

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 220/2016

Date of Institution ... 24.02.2016  
Date of Decision ... 30.03.2021

Bacha Jan son of Masal Khan, Resident of Nimori Baba P.O Kot,  
Tehsil & District Charsadda

... (Appellant)

**VERSUS**

Government of Khyber Pakhtunkhwa through Secretary  
Elementary & Secondary Education Khyber Pakhtunkhwa  
Peshawar and four others.

... (Respondents)

Taimur Ali Khan,  
Advocate

... For appellant.

Kabir Ullah Khattak,  
Additional Advocate General

... For respondents.

ROZINA REHMAN

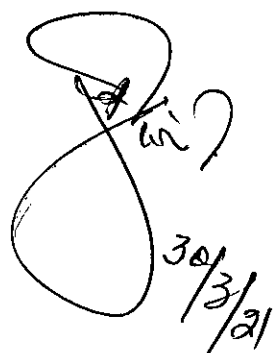
... MEMBER (J)

ATIQU UR REHMAN WAZIR

... MEMBER (E)

**JUDGMENT**

ROZINA REHMAN, MEMBER : Appellant was appointed as Primary  
School Teacher in Education Department. He was terminated from  
service vide order dated 21.08.2015. It is the legality and validity of  
this order which has been challenged by him in the present service

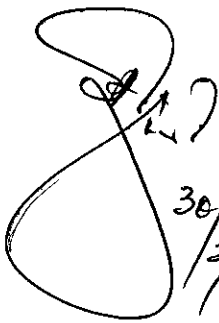
  
30/3/21

appeal filed U/S 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.

2. Shortly narrated facts necessary for disposal of the case are that appellant was appointed as Primary School Teacher at Government Primary School Gangu Tarnab, Charsadda against the vacant post. It was on 13.07.2015 when show cause notice was issued to appellant and vide order dated 21.08.2015 his services were terminated. He then filed departmental appeal which was not responded to, hence the present service appeal.

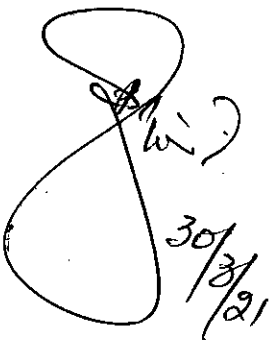
3. Learned counsel for appellant argued that the impugned order is illegal, against law and facts as the appellant was not treated in accordance with law and canons of natural justice. He contended that no proper inquiry was conducted and the appellant was not afforded any opportunity of personal hearing. Learned counsel further argued that proper merit list was prepared by the respondents and the appellant had no nexus with the mode of selection process and he could not be blamed or punished for the laxity of the Government Department and lastly, he submitted that major penalty cannot be imposed on the basis of single show cause notice.

4. Conversely, learned A.A.G submitted that merits list shows his total marks of P.T.C Certificate as 900, whereas, the actual marks were 1200, thus the appellant managed to get appointment on the basis of fraud. He argued that the appellant changed marks, therefore, show cause notice was rightly served upon appellant. He

  
30/3/21

submitted that fake documents were prepared by the appellant and after issuance of show cause notice, it was properly replied, whereafter, his services were terminated according to law. Fake information was provided to the Departmental Selection Committee as well as the N.T.S by the appellant, therefore, the mistake committed by the respondents was rectified according to law by terminating the services of the appellant.

5. Perusal of record would reveal that upon the recommendation of District Selection Committee, appellant was appointed as P.S.T School Based in B.P.S-12 vide appointment order dated 12.06.2014. The appellant had applied for this post of P.S.T through N.T.S and he had appeared in the test. Admittedly, he entered and recorded 713/900 marks of Provisional Diploma Certificate (P.T.C) in the relevant forms. The relevant documents are available on file which shows that this entry was made by the appellant himself, therefore, after considering the relevant documents, he was appointed, whereafter, verification of his documents was done and it came to surface that appellant had secured 713 marks out of 1200 marks. His score of P.T.C was mentioned in the merit list displayed by the N.T.S as 11.88 by showing 713 marks out of 900 but actually, he had obtained 713 marks out of 1200 which score of P.T.C was 8.91 instead of 11.88 and total score was 95.62 instead of 98.58 which fact was not brought into the knowledge of Department rather the Department was kept in dark, thereby, a deserving candidate was deprived from

  
30/3/21

appointment with higher score of 97.14 at Serial No.9 in the merit list. He was, therefore, served with show cause notice which was properly replied. The available documents on record show that this information mentioned in the show cause notice was provided by the appellant himself to the Department, where-after, proper inquiry was conducted and inquiry report was submitted which clearly shows that total marks for P.T.C had been considered as 900 instead of 1200 and after considering the charges, evidence on record, explanation of the appellant in response to the show cause notice, his services were terminated. In the instant case, the material so produced on record was sufficient in all respects. The competent authority was in possession of documentary evidence against the appellant and satisfactory reasons have been recorded in the impugned order. The appellant was provided sufficient chance to vindicate himself against the allegations.


6. From the record, it is evident that the form for N.T.S was rightly filled in by the present appellant and all the relevant documents were annexed by him alongwith the application form, wherein, wrong entry was made by the appellant and record clearly shows that the appellant had obtained 713 marks out of 900 marks in P.T.C. On the strength of incorrect documents, he succeeded in getting the post of P.S.T.

7. The service appeal in hand does not hold ground as per available facts, circumstances and ground realities; the same is, therefore,

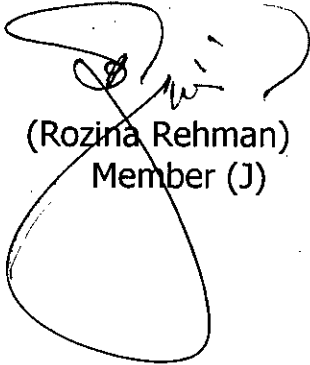
8  
30/3/21

dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.  
30.03.2021





(Atiq ur Rehman Wazir)  
Member (E)



(Rozina Rehman)  
Member (J)


Service Appeal No. 220/2016

S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	30.03.2021	<p><u>Present.</u></p> <p>Taimur Ali Khan, ... For appellant Advocate</p> <p>Kabir Ullah Khattak, ... For respondents Additional Advocate General</p> <p>Vide our detailed judgment of today of this Tribunal placed on file, instant service appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.</p> <p><u>ANNOUNCED.</u> 30.03.2021</p> <p> (ATIQ UR REHMAN WAZIR) MEMBER (E)</p> <p> (ROZINA REHMAN) MEMBER (J)</p>

08.02.2021

Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General, for respondents is also present.

Arguments have already been heard, the issues raised in the very lis are under discussion, however, a consensus has not been developed, therefore, the case is adjourned to 10.03.2021 on which date file to come up for order before D.B.

  
(ATIQ-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)

  
(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)


10.03.2021


Appellant present through counsel.

Mr. Kabir Ullah Khattak learned Additional Advocate General for respondents present..

Arguments heard. To come up for order on

30/03/2021 before D.B.

  
(Atiq ur Rehman Wazir)  
Member (E)

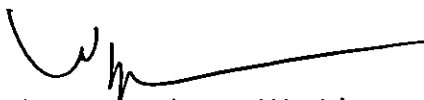
  
(Rozina Rehman)  
Member (J)

16.11.2020

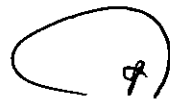
Kabir Ullah Khattak learned Additional Advocate General  
alongwith Muhammad Wisal ADEO for respondents present.

Nemo for appellant, therefore, order could not be  
announced.

Adjourned to 19.01.2021 for orders, before D.B.



(Atiq ur Rehman Wazir)  
Member (E)



(Rozina Rehman)  
Member (J)

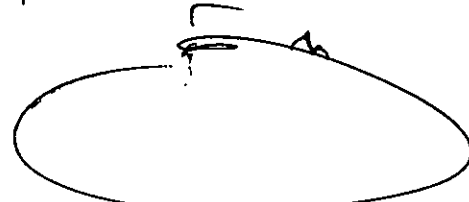
19.01.2021

Appellant is present alongwith his counsel Mr. Yasir  
Saleem, Advocate. Mr. Kabirullah Khattak, Additional Advocate  
General and Mr. Muhammad Wisal, ADO for the respondents,  
are also present.

Arguments heard. File to come up for order on 08.02.2021  
before D.B.



(ATIQ-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)



(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

Appellant is present. Mr. Yasir Saleem

Advocate, Mr. Kabirullah Khattak, Additional Advocate General

and Mr. Muhammad Wisal, ADO

for the respondents are also present.

Arguments heard. File to come up for order on 08.02.2021



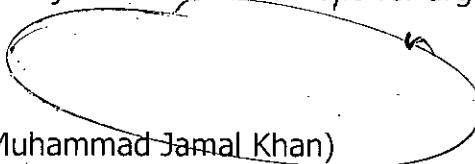
17.07.2020

Appellant alongwith counsel and Addl. AG alongwith Wisal Muhammad Khan, ADEO (Legal) for the respondents present.

At the outset learned Addl. AG referred to the appointment order dated 12.06.2014 pertaining to appellant and seven others and stated that this Tribunal did not have the jurisdiction to entertain the appeal in hand. In that regard he particularly pressed into service the preamble of order as well as para 3 of the terms and conditions contained therein. He is of the view that the appointment of appellant was based purely on contract, therefore, he was not a civil servant for the purpose of invoking jurisdiction of this Tribunal.

In order to meet the objection and place on record certain documents whereby service of other similarly placed were regularized, learned counsel for the appellant requests for some time.

Adjourned to 15.09.2020 for arguments before the D.B.

  
(Muhammad Jamal Khan)  
Member


  
Chairman


15.09.2020

Appellant present through counsel.

Mr. Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Arguments on the point of maintainability/jurisdiction heard. To come up for order on 16.11.2020 before D.B.

  
(Atiq ur Rehman Wazir)  
Member (E)

  
(Rozina Rehman)  
Member (J)

~~Appellant is present~~

~~Kamran Khan, Advocate General~~

~~along with counsel for respondents~~

~~present~~

~~Appellant's counsel requests for adjournment as his counsel~~

~~is not available. Adjourned. Comes up for arguments on~~


~~19.01.2021 before D.E.~~


(Atiqur Rehman Waqar)  
Member (E)

(Rozina Rehman)  
Member (J)

14.02.2020

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional AG for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for further proceedings/arguments on 30.03.2020 before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

01.04.2020


Due to public holiday on account of COVID-19, the case is adjourned to 09.06.2020 for same as before.

  
Reader

09.06.2020

Appellant alongwith his counsel and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned to 17.07.2020 for further proceeding/arguments before D.B.

  
(Mian Muhammad)  
Member

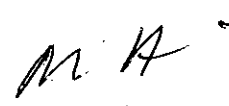
  
(M. Amin Khan Kundi)  
Member

12.11.2019 Learned counsel for the appellant present. Mr. Kabirullah Khattak  
learned Additional Advocate General for the respondents present.

During the course of arguments learned Additional Advocate General pointed out that the appellant was appointed vide order dated 12.06.2014 on Adhoc basis on Contract therefore, this court has got no jurisdiction to entertain the present case<sup>in</sup> this respect he also relied upon the judgment of this Tribunal appeal No. 72/2017 titled Shamshad Khan Vs Director of Elementary & Secondary Education Government of Khyber Pakhtunkhwa Peshawar decided on 27.02.2019. Learned counsel for the appellant seeks time for arguments. Adjourned. To come up for arguments on maintainability and jurisdiction on 09.01.2020 before D.B.

  
(Hussain Shah)

Member

  
(M. Amin Khan Kundi)

Member

09.01.2020 Due to general strike of the Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for arguments on 14.02.2020 before D.B.

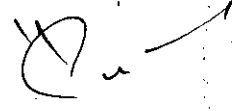
  
Member

  
Member

29.08.2019

Learned counsel for the appellant present. Mr. Zia Ulla learned Deputy District Attorney present. Adjourn. To come up for arguments on 10.10.2019 before D.B.

  
Member

  
Member

10.10.2019

Appellant with counsel present. Mr. Ziaullah, DDA alongwith Mr. Wisal, ADO for respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 19.11.2019 before D.B.

  
Member

  
Member



19.03.2019 Counsel for the appellant and Mr. Ziaullah, DDA for the respondents present.

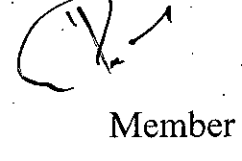
Learned counsel for the appellant requests for adjournment due to over work. Adjourned to 10.05.2019 before the D.B.

  
Member

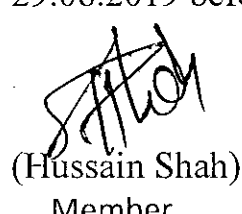
  
Chairman

10.05.2019 Yasir Salim Advocate present and submitted wakalat nama on behalf of appellant. Mr. Kabir Ullah Khattak learned Additional Advocate General present. Being freshly engaged, learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments 04.07.2019 before D.B.

  
Member

  
Member

04.07.2019 Learned counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 29.08.2019 before D.B.

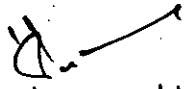
  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

11.09.2018

Learned counsel for appellant and Mr. Kabir Ullah Khattak learned AAG present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 05.11.2018 before D.B

  
(Hussain Shah)  
Member

  
(Muhammad Hamid Mughal)  
Member

05.11.2018

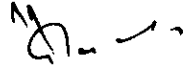
Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 11.12.2018.

  
RENDER

11.12.2018

Syed Jamal, Advocate present on behalf of the appellant and submitted fresh Wakalat Nama which is placed on file. Mr. Kabirullah Kattak, Addl: AG for respondents present. Counsel for the appellant seeks adjournment on the ground that he <sup>has been</sup> ~~is~~ being freshly engaged in this case. Adjourned. To come up for arguments on 31.01.2019 before D.B.


  
Member

  
Member

31.01.2019

Appellant with counsel and Mr. Muhammad Jan learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 19.03.2019 before D.B

  
Member

  
Member

09.01.2018


Appellant in person present. Learned Assistant AG for respondents present. Appellant requested for adjournment as his counsel is not available. Adjourned. To come up for arguments on 08.03.2018 before D.B.


  
(Ahmad Hassan)  
Member(E)

  
(M. Hamid Mughal)  
Member (J)

08.03.2018

Junior to counsel for the appellant and Mr. Riaz Khan Paindakheil Assistant Advocate General for respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not available Adjourned. To come up for arguments on 07.05.2018 before D.B

  
(M.Amin Khan Kundi)  
Member

  
(Muhammad Hamid Mughal)  
Member

07.05.2018

The Tribunal is defunct due to retirement of Hon'ble Chairman. Therefore, the case is adjourned. To come on 20.07.2018

  
READER

20.07.2018

Due to engagement of the undersigned in judicial proceeding before S.B further proceeding in the case in hand could not be conducted. To come on 11.09.2018 D.B

  
Member (J)



15.06.2017

Appellant alongwith his counsel present. Mr. Muhammad Adeel Butt, Additional AG for the respondents also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 22.08.2017 before D.B.

  
(GUL ZEB KHAN)  
MEMBER

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER


22/8/2017


Clerk of counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present. Clerk of counsel for the appellant requested for adjournment as his counsel is not available due to strike of the bar. To come up for arguments on 8/11/2017 before DB.

  
(GUL ZEB KHAN)  
MEMBER

08.11.2017

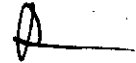
Appellant in person present. Mr. Usman Ghani, District Attorney for the respondents also present. Appellant requested for adjournment on the ground that learned senior counsel for the appellant is not available today. Adjourned. To come up for arguments on 09.01.2018 before D.B.

  
(Gul Zeb Khan)  
Member (E)

  
(Muhammad Amin Khan Kundi)  
Member (J)

31.08.2016

Counsel for the appellant and Mr. Hameed-ur-Rehman, AD (lit.) alongwith Mr. Ziaullah, GP for respondents present. Written reply on behalf of respondents No. 1 to 5 submitted. The appeal may be placed before Chairman for assigning the appeal to appropriate D.B for rejoinder and final hearing for 04.11.2016.

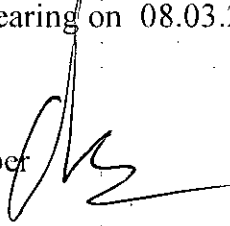


Member

4.11.2016

Counsel for the appellant and Assistant AG for the respondents present. Counsel for the appellant requested for adjournment. To come up for rejoinder and final hearing on 08.03.2017 before the D.B.

Member



Chairman



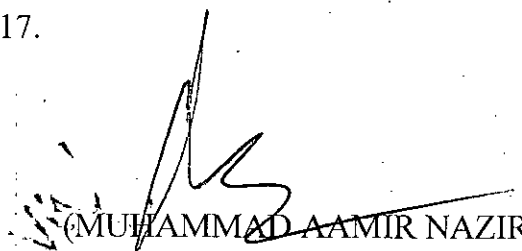
08.03.2017

Counsel for the appellant and Adll: AG for respondents present. Rejoinder submitted. To come up for arguments on 15.06.2017.

(ASHFAQUE TAJ)  
MEMBER



(MUHAMMAD AAMIR NAZIR)  
MEMBER




31.03.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as PST when terminated from service on the allegations of mis-conduct vide impugned order dated 21.8.2015 communicated to the appellant on 2.10.2015 where-after he preferred departmental appeal on 27.10.2015 which was not responded and hence the instant service appeal on 24.2.2016.

That the appellant was neither associated with any enquiry proceedings nor the same conducted in the prescribed manner.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for ~~30.5.2016~~ before S.B.

  
Chairman


30.05.2016

Counsel for the appellant present. Security and process fee have not been deposited. Requested for extension of time. Directed to deposit the same within a week where-after notices be issued to the respondents for written reply/comments on 25.07.2016.

  
Chairman

25.7.2016

Counsel for the appellant, M/S Khursheed Khan, SO and Hameedur Rahman, AD alongwith Addl. AG for the respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments before S.B on 31.08.2016.

  
Chairman

Appellant Deposited  
Security & Process Fee



Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 220/2016


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	10.03.2016	<p>The appeal of Mr. Bacha Jan resubmitted today by Mr. Taimur Noor Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>
2	21-03-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>24-3-16</u></p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
	24.03.2016	<p>Counsel for the appellatnt present. Seeks adjournment.</p> <p>Adjourned for preliminary hearing before S.B to 31.3.2016.</p> <p style="text-align: right;"><i>[Signature]</i> Chairman</p>

The appeal of Mr. Bacha Jan son of Masal Khan resident of Nimori Baba P.O. Kot Tehsil and Distt. Charsadda received to-day i.e. on 24.02.2016 is incomplete on the following score which is returned to the-counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures C/4 and F of the appeal are illegible which may be replaced by legible/better one.
- 2- Annexures of the appeal may be attested.

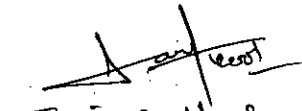
No. 313 /S.T,

Dt. 24/2 /2016

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Taimur Noor Adv. Pesh.

Legible/Better Copies of the above mentioned annexures are attached as per orders of registrar, Service Tribunal Khyber Pakhtunkhwa.

  
Taimur Noor  
A-H-C

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA  
PESHAWAR**

Service Appeal No. 220 /2016

**Bacha Jan .....Vs.... Government of Khyber Pakhtunkhwa, Etc.**

**I N D E X**

S. No.	Description of documents	Annexures	Page.
1.	<b>Memo of Appeal</b>		1-5
3-	Copy of Educational Documents	A, A1 , A2, A3, A4	6-10
4-	Copy of the Advertisement	B	11, 12
5-	Copy of the result of the Screening Test and the Appointment Letter alongwith better copy	C & C1	13-18, 18A & 18B
6-	Copy of the Certificate of Transfer of Charge	D	19
7-	Copy of the verification letter of Appellant's P.T.C/C.T certificate	E	20, 21
8-	Copy of the letter no. DAO/CHD/ADMN/2014/15, 1642 dated 12/5/2015	F	22 & 22A
9-	Copy of the letter no. 5801 dated 14/5/2015	G	23
10	Copy of Show Cause dated 13/7/2015	H	24, 25
11-	Copy of the reply to Show Cause Notice/letter dated 6/8/2015	I	26, 27
12-	Copy of Termination Order dated 21/8/2015	J	28
13	Copy of Departmental Appeal dated 27-10-2015	K	29-32
14-	<b>Vakalatnama</b>		33

Appellant

Through

*Isfandyar Ali Khan*  
Barrister Isfandyar Ali Khan  
Advocate High Court

&  
*Taimur Noor*  
Taimur Noor

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA  
PESHAWAR

①

Service Appeal No. 220/2016

Bacha Jan Son of Masal Khan,  
Resident of Nimori Baba,  
P.O Kot, Tehsil & District Charsadda.

..... Appellant

.....Versus.....

K.P. Province  
Service Tribunal  
Entry No. 136  
dated 24-2-2016

1. **Government of Khyber Pakhtunkhwa**  
Through Secretary, Elementary and Secondary Education Department,  
Civil Secretariat,  
Peshawar.
2. **Director**  
Elementary & Secondary Education Officer  
Khyber Pakhtunkhwa  
Peshawar.
3. **District Education Officer (Male)**  
Elementary and Secondary Education Department,  
Tehsil and District Charsadda
4. **Sub Divisional Education Officer (Male)**  
Elementary and Secondary Education Department,  
Tehsil and District Charsadda.
5. **District Accounts Officer**  
Tehsil & District Charsadda.

..... Respondents

**Appeal Under Section 4 Of Service Tribunal Act 1974 Against  
The Impugned Order Of Termination Dated 21-08-2015,  
Whereby The Appellant Is Terminated From The Post Of  
Primary School Teacher And Departmental Appeal Of The  
Appellant Has Not Yet Been Considered And Replied.**

**"Prayer"**

- (a) By accepting this appeal and setting aside the impugned Termination order dated 21-08-2015, whereby the appellant was terminated from the post of Primary School Teacher (PST) (BPS-12), and
- (b) Directing the respondent department to reinstate the appellant on the post of Primary School Teacher at Government Primary school, Gangu Tarnab Charsadda.

re-submitted to-dap  
and filed.

Register  
10/3/16

(c) Direct Respondent 5 to release the salary to the Appellant outstanding since appointment.

**RESPECTFULLY SHEWETH:**

1. **That the** Petitioner had passed P.T.C/C.T Examination from College of Education: For Elementary Teachers (Male) Mathra, Peshawar by securing 713 out of 1200 marks.

**(Copy of Educational Documents are attached herewith as Annexure "A to A3")**

2. **That** the Petitioner fulfilling the requisite criteria for the relevant post of PST which was advertised in print media among other positions applied for the PST position in B.P.S Scale 12.

**(Copy of the advertisement is attached herewith as Annexure "B")**

2. **That** being qualified and eligible, the appellant was selected and appointed as Primary School Teacher ("P.S.T") at Government Primary School, Gangu Tarnab, Charsadda, Khyber Pakhtunkhwa (BPS- 12) against the vacant post vide order dated 12-06-2014.

**(Copy of the result of the screening Test & Appointment Letter is attached herewith as Annexure "C & C1")**

3. **That** the Petitioner on 12/6/2014 signed the Certificate of Transfer of Charge against the Appointment Letter mentioned hereinabove.

**(Copy of the Certificate of Transfer of Charge is attached herewith as Annexure "D")**

4. **That** in order to comply with procedural requirements, Petitioner's P.T.C/C.T.marks were verified by office of Assistant Director Examination, KPK at PITE, Peshawar.

**(Copy of the verification letter is attached herewith as Annexure "E")**

5. **That** Respondent No. 5 through letter no. DAO/CHD/ADMN/2014/15, 1642 dated 12/5/2015 requested Respondent No. 3 for countersignature, verification authentication and pay release order for Petitioner's record and salary matters.

**(Copy of the letter dated 12/5/2015 is attached herewith as Annexure "F")**

6. **That** Respondent No. 3 through letter no. 5801 dated 14/5/2015 certified the appointment of Petitioner as "correct" as per record. Moreover, his salary was initially released and then stopped for reasons better known to the Respondents 1-5 despite the fact that the Petitioner has worked throughout the period of appointment.



(Copy of the letter dated 14/5/2015 is attached herewith as Annexure "G")

7. **That** to the surprise and astonishment of the Petitioner, Respondent No. 3 instructed Respondent No. 4 through letter no. 7338/dt 13/7/2015 served Show Cause Notice on the Petitioner on following ground and tentatively decided to impose the penalty of removal from service upon the Petitioner:

*"1(ii) (a) The merit list displayed by NTS, your score of PTC was mentioned as 11.88 by showing 713 marks out of 900, but actually you obtained the same marks out of 1200 and thus your score of PTC comes as 8.91 instead of 11.88 and total score as 95.62 instead of 98.58, but you did not bring it into Notice of the Department and kept Department in dark, which resulted depravation of deserving candidate from appointment with higher score of 97.14 as at S; No 09 in the merit list."*

(Copy of the Show Cause letter is attached herewith as Annexure "H")

8. **That** the Petitioner while complying with the applicable law and procedure submitted a detailed clarification and response to the allegations contained in the Show Cause Notice through letter dated 6/8/2015 and among various issues highlighted the fact that the Show Cause Notice has been the outcome of departmental act, omission, error on part of the Respondents 1-4 as the Petitioner had no role or responsibility in compilation of academic/professional record. Moreover, the Petitioner made himself available to attend any inquiry however did not meet any success. It is pertinent to note that the Petitioner was deprived of copy of the findings of the inquiry officer/inquiry committee.

(Copy of the reply to Show Cause Notice/letter dated 6/8/2015 is attached herewith as Annexure "I")

9. **That** through notification Endstt No. 9054-57 dated 21/8/2015 Respondent No. 3 terminated the Petitioner from Primary School Teacher's position.

(Copy of the notification dated 21/8/2015 is attached herewith as Annexure "J")

10. **That** the Petitioner time and again has offered to clarify his position before Respondent Nos. 1- 4 but to no avail as no personal hearing has been granted and due to malafide intentions of Respondents 1-4, the Petitioner doubts whether any Inquiry Committee was ever constituted and/or due process of law have been followed as no findings of the Inquiry Committee has ever been shared with the Petitioner.
11. **That** the Appellant has filed a departmental appeal/review as per applicable law/rules but awaits response of the competent authority. However, the Appellant has been stagimitized due to termination from service on basis of misconduct and is concerned as he has been punished for an act/omission which he has not planned or committed.
12. **That** feeling aggrieved and finding no other remedy, the appellant has been constrained to approach the Hon'ble Service Tribunal for the redress of his grievance, respectfully to set aside the impugned order dated 21-08-

2015 and to reinstate the appellant to the post of Primary School Teacher (BPS-12), inter-alia, for the following,

**Grounds:**

- A. **Because** impugned termination order dated 21-08-2015 has been issued in hastily manner in complete disregard to rules regulating the service, subject to correction by this Hon'ble Tribunal.
- B. **Because** Respondents 3 and 4 have acted ultra vires of the law and the rules, discriminatory, arbitrary, malafide, and without lawful authority is liable to be intervened by this Hon'ble tribunal and the Appellant should have been given opportunity of personal hearing and copy of the findings of the inquiry report/inquiry committee.
- C. **Because** once a right is created in favour of a litigant, such right in due course of time cannot at all be taken back arbitrarily and that principle of *locus poentitiae* is a principle of equity –once it is established that a decisive step has been validly taken by the public/executive functionary, such steps are un- retractable and a right crystallizes in favour of that person.
- D. **Because** the Appellant has followed the prescribed procedure for seeking appointment and have submitted all documents in full and in no way has made any misrepresentation or misled the Respondents 1 to 4.
- E. **Because** the Appellant during screening and interview processes was never informed or alleged of any misrepresentation, misstatement, etc. pertaining to his marks/score/result.
- F. **Because** the merit list was compiled and presented by Respondents 1-4 with no role of the Appellant, i.e. the Appellant had no nexus with the mode of selection process, therefore could not be blamed or punished for the laxities of the government department.
- G. **Because** for the irregularities committed by the department itself qua appointment of a candidate, the appointee cannot be condemned subsequently
- H. **Because** the principle of natural justice has been compromised in the case of the Appellant.
- I. **Because** the Respondents 3 and 4 have acted in a malafide, unjust and oppressive manner.
- J. **Because** urgency of the situation dictates that the Appellant has worked for several months without pay and by terminating him from his service, a hardworking teacher has been deprived of his employment for mala fide reasons.

K. The Respondents were required by law to act in accordance with the well-established principles of equity and justice. Their reluctance to do so justified interference by the Hon'ble Service Tribunal.

L. Appellant seeks permission to take several other grounds at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of this Appeal the Hon'ble Tribunal may be pleased to:

- a- Set aside the Impugned Termination Order 21/8/2015 issued by the Respondent No. 3 terminating the Appellant from Primary School Teacher's position as being illegal, without lawful authority and void.
- b- Direct Respondents 1-4 to re-instate the Appellant as Primary School Teacher in his B.P.S 12.
- c- Direct Respondent 5 to release the salary to the Appellant outstanding since appointment.

Any other relief deemed appropriate may also be granted.

B

Appellant

Through,

*Isfandyar Ali Khan*

Barrister Isfandyar Ali Khan  
Advocate High Court

&

Taimur Noor  
Advocate High Court

A/6

S. No. 1521...

Roll No. 790

# Provisional Certificate

COLLEGE OF EDU. FOR ELEMENTARY TEACHERS (MALE) MATHRA  
PESHAWAR

## P.T.C/C.T. EXAMINATION

Session 95-96

This is to certify that Bacha Jan S/o Masel Klu  
Distt Ch. An. Saddle has passed the P.T.C Examination

of the Board of Departmental Examinations N.W.F.P. Peshawar

held in 11/96 as a regular

Candidate. He obtained 713 Marks out of 1200

and has been placed in grade .....

The candidate passed in the following subjects:

- |         |        |        |        |          |
|---------|--------|--------|--------|----------|
| 1. P.E  | 2. C.D | 3. S.O | 4. M.T | 5. Maths |
| 6. Sc:  | 7. S.S | 8. Isl | 9. ARC | 10. H.P  |
| 11. T.P |        |        |        |          |

*[Signature]*  
Principal  
G.E.C (Male)  
Mathra Peshawar

### Character Certificate

Certified that Mr. Bacha Jan S/o Masel Klu was a regular Trainee of this college. He bears good moral character. His Date of Birth according to this college record

is 15-9-75 in words.....

**ATTESTED TO BE TRUE COPY**

*[Signature]*  
Principal  
G.E.C (Male)  
Mathra Peshawar

# DETAIL MARKS CERTIFICATE

TRAINING CLASSES EXAMINATION P.T.C. 1996,

Roll No. 790 ... Name Bacha Jaz ... Son/Daughter of Maseel Khan ...

A2/7

Serial No.	SUBJECT	Max: Marks	Marks Obtained		TOTAL
			Interl:	Exterl:	
1.	Principles of Edu: and Method of Teaching	100			61
2.	Child Devept: and Counselling	100			38
3.	School Org: and Class Room Management	100			56
4.	Lang: and Method of Teaching	100			68
5.	Mathematics and Method of Teaching	100			70
6.	Science and Method of Teaching	100			66
7.	Social Studies and Method of Teaching	100			51
8.	Islamiat and Method of Teaching	100			59
9.	Art and Craft, Art and Method of Teaching	100			62
10.	Health and Physical Education	100			67
11.	Teaching Practice	200			114
Grand Total		1200			713

Passed/Failed .....

Division .....

To Re-appear in

- 1 .....
- 2 .....
- 3 .....

Prepared by .....

Date of declaration 13/5/97

Checked by .....

**ATTESTED TO BE TRUE COPY**

Dy: Registrar,  
Departmental Examination,  
Education Department,  
N.-W.F.P., Peshawar.

A<sup>2</sup>/<sub>B</sub>  
004743



# T R A N S C R I P T

NAME:	BACHA JAN	PROGRAM:	BA
FATHER'S NAME:	MASAL KHAN	ID NO:	NIS-BA-0104
START DATE:	01/09/2005	DATE OF BIRTH:	15/09/1975
END DATE:	30/08/2007	ISSUE DATE:	21/10/2007

COURSE CODE	COURSE NAME	CREDIT HOURS	TOTAL MARKS	MARKS OBTAINED	REMARKS
BA101	ECONOMICS-I	4	100	80	PASS
BA102	ECONOMICS II	4	100	89	PASS
BA103	ENGLISH - I	4	100	82	PASS
BA104	ISLAMIC STUDIES	4	100	71	PASS
BA105	MATHEMATICS	4	100	79	PASS
BA106	MATHEMATICS GENERAL	4	100	84	PASS
BA107	ENGLISH - II	4	100	80	PASS
BA108	POLITICAL SCIENCES	4	100	84	PASS
BA109	PSYCHOLOGY	4	100	81	PASS
BA110	SOCIAL WORK	4	100	82	PASS
BA111	SOCIOLOGY - I	4	100	79	PASS
BA112	SOCIOLOGY - II	4	100	84	PASS
BA113	URDU	4	100	84	PASS
BA114	PAKISTAN STUDIES	4	100	68	PASS
BA115	ARABIC / MASS COMMUNICATION	6	100	88	PASS
BA116	FUNDAMENTALS OF MANAGEMENT	4	100	80	PASS
<b>TOTAL</b>		<b>66</b>	<b>1600</b>	<b>1295</b>	<b>PASS</b>

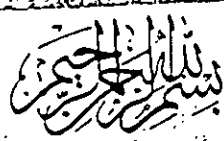
Percentage: 81 % Grade: A

*Sawed*  
\_\_\_\_\_  
CONTROLLER OF EXAMINATION

*Sawed*  
**ATTESTED TO BE  
TRUE COPY**

A36

S. No. PBR-0000913



Roll No. 18605

**BOARD OF INTERMEDIATE AND SECONDARY EDUCATION**



**Peshawar N.W.F.P. Pakistan**  
**Secondary School Certificate Examination**

SESSION 1991 (ANNUAL)  
(SCIENCE GROUP)

THIS IS TO CERTIFY THAT Bacha Jan

Son/Daughter of Masal Khan

and a student of Govt: High School Tarnab Charsadda

has passed the *Secondary School Certificate Examination*  
of the Board of Intermediate and Secondary Education, Peshawar held in March 1991  
as a *Regular candidate*. He/She obtained 494 Marks out of 850  
and has been placed in Grade  Representing Good

The Candidate passed in the following subjects:

- |            |                     |                |              |
|------------|---------------------|----------------|--------------|
| 1. English | 3. Islamiyat        | 5. Mathematics | 7. Chemistry |
| 2. Urdu    | 4. Pakistan Studies | 6. Physics     | 8. Biology   |

He/She has been awarded Grade  on the basis of internal  
assessment by the Institution concerned.

Date of birth according to admission form is Fifteenth September,  
one thousand nine hundred and Seventy Five (15-9-1975)

Asstt: Secretary  
10th July 1991.

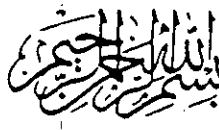
*This certificate is issued without alteration or erasure.*

Secretary

**ATTESTED TO BE  
TRUE COPY**

Ay/10

S. No. 303628



Roll No. 171055


BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



Peshawar N.W.F.P. Pakistan  
INTERMEDIATE EXAMINATION


\_\_\_\_\_ Group  
SESSION 1995 (ANNUAL)

THIS IS TO CERTIFY THAT \_\_\_\_\_  
Son/Daughter of \_\_\_\_\_  
and a resident of \_\_\_\_\_  
Registered No. \_\_\_\_\_ has passed the *Intermediate Examination* of the  
Board of Intermediate and Secondary Education, Peshawar held in May/June 1995  
as a *Private candidate*. He/She obtained \_\_\_\_\_ Marks out of 1100  
and has been placed in Grade  Representing \_\_\_\_\_  
the Examination was taken as a whole/in parts.

  
Assjt. Secretary  
SI-

  
Secretary

*This certificate is issued without alteration or erasure.*

  
ATTESTED TO BE  
TRUE COPY



B/h

اساتذہ کی پیشگی مقررہ شرح چارجز کے تحت طلبہ کو داخلہ کے لئے درخواستیں جمع کروانی ہیں۔ (School Based)۔  
 تقریباً 150 طلبہ کے لئے طلبہ چارجز کے تحت طلبہ کو داخلہ کے لئے درخواستیں جمع کروانی ہیں۔  
 درخواستیں جمع کروانی ہیں۔ درخواستیں جمع کروانی ہیں۔ درخواستیں جمع کروانی ہیں۔  
 درخواستیں جمع کروانی ہیں۔ درخواستیں جمع کروانی ہیں۔ درخواستیں جمع کروانی ہیں۔

نمبر شمار	آسانی	تالیفات	عمر کی حد
1	پی ایف	پی ایف ایس سی یا مساوی قابلیت کسی بھی تسلیم شدہ یونیورسٹی سے۔ بعد سے کسی اور سرٹیفکیٹ یا 2 سالہ ایس سی ایٹ ڈگری ان ایجوکیشن کسی بھی تسلیم شدہ یونیورسٹی سے یا 18 (اٹھارہ) ماہ کا ڈیپلومہ ان ایجوکیشن	35 تا 18 سال
2	ڈی ایم	پی ایف ایس سی کسی بھی تسلیم شدہ یونیورسٹی سے۔ بعد سے ایک ماہ کا ڈیپلومہ ان ایجوکیشن	35 تا 18 سال
3	پی ایف	پی ایف ایس سی یا مساوی قابلیت کسی بھی تسلیم شدہ یونیورسٹی سے۔ بعد سے ایک ماہ کا ڈیپلومہ ان ایجوکیشن یا کسی بھی تسلیم شدہ یونیورسٹی سے یا 18 (اٹھارہ) ماہ کا ڈیپلومہ ان ایجوکیشن	35 تا 18 سال
4	ایس سی	ایس ایس سی (سیکنڈ ڈیویژن) کسی بھی تسلیم شدہ یونیورسٹی سے۔ بعد سے ایک ماہ کا ڈیپلومہ ان ایجوکیشن یا کسی بھی تسلیم شدہ یونیورسٹی سے یا 18 (اٹھارہ) ماہ کا ڈیپلومہ ان ایجوکیشن	35 تا 20 سال
5	ایس سی	ایس ایس سی (سیکنڈ ڈیویژن) کسی بھی تسلیم شدہ یونیورسٹی سے۔ بعد سے ایک ماہ کا ڈیپلومہ ان ایجوکیشن یا کسی بھی تسلیم شدہ یونیورسٹی سے یا 18 (اٹھارہ) ماہ کا ڈیپلومہ ان ایجوکیشن	35 تا 20 سال
6	گاری	ایس ایس سی (سیکنڈ ڈیویژن) کسی بھی تسلیم شدہ یونیورسٹی سے۔ بعد سے ایک ماہ کا ڈیپلومہ ان ایجوکیشن یا کسی بھی تسلیم شدہ یونیورسٹی سے یا 18 (اٹھارہ) ماہ کا ڈیپلومہ ان ایجوکیشن	35 تا 18 سال
7	پی ایف	ایس ایس سی (سیکنڈ ڈیویژن) کسی بھی تسلیم شدہ یونیورسٹی سے۔ بعد سے ایک ماہ کا ڈیپلومہ ان ایجوکیشن یا کسی بھی تسلیم شدہ یونیورسٹی سے یا 18 (اٹھارہ) ماہ کا ڈیپلومہ ان ایجوکیشن	35 تا 18 سال

(Selection Criteria) سلیکشن کریٹیریا

اساتذہ کے سلیکشن کریٹیریا درج ذیل ہیں۔ کل 200 نمبرات کی تقسیم اس طرح کی جائے گی۔  
 1۔ سکریٹنگ ٹیسٹ ہندویہ = NTS = 100 نمبر  
 2۔ انٹرویو قابلیت = 100 نمبر جس میں مزید تقسیم اس طرح ہوگی۔

تعلیمی قابلیت	کل نمبر
ایس ایس سی	20 x تقسیم کل نمبر
ایف اے / ایف ایس سی	20 x تقسیم کل نمبر

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ماہل کروہ نمبر 20 x تقسیم کل نمبر	بی اے / بی ایس سی
ماہل کروہ نمبر 15 x تقسیم کل نمبر	ایم اے / ایم ایس سی
ماہل کروہ نمبر 15 x تقسیم کل نمبر	پہلے آسامی کے لئے کم از کم سٹاڈن پیشہ وارانہ قابلیت
ماہل کروہ نمبر 5 x تقسیم کل نمبر	ایم ایڈ / ایم اے ایجوکیشن
ماہل کروہ نمبر 5 x تقسیم کل نمبر	ایم فل / بی ایچ ڈی

نوٹ 1: ہر سکول کی آسامی کے لئے علیحدہ علیحدہ مہرت لسٹ مرتب کی جائیگی جس میں امیدواروں کے NTS کے ماہل کروہ نمبر اور تعلیمی قابلیت کے نمبروں کو جمع کیا جائے گا۔  
 2- ہر امیدوار سے NTS کی درخواست فارم 300 روپے چارج کیا جائے گا۔ اگر ایک امیدوار پانچ سکولوں سے لئے درخواست دے گا تو اس سے صرف 1200 روپے ہی NTS چارج کرے گا۔ جو کہ امیدوار خود برداشت کریں گے۔

**عمومی شرائط**

- 1- تمام امیدواروں کے ذہنیات اور شناختی کارڈ میں مستحق سکولت ضلع چتر پور، بھارت اور نپال سے درآمد درخواست پر گورنمنٹ کیا جائے گا۔ جبکہ بی ایس سی پوسٹوں کے لئے جس سکول میں آسامی خالی ہے امیدوار کا آئی پو نمبر کو نسل کا مستقل باشندہ ہونا ضروری ہے۔ اگر آئی پو نمبر کو نسل میں امیدوار موجود نہ ہو تو آسامی اہلیت پو نمبر کو نسل کے امیدواروں کو زبردستی لایا جائے گا۔ (2) تمام تقرریاں ذالعتا ماضی بنیادوں پر Ad hoc کنٹریکٹ پر ایک ماہ کے لئے ہوں گی۔ (3) آئی ایس اے امیدواروں کی موجودگی کی صورت میں کسی کو بھی Age Relaxation نہیں دیا جائے گا۔ (3) انٹرویو کے وقت اصلی تعلیمی اسنادوں اور اصل شناختی کارڈ پیش کرنا ضروری ہے۔ اور نسبت کے دن صرف اصل شناختی کارڈ پیش کرنا (4) میرٹ پر آنے والے امیدواروں کی اسناد متعلقہ ادارے سے تصدیق کروائی جائیگی جس کے تمام اخراجات امیدواروں کو برداشت کرنا ہوں گے۔ (5) انٹرویو کے لئے آنے والے امیدواروں کو کوئی فی اسے ڈی ایس نہیں دیا جائے گا۔ (6) صرف مقررہ وقت کے اندر سر عمل ہونے والی درخواستوں پر غور کیا جائے گا۔ (7) زبردستی کو اختیار حاصل ہے کہ وہ کوئی وجہ بتائے بغیر کسی بھی وقت سٹی یا بڑی طور پر انٹرویو منسوخ کر دے۔ (8) اگر اس اشتہار کے بعد حکومت وقت کی طرف سے تقرری کے طریقہ کار میں تبدیلی کی گئی تو مہتمم کونسل اس کے مطابق عمل کرنے کی پابند ہوگی۔ (9) محکمہ ایلیمنٹری و سیکنڈری ایجوکیشن کو اختیار حاصل ہوگا کہ وہ تمام خالی آسامیوں یا اس سے کم پر امیدوار بھرتی کرے۔ (10) تمام تقرریاں حکومت نمبر پینٹنٹ نمبر کے مقرر کردہ قوانین و ضوابط کے مطابق خالصتاً میرٹ کی بنیاد پر ہوں گی۔ (11) تمام تعلیمی اسناد صرف گورنمنٹ کے تسلیم شدہ اداروں کی قابل قبول ہوں گی۔ (12) اگر کسی امیدوار کی اسناد جعلی پائی گئی تو اس کے خلاف قانونی چارہ جوئی کی جائے گی اور آئندہ کے لئے اسے سرکاری ملازمت کے لئے قابل تصور کیا جائے گا۔ (13) ماکس فارم یا معلومات کی صورت میں درخواست فارم خود بخود منسوخ تصور کیا جائے گا جس کے لئے کوئی پیش منقولہ نمبر نہیں کی جائے گی۔ (14) انٹرویو کے لئے طلبہ شہل جاری کیا جائے گا۔ (15) تمام تقرریاں متعلقہ اضلاع کے ذہنیات کی بنیاد پر ہوں گی۔ اگر اس ضلع میں امیدواروں کو مستحب نہ ہوں تو تقریبی ضلع کے امیدوار سے میرٹ کی بنیاد پر تقرریاں کی جائیں گی۔ (16) امیدوار کو اس سکول میں سروس کرنا ہوگی جو کہ تلاش تیار نہ ہوگی۔ (17) ایک امیدوار ایک وقت 5 سکولوں میں خالی آسامیوں کے لئے درخواست دے سکتا ہے۔ (18) درخواست دینے کا طریقہ کار NTS کے ویب سائٹ پر موجود ہے۔ (19) متعلقہ خالی آسامیوں کی تفصیلی سکولوں اور درخواست فارم کے ساتھ NTS کے ویب سائٹ پر دی گئی ہے اور ہر سکول اپنا کوڈ دیا گیا ہے۔ اس اشتہار سے پہلے محکمہ تعلیم ضلع چتر پور کی طرف سے جاری کردہ کسی بھی سیمینٹری کے لئے دیے گئے اشتہارات منسوخ تصور ہوں گے۔

سراج محمد، ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) ایلیمنٹری و سیکنڈری ایجوکیشن چتر پور، فون: 091-9220082، فیکس: 091-9220084

*(Handwritten signature)*

C/13

Directorate of Elementary & Secondary Education  
Government of Khyber Pakhtunkhwa  
(Screening Test for Appointments in Government Schools (Adhoc Based))



Test held on 21st, 22nd & 23rd February 2014

MERIT LIST  
CHARSADDA  
GPS GANGO  
Primary School Teacher (PST) (BPS-15)

Sr	Roll No	Name	Gender	NIC	SSC			HSSC			Bachelor			Master			M. Phil			Diploma			M. Ed/ MA Ed 5% (G)	Academic Marks (out of 100) (H-A-B-C-D-E-F-G)	NTS Marks (I)	Total Marks (out of 200) (II+I)			
					Obt	Total	20% (A)	Obt	Total	20% (B)	Obt	Total	20% (C)	Obt	Total	15% (D)	Obt	Total	5% (E)	Obt	Total	15% (F)							
1	1560184	MUHAMMAD RASHID	Male	17101-5291129-3	554	850	13.04	640	1100	11.64	291	550	10.58	639	1100	8.71	0	0	0	0	0	0	671	900	10.35	3.71	58.03	74	132.03
2	15200241	MURAD ALI	Male	17101-0169449-3	545	850	12.82	679	1100	12.35	292	550	10.62	590	1100	8.05	0	0	0	0	0	0	650	900	10.03		54.87	70	124.87
3	1561818	AZMAT HUSSAIN	Male	17101-0253295-7	458	850	10.78	521	1100	9.47	314	550	11.42	749	1300	8.64	31	4	3.88	0	0	0	589	900	9.87	3.4	57.41	58	115.41
4	1560800	SHAHAB ALI	Male	17101-0874659-3	434	850	10.21	677	1100	12.31	301	550	10.95	679	1100	9.26	0	0	0	0	0	0	598	900	9.97		57.7	58	110.7
5	1561357	ADNAN KHAN	Male	17101-0808048-9	499	850	11.74	677	1100	12.31	317	550	11.53	381	600	9.53	0	0	0	0	0	0	625	900	10.49		55.53	52	107.53
6	1560095	GUL RAHIM	Male	17101-8767434-3	534	1050	10.17	623	1100	11.33	290	550	10.87	1414	2100	10.1	0	0	0	0	0	0	697	1000	10.46		57.93	53	105.93
7	1560153	FAKHR E ALAM	Male	17101-0275504-5	580	850	13.65	499	1100	9.07	236	550	8.58	641	1100	8.74	0	0	0	0	0	0	670	900	10.33		50.37	52	102.37
8	1560814	BACHA JAN	Male	17101-892724-7	494	850	11.62	434	1100	7.89	1295	1600	16.19	0	0	0	0	0	0	0	0	0	710	900	11.00		47.58	51	98.58
9	1560710	ASHRAF JAN	Male	17101-0297215-1	452	850	10.64	474	1100	8.62	272	550	9.69	0	0	0	0	0	0	0	0	0	719	1200	8.49		38.14	59	97.14
10	1561730	ZUBAIR KHAN	Male	17101-4855125-7	658	1050	12.53	573	1100	10.42	258	550	9.35	1505	2400	9.41	0	0	0	0	0	0	608	900	10.13		51.87	42	93.87
11	1561770	MUHAMMAD ZAID	Male	17101-7469884-7	765	1050	14.57	671	1100	12.2	0	0	0	0	0	0	0	0	0	0	0	0	530	900	8.81		25.6	58	93.6
12	1562629	NAJMA GUL	Female	17101-3951229-2	620	1050	11.81	724	1100	13.16	311	550	11.31	625	1100	8.52	0	0	0	0	0	0	589	900	9.48		54.28	37	91.28
13	1561554	KHAIRUL BASHAR	Male	17101-0399782-1	522	850	12.28	494	1100	8.98	272	550	9.89	0	0	0	0	0	0	0	0	0	486	900	8.1		39.25	48	87.25
14	1561698	FAWAD AMIN	Male	17101-3494726-7	597	900	13.27	652	1100	11.85	256	550	9.31	0	0	0	0	0	0	0	0	0	606	900	10.1		44.53	42	86.53
15	1561840	KAMRAN ALI	Male	17101-1537554-7	429	850	10.09	492	1100	8.95	251	550	9.13	640	1100	8.73	0	0	0	0	0	0	615	900	10.25		47.15	36	83.15
16	1561172	ARIF JAN	Male	17101-0286669-5	422	850	9.93	481	1100	8.75	455	800	11.38	641	1100	8.74	0	0	0	0	0	0	610	900	10.17		48.67	34	82.67
17	1561296	ZAIN-UL ABIDIN	Male	17101-8876007-9	556	900	12.36	2188	3350	13.06	0	0	0	0	0	0	0	0	0	0	0	0	571	900	9.57		34.94	48	82.94
18	1560223	SHAKEEL AHMAD	Male	17101-0301774-7	518	850	12.19	527	1100	9.58	239	550	8.69	0	0	0	0	0	0	0	0	0	561	900	9.35		39.81	41	80.81
19	2962293	MUHAMMAD SHOAIB	Male	17101-0334435-7	500	850	11.76	763	1450	10.52	255	550	9.27	0	0	0	0	0	0	0	0	0	622	900	10.37		41.52	37	78.52
20	2960011	HAFIZ SABIR HUSSAIN	Male	17101-3479281-1	484	850	11.39	493	1100	8.56	260	550	9.45	672	1100	9.16	0	0	0	0	0	0	563	900	9.38		48.34	29	77.34
21	1561358	ASAD ULLAH KHAN	Male	17101-0505826-9	520	1050	9.9	594	1100	10.8	231	550	8.4	0	0	0	0	0	0	0	0	0	619	900	10.32		39.42	31	70.42
22	1560764	HAYAT ULLAH	Male	17101-8835300-1	603	900	13.4	638	1100	11.6	277	550	10.07	0	0	0	0	0	0	0	0	0	0	0	0		35.07	34	69.07
23	1561441	SHAHZAD KHAN	Male	17101-2581701-9	419	900	9.31	510	1100	9.27	128	285	8.58	0	0	0	0	0	0	0	0	0	616	900	10.27		37.83	24	61.83
24	1561565	ASIF ALI	Male	17101-7224631-7	415	850	9.76	476	1000	9.52	0	0	0	0	0	0	0	0	0	0	0	0	514	900	8.57		27.85	32	59.85
25	1561552	TAHIR SHAH	Male	17101-6658505-5	488	1050	9.3	496	1100	9.02	0	0	0	0	0	0	0	0	0	0	0	0	569	900	9.48		27.8	28	55.8
26	1561228	MUHAMMAD ISLAM	Male	17101-6098295-1	434	900	9.64	572	1100	10.4	0	0	0	0	0	0	0	0	0	0	0	0	569	900	9.48		29.52	25	54.52

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Directorate of Elementary & Secondary Education  
 Government of Khyber Pakhtunkhwa  
 (Screening Test for Appointments in Government Schools (Adhoc Based))  
 Test held on 21st, 22nd & 23rd February 2014

MERIT LIST  
 CHARSADDA  
 GPS MARCHAKI-2  
 Primary School Teacher (PST) (BPS-15)

Sr	RollNo	Name	Gender	NIC	SSC			HSSC			Bachelor			Master			M. Phil			Diploma			M. Ed/ MA. Ed 5% (G)	Academic Marks (out of 100) (M+A+B+C+D+E+F+G)	NTS Marks (I)	Total Marks (out of 200) (M+I)										
					Obt	Total	20% (A)	Obt	Total	20% (B)	Obt	Total	20% (C)	Obt	Total	15% (D)	Obt	Total	5% (E)	Obt	Total	15% (F)														
1	1560241	MURAD ALI	Male	17101-0265445-3	545	850	12.82	679	1100	12.35	232	550	10.87	540	1100	8.55	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2	1561318	AZMAT HUSSAIN	Male	17101-0253235-7	458	850	10.78	521	1100	9.47	314	550	11.47	749	1300	8.54	3.1	4	3.88	610	900	10.81	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3	1561957	ADNAN KHAN	Male	17101-0606248-5	459	850	11.74	677	1100	12.31	317	550	11.52	331	600	9.53	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4	1560095	GUL RAHIM	Male	17101-6767434-3	534	1050	10.17	623	1100	11.33	239	550	10.87	1414	2100	10.1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
5	1560997	MALANG JAN	Male	17101-3773234-3	565	850	13.32	610	1100	11.09	284	550	10.33	603	1100	8.77	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
6	1561137	WISAL MUHAMMAD	Male	17101-2651246-5	601	1050	12.59	548	1100	9.86	297	550	10.8	626	1100	8.67	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
7	1561102	MUHAMMAD ZIAULLAH	Male	17101-0401233-9	514	850	12.09	576	1100	9.56	248	550	9.62	653	1100	9.45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
8	1560710	ASHRAF JAN	Male	17101-0257215-1	452	850	10.64	474	1100	8.62	212	550	9.89	C	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
9	1561807	HIMAYAT ULLAH	Male	17101-9537243-3	503	850	11.84	524	1100	9.53	215	550	10.0	724	1200	9.05	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
10	1561730	ZUBAIR KHAN	Male	17101-4095725-7	658	1050	12.53	573	1100	10.42	252	550	9.38	1205	2400	9.41	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
11	1561770	MUHAMMAD ZAIL	Male	17101-7465534-7	765	1050	14.57	671	1100	12.2	C	C	C	C	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
12	1561407	MUHAMMAD ABBAS KHAN	Male	17101-6052369-3	557	850	13.11	2225	3350	13.28	295	550	10.76	C	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
13	1561098	FAWAD AMIN	Male	17101-3494223-7	597	900	13.27	652	1100	11.85	256	550	9.51	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14	1561840	KAMRAN ALI	Male	17101-1537244-7	429	850	10.09	492	1100	8.95	251	550	9.13	640	1100	8.73	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
15	2080011	HAFAZ SABIR HUSSAIN	Male	17101-3479233-1	484	850	11.39	493	1100	8.96	290	550	9.45	672	1100	9.15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
16	1560965	ABRAR HUSSAIN	Male	17101-1987595-1	530	1050	10.1	530	1100	9.8	252	550	9.15	652	1100	9.23	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
17	1560784	HAYAT ULLAH	Male	17101-8885300-1	603	900	13.4	638	1100	11.6	277	550	10.07	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
18	1561441	SHAHZAD KHAN	Male	17101-2587219-9	419	900	9.31	510	1100	9.27	128	225	8.93	C	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
19	1561376	TASAWAR JAN	Male	17101-1775234-5	688	1050	13.1	652	1100	11.85	0	C	C	C	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
20	1561552	TAHIR SHAH	Male	17101-6655205-5	488	1050	9.3	496	1100	9.02	0	C	C	C	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
21	1561288	MUHAMMAD ISLAM	Male	17101-9095265-1	434	900	9.64	572	1100	10.4	0	C	C	C	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	

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(Screening Test for Appointments in Government Schools (Adhoc Based))

Test held on 21st, 22nd & 23rd February 2014

NTS

MERIT LIST  
CHARSADDA  
GPS AKHONZADGON  
Primary School Teacher (PST) (BPS-15)

Sr	Roll No	Name	Gender	NIC	SSC			HSSC			Bachelor			Master			M. Phil			Diploma			M. Ed/ 5% (G)	Academic Marks (out of 100) (H+A+B+C+D+E+F+G)	NTS Marks (I)	Total Marks (out of 200) (H+I)	
					Obt	Total	20% (A)	Obt	Total	20% (B)	Obt	Total	20% (C)	Obt	Total	15% (D)	Obt	Total	5% (E)	Obt	Total	15% (F)					
1	15610241	MURAD ALI	Male	17101-0269449-9	545	850	12.82	676	1100	12.35	292	550	12.02	590	1100	8.05	0	0	0	0	0	0	0	0	54.67	70	124.67
2	1561819	AZMAT HUSSAIN	Male	17101-0269389-7	458	850	10.78	521	1100	9.47	314	550	11.42	749	1300	8.64	3.1	4	3.88	0	0	0	0	3.4	57.41	58	115.41
3	1561367	ADNAN KHAN	Male	17101-0609348-8	499	850	11.74	677	1100	12.31	317	550	11.53	381	600	9.53	0	0	0	0	0	0	0	0	55.53	52	107.53
4	1560095	GUL RAHIM	Male	17101-6767434-3	534	1050	10.17	623	1100	11.33	299	550	10.87	1414	2100	10.1	0	0	0	0	0	0	0	0	52.93	53	105.93
5	1560314	BACHA JAN	Male	17101-1860724-7	494	850	11.62	434	1100	7.89	1295	1000	15.19	0	0	0	0	0	0	0	0	0	0	0	47.58	51	98.58
6	1560710	ASHRAF JAN	Male	17101-02697215-1	452	850	10.64	474	1100	8.62	272	550	9.89	0	0	0	0	0	0	0	0	0	0	0	25.14	59	97.14
7	1561813	BHSAN MUHAMMAD	Male	17101-6334752-3	556	850	13.08	2013	3550	11.34	273	550	9.93	0	0	0	0	0	0	0	0	0	0	0	44.52	51	95.52
8	1561730	ZUBAIR KHAN	Male	17101-4695128-7	658	1050	12.53	573	1100	10.42	258	550	9.38	1505	2400	9.41	0	0	0	0	0	0	0	0	51.87	42	93.87
9	1561770	MUHAMMAD ZA'D	Male	17101-7459884-7	765	1050	14.57	671	1100	12.2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	35.6	59	93.6
10	1561564	KHAIRUL BASHAR	Male	17101-0269782-4	522	850	12.28	494	1100	8.98	272	550	9.28	0	0	0	0	0	0	0	0	0	0	0	39.25	48	87.25
11	1561698	FAHAD AMIN	Male	17101-3454726-7	597	900	13.27	652	1100	11.85	250	550	9.31	0	0	0	0	0	0	0	0	0	0	0	44.53	42	85.53
12	1561092	MUHAMMAD TARIQ	Male	17101-0269786-3	527	850	12.4	634	1100	11.53	275	550	10.0	581	1100	7.92	0	0	0	0	0	0	0	0	52.27	33	85.27
13	1561840	KAMRAN ALI	Male	17101-1537594-7	429	850	10.09	492	1100	8.95	251	550	9.13	640	1100	8.73	0	0	0	0	0	0	0	0	47.15	35	83.15
14	1561172	IARIF JAN	Male	17101-0269369-5	422	850	9.93	481	1100	8.75	455	800	11.38	641	1100	8.74	0	0	0	0	0	0	0	0	48.97	34	82.97
15	1560224	SHAKEEL AHMAD	Male	17101-0201774-7	518	850	12.15	507	1100	9.58	239	550	8.99	0	0	0	0	0	0	0	0	0	0	0	39.81	41	80.81
16	1560093	MUHAMMAD ADNAN	Male	17101-9772737-3	322	850	7.58	474	1100	8.62	260	550	7.45	0	0	0	0	0	0	0	0	0	0	0	25.65	54	79.65
17	2460091	HAFIZ SABIR HUSSAIN	Male	17101-3478281-1	484	850	11.39	493	1100	8.96	260	550	9.45	672	1100	9.16	0	0	0	0	0	0	0	0	48.34	29	77.34
18	1560764	HAYAT ULLAH	Male	17101-8858300-1	603	900	13.4	638	1100	11.6	277	550	10.07	0	0	0	0	0	0	0	0	0	0	0	35.07	34	69.07
19	1561441	SHAHZAD KHAN	Male	17101-2581701-9	419	900	9.31	510	1100	9.27	128	285	8.98	0	0	0	0	0	0	0	0	0	0	0	37.83	24	61.83
20	1561206	WASI ULLAH JAN	Male	17101-2009447-1	456	900	10.13	495	1100	9.07	215	550	7.93	0	0	0	0	0	0	0	0	0	0	0	29.38	23	52.38
21	1561388	RAFI ULLAH	Male	17102-4719033-1	511	1050	9.73	488	1100	8.87	0	0	0	0	0	0	0	0	0	0	0	0	0	0	27.8	28	55.8
22	1561552	TAHIR SAH	Male	17101-6658535-9	488	1050	9.3	496	1100	9.02	0	0	0	0	0	0	0	0	0	0	0	0	0	0	29.52	25	54.52
23	1561288	MUHAMMAD ISLAM	Male	17101-9058295-1	434	900	9.64	572	1100	10.4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	29.52	25	54.52

NOTIFIED TO BE  
TRUE COPY

16

Directorate of Elementary & Secondary Education  
 Government of Khyber Pakhtunkhwa  
 (Screening Test for Appointments In Government Schools (Adhoc Based))

Test held on 21st, 22nd & 23rd February 2014

**MERIT LIST  
 CHARSAWA  
 GPS SHULG CHECK RAJJAR  
 Primary School Teacher (PST) (BPS-15)**

11.64  
8.91

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۸.۹۱

NTS

Sr	Roll No	Name	Gender	NIC	SSC			HSSC			Bachelor			Master			M. Phil			Diploma			M. Ed M.A. Ed 5% (G)	Academic Marks out of 1000 (A+B+C+D+E+F+G)	NTS Marks (H)	Total Marks out of 2000 (H+I)
					Obt	Total	20% (A)	Obt	Total	20% (B)	Obt	Total	20% (C)	Obt	Total	15% (D)	Obt	Total	5% (E)	Out	Total	15% (F)				
1	15200241	MURAD ALI	Male	17101-0266449-3	545	850	12.82	679	1100	12.35	292	550	10.62	550	1100	8.05	0	0	0	650	900	10.41	24.67	70	124.67	
2	2230344	INAM ULLAH	Male	17101-5744904-3	495	600	16.5	463	600	15.43	475	600	15.83	337	600	8.43	0	0	0	608	900	16.11	49.37	57	123.37	
3	1561158	MOJAM JAN	Male	17101-8006111-9	574	850	13.51	702	1100	12.76	336	550	12.22	1122	2000	2.41	0	0	0	638	900	12.63	57.53	65	122.53	
4	1561813	AZMAT HUSSAIN	Male	17101-0255185-7	458	850	10.78	521	1100	9.47	314	550	11.42	749	1300	8.64	3.1	4	3.68	589	900	9.02	57.41	53	115.41	
5	1561834	REVIYAT KHAN	Male	17101-0243879-1	540	850	12.71	516	1100	9.38	290	550	10.55	524	1100	7.15	0	0	0	601	900	10.02	49.81	61	110.81	
6	1561838	TASAWAR KHAN	Male	17101-6579514-9	577	850	13.58	673	1100	12.24	270	550	10.15	1483	2300	9.71	0	0	0	605	900	10.08	55.76	53	108.76	
7	1561267	AZHAN KHAN	Male	17101-0606548-9	499	850	11.74	677	1100	12.31	317	550	11.53	391	600	9.53	0	0	0	625	900	10.35	55.53	52	107.53	
8	1560781	SADARAT SHAH	Male	17101-7448559-5	646	850	15.2	621	1100	11.29	279	550	12.15	540	1100	7.36	0	0	0	571	900	9.02	53.52	52	105.52	
9	1560697	IRAFANG JAN	Male	17101-3772734-3	566	850	13.32	610	1100	11.09	284	550	12.33	693	1100	8.22	0	0	0	556	900	9.45	52.39	49	101.39	
10	1561611	IRFAN ULLAH	Male	17101-3278314-7	536	1050	10.21	650	1100	12.0	294	550	12.89	0	0	0	0	0	0	610	900	10.17	47.07	58	101.07	
11	1560602	MUHAMMAD ZAULLAH JAN	Male	17101-0401268-6	514	850	12.09	526	1100	9.56	248	550	9.02	693	1100	9.45	0	0	0	719	1200	8.55	43.11	53	99.11	
12	1560314	BACHA JAN	Male	17101-1852724-7	494	650	11.62	434	1100	7.89	2295	1600	16.19	0	0	0	0	0	0	719	900	11.58	47.58	51	98.58	
13	1561763	MUHAMMAD SHOAB HASAN	Male	17301-3700888-6	721	1050	13.73	2490	3550	14.03	181	285	12.7	0	0	0	0	0	0	719	900	11.58	52.16	45	97.16	
14	1560710	ASIRAF JAN	Male	17101-0257215-1	452	850	10.64	474	1100	8.62	272	550	9.69	0	0	0	0	0	0	719	1200	8.55	38.14	59	97.14	
15	1560710	ASIRAF JAN	Male	17101-0257215-1	452	850	10.64	474	1100	8.62	272	550	9.69	0	0	0	0	0	0	719	1200	8.55	38.14	59	97.14	
16	1560134	MAD UD DIN	Male	17101-5146628-3	484	850	11.39	619	1100	11.25	316	550	11.49	719	1100	9.8	0	0	0	597	900	9.95	53.88	42	95.88	
17	1561267	AZHAN KHAN	Male	17101-0533764-8	503	850	11.84	524	1100	9.53	275	550	10.0	724	1200	9.05	0	0	0	555	900	9.29	49.67	45	94.67	
18	1561730	ZUBAIR KHAN	Male	17101-4695126-7	658	1050	12.53	573	1100	10.42	258	550	9.38	1505	2400	9.41	0	0	0	608	900	10.13	51.87	42	93.87	
19	1561770	MUHAMMAD ZAID	Male	17101-7469584-7	765	1050	14.57	671	1100	12.2	0	0	0	0	0	0	0	0	0	530	900	8.83	35.6	58	93.6	
20	1561622	MAN MUHAMMAD TAYYAB	Male	17101-3019524-6	577	900	12.82	721	1100	13.11	0	0	0	0	0	0	0	0	0	604	900	10.07	36.0	56	92.0	
21	1560709	AMJAD HUSSAIN	Male	17101-0341480-6	417	850	9.81	487	1100	8.85	247	550	9.98	564	1100	9.99999	0	0	0	600	900	10.6	45.33	45	91.33	
22	1561698	FAWAD AMIN	Male	17101-3494728-7	597	900	13.27	652	1100	11.85	256	550	9.31	0	0	0	0	0	0	606	900	10.1	44.53	42	86.53	
23	1561840	KAMRAN ALI	Male	17101-1537554-7	429	850	10.09	492	1100	8.95	251	550	9.13	640	1100	8.73	0	0	0	615	900	10.25	47.15	36	83.15	
24	1561172	ARIF JAN	Male	17101-0296989-5	422	850	9.93	481	1100	8.75	455	800	11.38	641	1100	8.74	0	0	0	610	900	10.17	48.97	34	82.97	
25	1561298	ZAIN UL ABIDIN	Male	17101-8876037-9	550	900	12.30	2189	3350	13.06	0	0	0	0	0	0	0	0	0	571	900	9.57	34.94	48	82.94	
26	1560224	ISHAKEEL AHMAD	Male	17101-0301774-7	518	850	12.19	527	1100	9.58	239	550	2.69	0	0	0	0	0	0	561	900	9.35	39.81	41	80.81	
27	1560525	IRUCIA-BEGUM	Male	17101-4051810-8	555	850	13.08	697	1100	12.67	280	550	10.18	0	0	0	0	0	0	577	900	9.62	45.53	34	79.53	
28	1560768	FAZULLAH	Male	17101-2637095-3	609	1050	11.6	640	1100	11.64	274	550	9.66	0	0	0	0	0	0	594	900	9.9	43.1	35	79.1	
29	1560201	HAQIR SABIR HUSSAIN	Male	17101-3479281-1	484	850	11.39	493	1100	8.96	280	550	5.45	872	1100	9.15	0	0	0	563	900	9.26	48.34	29	77.34	
30	1560966	ABRAR HUSSAIN	Male	17101-1981699-1	530	1050	10.1	539	1100	9.8	252	550	3.16	852	1100	9.03	0	0	0	600	900	10.0	48.09	28	76.09	
31	1560784	HAYAT ULLAH	Male	17101-8885300-1	603	900	13.4	538	1100	11.6	277	550	10.07	0	0	0	0	0	0	548	900	9.13	41.85	26	67.85	
32	1561346	MADDEEM KHAN	Male	17101-8326541-5	495	850	11.65	571	1100	10.38	294	550	12.69	0	0	0	0	0	0	0	0	0	35.07	34	69.07	
33	1560877	MANZOOR AHMAD	Male	17101-0284053-3	504	850	11.66	552	1100	10.04	287	550	10.44	621	1100	8.47	0	0	0	569	900	9.43	40.81	25	65.81	
34	1561441	SHAHZAD KHAN	Male	17101-2581701-9	419	900	9.31	510	1100	9.27	128	235	8.98	0	0	0	0	0	0	616	900	10.27	37.83	24	61.83	
35	1561552	TAHIR SHAH	Male	17101-6658505-5	488	1050	9.3	456	1100	9.02	0	0	0	0	0	0	0	0	0	569	900	9.43	27.8	28	55.8	
36	1561552	TAHIR SHAH	Male	17101-6658505-5	488	1050	9.3	456	1100	9.02	0	0	0	0	0	0	0	0	0	569	900	9.43	27.8	28	55.8	
37	1561298	MUHAMMAD ISLAM	Male	17101-9058398-1	434	900	9.64	572	1100	10.4	0	0	0	0	0	0	0	0	0	569	900	9.48	29.52	25	54.52	

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To be substituted with No and Date  
Appointment Order FST Ad hoc Basis

C1/17

OFFICE OF THE  
DISTRICT EDUCATION OFFICER  
(MALI) CHARSADDA

APPOINTMENT

Consequent upon recommendation of the District Selection Committee, appointment of the following candidates are hereby ordered against the post of PST School based/CC based in BPS-12 (Rs: 7000-500-22000) @Rs: 7000/- fixed plus usual allowances as admissible under the rules on ad hoc basis on Contract under the existing policy of the Provincial Government, in Teaching Cadre on the terms and condition given below with effect from 01-09-2011.

PST BPS-12

S.#	Name	School Name	U/C	Score
1	NAEEM JAN 17102-0289112-9	GPS Kass Koroona	Sherpao	135.19
2	MUHAMMAD SHAHZAD KHAN 17102-9928833-1	GPS Kass Koroona	Sherpao	115.59
3	ZAHoor AHMAD 17102-8677592-1	GPS Sherpao No.1	Sherpao	108.78
4	MICRAD ALI 17101-0269419-1	GPS SHULG CHECK KAJJAR	Hisara Yasin Zai	121.67
5	AZMAAT HUSAIN 17101-0252985-7	GPS BARCHAKI-2	Hisara Yasin Zai	115.11
6	ADNAN KHAN 17101-0608048-1	GPS SHULG CHECK KAJJAR	Hisara Yasin Zai	107.53
7	Bachta Jan 17101-1852721-7	GPS Gango	Hisara Yasin Zai	108.58
8	AMJAD ALI 17101-0381299-7	GPS Chek Nisatta	Dosheeta	106.3

TERMS & CONDITIONS.

1. NO TA/DA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Appointment is purely on temporary & contract basis initially for one year.
4. They should not be handed over charge if they exceed 35 years or below 18 years of age.
5. Appointment is subject to the condition that the certificate/documents must be verified from the concerned authorities by the DEO (concerned). Anyone found producing false documents will be reported to the law enforcing agencies for further action.

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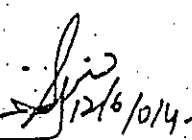
18

6. His services are liable to termination on one month's notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the Government.
7. Pay will not be drawn until and unless a certificate to the effect by DEO (concerned) is issued that his certificates are verified.
8. He should join his post within 10 days of the issuance of this notification. In case of failure to join their post within 10 days of the issuance of this notification, his appointment will expire automatically and no subsequent appeal etc shall be entertained.
9. Health and Age Certificate should be produced from the Medical Superintendent concerned before taking over charge.
10. Before handing over charge he will sign an agreement with the department, otherwise this order will not be valid.
11. He will be governed by such rules and regulations as may be issued from time to time by the Govt.
12. His services shall be terminated at any time, in case his performance is found unsatisfactory during his contract period. In case of misconduct, he shall be proceeded under the rules framed from time to time.
13. His appointment is made on School based, He will have to serve at the place of posting, and his service is not transferable to any other station.
14. Before handing over charge once again their document may be checked if they have not the required qualification, they may not be handed over charge.

(Siraj Muhammad)  
District Education Officer  
(Male) Charsadda

Endst: No: 5652-65 / Dated: Charsadda the 12/06/2014

- Copy forwarded for information and necessary action to the:-
1. Director E&SE Deptt: Khyber Pakhtunkhwa Peshawar.
  2. Deputy Commissioner Charsadda
  3. District Accounts Officer Charsadda
  4. SDEO (M) Charsadda
  5. SDEO (M) Tangi
  6. Official Concerned
  7. M/File

  
12/6/14  
District Education Officer  
(Male) Charsadda

  
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**TO BE SUBSTITUTED WITH NO AND DATE***Appointment order PST Ad Hoe Basis*

Office of the  
District education officer  
(Male) charsadda

**APPOINTMENT:**

Consequent upon recommendation of the District Selection Committee appointment of the following candidates are hereby ordered against the post of PST School based/UC based in BPS-12 (Rs.7000-500-22000) @Rs.7000/- fixed plus usual allowances as admissible under the rules on adhoc basis on Contract under the existing policy of the Provincial Government, in Teaching Cadre on the terms and condition given below with effect from 01.09.2014.

Sr#	Name	School Name	U/c	Score
1.	Naeem Jan 17102-0280112-9	GPS Kass Koroona	Sherpao	135-49
2.	Muhammad Shahzad Khan 17102-9928833-1	GPS Kass Koroona	Sherpao	115-59
3.	Zahoor Ahmad 17102-8677592-1	GPS Sherpao No.1	Sherpao	108-78
4.	Murad Ali 17101-0269449-3	GPS Shulg Check Rajjar	Hisara Yasin Zai	124-67
5.	Azmat Hujaj 17101-0253258-7	GPS Marchaki-2	Hisara Yasin Zai	115-41
6.	Adnan Khan 17101-6068048-9	GPS Shulg Check Rajjar	Hisara Yasin Zai	107-53
7.	Bacha Jan 17101-1852724-7	GPS Gango	Hisara Yasin Zai	98.58
8.	Ajmad Ali 17101-0381299-7	GPS Chek Nisatta	Dosehra	106.3

**TERMS & CONDITIONS:**

1. No TA/DA etc is allowed
2. Charge reports should be submitted to all concerned in duplicate.
3. Appointment is purely on temporary & contract basis initially for one year.
4. They should not be handed over charge if they exceed 35 years or below 18 years of age.
5. *Appointment is subject to the condition that the certificate/documents must be verified from the concerned authorities by the DEO (concerned). Anyone found producing bogus certificate will be reported to the law enforcing agencies for further action.*

**ATTESTED TO BE  
TRUE COPY**

6. **His services are liable to termination on one month's notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the Government.**
7. **Pay will be not be drawn until and unless a certificate to the effect by DEO (concerned) is issued that his certificates are verified.**
8. **He should join his post within 10 days of the issuance of his notification. In case of failure to join their post within 10 days of the issuance of this notification, his appointment will expire automatically and no subsequent appeal etc shall be entertained.**
9. **Health and Age certificate should be produced from the Medical Superintendent concerned before taking over charge.**
10. **Before handing over charge he will sign an agreement with the department, otherwise this order will not be valid.**
11. **He will be governed by such rules and regulations as may be issued from time to time by the Govt.**
12. **His services shall be terminated at any time, in case his performance is found unsatisfactory during his contract period. In case of misconduct, he shall be preceded under the rules framed from time to time.**
13. **His appointment is made on school based, He will have to serve at the place of posting, and his service is not transferable to any other station.**
14. **Before handing over charge once again their document may be checked if they have not the required qualification, they may not be handed over charge.**

(Siraj Muhammad)  
District Education Officer  
(Male) Charsadda

Endst No.5652-65/dated Charsadda the 12.06.2014

Copy forwarded for information and necessary action to the;-

1. Director E&SE Deptt: Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Charsadda.
3. District Accounts Officer Charsadda
4. SDEO (M) Charsadda
5. SDEO (M) Tangi
6. Offical concerned
7. M/File.

*at ver*  
**ATTESTED TO BE  
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Sd/-  
District Education Officer  
(Male) Charsadda

D/19

CERTIFICATE OF TRANSFER OF CHARGE

- 1. Certified that we have on the fore/afternoon of this day respectively made over and receive charge of this office of the As. P.S.T Post G.P.S. Gango, Hirma Yaseen Zai vide D.E.O (M) Charsadda Order Enrolment No. 5652-S dt Charsadda the 18/06/2014
- 2. Particulars of cash and important secret and confidential documents handed over are noted on the reverse.

Station G.P.S. Gango

Signature of relieved Government Servant Umer Post  
Designation P.S.T (B-12)

Dated 12-06-14

Signature of relieving Government Servant Bachar  
Designation P.S.T (B-12)

Shah  
Head Master  
G.P.S Gango  
Tarnab

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E/20

OFFICE OF THE ASSISTANT DIRECTOR EXAMINATION K.P.K AT PITE PESHAWAR.



NO 1191

Dated Peshawar the 21-1-2015

TO, *Asstt.*  
The Sub: Divisional Education Officer  
Circle Mahqi Charadda

Subject:- VERIFICATION OF DMC/CERTIFICATE.

Memo:-

Reference your letter NO.93 dated 25-6-2014 on the subject cited above. The documents as referred to this office by your office (Copy/Copies) has/have been checked with the relevant records. Remarks relevant to the documents are given below:

S.NO	Roll NO	Name of Candidate S/O	Name of Exam:	Year	Marks Obtain	Remarks
1.	790	Bacha Jan	PTC	1996	713	Verified and found correct

Assistant Director Examination  
KPK at PITE Peshawar

*[Signature]*  
**ATTESTED TO BE  
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# DETAIL MARKS CERTIFICATE



## TRAINING CLASSES EXAMINATION P.T.C. 1996,

Roll No. 790 Name Bacha Jan Son/Daughter of Masul Khan

Serial No.	SUBJECT	Max: Marks	Marks Obtained		TOTAL
			Interl:	Exterl:	
1.	Principles of Edu: and Method of Teaching	100			61
2.	Child Devept: and Counselling	100			39
3.	School Org: and Class Room Management	100			56
4.	Lang: and Method of Teaching	100			68
5.	Mathematics and Method of Teaching	100			70
6.	Science and Method of Teaching	100			66
7.	Social Studies and Method of Teaching	100			51
8.	Islamiat and Method of Teaching	100			59
9.	Art and Craft, Art and Method of Teaching	100			62
10.	Health and Physical Education	100			67
11.	Teaching Practice	200			114
Grand Total		1200			713

Passed/Failed.....

Division..... II

To Re-appear in

1.....

2.....

3.....

Prepared by [Signature]

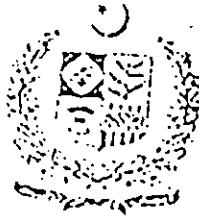
Date of declaration 13.15.97

Checked by.....

**ATTESTED TO BE TRUE COPY**

Dy: Registrar,  
Departmental Examination,  
Education Department,  
N.-W.F.P., Peshawar.

F/22



Office of the  
District Accounts Officer  
Charsadda  
Phone & Fax : 091 9220142

NO.DAO/CHD/ADMN/2014/15

1642

DATED 12/5/2015

The District Education Officer (Male)  
Charsadda

Subject: Verification/Authentication of Appointment Orders  
Memo:

Enclosed please find here with the appointment orders of the following official for countersignature, verification authentication, pay release order and early return to this office for further necessary action

Name of Appointee	Father Name	CNIC No	Date of Appointment	Designation	Place of Posting
Bacha Jam	Masal Khan	17101-18527247	12/06/2014	PST	SDEO Chd
/	/	/	/	/	/
/	/	/	/	/	/
/	/	/	/	/	/
/	/	/	/	/	/

District Accounts Officer  
Charsadda

**ATTESTED TO BE  
TRUE COPY**

227  
Better Copy

**OFFICE OF THE  
DISTRICT ACCOUNTS OFFICER  
CHARSADDA  
PHONE & FAX: 091-9220142**

**NO.DAO/CHD/ADMN/2014/15 1642 dated 12.05.2015**

To,

The District Education Officer (Male)

Charsadda

Subject: **verification/authentication of appointment orders**

Memo:

Enclosed please find herewith the appointment orders of the following official for countersignature, verification authentication, pay release order and early return to this office for further necessary action.

No.	Name of appointee	Father name	CNIC No.	Date of appointment	Designation	Place of petition
1	Bacha Jan	Masal Khan	17101-1852724-7	12.06.2014	PST	SDEO Chd

Sd/-  
District Accounts  
Charsadda

*[Signature]*  
**ATTESTED TO BE  
TRUE COPY**

9/23

OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALE) CHARSAJDA  
No 5801 / Date 14/5 /2015

To  
The District Accounts Officer,  
Charsajda

SUBJECT: VERIFICATION AND AUTHENTICATION OF APPOINTMENT ORDERS

Memo:  
Reference your letter No.DAO/CHD/ADM/2014-15 1642 dated 12/02/2015 on the subject cited above.

It is certified that the following appointment of PST is correct as per the record of this office:

S No.	Name & Father name	CNIC	Date of apt:	Designation	Place of posting
01	Bacha Jan s/o Masal Khan	17101-1852724-7	12/6/2014	PST	SDEO (M) Charsajda

*[Signature]*  
14/5/15  
DISTRICT EDUCATION OFFICER  
(MALE) CHARSAJDA

*[Signature]*  
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H/24



OFFICE OF THE  
DISTRICT EDUCATION OFFICER  
MALE CHARSAKDA

No. 7338 /dt.13/7/2015

TO

The SDEO (M)  
Charsakda.

SUBJECT:- SHOW CAUSE NOTICE.

Memo:-

The enclosed show cause Notice in R/O Mr: Bacha Jan PST GPS Gango Tarnab may be served upon the teacher concerned and get his reply to this show cause notice and submit to the undersigned within 07 days positively.

Sd/--  
DISTRICT EDUCATION OFFICER  
MALE CHARSAKDA

OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER (M) CHARSAKDA.

Endst: No. 582 /dated 13/7/2015

Copy to the:-

- 1)- District Education officer (M) Charsakda w/r to his No. & date cited above.
- 2)- ✓ Mr: Bacha Jan PST GPS Gango Tarnab.
- 3)- Head Teacher GPS Gango Tarnab

SUB DIVISIONAL EDUCATION OFFICER  
(M) CHARSAKDA

*[Signature]*  
**ATTESTED TO BE  
TRUE COPY**

SHOW CAUSE NOTICE


I, Siraj Muhammad District Education Officer (M) Charsadda as competent authority under the Khyber Pakhtunkhwa Government Servants E&D Rules 2011, do hereby serve you Mr. Bacha Jan PST/GPS Gangu Tarnab as follow.

1. (i) That consequent upon the completion of inquiry conducted against you by the enquiry officer/inquiry committee for which you were given opportunity of hearing vide communication No \_\_\_\_\_ dated \_\_\_\_\_ and
- (ii) On going through the findings and recommendations of the enquiry officer/inquiry committee, the material as record and other connected papers including your defense before the enquiry officer/inquiry committee,

I am satisfied that you have committed the following acts omission specified in Rule 3 of the said rules;

- (a) The merit list displayed by NIS, your score of PTC was mentioned as 11.88 by showing 713 marks out of 900, but actually you obtained the same marks out of 1200 and thus your score of PTC comes as 8.91 instead of 11.88 and total score as 95.62 instead of 98.58, but you did not bring it into Notice of the Department and kept Department in dark, which resulted deprivation of deserving candidate from appointment with higher score of 97.14 as at S;No 09 in the merit list.

2. As a result thereof. I as competent authority have tentatively decided to impose upon the penalty of REMOVAL under rules 4 of the said rules.
3. You are therefore required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person on \_\_\_\_\_/\_\_\_\_\_/2015.
4. If no reply to this notice is received within 7 days or not more than 15 days of its delivery it shall be presumed that you have no defense to put in and in that case an ex-parte shall be taken against you.
5. A copy of findings of the inquiry officer/inquiry committee is enclosed.

  
12/7/15  
COMPETENT AUTHORITY

Mr. Bacha Jan PST  
GPS Gangu Tarnab

**ATTACHED TO BE  
TORN OFF COPY**

I/26

06 August, 2015

Sub-Divisional Education Officer (M)  
Charsadda.

SUBJECT: SHOW CAUSE NOTICE

Dear Sir,

Please refer to your letter No. 7388/dt13/7/2015 on subject matter above.

Being a law abiding citizen and a concerned and devoted teacher, I feel surprised to first have undergone through an enquiry and then to have been given the Show Cause Notice for the basic reason that I applied for the vacancy/post through proper channel and submitted all documents that were required which were all complete, accurate, verified and not any stage I have kept the Competent Authority and the department in the dark. Moreover, my rights have been usurped due to lack of transparency in conduct of the inquiry committee and the concerned officer(s). While emphasis has been placed in the Show Cause Notice on findings of the inquiry officer/inquiry committee, however I, till date, have neither along with the Show Cause Notice nor separately received or have been handed over copy of the aforementioned findings. Isn't it my constitutional and legal right to be given copy of the Inquiry Report?

Further to the above, I wish to draw your attention to the following reply in response to the Show Cause Notice:

1. I agree and can confirm that I was given opportunity of hearing and time and again I have clarified my position that documents I have submitted and presented for the vacancy/post are all correct including grades/scores and that it is rather clerical and typing error which has created a problem at the end of the department.
2. I cannot comment on the findings and recommendations of the enquiry officer/inquiry committee as I have not seen documents/information on which the enquiry officer/inquiry committee has relied upon. This is a grave injustice and does not reflect either an open government or transparent work ethics.
3. I am seriously disappointed by the fact that a clerical mistake has been blown out of a proportion as I have never made representation to the fact that I have obtained 713 marks out of 900 in PTC. Rather all my applications/departmental record illustrate the true and accurate picture which is that I have obtained 713 marks out of 1200 in PTC. In addition, I have not typed/drafted/prepared/displayed the merit list. So, why should I be penalized for error/omission of departmental staff or somebody else? I wish to inform you that the institution where and the course that I took for PTC, the score is never out of 900. In essence, I have been taken aback by the fact that the Competent Authority has never appreciated this fact.

*[Signature]*  
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4. I also wish to draw your attention to the fact that I have gone through various stages of the interview/selection/appointment process and not any stage the allegations contained in the Show Cause Notice were ever raised. I have even verified all documents which strongly reflect on my integrity.

I will appreciate that if in light of the above and on basis of my honest, sincere and truthful representations, the Show Cause Notice and the findings of the enquiry officer/inquiry committee are withdrawn as both are based on inaccurate/incorrect information and misreading of score in question. Finally, I would like to reiterate my position that I have not kept department in the dark as it was an error/omission or misreading of the information by the department and its staff and I did not at any stage of the application procedure or later was responsible for internal administration of the department and its staff.

With reference to the instant reply to the Show Cause Notice, I look forward to positive response of the Competent Authority as the Enquiry and the resulting Show Cause Notice is an outcome of misunderstanding fuelled by misreading of the PTC score.

Thank you for your time and consideration.

Yours sincerely,

B.  
Mr. Bacha Jan  
PST  
GPS Gango Tarnab

*[Handwritten Signature]*  
**ATTESTED TO BE TRUE COPY**

J/28

OFFICE OF  
THE DISTRICT EDUCATION OFFICER  
(MALE) CHARSAJDA

NOTIFICATION.

01. WHEREAS, Mr Bacha Jan, PST GPS Gangu Turnab Charsajda was proceeded under the Khyber Pakhtunkhwa, Government servants (Efficiency & Discipline) Rules, 2011 on the charges of his irregular appointment made as PST, vide Notification No 5652-65 dated 12/06/2014 at S;No 07, as pointed out by the inquiry officer in his report.
02. AND WHEREAS, the undersigned examined the charges against the accused as mentioned in the above inquiry report.
03. AND WHEREAS, a show cause notice was served upon Mr Bacha Jan, PST GPS Gangu Turnab Charsajda dated 13/07/2015.
04. AND WHERE AS, I the competent authority after having considered the charges and evidence on record inquiry report, explanation of the accused official in response to the show cause notice and missing chance of personal hearing is of the view that the charges of incorrect score of PST marks against you have been proved, which is tantamount to misconduct.
05. In the light of above enquiry report, you are hereby terminated from the post of PST with immediate effect.

(SIRAJ MUHAMMAD)  
DISTRICT EDUCATION OFFICER  
(M) CHARSAJDA

Endstt No: 9054-57 / Dated: 21/8 2015

Copy forwarded for information to the:

01. Director (E&SE) Khyber Pakhtunkhwa, Peshawar
02. District Account Officer Charsajda
03. SDEO (M) Charsajda
04. Official concerned
05. Office file

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TRUE COPY

21/8/15  
DISTRICT EDUCATION OFFICER  
(M) CHARSAJDA

12/29

17<sup>th</sup> September, 2015

O/Sec.S Khyber Pakhtunkhwa  
Diary No. 10392

Date. 27-10-15

*(Signature)*  
27-10-15

1. Chief Secretary  
Government of Khyber Pakhtunkhwa  
Peshawar.

2. Secretary  
Elementary and Secondary Education  
Government of Khyber Pakhtunkhwa  
Peshawar.

3. Director  
Elementary and Secondary Education  
Government of Khyber Pakhtunkhwa  
Peshawar.

4. District Education Officer (M)  
Elementary and Secondary Education  
Charsadda.

*Handwritten notes:*  
27/10/15  
5015  
Dica  
Dw. 600

97  
30/10/15

SUBJECT: DEPARTMENTAL APPEAL/REVIEW AGAINST NOTIFICATION DATED 21/8/2015 AND TERMINATION FROM SERVICE

Dear Sir,

Please refer to your letter No. Endstt No.: 9054-57 DATED 21/8/2015 on subject matter above.

In light of applicable law and rules, I wish to avail my right to present to you my application for departmental appeal/review against notification dated 12/8/2015 through which I was illegally terminated from service by the and the earlier Show Cause Notice letter No. 7388/dt13/7/2015 through which I was asked to respond to the allegations of "misconduct". This is despite the fact that I provided detailed, accurate and cogent reasons to the Show Cause Notice which was issued to me on incorrect assumptions and lacking legal and factual realities. I am deeply concerned with the response I received from the department in form of a Termination Notification not only because of lack of transparency and legality in the procedure which was followed but also due to lack of sharing of copy of inquiry report with me. This has made the position of the department in the subject matter very weak and reflects male fide as without following due process of law and principles of *audi alteram partem*, justice has certainly been denied to me.

In order to clarify my position once again and as basis of the instant departmental appeal/review, I wish to draw your attention to the following reply to the aforementioned Termination Notification, a copy of which is attached herewith along with the Show Cause Notice and my submissions to the same:

*(Signature)*  
ATTESTED TO BE TRUE COPY

**FACTS:**

1. **That** I submitted all required documents for the vacancy/post of Primary School Teacher, Charsadda, Khyber Pakhtunkhwa in relevant B.P.S scale and against position advertised by the Elementary and Secondary Education department and was appointed as such through proper channel and an appointment letter was duly issued to me and which I accepted and took charge as Primary School Teacher at GPS Gango Tarnab (all academic and professional documents are attached herewith).
2. **That** the department and its officials had created an employment file and the district accounts officer was given verification of my records thereby confirming the correctness of my academic records, scores and the appointment process (all related documents are attached herewith).
3. **That** to my surprise and down several months in my service, I received a Show Cause Notice alleging "misconduct" and that I had kept the department in the dark about the total marks (as against marks which are obtained in examination) in PTC examination out of which I had scored certain marks. I vehemently challenged the Show Cause Notice which had several errors including lack of sharing of Inquiry Report and even dates on which the alleged personal hearings have been given and stated my position clearly that I had no role in compiling merit list or my scores as it was responsibility and duty of the concerned officials, etc. and that my PTC score has been misread or incorrectly stated in the relevant records (copy of the Show Cause Notice and my reply is attached herewith).
4. **That** my reply to the Show Cause Notice was not appreciated and Notification terminating me from service on committing "misconduct" was issued however no reason was given as there was hardly any evidence on record. The applicable law and rules were not followed. For example, who was the official heading the inquiry committee and who were the members of the inquiry committee? All these questions remain to be answered and certainly cast doubt on the process through which the Show Cause Notice was issued.

**GROUNDS:**

I rely on following grounds in the instant departmental appeal/review:

5. **That** if I had ever made any misrepresentation, which I vehemently deny, the same should have been caught/identified by the multiple number of employees/staff of the concerned department as I was offered the contract of employment as an outcome of a hiring process as I had gone through various stages of the interview/selection/appointment process and not any stage the allegations contained in the Show Cause Notice were ever raised. I have even verified all academic documents including PTC through my own limited resources which strongly reflect on my integrity. But to my surprise, the verification of my qualifications, which is a product of independent process, has not been appreciated or accepted. Despite my teaching engagements for several months and verification of my qualifications, my salary has been pending and not released to me.

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TRUE COPY**

6. That after several months of appointment in which I served the department with dedication and sincerity, the department on mistaken assumptions thought that the total number of marks as against obtained marks were not the right ones. I bring this to your kind attention due to the fact that I was not compiling/presenting the obtained/total marks. In this context, I am seriously disappointed by the fact that a clerical mistake has been blown out of a proportion as I have never ever made representation to the fact that I have obtained 713 marks out of 900 in PTC. Rather all my applications/departmental record illustrate the true and accurate picture which is that I have obtained 713 marks out of 1200 in PTC. In addition and as mentioned hereinabove, I have not typed/drafted/prepared/displayed the merit list. So, why should I be penalized for error/act/omission of departmental staff or somebody else? I wish to inform you that the institution where and the course that I took for PTC, the score is never out of 900. In essence, I have been taken aback by the fact that the Competent Authority has never appreciated this fact and jumped to misguided conclusion.
7. That I wish to inform the Competent Authority that I cannot comment on the findings and recommendations of the enquiry officer/inquiry committee as I have not seen the inquiry report and its findings and documents/information on which the enquiry officer/inquiry committee has relied upon. This is a grave injustice and does not reflect either an open government or transparent work ethics. I have tried to clarify my position to various individuals in the department however my response has not been understood. How could a Show Cause Notice or Termination Notification be issued without holding an inquiry?
8. That in reply to the earlier Shaw Cause Notice, I had requested the Competent Authority to share with me copy of the findings of the inquiry committee/copy of the inquiry report. However, till date, the same has not been shared with me. This leads to a question whether an inquiry committee was ever constituted or formal proceedings have ever been conducted. If there is any record of the said proceedings, the same should be shared with me.
9. That I will appreciate if in light of the above and on basis of my honest, sincere and truthful representations, the Notification terminating my service, the preceding Show Cause Notice and any findings of the enquiry officer/inquiry committee (if such findings exist) are withdrawn as all are based on inaccurate/incorrect information and misreading of scores in question. Finally, I would like to reiterate my position that I have not kept department in the dark as it was an error/omission or misreading of the information by the department and its staff and I did not at any stage of the application procedure or later was responsible for managing the hiring process or management of the department and its staff.

It is respectfully submitted and prayed that with reference to the instant reply to the Termination Notification, I look forward to positive response of the Competent Authority as any

*[Signature]*  
**ATTESTED TO BE  
TRUE COPY**



39


inquiry, if ever held, and the resulting Show Cause Notice is an outcome of misunderstanding fuelled by misreading of the PTC score.

Thank you for your time and consideration.

Yours sincerely,



Mr. Bacha Jan  
PST  
GPS Gango Tarnab



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10 روپے

ایڈووکیٹ / دستخط

بار کونسل ابار ایسوسی ایشن

رابطہ نمبر: 0345-9228227

31702

پشاور بار ایسوسی ایشن، خیبر پختونخوا

بعدالت جناب:

<p>منجانب: ایپیلانٹ</p> <p>باجا</p> <p>کے پی سی او / KPC اور</p>	<p>دعویٰ:</p> <p>علت:</p> <p>موضوع:</p> <p>جرم:</p> <p>تھانہ:</p>
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باعت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

آن مقام کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقریر نمائندگی و فیصلہ برصن دینے جو جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا۔ نیز پیروی و پیروی یا اہل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقریر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساتھ ہر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ اتوائے مقدمہ کے سب سے ہوگا وہ وکیل موصوف و سول کے لئے کا ہتھار ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ مندر ہے۔

المرقوم: 23-02-2016

الع شد گ واہ شد الع

مقام اور کے لئے منظور ہے۔

Rasheed Aslam  
Ali Khan

Tahir Dost  
A-HC

Bacha Jan Sif... Khan

31505



# NATIONAL TESTING SERVICE, Pakistan

B-2, Palosi road, Rahatabad Colony, Near Pakistan Forest, Institute, Peshawar

Ref: NTS/Psh/08/2016/4840

Dated: 17-08-2016

**Subject: Provision of candidates Application Forms of Elementary & Secondary Education Department Khyber Pakhtunkhwa Adhoc Teachers Recruitment 2015-2016**

Dear Sir,

In response to your request through letter No. 696/F.NO (NTS) Estb(P) dated. 9<sup>th</sup> August, 2016 for the provision of original application forms of the below candidates.

S.N	ROLL NO	Form No	Name	Father Name	CNIC	Candidate UC	Project Year
1	1560814	832032	BACHA JAN	MASAL KHAN	17101-1852724-7	HISARA YASEEN ZAI	2014
2	202500500	807640	BACHA JAN	MASAL KHAN	17101-1852724-7	HISARA YASEEN ZAI	2015-2016

It is stated that candidate Mr. Muhammad Sohail Jan Roll No. 452601008 original application form has already send your good self on 14<sup>th</sup> July, 2016 and video screen shot of the said candidate send through your official email address [emischarsadda@yahoo.com](mailto:emischarsadda@yahoo.com).

Thanking you for cooperation during whole process.

Thanking you for cooperation during whole process.

Regards;

**Information Officer**

National Testing Service-Pakistan

**District Education Officer (Male)**  
Charsadda, Khyber Pakhtunkhwa

DNO 1771

Off 6/9/16



حکومت پاکستان

17101-1852724-7

آئی ایم ایف

آئی ایم ایف

آئی ایم ایف

17101/107A



### National Testing Service

NTS Allied Bank NTS COPY

Branch Code: 3032 Date: 12-1-14  
Branch Name: ABL - Chd

#### ONLINE DEPOSIT SLIP

(\* Please Deposit Rs in each one bank & tick the relevant bank)

<input checked="" type="checkbox"/> <b>Allied Bank Limited</b>	<input type="checkbox"/> <b>Milim Commercial Bank</b>
Branch: <u>I-8 Markaz Branch Islamabad (0140947)</u>	Branch: <u>I-8 Markaz Branch, Islamabad (1301)</u>
NTS-Politan-Collection: <u>0010004325640018</u>	NTS-Collection: <u>0041749181000999</u>
Note: Bank Service Charges Free of Cost	Note: Bank Service Charges Free of Cost
<input checked="" type="checkbox"/> <b>UNITED BANK</b>	<input type="checkbox"/> <b>HABIB BANK</b>
Branch: <u>Canal Br Kashmir Road Rawalpindi (0041)</u>	Branch: <u>119 Shalimar Recording Co ISB (1742)</u>
NTS-Pakistan: <u>020323191</u>	NTS-Collection: <u>1742-79602786-03</u>
Note: Bank Service Charges Free of Cost	Note: Bank Service Charges Free of Cost

\*Note: Desired Bank Stamp is required on the Deposit Slip & Send Original Deposit Slip (NTS Copy) along Application Form to NTS Office

Application Form will not be entertained without Original Deposit Slip (NTS Copy)

Applicant's Name: BACHA JAW  
 Father Name: MASAL KHAN  
 CNIC No: 17101-1852724-6000  
 D Form No: 17101-1852724-6000

Amount Rs: 1000/- Amount in word: One Thousand Rupees Only  
 Non Refundable & Non Transferable

YPRK  
Applicant Signature

Cashier

Officer

F-5



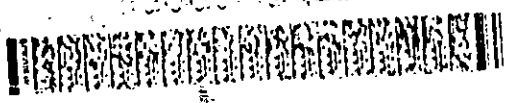
TGB56M

17101-1852724

13903112733



17/04/2004



**REGISTRATION FORM**Registration No. **832032**  
Filed by NTS**Elementary and Secondary  
Education Department,  
Government of Khyber Pakhtunkhwa****F-5****Screening Test for Primary School  
Teacher (PST) (BPS-12)**

This form is only applicable for above mentioned post. To apply for other posts candidates must send separate form of desired

**Eligibility Criteria:** All fields in the form should be filled properly otherwise your form will be rejected.

A. Is your Age according to the desired Post on 20-01-2014?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
B. Are you applying in your District of Domicile?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
C. Is your Result Not Awaited? (Result awaiting is not eligible.)	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No
D. Do you have Intermediate or equivalent qualification, from a recognized Board with Primary School Teacher Certificate/ Diploma in Education from a recognized Institute; or Secondary School Certificate, from a recognized Board in second Division with two years Associate Degree in Education from a recognized University?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

If your reply is "Yes" for A, B, C, D &amp; E above, only then please proceed further. Otherwise you are not eligible to apply.

**Bank Online Deposit of Rs: 1000/- from Designated Bank Branches. (For 5 schools)**

Bank Code	<u>0658</u>	Deposit Date	<u>18-1-14</u>	Application Form will not be entertained without Original Deposit Slip (NTS Copy)
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**1. District of Domicile:** Fill Only One Box (Mandatory)

1. <input type="checkbox"/> Abbotabad	8. <input type="checkbox"/> Hangu	14. <input type="checkbox"/> Lower Dir	20. <input type="checkbox"/> Shangla
2. <input type="checkbox"/> Bannu	9. <input type="checkbox"/> Haripur	15. <input type="checkbox"/> Malakand	21. <input type="checkbox"/> Swabi
3. <input type="checkbox"/> Battagram	10. <input type="checkbox"/> Karak	16. <input type="checkbox"/> Mansehra	22. <input type="checkbox"/> Swat
4. <input type="checkbox"/> Buner	11. <input type="checkbox"/> Kohat	17. <input type="checkbox"/> Mardan	23. <input type="checkbox"/> Tank
5. <input checked="" type="checkbox"/> Charsadda	12. <input type="checkbox"/> Kohistan	18. <input type="checkbox"/> Nowshera	24. <input type="checkbox"/> Tor Ghar
6. <input type="checkbox"/> Chitral	13. <input type="checkbox"/> Lakki Marwat	19. <input type="checkbox"/> Peshawar	25. <input type="checkbox"/> Upper Dir
7. <input type="checkbox"/> Dera Ismail Khan			

**Undertaking By The Applicant:**I BACHA JAN d/s/w of MASAL KHAN do hereby solemnly affirm that I have read and understood the eligibility criteria for appearing in the NTS Test and that I have filled the form as per instructions given above and in the event any information contained herein is found to be untrue, I shall be liable to disciplinary action which may result in my disqualification at any stage.Date: 18-1-14 Signature of the Candidate BACHA JAN**F-5**

**2. Test City:** Fill Only One Box (Mandatory)

Subject to a maximum of 200 candidates, other wise the candidates will be assigned next nearest test city)

1. <input type="checkbox"/> Peshawar	8. <input type="checkbox"/> Hangu	14. <input type="checkbox"/> Lower Dir	20. <input type="checkbox"/> Shangla
2. <input type="checkbox"/> Bannu	9. <input type="checkbox"/> Haripur	15. <input type="checkbox"/> Malakand	21. <input type="checkbox"/> Swabi
3. <input type="checkbox"/> Battagram	10. <input type="checkbox"/> Karak	16. <input type="checkbox"/> Mansehra	22. <input type="checkbox"/> Swat
4. <input type="checkbox"/> Buner	11. <input type="checkbox"/> Kohat	17. <input type="checkbox"/> Mardan	23. <input type="checkbox"/> Tank
5. <input checked="" type="checkbox"/> Charsadda	12. <input type="checkbox"/> Kohistan	18. <input type="checkbox"/> Nowshera	24. <input type="checkbox"/> Tor Ghar
6. <input type="checkbox"/> Chitral	13. <input type="checkbox"/> Lakki Marwat	19. <input type="checkbox"/> Peshawar	25. <input type="checkbox"/> Upper Dir
7. <input type="checkbox"/> Dera Ismail Khan			

**Personal Information:** Use CAPITAL letters and leave spaces between words.

3. Name in Full: BACHHA JAN

4. Father's/Husband's Name: MASAZ KHAN

5. Candidate CNIC#: 17101-1852724-7 6. Gender:  Male  Female

7. Date of Birth: 13-09-1975  
Write your Correct Date of Birth other wise you will be rejected

8. Postal Address: P/O KOAT VILLAGE NIKAURAY BABA  
(All correspondence will be made on this address through courier service or ordinary postal service)  
T.B.H B DISTT CHARSAADDA City: CHD District: CHARSAADDA

9. Phone No: (OFF) \_\_\_\_\_ (RES.) \_\_\_\_\_ (Mobile) 0345 9087930  
(City Code - Phone No) (Mandatory) You will be informed through SMS

10. Are you a Government Servant?  Yes  No

**11. Academic Information:**

- Note: 1. Write exact degree name & major subject mentioned in certificate/transcript.  
 2. NTS will not issue Roll No Slips to those who have not given their academic record accordingly.  
 3. Result awaiting candidates are not eligible.

Certificate/Degree	Degree Name	Major Subject <small>(Other than compulsory L.A. Urdu, Pak. Stud. &amp; Islamat etc)</small>	Passing Year	Obtained Marks	Total Marks	University/Board
Matric (10 Years)	SSC	Bio, Chemistry, Phys, Maths	1991	499	850	BSE PESH
Intermediate (12 Years)	F.A	Arts	1995	439	1100	"
Bachelor (14 Years)	B.A		2007	1295	1600	NICE KARACHI
Bachelor (Hons)/ Master (16 Years)						
M.Phil/ Ph.D (18 Years or Above)						
Professional Diploma/Certificate (Required for the Post)	P.T.C		1996	713	900	Elementary

F-5

9



**12. Professional Qualification:**

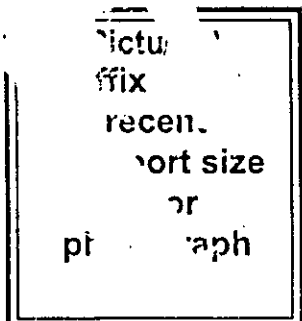
Certificate / Degree	Passing Year	Obtained Marks	Total Marks	University/Board
B.Ed				
M.Ed				
M.A Education				

**13. School Code and Name Preferences: (Mandatory)** Forms without properly filled School Codes will be rejected. Please write accurate codes for the required school. See list of schools with codes at NTS website (www.nts.org.pk). You are only allowed to apply for a school located in your District of Domicile.

	School Code (Mandatory)	District	Name of School
1.	151036	Chd	GPS GANGU
2.	151006	Chd	GPS AKHONZADGAN
3.	151135	Chd	GPS Shujgar Check Rajjar
4.			
5.			

**Check List:** Provide the following documents other wise Application Form will not be entertained

- Copy of Your CNIC
- 2 Passport size color photograph to be attached in the picture box area
- Original Bank Deposit Slip NTS Copy



- By Hand submission of Application Form is not allowed.
- Mobile Phones are not allowed in Test Center premises.
- Please use Separate Envelop for each form.

**F-5**

- Last date for application submission is **20th January, 2014.**
- Application should reach NTS office latest by last date of submission of Application Form.
- NTS will not be responsible for late receiving of application through courier / Pakistan Post etc.
- Applications received on 21st January, 2014 will not be entertained by NTS.

**Help line:**

UAN. +92-51-844-444-2  
 Website: www.nts.org.pk

**Send Application Forms to:**

Manager Operations  
 National Testing Service  
 96, STREET # 04, SECTOR H-8/1  
 ISLAMABAD



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

NO. SO (E-I)E&AD/9-126/2021  
Dated Peshawar the January 29, 2021

To

1. The Registrar,  
Peshawar High Court, Peshawar.
2. The Registrar,  
Khyber Pakhtunkhwa Service Tribunal, Peshawar

*Copies be  
circulated to  
all Hon'ble members  
3/2/21*

SUBJECT:- **CIVIL APPEAL NO. 574 OF 2020 SENIOR POSTMASTER, TREASURY,  
G.P.O, LAHORE & OTHERS VERSUS MUHAMMAD MOFEN-UL-  
HASSAN.**

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of letter No. SO(Lit-I)E&AD/1-1363/2020 dated 23.12.2020 (alongwith its enclosures), received from Establishment Department (Judicial Wing), which is self-explanatory, for information, please.

Yours faithfully,

Encl: as above.

*Zia ul Haq*  
(ZIA UL HAQ) 29-1-2021  
SECTION OFFICER (ESTT. I)

Endst: of even No. & Date:

Copy of above is forwarded for information to the:

1. The Additional Secretary (Judicial), Law, Parliamentary Affairs & Human Rights Department w/r to their letter No. SO(Lit)/LD/2020/12714 dated 17.12.2020.
2. Section Officer (Litigation-I), E&A Department w/r to their letter quoted above.

*Zia ul Haq*  
SECTION OFFICER (ESTT. I)  
PH: NO # 091/9210529

**COURT MATTER/TOP PRIORITY**



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(JUDICIAL WING)**

NO.SO(Lit-I)E&AD/1-1363/2020  
Dated Peshawar the 23.12.2020

To

1. The Registrar,  
Peshawar High Court, Peshawar.
2. The Section Officer (E-I),  
Establishment Department.

Subject: **CIVIL APPEAL NO. 574 OF 2020 SENIOR POSTMASTER,  
TREASURY, G.P.O., LAHORE & OTHERS VERSUS MUHAMMAD  
MOEEN UL HASSAN.**

Dear Sir,

I am directed to refer to this department letter of even No. dated 27-11-2020 on the subject noted above and to forward herewith a copy of letter No.SO(Lit)/LD/2020/12714, dated 17.12.2020 alongwith self-explanatory Judgment dated 13.11.2020 of the Federal Service Tribunal received from Assistant Registrar (IMP), for Registrar, Supreme Court of Pakistan, Islamabad for information & compliance, please.

Yours Faithfully,

  
Section Officer (Litigation-I)

Encl: As Above

Endst: of even No. & Date.

Copy forwarded to:-

1. PS to Secretary Establishment, Khyber Pakhtunkhwa.
2. PS to Special Secretary (Estt:), Establishment Department.
3. Assistant Law Officer (Lit), Law Department w/r his letter quoted above.
4. PA to AS(J), Establishment Department.
5. Master File.

Section Officer (Litigation-I)  
Ph: # 091-9212763



GOVERNMENT OF KHYBER PAKHTUNKHWA  
LAW, PARLIAMENTARY AFFAIRS AND  
HUMAN RIGHTS DEPARTMENT

PS/Secy E&AD KP  
Diary No. 8832 We  
FTE No. \_\_\_\_\_  
Date 17/12/20

No.SO(Lit)/LD/2020/ 127/4  
Dated Peshawar the 17/12/2020

To

The Secretary to Govt. of Khyber Pakhtunkhwa,  
Establishment Department

PS / S/S (E) E&AD

Diary No. 2943

Date 21.12.20

Subject:

ON APPEAL FROM THE JUDGMENT/ORDER OF THE FEDERAL  
SERVICE TRIBUNAL, CAMP AT LAHORE DATED (3.10.2018 IN  
A.120(L)/2017

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of judgment, dated: 13.11.2020 of the Supreme Court of Pakistan passed in C.A.No.574/2020 forwarded by the Assistant Registrar (IMP), Supreme Court of Pakistan for information and necessary action. The August Supreme Court, through afore mentioned judgement, has given certain directions with respect to the appointment of members of the Service Tribunal.

2. Since Service Tribunal at the provincial level falls within the administrative domain of Establishment Department as per entry No.25 of Schedule-II of the KPGROB, 1985, therefore, the enclosed judgment may be examined and its compliance may be ensured while appointing members of the KP Service Tribunal.

Yours faithfully,

ASSISTANT LAW OFFICER (Lit)

Endst: No.& Date Even.

Copy is forwarded to the:

1. PS to Secretary Law Department Khyber Pakhtunkhwa.
2. PA to Additional Secretary (Opinion) Law.

ASSISTANT LAW OFFICER (Lit)

Share with concerned section for compliance.

Secretary to  
Establishment

*Jagm*  
21/12

*SECRET*

*SSE*

*PS*  
21/12

*SECRET*  
1/12

REGISTERED  
No.C.A.574/2020- SCJ  
SUPREME COURT OF PAKISTAN  
Islamabad, dated 25/11/2020

The Registrar,  
Supreme Court of Pakistan.  
Islamabad.

The Deputy Registrar,  
Federal Service Tribunal.  
Camp At Lahore.

Subject: **CIVIL APPEAL NO. 574 OF 2020**

Senior Postmaster, Treasury, G.P.O., Lahore & others  
Versus  
Muhammad Moeen ul Hassan

On appeal from the Judgment/Order of the Federal Service Tribunal,  
Camp At Lahore dated 03/10/2018 in A.120(L)/2017.

Dear Sir,

In continuation of this Court's letter of even number dated 29.06.2020,  
I am directed to enclose herewith a certified copy of the Judgment of this Court dated  
13/11/2020 allowing the above cited case in the terms stated therein for information  
and further necessary action.

I am further directed to return herewith the original record of the Service  
Tribunal, received under the cover of your letter No.5728 dated 14/07/2020.

Please acknowledge receipt of this letter along with its enclosure  
immediately.

Encl: Judgment:  
2. O/Record:

Yours faithfully,

Sd/-  
(MUHAMMAD MUJAHID MEHMOOD)  
ASSISTANT REGISTRAR (IMP)  
FOR REGISTRAR

Copy of this letter along with certified copy of the order of this Court dated 13-  
11-2020 is forwarded to:-

1. The Secretary, Ministry of Law, Government of Pakistan, Pak Secretariat, Islamabad.
2. The Secretary, Ministry of Law, Government of Punjab, Civil Secretariat, Lahore.  
C/O DR(L).
3. The Secretary, Ministry of Law, Government of KPK, Civil Secretariat, Peshawar,  
C/O AR(P).
4. The Secretary, Ministry of Law, Government of Sindh, Civil Secretariat, Karachi,  
C/O DR(K).
5. The Secretary, Ministry of Law, Government of Balochistan, Civil Secretariat Quetta.  
C/O Office Incharge Quetta.

Encl: Judgment:

ASSISTANT REGISTRAR (IMP)  
FOR REGISTRAR

99/20

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**IN THE SUPREME COURT OF PAKISTAN**  
(APPELLATE JURISDICTION)

**PRESENT:**

MR. JUSTICE GULZAR AHMED, HCJ  
MR. JUSTICE IJAZ UL AHSAN  
MR. JUSTICE MUNIB AKHTAR

**Civil Appeal No.574 of 2020**

Against judgment dated 03.10.2018 of  
Federal Service Tribunal, Lahore, passed in  
Appeal No.120(L) of 2017.

Senior Postmaster, Treasury, G.P.O,  
Lahore and others

...Appellant(s)

**Versus**

Muhammad Moeen ul Hassan

...Respondent(s)

For the Appellant(s):

Molvi Ejaz ul Haq, DAG  
Raja Abdul Ghafoor, AOR

For the Respondent(s):

Mian M. Ismail Thaheem, ASC

Date of Hearing:

13.11.2020.

**JUDGMENT**

**IJAZ UL AHSAN, J.-** This appeal with leave of the Court arises out of a judgment dated 03.10.2018 rendered by the Federal Service Tribunal, Lahore (*the Tribunal*). Through the impugned judgment, an Appeal bearing No.120(L) of 2017 filed by the Respondent was allowed and the penalty of dismissal from service imposed upon him by the departmental authorities was modified to compulsory retirement with all back benefits. He was also held entitled to all pensionary benefits.

2. Briefly stated the facts necessary for disposal of this appeal are that the Respondent was working as a Clerk (Treasury Branch) in GPO, Lahore. He was charged with

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Supreme Court of Pakistan  
Islamabad

Supreme Court  
Islamabad

embezzlement of a sum of Rs.240,000/-. An inquiry was initiated against him in which he was found guilty of the charges. A show cause notice was accordingly issued to him whereafter a formal inquiry was also conducted. After due process and giving the Respondent an opportunity to defend himself the inquiry report was submitted with the competent officer. The fact finding inquiry indicated that the charges against the Respondent stood proved. After fulfilment of legal and procedural formalities, the competent authority imposed major penalty of dismissal from service upon the Respondent. The departmental appeal filed by him failed. The Respondent approached the Tribunal by way of a Service Appeal which was allowed vide the impugned judgment dated 03.10.2018 in the aforementioned terms.

3. The Respondent did not challenge the judgment of the Tribunal. However, the Appellants sought leave to appeal which was granted by this Court vide order dated 08.06.2020 in the following terms:

*"The respondent was issued a charge sheet alleging embezzlement of Rs.2,40,000/-. Inquiry was conducted, show cause notice was issued, opportunity of personal hearing was granted to him and thereafter major penalty of dismissal from service was imposed upon him. The respondent after filing of departmental appeal, filed service appeal before the Service Tribunal by which the learned Tribunal modified the penalty imposed upon the respondent on humanitarian ground from dismissal to that of compulsory retirement. Learned AAG contends that there was categorical admission of the respondent of commission of embezzlement and he has also paid the embezzled amount by making deposit of Rs.1,25,000/- initially and then agreed to pay the balance amount in monthly instalment of Rs.7000/- per month. Learned AAG contends that in view of respondent*

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Islamabad

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
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attempted to argue the case on merits. He has however been informed that having failed to challenge the judgment of the Tribunal, the Respondent had accepted all findings recorded by the Tribunal including the fact that he had admitted his guilt and the charges against him were proved. He has been directed to address us on the question of powers of the Tribunal to alter or modify the penalties imposed by the departmental authorities. He has referred to Section 5 of the Service Tribunals Act, 1974 and maintained that the Tribunal has vast powers to alter and modify the penalties imposed by the departmental functionaries. He has therefore argued that exercise of discretion by the Tribunal cannot be interfered with at this stage.

6. We have heard the learned counsel for the parties and gone through the record. There are certain factors which are discernable from a perusal of the record as well as the impugned judgment; namely:

- i) There was a charge of embezzlement of public money by the Respondent in the sum of Rs.240,000/-.
- ii) The fact finding inquiry found the Respondent guilty on the charges of "misconduct" and "inefficiency".
- iii) The departmental inquiry was validly conducted and all legal and procedural formalities were followed.

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iv) The Respondent was given full opportunity to defend himself. He did take a defence which could not be substantiated and was neither believed by the inquiry officer nor the competent authority or the Tribunal.

v) In the inquiry report a finding was recorded in the following terms:

*"It is crystal clear that the accused had embezzled Government money of Rs.240,000/-. Therefore, the charges i.e. "misconduct" and "inefficiency" levelled by the Senior Postmaster (Treasury), Lahore GPO, the authorized officer, are fully proved without any shadow of doubt."*

vi) The Respondent clearly and unambiguously admitted his guilt.

vii) Even in the impugned judgment, the Tribunal observed as follows:

*"An opportunity of personal hearing was also granted to him. He was directed to submit his defence but he did not bother to submit his defence statement despite issuance of reminders to him. The Inquiry Report, dated 15.1.2016, coupled with Show Cause Notice was served upon him even then he did not pay any heed to file any defence reply thereto. During the personal hearing before the Authorized Officer on 1.3.2016 the appellant in his defence statement admitted the embezzlement of amount and entering into an agreement with the party "Mahanama Hina". The Appellate Authority also provided him an opportunity of personal hearing on 1.11.2016 and finding no solid defence, keeping in view the whole record the Appellate Authority rejected the appeal."*

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Islamabad

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- viii) In paragraph 6 of the impugned judgment, the Tribunal further observed as follows:

*"Moreover, the statement of the appellant was recorded during the inquiry proceedings, therein he has very frankly admitted his fault and at the same time made a statement that Rs.200000/- had been paid to "Mahanama Hina" and rest of the amount of Rs.40000/- had to be paid by 20<sup>th</sup> January 2016. His statement was not cross-examined from the side of the respondents as the appellant has admitted his guilt. From the respondents side a statement was made by one Ms. Tabassum Rana that whatever has been mentioned in the statement of allegations that is her statement and she was not cross-examined by the appellant, which amounts to admission of the allegations/charges, as mentioned above."*

- ix) In paragraph 7 of the impugned judgment, the Tribunal concluded as follows:

*"In short about the amount of Rs.240000/-, the appellant has made some contradictory statements. On one hand, he has admitted his guilt about the aforesaid misappropriation and embezzlement. On the other hand, he has claimed execution of an agreement between the complainant and the appellant."*

7. We find ourselves at a loss to understand on what basis, after having recorded such categorical findings of guilt of the Respondent, the Tribunal arrogated to itself the powers to modify the penalty of dismissal from service to compulsory retirement with all back benefits and issued a specific direction that the Respondent would also be entitled to all

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pensionary benefits. We have time and again held that where the charge of misappropriation of public money has been established, the only penalty that can be awarded is that of dismissal from service unless very strong, compelling and cogent reasons are available which are recognized by the Service Law as mitigating and extenuating circumstances in the matter of imposing penalty. Where such circumstances are present, the same have to be spelt out showing due application of mind and recorded by way of reasons for reducing the penalty in as serious a charge as admitted and independently proven misappropriation of public funds. In this regard, reference may usefully be made to Assistant Director (Admn.) National Savings Centre and others v. Muhammad Anwar (1990 SCMR 1214), Federation of Pakistan through Secretary Finance, Government of Pakistan and others v. Khalid Javed (2009 SCMR 720), Chairman Dr. A.O. Khan, Research Laboratories and another v. Malik Muhammad Hamid Ullah Khan (2010 SCMR 302), Bashir Ahmad, Line Superintendent-I Lahore vs. Water and Power Development Authority, through its Chairman, Lahore (1991 SCMR 2093), Muhammad Inam vs. Federal Service Tribunal (1995 SCMR 37), Javed Akhtar vs. WAPDA through Chairman, WAPDA House, Lahore and 2 others (1996 SCMR 867), Ali Akbar vs. Inspector-General of Police (2001 SCMR 83), Safdar Ali vs. D.I.G. Traffic, Lahore and others (2007 PLC (C.S.) 1284), Ghulam Rasool Ranjha vs. Government of the Punjab through Chief Secretary, Province of Punjab, Lahore and others (2008 SCMR 1265) and Muhammad

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Shehzad Zaheer vs. Federation of Pakistan through Secretary,  
Establishment Division and others (2014 SCMR 1169).

8. There is no cavil with the proposition that under Section 5 of the Service Tribunals Act, the Tribunal enjoys powers to modify any order passed by the departmental authorities but such power is required to be exercised carefully, judiciously and after recording reasons for the same. In the present case, the penalty in question had been imposed by the departmental authority on the basis of admitted, proven and established charges. The major penalty of dismissal from service was imposed upon him in accordance with the law and the rules. In these circumstances, we have failed to understand how and from where the Tribunal derived the authority to exercise a power in favour of the Respondent in such an arbitrary, capricious unstructured and whimsical manner without recording any reasons let alone cogent and legally sustainable ones. The matter has been dealt with most casually and by allowing the accused official compulsory retirement, back benefits and future pension, the Tribunal has in essence granted a premium and rewarded the delinquent official for his misconduct, misappropriation and embezzlement of public money and delinquency. We have therefore found the exercise of jurisdiction by the Tribunal to be wholly illegal and without any lawful authority whatsoever.

9. All Courts/Tribunals seized of matters before them are required to pass orders strictly in accordance with the

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parameters of the Constitution, the law and the rules and regulations lawfully framed under the law. No Court has any jurisdiction to grant arbitrary relief without the support of any power granted by the Constitution or the law. This basic and fundamental principle of jurisprudence appears to have eluded the attention of the Tribunal which has clearly exceeded its jurisdiction power and authority in granting relief to the Respondent.

10. We have, therefore, found the impugned judgment to be unsustainable. Accordingly, we allow this appeal, set aside the impugned judgment of the Tribunal dated 03.10.2018 and restore the penalty of dismissal from service imposed upon the Respondent by the departmental authorities.

11. We have recently heard a number of appeals against similar judgments/orders of the Tribunal which were equally devoid of any reasoning whatsoever which show illegal and excessive exercise of jurisdiction in a whimsical, arbitrary and unlawful manner and have set aside the same. A copy of one of the judgments was even transmitted to the Chairman of the Federal Service Tribunal, Islamabad with a direction to circulate it amongst the Members of the Tribunal for their perusal.

12. In yet another case (Civil Appeal No. 324 of 2020) we had directed the Government of Punjab to replace the concerned Member with some other qualified person whose

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Islamabad

knowledge, aptitude and experience may be suitable to hold the post of Member, Punjab Service Tribunal, Lahore, and in the meantime had restrained him from performing functions as a Member of the Tribunal. Unfortunately, we have not seen much change and continue to come across appeals against orders of this nature. This state of affairs is unacceptable and requires corrective measures.

13. It appears that even in the present case, the concerned Member of the Tribunal is perhaps for lack of aptitude and experience in the field of service laws may not be suitable for the specific post that he holds. This is evident from perusal of various judgments which have come before us in appeal and have been set aside having been found in excess of jurisdiction and in violation of the settled principles of law on the subject. We, therefore, direct that the Federal Government may consider appointing a more suitable and experienced Member of the Tribunal well versed with the principles of service laws having knowledge, experience and aptitude to deal with such matters within the parameters of jurisdiction conferred on the Tribunal by the law and the Constitution. There is no denial of the fact that Service Tribunals are specialized fora which must be manned by individuals well versed with all aspects of service laws as it has developed over the years by virtue of a considerable body of case-law emanating from this Court. Extensive knowledge, experience and aptitude to understand, interpret and administer service laws are qualities that aspirants for these posts

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Islamabad

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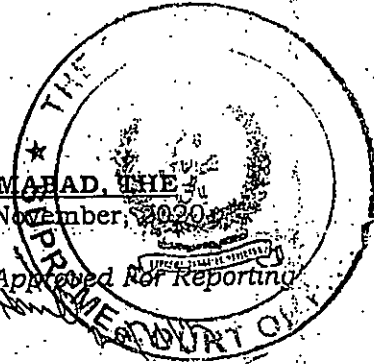
must possess for effectively discharging their duties to administer justice in accordance with the law and the Constitution. We are sanguine that the Federal and Provincial Governments would recommend only those persons for appointment to these Tribunals who possess the aforementioned prerequisite qualifications, experience, legal acumen and aptitude to hold such judicial offices.

Sd/- HCS  
Sd/- J  
Sd/- J

Certified to be True Copy

Court Associate  
Supreme Court of Pakistan  
Islamabad

ISLAMABAD, THE  
13th November, 2020  
ZR/  
Not Approved for Reporting



BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR

Service Appeal No. 220/2016

Bacha Jan

Vs

Govt of KPK & others

INDEX

S No	Description	Annexure	Page
1	Comment		1-4
2	Affidavit		5
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4	Copy of Show cause notice	B	7-8
5	Copy of NTS form	C	9- <del>10</del>

  
DISTRICT EDUCATION OFFICER  
(MALE) CHARSADEA

31/8/2016.



①

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR

Service Appeal No. 220/2016

Bacha Jan

Vs

Govt of KPK & others

**Written comments on behalf of Respondents**

**Preliminary Objections:**

Respectfully Sheweth:

- A. That the Appellant has no locus standi and cause of action.
- B. That the present Appeal is wrong, baseless and not maintainable, it shows no cause to be taken for adjudication, therefore, the Appeal is liable to be rejected/ dismissed.
- C. That the Appeal is unjustifiable, baseless, false, frivolous and vexatious. Hence the same is liable to be dismissed with the order of special compensatory costs in favour of Respondents.
- D. That no legal right of the appellant has been violated, therefore, the appellant has no right to file the instant appeal.
- E. That the Appellant is completely estopped/precluded by his own conduct to file this Appeal.
- G. That the Appellant has not come to this Hon' able Tribunal with clean hands. The Appeal also suffers from mis-statements and concealment of facts and as such the Appellant is not entitled to equitable relief.
- H. That the Appellant has no right to file the instant Appeal and the Hon' able Services Tribunal has got no jurisdiction to adjudicate upon and the Appeal is liable to be dismissed.
- I. That the instant appeal is barred by law and limitation.

**PARA WISE REPLY ON FACTS:**

1. That the appellant qualification of PTC is subject to proof and verification. However the merit list shows his total marks of PTC certificate as 900 where as the actual total marks as 1200 thus he managed to get appointment on the basis of fraud.

2. That the Para pertain to record, however, detail reply has been given in the above Para.
3. That though the appellant was appointed, but through a fraud committed by the appellant.
4. That the Para as stated is incorrect as the concerned verification was of CT certificate which has no relevancy with the instant appeal.
5. That the Para is as stated is replied that whenever the appointments are made by the respondents the pay release process is duty of the concerned officers.
6. That the salary of the appellant was confiscated because the appointment of the appellant was void ab initio as he has been appointed through illegal means which creates no rights.
7. That Para needs no comments.
8. That merit list shows that the appellant intentionally fill up his NTS form and fill the same with the total obtained marks as 713 out of 900 instead of 713 out of 1200 which boosted the merit position of the appellant.  
**(Copy of Enquiry report & Merit List is annexed as Annexure- A).**
9. The Para is correct to the extent that after fulfilling all the codal formalities the impugned order was issued while to the rest of the Para it is incorrect.
10. Incorrect the appellant has been served with a show cause notice and also has been provided the opportunity of personal hearing.
11. That the Para as stated is incorrect the appellant has been terminated in accordance with the law, rules and policy.  
**(Copy of Show Cause notice is annexed as Annexure B).**
12. Incorrect the appellant has no right to file the instant appeal and the appeal of the appellant is liable to be dismissed on the following grounds.

**GROUND:**

- a. Incorrect the appellant has been terminated in accordance with the procedure and in pursuance of the enquiry.
- b. Incorrect the appellant has no right to be re-instated as he has committed fraud on the respondents and in consequent upon the enquiry and proper procedure appellant has been terminated.
- c. Incorrect the respondents have the power and authority to rectify the orders which were obtained by any person through fraud, misrepresentation and concealments of facts and thus to deprive the deserving candidates.
- d. Incorrect the appellant while submitting his NTS form to the test conducting agency from the very beginning in his application form fill up his NTS form

with the same total i.e. 713 marks out of 900 instead of 713 marks out of 1200 which deceived the agency as well as the Departmental Selection Committee (DSC). (NTS form is attached as Annexure C).

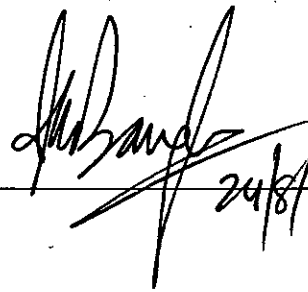
- e. Incorrect the appellant has intentionally deceived the respondents as well as test conducting agency i.e. NTS by filling the NTS form with a fake and wrong information.
- f. The Para to the extent that the appellant has no role in the appointment process is correct, but to the rest of Para is incorrect that the appellant committed fraud on (DSC) Departmental Selection Committee through misrepresentation, fraud, concealment of facts and misstatement and thus deprived the deserving candidates with that illegally.
- g. That the mistake committed by the (DSC) in pursuance to the fake information provided to DSC as well as to the NTS by the appellant, thus the mistake committed by the respondents needs rectification which is the power of the respondents.
- h. The natural justice is the top and prior principal of the respondents, therefore, rectified its mistake order/in advert order through subsequent rectified order and thus entrusted the due right to the deserving ones.
- i. Incorrect, the answering respondents have acted in accordance with the law, rules and policy.
- j. Incorrect, the appellant performed his duties in pursuance of the fraud committed by the appellant and thus deceived the appointing authority i.e. DSC and influenced the appointment process.
- k. Incorrect, the respondents have acted in accordance with the law, rules and policy.
- l. That the answering respondents seek permission to advance other grounds/arguments at the time of hearing.

### **PRAYER**


IT IS, THEREFORE, MOST HUMBLY PRAYED THAT ON ACCEPTANCE OF THE WRITTEN PARA WISE REPLY TO THE APPEAL OF APPELLANT THE APPEAL MAY PLEASE BE DISMISED AND THE IMPUGNED TERMINATION ORDER DATED 21/08/2015 BE DECLARED AS VALID PROPER AND IN ACCORDANCE WITH THE LAW, RULES AND POLICY.

Respondents

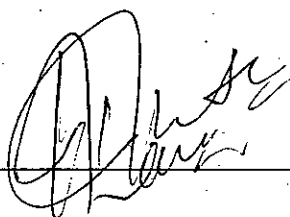
1. The Secretary E&SE KPK.

  
\_\_\_\_\_ 24/8/16

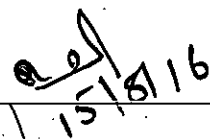
2. The Director E&SE KPK.

  
\_\_\_\_\_


3. The District Education Officer (Male) Charsadda.

  
\_\_\_\_\_

4. The Sub Divisional Education Officer (Male) Charsadda.

  
\_\_\_\_\_ 15/8/16

5. The District Account Officer Charsadda.

  
\_\_\_\_\_ 15/8

5

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR

Service Appeal No. 220/2016

Bacha Jan

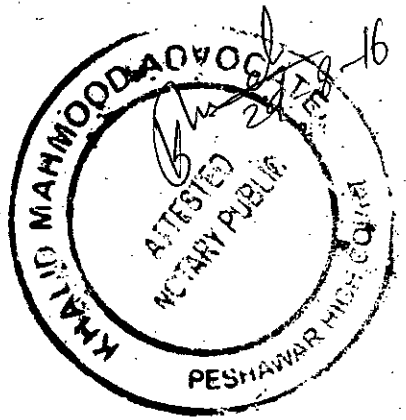
Vs

Govt of KPK & others

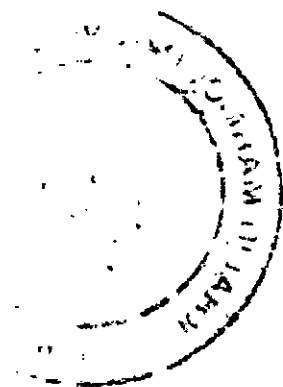
AFFIDAVIT

I Mr. Wisal Muhammad Khan Litigation Officer of the DEO (M) Charsadda do hereby solemnly affirms that the information provided by the DEO (M) and the contents of the Para-wise comments submitted by respondents are true and correct and nothing has been concealed intentionally from this Hon'able court.

Deponent



Wisal Muhammad Khan  
Litigation, O/O DEO (MALE)  
Charsadda CNIC: 17101-0330479-9



GHS Babra Charsadda.

No. 255 Dated 01.07.2015

*Amid*  
*6*

To

The District Education Officer,

E&SE:Education Charsadda.

*13*

Subject:- Enquiry in R/O Bacha Jan PST GPS Gangu Tarnab

Memo :

Kindly refer to your office Letter No.6983-84 Dated 24.06.2015 for the subjected cited above and after examining the case in the light of the provided documents ,the report is submitted as;

FINDINGS:

The total marks for PTC has been considered as 900 in the formula in the merit list(Annx-A) with score=11.88 while the score in the light of the total actual marks 1200(DMC-Annx-B) is 8.91 , shows difference of 2.96 that prominently drags down the total score from 98.58 to 95.62.Hence ultimately changes his position in the merit list.

Conclusion:


The score for PTC has been mistaken right from the start of the process (preparation of the merit list) till the release of pay through all the relevant steps.

Suggestion:

According to the new position in the merit list due to change in the score, the case may be dealt as per rules and terms conditions in the appointment order.

*Suplt: E/B Prady*  
*Process on*  
*file with proposal*  
*as per rules of law.*

*fil*  
*01/07/15*

  
Muhammad Hamid  
**Principal**  
Enquiry Officer  
G.H.S Babra Charsadda.

*DNO 2191*  
*1/7/2015*

SHOW CAUSE NOTICE

Aman B.  
7

I, Siraj Muhammad District Education Officer (M) Charsadda as competent authority under the Khyber Pakhtunkhwa Government Servants E&D Rules 2011, do hereby serve you Mr. Bacha Jan PST GPS Gangu Tarnab as follow.

1. (i) That consequent upon the completion of inquiry conducted against you by the enquiry officer/inquiry committee for which you were given opportunity of hearing vide communication No \_\_\_\_\_ dated \_\_\_\_\_ and
- (ii) On going through the findings and recommendations of the enquiry officer/inquiry committee, the material as record and other connected papers including your defense before the enquiry officer/inquiry committee,

I am satisfied that you have committed the following acts omission specified in Rule 3 of the said rules;

- (a) The merit list displayed by NTS, your score of PTC was mentioned as 11.88 by showing 713 marks out of 900, but actually you obtained the same marks out of 1200, and thus your score of PTC comes as 8.91 instead of 11.88 and total score as 95.62 instead of 98.58, but you did not bring it into Notice of the Department and kept Department in dark, which resulted deprivation of deserving candidate from appointment with higher score of 97.14 as at S/No 09 in the merit list.

2. As a result thereof. I as competent authority have tentatively decided to impose upon the penalty of REMOVAL under rules 4 of the said rules.
3. You are therefore required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person on \_\_\_\_\_/\_\_\_\_\_/2015.
4. If no reply to this notice is received within 7 days or not more than 15 days of its delivery it shall be presumed that you have no defense to put in and in that case an ex-parte shall be taken against you.
5. A copy of findings of the inquiry officer/inquiry committee is enclosed.

~~Siraj Muhammad~~  
13/7/15  
COMPETENT AUTHORITY

9

Mr. Bacha Jan PST  
GPS Gangu Tarnab



20  
/

**OFFICE OF  
THE DISTRICT EDUCATION OFFICER  
(MALE) CHARSAJDA**

**NOTIFICATION.**

01. WHEREAS, Mr Bacha Jan, PST GPS Gangu Turnab Charsajda was proceeded under the Khyber Pakhtunkhwa, Government servants (Efficiency & Discipline) Rules, 2011 on the charges of his irregular appointment made as PST, vide Notification No 5652-65 dated 12/06/2014 at S;No 07, as pointed out by the inquiry officer in his report.
02. AND WHEREAS, the undersigned examined the charges against the accused as mentioned in the above inquiry report.
03. AND WHEREAS, a show cause notice was served upon Mr Bacha Jan, PST GPS Gangu Turnab Charsajda dated 13/07/2015.
04. AND WHERE AS, I the competent authority after having considered the charges and evidence on record inquiry report, explanation of the accused official in response to the show cause notice and missing chance of personal hearing is of the view that the charges of incorrect score of PST marks against you have been proved, which is tantamount to misconduct.
05. In the light of above enquiry report, you are hereby terminated from the post of PST with immediate effect.

(SIRAJ MUHAMMAD)  
DISTRICT EDUCATION OFFICER  
(M) CHARSAJDA

Endstt No: 9054-57 / Dated 21/8 2015

Copy forwarded for information to the:

01. Director (E&SE) Khyber Pakhtunkhwa, Peshawar
02. District Account Officer Charsajda
03. SDEO (M) Charsajda
04. Official concerned
05. Office file

~~21/8/00~~  
DISTRICT EDUCATION OFFICER  
(M) CHARSAJDA

9/1  
 a/c  
 Hisana Yaseen Zai  
 ① Bacha - Jan.

1 Vast Reservation  
 Anna  
 (9)

Directorate of Elementary & Secondary Education  
 Government of Khyber Pakhtunkhwa  
 (Screening Test for Appointments in Government Schools (Adhoc Based))  
 Test held on 21st, 22nd & 23rd February 2014

NTS

MERIT LIST  
 CHARSADDA ✓  
 GPS GANGO ✓  
 Primary School Teacher (PST) (BPS-15)

Sr	RollNo	Name	Gender	NIC	SSC			HSSC			Bachelor			Master			M. Phil			Diploma			M. Ed/ MA, Ed 5% (G)	Academic Marks [out of 100] (H=A+B+C+D+E+F+G)	NTS Marks (I)	Total Marks (out of 200) (H+I)
					Obt	Total	20% (A)	Obt	Total	20% (B)	Obt	Total	20% (C)	Obt	Total	15% (D)	Obt	Total	5% (E)	Obt	Total	15% (F)				
1	1560184	MUHAMMAD RASHID	Male	17101-5251129-3	554	850	13.04	640	1100	11.64	291	550	10.58	639	1100	8.71	0	0	0	621	900	10.35	3.71	58.03	74	132.03
2	15200241	MURAD ALI	Male	17101-0269449-3	545	850	12.82	679	1100	12.35	292	550	10.62	590	1100	8.05	0	0	0	650	900	10.83		54.67	70	124.67
3	1561818	AZMAT HUSSAIN	Male	17101-0253285-7	458	850	10.78	521	1100	9.47	314	550	11.42	749	1300	8.64	3.1	4	3.88	589	900	9.82	3.4	57.41	58	115.41
4	1560800	SHAHAB ALI	Male	17101-0874659-3	434	850	10.21	677	1100	12.31	301	550	10.95	679	1100	9.26	0	0	0	598	900	9.97		52.7	58	110.7
5	1561367	ADNAN KHAN	Male	17101-0608048-9	499	850	11.74	677	1100	12.31	317	550	11.53	381	600	9.53	0	0	0	625	900	10.42		55.53	52	107.53
6	1560095	GUL RAHIM	Male	17101-6767434-3	534	1050	10.17	623	1100	11.33	299	550	10.87	1414	2100	10.1	0	0	0	697	1000	10.46		52.93	53	105.93
7	1560153	FAKHR E ALAM	Male	17101-0275504-5	580	850	13.65	499	1100	9.07	236	550	8.58	641	1100	8.74	0	0	0	620	900	10.33		50.37	52	102.37
8	1560814	BACHA JAN	Male	17101-1852724-7	494	850	11.62	434	1100	7.89	1295	1600	16.19	0	0	0	0	0	0	713	900	11.88		47.58	51	98.58
9	1560710	ASHRAF JAN	Male	17101-0257215-1	452	850	10.64	474	1100	8.62	272	550	9.89	0	0	0	0	0	0	719	1200	8.99		38.14	59	97.14
10	1561730	ZUBAIR KHAN	Male	17101-4695126-7	658	1050	12.53	573	1100	10.42	258	550	9.38	1505	2400	9.41	0	0	0	608	900	10.13		51.87	42	93.87
11	1561770	MUHAMMAD ZAD	Male	17101-7469884-3	765	1050	14.57	671	1100	12.2	0	0	0	0	0	0	0	0	530	900	8.83		35.6	58	95.6	
12	1562629	NAJMA GUL	Male	17101-9951229-2	620	1050	11.81	724	1100	13.16	311	550	11.31	625	1100	8.52	0	0	0	569	900	9.48		54.28	37	91.28
13	1561564	KHAIRUL BASHAR	Male	17101-0399782-1	522	850	12.28	494	1100	8.98	272	550	9.89	0	0	0	0	0	0	486	900	8.1		39.25	48	87.25
14	1561698	FAWAD AMIN	Male	17101-3494726-7	597	900	13.27	652	1100	11.85	256	550	9.31	0	0	0	0	0	0	606	900	10.1		44.53	42	86.53
15	1561840	KAMRAN ALI	Male	17101-1537554-7	429	850	10.09	492	1100	8.95	251	550	9.13	640	1100	8.73	0	0	0	615	900	10.25		47.15	36	83.15
16	1561172	ARIF JAN	Male	17101-0296969-5	422	850	9.93	481	1100	8.75	455	800	11.38	641	1100	8.74	0	0	0	610	900	10.17		48.97	34	82.97
17	1561296	ZAIN UL ABIDIN	Male	17101-8876007-9	556	900	12.36	2188	3350	13.06	0	0	0	0	0	0	0	0	0	571	900	9.52		34.94	48	82.94
18	1560224	SHAKEEL AHMAD	Male	17101-0301774-7	518	850	12.19	527	1100	9.58	239	550	8.69	0	0	0	0	0	0	561	900	9.35		39.81	41	80.81
19	2962293	MUHAMMAD SHOAIB	Male	17101-0334435-7	500	850	11.76	763	1450	10.52	255	550	9.27	0	0	0	0	0	0	622	900	10.37		41.92	37	78.92
20	2960011	HAFIZ SABIR HUSSAIN	Male	17101-3479281-1	484	850	11.39	493	1100	8.96	260	550	9.45	672	1100	9.16	0	0	0	563	900	9.38		48.34	29	77.34
21	1561398	ASAD ULLAH KHAN	Male	17101-0505826-9	520	1050	9.9	594	1100	10.8	231	550	8.4	0	0	0	0	0	0	619	900	10.32		39.42	31	70.42
22	1560764	HAYAT ULLAH	Male	17101-8885300-1	603	900	13.4	638	1100	11.6	277	550	10.07	0	0	0	0	0	0	0	0			35.07	34	69.07
23	1561441	SHAHZAD KHAN	Male	17101-2581701-9	419	900	9.31	510	1100	9.27	128	285	8.98	0	0	0	0	0	0	616	900	10.27		37.83	24	61.83
24	1561565	ASIF ALI	Male	17101-7224531-7	415	850	9.76	476	1000	9.52	0	0	0	0	0	0	0	0	0	514	900	8.57		27.85	32	59.85
25	1561552	TAHIR SHAH	Male	17101-6658505-5	488	1050	9.3	496	1100	9.02	0	0	0	0	0	0	0	0	0	569	900	9.48		27.8	28	55.8
26	1561288	MUHAMMAD ISLAM	Male	17101-9098295-1	434	900	9.64	572	1100	10.4	0	0	0	0	0	0	0	0	0	569	900	9.48		29.52	25	54.52

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Handwritten signatures and marks at the bottom right.

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA  
PESHAWAR**

Service Appeal No. 220/2016

**Bacha Jan .....Vs.... Government of Khyber Pakhtunkhwa, Etc.**

**REPLICATION FOR & ON BEHALF OF APPELLANT**

**RESPECTFULLY SHEWETH;**

1. **That** the documents in question have already been verified by the respondents and after thorough verifications were found correct. Verification letters are already attached with the appeal.
2. **That** the concerned record pertain to the respondents and is attached with the appeal. Being published in newspaper, it is admitted fact and need no further proof.
3. **That** appellant was appointed and the process of appointment was all conducted by the respondents and the appellant had no role in the said process and therefore cannot be held responsible for the negligence of the respondents. The respondents have not provided a single document which the appellant has submitted which show any relevancy of fraud committed by appellant. Copy of DMC and Certificates submitted to respondents at the time of selection process bears no fraudulent entry on part of the appellant hence cannot be condemned. Furthermore application form is in the custody of respondents and has not been attached.
4. **That** the respondents are misleading this Hon'ble Tribunal, in fact the verification is of PTC and is clearly mentioned in the documents attached with the appeal as annexure "E".
5. Need no further comments. The said para has already been admitted by the respondents.
6. **That** once right against appellant has been created and in fact appellant worked on the respected post, hence he shall be paid his salary according to the other appointees of the same post. It is pertinent to mention that the appellant has worked throughout the period of appointment and it is the vested right of the appellant to get paid for the services rendered by the appellant.
7. **Need no comments.**
8. **That** it was the negligence of the respondents and not the intentional act of the appellant which resulted in unreal result shown in the merit list. In fact the respondents till date has not provided even a single document submitted by the appellant at the time of application and during

appointment process which can illustrate any illegal or fake entry on part of appellant.

9. **That** the impugned order is issued against law and hence has no force.
10. **That** appellant has not been provided with the inquiry report and no opportunity of personal hearing was given to the appellant. The inquiry report attached with the comments was made on the basis of malafide and after filing of the instant appeal. The same is evident from the show cause served upon the appellant where the details of inquiry report has not been mentioned. Furthermore the so called inquiry report provided at this belated stage otherwise has not been made by the authorized person. Neither a proper appointment of inquiry officer was made nor the other formalities were followed which were required for the inquiry process.
11. **That** no proper procedure has been followed and impugned order is the outcome of malafide and disregard of law hence bears no legal backup. Just serving a show cause notice does not entitle respondents to condemn the appellant for the wrong which he has not done.
12. **That** vested right of the appellant has been infringed and he has every right to recourse to law for the redressal of grievance.

### Grounds:

- A. **Denied as laid.**
- B. **Denied as laid.**
- C. **Denied as laid.** Even after rectification the appellant will stay in the eligible candidates which fact also goes in favor of the appellant and no one else would be deprived of his/her right if appellant be re-instated.
- D. **Denied as laid.** Appellant has not submitted the application form with incorrect entries. No such form has been annexed with the comments. In fact only the merit list has been annexed with the comments which is made by the respondents and appellant has no role in compiling such list. The mistake if any is purely made by the respondents.
- E. **Denied as laid.** Once again it is clarified that NTS form has not been annexed which if provided will clarify the position of appellant but due to ulterior motive and to mislead the Hon'ble Tribunal the same has not been provided by the respondents.
- F. **In** this para the respondents have admitted that the appellant has no role in appointment process and also that the fraud has not been committed by the appellant. Hence having no role in appointment process the appellant cannot be condemned for the mistakes of respondents.
- G. **Denied as laid.** It is already clarified in preceding paras that the mistake was of the respondents and not the appellant.
- H. **Denied as laid.**

I. Denied as laid.

J. Denied as laid.

K. Denied as laid.

L. Appellant seeks permission to take several other grounds at the time of arguments.


**It is, therefore,** most humbly prayed that on acceptance of this Replication the Hon'ble Tribunal may be pleased to:

- a- Set aside the Impugned Termination Order 21/8/2015 issued by the Respondent No. 3 terminating the Appellant from Primary School Teacher's position as being illegal, without lawful authority and void.
- b- Direct Respondents 1-4 to re-instate the Appellant as Primary School Teacher in his B.P.S 12.
- c- Direct Respondent 5 to release the salary to the Appellant outstanding since appointment.

Any other relief deemed appropriate may also be granted.



**Appellant**

Through,

  
Barrister Isfandyar Ali Khan  
Advocate High Court

  
&  
Taimur Noor  
Advocate High Court



قیمت 50 روپے	 	33476
ایڈوکیٹ: <u>سید جمال</u>	پشاور بار ایسوسی ایشن، خیبر پختونخواہ	
بار کونسل ایسوسی ایشن نمبر: <u>bc-16-6972</u>		
رابطہ نمبر: <u>03224127884</u>		

بعدالت جناب: سر سید ایشونل خیبر پختونخواہ، پشاور

مخاطب: <u>ناحاجانی ولد ساجد خان</u> <u>سیدہ خدیجہ</u>	دعویٰ: <u>اپیل</u>
	اپیل نمبر: <u>220/2016</u>
	مورخہ: <u>20 07 2018</u>
	جرم: <u>-</u>
	تھانہ: <u>-</u>

بنام  
محکمہ تعلیم خیبر پختونخواہ وٹیرنری

**باعت تحریر آگہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

آن مقام پشاور کیلئے سید جمال ایڈووکیٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم:

الم ————— واہ شد ————— الم

مقام پشاور کے لیے منظور ہے۔

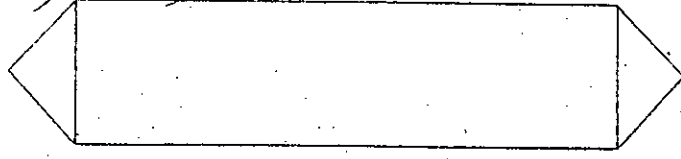
Accepted

Accepted

نوٹ: اس وکالت نامہ کی فونو کاپی ناقابل قبول ہوگی۔

S. Jamal Advocate  
M.A.I.L.B.  
Peshawar

Bu  
(Bacha Jan)



2ء منجانب  
باجاجان بنام گورنمنٹ

مورخہ

مقدمہ

دعویٰ

جرم

### باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
آن مقام سٹاؤر کیلئے ریالسٹریٹوئل ایڈووکیٹ  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک دروپہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرایں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی براندگی  
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت  
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے  
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے  
اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے  
سبب سے ہوگا۔ کوئی تارخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں  
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

2019

س

ماہ

9

المرقوم

الع د گ الع واه الع

کے لئے منظور ہے۔

مقام سٹاؤر

سٹریٹوئل



مدد الیٰ بنیٰ قریب من مایا کر دیں شہر میں شہر قیون فوان

باجیان

درخواست سہرا شہری تاریخ صحیح

باجیان! سہری سب ذیل عرض زمان ہے

باجیان! سہری سب ذیل عرض زمان ہے

باجیان! سہری سب ذیل عرض زمان ہے

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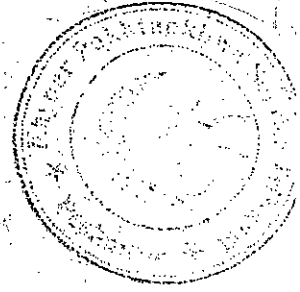
باجیان! سہری سب ذیل عرض زمان ہے

باجیان! سہری سب ذیل عرض زمان ہے

AAQ

Jurisdiction / dismissed

2017/72



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

Appeal No. 72/2017

AAQ

Date of Institution ... 17.01.2017

Date of Decision ... 27.02.2019

Shamshad Khan son of Hidayat Ullah Khan R/O Nassar Fath Khel, Tehsil and District Bannu. ... (Appellant)

VERSUS

Director of Elementary & Secondary Education Government of Khyber Pakhtunkhwa, Peshawar and others. ... (Respondents)

Present:

Mr. Zafar Ali Khan,  
Advocate. ... For appellant

Mr. Muhammad Riaz Khan Paindakhel,  
Asstt. Advocate General ... For respondents.

MR. HAMID FAROOQ DURRANI,  
MR. AHMAD HASSAN, ... CHAIRMAN  
... MEMBER

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-

1. The appellant is essentially aggrieved of order dated 19.05.2016 passed by the District Education Officer (Male) Bannu, whereby, his service alongwith six other employees was terminated w.e.f. 16.12.2015. It is the case of appellant that he preferred a departmental appeal on 28.07.2016 which remained un-responded, hence the appeal in hand.

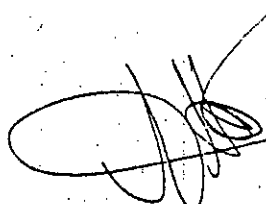
At the outset, learned Asstt. Advocate General raised the objection regarding maintainability of instant appeal and referred to the order of

TESTED  
Peshawar

appointment of appellant made on 23.07.2014, wherein, the appellant was shown to have been appointed on ad-hoc basis and against contract. In the said view of the matter the jurisdiction of this Tribunal was barred, it was added.

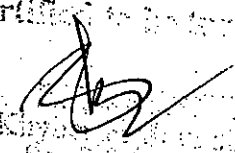
Learned counsel for the appellant could not controvert the fact that ever-since his appointment the appellant remained on contract without regularization of his service.

2. In such view of the matter and in the light of provisions contained in Section 2 of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, the appeal in hand is not competent before this Tribunal. Needless to note that for the purpose of Act ibid the appellant is not a civil servant. The appeal is, therefore, dismissed hereby. Parties are left to bear their respective costs. File be consigned to the record room.

  
(AHMAD HASSAN)  
MEMBER

  
(HAMID FAROOQ DURRANI)  
CHAIRMAN

ANNOUNCED  
27.02.2019

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Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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