

19.06.2017

Appellant with counsel and Mr. Muhammad Adeel Butt, Additional AG for the respondents present. Arguments could not be heard due to learned member executive is on leave. To come up for arguments on 15.08.2017 before D.B.

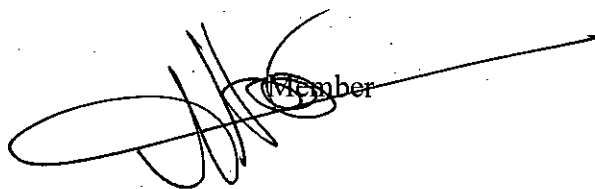


(Muhammad Amin Khan Kundi)  
Member

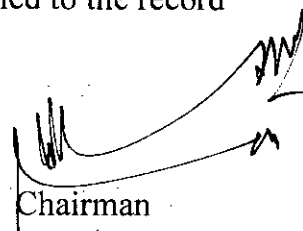
15.08.2017

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

This appeal is also accepted as per detailed judgment of to-day in connected service appeal No. 597/2013 entitled "Bakhat Munir Versus the Secretary, Higher Education Department, Khyber Pakhtunkhwa, Peshawar and others". Parties are left to bear their own costs. File be consigned to the record room.



Member

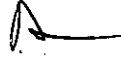


Chairman

ANNOUNCED  
15.08.2017

26.10.2016

Clerk to counsel for the appellant and Mr. Ziaullah, GP for respondents present. Arguments could not be heard due to general strike of the Bar. To come up for arguments on 30.12.2016w3.



(ABDUL LATIF)  
MEMBER



(PIR BAKHSH SHAH)  
MEMBER

30.12.2016

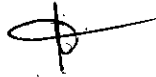
Counsel for the appellant and Addl. AG for respondents present. Counsel for the appellant submitted Wakalat Nama on behalf of the appellant. Arguments could not be heard due to incomplete bench. Case adjourned to 22.03.2017 for arguments before D.B.



Chairman

22.03.2017

Counsel for the appellant and Addl. AG for respondents present. Arguments could not be heard due to incomplete bench. Adjourned. To come up for arguments on 19.06.2017 before D.B.



(AHMAD HASSAN)  
MEMBER

20.03.2015

Counsel for the appellant and Mr. Ibrar Ali, AD for respondents alongwith Muhammad Jan, G.P present. Rejoinder submitted. To come up for arguments on 13.10.2015.

  
MEMBER

013.10.2015

Clerk to counsel for the appellant and Mr. Murad Khan, Supdt alongwith Mr. Muhammad Jan, GP for respondents present.

Clerk to counsel for the appellant requested for adjournment. To

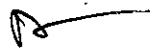
come up for arguments on 14-04-16.


  
Member

  
Member

14.04.2016

Counsel for the appellant and Mr. Ziaullah, GP for respondents present. Counsel for the appellant requested for adjournment. To come up for arguments on 20.06.2016.

  
Member

  
Member

20.06.2016

Counsel for the appellant and Mr. Muhammad Jan, GP for respondents present. Arguments could not be heard <sup>as</sup> due to learned Member (Judicial) is on leave. To come up for arguments on 26.10.2016.

  
Member

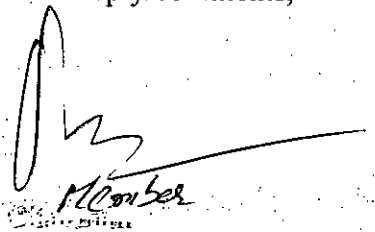
28.01.2014

Counsel for the appellant and Mr. Bukhari Shah, SG for respondents No. 1 to 3 with AAG for the respondents present. Written reply has not been received. To come up for written reply/comments on 24.4.2014.

  
Chairman

24.4.2014

Counsel for the appellant, M/S Aziz Khan, Assistant for respondents No. 1 to 3 and Irshad Muhammad, Supdt. for respondent No. 4 with AAG present. Written reply has not been received, and request for further time made on behalf of the respondents. Another chance is given for written reply/comments, positively, on 24.7.2014.

  
Member

24.7.2014

Mr. Taimur Ali, Advocate on behalf of counsel for the appellant and Mr. Muhammad Bashir, AD for respondents No. 1 to 3 with Mr. Ziaullah, GP for the respondents present. Joint written reply/para-wise comments received on behalf of the respondents, copy whereof is handed over to the learned Advocate appearing on behalf of counsel for the appellant for rejoinder alongwith connected appeals on 28.11.2014.

  
Chairman

28.11.2014

Clerk of counsel for the appellant and Mr. Anees-ur-Rehman, Junior Clerk for respondents No. 1 to 3 with Mr. Muhammad Adeel Butt, AAG for the respondents present. The Tribunal is incomplete. To come up for rejoinder alongwith connected appeals on 20.03.2015.

  
Reader

Appeal No. 601/2013,  
Mr. Shams Zamran,


6.

24.07.2013

Appellant with counsel present and heard on preliminary.

Contentends that the appellant has not been treated in accordance with the law/rules. He was appointed vide order dated 3.11.2012 as Chowkidar and took over charge on 05.11.2012. The principal (Respondent No.3) has stopped the pay of the appellant on 01.12.2013 in pursuance of telephonic call of the Deputy Director on 30.12.2011. He filed departmental appeal on 04.12.2012 which has not been responded within the statutory period of 90 days. The instant appeal has been filed on 03.04.2013 which is within time. Points raised 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, notice be issued to the respondents. Case adjourned to 18.11.2013 for submission of written reply.

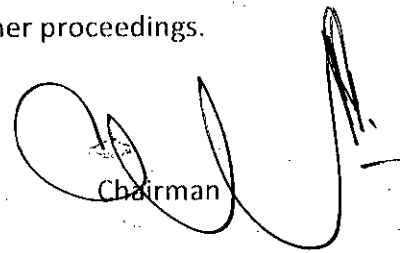
Security with  
597/13

  
Member.

7.

24.7.2013

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

  
Chairman

18.11.2013

Counsel for the appellant and Aziz Khan, Assistant for respondents No. 1 and 2 present. The worthy Chairman is on tour to Abbottabad. To come up for written reply/comments on 28.1.2014.

  
Reader

4.6.2013

Munshi to Counsel for the appellant present.

In pursuance of the Khyber Pakhtunkhwa Service Tribunals (Amendment) Ordinance 2013, (Khyber Pakhtunkhwa ord. II of 2013), the case is adjourned on note Reader for proceedings as before on 26.6.2013.

  
Reader

26.6.2013

Munshi for the Counsel of the appellant present. In pursuance of the Khyber Pakhtunkhwa Service Tribunals (Amendment) Ordinance 2013, (Khyber Pakhtunkhwa ord. II of 2013), the case is adjourned on note Reader for proceedings as before on 24.07.2013.

  
Reader



22.05.2013

Counsel for the appellant present. In  
pursuance of the Khyber Pakhtunkhwa Service  
Tribunals (Amendment Ordinance, 2013) (Khyber  
Pakhtunkhwa Order II of 2013), the case is adjourned  
on note Reader for proceeding as before on 4.6.2013

  
Reader.

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_  
Case No. 6001 / 2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	03/04/2013	<p style="text-align: center;">The appeal of Mr. Shams Zaman presented today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	9-4-2013	<p style="text-align: center;">This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>22-5-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>



**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**

APPEAL NO. 601 /2013.

Shams Zaman

VS

Higher Edu: Deptt:

**INDEX.**

S.NO	DOCUMENTS	ANNEXURE	PAGE
1-	Memo of appeal.	---	1 - 3
2-	Appointment order.	A	4 - 5
3-	Arrival report.	B	6
4-	Medical fitness.	C	7
5-	Order dt. 1.12.2012.	D	8
6-	Appeal.	E	9
7-	Vakalat nama	---	10.

APPELLANT

THROUGH:

  
M.ASIF YOUSAFZAI

ADVOCATE.

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**

APPEAL NO. 601 /2013.

A.W.P. Provision  
Service No. 670  
Dated 03/4/13

Shams Zaman Chokekidar,

GDC Landi Jalandar Bannu .....Appellant.

***VERSUS***

- 1- The Secretary Higher Education Deptt: KPK Peshawar.
- 2- The Director Higher Education Deptt: KPK Peshawar.
- 3- The Principal Govt: College Landi Jalandar Bannu.
- 4- The Secretary Finance Deptt: KPK Peshawar.

..... Respondents.

**APPEAL UNDER SECTION -4 OF THE KPK  
SERVICE TRIBUNALS ACT 1974 AGAINST THE  
ORDER OF RESPONDENT NO.3 DATED.  
1.12.2012 WHEREBY THE PAY OF THE  
APPELLANT HAS BEEN STOPPED FOR NO  
GOOD REASONS AND AGAINST NOT TAKING  
ANY ACTION OF THE DEPARTMENTAL APPEAL  
OF APPELLANT WITHIN STATUTORY PERIOD  
OF NINETY DAYS.**

**PRAYER:**

*That on acceptance of this appeal the order dated. 1.12.2012 may be set-aside and the respondents may be directed to grant the pay to appellant from December 2012 till date and*

*onwards being still in service and performing regular duty. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of appellant.*

**R.SHEWETH.**

- 1- That the appellant was appointed as chowkidar by the competent authority vide order dated. 3.11.2012. after the approval and recommendations of proper Departmental Selection committee. Copy of the order is attached as Annexure – A.
- 2- That the appellant reported for arrival on 5.11.2012 along with medical fitness certificate. The appellant regularly performed and is still performing his duty in the office/college of respondent no.3 and has also drawn pay for the month of November 2012. Copies of the charge report and medical fitness certificate are attached as Annexure – B & C.
- 3- That all of sudden the respondent No.3 has stopped the payoff the appellant on 1.12.2012 in pursuance of telephone call and letter dt. 5.11.2012. Copy of the order & letter is attached as Annexure – D.
- 4- That the appellant filed departmental appeal on 4.12.2012 against the order of respondent no.3 and waited for statutory period but no reply has been received by the appellant so far. Hence the present appeal on the following grounds amongst others. Copy of the appeal is attached as Annexure – E.

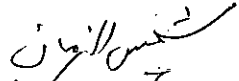
**GROUND:**

- A- That the order dated.1.12.2012 of respondent no.3 and not taking action on the departmental appeal of appellant within statutory period is against the norms of justice and material on record. Therefore not tenable.

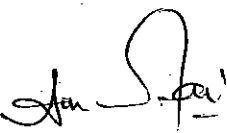
- B- That the appellant is still performing his duty regularly and there are no complaints against the appellant. Thus the appellant cannot be deprived from his legal right of pay of the post.
- C- That the appellant has been condemned unheard as no prior notice or chance of defense was provided to appellant before passing order of stopping pay of appellant.
- D- That the appellant has not been treated according to law and rules and the act of the respondents is an arbitrary and without legal footings.
- E- That the appellant is legally entitled to the pay of the post against which he is performing his duties under section 17 of the Civil Servant Act 1973.
- F- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

APPELLANT

  
Shams Zaman

THROUGH:

  
M.ASIF YOUSAFZAI  
ADVOCATE.

A (4) 7

**OFFICE OF THE PRINCIPAL GOVT: DEGREE COLLEGE**  
**LANDI JALANDAR BANNU.**

**Appointment Notification:**

As per decision / recommendation of the Departmental Selection Committee dated 03-11-2012, constituted for the recruitment of class-4 at Govt Degree College Landi Jalander Bannu; The competent authority is pleased to appoint the following persons for the posts mentioned against each in this college with immediate effect :-

S.No	Name	F/Name	POSTS With BPS
01	Fida ullah	Miradar khan	Naib Qasid-01
02	Arifullah	Muhammad Nawaz	Lab Attendant-01
03	Gulyar	Sabir Zaman	Mali-01
04	Jaidad khan	Farid khan	Lab attendant-01
05	Ikhtiar Zaman	Farid khan	Lab Attendant-01
06	Sahib zada	Adil Badshah	Naib Qasid-01
07	BakhtMunir	Gul Zaman	Tube well operator-01
08	Khandan	Amil Zaman	Chowkidar-01
09	Shafi ullah	Sawdad khan	Sweeper-01
10	Shahid ullah	Sawdad khan	Sweeper-01
11	✓ Shams Zaman.	Sadrai	Chowkidar-01

The Appointments of the above class 4 servants will be subject to the following terms and conditions.

**TERMS AND CONDITIONS:**

1. Charge Reports should be submitted to all concerned.
2. No TA/DA etc is allowed.
3. The Appointment of the above candidates are being made on purely temporary basis and is liable to termination at any time with out notice And with out assigning any reason.
4. They are not entitled to any pension & gratuity.
5. They should produce their Health & age certificate from Medical Supdt;DHO Hospital Bannu.
6. They will be governed by the rules & Regulations of the provincial-Govt Prescribed for such employees.

Principal/DDO  
Govt : Degree College Landi Jalandar  
Bannu

03-11-2012

**ATTESTED**

5

Endst: No...190-96

Dated:GDC L.J-03-11-2012

Copy of the above is forwarded for information to ...

- 1.The Director Higher Education Department KPK Peshawar.
- 2.P.S to Minister for Higher Education Department KPK Peshawar.
- 3. PS to Secretary Higher Education Department KPK Peshawar.
- 4.Section Officer Higher Education Department KPK Peshawar.
- 5.The District Account officer Bannu.
- 6. Officials concerned.

*A. P. 03-11-2012*

Principal/DDO  
Govt : Degree college Landi jalandar  
Bannu

*Attested*  
*A. P. 05-11-2012*  
*Principal*  
*Govt Degree College*  
*Landi Jalandar*

**ATTESTED**

B (6)

CHARGE REPORT

5/11/012 (AN)

1. Certified that we have on the fore/after noon of this day respectively made over and received charged of this office of the Chowkidar of Govt Degree College Landi Jalander Bannu vide Notification No. Principal 190-96 dated Peshawar the 3/11/2012.
2. Particulars of each and important secret and confidential documents handed over are noted off the reverse.

Signature of relived  
Govt. Servant Vacant Post  
Designation Chowkidar

Station : GDC College Landi Jalander Bannu

Signature of reliving  
Govt. Servant شیر علی  
Designation Chowkidar

Date: 3/11/2012 (AN/PN)

OFFICE OF THE PRINCIPAL GOVT. DEGREE COLLEGE LANDI JALANDER BANNU

Endst. No: 97-202 /GDC Landi Jalander Bannu dated 5/11/2012

Copied to:-

1. The Director Higher Education KPK Peshawar.
2. The Section Officer (Colleges) Higher Education KPK Peshawar.
3. The Distt. Accounts Officer Bannu.
4. Officer Concerned.
5. P.S. to Secretary Higher Edu KPK Pesh.
6. Higher Edu KPK Pesh.
7. P.S. to Minister for (HE)

Principal, R. Aslam 05.11.2012  
Govt. Degree College Landi Jalander Bannu

ATTESTED  
[Signature]

D

C

**OFFICE OF THE DIRECTOR HIGHER EDUCATION  
KHYBER PAKHTUNKHWA PESHAWAR.**

Dist: No. \_\_\_\_\_/CA-VII/ Estt: Branch/GDC, Parova

Dated Peshawar the 01/11/2012

Copy of overleaf is forwarded for information and necessary action to the:-

1. Principal Govt; Degree College, Landi Jalandar (Bannu).
2. Govt; Girls Degree College, Tank.
3. Govt; Degree College, Parova (D.I.Khan).
4. Section Officer (Colleges-II) Govt; of Khyber Pakhtunkhwa, Higher Education Department Peshawar with reference to letter No referred to above.
5. PS to Secretary Higher Education Khyber Pakhtunkhwa.

DY: DIRECTOR (ESTABLISHMENT)  
CZK

Dy Director Ghulam Ali sb make a telephonic call to me on 30-11-2012 at 11:22 am and ordered to stop the pay of the appointees with immediate effect. #091-9210242

This letter was with Dy Director (H.E), Mr-Ghaffoorullah Lecturer in Islamiyat received it from Dy Director on the same day. In compliance to that letter I stop further process in the matter. Jan

**ATTESTED**

R  
2039 01-12-2012  
Principal  
Govt Degree College  
Landi Jalandar



**MOST IMMEDIATE**

**GOVT. OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT**

NO. SO(COLLEGES-II)/28-1/ 2012.  
Dated Peshawar the 05.11.2012.

To

✓  
The Director,  
Higher Education Khyber Pakhtunkhwa,  
Peshawar.

◆ SUBJECT: - APPOINTMENT NOTIFICATION OF CLASS-IV AT GDC  
LANDI JALANDAR, BANNU/ GGDC TANK / GDC PAROVA,  
D.I. KHAN / INQUIRY.

Dear Sir,

I am directed to refer to the subject cited above and to state that the Competent Authority has been pleased to direct that Appointment Notifications of Class-IV issued by the Principals concerned may be **held in abeyance** with immediate effect till further orders. I am further directed to request that the Competent Authority has constituted a fact finding Committee of **Mr. Niaz Mohammad**, Principal, Govt. Degree College, Haguman, Peshawar and **Mr. Bukhari Shah**, Section Officer (Litigation), Higher Education Department to conduct an inquiry in the subject case and furnish a report to this Department within three (03) days, positively.

Yours faithfully,

*[Signature]*  
SECTION OFFICER (COLLEGES-II)

Encls:- No. & Date Even.

Copy of the above is forwarded to the:-

- ⇒ Principals, of the concerned colleges.
- ⇒ P.S to Minister, Higher Education, Khyber Pakhtunkhwa.
- ⇒ P.S to Secretary, Higher Education Department.

SECTION OFFICER (COLLEGES-II)

## بکھنور جناب ڈائریکٹر صاحب ہائر ایجوکیشن خیبر پختون خواہ پشاور

عنوان: (محکماتہ اپیل بر خلاف حکم N.So(Colleges-II) مورخہ 05-11-2012 جو کہ ایپلانٹ کو مورخہ 04-12-2012 کو موصل ہوا ہے)

استدعائے اپیل:

منظوری اپیل ہذا حکم زیر اپیل کو کالعدم و منسوخ قرار دیا جائے نیز ایپلانٹ کے سروس بحالی معہ جملہ مراعات و تنخواہ برقرار رکھے جاوے۔

جناب عالی!

ایپلانٹ حسب ذیل عرض کرتا ہے۔

1- یہ کہ ایپلانٹ کو حسب ضابطہ از روئے قانون مورخہ 03-11-2012 کو بطور **صوبائی** جواز اتھارٹی نے تعینات کیا گیا جو کہ مورخہ 05-11-2012 سے چارج لیا ہوا ہے۔

2- یہ کہ آج مورخہ 04-12-2012 کو جناب پرنسپل صاحب نے ایپلانٹ کی تنخواہ بند کرنے اور اسے نوکری سے نکالنے کا حکم زبانی کیا اور حکم مورخہ 05-11-2012 کا حوالہ دیا، جس کی فونو کاپی ایپلانٹ نے وصول کیے، جو لفظ ہے۔

3- یہ کہ ایپلانٹ کے میڈیکل فٹنس سرٹیفکیٹ لفظ ہے۔

4- یہ کہ اب آپ صاحبان کو محکماتہ اپیل بمطابق قانون حسب ذیل عرض ہے۔

الف۔ یہ کہ حکم زیر اپیل سراسر غیر قانونی اور خلاف انصاف ہے۔

ب۔ یہ کہ ایپلانٹ کی تعیناتی میرٹ اور قانون کے مطابق ہوئی ہے جبکہ سیاسی سازش کی بناء پر ایپلانٹ کو نکالے جانے پر تلے ہوئے ہیں۔

ج۔ یہ کہ ایپلانٹ کو کوئی نوٹس نہیں دیا گیا ہے جبکہ ایپلانٹ اپنے خاندان کا واحد ذریعہ معاش ہے۔

د۔ یہ کہ ایپلانٹ کا رزق حلال ذریعہ برقرار رکھا جاوے۔

لہذا استدعا ہے کہ منظوری اپیل ہذا ایپلانٹ کی نوکری تعیناتی کو برقرار رکھا جائے، نیز تنخواہ و مراعات دیے جانے کا حکم زیر اپیل کو کالعدم و منسوخ قرار دیے جانے کا حکم صادر فرمایا جاوے۔

مورخہ 04-12-2012

شمس الزمان ولد  
آکاتا ابدار  
صدرہ خان  
(صوبائی)

شمس الزمان  
دستخط درخواست گزار

کاپی نو:

1- سیکریٹری ہائر ایجوکیشن خیبر پختون خواہ پشاور

2- پرنسپل ڈگری کالج لنڈی جالندھر بنوں

ATTESTED

# VAKALAT NAMA

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

IN THE COURT OF Service Tribunal Peshawar

Shams Zaman

(Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Higher Edu. Dept.


(Respondent)  
(Defendant)

I/We Shams Zaman (Appellant)

Do hereby appoint and constitute **M. Asif Yousafzai, Advocate, Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

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

  
(CLIENT)

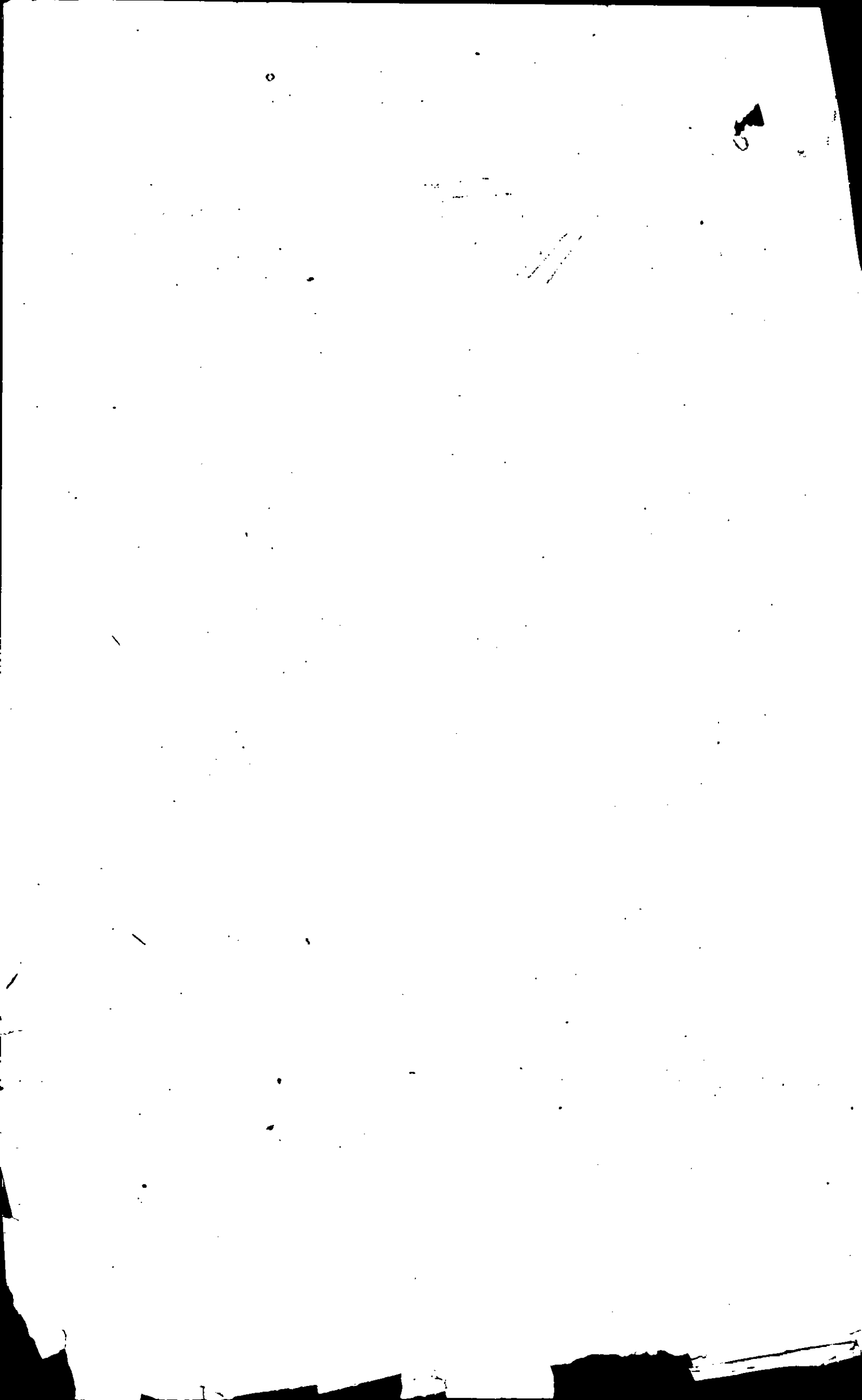
ACCEPTED

  
**M. ASIF YOUSAFZAI**  
Advocate

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

**OFFICE:**

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



**Before the Service Tribunal Khyber Pakhtunkhwa, Peshawar**

Service Appeal No.601/2013

Shams Zaman

Appellant

Versus

1. Secretary Higher Education Govt of KPK Respondent No.1
2. Director Higher Education(Colleges) KPK Respondent No.2
3. Principal Govt Degree College Landi Jalandher Bannu Respondent No.3
4. Secretary Finance Department Govt of KPK Respondent No.4

Respondents

Subject; - **PARA WISE COMMENTS ON BEHALF OF RESPONDENT NO.1, 2 &4.**

Respected Sheweth,

**Preliminary Objections**

- I. The appellant has no locus standi to file the Appeal in hands.
- II. That the appellant has concealed material facts from this Hon'able Court hence the Appeal in hands is not maintainable.
- III. The appointment order of the appellant was not in accordance with the prescribed manner as provided in the Appointment and Promotion rules.
- IV. That the appeal is badly time barred.
- V. That the appellant has been estopped by his own conduct to file the instant appeal.
- VI. That the appellant has no cause of action.
- VII. That the Hon'able Tribunal has no jurisdiction to entertain the appeal.
- VIII. That the appellant has no come to the court with clean hands.

**Facts**

1. Incorrect. The appointment order dated 03/11/2012 was not according to the strict codal formalities as it was made in undue haste. A lecturer in (BPS-17) has issued the appointments orders which fall beyond his jurisdiction. Above that this committee has interviewed all these 11 candidates and issued their orders on the same day to the extent that they have taken their charge of offices. Furthermore, a thick cloud of malafide is visible as evident from the inquiry report dated 26/11/2012(Annexure-A) wherein three main objections have been raised by the Inquiry Officers:-
  - i. There is a variation between the date of requisition of the College Administration for the candidates i.e. 08/10/2012 and provision of the candidates by employment exchange Bannu i.e. 02/10/2012. Another disputed point is that the Manager Employment Exchange, Bannu only sent the same names of those 11 candidates who were later on appointed. However in the eyes of law and procedural experiences he should have sent more than 11 candidates.
  - ii. No call letters to candidates were issued, which is pre- requisite for such like appointments.
  - iii. The DDO being a lecturer in BPS-17 and not an officer of category-II is not competent to issue these appointments orders.
2. Incorrect. The DDO concerned was informed to held in abeyance the appointment orders vide Endst No.SO (COLLEGES-II)28-1/2012 dated 05/11/2012<sup>as</sup> per Annexure-D of the appeal.
3. Incorrect. The pay was stopped due to the gross irregularities reported to the Provincial Government in the appointments of the appellants.
4. Incorrect. His Departmental appeal has been considered and filed being meritless.

## Grounds

- A. Not admitted. The action of the Respondents is legal, lawful and in the best interest of public.
- B. Not admitted. The appellant is trying to misguide the Court by claiming that he is still performing his duties but, in Para-2 of the Departmental appeal he himself admits that the DDO has stopped his salary and cancelled his appointment order. According to the inquiry report (Annexure-A) supra the appointments orders are made purely on temporary basis and are liable to termination at any time with out any notice or assigning any reason.
- C. Incorrect. Per terms and conditions the appointment of the appellant was liable to termination without serving upon him any notice.
- D. Incorrect. The action of the Respondents is according to the law and rules as stated above.
- E. Incorrect. Section -17 of the civil servant act,1973 deals with the seniority of the civil servant and not with the payment of salary, hence denied.
- F. The Respondents also seek permission to advance additional arguments at the time of the hearing of the case.

## Prayer

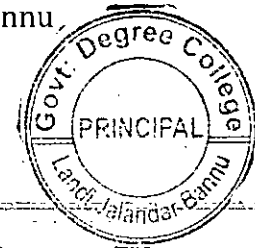
The above arguments prove that the appellant has very weak legs to stand upon, hence the appeal in hand may graciously be dismissed.

*Y. Khas*

Secretary  
To Govt: of KPK  
Higher Education Department  
Respondent No.1

*[Signature]*  
Director Higher Education  
Khyber Pakhtunkhwa  
Respondent No.2  
**Director Higher Education  
Khyber Pakhtoon Khwa  
Khyber Road Peshawar.**

*[Signature]*  
Principal Govt Degree College  
Landi Jalandher Bannu,  
Respondent No.3



*[Signature]*  
Secretary  
To Govt: of KPK  
Finance Department  
Respondent No.4

*[Signature]*

**Before the Service Tribunal Khyber Pakhtunkhwa, Peshawar**

Service Appeal No.592/2013

Fida Ullah-----Appellant

Versus

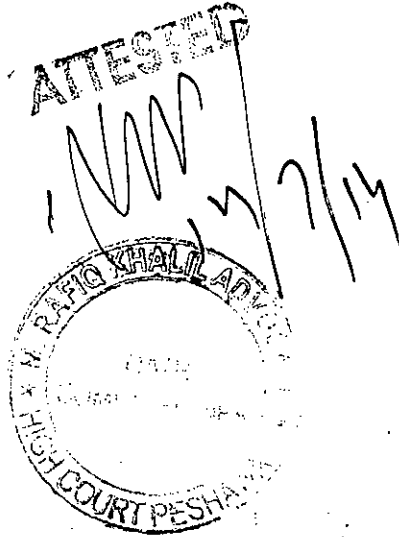
1. Secretary Higher Education Govt of KPK Respondent No.1
2. Director Higher Education(Colleges) KPK Respondent No.2
3. Principal Govt Degree College Landi Jalandher Bannu Respondent No.3
4. Secretary Finance Department Govt of KPK Respondent No.4

-----Respondents

**Affidavit**

I Muhammad Bashir Assistant Director(Litigation Cell ) Higher Education Khyber Pakhtunkhwa solemnly affirm and declare on oath that the contents of Para wise comments in the above mentioned service appeal are true and correct to the best of my knowledge and belief that nothing has been concealed or withheld from this Honable Tribunal.

Identified by



*M. Bashir*

Deponent

CNIC 33301-5765388-9

249

To

The Secretary  
Govt. of Khyber Pakhtunkhwa  
Higher Education Department.

Subject:- APPOINTMENT NOTIFICATION OF CLASS-IV AT GDC LANDI JALANDAR, BANNU /  
GGDC TANK/ GDC PROVA D.I.KHAN/ INQUIRY.

Memo,

Kindly refer to the letter No.SO(COLLEGES-II)28-1/2012, Dated 05-11-1012, regarding probe in the matter of selection for certain posts in three Govt Colleges.

1-Govt. Girls Degree College Tank. As per available record and statement of the Principal Miss Farida Shah, there are Five vacant posts (one each of Driver, Bearer, Mali, Cook and Sweeper). A letter was sent to the Manager Employment Exchange D.I.Khan for the provision of suitable candidates (Annex-A). In response a list of 28 persons was provided.(Annex-B) The Principal also advertised the posts through local notices affixed at various prominent places. Therefore, total Number of candidates raised to 135. Similarly the DCO Tank was asked by the Principal for NOC. In response the DCO provided at a list of 23 persons from surplus pool (Annex-C)but there was no suitable persons for the job except driver who remained absent on the date of interview. A committee was constituted of the following persons to conduct the interview.

- 1- Miss Farida Shah Principal (chair person)
- 2- Miss Zainab Lecture (Member)
- 3- Dr. Abdul Wahab Associate Professor GPGC D.I.Hkan (Member)
- 4- Mr. Habibur Rehman SO. Colleges (Provincial Nominee)

Interview was conducted on 02-11-2012 and selection was made on the basis of suitability cum fitness but no appointment order has so far been issued.

2-Govt Degree Collge Prova D.I.Khan. As per statement of the Principal Prof: Said Nawaz, there is only one post of tube well operator is vacant in the college. The Manager employment Exchange D.I.Khan was asked for the provision of suitable candidates(Annex-D) and in response a list of Eight persons was provided(Annex-E). Similarly Principal called the application through local Notices and Six persons applied. Total number of the candidates raised to 14. Interview was conducted on 03-11-2012 ; candidates were informed through local notices and the following persons conducted the interview.

Copy of the above is submitted  
Peshawar for information please.

Dated: \_\_\_\_\_/\_\_\_\_\_/2012

The Director Higher Education,



- 223
- 1- Prof: Said Nawaz Principal (Chairman)
  - 2- Mr. Niaz Hussain Lecturer (Member)
  - 3- Mr. Sohail Rizwan Lecture (member)
  - 4- Mr. Habibur Rehman SO Colleges (Provincial Nominee)

Five persons among the candidates were present Annex-F) and one Mr. Ihsanullah was selected as principal candidate and Muhammad Arshad as alternate candidate. The process was completed at 11.30.A.M. on 03-11-2012, no appointment order has so far been issued.

**3- Govt Degree College Landi Jalandar Bannu :-** According to available record and statement of the DDO/ Incharge Principal Mr. Ahmad Raza Lecturer in Political Science, there are eleven vacant posts consisting of 3 Lab attendant, 2 chowkidars, 2 Naib Qasid, 2 sweepers, 1 Mali and 1 tube well operator. A letter was sent to the Manager Employment Exchange Bannu on 08-10-2012 (Annex-G) asking for the provision of suitable candidates and DCO for NOC on the same date (Annex-H) but the List of 11 persons had sent by Manager employment Exchange Bannu on 02-10-2012, prior to the requisition (Annex-I). The DCO, however, granted NOC on the same date (Annex-J). Interview was conducted on 03-11-2012 at 12.30 P.M. and the following persons conducted the interview.

- 1- Mr. Ahmad Raza Lecturer DDO (chairman)
- 2- Mr. Gul Tiaz Khan Lecturer (Member)
- 3- Mr. Alam Zeb Khan Lecturer (Member)
- 4- Mr. Habibur Rehman SO Colleges (Provincial Nominee)

No call letter for the interview was issued to candidates nor it was published through local notice. However all of the 11 candidates were selected, their appointment orders were issued on the same date i.e. 03-11-2012, they were handed over charge of their duties in spite of the facts that only 7 persons had submitted their Medical fitness.

Therefore the following discrepancies are pointed out;

- 1- There is a variation between the date of requisition of the college administration for the candidates i.e. 08-10-2012 and provision of the list of candidates by Employment Exchange Bannu i.e. 02-10-2012. Provision before requisition establishes malafide.
- 2- No call letter to the candidates was issued to appear for interview but all were present for.
- 3- The Employment Exchange Bannu provided a list of exactly 11 candidates so that selection committee had no option but to select all. This aspect of the case also speaks of malafide and intransparency of the process.

Dated: \_\_\_\_\_/\_\_\_\_\_/2012

Copy of the above is submitted  
Peshawar for information please.

Director (Higher Education)

AC

276

- 4- DDO being a Lecturer IN Grade-17 and not an officer of category-II, not competent to issue appointment orders.
- 5- It is worth mentioning that interview started on 03-11-2012, at 12.30, completed the process on the same day and appointment orders issued on the same day too. Therefore, such hasty decisions, shows pre planning.
- 6- It is noted from the record of Higher Education Department that Mr. Muhammad, Zaman Deputy CPO was nominated for the said college (Annex-K) and then Mr. Habibur Rehman was nominated (Annex-L).

It has been written in the appointment orders that "The appointments are being made on purely temporary basis and is liable to termination at any time without notice and without assigning any reason." Therefore it is recommended that appointment orders of all the 11 person issued vide No.190-96 dated 03-11-2012 at Govt Degree College Landi Jalandar Bannu (Annex-M) may be cancelled <sup>with reasons</sup> and it may be reprocessed to maintain transparency in appointment particularly in view of the intransparency in the process of selection and constitution of improper selection committee.

Bukhari Shah  
Section Officer (Litigation)  
Higher Education Department

*Niaz Muhammad*  
Niaz Muhammad  
Principal  
Govt Degree College Naguman.

*Moreover the (11) candidates who appeared for interview on 03/11/12 may also be interviewed afresh, and their cases be considered in the fresh process of selection, and after constitution of the selection committee.*

*Nadeem*  
26/11/12

Copy of the above is submitted to Peshawar for information please.

Dated: \_\_\_\_\_/2012

Director, Higher Education

Date: 28-09-2012.

The Director of the Principal,  
G.D.C. Bahawalpur Bahawalpur.

To: Director,  
Employment Exchange Bahawalpur.

Subject: RECRUITMENT OF POST OFF

As per the advertisement No. 1000/2012 dated 28-09-2012, the following posts are hereby being vacant since long time in G.D.C. Bahawalpur Bahawalpur.

- 03 Attendant (03)
- 02 Clerk (02)
- 02 Peon (02)
- 02 Driver (02)
- 01 ... (01)
- 01 ... (01)

All the eligible candidates who are eligible for the above posts should apply before the closing date.

28-09-2012  
Principal  
G.D.C. Bahawalpur Bahawalpur  
Bahawalpur

Annex-A. 33

No 1124/12

No. 182

Bannu dated 10/10/2012

From:

The Office of the Principal,  
GDC Landi Jalander Bannu.

To,

The District Coordination Officer,  
Bannu.

Subject:

Request list of Class IV and Lab Attendant

Memo,

It is submitted that following Class IV are hereby lying vacant since long time in  
GDC Landi Jalander Bannu.

- 1. Lab Attendant (03)
- 2. Chowkidar (02)
- 3. Naib Qasid (02)
- 4. Sweeper (02)
- 5. Mali (01)
- 6. Tube well Operator (01)

*no. of posts filling up the above vacant post may be issued accordingly. AE*

*It is Requested that necessary*

*[Signature]*  
DCO

*[Signature]*  
DCO

*[Signature]*  
08-10-2012  
Govt. of Punjab  
Landi Jalander Bannu

7769  
09-10-12

Annex-I

27

No:- 408/EEB/Appendix

From,

The Manager,  
Employment exchanges Bannu,

To,

The Principal,  
GDC Landi Jalandar Bannu

Subject: List of Registered Candidates

Honourable Sir,

It is to inform you that this office got various application regarding the newly created post at your college.

The list of the candidates are as follows.

1. Fida Ullah S/O Mirdad Khan Reg: 1143/EP/011
2. Arif Ullah S/O Muhammad Nawaz Reg: 280/05
3. Gul Yar S/O Sabir Zaman Reg: 866/011
4. Jaidad Khan S/O Farid Khan Reg: 049/EP/011
5. Nuhar Zaman S/O Farid Khan Reg: 870/011 (153/EP/011)
6. Habib Zada S/O Adil Badshah Reg: 870/011
7. Bakht Munir S/O Gu Zaman Reg: 144/EP/011
8. Khandan S/O Amil Zaman Reg: 865/011
9. Shafi Ullah S/O Sawdad Khan Reg: 868/011
10. Shahid Ullah S/O Khan Reg: 1207/EP/011
11. Shams Zaman S/O Sadrai Reg: 1142/EP/011

Dated: 2/10/12

*SA*  
2-10-012

Manager,  
Employment Exchange  
Bannu.  
Manager  
Employment Exchange  
BANNU

Annex J 35

OFFICE OF THE DISTRICT COORDINATION OFFICER BANNU

No. 4/34 JDCO/AE/NOU

Dated: 09/10/2012

TO: The Principal,  
Govt Degree College, Landi Baloch

Subject: NO OBJECTION CERTIFICATE

Reference your letter No. 182 dated 09/10/2012

This office has got no objection over filling of the vacant post of the following class IV etc. kind you may fill Govt Degree College Landi Baloch subject to fulfillment of all social formalities in accordance with rule / policy.

S.No	Name of nature of post with EPS	No. of posts	Institution in which exists
1	Lab Attendant	03	Govt Degree College Landi Baloch
2	Chowkidar	02	do
3	Maid/Quaid	02	do
4	Sweeper	02	do
5	Blah	01	do
6	Tube Well operator	01	do

*Received in original*

District Coordination Officer  
Bannu

*ASST  
12/10/12*

**Better Copy**

**(Annexure-J)**

**OFFICE OF THE DISTRICT COORDINATION OFFICER, BANNU**

No. 4134/DCO/AE/NOC

Dated 09/10/2012

To

The Principal  
Govt Degree College Landi Jalandher,  
Bannu.

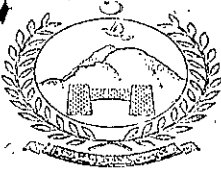
Subject: - **NO OBJECTION CERTIFICATE.**

Reference your letter No. 182 dated 09/10/2012.

This office has got no objection over filling of the vacant posts of the following Class-IV lying vacant in Govt Degree College Landi Jalandher Bannu subject to the fulfillment all codal formalities under rules/ policy.

S#	Nomenclature of post with BPS	No. of Posts	Institution in which the post lying vacant
1	Lab Attendant	03	GDC, Landi Jalandher Bannu
2	Chowkidar	02	do
3	Naib Qasid	02	do
4	Sweeper	02	do
5	Mali	01	do
6	Tube Well operator	01	do

Sd/  
District Coordination Officer  
Bannu.



Answer *K* 85/85 36  
15

**GOVT. OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT**

No. SO (COLLEGES-II)HE/19-1/2012.  
Dated Peshawar the September 28<sup>th</sup>, 2012.

To

The Director,  
Higher Education, Khyber Pakhtunkhwa,  
Peshawar.

*[Handwritten signature]*  
28/10

**SUBJECT: - INTERVIEW FOR THE APPOINTMENT OF CLASS-IV EMPLOYEES**

Sir,

I am directed to refer to the subject noted above and to state that the Competent Authority in Higher Education Department has been pleased to nominate Mr. Mohammad Zaman, Deputy Chief Planning Officer of this Department to conduct interview of the above mentioned posts in the following colleges:

1. GDC (Boys) Mamash Khel Bannu.
2. GDC (Boys) Landi Jalandar Bannu.
3. GDC (Boys) Domail Bannu.

*[Handwritten signature]*

Endst: No & Date of even

*o/c* SECTION OFFICER (COLLEGES-II)

Copy forwarded for information to the:

1. PS to Secretary, Higher Education Department.
2. Muhammad Zaman, Dy: Chief Planning Officer, Higher Education Department

*[Handwritten signature]*  
28/9

*[Handwritten signature]*

*o/c* SECTION OFFICER (COLLEGES-II)



Amex-L

37



GOVT. OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT

Dated Peshawar the 05.10.2012.

**NOTIFICATION**

**NO. SO(C-II)HED/28-1/2012.** Consequent upon the issuance of fresh Job distribution by the Provincial Government among one of the following, subject to the availability, will attend the DSC meeting as Govt. nominee for the recruitment of Class-IV staff in the different colleges of Khyber Pakhtunkhwa (Male & Female) with immediate effect:-

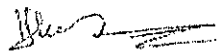
S. No.	Name & Designation of the Officer	Areas for which nominated
1.	Mr. Habib-ur-Rahman, SO(C-II)	For southern areas.
2.	Mr. Pir Mohammad Khan, SO(C-1)	For Northern areas.
3.	Mr. Ghulam Ali, Deputy Director (Estt), Directorate of Higher Education.	For Central districts.
4.	Mr. Naveed Khan, Deputy Director (P&D), Directorate of Higher Education.	For Hazara Division.

SECRETARY TO GOVT. OF  
KHYBER PAKHTUNKHWA  
HIGHER EDUCATION DEPARTMENT

**Endst: No. & Date Even.**

A copy is forwarded to the:-

1. Director, Higher Education, Khyber Pakhtunkhwa, Peshawar.
2. P.S to Minister, Higher Education, Khyber Pakhtunkhwa, Peshawar.
3. P.S to Secretary, Higher Education Department.
4. Officers concerned.

  
(HABIB-UR-RAHMAN)  
SECTION OFFICER (COLLEGES-II)

Amex. M.

3/11

**OFFICE OF THE PRINCIPAL GOVT: DEGREE COLLEGE  
LANDI JALANDAR BANNU.**

**Appointment Notification:**

As per decision / recommendation of the Departmental Selection Committee dated 03-11-2012, constituted for the recruitment of class-4 at Govt Degree College Landi jalander Bannu; The competent authority is pleased to appoint the following persons for the posts mentioned against each in this college with immediate effect :-

S.No	Name *	F/Name	POSTS With BPS
01	Fida ullah	Miradar khan	Naib Qasid-01
02	Arifullah	Muhammad Nawaz	Lab Attendant-01
03	Gulyar	Sabir Zaman	Mali-01
04	Jaidad khan	Farid khan	Lab attendant-01
05	Ikhtiar Zaman	Farid khan	Lab Attendent-01
06	Sahib zada	Adil Badshah	Naib Qasid-01
07	BakhtMunir	Gul Zaman	Tube well operator-01
08	Khandan	Amil Zaman	Chowkidar-01
09	Shafi ullah	Sawdad khan	Swceper-01
10	Shahid ullah	Sawdad khan	Swceper-01
11	Shams Zaman	Sadrai	Chowkjar-01

The Appointments of the above class 4 servants will be subject to the following terms and conditions.

**TERMS AND CONDITIONS:**

1. Charge Reports should be submitted to all concerned.
2. No TA/DA etc is allowed.
3. The Appointment of the above candidates are being made on purely temporary basis and is liable to termination at any time with out notice And with out assigning any reason.
4. They are not entitled to any pension & gratuity.
5. They should produce their Health & age certificate from Medical Supdt;DHO Hospital Bannu.
6. They will be governed by the rules & Regulations of the provincial-Govt Prescribed for such employees.

*R. 03-11-2012*

Principal/DDO  
Govt : Degree College Landi Jalandar  
Bannu

Endst: No...190-96

Dated:GDC L.J-03-11-2012

Copy of the above is forwarded for information to ...

- 1.The Director Higher Education Department KPK Peshawar.
- 2.P.S to Minister for Higher Education Department KPK Peshawar.
3. PS to Secretary Higher Education Department KPK Peshawar.
- 4.Section Officer Higher Education Department KPK Peshawar.
- 5.The District Account officer Bannu.
6. Officials concerned.

*R. Singh*  
03-11-2012  
Principal/DDO  
Govt : Degree college Landi jalandar  
Bannu

*Attended*

*R. Singh*  
03-11-2012  
Principal  
Govt Degree College  
Landi Jalandhar Bannu

**Before the Service Tribunal Khyber Pakhtunkhwa, Peshawar**

Service Appeal No.601/2013

Shams Zaman

Appellant

Versus

1. Secretary Higher Education Govt of KPK Respondent No.1
2. Director Higher Education(Colleges) KPK Respondent No.2
3. Principal Govt Degree College Landi Jalandher Bannu Respondent No.3
4. Secretary Finance Department Govt of KPK Respondent No.4

Respondents

Subject; **PARA WISE COMMENTS ON BEHALF OF RESPONDENT NO.1, 2 &4.**

Respected Sheweth,

**Preliminary Objections**

- I. The appellant has no locus standi to file the Appeal in hands.
- II. That the appellant has concealed material facts from this Hon'able Court hence the Appeal in hands is not maintainable.
- III. The appointment order of the appellant was not in accordance with the prescribed manner as provided in the Appointment and Promotion rules.
- IV. That the appeal is badly time barred.
- V. That the appellant has been estopped by his own conduct to file the instant appeal.
- VI. That the appellant has no cause of action.
- VII. That the Hon'able Tribunal has no jurisdiction to entertain the appeal.
- VIII. That the appellant has no come to the court with clean hands.

**Facts**

1. Incorrect. The appointment order dated 03/11/2012 was not according to the strict codal formalities as it was made in undue haste. A lecturer in (BPS-17) has issued the appointments orders which fall beyond his jurisdiction. Above that this committee has interviewed all these 11 candidates and issued their orders on the same day to the extent that they have taken their charge of offices. Furthermore, a thick cloud of malafide is visible as evident from the inquiry report dated 26/11/2012(Annexure-A) wherein three main objections have been raised by the Inquiry Officers:-
  - i. There is a variation between the date of requisition of the College Administration for the candidates i.e. 08/10/2012 and provision of the candidates by employment exchange Bannu i.e. 02/10/2012. Another disputed point is that the Manager Employment Exchange, Bannu only sent the same names of those 11 candidates who were later on appointed. However in the eyes of law and procedural experiences he should have sent more than 11 candidates.
  - ii. No call letters to candidates were issued, which is pre-requisite for such like appointments.
  - iii. The DDO being a lecturer in BPS-17 and not an officer of category-II is not competent to issue these appointments orders.
2. Incorrect. The DDO concerned was informed to held in abeyance the appointment orders vide Endst No.SO (COLLEGES-II)28-1/2012 dated 05/11/2012<sup>28</sup> per Annexure-D of the appeal.
3. Incorrect. The pay was stopped due to the gross irregularities reported to the Provincial Government in the appointments of the appellants.
4. Incorrect. His Departmental appeal has been considered and filed being meritless.

## Grounds

- A. Not admitted. The action of the Respondents is legal, lawful and in the best interest of public.
- B. Not admitted. The appellant is trying to misguide the Court by claiming that he is still performing his duties but, in Para-2 of the Departmental appeal he himself admits that the DDO has stopped his salary and cancelled his appointment order. According to the inquiry report (Annexure-A) supra the appointments orders are made purely on temporary basis and are liable to termination at any time without any notice or assigning any reason.
- C. Incorrect. Per terms and conditions the appointment of the appellant was liable to termination without serving upon him any notice.
- D. Incorrect. The action of the Respondents is according to the law and rules as stated above.
- E. Incorrect. Section -17 of the civil servant act, 1973 deals with the seniority of the civil servant and not with the payment of salary, hence denied.
- F. The Respondents also seek permission to advance additional arguments at the time of the hearing of the case.

## Prayer

The above arguments prove that the appellant has very weak legs to stand upon, hence the appeal in hand may graciously be dismissed.

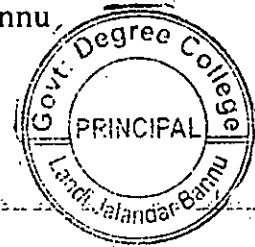
*Y. Khaw*

Secretary  
To Govt: of KPK  
Higher Education Department  
Respondent No.1

*[Signature]*  
Director Higher Education  
Khyber Pakhtunkhwa  
Respondent No.2

**Director Higher Education  
Khyber Pakhtoon Khwa  
Khyber Road Peshawar.**

*[Signature]*  
Principal Govt Degree College  
Landi Jalandher Bannu,  
Respondent No.3



*[Signature]*  
Secretary  
To Govt: of KPK  
Finance Department  
Respondent No.4

*[Signature]*

249

The Secretary

Govt. of Khyber Pakhtunkhwa  
Higher Education Department.

Subject:- APPOINTMENT NOTIFICATION OF CLASS-IV AT GDC LANDI JALANDAR, BANNU /  
GGDC TANK/ GDC PROVA D.I.KHAN/ INQUIRY.

Memo,

Kindly refer to the letter No.SO(COLLEGES-II)28-1/2012, Dated 05-11-1012, regarding probe in the matter of selection for certain posts in three Govt Colleges.

1-Govt. Girls Degree College Tank. As per available record and statement of the Principal Miss Farida Shah, there are Five vacant posts (one each of Driver, Bearer, Mali, Cook and Sweeper). A letter was sent to the Manager Employment Exchange D.I.Khan for the provision of suitable candidates (Annex-A). In response a list of 28 persons was provided.(Annex-B) The Principal also advertised the posts through local notices affixed at various prominent places. Therefore, total Number of candidates raised to 135. Similarly the DCO Tank was asked by the Principal for NOC. In response the DCO provided at a list of 23 persons from surplus pool (Annex-C)but there was no suitable persons for the job except driver who remained absent on the date of interview. A committee was constituted of the following persons to conduct the interview.

- 1- Miss Farida Shah Principal (chair person)
- 2- Miss Zainab Lecture (Member)
- 3- Dr. Abdul Wahab Associate Professor GPGC D.I.Hkan (Member)
- 4- Mr. Habibur Rehman SO. Colleges (Provincial Nominee)

Interview was conducted on 02-11-2012 and selection was made on the basis of suitability cum fitness but no appointment order has so far been issued.

2-Govt Degree Collge Prova D.I.Khan. As per statement of the Principal Prof: Said Nawaz, there is only one post of tube well operator is vacant in the college. The Manager employment Exchange D.I.Khan was asked for the provision of suitable candidates(Annex-D) and in response a list of Eight persons was provided(Annex-E). Similarly Principal called the application through local Notices and Six persons applied. Total number of the candidates raised to 14. Interview was conducted on 03-11-2012, candidates were informed through local notices and the following persons conducted the interview.

Dated: \_\_\_\_\_/\_\_\_\_\_/2012

Copy of the above is submitted  
Peshawar for information please.

The Director Higher Education

249

The Secretary  
Govt. of Khyber Pakhtunkhwa  
Higher Education Department.

Subject:- APPOINTMENT NOTIFICATION OF CLASS-IV AT GDC LANDI JALANDAR, BANNU /  
GGDC TANK/ GDC PROVA D.I.KHAN/ INQUIRY.

Memo,

Kindly refer to the letter No.SO(COLLEGES-II)28-1/2012, Dated 05-11-1012, regarding probe in the matter of selection for certain posts in three Govt Colleges.

1-Govt. Girls Degree College Tank. As per available record and statement of the Principal Miss Farida Shah, there are Five vacant posts (one each of Driver, Bearer, Mali, Cook and Sweeper). A letter was sent to the Manager Employment Exchange D.I.Khan for the provision of suitable candidates (Annex-A). In response a list of 28 persons was provided.(Annex-B) The Principal also advertised the posts through local notices affixed at various prominent places. Therefore, total Number of candidates raised to 135. Similarly the DCO Tank was asked by the Principal for NOC. In response the DCO provided at a list of 23 persons from surplus pool (Annex-C)but there was no suitable persons for the job except driver who remained absent on the date of interview. A committee was constituted of the following persons to conduct the interview.

- 1- Miss Farida Shah Principal (chair person)
- 2- Miss Zainab Lecture (Member)
- 3- Dr. Abdul Wahab Associate Professor GPGC D.I.Hkan (Member)
- 4- Mr. Habibur Rehman SO. Colleges (Provincial Nominee)

Interview was conducted on 02-11-2012 and selection was made on the basis of suitability cum fitness but no appointment order has so far been issued.

2-Govt Degree Collge Prova D.I.Khan. As per statement of the Principal Prof: Said Nawaz, there is only one post of tube well operator is vacant in the college. The Manager employment Exchange D.I.Khan was asked for the provision of suitable candidates(Annex-D) and In response a list of Eight persons was provided(Annex-E). Similarly Principal called the application through local Notices and Six persons applied. Total number of the candidates raised to 14. Interview was conducted on-03-11-2012, candidates were informed through local notices and the following persons conducted the interview.

Dated: \_\_\_\_\_/\_\_\_\_\_/2012

Copy of the above is submitted  
Peshawar for information please.

The Director Higher Education

- 293
- 1- Prof: Said Nawaz Principal (Chairman)
  - 2- Mr. Niaz Hussain Lecturer (Member)
  - 3- Mr. Sohail Rizwan Lecture (member)
  - 4- Mr. Habibur Rehman SO Colleges (Provincial Nominee)

Five persons among the candidates were present Annex-F) and one Mr. Ihsanullah was selected as principal candidate and Muhammad Arshad as alternate candidate. The process was completed at 11.30.A.M. on 03-11-2012, no appointment order has so far been issued.

**3- Govt Degree College Landi Jalandar Bannu :-** According to available record and statement of the DDO/ Incharge Principal Mr. Ahmad Raza Lecturer in Political Science, there are eleven vacant Posts consisting of 3 Lab attendant, 2 chowkidars, 2 Naib Qasid, 2 sweepers, 1 Mali and 1 tube well operator. A letter was sent to the Manager Employment Exchange Bannu on 08-10-2012 (Annex-G) asking for the provision of suitable candidates and DCO for NOC on the same date (Annex-H) but the List of 11 persons had sent by Manager employment Exchange Bannu on 02-10-2012, prior to the requisition (Annex-I). The DCO, however, granted NOC on the same date (Annex-J). Interview was conducted on 03-11-2012 at 12.30 P.M. and the following persons conducted the interview.

- 1- Mr. Ahmad Raza Lecturer DDO (chairman)
- 2- Mr. Gul Tiaz Khan Lecturer (Member)
- 3- Mr. Alam Zeb Khan Lecturer (Member)
- 4- Mr. Habibur Rehman SO Colleges (Provincial Nominee)

No call letter for the interview was issued to candidates nor it was published through local notice. However all of the 11 candidates were selected, their appointment orders were issued on the same date i.e. 03-11-2012, they were handed over charge of their duties in spite of the facts that only 7 persons had submitted their Medical fitness.

Therefore the following discrepancies are pointed out;

- 1 There is a variation between the date of requisition of the college administration for the candidates i.e. 08-10-2012, and provision of the list of candidates by Employment Exchange Bannu i.e. 02-10-2012. Provision before requisition establishes malafide.
- 2- No call letter to the candidates was issued to appear for interview but all were present for.
- 3- The Employment Exchange Bannu provided a list of exactly 11 candidates so that selection committee had no option but to select all. This aspect of the case also speaks of malafide and intransparency of the process.

Copy of the above is submitted  
Peshawar for information please.

Dated: \_\_\_\_\_/\_\_\_\_\_/2012

The Director, Higher Education



276

4- DDO being a Lecturer IN Grade-17 and not an officer of category-II, not competent to issue appointment orders.

5- It is worth mentioning that interview started on 03-11-2012, at 12.30, completed the process on the same day and appointment orders issued on the same day too. Therefore, such hasty decisions, shows pre planning.

6- It is noted from the record of Higher Education Department that Mr. Muhammad Zaman Deputy CPO was nominated for the said college (Annex-K) and then Mr. Habibur Rehman was nominated (Annex-L).

It has been written in the appointment orders that "The appointments are being made on purely temporary basis and is liable to termination at any time without notice and without assigning any reason." Therefore it is recommended that appointment orders of all the 11 person issued vide No.190-96 dated 03-11-2012 at Govt Degree College Landi Jalandar Bannu (Annex-M) may be <sup>with drawn</sup> cancelled and it may be reprocessed to maintain transparency in appointment particularly in view of the intransparency in the process of selection and constitution of improper selection committee.

Bukhari Shah  
Section Officer (Litigation)  
Higher Education Department

*Niaz Muhammad*  
Niaz Muhammad

Principal

Govt Degree College Naguman.

*Moreover the (11) candidates who appeared for interview on 03/11/12 may also be interviewed afresh, and their cases be considered in the fresh process of selection, and after constitution of the selection committee.*

*Niaz Muhammad*  
26/11/12

Dated: \_\_\_\_\_/2012

Copy of the above is submitted to Peshawar for information please

Higher Education Department

Annex G 32

NO 180

Dated: 25-09-2012.

Form:

The office of the Principal,  
GDC Landi Jalander Bannu.

To,

The Manager,  
Employment Exchange Bannu.

Subject:

**LIST OF SUITABLE CANDIDATES ELIGIBLE FOR THE POST OF  
FOLLOWING CLASS-IV**

Memo;

It is submitted that following Class IV are hereby lying vacant since long time in  
DGC Landi Jalander Bannu.

The Detail is as under:

1-	Lab Attendant	(03)
2-	Chowkidar	(02)
3-	Naib Qasid	(02)
4-	Sweeper	(02)
5-	Mali	(01)
6-	Tube well Operator	(01)

Please provide the list of suitable candidates who are eligible for the above posts  
according to your office record.

P. G. 08-10-2012  
PRINCIPAL  
Govt. Degree College  
GDC LANDI JALANDER  
BANNU

Annex - H. 33

No. 1124/2012

Bannu dated 10/10/2012

No. 182

From:

The Office of the Principal,  
GDC Landi Jalander Bannu

To: The District Coordination Officer,  
Bannu.

Subject: Request list of Class IV and Lab Attendant.

Memo,

It is submitted that following Class IV are hereby lying vacant since long time in  
GDC Landi Jalander Bannu.

- 1. Lab Attendant (03)
- 2. Chowkidar (02)
- 3. Naib Qasid (02)
- 4. Sweeper (02)
- 5. Mali (01)
- 6. Tubewell Operator (01)

*It is requested that necessary  
NOC for filling up the above vacant post may be issued  
Accordingly.*

*AE*

*[Signature]*

*[Signature]*  
08-10-2012  
Govt. ...  
Landi Jalander Bannu.

*9/10*

*[Signature]*  
DCC

7769  
09-10-12

Annex-I

No:-408/EEB/Appendix

From,  
The Manager,  
Employment exchanges Bannu,

To,  
The Principal,  
GDC Landi Jalandar Bannu

Subject: List of Registered Candidates

Honourable Sir,

It is to inform you that this office got various application regarding the newly created post at your college.

The list of the candidates are as follows.

1. Fida Ullah S/O Mirdad Khan Reg: 1143/EP/011
2. Arif Ullah S/O Muhammad Nawaz Reg: 280/05
3. Gul Yar S/O Sabir Zaman Reg: 866/011
4. Jaidad Khan S/O Farid Khan Reg: 049/EP/011
5. Ikhtiar Zaman S/O Farid Khan Reg: 870/011 (153/EP/011)
6. Sahib Zada S/O Adil Badshah Reg: 870/011
7. Bakht Munir S/O Gu Zaman Reg: 1144/EP/011
8. Khandan S/O Amir Zaman Reg: 865/011
9. Shafi Ullah S/O Sawdad Khan Reg: 868/011
10. Shahid Ullah S/O Khan Reg: 1207/EP/011
11. Shams Zaman S/O Sadrai Reg: 1142/EP/011

Dated: 2/10/12

AB 2-10-012

Manager,  
Employment Exchange  
Bannu.

Managor  
Employment Exchange  
BANNU

Annex J

35

OFFICE OF THE DISTRICT COORDINATION OFFICER BANNU.

NO. 4134 /DCO/AE/NOO

Dated: 09/10/2012

The Principal,  
Govt Degree College, Landi Jahangir

Subject: NO OBJECTION CERTIFICATE

Reference your letter No. 183 dated 09/10/2012

This office has got no objections by fulfilling of the vacant posts of the following: Mess IV on, Landi Jahangir Govt Degree College, which is subject to fulfillment of inter-cadre transfer policy.

Sl. No	Nomenclature of post with EPs	No. of posts	Institution in which it exists
1	Lab Attendant	03	Govt Degree College Landi Jahangir
2	Chowkidar	02	do
3	Mali	02	do
4	Sweeper	02	do
5	Mali	01	do
6	Tube Well Operator	01	do

*Received  
in original*

District Coordination Officer  
Bannu

*ASST  
12/10/12*

**Better Copy**

**(Annexure-J)**

**OFFICE OF THE DISTRICT COORDINATION OFFICER, BANNU**

No. 4134/DCO/AE/NOC

Dated 09/10/2012

To

The Principal  
Govt Degree College Landi Jalandher,  
Bannu.

Subject: - **NO OBJECTION CERTIFICATE.**

Reference your letter No. 182 dated 09/10/2012.

This office has got no objection over filling of the vacant posts of the following Class-IV lying vacant in Govt. Degree College Landi Jalandher Bannu subject to the fulfillment all codal formalities under rules/ policy.

S#	Nomenclature of post with BPS	No. of Posts	Institution in which the post lying vacant
1	Lab Attendant	03	GDC, Landi Jalandher Bannu
2	Chowkidar	02	do
3	Naib Qasid	02	do
4	Sweeper	02	do
5	Mali	01	do
6	Tube Well operator	01	do

Sd/  
District Coordination Officer  
Bannu.



Annex K 13/15

GOVT. OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT

No. SO (COLLEGES-II)HE/19-1/2012.  
Dated Peshawar the September 28<sup>th</sup>, 2012.

To

The Director,  
Higher Education, Khyber Pakhtunkhwa,  
Peshawar.

SUBJECT: - INTERVIEW FOR THE APPOINTMENT OF CLASS-IV EMPLOYEES

Sir,

I am directed to refer to the subject noted above and to state that the Competent Authority in Higher Education Department has been pleased to nominate Mr. Mohammad Zaman, Deputy Chief Planning Officer of this Department to conduct interview of the above mentioned posts in the following colleges:

1. GDC (Boys) Mamash Khel Bannu.
2. GDC (Boys) Landi Jalandar Bannu.
3. GDC (Boys) Domail Bannu.

Endst: No & Date of even

o/c SECTION OFFICER (COLLEGES-II)

Copy forwarded for information to the:

1. PS to Secretary, Higher Education Department.
2. Muhammad Zaman, Dy: Chief Planning Officer, Higher Education Department

o/c SECTION OFFICER (COLLEGES-II)



GOVT. OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT

Dated Peshawar the 05.10.2012.

**NOTIFICATION**

**NO. SO(C-II)HED/28-1/2012.** Consequent upon the issuance of fresh Job distribution by the Provincial Government among one of the following, subject to the availability, will attend the DSC meeting as Govt. nominee for the recruitment of Class-IV staff in the different colleges of Khyber Pakhtunkhwa (Male & Female) with immediate effect:-

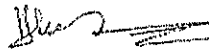
S. No.	Name & Designation of the Officer	Areas for which nominated
1.	Mr. Habib-ur-Rahman, SO(C-II)	For southern areas.
2.	Mr. Pir Mohammad Khan, SO(C-I)	For Northern areas.
3.	Mr. Ghulam Ali, Deputy Director (Estt), Directorate of Higher Education.	For Central districts.
4.	Mr. Naveed Khan, Deputy Director (P&D), Directorate of Higher Education.	For Hazara Division.

SECRETARY TO GOVT. OF  
KHYBER PAKHTUNKHWA  
HIGHER EDUCATION DEPARTMENT

**Encls: No. & Date Even.**

A copy is forwarded to the:-

1. Director, Higher Education, Khyber Pakhtunkhwa, Peshawar.
2. P.S to Minister, Higher Education, Khyber Pakhtunkhwa, Peshawar.
3. P.S to Secretary, Higher Education Department.
4. Officers concerned.

  
(HABIB-UR-RAHMAN)  
SECTION OFFICER (COLLEGES-II)



Amex-M.

238

**OFFICE OF THE PRINCIPAL GOVT: DEGREE COLLEGE  
LANDI JALANDAR BANNU.**

**Appointment Notification:**

As per decision / recommendation of the Departmental Selection Committee dated 03-11-2012, constituted for the recruitment of class-4 at Govt Degree College Landi Jalander Bannu; The competent authority is pleased to appoint the following persons for the posts mentioned against each in this college with immediate effect :-

S.No	Name	F/Name	POSTS With BPS
01	Fida ullah	Miradar khan	Naib Qasid-01
02	Arifullah	Muhammad Nawaz	Lab Attendant-01
03	Gulyar	Sabir Zaman	Mali-01
04	Jaidad khan	Farid khan	Lab attendant-01
05	Ikhtiar Zaman	Farid khan	Lab Attendent-01
06	Sahib zada	Adil Badshah	Naib Qasid-01
07	BakhtMunir	Gul Zaman	Tube well operator-01
08	Khandan	Amil Zaman	Chowkidar-01
09	Shafi ullah	Sawdad khan	Sweeper-01
10	Shahid ullah	Sawdad khan	Swccper-01
11	Shams Zaman	Sadrai	Chowkidar-01

The Appointments of the above class 4 servants will be subject to the following terms and conditions.

**TERMS AND CONDITIONS:**

1. Charge Reports should be submitted to all concerned.
2. No TA/DA etc is allowed.
3. The Appointment of the above candidates are being made on purely temporary basis and is liable to termination at any time with out notice And with out assigning any reason.
4. They are not entitled to any pension & gratuity.
5. They should produce their Health & age certificate from Medical Supdt;DHO Hospital Bannu.
6. They will be governed by the rules & Regulations of the provincial Govt Prescribed for such employees.

*R. 1039 03-11-2012*

Principal/DDO  
Govt : Degree College Landi Jalandar  
Bannu

38

Endst: No..190-96

Dated:GDC L.J-03-11-2012

Copy of the above is forwarded for information to ...

1. The Director Higher Education Department KPK Peshawar.
2. P.S to Minister for Higher Education Department KPK Peshawar.
3. PS to Secretary Higher Education Department KPK Peshawar.
4. Section Officer Higher Education Department KPK Peshawar.
5. The District Account officer Bannu.
6. Officials concerned.

*R. J. 03-11-2012*

Principal/DDO  
Govt : Degree college Landi jalandar  
Bannu

*RECEIVED*  
*R. J. 03-11-2012*  
Govt: Degree college  
Landi Jalandar Bannu

**Before the Service Tribunal Khyber Pakhtunkhwa, Peshawar**

Service Appeal No.601/2013

Shams Zaman

Appellant

Versus

1. Secretary Higher Education Govt of KPK Respondent No.1
2. Director Higher Education(Colleges) KPK Respondent No.2
3. Principal Govt Degree College Landi Jalandher Bannu Respondent No.3
4. Secretary Finance Department Govt of KPK Respondent No.4

Respondents

Subject; **PARA WISE COMMENTS ON BEHALF OF RESPONDENT NO.1, 2 &4.**

Respected Sheweth,

**Preliminary Objections**

- I. The appellant has no locus standi to file the Appeal in hands.
- II. That the appellant has concealed material facts from this Hon'able Court hence the Appeal in hands is not maintainable.
- III. The appointment order of the appellant was not in accordance with the prescribed manner as provided in the Appointment and Promotion rules.
- IV. That the appeal is badly time barred.
- V. That the appellant has been estopped by his own conduct to file the instant appeal.
- VI. That the appellant has no cause of action.
- VII. That the Hon'able Tribunal has no jurisdiction to entertain the appeal.
- VIII. That the appellant has no come to the court with clean hands.

**Facts**

1. Incorrect. The appointment order dated 03/11/2012 was not according to the strict codal formalities as it was made in undue haste. A lecturer in (BPS-17) has issued the appointments orders which fall beyond his jurisdiction. Above that this committee has interviewed all these 11 candidates and issued their orders on the same day to the extent that they have taken their charge of offices. Furthermore, a thick cloud of malafide is visible as evident from the inquiry report dated 26/11/2012(Annexure-A) wherein three main objections have been raised by the Inquiry Officers:-
  - i. There is a variation between the date of requisition of the College Administration for the candidates i.e. 08/10/2012 and provision of the candidates by employment exchange Bannu i.e. 02/10/2012. Another disputed point is that the Manager Employment Exchange, Bannu only sent the same names of those 11 candidates who were later on appointed. However in the eyes of law and procedural experiences he should have sent more than 11 candidates.
  - ii. No call letters to candidates were issued, which is pre-requisite for such like appointments.
  - iii. The DDO being a lecturer in BPS-17 and not an officer of category-II is not competent to issue these appointments orders.
2. Incorrect. The DDO concerned was informed to held in abeyance the appointment orders vide Endst No.SO (COLLEGES-II)28-1/2012 dated 05/11/2012<sup>28</sup> per Annexure-D of the appeal.
3. Incorrect. The pay was stopped due to the gross irregularities reported to the Provincial Government in the appointments of the appellants.
4. Incorrect. His Departmental appeal has been considered and filed being meritless.

## Grounds

- A. Not admitted. The action of the Respondents is legal, lawful and in the best interest of public.
- B. Not admitted. The appellant is trying to misguide the Court by claiming that he is still performing his duties but, in Para-2 of the Departmental appeal he himself admits that the DDO has stopped his salary and cancelled his appointment order. According to the inquiry report (Annexure-A) supra the appointments orders are made purely on temporary basis and are liable to termination at any time with out any notice or assigning any reason.
- C. Incorrect. Per terms and conditions the appointment of the appellant was liable to termination without serving upon him any notice.
- D. Incorrect. The action of the Respondents is according to the law and rules as stated above.
- E. Incorrect. Section -17 of the civil servant act,1973 deals with the seniority of the civil servant and not with the payment of salary, hence denied.
- F. The Respondents also seek permission to advance additional arguments at the time of the hearing of the case.

## Prayer

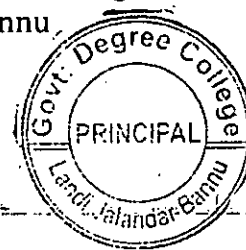
The above arguments prove that the appellant has very weak legs to stand upon hence the appeal in hand may graciously be dismissed.

*M. Khan*

Secretary  
To Govt: of KPK  
Higher Education Department  
Respondent No.1

*[Signature]*  
Director Higher Education  
Khyber Pakhtunkhwa  
Respondent No.2  
Director Higher Education  
Khyber Pakhtoon Khwa  
Khyber Road Peshawar.

*[Signature]*  
Principal Govt Degree College  
Landi Jalandher Bannu  
Respondent No.3



*[Signature]*  
Secretary  
To Govt: of KPK  
Finance Department  
Respondent No.4

*[Signature]*

249

10-

The Secretary

Govt. of Khyber Pakhtunkhwa  
Higher Education Department.

Subject: APPOINTMENT NOTIFICATION OF CLASS-IV AT GDC LANDI JALANDAR, BANNU /  
GGDC TANK/ GDC PROVA D.I.KHAN/ INQUIRY.

Memo,

Kindly refer to the letter No.SO(COLLEGES-II)28-1/2012, Dated 05-11-1012, regarding probe in the matter of selection for certain posts in three Govt Colleges.

1-Govt. Girls Degree College Tank. As per available record and statement of the Principal Miss Farida Shah, there are Five vacant posts (one each of Driver, Bearer, Mali, Cook and Sweeper). A letter was sent to the Manager Employment Exchange D.I.Khan for the provision of suitable candidates (Annex-A). In response a list of 28 persons was provided.(Annex-B) The Principal also advertised the posts through local notices affixed at various prominent places. Therefore, total Number of candidates raised to 135. Similarly the DCO Tank was asked by the Principal for NOC. In response the DCO provided at a list of 23 persons from surplus pool (Annex-C)but there was no suitable persons for the job except driver who remained absent on the date of interview. A committee was constituted of the following persons to conduct the interview.

- 1- Miss Farida Shah Principal (chair person)
- 2- Miss Zainab Lecture (Member)
- 3- Dr. Abdul Wahab Associate Professor GPGC D.I.Hkan (Member)
- 4- Mr. Habibur Rehman SO. Colleges (Provincial Nominee)

Interview was conducted on 02-11-2012 and selection was made on the basis of suitability cum fitness but no appointment order has so far been issued.

2-Govt Degree Collge Prova D.I.Khan. As per statement of the Principal Prof: Said Nawaz, there is only one post of tube well operator is vacant in the college. The Manager employment Exchange D.I.Khan was asked for the provision of suitable candidates(Annex-D) and in response a list of Eight persons was provided(Annex-E). Similarly Principal called the application through local Notices and Six persons applied. Total number of the candidates raised to 14. Interview was conducted on 03-11-2012, candidates were informed through local notices and the following persons conducted the interview.

Dated: \_\_\_\_\_/2012

Copy of the above is submitted  
Peshawar for information please.

The Director Higher Education

249

The Secretary  
Govt. of Khyber Pakhtunkhwa  
Higher Education Department.

Subject:- APPOINTMENT NOTIFICATION OF CLASS-IV AT GDC LANDI JALANDAR, BANNU /  
GGDC TANK/ GDC PROVA D.I.KHAN/ INQUIRY.

Memo,

Kindly refer to the letter No.SO(COLLEGES-II)28-1/2012, Dated 05-11-1012, regarding probe in the matter of selection for certain posts in three Govt Colleges.

1-Govt. Girls Degree College Tank. As per available record and statement of the Principal Miss Farida Shah, there are Five vacant posts (one each of Driver, Bearer, Mali, Cook and Sweeper). A letter was sent to the Manager Employment Exchange D.I.Khan for the provision of suitable candidates (Annex-A). In response a list of 28 persons was provided.(Annex-B) The Principal also advertised the posts through local notices affixed at various prominent places. Therefore, total Number of candidates raised to 135. Similarly the DCO Tank was asked by the Principal for NOC. In response the DCO provided a list of 23 persons from surplus pool (Annex-C)but there was no suitable persons for the job except driver who remained absent on the date of interview. A committee was constituted of the following persons to conduct the interview.

- 1- Miss Farida Shah Principal (chair person)
- 2- Miss Zainab Lecture (Member)
- 3- Dr. Abdul Wahab Associate Professor GPGC D.I.Hkan (Member)
- 4- Mr. Habibur Rehman SO. Colleges (Provincial Nominee)

Interview was conducted on 02-11-2012 and selection was made on the basis of suitability cum fitness but no appointment order has so far been issued.

2-Govt Degree Collge Prova D.I.Khan. As per statement of the Principal Prof: Said Nawaz, there is only one post of tube well operator is vacant in the college. The Manager employment Exchange D.I.Khan was asked for the provision of suitable candidates(Annex-D) and In response a list of Eight persons was provided(Annex-E). Similarly Principal called the application through local Notices and Six persons applied. Total number of the candidates raised to 14. Interview was conducted on 03-11-2012 , candidates were informed through local notices and the following persons conducted the interview.

Dated: \_\_\_\_\_ 72012

Copy of the above is submitted  
Peshawar for information please.

The Director Higher Education

- 223
- 1- Prof: Said Nawaz Principal (Chairman)
  - 2- Mr. Niaz Hussain Lecturer. (Member)
  - 3- Mr. Sohail Rizwan Lecture (member)
  - 4- Mr. Habibur Rehman SO Colleges (Provincial Nominee)

Five persons among the candidates were present Annex-F) and one Mr. Ihsanullah was selected as principal candidate and Muhammad Arshad as alternate candidate. The process was completed at 11.30 A.M. on 03-11-2012, no appointment order has so far been issued.

**3- Govt Degree College Landi Jalandar Bannu :-** According to available record and statement of the DDO/ Incharge Principal Mr. Ahmad Raza Lecturer in Political Science, there are eleven vacant Posts consisting of 3 Lab attendant, 2 chowkidars, 2 Naib Qasid, 2 sweepers, 1 Mali and 1 tube well operator. A letter was sent to the Manager Employment Exchange Bannu on 08-10-2012 (Annex-G) asking for the provision of suitable candidates and DCO for NOC on the same date (Annex-H) but the List of 11 persons had sent by Manager employment Exchange Bannu on 02-10-2012, prior to the requisition (Annex-I). The DCO, however, granted NOC on the same date (Annex-J). Interview was conducted on 03-11-2012 at 12.30 P.M. and the following persons conducted the interview.

- 1- Mr. Ahmad Raza Lecturer DDO (chairman)
- 2- Mr. Gul Tiaz Khan Lecturer (Member)
- 3- Mr. Alam Zeb Khan Lecturer (Member)
- 4- Mr. Habibur Rehman SO Colleges (Provincial Nominee)

No call letter for the interview was issued to candidates nor it was published through local notice. However all of the 11 candidates were selected, their appointment orders were issued on the same date i.e. 03-11-2012, they were handed over charge of their duties in spite of the facts that only 7 persons had submitted their Medical fitness.

Therefore the following discrepancies are pointed out;

- 1- There is a variation between the date of requisition of the college administration for the candidates i.e. 08-10-2012 and provision of the list of candidates by Employment Exchange Bannu i.e. 02-10-2012. Provision before requisition establishes malafide.
- 2- No call letter to the candidates was issued to appear for interview but all were present for.
- 3- The Employment Exchange Bannu provided a list of exactly 11 candidates so that selection committee had no option but to select all. This aspect of the case also speaks of malafide and intransparency of the process.

Dated: \_\_\_\_\_/\_\_\_\_\_/2012

Copy of the above is submitted  
Peshawar for information please.

The Director, Higher Education

276

4- DDO being a Lecturer IN Grade-17 and not an officer of category-II, not competent to issue appointment orders.

5- It is worth mentioning that interview started on 03-11-2012, at 12.30 ,completed the process on the same day and appointment orders issued on the same day too. Therefore, such hasty decisions, shows pre planning.

6- It is noted from the record of Higher Education Department that Mr. Muhammad Zaman Deputy CPO was nominated for the said college (Annex-K) and then Mr. Habibur Rehman was nominated (Annex-L).

It has been written in the appointment orders that "The appointments are being made on purely temporary basis and is liable to termination at any time without notice and without assigning any reason." Therefore it is recommended that appointment orders of all the 11 person issued vide No.190-96 dated 03-11-2012 at Govt Degree College Landi Jalandar Bannu (Annex-M) may be <sup>with discuss</sup> cancelled and it may be reprocessed to maintain transparency in appointment particularly in view of the intransparency in the process of selection and constitution of improper selection committee.

Bukhari Shah  
Section Officer (Litigation)  
Higher Education Department

*Niaz Muhammad*  
Niaz Muhammad

Principal

Govt Degree College Naguman.

*Moreover the (11) candidates who appeared for interview on 03/11/12 may also be interviewed afresh, and their cases be considered in the fresh process of selection, and after constitution of the Selection Committee.*

*Niaz Muhammad*  
26/11/12

Dated: \_\_\_\_\_ 2012

Director Higher Education

Copy of the above is submitted to Peshawar for information please



Annex G 32

NO. 130

Dated: 25-09-2012.

Form:

The Office of the Principal,  
GDC Landi Jalander Bannu.

To,

The Manager,  
Employment Exchange Bannu.

Subject:

LIST OF SUITABLE CANDIDATES ELIGIBLE FOR THE POST OF  
FOLLOWING CLASS-IV

Memo:

It is submitted that following Class IV are hereby lying vacant since long time in  
GDC Landi Jalander Bannu.

The Detail is as under:

1	Lab Attendant	(03)
2	Chowkidar	(02)
3	Naib Qasid	(02)
4	Sweeper	(02)
5	Mali	(01)
6	Tube well Operator	(01)

Please provide the list of suitable candidates who are eligible for the above posts  
according to your office record.

*P. G.* 08-10-2012  
PRINCIPAL  
Govt. Degree College  
G.D.C. LANDI JALANDER  
BANNU

Annex - H. 33

No. 1124/2012

Bannu dated 08-10-2012

No. 182

From:

The Office of the Principal,  
GDC Landi Jalander Bannu.

To: The District Coordination Officer,  
Bannu.

Subject: Request list of Class IV and Lab Attendant.

Memo, It is submitted that following Class IV are hereby lying vacant since long time in  
GDC Landi Jalander Bannu.

- 1. Lab Attendant (03)
- 2. Chowkidar (02)
- 3. Naib Qasid (02)
- 4. Sweeper (02)
- 5. Mali (01)
- 6. Tube well Operator (01)

*It is requested that necessary  
pro. for filling up the above vacant post may be issued  
Accordingly.*

*DCO*

*R. Rao*  
08-10-2012  
Govt. of Punjab  
Bannu

*DCO*

7769  
08-10-12

Annex-I

37

No:-408/EEB/Appoint

From:

The Manager,  
Employment exchanges Bannu,

To:

The Principal,  
GDC Landi Jalandar Bannu

Subject: List of Registered Candidates

Honourable Sir,

It is to inform you that this office got various application regarding the newly created post at your college.

The list of the candidates are as follows.

1. Fida Ullah S/O Mirdad Khan Reg: 1143/EP/011
2. Arif Ullah S/O Muhammad Nawaz Reg: 280/05
3. Gul Yar S/O Sabir Zaman Reg: 866/011
4. Jaidad Khan S/O Farid Khan Reg: 049/EP/011
5. Ikhtiar Zaman S/O Farid Khan Reg: ~~870/011~~ 1153/EP/011
6. Saib Zada S/O Adil Badshah Reg: 870/011
7. Bakht Munir S/O Gu Zaman Reg: 144/EP/011
8. Khandan S/O Amil Zaman Reg: 865/011
9. Shafi Ullah S/O Sawdad Khan Reg: 868/011
10. Shahid Ullah S/O Khan Reg: 1207/EP/011
11. Shams Zaman S/O Sadrai Reg: 1142/EP/011

Dated: 2/10/12

*SA*  
2-10-012  
Manager,  
Employment Exchange  
Bannu.

Manager  
Employment Exchange  
BANNU

12/15/12

Handwritten initials and numbers, including "18888" and "78".

District Coordination Officer  
Banna

Handwritten signature: "A. S. Ahmed"

Monitoring of post NO. posts  
with  
LAB. Machine  
CHORDIA  
NAD  
SWEEP  
Mail  
TABLE with Operator

- 01 do
- 01 do
- 02 do
- 02 do
- 04 do
- 03 Govt. Dept.

Reference your letter No. 18, dated 09/10/12.  
 This office has got no specific data thing of the year 2012.  
 The following items IV are listed in the list of posts which  
 are subject to fulfillment of post-cum-faculty.

THE PRINCIPAL  
 GOVT. ENGINEERING COLLEGE, FATEHABAD  
 DISTRICT COORDINATION OFFICER, BANNU  
 Dated: 10/10/2012

Handwritten text: "35" and "A. S. Ahmed"

**Better Copy**

(Annexure-f)

**OFFICE OF THE DISTRICT COORDINATION OFFICER, BANNU**

No. 4134/DCO/AE/NOC

Dated 09/10/2012

To

The Principal  
Govt Degree College Landi Jalandher,  
Bannu.

Subject: - **NO OBJECTION CERTIFICATE.**

Reference your letter No. 182 dated 09/10/2012.

This office has got no objection over filling of the vacant posts of the following Class-IV lying vacant in Govt Degree College Landi Jalandher Bannu subject to the fulfillment all codal formalities under rules/ policy.

S#	Nomenclature of post with BPS	No. of Posts	Institution in which the post lying vacant
1	Lab Attendant	03	GDC, Landi Jalandher Bannu
2	Chowkidar	02	do
3	Naib Qasid	02	do
4	Sweeper	02	do
5	Mali	01	do
6	Tube Well operator	01	do

Sd/  
District Coordination Officer  
Bannu.



Ammer K

85/83

30  
15

**GOVT. OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT**

No. SO (COLLEGES-II)HE/19-1/2012.  
Dated Peshawar the September 28<sup>th</sup>, 2012.

To

The Director,  
Higher Education, Khyber Pakhtunkhwa,  
Peshawar.

**SUBJECT: - INTERVIEW FOR THE APPOINTMENT OF CLASS-IV EMPLOYEES**

Sir,

I am directed to refer to the subject noted above and to state that the Competent Authority in Higher Education Department has been pleased to nominate Mr. Mohammad Zaman, Deputy Chief Planning Officer of this Department to conduct interview of the above mentioned posts in the following colleges:

1. GDC (Boys) Mamash Khel Bannu.
2. GDC (Boys) Landi Jalandar Bannu.
3. GDC (Boys) Domail Bannu.

Endst: No & Date of even

o/e SECTION OFFICER (COLLEGES-II)

Copy forwarded for information to the:

1. PS to Secretary, Higher Education Department.
2. Muhammad Zaman, Dy: Chief Planning Officer, Higher Education Department

o/e SECTION OFFICER (COLLEGES-II)



GOVT. OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT

Dated Peshawar the 05.10.2012.

**NOTIFICATION**

NO. SO(C-II)HED/28-1/2012. Consequent upon the issuance of fresh Job distribution by the Provincial Government among one of the following, subject to the availability, will attend the DSC meeting as Govt. nominee for the recruitment of Class-IV staff in the different colleges of Khyber Pakhtunkhwa (Male & Female) with immediate effect:-

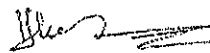
S. No.	Name & Designation of the Officer	Areas for which nominated
1.	Mr. Habib-ur-Rahman, SO(C-II)	For southern areas.
2.	Mr. Pir Mohammad Khan, SO(C-I)	For Northern areas.
3.	Mr. Ghulam Ali, Deputy Director (Estt), Directorate of Higher Education.	For Central districts.
4.	Mr. Naveed Khan, Deputy Director (P&D), Directorate of Higher Education.	For Hazara Division.

SECRETARY TO GOVT. OF  
KHYBER PAKHTUNKHWA  
HIGHER EDUCATION DEPARTMENT

Ends: No. & Date Even.

A copy is forwarded to the:-

1. Director, Higher Education, Khyber Pakhtunkhwa, Peshawar.
2. P.S to Minister, Higher Education, Khyber Pakhtunkhwa, Peshawar.
3. P.S to Secretary, Higher Education Department.
4. Officers concerned.

  
(HABIB-UR-RAHMAN)  
SECTION OFFICER (COLLEGES-II)



Amex. M.

38/

**OFFICE OF THE PRINCIPAL GOVT: DEGREE COLLEGE  
LANDI JALANDAR BANNU.**

**Appointment Notification:**

As per decision / recommendation of the Departmental Selection Committee dated 03-11-2012, constituted for the recruitment of class-4 at Govt Degree College Landi Jalander Bannu; The competent authority is pleased to appoint the following persons for the posts mentioned against each in this college with immediate effect :-

S.No	Name	F/Name	POSTS With BPS
01	Fida ullah	Miradar khan	Naib Qasid-01
02	Arifullah	Muhammad Nawaz	Lab Attendant-01
03	Gulyar	Sabir Zaman	Mali-01
04	Jaidad khan	Farid khan	Lab attendant-01
05	Ikhtiar Zaman	Farid khan	Lab Attendent-01
06	Sahib zada	Adil Badshah	Naib Qasid-01
07	BakhtMunir	Gul Zaman	Tube well operator-01
08	Khandan	Amil Zaman	Chowkidar-01
09	Shafi ullah	Sawdad khan	Sweeper-01
10	Shahid ullah	Sawdad khan	Sweeper-01
11	Shams Zaman	Sadrai	Chowkidar-01

The Appointments of the above class 4 servants will be subject to the following terms and conditions.

**TERMS AND CONDITIONS:**

1. Charge Reports should be submitted to all concerned.
2. No TA/DA etc is allowed.
3. The Appointment of the above candidates are being made on purely temporary basis and is liable to termination at any time with out notice And with out assigning any reason.
4. They are not entitled to any pension & gratuity.
5. They should produce their Health & age certificate from Medical Supdt;DHO Hospital Bannu.
6. They will be governed by the rules & Regulations of the provincial-Govt Prescribed for such employees.

*R. 03-11-2012*

Principal/DDO  
Govt : Degree College Landi Jalandar  
Bannu



Endst: No...190-96

Dated: GDC L.J-03-11-2012

38

Copy of the above is forwarded for information to ...

1. The Director Higher Education Department KPK Peshawar.
2. P.S to Minister for Higher Education Department KPK Peshawar.
3. PS to Secretary Higher Education Department KPK Peshawar.
4. Section Officer Higher Education Department KPK Peshawar.
5. The District Account officer Bannu.
6. Officials concerned.

*R. P. S.*  
03-11-2012

Principal/DDO  
Govt : Degree college Landi jalandar  
Bannu

*AMERARD*

*R. P. S.*  
03-11-2012  
Govt: Degree College  
Landi Jalandar Bannu