12.03.2018

Counsel for the appellant and AAG alongwith Mr. Attaullah Minakhel, DEO and Mr. Muhammad Kamran, ADO for the respondents present. Arguments of the learned counsel for the appellant heard. The learned AAG requested for adjournment on the ground that their file is incomplete. Adjourned. To come up for arguments tomorrow on 13.03.2018 before the D.B at camp court, D.I.Khan.

Member

Ζ.

Camp C

13.03.2018

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Attaullah, DEO and Mr. Muhammad Kamran, ADO for the respondents present. Further arguments heard. To come up for order on 14.03.2018 before this D.B at camp court, D.I.Khan.

Member

Camp ourt, D.I.Khan

14.03.2018

Junior to counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Attaullah, DEO and Mr. Muhammad Kamran, ADO for the respondents present. Arguments already heard. Record perused. Vide our detailed judgment of today in service appeal No. 943/2012 entitled "Mst. Mehnaz Begum Vs. The Government of Khyber Pakhtunkhwa through Secretary, E&SE, Peshawar and others" this appeal is also dismissed. Parties are left to bear their own costs. File be consigned to the record room.

Chairman Member amp Court, D.I.Khan

ANNOUNCED 14.03.2018 25.01.2018

Appellant in person present. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Muhammad Kamran, ADO (litigation) and Mr. Naveed Zafar, Assistant Account Officer for the respondents also present. Written reply on behalf of respondents No. 1, 2 and 5 already submitted. Representative of respondent No. 4 requested for further adjournment. Another last opportunity granted. Adjourned. To come up for written reply/comments on behalf of respondents No. 3 and 4 on 22.02.2018 before S.B at Camp Court D.I.Khan.

(Muhammad Amin Khan Kundi) Member Camp Court D.I. Khan

22.02.2018

Counsel for the appellant present. Mr. Usman Ghani, District Attorney alongwith Mr. Muhammad Kamran, ADO for respondents No. 1, 2 & 5 and Mr. Naveed Zafar, Assistant Account Officer for respondent No. 4 also present. None present on behalf of respondent No. 3 hence, proceeded ex-parte. Written reply on behalf of respondent No. 4 submitted. Written reply on behalf of respondents No. 1, 2 & 5 already submitted. Adjourned. To come up for rejoinder and arguments on 12.03.2018 before D.B at Camp Court D.I.Khan.

> (Muhammad Amin Khan Kundi) Member Camp Court D.I. Khan

26,10,2017

Counsel for the appellant present. Mr. Kamran ADO (Litigation) alongwith Mr. Farhaj Sikandar District Attorney for the respondents present. Representative of the respondents department requested for further time to file written reply. Request accepted by way of last chance. To come up for written reply on 30.11.2017 at Camp Court D.I.Khan.

Muhammad Hamid Mughal Member (J) Camp Court D.I.Khan

30.11.2017

Appellant in person present. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Muhammad Kamran, ADO (litigation) and Mr. Naveed Zafar, Assistant Account Officer for the respondents also present. Written reply on behalf of respondents No. 1, 2 and 5 submitted. Representative of respondent No. 4 requested for adjournment for filing of written reply/comments. Representative of respondent No. 3 is not in attendance therefore, notice be issued to respondent No. 3 with the direction to direct the representative to attend the court and submit written reply on the next date positively. Another last opportunity granted to respondents No. 3 & 4 for filing of written reply. Adjourned. To come up for written reply/comments on behalf of respondents No. 3 & 4 on 25.01.2018 before S.B at Camp Court D.I.Khan.

(Muhammad Amin Khan Kundi)

Member Camp Court D.I. Khan 23.2.2016

Counsel for the appellant present. Preliminary arguments heard which shows that the appellant has already gone through many forums including the hon'ble High Court for redressal of his grievances. It was also brought into the notice of the Tribunal that there were about 1630 sacked employees and presently more than 200 appeals are pending at different stages on various dates and that the matter involved is one and the same. Hence, it is deemed proper to consolidate all the appeals for hearing in order to avoid conflicting situation and decisions. Hence, case to come up for further proceedings with connected appeals¹ on $26 \cdot 7 \cdot 16$ at camp court, D.I.Khan.

> MEMBER Camp Court, D.I.Khan

26.07.2016

Since tour is hereby cancelled, therefore, the case is adjourned for the same on 23.08.2017.

Reader

23.08.2017

Counsel for the appellant present. It was contended by learned counsel for the appellant that this Tribunal has already admitted service appeals of similar nature appeal for regular hearing, therefore, this appeal may also be admitted for regular hearing.

An

The contention raised by learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing. Appellant is directed to deposit the security and process fee within 10 days thereafter, notices be issued to the respondents for written reply/comments for 26.10.2017 before S.B at Camp Court D.I.Khan.

> (Muhammad Amin Khan Kundi) Member Camp Court D.I. Khan

FORM-A

FORM OF ORDER SHEET

Court

Case No.____

1137 /2015

Order or other proceedings with signature of Judge/ Date of order/ proceedings Magistrate 3 2 1 The appeal of Mr. Allah Nawaz presented to-day 12.10.2015 1. by Mr. Muhammad Anwar Awan Advocate, may be entered in the institution register and put up to the Worthy Chairman for preliminary hearing. RÉGISTRAR This case be put up before the S.B at Camp preliminary hearing D.I.Khan for on court, 26-10-15 CHAIRMAN Clerk of counsel for the appellant present. 26.10.2015 Senior counsel for the appellant is not available, therefore, case to come up for preliminary hearing at camp court, D.I.Khan on 28-12-15. ER Camp court, D.I.Khan

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

Appeal no. //3.7... of 2015.

Allah Nawaz

VERSUS

Govt; Of KPK and others

No.	Particulars	Annexure	Pages
1	Appeal		1-4
2	Copy Advertisement	Α	5
3	Copy of Appointment Order	B	6
4	Copy of Judgment Dated 27.10.2011	C	7-21
5	Copy of list of appellants.	D	22-24
6	Copy of Inquiry Report Dated 26.01.2012.	E	25-30
7	Copy of Order Dated 14.03.2012.	F	31-33
8	Copy of Writ & Order Dated 14-05-2015.	G	34-40
9	Copy of Termination Order	Н	41-43
10	Copy of Departmental Appeal Along with Receipt	· I ·	44-46
11	Copy of Documents	J	47-48
12	Wakalat Nama	К	49

INDEX

Your humble Petitioner

Allah Navaz

Mohammad Anwar Awan Advocate Supreme Court.

Dated; \$7-10-2015

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR CAMP COURT AT D.I.KHAN.

Allah Nawaz S/O Haq Nawaz R/O Band Kurai (GPS Wanda Daud) D.I.Khan.

VERSUS

- Bary No 1225 Dated 12 - 15
- 1. Director Elementary and Secondary Education Deptt: Peshawar.
- 2. District Education officer (Elementary and Secondary Education Deptt:) D.I.Khan.
- 3. Deputy Commissioner D.I.Khan.
- 4. Account Officer Kechary Road Dera Ismail Khan.
- 5. Government of KPK through secretary Elementary and Secondary Education Deptt: Peshawar.

APPEAL U/S 4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST ILLEGAL AND MALAFIDE BACK DATED TERMINATION ORDER 08.02.2012 FROM SERVICE ON THE BACK OF APPELLANT.

That the brief facts of the case are as under:

- 1. That the appellant is permanently resident of Tehsil and District D.I.Khan and having qualification of PST along with Matric.
- 2. That the respondent advertised some post in daily Mashriq Peshawar dated 7th April 2007 of different categories including PST. The appeared applied for the post and appeared in test and interview.
 The appellant was appointed as PST on 01-10-2007. Copies of advertisement and appointment order are Annexure A & B.

That the appellant after getting medical certificate, took the charge and performed his duty to the ut-most satisfaction of his high-ups.

That the some so called inquiries were conducted against some appointment and they terminated all the appointment orders during January 2007 to 30th June 2008 including the appellant. The appellant challenged the impugned order through service appeal which was accepted and impugned termination orders in their cases

V R

NOP,

- is set aside and remanded/sent back the cases to the Secretary Education for consideration in the light of above observation for reinstatement of qualified appellants. Copies of Judgment dated 27.10.2011are Annexure C.
- 5. That according to the order of learned service tribunal, the secretary education conducted so called inquiry, inviting the appellant in circuit house D.I.Khan to those candidates who filed appeal in Service Tribunal and Clerk of education department provided a Proforma, which were filled by the appellant and submitted the same to the clerk. The Proforma contain inquiry regarding qualification of the appellant in which no show cause was given nor it contained charges of allegation. Copy of List of appellants is Annexure D.
- 6. That the inquiry committee after submission of Proforma, prepared his report in which recommendations were made against appellant and other for their termination due to the reason that they were appointed without observing codal formalitities. Copy of recommendation dated 26.01.2012 is Annexure E.
- 7. That the inquiry report was produced before the service tribunal who directed the department to ensure the compliance with the poly recommendation without any wastage of time, so the aggrieved persons can seek remedy available to them. Copy of order Dated 14.03.2012 is Annexure F.
- 8. That appellant after the inquiry report waiting for the decision and implementation of department and contacted several time for their reinstation or termination order but they reluctant to issue any such order. Feeling aggrieved from the act of the respondents, the appellant alongwith other filed writ petition before Hon'ble High Court for redressal of their grievances in which directions were issued to the respondents to provide termination Orders to the petitioners. Copies of writ along with judgment dated 14-05-2015 and termination Order are Annexure G & H.
- 9. That feeling aggrieved from the illegal back dated termination order, the appellant filed department appeal on 27-05-2015 which was not decided by the respondents till now. Copy of departmental appeal alongwith postal receipt is Annexure I.

ΞŤ.

10. That feeling aggrieved from above said action appellant is constrained to approaches this honorable court on the following amongst other:

<u>GROUNDS;</u>

- 1. That the appellant is not treated in accordance with law and the actions of the respondents are malafide besides being discriminatory and harsh.
- 2. That the report of committee is nothing more than a recommendation to Government. The said report could not be made sole ground for termination of large number of civil servants.
- 3. That the report of committee is not based on the direction of the service tribunal in which it is clearly mentioned that qualification of the teacher should be checked but committee terminated them on the basis of non observance of codal formalities which issued was already decided by the Hon'ble Service Tribunal in his judgment dated 27-10-2011.
- 4. That appellant is being penalized without giving them any opportunity of hearing, they were neither associated with the proceeding of standing committee nor have given any show cause notice by the department, which is against the principal of natural justice and equity.
- 5. That the respondent on the direction of Hon'ble court prepared back dated termination order in booklet shape from which it is evident that they had not issued any order to the appellant nor it was communicated to them.

In view of the above, It is, therefore, most respectfully prayed that on acceptance this appeal this honorable court may pleased to declare that the back dated termination order dated 08.02.2012 communicated to the petitioner on 14-05-2015, be without lawful authority and has no legal effect and respondents may pleased be directed to reinstate the appellant with all back benefits.

YOUR HUMBLE APPELLANT

Allah Norsof

Allah Nawaz Through Counsel

we would

Mohammad Anwar Awan Advocate Supreme Court

<u>AFFIDAVIT</u>

Allah Nawaz do hereby solemnly affirm and declare on OATH that the contents of the same are true and correct to the best of my knowledge and belief and that nothing has been concealed from this honorable court.

Allah Norvoz Deponent.

Oath Commissioner 0. & A.C Attested Adu No. 10/13

Dated; **\$7-**10-2015.

فک تعلیم ذیر اساعیل خان بن در جددیل اسامیوں کیل مرف تربیت یافته ادر منطق مرد اساعیل خان سے سکونی مرد دور خدا تین امید داد ول سے مقرر وفار موں پر در خواسیس مطلوب ہی۔ مقرر، در خواست فارم زیزد بتخلی کے دفتر سے سلند 125رد پر میں دفتری لو تات کار میں دمول کئے جاتے ہیں ،مندر جد دل شرائل کے ساتھ در خواسی تعلی / قرر کی استاد مروس مر مینیک انتاح کار دادر دوجهاک کی مصدقہ تقول کے جمراء مور در 20/1/07 یک مطلوب میں ۔ جو کہ ای ۔ وی ادر سولوا بند لز کسی از مره ا- اعمل مای کے وفتر وقتی کین بالممالی با متمی ارک . فتری اد قات کار می مینی مانی جا می - بعد از ان کوتی در خواست د مول مبین کی جائیگ -

شرائط:(۱)- جهام تقرریان موجوده مروجه کوم نمنت رو قر کمالیسی کی میاد پر بیون گی-(۲)- ^{سائیش}ن کی مورت بین اسیدون ^{پیش}ن کا مستحق نه بهو گا-(۳)- می نی / بی - ای - نی / زرانینک اسٹر زمانہ / مردانہ کی آسامیوں پر تقرری کور منٹ کے مردجہ قانون کے مطابق 15% فیمد) نکاد ازرار از اور ہ 25 (فیمد) تقرر کی او تین میرٹ کی بناد پر :و کی۔(۳)۔ لی ۔الی۔ ٹی (مرداند /زنانہ) کی آسامیں پر تقرری کور شف سے مردجہ قانون سے منابق ہز 75 یونین کو نسل بیرٹ بنیاد پر ادی میرت کی بنیاد پر او کی۔ (۵)۔ تمام امیدواروں کو مقررہ تاریخ / متام پر تحریری شیٹ دیتا ہوگا۔ مرف شیٹ میں کامیاب امید دار انزویو می شولیت ۔ ی ال ہوتے ۔ شیٹ میں کامیاب امید داروں کی لسٹ ذیر ستخلی سے دفتر سے نوٹس بورڈ پرلکائی جائے گ-(۲)۔انٹرویو سے دت اصل اسناد کا پیش کر ٹالازی ہوگا۔ بسورت دیسر الیا جائیگا۔ (۲)۔ نکسہ تعلیم سے زیر ملاز مت امیدوارای در فواسیس این متعلقه آفسر ک توسط ب مدید تسدوسر فیکید مین ، و ک- (۸) - دود خواسیس ش ش امیدوار ک عمر ک مددر خواست ک د مول ک آخر ک تاريخ اي ، ون مجى زياده موك وصول نبيس كى جاميتك - (٩) - تمام در خواسيس برلخاظ ، تمل بون - تالمل ادر، د معلومات پر مجمادر مقرره تاريخ ، بعد وصول ، وف والى در خواستون بر فور تبین کیا جایجا - (۱۰) - قیام آسامین پر معذور افراد ۵ ۵۰ 2 (ندمد) و نه منتسب جس سیل از بی سیدیک بردوکا جاری کرده سر میتی به نی که دان از ی ہوگا۔ (۱۱)۔ میب / انٹروی درجہ ذیل پرد کرام کے مطابق منا 9 بح شر دی ہوگا۔ (۱۲)۔ کوئی ٹی اے / ڈی اے نہیں درجائیا۔ ادرنہ ی کوئی طبحہ السز جدری کیا جائیا۔ (۱۳)۔ ی نى / بى - اى - نى / دى - ايم / أف فى / قارى كى بوت كملي مرد / فواتىن كى مرك حد 18 - 35 سال بجد بى - نى - ى مرداند / زنند كى مركا مد 18 - 35 سال ب

			•	· · · · · · · · · · · · · · · · · · ·	. 1
بمتام	1.3	بجوز , تعلمي ق بليت / الجيت	1.3	ايي انترويو / ميٺ آن	دل مما
· · · · · · · · · · · · · · · · · · ·	انثر ديو	· · ·	· .	ין געריין אין	مبر
راز GMS نمبراذيره نزناند GGHS دين بور	14/5/07	با این الی ی / دی م مدی فی کورس ۲	نمين		15
دل. GMS نيرازيرا زنان GGIS وين إدر	< 15/S07	<u>ے اے /ایت ایم کی ادارہ م بعد ماں دو می ا</u>	1 24/4/07		
دلا. GMS نمبرالالم وأزنانه GGHS دین بور	15/5/07		1 25/4/07	f	
د د. ۵۱۱۵ بر ۲۰ بار ۲۸۱۶ نسر از مروز تابیه CGIIS د کن بور	1.5507	یفے این ای ان ان اور بر از ایک ان ا	1 25/4/07	فزيك ايم كيش في (PET)	3
	10507	یں سے ایک میں اس اس ایک ایک مرد بیا میں اس سرس مرد شرارت مالیہ محمد ذریع ان واقت	261.107	(AT) 2 (J/	T
		الدرس یا ایم اے مرب سیند دریون (
AND COLUMN AND AND		نظيمات المدارس)		-1	
2.0.000052077977GMS.0.7	16/5/07	سیمات الدار ()) میزک برمد شهادت عالیه سیمند. دورین قر	26/4/07	الامات نير (TT)	
		دفاق المدارس یا بی اے مربی اساز سایات '	·		
		مديات (مظهرا - الداري)	·		·]
Congensesting Coast of	16/5/07	ميكر محمد تجويد المرآن منكور شد والمسع			_
مر المراجع الم	: 17/5/07	الن اے بی ٹی ٹی ک (ٹرینڈ) میٹرک ٹی ٹی ک	28/107		6
ر از این العمل مرز میر) مردانه NIS و مسرا ۲۵ مرا ا	•		20/4/07.	ب ایس تی	7
و به این این اور برای تخصل مید) مرانه از این از این از ا	.:	مرید) نوب: بنواحن کیلئے مذکورہ کوائف پورے نہ	· · [·	(پراتمری سکول تیر)	·
or particles مواله بوالي تكون كوم وزير الأمال ومن		وت بی ور سال سے مد ور مر و من بی مر ان مر می الم مر ان مر می الم میں الم میں الم میں الم میں الم میں الم میں الم			
دور با من بر و من	. 1	/			
ي در CGHSS بي روال GHLS-1		برل با عک		.	ŀ
			l		
			241-7.	CZOCH PAGE 100	
INFID.I.Khan)IJ-			100 A	and some first the	17

Anward Advocate

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (SCHOOLS & LIT:) DERA4SMAIL KHAN

APPOINTMENT ORDER:

Consequent upon the approval of Selection Committee the following in the school Male Candidate is hereby appointed against vacant post of PTC plus usual allowances being a qualified, fresh noted against their name in BPS 07 candidate as per existing policy in the interest of public service w.e.from the date of taking over charge on the following terms and conditions.

S.No. Name of Candidate with Father's Name

Schools where posted.

Allah Nawaz S/Q Haqnawaz 1. R/O D.I.Khan.

GPS, W.Dau (Addl: Post)

TERMS & CONDITIONS:

- 1. Charge reports should be submitted to all concerned.
- 2. No pensionery benefit will be available,
- 3. The services of the above named candidate is made purely on temporary basis & liable to terminate at any time with out assigning any notice/ reasons. .meerned.
- 4. The candidate will produce Health & Age contribute from the M
- The original documents may be checked/ verified by concerned Board/ 5. University through DDO concerned before handling over charge.
- No TA/DA is allowed. 6.

Sd/-EXECUTIVE DISTRICT OFFICER. SCHOOLS & LITERACY DIKHAN

EXECUTIVE DISTRICT OFFICER, SCHOOLS & LETERACY DIKHAN

Dated D.I.Khan the 01/10/12007

Vha -c_

Endst: No: 🕽 . Copy to the:-

- L. Director Schools & Literacy N.W.F.P. Peshawar.
- 2. District Co-ordination Officer, D.I.Khan.
- 3. District Accounts Officer, D.I.Khan.
- 4. Principal/Headmistress/ Headmaster Concerned.
- 5. Candidate concerned.

Executive Distt: Officer, SCHOOLS & LITERACY Dora Ismail Khan.

BEFORE KHYBER PAKETUNKHWA SERVICE TRIBUNA PESHAWAR.

SERVICE APPEAL NO. 1407/2010

Date of institution ... 21.07.2010 Date of judgment ... 27.10.2011

Abdul Salam S/o Shah Suliman, D.I.Khan, Ex. P.T.C GPS, Kamal Khel

.. (Appellant)

<u>VERSUS</u>

- Province of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education, Peshawar.
- 2. Director of Education (E&S) Khyber Pakhtuakhwa, Peshawar.
- 3. Executive District Officer (F&S) Dera Ismail Khan.
- 4. District Coordination Officer, Dera Ismail Khan, L.(Respondents)

APPEAL U/S 4 OF NWEP (KUSTBER PAKITTUNKTIWA) SERVICE TRIBUNALS ACT.: 1974 AGAINST IMPUGNED ORP'R DATED 04.9.2009, WHEREBY THE APPELLANT HAS BEEN TERMINATED FROM SERVICE, RY THE INCOMPETENT AUTHORITY, DISREGARD OF THE RULES, AND WITHOUT OBSERVING THE LEGAL REQUIREMENTS, AND HIS DEPARTMETNAL APPEAL FLICTTED NO RESPONSE WITHIN STATUTORY FERIOD.

1. Shahzada Irfan Zia, Advocate for the appellant

2. Ashraf Ali Khattak

3. Ghulam Nabi

- 🐔 Saadullah Chan Marwat
- 5. Muhammad Arif Baloch
- 6. Muhammad Anwar Awan
- 7. Shaukat Ali Jan
- 8. Matiullah Rand

9. Abdul Qayyum Qureshi

- 16. Muhammad Ismail Alizai
- 11 Abdul Hamid Khan
- 12. Muhammad Wagar Alam

13. Muhammad Saeed Bhutta

14. Muhammad Saeed Khan & M.Asghar Khan

15. Rustam Khan Kundi

16. Gul Tiaz Khan

17. Zahid Muhibullah

18. Khalil-ur-Rehman Hissam

19. Fazal-ur-Rehman Baloch

Mr.Sher Afgan Khattak, AAG.

20. Javed Iqbal

21. Yasir Zakria Baloch

22. Allah Nawaz, Advocates

Advocates from S.No.2 to 22 for the remaining appellants.

... For cespondents

Mr.Qalaudar Ali Khan Syed Manzoor Ali Shah

JUDGMENT

QALANDAR ALI KHAN, CHAIRM M:- This single judgment is also directed to dispose of the appeals mentioned in the list appended herewith, as common questions of law and facts are involved in all the appeals.

Chairman

. Member

In the Daily 'Mashriq' Peshawar dated 7th April 2007, a publication/ advertisement appeared from the Executive District Officer (EDO), E&SE, D.I.Khan, inviting applications for unspecified posts, both male and female of C.T. Drawing Masters (D.M), Physical Education Teachers (PUT). Arabic Teachers (A.T). Islamiyat (Theology) Teachers(TT), Qarizand Primary School Teachers(PST) by 20.4.2007, and alongwith other conditions for selection of the candidates, the minimum qualification for the posts, dates of test and interview as well as places/venues of interview were also mentioned. The record would show that a large number of applications were received. Test and interview were also conducted for the said posts, resulting in appointments not only against the above mentioned posts but also against other posts like Junior Clerks, Lab: Assistants and Assistant Store Keeper (M) in the year 2007. However, in the year 2008, a local Member of the Provincial Assembly, raised question No.31 regarding recruitment/appointments made in the Education Department of District D.I.Khan by the EDO D.I.Khan, which was referred to Standing Committee No.26 for Elementary & Secondary Education, by the Provincial Assembly. The Standing Committee deliberated upon the issue, during which the Committee was informed that inquiries had also been conducted into appointments in Education Department of District D.I.Khan and Inquiry recommendations for appropriate made Committee/Inquiry Officers have All proceeding Committee recommended



that within one month the department should cancel appointment orders of those persons who were illegally appointed during the period between 1st January 2007 and June 2008 and also take stern disciplinary action against officers/officials found involved in illegal appointments. The record further shows that a Writ Petition was lodged in the High Court Bench D.I.Khan, which was accepted and an Hon'ble Bench of the Peshawar' High Court D.I.Khan Bench directed the department to act upon the inquiry report dated 05.01.2009 positively within two months, from 11.6.2009, where upon the District Coordination Officer (DCO) D.I.Khan passed office order dated 4.9.2009 thereby implementing the decision of the Standing Committee No.26, order of the Peshawar High Court D.I.Khan Bench dated 11.6.2009 and order of the Chief Minister NWFP (Khyber Pakhtunkhwa) contained in the Elementary & Secondary Education Department letter dated 26/8/2009, and terminated services of all the 'illegally/irregularly' appointed teachers, detail of which was given in Annexure to the office order. This office order of the DCO D.I.Khan was followed by a letter dated 7.5.2010 from the EDO(E&SE) -D.I.Khan to all concerned for implementation of termination orders issued by the DCO on 4.9.2009, and also a corrigendum on 20.5.2010 thereby terminating all the personnel appointed from January 2007 to 30th June 2008 except 131 (F)PST, 309 (M) PST + deceased son quota, disabled quota and minority quota in the light of decision of the Peshawar High Court, D.I.Khan Benca. It is against the said order of DCO D.I.Khan that the appellant in the instant appeal as well as appellants in the connected appeals, listed in the enclosed list, first preferred departmental appeals and then lodged these appeals. In the meantime, some of the appellants had also approached Peshawar High Court, D.I.Khan Bench and had filed Writ Petitions which were returned to the petitioners for presentation to the proper forum (KPK Service Tribunal) if they so desire, vide order dated 29.4.2010. The petitioners moved the august Supreme Court of Pakistan wherefrom the petitions were withdrawn and consequently dismissed by a Hon'ble Bench of

august Supreme Court of Pakistan vide order dated 28.6.2010 with the observation that if the petitioners approached proper forum for redressal of their grievances, the question of limitation be considered sympathetically if so raised. There-after, the appellants started lodging these appeals one by one, inter-alia, on the grounds that the impugaed order dated 4.9.2009 was void, illegal and without jurisdiction because DCO D.I.Khan was not competent to terminate the services of officials in BPS-1 to BPS-10; that the DCO did not apply his independent mind and just acted upon the direction of Chief Minister and recommendation of a politically constituted standing Committee; that before passing the impugned order, legal requirements were not fulfilled and the appellants were terminated from service without any charge sheet and/or show cause notice; that no chance o personal hearing was afforded to the appellants before passing the impugned order, hence they were condemned unheard; that even during the course of successive inquiry. proceedings, the appellants were not associated to justify their respective position and thus the entire proceedings were conducted ex-parte; and that if there was any fault or lapse on the part of the department in the selection process, the appellants should not have been punished for the same.

3. It may be mentioned here that quite a number of affectees of the impugned termination order had also approached this Tribunal in the year 2009 and vide order dated 10.2.2009, this Tribunal had disposed of around 49 appeals with direction to the Secretary to Government of NWFP (S&L) to constitute a committee of experts of his department and, if need be, of the Establishment Department and Finance Department, to consider the cases of all the appellants named in the order as well as cases of all similarly placed persons, and decision regarding the same be given at the level of the competent authority, so that the parties are saved from unnecessary litigation, i.a the interest of justice, and in the interest of public work. It was expected that such a committee would be in a position to finalize its findings, and the competent authority may be in a position



to grant a decision in these cases, within a period of three months from the date of delivery of the order. The said order was not implemented within the specified time, therefore, implementation petitions were lodged, wherein directions were accordinglyissued to the department for implementation of the order, following which, a committee comprising a Chairman and three other Members was constituted, which conducted its proceedings and submitted its report, which has been kept in the office record, while a copy of report/findings/recommendations has been placed on this file. The Serutiny Committee concluded that appointments of all the appellants, except thas of Shahana Niazi D/o Ghulam Sadiq (Service Appeal No.2177/2010), were illegal and irregular. The report/findings/recommendations of the Scrutiny Committee reveals appointments of more than two thousand teachers of various categories against following 1390 sanctioned

•	
PST	961
AT	61
TT	59 ·
Qari	50
ст	174,
DM	43
PET	.45
Total	1390

posts:-

4. The respondents defended the impugned termination order and resisted the appeals on several legal and factual grounds including the one that the services of a civil servant can be terminated without notice during the initial or extended period of his probation under section 11(i) of the NWFP (Khyber Pakhtunkhwa) Civil Servants Act. 1973. They alleged, in their written reply/comments, that the appellants were neither eligible/qualified for the posts, nor requisite codal formalities for appointment were observed, hence the appointments were illegal and take. They contended that more than one inquiries were conducted and the matter was taken up in the Provincial Assembly and that it was recommended as a result of inquiries as well as by the Standing



ź

Committee, recommendations of which were unanimously adopted by the Provincial Assembly, to terminate the services of all persons illegally appointed. They maintained that all the appointments were found illegal and in violation of recruitment policy except 309 (M) and 131 (F) PST. They concluded that the decisions of the Inquiry Committees and recommendations of the Standing Committee, adopted unanimously by the Provincial Assembly, were also confirmed by the Chief Minister as well as by the Peshawar High Court D.I.Khan Bench, which were followed by the DCO by terminating the services of all those persons who were illegally/irregularly appointed and that the order of DCO was also followed by corrigendum issued by the EDO.

5. Arguments of the learned counsel for the appellants and learned AAG heard, and record perused.

6. The main thrust of the arguments of the learned counsel for the appellants was)against the impugned order dated 4.9.2009 of the DCO D.I.Khan, which was a general order in all the cases of 'illegal/irregular' appointments. The objections to the impugned 'order were two-fold. Firstly, the order was general in nature on the direction/ recommendation of the Standing Committee of the Provincial Assembly without application of mind to each and every case, and thereby services of around 1613 male and female teachers of various categories were terminated with one stroke of pen: and, secondly, the order was passed by the DCO D.I.Khan who was not appointing anthority for employees in BPS-1 to BPS-10, and thus not competent to dispense with their services. The learned counsel further faid stress on the non-observance of codal formalities essentially required for termination of services of civil servants, like service of charge sheet and/or show cause notice and providing them opportunity of defence and hearing. They also alleged non-association of appellants in the inquiry proceedings conducted in the matter. The learned counsel contended that the appellants were appointed after qualifying test and interview for the posts conducted in pursuance of



advertisement/publication made in the newspaper by the department/authority and after their applications for the posts were found in order by the department. They minimained that the appellants had joined service and performed their duty without any complaint about their performance from the quarter concerned.

7. The learned AAG assisted by the representatives of the department vehemently contested claim of the appellants/counsel for the appellants and argued that the appointments were made without first obtaining proper sanction of the posts, without, advertisement, and without observance of the codal formalities including test and interview, preparation of merit list, and its approval by the competent authority. It was argued on behalf of the department that some of the appointments were made even before advertisement, without specifying the posts against which the appointments were being made and without checking whether the educational qualification of the candidates fulfilled the academic requirements for the posts. It was pointed out that all 440 PSTs appointed on merits and after observance of codal formalities were retained, while the rest appointed 'illegally/irregularly' were terminated as a result of more than one inquiries, recommendation of the Standing Committee, and orders of the Chief Minister as well as Peshawar High Court, D.I.Khan Bench. It was alleged on behalf of the department that the competent authority i.e. EDO D.I.Khan not only endorsed the impugned order of DCO D.I.Khan dated 4.9.2009 but also issued a follow up letter dated 7.5.2010 and corrigendum on 20.5.2010. They further pointed out that none of the appellants was in possession of proper documents showing his eligibility for the post, and also proper appointment order against the post. They concluded that the appointments of the appellants have been found by various legal and constitutional forums as illegal/ regular, besides fake in most of the cases. TESTEL



7

8. From whatever has been narrated above, as well as from perusal of the record, the following points emerge: which are critically important for determination of fate of these appeals:-

(a) The services of the appellants, appointed in 2007, were dispensed with vide a general order of the DCO D.I.Khan dated 4.9.2009. against which some of them preferred departmental appeals and then lodged appeals in the Tribunal, which were disposed of vide order dated 10.2.2009, while the rest moved the Peshawar High Court D.I.Khan Bench in writ jurisdiction, but their writ peditions were returned to them for presentation to the proper forum vide judgment/order dated 29.4.2010, against which petitions were moved in the august Supreme Court of Pakistan, which were dismissed as withdrawn with the observation that if the petitioners/appellants approached appropriate forum for redressal of their grievances, the question of limitation be considered sympathetically if so raised. Not only that the question of limitation has not been raised so vehemently by the department. the appellants have also been vigilantly pursuing their case, albeit in the wrong forum, therefore, the appeals lodged in the Tribunal after disposal of their petitions by the august Supreme Court of Pakistan cannot be held as time-barred, especially when the august Supreme Court of Pakistan directed for sympathetic consideration of the question of limitation, together with certain facts of the case warranting interference by the Tribunal. Besides, the impugned order has been issued by the DCO D.I.Khan who was not appointing authority of civil servants in BPS-1 to BPS-10, and, as



such, the impugned order would be deemed to be an order by an 'authority not competent to issue the order, and, as such, void; and no limitation would run against such order (2007 SCMR 262 (2) and PLJ 2005 SC 709 (Appellate Jurisdiction).

The posts of Junior Clerks, Lab.Assistants and Assistant Store Keeper (M) were never advertised, and, as such, no codal formalities were observed for appointment of 14 Junior Clerks, 03 Lab.Assistants and one Assistant Store Keeper. Their appointments were, therefore, aptly termed as illegal/irregular, and, consequently, their services have rightly been terminated, as appointments secured, through illegal/irregular orders would be void ab-initio and would not confer any right on the holders of such appointment orders. Their appeals also deserve to be dismissed on this score.

After / painstaking exercise in pursuance of the order dated 20.01.2011 in one of the implementation/execution petitions, for which the then Secretary Education. Mr.Muhammad Arifeen Khan, and his team genuinely deserve commendation, the Scrutiny Committee prepared a detailed report, stretching over hundreds of pages, wherein they held only the appointment of PST Shahana Niazi D/o Ghulam Sadiq (Service Appeal No.2177/10) according to the prescribed procedure, as her name also appeared in the merit list, and recommended her reinstatement into service. The respondent-department also did not contest her appeal in the manner they contested appeals of other appellants. Therefore, her appeal deserves to be accepted.



(16)

10

(d)

Regarding the remaining cases, the respondents have resisted the appeals on the grounds that neither the posts on which appointments of the appellants were made were sanctioned before advertisement, nor the appellants qualified or were eligible for the posts and codal formalities like test and interview, preparation of merit list and approval of competent authority were not observed; but these assertions of the respondents are belied by the available record as well as some documents produced by the appellants/ counsel for the appellants alongwith a joint allidavit by Muhammad Ayub Khan, SET GHS Panyala and Abdullah TT GHS Panyala who performed duty during test and interview of the appellants on 24th, 25th and 26th April 2007, during the course of arguments, showing constitution of committees for conducting test and interview, preparation of merit list after test and interview. besides revealing some cases in which the candidates other than those claimed by the respondents to have been appointed on merit secured more marks than the latter. So far sanction prior to advertisement/publication is concerned, it was duty of the authority to secure the requisite sanction prior to advertising/publicizing the posts for inviting applications, and the appellants can, by no stretch of imagination, be held responsible for any fault/lapse in this respect on the part of the authority i.e. EDO D.I.Khan. Notwithstanding the fact that appellants have placed on file verification of the certificates/testimonials of some of the appellants by the respondent-department, even if some irregularity was found in the appointments, the appellants/appointees should



not be made to suffer for such lapses on the part of the appointing authority (1996 SCMR 411 (Supreme Court of Pakistan), 2004 SCMR 303 (Supreme Court of Pakistan), 2006 SCMR 678 (Supreme Court of Pakistan), PLJ 2006 SC 81 (Appellate Jurisdiction), PLJ 2011 Labore 736 (Multan Bench Multan), and last but not the least 2011 SCMR 1581 (Supreme Court of Pakistan).

(e)

It is a matter of record that not in a single inquiry out of so many inquiries by the department, the then EDO D.I.Khan has been confronted with his signatures on appointment letters, so conveniently termed by the respondent-department as bogus and fake. When the 'authority' has never and no-where disowned his signatures on such appointment letters, how the same can be held as bogus and fake. No-doubt, the record shows departmental proceedings against the then EDO, and major penalty of compulsory retirement has been imposed upon him, but only after causing colossal loss to the national exchequer, for which he must be made accountable and also made to make good the loss so caused to the pubic money, and also landing hundreds of jobless persons in deep trouble by forcing them to engage in protracted litigation, during which they have not only been robbed of whatever money was left with them after securing the jobs: while 12 himself enjoying post retirement life with all perks and privileges. In view of implications/consequences of the acts on the part of the then EDO D.I.Khan, the penalty imposed on him does not appear commensurate with the gravity of his guilt, but since that matter is



11

not before us, we would stop short of making any order with respect to the departmental proceedings against him, but would, indeed, direct the respondent-department to recover the pay/salary paid to the illegally/irregularly appointed persons from the pension etc. of the then EDO instead of burdening the public exchequer for illegal/irregular acts on the part of the then EDO D.I.Khan.

(f)

No-doubt, an illegal/irregular and an order void ab-initio would not confer a right on the holder of such order, but an order passed by a competent authority in the discharge of his duty after observance of codal formalities does confer right on the holder of such order to be heard in support of order in his favour and his case decided on merit instead of a general order on the direction of some outside authority. If authorities are needed, one can readily refer to a number of cases including cases reported as 1995 PLC(C.S) 419 (Lahore High Court). 2005 SCMR 1814 (Supreme Court of Pakistan). 2006 PLC (C.S) 1140(Northern Areas Chief Court). 2005 SCMR 85 (Supreme Court of Pakistan), 1987 PLC (C.S) 868 (b), 2007 SCMR 330 (Supreme Court of Pakistan), 2008 PLC (C.S) 582 (Northern Areas Chief Court), and 2007 MLD 703 (Lahore). Undoubtedly, notices were not issued to the appellants prior to the impugned order by the DCO D.I.Khain, and they were never provided opportunity of hearing either by the 'authority' prior to passing of the impugned order or during inquiry/ scrutiny proceedings by several committees during the pre and post period of impugned order. As such, the principle of audi-alteram partem was violated at all levels and at all stages, rendering the impugned



12

order void and invalid, in respect of those who were found eligible for the posts after observance of codal formalities.

There is no dispute that in the case of appointments, in BPS-1 to BPS-10, the appointing authority in view of notification of the Provincial Government dated 7th October 2005, was EDO and thus also competent authority for disciplinary matters, whereas the District Coordination Officer was appointing authority for officials in BPS-11 to 15; therefore, the impugned order in respect of the appellants issued by the DCO D.I.Khan was an order by an incompetent authority and not sustainable in law as held in cases reported as 1983 PLC (C.S) 354(Service Tribunal Punjab), 2001 PLC (C.S) 1097, 2008 PLC (C.S) 949 (Labore High Court) and 1985 PLC (C.S) 1002. The contention of the respondents was that the competent authority i.e. EDO D.I.Khan not only endorsed the impugned order issued by the DCO D.I.Khan and issued a letter for implementation of termination order but also issued corrigendum thereby terminating the services of the appellants. Apart from the fact that endorsement of the order of an incompetent authority by the competent authority and follow up letter by him would not validate a void order issued by an ATT CONTROL incompetent authority, the corrigendum issued after more than 8 months of the impugned order would also not serve any useful purpose in view of PLD 2000 SC 104, as after issuance of termination order the department had become functus-officio.

> It was urged on behalf of the respondents that recommendations of the Standing Committee of the Provincial Assembly assumed legal



13

(g)

(h)



status following judgment/order dated 11.6.2009 of the Peshawar High Court, D.I.Khan Bench, whereby a clear direction was issued to act upon the inquiry report, but they lost sight of the fact that no direction of any authority could absolve the departmental authority from following the law/rules on the subject and fulfill necessary legal requirements before passing the impugned order.

14

9. As a sequel to the foregoing-discussion, we would make the following order -

(ji)

(iii)

(i) 'All the appeals of Junior Clerks, Lab. Assistants and Assistant Store Keeper(M) are dismissed with costs, being devoid of merit.

The appeal of Ms.Shahana Mazi (Service Appeal No. 2177/10) is accepted, and by setting aside the impugned order, she is reinstated in service with consequential/back benefits.

The appeals of the rest of the appeilants including PSTs(M&F), CTs(M&F), PETs(M&F), DMs(M&F), ATs(M&F), TTs(M&F) and Qaris (M&F) are also accepted and impugned termination order in their cases set aside, but instead of their outright reinstatement, their cases are remanded/sent back to the Secretary. Elementary & Secondary Education Department, Peshawar (Respondent No.1) for reconsideration of the cases in the light of above observations for reinstatement of the qualified appellants and a speaking order in respect of those who are not found qualified, by the competent authority, after affording opportunity of hearing to the said appellants through an efficient and fair mechanism to be evolved for the purpose by him so as to ensure compliance with the mandatory legal requirements on the one hand



and integrity of the proceedings on the other. Since the matter has already been delayed inordinately, it is expected that the proposed exercise should not take more than three months, whereafter a progress report be submitted to the Registrar of the Tribunal.

15

The respondent-department should also look into claim of those appellants who have alleged performance of duty for considerabletime after their appointment, and if they are found to have actually performed duty for certain period, and, as such, entitled to pay/salary for the period of the duty, legal procedure should be adopted for recovery of their claims from the then EDO D.I.Khan who has already been held responsible for appointments inquestion as a consequence of departmental proceedings against

ANNOUNCED 27.10.2011

him.

(iv)

Certified to be take copy e Tribun

Date of

bly Qalandit A' When and say by Mangers Ali theh Member

Minimian 15-1-2014 Date of Terrent 60000 NATION Date city in Copy 1.5 - 1-

(. #N	LIST OF	CONNECTED APPEALS
S#	Appeal No	Appellant Name
i and in the second	1408/10 🐁	A second se
	}	Allah Dita
34	410/10	Muhammad Saleem Khan
	1411/10.	Abdul Rashaid
	1412/10	Muhammad Sheraz
	1413/10	Ahmad Newaz
	1414/10	Muhammad Suliman
81	1415/10	Inayat Ullah Khan
	1416/10	Saifullah
10	1417/10	Fazal ur Rehman
111	1418/10	Nabeela Ambreen
12	1419/10	Robina Bibi
13	1420/10	Rabia Bibi
14 -	1421/10 ·	Amina Bibi
15	1422/10	Qari Ahsan Ullah Farooqi
16	1423/10	Ghias udin
17	1424/10	Haji Muhammad
18	1425/10	Muhammad Aslam
192	1426/10	Muhammad Baksh
20 🖌	1427/10	Shahid Khan
21'	1428/10 ·	Ehasanullah
22	1429/10	Amir Hussain Shah
23.1	1430/10	Naimat Ullah
	1431/10	Rozi Khar
	1432/10	Tasleem A.khtar
	1433/10	Muhammad Salim
	1434/10	Mohsan Hussan Khan
and the second sec	1435/10	Muhammad Ayub Khan
i construction	1436/10	Saad ud Dia Khan
	1437/10	Sibghatulluh
مىشىرا	1438/10	Sultan Sailoor Khan
	1439/10	Muhammad Sadiq
	1440/10	Zahidullah
L	1441/10	Hafiz Hizbuilah
مد همب _ا سمب ا	1442/10	Inamullah Khan
the second s	1443/10	Safiullah Khan
	1444/10	Himayatullah Hizbullah Khan
in the second se	1445/10	Relimat Jan
	1446/10	Hidayatullah
	1447/10 1448/10	Malik Amjad
	1449/10	Shaukat Ali
	1450/10	Manzoor Ahmad
	1451/10	Umer Hayat Khan
	1452/10	Qayyum Nawaz
		Ihsan Ullah Khan
	1100/10	

÷.



M. AnwarAwan Advocate

TE] ATT ly EXAMINER Khyber Pakliunkhwa Service Tribunal Peshawar

ng to get a get	15	2346/10	Mira Khan
	576	2347/10	Rukhsana Gul
1.19	517	2347/10	
	578	2349/10	Muhammad Iqbal
1 2 -	579	2349/10	Asmat Ullah Kalagam Ahltan
•	15/9	2351/10	Kalsoom Akhtar
	581		Allah Nawaz
	·	2352/10	Ch: Muhammad Shahid
	-	2353/10	Muhammad Tahir
144 2		2354/10	Arif Hussain
• :		2355/10	Amanullah
		2356/10	Muhammad Bilal
		2357/10	Abdul Aziz
· ·		2358/10	Azmat Abbass
		2359/10	Hafeez Ullah
ŭ		2360/10	Muhammad Arif
		2361/10	Rashid Mehmood
	·	2362/10	Zahida Rasheed
		2363/10	Zulqarnan
· · · ·		2364/10	Touqeer Hussain
· ·		2365/10	Sanaullah
```		2366/10	Niaz Hussain
,		2367/10	Asma ul Husna
		2368/10	Samiullah
L. L		2369/10	Syed Baqir Hussain
		2370/10	Tayba Kusar
Х		2371/10	Muhammad Bilal
		2372/10	Muhammad Asif
έ - Λ		2373/10	Kazim Ali
		2374/10	Muhammad Hasnain
-		2375/10	Muhammad Bilal
•		2376/10:	Muhammad Salim
<b>v</b>		2377/10	Muhammad Ismail
		2378/10	Salma Nawaz
	608 2	and the second	Rustam Khan
<b>.</b>	609 2	·	Aslam Khan
	· · · · · · · · · · · · · · · · · · ·	2381/10	Mureed Hassan
· · · · · · · · · · · · · · · · · · ·	6113 2		Muhammad Usman
		2383/10	Abdullah Jan
•		2384/10	Muhammad Imran
	the second s	2385/10	Muhammad Illyas
		2386/10	Syed Qamer Sultan Shah
		2387/10	Muhammad Sajid
		388/10	Naseem Akhtar
•		389/10	Nascem Akhtar
	619 2		Riaz Hussain
	620 2	391/10	Muhammad Safdar
V	621 2	392/10	Naheed Akhtar
	622 2	393/10 :	Sumaira Fatima

į



ï Ę I



ioural

Peshawar

		27
1007 31	7/11	Shahabudin
1008 385	5/11	Zalfar Abbass
1009 415	5/11	Shafqat Ullah
1010 410	5/11	Asia Bibi
1011 432	2/11	Shah Jahan
1012 534	4/11	Shahzad Khan
1013 535	5/11	Shaheen Akhtar
1014 632	2/1.1	Muhammad Aslam
1015 633	3/11	Ahmad Hassan
1016 634	4/11	Zafar iqbal
1017 635	5/11	Rehmat Ullah
1018 790	)/11	Irum Noshad
1019 893	3/11	Hamayun Saifullah 🕞

Castified to by yare copy Peshawar K

Date of Proceeding Of	Application <u>S-11-2001</u>
Number of Method	8 300
Copying 2 Sultan	46-02
Upert	2-00
Tatel	48-01
Nema of Creekert	Vie Zei
Date of Compiction of	19-11-2014
Date of Delivery of C	14-11-20-11-

A divide an

MOST IMMEDIATE / COURT CASE.

## GOVERNMENT OF KHYBER PARHTUNKHWA ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

6-22

NO.SO (Lit) E&SED/1-3/2011 Dated Peshawar, the 26-01-2012.

The Executive District Officer. Elementary & Secondary Education D. I. Khun

Subject: -

То

INQUIRY	REPORT DE	· ·	
PAKHTU	NKHWA EDEMA RE	GARDING TH	IE Kuyna
10-2011 (	NKHWA SERVICE TRI N' SERVICE APPEAL TED APPEALS O	BUNAL JUDGME	NT DATED 27.
	10.0		<u>AND</u> OTHER
APPOITM	IENTS IN DISTRICT D.	N H.I.EGALI I.KHAN	IRREGULAR

I am directed to refer to the subject noted above and to enclose herewith a copy of the Inquiry report regarding the judgment dated: 27-10-2011 in Service Appeal No. 1407/2010 and other connected appeals on illegal/ irregular appointments in District D.I.Khan for necessary action and strict compliance in letter and spirit under intimation to this Department and all other concerned.

leguter

Enclosure: (As above)

SECTION OFFICER (LEGIGATION) Endst: of even No. & date,

Copy is forwarded for information to:-

1. Registrar Khyber Pakhtunkhwa Service Tribunul, Feshawar,

2. Director E&SE Khyber Pakhtunkhwa, Feshavar,

3. D.C.O. D.I.Khan.

4. P.S to Secretary E&SE Department.

SECTION OF LICER (LEDGATION)



## ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

# REPORT/FINDINGS/RECOMMENDATIONS/

OF THE COMMITTEE WITH REFERENCE TO SECRETARY TO GOVERNMENT OF KHYBER PARITUNKHWA ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT NOTIFICATION NO SO LITIGATION/E&SE/1-3/2011 /D.I.KHAN DATED 29.11.2011 IN PURSUANCE OF KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ORDER DATED 27.10.2011 ON SERVICE APPEAL NO 1407/2010 AND OTHER CONNECTED APPEALS.

## INTRODUCTION:

In pursuance of the judgment of Khyber Pakhtunkhwa Services Tribunal dated 27.10.2011 in Service Appeal No 1407/2010 Abdust Salam versus Province of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education and the others connected Service appeals, (Annexure-A), and judgment dated 16.12.2011 2011 in Service Appeal No 3052/2010 Lubna Sadia versus Province of Klyber Pakhamkhwa through Secretary Elementary and Secondary Education , Secretary Elementary and Secondary Education Department Khyber Pakhtunkhwa constituted a Committee vide Notification No SO Litigation/E&SF/1-3/2011 /D.I.Khan dated 29.11.2011 comprising of the following for reconsideration of the cases in light of the judgment of the Honourable Services Tribunal vide (Annexure-B) (Chairman).

- Secretary) E&SE Department 1.
  - 2. Director (E&SE) Khyber Pakhtunkhwa, Peshawar
  - Abdul Wali Khan Dy Director (E&SE) 3.
    - Ghulam Qasim EDŎ (E&SE) Tank.

(Meinber). (Member). (Member). (Member). (Member).

- 4. Feroz Hussain Shah EDO (E&SE) DI Khan 5.
- Mushiraf Ali AD (F&A) E&SE 6.

## TOR:

> To examine the appeals of the rest of the appellants including PST(M&F),CF(M&F),PET(M&F),DM(M&F),AT(M&F),TT(M&F) and Qaris (M&F) in the light of the judgment of Khyber Pakhtunkhwa Services Tribunaldated 27.10.2011 in Service Appeal No 1407/2010 and the others connected

- To examine, scrutinize the record of local office D.I.Khan regarding the appointments in the year 2007-08.

- To frame officient and fair mechanism and procedure to find out the qualified oppellants according to the observations in the aforesaid judgment and implement.
- To ensure compliance with the mandatory legal requirements on the one hand and integrity of the proceedings on the other.
- * To consider the claim of those appellants who have alleged performance of duty for considerable time after their appointment as directed by the Honourable Services Tribunal.
- To provide an opportunity of hearing to the appellants.
- To provide an opportunity to all concerned to prduce record, documents etc in support of their claims and possible remedy.
- To act in accordance with rules, Law and Policy prevailing in 2007-08 regarding the recruitment of the above said posts.
- To fulfill the given task within the period as expected and proposed by the Honourable Service Tribunol in his judgment dated 27.10.2011.
- > To consign the record in the safe custody of the competent authority.
- To pass on coidence, both documentary and verble, record and analysis conclude findings and make recommendations as way forward so as to ensure country and justice.

## <u>BRIEF HISTORY OF THE CASE:</u>

In District D I Khan reportedly illegal and irregular appointments were made in Elementary and Secondary department at a large-scale during the period from 01.01.2007 to 30.06.2008. The matter was highlighted by one Honourable member of Provincial Assembly through Assembly Question No.31.The Provincial Assembly declared the same appointments as illegal and irregular and politically motivated which was debated in the house on 19.08.2008 and was referred to Standing Committee No.26 for scrutiny. The Committee finalized its report/recommendations and presented to the Assembly on 12.01.2009, which was adopted on the same day. In order to implement the decision of the Standing Committee, duly adopted by the Provincial Assembly The Elementary and Secondary Education Department constituted the following three Committees to check the appointments record of the following three Committees to check the appointments of the period from 01.01.2007 to 30.06.2008 in pursuance of the Minutes of the period from 01.01.2007 to 30.06.2008 in pursuance of the Minutes of the prevint from 01.01.2007 to 30.06.2008 in pursuance of the Minutes of the prevint form 01.01.2007 to 30.06.2008 in pursuance of the Minutes of the prevint form 01.01.2007 to 30.06.2008 in pursuance of the Minutes of the prevint form 01.01.2007 to 30.06.2008 in pursuance of the Minutes of the prevint form 01.01.2007 to 30.06.2008 in pursuance of the Minutes of the prevint form 01.01.2007 to 30.06.2008 in pursuance of the Minutes of the provincial Assembly vide Notification No. SO (AB) E&SED/4-4/Enq/DIK/2009 dated 01-01-2009.

2::Committee No.1 for scrutiny of Illegal/Irregular appointments of KPOs /PSTs [1]/Lab Assistants /Junior Clerks/ Assistant Store Keepers and Class-IV Male and [1] Female.

WCommitteeNo.2 for scruting of fliegal/trregular appointments of CT, DM, { PET Male and Female.

Committee No.3 for scrutiny of Illegal/Irregular appointments of Arabic Teacher, Theology Teacher and Qari Male and Female.

The enquiry Reports were submitted to the Standing Committee on 08.04.2000. The Standing–Committee recommended to the department to terminate the



								/_	
		· .							
		'							21
2		Rustam Khan	Fateh Khan	GPS No.1 Band Kuri	20320-24	01.10.2007	30.04.2010	22.07.2003	
 Z			Karim Bakhsh	GPS Gara Teli	20330-34	01.10.2007	30.04.2010	20.10.1998	Trained
-	10	Muhammad .	Ahmad	GPS Wanda Balochan	20579-85	01.10.2007	30.04.2010	20.10.1998	Trained
5	10 5 10	INNAYAŢULL	Nawaz Lal Khan	GPS Basti Rajab ali	20185-90	01.10.2007	30.04.2010	1996	Trained
Ŧ	ان بنتري	144400	Nazar Hussain	GPS Burz Wali/GPS No.1	20320-24	01.10.2007	30.04.2010	1996	Trained
1	2323/20		Ghulam	<u>Kathgarh</u> GPS Toba	12655-973	01.10.2007	30.04.2010	19.01.2002	Trained
:	01 (تىلاغ		Akbar Ghulam Sarwar	GPS Rasool Abad/ Wanda	20486-90	01.10.2007	30.04.2010	18.05.1997	Trained
	29-5-10	Muhammad	Muhammad	Dost Ali GPS No.1 Khanu	20330-34	01.10.2007	30.04.2010	15.02.1999	Trained
	-435-10	Muhammad	Nawaz Abdul	Khel GPS Gara Mehmood/Gara	20265-69	01.10.2007	30.04.2010	14.07.2001	Trained
	2274/10	Ayub Khan Muhammad	Qayyum Khan Ghulam	Gurlangi GPS Ara DIKhan	20376-526	01.10.2007	30.04.2010	05.05.1996	Trained
÷ 		Sharif Ghulam	Hussain Ghulam	GPS Toba Band	20376-526	01.10.2007	30.04.2010	1996	Trained
	2333/10 2543/10	Akbar Muhammad	<u>Haider</u> Allah Dad	Kurai GPS Noor Pue	20345-49	01.10.2007	30.04.2010	03.02.2006	Trained
e 	25:9/10	Ejaz Muhammad	Ghulam	Phular GPS Wanda	20511-16	01.10.2007	30.04.2010	01.04.1996	Trained
		Iqbal :	Muhammad	Balochan/No.2 DIKhan	20325-29	01.10.2007	30.04.2010	01.04.1996	Trained
<u>D</u>	2351/10	Allah Nawaz	Haq Nawaz Ghulam	GPS Wanda Dua GPS Bilot Sharif	20325-29	01.10.2007	30.04.2010	1996	Trained
<u>22</u>	1977/10	Kifayatullah	Hassan	GPS Mitha Pur	20220-24	01.10.2007	30.04.2010	07.06.2004	Trained
#1 ⁻	1408/10	Niaz Din	Ghulam Yasin Ghulam	Khurd GPS Khushrana	20320-24	01.10.2007	30.04.2010	13.05.1997	Trained
۲	:996/10	Iqbal Hassan	Hassan	GPS Gara Audal	20485-89	01.10.2007	30.04.2010	14.03.2005	Trained
6	2635/10	Muhammad Waqas	Hamayun Khan	/GMPS Kachi khel					Trained
Q	1503/10	Khairat Hussain	Ghulam Haider	GPS Chah Sandila Wala	20455-59	01.10.2007	30.04.2010	31.12.1996	Trained
 4	2078/10	Ghulam Jelani	Ghulam Farid	GPS Makar	20135-39	01.10.2007	30.04.2010	31.00.2007	Trained
	2103/10	Muhammad Igbal	Amanullah	GPS Hisam	20600-05	01.10.2007	30.04.2010	15.08.2001	Trained
£	2543/10	Muhammaz - Nawaz	Haq Nawaz	GPS Jhoke Lal	20376-526		30.04.2010	20.10.1998	, Trained
<u>.</u>	1431/10	Rozi Khan	Abdul Majeed Khan	GPS Kiara Besharat/Gara Audal	20240-44	01.10.2007	30.04.2010	12.07.2000	
4	2108/10	Hizbullah	Sheikh Noor Ud Din	GPS No.2.Kikeri Mala Khel	20385-89	01.10.2007			Trainea Trainea
	1987/10	Sibtul Hassan Shah	Nazar Hussain Shah	GPS Khushrana	20145-49	01.10.2007			Trained
	1519/10	Muhammad Jamal	Muhammad Azam	Wali	20130-34	01.10.2007		<u></u> .	Traine
52	1499/10		Mamdu	GPS Lar	20220-24				Traine
9	2335/10	Kashmir Khan		GPS Niazi Abad	20320-24	01.10.200			Traine
3	2309/10	Husssain	Shah Hussain	GPSMala Khel	20521-25				, Untrai
÷4	1880/10		Gul Baz	GPS Tube Well R/khan	20440-44				Untrai
	1881/10		Abdul Hameed	GMPS Takeen	20480-84				
:55	Nil	Kamran Khan	Khan	GPS No.1 Maddi	20505-12				
:57	Nil	Abdur Rashid	Noor Muhammad	Shanki			,		
	Nil	Hisbullah Khan	Abdul Ghaffar	GPS Gara Audal/Gara Fatei Khel	20480-8.	J 01.10.200	7 30.04.2010	, 14.03.2009	

34

;



Ĩ.



103

been

departmental Selection Committee after the vacancies have advertised in the newspapers"

6. In case of appointment of the applicants the vacancies were not advertised and Departmental Selection Committee has not recommended

7. Appeals being merit less deserve to be dismissed on the analogy of the decision of the Khyber Pakhtunkhwa Services Tribunal decision under

Para-9 (i) read with Para-8(b).

The Committee heard personally and scrutinized the record and appeals of RECOMMENDATIONS terminated PST (M&F), CT. (M&F), DM (M&F), PET (M&F), AT (M&F), TT (M&F), Qani (M&F) teachers/officials lying in the office of the Executive District Officer (B&SE) D. I. Khan on case to case basis in accordance with Khyber Pachtunkhwa Services Tribunal order dated. 27.10.2011, and segregated /check/scrutinize their cases on the basis of different categories of

All the applintments of the appellants against the posts of PST (M&F), CT Teachers/officials from 19.12.2011 to 24.12.2011, (M&F), IM (M&F), PET (M&F), AT (M&F), TT (M&F), Qari (M&F) appended under various categories from S.No 1 to 41 have been made without observing codel formalities/procedure, Government Policy and Merit and in violation of NWFP (now Khyber Pakhtunkhwa) Civil Servants (Appointment, Promotion and Transfer Rules 1989. The appointments of the appellants are declared illegal and irregular. Cases being merit less deserves to

& terminated. The following steps are recommended to be taken. a. Executive District Officer Elementary and Secondary Education D I Khan

is required to issue proper termination orders of the above appellants and similar cases listed above under various categories PST (M&F), CT (M&F), DM (M&F), PET (M&F), AT (M&F), TT (M&F), Qari (M&F) teachers in the findings from S.No.1-41 excepts those who were working on lower posts and were appointed on higher posts in other categories,

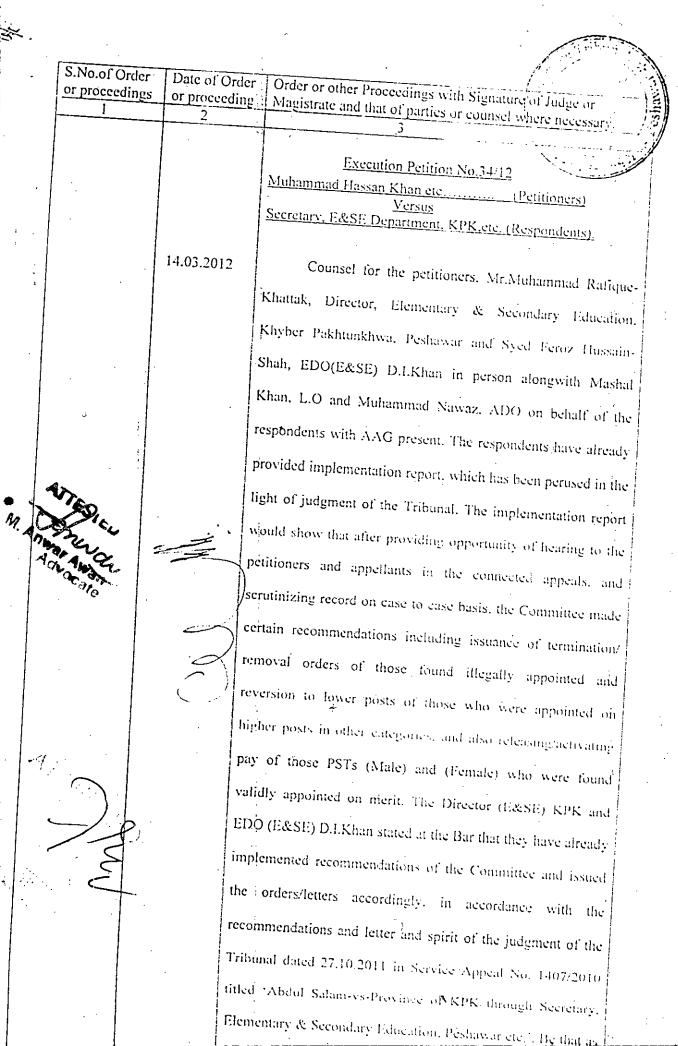
b. Executive District Officer Elementary and Secondary Education D I Khan is further required to release/activate the pay of those PST Male who

were appointed on merit included in the joint appointment order of 309 candidates dated 02.07.2007 and PST Female who were appointed on merit included in the joint appointment order of 131 candidates dated

c. Executive District Officer Elementary and Secondary Education D I Khan is required to advertise the vacant posts immediately and complete the

- recruitment process before 15 March, 2012 and the terminated teachers may be provide opportunity to compete if otherwise they have the qualification required for the post and further they may be awarded extra 2 marks per year of span of service rendered if they actually
- d. District Coordination Officer DI Khan is required to recover the claim of appellants who have alleged performance of duty for the considerable.

time after their appointment and they have actually performed duty for certain period to be calculated by Executive District Officer Elementary and Secondary Education D I Khan through legal procedure in accordance with Khyber Pakhtunkhwa Services Tribunal order dated struir -1 Syed Feroz Hussain Shah 1.; Executive District Officer 2. Ghulam Qasim Executive District Officer E&SE DI Khan(Member) E&SE Tank (Member) :]. A-Wali IChan Dy Director E&SE) 4. (Muhammad Rafiq Khattak) Khyber Pakhtunkhwa. Director, Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar. (Member) (Member). Muhammad Mushtag Jadoon) 5. Secretary Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar. (Chairman) SIEL



32)

mentioned judgment of the Tribunal, the respondentdepartment not only widely publicized hearing of cases of the petitioners] and other appellants through publication in the newspapers but have also prepared list of those who appeared before the Committee in response to the publication and obtained their signatures on the list. The learned counsel for the petitioners also confirmed holding of meeting by the Committee at D.I.Khan and participation of the petitioners and other connected persons in the proceedings of the Committee. The implementation report also shows that each and every case has been examined by the Committee after providing opportunity of hearing to the petitioners/appellants, and in pursuance of such proceedings, recommendations have been made by the Committee which are being implemented by the respondent-department. In short, in accordance with the judgment dated 27.10.2011 of the Tribunal, the Secretary, E&SE, KPK, Peshawar (Respondent No.1) constituted a Committee, headed by him, and comprising live other officers of the Education Department including Director, E&SE, KPK, Peshawar and EDO(E&SE) D.I.Khan, conducted proceedings at D.I.Khan after widely publicizing the same through newspapers and thereby ensuring participation of the petitioners and other appellants and providing opportunity of hearing to them and also scrutinizing cases of the petitioners and other appellants on case to case basis and thereafter making certain recommendations which are being implemented through issuance of appropriate orders. As such, the judgment of the Tribunal stands implemented in its letter and spirit.

The learned counsel for the petitioners, however, raised

objections regarding the proceedings conducted by the Committee; but he was unable to augment his contentions in this regard with support of law; as fresh orders in pursuance of the proceedings and recommendations of the Committee, would accrue a fresh cause of action for appeal or any other remedy prescribed by the law, which is, certainly, beyond the scope of the implementation/execution proceedings. The misgivings, probably, emanate from lack of knowledge about proceedings of the Committee, which have been provided to the Tribunal in the shape of a book, but not available either with the counsel for the petitioners or petitioners and other appellants. Therefore, the respondents are directed to place the report on the website of the department so that the petitioners, appellants and all concerned should get knowledge of the proceedings and recommendations and chalk out future course of action in accordance with law. The respondents are further directed to ensure compliance with the recommendations of the Committee forthwith, without further wastage of time, so that the aggrieved persons can seek remedy available to them under the law.

In view of the above, the implementation/execution petition is disposed of as having served the purpose the beconsigned to the record.

<u>ANNOUNCEE</u> 14.03.2012 Date of P Natio

Certifi

Peshawar

Date of Lienverse of the

BEFORE THE PESHAWAR HIGH COURT BENCH DERA ISMAIL KHAN 15'0'

M. Safdar Shah S/O Muhammad Azam GPS Kot Mehsudan D.I.Khaj 1.

M. Ilyas S/O Ghulam Abbas GPS Zawar Shu nali D.I.Khan. 2.

Sami Ullah S/O Ghulam Qadir GPS Hero Khal D.I.Khan. 3.

Rehmat S/O Ahmad Hussain GPS Pharpur 2 D.I.Khan. 4.

Writ petition No.

Shah Jehan S/O Muhammad Jan GPS Chah Ladha D.I.Khan. 5.

Sana Ullah S/O Ghulam Saddique GPS Pharp Jr 3 D.I.Khan. Б.

Muhammad Ismail S/O Muhammad Hayat G ?S Wanda Nadir Shah D.I.Khan. 7.

Riaz Hussain S/O Muhammad Ibrahim GPS Islam Pur D.I.Khan. 8.

Aman Ullah S/O Nasrullah GPS Chah Langhan Walan D.I.Khan. 9.

10. Arif Hussain S/O Khuda Bakhsh GPS Wanda . amali D.I.Khan.

11. Rustain Khan S/O Fateh Sher Khan GPS Banc Kurai No. 1 D.I.Khan. 12. Muhammad Tahir S/O Rab Nawaz GPS Basti Malana No. 1 D.I.Khan.

, 13. Nastullah S/O Muhammad Khan GPS Wanda Shahbaz D.I.Khan.

14. Muhammad liqbal S/O Kalu GPS Wanda Shel baz D.I.Khan.

15. Allah Nawaz Khan S/O Hagnawaz GPS Wanc a Dau D.I.Khan.

16. Malik Hamid Ullah \$/O Malik Mamdu GPS B and Kurai D.I.Khan.

17. Khanzaman S/O Muhammad Akbar GPS Toba D.I.Khan...

18. Kashmir Khan S/O Ghazi Khan GPS Niazi Abl ad D.I.Khan.

blor Reg 19. Ultat Ali S/O Ghulam Shabbir GPS Kachi Kath Garh D.I.Khan.

20. Mureed Hassan S/O Muhammad Hassan GP3 Rasool Abad D.[Khan.

21. Aslam Khan S/O Haji Sardar Khan GPS Mura I Abad D.I.Khan.

22. Abdul Aziz Khan S/O Haji Gul Habib Khan GF5 No. 1 Band Kurai D.I.Khan.

23. S. Tougeer Hussain Shah S/O Nazar Hussain Shah GPS Burz Wali D.I.Khan.

24. 5. Ibne Hassan Shah S/O Niaz Hussain Shah GPS Bilot Sharif D.I.Khan.

25. Muhammad Saleem S/O Malik Khan GPS Qazi Khokhar D.I.Khan.

26. Qazim Ali S/O Ghulam Sarwar GPS Rasool Abad D.I.Khan.

27. Gohar Igbal S/O Ghall Children i Shahi GPS Chah Ladha D.I.Khan,



XAM NOR Whishing High David ELKING HOURS' 1615/17

But today.

11/3/15

2... Rehmat Ullah S/O Allah Diwaha GPS Kot Mehsudan D.I.Khan;

29. M. Husnain S/O Abdul Qadoos GPS Sheru D.I.Khan.

30. M. Usman S/O M. Bakhsh GPS Luthrana D.I.Fhan.

31. M. Farooq S/O M.N.amzan GPS No. 3 D.I.Khan.

32. M. Hawaz S/O Ghulam Ali GPS Pharpur No. 1 D.I.Khan.

1733. Ghulam Abbas S/O Allah Bakhsh GPS Niazi Abad D.I.Khan.

134. Muhammad Khalid S/O Rab Nawaz GPS Garidi Umer Khan D.J.Khan.

35. Farhat Abbas S/O Ghulam Sadiq GPS Jhok Muhana No. 1 D.I.Khan.

36. Muhammad Sajid S/O Imam Bakhsh GPS Kal: Gorh No. 1 Pharpur D.I.Khan.

37. Ulfet Sumaira S/O Khuda Bakhsh GGPS Amar Abad D.I.Khan.

38. Shaista Bibi D/O Muhammad Hafeez GGPS Wanda Jani D.I.Khan.

39. Safeena Bibi D/O Muhammad Akram GGPS Jhok Musa D.I.Khan.

40. Safroorna Bibi D/O Ghulam Akber GGPS Bhagwani Shumali D.I.Khan,

41. Hafsa Bibi D/O Ghulam Akber GGPS Wanda Bechohra D.I.Khan.

42. Aziz Fatma D/O Abdul Qadoos GGPS Qazi Khokhar D.I.Khan.

43. Naseem Akhter D/O M. Ramzan GGPS Kachi Kath Garh D.I.Khan.

44. Shaheen Akhter D/O Ashiq Hussain Shah GGP5 Band Kurai D.I.Khan.

45. Hafeez Ullah S/O Muhammad Jan GPS Risal D il Abad D.I.Khan.

46. Kifayat Ullah S/O Ghulam Hassan GPS Bilot SF arif D.I.Khan.

47. Dr. Allah Ditta S/O Muhammad Nawaz GPS Matwala Shah D.I.Khan.

48. Rehmat Ullah S/O Muhammad Ashraf GPS Haji Khel D.I.Khan

49. M. ShahidS/O Muhammad Azam GPS New Chura D.I.Khan.

50. Tehmina S/O Meharban Khan GGPS No. 1 Tak wara D.I.Khan.

51. Abdul Haleem S/O Ghulam Fareed GPS Kachi Kath Garh D.I.Khan.

52. Mati Ullah S/O Jamal KhanGPS Kotla Lodhian D.I.Khan.

53. S. Sibtain ul Hassan S/O S. Nazar Hussain Shah GPS Kahushrana D.I.Khan.

54. M. Ibrahim S/O Rehmat Ullah GFS khokhara D.J.Khan.

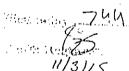
55. Ruskhsana Gul S/O Mehmood Ul Hassan GGPS Wanda Nankani D.I.Khan.

56. Inayat Ullah S/O Habib Ullah GPS Riaz Abad D.I.Khan.

57. Syed Sibtain Shah S/O Syed M. Arif Shah GPS Wanda Dost Ali D.I.Khan.

58. Iqbal Hassan S/O Ghulam Hassan GPS Mehmo id Abad D.I.Khan.





Baraawar 13 Del Khun Bester

21511 112

1615/19

55. M. Iqbal S/O Ghulam Muhammad GPS Kotjai No. 2 D.I.Khan. 60. Kifayat Ullah S/O Sarfaraz Khan GPS Jhock Daara D.I.Khan.



### VERSUS

- 1. Government of Khyber Pukhtunkhwa through Secretary Elementary & Secondary Education Department K.P.K Peshawar.
- 2. Director of Education (E&S) Khyber Pukhtur khwa Peshawar.
- 3. District Education Officer (Male) D.I.Khan.
- 4. District Education Officer (Female) D.I.Khan.
- 5. District Account Officer D.I.Khan.

# WRIT PETITIONER UNDER PRTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PARISTAN, 1973.

**RESPECTFULLY SHEWETH,** 

File Inday 74 11 Ashie Ref

- That the petitioners above hamed are peaceful respectable. law abiding and sonafide citizen of District Dera Ismail Khan, I. lamic republic of Pakistan. The petitioners have completed their Academic cualification and was appointed against the vacant posts of PST etc. Later on the basis of political victimization the Government in the year 2010 conducted an inquiry against the petitioner, which resultantly, the dismissal of the hundreds of the appointed teachers. Copies of orders are Annexure A.
- 2. That feeling aggrieved from the termination orders, petitioners preferred an appeal before the service tribunal, which was decided vide its order dated 27-01.

Stro Valley Bar Kina w 161515

+) 2011 directing the respondents to conduct an inquiry in the light of direction gi by Hon'ble Service Tribunal. The copy of judgment is Annexure B.

- 3. That on the basis of the judgment dated 27-10-201, the so-called inquiry was conducted by Government of Khyber Pukhtunkhwa vide later No. SO (Lit) E & SED/1-3/2011 Dated Peshawar, the 26-0: -2012 communicated recommendations of the committee which is annexed as Annexure C.
- 4. That it is to be noted that the committee vide its report dated 26-01-2012 also framed certain recommendation which beside the others also include a propetermination orders of all the affectees by the then decision of service tribunal report 26-01-2012 and inquiry report dated 27-01-2011
- 5. That service of the effectives opted to execute the judgment dated 27-10-2011 before the Honorable service tribunal Khyber Pukhtunkhwa, which was decided vide its judgment dated 14-03-2012. Copy of the order is Annexure D.
- 6. That the petitioners time and again approached to the respondents for the implementation of all the orders along with recommendation but no proper order of termination has yet been issued/ communicated to the petitioners. The some of the affectees challenged the illegal act of the respondent through writ petition No 48-D/2014 which were decided on 03-02-2015 with the direction that
  - termination orders were handed over to the affectees and also the copy of the same is placed on the record of above mentioned petition. Copy of writ-petition along with order dated 03-02-2015 is Annex are E.
- 7. That petitioners on coming to the knowledge of above mentioned order dated (3-2-2015, moved an issuance of copy of termination order but

paration or had

1615/15

1. 1. 1. 1. 1.



diam'r di

a the second rate of the second second second second second

That the respondents all together ignored the rights so accrued, having no other alternate remedy, the petitioner is constrain to challenge the same inter alia the following grounds.

# <u>GROUNDS:</u>

That the act of the respondents is against the law, facts and circumstances of the case and the same amounting to high handedness on the part of the respondents.

ii. That the non-issuance of the termination letters is based on malafide and deliberate act of the respondents whereby, the petitioner have become made disable to challenge the same before service tribundlied today -7444.
 iii. That very purposely the termination letter were withheld by the 1:/3/157

respondents up till now, as the non-availability of the termination letters has created a legal disability for challenging the act/recommendation of the committee before the Honorable Service Tribunal, hence, the acts of the respondents is against the law, good governess and fundamental rights of a citizen who has the right to have an access to all the legal forums as per law.

iv. That is settled law that if any point related to the terms of service was decided by a court then the benefit of such judgments be extended to

(P)

others who may not be parties to the litigation instead of compelling them

to approach the court.

У.

That counsel of the petitions may kindly be allowed to raise further

grounds during the course of arguments.

It is, therefore, Humbly prayed that by accepting the present Writ Petition, respondents may graciously by directed to issue the termination orders of the petitioners with all back benefits up till now Or any other appropriate relief, which this Honorable Court may deems best in the interest of justice, may also be granted to petitioners.

100 in 1 , 74 M. 11/3/15

Yours Humble Petitioners

Kapp

Safdar Shah and Offices

Handy Lady

Muhammad Anwar Awan

Advocate Supreme Court

### CERTIFICATE

Certified that petitioner in this honorable court has earlier filled no other write

#### petition on the subject.

Dated: 09-03-2015

Petitioners

. (.)...

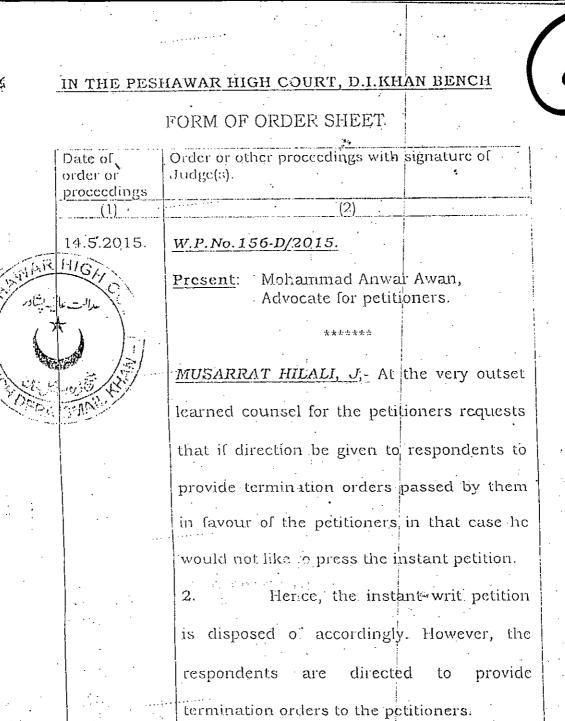
BOOKS REFE

Constitution

inglattan 1973



en diserver 1935 filmen Østaver



<u>Announced.</u> 14.5.2015.

a Print Land Anti-

Aftab/*.

free and the



1615115

# OFFICE THE EXECUTIVE DISTRICT OFFICER (E&SE) D.I.Khan

### <u>ORDER:</u>

In pursuance of order dated 27-10-2011 of the KPK Service Tribunal in service appeal No. 1407/2010 and other connected appeals, committee headed by the Secretary to Govt, of Khyber Pakhtunkhwa (E&SE) Department considered the cases of the appellants and similar placed persons and came to the conclusion that the appointment of the following PSTs (Male) was illegal, irregular and void ab-initio in terms of rule 10(2) of the NWFP Civil Servants the recommendation of the committee contained at page 103-104 of the enquiry report, their so icalled services are hereby terminated.

		i		
S.	Appeal D. No/year	Name of appellant	Father's Name	School
	1 2528/10		Ghulam Qasi	
	2 Nil	Malik Abdur Rashid		GPS Ghumsan
· [ ]	3 Nil	Shoukat Imran	Haji Malik Rashid	GPS Sakhani
· [	4 2391/10		Muhammad Nawaz	GPS Umar Buba
	3 2036/10		Muhammad Azam	GPS Kot Mehsudan Band Kurai
6	5 3102/10		Allahdad	GPS Muga
· 7	7 2648/10		Sher Muhammad	GPS Udwal
. 8	<u>    i    i                           </u>	resourced Knan	Ahmad	GPS Asghan Khel
		A A A A A A A A A A A A A A A A A A A	Faiz Rasool	GPS No.1 Kaich Kiri Baz Muhammad
		Muhammad Nacem	Muhammad Ibrahim	GPS Jhoke Dar/Din Pur
		Asif Mehmood	Abdul Aziz	GPS Jhoke Balal
12		Saifur Rehman	Sona Khan	
<u> </u>		Khalid Mehmood Kha	Chaudry Nijmu Din	GPS No. 4 Kulachi/GPS No.2 Maddi GPS Jandhir Abdul Sattar
13	~114710	Muhammad Shahid	Falik Sher	
/ 14		Muhammad, Aslam	Muhammad Ramizan	GPS Talgai
15		Ghulam Abid Shah	Ghulam Abbas Shah	GPS Jhoke Sakhani
: 16		Mumtaz Ahmad	Ghulam Akbar	GPS Audwal/GPS Joke Dar
+ 17		Muhammad Javod	Malik Allah Nawaz	GPS Jhoke Dar / Abdul Khel
. 13	1.1.2.1.10	Kifayatullah .	Sarfaraz	GPS Aslam Abad/Kala Gorh
: 19		Muhammad Ali	Malik Aliah Wasaya	GPS Jhock Daar
3 20	1	Muhammad Khalilur Rehman	Haji Fazal Rehman	GPS Sheesha / GPS Kora
21	1455/10	Ghulam Abbas	Maula Dad	GPS Noor Pur Paliyar
22	Nil	Muhammad Javed	· · · · · · · · · · · · · · · · · · ·	GPS Jok Amin DIK/No.1 Kot Essa Khan
23	Nil	Muhammad Ishfaq	Muhammad Iqba:	GPS Saidallian/Khanu Khel
. 24	2640/10	Sheikh Muhammad Zahid	Muhammad Mushtaq	GPS Umer Kliel
·	100000		Sheikh Ghulam Akber	GPS Bait Keheri/GPS Malik
25	1989/10	Syed Muhammad Abdullah	S.Nazar Hussain	Mir/Dhapanwali GPS Kachi Khasore
:26	2853/10	Qamar Ali	÷	
. 27	Nil	Karam Elahi	Jan Muhammad	GPS Kachi Kath Garh
28	1451/10	Umar Hayat Khan	Khuda Baksh	GPS Basti Zangadaa Wali
29	1425/10	Muhammad Aslam	Khan Muhammad	GPS Buzdar / Kiri Malang
<u> </u>	2377/10		Muhammad Hussain	GPS Jhoke Rind/GPS Wanda Buchra
		Muhammad Ismail	Muhammad Hayar	GPS Wanda Nadir.Shah
ł	· · ·			

an Officer

and Charlent

÷Э-

15

533     2309/10     Khon Zanjan     Chulan     CPS Rasoni       534     2373/10     Kazim Ala     Chulan     CPS Rasoni       535     1995/10     Mulanmad     CPS Rasoni     Abad/ Wanda       536     1435/10     Mulanmad     CPS Rasoni     Abad/ Wanda       537     1995/10     Mulanmad     Abad/ Savar     Kleid       536     1435/10     Mulanmad     Arbad     Cirk Rasoni       537     22     Mulanmad     Arbad     Cirk Gar       740     Shari'     Hisan     Cirk Rasoni     Cirk Rasoni       537     22     Mulanmad     Cirk Rasoni     Cirk Rasoni       538     233/10     Chulan     Cirk Rasoni     Cirk Rasoni       539     22/2     Mulanmad     Cirk Rasoni     Cirk Rasoni       530     251     Mulanmad     Cirk Rasoni     Cirk Rasoni       530     251     Mulanmad     Cirk Rasoni     Cirk Rasoni       531     1408/10     Mulanmad     Cirk Rasoni     Cirk Statis       532     197/10     Kinsitan     Cirk Rasoni     Cirk Statis       534     1996/10     Rizz     Cirk Statis     Cirk Statis       535     1996/10     Rizz     Cirk Statis     Cirk Statis<	,				
301     2173/10     Kindin Aki     Akteur     Chulaning       523     1995/10     Muliciannigd     Muliciannigd     Muliciannigd       524     1/35/10     Muliciannigd     Muliciannigd     Muliciannigd       525     1/95/10     Muliciannigd     Muliciannigd     Muliciannigd       526     1/35/10     Muliciannigd     Muliciannigd     Muliciannigd       527     22,10     Muliciannigd     Muliciannigd     Chulaning       528     2233/10     Startif     Hussain     Chulaning       529     2348/10     Muliciannigd     Chulaning     Chulaning       529     2348/10     Muliciannigd     Chulaning     Chulaning       530     231     Mulicianningd     Chulaning     Chulaning       538     2351/10     Atlah Nawaz     Then Niverz     Chi's Nanda       539     231     Mulicianningd     Chulaning     Chulaning       531     1977/10     Kifuyitulahi     Chulaning     Chi's Milah Duni       532     1977/10     Kifuyitulahi     Chulaning     Chi's Milah Duni       533     1409/10     Iqbah Massan     Chulaning     Chi's Milahing Pur       534     1950/10     Iqbah Massan     Chulaning     Ch's Kifuyitulahing	5	23 2303/	10 Khan Zaman	Chulass	1 -
3.4     2419/10     Radin Ali     CiPS Resolution       523     1995/10     Multinammad     Multinammad     Down Ali       524     1995/10     Multinammad     CiPS Res Res     Res       526     1475/10     Multinammad     Antai     CiPS Res     Res       526     1475/10     Multinammad     Antai     CiPS Res     Res       527     221     Multinammad     Antai     CiPS Res     Res       794/10     Shortf     Hussia     CiPS Res     CiPS Nos       794     O     Shortf     Hussia     CiPS Nos       794     O     Shortf     Hussia     CiPS Nos       794     Idammad     Chulam     CiPS Wanda     Balechar/No.2       795     Jip <jir 10<="" td="">     Kifayatuljah     Chulam     GPS Ploi Sharif       797/10     Kifayatuljah     Chulam     GPS Ploi Sharif     Sharif       797/10     Kifayatuljah     Chulam     GPS Ploi Sharif     Sharif       797/10     Kifayatuljah     Chulam     GPS Sharif     Sharif       797/10     Kifayatuljah     Chulam     GPS Kifah Pur       71     Kasan     Ghulam     GPS Kifah Pur       71     Kasan     Ghulam     GPS Kifah Pur</jir>	ļ				GPS Toba
525     1995/10     Multanampid     GPN (Esso)1       526     1435/10     Multanampid     Multanampid     GPN (Esso)1       526     1435/10     Multanampid     Abdal     GPN (Esso)1       527     221     Multanampid     Abdal     GPN (Esso)1       528     2337/10     Multanampid     Chutani     GPN (Esso)1       528     2337/10     Multanampid     Chutani     GPN (Esso)1       529     2548/10     Multanampid     Chutani     GPN (Esso)1       529     2548/10     Multanampid     Ghutani     GPN (Esso)1       530     253     Multanampid     Ghutani     GPN (Esso)1       530     2548/10     Multanampid     Ghutani     GPN (Esso)2       5310     Starvar     Multanampid     Ghutani     GPN (Esso)2       532     1977/10     Kifayatullah     Ghutani     GPS Mando       532     1977/10     Kifayatullah     Ghutani     GPS Katah       533     1408/10     Nizz Din.     Ghutani     GPS Katah       534     1996/10     Iqbal Hassan     GPN (Satah)     Ghutani       532     1977/10     Kitaira     Ghutani     GPN (Satah)       533     203710     Mulanimmad     Hassan     G	52	2171/	10 Kazim Ali		
323     1995/10     Multiammåd     Multiammåd     Disk Ali       324     1995/10     Multiammåd     Atali     GPS Not Klanu       325     1495/10     Multiammåd     Atali     GPS Not Klanu       326     1495/10     Multiammåd     Atali     GPS Not Klanu       337     221     Multiammåd     Nan     GPS Not Klanu       341     Start     Histori     Histori     GPS Not Klanu       352     233/10     Ghulan     Ghulan     GPS Not Klanu       354     233/10     Ghulan     Ghulan     GPS Not Klanu       355     251     Multiammåd     Ghulan     GPS Not Pue       356     1995/10     Atali Nawaz     Hindre     Kirni       357     1977/10     Atali Nawaz     Hindre     Multianu       353     1408/10     Atali Nawaz     Hindre     Giulan       354     1996/10     Iqbit     Glulan     GPS Milhe Par       353     1408/16     Nizzon     GPS Milhe Par       354     1996/10     Iqbit     Historian     GPS Milhe Par       353     1408/16     Nizzon     GPS Shistorian     GPS Shistorian       354     1996/10     Iqbit     Historian     Ghulan       355<					GPS Rasool
525     1995/10     Multanumad     Dask Ali Parviz       526     1435/10     Multanumad     CPS Mol. Khanu       527     251     Multanumad     Cirk Storn       527     253     Multanumad     Cirk Storn       528     2331/0     Multanumad     Cirk Storn       528     2331/0     Cinutani     Cirk Storn       528     2331/0     Multanumad     Cirk Storn       529     2548/10     Multanumad     Cirk Storn       530     251     Multanumad     Cirk Storn       530     2548/10     Multanumad     Cirk Storn       531     2548/10     Multanumad     Cirk Storn       532     2548/10     Multanumad     Cirk Storn       533     251     Multanumad     Cirk Storn       534     2351/10     Altak Nawaz     Hing Nawaz       535     2652/10     Multanumad     Cirk Storn       537     257     14996/10     Iqbal Hassan       538     2107/10     Kitaira     Cirk Storn       537     2635/10     Multanumad     Cirk Storn       537     2635/10     Multanumad     Cirk Storn       537     2637/10     Kitaira     Cirkitain       538     2103/10		,		Sarwar	Abad/ Wanda
Sofe         IdS 100         Multanumad         GPS No.1 Klanu           Sofe         IdS 101         Multanumad         Abbil         GPS No.1 Klanu           Sofe         IdS 101         Start         GPS No.1 Klanu         GPS No.1 Klanu           Sofe         IdS 101         Start         Klaci         GPS No.1 Klanu           Sofe         IdS 101         Start         Histanu         GPS No.1 Klanu           Sofe         IdS 101         Start         GPS No.1 Klanu         GPS Nor Puc           Sofe         IdS 101         Multanumad         GPS Nor Puc         Multanumad           Sofe         IdS 101         Klaci         GPS Nor Puc         Multanumad           Sofe         IdS 101         Klaci         GPS Nor Puc         Multanumad           Sofe         IdS 102         Sofe Nor Puc         Multanumad         GPS Nor Puc           Sofe         IdS 100         Nutanu         GPS Nor Puc         Noranu	52	1995/	0 Muhammad		
S26     H35/10     Muhammad     Nativaz     Khei       S37     S21     Muhammad     Gayoun     Melmood/Gara       S38     Staari     Curtangi     Girk Gara       S28     S33/10     Ghudam     Giutani     Girk Gara       S28     S33/10     Ghudam     Giutani     Girk Gara       S29     2548/10     Muhammad     Albar     Hussain       S30     S21     Muhammad     Albar     Huia       S30     S21     Muhammad     Girk Gara     Pintar       S31     S21     Muhammad     Giudam     Girk Mada       S32     S21/10     Albar     Haig     Muhammad       S32     S21/10     Albar     Haig     Navaz       S32     S21/10     Albar     Giudam     Girk Sinarif       S33     Id09/10     Nizz     Haig Navaz     Haig Navaz       S33     Id09/10     Nizz     Haig Navaz     Haig Navaz       S34     1950/10     Idah Hasan     Ghulam     GPS Molt Sharif       S35     S251/10     Muhammad     Ghulam     GPS Kiushrana       S35     S251/10     Muhammad     Ghulam     GPS Kiushrana       S35     S251/10     Muhammad     Ghulam					GPS No.1 Kham
And Manimula     Abbul     Uits Girn     Image: Constraint of the second of the seco	52	6 1435/1			
577     22     Mohmmed Sharin     Chyperiod Cholani     Medlemond/Garis Curchagi GIPS Ara DiKhan       528     2333/10     Chadam     Chulan     Cirk Ara DiKhan       529     2548/10     Mulammad     Allah Dad     Cirk Ara DiKhan       529     2548/10     Mulammad     Allah Dad     Cirk Ara DiKhan       530     251     Mulammad     Allah Dad     Cirk Yika       531     251     Mulammad     Chulani     GirS Wanda       532     1977/10     Kifayatallah     Chulani     GirS Minda       533     1408/10     Niuz Din     Giudani     GirS Minda       534     1950/10     Iakan     Chulani     GirS Khudi       535     255/10     Mulammad     Giudani     GirS Khudi       535     255/10     Mulammad     Gibulani     GirS Khudi       535     255/10     Mulammad     Chulani     GirS Chai       536     1502/10     Rudanmad     Chulani     GirS Chai       535     253/10     Mulammad     Chulani     GirS Chai       536     1502/10     Rudanmad     Chulani     GirS Chai       537     263/10     Rudanmad     Chulani     GirS Chai       537     1950/10     Rudani     GirS Chai	•			Abdul	
577     221     Milliammad     Milan       588     2333/10     Chulam     Chulam     Chulam       589     2348/10     Muhammad     Chulam     Chulam       590     254     Muhammad     Alab Dad     CPS Noor Pac       530     25     Muhammad     Chulam     CPS Noor Pac       530     25     Muhammad     Chulam     CPS Wanda       531     154     Alab Dad     CPS Wanda     DateScharNo.2       532     1977/10     Kitayatuljah     Chulam     CPS Wanda       533     1408/10     Niaz     Haq Nawaz     Uit S Wanda Liban       533     1408/10     Niaz     Chulam     CPS Wanda       534     125/10     Athan Nawaz     CPS Bilot Sharif       533     1408/10     Niaz Din.     Chulam     CPS Kilab Par       742.00     Kilayatuljah     Chulam     CPS Kilab Par       733     1408/10     Niaz Din.     Chulam     CPS Kilab Par       535     2635/10     Muhammad     Chulam     CPS Kilab Par       735     1505/10     Kharim     Chulam     CPS Kilab       536     1505/10     Kharim     Chulam     CPS Chah       537     2078/10     Kharim     Chulam<			Ayuo Khan	Qayyum	
24/10         Shurif         Chudam         Clustani         Clustani           528         2333/10         Chudam         Chudam         Cli'S Toka Baul           529         2548/10         Mulanmad         Allah Dad         CPS Noor Pue           530         251         Mubanmad         Glubam         CPS Noor Pue           910         Iqbal         Mulanmad         Glubam         CPS Wanda           530         253/10         Alahan Nuwaz         Isig Nawaz         Dirkiam           532         1977/10         Kirayatullah         Clustani         GPS Marka Dan           534         1357/10         Kirayatullah         Clustani         GPS Marka Dan           534         1996/10         Iqbal Hassan         Clustani         GPS Marka Dan           534         1996/10         Iqbal Hassan         CPS Marka Dan         CPS Marka Dan           535         1639/10         Mulanmad         Hassan         CPS Marka Dan           535         1639/10         Mulanmad         Hassan         CPS Marka Dan           535         1639/10         Kuan         Chudam         CPS Marka Dan           535         1630/10         Mulanmad         Hassan         CPS Marka	55	7 22		Khan	Gustanai
328     233/10     Sharafi     Hussain     Cibulam       328     233/10     Cibulam     Cibulam     Cibulam       329     2548/10     Muhammad     Cibulam     Cibulam       350     251     Muhammad     Cibulam     Cibulam       351     251     Allah Dad     CPS Moor Puc       351     251     Muhammad     Cibulam     Cibulam       352     2351/10     Allah Nuwaz     Haq Nuwaz     Liag Nuwaz       352     2351/10     Allah Nuwaz     Haq Nuwaz     Liag Nuwaz       353     1408/10     Niaz Din     Cibulam     Cib Short       353     1408/10     Niaz Din     Cibulam     Cibulam       353     1505/10     Nidammad     Cibulam     Cibulam       354     1996/10     Iqbal Hassan     Cibulam     Cibulam       355     253/10     Muhammad     Hassan     Cibulam       353     1505/10     Muhammad     Hassan     Cibulam       353     1207/10     Kharim     Cibulam     Cibulam       353     1207/10     Kharim     Cibulam     Cibulam       353     1207/10     Kharim     Cibulam     Cibulam       353     1207/10     Kharim	1."			Ghulam	
253       2533700       Chulam       Chulam       Gibban         259       2548700       Mulammad       Haidey       Kirai         250       2548700       Mulammad       GPS Moor Pue         9710       Idpal       Grulam       GPS Wanda         9710       Idpal       Mulammad       GPS Wanda         9710       Kilayatulah       Glulam       GPS Wanda         137710       Kilayatulah       Glulam       GPS Wanda         1331       197710       Kilayatulah       Glulam       GPS Mila Pur         1332       197710       Kilayatulah       Glulam       GPS Mila Pur         134       1996710       Iqbal Hassan       Ghulam       GPS Klutshrana         134       1996710       Iqbal Hassan       GIndam       GPS Klutshrana         135       2635710       Mulammad       Hamayon       GPS Graa Andol         14       Waqas       Klaan       GPS Mila Wala       GPS Klutshrana         135       1203710       Kluimmad       Amanullah       GPS Graa Andol         14       Waqas       Chulam       GPS Klutshrana       GPS Klutshrana         136       1203710       Mulammad       Amanullah <t< td=""><td>57</td><td></td><td></td><td></td><td>Ors Ara DfKhan</td></t<>	57				Ors Ara DfKhan
329     2548/10     Haider     Haider     Hurs fold Jand       330     251     Mubammad     Ghulan     GPS Noor Pue       330     251     Mubammad     Ghulan     GPS Wanda       330     251     Mubammad     Ghulan     GPS Wanda       331     16pat     Mubammad     Ghulan     GPS Wanda       332     1977/10     Kifuyutullah     Ghulan     GPS Biol Sharif       331     1408/10     Niaz Din     Ghulan     GPS Biol Sharif       333     1408/10     Niaz Din     Ghulan     GPS Grap Andal       334     1996/10     Iqbai Hassan     Ghulan     GPS Grap Andal       335     2635/10     Muhammad     Hassan     GPS Grap Andal       334     1996/10     Iqbai Hassan     Ghulan     GPS Grap Andal       4     Massan     Ghulan     GPS Grap Andal       4     Massan     Ghulan     GPS Grap Andal       535     2635/10     Kinairat     Ghulan     Ghulan       1     Waqas     Khan     Khed     Khed       537     2078/10     Glulan     Ghulan     GPS Grap Andal       538     2103/10     Mubammad     Amanulal     Samila       540     1431/10     Rock	32	8 2333/1			
254     254     Multammad     Allah Dad     GPS Noor Puc       350     231     Multammad     GPS Noor Puc       9710     Iqbat     Ghulam     GPS Wanda       353     235     Multammad     GPS Wanda       353     19710     Allah Nawaz     Hag Nawez       353     19710     Kifayatullah     Ghulam       G12     197710     Kifayatullah     Ghulam       353     1408/10     Niaz Din     Ghulam       353     1408/10     Niaz Din     Ghulam       353     1408/10     Niaz Din     Ghulam       354     1396/10     Kaira     Ghulam       355     2635/10     Multammad     Hassan       356     1503/10     Khairan     Ghulam       4     Vaqas     Khan     GPS Khushrana       4     Hassan     GPS Khushrana       536     1503/10     Khairan     Ghulam       1     Waqas     Khan     GPS Khushrana       537     2678/10     Khukammad     GPS Khushrana       538     1007/10     Khaira     Ghulam     GPS Khushrana       538     2107/10     Khukammad     GPS Khushrana       538     1207/10     Khukammad     GPS Khushran<					GPS Toba Band
530     251     Pizz     Phal Dau     Phal Dau     Phal Phal       530     251     Muhammad     Ghulan     Ghulan     Ghulan       531     231     17710     Allah Nuwaz     Haq Nuwaz     Di Kitan       532     1977710     Kitayatullah     Ghulan     Gibulan     GPS Bilot Sharif       533     1408/10     Niaz Din     Ghulan     GPS Bilot Sharif       534     1996/10     Iqbal Hassan     Ghulan     GPS Kilha Pur       535     2635/10     Muhammad     Hassan     Ghulan       534     1996/10     Iqbal Hassan     Ghulan     GPS Kilha Pur       535     2635/10     Muhammad     Hassan     Ghulan       536     2635/10     Muhammad     Hassan     GPS Gara Audal       535     2635/10     Muhammad     Ghulan     GPS Gara Audal       536     130/10     Kharat     Ghulan     GPS Gara Audal       535     2037/10     Kharat     Ghulan     Ghulan       536     130/10     Kharat     Ghulan     Gara       537     2078/10     Kharat     Ghulan     GPS Gara       538     2109/10     Idhammad     Amanullah     GPS No.2 Kikar       540     14317(10	529	9   2548/10	0 Muhammad		
530     251     Mubammad     Phular       9/10     Iqbal     Gibulani     Gi'S Wanda       337     235/10     Allah Nuwaz     Han Nawaz       538     235/10     Allah Nuwaz     Han Nawaz       538     235/10     Allah Nuwaz     Han Nawaz       538     197700     Kifiyatuljah     Gliulani       533     1408/10     Niaz Din     Gliulani       534     1996/10     Iqbal Hassan     Gibulani       535     2635/10     Muhammad     Hassan       535     2635/10     Muhammad     Hassan       536     1505/10     Kinirat     Gibulani       537     2678/10     Muhammad     Hassan       538     1503/10     Kinirat     Gibulani       537     2678/10     Muhammad     Gibulani       538     1503/10     Kinirat     Gibulani       537     2678/10     Muhammad     Gibulani       538     2102/10     Muhammad     Gibulani       539     2543/10     Muhammaz     Haide       539     2543/10     Muhammaz     Gibulani       539     2543/10     Muhammaz     Hag Nawaz       540     1431/10     Rozi Khan     Abdul			Ejaz	Anan Dad	GPS Noor Puc
9/10     Iqbal     Dinkin     GPS Wanda       53/1     2351/10     Atlah Nawaz     Haq Nawaz     Diskin       532     1977/10     Kifayatullah     Ghulan     GPS Bilot Sharif       533     1408/10     Niaz Din     Ghulan     GPS Manda Din       533     1408/10     Niaz Din     Ghulan     GPS Bilot Sharif       534     1996/10     Iqbal Hassan     Ghulan     GPS Khushrana       535     2635/10     Muhammad     Hassan     GPS Gara Audel       536     1505/10     Kitairat     Ghulan     GPS Gara Audel       537     2037/10     Kitairat     Ghulan     GPS Gara Audel       538     2103/10     Kitairat     Ghulan     GPS Gara Audel       537     2037/10     Kitairat     Ghulan     GPS Gara Audel       538     2103/10     Ghulan     Gibulan     GPS Mara       538     2103/10     Muhammad     Amanullah     GPS Hisan       540     1431/10     Rozi Khan     Abdul     GPS No.2.Kikeri       541     2108/10     Hizbullah     Sheikh Noor     GPS No.2.Kikeri       542     198     Sibul Hassan     Nazar     GPS No.2.Kikeri       544     14399/10     Ghulan     Azum     Mala	530	251			
25.8     1     Mulhammad     Balechan/No.2       537     2351/10     Allah Nuwaz     Haq Nawaz     Dikkinan       533     1408/10     Niaz Din.     Giulam     GPS Bilot Sharif       533     1408/10     Niaz Din.     Ghulam     GPS Milha Pur       534     1996/10     Iqbal Hassan     Ghulam     GPS Kilula Pur       535     2635/10     Mulhammad     GPS Kilulan     GPS Kilular       535     2635/10     Mulhammad     Hamayun     GPS Gara Audal       536     1503/10     Kilurati     Ghulam     GPS Gara Audal       537     2678/10     Ghulam     GPS Chah     Sandita Wala       538     2103/10     Kilurati     Ghulam     GPS Chah       537     2078/10     Ghulam     GPS Chah     Sandita Wala       538     2103/10     Mulhammad     GPS Chah     Sandita Wala       539     2543/10     Mulammad     GPS Chah     Sandita Wala       539     2543/10     Mulammad     GPS Chah     Sandita Wala       541     2108/10     Mulammad     GPS Chah     Sandita Wala       542     198     Sibui Hassan     Abdul     GPS Kiara       541     2108/10     Hizbuilah     Sheih     Sheih <td></td> <td>9/10</td> <td></td> <td></td> <td>GPS Wanda</td>		9/10			GPS Wanda
53/2       2351/10       Allah Nuwaz       Tlaq Nuwaz       Diklinn         532       1977/10       Kifayatullah       Glulan       GPS Bilot Sharif         533       1408/10       Niaz Din,       Ghulan       GPS Mila Pur         534       1996/10       Iqbal Hassan       Ghulan       GPS Khushrana         535       2635/10       Muhammad       Hassan       GPS Khushrana         536       1537       2635/10       Muhammad       Hamayun         537       2635/10       Muhammad       Hamayun       GPS Gara Audal         536       1503/10       Khinini       Ghulan       GPS Gara Audal         537       2078/10       Khulan mad       Ghulan       GPS Gara Audal         538       1003/10       Kuhammad       Ghulan       GPS Gara Audal         538       2103/10       Kuhammad       Ghulan       GPS Gara Audal         538       2103/10       Muhammad       Amanultali       GPS Hisam         539       2543/10       Muhammad       Amanultali       GPS Hisam         540       14317/10       Rozi Khan       Abdul       GPS Hisam         541       2108/10       Hisssan       Mala Khel       Audal				Muhammad	
352     1977/10     Kifayatullah     Glulam     GPS Bilot Sharif       353     1408/10     Niaz Din.     Ghulam     GPS Bilot Sharif       534     1996/10     Iqbal Hassan     GPS Milia Pur       534     1996/10     Iqbal Hassan     GPS Milia Pur       535     2635/10     Mulammad     GPS Gara Audal       536     1503/10     Khairat     Ghulam     GPS Gara Audal       536     1503/10     Khairat     Ghulam     GPS Gara Audal       537     2078/10     Ghulam     GPS Gara Audal     GPS Gara Audal       538     2103/10     Khairat     Ghulam     GPS Gara Audal       537     2078/10     Ghulam     GPS Gara Audal     GPS Gara Audal       538     2103/10     Khairat     Ghulam     GPS Gara Audal       539     2543/10     Muhammad     Hausan     GPS Kiara       539     2543/10     Muhammaz     Haq Nawaz     GPS Hisan       540     1431/10     Rozi Khan     Abdul     GPS Kiara       541     2108/10     Hizbuliah     Sheiki Noor     GPS Kiara       542     198     Sibut Hassan     Nazar     GPS Kikeri       541     2108/10     Hizbuliah     Sheiki Noor     GPS Kiara <tr< td=""><td>\$ 521</td><td>225111</td><td>A 11-1</td><td></td><td></td></tr<>	\$ 521	225111	A 11-1		
332     1977/10     Kifayatullah     Chulam     GPS Bilot Sharif       533     1408/10     Niaz Din.     Chulam     GPS Milia Pur       534     1996/10     Iqbal Hassan     GPS Milia Pur       535     2635/10     Mulammad     Hassan     GPS Khushrane       535     2635/10     Mulammad     Hanayun     GPS Gara Audal       536     153/10     Kluiammad     Hanayun     GPS Gara Audal       537     2078/10     Kluiammad     Hanayun     GPS Gara Audal       535     153/10     Kluiammad     Hanayun     GPS Gara Audal       536     153/10     Kluiammad     Hanayun     GPS Gara Audal       537     2078/10     Kluiammad     Ghulam     GPS Kachi       1     Hassan     GPS Khushrane     GPS Khushrane       538     2103/10     Mulammad     Farid     GPS Makar       539     2543/10     Mulammad     Abdul     GPS Hisan       541     2108/10     Hisasan     Malace Khan     Besharat/Gara       542     198     Sibtul Hassan     Nazar     GPS Khushrana       541     2108/10     Hissan     Mazar     GPS Khushrana       544     1499/10     Shah     Shah     Shah       <				Hag Nawaz	
333     1409/10     Niaz Din.     Hassan     CPS Blot Sharif       534     1996/10     Iqbal Hassan     Ghulann     GPS Khushrana       534     1996/10     Iqbal Hassan     Ghulann     GPS Khushrana       535     2635/10     Muhammad     Hamayun     GPS Khushrana       536     1503/10     Khuirat     Ghulann     GPS Khushrana       537     2635/10     Muhammad     Hamayun     GPS Chah       538     2103/10     Ghulann     GHulann     GPS Chah       538     2103/10     Muhammad     Ghulann     GPS Chah       538     2103/10     Muhammad     Ghulann     GPS Chah       539     2543/10     Muhammad     Amaaullali     GPS Khushrana       538     2103/10     Muhammad     Amaaullali     GPS Khushrana       539     2543/10     Muhammad     Amaaullali     GPS Kiara       540     1431/10     Rozi Khan     Abdul     GPS No.2.Kikeri       541     2105/10     Hizbullah     Shcikh Noor     GPS No.2.Kikeri       542     198     Sibtul Hassan     Navar     GPS Kozhi Zangi       544     1499/10     Ghulann     Azam     Audal       544     1499/10     Ghulann     GPS No.2.Kik	<b>T</b> \$32	2 1977/10	Kifayatullah	and the second	
533     1408/10     Niaz Din.     Ghulam     GPS Mithin Pur       534     1996/10     Iqbal Hassan     Ghulam     GPS Khushrane       535     2635/10     Muhammud     Hassan     GPS Khushrane       536     2635/10     Muhammud     Hamayun     GPS Gara Audal       537     2635/10     Khushrane     GPS Gara Audal       538     1503/10     Khairat     Ghulam     GPS Chah       537     2078/10     Ghulam     GPS Chah       538     2103/10     Khairat     Ghulam       539     2543/10     Muhammaz     Haider       539     2543/10     Muhammaz     Haq Nawaz       539     2543/10     Muhammaz     Haq Nawaz       541     2103/10     Rozi Khan     Abdul       612     GPS No.2, Kikeri     Mada       542     151     Muhammad     Abdul       613     Shah     Shah     Shah       544     1499/10     Hassan     Nazar       547     151     Muhammad     Abdul       547     151     Muhammad     Shah       547     Jasan     Azan       547     Jasan     Azan       547     151     Muhammad     Azan	[				GPS Bilot Sharif
Side     Inits Diff.     Giullann Yasin     GirS Millia Pur Khurd       534     1996/10     Iqbal Hassan     Ghulann Hassan     GPS Khushrang       535     2635/10     Muhammad Waqas     Hanayun Khan     GPS Gara Audal Khan     GMPS Kachi Khan       536     1503/10     Kuirat Hussain     Ghulann Haider     Ghulann Sandha Wala       537     2078/10     Kuirat Hussain     Ghulann Haider     GirS Chah Sandha Wala       538     2103/10     Muhammad Idbal     Ghulann Ghusan     GPS Mila Wala       539     2543/10     Muhammad Idbal     Amanullah     GPS Kiara       539     2543/10     Muhammad Idbal     Amanullah     GPS Kiara       540     1431/10     Rozi Khan     Abdul Majeed Khan     GPS Kiara Besharat/Gara Audal       541     2108/10     Hizbullah     Sheikh Noor     GPS No.2 Kikeri Mala Khel       542     198     Sibtui Hassan Shah     Navar Hussain Shah     GPS No.2 Kikeri Mala Khel       544     1499/10     Ghulain Akher     Mahammad Muhammad     GPS No.2 Kikeri Mala Khel       544     1499/10     Ghulain Akher     Mamdu     GPS No.2 Kikeri Mala Khel       544     1499/10     Ghulain Akher     Mamdu     GPS No.2 Kikeri Mala Khel       544     1499/10     Khan     Ghula	533	1408/10	Ning Din		
5341996/10Iqbal HassanFasimKhurd5352635/10MuhammadHanayunGPS Khushrana5361537/10KhairatGhulamHanayun5372078/10KhairatGhulamGPS Khushrana5382103/10KhairatGhulamGPS Khushrana5382103/10KhairatGhulamGPS Khushrana5392543/10MuhammadGhulamGPS Hisam5392543/10MuhammazHaq NawazGPS Hisam5401431/10Rozi KhanAbdulGPS Kiara5412108/10HizbuilahSheikh NoorGPS No.2.Kikeri542198Sibtui HassanNazarGPS No.2.Kikeri5441499/10ShahMuhammadGPS Basti Zangi5441499/10GhulamGPS KhanGPS Khushrana543151MuhammadMuhammadGPS Basti Zangi5441499/10GhulamManulGPS Lar5441499/10GhulamManulGPS Lar5441880/10Kashini KhanGhazi KhanGPS Lar5441880/10Kashini GulGul BazGPS Tube Well5452339/10Kashini KhanGhazi KhanGPS Tube Well5461880/10Kashini KhanGhazi KhanGPS No.1 Maddi5471880/10Kashini KhanShahGPS No.1 Maddi5481881/10Abdul MajeedAbdulGPS No.1 Maddi549NilKamir				Ghulam	GPS Mithe Due
IChultan HasanGPS Khushrana5352635/10Muhammad WaqasHasan KhanGPS Gara Audal /GMPS Kachi khel5361503/10Khairat Hussain HasanGitalam Haider CiPS Chah Sandila WalaGPS Chah Sandila Wala5372078/10Ghulam JetniGhulam ParidGPS Kachi khel5382103/10Muhammad Idbain I dpalGhulam ParidGPS Kiasa5392549/10Muhammaz MuhammazHaq NawazGPS Hisam5401431/10 Rozi KhanAbdul Majeed KhanGPS Kiara Besharat/Cara AudalGPS Kiara Besharat/Cara Audal5412108/10HizbullahSheikh Noor Ud Din Mala KhelGPS Khushrana542198 Sibtui Hassan ShahNazar Hussain ShahGPS Lar5441499/10Ghulam AkhterGPS Lar5441499/10Khuhammad HussainGPS Lar5441499/10Ghulam AzamGPS Lar5441499/10Kashiri KhanGhai Hussain5462309/10Irshad HussainGPS Lar5471880/10Kashiri KhanGhai Khel5481881/10Abdul HussainGPS Tube Well R/khan5471880/10Kashiri GulGul Baz Khan5481881/10Abdul MajeedAbdul Hanced549NilKama KhanSuleman GPS Tube Well R/khan540NilAbdur RashidNoor541Kashi	574	100000		Yasin	Shord Khord
535     2635/10     Muhammad Waqas     Hassan     OFS Gara Audal /GMPS Kachi       536     1503/10     Khairat Hussain     Ghulam     GPS Gara Audal /GMPS Kachi       537     2078/10     Khairat Hussain     Ghulam     Ghulam       638     2103/10     Khairat Hussain     Ghulam     Ghulam       638     2103/10     Muhammad Idami     Ghulam     Gibs Makar       538     2103/10     Muhammad Idami     Amanullali     GPS Hisan       538     2103/10     Muhammad Idami     Amanullali     GPS Hisan       539     2543/10     Muhammaz Haq Nawaz     Haq Nawaz     GPS Jhoke Lal       540     1431/10     Rozi Khan     Abdul Majed Khan     GPS Kiara Besharu/Gara Audal       541     2108/10     Hizbuliah     Sheiki Noor     GPS No.2.Kikeri Mala Khel       542     198     Sibtui Hassan Y10     Shah     Nazar Hussain     GPS Khushrana       544     1499/10     Ghulam Janal     Azan Hussain     GPS Shati Zangi Wali       544     1499/10     Ghulam Hussain     Ghzi Khan     GPS Shati Zangi Wali       544     1499/10     Kashir Khan     Ghzi Khan     GPS Nazi Abad Hussain       544     1499/10     Kashir Gul     Ghzi Khan     GPS Nazi Abad Hussain <t< td=""><td>, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,</td><td></td><td>Igbal Hassan</td><td>Ghulam</td><td></td></t<>	, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		Igbal Hassan	Ghulam	
10       2033/10       Mithannad       Hamayun       GPS Gara Audal         536       1503/10       Khairat       Ghutam       Khan       Khan         536       1503/10       Khairat       Ghutam       Khan       Khairat         537       2078/10       Ghutam       Ghutam       Ghutam       Ghutam         538       2103/10       Muhammad       Ghutam       Gibutam       Gibutam         538       2103/10       Muhammad       Ghutam       Gibutam       Gibutam         539       2543/10       Muhammaz       Haq Nawaz       GPS Kiara       Besharat/Gara         540       1431/10       Rozi Khan       Abdul       Majeed Khan       Besharat/Gara         541       2108/10       Hizbullah       Sheikh Noor       GPS Kiara       Besharat/Gara         542       198       Sibtul Hassan       Nazar       GPS Basti Zangi       GPS Khushrana         543       151       Muhammad       Muhammad       GPS Lar       Mala         544       151       Muhammad       Mamdu       GPS Lar       Mala         545       2335/10       Kashnir Khan       Ghazi Khan       GPS Lar       GPS Lar         546					GPS Khushrane
AdapsKhanContraction3361503/10KhairatGhulamKhan3372078/10GhulamGhulamGhulamJelaniParidGhulamGhulamJelaniParidGhulamJohnGhulamGhulamJohnGhulamGhulamJelaniParidGhulamJohnMuhammadJohnMuhammadJavazHaq NawazGPS Jhoke LalGPS KiaraS401431/10Rozi KhanAvazAbdulGPS No.2.KikeriMayazSibtul HassanS412108/10HizbullahSheikh NoorGPS No.2.KikeriMuhammadMuhammadS43Sibtul HassanS441499/10JamalAuamS44I499/10GhulamGhazi KhanGPS KariManduS44IssainS44IssainS44IssainS44IssainS44IssainS44GhulamGPS KariS481881/10Kashif GulGhazi KhanGPS Nazi AbadS48Shif GulS49NilKamar KhanShifS49NilS40Kashif GulS40NourS41Shif GulS42ShifS44Shif GulS45SilemaS46SilemaS47Kashif GulS4	1 5.55	2635/10	Muhammad		
336       1505/10       Khairat       Ghulam       Ghulam         337       2078/10       Ghulam       Ghulam       GPS Chah         338       2103/10       Muhammad       Ghulam       GPS Makar         338       2103/10       Muhammad       Amanullah'       GPS Makar         539       2543/10       Muhammaz       Haq Nawaz       GPS Hisam         540       1431/10       Rozi Khan       Abdul       GPS Kiara         541       2108/10       Hizbuliah       Sheikh Noor       GPS Nazar         542       198       Sibtul Hassan       Nazar       GPS Khushrana         543       151       Muhammad       Sheikh Noor       GPS No.2,Kikeri         544       1499/10       Ghulam       Shah       Mazar         543       151       Muhammad       Muhammad       GPS Basti Zangi         544       1499/10       Ghulam       Azam       Wali         545       2335/10       Kashmir Khan       Ghazi Khan       GPS Basti Zangi         546       2309/10       Irshad       Azam       Wali       GPS Mazi Abad         547       1880/10       Kashir Gul       Ghazi Khan       GPS Ninzi Abad      <	1		Waqas		GPS Gara Audal
iHussainChulam HaiderGPS Chah Sundila Wala GiPS Makar5372078/10Ghulam JelaniGhulam FaridGiPS Makar5382103/10Muhammad IqbalAmanullah'GPS Hisam5392543/10Muhammaz NawazHaq NawazGPS Hisam5401431/10Rozi KhanAbdul Majeed KhanGPS Kiara Besharat/Gara Audal5412108/10HizbullahSheikh Noor Ud DinGPS No.2.Kikeri Mala Khel542198Sibtul Hassan Sibtul HassanNazar Hussain ShahGPS Kushrana GPS Khushrana543151Muhammad AzamGPS Basti Zangi Wali5441499/10Ghulam HussainGPS Basti Zangi Wali5452335/10Kashmir KhanGhazi Khan5462309/10Irshad HussainGhazi KhanGPS Niazi Abad5471880/10Kashmir KhanGhazi Khan5481881/10Abdul MajeedAbdul HussainGPS Niazi Abad549NilKamran KhanSuleman549NilKamran KhanSulemanGPS Tube Well R/khan540NilKhanSulemanGPS Tube Well R/khan5411880/10KhanSulemanGPS Tube Well R/khan			1	is nam	/GMPS Kachi
iHussainUnitam HaiderGPS Chah Sandila Wala GPS Makar5372078/10Ghulam JelaniGhulam ParidGPS Makar5382103/10Muhammad IqbalAmanullah'GPS Hisam5392543/10Muhammaz NawazHaq NawazGPS Hisam5401431/10Rozi KhanAbdul Majeed KhanGPS Kiara Besharat/Gara Audal5412108/10HizbullahSheikh Noor Ud DinGPS No.2.Kikeri Mala Khel542198Sibtul Hassan Muhammad 10Nazar Hussain Mala KhelGPS Basti Zangi Wali543151Muhammad AzamGPS Basti Zangi Wali5441499/10Ghulam AkhterGhazi KhanGPS Basti Zangi Wali5452335/10Kaslimir KhanGhazi KhanGPS Nazi Abad5461880/10Kaslimir KhanGhazi KhanGPS Nazi Abad5471880/10Kaslimir KhanGhazi KhanGPS Nazi Abad5481881/10Abdul MajeedAbdul HussainGPS Tube Well R/khan549NilKamran KhanSuleman GPS Tube Well R/khan549NilKamran KhanSuleman Suleman540NilAbdul MajeedAbdul Hameed5411880/10KhanGPS Tube Well R/khan	\$36	1503/10	Khairat		khel
537       2078/10       Ghulam Jelani       Hader Ghulam       Sandila Wala GPS Makar         538       2103/10       Muhammad Iqbal       Amanullah       GPS Hisan         539       2543/10       Muhammaz Nawaz       Haq Nawaz       GPS Hisan         540       1431/10       Rozi Khan       Abdul Majeed Khan       GPS Kiara Besharat/Gara Audal         541       2108/10       Hizbullah       Sheikh Noor Ud Din       GPS No.2.Kikeri Mala Khet         542       198       Sibtul Hassan 7/10       Shah       Nazar Hussain       GPS Khushrana         5441       1499/10       Ghulam Jamal       Muhammad Muhammad Muhammad       GPS Basti Zangi Wali       GPS Basti Zangi Wali         544       1499/10       Ghulam Akhter       Mamdu       GPS Inazi Abad         544       1499/10       Ghulam Akhter       Mamdu       GPS Nazi Abad         544       1499/10       Ghulam Akhter       Ghazi Khan       GPS Nazi Abad         546       2309/10       Irshad Hussain       Ghazi Khan       GPS Tube Well R/khan         548       1881/10       Abdul Majeed       Abdul Hameed       GPS No. 1 Maddj         549       Nil       Kaman Khan       Suleman Khan       GPS No. 1 Maddj					GPS Chah
JetamiChutamGiPS Makar5382103/10Muhammad I (qbat)AmanullahiGiPS Hisam5392543/10Muhammaz NawazHaq NawazGPS Hisam5401431710Rozi KhanAbdul Majeed KhanGPS Kiara Besharat/Gara Audal5412108/10HizbullahSheikh Noor Ud DinGPS Kiara Besharat/Gara Audal542198 Sibtul HasanSheikh Noor Ud DinGPS Ko.2.Kikeri Mala Khel543151 J/10Muhammad JamalMuhammad Mazar5441499/10Ghulam AkhterMamdu5452335/10Kashmir KhanGhazi Khan5462309/10Irshad HussainShahGPS Tube Well R/khan5471880/10Kashmir KhanGul Baz MamadGPS Tube Well R/khan5481881/10Abdul MajeedAbdul HussainGPS Tube Well R/khan549NilKamran KhanSuleman SulemanGPS No.1 Maddi540NilAbdur RashidNoor SulemanGPS No.1 Maddi	537	2078/10			Sandila Wala
538       2103/10       Muhammad Iqbal       Amanullah       GPS Hisam         539       2543/10       Muhammaz Nawaz       Haq Nawaz       GPS Jhoke Lal         540       1431/10       Rozi Khan       Abdul Majeed Khan       GPS Kiara Besharat/Gara Audal         541       2108/10       Hizbullah       Sheikh Noor       GPS No.2.Kikeri Mala Khel         542       198       Sibtul Hassan       Nazar Nazar       GPS No.2.Kikeri Mala Khel         7/10       Slash       Nazar Hussain       GPS Rozi Zangi         543       151       Muhammad Jamal       Muhammad Muhammad       GPS Basti Zangi         544       1499/10       Glulam       Azam       GPS Lar         545       2335/10       Kashmir Khan       Ghazi Khan       GPS Lar         546       2309/10       Irshad Hussain       Ghazi Khan       GPS Tube Well R/khan         547       1880/10       Kashnir Khan       Ghazi Khan       GPS Tube Well R/khan         548       1881/10       Abdul Majeed       Abdul Hameed       GPS No. 1 Maddi         549       Nil       Kamran Khan       Suleman       GPS No. 1 Maddi					GPS Makar
AmanullahAmanullahGPS Hisam5392543/10Muhammaz NawazHaq NawazGPS Hisam5401431/10Rozi KhanAbdul Majeed KhanGPS Kiara Besharat/Gara Audal5412108/10HizbullahSheikh Noor Ud DinGPS No.2 Kikeri Mala Khel542198Sibtul Hassan ShahNazar HussainGPS Khushrana543151Muhammad AzamGPS Basti Zangi Wali5441499/10Ghulain AkhterMandu5452335/10Kashmir KhanGhazi Khan5462309/10Irshad HussainGhazi Khan5471880/10Kashnir GulGul Baz5481881/10Abdul MajeedAbdul Hameed549NilKamran KhanSuleman Gul Gul Gul Gul Baz549NilKamran KhanSuleman Hameed540NilAbdul MajeedAbdul Hameed5431881/10Abdul MajeedAbdul Hameed5441499/10Kashif GulGul Baz5451881/10Abdul MajeedAbdul Hameed5471880/10Kashif GulGul Baz5481881/10Abdul MajeedAbdul Hameed549NilKamran KhanSuleman Khan540NilAbdur RashidNoor541Abdur RashidNoor542ON Haddii543188544Khan545188546188<	538	2103/10		a second de la constante de la	
5332543/10Muhammaz NawazHaq NawazGPS Jhoke Lal5401431/10Rozi KhanAbdul Majeed KhanGPS Kiara Besharat/Gara Audal5412108/10HizbullahSheikh Noor Ud DinGPS No.2.Kikeri Mala Khel542198Sibtul Hassan ShahNazar Hussain ShahGPS Khushrana543151Muhammad JamalMuhammad AzamGPS Basti Zangi Wali5441499/10Ghulam AkhterManduGPS Lar5452335/10Kashmir KhanGhazi KhanGPS Niazi Abad5462309/10Irshad HussainGul BazGPS Tube Well R/khan5481881/10Abdul MajeedAbdul HannalGPS Tube Well R/khan549NilKamran KhanSuleman KhanGPS Niazi Abad549NilKamran KhanSuleman KhanGPS No.1 Maddi540NilAbdur RashidNoorGPS Kari				Amanullah	GPS Mirrow
NawazHaq NawazGPS Jhoke Lal5401431/10Rozi KhanAbdul Majeed KhanGPS Kiara Besharat/Gara Audal5412108/10HizbullahSheikh Noor Ud DinGPS No.2.Kikeri Mala Khel542198 Sibtul Hassan ShahSibtul Hassan Hussain ShahGPS Khushrana543151 JamalMuhammad Azum MuhammadGPS Basti Zangi Wali5441499/10 JamalGhulam AkhterMandu5452335/10Kashmir KhanGhazi Khan5462309/10 HusssainShah HussainGPS Niazi Abad5471880/10Kashif GulGul Baz HussainGPS Tube Well R/khan5481881/10Abdul HamedGPS Tube Well R/khan549NilKamran KhanSuleman KhanGPS No.1 Maddi530NilAbdur RashidNoorGPS Kari	1 531)	2542/10			si o mani
5401431/10Rozi KhanAbdul Majced KhanGPS Kiara Besharat/Gara Audal5412108/10HizbullahShcikh Noor Ud DinGPS Kiara Besharat/Gara Audal542198Sibtul HassanNazar HussainGPS Ko.2.Kikeri Mala Khel543151Muhammad JamalNazar HussainGPS Basti Zangi Wali5441499/10Ghulam AkhterManduGPS Basti Zangi Wali5442335/10Kashmir KhanGhazi KhanGPS Niazi Abad5452335/10Kashmir KhanGhazi KhanGPS Niazi Abad5471880/10Kashif GulGul BazGPS Tube Well R/khan5481881/10Abdul MajeedAbdul HameedGPS Tube Well R/khan549NilKamran KhanSuleman KhanGPS No.1 Maddli540NilAbdur RashidNoor KhanGPS Kari		2343/10		Hag Nawaz	CDC PL-1
Abdul Majeed KhanAbdul Majeed KhanGPS Kiara Besharat/Gara Audal5412108/10HizbullahSheikh Noor Ud DinGPS No.2.Kikeri Mala Khel542198Sibtui Hassan ShahNazar HussainGPS No.2.Kikeri Mala Khel543151Muhammad JamalShah5441499/10Ghulam AkhterMandu5452335/10Kashmir KhanGhazi Khan5462309/10Irshad HussainShah5471880/10Kashif GulGul Baz5481881/10Abdul MajeedAbdul Hameed549NilKamran KhanSuleman Khan550NilAbdur RashidNoor Klan	540	1421410			OFS JHOKE LAI
5412108/10HizbullahMajeed KhanOP's Kiara Besharat/Gara Audal542198Sibtul Hassan ShahSheikh Noor Ud DinGPS No.2.Kikeri Mala Khel543151Sibtul Hassan JamalNazar Hussain ShahGPS Khushrana5441499/10Ghulammad AkherAzam MamduGPS Lar Wali5441499/10Ghulam KherGhazi KhanGPS Niazi Abad Hussain5441499/10Ghulam Kashmir KhanGhazi KhanGPS Niazi Abad Hussain5452335/10Kashmir KhanGhazi KhanGPS Niazi Abad Hussain5462309/10Irshad HussainShahGPS Tube Well R/khan5481881/10Abdul MajeedAbdul HameedGPS Tube Well R/khan549NilKamran KhanSuleman KhanGPS No.1 Maddi550NilAbdur RashidNoorGPS Kari	1,240	1431/10	Rozi Khan	Abdut	
5412108/10HizbullahSheikh Noor Ud DinGPS No.2.Kikeri Mala Khel542198 7/10Sibtul Hassan ShahNazar Hussain ShahGPS No.2.Kikeri Mala Khel543151 9/10Muhammad JamalMuhammad Azam MuhammadGPS Basti Zangi Wali5441499/10 AkhterGhazi KhanGPS Lar Hussain GPS Niazi Abad5452335/10 Kashmir KhanGhazi KhanGPS Niazi Abad5462309/10 Hishad Hussain Stafi GulShah GPS Tube Well R/khanGPS Tube Well R/khan5481881/10 Abdul MajeedAbdul HameedGPS Tube Well R/khan549NilKamran KhanSuleman KhanGPS No.1 Maddi550NilAbdur RashidNoor MoreGPS Kari			1		GPS Kiara
542198 7/10Sibtul Hassan ShahSheikh Noor Ud DinGPS No.2.Kikeri Mala Khel543151 9/10Muhammad JamalNazar Hussain ShahGPS Khushrana5441499/10 Ghulam AkhterMuhammad AzamGPS Basti Zangi Wali5452335/10 HissainKashmir KhanGhazi Khan5462309/10Irshad HussainShah5471880/10Kashmir GulGul Baz5481881/10Abdul MajeedAbdul Hameed549NilKamran KhanSuleman KhanGPS No.1 Maddi Suleman550NilAbdur RashidNoorGPS Kari				indjeed ((hal)	Besharat/Gara
542198 7/10Sibtul Hassan ShahNazar Hussain ShahGPS No.2.Kikeri Mala Khel541198 7/10Sibtul Hassan ShahNazar Hussain ShahGPS Khushrana543151 1 JamalMultammad Azam Muhammad AzamGPS Basti Zangi Wali544I499/10 JamalGhulain AkhterMuhammad Muhammad Mandu5452335/10 Kashmir KhanGhazi Khan HussainGPS Lar5462309/10 Irshad HussainShah HussainGPS Maizi Abad GPS Maizi Abad5471880/10 Kashif GulGul Baz HussainGPS Tube Well R/khan5481881/10 MilAbdul MajeedAbdul HameedGPS No.1 Maddi549NilKamran KhanSuleman KhanGPS No.1 Maddi550NilAbdur RashidNoor MoorGPS Kari	241	2108/10	Hizbullah	Shaikh M	
542198 7/10Sibtul Hassan ShahNazar Hussain ShahMala Khel543151 9/10Muhammad JamalMuhammad AzamGPS Basti Zangi Wali5441499/10 AkhterGhulam AkhterManduGPS Lar5452335/10Kashmir KhanGhazi KhanGPS Niazi Abad5462309/10 HussainIrshad HussainGPS Miazi Abad5471880/10Kashif GulGul Baz Gul BazGPS Tube Well R/khan5481881/10Abdul MajeedAbdul HameedGPS No. 1 Maddii549NilKamran KhanSuleman KhanGPS No. 1 Maddii					GPS No.2.Kikeri
7/10ShahNazar HussninGPS Khushrana543151Muhammad JamalShahGPS Basti Zangi Wali5441499/10Ghulain AkhterMamduGPS Basti Zangi Wali5452335/10Kashmir KhanGhazi KhanGPS Niazi Abad5462309/10Irshad HusssainShahGPS Miazi Abad5471880/10Kashif GulGul BazGPS Tube Well R/khan5481881/10Abdul MajeedAbdul HameedGPS Takeen549NilKamran KhanSuleman KhanGPS No. 1 Maddi550NilAbdur RashidNoorGPS Kari	542		Sibtul Hassan		Mala Khel 🤞
JameProssin343151MuhammadShah9/10JamalAzamWali3441499/10Ghulam AkhterMamdu3452335/10Kashmir KhanGhazi Khan3462309/10Irshad HussainShah GPS Niazi Abad3471880/10Kashif GulGul Baz3481881/10Abdul MajeedAbdul Hameed349NilKamran KhanSuleman KhanGPS No. 1 Maddi350NilAldur RashidNoorGPS Kari	·				GPS Khushrana
101Muhammad JamalMuhammad AzamGPS Basti Zangi Wali5441499/10Ghulam AkhterMamduGPS Lar5452335/10Kashmir KhanGhazi KhanGPS Niazi Abad5462309/10Irshad HussainShah HussainGPS Mala Khel5471880/10Kashif GulGul BazGPS Tube Well R/khan5481881/10Abdul MajeedAbdul HameedGMPS Takeen549NilKamran KhanSuleman KhanGPS No. 1 Maddi550NilAbdur RashidNoor Mohren deGPS Kari		·			
i9/10JamalMuhammad AzamGPS Basti Zangi Wali5441499/10Ghulam AkhterMamduGPS Lar5452335/10Kashmir KhanGhazi KhanGPS Niazi Abad5462309/10Irshad HussainShah HussainGPS Miazi Abad5471880/10Kashif GulGul BazGPS Tube Well R/khim5481881/10Abdul MajeedAbdul HameedGMPS Takeen549NilKamran KhanSuleman KhanGPS No. 1 Maddi550NilAbdur RashidNoor Mohren deGPS Kari	.543	151	Muhammad		
546     2309/10     Irshad     Shah     GPS Nilazi Abad       547     1880/10     Kashif Gul     Gul Baz     GPS Tube Well       548     1881/10     Abdul Majeed     Abdul     R/khan       549     Nil     Kamran Khan     Suleman     GPS No. 1 Maddi       550     Nil     Abdur Rashid     Noor     GPS Kari	i				GPS Basti Zanci
546     2309/10     Irshad     Shah     GPS Nilazi Abad       547     1880/10     Kashif Gul     Gul Baz     GPS Tube Well       548     1881/10     Abdul Majeed     Abdul     R/khan       549     Nil     Kamran Khan     Suleman     GPS No. 1 Maddi       550     Nil     Abdur Rashid     Noor     GPS Kari	541			Azam	Wali
546     2309/10     Irshad     Shah     GPS Nulazi Abad       547     1880/10     Kashif Gul     Gul Baz     GPS Tube Well       548     1881/10     Abdul Majeed     Abdul       549     Nil     Kamran Khan     Suleman       550     Nil     Abdur Rashid     Noor	- • •	+-22110		Mamdu	CDS Law
546     2309/10     Irshad     Shah     GPS Nulazi Abad       547     1880/10     Kashif Gul     Gul Baz     GPS Tube Well       548     1881/10     Abdul Majeed     Abdul       549     Nil     Kamran Khan     Suleman       550     Nil     Abdur Rashid     Noor	545	2225410			Vistar M.
546     2309/10     Irshad     Shah     GPS Nulazi Abad       547     1880/10     Kashif Gul     Gul Baz     GPS Tube Well       548     1881/10     Abdul Majeed     Abdul       549     Nil     Kamran Khan     Suleman       550     Nil     Abdur Rashid     Noor			Kashmir Khan	Ghazi Khan	135
Shah     GPSMala Khel       547     1880/10     Kashif Gul     Gul Baz     GPS Tube Well       548     1881/10     Abdul Majeed     Abdul Hameed     GMPS Takeen       549     Nil     Kamran Khan     Suleman Khan     GPS No. 1 Maddi       550     Nil     Abdur Rashid     Noor     GPS Kari	546	2309/10	Irshad		OPS Niazi Abad
547     1880/10     Kashif Gul     Fussain       548     1881/10     Abdul Majeed     Gul Baz     GPS Tube Well R/khan       549     Nil     Kamran Khan     Suleman Khan     GPS No. 1 Maddi       550     Nil     Abdur Rashid     Noor     GPS Kari	1	-			GPSMala Khel
548     1881/10     Abdul Majeed     Abdul Majeed     Abdul Hameed       549     Nil     Kamran Khan     Suleman Khan     GPS No. 1 Maddi       550     Nil     Abdur Rashid     Noor     GPS Kari	547	1880/10			C. C.
548     1881/10     Abdul Majeed     Abdul Hameed     R/khan       549     Nil     Kamran Khan     Suleman Khan     GMPS Takeen       550     Nil     Abdur Rashid     Noor     GPS No. 1 Maddi			Contracting	Gul Baz	GPS Tubo Well
549     Nil     Kamran Khan     Suleman Khan     GPS No. 1 Maddi       550     Nil     Abdur Rashid     Noor     GPS Kari	548	1881/10	A.L. 1. 1. 1.		R/khun
549     Nil     Kamran Khan     Hameed     CMPS Takeen       550     Nil     Abdur Rashid     Noor     GPS No. 1 Maddi	· · ·	1001/10	Abdul Majeed	Abdul	
Stole     Kinan     Suleman     GPS No. 1 Maddi       550     Nil     Abdur Rashid     Noor     GPS Kari	510	<u></u>			UMPS Takeen
Storeman     GPS No. 1 Maddi       550     Nil     Abdur Rashid       Noor     GPS Kari	J49   ]	וואנ	Kamran Khan		
550 Nil Abdur Rashid Nour GPS Kari			_		GPS No .1 Maddi
GPS Kari	550   ]	Nil	Abdur Rashid		
					GPS Kari
				Muhammad	

ł

Ŀ

42

i

P				
	1 1	19 19 - 20 19 - 20 19 - 20 19 - 20 20 20 20 20 20 20 20 20 20 20 20 20 2		(4)
93	2127/10	head		Chah Pai Wala
<i>.</i>	212//10	Mazhart Abbass	Sohna Khan	GPS Chah
94	Nil	Asmat Ullah		Hussain Khan
		Lashari	Atta	GPS Sakandar
95	Nil	Muhammad	Muhammad	Junabi
¥		Aslam	Haq Nawaz	GPS Shala
696	2045/10	Muhammad		Sharif/Moga
		Amjad Khan	_ Hayat.	GPS Muchi Wal/
97	1797/10	Ishfaq Ahmad	Faizuliah	Gandi Ashiq
		Faiz	r arzunali	GPS Bali
	0.005	· · · · ·		Wala/Ratta
e*	3087/10	Munawar	Ghuam	Kulachi .
	,	Hussain	Qasim	GPS Kiara
			2.00mm	Besharat.
_	2205/10			Appointed by
	2305/10	Tariq Hussain	Allah Nawaz	Transfer
··:	NPI			GPS Kalu
_	Nil	Shoukat Ali	Rustam Khan	Qalander
01	Nil	Muhammad	Zawar	GPS Hassani
		Taqi Shah	Zawar Hussain	GPS Kachi Baqar
			Shah	·
02	2525/10	Muhammad	Muhammad	
		Rashid	Bakhsh .	GPS
	2806/10	Ghulam Baho	Ghulam	Teekan/Kurai
			Hussain	GPS Wanda
_	<u>!</u>	····		Shesha / No.1
	Nil	Mehmoob	Raza	Paharpur
	<u> </u>	Ellahi	Muhammad	GPS Haji Khel
05	1885/10	Muhammad	Mumtaż	
<u> </u>	!	Imran	Khan	GPS No.3
06	2013/10	Muhammad	Muhamad	DIKhan
<u> </u>		Ibrahim	Nawaz	GPS Aman Abad
	26	Muhammad	Muhammaz	
00	00/10	Ramzan	Ayaz	GPS Tube Well
08		Ghulam	Fazal Elahi	Noor Alam
no. 1	1454	Abbas		GPS Mithpur
繟.	1454	Muhammad	Ghulam	Khurd
<u> </u>	<u>111</u>	Gulzar	Sarwar	GPS Gandi Ashiq

EXECUTIVE DISTRICT OFFICER (È&SE) D.I.Khan

EXECUTIVE DISTRICT OF (E&SE) D.I.Khan

SIRC

Dated D.I.Khan the 08/2 12012

Ends No. <u>00/ - 7/3/</u> Dat
Dopy for information to:
1. P.S to Secretary (E&SE) KPK.
2. P.A to Director (E&SE) Peshawar.
3. District Coordination Officer D.I.Khan.
4. District Officer (E&SE) (M/F) D.I.Khan
4. All concerned

5 All concerned.

Westy T

26



### The Director,

Elementary & Secondary Education

Khyber Pakhtun Khaw

Peshawar.

Through: Proper Channel.

### Subject: DEPAETMENTAL APPEAL AGAINST ILLEGAL VERBAL

#### TERMINATION FROM SERVICE

Respected Sir,

The appellant humbly submits as under:

- 1. That the appellant being eligible and having required qualification was appointed by the Executive District Officer, Elementary & Secondary Education D.I.Khan after due course/ process of recruitment.
- 2. That, after furnishing Medical Fitness Certificate and taking over the charge of said post, the appellant started performing her official duties regularly with due diligence, care devotion and to the satisfaction of superiors and leave no stone unturned in performance of his/her official duties.
- 3. That during the period the services rendered by the appellant remained up-to the mark and no deficiency, inefficiency, negligence or irregularity of the appellant was reported.
- 4. That, due to the political influence, some inquiries were conducted and during course of such inquiries appellant was no served with any notice, whatsoever, not appellant was given any opportunity of hearing. Thus, the appellant condemned un-heard and thereafter, the DCO D.I.Khan terminated the teachers being appointed in the year 2007 and the E.D.O D.I.Khan Elementary & Secondary Education D.I.Khan.
- 5. That feeling aggrieved from the illegal termination orders of E.D.O.D.I.Khan, the appellant filed an appeal along with others before learned Service Tribunal, who after hearing the counsel for the parties, accepted the appeal of some appellants on 27-10-2011 with the direction that qualification of the appellants have been checked.
- 6. That secretary education conducted so called inquiry, inviting the appellant in circuit house D.I.Khan and Clerk of education department provided a Proforma, which were filled by the appellant and submitted it to the same clerk. The Proforma contain inquiry regarding qualification of the appellant in which no show cause was given nor it contained charges of allegation on the appellant.
- 7. That secretary education after inquiry, recommended termination of all teachers which were appointed in 2007 and on such recommendation E.D.O D.I.Khan verbally informed the court during the proceeding of implementation of the judgment that he terminated the all the teacher who were present in the inquiry but did not issue any termination order nor same was received to the appellant. Feeling aggrieved from the



1-44

situation, the appellant filed writ petition regarding issuance of termination order, in which direction was issued by the Hon.ble court on 14.05.2015 that termination orders passed by the department be provided to the petitioners. It is also evident from the combined termination orders of the 1691 teachers that it was not signed by the EDO but stamped signatures were shown on the termination orders. The combined termination order has no sanctity in eyes of law. It is also evident from the department record that termination orders were not issued to the appellant.

8. That feeling aggrieved from the illegal termination order, appellant filed this departmental appeal.

9. That education official did not issue any charge sheet, nor issue any show cause notice but provided a Performa which did not contained any allegation regarding inquiry. The inquiry was conducted only for checking of qualification of all civil servants which were terminated.

> In wake of above submissions, it is respectfully prayed that on acceptance of instant appeal, the termination orders may please be set aside and appellant may graciously be re-instated with all back/ future benefits.

Your Honorable Appellant I'v believer beli white in believer

1) Copy to the sectory elemantry and secondary reducation K.P.K Peshawar.



		fe 
	Roll No. 12809	
		•
	er and	
	Nº 000981 OTHERMEDIATE AND SECONDAR OTHERMEDIATE AND SECONDAR EUG	· · ·
	CRNIL & VOA	
		، بهد ایر به ا
		•
	Bannu N.W.F.P. Pakistan	· ,
	Secondary School Certificate Examination	۲. ۲.
	SESSION ANNUAL/SUGP. 1991	
	THIS IS TO CERTIFY THAT Allah Nawaz Khen	1 dani
	Son/Daughter Hag Nawaz Khan	f and a
1 Ammarg	and a student of University Wensam College Gomal University DIKhan.	Maria da Cara
1. July - P	has passed the Secondary School Certificate Examination	
	of the Board of Intermediate and Secondary Education, Bannu.	f . C
	as a REGULAR candidate. He/She obtained 418 Marks out of 850	
	and has been place in Grade D Representing Fair	
	The Candidate passed in the following subjects. 1. English 3. Islamiyat 5. Physics 7. Chemistry	1
	2. Urdu 4. Pakistan Studies 6. Biology 8. Mathematics	
	He/She has been awarded Grade C on the basis of internal	1
	assessment by the Institution concerned.	
	Date of birth according to admission form is <u>Fifteenth April</u> , one thousand nine hundred and <u>Seventy Four (15-04-1974</u> )	C.C
Contract P	Asst. Secretary This centificate is issued without alteration of erasure. Chain Secretary	1.
000	perpending parties the list in the	
	<ul> <li>An and the production of the second se</li></ul>	, , , , , ,
<b>!</b>		
`	And the	
	·	

بسيم الله الرجس أرتجسي د مبطریش فبر 0729- این ڈی این -94 من الفران الوجن من المراجب <u>نميرشمار 51334</u> 6428878 ځې رول منبر _ الم الم الم 5 **1**995 تصدیق کی جاتی۔ سے کہ الله نواز خان ین/بیت حق نواز خان بالمرى تتحب ممر شيك ط مندرج ذيل كورسزياس كد كے حاصل كيا ہے۔ ساكن /حوبہ سرهت . حاصل *ک*رده منبر /<u>ز</u> 85 <u>کور</u> حاصل کودہ منبر **بز** . كودس كور كورس ۲۱۷. تدرس اددو. وركتاب وتدريسي متنن 911. 61 اصول تعليم 69 ۹۱۸ تدریس ریاضی 411 63 تعليمى نفسيات 50 ٩١٩ ندري سائتن وشماني تعليم 4100 57 تنظيم حررسه ١٢٠ تدرين اسلاميات ومعانشرتي علوم 52 710 58 السكول تميونني ادرعملى فنوت 70 414 5 65 // 900 طالب علم في فجو محد مديد بي بي سي بروكرام مي فيصد لمبراور __ گریڈی کامیانی حاصل کی ۔ 63 جى ايكم أيريث ، 1996م كنظرولرامتحانات (يەسىدىنجىركىي نىتان دىنىپخىكىجار) گىئ)

	VAKALATNAMA
	COURT OF K. P.K. Service TSilunal Campolikhan
1	Allah Narrow ERSUS
SUIT/OI	FICE. HppCal
I/WE	Phpellands
The abov	ve namedhereby appoint
	IMAD ANWAR AWAN ADVOCATE, HIGH COURT D.I.Khan, in the above mentioned case to of the following acts, deeds and things.
1.	To appear, act and plead for me/us in the above mentioned case in this court/tribunal in which the same may be tried or heard or any other proceedings out of our connected therewith.
2.	To sign and verify and file or withdraw all proceedings, petitions, appeals, affidavits, and applications for compromise or withdrawal, or for the submission to arbitration of the said case or any other documents, may be deemed necessary or advisable by them by the conduct, prosecution or defense of the said case at all its stages.
3.	To receive payments of and issue receipts for all moneys that may be or become due and payable to us during the course on conclusion of the precedings. To do all other acts and things, which may deemed necessary or advisable during the court of Proceedings.
	AND hereby agree:
<b>a</b> )	To ratify whatever advocates may do the proceedings.
b)	Not to hold the advocates responsible if the said case be proceed ex-parte or dismissed in default in consequence of their absence form the court when it is called for hearing.
c)	That the advocates shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remain UN-paid.
d)	That advocates may be permitted to argue any other point at the time of arguments.
	In witness whereof I/we have signed this vakalatnama here under the contents of which have been read / explained to me/us fully understood by me/us this.
Date/	1-10-15 010 mm
	$\sim 1/1/1/0.84/1/$
Accept	ed by: Signature of executant (s)
ADVOC HIGH C Distt: Co	

### BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. 1137/2015

VS

Allah Nawaz

#### Government of KPK

### JOINT PARAWISECOMMENTS ON BEHALF OF RESPONDENTS

### **Preliminary Objections**

- 1. That the Service Appeal is not maintainable and incompetent in the eyes of law in its present form.
- 2. That the appellant is estopped by his own unwholesome conduct as Public Servant to file this appeal.
- 3. That the appellant has got no cause of action or locus standi to file the instant appeal, when there is provision for Review under Rule 3 of Appeal Rules, 1986.
- 4. That the appellant has not come to this Honourable Court with clean hands and has suppressed all relevant facts.
- 5. That the appellant has concealed the material facts and ground realities from this Honourable Tribunal.
- 6. That the appeal is bad due to mis-joinder / non-joinder of necessary parties.
- 7. That the appellant has not come to Honourable Court with clean hands.
- 8. That the KPK Service Tribunal has no jurisdiction to entertain the instant petition in its present form.
- 9. That the appeal has been mis-oriented, mis-constructed and mistakenly drawn and is incompetent in its present frame and context, and is liable for Rejection.
- 10. That the appeal is weak having no force, fabricated, fictitious, based on ill will, malafide motives and having no legal footings in the eyes of law.
- 11. That the present service appeal is not maintainable in its present form and jurisdiction of this **Honourable Service Tribunal** is barred by the **Section 23 of Khyber Pakhtunkhwa Rules 1974** "According to which no Tribunal shall entertain any appeal in which the matter directly or substantially has already been finally decided by a Court / Tribunal of competent jurisdiction".
- 12. That the recommendations of the Committee constituted in light of direction of this Honourable Tribunal were implemented and terminated all the illegal teachers and provided them termination orders. Hence the appeal is badly time barred as well as barred by leeches.
- 13. That the proceeding with the instant appeal would be a futile exercise and just wastage of the precious time of this honourable Tribunal.
- 14. That as stated in the objections supra, the appeal is bereft of cause of action and is liable for dismissal.

### **Objection on Facts**

- 1. Para pertains to the address of parties hence need no comments.
- Incorrect / not admitted. Vehemently denied. The EDO (S&L) advertised vacant post of PST. CT and other cadres on 07.04.2007. After completion of codal formalities 309 male PSTs was appointed on merit under joint appointment order No. 12655-973 dated 02.07.2007. The name of appellant does not reflect in the said appointment order.
  - i. The appellant is one of the 1613 illegal terminated teachers. His services along with **1613 teachers were terminatedby the then DCO DIKhan** vide order dated 04.09.2009. (annexure A).
  - ii. Termination orders dated 04.09.2009 were challenged before the Honourable Peshawar High Court DIKhan Benchand Honourable High Court suspended

the operation of termination orders dated 04.09.2009 till the decision of writ petitions (annexure B).

- On 29.04.2010 writ petitions were returned to the petitioners and termination orders dated04.09.2009 was implemented with effect from 01.05.2010 (annexure C).
- iv. That the appellant and others preferred service appeal for reinstatement of their services.
- v. The Honourable Service Tribunal vide judgment dated 27.10.2011 in Service Appeal No. 1407/2010 instead of outrightreinstatement of appellantand others remanded / sent back case of the appellantand similar placed persons to the Secretary E&SE KPK Peshawar for reconsideration (annexure D).
- vi. The High Level inquiry committee headed by the Secretary E&SE KPK Peshawar examined and considered the case of the appellant and others. The committee dismissed the appeals of all the appellants being devoid of merits as well as legal footings and submitted inquiry report to this Honourable Tribunal. The name of the appellant reflects in the findings of inquiry committee.
- vii. Incompliance with the recommendations of the inquiry committee, the then EDO DIKhan issued termination order on 08.02.2012. The name of appellant is present in the termination order list.
- viii. After submission of inquiry report and termination orders some of the aggrieved affectees filed Execution Petitions for the implementation of the order dated 27.10.2011of the Honourable Tribunal. The Honourable Tribunal disposed of Execution Petition on 14.03.2012. Subsequently order dated 14.03.2012 of the Honourable Tribunal was challenged in CPLA before Supreme Court of Pakistan. But the apex court declined leave to appeal and dismissed the petitions. Thus termination of the service of the appellant and others attained finality (annexure E,F)
- 3. Incorrect / not admitted. This para pertains to the record.
- 4. Incorrect/not admitted, strongly denied. The appellant was appointed as school teacher **without observing all the codal formalities.** The appointment of the appellant was illegal, out of turn without performing all the pre-requisites which are necessary and compulsory for the appointment of the school teacher as per existing rules. The act of the respondents is quite legal, justified, bonafide, based on real legal facts and in the interest of government and the public at large.
- 5. Incorrect/not admitted,intensely denied. In year 2008 Mr. IsrarUllah Khan Gandapur (Late) Ex MPA has raised a question in provincial assembly regarding the illegal appointments and recruitments in the education department DIKhan. Hence the provincial Assembly constituted a committee No. 26 for Elementary and Secondary Education Department dated 20.08.2008. The standing committee No. 26 scrutinized all the appointments record of the year 2007-08 and concluded that all the illegal appointed teachers were terminated from service during the period of 01.01.2007 to 30.06.2008. (Annexure G)Therefore the appellant has been terminated from service along with all the illegally appointed teachers in the year 2007 & 2008 on the direction of Provincial Government dated 04.09.2009. Then appellant and other terminated teachers approached the Honourable High Court and Supreme Court of Pakistan, both the courts has dismissed the appeals of appellant. Then appellant and others approach the Honourable

ł

Service Tribunal and Service Tribunal remanded all the appeals to the Secretary E&SE KPK Peshawar vide judgment dated 27.10.2011 in Service Appeal No. 1407/2010.Therefore, the stance of the appellant is having no truth and is totally false and fictitious.

- 6. Incorrect / not admitted, vigorously denied. The Secretary Education has constituted a committee to probe the matter. The committee concluded that the appointment of the appellant and other were illegal and irregular under Rule 10(2) of the Khyber Pakhtunkhwa Civil Servant Appointment Promotion and Transfer Rules 1989 which reproduce as,"initial recruitment to the posts which do not fall within the purview of the commission shall be made on the recommendations of the Departmental Selection Committee after the vacancies have been advertised in the News Papers". The termination order of the appellant has been made in good faith, bonafide and in the best interest of public at-large.
- 7. Incorrect / not admitted, fervently denied. The recommendations of the enquiry committee were implemented with letter and spirit. In the Execution Petition No. 34/2012 the Director E&SE KPK Peshawar and EDO DIKhan stated at the bar dated 14.03.2012 before the Service Tribunal that they have already implemented the recommendations of the committee and issued the termination orders / letter accordingly. Further appellants filed writ petition No 481/2014 and the same was disposed of on 03.02.2015. This act of the respondents cannot be declared against the law on any ground whatsoever but the straight away rejection of appeal. (Annexure H)
- 8. Incorrect / not admitted. The appeal of appellant is badly time barred. According to Section 23 of Khyber Pakhtunkhwa Rules 1974 "No Tribunal shall entertain any appeal in which the matter directly or substantially has already been finally decided by a Court / Tribunal of competent jurisdiction".
- 9. Incorrect / not admitted. The Honourable Court has no jurisdiction to interfere in the administrative action of the authority in instant Service Appeal.

### **Objections on Ground**

- Incorrect/ not admitted, strongly denied. After fulfilling all the codal and legal formalities, besides the act of respondents was according to the law with legal justification and in the light of Judgment onService Tribunalin service appeal No. 1407/2010 decided on 27.10.2011. There is no prepense malic in fact and malice in law against the appellant.
- Incorrect / not admitted, vehemently refuted. The report of committee was comprehensive in all respect as per the direction of Honourable Service Tribunal Khyber Pakhtunkhwa Peshawar.
- 3. Incorrect / not admitted, forcefully denied. The committee was constituted on the direction of the Honourable Service Tribunal. After personal hearing of appellants

(_____

committee comes to the conclusion that the appointments of the appellants were illegal and irregular in the light of Rule 10(2) of APT 1989 (annexure I).

- 4. Incorrect / not admitted, hotly denied. The appellants were treated according to law and provided an **opportunity of hearing and defense** but the appellants failed to defend their illegal appointment orders. The termination orders were issued in the public interest by the Competent Authority after fulfilling all legal and codal formalities, therefore, the petitioner has got no cause of action or locus standi to file the writ petition for his grievances
- 5. Incorrect / not admitted heatedly denied. It is clear crystal from the judgment dated 14.03.2012 in EP No. 34/2012 the termination orders were produced before the Honourable Service Tribunal and the same termination order were also presented before the Honourable High Court dated 03.02.2015. The photocopy of the same was provided to the appellants. Hence the appeal of the appellant is badly time barred and in fructuous.

The respondents also seek leave of the Honourable Court to advance and urge additional as well as further grounds during the course of arguments.

### PRAYER:

It is, therefore, most humbly prayed that on acceptance of these para-wise comments, the instant Service Appeal being devoid of legal footings and merits, may graciously be dismissed with cost.

cietary

Elementary &Secondary Education Department Khyber Pakhtunkhwa Peshawar

> Director Elementary & Secondary Education Director Khyber Pakhtunkhwa Peshawar

Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar

District Education Officer ( Dera Ismail Khan

## BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

# Service Appeal No. 1137.2015.

Allah Nawaz. VS

**Government** of KPK

### <u>Affidavit</u>

I Mr. kamran Khan legal representative of District Education Officer (M) DIKhan do hereby solemnly affirm and declared on oath that content of the above mentioned service appeal are correct to the best of my knowledge and nothing has been concealed from this Honorable Service Tribunal. BEFORE THE HONOURABLESERVICE TRIBUNAL KPK PESHAWAR

# Service Appeal No. 1137.2015

Aflah. Nawaz. VS

**Government of KPK** 

# <u>Authority</u>

I District Education Officer (M/F) DIKhan do hereby authorized Mr. Kamran Khan Legal representative of DEO (M) DIKhan to attend this Honourable Service Tribunal KPK Peshawar DIKhan Bench on my behalf in connection with submission of para wise comments and till the decision of the service appeal.

Im;

District Education Officer (M/F) Dera Ismail Khan