

20/9/2017

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today placed in connected appeal No.493/2014 titled "Gul Badshah Versus District Education Officer (Male) Elementary and Secondary Education Department Lakki Marwat and others," the present appeal is devoid of merit and any legal footing, hence dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

20.09.2017


(Muhammad Hamid Mughal)
MEMBER


(Gul Zeb Khan)
MEMBER

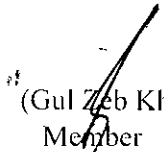
04.04.2017


Counsel for the appellant and Mr. Sharif Ullah, ADEO alongwith Mr. Adeel Butt, Addl: AG for the respondents present. Argument could not be heard due to incomplete bench. To come up for final hearing on 29.05.2017 before D.B.


Chairman

29.05.2017

Counsel for the appellant and Mr. Muhammad Adeel Butt, Additional AG for the respondent present. Counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 20.09.2017 before D.B


(Gul Zeb Khan)
Member


(Muhammad Amin Khan Kundi)
Member

12.5.2016

Counsel for the appellant and Mr. Hameedur Rahman, AD alongwith Ziaullah, GP for the respondents present. Counsel for the appellant seeks adjournment. Adjourned for rejoinder and final hearing to 07.09.2016 before D.B.



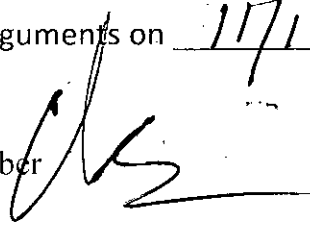
Member



Chairman

07.09.2016

Counsel for the appellant and Mr. Sharifullah, ADO alongwith Usman Ghani Sr. GP for respondents present. Submitted rejoinder copy of which is placed on file. To come up for arguments on 17/1/17.



Member



Member

11.01.2017

Appellant with counsel and Mr. Hameed ur Rehman, AD (Litigation) alongwith Addl. AG for respondents present. Counsel for the appellant requested for adjournment. Request accepted. To come up for arguments on 04.04.2017.



(AHMAD HASSAN)
MEMBER



(MUHAMMAD AAMIR NAZIR)
MEMBER

22.09.2015

Appellant with counsel, M/S Khurshid Khan, SO and Muhammad Akram, Supdt. alongwith Addl: A.G for respondents present. Learned Addl. AG informed the Tribunal that the grievances of the appellant are going to be redressed as process has been initiated to this effect. Both the parties seek adjournment. Adjourned to 11.11.2015 for further proceedings before S.B.


Chairman

11.11.2015

Appellant with counsel, M/S Sharifullah, ADO and Hameed-ur-Rehman, AD (lit.) alongwith Addl: A.G for respondents present. Written reply not submitted despite last opportunity. Requested for further adjournment. Last opportunity is extended subject to payment of cost Rs. 500/-- which shall be borne by the respondents for their own pockets. To come up for written reply/comments and cost on 27.1.2016 before S.B.


Member

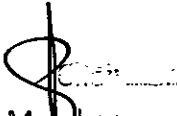
27.1.2016

Counsel for the appellant, M/S Khurshid Khan, SO, Hameed-ur-Rehman, AD (lit.) and Sharifullah, ADO alongwith Assistant AG for respondents present. Joint para-wise comments submitted. Cost of Rs. 500/- also paid and receipt thereof obtained. The appeal is assigned to D.B for rejoinder and final hearing for 12.5.2016.


Chairman

7 24.04.2015

Appellant with counsel, M/S Sharifullah, ADO for respondent No. 1, Javed Ahmed, Supdt. for respondent No. 2 and Khurshid Khan, SO for respondent No. 3 alongwith Addl: A.G for respondents present. Written reply not submitted. Requested for further time for submission of written reply. Last opportunity granted. To come up for written reply/comments on 9.7.2015.


Member

8 09.07.2015

Counsel for the appellant, M/S Khurshid Khan, SO, Javed Ahmed, Supdt. and Sharifullah, ADO alongwith Assistant A.G for respondents present. Representative of respondent No. 1 produced certificate which is placed on file. He submitted that salary of the appellant has been released. Learned Assistant A.G submitted that the appeal has become infructuous but learned counsel for the appellant requested for some time so that he may take fresh instruction from his client. To come up for further proceedings on 28-07-2015 alongwith identical cases.


Member


Member

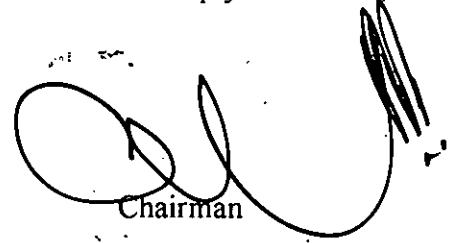
9 28.07.2015

Appellant with counsel, M/S Sharifullah, ADO, Javed Ahmed, Supdt. and Khurshid Khan, SO alongwith Assistant A.G for respondents present. Written reply not submitted despite last opportunity. Requested for further adjournment. Another last opportunity granted. To come up for written reply/comments on 22.9.2015 before S.B.


Chairman

02.10.2014

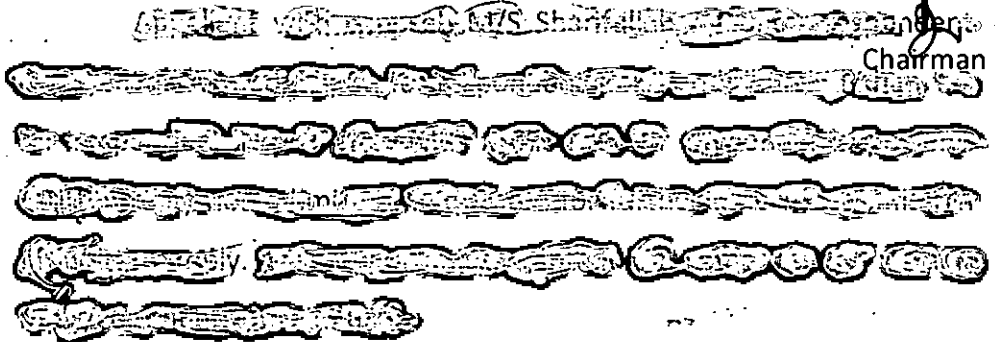
Counsel for the appellant (Arbab Saiful Kamal, Advocate), M/S Sharifullah, ADO Lakki Marwat for respondent No. 1, Javid Ahmad, Supdt. for respondent No. 2 and Khurshid Khan, SO for respondent No. 3 with Mr. Muhammad Adeel Butt, AAG for the respondents present. Written reply has not been received, and request for further time made on behalf of the respondents. To come up for written reply/comments, positively, on 16.01.2015.


Chairman

6. 16.01.2015

Agent of counsel for the appellant, M/S Akram Marwat, Supdt. for respondent No. 1, Mosam Khan, AD for respondent No. 2 and Khurshid Khan, S. O for respondent No. 3 alongwith Addl: A.G for all respondents present. Further opportunity for written reply/comments requested for which is granted. To come up for written reply/comments on 24.04.2015.







Appeal No. 668/2014
Mr. Habibullah

3. 09.07.2014

Counsel for the appellant 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. He filed departmental appeal on 06.01.2014 against the non receipt of salary which the Section-17 of the Khyber Pakhtunkhwa Civil Servant, Act 1973 provides that the Civil Servant appointed to a post shall be entitled, in accordance with the Rules to the pay sanctioned for such post. Hence non receipt of pay at the end of every month is a recurring loss to the appellant which could be treated as original order. The departmental appeal dated 06.01.2014 is not responded within the statutory period of 90 days, hence the present appeal on 08.04.2014. He further contended that after appointment on 21.01.2013, the appellant took over charge on 01.03.2013 since then he regularly performed his duty for which purpose the appellant also filed an extract Teacher attendance register (register Hazri Mudarraseen). 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. To come up for written reply/comments on 02.10.2014.

Appellant Deposited
Security & Process Fee
Rs. 350/- Bank
Receipt is Attached with File.

4. 09.07.2014

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


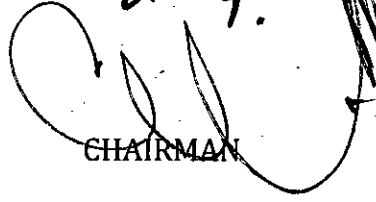
Member

Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 668/2014


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	12/05/2014	<p>The appeal of Mr. Habib Ullah resubmitted today by Mr. Saadullah Khan Marwat 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	15-5-2014.	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>9-7-2014.</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Habibullah son of Habib Khan PST Teacher received today i.e. on 8.04.2014 is incomplete on the following scores which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- In the memo of appeal many places have been left blank which may be filled in.
- 2- Copy of order of Distt. & Session Judge mentioned in para-7 of the appeal are not attached with the Appeal may be placed on it.
- 3- Appeal may be page marked according to the Index.
- 4- Wakalat Nama in favour of appellatant is not attached with the appeal which may be placed on it.

No. 586 /S.T,

Dt. 09/04/2014.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Saadullah Khan Marwat Adv. Pesh.

scv

Resubmitted after completion M.

Ky

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

S.A No. 668 /2014

Habib Ullah

Versus


D.E.O & others

I N D E X

S.#	Description of Documents	Annex	Page
1.	Memo of Appeal		1-3
2.	Appointment Order, 21.01.2013	"A"	4
3.	Charge Report, 01.03.2013	"B"	5
4.	Attendance Register,	"C"	6-10
5.	Civil Suit, 30.09.2013	"D"	11-12
6.	Reply of Respondents, 10.12.2013	"E"	13-14
7.	Application O-7, R-10, 10.12.2013	"F"	15
8.	Reply of Appellant, 08.01.2014	"G"	16
9.	Representation, 06.01.2014	"H"	17
10.	Order of Returning Suit, 25.02.14	"I"	18-20
11.	Appeal to District Judge, 01.03.2014	"J"	21-22
12.	Judgment of District Judge,	"K"	23-24

Appellant

Through



Dated: 8.04.2014

(Saadullah Khan Marwat)
Advocate
21-A Nasir Mension,
Shoba Bazar, Peshawar.
Ph: 0300-5872676

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A No. 668 / 2014

Habib Ullah S/o Habib Khan,
PST, GPS, Sheikh Khula,
Lakki Marwat Appellant

Versus

1. District Education Officer (Male), Elementary & Secondary Education, Lakki Marwat.
2. Director of Education, Directorate of Elementary & Secondary Education, KP, Peshawar.
3. Secretary, Government of KP, Elementary & Secondary Education Department, Peshawar
4. District Accounts Officer, Lakki Marwat Respondents

K.P. Province
516
08/4/14

⇔<=>⇔<=>⇔<=>⇔<=>⇔

APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT, 1974 WHEREBY MONTHLY SALARIES OF APPELLANT SINCE 21.01.2013 AND ONWARD WERE WITHHELD FOR NO LEGAL REASON.

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Respectfully Sheweth:

1. That after observing the due codal formalities and having the requisite educational qualifications, appellant was appointed as PST, B-12 by R. No. 1. on the recommendation of Departmental Selection Committee vide order dated 21.01.2013. (Copy as annex "A")

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8/4/14

2. That on 01.03.2013, charge of the assignment was assumed at GPS, Sheikh Khula, Lakki Marwat. (Copy as annex "B")

3. That since the date of appointment till date, appellant is performing his official duties at the said school with devotion which proof is Teachers Attendance Register of the school. (Copies as annex "C")

re-submitted to ~~copy~~
and filed.

[Handwritten signature]
12/5/14

That on 30.09.2013, appellant filed civil suit before the court of Senior Civil Judge, Lakki Marwat for release of monthly salaries

which was replied on 10.12.2013 by the respondents. (Copies as annex "D" & "E")

5. That on 10.12.2013, department filed application before the Hon'ble Court under O-7, R-10 for rejection of the plaint of appellant summarily which was replied on 08.01.2014 by appellant. (Copies as annex "F" & "G")
6. That on smelling of the despute jurisdiction in the matter, appellant submitted representation before R. No. 2 on 06.01.2014 for release and payment of monthly salaries but of no avail. (Copy as annex "H")
7. That on 25.02.2014, the suit of the appellant was returned to appellant, directing him to approach before the proper forum. (Copy as annex "I")
8. That dissatisfied with the said order of learned Civil Judge, appellant filed appeal before the District Judge, Lakki Marwat on 01.03.2014, but he also maintained order of the learned Civil Judge vide judgment dated 20.03.2014. (Copies as annex "J" & "K")

Hence this appeal, inter alia, on the following grounds:-

GROUND S:

- a. That having the requisite educational qualification and by going through the prescribed procedure of selection, appellant was appointed as PST in B-12 on the recommendation of the Departmental Selection Committee.
- b. That till date, appellant is performing his official duties at the said school by marking himself present in the school.
- c. That similarly placed other colleagues of appellant numbering dozens were paid monthly salaries by the department and those who were refused, approached this Hon'ble Tribunal for release of their monthly salaries and then the Hon'ble Tribunal was pleased to accept the same, directing respondents to pay them salaries and then the same were paid from the date of their appointments.
- d. That as per law, rules and judgments of the Superior Courts, similarly and equally placed persons be treated similarly and equally to avoid discrimination.

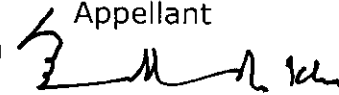
e. That the act of the respondents by not paying monthly salaries to appellant is based on ulterior motive and discrimination.

It is, therefore, most humbly prayed that on acceptance of the appeal, respondents be directed to release monthly salaries of appellant since 21.01.2013, and onward too, with such other relief as may be deemed proper and just in circumstances of the case.

جیب اللہ خان

Appellant

Through



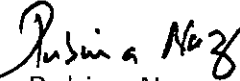
Saadullah Khan Marwat

Dated: 8 .04.2014



Arbab Saif-ul-Kamal

&



Miss Robina Naz,
Advocates,

A

4

21-1-13

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) LAKKI MARWAT
APPOINTMENT ORDER

In compliance of decision of Honourable Peshawar High Court Bench Bannu, writ Petition No 196/2012, dated 25/05/2012, the appointment of the below named candidate is hereby order as Primary School Teacher (M) in BPS-12 (Rs 7000-500-22000) plus usual allowances as admissible under the rules on regular basis, under the provision of Establishment & Administration Department circular bearing No. SOR-6(E&AD)13-01/2005 dated 10-08-2005 on the terms & conditions given below in the interest of public service from the date of taking over charge.

S.No	Name	Father name & address	To be posted at	Remarks
2	Mr. Habib Ullah	Habib Khan R/O Shah Hassan Khel	GPS, Sheikh Khula	-do-

TERMS & CONDITIONS:

1. His appointment will be considered without pension and gratuity in terms of section 19 of NWFP Civil Servant Act 1973, as amended vide NWFP Civil Servant (Amendment) Act, 2005 but the candidates already working as permanent Govt. Servants, will under take whether they want to continue the benefits of old service or new, he will however be entitled to contributory provident fund in such a manner and such a rate as may be prescribed by Govt.
2. In case of resignation without notice two months pay/allowance will be refunded to Govt.
3. His services will be governed by such rules and regulations as may be issued by Govt time to time.
4. His services will be terminated at any time in case their performance is found unsatisfactory during probationary period, in case of misconduct they will be proceeded against the Khyber Pakhtunkhwa Govt. Servants (efficiencies and disciplan) rules 2011 and the rules framed from time to time.
5. Charge reports should be submitted to all concerned
6. No TA/DA is allowed
7. The undersigned will check and verify the certificates/degrees of above candidates from concerned Boards/Universities before the drawl of their pay.
8. The appointee is directed to take over charge in March 2013.
9. The undersigned reserve the rights of amendment in case of any mistake.
10. He is required to produce health and age certificate from medical superintendent DHQ hospital Lakki Marwat

(Mir Azam Khan)
District Education Officer
(Male) Lakki Marwat

Dated 21/1/13

dst No. 486-98
copy to the.

1. Director Ele. & Sec. Education Deptt Khyber Pukhtunkhwa, Peshawar
2. District Accounts officer Lakki Marwat
3. Sub Divisional Education Officer (M) Primary local office
4. Head Teacher school concerned

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[Handwritten signature]
District Education Officer
(Male) Lakki Marwat

B

5

13-3-1

چارج رپورٹ

حکیم دین آرڈر 486-98 آدرن زرد سنر ڈسٹرک ایجوکیشن آفیسر (DEO) 21-01-2013

صاحب مکمل صورت (مردانہ) ایم حبیب اللہ خان کی تقرری گورنمنٹ پرائمری سکول شیخ فضلہ حسن بولیہ۔

اس کے آج حروف 01-03-2013 کو قبل از دور حبیب اللہ خان نے گورنمنٹ

پرائمری سکول شیخ فضلہ حسن ایہ عمرے کا چارج سنبھال لیا اور باقاعدہ حاضری شروع کر دی

لغز اچارج رپورٹ ارسال فرماتے

چارج گہنڈہ
حبیب اللہ خان

چارج دسین

شاہ محمد رفیق

Head Teacher
Govt. P.S. Uchha
Ward Sheikh Khob

A.S.D.E.O (C)
Mina Khel Lakkhi Narwat

Attested
by

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486-98
4-1-13

RECEIVED
CIVIL PROCEDURE DISTRICT VI

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50

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30-9-13

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دعوی مدعی دہلی ہے

1۔ کہ مدعی جو الکلکٹہ 98-86 486 دفعہ 21^{اے} بلور آڈی ملزم ہے اور یکم مارچ 2013 سے جاری لیکر ایسی ٹوسٹ برگر ٹرنٹ برائری سکول شیخ صدیق علی کی ذمت میں کڈ پوٹی سرانجام دے رہا ہے۔ (نقل حکماء توریاد جاری کرپورٹ سمراہ لف ہے)

2۔ کہ مطابق حکماء مدعی نے یکم مارچ 2013 کو جاری لیکر بلور آڈی سکول بند کر دیا۔ نام شروع کیا اور دیگر تمام لوازمات مثلاً کچن، لکڑی، اسناد وغیرہ تیار کر کے پیش کر کے 13 مارچ 2013 کو کچن مدعا علیہم مدعی کو ڈپوٹی کیا باوجود تنخواہ کی ادائیگی میں کٹتے ہیں حالانکہ مدعی کے ساتھ جو دیگر ملزمین بوقت ہونے ہیں انکو تنخواہ کی ادائیگی ہو رہی ہے لیکن مدعا علیہم ذاتی عناد بدینتی سازش کا مظاہرہ کرتے ہوئے مدعی کے تنخواہ میں روک تھام ہے جس کا اس کو حق حاصل ہے۔ اور انکا یہ نسل مدعی کے حقوق پر مبالغہ و غیر متوجہ ہے اور مدعی تنخواہ کا حقدار ہے۔ (تمام فردی نقولت سمراہ لف ہے)

3۔ کہ مدعا علیہم سے مطالبہ کیا گیا کہ وہ کچھ جائز دہائی حق کو تسلیم کرنے سے لہذا جاری تا حال جب تک مدعی نام کر رہا ہو تنخواہ جاری رہے تا حال شول سے کام لیتے رہے لہذا میں عرضہ ایک بینٹ میں 40 لاکھ کی رقمی ایلٹے دعویٰ حفا کی فریق لکھی ہوئی ہے

4۔ کہ بناٹ دعویٰ از جاری لیتے دنیا کے فحاشت از انکار مدعا علیہم اذر حد و ضلع کی ذمت پیرا ہوتا ایلٹے دعویٰ مدعی انڈر سیڈ اور قابل سے متعلقہ لٹا لٹا اجنا ہے

5۔ کہ حالت لبر ضی کوٹ نہیں واسٹی و سامت بلکہ اسکا روک سے میں جس کو کوٹ نہیں دھانپے

لہذا اسٹہ عالیہ کے ڈگری اسٹہ میر جی مدعی بر خلاف مدعا علیہم بہ فرج قدم دیگر حادری جو تو بن الفناض صادر فرمائی جاوے

30/9/13

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حبیب اللہ نیلم سدبائی حکومت دہرا

جواب دعویٰ

جناب عالی! جواب دعویٰ منجانب دروغ مدعی ذیل ہے۔

عذرات لمبیدی

- 1- یہ کہ دعویٰ کو کوئی بنائے دعویٰ حاصل نہ ہے۔
- 2- یہ کہ دعویٰ مدعی قابل پزیرائی نہ ہے۔
- 3- یہ کہ عدالت آجمناب کو اختیار سماعت حاصل نہ ہے۔
- 4- یہ کہ دعویٰ نے ضروری استغناء کو فریقین کے درمیان بنایا ہے۔
- 5- یہ کہ دعویٰ صحتی پر جھوٹ اور دروغ کوئی ہے۔ اس کے
 مدعی علیہم زیر دفعہ 35-A اسٹیبل پر جانے کے خدا ہیں۔
- 6- یہ کہ دعویٰ مدعی زیر آرڈر 7 رول 1- قابل اخراج ہے۔
- 7- یہ کہ دعویٰ بطور سکول سکولز اپنی تنخواہ کی بابت عدالت آجمناب آنا ہے۔
 Proper forum جسپر خٹون خواہ سکولز ٹریبیونل ہے۔
- 8- یہ کہ دعویٰ مدعی موجودہ حالت میں قابل روٹ نہ ہے۔

عذرات واقعاتی

- 1- یہ کہ دفعہ 1-1 عطف ہے۔ 2013 کو خود تسلیم کر لیا ہے۔
 2013 کے بارے میں۔ عدالت مدعی کے آرڈر لیسائی 22 جنوری 2013
 کہ خارج لیا ہے۔ جو کہ بالیہ اور رولز کے مطابق ہے۔
- 2- یہ کہ دفعہ 2-1 عطف ہے۔ دروغ مدعی جو کجا کاروائی کرتے ہیں۔ قانون برصغیر
 اور بالیہ ٹریبونل کے تحت کرتے ہیں۔ جو کہ دعویٰ کی تصدیقاتی غیر قانونی طور پر کرتے ہیں۔
 بدین وجہ تنخواہ کی ادائیگی روٹی گئی ہے۔ وہ High Court کو اس بارے
 میں اطلاع دینی گئی ہے۔ جس پر انوکھی تقریر کی جائیگی اور مدعی
 کا معاملہ سوجائیگا۔
- 3- یہ کہ دفعہ 3-1 عطف ہے۔ دروغی نے دروغ علیہم سے اس بابت کوئی

Handwritten signature and date: 28/12/13

مطالبہ پیش کیا ہے۔ نہ ہی دعویٰ کو اس قسم کا مطالبہ کرنے کا حق ہے۔

4۔ یہ کہ فقرہ نمبر ۱ مغلوث ہے۔ دعویٰ کو کوئی بنائے دعویٰ حاصل نہ ہے۔

اور نہ ہی دعویٰ دعویٰ قابل سماعت عدالت انتخاب ہے۔
دعویٰ اس قسم کے دعویٰ کے لئے *Propos de* سے پہلے کی ہے۔

5۔ یہ کہ فقرہ نمبر ۵ قانونی و تفسیری ہے۔

سند استدعا ہے کہ بوجہ تباہی و تخریب دعویٰ دعویٰ

حق دعویٰ کے لئے اس مسئلے پر جانے خارج فرمایا جائے۔

تاریخ 10-12-2013

لبرلائف جناب سول جی جی ایف 5 ملکات

حکومت KPK

نقل

جناب اللہ

درخواست دربارہ زیم دفعہ آرڈر 7 رول نمبر 10 ضابطہ دیوانی / اخراج دعویٰ

تسلی عرض ہے۔

خارجی !

1۔ یہ درخواست نمونہ ناکا عدالت انتخاب میں زیر توجہ ہے۔

2۔ یہ درخواست کو کوئی نیا ڈیٹا نہیں ملتا ہے۔

3۔ یہ درخواست قابل اعتراض ہے۔

4۔ یہ درخواست قابل اعتراض ہے۔

5۔ یہ درخواست آرٹیکل 212 میں آرٹیکل 17 اور

1974ء کے آرٹیکل 11 اور 23 کے تحت

1974ء کے آرٹیکل 11 اور 23 کے تحت

1974ء کے آرٹیکل 11 اور 23 کے تحت

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Attested by

ATTESTED stamp

10/12/2013

18

25-2-14

IN THE COURT OF MALIK MUHAMMAD HASNAIN,
CIVIL JUDGE-V, LAKKI MARWAT.

93/2/14 dated 4/10/13 189/1/14

Habibullah...Vs...Government of KPK

ORDER.
25.02.2014

Plaintiff in person and representative for defendants present.

Through this order this court disposes off application filed by petitioners/defendants seeking return of plaint under Order-VII Rule-10 CPC. Respondent/plaintiff contested the application by filing replication.

Facts in brief are that respondent/plaintiff Habibullah had instituted a suit for declaration against petitioners/defendants Government of KPK through Secretary Education and five others, seeking therein that he is Primary School Teacher and is serving at Govt. Primary School, Sheela Khula, Lakki Marwat and stoppage of his pay by official defendants is illegal and ineffective upon his rights.

Handwritten notes and signatures on the left margin, including a large 'X' and some illegible text.

Defendants/petitioners were summoned they appeared and contested the suit by filing written statement. Thereafter application in hand has been moved.

Arguments heard and case file perused.

Learned counsel for the defendants argued that the suit is barred by law and this court has got no jurisdiction to entertain the present suit. He contended that the plaintiff has approached the wrong forum and thus pray for return of plaint under Order-VII Rule-X C.P.C.

Handwritten signature and date 28/2/14 in the bottom right corner.

Continued.
28.02.2014.

On the other hand, learned counsel for the plaintiff contended that the act of the official defendants is based on malafide and so this court has got jurisdiction to entertain the suit.

Instant plaint has been filed by the plaintiff on the ground that he has been appointed as primary school teacher vide office Order No.486-98 dated 21.01-2013, and has been serving in Govt Primary School Sheikh Khula, Lakki Marwat and he is entitled to receive his monthly salary. Along with the plaint copies of school attendance register and charge assumption report have also been annexed. Plaintiff, as is evident from the plaint, is admitting that he is still performing his duties as teacher. Now this situation brings this court to the conclusion that plaintiff is a civil servant. According to Section 17 of Civil Servant Act 1974, matter pertaining to the salary falls within the ambit of terms and conditions of the services. Section 23.B of the ibid Act operates as bar to entertain a suit which includes the terms and conditions of the services. Instant suit shows plaintiff to be the civil servant and stoppage of salary has been challenged which is a controversy involving the terms and conditions of the services, for adjudication of which Services Tribunal is the proper forum and not the civil court.

28/2/14
28/2/14
28/2/14

For what has been discussed above, this court is of the opinion that plaintiff has knocked the door of this forum which lacks jurisdiction to adjudicate upon, therefore, suit in hand stands returned within the meaning of Order-VII Rule-10 CPC for presenting the same before the

28/2/14

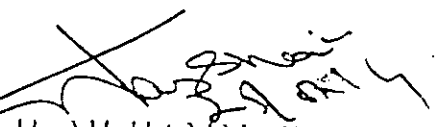
Continued.
25.02.2014.

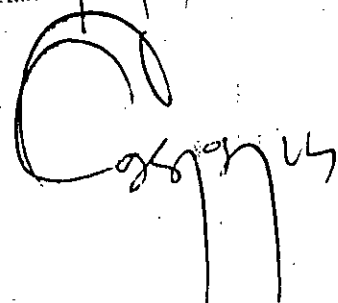
proper forum. Moharrir is directed to hand over the original plaint again receipt to the plaintiff while copy of the same be retained on the court file.


Parties are left to bear their own costs.

File be consigned to record room after its completion of compilation.

Announced:
25-02-2014.


(MALIK MUHAMMAD HASNAIN)
CIVIL JUDGE-V, LAKKI MARWAL

Case No.	1273
Date of filing	25/2/14
Case title	
Case type	
Case status	
Case category	
Case sub-category	
Case description	
Case details	
Signature of examining officer	


25/2/14

Attested
by

3. کہ برائے طاقت نہ لیں سے شہادت فرمیں کہ دعویٰ والی کن ہے
تاکہ وہ کہے جو کہ بے شہادت دعویٰ والی کرنا نہ ہونی سے روک دیا ہے

4. کہ علی عدالتیں بہر صورت مقدمات منہ کن کا ترجمہ دیتے ہیں

5. کہ دعویٰ والا کہہ دے کہ والدین نے اپنی کرنا غیر قانونی ہے

6. کہ صرف غیر ضابطہ دیوانی سوک کورٹ وسیع تر شہادت مانا میں بہر دم
مگر برائے طاقت غیر قانونی اور قابل دفع ہے
نوٹ: برائے نام، دیگر عذر کی کٹوتی بہرہ آگے میں

7. کہ میں نے فرمیں دے دے 2. دے فرمیں دے دے

8. کہ میں نے فرمیں دے دے 2. دے فرمیں دے دے

Reader to
Distt. & Session Judge
Lakki Marwat
01-3-14

9. کہ میں نے فرمیں دے دے 2. دے فرمیں دے دے

10. کہ میں نے فرمیں دے دے 2. دے فرمیں دے دے

معنی $\frac{3}{14}$

صیغہ اللہ

بہر شہادت

Allo...
my

16/4/14

نہر شہادت

بہر شہادت

صیغہ اللہ

R

23

20-3-14

کے لئے صفات اور سہولتیں، جس سے کہہ سکتے ہیں کہ اس کا مقصد

01/3/14

28/13

مکمل طور پر سمجھنے کے لئے اس کا مقصد

MR. NAJIB ULLAH
Lakki Marwat

OS.....02

20-03-2014

Appellant Habibullah with learned counsel Mr. Hafiz Muhammad Jamshed present. Preliminary arguments heard and record perused.

Through this appeal the appellant impugns the judgment and decree dated 25-02-2014 whereby learned Civil Judge-V Lakki Marwat has returned the plaint of plaintiff / appellant for want of jurisdiction. Through declaratory suit filed against the Provincial Government and Education Department Lakki Marwat appellant / plaintiff has challenged the act of defendants regarding the non

MR. NAJIB ULLAH
Lakki Marwat

16/3/17

بعد الت چاپ سروس ٹریڈ ہونے کے لیے صورت پشاور

اسلام آباد

پنجاب

محکمہ نسق

حب اللہ خان بہرام

دعویٰ اصل

باعث شکریہ ایٹکہ

مقررہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و عمل کاروائی متعلقہ آن مقام پشاور کیلئے سعید اٹکھا خان نسوٹ سے ایڈووکیٹ ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی عمل کاروائی کا کابل اختیار ہوگا نیز وکیل صاحب کو کرنے یعنی نامہ و تقریر ثالث و فیصلہ برنلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگران و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کے عمل یا جرمی کاروائی کے واسطے اور وکیل یا مشاور قانونی کو اپنے ہمراہ یا اپنی بجائے تقریر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی وہی جملہ مندرجہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظوری قبول ہوگا و دوران مقدمہ میں جو خرچہ و ہرجانہ التوا مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب موصوف ہوں گے نیز بقایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔

لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المترقوم

العبد

العبد

العبد

۱۱۸
ارباب سید اکمال
ایڈووکیٹ

سعید اللہ خان مرقت
ایڈووکیٹ

حب اللہ خان

۱۱۸
من روپیہ تاز
ایڈووکیٹ

CERTIFICATE


Certified that the pay of Mr. Habib Ullah appointed as PST Post in GPS Sheikh Khula at S.No-02 vide this office Endst.No.486-89 dated. 21/01/2013 (Photo copy of appointment is attached) is hereby released subject to the verification of their documents if not already verified with the direction to SDEO Male to submit report and initiate proceedings if any other irregularity is there in his appointment.

The SDEO Male is required to ensure and fulfill his responsibility in this regard with immediate effect.

Hence, his pay released ordered this day Dated 07/07/2015


D.A

Pay released

 9/7/15



District Education Officer
(Male) Lakki Marwat

Before the Service Tribunal KPK

Received 500 AS Per-Cost in ^{hatab-ullah}
vs. Edu Lusu.

~~hama~~
Advocate hama

Attested
A-C
27.01.16

BEFORE THE SERVICE TRIBUNAL GOVT. OF KPK PESHAWAR

Service Appeal No: 668 / 2014

Mr. Habib Ullah Appellant.

Versus

District Education Officer(Male) Lakki & three others..... Respondents

Joint Para Wise Comments On Behalf Of Respondent 1,2&3

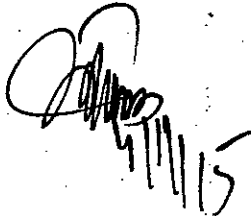
Respectfully Sheweth;

Preliminary Objections: -

- 1). That the appellant has no cause of action and locus standi to bring the instant appeal as the instant appeal.
- 2). That the appeal of the appellant is not maintainable as the appellant is not a civil servant.
- 3). That the appellant has not come to the Honourable court of Service Tribunal with clean hands as he conceals material facts like advertisement, tentative & final seniority list, DSC meeting & merit position in his own UC & District level as well as available posts at the time of advertisement & justification of appointment order in piece meal.
- 4). That the appeal of the appellant is bad for mis-joinder and non-joinder of necessary parties.
- 5). That the appellant has come to the court with malafide intention.

FACTS:-

- 1). Incorrect being concocted, hence denied.
- 2). Incorrect being concocted, hence denied.
- 3). Incorrect being concocted, hence denied. The appellant has never been appointed by the Respondents.
- 4). Correct to the extent that appellant had filed civil suit but the Learned court of CJ V under 7 Rule 10 did not make further proceedings due to barred jurisdiction in Service matters.
- 5). As per para NO.4.
- 6). Correct to the extent of his appeal, however, an inquiry on the subject matter was suggested by the law Department, however, as the matter was pending subjudice before KPK Service Tribunal, hence no findings are arrived so far.

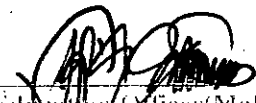


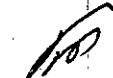
- 7). As per para-NO. 4 & 5.
- 8). No comments.

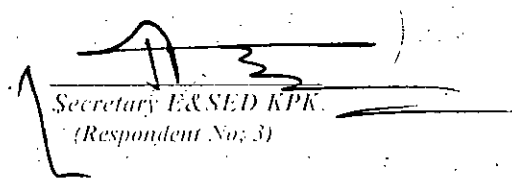
GROUNDS:-

- a. Incorrect. As replied in para NO.4 of the Preliminary Objections.
- b. Incorrect. No duty what so ever has performed by the appellant.
- c. Incorrect. Every case has different nature and facts but all such appointments which were illegal and fake are pointed out by Provincial Inspection Team (copy of PIT inquiry is enclosed as Ref: "A"). Inquiry so conducted is sent to NAB by Secretary E&SED KPK and directed the appointing authority to take action and make calculation for recovery of pay(copy of NAB & Secretary E&SED are enclosed as Ref: "B", "C" & "D").
- d. No comments.
- e). As per Para No.1 & 4.

It is therefore humbly prayed that on acceptance of these para-wise comments this Honourable Court of Service Tribunal may very graciously be pleased to dismiss with costs through out.


District Education Officer (Male)
District Lakki Marwat
(Respondent No. 1)

39

Director (E&SE) KPK
(Respondent No. 2)


Secretary E&SED KPK
(Respondent No. 3)

(91)


GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No.SO(S/M) E&SED/4-17/2011/Noor Hassan/Ex-DEO & Others
Dated Peshawar the April 17, 2014

The District Education Officer: (Male)
Takra Malak

PROVISION OF RECORD/ INQUIRY REGARDING IRREGULAR
APPOINTMENT IN DIFFERENT BY THE EX-DEO (NOOR HASSAN KHAN).

In reference to your letter No. 32 dated 25-03-2014 on the subject noted
above, I am pleased to forward herewith a copy of inquiry report conducted by Mr. Muhammad Humayun
Khan, Chairman Provincial Inspection Team, for assisting MAB in their investigation.



(MUJEEB-UR-REHMAN)
SECTION OFFICER (SCHOOLS/MALE)

Encl: File No. & Date:

Copy of the above is forwarded to the:-

1. Director E&SE Khyber Pakhtunkhwa Peshawar. He is requested to keep a close
liaison with the responsible officer/ official.
2. Officer Incharge (Complaint Cell) National Accountability Bureau Block-III, PDA
Complex Phase-V Hayatabad Peshawar w/r to his letter
No.32/1/1537/11/HQ/(CC)/NAB(KPK)/83 dated 16-12-2013
3. PS to Secretary, E&SE Department Khyber Pakhtunkhwa Peshawar.
4. PS to Special Secretary, E&SE Department Khyber Pakhtunkhwa Peshawar

P-6

SECTION OFFICER (SCHOOLS/MALE)

(90)
CONFIDENTIAL



Provincial Inspection Team K.P

Block No. 15, Attached Department Complex,
Khyber Road, Peshawar Cantt.

Tele: 9210956-9212270

No. 241/INSP/B Name Inq/PIT/2013/

Dated: March 01, 2013

To

The Secretary to
Govt. of Khyber Pakhtunkhwa
Elementary & Secondary Education,
Peshawar.

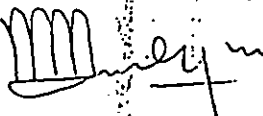
Attention: Section Officer (Schools/Male)

Subject: Inquiry Regarding Irregular Appointments in Different
Cadres in EDO (E&SE) Office Lakki Marwat.

Memo:

I have honour to refer your Notification No. SO(S/M)
E&SE/4-17/2012/Noor Hassan Khan, Ex-EDO Lakki dated 31-12-2012
on the subject cited above to forward herewith a copy of inquiry report
regarding irregular appointments in different cadres made by Mr. Noor
Hassan Khan, Ex-EDO Lakki Marwat containing (Twenty Two) pages
alongwith (39) Annexures in two volume for further necessary action at
your end.

2. Kindly acknowledge.


1-3-13

**Muhammad Humayun
Chairman, PIT.**

Encl: Report 1 to 22 pages
Annex: A to AM

CONFIDENTIAL

SUBJECT:- INQUIRY REGARDING IRREGULAR APPOINTMENTS IN DIFFERENT CADRES IN EDO (E&SE) OFFICE LAKKI MARWAT

According to the Elementary & Secondary Education Department Notification No SO(S/M) E&SE/4-17/2012/Noor Hassan Khan, Ex EDO, Lakki Marwat dated 31.12.2012, the Chief Minister KPK was pleased to appointment the undersigned as Inquiry Officer to conduct inquiry regarding irregular appointments in different cadres and other irregularities mentioned in the Charge Sheets and submit report within one month (Annexure-A). Letter in question was received on 08.01.2013. All the accused were asked through registered letter for submission of written replies within seven days failing which it shall be presumed that they had no defence to put in & in that case ex-parte decision shall be taken (Annexure-B). The Elementary & Secondary Education Department nominated Mr. Mujeeb-ur-Rehman, Section Officer (Schools/Male) as departmental representative to assist and appear before the committee along with relevant record (Annexure-C).

A) MR. NOOR HASSAN KHAN;

Mr. Noor Hassan Khan was appointed as EDO (E&SE) Lakki Marwat with effect from 14-03-2009. He served as EDO till 28-02-2011. Subsequently he was posted as Principal, GHSS Khaweshgi, District Nowshera. According to his date of birth he stood retired from service with effect from 17-10 2012. In the light of FR 54-A no action can be taken against a retired civil servant after retirement from service. However department has to register an FIR with local police for recovery of loss caused to Provincial exchequer (Annexure-D). Since a number of Officials are involved therefore it is decided to conduct inquiry and submit report. Loss caused by the Ex-EDO to public exchequer may be recovered from him by registering an FIR with local police.

According to Charge Sheet Mr. Noor Hassan Khan, Ex-EDO (E&SE) Lakki Marwat now Principal GHSS Khaweshgi Payan District Nowshehra has been charged as under:-

"Committed irregularity of illegal appointments in different cadres in violation of merit, Government policy and procedures in the office of EDO (E&SE) Lakki Marwat"

He in his written reply dated 17-1-2013 stated that he joined Education Department in October, 1973 as SV Teacher. He served in various capacities (Annex- E). He added that all the orders have been issued in accordance with rules, regulations & policy of the Government. All the codal formalities were fulfilled before filling vacancies. He always followed rules and regulations therefore he may be exonerated. During the month of May, 2010 applications were invited for various posts through daily "Aaj" dated 11-05-2010 (Annexure-F). A large number of candidates applied for various posts. According to selection

criteria 100 marks have been distributed as per detail given below:-

Academic qualification	= 100 marks*
<u>Academic qualification</u>	
SSC or equivalent	marks obtainedx30/total marks
HSSC or equivalent	marks obtainedx20/total marks
PTC	marks obtainedx30/total marks
<u>Additional qualification</u>	
BA/BSc or equivalent	marks obtainedx10/total marks
MA/MSc or equivalent	marks obtainedx5/total marks
Experience	marks obtainedx5/total marks
<hr/>	
Total marks	= 100

During checking of record it was noticed that the posts of TT, AT (Females) and PST (Male) were kept vacant for the reasons that Peshawar High Court, DI Khan Bench has issued stay order (Annex-G). However appointments have been made against the posts of TT (Female) & PST (Male) in violation of court orders.

2) Mr. Muhammad Ayub Khan, District Officer(M) Lakki/Marwat

Muhammad Ayub Khan is working as District Officer (Male), Lakki Marwat with effect from 24-4-2008. He was charged as follow:-

"Being member of DSC committee committed irregularity by signing fictitious and fake merit list and approved some illegal quotas in violation of merit, Government policy and procedures and supporting the Ex-EDC(E&SE) Lakki Marwat in making illegal appointment"

His written reply was received on 17-1-2013 (Annex-H). He claimed that appointment orders of TT(Male), Qari (Male), DM(Male), PST(Male), Lab Assistant and Driver were issued by the Ex- EDO. He neither took part in the meeting of DSC ncr signed merit lists. He signed merit lists of CT (Male), CT (Female) and PST (Female) prepared by dealing Assistant. It is possible that some candidates have submitted fake documents with their application. Before issuance of appointment orders verification of documents was required. He requested the EX-EDO for verification of documents before issuing appointment orders which was not honoured. On the direction of Ex-EDO tests & interviews were conducted by the Principal/Headmaster of the school concerned and ministerial staff. He was not member of test/interview committees. He only matched the final merit list with interview list. No discrepancy was noticed. At the time of interview original documents were checked by the interviewing committee. At the time of signing final merit list original documents were not available. Only interview list was provided. He never intentionally signed illegal quota in violation of merit.

3) Mr. Noorani Shah, Dy Distt Officer (M/F)

Mr. Noorani Shah, worked as Deputy District Officer (M/F) with effect from 2.11.2009 to 11.10.2011. He was charged as under:-

"Drawing and Disbursing Officer of PST (Male) committed gross negligence and made irregular payment causing huge loss to the public exchequer"

Mr. Noorani Shah the then DDO Lakki Marwat now Headmaster, Government High School Baist Khel, Lakki Marwat in his reply claimed that it is sole responsibility of Selection Committee to appoint suitable candidates against available vacancies (Annex-I). The composition of the District Selection Committee notified by the E&AD vide Notification No.SOR-V(E&AD)2-7/2003 dated 1-11-2006 is as under (Annex-J):

- a) EDO Education (E&SE) Chairman
- b) Nominee of DCO Member
- c) One nominee of Administrative Deptt: Member
- d) District Officer concerned Member

Mr. Noor Hassan Khan, Ex-EDO constituted District Selection Committee of his choice composition of which is as under:-

S.No	Name	Designation	
1	Mr. Noor Hassan Khan	Ex EDO, Lakki Marwat	Chairman
2	Mr. Muhammad Ayub Khan,	District Officer(M) Lakki Marwat	Member
3	Mr. Shafiullah, PS to DCO	Representative of DCO	Member
4	Mr. Amanullah, Mr. Bahadar Zaman Mr Haroon Badshah (For respective cadets)	Head Clerk, EDO, Lakki Marwat. Senior Clerk, EDO, Lakki Marwat. Junior Clerk, EDO, Lakki Marwat shown as Assistant	Member

Since he was not member of the selection committee therefore he was never consulted in the selection process. Appointees were directed to report the concerned headmaster of the school after having medical examination. After completion of these documents by the concerned school, cases were forwarded to DDO. The DDO scrutinized documents for release of salaries. This procedure is in practice since long. Accordingly I forwarded names of appointees for payment of salaries after fulfilling all legal requirements. On 28.2.2011 Mr. Abdul Malik took over the charge of EDO. He decided that salaries may be

(86)

His order was implemented with letter and spirit.

Mr. Amanullah, Head Clerk, EDO, Lakki Marwat

Mr. Amanullah is working as Head Clerk (BPS-14) in the office of the DDO (M) E&SE Lakki Marwat with effect from 23-5-2004 till date. He was charged as follow:-

"Committed gross negligence, supporting and assisting the Ex-EDO in making illegal appointment in violation of merit, Government policy and procedures in the office of EDO (E&SE) Lakki Marwat"

His written reply was received on 15-01-2013 by post (Annex-K). In his reply he claimed that he has no concern with appointment orders during the tenure of Mr. Noor Hassan Khan therefore he committed no irregularity or illegality. He never assisted or supported the EDO in illegal appointments, in violation of merit, Government Policy and procedure in practice. Files dealt with were of routine manners & being no authority, he has no concern with appointments, under the quoted laws; being defective. He is neither guilty nor liable to any penalty specified in the rules. He has signed CT (Female) DSC minutes dated 24-2-2011 which negates his statement.

5 Mr. Bahadar Zaman, Senior Clerk, EDO, Lakki Marwat

Mr. Bahadar Zaman, worked as Junior Clerk at Govt High School Tajori District Lakki Marwat with effect from 30-4-1995 to 15-2-2010. On his promotion as Senior Clerk he was transferred to EDO office, Lakki Marwat on 16-2-2010. He has been charged as follows:-

"Committed gross negligence, supporting and assisting the Ex-EDO in making illegal appointment in violation of merit, Government policy and procedures in the office of EDO (E&SE) Lakki Marwat"

His written reply was received on 16-01-2013 by post which is within given time. In his reply he claimed that he has no concern with appointment orders during the tenure of Mr. Noor Hassan Khan therefore he committed no irregularity or illegality (Annex-L). He never assisted or supported the EDO in illegal appointments, in violation of merit, Government Policy and procedure in practice. Files dealt with were in routine manners & being no authority, he has no concern with appointments. Under the quote laws, being defective he is neither guilty nor liable to any penalty specified in the rules. Checking of record revealed that he has signed CT (Female) DSC minutes dated 24-2-2011.

6 Mr. Haroon Badshah, Junior Clerk, EDO, Lakki Marwat

Mr. Haroon Badshah is working as Junior Clerk, in the office of Deputy District Officer (Female) Lakki Marwat with effect from 22-4-2006 till date. Following charges were leveled against him:-

"Committed gross negligence, supporting and assisting the Ex-EDO in making

	NAME	FATHER'S NAME	ORDER NO.	DATE	CATEGORY / QUOTA	REMARKS
17	Sher Bahadar	Syed Badshah	1315-20	09-02-2011	Court Case	Court orders not produced
18	Noor Aslam	Muhammad Yousaf	1391-97	10-02-2011	Court Case	Court orders not produced
19	Munawar Khan	Ayoub Khan	1615-1620	19-02-2011	Court Case	Court orders not produced. Appointed as 1999 denied candidate
19	Najeeb Ullah	Gul Rehan	1878-80	22-02-2011	Court Case	Court orders not produced
20	Abdul Wahab	Arzoman Khan	278-81	22-02-2011	Court Case	Court orders not produced
21	Gul Mar Jan	Wazir Khan	298-302	22-02-2011	Court Case	Court orders not produced
22	Islam Badshah ✓	Abdul Habib	2108-12	25-02-2011	Court Case	Court orders not produced
23	Abid Hussain	Noor Qalam Khan	2108-12	25-02-2011	Court Case	Court orders not produced
24	Momin Khan	Mir Abbas	2108-12	25-02-2011	Court Case	Court orders not produced. Appointed as 1999 denied candidate
25	Niamatullah Khan	Amir Nawaz Khan	1441-46	16-2-2010	Court Case	Court orders not produced. Appointed as 1999 denied candidate
26	Samiullah	Ajab Khan	1427-33	16-2-2010	Court Case	Court orders not produced. Appointed as 1999 denied candidate
27	Shah Wali Khan	Hameedullah Khan	2340-46	11-3-2010	Court Case	Court orders not produced. Appointed as 1999 denied candidate
28	Momin Khan	Mahboob Khan	4672-78	23-4-2010	Court Case	Court orders not produced
29	Inamullah Khan	Muhammad Khan	12516-21	21-12-2010	Deceased Son	
30	Farhatullah	Akbar Jan	1288-92	22-12-2010	Deceased Son	Documents be produced
31	Abdul Hamid	Rahim Jan	725-30	18-01-2011	Deceased Son	Documents be produced
32	Attullah Khan	Taj ali Khan	1647-52	21-02-2011	Deceased Son	Documents be produced
33	Shafiqat Ullah ✓	Inayatullah Khan (Late)	1840-44	22-02-2011	Deceased Son	Documents be produced
34	Ihsanullah ✓	Abdul Ghani	1860-65	22-02-2011	Deceased Son	Documents be produced
35	Mashal Khan	Abdul Jalil	1434-40	16-2-2010	Disable	No of disable persons & total number of employees not known.
36	Amjadullah Khan	Abdul Sattar Khan	9285-91	29-07-2010	Disable	No of disable persons & total number of employees not known.

Sl. No.	NAME	FATHER'S NAME	ORDER NO.	DATE	CATEGORY / QUOTA	REMARKS
	Ka'eem Ullah	Muhammad Aslam Khan	1684-89	30-12-2010	Disable	No of disable persons & total number of employees not known.
33	Nasir Mahmood	Muhammad Subhan	1690-95	30-12-2010	Disable	No of disable persons & total number of employees not known.
39	Munawar Khan	Abdul Sattar	144-47	01-02-2011	Disable	No of disable persons & total number of employees not known.
40	Javed Iqbal	Akbar Khan	303-06	23-02-2011	Disable	No of disable persons & total number of employees not known.
41	Faridullah	Abdul Manan	95-98	21-01-2011	Ex-Service Man Son Quota	No such quota exists at the moment.
42	Zafar Ullah Shah	Saifullah Khan	3651-56	27-3-2010	Merit	No meeting of DSC held
43	Farmanullah	Hayatullah Jan	4185-87	09-1-2010	Merit	No meeting of DSC held
44	Abdul Qadir Khan	Habibullah Khan	11802-05	26-10-2010	Merit	No meeting of DSC held
45	Niamatullah Khan	Inayatullah Khan	29-32	01-01-2011	Merit	No meeting of DSC held
46	Khalid Usman	Amir Nawaz	1106-11	29-01-2011	Merit	No meeting of DSC held
47	Bashirullah	Muzaffar Khan	224-27	10-02-2011	Merit	No meeting of DSC held
48	Fahimullah	Mashai Khan	2001-05	24-02-2011	Merit	No meeting of DSC held
49	Asim Jan	Hakam Jan	1821-26	5-11-2010	Rtd. Employee Son Quota	No such quota exists at the moment
50	Wahid Ullah	Saifullah	11778-84	25-10-2010	Shaheed Brother's Quota	No such quota exists at the moment
51	Iftikhar Ahmad Khan	Sher Ali Khan	201-5	08-02-2011	Teacher Son	No such quota exists at the moment

WP No. 451 with CM 441 of 2010, WP 222/2008 & WP No22 of 2010 PHC DI Khan Bench remanded cases to EDO to decide the same 15 days & 60 days respectively (Annex-O). No specific orders with regard to the appointment of petitioners were passed. The Ex-EDO misinterpreted the judgments of the courts in his own way. It is astonishing to note that only seven persons were appointed on merit. Three candidates were appointed against class-IV quota which does not exist. Twenty four appointment orders were issue under the shelter of court cases. One candidate was appointed as PST being 1999 qualified from Allama Iqbal Open University. Six candidates were appointed against deceased son quota. Similarly six were appointed against disable quota. Actual number of posts falling to

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the share of disable has not been indicated. Mr: Farid ullah s/o Abdul Manan was appointed being ex-serviceman. No such quota exists at the moment. One person was employed being teacher's son. One person was appointed being brother of Shaheed and one person being son of retired employee. Ex-EDO failed to produce merit list and minutes of the DSC. Thus all the appointments can be termed as irregular. Ex-EDO Lakki Marwat issued appointment orders in piecemeal just to conceal his illegal acts. Details of piecemeal appointments are as under:

SNo.	Number of persons appointed	Date of appointment	Dispatch Number
1.	One	29-07-2010	9285-91
2.	One	8-09-2010	10001-06
3.	Three	25-10-2010	11772-77, 11778-84, 11714-19
4.	One	26-10-2010	11795-801
5.	One	1-11-2010	12035-40
6.	Two	5-11-2010	1821-26, 11391
7.	One	25-11-2010	11917-22,
8.	One	21-12-2010	12516-21
9.	One	22-12-2010	1288-92
10.	Two	30-12-2010	1684-89, 1690-05
11.	One	1-1-2011	1690-95
12.	One	17-1-2011	67-70
13.	One	18-1-2011	725-30
14.	One	21-1-2011	95-98
15.	One	22-1-2011	8344-49
16.	One	24-1-2011	8355-62
17.	One	29-1-2011	1108-11
18.	One	1-2-2011	144-47
19.	One	9-2-2011	1315-20
20.	One	10-2-2011	1391-97
21.	One	19-2-2011	1615-20
22.	One	21-2-2011	1647-52
23.	Four	22-2-2011	1840-44, 1860-65, 1878-80, 278-81
24.	Two	23-2-2011	298-302, 303-06
25.	One	24-2-2011	2001-05
26.	One	08-2-2011	201-5
27.	One	4-10-2010	10937-41
28.	One	1-2-2011	135-38

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29.	Three	25-2-2011	2108-12
30.	One	16-2-2010	1441-46
31.	One	16-2-2010	1427-33
32.	One	11-3-2010	2340-46
33.	One	23-4-2010	4672-78
34.	One	16-2-2010	1434-40
35.	One	1-2-2011	144-47
36.	One	27-3-2010	3651-56
37.	One	9-4-2010	4185-87
38.	One	1-1-2011	29-32
39.	One	8-2-2011	201-5
40.	One	1-1-2011	1400-07
41.	One	26-10-2010	11802-05
42.	One	10-2-2011	224-27
43.	Fifty one (51)		

Six (6) persons were appointed against deceased son quota on 21-12-2010, 18-01-2011, 21-2-2011, 22-2-2011, 5-2-2011 & 22-12-2010 which are justified. Neither meeting of DSC was convened nor was final merit list prepared. Two (2) appointment orders of Mr. Gul Marjan s/o Wazir Khan, GPS Guli Khel Battani and appointment of Ismat kausar D/o Shah Muhammad, Masha Mansoor, GGPS Azim Kilia (Masha Mansoor) have been allotted same dispatch number i.e 298-302 dated 23-2-2011 (Annex-P). Similarly appointment orders of Mr. Damsaz Khan s/o Saday Khan, GPS Kotka Gul, Karam Sra Darga and appointment of Nasir Mehmood S/o Muhammad Subhan, GPS Purana Marji wala have allotted same dispatch number i.e 1690-95 dated 30-12-2010 (Annex-C). Thus all the appointments are irregular. Mr. Noor Hassan Khan, Ex-EDO is personally responsible for the same. Members of the DSC can't be held accountable for this irregularity.

PST(Female):-

About 1134 applications were received for the post of PST(F). According to DDO (Female) only nineteen (19) vacancies were available. Ex-EDO issued seventy nine (79) appointment orders. Thirty nine appointment orders were issued vide notification No. 2074-79/PST(F) dated 25-2-2011 duly approved by the DSC (Annex-R). Remaining forty (40) orders have been issued on 16-2-2010, 5-11-2010, 4-1-2011, 13-1-2011, 10-2-2011, 24-1-2011, 23-2-2011, and 25-2-2011 that too without obtaining approval of DSC. Appointment order of two persons against deceased son quota seems justified. Remaining appointment orders are irregular. Three appointment orders were issued prior to advertisement dated 11-5-2011. Miss Bibi Zainab d/o Munawar Khan was appointed at GGPS Langer Khel as PST against deceased son quota. Reportedly her father is alive.

C. No.	Name of Candidate	Father's Name	Name of School	Date of Issue Order	Pay Status	Service Status	Name of Court	Remarks
1	Asma Bibi	Saheb Gul	GGPS Saifullah Mash Mastikhani	18-10-10	Stopped	Terminated	Reasons	Fake appointment order
2	Zann Toj	Zari Jan	GGPS Saifullah Mash Mastikhani	18-10-10	Stopped	Terminated	Reasons	Fake appointment order
3	Bibi Sadiga	Haibat Khan	GGPS Kotka Zarwali Khan (Naurang)	29-01-11	Stopped	Terminated	Reasons	Fake appointment order
4	Rukia Bibi	Wali Jan	GGPS Wanda Mashmasi Khani	22-02-11	Stopped	Terminated	Reasons	Fake appointment order
5	Shakila Bibi	Najibullah	GGPS Mir Azam Michin Khel	22-02-11	Stopped	Terminated	Reasons	Fake appointment order
6	Shamshad Bibi	Rahim Yar Khan	GGPS Ghazi Michin Khel	22-02-11	Stopped	Terminated	Reasons	Fake appointment order
7	<u>RUKHSANA HAYAT</u>	Hayatullah	GGPS Textile Mills Sera-e-Naurang	25-02-11	Stopped	Terminated	DSC Approval	Duly approved by DSC. PTC Marks 563. Not 653 as recorded in the merit lists. Service terminated due to fake documents.
8	<u>NUSRAT SHAHEEN</u>	Awal Khan	GGPS Sheri-Khel Faqiran	25-02-11	Stopped	Terminated	DSC Approval	Duly approved by DSC. Passed FA 2009. Marks for experience not correct. Service terminated due to fake documents.
9	<u>JAMSHID BIBI</u>	Ghulam Nabi	GGPS Hamid Abad Lakki	25-02-11	Stopped	Terminated	DSC Approval	Duly approved by DSC. SSC found Fake. Service terminated due to fake documents.
10	<u>FEHMIDA BIBI</u>	Amin Khan	GGPS Toji Abad Lakki	25-02-11	Stopped	Terminated	DSC Approval	Duly approved by DSC. Service terminated due to fake documents.
11	<u>NAUREEN NIAZI</u>	Abdul Ghaffar	GGPS Wanda Khara	25-02-11	Stopped	Terminated	DSC Approval	Duly approved by DSC. Service terminated due to fake documents.
12	<u>SHAMIM BEGUM</u>	Ahmad Jan	GGPS Khushai Adamzal	25-02-11	Released	Terminated	DSC Approval	Duly approved by DSC. Passed FA in July 2010. Not eligible. Service terminated due to fake documents.
13	<u>RIFAT RANI</u>	Feroz Khan	GGPS Jhang Khel No. 2	25-02-11	Stopped	Terminated	DSC Approval	Duly approved by DSC. Only two vacancies in the U.C. She is at S. No. 28 in U.C merit list. On the orders of the PNC her appointment was terminated and Miss Sonia Aman was appointed.
14	Ruqia Bibi	Muhammad Khan	GGPS Kechi Qamar	25-02-11	Stopped	Terminated		
15	Abda Moin	Moeenullah	GGPS Khan Khel Mastaran	21-12-10	Pay Stop	Regular Case pending in Service Tribunal K.P		
16	Afshan Bibi	Azim Khan	GGPS Wanda Faqiran (Sheri Khel)	21-02-11	Pay Stop	Regular Case pending in Service Tribunal K.P		
17	Ismat Kausar	Shah Muhammad	GGPS Azim Kala Mashmansoor	23-02-11	Pay Stop	Regular Case pending in Service Tribunal K.P		
18	<u>MARWARIDA BIBI</u>	Saheb Jan	GGPS Ghazi Khel	25-02-11	Pay Stop	Regular Case pending in Service Tribunal K.P	DSC Approval	Duly approved by the DSC. She is at S# 45 of U.C merit list. No Court Order available.

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						Regular Case pending in Service Tribunal K.P	DSC Approval	Duty approved by the DSC.
19	<u>SHAZIA NAURIN</u>	Muhammad Afzal	GGPS Rehman/Qureshi Adamzai	25-02-11	Stopped			
20	Farhada Matin	Rais Khan	GGPS Hafiz Mala Khel	24-10-10	Released			According to existing service rules no quota is reserved for ex servicemen at the moment.
21	Ruhsana Bibi	Saheb Khan	GGPS Hafiz Mala Khel	24-10-10	Released			
22	Kulsoom Bibi	Habibullah	GGPS No. 3 Mela Mandra Khel	11-05-10	Released			No Court Order available.
23	Ishrat Rehana		GGPS Hafiz Mala Khel	01-03-11	Released		Reverted CT to PST	
24	Bibi Zainab	Munawat Khan	GGPS Langer Khel Hindal	01-04-11	Released			Her Father still alive. Her Husband was a Sailor in Pak Navy. Provt. Govt. is not supposed to provide her job.
25	Miss Musarat B. Si	Nasrullah Khan	ggps Sharbi Khel	13-01-11	Released			Does not appears in the final merit list. No vacancy is available in the U.C.
26	Famat Bibi	Tahir Shah	GGPS Sargran Muhammad Khan	24-01-11	Released			
27	Madiha Asmat	Asmatullah	GGPS Akhtojan Baitani	02-10-11	Released			Appointed against Deceased Son quota. Unattested. DSC approval not available.
28	Zainab Nooreen	Bansuddin	GGPS Akhtojan Baitani	22-02-11	Released			
29	Sabra Bibi	Ali Jan	GGPS Kotka Zarwali Khan (Naurang)	22-02-11	Released			
30	Farida Begum	Mirzali Khan	GGPS Zarjano	24-02-11	Released			
31	<u>SHEHLA MEHMOOD</u>	Mehmood Hashim	GGPS Khushdil Adamzai	25-02-11	Released		DSC Approval	Duty approved by the DSC. She was a regular student Govt. College Larki. Experience marks not allowed.
32	<u>HAJMA NOOREEN</u>	Muhammadullah	GGPS Wanda Khan Doran	25-02-11	Released		DSC Approval	Duty approved by the DSC. She did BSc from Bannu Univ. hence not eligible for exp. marks.
33	<u>HUSAN PARI</u>	Nawaz Khan	GGPS Azal Mir Baitani	25-02-11	Released		DSC Approval	Duty approved by the DSC.
34	<u>HAMIDA GUL</u>	Dilawar Khan	GGPS Ghandi Qamar Zaman	25-02-11	Released		DSC Approval	Duty approved by the DSC.
35	<u>KANWAL UROOJ</u>	Muhammad Ramzan	GGPS Wanda Khan Doran	25-02-11	Released		DSC Approval	Duty approved by the DSC. She passed PTC in 2009. No eligible for teaching experience.
36	<u>QAMAR TALAT</u>	Hamidullah	GGPS Amina Jabo Khel	25-02-11	Released		DSC Approval	Duty approved by the DSC. She passed PTC in Sept 2010. Thus ineligible.
37	<u>ZUBAIDA</u>	Gulnawaz Khan	GGPS Harama Tala Wakil	25-02-11	Released		DSC Approval	Duty approved by the DSC. No vacancy in U/C.
38	<u>FAHMEDA</u>	Inayatullah Khan	GGPS Zarjano	25-02-11	Released		DSC Approval	Duty approved by the DSC. She was a regular student of Govt. College Larki. Not entitled for experience marks.
39	<u>GULSHAN BIBI</u>	Jan Gul	GGPS Khan Khel Mandazai	25-02-11	Released		DSC Approval	Duty approved by the DSC. No vacancy available in U/C. Experience marks irregular.

							DSC Approval	Duty approved by the DSC. D:able
40	<u>SHAKIDA</u>	Ali Khan	GGPS Harama Tala Wakil	25-02-11	Released			
41	Shakila Bibi	M.r Saïdar	GGPS Gulbaz Dehqan	25-02-11	Released			No vacancy in U/C. She is at S4 3: No approval of DSC. She passed PTC in 2009. Not entitled for experience marks.
42	Sameen Ara	M.r Ajab Khan	GGPS Wada Kuttana	25-02-11	Released			No vacancy in U/C. DSC approval not available.
43	Farida Yasmin	Abdul Manan	GGPS Dufatmir Lrwang Khel	25-02-11	Released			No vacancy in U/C. Poor merit.
44	Nadia Nooreen	Rehmatullah	GGPS Tarkha Bazi Khel No. 2	25-02-11	Released			No vacancy in U/C.
45	Rada Nooreen	Mujib Rasool	GGPS Landiwa Mazullah	25-02-11	Released			No post available in U/C. Experience marks wrongly awarded.
46	Iram Naveed	Nobat Khan	GGPS Muhammad Nawaz Tajazai	25-02-11	Released			No post available in U/C. Experience marks wrongly awarded.
47	Gul Roshani	Azed Khan	GGPS Akhlojan Baitani	25-02-11	Released			
48	Tania Aman	Amanullah.	GGPS Jhang Khel No. 2	03-08-12	Released		In place of Rifat Rani	
49	Asma Dilawar	Dilawar Khan	GGPS No. 3 Mela Mandra Khel	05-11-12	Released			
50	Mehrab Gul	Momin Khan	GGPS Gul Akhtar Ghazni Khel		Released			
51	Asia Bano	Ycusaf Khan	GGPS M. Ayaz Bakhtai Ahmadzai	25-02-11	Stopped			
52	<u>HASINA LATIF</u>	Latifulah	GGPS Hafiz Mala Khel	25-02-11	Stopped		DSC Approval	Duty approved by the DSC. Regular Student of Jinnal College Peshawar. Not eligible for experience marks.
53	<u>SHAKILA QAYUM</u>	Abdul Qayum	GGPS Mash Habibullah	25-02-11	Stopped		DSC Approval	Duty approved by the DSC.
54	<u>ROMANA GUL</u>	Saifur Rehman Shah	GGPS Qeemat Manjwala	25-02-11	Stopped		DSC Approval	Duty approved by the DSC. She passed BSc. from Univ. of Bannu. Not entitled for experience marks.
55	<u>SOBIA GUL</u>	Gul Badshah	GGPS Shamoni Khafak Maazullah	25-02-11	Stopped		DSC Approval	Duty approved by the DSC.
56	<u>ROBINA SHAHEEN</u>	Falak Naz	GGPS Langer Khel Hindal	25-02-11	Stopped		DSC Approval	Duty approved by the DSC.
57	<u>SUMIA RAHIM QURESHI</u>	Abdul Baheem	GGPS Sarga Khero Khel	25-02-11	Stopped		DSC Approval	Duty approved by the DSC.
58	<u>SHEHLA SHAHEEN</u>	Mirzali Khan	GGPS Wanda Kalan	25-02-11	Stopped		DSC Approval	Duty approved by the DSC. She passed PTC in 30-3-2010. Regular student Govt. College. Not entitled for experience marks.
59	<u>FARHAT NISA</u>	Watan Khan	GGPS Wanda Lughman	25-02-11	Stopped		DSC Approval	Duty approved by the DSC. She passed PTC in 2009. Not entitled for experience marks.
60	<u>NIGHAT SULTANA</u>	Muhammad Bashir	GGPS Shakh Quli Khan No. 2	25-02-11	Stopped		DSC Approval	Duty approved by the DSC.
61	<u>MUSARAT SHAHEEN</u>	Muhammad Nazir Khan	GGPS Sherjan Abad	25-02-11	Stopped		DSC Approval	Duty approved by the DSC.

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62	<u>ZAHREEN BEGUM</u>	Nasib Ali Shah	GGPS Kotka Madat	25-02-11	Stopped		DSC Approval	Duly approved by the DSC. Regular student of Bannu Univ. in 2007.
63	<u>FARIDA BIBI</u>	Muhammad Ghulam	GGPS Jhang Khel No. 2	25-02-11	Stopped		DSC Approval	Duly approved by the DSC. PTC documents not available.
64	<u>HAJRA MUSARAT</u>	Muhammad Ibrahim	GGPS Biland Khel	25-02-11	Stopped		DSC Approval	Duly approved by the DSC. She was a regular student of BSc. Not entitled for experience marks.
65	<u>NADIA PERVEEN</u>	Ataf Khan	GGPS Nar Gul Hassan Shah	25-02-11	Stopped		DSC Approval	Duly approved by the DSC. No vacancy in U/C. Regular student of Bannu Univ. Not entitled for experience marks.
66	<u>ROMANA SOHRAB</u>	Sohrab Khan	GGPS Kotka Zarwar Khan (Naurang)	25-02-11	Stopped		DSC Approval	Duly approved by the DSC.
67	<u>SADIA KHAN</u>	Katu Khan (Ghazni Khel)	GGPS Bai Khan	25-02-11	Stopped		DSC Approval	Duly approved by the DSC. No vacancy available in U/C.
68	<u>NAJMA IRAM</u>	Amanullah Khan	GGPS Ilawal Khel	25-02-11	Stopped	Case pending in Service Tribunal K.P	DSC Approval	Duly approved by the DSC.
69	<u>SAKINA GUL</u>	Shah Alam Khan	GGPS Tabi Murad	25-02-11	Stopped		DSC Approval	Duly approved by the DSC. No vacancy available in U/C.
70	<u>SHAGUFTA BIBI</u>	Yunas Khan	GGPS Wanda Banochi	25-02-11	Stopped		DSC Approval	Duly approved by the DSC. No quota is reserved for ex-servicemen at the moment.
71	<u>ZAITOON BIBI</u>	Umer Khan	GGPS Wanda Aurangzeb	25-02-11	Stopped		DSC Approval	Duly approved by the DSC. Overage. No vacancy in U/C. Merit position 72. If candidates within age limit are available then relaxation cannot be accorded.
72	<u>Abida Perveen</u>	Abdul Aziz	GGPS Langer Khel Hindal	25-02-11	Stopped		Appmt. Order not Available	
73	<u>Rahimona Bibi</u>	Syed Ahmad	GGPS Aghza Ouzha	25-02-11	Stopped			Passed F.A on 21.7.2010
74	<u>Maha Hassan</u>	Hoos Hassan	GGPS Tan Khel No. 2	25-02-11	Stopped			D/O of Noor Hassan E-EDO Lakki Marwar
75	<u>Aamera Bibi</u>	Gul Muhammad	GGPS Sargarha Mahmud Khan	25-02-11	Stopped			
76	<u>Safina Bibi</u>	Muhammad Cheif	GGPS Ghulam Ali Simli	25-02-11	Stopped			Only three seats in the U.C. Merit position is 72.
77	<u>Fatma Bibi</u>	Bobrai Khan Renar	GGPS Mirsha Baitan	25-02-11	Stopped			No 7 in U/C. Not approved by DSC. Only matriculate.
78	<u>Mehnaz Bibi</u>	Amanullah Khan	GGPS Wanda Arsala	25-02-11	Stopped			No vacancy in U/C. Not approved by DSC. S No 2
79	<u>Bahri Nama</u>	Farooz Khan	GGPS Kotka Muhammad Nawaz	10-02-11	Stopped		Appmt. Order not Available	

Applications for the post of PST (F) were invited through daily Aaj Peshawar dated 16-10-2008. Last date for submission of application was 31-10-2008. According to office order No 10449-53 dated 31-8-2009 Miss Rabia Kalsoom D/O Muhammad Sa'iq has been appointed as PST (Female). At the time submitting application she was matriculate. She passed Primary Teaching Certificate from Allama Iqbal Open University on 14-3-2009. Similarly she passed F.A. examination from BISE Bannu on 26-7-2009. She was not eligible for the post of PTC. It is astonishing to know how she was awarded marks and selected against open merit quota. Dispatch No 10449-53 dated 31-8-2009 tally with dispatch register. It may be pointed out that after passing FA/FSc a candidate becomes eligible to appear in the PTC course. In the instant case she claims to pass PTC examination first in then appeared in FA. His

(75)

appointed is irregular. His husband is working as KPO in EDO office who used unfair means for her appointment as PST(Annex-S).

Later on, documents were got verified by the sitting EDO which revealed that following six female PST appointed vide office order No 2074-79/PST(F) dated 25-2-11 presented fake documents.

S.No	Name	Father's name	Place of appointment
1	Shamim Begum	Ahmad Jan	GGPS Khushdil Adamzai
2	Jamshed Bibi	Ghulam Nabi	GGPS, Hameed Abad, lakki
3	Rukhsana Hayat	Hayatullah	GGPS Textile Mills
4	Fahmida Bibi	Amin Khan	GGPS Tooti Abad
5	Nusrat Shaheen	Awal Khan	GGPS Sheri Khel Faqiran
6	Naureen Niazi	Abdul Ghafoor Niazi	GGPS Wanda Khara

Their services have been terminated vide office order No.5800-806 dated 27-07-2012 but no criminal proceedings have been initiated against them (Annex-T). Cases should be registered with Anti Corruption Establishment for producing fake certificates and forgery otherwise this practice will continue in future. He appointed Miss Bibi Zainab d/o Munawar Khan at GGPS Langer Khel as PST against deceased son quota vide office order No. 1611-17 Dated 4-1-2011(Annex-U). Reportedly her father is alive.

CT(Male)

After inviting applications through advertisement dated 11-5-2010 recruitment process was completed. Minutes were approved by the DSC (Annexure-V). Appointment orders of nine CT (Male) were issued through a consolidated notification No. 2119-24/CT(M) dated 25-2-2011 (Annex-W). Mr. Ihsanullah s/o Watan Khan, Dallo Khel, Mr. Munir Khan S/O Atlas Khan Lakki Michan Khel, Fakhru Islam s/o Muhib Ullah Mr. Abdur Rehman s/o Abdul Qayyum and Mr. Atiq ur Rehman s/o Abdul Qayyum were appointed as CT Teacher against retired son quota which does not exist at the moment. Four candidates were appointed on 31-5-2010, 4-11-2010, 23-11-2010 without observing codal formalities. Three appointment orders were issued without preparation of merit list and approval of DSC. Mr. Gohar Rehman s/o Muhammad Ayub, District Officer was appointed CT teacher vide office order no. 11874-78 dated 30-11-2010 against quota reserved for Disable person special meeting of the DSC was held on 20-11-2010 for his appointment. All the appointments are illegal.

OPEN MERIT

S.No	Name	Father name & address	Posted at	Remarks
1.	Laiq Shah	Nabi Shah R/O -Gandi	GHS No.1	Against a Vacant post.

2.	Naqibullah Khan ✓	Khan Khel Muhammad Zaman R/O Umer Abad	Jajori GHS No.1 Tajori	Against a Vacant post. Teaching experience in private institution not countable. Experience marks wrongly awarded.
3.	Muhammad Iqbal ✓	Zar Gul Khan ✕		No codal formalities i.e advertisement, test, interview, preparation of merit list & approval of DSC have been observed.

SESSION WISE MERIT (OPEN MERIT)

Remarks

S.No.	Name	Father name & address	Posted at	Remarks
1.	Dilawar Khan ✓	Mehr Jan R/O Langer Khel Hindal	GMS Satar Bhattani	Against a Vacant Post.
2.	Abdul Majid Khan ✓	Abdul Karim R/O Wanda Lughman Baist Khel	GHS Khan Khel Mandozai	Against a Vacant Post..
3.	Hidayatullah	Saadullah R/O Umer Titter Khel	GHS No.1 Taori	Against a Vacant Post.
4.	Abdul Wahab ✓	Muhammad Yousaf Mina Khel.	GHS Wanda Aurangzeb	Against a Vacant Post.
5.	Sifatullah ✓	Asmat Ullah R/O Asmat Abad	GHSS Landiwah	Against a Vacant Post.
6.	Wahid Ullah	Hameed ullah Jan	GHS Daraka, Aziz Khan	He is at S.No. 126 in the session wise merit list

RETIRED GOVT SON

S.No.	Name	Father name & address	Posted at	Remarks
1. ✓	Ihsanullah	Watan Khan R/O Dallo Khel	GHS No.2 Tajori	Retired son quota. does not exist at the moment.
2. ✓	Munir Khan	Atlas Khan R/O Lakki Michan	GHS Abdul Khel	Ex-Service men Quota. Does not

		Khel		exist at the moment
3.	Abdur Rehman	Abdul Qayyum		He applied for the post of CT on 7-10-2010 i.e 4.5 months later after the last date
4.	Fakhrul Islam	Mohibullah Khan		Retired son quota does not exist at the moment
5.	Mr. Ateeq ur Rehman	Abdul Qayyum	GHS Wanda Baru	He was appointed against retired employees son quota which does not exist. Approval of DSC not obtained

COURT CASE

S.No.	Name	Father name & address	Posted at	Remarks
1.	Muhammad Jamil	Abdullah Jan		Record not available
2.	Fakhar Zaib	Abdul Aziz		No court decision and other records are available in the office.
3.	Inamullah	Nasir Jan		Record is not available in the office. He is working against CT post at GHS Jang Khel & drawing his monthly salary under personal No.499376. The H/M concerned failed to provide his record in spite of proper correspondence of the EDO vide his letter No.7592-97 dated 10.05.2011.
4.	Gohar Rehman	Muhammad Ayub	GMS Samandi	He was appointed against Disable quota. Approval of DSC not obtained

CT(Female)

According to dealing Assistant eighteen (18) posts of CT (Female) were lying vacant (Annex-X). Against the post of CT (Female) Ex-EDO issued twenty two (22) appointment orders.

(72)

Twenty appointment orders duly approved by DSC were notified vide office order Nos. 1976-79 dated 25.2.2011, 2125-28 dated 25.2.2011 and 2143-48 dated 25.2.2011 in three consolidated lists (Annexure-Y). Appointment order of Nargus Naureen is not traceable. Two appointment orders were issued in piecemeal and without obtaining approval of DSC. A number of anomalies were noticed in the appointments of twelve teachers. Miss Fareeda Khanum D/O Bahadar Shah who secured second position in the merit list was dropped for unknown reasons. Similarly Miss Nargus Naureen D/O Khan Badshah & Miss Rehana Gull D/O Muhammad Qasim (disable Quota) recommended by DSC for appointment was ignored for unknown reasons.

Sr. No.	Name of Candidate	Father's Name	Name of School	Date of Issue Order	Service Status	Remarks
1	Rukhsana Gul	Gul Marjan	GGMS Mash Habibullah	25.2.2011	-	
2	Nasim Akhtar	Rasool Khan	GGMS Jhang Khel	25.2.2011	-	SSC DMC not available. B.A degree and CT certificate seem fake. Being fresh candidate not entitled for experience marks. She possess the lowest merit.
3	Hameeda Bano	Zalrud Din	GGMS Naqibullah Tajori	25.2.2011	-	BA Degree fake. CT certificate is also doubtful. All the documents are unattested.
4	Maimoona Rehman (PST)	Gul Rehman	GGMS Wanda Shahab Khel	25.2.2011	-	
5	Rizwana Gul	Muhammad Qasim	GGMS Bharat Khel Landiwah.	25.2.2011	-	Applied as fresh candidate but awarded two extra marks for experience.
6	Shabnum Bibi	Izat Khan	GGMS Kotka Ayaz Khan Bakhtal Ahmadzai	25.2.2011	-	All the certificates are fake. All the documents are unattested.
7	Faiqa Bashir	Bashir Hussain	GGMS Abdul Khel	25.2.2011	-	She was appointed against retired employee ward quota, which does not exist. She was at S.No. 48 in the session-wise merit list. She applied for the post of CT in May 2010 while her Mother retired in October 2010.
8	Samrin Bibi	Muhammad Nawaz	GGHS Tajori.	25.2.2011	-	She was appointed against retired employee ward quota, which does not exist. She applied for the CT post on 12.2.2011 i.e. 9 months after the last date of submission of application. She never appeared in the interview but appointed.
9	Rehana Shaheen	Zulfiqar Ahmad	GGMS Umer Daraz Tajori.	25.2.2011	-	Overage by 3 years 8 months. All the documents are unattested.
10	Rizwana Kokab	Abdul Hadi	GGMS Abdul Khel	25.2.2011	-	CT certificate not available. Hence, session is unknown. CNIC (Banru) differs from domicile certificates (Lakki Marwat)
11	Hameeda Bibi PST	Ibrahim Khalil	GGMS Tabl Murad.	25.2.2011	-	
12	Adila Tariq PST	Muhammad Tariq	GGMS Jhang Khel	25.2.2011	-	
13	Nargus Yasmin	Juma Khan	GGMS Mandan Majwala.	25.2.2011	-	
14	Razai Begum	Karim Khan	GGMS Kheru Khel Pacca	25.2.2011	-	
15	Nazia Gul	Syed Mumtaz Ali	GGMS Naqibullah Tajori	25.2.2011	-	
16	Umi Rugh PST	Nabulgh Jan	GGMS Landiwah.	25.2.2011	-	

(71)

17	Falboom Bix	Habibur Rehman	GGMS Buchka Ahmadzai	25.2.2011		
18	Saima Malik Hazir	Momin Khan	GGMS Ghazi Khel	25.2.2011		She passed CT examination in 2004. In the session-wise merit list 2002 has been reflected which is incorrect. From the merit list of 2009 it is evident that no candidate of 2003 session comes in the session-wise merit.
19	Ahmed Dost PST	Ahmed Khan	GGMS Khwaja Khel	25.2.2011		
20	Khuzaid Talat PST	Juma Khan	GGMS Kotka Ahmad Khan	25.2.2011		CT certificate not available. Hence, session is unknown.

TT(Female)

DCO Lakki Marwat floated an advertisement dated 11-6-2010 in the newspapers in which it was clearly mentioned that no one shall apply under disable quota for the reasons that no vacant post is available in the said quota (Annex-Z). Moreover due to stay order issued by the PHC Bench DI Khan further process was kept pending. Neither meeting of DSC was held nor any merit list was approved but appointment orders were issued by the Ex-EDO. During checking of record it was noticed that Miss Gulshan Bibi D/O Abdul Manan was appointed as Theology Teacher by the DCO against disable quota, in violation of court orders (Annex-AA). Since case was initiated by Ex-EDO therefore he is equally responsible. Similarly Miss Shehzadi Ambareen D/O Muhammad Yousaf was also appointed as TT (Female) and adjusted/appointed at GGMS Tajori Lakki Marwat. It may be pointed out her name was not in the list of candidates who appeared for Test & Interview.

Qari(Male)

Lt Col 40th Battalion, FF Regiment, Kohat recommended that Mr. Salim Dil Khan brother of Sepoy Khushdil Khan (Shaheed) may be appointed as Junior Clerk. No vacant post of Junior Clerk was available therefore he was appointed as Qari vide office order No. 4/19-24 dated 7-4-2010 without advertisement of post, preparation of merit list and convening meeting of DSC (Annex-AB). It may be pointed out that according to Mr. Salim Dil Khan s/o Rhan Dil Khan he is Matriculate, hence even not qualified for the post of Qari. Appointment of Mr Salim Dil can be termed as irregular. For army shaheeds GHQ maintains waiting list and provides jobs. Since Sepoy Khushdil Khan (Shaheed) was an employee of Army therefore army authorities are supposed to provide job to his family members. Provincial Government provides job to bereaved family members of its own employees who die/expire during service. Such cases shall be initiated by the Department in which deceased was employed.

Lab Assistant

Ex-EDO appointed Mst Najma Bibi D/O Haq Nawaz as Lab Assistant (BPS-7) vide Notification No 2368-73 12-3-2010 at GGHS Shshbaz Khel without advertising the post. No test and interview was conducted. She has taken over the charge & is drawing her salary. Her appointment is also irregular (Annex-AC).

DM (Male)

Applications were invited by the EDO (E&SE) for the post of DM (Male) in the daily "Aaj" dated 11-10-2008. After conducting test and interview final merit list was prepared and approved by the DSC. Appointment orders of three DM (Male) i.e. Rahil Azam S/O Khair Muhammad, Bad-e-Alam S/O Mir Abbas Khan and Mushtaq AHMAD S/O Imam Muhammad were issued in a consolidated merit list on 6-3-2009 (Annex-AD). Later on, Mr. Noor Hassan Khan, Ex-EDO, appointed Mr. Feroz Khan who had not even applied for the post (Annex-

AE). Another candidate Mr. Farmanullah S/O Wali Khan having the lowest merit was appointed under court reference. Candidates with better merit were ignored. Record is not available in the office.

Driver

The post of Driver was advertised in the daily "Aaj" dated 11-5-2010. According to selection criteria candidates having SSC and LTV are eligible. Ninety candidates applied for the post of driver. Motor Vehicle Examiner recommended three candidates for appointment. Mr. Sohail Ahmad S/O Abul Hassan having not yet passed SSC was ineligible. He was placed on the top of the merit list. According to his CNIC his date of birth is 01-01-1991. On the last day of submission of applications his age was hardly twenty years. Ten years experience has been shown at his credit which is unbelievable. On the basis of his experience he has awarded 8/10 marks (Annex-AF). From the statement of MVE Bannu/Lakki Marwat it is evident that some-one-else having ten years experience appeared in the test (Annex-AG). He has been appointed by the EX-EDO vide office order No. 11573-78 dated 19-10-2010 in violation of recruitment policy (Annex-AH).

According to office order No 911-16 dated 15-5-2009 Mr Jamshed Ahmed S/O Noor Hassan Khan son of Ex-EDO was appointed as Naib Qasid at GMS Mina Khel (Annexure-AI). According to terms and conditions of his appointment order he would be on probation for a period of two years extendable for another one year and during this period he shall not be entitled for long leave. Mr Noor Hassan Khan, Ex-EDO appointed Mr Jamshed Ahmed S/O Noor Hassan Khan, resident of Tari Khel as Junior Clerk at GHS Amir Wali vide office order No 2585-89 dated 17-3-2010 against deceased son quota/Class-IV quota (Annexure-AJ). It may be pointed out that neither Mr Jamshed Ahmed completed probation period nor he was the senior most in the list of Class-IV officials having SSC. It is also astonishing to note that Mr Noor Hassan Khan is still alive then how he appointed his own son against deceased son quota. Mr Jamshed Ahmed is still performing his duties at GHS Amir Wali. Dispatch No 2585-89 dated 17-3-2010 was compared with Dispatch Register and found correct.

According to E&A Department letter No SO(R-VI)/E&AD/Misc/Updation/09 dated 13-1-2009 the Provincial Government has reserved two percent quota for disable candidates, ten

percent quota for females in all the Provincial Services (except to cadres exclusively reserved for females) and 0.5 percent for minorities (Annexure-AK). Contrary to these written instructions Ex-EDO recruited candidates against retired government son quota which does not exist at the moment. Provincial Government is bound to provide jobs to son/daughter of deceased government servants. Similarly Federal Govt and Army authorities are bound to provide jobs to the children of their deceased employees. Mr. Noor Hassan Khan, provided jobs to Mr. Salim Dil Khan Brother of Sepoy Khushdil Khan (Shaheed). He also appointed his own son Mr. Jamshed Ahmed, resident of Tari Khel as Junior Clerk at GHS Amir Wali vide office order No 2585-89 dated 17-3-2010 against deceased son quota.

RECOMMENDATIONS

1) Charge of illegal and irregular appointments leveled against Mr. Noor Hassan Khan, Ex-EDO Lakki Marwat stands proved without any doubt. Not only eligible and qualified candidates were deprived of their due rights but it also created liabilities for the Provincial Government. His illegal action led to litigation and caused huge loss to Provincial exchequer. He appointed a large number of candidates without approval of the DSC. Mr. Noor Hassan Khan, Ex-EDO (E&SE) Lakki Marwat is personally responsible. Since he stands retired from service therefore in the light of FR 54-A disciplinary action cannot be taken at this stage therefore either an FIR may be registered with local police for recovery of losses caused to Provincial Exchequer or his case may be referred to NAB.

2) Members of DSC Mr. Muhammad Ayub Khan, DO (Male) and Mr. Shafiullah Khan, HRDO (Representative of DCO) signed merit lists, they are equally responsible. Mr. Muhammad Ayub, District Officer appointed his own son against quota reserved for Disable person. Both the officers may be reverted to lower post.

3) Mr. Amanullah, Head Clerk, Mr. Bahadar Zaman, Senior Clerk, and Mr. Haroon Badshah, Junior Clerk, EDO office, Lakki Marwat are responsible for preparation of merit lists, marking and maintenance of office record. They failed to perform their duties honestly. They also facilitated/supported the Ex-EDO in the illegal appointments. Stoppage of two increments for period of two years is recommended. They may also be transferred from the EDO Office immediately.

4) Mr. Noorani Shah, DDO in violation of court orders made payments. He may be reverted to lower pay scale.


6) Action may also be taken against Mr. Muhammad Akram Marwat dealing Assistant who processed appointment of Miss. Gulshan Bibi D/O Abdu Manan despite the fact in the advertisement it was clearly mentioned that quota reserved for disable does not exist therefore no one shall apply the same. The case of Gulshan Bibi was got approved.

General Observations

1) According to the E&AD letter No. SO(R-II)(S&GAD)5-2/80 dated 27-10-1981 in

pursuance of the policy decision of the Federal Government, the question of reemployment of Armed Forces Personal in Civil posts was considered in Provincial Cabinet in its meeting held on 23-9-1981 and it was decided that ten percent of all vacancies to be filled in by initial recruitment are to be reserved for Ex-Servicemen at all levels. Amendments to be made in all the service rules keeping in view the interest of Ex-Servicemen. No exception is to be allowed at any department (Annex-AL). In the light of above all the departments including E&SE Department may amend the service rules particularly pertaining to teaching cadres to avoid litigations and court cases.

- 2) All the clerical staff working in the EDO offices who have completed their tenure must be transferred to other offices.
- 3) At the time of inviting applications computer printed forms were issued at a cost of rupees twenty (Rs 20/-) per candidate (Annex-AM). Amount collected by the Ex-EDO on account of cost of application has not been deposited in the treasury but unlawfully utilized which may also be recovered.
- 4) In order to discourage production of fake documents the EDO must register cases with local police or Anti Corruption Establishment against those whose appointment orders have been terminated on account of production of fake certificates/degrees or produced fake appointment orders.
- 5) Services of all the persons appointed without advertisement or post, preparation of merit list and approval of DSC may be terminated after serving them with show cause notices.

 1-3-13

MUHAMMAD HUMAYUN
INQUIRY OFFICER.

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) LAKKI MARWAT

No 2503

Dated 27/04/2015

To.

1. Sub Divisional Education Officer (M)
Lakki Marwat

Subject: **AUTHORIZATION OF INQUIRY U/S 18 (C) OF NAO 1999 INQUIRY AGAINST NOOR HASSAN EX-DISTRICT EDUCATION OFFICER LAKKI MARWAT (BPS-19) AND OTHERS REGARDING MISUSE, OF AUTHORITIES, ILLEGAL APPOINTMENT ORDERS IN DIFFERENT CADERS/CORRUPTION AND CORRUPT PRACTICES.**

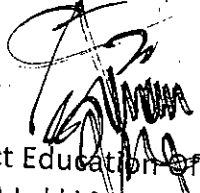
Memo

You are directed to intimate this office total amount drawn regarding the pay of illegal appointments made by Mr. Noor Hassan Khan Ex-Executive District Officer Lakki Marwat of each appointee by giving detail from the date of appointment to date.

The above information are urgently required for onward submission to the National Accountability Bureau Khyber Pakhtunkhwa on the format given as under.

S.No	Name	Designation	Order No. dated	Date of Taking over charge	Total amount drawn	Personal No	Remarks
1	XYZ	PST					1. Photocopy of first Pay Bill drawn /Source - 1 2. Appoint: Order 3. Charge report MUST BE ATACHED

(Registry No: 1202
dt: 27/04/2015)


District Education Officer
(Male) Lakki Marwat

27/4



GOVERNMENT OF PAKISTAN
NATIONAL ACCOUNTABILITY BUREAU
PDA COMPLEX BLOCK-III PHASE-V HAYATABAD
KP PESHAWAR

NOTICE U/S 19 NA ORDINANCE, 1999

To: The District Education Officer (Male)
Lakki Marwat Khyber Pakhtunkhwa.

Subject: - **AUTHORIZATION OF INQUIRY U/S 18 (C) OF NAO 1999-INQUIRY AGAINST NOOR HASSAN EX-DISTRICT EDUCATION OFFICER LAKKI MARWAT (BPS-19) AND OTHERS REGARDING MISUSE OF AUTHORITY, ILLEGAL APPOINTMENTS ORDERS IN DIFFERENT CADRES/ CORRUPTION AND CORRUPT PRACTICES**

National Accountability Bureau KPK Peshawar is conducting the subject inquiry under NA Ordinance 1999. The documents / information useful or relevant to the inquiry are in your control or you are acquainted with facts and circumstances of the case.

2. Therefore, you are requested to provide the under mentioned record / information to Investigation Officer **Rafiuddin** for examination on or before **24. 04. 2015** at NAB (KP) Block-III, PDA Complex, Phase-V, Hayatabad, Peshawar.

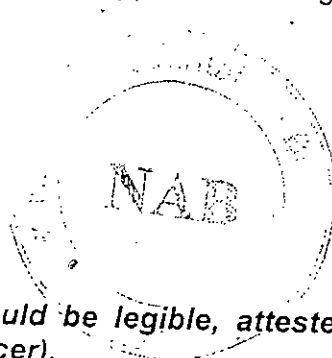
3. This notice is issued under Section 19 of the NA Ordinance, 1999 which provides that any one who fails to provide information / record requisitioned or knowingly provides false information / record or refuses to answer the question, shall be liable for prosecution under NA Ordinance, 1999.

LIST OF RECORDS/DOCUMENTS REQUIRED

1. Copy of advertisement for vacant posts during the tenure of Noor Hassan.
2. Detail of vacant posts for each category.
3. Detail of recruitment process with marking sheet and recommendations of the selection committee.
4. Committee constituted for appointment/selection.
5. Responsibilities assigned to selected members.
6. Minutes of constituted committee.
7. Total number of applications received for each category.
8. Merit list of candidates.
9. Short listed candidates.
10. List of total appointed candidates each category.
11. Approval list of appointed candidates from the concerned committee.
12. Copy of appointment letters issued.
13. Verification received of degree/certificates from concerned institutes.
14. Present status of candidates either serving or terminated.
15. Total withdrawals made by illegal appointees alongwith their personal numbers.

No. 1/25/IW-I/NAB (KPK) 235

Dated 06 April, 2015



Deputy Director (Coord)
(Muhammad Umar Khan)
Ph # 091-9217874.

(The requisite documents should be legible, attested and with covering memo addressed to Investigation Officer).


OFFICE OF THE DEO (M) E & Se. Lakki

No 2/74-79 dtd — 9.4.2015

Copy to the

- 1) DEO (F) Lakki Marwat
- 2) DY/DEO (M) Local office
- 3) ADO (Est)
- 4) Supdt (Est)
- 5) D.A concerned
(male) Category
- 6) D.A. & dispatch
Clerk

with the direction to direct all concerned to provide the list of record/documents 1-15, up to 20/04/15 to the undersigned positively, as directed by NAB. KP. Peshawar



District Edu: Officer
(Male) Lakki Marwat

19/4/15

Even No/dtd:

Copy to the

DY/ Director CORD with reference to his NO: Notice U/S 19/NAO, 1999/ 9/25/ JW-1/235 dtd 6/4/15.


District Edu: Officer
(Male) Lakki Marwat

19/4/15



GOVERNMENT OF PAKISTAN
NATIONAL ACCOUNTABILITY BUREAU
PDA COMPLEX BLOCK-III PHASE-V HAYATABAD
KP PESHAWAR
SAY NO TO CORRUPTION

NOTICE U/S 19 NA ORDINANCE, 1999

To: The District Education Officer (Female)
Lakki Marwat Khyber Pakhtunkhwa.

Subject: PROVISION OF INFORMATION U/S 19 OF NAO 1999-INVESTIGATION AGAINST NOOR HASSAN EX-DISTRICT EDUCATION OFFICER LAKKI MARWAT (BPS-19) AND OTHERS REGARDING MISUSE OF AUTHORITY, ILLEGAL APPOINTMENTS ORDERS IN DIFFERENT CADRES/ CORRUPTION AND CORRUPT PRACTICES

National Accountability Bureau KPK Peshawar is conducting the subject investigation under NA Ordinance 1999. The documents / information useful or relevant to the investigation are in your control or you are acquainted with facts and circumstances of the case.

2 Therefore, you are requested to provide the under mentioned record / information to Investigation Officer Rafiuddin for examination on or before 12.08. 2015 at NAB (KP), Block-III, PDA Complex, Phase-V, Hayatabad, Peshawar.

3 This notice is issued under Section 19 of the NA Ordinance, 1999 which provides that any one who fails to provide information / record requisitioned or knowingly provides false information / record or refuses to answer the question, shall be liable for prosecution under NA Ordinance, 1999.

LIST OF RECORDS/DOCUMENTS REQUIRED

Please provide following information in the instant case:

- Original record of appointments made during the tenure of Ex-EDO Noor Hassan.
- List of total appointments also mentioning whether illegal/irregular.
- Complete record of departmental inquiries and court judgments.
- Status of court case filed by illegal appointees against the department.
- Number of appointments made prior to advertisement and their current status.

No. 1/25/IW-I/NAB (KPK) 802

Dated 11 August, 2015

Deputy Director (Coord)
(Muhammad Umar Khan)
Ph # 091-9217874

(The requisite documents should be legible, attested and with covering memo addressed to Investigation Officer).

From

Noor Hassan Khan
Bx - EDO (B&SE)
Cariari Nawat

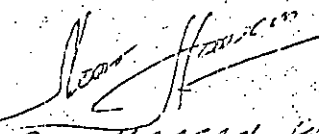
To : The Dist's office (M)
(EASU) Bx Cariari Nawat

Sub: Verification of P&T (M&F) Appointment orders/D.M (F)

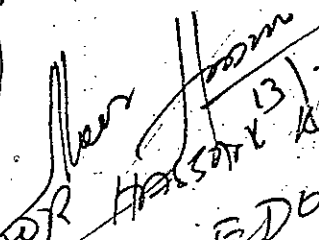
Reference your no 1128 dated 28/12/2012 on the above, ^{dated subject} it is stated that the following orders have not been signed by me and are bogus.

- (1) Burhanuddin s/o Raza Khan order no 96-100 dtd 24/1/2011
- (2) Noor Majid Khan s/o Mir Sada Khan order no 117-20 dtd 24/1/2011
- (3) Mubtaza Khan s/o Arbab Khan _____ do _____
- (4) Rashidullah Khan s/o Saadullah Khan order no 274-73 dtd 24/1/2011
- (5) Hikmatullah s/o Asmatullah order no 155-59 dtd 24/1/2011
- (6) Saifjallah Khan s/o Noor Ali Khan _____ do _____
- (7) Meekam Nayab s/o Nazirullah (DM) order no 117-20 dtd 24/1/2011
- (8) Farhadi Martin s/o Rais Khan order no 71465-68 dtd 24/1/2011
- (9) Rukhsana Bi Bi s/o Saib Khan _____ do _____
- (10) Samreen Bi Bi s/o Nurabait Khan order no 155-59 dtd 24/1/2011
- (11) Fauzia Saleem s/o Muhammad Salim order _____ do _____
- (12) Shahida Begum s/o Muhammad Gulam order no 287-39 dtd 24/1/2011
- (13) Asma Gul s/o Yousaf Muhammad _____ do _____
- (14) Mehroz s/o Akram Zeb Khan 0 _____ do _____
- (15) Farzeelat Bi Bi s/o Gul Zaman order no 175-78 dtd 19/1/2011

Moreover specimen signatures are also sent herewith for verification of orders with these signatures to avoid further same practice.


Noor Hassan Khan
Bx - EDO (B&SE)
Cariari Nawat
P.O. S.S. Khoshgi Payal,
Noshara

Verified


Noor Hassan Khan
13/2/2014
Bx - EDO (B&SE)
Cariari Nawat

From: Noor Hassan,
EX-EDO (Ex SE)
Anwar Ahmad.

To: The Special Govt's Pleader,
Anwar Ahmad.

SAs: Verification of PST (M & F) Appointment orders.

Memo:-

Reference your letter No 44 dated 2/2/2013.

It is stated for your kind information that the following orders have not been signed by the undersigned and be treated as bogus due to false signatures.

(1) Farooq Ahmad S/o Din Muhammad Order No 275-80 dtd 22/2/11

(2) Samreen Bi Bi S/o Yousaf Khan Order No 278-81 dtd 22/2/11

(695414) (3) → Bakht Nagma S/o Farooz Khan Order No 262-16 dtd 10/2/11

(4) Saifud Din S/o Saifud Din Order No 1615-20 dtd 19/2/11

Moreover it is requested that in future original orders may be sent for verification as photo copy signatures are not authentic.

Noor Hassan
3/2/13

EX-EDO (Ex SE)
Anwar Ahmad.

Verified

Noor Hassan
13/2/14
EX-EDO (Ex SE)
Anwar Ahmad.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A. No. 668/2014

Habib Ullah

Versus

D.E.O & others

REJOINDER

Respectfully Sheweth,

Preliminary Objections:

All the 05 preliminary objections are illegal and incorrect. No reason in support of the same is ever given as to why the appellant had no cause of action, locus standi, non maintainable, unclean hands, concealment of material facts, bad for miss and non-joinder of parties malafide.

ON FACTS

- 1-2. Not commented upon by the respondents, so the paras of the appeal are admitted correct by the respondents.,
3. Not correct. The order of appointment of appellant speaks the truth that the same was as per the mandate of law.
- 4-5. Admitted correct to the extent of Civil Suit.
6. Admitted correct to the extent of representation. Appellant has no concern with any inquiry but no such inquiry is pending disposal against appellant.

GROUND S:

All the grounds of the appeal are legal and correct while that of the reply are illegal and incorrect. As for as inquiry of the PIT is concerned, the same was carried out against Noor Hassan khan Ex EDO, M.Ayub khan DO now died, Noorani shah DDO, Shafiullah PS, DCO, Aman ullah Head clerk, Bahadar Zaman senior clerk, Haroon Badshah junior clerk. Appellant was not figured in the inquiry report anywhere.He was never associated with the inquiry as is evident from the same.

It is, therefore, most humbly requested that the appeal be accepted as prayed for.

Habib Ullah

Appellant

Through

Saadullah Khan Marwat

Saadullah Khan Marwat

Dated: 5.09.2016

Arbab Saif Ul Kamal

Arbab Saif Ul Kamal

Miss Rubina Naz

Miss Rubina Naz
Advocate,

AFFIDAVIT

I, Habib Ullah S/o Habib khan, do hereby solemnly affirm and declare that contents of **Rejoinder** are true and correct to the best of my knowledge and belief. While that of the reply of respondents are illegal and incorrect.

I reaffirm the same on oath once again to be true and correct as per the available record.

Habib Ullah

DEPONENT