

Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	05.09.2018	<p align="center"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u> Service Appeal No. 796/2015</p> <p>Date of Institution ... 06.07.2015 Date of Decision ... 05.09.2018</p> <p>Haneef Ullah son of Nazir Khan Ex-PTC Teacher, government Primary School Rizanda, F.R Kurram Agency..</p> <p align="right">Appellant</p> <p align="center">Versus</p> <ol style="list-style-type: none"> 1. Additional Chief Secretary FATA, FATA Secretariat Warsak Road Peshawar. 2. Director Education FATA, FATA Secretariat Warsak Road, Peshawar. 3. Agency Education Officer, Parachinar, Kurram Agency. 4. Additional Agency Education Officer, Parachinar, Kurram Agency. <p align="right">Respondents</p> <p>Mr. Muhammad Hamid Mughal-----Member Mr. Muhammad Amin Kundi-----Member</p> <p align="center"><u>JUDGMENT</u></p> <p><u>MUHAMMAD HAMID MUGHAL, MEMBER:</u> - Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General for the respondents present.</p> <ol style="list-style-type: none"> 2. The appellant (Ex-PTC Teacher) has filed the present appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 31.01.2014 whereby the services of the appellant were terminated due to his long absence from duty. 3. Learned counsel for the appellant argued that the appellant

performed his duties on the PTC post till 22.02.2013 and applied for two (02) years earned leave however respondent No.4 instead of sanctioning the leave, issued the termination order of the appellant. Further argued that the appellant received impugned order on 20.05.2014 and thereafter preferred departmental appeal on 18.06.2014. Further argued that the departmental appeal of the appellant was not responded resultantly the appellant filed Writ Petition No.81-P/2015 before the Hon'ble Peshawar High Court Peshawar and vide judgment/order dated 13.03.2015, the Hon'ble Peshawar High Court Peshawar directed the respondent No.2 to proceed with the case of the appellant and decide the same in accordance with law. Further argued that respondent No.2 did not pay heed to the directions of Hon'ble Peshawar High Court Peshawar. Further argued that the impugned order was issued without fulfillment of legal formalities. Learned counsel for the appellant vehemently stressed for setting aside the impugned order and reinstatement of the appellant in service. Learned counsel for the appellant referred to the judgments reported in 2002 PLC (C.S) page 268, 2003 SCMR page 1110, 2008 SCMR page 1369, 2009 SCMR page 339, 2013 SCMR page 881 and 2006 PLC (C.S) page 74.

4. As against that learned Additional Advocate General contended that no departmental appeal was filed by the appellant against the impugned order hence the present service appeal is not maintainable and that the same is also time barred. Further argued

that the appellant remained willfully absent from duty for a sufficient period without any permission. Further argued that the impugned order was issued in accordance with law and needs no interference.

5. Arguments heard. File perused.

6. Appellant has not performed duties for a considerable period without sanction of leave by the competent authority.

7. It may also be mentioned that the appellant approached the Hon'ble Peshawar High Court Peshawar by filing Writ Petition with the following prayer that:

"Therefore, it is requested that on acceptance of this Writ Petition, please consider the present petition as departmental appeal, send the same to the respondent No.2 with the direction to decide the same within stipulated reasonable time".

8. Perusal of the judgment/order dated 13.03.2015 of the Hon'ble Peshawar High Court Peshawar passed in Writ Petition No.81-P/2015, filed by the appellant, would show that upon the statement of the learned counsel for the appellant at the bar that he would be satisfied if the respondents are directed to decide the appeal/representation pending before them in accordance with law, the Hon'ble Peshawar High Court Peshawar directed the respondent No.2 to look into the matter of the appellant and decide the same in accordance with law expeditiously.

9. The respondents No.2 & 3 in their joint written reply expressed in unequivocal terms that no departmental appeal was

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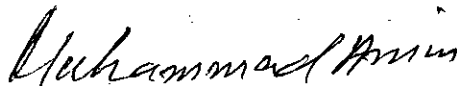
submitted by the appellant.

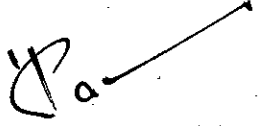
10. Plea taken by the appellant is that he preferred departmental appeal on 08.06.2014 which was not responded. Be that as it may be, the appellant has allegedly preferred undecided departmental appeal on 18.06.2014 but he filed the present service appeal on 06.07.2015 i.e. after more than one (01) year of filing the alleged departmental appeal hence in this backdrop the present service appeal of the appellant is hopelessly time barred.

11. It is settled principle of law that Article-14 of The Limitation Act 1908 is not applicable to the appeals and litigation before another forum cannot extend the period of limitation for filing appeal before Service Tribunal. In this regard the judgment of the august Supreme Court of Pakistan in case titled Khushi Muhammad through L.Rs. and others---Appellants Versus Mst. Fazal Bibi and others---Respondents (PLD 2016 Supreme Court 872) may be quoted as a reference. Judgments referred to by the learned counsel for the appellant are not found applicable to the facts and circumstances of the present service appeal.

12. In view of above, the present service appeal is dismissed being barred by limitation. Parties are left to bear their own costs.

File be consigned to the record room.


(Muhammad Amin Kundi)
MEMBER

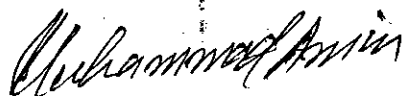

(Muhammad Hamid Mughal)
MEMBER

ANNOUNCED
05.09.2018

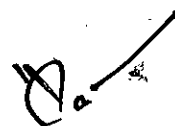
05.09.2018

Learned counsel for the appellant and Mr. Kabir Ullah Khattak
learned Additional Advocate General for the respondents present.

Vide separate judgment of today of this Tribunal placed on file,
the present service appeal is dismissed being barred by limitation.
Parties are left to bear their own costs. File be consigned to the record
room.



(Muhammad Amin Kundi)
Member



(Muhammad Hamid Mughal)
Member


ANNOUNCED

05.09.2018

Subsystem: KIRNED

31.05.2017 illegal Counsel for the appellant and Mr. Muhammad Adeel Butt, Additional AG for the respondent present. Counsel for the appellant submitted rejoinder which is placed on file. To come up for arguments on 25.09.2017 before D.B.

(Gul Zeb Khan)
Member


(Muhammad Amin Khan Kundi)
Member

25.09.2017

Counsel for the appellant and Mr. Muhammad Jan, DDA for respondents present. Since learned Member (Mr. Ahmad Hassan) is on leave, therefore, arguments could not be heard. To come up for arguments on 26.12.2017 before D.B.


Chairman

26.12.2017

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents Counsel for the appellant seeks adjournment. Granted. To come up for arguments 22.02.2018 before the D.B.


Member


Chairman

22.02.2018

Due to none availability of D.B the case is adjourned. To come up on 26.04.2018 before D.B


Member

10.02.2016

None present for appellant. Mr. Daud Jan, Supdt. alongwith Addl: A.G for respondents present. Para-wise comments submitted by respondents No. 2 and 3. The learned Addl: AG relies on the same on behalf of respondents No. 1 and 4. The appeal is assigned to D.B for rejoinder and final hearing for 17.5.2016.


Chairman

17.05.2016

Agent to counsel for the appellant and Addl. AG for respondents present. Counsel for the appellant requested for time to file rejoinder. Request accepted to come up for rejoinder/arguments on 5.9.2016.

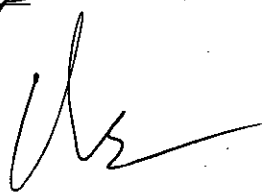

Member


Member

05.09.2016

Agent to counsel for the appellant and Mr. Usman Ghani, Sr.GP for respondents present. Rejoinder not submitted and requested for further time to file rejoinder. Request accepted. To come up for rejoinder and arguments on 11-1-17 before D.B.


Member


Member

11.01.2017

Counsel for the appellant and Mr. Muhammad Jan, GP for the respondents present. Counsel for the appellant seeks adjournment. Request accepted. To come up for rejoinder and arguments on 31.05.2017.


(AHMAD HASSAN)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

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31.07.2015

Appellant Deposited
Security & Process Fee

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as PTC Teacher when his services terminated vide impugned order dated 31.1.2014 where-after appellant preferred writ petition No. 81-P/2015 wherein the august Peshawar High Court is directed the respondents to decide the appeal/representation of the appellant expeditiously vide judgment dated 13.3.2015. That despite the directions of the Hon'ble High Court the said appeal/representation was not decided and after lapse of statutory period of 90 days the instant service appeal was preferred on 6.7.2015.

That no codal formalities were complied with and the impugned termination order was passed without conducting inquiry in the prescribed manners.

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 27.10.2015 before S.B.


Chairman

27.10.2015




None present for appellant. Assistant AG for respondents present. Requested for adjournment. To come up for written reply/comments on 10.2.2016 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 796/2015


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	13.07.2015	<p>The appeal of Mr. Hanifullah resubmitted today by Mr. Hassan Muhammad Shinwari Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	14-7-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>15-7-2015</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
3	15.7.2015	<p>None present for appellant. The appeal be relisted for preliminary hearing for 31.7.2015 before S.B.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Haneefullah son of Nazir Khan Ex-PTC Teacher received to-day i.e. on 06.07.2015 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Copy of appointment order mentioned in para-1 of the memo of appeal (Annexure-A) is not attached with the appeal which may be placed on it.
- 3- Annexures of the appeal may be attested.
- 4- Affidavit may be got attested by the Oat Commissioner.

No. 1041 /S.T,

Dt. 7/7 /2015


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Hussan Muhammad Shinwari
Advocate .

Sir
Resubmitted after compliance of objections cited
above.

Hanany
9/7/15

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 796 /2015

Haneef Ullah(Appellant)

V E R S U S

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

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Service Appeal		1-5
2.	Affidavit		6
3.	Addresses of the parties		7
4.	Copy of Service Book	A	8-13
5.	Copy of application	B	14
6.	Copy of termination order	C	15-17
7.	Copies of appeal, Writ Petition and order 13/03/2015	D	18-24
8.	Wakalat Nama		25

Appellant

Through

Dated: 04/07/2015

Hassan Muhammad Shinwari
Advocate High Court,
Peshawar.
Cell: 0333-9623694

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 796 /2015

M.W.F. Province
Service Tribunal
Diary No. 768
Dated 6-7-2015

Haneef Ullah S/o Nazir Khan Ex-PTC Teacher, Government
Primary School Rizanda, F.R Kurram Agency.....(Appellant)

V E R S U S

1. Additional Chief Secretary FATA, FATA Secretariat Warsak Road, Peshawar.
2. Director Education FATA, FATA Secretariat Warsak Road, Peshawar.
3. Agency Education Officer, Parachinar, Kurram Agency.
4. Additional Agency Education Officer, Parachinar, Kurram Agency.....(Respondents)

APPEAL U/S 4 OF KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974, AGAINST THE
IMPUGNED ORDER NO. 5166-70/EDU DATED
31/01/2014, WHEREBY THE SERVICES OF
THE APPELLANT HAD BEEN TERMINATED.

Handwritten notes:
6/7/2015

Respectfully Sheweth:

1. That the appellant was appointed on PTC Post at G.P Yasta F.R Kuraam on 10/11/2000. (Annexure "A").

re-submitted to-day
and filed.
Handwritten signature
Registered
13/7/15

2

2. That the appellant performed his duties according to entire satisfaction of his superior upto 22/02/2013.
3. That the appellant applied for two year earned leave due to law and order situation in the area due to sectarian crises and due to life threats to the appellant in the locality. (Annexure "B").
4. That the respondent No. 4 instead of sanctioning two years leave, issued a termination order of the appellant. (Annexure "C").
5. That the appellant could not receive the order in time and received the same on 20th May 2014 due to disturb once of postal service on account of law and order situation in the area and no such swift postal facilities are available at the native village of the appellant, hence beyond the control of appellant.
6. That after the receipt of termination order the appellant preferred a departmental appeal before respondent No. 3 on 18/06/2014, but no reply had then been made by the said respondent.

7. That being aggrieved of in action and no action of respondents the appellant vide Writ Petition No. 81-P/ 2015 moved Worthy Peshawar High Court, Peshawar, that vide order dated 13/03/2015 directed respondent No. 2 to consider the Writ Petition of the petitioner as Departmental Appeal and proceed with the case of the petitioner under the law but to no effect, hence the instant appeal. (Copy of Writ Petition is annexed as annexure "D").

GROUND:

- A. That the acts and actions of the respondents are against law, facts and materials on record.

- B. That the respondents have ignored the fact that not deciding the departmental appeal of the petitioner in time is depriving the petitioner from further remedy against the grievances which is the valuable and fundamental right of the petitioner guaranteed to him under the Constitution, 1973.

- C. That the treatment of the respondents are discriminatory, void ab-initio an ultra varies to the preposition "AUDI ALTERAM PARTEM"

- D. That the respondents have ignored the fact that due to the law and order situation in the locality the postal service was not in proper order.

- E. That the respondents have ignored the fact and law that regular enquiry is mandatory while awarding major penalty of termination, while the petitioner was awarded major penalty on facts and finding enquiry.

- F. That the respondents have ignored the fact that no show cause notice, charge sheet and statement of allegations were issued to the peitiotenr and the termination order had been made without holding open inquiry as ordained under the law.

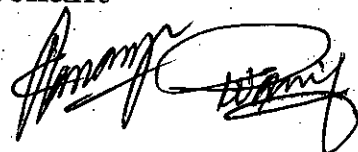
- G. That the respondents have ignored the fact that no absentee notice was issued in the daily newspaper which is in itself basic criteria for holding any person guilty of charges in which major penalty of dismissal from service has been passed.

H. That petitioner will take other grounds at the time of arguments with the kind permission of this Hon'ble Court.

It is, therefore, most humbly prayed that on acceptance of this Service Appeal, the order dated 31/01/2014 passed by respondent No. 4 may kindly be set aside and the appellant be reinstated on the post of Primary School Teacher with all back benefits as he had been enjoying till 22/02/2013.

Appellant

Through



Hassan Muhammad Shinwari
Advocate High Court,
Peshawar.

Dated: 04/07/2015

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2015

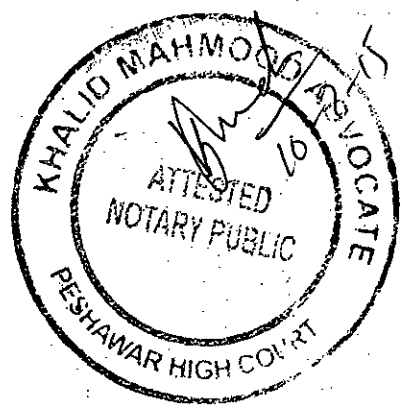
Haneef Ullah(Appellant)

V E R S U S

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

AFFIDAVIT

I, **Haneef Ullah** S/o Nazir Khan Ex-PTC Teacher, Government Primary School Rizanda, F.R Kurram Agency solemnly affirm and declare that the contents of the **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



DEPONENT

7

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2015

Haneef Ullah(Appellant)

V E R S U S

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

ADDRESSES OF THE PARTIES

PETITIONER:

Haneef Ullah S/o Nazir Khan Ex-PTC Teacher, Government
Primary School Rizanda, F.R Kurram Agency.

RESPONDENTS:

1. Additional Chief Secretary FATA, FATA Secretariat Warsak
Road, Peshawar.
2. Director Education FATA, FATA Secretariat Warsak Road,
Peshawar.
3. Agency Education Officer, Parachinar, Kurram Agency.
4. Additional Agency Education Officer, Parachinar, Kurran
Agency.

Appellant

Through



Dated: 04/07/2015

Hassan Muhammad Shinwari
Advocate High Court,
Peshawar.

APPOINTMENT

Consequent upon the approval of Selection Committee, the appointment of the following P.T.C Teachers is hereby ordered in the interest of public service with effect from the date of their taking over charge in the schools mentioned against their names in B.P.S NO. 7/B.P.S NO. 9 if passed B.A./B.Sc examination in 2nd division:-

S.No	Name of Candidate	Father's Name	School where Appointed	Remarks
1.	Olas Khan	Khista Jan	GPS Beza F.R Kurram	Against vacant post.
2.	Mehmood Riaz	Said Rahim	GPS Tekhtak F.A	Against vacant post.
3.	Fazal Shah	Amin Shah	GPS Bazei F.R	Against vacant post.
4.	Nisar Mohammad	Syed Mohammad	GPS Kemal Baze	Against vacant post.
5.	Waheed Rehman	Gulmat Khan	GPS Daya F.R	Against vacant post.
6.	Shamsur Rahman	Ghuncha Gul	GPS Gum Chapper	Against vacant post.
7.	Mohammad Shah	Zaman Shah	GPS Dadmir Kali	Against vacant post.
8.	Hanif Ullah	Nazir Khan	GPS Yaste	Against vacant post.
9.	Khalid Ullah	Noor Alam	GPS Mian Patai	Against vacant post.
10.	Turab Khan	Shermat Khan	GPS Munden	Against vacant post.
11.	Khushi Bat Khan	Piew Khan	GPS Avidara	Against vacant post.
12.	Mohammad Shafiq	Niaz Bader Khan	GPS Dadmir Keld	Against vacant post.

- Note:-
1. The Candidates are directed to produce their Medical certificate from the Medical Supdt: A.H. Hospital Parachinar.
 2. The age of the candidates should be between 16-35 years.
 3. Their appointment is purely made on temporary basis and liable to termination at any time without assigning any notice, in case they wish to resign their posts they will have to give one month prior notice or forfeit one month pay in lieu thereof.
 4. Charge reports in duplicate should be submitted to this office.
 5. No payment will be made to the appointees, until and unless their domiciles, academic and professional certificates are verified from the concerned institutions/Issuing authorities.
 6. If they failed to take over charge within fifteen days, their appointment will be automatically be considered as cancelled.

Sd/-
Agency Education Officer
Kurram Agency - Parachinar

Attested
[Signature]

- Encl. No. 4334-49/Eda Dated 10/11/2000
- Copy of the above is forwarded to the:-
1. Director of Education F.A. WAF Peshawar.
 2. Agency Accounts Officer Kurram Agency.
 3. Accountant Local Office Parachinar/Sadda.
 - 4-15. Candidates concerned.
 16. Asstt Agency Education Officer concerned.
 17. Office record.

Agency Education Officer
Kurram Agency - Parachinar

(1)

~~A~~
Amid
(8)

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

Hanif-ullah.
Pakistani (Islamic)

Village Dool Ragha FR Kurram
Nazir Khan — as above —

09 - 09 - 1977

5' 6"

Scars on face

8. Left hand/right hand thumb and finger-impresions of (Non-gazetted) officer

(مرد کی صورت میں ہائیں اور عورت کی صورت میں دائیں ہاتھ کی انگلیوں کے نشانات)

Little Finger (چوہنگیا) Ring Finger (چھنگیا کے ساتھ کی انگلی) Middle Finger (انگشت میاں)

Fore Finger (انگشت شہادت)

Thumb (انگوٹھا)

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

Hanif

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

Agency Identification Officer
Kurram Agency.

(تصدیق کنندہ افسر کے دستخط اور مہر)

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

اس صفحہ کے متفرجات کم از کم ہائے سال بعد تصدیق ہونا ضروری ہیں اور نمبر ۹ و ۱۰ میں دستخطوں کے لیے تاریخ ہونی چاہئے۔ انگلیوں کے نشانات کے لئے ہر ہائے سال کے بعد تصدیق کی ضرورت نہیں۔

[Signature]
ATTESTED

2

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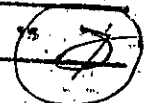
1 Name of post دوبہ ملازمت	2 Whether substantive or officiating and whether permanent or temporary عارضی / مستقل یا قائم مقام	3 If officiating, state— (i) substantive appointment or (ii) whether service ceases for position under rule 3-20 of C.S.R. (P.S.) Volume II اگر عارضی ہے تو کیا وہ رول کے مطابق بند ہے؟	4 Pay in substantive position تعمولہ بطور		5 Additional pay for officiating زائد تعمولہ بطور قائم مقام		6 Other emoluments falling under the term "pay" بمعاوضہ تعمولہ دیگر الاصلی	7 Date of appointment تاریخ تقرری	8 Signature of Government servant دستخط سرکاری ملازم
			Rs.	Ps.	Rs.	Ps.			
PTC Postal IPS Yastla FR Kusumam	off / temp		1642/-		81-2695			11/12/2020	[Signature]
JDO	JDO		17231/-					1.12.01	
		(Revised Entry in BPS - (2220-120-5820) w/c BPS Revision no 01-12-2001							
JDO	JDO		25807/-					1.12.01	
JDO	JDO		2704/-					12/2002	
Do-	elc		2820/-					12/03	
"	" BPS-7 pay Revision 1-7-05		2940					12/04	
"	"		3395					12/05	
"	"		3535					12/05	
"	"		3675					12/06	

[Signature]
ATTESTED

Signature
Designated
the H
of the
office of
Attest
office
attest
of col
1 to

9 Signature and Designation of the Head of the office or other Attesting officer in attestation of columns 1 to 8	10 Date of termination or appointment	11 Reason of termination (such as promotion, transfer, dismissal etc)	12 Signature of the Head of the office of other Attesting Officer	13 LEAVE Allocation of periods of leave on average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debited to another Government		14 Signature of the head of the office or other Attesting officer	15 Reference to any recorded punishment or censure or reward or praise of the Government servant
				Nature and duration of leave taken	Govt. to which debited		
				Period	رقم ادا ہونی		
[Signature] Kurrum Agency	23/11/2001	Due	[Signature] Kurrum Agency	[Signature]	[Signature]	[Signature]	Appointed as a Pic Teacher at UPS Yasra PK, Kurrum. Vide A.O. Kurrum Endst No 4334-19 Dated 10-11-2000
[Signature] Kurrum Agency	[Signature]	Pay Review	[Signature] Kurrum Agency	[Signature]	[Signature]	[Signature]	Agency Education Office Kurrum Agency
[Signature]	28/11/2002	Due	[Signature]	[Signature]	[Signature]	[Signature]	Passed SSC Exam from BISE Peshawar under Roll No 42752 Session 1994 (Annual) Science group. Marks obtained 426/850
[Signature]	20/11/2003	Done	[Signature] Kurrum Agency	[Signature]	[Signature]	[Signature]	Agency Education Office Kurrum Agency
[Signature] Kurrum Agency	30/6/04	[Signature]	[Signature] Kurrum Agency	[Signature]	[Signature]	[Signature]	Passed Inter Exam from BISE Peshawar under Roll No 13922 Session 1997 (Supply) Arts group. Marks obtained 448/1100
[Signature] Kurrum Agency	30/6/05	Pay Review	[Signature] Kurrum Agency	[Signature]	[Signature]	[Signature]	Agency Education Office Kurrum Agency
[Signature] Kurrum Agency	30/11/05	[Signature]	[Signature] Kurrum Agency	[Signature]	[Signature]	[Signature]	Agency Education Office Kurrum Agency
[Signature] Kurrum Agency	30/6/06	[Signature]	[Signature] Kurrum Agency	[Signature]	[Signature]	[Signature]	Passed PIC Exam from Educ Dept II NWFP Peshawar under Roll No 2246 Session 1992. Marks obtained 651/1200. and Division Result Declared on 25/4/2000
[Signature] Kurrum Agency	30/6/07	Pay Review	[Signature] Kurrum Agency	[Signature]	[Signature]	[Signature]	Agency Education Office Kurrum Agency

9	10	11	12	13		14
Signature and Designation of the Head of the office or other Attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal etc)	Signature of the Head of the office or other Attesting Officer	LEAVE		Signature of the head of the office or other Attesting officer
				Nature and duration of leave taken	Allocation of periods of leave on average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debited to another Government	
				Period	Govt. to which debited	
دستخط اشرف مجاز	تاریخ انقطاع ملازمت	وجوہات انقطاع ملازمت ترقی، تبادلہ یا برطرفی	دستخط اشرف مجاز	رضعت کی نوعیت و معیار	چار ماہ تک کی رضعت کے لئے اوسط تنخواہ کا لینین	دستخط اشرف مجاز
					گورنمنٹ جسے رقم ادا ہونی	بروز ماہ ۱۱ اکتوبر ۲۰۱۴ء لاہور ڈی کا ایئر وارڈ
					Terminated from Service on 31-10-2014	
					Village Add: AEB Lower	
					Khanan Sadaka, Endist	
					No 5106-70/2014	
					Dated 31-1-2014	
					Add: Agency E.A.	
					Sadda Kuram	



Add: Agency E.A.
Sadda Kuram

[Handwritten signature]

گفتاور ضاب اڈیشنل AEO عدہ کوراجی
دافور سنہ ۱۱/۲۰۱۳ تا ۲۸/۲/۲۰۱۵
Annex B (14)

ضاب و اڈیشنل حضور اقدس سے اسائل کو مبدعہ ضرورت سے ۲۰۱۳ سال

۲۰۱۳ کی ضرورت سے جسکی بنا دیر بندہ کرا کر

حاضری دینے سے ناگاہ سے

سندھ انتظامیہ سے کہ بندہ کو کبھی خارج ۲۰۱۳ تا ۲۸ فروری
۲۰۱۵ کی چھری ریکورڈ سے مبدعہ ضرورت سے

عین نور زینب بیگم

مورخ ۲۰ فروری ۲۰۱۳

سائل ضیف اللہ PTC GPS اڈیشنل

Received
for
22/2

Amaniy
ATTESTED



**ADD: AGENCY EDUCATION
OFFICE SADDA KURRAM AGENCY**

PHONE: 0926-520674 FAX 0926520674

No. 5166-70 /Edu:

Dated Sadda: the 31 / 01 / 2014

TERMINATION FROM SERVICE.

(15)

Amey

On the fulfilling of all the codal formalities the following teachers are hereby terminated from their service due to their long absence from duty with immediate effect.

S.No	Name with Father Name	Desig	School
1.	Hanifullah S/O Nazir Khan	PTC	GPS Rizanda
2.	Abdul Wali Khan S/O Muhammad Asghar	PTC	GPS Mian Patai

Note: Entry to this effect should be made in their service books.

[Signature]

Add: Agency Education Officer
Lower & Central Kurram Sadda

NO 5166-70 /Edu dated 31 / 01 / 2014

Copy for information to the

1. Director of Education FATA Peshawar.
2. Political Agent Kurram Agency.
3. Agency Account Officer Kurram Agency.
4. Assistant Political Agent Central Kurram Sadda.
5. Teachers concerned.

[Signature]

Add: Agency Education Officer
Lower & Central Kurram Sadda

Amey

ATTESTED

خبریں انجمن ڈاکٹر کے ایجوکیشن فاٹا اور (15)

(16)

(10)

اپیل خلاف منسلک درخواستیں ایبلڈ ٹھ ازاں اپڈیشنل ایجنسی ایجوکیشن آفٹر عدہ کرم ایجنسی معدہ فورم 31/01/14

حیات عالی :- ایبلڈ ٹھ حسب ذیل عرض رساں ہے :-

1) کہ کر ایبلڈ ٹھ کی تقرری فورم 10/11/2000 (بطور پی ٹی سی پیچر گورنمنٹ پرائمری سکول واسطہ الف آکرم میں ہوئی تھی۔ نقل حکم طعناتی لف ایذا ہے۔

2) کہ کر ایبلڈ ٹھ نے باوجود نامساعد حالات کے بھی فری سال 2013 تک یہاں پتے خائفشانی کے ساتھ فرائض منصبی کا نبھا لیا

3) کہ کر ایبلڈ ٹھ نے بدوران انتہائی سنگین حالات میں جبکہ سنل کرم میں طالبان کا دور دورہ تھا خصوصاً زندہ جو کہ عین بارڈر پاکستان افغانستان پر واقع ہے میں ایبلڈ ٹھ کی تعیناتی رہی اور سائنس خائفشانی و محنت کے ساتھ سرالٹھی نبھا مارھا۔

4) کہ کر ایبلڈ ٹھ کے رٹائرڈ پروفیشنل سفارشی سپرویز رہا۔ نیچے اور سال 2007 سے ایبلڈ ٹھ کو سنل 9 سپرویز کیا گیا۔

5) کہ کر جو کہ نامساعد حالات ملٹری ایشن کرینو و خطرات زندگی منجانب طالبان ایبلڈ ٹھ نے 2007 ضروری سال 2013 افسران بالہ یوساٹ ملٹری دو سال کی چھٹی کی درخواست گزارا۔ نقل درخواست لف ایذا ہے۔

6) کہ کہ بعد اطمینان و تسلی قبولیت لٹھی جو کہ ایبلڈ ٹھ نے برصغیر و منٹا و اعانت افسران بالہ سے رخصت کی۔

7) کہ کہ با نام شخص (ظہن) جو کہ ایبلڈ ٹھ کو یہ جان کر حیرت ہوئی کہ ایبلڈ ٹھ کو خلاف قانون طور پر 31/1/2014 سے نوکری سے برخاست کیا گیا ہے۔

Attested

D
Annex
1

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

W.P.No. 81-P /2015



Hanifullah son of Nazir Khan

Ex-PTC Teacher Govt. Primary School

Razanda Kuram, presently Village Doal Ghara, FR, Kuram

..... Petitioner

Versus

- 1) Additional Chief Secretary FATA, Warsak Road, Peshawar.
- 2) Director of Education FATA, Warsak Road, Peshawar.
- 3) Agency Education Officer, Parachinar, Kurram Agency.
- 4) Additional Agency Education Officer,
Lower and Central Kurram Sadda..... Respondents

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

Respectfully Sheweth;

The petitioner states was under:-

- K/O
978/15
- 1) That the petitioner was appointed on PTC post at G.P. School Yasta FR Kurram on 10.11.2000. (Annexure "A").
 - 2) That the petitioner performed his duty according to the entire satisfaction of his superior upto 22.02.2013.
 - 3) That the petitioner applied for two year earned leave due to law and order situation in the area and due to the Sunni and Shia crises and due to the life threat in the locality. (Annexure "B")

FILED TODAY

Deputy Registrar

10 JAN 2015

ATTESTED

EXAMINER
Peshawar High Court

14 APR 2015

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- 4) That instead of sanctioning the two years leave respondent No.5 issued a termination order of the petitioner on 31.01.2014. (Annexure "C").
- 5) That the order in question was received to the petitioner on 20th May, 2014 due to the disturbance of postal service on account of law and order situation.
- 6) That after the receipt of the termination order the petitioner preferred a departmental appeal before respondent No.2 on 18.06.2014., hence no reply.
- 7) That aggrieved with the acts and actions of the respondents the petitioner has come to this Hon'ble Court on the following grounds amongst the others.

GROUND:

- a. That the acts and actions of the respondents are against law, facts and materials on record.
- b. That the respondents have ignored the fact that not deciding the departmental appeal of the petitioner in time is depriving the petitioner from further remedy against the grievances which is the valuable and fundamental right of the petitioner guaranteed to him under the Constitution 1973.
- c. That the treatment of the respondents are discriminatory.
- d. That the respondents have ignored the fact that due to the law and order situation in the locality the postal service was not in proper order.
- e. That the respondents have ignored the fact and law that regular enquiry is mandatory while awarding major penalty of termination, while the petitioner was awarded major penalty on facts and finding enquiry.

FILED TODAY

20 JAN 2015

ATTESTED

EXAMINER

POST

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- f. That the respondents have ignored the fact that no show cause notice, charge sheet and statement of allegations were issued to the petitioner.
- g. That the respondents have ignored the fact that no absent/ee notice was issued in the daily newspaper.

Therefore, it is requested that on acceptance of this writ petition, please consider the present petition as departmental appeal, send the same to the respondent No.2 with the direction to decide the same within stipulated reasonable time.

Petitioner

through

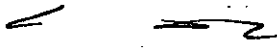

Eid Muhammad Khattak
Advocate, Peshawar.

CERTIFICATE:

Certified as per information furnished by my client that no such like writ petition has earlier been filed before this Hon'ble Court.

LIST OF BOOKS:

- 1) Constitution of Islamic Republic of Pakistan, 1973.
- 2) Any other law book as per need.


Advocate

~~FILED TODAY~~

~~Deputy Registrar~~

~~10 JAN 2015~~

~~ATTESTED~~

~~EXAMINER
Peshawar High Court~~

~~14 APR 2015~~

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

W.P.No. 81-P /2015


Hanifullah Petitioner

Versus

Additional Chief Secretary FATA, and others Respondents

AFFIDAVIT

I, Eid Muhammad Khattak Advocate, do hereby affirm and declare as per information furnished by my client that the contents of the accompanying **Writ Petition** are true and correct and nothing has been concealed from this hon'ble court.



Deponent

No: 7949

Certified that the above was verified on solemnly affirmation before me in office, this 9th day of Jan 2015 by Eid Muhammad Khattak s/o Adv r/o Pesh who was identified by Self Who is personally known to me.

9-1-2015

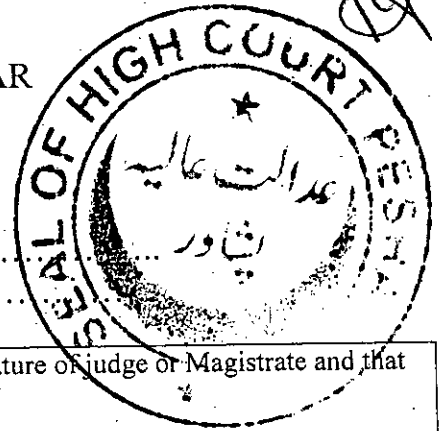
Oath Commissioner
Peshawar High Court, Peshawar.

~~FILED TODAY~~
~~10 JAN 2015~~

ATTESTED
EXAMINER
Peshawar High Court.
14 APR 2015

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PESHAWAR HIGH COURT, PESHAWAR
FORM "A"
FORM OF ORDER SHEET.



Court of
Case No.....

Serial No of order or proceeding	Date of Order or Proceeding	Order or other proceedings with Signature of judge or Magistrate and that of parties or counsel where necessary
1	2	3
	13.3.2015.	<p><u>W.P.No.81-P/2015.</u></p> <p><u>Present:-</u> Mr.Eid Muhammad Khattak Advocate for the petitioner.</p> <p>=====</p> <p><u>LAL JAN KHATTAK, J:-</u> Through instant constitutional petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, petitioner has approached this Court with the following prayer.</p> <p><i>"Therefore, it is requested that on acceptance of this writ petition, please consider the present petition as departmental appeal, send the same to the respondent No.2 with the direction to decide the same within stipulated reasonable time."</i></p> <p>2. Learned counsel for the petitioner at the very outset, stated at the bar that he would be satisfied if the respondents are directed to decide the appeal/representation pending before them in accordance with law.</p>

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ATTESTED
EXAMINER
Peshawar High Court
14 APR 2015

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3. In view of the above, we direct the respondent No.2 to look into the matter of the petitioner and decide the same in accordance with law expeditiously. Petition stands disposed of.

sd/- *Latjan Whaffak* J
sd/- *M-Dawood Khan* J

CERTIFIED TO BE TRUE COPY

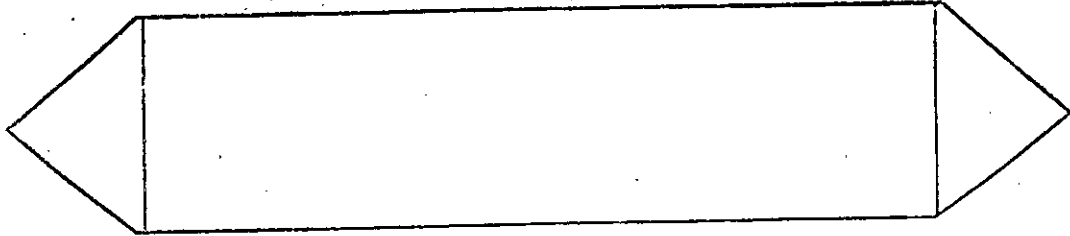
Examiner
Peshawar High Court, Peshawar
Authorized Under Article 87 of
The Constitution of Pakistan Order 1984

14 APR 2015

17273

No.
 Date of Presentation of Application 21/8/15
 No of Pages 07-8
 Copying fee /
 Urgent Fee /
 Total 14-00
 Date of Preparation of Copy 14/4/15
 Date Given For Delivery 14/4/15
 Date of Delivery of Copy 16/4/15
 Received By *[Signature]*

بعدالت کا حوالہ خواہشمند ٹرانسپورٹ



مورخہ	_____	2 جناب
مقدمہ	_____	بنام
دعویٰ	_____	ڈاکٹر عبدالجبار
جرم	_____	ماٹا و علیہ
	_____	سروس

باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ اپیل کے لئے حسین محمد سنواری اور ڈاکٹر عبدالجبار کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثتہ فیصلہ برحلاف دینے جو جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک دروپیر اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق (attested & accepted) زرائیں 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 اختیار ہوگا۔ از بصورت ضرورت مقدمہ کی کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساتھ 33-0-33 پر واختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائد التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی۔ تمام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا اوکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم _____ نام _____ 20 _____

صاحب _____

_____ کے لئے منظور ہے۔

بنام _____

Agency Education Office
Kurram Agency Parachinar

No 6648 /Edu

Dated 16/10 2015

To

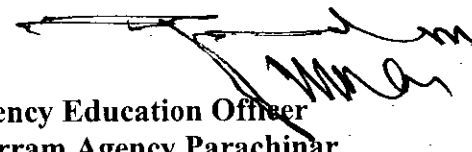
The Registrar,
Khyber Pakhtunkhwa Service Tribunal
Peshawar

Subject.- .APPEAL OF HANIFULLAH

Memo:-

Please refer to your appeal No.796 dated 15-9-2015.

In this connection it is submitted that the case is concerned with the Respondent No.4 (Additional Agency Education Officer Lower/Central Kurram). So it is requested that the case may kindly be addressed to him for perusal please.


Agency Education Officer
Kurram Agency Parachinar

Recd. Counsel

[Handwritten signature]
22-10-15

Agency Education Office
Kurram Agency Parachinar
No. 1231
Dated 22/10/15

BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No: 796/2015

Hanifullah S/O Nazir Khan Ex-PTC GPS Rizanda Kurram Agency.....Appellant.

VERSUS

1. Additional Chief Secretary FATA Secretariat Warsak Road Peshawar.
2. Director Education FATA.
3. Agency Education Officer Kurram Agency.
4. Additional Agency Education Officer Kurram Agency.....Respondents.

Para-wise comments on behalf of respondent No: 2 & 3

Respectively Sheweth:

Preliminary Objection

1. That the appellant has got no cause of action to file the instant appeal.
2. That the appellant has not come to this Honourable Tribunal with clean hands.
3. That the appellant has concealed material facts from this Honourable Tribunal.
4. That the appellant is estopped by his own conduct to bring the present appeal.
5. That the appeal is bad due to mis-joinder and non-joinder of necessary parties.
6. That the appeal is barred by law and no departmental appeal is filed to the competent authority against the impugned order. Hence not maintainable under Section-4 of Service Tribunal Act.

On Facts:

1. Pertains to record.
2. Incorrect. The appellant was absent from duty therefore he is not entitle for any benefits. The service of the appellant has been terminated by the Competent Authority on account of willful absence from duty as evident from this termination order (copy attended for ready reference as Annexure-A).
3. Pertains to record.
4. As explained in Para No.2 above.
5. Incorrect. As the appellant was not present on duty therefore on account of absentia he could not receive the termination order in time. Swift portal facilities are not related to respondents.
6. Incorrect. The Departmental appeal is not available on the record of respondents officers. Therefore no action has been taken from respondent's side on Departmental appeal.
7. Relates to Peshawar High Court.


Grounds:

- A. Incorrect. According to rules each & every Government employee are bound to perform their duties regularly and honestly. The appellant was also bound to perform his duty in accordance with law/rules. No one is allowed to violate the Government rules.
- B. Incorrect. The Departmental appeal of the appellant is not available in the record of respondent officer. No Dairy number/remarks of any officers/official are available on the body of the Departmental appeal.
- C. Incorrect. The termination order of the appellant has been passed by the Competent Authority on account of willful absence from Government duty. According to rules the appellant was bound to perform his duty honestly & regularly.
- D. Incorrect. The respondents have no relevancy with the postal services. All codal formalities have been fulfilled by the Competent Authority for the termination of the appellant.

- E. Incorrect. As explained in Para No. A and D above.
- F. Incorrect. As explained in Para No. D above.
- G. Incorrect. The appellant has forwarded application for two years earned leave and then without sanctioning the leave he left the school forever which against the law.
- H. Respondents also seek permission to raise other grounds at the time of arguments.

In light of the above facts it is humbly requested to please dismiss the appeal having no legal grounds with cost.

Respondent NO. 2


Director Education FATA
Peshawar.


Respondent NO. 3


Agency Education Officer
Kurram Agency


AFFIDAVIT

We the above respondents do hereby declare and affirm that the above comments are true and correct to the best of our Knowledge and belief that nothing has been concealed from this Honorable Tribunal.

Respondent NO. 2


Director Education FATA
Peshawar.

Respondent NO. 3


Agency Education Officer
Kurram Agency



ADD: AGENCY EDUCATION
OFFICE SADDA KURRAM AGENCY
PHONE: 0124-220674 FAX 0124310674
No. 5166-70 /Edu:
Dated Sadda: the 31/01/2014

TERMINATION FROM SERVICE.

15

Amir C

On the fulfilling of all the codal formalities the following teachers are hereby terminated from their service due to their long absence from duty with immediate effect.

S.No	Name with Father Name	Desig	School
1.	Hanifullah S/O Nazir Khan	PTC.	GPS Rizanda
2.	Abdul Wali Khan S/O Muhammad Asghar	PTC	GPS Mian Patai

Note: Entry to this effect should be made in their service books.

NO 5166-70 /Edu dated 31/01/2014

- Copy for information to the
1. Director of Education FATA Peshawar.
 2. Political Agent Kurram Agency.
 3. Agency Account Officer Kurram Agency.
 4. Assistant Political Agent Central Kurram Sadda.
 5. Teachers concerned.

[Signature]
Add: Agency Education Officer
Lower & Central Kurram Sadda

[Signature]
Add: Agency Education Officer
Lower & Central Kurram Sadda

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 796/2015

Haneef Ullah(Appellant)

V E R S U S

Additional Chief Secretary FATA

and others.....(Respondents)

REJOINDER TO COMMENTS ON
BEHALF OF APPELLANT.

Respectfully Sheweth:

Preliminary Objection:

1. That the appellant being he aggrieved person, hence has got locus standi to file the instant appeal.
2. That the appellant has come to the Hon'ble Tribunal with clean hands and the act of the answering respondents is totally based upon malafide and the action of the respondents is against the principles of natural justice and fair play.

3. That the appellant has not concealed the material facts from the Hon'ble Tribunal but the action and inaction of the respondents are illegal and violative of the fundamental and procedural rights of the appellant.
4. That the appellant is neither estopped by his conduct though the appellant has been condemned against the established norms of law and natural justice, even.
5. That the appellant has rightly made parties necessary for the disposal of appeal.
6. That the departmental appeal of the appellant has not been honoured by the respondents but due to malafide the presentation of the appellant has been thrown into waste basket.

ON FACT:

1. Needs no rejoinder
2. Incorrect. The appellant has performed his duties diligently upto 22/02/2013 and has been terminated illegally without observing the codal formalities since

qua noon for action deterrent to the rights of the appellant and as such has been condemned unheard in his proves malafide in action and non action of the respondents.

3. That the ground in appeal is correct, wherein the comments of the answering respondents are evasive and has concealed the material facts and truth from the Hon'ble Tribunal.

4. That the ground in appeal is correct, whereas the comments of the answering respondents are wrong as the service of the appellant had been terminated in gross violation of service rules and the appellant had been condemned even unheard as such the respondents had acted whimsically, arbitrarily and against the service rules.

5. Incorrect. The ground in the appeal is correct, whereas the stance taken by the respondent in is incorrect as the respondents cannot prove through record regarding following of procedure as laid down by K.P. Service Rules and the very this para of the comments is sufficient to prove the in action of

respondents and regarding requisition of any sort of acknowledgement and proper communication of explanation from appellant in respect of absentee of the appellant.

6. Incorrect. That the ground of appeal is correct, but since the respondents No. 3 and 4 being in league with each other, hence had deliberately and purposely not acted upon the departmental appeal of the appellant and the appellant had been left unanswered, and had thus imposed major penalty illegally.
7. That the respondent No. 2 even had not acted upon the direction of Hon'ble Peshawar High Court, hence had contumaciously and adarently violated the orders of Hon'ble Peshawar High Court, Peshawar dated 13/03/2015.

GROUNDS:

- A. Incorrect, the ground taken in the appeal is correct, whereas that taken by the respondents is incorrect.

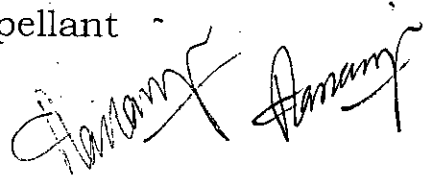
- B. Incorrect, it is evident from the case file that event the respondent No. 3 has purposely, contumaciously and adarently not acted upon the very directions of worthy Peshawar High Court, Peshawar dated 13/03/2015, that proves malafide and high handedness the respondent being illegal and unconstitutional viz a viz against the Khyber Pakhtunkhwa Service Rules in termination of the appellant.
- C. Incorrect, the ground taken by the appellant is correct whereas that of the respondent is incorrect.
- D. Incorrect, the ground taken by the appellant is correct whereas that of the respondent is incorrect.
- E. Incorrect. The ground taken in appeal is correct whereas that of respondents is incorrect, as the respondents are unable to prove from record regarding existence of any enquiry or having asked any explanation or sending of show cause to the applicant, with the mandatory provision of Khyber Pakhtunkhwa Service Rules.

- F. Incorrect, the ground taken by the appellant is correct whereas that of the respondent is incorrect.
- G. Incorrect. Verbally the appellant had been informed of the acceptance of his application for 2 years earned leave but at the back of the appellant, illegal, unconstitutional and in gross violation of Khyber Pakhtunkhwa Service Rules the termination orders had been passed by respondent No. 3 with the active connivance of respondent No. 3.
- H. That the appellant with the prior leave of the Hon'ble Tribunal seek permission to take other grounds as well at the time of arguments.

In the light of above facts it is very humbly prayed for the acceptance of appeal of the appellant with any other relief deemed fit in the circumstances of the case.

Appellant

Through



Hassan Muhammad Shinwari
Advocate High Court,
Peshawar.

Dated: 30/05/2017

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 796/2015

Haneef Ullah(Appellant)

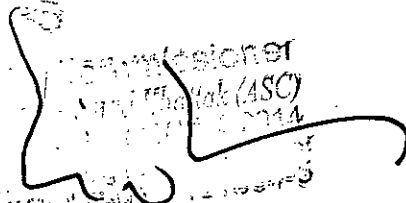
V E R S U S

Additional Chief Secretary FATA
and others.....(Respondents)

AFFIDAVIT

I, **Haneef Ullah** S/o Nazir Khan Ex-PTC Teacher,
Government Primary School Rizanda, F.R Kurram Agency
solemnly affirm and declare that the contents of the **Rejoinder**
are true and correct to the best of my knowledge and belief
and nothing has been concealed from this Hon'ble Court.

D E P O N E N T


Commissioner
FATA (ASC)
2014
GNIC: 1130



26.04.2018 Learned counsel for the appellant and Mr. Kabir Ullah Khattak, learned Additional Advocate General present. The Tribunal is defunct due to retirement of Hon'ble Chairman. Therefore the case is adjourned. To come up for the same on 06.07.2018


READER

06.07.2018 Counsel for the appellant present. Mr. Daud Jan, Supdt alongwith Mr. Sardar Shoukat Hayat, Addl: AG for respondents present. Arguments could not be heard due to incomplete bench. To come up for arguments on 17.08.2018 before D.B.


(Muhammad Amin Kundi)
Member

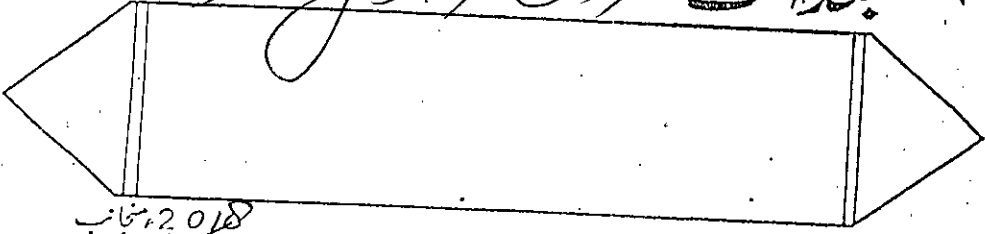
17.08.2018 Learned counsel for the appellant and Mr. Kabir Ullah Khattak, learned Additional Advocate General present. Arguments heard. To come up for order on 05.09.2018 before D.B.


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

بعدالت سرورس ٹریبونل خیر جنوں خواہ لیسٹ

17/8/2018



2018ء جناب

حنیف اللہ بنام ایڈیشن خیر جنوں خواہ لیسٹ
For: Appellant

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیردی و جواب دہی و کل کاروائی متعلقہ و
آن مقام لیسٹ آف ایڈیشن خیر جنوں خواہ لیسٹ کے لئے خیر جنوں خواہ لیسٹ کے لئے
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار دیا گیا۔ نیز
دیکل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت دیگر کرنے اجراء اور وصولی چیک در و پیرا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیردی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیردی کرنے کا اختیار 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 یا اختیارات حاصل ہوں گے اور اس کا ساختہ
پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائے التوائے مقدمہ کے سبب سے دہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیردی
مذکور کریں۔ لہذا ادکالت نامہ لکھنڈیا کہ سند ہے۔

المرقوم 26 ماہ اپریل 2018

خواہ لیسٹ

کے لئے منظور ہے۔

بمقام لیسٹ

Signature

حنیف اللہ بنام ایڈیشن خیر جنوں خواہ لیسٹ

Signature