

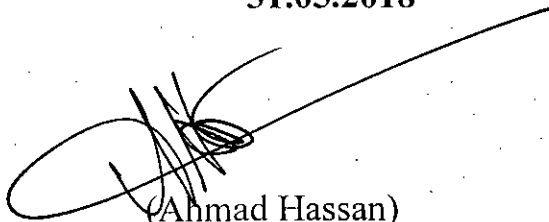
31.05.2018

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

Vide separate common judgment of today placed on file of service appeal bearing No.298/2016, this Tribunal is constrained to issue direction to the respondent department to adjust/reinstate the appellant at the post C.T with immediate effect without back benefits. The present service appeal is accepted in the above terms. Parties are left to bear their own costs. File be consigned to the record room.

**ANNOUNCED**

**31.05.2018**



(Ahmad Hassan)  
Member



(Muhammad Hamid Mughal)  
Member

09.04.2018

Counsel for the appellant and Addl. AG alongwith Daud Jan, Supdt. for the respondents present. Learned AAG seeks adjournment. Last opportunity granted. To come up for record and arguments on 23.04.2018 before the D.B.

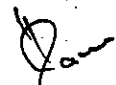
  
Member

  
Chairman

23.04.2018

Learned counsel for the appellant and Mr. Kabir Ullah Khattak, learned Additional Advocate General alongwith Ahmad Khan AEO for the respondents present. Arguments heard. To come up for order on 09.05.2018 before D.B.

  
(Ahmad Hassan)  
Member

  
(Muhammad Hamid Mughal)  
Member

08.05.2018

The Tribunal is defunct due to retirement of Hon'ble Chairman. Therefore, the case is adjourned. To come on 28.05.2018.

  
READER

28.05.2018

Bench is incomplete. To come up for order on 31.05.2018 before D.B.

  
Member

08.02.2018

Counsel for the appellant and Addl. AG alongwith Daud Jan, Superintendent for the respondents present. Due to shortage of time, arguments could not be heard. To come up for record and arguments on 29.03.2018 before the D.B.

  
Member

  
Chairman

29.03.2018

Counsel for the appellant and Addl. AG alongwith Daud Jan, Supdt. for the respondents present. Learned AAG seeks adjournment. Adjourned. To come up for record and arguments on 04.04.2018 before D.B.

  
Member

  
Chairman

04.04.2018

Counsel for the appellant and Addl; AG for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for record and arguments on 10.04.2018 before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Hamid Mughal)  
Member

17.08.2017

Junior to counsel for the appellant and Asstt. AG alongwith Daud Jan, Superintendent for the respondents present.

Since the matter in controversy has already been resolved by the judgment of Hon'ble Peshawar High Court reported as PLD 2014-Peshawar-132, there is no need to decide this issue any further. The matter may be put up before the D.B for decision on merits. To come up for arguments before the D.B on 29.11.2017.



(M. Hamid Mughal)  
Member




Chairman

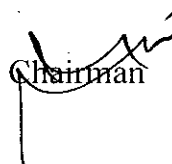
(Ahmad Hassan)  
Member

29.11.2017

Counsel for the appellant Mr. Ziaullah, DDA alongwith Mr. Daud Jan, Supdt for the respondents present. Representative of the respondents is directed to bring enquiry report and other documents. To come up for such record and arguments on 08.02.2018 before the D.B.



Member



Chairman

07.03.2017

Counsel for the appellant and Addl: AG for respondents present. Rejoinder submitted. To come up for arguments on 10.07.2017 before D.B.

  
(ASHFAQUE TAJ)  
MEMBER

  
(MUHAMMAD AAMIR NAZIR)  
MEMBER

10.07.2017

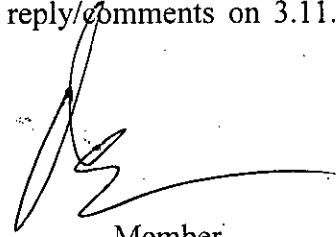
Counsel for the appellant and Muhammad Jan, Government Pleader for the respondents present. Vide our detailed order of to-day in service appeal No. 261/2016, entitled "Hamid Ullah Khan Versus Director of Education FATA, FATA Secretariat, Peshawar and others" a special bench of 3 members is constituted in which Mr. Muhammad Hamid Mughal, Learned Member (Judicial) shall also be included in addition to the present bench. To come up for arguments on the point of jurisdiction on 17.08.2017.

  
Member

  
Chairman

24.08.2016

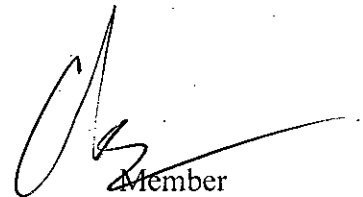
Clerk to counsel for the appellant and Mr. Daud Jan, Supdt. alongwith Addl. AG for respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity is extended. To come up for written reply/comments on 3.11.2016 before S.B.



Member

03.11.2016

Counsel for the appellant and Addl. AG for respondents present. Written reply not submitted. Requested for further adjournment. Another last opportunity is extended. To come up for written reply/comments on 12.01.2017 before S.B.



Member

12.01.2017

Counsel for the appellant and Mr. Daud Jan, Superintendent alongwith Additional AG for respondents present. Written statement by respondents No. 2 & 3 submitted. Learned Additional AG relies on the same on behalf of respondents No. 1 & 4. The appeal is assigned to D.B for rejoinder and final hearing for 07.03.2017 before D.B.



Chairman

14.4.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as C.T (BPS-15) GHS Kochi Kuram Agency when terminated from service vide impugned order dated 11.12.2015 on the allegations of irregularities in his appointment where-against he preferred departmental appeal on 18.12.2015 which was not responded and hence the instant service appeal on 28.03.2016.

That appointment of the appellant was made in accordance with provisions of Rule-10 of Khyber Pakhtunkhwa Civil Servants (Appointments, Promotion and Transfer) Rules, 1989 and that there was neither any illegality nor irregularity in the said appointment and, moreover, neither any enquiry was conducted nor any opportunity of hearing extended to the appellant.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 15.06.2016 before S.B.

  
Chairman

Appellant Deposited  
Security & Process Fee

15.06.2016

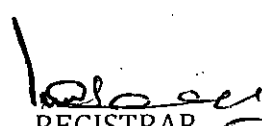


Counsel for the appellant and Asstt. AG alongwith Daud Jan, Supdt. for the respondents present. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 24.08.2016 before S.B.

  
Chairman

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 294/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	28.03.2016	<p>The appeal of Mr. Muhammad Siddique presented today by Mr. Noor Muhammad 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;"> REGISTRAR</p>
2	29.3.16	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>12.4.16</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	12.04.2016	<p>Junior to counsel for the appellant present. Seeks adjournment. Case is adjourned for preliminary hearing to 26.4.2016.</p> <p style="text-align: right;"> Chairman</p>



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

APPEAL NO. 294 /2016

**MOHAMMAD SIDDIQUE VS EDUCATION DEPTT:**

**INDEX**

<b>S. NO.</b>	<b>DOCUMENTS</b>	<b>ANNEXURE</b>	<b>PAGE</b>
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2.	Advertisement	<b>A</b>	5.
3.	Domicile certificate	<b>B</b>	6.
4.	Educational testimonials	<b>C</b>	7- 12.
5.	Appointment order	<b>D</b>	13.
6.	Charge report	<b>E</b>	14.
7.	Medical certificate	<b>F</b>	15.
8.	Writ petition	<b>G</b>	16- 22.
9.	Impugned order	<b>H</b>	23- 24.
10.	Departmental appeal	<b>I</b>	25- 26.
11.	Vakalat nama	.....	27.

**APPELLANT**

**THROUGH:**

  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**

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

APPEAL NO. 294 /2016

G.W.P. Province  
Service Tribunal  
Diary No. 282  
Dated 28-3-2016

Mr. Muhammad Siddique, Ex: C T (BPS-15),  
Govt: Middle School Ossai, Kurram Agency..... **APPELLANT**

**VERSUS**

- 1- The Additional Chief Secretary FATA, FATA Secretariat, Warsak Road, Peshawar.
- 2- The Director of Education FATA, FATA Secretariat, Warsak Road, Peshawar.
- 3- The Additional Agency Education Officer, Lower & Central Kurram Agency at Sadda.
- 4- The Agency Account Officer, Kurram Agency.

..... **RESPONDENTS**

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 11.12.2015 WHEREBY THE SERVICES OF THE APPELLANT HAS BEEN TERMINATED WITH EFFECT FROM THE DATE OF HIS APPOINTMENT AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINTY DAYS.**

**PRAYER:**

That, on acceptance of this appeal the impugned order dated 11.12.2015 may be set aside and the respondents may be directed to re-instate the appellant with all back benefits w.e.f the date of his appointment. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

Brief facts giving rise to the present appeal are as under:

- 1- That the respondent No.3 through advertisement published in the Daily News Paper advertised various posts including the post of CT (BPS-09) now (BPS-15). Copy of the advertisement is attached as annexure ..... **A.**
- 2- That appellant having the Domicile of Kurram Agency and having the requisite qualifications for the said post applied and after participated in the test and interview the appellant was declared successful in the said selection process. That in

Filed to the

28/3/16

consequence the appellant was offered the said post through appointment order dated 18.01.2013. Copies of the Domicile Certificate, Education Testimonials and appointment order are attached as annexure ..... **B, C & D.**

- 3- That in response to the said appointment order the appellant submitted his charge report along with medical certificate and started performing his duty at the concern station quite efficiently and up to the entire satisfaction of his superiors. Copies of the charge report and medical certificate are attached as annexure ..... **E & F.**
- 4- That the service book of the appellant is also been prepared by the respondent No.3 and proper entry regarding the appointment of the appellant has been made by the respondent No.3 in the said service book of the appellant. That astonishingly right from appointment the salaries of the appellant has been withheld by the respondents without assigning any reason and clear justification.
- 5- That appellant time and again visited the concerned quarter for the release of his salaries but of no avail, feeling aggrieved from the inaction of the respondents by not releasing the monthly salary of the appellant the appellant knocked the door of the august Peshawar High Court Peshawar in writ petition No. W.P. 3602-P/2014 which is still pending adjudication before the august Peshawar High Court Peshawar. Copy of the Memo of writ petition No WP 3602-P/2014 is attached as annexure ..... **G.**
- 6- That astonishingly the respondent No.3 issued the impugned order dated 11.12.2015 whereby the services of the appellant has been terminated with retrospective effect without conducting regular inquiry and without assigning any reason/clear justification. Copy of the impugned order dated 11.12.2015 is attached as annexure ..... **H.**
- 7- That appellant feeling aggrieved from the impugned order dated 11.12.2015 filed Departmental appeal on 18.12.2015 before the respondent No.2 but no reply has been received so far. Hence the present appeal on the following grounds amongst the others. Copy of the Departmental appeal is attached as annexure ..... **I.**

**GROUND:**

- A- That the impugned order dated 11.12.2015 issued by the respondent No.3 is against the law, facts, norms of natural

justice and materials on the record hence not tenable and liable to be set aside.

- B- That the appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That appellant has been appointed in light of the appointment, promotion and transfer Rules 1989 and as such proper advertisement has been issued for the said post of appellant but inspite of that the respondent No.3 without any reason issued the impugned order dated 11.12.2015.
- D- That no show cause notice has been served on the appellant by the respondent Department before issuing the impugned order dated 11.12.2015 against the appellant.
- E- That no regular inquiry has been conducted before issuing the impugned order dated 11.12.2015.
- F- That no chance of personnel hearing/personnel defense has been given to the appellant before issuing the impugned order dated 11.12.2015.
- G- That the impugned order dated 11.12.2015 has been issued by the respondents in violation of the principle of Locus Poenitentiae.
- H- That appellant has successfully completed his probationary period and has served the respondent Department for more than three years but inspite of that the respondent No.3 issued the impugned order dated 11.12.2015.
- I- That the respondent Department acted in arbitrary and malafide manner while issuing the impugned order dated 11.12.2015 against the appellant.
- J- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 19.3.2016

**APPELLANT**

*M. Siddique*

**MUHAMMAD SIDDIQUE**

**THROUGH:**

*N*  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**  
**(0345-9383141)**





No. 903, Ag, Dated Parachinar the 27-6-05

B-6

OFFICE OF THE POLITICAL AGENT KURRAM AGENCY

**KURRAM DOMICILE**

Certified that Mr./ Mrs. MUHAMMAD SIDDIQ

Son/daughter of Mr. ABDUL RASHID Belongs

to a recognized Tribe of ALI SHER ZAI Section UMAR KHAN

Sub Section ADIZ KHAN and his/her father is/was a permanent

bonifide resident of village TINDA CENTRAL Kurram Agency.

He/She is an eligible candidat to avail himself/herself of the seats reserved for

Trible Aread Kohat Division Kohat Backward Area Kurram Agency.

**ATTESTED**

Tehsildar Manal P.T. Alizai  
POLITICAL AGENT

Asstt. Political Agent  
KURRAM AGENCY  
23-6-05

Asstt: Political Agent  
KURRAM AGENCY  
24/6/05

Political Agent  
KURRAM AGENCY



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678

S.No. KBSG 1659

Roll No. 6787

# Board of Intermediate & Secondary Education KOHAT



## DETAILED MARKS CERTIFICATE Secondary School Certificate Examination Session 2005 (Annual/Supplementary) (SCIENCE GROUP)

Name: Muhammad Siddique

Father's Name: Abdul Rashid Roll No. 6787

SUBJECT	Marks Allotted						Marks Obtained					
	9 <sup>th</sup>			10 <sup>th</sup>			In Figures					In Words
	Theo	Pract	Total Marks	Theo	Pract	Total Marks	Theo	Pract	Theo	Pract	Total Marks	
1. English	75	-	75	75	-	150					96	
2. Urdu	75	-	75	75	-	150					99	
3. Islamic Education	75	-	75	-	-	75					49	
4. Pakistan Studies	-	-	-	75	-	75						
5. Mathematics	75	-	75	75	-	150					87	
6. Physics	60	15	75	60	15	150	57		34	8	99	
7. Chemistry	60	15	75	60	15	150	52		53	100	100	
8. Biology	60	15	75	60	15	150	52		49	9	110	
<b>Total</b>	<b>480</b>	<b>45</b>	<b>525</b>	<b>480</b>	<b>45</b>	<b>1050</b>					<b>705</b>	<b>B</b>

**VERIFIED**  
Controller of Examinations  
Board of Intermediate & Secondary Education, Kohat

Note: (1) Errors/Omissions are excepted. (2) "Re" means to reappear in the subject. (3) Calculate all means to reappear in all the subjects.  
General Remarks: The Candidate has failed/passed and placed in Grade **Seven Hundred and Seven**.

Date 15 JUN 2005 Prepared by [Signature] Checked by [Signature] Controller of Examinations  
B.I.S.E. KOHAT.

**ATTESTED**

[Signature]

**ATTESTED**  
[Signature]

Controller of Examinations  
B.I.S.E. KOHAT

8

S. No. KB 60898

BOARD OF INTERMEDIATE & SECONDARY EDUCATION  
KOHAT



DETAILED MARKS CERTIFICATE  
Higher Secondary School Certificate Examination

PRE-MEDICAL ( Part-II )  
SESSION 2007 (ANNUAL)

Roll No: 30494

Name: MUHAMMAD SIDDIQ Father's Name: ABDUL RASHID

Institution/District: Govt Degree College Sadda Kurram Agency

Subjects	Marks	Marks Obtained					
		Part-I		Part-II		Total	Marks in Words
		Theory	Pract	Theory	Pract		
English	200	54	--	42	--	96	Ninety-Six
Urdu	200	70	--	45	--	115	One Hundred Fifteen
Islamic Education	50	39	--	--	--	39	Thirty-Nine
Pakistan Studies	50	--	--	26	--	26	Twenty-Six
Physics	200	42	8	30	13	93	Ninety-Three
Chemistry	200	41	18	29	22	110	One Hundred Ten Only
Botany/Zoology	200	33	22	25	20	100	One Hundred Only
Total : 1100						579-0	Five Hundred Seventy-Nine Only

Note: Errors / Omissions excepted.

Remarks :

Date : 10-08-2007

Computer Cell BISE, Kohat  
(Jahan)

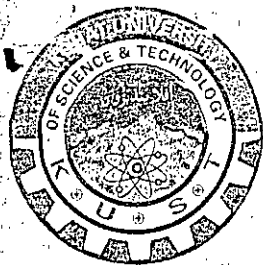
Checked by

Controller of Examinations  
BISE Kohat

ATTESTED

ATTESTED

Altaf Bangash  
S.E.T. BPS-16  
G.M.H.S. Saddah L.K.



# Kohat University of Science & Technology, Kohat (Pakistan)

## DETAILED MARKS CERTIFICATE

Bachelor of Science (B.Sc) Part II Annual  
Examination, 2009

Name: Muhammad Siddique

Roll No. 12772

Father's Name: Abdul Rashid

Registration No. 2007-GDCSK-46

Certified that the candidate secured the following marks and is placed in 2nd Division

S U B J E C T S	Maximum Marks	M A R K S O B T A I N E D	
		Figure	In Words
Botany	75	35	Thirty Five
Chemistry	75	39	Thirty Nine
Zoology	75	39	Thirty Nine
Pak Studies	40	25	Twenty Five
<i>Part-I Marks</i>	285	161	One Hundred Sixty One
Total	550	299	Two Hundred Ninety Nine

The examination was taken as a whole

To Pass 40% Marks in each Subject (Written & Practical Separately) & 45% Marks in Aggregate.

Result declared on 24-Oct-09

Errors and omissions are subject to subsequent rectification.

Verified & Found  
Correct.

*Verified*

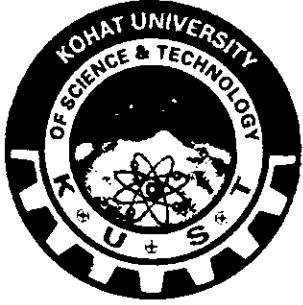
CONTROLLEER OF EXAMINATIONS  
Kohat University of Science and Technology  
Kohat, Pakistan.

ATTESTED

*Attested*

*Attested*

10



Serial No. 205826

# Kohat University of Science & Technology, Kohat (Pakistan)

## DETAILED MARKS CERTIFICATE

Master of Arts (Islamiyat) Final Annual  
Examination, 2012

Name: Muhammad Siddique

Roll No. 20362

Father's Name: Abdul Rashid

Registration No. 2007-GDCSK-46

Certified that the candidate secured the following marks and is placed in 2nd Division


S U B J E C T S	Maximum Marks	M A R K S O B T A I N E D	
		In Figure	In Words
Translation "2nd Half" & Commentary along with Grammar (VI)	100	45	Forty Five
Principles of Islamic Jurisprudence (VII)	100	43	Forty Three
Islam and Other World Religions (VIII)	100	45	Forty Five
Islam and Contemporary Muslims World - (IX)	100	54	Fifty Four
Islam and Modern Economic Thought - (X)	100	40	Forty
Viva	100	43	Forty Three
Previous Marks:	500	328	Three Hundred Twenty Eight
Total	1100	598	Five Hundred Ninety Eight

The examination was taken in Parts

Result declared on 11-Jan-13

TAKR

Errors and omissions are subject to subsequent rectification.

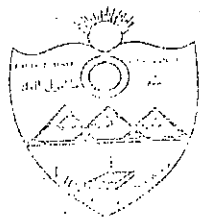
  
 \_\_\_\_\_  
 CONTROLLER OF EXAMINATIONS  
 Kohat University of Science and Technology  
 Kohat, Pakistan.

### ATTESTED



18

S.No. 533

**DIRECTORATE OF CURRICULUM & TEACHERS EDUCATION, NWFP, ABBOTTABAD**  
  
**DETAIL MARKS CERTIFICATE**  
**DIPLOMA IN EDUCATION (2<sup>ND</sup> TERM)**

NAME: - Muhammad Siddiq      SESSION: 2008-9  
 FATHER'S NAME: - Abdul Rashid      ROLL NO: - 347

Subjects: -	Maximum Marks	Marks Obtained		
		Internal	External	Total
1. Curriculum and Instructions	100	25	41	66
2. School Organization & Management	100	35	30	74
3. Testing, Evaluation & Basic Research	100	25	50	75
4. Teaching of Computer Science	100	24	48	72
5. Teaching of English	100	36	30	76
6. Teaching of Calligraphy/Art & Craft/Industrial Arts/ Agriculture/Home Economics/Phy: Education	100	30	45	75
7. Teaching Practice	150	60	54	114
<b>Total 2<sup>nd</sup> Term Marks: -</b>	<b>750</b>			<b>552</b>
<b>Total 1<sup>st</sup> Term Marks:</b>	<b>750</b>			<b>462</b>
<b>G. Total Marks: -</b>	<b>1500</b>			<b>1014</b>

Note: Errors/Omission excepted.

Failed/Passed: - Passed      Division: - ISI

Prepared By [Signature]  
 Checked By \_\_\_\_\_  
 Date of Declaration of Result 31.12.2009

Theory Papers	Internal - 40%
	External - 60%
Teaching Practice	Internal - 60%
	External - 40%

Assistant Director  
 (Examinations)  
 N.W.F.P Peshawar

**ATTESTED**

[Signature]

ATTESTED  
 [Signature]

S.S.T.  
 C.A.P.

12

# ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD



Serial No. 626473

## PROVISIONAL RESULT CARD

Name MUHAMMAD SIDDIQUE Roll No. AW675619  
 Father's Name ABDUL RASHID Registration No. 13AKMO1109  
 Address M JAVID STATIONARY BANGASH MARKET SADDA Lower Final Semester SPR-2014  
 Tehsil SADDA LOWER KURRAM  
 District KORRAM AGENCY  
 has successfully completed BACHELOR OF EDUCATION(B. ED)

The detail of passed courses is as under:

Semester	Course Code	Title of Course	Marks	
			Maximum	Obtained
AUT-- 13	0513	SCHOOL ORGANIZATION	100	65
AUT-- 13	0651	ENGLISH (COMPULSORY)	100	71
AUT-- 13	0518	EDUCATIONAL PSYCHOLOGY & CURRICULUM	100	67
AUT-- 13	0512	PERSPECTIVES OF EDUCATION	100	79
AUT-- 13	0652	ISLAM, PAKISTAN AND MODERN WORLD	100	64
AUT-- 13	0514	EVALUATION, GUIDANCE & RESEARCH	100	68
SPR-- 14	0655	WORKSHOP & TEACHING PRACTICE	100	62
SPR-- 14	0654	TEACHING OF ISLAMAT	100	63
SPR-- 14	0517	TEACHING OF PAKISTAN STUDIES	100	61



### ATTESTED

CREDITS: 6

Total Marks / Obtained 900 / 600

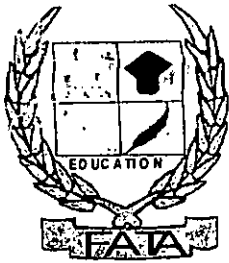
Result Declared on JANUARY 16, 2015

Percentage / Grade *77.78* 67 B

Date of issue JANUARY 20, 2015

**Controller of Examinations**

Disclaimer: This result card is issued provisionally, errors and omission excepted, as a notice only. Any entry appearing in this card does not itself confer any right or privilege on a candidate for the grant of certificate/degree/diploma, which will be issued under the rules/regulations on the basis of the original record of the university student.



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

PHONE. 0926-520674 FAX 0926520674

No. \_\_\_\_\_ /Edu:

Dated Sadda the \_\_\_\_\_ /2013

D-13

**APPOINTMENT.**

Consequent upon the approval by the Selection Committee, the appointment of the following CT teachers are hereby ordered in the school noted against their names against vacant CT posts purely on Regular contract basis in BPS No 9 Plus usual allowances as admissible under the rules with effect from 01.03.2013

S #	Name of Candidate	Father Name	School where Appointed	Remarks
1	Ishaq Khan	Malik Jan	GMS Ossai	Against Vacant Post
2	Muhammad Haleem	Muhammad Nazir	GHS Paloseen	do
3	Ayaz Khan	Noor Hussain	GHS Minatoo	do
4	Abdur Rehman	Eida Khan	GMS Samkhakak	do
5	Hussain Ahmad	Muhammad Rafiq	GMS Jilamy CK	do
6	Syed Hassan	Muhammad Hassan	GMS Tarai	do
7	Ismail Khan	Abdul Habib	GHS Badama	do
8	Ferooz Khan	Gul Zam Khan	GHS Baza	do
9	Taj Ahmad	Lal Muhammad	GMS Gandaw	do
10	Farooq Muhammad	Arab Gul	GMS Taudy Oby	do
11	Sabir Gul	Noor Gul	GMS Samkhakak	do
12	Aziz ur Rehman	Sayed Rehman	GMS Jilamy CK	do
13	Muhammad Ayaz	Gul Karim	GHS Paloseen	do
14	Ajab Khan	Gul Muhammad	GHS Baza	do
15	Muhammad Saeed	Zar Bat Khan	GHS Baza	do
16	Muhammad Siddique	Abdul Rashid	GMS Ossai	do
17	Latif Hussain	Inam Hussain	GHS Anguri	do

**TERMS/CONDITIONS.**

1. They are directed to produce their Medical certificate from the Medical Supdt: AHO Hospital Sadda Kurram Agency
2. Their age should be between 18-35 years .  
Their appointment is purely made on temporary and Regular contract basis and liable to termination at any time without assigning any notice, in case they wants to resign their post, they will have to give one month prior notice or forfeit one month pay in lieu thereof.
3. No payment will be made to the appointee until and unless their academic and professional certificate are got verified from the Issuing Authorities concerned.
4. If they failed to take over charge within 15 days, their appointment will automatically be considered as cancelled.
5. Charge reports should be submitted to this office.
- 7: Their appointment will be consider as regular but without Pension/gratuity on the term of section-15 of the KPK Civil Servant Act 1973 as amended with civil servants amendment Act: 2003 but will be entitled to contribution Provident Fund at such rate as may be prescribed by the govt.

**ATTESTED**

Add: Agency Education Officer  
Lower & Central Kurram Sadda.

No 156-77 / Edu Dated 15/1 /2013  
Copy forwarded to the.

1. Director of Education FATA KPK Peshawar.
2. Agency Account officer Parachinar.
3. Political Agent Kurram Parachinar.
4. Asstt: Political Agent Central Kurram .
5. Teachers Concerned.

Agency Head Quarter Hospital  
Parachinar.  
Medical Superintendent  
Agency Headquarter Hospital  
Parachinar

G-16

IN THE PESHAWAR HIGH COURT, PESHAWAR

W.P No. 3602 /2014

Farooq Muhammad and others.....Petitioners

**VERSUS**

Additional Chief Secretary, FATA & others.....Respondents

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Through

Petitioner

*Adnan Khattak*  
Adnan Khattak

Advocate, Peshawar

Cell: 0300-5930703

Date: 11.11.2014

**ATTESTED**


*[Signature]*



IN THE PESHAWAR HIGH COURT, PESHAWAR

W.P No. \_\_\_\_\_/2014

- ✓ 1. Farooq Muhammad S/o Arab Gul
- ✓ 2. Muhammad Saeed S/o Zarbat Khan
- 3. Ajab Khan S/o Gul Muhammad
- ✓ 4. Latif Hussain S/o Inam Hussain
- 5. Muhammad Ayaz S/o Gul Karim
- 6. Aziz ur Rehman S/o Said Rehman
- 7. Taj Ahmad S/o Lal Muhammad
- 8. Feroz Khan S/o Gul Zaman khan
- 9. Said Hassan S/o Muhammad Hassan
- 10. Hussain Ahmad S/o Muhammad Rafiq
- ✓ 11. Wahid Zaman S/o Zawta Khan
- 12. Mst. Muzlifa D/o Muhammad Farooq
- 13. Muhammad Yousaf S/o Abdul Aziz
- ✓ 14. Aqib Zaman S/o Syed Amir Shah (All CT Teachers,  
Lower & Central Kurram Agency)
- 15. Khiyal Bat Khan S/o Hibat Khan
- 16. Kifayatullah S/o Mir Jehan
- ✓ 17. Zar Taj Bibi D/o Haji Ajmir Khan (All PET Teachers,  
Lower & Central Kurram Agency)
- 18. Noor Zaman S/o Noor Jamal
- ✓ 19. Mst. Shamim Bibi D/o Spin Gul

**ATTESTED**  


- ✓ 20. Parveen Bibi D/o Spin Gul (All DM Teachers, Lower & Central Kurram Agency)
- ✓ 21. Siraj ud Din S/o Walayat Khan
- 22. Zubair Khan S/o Ghafoor Khan (Both Junior Clerks/JC, Lower & Central Kurram Agency)
- 23. Rehmatullah S/o Muhammad Rahim (Pesh Imam, Lower & Central Kurram Agency)
- 24. Rashid Khan S/o Khadi Khan (Lab Assistant)

.....PETITIONERS

**VERSUS**

- 1. Additional Chief Secretary, FATA  
FATA Secretariat, Warsak Road, Peshawar
- 2. Secretary Finance,  
Govt of KPK, Civil Secretariat, Peshawar
- 3. Additional Agency Education Officer,  
Lower & Central Kurram, Sadda
- 4. Agency Account officer, Parachinar
- 5. Director of Education, FATA KPK, Peshawar

.....RESPONDENTS

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

Respectfully Sheweth:

- 1. That the respondent No.3 (Additional Agency Education Officer, Lower & Central, Kurram Sadda)

**ATTESTED**



floated advertisement in daily newspapers about the posts of PET, CT, Lab Assistant etc and petitioners, being eligible and qualified, applied for the same for selection on merit as such. (Copy of advertisement is attached as Annexure "A").

2. That the petitioners were interviewed and after going through the prescribed procedure of selection, they were, on the recommendation of Departmental Selection Committee appointed as such vide orders/ letters dated 15.01.2013, 18.01.2013 and 21.01.2013 respectively. (Copy of order/ appointment letters are attached as Annexures "B").

3. That petitioners were performing their duties with full devotion, after carrying-out their medical examination and taking charge on their respective posts, performing their duties till date. (Copies of medical certificates are attached as Annexure "C", charge reports are Annexure "D" and attendance sheets are Annexure "E").

4. That petitioners contacted respondents for payments of their monthly salaries but were told time and again that the department is going to prepare bills for the purpose. Every month took such practice but no fruitful result was ever achieved.

**ATTESTED**



5. That petitioners were constrained to prefer their departmental appeals before the authorities but in vain. (Copies of appeals are attached as Annexure "F"). Hence, the petitioners being aggrieved, approached this Honourable Court, inter alia, on the following grounds

**G R O U N D S:**

- A. That from the date of appointments, petitioners are performing their duties on the respective posts till date.
- B. That respondents were contacted from time to time for payments of their monthly salaries but every time they were deceived with commitment to be paid the same in the next month.
- C. That when petitioners came to know that the department is not fulfilling its commitment for the purpose, they agitated the matter through representations, but without any response.
- D. That two junior clerks namely Sakhi Akbar S/o Siddique Akbar and Abidullah S/o Muhammad Ghulam were also appointed vide dated 18.01.2013 according to the same advertisement dated 25.10.2012, are receiving salaries from the respondent No.3 which is clear cut violation of Article 25 of the Constitution of Pakistan, 1973.

**ATTESTED**



E. That the act of the respondents by not paying the monthly salaries to the petitioners since the date of appointments, they are not only violating natural justice but also the cardinal principles of Islam.

F. That the petitioners are performing their respective duties honestly and the attendance sheets are duly attested by the Headmaster. (Copies are attached).

In view of the above, it is therefore, humbly prayed that on acceptance of this petition, this Honourable Court may graciously be pleased to

- i. Direct the respondents to forthwith pay monthly salaries to the petitioners.
- ii. Any other relief available in the circumstances of the case, not specifically asked for, may also be granted to the petitioner.

Petitioner  
Adnan Khattak  
Through

Adnan Khattak  
Advocate, Peshawar

Date: 11.11.2014

CERTIFICATE:

Certified on instructions of my client that petitioners have not previously moved this Hon'ble Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 regarding the instant matter.

ADVOCATE

Adnan Khattak

LIST OF BOOKS:

- 1. Constitution of Islamic Republic of Pakistan, 1973
- 2. Any other law books according to need

ADVOCATE

Adnan Khattak



ATTESTED

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PESHAWAR HIGH COURT, PESHAWAR.

22

FORM 'A'  
FORM OF ORDER SHEET

S.No.	Date of order	Order or other proceedings with signature of the Judge
1	2	3
	1.12.2015.	<p><u>W.P.No.3602/2014.</u></p> <p>Present: Mr.Adnan Khattak, Advocate for the petitioners.</p> <p>Syed Qaiser Ali Shah, AAG for Provincial Government.</p> <p>Comments have not been filed. The latter seeks time to do the needful. May do so. Adjourned to a date in office.</p> <p style="text-align: right;">   <u>JUDGE</u> </p> <p style="text-align: right;">   <u>JUDGE</u> </p> <p style="text-align: center;">*M.Gul*</p>

ATTESTED



(H-23)

**TERMINATION ORDER.**

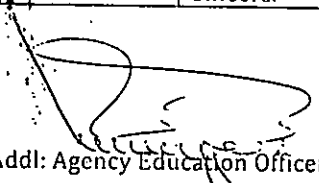
Consequent upon the direction by the competent authority, Director of Education, FATA, Peshawar vide his No 12228 dated 07.12.2015, on the decision of oversight committee the following in-eligible teaching/Non teaching appointees (M/F) BPS (7-9) appointed during January 2013 in Lower & Central Kurram are hereby terminated with effect from the date of their appointments. If salaries paid to them will be recovered from them accordingly.

S #	Name	Father Name	Desg.	B P S	Name of Institution	Remarks
1	Aqib Zaman	Said Amir Shah	CT	9	GHS Bagan	Terminated due to excess in sub divisional quota.
2	Muhammad Asif	Syal Khan	CT	9	GHS Makhizai	Terminated due to excess in sub divisional quota & advance appointment against on fill post.
3	Sara Bibi	Sakhi Mar Jan	DM	9	GGMS Bagan	DM diploma found fake & bogus.
4	Shahid Mehmood	Haji Sher Shah	PET	9	GMS Sraghurga	Diploma of JPPE found fake & bogus.
5	Muhammad Usman	Haji Shah Wazir	PET	9	GMS Arawali	Having no professional qualification.
6	Muhammad Alam Khan	Salam Khan	J/C	7	GHS Makhizai	Failed in typing test & rejected by enquiry officers.
7	Zubair Khan	Ghafoor Khan	J/C	7	GDC Bagan	Rejected by PA enquiry.
8	Muhammad Sadiq	Gul Mar Jan	J/C	7	GGDC Alizai	Failed in typing test as per advertisement & rejected by enquiry officers.
9	Sakhi Akbar	Sadiq Akbar	J/C	7	GHS Kochi	Failed in typing test as per advertisement & rejected by enquiry officers.
10	Sadia Batool	Abid Alam Jan	Lab/A-sstt	7	GGDC Alizai	Documents not provided for verification.
11	Muhammad Saeed	Zar Bat Khan	CT	9	GHS Baza	Terminated due to excess in sub divisional quota.
12	Muhammad Sadiq	Abdul Rasheed	CT	9	GHS Ossai	Terminated due to excess in sub divisional quota.
13	Latif Hussain	Inam Hussain	CT	9	GHS Angori	Domicile holder of upper kurram.
14	Wahid Zaman	Zawta Khan	CT	9	GHS Dogar	Terminated due to excess in sub divisional quota.
15	Farooq Muhammad	Arab Gul	CT	9	GMS Taudy Oby	Out of merit (M.Ed has wrongly been considered in place of MA)
16	Ajmal Akbar	Akbar Khan	CT	9	GGMS Dogar No -2	Terminated due to excess in-sub divisional quota.

**ATTESTED**


24

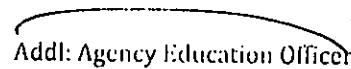
17	Bibi Sakina	Haji Gul Akbar	CT	9	GGMS Tabi Khonikhel	Terminated due to excess in sub divisional quota
18	Samreen Sadaf	Haji Amin Khan	DM	9	GGMS Tarali	Documents not provided for verification.
19	Shahim Bibi	Spin Gul	DM	9	GGMS Dogar NO -2	Having no DM certificate & has not provide BA degree for verification.
20	Parveen Bori	Spin Gul	DM	9	GGMS Ossai	Having no DM certificate & has not provide BA degree for verification.
21	Bibi Jamila	Niaz Bahadar Khan	DM	9	GGMS Tabi khonikhel	Having no DM certificate/diploma
22	Sajid Rehman	Haji Haider Khan	PET	9	GMS Dappa	JDPE diploma found fake & bogus.
23	Zia ul Alam	Noor Alami	PET	9	GMS Khazeena	JDPE diploma found fake & bogus.
24	Gul Hassan	Khan Bahadar	PET	9	GMS Jilamai	JDPE diploma found fake & bogus.
25	Kifayatullah	Air Jehan	PET	9	GMS Kimal Baza	Having no professional documents.
26	Zar Taj Bibi	Haji Ajmir Khan	PET	9	GGMS Ossai	Having no professional documents & Lower Kurram domicile holder while she was appointed in Central Kurram, also appeared in CT (LK) while appointed as PET (CK).
27	Sajid Rehman	Said Aslam Khan	I/C	7	GHS Paloseen	Has been excluded by PA enquiry.
28	Siraj U Din	Walayat Khan	I/C	7	GHS Manatoo	Failed in typing test as per advertisement & rejected by enquiry officers.

  
 Addl: Agency Education Officer  
 Lower & Central Kurram Sadda.

No 2987-93 /Edu: Dated 11 / 12 /2015

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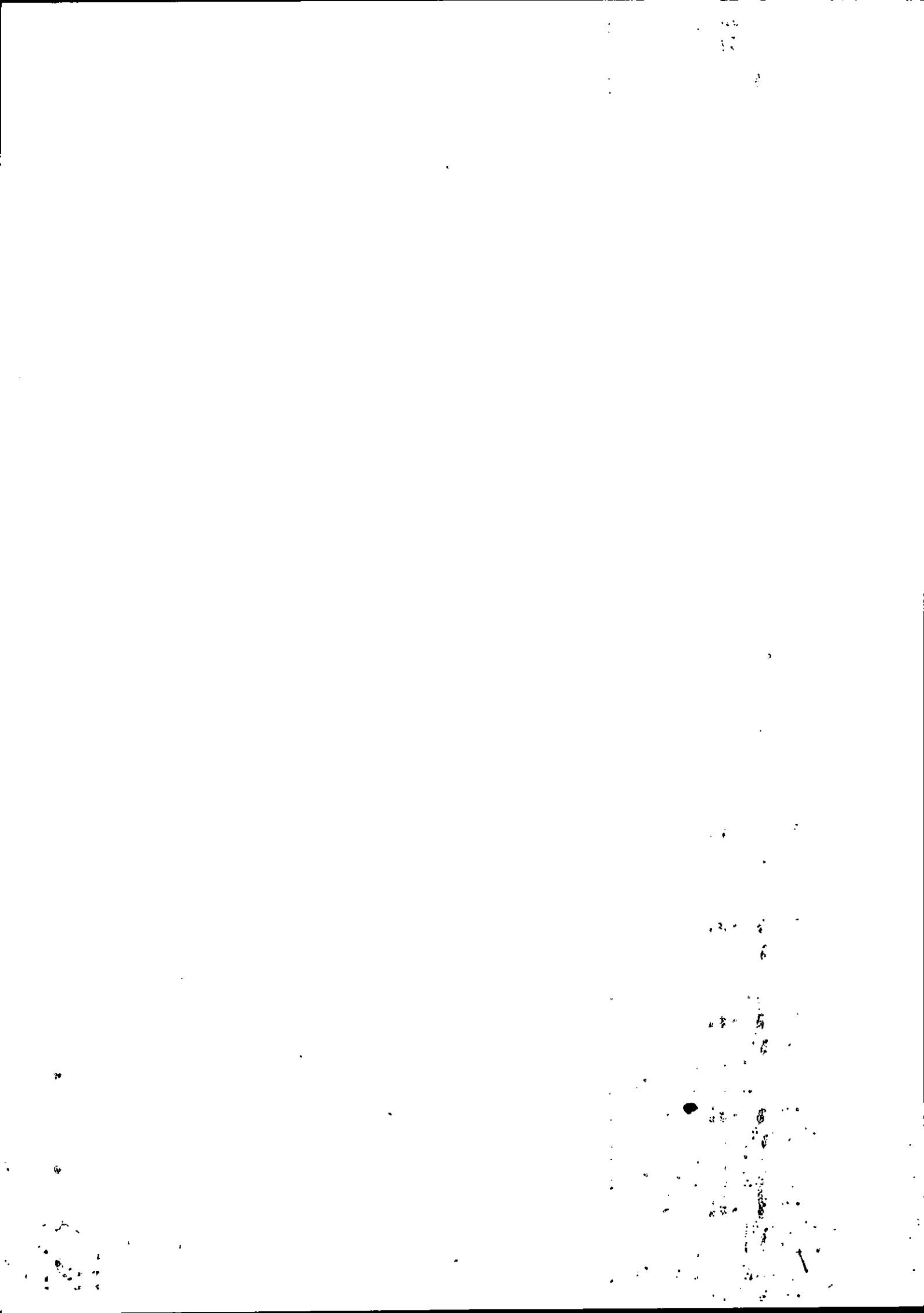
1. Director of Education FATA Peshawar.
2. Political Agent Kurram Agency.
3. Additional Political Agent Kurram Agency.
4. Agency Account Officer Kurram Agency.
5. Assistant Political Agent Lower Kurram.
6. Assistant Political Agent Central Kurram.
7. Principals/Headmasters concerned for similar action.

  
 Addl: Agency Education Officer  
 Lower & Central Kurram Sadda.

**ATTESTED**







Before the Director of Education FATA  
FATA Secretariat, Warsak Road,  
Peshawar.

I-25

Subject: DEPARTMENTAL APPEAL AGAINST THE ORDER OF  
ADDITIONAL EDUCATION OFFICE, KURRAM  
AGENCY WHEREBY THE SERVICES OF THE  
APPELLANT HAVE BEEN TERMINATED ON  
11.12.2015.

Sir,

That the appellant states as under:

- 1) That according to the advertisement dated 25.10.2012 the appellant applied for the C.T post
- 2) That the appellant having the requisite qualification B.Sc, D.I.E.
- 3) That the interview was held on 10.12.2012.
- 4) That the appellant was selected and appointed as a C.T teacher on GHS Osick dated 15.01.2013. by letter no-156-77
- 5) That the appellant performed their duties according to the entire satisfaction of their superiors.
- 6) That after a long time of three years an enquiry was conducted in the case of the appellant and the appellant was terminated on 11.12.2015 without any fault of the appellant.
- 7) That aggrieved with the order, the appellant has come before your honour on the following grounds:

GROUND:

- A. That all the acts and actions of the department is against law, facts, hence liable to be set aside.

**ATTESTED**

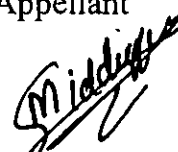


- B. That the department has ignored the fact that the appellant has the requisite qualifications.
- C. That the department has ignored the fact that the appellant has performed the duties for more than three years.
- D. That the department has not followed the law of the superior courts.
- E. That the selection was made according to law and rules by the department.

Therefore, it is requested that on acceptance of this appeal, the appellant may be reinstated in service with all back benefits.

Dated: 18.12.2015

Appellant



**Muhammad Saddique**  
s/o Abdul Rasheed, Central  
Kurram Agency.

**ATTESTED**



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VAKALATNAMA

IN THE COURT OF KPK Service Tribunal Peshawar

OF 2016,

Mohammad Siddique

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

VERSUS

Education Department

(RESPONDENT)  
(DEFENDANT)

I/We Mohammad Siddique

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_/\_\_\_/2016

M. Siddique  
CLIENT

ACCEPTED

NOOR MOHAMMAD KHATTAK  
(ADVOCATE)

OFFICE:

Room No.1, Upper Floor,  
Islamia Club Building, Khyber Bazar,  
Peshawar City.

Phone: 091-2211391

Mobile No.0345-9383141

**BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Appeal No: 294/2016

Mr. Muhammad Sadique Ex-CT (BPS-15) GMS, Ossai Kurram Agency .....Appellant.

VERSUS

1. Additional Chief Secretary FATA Secretariat Warsak Road Peshawar.
2. Director Education FATA Secretariat Peshawar.
3. Additional Agency Education Officer Lower & Central Kurram Agency
4. The Agency Account Officer Kurram Agency.....Respondents.

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

**Respectfully Sheweth:**

**Preliminary Objections**

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

**On Facts:**

1. Correct to the extent that advertisement was stated for different categories of post by Agency Education Officer, but the candidates applied were not eligible, as on various complaints inquiry was conducted and anomalies were found in the recruitment process.
2. Correct to the extent that appointment orders were issued to the petitioners and other candidates, but the respondents Department legally intervened and constituted search committee to trace out bogus degree holders, therefore, the committee submitted its report clearly picked out those candidates who had applied through fake/bogus degrees, report of search committee attached as (Annexure-A).
3. No comments. Subject to record.
4. The respondent department in order to investigate/inquire the anomalies carried out in recruitment process in Kurram Agency held inquiries and constituted search Committee. It is pertinent to mention here that the responsible Officer was charge Sheeted and proposed to the Government for necessary action under E&D rules. However the salaries of those candidates whose degree's/certificates were verified by the over-sight committee were ordered to be initiate against all those involved in fakism and forgery, copy of letter annexed as (Annexure-B) also a letter No. 12229-36 dated 07/12/2015 was addressed to Additional Agency Education Officer, Lower and Central Kurram Agency for the release of salaries of eligible candidates and terminate in-eligible candidates, copy of letter attached as (Annexure-C).
5. No comments. As explained in Para No.4 above.
6. No comments. As explained in Para No.4 above.
7. No comments. Pertains to record.

**Grounds:**

- A. Incorrect. Respondent has not taken any action which is against Law & facts.
- B. Incorrect. Respondents have acted according to law/policy as the appellant was wrongly appointed, therefore their appointment was liable to struck down under the law.
- C. As explained in Para-B above.
- D. No comments. As stated above in Para-B.
- E. Incorrect. As explained in Para-D above.

F. No comments. Hence denied.

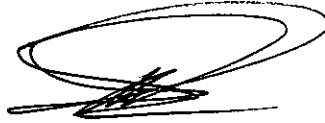
G. No comments. Pertains to record.

H. No comments. Pertains to record.

I. No comments. As stated above.

J. Respondents also seeks permission to advance other grounds at the time of arguments.


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



Respondent NO. 2

**Director Education FATA**

Respondent NO. 3



**Addl: Agency Education Officer  
Kurram at Parachinar**

### AFFIDAVIT

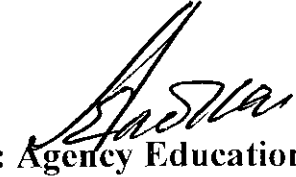
We the above respondents do hereby declare and affirm that the above comments are true and correct to the best of our Knowledge and belief that nothing has been concealed from this Honorable Tribunal.



Respondent NO. 2

**Director Education FATA**

Respondent NO. 3



**Addl: Agency Education Officer  
Kurram at Parachinar**

32

TERMINATION ORDER.

Consequent upon the direction by competent authority, Director of Education FATA Peshawar vide his no. 12228 dated 07-12-2015 on the decision of overnight committee the following in-eligible teaching/non-teaching appointees (m/F) BPA (7-9) appointed during January 2013 in Lower & Central Kurram are hereby terminated with effect from the date of their appointments. If salaries paid to them will be recovered from them accordingly.

S#	Name	F/Name	Desg:	B P S	Name of institution	Remarks
1	Aqib Zaman	Said Amir Shah	CT	9	GHS Bagan	Terminated due to excess in sub divisional quota
2	Muhammad Asif	Syal khan	CT	9	GHS Makhuzu	in sub divisional quota & advanced appointment against on fill post
3	Sara bibi	Sakhi mar jan	DM	9	GGMS Bagan	DM diploma found fake & bogus
4	Shahid Mehmood	Haji Sher Shah	PET.	9	GMS Sraghurga	Diploma of JDPE found fake & bogus.
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6	Muhammad Alam Khan	Salam khan	I/C	7	GHS Markuzai	Failed in typing test & rejected by enquiry officer.
7	Zubair Khan	Ghafoor Khan	I/C	7	GDC Bagan	Rejected by PA enquiry
8	Muhammad Sadiq	Gul Mar jan	I/C	7	GGDC Ahzair	Failed in typing test as per advertisement & rejected by enquiry officer
9	Sakhi Akhbar	Sadiq Akbar	I/C	7	GHS Kochi	Failed in typing test as per advertisement & rejected by enquiry officer
10	Sadia Batool	Abid Alam Jan	Lab/A	7	GGDC	Documents not provided
11	Muhammad Saeed	Zar bat khan	CT	9	GHS	Terminated due to excess in sub divisional quota.
12	Muhammad Sadiq	Abdul Rasheed	CT	9	GMS Ossai	Terminated due to excess in sub divisional quota
13	Latif Hussain	Imam Hussain	CT	9	GHS Augori	Domicile holder of upper Kurram
14	Wahid Zaman	Zawta khan	CT	9	GH Dogar	Terminated due to excess in sub divisional quota
15	Farooq Muhammad	Arab Gul	CT	9	GMS Taudy oby	Out of merit (m.Ed has wrongly been considered in place of MA)
16	Ajmal Akbar	Akbar khan	CT	9	GGMS Dogas No-2	Terminated due to excess in sub divisional quota



Health Agency Education Officer  
James Edward Keegan Smith

- 1. Director of Education
- 2. Political Officer
- 3. Additional Political Officer
- 4. Agency Account Officer
- 5. Assistant Political Officer
- 6. Assistant Political Officer
- 7. Politicians/Trade Union representatives

Health Agency Education Officer  
James Edward Keegan Smith

AMOUNT PAID	DATE PAID	NAME OF PAYEE	POST	DEPARTMENT
1000.00	1/1/70	James Smith	Director	Education
500.00	1/1/70	John Smith	Assistant	Education
300.00	1/1/70	Mary Smith	Assistant	Education
200.00	1/1/70	John Smith	Assistant	Education
150.00	1/1/70	Mary Smith	Assistant	Education
100.00	1/1/70	John Smith	Assistant	Education
50.00	1/1/70	Mary Smith	Assistant	Education
25.00	1/1/70	John Smith	Assistant	Education
12.50	1/1/70	Mary Smith	Assistant	Education
6.25	1/1/70	John Smith	Assistant	Education
3.12	1/1/70	Mary Smith	Assistant	Education
1.56	1/1/70	John Smith	Assistant	Education
0.78	1/1/70	Mary Smith	Assistant	Education
0.39	1/1/70	John Smith	Assistant	Education
0.19	1/1/70	Mary Smith	Assistant	Education
0.09	1/1/70	John Smith	Assistant	Education
0.05	1/1/70	Mary Smith	Assistant	Education
0.02	1/1/70	John Smith	Assistant	Education

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17	Bibi Sakina	Haji Gul Akbar	CT	9	GGMS tabi Khonikhel	Terminated due to excess in sub divisional quota
18	Samreen Sadaf	Haji Amin Khan	DM	9	GGMS Tarali	Documents not provided for verification
19	Shamin Bibi	Spin Gul	DM	9	GGMS Dogar No2	Having no DM Certificate & has not provide BA degree for verification
20	Parveen Bibi	Spin Gul	DM	9	GGMS Ossai	Having no DM Certification & has not provide BA Degree for verification
21	Bibi Jamila	Khan	DM	9	GGMS tabi khonikhel	Having no DM certificate / Diploma
22	Sajid Rahman	Haji Haider Khan	PET	9	GMS DApa	JDPE diploma found fake & bogus
23	Zia ul Alam	Noor Alam	Pet	9	GMS Khazecena	JDPE diploma found fake & bogus
24	Gul Hassan	Khan Bahadar	PET	9	GMS Jilamai	JDPE diploma found fake & bogus
25	.....	Mr. Jehan	PET	9	GMS Kunal Baza	Having no professional documents
26	Zar Taj Bibi	Haji Anmir Khan	Pet	9	GGMS Ossai	Having no professional documents & lower Kurram domicile holder while she was appointed in Central Kurram also appointed ...
27	Sajid Rehman	Said Adam Khan	I/C	7	GHS	Has been expelled by pa enquiry
28	Siraj U Din	Walayat Khan	I/C	7	GHS Manatoo	Failed in typing test as per advertisement & rejected by enquiry officers.

Add. Agency Education Officer  
Lower & Central Kurram Sadda.

No 2987-93 /Edu dated 11-12-2015

Copy for information to the: -

1. Director of education FATA Peshawar.
2. Political Agent Kurram Agency.
3. Additional Political Agent Kurram Agency
4. Agency Account Officer Kurram Agency.
5. Assistant political agent Lower Kurram
6. Assistant Political Agent Central Kurram.
7. Principals/ Headmasters concerned for similar action

Add: Agency Education Officer.  
Lower & Central Kurram Sadda



2

FATA SECRETARIAT  
DIRECTORATE OF EDUCATION  
WARSAK ROAD PESHAWAR, PAKISTAN  
PHONE 091 9210166 FAX 091-9210216

NO. \_\_\_\_\_  
DATED 21/12/2015 E-7-6 MEETING FILE NO

11B  
ineligible  
Candidates

Most Urgent.

14

To  
The Additional Agency Education Officer  
Lower & Central Kurram Agency

Subject: RELEASING OF PAY /SALARIES OF FRESH APPOINTEES,  
APPOINTED DURING 2012-13.

Memo:  
Please refer to this Directorate Memo.No.1446 dated  
13/12/2014, addressed to Agency Accounts Officer Kurram Agency.

Consequent upon the recommendations of oversight  
committee, constituted by the competent authority, I am directed to inform  
you to release the salaries of eligible candidates appointed during 2012-13  
by your office as per enclosed lists attached duly signed by the over sight  
committee members and terminate in-eligible candidates as per lists  
attached with effect from the date of their appointments and if salaries paid to  
them be recovered from them accordingly.

*Sel*  
Deputy Directress (Estab)

Endst.No. 12228-36

Dated 2/12 2015

Copy to;

1. Political Agent Kurram Agency with the request to take action against the candidates as per enclosed lists appointed on fake documents as per rules.
2. Agency Education Officer Kurram Agency.
3. Deputy Director (F/A) local Directorate.
4. Deputy Secretary Law & Order FATA Secretariat.
- ✓ 5. Assistant Director (Litigation) local Directorate.
6. PS to secretary AI&C FATA Secretariat.
7. PS to Secretary SSD FATA.
8. P.A to Director Education, FATA.

2

*[Signature]*  
Deputy; Directress (Estab)



NO. 10118/

DATED 30/9/2015 E-7-6 MEETING FILE KC

To

The Political Agent  
Kurram Agency

REC

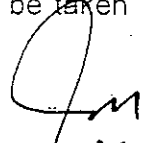
Subject: APPOINTMENT MADE BY MR. MOEEN GUL AAEO; AEO  
LK/CK.

Memo:

I am directed to refer to your letter No. 5733 dated 30-4-2015 on the subject noted above and to state that on the recommendation of oversight Committee, the competent authority is pleased to dispose of instant case as under.

1. Being Appellate authority, the Political Agent concerned may dispose with the services of the ineligible candidate's initiate criminal cases against these appointees on fake documents and recover the salaries from them (list attached).
2. The eligible candidates may be retained and their salaries be released (list attached).

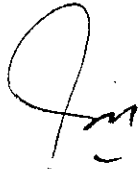
You are therefore requested that action may be taken at your end under intimation to all concerned.

  
o/c Director Education, FATA

Endst.No. 10119-25  
Copy to;

Dated 30/9 2015

1. Agency Education Officer Kurram Agency at Parachinar.
2. Deputy Secretary Law & Order FATA Secretariat.
3. Deputy Director (F&A) local Directorate.
4. PS to Secretary F&A FATA Secretariat.
5. Additional Agency Education Officer Lower/Central Kurram.
6. PS to Secretary SSD FATA.
7. PA to Director Education, FATA.

  
o/c Deputy Directress (Establishment)

30/9/15

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

APPEAL No. 299 /2016

*MUHAMMAD SIDDIQUE* VS

EDUCATION DEPTT:

**REJOINDER ON BEHALF OF APPELLANT IN RESPONSE**  
**TO THE REPLY SUBMITTED BY THE RESPONDENTS**

**R/SHEWETH:**

All the preliminary objections raised by the respondents are incorrect and baseless and not in accordance with law and rules rather the respondents are estopped due to their own conduct to raise any objection at this stage of the appeal.

**ON FACTS:**

- 1- Admitted correct the extent of advertisement which was published in the Daily Newspaper advertised various posts while the remaining para is incorrect. That appellant having Domicile of Kurram Agency and the requisite qualification applied for the said post and after participation in the test and interview the appellant was declared successful in the said selection process. That after completion of selection process the appellant was appointed vide appointment order dated 18.01.2013. That in response of the said appointment order the appellant submitted his charge report and started performing his duty at the concerned station quite efficiently and up to the entire satisfaction of his superiors. That no complaint whatsoever has been received during the entire service of the appellant and appellant had regularly performed his duty.
- 2- Admitted correct to the extent of appointment order of the appellant while the remaining Para is incorrect. That after appointment salaries of the appellant withheld by the respondent Department without assigning any reason while the appellant was regularly performing his duty. That at the time of appointment the appellant submitted original educational documents but the respondent No.3 mala fide terminated the appellant.
- 3- Needs no comments.
- 4- Incorrect and misconceived. That the respondent Department inquire/verified the educational documents of the appellant from the concerned Board/University which

were found clear. That inspite of that the respondent Department withheld the salaries of the appellant. That appellant time and again approach the concerned quarter for release of his salaries but no response has been given by the concerned authority. That feeling aggrieved finally the appellant knocked the door of the august Peshawar High Court Peshawar in writ petition No. 3602-P/2014 for release of his salaries but during the pendency of the said writ petition the Additional Agency Education Officer, Lower and Central Kurram Agency terminated the services of the appellant without conducting regular inquiry in the matter.

- 5- Incorrect and not replied accordingly hence denied.
- 6- Incorrect and not replied accordingly hence denied.
- 7- Need no comments.

**GROUND:**

**(A to D):**

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondent are incorrect, baseless and not in accordance with law and Rules hence denied. That appellant has been appointed in light of the appointment, promotion and transfer Rules 1989 and as such proper advertisement has been issued for the said post of appellant but inspite of that the respondent No.3 without any reason issued the impugned order dated 11.12.2015. That the respondent department acted in arbitrary and malafide manner while issuing the impugned order dated 11.12.2015 and the respondent Department had not adopted the codal formalities before issuing the impugned termination order. Moreover as per Supreme Court Judgments regular inquiry is necessary before taking punitive action against the civil servants.

It is therefore most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may be accepted in favor of the appellant.

**APPELLANT**

**THROUGH:**

  
**NOOR MOHAMMAD KHATTAK  
ADVOCATE**

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

APPEAL No. 294 /2016

*MUHAMMAD SIDDIQUE* VS

EDUCATION DEPTT:

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