

Khyber Pakhtunkhwa
Service Tribunal

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.521/2019

Date of Institution ... 04.04.2019

Date of Decision ... 07.12.2020

Siddiq Ullah, S/O Safi Ullah Ex-Naib Qasid Agriculture, Livestock, Dairy Development, Fisheries Department Government of Khyber Pakhtunkhwa Civil Secretariat Peshawar.

... (Appellant)

VERSUS

1. The Secretary Agriculture, Livestock, Dairy Development & Fisheries Department Government of Khyber Pakhtunkhwa Civil Secretariat Peshawar and three others.

... (Respondents)

Present:

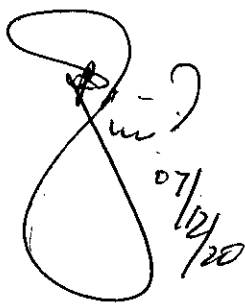
Amin Ayub,
Advocate ... For appellant.

Zara Tajwar,
Deputy District Attorney ... For respondents.

ROZINA REHMAN ... MEMBER (J)

ATIQU-UR-REHMAN WAZIR ... MEMBER (E)

JUDGMENT

 ROZINA REHMAN, MEMBER: Appellant Siddiq Ullah was a Class-IV employee in the office of erstwhile Director Fisheries FATA. He was terminated from service vide order dated 15.11.2018. It is the legality and validity of this order which has been challenged by him in the present service appeal filed U/S 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.

2. Brief facts of the case are that appellant being eligible and qualified, applied for the post of Naib Qasid through Employment Exchange, who was selected by the Departmental Selection Committee and was then appointed as Naib Qasid on 18.01.2018 in the office of erstwhile Director Fisheries FATA. He then submitted his arrival report according to law and started performing his duties. It was on 30.01.2018 when his appointment order was withdrawn by the then Director without assigning any reason. He preferred departmental appeal on 22.02.2018 which was allowed and the appellant was reinstated into service with all back benefits vide order dated 12.03.2018. It was on 15.11.2018 when his services were terminated again without observing mandatory provisions. Being aggrieved from the said order, he filed departmental appeal on 11.12.2018 which was not responded to, hence, the present service appeal.

3. Learned counsel for appellant contends that the appellant was not treated in accordance with law, rules and policy on the subject and he was dealt with in violation of Article 4 & 25 of the Constitution of Islamic Republic of Pakistan 1973. He submitted that he was appointed on the recommendation of Departmental Selection Committee properly constituted by the competent authority after observing all the codal formalities. He argued that no irregularity was pinpointed in the process of selection of the appellant in the office order dated 10.04.2018. He argued that he was terminated from service on the same set of allegations on which the appointment order of the appellant had earlier been withdrawn and lastly, he submitted that where major penalty is proposed then a regular inquiry is to be conducted but in the instant case, no inquiry was conducted and he was not afforded an opportunity of cross-examining the witness. In the case in

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07/12/20

hand, a summary inquiry was concluded in an irregular manner and the appellant was illegally terminated from service.

4. Conversely, learned D.D.A submitted that some Class-IV posts were lying vacant in the office of respondent department and proper approval for constitution of Departmental Selection Committee was taken but Departmental Selection Committee neither interviewed nor carried out any test. She submitted that no one appeared before the committee and no one qualified any test/interview, therefore, the appointment order of the appellant being illegal, were withdrawn/cancelled. She submitted that as the reinstatement order was illegal, therefore, appointment order was withdrawn on the recommendation of inquiry officer and that termination orders dated 15.11.2018 were under the light of inquiry conducted by the inquiry committee constituted by Additional Chief Secretary FATA and as the case was not related to the inefficiency and misconduct of the appellant rather it was related to illegal initial appointment as irregularities made in the appointment of appellant, therefore, inquiry officer found appointment process irregular and unlawful, against merit and transparency. She, therefore, requested for dismissal of the instant service appeal.

5. It is an admitted fact that initial recruitment to a post which does not fall within the purview of the Commission, shall be made on the recommendation of Departmental Selection Committee as per Rule-10 (2) of the Civil Servants (Appointment, Promotion & Transfer) Rules, 1989. It is the case of the appellant that he was appointed as Naib Qasid (BPS-03) on the proper recommendation of Departmental Selection Committee vide order dated 18.01.2018. As per record, a proper Departmental Selection Committee was constituted by the competent authority but minutes of

ii?
07/12/22

Departmental Selection Committee were not produced by the appellant in order to show his appointment in accordance with rules and regulation. As per record, his appointment order was cancelled on 30.01.2018 where-after he filed departmental appeal which was accepted and he was reinstated from the date of cancelation of his appointment order with all back benefits on 10.04.2018 and his services were once again terminated being irregular, illegal and void ab-initio on 15.11.2018 in pursuance of recommendation of inquiry officer on account of non-observance of proper procedure and non-fulfillment of codal formalities during recruitment process. From the record, it is evident that one Muhammad Shafi Marwat was nominated as Chairman of the Departmental Selection Committee for appointment of vacant post of Class-IV employees and as per record, a letter was issued to the Manager Employment Exchange Peshawar on 08.01.2018 to do the needful under the Government policy. A letter received from Manger Employment Exchange Peshawar whereupon it was advised to the concerned to advertise these posts but that advice was not taken into consideration and the present appellant alongwith others were directly appointed without any advertisement in the leading newspaper as well as without recording minutes of the Departmental Selection Committee, therefore, the appointment orders were cancelled but departmental appeal was filed before the Secretary and as per record, all appointments including the appointment of appellant had been allegedly made on the directions of the appellate authority, therefore, appeals filed before that authority were accepted and the appellant alongwith others were reinstated into service but again that order was cancelled after conducting proper inquiry and record shows that the Chairman of the D.S.C had been pressurized for reinstatement of the appellant but that order was not complied with. In the instant case, codal




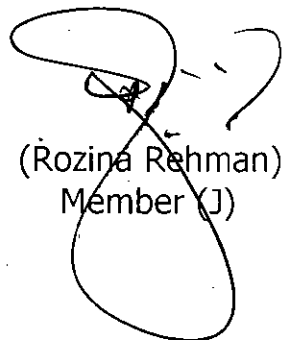
07/12/20

formalities were not complied with. The present appellant hails from Yakka Ghund Tehsil and Post Office Mohmand Agency, therefore, the Manager Employment Exchange was right on giving advice to the concerned authority for advertisement in the leading newspaper as appellant was not a resident of District Peshawar. The Departmental Selection Committee never interviewed the appellant and minutes were not recorded. The present appellant alongwith others were issued appointment letter just on the direction and pressure of high-ups, which is evident from the record available on file. As the appointment was not made in accordance with law and there were irregularities in the process of appointment, therefore, his service was rightly terminated. The instant case is a fit case of nepotism and favoritism where just few persons were obliged against the public at large by not advertising the relevant post in the leading newspaper or by requisitioning the relevant record from the office of Manager of Employment Exchange.

6. In view of above, the present service appeal is dismissed. With no order as to costs. File be consigned to the record room.

ANNOUNCED.
07.12.2020


(Attiq ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

07.12.2020


Appellant present in person.

Zara Tajwar learned Deputy District Attorney for respondents present.

Vide detailed judgment of today of this Tribunal placed on file, instant service appeal is dismissed. With no order as to costs. File be consigned to the record room.

ANNOUNCED.

07.12.2020


(Atiq-ur-Rehman Wazir)
Member (E)

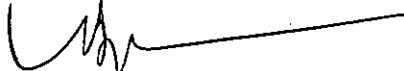

(Rozina Rehman)
Member (J)


16.09.2020

Junior counsel for appellant present.

Mr. Kabirullah Khattak learned, Additional Advocate General for respondents present.

Former requests for adjournment as senior counsel is busy in meeting. Adjourned. To come up for arguments on 18.11.2020 before D.B.


(Atiq ur Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

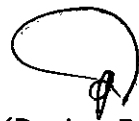
19.11.2020

Appellant with counsel present.

Zara Tajwar learned Deputy District Attorney alongwith Amin Jan A.D for respondents present.

Arguments heard. To come up for order on 07.12.2020 before D.B.

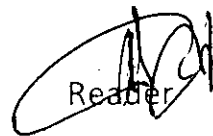

(Atiq ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

6.5 .2020

Due to COVID19, the case is adjourned to

17/7/2020 for the same as before.


Reader

17.07.2020

Due to COVID-19, the case is adjourned to 22.07.2020
for the same.



Reader

22.07.2020

Counsel for the appellant and Mr. Ziaullah, DDA alongwith
Amin Jan, A.D for the respondents present.

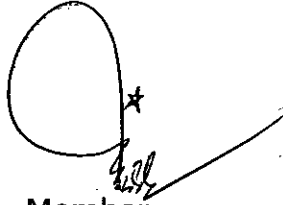
Former requests for adjournment as he is engaged before
the Honourable High Court today in different cases. Adjourned to
16.09.2020 for hearing before the D.B.


(Atiq-ur-Rehman)
Member


Chairman

06.03.2020

Counsel for the appellant present. Addl: AG
alongwith Mr. Amin Jan, Assistant Director for
respondents present. Learned counsel for the appellant
seeks adjournment. Adjourned. To come up for
arguments on 06.05.2020 before D.B.


Member


Member

06.11.2019

Counsel for the appellant and Addl. AG present.

Fresh notices be issued to the respondents through registered post. To come up for requisite reply/comments on 18.12.2019 before S.B.


Chairman

18.12.2019

Counsel for the appellant and Addl. AG alongwith Amin Jan, AD for the respondents present.

Representative of respondents submitted reply of respondents No. 1, 3 and 4. Placed on record. He states that office of respondent No. 2 stand abolished. The appeal is assigned to D.B for arguments on 24.02.2020. The appellant may furnish rejoinder, within one month, if so advised.

Chairman 

24.02.2020

Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Amin Jan A.D present. Learned Additional Advocate General requested for adjournment. Adjourn. To come up for arguments on 06.03.2020 before D.B.


Member


Member

521/19

22.07.2019

Counsel for the appellant present.

An application has been submitted on behalf of the appellant for permission to deposit the security and process fee. It is noted that the requisite deposit could not be made within time provided for the purpose due to certain domestic circumstances of the appellant.

The application is allowed and the period for depositing security and process fee is hereby extended for three working days. Upon the requisite deposit notices be issued to the respondents for submission of written reply/comments on 11.09.2019 before S.B.

Appellant Deposited
Security & Process Fee

23/7/19

11.09.2019

Nemo for the appellant. Mr. Ziaullah, Chairman, DBA along with Ibrar Ahmad Assistant for respondents No. 1 and 3 present.

Office record shows that address of respondent No. 2 is incorrect, therefore, the appellant is directed to submit the correct address of the said respondent. Thereafter, notice be issued to him. Fresh notice should also be issued to respondent No. 4.

To come up for written reply/comments on 07.10.2019 before S.B.

Chairman

07.10.2019

Junior to counsel for the appellant and Addl. AG along with Amin Jan, Assistant Director for respondents No. 1, 3 & 4.

Representative of respondents 1, 3 & 4 requests for time. Appellant is required to submit fresh and correct address of respondent No. 2 within seven days. Thereafter notice be issued to him. To come up for written reply/comments of all the respondents on 06.11.2019 before S.B.

Chairman

29.05.2019

Counsel for the appellant present.

It is argued by learned counsel that the appellant was initially appointed on 18.01.2018 as Naib Qasid by the respondent department. The said appointment was withdrawn on 30.01.2018 without providing any cogent reason for withdrawal. A departmental appeal was preferred by the appellant which was decided in his favour on 12.03.2018. Consequently, an appointment order was issued on 10.04.2018 in favour of appellant and then he was terminated from service through impugned order dated 15.11.2018. A departmental appeal was preferred which remained un-responded till the submission of instant service appeal while 4/5 days back the appellant was communicated the order of rejection of departmental appeal passed on 02.04.2019. It was the argument of learned counsel that the competent authority, while deciding the departmental appeal, had given its detailed decision on 12.03.2018 wherein, it was inter-alia noted that the appointment of appellant was in line with the rules and no illegality was committed in the said regard. Despite the findings of appellate authority followed by the reappointment of appellant the impugned order dated 15.11.2018 was issued by respondents which was in utter disregard to the spirit of law and fair play on the part of the respondents.

In view of the available record, the appeal in hand is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 22.07.2019 before S.B.


Chairman

FORM OF ORDER SHEET

Court of _____

Case No. _____ 521/2019 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/04/2019	<p>The appeal of Mr. Sidiq Ullah resubmitted today by Mr. Ashraf Ali Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 24/4/19</p>
2-	25/04/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>29/05/19</u></p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>

The appeal of Mr. Siddiq Ullah son of Safi Ullah Ex-Naib Qasid Agriculture Department Peshawar received today i.e. on 04.04.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Affidavit may be got attested by the Oath Commissioner.
- 3- Annexure-F of the appeal is illegible which may be replaced by legible/better one.

No. 692 /S.T,

Dt. 5-4- /2019.


REGISTRAR

SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Ashraf Ali Khattak Adv. Pesh.

*Is
Your objection has
Completed and Resubmitted
Thanks
AS ✓
24-4-2019*

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA

Service Appeal No. 521/2019

Siddiq Ullah.....Appellant

VERSUS

The Secretary , Agriculture, Livestock Dairy Development, Fisheries
Department, Govt of Khyber Pakhtunkhwa Civil Secretariat
Peshawar & others.....Respondents

INDEX

S.No	Description of Documents	Date	Annexure	Pages
1.	Memo of Service Appeal with affidavit			1-6
2.	Copies Educational testimonials		A	7-9
3.	Copy employment registration card		B	10
4.	Copy of letter	03-01-2018	C	11-12
5.	Copy of appointed letter/Order	18-01-2018	D	13
6.	Copy of certificate of medical examination		E	14
7.	Copy of Arrival Report		F	15
8.	Copy of the Order of Withdrawal of appointment Order	30-01-2018	G	16
9.	Copy of departmental appeal against the Withdrawal order	22-02-2018	H	19
10.	Copy of the decision of the departmental appellate authority	12-03-2018	I	20-23
11.	Copy of departmental	10-04-2018	J	24

S.No	Description of Documents	Date	Annexure	Pages
	Re-instatement order			
12.	Copy of receipt of salaries		K	25-27
13.	Copy of impugned Termination Order	15-11-2018	L	28
14.	Copy of Departmental Appeal	11-12-2018	K	
15.	Wakalat Nama			


Appellant

Through


Ashraf Ali Khattak
Advocate High Court.

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA

Service Appeal No. 521/2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 551

Dated 04/4/2019

1. Siddiq Ullah,
S/o Safi Ullah
Ex-Naib Qasid, Agriculture, Livestock Dairy Development,
Fisheries Department, Civil Secretariat Peshawar.
.....Appellant

VERSUS

- ✓ 1. The Secretary , Agriculture, Livestock Dairy Development,
Fisheries Department, Govt of Khyber Pakhtunkhwa Civil
Secretariat Peshawar
2. The Secretary, Production and Livelihood Development
Department erstwhile FATA Warsak Road, Peshawar
3. The Director Livestock & Dairy Development, Fisheries
Department Civil Secretariat Peshawar
- ✓ 4. The Secretary Home & Tribal Affairs Government of Khyber
Pakhtunkhwa, Civil Secretariat Peshawar
.....Respondents.

Filed to-day

[Signature]
Registrar

9/4/19

SERVICE APPEAL UNDER SECTION-4 OF THE
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
ACT, 1974 AGAINST THE IMPUGNED ORDER
DATED 15.11.2018 PASSED BY RESPONDENT
NO.3 WHEREIN THE LEGAL SERVICES OF THE
APPELLANT WAS TERMINATED WITH
IMMEDIATE EFFECT AND AGAINST WHICH
APPELLANT FILED DEPARTMENTAL APPEAL

Re-submitted to -day
and filed.

[Signature]
Registrar

24/4/19

DATED 11.12.2018 WHICH IS STILL PENDING
WITHOUT DISPOSAL.

Respectfully Sheweth,

The concise facts giving rise to the present service appeal are as under:-

1. That appellant is law abiding person and highly educated (Annexure-A). He also possesses the employment registration card. (Annexure-B).
2. That some post of class-IV in the office of the erstwhile Director Fisheries FATA were lying vacant for which approval was sought from the competent authority for initial recruitment from amongst the deserving candidates having employment registration card vide letter dated 03.01.2018 (Annexure-C). After obtaining proper approval Departmental Selection Committee was constituted for the purpose of interview etc vide letter dated 08.01.2018.
3. That appellant being eligible and qualified applied for the post of Naib Qasid through employment exchange and was got interviewed by the Departmental Selection Committee. Appellant successfully qualified the selection procedure and was then appointed as Naib Qasid on 18.01.2018. (Copy of appointment letter is attached as annexure D).
4. That pursuant to the appointment order appellant was medically examined by the authorized medical officer and was found fit vide certificate (Annexure-E) and submitted arrival report (Annexure-F) and started performing his duties

to the entire satisfaction of the high ups. It is significant to add that proper service book was also maintained wherein requisite entries were made.

5. That just after month all of sudden vide order dated 30.01.2018 (Annexure-G) the appointment order of the appellant was withdrawn by the then Director Fisheries without assigning any reason much less lawful.
6. That the appellant being aggrieved of the order dated 30.01.2018 assailed the same before the departmental appellate authority in shape of departmental appeal dated 22.02.2018 (Annexure-H). The appellate authority was pleased to reinstate the appellant alongwith others with all back benefits in comprehensive detailed combined order dated 12.03.2018 (Annexure I) pursuant to which the department also issued reinstatement order of the appellant alongwith others vide order dated 10.04.2018 (Annexure J).
7. That appellant again took over charge of his assignment and performed his duty to the best satisfaction of his high ups for about 9/10 months and received his salaries accordingly. (Salary receipt is attached as Annexure K).
8. That all of sudden vide impugned order dated 15.11.2018 (Annexure-L) the legal services of the appellant was terminated again without observing mandatory provision/formalities and on slipshod manner and flimsy grounds which has already been discarded by the Departmental Appellate Authority in the first round of departmental litigation.

9. That being aggrieved from the impugned order dated 15.11.2018 appellant filed departmental appeal on 11.12.2018 (Annex-L) which is still pending without disposal, hence the statutory period for disposing the departmental appeal has been elapsed therefore the instant service appeal inter alia on the following grounds:-

GROUNDS:-

- A. That appellant was not treated in accordance with law, rules and policy on subject and dealt with in violation of Articles 4 & 25 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully terminated from service, which is unjust, unfair and hence not sustainable in the eye of law.
- B. That the appellant was properly appointed in accordance with law on the recommendation of the properly constituted Selection Committee by the competent authority after observing all the codal formalities. His appointment order was acted upon carried into effect and now valuable rights have been accrued in favour of appellant which cannot be taken away under the principle of locus poenitentiae and for that matter principle of promissory estoppel.
- C. That the appointment process of the appellant was conducted according to the rules by the competent authority and no irregularity whatsoever in the process of selection of appellant was pinpointed even in the office order dated 10.04.2018. It is added that earlier in response to the departmental appeal of the appellant against his withdrawal of appointment order the

appellate authority was pleased to reinstate appellant alongwith others with all back benefits. Appellant was performing his duties but the then Competent Authority again terminated appellant from service on the same set of allegations on which earlier the appointment order of the appellant was withdrawn, however, the fact remains that during the appointment of appellant no irregularity was committed.

- D. That besides, it is a settled law that if any irregularity in the process of section is committed by the competent authority then it is the competent authority who is to be held responsible and for that lapse the poor employees cannot be made to suffer. However in the case in hand no illegality was found.
- E. That as per Article 13 of the Constitution of Islamic Republic of Pakistan 1973 **"No person shall be prosecuted or punished for the offence more than once"** therefore, appellant was terminated from service on the same set of allegations on which the appointment order of the appellant had earlier been withdrawn hence, the same amounts to double jeopardy and is thus ultra vires of the Constitutional mandate and as such is liable to be struck down.
- F. That it is legal principle that where major penalty is proposed then only a regular enquiry is to be conducted wherein the accused must be associated with all stages of the enquiry including the collecting of oral and documentary evidence in his presence and he must be confronted to the same and must be afforded an opportunity of cross examining the witnesses.

In the case in hand a summary enquiry was concluded in an irregular manner and appellant was illegally terminated from service. thus the impugned enquiry being irregular and the impugned order based thereupon are nullity in the eye of law and hence liable to be set aside.

G. That appellant was rendered defenseless in an illegal manner Article-10A of the Constitution of the Islamic Republic of Pakistan, 1973 has been violated and appellant was not given a chance of fair trial.

H. That appellant would like to seek the permission of this Hon'ble Court to advance more grounds at the time of hearing.

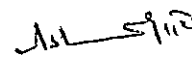
In view of the above facts and law points and on acceptance of the instant appeal this Hon'ble Tribunal may graciously be pleased to set aside the impugned order dated 03.01.2012 and the impugned order dated 07.03.2019 and re instate the appellant with all back benefits.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for may also be granted to appellant.

Dated: 29/03/2019


Appellant

Through


Ashraf Ali Khattak
Advocate, High Court
Peshawar

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA

Service Appeal No. ____/2019

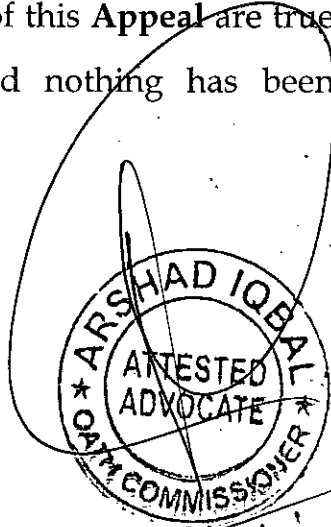
Siddiq Ullah.....Appellant

VERSUS

The Secretary , Agriculture, Livestock Dairy Development, Fisheries Department, Govt of Khyber Pakhtunkhwa Civil Secretariat Peshawar & others.....Respondents

AFFIDAVIT

I, Siddiq Ullah, S/o Safi Ullah, Ex-Naib Qasid, Agriculture, Livestock Dairy Development, Fisheries Department, Civil Secretariat Peshawar, do hereby solemnly affirm and declare on Oath that the contents of this Appeal are true and correct to the best of my knowledge, and nothing has been concealed from this Hon'ble Tribunal.



Deponent

[Handwritten signature]

81420

S No. _____

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

Roll No. 119365



Board of Intermediate & Secondary Education

Peshawar

Khyber Pakhtunkhwa (Pakistan)



Secondary School Certificate Examination

SESSION 2011- ANNUAL

(Science Group)

This is to Certify that Siddiq Ullah Son of Safi Ullah

and a student of Govt High School, Ekka Ghund Mohmand Agency has passed the Secondary School Certificate

Examination of the Board of Intermediate and Secondary Education, Peshawar held in March, 2011 as a Regular

candidate. He obtained 547 Marks out of 1050 and has been placed in Grade C Representing Good

The Candidate passed in the following subjects:

- | | | | |
|------------|------------|---------------------|---------------------|
| 1. English | 2. Urdu | 3. Islamiyat (Comp) | 4. Pakistan Studies |
| 5. Maths | 6. Physics | 7. Chemistry | 8. Biology |

Date of birth according to admission form 22 February, 1995

[Signature]
Asstt Secretary

[Signature]
Secretary

This Certificate is issued without alteration or erasure.

Roll No. 8365

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

P. 8
Sr No. 90784

Board of Intermediate and Secondary Education
Peshawar Khyber Pakhtunkhwa
Pakistan



Intermediate Examination

(General Science Group)

SESSION SUPPLEMENTARY 2014

This is to Certify that

Sidiq Ullah

Son of

Safi Ullah

Ex-student of

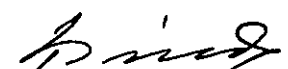
Govt College Ekka Ghund Mohmand Agency

passed the Intermediate Examination of the Board of Intermediate & Secondary Education

Peshawar, held in October, 2014 He obtained 610 marks out of 1100 and placed in

grade C representing Good. The examination was taken in parts.

Registered No. 0085-B/EKG-2012


Asstt. Secretary
8/12


Secretary

This certificate is issued without alteration or erasure.

ATTESTED

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ 9

University of Peshawar Pakistan

This certifies that

Siddiq Ullah son of **Safi Ullah**

having fulfilled all the requirements is hereby admitted to the degree of

Bachelor of Science

and is entitled to all the rights, honours and privileges thereunto appertaining.

Given this 27th day of September, 2018.

Roll No: 36778

Session: Annual 2017

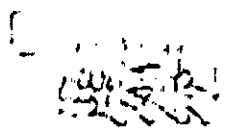
Reg. No: 2015-EMA-1762



156747

~~REGISTERED~~
Registrar

[Signature]
Vice Chancellor



This certifies that

Siddiq Ullah son of Safi Ullah

having fulfilled all the requirements is hereby admitted to the degree of

Bachelor of Science

and is entitled to all the rights, honours and privileges thereunto appertaining.

(Given this 27th day of September, 2018.)

A



2018

2018

2018

Registrar

Vice-Chancellor

ایکس۔ایو۔آر۔22

O.P.S.S.

SERVICE
UNPAID

ایمپلائمنٹ رجسٹریشن کارڈ

ضروری

جن امیدواروں کے پاس تجارتی کارڈ (X-3) موجود نہ ہو۔
ان کو دفتر روزگار کا نامزد کردہ تصور کیا جائے۔

رجسٹریشن نمبر 4982/NT/18 اکویشن کوڈ نمبر 99-47-5

نام عبدالقادر الہی ولدیت ازہجت سعفی الہی
پتہ یکہ غوث پورہ ڈاک کی لائنز کھیل کیمپونڈ خیلمو منڈالہ

شخصی کارڈ نمبر 2-0908090-6007-21407

تاریخ 01-06-018
MANAGERتاریخ 30-12-018
Employment Exchange
For Charsadda

ضروری اطلاع برائے امیدوار

جب آپ کو ملازمت مل جائے تو فوراً ملکہ جمالی کارڈ پر دفتر روزگار
کو اطلاع کریں۔ اس کارڈ پر ڈاک کا ٹکٹ لگانے کی ضرورت نہیں۔

بخدمت بناب شیجر صاحب

دفتر روزگار

FILED

جوابی حصہ

ریفرنس نمبر ۶۹۸۸/۱۱۸/۱۸ تاریخ ۰۱/۰۱/۱۸

۴۴/۱۱/۱۱

۹۹-۹۹

تاریخ

(تاریخ مع ملازم رکھنے والے کا نام و پتہ)

لازمت مل گئی ہے۔

تاریخ

محلہ

امیدواروں کے لئے ہدایات

- ۱۔ ہر شخص کی صورت میں آپ کا ریفرنس نمبر تاریخ میں جمع کرنا ہے۔
- ۲۔ جب تک کہ آپ ریفرنس نمبر سے ملازمت کے مطالبے کی تاریخ کے لئے آئی ہو تو ریفرنس نمبر اور تاریخ کے مطابق ہلاکتوں کی صورت میں ریفرنس نمبر اور تاریخ کو ملازمت کے لئے ضروری ہے۔

مکمل نام و پتہ	محلہ
----------------	------

B

APPROVAL FOR THE FILLING OF THE VACANT POST IN THE FISHERIES DEPARTMENT

The following posts of various categories are lying vacant in this Department with the following status as,

REGULAR SIDE

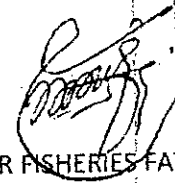
Name of post	BPS	NO. of Posts
Naib Qasid	02	02
Driver	04	01

DEVELOPMENTLE SIDE

Name of post	BPS	NO. of Posts
Driver	04	01
Chowkidar	02	01

This Department is going to filled up these vacant posts as per Government rules/policy. Therefore it is requested to kindly allow this office to fill up these vacant posts.

No 16/DF Dated 03/11/18



DIRECTOR FISHERIES FATA

3/11/18

~~Secretary PSLDD
FATA~~

OK

DF.

03/11/18

ATTESTED



12

**Subject: - CONSTITUTION OF THE DEPARTMENTAL SELECTION COMMITTEE
OF THE POST OF CLASS -IV.**

Dear Sir,

The following officers are hereby nominated for the appointment of the Class-IV Employees as per government policy / rules as under.

- | | |
|--|----------|
| 1. Muhammad Shafi Marwat | Chairman |
| 2. Mr. Abdul Manan Section P&LDD | Member |
| 3. Faheem Akhter Assistant Director Fisheries (HQ) | Member |

The policy letter is attached for ready reference:-

It is, therefore, requested to kindly approve the nominee of the Departmental Selection Committee for the vacant post of class-IV employees please.

Secretary P&LDD FATA

Director Fisheries FATA

31/1/18

Ok

DF

09/1/18

ATTACHED

NO 85 DF Dated 9/1/18

4



DIRECTORATE OF FISHERIES.

FATA SECRETARIAT PESHAWAR.

Phone: (091) 9211799 | Fax: (091) 9211799

No. 37-43/DF

Dated Peshawar the 18/01/2018.

13

Annexure-D

OFFICE ORDER.

Mr. Sadiq Ullah S/O Safi Ullah r/o Yakka Ghund P.O & Tehsil Yakka Ghund Mohmand Agency is hereby appointed as Naib Qasid BPS-03 (Rs. 9610-390-21310) with usual allowances as admissible under the rules in the Directorate of Fisheries FATA with immediate effect, in the best interest of public service.

The Terms and conditions would be as under:-

1. The Terms and conditions of his appointment to the post will be applicable as per the instruction issued by the Govt: of Khyber Pakhtun Khwa, from time to time.
2. The appointment is purely on temporary basis initially for a period of one year probation, further extendable upto two years, and his services can be terminated without assigning any reason thereof before the expiry of the period of probation/extended period of probation, if his work during this period is not found satisfactory. In such an event, he will be given a month's notice of termination from service or one month's pay in lieu thereof.
3. In case he wishes to resign at any time one month notice will be necessary, otherwise in lieu thereof a month pay shall be forfeited or deposited to Government treasury.
4. He shall be entitled to all facilities relating to pay, T.A and Medical attendance etc. as may be issued by the Government for the status of the Government Servant to which he belongs.
5. He shall be liable to and Governed by the Government of Khyber Pakhtun Khwa Government servant (Conduct) Rules, 1987 Khyber Pakhtun Khwa Government- Servant (Efficiency & Disciplinary) Rules, 2011 and all others orders/instructions of the Government in this behalf.
6. He will be regular contributor of GP Fund as per Government instructions.
7. He will produce medical fitness certificate from the medical authorities.
8. If the appointee is agreed upon to the above TOR, he may report for his duty to the concerned authority within 15 days. In case of failure, his appointment shall stand cancel automatically.
9. He can be transferred on any class - IV vacancy/post in the Khyber Pakhtun Khwa Fisheries Department or Directorate of Fisheries Department FATA.

SD/-

(MUHAMMAD SHAFI MARWAT)

DIRECTOR FISHERIES

FATA

Copy forwarded for information to:-

- 1- The PS to Additional Chief Secretary FATA.
- 2- The PS to Secretary Production Livelihood and Development Department FATA.
- 3- The Accountant General (PR) Sub Office Peshawar.
- 4- The Director General Fisheries Khyber Pakhtun Khwa Peshawar.
- 5- The Assistant Director Fisheries FATA Secretariat Peshawar.
- 6- The Official Concerned

ATTESTED

(MUHAMMAD SHAFI MARWAT)

MEDICAL CERTIFICATE

Name of official Siddiq - ullah
 Caste or race Muslim
 Father's name Safi - ullah
 Residence village = Eura ghund, Tahsil = Eura ghund Distric M - Agency
 Date of birth 22-02-1995
 Exact height by measurement 5.7"
 Personal mark of identification nil
 Signature of the official Siddiq
 Signature of head of office _____

Seal of office _____

I do hereby certify that I have examined Mr. Siddiq - ullah a candidate
 for employment in the Office of the Fisheries Department
 and cannot discover that he had any disease communicable or other constitutional affection or bodily
 infirmity except nil

I do not consider this as disqualification for employment in the office of the As above
 His age according to his own statement 23 year and by appearance about
 year Twenty Three

[Signature]
 MEDICAL SUPERINTENDENT,
 CIVIL HOSPITAL Medical Superintendent
Police Services, Hospital
Peshawar.

26/02/18

LEFT HAND THUMB AND FINGER IMPRESSIONS

ATTESTED

Handwritten text in Urdu, likely a witness statement or declaration, located at the top of the page.

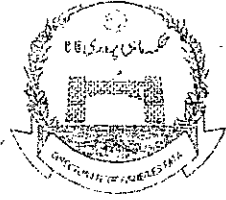
Handwritten signature and date (24/11/18) in Urdu, located in the upper middle section.

Large handwritten text in Urdu, possibly a main body of text or a detailed statement, located in the middle section.

Handwritten text in Urdu, including a date (18/11/2018) and a reference number (37-43/87), located in the lower middle section.

Handwritten signature and date (14-11) in Urdu, located below the middle section.

Handwritten text in Urdu at the bottom of the page, possibly a concluding statement or signature.



DIRECTORATE OF FISHERIES.

FATA SECRETARIAT PESHAWAR.

Phone: (091) 9211799 | Fax: (091) 9211799

No. 81-91 /DF Dated Peshawar the 30/01/2018

Subject: - Cancellation of Office Order

The following office orders are hereby withdrawn/cancelled in the best interest of public service with immediate effect.

- 1- Order NO.44-50/DF Dated 18/01/2018.
- 2- Order NO.30-36/DF Dated 18/01/2018.
- 3- Order NO.58-64/DF Dated 18/01/2018.
- 4- Order NO.51-57/DF Dated 18/01/2018.
- 5- Order NO.37-43/DF Dated 18/01/2018.


(MUHAMMAD SHAFI MARWAT)
DIRECTOR FISHERIES FATA

Copy forwarded for information to:-

- 1-The PS to Additional Chief Secretary FATA.
- 2-The PS to Secretary Production & Livelihood Development Department FATA.
- 3-The Accountant General (PR) Sub Office Peshawar.
- 4-The Director General Fisheries Khyber Pakhtunkhwa Peshawar.
- 5-The Assistant Director Fisheries FATA Secretariat Peshawar.
- 6-The official concerned.


(MUHAMMAD SHAFI MARWAT)
DIRECTOR FISHERIES FATA

ATTESTED



2041
14-03-2018
GOVT OF FATA PESHAWAR

FATA SECRETARIAT
(Production and Livelihood Development Department)
WARSAK ROAD PESHAWAR

No. SO/P&LDD/FS/Fisheries/1-9/13/715-16
Dated: 13-03-2018

To

The Director Fisheries FATA

Subject: APPEALS FOR REINSTATEMENT

I am directed to refer to the subject noted above and to enclose herewith a copy of the order of the appellate authority (Secretary Production and Livelihood Development Department FATA) passed on appeals of Mr. Sadiqullah S/O Safiullah, Mr. Zakiullah S/O Abdul Qahar, Mr. Saddam Hussain S/O Attaullah, Mr. Umar Said S/O Noor Said and Mr. Muhammad Naveed S/O Muhammad Ayub dated 12-03-2018 and to request you to take further necessary action in light of Rule 5 (2) of the Civil Servant Appeal Rules 1986 under intimation to this department.

Copy to:

PS to Secretary Production and Livelihood Development Department FATA

(Signature)
(Dr. Abdul Manan)
Section Officer (P&LDD)

(Signature)
Section Officer (P&LDD)

7/12 Put up with documents. detail background
14/3/18
16/3/18

27 The undersigned is unaware of the case as all the related record is with DDF. Kindly issue to concerned for disposal please.

(110) DDF PATA (3) Relevant documents are attached for further action please. 15/3/18

ATTACHED

The matter is discussed in detail with
 Worthy Secretary P&LDD, ~~on~~ on 29.3.18, whose
 undersigned proposed that before implementation
 of Subject Order i.e to re-instate the total
 five Nos officials (3 Nos under regular budget
 & 2 No under Dev. budget), it would be
 more appropriate that approval of
 Worthy Additional Chief Secretary P&TA
 may be solicited in the said matter
 being Principal Accounting Officer to
 avoid any un-pleasant situation (if any)
 in future.

In this regard, if deemed
 appropriate a self-contained note
 for ACS Fatah may be submitted for
 his kind approval or otherwise.

Submitted please.

S.O (P&LDD) received at 4:16 PM *[Signature]*
 of 30/3

Paras 1-7/n for perusal and para-8/n for
 further direction of Secretary P&LDD, please

ATTESTED

D/S/P&LDD

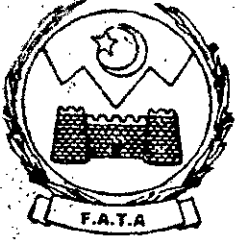
29/4/18

[Signature]
 D/S/SOII

Pl discuss in light of a similar *[Signature]*
 case of appointment & judgment of PTC by
 D.F FATA in recent past. *[Signature]*

SO-I (Admin & Estab)
 P&LDD Dept: FATA Secy
 Diary No. 469
 Dated 02-04-2018
 10

8
 9
 10



ORDER:

Decision on the departmental appeals of five class IV employees submitted separately against the impugned order dated 30-01-2018 (Annex-I) passed by Mr. Muhammad Shafi Marwat, the then Director of Fisheries (OPS), wherein orders of appointment of the following five Class IV employees appointed on 18-01-2018 were withdrawn (with immediate effect):-

- | | | |
|------|----------------|-----------------------|
| 1. | Umar Said | Driver |
| 2. | Saddam Hussain | Naib Qasid |
| ✓ 3. | Sadiqullah | Naib Qasid |
| 4. | Zakiullah | Chokidar (ADP Scheme) |
| 5. | Naveed Ahmad | Driver (ADP Scheme) |

2. Through this order the undersigned in the capacity of appellate authority under the Khyber Pakhtunkhwa Civil Servant Appeal Rules 1986 intend to decide/dispose of the departmental appeals of Mr. Umar Said S/O Noor Said Driver, Mr. Saddam Hussain S/O Attaullah Khan Naib Qasid and Mr. Sadiqullah S/O Safi Ullah Naib Qasid who were appointed by the aforementioned appointing authority on regular basis and also decide the appeals of Mr. Zakiullah S/O Abdul Qahar appointed as Chowkidar on fixed pay in the ADP Scheme, "Strengthening of Fisheries Department in FATA" and that of Mr. Naveed Khan S/O Ayub on fixed pay as Driver in the said ADP Scheme as identical question of law/ facts is involved in the case of the two sets of employees. (Copies of their appointment orders are placed at Annx-II, III, IV, V and VI).

3. Facts of the case as averred from the memo of appeals of the aggrieved Civil/ Government Servants, reveal that the then Acting Director Fisheries appointed all the above officials through different orders on the same date i.e. 18-01-2018. They accordingly got medical fitness certificates from the designated/ authorized Medical Officer and submitted their arrival report for duty to the Director Fisheries FATA. The record reveals that orders of appointment of the aforementioned officials were cancelled / withdrawn vide impugned order No. 81-91/DF dated 30-01-2018 by the said appointing authority through a simple withdrawal order without mentioning therein any rhyme or reason for the said cancellation. The appellants have alleged in their appeals that cancellation order was

ATTESTED

[Signature]

SECRET

...the ... of the ... to ...

(inbound ...)

... the ... of the ... to ...

- 1. ...
- 2. ...
- 3. ...
- 4. ...
- 5. ...

... the ... of the ... to ...

SECRET



SECRET

on 16-18th February, 2018 while date of issue on the same was recorded as 30-
the same back effect which they claimed to be an act of mala fide on part of the
authority, contending further that no one could be punished retrospectively. This claim of
the appellant is endorsed from the receipt of a copy of the impugned order in the office of PS to
Secretary P&LDD 16-02-2018 duly diarized as such (Ann-VII). The appellants further alleged that no
inquiry was made in the case nor was any show cause issued to them before the issuance of the
impugned order adding further that no personal hearing was given to them before they were
condemned which was glaring violation of the law as in terms of judgment of the Supreme Court of
Pakistan reported in PLD 2008 supreme Court 412 (Ann-Viii) which states that principles of natural
justice require that orders adverse to the interest of a person cannot be passed without providing him
an opportunity of hearing and departure from such rule may render such order illegal. They complained
that they were not given opportunity of fair trial as enshrined in article 10 A of the constitution nor were
they treated according to law as per Article 4 of the constitution.

4. The appeals of all the five appellants were forwarded to the Director Fisheries FATA for
his comments vide letter dated 26-02-2018 and 28-02-2018 who vide letter dated 5-03-2018 in his
capacity as Deputy Director Fisheries FATA furnished a sketchy reply which is placed at (Annex IX).
Instead of offering comments on the appeals and advancing cogent reasons or justification in support
of cancellation of the orders of the appointment of the appellants, he contended in Para 3 of his letter
that the orders were issued due to the intense pressure of the secretary P&LDD FATA. This stance of the
officer is baseless in view of his contention in Para 2 of the very letter where he stated that he
submitted a note on 9-02-2018 seeking guidelines / directives which according to him remained un-
responded till now. One fails to understand as to what guidance he needed on 9-02-2018 when he had
already cancelled/ withdrawn all the five orders of appointment much earlier on 30-01-2018. It
simultaneously falsifies his contention of the alleged pressure of the Secretary PL&DD for the said
appointments as in the presence of such pressure the unilateral withdrawal cancellation order would
not have been made by the said officer who admits having sustained pressures for doing illegal things in
the first instance. It also transpires from the comments that in order to cover up his guilt and avoid the
likely embarrassment, the officer back dated the impugned order dated 30-01-2018 which most
probably was issued around mid-February as is evident from the statements of the appellants in their
appeals, as the date of the communication to them of the impugned order is endorsed from the delivery
of a copy of the said order on 16-02-2018 to the PS to Secretary P&LDD FATA (Annex-VII).

5. From the perusal of the contents of the appeals, perusal of the comments of the Deputy
Director Fisheries dated 5-03-2018, other relevant record such as letters of the appointment of the
appellants, copies of their medical fitness certificates and their arrival reports for duty in the office of

ATTESTED

the appointing authority, lead me to believe that all the appellants were appointed by the Director Fisheries being competent authority under the rules and there was no illegality or fault, if any, on the part of these appointees whose appointment orders were subsequently cancelled / withdrawn by the said authority without fulfillment of the due process of law and without giving of any show cause notice and without any opportunity of personal hearing to the aggrieved government servants. These orders were given effect from back date. This being so, the reliance of the appellants on the judgment of the august supreme court of Pakistan contained in 2008 SCMR 598, 1996 SCMR 1350 and 2006 SCMR 678 (Annex-X) conform to and fits fully to the circumstances of the present appellants as they were not at fault at any stage of their recruitment, the onus of the entire process however lie on the competent authority who in the first instance appointed all the appellants on different positions, got them medically examined from the authorized Medical officer, accepted their arrival reports for duty and then without following the legal processes took a U-turn and dispensed with their services with a single stroke of pen without fulfillment of the legal requirement of conducting enquiry, issuance of show case notice and opportunity for personal hearing, as required under the law and binding under the principles natural justice.

6. In the circumstances, the undersigned in the capacity of appellate authority in terms of rule 5 of the Khyber Pakhtunkhwa Civil Servants Appeal rules 1986 by accepting the appeals of the three regular employees set aside the impugned order 30-01-2018 passed by the competent authority and reinstate these appellants as mentioned in para 1 of this order in their service from the date of cancellation of their appointment order with all back benefits of service. The competent authority shall take further necessary action in light of rule 5 (2) of the rules ibid in respect of the three officials namely Umar Said, Saddam Hussain and Sadiq ullah who were appointed against the regular positions.

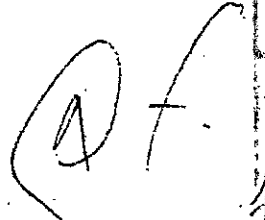
7. As for the case of the other two employees i.e. Mr. Zakiullah (Chowkidar) and Mr. Naveed (Driver) who were appointed against the project posts and who are similarly placed persons, they also deserve and are required to be treated similarly and equally. Their appeals for reinstatement are also accepted by setting aside the impugned order dated 30-01-2018. The competent authority shall reinstate them in service from the date of their removal along with all back benefits of service. In this context reliance is placed on case law contained in judgment of the Supreme Court of Pakistan titled Hameed Akhtar Niazi VS The Secretary Establishment Division Government of Pakistan and other, relevant portion whereof is reproduced. If the service Tribunal or Supreme Court decides a point of law relating to the terms of service of a civil servant which covers not only the case of civil servant who litigated, but also of other civil servants, who may have not taken any legal proceedings, in such a case, the dictates and rule of good governance demand that the benefit of such judgment by Service Tribunal/

ADJUSTED

Supreme Court be extended to other civil servants who may not be parties to the litigation - instead of compelling them to approach the Service Tribunal or any other forum.

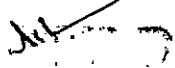
8. It is also relevant to place on record that in furtherance of the case of Good governance and, for reduction of litigations for and against the government; the Government of Khyber Pakhtunkhwa has taken a very good/ positive initiative by constitution of committees at provincial and department level (Annex-XII) to review the service cases pending in different courts and decide the same at the department level. My this decision would be in line with the said policy and save the government and the individuals from unnecessary litigations.

Dated 12-03-2018



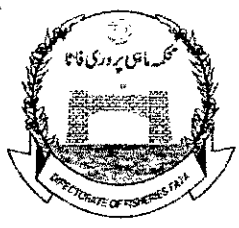
(Abdul-Latif)

Secretary Production & Livelihood
Development Department.
(Appellate Authority)



(Annexure - 1)

(24)



DIRECTORATE OF FISHERIES

FATA SECRETARIAT PESHAWAR

Phone: (091) 9211799 | Fax: (091) 9211799

No. 2351-57 /DF

Dated Peshawar the 10 /04/2018

OFFICE ORDER

The undersigned in the capacity of Appellate Authority in terms of rules 5 of the Khyber Pakhtunkhwa Civil Servants Appeal rules 1986, by accepting the appeal of the following employees, set aside the impugned order passed by the Director Fisheries FATA vide No.81-96/DF dated 30/01/2018 and reinstate these appellants in their service from the date of cancellation of their appointment order with all back benefits in the best interest of public service.

1. Mr. Umer Said S/O Noor Said Driver (BPS-04). (Regular Base)
2. Mr. Sadam Hussain S/O Atta Ullah Khan Naib Qasid (BPS-03) (Regular Base)
3. Mr. Sadiq Ullah S/O Safi Ullah Naib Qasid (BPS-03). (Regular Base)
4. Mohammad Naveed S/O Mohammad Ayub Driver (PPS-01) on Fixed Pay @16000 per month) under the project "Strengthening of Fisheries Department in FATA"
5. Mr. Zaki Ullah S/O Abdul Qahar Chowkidar (PPS-01) on Fixed Pay @16000 per month) under the project "Strengthening of Fisheries Department in FATA"

--Sd--

(ABDUL LATIF)

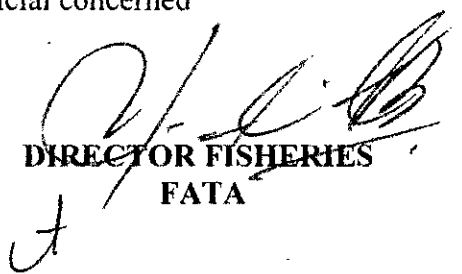
(2)

**SECRETARY PRODUCTION & LIVELIHOOD
DEVELOPMENT DEPARTMENT FATA
(APPELLATE AUTHORITY)**

Copy for information to:

1. Additional Accountant General (PR) Sub Office Peshawar.
2. PS to Additional Chief Secretary FATA.
3. PS to Secretary Production & Livelihood Development Department FATA with reference to his detail order dated 12/03/2018 and subsequently orders on Note Sheet dated 06/04/2018.
4. Director General Fisheries Department Khyber Pakhtunkhwa.
5. Section Officer I&LDD FATA with reference to his office letter No.SO/P&LDD/FS/Fisheries/1-9/13/715-16 dated 13/03/2018.
6. Deputy Director Fisheries (H/Q) FATA/ Superintendent Fisheries FATA
7. Incharge B&A Section and Disburser (H/Q) FATA & Official concerned

ATTESTED


**DIRECTOR FISHERIES
FATA**

Accounts Office NEPR (SU) PESH
PAYROLL REGISTER
For the month of July, 2018

Page : 219
Date : 02.08.2018

DDU :	PROJEC	DIRECTORATE DE FISHERIES	Payroll Section : 002 Section 2	Cash Center:
1210 Convey Allowance 20		1,932.00	3604 Group Insurance	490.00-
1300 Medical Allowance		1,500.00		
1528 Unattractive Area		1,000.00		
2247 Adhoc Relief All 201		922.00		
2224 Adhoc Relief All 201		1,160.00		
2247 Adhoc Relief All 201		1,160.00		
PAYMENTS		20,863.00	DEDUCTIONS	1,788.00-
Branch Code: 222467		SHEIKH YOUSAF AUDA DERA ISMAIL KHAN HADIB BANK LIMITED		SHEIKH YOUSAF AUDA DERA ISMAIL KHAN HADIB BANK LIMITED
				NET PAY
				19,075.00
				01.07.2018 31.07.2018
				Acct.No: 7000072403

5038967 TAIF ULLAH	Prev Pers No:	Desig: FISHERIES WATCHER (80000640)	Grade: 07 NTH:	Hookle No.:	Gazetted/Non-Gazetted: N
PAYMENTS	AMOUNT	DEDUCTIONS	AMOUNT	LOAN/FUND	PRINCIPAL
					REPAID
					BALANCE
0001 Basic Pay	11,600.00	3007 CPF Subscription - Rs	1,010.00-		GFPE:
1000 House Rent Allowance	1,500.00	3501 Benevolent Fund	288.00-		
1210 Convey Allowance 20	1,932.00	3511 Adcl Group Insurance	7.00-		
1300 Medical Allowance	1,500.00				
1528 Unattractive Area	1,000.00				
2247 Adhoc Relief All 201	922.00				
2224 Adhoc Relief All 201	1,160.00				
2247 Adhoc Relief All 201	1,160.00				
PAYMENTS	20,863.00	DEDUCTIONS	1,305.00-	NET PAY	19,558.00
Branch Code: 221467	AGRI UNIVERSITY PESHAWAR.	HADIB BANK LIMITED	AGRI UNIVERSITY PESHAWAR.	Peshawar	
					01.07.2018 31.07.2018
					Acct.No: 0014077901389503

50402889 SADDAM HUSSAIN	Prev Pers No:	Desig: UNKNOWN (86880008)	Grade: 03 NTH:	Hookle No.:	Gazetted/Non-Gazetted: N
PAYMENTS	AMOUNT	DEDUCTIONS	AMOUNT	LOAN/FUND	PRINCIPAL
					REPAID
					BALANCE
0001 Basic Pay	7,610.00	3003 CPF Subscription - Rs	770.00-		GFPE:
1001 House Rent Allowance	2,120.00	3701 Benevolent Fund(Exch)	120.00-		
1210 Convey Allowance 20	1,785.00	3705 R. Res & Death Compl	300.00-		
2199 Adhoc Relief Allow	961.00				
2247 Adhoc Relief All 201	961.00				
PAYMENTS	15,437.00	DEDUCTIONS	1,190.00-	NET PAY	14,247.00
Branch Code: 090074	Charsadda Road Branch	KHYBER BANK LIMITED	Charsadda Road Branch	PESHAWAR	
					01.07.2018 31.07.2018
					Acct.No: 0074008001080080

50404053 SADIQ ULLAH	Prev Pers No:	Desig: NAIB QASID (00000990)	Grade: 03 NTH:	Hookle No.:	Gazetted/Non-Gazetted: N
PAYMENTS	AMOUNT	DEDUCTIONS	AMOUNT	LOAN/FUND	PRINCIPAL
					REPAID
					BALANCE
0001 Basic Pay	9,610.00	3003 CPF Subscription - Rs	770.00-		GFPE:
1001 House Rent Allowance	2,120.00	3701 Benevolent Fund(Exch)	120.00-		
1210 Convey Allowance 20	1,785.00	3705 R. Res & Death Compl	300.00-		
2199 Adhoc Relief Allow	961.00				
2224 Adhoc Relief All 201	961.00				
2247 Adhoc Relief All 201	961.00				
PAYMENTS	16,398.00	DEDUCTIONS	1,190.00-	NET PAY	15,208.00
Branch Code: 250310	IRRIGATION COLONY	ALLIED BANK LIMITED	IRRIGATION COLONY		
					01.07.2018 31.07.2018
					Acct.No: 0010051653590018

ATTENDED

PAYROLL REGISTER FOR THE MONTH OF JULY, 2018

26

PR-0308 DIRECTORATE OF FISHERIES

x 2017 2018

S.No	Pr.Number	Name	Designation	0001 Basic Pay	1000 House Rent Allow	1001 House Rent Allow	1210 Convey Allow 20	1300 Medical Allow	1947 Medical Allow 15 % (1	1528 Unattra ctive Area A	1516 Dress Allow	1567 Washing Allow	1833 Intgrated Allow	1502 Adhoc Relief Allow	2148 15% Adhoc Relief Allow	2199 Adhoc Relief Allow e	2211 Adhoc Relief Allow 201	2224 Adhoc Relief Allow 201	2247 Adhoc Relief Allow 201	Payments
1	0042575	Pervez Shah	Assistant	43230		4091	5000		1920						1020	685	3508	4323	4323	68100
2	0042612	Muhammad Sajjad Khan	Asstt: Warden Fisheries	30600		2940	2856		1500						698	486	2474	3060	3060	47674
3	0083166	Noor Hussain	Junior Clerk	17850		2778	2856		1500						450	266	1346	1785	1785	30616
4	0083426	Zafar Ali	Chowkidar	15620		2187	1785		1500		100	150			355	251	1272	1562	1562	26344
5	0084911	Pir Muhammad	F/Watcher	20140	1589		1932		1500	1000					482	332	1636	2014	2014	32639
6	0085501	Jan Hussain	F/Watcher	18310	1589		1932		1500	764				868	1302	291	1483	1831	1831	31701
7	0091838	Miraj Muhammad	F/Watcher	23800	1589		1932	1500		1000					578	384	1942	2380	2380	37485
8	0091839	Hazrat Said	F/Watcher	24410	1589		1932	1500		1000					594	395	1993	2441	2441	38295
9	0091842	Anwar Hussain	F/Watcher	26850	1589		1932	1500		1000					278	436	2197	2685	2685	41152
10	0091843	Mir Muhammad	F/Watcher	20750	1589		1932	1500		988					658	333	1687	2075	2075	33587
11	0094113	Muhammad Jan	F/Watcher	17700	1589		1932	1500		1000					418	281	1432	1770	1770	29392
12	0094120	Pir Rehman	F/Watcher	17700	1589		1932	1500		764					418	270	1432	1770	1770	29145
13	0094141	Abdur Rashid	Head F/Watcher	20530	1719		1932	1500		1000					481	324	1657	2053	2053	33249
14	0094144	Arbab Hussain	F/Watcher	17090	1589		1932	1500		764					402	270	1381	1709	1709	28346
15	0094150	Muhammad Kamran	Junior Clerk	16090		2778	2856	1500							355	243	1235	1609	1609	28275
16	0094151	Noord Ali	Asstt: Warden	23880	1961		2856	1500		1043					402	347	1834	2388	2388	38599
17	0094170	Imtiaz Hussain	F/Watcher	17090	1589		1932	1500		764					402	270	1381	1709	1709	28346
18	0095555	Farzan Ullah	F/Supervisor	12570		2778	2856	1500		1500						1257	1495	1257	1257	26470
19	0095557	Salam Khan	F/Watcher	17700	1589		1932	1500		764					418	281	1432	1770	1770	29156
20	0095558	Abdul Jaill	F/Watcher	17090	1589		1932	1500		764					640	270	1381	1709	1709	28584
21	0095710	Umar Said	F/Watcher	16480	1589		1932	1500		1236					386	260	1330	1648	1648	28009
22	00	Akhtar Nabi	F/Watcher	17090	1589		1932	1500		764					402	270	1381	1709	1709	28346
23	0095834	Muhammad Tariq Khan	F/Supervisor	23130	1853		2856	1500		948					537	362	1865	2313	2313	37677
24	0095878	Habib Hasan	Chowkidar	13930	1367		1785	1500		707	100	150			562	224	1136	1393	1393	24247
25	0094169	Nawab Zada	F/Watcher	10990		2384	1932	1500		1000						1099	1177	1099	1099	22280
26	00155080	Rahat Hussain	F/Watcher	13600		2049	1785	1500		1000					330	219	1109	1360	1360	24312
27	00367580	Zia-Ul-Haq	Naib Qasid	11450	1337		1785	1500		594			450		402	185	932	1145	1145	20925
28	00549993	Hamayun Khalif	Junior Clerk	11600	1589		1932	1500		1000							922	1160	1160	20863
29	00661788	Ihsan Ullah	F/Watcher	14650	1589		1932	1500		668					514	229	1177	1465	1465	25189
30	0050271813	Syed Mudasir	F/Watcher	12210		2384	1932	1500		1000						187	973	1221	1221	22628
31	0050336960	Rizwan Mir	F/Watcher	11600	1589		1932	1500		1000							922	1160	1160	20863
32	0050336967	Taif Ullah	F/Watcher	11500	1589		1932	1500		1000							922	1160	1160	20863
33	0050402689	Saddam Hussain	N/Qasid	9610		2120	1785									961			961	15437
34	0050404053	Sadiq Ullah ✓	N/Qasid ✓	9610		2120	1785									961 →		961 ✓	961 ✓	16398
G.Total:-				606550	28609	28609	73418	59000	9420	25032	200	300	450	868	13484	12629	48044	59694	60655	1015192

(Handwritten signature)



Individual Timesheet Report

27

From Date: 20/04/2018

To Date: 09/08/2018

Name: Siddiq Ullah

Designation: Junior Clerk

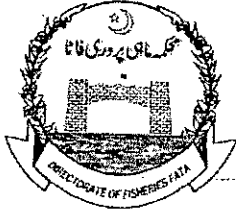
Section/Project: Fishiries

Sr.	Date	IN Time	OUT Time	Working Hours	Remarks
1	09/05/2018				Absent,
2	10/05/2018	1:11	16:29	15:18	
3	11/05/2018	9:34	4:2	-5:32	Early Out(11:58),
4	12/05/2018				Saturday,
5	13/05/2018				Sunday,
6	14/05/2018	16:11			Late(6:11),Pending,
7	15/05/2018				Absent,
8	16/05/2018	9:42			Pending,
9	17/05/2018				Absent,
10	18/05/2018	9:34	13:48	04:14	Early Out(2:12),
11	19/05/2018				Saturday,
12	20/05/2018				Sunday,
13	21/05/2018	9:39	14:19	04:40	Early Out(1:41),
14	22/05/2018	9:46	13:9	03:23	Early Out(2:51),
15	23/05/2018	9:48	13:4	03:16	Early Out(2:56),
16	24/05/2018				Absent,
17	25/05/2018	9:29	14:26	04:57	Early Out(1:34),
18	26/05/2018				Saturday,
19	27/05/2018				Sunday,
20	28/05/2018	9:32	14:45	05:13	Early Out(1:15),
21	29/05/2018				Absent,
22	30/05/2018	9:47	14:37	04:50	Early Out(1:23),
23	31/05/2018	9:29	14:34	05:05	Early Out(1:26),
24	01/06/2018				Absent,
25	02/06/2018	9:21	14:20	04:59	Late(0:21),
26	03/06/2018				Sunday,
27	04/06/2018	9:36	14:55	05:19	Late(0:36),
28	05/06/2018	10:4	15:7	05:03	Late(1:4),
29	06/06/2018	10:1	16:57	06:56	Late(1:1),
30	07/06/2018	9:35	16:25	06:50	Late(0:35),
31	08/06/2018	9:45	14:10	04:25	Late(0:45),

ATTENDED

Working Days: 79 | Present: 57 | Absent: 8 | Off Station: 0 | Leaves: 0 | Forgotten: 0
Holidays: 5 | Late: 5 | Early Out: 18 | Pending: 6

Annexure - L 28



DIRECTORATE OF FISHERIES.

FATA SECRETARIAT PESHAWAR.

Phone: (091) 9211799 | Fax: (091) 9211799

No 36233/DF

Dated Peshawar the 15/11/2018.

OFFICE ORDER

In pursuance of the findings / recommendations of the Report of the Inquiry into the illegal appointments, on account of non- observance of proper procedure & non-fulfillment of codal formalities during recruitment process of Class IV staff, communicated to the Production & Livelihood Development Department FATA vide the AI&C Department FATA Secretariat letter No.FS/E/100-62(ul-6)6649-51 dated 04-09-2018, the services of Mr. Sadiq Ullah working as Naib Qasid (BPS-3) are hereby terminated with immediate effect for being irregular, illegal and void ab initio.

(3)

**DIRECTOR FISHERIES
FATA**

Copy forwarded for information to:-

1. AG.PR Sub office Peshawar
2. PS to Additional Chief Secretary FATA
3. PS to Secretary AI&C FATA
4. PS to Secretary P&LDD FATA
5. Section Officer-II P&LDD FATA with reference to instructions contained in his letter No. SO (P&LDD)/FS/Fisheries/1-9/18/2668-69 dated 14-11-2018,
6. Deputy Director Fisheries H/Q FATA
7. Drawing & Disbursing Officer Fisheries H/Q FATA for further necessary action.
8. Mr. Sadiq Ullah S/O Safi Ullah R/O Yakha Ghund P.O & Taehsil Yakha Ghund Mohmand Agency

ATTESTED

To

R - I The Secretary,
Agriculture, Livestock &
Dairy Development, Fisheries Department.
Civil Secretariat, Peshawar.

Subject: Departmental Appeal against the order dated 15.11.2018 passed by the Director Fisheries (FATA) whereby appellant was terminated from service on the ground of irregular appointment.

Respected Sir,

With due respect I have the honour to submit this departmental appeal for your kind consideration and favourable action on the following facts and grounds:

1. That appellant is a bonafide resident of District Peshawar vide Domicile Certificate and also literate person. Appellant possesses the Employment Registration Card which has been acquired from the concerned quarter after observing all the codal formalities.
2. That some posts of Class-IV in the office of the Director Fisheries FATA were lying vacant, therefore approval was sought from the competent authority for initial recruitment from amongst the deserving candidates vide letter dated 03.01.2018. Later on, after obtaining the same proper Departmental Selection Committee was constituted for the purpose vide letter dated 08.01.2018.
3. That appellant applied for the post of the Naib Qasid and went through selection process and successfully qualified the same and was appointed against the post of Naib Qasid on 18.01.2018. ✓
4. That pursuant to the appointment order appellant was medically examined by the authorized Medical Officer and was found fit vide Certificate and submitted Arrival Report and started performing duties to the entire satisfaction of the high-ups, ~~there is no stigma on the service career of the appellant even in the shape of minor penalty.~~ It is significant to add here that proper Service Book was maintained wherein requisite entries were made.
5. That after just one month all of sudden vide order dated 30.01.2018 the appointment order of the appellant was withdrawn by the Director Fisheries without assigning any reasons muchless lawful. Appellant being aggrieved of the same availed the remedy of Departmental Appeal dated 22.02.2018 which was accepted and appellant was re-instated into service alongwith others with all back benefits in comprehensive detailed combined order dated 12.03.2018 pursuant to which the Department also issued reinstatement order of the appellant alongwith others dated 10.04.2018.
6. That appellant again started performing his duties but after 8/9 months vide impugned order dated 15.11.2018 the Director Fisheries FATA terminated service of appellant again without observing mandatory provisions/ formalities.
7. That against the above-mentioned order dated 15.11.2018, appellant now prefers this departmental appeal to your good-self for favorable considerations inter-alia on the following grounds:-

GROUNDS

- A. That appellant was not treated in accordance with law, rules and policy on subject and dealt with in violation of Articles 4&25 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully terminated from service, which is unjust, unfair and hence not sustainable in the eye of law.

ATTESTED

- B. That the appellant was properly appointed in accordance with law on the recommendation of the properly constituted Selection Committee by the competent authority after observing all the codal formalities. His appointment order was acted upon, carried into effect and now valuable rights have been accrued in favour of appellant which cannot be taken away under the principle of locus poenitentiae and for that matter principle of promissory estoppel.
- C. That the appointment process of the appellant was conducted according to the rules by the competent authority and no irregularity whatsoever in the process of selection of appellant was pinpointed even in the office order dated 10.04.2018. It is also added that earlier in response to the departmental appeal of the appellant against his withdrawal of appointment order the Appellate Authority was pleased to reinstate appellant alongwith others with all back benefits. Appellant was performing his duties but the then Competent Authority again terminated appellant from service on the same set of allegations on which earlier the appointment order of the appellant was withdrawn, however, the fact remains that during the appointment of appellant no irregularity was committed.
- D. That besides, it is a settled law that if any irregularity in the process of selection is committed by the competent authority then it is the competent authority who is to be held responsible and for that lapse the poor employees cannot be made to suffer. However, in the case in hand no illegality was found.
- E. That as per Article-13 of the Constitution of the Islamic Republic of Pakistan 1973 "No person shall be prosecuted or punished for the offence more than once," therefore, appellant was terminated from service on the same set of allegations on which the appointment order of the appellant had earlier been withdrawn hence, the same amounts to *double jeopardy* and is thus ultra vires of the Constitutional mandate and as such is liable to be struck down.
- F. That it is a settled legal principle that where major penalty is proposed then only a regular enquiry is to be conducted wherein the accused must be associated with all stages of the enquiry including the collecting of oral and documentary evidence in his presence and he must be confronted to the same and must be afforded an opportunity of cross-examining the witnesses. In the case in hand a summary enquiry was concluded in an irregular manner and appellant was illegally terminated from service. Thus the impugned enquiry being irregular and the impugned orders based thereupon are nullity in the eye of law and hence liable to be set aside.
- G. That appellant was rendered defenseless in an illegal manner. Article-10A of the Constitution of the Islamic Republic of Pakistan, 1973 has been violated and appellant was not given a chance of fair trial.

It is, therefore, humbly requested that on acceptance of this departmental appeal, the impugned order dated 15.11.2018 passed by the Director Fisheries, FATA may kindly be set aside and the appellant may be reinstated into service with all back benefits.

Yours faithfully

Siddiq Ullah
 Ex- Naib Qasid
 Agriculture, Livestock &
 Dairy Development,
 Fisheries Department,
 Civil Secretariat, Peshawar.

ML

Date: 11/12/2018

Before the Kyber Pakhtunkhwa Service Tribunal

Service Appeal # 521/2019

Saddiq Ullah

VS

Govt.

Subject: Application for allowing the appellant to deposit service fee.

Respectfully submitted,

It is that appeal titled above has been admitted for regular hearing.

It is that appellant due to certain domestic circumstance has failed to deposit

process fee.

It is that appellant is ready to deposit process fee on urgent basis.

It is that valuable assets of the appellant is involved in the case and appellant would face irreparable loss if appellant is not

allowed to deposit process fee.

It is therefore requested that appellant may kindly be allowed to deposit process fee.

Appellant

Through Mr. S. J. S.

Ashraf Ali Khattak
Advocate

Dated: 22-07-2019

BEFORE THE PESHAWAR HIGH COURT PESHAWAR

SERVICE APPEAL NO. 521 OF 2019 TITLED SIDDIQ ULLAH V/S GOVERNMENT OF KHYBER PAKHTUNKHWA & OTHERS.

Index

S.No	Particular of Documents	Annexure	Pages
1.	Para wise comments on behalf of Respondents No. 1 to 4	-----	1-2
2.	Authority Letter	--	03
3.	Appointment Order/Termination Order.	Annexure-A	4-5
4.	Inquiry Report.	Annexure-B	6-7
5.	Departmental Appeal.	Annexure-C	8
6.	Statement of Ex- Director Fisheries	--	9-10
7.	Re-instatment Order of the official	--	11
8.	Termination order of the official	--	12

AMIN JAN
Assistant Director Fisheries
Newly Merged Districts

(2)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal NO. 521 OF 2019

1. Sadiq Ullah Ex- Naib Qasid Agriculture, Livestock Dairy Development Fisheries Department Civil SecretariatAppellant.

Verses

1. Secretary Agriculture, Livestock & Dairy Development and Fisheries Department Khyber PakhtunkhwaRespondent
2. Secretary. Production & Livelihood Development Department erstwhile FATA Warsak Road PeshawarRespondent
3. The Director Livestock & Dairy Development , Fisheries Department Civil Secretariat Respondent.
4. The Secretary Home & Tribal Affairs Govt of KPK Civil Secretariat Respondent.

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.01 to 04

Respectfully Sheweth:

PRELIMINARY OBJECTIVES

1. That the appellant has got no cause of action to file instant appeal.
2. That the appellant has not come to honorable Tribunal with clean hands.
3. That the appellant has concealed material facts from the honorable Tribunal.
4. That the appellant is estopped by his own conduct to bring the present appeal.
5. That the appeal is bad due to misjoinder and non joinder of necessary parties.
6. The appeal has badly time barred.

FACTS.

1. No Comments.
2. Correct to the extent, that some Class-IV posts were lying vacant in this office and proper approval for constitution of Departmental Selection Committee was taken, but Departmental Selection Committee neither interviewed nor carried out any test.
3. Incorrect, no interview were carried out and no one appeared before the Departmental Selection Committee and no one qualified any test/interview and the appointment order was illegal. The appointment order was cancelled/withdrawn (**Annex-A**).
4. Incorrect. No one submitted any arrival report in the Directorate of Fisheries or performed any duties.
5. Correct, all the illegal appointment orders were withdrawn/cancelled. No one submitted arrival report nor performed duties.

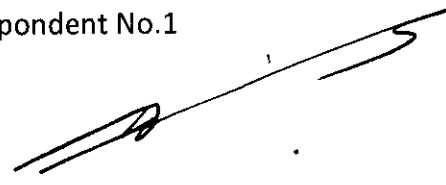
- 6. The reinstatement order was illegal hence on the recommendation of inquiry committee the appointment orders were withdrawn.
- 7. No Comments.
- 8. The termination orders dated 15-11-2018 were issued under the light of enquiry conducted by the Inquiry constituted by Additional Chief Secretary FATA (Annexure-B)
- 9. The appeal were rejected by the competent authority (Annex-C)

GROUND

- A. Incorrect. The appellant was treated under the laws.
- B. Incorrect. The inquiry declared the procedure illegal, irregular, unlawful and without observing all codal formalities for appointment. Therefore, on the direction of competent authority the services of petitioner were terminated.
- C. Incorrect. As explained above.
- D. Incorrect. The appointment orders were withdrawn on the recommendations of inquiry report duly approved by the competent authority and subsequently compiled by the Director Fisheries Merged Areas.
- E. As explained at Para-D above.
- F. Incorrect. The case was not related to the inefficiency or misconduct of the appellant rather the case was related to the illegal initial appointment as irregularities made in appointment of the appellant. Due to the reason the inquiry officer found appointment process irregular and unlawful against merit and transparency.
- G. As above in "F"
- H. The appellant was proceeded according to the laws.

It is therefore requested that the instant appeal may kindly be dismissed with cost.

Respondent No.1



Secretary Agriculture Livestock, Fisheries & Cooperative Department Khyber Pakhtunkhwa


Respondent No.3



Director Fisheries Merged Areas

Respondent No.4


Secretary Home & T

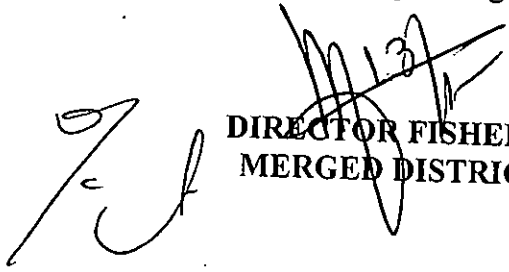
	<p align="center"><u>DIRECTORATE OF FISHERIES.</u> <u>MERGED AREAS.</u></p> <p align="center">Phone: (091) 9211799 Fax: (091) 9211799</p> <p align="center">1558-63</p> <p>No. _____/DF Dated Peshawar the 13/12/2019.</p>
---	---

To,
 Mr. Amin Jan,
 Assistant Director Fisheries H.Q,
 Merged Districts.

Subject:- **AUTHORITY LETTER IN SERVICE APPEAL NO. 521 OF 2019. TITLED SIDDIQ ULLAH V/S GOVERNMENT OF KHYBER PAKHTUNKHWA & OTHERS.**

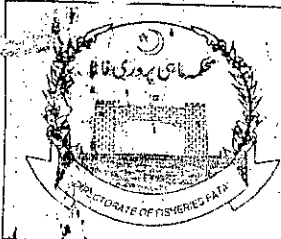
Reference: Director General Fisheries Khyber Pakhtunkhwa Peshawar office letter No.759-60/DGF/L&S/C-10 dated 26-11-2019, on subjected noted above (copy enclosed) which is self explanatory.

You are hereby authorized under the above subject case to attend the Court of Service Tribunal on behalf of respondents till decision of the case and submit the progress regularly.


**DIRECTOR FISHERIES
 MERGED DISTRICTS**

- Copy to:-
1. Assistant Advocate General Khyber Pakhtunkhwa Service Tribunal.
 2. Director General Fisheries Khyber Pakhtunkhwa Peshawar w.r to his letter quoted above.
 3. Section Officer (Lit) Agriculture, Livestock Fisheries and Cooperative Department Khyber .
 4. Section Officer (LFC) Agriculture, Livestock Fisheries and Cooperative Department Khyber .
 5. Deputy Director Fisheries Merged Areas.

Am - A



DIRECTORATE OF FISHERIES.

FATA SECRETARIAT PESHAWAR.

Phone: (091) 9211799 | Fax: (091) 9211799

No. 37-43/DF

Dated Peshawar the 18/01/2018.

OFFICE ORDER.

Mr. Sadiq Ullah S/O Safi Ullah r/o Yakka Ghund P.O & Tehsil-Yakka Ghund Mohmand Agency is hereby appointed as Naib Qasid BPS-03 (Rs. 9610-390-21310) with usual allowances as admissible under the rules in the Directorate of Fisheries FATA with immediate effect, in the best interest of public service.

The Terms and conditions would be as under:-

1. The Terms and conditions of his appointment to the post will be applicable as per the instruction issued by the Govt: of Khyber Pakhtun Khwa, from time to time.
2. The appointment is purely on temporary basis initially for a period of one year probation, further extendable upto two years, and his services can be terminated without assigning any reason thereof before the expiry of the period of probation/extended period of probation, if his work during this period is not found satisfactory. In such an event, he will be given a month's notice of termination from service or one month's pay in lieu thereof.
3. In case he wishes to resign at any time one month notice will be necessary, otherwise in lieu thereof a month pay shall be forfeited or deposited to Government treasury.
4. He shall be entitled to all facilities relating to pay, T.A and Medical attendance etc. as may be issued by the Government for the status of the Government Servant to which he belongs.
5. He shall be liable to and Governed by the Government of Khyber Pakhtun Khwa Government servant (Conduct) Rules, 1987 Khyber Pakhtun Khwa Government- Servant (Efficiency & Disciplinary) Rules, 2011 and all others orders/instructions of the Government in this behalf.
6. He will be regular contributor of GP Fund as per Government instructions.
7. He will produce medical fitness certificate from the medical authorities.
8. If the appointee is agreed upon to the above TOR, he may report for his duty to the concerned authority within 15 days. In case of failure, his appointment shall stand cancel automatically.
9. He can be transferred on any class - IV vacancy/post in the Khyber Pakhtun Khwa Fisheries Department or Directorate of Fisheries Department FATA.

SD/-

(MUHAMMAD SHAFI MARWAT)

DIRECTOR FISHERIES

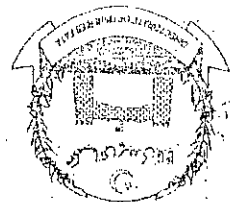
FATA

Copy forwarded for information to:-

- 1- The PS to Additional Chief Secretary FATA.
- 2- The PS to Secretary Production Livelihood and Development Department FATA.
- 3- The Accountant General (PR) Sub Office Peshawar.
- 4- The Director General Fisheries Khyber Pakhtun Khwa Peshawar.
- 5- The Assistant Director Fisheries FATA Secretariat Peshawar.
- 6- The Official Concerned

(MUHAMMAD SHAFI MARWAT)

DIRECTOR FISHERIES



FATA SECRETARIAT PESHAWAR.
Phone: (091) 9211799 | Fax: (091) 9211799
No. 81-91 /DF Dated Peshawar the 30/01/2018

DIRECTORATE OF FISHERIES.

Subject: - Cancellation of Office Order

The following office orders are hereby withdrawn/cancelled in the best interest of public service with immediate effect.

- 1- Order NO.44-50/DF Dated 18/01/2018.
- 2- Order NO.30-36/DF Dated 18/01/2018.
- 3- Order NO.58-64/DF Dated 18/01/2018.
- 4- Order NO.51-57/DF Dated 18/01/2018.
- 5- Order NO.37-43/DF Dated 18/01/2018.

(Signature)
8/31/18
(MUHAMMAD SHAFI MARWAT)
DIRECTOR FISHERIES FATA

Copy forwarded for information to:-

- 1-The PS to Additional Chief Secretary FATA.
- 2-The PS to Secretary Production & Livelihood-Development Department FATA.
- 3-The Accountant General (PR) Sub Office Peshawar.
- 4-The Director General Fisheries Khyber Pakhtunkhwa Peshawar.
- 5-The Assistant Director Fisheries FATA Secretariat Peshawar.
- 6-The official concerned.

(Signature)
8/31/18
(MUHAMMAD SHAFI MARWAT)
DIRECTOR FISHERIES FATA

5

Am-14

FATA SECRETARIAT

WARSAK ROAD PESHAWAR

No FS/E/100-62 (Vol-6) 6449-5
Date: 04/09/2018

CONFIDENTIAL

To: Secretary P&LDD, FATA Secretariat.

SUBJECT: ENQUIRY REPORT REGARDING RECRUITMENT OF CLASS-IV IN DIRECTORATE OF FISHERIES.

R/Sir,

I am directed to refer to this department Notification No.FS/E/100-62(Vol-6) dated 17-08-2018 and to say that the Enquiry Officer submitted the report on 31-08-2018, with the following findings / recommendations:-

- a) District Employment Exchange, Peshawar letter dated 19/01/2017 says. "This office (Employment Exchange, Peshawar) registers only those persons who are residing in District Peshawar. Therefore, you may please advertise these posts in the Daily Newspaper as per Rules (Annex-III)."
- b) This proves that in first place, the posts needed to be advertised, and the fact that registration of the employees with employment exchange claimed by Directorate of Fisheries turned out to be fake as per letter of Employment Exchange Peshawar.
- c) The recruitment was made without observing laid down procedure and therefore, minutes of the Departmental Selection Committee (DSC) meeting itself were not recorded.
- d) As per procedure, appointment cannot be made without recording minutes of DSC and approval thereof. The appointments were cancelled/terminated by Director Fisheries. Surprisingly however, the appointees were re-instated by the Secretary Livestock in the capacity of an appellant authority vide letter No.2351-57/DF dated 10-04-2018.
- e) Owing to the above, it is crystal clear that order of the Secretary PLDD, re-instating appointees who in first place are not appointed, is illegal and thus needs cancellation. In fact the whole procedure of recruitment from the very beginning seems dubious, when the District Employment Exchange, Peshawar letter clearly stated to advertise the posts.



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06/9/18*

On submission of the enquiry report, the Competent Authority (ACS FATA) has been pleased to direct:

to *cancel ab-initio* issue instructions to implement

You are, therefore, requested that findings/recommendations of Enquiry Officer, as per approval of ACS (FATA) may kindly be implemented and compliance report submitted to this department, please.

Yours faithfully,


Section Officer (Estab.) 
AI&C
1859

Copy to:-

1. PS to Additional Chief Secretary FATA.
2. PS to Secretary AI&C.



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GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK & COOPERATIVE
DEPARTMENT

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5/4/19

No. SO(LFC)AD-DF-3(26)/2018
Dated Peshawar the 2nd April, 2019

1. Mr. Sadiqullah S/O Safiullah, Ex-Naib Qasid, R/O Yakka Ghund P.O & Tehsil Yakka Ghund, Mohmand Agency.	2. Mr. Saddam Hussain S/O Attaullah, Ex-Naib Qasid, R/O Ram Kushan Muslim Abad, Bakhshi Puli, Peshawar.
3. Mr. Umar Said S/O Noor Said, Ex-Driver, R/O Gujjar Malogo P/O Tarnab Farm, Teshil & District Peshawar.	4. Mr. Muhammad Naveed S/O Muhammad Ayub, Ex-Driver, R/O Gari Rashida P/O Tarnab Farm Teshil & District Peshawar.
Mr. Z. Khalid S/O Abdul Qahar, Ex-Chowkidar, R/O For Mandi Nahaqi, Charsadda Road, Peshawar.	

Subject:

DEPARTMENTAL APPEAL AGAINST THE ORDERS DATED 15.11.2018 PASSED BY THE DIRECTOR FISHERIES ERSTWHILE FATA WHEREBY APPELANTS WERE TERMINATED FROM SERVICE ON THE GROUNDS OF IRREGULAR APPOINTMENT.

I am directed to refer to your Appeals No. nil dated 25.11.2018 on the subject cited above and to state that Law Department and Establishment Department were solicited in the matter of your appointments declared illegal ab-initio by Additional Chief Secretary (Erstwhile FATA) as per findings of an Inquiry and hence terminating your services.

The Establishment Department in response has clearly conveyed that appeals preferred against the orders of higher authority cannot be entertained for any reason.

I am therefore, directed to inform you that your appeals are hereby rejected on the grounds of your illegal appointments ab-initio.

SECTION OFFICER (LFC)

1. Director General, Fisheries, Khyber Pakhtunkhwa, Peshawar w/r to Order No.7762/DGF/Estt dated 25.01.2019.

2. Director Fisheries, Newly Merged Districts, Warsak Road, Peshawar, with instructions to convey the rejection of appeals and grounds thereof to all concerned.

3. Section Officer (Lit), Agriculture, Livestock Fisheries and Cooperative Department Khyber Pakhtunkhwa Peshawar.

4. To Secretary Agriculture Livestock Fisheries and Cooperative Department Khyber Pakhtunkhwa Peshawar.

5. Secretary (Admin), Agriculture, Livestock Fisheries and Cooperative Department Khyber Pakhtunkhwa Peshawar.



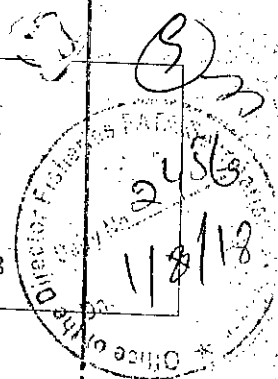
DIRECTORATE OF

FATA SECRETARIAT PESHAWAR.

Phone: (091) 9211799 | Fax: (091) 9211799

No. 3142-45/DF

Dated Peshawar the 31/07/2018



To

The Section Officer Production & Livelihood
Development Department FATA Secretariat
Peshawar.

Subject: MINUTES OF DEPARTMENTLE SELECTION COMMITTEE

Reference your office letter NO.SO-II/PLDD/FS/Fisheries/1-9/13/1883-86 Dated the 12 July 2018 and DF Letter NO. 3037-39/DF Dated 18/07/2018, the detail of the case as,

A meeting has been held under the chairmanship of Secretary Production & Livelihood Development Department FATA on 03/01/2018, about the status/filling of the vacant posts in Directorate of Fisheries FATA. As per directives a file has been moved for approval of the filling of the vacancy (both Developmental/Regular) in the Directorate of Fisheries FATA (Annex Flag- A). The worthy Secretary Production & Livelihood Development Department FATA, approved the case and returned the file on the same date.

A letter was issued to the Manager Employment Exchange Peshawar on 08/01/2018 (Annex Flag- B) to do the needful under Government policy.

As per rules for Departmental Selection Committee was constituted and approved from the Secretary Production & Livelihood Development Department FATA (Annex Flag- C).

The worthy Manager Employment Exchange Peshawar has given no response till 18/01/2018. During this period the Secretary Production & Livelihood Development Department FATA has handed over a list of the following to the undersigned for appointment.

- 1- Mr. Sadiq Ullah S/O Safi Ullah Mohmand Agency for Naib Qasid. (Regular).
- 2- Mr. Saddam Husain S/O Atta Ullah Peshawar for Naib Qasid. (Regular).
- 3- Mr. Mohammad Naveed S/O Mohammad Ayub Peshawar for Driver (Developmental).
- 4- Mr. Zaki Ullah S/O Abdul Qahar Peshawar for Chowkidar (Developmental)
- 5- Mr. Umar Said S/O Noor Said Peshawar for Driver. (Regular).

The undersigned like in past refused to do the same and insisted that the appointment will be done on merit but the worthy Secretary P & L D D FATA pressed the undersigned and directed that he has discussed the issue with Manager Employment Exchange Peshawar and he (Manager) will send the list of these candidates from serial NO. 1 to serial NO.5. So due to intense pressure of the Secretary Production & Livelihood Development Department FATA and non-response from the Manager Employment Exchange Peshawar the undersigned issued the appointment orders in respect of the class IV on Dated 18/01/18 as per above list.

The undersigned was directed by the Secretary Production & Livelihood Development Department FATA that Mr. Saddam Husain S/O Atta Ullah Peshawar at serial NO.2 and Mr. Zaki Ullah S/O Abdul Qahar Peshawar at serial NO.4 are his relative. While by appointing the other candidates, He (Secretary P & L D D FATA) intends to oblige some Higher ups.

After this process a letter from the manager Employment Exchange Peshawar of dated 19/01/2018 was received on 29/01/2018. Where upon it was advised to advertise these posts accordingly. (Annex Flag-D). When it was brought into the notice of Secretary Production & Livelihood Development Department FATA, he advised the undersigned that nothing would happen All is correct, do not worry and it is FATA not settled area.

After receiving cold response from Secretary Production & Livelihood Development Department FATA, the undersigned cancelled /withdrawn all the appointment orders in respect of the class IV on 30/01/2018 being issued without completing coda! formalities (Annex Flag-E). The Secretary Production & Livelihood Development Department FATA were informed through the same letter and verbally. A note sheet (Annex Flag-F), moved to the Secretary Production & Livelihood Development Department FATA and requested that approval may be given to the undersigned to advertise these posts in the leading newspapers through Director Information FATA. But the same was not returned to the undersigned for any action.

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In addition to this, it is pertinent to point out here that nobody has submitted their arrival report in the Directorate of Fisheries FATA to the appointing authority, and have not join their duties nor they have been paid for. The Secretary Production & Livelihood Development Department FATA pressurized the undersigned for reinstatement but in vain as I refused for any illegal orders.

On 01-03-2018, Mohammad Arshad Aziz (BS-19) took charge of the post of Director Fisheries FATA The employees appealed to Secretary Production & Livelihood Development Department FATA for reinstatement When the Director Fisheries FATA directed for comments in this case the undersigned submitted a letter (Annex Flag-G).

After this the undersigned have no information that who was appointed/reinstated and by whom.

MOHAMMAD SHAFI MARWAT

Deputy Director Fisheries Newly Merged Districts

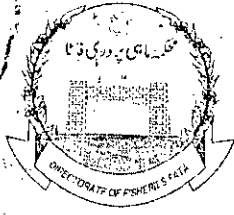
Copy forwarded for information to:-

- 1- The PS to Additional Chief Secretary Newly Merged Districts.
- 2- The PS to Secretary Production & Livelihood Development Department Newly Merged Districts
- ✓ 3- The Director Fisheries Newly Merged Districts.



MOHAMMAD SHAFI MARWAT

Deputy Director Fisheries Newly Merged Districts



DIRECTORATE OF FISHERIES

FATA SECRETARIAT PESHAWAR

Phone: (091) 9211799 | Fax: (091) 9211799

No. 2351-57/DF Dated Peshawar the 10/04/2018

OFFICE ORDER

The undersigned in the capacity of Appellate Authority in terms of rules 5 of the Khyber Pakhtunkhwa Civil Servants Appeal rules 1986, by accepting the appeal of the following employees, set aside the impugned order passed by the Director Fisheries FATA vide No.81-96/DF dated 30/01/2018 and reinstate these appellants in their service from the date of cancellation of their appointment order with all back benefits in the best interest of public service.

1. Mr. Umer Said S/O Noor Said Driver (BPS-04). (Regular Base)
2. Mr. Sadam Hussain S/O Atta Ullah Khan Naib Qasid (BPS-03) (Regular Base)
3. Mr. Sadiq Ullah S/O Safi Ullah Naib Qasid (BPS-03). (Regular Base)
4. Mohammad Naveed S/O Mohammad Ayub Driver (PPS-01) on Fixed Pay @16000 per month) under the project "Strengthening of Fisheries Department in FATA"
5. Mr. Zaki Ullah S/O Abdul Qahar Chowkidar (PPS-01) on Fixed Pay @16000 per month) under the project "Strengthening of Fisheries Department in FATA"

Re-instatement order in respect of S.No#1 is subject to age relaxation by the competent authority under the rules.

--Sd--

(ABDUL LATIF)


**SECRETARY PRODUCTION & LIVELIHOOD
DEVELOPMENT DEPARTMENT FATA
(APPELLATE AUTHORITY)**

Copy for information to:

1. Additional Accountant General (PR) Sub Office Peshawar.
2. PS to Additional Chief Secretary FATA.
3. PS to Secretary Production & Livelihood Development Department FATA with reference to his detail order dated 12/03/2018 and subsequently orders on Note Sheet dated 06/04/2018.
4. Director General Fisheries Department Khyber Pakhtunkhwa.
5. Section Officer P&LDD FATA with reference to his office letter No.SO/P&LDD/FS/Fisheries/1-9/13/715-16 dated 13/03/2018.
6. Deputy Director Fisheries (H/Q) FATA/ Superintendent Fisheries FATA
7. Incharge B&A Section and Disburser (H/Q) FATA & Official concerned

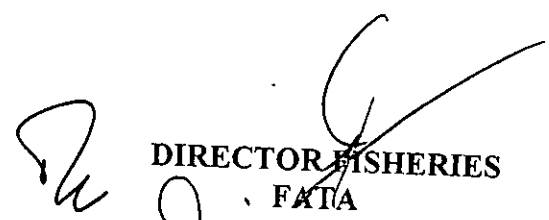
**DIRECTOR FISHERIES
FATA**

(12)

	<p>DIRECTORATE OF FISHERIES. FATA SECRETARIAT PESHAWAR. Phone: (091) 9211799 Fax: (091) 9211799 No. <u>3623-39DF</u> Dated Peshawar the <u>15</u> /11/2018.</p>
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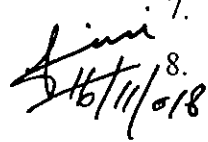
OFFICE ORDER

In pursuance of the findings / recommendations of the Report of the Inquiry into the illegal appointments, on account of non- observance of proper procedure & non-fulfillment of codal formalities during recruitment process of Class IV staff, communicated to the Production & Livelihood Development Department FATA vide the AI&C Department FATA Secretariat letter No.FS/E/100-62(ul-6)6649-51 dated 04-09-2018, the services of Mr. Sadiq Ullah working as Naib Qasid (BPS-3) are hereby terminated with immediate effect for being irregular, illegal and void ab initio.


DIRECTOR FISHERIES
FATA
15/11

Copy forwarded for information to:-

1. AG.PR Sub office Peshawar
2. PS to Additional Chief Secretary FATA
3. PS to Secretary AI&C FATA
4. PS to Secretary P&LDD FATA
5. Section Officer-II P&LDD FATA with reference to instructions contained in his letter No. SO (P&LDD)/FS/Fisheries/1-9/18/2668-69 dated 14-11-2018,
6. Deputy Director Fisheries H/Q FATA
7. Drawing & Disbursing Officer Fisheries H/Q FATA for further necessary action.
8. Mr. Sadiq Ullah S/O Safi Ullah R/O Yakha Ghund P.O & Taehsil Yakha Ghund Mohmand Agency


16/11/18

قیمت 50 روپے	65790	  
ایڈوکیٹ: محمد رفیع الرحمن	بار کونسل ایسوسی ایشن نمبر: 16-6633	
رابطہ نمبر: 0313-9040434	پشاور بار ایسوسی ایشن، خیبر پختونخواہ	

بعدالت جناب:

منجانب: <i>Muhammad Rafiq</i>	دعویٰ: <i>Sonui Appeal</i>
	علت نمبر: <i>ادجسٹل نمبر 2019/521</i>
	مورثہ:
	جرم:
	تھانہ:

باعت تحریر آگے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
 آن مقام *ادجسٹل نمبر 2019/521* محمد رفیع الرحمن کو وکیل مقرر کر کے
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرگئے و تقریر ثالث و فیصلہ بر حلف 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 اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخست منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جائے 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

المقام: 

مقام کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کو وکیل یا قابل قبول ہونی۔
Muhammad Rafiq by *Muhammad Rafiq* Accepted by *Charul Kharan*