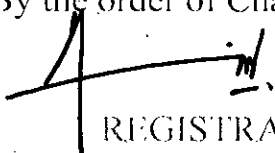


FORM OF ORDER SHEET

Court of _____

Appeal No. _____

2515/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	05/12/2023	<p>The appeal of Mr. Arif Shah resubmitted today by Mr. Anwar Shah Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ Parcha Peshai is given to the counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Arif Shah received today i.e. on 22.11.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Appeal containing overwriting is not entertain-able, fair appeal be filed.
- ② Page nos. 32, 33, 37, 38, 39, 40, 74A, 74B, and 74C of the appeal are illegible which may be replaced by legible/better one.

No. 3689 /S.T.

Dt. 24-11 /2023.



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Anwar Shah Adv.
High Court Peshawar.

Returned herewith duly completed as under:

- 1) Memo of Appeal page No. 1 to 9 completely replaced through a fair copy in place of overwriting in earlier Appeal Memo.
- 2) Pages on ~~the~~ serial No. 32 & 33 are readable, while pages on serial no. 37 to 74c replaced and made readable to some extent

may please be fixed before the Hon. Tribunal.

✓
The Hon. Registrar
Svc Tribunal
KPK Peshawar.

Anwar Shah
Advocate
HC
5-Dec-2023

Before the Khyber Pakhtunkhwa Service Tribunal
Peshawar

Service Appeal No. 2515 /2023

Arif Shah son of Maqbool Shah

Ex-Junior Trade Instructor (BPS-10) in Government Technical Institute, Ekkaghund under the Director IMTE Fata Secretariat, Warsak Road, Peshawar (now entrusted under MD Tevta, Government of KPK, Peshawar), Presently residing in Village Nahaqi, P.O. Daudzai Tehsil & District Peshawar.....**Appellant**

Versus

1. The Additional Chief Secretary FATA, FATA Secretariat, Warsak Road Peshawar & 5 others.....**Respondents**

S/No.	Description of documents	Annexures	Page No.
1.	Service Appeal with Affidavit		1-9
2.	Memo of Addresses		10
3.	Copy of Memo of 2 nd Service Appeal bearing No.286/2017	I	11-17
4.	Copy of Judgement/Order dated 8-9-2021	II	18-20
5.	Copy of Memo of Petition in Ist Service Appeal bearing No.1131/2014	III	21-26
6.	Copy of Judgement/Order dated 5-5-2016	IV	27-29
7.	Copy of Appellant Ist Departmental Appeal dt 12-6-2014	V	30-31
8.	Copy of Appointment letter dated 30-5-2012	VI	32
9.	Copy of age relaxation letter dated 30-5-2012	VII	33
10.	Copies of SSC, Certificate from Govt Technical & Vocational Institute Peshawar and Certificate from Skill Development Council Peshawar	VIII. IX & X	34, 35 & 36
11.	Copies of some Salary Slips	XI, XII, XIII & XIV	37,38, 39 & 40
12.	Copy of Respondent-2 letter addressed to the Respondent-4 regarding termination from Service dt 2-4-2014	XIV-A	41
13.	Attested copy of Implementation Petition bearing No.149/2022 filed on 17-3-2022	XV	42-44
14.	Copy of the all Order sheets regarding Respondents salary attachment, personal appearance and thereafter conversion of Execution Petition into COC	XVI	45-49
15.	Copy of Inquiry Report conducted by Inquiry Officer dated 9-11-2021 and its annexures	XVII	50-55
16.	Copy of Respdnt-5 Implementation Report dt 30-5-2023.	XVIII	56
17.	Copy of the Objection Petition in Implementation Petition with copies of Rejoinders in previous Service Appeals and other documents .	XIX	57-74-D
18.	Copy of final Order dt 13-7-2023 in Execution Petition	XX	75
18.	Copy of Appellant's Departmental Appeal/Representation addressed to Respondent-6 sent through Courier Service on 26-7-2023	XXI	76-76E
19.	Copy of TCS Receipt dated 26-7-2023	XXII	77
20.	Copy of Appellant's ACR duly written and countersigned	XXIII	78
21.	Wakalatnama		79

Appellant

Through

COUNSELS

Before the Khyber Pakhtunkhwa Service Tribunal
Peshawar

Service Appeal No. 2515 /2023

Arif Shah son of Maqbool Shah

Ex-Junior Trade Instructor (BPS-10) in Government Technical Institute, Ekkaghund under the Director IMTE Fata Secretariat, Warsak Road, Peshawar (now entrusted under MD Tevta, Government of KPK, Peshawar), Presently residing in Village Nahaqi, P.O. Daudzai Tehsil & District Peshawar.....**Appellant**

Versus

1. The Additional Chief Secretary FATA, FATA Secretariat, Warsak Road, Peshawar
2. The Director of Industrial, Mineral and Technical Education, FATA Secretariate, Warsak Road, Peshawar
3. The Deputy Director, of Industrial, Mineral and Technical Education, FATA Secretariate, Warsak Road, Peshawar
4. The Principal Government Technical Institute, Ekkaghund, District Mohmand.
5. The Managing Director, Technical Education & Vocational Training Authority, Khyber Pakhtunkhwa, Hayatabad, Phase-7. Peshawar (Newly impleaded)
6. The Secretary Industries, Commerce, Government of KPK, Civil Secretariat, Peshawar (Newly impleaded).....**Respondents**

Service Appeal under Section 4 of the KPK Tribunal Act, 1974 against the non-response to the Appellant's Departmental Representation dated 26-7-2023 within stipulated time by the Respondent-6 (newly added in Execution Petition No.149/2022 as on 9-1-2023) in which the Respondents failed and delayed to conduct proper Inquiry in accordance with Inquiry Procedures which is evident from submission of Inquiry Report in Implementation Petition by Respondent-5 dated 30-5-2023 duly mentioned in **Order sheet dated 13-07-2023** as a result of this Honourable Tribunal direction given in **Service Appeal No.286/2017 on 8-9-2021**.

Prayer in Service Appeal.

Upon acceptance of the instant Service Appeal, the Appellant may graciously be reinstated in Service from the date of verbal termination from service by the Respondent-4 upon the Order of Respondent-2 on 19-5-2014 (effective from 1-4-2014) with all back benefits of Service and Dues as the Appellant is still jobless since the date of termination from Service verbally coupled with delayed as well as defective inquiry conducted by the Respondent-5 against the Inquiry Procedures.

Respectfully Sheweth

1. That the Appellant filed 2nd Service Appeal bearing No.286/2017 against Respondents 1 to 4 which Service Appeal was remitted on 8-9-2021 to the Respondents to conduct proper Inquiry in accordance with law/rules, the concluding paragraph is reproduced as under :-

“In the light of the above discussion, the matter is remitted back to the Respondents with direction to conduct proper Inquiry in accordance with law/rules. In view of peculiar facts and circumstances of the case, reinstatement of the appellant shall be subject to outcome of the inquiry. The appeal is disposed of accordingly. Parties are left to bear their own costs. File be consigned to record room”

Copy of Memo of 2nd Service Appeal bearing No.286/2017 at Annexure-I

Copy of Judgement/Order dated 8-9-2021 at Annexure-II

2. That prior to the above, the Appellant had also filed Ist Service Appeal bearing No.1131/2014, was also remitted by this Honourable Tribunal, Appellant's Departmental Representation to the Departmental Appellate Authority on 6-5-2016, the concluding paragraph of the Ist Service Appeal is also reproduced as under :-

“It is evident that the Department does not admit appointment order of the Appellant, hence agitating the issue of jurisdiction of this Tribunal which cannot safely resolved on the basis of insufficient materials before us. On the record, there is departmental appeal of the appellant dated 12-6-2014 addressed to Director Minerals Industries and Technical Education FATA Secretariat copy of which available on file which has not been decided. Hence the Tribunal is of the considered view that since the issue of jurisdiction of this Tribunal is also involved therefore, it would be quite apt and

proper to remit the case to the departmental Appellant Authority with the direction to decide departmental appeal of the Appellant within a period of one month after receipt of this judgement. Appeal is disposed of accordingly. Parties are, however left to bear their own costs. File be consigned to the record room.”

Copy of Memo of Petition in Ist Service Appeal bearing No.1131/2014 at Annexure-III

Attested copy of Judgement/Order dated 5-5-2016 at Annexure-IV

Copy of the Appellant Ist Departmental Appeal dated 12-6-2014 at Annexure-V

- 3. That the Appellant’s Ist Service Appeal bearing No.1131/2014 was for reinstatement in Service from the date of Verbal Termination from Service on 19-5-2014 effective 1-4-2014. At the time of termination he was performing as Junior Trade Instructor (Grade 10) in Respondent-4 Institute at Yekkaghund w.e.f. 1-6-2012 where the Appellant worked for 22 months and also got Salaries from AG KPK.

Copy of Appointment letter dated 30-5-2012 at Annexure-VI

Copy of age relaxation letter dated 30-5-2012 at Annexure-VII

Copies of SSC, Certificate from Govt Technical & Vocational Institute Peshawar and Certificate from Skill Development Council Peshawar at Annexure-VIII,IX, X

Copies of some Salary Slips at Annexure-XI,XII,XIII,XIV

Copy of Respondent-2 letter addressed to the Respondent-4 regarding termination from Service at Annexure-XIV-A

- 4. That upon the direction issued by this Honourable Tribunal in 2nd time Service Appeal bearing No.286/2017 dated 8-9-2021, the Appellant waited for inquiry process but the Respondents failed to contact the Appellant for initiating/completion of inquiry as per prescribed procedures under the law/rules. Finally the Appellant filed Implementation Petition vide No.149/2022 on 17-3-2022 in this Honourable Tribunal.

Attested copy of the Implementation/Execution Petition bearing No.149/2022 at Annexure-XV

- 4
5. That during the process in the Execution/Implementation Petition in which certain orders were issued where in the matter surfaced to the Respondents to personal attendance, salary attachment, conversion of Execution Petition into COC coupled issuance of Show Cause Notices which is evident through various order sheets.

Copy of the Relevant Order sheets upon salary attachment, personal appearance and thereafter conversion of Execution Petition into COC are attached as Annexure-XVI

6. That after some time, two Respondents namely Managing Director TEVTA and Secretary Industries, Commerce KPK were added upon the request of their Counsel on 9-1-2023 as Respondents 5 & 6 which were also allowed to be impleaded by this Honourable Tribunal.

7. That upon receiving the Judgement/Order passed by this Honourable Authority in Service Appeal bearing No.286/2017 which was remitted on 8-9-2021 dispatched to the Respondents, an Inquiry was ordered and constituted vide letter No.11-10-2021. The aforesaid Inquiry was allegedly conducted and finalized Inquiry Report on 09-11-2021. retained and kept in their custody by the Inquiry Officer.

Copy of Enquiry Report dated 09-11-2021 allegedly conducted and finalized his report at Annexure-XVII

8. That after passing a considerable time, the Appellant filed an Implementation Petition vide 149/2022 on 17-3-2022 in this Honourable Tribunal. In the aforesaid Implementation numerous hearings took place, in which the Honourable Tribunal even ordered to Salary Attached, Personal appearance, Conversion of Execution Petition into Contempt of Court as well issuance of Show Cause notices. Finally Respondent-5 submitted Implementation Report on 30-5-2023 in Execution Petition in this Honourable Tribunal.

Copy of Respondent-5 Implementation Report dated 30-5-2023 at Annexure-XVIII

9. That finally Respondent 5 & 6 marked their attendance through Counsel and impleaded themselves and thereafter submitted Inquiry Report and thereafter Implementation Report of the Judgement/Order dated 8-9-2021 passed by this Honourable Tribunal duly reflected in Execution Petition bearing No.149/2022, and Parties were directed to see and peruse on next date.

10. That the Appellant after going to the Inquiry Report which were duly enclosed with other documents, the Appellant also filed an Objection Petition in the aforesaid Execution Petition bearing No.149/2022 in which certain irregularities were mentioned and highlighted especially by failure, conducting an Inquiry delayed as well as based on certain defects.
11. That the Judgement/Order passed by this Honourable Tribunal dated 8-9-2021 was allegedly implemented after a long period of over 22 months vide this Honourable Tribunal Order dated 13-7-2023, which reads as under :-

“Representative of the respondents submitted copy of reply/comments as well as office order bearing endorsement No.15014-18 dated 17-8-2022 according to which denovo inquiry was conducted and the Managing Director TEVTA being competent authority, has passed speaking order wherein the appointment order of the Petitioner was found fake, void ab-initio and procured by him without lawful authority. Placed on file and copy there of provided for the counsel of the Petitioner. The Service Tribunal Judgement delivered in Service Appeal No.286/2017 dated 08-09-2021 stands implemented. The Petitioner is at liberty to go to relevant authority/forum for redressal of his grievance if any. Consign”

Attested copy of the Objection Petition with some annexures at Annexure-XIX

Copy of the Final/impugned Order dated 13-7-2023 at Annexure-XX

12. That on the basis of delayed and defective Inquiry procedures adopted by the Inquiry Officer upon the direction of this Honourable Tribunal order dated 8-9-2023 coupled with disposal of Execution Petition bearing No.149/2022 dated 13-7-2023, the Appellant being dissatisfied upon the failure coupled with conducting the defective Inquiry against the prescribed Inquiry procedure, the Appellant approached the Respondent-6 (Secretary Industries, KPK, Peshawar through Departmental Representation through TCS Service on 26-7-2023.

Copy of the Departmental Appeal/Representation dated 26-7-2023 addressed to Secretary Industries & Commerce with all annexures-XXI

Copy of TCS Receipt dated 26-7-2023 at Annexure-XXII

13. Hence after passing of stipulated time from the date of approaching the competent Authority through Departmental Representation on 26-7-2023 in which defective Inquiry was challenged & for reinstatement in service, the Appellant still aggrieved to file 3rd Service Appeal before this Honourable Tribunal on the following grounds, inter alia :-

GROUND

- A) That despite direction of this Honourable Tribunal dated 8-9-2021, the Respondents failed to conclude the Inquiry process within reasonable time frame which took over 22 months time and thus ignored the real direction of this Honourable Tribunal in its true manner & spirit keeping in view looking into reasonable time frame. Hence the aforementioned Inquiry proved to be a defective Inquiry and cannot be treated and believed to be true Inquiry as per prescribed Inquiry procedures in accordance with relevant laws/rules. An Objection Petition was also moved in Execution Petition No.149/2022 which is liable to be considered and treated as a part of the instant Service Appeal.
- B) That despite passing a considerable time, the Respondents failed to adopt the prescribed Inquiry process in accordance with the Inquiry procedures.
- C) That the Appellant has not participated in any Inquiry process, rather in questionnaire written in Urdu allegedly shown his fake signature which the Appellant denies.
- D) That the Appellant was never informed in writing regarding participation in Inquiry process. No venue, date and time was communicated to the Appellant officially by the Inquiry Officer and thus in fact no inquiry conducted which is evident and can be examined.

- 2
- E) That it is proved that Appellant was terminated from service on 19-5-2014 verbally, despite the fact that Appellant had rendered 22 months service for which he got Salaries from AG KPK. It is well settled law that verbal termination from service on 19-5-2014 w.e.f. 1-4-2014 is unknown to the service laws in force.
- F) That the Appellant was appointed on the post of Junior Trade Instructor in grade 10 against which the Appellant performed his duty with full dedication, devotion and honestly in the Respondent-4 Institute right from the date of appointment i.e. 1-6-2012 till verbal termination from service on 19-5-2014, hence no law of the land, coupled with service laws permits to recover the salaries of duties performed actually for over 22 months.
- G) That before verbal termination from service, no Show Cause Notice etc was issued to the Appellant which is mandatory provision of law, besides none should be condemned unheard. Moreover the Appellant is still jobless since the date of termination from service verbally.
- H) That the Respondent allegedly shown recovery of Rs.3,38,232/- is not true as the Appellant had denied recovery in his Rejoinders of earlier 2 Service Appeals. In this connection copies of both the Earlier Rejoinders which are duly enclosed with Objection Petition.
- I) That even during the service remained with Respondent 4 Institute, proper ACR was written and Countersigned which is also evident which are enclosed herewith as **Annexure-XXIII**.
- J) That all allegations levelled in the Enquiry Report allegedly shown prepared and submitted to the Respondent-5 dated 9-11-2021 was also rebutted by way of Objection Petition filed in the Execution Petition which is also perusable.
- K) That the Appellant will raise certain other points in support of his Service Appeal at the time of argument with permission of this Honourable Tribunal.

Prayer:- It is, therefore humbly prayed that on acceptance of the instant Service Appeal, the Appellant may graciously be reinstated in Service with effect from 1-4-2014 and termination from service proved upon verbal orders dated 19-5-2014 coupled with failure and conducting defective Inquiry without adopting the Inquiry procedure under the law/rules as well as submission of Inquiry Report and Implementation late by over by over 22 months deserves to be considered in favour of the Appellant for reinstatement in Service with all back benefits of services and dues etc.

Any other relief deems appropriate by this Honourable Tribunal in the circumstances of the case may also be granted to the Appellant with costs.

Arif Shah
Arif Shah

Appellant

Anwar Shah
Anwar Shah

Advocate High Court, Peshawar

Note:- Appellant instant Service Appeal being on new Cause of Action accrued out of Order dated 13-7-2023 of this Honourable Tribunal in Execution Petition No. 149/2022 coupled with non-response of Departmental Representation addressed to the Respondent-6 sent through TCS dated 26-7-2023 within stipulated period in which Defective and delayed Inquiry conducted except Service Appeal No.1131/2014 and 286/2017 having different causes.

Anwar Shah
Appellant

10

Before the Khyber Pakhtunkhwa Service Tribunal
Peshawar

Service Appeal No. _____/2023

Arif Shah Versus Additional Secretary FATA & 7 others

Addresses of the Parties

Appellant

Arif Shah son of Maqbool Shah

Ex-Junior Trade Instructor (BPS-10) in Government Technical Institute, Ekkaghund under the Director IMTE Fata Secretariat, Warsak Road, Peshawar (now entrusted under MD Tevta, Government of KPK, Peshawar), Presently residing in Village Nahaqi, P.O. Daudzai Tehsil & District Peshawar

Respondents

1. The Additional Chief Secretary FATA,
FATA Secretariat, Warsak Road,
Peshawar
2. The Director of Industrial, Mineral and
Technical Education, FATA Secretariate, Warsak Road,
Peshawar
3. The Deputy Director, of Industrial, Mineral and Technical
Education, FATA Secretariate,
Warsak Road, Peshawar
4. The Principal
Government Technical Institute, Ekkaghund
District Mohmand..
5. The Managing Director, Technical Education & Vocational
Training Authority, (TEVTA)
Khyber Pakhtunkhwa, Hayatabad, Phase-7.
Peshawar (Newly impleaded)
6. The Secretary Industries, Commerce,
Government of KPK, Civil Secretariat,
Peshawar (Newly impleaded)

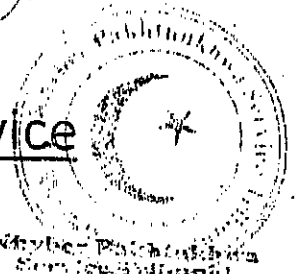

Appellant

Through

(Counsels)

(H) Annexure I

Before the Khyber Pakhtunkhwa Service
Tribunal Peshawar



Service Appeal No. 286 /2017

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 291

Dated 27-3-2017

Arif Shah son of Maqbool Shah

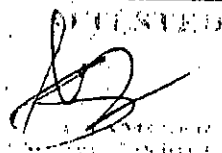
Ex-Junior Trade Instructor (BPS10) in Government
Technical Institute, Ekkaghund under Director of IMTE
FATA Secretariat, Warsak Road, Peshawar. Presently
Residing in Village Nahaqi P.O. Daudzai Teh/Distt
Peshawar.....Appellant

Versus

1. The Additional Chief Secretary FATA, FATA Secretariat, Warsak Road, Peshawar
2. The Director of Industries, Mineral and Technical Education FATA Secretariat, Warsak Road, Peshawar
3. The Deputy Director, Industries, Mineral and Technical Education FATA Secretariat, Warsak Road, Peshawar
4. The Principal Government Technical Institute Ekkaghund, Mohmand Agency... Respondents

Service Appeal under Section 4 of the KPK Service

1) Tribunal Act 1974 against the Rejection of Appellant's Department Appeal dated 12-6-2014 addressed to the Respondent-2 available in Earlier Service Appeal No.1131/2014 which Service Appeal was remitted and remanded by this Honourable Tribunal to the Departmental Appellate Authority for decision within stipulated period of one month, hence, on failure in stipulated period, Appellant after expiry of the time frame, filed Implementation Application vide No. 190/2016 on 27-6-2016, thereafter the Respondents rejected the Departmental Appeal delayed by more than 7 months and was enclosed with Compliance Report, which was disposed off by this Honourable Tribunal on 3-3-2017 in Implementation Petition No. 163/2016. (Attested Copy of this Honourable Tribunal dated 3-3-2017 is available as Annexure-XII.

OFFICER


Prayer in Appeal. On acceptance of the instant fresh Service Appeal against the rejection of Departmental Appeal by Departmental Appellate Authority enclosed with Compliance Report on 16-12-2016 which was thereafter disposed off in Appellant Implementation Application No.109/2016 on **3-3-2017**. The Appellant's termination from Service verbally on 19-5-2014 coupled with rejection of Departmental Appeal, after rendering spotless Service for 22 months (31-5-2012 to 31-3-2014) being illegal, unlawful, unjustified. Besides without any Issuance of Show Cause Notice, Hence, termination on verbal basis was/is liable to be declared as unlawful, unjustified and illegal and Appellant be reinstated in Service with all back benefits of Pay and Service from 1st April 2014.

Respectfully Sheweth,

1. That the Appellant filed Service Appeal bearing No.1131/2014 in Oct 2014 for reinstatement in Service with all back benefits of Pay and Service against the verbal termination on 19-5-2014 by Respondent-4 from his Service as Junior Trade Instructor (Grade 10).

Copy of the earlier Service Appeal No.1131/2014 at Annexure-I

2. That the said Service Appeal bearing No.1131/2014 was admitted and noticed to the Respondents. After receipt of comments and Rejoinder, this Honourable Tribunal opted to remit/ remand the Appellant's Departmental Appeal dated 12-6-2014 (which was available in Service Appeal No.1131/2014) to the Departmental Appellate Authority on **6-5-2016** for decision within a period of one month. The concluding paragraph is reproduced below :-

"It is evident that the Department does not admit appointment order of the Appellant, hence agitating the issue of jurisdiction of this Tribunal which cannot be safely resolved on the basis of

3

(13) (1)

insufficient materials before us. On the record, there is Departmental Appeal of the Appellant dated **12-6-2014** addressed to Director, Minerals and Technical Education FATA Secretariat, copy of which is available on file which has not been decided. Hence Tribunal is of the considered view that since the issue of jurisdiction of this Tribunal is also involved, therefore, it would be **quite opt and proper to remit the case to the Departmental Appellate Authority with the direction to decide the Departmental Appeal of the appellant within a period of one month** after receipt of this judgement. Appeal is disposed off accordingly”

3. That basically Appellant was appointed as Junior Trade Instructor in Grade 10 vide Responent-3 letter No.DIMTE/FATA 738 (1-3) dated 30-5-2012 and took over the charge with effect from 1-6-2012.

Copy of Responent-3 letter dated 30-5-2012 at Annexure-II

4. That at the time of Appointment, age relaxation in Appellant appointment in the upper age relation limit to the extent of 1 year and 2 months and 14 days was also granted vide letter dated 30-5-2012.

Copy of the Responent-3 letter dated 30-5-2012 at Annexure-III

5. That the Appellant, besides possessing SSC Qualification, has passed 2 years Certificate from Government Technical & Vocational Centre Peshawar in the year 2005-2006 under Roll No.8299 in Grade II. The Appellant has also obtained Certificate from Skill Development Council Peshawar in March 2005.

Copy of Certificate from Government Technical & Vocational Centre Peshawar at Annexure-IV

Copy of Certificate from Skill Development Council Peshawar at Annexure-V

Copy of SSC at Annexure-VI

4

(14) (7)

6. That the Appellant discharged his duty as Junior Trade Instructor to the entire satisfaction of his seniors in the Respondent-4 College and got Monthly Salary from the Government Exchequer for 22 months i.e. 1-6-2012 to 31-3-2014.

Copies of some Salary Slips are attached as Annexure-VII

7. That Appellant's salary for the month of April 2014 (due as on 1st May 2014) which was expected to be paid in the 1st week of May 2014. On 19-5-2014, the Respondent-4 verbally informed the Appellant that his service had been terminated in absence of any explanation, show cause notice, charge sheet in writing or conducting Enquiry and without affording any opportunity of defense.

8. That Appellant had also filed his Departmental Appeal in the office of the Respondent-2 on 12-6-2014 which Departmental Appeal was also enclosed in earlier Service Appeal No.1131/2014

Copy of the said Departmental Appeal dated 12-6-2014 as per direction of this honorable Tribunal dated 6-5-2016 is at Annexure-VIII

9. That after disposal and remand of the Appellant's Service Appeal bearing No.1131/2014 on 6-5-2016, the Respondents failed to decide the same within stipulated period of one month, hence, after expiry of the stipulated period of one month, the Appellant filed Implementation Petition vide No.167/2016 on 27-6-2016 in this Honourable Tribunal which was noticed to the Respondents.

Copy of the Appellant Implementation Petition at Annexure-IX

Copy of the Compliance Report with dated 16-12-2016 at Annexure-X

Copy of the Objection on Compliance Report dated

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10. That the agans. ^{Rejection} ~~Rejection~~ of Departmental Appeal in the light of this Honourable Tribunal Authority filed by the Respondents with Compliance Report on 16-12-2016 which was duly **disposed off** by this Honable Tribunal in the said Implementation Petition No.109/2016 on 3-3-2017

Attested Copy of the Order of this Honourable Tribunal dated 3-3-2017 at Annexure-XII

11. That the Departmental Appellate Authority (Respondent-2) in utter violation/contravention of this Honourable Tribunal ^{order} dated 6-5-2016 failed to decide the Appellant's Departmental Appeal within the stipulated period of one month commencing from 6-5-2016, rather rejected the said which was filed and enclosed on 16-12-2016 alongwith Compliance Report which was disposed off by this Honourable Tribunal on 3-3-2017.

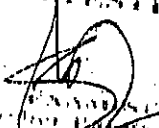
12. That aggrieved of the rejection of Departmental Appeal, coupled with 7 months delay in violation of this Honourable Tribunal Order dated 6-5-2016, the Appellant prefers the instant fresh Service Appeal on the following grounds, inter alia :=

GROUND

a) That the act of Respondents termination of the services of the Appellant **verbally, after rendering 22 months spotless Service and getting salaries through AG KPK**, in the absence of any Explanation, Charge Sheet, summary of allegations **in writing**, conducting no Departmental Enquiry in association of the Appellant, affording no opportunity of defense and no Show Cause Notice is against the service laws, hence not sustainable in the eyes of law.

b) That Respondents violated 24-A of the General Clauses Act 1897 as well as the well established principle of Audi Alterum Partem, besides the well known judgement of the Federal Shariat Court reported as PLD 2010 FSC 1

- c) That as stated in para A above, verbal termination of Appellant's Service on 19-5-2014 w.e.f. 1-4-2014 is unknown to the service laws in force. The Respondents failed to decide the Appellant's Departmental Appeal within stipulated period of one month which is also violative of this Honourable Tribunal order dated 6-5-2016, as the Departmental Appeal was decided with delay of about 7 months delayed without furnishing any reasonable Rhyme and Reasons which depicts malafide intention of the Respondents.
- d) That the Appellant was appointed on the post of Junior Trade Instructor in grade 10 against which post he performed his duty, with full dedication, devotion and honestly in the Respondent No.4 Institute right from the date of appointment i.e. 1-6-2012 till verbal termination from service on 19-5-2014, hence, no law of the land, coupled with service laws permits to recover the salaries for duties actually performed for over 22 months.
- e) That the Appellant had categorically denied in Rejoinder of Service Appeal No.1131/2014 and he is still denying that no recovery of the amount was actually made from the Appellant.
- f) That the Appellant is jobless since the date of his verbal termination (on 19-5-2014 till filing of the instant Service Appeal) and is not engaged in any gainful/profitable service/business, in respect of which separate Affidvit is enclosed herewith.
- g) That the conduct and malafide intention of the of the Respondents evident from non-implementation of the judgement/order dated 6-5-2016 in its true spirit, coupled with failure in stipulated period of one month per direction of this Hon'able Tribunal.

RECEIVED

 Director
 State Tribunal
 Bhopal

h) That in view of the facts and grounds, it is abundantly crystal clear that legal as well as the fundamental rights of the Appellant was infringed by the Respondents, hence on this sole ground he is to be reinstated in service with all back benefits of Pay and Service.

i) That other legal grounds would be raised at the time of regular hearing of the Appeal with prior approval of this Honourable Tribunal.

PRAYER: It is, therefore, humbly prayed that on acceptance of the instant Service Appeal, the Appellant may graciously be reinstated in Service with effect from 1-4-2014 and the verbal orders dated 19-5-2014, coupled with rejection of Appellant's Departmental Appeal in the light of this Honourable Tribunal Order dated 6-5-2016 in Service Appeal No.1131/2016 coupled with order dated 3-3-2017 in Implementation Petition No.104/2016 and act of the Respondents of Verbal Termination from service may graciously be declared as void ab initio, illegal, coram non judice and not sustainable in the eye of law of the land with heavy cost.

Arif Shah *Arif*
Appellant

Through

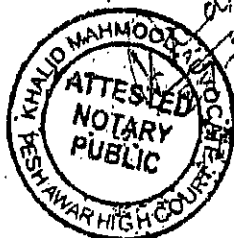
Anwar
Anwar Shah
Naqibullah
Naqibullah Khattak

Advocates High Court
303-D, Janbaz Hotel,
Khyber Bazar,
Peshawar

AFFIDAVIT

I, Arif Shah son of Maqbool Shah (Appellant) solemnly affirm and declare on oath that the contents of the instant fresh Service Appeal are true and correct according to my knowledge and belief and that nothing has been concealed intentionally from this honourable Tribunal.

Dated 21-3-2017



Arif
Deponent

Arif
Arif Shah
Appellant

(18)

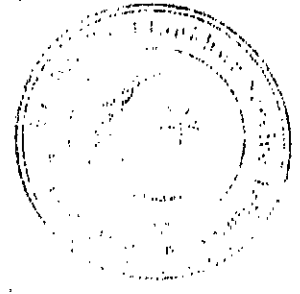
Amir-ul-Millat
Signature

Amir-ul-Millat
Signature

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 286/2017

Date of Institution ... 27.03.2017
Date of Decision ... 08.09.2021



Arif Shah son of Maqbool Shah Ex-Junior Trade instructor (BPS-10) in Government Technical Institute, Ekkaghund under Director of IMTE FATA Secretariat, Warsak Road, Peshawar, Presently Residing in Village Nahaqi P.O Daudzai Teh/Distt. Peshawar
(Appellant)

VERSUS

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

SYED NOMAN ALI BUKHARI
Advocate ... For Appellant

ASIF MASOOD ALI SHAH,
Deputy District Attorney ... For Respondents

SALAH-UD-DIN
ATIQU-UR-REHMAN WAZIR ... MEMBER (JUDICIAL)
... MEMBER (EXECUTIVE)

Signature of Member (Executive)
Khyber Pakhtunkhwa Service Tribunal Peshawar

JUDGMENT

ATIQU-UR-REHMAN WAZIR MEMBER (E):- Brief facts of the case are that the appellant was initially appointed as Junior Trade Instructor (BPS-10) at Government Technical College vide order dated 30-05-2012. The appellant served in the said institution until April 2014, when his services were terminated on the allegations of fake appointment orders, against which the appellant filed service appeal No. 1311/2014, which was decided on 06-05-2016 and his case was remitted to the departmental appellate authority with direction to decide departmental appeal of the appellant. The appellate authority decided his appeal vide order dated 09-12-2016 and declared his appointment as null and void being fake and bogus. The appellant again filed departmental appeal dated 03-03-2017 against rejection order

dated 09-12-2016, which was not responded, hence the appellant filed the instant service appeal instituted on 28-03-2017 against the rejection of his departmental appeal by the departmental appellate authority with prayer that he may be re-instated in service with all back benefits from 1st April, 2014.

02. Learned counsel for the appellant has contended that this Tribunal vide Judgment dated 06-05-2016 had ordered to decide departmental appeal of the appellant within one month, but the same was not decided within the stipulated time frame, rather it was decided on 09-12-2016 with a delay of more than seven months, which was illegal and against the spirit of judgment of this Tribunal; that during the proceedings on departmental appeal, the appellant was not afforded any opportunity to defend his cause, hence he was again condemned unheard; that the appellant was a bonafide civil servant, who had served for 22 months and obtained salary for the period, which is evident from record; that termination of the appellant without serving any charge sheet/statement of allegation and showcause notice is illegal and contrary to the nature of natural justice; that the respondents violated 24-A of the General Clauses Act 1897 as well as the established principles of Audi alterum partum, besides the well known judgment of the Federal Shariat Court reported as PLD 2010 FSC 1. The learned counsel added that it has been categorically denied by the appellant that no recovery of the salary was made from the appellant; that in view of the facts and grounds it is abundantly clear that legal as well as fundamental rights of the appellant was infringed by the respondents, hence this sole ground is enough for his re-instatement in service with all back benefits.

03. Learned Deputy District Attorney appearing on behalf of respondents has contended that the appellant is not locus standi and cause of action as he has exhausted all remedies; it is rejected; that it has been established that he procured his employment through illegal and fraudulent means by preparing fake and bogus official letters; that the appointment letters has been declared as bogus and fabricated by Forensic Science Laboratories during the course of inquiry conducted by

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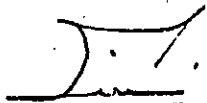
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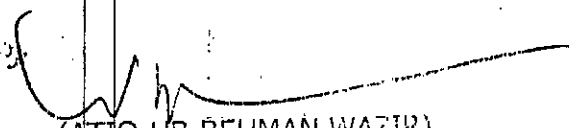
the anti-corruption establishment; that after judgment of this honorable tribunal dated 05-05-2014, the appellant was duly called vide order dated 14-11-2016 to attend the office for personal hearing on 21-11-2016 but the appellant failed to appear and the competent authority rejected his departmental appeal vide order dated 09-12-2016; that the appellant was neither appointed as junior trade instructor nor any order was issued to this effect, rather the appellant produced fake and bogus orders and to this effect and proper inquiry was conducted, which has declared such appointment as fake and bogus.

04. We have heard learned counsel for the parties and have perused the record. Main contention of the appellant is that the appellant has rendered more than 22 months of service and salaries to this effect have also been credited to the appellant, but he was condemned without providing him opportunity of defense. The respondents in their comments have not annexed any document to show that the statement of the appellant was recorded during the proceedings. Annexed with the appeal are certain salary slips, showing that the appellant had received salary for certain months. The controversy in question could not be settled through proper legal inquiry, which has not been done, therefore, the impugned orders are not sustainable in the eye of law.

05. In light of the above discussion, the matter is remitted back to the respondents with direction to conduct proper inquiry in accordance with law/rules. In view of peculiar facts and circumstances of the case, reinstatement of the appellant shall be subject to the outcome of the inquiry. The appeal is disposed of accordingly. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
08.09.2021


(SALAH-UD-DIN)
MEMBER (JUDICIAL)


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

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____/2014

With Application for Condonation of delay

Arif Shah son of Maqbool Shah

Ex Junior Trade Instructor (Grade 10) in Government Technical Institute Ekkaghund, Directorate of IMTE FATA Secretariat Peshawar (Verbally informed on 19-5-2014 of termination of service), presently residing in Village Nahaqi P.O. Daudzai Tehsil & District Peshawar.....Appellant

Versus

1. Additional Chief Secretary FATA, FATA Secretariat, Warsak Road, Peshawar
2. The Director of Industries, Mineral and Technical Education, FATA Secretariat, Warsak Road, Peshawar
3. The Deputy Director of Industries, Mineral and Technical Education, FATA Secretariat, Warsak Road, Peshawar
4. The Principal Government Technical Institute Ekkaghund (Mohmand Agency)..... Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE TERMINATION OF SERVICES OF THE APPELLANT VERBALLY DIVULGED ON HIM ON 19-5-2014 IN THE ABSENCE OF ANY SHOW CAUSE NOTICE, CHARGE SHEET, INQUIRY AND SHOWING ANY RHYME AND REASONS EVEN VERBALLY EFFECTIVE 1-4-2014 AGAINST WHICH PREFERRED DEPARTMENTAL APPEAL TO RESPONDENT NO.2 DATED 12-06-2014 IS UNACTIONED AS YET.

PRAYER IN SERVICE APPEAL: ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, THE APPELLANT MAY GRACIOUSLY BE REINSTATED IN SERVICE WITH EFFECT FROM 1-4-2014 WHICH FACT WAS DIVULGED BY RESPONDENT 4 ON 19-05-2014 WITH ALL BACK BENEFITS OF PAY AND SERVICE AS THE APPELLANT DISCHARGED HIS DUTIES TO THE RESPONDENTS AS SUCH FROM 1-6-2012 TO 19-05-2014.

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Respectfully Sheweth

Facts in brevity followed by ground giving rise to the instant Service Appeal are submitted herewith:-

1. That the Appellant, besides possessing SSC Qualification, has passed 2 years Certificate from Government Technical & Vocational Centre Peshawar in the year 2005-2006 under Roll No.8299 in Grade II. The Appellant has also obtained Certificate from Skill Development Council Peshawar in March 2005.

Copy of Certificate from Government Technical & Vocational Centre Peshawar at Annexure-I 10
Copy of Certificate from Skill Development Council Peshawar at Annexure-II 11
Copy of SSC at Annexure-III 12

2. That the Appellant was appointed as Junior Trade Instructor in BPS 10 to serve in Respondent-4 Institute i.e. Government Technical Institute Ekkaghund vide Respondent No.3 letter of Appointment No. DIMTE/FATA 738 (1-3) dated 30-5-2012 and took over the charge on 1-6-2012. 26-1-17

Copy of appointment letter dated 30-5-2012 at Annexure-IV 13

3. That at the time of Appointment, age relaxation in appellant appointment in the upper age limit to the extent of 01 year 02 months and 14 days was also granted vide letter dated 30-5-2012 at Annexure-V. 14

Copy of age relaxation letter dt 30-5-2012 at Annexure-V 15

4. That the Appellant discharged his duty as Junior Trade Instructor to the entire satisfaction of his seniors and was getting monthly salary from the Government Exchequer through the Respondents from 1-6-2012 till 01-4-2014 15-16-16-24

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Photocopies of some Pay Slips of Appellant's salary are attached at Annexure-VI & VII respectively.

5. That the Appellant received his last Salary for the month of March 2014 as on 1st April 2014. While Appellant's salary for the month of April 2014 payable as on 1st May 2014 was stopped/blocked which was verbally conveyed to the Appellant as on 19-5-2014. It was disclosed by the Respondent No.4 to the Appellant on 19-5-2014 verbally that Appellant's salary was blocked/stopped due to termination of his Service, however nothing was conveyed in black and white till date, nor issued any Show Cause Notice, Charge Sheet, or summary of allegations or showing any Rhyme and Reasons for Appellant's termination from his service. It is added that the Appellant was not paid his salary for the month of April 2014 payable on 1st May 2014. (9)
6. That the Appellant approached the Respondents verbally on 19-5-2014 as to how his Pay for the month of April 2014 was not paid to him, on which, the Respondent 4 replied the Appellant's services had since long been terminated. The Respondent-4 was asked for as to why and how the Appellant's serves were terminate and why the fact of his termination was not brought into his notice black and white but there is no reply. (5)
7. That as a last resort, the Appellant submitted his Departmental Appeal to Respondent No.2 on 12-6-2014 requesting therein to release reinstate him in service and arrange for the payment of salaries for the month of April and May 2014 as Junior Trade Instructor but sorry to submit that no reply whatsoever has yet been furnished till completion of stipulated period i.e. till 11-9-2014. (10)

Copy of Departmental Appeal at Annexure-VIII

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(14)

8. That the Appellant was on way to file Service Appeal before this Hon'able Tribunal when all of a sudden, the Respondent No.4 vide letter dated 15-9-2014 through postal service which was received to the Appellant on 30 September 2014 asking therein to refund all previous salaries received by the Appellant right from the date of appointment i.e. 01-06-2012 to 01-04-2014 (22 months) (19)

Photocopy of Respondent No.4 letter dated 15-9-2014 received to the Appellant through postal service on 30 September 2014 at Annexure-IX

9. That the Appellant aggrieved from the verbal termination order dated 19-05-2014 as stated above by the Respondent No.4 as well as non-response of Departmental Appeal referred to above, the Appellant approaches this Hon'able Tribunal for redressal of his grievances on the following grounds, inter alia:

GROUND

A) That the act o Respondents of termination of the services of th Appellant verbally without showing any Rhyme and Reasons and non-response by the Respondent No.2 of his departmental Appeal is against facts and law, hence not sustainable in th eye of law.

B) That neither any Show Cause Notice, Charge Sheet, summary of allegations, regular inquiry and personal hearings was conducted in the case of Appellant and the verbal termination of service divulged on the Appellant on 19-5-2014 is unknown to the service laws in force. The Respondents violated ^{Section 24} - A of the General Clauses Act 1897 as well as the well established principle of Audi Alterum Partem, besides the well known judgement of the Federal Shariat Court reported as PLD 2010 FSC 1 relevant page 5. ✓

(25)
(15)

C) That Appellant was appointed on the post of Junior Trade Instructor in grade 10 where he performed his duty, with full dedication, devotion and honesty in the Respondent No.4 Institute right from the date of appointment i.e. 1-6-2012 till verbal termination from service on 19-5-2014, hence, no law of the land coupled with service laws permits to recover the salaries for duties actually worked for over 22 months.

D) That in view of the facts and grounds, it is abundantly crystal clear that legal as well as the fundamental rights of the Appellant was infringed by the Respondents, hence on this sole ground he is to be reinstated in service with all back benefits of pay and Service. It is pertinent to add here that right from the date of verbal information about termination of his services, he is jobless and no where engaged in any gainful business.

E) That ^{no} limitation runs against an ^{void} order.

F) That though the Appellant's appeal before this Honourable Tribunal is within time under the facts and circumstances stated above, yet the Appellant is filing an Application for Condonation of delay under Section 5 of the Limitation Act 1908.

G) That other legal grounds would be raised at the time of regular hearing of the Appeal with prior approval of this Honourable Tribunal.

(26)

(16)

PRAYER: It is, therefore, humbly prayed that on acceptance of the instant Service Appeal, the Appellant may graciously be reinstated in Service with effect from 1-4-2014 and the verbal orders dated 19-5-2014 of the Respondents respecting termination of his services may graciously be declared as void ab initio, illegal, coram non judice and not sustainable in the eye of law of the land with heavy cost in view of the legal position that the Respondents committed gross illegality in termination of his service and innocently subjected the Appellant to gross injustice.

Arif
Arif Shah
Appellant

Through *mal*
Anwar Shah
Naqibullah
Naqibullah Khattak

Advocate's High Court
303-D, Janbaz Hotel,
Khyber Bazar,
Peshawar

AFFIDAVIT

I, Arif Shah son of Maqbool Shah (Appellant) solemnly affirm and declare on oath that the contents of the instant Service Appeal are true and correct according to my knowledge and belief and that nothing has been concealed intentionally from this honourable Tribunal.

Deponent
Arif

Dated 29-10-2014

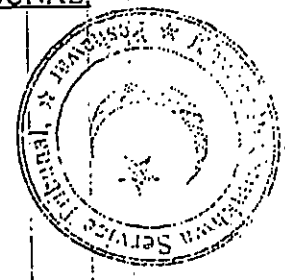
Annexure - IV

27 Annex A 28 29

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

SERVICE APPEAL NO. 1311/2014

Date of institution ... 05.11.2014
Date of judgment ... 06.05.2016



Arif Shah S/o Maqbool Shah,
Ex-Junior Trade Instructor (Grade 10) in Government Technical Institute Ekkaghund,
Directorate of IMTE FATA Secretariat Peshawar,
R/O Village Nahaqi P.O Daudzai Tehsil & District Peshawar. ... (Appellant)

VERSUS

1. Additional Chief Secretary FATA, FATA Secretariat, Warsak Road, Peshawar.
 2. The Director of Industries, Mineral and Technical Education, FATA Secretariat, Warsak Road, Peshawar.
 3. The Deputy Director of Industries, Mineral and Technical Education, FATA Secretariat, Warsak Road, Peshawar.
 4. The Principal Government Technical Institute Ekkaghund (Mohmand Agency).
- ... (Respondents)

APPEAL UNDER SECTION-4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE TERMINATION OF SERVICES OF THE APPELLANT VERBALLY DIVULGED ON HIM ON 19.05.2015 IN THE ABSENCE OF ANY SHOW CAUSE NOTICE, CHARGE SHEET, INQUIRY AND SHOWING ANY RHYME AND REASONS EVEN VERBALLY EFFECTIVE 01.04.2014 AGAINST WHICH PREFERRED DEPARTMENTAL APPEAL TO RESPONDENT NO.2 DATED 12.06.2014 IS UN-ACTIONED AS YET.

Mr. Naqibullah Khattak, Advocate.
Mr. Muhammad Jan, Government Pleader

For appellant.
For respondents.

ATTESTED
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

MR. PIR BAKHASH SHAH
MR. ABDUL LATIF

MEMBER (JUDICIAL)
MEMBER (EXECUTIVE)

JUDGMENT

PIR BAKHASH SHAH, MEMBER: On certain application alleging that appointment of the appellant as Junior Trade Instructor (BPS-10) in Govt. Technical Institute Ekkaghund, Mohmand Agency vide order dated 30.05.2012, was made through a bogus and fake appointment order, the fact finding enquiry conducted through Sardar Asad Haroon Deputy

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Secretary Administration after finding substance in the allegations, recommended for action against those who were involved. According to the appellant, he received his last salary on 1st April, 2014 and when his salary was stopped /blocked, it was verbally disclosed to him that his salary was stopped/blocked due to termination of his service in the said scenario. Appellant filed this service appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 with the following prayer:-

" It is, therefore, humbly prayed that on acceptance of the instant service appeal, the appellant may graciously be reinstated in service with effect from 01.04.2014 and the verbal orders dated 19.05.2014 of the respondents respecting termination of his service may graciously be declared as void ab-initio, illegal, coram-non-judice and not sustainable in the eye of law of the land with heavy cost in view of the legal position that the respondents committed gross illegality n termination of his service and innocently subjected the appellant to gross un-justice".

We have heard arguments and perused the record.

3. Main contention of the learned counsel for the appellant is that the appellant could not be sacked without any charge sheet, regular enquiry and much less on the basis of only a verbal order. He further submitted that appellant was duly qualified for that appointment and who after his appointment also received his salary for sufficient long time. Conversely, it was contended by learned Government Pleader that since the appellant was never appointed by the department, much less in the prescribed manner, therefore, he was not a civil servant so that the department would have passed a regular order of termination of his service. He further contended that since appellant is not a civil servant therefore, this Tribunal has no jurisdiction to entertain this appeal.

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4. After a careful perusal of the record, it was found that an anti-corruption case was also lodged against the appellant and others on the allegations of this fake and bogus appointment order and repayment of salary. The same has not yet been decided. Per contention of the respondent-department, recovery of the salaries has also been effected from the appellant for this unlawful and illegal receipt of salary from the Government exchequer. The record revealed that at the relevant time the appellant was overage and his age relaxation certificate and appointment letter both are of the one and same date. It is evident that the Department does not admit appointment order of the appellant, hence agitating the issue of jurisdiction of this Tribunal which cannot safely be resolved on the basis of insufficient materials before us. On the record, there is departmental appeal of the appellant dated 12.06.2014 addressed to Director Minerals Industries and Technical Education FATA Secretariat copy of which available on file which has not been decided. Hence the Tribunal is of the considered view that since the issue of jurisdiction of this Tribunal is also involved therefore, it would be quite apt and proper to remit the case to the departmental appellate authority with the direction to decide departmental appeal of the appellant within a period one month after receipt of this judgment. Appeal is disposed of accordingly. Parties are, however, left to bear their own costs. File be consigned to the record room.

Sd

ANNOUNCED
05.05.2016.

Sd

(PIR BAKHSH SHAH)
MEMBER

(ABDUL LATIF)
MEMBER

Certified true copy
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

Date of
 Number of
 Copying Fee
 Urgent
 Total
 Name of
 Date of
 Date of
 Date of

09-05-2016
 8-1200
 8-
 16-05-2016
 16-05-2016

Annex VIII (25)
S. دیت صاف
نامہ لکھنے پر دستخط کرنا اور

اپیل لکھنے پر بحالی پر ملازمت بطور جوائنٹ لکھنے پر دستخط کرنا
مراعات کی تفصیلات بائٹ اپریل 2014ء تا حال

حفاظت
نیابت جوائنٹ لکھنے پر بحالی پر ملازمت
کے لئے لکھنے پر دستخط کرنا اور
جوائنٹ لکھنے پر دستخط کرنا اور
738(3)/FATA/DIM/2012
حورف 30 مئی 2012ء

بیمہ مندرجہ ذیل کے لئے لکھنے پر دستخط کرنا اور
اور نیابت جوائنٹ لکھنے پر دستخط کرنا اور
2012-6-1 سے 2014-4-1 تک
سائبر جوائنٹ لکھنے پر دستخط کرنا اور
2014-5-19 کو
دورانہ لکھنے پر دستخط کرنا اور
2014-5-19 کو

لکھنے پر دستخط کرنا اور
جوائنٹ لکھنے پر دستخط کرنا اور
جوائنٹ لکھنے پر دستخط کرنا اور

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DIRECTORATE OF INDUSTRIES, MINERAL
AND TECHNICAL EDUCATION, FATA
SECRETARIATE, PESHAWAR.

OFFICE ORDER.

Amir

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Consequent upon the recommendation of Departmental Selection Committee, Mr. Arif Shah S/O Maqbool Shah, Village & P.O. Nahaqi Teh. & Distt. Peshawar is hereby appointed as Junior Trade Instructor (NPS-10) at Govt. Technical Institute, Ekkaghund against the vacant post with immediate effect on the terms and conditions that:-

TERMS & CONDITIONS:

He/She will for all intents and purposes, be Civil Servant except of purposes of pension or gratuity. In lieu of pension and gratuity, he/she will be entitled to receive such amount contributed by him/her towards Contributory Provident Fund (C.P.F.) along with the contributions made by government to his/her account in the said fund, in the prescribed manner.

He/She will be governed by the NWFP Civil Servants Act 1973, all the laws applicable to the Civil Servants and Rules made there-under.

He/She will, initially, be on probation for a period of two years extendable up to three years.

He/She will have to produce a certificate of medical fitness from the Medical Superintendent/Agency Surgeon of the respective area within a week time of the assumption of charge.

His/her services will be liable to termination at any time without assigning any reasons; therefore, before the expiry of the period of probation/extended period of probation, if his/her work during this period is not found satisfactory, in such an event, he/she will be given a month's notice of termination from service or one month's pay in lieu thereof. In case he/she wishes to resign at any time, a month's notice shall be necessary or in lieu thereof a month's pay shall be forfeited.

His/her services shall be liable to termination during initial/extended period of probation without any notice.

He/She will not be entitled to any TA/DA on his/her first appointment.

If the above terms and conditions are acceptable to him/her, he/she should report for duty to the Principal concerned within 30 days of the issue of this order failing which the offer of appointment will automatically be cancelled.

DIRECTOR IMTE (FATA)

Endst: No. DIMTE/FATA/ 738(1-3)

Dated 30/5/2012

Copy forwarded for information and necessary action:-

- 1- The Agency Accounts Officer, Mohmand Agency, Ghallani.
- 2- The Principal, Government Technical Institute, Ekka Ghund.
- 3- Official concerned on the above address

[Signature]
ASSISTANT DIRECTOR (TE).

33

Annexure-VII

~~Annexure III~~ 19

DIRECTORATE OF TECHNICAL EDUCATION, FATA
GOVERNOR'S SECRETARIAT (FATA), WARSAK ROAD PESHAWAR.

OFFICE ORDER.

In pursuance of the Govt. of NWFP Establishment and Administration Department letter No. SQRVI(E&AD)1-10/2003 dated 09-08-2003, sanction is hereby accorded to the relaxation in upper age limit of 28 years prescribed for the post of Junior Trade Instructor (BPS-10) in the relevant service recruitment rules to the extent not exceeding by 01 year 02 months and 14 days as on 17-03-2012 (i.e. the last date for receipt of applications) in favor of Mr. Arif Shah S/O Maqbool Shah (his date of birth being 03-01-1983)

DIRECTOR.

Dated 30.5.12

Ends: No. DTE/FATA/Admn/ 743 (1-3)

Copy forwarded for information & necessary action to:-

- 1- The District Accounts Officer concerned.
- 2- The Principal concerned.
- 3- Official concerned


ASSISTANT DIRECTOR.

Roll No. 160

Roll No. 8299

PROVISIONAL CERTIFICATE
GOVERNMENT TECHNICAL & VOCATIONAL CENTRE, PESHAWAR.



THIS IS TO CERTIFY THAT

Mr. Arif Shah of Mr. Maqbool Shah

has successfully completed Twenty Four months Intensive Training Course in accordance with the requirements of the National Occupational Skill Standard for grade Grade II level prescribed by the National Training Board,

Government of Pakistan, in the Trade of (Radio/TV)

The marks secured in the Final Trade Test conducted on 14th November 2005

by the N.T.B.P. Board of Technical Education, Peshawar are as under

- | | | |
|--------------------------|-----------|---|
| 1. Practical Proficiency | <u>80</u> | % |
| 2. Theoretical Knowledge | <u>90</u> | % |

In recognition thereof this certificate

is awarded on the 6th day of the month of February 20 06

Principal
Technical & Vocational
Centre Peshawar.

Annexure - IX

(35)

21/12/2004

Reg. No. SDC/PTWT/8955

S. No. 009335

SKILL DEVELOPMENT COUNCIL PESHAWAR

A Joint Project of National Training Bureau
Govt. of Pakistan, ILO, World Bank & EFP.



This is to certify that

Mr/Mrs/Miss ... ARIF SHAH Son/Daughter of ... MAQBOOL SHAH

successfully completed a special training Course organized by the SDC Peshawar in the trade of
..... REFRIGERATION & AIR CONDITIONING

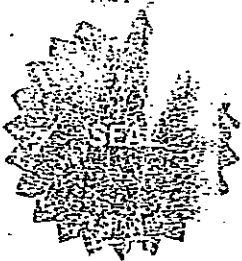
held at POPULAR TRAINING WORK SHOP OF TECHNOLOGY PESHAWAR

from ... 15 - 12 - 2004 to 15 - 02 - 2005

In recognition thereof this certificate is issued

On ... 2nd day of ... MARCH, 2005

PRINCIPAL



CHAIRMAN
SDC PESHAWAR

HAJI MUHAMMAD JAVED

Annexure X

36

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Roll No: 82420

2190

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION PESHAWAR



Peshawar N.W.F.P. Pakistan
PROVISIONAL CERTIFICATE
 SECONDARY SCHOOL CERTIFICATE EXAMINATION
 SESSION 2002 (Annual)

THIS IS TO CERTIFY THAT Arif Shah

Son of Maqbool Shah

and resident of District Peshawar

has passed the *Secondary School Certificate Examination* of the Board of Intermediate and Secondary Education, Peshawar held in *March, 2002* as a *Private* candidate, securing 327 marks out of 850 marks, (Grade "E") in the following subjects:

- | | | | |
|---------------|---------------|---------------------|---------------------|
| 1. English | 2. Urdu | 3. Islamiyat (Comp) | 4. Pakistan Studies |
| 5. New Rizazi | 6. G. Science | 7. Islamic Studies | 8. Pushto |

Date of birth according to admission form is 03-January-83

Date of Issue 29 June, 2002

[Signature]
 Asstt. Secretary (Certificate)

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GOVERNMENT OF PAKISTAN
ACCOUNTANT GENERAL N.W.F.P.
DISTRICT GHALANAI
PAY ROLL SYSTEM

Annex (23)

PAYMENT ADVICE

P Sec: 001 Month: September 2013
MS0066 - Principal Tech. & Voc Ce.
Min: Min. Of Education
NTN:
CPF #: IV. EDU. MND. 4995
Old #:

Roll No: 5032564
Name: FRIEDRICH SHAH
Designation: JUNIOR TRADE INSTRUCTOR
CIN No: 1731243555451

DEPTT CODE MS0066

BPS Interest Applied
to Vocational Teachers

Annex

PAYS AND ALLOWANCES:

0001-Basic Pay	6,820.00
1000-House Rent Allowance	1,186.00
1210-Convey Allowance 2005	1,840.00
1300-Medical Allowance	1,000.00
1520-Unattractive Area Allow.	1,000.00
1971-Adhoc Allowance 2011@ 15%	593.00
1973-Adhoc Allowance 2011@ 50%	1,977.00
2118-Adhoc Relief Allow (2012)	1,364.00
2151-Adhoc Allowance 2013 @10%	682.00
Gross Pay and Allowances	16,462.00

DEDUCTIONS:

GPF Balance	1,905.00	Subtr:	835.00
3661-E. E. F (Exchange)			75.00
3701-Provident Fund (Exchange)			180.00
3704-Group Insurance (Exchange)			67.00
3711-Add'l Group Insurance (Exch)			7.00

Total Deductions

NET AMOUNT PAYABLE

QUALIFYING SERVICE
YRS MON D. O. B
01 Years 04 Months 002 Days 01.08.1988

LFP Quota:
Payment through DDQ.



GOVERNMENT OF PAKISTAN
ACCOUNTANT GENERAL N.W.F.P.
DISTRICT CHALANAI
PAY ROLL SYSTEM

23R
PAYMENT ADVICE

P Sec: 001 Month: December 2012
MS0066 - Principal Tech & Voc. Ed
Min: (Min. Of Education
NTN:
GPF #: IV. EDU. MND. 4995

MS0066
AMEL SHAH
MINING TRADE INSTITUTE
BPS/ Interest Applied

DEPT. CODE

MS0066
MS0066
Operational Temporary

PAYS AND ALLOWANCES:
0001-Basic Pay 7,340.00
1000-House Rent Allowance 1,186.00
1210-Convey Allowance 2005 1,840.00
1300-Medical Allowance 1,008.00
1528-Unattractive Area Allow 1,000.00
1971-Adhoc Allowance 2011@ 15% 593.00
1973-Adhoc Allowance 2011@ 50% 1,977.00
2110-Adhoc Relief Allow (2012) 1,448.00
2121-Adhoc Allowance 2013 @10% 724.00
Gross Pay and Allowances 17,008.00

DEDUCTIONS:
0000-Balance 3,810.00
3651-E. E. F (Exchange) 75.00
3701-Benevolent Fund(Exchange) 180.00
3704-Group Insurance(Exchange) 67.00
3711-Adcl Group Insurance(Exch) 7.00

Subtr: 635.00
75.00
180.00
67.00
7.00

Total Deductions

NET AMOUNT PAYABLE

QUALIFYING SERVICE
YRS MON
01 Years 07 Months

D. D. N.
01.08.1988
003 Days

LFP Quota
Payment through DBS.

Annex - XIII

39

03 Years 07 Months 025 Days
GOVERNMENT OF PAKISTAN
ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA
DISTRICT
PAY ROLL SYSTEM

MASIL BANK LTD.
7130130903

24

PAYMENT ADVICE

SN: 3448
GHALANAI

F Sec: 001 Month: July 2013
MG0066 - Principal Tech 5 Voc Centr
Min. of Education
NTR/PTT CODE

IBPS ARIF SHAH
Duty Station: TRADE INSTRUCTOR
CNIC No: 341242553451
GPF Interest rate: 10% Vocational Temporary
PAYS AND ALLOWANCES:
0001-Basic Pay
1000-House Rent Allowance
1210-Convey Allowance 2005
1300-Medical Allowance
1528-Unattractive Area Allow
1971-Adhoc Allowance 2010 15%
1973-Adhoc Allowance 2010 50%
2110-Adhoc Relief Allow (2012)
2151-Adhoc Allowance 2013 @10%
Gross Pay and Allowances

DEDUCTIONS:
EPF Balance 2,540.00
3661-E.E.F (Exchange)
3701-Benevolent Fund(Exchange)
3704-Group Insurance(Exchange)
3711-Addl Group Insuranc(Exch)

MG0066	6,820.00
	1,188.00
	1,840.00
	1,000.00
	1,000.00
	593.00
	1,977.00
	1,364.00
	682.00
	16,462.00
Subtr:	635.00
	75.00
	180.00
	67.00
	7.00

NET AMOUNT PAYABLE

964.00
15,498.00

QUALIFYING SERVICES
YRS MON

0 0 0

100.00

Handwritten mark

Annex-40
XIV

Annex-VII-B (168)

03 Years 04 Months 024 Days



GOVERNMENT OF PAKISTAN
ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA
DISTRICT
PAY ROLL SYSTEM

PAYMENT ADVICE

24 A

SN: 539 GHALANAI

Pers #: 50152964
Name: ARIE SHAH Ruckle:
ESS: JUNIOR TRADE INSTRUCTOR
ID No: 1731242555451

P Sec: 001 Month: April 2013
MS0066 - Principal Tech & Voc Ce
Min: Min. of Education
NTM:

GPF Interest Free
10 Vocational Temporary
PAYS AND ALLOWANCES:
0001-Basic Pay
1000-House Rent Allowance
1210-Convey Allowance 2005
1300-Medical Allowance
1528-Unattractive Area Allow
1971-Adhoc Allowance 2011@ 15%
1973-Adhoc Allowance 2011@ 50%
2118-Adhoc Relief Allow (2012)

GPF SETT CODE
012

Gross Pay and Allowances

DEDUCTIONS:
GPF Balance 635.00
3661-E. F. F (Exchange)
3701-Benevolent Fund (Exchange)
3704-Group Insurance (Exchange)
3711-Adel Group Insurance (Exch)

	MS0066
	6,820.00
	1,786.00
	1,840.00
	1,000.00
	1,000.00
	593.00
	1,977.00
	1,364.00
	15,780.00
Subtotal	635.00
	75.00
	180.00
	67.00
	7.00

Total Deductions

NET AMOUNT PAYABLE

QUALIFYING SERVICE
YRS MON

D. O. B
01.08.1988

LFP Gupta:
Payment through 000.

00 Years 11 Months 004 Days

14,814.00

KY

Annexure
XIV-A

41

[Handwritten signature]

~~Annexure~~
~~23~~

24

9

Annexure A



Directorate of Industries, Mineral
Technical Education FATA Secretariat,
Warsak Road, Peshawar.

No.DIM&TE/FATA/Admn:/ 2701-(A)

Dated: 2/4 2014

To
The Principal,
Govt. Technical Institute,
E/Ghund (Mohamand Agency).

Subject:- STOPPAGE OF SALARY.

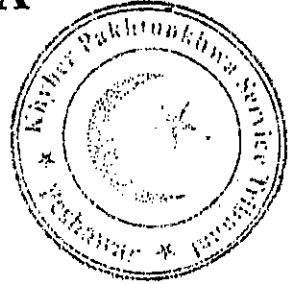
I am directed to refer this office telephone message regarding stoppage of salary. you are directed to stop the pay Mr. Anif Shah, Junior Trade Instructor of your Institute with effect from 01.04.2014 under intimation to this office.

[Handwritten signature]
ASSISTANT DIRECTOR
Technical Education (FATA)

(42)

(25)

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**



Implementation Application No. 149 /2022

In Service Appeal No.286/2017

(Service Appeal Remitted on 8-9-2021 with direction to conduct proper Inquiry in accordance with law/rules)

Khyber Pakhtunkhwa
Service Tribunal

Diry No. 392

Dated 17/3/2022

Arif Shah son of Maqbool Shah

Ex-Junior Trade Instructor (BPS-10 in Government Technical Institute, Ekkaghund under Director of IMTE FATA Secretariat, Warsak Road, Peshawar, presently Residing in Village Nahaqi P.O. Daudzai Tehsil and District Peshawar.....Applicant


Versus

1. The Additional Chief Secretary FATA, Fata Secretariat, Warsak Road, Peshawar
2. The Director of Industries, Mineral and Technical Education. Fata Secretariat, Warsak Road, Peshawar.
3. The Deputy Director, Industries, Mineral and Technical Education FATA, Fata Secretariat, Warsak Road, Peshawar
4. The Principal Government Technical Institute, Ekkaghund, Mohmand Agency.....Respondents

Application for implementation of Judgment/Order dated 8th September 2021 passed by this Honourable Tribunal in above titled Service Appeal in which certain direction were issued to Respondents to conduct proper Inquiry in accordance with law/rules, for which the Respondents failed to conduct any such type of Inquiry after passing of a considerable time, hence the instant Implementation Petition.

Respectfully Shewath,

ATTESTED


The Khyber Pakhtunkhwa
Service Tribunal
Peshawar

- (11) (12) (15)
1. That Applicant Service Appeal bearing No.286/2017 was disposed off/remitted by this Honourable Tribunal to Respondents on 8th September 2021 in which certain directions were issued to Respondents to conduct proper Inquiry in accordance with law/rules, the concluding para of the same judgement/Order is reproduced below :-

"05. In light of the above discussion, the matter is remitted back to the Respondents with direction to conduct proper Inquiry in accordance with law/rules. In view of peculiar facts and circumstances of the case, reinstatement of the appellants shall be subject to the outcome of the inquiry. The appeal is disposed of accordingly."

Attested copy of this Judgement/Order dated 8-9-2021 passed by this Hon. Tribunal attached as Annexure-I

2. That this Honourable Tribunal sent judgements/order dated 8th September 2021 officially soon after passing the judgement/order, but since then, a considerable period has been elapsed, but the Respondents have not yet finalized/conducted any Inquiry nor contacted any type of communication with the Petitioner in writing till filing of the instant Implementation Application which tantamount to disobedience and thus, the Respondents failed to take any real step in accordance with direction of this Hon. Tribunal.

2. It is, therefore, prayed that Respondents may graciously be ordered to apprise the causes of failure in finalizing any type of Inquiry as per Law/Rules. In such like situation, the Applicant deserves to be reinstated in Service with all back benefits of service.

Petitioner

Through

Certified to be true copy

EX-10
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Anwar Shah

Advocate.

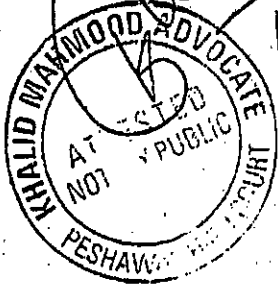
12, K-3, Phase-III, Hayatabad, Peshawar
Phone 5817132, 5818446
Email: isaac.ali.qazi@gmail.com
www.isaacclaw.org

Affidavit

(44)

(46)

I, Arif Shah son of Maqbool Shah, Ex-Junior Trade Instructor (BPS-10 in Government Technical Institute, Ekkaghund under Director of IMTE FATA Secretariat, Warsak Road, Peshawar, presently Residing in Village Nahaqi P.O. Daudzai Tehsil and District Peshawar solemnly affirm and declare on oath that the contents of the instant Implementation Application are true and correct and that nothing has been concealed intentionally from this Honourable Tribunal.



16-3-23

Deponent

[Signature]

Certified to be true copy

[Signature]
Khalid Mahmood Advocate
Peshawar

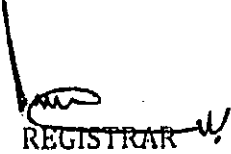


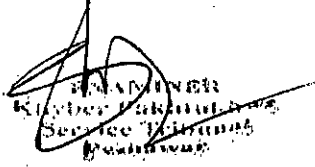
Date of Presentation of Application 13/7/23
Number of *page 3*
Copying Fee *15/-*
Urgent *15/-*
Total *15/-*
Name of *[blank]*
Date of Completion 19/7/23
Date of Delivery of Copy 19/7/23

Annexure XVI (47)
(45)

Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. 149/2022

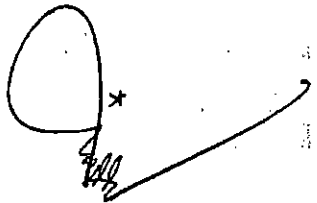
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1.	2	3
1	17.03.2022	<p>The execution petition of Mr. Arif Shah submitted today by Mr. Anwar Shah Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This execution petition be put up before to Single Bench at Peshawar on <u>19-05-2022</u>. Original file be requisite. Notices to the appellant and his counsel be also issued for the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p>
	19.05.2022	<p>Junior to counsel for the petitioner present.</p> <p>Notice of the present execution petition be issued to the respondents for submission of implementation report. To come up for implementation report on 15.07.2022 before S.B.</p> <p style="text-align: right;"> (Mian Muhammad) Member (E)</p> <p style="text-align: center;">ATTESTED</p> <p style="text-align: center;"> Attester Khyber Pakhtunkhwa Service Tribunal Peshawar</p>

46 42

15.07.2022

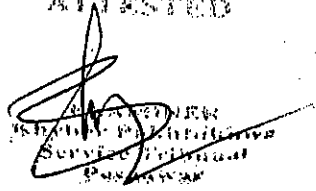
Junior of learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Implementation report not submitted. Learned Additional Advocate General seeks time to contact the respondents for submission of implementation report. Adjourned. To come up for implementation report on 13.09.202 before S.B.



(MIAN MUHAMMAD)
MEMBER(E)

ATTESTED



Secretary
Service Tribunal
Islamabad

6th Dec, 2022

Learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

SCANNED
KPST
Peshawar

On the previous date salaries of the respondents were attached but even then nobody is present on behalf of the respondents, therefore this execution petition is converted into contempt application. Show cause notice be issued to the respondents to appear in person and show cause as to why they should not be proceeded against under the relevant Law. To come up for further proceedings on 09.01.2023 before S.B.

(Kalim Arshad Khan)
Chairman

09.01.2023 Learned counsel for the petitioner present. Mr. Shahab Khattak, Legal Advisor and Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Mr. Shahab Khattak, Legal Advisor for respondents stated at the Bar that in the changed scenario in the back drop of 25th constitutional amendment, Director Technical Education & Vocational Training Authority as well as Secretary Industries and Commerce being the relevant respondents for implementation, may be added as respondents so that the Service Tribunal judgement in question can be implemented accordingly. Learned Additional Advocate General did not raise objection(s). Office is directed to make necessary entry in the panel of respondents. To come up for further proceedings on 26.01.2023 before S.B.

SCANNED
KPST
Peshawar

ATTESTED

Mian Muhammad
Member (E)

(Mian Muhammad)
Member (E)

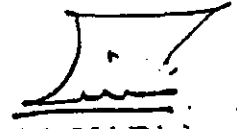
(48) (17)

26.01.2023

Learned counsel for the petitioner present. Mr. Shahab Khattak, Legal Advisor and Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Legal Advisor for the respondents seeks some time for submission of implementation report. Adjourned. To come up for implementation report on 02.03.2023 before the S.B.


SCANNED
KPST
Peshawar

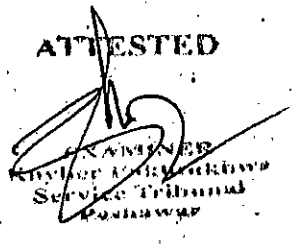

(Salah-Ud-Din)
Member (J)

2nd Mar, 2023

Learned counsel for the petitioner present. Mr. Muhammad Jan, District Attorney alongwith Mr. Shahab Khattak, Legal Advisor for the respondents present.

Legal Advisor for the respondents has submitted an enquiry report which is placed on file. Learned counsel for the petitioner wants to go through the report submitted by the respondents. To come up on 20.03.2023 before S.B. P.P given to the parties.


(Kalim Arshad Khan)
Chairman

ATTESTED

Khalid Ali
Secretary
Service Tribunal
Peshawar

49

20th March, 2023 Counsel for the petitioner present. Mr. Fazal Shah Mohmand, Additional Advocate General alongwith Yousaf Ali, A.D for the respondents present.

Inquiry had already been conducted and its report submitted on 02.03.2023 before the Tribunal. It is now for the competent authority to take action in the light of inquiry report and submit proper implementation report on 03.05.2023 before the S.B. Parcha Peshi given to the parties.

SCANNED
KIPST
POSTER

(Fareeha Pauly)
Member(E)

03.05.2023

Learned counsel for the petitioner present. Mr. Asad Ali Khan, Assistant Advocate General alongwith Mr. Shahab Khattak, Legal Advisor for the respondents present.

SCANNED
KIPST
POSTER

Implementation report not submitted. Legal Advisor for the respondents requested for time to submit proper implementation report on the next date. Adjourned. To come up for proper implementation report on 01.06.2023 before S.B. Parcha Peshi given to the parties.

ATTESTED
KIPST
POSTER

(Muhammad Akbar Khan)
Member (E)

1st June, 2023

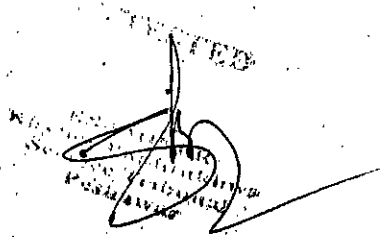
1. Learned counsel for the petitioner present. Mr. Fazal Shah, Additional Advocate General alongwith Mr. Ali Gohar Durani, Legal Advisor and Mr. Yousaf Ali Shah, Assistant Director for the respondents present.

2. Representative of the respondents requested for time to submit implementation report on the next date. Adjourned. To come up for proper implement report on 13.07.2023 before S.B; P.P given to the parties.



(Kalim Arshad Khan)
Chairman

Kaleem Ullah



Annex
XVII
50

Annex
XVIII
51

INQUIRY REPORT

Reference your office order, Endst No.KP-TEVTA/20-27(20)6621 (1-3) dated: 11-10-2021 the inquiry against Mr.Arif Shah S/O Mr.Maqbool Shah Ex-Jr.Trade Instructor (BPS-10) GTI Ekkaghund was thoroughly conducted by studying the record file. The followings are the facts and findings.

1. Mr.Arif Shah was appointed as Jr.Trade Instructor vide letter No.DIMTE/FATA/738 (1-3) dated: 30-05-2012. Age relaxation certificate was also issued to the appointee on the same date. The appointment letter and age relaxation certificate were issued with the signature of IRFAN ALI, Ex: Assistant Director FATA (Technical Education). (Annex-1& 2)
2. Directorate of Industries, Mineral & Technical Education FATA Secretariat Peshawar directed the Principal GTI Ekkaghund for pay stoppage of Mr. Arif Shah Ex- Jr. Trade Instructor w.e.f 01-04-2014, vide letter No.DIM&TE/FATA/Admn/2701- (A). (Annex-3)
3. Mr. Arif Shah the Ex- employee submitted an application to Director Industries Mineral & Technical Education FATA secretariat on 12-06-2014, for release of salary and mentioning that the Principal GTI Ekkaghund verbally informed him that his services had been terminated. Application is attached. (Annex-4)
4. The Ex-employee filed a case against his termination in service tribunal for reinstatement. The honorable Tribunal passed a judgement / order on 06-05-2016 directed the department to decide the appeal of the appellant within a period of one Month after receipt of this judgement. (Annex-5)
5. The Departmental Appellate Authority failed to decide the appeal of the appellant within one month time. The appellant submitted again an application on dated 27-06-2016 to the service tribunal for not implementing Service Tribunal judgement/ order dated 06-05-2016 within stipulated period of one month. (Annex-6)

(51)

(112)

6. The inquiry report of Sardar Asad Haroon Deputy Secretary (Admn) FATA, in Para No.b (3 & 4) reflects that the Dispatch No. 738(1-3) Dated 30-05-2012 on the appointment letter is totally fictitious and comparison of the signature of Assistant Director (Technical Education), affixed on the appointment order with his original signature (on other official documents in the office)are fabricated. (Annex-7)
7. Mr. Irfan Ali ex-Assistant Director (Technical Education) FATA written statement is that appointment order of Mr.Arif Shah was not issued under his signature and it is totally "FAKE". (Annex-8)
8. FIA Peshawar sent a letter No.FIA/KPK/ACC/PSR/C-15/2015/219 Dated 03-02-2015 to FIA Head Quarter Islamabad for analysis of signature of Mr.Irfan Ali Ex- Assistant Director (T E) FATA on appointment letter No.783 (1-3) dated 30-05-2012. Attached as (Annex-9)
9. In response to the above letter FIA H.Q Islamabad submitted the report vide letter No. 57/TW/FIA/2015 Dated 17-02-2015, that the questioned signature on the front side of disputed office order bears the characteristics of being scanned. Attached as (Annex-10)
10. The record shows that FIR was lodged against theEx- employee by FIA anticorruption and on the basis of that FIR, a sum of RS.338232/- (salaries) had been recovered from him on 05-01-2015. (Annex-11)
11. An appeal was submitted by the Ex- employee for 3rd times in Service Tribunals for his reinstatements vide service appeal No.286/2017 dated 27-03-2017. The present inquiry conducted on the basis of service tribunal decision/judgement dated 08-09-2021. (Annex-12)
12. The Ex-employee submitted a statement to the inquiry committee on 02-11-2021 for claiming reinstatement on the basis of salaries, he received from Government. (Annex-13)

52 (13)

13. The inquiry committee asked Mr. Arif Shah (Ex-employee) to produce advertisement published in the news paper for the said post, call letter for interview and original appointment letter. But he failed to produce the said documents. (Annex-13)

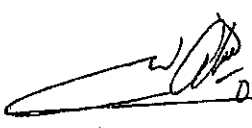
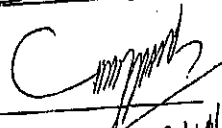
RECOMMENDATIONS:

In the light of above facts and findings from the record, following are the recommendations of Inquiry committee.

- (a) As the appointment letter was totally fake, therefore Mr. Arif Shah S/O Mr. Maqbool Shah was neither appointed by the competent authority nor was a Government servant.
- (b) As per record Mr. Arif Shah refunded his salaries to the Government vide Inquiry No. 47/2014 Dated 28-10-2014, so he accepted the crime. Therefore his application for reinstatement may be rejected.
- (c) To stop such mishaps in future the appointment letter may be verified by the quarter concerned after joining the post immediately.

5-6-2-4 Salary
A verbally terminated
on 28-10-14
10 ACR
11-14 denied
in Reinstatement
to Rejoining

- 1. Engr. Waqar Ahmad , Associate Professor (Inquiry Officer)
Government College of Technology, Tangi.
- 2. Mr. Muhammad Hussain, Senior. Clerk (Assistant)
Government College of Technology, Tangi.


09.11.2021

09/11/2021



TECHNICAL EDUCATION & VOCATIONAL
TRAINING AUTHORITY KHYBER PAKHTUNKHWA
5-771 Old Bara Road University Town Peshawar
Web: www.kpvtva.gov.pk



OFFICE ORDER: -

In compliance with the Judgment of Khyber Pakhtunkhwa Service Tribunal, dated 08-09-2021, the Competent Authority is pleased to constitute the following committee to probe the Appeal of Mr. Arif Shah, Ex-Junior Trade Instructor, BS-11 Govt. Polytechnic Institute Ekka Ghund, regarding his re-instatement in service.

1. Engr; Waqar, Associate Professor, BS-19,
Govt. College of Technology, Tangi, Charsadda. Enquiry Officer
2. Mr. Muhammad Hussain, Senior Clerk BS-14,
Govt. College of Technology, Tangi, Charsadda. Assistant

The inquiry committee shall go through the record, thoroughly investigate the matter, and submit a comprehensive report along with recommendations to this office with in fortnight positively.

MANAGING DIRECTOR

dated 11/10/2021.

Encl: No. KP-TEVTA/20-27(20) 6621(1-3)
Copy forwarded for information and necessary action to: -

1. Principal, GCT, Tangi.
2. Officers concerned.
3. PA to Managing Director, KP-TEVTA, Head Office, Peshawar.

DEPUTY DIRECTOR (ESTT)

Answer (15)

سوال نمبر

عارف شاہ ولد مقبول شاہ

سوال نمبر 20711

سوال 1) کیا آپ کے پاس ٹسٹ کیئر یا انسٹروکشن ویڈیو لکھ کر موجود ہے۔ اس Post لیکر جواب دے کر آپ نے Documents جمع کیے ہیں اس کے بعد کوئی لکچر ہے۔

2) کیا آپ نے کسی نے اس Post کیلئے رشوت لی ہے؟

3) کیا آپ نے کسی نے منظر لکھا ہے اور نہ کسی کو رقم دی ہے؟

Original کی شناخت لکھ کر موجود ہے۔

کسی بنیاد پر آپ نے کوئی پر خیال ہونے کی درخواست کی ہے۔ کیونکہ انکو انٹری آفیسر نے ریپورٹ ٹیس کہا ہے کہ "Appointmant letter" جو جاری ہوا ہے اس کے Dispatel اور (FSL) فرینڈ سائس میں دستخط ہے۔

فرمان کی تنخواہ سلی ہے۔ اور میں اس بنیاد پر سرکاری

20711

Capal

PA/ASIA

فرد قبوتی

(13)

5/1/2015

5/1/2015

Reza Mirza

Arman

(11)

در بیان دوران ذیل (مکمل) در تاریخ 47 فوریه 2014 و 28 مارس 2014
توسط 15 پیش کرده عارف شاه در اکتوبر 2014

داد و ستاد قبضه و تعلق در این مورد صحت مبلغ 3382322 روپيا پاکستان
آپریل 2014 تک شامل - رقم مبلغ 3382322 روپيا پاکستان صحت

67 عدد لٹ 5000/- باغ بنزاره اور 3 عدد لٹ 1000/- روپيا پاکستان
اور 2322 صحت 100/- کما 2 عدد لٹ اور 32 روپيا بڑا حکومت پاکستان

گردان نقد زخمی کردہ دوران در سلسلہ خدمت مسرتہ فردی نئی
کامیابی کسی عارف شاه کو جوائنٹی

[Signature]
رشتہ دار قبضہ و تعلق
PA/ACC
لٹ 10
05-01-2015

[Signature]
دوران بیان
مسالہ عدلیہ
عزیز دارش خان
PA/ASIA
ACC
05-01-2015

[Signature]
Mu.



KHYBER PAKHTUNKHWA

TECHNICAL EDUCATION & VOCATIONAL TRAINING AUTHORITY
5-771 Old Bara Road, University Town Peshawar
Web: www.kptevia.gov.pk

TEVTA
KHYBER PAKHTUNKHWA

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OFFICE ORDER

Mr. Arif Shah S/O Maqbool Shah, Ex-Junior Trade Instructor (BPS-10) Government Polytechnic Institute Ekka Ghund was terminated from service upon the fake appointment order.

The appellant filed Service Appeal No. 286/2017 in Khyber Pakhtunkhwa, Service Tribunal against the penalty imposed by Competent Authority and the Khyber Pakhtunkhwa, Service Tribunal in its judgment dated 08-09-2021 remitted his case to the departmental appellate authority to conduct De-Novo inquiry against Mr. Arif Shah S/O Maqbool Shah, Ex-Junior Trade Instructor (BPS-10).

The De-Novo enquiry was conducted accordingly by the the Managing Director KP-TEVTA being Competant Authority. Wherein the committee has recommended that the appellant was appointed against the fake order, which was neither issued by the Competant Authority nor the appeleant was a Civil Servant.

Now therefore in light of the inquiry report hereby hold that the appointment order issued to Mr. Arif Shah was fake, void ab initio and procured by Mr. Arif Shah without any Lawful authority.

~~(ABDUL GHAFAR)~~
~~MANAGING DIRECTOR~~

Endst: No. KP-TEVTA/ESTT/

4819 C-12

dated 30/5/2023

Copy is forwarded for information / further necessary action to the:-

1. Registrar Khyber Paktunkhwa Service Tribunal, Peshawar w/r to decision dated 08.09.2017 in Service Appeal No. 286/2017
2. PA to Managing Director, KP-TEVTA, Head Office, Peshawar.
3. Official concerned

~~mbid~~
DIRECTOR (Admn/HR)

AMMENDATIVE
XIX

(57)

AMMENDATIVE

(58)

1/5/22

11/1/22

3/3/2023

In the Khyber Pakhtunkhwa Service Tribunal
Peshawar

Khyber Pakhtunkhwa
Service Tribunal

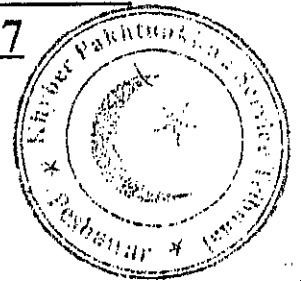
In Re:-Implementation Application No. _____/2023 Story No. 5017

In Service Appeal No.286/2017

Dated 28/4/2023

Arif Shah Versus Technical Education etc

Objection Petition on behalf of the Petitioner to the
Compliance Report/Enquiry Report in Judgement dated
08-09-2021 in Service Appeal No.286/2017



Respectfully Sheweth,

1. That this Honourable Tribunal remitted Petitioner's Service Appeal to Respondents 08-09-2021 with certain direction to conduct proper Inquiry in accordance with law/rules. In view of peculiar facts and circumstances of the case, reinstatement of the Appellant shall be subject to the outcome of the Enquiry. Thus the Service Appeal was accordingly disposed off. (Kindly see para 4 & 5 of the judgement dated 8-9-2021)
2. That though no time frame was mentioned in the said Judgement/Order dated 8-9-2021, yet the same was to be finalized/completed within a reasonable time.
3. That after waiting for a considerable period of over 6 months, the Petitioner filed an Implementation Appeal No.249/2022 on 15-3-2022 which was noticed to Respondents for next date of hearing in mid of July 2022. This honourable Tribunal enquired/asked for the implementation of the Judgement/Order and next date was adjourned/fixd for 13-9-2022 which date too was changed due to Note Reader for 1-11-2022. Thereafter no one from Department side appeared/attended this Honourable Tribunal and as a result this Honourable Tribunal, then attached the Salaries of the concerned Respondents. Subsequently direction for appearance in Person as well as Conversion of Execution Petition into Show Cause Notice was ordered too to be issued.

ATTESTED

EXAMINER

(58) (59)

4. That anyhow upon subsequent date of hearing i.e. 09-1-2023, 2 newly impleaded Respondents 5 & 6, filed Inquiry Report on previous date i.e. 2 March 2023 which was perused by the Decree Holder on which the DH/Petitioner humbly submits certain Objections as under :-

A) That the alleged Inquiry Report was written and signed by Enquiry Committee on 09-11-2021 with certain recommendations but kept by the Respondent 5 & 6 for over 16 months for unknown reasons.


B) That the alleged Enquiry Committee has failed to inform/contact the Petitioner in writing on his mailing address for conducting Inquiry in which Date, Time and Venue of the holding of Enquiry by the Enquiry Committee was to be conveyed and hence finalized in the Petitioner's absentia.

C) That Petitioner was never informed for attendance/conducting Inquiry and accordingly upon fake Questionnaires in Urdu drafted by the said Inquiry Committee on 9-11-2021 at their own, on photocopy of the Urdu Questionnaire over which a fake signature has been reflected which the Petitioner denies.

D) That Inquiry Committee has not adopted the prescribed procedure duly mentioned as per Section 10, 11, 12, 14 & 15 of KP Government Civil Servants (Efficiency & Disciplinary) Rules 2011, hence without adopted the requisite procedures in violation of the above Rules would be nullity in the eyes of law.

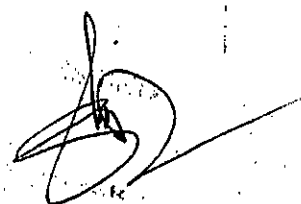
E) That the aforesaid Enquiry Committee report was not routed through the Respondent 5 & 6 being competent Authority.

F) That further more, the Recommendation of the Enquiry Committee cannot be deemed and believed to be true which was finalized without keeping the prescribed procedure for conducting Inquiry.

APPROVED

Secretary
Petitioner

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- G) That in addition to above, the Petitioner rendered Service for 22 months and salaries obtained from the AG KPK through Pay Slips from 1-6-2012 till 31st March 2014! Even performance in Service period was duly recognized by writing ACR by the Reporting Officer/Countersigning officer.
- H) That termination of the Petitioner from service was verbal instead of in writing.
- I) That the Petitioner has categorically denied the recovery and re-payment of Salaries amounting to Rs.3,38,232/- to FIA/ACC allegedly shown on 5-10-2015 as no signature of the Petitioner or his Witnesses are there. Witnesses signatures shown are of the FIA own Officials which have no concern with the Petitioner.
- J) That Petitioner intends to enclose some documents regarding Advertisement of the Post in newspaper, interview letter and sketch from the Despatch Register which traced recently regarding the instant case which is also a necessary documents in the above titled case. These documents are enclosed as Annexure-C, D & E respectively.
- K) That Petitioner such denial of re-payments have been duly reflected in his Rejoinder to 2nd Service Appeal No.286/2017 as well as in Ist Service Appeal No.1131/2014 which was too remitted to the Departmental Appellate Authority on 6-5-2016.

Copies of Rejoinders in both the Service Appeals are also enclosed herewith as Annexure-A & B for ready reference.

- L) That Petitioner may also be allowed to point out other malafide points adopted by the Respondents in the titled case with permission of this Honourable Tribunal.
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Prayer:- It is, therefore humbly prayed that above Objections over the delayed Inquiry Report by the newly impleaded Respondents, 5 & 6 having no plausible and reasonable explanation for such considerable delay, which may please be taken into consideration and decide the Petitioner's Implementation Application on its own merits in the situation and circumstances explained above.

Arif Shah *Arif*

Petitioner

Through *Anwar*

(Anwar Shah)

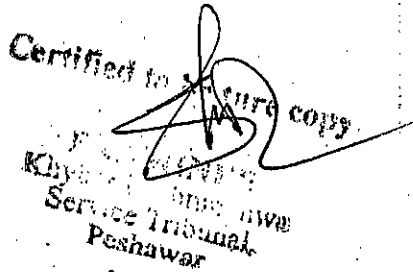
Advocate High Court

Peshawar

AFFIDAVIT

I, Arif Shah Petitioner solemnly affirm and declare on oath that the contents of the instant Objection Petition are true and correct according to my knowledge and belief and that nothing has been concealed intentionally from this Honourable Court.

Deponent *Arif*



Date of Presentation of

Number of

Copying Fee

Urgent

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Date of Delivery of

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BEFORE THE KPK SERVICE TRIBUNAL
PESHAWAR

REJOINDER IN
SERVICE APPEAL NO. 286/2014

ARIF SHAH
(APPELLANT)

VS ADDL CHIEF SECRETARY
PATA AND OTHERS
(RESPONDENTS)

Rejoinder on behalf of the Appellant to the
comments submitted by the Respondents

Respectfully Sheweth,

Rejoinder on behalf of the Appellant to the comments
of Respondents is submitted hereunder :

PRELIMINARY OBJECTIONS

All the Preliminary Objections raised by the Respondents from serial No. A to L being incorrect, hence denied as the Appellant's Service Appeal is competent, the Appellant has not concealed any fact intentionally from this Honourable Tribunal, Appeal has not filed with malafide intention, he has Cause of Action, his Appointment was never illegal or fraudulent in his individual capacity, the instant fresh Service Appeal is within time, doctrine of locus poenitentiae is applicable in his case and he should not be condemned for mistake of others and the legal procedure was not followed in termination of his service as his stoppage of salary and termination was based on verbal basis by the Respondent-4 which caused gross miscarriage of justice to the Appellant. Procedures alien to service law was adopted by the Respondents. Moreover, Appellant has never deposited the amount of salary received by him as erroneously held by the Respondents but instead some one other has deposited which fact is evident from the Treasury Challan which does not bear the signature of the Appellant as the Appellant denies the Recovery of the amount and even also denied in earlier Rejoinder in Service Appeal No.1131/2014 No departmental Enquiry was conducted in Appellant's association to prove his

(62) (69)

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appointment as illegal, thus, no opportunity of defense was afforded to the Appellant and action taken was in Appellant's absentia, which is/was a gross illegality committed by the Respondents. The Respondents, instead of decision on his Departmental Appeal within stipulated period of one month given by this Honourable Tribunal, treated into Personal hearing and conducted de novo enquiry in violation of this Honourable Tribunal order as evident from letter dated 9-12-2016 which besides time barred, was in utter violation of the Enquiry Rules/Regulations, thus, highly defective one and bears no value in the eye of Service law. It is pertinent to add here that FSL Report regarding scanned signature cannot be believed as the same test was taken in Appellant's absentia.

REPLY ON FACTS

- a. Para No.1. needs no rejoinder being admitted by the Respondents in view of furnishing no comments.
- b. Para No.2 Since the Respondents expressed no comments duly admitted to Para No.2 of the Service Appeal.. However it is added that Respondents failed to comply the order dated 6-5-2016 within stipulated period of one month from the receipt of the order which in fact was for decision of his Departmental Appeal dated 12-6-2014 but the Respondents in utter violation and contravention of this Honourable Tribunal, treated Personal Hearing etc which is evident from letter dated 9-12-2016. From the above, it is crystal clear that the Respondents conveyed compliance report on 16-12-2016 delayed by almost 7 months against the stipulated period of one month i.e. upto 20-6-2017. Hence the Respondents plea in the instant para of the comments is incorrect while the Appellant's plea in the main Service Appeal is correct.
- c. Para No.3. Not correct as scribed, hence denied. Basically after appointment as Junior Trade Instructor, the Appellant worked for a period of 22 months from 1-6-2012 to 31st March 2014 and received proper Salaries on month to month basis from AG. It is

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pertinent to mention here that Appellant was terminated verbally by the Respondent-4 on the letter of Asstt Director Technical Education FATA addressed to Respondent-4. Copy of letter addressed to Respondent-4 is enclosed herewith as Annexure-A. Moreover against the said verbal stoppage of Salary and termination, the Appellant had filed Service Appeal before this Honourable Tribunal in Oct/Nov 2014 while FIR against the Appellant was lodged in January 2015 in which the Appellant is on Bail and the Appellant is regularly attending the trial in the learned Court of FIA. Rest of the story is fabricated one as mentioned in this para of the comment while the plea raised in the main Service Appeal is correct.

- d. Para No.4 Not correct as scribed, hence denied. Position has already been explained in the Para No.3 above. It is also added th at Age Relaxation is not prohibited under the relevant law which can be granted to persons on case to case basis who are over age which is permissible. Appellant being an outsider, has no knowledge of internal procedure of a department before appointment. Hence the plea of the Respondent is incorrect while the plea raised by the Appellant in the main para of the Service Appeal is correct.
- e. Para No.5. Not correct as scribed. The Respondents admitted and confirmed that the Appellant was informed telephonically to attend the office of the Deputy Director FATA. It is confirmed that the Appellant was not associated in Enquiry Process as per Enquiry Rules/Procedure which is a gross illegality and negligence on their part, hence all action taken against the Appellant in absentia have no value in the eye of law. Moreover there is no lack of qualification both academically and professionally for which documentary proof necessary for the said post were duly annexed with the main Service Appeal. Hence the plea in comments of the Respondents are.

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(64) (77)

incorrect while the plea raised in the main Service Appeal is correct.

f. Para No.6 Not correct as scribed, hence denied. Basically after appointment, Appellant started his duties with Responent-4 College from the date of his appointment for a period of one year and 10 months and got his salaries through Government Exchequer i.e. AG KPK. Even in response to his good performance, the Respondent No.4 wrote his ACR with his excellent performance, copy of the said ACR is also enclosed herewith as Annexure B. It is also pertinent to mention here that no recovery was actually affected from the Appellant which was also denied in earlier Rejoinder in previous Service Appeal No.1131/2014 and even deny now ^{now C} as there is no signature of the Appellant existed/reflected upon the said Recovery Memo. It is also added that enquiry Report is not binding upon the Appellant as the entire proceedings were initiated in his absentia which has no legal affect upon the Appellant's right. Hence the plea taken in the comments by the Respondents are incorrect while the plea raised by the Appellant in the main Service Appeal are correct.

g. Para No.7 Not correct as scribed, hence denied. In the instant para, the Respondents admitted that Appellant's stoppage of salary as well as service was terminated through Respondent-4 telephonically. It is also evident that prior to verbal termination, no procedure of issuance of Show Cause Notice, Charge Sheet etc was issued. Even Appellant was not informed in writing or associated in Enquiry process and all kind of action was taken in his absentia which is a gross injustice in violation of service law of the land. hence all the actions taken against the Appellant was in violation of prescribed law of service, principle of natural justice, besides judgement of the upper Courts that non should be condemned.

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is nullity in the eyes of law. So the plea raised in the comments in the instant para by the Respondents is not correct while the plea raised in the main Service Appeal is correct.

h. Replies to Para No.8 to 11. Not correct as scribed. hence denied. After remand by this Honourable Tribunal on 6-5-2016 a stipulated period of one month was given for decision of Appellant's Departmental Appeal by the Departmental Appellate Authority but the Respondents violated the said Order by delaying for about 7 months and also treated into Personal Hearing, which was against the direction of this Honourable Tribunal Order, Hence the Respondents deviated and failed to implement the said order in accordance with the Tribunal Order, therefore has no legal value and sanctity in the eye of law. Hence the remaining story of the Respondents is fabricated one and cannot be believed so it is evident that the plea raised in the comments of the Respondents are not correct while the plea raised in the main Service Appeal are correct. Moreover the Respondents rejected the Departmental Appeal on 16-12-2016 but was submitted as compliance report in this Appellant's Execution Petition No.109/2016 in this Honourable Tribunal which was disposed off on 3-3-2017, hence by counting time limitation from order of this Honourable Tribunal dated 3-3-2017, the Appellant's instant Service Appeal is within time.

12. Reply to Para No.12. Appellant was really aggrieved of the impugned rejection of Departmental Appeal by the Departmental Appellate Authority delayed by approx 7 months on 16-12-2016 coupled with this Honourable Tribunal order dated 3-3-2017 in violation of this Honourable Tribunal order dated 6-5-2016, hence is relevant for the Appellant.

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Reply to GROUNDS

A to H. Plea raised in grounds by the Respondents being incorrect, hence denied by the Appellant. While plea raised in the main Appellant groundwise A to H are correct. The main reasons are that Appellant rendered spotless service of 22 months from 1-6-2012 to 31-3-2014 with the Respondent-4 College and got proper salaries from the Government Exchequer also. For termination from service, the Respondents verbally stopped his salaries from 1-4-2014 and also verbally terminated the Appellant's service by the Respondent-4 on the telephonic information in absence of any Charge Sheet, Show Cause Notice and statement of allegation as well conducting of enquiry in absentia of the Appellant, which is not tenable in the eyes of law. Moreover the Respondents also violated the well established principle of Audi Alterum Partem which is also in violation of Section 24A of the General Clauses Act 1897 besides well known judgement of Federal Shariat Court reported as PLD 2010 FSC-1 relevant Page No.5. It is also incorrect that the Appellant had refunded the entire amount of salaries as the Appellant in rejoinder to earlier Service Appeal No.1131/2014 and in the instant Rejoinder denies the refund of any amount. The amount shown on Appellant on his behalf have no nexus at all which is also evident from the Recovery Memo having no signature of the Appellant. It is pertinent to mention here that the Appellant is on Bail in the said FIR and attending regularly on various dates in the learned FIA Court in trial too. Moreover Civil and Criminal cases can be run simultaneously which have no effect on decision of the Service Appeal on its own merits on the basis of verbal termination which is alien to service laws of the land. Appellant was not directly informed regarding

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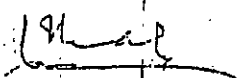
any Enquiry rather Appellant was allegedly tried to inform through another Accused telephonic process which has not value in Service law of the land.

Prayer: It is, therefore humbly prayed that on acceptance of the instant Rejoinder, the comments of the Respondents may not be considered and the Appellant's main plea in the main Service Appeal may graciously be treated as Correct and Appellant may kindly be reinstated in service with all back benefit of Service and dues as the Appellant is still jobless in view of verbal termination for which separate Affidavit was also enclosed with the main Service Appeal.

Arif Shah
Appellant

Through

Naqibullh Khattak


Anwar Shah

Advocates High Court
Peshawar

Affidavit

I, Arif Shah solemnly affirm and declare on oath that the contents of the instant Rejoinder are true and correct according to my knowledge and belief and that nothing has been concealed intentionally from this Honourable Tribunal. Moreover the Appellant is still unemployed and jobless from the date of his termination.

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BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 171/2014

With Condonation of delay

Arif Shah son of Maqbool Shah
Ex-Junior Trade Instructor (Grade 10)Appellant

Versus

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

REJOINDER ON BEHALF OF APPELLANT TO THE COMMENTS OF
RESPONDENTS 1-4

Respectfully Sheweth

Rejoinder on behalf of Appellant to the comments of Respondent is submitted hereunder :-

Preliminary Objections

All the preliminary Objections raised by the Respondents from serial No.1 to 6 being incorrect, hence, denied. The Appellant has Cause of Action, his appointment was never illegal, the Service Appeal is within time, doctrine of locus poenitentiae is applicable in his case and he should not be condemned for mistake of others and the legal procedure was not followed in termination of his service, causing gross miscarriage of justice to the Appellant. Procedure alien to service law was adopted by the Respondents.

ON FACTS

1. Para No.1 needs no rejoinder being admitted by the Respondents in view of furnishing no comments.
2. Rejoinder to para No.2 Incorrect. The Appellant was/is a layman as for as the appointment rules are concerned. Had the appointment been illegal, he would have not joined service to the State for a long period of more than 2 year and 10 months. Despatch Register is the

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Despatch Register. There was/1 no check and bane system existing in the department. The Appellant is nowhere seen guilty of any illegality being innocently attributed to him with malafides. The appellant was not responsible for advertisement of the Post and subsequently interview by Selection Committee. Appellant was properly interviewed by competent Authority. All his testimonials were thoroughly scrutinized by the Competent Authority and thereafter his appointment order was passed. The Drawing and Disbursement Officer passed his salary bills for a long period of 1 year and 10 months long. Rendering service to the State and getting no salary or the same is violative of the Fundamental Rights as enshrined in the Constitution of Islamic Republic of Pakistan 1973. The Employer and not the Employee should suffer for any sort of illegality. The Appellant was not lacking educational technical know-how qualification (as admitted by the Respondents in para 1 ibid) for the post of Junior Trade Instructor BPS-10. Moreover the alleged Complaint was anonymous for the reason that it was not signed by the so called Complainant. No enquiry whatsoever was at all conducted against the Appellant as falsely alleged by the Respondents in this para of the comments. Indeed Mohammad Zahid is close relative of the Appellant but relation does not disentitle any person from appointment to any post if otherwise fit and fulfilled the requirement for any vacant post. It is pertinent to add here that at the time of interview 3 other candidates were also present and they were also tested but they could not measure up to the desired standard required for the post of Junior Trade Instructor 4. Rest of the comments to this para are irrelevant and the Appellant is not reliable to give its rejoinder. It is pertinent to add here that in utter violation of the law of the land and the case laws on the subject issued by the Senior Courts in Pakistan, no opportunity of defense was afforded to the Appellant, no Show Cause Notice, Statement of allegation and no opportunity of personal hearing was afforded to the Appellant which shows malafide on the part of the Respondents. Besides no termination letter in black and white was issued to the Appellant except that Appellant's monthly salary was stopped and the Appellant was verbally informed by the Respondent No.4 that his services have been terminated by the high-up of the Department which act of Respondents tantamount to mockery of law of the land.

3. Incorrect. As replied in para above, the Appellant has no nexuses at all with the Despatch Register of the Respondent Department because he was not a Despatcher but was Junior Trade Instructor in the Respondent-4 Institute. It is astonishing to submit that the Appellant served the Respondents Department for 22 months and none of the Respondents had raised any objection on the alleged legal appointment

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and my performance as Junior Trade Instructor was highly satisfactory and non had any complaint whatsoever about my excellent performance. It is also added that the Appellant Annual Confidential Report signed by the Reporting Officer duly Countersigned by the Countersigning Authority which depicts prima facie that my work and conduct was found satisfactory and my seniors (Respondent-4) appreciated my performance. In view of the Rejoinder the law point raised by the Appellant to this para No.3 of main Appeal are correct.

4. Incorrect. The Respondents comments are irrelevant and the points raised by the Appellant to para 4 of his Appeal are correct. It is further submitted that the Appellant has no nexuses at all with the alleged recovery shown on his behalf from somebody else by the FIA Authorities erroneously attributed to the Appellant. The Appellant rendered service to the State and was getting salary from the Respondents department as his my legal and fundamental right and the payment of salary was not a bounty of the Respondents department to be recovered from the Appellant by the Respondents or the FIA Authority and even a single penny has not been recovered from him.
5. The comments of the Respondents are incorrect while the averments raised by the Appellant in para 5 of his Appeal are correct. Rejoinder to this legal point has already been furnished in para No.2 and 3 ibid. Let the Respondent department show my signature in token of having received the alleged letter enclosed by the Respondent Department (available on page 25 and 26 of the Comments) Seemingly these self made letters have been manoeuvred by the Respondents to misguide this Honourable Tribunal. It is pertinent to add here that as I was not in the Respondents in service at the time of sending letters at my school address (page 25 and 26) but on those dates I was out of service and was residing in my own house situated in village Nahaqi District Peshawar. Nothing has been conveyed to me by someone else. It is pertinent to add here that in service matter any correspondence pertaining to the terms and conditions of service must be sent/delivered to the civil servant and there is no provision in service law to convey any matter detrimental to the service of the civil servant through anybody else. Personal service is mandatory which has not been complied with by the Respondents.
6. The comments furnished by the Respondents to this para of the Appeal are totally incorrect while Appellant's contention in his Service Appeal to this para are correct.

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7. The comments furnished by the Respondents to this para of the Appeal are totally incorrect while Appellant's contention in his Service Appeal are correct.
8. The comments furnished by the Respondents to this para of the Appeal are totally incorrect while Appellant's contention in his Service Appeal to this para are correct. The Appellant has already submitted his reply in para 4 above including recovery of alleged amount.
9. The comments furnished by the Respondents to this para of the Appeal are totally incorrect while Appellant's contention in his Service Appeal to this para are correct. The Respondents are trying to misguide this Honourable Tribunal by referring to irrelevant matters and have not furnished comments in a legal way.

GROUNDS

- A) The Respondents comments are incorrect, evasive, irrelevant and the legal position is explained by the Appellant in paragraph A of the Ground is correct.
- B) The comments of Respondents are totally incorrect while the contention/legal position stated by the Appellant in para B is correct.
- C) The comments of Respondents are totally incorrect while the contention/legal position stated by the Appellant in para C is correct. Besides the Appellant has furnished the legal and true state of affairs of the instant service Appeal in para No.2 *ibid* (on FACTS)
- D) The comments of Respondents are totally incorrect while the contention/legal position stated by the Appellant in para D is correct. Besides the Appellant has given the legal state of affairs of the instant service Appeal in para No.2 as well as in para 3 *ibid* (on FACTS)
- E) The comments of Respondents are totally incorrect while the

correct. Besides the Appellant has given the legal state of affairs of the instant service Appeal in para No.2 as well as in para 3~~4~~ ibid (on FACTS)

F) The comments of Respondents are totally incorrect while th contention/legal position stated by the Appellant in para 4 is correct.

G) That the Appellant has no objection to give permission to both the parties for submission of additional legal and factual grounds at the time of full arguments on the service Appeal.

It is, therefore, humbly prayed that the comments furnished by the Respondents having no legal backing, without any lawful jurisdiction, misleading one, irrelevant and incorrect, may graciously be dismissed and the relief sought for by the Appellant in his main Service Appeal may graciously be accepted by this Honourable Tribunal with costs.

Appellant

Through

- 1) Naqibullah Khattak)
- 2) (Anwar Shah)
- Advocates High Court Peshawar

Case laws relied upon. Pertaining to illegal appointments, Payment of salary, arrears and Pay during unemployment/affidavit

- 1. PLD 2010 FSC 1 Relevant Page No 5 ✓
- 2. 2002 SCMR 1124 ✓
- 3. 2002 SCMR -- 1034 ✓
- 4. 2001 SCMR -1320 ✓
- 5. 2004 SCMR 1662 ✓
- 6. 2004 SCMR 1714 ✓
- 7. 2004 SCMR 303 plus 630 ✓
- 8. 2006 PLC (CS) 216 or 1216 ✓
- 9. 2004 SCMR 316
- 10. 2002 SCMR 155
- 11. 2007 SCMR 1835
- 12. 2009 PLC (CS) 19 (SC)
- 13. PLD 1994 SC 222

- 14.1993 SCMR 1873
15.1999 SCMR 1873
16.PLD 1985 SC 134
17.2005 SCMR 631
18.2007 SCMR 1328
19.PLD 2005 SC 153
20. 1980 CLC 110 (SC AJK)
21.2000 CLC 638 plus 1374 (Void orders – No limitation)
22.1996 SCMR 1349

Counter Affidavit

I, Arif Shah son of Maqbool Shah (Appellant) solemnly affirm and declare on oath that the contents of the instant Rejoinder are true and correct according to my knowledge and belief and that nothing has been concealed intentionally from this honourable Tribunal.

Deponent.

74-A

REGISTERED
GOVERNMENT OF NWFP
DIRECTORATE GENERAL TECHNICAL EDUCATION
MANAGER (EXAMINATIONS) EDWAR
REVENUE BUILDING, CHANAR CANTT

Date: 11/1/2011

Mr. Masood Shah
Village Manara, Quodari Teh
District Peshawar

INTERVIEW FOR THE POST OF JUNIOR TRADE INSTRUCTORS/ INSTRUCTRESS (BEE 10) MALE & FEMALE GTYCS

You are advised to appear for interview before the Deputy Director Section
Circular No. 21-D/2011 at Directorate General Technical Education and Manpower
Development, Peshawar, Government Building Sadda Road Peshawar Cantt.

You shall also bring your original documents and Computerized National
Identity Card for the purpose of Computerization.

Note: No TADA is allowed in this regard.

DIRECTOR
SKILL DEVELOPMENT & VOCATIONAL
TRAINING

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W. J. ...

2381

Walter ...

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Walter ...

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W. J. ...

W. J. ...

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OFFICE OF THE PRINCIPAL GOVERNMENT TECHNICAL INSTITUTE EKKA GHUND
MOHMAND AGENCY

O.GTI/EKD/2014 1124 (1-2)

DATED:-27/5/2014

O,

The Arif shah
Ex-jr Trade Inst GTI EKKA Ghund Mohmand Agency.

Subject: - complaint Against Appointment of Mr.Arif shah.

In compliance of Directed technical Education Fata letter No.DIMTE/Fata/Admin/2835-37
dt.26/5/2014 on the above noted subject.

You are directed to attend the office of Deputy Secretary P&LDD,Fata,Secretariat Peshawar on
28, 29/5/2014 in the current week along with a copy of your appointment order for further proceeding
in the matter.

Endst: No. GTI/EkG/2014 - 1124 (1-2)

PRINCIPAL

Date:- 27/5/2014

COPY for information and with acknowledgement.

That Mr:Arif shah is informed telephonically to attend the office of Deputy Secretary P&LDD Fata
Secretariat on 28, 29/5/2014 along with his appointment order positively.

PRINCIPAL
GOVT; TECHNICAL INSTITUTE
EKKA GHUND MOHMAND AG ENCY.

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**DIRECTORATE OF INDUSTRIES, MINERAL &
TECHNICAL EDUCATION FATA**

NO.DIMTE/FATA/Admin/ 2835-37

Dated: 26/05/2014

To

The Principal
Govt. Technical Institute Ekka Ghund
Mohmand Agency

[Handwritten Signature]

Subject: COMPLAINT AGAINST APPOINTMENT OF MR.ARIF SHAH

I am directed to refer to the letter No. SO-1(A&E) P&LDD/FS/3-30/14/2410-11 dated 12-05-2014 on the subject noted above and to state that Mr.Arif Shah may be directed to attend the office of the Deputy Secretary P&LDD FATA Secretariat Peshawar on 28 or 29-05-2014 in the current week along with a copy of appointment order for further proceeding in the matter please.

[Handwritten Signature]
Assistant Director (TE)

Copy for information to:

[Handwritten Signature]
26-5-14

1. The Section Officer-1 (A&E) P&LDD FATA Secretariat Peshawar w/r to his letter quoted above.
2. Mr. Muhammad Zahid Assistant at DG TE&MT KPK Peshawar .He is directed to attend this office alongwith Mr. Arif Shah on the above said date.

[Handwritten Signature]
Assistant Director(TE)

Case No. 1117/2022
Arif Shah vs Govt.

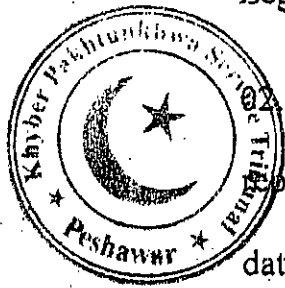
Annexure (46)
Annexure
75

13.07.2023 01.

Learned counsel for the petitioner present. Mr. Asad Ali

Khan, Assistant Advocate General alongwith Mr. Shahab Khattak,

Legal Advisor for the respondents present.



Representative of the respondents submitted copy of reply/comments as well as office order bearing Endst: No. 15014-18 dated 17.08.2022 according to which de-novo inquiry was conducted and the Managing Director KP TEVTA being competent authority, has passed speaking order wherein the appointment order of the petitioner was found fake, void ab-initio and procured by him without lawful authority. Placed on file and copy thereof provided to learned counsel for the petitioner. The Service Tribunal judgment delivered in service appeal No. 286/2017 dated 08.09.2021 stands implemented. The petitioner is at liberty to go to relevant authority/forum for redressal of his grievance if any. Consign.

03. Pronounced in open court at Peshawar and given under my hand and seal of the Tribunal this 13th day of July, 2023.

Certified to be true copy
For
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(Muhammad Akbar Khan)
Member (E)

Date of Presentation 13/7/23
Number of Pages page 7
Copying Fee 35/-
Urgent
Total 35/-
Name of Copyist Shahjad
Date of Completion 19-7-23
Date of Delivery of Copy 19-7-23

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Annexure - ~~1308~~

(XXI)
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The Honourable
Secretary Industries, Commerce, Government of KPK,
Civil Secretariat, Peshawar

Representation/Appeal for Reinstatement in Service on the post of Junior Trade Instructor (BPS-10) in Government Technical Institute Yekkaghund being aggrieved on the basis of defective and delayed Inquiry Committee Report in violation of Order dated 8-9-2021 passed by Service Tribunal in Service Appeal No.286/2017 in which the MD TEVTA Peshawar had filed Inquiry Report on 2-3-2023 which Inquiry Committee Report was prepared on 09-11-2021, hence MD TEVTA delayed the Inquiry Report on 2-3-2023 and Implementation Report on 30-5-2023 by almost all by 18 to 22 months) on 13-7-2023. Due to such delayed, defective and without adopting the prescribed procedures for conducting Inquiry, entitled the Petitioner for Reinstatement in Service with all back benefits of Service which may graciously be considered and further prays for issuance order of Reinstatement in Service with all back benefits of Dues and Service accordingly. It is also added that the Petitioner remained on duty from 1-6-2012 till 31-3-2014 (22 months) and the Petitioner's service was terminated w.e.f. 1st April 2014 on the basis of Verbal Order by Principal Government Technical Institute Yekkaghund w.e.f. 1-4-2014.

Respected Sir,

1. That the Hon. KP Service Tribunal Peshawar through its Order/Decision in Petitioner's 2nd Service Appeal No.286/2017 had remitted his Service Appeal on 8-9-2021 with certain direction to conduct proper Inquiry in accordance with law/rules. It was also ordered that in view of peculiar facts and circumstances of the case, reinstatement of the Petitioner shall be subject to the outcome of the Enquiry.

(S)

(76A)

Copy of the Order/Judgement dated 8-9-2021 of the Hon. KP Service Tribunal Peshawar passed in Service Appeal bearing No.286/2017 Peshawar at Annexure-I

2. That in compliance with the Judgement/Order of KP Service Tribunal in Service Appeal bearing No.286/2017 dated 8-9-2021, the Competent Authority through Office Order on 11-10-2021 constituted an Inquiry Committee to probe into the Appeal and ordered the Committee to submit their Report within fortnight positively.

Copy of the Inquiry Committee Order issued by the Competent Authority i.e. MD TEVTA Peshawar vide Office Order dated 11-10-2021 at Annexure-II

3. That the Inquiry Committee finalized and submitted their Inquiry Report and allegedly shown to be thoroughly conducted and completed on 9-11-2021 to the competent Authority.

Copy of the Inquiry Report signed by the Inquiry Committee dated 9-11-2021 alongwith relevant Annexures at Annexure-III

4. That after passing a considerable period of non-communication the result of the Inquiry Committee Report in a reasonable time, the Petitioner filed an Implementation Petition in the KP Service Tribunal vide Implementation Petition No.149/22 on 17-3-2022, however the said Inquiry Report was kept by the MD TEVTA Office which was filed in Service Tribunal on 2-3-2023 which was delayed by 18 months. It is also added that Honourable Service Tribunal further directed the Office to submit proper Implementation Report which was also filed in the shape of Office Order signed dated 30-5-2023 and the Honourable Service Tribunal finally disposed off the

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Implementation Petition No.149/2022 on 17-3-2023. For ready reference, all Order sheets in Implementation Petition bearing No.149/2022 prima facie are evident for adopting evasive attitude from the Department side from 17-3-2022 till 1-6-2023 duly enclosed which can be seen.

Copy of all order sheets of Implementation Petition bearing No.149/2022 from 17-3-2022 to 13-7-2023 at Annexure-IV

Copy of the Final Order based on the implementation Report dated 30-5-2023 passed by the learned Member Service Tribunal dated 13-7-2023 at Annexure-V

5. That mere reading the Inquiry Report dated 09-11-2021, it is crystal clear that the Inquiry Committee failed to inform the Petitioner in writing for attendance in the Inquiry Proceedings in violation of KPK Establishment and Admin Department Notification dated 16-9-2011, besides without mentioning any date of Inquiry, time of Inquiry, place of Inquiry or any kind of direction to bring any kind of documents and witnesses. The Petitioner is also attaching Notification dated 16-9-2011 regarding KP Government Servants (Efficiency and Discipline) Rule 2011 in which Inquiry procedures have been mentioned which was badly violated.

Copy of the Government of KP E & D Rules through Notification dated 16-9-2011 are enclosed herewith as Annexure-VI

6. That no documents or any kind of witnesses were produced in the Inquiry Stage from the department side.

- H
- (76C)
7. That the Petitioner had not actually attended or participated in the Inquiry process and the enclosed Statement shown on behalf of the Petitioner in Urdu have no link or concern with the Petitioner for which the Petitioner denies the same and Petitioner signature seems to be scan one and reflected thereupon on his behalf.

Copy of the Questionnaire and its Replies in Urdu allegedly shown and enclosed with Inquiry Report dated 9-11-2021 which report was really denied as his signature over the questionnaire being scan one, attached as Annexure-VII

8. That the report of the Inquiry Committee dated 9-11-2021 is not correct one and the Petitioner denied the allegations levelled in the Inquiry Committee Report duly mentioned from para 1 to para 13.
9. That Petitioner also filed an Objection Petition to the aforesaid Inquiry Report filed on 2-3-2023 in the Service Tribunal which may also be seen and considered in rebuttal of the Inquiry Report. Main points in the Objection Petition are highlighted and also enclosed relevant documentary proof for the following clarification with Objection Petition also as under :-
- a. That Petitioner had basically performed his duty on the post of Junior Trade Instructor in the Government Technical Institute Yekkaghund where he worked and got Salaries from AG Office from 1-6-2012 till 31-3-2014 (22 months).
 - b. That Petitioner service was verbally terminated by the Principle of Government Technical Institute Yekkaghund on 1st April 2014 on the instruction of the then IMTE Directorate FATA.

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c. That the decision/Order delivered by the Service Tribunal in Petitioner Ist Service Appeal bearing No.1131/2014 dated 5-6-2016 duly referred to the Appellate Authority was also non-responded in stipulated time by the then FATA Directorate.

d. That the Petitioner denied the recovery/refund of salaries amounting to Rs.3,38,232/- on 5-1-2015 on the basis of FIR which was duly denied in Rejoinder to the Service Appeal duly enclosed in Objection Petition.

Copy of the Objection Petition with its
enclosures at Annexure-VIII

10. That the Honourable Service Tribunal order was remitted to the Department on 8-9-2021 while the Department delayed and submitted Inquiry Report by 2-3-2023 which is an inordinate and unjustified delay of by 18 months.

11. That Department also delayed its implementation Report signed on 30-5-2023 but actually filed after Ist June 2023 in which next date of hearing was adjourned for 13-7-2023, hence such implementation Report took a considerable period of 22 months.

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Prayer:- It is, therefore humbly prayed that my Representation/Appeal may graciously be considered and the Petitioner may graciously be reinstated in Service with all back benefits of service and dues.

Yours Faithfully

Arif Shah 26/07/2023

(Arif Shah)

Son of Maqbool Shah
Ex-Junior Trade Technician
(grade 10) Government Technical
Institute Yekkaghund
R/O Village Nahaqi
P.O. Daudzai Teh & District
Peshawar

Enclosures

As above

Copy to :-

The Honourable MD Tevta
Hayatabad, Phase-7, Peshawar

Annex-AKIT

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GST No. 12-0000008-002-73



12-0000008-002-73

CASH 2023/07/01

Staff: 02/02 1801/01/09
Phone: 01133022001
Address: DARRAT PESHAWAR

Name: SULTANA IMRATIEN
Phone: 0345221130
Address: GPT DE KIK CIVIL SOCI PESHAWAR
16/0

Service tax	174.0
Fuel charge	17.0
Other Amount	0.0
VAT	0.0
Insurance tax	0.0
GST	29.0
Premium	0.0
TOTAL	220.0

[Faint, mostly illegible text]

Thakhan Log, 101-104, Aviation
Club Road Karachi - 75000 Pakistan
92 21 111 123 456 9999 : tel.com.pk
(Shopper Copy)

New (Left) via Deptt
Annexure I.

Education No.49

(CONFIDENTIAL REPORT)

13

TECHNICAL STAFF.

CONFIDENTIAL REPORT FOR THE YEAR ENDING 31ST DECEMBER 200 .

- 1. Name Arif Shah
- 2. Name of Service Junior Trade Instructor
- 3. Qualification Metrick
- 4. Total service on 31st December 01 Y 06 M
- 5. Scale of pay and present pay BPS-10 Rs. 6820/- P/M
- 6. Various posts held during the year with period 01 Y 06 M C Jr. Trade Instruk
- 7. Period of report 1-1-2013 31-12-2013

Particulars remarks on:—




- 1. Judgement and sense of proportion good
- 2. Initiative and drive good
- 3. Technical knowledge and application good
- 4. Supervision and control over students Average
- 5. Integrity good
- 6. Co-operation with staff good
- 7. Relation with public good
- 8. Suitability for promotion suitable for promotion
- 9. Knowledge of lanague Purhto, urdu, English

General Remarks:— He is a very honest and religious person. He does his duty very good

Muhammad Iqbal
PRINCIPAL
MUHAMMAD IQBAL G.T.I E

PRINCIPAL
Govt. Technical Institute
Name (in Block Letters) and
Designation of the Reporting Office
(with seal)

General Remarks by Higher Officer.

تہیت 50 روپے	40644			
ایڈوکیٹ: <u>انور شاہ</u>		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل ایسوسی ایشن نمبر: <u>BC-10-7765</u>				
رابطہ نمبر: <u>074-584511</u>				

بعدالت جناب: ضیاء پختونخواہ سروسز ٹریڈنگ کمپنی پشاور

مجاناب: <u>عارف شاہ</u>	دعویٰ: <u>سروسز ٹریڈنگ کمپنی</u>
انور شاہ	علت نمبر: _____
<u>عارف شاہ</u>	مورخہ: _____
<u>بنام</u>	جرم: _____
<u>انور شاہ</u>	تھانہ: _____
<u>اور کو واپس</u>	

باعت تحریر آگہ

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

آن مقام سروسز ٹریڈنگ کمپنی انور شاہ رہبر وکیل HC 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 حالت 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 با اختیارات 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

المقوم:

بد _____ واد شد _____ بد _____

مقام _____ کے لیے منظور ہے۔

Accepted.

Anwar Shah 20/11/2023

Anwar
Shah
Advocate
HC

Anwar Shah