Mr. Muhammad Saeed Khattak, Advocate, for the appellant present. Mr. Muhammad Nisar, Focal Person alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file in Service Appeal bearing No. 151/2019 titled "Mst. Rasheeda Bano Versus Director Education, FATA, now Khyber Pakhtunkhwa Peshawar and one other," the appeal in hand is allowed by setting-aside the impugned order dated 13.12.2017 and the appellant is reinstated into service with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED 29.07.2021

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

The same

(SALAH-UD-DIN) MEMBER (JUDICIAL)

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Muhammad Nisar, CT for respondents present.

The bear perusal of the impugned order dated 13.12.2017 would reveal that it has been made efficacious expost factively and since the issue of retrospectivity is pending adjudication before the Larger Bench of this Tribunal, therefore, unless a judgment is made on the issue, this appeal is adjourned.

Adjourned to 12.04.2021 for further proceedings before

D.B.

(Mian Muhammad)

Member (E)

(Muhammad Jamal Khan)

Member(J)

DUL TO COVID-19, The Case is adjaurend to 29.7-21 for The bassl.

12.5 .2020

Due to COVID19, the case is adjourned to

5/9/2020 for the same as before.

Reade

05.08.2020

Due to summer vacation case to come up for the same on 06.10.2020 before D.B.

Reader

06.10.2020 🗥 🤼

Representative of appellant on behalf of appellant present.

. Zara Tajwar learned Deputy District Attorney alongwith Muhammad Sharif for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 25.11.2020 for arguments, before D.B.

(Atiq ur Rehman Wazir) Member (E) (Rozina Rehman) Member (J)

Due to non-availability of D.B, the case is adjourned to 08.02.2021 for the same as before.

Reader

18.03.2020

Counsel for the appellant present. Mr. Muhammad Jan, DDA for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 12.05.2020 before D.B.

(MAIN MUHAMMAD) MEMBER (M.AMIN KHÁN KUNDI) MEMBER

Fiffy.

17.12.2019

Junior to counsel for the appellant and Addl. AG alongwith Fawad Afzal, Senior Clerk for the respondents present.

Representative of respondents has furnished comments of the respondents. The same are placed on record. The appeal is assigned to D.B for arguments on 11.02.2020. The appellant may furnish rejoinder, within one month, if so advised.

Chairman

11.02.2020

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional AG for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. . To come up for arguments on 18.03.2020 before D.B.

(Hussain Shah) Member (M. Amin Khan Kundi)

Member

13.09.2019 Counsel for the appellant and Addl. AG for the respondents present. No representative of the respondents is available.

Learned AAG is required to ensure attendance of the representatives and submission of written reply/comments of the respondents on the next date of hearing.

Adjourned to 11.10.2019 before S.B.

Chairman

11.10.2019

Counsel for the appellant and Addl. AG alongwith Fawad Afzal, Senior for the respondents.

Representative of the respondents states that written reply prepared but is yet to be signed by the respondents. Adjourned to 15.11.2019 for submission of written reply/comments as a last chance.

Chairman

15.11.2019 Counsel for the appellant and Addl. AG alongwith Fawad Afzal, Senior Clerk for the respondents present.

The Worthy Chairman is on leave, therefore, the matter is adjourned to 17.12.2019 for the same.

Reader

27.06.2019

Learned counsel for the appellant present and stated at the bar that identical nature service appeal bearing No.296/2019 filed by Mst. Zeenat Gul (Ex-PST) has already been admitted for regular hearing vide order dated 12.06.2019.

In view of submission of learned counsel for the appellant, the present service appeal is also admitted for regular hearing subject to all the legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 26.07.2019 before S.B.

Member

26.07.2019

Counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present.

Learned District Attorney requests for adjournment in order to procure reply/comments from the respondents.

Adjourned to 13.09.2019 before S.B.

Chairman/

Form-A

FORM OF ORDER SHEET

Court of	
Case No	593 /2019

		593/2019		
S.No.	Date of order proceedings	Order or other proceedings with signature of judge		
1	2	3		
1-	07/05/2019	The appeal of Mst. Shahida Kalsoom presented today by Mr. Muhammad Saeed Khattak Advocate may be entered in the Institution		
		Register and put up to the Worthy Chairman for proper order please. REGISTRAR 7/5/19		
2-	09/05/19.	This case is entrusted to S. Bench for preliminary hearing to be put up there on 20/06/19		
		CHAIRMAN		
20.0	6.2019	Counsel for the appellant present and requested for		
		adjournment. Adjourned to 27.06.2019 for preliminary hearing		
	1	before S.B.		
		(Muhammad Amin Khan Kundi) Member		
-				

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Mst. Shahida Kalsoom (Appellant)

Vs

Director Education, & Another (Respondents)

INDEX

S#	DESCRIPTION OF DOCUMENTS	ANNEX	PAGE
1	Memo of Service Appeal		1-3
2	Application for condonation of delay		4
3	Copy of Appointment Letter	A ·	5-6
4 ·	Copy of publication	В	7
5	Copy of the reply	С	8
6	Copy of impugned Order dt 13.12.2017	D	9
7	Copy of Departmental Appeal	Е	10
8	Copy of Press Release	. F	11
9	Wakalatnama		12

Dated: - 7, 65. 2019

Through

شماره والدوع Appellant

Muhammad Saeed Khattak Advocate, Peshawar D6, JK Shopping Mall, University Road, Peshawar Cell No. 03336272753

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 593 /2019

Mst. Shahida Kalsoom Ex. PST, GGPS, Mir Sahib Gul Kot, Miran Shah, North Waziristan Agency (now District North Waziristan)......
(Appellant)

Versus

Diary No. 7/7

1. Director Elementary & Secondary Education, KPK, Peshawar. 7/5/2

2. District Education Officer District North Waziristan at Miran Shah...... (Respondents)

SERVICE APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974, AGAINST THE IMUGNED ORDER DATED 13.12.2017 PASSED BY RESPONDENT NO. 2 WHEREBY THE DEPARTMENTAL APPEAL DATED 03.01.2018 TO RESPONDENT NO. 1 HAS YET NOT BEEN DISOSED OF.

PRAYER-IN-APPEAL

ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL THE IMPUGNED ORDER DATED 13.12.2017 PASSED BY RESPONDENT NO. 2 MAY VERY GRACIOUSLY BE SET ASIDE AND THE APPELLANT MAY KINDLY BE RE-INSTATED ON THE POST; WITH ALL BACK BENEFITS.

Respectfully Sheweth,

- Registrat
- 1. That, the appellant consequent upon the approval of Departmental Selection Committee was appointed as PTC (Female) in BPS 09 and took over charge of her duty on 12.09.2000.(Copy of the appointment order is attached as annexure A)
- 2. That, after taking charge of her duties she performed her duties during the service whole heartedly and to the quite satisfaction of officials concerned as well as according to the demand and nature of the job.
- 3. That, the appellant came to know about a publication published in daily "Mashriq" dated 03.12.2017 regarding

her absence from duty along with other female teachers. Furthermore according to the said publication a show cause notice was issued to her. But the appellant has received no such notice. (Copy of the publication is attached as annexure B)

- 4. That, in compliance the appellant submitted a reply in the office of respondent No. 2 along with relevant documents in her defense. (Copy of the reply is attached as annexure C)
- 5. That, thereafter the respondent No. 2 vide impugned order dated 13.12.2017 removed the appellant from service against all the norms of justice. (Copy of the impugned order dated 13.12.2017 is attached as annexure D)
- 6. That, being aggrieved of the same the appellant preferred an appeal before respondent No. 1 on 03.01.2018 which has yet not been responded. (Copy of the departmental appeal is attached as annexure E)
- 7. That, the appellant now prefers the instant Service Appeal, inter alia, on the following amongst others;

GROUNDS

- A. That, the appellant has not been treated in accordance with law nor has equal protection of law has been extended to her. The so called visit mentioned in the notification dated 13.12.2017 is illegal, against law, without lawful authority, void ab-initio for the reason it has been passed on the ground of remaining absent from the duty on 01.09.2017. On the said date public holiday was notified. Therefore the mentioned notification dated 13.12. 2017 and all proceedings thereafter based on it are illegal and liable to be set aside.
- **B.** That, according to notification dated 13.12.2017 (Impugned herein) in its first para that appellant was

found absent from duty during monitoring visit of the concerned Assistant Agency Education Officer to the School on 01.09.2017, with due respect it is stated that according to Press Release dated Islamabad 23rd August 2017 it was notified for the general information that 1st to 4th September 2017 (Friday, Saturday, Sunday and Monday) shall be public holidays on the occasion of Religious Festival of Eid-ul-Azha. (Copy of the press release is attached as annexure F)

- C. That, it is quite astonishing that how Assistant Agency Education Officer managed the visits of too many schools on 01.09.20017 (which was public holiday) and only cases of non-local female teacher were reported.
- D. That, according to para 3 of the notification issued by respondent no. 2 the appellant did not report to her duty within stipulated period of time and turned deaf ear is quite baseless, wrong as well as against the record. As mentioned earlier the appellant remained present on her duty beside the mentioned date because it was a public holiday.
- E. That, while awarding major penalty no proper procedure was adopted. Otherwise too the impugned order has been passed with retrospective effect which is nullity in the eyes of law.
- F. That, any other ground can also be taken during the arguments with permission of this Hon'ble Tribunal.

It is, therefore, most humbly prayed that the instant service appeal may be allowed as per prayer. Any other relief which has not been specifically asked for and deem fit in the circumstances of the case may also be granted to the appellant.

Dated:- 07.05.2819.

THROUGH

Muhammad Saeed Khattak

Advocate, Peshawar

(4

EFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Director	and another	(Respondents)
	Versus		
Mst Sha	hida Kalsoom		(Appellant)
Service Appeal 1	No/2019		
C.M. No 11	/2019		

APPLICATION FOR CONDONATION OF DELAY, IF ANY

Respectfully Sheweth,

- 1. That the titled Service Appeal has been filed today in which no date has yet been fixed for hearing.
- 2. That the grounds taken in main appeal may kindly be taken as part and parcel of the instant application.
- 3. That the impugned order is void one, otherwise too the apex courts have favored the cases to be decided on merits rather on technicalities including the limitation.
- 4. The delay, if any, was caused due to the reason that applicant was assured about reinstatement by the respondents.
- 5. That the applicant has otherwise a good arguable case in her favor.

It is therefore most humbly prayed that on acceptance of the instant application the delay, if any, may kindly be condoned.

Through

Applicant/Appellant

Muhammad Saeed Khattak Advocate, Peshawar.

weller)

(PROF: DR. SHER ALAM KHAN) DIRECTOR OF EDUCATION (PESHAWAR.

Para NVFP PES

Para NVFP PES

Copy forwarded for information and n/a to the:
Agency Education Officer NWA at Mirabahah.

2. Agency Education Officer FR Bannu.

3. Agency Accounts Officer NWA.4. Distr:Accounts Officer

A.D. (W) Local Directorate. 30,8,2000

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Bannu. A.D. (W) Local Directorate. 6. P.A. (to P.E. (FATA)

> $\mathbf{X} \mathbf{X} \mathbf{X}$ DY: DIRECTOR OF EDICATION FATA NVFP PESHAWAR.

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AAEOs Circle concerned. AAEO (Female) concerned.

Supdt: local Office.

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NORTH_WARTRISTAN A CENTY NURAN

and necessary action to the:-

Agency Education Officer North Westriation Agency Miranali

ليما أكمدا كزفيش أبيل مورتى كنس ثوته مهايا

او ئے نظرا می ایں مبایا جو برد اکرنے والی خواتی

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تنزل سے برلے نکاور ادکیت می لیک کل ا

ومدل كرالى تحيرك ريحول اوري النام والترك إيانج

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عام: 1 سلمان مدودی از جرائج) انجرک إین فر نیافلدن) بعد مرتبی به اند کا آیا حکومته بالدین می کسک آن سهدا و دسترک فردنج داشته بالاین می کسک آن سهدا و دسترک فردنج داشته بالاین می کا جات سرک آن مدیا فردند می می تا به مودی فردند شدند با این اصل تحقیق ایشترک

اقی بوکری ای طور کرسته بودنده که کاپ نیم فراه اول کا بستالی مل شاه ای به محل ۱۰۰ د محل بورستان در میرون که با کور د محل بورستان در میرون که ماکم

كوالداشيخ ارتبر INF(P)6638 روز فأما

ئىندې كىمىلنىڭ كارخ 2017-12-05 كىڭ

رائلا وضوافيا لمركوره اشتهار كيمطابق مو واكرعمران مارتن ولي كمشزمردا

ثمييذني وثستركث ايحو

در تما دب مها این استول سرا به دو نواتین تک محددالحا^{می}ان کمراث کے ماتھ ہرد المان

الل اول الجهل كومه تروكة اوسة الركيك

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Sunday 03 December / 2017



Shaukat Khanum Memorial Cancer Hospital And Research Centre CAREER OPPORTUNITIES

ally to join the country's promier encalogy center at a time when we are expe niwork of hospitals across the country. Pestiawar has opened its doors to the public its December 2015. We are looking to recruit a team of highly dedicated professionals to help establish clinic sorvices of this new unit.

The Shaukal Khanum healthcare system provides an apparturily for professional growth in an environmen conflicted to resourch and each make acceptance. Our doctors not only only excellent clinical work but have oublished in major injornational journale as well as presented their research in international meetings.

Shaukat Khanum Memerial Cancer Hospital and Research Centre (SKMCH&RC), Peshawar is pleased to invite applications for the following positions. Subscied conditions will undergo initial training at SKMCH&RC. hivita applications for the following positions. Suincted canabation was unusured by the following successful completion of this, will be appointed to positions at SKMCN&RC Positional Labore and, lorowing successful completion of this, will be appointed to positions at SKMCN&RC Positional Labore and to completion of this, will be appointed to positions at SKMCN&RC Positional Completion of the completion o upon commencement of its operations....

Consultant Positions (Peshawar)

- Consultant Medical Oncologist (Peshawar).
- Consultant Gastroenterologist (Peshawar).
- Consultant Radiologist (Peshawar).
- · Consultant Pathologist (Peshawar).
- Consultant Physician in Infectious Diseases (Peshavrar
- Consultant Paediatrics Oncologist (Peshawar). Visiting Consultant Nuclear Medicine (Peshawar)

 - Consultant Radiologist (Part-time Peshawur).

-Medical Positions (Peshawar) 🐍

Senior Instructor in Clinical and Radiation • Senior Instructor in Radiology (Peshawar)

Oncology (Pashawar)

Other Medical / Clinical, Technical and Management Positions - "Langer's

HSM Torritory Assistant Monagar - Rotall Sales - Radiation Thorapy Technologist (Fashawer) and Franchise Operations (Peshawar).

For position details and eligibility criteria piense visit our website www.shauketkhanum.org.pk-We Offer

- Compatitive salary, professional growth, continuous education and excellent work environment.
- Free medical cover only for regular employees, their spouse and children up to 18 years of age.

Note: We regret only short listed candidates will be notified,

Application forms are available on our wabsite. Please send your Application form stong with attests documents by December 15, 2017 to: - -

Manager, Human Resources

Shaukat Khanum Memorial Cancer Hospital and Research Centre

7A Block R-3, Johar Town Lahore

Tel: +92 42 3590 5000 Ext. 3037, 3040, 3041 | Fax: +92 42 3594 520

Email: careers@shaukatkhanum.org

مسئة البرن المسئل بالدود والإمريس الدولي و المسئل المرون الماض أو المرون الماض الم المرتب كان المرب كان المرب الماض أو المرون الماض المرون ال

A Public Sector Company based in Islamabad Invites application of qualified, energetic and selfmotivated candidates as maintenance staff for a project on contract basis particulars may be

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> جاریدای حوار فرچاخ ی

سے سے محص دوزنا می شرق کورم راق کا کورم محت کوری کورم محت دوزنا می سی سی محت کولٹی وسل کے میں سیا ہرہ مکر اپنی وجم کی استاعت کے ورد کے اندر انور اپنی ڈیوٹی پرطا فر سوکر اپنی وجم

عراقری بناؤن میر بر من سائلہ نے کسی قسم کی فی طاقری کیشی کی ہے دلک سائلہ کو ایک نہ لویک دن اس کے حفود میر سی مواج

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أمل علم في المحرف على معلى المراد ال

ot of

FATA

OFFICE OF THE AGENCY EDUCY FION OFFICER NORTH WAZIRISTAN AGENCY AT MIRAN SHAH Ph.NO.0928313045 -

MOTIFICATION.

1. WHEREAS Mst. Shahida Kalsoom PST GGPS Mir Sahib Gul North Waziristan Agency was found willfully absent from duty during monitoring visit of the concerned Assistant Agency Education Officer to the School on dated 01/09/2017.

2. AND WHER AS the accused was increaded against in der Khyber Pakhtunkhwa Bove Servants (Efficiency & Discipline) Rules 2011 for the charge of "willful absence from duty" as mentioned in the show cause notice served upon her at her home/School address vide AEO No. 9684-85 dated 09/11/2017.

3. AND WHEREAS Mist Shahida Kalsdom PST GGPS Mir Sahib Gul North Waziristan Agency did not report to he duty within stipulated period of time and turned her ears deaf.

4. ANDWHEREAS Charge sheet notice was served upon Mst Shahida Kalsoom PST GGPS Mir Sahib Gul North Waziristan Agency through print media (Daily Mashriq) on dated 03.12.2017 wherein the accused was directed to submit reply in her defence through personal contact with this office.

ASID WHER. AS the accused Jailer to put any dejense in written and did not appear to be heard in person withir fifteen days.

6. AND WHEARAS the competent outhority, the Agency Education officer North Waziristan Agency, having considered the charges, evidence on record and facts of the case, is of the view that the charge of w. Iful and unauthorized phonce against the accused official has been proved.

NOW THEREFORE, In exercise of the Powers conferred under Rules-4 (b) iii of Khyber Pakhtunkhwa Government Servants "Efficiency and Discipline". Rules 2011, the competent. Authority, Agency Education officer North Waziristan Agency, is pleased to impose major penalty "Removal from service "upon Maj: Shahlda Kolsoom 957 GGPS Mir Sahib Gut North Waziristan Agency will retrospective on account of his willful absence from dury.

> , (ПАВВВИН, АТР) Ajency falocation Offices, Borth Wazirdan ≱genev

Constance 233- 41 David 13 19/0017 ipy forwarded to the:

Director Education FATA, FATA Secreta in Perhabitur

Political Agent North Wezirstein Agency at Mirrar Shidi Horst Chapter - Dormant Camp, to a Migrapholic Agency Alexands officer North Wil artship Agency at Mirrar Shidi for stopping char of the official

FS to Additional Chief Secretary & ATA for perusal of the Additional Chief Secretary FATA

PS to Secretary SSD FATA for payisal of the Secretary SSD FATA.

AAEO cone reed for entry in his wife book.

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Official concerned

Agency Education Office aziristan Agen

Annex- & 10 معنور جند دُر تُركز من مها مه رفعت ما نا عبر فتولوله مشاور منوں ۔ بہل بول ، کالی سرس ، Show Cam oration ABO NO 9085-85 M. 09-11-2017 & N-9-2017 Lines-1 4/9/2017 6 019-247 20, 20 18 (six pring is in praid كوسرالفي ك تعديد عمل مورنث كرف حير وزاوراه مدار كدوى في معلول ك دن کوئی بمی منبرخاجر نہیں ہوست ہے ، (نوٹینٹن ن سے) در نم بی سائم کو تحریری معدیم ستو فارنوشش منسر خا میری که به -5000/14/0/- 11/00/12/2017 ENDL-04 ABO (-3 ے دیارہ منزخامر تفورگائی۔ برکبر ت منزخامری افرار بنرو دن کا اندر अ/2/17 in Milcheipe i al Lie. as Cing 3 grain 5 13/12/2017 pur excisorior u del alor jeo éle Alo 5 Remord from Service JE 16/16 Lin IS & Afficacy and Biscoplin bullet Exioul iso 14/0 point persol - il inorde و بر الد المراس من فاعزی الرائ بند ما می ما مرد الم l'willand Removelfor Service sic or in o ci co in per فكم ما ووفاويه ، ان سائم ي سرك مال الكر كور من من الم ما مُل دعا ور ميك - " ·3/1/2018 - gen المال منابطان معان المراز المرى ك 11101-2137703-8 - jillein. Estele vo OT!

وزانه

F.No.2/4/2016-Public, GOVERNMENT.OF PARISTAN WINISTRY OF INTERIOR

Islamabad the 27 August, 2017.

PRESS RELEASE

It is notified for general information that 1th to 4th September, 2017. (Friday Saturday, Sunday and Monday) shall be public holidays on the occasion of Religious

The above Press Release may kindly be published in all major English and Urdu Dailles, both at National and Regional tovols and also be given vide publicity through oloctronic modin.

(Atil Aziz)

Deputy Secrolary (Law-II) Tele: 9203851

The Principal Information Officer, Pross information Department, lakungkad. Copy forwarded to: -

- 1. Pronklent's Sucretariat (Personal), OSD (Admir), Alwan-e-Sadr, Islamabad.
 2. Prosktent's Secretariat (Public), OS (Admir), Alwan-e-Sadr, Islamabad.
 3. Prime Minister's Office (Internal), OSD (Admir), Islamabad.
 44. Prime Minister's Office (Public), OS (Admir), Islamabad.
 5. The Chief Election Commissioner of Pakistan, Islamabad.
 6. The Auditor General of Pakistan, Islamabad.
 7. The AGPR, Islamabad.
 8. The Joint Staff HOrs, Chaklala, Rawalpindi.

- 19 A. Tho Joint Staff HOrs, Chaklala, Rawaipindi.
 20 GHQ; Rawaipindi.
 10 Chairman, National Accountibility Boreau, (NAB), Islamabad.

- 10-Chairman, National Accountibility Boreau, (NAB), Islamabad.
 11 All Ministries / Divisions.
 12 The Registrar, The Supreme Court of Pakistan, Islamabad.
 13 Secretary, Senate Secretarial, Islamabad.
 14 Secretary, National Assembly Secretarial, Islamabad.
 16 Chief Becretaries, Government of the Punjab / Lahere, Singh / Karachi, Khyber Pakhteenkhwa / Peshawat, Balochistan / Quetta, Northern Areas / Gligh-Daitistan and AJK / Muzalfarabad.

 - 16. The Director General, ISI, Islamabad, 17. The Director General, III, Islamabad,

- 17. The Olrector General, its Islamahad.
 10. The Chief Commissioner, ICT (Admn), Islamabad.
 19. The Manager, State Bank of Pakistan, Islamabad.
 20. Secretary, Wafaqi Mohtaelir's Secretariat, Islamabad.
 21. Secretary, Wafaqi Tax Ombudaman's Secretariat, Islamabad.
 22. The Chairman CDA, Islamabad.
 22. The Chairman CDA, Islamabad.
 23. Director (Media), Minister for Interior, Islamabad with the request to ensure.
- 24 Staff Officer to Minister for Interior, Islamabad.
- 26 PS to the Secretary, Ministry of Interior, Islamabad. 26 PS to the Additional Secretary I, II & III, M/o Interior, Islamabad.
- The System Administrator (IT), MOI with request to upload an official wobsite

Doputy Socretary (Law-II)

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باعث تحريرة نكه

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ما <u>المحملة المحملة ا</u>

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مهای طروح ساری دستی که ر