

29.04.2015

None present for appellant despite repeated calls from time to time. Mr. Daud Jan, Supdt. alongwith Assistant A.G for official respondents and counsel for impleaded respondent No. 5 present. The appeal is dismissed for want of prosecution. File be consigned to the record.

ANNOUNCED

29.4.2015


Chairman

29-04-15

12.03.2015

Counsel for the appellant and counsel for impleaded respondent present. Learned counsel for impleaded respondent raised preliminary objection to the maintainability of the appeal in hand sent by the august Peshawar High Court, Peshawar while learned counsel for the appellant argued that the preliminary objection may be considered after affording an opportunity to the appellant to submit appeal in proper format. Adjourned for further proceedings to 15.04.2015 before S.B.


Chairman

15.04.2015



Counsel for the appellant is not in attendance due to strike of the Bar. Adjourned for preliminary hearing to 29.04.2015 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 194/2015

S.No.	Date of order Proceedings	Order or other proceedings, with signature of judge or Magistrate
1	2	3
1	09/03/2015	<p>The present appellant initially went in Writ Petition before the Hon'ble Peshawar High Court Peshawar and the Hon'ble High Court vide its order dated 19.02.2015 while treating the Writ Petition into an appeal and has sent the same to his Tribunal for decision in accordance with law. The same may be entered in the Institution register and put up to the Worthy Chairman for further order please.</p> <p style="text-align: right;">  REGISTRAR </p>
1	09.03.2015	<p>None present for appellant despite date given by the august Peshawar High Court, Peshawar. Mr. Noor Muhammad Khattak, Advocate for impleaded respondent Mr. Akhtar Niaz present. The appeal be relisted for preliminary hearing for 12.3.2015. The interim order was passed by the Hon'ble High Court Peshawar till date which, due to absence of the appellant and his counsel, is not extended.</p> <p style="text-align: right;">  Chairman. </p>

2015/3/3

**THE
PESHAWAR HIGH COURT
PESHAWAR**



61

Ph: No. 091-9210149-158
Ext: No. 394

No. 3457 /Judl:
Dated Peshawar the 4/3 2015

From

The Additional Registrar (J),
Peshawar High Court,
Peshawar.

S.W.F. PROVIDER
Service Tribunal

Diary No 139

Dated 9-3-2015

To

The Registrar,
KPK Service Tribunal, Peshawar.

Subject

Writ Petition No. 744-P/2014.

Zahid Khan s/o Maaz Ullah Khan -----Petitioner

Versus

Addl: Chief Secretary & others -----Respondents

Memo:

I am directed to send herewith the copy of titled case alongwith all annexures & order dated 19-02-2015, passed by this Court, for compliance.

(Copy of W.P. is attached)

ADDITIONAL REGISTRAR (J)

3/3/15

Endst: No. & even dated:

Copy forwarded to:

1. The Addl: Chief Secretary FATA, Warsak Road, Peshawar.
2. The Secretary Social Sector Deptt. FATA, Warsak Road, Peshawar.
3. The Director Education FATA, Warsak Road, Peshawar.
4. The Deputy Director Education FATA, Warsak Road, Peshawar.

ADDITIONAL REGISTRAR (J)

Encl:

Copy of order.

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PESHAWAR HIGH COURT, PESHAWAR

ORDER SHEET

Date of Order of Proceedings	Order of other Proceedings with Signature of Judge.
1	2
19.02.2015	<p data-bbox="651 675 1539 758"><u>Interim Relief (N) with C.M.No.1111-P/2014 (N) with W.P.No.744-P/2014.</u></p> <p data-bbox="651 801 1539 884">Present: Mr.Muhammad Farooq Afridi, Advocate for the petitioner.</p> <p data-bbox="836 927 1539 1053">Syed Qaiser Ali Shah, A.A.G for the respondents alongwith Abdul Malik, AD (Lit) Fata Directorate.</p> <p data-bbox="1068 1103 1122 1128">***</p> <p data-bbox="651 1186 1539 1741"><u>MAZHAR ALAM KHAN MIANKHEL, CJ.-</u> The Khyber Pakhtunkhwa Service Tribunal is very much functional, so in this view of the matter, this case be sent to the said Tribunal for 09.03.2015 and the interim order dated 19.11.2014 shall remain in the field till then. Parties are directed to appear before the Service Tribunal on the date fixed. Disposed of accordingly.</p> <p data-bbox="1203 1842 1539 1917" style="text-align: right;"><i>MAZHAR ALAM KHAN</i> CHIEF JUSTICE</p> <p data-bbox="1263 1993 1458 2094" style="text-align: right;"><i>[Signature]</i> JUDGE</p>

Other
[Signature]

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

W.P No. 744 2014
Service Appeal No. 194/2015

Zahid Khan.....**Petitioner**

V E R S U S

Additional Chief Secretary FATA, FATA Secretariat
Warsak Road, Peshawar and others.....**Respondents**

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Writ Petition		1-4
2.	Affidavit		5
3.	Addresses of the parties		6
4.	Copies of appointment letter and posting at Khyber Agency	"A" & "B"	7-8
5.	Copies of posting orders dated 07/11/2013 & 11/02/2014	"C" & "D"	9-10
6.	Court Fee		11
7.	Wakalat Nama		12

Through
Petitioner

Muhammad Farooq Afridi
Advocate High Court
Peshawar
Cell: 03005838546

Date: 6/3/2014

4247
FILED TODAY
Deputy Registrar
06 MAR 2014

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

W.P No. 744 / 2014

service appeal NO. 194/2015

Zahid Khan S/o Maazullah Khan R/o Village
Landi Jalander Tehsil and District FR Bannu

.....**Petitioner**

V E R S U S

1. Additional Chief Secretary FATA, FATA
Secretariat Warsak Road, Peshawar.
2. Secretary Social Sector Department, FATA
Secretariat Warsak Road, Peshawar.
3. Directorate of Education through its Director,
FATA Secretariat Warsak Road, Peshawar.
4. Deputy Director, Directorate of Education FATA
Secretariat Warsak Road, Peshawar.....**Respondents**

**WRIT PETITION UNDER ARTICLE 199
OF THE CONSTITUTION OF ISLAMIC
REPUBLIC OF PAKISTAN, 1973.**

Respectfully Sheweth:

1. That the Petitioner was appointed as Junior Clerk
in Directorate of Education FATA on 03.04.1983
and was posted at Orakzai Agency where he
served for 10 years, followed by his postings in
FR Bannu, South Waziristan Agency and Khyber
Agency in November 2012 respectively. (Copies of

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Deputy Registrar

06 MAR 2014

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appointment letter and posting at Khyber Agency are attached as Annexure A & B respectively).

2. That while serving for about one year in Khyber Agency, petitioner was posted in North Waziristan Agency on 07/11/2013 by respondent No. 2 being competent authority, followed by another illegal posting order by respondent No 4 within a span of 3 months vide order dated 11/02/2014. (Copies of posting orders are attached as Annexure C & D respectively).

3. That petitioner posting within a period of 3 months is illegal, without jurisdiction and without lawful authority, as respondent No 4 (Deputy Director) is not the competent authority for issuance of petitioner posting order.

4. That the impugned posting order is based on malafide, ulterior motives and political influence.

5. That the impugned posting order of the petitioner has been issued in utter violation of posting and transfer policy.

6. That the impugned order dated 11/02/2014 has been issued by respondent No. 4 in superseding the previous order of respondent No. 2 who is the

14
competent authority for posting and transfer, hence the impugned order is illegal and not tenable.


7. That the impugned posting order within such a short span of time is against the judgments of this Honourable Court as well as the Honourable Apex Court of Pakistan.
8. That the petitioner has left with no other remedy except to approach this Honourable Court through the instant Writ Petition.

It is therefore, respectfully prayed that on acceptance of this Writ Petition, the impugned posting order dated 11/02/2014 may kindly be declared as illegal, without jurisdiction and without lawful authority besides being malafide and for ulterior motives.

INTERIM RELIEF:

While pending disposal of Writ Petition, this Honourable Court may kindly suspend the operation of impugned order dated 11/02/2014 or in alternative to maintain status quo.

Petitioner
Through


Muhammad Farooq Afridi
Advocate High Court
Peshawar

Date: 6/02/2014

FILED TODAY
Deputy Registrar
06 MAR 2014

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CERTIFICATE:

Certified on instructions of my client that petitioner has not previously moved this Hon'ble Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 regarding the instant matter.


ADVOCATE

LIST OF BOOKS:

1. Constitution of Islamic Republic of Pakistan, 1973
2. Any other law books according to need


ADVOCATE

FILED TODAY
Deputy Registrar
06 MAR 2014

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BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

W.P No. 794 / 2014

Zahid Khan.....**Petitioner**


VERSUS

Additional Chief Secretary FATA, FATA Secretariat Warsak Road, Peshawar and others**Respondents**


AFFIDAVIT

I, Zahid Khan S/o Maazullah Khan R/o Village Landi Jalander Tehsil and District FR Bannu, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Writ Petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Identified by:


DEPONENT
11101-3370509-1


Muhammad Farooq Afridi
Advocate High Court Peshawar

No. 8586.....
Certified that the above was verified on solemnly affirmation before me in office, this 28th day of Feb..... and by Zahid Khan s/o Maazullah Khan..... Bannu..... who was identified by M. Farooq Afridi.....
Who is personally known to me:

Oath Commissioner
Peshawar High Court, Peshawar.

FILED TODAY
Deputy Registrar
06 MAR 2014

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BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

W.P No. 744-4/2014

Zahid Khan.....**Petitioner**

V E R S U S

Additional Chief Secretary FATA, FATA Secretariat
Warsak Road, Peshawar and others.....**Respondents**

ADDRESSES OF PARTIES

PETITIONER:-

Zahid Khan S/o Maazullah Khan R/o Village
Landi Jalander Tehsil and District FR Bannu

RESPONDENTS:-

1. Additional Chief Secretary FATA, FATA Secretariat Warsak Road, Peshawar.
2. Secretary Social Sector Department, FATA Secretariat Warsak Road, Peshawar.
3. Directorate of Education through its Director, FATA Secretariat Warsak Road, Peshawar.
4. Deputy Director, Directorate of Education FATA Secretariat Warsak Road, Peshawar.

Petitioner
Through


Muhammad Farooq Afridi
Advocate High Court
Peshawar

Date: 6/3/2014

FILED TODAY

Deputy Registrar

06 MAR 2014

A 18 7

OFFICE OF THE DIRECTOR OF EDUCATION FATA' N.W.F.P. PESHAWAR.

APPOINTMENT

See file
Wujy
(The candidate concerned took over charge on 4.4.83 (R.N.))

Mr. Zahid Khan Matric an approved candidate S/O Mauzullah
a candidate is hereby appointed temporarily as Junior Clerk
at Govt: High ~~Public~~ School, And Khel (Orakzai Agy) on Rs. 290/- PM.
~~1983~~, NPS-No. 5 / plus usual allowances as admissible under the
rules with effect from the date of his taking over charge
against ~~xxxxxx~~, the newly created post of Junior Clerk.

NOTES:-

- 1) Charge reports should be submitted in duplicate to all concerned within a week of the receipt of this order.
- 2) The appointment of the candidate is being made purely on temporary basis and is liable to termination at any time with out, notice and without, assigning any reason. In case he wishes to resign his post at any time, he shall have to give one month prior notice or forfeit one month's pay in lieu thereof. His services will be terminated if he is not selected by the Selection Committee.
- 3) His original Educational Qualification date of Birth and Domicile certificate should be checked before he is handed over charge of the post and attested copies thereof be kept on record of the school/office.
- 4) TA/DA etc is not allowed.
- 5) He should be sent to the Agency/Civil Surgeon concerned for Medical examination the day on which he reports his arrival for duty and no pay should be drawn for him unless and until he produces his health and age certificate from the said Surgeon.
- 6) His verification Roll of character and antecedents should be got completed and verified from the authorities concerned.
- 7) The pay scale and service rules would be subject to revision in accordance with the orders to be passed by the Govt of NWFP: form time to time.
- 8) He should not be handed over charge of the post if he is below 18 or above 30 years of age.
- 9) If he fails to report his arrival within two weeks a report to this effect should be sent to this Directorate ATONCE.
- 10) The candidate's knowledge in Islamic Education and Pak: Studies must be judged before handing over the charge.
- 11) The appointment of Mr. Mohamma-d Shafiq S/O Hashim Khan as contained in this Directorate office order issued under Endt: No. 5774-88/A-1/Clerks dt: 3-3-83 (KIFAYATULLAH) is hereby cancelled.

DIRECTOR OF EDUCATION
FATA' NWFP. PESHAWAR.

Endst: No. 8046-47/A-1

Dated Peshawar the 3/4 /1983.

Copy forwarded for information & necessary action to the:-

- 1) Head Master Govt: High School And Khel (Orakzai Agency).
- 2) Candidate concerned.

B

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DIRECTORATE OF EDUCATION
FATA SECRETARIAT
KARSAK ROAD PESHAWAR, PAKISTAN
PH: 031-978166, FAX: 031-9210715

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ADJUSTMENT/ REDEPLOYMENT ORDER

Consequent upon his promotion from Senior Clerk to the post of Assistant (B-14), vide Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar order issued under endorsement No. 4092-4142/A-23/MS/Promotion/SC to Asstt./2011 dated 30.05.2011, Mr. Zahid Khan Senior Clerk working at Agency Education Office South Waziristan Agency at Tank is hereby adjusted against the vacant post of Assistant (B-14) at GHSS, Spin Dhand Bara, Khyber Agency with immediate effect in the interest of public service.

- Note: -1. Charge report should be submitted to all concerned.
2. This order will be effective if the official concerned is not involved in census duty.

(Fazli Manan)
Director Education FATA

Endst No. 12328-34 /E4-128/Promotion/SC/

Dated 25/5 /2012

Copy to the:-

1. Agency Education Officer, SWA with reference to his endorsement No. 9998 Dated 05.06.2012.
2. Agency Accounts Officer, SWA/ District Account Officer Tank.
3. Agency Accounts Officer, Khyber Agency at Jamrud.
4. Principal, GHSS, Spin Dhand Bara, Khyber Agency.
5. Admn. Officer Local Directorate.
6. PA to Director Education FATA.
7. Official Concerned.

Add: Director (Estab :)

Attested

C

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FATA SECRETARIAT
Social Sectors Department
Warsak Road Peshawar

Dated Peshawar the 7-11-2013

NOTIFICATION.

(FATA)EDU/1-30/2013. The Competent Authority is pleased to the following adjustment in the interest of public service:-

Name & Designation of officer/official	Proposed to	Remarks
Muhammad Zaveel (BPS-18)	Principal GHS Yar Jan Mohmand Agency	Against vacant post
Muhammad Farooq (BPS-16)	SET GHS Biland Khel Orakzai Agency	-do-
Mr. Rafiu-d-Din Principal GHS Hurmaz W. Agency	Principal GHS Hurmaz N.W. Agency	-do-
Mr. Habibullah (B-16) AAEO NWA	SET GHS Bosti Khel FR-Kohat.	-do-
Muhammad Niaz Assistant Office of AEO W. Agency	Assistant GHS Spin Dhand Khyber Agency	Vice S.No.6
Mr. Zahid Khan Assistant GHSS Spin Dhand Khyber Agency	Assistant office of AEO NWA	Vice S.No.5

Mr. Gul Saeed Incharge Agency Education officer N.W. Agency shall continue to attend the affairs of the Agency Education office N.W. Agency till the arrival of the original incumbent of the post.

Secretary Social Sectors FATA

dst. No. & date as above. 2728-33

Copy to :-

1. The Director of Education FATA Peshawar.
2. The Agency Accounts officer concerned.
3. Agency Education officer concerned.
4. P.S to Secretary SSD.
5. Officer/official concerned.

[Signature]
Attested

[Signature]
Section officer (FATA Edu)



D

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FATA SECRETARIAT
DIRECTORATE OF EDUCATION
KHYBER PAKHTUNKHWA, WARSAK ROAD PESHAWAR, PAKISTAN
PHONE: 091-9210166 FAX 091-9210216
No. /
Date Pesh: the // 12 / 2014

TRANSFER ORDER

Consequent upon approval of the competent authority the following Ministerial Staff are hereby transferred on their own pay & scale with immediate effect in the interest of public service.

S.#	Name of official with Designation	From	To	Remarks
01	Mr. Akhtar Niaz Assistant (BPS-14)	GHSS, Spin Dhand Bara, Khyber Agency	AEO office NWA	V. S No. 02
02	Mr. Zahid Khan Assistant (BPS-14)	AEO office NWA	GHSS, Eidak NWA	Against vacant post

- Note: 1. Charge Reports should be submitted to all concerned.
2. TA/ DA is not allowed.

(MUHAMMAD ISLAM BANGISH)
Director Education, FATA

Endst: No. 1397/405

Copy to the:-

1. Agency Education Officer, Khyber Agency.
2. Agency Education Officer, NWA.
3. Agency Accounts Officer Khyber Agency.
4. Agency Accounts Officer NWA
5. Principal GHSS, Spin Dhand Bara, Khyber Agency.
6. Principal GHSS, Eidak NWA.
7. PA to Director Education FATA.
- 8.9 Officials Concerned.

[Handwritten signature]

Supdt
for action pl.

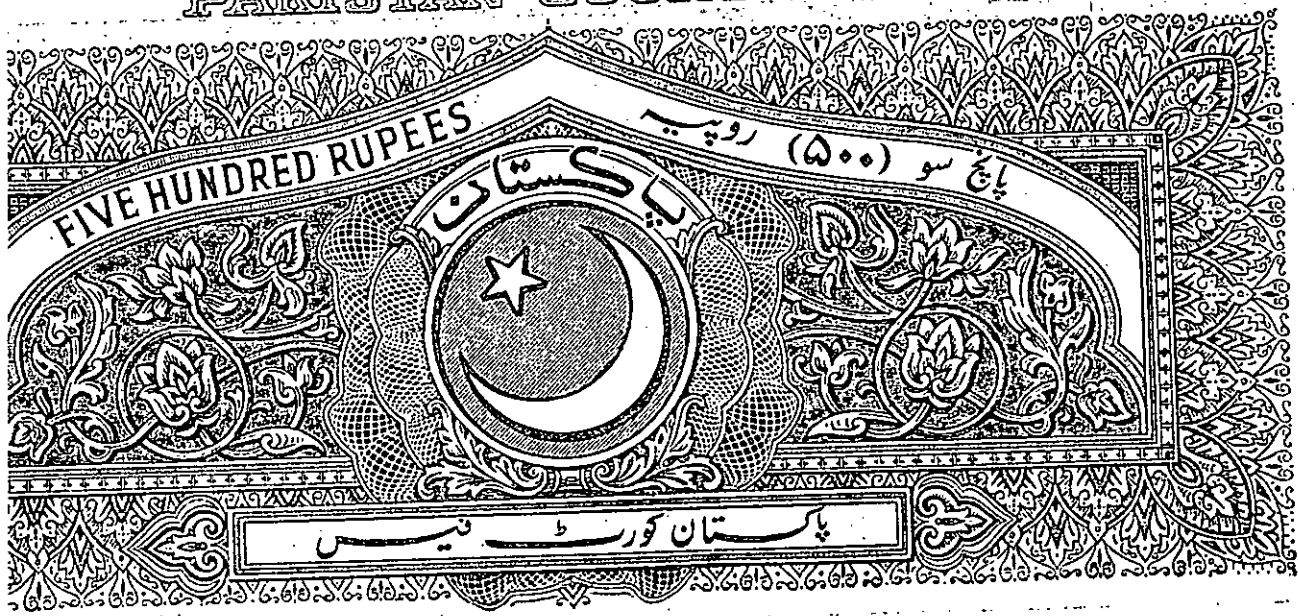
For Deputy Director
[Handwritten signature]

14/12/14

PAKISTAN COURT FEE

11

500RS.



حکومت پاکستان

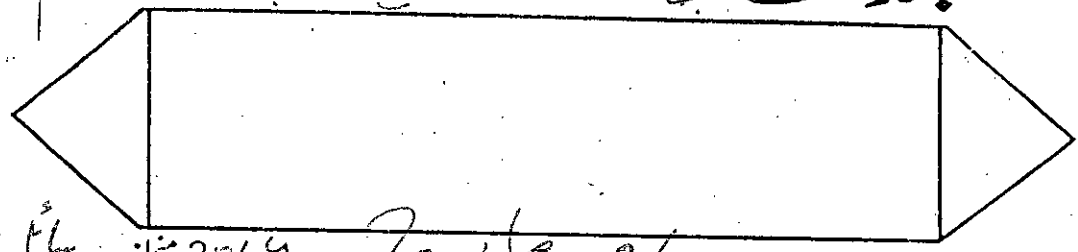
ذاتی فائ

ACS FATA

FILED TODAY
Deputy Registrar
06 MAR 2014

[Signature]
M. Farooq Asidi

بعدالت جناب عالیہ کی شہاد



6 مارچ 2014ء پنجاب سائل

نام ACE FATA
etc

ذریعہ خان

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ
 آن مقام _____ کیلئے محمد سعید احمد اور محمد سعید احمد
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار دگا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے و تقررنالت ہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بااختیارات حاصل ہوں گے اور اس کا سائنہ
 پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے دہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
 مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم 06 مارچ 2014ء

واہ الع

بمقام شہاد کے لئے منظور ہے۔

Muhammed Farooq Asid
 Advocate PH

06 MAR 2014

2/1/14

BEFORE THE PESHAWAR HIGH COURT PESHAWAR

W/P NO.744-p/2014.

Filed By Zahid Khan.....PETITIONER.

VERSUS

ADDITIONAL CHIEF SECRETARY FATA AND OTHERS
.....RESPONDENTS.

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.1 AND 3.

Preliminary objections

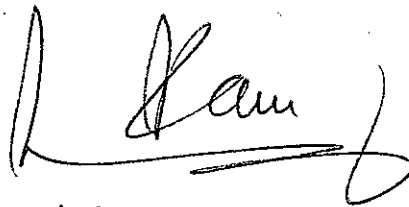
1. That the petitioners have no cause of action to file the instant petition.
2. That the petition is not maintainable in the present form.
3. That the Honorable court has no jurisdiction to adjudicate upon the matter being service matter and also relating to affairs of FATA under article 247(7) reference is made SCMR 2400 and PLD 2002 SC 526.
4. That the petition is badly time barred.
5. That the petitioners have concealed material facts from the Honorable court.
6. That the conduct of the petitioners estopped themselves to bring the instant petition.
7. That the petitioners have not come to this court with clean hands.

ON FACTS

1. No Comments. Subject to record.
2. Correct to the extent that the petitioner was transferred from office of the Agency education officer North Waziristan under complaint of the Agency Education officer Vide No. 343/AEO/NWA/MRN Dated, 31-01-2014 photo copy attached as (Annexure-A). The Petitioner concerned was transferred under report on charges of embezzlement and disciplinary grounds.
3. The transfer order was issued from office of the Director Education FATA competent authority for the same on complaint of the immediate officer i.e Agency Education Officer North Waziristan. The Director Education FATA is Competent Authority for transfer of the Ministerial Staff being of Provincial cadre as evident from the letter Endst:

FILED TODAY
Deputy Registrar
27 JAN 2015

4. Incorrect. The petitioner was transferred from the post on written complaint of the Agency Education officer concerned on misconduct and charges of embezzlement with no malafide intentions.
5. Incorrect. As stated in para-3 above.
6. Incorrect the Petitioner was transferred by the Competent Authority on complaint of the Agency Education Officer North Waziristan (immediate officer), photo copies already attached as (Annexure-B), (Annexure-A) respectively.
7. Incorrect as mentioned in para-2 above.
8. Pray. It is therefore very humbly requested that, the writ petition in hand may be dismissed with cost.



Respondent. No .1

Additional Chief Secretary FATA

FATA Secretariat.

Respondents.No. 3.



Director Education FATA

FATA Secretariat.

ED TODAY
Duty Registrar
27 JAN 2015

BEFORE THE PESHAWAR HIGH COURT PESHAWAR

20

Writ Petition No. 744-p/2014

Zahid Khan and others.....Petitioner.

Versus

Federation of Pakistan and others.....Respondents.

Affidavit.

I Javed Iqbal Stenographer Directorate of Education FATA, do hereby solemnly affirm and declare that the contents of the accompanying para wise comments submitted by the respondent No.1 and 3 are correct to the best of my knowledge and belief and nothing has been concealed from this honorable court.

Javed Iqbal

Deponent.

17301-1668945-9

Identified by

As a
Suppl:
Advocate General, *J*

Khyber Pakhtunkhwa, Peshawar.

8812

certified that the above was verified on solemnly affirmation before me in office, this 27th day of Jan 2015 by Javed Iqbal s/o Directorate in Pesh who was identified by AG

Who is personally known to me:

Javed Iqbal 27/1/2015

Only Commissioner
Peshawar High Court, Peshawar.

FILED
27 JAN 2015

Mag-B & *A'*

(19)
(22)

No. 343- /AEO/NWA/MRN

Dated 31/01/2014

From:

The Agency Education Officer
North Waziristan Agency.

(Mag-B)

To

The Director Education FATA,
FATA Secretariat, Peshawar.

Subject: ABSENTEE REPORT IN RESPECT OF ZAHID KHAN,
ASSISTANT AEO, NORTH WAZIRISTAN AGENCY.

Assessed
22/1/14

Memo:

It is, stated for your kind information that Mr. Zahid Khan Assistant of this Office is absent from Government Duty since long and does not take interest in official duty. Due to heavy load of office work, his service is no more required to this office. Beside this he has ^{carried away} ~~Class-IV~~ Class-IV Servants salaries and various letters were issued for recovery against the accused, but failed.

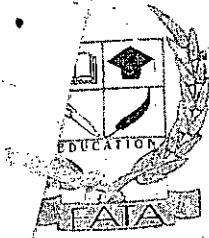
Therefore, he may be transferred from this office on administrative/ disciplinary grounds and suitable substitute may please be transferred in place of Zahid Khan Assistant.

Zahid Khan
Keep on record file pl. JKH
Assessed 4/2/14
Ashraf

[Signature]
Agency Education Officer
North Waziristan Miranshah.

AssH: Agency Education Office,
Miranshah

*/*Saif*/*



(Annexure "B")

FATA SECRETARIAT
DIRECTORATE OF EDUCATION
KHYBER PAKHTUNKHWA, WARSAK ROAD PESHAWAR
PAKISTAN
PHONE. 091-9210166 FAX 091-9210216

No. 1

Date Peshawar: the 21/10 2014

To

The Agency Education Officer,
Khyber at Jamrud

Subject:

APPOINTMENT / TRANSFER / PROMOTION OF MINISTERIAL
STAFF AND LABORATORY ASSISTANT

Memo:

I am directed to inform you that letters bearing the orders issued to all the AEOs in FATA vide this Directorate No. 4295-4304 dated 27.03.2010, wherein it has been instructed to abstain from making appointment / transfer / promotion order of the Ministerial Staff & Laboratory Assistant in your respective Agencies / FRs without prior approval of Directorate of Education FATA.

Frequent irregularities have been found from your office. You are therefore directed not to make such appointment / transfer / promotion before approval of this Directorate, as the said categories are Provincial Cadre having joint seniority with Elementary & Secondary Education Khyber Pakhtunkhwa and Directorate of Higher Education Khyber Pakhtunkhwa.

Deputy Director (F&A)

Endst: No. 10950-80

Copy to the:-

1. P.S to Additional Chief Secretary FATA.
2. P.S to Secretary Administration, Infrastructure & Coordination Department FATA Secretariat Peshawar.
3. All Political Agents in FATA.
4. All Agency Education Officers in FATA.
5. PA to Director Education FATA.

02.10.2014
Deputy Director (F&A)

/*Saif*/

BEFORE THE PESHAWAR HIGH COURT PESHAWAR

C.M No. 1111 - P /2014

IN WRIT PETITION NO.744-P/2014

ZAHID KHAN

VS

A.C.S. FATA
&
OTHERS

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2.	Affidavit	3.
3.	Order sheet	A	4.
4.	Vakalat nama	5.

APPLICANT

THROUGH:
NOOR MOHAMMAD KHATTAK
ADVOCATE

FILED TODAY

Deputy Registrar

04 DEC 2014

BEFORE THE PESHAWAR HIGH COURT PESHAWAR

C.M No. 4111-P /2014

IN WRIT PETITION NO.744-P/2014

ZAHID KHAN

VS

**A.C.S. FATA
&
OTHERS**

**APPLICATION FOR AND ON BEHALF OF Mr. AKHTAR
NIAZ (ASSISTANT AGENCY EDUCATION OFFICER (BPS-
16) IN THE AGENCY EDUCATION OFFICE NORTH
WAZIRISTAN AGENCY) FOR IMPLEADMENT AS PARTY
IN THE ABOVE TITLED WRIT PETITION**

R/SHEWETH:

- 1- That the above mentioned writ petition is pending adjudication before this august Court in which 19/11/2014 date was fixed for hearing.
- 2- That this august Court granted interim relief to the petitioner by suspending the operation of the transfer order dated 11/2/2014 vide order dated 19/11/2014. Copy of the order sheet is attached.
- 3- That according to the said transfer order dated 11.2.2014 the petitioner was transferred from the office of Agency Education Officer North Waziristan Agency to Government Higher Secondary School Eidak North Waziristan Agency vice the present applicant.
- 4- That as valuable rights of the applicant are attached to the instant writ petition, therefore it is essential that applicant be impleaded in the above mentioned writ petition.
- 5- That propriety, fair play and justice demands that the applicant be impleaded as party in the above mentioned writ petition.

FILED TODAY
Deputy Registrar
04 DEC 2014

It is therefore most humbly prayed that on acceptance of this impleadment application the applicant very kindly be impleaded as party in the above mentioned writ petition.

APPLICANT

A-2.3
AKHTAR NIAZ

THROUGH:
NOOR MOHAMMAD KHATTAK
ADVOCATE

~~FILED TODAY~~
~~Deputy Registrar~~
~~04 DEC 2014~~

BEFORE THE PESHAWAR HIGH COURT PESHAWAR

C.M No. 1111-P /2014

IN WRIT PETITION NO.744-P/2014

ZAHID KHAN

VS

A.C.S. FATA
&
OTHERS

AFFIDAVIT

I Noor Mohammad Khattak Advocate on the instructions and on behalf of the petitioner/applicant do hereby solemnly affirm that the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.


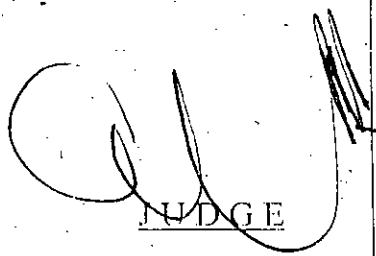
6292-.....
Certified that the above was verified on solemnly
affirmation before me in office, this.....^{11/4}
day of...Dec.....²⁰¹⁴.....Noor Mohammad Adv.
s/o.....Adv.....^{11/4}
who was identified by.....Adv.....^{11/4}
Who is personally known to me.....
Oath Commissioner
Peshawar High Court, Peshawar.

Noor Mohammad Khattak
ADVOCATE

RECEIVED
04 DEC 2014

PESHAWAR HIGH COURT, PESHAWAR
FORM OF ORDER SHEET

W7

Date of Order of Proceedings	Order of other Proceedings with Signature of Judge.
1	2
23.12.2014	<p><u>C.M.No.1111-P/2014 (M) (Impleadment) in W.P.No.744-P/2014</u></p> <p>Present: Mr. Noor Muhammad Khattak, Advocate for applicant.</p> <p>Nemo: for the parties.</p> <p>_____</p> <p>Notice in this C.M. be issued to other side for a date in office.</p> <p style="text-align: right;"> JUDGE</p> <p style="text-align: right;"> JUDGE</p>

office
24/12/14