  
PRINCIPAL

MUHAMMAD IQBAL G.T.I EKKA

PRINCIPAL

Govt. (in Block Letters) and  
Designation of the Reporting Officer  
(with seal)

*(Signature)*

General Remarks by Higher Officer.

Arnee C  
(17)

U

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 131 /2014

With Condonation of delay

Arif Shah son of Maqbool Shah  
Ex-Junior Trade Instructor (Grade 10) .....Appellant

Versus

1. Additional Chief Secretary FATA, FATA Secretariat, Warsak Road, Peshawar  
and others ..... Respondents

**REJOINDER ON BEHALF OF APPELLANT TO THE COMMENTS OF  
RESPONDENTS 1-4**

Respectfully Sheweth

Rejoinder on behalf of Appellant to the comments of Respondent is  
submitted hereunder :-

**Preliminary Objections**

All the preliminary Objections raised by the Respondents from serial No.1  
to 6 being incorrect, hence, denied. The Appellant has Cause of Action, his  
appointment was never illegal, the Service Appeal is within time, doctrine  
of locus poenitentiae is applicable in his case and he should not be  
condemned for mistake of others and the legal procedure was not  
followed in termination of his service, causing gross miscarriage of justice  
to the Appellant. Procedure alien to service law was adopted by the  
Respondents.

**ON FACTS**

1. Para No.1 needs no rejoinder being admitted by the Respondents in  
view of furnishing no comments.
2. Rejoinder to para No.2. Incorrect. The Appellant was/is a layman as  
for as the appointment rules are concerned. Had the appointment  
been illegal, he would have not joined service to the State for a long  
period of more than 1 year and 10 months. Despatch Register is the  
document of Respondents and Appellant has no nexus at all with the

*Attested  
by*



(15)

Despatch Register. There was/1 no check and balance system existing in the department. The Appellant is nowhere seen guilty of any illegality being innocently attributed to him with malafides. The appellant was not responsible for advertisement of the Post and subsequently interview by Selection Committee. Appellant was properly interviewed by competent Authority. All his testimonials were thoroughly scrutinized by the Competent Authority and thereafter his appointment order was passed. The Drawing and Disbursement Officer passed his salary bills for a long period of 1 year and 10 months long. Rendering service to the State and getting no salary or the same is violative of the Fundamental Rights as enshrined in the Constitution of Islamic Republic of Pakistan 1973. The Employer and not the Employee should suffer for any sort of illegality. The Appellant was not lacking educational technical know-how qualification (as admitted by the Respondents in para 1 ibid) for the post of Junior Trade Instructor BPS-10. Moreover the alleged Complaint was anonymous for the reason that it was not signed by the so called Complainant. No enquiry whatsoever was at all conducted against the Appellant as falsely alleged by the Respondents in this para of the comments. Indeed Mohammad Zahid is close relative of the Appellant but relation does not disentitled any person from appointment to any post if otherwise fit and fulfilled the requirement for any vacant post. It is pertinent to add here that at the time of interview 3 other candidates were also present and they were also tested but they could not measure up to the desired standard required for the post of Junior Trade Instructor. Rest of the comments to this para are irrelevant and the Appellant is not reliable to give its rejoinder. It is pertinent to add here that in utter violation of the law of the land and the case laws on the subject issued by the Senior Courts in Pakistan, no opportunity of defense was afforded to the Appellant, no Show Cause Notice, Statement of allegation and no opportunity of personal hearing was afforded to the Appellant which shows malafide on the part of the Respondents. Besides no termination letter in black and white was issued to the Appellant except that Appellant's monthly salary was stopped and the Appellant was verbally informed by the Respondent No.4 that his services have been terminated by the high-up of the Department which act of Respondents tantamount to mockery of law of the land.

- Alleged*  
*Why*
3. Incorrect. As replied in para 2 above, the Appellant has no nexuses at all with the Despatch Register of the Respondent Department because he was not a Despatcher but was Junior Trade Instructor in the Respondent-4 Institute. It is astonishing to submit that the Appellant served the Respondents Department for 22 months and none of the high ups had raised any objection on the alleged legal appointment

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and my performance as Junior Trade Instructor was highly satisfactory and non had any complaint whatsoever about my excellent performance. It is also added that the Appellant Annual Confidential Report signed by the Reporting Officer duly Countersigned by the Countersigning Authority which depicts prima facie that my work and conduct was found satisfactory and my seniors (Respondent-4 ) appreciated my performance. In view of the Rejoinder the law point raised by the Appellant to this para No.3 of main Appeal are correct.

4. Incorrect. The Respondents comments are irrelevant and the points raised by the Appellant to para 4 of his Appeal are correct. It is further submitted that the Appellant has no nexuses at all with the alleged recovery shown on his behalf from somebody else by the FIA Authorities erroneously attributed to the Appellant. The Appellant rendered service to the State and was getting salary from the Respondents department as his my legal and fundamental right and the payment of salary was not a bounty of the Respondents department to be recovered from the Appellant by the Respondents or the FIA Authority and even a single penny has not been recovered from him.

5. The comments of the Respondents are incorrect while the averments raised by the Appellant in para 5 of his Appeal are correct. Rejoinder to this legal point has already been furnished in para No.2 and 3 ibid. Let the Respondent department show my signature in token of having received the alleged letter enclosed by the Respondent Department (available on page 25 and 26 of the Comments) Seemingly these self made letters have been maneoured by the Respondents to misguide this Honourable Tribunal. It is pertinent to add here that as I was not in the Respondents in service at the time of sending letters at my school address (page 25 and 26) but on those dates I was out of service and was residing in my own house situated in village Nahaqi District Peshawar. Nothing has been conveyed to me by someone else. It is pertinent to add here that in service matter any correspondence pertaining to the terms and conditions of service must be sent/delivered to the civil servant and there is no provision in service law to convey any matter detrimental to the service of the civil servant through anybody else. Personal service is mandatory which as not been complied with by the Respondents.

6. The comments furnished by the Respondents to this para of the Appeal are totally incorrect while Appellant's contention in his Service Appeal to this para are correct.

Abstracted  
2/11/16

- 4
- (17)
7. The comments furnished by the Respondents to this para of the Appeal are totally incorrect while Appellant's contention in his Service Appeal are correct.
  8. The comments furnished by the Respondents to this para of the Appeal are totally incorrect while Appellant's contention in his Service Appeal to this para are correct. The Appellant has already submitted his reply in para 4 above including recovery of alleged amount.
  9. The comments furnished by the Respondents to this para of the Appeal are totally incorrect while Appellant's contention in his Service Appeal to this para are correct. The Respondents are trying to misguide this Honourable Tribunal by referring to irrelevant matters and have not furnished comments in a legal way.

#### GROUNDS

- A) The Respondents comments are incorrect, evasive, irrelevant and the legal position is explained by the Appellant in paragraph A of the Ground is correct.
- B) The comments of Respondents are totally incorrect while the contention/legal position stated by the Appellant in para B is correct.
- C) The comments of Respondents are totally incorrect while the contention/legal position stated by the Appellant in para C is correct. Besides the Appellant has furnished the legal and true state of affairs of the instant service Appeal in para No.2 *ibid* (on FACTS)
- D) The comments of Respondents are totally incorrect while the contention/legal position stated by the Appellant in para D is correct. Besides the Appellant has given the legal state of affairs of the instant service Appeal in para No.2 as well as in para 3 *ibid* (on FACTS)
- E) The comments of Respondents are totally incorrect while the contention/legal position stated by the Appellant in para E is

*Accepted*  
*[Signature]*

19

correct. Besides the Appellant has given the legal state of affairs of the instant service Appeal in para No.2 as well as in para 3~~4~~ ibid (on FACTS)

F) The comments of Respondents are totally incorrect while the contention/legal position stated by the Appellant in para 5 is correct.

G) That the Appellant has no objection to give permission to both the parties for submission of additional legal and factual grounds at the time of full arguments on the service Appeal.

It is, therefore, humbly prayed that the comments furnished by the Respondents having no legal backing, without any lawful jurisdiction, misleading one, irrelevant and incorrect, may graciously be dismissed and the relief sought for by the Appellant in his main Service Appeal may graciously be accepted by this Honourable Tribunal with costs.

Appellant

Through

1) Naqibullah Khattak)

2) (Anwar Shah)

Advocates High Court Pesh

*Affected*  
*R. Shah*

Case laws relied upon. Pertaining to illegal appointments, Payment of salary arrears and Pay during unemployment/affidavit

1. PLD 2010 FSC 1 Relevant Page No.5 ✓

2. 2002 SCMR 1124 ✓

3. 2002 SCMR - 1034 ✓

4. 2001 SCMR -1320 ✓

5. 2004 SCMR 1662 ✓

6. 2004 SCMR 1714 ✓

7. 2004 SCMR 303 plus 630 ..

8. 2006 PLC (CS) 216 or 1216 ✓

9. 2004 SCMR 316

10.2002 SCMR 155

11.2007 SCMR 1835

12.2009 PLC (CS) 19 (SC)

13.PLD 1994 SC 222

- 14.1993 SCMR 1873  
15.1999 SCMR 1873  
16.PLD 1985 SC 134  
17.2005 SCMR 631  
18.2007 SCMR 1328  
19.PLD 2005 SC 153  
20. 1980 CLC 110 (SC AJK)  
21.2000 CLC 638 plus 1374 (Void orders – No limitation)  
22.1996 SCMR 1349

Counter Affidavit

I, Arif Shah son of Maqbool Shah (Appellant) solemnly affirm and declare on oath that the contents of the instant Rejoinder are true and correct according to my knowledge and belief and that nothing has been concealed intentionally from this honourable Tribunal.

Deponent

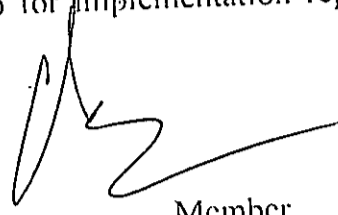
Arif Shah  
Arif Shah

Annex  
C-1

20 A

14.10.2016

Petitioner alongwith counsel and Addl. AG alongwith Legal Advisor for the respondents present. Requested for adjournment. To come up for implementation report on 16.12.2016 before S.B.



Member

29.11.2016

Counsel for the petitioner and Mr. Waqas Ali, Legal Advisor alongwith Assistant AG for the respondents present. Implementation report submitted. Learned counsel for the petitioner has reservation on the same. To come up for written objections on the same and arguments on 03.03.2017 before S.B.

  
Chairman

03.03.2017

Counsel for the petitioner, Zarghun Shah, AD alongwith Asstt. AG for the respondents present. Written reply submitted. Arguments on execution petition heard and record perused.


The judgment of the Tribunal has been implemented. Learned counsel for the petitioner has reservations over the implementation of the judgment as the decision was delayed by the respondents which was to be taken within a period of one month instead of 7 months.

Since the judgment of the Tribunal has been implemented as such the execution petition stand disposed off. The petitioner may agitate his grievances in the mode prescribed by rules if so advised. File be consigned to the record room.

  
Chairman

03.03.17.

ANNOUNCED  
03.03.2017

Attested  


FORM OF ORDER SHEET

Execution Petition No. 109/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	27.06.2016	<p>The Execution Petition of Mr. Arif Shah submitted to-dated 27.06.2016 before Mr. Naqibullah Khattak Advocate may be entered in the relevant Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;">REGISTRAR</p>
2	28-6-2016	<p>This Execution Petition be put up before S. Bench on 04-07-2016</p> <p style="text-align: right;">CHAIRMAN</p>
	04.07.2016	<p>Counsel for the petitioner present. Notice be issued to respondents for 02.09.2016 before S.B.</p> <p style="text-align: right;">Member</p>
	02.09.2016	<p>Petitioner with counsel and Mr. Usman Ghani Sr. GP for respondents present. Written reply submitted copy of which is handed over to the petitioner. To come up for implementation report/further proceedings on 14.10.2016 before S.B.</p> <p style="text-align: right;">Member</p>

# VAKALAT NAMA

NO. \_\_\_\_\_/20

IN THE COURT OF Securce Tribunal Peshawar

Asif Shah

(Appellan  
(Petitioner  
(Plaintiff)

VERSUS

Govt: of KPK

(Respondent)  
(Defendant)

I/We

Asif Shah

Do hereby appoint and constitute **M.Asif Yousafzai, 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 costs.

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. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated \_\_\_\_\_/20

Asif Shah

( CLIENT )

ACCEPTED

M. Asif Yousafzai

**M. ASIF YOUSAFZAI**  
Advocate

Tahir Ali Khan  
(Adv)

**M. ASIF YOUSAFZAI**  
Advocate High Court,  
Peshawar.

**OFFICE:**

Room No.1, Upper Floor,  
Islamia Club Building,  
Khyber Bazar Peshawar.  
Ph.091-2211391-  
0333-9103240





**KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL, PESHAWAR**

No. 1962 /ST

Dated: 04/10 /2021

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281  
Fax:- 091-9213262

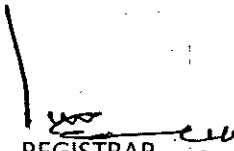
To

The Director of Industries Mineral and Technical Education,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: JUDGMENT IN APPEAL NO. 286/2017, MR. ARIF SHAH.

I am directed to forward herewith a certified copy of Judgement dated 08.09.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR

*original + 1*

**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR**

Application No. \_\_\_\_\_/2020

In Service Appeal No.286/2017



Next date 11-11-2020

*Put up to the court with relevant appeal.* ✓  
Arif Shah

Versus ACS FATA etc

*Arif Shah*  
*5/11/20*

**Application for permission of placement of some documents in Service Appeal relating to the Petitioner's Service Appeal.**

*Reader*

Respectfully Sheweth.

That Petitioner humbly prays this honourable Tribunal as under :-

1. That Petitioner's Service Appeal bearing No.286/2017 has been fixed for arguments on 11<sup>th</sup> November 2020.
2. That Petitioner intends to place certain documents (i.e. Office Orders (page 1 to 10) which are relevant in his Service Appeal with kind permission of this Honourable Tribunal.

Prayer:- It is, therefore, humbly prayed that permission may kindly be allowed to place the above documents in his Service Appeal.

*Arif Shah*  
Arif Shah  
Petitioner

*Encl.  
(Page 1 to 10)*

Through  
*Anwar Shah*  
ANWAR SHAH  
Advocate

11

R/R ?

~~1st Deputy Secretary Technical Education FATA~~  
~~3rd Deputy Secretary~~  
~~2nd Deputy Secretary~~

Directorate of Industries, Mineral &  
Technical Education FATA Secretariat

OFFICE ORDER

Consequent upon the recommendations of Departmental Selection Committee Competent Authority has been pleased to appoint Engr: Afidullah S/O Mr. Noor Taj Resident of Kotla Muhammad Khan Tehsil & District F.R Bannu as Ins (Electrical) on fixed pay Rs.30,000/- (Rupees Thirty thousand only) per mo Government Technical Institute, Chagmalai (South Waziristan Agency) on the following terms & conditions:-

TERMS & CONDITION

1. The above selectees shall furnish an "acceptance certificate" clearly mentioning their acceptance of the terms and conditions of this order as detailed here in. Medical Certificate of fitness duly verified from Police & Services F. Peshawar or the Medical Superintendent of Agency Headquarters F. concerned within 15 days of issuance of this offer otherwise it would be considered that the offer has not been accepted.
2. His appointment will be purely on fixed pay and his service can be terminated any time without assigning any reason.
3. His period of selection is for one year only (i.e. from the date of joining up to June, 2011)
4. He will be governed by such rules and orders as may be prescribed and is to be governed by the Government from time to time for the category of the Government Service to which he belongs.
5. He will have to perform any duty at any Agency/FRs assigned to him in connection with the affairs of this department.
6. He will not be entitled to any TA/DA on his joining first appointment.
7. If the above terms and conditions are acceptable to him. He should report to the Principal Government Technical Institute, Chagmalai (South Waziristan Agency) immediately failing which the offer of appointment will be automatically cancelled.

DIRECTOR IN

Dated 12-

Endst: No. DIMTE/FATA/Admn/1995-2001

Copy forwarded for information and necessary action to:-

- 1) P.S. to Additional Chief Secretary, FATA.
- 2) P.S. to Secretary (A&C) FATA
- 3) Col: Kokub, Headquarters Artillery 40-Division D.I. Khan
- 4) The Accountant General, (Pakistan Revenue) Sub Office, KPK Peshawar
- 5) The Principal Government Technical Institute, Chagmalai (SWA).
- 6) Accountant Local Directorate FATA.
- 7) Officer/official concerned.

ASST. DIR

10/11



Directorate of Industries, Mine  
Technical Education FATA Sec

OFFICE ORDER

Consequent upon the recommendations of Departmental Selection Committee Competent Authority has been pleased to appoint Mr. Munir Ahmad S/O Mr Sabir, Resident of Village Sandu Killa Safail Khel F.R. Bannu as Instructor on fixed pay Rs.30,000/- (Rupees Thirty Thousand only) per month at Technical Institute, Chagmalai (South Waziristan Agency) on the following conditions:-

TERMS & CONDITION

1. The above selectees shall furnish an "acceptance certificate" clearly their acceptance of the terms and conditions of this order as detailed. Medical Certificate of fitness duly verified from Police & Service Peshawar or the Medical Superintendent of Agency Headquarter concerned within 15 days of issuance of this offer otherwise it would be that the offer has not been accepted.
2. His appointment will be purely on fixed pay and his service can be terminated any time without assigning any reason.
3. His period of selection is for one year only (i.e. from the date of joining June, 2011)
4. He will be governed by such rules and orders as may be prescribed by the Government from time to time for the category of the Government to which he belongs.
5. He will have to perform any duty at any Agency/FRs assigned in connection with the affairs of this department.
6. He will not be entitled to any TA/DA on his joining first appointment.
7. If the above terms and conditions are acceptable to him. He should report to the Principal Government Technical Institute, Chagmalai (South Waziristan Agency) immediately failing which the offer of appointment will automatically be cancelled.

DIRECTOR I

Dated 12-11

Endst: No. DIMTE/FATA/Admn/2029-35  
Copy forwarded for information and necessary action to:-

- 1) P.S. to Additional Chief Secretary FATA.
- 2) P.S. to Secretary (A&C) FATA
- 3) Col: Kokub, Headquarters Artillery 40-Division D.I.Khan
- 4) The Accountant General, (Pakistan Revenue) Sub Office, KPK, Peshawar
- 5) The Principal Government Technical Institute, Chagmalai (SWA).
- 6) Accountant Local Directorate FATA.
- 7) Officer/official concerned.

ASSTT DIRECTOR

APPOINTMENT ORDER

Consequent upon the recommendations of Departmental Selection Committee, the Competent Authority has been pleased to appoint Engr: Afidullah S/O Mr. Noor Taj Khan Resident of Kotla Muhammad Khan Tehsil & District F.R Banna as Instructor (Electrical) on fixed pay Rs.30,000/- (Rupees Thirty thousand only) per month Government Technical Institute, Chagmalai (South Waziristan Agency) on the following terms & conditions:-

TERMS & CONDITION

1. The above selectees shall furnish an "acceptance certificate" clearly mentioning their acceptance of the terms and conditions of this order as detailed herein and Medical Certificate of fitness duly verified from Police & Services Hospital Peshawar or the Medical Superintendent of Agency Headquarters Hospital concerned within 15 days of issuance of this offer otherwise it would be deemed that the offer has not been accepted.
2. His appointment will be purely on fixed pay and his service can be terminated any time without assigning any reason.
3. His period of selection is for one year only (i.e. from the date of joining upto 30 June, 2011)
4. He will be governed by such rules and orders as may be prescribed and issued by the Government from time to time for the category of the Government Servant which he belongs.
5. He will have to perform any duty at any Agency/FRs assigned to him in connection with the affairs of this department.
6. He will not be entitled to any TA/DA on his joining first appointment.
7. If the above terms and conditions are acceptable to him. He should report for duty to the Principal Government Technical Institute, Chagmalai (South Waziristan Agency) immediately failing which the offer of appointment will automatically be cancelled.

DIRECTOR IMTE

Dated 12-10-2011

Sl. No. DIMTE/FATA/Admn/1995-2001  
Copy forwarded for information and necessary action to:-

1. P.S. to Additional Chief Secretary, FATA.
2. P.S. to Secretary (A&C) FATA
3. Col: Kokub, Headquarters Artillery 40-Division D.I.Khan
4. The Accountant General. (Pakistan Revenue) Sub Office, KPK Peshawar.
5. The Principal Government Technical Institute, Chagmalai (SWA).
6. Accountant Local Directorate FATA.
7. Officer/official concerned.

*Attested*  
*Mah*

ASST. DIRECTOR (TE)

RC(47)

4

Directorate of Industries, Mineral &  
Technical Education FATA Secretariat

ORDER

Consequent upon the recommendations of Departmental Selection Committee, Competent Authority has been pleased to appoint Mr. Munir Ahmad S/O Mr. Muhammad Sabir Resident of Village Sandu Killa Safail Khel F.R. Bannu as Instructor (Physics) on fixed pay Rs.30,000/- (Rupees Thirty Thousand only) per month at Government Technical Institute, Chagmalai (South Waziristan Agency) on the following terms conditions:-

TERMS & CONDITION

1. The above selectees shall furnish an "acceptance certificate" clearly mention their acceptance of the terms and conditions of this order as detailed herein and a Medical Certificate of fitness duly verified from Police & Services Hospital Peshawar or the Medical Superintendent of Agency Headquarters Hospital concerned within 15 days of issuance of this offer otherwise it would be deemed that the offer has not been accepted.
2. His appointment will be purely on fixed pay and his service can be terminated any time without assigning any reason.
3. His period of selection is for one year only (i.e. from the date of joining upto 30 June, 2011)
4. He will be governed by such rules and orders as may be prescribed and issued by the Government from time to time for the category of the Government Servant which he belongs.
5. He will have to perform any duty at any Agency/FRs assigned to him in connection with the affairs of this department.
6. He will not be entitled to any TA/DA on his joining first appointment.
7. If the above terms and conditions are acceptable to him. He should report for duty to the Principal Government Technical Institute, Chagmalai (South Waziristan Agency) immediately failing which the offer of appointment will automatically be cancelled.

*Approved*  
*Munir*

DIRECTOR IMTE

Dated 12-10-

Order No. DIMTE/FATA/Admn/2029-35

Copy forwarded for information and necessary action to:-

- 1) P.S. to Additional Chief Secretary FATA.
- 2) P.S. to Secretary (A&C) FATA
- 3) Col: Kokub, Headquarters Artillery 40-Division D.I.Khan
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- 5) The Principal Government Technical Institute, Chagmalai (SWA).
- 6) Accountant Local Directorate FATA.
- 7) Officer/official concerned.

ASSTT. DIRECTOR (TE)

OFFICE ORDER

Consequent upon the recommendations of Departmental Selection Committee, the Competent Authority has been pleased to appoint Engr: Afidullah S/O Mr. Noor Taj Khan Resident of Kotla, Muhammad Khan Tehsil & District F.R Bannu as Instructor (Electrical) on fixed pay Rs.30,000/- (Rupees Thirty thousand only) per month at Government Technical Institute, Chagmalai (South Waziristan Agency) on the following terms & conditions:-

TERMS & CONDITION

1. The above selectees shall furnish an "acceptance certificate" clearly mentioning their acceptance of the terms and conditions of this order as detailed herein and Medical Certificate of fitness duly verified from Police & Services Hospital Peshawar or the Medical Superintendent of Agency Headquarters Hospital concerned within 15 days of issuance of this offer otherwise it would be deemed that the offer has not been accepted.
2. His appointment will be purely on fixed pay and his service can be terminated at any time without assigning any reason.
3. His period of selection is for one year only (i.e. from the date of joining upto 30<sup>th</sup> June, 2011)
4. He will be governed by such rules and orders as may be prescribed and issued by the Government from time to time for the category of the Government Servant to which he belongs.
5. He will have to perform any duty at any Agency/FRs assigned to him in connection with the affairs of this department.
6. He will not be entitled to any TA/DA on his joining first appointment.
7. If the above terms and conditions are acceptable to him. He should report for duty to the Principal Government Technical Institute, Chagmalai (South Waziristan Agency) immediately failing which the offer of appointment will automatically be cancelled.

DIRECTOR IMTE

Dated 12-10-2010

Order No. DIMTE/FATA/Adan/1995-2001

Copy forwarded for information and necessary action to:-

- 1) P.S. to Additional Chief Secretary, FATA.
- 2) P.S. to Secretary (A&C) FATA
- 3) Col: Kokub, Headquarters Artillery 40-Division D.I.Khan
- 4) The Accountant General, (Pakistan Revenue) Sub Office, KPK Peshawar.
- 5) The Principal Government Technical Institute, Chagmalai (SWA).
- 6) Accountant Local Directorate FATA.
- 7) Officer/official concerned.

ASST. DIRECTOR IMTE

Attest  
M. A. Khan

ADT

17/10/10

12/10/10

OFFICE ORDER

Consequent upon the recommendations of Departmental Selection Committee Competent Authority has been pleased to appoint Mr. Muhammad Nawaz Afridi Mr. Baz Muhammad Resident of Village Sufaid Dheri Mohalla Nawab Abad Post C University of Peshawar as Junior Instructor (Electrical) on fixed pay Rs. 20,000/- (Ru Twenty Thousand only) per month at Government Technical Institute, Chagmalai (South Waziristan Agency) on the following terms & conditions:-

TERMS & CONDITION

The above selectees shall furnish an "acceptance certificate" clearly mentioning their acceptance of the terms and conditions of this order as detailed herein and a Medical Certificate of fitness duly verified from Police & Services Hospital Peshawar or the Medical Superintendent of Agency Headquarters Hospital concerned within 15 days of issuance of this offer otherwise it would be deemed that the offer has not been accepted.

2. His appointment will be purely on fixed pay and his service can be terminated any time without assigning any reason.

3. His period of selection is for one year only (i.e. from the date of joining upto June, 2011)

4. He will be governed by such rules and orders as may be prescribed and issued by the Government from time to time for the category of the Government Servant to which he belongs.

5. He will have to perform any duty at any Agency/FRs assigned to him in connection with the affairs of this department.

6. He will not be entitled to any TA/DA on his joining first appointment.

7. If the above terms and conditions are acceptable to him. He should report for duty to the Principal Government Technical Institute, Chagmalai (South Waziristan Agency) immediately failing which the offer of appointment will automatically be cancelled.

DIRECTOR IMTE

Dated 12-10-2010

Encl: No. DIMTE/FATA/Admn/ 2064-70  
Copy forwarded for information and necessary action to:-

- 1) P.S. to Additional Chief Secretary FATA.
- 2) P.S. to Secretary (A&C) FATA.
- 3) Col: Kokub, Headquarters Artillery 40-Division D.I.Khan
- 4) The Accountant General, (Pakistan Revenue) Sub Office, KPK Peshawar.
- 5) The Principal Government Technical Institute, Chagmalai (SWA).
- 6) Accountant Local Directorate FATA.
- 7) Officer/official concerned.

ASST. DIRECTOR (TE)



OFFICE ORDER

Consequent upon the recommendations of Departmental Selection Committee Competent Authority has been pleased to appoint Mr. Shad Meen Khan S/O Mr. Meen Khan, Resident of Village Lassghari Boosti Khel Dara Adam Khel FR Kohat as Instructor (Electrical) on fixed pay Rs.20,000/- (Rupees Twenty Thousand) per month at Government Technical Institute, Chagmalai (South Waziristan Agency) on the following terms & conditions:-

TERMS & CONDITION

1. The above selectees shall furnish an "acceptance certificate" clearly mentioning their acceptance of the terms and conditions of this order as detailed herein a Medical Certificate of fitness duly verified from Police & Services Hospital Peshawar or the Medical Superintendent of Agency Headquarters Hospital concerned within 15 days of issuance of this offer otherwise it would be deemed that the offer has not been accepted.
2. His appointment will be purely on fixed pay and his service can be terminated at any time without assigning any reason.
3. His period of selection is for one year only (i.e. from the date of joining upto June, 2011)
4. He will be governed by such rules and orders as may be prescribed and issued by the Government from time to time for the category of the Government Services to which he belongs.
5. He will have to perform any duty at any Agency/FRs assigned to him in connection with the affairs of this department.
6. He will not be entitled to any TA/DA on his joining first appointment.
7. If the above terms and conditions are acceptable to him. He should report for duty to the Principal Government Technical Institute, Chagmalai (South Waziristan Agency) immediately failing which the offer of appointment will automatically be cancelled.

DIRECTOR IMTE

Dated 12/10/10

Endst:No.DIMTE/FATA/Admn/2085-91

Copy forwarded for information and necessary action to:-

1. P.S. to Additional Chief Secretary FATA.
2. P.S. to Secretary (A&C) FATA.
3. Col: Kokub, Headquarters Artillery 40-Division D.I.Khan
4. The Accountant General, (Pakistan Revenue) Sub Office, KPK Peshawar.
5. The Principal Government Technical Institute, Chagmalai (SWA).
6. Accountant Local Directorate FATA.
7. Officer/official concerned.

  
ASSTT. DIRECTOR

OFFICE ORDER

Consequent upon the recommendations of Departmental Selection Committee Competent Authority has been pleased to appoint Mr. Saif ur Rehman Mr. Muhammad Hussain, Resident C/O GCT Colony Bunglow No.5 D.I.Khan as Instructor (Electrical) on fixed pay Rs.20,000/- (Rupees Twenty Thousand only month at Government Technical Institute, Chagmalai (South Waziristan Agency) c following terms & conditions:-

TERMS & CONDITION

1. The above selectees shall furnish an "acceptance certificate" clearly mentioning their acceptance of the terms and conditions of this order as detailed herein. Medical Certificate of fitness duly verified from Police & Services Ho Peshawar or the Medical Superintendent of Agency Headquarters Ho concerned within 15 days of issuance of this offer otherwise it would be deemed that the offer has not been accepted.
2. His appointment will be purely on fixed pay and his service can be terminated any time without assigning any reason.
3. His period of selection is for one year only (i.e. from the date of joining upto June, 2011)
4. He will be governed by such rules and orders as may be prescribed and issued by the Government from time to time for the category of the Government Service to which he belongs.
5. He will have to perform any duty at any Agency/FRs assigned to him in connection with the affairs of this department.
6. He will not be entitled to any TA/DA on his joining first appointment.
7. If the above terms and conditions are acceptable to him. He should report for duty to the Principal Government Technical Institute, Chagmalai (South Waziristan Agency) immediately failing which the offer of appointment will automatically be cancelled.

DIRECTOR IMTE

Endst: No. DIMTE/FATA/Admn/ 2092-98  
Copy forwarded for information and necessary action to:-

Dated 12-10-11

- 1) P.S. to Additional Chief Secretary FATA.
- 2) P.S. to Secretary (A&C) FATA.
- 3) Col: Kokub, Headquarters Artillery 40-Division D.I.Khan
- 4) The Accountant General, (Pakistan Revenue) Sub Office, KPK-Peshawar.
- 5) The Principal Government Technical Institute, Chagmalai (SWA).
- 6) Accountant Local Directorate FATA.
- 7) Officer/official concerned.

ASSTT. DIRECTOR (TI)

OFFICE ORDER

Consequent upon the recommendations of Departmental Selection Committee, Competent Authority has been pleased to appoint Mr. Raza Ullah Khan S/O Mr. E. Jan, Resident of C/O Comprehensive Public High School Mahsud Town Zambial Colony D.I.Khan as Junior Instructor (Electrical) on fixed pay Rs.20,000/- (Rupees twenty thousand only) per month at Government Technical Institute, Chagmalai (South Waziristan Agency) on the following terms & conditions:-

TERMS & CONDITION

1. The above selectees shall furnish an "acceptance certificate" clearly mentioning their acceptance of the terms and conditions of this order as detailed herein and Medical Certificate of fitness duly verified from Police & Services Hospital Peshawar or the Medical Superintendent of Agency Headquarters Hospital concerned within 15 days of issuance of this offer otherwise it would be deemed that the offer has not been accepted.
2. His appointment will be purely on fixed pay and his service can be terminated at any time without assigning any reason.
3. His period of selection is for one year only (i.e. from the date of joining upto 30<sup>th</sup> June, 2011)
4. He will be governed by such rules and orders as may be prescribed and issued by the Government from time to time for the category of the Government Servant to which he belongs.
5. He will have to perform any duty at any Agency/FRs assigned to him in connection with the affairs of this department.
6. He will not be entitled to any TA/DA on his joining first appointment.
7. If the above terms and conditions are acceptable to him. He should report for duty to the Principal Government Technical Institute, Chagmalai (South Waziristan Agency) immediately failing which the offer of appointment will automatically be cancelled.

DIRECTOR IMTE

Dated 12-10-2011

Ends/No. IMTE/FATA/Admn/2071-77  
Copy forwarded for information and necessary action to:-

- 1) P.S. to Additional Chief Secretary, FATA.
- 2) P.S. to Secretary (A&C) FATA
- 3) Col. Kokub, Headquarters Artillery 40-Division D.I.Khan
- 4) The Accountant General, (Pakistan Revenue) Sub Office, KPK Peshawar.
- 5) The Principal Government Technical Institute, Chagmalai (SWA).
- 6) Accountant Local Directorate FATA.
- 7) Member official concerned.

ASSTT:DIRECTOR(TE)

(10)

R(10)



Directorate of Industries, Mineral & Technical Education FATA Secretariat

OFFICE ORDER

Consequent upon the recommendations of Departmental Selection Committee Competent Authority has been pleased to appoint Mr. Umer Khan S/O Mir Azam Resident of Almara Tehsil Shewa Sub Division Mir Ali North Waziristan Agency Junior Instructor (Electrical) on fixed pay Rs.20,000/- (Rupees Twenty Thousand) per month at Government Technical Institute, Chagmalai (South Waziristan Agency) on the following terms & conditions:-

TERMS & CONDITION

1. The above selectees shall furnish an "acceptance certificate" clearly mentioning their acceptance of the terms and conditions of this order as detailed herein & a Medical Certificate of fitness duly verified from Police & Services Hospital Peshawar or the Medical Superintendent of Agency Headquarters Hospital concerned within 15 days of issuance of this offer otherwise it would be deemed that the offer has not been accepted.
  2. His appointment will be purely on fixed pay and his service can be terminated any time without assigning any reason.
  3. His period of selection is for one year only (i.e. from the date of joining upto June, 2011)
  4. He will be governed by such rules and orders as may be prescribed and issued by the Government from time to time for the category of the Government Servant to which he belongs.
  5. He will have to perform any duty at any Agency/FRs assigned to him in connection with the affairs of this department.
  6. He will not be entitled to any TA/DA on his joining first appointment.
- If the above terms and conditions are acceptable to him. He should report for duty to the Principal Government Technical Institute, Chagmalai (South Waziristan Agency) immediately failing which the offer of appointment will automatically be cancelled.

Attested  
[Signature]

DIRECTOR IMTE

Dated 12-10-

Indst.No.DIMTE/FATA/Admn/2078-84

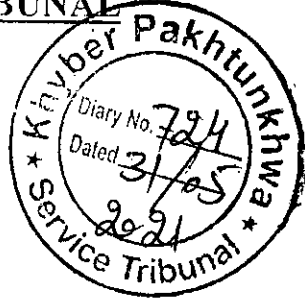
Copy forwarded for information and necessary action to:-

- 1) P.S. to Additional Chief Secretary, FATA.
- 2) P.S. to Secretary (A&C) FATA.
- 3) Col: Kokub, Headquarters Artillery 40-Division D.I.Khan
- 4) The Accountant General, (Pakistan Revenue) Sub Office, KPK Peshawar.
- 5) The Principal Government Technical Institute, Chagmalai (SWA).

[Handwritten notes and signatures]

BEFORE THE CHAIRMAN KPK SERVIC TRIBUNAL

PESHAWAR



Early Hearing Application No. \_\_\_\_\_/2021

In Service Appeal No.286/2017

17

Prev.dt 10-5-2021

Next dt 8-09-2021

*Put up to the worthy chair-man along with file.*

*Read do.*

*31/5/2021*

Arif Shah

Vs Technical Education and others

Application for Early hearing and Fixation of the above titled Service Appeal due to various reasons duly mentioned in the instant Application

*Request is rejected  
02/06/2021*

Respectfully Sheweth

1. That Applicant's Service Appeal bearing No.286/2017 was fixed before this Honourable Court on 17<sup>th</sup> May 2021.
2. That no proceedings took place in the said Service Appeal and date was changed to 8<sup>th</sup> September 2020 as Note Reader.
3. That the Applicant filed in March/April 2017 the above titled Service Appeal being 2<sup>nd</sup> round of litigation. Prior to this, the Applicant had filed Ist round of Service Appeal bearing No.1311/2014 in November 2014, which Service Appeal was remitted on 5<sup>th</sup> June 2016 by this Honourable Tribunal to Departmental Appellate Authority for decision of the Applicant Departmental Appeal.
4. That Applicant is jobless since termination from service verbally on 19<sup>th</sup> May 2014 and with the passage of further, he is becoming overage. The Applicant is anxiously waiting for early decision of his Service Appeal on its own merit.
5. That in the instant Service Appeal, previous dates were changed/adjourned due to various reasons.

6. That next date of hearing is too far, hence, the Applicant intends to approach and request this Honourable Tribunal to fix the above titled Service Appeal earlier than the already fixed date which is 8<sup>th</sup> September 2021, if possible and convenient in the 3<sup>rd</sup>/4<sup>th</sup> week of June 2021.

*Arif Shah*

Arif Shah

Applicant

*Anwar Shah*

(Anwar Shah)

Advocate HC Joint Counsel with

M. Asif Yousafzai Advocate Supreme Court

Affidavit

I Arif Shah Applicant solemnly affirm and declare on oath that the contents of the instant Early Hearing Application are true and correct according to my knowledge and belief and that nothing has been concealed intentionally from this Honourable Tribunal.

*Arif Shah*

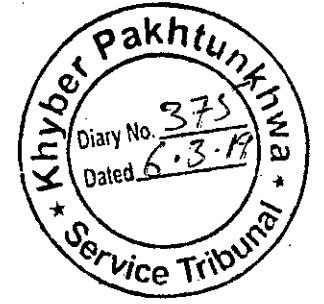
Deponent



①

original + 2  
sets

BEFORE THE CHAIRMAN KPK SERVICE TRIBUNAL,  
PESHAWAR



Application No. \_\_\_\_\_/2019

In Service Appeal No.286/2016

put up to court  
along with case file

Next date 15-5-2019

Prev.Date 27-2-2019

*Arif Shah*  
6/3/19

Arif Shah

Versus

ACS FATA etc

**Application for early Hearing in the above titled**  
**Service Appeal earlier than already fixed for 15<sup>th</sup>**  
**May 2019**

Respectfully Sheweth,

May be accelerated  
to 3rd week of April 2019  
and requisite notice be  
issued. i.e. 22-04-19  
*[Signature]*  
14/3/19

Applicant humbly submits as under :-

1. That Applicant has filed the above titled Service Appeal in the year 2016 which was lastly fixed on 27<sup>th</sup> Feb 2019 while next date of hearing was adjourned to 15<sup>th</sup> May 2019.
2. That out of Applicant's Counsels, one Senior Counsel namely M.Asif Yousafzai was engaged <sup>on 27/2/2019</sup> in the Peshawar High Court in about 8/9 various cases, hence the said Counsel <sup>was</sup> unable to argue the case on the previous date of hearing i.e. 27<sup>th</sup> Feb 2019.

2

3. That the Applicant is jobless from the date of verbal termination of service by the Respondent and anxiously waiting for decision of his Service Appeal on its own merit, hence for the said purpose and reason. the Applicant intends that his Service Appeal to be fixed and heard earlier, possibly in the 1st Week of April 2019.

Prayer: It is, therefore humbly prayed that on acceptance of the instant Application, the Applicant's Service Appeal may graciously be fixed and heard earlier, if possible and convenient in the 1st Week of April 2019.

*Arif*  
Arif Shah

Applicant

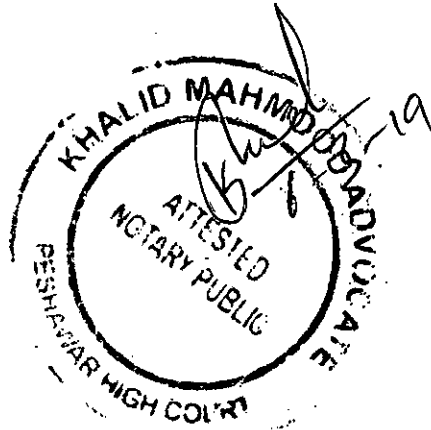
*Anwar*  
6/03/2019

(Anwar Shah)

Joint Additional Counsel  
for Applicant

Affidavit

I, Arif Shah resident of Village Nahaqi Tehsil and District Peshawar solemnly affirm and declare on oath that the contents of the instant Application are true and correct according to my knowledge and belief and that nothing has been concealed intentionally from this Honourable Tribunal.



*Arif*  
Deponent

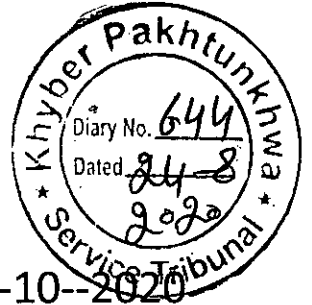


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**BEFORE THE CHAIRMAN KPK SERVICE TRIBUNAL,**  
**PESHAWAR**

Application No. \_\_\_\_\_/2020

In Service Appeal No. 286/2016<sup>7</sup>



Next date 14-10--2020

Prev. Date 11-08-2020

*Part of the case  
deposited with Mr. Arif  
Shah  
3/18/2020*

Arif Shah Versus ACS FATA etc

**Application for early Hearing in the above titled**  
**Service Appeal earlier than already fixed for 14<sup>th</sup>**  
**Oct 2020**

Respectfully Sheweth,

Applicant humbly submits as under :-

*Be accelerated to  
a date in last week of  
Sept. 2020. Notice to  
all concerned. 17.9.20*

1. That Applicant has filed the above titled Service Appeal in the year 2016<sup>7</sup> which was lastly fixed on 11<sup>th</sup> August 2020 while next date of hearing was adjourned to 14<sup>th</sup> October 2020.
2. That on 11<sup>th</sup> August 2020, no arguments took place due to non-functioning of Benches on account of summer vacations and accordingly date was changed as Note Reader to next date i.e. 14<sup>th</sup> October 2020.
3. That the Applicant is jobless from the date of verbal termination of service by the Respondent and anxiously waiting for decision of his Service Appeal on its own merit, hence for the said purpose and reason, the Applicant intends that his Service Appeal to be fixed and heard earlier possibly in the 2<sup>nd</sup> Week of Sept 2020.

(2)

**Prayer:** It is, therefore humbly prayed that on acceptance of the instant Application, the Applicant's Service Appeal may graciously be fixed and heard earlier, if possible and convenient in the 2<sup>nd</sup> Week of Sept 2020.

*Arif Shah*  
**Arif Shah**

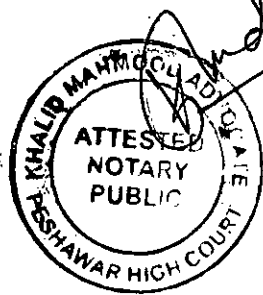
**Applicant**

*Anwar Shah*  
**(Anwar Shah) Advocate**

*With* **Joint Additional Counsel**

**Affidavit**

I, Arif Shah resident of Village Nahaqi Tehsil and District Peshawar solemnly affirm and declare on oath that the contents of the instant Application are true and correct according to my knowledge and belief and that nothing has been concealed intentionally from this Honourable Tribunal.



**Deponent**

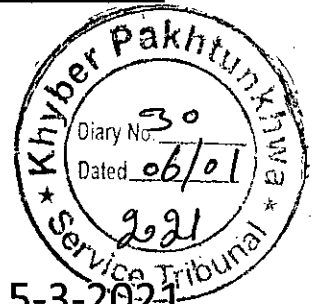
*Arif Shah*

1

BEFORE THE CHAIRMAN KPK SERVICE TRIBUNAL,  
PESHAWAR

Application No. \_\_\_\_\_/2021

In Service Appeal No.286/2017



Next date 15-3-2021

Prev.Date 28-12-2020

*Put up to the court with relevant appeal*

*Arif Shah* Versus ACS FATA etc  
*6/11/2021*

*Needs*

**Application for early Hearing in the above titled Service Appeal earlier between 3<sup>rd</sup> or 4<sup>th</sup> week of January 2021 or upon any date convenient by this Honourable Tribunal earlier than the already fixed date.**

Respectfully Sheweth,

That Applicant humbly submits as under :-

*Be accelerated to a date in 2nd week of February 2021. Notice. Cost to be borne by the appellant/applicant. 12.2.21*

1. That Applicant has filed the above titled Service Appeal in the year 2017 which was lastly fixed on 28<sup>th</sup> Dec 2020
2. That no arguments took place due to Winter Vacation Holiday on 28<sup>th</sup> Dec 2020, therefore next date of hearing was changed to 15<sup>th</sup> March 2021.
3. That the Applicant is becoming Over age for the Government Jobs with the passage of time.
4. That the Applicant is jobless from the date of verbal termination of service by the Respondent on 19-5-2014 as the instant Service Appeal is the creation of Earlier Service Appeal No. ~~731~~<sup>1311</sup>/2014 which was remitted to the Departmental Appellate Authority by the then DB on ~~15<sup>th</sup> 6/5~~<sup>6/5</sup> 2016.

(2)

That, the Applicant intends and request this Honourable Tribunal that in view of the long pendency of the Service Appeal, an earlier hearing in the above titled Service Appeal, in order to decide on its own merits, may graciously be considered and may graciously be fixed in the 3<sup>rd</sup> or 4<sup>th</sup> week of the January 2021 or as conveniently on any other date earlier than the already fixed date.

Prayer: It is, therefore humbly prayed that on acceptance of the instant Application, the Applicant's Service Appeal may graciously be fixed in the 3<sup>rd</sup> or 4<sup>th</sup> week on the month of January 2021 or upon any date convenient for this Honourable Tribunal earlier than the already fixed date.

Arif Shah *Arif*

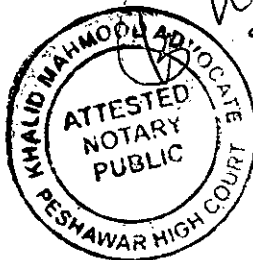
Applicant

*Anwar*  
(Anwar Shah)

Joint Additional Counsel

Affidavit

I, Arif Shah resident of Village Nahaqi Tehsil and District Peshawar solemnly affirm and declare on oath that the contents of the instant Application are true and correct according to my knowledge and belief and that nothing has been concealed intentionally from this Honourable Tribunal.

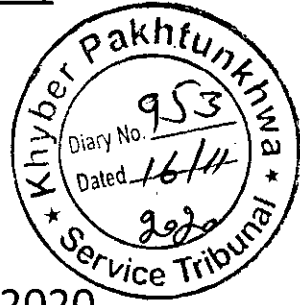


*6-1-21*  
*Anwar*  
Deponent

BEFORE THE CHAIRMAN KPK SERVICE TRIBUNAL,  
PESHAWAR

Application No. \_\_\_\_\_/2020

In Service Appeal No.286/2017



Next date 28-12-2020

Prev.Date 11-11-2020

*Put up to the court with relevant appeal.*

Arif Shah

Versus

ACS FATA etc

Application for early Hearing in the above titled

Service Appeal earlier (if possibly/conveniently

between 30/11 to 4/12/2020) than already

fixed for 28<sup>th</sup> Dec 2020

Respectfully Sheweth,

Applicant humbly submits as under :-

1. That Applicant has filed the above titled Service Appeal in the year 2017 which was lastly fixed on 11<sup>th</sup> Nov 2020 while next date of hearing was adjourned to 20th December 2020.
2. That on 11<sup>th</sup> Nov 2020, no arguments took place due to Counsel's strike extended by the KPK Bar Counsel, hence the case was adjourned to 28<sup>th</sup> December 2020.
3. That the Applicant is jobless from the date of verbal termination of service by the Respondent on 19-5-2014 and that too being 2<sup>nd</sup> round of Service Appeal, anxiously waiting for decision of his Service Appeal on its own merit, hence for the said purpose and reason, the Applicant intends/desires that his Service Appeal be fixed and heard earlier, if convenient for this Honourable Tribunal) possibly between 30/11 to 4/12/2020.

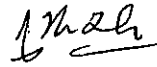
*Shall remain posted to the date already fixed.*  
*19/11/20*

Prayer: It is, therefore humbly prayed that on acceptance of the instant Application, the Applicant's Service Appeal may graciously be fixed between 30/11 to 4/12/2020 instead of already fixed on 28<sup>th</sup> Dec 2020.



Arif Shah

Applicant

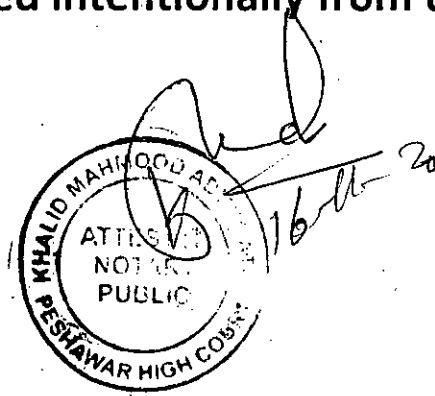


(Anwar Shah)

Joint Additional Counsel

Affidavit

I, Arif Shah resident of Village Nahaqi Tehsil and District Peshawar solemnly affirm and declare on oath that the contents of the instant Application are true and correct according to my knowledge and belief and that nothing has been concealed intentionally from this Honourable Tribunal.



Deponent