



13.02.2019

Learned counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 22.03.2019 before D.B.


(Hussain Shah)
Member


(Muhammad Amin Khan Kund))
Member


Order

22.03.2019

Counsel for the appellant present. Mr. Kabirullah, Addl: AG alongwith Mr. Muhammad Ali, ADEO and Mr. Shah Wali Ullah, Computer Operator for respondents present. Arguments heard and record perused.

This application is also accepted as per detailed judgment of today placed on file in service appeal No. 620/2016 titled "Kifayatullah -vs- District Education officer (M) Kohistan and four others." Parties are left to bear their own cost. File be consigned to the record room.

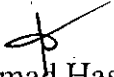
Announced:
22.03.2019



(Ahmad Hassan)
Member


(Hamid Farooq Durrani)
Chairman

Service Appeal No. 621/2016

19.09.2018 None present on behalf of the appellant. Mr. Riaz Ahmad Paindakhel, Assistant AG for the respondents present. Notice be issued to appellant for attendance for 05.11.2018 before D.B.



(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

05.11.2018 Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 13.12.2018.


READER

13.12.2018 Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Counsel for the appellant seeks adjournment. Adjourned. Case to come up for arguments on 04.02.2019 before D.B.


Member

Member

04.02.2019 Appellant in person present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Shah Wali Ullah, Computer Operator for the respondents present. Representative of the department stated that similar nature service appeal No. 554/2016 titled Saira Begum is fixed 13.02.2019 therefore, requested that the present appeal may also be fixed on same date. Request is accepted. To come up for arguments on 13.02.2019 before D.B-II.


(AHMAD HASSAN)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

08.06.2018

Clerk to counsel for the appellant present. Addl: AG for respondents present. Rejoinder submitted which is placed on file. Clerk to counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 06.08.2018 before D.B



(Ahmad Hassan)
Member



(Muhammad Hamid Mughal)
Member

06.08.2018

Clerk to counsel for the appellant and Mr. Muhammad Jan, learned Deputy District Attorney present. Clerk to counsel for the appellant seeks adjournment as learned counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 14.09.2018 before D.B.



(Muhammad Amin Kundi)
Member




(Muhammad Hamid Mughal)
Member

14.09.2018

Appellant with counsel and Mr. Riaz Khan Paindakheil learned Assistant Advocate General present. Partial arguments of the Learned counsel for the appellant heard. However learned Assistant Advocate General seeks adjournment on the ground that the Additional Advocate General who would argue the present case is not available. Adjourned. To come up for further arguments on 19.09.2018 before D.B



(Hussain Shah)
Member



(Muhammad Hamid Mughal)
Member

10.01.2018

Counsel for the appellant present. Mr. Usman Ghani, District Attorney alongwith Mr. Shah Waliullah, K.P.O for the respondents also present. Written reply on behalf of respondents No. 1 to 4 already submitted. Since similar nature service appeal No. 620/2016 is fixed for filing of written reply/comments of respondent No. 5 therefore, the present appeal is also adjourned. To come up alongwith connected service appeal No. 620/2016 on 07.02.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member

07.2.2018


Appellant in person and Mr. Kabeerullah Khattak, AAG alongwith Muhammad Alam, ADO and Noor Wahaj, Assistant for the respondents present. Written reply on behalf of respondents No. 1 to 4 already submitted and written reply of respondent No. 5 submitted today. The appeal is assigned to D.B. for rejoinder, if any, and arguments for 09.04.2018.


Chairman

09.04.2018

Counsel for the appellant and Addl: AG alongwith Mr. M. Alam, ADEO and Noor ul Wahab, Assistant for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 08.06.2018 before D.B.


(Ahmad Hassan)
Member


(M. Hamid Mughal)
Member

07.2.2018

Appellant in person and Mr. Kabeerullah Khattak, AAG alongwith Muhammad Alam, ADO and Noor Wahaj, Assistant for the respondents present. Written reply on behalf of respondents No. 1 to 4 already submitted and written reply of respondent No. 5 submitted today. The appeal is assigned to D.B. for rejoinder, if any, and arguments for 09.04.2018.


Chairman

09.04.2018


Counsel for the appellant and Addl: AG alongwith Mr. M. Alam, ADEO and Noor ul Wahab, Assistant for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 08.06.2018 before D.B.



(Ahmad Hassan)
Member


(M. Hamid Mughal)
Member

08.06.2018

Clerk to counsel for the appellant present. Addl: AG for respondents present. Rejoinder submitted which is placed on file. Clerk to counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 06.08.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

A-No. 621/2016
Abdul Saboor vs Govt

20.12.2017

None present on behalf of the appellant. Mr. Riaz Pinda Kheil, learned Assistant Advocate General along with Muhammad Alam ADEO for the respondents present. None present on behalf of official respondent No.5. Notice be issued to the appellant. Notice be also issued to the respondent No.5 along with copy of appeal. To come up for reply reply/comments on 10.01.2018 before S.B.


(Muhammad Hamid Mughal)

MEMBER

10.01.2018


Counsel for the appellant present. Mr. Usman Ghani, District Attorney alongwith Mr. Shah Waliullah, K.P.O for the respondents also present. Written reply on behalf of respondents No. 1 to 4 already submitted. None present on behalf of respondent No. 5 therefore, notice be issued to respondent No. 5 with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned. To come up for written reply/comments on behalf of respondents No. 5 on 07.02.2018 before S.B.



(Muhammad Amin Khan Kundi)

Member

08.11.2017

Learned counsel for the appellant present. Mr. Usman Ghani, District Attorney alongwith Mr. Muhammad Alam Assistant DEO (Male) for the official respondents also present. Learned counsel for the appellant had already submitted application for impleadment of the then DCO Kohistan (Now Deputy Commissioner) Upper Kohistan being necessary party in the penal of respondents. Learned counsel for the appellant contended that since the appointment order of the appellant was passed by the then DCO Kohistan (Now Deputy Commissioner) Upper Kohistan therefore he is necessary party in the service appeal but inadvertently he was not arrayed as respondents therefore requested that the application may be accepted and the appellant may be allowed to array the then DCO Kohistan (Now Deputy Commissioner) Upper Kohistan as a respondent in service appeal. Learned District Attorney expressed no objection on the stance of application on the ground that the Tribunal has discretionary power to accept or reject the application. Since it is the contention of the appellant that the DCO Kohistan (Now Deputy Commissioner) was appointing authority therefore he is the necessary party. As such the application is accepted and the office is directed to make necessary entry in the service appeal and array ^{him as} ~~has~~ respondents No. 5 as a party in the penal of respondents and thereafter notice be issued to respondent No. 5 for the date fixed. Learned counsel for the appellant is also directed to submit spare copy of the instant appeal ^{for} impleadment of respondents No. 5. To come up for further proceeding on 19.12.2017 before S.B.

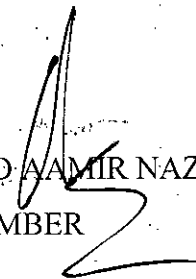

(Gul Zeb Khan)
Member (E)


(Muhammad Amin Khan Kundi)
Member (J)

14.12.2016

Counsel for the appellant and Mr. Shah Wali Ullah, Computer Operator alongwith Asst: AG for respondents present. Rejoinder submitted. To come up for arguments on 21.04.2017.



(ASHFAQULLAH)
MEMBER


(MUHAMMAD AMIR NAZIR)
MEMBER

21.04.2017

Counsel for the appellant present. Mr. Ziaullah, Government Pleader for the respondents also present. Inquiry record of the appellant is not available on file. Respondents are directed to produce the inquiry record of the appellant on or before the next date of hearing. To come up for record and arguments on 11.07.2017 before D.B.

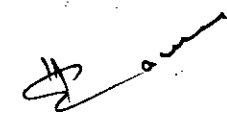

(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

07. 11.07.2017

Counsel for the appellant and Asst:AG alongwith Mr. Umer Zaman, DDEO for respondents present. Counsel for the appellant submitted application for impleadment of the then DCO, Kohistan now Deputy Commissioner as party in the panel of respondents being a necessary party. Copy of application given to the Learned Asst:AG. To come up for reply/arguments on application as well as arguments on main appeal on 08.11.2017 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

16.06.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was appointed as Arabic Teacher in the prescribed manners in the year 2008. That vide impugned order dated 17.2.2016 appellant was removed from service on the allegations of fake appointment where-against he preferred departmental appeal which was rejected on 18.5.2016 constraining the appellant to prefer the instant service appeal on 09.6.2016.

That no enquiry was conducted in the prescribed manners and the impugned order was given retrospective effect and as such the same is a nullity in the eyes of law.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 25.08.2016 before S.B.

Appellant Deposited
Security & Process Fee


Chairman

25.08.2016



Counsel for the appellant and Mr. Riasat Khan, DEO alongwith Addl. AG for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing on 14.12.2016.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 621/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	09/06/2016	<p>The appeal of Mr. Abdul Saboor presented today by Mr. Muhammad Arif Jan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	13-6-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on. <u>16-6-16</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Appeal no. 621/2016

Abdul Saboor.....Appellant

VERSUS

District Education Officer and othersRespondents

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Appellant

Through



Muhammad Arif Jan

Advocate, Peshawar

Office: Office No.210 Al-Mumtaz Hotel
G.T. Road Peshawar.

Cell: 0333-2212213

Date: 9/6/2016

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Service Appeal No.....621...../2016

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 603

Dated 09-6-2016

Abdul Saboor S/o Molve Abdul Khaliq

at GMS Dag Pattan Kohistan.....Appellant

VERSUS

1. District Education Officer (M) Kohistan.
2. Director Elementary and Secondary Education Khyber Pakhtunkhwa G.T Road Peshawar.
3. District Accounts Officer District Kohistan.
4. Govt, of Khyber Pakhtunkhwa through Secretary Education E&S Secretariats Peshawar..... Respondents.

Filed to-day
vite order
8/6
Registrar
9/6/16
S. Deputy Commissioner, Kohistan

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 18-
05-2016 PASSED BY RESPONDENT NO-2 WHEREBY HE REJECTED
THE APPEAL OF THE APPELLANT AND MAINTAINED THE OFFICE
ORDER BEARING NO-12585-88 DATED 17-02-2016 OF RESPONDENT
NO-1 IN RESPECT OF REMOVAL FROM SERVICE OF THE
APPELLANT

PRAYER IN APPEAL:

On acceptance of the instant appeal the impugned order dated 18-05-2016 and order bearing No-12585-88 dated 17-02-2016 in respect of removal of the appellant from his service passed by respondent No-2 & 1 respectively may graciously be set-aside and the appellant may kindly be reinstated in his service with all back benefits.

Any other relief which deems fit and not specifically asked for may also be allowed in favor of appellant against respondents.

Respectfully Sheweth:

1. That the appellant was initially appointed as Arabic Teacher on 26-04-2008 where after being surplus then was adjusted under order dated 02-03-2009 and was posted at GMS Dag Pattan Kohistan.(Copy of appointment order is attached as ANNEX-A).
2. That the appellant was severed with a show cause notice regarding his appointment by respondent No-1 which was properly answered.(Copy of show cause notice and reply are attached as ANNEX-B&C respectively).
3. That without considering the actual and factual position the case of the appellant, the respondent No-1 passed the impugned order dated 17-02-2016 in respect of removal from service of the appellant with retrospective effect. (Copy of order dated 17-02-2016 is attached as ANNEX-D).
4. That the appellant then preferred a departmental appeal before respondent No-2 on 01-03-2016. (Copy of Departmental appeal is attached as ANNEX-E)

5. That the appeal of the appellant was rejected on 18-05-2016 by respondent No-2. (Copy of the rejection order is attached as ANNEX-F).
6. That being aggrieved and having no other efficacious remedy except to file instant appeal on the following amongst other grounds.

GROUND:

- A. That the act, commission and omission of the respondents and the office order bearing No bearing No-12585-88 dated 17-02-2016 in respect of removal of the appellant from his service passed by respondent No-1 and the order dated 18-05-2016 of respondent No-2 respectively (hereinafter impugned) are patently illegal, unlawful, without lawful authority, of no legal effect having no value in the eyes of law thus be set-aside and the appellant may kindly be reinstated in his service with all back benefits.
- B. That the appellant was rightly appointed by the then competent authority in the presence of selection committee in need basis in the distress situation of the area during those days so could not advertised the post, being eligible, deservable and fulfilling all the codal formities, the appellant was issued his appointment letter/order.
- C. That the impugned orders are very harsh in nature and also does not commensurate with facts of the case moreover the mala-fide of the respondents / authority is also exist from the record, hence be declared void and to be cancelled.

(4)


- D. That the appellant has got no alternate source of income to feed mouths of members of family hence living miserable life from hand to mouth.
- E. That while awarding the major penalty the authority also ignored the volume of service, service book of the appellant as well as the laws rules and regulations governing the subject matter.
- F. That no opportunity was provided for self defence while awarding the major penalty moreover no proper inquiry in proper manner has been conducted into the guilt of the appellant and without fulfilling the codal formalities harsh orders of removal from service were passed which are against the principle of natural justice.
- G. That there is no any complaint or inquiry pending against the appellant in any court of law or at any forum but the appellant always worked honestly and to the entire satisfaction of his superior..
- H. That the appellant also filed an application to the respondent No-2 regarding constituting impartial inquiry into the matter which was not responded till date. (Copy of the application is attached as ANNEX-G).
- I. That any other ground which has not been specifically asked for and is fit in the circumstance may also be allowed in favor of the appellant against the respondents.

It is therefore, most humbly prayed that on acceptance of the instant appeal the impugned order dated 18-05-2016 and order bearing No-12585-88 dated 17-02-2016 in respect of removal of the appellant from his service passed by respondent No-2 & 1 respectively may graciously be set-aside and the appellant may kindly be reinstated in his service with all back benefits.

Any other relief which deems fit and not specifically asked for may also be allowed in favor of appellant against respondents.


Appellant

Through


Muhammad Arif Jan
Advocate, Peshawar.

6

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

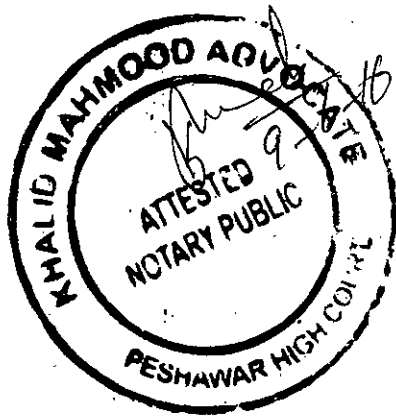
Abdul Saboor.....Appellant

VERSUS

District Education Officer and othersRespondents

AFFIDAVIT

I, Abdul Saboor S/o Molve Abdul Khaliq at GMS Dag Pattan Kohistan do hereby solemnly affirm and declare on oath that the contents of the **appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



[Handwritten Signature]
DEPONENT

7

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Abdul Saboor.....Appellant

VERSUS

District Education Officer and othersRespondents

ADDRESSES OF PARTIES

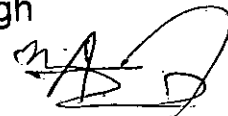
APPELLANT:

Abdul Saboor S/o Molve Abdul Khaliq at GMS Dag Pattan Kohistan

RESPONDENTS

1. District Education Officer (M) Kohistan.
2. Director Elementary and Secondary Education Khyber Pakhtunkhwa G.T Road Peshawar.
3. District Accounts Officer District Kohistan.
4. Govt, of Khyber Pakhtunkhwa through Secretary Education
E&S Secretariats Peshawar Appellant.

Through



Muhammad Arif Jan
Advocate, Peshawar.

Date: 9/6/2016

OFFICE OF THE DISTRICT COORDINATION
OFFICER KOHISTAN

Annex-A

APPOINTMENT

Consequent upon the Selection by Departmental Selection Committee in the test/interview Mr. Abdul Saboor S/O Molvi Abdul Khaliq R/O pattan Distt Kohistan, a qualifying applicant is hereby appointed as AT at GMS Harighia Kohistan in BPS 14 (Rs 4100-315-13550) plus usual allowance as due and admissible under the rules with immediate effect in the interest of public service w.e.f. the date of their taking over charge:

CONDITIONS:

1. Charge report should be submitted to all concerned.
2. No TA/ DA is allowed to him.
3. His appointments is purely on temporary basis and liable to termination at any time with out assigning any reason/notice.
4. he will be governed by such rules & regulation enforced and as prescribed by the Government from time to time for the category of the Government servants to which he belong.
5. In case the above candidate failed to assume the charge of his post with in 15 days his appointment will automatically stand cancelled.
6. Their original certificate/Degrees should be checked and verified from the concerned BISE/University before handing over charge.
7. He should produced Age & Health certificate from EDO Health Kohistan before taking over Charge.

District Coordination Officer
Kohistan

Endst: No: 2529-34

Dated Kohistan the 26-4 /2008

Copy of the above is forwarded to the:-

1. PA to Director Schools & Literacy NWFP Peshawar
2. District Nazim Kohistan
3. Executive District Officer S&L Kohistan
4. District Accounts Officer Kohistan
5. D.D.O (Middle Schools) S&L Kohistan

District Coordination Officer
Kohistan

Attestd
[Signature]

خدمت ضابطہ شریک الخویش افسر (مردانہ) کوہستان
عنوان: حوالہ شریک خویش (9) Anx-C

حنا - عالی: حوالہ شریک خویش 13374 مورخہ 14/12/2015

(9)

Anx-B



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

Email: eriskohistan@yahoo.com

Phone # 0998-407128

SHOW CAUSE NOTICE

I, Riasat Khan, District Education Officer, (Male) Kohistan, as competent authority under the Khyber Pakhtunkhwa Govt: Servants (E&D) Rules, 2011, do hereby serve you, Mr. Abdul Saboor, AT as follows:

1. As per appointment order attached in your service book and record of your service book, you were appointed as AT vide appointment order issued under Edst: No.2529-34 dated 26/04/2008 of District Coordination Officer Kohistan at GMS Harigah Kohistan.
2. Whereas according to the contents of your appointment order, you was appointed on the recommendation of departmental selection committee, while during 2007-2009, neither advertisement for the recruitment of teachers was given, nor has process of recruitment been made by the office.
3. Whereas, in your appointment order you was appointed on 26/04/2008 without the availability of post.
4. Whereas, your source-I for the drawn of salary is verified by District Account Office Kohistan in the month of 05/2009.
5. Whereas as per record of your service book, your appointment is fake and bogus.

As a result thereof, I have tentatively decided to impose upon you the Major penalty of **RECOVERY OF SALARY FOR THE SERVED PERIOD AND REMOVAL FROM SERVICE.** Under rule 4 of the said rules.

You are, thereof required to reply the show cause as to why the aforesaid penalty should not be imposed upon you and also intimate **whether you desired to heard in person.**

If your reply will not receive within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

You are further directed that a committee is constituted to decide your case and for that you are given a chance of personal hearing on the subject matter on 28/12 2015 at 10:00am before the committee in the office of undersigned.

Endstt: No 13374 / Dated Kohistan the 14/12/2015

Attested

[Signature]

[Signature]

(11)

تین میں سرانجام دے رکھے

5) یہ ترمیمی کا اخواہ ماہ آگست 2012ء میں آپ میں نہیں آیا تھا۔

دفتر سے معلومات پر مبنی علیاً کہ میرا خلاف رٹلو انٹرنل ہے۔

6) سائل یا قاعدہ سندھ باندھ ڈالنا بند ہے

اس نے میرے خلاف من گھڑت درخواست دیکھی ہے۔

لکھنا انٹرنش کی جاتی ہے۔ ترمیمی کے صورت میں چھوٹا ہے۔ ان انٹرنس

کھا کر سائل کو رٹلو انٹرنس سے متاثر قرار دیا جائے۔

نو سائل خاصیت دعائوں سے ہے گا۔

افاضی

علیہ السلام
AT-CMS P ڈاک میں
علیہ السلام

AT-CMS P

AT-CMS P

(12) Annex D

OFFICE OF THE DISTRICT EDUCATION OFFICER
(M) KOHISTAN

OFFICE ORDER FOR REMOVAL FROM SERVICE.

Abdul Saboor S/O Molvi Abdul Khaliq AT GMS Dag Pattan.

It has been reported through some sources that your appointment is fake and bogus.

Whereas your service book was properly checked by Dy:DEO (M) and submitted the information that you have been appointed Arabic Teacher by appointment order issued from DCO Office Kohistan under Ends: No.2529-34 dated 26/04/2008 at GHS Harigah.

Whereas you did not taken over charge there as, the post was not vacant, it indicate that you was appointment without the availability of post and you was re-adjusted by EDO office order issued under Endst: No.775-78 dated 02/03/2009 and adjusted at GHS Bada Kot.

Where a showcause notice was issued to you vide this office order No.13374 dated:14/12/2015.

Whereas in your reply of showcause notice you admitted that you was appointed on 26/04/2008 without the availability of the post and was surplus and later on, you was adjusted at GHS Bada Kot on 02/03/2009, on the recommendation of concerned MPA.

Whereas as per contents of your appointment order you was appointed on the recommendation of Departmental Selection Committee of the department.

Whereas as per record of the office no advertisement for the appointment of teachers has been made nor any process for the recruitment of teachers has been made by the department.

Where a chance of personal hearing was provided to you in the same showcause notice and you attend the office on 02/02/2016 but could not defend your position.

Therefore as a result of above mentioned facts, I Riasat Khan DEO (M) Kohistan being Competent Authority is fully satisfied to impose upon you the major penalty of **REMOVAL FROM SERVICE** with retrospective effect.

sd/
District Education Officer
Male Kohistan

Endst: No. 12585-88 / Dated 17/2 /2016.

Copy of the above is forwarded to the:

1. Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Accounts Officer Kohistan.
3. DY: DEO (M) Kohistan.
4. Head Master/ Incharge GHS Bada Kot.
5. Office file

Humayun
District Education Officer
Male Kohistan

Attest
[Signature]

Before the Hon'ble Director (ESSE) KP, Peshawar.

Departmental appeal against
the office order No-12585-88
dated 17-02-2016 Passed by
District Education officer (M)
Kohistan.

Respected Sir,

1. That the appellant was initially appointed as Arabic Teacher (AT) on 26-4-2008 after fulfilling all the credit formalities.
2. That the appellant was served with a Show Cause notice regarding his appointment which was answered properly well within time.
3. That then without considering the factual and circumstantial position of the case, the District Education officer (M) Kohistan issued the impugned order dt 17-2-2016 in respect of removal from service.

13/11/16
26/4/08
01/03/2016

4. That the impugned order is very harsh and also does not commensurate with the facts, moreover the malafide of the DEO (M) Kohistan is also exists from the record, hence be declared void and to be set aside.

5. That the true, fair and legal appointment is even admitted by the DEO (M) Kohistan but despite all these facts, he issued the impugned removal order against the appellant.

6. That there is/was no any complaint by public or departmental against the appellant and his removal from service after long period is amounts to personal grudges of the DEO (M) with the appellant.

7. That the impugned order is illegal, unlawful, without lawful authority, of no legal effect, hence not tenable in the eyes of law, thus be set aside and the appellant be re-instated in his service with all back benefits.

8

That the malefide of the DEO(m) is even established from the stoppage of salaries of the appellant before conducting inquiry.

9. That the appellant has got no alternate source of income to feed mouths of family members.

10. That while awarding the major penalty, the DEO(m) also ignored the volume of service of the appellant.

It is, therefore, most humbly submitted that the impugned order dated 17-2-2016 of DEO(m) Kohistan in respect of Removal from Service of the appellant may kindly be set-aside and the appellant may graciously be re-instated in his service with all back benefits.

dt. 27-2-2016

Appellant

Abdul-Saboor
S/o Mohi Abdul Khaliq
AT GMS Dig Patian
Kohistan

AKS
AKS

16

Amex - F

DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION
KHYBER PAKHTUNKHWA

ORDER.

1. WHEREAS, Mr. Abdul Saboor AT GMS Dag Pattan Kohistan proceeded against under the Khyber Pakhtunkhwa Government Servant (Efficiency & Disciplinary) Rules, 2011.
2. AND WHEREAS the DCO Kohistan appointed him as AT at GHS Harigah vide Endst: No.2529-34 dated 28.04.2008 issued by the DCO Kohistan. At the time of appointment the AT post was not vacant in the same school. It was declared fake and bogus.
3. AND WHEREAS, A show cause notice was issued to the teacher concerned vide the DEO(M)Kohistan letter No.13374 dated 14.12.2015 and also given a chance for personal hearing but could not defend himself.
4. AND WHEREAS, the DEO (M) Kohistan being appointing authority to impose a major penalty of removal from service upon the AT concerned upon the AT concerned.
5. AND WHEREAS, Abdul Saboor AT GMS Pattan Dag Kohistan lodge an appeal to the appellant authority and the appeal was sent to DEO (M) Kohistan vide this office NO.503 dated 03.03.2016. The DEO (M) Kohistan the has submitted his report/comments vide letter No.1620 dated 09.04.2016.
6. AND WHEREAS, the competent authority Director Elementary and Secondary Education Khyber Pakhtunkhwa) after having considered the charges and evidence on record, is of the view that charges against the accused teacher have been proved.
7. NOW THEREFORE, in exercise of powers conferred under Khyber Pakhtunkhwa Servants (Efficiency & Discipline) Rules-2011 the appellate authority has decided to reject the appeal of Abdul Saboor AT GMS Pattan Dag Kohistan on the above mentioned ground.

DIRECTOR

Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 4219-21 /F No.162/Removal from Service (M) Dated Peshawar the 18/5 2016.

Copy forwarded for information and necessary action to the:-

1. District Education Officer (M) Kohistan w/r his No.1620 dated 09.04.2016.
2. Abdul Saboor AT GMS Pattan Dag Kohistan.
3. P/A to Director E&SE, Khyber Pakhtunkhwa, Peshawar.
4. Master File.

S/c
17/5/16
Deputy Director (Estb.)
Elementary & Secondary Edu:
Khyber Pakhtunkhwa Peshawar.

(17)

Amex-G

بخدمت جناب ڈائریکٹر صاحب محکمہ تعلیم خیبر پختونخواہ پشاور

عنوان:- درخواست برائے انکوائری/تنخواہ

جناب عالی!

گزارش ہے کہ سائل نے ضلع کوہستان میں بحیثیت AT پوسٹ پراٹھ سال نوکری کی ہے۔ سائل کا تنخواہ ماہ آگست 2015 سے بند کی گئی۔ بار بار درخواست تنخواہ ریلیز کرنے کیلئے DEO صاحب کو دیا گیا۔ اس کے بعد 14-12-2015 کو سائل کو شوکاز نوٹس دیا گیا اس کا جواب ہم نے DEO صاحب کو دیا گیا۔ DEO صاحب نے بتایا کہ آپ نے جواب خود نہیں لکھا ہے اور میں مطمئن نہیں ہوا اور پھر 17-2-2016 کو DEO صاحب نے درخواست کیا گیا۔ جس کے خلاف میں نے آپ صاحبان کو اپیل کی جس کے جواب میں DEO صاحب نے میرے خلاف رپورٹ بھیج دیا۔ جو کہ نہ انصافی پر مبنی ہے۔ لہذا آپ صاحبان کے خدمت میں درخواست کی جاتی ہے کہ مہربانی کر کے ڈائریکٹریٹ سے ہمارے کیس میں انکوائری مقرر کیا جائیں۔ اور ہمیں انصاف مہیا کیا جائیں۔ بڑی مہربانی ہوگی۔

العارض

عبدالباق

مولوی عبدالصبور ولد مولوی عبدالخالق

سکنہ پٹن کوہستان

تاریخ: 20-04-2016

1682

20/04/016

Attest

(Signature)



WAKALATNAMA

(B)

IN The Court of Honble Chairman I.P. Sornu
Tribunal, Peshawar

Abdul Saboor

(Petitioner)
(Plaintiff)
(Applicant)
(Complainant)
(Decree Holder)

VERSUS

DEO Gopal

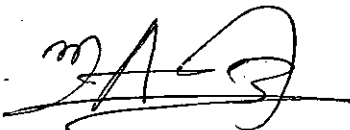
(Respondent)
(Defendant)
(Accused)
(Judgment Debtor)

Case Sue Appeal — 2016


I/We, Abdul Saboor do hereby appoint and constitute Muhammad Arif Jan Advocate High Court, Peshawar, to appear. Plead, act, compromise, withdraw or refer to arbitration to me/ us as my/ our Counsel in the above noted matter, without any liability for their default and with the authority to engage/ appoint any other Advocate/ Counsel at my/ our matter.

Attested & Accepted

CLIENT/S



Muhammad Arif Jan
Advocate, High Court, Peshawar.
Office No. 6, 1st Floor
Pabbi Medical Centre, G.T. Road
Peshawar.
Mobile: 0333-2212213



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

APPEAL NO 621 OF 2016

Abdul saboor -----

Petitioner

VERSUS

1. District Education Officer Male Kohistan
2. Director Elementary & Secondary Education KPK Peshawar
3. District Accounts officer District Kohistan
4. Secretary (E&S) Education Govt of Khyber PakhtunKhwa Peshawar


Respondents

PARAWISE COMMENTS FOR & ON BEHALF OF RESPONDENTS NO 1,2, 3 & 4.

INDEX

S#	Particulars of documents	Annexure	Pages
1	Comments along with affidavit		1-4
2	Copy of show cause notice	A	5
3	Copy of letter of director	B	6
4	Copy of reply of director letter	C	7
5	Copy of decision of director	D	8

Dated 18-07-2016


Respondent No.1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

APPEAL NO 621 OF 2016

Abdul saboor

Petitioner

VERSUS

1. District Education Officer Male Kohistan
2. Director Elementary & Secondary Education KPK Peshawar
3. District Accounts officer District Kohistan
4. Secretary (E&S) Education Govt of Khyber PakhtunKhwa Peshawar

Respondents

PARAWISE COMMENTS FOR & ON BEHALF OF RESPONDENTS NO 1,2, 3 & 4.

Respectfully Sheweth:

PRILIMINARY OBJECTIONS:-

1. That the appellant has not come to this Honorable Court with clean hands.
2. That the appellant has got no cause of action/ locus standi to file the instant appeal.
3. That the appeal has been filed to pressurize the respondents.
4. That the appellant is estopped to sue through his own conduct.
5. That the present appeal is not maintainable due to mis-joinder and non-jonder of necessary parties.
6. That the appellant has concealed the material facts from this Honourable Court.
7. That the appellant has been removed from service due to his fake and bogus appointment, hence the appeal is liable to be dismissed.
8. That the competent authority has removed the appellant after fulfillment of all codal formalities, hence the instant appeal is liable to be dismissed.
9. That the appellant authority has also rejected his appeal, hence the instant appeal is liable to be dismissed
10. That any other ground & case law will be submitted at the time of humble submissions at the bar.
11. That the appellant is not a civil servant as he has got his appointment on fake and bogus way.

Factual Objections:

1. Para No 1 is incorrect, strongly denied with the facts that as per contents of removal order of the appellant, the appellant was appointed Arabic teacher by Fake and Bogus appointment order issued from DCO office under Endstt: No 2529-34 dated 26/8/2008 at GHS Harigah Kohistan, where the post of Arabic Teacher was not vacant and the appellant could not taken over charge of the post and after the gape of more than 08 months, the appellant was re adjusted by Fake and Bogus EDO office order issued under Endostt:No 775-78 dated 02/03.2009 at GHS Badakot and later he was adjusted at GMS Dog Pattan. Furthermore as per contents of appointment order of the appellant , the appointment was made on the recommendation of departmental selection committee, where as per record of office no advertisement for the appointment of teachers has been made nor any process for the recruitment of teachers has been made during 2008-2009.
2. Para No 2 is incorrect, strongly denied with the facts that as per public report and the study of service book of the appellant, it has been reported that the appointment of appellant is fake and bogus and a show cause notice was issued to the appellant and in the reply the appellant admitted that he was adjusted by EDO office on the recommendations of MPA.
3. Para No 3 is incorrect, strongly denied with the facts that the appellant was removed from service Vide No 12885-88 dated 17.02.2016 after the fulfillment of all codal formalities.
4. Para No 4 is correct to the extent that the appellant submitted a departmental appeal before the respondent No2 (Director Elementary and Secondary Education KPK Peshawar) and the respondent No 2 in the response of appeal asked to respondent No 1 (DEO)Vide letter No 503 dated 03.03.2016 to submit detailed report/comments on the appeal of appellant at the earliest (**Copy is attached as Annexure B**) and in the response of Director letter the detailed report/ comments has been submitted Vide letter No 6120 dated 09.04.2016 (**Copy is attached as annexure C**) and the respondent No 2 (Director being appealing authority) considering the charges and evidence on record has decided to reject the appeal of the appellant Vide No 4219-21 dated 18.05.2016 (**Copy is attached as annexure D**).
5. Para No 5 is correct, as stated in para No 4 above.

GROUNDS

- A. Incorrect, strongly denied with the facts that the action of the competent authority is under the law and rules and the appellant was removed from service after the fulfillment of all codal formalities.
- B. Incorrect, strongly denied with the facts as stated in Para No1 & 2 of the facts.
- C. Incorrect, strongly denied. The appellant was removed as the appointment order of the appellant was Fake and Bogus.
- D. Incorrect, strongly denied with the facts as stated in Para No1 & 2 of the facts.
- E. Incorrect, strongly denied. As replied foregoing Paras.
- F. Incorrect, strongly denied. The chance of personal hearing was provided to the appellant
- G. Incorrect hence denied. As replied foregoing Paras.
- H. Incorrect strongly denied with the facts that the appeal of the appellant was decided by the respondent No 2.
- I. That the respondents seeks permission for arguing the other points at the time of arguments.

It is therefore, in the light of above stated facts and circumstances, Very humbly prayed that the appeal in hand may please be dismissed with cost.

Respondent No. 3
District Education Officer,
(Male) Kohistan

DIRECTOR

Elementary and secondary Education
Khyber Pakhtun Khawa peshawar

SECRETARY
8/8/16

Elementary and secondary Education
Khyber Pakhtun Khawa peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

APPEAL NO 621 OF 2016

Abdul saboor -----

Petitioner

VERSUS

1. District Education Officer Male Kohistan
2. Director Elementary & Secondary Education KPK Peshawar
3. District Accounts officer District Kohistan
4. Secretary (E&S) Education Govt of Khyber Pakhtunkhwa Peshawar

Respondents

PARAWISE COMMENTS FOR & ON BEHALF OF RESPONDENTS NO 1,2, 3 & 4.

AFFIDAVIT.

I, Riasat Khan DEO (Male) Kohistan do hereby solemnly affirm and declare that the contents of Para wise comments in the above titled case are true and correct to the best of my knowledge and belief, and that nothing, material has been suppressed from this Honourable court.

Identified by,



DEPONENT.



Annex A (8) (5)

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

Email: emiskohistan@yahoo.com

Phone # 0998-407128

SHOW CAUSE NOTICE

I, Riasat Khan, District Education Officer, (Male) Kohistan, as competent authority under the Khyber Pakhtunkhwa Govt: Servants (E&D) Rules, 2011, do hereby serve you, Mr. Abdul Saboor, AT as follows: ✓

1. As per appointment order attached in your service book and record of your service book, you were appointed as AT vide appointment order issued under Endst: No.2529-34 dated 26/04/2008 of District Coordination Officer Kohistan at GMS Harigah Kohistan.
2. Whereas according to the contents of your appointment order, you was appointed on the recommendation of departmental selection committee, while during 2007-2009, neither advertisement for the recruitment of teachers was given, nor has process of recruitment been made by the office.
3. Whereas, in your appointment order you was appointed on 26/04/2008 without the availability of post.
4. Whereas, your source-I for the drawn of salary is verified by District Account Office Kohistan in the month of 05/2009.
5. Whereas as per record of your service book, your appointment is fake and bogus.

As a result thereof, I have tentatively decided to impose upon you the Major penalty of **RECOVERY OF SALARY FOR THE SERVED PERIOD AND REMOVAL FROM SERVICE.** Under rule 4 of the said rules.

You are, thereof, required to reply the show cause as to why the foresaid penalty should not be imposed upon you and also intimate ***whether you desired to heard in person.***

If your reply will not receive within seven days or not more than fifteen days of its delivery it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

You are further directed that a committee is constituted to decide your case and for that you are given a chance of personal hearing on the subject matter on 28/12/2015 at 10:00am before the committee in the office of undersigned.

Endst: No 13374 / Dated Kohistan the 14/12/ 2015

(Handwritten signature)

1/3/16

(6)

**DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION
KHYBER PAKHTUNKHWA.**

No. 503 /F.No.162/Removal from
Service/PST/TT/AT/Qari (M) Gen:

Dated Peshawar the 3/3 /2016

To,

The District Education Officer (M)
Kohistan.

Subject: - **DEPARTMENTAL APPEAL.**

Memo:-

I am directed to refer to the subject cited above and to enclose herewith two appeals in respect of Abdul Saboor AT GMS Dag Pattan and Mr.Kifayatullah TT GHS Pattan Kohistan for necessary action under the rules/policy and submit report and view/comments to this office within a week.

8/3/16
Deputy Director (Estab :)
Elementary & Secondary Edu:
Khyber Pakhtunkhwa Peshawar.

Endst: No. _____ /

Copy forwarded to the:-

1. P.A to Director Elementary and Secondary Local Office.

Deputy Director (Estab :)
Elementary & Secondary Edu:
Khyber Pakhtunkhwa Peshawar.

*A/E
Put up w
DEO for comments*

8/3/16



Amr ✓

(7)

OFFICE OF THE DISTRICT EDUCATION OFFICER
(M) KOHISTAN.

No. 1620 Dated 9/4/ /2016

To

Director
Elementary & Secondary Education,
Khyber Pakhtunkhwa Peshawar.

Subject:- DEPARTMENTAL APPEAL
Memo:-

Reference letter No. 503/F.No. 162/ removal from service / PST / TT / AA / Qari (M) Gen, dated Peshawar 03/03/2016 it is submitted that Mr. Abdul Saboor AT GMS Dag Pattan District Kohistan was reported that his appointment is fake and bogus.

On the enquiry /study of service book it has been found that he was appointed AT by appointment order issued from DCO office Kohistan under Endst: No. 2529-34 dated 28/04/2008 at GHS Harigah.

Whereas the post of AT at GHS Harigah was not vacant on that date and he was appointed without the availability of post and he was re-adjusted by EDO office order issued under Endst: No.775-78 dated 02/03/2009 at GHS Bada Kot. It indicates that he was re-adjusted with a gap of one year without having the charge of post.

Whereas a showcause notice was issued to the teacher vide this office No.13374 dated 14/12/2015 in which a chance of personal hearing was provided to him and he attended the office on 02/02/2016 but could not defend himself by saying that he was appointed on the recommendation of MPA concerned. Copy of the reply is attached.

It is further submitted that as per content of the appointment order of the teacher, he was appointed on the recommendation departmental selection committee of the department, whereas as per record of this office, no advertisement for the appointment of teacher has been advertised nor the process of recruitment of teacher has been made. It clearly indicate that the appointment of the teacher is fake and bogus.

Therefore Mr. Abdul Saboor AT was removed from service with retrospective effect vide this office order issued under Endstt: No.12585-88 dated 17/02/2016.


District Education Officer
(Male) Kohistan



OFFICE OF THE DISTRICT EDUCATION OFFICER

(M) KOHISTAN.

No. 1620 Dated 9/4/ /2016

To

Director
Elementary & Secondary Education,
Khyber Pakhtunkhwa Peshawar.

Subject:- DEPARTMENTAL APPEAL

Memo:-

Reference letter No. 503/F.No. 162/ removal from service / PST / TT / AA / Qari (M) Gen, dated Peshawar 03/03/2016 it is submitted that Mr. Abdul Saboor AT GMS Dag Pattan District Kohistan was reported that his appointment is fake and bogus.

On the enquiry /study of service book it has been found that he was appointed AT by appointment order issued from DCO office Kohistan under Endst: No. 2529-34 dated 28/04/2008 at GHS Harigah.

Whereas the post of AT at GHS Harigah was not vacant on that date and he was appointed without the availability of post and he was re-adjusted by EDO office order issued under Endst: No.775-78 dated 02/03/2009 at GHS Bada Kot. It indicates that he was re-adjusted with a gap of one year without having the charge of post.

Whereas a showcause notice was issued to the teacher vide this office No.13374 dated 14/12/2015 in which a chance of personal hearing was provided to him and he attended the office on 02/02/2016 but could not defend himself by saying that he was appointed on the recommendation of MPA concerned. Copy of the reply is attached.

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Therefore Mr. Abdul Saboor AT was removed from service with retrospective effect vide this office order issued under Endstt: No.12585-88 dated 17/02/2016.


District Education Officer
(Male) Kohistan

Amir D **(8)** *M. O. S.*

DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION
KHYBER PAKHTUNKHWA

ORDER.

1. WHEREAS, Mr. Abdul Saboor AT GMS Dag Pattan Kohistan proceeded against under the Khyber Pakhtunkhwa Government Servant (Efficiency & Disciplinary) Rules, 2011.
2. AND WHEREAS the DCO Kohistan appointed him as AT at GHS Harigah vide Endst: No.2529-34 dated 28.04.2008 issued by the DCO Kohistan. At the time of appointment the AT post was not vacant in the same school. It was declared fake and bogus.
3. AND WHEREAS, A show cause notice was issued to the teacher concerned vide the DEO(M)Kohistan letter No.13374 dated 14.12.2015 and also given a chance for personal hearing but could not defend himself.
4. AND WHEREAS, the DEO (M) Kohistan being appointing authority to impose a major penalty of removal from service upon the AT concerned.
5. AND WHEREAS, Abdul Saboor AT GMS Pattan Dag Kohistan lodge an appeal to the appellant authority and the appeal was sent to DEO (M) Kohistan vide this office NO.503 dated 03.03.2016. The DEO (M) Kohistan the has submitted his report/comments vide letter No.1620 dated 09.04.2016.
6. AND WHEREAS, the competent authority Director Elementary and Secondary Education Khyber Pakhtunkhwa) after having considered the charges and evidence on record, is of the view that charges against the accused teacher have been proved.

NOW THEREFORE, in exercise of powers conferred under Khyber Pakhtunkhwa Servants (Efficiency & Discipline) Rules-2011 the appellate authority has decided to reject the appeal of Abdul Saboor AT GMS Pattan Dag Kohistan on the above mentioned ground.

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 1219-21 /F No.162/Removal from Service (M) Dated Peshawar the 13/5/2016.

Copy forwarded for information and necessary action to the:-

1. District Education Officer (M) Kohistan w/r his No.1620 dated 09.04.2016.
2. Abdul Saboor AT GMS Pattan Dag Kohistan.
3. P/A to Director E&SE, Khyber Pakhtunkhwa, Peshawar.
4. Master File.

17/5/16
Deputy Director (Estbr)
Elementary & Secondary Edu:
Khyber Pakhtunkhwa Peshawar.

13/5/16

12/5/16

A/E
12 file
12/5/16

12/5/16
District Education Officer (M) Kohistan
Estbr. No. 27/5/16
Data
Director & Deputy Director

BEFORE THE HON'BLE SERVICE TRIBUNAL K.P PESHAWAR

Abdul Saboor

V/S

DEO and others

**REJOINDER ON BEHALF OF APPELLANT TO THE COMMENTS FILED
BY THE RESPONDENTS NO, 1, 2, 3 & 4.**

On Preliminary objections;

All the Objections raised by the respondents in their comments are totally incorrect, against the facts and circumstances.

Misconceived and Misleading objections have been raised for the sake of more objections only. The objections are nothing but callus attempt to side the main issue, whereby the appellant was removed from service on the bases of baseless and for unreasonable grounds of fake and bogus appointment without holding proper inquiry into proper manner.

The concealment, failure and un satisfactory reply by the respondents in their comments is clearly speaks the innocence of the appellant and show the personal grudges of the respondents by depriving him from his valuable rights of service and service benefits moreover there is also nothing on the record to connect or establish a fake and bogus case of appointment against the appellant.

There is also no any inquiry or criminal case registered by the Anti Corruption Dept KP against the appellant regarding the subject matter. The appointment of the appellant has been declared by the concerned DCO under the Law and according to the record but despite all these facts, the respondents passed the impugned orders for no any reason and justification or the reason best known to them.

The unfair, discriminatory and malafide conduct is even established from improper inquiry into the matter by the respondents.

ON FACTS:

1. Para No-1 of the comments is incorrect and is admitted, in fact the appellant was rightly appointed by the competent authority according to the law, rules and regulation governing the subject matter. Further more the appellant also applied for obtaining the attested copies from the concerned dept/ office through application which was allowed and the copy of the appointment order was provided which is enough to prove the mala fide and also enough for the baseless allegation raised by the respondents. (Copies of application and order are attached).
2. Para No-2 of the comments is totally incorrect, there is/was no any complaints whatsoever against the appellant or his appointment infact the respondent No-1 himself started a discriminatory behavior and resultantly by misusing his powers the appellant was removed from service.
3. Para No-3 of the comments is incorrect as the answering respondents are not the investigating authority to describe the false details collected in the alleged case, however if is/was the case of corruption then the Anti Corruption dept is the authority to investigate into the matter against the appellant but in the present case the Anti Corruption dept declared the appointment of the appellant according record and also according to Law. Further more, no proper inquiry into proper manner has been conducted into the matter to reached to the ends of justice but the respondent No-1 himself played the roll of investigating authority for just to remove the appellant from his service for no any reason or reasons best known to him moreover no opportunity of defence has been given to appellant.
4. Para No-4 of the comments is also incorrect as the impugned order / orders are against the facts and circumstances of the case of appellant, hence needs to be set-aside.

5. Para No-5 & 6 of the comments needs no reply.

GROUNDS;

Grounds are more bold un substantiated and baseless. Denial of the legal grounds has been raised in the comments would not absolve the respondents from their duties. Grounds A to I of the comments are totally incorrect while correct of the main appeal, the appellant was falsely removed from his service with out holding the proper inquiry, hence the appellant deserve to be reinstated into his service with all back benefits.

The appellant has also not given/provided the opportunity of personal hearing of his defence etc and this act of the respondents crystal clear from the denial of the legal rights. The respondents brings little on surface and concealed more in pipe lines by involving the appellant in a baseless and planted case of fake and bogus appointment which is totally wrong and also against the natural justice. Further the material evidence collected against the appellant is without any justification and mere to punish the innocent appellant with their dishonest attitude.

It is, therefore, most humbly prayed that on acceptance of the re-joinder the comments filed by the respondents may kindly be rejected and the appeal of the appellant may graciously be allowed as prayed for.

Appellant



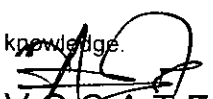
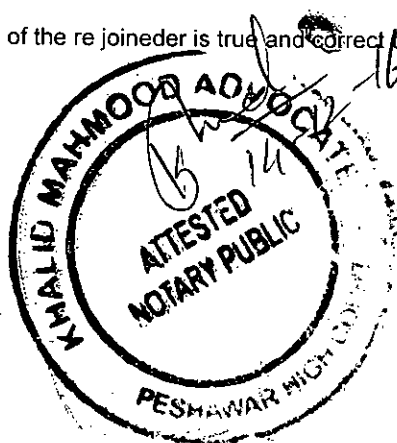
Through

Muhammad Arif Jan

Advocate Peshawar

Affidavit

As per information of my client the contents of the re joinder is true and correct to the best of my knowledge.



ADVOCATE

فہرست نمبر - ۲۰۰۸ - ۱۰۰۰ - ۱۰۰۰

عنوان = فراہمی نقرات Appointment order کا ہے

سودبانہ گزراؤں سے منسلک ہونے کا آرڈر دفتر

آئینہ کاری کے بارے میں جو ۲۰۰۸-۲۲۰۶
صرف ۱۹-۴-۲۰۰۸ سے ۳۴-۲۵۲۹-۲۰۰۸ تک

اس کے ساتھ ساتھ فریئر Appointment orders کی

صرف نقرات دی گئی ہیں

RR & Branch

- الغرض
- ۱- لفافہ - اللہ اولہ عبد الرزاق
 - ۲- عبد الصبور % عبد الحالی
- 17

Stamp
FOR DC KT
14-6-16

مستند لکھنے کے لئے
درج ذیل سے

Attested
[Signature]

**OFFICE OF THE DISTRICT COORDINATION
OFFICER KOHISTAN**


57

APPOINTMENT

Consequent upon the Selection by Departmental Selection Committee in the test/interview Mr. Abdul Saboor S/O Molvi Abdul Khaliq R/O pattan Distt Kohistan, a qualifying applicant is hereby appointed as AT at GMS Harighha Kohistan in BPS 14 (Rs 4100-315-13550) plus usual allowance as due and admissible under the rules with immediate effect in the interest of public service w.e.f. the date of their taking over charge:

CONDITIONS:

1. Charge report should be submitted to all concerned.
2. No TA/ DA is allowed to him.
3. His appointments is purely on temporary basis and liable to termination at any time with out assigning any reason/notice.
4. he will be governed by such rules & regulation enforced and as prescribed by the Government from time to time for the category of the Government servants to which he belong.
5. In case the above candidate failed to assume the charge of his post with in 15 days his appointment will automatically stand cancelled.
6. Their original certificate/Degrees should be checked and verified from the concerned BISE/University before handing over charge.
7. He should produced Age & Health certificate from EDO Health Kohistan before taking over Charge.


District Coordination Officer
Kohistan

Endst: No: 2529-34

Dated Kohistan the 26-4 /2008

Copy of the above is forwarded to the:-

1. PA to Director Schools & Literacy NWFP Peshawar
2. District Nazim Kohistan
3. Executive District Officer S&L Kohistan
4. District Accounts Officer Kohistan
5. D.D.O (Middle Schools) S&L Kohistan


District Coordination Officer
Kohistan

*M b/w pages 571 & 572 -
file No. 21/Estt: Vol-II of
2008*

*2008
b/w 571 & 572
File No. 21/Estt
Vol-II of
Authorised Officer
14/6/16.*

*Attested
M.A.A*