FORM OF ORDER SHEET

Court of _____

Appeal No.

1972/2023

Order or other proceedings with signature of judge S.No. Date of order proceedings 1 2 1-02/10/2023 The appeal of Mr. Ashbar Ali presented today by Mr. Mushtaq Ahmad Khan Advocate. It is fixed for preliminary hearing before touring Single Bench at Swat on By the order of Chairman REGISTRAR

Before the service tribunal khyber pukhtoonkhwa Peshawar .

Service appeal No. 1972 2023

Ashbar Ali S/O Faras Shah R/O village Kolyari tehsile Mandanr, district Buner......appellant

∵ Vs

District Education officer(M) Buner and othersrespondents

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Dated:

29 /9/2023

Appellant

Through

Mushtaq Ahmad khan alizai

Advocate, office district court

Buner.cell No 03469014199.

Before the service tribunal khyber pukhtoonkhwa Peshawar . Service appeal No. 1972 2023

Ashbar Ali S/O Faras shah R/O village Kolyari tehsile Gagra, district Buner......appellant

Vs

- 1. District Education officer(M) Buner . .
- 2. Director E & SE khyber pukhtoonkhwa at Peshawar.
- 3. Govt of K.P.K through secretary E & SE Khyber pukhtoonkhwa at Peshawar.
- Sherin zada s/o Bahram said village nawagai tehsil mandanr district buner.
 Gul rasool khan s/o Abdul tawab khan village Manjar Nawagai tehsil
- mandarn district buner......Respondents

Service Appeal Under section 4 of the Khyber Pukhtoon servicetribunal act 1974 against the impugned final seniority list dated 30/4/2023 whereby the private respondents no 4 and 5 were placed at high pedestal of the seniority list in total derogation of law and rules.

The appellant submits as follows:

- That the appellantwas appointed as drawing master (DM) vide appointment order dated 24/2/2011 on open merit Basis and after his appointment he took the charge of his duties whereas the respondent No 4 and 5 applied as batch wise candidates pursuance to the same advertisement but were not appointed on the ground of having drawing certificate from jamshoro university Sindh.(appointment order of the appellant and charge report attached as anx A and B)
- 2. That the respondents then filled a writ petition in the Peshawar high court Mingora bench against their non-appointment on the batch wise qutawhich writ petition was accepted vide order and judgment dated 28/6/2012 where against the CPLA filled by the education department was also dismissed and the respondent No 1 issued their appointment order dated 20/6/2013 pursuance to the aforesaid judgment of the pehawar high court.(appointment order of the respondents attached as anx C).
- 3. That the respondent No 4 and 5 did not file any review petition challenging their appointment on 20/6/2013 .
- 4. That it is pertinent to mention here that some of the colleagues of the respondent No 4 and 5 who were also of the same status (i.e bach wise candidate) filled writ petitions before the high court Mingora bench and sought their appointment on the principle of consistency where after their writ petitions were accepted and were appointed as similarly placed with respondent no 4 and 5 vide judgment dated 12/2/2015 in w/p no 148 M of

2011 and some other judgment of same nature and official respondents were directed to appoint them from 26/2/2011 and prepare joint seniority list and the official respondent acted upon the order and their order of appointment dated 26/2/2011 was issued. (judgment, 1st appointment order and appointment order dated 26/2/2011 pursuance to order on petition of other colleagues attached as anx D,E and E1)

- 5. That it is also worth mentioning that the respondent No 4 and 5 had also approached the service tribunal for their retrospective appointment which appeal was accepted and the benefit of the review petition mentioned therein was extended to them and the official respondents were directed to prepare the seniority list as per rules (order of the worthy service tribunal attached as Anx F).
- 6. That the official respondents then prepared a tentative seniority list which was objected by the appellant and some other persons through different application as irrelevant persons had been included in the seniority list. (applications attached as anx G and H)
- 7. That a final seniority list was issued which again contain the names of irrelevant persons as some of them had retired, some died and some had left the service moreover respondent No 4 and 5 had been placed on high pedestal of seniority list despite the fact that they were junior to the appellant, hence the appellant challenged it within the prescribed time through a department appeal. (final seniority list and department appeal attached as anx I and J)
- 8. That an inquiry was also conducted in the matter pursuance to the notification of the DEO upon the Departmental appeal which was concluded in favor of the appellant but the respondent No 1 is reluctant to correct the seniority list as per recommendation of the inquiry officer. (Notification of DEO and inquiry committee recommendations attached as anx J1 and J2)
- That as the departmental appeal of the appellant was not decided within the prescribed statutory period, hence this service appeal, before this worthy tribunal, on the following ground inter alia.

GROUNDS:

- That the impugned seniority list dated 30/4/2023 has not been prepared according to law and rules and irrelevant persons have also been included in the same which have resulted into wrong placement and position of the appellant in the seniority list.
- That the appellant have not been given his due seniority position on the pedestal of impugned seniority list and his juniors have been shown on the high position which actions and inactions of the respondents are violative of law and rules.

- 3. That the respondent No 4 and 5 are also juniors to the appellant but they have been placed senior to the appellant in total derogation of law, rules and judgment of the service tribunal in their favor.
- 4. That as per law and rules, if candidates are appointed on the same date, their inter Se seniority is fixed on the basis of merit assigned to them in the merit list of appointment and despite the fact that the appellant is meritorious in the appointment order he has been placed junior which action is illegal and unwarranted under the law.
- 5. That withholding the promotion of the appellant, on the pretense of seniority issue despite the fact that posts for promotion to SDM are available with the department , is also illegal and the appellant is entitled to anti date promotion and in this regard proper appeal will be filed with solid data and evidence.
- 6. That as per law and rules and legitimate expectancy the appellant is entitled to due seniority position and appointed to the post of SDM laying vacant.
- 7. That the appellant has not been treated according to the law and natural jutice, hence the impugned seniority list is against the spirit of the law and the appellant should be declared senior then the respondents and any other candidate having low merit than the appellant in the interse seniority.
- 8. That the appellant seek the permission of this worthy tribunal to rely on additional grounds at the time of arguments.

It is therefore kindly prayed that on acceptance of this appeal the impugned seniority list may kindly be corrected and amended by placing the appellant on higher position then the respondents and may be given his due seniority position as per law and rules keeping in view the merit positions of the appellant and other candidates of the same advertisement with all back benefits.

Any other relief not specifically prayed for and which this worthy tribunal deem fit and appropriate in the facts and circumstances of the instant case may also kindly be granted for the end of justice.

Dated: 29 / 9/2023

Appellant

Ac

Through

Mushtaq Ahmad khan alizai

Advocate, office district court

Buner.cell No 03469014199

Before the service tribunal khyber pukhtoonkhwa Peshawar.

Service appeal No.....20023

Ashbar Ali S/O Faras Shah R/O village Kolyarai tehsile Gagra, district Buner.....appellant

V

District Education officer(M) Buner and othersrespondents

AFFIDIVET

I Ashbar Ali, do hereby solemnly affirm and declare on oath that the contents of the instant service appeal is correct to the best of my knowledge and belief & nothing has been concealed from this worthy tribunal.

Ctc

Deponent

Ashbar Ali..(



Before the service tribunal khyber pukhtoonkhwa Peshawar.

Service appeal No......2023

Ashbar Ali S/O Faras Shah R/O village Kolyari tehsile gagra, district

Buner.....appellant

Vs

District Education officer(M) Buner and othersrespondents

Addresses of parties

Appellant

Ashbar Ali S/O Faras Shah R/O village Kolyari, Muhalla Mani Poor, P/O Dewana Baba tehsile gagra, district Buner.

Respondents

- 1. District Education officer(M) Buner .
- 2. Director E & SE khyber pukhtoonkhwa at Peshawar.
- 3. Govt of K.P.K through secretary E & SE khyberpukhtoonkhwa at Peshawar.
- 4. Sherin zada s/o Bahram said village nawagai tehsil mandanr district buner.
- 5. Gul rasool khan s/o Abdul tawab khan village tehsil mandarn district

buner.

Appellant

Through

Mushtaq Ahmad khan alizai Advocat ,office district court Buner .cell No 03469014199.

ANX A"

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY AND SECONDARY

OFFICE ORDER

Consequent upon the recommendation of the Departmental Selection Committee District Buner the Lonsequent upon the recommendation or the Departmental Selection Committee District ouncritive undersigned being Competent Authority is pleased to appoint the following DM in BPS-09(3820-230-10720) Plus usual allowance as admissible to them under the rule against the vacant post at the schools noted against each w.e.f. the date of their taking over charge in the interest of public service subject to the following existing terms and conditions with immediate

			25 % Open I	<u>District Merit</u>	
S.No	R.NO	Name	Father Name	Hume Address	School where Pasted
1	66	Irshad Ali	Mir Salam Khan	Nawagai	GHS GHURGUSHTO
2	14	Ashbar Ali	Feras Shah	.: Dewanan Baba	GHSKATKALA
3	22	Taj Akbar	Taj Malook Khan	Nawagal	GH55 GHAZIKOT

75 % Batch wise / Year wise Merit

S.No R.NO Nume	Faiher Name	Home Address	School • where Posted
1 25 Noor Rahe	em Said Rahim	Kalpanai	GHSS GADEZAI

TERMS AND CONDITIONS

1- Their appointments are made on contract policy 2005 and they will not be entitled for pension gratulty and are liable to termination at any time with out any notice or reason.

 They will be governed by such Rules and Regulations as may prescribed by the Govt: for the category of the Govt: Servants to which they belong, from time to time. 3- Their services will be terminatable on one month prior notice on either side or payment of one month's pay in lieu

The Principal/ Head Master and D.O Male Burier should jurnish certificate to the effect that the candidates have

Joined posts within 15 days or otherwise the appointment order shall automatically stand cancelled. They will be on probation for a period of One year.

f-They are heatinged are bubics to studies to surplus source that they are domiciled of District Buner.

charge. 8- No TA/DA. is allowed. 9- The Principal/ Head Masters and D.O Male will check their original Certificate/Degree/DMC/and Domicile before

10-They are not allowed to take over charge if their age is less than 16 years and more than 33 years for open merit . 11. In case of valid appeal of senior most candidates, the junior most candidate in the relevant merit list will be replaced either open merit /District Merit .

12. Their Appointments are subject to the verification of all the certificates/degrees/DMC/Domicile if any bogus/Fake certificate/degree was found, appointments will be considered automatically cancelled from the date of issue. 13- The Principal and Head Master Byger may not hand over charge to the appointees if there is no vacant post in

 14- The Drawing and Disbursing Officer should submit a certificate for release of, pay as under:

 Mr.
 SiO

 R/O
 appointed agains

 Total score
 and his certificates/degrees/DMC and Domicile certificate of District Buner and have been

 Mr. _____ at S.No. at S.No._____Total score_____and his certificates/degrees/DMC and Domicile certificate of District Buner and have bi personally verified and found correct. In case of any discrepancy if detected later on will be the sole responsibility of the Signature Name

Principal / Head Master and D.O Male Buner. GMS/GHS/GHSS School

85-9-37 Forist No.

(HANIF ULLAH) EXECUTIVE DISTRICT OFFICER ESS EDUCATION BUNER

Endst No. D DA. Dated. 2-4/2/// Copy of the above as forwarded for information and necessary action. 1- Director Elementary and Secondary Education KPK Peshawar

2- District Co-ordination Officer Buner. 3. Medical Superintendent Buner.

4- District Accountant Officer Buner 5- District Officer (Male) E&S Local Office

6- Principal/Head Master Concerned. 7- ADO (E) Local Office.

8- Budget and Accountant Officer local office 9- The Candidates Concerned

EXECUTIVE DSTRICT OFFICER E&S EDUCATION BUNER

Any B DRAPD, NW CI CERTIFICATE OF TRANSFER OF CHARGE Cortified that we have on the fore/afternoon of this day respectively made over and roceive charge of this office of the H.M. G.H.S. Katkalo My. Ashber Aliappointed as DM vide EDO(ESS) education Buner. at Dagger No 8529-37 Dated 24-2-11 . Particulars of cash and, important secret and confidential documents handed over are Τz noted on the rovesro:-Signature of relieved Government sorvaut. Vacant Designation. D.M. ... Post ... Station GHS Katkala Bunny. Signature of relieving Ashber Ali.... Dasod ... O.B. - C.B. - Zoll. Designation._____.M.

1.

Atono

OFFICE OF THE DISTRICT EDUCATION OFFICER MALE DISTRICT BUNER

OFFICE ORDER

In compliance with the Judgments of the Honourable Peshawar High Court, Darul Qaza Mingora Bench. (Swai) on Writ Petition No.2288/2011, and Writ Petition No.159,/2011 dated 28/6/2012, and as verbally directed by the Honourable Supreme Coart of Pakistan, Peshawar Bench dated 19/6/2013. The following petitioners are hereby appointed as DM, against vacant posts in BPS-15 (8500-700-29500) plus usual allowances as admissible to them on regular basis under the rules in the schools noted against their manes, from the date of taking over charge in the interest of public service with given terms and conditions at the end in the best interest of public service.

·	S.Nu	Name	Colored and an	
•			School where Posted	Remarks
	-	Gul Rasoul Khan,	GHS Baph	Vacant Past
	2	Sherin Zada	GHS Nogram	
		· · · · · · · · · · · · · · · · · · ·		

Terms and Conditions;-

- 1. They would be on probation period for one year extendible for another one year under the rules, policy.
- Their services are liable to termination on one month's notice from either side, in case of resignation without notice their one -month pay/allowances shall be forfeited to the Government.
- 3. They should join their posts within 15 days of the issuance of this notification, in case of failure to join their post within 15 days of the issuance of this notification, their appointment shall stand automatically cancelled and no subsequent appeal ete shall be entertained.
- 4. They will not claim the financial benefits/arrears, for the period, for which they have not served.
- 5. They are required to produce health and age certificate from the concerned Medical Superintendent before taking over charge.
- 6. 'The Principals / Head Masters, concerned may not hand over the charge to the appointee, if Usere is no vacant post in the school.
- They will be governed by such rules and regulations as may be issued from time to time by the Gover.
 Their continues and regulations as may be issued from time to time by
- 8. Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they shall be preceded under the rules framed from time to time.
- 9. They are directed to furnish copies of all sort of certificates/degree/diplomas etc along with their original receipt and photocopies of testimonials pertaining to the verification fee of concerned examination bodies (Board/universities etc) to the Executive District Officer. Elementary & Secondary Education Buner. If any certificate/ degree / damicile etc of anyi candidate found fake or bogus in verification process they shall be terminated without further police.
- 10. The Appointing Authority(DEO) shall arrange verification of all the certificates / degrees (Academic / Professional) etc of the appointee and will issue the clearance certificate of each appointee to D.A.O Buner for the release of pay, further more the Drawing and Disbursing Officer will not draw their salaries till the completion of verification process;

- 11. The Principals/Head Masters concerned would furnish a certificate to the effect that the candidate has joined the post or otherwise after 15 days of the issuance of his posting orders.
- 12. No TA/ DA will be allowed to the appaintce for joining their duty.
- 13. Charge report should be submitted to all concerned.

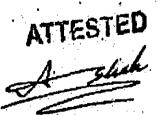
(FIDA MUHAMMAD) DISTRICT EDUCATION OFFICER MALE BUNER.

/2013

Endst; No. 15587/ File No.1 Estab; Malo Secy; Dated 9

- Copy of the above id forwarded for information to the;
- Honourable Register Supreme Court of Pakistan at registry Branch Poshawar. ł. 2.
- Advocate General Kliyber PaklitunKliwa Poshawar High Court Peshawar. 3.
- Additional Registrar Darul; Qaza Mingara Bunch Swat.
- 4. Additional Advocate General Darul Qaza Mingora Bench Swat,
- 5. PS to Scoretary Elementary & Secondary Education Khyber PakhtunKhyva Poshawar 6. PS to Director (E&SE) Khyber Pakhtunkhwa Peshawar.7. 7. District Accounts Officer Buner.
- Officials Concerned,

EDUCATION OFFICER MALE DISTRIC BUNER:



NI;/D

ATION

The continuation to this office notification issued vide this Endst No. 8025-32 dated 02/12/2015; upon recommendation of the District Salection Committee in its mobiling hald on 30/11/2015? In compilance to the Judgment of the honourable high court darul Qaza Mingora benchisival, In W.P. 409/2012, Javid Shah VS DEO: (E&SE) Buner, W.P.No. 148/2011, Alam Khan & others VS DEO(E&SE) Buher, and W.P. No. 531/2012,Khan Zeb & Others VS DEO(E&SE) Buner and others, and consequent COC No. 5M/2015, announced on 9/2/2016 and Issued on 22/2/2016, appointment of the following candidates /politioner is hereby order.

against the vacant posts of Drawing Master (DM) in BPS -15 (Rs. 10085-905-38135)@ Rs.10985/- fixed plus, usual allowances as admissible under the rules, in Teaching cadre subject to the condition of hudgmenty final decision of August Supreme court of Pakistan on the lerms and condition given balow, with effect from the date of taking over charge in the best interest of public service y

S.#	e Father's Nume	Residence	Place of security
1 JAVID SHAH	MOHABAT SHAH	KALPANI	Place of posting.
2 MULIAMNIAD GHA	ΡΟΟΙΣ ΑΒΟΟΓΙΑΟ	DAGGAR(MIRA)	GMS Koss
4 MUHAANNAD TAU	• SHAIBAILKHAN	Клеара	GMS Sherghushuy GMS Bando
	R SHER ZADA	PANDER	GMS Baupur
	DUNYA KIIAN	BAMAY	GMS Mrasai
5 SAID FAREEN KHAN	NATKHAN	GANSHAL	GMS Alamii Bundu
B ALAM KHAN	MURAD KHAN	TARINAN	GMS Dargali
PMS & CONDITION	DILAWAR SHAH	LANGAR `	Otvis Gojur Ahad

TERMS & CONDITION.

HC TADA elc Is allowed.

2. Charge reports should be submitted to all concerned in duplicate.

3. Appointment is purely initially for a pariod of one year.

timey should not be handed over charge it their age exceeds 35 years or helow 10 years. Appointment is subject to the condition that the certificate/documents must be verified from the concerned authorities by the office of DEO, if any one found producing bogus/ forge/fake Contilinates Degrees will be reported to the law enforcing agancies for further action,

Their services are liable to termination on one month's prior notice from either side. In case of resignation without notice their one-month

HWA FO 11

JUDGMENT SHEET IN THE PESHAWAR HIGH COURT, MINGORA BENCH (DAR-UL-QAZA), SWAT (Judicial Department)

en en staten van Bruch en skrive

W.P No. 148-M/2011

<u>JUDGMENT</u>

Date of hearing: <u>12.2.2015</u>

Petitioners: <u>(Alam Khan)</u> <u>By M/S Khalid Rehman and</u> <u>Mushtaq Ahmad, Advocates.</u>

Respondent: (E.D.O & others) By Mr. Sabir Shah, A.A.G (Newly impleaded respondents) By Hafiz Ashfaq Ahmad, Advocate

HAIDER ALI KHAN, J.- Through this single judgment we intend to dispose of the instant W.P No. 148-M/2011 as well as the connected writ petitions bearing W.P No. 409-M/2012 and W.P No.531-M/2012, as same question of law is involved in all these petitions.

2. Brief facts of the case are that the Education Department District Buner invited applications through advertisement in the national newspapers for appointments against certain posts lying vacant in different schools of District Buner in the year 2010. As per policy of the Government, the appointments were to be made on the basis of 25% on open merit and 75% on batch-wise quota. The

petitioners of all the three writ petitions (hereinafter to be referred as the petitioners), having the requisite qualification received from Sindh, also applied for the vacant posts of D.M. After test and interview, final merit list was drafted and the departmental selection committee (DSC) recommended some of the candidates including the petitioners for their appointment against the vacant posts of D.M subject to verification of their certificates from the concerned authorities. However, only four candidates, three on open merit and one on batchwise quota, were appointed against the policy vide the impugned order dated 24.2.2011 and the petitioners were ignored despite the fact that letters of verification had been received on 12.2.2011. Feeling aggrieved, the petitioners have approached this Court through the instant writ petition and the connected writ petitions bearing W.P No. 409-M/2012 and W.P No.531-M/2012.

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3. Para-wise comments were called from the respondents, which were so submitted wherein plea of the petitioners was refuted.

4. Learned counsel for the petitioners referred to judgment of this Court reported in 2013 PLC (CS) 142 (Khaista Rehman and others

AC.

Vs. EDO and others) and contended that through the said consolidated judgment, several other writ petitions including W.P No. 2288/2011 and W.P No.159/2011 have been decided wherein the same issue has been clarified which is involved in the instant three writ petitions. He further contended that appointment of the petitioners has been declined on the ground that Inter Grade Drawing Certificates obtained by the petitioners from Sindh are subjected to verification of the concerned authority with regard to equivalency thereof with the certificates issued by the recognized institutions of Khyber Pakhtunkhwa. It was argued that the issue has been resolved by this. Court through the above referred reported judgment, which has been upheld by the august Supreme Court, wherein it has been held that distinction could not be drawn between the award of degrees or services by the institutions of Jamshoru and Karachi and that of this province. It was further argued that in compliance of the above judgment, petitioners of W.P. No. 2288/2011 and W.P. No. 159/2011 namely Gul Rasool Khan and Sherin Zada, who were also candidates alongwith the present petitioners under the same advertisement, have been appointed by the respondents, therefore, on the same analogy, the

55 [14]

petitioners are also entitled for their appointment as they are at par with the appointed candidates named above.

5. On the other hand, learned A.A.G., appearing on behalf of the respondents, contended that all the appointments were made in accordance with law and policy of the Government and no discrimination, whatsoever, has been committed on behalf of the respondents.

6. Arguments heard and record perused. 7. Perusal of the available record shows that the main issue prevailing in the instant cases is that of credence of the certificates obtained by the petitioners from Sindh, but the issue has already been decided by this Court vide the judgment *ibid*, wherein certificates issued from the recognized institutions of Sindh and Khyber Pakhtunkhwa have been given the same status and discrimination between the same has been condemned. Relevant para of the judgment *ibid* is reproduced as under:-

100mm

"In the present case, the D.M certificate qualify from all corners as genuine certificate issued by the recognized institution, which was the requirement of the recruitment policy as mentioned above. We have gone through the merit list which clearly indicates that the

3W.P. Hu. 143-60/2011 Aliun Khen Va. EDO & e

petitioners have been deprived on lame excuse on the ground of delaying tactics regarding the verification of D.M. certificates obtained by the petitioners. It was also pointed out that in subsequent respondents appointment had also appointed other candidates who had obtained D.M certificates from the same institutions whereas, petitioners have been deprived though they have also qualified from the same institutions, hence *act* of respondents is discriminatory and is utter violation of Article 25 of the Constitution. Instead 01 petitioners who were at better pedestal in the merit list, the other candidates who were below at the merit list as compared to the petitioners have been appointed which apparently shows mala fide on the part of respondents. After thrashing the entire record, we have come to the conclusion that petitioners have wrongly been deprived for appointment against the posts of D.M. which requires interference by this Court."

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The issue has also been resolved though a judgment delivered by Abbotabad Bench of this Court reported in <u>NLR 2001 Service 14 (Babar</u> <u>Elahi & others Vs. The Director of Education and</u> <u>others</u>) whereby it has been held that the preferential treatment to the certificates issued by the Government of Khyber Pakhtunkhwa vis-à-vis those issued by other institutions of the country was

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discriminatory and hence violative of Article 25 of the Constitution of the Islamic Republic of Pakistan. Record reveals that certificates of the petitioners have duly been verified by the institutions concerned and only on the pretext of verification, their appointment was withheld by the respondents. Moreover, it was also pointed out that in the subsequent processes of recruitment, candidates qualified from the same institutions of Sindh were appointed, therefore, in case of the petitioners too, discrimination on the part of the respondents is apparent as the petitioners ought to have been appointed on the basis of parity with the other appointed candidates.

 $\widehat{\mathcal{M}}_{-}$

8. Perusal of the record also reveals that the petitioners were on the top of the merit list prepared by the respondents and verification has been carried out in respect of the credentials of the petitioners from the concerned quarter of the Sindh Government, therefore, in view of the judgments of the superior Courts, they are entitled to be appointed against the posts of D.M.

9. For what has been discussed above, all the three writ petitions are allowed and the respondents are directed to appoint the petitioners

I Alam Kiton Va EDO & et

against the posts applied for by the petitioners from 26.2.2011 without any financial back benefits, except petitioner Khan Zeb who has already been appointed. They are further directed to prepare a joint seniority list in this regard according to law, rules and procedure.

Announced. Dt: 12.2.2015.

ah

JUDGE

HODGE

Ctc M_

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Amx

OFFICE OF THE DISTRICT EDUCATION OFFICER MALE DISTRICT BUNER PH & Fax No. 0939-510468 Email: edobunen@gmail.com

OFFICE ORDER

In compliance with the judgment of the Honorable High Court (Darul-Qazu) Mingora Bench Swat dated 22-10-2018 in COC No 39-m/2018 in writ petition 409/2012 & war petition no 531/2012 & in the competent authority is pleased to revise the issuance dated

of appointment orders issued vide no.9025-32 dated 2/12/2015 & Endst; No.710-18 dated

27/2/2016 & consider the seniority of the petitioners w.c from 26-02-2011.

(BAICHT ZADA) DISTRICT EDUCATION OFFICER MALEBUNER

DISTRUCTIEDOCATION

ATTE

Endst: No 6211-13 / Estab; (M) Secij; Dated 12 / 12 /2018. Copy forwarded for information and necessary action to the: Additional Registrar Peshawar High Court Mingora Bench Danul Qaza Swat

Director Elementary & Secondary Education ICNCResliaway OfficialConcerne

WE THE KHYBER PAKHTUNKHWA SERVICES TRHUNAL PESHAWAR

Service Appeal No. 40 12014

GUL RASOOL KHAN S/O ABDUL TAWAB KHAN DM. GHS, BAGH, DISTRICT BUNER

ગ્લાત APPELLANT

VERSUS

DISTRICT EDUCATION OFFICER (MALE) BUNER

2. DISTRICT COORDINATION OFFICER, BUNER

DIRECTOR (SCHOOL & LITERACY) KHYBER PAKHTUNICHWA. PESHAWAR SECRETARY FINANCE, GOVT OF KHYBER PAKHTUNICHWA. PESHAWAR RESPONDENTS

Appeal under Section 4 of the Klipber Pakhtunkhwa Service Teibural Act. 1974 for grant of Arrears and Schiority to the appellant from the date of application Le. 22/08/2007 for the post or alternatively from the date of decision of the Hon'ble Peshawar High Court: Peshawar dated June 28, 2012 till June 19, 2013

90/14-

07:11.2016

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3.

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Counsel for the appellant and Mr. Muhammad Zubalr. Sentor:Government Plender alongwith Mr. Fayazud Din, ADO for respondents present: Arguments heard: Record perused.

Vide: our detailed: judgment of to-day, placed in connected service appeal Nor 51/2014, billed Khaista Rahman versus District-Education Officer (Male) Dir Lower and Satothersimthis appeal is also racepted as per detailed judgments Parties are left to bear their own costs Filesbe econsigned to the record room

22. Append No. 87/2014, Shahid Mahmunod,
28. Append No. 88/2014, Iteroni Unint,
29. Append No. 89/2014, Hatiz 10 Hay,
30. Append No. 90/2014, Gui Rascoi Khan,
Versüs District Education Officer(Mate) Dir Lower, & Fothers.

<u>IUDOMENT</u>

07.11.2016

か

. MUHAMMAD AZIM KHAN APRIDI, CHAIRMAN-

Counsel for the appellant and Mr. Muhammad Zubair, Senior Government Pleader alongwith Mr. Reyazud Din, ADO for respondents present.

2 This judgment shall dispose of the instant service appeals No. 51/2014 as well as connected service appeals No. 52/2014 to 73/2014 and service appeals. No: 84/2014 to 90/2014 as identical questions of facts and law are involved therein.

3. Brief facts of the afore-stated cases are that the appellants were declined appointments against posts advertised by the respondents constraining them to prefer. Writ Bellilons Nov 1896, 2093; of 2007, 294 of 2008, 3402; of 2009, 3620 and 4378; of 2010; 159/and 2288; of 2011 before)the/august Peshawar High Court, Mingora Bench (Dar-ul-Qaza) Swat which were allowed vide worthy judgment dated 28:06:2012 and

respondents were directed to appoint the appollants against the said posts: The said worthy Judgment of the Honble) High Court/was challenged vbefore the august Supreme: Courte of Pakistan in Civil Petitions No.456:P. of 2012-7/PLto 2112P of 2013 and 192P & 20-P of 2013 The said appeals over dismissed vide worthy Judgment of the apex court dated 2106:2013 as the appellants over appointed and the 29, Appeal Ro, 80(2014, Hafiz III Hug, 30, Appeal No. 90/2014, Cut Rasool Khun, Versus Disider Education Officer(Jointe) Dir Lower & 3 others.

<u>III))GNIENT</u>

07.11.2016

Viouni,

MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:-

Counsel for the appellant and Mr. Muhammad Zubair, Senior Government, Pleader alongwith Mr. Fayazud Din, ADO for respondents present.

2. This judgment shall dispose of the instant service appeals No. 51/2014 as well as connected service appeals No. 52/2014 to 73/2014 and service appeals No. 84/2014 to 90/2014 as identical questions of facts and law are involved therein.

3. Brief facts of the arore-stated cases are that the appellants were declined appointments against posts advertised by the respondents constraining them to prefer Writ Petitions No. 1896, 2093 of 2007, 294 of 2008, 3402 of 2009, 3620 and 4378 of 2010, 159 and 2288 of 2011 before the august Peshawar High Court, Mingora Bench (Dar-ul-Qaza) Swat which were allowed vide worthy judgment dated 28.06.2012 and respondents were directed to appoint the appellants against the said posts, The said worthy Judgment of the Hon'ble High Court was ichallenged, before the august Supreme Court of Pakistan In Civil Petitions No. 456-P. of 2012, 7-P. to 11-P. of 2013 and 19-P.& 20-P. of 2013. The said appeals were dismissed vide worthy judgment of the

CIL. Re-

apex court dated 21.06.2013 as the appollants were appointed and thuir

Pakistan. There after Review Petitionic wave preferred by certain petitioners in the salid Writ Petitions before the Peshawar High Court, Mingora Bench (Dar-nl-Quza) Swat which was allowed vide worthy judgment dated 22,10,2013 and the petitioners seeking relief were allowed to be considered as appointees from the dates when other candidates were appointed, without any financial benefits.

4. Learned counsel for the appellants has argued that the appellants are also entitled to similar treatment as extended to similarly placed employees by the Honble High Court in Review Petition No. 7-M/2012 in Writ Petition No. 3620/2012(D).

5. In support of his stance he placed reliance on case-laws reported as 2009-SCMR-1 (Supreme Court of Pakiston), 1998-SCMR-2472 (Supreme Court of Pakiston) and 1999-SCMR-988 (Supreme Court of Pakistan):

6. Learned Senior Government Pleader has argued that the appellants are not entitled to the relief claimed as they have not preferred any Review Petition against the judgment and appointment orders before the Hon'ble High Court.

(ED)

7. We have heard arguments of learned counsel for the parties and perused the record

8 The august Supreme Court of Rakistant in the reported cases referred to above, had fuled that if a Tribunal for the Supreme Court decides a point of law relating to the terms and conditions of a civil

servant who litigated, and there were other civil servants, who may not have taken any legal proceedings, in such a case, the dictates of justice Î. and rule of good governance demand that the benefit of the suid decision be extended to other civil servants also, who may, not be parties to that litigation, instead of compelling them to approach the Tribunal or any other legal forum, Though the appellants have not preferred any review petition 9 before the Honble High Court build view of the case laws as discussed above, appellants are entitled to the benefits of the decision of the Honible High Court as they are similarly placed of villservants. In-view of the doore, we hold that the appellants are callled to-10 ibe considered as appointees with effect from the dates when other Similarly placed candidates were appointed. The appellants would however nothe entilled to any financial back benefits. The respondentdepartment is to prepare-their seniority list according to rules. The appeals are accepted in the above terms (leaving the parties to beautheir own costs Hile be consigned to the record roum. Chuiman ATHOUNG TO TC 7.6/15 uningÉDia

حطركسف المجوكشين أبخ جناب عالى . حرف محطية عراد لعجيع ميناري فمر مرجعان مجرار من منده کی DM لومت بر تحییناتی ۱۱ه 2-2- ایج الوفى على - 10: 10 - 31 - 10 في مرك دفية سي جارى شره MA مسينا رمي لمع مين منده كاسيناري عمر 28 كما. جمكم المسلولة محل المول خان العرب منده كاسيناري عمر 28 كما. جمكم المسلولة 14 تحيا-المكن مدهد-3-25 كو (DEO (M) DEO لونير ك دفستر سے جارى شر O MA مسيلم مع مي منده كا مسيل من غرا8 جدكم ارتشادعلى ال لعرب زاده عميناری بر 79،78 اور 80 اور 80 اور 19:00 اور 19:00 اور 19:00 اور 19:00 اور 10:00 اور فراكم مذكوره بالالخلطى كى لقمير كاحكات صمادر واحن الحرسية ماحي في المحرب كل ولحتابين سيسم امترعلی ۵۸ كور من المرابي ليرشين مستمض ٥٢٥ - ٥٩ ٥- 21

Anx H الخدمة وزب 020 ماليه () () Cours . مود باشان من تيجاتي ميركود مدر مد الكويش آفس من 202،20 01.02 و F. F. P.M. Caner + 1. ممين سباد المانية ووما ويدمته الشامت س سينيا مركي مت تشديقي مت شد دا معارز دشامي سي. -1 (G) SDM TO SST (G) د التربية أن الايار أن المنا المالي الم -2 DM به SS Post KPPSC بالمحكى من أراستان المراجع _3 ت، مست من محمد المسلم المس _4 - 2023/1 - 2013 -5 した SDM to SST (G) こう Did to SDM に SDM to SST (G) こう -6 بَهْدوا ب ساحيان ستام ومركم عباق سيك وشد جدوالا تا متدلومد شرو شلت وويد عنو الى تد مدون اللك المالكات ومدسل المركس المرتب المتاحيات والمرتم وتياك (te AT STORE STORE AS DIM R. مين قبق بي 0345-9416938 -1.7 مكرتري والتلاقل ن مەنبىر شرى بىلىد دەم يبغ ينسبني

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Sen orit No	TEACHER NAME	FATHER NAME	NAME OF SCHOOL		Design	ŀ	ÁCAD	PROFESSIONI L QUALIF;		0.0.8	DATE OF 1ST APPT: IN EDUCATION	DATE OF APPT: AGAINST THE PRESENT POST as DM		Score	Remarks
	TAJ MOHAMMAD	YASEEN	GMS GUMBAT	Buner	DM	15	SSC	DM	NIL	01-01-1965	28-02-1983	28-02-1983	05-03-1983		
2	SHER MUHAMMAD	MOHAMMAD RASHAD	GHS MARADU	Buner	ОM	15	SSC	DM	NIL	20-05-1964	14-01-1982	14-01-1982	27-03-1983	<u> </u>	
3	AFSAR ALI KHAN	SHAWAR KHAN	GHS DHERAI	Buner	SDM	16	BA	DM	3RD	12-01-1965	23-05-1990	25-12-1993	28-12-1993	<u> </u>	<u>†</u>
4	AMIN KHAN	AKBAR KHAN	GH55 GADEZI	Buner	SDM	16	BA	DM .	ZND	01-04-1969	10-05-1992	25-05-1996	25-05-1996	<u> </u>	
5	SHAMOON	HAKEEM KHAN	GHS INZAR MAIRA	Buner'	5DM	15	BA	DM	2ND	14-08-1967	13-02-1997	13-02-1997	25-02-1997	<u> </u>	<u> </u>
<u>'6</u>	WAIID ZAMAN	GHARIB KHAN	GMS TOTALAI	Buner	DM	15	FA	DM	NIL	10-01-1975	26-02-1997	25-02-1997	. 27-02-1997	Less Quali+	Leminate
7	Shad Mohd Khan	Muhammad Khan	GHS BAZARGAY	Buner	SDM	16	. 8A	DM	2ND	03-09-1968	13-02-1997	12-03-1997	12-03-1997	Contraction of the second	
-	DAULAT MAND	KARIMULLAH	GHS GIRARAI	Buner	SDM	16	MA	MED	2ND	20-05-1972	08-03-1996	13-02-1997	22-08-1997		·
9		SAID HAKAM SHAH	GHS NAWAGAI	Buner	SDM	16	BA BED	.DM .	2ND	15-01-1967	13-03-1995	15/11/197	15-11-1997	Bed from . Aðdhair	Not Eligible
10	MOHAMMAD JAVED	SAIDA GUL	GHSS NOGRAM	Buner	SDM	16	BA	DM .	ZND	15-03-1974	01-01-1998	01-01-1998	01-03-1998	, reenaal	
11	BAKHT RAHMAN	SAIFUR RAHMAN	GHS BAGRA	Buner	SOM	16	6A	DM	2ND	14-04-1974	28-04-1999	28-04-1999	29-04-1999	· .	
12	MUHAMMAD KARIM	ABDUL KHALIQ	GHS ANGHAPUR	Buner	SDM	16	MA	MED	2ND	18-10-1976	28-04-1999	28-04-1999	01-05-1999		
13	HAZRAT KAMAL	SYED AKBAR	GHS MANGAL THANA	Buner	SDM	15	BA	DM	ZND	01-01-1969	05-11-1994	11-05-1999			
14	MUHAMMAD NAWAB	Ghulam Muhmad	GHS KATKALA	Buner	SDM	16	MA	, SED	ZND	15-09-1970	06-11-1994	11-05-1999	11-05-1999		
15	BAKHT ZAMAN KHAN	SAID GHANI	GHS DAGGAR NO.2	Buner	SDM/	16	MA	95D	2ND	19-04-1971	06-11-1994		11-05-1999		
16	SHAH HASSAN KHAŃ	Amir Mohd Khan	GHS NANSER	Buner	SDM	16	BA	DM	ZND	01-04-1964		11-05-1999	11-05-1999	_	
17	SHARIFUDDIN:	SHAMSHI KHAN	GHS MARADU	Buner	SDM	15	FA				30-08-1995	25-04-2000	25-04-2000		<u> </u>
18	BAKHT KARAM	AFARIN	GHS GULBANDI					-	NIL	02-03-1968	16-04-1995	25-04-2000	25-04-2000		·
19			• •	Suner.	SDM	16	BA	DM	2ND	13-04-1968	01-10-1995	25-04-2000	25-04-2000		
			GHS KALA KHELA	Buner	SDM	16	MA	DM	ZND	02-05-1972	01-10-1995	24-04-2000	25-04-2000		·
			GHS TANGORA	Buner	SDM	16	BA	DM	2ND	01-01-1973	20-12-1994	25-04-2000	25-04-2000	· · ·	
			GHSS CHINGLAI	Buner	SDM	16	BA	BED	ZND	01-03-1973	08-06-1998	25-04-2000	25-04-2000		· · .
		SAHIB RASOOL	GM <u>S NAWAGAI</u>	Buner	DM	15	FA	DM	NIL	05-02-1974	09-02-1995	25-04-2000	25-04-2000	Less Qualificatio	Less
23	FAZLI AHAO	TOTIA NOSH	GHS CHANAR	Buner	SDM	16	MA	MED	ZND	05-03-1977	17-09-1995	25-04-2000	25-04-2000		- uanincan
<u>24</u>	SHEREEN ZADA	ANDI PAN	GHS SOWARAI	Buner	SDM	16	BA	DM	ZND	01-01-1968	08-05-1998	31-03-2002	31-03-2002		
25	AMIR BAHADAR	LI SAFDAR	GH5 KAWGA	Buner	SDM	16	BA		3RD	01-03-1958					
·		•.				<u> </u>				01 03-1200	08-06-1998	31-03-2002	31-03-2002		

OFFICE OF THE DISTRICT EDUCATION OFFICER MALE FINAL SENIORITY LIST OF SDM & D.M (MALE) TEACHERS STOOD ON 30-04-20

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	ority No 26		FATHER NAME	NAME OF SCHOOL	Domicile	Design	: 8PS	ACAD EMIC QUALIF:	PROFESSION/ L QUALIF:	A B.A DIV	0.O.B	DATE OF 15T APPT: IN EDUCATION	DATE OF APPT: AGAINST THE PRESENT POST as DM	DATE OF REGULAR APPT: AGAINST THE PRESENT POST	Score	Remarks
┢		JEHAN ZEB	MIR DAD KHAN	GHS DEWANA BABA	Buner	SDM	16	BA '	DM	3RD	01-03-1969	08-06-1998	31-03-2002	31-03-2002	· .	
ŀ		KHAISTA GUL	BACHA GUL	GHS ASHARAY	Buner	SDM	16	BA	DM	NIL	03-05-1974	20-04-1999	10-07-2002	11-07-2002		
┝		KAMAL HUSSAIN	MUHAMMAD HASSAN	GHS DAGAI	Buner	SDM	16	MA	BED	2ND	29-01-1975	20-04-1999	11-05-2002	11-07-2002		<u> </u>
-	29	GHULAM AKBAR	DURRANAL	GHSS GHURGSHTO	Buner	5DM	16	"'MA	BED	2ND	19-03-1975	01-08-1996	10-07-2002	11-07-2002	· · ·	
÷	<u>0E</u>	FAZLUR RAHMAN	FAZURABBI	GHSS CHINGLAI	Вилег	SDM	16	MA	BED	2ND	06-11-1975	28-08-1997	10-07-2002	11-07-2002		· · · ·
` -	31 -	WALI MUHAMMAD	ZARIN	GHSS NAGRAI	Buner	5DM 1	16	BA	DM ·	ZND	01-09-1972	01-03-2004	· · · ·		·	
	32	HAKEEM ZADA	SHER ZADA	GH55 GAGRA	Buner	SDM	16	MA	BED	ŻND	07-04-1973	28-02-2004	01-03-2004	01-03-2004		
	33	MUHAMMAD AKRAM KHAN	AMIR ZADA	GHS BAMPOKHA	Buner	SDM	16	MA	BED	ZND	15-08-1974		28-02-2004	01-03-2004		
	34]	EHANGIR KHAN	MOHAMMAD SHERIN	GHS DOKADA	Buner	5DM	16	MA	MED	ZND		01-03-2004	01-03-2004	01-03-2004		
Ĺ	35 F	ASHID IQBAL MUHSIN	ABDUR RAHMAN	GHS JOWAR	Buner	SDM	16	BA	DM	P	15-02-1975	31-07-2003	31-07-2003	01-03-2004		
L	36 F	AHAM AKBAR	TAJ MALOOK KHAN	GH5 NAWAGAI	Buner	SDM	16	MA		2ND	10-03-1975	28-02-2004	28-02-2004	01-03-2004		
	37 F	AZLI MUNIR	FAZU HADI	GHS AMBELA	Buner	SDM	16		DM	ZND	15-03-1975	28-02-2004	28-02-2004	01-03-2004		
	18 K	AMIL KHAN	AWAL KHAN	GMS MATWANI				MA	BED	ZND	05-04-1975	31-07-2003	31-07-2003	.01-03-2004		
	19 A		SHARIFULLAH	GM5 KALAIL	Buner	SDM	16	BA	DM	2ND	06-05-1975	28-02-2004	28-02-2004	01-03-2004		
	οт	AIRALI KHAN		GMS KULYARAI	Buner	SDM	16	MA	BED	2ND	10-06-1975	21-12-1999	21-12-1999	01-03-2004		·
. 4	1 G	UL ROSH Khan	AMIR AKBAR KHAN		Buner	SDM	16	BA	DM	2ND	01-04-1976	28-02-2004	28-02-2004	01-03-2004	· '	
4			JAMIÜLLAH	GHSS AMNAWAR	Buner	SDM	16	MA	BED .	2ND	13-04-1976	01-03-2004	01-03-2004	01-03-2004		
1.				GMS MIRZAKAY	Buner	SDM	16	MA	DM	ZND	01-06-1976	28-02-2004	28-02-2004	01-03-2004		· .
4				GMS Sherghasay	Buner	SDM	16	BA	BED	ZND	21-01-1977	28-02-2004	28-02-2004	01-03-2004	• • • •]
4			AKBAR HUSSAIN	GHSS Khararai	Buner	5DM	16	MA	MED	15T	29-01-1977	31-07-2003	31-07-2003	01-03-2004		
4			HUNAR SAID	GHS MATWANAI	Buner	SDM	16	MA	MED	ZND	01-04-1977	28-02-2004	28-02-2004	01-03-2004		
				GHSS JANGAI	Buner	SDM.	16.	BA	BED	ZND	19-04-1978	Ź8-02-2004	28-02-2004	01-03-2004		· ·
4				GHS KULYARAI	Buner	SDM	16	MA	BED 1	ŻND	03-06-1978	31-07-2003	31-07-2003	01-03-2004	·	
48	+-			GHSS NAGRAI	Buner .	SDM.	16	MA	NIL	ZND	02-02-1977	28-02-2004	28-02-2004	05-03-2004		
49			PATTAN KHAN	GHS BAZARKOT	Buner	SDM	16	₿A ·	DM	ZND	01-11-1969	20-11-2006	20-11-2006	20-11-2005	- 1	
50	i Isu	BHANULLAH	HAHRAWAN	GMS ALAMI BANDA	Buner	SDM	16	BA	DM ;	2ND	01-04-1967	20-11-2005	20-11-2006	21-11-2006		

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ari Ni	TEACHER NAME	FATHER NAME	NAME OF SCHOOL	Domicile	Design	: BPS	ACAD EMIC QUALIF:	PROFESSION L QUALIF:	A 5,A	1 008	DATE OF 1ST APPT: IN EDUCATION	DATE OF APPT: AGAINST THE PRESENT POST as DM	DATE OF REGULAR APP AGAINST THE PRESENT POST	Score	Remarke
51	L AMIR ZEB	ALAM ZEB	GHS Elal	Buner	SDM	16	MA	M.Ed /DN	A 2NC	01-03-1975	21-11-2006	21-11-2005	1		+
: 52		ABDUL JALIL	GMS Gokand	Buner	DM	15	BA	DM	2NC		20-10-2006	20-10-2005	21-11-2005	B.A from	· • ·
53	FAQIR MUHAMMAD	PIR MUHAMMAD	GHS KHARARAI	Buner	SDM	16	MA	BED / BS	S 3RD		····		21-11-2006	Al Khiar	
54	SHAHI ROKHAN	KHULA KHAN	GHS KULYARA	Buner	SDM	15	MA	BED	2ND		21-11-2006	21-11-2006	21-11-2006	·	<u> </u>
55	ALI GHANI	SULTAN GHANI	GHS BAGRA	Buner	SDM	16	MĀ	BED	2ND		· L · · .	21-11-2006	21-11-2006	<u> </u>	
56	GHAFOOR GUL	AMIR AHMAD GUL	GM5 KOWGA	Buner	SDM	15	MA	DM	151	04-04-1975	. 20-11-2006	22-11-2006	22-11-2006		<u> </u>
57	Muhammad Javid	Shamsul Zuha	GMS Dab Serai	Buner	SDM	15	B.A	- DM	- <u></u>		20-11-2005	20-11-2006	23-11-2006	·	
58	AMIR NAWAZ KHAN	SHERABAZ KHAN	GHS CHINGLAI	Buner	SDM	16			2nd	12-02-1974.	20-11-2005	20-11-2006	23-11-2006		· .
59	ZIANUL AKBAR	ABDUL AKBAR	GHSS Khanano Deral				BA	DM	ZND	01-05-1973	29-12-2004	20-11-2006	01-12-2007	1	<u> </u>
60	NASIM SHAH	SAID KALAM SHAH	GHS DHERAI	' Buner	SDM	16	MA	BED	2ND	20-03-1975	27-10-1998	30-06-2009	01-08-2009	ļ	<u> </u>
61	HAZRAT HAMAD	ALI HAMAD	GMS MULAYOUSAF	Buner	SDM	16	FA	DM	NIL	10-03-1976	30-06-2009	30-06-2009	30-06-2009		
62	SHER AKBAR KHAN	MUKARAM KHAN		Buner	SDM		M.A B.Ed	0M	NIL	04-01-1976	30-06-2009	30-06-2009	30-06-2009		1 A
63	MUKAMILSHAH	DAWOOD SHAH	GH5 KARAPA	Buner	SDM	16	BA	DM	2ND	27-07-1976	30-06-2009	01-08-2009	01-08-2009		
64	DAMAR ALI KHAN		GMS ELAI	Buner	SDM	16	MA	BED	2ND	31-07-1977	01-08-1996	30-06-2009	01-08-2009		• •
65	KHALID REHMAN	ZARB JAMIL KHAN	GMS SHER ALI	Buner	DM	15	FA	DM	NIL	11-02-1978	30-06-2009	30-06-2009	01-08-2009		Less Qual
	· · · ·	AZIZUR REHMAN	GHS SWARI	Buner	5DM	16	5 BA	DM	3RD	11-03-1979	. 30-06-2009 ·	01-08-2009	01-08-2009		·
66	SYED NAZIAUL MULK	SYED SAYAF	GMS JICA AGARAI	Buner	SDM	16	. BA	DM	2ND	16-03-1979	30-06-2009	30-06-2009	01-08-2009	. •	
67	SHAH JAHAN	ABOUR RAHMAN	GHSS AGARAI	Buner	5DM	16	MA	MED	2ND	10-04-1982	30-05-2009	30-05-2009	01-08-2009	÷	
68	BAHAR ALI	Saiful Malok Shah	GMS SURA	Buner	SDM	16	BA	DM	ZND	20-04-1982	30-06-2009	30-06-2009	01-08-2009		<u>├</u>]
69	ZAMIN KHAN	ROZI	GMS LEGANAI	Buner	SDM	16	BA '	DM	2ND	04-03-1986	01-08-2009	30-05-2009	01-08-2009		-
70	NAIK ZADA	ABDUL HAMID	GMS KINGER GALI	Buner	DM .	15	FA	DM	NIL	08-04-1978	30-06-2009	30-06-2009		· · · ·	
71	ARSHAD ALI	SARØAR ALI	GMS Jangdara K.K	Buner	DM	15	BA	DM.	ZND	10-01-1982	30-06-2009	30-06-2009	25-08-2009 01-09-2009		Alkhair 8A
72	MATIUR RAHMAN	TOORABAZ KHAN	GMS REGA	Buner	DM	15	BA	DM	NIL	11-05-1982	20-12-2010	20-12-2010			
- 73	Sherin Zada	Bahram Sald	GMS Miana Kawga	Buner	DM	15	B.A	Bed/DM	2nd	10-03-76	20-6-2013		24-12-2010	<u></u>	
74	Gul Rasool Khan	Abdul Tawab Khan	GMS Kalakhela	Вилег		15	MA	Bed	Znd	08-01-84		20-06-2013	24-02-2011	as per court judgment	court jurgmeni
75	ASHBAR ALI	FARAS SHAH	GHS Matwanal	Buner		15	MA		2ND	01-01-1985	20-06-2013	20-06-2013	30-06-2011		requira??
			······································						2.10	01-01-1202	24-02-2011	24-02-2011	24-02-2011		<u> </u>

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-	ority Na	TEACHER NAME	FATHER NAME	NAME OF SCHOOL	Domicile	Design	BPS	ACAD EMIC QUAUF:	PROFESSION/ L CIVAUF:	B.A DIV	D.O.B	DATE OF 1ST APPT: IN EDUCATION	DATE OF APPT: AGAINST THE PRESENT POST as DM	DATE OF REGULAR APPT AGAINST THE PRESENT POST	Score	Remarks
ł			MIR SALAM KHAN	GMS Makhranai	Buner	. DM	15	MA	DM	lst.	10-01-1986	20-12-2010	24-02-2011	24-02-2011		<u>├</u> ───┤
·		NOOR RAHIM	SAID RAHIM	GHSS GADEZI	Buner	DM	15	BA	DM	ZND	01-03-1986	24-02-2011	24-02-2011	24-02-2011		<u> </u>
		TAJ AKBAR	Tal Malook Khan	GMS Kankowal	Buner	DM	15	BA	DM	ZND	10-03-1989	24-02-2011	24-02-2011	.24-02-2011	 	<u> </u>
		Said farin Khan	Nat Knan	GM5 Alami Banda	Buner	ĎМ	15	FA	DM	Nil	27-06-1973	02-12-15	27-02-2016		Court	
· -	90	Alam Khan	Dilawar Shah	GMS Bakht Maira	Buner	DM	15	FA	DM	Nil	08-01-73	02-12-15		26/02/2011	Judgment	CJ requi??
Ļ	81	Muhammad Tahir	SHER ZADA	GH5 Pander	Buner	DM	15	МА	DM	2nd		,	27-02-2016	26/02/2011	<u> </u>	
-	82	Haider All	Shaiber Khan	GMS Banda	Buner	DM	15	BA	DM	Nit	04-04-81	02-12-15	27-02-2016	26/02/2011	Entry Made	
	83	Muhammad Ghafoor	Abdul Hag	GMS Hisar Tangay	Buner						02-10-86	02-12-15	27-02-2016	26/02/2011		
	84	avid shah	Mohabat Shah	GMS Bambalai		DM	15	BA	DM	Nii	29-01-1976	02-12-15	27-02-2016	26/02/2011	· · · ·	<u></u>
	85 5	iher Zamin khan	Dunya Khan	GMS Ramzal	Buner	0M	15	BA	DM	· 3rd	20-05-1977	02-12-15	27-02-2016	26/02/2011		
٠ſ	86 N	Muhammad Ayaz	Karim Bakhash		Buner	DM	15	BA	DM	Znd	12-12-79	02-12-15	27-02-2015	26/02/2011		
			Muhammad Rafle	GMS Palwari	Charsada	DM	15	MA	MED '	2nd	03-09-79	05-12-05	05-12-05	11-01-12	•	Transfer from other dwg
F			Bahram Saved	GMS Jangdara TSK	Buner .	DM	15	MA	MED	2nd	01-03-85	16 May, 2014	27/11/2015	7-Mar-2018	106.85	
	<u> </u>		Zarin Gul	GH5 Rega	Buner	DM	15		·		11-09-87	27/11/2015	27/11/2015	7-Mar-2018	105.68	
	╌┼╴		· · · · · · · · · · · · · · · · · · ·	GMS Panghalay	Buner	DM	15				16/01/1986	27/11/2015	27/11/2015	7-Mar-2018	102.35	
	1/		Sham Su Tahir	GMS Malakpur	Buner	DM	15				02-10-82	27/11/2015	27/11/2015	7-Mar-2018	100.18	
			Lutfur Rahman	GMS Mugh Dara	Buner	DM.	25				15/03/1990	27/11/2015	27/11/2015	7-Mar-2018	98	
			Bakht Shald Rasool	GMS Malka	Buner	DM	15			T	20/01/1989	27/11/2015	27/11/2015	7-Mar-2018	95.46	<u> </u>
	. .		Gul Khayas	GCMHS Daggar	Buner	DM	15			: •	03-05-88	27/11/2015	27/11/2015	7-Mar-2018	94.8	<u> </u>
. - <u>a</u>	4 A		Fazal Mir	GH5 Nogram	Buner	DM	15				05-01-83	27/11/2015	27/11/2015		94.17	·
9	5 Ta	riq Ahmad C	Gul Zada	GMS Langaw	Buner	DM	15				04-10-83	27/11/2015		7-Mar-2018	93.21	<u> </u>
9	6 Fa	zli Amin 5	ihah Said	GMS No.1 Rega	Buner	DM.	15	• .			01-12-85	27/11/2015	27/11/2015	7-Mar-2018	·	
9	7 <u>s</u> h	ah Hussain R	lahim Gul	GHS Cheena	Buner	DM	15	1			04-01-81		27/11/2015	7-Mar-2018	92.25	
9	8 Au	rang Shah S	ialeh Shah	GMS Miana Kadal	Buner		15	-		÷	01-01-87	27/11/2015	27/11/2015	7-Mar-2018	91.88	
9	9 An	war Said B	lakht Said	GMS Bhaikalay	Buner		15					27/11/2015	27/11/2015	7-Mar-2018	91.87	··· ·
10	0 Ak	par Ali H	lakimullah 🔹	GMS Jaba Amazi	Buner		is				04-03-81	27/11/2015		7-Mar-2018	90.58	
	· · ,			· · · · ·			<u></u>	<u> </u>	<u> </u>		02-10-88	27/11/2015	27/11/2015	7-Mar-2018	87.79	

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ority No	TEACHER NAME	FATHER NAME	NAME OF SCHOO	L Domi	cile Desi	3n: 8P		- L	B.	1 000	DATE OF 15T APPT: I EDUCATION	N AGAINST THE	REGULAR AP		Remark	<u>`</u>
	Bakht Said	Abdul Amin	GMS Kuzajamra	Bune	er DN	15	1	-	1	15/04/4000		as DM .	PRESENT PO			_
1.		Sher Said	GMS Sher Ali	Bune	r DN	15		+	+	15/04/1989			7-Mar-201	9 87.67		-
	Rehman Zeb	Nasib Rahman	GMS Dabseral	Bune	r DM		<u>├</u> ──-	+	╈	02-04-88	27/11/2019		7-Mar-201	87.2		
1 1	Muhammad Tariq	Muhammad Ayaz	GMS Hall	Bune	r DM		<u> </u>	1	+	03-10-86	27/11/2015		7-Mar-2018	85.92	T	
	Muhammad Karim	Muhammad Hilai	GHSS Ghazi Kot	Bune	r om	-	<u> </u>		╀─	26/06/1988	27/11/2015		7-Mar-2018	83.73	T.	-
· 7	ishtiaq Ali	Ghaniullah	GMS Kingargali	Bune		+=	<u> </u>	╉╍────		.05-02-92	27/11/2015	27/11/2015	7-Mar-2018	78.1	Ţ	-
. –	Noor UI Islam	Gul Rahim	GMS Akhun Serai	Bunei	_	15	·	<u> </u>	┣	14/03/1988	27/11/2015	27/11/2015	7-Mar-2018	78		-
· . 1	Rahman Mahmood	Fagir Mahmood	GMS Chanal	Buner		15	1	<u> </u>		01-05-85	27/11/2015	27/11/2015	7-Mar-2018	77.67		
· – –	Quresh Khan	Amir Uddin	GMS Mulayousaf	Buner	-	15		┼───		27/04/1986	27/11/2015	27/11/2015	7-Mar-2018	76.97		1
110 F	Fazil Rehman	Mani Rahman	GMS Balo Khan	Buner		1	<u> </u>	┣────		14/03/1988	27/11/2015	27/11/2015	7-Mar-2018	76.94		1
111	hsanul Həq	Abdul Wahid	GHS Ghazikhanay	Buner	DM	15	<u>.</u>	<u> </u>		11-01-74	27/11/2015	27/11/2015	7-Mar-2018	. 76.27		1
112 5	ived Ullah	Bakht Zarin Shah	GMS Bazarkot	Buner	+	15		<u></u>	1	18/03/1986	27/11/2015	27/11/2015	7-Mar-2018	76		1
113 8	akhtaj Mehmood	Fagir Mahmood	GMS Kangalai	Buner		15		· · · · ·		15/01/1990	27/11/2015	27/11/2015	7-Mar-2018	73.08		ŀ
114 A	ziz Ul Hassan	Afzal Khan	GMS Dandikot	Buner	DM	15				18/03/1975	27/11/2015	.27/11/2015	7-Mar-2018	72.6		
15 Ja	az Ul Hag	Shamsul Qamar	GMS Shanai	Buner	DM	15			·	02-02-86	27/11/2015	27/11/2015	7-Mar-2018	71.17		i
16 NI	lzar Ali	Ghani Muhammad	GMS Kuz Shamnal	Buner	· DM	15			·	27/01/1990	27/11/2015	27/11/2015	7-Mar-2018	70.55	· · · · ·	
17 Ja	n Alí	Salarzay.	GH5S Batara	Buner	DM	15				03-01-91	27/11/2015	27/11/2015	7-Mar-2018	69		,
18 Ali	i Gul		GMS Ashezo Maira	Buner	DM	15				02-02-83	27/11/2015		7-Mar-2018	68.95		
19 Sa	eed Ur Rahman	1 A 2141	GHS Pander	8uner	DM 1	15	MA	B.Ed		01-05-79	27/11/2015		7-Mar-2018	58,3		
20 She	er Wadood	Abdul Wadood	GMS Chalandrai		DM.	15			·	04-07-89	27/11/2015	-	7-Mar-2018	68.3		
1 8al	kht Said		GM5 Shangra	Buner.	DM	15				03-10-89	27/11/2015	777 / /	7-Mar-2018	67.71		
2 Kha	an Nawab	Alardad State Lating		Buner	DM	15				18/03/1980	27/11/2015	22.6	7-Mar-2018	65.47		
3 Saic			SMS Karoral	Buner	DM	15				02-01-82	27-11-2018	27-11-2018		132.09		
4 Gul	Balanch 1		GHS Elaí	Buner	рм	25	·			22/03/1979	27-11-2018	27-11-2018			<u> </u>	•
			5MS Shargashay	Buner	<u>DM</u>	15.	<u> </u>		•	07-10-83	27-11-2018	27-11-2018	·	121.23		
			iHSS Batara	Buner.	DM .	15	 -	• • .	T	04-03.96	27-11-2018	27-11-2018	<u> </u>	110.86]	

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orii No		FATHER NAME	NAME OF SCHOO	L Domici	le Desig	in: 89	ACAD EMIC QUALIF:	PROFESSION L QUALIF:	A B.A DIV	1 DOB	DATE OF 1ST APPT: II EDUCATION	DOCCENT NOR	E REGULAR APP		Remar
	7 Haji Muhammad	Said Qamar	GHS Nawaƙalay	Buner	DM	15	i · · ·	<u> </u>	†	13/04/1985		as DM	PRESENT POST		
		Nazir Muhammad	GMS Wakil Abad	Buner	DM	15		 -		28/08/1982	27-11-2018	27-11-2018		102.85	
	Faiz Muhammad Khan`	Said Muhd Khan	GMS Bangiray	Buner	DM				<u> </u>	04-04-79	27-11-2018	27-11-2018		97.2	1.
	Muhammad Israr.	Gul Zarin Shah	GMS Wach Khuwar Kawg	Buner	DM						27-11-2018	27-11-2018		96.97	<u> </u>
	Abdus Salam	Shah Karim Khan	GMS Damnair	Buner	DM	15		[05-10-82	27-11-2018	27-11-2018		93.91	
	Abdul Satar	Abdul Manan	GHS Batal	Buner		15	-		*	04-03-82	27-11-2018	27-11-2018		- 92.54	<u> </u>
132	Syed Bahar	Syed Khushai	GMS Baimpur	Buner		15				02-04-79	27-11-201B	27-11-2018	T	87.85	
133	Nasib Zada	Amir Said	GHSS Bagh	Buner	DM	15			· ·	22/04/1991	27-11-2018	27-11-2018		86,63	
134	Nasib Zada	Yaqoob Khan	GHS Jaba Amazi.	Buner	DM	15				16/04/1988	27-11-2018	27-11-2018		85.08	
35	Muhammad Zaman	Sher Aman	GMS Batkanal.	Buner	DM	15	<u>.</u>			03-04-80	27-11-2018	27-11-2018	1	81.63	
36	SAID, SHAH	MALOOK	GMS SHALIZARA	Buner	DM	15				04-05-84	27-11-2018	27-11-2018	· · · · · · · · · · · · · · · · · · ·	80.68	·
37	AMJAD ALI	FAIZ RASAN	GHS TANGORA		DM	15		[12-Apr-1990	14-01-2019	14-01-2019	14-Jan-2019	145.66	
38	NOOR ZAMIN KHAN	MIR DAWAR KHAN	GMS BADAIR	Buner	DM	15				15-Feb-1989	14-01-2019	14-01-2019	14-Jan-2019	144,43	<u> </u>
19	MAAZ	BAKHTI GUL	GMS BARKALAY	Buner	DM	15				1-Dec-1992	14-01-2019	14-01-2019			
10	SAMIULLAH	HAJI USMAN GUL	GMS MULA BANDA	Buner	DM	15	·			3-Apr-1990	28-02-2019	28-02-2019	14-Jan-2019	139,30	
1	IAIDER ZAMAN	WAHID ZAMAN		Buner	DM.	15				1-Feb-1990	14-01-2019	· · · · ·	28-Feb-2015	138.96	
12	AYYAB AMIN	MOHAMMAD AMIN	GMS DURMAI	Buner	DM	15				1-Jan-1986 .	28-02-2019	14-01-2019	14-Jan-2019	134.97	<u> </u>
3 A	DIL ZADA	SHERIN ZADA	GMS KUZ KALAY	Buner	DM	15		·		1-Jan-1993.	28-02-2019	28-02-2019	28-Fe5-2019	130.66	·
4 IF	TIKHAR ALI	AFZAL KHAN	GMS GUJAR ABAD	Buner	DM	15		<u> </u>		17-Apr-1989	14-01-2019	28-02-2019	28-Feb-2019	129.66	
5 KI	HALID IOBAL	GHULAM HABIB	GMS QUORATULLAH GHARI	Buner	DM	15				8-Feb-1987		14-01-2019	14-Jan-2019	128,32	<u>. </u>
5 M	UHAMMAD JUNAID	FAZLI RASHID	GMS HISAR BABA	Buner	DM	15	·		-	20-May-1992	14-01-2019	14-01-2019	14-Jan-2019	127.98	
	JHAMMAD ZUBAIR		GMS DANDAR	Buner	DM	15				10 11- 1000	14-01-2019	14-01-2019	14-Jan-2019	127.36	
		MIR AKBAR	GMS LALOO	8uner	DM	15				1-Apr-1993	28-02-2019	28-02-2019	28-Feb-2019	127.25	
+-	HAMMAD ARIF	HAMID ULLAH	GMS KAS CHAGHARZI	Buner	DM 1	15					15-05-2019	15-05-2019	15-May-2019.	125.29	
+		SHAMSUL HADI	GHS MANDOW	Buner		5				7.Mar-1091	10-05-2019	10-05-2019	10-May-2019	125.18	
<u>l'ui</u>		ZARSHAD KHAN	GMS TOTALAI	Ruger -		5	··· · · ·				10-05-2019	10-05-2019	10-May-2019	125.12	
. '		· · · · · ·		i		-1				0-Mar-1991	01-03-2019	01-03-2019	1-Mar-2019	123.78	

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\	ITEACHER NAME	FATHER NAME,	NAME OF SCHOOL	Domicite	Design	: BPS	L EWIC	PROFESSIONA	10.0	D.Q.B	DATE OF	DATE OF APPT: AGAINST THE		T	-T
1	51 HAIDER ALI KHAN 52 NOOR NABI SHAH	BAKHT SHAD	GHSS DAKARA	Buner	. DM	+	QUAUF:	OUALIF:			1ST APPT: IN EDUCATION	PRESENT POST as DM		Score	Remar
· /	A ISY SHIEL	Use a state	GMS THEGARAY	8uner	DM	15 15	<u> </u>	<u>├</u>	<u>1</u> -	24-Mar-1992	10-05-2019	10-05-2019	PRESENT POST 10-May-2019		+- <u>:-</u>
	A BRILLARMANCE CONTRACT		GMS CHALANDRAI GHS LEGANAI	Buner	DM	15		<u> </u>		3-Jan-1987 24-Feb-1996	28-02-2019	28-02-2019	28-Feb-2019	t	†
r		LUUI MANAGE	GMS JICA AGARAI	Buner Buner	DM	15				5-May-1990	28-02-2019 22-05-2020	28-02-2019	28-Feb-2019	101.11	
	- Abdut A-t-	Bakht Zamin	GM5 Dab Seral	Buner	DM DM	15			[2-Mar-1989		22-06-2020 04-09-2020	22-Jun-2020	118.24 98.30	ļ
		Palana a l	GHSS Nogram	Buner		15 15	B.A B.A			20-Apr-1977	T		4-Sep-2020 23-Dec-2022	Promote	<u> </u>
15	Mifest	and a star	GHSS Torwarsak	Buner		15		B.Ed /DM		1-Feb-1985 2-Feb-1985			23-Dec-2022	Promote	
			GH5S Dokada	Buner	DM:	15		M.Ed/DM		10-Eab (007		· · · · · · · · · · · · · · · · · · ·	23-Dec-2022	Promote	
	CERTIFICATE	· · · · ·	(,		•						50-08-2009	23-Dec-2022	23-Dec-2022	Promate	,

CERTIFICATE

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Certified that this seniority list is final, undisputed and non Judicious.

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All the DM/SDM (M) Teachers working in District Buner are inclued in this seniority list.

ASSTT:DISTRICT EDUCTION OFFICER MALE BUNER

DISTRICT EDUCTION OFFICER MALE BUNER

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 i_1 .

إرابي يحيشو إميرماج بالمراب ورسكي مينان فرايباتي فرايباتي المنافي أربر كرافة وارتخ في جاتى بع مرج 2012 ماج و من تربيل ميارلاكم من م در مركن اجو كيس اجرار علي عليه البر ووباره دوم 40% و 1 جو کرد. آخیس سے نیا مینارش کی جاری ج (25/0/ (75/0) - 5 2 2 - 5 2 - (75/0) - (75/0) مركز الم مستى رول قال بو (المرا) مراجر (مراجر على مراجر مع مع مع 30/06/011 7. 19 19 19 20/06/013 8 20/06/013 3/19 19/ ولايع والمرينان في مان فاجري جنه بن (المريل مرو) 15 من المراج براي بي بي المرابي بي ماري من من دواكور مع المكي مربع بي كارم مني تد او ور في مياري ليس ميں كر رول خال منتجع رضا كماليع . في المربعانية مراكز أبن عاجان تحر ما في فرما تر سينا وقر 75/8/ Juin 2 4/ 1000 5 05 N 1217110.7 APPECE مسمل وماحال عالج بال مع العارج Is guter! 2 - 23 - 21 - 5HS DM - 523 3/-05-023

Anx

The District Education officer (M)

District Buner

Subject: Enquiry regarding seniority of DM cadre.

<u>Memo</u>: Reference subject cited above vide Endst. No 2793- 96 dated 10-06-2023, the committee went through appointment orders of petitioners and respondents merit and judgement of the court in the instant case and concluded the following facts.

FINDINGS:

1. The respondents were appointed as DM

(Annexture 1)

2. The petitioners were appointed through court judgement (Annexture 2)

3. The court ordered to appoint them but did not grant them seniority (attached)

4. The seniority is given on the bases of merit and date of issuance of appointment order in the rules.

<u>RECOMMENDATIONS</u>: Seniority may be given on the bases of issuance of appointment order as well as merit (Annexture 1) in the favour of respondents.

Chairman) SARTA!

M-

Principal GIIS Deviana Baba



GOVERNMENT OF KHYBER PAKIFTUNKHWA OFFICE OF THE DISTRICT EDUCATION OFFICER MALE BUNER

Phone & Fax No.0939-555(10 Email: goobaher agman.com

NOTHICATION

Consequent upon the applications submitted by various applicant against DM final Seniority issued by this office on 30-04-2023.

The Competent Authority is pleased to conduct an inquiry committee comprising the following officers to enquire into the case and submit its report within three days positively.

COMMUTEE MEMBERS

- 1. Mr. Sartaj Khan Principal GHS Dewana Baba. Buner (Chairman)
- 2. Mr. Abdus Salam SS (Pashto) GHSS Nawagai, Buner. (Member)

(IFTIKHAR UL GHAND DSITRICT EDUCATION OFFICER MALE BUNER

Endst: No. 2793-96 F.SeniorCadre-Pro-2023 Dated. 10 / 06 /2023 Copy for information to the:đ.,

- Director Elementary & Secondary Education Khyber Peshawar.
- Inquiry Officers.
- All Applicants concerned 3.
- Mater file. 4.

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DSERICT EDUCATION OFFICER MALE BUWER

بحدالت حلان مدوس بر عالی ساویر DEO بنام DEO موزخه المقارب دعوكل 14 ماعت تحريرا تكه مقدمة ودرجة والنابالاشن الخراف معالسط بيردى وجواب وتل كارداني متعلقه - Uf 16 juin and - celin right مقرد مرادكمياً جاتا ب- كرصاحب موصوف كومقد مدكك كاردان كاكال اختيارة وكا- نيز المسجل بسباحس كوداعتى نامدكر ... تى وتقرر تاليت ، فيصلد برحلف دسية يواب والى ادرا قبال دعوكا ادر بدورت ذكرك كرف اجراداود صولى جيك درد بداد ترضى دعوكاد در فراست مرتم كانفيدين زراي برد يحط كرانية كاا خفيار موكا فيزصورت عدم يردى ياذكرى يطرفه يااييل كى براعدكى ادرمنسوفي نيز دائركم ... نه اييل كنراني دنظر ثاني وبيردي كرف كالتقيار مديكا - ازبصورت ضردرت مقدمه ندكور کے کل یا جزوی کا روائی کے داسطے اور وکیل یا مختار قانونی کوائے ہمراہ یا این بچائے تفرر کا اختیار موكا اورما حب مفرد شده كويمى واي جمل مدكوره باا فتريارات حاصل مول محاوراس كاسا لحت بر داخت متطور تول الوكار دوران مقدم من جوتر بدد مرجان التوائي مقدم محسب دموكا .. کوئی تاریخ بیشی مقام دوره پر بو احدے با مرموتو دیک ساحب با بند مول کے ۔ کر بیرون فركوركم مي المبداد كالت فامد اعديا كمستدرب-·20 23 10 1 الرتوم _____2 19 Lue rac المسلتة الجوريات Allowed Sector Attested