

Sr. No.	Date of order/ proceedings	Order or other proceedings with signature of Judge/ Magistrate
1	2	3
1.	21.10.2015	<p style="text-align: center;">KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.</p> <p style="text-align: center;">Service Appeal No. 1435/2013</p> <p style="text-align: center;">Abdul Qadir Versus the Director of Education (FATA) Khyber Pakhtunkhwa, Peshawar etc.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>PIR BAKHSH SHAH, MEMBER.-</u> Appellant with counsel (Mr. Muhammad Asif Yousfzai, Advocate), Government Pleader (Mr. Ziaullah) for the official respondents and private respondent No. 3 with counsel (Mr. Sajid Amin, Advocate) present.</p> <p>2. The appellant is aggrieved with order dated 28.08.2013, whereby he has been transferred from the post of Junior Clerk in the office of Agency Education Officer, N.W Agency to GHS Khazan Gul Kot, against which he filed departmental appeal on 10.10.2013, which was rejected on 11.10.2013, hence the instant appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.</p> <p>3. The learned counsel for the appellant submitted that the impugned order is factitious and bogus. He further submitted that order on the departmental appeal of the appellant is not a speaking one. The learned counsel for the appellant submitted that the impugned order is premature therefore, the same may be set aside and the relief as prayed for may be</p>

granted to the appellant.

4. Learned Government Pleader duly assisted by learned counsel for private respondent No. 3 resisted this appeal stated that the appeal is incompetent and time barred. It was further submitted that the impugned order was suspended on 29.10.2013 where-after sufficient time has passed and the appellant has already completed his tenure.

5. We have heard learned counsel for the parties and perused the record with their assistance.

6. From arguments of the learned counsel for the parties and perusal of the record, the Tribunal came to know that due to patch up between the appellant and private respondent No. 3, the transfer order was recalled on the same day, hence the same may be an incorrect view of the matter that the appellant was not aware of the cancellation order. The appellant has already completed his tenure on the disputed place. It was not found that the transfer of respondent No. 3 and appellant was the result of any political interference or malafide. The appeal is time barred. There is no merit in the appeal and the same is dismissed. Parties are left to bear their own costs. File be consigned to the record room.


ANNOUNCED
21.10.2015.


(ABDUL LATIF)
MEMBER


(PIR BAKHSH SHAH)
MEMBER

03.09.2015

Appellant with counsel, Mr. Muhammad Jan, GP for official respondents and counsel for private respondent No.3 present. Agency Education Officer, N.W Agency was summoned to attend the Tribunal today but he is not available. Warrant of arrest be issued to him through Assistant Political Agent, N.W Agency with the direction to produce the defaulter officer before the court of Service Tribunal on the date fixed. To come up for arguments on 21.10.2015. Till then status-quo is extended.



Member



Member

03.06.2015

Clerk of counsel for the appellant, Mr. Daud Jan, Supdt alongwith Addl: AG for official respondents and private respondent No.3 in person present. Arguments could not be heard due to learned Member is on official tour to camp court Swat. To come up for rejoinder, arguments on stay application as well as final hearing on 01.07.2015. Till then status-quo be maintained.


Member

01.07.2015

Counsel for the appellant, Mr. Muhammad Jan, GP for the official respondents and counsel for private respondent No. 3 present. All the three parties requested that to facilitate this Tribunal, the Agency Education Officer, N.W Agency be summoned alongwith record, ^{as} Due to absence of the above officer arguments cannot be properly appreciated and request ^{was} made for adjournment. The Agency Education Officer, N.W Agency be summoned alongwith relevant record for the date fixed. To come up for arguments on 23.7.2015. Till then status quo is extended.


Member


Member

23.07.2015

Counsel for the appellant, Mr. Muhammad Jan, GP with Akhtar Niaz, Assistant for the official respondents and counsel for private respondent No. 3 present. Agency Education Officer, N.W Agency is not in attendance. He is once again directed to attend the Tribunal personally alongwith all the relevant record pertaining to the instant case on the next date. To come up for arguments on 03-09-2015. Till then status quo is extended.


MEMBER


MEMBER

31.03.2015

Counsel for the appellant, Mr. Gul Saeed, Agency Education Officer alongwith Addl: A.G for official respondents No. 1 and 2 and counsel for private respondent No. 3 present. Written statement on behalf of official respondents No. 1 and 2 not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply of respondents No. 1 and 2 as well as arguments on stay application on 9.4.2015. Till then status-quo be maintained.


Chairman

09.4.2015

Counsel for the appellant, Mr. Muhammad Jan, GP with Daud Jan, Supdt. for the official respondents and private respondent No. 3 in person present. Official respondents need further time. To come up for written reply of respondents No. 1 & 2 on main appeal as well as reply/arguments on stay application on 4.5.2015. This will be the last chance for official respondents and no further opportunity will be given to them. Status quo is extended till the date fixed.


MEMBER

4.5.2015

Counsel for the appellant, Mr. Muhammad Jan, GP with Daud Jan, Supdt. for the official respondents and counsel for private respondent No. 3 present. Written reply of the official respondents received. To come up for rejoinder, arguments on stay application as well as final hearing on 3.6.2015. Till then status quo is extended.


MEMBER


MEMBER

23.02.2015

Appellant with counsel, Mr. Daud Jan, Supdt. for official respondents No. 1 & 2 alongwith Addl: A.G and private respondent No. 3 with counsel present. Written reply on behalf of respondent No. 3 submitted. Learned Addl: A.G requested for adjournment for submission of written reply on behalf of respondents No. 1 & 2. To come for written reply and arguments on stay application on 2.3.2015 before S.B-II. Status-quo be maintained till then.


Chairman

2.3.2015

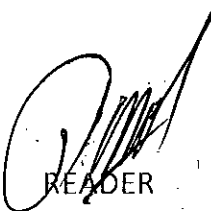
Counsel for the appellant, Addl. AG with Daud Jan, Head Clerk for the official respondents present and requested for time to be granted to them for submission of written reply. The learned counsel for private respondent No. 3 submitted that the respondent-department is not submitting written reply to facilitate the appellant, who has been granted status quo. Representative of respondents No. 1 & 2 is strictly directed to submit written reply on the next date without fail. To come up for written reply of official respondents No. 1 & 2 on main appeal as well as reply/arguments on stay application on 31.3.2015. Status quo as before till then.



MEMBER

2
12/09.2014

Counsel for the appellant and Mr. Kabeerullah Khattak, Asstt. A.G with Daud Jan, Head Clerk for official respondents and private respondent No. 3 in person present. The learned Member (Judicial) is not working due to a recent order of the Hon'ble Peshawar High Court affecting his status as District & Sessions Judge. To come up as before on 5.11.2014.



READER

5.11.2014.

Appellant in person, Mr. Ziaullah, GP with Daud Jan, Head Clerk for official respondents and counsel for private respondent No. 3 present. Respondents need further time. To come up for written reply on main appeal as well as reply/arguments on stay application on 08.12.2014. Till then stay is extended.



MEMBER

8.12.2014

Appellant with counsel, Mr. Muhammad Jan, GP with Daud Jan, Head Clerk for the official respondents and clerk to counsel for the private respondent No. 3 present. The Tribunal is incomplete. To come up for the same on 16.1.2015.

16.1.2015

Junior to counsel for the appellant present. Mr. Muhammad Jan, GP with Daud Jan, Supdt. for the official respondents and clerk for counsel for private respondent No. 3 present and requested for time to file written reply. To come up for written reply on main appeal as well as reply/arguments on stay application on 23.2.2015. Till then stay is extended.



MEMBER

10.4.2014.

Counsel for the appellant, Mr. Muhammad Jan, GP with Daud Jan, Head Clerk for the respondents No. 1 & 2 present and requested for time. None is available on behalf of respondent No.3. Fresh notice be issued to him. To come up for reply/comments on 16.5.2014. Till then operation of impugned order, as before, is suspended.

MEMBER

MEMBER

16.5.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Daud Jan, Head Clerk for respondents No. 1 & 2 present and again requested for time. None is available on behalf of respondent No. 3. Fresh notice be issued to him through registered post. To come up for written reply/comments on 23.6.2014. Till then stay is extended.

MEMBER

MEMBER

23.6.2014.

Counsel for the appellant and Mr. Muhammad Jan, GP for the official respondents and counsel for private respondent No. 3 present. Learned executive Member is on official tour to D.I.Khan, therefore, case to come up for arguments on 15.09.2014. Till then stay is extended.

MEMBER

Appeal No. 1435/2013.

Mr. Abdeel Kadir.

10.03.2014

Counsel for the appellant, Mr. Zia Ullah, GP for official respondents No.1 & 2 and counsel for private respondent No.3 present. Preliminary arguments heard and case file perused.

Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. The appellant was transferred/posted at office of Agency Education Officer, North, Waziristan Agency, Miranshah vide order No. 11389-95 dated 28.08.2013. The order was cancelled vide Endst: No. 969-71/AEO/NWA dated 28.08.2013, against which he filed departmental appeal on 10.10.2013 which was simply regretted on 11.10.2013, hence the instant appeal on 24.10.2013. He further contended that the rejection order is not a speaking order, not reason has been given and even not a proper order as required under the law. Moreover, the same is in violation of Rule-5 of the Civil Servant (Appeal) Rules-1986.

The learned Government Pleader while assisting the court was of the view that the so called Department Appeal is time barred before the Departmental Authority. Hence as per judgment of the Supreme Court of Pakistan 2012 SCMR 195, even if the appeal filed before the Service Tribunal is on time, no relief could be granted to the appellant, if the appeal was time barred before the Departmental Authority. Moreover, in appeal of Civil Servant having been rejected by the Department, presumption would be that the same has been rejected both on limitation as well as on maintainability. Departmental appeal not filed within the statutory period, appeal before the Service Tribunal would be incompetent as held by the Supreme Court of Pakistan on 2007 SCMR 513.

Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents for submission of written reply/comments on 11.04.2014. Till then the Operation of the Impugned order suspended.

This case be put before the Final Bench for further proceedings.

Member

Chairman

10.03.2014

Appellant deposited
process fee & security
of Rs. 1800/- Bank Receipt
attached with file.

6. 16.01.2014

Counsel for the appellant and Mr. Mir Azam Khan, Agency Education Officer, North Waziristan Agency, Miranshah with Mr. Zia Ullah, GP for official respondent present. None is available for private respondent No.3. Original record checked. Mr. Mir Azam Khan, AEO, North Waziristan Agency, Miranshah (respondent No.2) produced copy of the relevant record duly signed by the learned Government ^{Pleader,} copy ~~to~~ be handed over to the appellant as well as ~~copy~~ private respondent No.3. To come up for further preliminary hearing on 24.02.2014. Till then the operation of the impugned order suspended as before.


Member

7. 24.02.2014

Clerk of counsel for the appellant and Mr. Zai Ullah, GP for the respondents present. Preliminary arguments could not be heard due to General Strike of the Bar. To come up for preliminary hearing on 10.03.2014. Till then the Operation of the impugned order suspended.


Member

Appeal No 1435/2013.
Mr. Akhtr Khan

22.11.2013

Counsel for the appellant, Mr. Zia Ullah, GP for official respondents No.1 &2 and counsel for private respondent No.3 present. Preliminary arguments could not be heard. Since the official respondent No.2 i.e Agency Education Officer, North Waziristan Agency was summoned personally but he is not available today. He is once again directed to attend the Tribunal personally alongwith the complete record of the appellant. To come up for further preliminary hearing on 18.12.2013. Till then the operation of the impugned order is suspended.

Member

5
18.12.2013

Appellant with counsel, Mr. Ziaullah, GP with Mr. Akhtrar Nawaz Khan, SET for official respondents and respondents No.2 respectively and Mr. Sajid Amin, Advocate, counsel for private respondent No.3 present and filed Wakalat Nama. Representative of the respondent No.2 also filed an application duly signed by the respondent No.2 requesting for adjournment. The learned Government Pleader stated that the respondent No.2 was properly informed to appear in person alongwith relevant record on the date fixed. Since the respondent No.2 twicely failed to attend this Tribunal in person, therefore, salary of Agency Education Officer (respondent No.2) is attached till further order and the Agency Account Officer, North Waziristan Agency be informed accordingly. Since record pertaining to the instant appeal is not available, therefore, preliminary arguments could not be heard. Respondent No.2 is once again directed to attend the Tribunal personally alongwith relevant record. To come up for further preliminary hearing on 16.01.2014. Till then the operation of the impugned order suspended as before. Copy of this order sheet be sent to the Agency Account Officer, North Waziristan for necessary action and report.

Member

Appeal No. 1435/2013
Mr. Abdul Rauf

29.10.2013

Counsel for the appellant present and heard. In view of submissions of the learned counsel for the appellant that the appellant was transferred in place of Gul Ahmad (respondent No.3) vide order of the authority i.e. Agency Education Officer, North Waziristan Agency (respondent No.2) dated 28.08.2013, showing the order as a result of enquiry against the private respondent, where-after the appellant also took over charge and remained present on duty till 25.09.2013 when suddenly the private respondent produced cancellation ^{order} bearing the same date i.e. 28.08.2013 but cutting and over writing on the month and bearing diary No. 969-71 as against the diary No. 11389-95 on the transfer order dated 28.08.2013, a pre-admission notice be issued to the respondents, particularly to respondent No.2 i.e Agency Education Officer, North Waziristan Agency, to appear in person and produce record pertaining to the transfer and cancellation order alongwith record of rejection of the departmental appeal for further preliminary hearing on 22.11.2013. In the meantime, the operation of the impugned order is suspended, subject to notice.




Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 1435 /2013


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	25/10/2013	<p>The appeal of Mr. Abdul Qadir resubmitted today by Mr. M. Asif Yousafzai Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	28-10-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>29-10-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Abdul Qader Junior Clerk O/O the AEO, NWA, received today i.e. on 24.10.2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1- Copy of proper rejection order of departmental appeal is not attached with the appeal which may be placed on it.

No. 1511 /S.T,

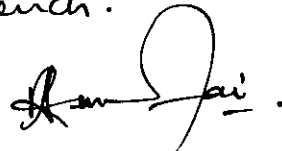
Dt 24/10 /2013.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr.M.Asif Yousafzai Adv. Peshawar.

Sir,
The deptl: endorsed rejection on original appeal without writing any proper order. The original appeal in original submitted with the appeal, which meets the requirements of Sec: 4 of the Tribunal's Act. 1974.

Re-submitted for placing the appeal before learned bench.



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

Appeal No. 1435 /2013

Abdul Qadir

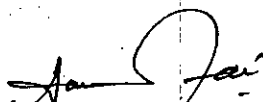
V/S Director Education (FATA)


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4.	Copy of Charge Report	- B -	07
5.	Copy of Daily Attendance	- C -	08-09
6.	Copy of Order (28.8.2013)	- D -	10
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9.	Copy of Policy	- G -	13-16
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APPELLANT
Abdul Qadir

THROUGH:


(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

& 
TAIMUR ALI
ADVOCATE.

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

Appeal No. 1435 /2013

Mr. Abdul Qadir, J/Clerk,
Office of the Agency Education Officer,
North Waziristan Agency.

1511
24-10-13

APPELLANT

VERSUS

1. The Director of Education, (FATA), KPK, Peshawar.
2. The Agency Education Officer, North Waziristan Agency, (NWA). ✓
3. Mr. Gul Ahmad, J/Clerk, GHS Khazan Gul Kot, NWA.

RESPONDENTS

.....

APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974 AGAINST
THE REJECTION ORDER DATED 11.10.2013 WHEREBY THE
APPEAL AGAINST THE ORDER DATED 28.8.2013
(RECEIVED TO OFFICE ON 20.9.2013) HAS BEEN
REGRETTEED FOR NO GOOD GROUND.

.....

PRAYER:

.....

THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDER
DATED 11.10.2012 MAY BE SET ASIDE AND THE
RESPONDENT MAY BE DIRECTED TO POST THE
APPELLANT AS JUNIOR CLERK IN THE OFFICE OF THE
AGENCY EDUCATION OFFICER, NWA BY DECLARING THE
ORDER ENDORSEMENT NO.969-71; DATED 28.8.2013 AS
FAKE AND BOGUS AND INEFFECTIVE UPON THE RIGHTS
OF THE APPELLANT. ANY OTHER REMEDY, WHICH THIS
AUGUST TRIBUNAL DEEMS FIT AND PROPER THAT MAY
ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

1. That while performing duties at GHS, Khazan Gul Kot, NWA, the appellant was transferred to Agency Education Office vide order Endorsement No.11389/95; dated 28.8.2013 in place of the private respondent No.3 who was transferred due to the complaints of negligence against him. Copy of Order is attached as Annexure-A.
2. That the appellant reported his arrival on 28.8.2013 and took over charge on the same date and remained there and performed duty in the office of the AEO till 25.9.2013. Copy of Charge Report and Attendance are attached as Annexure-B and c.
3. That on 20.9.2013, the private respondent No.3 came to the office with the order Endorsement No.969-71; dated 28.8.2013 in which order dated 28.8.2013 (Annexure-A) was shown cancelled. As the dispute arisen between the appellant and private respondent due to fake and bogus order because of which the complaint was made to the Political Agent NWA. The AEO in his comments to the Political Agent NWA stated that the cancellation order received to him on 20.9.2013. Copy of Order and Comments are attached as Annexure-D and E.
4. That the appellant at-last filed appeal against the bogus oder dated 28.8.2013 on 10.10.2013 but the same has been regretted without showing any reasons on 11.10.2013 on the original appeal of the appellant. Copy of Appeal is attached as Annexure-F.
5. That now the appellant comes to this Honourable Tribunal on the following grounds amongst the others.

GROUND:

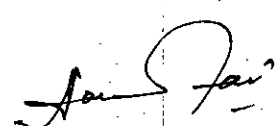
- A) That the impugned order dated 28.8.2013 is fake and bogus one because it is impossible to issue the cancellation order before the posting and transfer order which is evident from the endorsement numbers on the both orders. So much so the private respondent has also hidden the cancellation order till 20.9.2013, which also proves the contention of the appellant as correct.

- B) That the order dated. 11.10.2013 and fake order dated. 28.8.2013 under Endst; No. 969- 71 are against the norms of justice and law of the land.
- C) That the appellant's tenure at AEO office was not complete which is against the norms of justice and tenure fixed by the government.
- D) That the impugned cancellation order is without any reasons and no such legitimate reasons are mentioned in the cancellation order.
- E) That even the rejection order is a non speaking order which is the violation of Section-24 o the General Clauses Act and the Supreme Court's Judgment reported as 1991 SCMR Page 2330.
- F) That the appellant has not been treated according to law, posting, transfer policy, and the principle laid down in Aneeta Torab case by the Honourable Supreme Court of Pakistan.
- G) That the impugned cancellation order is against the Government posting, transfer policy, specially its clauses I, II, IV. Copy of Policy is attached as Annexure-G.
- H) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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

APPELLANT 
Abdul Qadir

THROUGH:


(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

& 
TAIMUR ALI
ADVOCATE.

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

Appeal No. _____/2013

Abdul Qadir

V/S

Director Education (FATA)

.....

**APPLICATION FOR SUSPENDING THE OPERATION
OF CANCELLATION OF THE IMPUGNED ORDER
DATED 28.8.2013 of Endst No. 969-71 AND
11.10.2013 TILL THE DISPOSAL OF MAIN APPEAL.**

RESPECTFULLY SHEWETH:

1. That the appellant has filed an appeal along with this application which no date has been fixed so far.
2. That the appellant has a good prima facie case and all the ingredients are in favour of the appellant.
3. That, if the impugned order has not been suspended, then the appellant would become mentally torture.
4. That the impugned order has been passed by the respondent, which is illegal and violation of rules.
5. That the grounds of main appeal may also be taken as integral part of this application.
6. That the order dated 11.10.2013 has been passed in violation of the instruction of Policy of Transfer and Posting dated 15.2.2003.

It is, therefore, most humbly prayed that the operation of cancellation of the impugned order dated 28.8.2013 (Endst: No. 969-71) and 11.10.20123 may be suspended till the disposal of main appeal. Any other remedy with this august Tribunal deems fit may also be awarded in favour of appellant.

Appellant *Z ullo*
Abdul Qadir

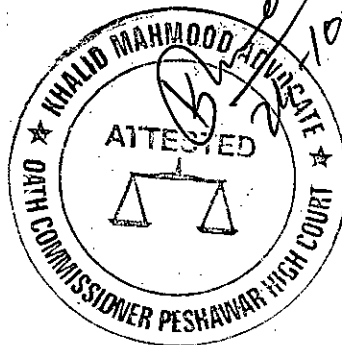
Through:

M. Asif Yousafzai
(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

&
TAIMUR ALI
ADVOCATE.

AFFIDAVIT:

It is affirmed and declared that the contents of the above Application are true and correct to the best of my knowledge and belief.



Z ullo
Deponent

OFFICE OF THE AGENCY EDUCATION OFFICER NORTH WAZIRISTAN
AGENCY

A
⑥

TRANSFER ORDER.

Transfer order in respect of the following
Ministrial Staff is hereby ordered to the following
Institution/office with immediate effect in the interest of
public service.

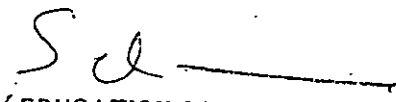
S.No	Name	Design	From	To	Remarks
1-	Gul Ahmad	J/Clerk	AEO NWA	GHS Khazan Gul Kot	Vice No.2
2-	Abdul Qader	J/Clerk	GHS Khazan Gul Kot	AEO Office	Vice S.No.1

NOTE:

1-Mr. Gul Ahmad J/Clerk of this office is transferred to GHS
Khazan Gul Kot Mami Rougha due to repeated Negligence in the Free Text
Books enquiry case and also disobeyed orders for providing supply orders of
Furnitures/Miscellenious articles etc to the dealers concerned.

2-No TA/DA is allowed

3-Charge report should be submitted to all concerned.


AGENCY EDUCATION OFFICER

NORTH WAZIRISTAN AGENCY

Endstt: No. 11389-95 J/C/AEO/MRN/NWA/Dated M/Shah the 28 /08/2013

COPY TO THE:

- 1- Director of Education FATA Khyber. Pakhtoonkhwa Peshawar.
- 2- Political Agent North Waziristan Agency at Miran Shah.
- 3- Agency Accounts Officer North Waziristan Agency at Miran Shah.
- 4- Head Master GHS Khazan Gul Kot Mami Rougha (NWA).
- 5- Official concerned.
- 6- Office record.


AGENCY EDUCATION OFFICER

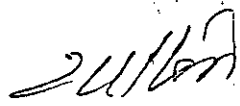
NORTH WAZIRISTAN AGENCY

TEST
A

B
⑦

CHARGE REPORT


I Abdul Qader J/Clerk GHS Khazan Gul Kot Mami Rougha has taken over charge of J/Clerk post at Agency Education Office Miran Shah North Waziristan Agency in place of Mr. Gul Ahmad J/Clerk today on 28/08/2013 (FN) Vide Agency Education Officer Transfer Order Endstt: No: 11389-95 Dated 28/08/2013.


Signature of Receiving _____
Govt: Servant
Name Abdul Qader
Designation J/clerk

Station: Miran Shah

Copy to the:

- 1- Director of Education (FATA) Khyber Pakhtoonkhwa Peshawar
- 2- Political Agent North Waziristan Agency at Miran Shah.
- 3- Agency Accounts Officer North Waziristan Agency.
- 4- Head Master GHS Khazan Gul Kot (NWA).
- 5- Accountant Local Office.
- 6- Office recored


AGENCY EDUCATION OFFICER
NORTH WAZIRISTAN AGENCY

TESTES

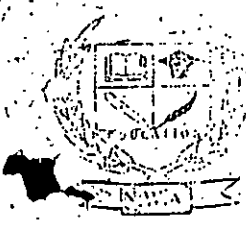

8

Daily Attendance Register of the AEO office

DATE AND HOURS

Serial No.	Name	Rank	1	2	3	4	5	6	7	8	9	10	11	12
	Fazal Chani	Supdt	2	2	2	2	2	2	2	2	2	2	2	2
	Akhter Niaz	Asstt	7	7	7	7	7	7	X	7	7	7	7	7
	Fida Ullah	S/clock							X					
	Abdul Qader	J/clock	A	A	A	A	A	A	X	A	A	A	A	A
	<i>Q/B</i>	J/c												
	Muhammad Hashim	J/clock	P	P	P	P	P	P	X	P	P	P	P	P
	Asif Nawaz	J/clock	P	P	P	P	P	P	X	P	P	P	P	P
	Munawar Khan	NO	P	P	P	P	P	P			P	P	P	P
	Wasim Khan	NO	P	P	P	P	P	P			P	P	P	P
	Abdul Qader Shah	NO	P	P	P	P	P	P			P	P	P	P
	Suleman Khan	NO	P	P	P	P	P	P			P	P	P	P
	Gul Manoor Khan	NO	P	P	P	P	P	P			P	P	P	P
	Fahim Masih	Sweep	P	P	P	P	P	P			P	P	P	P
	Bait Ullah	KPO	P	P	P	P	P	P			P	P	P	P

Stamp



OFFICE OF THE AGENCY EDUCATION OFFICER
NORTH WAZIRISTAN AGENCY MIRANSHAH

No. _____

Dated _____ / _____ / 2013

10

Habibullah
keep in file
for record
hid 20/9/2013

CANCELLATION OF TRANSFER ORDER

Transfer order issued vide this office order Endst:
No. 11389-951 dated 28/8/2013 is hereby cancelled with immediate
effect in the interest of public service.

Necessary entry should be made in their Service Books.

- sd -
Agency Education Officer
North Waziristan Agency

Endst: No. 969/2013 AEO N.W.A Dated 28/08/2013

Copy to the:

1. Director Education FATA KPK Peshawar.
2. Political Agent N.W. Agency.
3. Agency Accounts Officer N.W. Agency.
4. Head of Institutions Concerned.
5. Office Record.

[Signature]
Agency Education Officer
North Waziristan Agency
28/8/2013

ESTES
[Signature]

E
⑪

No. 12132 /AEO/NWA/ dated, 30/09/ 2013

FROM,

The Agency Education Officer,
North Waziristan Agency Miran shah.

TO,

The political agent,
North Waziristan Agency Miran shah.

Subject:- APPLICATION/COMPLAINT.


MEMO:-

Reference your kind letter No. 1140 G/II/8-Edu./Misc;
dated 30.09.2013 on the above cited subject,

It is stated that transfer order in respect of Abdul Qadir
J/clerk has been made to this office by the EX AEO
vide his order No. 11389_95 dated, 28.08.2013 and the applicant
has taken over charge in the office on 28.8.2013. But the
same order has been cancelled by the EX AEO on 28.8.013
vide his order No. 969_71 dated 28.08.2013.

Cancellation order received to the undersigned
on 20.09.2013 please.

Encl: Attached.


Agency Education Officer,
North Waziristan Agency Miran shah.

TESTED


GOVERNMENT OF N.W.F.P
ESTABLISHMENT & ADMINISTRATION DEPARTMENT
(REGULATION WING)

G
13

NO.SOR-1(E&AD)1-1/85(Vol:II)

Dated the Peshawar the 15th February, 2003.

- 1- All Administrative secretaries to Govt: of NWFP.
- 2- The Secretary to Governor, NWFP.
- 3- The Secretary to Chief Minister, NWFP.
- 4- All Heads of Attached Departments in NWFP.
- 5- All the Heads of Autonomous/Semi Autonomous Bodies in NWFP.
- 6- All Distt: Co-Ordination Officer/Political Agents in NWFP.
- 7- The Registrar Peshawar High Court Peshawar.
- 8- All Distt: & Session Judges in NWFP.
- 9- The Secretary NWFP Public Service Commission, Peshawar.
- 10- The Director Anti-Corruption Establishment, Peshawar.
- 11- The Secretary Board of Revenue, NWFP, Peshawar.
- 12- The Registrar, NWFP Service Tribunal, Peshawar.

SUBJECT: POSTING/TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT.

Dear Sir,

1. I am directed to refer to the subject noted above and to say that in super-session of all policy, instructions issued in this behalf, the competent authority has approved the following Posting/Transfer Policy: -
 - i) All the posting /transfer shall be made strictly in the public interest and shall not be abused/misused to victimize the Government Servant.
 - ii) All Government servants are prohibited to exert political, Administrative or any other pressure upon the posting /transfer authorities for seeking posting transfer of their choice and against the public interest.
 - iii) All contract Govt: employees appointed against specific posts cannot be posted against any other post.
 - iv) The normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas, the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the government.
 - v) Months of March and July are fixed for posting/transfer of the officers/officials excluding the officers in B-19 and above in the Province. Posting/transfer in Education and Health Departments shall be made in March.

TESTED

while the remaining departments shall make posting/transfer in July. There shall be a ban on posting/transfer throughout the year excluding the aforementioned two months due to promotion/retirement/creation of new post/return from long leave/involvement in disciplinary proceedings and adjustment of surplus staff for which specific relaxation shall be obtained from the Chief Minister.

- vi) While making posting/transfers from settled area to FATA vice-versa specific approval of the Governor NWFP needs to be obtained.
- vii) Officers may be posted on executive/administrative posts in the Distt: of their domicile except District Co-Ordination Officers (DCOs), and Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where a Police Station (Thana) of his area/residence is situated.
- viii) No posting/transfers of the officers/officials on the detailment basis shall be made.
- ix) Regarding the posting of husband/wife, both in the Provincial Services, efforts where possible would be made to post such persons at one station and this will be subject to the public interest.
- x) All posting/transfers authorities may facilitate the posting/transfers of unmarried female Govt; Servant at the station of their residence of their parents.
- xi) Officer/officials except DCOs and SPs who are due to retire within one year may be posted on their option, on posts in the Distt: of their domicile and be allowed to serve there till retirement.
- xii) In terms of Rule-17 (1) and (2) read with schedule-III of the Govt: of NWFP Rules of Business 1985, transfer of officers shown in column 1 of the following table, table shall be made by the authorities shown against each officers in column 2 thereof: -

COLUMN-1	COLUMN-2
<u>Outside the Secretariat.</u>	Chief secretary in consultation with the Establishment Deptt. With the of the Chief Minister.
1. Officers of the all Pakistan Unified Group i.e. DMG, PSP including Provincial Police Officers in BPS-18 and above.	
2. Other officers in BPS-17 and above to be posted against scheduled posts or posts normally held by the APUG, PCS (EG) and PCS (SG)	
3. Head of attached Deptt: and other officers in B-19 & above in all the Deptt:	

~~SECRET~~

<p><u>In the Secretariat.</u></p> <p>4. Secretaries.</p> <p>5. Other officers and above the rank of Section Officers: -</p> <p>a)- Within the same Deptt:</p> <p>b)- Within the Secretariat from one Deptt: to another.</p> <p>6. Officers up to the rank of Superintendents.</p> <p>a)- Within the same Deptt:</p> <p>b)- To and from Attached Deptt:</p> <p>c)- Within the Secretariat from one Deptt: to another.</p>	<p>Chief Secretary with the approval of the Chief Minister.</p> <p>Secretary of the Deptt: concerned.</p> <p>Chief Secretary/ Secretary Establishment.</p> <p>Secretary of the Deptt: concerned.</p> <p>Secretary of the Deptt: in consultation with the Head of Attached Deptt:</p> <p>Secretary Establishment.</p>
--	--

xiii) While considering the posting/transfers proposals all the concerned authorities shall keep in mind the following: -

- a). To ensure the posting of proper persons on proper posts the annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on integrity of the concerned officer/officials be considered.
- b). Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.

xiv) Government servants including Distt: Government employees feeling aggrieved due to the orders of posting/transfers authorities may seek remedy from the next higher authority/ the appointing authority as the case may be brought an appeal to be submitted within seven days of the receipt of such order. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/transfers orders could be exercised only in the following cases: -

- i)- premature posting/transfers or posting/transfers in violation of this policy.
- ii)- Serious and grave personal(humanitarian) grounds.

2. To streamline the posting /transfers in the Distt; Govt: and to remove any imitant/confusions in this regard the provision of Rule 25 of the NWFP Distt: Govt: Rules of Business 2001 read with schedule-IV thereof is referred. As per schedule-IV the Posting /Transferring authorities for the officials/officers shown against each are as under: -

(S)

16

S.No	Officers	Authority
1-	Posting of Distt; Coordination Officer and Executive Distt; Officer in a Distt;	Provincial Govt;
2-	Posting of Distt; Police Officer.	Provincial Govt;
3-	Other officer in BPS-17 and above posted in the Distt;	Provincial Govt;
4-	Official in BPS-16 and below.	Executive Distt; Officer in consultation with Distt; Coordination Officer.

3. As per Rule-25 (2) of the Rules mentioned above the Distt; Coordination Department shall consult the Govt; if it is proposed to:-
- a)- transfer the holder of the tenure post before the completion of his tenure or extend the period of his tenure; and
 - b)- Acquire an officer to hold charge of more than one post for a period exceeding two months.
4. I am directed further to request that the above noted policy may be strictly observed/ implemented.

Your Faithfully,

Sd/xxx
(GHULAM JALANI ASIF)
ADDL: SECRETARY(REG:)

Endst:NO.SOR-1(E&AD)1-1/85

dated Peshawar the 15.2.2003.

TEST
/

VAKALAT NAMA

NO. _____/20

IN THE COURT OF Service Tribunal Peshawar.

Abdul Qader (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Educational Dept: etc (Respondent)
(Defendant)

I/We Abdul Qader (appellant)

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 21-10-13/20

Zulker
(CLIENT)

ACCEPTED

M. Asif
M. ASIF YOUSAFZAI
Advocate

Taimur Ali
TAIMUR ALI

M. ASIF YOUSAFZAI
Advocate High Court,
Peshawar.

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

Refer the Senate Tribunal, Resolutions

Abdul Qader

-vs-

Education Dept: FATA etc

Application for fixing an early date in the appeal

R. Shewali

That the above mentioned appeal along with stay application has been submitted in which no date has yet been fixed.

2 -

That the matter is of urgent nature, because, if the order impugned in appeal is not suspended, then the main appeal would become too inconclusive.

It is, therefore, most humbly prayed that the appeal may very kindly be fixed on an early date to meet the ends of justice.

Dt: 24.10.13.

Counsel for Appellant
M. Asif Khan
Adv.

9/11/13
20/11/13

OFFICE OF THE AGENCY EDUCATION OFFICER NORTH WAZIRISTAN AGENCY.

OFFICE ORDER.

Reference Khyber Pakhtoonkhwa Service Tribunal Peshawar, order No: 800-6-2-8 Dated Peshawar the 04/11/2013 and Assistant Director (Litigation) in Directorate of Education (FATA) Khyber Pakhtoonkhwa Peshawar Implementation Endorsement No: 19944 Dated Peshawar the 04/11/2013, Mr. Abdul Qader Khan J/Clerk is hereby directed to continue work at Agency Education Office North Waziristan Agency at Miran Shah till decision of honourable Court.

**AGENCY EDUCATION OFFICER
NORTH WAZIRISTAN AGENCY**

No: 12837-42 /Implementation/C-Case/AEO/NWA/Dated 18 /11/2013.

COPY FOR INFORMATION TO THE:

- 1- Registrar Service Tribunal Peshawar w/r to his No. quated above please.
- 2- Director of Education (FATA) Khyber Pakhtoonkhwa Peshawar.
- 3- Agency Accounts Officer North Waziristan Agency at M/Shah.
- 4- Head Master GHS Khazan Gul Kot Mami Rougha (NWA).
- 5- Clerk concerned.

**AGENCY EDUCATION OFFICER
NORTH WAZIRISTAN AGENCY**

Put up to the court with relevant petition / appeal for further necessary actions.
Reader concerned.
21/11/13


To:

The Agency Education Officer
North Waziristan Miran Shah.

SUBJECT: **ARRIVAL REPORT IMPLEMENTATION OF KHYBER
PAKHTOONKHWA PESHAWAR APPEAL NO. 1435/2013
IN RESPECT OF MR. ABDUL QADER J/CLERK.**

Reference Khyber Pakhtoonkhwa Service Tribunal Peshawar, order No: 800-6-2-8 Dated Peshawar the 04/11/2013 and Assistant Director (Litigation) in Directorate of Education (FATA) Khyber Pakhtoonkhwa Peshawar Implementation Endorsement No: 19944 Dated Peshawar the 04/11/2013, on the above noted subject.

I Abdul Qader J/Clerk submitted my arrival report to your kind honour today on 18-11-2013 (FN).


Abdul Qader Khan J/Clerk
AEO Office Miran Shah (NWA)

To,

The Agency Education Officer
North Waziristan Agency.

SUBJECT: - APPEAL TITLED ABDUL QADIR VS D.E Fata & OTHERS.

Memo,

With reference to the subject noted above and to state that the above mentioned appeal was fixed before the Primary Bench of Service Tribunal, Khyber Pakhtunkhwa, and Peshawar on dated 22/11/2013. Pre-admission notice was already issued to you for appearing in person and providing complete record but you failed to attend and provide the record before the honorable tribunal. The appeal is adjourned to 18-12-2013 with the direction to you to appear in person and produce complete record pertaining to the transfer, cancellation orders and rejection of the departmental appeal before the tribunal for further proceedings.


It is, therefore to inform you to appear in person along with the above mentioned record on the date fixed, before the honorable tribunal, in default this office will not be responsible for any adverse decision.

ZIAULLAH
GOVERNMENT PLEADER
KHYBER PAKHTUNKHWA, SERVICE
TRIBUNAL PESHAWAR.

NO (Sr.GP)E&AD/1-5/Lit/Appeal/2013. 2212-171 Date: 22-11-2013

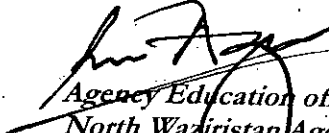
Copy forwarded to:

1. The Education Director Fata
Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Solicitor Law, Parliamentary Affairs & Human
Rights Department.
3. Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
4. Appeal File.


GOVERNMENT PLEADER
KHYBER PAKHTUNKHWA, SERVICE
TRIBUNAL PESHAWAR.

AUTHORITY

Mr. Akhter Nawaz SET-BPS17 is here by Authorizes- to attend honorable Service Tribunal Khyber Pakhtunkhwa Peshawar on 18-12-2013 writ petition NO. ~~1435~~ 1435.


Agency Education officer
North Waziristan Agency
Agency Education Officer
Miranshah (N.W.A)

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 1871-72 /ST

Dated 30/12 /2013

To,

Agency Account Officer,
North Waziristan.

Agency Education Officer,
North Waziristan.

Subject:- APPEAL NO. 1435/2013 MR. ABDUL QADIR V/S DIRECTOR
EDUCATION (FATA) AND OTHERS.

I am directed to forward herewith the following order dated 18.12.2013
passed by this Tribunal on the above appeal for strict compliance.

Appellant with counsel, Mr.Ziaullah, GP with Mr.Akhtar Nawaz Khan, SET
for official respondents and respondents No.2 respectively and Mr. Sajid
Amin, Advocate, counsel for private respondent No.3 present and filed
Wakalat Nama. Representative of the respondents No.2 also filed an
application duly signed by the respondent No.2 requesting for adjournment.
The learned Government Pleader stated that the respondent No.2 was
properly informed to appear in person alongwith relevant record on the date
fixed. Since the respondent No.2 twicely failed to attend this Tribunal in
person, therefore, salary of Agency Education Officer (respondent No.2) is
attached till further order and the Agency Account Officer, North
Waziristan Agency be informed accordingly. Since record pertaining to the
instant appeal is not available, therefore, preliminary arguments could not
be heard. Respondent No.2 is once again directed to attend the Tribunal
personally alongwith relevant record. To come up for further preliminary
hearing on 16.01.2014. Till then the operation of the impugned order
suspended as before. Copy of this order sheet be sent to the Agency
Account Officer, North Waziristan for necessary action and report.

Sd/---xxx
Member


REGISTRAR

KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR.

to

The Service Tribunal
10/11/14

Subject - Provision of record in the case of Abdul Bader
of age 48 and wife AEO NWA Hwan Slat

It is stated with regard to the transfer order
bearing No 11389-95 is recorded in office dispatch book
on 2-9-2013. The collection order No 969-71 at
28⁸/₁₃ is not available in the office dispatch
book on this date. However on dispatch 540969
on 7⁸/₁₂ is addressed to Controller of Exam.
The attached pages of office dispatch book are
enclosed for your perusal.

MIR A2AM
AEO NWA Hwan Slat

~~16/11/14~~
~~your most obedient~~

6/09/2013

127-88
11387-95
11396
11397
11398-12001
12002
12003
12004
12005
12006
12007
12008
12009-10
12011
12012
12013-17
12018
12019
12020-21

DECLAD Poshon.
Secretary BISE, Bannu.

All concerned
Controller of Exam: BISE Bannu.
DECLAD Poshon
All concerned

AKS m/o Gujran walam sdt
Correction of student father name.
Transfer order m/o Abide Sarwar, etc.
Verifiers of FA
AKS m/o Neos Wala, Jan SET
Transfer order m/o Romla BTE.

Dividers.
Sexual Verification
Dumrah m/o Gul Doman

AKS/Diverts
AKS m/o SETs Teachers
Issuance of 30 Roseet Registering Program
Correction in Father Name m/o Fahim Khan

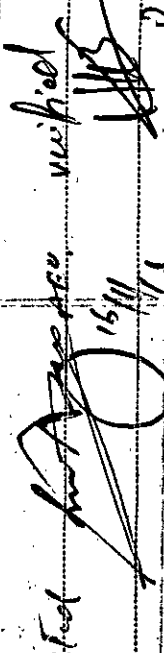
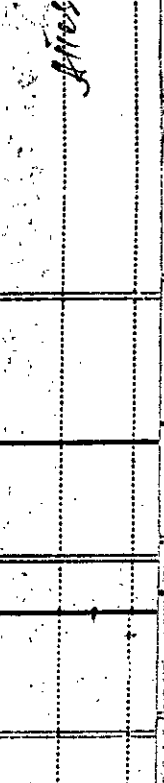
of passport of Noor ul Amin
Camp/Intendant most list
gathering Report of Saqib Sana.
Verification of details
Issuance of 30 Rosee Register
Correction in Father Name
BISE Bannu

Handwritten signature and date: 16.1.14

Register of Letters Received

رجسٹر ڈاک وصولی

Serial No نمبر شمار	Month & Date مہینہ و تاریخ	Letter		From Whom Received Name And Address بھیجنے والے کا نام و پتہ	Subject مضمون	File Head فائل ہیڈ	Disposal کارروائی
		No. نمبر	Date تاریخ				
970-71 972 973			8/8/2012	DE FATA DCC Bannu FAC MR IV.	Expenditure of Communal School. Grant of Fuel Annex License for Mr Sander Khan Transfer of monthly pension v/o Amra Rishi w/o h.c. Gul Nawaz		
974-76 977/GITS 978/GVFCP 979/- 980/DE (DATA) 921/B/land			9-8-2011	DB FATA. PAC MARR. PACIWAJ MARR STAFF PAC MARR DE (DATA) P... PACIWAJ	Expend of J.T. Lab. matthing. Discharge voucher in v/o Mst Najida w/o M. Adnan P... CPUCI (CF) in v/o Mst. Paida, Ex. TT — clw Rehabilitation, 2011		
782			with filed 2-2011 AFCI 11-11		Appeal No. 1516/2011 v/o Nizamullah vs. N... Bifund application from v/o TT Change of Under + F...		

447-33	All cancelled	Transfer Order in R/O Mr Gul Faraz PTC	From EPS Madat when to EPS Sufi Ch.
954/65	ATD Mishaal	Sanction of GBEA Adv. n/o	PTC Jinnah
955/PA/NUWA/	RA Nawaz Mishaal	Application Madat PTC EPS Civil Colony MAN.	
956-52	O.B. ERATA. AAC. MNS	Engrs. Statement of Designers.	
958.	DE PAPA Perhawa	for the year 2011-12 upto 30-6-2012.	
959-65		Material and eng items in R/O	
959-65-	HM: GHS Minarsh. Sidak. Humeraz	Gul Syed Chan Appellay GHS Edeau NDA.	
	GHS Harsu khul. Tappi. Devali.		
	Harden khul		
966.	The Controller of exam	Verifications of BA Degree in R/O	
	A TO P Islamabad	Tensil Chan S/o Bakht Jan.	
967 -	The Controller of exams	Verification of BA Degree in R/O	
	UST Bannu	Faraz Gopal S/O Ghazi Rehman	
968	The Controller of exams	Verification of PTC Certificate in R/O	
	PITE Perhawa	Ghazi Rehman	
969.	The Controller of exam	Verification of FA in R/O Atiq Rehman	
	BISE Bannu.	S/O Waseem Jan.	
	Attested  verified 		
			15/11/11
			16/11/11

Register of Letters Received

رجسٹر ڈاک وصولی

Serial No	Month & Date	Letter		From Whom Received	Subject	File Head	Disposal
		No.	Date	Name And Address			
نمبر شمار	مہینہ و تاریخ	نمبر	تاریخ	بھیجنے والے کا نام و پتہ	مضمون	فائل ہیڈ	کارروائی
11322				PA	PA and case in x/p. Registration		verified 6.1.14
11323				Controller of Exam AIOU	Verification PTC Certificate.		
11324							
11325							
11326				DECLARATA Person	F/ASST. For the year 2012-13.		
11327				do	Appth./ Nomination As D.D.O Authority		
11328				do	Expdt. for 6/2013 (June Final) 4/Head 4/Asst. Admn.		
11329	21/8/013			DECLARATA Person	Demand for 4/sahaj in x/p Lab. Market AIOU SET		
11330				do	Demand for P/ASST		
11331	23/8/013			all covered	Refrmit of dr in x/p Molel Hagan PET GMS P/Asst. Admn.		
11332				PA (NW A)	Issuance 30 Bote For license of 105/105/105		
11333				ARO M/14	Form-10 in x/p Hagan Khan PET		
11334				Controller of Examinations A.I.O.U Islamabad	verification of PTC Certificate in x/p Navida Begum.		
11335	36			Poly Traders Posters	Supply order		

11337-38	do	Supply order.
11338-40	Pak Frontier Trading Comp. Peshawar	Supply order.
11341-42	Modern Wood Working Lahore	Supply order.
11343-44	Hussack Enterprises Rawalpindi	Supply order.
11345 -	AAC MRN	Patent claim
11346	PA (NWPA)	Quantity of Borax Pestol n/yo Amanullah SET
11347-50	all covered	Toufan order n/yo Muzaf Begum et Pest. verified
11351	AAC MRN	CPWD F-10 n/yo Ghulam Mohd Et-pan
11352	DE(PATA) Peshawar	Mutual Finance Proposal of SET
11353	AAC MRN.	Patent claim
11354	AAC MRN.	CPWD sanction n/yo Mehmood Khan Pra
11355	PA	Free license n/yo Mr. Raza Dachejo et
11356	BISE Rawl	verification of PA n/yo Shri Radhika
11357	BISE Rawl	verification of PA/SSC n/yo Miranullah
11358	AAC	do
11359	AAC MRN	Form 10 n/yo Shri Juman Et-T
11360	DE(PATA) Peshawar	Finance/Pest Availability
11361-63	All covered	Sanction B-14 n/yo Ismail Khan AWT

16/11/57

verified

16/11/57