

28.4.2016

Ahmad Khan, son of the appellant, Hafiz Muhammad Yaseen, SDO and Ansar Ahmad, AAO alongwith Addl. A.G for respondents present. Written reply by respondents No. 1 to 6 already submitted. Written reply by respondents No. 7 & 8 not submitted despite of last opportunities and imposition of cost of Rs. 1000/- which also not paid. No further opportunity is extended to the said respondents. The appeal is assigned to D.B for rejoinder and final hearing for 08.08.2016.

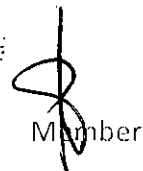

Chairman

08.08.2016

Mr. Imdad Hussain, Advocate for appellant and Mr. Muhammad Rafique, Tehsildar alongwith Additional AG for respondents present. Learned counsel for the appellant stated that since the appellant has died therefore, the instant appeal has become abated. His legal heirs if so advised may agitate the matter before proper forum. Order accordingly. File be consigned to the record room.

ANNOUNCED
08.08.2016


Member


Member

29.02.2016

Appellant with counsel, M/S Fathiullah, SDO and Ansar Ahmad, AAO alongwith Addl: A.G for respondents present. Para-wise comments by respondents No. 1, 3, 4, 5 and 6 submitted while respondent No. 2 has already submitted written reply. Written reply by respondents No. 7 and 8 not submitted despite last opportunity. The learned Addl: A.G requested for further adjournment. Last opportunity is extended subject to payment of cost of Rs 1000/- which shall be borne by respondents No. 7 and 8 from their own pockets. To come up for written reply/comments and cost on behalf of respondents No 7 and 8 on 28.4.2016 before S.B.


Member

07

08.06.2015

Appellant Deposited
Security & Process Fee



Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was appointed as Badragga vide order dated 12.8.1986 and that he was to retire from service in the year 2019 but was erroneously and wrongly retired on 30.6.2014 where-after he preferred departmental appeal on 26.12.2014 which was not responded and hence the instant service appeal on 2.4.2015.

That the impugned order of retirement is against of law and facts.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply for 27.8.2015 before S.B.


Chairman

8

27.08.2015

Mr. Asmatullah Khan, Special Attorney for appellant, M/S Javed Khattak, SDO for respondents No. 1, 3, 4, 5 and 6 and Ansar Ahmed, AAO for respondent No. 2 alongwith Addl: A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 23.11.2015 before S.B.


Chairman

23.11.2015

None present for appellant. M/S Ansar Ahmed, AAO and Fatahullah, SDO alongwith Addl:-A.G for respondents present. Written statement by respondent No. 2 submitted, while learned Addl: A.G requested for further adjournment on behalf of remaining respondents. Last opportunity granted. To come up for written reply/comments on behalf of remaining respondents No. 1, 3 to 8 on 29.2.2016 before S.B.


Chairman

3

17.04.2015

None present for the appellant. Adjourned for preliminary hearing to 28.04.2015 before S.B.


Chairman

4

28.04.2015

Appellant in person present. Counsel for the appellant is not in attendance. Adjourned for preliminary hearing to 11.5.2015 before S.B.


Chairman

5

11.05.2015

Agent of Counsel for the appellant present. Learned counsel for the appellant is not in attendance. Adjourned to 25.5.2015 for preliminary hearing before S.B.


Chairman

6

25.05.2015

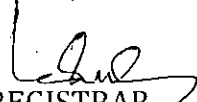


None present for appellant. Due to strike of the Bar adjourned for preliminary hearing to 8.6.2015 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 267/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	02.04.2015	<p>The appeal of Mr. Mir Khajan Wazir presented today by Mr. Asghar Ali Khan Daim Khel Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	3-4-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>17-04-2015</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> 

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK
PESHAWAR

Service Appeal No. 267 /2015

Mir Khajan Wazir

..... Appellant

VERSUS

Executive Engineer & Others

..... Respondents

INDEX

S.No	Particulars of Documents	Annex:	Pages
1	Grounds of appeal along with affidavit		1-5
2	Copy of the application along with verification letter bearing No.4748-49 dated 06-04-1986 from the Chief Engineer Irrigation Deptt: NWFP Peshawar to Superintending Engineer, Southern Irrigation Circle Bannu	A, B.	6-7
3	(Copies of the character certificate, S/Book, Identity card, Old NIC, CNIC, <u>MEDICAL CERTIFICATE</u>	C, D, E, F & G	8-13
4	Copy of the apptt: order is enclosed	H	14
5	Copy of the copy of application along with the statement of the elders of the Ilaqa consists of 4 pages, copy of letter No.121/PNT/SPN, dated 28/29-10-2014, letter No.417 dated 12-11-2014	I, J, K & L	15-21
6	copy of retirement order No. 1018-20 dated 30-06-2014	M	22
7	Copy of the departmental appeal is enclosed	N	23
8	Copy of the departmental appeals & order in light of the departmental appeal of Mr. Rafiullah Khan S/O Mir Khajan (appellant)	O & P	24-26
9	Vakalat Nama <u>DOMICILE CERTIFICATE</u>	Q	27

ASGHAR ALI KHAN
DAIM UHEL
ASC
03361908490

Appellant

Mir Khajan Wazir



BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK
PESHAWAR

Service Appeal No. 267/2015

Mir Khajan Wazir S/O Shah Jami R/O Village Mir Ali, Tehsil Spin
Wam, NWA Agency Miranshah Appellant

VERSUS

N.W.F Province
Service Tribunal
Diary No 290
Dated 02-4-15

- ' 1- Executive Engineer Hydrology, Irrigation Division KPK Peshawar
- 2- Accountant General KPK Peshawar
- ' 3- Superintending Engineer (H/Q), Office of Chief Engineer (South)
Irrigation Department Peshawar
- ' 4- Section Officer (Establishment) Office of the Secretary to Govt: of
KPK, Irrigation Department Peshawar
- ' 5- Divisional Accounts Officer (Local) *Hydrology Irrigation Deptt. Bannu*
- ' 6- Head Clerk (Local) *HYDROLOGY IRRIGATION DEPTT BANNU*
- 7- Assistant Political Agent, Mir Ali, Sub Division Mir Ali
- 8- Political Naib Tehsildar Spin Wam Mir Ali Respondents

SERVICE APPEAL UNDER SECTION IV UNDER SERVICE
TRIBUNAL ACT IX OF 1974 TO THE EFFECT THAT THE
APPELLANT HAD WRONGLY AND MALAFIDELY RETIRED BY
THE RESPONDENTS WITHOUT HIS KNOWLEDGE, IN HIS
ABSENTIA, WITHOUT AN APPLICATION TO THE
RESPONDENTS, SO THE IMPUGNED ORDER/IS ILLEGAL AND
INEFFECTIVE UPON THE RIGHTS OF SERVICE OF APPELLANT

*passed by the
respondent no-1*

PRAYER

ON ACCEPTANCE OF THIS SERVICE APPEAL MAY
GRACIOUSLY BE SET ASIDE THE IMPUGNED ORDER OF THE
RESPONDENTS AND MAY KINDLY BE REINSTATE ON THE
SAME POST TILL THE COMPLETION TO THE AGE OF
SUPERANNUATION AS PER MEDICAL CERTIFICATE ISSUED
BY MEDICAL SUPERINTENDENT MIRAN SHAH

Respectfully Sheweth!

- 1- That the brief facts giving rise the present service appeal are that the appellant was applied for against the vacant post of Badragga. (Copy of the application along with verification letter bearing No.4748-49 dated 06-04-1986 from the Chief Engineer Irrigation Deptt: NWFP Peshawar to Superintending Engineer, Southern Irrigation Circle Bannu are enclosed as Annex - A & B respectively)
- 2- That the appellant submitted necessary documents, i.e character certificate, Medical Certificate, Domicile Certificate, Identity Card to the appointing authority (respondents) requisitioned by him as relevant documents. (Copies of the character certificate, S/Book,

2/4/15

Identity card, Old NIC, CNIC are enclosed as Annex – C, D, E, F (respectively)

- 3- That the respondents issued appointment order, letter bearing No. 1373-75/6-E on dated Peshawar, the 12-08-1986 in the name of Mir Khajan S/O Shah Jami Wazir Tori Khel of Spin Wam, Tehsil Spin Wam Bannu (Appellant) as Badragga. (Copy of the apptt: order is enclosed as Annex – H)
- 4- That the alleged forged application shown bearing Letter No.417/APA/MRL dated 12-11-2014 wherein shown an application from the appellant side for retirement on superannuation which is totally fraud, wrong and illegal because no such kind of application has been filed before the respondent No.7 by the appellant but the application was on behalf of Samidullah S/O Mir Khajan (the present appellant).
- 5- That in the light of the letter bearing No.417 dated the respondent No.7 issued recommendation letter No.121/PNT/SPN dated 28/29-10-2014 from the respondent No.8 to respondent No.7, for appointment of the Samidullah as Badragga in the light statements of the elders of the locality. (Copy of the copy of application along with the statement of the elders of the Ilaqa consists of 4 pages, copy of letter No.121/PNT/SPN, dated 28/29-10-2014, letter No.417 dated 12-11-2014 are enclosed as Annex – I, J, K & L respectively)
- 6- That the retirement from service of the appellant was without issuing him any notice and assigning any reason for such retirement in absence, without knowledge, which was against the prevailing law and natural law / justice.
- 7- That the impugned order of retirement dated 30-06-2014 bearing letter No. 1018-20/6-E- Peshawar the 30-06-2014 is totally violation of the fundamental rights of the appellant enshrined in the constitution 1973. (copy of retirement order No. 1018-20 dated 30-06-2014 is enclosed as Annex – M)
- 8- That the appellant submitted departmental appeal to the respondent No.1 but still is pending adjudication before the respondent No.1.
- 9- That for sufficient time the appellant waited for the final order of departmental appeal but in-vain because no response has been given by the respondent No.1 in the matter pending adjudication. (Copy of the departmental appeal is enclosed as Annex – N)
- 10- That there is no alternative remedy but to invoke the tribunal jurisdiction by indulgence this Honourable Tribunal into the matter inter-alia the following grounds amongst others:-

GROUNDS


- 1- That the appellant was retired / removed by the respondents wrongly and illegally on the basis of superannuation because the appellant has not completed his service of the respondents, so as the 05 years age is still remaining for service which was pre-matured on account of which was before the time as the age of the appellant shown in the Medical Certifies issued by the M/S on dated 20-08-1986 was 28 years old one.

- 2- That the appellant was entitled for equal treatment under the prevailing law in the light of the terms and conditions of service and constitution.
- 3- That the appellate and his son both filed departmental appeals before the respondent No.1, his son's appeal namely Rafiullah was accepted by the respondent No.1, while the appeal of the appellant is still pending adjudication before the respondent No.1 which indicates malafide on behalf of the respondent No.1 that he is personally interested in the matter of the appellant to decide the matter in time but he illegally without lawful authority lingering the matter without any legal justification. (Copy of the departmental appeals & order in light of the departmental appeal of Mr. Rafiullah Khan S/O Mir Khajan (appellant) is enclosed as Annex – O & P respectively)
- 4- That the appellant have two wives. The second wife son namely Rafiullah already serving in the department as Chowkidar, the second son namely Samidullah from the same wife having jealousy with Rafiullah for this ill-will to equalize his own personality with Rafiullah, for service, committed this fraud with the complexity of the respondent No.7 & 8 for removing from service the appellant on this score in absence of the appellant without intimation to him from the respondents.
- 5- That the appellant has un-blemish checked history in the service career rendered by him under the subordination of the respondents.
- 6- That the impugned order of removal / retirement of the appellant by the respondents is illegal, unreasonable without any legal justification, against the norms of justice and natural justice, unconstitutional, without any lawful authority which is liable to be set aside.
- 7- That the appellant belongs the post of BADRAGGA while the post for which Samidullah S/O Mir Khajan apply is CHOWKIDAR, both the posts are having different status. It is pertinent to mention here that being retired / removed from the service on the basis of superannuation the respondent has not yet appointed to Samiduallah on the post of Chowkidar. The question arises that why the respondent defrauded to both the appellant and the Samidullah, though having a jealous person but the respondents too very greedy and fraudy person.
- 8- That in this respect the appellant having reserved the right for filing a complaint before the FIA and other relevant forum against the respondents about their acts and omission committed by them in this respect of retirement of the appellant fraudulently.
- 9- That I also reserved the right for filing a suit for mental torture compensation and fiscal (money) loss.
- 10- That Article 4 of the constitution provides for due process of law and mandates that every one to be treated in accordance with law. Administrative discretion which is structurally unfettered and unchecked cannot be said to have been exercise in accordance with law and therefore, failure to pass the test of "due process" under Article 4 of the constitution, therefore, violative of "due process" and fundamental rights of the appellant. Such kind order was

declared to be ab initio, unconstitutional and unlawful creating no right what so ever in the matter.

It is therefore, humbly prayed that the appeal may graciously be accepted and may be pleased set aside the impugned order of the respondents who prematurely ordered for retirement on the basis of superannuation illegal, unlawful and may kindly be reinstate on the same post to complete his service in the remaining five years age as per medical certificate issued by the MS Miranshah.

Other remedy deems fit may also be granted to the appellant.


Mir Khajan Wazir
ASC BANNU

Appellant

Mir Khajan Wazir

0336-1905490

0301-8074043



BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK
PESHAWAR

Service Appeal No. _____/2015

Mir Khajan Wazir Appellant

VERSUS

Executive Engineer & Others Respondents

AFFIDAVIT

I, Mr. Mir Khajan Wazir S/O Shah Jami R/O Village Mir Ali, Tehsil Spin Wam, NWA Agency Miranshah, appellant, do hereby solemnly affirm and declare on Oath that the contents of the Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal

Deponent

CNIC No. 21509-64643,01-3

ATTESTED



from him or the Director planning or design program
 from any other area may be involved
 The exact system of agreement is...
 included as in...
 working in the...
 some...
 of...

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- 2
- 3
- 4
- 5

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2.4.15
 Attached
 PK1

A

" " B

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No. 4748-49/15-E Dated Bannu the 6/4/86

The Chief Engineer,
Irrigation Department,
N.W.F.P., Peshawar.

Attested
Agia
AO

SUBJECT:- APPOINTMENT ON SADRAGA.

2.4.2015

Enclosed please find herewith an application from Tori Khel Tribal Tensal Spin was. Since S.D.O. Hydrology is working in the above tribal area as such the correct position of appointment of sadraga from Tori Khel area may be verified from him or Director Planning, Design and Hydrology, Peshawar.

Encl:-
As above.

S.D.O. Tori Khel
Superintending Engineer,
Southern Irrigation Circle,
Bannu.

Copy forwarded to Director Planning, Design and Hydrology Office of the Chief Engineer, Irrigation Peshawar, for information & necessary action.

S.D.O.
Superintending Engineer,
Southern Irrigation Circle,
Bannu.

A.O. *6/7/86*
13/8/86

CERTIFICATE CHARACTER

Certified that Mr میر حیاں S/o شاہی Village بیز علی پور
Tribe طوری Section میر علی Tehsil پہلی درہ - 8-

is a bonafied resident of North Waziristan Agency, bearing good Character.

There is nothing against him in this Tehsil record as verified.

by Section Mark میر شہریت Village میر علی Tehsil پہلی درہ

Assistant Political Agent

[Signature]
13/8/88

Political (N) Tehsildar

[Signature]
11/8/88

Attested
Agla
AD

2.4.15

1. Name _____ (نام)
2. Nationality and Religion _____ (قومیت اور مذہب)
3. Residence _____ (مستقل رہائش)
4. Father's name and residence _____ (والد کا نام اور پتہ)
5. Date of birth by Christian era as nearly as can be ascertained _____ (تاریخ پیدائش مطابق سن عیسوی)
6. Exact height by measurement _____ (قد و قامت)
7. Personal mark for identification _____ (نشان شناخت)

D

Mu Khajam - 9
 Pakistan (Islam)
 Wazir Town of Swat
 Tehsil Swat N.W. Agency
 Shan Jam Wazir

As per Medical Report: Miran Shah on N.C.
 28 years Age of 20.8.96.

A black mole on the left side of eye

8. Left hand/right hand thumb and finger-impresions of (None-gazeted) officer.
 (برد کی صورت میں بائیں اور صورت کی صورت میں دائیں ہاتھ کی انگلیوں کے نشانات)

Little Finger (چونگیا)

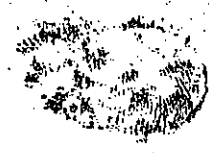
Ring Finger (چونگیا کے ساتھ کی انگلی)

Middle Finger (انگشت میاں)



Fore Finger (انگشت شہادت)

Thum (انگولہا)



Attested
 [Signature]
 2.4.15

9. Signature of Government servant _____ (سرکاری ملازم کے دستخط)

10. Signature and designation of the Head of the Office, or other Attesting Officer _____

(تصدیق کنندہ سر کے دستخط اور مہر)



K.T. Miran Shah

[Signature]

[Signature]

[Signature]

Note:—The entries in this page should be renewed or re-attested at least every five years and the signatures in lines 9 and 10 should be dated. Finger prints need not be taken after every 5 years under this rule.
 اس صفحہ کے مندرجات کم از کم ہالچ سال بعد تصدیق ہونا ضروری ہیں اور نمبر 9 - 10 میں دستخطوں کے تاریخ لازمی ہونی چاہیے۔ انگلیوں کے نشانات کیلئے ہر ہالچ سال کے بعد تصدیق کی ضرورت نہیں۔

1	2	3	4	5	6	7	8
Name of post درجہ ملازمت	Whether substantive or officiating and whether permanent or temporary عارضی ، مستحیل یا قائم مقام	If officiating, state— (i) substantive appointment or (ii) whether service counts for pension under rule 3.20 of C.S.R. (Pb.) volume II اگر عارضی ہے تو کیا وہ رول 3.20 مطابق پنشن کا مستحق ہے ؟	Pay in substantive post تدخواہ بطور عارضی ملازمت	Additional pay for officiating زائد تدخواہ بطور قائم مقام	Other emoluments falling under the term "pay" ماسوائے تدخواہ دیگر الاصلی	Date of appointment تاریخ تقرری	Signature of Government servant دستخط سرکاری ملازم
Badkatta	Tumpji	yes	Rs. 460/-	P.A.	plus	allowances	

Attested
[Signature]
[Signature]

9	10	11	12	13		14	15
Signature and designation of the Head of the office or other Attesting Officer in attestation of columns 1 to 8 دستخط المر مجاز	Date of termination or appointment تاریخ الطاع ملازمت	Reason of termination (such as promotion, transfer, dismissal etc.) وجوهات الطاع ملازمت ترقی، تبادلہ یا بر طرفی	Signature of the Head of the office or other Attesting Officer دستخط المر مجاز	LEAVE Allocation of periods of leave on average pay upto four months (or earned leave not exceeding 120 days) to which leave salary is debitabale to another Government چار ماہ تک کی رخصت کہلئے اوسط تنخواہ کا نمونہ Govt. to which debitabale گورنمنٹ جسے رقم ادا ہوگی Nature and duration of leave taken رخصت کی نوعیت و مہد		Signature of the head of the office or other Attesting officer دستخط المر مجاز	Reference to any recorded punishment, or censure, or reward or praised of the Government servant سزا یا جرا یا غیر مناسب کار کردگی کا ریکارڈ
				<p>Appointed via X-ray Psychology since Peshawar NY-1372-75/6E, S. 12.8.1986.</p> <p>Reported arrival on 13.8.1986 A.W.</p>		<p>Attested Agha 2.4.15</p>	

حکومت پاکستان
 ٹیلی فون کارڈ
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 سرسبز
 علی احمد حکیم
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حکومت پاکستان
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 (Post Card 9-3-8)

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 شہزادہ
 شمالی دزیرنہ - پنجاب
 الف
 1983
 K

IDENTITY CARD
 FEDERAL BUREAU OF INVESTIGATION
 NAME: SAHAB
 FA THER'S NAME: SAHAB
 DESIGNATION: SAHAB
 Sub Divisional Officer

157-87-080886
 Altered
 P. J. Khan

MEDICAL CERTIFICATE

F

Name of Official..... *Mr. Mrs. Klegjan*

Caste or race..... *Wazir*

Father's name..... *Mr. Ghuljame*

Residence..... *Muze Mir Ali Pabisiel Spinnan*
N.W. Agency

Date of birth.....

Exact height by measurement..... *5-5*

Personal mark of identification..... *A black mole on the*

Signature of the Official..... *left side of neck*

Signature of head of office.....

Seal of Office.....

Altered

Agdar
AD
2.4.56

I do hereby certify that I have examined Mr. *Mrs. Klegjan* a candidate for
employment in the Office of the *Investigation Dept.*
and can not discover that he had any disease communicable or other constitutional
affection or bodily infirmity except..... *nil*

I do not consider this as disqualification for employment in the office of the *Investigation Dept.*
Dept. His age according to his own statement..... year and by
appearance about *28* years.

THUMB AND FINGER
IMPRESSIONS
20/5/56

Jkhan
Medical Superintendent
Agency Headquarters
Quetta, Baluchistan
P.O. BOX 834

No 1373-75 /6-E,

Dated Peshawar, the 12/8/1986.

Mr. Mirhajan,

Chief Jami Wazir, Tehsil Spinwar Bannu.

u
H

Subject:- APPOINTMENT AS BADRAGAH.

You are hereby offered a posts of Badragah of efficiating temporary basis at Rs: 460/- P.M pluse allowances in the basis pay scale No.2. i.e Rs: 460-12-700/- on the usual condition of service in this Departments as Badragah on the station Hydrology Irr: Sub Division Bannu.

Your employment in this department is purely temp: and your services may terminated at 15 days notice with out any reasons being assigned at any time irrespective of the fact that you are holding a post, other than the one to which you were originally recruited or on the payment of 15 days salary in lieu of notice. Your service can however be terminated without notice if you found guilty of MIS:conduc.

You have to join duty at your expenses. You will have to produce a medical certificate of fitness if your service continues beyond six. Month you will have to produce.

Handwritten notes in Urdu script on the left margin.

- 1. Domicil Certificate.
- 2. Indenty Cards
- 3. A certificate that you are not a dismissed Government Servants.

Handwritten signature and initials on the right margin.

You will be Governed by such rules and orders relating to leave. T.A. medical attendance pay and allowances. pay and pension etc: as may be issued by Govt: for category of Govt: servants to which you will belong. If you accept the post on the above mention condition, You will report for duty to the Sub Divisional Officer Irr: Sub Division Bannu. as soon as possible but not later then 15 days otherwise this call will be considered as cancelled.

Executive Engineer
Hydrology Irrigation
Division Peshawar.

- Copy to forwarded to the:-
- 1. Sub Divisional Officer Hydrology Irr: Sub Division Pannu as per recommendation 12.8.1986 and recommend by Assistant Political Agent Mirali Sub Division Mirali his No. 150/APA/MRI dated 11.8.1986 for information and necessary action.
 - 2. Accountant General N.W.F.P. Peshawar
 - 3. Divisional Accountant(Local) for information

-SD-
Executive Engineer
Hydrology Irrigation
Division Peshawar.

بخدمت جناب اسٹنٹ پوٹیکل ایجنٹ (APA) سب ڈویژن میرٹھی

عنوان: درخواست برائے بھرتی

جناب عالی:

گزارش ہے کہ میر والد محترم میر حجان جو کہ ایگزیکٹو انجینئرنگ ہائیڈرالوجی اریگیشن ڈویژن پٹنا سب ڈویژن بنوں میں بطور بدراگہ متعین تھا۔ 60 سال کے عمر پورا ہونے پر ریٹائرڈ ہو گیا ہے۔ لہذا استدعاء ہے کہ میر والد کے ریٹائرمنٹ کے بعد اس کی جگہ مجھے صمد اللہ ولد میر حجان گاؤں سپین و ام، میر علی کو بھرتی ہونے کے احکامات صادر فرمائی جاوے۔

بندہ تازیت دعا گورینگا۔

Abdullah
Agarwal
AC

2.4.15

العارض

صمد اللہ ولد میر حجان گاؤں سپین و ام، تحصیل میرٹھی

Post MR L
For verification
Report PL.

27/15

بین نصاب

این سند در مورد ...
 و ...
 ...
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 ...
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 ...
 ...

Alerted

Aggha
ACI

24.15

21509-1731594-7

Handwritten signature or notes in the bottom left corner.

Alerted

Handwritten notes in the bottom right corner.

بازداشت

این سید است که با والدین
 در خیابان ...
 این جهت ...
 و ...
 این ...
 ...
 ...
 ...
 ...

Attested
 [Signature]

2-4-55

[Signature]
 [Stamp]

[Signature]
 [Stamp]

در این روزها که همه در حال
 مبارزه با ویروس کرونا هستیم
 و در تلاشیم تا این ویروس را
 از بین ببریم و سلامت خودمان
 و دیگران را حفظ کنیم
 باید که با رعایت بهداشت
 و استفاده از ماسک و دستکش
 و تعویض ماسک به موقع
 و دوری از جمعیت بتوانیم
 این ویروس را کنترل کنیم

امیدوارم که با همکاری
 همه ما بتوانیم این بحران را
 پشت سر بگذاریم و به سلامت
 خودمان و عزیزانمان
 بازگردیم

در این روزها که همه در حال
 مبارزه با ویروس کرونا هستیم
 و در تلاشیم تا این ویروس را
 از بین ببریم و سلامت خودمان
 و دیگران را حفظ کنیم

Attested
 by
 AD
 2.4.15

ذمہ دار ہے اور والدین ان کے لئے ذمہ دار ہیں
 اور پھر ان کے لئے ذمہ دار ہیں اور ان کے لئے
 ذمہ دار ہیں اور ان کے لئے ذمہ دار ہیں
 اور ان کے لئے ذمہ دار ہیں اور ان کے لئے
 ذمہ دار ہیں اور ان کے لئے ذمہ دار ہیں

Attested
 by
 ACI

کیا میں نے اپنے والدین سے
 کوئی چیز لیا ہے اور ان سے
 کوئی چیز لیا ہے اور ان سے

محمد شہزاد
 محمد شہزاد

121

/PNT/SPN

Date

28/10/2014.

From The Political Naib Tehsildar
Spinwam

" K "

-20-

To Assistant-Political Agent
Mir Ali Sub Division Mir Ali

Attended
Agdha
AD
2-4-15

Subject: APPOINTMENT OF BADRAGA SERVECE.

Memo:

One Samid Ullah S/O Mir Kha Jan Wazi Mirali Spinwam has applied for transfer of his badraga service while his father is going on pention. He further stated that his father was a servent in Exective Engineering Hydrology Erigation Division Sub-Division Bannu

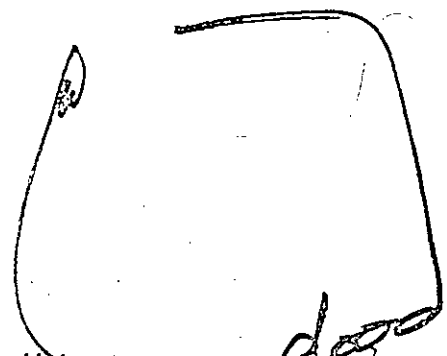
It is therefore requested that Mr Samid Ullah S/O Mir Kha Jan may be posted as Badragga servent on place of his father.

The statemet of the Elders is enclosed herewith for perusal please.

Steno

process

D



Political Naib Tehsildar
Spinwam



No. 417 /APA/MRL

Dated 18/11/2014

From: The Assistant Political Agent,
Mirali Sub-Division Mirali.

To: The Political Agent,
North Waziristan Agency
Miranshah.

APPOINTMENT OF CLASS-IV SERVICE.

Subject: Memo:

An application submitted by one Mir Khajan Wazir Mirali Tori Khel PO

& Tehsil Spinwam wherein he has requested that he has been proceeded on
superannuation retirement from Badruga Class-IV Service from the Office of Executive
Engineer Hydrology Irrigation Sub-Division Bannu on 29.10.2014. He further requested in
his application that his son namely Samidullah may be nominated for appointment as
Badruga Class-IV Service on the post vacate by him.

In this connection Political Tehsildar Spinwam vide his letter No.

121/PT/SPN, dated 29.10.2014 has obtained statement of his sectional Malik's village
Mirali-Tori Khel Tehsil Spinwam (copy attached) wherein they stated that they have no
objection over the said transfer of Class-IV service the Office of Executive Engineer
Hydrology Irrigation Sub-Division Bannu, and recommended the case for consideration.

In view of the above, it is therefore, recommended that Class-IV
service of Mir Khajan Mirali Tori Khel Tehsil Spinwam-may-please be transferred in the
name of his son namely Samidullah S/O Mir Khajan please.

ASSISTANT POLITICAL MIRALI,
SUB-DIVISION MIRALI.

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[Handwritten notes: 2-4-15, Mirali, Mirali]

- 21 -

OFFICE OF THE EXECUTIVE ENGINEER,
HYDROLOGY IRRIGATION DIVISION,
PESHAWAR

NO. 1513-20 10-15,
Peshawar the 20/06/2014

"M"
Attested
2-4-15

OFFICE ORDER

-22-

Mr. Mir Khajan Badraga attached to this Division is hereby retired from Government service on superannuation i.e 60 year with effect from 30/06/2014.

Executive Engineer,
Ph; No. 091-9212114.

Copy of the above is forwarded to the:

1. Accountant General Khyber Pakhtunkhwa Peshawar.
 2. Sub Divisional Officer Hydrology Irrigation Sub Division Bannu.
 3. Divisional Accounts Officer (Local).
- For information and further necessary action please.

Executive Engineer,
Ph; No. 091-9212114.

شیران

مخبرین کے لئے



مخبرین کے لئے

نوٹ: ضروری دستاویزات مندرجہ ذیل ہیں۔

تاریخ: 26-12-2014

1۔ اہل تشیع کے لئے اہل تشیع کی دائرہ کار کے تحت رہنے والے ہونے کی تصدیق۔

2۔ اہل تشیع کے لئے اہل تشیع کی دائرہ کار کے تحت رہنے والے ہونے کی تصدیق۔

3۔ اہل تشیع کے لئے اہل تشیع کی دائرہ کار کے تحت رہنے والے ہونے کی تصدیق۔

4۔ اہل تشیع کے لئے اہل تشیع کی دائرہ کار کے تحت رہنے والے ہونے کی تصدیق۔

5۔ اہل تشیع کے لئے اہل تشیع کی دائرہ کار کے تحت رہنے والے ہونے کی تصدیق۔

6۔ اہل تشیع کے لئے اہل تشیع کی دائرہ کار کے تحت رہنے والے ہونے کی تصدیق۔

7۔ اہل تشیع کے لئے اہل تشیع کی دائرہ کار کے تحت رہنے والے ہونے کی تصدیق۔

8۔ اہل تشیع کے لئے اہل تشیع کی دائرہ کار کے تحت رہنے والے ہونے کی تصدیق۔

9۔ اہل تشیع کے لئے اہل تشیع کی دائرہ کار کے تحت رہنے والے ہونے کی تصدیق۔

10۔ اہل تشیع کے لئے اہل تشیع کی دائرہ کار کے تحت رہنے والے ہونے کی تصدیق۔

11۔ اہل تشیع کے لئے اہل تشیع کی دائرہ کار کے تحت رہنے والے ہونے کی تصدیق۔

12۔ اہل تشیع کے لئے اہل تشیع کی دائرہ کار کے تحت رہنے والے ہونے کی تصدیق۔

13۔ اہل تشیع کے لئے اہل تشیع کی دائرہ کار کے تحت رہنے والے ہونے کی تصدیق۔

14۔ اہل تشیع کے لئے اہل تشیع کی دائرہ کار کے تحت رہنے والے ہونے کی تصدیق۔

15۔ اہل تشیع کے لئے اہل تشیع کی دائرہ کار کے تحت رہنے والے ہونے کی تصدیق۔

16۔ اہل تشیع کے لئے اہل تشیع کی دائرہ کار کے تحت رہنے والے ہونے کی تصدیق۔

17۔ اہل تشیع کے لئے اہل تشیع کی دائرہ کار کے تحت رہنے والے ہونے کی تصدیق۔

18۔ اہل تشیع کے لئے اہل تشیع کی دائرہ کار کے تحت رہنے والے ہونے کی تصدیق۔

19۔ اہل تشیع کے لئے اہل تشیع کی دائرہ کار کے تحت رہنے والے ہونے کی تصدیق۔

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N

مخبرین کے لئے

خدمت جناب ایگزیکٹو انجینئر ہائیڈرالوجی ایریکیشن ڈویژن پشاور

عنوان: حکمانہ اپیل بدیں مضمون کہ اپیل کنندہ جو کہ بنیادی طور پر چوکیدار پوسٹ پر تعیناتی ہوئی تھی، سے تبدیل کر کے بدرگہ پوسٹ پر تعیناتی کے احکامات صادر کئے ہیں اور اس کی جگہ مالی پوسٹ سے مسمی شہر رحمن کی تعیناتی کے احکامات صادر کئے ہیں جو کہ اصل Appointment Order اور حکمانہ کے رولز ریگولیشنز کے قطعی خلاف ہے، مروجہ قانون اور تعیناتی حکم کی روشنی میں اپیل کنندہ کو مالی پوسٹ پر واپس لائی جا کر فرائض منصبی ادا کرنے کیلئے موقع دی جاوے

-24-

- جناب عالی! ذیل اپیل کی جاتی ہے۔
- ۱۔ یہ کہ اپیل کنندہ کو ایگزیکٹو انجینئر ہائیڈرالوجی ایریکیشن ڈویژن پشاور نے بغیر اے پی اے یا دیگر مجاز افسران ماتحت آپ صاحب اعلیٰ کے بحوالہ حکم تبدیلی/Redesignation نمبر 05-1303 مورخہ 08-08-2014 پشاور کیا ہے جو کہ غیر قانونی خلاف رولز ریگولیشن کے ہے۔
 - ۲۔ یہ کہ اپیل کنندہ آپ صاحبان اعلیٰ کے زیر سایہ بحیثیت چوکیدار ڈیوٹی سرانجام دے رہا تھا جس کو آپ صاحبان اعلیٰ کے ماتحت افسران نے بدینتی طور پر بغیر کسی کوتاہی، جرم اور غفلت کے مالی پوسٹ سے تبدیل کر کے بدرگہ پوسٹ پر تعینات کیا گیا ہے حالانکہ میرا اصل حکم بابت تعیناتی چوکیدار پوسٹ کیلئے تھا اور تاحال ہے۔
 - ۳۔ یہ کہ اپیل کنندہ کو نامعلوم وجوہات کی بناء پر بغیر حکم از افسران بالا مالی کے پوسٹ سے تبدیل کر کے بدرگہ میں تعینات کیا گیا ہے جو کہ نہایت ظلم و نا انصافی اور ان کی اپنی من کی مرضی کی تکمیل کا شاخسانہ ہے۔
 - ۴۔ یہ کہ اپیل کنندہ کے ساتھ انتہائی ظلم ہو چکا ہے جو کسی بھی معاشرے میں ناقابل برداشت اور ناقابل عمل ہے اور خاص کر قانون فطرت کے بھی منافی ہے۔ کیونکہ مالی پوسٹ سے بدرگہ پوسٹ پر تعیناتی من اپیل کنندہ کی مرضی اور منشاء کے خلاف ہے۔ نیز قبل ازیں اسی نوعیت کی حکمانہ اپیل عرصہ تقریباً دو ماہ قبل دستی طور پر آفس میں متعلقہ آفیسر کو دے چکا ہوں جبکہ اپیل ہذا اس کی اعادہ ہے۔
- لہذا اپیل ہذا منظور فرما کر اپیل کنندہ کو اپنی چوکیدار پوسٹ پر تعیناتی کے بحالی کے احکامات صادر فرما کر اور بدرگہ کی پوسٹ کے بابت احکامات منسوخ فرمائی جاوے۔ تاکہ بروقت اپیل کنندہ کی دادرسی ہو سکے اور قانون و انصاف کے مروجہ تقاضوں کی تکمیل اور تعمیل بطریق احسن ہوں۔

مورخہ: 26-12-2014

نوٹ: ضروری دستاویزات ہمراہ لف ہیں۔

رضیع اللہ
اپیل کنندہ

رفیع اللہ ولد میر حجان

سکنہ گاؤں میر علی، تحصیل و ضلع نار تھ وزیرستان ایجنسی

شناختی کارڈ نمبر 9-2164145-21505

Attested
H. Gh. Ad
2.4.15

11 P 22

OFFICE OF THE EXECUTIVE ENGINEER,
HYDROLOGY IRRIGATION DIVISION,
PESHAWAR

NO. 1148 /6-E,

Dated Peshawar the 24/02/2015 -25-

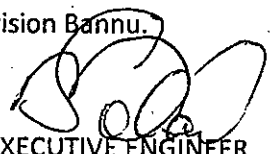
OFFICE ORDER

Mr. Rafiullah attached to this Division is hereby directed to perform his duty in the office of the Sub Divisional Officer Hydrology Irrigation Sub Division Bannu as Chowkdiar with immediate effect in the public interest.

EXECUTIVE ENGINEER,
HYDROLOGY IRRIGATION DIVISION,
PESHAWAR

Copy of the above is forwarded to the:

- 1. Sub Divisional Officer Hydrology Irrigation Sub Division Bannu.
- 2. Official concerned


EXECUTIVE ENGINEER,
HYDROLOGY IRRIGATION DIVISION,
PESHAWAR

Attested
Aggar
AD
2.4.15

DOMICILE CERTIFICATE

Q

Certified that MIR KHAN TARIQ Sp. D/o MIR KHAN TARIQ

Tribal WAZIRI Section Tehsil Miranshan is a bonafide resident of Village Miranshan Tehsil Miranshan

belongs to a recognised tribe of North Waziristan Agency and his/her father is a bonafide resident of the Tribal Area of North Waziristan Agency

Signature/LTI of the applicant.

Dated 30/8/86

Signature/LTI of Sectional Malik

Dated 30/8/86

Certified that MIR KHAN TARIQ Sp. D/o MIR KHAN TARIQ

Tribal WAZIRI Section Tehsil Miranshan is a bonafide resident of Village Miranshan Tehsil Miranshan North Waziristan Agency as verified by his/her Sectional Malik.

Signature of P (N) T

Name Mrs. Farzand Ali

Tehsil Miranshan

Dated 30/8/86

Attended
Ad
2.4.15

Verified to be correct.

Signature of AROJABA Miranshan

Name Miranshan Miranshan Miranshan

North Waziristan Agency.

Dated 30-8-86

COUNTERSIGNED

POLITICAL AGENT & DISTRICT MAGISTRATE
NORTH WAZIRISTAN AGENCY MIRANSHAN

No 6005 /G/10/10.

Dated 17/9/86

BOHNER TRADING
30/8/82

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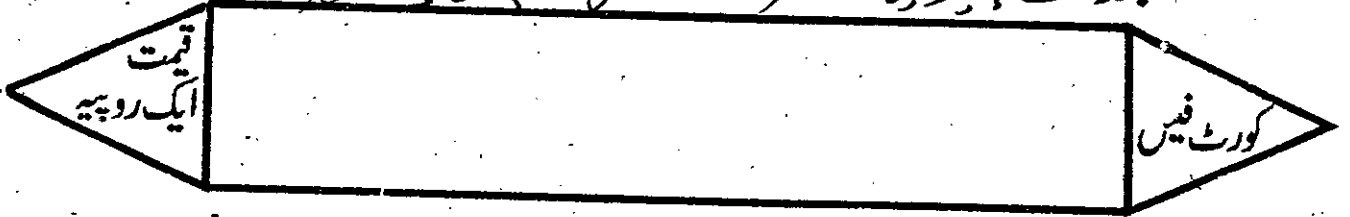
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2015
1963
52

بعدالت جہد میں سروس ٹرمینول کے بارے میں اور



۲۰۱۵ء منجانب اسلام آباد
بنام رولنگ بلڈنگ انجینئرنگ

مورخہ 2 اپریل
مقدمہ میر جہان بیگم فریڈ
دعوئی سروس ٹرمینول
جرم

باعث تحریر آنکہ

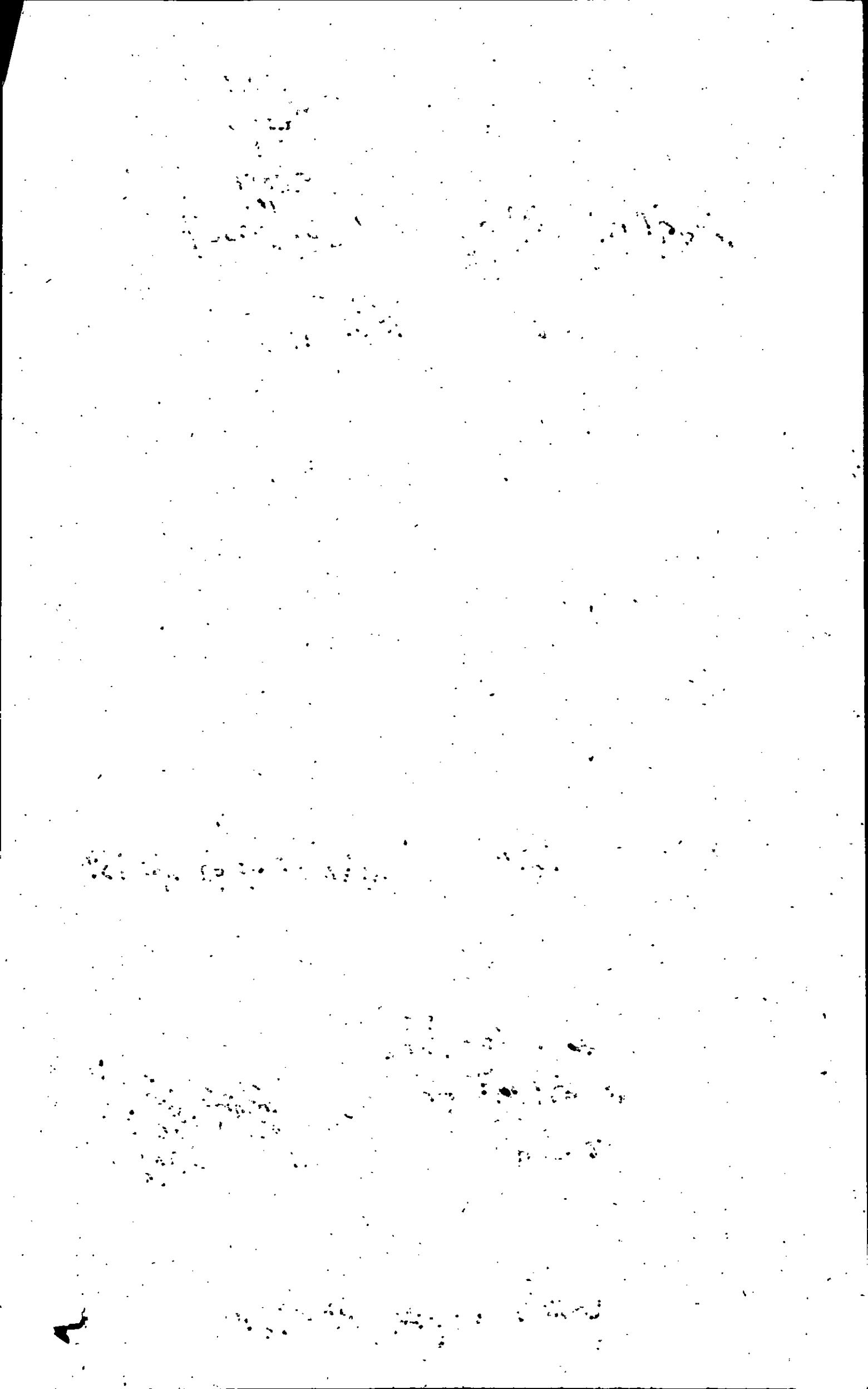
مقدمہ مندرجہ بالا عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی
محلہ ان مقام میں اور کے لئے اصرار علیہ قانون درم خصل میں ہے
مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا
نیز وکیل صاحب کو راضی نامہ و مقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرانے اجراء اور وصولی چک روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی
تصدیق زراس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری بظرف
یا اپیل کی برآمدگی اور منسوخی دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور
بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی
کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا
اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا اور دوران مقدمہ
میں جو خرچہ و ہر جانہ التوائے 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 تارخ پیشی مقام دورہ پر
ہوگا تھانہ باہر ہو تو وکیل صاحب پابند ہوں گے کہ پیروی مقدمہ مذکور کریں۔ لہذا وکالت نامہ
لکھ دیا کہ سند ہے۔

المقوم 2
العبد گواہ بشک
العبد

Accepted
attested

میر جہان بیگم

Handwritten signature



BEFORE THE HONORABLE SERVICE TRIBUNAL KPK PESHAWAR

SERVICE APPEAL NO. 267/2015

Mir Khajan Wazir

Appellant

VERSUS

EXECUTIVE ENGINEER & OTHERS

RESPONDENTS

INDEX

S.NO	PARTICULARS OF DOCUMENTS	ANNEX	PAGES
1	Replay/ Para Wise Comments Of The Subject Appeal		1-3
2	Photocopy of the CNIC of the appellant (Mir Khajan Wazir)	A	4
3	Photocopy of 1 st page of the service book of the appellant (Mir Khajan Wazir)	B	5

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR JUDICIAL COMPLEX
(OLD) KHYBER ROAD PESHAWAR.**

APPEAL NO. 267 OF 2015

Mir Khajan Wazir Father Name

Wazir Tori Khel of Spinwam Tehsil Spinwam

North Waziristan Agency

PETITIONER

Versus

1. Executive Engineer Hydrology Irrigation Division Peshawar.
2. Accountant General Khyber Pakhtunkhwa Peshawar.
3. Superintending Engineer (H/Q) office of the Chief Engineer (South) , (Respondents)
Irrigation Dept: Pesh:
4. Section Officer (E) o/o the Secretary to Govt. of Khyber Pakhtunkhwa,
irrigation Department Peshawar.
5. Divisional Accounts Officer Hydrology Irrigation Division Peshawar.
6. Head Clerk Hydrology Irrigation Division Peshawar
7. Assistant Political Agent Mir Ali Sub Division Mir Ali
8. Political Naib Tehsildar Spin Wam Mir Ali

SUBJECT: - **PARA WISE COMMENTS ON BEHALF OF EXECUTIVE ENGINEER HYDROLOGY
IRRIGATION DIVISION WARSAK ROAD PESHAWAR RESPONDENT NO.1**

Respectfully sheweth

Preliminary objection

- i) That the appellant has no cause of action
- ii) That the service appeal is badly time barred as he was retired on 30/05/2014 and the appellant filed departmental appeal on 26/12/14.
- iii) That the petitioner has no locus standi
- iv) That the petition is bad for mis-joinder and non joinder of necessary parties.
- v) That the petitioner has not come to this honorable Tribunal with clean hands, as per Computerized NIC of the appellant his date of birth is 1952 (Copy enclosed) and has serviced extra 02 years, which is recoverable from the appellant.
- vi) That the appellant has been stopped by his own conduct to file the appeal.

ON FACTS.

1. correct
2. The para No. 2 is correct to the extent that on production of certain document the age of the appellant was about 28 year , as the annex " F" annexed by the appellant. While his actual date of birth according to the NADRA record is 1952. Thus he was due to retire from service in 2012, but was retired in 2014. The extra service rendered by the appellant is recoverable as per law. Further added that a public servant has no right to serve a department on attaining the age of retirement/superannuation.
3. Correct.
4. That para No. 4 is not correct and appellant son had applied for his father post out of the employees son quota 25%. In case of denial by the appellant the same need to be referred to the expert for verifications. Water mark determination. So as to come to the factual position. The department has no enmity or mala fide intentions towards the appellant. How a 3rd person having no material benefit, would act like as alleged in the Para No. 4.
5. That para 5 contradict the para 4 on one hand he alleged that application and letter No. 417/APA/A/F/ dated 12/11/2014 was forged, while on the other hand he admits that the letter referred in par 4 was recommended to the authorities for appointment of his son.
6. That Para No. 6 is incorrect because the retirement order was issued on 30/05/2014, while his retirement date is 30/06/2014. However there is no such law to intimate a public servant that Govt: is going to retire him for the services.

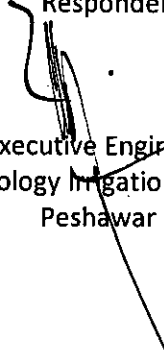
7. That para No. 7 is incorrect. The order was issued in according with law on the subject. The Constitution of Islamic republic of Pakistan does not have such as right as a core right to remain in services beyond 25 years of age or the age of superannuation.
The right is of giving equal opportunity to all of citizens of Pakistan besides other enshrined in the constitute not the specific alleged in the Para No. 7.
8. That the departmental appeal is liable against illegal order. When the order was legal and it was hopelessly time bared. As vivid from the application of the appellant when he made it was on 26/12/2014. It was legally required within 30 days of the notification dated 30/05/2014.
9. The para No. 9 needs no comments as his pension case was already processed. And as per law a retired Govt Servant is not a public servant no more. Hencè reply was not necessary according to the law & APT rules 1989.
10. That para No. 10 is legal but in the instant case the honorable service tribunal has no jurisdiction to adjudicate upon such matter which is finalized, it is past and closed transaction. The tribunal maintains appeal of public servant, not of retired or private person.

GROUND

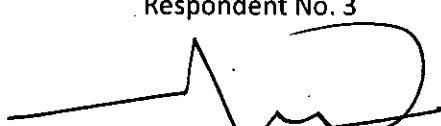
1. It is incorrect the Medical Superintendent was of the view that apparently the age of the appellant was 28 years at the time of his appointment in Department on 20/08/1986. His date of birth come to 1958 No radiographic test was carried out at that time and the service book was filled on his dictation. There is no cutting or over writing in the service book. As per law the NADRA record is reliable and the appellant age as per the NADRA record is 1952. Thus the retirement order made by the respondent on the official record of his service book is legal on the age of superannuation.
2. That the appellant was treated according to law and no discrimination has been done to the appellant by the respondents.
3. That as admitted by the appellant that he & his son had applied for the post from which the appellant was retired. As per law 1989 A.P.T rules only 25% quota is reserved for the retired employee sons.
4. That this para has no concern with the respondents Nos. 1, 3, 4, 5& 6, but be responded by the respondent's No. 7& 8. The burden of proof as per law is on the appellant to prove his contents both are his son. There is no such law to appoint a son of one wife or the other wife. But the quota is per employee sons not for the wives of the appellant
5. That need no comments.
6. That it is vehemently denied by the respondents Nos 1, 3, 4, 5& 6 the respondent have treated the appellant according to the law of state. No un-constitutional or unlawful act has been committed by the replying respondents.
7. That it is itself a bad narration & accusation of the respondents such statement is not expected from a retired public servant, Vide which the appellant has made blemish of unreasonable remarks about law abiding citizen and public officer/official.
8. That this para is a threat to the Tribunal and also to the respondent just to jeopardize over the right of other citizen of Pakistan. He also by his acts commission denies the jurisdiction of this honorable Tribunal and is a warning of dire consequences if the appellant illegal demands are not fulfilled.
9. That it is again another threat for no cause . The respondent has acted in accordance with law as rules regulation applied to the case of appellant which is the legitimate duty of the respondents.

10. That as enshrined in the Constitution of Islamic Republic of Pakistan 1973 article 4 the appellant has been treated and retired from service in due process of law prima facie evidence before the respondents, is the NADRA record, Service book etc. the only reliable record is NADRA according to which 2 years salary drawn by the appellant beyond the age of superannuation (60 years) is legally recoverable from the appellant. The act of the respondent covered by law & record maintained of produced NIC by the appellant. Therefore the appeal of the respondent is devoid of merit & he is not a public servant nor the issue pertains to the terms & conditions of his service, may be dismissed with cost and recovery of the 02 years extra salary order may also be issued in the interest of justice

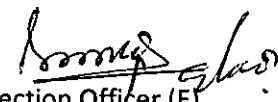
Respondent NO.1


Executive Engineer,
Hydrology Irrigation Division
Peshawar


Respondent No. 3


Superintending Engineer (H/Q)
office of the Chief Engineer (South)
Irrigation Department Peshawar

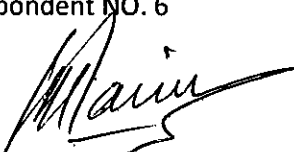
Respondent NO. 4


Section Officer (E)
o/o Secretary to Govt: of Khyber
Pakhtunkhwa Irrigation Department
Peshawar

Respondent No 5


Divisional Accounts Officer
Hydrology Irrigation Division,
Peshawar

Respondent NO. 6


Head Clerk
Hydrology Irrigation Division,
Peshawar

Handwritten signature

Card No. 150

National Identity Card No. 157-57-060886

Mark of Identification: WOUND NEAR RIGHT EYE

Holder's Signature



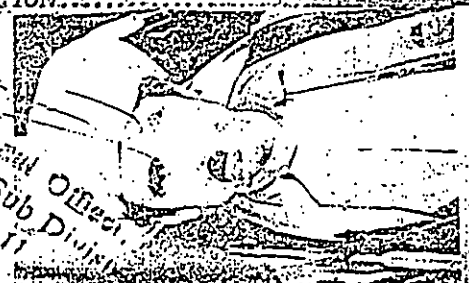
IDENTITY CARD

HYDROLOGY IRRIGATION DIVISION

NAME: MR. KHEMAYAR

FATHER'S NAME: SEAM PRIT

OCCUPATION: ENGINEER



Sub Division

Handwritten notes in Khmer script, including a date 15/7/87 and other illegible text.

Handwritten notes: BNU-03/26-2-1987 2010



AS172709



Vertical text and numbers at the bottom left: 1570070035, X8D20Z, 21509-6464301-3

Handwritten numbers: 12, 11, 9

Complex block at the bottom right containing a portrait, a circular seal, and handwritten text including the number 21509-6464301-3.

Annex-A

D

1. Name _____ (نام)
2. Nationality and Religion _____ (قومیت اور مذہب)
3. Residence _____ (مستقل رہائش)
4. Father's name and residence _____ (والد کا نام اور رہائش)
5. Date of birth by Christian era as nearly as can be ascertained _____ (تاریخ پیدائش مطابق سن شمسی)
6. Exact height by measurement _____ (قد و قامت)
7. Personal mark for identification _____ (لشان شناخت)

Mu Khajam
 Pakistan (Islamic)
 Wazir Torikhal of Spinwam
 Tehsil Spinwam. N.W. Agency
 Shan Jam Wazir

As per Medical Report: Miran Shah on N.C.
 25 years Age of 20.8.86.

A black mole on the left side of eye

8. Left hand/right hand thumb and finger impressions of (None-gazetted) officer.
 (مرد کی صورت میں بائیں اور صورت کی صورت میں دائیں ہاتھ کی انگلیوں کے نشانات)

Little Finger (چونکیا)

Ring Finger (چونکیا کے ساتھ کی انگلی)

Middle Finger (انگشت میانی)



Fore Finger (انگشت شہادت)

Thum (انگواہا)



Attest
 2.4.15

9. Signature of Government servant _____ (سرکاری ملازم کے دستخط)

10. Signature and designation of the Head of the Office, or other Designing Officer _____

(تمثیل کنندہ سر کے دستخط اور مہر)



M. T. Khan

M. T. Khan

M. T. Khan

M. T. Khan

Note:—The entries in this page should be renewed or re-attested at least every five years and the signatures in lines 9 and 10 should be dated. Finger prints need not be taken after every 5 years under this rule.

اس صفحہ کے مندرجات کم از کم ہر پانچ سال بعد تجدید ہونا ضروری ہیں اور نمبر 9 و 10 میں دستخطوں کے تاریخ پوری چاہیے۔ انگلیوں کے نشانات کم از کم ہر پانچ سال بعد تجدید کی ضرورت نہیں۔

Before the Service Tribunal Khyber Pakhtunkhwa Peshawar

Appeal No.267/2015.

Mir Khajan Wazir.....Petitioner.

V/S

Executive Engineer Hydrology, Irrigation
Division, Khyber Pakhtunkhwa & others.....Respondents.

(Reply on behalf of respondent No. 2)

Preliminary Objections.

- 1) That the appellant has no cause of action.
- 2) That the appellant has no locus standi.
- 3) That the instant appeal is not maintainable.
- 4) That the appellant has not come to this court with clean hands.

Respectfully Sheweth:-

- 1:- Proved by record hence no comments.
- 2:- No comments.
- 3:- Proved by record hence no comments.
- 4:- Relates to respondent No.7, hence no comments.
- 5). That respondent No.7 & 8, are in better position to show the status of the case.
- 6:- Relates to Administrative Department of the appellant hence, no comments.
- 7:- That Administrative Department of the appellant is in better position to show the status of the case. However, it is pertinent to mention here that

in light of Finance Department Peshawar Notification No.FD-SOSR.111/4-92/81, dated 01.10.1981, once the retirement order of any Government Servant is Notified, it cannot be withdrawn or modified under the rules. (Anex-A).

8:- Relates to respondent No.1, hence no comments.

9:- Respondent No.1 is in better position to show the status of the case hence no comments.


10:- No Comment.

GROUNDS:-

- 1). That Administrative Department of the appellant is in better position to show the status of the case. However, it is pertinent to mention here that in light of Finance Department Peshawar Notification No.FD-SOSR.111/4-92/81, dated 01.10.1981, once the retirement order of any Government Servant is notified, it cannot be withdrawn or modified under the rules. (Annex-A).
- 2). That there is no rule to reinstate the appellant as the retirement order has been notified vide letter No.1018-20 dated 10.06.2014.
- 4). Relates to respondent No.1, hence no comments.
- 5). Relates to respondent No.7 & 8, hence no comments.
- 6). Proved by record hence no comments.
- 7). That administrative Department of the appellant is in better position to show the status of the case. However once the retirement order of any Government Servant is notified, it cannot be withdrawn or modified under the rules.
- 8). As mentioned in Para 6 above. However Para 7, of the Ground relates to Administrative Department of the appellant. They are in better position to show the status of the case and redress the grievances of the appellant.

- 9). Incorrect, that respondent No.2 is bound to follow the rules and instructions of Provincial Government of Khyber Pakhtunkhwa, issued from time to time.
- 10). As mentioned above.
- 11). No Comments.

Keeping in view the above mentioned facts, it is therefore, humbly prayed that the instant appeal has no merits and may be dismissed with cost.


ACCOUNTANT GENERAL
KHYBER PAKHTUNKHWA

Better Copy

Annex-A

No.FD-SOSR.III/4-92/81

Dated Peshawar, the 1ST October, 1981

Government of NWFP

Finance Department

From:

The Secretary to Government of NWFP,
Finance Department, Peshawar.

To,

- 1). All Administrative Secretaries to Government of NWFP.
- 2). All Heads of Attached Departments NWFP.
- 3). All Commissioners of Divisions in NWFP.
- 4). All Deputy Commissioners / Political Agents in NWFP.
- 5). All District and Session Judges in NWFP.
- 6). The Registrar, Peshawar High Court, Peshawar.
- 7). The Chairman, NWFP Public Service Commission, Peshawar.
- 8). The Chairman, NWFP Service Tribunal, Peshawar.

Subject:

**WITHDRAWAL OF APPLICATION FOR VOLUNTARY RETIREMENT FROM
GOVERNMENT SERVICE AFTER COMPLETING 25 YEARS QUALIFYING SERVICE
FOR PENSION.**

Sir,

I am directed to refer to the subject noted above and to say that according to paragraph 8 of the former Government of West Pakistan Finance Department Letter No.SO(SR)-V-257/67, dated 27.04.1967 subject to the provision of the Essential Service Maintenance Act, all Government Servants shall have the right to retire on a retiring pension after completing 25 years qualifying service: provided that a Government servant, who intends to retire before attaining the age of superannuation shall, at least three months before the date on which he intends to retire, submit a written intimation to the authority which appointed him, indicating the date on which he intends to retire. Such intimation, once submitted, shall be final and shall not be allowed to be modified or withdrawn.

In pursuance of Establishment Division O.M No.23/2/81 CY (B) dated 12th April 1981, as adopted by the Government of N.W.F.P (S&GAD)5-3/79 (Vol:11) dated 12th August 1981, it has been decided that the words "Such an intimation once submitted, shall be final and shall not be allowed to be modified or withdrawn" occurring in paragraph 8 of above mentioned letter shall be deleted and substituted by the following words:-

"If a Government servant withdraws his application for premature retirement or modifies the date of retirement, before its acceptance by the competent authority, the application or the date of retirement shall be deemed to have been withdrawn or modified, as the case may be"

Your obedient servant,

-----sd-----

Additional Secretary-J
Finance Department.

Annex-A

GOVERNMENT OF NWFP
FINANCE DEPARTMENT
Date: 13 October, 1981

The Secretary to Government
Finance Department, Peshawar.

From: High Court,
Peshawar.
Ad: 68/3
Dated: 1/11/81

- 1. All Administrative Secretaries to Govt. of NWFP.
- 2. All Heads of Attached Departments NWFP.
- 3. All Commissioners of Divisions in N.W.F.P.
- 4. All Deputy Commissioners/Political Agents in NWFP.
- 5. All District and Session Judges in N.W.F.P.
- 6. The Registrar, Peshawar High Court, Peshawar.
- 7. The Chairman, NWFP Public Service Commission, Peshawar.
- 8. The Chairman, NWFP Service Tribunal, Peshawar.

Subject: WITHDRAWAL OF APPLICATION FOR VOLUNTARY RETIREMENT FROM GOVERNMENT SERVICE AFTER COMPLETING 25 YEARS QUALIFYING SERVICE FOR PENSION.

Sir,

I am directed to refer to the subject noted above and to say that according to paragraph 6 of the former Government of West Pakistan Finance Department Letter No. 50(SR)-V-257/67, dated 27.4.1967 subject to the provisions of the Essential Services Maintenance Act, all Government Servants shall have the right to retire on a retiring pension after completing 25 years qualifying service; provided that Government servants, who intend to retire before attaining the age of superannuation shall, at least three months before the date on which he intends to retire, submit a written intimation to the authority which appointed him, indicating the date on which he intends to retire. Such an intimation, once submitted, shall be final and shall not be allowed to be modified or withdrawn.

2. In pursuance of Establishment Division O.M. No. 23/2/81 GY (B) dated 12th August, 1981 as adopted by the Government of N.W.F.P. Services and General Administration Department vide letter No. 50R-II (M.A.D) 5-7/74 (Vol. 1), dated 12th August, 1981 it has been decided that the words "Such an intimation once submitted, shall be final and shall not be allowed to be modified or withdrawn" appearing in paragraph 6 of above mentioned letter shall be deleted and substituted by the following words:-

"If a Government servant withdraws his application for voluntary retirement or modifies the date of retirement, before its presentation by the competent authority, the application or the date of retirement shall be deemed to have been withdrawn or modified, as the case may be."

Your obedient servant
 (Signature)
 ADDITIONAL SECRETARY-J
 FINANCE DEPARTMENT
 1/11/81

Page No. 1/1

copy to be

*with arrival of application
 for retirement or
 modification*

*Per J/M/1290
 20/8/07*

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BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR.

Service Appeal No. 267/2015

Mir Khajan Wazir

Appellant

Versus

Executive Engineer and others

Respondents

APPLICATION FOR ADJOURNMENT, INTER ALIA, THE FOLLOWING GROUNDS;

Respectfully Sheweth;

1. That the above titled appeal is fixed today for attendance and other proceedings.
2. That counsel of the appellant is busy in oath taking ceremony before the Honorable Chief Justice, Peshawar High Court, Peshawar, Mr. Justice Mazhar Alam Mian Khel at Bannu Bench.
3. That due to force majeure mentioned above could not appear before the learned Tribunal today.

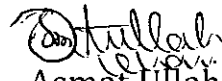
It is, therefore, humbly prayed that the instant application may graciously be accepted and the precious hearing may kindly be adjourned for any convenient date as the Tribunal may deem fit.

Dated 27.08.2015

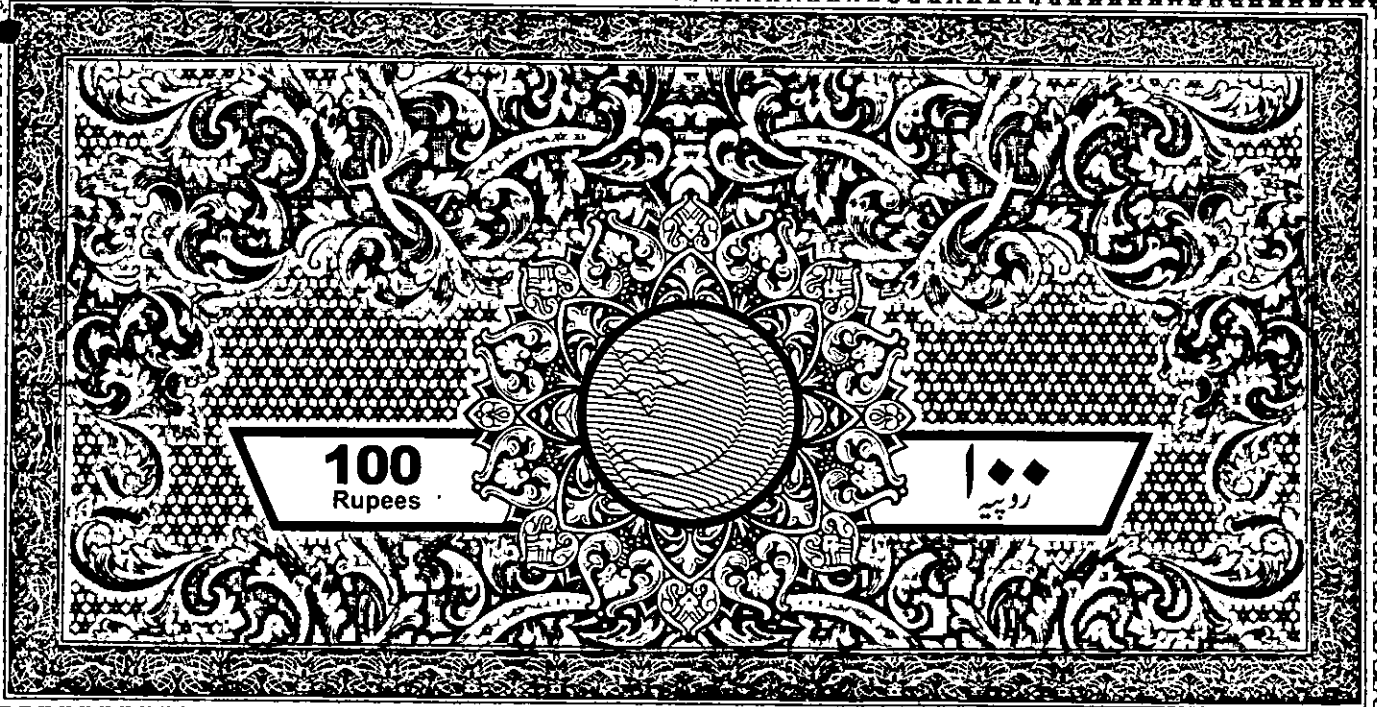
Appellant

Mir Khajan Wazir

Through Special Attorney


Asmat Ullah Khan

CNIC # 11101-5324817-7



مختیار نامہ خاص برائے سروس اپیل

مکہ میرنجان وزیر ولد شاہ جامی سکندہ گاؤں میر علی تحصیل پشین دام نارتھ وزیرستان ایجنسی میرانشاہ کا ہوں اختیار دہندہ
چوں دریں وقت بصحت بدن ثبوت عقل بقائمی ہوش و حواس غصہ بلا وجہ و اکراہ غیرے کے تحریر ہذا کے ذریعہ لکھ دیتا ہوں کہ من اختیار
دہندہ نے ایک عدو نوکری مرافعہ دائر باسروس ٹریبونل (ملازمت عدالت) کی ہے جسکی تصفیہ میں کافی وقت لگے گا چونکہ آپریشن ضرب عضب
کی بندشوں کی وجہ سے پاک آرمی کے حکام نے بکا خیل کیمپ میں بمعہ اپنا کنبہ کے محصور کیے رکھا ہے جسکی وجہ سے پاک آرمی مجھے کیمپ سے
باہر نہیں جانے دیتا۔ اسلئے مرافعہ کی پیروی اور جواب دہی کیلئے اپنی طرف سے عصمت اللہ مروت ولد سیف اللہ خان مروت سکندہ اندرون
کچہری گیٹ مکان نمبر 41/C-440 محلہ جھنگ بنوں سٹی تحصیل و ضلع بنوں کو مختیار خاص مقرر کر کے اختیار دیتا ہوں کہ میری جانب سے
مختیار خاص موصوف پیش عدالت ہووے۔ درخواست ہر نوع گزارے۔ ہر پیشی پر حاضری دیوے۔ ہر قسم کی جواب دہی کرے نقول
حاصل کرے درخواست نظر ثانی کرے۔ اس نالش کے دوران میں بشرط ضرورت جبری بجائے دستخط کر سکتا ہے۔ فریق مخالف سے میری
رضامندی کے تابع راضی نامہ کر سکتا ہے۔ غرضیکہ جملہ ساختہ پرداختہ مختیار مذکرہ کا مجھ کو قبول و منظور ہوگا۔ مجھے کوئی عذر نہ ہوگا۔ لہذا مختیار
نامہ کا صل لکھ دیا ہے کہ سندر ہے اور بوقت ضرورت کام آوے۔ اس دستاویز کی مضمون کی قبولیت کے ثبوت میں من مقرر اپنے دستخط
رو بروئے گواہان حاشیہ ثبت کرتا ہوں۔

العبد۔۔۔۔۔ اختیار دہندہ
Atullah Khan

عصمت اللہ خان مروت ولد سیف اللہ خان مروت

CNIC No: 11101-5324817-8

العبد۔۔۔۔۔ اختیار دہندہ

میرنجان ولد شاہ جامی

CNIC No: 21509-6464301-3

گواہ نمبر 2:

احمد ولد میرنجان

سکندہ میر علی پشین دام

CNIC No: 21509-3287281-7

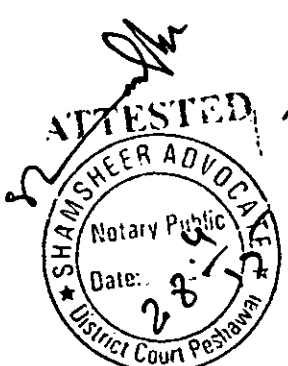
گواہ نمبر 1:

منور خان ولد محمد عالم خان

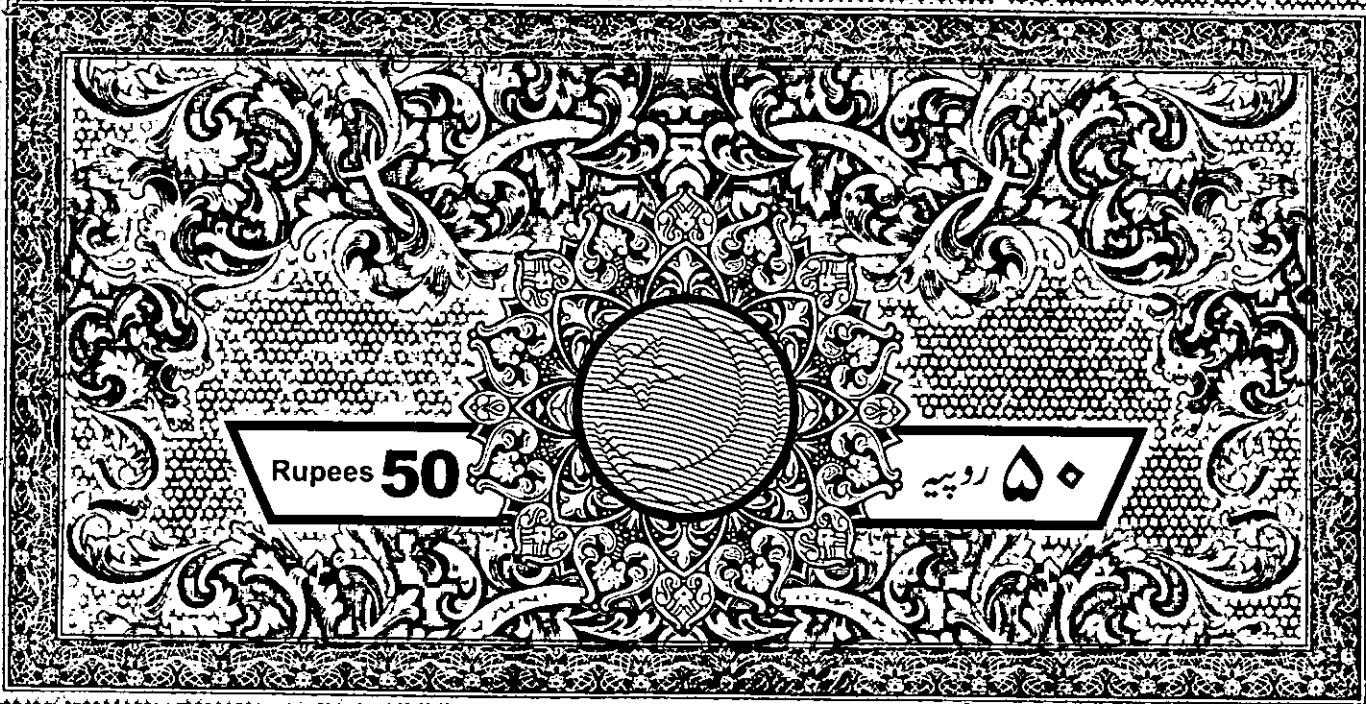
سکندہ زمی خیل بکا خیل تحصیل و ضلع بنوں

CNIC No: 11101-7513611-9

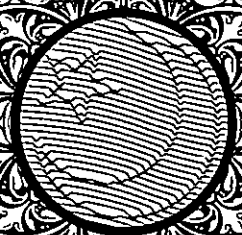
Attested on The Identification
And Verification of Marginal
Witnesses



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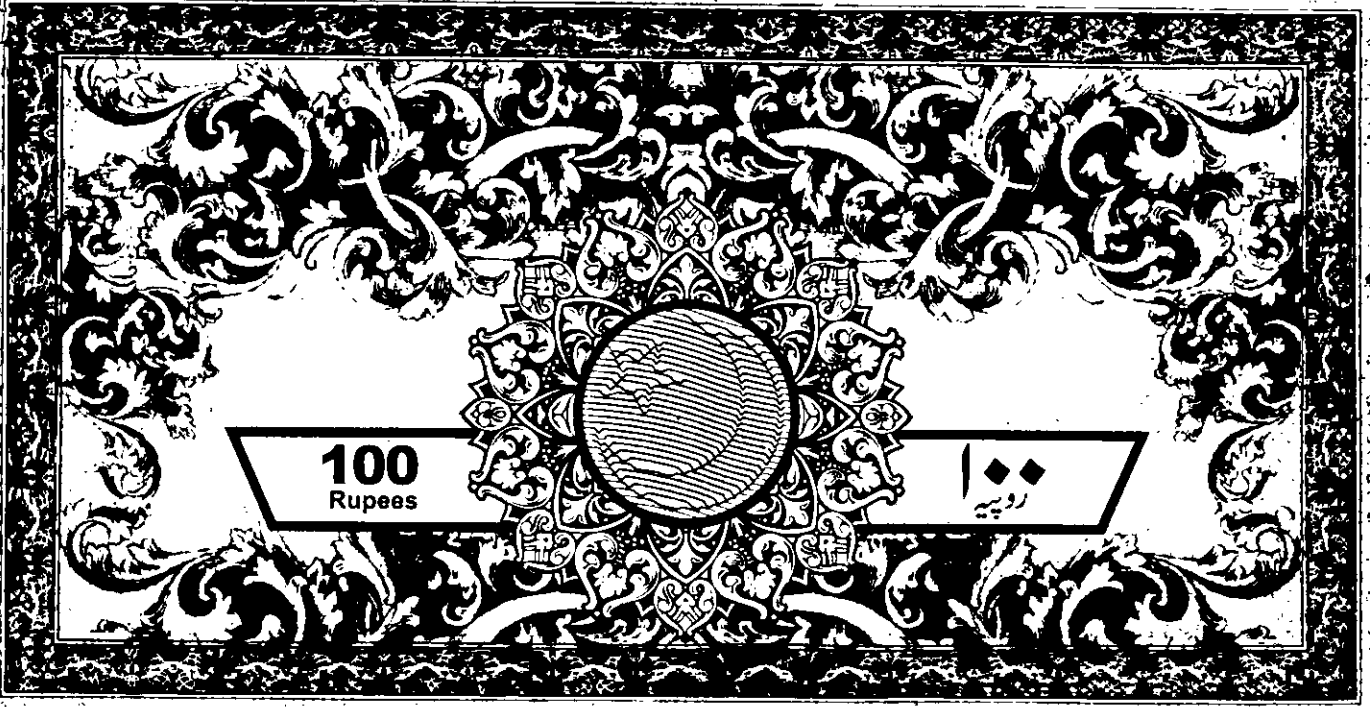


Rupees **50** ۵۰ روپیہ



Handwritten signature in Urdu script, possibly reading "محمد علی" (Muhammad Ali), with a diagonal line above it.

A single diagonal line drawn below the signature.



مختیار نامہ خاص برائے سر ڈس ایبل

مکتبہ میر خٹاں وزیر ولد شاہ جامی سکسٹھ گڈس میری پناہ تحصیل پشین دام ہارخند وزیرستان انجمنی میر انشا کا ہوں اختیار ہندہ
 چوں کہ میری وقت بصحت بدن شہرت عیش بتائی بوش و جو اس قسم: بلاوجہ و اگراد غیرے کے تحریر ہذا کے زریعہ لکھ دیتا ہوں کہ میں اختیار
 دہندہ نے ایک عدد ڈگری مراند دار باسروں شہریوں (ملازمت تدارت) کی ہے جسکی تفسیر میں کافی وقت لگا چکا ہے کہ آپریشن ضرب غضب
 کی بندشوں کی وجہ سے پاک آرنی کے حکام نے بگاڑ کر رکھ رکھا ہے جسکا وجہ سے پاک آرنی مجھے کپ سے
 باہر نہیں جانے دیتا۔ اسلئے مراند کی جیرونی اور جواب دہی کیلئے اپنی طرف سے عسمت اللہ مردت ولد سیف اللہ خان مردت سکند اندرون
 یکہرنی گیت مکان نمبر 440-411C محلہ جمگ بنوں کی تحصیل و ضلع بنوں کو مختیار خاص مقرر کر کے اختیار دیتا ہوں کہ میری جانب سے
 مختیار خاص موسوف پیش تدارت ہووے۔ درخواست ہر نوع گزارے۔ ہر پیشی پر حاضری دیوے۔ ہر قسم کی جواب دہی کرے فتولی
 حاصل کرے درخواست نظر ثانی کرے۔ اس پیش کے دوران میں بشرط ضرورت میری بجائے دستخط کر سکتا ہے۔ فریق مخالف سے میری
 رضامندی کے تابع راضی ہر کر سکتا ہے۔ غرضیکہ جملہ ساختہ پر داخہ مختیار مذکورہ کو قبول و منظور ہوگا۔ مجھے کوئی عذر نہ ہوگا۔ لہذا اختیار
 ہر پاس لکھ دیا ہے کہ سند ہے اور بوقت ضرورت کام آوے۔ اس دستاویز کی ضمنوں کی قبولیت کے ثبوت میں من مقرر اپنے دستخط
 رو بردے گواہان حاشیہ ثبت کرتا ہوں۔

والعبد۔۔۔۔۔ اختیار گریزہ

عسمت اللہ خان مردت ولد سیف اللہ خان مردت

CNIC No: 11101-5324817-8

گواہ نمبر 2:

احمد ولد میر خٹاں

سکسٹھ میری پناہ پشین دام

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والعبد۔۔۔۔۔ اختیار دہندہ

میر خٹاں ولد شاہ جامی

CNIC No: 21509-6464301-3

گواہ نمبر 1:

منور خان ولد محمد عالم خان

سکسٹھ میری پناہ پشین دام پشین

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